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of America

PROCEEDINGS AND DEBATES OF THE 92^{d} CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Monday, March 29, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let us not be weary in well doing: For in due season we shall reap, if we faint not.—Galatians 6: 9.

O God, who art the life of those who put their trust in Thee and the light of all who walk in Thy way, guide us in the paths of truth and love as we set out upon a new day together. Grant that we may be of strong wills, clear minds, warm hearts, and of deep faith ever reaching for the highest and best in life for ourselves and for our people.

Make us aware of the needs of the community about us and of the world in which we live. By Thy spirit may we place our lives where the needs are great and in some little way be channels through which justice and good will may flow from us to those about us.

In the spirit of Christ we offer our morning prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 557. An act to amend the Wagner-O'Day Act to extend the provisions thereof to other severely handicapped individuals who are not blind, and for other purposes;

S. 795. An act to authorize the establishment of feed grain bases or domestic wheat allotments for certain sugar producers, and for other purposes; and

S. 1330. An act to authorize the Secretary of the Treasury to transfer to the Government of the Republic of the Philippines funds for making payments on certain pre-1934 bonds of the Philippines, and for other purposes.

WIN THE VIETNAM WAR OR GET OUT IMMEDIATELY

(Mr. ANDREWS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS of Alabama. Mr. Speaker, those who think that the Vietnam war is winding down and that we are winning and that we are going to have an easy time getting out of Vietnam should read the newspapers this morning. Yesterday the enemy, in a sneak, guerrilla-type attack, killed 33 of our young men and wounded 70. I cannot for the life of me, Mr. Speaker, figure out why this country does not decide either to win the war or get out immediately.

Air Force people were before our committee recently and told us they had in World War II plus Korea dumped 2,500,000 tons of bombs. In Vietnam and South Asia alone we have used 4,200,000 tons of bombs and yet we have not hit a meaningful target in a meaningful way.

I asked an Air Force general last week when he was before our committee: Does the Air Force still have the capability of putting the port of Haiphong—through which 85 percent of the weapons of war pass—out of commission? His answer was "Yes." I asked how long it would take to put Haiphong out of commission. He said 2 weeks. Two weeks. The shame of it is, in my opinion, that such an order was not given 6 or 7 or 8 years ago. Think of how many American lives could have been saved if we had hit the head of the snake instead of the tail of the snake in Cambodia and Laos.

PROVIDING FOR CONSIDERATION OF SENATE JOINT RESOLUTION 55, TEMPORARY EXTENSION OF CERTAIN PROVISIONS OF LAW RELATING TO INTEREST RATES AND COST-OF-LIVING STABILIZATION

Mr. YOUNG of Texas, from the Committee on Rules, reported the following privileged resolution (H. Res. 349, Rept. No. 92–83) which was referred to the House Calendar and ordered to be printed:

H. RES. 349

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (S.J. Res. 55) to provide a temporary extension of certain provisions of law relating to interest rates and cost-of-living stabilization, and all points of order against said joint resolution are hereby waived. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. YOUNG of Texas. Mr. Speaker, I call up House Resolution 349 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER. The question is, Will the House now consider House Resolution 349?

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Was this rule adopted only today?

The SPEAKER. It takes a two-thirds vote for consideration.

Mr. GROSS. And the question is on consideration?

The SPEAKER. On consideration of the rule.

Mr. GROSS. Of a rule that was adopted only this morning?

The SPEAKER. The gentleman is correct.

The question is, Will the House now consider House Resolution 349?

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 324, nays 6, not voting 102, as follows:

[Roll No. 32]

YEAS—324

Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Baker
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Blatnik
Boland
Bolling
Bow
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Carey, N.Y.

Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clark
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Conyers
Corman
Coughlin
Culver
Daniel, Va.
Danielson
Davis, Wis.
de la Garza
Delaney
Denholm
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Dow
Dowdy
Downing
Drinan
Duncan
duPont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frenzel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Grover
Gubser
Gude
Hagan
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks, Mass.
Hicks, Wash.
Holifield

Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Lennon
Link
Lloyd
Long, Md.
Lujan
McClory
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Madden
Mahon
Mailliard
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minshall
Mitchell
Mizell
Monagan
Montgomery
Morgan
Morse
Mosher
Moss
Myers
Natcher
Nelsen
Nichols
Nix
O'Hara
O'Konski
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Podell
Poff
Powell

Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ryan
Sandman
Sarbanes
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thomson, Wis.
Udall
Ullman
Van Deerlin
Vander Jagt
Veysey
Vigorito
Waggonner
Waldie
Watts
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wolff
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Tex.
Zablocki
Zion
Zwach

NAYS—6

Ashbrook
Gross

Martin
Rarick

Rousselot
Schmitz

NOT VOTING—102

Abbitt
Alexander
Ashley
Aspin
Aspinall

Badillo
Baring
Bell
Biaggi
Boggs

Brasco
Camp
Celler
Chappell
Chisholm

Clausen, Don H.
Clay
Collins, Ill.
Corbett
Cotter
Crane
Daniels, N.J.
Davis, Ga.
Dellenback
Dellums
Dennis
Dent
Diggs
Dulski
Edwards, La.
Esch
Fascell
Fish
Forsythe
Frelinghuysen
Frey
Gallagher
Gaydos
Gettys
Giaimo
Grasso
Green, Pa.
Griffiths
Hall

Halpern
Hansen, Idaho
Hastings
Hays
Helstoski
Hillis
Hogan
Jarman
King
Koch
Leggett
Lent
Long, La.
McCloskey
McCulloch
Macdonald, Mass.
Minish
Mink
Mollohan
Moorhead
Murphy, Ill.
Murphy, N.Y.
Nedzi
Obey
O'Neill
Peyser
Poage
Purcell
Rangel

Reid, N.Y.
Rodino
Rogers
Rosenthal
Ruth
St Germain
Satterfield
Saylor
Scheuer
Seiberling
Skubitz
Spence
Staggers
Steele
Steiger, Wis.
Stokes
Stuckey
Thompson, Ga.
Thompson, N.J.
Thone
Tiernan
Vanik
Wampler
Ware
Whalley
Wilson, Bob
Wright
Wydler
Young, Fla.

So (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 349.

The Clerk announced the following pairs:

Mr. Hays with Mr. Saylor.
Mr. Thompson of New Jersey with Mr. Frelinghuysen.
Mr. Boggs with Mr. Corbett.
Mr. Celler with Mr. Wydler.
Mr. Daniels of New Jersey with Mr. Dellenback.
Mr. Giaimo with Mr. Peyser.
Mr. Macdonald of Massachusetts with Mr. Wampler.
Mr. Murphy of New York with Mr. Lent.
Mr. Nedzi with Mr. Bell.
Mr. Rodino with Mr. Bob Wilson.
Mr. Rosenthal with Mr. Ruppe.
Mr. St Germain with Mr. Whalley.
Mr. Tiernan with Mr. Esch.
Mr. Staggers with Mr. Camp.
Mr. Aspinall with Mr. Skubitz.
Mr. Alexander with Mr. Don H. Clausen.
Mr. Biaggi with Mr. Hastings.
Mr. Brasco with Mr. Reid of New York.
Mr. Mollohan with Mr. Hillis.
Mr. Moorhead with Mr. Fish.
Mr. Dulski with Mr. King.
Mr. Fascell with Mr. Crane.
Mr. Gettys with Mr. Spence.
Mrs. Grasso with Mr. Hogan.
Mr. Green of Pennsylvania with Mr. Forsythe.
Mr. Rogers with Mr. Hall.
Mr. Satterfield with Mr. Frey.
Mr. Vanik with Mr. Halpern.
Mr. Stuckey with Mr. Young of Florida.
Mr. Stokes with Mr. Helstoski.
Mr. Ashley with Mr. Collins of Illinois.
Mr. Long of Louisiana with Mr. McCulloch.
Mr. Clay with Mr. Baring.
Mr. Scheuer with Mr. Diggs.
Mrs. Chisholm with Mr. Gallagher.
Mr. Gaydos with Mr. Dellums.
Mr. Aspin with Mr. Dennis.
Mr. Abbitt with Mr. Hansen of Idaho.
Mr. Jarman with Mr. Ware.
Mr. Koch with Mr. McCloskey.
Mrs. Mink with Mr. Steiger of Wisconsin.
Mr. O'Neill with Mr. Steele.
Mr. Davis of Georgia with Mr. Thompson of Georgia.
Mr. Murphy of Illinois with Mr. Rangel.
Mr. Leggett with Mr. Badillo.
Mr. Wright with Mr. Thone.
Mr. Minish with Mr. Cotter.
Mr. Purcell with Mr. Edwards of Louisiana.
Mr. Chappell with Mr. Seiberling.

The result of the vote was announced as above recorded.

The SPEAKER. The gentleman from Texas (Mr. Young) is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith) pending which I yield myself such time as I may consume.

Mr. YOUNG of Texas. Mr. Speaker, House Resolution 349 provides an open rule with 1 hour of general debate on Senate Joint Resolution 55, a joint resolution to provide a temporary extension of certain provisions of law relating to interest rates and cost-of-living stabilization. Points of order are waived because Senate Joint Resolution 55 has not been referred to a House committee—clause 2, rule 24—the 3-day rule has not been complied with, and there is no Ramseyer.

The purpose of Senate Joint Resolution 55 is to extend from March 22, 1971, to June 1, 1971, authority under section 7 of the act of September 21, 1966, to regulate the rate of interest on savings deposits paid by lending institutions. By extending the expiration date of section 7, it is thereby also extending the provisions contained in section 2 of Public Law 91-151. It will also extend from April 1, 1971, to June 1, 1971, the President's standby authority under section 206 of the Economic Stabilization Act of 1970 to implement controls on prices, wages, salaries, and rents.

Mr. Speaker, I urge the adoption of House Resolution 349 so that the House may consider Senate Joint Resolution 55.

Mr. SMITH of California. Mr. Speaker, this situation is a little unusual, as the gentleman from Texas (Mr. Young) has stated, and it is pretty much of an emergency. I would hope that the rule would be adopted, and I would hope that Senate Joint Resolution 55, after the 1 hour of debate, will be approved and passed as it is without any amendments upsetting the applecart in any way.

By way of background, Mr. Speaker, Senate Joint Resolution 55 was passed by the other body on March 4, it was messaged to the House, and laid on the Speaker's table.

Then on March 9, at the request of the Committee on Banking and Currency, the Rules Committee met and approved House Resolution 276, which provided for an open rule, 1 hour, for the consideration of H.R. 4246, House Resolution 276 included a provision that on the House passage of the bill it would be in order to move to take from the Speaker's table Senate Joint Resolution 55, to strike the language therein and to insert the House-passed language, thus providing for a conference as to the differences between the two measures. But after the passage of the bill a motion was not made to take Senate Joint Resolution 55 from the Speaker's table and to substitute the House language, so it is in the other body and we have Senate Joint Resolution 55 here.

The situation developed last week in an effort to bring this measure to the floor for consideration. We did approve a rule in the committee, but we made a mistake in it. I have to admit that, Mr. Speaker. We did not provide in the rule for a motion to recommit, which would have been a violation of the rules.

Since that time there has been considerable discussion as to what actually is desirable. As I understand it, everybody is in agreement, and there is a meeting of minds this morning as to the fact that they want Senate Joint Resolution 55 passed in its present form as of today. The Rules Committee is attempting to cooperate in bringing it here. Thus the request to bring up the rule.

I urge adoption of the rule.

Mr. GROSS. Mr. Speaker, will my friend from California yield?

Mr. SMITH of California. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Do I correctly understand that the resolution, Senate Joint Resolution 55, has never been considered by the full Committee on Banking and Currency of the House?

Mr. SMITH of California. The gentleman's understanding is correct.

Mr. GROSS. So that we have here today a joint resolution never considered by the full committee, brought to the House under a rule which was adopted perhaps 30 minutes ago, and the House, by its vote a few minutes ago, suspended the rule which requires that a rule lay over for a day.

I do not know whether we accomplished anything at all with rules reform last year. I am beginning to wonder what makes the wheels go round in this place. We adopt rules and then walk off and leave them or violate them in one way or another. No one seems to be concerned because this joint resolution has ever been considered by a full committee of the House Committee on Banking and Currency. No one seems to be concerned that rules are brought to the floor on 30 minutes' notice and approved although it is provided, in the interest of orderly procedure, that such rules go over to the next legislative day.

Perhaps we ought to have another 3 or 4 weeks devoted to rules reform, so that we could have more rules set aside at the whim and caprice of those who want to set them aside.

Again, I thank the gentleman for yielding.

Mr. SMITH of California. Mr. Speaker, I should like to make a comment or two in reply to the gentleman from Iowa.

Mr. Speaker, as to H.R. 4246, the House passed that bill March 11. The Rules Committee cannot take any blame because the other body has not seen fit to proceed with H.R. 4246.

As to Senate Joint Resolution 55, we met in the Rules Committee on last Wednesday and considered this. There were some differences of opinion. We talked about it Thursday and Friday.

Today, as I mentioned, agreement was reached. The Rules Committee at 10:45, or 10:40, discussed it in executive session, and the rule was unanimously agreed to by the Members at a little before 11 o'clock.

I should like to pass those comments on, because we are trying to do the best we can, Mr. Speaker, and we cannot take the blame for all other activities or for delays in the other body.

I urge the adoption of House Resolution 349, Mr. Speaker.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. YOUNG of Texas. Mr. Speaker, I ask unanimous consent that the Rules Committee have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE REPORT ON H.R. 5376

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight tonight to file a report on H.R. 5376, Accelerated Public Works Act and Extension of Appalachian Regional Commission and Economic Development Act.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

APPOINTMENT AS MEMBERS OF SELECT COMMITTEE ON THE HOUSE RESTAURANT

The SPEAKER. Pursuant to the provisions of House Resolution 317, 92d Congress, the Chair appoints as members of the Select Committee on the House Restaurant the following Members of the House: Mr. Kluczynski, of Illinois, chairman; Mr. Steed, of Oklahoma; Mr. Cabell, of Texas; Mr. Collier, of Illinois; and Mr. Thomson, of Wisconsin.

TEMPORARY EXTENSION OF CERTAIN PROVISIONS OF LAW RELATING TO INTEREST RATES AND COST-OF-LIVING STABILIZATION

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the Senate joint resolution (S.J. Res. 55) to provide a temporary extension of certain provisions of law relating to interest rates and cost-of-living stabilization.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the Senate joint resolution (S.J. Res. 55) with Mr. Andrews of Alabama in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the Senate joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. Patman) will be recognized for one-half hour and the gentleman from New Jersey (Mr. Widnall) will be recognized for one-half hour.

The Chair now recognizes the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, Senate Joint Resolution 55, if enacted, would provide for a temporary extension of the so-called regulation Q authority and the discretionary authority for the President to impose wage and price controls until June.

The authority to impose discriminatory rates under regulation Q expired Sunday, midnight, March 21. The authority under the discretionary wage-price control expires March 31, 1971.

Mr. Chairman, we all here will recall that the House passed H.R. 4246 on March 10, 1971, by an overwhelming of 381 yeas to 19 nays. This bill extends both the regulation Q and discretionary wage-price authority until March 31, 1973. The resolution before us today, Senate Joint Resolution 55, is not substantive in nature. If enacted, it would merely remove any hiatus between the expiration of these two authorities and, hopefully, ultimate enactment of the permanent authority.

It was known at the time the House considered H.R. 4246 that the Senate Banking Committee would not be holding hearings on this matter until the end of the Month of March, and, therefore, they passed and sent to the House Senate Joint Resolution 55, which provides for the temporary extension of these two programs. Senate Joint Resolution 55 was sponsored in the Senate by the chairman, ranking majority member of the committee and the two top minority members of the committee.

Mr. Chairman, you will recall that on March 23 I sought and received recognition, asking unanimous consent for the immediate consideration of Senate Joint Resolution 55. This consent was objected to and this is the reason why this matter is being considered at this time.

I reiterate, Mr. Chairman, that there is no reason to vote this resolution down because of the fact that the House did pass H.R. 4246, which substantively covers the exact same subject matter as does Senate Joint Resolution 55.

The administration, Mr. Chairman, supported the two basic provisions of H.R. 4246, although I cannot say that the administration, as such, is in favor of this temporary extension resolution except for the fact that the Federal Home Loan Bank Board did correspond with me and indicated their desire to have this temporary extending resolution enacted.

Further, Mr. Chairman, I wish to reiterate that this resolution provides for no new laws which have not been previously considered by the Congress. It merely bridges the gap between the cutoff period of March 21 for regulation Q control and March 31 for discretionary wage-price authority.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. It is true, is it not, that labor is for this extension also?

Mr. PATMAN. I am sure that labor is for it. They are usually on the side of stabilizing the economy and helping the thrift institutions. They have written the committee in favor of this legislation.

Mr. BARRETT. Mr. Chairman, if the gentleman will yield further, they are.

Mr. PATMAN. I am sure they are.

Mr. Chairman, I reserve the remainder of my time.

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I urge the enactment of Senate Joint Resolution 55. I feel that the extension of the Economic Stabilization Act of 1970 contemplated by the bill is particularly desirable in light of the prospect for effectively dealing with spiraling wages and prices in the construction industry.

As you know, the situation in this industry is particularly acute, and it was necessary for the President to suspend the Davis-Bacon Act in an effort to relieve inflationary pressure. Since the suspension of Davis-Bacon, national leaders of labor and management in the construction industry have indicated that they would participate with the Government in fair measures to achieve greater wage and price stability, but are unable to agree on any voluntary arrangement.

Consequently the President is presently considering action under the Economic Stabilization Act. It appears that an Executive order stabilizing wages and prices in the construction industry would be considered less disruptive by the industry than the suspension of the Davis-Bacon Act and would accordingly be more acceptable to both labor and management.

Inasmuch as present developments show promise for a meaningful control of inflation in the construction industry, I urge that the President's authority under the Economic Stabilization Act be extended.

Mr. PATMAN. Mr. Chairman, I have no further requests for time.

Mr. WIDNALL. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

S.J. RES. 55

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

REGULATION OF INTEREST RATES ON DEPOSITS AND SHARE ACCOUNTS IN FINANCIAL INSTITUTIONS

SECTION 1. Section 7 of the Act of September 21, 1966, as amended (Public Law 91–151; 83 Stat. 371), is amended by striking out "March 22, 1971" and inserting in lieu thereof "June 1, 1971".

AUTHORITY TO APPLY PRICE AND WAGE CONTROLS

SEC. 2. Section 206 of the Economic Stabilization Act of 1970 (title II of Public Law 91–379), as amended (Public Law 91–558), is amended by striking out "March 31, 1971" and "April 1, 1971" and inserting in lieu thereof "May 31, 1971" and "June 1, 1971", respectively.

AMENDMENT OFFERED BY MR. REUSS

Mr. REUSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REUSS: Page 2, after line 3, insert:

"AUTHORITY TO STABILIZE COST OF LIVING TO BE USED ON BASIS SUFFICIENTLY BROAD TO FACILITATE SUBSTANTIAL COST OF LIVING STABILIZATION

"SEC. 3. The second sentence of section 202 of the Economic Stabilization Act of 1970 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ', and shall be employed only on a basis sufficiently broad to facilitate substantial cost of living stabilization.'"

Mr. REUSS. Mr. Chairman, I shall be brief. This is a simple perfecting amendment to put into the price stabilization law what had been there by the clear legislative intention. What the amendment does is to add to the basic words which authorize the President to stabilize prices, wages, rents, and salaries, the language that the authority shall be employed only on a basis sufficiently broad to facilitate substantial cost-of-living stabilization.

What it means is that the administering authority is not to use the law against one small segment of the wage-price population. It would require that action under the bill as amended would have to apply to a broad enough segment of our economic society so as to facilitate a substantial stabilization of the cost of living.

To allow action otherwise would be to pick on one group and let everything else that they have to buy go on uncontrolled, by asking that they be the fall guys for the entire economy.

If one group is causing all the trouble, then it would be perfectly all right to control that one group alone, but as we all know the general economic mess we are in sees inflation rampant on many fronts, ranging from the service industries like health care, to steel, to oil, to the basic materials, to certain food commodities—you name it. And the sense of this perfecting language is to require fairness, equity, and the use of an order sufficiently broad so as to substantially stabilize the cost of living.

The majority of the Joint Economic Committee, incidentally, in its report issued at 11 o'clock this morning, came out strongly for just such a reservation or the stabilization power.

So I hope there will not be any objection to what seems to me to be an eminently equitable amendment.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I would state to the gentleman from Wisconsin that, as the chairman of the committee, I have conferred with all of the majority members on the floor about this amendment, and they have all agreed to it, and believe that it will be a fine addition to the resolution.

Therefore, I will accept the amendment so far as the majority side is concerned, and hope that the amendment is adopted.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, I want to make it crystal clear that I am opposed to the amendment, but I am surprised that the distinguished gentleman from Wisconsin would offer the amendment in light of the statement by the committee, which I understand recommended the approval of this legislation without amendment.

Mr. REUSS. I will try to set at ease the minority leader's surprise. Thoughout the legislative history, and in the reports on this bill which, as the minority leader knows, has been before us three or four times since it was first enacted last August, in all of those occurrences the report has clearly set forth the legislative intent that the authority was not to be capriciously used against one segment of industry or labor.

In this morning's Joint Economic Committee report, for example, it is set forth that if a freeze is imposed, it should be general. A freeze should not be imposed on only one industry, nor should it be applied to wages without also being applied to other costs and prices.

The majority believes it desirable to imbed this wholesome principle right into the statutory language. And I am sure that the gentleman from Michigan and the minority generally would not want to have a law on the books which, by its terms, can be arbitrarily and capriciously applied against just one segment of our economic society.

So this is, I will say, a perfecting amendment, to make sure that the intent of the draftsmen is maintained.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I am glad to yield to the gentleman.

Mr. GERALD R. FORD. I am really sure the gentleman from Wisconsin is offering this amendment with tongue in cheek, knowing full well that what he is trying to do with some fancy words is to preclude the possibility of the President taking any action in such a major industry as the construction industry.

Mr. REUSS. No, not with tongue in cheek, but with two feet on the ground. If the President can obtain, as according to the press accounts, he seems to be otbaining, a voluntary agreement with one segment, to wit, the building and construction trade industry, with labor and management, that is splendid. I would vigorously applaud such a voluntary agreement.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. REUSS (at the request of Mr. GERALD R. FORD) was granted permission to proceed for 5 additional minutes.)

Mr. REUSS. Mr. Chairman, I thank the gentleman.

If I may finish the sentence I was engaged in, may I say I would applaud a voluntary agreement by the President, as seems to be in the works, with labor and management in the construction industry.

However, I believe it would be unfair to use a mandatory statutory $5,000 fine, and the court injunction power, that this bill gives the President against just one segment of industry.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I am glad to yield to the gentleman.

Mr. GERALD R. FORD. Even if this amendment is approved and included in this legislation, which I understand the President would use to implement what, as I understand, he may announce today or tomorrow, that this amendment would preclude this agreement in the construction industry.

Mr. REUSS. Absolutely not. This amendment would have nothing to do with any voluntary agreement. As I say, I would applaud a voluntary agreement. But this amendment would preclude the President from enforcing a voluntary agreement by imposing a $5,000 fine on those who violate it.

In other words, the sense of this amendment is that if you are going to impose wage and price controls—and I, for one, believe that the administration should so impose them—it must be done on a sufficiently broad basis so that one who is asked to withhold a wage increase has some assurance that his cost of living is not going to go through the ceiling. I think that is fair.

But that does not mean that the administration can only impose under this bill, as amended, a price and wage control on everything in the economy. But the amendment would have the effect of requiring that there be achieved substantial stabilization of the cost of living, by any order that is issued. I see nothing wrong with that.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield for one or two additional questions?

Mr. REUSS. I am glad to yield to the gentleman.

Mr. GERALD R. FORD. The language the gentleman uses, which reads as follows and I quote: "and shall be employed only on a basis sufficiently broad to facilitate substantial cost-of-living stabilization."

Here you have some very flexible words in and of themselves, and there are some phrases that are very, very flexible, as they have been drafted. Would the gentleman not agree?

Mr. REUSS. We have tried to give the President a sufficiently flexible power. For example, one might have been tempted to draft an amendment which would say that the President may not use this power unless he uses it on every segment of the economy. We did not do so because there could be a large segment of the economy whose failure to be included in the price and wage stabilization order would not cause undue erosion of the general principle of cost-of-living stabilization.

Mr. GERALD R. FORD. The gentleman from Wisconsin I am sure would agree the construction industry is a very broad-based industry affecting literally hundreds of millions of dollars in our economy, both in production and in wages. Is that not so? Would not the gentleman agree?

Mr. REUSS. I certainly would, but from the standpoint of the construction worker or the construction employer, the building of homes and buildings is not the whole American economy. There is food, there is clothing, there are durables, there are consumer soft goods, there are services, and the other 95 percent of the gross national product. It is clearly the view of the author of this amendment; that is, me, that a mandatory freeze should not be imposed on construction workers only.

In order for the President to exercise his power, he should do something which generally tends to get a handle on inflation and stabilize the cost of living.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Is this resolution in its application to wage and price controls limited to the construction industry?

Mr. REUSS. It is certainly not. The basic underlying resolution which is before us applies to prices, wages, rents, and salaries across the board.

Mr. GROSS. Then, why the gentleman's amendment? If there is nothing mandatory in the gentleman's amendment that it must be directed to any other area, why the gentleman's amendment? If the wage and price controls as extended under this resolution are not limited to the construction industry, why the gentleman's amendment?

Mr. REUSS. A good question, and I think there is a good answer. The basic law which this amendment seeks to amend empowers the President to impose across the board, unlimited——

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(By unanimous consent, Mr. REUSS was allowed to proceed for 3 additional minutes.)

Mr. REUSS. If the gentleman from Iowa will attend, the basic law which this amendment seeks to amend permits the President to impose across-the-board generalized price-wage controls. My amendment seeks to prevent him, if he is so minded—and I have no evidence that he is so minded—from capriciously and arbitrarily picking out one segment of economic society and saying, "You, and you alone are supposed to toe the line." I do not think the President should do that.

For all I know, he does not have the slightest intention of doing so. Hence, I hope this amendment will be overwhelmingly adopted.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from New Jersey.

Mr. WIDNALL. After listening to the gentleman from Wisconsin, I wonder if he would like to make a correction in his initial statement, in which he said that this is a clarifying amendment? This is a very broad-gaged amendment. This means exercising a wage and price control all the way across the board in the economy as against a selective use of wage and price controls which the President is attempting to do.

I would also like to call to the attention of the House that if the amendment is adopted, the joint resolution will have to go to a conference between the House and the Senate. It is a delaying action that could hamper effectively efforts that are being made by the President right now that seem to have a successful termination in view. I certainly heartily oppose the amendment.

Mr. REUSS. It would be quite clear, Mr. Chairman, that the other body would welcome this amendment and adopt it without the necessity of a conference, and the bill could be on the President's desk by nightfall tonight or by tomorrow at the latest.

This is a clarifying amendment. It clarifies the intent of the committee and the intent of this body as set forth in three or four committee reports, as set forth in the debate on the floor, and as set forth in the commonsense and equity which I hope resides in the hearts of all of us.

Mr. WIDNALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am opposed to this amendment which would restrict the President from exercising price and wage controls on a selective basis. We have heard a great deal of talk from the other side of the aisle for the past few years about the need to reorient national priorities to give more attention to housing. Now all of a sudden when the President is attempting to move aggressively to control the escalating costs of housing those great friends of the underprivileged and underhoused citizens would tie the President's hands.

We are all aware that housing costs have been skyrocketing and that these increasing costs have made it more and more difficult for low- and moderate-income citizens to acquire decent housing. There are a number of factors involved in housing costs and the President has given the highest kind of priority to controlling these costs. For over 2 years he has pursued fiscal and monetary policies designed to reduced the costs of mortgage money. These efforts are paying off dramatically. The FHA rate has dropped about 20 percent from 8½ to 7 percent and there are indications that it may soon go lower.

Wages in the construction industry have been rising faster than in any other industry and have far exceeded increases in productivity. There is no argument about the need for some program to instill some balance in this area. Even union leaders who have policies which are consistent with efforts to balance increases are dismayed by the precipitous demands of unmanageable locals. For months the President has worked to hammer out voluntary compliance procedures. We are all aware of his reluctance to impose mandatory controls but it is very likely that the residual force of law may be essential to these efforts.

Under the circumstances it is inconceivable to me that anyone would support this amendment which may impair months of the President's well-directed efforts and undermine the hopes of thousands of our low- and moderate-income citizens for better housing.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from California.

Mr. WIGGINS. Mr. Chairman if this

amendment should pass—and Mr. Chairman I indeed hope it does not—if the President should find that by imposing wage and price controls on a specific industry, the general stabilization of the cost of living would be substantially facilitated thereby, he would not be precluded, would he, from imposing wage and price controls on that industry?

Mr. WIDNALL. I believe under this amendment that if he is going to impose wage and price controls, it might have to be across the board.

Mr. WIGGINS. Mr. Chairman, if the gentleman will yield further, I do not read the amendment to be that restrictive. The amendment states, in effect, if the President should find that the imposition of wage and price controls would substantially affect the cost of living, he may impose them in a specific industry or across the board. What I am suggesting to the gentleman is this: if this unfortunate amendment passes, I do not think he would like to be heard as understanding that the President is as limited as some have suggested.

Mr. WIDNALL. I do not want to see him limited. He has at present an opportunity for voluntary wage and price controls. He has tried to or has advanced the thought that on a selective basis this could be more helpful to the economy and more stabilizing than doing it across the board.

I believe from what the gentleman from Wisconsin has said, he thinks this is improper and that the only way we should do this, he believes, in all fairness is to do it all the way across the board in the economy regardless of what the situation is in other sections of the economy. I am unalterably opposed to that.

Mr. DENT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, ever since the President announced his rather arbitrary decision on the Davis-Bacon Act my committee has been bombarded from Members of the House as well as from many constituents of Members on the fine points of this question as to whether or not the President of the United States under an emergency can set aside the intent of the Congress in a specific law.

The specifics of the Davis-Bacon law were considered by the President, because in his statement he went further than applying the restrictions of Davis-Bacon in contracts for construction or on the construction workers unions, the trades and the crafts, because he made the statement that this act, Davis-Bacon, arbitrarily raises wages artificially when such wages should be settled by the market in which the work is performed.

That is the whole concept of why Davis-Bacon and Walsh-Healey were passed. These acts were passed because in the high-cost States contracts were being let without consideration of the prevailing wage. In so doing many contracts were let—and particularly this was felt during the depression years—in high-cost districts to low-cost operators coming from outside the State the operation was being performed in, or coming from a smaller community within that State where the wages were not as high.

The whole basic concept has been destroyed by this arbitrary action of the President.

This amendment, while it does not reach the whole problem, at least calls to the attention of the people of the United States what has been done by the President was wrong, completely wrong. It was a matter which came about because of a negotiation breakdown between the Secretary of Labor and the unions that were affected by the President's consideration of the so-called wage stabilization, or trying to stabilize the economy in consideration of our much desired inflation.

The truth of the matter is that basically the demise or the near demise of the merchant marine of the United States had more to do with the increased cost of construction than all the labor increases which were granted. As we entered into the Vietnam debacle we got ourselves into a position where foreign-flag ships were refusing to go into the war zone. Therefore, we had to take out of our coastal trade the only ships allowed to carry goods between the coastal ports of the United States. Our lumber and materials could not get into the eastern ports from the western ports because of a lack of bottoms. The bottoms were taken for the Vietnam logistics.

And what about the taxes and land prices? Was there any embargo put upon buying land at $500 an acre and selling it for $5,000, $50,000, or $100,000 an acre? The land increase has gone way beyond what the labor cost has in construction.

Even if construction labor cost has gone up, we must remember that the construction worker at the end of the year is not much above, if any at all, the so-called sheltered worker.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. DENT was allowed to proceed for 3 additional minutes.)

Mr. DENT. Mr. Chairman, the sheltered trades work on an average between 1,800 and 2,000 hours a year. The construction workers are affected by every change in weather, by all kinds of conditions which have nothing to do whatsoever with the steady worker who works in a closed plant or a sheltered plant. So the end result of their labor at the end of the year is not what a lot of people fancy it to be. They say, "Well, the construction worker can make $17,000 a year." Show me a few who do. They do not average any more than a good, steady steelworker or automobile worker, but we are taking it out on these workers.

Remember, there is another thing. My State has its own prevailing wage law. I understand my Governor along with other Governors has been called and has been told that unless we set aside the prevailing wage law no highway moneys will be going into the State. The Governor of Pennsylvania cannot set aside the prevailing wage law, because it was passed by the legislature. I happened to be one of the members of the senate and approved this act. State money is going into these projects. As long as it does, the Governor must, whether he wants to or not, use the considerations of the prevailing wage law. That is why the President is now considering this back-door runout on the proposal he made. He cannot enforce it. You will close down the entire construction industry of the United States if you try to enforce the President's edict on the Davis-Bacon Act. Why did he not impose the same restrictions on the Walsh-Healey Act? There are a lot more taxpayers' dollars that go into the production of goods financed by American money, but Walsh-Healey was not even mentioned, because that would affect the munitions makers and would affect the so-called defense product and wartime goods product producers. It was not mentioned. The only ones mentioned were the trade and craft construction workers in the United States.

Another reason why they are easy to hit is because they are scattered in small locals. They are not big organizations like the U.S. Steelworkers, and others, with maybe 20,000 to 45,000 workers in one local. I do not suppose that the whole group in a community of 18,000 that would belong to a trade craft union would number over 250 or 300 men.

This whole thing has a bad odor to it. The President's proposed action now is for the purposes of getting him off the hook that he got harpooned on by his own action, which was taken without giving due regard to the entire situation of the economy.

The CHAIRMAN. The time of the gentleman has again expired.

(By unanimous consent, Mr. DENT was allowed to proceed for 1 additional minute.)

Mr. DENT. This is the first time in our history that anybody has claimed inflation was due to too much work and that we were to strike at inflation by creating unemployment. Inflation is caused historically and economically by having too much money to buy too few goods. Are there any shelves empty in the United States and are there any goods that you cannot procure? The inflation that we have and the trouble we are in is because high-wage workers are able to buy low-wage products. Therefore, they have more money after spending what they need to spend than they had before. They are taking this money and putting 7 to 8 percent away. There is between $10 and $11 billion of new money being put into savings today that ought to be put into the marketplace buying American-made products.

Mr. PATMAN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Ninety-two Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 33]

Abbitt
Alexander
Anderson, Tenn.
Ashley
Aspin
Badillo
Bell
Biaggi
Brasco
Byrnes, Wis.
Camp
Carey, N.Y.
Chisholm
Clark
Clay
Collins, Ill.
Corbett
Cotter
Crane
Davis, Ga.

Dellenback
Dellums
Diggs
Dulski
Edwards, La.
Esch
Fish
Ford, William, D.
Forsythe
Frelinghuysen
Frey
Fulton, Tenn.
Gallagher
Gaydos
Gettys
Giaimo
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Hall
Halpern
Hansen, Idaho
Hansen, Wash.
Hastings
Hays
Hébert
Hillis
Hogan
Howard
Jarman
King
Koch
Leggett
Lent
Long, La.
Long, Md.
McCloskey
McCulloch
Macdonald, Mass.
Mollohan
Moorhead
Murphy, Ill.
Murphy, N.Y.
Nedzi
Obey
O'Neill
Peyser
Poage
Purcell
Quie
Rangel
Reid, N.Y.
Rodino
Ruth
St Germain
Saylor
Scheuer
Scott
Skubitz
Spence
Steele
Steiger, Wis.
Stuckey
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thone
Tiernan
Ullman
Vanik
Wampler
Ware
Watts
Whalley
Wilson, Bob
Wilson, Charles H.
Wright
Wydler
Young, Fla.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. ANDREWS of Alabama, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (S.J. Res. 55), and finding itself without a quorum, he had directed the roll to be called, when 332 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. PATMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, rather than take the time, I believe we have had full discussion on both sides, and I would rather have a vote in the usual order. So I ask that we have a vote now.

Mr. BROWN of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am somewhat dismayed by the act of the gentleman from Wisconsin in offering this amendment, since he has consistently in the past urged broad wage-price control discretion in the President.

Though given an opportunity on at least two occasions to support a reservation to the Congress of the authority to impose wage and price controls, the gentleman each time vehemently objected and supported a broad Presidential discretion and authority.

Yet, today, he wants to impose some vague restriction on the President's authority by an amendment that defies qualitative or quantitative analysis except as the President may determine.

It is obvious this is an attempt to throw a bone to the construction industry, since it is in that industry that wage-price control discussions have centered. This amendment may be good politics, but it is worthless as legislation.

I cannot conceive of the President exercising his authority to impose selective controls unless he felt such selective controls would facilitate substantial cost-of-living stabilization.

And the amendment contemplates such a determination by the President in the construction industry or any other similar activity having a disproportionate inflationary impact on the economy and cost of living.

If the author of this amendment had wanted to preclude the President from exercising such selective controls and discretion, he could have offered an amendment expressly prohibiting such action. He has chosen not to do so. It is, therefore, obvious that the amendment's impact is more apparent than real.

Since the amendment will have no more significance than the President elects to give it and since we do not have any assurance that the Senate will approve its addition to the resolution, why expose this highly desirable and urgent purpose of the resolution to the danger of delay by accepting it?

This late-blooming idea was not included in the House bill we passed earlier this month and is not needed in this resolution.

I urge a vote against the amendment.

Mr. BLACKBURN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I shall not take the full 5 minutes. I just want to make this observation. We are acting today on a Senate resolution. I have personally always opposed wage and price controls. I think I have made my position clear many times before on the floor of this House as to that fact.

But, Mr. Chairman, it strikes me as being rather ironic that one who has always advocated the most forceful wage and price controls before would attempt to amend this joint resolution which would force it to go to conference with the Senate and thereby delay the enactment of the joint resolution.

If the Members wish to permit the President to have the authority to impose wage and price controls they will pass this resolution as it is now drawn. If they want to in any way interfere with the President's power, or to create doubt about his power, then they will pass this resolution, because this debate that has taken place shows in both wording and meaning it is extremely nebulous.

Mr. Chairman, I intend to vote against this resolution and this amendment. But I want the Members to understand that if they adopt this amendment, they are clouding the issue, they will be interfering with the President's power and will probably delay the authority which he now has indicated that he will use.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the comments which have been made by my distinguished colleagues the gentleman from Michigan (Mr. BROWN) and the gentleman from Georgia (Mr. BLACKBURN). Therefore, I rise in opposition to this amendment and I support the joint resolution now pending before us.

Mr. BLACKBURN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. REUSS).

The question was taken; and on a division (demanded by Mr. PATMAN) there were—ayes 60, noes 106.

TELLER VOTE WITH CLERKS

Mr. PATMAN. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. PATMAN. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. REUSS, WIDNALL, PATMAN, and BLACKBURN.

The Committee, divided, and the tellers reported that there were—ayes 143, noes 183, not voting 106, as follows:

[Roll No. 34]

AYES—143

Abourezk
Abzug
Addabbo
Albert
Anderson, Calif.
Annunzio
Barrett
Begich
Bergland
Bingham
Boggs
Boland
Brademas
Brooks
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Carney
Casey, Tex.
Celler
Chappell
Clay
Corman
Culver
Daniels, N.J.
Danielson
de la Garza
Denholm
Dent
Dingell
Donohue
Dow
Drinan
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Flood
Foley
Ford, William D.
Fraser
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gibbons
Gonzalez
Hamilton
Hanley
Hanna
Hansen, Wash.
Hathaway
Hawkins
Hechler, W. Va.
Helstoski
Hicks, Mass.
Hicks, Wash.
Holifield
Howard
Hull
Hungate
Ichord
Jacobs
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kazen
Kee
Kyros
Link
Long, Md.
McCormack
McFall
McKay
Madden
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Mills
Minish
Mink
Mitchell
Monagan
Morgan
Murphy, N.Y.
Natcher
Nix
O'Hara
Patman
Patten
Pepper
Perkins
Pickle
Pike
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Randall
Rees
Reuss
Roberts
Roe
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
Sarbanes
Seiberling
Shipley
Sisk
Smith, Iowa
Staggers
Stanton, James V.
Stephens
Stratton
Sullivan
Symington
Udall
Ullman
Van Deerlin
Vigorito
Waldie
Whalen
White
Wilson, Charles H.
Wolff
Yates
Yatron
Young, Tex.
Zablocki

NOES—183

Abernethy
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Belcher
Bennett
Betts
Bevill
Biester
Blackburn
Bolling
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Cabell
Caffery
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Coughlin
Daniel, Va.
Davis, Wis.
Dennis
Derwinski
Devine
Dickinson
Dorn
Dowdy
Duncan
du Pont
Dwyer
Edwards, Ala.
Erlenborn
Eshleman
Findley
Fisher
Flowers
Flynt
Ford, Gerald R.
Fountain
Frenzel
Fulton, Pa.
Goldwater
Goodling
Griffin
Gross
Grover
Gubser
Gude
Hagan
Haley
Hammerschmidt
Harrington
Harsha
Harvey
Hébert
Heckler, Mass.
Henderson

Horton
Hosmer
Hunt
Hutchinson
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Keith
Kemp
Kuykendall
Kyl
Landgrebe
Latta
Lennon
Lloyd
Lujan
McClory
McClure
McCollister
McDade
McDonald, Mich.
McEwen
McKevitt
McKinney
McMillan
Mahon
Mailliard
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Michel
Miller, Ohio
Minshall
Mizell
Montgomery
Morse
Mosher
Myers
Nelsen
Nichols
O'Konski
Passman
Pelly
Pettis
Pirnie
Poff
Powell
Price, Tex.
Quie
Quillen
Railsback
Rarick
Reid, Ill.
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Rogers
Rooney, N.Y.
Rousselot
Runnels
Ruppe
Sandman
Satterfield
Scherle
Schmitz
Schneebeli
Schwengel
Sebelius
Shoup
Shriver
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stafford
Stanton, J. William
Steiger, Ariz.
Stubblefield
Talcott
Taylor
Teague, Calif.
Terry
Thomson, Wis.
Vander Jagt
Veysey
Waggonner
Whitehurst
Whitten
Widnall
Williams
Winn
Wyatt
Wylie
Wiggins
Wyman
Zion
Zwach

NOT VOTING—106

Abbitt
Adams
Alexander
Anderson, Tenn.
Andrews, Ala.
Ashley
Aspin
Badillo
Bell
Biaggi
Blanton
Blatnik
Brasco
Byrnes, Wis.
Camp
Carey, N.Y.
Chisholm
Clark
Collins, Ill.
Conyers
Corbett
Cotter
Crane
Davis, Ga.
Delaney
Dellenback
Dellums
Diggs
Downing
Dulski
Edwards, La.
Esch
Evins, Tenn.
Fish
Forsythe
Frelinghuysen
Frey
Gallagher
Gaydos
Gettys
Giaimo
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Hall
Halpern
Hansen, Idaho
Hastings
Hays
Hillis
Hogan
Jarman
Keating
King
Kluczynski
Koch
Landrum
Leggett
Lent
Long, La.
McCloskey
McCulloch
Macdonald, Mass.
Mann
Matsunaga
Mollohan
Moorhead
Moss
Murphy, Ill.
Nedzi
Obey
O'Neill
Peyser
Poage
Purcell
Rangel
Reid, N.Y.
Rodino
Ruth
St Germain
Saylor
Scheuer
Scott
Sikes
Skubitz
Spence
Steed
Steele
Steiger, Wis.
Stokes
Stuckey
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thone
Tiernan
Vanik
Wampler
Ware
Watts
Whalley
Wilson, Bob
Wright
Wydler
Young, Fla.

So the amendment was rejected.

Mr. DERWINSKI. Mr. Chairman, I rise to direct a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DERWINSKI. Mr. Chairman, in the procedure that we just followed there is a possibility that a number of Members voting in the negative were not in effect counted since the tellers were switched at the onset of the vote. My question is not directed at this vote, but against any future complications of that type.

What is the official vote? Is it the vote announced by the tellers, or will it be the vote from the box and when the ballots are, in fact, counted, and the record of the voting is indicated?

The CHAIRMAN. The Chair can only report the vote as reported by the tellers.

Mr. DERWINSKI. If the RECORD the following day would indicate a contrary vote, what recourse, if any, would we have?

The CHAIRMAN. The recorded teller vote will appear in the RECORD. However, the Chair can only announce the vote as reported by the tellers.

Mr. DERWINSKI. Another parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. DERWINSKI. Mr. Chairman, to protect both parties at any time or any majority or minority Member at any time, it is obvious that there must be enough precautions taken to avoid what just occurred where tellers were, in fact, switched, and the vote was not properly presented to the tellers.

The CHAIRMAN. The Chair will say that the tellers took their places at the proper boxes as designated by the Chair. The Chairman would caution all Members to be very careful about how they proceed through the lines. Do not be too hasty, and certainly be on time.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GERALD R. FORD. Mr. Chairman, we have a procedure for a recapitulation in a rollcall vote in the House of Representatives. Is there any comparable parliamentary procedure in this new device we are using for teller votes with clerks?

The CHAIRMAN. Not for a recapitulation of a recorded teller vote. According to the vote announced by the Chair, as reported by the tellers, the yeas were 143, and the noes were 183, and the amendment was not agreed to.

Are there further amendments?

Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ANDREWS of Alabama, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the Senate joint resolution (S.J. Res. 55) to provide a temporary extension of certain provisions of law relating to interest rates and cost-of-living stabilization, pursuant to House Resolution 349, he reported the joint resolution back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BLACKBURN

Mr. BLACKBURN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. BLACKBURN. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BLACKBURN moves to recommit Senate Joint Resolution 55 to the Committee on Banking and Currency.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the Senate joint resolution.

The Senate joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ELIMINATE THE PRACTICE OF GERRYMANDERING IN FUTURE CONGRESSIONAL REDISTRICTING

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANLEY. Mr. Speaker, today I am introducing legislation which, if enacted, will virtually eliminate the practice of gerrymandering in future congressional redistricting.

My proposal will remove the State legislatures' present congressional redistricting power and place it in the hands of a five-man commission in each State. One appointment to the commission would be made by each of the majority and minority leaders in both houses of the State legislatures. The fifth appointment would be made by the highest court in the State. I believe these bipartisan appointments coupled with a representative from the court should keep things aboveboard.

Under terms of this legislation, the commission would be mandated to provide fair and effective representation for all citizens. The bill's guidelines direct the commissions to take cognizance of existing communities of interest, and prohibits them from acting to minimize or cancel out the voting strength of racial, economic, or political elements. Moreover, the commissions must strive for distinct representation for city, suburban, and rural areas. Subject to the above conditions, the commissions are ordered to follow existing political subdivisions where practicable and to draw districts that are of a contiguous and compact nature.

The bill also contains a provision that each district in the State must come within a 1-percent deviation from the average district population of the State. I feel that this is needed to comply with the U.S. Supreme Court's one-man, one-vote decision.

This bill, Mr. Speaker, marks the beginning of a bold new Federal effort to provide all people with effective representation. I feel the situation in many State legislatures has deteriorated to a point where it constitutes a national disgrace. When any group of men can meet and secretly conspire against the public interest, I feel that it is time someone did something about it.

I have discussed the bill with House Judiciary Committee Chairman Emanuel Celler, Democrat of New York, and Chairman Celler is in general agreement with my approach. I am hopeful the chairman will call for hearings on the matter in the near future.

If enacted, this proposal would become effective in the 1972 congressional election.

The bill follows:

H.R. 6852

A bill to provide for an equitable procedure for establishing congressional districts

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Congressional Districting Act of 1971".

Sec. 2. Section 22 of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 18, 1929 (2 U.S.C. 2a), is amended by striking out subsection (c) and inserting in lieu thereof the following:

"(c) (1) In the case of a State entitled to more than one Representative to the Ninety-third or any subsequent Congress, Representatives to such Congress shall be elected from congressional districts established in such State by the State redistricting commission appointed for such State in accordance with subsection (d) after each apportionment. The commission for a State shall establish a number of districts for such State equal to the number of Representatives apportioned to such State under subsection (b). No district so established shall contain a number of persons (determined under the decennial census which such apportionment was made) which differs by more than 1 percent from the quotient obtained by dividing the population of such State (under such census) by the number of Representatives to which such State is entitled under such apportionment.

"(2) Subject to paragraph (1), a commission, in establishing congressional districts in a State, to the extent possible—

"(A) shall provide for fair and effective representation for all individuals, peoples, and party interests to the maximum extent practicable.

"(B) shall take cognizance of such communities of interest as do exist and may not act to minimize or cancel out the voting strength of racial, economic, or political elements,

"(C) Shall strive for distinct representation for city, suburban, and rural areas, and

"(D) subject to the preceding subparagraphs of this paragraph, shall follow existing political subdivision boundaries, and shall provide that such districts shall be composed of a contiguous and as compact an areas as possible.

"(d) (1) Within 60 days after the enactment of the Congressional Districting Act of 1971, and thereafter within 60 days after the receipt by the executive of a State of a certificate under subsection (b), there shall be established in each State a State redistricting commission. Such a commission shall consist of five members appointed as follows:

"(A) The majority and minority leaders of each house of the State legislature shall each appoint one member.

"(B) The highest court of the State shall appoint one member.

A vacancy in the commission shall be filled in the same manner as the original appointment was made.

"(2) In the case of a nonpartisan bicameral legislature, the leader of each house shall appoint two members of the commission after consultation with the leaders of political parties in the State. In the case of a unicameral nonpartisan legislature, the leader of such legislature shall appoint four members of the commission after consultation with leaders of political parties in such State.

"(3) The determination as to which official constitutes the minority or majority leader of a house of a State legislature for purposes of this subsection shall be made by such house.

"(e) (1) A State commission appointed under subsection (d) shall, after conducting public hearings, promulgate a plan which meets the requirements of subsection (c) within 180 days of its appointment. Such plan shall be published in the Federal Register, shall take effect on the thirtieth day after such publication, and shall be applicable until the next apportionment following a decennial census. Any plan which takes effect shall have the force and effect of law (except to the extent that a court order issued under paragraph (2) otherwise provides).

"(2) If the commission fails to promulgate a plan which meets such requirements, or if the commission is not appointed within the period prescribed in subsection (d) (1), any registered voter in such State may apply to a United States district court in such State for such relief (including an order promulgating a plan which meets the requirements of subsection (c)) as may be appropriate. The court shall have jurisdiction to grant such relief. Any action under this paragraph shall be heard by a district court of three judges in accordance with section 2284 of title 28, United States Code.

"(f) (1) (A) Members of a commission appointed under subsection (d) shall each be entitled to receive $50 for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

"(B) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of substance, in the same manner as the expenses authorized by section 5703 (b) of title 5, United States Code, for persons in the Government service employed intermittently.

"(2) Three members of such a commission shall constitute a quorum.

"(3) (A) A Commission may appoint and fix the compensation of such personnel as it deems advisable.

"(B) The staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(4) A commission may for the purpose of carrying out its duties hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as it may deem advisable.

"(5) A commission appointed under subsection (d) shall cease to exist 270 days after its appointment."

Sec. 3. The second paragraph of the Act entitled "An Act for the relief of Doctor Ricardo Vallejo Samala and to provide for congressional redistricting" (2 U.S.C. 2c) is repealed.

POWER TO THE PEOPLE OVER WAR

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, The prolonged "no-win" use of U.S. military forces in Indochina has provoked widespread dissent in this country in opposition to our present policies in Southeast Asia in particular, and in opposition to nondeclared war in general. Disillusionment with a foreign policy that would involve American fighting men in any part of the world, coupled with the frightening realization that such involvement can be accomplished without a declaration of war by the Congress or prior approval by the people themselves, has caused many here in the Congress to review U.S. foreign policy with regard to restoration of the warmaking powers as provided in the Constitution.

On Wednesday of this week, I plan to offer a people-power-over-war proposal that is certainly not new in concept: A joint resolution, which calls for an amendment to the Constitution providing that, except in cases of actual attack or imminent threat of attack on the United States or any of its territories, or an attack on any country in the Western Hemisphere by any non-American state, the American people will have the sole power by way of a national referendum to declare war or engage U.S. forces in warfare overseas.

President Nixon in his state of the Union message said:

> I have faith in people. I trust the judgment of people. Let us give the people of America a chance, a bigger voice in deciding for themselves those questions that so greatly affect their lives.

I agree with President Nixon's announced policy, and I think that this resolution is consistent with his message. Life and death is a matter that "greatly affects their lives."

I hope that many of my colleagues, Democrat and Republican alike, will join in cosponsoring this resolution to help return power to the people over war.

The text of the proposed amendment follows:

H.J. Res.

Joint resolution proposing an amendment to the Constitution of the United States for a referendum on war

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several states within seven years after the date of final passage of this joint resolution:

"Article —

"Sec. 1. Except in case of attack by armed forces, actual or immediately threatened, upon the United States or its territorial possessions, or by any non-American nation against any country in the Western Hemisphere, the people shall have the sole power by a national referendum to declare war or to engage in warfare overseas.

"Sec. 2. Congress shall have the power to carry out this article by appropriate legislation."

WITHDRAWAL OF COSPONSORSHIP OF H.R. 6360, NATIONAL LEGAL SERVICES CORPORATION

(Mr. COLLIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLIER. Mr. Speaker, on Thursday, March 18, 1971, my name appeared as one of the cosponsors of H.R. 6360, establishing a National Legal Services Corporation. In the light of new information regarding the extent to which legal employees of the proposed corporation could go in filing class action suits, I am today withdrawing my cosponsorship and support of H.R. 6360.

I sought to withdraw my cosponsorship of the bill before it reached the bill clerk's office, but was unsuccessful in doing so.

PROTECTING THE RIGHTS OF NONSMOKERS

(Mr. McKEVITT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McKEVITT. Mr. Speaker, it is with pleasure that I join in cosponsoring H.R. 4776, a bill requiring the Secretary of Transportation to establish regulations that would make available areas for nonsmokers aboard airliners, trains, and buses.

This proposed legislation does not penalize the smoker. The measure would simply protect the rights of nonsmokers.

As an ex-smoker, I personally do not object to being seated next to a smoker. But smoking does bother many people. In fact, some persons are allergic to tobacco smoke.

At least one air carrier already has set aside "no smoking" seating areas. I have noticed while traveling that many people like this arrangement and officials of the involved carrier tell me that it presents no particular problem for the airline to offer this service to nonsmokers.

This legislation simply offers relief for those nonsmokers who seek it.

PROPOSED REALLOCATION OF SST FUNDS

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of California. Mr. Speaker, the Congress has defeated the SST and, thus, eliminated $134 million from the Transportation budget that was allocated for the SST program.

I feel that we must put these funds back in the budget, however, redesignate them for items such as research and development in aviation safety, urban mass transit systems, and the development of aircraft for short flights.

We have an obligation to those working on the SST and, in the future, we should give priority to those firms applying for contracts which have had Federal Government contracts canceled within the last few months.

Our country needs further development of aircraft noise and air pollution abatement technology.

Our country needs research to make our airports and airways safe.

Our country needs a transit system to relieve the congestion on the highways.

The aerospace industry can meet these needs and they can and should be put back on the job. The funds allocated for the SST should now be directed to meeting the urgent needs of the Nation.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM SENATE AND SPEAKER TO SIGN MEASURES DULY PASSED

Mr. ROY. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until tomorrow, the clerk be authorized to receive messages from the Senate and the Speaker be authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

PERSONAL STATEMENT

Mr. KEATING. Mr. Speaker, I was unavoidably detained today on business concerning my district, and missed the teller vote. Had I been present, I would have voted against the amendment of the gentleman from Wisconsin (Mr. REUSS).

BYELORUSSIAN INDEPENDENCE

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. GERALD R. FORD) is recognized for 5 minutes.

Mr. GERALD R. FORD. Mr. Speaker, there is no spirit more admirable than that of a people yearning to be free. So it is that we pay tribute to the freedom-loving people of Byelorussia, who proclaimed their independence on March 25, 1918, only to lose it to Bolshevik invaders.

Mr. Speaker, the Byelorussian people have never really accepted Soviet rule although the land on which they live is known as the Byelorussian Soviet Socialist Republic. The Byelorussian Soviet Socialist Republic is merely an administrative arm of the Moscow government and does not represent the will of the Byelorussian people.

Thus the Byelorussians throughout the free world are celebrating the 53d anniversary of their Independence Day, marking it as a symbol of their national aspirations.

I am sure all Americans devoted to liberty support the Byelorussians in their struggle for freedom and independence.

Byelorussians behind the Iron Curtain must never lose faith in the possibility they may once again become a free people.

We know that truth crushed to earth will rise again. And so it is with the spirit of a proud people like the Byelorussians. Their dream of independence must never die.

FARM TRUCKS REGULATION

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, a truckload of political dynamite is racing toward a collision with the granite walls of the Department of Transportation. That is the explosive situation facing the administration due to a package of severe restrictions on the drivers of farm trucks. The regulations, much more severe than farm truckdrivers have ever faced before, are scheduled to take effect July 1.

If implemented as they currently exist, the restrictions will require drivers of all farm trucks involved in interstate commerce to be 21 years old, have passed a physical examination, a written examination, a road test, and if an employee of a farmer must have filed an extensive record relating to his driving history, which the employer must verify.

In my 11 years of dealing with legislation and regulations concerning farmers, I have never encountered any issue on which farm families have such a total commitment. Visits I have had this past weekend with farm families in my district convinced me all farmers are deeply resentful and united in opposition to this package of regulations. I shudder to think what form the reaction will take if the Department of Transportation carries out this ill-considered plan and does not alter the regulations as drafted.

In a letter to Secretary of Transportation Volpe last week, I suggested two major changes in the regulations:

First, a permanent exemption should be provided from these regulations for drivers of pickup, panel, and other small trucks under 10,000 pounds gross weight when used for transportation of farm supplies and produce; and

Second, local hauling of farm products or supplies to or from a point of first delivery or to the farm of the truck owner or operator should have an exemption comparable to the commercial zone exemption applicable to urban drivers. This would permit a farm truck to operate free of the restrictions within a given distance of his farm.

I urge my colleagues in the House to examine this proposal which will cause unwarranted economic problems for the Nation's farmers and then to join me in petitioning Secretary Volpe to drastically alter this completely unnecessary plan. A copy of my letter to Secretary Volpe is a part of these remarks:

MARCH 24, 1971.

Hon. JOHN A. VOLPE,
Secretary of Transportation,
Department of Transportation,
Washington, D.C.

DEAR MR. SECRETARY: Regulations under your jurisdiction which are currently affecting the drivers of some farm trucks in interstate commerce and others which are scheduled to be implemented beginning July 1, 1971, pose serious and unwarranted economic problems to many farmers in my Congressional district in Western Illinois. I'm certain the farmers of many other Congressional districts throughout the nation have similar concerns.

The existence of these regulations, which go back to 1939, was little known, understood, or of much concern to farmers until the DOT issued its notice in 1970 that drivers of farm trucks who had historically been exempt from most of the regulations would soon come under considerably more restrictive requirements than they knew about.

In addition to inadequate advance notice of the regulations, no educational program was undertaken to inform farmers what the regulations were, where they could get a copy, or what was required of them to fully qualify under these regulations. It is appreciated that the application of the regulations to the drivers of trucks of under 10,000 pounds gross weight was deferred until July 1, 1971.

Unless the regulations are changed, beginning July 1, 1971 all drivers of farm trucks involved in interstate commerce will have to be 21 years old, have passed a physical examination, a written examination, a road test, and if an employee of a farmer must have filed an extensive record relating to his driving history, which the employer must verify. I sincerely urge you to effect extensive changes in these proposed changes.

Regulations which are designed to fit large trucking operations do not fit farm trucks and their owners and operators. Some 2.8 million farm units operate an average of 1.3 trucks each as part of their individual farm production and marketing operation.

A large number of these trucks are used primarily for on-farm operations off the public roads and highways. A similar large proportion of farm truck operation is for short trips, or for local hauling on an intermittent basis much of the time with very light loads or no load at all. I personally know many farmers who use their trucks on their farms much more than on public roads. An examination of motor fuel tax refund records will support this fact.

The safety record of farm truck drivers, including very young drivers, is dramatically better, according to insurance company and law enforcement records, than that of nonfarm truck drivers.

I suggest that your regulations be amended prior to July 1, 1971, to: (1) Provide a permanent exemption from these regulations for drivers of pickup, panel, and other small trucks under 10,000 pounds gross weight when used for transportation of farm supplies and produce.

(2) That local hauling of farm products or supplies to or from a point of first delivery or to the farm of the truck owner or operator should have an exemption comparable to the commercial zone exemption applicable to urban drivers.

I further suggest that whatever regulations you approve should not take effect until at least six months after they have been publicly announced. This period of time should be used by DOT to mount an extensive information campaign to help farmers through the agricultural extension service, land grant colleges, their farm organizations, and local farm cooperatives become acquainted with the regulations and to become qualified to continue operating their trucks when the regulations take effect.

Farmers and their families have proven their ability to handle trucks with a considerably better safety record than the general trucking industry. These people, unlike the large commercial trucking firms, do not travel the highways in adverse weather, for the most part. In addition, they nearly always have a personal interest in the produce being hauled or the truck they are driving, and often share in the investment of both truck and load.

I urge you to announce as early as possible revisions in the regulations for farm truck drivers. I'm confident the revised regulations will be more acceptable and equally as effective for highway safety than those currently before us.

Sincerely yours,

Paul Findley,
Representative in Congress.

BAN SPORTS FROM CLOSED-CIRCUIT TV

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, last Wednesday I introduced a bill which would ban virtually all sports events from closed-circuit television, thus forcing promoters to use home TV and radio for the broadcast of sports events.

This bill would place an outright ban on the production of sports events over closed-circuit TV whenever a radio or television network or station wanted to broadcast the event. In other words, all sports events of general interest would have to be shown on home TV, or not be shown at all. Included in the closed-circuit TV ban would be boxing matches, auto races, super bowls, the Olympics, ad infinitum.

This bill makes one basic but, I believe, easily defensible assumption: that free home TV is capable of providing a reasonable profit to those involved in any sports event of general interest in America today. The best demonstration of this is, I think, that the $2.5 million paid to both Mr. Ali and Mr. Frazier for this recent fight over closed-circuit TV is the same amount paid by NBC for the home TV rights to the 1971 Super Bowl—which provided a handsome profit to the 40 players on each team, the two team owners, and the NFL itself.

At present, closed-circuit TV is regulated, along with the telephone and telegraph industry, by the Common Carrier Bureau within the FCC. In addition to the ban of sports on closed-circuit TV, my bill would transfer jurisdiction over closed-circuit TV from the Common Carrier Bureau to the Broadcast Bureau, which has jurisdiction over pay TV, television, and radio. Since closed-circuit TV is, in essence, pay TV outside the home I believe this is a more rational approach.

Since my announcement 2 weeks ago that I would introduce this bill, the public reaction which I have received to it has been vocal, widespread in its origins, and nearly unanimous in support of the bill. This is hardly surprising, however, since, as you know, there has been a public outcry against the incredible profits the promoters of the fight made, the elitist nature of the fight, and the fact that the promoters even attempted to charge the armed services $500,000 for a live broadcast of the fight to our men in Vietnam.

I believe there is clear evidence that if we do not act now to severely restrict sports presentations on closed-circuit TV that soon other sports will be drawn by the lure of the fantastic profits from closed-circuit TV. In fact, E. William Henry, chairman of Management Television Systems which set up the closed-circuit network for the Ali-Frazier fight, has predicted that the superbowl would be on closed-circuit TV within 5 years. Mr. Henry, who is also a former Chairman of the FCC, has estimated that the superbowl would gross receipts of $48 million on closed-circuit TV.

Mr. Speaker, I believe it is clear that if we want sports events to remain open to the general public we must act now to make sure that sports remain on home TV. I believe this bill would accomplish that, and I urge the House to enact this legislation in this session.

SOVIET FAILURES IN SPACE

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. Rarick) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, Mr. Julius Epstein, a research associate at the Hoover Institution of War, Revolution, and Peace at Stanford University has prepared a well-documented research paper outlining Soviet failures in space.

His paper may induce the administration to take certain steps to ease the unwarranted and foolish policy of absolute secrecy about the Soviet space tragedies.

I commend Mr. Epstein's paper to my colleagues.

I insert Mr. Epstein's paper at this point:

Soviet Failures in Space

(By Julius Epstein)

Indications of Soviet failures in space—including deaths of Soviet cosmonauts in orbit or on launching pads—are not entirely new.

The first case of a Soviet space failure which can be reasonably documented occurred on May 15, 1960. On that day, the Soviets launched Sputnik 4 with a weight of 10,008 pounds, a period of revolution around the earth of 91.3 minutes, a perigee of 194 miles, an apogee of 229 miles and an inclination of 65°. Sputnik 4, a Vostok prototype, decayed on September 5, 1962. A fragment was recovered in Wisconsin. Cabin ejection failed on May 19, 1960. It separated into 8 pieces.[1]

The Soviets announced on May 15, 1960, that they had launched a "space ship" into orbit around the earth with a "dummy space man aboard." The launching was supposed to be a "space spectacular" on the eve of the opening of the Paris summit conference, scheduled for the next day, May 16.

The Soviet announcement also said: "The launching was undertaken to perfect and check the satellite ship's system, insuring its safe flight and controls, its return to the earth and the necessary conditions for the space crew."[2]

However, the Soviets also announced that there would be no attempt to recover the payload. As the New York Times remarked on May 16, 1960, "this surprised American scientists, who seemed cautious about taking the announcement completely at its face value." The same article under the by-line of Harold M. Schmeck Jr. registered doubts that the veracity of the Soviet announcement concerning the "dummy" aboard: . . . there was also speculation that the new space vehicle might conceivably contain a man and not the equivalent weight that the Soviet announcement said was in its pressurized cabin. If the capsule is recovered intact they could announce their success, said one scientist who declined to be named. If they fail they could let the 'dummy' announcement stand, he said."

On May 19, 1960, Senator Henry M. Jackson (D., Wash.) told the Senate that there was "growing reason to suspect" that the Soviet Union placed a man in space and would shortly attempt to recover him. As the New York Times of May 20, 1960 further reported, "the Washington Democrat said his statement had been based on information supplied to him by 'reliable sources' within the Administration."

The same Times report, signed by John W. Finney, said that "Officials of the National Aeronautics and Space Administration and the Defense Department declined to give any public confirmation to the statement. Pentagon sources, however, acknowledged that the possibility of a human passenger was being studied."

The Times report continued: "The Air Force's National Surveillance Control Center at Bedford, Mass., reported that the orbit of the Soviet satellite was observed to increase in altitude suddenly early this morning. Moon-watch teams of the Smithsonian Astrophysical Observatory at Cambridge, Mass., reported that three new unidentified objects had been observed trailing the satellite.

"These observations indicated, scientists of the agency said that the capsule had been ejected, sending the space ship into a higher orbit and the capsule itself down in the earth atmosphere.

"It was partly on the basis of this tracking information, as well as other information that Senator Jackson raised the possibility that the space ship had carried a human passenger. As a member of the Senate Armed Services Committee and as chairman of the Military Applications subcommittee of the Joint Congressional Committee on Atomic Energy, he has ready access to military sources of information."

One year later, Senator Jackson made an even more outspoken statement to James Mills in which he said:

"I think the Russians tried unsuccessfully last year to orbit a man. I have sufficient information to believe they had a man in the space ship they launched May 15, 1960, and that the man died when efforts to recover him from space failed. There was sufficient communication coming back from that satellite to corroborate such a belief. I have talked about this with very responsible people—people highly competent in the space field—and they feel very strongly that the May 15 shot contained a man."[3]

On May 7, 1967, six years later, I wrote Senator Jackson and asked him whether he still maintains his belief that the Soviets had killed one cosmonaut in their space adventure of May 15, 1960 as indicated in his Senate speech and in his statement to James Mills.

On May 15, 1967, Senator Jackson answered my question. He wrote: "The quotation to which you refer is essentially correct. The information that I received was from a reliable source, based on the information available at that time."

I can only infer from Senator Jackson's letter to me that he has not received any new evidence disproving his contention of 1960. Had he ever received such new evidence, he would certainly have mentioned it in his letter of May 15, 1967.

Senator Jackson was not the only member of Congress who shared the belief that the Soviets had suffered major space tragedies, including the death of cosmonauts, either in orbit or on launching pads.

Overton Brooks ,then chairman of the House Space Committee declared in an interview with James Mills in 1961:

"We have evidence that the Soviet Union tried and failed some time ago (May 15, 1960) to put a man in orbit around the earth. And there is evidence that they tried to orbit a man last fall (1960) while Khrushchev was at the United Nations, and that the man was killed."[4]

Since the late Congressman Overton Brooks had, as chairman of the House Space Committee, access to classified information—as had Senator Jackson—I have little doubt that he had learned about Soviet space tragedies on high authority and knew what he was talking about.

But James Mills, in his outstanding article in True Magazine, also produces a statement by Professor Herman Oberth, the dean of modern rocket science and once a scientist with the United States Army's missile program at Huntsville, Alabama and the teacher of Dr. Wernher von Braun. In this statement, Professor Oberth said:

"I know from American intelligence reports that one attempt (to rocket a man into sub-orbital space) at the end of 1957 or beginning of 1958 failed. I believe the Russians made several other attempts."[5]

Mills maintains that Oberth meant a 1957 failure, "almost certainly the first manned shot in the Soviet equivalent of our Mercury man-in-space program" and that this first Soviet cosmonaut was Alexis Ledovsky who was not recovered alive. Mills also gives the names of Serenty Schiborin, Andrei Mitkov and others who died in Soviet space adventures. I mention this only in order to keep the record straight concerning the rumored deaths in space or on launching pads of Soviet cosmonauts without being able to verify them.

The second case of a Soviet failure in space with which I want to deal, occurred in September 1960, at a time when Khrushchev was in New York attending the 15th General Assembly of the United Nations.

About the time Khrushchev arrived in New York, three Soviet ships with special equipment to track satellites arrived in the Central Pacific in about the same positions where the Soviets had earlier recovered space capsules. According to published reports, a week before Khrushchev's arrival in New York, two more Soviet tracking ships arrived in the North Atlantic.

On September 25, 1960 Khrushchev announced at Glen Cove, the Soviet owned estate on Long Island, that "everything is ready for a Soviet attempt to put a man into space."[6]

This Soviet cosmonaut was supposed to go into orbit and to send his greetings to the delegates to the General Assembly when he was flying over New York. The Russians always wanted to dramatize special occasions by air and space spectaculars. The planned and misfired space spectacular of May 15, 1960 was intended to impress the world on the eve of the Paris summit conference. Now, in September 1960, another spectacular was ordered to impress the General Assembly.

This tradition goes back to Stalin who had already planned a "space" spectacular on January 30, 1934, during the week the 17th All-Union Communist Party Congress was meeting in Moscow. Stalin wanted to offset the American world altitude record, achieved by the two American balloonists Settle and Fortney who had reached on November 20, 1933, an altitude of 61,237 feet, as confirmed by the Fédération Aeronautic International, the aviation body which certifies world flying records.

Two months after the American high-altitude record, Stalin wanted to beat it during the 17th Party Congress. When adverse midwinter weather threatened to cancel the launching, Stalin gave the order: "You go . . . or else!" The balloon, "Osoaviakhim" with its three men crew of Fedessejenko, Vassenko, and Oussyskine, climbed to a height of 72,182 feet, only to fall out of control during descent. The three Soviet aeronauts were killed. As the Soviets later "explained," the crew, in a "fit of overenthusiasm" had simply overexpended their ballast, "failing to keep enough to control their descent." American balloonists immediately doubted that the Russians could have made such a fundamental error. The Americans believed that the "Osoaviakhim" (also known as "Sirius") had iced up. The character of the whole adventure as a political demonstration became audible when Fedossejenko had leaned from the hatch at take-off and cried: "Long live the 17th Party Congress! Long live the World Revolution]"[7]

Now, in September 1960, Stalin's successor wanted another space spectacular. The New York Times of September 27, 1960, reported that "Amateur radio operators in this country have picked up messages from the Moscow radio suggesting that they be sure to man their sets." The Associated Press even located "Harry Wirth, an operator in Bay City, Tex." who had been told by a Soviet operator "to watch for a history-making event tonight or tomorrow morning. Mr. Wirth said other American operators had received similar messages."[8]

The expectations around the world of a Soviet manned space flight were in vain. The New York Times reported on September 28, that "the hours wore on with no announcement of a Soviet man in space, which many Western observers had expected."

Nevertheless, Khrushchev prolonged his stay in New York, hoping that another space try might still succeed. Finally, the Soviet tracking ships in both oceans headed for home and Khrushchev flew back to Moscow.

As James Mills wrote: "Reports from Moscow said Khrushchev arrived home livid over cooling his heels in New York while officials at home embarrassed him by not producing the much heralded space triumph. On October 25, 1960, the same month Khrushchev returned to Moscow, the Soviets announced that Marshal Mitrofan I. Nedelin, chief of the Soviet missile forces, had been killed in an 'airplane accident.'

"The body was cremated and the ashes buried in the Kremlin wall. Khrushcev did not attend the burial. Western newsmen, for reasons never revealed, were barred. The next month, a foreign diplomat in Bern, Switzerland, claimed Nedelin had not died in an airplane accident at all. The report said the missile boss had been highly involved in a Russian manned space shot that failed, killing the astronaut, while Khrushchev was at the United Nations. Khrushchev, the diplomat said, so furiously denounced Nedelin for the failure that the Marshal committed suicide. A third account of Nedelin's death came from Italy. The Continentale News Agency (Milano) said the marshal was one of some 100 people killed when a Russian rocket exploded on its pad in October 1960."[9]

Among those interviewed by James Mills concerning Soviet cosmonauts who had died in space adventures was Brig. Gen. Don Flickinger, at that time (1961) Chief of Bioastronautics for the Air Force's Air Research and Development Command.

General Flickinger's statement read as follows:

"I think the Soviets have killed a couple of men in efforts to achieve manned space flight. There are reports which I believe, that after Khrushchev arrived at the United Nations the Russians launched a fairly heavy satellite that failed to go into orbit. Indications are that the satellite carried one or two men."[10]

On May 29, 1967, I wrote to General Flickinger and asked him—as I had asked Senator Jackson—whether he could confirm the accuracy and the veracity of his statement as quoted by Mills.

On June 26, 1967, General Flickinger answered by letter, an answer which I do not want to withhold from the reader. General Flickinger wrote:

"The quote (of me) as extracted from TRUE Magazine is substantially correct, and it goes down in the records as, unfortunately, one of my several errors and false predictions regarding the Soviet Space Program. At the time, there was quite a bit of 'circumstantial' evidence pointing toward a Soviet manned space flight disaster and instead of waiting *until I could put the question to one of the Soviet space medical people,* I made a premature and, subsequently proven, erroneous deduction. It really doesn't make much difference that I accepted statements from several 'self-styled' authorities

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Footnotes at end of article.

who averred that their information re the deaths in space flight of several Soviet cosmonauts was unassailable. The fact remains that based upon numerous encounters with the Soviet bioscientists on past occasions, I should have known better."

There is one incompletely verified incident which, if true, may partially explain the various and sometimes conflicting rumors regarding a Soviet space flight disaster which abounded during and after Khrushchev's visit to the U.S.A.

"This particular story has it that a Soviet space spectacular was scheduled for the period of Khrushchev's arrival at the U.N., but that the booster exploded on the launch pad killing 20–30 people. Amongst the casualties were the Soviet Air Force Chief of their Space Flight Program plus 2–3 Cosmonauts. Some sources embroidered this tale with the statement that they were flight testing a 'nuclear-powered device' (for use apparently as an auxiliary power supply in orbit) and it suddenly, without warning, went critical on them. This version attempted to cover up the discrepancy in the original story posed by the obvious question as to why the personnel killed were not protected in the block house where they obviously would be during a normal launch.

"This particular alleged incident was not given much space in the news media, and I have not been able to obtain any confirmation of it from any of the official sources. As I recall, however, there was a formal announcement in PRAVDA and/or IZVESTIA on the untimely death of the Soviet Military Space Chief which corresponded (retrospectively) with the period in question."

General Flickinger's reference is to the death of Marshal Mitrofan I. Nedelin, the chief of the Soviet missile program who died and whose ashes were buried in the Kremlin wall, a ceremony, Khrushchev did not attend.

While we have to be grateful for General Flickinger's candid letter, he deserves a defense against his own credulity in "denials" of Soviet space failures in orbit or on launching pads, denials, made to him by "one of the Soviet medical people." These Soviet "medical people" are, of course, under strict orders from the Soviet Government, never to reveal the truth about Soviet failures but emphatically to deny any such reports, not yet revealed by the Soviet Government itself. I would rather believe General Flickinger's original sources which prompted him to give James Mills the statement quoted above than the denial based entirely upon an assertion by an official Soviet medical officer, duty-bound to cover up any truth considered to be harmful to Soviet foreign policy.

But James Mills introduced still another witness testifying about the death of two Soviet cosmonauts, killed in space attempts. Mills quotes Lt. Col. Paul Hickman of the Armed Forces Industrial College as having stated in January 1961 that the United States had "unofficial but very specific" information that the Soviets had killed two astronauts in space attempts. "One of the deaths, he said, occurred while Khrushchev was at the United Nations. Hickman claimed the U.S. knows the name of one of the dead astronauts. The space deaths, Hickman maintained, brought the demotion of the men in charge of the Soviet man-in-space-program and orders to a new group to get a man into orbit 'immediately.' "[12]

These testimonies cannot be dismissed easily. Congressman Overton Brooks, Senator Henry M. Jackson and General Flickinger had access to classified material. It is—among other reasons—this fact which led to the eruption of strong criticism of the Administration's policy of silence, ambiguity, denials and leaks.

The third case of a Soviet failure in a space adventure was—involuntarily—revealed by the London Daily Worker, the organ of the British Communist Party. On April 12, 1961—the very day of Gagarin's one-orbit flight around the earth—the Daily Worker carried a front page story under the sensationalist headline: "Soviet Astronaut Circles Earth Three Times. The First Man in Space. Back Alive—But Suffering from Effects of His Flight." The story was cabled by the Daily Worker's Moscow correspondent, Dennis Ogden on April 11, 1961. It was short and read as follows:

"The Soviet Union has launched the first man into space and brought him back to earth alive, according to well-informed sources here.

"The astronaut, said to be the test-pilot son of a top-ranking Soviet aircraft designer, is understood to be suffering after-effects from his flight.

"Top aviation medical specialists and leading space scientists are in constant attendance.

"They are keeping him under close observation.

"An official announcement regarding his flight, said to have taken place on Friday (April 7, 1961), is expected tomorrow.

"The astronaut is said to have completed three orbits around the earth some 200 miles out in space before returning to earth in response to a signal from ground stations.

"His flight was made in a space vehicle weighing 4½ tons of the type previously tested in space flights with dogs.

"The city has for the last 24 hours been waiting with baited breath in expectation of the official announcement that the Union has won the space race.

"All day Muscovites have been keeping an ear cocked at their radios.

"Evening papers were eagerly snatched up and scanned for confirmation—or refutal—of the many rumours circulating among journalistic and scientific circles in the city."

The New York Times of April 11, 1961, reported from Washington that Moscow was full of rumours that the Soviet Union might have launched the first man into space and returned him to earth alive. Then, the New York Times wrote: "A space agency spokesman said no information had been received from the world-wide tracking network of the United States to indicate that a Soviet satellite had been launched. One indication that a Soviet space shot might be imminent, however, was the fact that Soviet tracking ships have been deployed in the Pacific and North Atlantic for about a week."

The same issue of the New York Times of April 11, 1961, also carried a dispatch from Moscow, dated Wednesday, April 10, 1961, according to which a Soviet television camera crew "showed up at the Central Telegraph Office and planted clusters of television lights in places where correspondents would be expected to rush in." When no Soviet announcement about a successful space flight was made, "the camera crew departed, taking cameras, lights and cables with them."

There is no doubt in my mind that there is only one conclusion to be drawn from the London Daily Worker story and the New York Times' report: That a never announced catastrophy on the launching pad prevented a Soviet cosmonaut from going into orbit.

The conclusion that something went wrong in a Soviet space adventure becomes conclusive if we consider what had happened in Moscow behind the scene.

Some days before Gagarin went up on April 12, 1961, the Moscow correspondents of Communist newspapers, and only they, were given sealed envelopes containing a Soviet press release with the explicit order not to open the envlopes without the green light from the government. All the Communist correspondents scrupulously followed that order, with one exception: Mr. Dennis Ogden, Moscow correspondent of the London Daily Worker. He could not resist the understandable temptation to open the envelope prematurely, without the Soviets' green light, and to rush into print with the story he found in his envelope to assure his paper one of the greatest scoops of the century. The Soviet Government, at that time well aware that the planned space adventure of April 7, 1961 had ended in a catastrophy, expelled Dennis Ogden from the Soviet Union. But the damage his premature story did to Soviet prestige could not be undone. There is no other Soviet failure in their attempts to conquer space convincingly revealed by a Communist newspaper. By printing the false story of a Soviet three-orbit-flight around the earth, the Daily Worker had revealed the truth that a catastrophy had taken place on a Soviet launching site.

There remains only one question: Who was the Soviet cosmonaut who came to grief on April 7, 1961?

Early in May 1961, "Paris Soir" revealed his identity. It was Sergei Ilyushin, son of the famous Soviet aircraft designer Ilyushin. According to the French newspaper, Sergei Ilyushin was waiting in his space capsule to be launched, when an explosion occurred which seriously injured him.

A few weeks later, a letter appeared in "Pravda," signed by Sergei Ilyushin and stating that he was not a cosmonaut and that he was at the time in China, both assertions blatant Soviet lies. Obviously, the Soviets, greatly irked by the Daily Worker's breach of confidence, had ordered Sergei Ilyushin to write such a letter, or may have written it themselves and just forced him to sign it. It is even more probable that he never saw the letter and that they just "signed" it for him.

That the Soviets—however unsuccessfully—tried to cover up the tragedy, originating in their own press release, will surprise no one. It is completely in line with the old Soviet practice never to admit failures not witnessed by people from the free world. Far more surprising is the fact that American authorities conspired with the Soviet authorities to conceal the truth from the American people. The same goes for all the other Soviet failures (with the exception of six deep-space failures, revealed by NASA for very particular reasons as we shall see later). This consistent American policy of silence and even outright denials has severely been criticized by Congress. Whenever such criticism was made by members of the House Space Committee, the stereotype answer was always the same: "classified matter, ask the Department of Defense, NORAD, the C.I.A. etc." But these agencies formed a stone wall of silence—with the unofficial exception of the C.I.A. which leaked a story about the evidence of at least 11 Soviet deaths in space or on launching pads early in 1967, a story with which I shall deal later.

The London Daily Worker story with its clear implication of tragedy was immediately recognized as such by the New York Times of April 13, 1961, one day after Gagarin's successful one-orbit flight.

In an article by Walter Sullivan, entitled ". . . Experts Doubt Russian Flew 3 Orbits Friday and Returned . . .," the Times write:

"According to the London Daily Worker, the son of a Soviet aircraft designer orbited the earth three times that day (Friday, April 7, 1961) and was recovered, somewhat the worse for his experience.

"This seemed unlikely to specialists, since after three orbits the flight path would not cross the expected recovery areas . . .

"If an attempt was made before yesterday's successful operation, it apparently did not place a carrier rocket in a stable orbit. The generally accepted location of the Soviet firing range is such that the first orbit of a satellite launched from there would not pass near the United States.

"However, after having detached the manned capsule, the launching vehicle would continue in an orbit that eventually would span most of the world . . .

"The apparent failure of such a rocket to cross American territory in the preceding days does not rule out an abortive launching attempt.

"If Washington has evidence of a try that failed to achieve an orbit, it is keeping it secret."

It is exactly this policy of unnecessary secrecy which aroused Congress and resulted in the hearings before the Foreign Operations And Government Information Subcommittee.

Before I deal with the hearings I want to point out one of the basic roots of the Washington policy concerning Soviet manned and unmanned space failures. I am speaking of an agreement between the Department of Defense (DOD) and the National Aeronautics and Space Administration (NASA), an agreement which went into effect on January 13, 1961.

According to this agreement, NASA publishes information on Soviet satellites in the Satellite Situation Report, based on the following criteria:

"(a) Data on foreign space activities which have been authorized for public release through the Office of the Assistant Secretary of Defense (Public Affairs).

"(b) Data on foreign space activities officially reported to the United Nations Registry if NORAD orbital elements generally confirm the registry.

"(c) Data on foreign space activities (including failures) which have been publicly announced by the foreign government concerned and which are generally confirmed by NORAD data." [13]

It is this DOD–NASA Agreement and especially its paragraph c which is the source of innumerable complaints by congressmen, scientists and newspapermen who maintain that this stipulation violates the law of NASA under which it is obligated to inform the American people about all space activities, domestic as well as foreign.

Paragraph c shows that it does not matter whether the Soviets had one or one-hundred failures; they could not be released to the American people unless they had been "publicly announced" by the Soviet Government and unless they had been at the same time "generally confirmed" by NORAD. This regulation amounts to a complete news blackout on Soviet failures in space and/or on launching pads and was as such recognized in as well as out of Congress.

To illustrate the general character of the host of complaints on record the following two statements may be quoted:

(1) Mr. Gene Robb, Publisher, Albany Time-Union and vice president, American Newspaper Publishers Association and a participant at a panel discussion on the failure of the U.S. Government to promptly inform the American public of Russian space activities—particularly, space efforts which have resulted in failures and which the U.S. Government knows of but the Russians have not announced" [14] stated:

"In early 1962, it became known that the Defense Department had issued a secret order imposing a news blackout on all military satellite activity. Some of the Russian space-probe failures went unreported for more than two years because of 'policy reasons.' A satellite situation report, supposed to be issued every 2 weeks, was delayed 40 days between August 21 and October 10, 1962, and then failed to include promised details on Soviet failures." [15]

(2) Congressman John E. Moss, Chairman, Foreign Operations and Government Information Subcommittee, speaking before the California Press Association Conference in November of 1962, said:

"Apparently we are applying a system of selective secrecy directive to tracking information we gather about Russian satellites. Our Government releases information about Russian satellites when it fits national policy but the lid is closed at all other times, and the American public has no reliable U.S. information to match against Russian claims of space achievements. Certainly, we are not fooling the Russians—they know where their satellites are—we are only confusing the American people." [16]

The most violent debate about Soviet failures in space probably erupted during the hearings before the Subcommittee of the Committee on Government Operations, House of Representatives, the so-called Foreign Operations and Government Information Subcommittee, on May 23, and June 6, 1963. The Subcommittee's chairman was and still is Congressman John E. Moss, the author of the Moss Act aimed at the prevention of unnecessary classification by Government departments.

In his opening statement, Congressman Moss said:

"During the forthcoming hearings the subcommittee will continue its investigation of the Department of Defense space secrecy directive which clearly has resulted in the withholding of information vital to public understanding of United States and Russian space activities." [17]

Congressman Moss reminded the Subcommittee that it "has received numerous complaints about the information policy which stems from the Department of Defense space secrecy directive. There have been charges that the directive has the effect of keeping the public almost totally in the dark on Russian space activities, and to some extent our own. The taxpayers certainly should not be called upon to spend billions of dollars on our own space programs without being given all the facts necessary to make an intelligent judgment as to whether we are behind, ahead, or at least keeping pace with Russian space efforts . . . The subcommittee has been told that, following the Department of Defense directive, official space information has dwindled to the point where a true perspective of where we stand, in relation to the Russians, scarely exists as far as the general public is concerned." [18]

The first witness to give testimony on May 23, 1963, was Dr. George Simpson, Assistant Administrator for Technology Utilization and Policy Planning, who had the function within NASA to supervise the satellite reporting publications.

In his opening statement, Dr. Simpson explained to the subcommittee the nature of the Administration's information policy concerning American and Soviet space activities. He referred to the Satellite Situation Report which is an "unclassified document issued by the National Aeronautics and Space Administration (NASA) through its Space Operations Control Center, Goodard Space Fight Center, Greenbelt, Md." However, NASA did not originate the satellite situation report. Originally, the Department of Defense had "experimented" with techniques for keeping track of objects in space. As Dr. Simpson testified: "By 1960 Defense was ready to move the project into an operational phase under the Control of Norad (North American Air Defense Command). At that time Defense approached NASA with the proposal that NASA assume responsibility for reporting on *all unclassified* space launching and orbital information to the scientific and civilian community." [19]

With this statement, Dr. Simpson opened a Pandora Box of discussion and criticism of what is unclassified and what classified, especially relating to Soviet failures in space and on launching pads.

As it turned out, practically all information about Soviet failures was and still is classified, including Soviet failures admitted by the Soviet Government. On that point, this exchange developed:

Mr. Meader: ". . . does NASA recognize the right of the Defense Department to prohibit NASA from publishing information about foreign space activities which have been made public by those foreign governments themselves?"

Dr. Simpson: "Yes, sir. I mean that is the record. We have not done this because we publish only information on foreign space activities furnished to us through NORAD, and the record I am sure will show that on occasion announcements made by foreign governments have not been included in the NORAD reports, so I have to say 'Yes.' " [20]

Another example of the nature of congressional criticism of Washington's information policy in respect to Soviet failures in space adventures was the exchange between Congressman Ogden Reid (R., N.Y.) and Dr. Simpson. It went like this:

Mr. Reid: "Am I to understand from your response to the chairman that there is no area here this morning, on behalf of NASA, that you can report to the American people on, with regard to Soviet space failures?"

Dr. Simpson: "There is no area that we can report on?"

Mr. Reid: "Here this morning on Soviet space failures."

Dr. Simpson: "No, sir."

Mr. Reid: "So, to put the question the other way, any space failure in your judgment at this time is classified?"

Dr. Simpson: "Yes, sir, unless released by the appropriate agency."

Mr. Reid: "Now, that is a technical judgment as to the authority, and whether it is national security, and so on.

"But, I think the American people might infer from your comment here this morning that there is nothing that they can be told about Soviet space failures at this time. Is that a correct implication, or isn't it? Either it is classified or it isn't."

Dr. Simpson: "It is classified; yes, sir."

Mr. Reid: "Then there is nothing on Soviet space failures here this morning you can report to the American people that is not classified?"

Dr. Simpson: "Any Soviet failure that is unclassified has appeared in the satellite situation report. I don't know exactly how many. I know the two that you referred to last August and September (1962) are in the satellite situation report. . . ."

Mr. Reid: "Can we ask you another question here? Do you know of any Russian launches—more particularly, Russian failures—that have not been reported to the American people?"

Dr. Simpson: "I will be happy to answer that question in executive session, sir."

Mr. Reid: "This isn't a classified query, in my judgment. You merely have to say there are Russian failures that have not been reported, and you think, for reasons of classification, they shouldn't be."

Dr. Simpson: "No, sir."

Mr. Reid: "What I am trying to get is a yes or no."

Dr. Simpson: "Please, sir, you are asking me to report in open session on information which I received through classified sources. I will do whatever the chairman directs me to do. If he thinks it is proper for me to do it, I will. I don't think so."

Mr. Meader: "I don't understand that answering that question yes or no would in itself be a release of classified information."

Mr. Hardy: "It could be."

Mr. Moss: "The chairman is very, very sympathetic to the convictions of the gentleman from New York and shares his concern over the inability to get an answer.

"But having worked with classified information for a period of some 8 years, I recognize that, on occasion, it may not be proper for a witness to respond to a question, in an open hearing, and therefore the Chair will not direct an answer; but we will request that the next witness from NASA be prepared to respond fully to that when the gentleman

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Footnotes at end of article.

places the question to him again in executive session."

Mr. Reid: "Thank you. And just to keep the record clear, let me just add a clearly unclassified question in open session on behalf of this committee, my colleagues, the American people. Is there anything that you can comment on, that you want to add to your comments or to the record, on Soviet space failures?"

Dr. Simpson: "No sir, I don't have any."[21]

Thus, while desperately struggling not to violate security classifications, Dr. Simpson let the cat out of the bag. He did reveal the truth: that there are Soviet failures in space adventures which he cannot reveal in open session. That clinched the case.

Some time after Dr. Simpson had given his testimony, he was abruptly dismissed by NASA. It is my guess that his dismissal was the result of having revealed too much.

The hearings before the subcommittee also dealt with the Soviet deep-space-probe failures. The New York Times reported on September 1, 1962, the Soviet failure of their Venus probe in an article by John D. Pomfret, Washington correspondent of the New York Times.

The lead read as follows: "Washington, Aug. 31—The Soviet Union made an unsuccessful attempt at a Venus space probe last Saturday (August 25, 1962), Government sources said tonight."

It continued: "Its payload broke up and three of the pieces are orbiting the earth the sources said."

This total Soviet failure occurred about 48 hours before the United States launched Mariner 2 to the vicinity of Venus. The American Venus probe of August 26, 1962 was a full success. It passed Venus within 21,594 miles and returned interplanetary data from a distance of more than 53 million miles until January 3, 1963.

As usual, the Soviet Government had neither reported the launching nor the complete failure of the Venus probe. Nor had NASA made a clear and open statement. Somebody else must have leaked the story to Mr. Pomfret. When reporters wanted confirmation of the story from NASA, all they got was the statement which confirmed reports in the press as "knowledge that is available within the Government."[22]

Annoyed by the press reports and the official silence of NASA, the two chairmen of the House and Senate Space Committees, George P. Miller and Robert S. Kerr respectively, wrote together a letter to James E. Webb, then as now, Director of NASA. The date of this letter was September 4, 1962. It read as follows:

"DEAR DIRECTOR WEBB: In the past weeks there have been two reports in the press which have troubled us as chairmen of the House and Senate Committees on Space: (1) The Saturday morning newspapers carried an article reporting that the Soviet Union failed in an attempt to successfully send a space vehicle to Venus on August 25, 1962. (2) On August 30, 1962, Dr. L. I. Sedov, a leading Soviet space expert was interviewed by a professor of Tokyo University. The question was asked: 'Since the Soviet Union has never made an advance announcement of launchings, some people suspect that there have been unsuccessful launchings in the past; would you tell me the truth, say confidentially'? Sedov: 'The Soviet Union makes an announcement as soon as a rocket is launched. There is no substantial difference between the Soviet Union and the United States in the way of announcement. If there is any failure, it must be known to the world.'

"It is our clear understanding that the Soviet Union does not announce all of its shots and therefore Dr. Sedov's answer appears to be in conflict with the information in our possession. Dr. Sedov's statement and the report of the Venus shot failure are so patently at variance that we feel it is important that if the United States Government possesses any information relative to unsuccessful attempts by the Soviet Union to launch a spacecraft to Venus, or other planetary probes, that this information should be made available to our committees and to the American people.

"The world must of necessity admire the remarkable achievements of the Soviet Union in the field of space. A shadow is thrown over the entire space through their refusal to admit failures. The United States is not without its failures, but we operate in a free society and our failures, as well as our successes, are made known to all.

"We would appreciate an answer to this letter promptly.

"Sincerely yours,

"GEORGE P. MILLER,
"Chairman, House Committee on Science and Astronautics.

"ROBERT S. KERR,
"Chairman, Senate Aeronautical and Space Sciences Committee."[23]

Less than 24 hours after reception of this letter, the two space committees chairmen received Mr. Webb's answer, an answer which is in more than one respect remarkable. It read:

"Gentlemen:

"I agree. The Soviet's broad policy of announcing successes but declining to admit failures does cast a shadow over their entire space effort—remarkable as it might be.

"You jointly proposed that if the U.S. Government possesses any information relative to unsuccessful planetary probes by the Soviet Union, that this information should be made available to your committees and to the American people.

"In response to this proposal, inquiry was made of appropriate agencies of this Government. The response was as follows:

" 'The Soviet Union has pursued a vigorous but unsuccessful program to send instrumented space probes to the planets. Thus far two attempts have been made to send spacecrafts to Mars and four to Venus. Of these six attempts, only one probe was successfully launched on an interplanetary path, the Venus probe of February 12, 1961. However, it was only a qualified success because its radio transmission failed after several days, long before it reached Venus.[24] None of the five remaining attempts achieved a successful trajectory because of rocket vehicle malfunctions.

" 'The same mission-planning philosophy and vehicle combination was used on each of the Soviet interplanetary series. A parking orbit technique is consistently exploited, whereby the first three stages attempt to launch the payload into a low Earth satellite orbit as in the U.S. Mariner program. After one passage around the Earth, the fourth or ejection stage is fired over Africa. If successful, this sends the instrumented probe on a ballistic path to the planets. Had the launching been successful in each of the six cases listed below, the probe would have arrived at Venus or Mars with too high a velocity to have been orbited around either planet. Optimum conditions were chosen for each launching attempted thus far so as to simplify the task of either guidance or performance—or both.

" '(1) October 10, 1960: An unannounced attempt to send a probe to Mars failed before a parking orbit was achieved. Had this probe been successful, it would have reached Mars in about 230 days.

" '(2) October 14, 1960: A second attempt to send a probe to Mars using virtually the same trajectory also failed before a parking orbit was achieved.

" '(3) February 4, 1961: The first attempt to send a spacecraft to Venus was successfully placed in its Earth-parking orbit, but could not be ejected into its planned Venus trajectory. The Soviet Union announced the launching as successful Earth satellite Sputnik VII and claimed for it a new weight in orbit record of 14,300 pounds. Had this probe been successfully ejected, it would have taken 105 days to reach Venus.

" '(4) February 12, 1961: A partially successful attempt to send a 1,400-pound spacecraft to Venus was made on this date. All vehicle stages functioned normally, and the probe was correctly placed on its interplanetary path. The Soviet Union correctly announced that this was the first time that a spacecraft was successfully outward from orbit. The probe took 97 days to reach the vicinity of Venus. The Soviets apparently experienced a failure in the power supply or radio transmitter, and the probe was last heard from at a distance of 4.5 million miles from the Earth.

" '(5) August 25, 1962: A third attempt to send a probe to Venus was made on this date. The payload was successfully placed into its satellite parking orbit, but apparently could not be ejected. Had this shot been successful, the probe would have arrived at Venus on about December 7, 1962, ahead of the U.S. Mariner II. It appears that the normal flight time of 112 days was intentionally shortened to 104 days by sacrificing spacecraft weight. This launching attempt has not yet been announced by the Soviet Union.

" '(6) September 1, 1962: The fourth attempt to reach Venus was also successfully placed into a satellite parking orbit, but could not be ejected. The Soviet Union has not yet announced this attempt nor the presence of the unused components in orbit.'

"Sincerely,

"JAMES E. WEBB,
Administrator."[25]

The puzzle this remarkable document created was not lost on the Congressmen. The chairman of the subcommittee, Mr. Moss, asked the witness, Assistant Administrator, NASA, Dr. Simpson: "Now we have here an instance where, in response to the demands of the chairman of the House and Senate committees, an immediate release was made. Therefore, we could reasonably assume that there was a very quick conference, and the material was declassified or that it had never been classified. Can you tell me which was the case?"[26]

Dr. Simpson's answer was: "I do not know, sir. I had just got to town that very day, and I was not involved in this at that time at all."[27] This answer from the Assistant Administrator For Technology Utilization and Policy Planning, NASA, seems to be strange. Even if he was not in Washington the day Mr. Webb sent off his revealing letter to the two chairmen of Congress' Space Committees, it is hard to believe that he would not have learned of this event after his return. Congressman Moss ignored Dr. Simpson's answer and, fully aware of the implications Webb's letter offered, stated: "Now, if security was not breached in this instance, then why cannot similar information be publicly disclosed now? Whereupon, Dr. Simpson said: "That is a classified matter, sir."[28]

Indeed, Mr. Webb's letter raises certain questions. It is most unusual to find a letter from members of Congress to be answered within 24 hours. It is equally rare that the agency, answering the letter fully complies with the request of the Congressmen to give immediately classified information. (The possibility, implied by Mr. Moss, that the material had not been classified can be dismissed as a rhetorical politeness.) Mr. Webb's letter was not only sent to the two chairmen within 24 hours since it was received, it also contained all the requested answers about Soviet failures in space.

The experience shows that Washington was able to declassify information concerning six Soviet failures which had been classified secrets, partly for two years. For two

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Footnotes at end of article.

years, Washington authorities maintained the position that the information about the Soviet deep-space-probe failures was "too sensitive" to be revealed to the American people.

Suddenly, within a few hours, the same authorities (Department of Defense, NORAD, C.I.A., NASA and the White House) decided to throw overboard the pseudo-justification and to release the whole truth!

It would be foolish to believe that the reason for such a reversal of information policy was the demand from Congress. As we know from the hearings, spokesmen for the Government answered pertaining questions time and time again with the stereotype: "Sorry, classified matter."

Why not in this case?

The answer to this question lies in the fact that the failure of the Soviet Venus shot of August 25, 1962 was published by the world press, e.g. by The New York Times of September 1, 1962. It was this publication which caused the two chairmen of the two Congressional Space Committees to ask Mr. Webb for an official clarification. Thereupon, Mr. Webb consulted the agencies concerned and—with full approval of the White House, it was decided that to deny Congress information already revealed to the whole world would be inappropriate. It was then decided not only to declassify the Soviet failure of August 25, 1962, but—just for good measure—also the remaining failures of Soviet attempts to reach Mars and Venus.

In fact, Mr. Webb's letter of September 5, 1962, contained only three "scoops" concerning Soviet failures in space:

The items (1), Mars probe of October 10, 1960, (2), the Mars probe of October 14, 1960 and item (6), the unsuccessful fourth attempt to reach Venus of September 1, 1962.

The remaining three items: (3), the first Russian Venus shot of February 4, 1961, (4), a "partially successful attempt to send a 1,400 pound spacecraft to Venus" of February 12, 1961, and item (5), the third Soviet Venus-probe of August 25, 1962, a complete failure, had been reported world-wide and especially by the New York Times.

Since Washington was of the opinion that no damage to national security could be done by revealing space secrets, Congressman Moss' question, "Why cannot similar information be publicly disclosed now?" was fully justified as Dr. Simpson's answer "that is a classified matter," was unsatisfactory.

It is hard to understand Dr. Simpson's answer to Mr. Moss' simple question. He could have answered: "The reason why similar information cannot be disclosed now is national security" but he preferred to extend classification even to the reason why a subject is classified, in spite of the fact that a Presidential Executive Order had spelled out long ago the only reason for classification of Government documents, namely the possible endangering of our national defense.

In connection with Mr. Webb's letter of September 5, 1962, it is interesting to note that the Administration did not only release long clasified space secrets, it also enabled the New York Times writer John W. Finney to publish an article in the editorial section of the Sunday Times of September 6, 1962 under the eight-column headline: "How U.S. Checks the Soviet Space Shots and Military Power" which revealed most interesting details concerning American tracking systems, including details on SPADATS (Space Detection and Tracking System) and a world map showing the monitoring and tracking system, the spotting and tracking system and the precision tracking system. All this could now be revealed without any damage whatsoever to American interests!

John W. Finney had this to say about our own secrecy policy on Soviet space adventures and especially Soviet failures in space:

"For the past few years, some of the most highly secret information locked away in the files of military and intelligence agencies have been reports about unsuccessful space launchings by the Soviet Union. . . .

"With the disclosure (of the Soviet Mars and Venus shots failure) also came confirmation, although indirectly, of a truly remarkable game of electronic espionage that the United States has been playing with considerable secrecy for the last several years to keep track of what the Soviet Union was doing in space research. With huge radars scattered around the world, electronic, 'fences', strung across the United States, sensitive radio receivers hidden along the periphery of the Soviet Union, the United States has been watching and eavesdropping on Soviet rocket developments. As the Soviet Union Must know now, if it didn't before the United States announcement, no Soviet space booster can leave the launching pad without the fact being known in a few minutes in command headquarters in Washington. . . .

"Within minutes after each launching, the new objects in space had been detected by United States tracking stations around the world and the information flashed to the North American Air Defense Command in Colorado and thence to the Pentagon, the Central Intelligence Agency and the White House. After the tracking of a few orbits and the processing of the information through large electronic computers, it was possible not only to extrapolate backwards and forward and determine the specific time and place of the launchings but also to establish that they had been sent with a velocity and aim obviously intended to take them in the direction of Venus. . . .

"Thus far, the Administration has opened but one drawer on the information about space and missile activities obtained by SPADATS and other intelligence channels. In the other drawers are additional reports about Soviet launching failures that have never been publicized by the United States or announced by the Soviet Union.

"The reasons for the Soviet reluctance to publicize its failures are obvious. Not so obvious is why the United States has refused to disclose the failures, if the Soviets won't. The standard explanation is that such disclosures might compromise intelligence activities. For some highly clandestine intelligence operations watching Soviet missile developments, this explanation has validity. But the nature of the electronic surveillance system is well known to the Soviet Union, just by reading past Defense Department announcements, and it could come as no great revelation to the Kremlin to learn that the United States had detected its space failures.

"Another reason for the past secrecy about the Soviet failures has been the general policy of the Kennedy Administration to impose even tighter controls over the release of military information. It is a policy that had led the Administration into a contradictory position as far as the space surveillance system is concerned. In the early days, the Kennedy Administration would confirm that a Soviet missile or space shot had been tracked even before it was announced by the Soviet Union. But in recent months the Administration had been reluctant to admit that a successful shot has been observed, even after the Soviet announcement.

"There is a certain comfart in the wealth of the information that has been obtained by the SPADATS system and an irony in its secrecy. If the information were made public, it would show that percentage-wise the Soviet Union has had about as many failures as the United States in missile and space launchings.[29] And yet by keeping the failures secret, the United States is helping to perpetuate the image of inferiority in the space race."

The fact that this much could suddenly be revealed in the article by Finney without any visible damage to our national security and the fact that it could be revealed on the sole ground of "overriding political reasons" seems to prove the veracity of Congressman Moss' assertion that "about 90 per cent of the material . . . of a classified nature was either needlessly classified or overclassified."[30] Neither Dr. Simpson nor Dr. Dryden ever dared to reveal 10% of the facts published with impunity in Finney's article.

The assumption of quite unnecessary classification of Soviet space failures is appropriate, can be seen by the next witness' testimony of June 6, 1963. Then, Dr. Hugh Dryden, Deputy Administrator, NASA was on the stand:

Mr. Meader: "You apparently feel that in these instances which were released on September 5, 1962, there was no danger of revealing your monitoring techniques?"

Dr. Dryden: "Because there was something in space which everybody knows our NORAD tracking system can see."[31]

If it could be revealed on September 5, 1962 because "there was something in space which everybody knows our NORAD tracking system can see," it certainly could have been revealed on October 10, 1960, October 14, 1960, February 4, 1961, February 12, 1961, August 25, 1962, and September 1, 1962, because there was on these original dates "something in space which everybody knows our NORAD tracking system can see." Why was it not? Unfortunately, the interrogation of Dr. Drydan was not persued along such lines.

Dr. Dryden made it clear right in the beginning of his testimony, that NASA "has no intelligence function." He pointed out that NASA does not set up any instrumentation and intelligence activities "in order to discover what the Russian program is." As he put it: "This is a function essentially of the Central Intelligence Agency, assisted by the Defense Department and other agencies of the Government."[32]

Regarding the clearance policy of the Government, Dr. Dryden pointed out that the "very limited number (of NASA employees) who do receive regular intelligence briefings and daily information "have to sign a statement that . . . they will not reveal information to other people in their own organization or anywhere else, and that they will not discuss it except with people who have the required clearance.[33] To foreclose any too indiscreet questions, Dr. Dryden stated right in the beginning of his testimony: "We cannot spell out by chapter and verse the details which we get from the intelligence agency. The Congress has available to it the power to ask the CIA to give you a briefing directly on these matters, but I am not free to transmit the information in detail."[34]

When Congressman Reid (R., N.Y.) asked Dr. Dryden about Mr. Webb's letter to the two chairmen of the Space Committees, just dealt with, Dr. Dryden answered: "The matter of the declassification of this particular information was handled at the highest levels of Government. NASA was represented in the discussions. The group dealing with the release decided to release it in this particular way. Now, I might tell you that today I believe there will be a second exception, and a release of information on Soviet failures, in this case, connected with the U.N. registration problem. The Soviet have failed to announce certain launches which have left objects in earth orbit."[35]

When Mr. Reid asked Dr. Dryden whether he could give the committee some more specific information on the number of Soviet peaceful launches that were failures, Dr. Dryden said: "I am afraid that this information that you can get from a presentation from the CIA, but when I get such information I am not authorized to pass it even to members of NASA. There are about

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Footnotes at end of article.

a dozen people in NASA who are cleared to receive this type of information."[36]

This was another admission—this time under oath—that there are Soviet failures in space kept secret by the Government. It was a reference to what Finney in his article in the New York Times had called "the other drawer."

Ultimately, Congressman Reid, angered by the endless evasions and gobbledegook in Dr. Dryden's answers, summarizing the feeling of the subcommittee and the American people, categorically stated that the American people "could be told and should be told much more. But leaving that question aside for the moment, in my judgment NASA may not have fulfilled its full responsibilities. It may have been derelict and indeed it may have damaged the administration and the effectiveness of our foreign policy to the extent it has not assessed or assessed in conjunction with the President the shortcomings of the Soviet effort, because if you make the Soviets 10 feet tall, and you know that they are not, then you have advanced Soviet foreign policy unwittingly.[37] It seems to me that serious consideration should be given to fully informing the American people and the rest of the world that the Soviets had had, from your testimony today, very real and serious space failures."[38]

The crucial question of manned failures, suffered by the Russians, came up during Dr. Dryden's testimony only once:

Mr. Moss: "They (the American people) have been told very recently that Russia had a number of manned failures."

Dr. Dryden: "Not by an official of the Government."

Mr. Moss: "That is right, not by any official of the Government."

Dr. Dryden: "And to the best of my knowledge I might say there have been no such failures."

Mr. Moss: "That is fine, but now you have an interesting——"

Dr. Dryden: "I so stated to the press when asked about it."

Mr. Moss: "Yes, I realize that. I have followed that."

Dr. Dryden: "We have no information that they have had a manned failure. This is a story which originated in Czechoslovakia. It has been repeated every few months."[39]

Unfortunately, Dr. Dryden's statement that "to the best of my knowledge . . . there have been no such failures" has not been questioned by the subcommittee. Nobody asked Dr. Dryden what he meant by the phrase "to the best of my knowledge." Did it imply that even he did not necessarily get all the information available to the C.I.A. about Soviet failures? Nobody pressed Dr. Dryden in respect to the indications of Soviet manned failures as suggested by the events of 1960, while Khrushchev was in New York and of 1961, as revealed by the prematurely published Soviet news release in the London Daily Worker. Nobody cared to confront Dr. Dryden with the statements on "Soviet Murder in Outer Space" by people in the know as Overton Brooks, Senator Henry M. Jackson, Ltd. Col. Paul D. Hickman and others. What would his answers have been? Nobody even cared to ask Dr. Dryden why he implied that the news release by the Italian Continentale Agency should necessarily be considered as a lie. It is well conceivable that some high-ranking Czech Communist, disgruntled over Moscow's tutelage and censorship, leaked not a lie but the truth to the Italian agency. (As even the notorious liar Dr. Joseph Goebbels did not lie when he declared in April 1943, that the Soviets had killed the Polish officers found in the mass graves at Katyn. The veracity of this statement had been for many years emphatically denied by President Roosevelt and the Department of State.)

More indications of Soviet manned space failures came to light in 1965. On October 4, 1965, the "Electronic News" printed a statement "Death in Space" in which it said: "The Russians have lost 10 cosmonauts, including one woman, in faulty space shots, a top NASA official said last week."

In the same year the celebrated "Penkovskiy Papers" appeared. This book was based upon the intelligence reports transmitted by Oleg Penkovskiy, a high official in the Soviet military intelligence (GRU), a man whom President Kennedy apostrophed during the Cuban missile crisis, as our best informer about Soviet military affairs inside the Soviet Union, and upon whose informations about the workability or non-workability of the Soviets' rocket systems President Kennedy based his nuclear ultimatum to Khrushchev, a man who had paid with his life when he was sentenced to death and shot in Moscow on May 11, 1963.

"The Penkovskiy Papers" was undoubtedly checked and double-checked not only by British Intelligence but also by the C.I.A. before its publication was okayed.

What has Penkovskiy to say about Soviet space failures?

On page 339, we can read: "Several sputniks were launched into the stratosphere and never heard from again. They took the lives of several specially trained astronauts."

And again on page 342: "There were several unsuccessful launchings of *sputniks* with men killed prior to Gagarin's flight. Either the missile would explode on the launching pad, or it would go up and never return."[40]

As the ultimate indication of Soviet manned space failures, I rely upon a document which was leaked by the C.I.A. to the two Washington correspondents Robert S. Allen and Paul J. Scott and published in their widely distributed column "The Allen-Scott Report."

Before dealing with this document, I want to say a few words about Washington "leaks" in general and Allen-Scott in particular.

The "leak" is a legitimate instrument of the Administration to convey a certain truth to the people which for one reason or another, justified or unjustified, will not be officially released. President Roosevelt was a master in using this instrument. So was President Kennedy. I believe that a "leak" from any Washington high official has very rarely, if ever, turned out to be a lie. In fact, I do know a single case. But I know of many cases when the leak was later officially confirmed by a Government statement. In contradistinction to such a "leak", official pronouncements by Government spokesmen often contain pure lies as it was shown in the celebrated case of Mr. Arthur Sylvester, Assistant Secretary of Defense for Public Affairs who even publicly maintained that the Government has sometimes the duty to lie.

As to the Washington Reporters Allen and Scott: I have followed their column for many years without having discovered a single report of a non-existing fact. However, many of their astounding scoops have been confirmed by the Government, some two or three years after they had appeared in the "Allen-Scott Report," solely due to "changed circumstances." I, therefore, do not doubt that they have seen a genuine C.I.A. document before they wrote their column which appeared in so many American newspapers, early in February 1967.

I am fortunate to report on good authority that the C.I.A. memorandum to the President, informing him that the Soviets had lost 11 cosmonauts in orbit or on launching pads—before the Komarov tragedy of April 24, 1967, a failure, admitted by the U.S.S.R.—was made available to Allen-Scott by the same C.I.A. high official who had "leaked" to them in 1962 all the information about the Soviet missiles in Cuba, weeks before these facts were publicly revealed by President Kennedy. Therefore, I do not see any reason to doubt in the least the authenticity and veracity of the statements made in this document.

With the permission of the Hall Syndicate, distributor of the "Allen-Scott Report", I quote the following parts:

"On the basis of the latest U.S. intelligence data, the Soviet has lost at least 11 Cosmonauts since its first space flight in 1960, which was unsuccessful. This has never been publicly admitted though all the pertinent facts are known to U.S. authorities.

"Significantly, five of the Russian Cosmonauts were killed when their spacecrafts failed to go into orbit after reaching heights of several hundred miles.

"The six other Soviet Cosmonauts lost their lives in a series of mishaps ranging from missiles exploding during countdowns to training incidents involving helicopter crashes.

"These and other details of the Russian facilities are highlighted in a Central Intelligence Agency report prepared for the White House several weeks before the Cape Kennedy disaster that took the lives of Astronauts Virgil Grissom, Edward White and Robert Chaffee.

"The CIA study reveals that the U.S. has radio intercepts of the frantic efforts of Soviet ground controllers to contact their Cosmonauts after their spacecraft failed into orbit.

"These voice recordings, as well as records of the simultaneous tracking of the spacecrafts, have given the United States indisputable proof of the tightly guarded fatal Russian space accidents.

"Several of the cosmonauts' deaths have further been confirmed by scientists in Iron Curtain countries, and a CIA source who is described as 'our most accurate informer on the Soviet space program.'

"While it has been U.S. policy not to make official announcements regarding fatal Soviet space accidents, the Cape Kennedy tragedy may change this.

"Under discussion by an inner Administration intelligence committee is a proposal to provide the House and Senate Space Committees with publishable CIA findings of such Russian mishaps.

"Also being deliberated in submitting to these committees during their inquiries of the Cape Kennedy tragedy a report on the 11 Soviet space deaths. One purpose would be to demonstrate that the U.S. space program is still by far the safest."[41]

Concluding this article, I should like to state that I believe that the indications of Soviet manned failures in space, in orbit or on launching pads, fully justify either a Congressional investigation into the subject or a reconsideration by our Government of its secrecy policy concerning Soviet space failures. Such long overdue reconsideration should result in opening the secret files to the American people who, after all, pay the billions of dollars for our own space program and who have the right to know the truth.

FOOTNOTES

[1] "Space Log," compiled by Thompson Ramo Wooldridge Space Technology Laboratories, Redondo Beach, California, published in *Space Horizons*, Vol. 1, No. 1, 1965, p. 90.

[2] *The New York Times*, May 15, 1960.

[3] James Mills, "Russian Murders in Outer Space," *True*, June, 1961.

[4] Ibid.

[5] Ibid.

[6] *The New York Times*, September 26, 1960.

[7] J. Gordon Vaeth, "When the Race for Space Began," *Congressional Record*, vol. 113, pt. 12, p. 15657.

[8] *The New York Times*, September 27, 1960.

[9] James Mills, Op. cit.

[10] Ibid.

[11] Emphasis mine.

[12] James Mills, op. cit.

[13] *Satellite Information from the National Aeronautics and Space Administration*, Ninth Report by the Committee on Government

Operations, U.S. Government Printing Office, Washington, 1965, p. 4.

[14] Ibid., p. 3.

[15] Ibid.

[16] Ibid., pp. 3, 4.

[17] *Government Information Plans and Policies,* National Aeronautics and Space Administration, Hearings Before A Subcommittee Of The Committee On Government Operations, First Session, May 23 and June 6, 1963 (henceforth quoted as "Hearings"), p. 421.

[18] Ibid., p. 422.

[19] Ibid., pp. 423, 424. Emphasis added.

[20] Ibid., p. 427.

[21] Ibid., pp. 448, 449.

[22] *The New York Times,* September 1, 1962.

[23] Hearings, p. 450.

[24] According to the space log, compiled by TRW Space Technology Laboratories, Redondo Beach, California, as published in *Space Horizons,* Vol. 1, Issue No. 1, 1965, p. 90, the radio contact was lost at 4.7 million miles. Decayed on February 25, 1961. The Venus probe was launched from a parking orbit.

[25] *Hearings,* pp. 450, 451.

[26] Ibid., p. 451.

[27] Ibid.

[28] Ibid.

[29] Not counting the Soviet manned space failures, of course.

[30] *Hearings,* p. 442.

[31] Ibid. p. 474.

[32] Ibid., p. 463.

[33] Ibid.

[34] Ibid.

[35] Ibid., p. 465.

[36] Ibid., p. 466.

[37] Maybe, wittingly.

[38] Hearings, p. 490.

[39] Ibid., p. 493.

[40] Ileg Penkovskiy, *The Penkovskiy Papers,* Introduction and Commentary by Frank Gibney, Foreword by Edward Crankshaw, Translated by Peter Deriabin, New York, Doubleday & Company, 1965, pp. 339, 342.

[41] From the "Allen-Scott Report" as published under the title: "U.S. Intelligence Reveals 11 Cosmonauts Dead" in *Human Events,* February 18, 1967.

PROPERTY TAX RELIEF FOR THE LOW-INCOME ELDERLY

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, I introduce today, for appropriate reference, H.R. 6883, the Property Tax Relief Act of 1971.

Low-income elderly are probably the hardest hit in the Nation by inflation and rising taxes. The homes they live in were purchased many years ago, when property taxes were low and job income was coming in regularly. But now they are retired on small, fixed incomes, supplemented inadequately if at all by social security payments, while property taxes and living expenses have risen drastically, especially in urban areas. The result is excessive taxes, often as much as one-third of total income.

Yet, moving away from a heavily taxed home is not always a feasible solution. There is often a sentimental attachment to the old familiar property. The task of moving is a burdensome one for the elderly. And at the present time decent yet inexpensive housing is often simply not available.

To meet this problem, H.R. 6883 provides property tax relief to those over 65 with a total yearly income of $3,700 or less. The relief extends to elderly renters as well as homeowners—it is assumed that 25 percent of rent payments are in effect for property taxes.

Normally, the relief comes as a credit against Federal income tax. But for those eligible persons whose income is so low that they owe less income tax than the amount of relief due to them, a direct cash refund is substituted for the credit.

The refund or credit is intended to offset only that portion of the property tax that is well in excess of what can be considered a fair burden. It works like this:

Property taxes are considered unusually high if they exceed a certain percentage of household income. This percentage increases as household income increases. After determining the amount of the tax which is excessive, 75 percent of this amount is credited or refunded.

To insure that only truly needy persons receive relief, applicants must list all forms of money income, including nontaxable income such as social security, veteran's disability benefits, public assistance payments, and railroad retirement benefits. In addition, the bill limits the amount of property taxes that can be used in computing relief to $330. Thus, if a householder has property tax payments of $400 he can only use $330 of that in computing his refund or credit.

As one might expect, the upshot of all this is a rather complicated formula. For those who are curious, the formula is in section 1603 of the bill, the text of which follows. The following table lists the size of the credit or refund which is available in some representative cases:

Property tax	Total household income	Credit or refund
$100	$1,000	$63.75
$200	1,000	138.75
$300	1,000	213.75
$100	2,000	7.50
$200	2,000	82.50
$300	2,000	157.50
$100	3,000	0.00
$200	3,000	0.00
$300	3,000	56.25

Because the bill is closely modeled on Wisconsin's Homestead Relief Act, a brief look at Wisconsin's experience with the law may be helpful.

The Wisconsin law was passed in 1964 and liberalized in 1966 and 1968. In fiscal year 1970 it provided tax relief of $7.2 million to 74,000 low-income elderly families, an average payment of about $97. The total relief granted was less than 1 percent of total property tax collections in the State.

Very few of those eligible had incomes high enough to make them subject to the State income tax, so that 98 percent of the relief was in the form of a direct cash refund.

In addition to relieving the elderly of the burden of excessive property taxes, the law has had important side effects. It has reduced the tendency of local property taxes to force those with less money to pay a higher proportion of their income for taxes. The law has also had a beneficial effect on income distribution, since it in effect transfers income from the general taxpaying population to those who are very poor.

The Wisconsin experiment has been so successful that the Advisory Commission on Intergovernmental Relations has recommended that all States follow Wisconsin's lead. Minnesota, California, Vermont, and Kansas have done so, and other States have considered similar measures. But there is no need to wait for State legislatures to act. We can make this relief available now by using the Federal income tax system.

CRISIS IN THE TEXTILE INDUSTRY

The SPEAKER. Under a previous order of the House, the gentleman from North Carolina (Mr. MIZELL) is recognized for 5 minutes.

Mr. MIZELL. Mr. Speaker, in the past few weeks, I have been attempting to keep my colleagues informed of developments in the ever-growing crisis in the American textile industry.

I have cited an instance in Winston-Salem, N.C., a city within my congressional district, in which a textile industry, and its workers, were ruled eligible to apply for Government assistance because the plant had been shut down as a direct result of foreign textile importation.

I have cited another example, in Greenville, S.C., in which a company announced it will close its doors by the first of May, throwing 500 men and women out of work.

I have quoted statistics showing the loss of textile jobs in recent years running in remarkable proportion to the increasing level of foreign textile imports allowed to be brought to this country.

In these and other ways, I have sought to show my colleagues the mounting danger that accompanies this Nation's totally unrealistic present policy of textile trade with such partners as the Japanese, and to show further that the recently anounced voluntary restriction proposed by the Japanese textile industry amounts to no restriction at all.

Today, I want to share with my colleagues further evidence of the injury being inflicted on American textile industries, and, indeed upon whole American communities.

The case in point, as reported in the New York Times of Sunday, March 28, 1971, is the community of Roanoke, Ala.

Roanoke was once a thriving community with a firm economic foundation centered on the town's two largest industries, both of them producers of textile products.

Roanoke today is the scene of unbelievably high unemployment, a greatly reduced flow of commerce and trade, and a citizenry gripped with pessimism and despair.

The worst of it, Mr. Speaker, is that the future of Roanoke is going to be even worse. Roanoke is dying, and foreign textile imports are killing it.

Last November, Roanoke's principal industry for the past 70 years—a textile industry—closed its doors after going bankrupt. A total of 844 people lost their jobs.

At the end of this month, another textile industry will cease production—the victim of import competition—and another 440 people will be out of work.

The New York Times reports that 62 percent of all the jobs in Roanoke were eliminated by the closing of these two plants. Roanoke, Ala., at the end of this month will have a 62-percent unemployment rate. It seems like a bad dream to us, but it is a nightmare of shocking reality for the people of Roanoke.

I insert at this time in the RECORD of today the article by Times staff writer Ray Jenkins, and I ask my colleagues to read it carefully and know that textile quota legislation such as I have proposed is imperative. There is no other recourse. The article follows:

TWILIGHT OF A TEXTILE TOWN—MILLS SHUT, 62 PERCENT OF JOBS ELIMINATED IN ALABAMA COMMUNITY

(By Ray Jenkins)

ROANOKE, ALA.—While the United States and Japan debate the complex issues of trade quota agreements, this Alabama city of 5,000 is feeling the economic squeeze on the American textile industry in more dramatic and human terms.

Roanoke's second largest industry, the Rolane Manufacturing Company, will cease production of women's panty hose at the end of this month. A total of 440 workers will be out of jobs.

Rolane's closing comes only a few months after an even more devastating blow struck Roanoke, which is in east-central Alabama near the Georgia line. Last November, Handley Mills, Inc., which had been the town's leading industry for 70 years, went bankrupt and put 844 textile workers out of work.

One source estimated that 62 per cent of all jobs in Roanoke had been eliminated by the double blow. And many of the Rolane workers were the wives of men who worked at Handley.

Handley and Rolane are among 50 textile plants in the South that have shut down since 1969 because of bad market conditions, higher prices, high interest, but, above all, competition from foreign textile producers. The Department of Labor has estimated that 27,200 Southern textile workers lost their jobs in 1970 alone.

"And a hundred more plants will close next year if something isn't done," a Handley executive predicted.

Clyde Hartley, manager of the local state employment service, predicts that when Rolane is shut down, the joblessness rate may go above 25 per cent here.

Clyde Pike, 56 years old, is typical of Roanoke's unemployed, except that his situation is complicated by illness. Mr. Pike went to work at Handley Mills in 1930 at the age of 16. At the time the mill closed he was a "slubber tender"—mill jargon for a worker who tends a machine in the yarn-making process.

Mr. Pike was paid according to his output, earning about $18 a day. For almost 2 years he had worked 7 days a week. "I didn't take off but four Sundays in 20 months," he said.

As did many of his fellow workers, he sought employment in a mill in a nearby textile town. But it was discovered that he was suffering from a hernia, and had to have surgery. As a result, he lost his $50-a-week unemployment compensation because he was no longer available for work. His savings are now down to about $100. He thinks his two sons—both of whom have moved from Roanoke—will help out if it becomes necessary.

As do many of his fellow employes, Mr. Pike lives in a small white frame house that was once owned by the mill. He bought the house in 1954 and since then he and his wife have added two rooms, working in their spare time.

Since 1920, financial control of Handley Mills has been in New York. Its last owner was Frank B. Cavanagh, who acquired the mill in the early nineteen-sixties and began to modernize its machinery and marketing policies.

In 1966 Mr. Cavanagh brought James R. Eichelberger to Handley as general manager. Mr. Eichelberger, whose parents had worked in the mill, went to Auburn University, where he earned a degree in textile engineering.

Mr. Cavanagh spent $6.5 million over a 6-year period upgrading the mill's antiquated machinery. At times the interest cost was as high as $800,000 a year.

"We did real well in 1966 and 1967," Mr. Eichelberger said. "But we began to hurt in 1968. It was always a struggle to stay a jump ahead of the import competition. Then in 1969 the bottom sort of fell out. We took a real bath."

Last October the bank notified Handley Mills that no more money would be advanced. The corportion went into bankruptcy in New York, listing debts of $8,440,188 and assets of $4,996,328. Mr. Cavanagh, the company president, also filed personal bankruptcy, having put up some $3.5-million of his own to guarantee the obligations of the mill.

As Prof. Cleveland L. Adams, head of the department of textile engineering at Auburn, sees it: "Our mill owners are trapped. If they don't modernize, they can't compete. If they do modernize, they can't bear the high interest rates of short-term loans."

Mr. Eichelberger said he felt Handley had "turned the corner" and was on its way back to prosperity when the closing came. "But I guess everybody just sort of lost faith." And he added a rueful footnote: "We were just getting ready to move the corporate headquarters down from New York. It would have been the first time in fifty years that control of the mill would have been in the hands of the people living in Roanoke."

The import situation is blamed for the closing of both plants. "Indian imports and put us out of business," a Handley executive said. "There was one big mill in India putting out the same duck [a heavy cotton fabric similar to canvas] that we were making—the duck used in tennis shoes and sneakers. And it's beautiful duck, better even than we made. It's made with better cotton. Our Government gives them the cotton, by the way."

"I predicted nine months ago that Rolane would close," the Handley executive continued, "because I knew Germany was getting into the panty hose production in a big way."

Recently Jonathan Logan Company announced it would open a plant in Roanoke to manufacture women's wear, but it will employ less than 300 and will not be in operation for another three months.

As the expiration of unemployment compensation in May approaches anxiety is growing. "If I walk downtown to get a haircut, it takes me two hours to get back," said Roy Reeves, president of the City Bank of Roanoke. "Everybody's asking, 'What can we do? When will the mill reopen? I tell them we're doing everything we can."

Almost every institution has felt the economic disaster. Church collections are down; savings accounts are rapidly being depleted; city revenues are short, and some businesses are closing.

Churches in neighboring towns have organized a "Samaritan Fund," which now stands at more than $3,000, to handle emergencies among Roanoke's unemployed. Alabama has no general welfare assistance for such people. Moreover, Roanoke has no food stamp program, but does distribute surplus commodities.

Among the mill people one finds a calm, austere fortitude and a stubborn faith that the mill will somehow run again.

One such man is Lumos Looser, who spent his life in Handley Mills. He went to work there in 1918 at the age of 14. His pay was around $9 a week for 60 hours, "and you never really did know when you were going to get paid," he said.

"Sometimes we had to go to the office two or three times a week to get our pay," he recalled. Mr. Looser was among those working at Handley when the mill closed for 13 months in 1920. Although his own future is now secure because he draws Social Security, he shares the faith that the mill will reopen soon. "I just don't believe the mill will be closed as long as it was in '20," he said. "I just got that feeling."

The Rev. Ralph Worley, whose Congregational Christian Church is made up largely of unemployed mill workers, thinks the experience "has drawn people closer together." He said: "In all this crisis the greater concern has been for the other person. It seemed like everybody was concerned about somebody else. Of course there has been anxiety, but there hasn't been any despondency. It caused people to become more spiritually minded.

"You know, it might not be a bad experience for the whole country. I don't mean a depression, mind you. But just a little reminder that we can become too dependent upon material things."

SUBCOMMITTEES NAMED FOR BANKING AND CURRENCY COMMITTEE

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the Banking and Currency Committee is now fully organized and I am today releasing the lineup of the committee's seven subcommittees for the 92d Congress. The list includes three new subcommittee chairmen—FERNAND J. ST GERMAIN of Rhode Island, chairman of Bank Supervision and Insurance Subcommittee; HENRY B. GONZALEZ of Texas, chairman of International Finance Subcommittee; and ROBERT G. STEPHENS of Georgia, chairman of Small Business Subcommittee.

Mr. Speaker, I place in the RECORD a copy of the subcommittee assignments for the Banking and Currency Committee for the 92d Congress:

THE 92D CONGRESS: SUBCOMMITTEES OF THE COMMITTEE ON BANKING AND CURRENCY

DOMESTIC FINANCE

Wright Patman, Texas, Chairman.
Joseph G. Minish, New Jersey.
Richard T. Hanna, California.
Tom S. Gettys, South Carolina.
Frank Annunzio, Illinois.
Thomas M. Rees, California.
James M. Hanley, New York.
Frank J. Brasco, New York.
Parren J. Mitchell, Maryland.
William B. Widnall, New Jersey.
Benjamin B. Blackburn, Georgia.
Philip M. Crane, Illinois.
Garry Brown, Michigan.
Lawrence G. Williams, Pennsylvania.
Bill Frenzel, Minnesota.

HOUSING

William A. Barrett, Pennsylvania, Chairman.
Leonor K. Sullivan, Missouri.
Thomas L. Ashley, Ohio.
William S. Moorhead, Pennsylvania.
Robert G. Stephens, Jr., Georgia.
Fernand J. St Germain, Rhode Island.
Henry B. Gonzalez, Texas.
Henry S. Reuss, Wisconsin.
Joseph G. Minish, New Jersey.
William B. Widnall, New Jersey.

Florence P. Dwyer, New Jersey.
Garry Brown, Michigan.
J. William Stanton, Ohio.
Benjamin B. Blackburn, Georgia.
Margaret M. Heckler, Massachusetts.

CONSUMER AFFAIRS

Leonor K. Sullivan, Missouri, Chairman.
Robert G. Stephens, Jr., Georgia.
Henry B. Gonzalez, Texas.
Joseph G. Minish, New Jersey.
Richard T. Hanna, California.
Frank Annunzio, Illinois.
James M. Hanley, New York.
Bill Chappell, Jr., Florida.
Edward I. Koch, New York.
Florence P. Dwyer, New Jersey.
Chalmers P. Wylie, Ohio.
Lawrence G. Williams, Pennsylvania.
Margaret M. Heckler, Massachusetts.
Bill Archer, Texas.
Stewart B. McKinney, Connecticut.

INTERNATIONAL TRADE

Thomas L. Ashley, Ohio, Chairman.
Fernand J. St German, Rhode Island.
Tom S. Gettys, South Carolina.
Thomas M. Rees, California.
Tom Bevill, Alabama.
Charles H. Griffin, Mississippi.
Richard T. Hanna, California.
Edward I. Koch, New York.
Parren J. Mitchell, Maryland.
Benjamin B. Blackburn, Georgia.
Garry Brown, Michigan.
Albert W. Johnson, Pennsylvania.
John H. Rousselot, California.
Stewart B. McKinney, Connecticut.
Norman F. Lent, New York.

SMALL BUSINESS

Robert G. Stephens, Jr., Georgia, Chairman.
William A. Barrett, Pennsylvania.
Leonor K. Sullivan, Missouri.
Tom S. Gettys, South Carolina.
Tom Bevill, Alabama.
Charles H. Griffin, Mississippi.
Bill Chappell, Jr., Florida.
William R. Cotter, Connecticut.
Parren J. Mitchell, Maryland.
J. William Stanton, Ohio.
Lawrence G. Williams, Pennsylvania.
Chalmers P. Wylie, Ohio.
Margaret M. Heckler, Massachusetts.
John H. Rousselot, California.
Stewart B. McKinney, Connecticut.

BANK SUPERVISION AND INSURANCE

Fernand J. St Germain, Rhode Island, Chairman.
William S. Moorhead, Pennsylvania.
Frank Annunzio, Illinois.
Tom Bevill, Alabama.
Charles H. Griffin, Mississippi.
Frank J. Brasco, New York.
Bill Chappell, Jr., Florida.
Edward I. Koch, New York.
William R. Cotter, Connecticut.
Albert W. Johnson, Pennsylvania.
Chalmers P. Wylie, Ohio.
Philip M. Crane, Illinois.
John H. Rousselot, California.
Bill Archer, Texas.
Norman F. Lent, New York.

INTERNATIONAL FINANCE

Henry B. Gonzalez, Texas, Chairman.
Henry S. Reuss, Wisconsin.
Thomas L. Ashley, Ohio.
William S. Moorhead, Pennsylvania.
Richard T. Hanna, California.
Thomas M. Rees, California.
James M. Hanley, New York.
Frank J. Brasco, New York.
William R. Cotter, Connecticut.
Albert W. Johnson, Pennsylvania.
J. William Stanton, Ohio.
Philip M. Crane, Illinois.
Bill Frenzel, Minnesota.
Norman F. Lent, New York.
Bill Archer, Texas.

PENN CENTRAL STOCK SALES CALL FOR LEGISLATIVE ACTION ON BANK TRUST DEPARTMENTS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, It is urgent that the Congress provide regulatory legislation which will prevent the American public from being duped by bank trust departments and other institutional investors.

Bank trust departments—such as the one operated by Chase Manhattan Bank of New York—were able to unload hundreds of thousands of shares of Penn Central stock on the unsuspecting public because of Congress failure to provide any regulation of trust accounts.

We plan to call up H.R. 5700 for hearings on April 20 in the Banking and Currency Committee as part of the effort to deal with the kind of situations revealed in the Penn Central stock trading.

The shenanigans surrounding the Penn Central collapse are now part of history but it is incumbent on the Congress to make sure that there are not other "inside" operations going on involving the stock of other corporations.

H.R. 5700 has been labeled as the Bank Reform Act of 1971 and it covers a wide range of current banking problems.

It would prohibit interlocking directorates between a corporation and a bank which maintained substantial loan relationships. It also would prohibit individual bank trust departments from holding more than 10 percent of a corporation's stock and would require full disclosure of securities holdings by the bank. It would also prohibit any officer, director, or employee of a bank from serving as an officer or director of any corporation in which the bank controlled more than 5 percent of the stock.

These provisions were drafted before the full report was prepared on the Penn Central stock dealings.

From the extremely serious revelations of the Banking and Currency Committee's report, I now believe that the legislation may have to be strengthened to provide the public sufficient protection. If this is the type of trading engaged in by Chase Manhattan and other bank trust departments, it may very well be necessary to firmly and finally separate trust departments from commercial banking activities.

My suspicion about the bank trust departments was heightened by the type of replies issued to the Banking and Currency Committee study by Chase Manhattan and others.

Chase's answer must be regarded as completely unresponsive to the issues raised in the report and I predict that the Securities and Exchange Commission and the Congress will demand a more direct answer from that institution. It is significant that Chase's public answer did not deal with the timing of the trading outlined in the report but simply listed a number of unrelated events far removed from the dates of the bank's sales of railroad stock.

Chase Manhattan had no explanation for the heavy trading its trust department engaged in from May 22 through May 28 of 1970. The bank disposed of 286,600 shares of its stock on these dates, but its public reply contains not a single word of explanation concerning these specific dates and trades. One can only assume that the bank has no explanation.

Comments made by spokesmen for the Continental Illinois National Bank of Chicago came close to topping the nonsensical nature of Chase's response.

Continental tries to explain away its trading by listing events which occurred a month or more ahead of the bank's biggest sales. Surely a sophisticated institution like Continental Illinois is not trying to tell the American public it waited 30 days after what it describes now as "adverse public information."

The public interest would be ill served if the bank trust departments are allowed to make their defenses only in self-serving news releases which dodge the facts of the Banking and Currency Committee report.

Mr. Speaker, I hope that Chase Manhattan—and the other bank trust departments involved in questionable Penn Central stock trading—will be willing to voluntarily come before the Banking and Currency Committee and make their case in open session. In any event these institutions will be given the fullest opportunity to testify on H.R. 5700 next month.

Mr. Speaker, I place in the Record a series of newspaper articles based on the Banking and Currency Committee's report which was released yesterday:

[From the Washington Daily News, Mar. 29, 1971]

Penn Central Unloading: Many Shares Were Sold With Either the Greatest Clairvoyance or on Basis of Inside Information

(By Robert Dietsch)

A House Banking committee report today suggested the "strong possibility" that seven institutions—including some of the nation's largest banks—used inside information to sell 1,825,158 shares of Penn Central stock just before the giant railroad went bankrupt.

During the 82 days before the bankruptcy was revealed to the public, Penn Central stock sold for between $23.375 and $11.125 a share. One the day of the public announcement the price plunged to $6.50 a share.

The committee report, the fifth in a series of investigations into the Penn Central failure, stopped short of directly accusing the institutions of using confidential information to their advantage.

But Committee Chairman Wright Patman, D-Tex., said: "It is obvious that many of these sales were undertaken with either the greatest clairvoyance or on the basis of inside information about the (railroad's) future prospects."

PUBLIC IN DARK

Rep. Patman said the "investing public"—which presumably bought most of the shares sold by the institutions—"was kept in the dark while bank trust departments and other institutional investors unloaded hundreds of thousands of shares of stock in the now-bankrupt Penn Central."

The sales discussed in the committee report took place between April 1 and June 19, 1970. During this period, according to the committee report, Penn Central officials met privately with administration officials and bankers in unsuccessful attempts to keep the railroad solvent.

The public learned of the bankruptcy on

Monday, June 22, 1970. There was no stock trading on June 20 and June 21—a Saturday and Sunday.

The report said that between May 1 and June 19 the institutions accounted for 53 per cent of the total Penn Central stock sales on the stock exchanges. (A few shares were traded in the over-the-counter markets).

The report cited large stock sales by nine institutions, but said investigations failed to show any direct relationships between two of the institutions and Penn Central or that these two institutions—Security Pacific National Bank of Los Angeles and United States Trust Co., a New York bank—had any unusual access to inside information.

The other seven institutions discussed in the report were Chase Manhattan Bank and Morgan Guaranty Trust Co., both of New York and the second- and fifth-largest banks in the country, respectively; Continental Illinois National Bank of Chicago, the nation's eighth-largest bank; Provident National Bank of Philadelphia (Penn Central is headquartered in Philadelphia and Provident National is sometimes known as the bankrupt carrier's major banker); Alleghany Corp., a Minneapolis-based holding company; Investors Diversified Services, a mutual fund controlled by Alleghany Corp., and Investors Mutual Inc., another mutual fund linked to Alleghany and IDS.

AGENCIES ASSAILED

Rep. Patman criticized the Securities & Exchange Commission the Interstate Commerce Commission and the administration for not keeping a better watch on Penn Central's deteriorating money troubles and for not alerting the "investing public" to the troubles known only to insiders.

And he recommended that the SEC, ICC and congressional committees investigate the Penn Central stock sales by alleged "insiders."

"The trading in stock of a company on the basis of nonpublic events involves very serious legal and ethical questions that must be resolved," the report concluded.

The report said the seven institutions doing the heaviest stock selling had financial ties with Penn Central, had their own officers sitting on Penn Central's board or other railroad committees and "participated in endless negotiations in which the innermost secrets of Penn Central were revealed.

"The (stock) trading patterns make it very plain that these institutional investors knew something that the general public did not in the critical hours of Penn Central's demise," it added.

SHARP TRADING INCREASE

The study showed that trading in Penn Central stock picked up sharply when word began to spread behind the scenes that the giant carrier was in deep financial trouble. In May 1970, 2,758,426 shares were traded, more than four times the usual monthly volume. Between June 1 and June 19, 1970, 2,252,730 shares were traded.

The report said that between May 1 and June 19, the seven institutions with special ties to Penn Central sold 1,825,158 shares of the railroad's stock. The other two institutions, Security Pacific and United States Trust, sold 66,517 shares. During April, 1970 —before Penn Central's troubles really began to be known even to insiders—these nine institutions sold only 74,500 Penn Central shares.

The report said between May 19 and May 27, Penn Central officers were busy backstage outlining their money woes to government officials and bankers. Penn Central had sought a loan or loan guarantees from the administration but was turned down.

On the morning of May 27, the study said, Penn Central directors learned of management's decision to call off the sale of $100 million worth of securities. Penn Central's finances were so shaky that the securities just couldn't be marked without government guarantees. It was the cancellation of the securities sale, coming on top of Penn Central's other financial troubles, that brought on the bankruptcy.

But the public, according to the study, didn't learn of the security sale cancellation until 1:20 p.m. the next day, May 28. Between the private and public announcements, the report said, there were "massive" stock sales by the institutional insiders.

SOLD IT ALL

By the end of stock trading on May 27, the report said, Alleghany Corp., Investors Mutual and IDS "had disposed of all of their stock in Penn Central. Together, they sold 330,600 shares that day."

On May 27, Chase Manhattan sold 31,700 shares, Continental Illinois 9,500 and Security Pacific 600 shares, All told, the institutional selling, the report said, "accounted for 100 per cent of Penn Central stock sales on stock exchanges for May 27."

Rep. Patman, a long-time critic of banks, was particularly critical of Chase Manhattan. He said in a statement accompanying the report:

"Chase Manhattan maintained an interlocking directorate with Penn Central, held $50 million of the company's debt and was a member of one of the bank steering committees involved in the negotiations for government financing of the railroad.

"The first big bloc of stock sold by Chase Manhattan was on May 22, 1970, when it dumped 134,300 shares. These transactions came 24 hours after David Bevan, chief financial officer of Penn Central, had met with representatives of various banking institutions to discuss Penn Central's financial condition and to reveal the corporation's intention to postpone the $100 million debenture offering.

"Chase Manhattan disposed of 309,200 shares of Penn Central stock in May, 1970, and 109,700 in the first two and a half weeks of June. In contrast, Chase had sold only 17,400 shares in April."

The report said two directors of Morgan Guaranty Trust also were directors of Penn Central and that the bank was a big Penn Central debt holder. The report said Morgan Guaranty sold 335,700 Penn Central shares between May 29 and June 10.

Continental Illinois in mid-1970 held more than $23 million of Penn Central debt and—like the two New York banks—was a member of a bank steering committee whose members held considerable railroad debt and met frequently with Penn Central Officers.

Fred M. Kirby, who until March, 1970, was chairman and president of Alleghany Corp., was also a director of Penn Central. Mr. Bevan, Penn Central's financial chief, was on the boards of both Penn Central and Provident National Bank. So was John Seabrook, chairman of International Utilities Corp. William Gerstnecker, a former Penn Central officer, was vice chairman of Provident until January, 1971.

In criticizing the administration for not making public the results of its meetings with Penn Central, Rep. Patman said:

"On one occasion, more than 100 officials from several score commercial banks, representatives of Penn Central, Federal Reserve Board officials and Treasury Under Secretary Paul A. Volcker gathered together to discuss the financial future of the now rapidly declining railroad. These meetings created great opportunities for the transmission of the most vital inside information about the Penn Central complex.

"Despite these meetings and discussions, members of the administrtion made no attempt to warn the investing public about the true nature of Penn Central's condition. At the same time, it is obvious that institutional investors holding hundreds of thousands of shares of Penn Central stock were given a complete rundown of Penn Central's finances and future prospects in these meetings."

[From the American Banker, Mar. 29, 1971]

HOUSE BANKING REPORT SAYS BIG BANKS SOLD PENN CENTRAL STOCK JUST BEFORE BANKRUPTCY

(By Robert Dowling)

WASHINGTON.—Accusations of large sales of Penn Central Co. stock by major financial institutions just before the corporation filed for bankruptcy last June 21, were leveled Monday in a study prepared by the staff of the House Banking and Currency Committee.

The report did not charge outright violations of insider trading rules, but it did contend that the stock sales were made "on the basis of either great clairvoyance or inside information."

(The institutions involved categorically denied any violations—see adjoining story.)

The report, which analysed the transactions of nine institutional investors, charged that at least seven, including four banks, had participated to varying degrees in "questionable" sales of stock of the company, which correlated closely with key "non-public events" of the type that produced valuable "insider" information.

Those critically named were the $21.2 billion-deposit Chase Manhattan Bank, NA, the $9.5 billion deposit Morgan Guaranty Bank & Trust Co., both of New York, the $1 billion-deposit Provident National Bank, Philadelphia/the $7.1 billion-deposit Continental Illinois Bank & Trust Co., Chicago; Allegheny Corp., an investment holding company; Investors Mutual, Inc., and Investors Diversified Services, two mutual funds closely related to Allegheny.

Two other banks, studied but not criticized, were the $7 billion-deposit Security Pacific National Bank, Los Angeles and the $388.1 million-deposit United States Trust Co., New York.

The study, which used figures obtained from Securities and Exchange Commission survey of 250 brokers on Penn Central trading and other data from subpoenaed records, singled out for its sharpest criticism the Chase Manhattan Bank, which it said at times accounted for nearly all the sales by the nine institutions during periods in question.

From May 19 to May 27, a period in which the company made no disclosures to the investing public of its worsening financial condition, Chase Manhattan alone, through sales by its trust department, sold 262,300 shares Penn Central stock, the report charges.

The sales, the study said, occurred amid a series of non-public events that were "critical" to the future of the company. The nonpublic classification is a Securities and Exchange Commission designation for a development not made known to the general investing public through the news media, letters to shareholders, and so forth.

From May 19 to May 27, four such events took place, the report says, all of them involving meetings between banking and government officials and officers of the Penn Central. The first on May 19, was a meeting between the Penn Central's chairman, Stuart Saunders, and then Treasury Secretary David M. Kennedy, at which a government loan guarantee for the company was discussed.

The second, two days later, involved another Penn Central official, David Bevan, the company's chief financial officer, who met in New York with officials of two New York banks, the $21 billion-deposit First National City Bank and the $9 billion-deposit Chemical Bank. This time, both the worsening financial condition of the railroad and postponement of a proposed bond offering were topics, the report said.

A third meeting, the report said, occurred on May 26, when Mr. Bevan returned to discuss the company's position with Chemical and FNCB officials once again, but this time included in the discussion lawyers for 53 banks participating in a $300 million revolving credit agreement with the company.

The last non-public meeting of the series, which occurred the following day, saw directors of the Penn Central agree to withdraw a proposed debt offering of $100 million, a move of great significance to investors when they finally learned of it the following afternoon, May 28.

Between May 19 and May 28, however, the study said a "handful" of nine institutions, most with close ties to the Penn Central through either director interlocks or credit agreements, accounted for at least 53% of all sales of Penn Central stock sold on the nation's stock exchanges.

The heaviest seller of the group and the one with the closest correlation to the non-public developments, it said, was Chase Manhattan, which had, among other ties, Penn Central's chairman, Mr. Saunders, on its board.

Although the study does not directly accuse the bank of insider trading violations, "it becomes apparent that the trust departments of such banking institutions as Chase Manhattan conducted their massive sales of Penn Central stock on the basis of either great clairvoyance or inside information" and "it is also obvious that Chase Manhattan did not need to be clairvoyant to obtain crucial information about the railroad," the Banking Committee's chairman, Wright Patman, D., Tex., said in foreword to the study.

"Nor should it be forgotten," he said, that sales by Chase and other institutions, which eventually came to 1,861,000 shares before the railroad went bankrupt June 21, were, "in many cases, if not most, made to unsophisticated and unsuspecting members of the investing public" who "can rightfully feel that they were victims of a massive shell game carried on by financial entities in a position to know the innermost financial secrets of the Penn Central organization."

The report, which sharply criticized government regulatory agencies, the White House and members of the financial press for laxity in protecting the public, breaks down institutional investor selling in Penn Central in the following manner:

The broadest period surveyed was from April 1 to June 21, the day the company's railroad subsidiary and chief operating divisions, the Penn Central Transportation Co., gave up attempts to get a government guarantee for new bank financing and began bankruptcy proceedings.

Within this period, all nine institutions studied, including Chase, accounted at various times for large block trades, sometimes individual, making up as much as 77% of all Penn-Central shares sold on a given day. Altogether, from April 1 through June 19, these institutions accounted for at least 33% of all Penn Central stock sold, the report said.

Within this group, there is a strong possibility at least four institutions traded on the basis of certain non-public events based on sales surrounding days on which they had access to important but privileged financial information about the company, the study says.

The four—Chase Manhattan, the Allegheny Corp., a diversified investment holding company, and two mutual funds in which Allegheny has large interests, Investors Diversified Services and Investors Mutual, Inc.—accounted for the bulk of the trading during the May 19–27 period, it notes. All four were in key positions to learn what was going on with Penn Central, it was added.

Allegheny, and its two funds, which emptied their portfolios of the stock during the period had a director interlock with the $11 billion-deposit Manufacturers Hanover Trust Co. of New York, a major Penn Central creditor participating in the railroad's credit agreement meetings. Also, until last March, Allegheny's president, Fred M. Kirby, was on the board of Penn Central.

On May 27, the day the Penn Central board withdrew its debt offering, thus signaling the financial community the following day that it was in trouble, Allegheny and its related companies sold 330,600 shares, an amount equal to 92% of all Penn Central stock sold that day, the study said.

Chase, although not at the May 21 meeting of banker creditors with the railroad, likewise managed to sell much of its holdings in the company during the same period. Altogether, its sales during the trading period of May 19–27 amounted to 60% of all selling by the banks from April 1 through June 19, the analysis showed. Further comparison of selling from discretionary accounts with that from accounts over which the bank exercises no control, showed non-discretionary selling almost static during the period—275,997 shares in April against 276,198 shares in June.

During this time, the study said, Chase had at least four ties to the company. One was through a director interlock with Mr. Saunders, Penn Central's chairman, who served on Chase's board. Another was through its loans to the company, totalling $50 million. A third was its membership on a bank steering committee aiding the railroad in its quest for government-backed financing. Another was through its deposit relationship with the company, reflected in an account Penn Central kept with the bank totaling about $5 million.

Three other banks, the report said, raise "serious questions" regarding their trading activity, although "the exact basis" for some of the stock sales "is not discernible from available information." The banks—the $7.1 billion-deposit Continental Illinois National Bank and Trust Co., Chicago, the $9.5 billion-deposit Morgan Guaranty Trust Co., New York, and Provident National—all had various ties to the railroad and could have benefitted from privileged information, however, the report said.

Mr. Bevan, Penn Central's former head of finance, was a director of Provident until two weeks before the company filed for bankruptcy. Another interlock, the study said, was through John Seabrook, chairman of International Utilities Corp., who is a director of both Penn Central and Provident.

In the case of Continental Illinois, the report said, heavy stock sales occurred in early June after a recommendation from the bank's stock selection committee urged dumping Penn Central shares. Although Continental Illinois had no director interlocks with the company, it was a member of a 10-bank steering committee guiding the railroad and had loans outstanding to the company of $23 million.

Morgan, the study said, had two common directors with Penn Central—John T. Dorrance, chairman of the Campbell Soup Co. and Thomas L. Perkins, a lawyer. Morgan had about $35 million in Penn Central debt, was a member of the steering committee of banks and held about the $6 million of Penn Central funds in various deposit accounts. From May 29 to June 10, Morgan sold 335,700 shares of its Penn Central's stock, in procedure that bypassed the approval of its committee on trust matters.

Material subpoenaed from the bank did not clearly show the basis for these sales, however, nor did it reveal whether the stock was held in a discretionary or non-discretionary account, the report said.

Two other banks were generally absolved in the study. One, the $7 billion-deposit Security Pacific National Bank, Los Angeles, showed no "apparently noticeable relationship" between its large sales and non-public events in material submitted, the study said. The other, the $388.15 million-deposit United States Trust Co., New York, actually increased its holdings in the company from April through June by 2,500 shares although it did not indicate whether these were bought on its own judgment or for a non-discretionary account, the report showed.

[From the New York Times, Mar. 29, 1971]

TRADING IN STOCK OF PENN CENTRAL DRAWS CRITICISM—PATMAN CALLS FOR AN INQUIRY INTO NINE INSTITUTIONS' SELLING AS BANKRUPTCY NEARED

(By Robert E. Bedingfield)

Wright Patman, chairman of the House Banking and Currency Committee, has called for an investigation by Congress and by Federal regulatory agencies into the propriety of trading in the stock of the Penn Central Company by nine leading institutions during the period from April 1, 1970, to June 19, 1970.

June 19 of last year was a Friday. The following Sunday, June 21, the company's railroad-operating subsidiary, the Penn Central Transportation Company, filed for reorganization under Section 77 of the Federal Bankruptcy Act.

The institutions whose trading in Penn Central stock Mr. Patman questions because they "knew something" that the general public did not in the critical hours of the Penn Central demise are the Chase Manhattan Bank, the Morgan Guaranty Trust Company, the Continental Illinois National Bank and Trust Company, Investors Diversified Services, Inc., the Alleghany Corporation, the Provident National Bank (Philadelphia), the Security Pacific National Bank (Los Angeles) and the United States Trust Company.

STATISTICS GIVEN

In a 27-page report, which Mr. Patman is releasing this morning, the Texas Democrat discloses that these nine institutional investors alone disposed of 1,861,000 Penn Central shares between April 1, 1970, and the giant railroad's collapse last June 21.

"It is obvious that many of these sales were undertaken with either the greatest clairvoyance or on the basis of inside information about the corporation's future prospects," Mr. Patman charges.

He says that the sales were "undoubtedly to unsophisticated and unsuspecting members of the investing public."

SHELL GAME SEEN

The purchasers of the shares, "can rightfully feel that they were victims of a massive shell game carried on by financial entities in a position to know the innermost financial secrets" of the Penn Central organization.

Mr. Patman finds a broad range of culprits in his charge that too many investors were in an "unsuspecting" state for so long over the Penn Central's problems. His report, the fifth in a continuing series, lists the culprits this way: the Securities and Exchange Commission, the Interstate Commerce Commission, the Nixon Administration and the press.

In citing examples of how "a number of private and public institutions failed the public miserably," the Patman report asserts there is no evidence that the S.E.C. "either collected or, disseminated" information to the public about unusual trading in Penn Central stock during the spring of 1970.

COMMENT ON ICC

The I.C.C., the Congressman contends, was certainly in the best position to know the internal problems of Penn Central and to be aware of its close association with key institutional investors.

If the I.C.C. did not have the information, Mr. Patman asserted, "the agency must be changed with gross incompetence." He continues that, if the I.C.C. had the information but "failed to act and failed to inform the public, it was sadly remiss—if not legally negligent."

As to the Nixon Administration—which offered last June 9 to put the Government's credit behind the Penn Central by guaranteeing its bank loans but which 10 days later withdrew that pledge—Mr. Patman criticizes the Administration for having "made no attempt to warn the investing public about the true nature of Penn Central's condition."

INSTITUTION'S ROLE

At the same time, the Congressman charges, "it is obvious that institutional investors holding hundreds of thousands of shares of Penn Central stock were given a complete rundown of Penn Central's finances and future prospects."

The press is faulted by Mr. Patman and his staff because "until just before the bankruptcy" it had given "little indication" that Penn Central was near collapse or that Administration officials "had been engaged in long negotiations with banks and Penn Central officials."

The Patman report emphasizes the extent of trading in Penn Central stock last spring by the Chase Manhattan Bank which, the report stresses, maintained an interlocking directorate with Penn Central and held $50-million of its debt. The bank, the report detail, sold 436,300 Penn Central shares between April 1 and the bankruptcy filing of June 21.

OTHER SALES CITED

The report also singles out the sale of a total of 590,800 shares during the spring period by the Alleghany Corporation and the two mutual fund organizations it controls—the Investors Mutual Fund and Investors Diversified Services.

Mr. Patman's staff notes that Fred M. Kirby, chairman and chief executive officer of Alleghany, was a Penn Central director until March, 1970, and is chairman of the board of I.D.S. The staff report also observes that Alleghany had other director interlocks with Penn Central.

The report acknowledges that "special emphasis" is placed on Chase Manhattan's trading between April 1, 1970, and last June 21, of 436,300 shares of Penn Central. It notes that, while the Chase bank sold only 17,400 shares of Penn Central duirng April of last year, it disposed of 309,200 shares in May including 286,000 between May 22 and May 28, and sold 109,700 more shares in the first two and one-half weeks of June.

The Chase Manhattan Bank yesterday issued a statement in which it said it "emphatically denies" that any sales it made of Penn Central shares under its administration for clients was based on "inside" information.

The bank explained that prior to its sale of Penn Central stock, held for its clients, "a number of very significant" development occurred.

It cited the issuance of the company's report on April 22, 1970, of a $62.7-million loss by the railroad-operating subsidiary in the first quarter of last year; the issuance on April 27 of a preliminary prospectus for a $100-million debenture issue, which "revealed the need for substantial financing," and the issuance of another prospectus on May 12 "which disclosed that Penn Central was having very substantial difficulties in rolling over its commercial paper."

[From the Wall Street Journal, Mar. 29, 1971]

Patman Charges Public Was Kept in Dark as Banks, Others Sold Penn Central Stock

Chairman Wright Patman of the House Banking Committee charged that the investing public was "kept in the dark" while banks and other institutional investors unloaded hundreds of thousands of Penn Central Co. shares in the weeks before the railroad's financial collapse.

The Texas Democrat's contention was based on a committee staff report analyzing the sale of 1,861,000 Penn Central common shares by nine institutional investors between April 1 and June 21, when Penn Central Transportation Co. filed for reorganization under the federal bankruptcy laws. Penn Central Transportation is the railroad subsidiary of Penn Central Co.

"It is obvious," said Rep. Patman in Washington, "that many of these sales were undertaken with either the greatest clairvoyance or on the basis of inside information about the corporation's future prospects."

He said many of the institutions maintained "interlocking" directors with the railroad, engaged in "massive loan agreements" with Penn Central and "participated in endless negotiations in which the innermost secrets of Penn Central were revealed." Some of the institutions, he said, had access—ahead of the general public—to "the kind of data that would either make or lose millions of dollars in the stock market before the company collapsed."

DECLINED OR DENIED COMMENT

The nine institutions whose Penn Central trading patterns were covered by the study are Chase Manhattan Bank, New York; Continental Illinois National Bank & Trust Co., Chicago; Provident National Bank, Philadelphia; Security Pacific National Bank, Los Angeles; U.S. Trust Co., New York; Morgan Guaranty Trust Co., New York; Alleghany Corp., Baltimore; Investors Diversified Services, Minneapolis, and Investors Mutual Inc., Minneapolis.

Several of the institutions denied they had acted on inside information. Some others declined comment until they had a chance to study the report.

The report discusses in some detail the trading activity of Chase Manhattan's trust department, which sold 436,300 Penn Central shares in the period under study. The staff notes that Penn Central's president at the time, Stuart Saunders, was a director of Chase Manhattan; that Chase Manhattan held $50 million of the company's debt and that the bank was a member of a bank steering committee involved in negotiations for government financial assistance for the road.

Chase Manhattan sold 134,300 shares on May 22, the report said. This was a day after David C. Bevan, then Penn Central's chief financial officer, had met with representatives of various banking institutions to discuss the road's financial condition and to disclose that Penn Central planned to postpone a $100 million debenture offering, according to the report.

DESCRIBED AS "INTERESTING"

The report said that while Security Pacific and U.S. Trust each sold more than 30,000 Penn Central shares during the period, neither of these institutions apparently had any relationship with Penn Central.

Mr. Patman described it as "interesting" that Chase Manhattan, with its ties to Penn Central, disposed of 436,300 shares during the period while U.S. Trust, which hadn't any known ties to Penn Central, "actually had a net increase of 2,500 shares of Penn Central stock" during the period.

According to the report, information supplied by Chase Manhattan shows that almost all the Penn Central shares it sold were from the bank's discretionary trust accounts—those for which the bank makes investment decisions—and that there were almost no Penn Central sales during the period from Chase Manhattan's nondiscretionary trust accounts.

The report said a Penn Central directors meeting last May 27 was a "key incident" affecting the company's financial outlook. It was then that directors were informed that the proposed debenture offering was being withdrawn and that the company would seek government aid.

Withdrawal of the offering wasn't announced publicly until the afternoon of May 28. But on May 27, the report said, Alleghany and its two mutual fund affiliates—Investors Diversified Services and Investors Mutual—sold their entire Penn Central holdings of 330,000 shares.

The report said these sales—combined with smaller sales by Chase Manhattan, Continental Illinois and Security Pacific—accounted for all Penn Central sales that occurred on stock exchanges that day.

FAULTS ICC, SEC, PRESS

The report noted that until March 1970 Fred M. Kirby, chairman and president of Alleghany, was a director of Penn Central.

Regarding the Penn Central transactions of Chase Manhattan, Alleghany, and Alleghany's two mutual fund affiliates, the report said the dates of the sales "coincide so closely with the occurrence of certain highly significant nonpublic events that the possibility of "pure coincidence' appears extremely remote."

Chairman Patman criticized the Securities and Exchange Commission, the Interstate Commerce Commission, the Nixon administration and the press, saying they all appear to have "failed the public miserably" during the time the Penn Central sales were occurring.

The two agencies and the administration didn't warn the investing public of Penn Central's deteriorating conditions, Mr. Patman said. He added that most of the big nonpublic events affecting Penn Central's finances during the period occurred "under the noses of the largest concentration of financial and business writers in the world." But he said that until just before the collapse, the press gave "little indication" of Penn Central's troubles.

In New York, Chase Manhattan emphatically denied it had used inside information in its sales of Penn Central shares. It insisted the bank has "long had an absolute policy against any flow or incidental communication of inside information that might be received in connection with lending activities."

In a formal statement, Chase Manhattan said it recently undertook "a searching examination of our activities in connection with the sale of Penn Central stock and has found absolutely no indication that the policy of the bank . . . had been breached in any respect whatsoever." It stated that prior to the sale of the shares there were a number of very significant developments concerning Penn Central, "all of which were available to the investing public."

U.S. TRUST ALSO DENIES

U.S. Trust in New York also denied "having any information on the Penn Central financial difficulties prior to the public bankruptcy announcement." It called the "limited sale activity in its accounts during the April–June 1970 period normal under the circumstances."

A spokesman for Investors Diversified Services asserted in Minneapolis that the company began to liquidate its holdings of Penn Central stock "well over a year before the bankruptcy." At the time the bankruptcy step was taken, it declared, only a "few tag ends" were still held.

Roger S. Hillas, president of Provident National Bank in Philadelphia, said, "We never had any insider information" about Penn Central's intentions.

Continental Illinois, Morgan Guaranty and Security Pacific declined comment.

A DATE FOR SURRENDER BY THE UNITED STATES

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, we are being asked to support a resolution to end the U.S. involvement in Indochina for the withdrawal of all U.S. forces by December 31, 1971. Apparently a phrase about the release of prisoners on the same date was added as an afterthought to sweeten the package. It requires farfetched reasoning to associate the withdrawal of U.S. forces with the simultaneous release of Americans who are held prisoner by Communist forces. It is time to call this proposal what it is. It is a resolution of surrender by the United States to the North Vietnamese. I will have no part of this.

There is no possibility of achieving any goal which we have set for ourselves or our allies by establishing an arbitrary date for the withdrawal of our forces. Instead we would place the Communists on notice that as of that fixed date, they would be left free to work their will on Indochina. In the meantime, they would avoid military action, accumulate supplies, even roll over and play dead to keep America quiescent and unsuspecting—but only until December 31, 1971. I can think of no greater encouragement to give to Communist forces than to tell them the United States and all its power will be out of their way on December 31, 1971.

No, Mr. Speaker, we would not be helping those who survived among the American prisoners of war. The Communists would simply hold them as pawns for bigger ransom. Nor can we afford to surrender the millions of Indochinese to communism, not at the price we have paid in blood and treasure to help those people maintain self-determination.

We cannot afford to have it shouted to the world that America's commitments, now and in the future, are worthless. I will not help to engender a bloodbath for Southeast Asia. I will not expose retreating Americans to a North Vietnamese onslaught seeking to gain world headlines for the "rout" of American forces.

All of this we are asked to risk for the sake of achieving a questionable goal of ending the war by an arbitrary date, and nothing more. What a fragile thread upon which to hang the foreign policy of the most powerful Nation on the face of the earth.

We are moving steadily and purposedly to an end to the fighting and we are accomplishing it in an honorable way. We can lose all we have gained and make a mockery of every American sacrifice by gambling for popular approval at home. Let us tell it like it is.

NO JOY IN MUDVILLE IF TELEVISION STRIKES OUT

(Mr. UDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. UDALL. Mr. Speaker, I propose today legislation that will undoubtedly arouse outrage in the breasts of the owners of professional sports teams. But I hope and believe that it will be good for the family, maybe save some marriages, perhaps give fathers and sons a chance to know each other, possibly promote participation in sports instead of spectating. And perhaps, just perhaps, it will restore to America one of those little things we have lost in the last decade in our headlong rush into the seventies.

Because this subject is so timely, I want to spend some time talking about it in detail. All of us have heard since the Frazier-Ali fight the uproar of protests about the ironhanded control by promoters through closed-circuit broadcasting and the subsequent public blackout of one of the major sports events of the century.

There is forming a broadbased congressional reaction. Some suggest that we order the Federal Communications Commission to step in and control closed-circuit broadcasting. We could go so far as to order, some have proposed, commercial network broadcasting of any televised sporting event, on the basis of the sale of network rights to the highest bidder.

I recognize the dangers that are growing that a few of the big-money boys may take away from us that sports world which the public obviously loves so well.

But I want to warn of another danger, one that has been growing—grew up, in fact, long before that "fight of the century"—and which threatens in very practical terms to turn the public away from that sporting world in a wave of apathy or disgust.

The threat I see is that our badly needed legislative control of these money men may accent that other, more fundamental problem that has grown during the past decade into the greatest crisis in the sports world.

Unless we are very careful, our badly needed cure to that closed-circuit problem could prove to be a killer for the sports world due to the development of that second, more basic ill.

What I have to say today is timely as well because, as all of us have noticed, the National Basketball Association playoffs are now underway. In case the memory has faded with the passage of time, the season got underway half a year ago, on October 13. If we—and the players—are lucky, April will see the crowning of a champion and both players and fans can take a break.

I say this recognizing that sports have been an important part of my life. As a boy and as a man I have known the joy of sports, the sense of participation both as a rank amateur and, briefly, as a second-string professional. I know the feel of the perfectly synchronized swing of the batter, the exhilaration of a fast break and the final loft of a layup, the snap of the fingertips releasing that perfect spiral sailing for the sandlot touchdown.

My breath comes a little shorter now than it did four decades ago in St. Johns, Arizona. The bruises go a little deeper; Mondays are a little longer, a little stiffer than they used to be. The gentlemanly sport of golf has more appeal for me now than it did in the rough and tumble days of my youth.

But the greatest of the joys of my youth remains. It is the delight of the seasons, the marking of time by the ebb and flow of the athletic equinox. When I was a boy this rhythm was measured by the approach and passing of a seasonal sport. Football was the season of falling leaves, nostalgic homecomings, the first freeze; basketball was invented, I am told, because there was a need for a team sport that could be played indoors during the long winter. Baseball always meant the arrival of spring.

As a boy baseball meant summer, hotdogs with mustard, broiling doubleheaders on August afternoons, some wholesome sweat in your shirt and maybe a little indigestion by the final inning. In my youth no boy on the block, absolutely no one, played baseball after Labor Day.

That world—the world that should be our sons'—is a rare and beautiful thing, filled with all of these joys and a mystical wonder. My own sons are growing now, well on their way into manhood. But I can remember how it once was, when spring was marked not by the first budding branch or the first trickle of thawing snow on the downward slope.

Spring came suddenly, wonderfully, when a son picked up his ball and glove and reached out to dad to play that first game of catch.

Some inner, natural force within a boy just knew that the season had changed and that spring was here.

That was the way it once was.

Last year I sweltered in the stands in August, and froze in January, watching professional football. The sports pages overflow now with the news of 24 major league baseball teams, not 16. The Grapefruit League moves earlier into the winter and we have lengthened the season to play those extra teams; we have added playoffs and now the World Series is almost an anticlimax. We watch baseball being snowed out in October, when once the first, blustering storm meant the last kickoff and the start of the basketball season. In 1969 there were eight professional basketball teams—now there are 25. And now that season warms up in September and runs down in April. Now we have 25 professional football teams, not the 21 of 1960.

Expanded leagues mean expanded schedules. Baseball a few years ago played a 154-game schedule. Now the teams play 162 games spread over half a year—before entering those drawn out playoffs. Pro football has inbred a system of conferences and cross-schedules that look more like algebraic equations than a system of testing skill and athletic prowess. Baseball, not to be outdone, in this race for longer seasons and more complex scheduling to postpone the dullness of the late season doldrums, is going the same direction. Next year we'll see six divisions in the two leagues.

We have been provided with a slight break in that schedule, to be sure. It is called February—the shortest month of the year. That is when—for now at least—they play neither football nor baseball. But television does bring us basketball and bowling and wrestling and skating and skiing and hockey, to say nothing of the frenetic tours of professional tennis and golf.

A few weeks ago I picked up the weekly television log and started to count. On a quiet February weekend, in just 2 days, I was offered more than 25 hours of sports programing. On that list there was not a single football or baseball game, and I did not bother to count the "outdoorsman's" shows and the sports interviews.

The jokes about the endless football-watching-weekends of the American male are not funny any more. They have become real, and they are damaging our country, and more importantly, our children.

We are losing those qualities that sports once offered the growing child and the grown adult, and substituting into our daily lives and growth instead the unreal, programed, canned world of television.

My bill simply suggests that we go back to those seasons, and that we take the almighty dollar a little way out of these games. I say this realizing that change is inevitable. I am not a reactionary. I know that the decade that brought us moon rocks, medicare, Vatican II, and Woodstock must inevitably give birth to other changes as well—the domed stadium, instant replay, Astroturf and the steel tennis racket. The past decade has been good for sports and good to sports. But I am very much afraid that in some ways the 1960's will be recorded in history as the decade that marked the beginning of the end of the tradition and spirit that always made our big sports so resiliant.

And if that has happened, the 1960's and 1970's may mark the beginning of the end of our big sports, for Wall Street, Madison Avenue and television—with all of their bucks and executive savvy—are on their way to turning professional athletics into another Edsel.

Virtually every professional sport in this country is now controlled, coached and managed by television. American sports today are big businesses, and getting bigger. Football, baseball and basketball franchises are marketed around the country like so many hamburger stands. New stadiums are being built in cities that cannot afford schools—and sadly, some have stood vacant when owners decided that the cash was greener in another ballpark.

The irresistable attraction of the television dollar is altering every facet of the sports world that has given us so much of our social and cultural history.

How many viewers know that the 1967 Super Bowl saw two kickoffs starting the second half? Due to a commercial the network missed the first—and got—a second start.

The Federal Communications Commission recently investigated the illegal reduction of power by an Iowa television station that cut broadcast coverage one Sunday. The reason? The station was slated to carry the Minnesota Vikings home game, blacked out in the Twin Cities. But tall towers and good antennas could have pulled the broadcast into bars and restaurants of Minneapolis and St. Paul, so the network called the station located half a State away. Reduce power or watch the Detroit Lions was the order. The Iowa station illegally reduced power.

Viewers with color television sets are in for a chromatic shock this spring. The Chicago White Sox are no more. They will be wearing red socks, and shoes too, and the Baltimore Orioles will be an even more flamboyant orange. The shoes of our Senators—baseball Senators, that is—will be red, white and blue this year. The reason? A better contrast with the overly-green artificial turf will be beaming out of those color tubes.

In a television triple play, a network in the business of broadcasting baseball games ended up the owner of a major league club a few years ago.

Nagging minor points—or symptoms of deeper, more disturbing changes in the entire fabric of the sports world? Here is what a good sports writer, Francis Stann of the Washington Star, says about the change:

> Only the very naive have been unmindful that TV has been calling all sports shots for a decade or more. TV dictates the time contests will start, the length of time required to play, say, football, and in the final analysis who makes how much money. Live gate receipts are never unimportant, but what baseball, football, basketball, golf and now tennis and track have going for them is the television dollar. Dollar? The television millions.

There is a pretty good new book on the market devoted to the impact of the television camera on the sports world. It is titled "Super Spectator and the Electric Lilliputians" and it is by a writer named William O. Johnson, Jr. He has provided us with some overpowering statistics.

The television networks are now spending $150 million a year to cover sports. Rights to televise the combined American Football League and National Football League schedules rose from $7.6 million in 1963 to $46 million a year in 1970. A few short years ago the television rights for the entire professional golf tour totaled $150,000. This year they will gross $3 million, and they continue to climb as the financial pressure of TV exposure expands and lengthens the tour.

The price war is not limited to professional sports: The American Broadcasting Co. recently paid $13.5 million to televise the 1972 Olympics from Munich—as the American Olympic Committee continues to scrounge for funds to permit our participation. By the time ABC fiances all of their operations at the Olympic games, their total bill can be expected to be in the vicinity of $20 million.

The rights for NCAA football coverage were only $3,125,000 a decade ago. In 1970 they totaled $12 million. Big money and professionalism are encroaching, and college football is in danger of becoming nothing more than an apprenticeship program for the pros.

Listen for a moment to Coach Paul "Bear" Bryant of the University of Alabama:

> We think television exposure is so important to our program and so important to this university that we'll schedule ourselves to fit the medium. I'll play at midnight if that's what television wants.

College football is doing a pretty good job of resisting that trend, however, and fortunately for our children, the pressures have respected high school football—at least for the time being. At those levels we still have the seasons, the separation, the spirit of sports. But it is starting at the college level—the rash of bowl games spotting the country offers mute evidence of that, and of the pressures of television.

The costs of this type of exposure can be high. We know what killed boxing. Television consumed and discarded it like a used quiz show. The outrageous orgy of city swapping in professional baseball in the fifties and sixties was triggered by the Boston Braves' bout with television.

After winning the pennant in 1948, the Braves' owners had the incredibly bad business judgment to sell the television rights to all of their home games for the next two seasons—and for almost all of the home games of the two seasons after that—for $40,000. Overexposed on television at a cutrate price, attendance tumbled. The move was on, first to Milwaukee for $525,000 in TV rights, and then on to Atlanta for TV and radio rights totaling $1,250,000 a year.

It is no wonder that the networks are pulling a double reverse and are using athletes as props for advertisers willing to get into that $200,000 a minute shell game of Super Bowl advertising. Athletes in turn are pulling in contracts designed to double and triple their earnings by appearing before the cameras, clad in Jockey shorts and Pucci ties and 24-hour deodorant.

It is that type of overexposure that now threatens to kill all of the major professional sports in this country, and if that happens, while the networks will just move on to a new form of entertainment, it will be our children and our grandchildren who will be the incalculable losers and who will judge us accordingly.

For the impressarios who are bringing us just one more team, just another week in the season, just a Saturday game and then a Sunday doubleheader and then a Monday night special are starting to be tempted by the rest of the week as well.

The time has come to call the networks offsides, and to stop the unnecessary roughness by the money-makers of big time sports. The American people have had just about enough, and soon will say so. Ratings are not a guide, for they tell us only which of the three networks is the most popular—and all too often, the networks offer only sports in competing time slots.

We need the world of the Namaths and the Blandas, the Palmers, the Ashes, the Alcindors, but we need other worlds as well. The American people have a right to watch athletics if they wish, but what of the rights of people who would rather watch Gomer Pyle or Leonard Bernstein than Sonny Jurgensen? While our overexposure of sports on television all too often prevents that variety, it also raises the threat, ironically, of killing the sports world as well.

Baseball survived, just barely, the Black Sox scandal, but if the money men of athletics keep pushing the public in their pursuit of just one more buck, we will see within this decade a backlash and a bodyblow that will mark the demise of big time sports as we know them.

Just over 20 years ago the New York Yankees fittingly chose Joe DiMaggio to be the first genuine $100,000 a year athlete. This year, we have, as an absolute minimum, 34 basketball, football and baseball players in that class—16 of them in baseball alone. One major league owner says:

> By my count there are between 75 and 80 players in the $50,000-and-up bracket, and that kind of money isn't coming in to the clubs.

The age of the $200,000-a-season man is just around the corner.

The American people, if pushed too far, may vote with the off switch. It happens seasonally in television tastes; television can survive such a walkout. But sports, bouyed by those $100,000 salaries made possible by that TV buck, cannot.

As proof that people are becoming satiated with sports, I offer Udall's Sports Quiz. Who won the last Super Bowl? The World Series? How many teams are there in the NFC? The AFC? The NBA? Major league baseball? What teams were the champions of each? Who were the combatants in this year's Rose Bowl?

A decade ago I submit any moderately interested sports fan could snap off those 10 answers. How many today can answer half?

Organized sports are too important to our country and our children to throw them away as last year's craze, to make them a hula hoop replaced by a frisbee.

If the men and women of the sports world will listen to the words of one old pro, who has been up there with them and who is still on their side, they are running that risk. They are in danger of wiping out their own world, and if we do not act now, the process will be irreversible.

The bill I propose will prevent that, I hope. It would simply limit the broadcast seasons of the major professional sports of this country—but allow networks to continue covering the major sporting events they now offer.

I am simply appealing for a little moderation. I know that this bill will be unpopular with some. With the owners and broadcasters, in fact, it may be the most unpopular legislation since we tried to lift baseball's antitrust exemptions. This bill will probably be unpopular as well with that segment of the public that dwells solely on televised sports from sundown Friday until sunup Monday. But it will be welcomed by the true sports lovers, whether they are viewers or participants, or hopefully, a combination of the two, after they have taken some time to reflect on it.

The alternative to my bill is a nation stripped of its sports world, and a nation of more than 200 million people stripped of a good share of its national heritage.

I am offering friendly criticism and counsel to the sports world. I am a lifelong sports fan. I learned to multiply and divide on batting averages. I played college and pro basketball and came out of retirement a few years ago to manage the Democratic baseball and basketball teams, leading them to a perfect string of defeats, I might add.

My counsel is that the prospect looms of a nation turned against its sports world. If sports lose their special qualities of wholesome competition, innocent partisanship and real-life drama in this mad drive for one last dollar it will be deadening not just to the owners and players and audiences of America, but to our children, our grandchildren, and our national spirit as well.

To paraphrase a little basic American philosophy, there will be no joy in Mudville if television does strike out. This is one old pro who thinks there is a lot more to lose than mere profits.

PROPOSED REOPENING OF HEARINGS ON HIRSHHORN PROJECT

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, information which appeared in several newspapers this past weekend raises further doubts in my mind about the construction of the Hirshhorn Museum.

The hearings held last year by the Library and Memorials Subcommittee of the House Administration Committee raised serious questions about the manner in which the museum was authorized and about the background of Mr. Hirshhorn.

The hearings also led to the introduction of a resolution this year, of which I am a cosponsor, which rescinds the authority to construct a sculpture garden on the Capitol Mall in connection with the Hirshhorn Museum.

Now the newspaper column, "Watch on Washington," written by Clark Mollenhoff, raises even more questions. It is disturbing to me that the contractor was allowed to increase his bid by $754,375 after the contract had been awarded.

With the other irregularities brought to light in the hearings last year, I am convinced that a reopening of hearings on the entire Hirshhorn project is absolutely necessary.

Mr. Joseph Hirshhorn could be called to answer the allegations made. The tax writeoff for the art collection bears investigation. Now, added to the list, is the apparent impropriety concerning the construction contract and the contracting company.

Mr. Speaker, a thorough investigation is needed. Both the House Administration and Public Works Committees should begin at once.

WATCH ON WASHINGTON

(By Clark Mollenhoff)

WASHINGTON, D.C.—The government's dealings with the Piracci Construction Company is a classic case of how far the General Service Administration (GSA) can bend the rules if it wants to do business with a firm involved in violations of the law.

Ordinarily, a firm can be suspended from doing business with the government for up to 18 months if fraud is suspected. If found guilty, the firm can be "debarred" from dealing with the government for up to three years.

The basic thesis is that firms and individuals who cheat the government through frauds and payoffs shouldn't be regarded as "responsible bidders."

However, Robert Kunzig, the administrator of GSA, has made it possible for the Piracci company, of Baltimore, Md., to continue to do business with the government despite repeated law violations. The GSA has minimized the fact that Dominic A. Piracci, sr., the sole owner of the construction firm, has a record of fraud convictions and involvements in fraud.

Piracci has simply stepped out of his role as president and director, and has turned the management over to some other business men "for a period of time which will extend six months beyond the completion of The Hirshhorn Museum and Sculpture Gardens."

Piracci's firm holds the $15,000,000 general contract for the controversial Hirshhorn project in Washington, D.C. and is to receive more than $1 million in profit.

Looking at the law and the background of Piracci, there would have been ample reason to debar the Piracci firm from ever bidding on the Hirshhorn project. In fact, the counsel for the GSA Region Three office had recommended debarment of the Piracci firm. The law authorizes suspension of "all known affiliates of a concern or individual" who has been convicted.

The law further states:

"The criminal, fraudulent or seriously improper conduct of one individual may be imputed to the business firm with which he is connected when the impropriety involved was performed within the course of his official duty, or with the knowledge or approval of the business firm."

Not only has Piracci been permitted to do business with the government but, in the face of a record of proven bribery, perjury, and falsification of records, Piracci has been permitted to increase his bid on the Hirshhorn project by $754,375. The GSA accepted Piracci's explanation that a "clerical error" had resulted in a lower bid than he intended. Piracci was still the low bidder, but by a narrower margin.

The GSA informed Representative Joel Broyhill (Rep., Va.) that it has "insufficient justification" for debarring Piracci's firm.

Here is the Piracci record:

In 1954, Piracci was convicted of fraud and obstructing justice in connection with an off-street parking scandal in Baltimore. Piracci paid a $4,000 fine on that conviction and was later pardoned by former Governor Theodore R. McKeldin.

In 1969, Piracci was convicted in the United States District Court in Baltimore on charges of having made a payoff to Guido Iozzi, jr., president of the Baltimore Building Trades Council, AFL–CIO. Piracci was sentenced to pay a $5,000 fine and to serve 183 days in federal prison.

Another indictment has been returned against Joseph P. Doherty executive assistant to the assistant postmaster general in charge of post office bureau facilities. Piracci was not a defendant in this case, but the indictment charged that Doherety took large sums of cash from Piracci to provide influence for Piracci Construction Company in dealing with the Post Office Department.

Doherty entered a "no contest" plea to the ninth count of the indictment on "conflicts of interest" that charged he "did knowingly act as agent" of Piracci and the firm "in connection with applications, contracts, and other particular matters involving the leasing of various post office facilities." Action on the other counts in the indictment against Doherty is still pending.

In dealing with Piracci's record, the GSA, in its letter to Broyhill, dismissed the 1954 conviction as being far enough back that "it cannot ordinarily be used to support a current debarment."

The GSA also noted the federal judge did not impose the maximum prison term and fine on the 1969 conviction and that "the six months' sentence presumably recognized the fact that Piracci had cooperated with the government."

But, the GSA overlooked the comments of United States District Judge Alexander Harvey II, who said as he sentenced Piracci:

"You lied to the FBI, the United States attorney and the federal grand jury. A man who has a prior criminal involvement and who has lied . . . can hardly expect leniency from the court."

The GSA also told Broyhill, "Finally, to the best of our knowledge, it has not been legally established whether Mr. Piracci or the firm made any illegal payments to a former employee of the Post Office Department."

Apparently GSA did not ask the prosecutor who could have told them Piracci admitted making payments of at least $3,000 to Doherty and a total payoff of $20,000 was discussed.

A final argument on behalf of doing business with Piracci Construction Company was that Piracci had "resigned both as president and a member of the firm's board of directors, the fact that he is divorced from all control over the firm; and the fact that the firm itself has satisfactorily performed several construction contracts for GSA."

The GSA and other government agencies aren't often so tolerant of fraud, or so understanding of the lines between control of a firm and the actual ownership of the firm. Apparently, Piracci is receiving some unusual understanding at a high level in Washington.

Piracci's penalty for his problems with the previous convictions will be that he won't be permitted to pick up the profits on this Hirshhorn project until at least six months after it is completed.

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REDUCED SPENDING AND INCREASED EFFICIENCY IN THE DEPARTMENT OF DEFENSE

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, I am heartened by the latest annual report from Secretary of Defense Melvin Laird. It provides concrete assurance that the Department of Defense is making a concerted effort to reduce spending, increase efficiency, and to provide for this Nation an effective defense posture for the decade ahead.

Secretary Laird wrote in his annual Defense Report to the Congress:

> One key facet of our concept of management is emphasis on individual responsibility and action.

His emphasis on people and improved management in the Defense establishment underwrites the overall strategy of realistic deterrence and its goal of lasting peace. Clearly, without improved management and sound policies and procedures, the strategy itself would be in jeopardy.

I am impressed that his is a method of management which depends for its success on the initiative, judgment, and dedication of people rather than the rigidity of computers or the "all-knowing" voice of authority at the top.

To me, one of the best illustrations of Secretary Laird's efforts to reduce spending and increase efficiency is the plan he has submitted to the President for a reorganization and revitalization of our world-wide military command structure. This command structure has not been changed since 1963.

Additionally, the recommendations are in direct support of the President's announced defense and foreign policies.

Along with the many other improvements in defense management which are occurring, a reorganization of our worldwide military command structure after so many years indicates that there is a conscious effort within the Department of Defense to create an organizational structure which is responsive.

This report from the Department of Defense is one of the most encouraging signs I have seen in many years that our national priorities are well understood and enthusiastically supported in the Pentagon.

I would also note that the changes now taking place in the Pentagon have not been accompanied by complaints heard so often in the past that the military brass is resisting change or that they are being throttled by uninformed civilians.

My impression, and this report bears it out, is that management in our defense establishment today is effective, efficient, and dedicated.

We have here a documment which is a testimonial to the outstanding leadership being provided by Secretary Laird and Deputy Secretary Packard. I want to record my appreciation and support of their efforts.

(Mr. RONCALIO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, the recommendations of the National Railroad Passenger Corporation for a basic passenger system have been roundly and justifiably criticized in this body. The Congress has been outraged by the token consideration given some States and the total exclusion of others, including Wyoming. The recommendations announced on March 22 hardly qualify as a national system of passenger service.

On March 9, in anticipation of this exclusion, I introduced H.R. 5715, a companion bill to the bill offered in the Senate by Senator Frank Church. This bill would amend the Rail Passenger Service Act of 1970 to insure passenger service to at least one major population center in each of the 48 contiguous States.

I am today introducing another bill as a potential remedy for those areas so unjustly excluded by the Railpax Corporation. This bill would further amend the Rail Passenger Service Act to insure that any train discontinuances proposed as a result of the Railpax decision would have to be in accordance with the Interstate Commerce Act. This act guarantees a fair, impartial, and reasonable examination of the issue, including public hearings, before an area would be stripped of passenger service.

Mr. Speaker, I sincerely hope Wyoming would not have to resort to this last remedy. I believe that a reconsideration of the Railpax recommendations would alter the proposed system and save Wyoming from pleading in this last court of appeal.

The basis for asking a review of the recommendations is the intent of the enabling legislation, the establishment of a truly national system providing the best possible rail passenger service.

Mr. Speaker, in examining those recommendations, I find that they fall short of this goal. To examine the case of Wyoming, I would like to quote for my colleagues a pertinent passage in the official statement issued March 22 by the incorporators of the National Railroad Passenger Corporation:

> Of the two route alternatives between Denver and Wells, the Grand Junction-Salt Lake City route was chosen principally because of population, and market potential. Although the Cheyenne route is two-three hours faster, the market potential of the Grand Junction segment is seen as much greater than the Cheyenne segment because of outstanding scenery and world-famous ski resorts.

I call to your attention this admission by the incorporators that the route through Cheyenne and Ogden is the shortest. That has been a prime contention of the Wyoming representatives and its importance cannot be overstated. If the goal of this system is to provide the best service, the route which provides the most direct access to the west coast should have been designated.

I would also question the assertion, or so it appears, that Wyoming is lacking in outstanding scenery and world-famous ski resorts. The ski complex at Jackson Hole, Wyo., is second to none in the world, and the ski and recreation potential in southern Wyoming is most deserving of attention. But, Mr. Speaker, that is a diversion from the major point. Railpax is not supposed to be concerned with long-range recreation potential, but with providing satisfactory service.

I contend that the Colorado route is not capable of development to this end. In this direction, I would like to quote from a letter written by one of the outstanding citizens of Aspen, Colo., Mr. William "Shady" Lane, a former member, in 1950 to 1954 of the University of Wyoming ski team.

Mr. Lane makes several telling points in connection with the decision which has supposedly been made to benefit his city. I quote now from a letter he wrote to the Denver Post of Denver, Colo.:

> It appears to me that the decision to cross Colorado with the Railpax system is being made on the basis of the present worn out passenger train equipment. Japan has developed a train that runs at speeds approaching 200 miles an hour. I assume that the great American know-how, will, in time, be able to compete with that speed, and worn out equipment will be replaced.
>
> So, is Congress creating an alternative to the smog producing, crowded superhighways, and impossible to get to airports, or preserving a "toonerville trolley?" I would hope it is a step to abate pollution, destruction of environment, and so forth, something that in the future will keep the country strong economically and especially transportation-wise.
>
> If we develop modern passenger trains, will they be able to cross Colorado at such speeds? No, they will proceed at about 30 miles an

> hour from Denver to Grand Junction, which looking at it from the national point of view is ridiculous. Can they be speeded up between those two points? Well, if you spend a huge heap of money you probably could some, but not much.

After commenting on the destruction of the beauty of Glenwood Canyon such an improvement of trackage would require, Mr. Lane asks:

> So, is this decision an S.S.T. type thing? Spend money on passenger trains across Colorado and then tomorrow make up, realize the effect, and spend more money moving it to Wyoming? Before there was a Colorado or Wyoming, the impartial old timers picked out the best route to cross the country with a railroad.

I believe this letter substantiates arguments already advanced on behalf of the Wyoming route. As previously reported to this House, Wyoming enjoys superior trackage and equipment at this time. The Railpax route would be going through terrain from 10,000 to 12,000 feet, making the handling of high-speed trains an expensive, if not impossible proposition.

If the Corporation is claiming to be looking to the future, how can it designate a route which has been historically considered inferior to the Wyoming segment. Wyoming offers the kind of terrain most qualified for development of high-speed railroad service.

To review the arguments, I would remind my colleagues that Railpax incorporators explicitly state that the Wyoming route, under existing conditions, is the fastest. I would also note that Wyoming presently enjoys superior trackage and equipment. It would require the least expenditure of funds to maintain that standard of excellence.

Second, I would dismiss the arguments about scenery and ski areas as being side issues. Even if they are taken into serious consideration, they would not justify the exclusion of Wyoming, since my State is not deficient in either scenery or recreation areas.

If the criterion is to be future development, I would restate that Wyoming is the logical area to develop a high-speed railroad service. On the broad plains of southern Wyoming a high-speed system could be easily inaugurated. In contrast, the tortuous, twisting high country of Colorado could present the most costly obstacles. It is folly to envision the Denver-Grand Junction-Salt Lake route as ever providing 200-mile-an-hour passenger service.

Mr. Speaker, I believe these arguments justify the request that Railpax reconsider the recommended route. I have written the chairman of the House Appropriations Subcommittee on Transportation, Mr. ED BOLAND, and the chairman of the House Committee on Interstate and Foreign Commerce, Mr. HARLEY STAGGERS, asking for open hearings on the Railpax decision.

I believe the Appropriations Committee might well ask Railpax to explain this illogical routing out of Denver. Congress approved $40 million in cash and $100 in Government-guaranteed loans for Railpax, and if this designated route is any indication of how responsive Railpax is to the sentiment of Congress, that financial support ought to be questioned. I believe the Interstate and Foreign Commerce Commission also deserves an explanation of the so-called national system this Corporation has produced.

I conclude by calling on my colleagues to join in the request for open hearings on the Railpax decision. A great mistake has already been made, and to permit this error to become a reality would only increase the eventual costs of correction.

I would remind my colleagues that the Nation's railroads have more than once come to Congress for financial assistance. Even now, there is the suggestion of subsidies to prop up a declining indusrty.

Congress now has an opportunity to lessen the possibility of future hand-outs or to increase it. If Congress permits Railpax to go through Colorado, it will not be long before Congress is asked for massive funds to improve and expand the facilities. If, on the other hand, Congress insists that the most logical and efficient and promising route—through Wyoming—be designated, then the eventual costs of providing high-speed rail service to the West will be far, far lower.

If the Congress wants to maintain its direction of the legislation it approves and the proper use of the funds it approves, the Railpax Corporation ought to be called to appear before open hearings, and the recommendations offered on March 22 ought to be drastically revised.

NATIONAL SUMMER YOUTH SPORTS PROGRAM

(Mr. ROSTENKOWSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, it is my understanding that the Office of Management and Budget has fortunately decided to release the funds which they had been holding in reserve for the national summer youth sports program. This program, which has been funded at a $3 million level, has been one of the most successful and least expensive summer youth activities of the last 2 years.

Mr. Speaker, last summer, four colleges and universities in my city of Chicago, participated in this worthwhile program which is directed by the NCAA in conjunction with the President's Council on Physical Fitness and Sports. This project will hopefully once again permit hundreds of Chicago's disadvantaged youth to participate in scheduled athletic activities which will be administered by the physical education staffs of the various colleges and universities.

Mr. Speaker, I hope that this action on the part of the administration will signal the beginning of a trend. For, there are other extremely worthwhile youth programs that the administration unfortunately does not plan to repeat this summer. I refer to the recreation support and the summer transportation programs. It has also been reported that the administration plans severe cutbacks in the successful summer Neighborhood Youth Corps program.

Last week, on the House floor, I announced my intention of sending a letter to the President, urging him to continue these necessary programs and to restore these vital funds. A copy of this letter appears on page 7874 of the CONGRESSIONAL RECORD of March 24, 1971. I am today, placing in the RECORD, the dollar amounts that the Nation's 100 largest cities received last summer for the recreation support and transportation programs. I emphasize that the administration does not plan to repeat these programs this summer. If you would like to join me in signing this letter to the President, please contact my office by Thursday afternoon.

The tabulation follows:

1970 SUMMER PROGRAM ALLOCATIONS

	Recreation	Transportation
New York City	$1,836,000	$96,960
Chicago	564,000	42,240
Los Angeles	552,000	43,120
Philadelphia	528,000	24,360
Detroit	360,000	26,560
Houston	324,000	25,060
Baltimore	276,000	11,100
Washington, D.C	228,000	12,960
Dallas	204,000	17,840
Cleveland	132,000	19,310
Boston	168,000	10,720
Milwaukee	108,000	17,280
San Francisco	180,000	11,920
San Antonio	324,000	11,570
San Diego	144,000	14,360
St. Louis	240,000	11,360
New Orleans	252,000	14,790
Kansas City, Mo	108,000	11,970
Seattle	84,000	12,760
Memphis	264,000	11,860
Columbus	132,000	8,640
Pittsburgh	108,000	12,650
Phoenix	144,000	11,740
Atlanta	132,000	12,080
Indianapolis	108,000	8,480
Cincinnati	120,000	7,920
Jacksonville	84,000	6,300
Denver	120,000	8,320
Buffalo	96,000	7,500
Minneapolis	60,000	10,500
San Jose	60,000	7,500
Newark	72,000	7,500
Toledo	84,000	7,990
Louisville	96,000	7,500
Oklahoma City	108,000	8,580
Long Beach	72,000	7,500
Portland	84,000	8,580
Omaha	48,000	7,500
Oakland	84,000	7,500
Fort Worth	108,000	8,130
Honolulu	60,000	7,500
Tulsa	72,000	7,500
Birmingham	120,000	7,790
Miami	120,000	7,500
El Paso	144,000	7,500
Norfolk	132,000	7,500
St. Paul	36,000	7,500
Rochester	47,000	7,500
Tampa	132,000	7,500
Wichita	60,000	7,500
Akron	48,000	7,500
Nashville	72,000	7,500
Jersey City	48,000	7,500
Sacramento	48,000	7,500
Charlotte	60,000	7,000
Dayton	48,000	7,500
Tucson	84,000	7,500
Austin	84,000	7,000
Albuquerque	72,000	7,000
Richmond	72,000	7,000
Mobile	84,000	7,000
Syracuse	36,000	7,000
Des Moines	36,000	7,000
St. Petersburg	72,000	7,000
Yonkers	24,000	7,000
Grand Rapids	36,000	7,000
Flint	36,000	7,000
Corpus Christi	84,000	6,300
Salt Lake City	36,000	6,300
Providence	48,000	6,300
Fort Wayne	24,000	5,400
Worcester	36,000	6,300
Gary	36,000	6,300
Baton Rouge	60,000	5,400
Kansas City, Kansas	24,000	3,750
Madison	24,000	5,400
Jackson	60,000	5,400
Fresno	60,000	5,400
Lubbock	48,000	5,400
Spokane	48,000	6,300
Shreveport	72,000	5,400

	Recreation	Transportation
Hartford	$24,000	$5,400
Springfield, Mass.	24,000	5,400
Lincoln	24,000	5,400
Amarillo	36,000	5,400
Montgomery	60,000	4,200
Youngstown	36,000	5,400
Bridgeport	24,000	5,400
Rockford	24,000	4,200
Evansville	36,000	4,200
Tacoma	48,000	5,400
Paterson	24,000	4,200
New Haven	24,000	5,400
Greensboro	48,000	4,200
Savannah	48,000	4,200
Erie	36,000	4,200
South Bend	24,000	4,200
Topeka	24,000	4,200
Chattanooga	48,000	4,200
Albany, N.Y	24,000	4,200

DIRECTION OF NATIONAL PRIORITIES—SPEECH BY MAYOR DALEY

(Mr. ROSTENKOWSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, last Friday, I had the good fortune to be in attendance when Chicago's Mayor Richard J. Daley delivered a truly moving address before the professional men's organization of We Care. We Care is a group of concerned Chicagoans—Democrats, Republicans, and Independents, who have come together because they feel that the mayoral election is of critical importance to Chicago's future. The theme of the mayor's address was the "Direction of our National Priorities," in light of the challenge of the seventies.

Mr. Speaker, I have heard the mayor speak on many occasions, but never was he more eloquent than he was on Friday.

I thought my colleagues might be interested in reading a copy of the text of his address, which follows:

We Care

We cannot talk about the programs for tomorrow without relating them to the programs of today. Any realistic discussion of things to come in the seventies only is germane against the background of the events—the trends—of the sixties.

If we were to label the sixties we could call it the decade of rising aspirations. And these aspirations for a better life are not only being expressed by those who are in the lower economic group—but also by students—and by millions of others.

If we are to meet the challenges of the seventies we must understand these rising aspirations, for from them stem our priorities.

I would hesitate to place them in any particular order—other than to call them all priorities.

There must be an end to the Viet Nam war—to all wars. This must be so—not only for the universal and fundamental desire to end killing and destruction—but also because the 80 billion dollars we spend for defense is, in its true economic sense, a waste of resources, a mis-allocation of our wealth, and the prime cause for inflation.

We must eliminate poverty. There can be no reason—no justification—for want in the midst of plenty. We all know that and the most significant step we can take is to restructure our welfare system.

We must end racism—somehow—someway—we must erase the intolerable discrimination which denies opportunity and dignity because of a man's color or national origin.

We must rebuild our cities—our urban centers. The essential truth is that the city remains as the main economic bulwark of the metropolitan area and the focal point of its social, cultural, and recreational activities.

The urban centers are where most of the people of our Nation live—and when we speak of renewal of the cities—we speak not only of eliminating slums, building housing—but also improving education—transportation—and controlling the environment.

But these are not only local priorities—they are national priorities and they must command the support of our national government and its resources. Cutting the military budget—preventing inflation—helping to finance education—coping with the increase in population—using the FHA for building housing in the cities—and preventing the pollution of our environment. These are some of the things the Federal Government must do if we are to meet the challenges of the seventies.

One can say that these have always been the goals of American society, but the past decade has brought in new dimensions—the influence of a younger, better educated generation which is rapidly becoming a majority—and the effect of instantaneous worldwide communication.

The progress and breakthroughs which have occurred in the fields of science, technology and communications in the past twenty-five years have been more rapid and far reaching than the changes which took place in the last hundred years. It has always been assumed that as science and technology improved our material and physical world, it would make an equal contribution to the betterment of our social world. But there has been a critical imbalance between the physical and social changes.

There is no question about the contributions that have been made for our material comfort by the use of newly developed scientific processes and chemicals. However, the same processes and chemicals emit byproducts which pollute the air and the water, promised to be one of the wonders of the world. But total destruction threatens the life of every human being.

The use of insecticides has directly increased the food supply—but it is threatening an imbalance in nature which menaces our health and pollutes our water.

The mass production of automobiles—the two and three car family—is steadily killing more people, strangling our cities, and contaminating the air.

The advance in medical science has created a population explosion. People live much longer—but society is unable to meet its commitment to the rapidly growing numbers of the aged.

Cybernetics—the mating of automation and the computer—is threatening to depersonalize our society.

Making a choice between the benefits and hazards of scientific achievement or breakthrough is a value judgment—a judgment based on the ideas of social good, on morality, on religion, not on science—not on the market place.

This is the new dimension. The challenge of the seventies is to improve the quality of life—not the quantity—not only more—but better.

I believe that most people accept this concept of social values. If there is a generation gap it is because we have different frames of reference. To one generation the development of the computer is a marvelous invention—the landing of the man on the moon is a miraculous achievement. To another generation these are just outstanding developments of science and technology. They question why a nation which can land a man on the moon cannot clear a slum, end a war, erase discrimination, and do it right now.

What is difficult for them to comprehend is that the progress made under laboratory conditions and with vast resources is one thing, and progress in the social area where people are involved—where conditions are not controlled—and where tremendous resources are not available is very much a different matter.

The city can bring water from the lake to flow from your tap because it can control all the factors of construction, distribution and costs—but the city cannot as easily remove a slum because people are not materials—and neighborhoods are not scientific laboratories.

You could eliminate traffic congestion by removing all cars from the streets and force people to use public transportation.

This is a simple solution—but until we know better how to change attitudes, habits, customs and ideas of convenience—you and I know that there is very little likelihood that this will happen tomorrow.

I think it is appropriate to reflect on the words of St. Thomas More when he was discussing the inadequacies and injustices of the day and how they might be remedied.

"Suppose wrong opinions cannot be plucked up by the roots, and you cannot cure as you would wish, vices of long standing, yet you must not on that account abandon ship of state and desert it in a storm, because you cannot control the winds. But neither must you impress upon them new and strange language, which you know will carry no weight with those of opposite conviction, but rather you must endeavor and strive to the best of your power to handle all well, and what you cannot turn to good you must make as little bad as you can. For it is impossible that all should be well, unless all men are good, which I do not expect for a great many years to come."

In the words of St. Thomas I pledge that I will strive to the best of my power to handle all well.

ADDRESS OF MICHAEL CAFFERTY

(Mr. FOLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FOLEY. Mr. Speaker, on Monday, March 22, 1971, Michael Cafferty, the Deputy Assistant Secretary for Environmental and Urban Assistance, Department of Transportation, delivered a speech before the Airport Operators' Council International Environmental Planning Conference, in New Orleans, La.

Mr. Cafferty's speech, "Aviation as a Factor in Regional Development," discusses the important problems of relating airport planning activities to the total transportation problem and overall urban planning.

I believe Mr. Cafferty's remarks are most pertinent to the problems facing every metropolitan center in the Nation and deserve the widest dissemination. Accordingly, I am including a transcript of Mr. Cafferty's speech for inclusion in the RECORD.

Aviation as a Factor in Regional Development

As transportation planners, our job has become far more complex than it once was. For there is a profound new awareness in this country that individual technical decisions about transportation, or for that matter about housing, energy, water and sewers, commercial and industrial location and recreation, can no longer be made as if they had no relationship to each other or to their surroundings. There is no question that we are becoming an increasingly urbanized society with most of our population concentrated in a few major metropolitan areas.

And it is clear that the form and quality of life in these metropolitan areas will be dramatically shaped by the decisions that are made now and in the immediate future by government officials, by local authorities and by private developers with the assistance and guidance of town planners, architects, engineers and social scientists.

Increasingly, Federal policies have reflected this awareness. I shall be reviewing the implications of these policies with you.

Additionally, our Office of Environment and Urban Systems in the Department of Transportation is, as you know, the focal point for Departmental thinking about transportation as it affects the urban and natural environment. I should like to discuss with you our recently completed study of urban transportation planning, and the institutional recommendations which that study makes. Finally, I know you will be interested to hear about our contract with CLM Systems to develop a handbook on environmental factors which should be considered in airport site selection.

I am aware that many of you are concerned over whether new Federal requirements will hamper your ability to do your job. Let me begin with some reflections about the situation we all find ourselves in—airport operators and general citizens alike. The issue appears to be whether we continue the traditional concept of operating airports as efficiently as possible as compared to considering how we can plan new airport facilities to fulfill regional development goals—by planning through regional planning agencies.

We are moving into an era in which practical concerns no longer rule out idealism and, by the same token, idealism no longer rules out practicality. If it is true that we are only just now beginning to be able to combine idealism and practicality, it is happening at a fortunate time. The rate of change—of both technology and institutions—that this country is now experiencing is almost beyond our comprehension; a new invention or discovery is overtaken by its successor almost before it is put in place.

This incredible rate of change puts a new burden on us to think seriously about the future—to set policies which give serious attention to the consequences of programs. The rate and pervasiveness of change should make us careful not to set policies which lock us into undesirable consequences. The existence of the National Environmental Policy Act makes for positive thinking. This legislation means that we regard ourselves as trustees of the future and it cautions us to think about what kind of a world we want both for ourselves and for future generations.

The rate and magnitude and pervasiveness of both social change and technological change have given us a world in which everything affects everything else, and fast!

In the past we have not dealt well with this fact. We have, for the sake of convenience and efficiency, fragmented the big picture. But efficiency cannot or should not be a goal in and of itself. A policy which seems perfectly rational in a limited context may be wildly irrational in the context of other programs.

We are leaving the time in which separate fragmentary programs have been their own justification and are entering a period of recognizing the interrelationship of programs.

This has been a long time coming. The very creation of the Department of Transportation recognized that transportation programs should be considered together—that autonomous agencies for aviation and for highways and for rails ought to be subject to some overview. To an extent this has occurred. On the other hand, mere Federal recognition that transportation affects land use, or that highways and air pollution are related does not do much good.

Institutions at all levels—Federal, State, regional and local—must be encouraged and equipped to plan and implement all the various factors which affect urban development.

This sounds very pie-in-the-sky, but I assure you that I am dealing in the real world.

President Nixon as you know, has proposed major reforms of Federal Government and Federal spending. The President proposes to reshape the Federal Government in terms of broad development goals, and to give urban areas funds for their development, without specifying the kind of development he wants to see. These ideas show a new way of thinking in Washington. Instead of thinking about separate programs for highways, model cities, solid waste, and so forth, urban areas will have the opportunity to think about urban development goals in a context which transcends narrow program orientation.

The President's proposed reforms represent a new conceptual slant—they offer a new opportunity to think about the whole, instead of only about the parts. Fragmented Federal programs, all directed by separate agencies have encouraged the development of fragmented thinking at State and local levels where the programs operate.

Our Office, that of the Assistant Secretary for Environment and Urban Systems, recently completed a study of urban transportation planning which revealed a serious need for stronger comprehensive urban planning organizations. I am sure that if such organizations existed today, some of your fears regarding new Federal requirements would be allayed. You find yourselves in a vulnerable position, because even though you should be tied in with regional development goals, the single metropolitan area planning organizations to which you should relate, do not exist. You do, however, relate to a national system which sets goals and standards. Thus, Federal requirements are a substitute for local policies because the policy institutions are not yet properly developed.

The world in which you people operate makes you especially sensitive to the differences between technological solutions to environmental problems and social solutions—the technological solutions are so much easier to apply, once they have been developed. I began by trying to make you optimistic about the future; how I find myself emphasizing the frustrations of the present.

Secretary Volpe, speaking recently before the Metropolitan Washington Council of Governments said,

"It must be our plan to restore some sense of humanism to our downtown streets. Not his automobile, but man himself must continue to be the measure of all things. The city must be a gathering place for people, not vehicles."

The same thing can also be said of urban areas as a whole; they must be shaped by people for the enjoyment of people. It is only recently that urban environmental concerns have pervaded Federal legislation and required attention to community goals and development.

Let me speak now of the changes we have seen in legislation concerning transportation over the past six years.

In 1964, landmark legislation, the Urban Mass Transportation Act, required that urban transportation programs be consistent with criteria for air pollution control established by the Department of Health, Education and Welfare. This step, in 1964, was a small step toward rationalizing a role for the Federal Government in urban areas. In its limited way this legislation said that Federal programs must, at least, be consistent with each other in urban areas.

In 1966, legislation which created the Department of Transportation, clearly stated that the new cabinet department had environmental responsibilities. This legislation recognized that Federal programs for mobility on the ground and in the air, need to be considered as a whole. But this 1966 legislation did something else that was important. It declared that the new Cabinet department had responsibilities to social and environmental goals, and that public parks, recreation areas, wildlife refuges and historic sites should not be taken for transportation projects except under extraordinary circumstances, and then all possible planning must minimize harm.

Thus, 1964's legislation merely required consistency among Federal programs. And, in 1966 legislation swept together all Federal transportation programs and—by restricting the use of certain lands for transportation projects—gave new significance to community and environmental values in transportation planning. Also in 1968, the Federal Aviation Act was amended to require the development of rules and regulations for control and abatement of aircraft noise, echoing once more the increasing concern of Congress for progress in the area of environmental impact.

In the light of today's concern, these requirements seem relatively narrow. Conventional wisdom tells us now that the policies of Federal agencies should be consistent with each other in air pollution control, and that parkland should not be taken for transportation projects. It goes without saying that aircraft should be as quiet as technology can make them without jeopardizing safety.

In 1968, Congress moved to an even broader social understanding of how transportation projects should be planned. The Federal-aid Highway Act required local hearings to consider:

> ". . . the economic and social effects of . . . a location, its impact on the environment, and . . . consistency with the goals and objectives of . . . the community."

This new understanding that communities can and should plan their development of course permeates the Environmental Policy Act of 1969, the Airport and Airway Development Act of 1970, the Federal-aid Highway Act of 1970, and the Urban Mass Transportation Assistance Act of 1970. All this legislation requires a great deal of attention to community development goals before transportation projects can be built. That is why I said at the outset that you would be moving from a narrow role to a broad social role in your planning efforts.

The new legislation in addition to providing for capital investment, also provides money for planning transportation projects—thus linking idealism with practicality.

The Federal Government has a significant role in financing transportation planning, as well as in financing specific transportation projects. States have available 1½ percent of their yearly trust fund allocations and they may use an additional ½ percent for highway planning, research and development. The Airport and Airway Development Act provides $15 million a year for airport planning, and the Urban Mass Transportation Act will make significant funds available for mass transportation planning. The Department of Transportation's role is most important since, of all the Federal money available for physical planning by local areas, over 60 percent comes from DOT.

Airports in urban areas have generally been planned and operated by an entity whose concerns were limited to aviation matters and economic viability. Land use and the integration of the airport with other transportation were not within the powers of this entity. Noise and pollution have increasingly become serious environmental problems, often due to lack of adequate land use control on the areas surrounding airports.

We have found, in studying urban transportation planning, that with few exceptions, planning for highways, airports, and transit has not been coordinated. Part of the blame has lain with the availability of funds for roads, but not for much else. This has permitted State highway departments to dominate the transportation planning process. This funding bias has been accompanied by a mixed bag of Federal planning assistance programs which are based on different criteria and are therefore inconsistent with each other. We think that a properly designated program of Federal assistance could provide the right incentives to the development of single area-wide planning agencies; and this, we think, is the first step toward good urban development. The second is to incorporate into this area-wide planning process the means by which priorities can be established.

The central target of DOT urban transportation planning assistance should be the development of metropolitan institutions which are capable of dealing effectively both with regional development problems and with increasing Federal-aid for transportation and other metropolitan development. Criteria for receipt of Federal-aid urban transportation planning funds may well include:

(1) Capability of the metropolitan agency to tie physical planning to transportation planning, social planning, and to metropolitan and environmental goals and objectives. (Failing to provide such a metropolitan process, perhaps consideration should be given to withholding approval of all Federal transportation aid.)

(2) Capacity of the metropolitan agency to reflect the wishes of each participating local jurisdiction in a uniform and reasonable way.

(3) Capability of the staff to deal with intermodal urban transportation planning within the context of all regional development goals.

These metropolitan planning agencies must be broad-ranging futurist organizations—very different from the single-mission bureaucracies of the past which operated autonomously. Because the plans and policies of autonomous agencies if not considered together in the context of regional development may not fit together, they must be considered together.

Thus, regional planning agencies must be metropolitan in scale—they must provide a place for local governments to come together to make regional decisions. They must be broad in terms of power—they must be empowered to set priorities for implementation. They must be interdisciplinary so that decisions which appear to meet one kind of goal do not endanger other development goals. That is, plans for transportation including airports must take into consideration plans for water and sewers, energy, as well as schools, housing, recreation, etc. This is already required at the Federal level by the National Environmental Policy Act of 1969 which requires that all Federal agencies:

> ". . . utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment . . ."

Only an interdisciplinary approach will give us the ability to anticipate the consequences of decisions, and balance those decisions in an informed manner. Only an interdisciplinary approach will really let us design the future of our urban areas, the places where most of us live.

Alvin Toffler, in his book *Future Shock* which is so much in vogue makes the suggestion that most bureaucracies are designed to solve problems that no longer exist. I don't really believe this, but I do believe that Toffler is on the right track—that the past is not the prologue, and that new problems need new solutions. Some of our problems, ironically enough, stem from expert organizations and efficient bureaucracies. We have specialized and specialized. This is what I meant earlier when I mentioned the fragmentation of programs. Now is the time to put the pieces back together; to come to terms with the fact that in urban development everything does affect everything else.

Buckminster Fuller invented a new word to describe this phenomenon—the word is "synergistic." When considering a problem we usually say, "Well, we'll leave that one to the experts."

The experts in one narrow discipline have been making decisions which have broad ranging social implications. We have often abandoned crucial policy decisions to the technicians because we didn't know any other way for decision-making.

While we are a long way from developing the strong urban development organizations which I am advocating, until we get them we can provide a service to some experts by showing them how to anticipate consequences which are outside their areas of expertise. This is what we will be doing when we have finished the Handbook for Airport Planners which we now have underway.

There is a very good phrase which describes what often happens to people who are real experts. They say that they have "a trained incapacity to think outside their areas of expertise." Without suggesting that this is a disease to which airport planners especially fall prey, I want to tell you about our manual and how it will give you a checklist of the considerations which must be taken into account in planning airports.

The checklist approach is one which my Office has also used in giving guidance to persons who must prepare 102(2)(C) statements, statements of environmental impact as required by the National Environmental Policy Act. Our checklist is a list of effects—consequences—likely to be environmentally significant. It includes changes in noise level, displacement of persons, disruption of planned development, destruction or alteration of breeding grounds, recreation areas, water table, and so forth.

But in the handbook which we are developing for your use, we can carry this a bit further. Here, in addition to the checklist of factors we will have proposed countermeasures. As a matter of fact, I am not particularly enthusiastic about that word countermeasure because it always sounds as if there is a battle shaping up. I prefer to think of these as control techniques.

At the heart of our contract with CLM Systems are case studies of environmental factors at five airports. Before telling you about how these case studies will serve as the basis for the checklist, I would like to say that this study is going forward with excellent cooperation from Federal agencies, particularly the Federal Aviation Administration, the Department of Housing and Urban Development and the Council on Environmental Quality. The Department of Housing and Urban Development is currently funding studies of metropolitan aircraft noise abatement policy at four airport locations; and the Department of Transportation, which has a noise abatement office, has contracted for an intermodal study of transportation noise generation and abatement.

The environmental considerations which are being studied in our five case studies are: ground access, water pollution, air pollution, noise pollution, hydrology, land development, community impact and, aesthetic considerations.

The control techniques for coping with these factors include site selection, zoning, comprehensive planning, airport master planning. They also include mass transportation, silting control, wastewater treatment, taxation policies, and insulation of buildings.

The airports under study are Dallas-Fort Worth, John F. Kennedy, Los Angeles-Palmdale International, Portland, and South Florida Regional. These airports were selected for the constructive considerations they present in development and expansion and for their broad applicability to other metropolitan areas. John F. Kennedy is of course located in an ecologically sensitive tidal area; Los Angeles International is in a low density residential area, and Portland is located in an urban site where expansion into a river and into recreationally and ecologically important areas creates difficult problems.

Our handbook will not just describe factors and control techniques. It will have several perspectives; one chapter will relate environmental factors to the airport master plan, and to the regional or comprehensive planning process. It will also describe procedures for compliance with the Environmental Policy Act. Another important chapter will discuss the airport planning process, discussing the Airport and Airway Development Act of 1970, statutory procedures for funding, and the institutional participants in the process of airport planning.

In all, I am sure that this will be a truly practical book. It will assist you greatly in going about your special business of planning and managing airports and in doing this within a broad context of planned urban development which is so obviously the great social need of the 1970's.

The new Airport and Airway Development Act and all other new transportation and environmental legislation require planning in the context of urban area development. The perfect comprehensive planning institutions are still far in the future, but funds for planning for highways, airports and urban mass transit are here now. The handbook which we are developing for your use will combine the practicality of environmental control techniques with the idealism of the National Environmental Policy Act. Our handbook should help you comply with new Federal regulations. Consideration of environmental factors in airport planning will also broaden your role in promoting good urban development.

You people represent the expertise of a great service industry. In the new social climate technical expertise, when properly used, is a tool for fulfilling social needs, human needs. You need a new policy direction and that direction must in a sense come from the bottom—from those whose lives and communities you affect—from those who live in the communities where airports will be located—from those who use airport services.

Transportation service industry will earn the confidence of urban communities as transportation services are seen as a means for meeting community development goals. It is up to you to earn that confidence. It is a matter of broadening the idea of service—a concept which is completely familiar to you. You will broaden your own role in community development and you will merit the confidence of the whole community which you serve.

NATIONAL ECONOMIC CONVERSION COMMISSION

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I am today introducing legislation which will, by establishing a National Economic Conversion Commission, allow for a rational and orderly transition from a defense-oriented economy to a peacetime economy.

The need for such conversion has become evident. During the past few decades, the requirements of national security have forced the United States to make heavy economic, scientific, and technical commitments for defense. As a result, the country has achieved and maintained a substantial economic dependence on military and space contracts.

As the war in Southeast Asia deescalates, however, we find ourselves with a unique opportunity to reverse this pattern. Defense resources are now becoming available for other uses. If properly converted, this newly available skilled manpower and Federal funding can aid us immeasurably in solving our pressing social problems.

The danger lies in allowing these resources to stagnate rather than putting them to effective use. To avoid this danger, planning should begin immediately. Alternatives for each resource must be spelled out and evaluated before the resources actually become available. To insure a rational reordering of our national priorities, we must carefully explore all options open to us.

The legislation I am introducing today will provide for just such a careful conversion study. The "National Economic Conversion Act," as the bill is titled, would establish a Commission in the Executive Office of the President to provide framework through which orderly conversion could occur. The Secretary of Commerce would serve as Chairman, and 11 other Cabinet officers and agency heads will comprise the remainder of the Commission. The Commission could select six additional members at its option.

The Commission's duties would consist of five principal tasks. First, it would define appropriate policies and programs to be carried out by departments and agencies of the Federal Government for economic conversion. The Commission would also convene a National Conference on Industrial Conversion and Growth, to consider problems arising from conversion. Third, the Commission would consult with the State Governors to encourage State, local, and regional studies on economic conversion. Fourth, the Commission would bring workers and businessmen into the planning process by consulting with trade and industry associations, labor unions, and professional organizations. Finally, the Commission would guide conversion planning by defense contractors to insure that the individual firms most directly concerned will be fully prepared for their own economic future.

In this session of Congress, I have also introduced legislation to redirect the talented technical manpower of the decelerating defense and space industries to the resolution of our domestic social ills. Already much of this talent has been allowed to stagnate in the ranks of the unemployed, and it is quite evident that the need for conversion planning is serious and immediate. Together, these two bills provide a legislative package which will accomplish the orderly transition from a wartime to a peacetime economy. The future of the Nation depends on how well we utilize our available resources. As more resources are freed from the requirements of national defense, they must be redirected and retrained to attack the Nation's social ills. I urge the Congress to give full and immediate consideration to these proposals as a means of rational and orderly economic conversion.

SOUTH TEXAS A DISASTER AREA

(Mr. de la GARZA asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. de la GARZA. Mr. Speaker, severe drought conditions prevail throughout most of south Texas. Our crops and livestock are suffering. Our farmers and livestock producers badly need the aid that can be made available to them through designation of the affected area as a natural disaster area.

Under the law, this designation can be made by the Secretary of Agriculture upon recommendations of U.S. Department of Agriculture county and State disaster committees.

These committees are composed of local people, people who know the area and are fully conversant with the problems of the affected area. The committees are made up from the chairman of the County ASC Committee, the chairman of the County Farmers Home Administration Committee, and the extension service representative in the county. The State disaster committee is similarly composed. It is on their recommendation that the Governor finally acts by certifying the drought situation.

Once the proper procedures are carried out, feed prices could be reduced through the sale of feed grain owned by the Commodity Credit Corporation to eligible farmers for eligible livestock. Grazing and haying could be authorized on lands diverted from crops by annual farm programs. Other benefits to our hard hit agricultural producers will result from the natural disaster designation.

Mr. Speaker, I call the attention of my colleagues to the fact that distress caused by severe and prolonged drought is not confined solely to the farmers. Farm hands and migrant workers are immediately and adversely affected by reduced employment. Retail merchants see their sales dropping. The tax structures of county and municipal governments are weakened.

The harmful effects of drought spread out quickly and widely. That is happening now in the 15th Congressional District which I represent and in other south Texas areas. I hope the assistance available under law will be forthcoming soon. It is urgently needed now.

FASCELL COSPONSORS MIDDLE EAST RESOLUTION

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record).

Mr. FASCELL. Mr. Speaker, I am today joining my distinguished colleague and fellow Floridan, Claude Pepper, in sponsoring a resolution concerning the Middle East situation. It expresses the sense of the Congress that the U.S. Government should exert its influence to bring about face-to-face negotiations between the Israelis and the Arabs.

The major powers cannot force a settlement in the Middle East. A lasting peace will only be achieved by direct, face-to-face negotiations between the parties involved.

As I see the situation, the United States has two primary responsibilities in the Middle East. First, we must help Israel to maintain the precarious balance of power so that there is no temptation for the other side to take advantage of a temporary imbalance and resume hostilities.

Second, and more important, we must not allow the conflict to escalate to the point of a confrontation between the super powers.

It is with a view to this last goal that I am co-sponsoring this resolution. It is similar to legislation I have sponsored in the past, and it represents a reaffirmation of my previous thoughts and actions on this issue.

Direct, face-to-face negotiations between the Arabs and the Israelis offer what an imposed settlement cannot—the possibility of a permanent peace.

HEARINGS SET ON POCKET VETO LEGISLATION

(Mr. CELLER asked and was given permission to extend his remarks at this point in the Record.)

Mr. CELLER. Mr. Speaker, I wish to announce that on Wednesday, April 7, 1971, at 10 a.m. subcommittee No. 5 of the Committee on the Judiciary, will conduct public hearings on H.R. 6225, a bill to implement article I, section 7, of the Constitution, designed to spell out the pocket veto powers of the President.

Parties interested in offering testimony or submitting statements for the hearing record should contact the committee in room 2137, Rayburn House Office Building, Washington, D.C.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. The United States leads the world in the production of cotton yarn. In 1968 production was 1,866,100 short tons, compared to 1,799,600 for mainland China and 1,566,300 for the Soviet Union.

POLAND: DEFENDER OF EUROPE

(Mr. DERWINSKI asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. Speaker, as the aftermath of the bloody riots in Poland this past December much speculation has been centered on the possible trend of events that could or could not bring about change for the better for that hapless and enslaved country. The editorial "Polonia: Defensor Fidei Ac Europe," written by the Honorable Geoffrey Stewart-Smith appears in the March 1971 issue of the authoritative East-West Digest, journal of the Foreign Affairs Circle of Great Britain. Mr. Stewart-Smith is one of the most promising younger Members of the House of Commons and he won his seat in 1970 Parliamentary elections by defeating George Brown, former Foreign Secretary in the Labor Government. His editorial sketches briefly the history of the heroic Polish people, their tragedies and glories, their unselfish sacrifices on behalf of the Western civilization as defenders against the onslaught of the Eastern tyrannies. I commend this editorial to your attention:

POLONIA: DEFENSOR FIDEI AC EUROPE

The Polish nation throughout history has been placed in most perilous and painful situations by geography and destiny and yet it has risen in defence of liberty more manfully and heroically than many others. It was not the leaders and overlords who were such paragons of virtue and wisdom—on the contrary, some of them were such fools or so wicked, or both, that it is still embarrassing to read of their antics centuries afterwards. But it was and is the Polish *people* who put others to shame by their noble and self-sacrificing heroism in times of national disaster.

In the exposed and naturally unprotected geographical position where Poles dwell, it was unavoidable that Poland lay in the path of the mass armies sent out by rapacious and bloody foreign despots on their missions of mindless destruction and murder, but it is remarkable that Polish princes and kings did not succeed in using for defence the martial valour of their subjects through setting up the bureaucratic and military monster machinery which the rulers of other, similarly indefensible lands formed of their unhappy territorial populations. It was never given to Polish kings to operate similar military monarchies as grew up in the neighbouring areas of Russia, Prussia, and Austria and, on the other flank of Europe, for making France and Spain safe against the perennial invasions of the Norsemen, Normanized English, and Arabs. Thus Poland, though strong in the Middle Ages, when her tyrannical neighbours were still in the throes of feudal disorder and weakness, remained a baronial Republic with an elected king at its head, comparable to post-Norman England with her aristocratic kingmakers, authors of Magna Carta, and fratricidal factions of the Wars of the Roses. But the kingdom of the White Eagle was not protected against foreign interference by the sea; its wide-open frontiers left it open to intrigues of its stronger neighbours, and for defence, it always had to rely on calling up for war service all its inhabitants and seeking help from far distant and fickle allies, to save it from near-destruction. Yet the periodic call on the warlike virtues of all Poles could not remain for ever a substitute for well-organized, well-drilled, well-equipped mass armies and for a permanent machinery of what today is called "logistics", which were at the disposal of the Tsars, the Austrian emperors, and the Prussian kings. The Poles could defend themselves only by repeated and splendid inprovization, and by playing one enemy against the other. Often they failed and ran into tragic disasters.

But how frequently did not such improvization save other nations, and all Europe, from being engulfed in slavery to Mongol Khans, Turkish Sultans, modern German racialist paranoiacs, and eastern Communist destroyers of civilization?

Almost at the beginning of recorded Polish history, Henryk II, a Polish duke of Silesia, son of Saint Hedwig (Jadwiga), a German princess, took up the hopeless fight against the invincible Mongol hordes of Jenghis Khan's successors, by pitting his small army of Polish and German knights against overwhelming odds in the battle of Wahlstatt near Liegnitz (Legnica) in 1241. He and almost all his men were killed, but they caused the aggressors such heavy losses that, because at the same time the Grand Khan Ugedey had died in his faraway capital city of Karakoram, the Mongol armies retreated into Russia and Central Asia and were never seen again in Central Europe.

In 1683, it was the Turks, then at the summit of their military success, who again threatened to engulf all of Central Europe. Their second siege of Vienna was miraculously raised by a battle that could only be won through the then Polish king, Jan Sobieski, bringing his own big army to the relief of the imperial capital, after another great Roman Catholic state, France, had made an alliance with the Turks. The Turks were soundly beaten, and from then on began their incessant retreat from enslaved South-Eastern Europe and the gradual liberation of its many Christian nations, which ended only in 1912, on the eve of the period of World Wars, which led them into renewed subjection.

There is, of course, no gratitude among states and governments for help received in the past, and Austria took part, barely a century after the Poles having saved Vienna in the nick of time, in the shameful division and dismemberment of Poland, through which the long agony of modern Poland was initiated. This time, it was the Polish ruling and governing nobility, thoroughly disunited, self-willed, and corrupt, which lent an active hand in the destruction of their country, by preferring foreign bribes to risky national unity and self-defense.

In spite of constant singing of the anthem "And yet, Poland is not lost for ever . . ." and of several audacious rebellions, it now seemed for almost 150 years that the national spirit of Poland had been broken for good, though individual Poles, like General Bem in the first Hungarian revolution of 1848, served the cause of other nations' liberty with splendid heroism.

A revival of the Polish Republic in a modern form became only possible after the total breakdown of the neighbouring military colossi of Russia, Austria and Germany in 1917/18. But the new Republic remained weak and, under the impact of the disastrous world slump starting in 1929, impoverished. It cannot be said that its internal arrangements and administration were admirable. In fact, when its strength was put to the test in 1939, it found itself under the rule of the incompetent and rather reactionary "Colonels," unworthy successors of the Polish hero, Marshal Pilsudski, and imbued with many of the repulsive traits of Eastern European social and moral decay: anti-semitism, stupid hostility against trade unions and democratic socialists, senseless national hybris and arrogant hostility against other nations, including the Ukrainians, Germans, Lithuanians, Czechs (and, of course, Russians), when Poland's true interests, in her situation of being permanently threatened on her eastern and western borders, called for making and cultivating as many foreign friends as possible. (Under the psychologically deadening impact of appeasement by the Western democracies, the only attempt at an alliance made by the ageing and near-dying Marshal Pilsudski and his successors was some sort of pact with Hitler.)

When Hilter and Stalin began to carve up Poland, the "Colonels'" government and military command were swept aside by the war that was lost from the day it started, but the Polish nation never gave up the struggle, although its Western allies did little to relieve and support it. Even a vanquished and tortured Poland, through her brave underground army, remained a running sore in the side of the Nazi Reich, and the Communist ex-allies of Hitler feared the Poles of the Home Army so much that Stalin, instead of letting those Polish soldiers and officers who had not been murdered by the Soviet political police form an allied Polish army on Soviet territory, went to the enormous expense of evacuating the survivors from Soviet prison camps to Persia to join the Western military forces.

How earlier Polish refugees from Poland's breakdown, and later the Polish army formed by General Anders from the evacuees out of the Soviet empire, fought in defense of Britain, for the defeat of Rommel's Afrikakorps, and for the elimination of Mussolini's ramshackle Fascism, has been so frequently and so well told that it need only be mentioned here. But this time again, "ingratitude is the world's reward", as the German proverb has it, and who, in the United Kingdom and in the United States, likes to be reminded today of the Polish pilots of the Battle of Britain, belonging to the "few to whom Britain owes so much", of the Polish Army's hard slog up the rocky spine of Italy, their magnificent victory at Cassino and of the heroism of despair of Warsaw's immortal Jews and of General Bor Komorowski's military rising in the same city, during the last phases of the war?

Coming to the period of the shameful peace which was imposed on the Poles and on all the other small nations on the western borders of Soviet despotism, it is clear that the Cominform, founded in 1947, with the proclaimed purpose of transforming the feeble remainder of a free Europe into "people's democracies", might have been victorious if all these nations had not emulated the Poles' example and tried to use the freedoms promised in their provisional constitutions to build their reviewed national states to their own liking. The Poles being situated on the strategic road into Germany had to be subdued first: their "liberation government" was remoulded into a Soviet puppet already in the fake elections of January, 1947, and the former war-time Prime Minister-in-exile, Mikolajczyk, was forced to flee for his life to England in October of the same year, to be "banished for life" from Poland by the subservient pseudo-parliament, the Sejm. (This bell of slavery tolled for the other satellites in 1948).

It was significant, however, that the nation which had not produced a single Quisling throughout the war, could only be subdued by a whole army of Quislings imported by their new Soviet masters: they were not veterans of the pre-war Polish Communist Party, for the Polish Communists, most of whom had fled to the Soviet Union from the "Colonels'" government's persecution, had been wiped out to the last man and woman by Stalin's butchery, because they were not sufficiently obedient. The new Communist government of Poland, based on the so-called liberation committee of Lublin, consisted of members of the pre-war Polish minority on Soviet soil, many of whom were not even able to speak proper Polish, like the Defence Minister of "People Poland", the Soviet Marshal Rokossovsky, discredited and cashiered Polish officers and adventurers, time-serving journalists and political writers from the pre-war intelligentsia, who had not been Communists before 1945, and even former extreme right wingers, sympathizers with Hitler and Mussolini and lifelong Jewbaiters, with an admixture of Jewish Communists who, against all experience, still believed Communism to be the best safeguard against the persecution of the Jews. Some of the ministers were also ex-Social Democrats Only Gomulka, and the so-called General Moczar, who also escaped from a Polish gaol after 1939, had been genuine Communist party officials in the inter-war years. (And Gomulka was soon to disappear in a Communist prison for another few years.)

Unbelievably enough, the Polish people still did not settle down quietly to its fate as Moscow's obedient Man Friday. Twelve years before their Czech and Slovak neighbours, in 1956, the Poles were the first to shed their blood for a "socialism with a human face", though they called it more modestly, "Polish socialism". And what the dour neighbours to their South and West never achieved, the more "romantic" Poles did win: they broke the fetters of State serfdom, which had tied their peasant farmers to collective farms, and the farmers are *still* in possession of their small holdings. Though Polish farmers are viciously discriminated against through inequitable taxation, withholding or restriction of credits, and earmarking most of the necessary tools, machinery, and fertilizers for wasteful giant State farms, they have shown themselves able to produce high-quality foodstuffs for export to the West. (That there is a food shortage in Poland at the same time is due exclusively to government policy, which enforces "hunger exports" of a kind which were the shame of Tsarist Russia, against which all the famous Russian writers, led by Leo Tolstoy, protested.) Fully collectivized Czechoslovakia and allegedly liberalized Hungarian agriculture have never been able to match the Polish farmers' expert successes.

Under the erratic and blustering tutelage of Khruschev, it took Gomulka about ten years to dismantle again the liberties won in the "Spring in October" of 1956, not merely eight or ten months, as in the case of the wonderful but evanescent spring of Prague in 1968.

True, the Polish Communist hierarchy has used all the dirty tricks inherited from, and encouraged by, its Russian masters—of anti-Semitism, of aggressive and rapacious anti-German imperialism, of brutal disdain for true intellectual freedom, which are all rooted in the common and miserable East European past for playing on the emotions of the misinformed, maltreated, and unhappy Polish masses. Up to a point, the bullies-in-office have been successful in transforming "Polish Socialism" into the "Socialism of the stupid clods", as Jew-baiting had been described, already before 1914, by the venerated German socialist leader, August Bebel, who was also admired by his Polish comrades.

But the reverberations of the Polish people's fight for freedom in 1956, was followed closely by the Hungarian Revolution, and they have not yet ceased to instill in the Soviet rulers a healthy fear of foreign military adventures, across whose lines of supply the Poles would sit. This is probably a more effective protection of the West against a "hot war" than the much-discussed "balance of terror" in the nuclear field, which has not existed for some time, as the Soviets have constantly increased their arms stocks, and the Americans have dismantled their medium-range missile launching pads protecting Western Europe.

Thus the Polish masses, though disorganized and leaderless, are still active and the most valuable and most effective allies of the West in the Soviet camp.

It is sad and shameful in the extreme that the West, itself endangered, is blind to its value and valour, and has nowadays even ceased to admire and give moral support, at least on paper and through its mass media, to the Poles in their hour of need.

For what are the fighting Poles to think of the total absence of reaction to their new attempt to force their present masters, who have usurped power and not earned it by performance, to give up compelling Polish workers to do more and harder work whilst actually starving, by denying them decent food even for Christmas? What is the meaning of Western trade unionist and Socialist MPs. organizing collections of money for the striking British postal workers, without any of them ever putting pen to paper or speaking up to assure their Polish comrades and colleagues at least of their feelings of brotherly solidarity? If some have done so, who has ever heard of it?

Not even Socialist-led governments in Sweden, Austria, or West Germany have protested against the killing of at least 200 striking workers in Gdansk and unknown numbers in Gdynya, Elblag, Sopot, and Szczecin. No "women's liberation" demo has yet been announced to pledge support for the heroic women of the Lodz textile mills, though they have remained on strike longer and have forced more out of the new Communist leader, comrade Gierek, than the men—the cancellation of all the pre-Christmas food price rises and the restoration of production bonuses and piece rates, which were to be abolished.

Willy Brandt's Socialist-dominated government actually prohibited its officials from expressing any sympathies or raising any protest on the occasion of anti-Jewish persecutions and of police terror against striking workers in Poland, lest the Bonn/Warsaw Treaty be put at risk. Instead, Brandt, in a much-photographed but cheap gesture knelt down at the monument to the Jews of Warsaw, killed by the Nazis, without opening his mouth to ask for mercy for their survivors. Herr Wehner, chairman of the Social Democratic parliamentary party in the German Federal Diet, when in Warsaw, told his host, Communist prime minister Jaroszewicz, that he wished him much success in dealing with the problem of strikes in Poland. What would happen, one is tempted to ask, if a leading Polish Communist came to England these days and wished Mr. Edward Heath "much success" in his troubles with the strikes carried out by free trades unions? Even though Mr. Heath would not and could not stoop to having strikers shot down in the streets, the scandal would be complete.

When one student was killed by a policeman's revolver shot during a deliberately terrorist demonstration by West Berlin student extremists, not protesting against rapacious employers but against the Persian Shah, who in the course of recent oil price negotiations has been transformed into the darling hero of the Third World and its unpaid propagandists in the West, the luckless constable, who had felt threatened was dragged through all the criminal and disciplinary courts, his superiors refusing him support, whilst student incendiaries and violent bullies went off scot-free. The violence of left-wing protests against alleged police terror was indescribable. But fifty Polish workmen standing up for their own constitutional rights were killed and remained unmourned and unsung, though the bloodbath in the cities on the Polish coast of the Baltic was at least as horrible as that of Sharpeville in South Africa.

The West has become blind not only morally but also intellectually and politically to the cause of truth and to its own intersts, by not seeing that the Polish workers' rebellion has again got the chestnuts out of the fire for it: the December and February strikes and uprisings have probably saved Western statesmen the necessity to press the West Germany Government (when it would most likely have been too late) for not stumbling hurriedly and mistakenly into ratification of its suicidal pact with Moscow. This pact has gone sour on Moscow, at least for the time being, not because of opposition in West Germany but because Moscow or a very strong faction in the Kremlin has suddenly become scared of certain possible side-effects of such a pact. They fear that satellite and even Soviet subjects may mistake the conclusion of such a treaty (and of the subsidiary one with Warsaw) as a step towards genuine peace and relaxation, and that the people may therefore become more than usually impatient with the unending hard common lot they are forced to endure. That there has been is pressure for what the Soviet government calls "social democratism", i.e. more food and clothing and more decent working conditions instead of wasteful and unending increases in both heavy industrial investments and armament expenditure, can be seen in all Communist countries from the sudden reversal of econmic and wage policies in Eastern Germany. Czechoslovakia. Rumania, and now even in the Soviet Union. There, the Party and the Government could not make up their minds till well into 1971 about a new Five Year Plan which should have regulated the economy since January of this year. It has at last now been published, but it is not only incomplete, though it promises more consumer goods to the people—it has not even been discussed by the Central Committee of the Party, which is the usual way of doing it. The much smaller Politbureau has published the draft on its own authority only, and the First Secretary of the Party. Leonid Brezhnev, has for the first time signed the Plan personally (a thing unheard of in Stalin's and Khruschev's times.) This means presumably that there is disunity and quarrelling in the leadership, with a consequent disorientation and weakening of the Soviet power—equivalent to a relative strengthening of the Western position, unearned and undeserved though it may be by the disunited West.

For this, the West has to thank the rebellious and heroic Polish people again, though not it alone, since other subject nations including the Russians themselves must have brought on such a phenomenal turn in Soviet Bloc policy by their passive (and possibly but unknown to us, active) resistance. But the Poles again stand in the forefront of the defenders of all that is just and humane in the world. Though many will not acknowledge it, we say it here:

"Glory be to the Polish defenders of faith in human dignity and of a civilized and free Europe."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mrs. Grasso (at the request of Mr. Gray), for today, on account of official business.

To Mr. Corbett (at the request of Mr. Gerald R. Ford), for the week of March 22, 1971, and the week of March 29, 1971, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Roy) to revise and extend their remarks and include extraneous material:)

Mr. Gonzalez, for 10 minutes, today.

Mrs. Grasso, for 10 minutes, today.

Mr. Aspin, for 10 minutes, today.

Mr. Rarick, for 10 minutes, today.

Mr. Reuss, for 30 minutes, today.

(The following Members (at the request of Mr. Shoup) to revise and extend their remarks and include extraneous material:)

Mr. Gerald R. Ford, for 5 minutes, today.

Mr. Morse, for 15 minutes, March 30.

Mr. Hogan, for 15 minutes, March 30.

Mr. Findley, for 5 minutes, today.

Mr. Mizell, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Flynt.

Mr. Yates in two instances, and to include extraneous matter.

Mr. Broyhill of North Carolina and to include extraneous matter.

(The following Members (at the request of Mr. Shoup) and to include extraneous matter:)

Mr. Horton.

Mr. Buchanan in three instances.

Mr. Broomfield.

Mr. Robison of New York.

Mr. Dickinson in three instances.

Mr. Wyatt.

Mr. Spence.

Mr. Del Clawson.

Mr. Gross in two instances.

Mr. Morse.

Mr. Steiger of Wisconsin in five instances.

Mr. Schwengel in two instances.

Mr. Derwinski in three instances.

Mr. McClure.

Mr. Wyman.

Mr. Whalen.

Mr. Kuykendall.

Mr. Hogan in five instances.

Mr. Hosmer in three instances.

Mr. Rhodes.

Mr. Edwards of Alabama.

Mr. Whitehurst in two instances.

Mr. Zwach.

Mr. Hunt.

Mr. Rousselot.

Mr. Zion.

Mr. Schmitz.

Mr Snyder in two instances.

Mr. Mizell in three instances.

Mr. Shoup.

Mr. Nelsen.

Mr. Anderson of Illinois in two instances.

(The following Members (at the request of Mr. Roy) and to include extraneous matter:)

Mr. Hamilton.

Mr. McFall.

Mr. Eilberg in three instances.

Mr. Scheuer.

Mr. Begich.

Mr. Abbitt.

Mr. Anderson of Tennessee.

Mr. Drinan.

Mr. James V. Stanton in two instances.

Mr. Badillo in two instances.

Mr. Aspin in five instances.

Mr. Matsunaga.

Mr. Long of Maryland.

Mr. Hanna in five instances.

Mr. Rooney of New York.

Mr. Gonzalez in two instances.

Mr. Rodino in three instances.

Mr. Waldie in five instances.

Mr. Anderson of California in two instances.

Mr. Fountain.

Mr. Kluczynski in two instances.

Mr. Carey of New York.

Mr. Jones of Tennessee.

Mr. Bingham in two instances.

Mr. Roy in two instances.

Mr. Hathaway.

Mr. Symington.

Mr. Van Deerlin.

Mr. Collins of Illinois.

Mr. Rarick in two instances.

Mr. Hébert in three instances.

Mr. Edwards of California.

Mr. Green of Pennsylvania in four instances.

Mr. Fraser in two instances.

Mr. William D. Ford.

Mr. Dingell.

Mr. Flynt.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 557. An act to amend the Wagner-O'Day Act to extend the provisions thereof to other severely handicapped individuals who are not blind, and for other purposes; to the Committee on Government Operations.

S. 1330. An act to authorize the Secretary of the Treasury to transfer to the Government of the Republic of the Philippines funds for making payments on certain pre-1934 bonds of the Philippines, and for other purposes; to the Committee on Foreign Affairs.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that the committee did on March 25 present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 468. A joint resolution making certain further continuing appropriations for the fiscal year 1971, and for other purposes.

ADJOURNMENT

Mr. ROY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 37 minutes p.m.) the House adjourned until tomorrow, Tuesday, March 30, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

475. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of a facilities project proposed to be undertaken for the Army Reserve, and of the cancellation of two projects which appeared in previous letters of notification, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

476. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to provide for continuation of authority for regulation of exports; to the Committee on Banking and Currency.

477. A letter from the Special Assistant for Legislative Affairs, Department of Labor, transmitting the ninth annual report on the administration of the Welfare and Pension Plans Disclosure Act, covering calendar year 1970, pursuant to section 14(b) of the act; to the Committee on Education and Labor.

478. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting four drafts of proposed legislation which would establish a Department of Community Development, a Department of Natural Resources, a Department of Human Resources, and a Department of Economic Affairs; to the Committee on Government Operations.

479. A letter from the Administrator of General Services, transmitting a report on the General Services Administration's first dual-fuel vehicle experiment; to the Committee on Interstate and Foreign Commerce.

480. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of February 28, 1971, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

481. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to create the office of Administrative Assistant to the Chief Justice of the United States; to the Committee on the Judiciary.

482. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to provide for the appointment of justices and judges to the offices of Administrative Assistant to the Chief Justice, Director, Administrative Office of the United States Courts, Director, Federal Judicial Center, and for other purposes; to the Committee on the Judiciary.

483. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to establish a commission on revision of the judicial circuits of the United States; to the Committee on the Judiciary.

484. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to liberalize eligibility for cost-of-living increases in civil service retirement annuities; to the Committee on Post Office and Civil Service.

485. A letter from the Chairman, U.S. Civil Service Commission, transmitting an interim report of the Job Evaluation and Pay Review Task Force, pursuant to section 304 of Public Law 91–216; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Texas: Committee on Rules. House Resolution 349. Resolution providing for the consideration of joint resolution (S.J. Res. 55) to provide a tempoarry extension of certain provisions of law relating to interest rates and cost-of-living stabilization; (Rept. No. 92–83). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 350. A resolution providing for the consideration of H.R. 6531, a bill to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes; (Rept. No. 92–84). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. H.R. 5376. A bill to extend the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965; with an amendment (Rept. No. 92–92). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DONOHUE: Committee on the Judiciary, H.R. 2036. A bill for the relief of Miss Linda Ortega; with an amendment (Rept. No. 92–85). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 2127. A bill for the relief of the estate of Charles Zonars, deceased; (Rept. No. 92–86). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 2835. A bill for the relief of William E. Carroll; (Rept. No. 92–87). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 3094. A bill for the relief of the estate of Capt. John N. Laycock, U.S. Navy (retired); with amendment (Rept. No. 92–88). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 3748. A bill for the relief of Sgt. John E. Bourgeois; with an amendment (Rept. No. 92–89). Referred to the Committee of the Whole House.

Mr. SANDMAN: Committee on the Judiciary. H.R. 5318. A bill for the relief of Mrs. Fernande M. Allen; with an amendment (Rept. No. 92–90). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. H.R. 5420. A bill for the relief of Robert F. Franklin; with an amendment (Rept. No. 92–91). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 6823. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

H.R. 6824. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. ANDERSON of California:

H.R. 6825. A bill to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such act to schedule II; to the Committee on Interstate and Foreign Commerce.

By Mr. BARING:

H.R. 6826. A bill to direct the Secretary of the Interior to convey to the city of Henderson, Nev., at fair market value, certain public lands in the State of Nevada; to the Committee on Interior and Insular Affairs.

By Mr. BYRNE of Pennsylvania:

H.R. 6827. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 6828. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 6829. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 6830. A bill to provide financial benefits for certain spouses and children who are physically handicapped or mentally retarded, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER:

H.R. 6831. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. CLEVELAND:

H.R. 6832. A bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft; to the Committee on Merchant Marine and Fisheries.

By Mr. COLLIER:

H.R. 6833. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. Anderson of California, Mr. Bell, Mr. Brademas, Mr. Don H. Clausen, Mr. Edwards of California, Mr. Goldwater, Mr. Hawkins, Mr. Johnson of California, Mr. Leggett, Mr. Miller of California, Mr. Pettis, Mr. Rees, Mr. Roybal, Mr. Sisk, Mr. Van Deerlin, Mr. Waldie, and Mr. Charles H. Wilson):

H.R. 6834. A bill to provide Federal financial assistance for the reconstruction or repair of private nonprofit medical care facilities which are damaged or destroyed by a major disaster; to the Committee on Public Works.

By Mr. DAVIS of Georgia:

H.R. 6835. A bill to authorize the Secretary of Transportation to carry out a special program of transportation research and development utilizing the unique experience and manpower of the aerospace and defense industries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DENT:

H.R. 6836. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. DICKINSON:

H.R. 6837. A bill to amend the Appalachian Regional Development Act of 1965 to extend its coverage additional counties; to the Committee on Public Works.

By Mr. DONOHUE (for himself, Mr. Clancy, Mr. Macdonald of Massachusetts, Mr. Shriver, Mr. Thompson of New Jersey, Mr. Waldie, Mr. Williams, Mr. Skubitz, Mr. Wright, and Mr. Vander Jagt):

H.R. 6838. A bill to extend the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments, and for other purposes; to the Committee on Government Operations.

H.R. 6839. A bill to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments; to the Committee on Government Operations.

By Mr. EDWARDS of California:

H.R. 6840. A bill to amend title 10. United States Code, to make Armed Forces medical facilities and health programs available to totally disabled veterans and their dependents and survivors; to the Committee on Armed Services.

H.R. 6841. A bill to amend the Communications Act of 1934 to prescribe limitations with respect to political commercials; to the Committee on Interstate and Foreign Commerce.

By Mr. ERLENBORN (for himself, Mr. Robison of New York, and Mr. Hillis):

H.R. 6842. A bill to authorize a White House Conference on Education; to the Committee on Education and Labor.

By Mr. ESHLEMAN:

H.R. 6843. A bill to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry; to the Committee on Interstate and Foreign Commerce.

By Mr. FOLEY (for himself and Mr. McCormack):

H.R. 6844. A bill to amend the Interstate Commerce Act with respect to recovery of a reasonable attorney's fee in case of successful maintenance of an action for recovery of damages sustained in transportation of property; to the Committee on Interstate and Foreign Commerce.

By Mr. GERALD R. FORD:

H.R. 6845. A bill to assist in meeting national housing goals by authorizing the Securities and Exchange Commission to permit companies subject to the Public Utility Holding Company Act of 1935 to provide housing for persons of low and moderate income; to the Committee on Interstate and Foreign Commerce.

By Mr. FRASER:

H.R. 6846. A bill to amend title II of the Social Security Act to provide a minimum primary benefit of $100 a month under the old-age, survivors, and disability insurance program; to the Committee on Ways and Means.

H.R. 6847. A bill to amend title II of the Social Security Act to increase from $1,680 to $2,400 the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 6848. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

H.R. 6849. A bill to authorize the National Science Foundation to conduct research, educational, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. GONZALEZ:

H.R. 6850. A bill to amend the Civil Service Retirement Act so as to permit retirement of employees with 30 years of service on full annuities without regard to age; to the Committee on Post Office and Civil Service.

H.R. 6851. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income; to the Committee on Ways and Means.

By Mr. HANLEY:

H.R. 6852. A bill to provide for an equitable procedure for establishing congressional districts; to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 6853. A bill to amend the Small Business Act; to the Committee on Banking and Currency.

H.R. 6854. A bill to encourage small business investment companies to invest in business ventures designed to combat unemployment, air and water pollution, to encourage the development of urban rapid transit facilities and to attain other national policy goals; to the Committee on Banking and Currency.

H.R. 6855. A bill to prohibit mineral leasing and geologic or geophysical surveys of certain submerged lands on the Outer Continental Shelf off the coast of California; to the Committee on Interior and Insular Affairs.

H.R. 6856. A bill to amend the National Wild and Scenic Rivers Act of 1968 (Public Law 90-542), to include the Eel, Klamath, and Trinity Rivers as components of the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

H.R. 6857. A bill to designate the San Joaquin Wilderness, Sierra National Forest, and Inyo National Forest in the State of California; to the Committee on Interior and Insular Affairs.

H.R. 6858. A bill to create marine sanctuaries from leasing pursuant to the Outer Continental Shelf Lands Act in areas off the coast of California adjacent to State-owned submerged lands when such State suspends leasing of such submerged lands for mineral purposes; to the Committee on Interior and Insular Affairs.

H.R. 6859. A bill to amend the Resource Recovery Act of 1970 to authorize grants for the construction of resource recovery systems, and to allow grants for solid waste disposal facilities which utilize existing techniques as well as those which apply new techniques; to the Committee on Interstate and Foreign Commerce.

H.R. 6860. A bill to amend the Clean Air Act to permit States to adopt and enforce aircraft emission standards under certain circumstances; to the Committee on Interstate and Foreign Commerce.

H.R. 6861. A bill; fish cancer study; to the Committee on Merchant Marine and Fisheries.

H.R. 6862. A bill to amend the National Environmental Policy Act of 1969 to confer standing on private persons to sue for relief from pollution; to the Committee on Merchant Marine and Fisheries.

H.R. 6863. A bill to authorize the Secretary of the Interior to study the desirability of establishing a national wildlife refuge in California and/or adjacent Western States for the preservation of the California tule elk; to the Committee on Merchant Marine and Fisheries.

H.R. 6864. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mrs. HANSEN of Washington:

H.R. 6865. A bill to amend the act of August 31, 1954, relating to the control and extinguishment of outcrop and underground fires in coal formations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HAWKINS:

H.R. 6866. A bill to direct the Secretary of Defense to rectify certain official action taken as a result of the "Brownsville Raid," 1906; to the Committee on Armed Services.

By Mr. HELSTOSKI:

H.R. 6867. A bill to amend the Internal Revenue Code of 1954 to prohibit unauthorized disclosure of information respecting income tax returns by businesses preparing such returns for taxpayers; to the Committee on Ways and Means.

By Mrs. HICKS of Massachusetts:

H.R. 6868. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate required under that act to $2 an hour; to the Committee on Education and Labor.

By Mr. HUNGATE (for himself, Mr. Bolling, Mr. Hull, and Mr. Randall):

H.R. 6869. A bill to provide for the appointment of an additional U.S. district judge; to the Committee on the Judiciary.

H.R. 6870. A bill to provide for the appointment of additional U.S. district judges; to the Committee on the Judiciary.

By Mr. HUNT:

H.R. 6871. A bill to amend section 1402(a) of title 10, United States Code, to revise the rule for recomputation of retired or retainer pay to reflect later active duty; to the Committee on Armed Services.

By Mr. JOHNSON of Pennsylvania:

H.R. 6872. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. McFALL:

H.R. 6873. A bill to amend title II of the Social Security Act to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has enough quarters of coverage to be fully insured for old-age benefit purposes, regardless of when such quarters were earned; to the Committee on Ways and Means.

By Mr. MONAGAN:

H.R. 6874. A bill to establish a National Economic Conversion Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MORSE:

H.R. 6875. A bill to amend the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. Adams, Mr. Addabbo, Mr. Anderson of California, Mr. Badillo, Mr. Brademas, Mr. Brasco, Mr. Burke of Massachusetts, Mr. Byrne of Pennsylvania, Mr. Carney, Mrs. Chisholm, Mr. Collins of Illinois, Mr. Conyers, Mr. Corman, Mr. Dellums, Mr. Donohue, Mr. Drinan, Mr. Edwards of California, Mr. Fulton of Pennsylvania, Mr. Fraser, Mr. Gubser, Mr. Halpern, Mr. Harrington, Mr. Hechler of West Virginia, and Mr. Johnson of California):

H.R. 6876. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 to permit Federal sharing of the cost of unemployment benefits which extend for 52 weeks; to the Committee on Ways and Means.

By Mr. O'NEILL (for himself, Mr. Leggett, Mr. Madden, Mr. Meeds, Mr. Metcalfe, Mr. Mikva, Mr. Miller of California, Mrs. Mink, Mr. Morse, Mr. Moss, Mr. Pepper, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr. Rees, Mr. Reuss, Mr. Riegle, Mr. Roe, Mr. Roncalio, Mr. Rosenthal, Mr. Ryan, Mr. Shriver, Mr. James V. Stanton, Mr. Tierman, and Mr. Wolff):

H.R. 6877. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 to permit Federal sharing of the cost of unemployment benefits which extend for 52 weeks; to the Committee on Ways and Means.

By Mr. PETTIS:

H.R. 6878. A bill to require the Secretary of Transportation to prescribe regulations requiring certain modes of public transportation in interstate commerce to reserve some seating capacity for passengers who do not smoke; to the Committee on Interstate and Foreign Commerce.

H.R. 6879. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. PEYSER:

H.R. 6880. A bill to repeal section 15 of the Urban Mass Transit Act of 1964, to remove certain limitations on the amount of grant assistance which may be available in any one State; to the Committee on Banking and Currency.

By Mr. PURCELL (for himself and Mr. Kazen):

H.R. 6881. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971-72; to the Committee on Agriculture.

By Mr. Rangel:

H.R. 6882. A bill to amend section 620 of the Foreign Assistance Act of 1961 to prohibit foreign assistance from being provided to foreign countries which do not act to prevent narcotic drugs from unlawfully entering the United States; to the Committee on Foreign Affairs.

By Mr. REUSS:

H.R. 6883. A bill to amend the Internal Revenue Code of 1954 to provide relief to certain individuals 65 years of age and over who own or rent their homes, through a system of income tax credits and refunds; to the Committee on Ways and Means.

By Mr. ROBISON of New York:

H.R. 6884. A bill to prohibit discharge of any military material or other refuse into navigable waters of the United States or into international waters, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. RONCALIO:

H.R. 6885. A bill to amend the Rail Passenger Service Act of 1970 to provide that all passenger train discontinuances must be in accordance with the provisions of section 13a of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

By Mr. ROY:

H.R. 6886. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971-72; to the Committee on Agriculture.

By Mr. SCHMITZ:

H.R. 6887. A bill to amend the Communications Act of 1934 to prohibit the Federal Communications Commission from considering the political or ideological content of programing in any determination respecting the revocation or renewal of a broadcast license; to the Committee on Interstate and Foreign Commerce.

By Mr. SIKES (for himself, Mr. Hays, Mr. Scherle, Mr. Kee, and Mr. Long of Louisiana):

H.R. 6888. A bill to authorize the appropriation of additional funds for cooperative forest management; to the Committee on Agriculture.

H.R. 6889. A bill to authorize the appropriation of additional funds for cooperative forest fire protection; to the Committee on Agriculture.

H.R. 6890. A bill to authorize the Secretary of Agriculture to cooperate with and furnish financial and other assistance to States and other public bodies and organizations in providing an urban environmental forestry program, and for other purposes; to the Committee on Agriculture.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 6891. A bill to provide incentives for increasing the amount of information available to consumers respecting consumer products; to the Committee on Interstate and Foreign Commerce.

H.R. 6892. A bill to authorize appropriations of the Department of Commerce to be available until expended or for periods in excess of 1 year; to the Committee on Interstate and Foreign Commerce.

H.R. 6893. A bill to provide for the reporting of weather modification activities to the Federal Government; to the Committee on Interstate and Foreign Commerce.

By Mr. J. WILLIAM STANTON:

H.R. 6894. A bill to amend the Natural Gas Act; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS:

H.R. 6895. A bill to provide for the establishment of the Kettle Creek National Monument; to the Committee on Interior and Insular Affairs.

By Mr. TERRY:

H.R. 6896. A bill to amend the Rail Passenger Service Act of 1970 to require the Secretary of Transportation to include a route from New York City to Chicago, Ill., via Buffalo, N.Y.; to the Committee on Interstate and Foreign Commerce.

By Mr. UDALL:

H.R. 6897. A bill to amend the Communications Act of 1934 to limit the seasons during which professional baseball, basketball, and football games may be broadcast; to the Committee on Interstate and Foreign Commerce.

By Mr. VANIK:

H.R. 6898. A bill to establish a pollution disaster fund, and for other purposes; to the Committee on Public Works.

By Mr. VEYSEY:

H.R. 6899. A bill to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18; to the Committee on the Judiciary.

By Mr. WALDIE:

H.R. 6900. A bill to provide for the creation of an authority to be known as the Reclamation Lands Authority to carry out the congressional intent respecting the excess land provisions of the Federal Reclamation Act of June 17, 1902; to the Committee on Interior and Insular Affairs.

By Mr. WHALEN (for himself, Mr. Ashley, Mr. Biester, Mr. Bingham, Mr. Boland, Mr. Burton, Mr. Conyers, Mr. Diggs, Mr. Edwards of California, Mr. Harrington, Mr. Leggett, Mr. McCloskey, Mr. Mosher, Mr. Moss, Mr. Pucinski, Mr. Railsback, Mr. Rees, Mr. Rosenthal, Mr. St Germain, Mr. Scheuer, Mr. Stafford, Mr. Stokes, Mr. Charles H. Wilson, and Mr. Mikva):

H.R. 6901. A bill to amend title 10, United States Code, in order to improve the judicial machinery of military courts-martial by removing defense counsel and jury selection from the control of a military commander who convenes a court-martial and by creating an independent trial command for the purpose of preventing command influence or the appearance of command influence from adversely affecting the fairness of military judicial proceedings; to the Committee on Armed Services.

By Mr. WHALEN (for himself and Mr. Cleveland):

H.R. 6902. A bill: Newsmen's Privilege Act of 1971; to the Committee on the Judiciary.

By Mr. WINN:

H.R. 6903. A bill to establish a National College of Ecological and Environmental Studies; to the Committee on Science and Astronautics.

By Mr. YOUNG of Florida:

H.R. 6904. A bill to amend title 38, United States Code, in order to authorize the Administrator to make advance educational assistance payments to certain veterans; to the Committee on Veterans' Affairs.

By Mr. ABBITT:

H.J. Res. 514. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. ESHLEMAN:

H.J. Res. 515. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. FASCELL:

H.J. Res. 516. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week"; to the Committee on the Judiciary.

By Mr. GUDE:

H.J. Res. 517. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. HORTON:

H.J. Res. 518. Joint resolution authorizing the President to issue a proclamation designating the period from April 17, 1971, through April 25, 1971, as "National Photography Week"; to the Committee on the Judiciary.

By Mr. MITCHELL:

H.J. Res. 519. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. HANNA:

H. Con. Res. 240. Concurrent resolution expressing the sense of the Congress with respect to the pollution of international waters and the necessity for coordinated international action to prevent such pollution, and with respect to the creation of an International Environmental Agency; to the Committee on Foreign Affairs.

By Mr. STAGGERS (for himself and Mr. Springer):

H. Con. Res. 241. Concurrent resolution expressing the sense of the Congress with respect to motor vehicle insurance and an accident compensation system; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas:

H. Con. Res. 242. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs; to the Committee on House Administration.

By Mr. WHITEHURST:

H. Con. Res. 243. Concurrent resolution expressing the sense of Congress with respect to the development of new methods of research which do not require the use of animals; to the Committee on Science and Astronautics.

By Mr. BLATNIK:

H. Res. 351. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 142; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

88. By the SPEAKER. Memorial of the Senate of the State of Montana, relative to the appropriation of funds for the construction of a magnetohydrodynamics pilot powerplant; to the Committee on Appropriations.

89. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to the moratorium on the application of the Davis-Bacon Act in the Federal construction field; to the Committee on Education and Labor.

90. Also, memorial of the Legislature of the State of Idaho, relative to the establishment of the Sawtooth National Recreation Area and Wilderness; to the Committee on Interior and Insular Affairs.

91. Also, memorial of the Legislature of the State of Tennessee, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

92. Also, memorial of the Senate of the State of Montana, relative to methods of mail distribution; to the Committee on Post Office and Civil Service.

93. Also, memorial of the Legislature of the State of Georgia, relative to placing a higher priority on recreation among the management needs of reservoirs; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BINGHAM:

H.R. 6905. A bill for the relief of Edward N. Evans; to the Committee on the Judiciary.

By Mr. FUQUA:

H.R. 6906. A bill for the relief of Aurelio Antonio Piedra and his wife, Maria Concepcion Piedra; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 6907. A bill for the relief of Matyas Hunyadi; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 6908. A bill for the relief of Isidro L. Marcojos; to the Committee on the Judiciary.

By Mr. PURCELL:

H.R. 6909. A bill for the relief of Maria Leann Iley; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 6910. A bill for the relief of Nicola and Maria Lerario, Vincenza Lerario Favia and Luigi Lerario; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 6911. A bill for the relief of Marie Claudy; to the Committee on the Judiciary.

By Mr. SMITH of California:

H.R. 6912. A bill for the relief of William Lucas (also known as Vasilios Loukatis); to the Committee on the Judiciary.

By Mr. STRATTON:

H.R. 6913. A bill for the relief of Nicola Gemmiti and his child, Piero Gemmiti; to the Committee on the Judiciary.

By Mr. VEYSEY:

H.R. 6914. A bill to provide for the conveyance of certain real property in the State of California by the United States to John C. Brinton; to the Committee on Interior and Insular Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

51. By the SPEAKER: Petition of the Iroquois Indians Improvement Organization, Nedrow, N.Y., relative to ratification of the Convention on Genocide; to the Committee on Foreign Affairs.

52. Also, petition of Andrew Warholic, Donora, Pa., relative to redress of grievances; to the Committee on the Judiciary.

53. Also, petition of the City Council, South Miami, Fla., relative to the designation of Cape Kennedy as the operational base for the space shuttle system; to the Committee on Science and Astronautics.

SENATE—*Monday, March 29, 1971*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, giver of all good things, we thank Thee for life and health, for home and family, for this Nation, its diverse peoples and abundant resources, and for the privilege of public office. At this time and in this place we pray for strength and guidance. Spare us from scorn of the past or fear of the future. Give us minds open to new insights as to Thy will and purpose for our times. Give us grace to be tolerant of the thoughts and attitudes of others and hospitable to such light as comes from those with whom we differ. In all our efforts unite us in the stewardship of high office that we may devise those measures which lead to the fulfillment of the good life for all people in that higher kingdom whose builder and maker is God. Amen.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, March 25, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of March 25, 1971, sundry nominations in the U.S. Coast Guard were reported on March 26, 1971, by Mr. MAGNUSON, from the Committee on Commerce.

(For nominations reported, see the end of Senate proceedings.)

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

POUNDAGE QUOTAS FOR BURLEY TOBACCO

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of the period for routine morning business today, the Senate proceed to the consideration of Calendar No. 49, S. 789, pertaining to amendment of the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Secretary's desk will be stated.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE COAST GUARD

The assistant legislative clerk proceeded to read sundry nominations in the Coast Guard, which had been placed on the Secretary's desk.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. BYRD of West Virginia. Mr. President, I ask unaminous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

CIVILIAN PILOT TRAINING PROGRAM DURING WORLD WAR II

Mr. MOSS. Mr. President, I would pass along to my colleagues some welcome good news. A long-missing chapter in our World War II history has finally been written and it well merits reading.

That chapter is the story of the civilian pilot training program and its war training program which spanned the years 1939–44. It all began with remarkable civilian vision and incentive which soon rallied stanch support in the Congress.

We need no reminders that 1938 was an uneasy year. Hitler began taking over neighboring countries, using his steadily growing Luftwaffe as a club. In September that year British Prime Minister Neville Chamberlain thought his meetings with the German Chancellor had brought "peace for our time."

In this country one farsighted American was not so sure. He was well aware that our military air strength left much to be desired in event of any emergency. He likewise knew that our air industry, factories, and transport could do with more support. Was there a way to deal with both matters?

To advocate training more military pilots would have been disastrous at the time when isolationist sentiment was strong throughout the land. On the other hand, teaching more civilians to fly promised to benefit plane manufacturers as well as airlines. Then if the Axis ever menaced the United States, there would be a larger pool of experienced civilian pilots to draw on in any military crisis.

The idea was conceived by Robert H. Hinckley, at that time Chairman of the Civil Aeronautics Authority. It was well received at the White House and in the Cabinet. Early in 1939 the CPT program began at 13 colleges and attracted 330 students. It was to expand enormously, not only at educational institutions but also in existing flight schools, at public and private airfields as well.

Come May 1940, President Roosevelt made his stirring call for the production of 50,000 planes a year and an expanded air arm.

The question became painfully obvious now. Where were the pilots to man the planes? The regular military services were far from prepared to do the job. The Army Air Corps, for instance, had only 21 installations in 1939 and its training programs up to that year had averaged only 300 pilots annually.

On the other hand, the CPTP was gaining good momentum. Its courses, too, expanded from pilot training to include aircrews, maintenance personnel, and numerous other support specialties. The students could concentrate entirely in the field of aviation expertise. Should a time come in the Nation's affairs that they would need to add some military knowledge, the military could supply that.

After Pearl Harbor, the CPTP changed its name to the War Training Service but continued doing its magnificent job. CAA's Chairman Hinckley kept tirelessly at his task of directing all efforts. Before the program ended in the summer of 1944 it had turned out 435,165 trainees who had qualified as pilots or in some other aviation specialty.

Those one-time trainees acquitted themselves handsomely around the globe, serving with our regular military air units and winning vast numbers of decorations.

The whole inspiring story has just been published as a book by the Federal Aviation Administration under the title. "The Putt-Putt Air Force." Its able author is Patricia Strickland, a member of the CAA staff while all these things were happening. She knew what was going on behind the scenes, as well as in front of them.

I can assure you, Mr. President, that you will find her account absorbing reading.

SUPREME COURT DECISION REQUIRES UNITED STATES TO ENTER INTO ADJUDICATION OF RESERVED WATER RIGHTS

Mr. MOSS. Mr. President, on March 24, 1971, the U.S. Supreme Court handed down a most significant decision in the case of United States against District Court in and for the County of Eagle et al. This is a case which involves the so-called reservation doctrine by which the United States lays claim to undefined amounts of the waters of a great number of Western streams.

The Eagle River system in Colorado is one of the stream systems within which the United States holds implied water rights to an unstated amount of water which are construed under the reservation doctrine to have been reserved for the use of the White River National Forest which was established in 1905. Adjudication proceedings were initiated in State court to establish the rights of various parties claiming water from the system, and the United States as one of the claimants was joined as a defendant in the proceedings. Despite the provisions of the United States Code (43 U.S.C. 666) which give consent to join the United States as a defendant in suits for the adjudication of water rights, the Justice Department contended that the Government's rights under the reservation doctrine were exempt from adjudication in State courts.

This is a clear example of the serious situation which exists in the Western States. Clearly the adjudication of the rights of water users on the Eagle River system would be of little value so long as the rights of the United States to a portion of the available flow remains undetermined and are not considered in the apportionment. A cloud would always remain on the rights of other water users. In the arid West, a valid water right is often the sole factor which differentiates between valuable and worthless property or between an attractive economic venture and an impossible scheme. A cloud on a water right while often an intangible factor difficult to establish is inevitably a real damage to the owner of the right. In the public land State where nearly every stream system included reserved lands, the uncertainties introduced by the reservation doctrine are tremendously significant.

For these reasons, I have urged for years that the Congress take action to compel the reserved water rights of the United States to be defined. And for the same reasons, I was gratified that the Supreme Court in its March 24 decision rejected the contention that the reserved water rights of the United States are exempt from adjudication suits. The Court in requiring the United States to be joined in this suit recognized that unless all of the parties on the stream file a statement regarding all of water rights claimed by them and unless the subsequent decree considers all the claims, it will be of little value to any one.

The rights of the United States under the reservation doctrine are not diminished by this decision. The Court recognizes that the volume and scope of the rights are Federal questions and that the Colorado court's judgment in this regard may subsequently be reviewed. The decision merely requires that the United States present its specific claims upon the waters of the Eagle River for adjudication.

This decision, while it is welcome, does not resolve the continuing problems created by the reservation doctrine. The bill, S. 28, which I cosponsored with a number of my colleagues on January 25, and which is similar to bills I have supported in previous Congresses, is still an urgently needed measure. This legislation would require the United States to acquire subsequent water rights in accordance with State water law and to compensate the owners of existing water rights when they are taken under the authority of the United States.

Legislation of this kind must be enacted to remove the uncertainty which presently impedes non-Federal water users from enjoying their full legal rights as established under State law, to a resource which is essential to any kind of economic activity in the arid West. It must be enacted also to forestall the injustices which must surely result when the United States seeks to exercise unlimited rights to the scarce water resources of western streams despite the existence of prior established uses by others who are dependent upon the same waters for a livelihood.

The Public Land Law Review Commission in its monumental report of last year clearly stated these considerations and recommended as follows:

> The implied reservation doctrine of water rights for federally reserved lands should be clarified and limited by Congress in at least four ways: (a) amounts of water claimed, both surface and underground, should be formally established; (b) procedures for contesting each claim should be provided; (c) water requirements for future reservations should be expressly reserved; and (d) compensation should be awarded where interference results with claims valid under state law before the decision in Arizona v. California.

I am hopeful that the Court's decision and the Commission's recommendations will help to emphasize the serious nature of this problem and that the Congress will recognize its responsibility to our citizens to insure that their rights to water are as valid as the other property rights guaranteed by the Constitution. I hope that hearings can be held very soon.

Mr. President, I ask unanimous consent that the text of the Supreme Court opinion, the text of S. 28, and the section of the Public Land Law Review Commission report dealing with reserved water rights be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WATER RESOURCES

Federal lands are the source of most of the water in the 11 coterminous western states, providing approximately 61 percent of the total natural runoff occurring in the region. Most of this runoff comes from land withdrawn or reserved for specific purposes. Forest Service and National Park Service reservations contribute about 88 and 8 percent, respectively, of the runoff from public lands and more than 59 percent of the total yield from all lands of those states. Other public lands, such as the vast acreages administered by the Bureau of Land Management, do not contribute much to the overall yield of western streams, but are so situated that they influence water quality.

The importance of the water yield from public lands to the economy, present and future, of the 11 western states is clear: Approximately $12.5 billion has been invested by public and private sources in water storage facilities, and additional billions have been invested to irrigate 23 million acres of land dependent in major part on public land water yields; about 96 percent of the region's 32 million people and most of its major cities and metropolitan areas are dependent in some degree on public land water; and the virtually entire hydroelectric capacity of 23.6 million kilowatts (as of 1968) is dependent upon water which originates on public lands.

While water and land use problems are closely, almost inextricably, interwoven, this Commission is charged only with recommendations relative to public land policy.[1] Therefore, we have confined our deliberations and recommendations to those significant water matters which have a direct relationship to public land policy.

First, in the controversial field of Federal-state water rights, the Commission has examined the legal basis for the use of surface and underground water on the public lands in connection with programs for the disposal or retention and management of the public lands. Attention has been focused on the implied reservation doctrine of Federal water rights, which is based on withdrawals of public domain lands from the operation of some or all of the public land laws.

Second, we have reviewed the various watershed protection and management programs designed to regulate streamflow and maintain or improve its quality or, to a lesser degree, to increase water yield on the public lands.

Third, we have considered whether due regard is given to impacts on public land resources and values in multi-purpose water project planning and operation.

Fourth, we have given attention in our chapters on individual commodities and environmental policy to those public land programs which may have polluting effects on public land water, and have made recom-

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Footnotes at end of article.

mendations concerning statutory and administrative policies designed to prevent or minimize such adverse effects.

THE IMPLIED RESERVATION DOCTRINE OF FEDERAL WATER RIGHTS

As successor to the sovereigns from which the United States obtained the vast areas of the western public domain, the Federal Government by the mid-19th century possessed complete power over the land and water of that region. Because the courts have settled the issue, there is little to be gained in academic arguments as to whether that power derives from concepts of "ownership" as distinguished from "sovereignty": the power is plenary, whatever its conceptual basis.

By a series of acts in 1866, 1870, and 1877,[2] when Federal policy stressed the disposition of the public domain under the homestead, public sale, and other settlement and disposal laws, Congress provided that such Federal land disposals would not carry with them an accompanying water right. Rather, the water on the public lands was declared open to use, and property rights to its use were to be obtained under the laws and customs of the states and territories. As to lands retained in Federal ownership, there were none of the public land management programs we know today requiring water use on Federal lands by the Federal Government or its agents, e.g., mineral leasing operations, recreation facility management, fish and wildlife protection and habitat enhancement, and so forth. Accordingly, the Federal Government did not then have to face up to whether it would comply with state water laws.

By the turn of the century, the Federal Government had started reserving public lands from disposition by setting aside national forests and parks, creating wildlife refuges, and making large-scale withdrawals for other purposes. With respect to the water needs associated with programs on these lands, the usual practice during the first half of this century was for permittees, licensees, etc., to acquire necessary water rights under state law in accordance with the policy stated in the 1866, 1870, and 1877 acts. The Federal agencies generally followed that same practice for their program needs.

In the 11 western states the predominant water right system is the law of prior appropriation, which was adopted as being most suitable to a water-short region. Under this system prior use establishes priority of right, and nonuse for prescribed periods will cause a forfeiture. In times of shortage, uses are curtailed in inverse order of their priorities. The riparian law of water rights[3] which prevailed in the more humid eastern states was rejected as unsuitable. Its principal vice was that an upstream riparian owner could do nothing indefinitely while his neighbor downstream put water to use and became dependent thereon, yet at any time the upper riparian could assert his equal right and destroy or impair the effort and investment of his neighbor.

An appropriative water right may be acquired only for a beneficial purpose, and even if the proposed type of use is beneficial under state law, it must usually also be a reasonable use in the light of other demands for water. While there are diversities among the water laws of these states, they are generally consistent in recognizing, by statute or decision, domestic and municipal purposes, irrigation, mining, power, and manufacturing, as well as other similar uses, as beneficial.

Although the decided court cases indicate that there is no serious problem in obtaining rights for recreation and fish and wildlife conservation, several of these states do not expressly specify such uses as beneficial in their water statutes.

Nearly all state appropriative water laws also establish a system of preferences under which certain beneficial uses are preferred over others. In most of these 11 states, domestic, stock-watering, and municipal uses appear to have preferred status over irrigation, and irrigation is preferred over all the remaining uses. Recreation and fish and wildlife uses are not preferred uses in these states. This has caused concern that Federal program needs, particularly for fish and wildlife, may not be fully served if the Federal Government must rely on these state laws. However, while problems for Federal agencies may yet develop because of state laws relating to beneficial use or preferences, none has been brought to our attention.

In nearly 100 years of development, state water law has achieved a reasonable certainty of results which has permitted substantial public and private development in the West. While sometimes necessarily complex, state administrative and judicial procedures have provided a means to determine security of rights to the use of water.

However, in 1955, the Supreme Court in the *Pelton Dam* decision[4] indicated that the withdrawal or reservation of Federal lands for specified purposes also reserved rights to use water on such lands, even though the legislative or executive action made no mention of water or its use. Under this doctrine such reserved water rights would carry a priority as of the date of the reservation or withdrawal of the lands.

Although the possible consequences of the decision that state law need not control the acquisition of water rights for such "reserved" lands were disturbing to many in the western public land states, under the facts of the case the *Pelton Dam* decision itself did not require infringement of water rights previously vested under state law. The limits and impact of the newly enunciated application of the reservation doctrine were left uncertain. However, some of the Federal agencies began to rely on this doctrine for water rights in addition to their customary compliance with state law.

In 1963, any lingering doubts about most of the implications of the reservation doctrine as a source of water rights were removed in the Supreme Court's decision in *Arizona v. California*.[5] By analogy to earlier Indian cases, and in partial reliance on the *Pelton Dam* decision, the Court sustained the conclusions of its Special Master in that case that certain reservations of public domain land for particular purposes, *i.e.*, wildlife refuges, a national forest, and a national recreation area, carried with them an "implied" reservation of sufficient unappropriated water to satisfy the reasonable requirements of those reservations without regard to the provisions of state law.

Since then, the Forest Service and the military departments have indicated that they will no longer comply with state law in acquiring rights for the use of water on reserved lands, and will rely on Federal claims arising out of the reservation or withdrawal of the public lands they administer. Other Federal agencies, such as the National Park Service, still have a policy of compliance with state appropriation procedures, but whether this will continue is uncertain.

The result has been apprehension in the western public land states that the doctrine will have the effect of disrupting established water right priority systems and destroying, without compensation, water rights considered to have vested under state law. Moreover, the uncertainty generated by the doctrine is an impediment to sound coordinated planning for future water resources development.

Legislative proposals that Congress either affirm, abolish, or clarify the reservation doctrine have been the subject of numerous hearings and discussions during the last decade, but Congress has taken no action on the matter. The issue has been one of the most controversial before the Commission.

The Commission gave much attention to the question of whether this controversy might be only a doctrinal legal argument with little substantive impact. We conclude it has substance.

Although most of the current concern relates to the doctrine's potential future impact, such potential impacts could be major.[6] This would be particularly likely on specific streams or systems where water is now virtually completely appropriated under state law.

We recommend legislative action to dispel the uncertainty which the implied reservation doctrine has produced and to provide the basis for cooperative water resources development planning between the Federal Government and the public land states.

The reservation doctrine has several advantages for the Federal Government. (1) As reservation needs develop, uses under it can expand indefinitely without regard to state law water requirements that water be put to beneficial use within a reasonable time. (2) Vast reserves created around the turn of the century carry advantageous early priority dates vis-a-vis state-determined priorities. (3) The Federal Government need not pay any compensation for divested non-Federal rights initiated after the date of the withdrawal or reservation, however long the water may have been beneficially used. (4) The Federal use need not be "beneficial" under state law if it is within the scope of the purposes for which the reservation or withdrawal was created.

While the advantages of the reservation concept to Federal agencies are apparent, there are problems which must also be considered from the Federal standpoint. (1) In *Arizona v. California*[7] the Master required some evidence of intent for each land reservation before he would sustain an implied reservation of water. It is not clear whether such an intent would be implied for all reservations and withdrawals, although to date it appears this should ordinarily be no problem if water is essential to the express purposes of the reservation. (2) There is some doubt whether any use will be implied other than those expressly stated at the time of withdrawal. (3) It appears that where the purpose of a withdrawal or reservation is changed, the priority date of the new use will be the date of the use change and not that of the earlier use. (4) Without litigation or agreement it is not possible to determine what the maximum permissible amount of water would be for any given use. In *Arizona v. California*, for example, the amount allowed for irrigation uses was based on irrigable acreage and then current Bureau of the Budget standards of economic feasibility. The effect of future changes in feasibility standards is uncertain. (5) It is not clear what the physical relationship of the reserved land must be to the source of the water supply, *i.e.*, whether a reservation right is available for land outside the natural watershed of the river system from which the water would be drawn. (6) It is not clear whether acquisition of a state appropriative right by the Federal Government or its lessees, licensees, and permittees has the effect of waiving any reservation right to additional water for that particular use. (7) It has not been determined whether termination of a land withdrawal or reservation also terminates the reserved water right, even when the particular use continues thereafter.

LIMITATION OF RESERVATION DOCTRINE

Recommendation 56: The implied reservation doctrine of water rights for federally reserved lands should be clarified and limited by Congress in at least four ways: (a) amounts of water claimed, both surface and underground, should be formally established;

Footnotes at end of article.

(b) procedures for contesting each claim should be provided; (c) water requirements for future reservations should be expressly reserved; and (d) compensation should be awarded where interference results with claims valid under state law before the decision in Arizona v. California.

Although state law appears to be generally adequate as a basis for water rights for uses on reserved public lands, the reservation doctrine should not be abrogated. To do so and to require the public land agencies to rely solely on state law for the acquisition of water rights for reserved land uses presents several problems:

(1) In some states important Federal uses, such as for recreation or fish and wildlife purposes, are either not recognized as beneficial uses or have low preferences vis-a-vis other competing uses.

(2) The implied reservation doctrine provides the necessary water rights for certain Federal uses and future needs for which state law has not been complied with for one reason or another. To discard the reservation doctrine might well place the validity of those rights in question and inject further uncertainty into this area.

Nevertheless, the implied reservation doctrine as announced and applied in *Arizona v. California*[8] has created many problems. Numerous unanswered questions about its scope and impact remain. The two most important questions which Congress should resolve, however, center on (1) the uncertainty which the doctrine has engendered, and (2) the equity of holders of water rights vested under state law, whose rights may be curtailed without compensation through its strict application. Solutions of these two critical problems will permit reliance on the reservation doctrine where necessary to assure adequate Federal water rights for the reserved public lands, and at the same time minimize disruption to existing state administrative machinery, promote more effective water resources planning, and provide equitable treatment to holders of water rights vested under state laws. Consequently, we recommend that Congress take the following legislative actions:

(1) *Provide a reasonable period of time within which Federal land agencies must ascertain and give public notice of their projected water requirements for the next 40 years for reserved areas, and forbid the assertion of a reservation claim for any quantity or use not included within such public notice.*

Some Federal agencies, in particular the Forest Service, are endeavoring to refine their data on present uses and future requirements and to provide such information to state water authorities. However, there is nothing in the present legal system which requires this or makes such qualification binding on the agencies, and they would be free to enlarge these projections in the future as they deem fit.

Most of the present uncertainties should be removed by requiring a binding quantification and delineation of Federal claims, particularly such questions as quantities of water reserved, priority of right, permissible purposes and places of use, etc. These determinations might be made as part of the review of existing land withdrawals which we recommend elsewhere in this report, although a shorter time period for this effort seems desirable. In those cases where it seems likely that existing uses on reserved lands will increase to significantly larger estimated future requirements at a relatively modest rate over the 40-year period, Congress may wish to provide a means for the agencies to permit interim use of reserved water until it is needed for Federal purposes. This would promote maximum beneficial use of water and could be done through formal arrangements with the states.

(2) *Establish a procedure for administrative or judicial determination of the reasonableness of the quantity claimed, or the validity of the proposed use under present law.*

This would give an opportunity for timely contest by present users or appropriate state agencies of the quantity or legality of the use, such as whether the use is properly implied from the creation of the withdrawal or reservation. At the present time there is no procedure for doing this.

There is no effective judicial machinery to permit the resolution of the many issues raised by the reservation doctrine, even if a case-by-case approach to its clarification and refinement were desirable, and we do not believe that it is. Although the United States is free to initiate such a suit, the doctrine of sovereign immunity bars such actions by non-Federal water users or state administrative agencies unless Congress has consented to such a suit. The McCarran Act,[9] which on its face consents to certain kinds of water adjudications, is an unsatisfactory vehicle for obtaining definition of Federal reservation claims. The courts have held that *all* water users on a river system must be joined under that Act,[10] and this is not always possible or feasible. Moreover, the issue of whether the McCarran Act permits adjudication only of rights held under state law and not of Federal reserved rights, as the Department of Justice contends, is now before the United States Supreme Court.[11]

Although we elsewhere recommend that Congress provide for judicial review of public land decisions by aggrieved parties, we are not prepared to go that far with respect to all Federal water right questions. Not only are the questions more complex, but they go far beyond this Commission's jurisdiction, since they usually affect multiple-purpose project developments having little or no public land connection and are best dealt with by the National Water Commission. However, we do recommend provision for judicial review of at least the limited questions of the reasonableness of the quantity claimed under the reservation doctrine, its priority date, and the purposes for which the reserved water may be used.

(3) *Provide that procedures for creation of future withdrawals and reservations require, as a condition to claims of reserved water rights, a statement of prospective water requirements and an express reservation of such quantity of unappropriated water.*

This would have the effect of requiring an administrative or legislative review of these claims and substitution of express water rights reservations for potential implied claims. Coupled with the previous recommendation concerning existing reserved rights, most of the uncertainty generated by the reservation concept should be eliminated.

(4) *Require compensation to be paid where the utilization of the implied reservation doctrine interferes with uses under water rights vested under state law prior to the 1963 decision in Arizona v. California."*

When reliance is placed on Federal water rights impliedly reserved along with the reservation or withdrawal of public lands, the effect may be to displace, without compensation, other non-Federal public and private uses under water rights acquired under state law subsequent to the date when the water was impliedly reserved for the Federal lands, but prior to the date the water was actually put to use by the Federal agencies. This is the principal vice of the doctrine from the viewpoint of individual water users. Prior to the Supreme Court's decison in *Arizona v. California* cited above in 1963, no water user could have been on actual or constructive notice of the existence of such an "implied" Federal water right. The same is true of the state administrative agencies, since as a matter of formal policy and acual practice, the public land agencies generally adhered to state law in acquiring water rights for reserved lands prior to 1963.

As a practical matter, use of the doctrine to cause actual injury to water rights vested under state law without compensation has been rare to date, and the likely future impact is uncertain. However, as a matter of policy Congress has generally provided in the Reclamation Act of 1902[12] and the Federal Power Act of 1920[13] that compensation be provided to holders of water rights vested under state law when they are interfered with by projects authorized or licensed under those two acts. We find no reason for a different policy where public land programs are involved. As a matter of fairness and equity, it is appropriate to compensate holders of vested state water rights whose uses are curtailed through Federal reliance on the implied reservation doctrine. We believe that the potential costs to the Federal Government would be relatively low. In any event, the social costs of displacing existing uses for the benefit of national programs should be borne by the Federal taxpayers, and not by the affected individual users.

FOOTNOTES

[1] The National Water Commission was created by Congress (Act of September 26, 1968, 82 Stat. 868) to study and make recommendations concerning broad national water policy problems, e.g., the Federal water resource development programs administered by the Bureau of Reclamation and the Corps of Engineers.

[2] The relevant portion of the acts are codified as 43 U.S.C. §§ 321, 661 (1964).

[3] The riparian system has three major features, all of which are the antithesis of the appropriation doctrine. First water may be used only by a riparian landowner, on riparian land, and within the natural drainage basin of the stream from which it is taken. Second, it is neither acquired by use nor lost by nonuse. Third, it is correlative, in that all users share shortages ratably.

[4] Federal Power Commission v. Oregon, 349 U.S. 435 (1955).

[5] 373 U.S. 546 (1963).

[6] Even though Federal departments and agencies were requested to estimate future water needs for the use in our contract water study, the estimates provided were obviously rough, not all-encompassing, and, therefore, unconvincing. We also note that the needs expressed could not be considered as maximums.

[7] n. 5, supra.

[8] n. 5, supra.

[9] 43 U.S.C. § 666 (1964).

[10] Miller v. Jennings 243 F. 2d 157 (5th Cir.), *cert. denied,* 355 U.S. 827 (1957).

[11] U.S. v. Colo. Dist. Ct. for Eagle City, 453, P. 2d 760 (1969, *cert. granted,* 38 U.S. Law Week 3377 (Mar. 30, 1970, No. 1178).

[12] 43 U.S.C. §§ 371 et seq. (1964).

[13] 16 U.S.C. §§ 791–825 (1964).

S. 28

A bill to clarify the relationship of interests of the United States and of the States in the use of the waters of certain streams

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That, subject to the exceptions stated in section 5, the withdrawal or reservation of surveyed or unsurveyed lands of the United States, heretofore or hereafter made, shall not affect any right to the use of navigable or nonnavigable water acquired pursuant to State law either—

(1) before the establishment of such withdrawal or reservation, or

(2) after the establishment of such withdrawal or reservation, unless, in the latter event, a Federal statute, or an officer of the United States authorized to make such a withdrawal or reservation, shall have promulgated the purpose, quantity, and priority

date of the water right reserved to the United States or otherwise established under its own laws, and such promulgation shall have antedated the initiation of the conflicting right under State law: *Provided*, That if such promulgation shall be made otherwise than by an Act of Congress, it shall not become effective until sixty days after it shall have been furnished to the Governors of affected States and published in the Federal Register and transmitted by the head of the department having jurisdiction of the lands affected to both Houses of Congress (counting only days on which both Houses are in session); and it shall be vacated if disapproved within said sixty days by resolution of the Committee on Interior and Insular Affairs of either House.

SEC. 2. Any right to the diversion, storage, distribution, or use of water which the United States or those claiming under the United States assert to have been established under the laws of a State shall be neither greater nor less than those accorded by the laws of that State to uses of water by others than the United States (including the State itself) in like circumstances, and shall be initiated and perfected in accordance with the procedure established by the laws of that State: *Provided*, That this section shall not affect any authority which the United States may have to establish water rights under its own laws, heretofore or hereafter enacted.

SEC. 3. No vested right to the diversion, storage, or use of any waters, navigable or nonnavigable, acquired under the laws of a State and recognized by the laws in force as of the effective date of this Act in that State as being compensable if taken or used by or under the authority of the State, shall be taken or used by or under the authority of the United States without just compensation. "Vested right" shall mean either (1) an appropriative right initiated in accordance with the general laws of the State applicable to the appropriation of waters rights, which has been exercised either by the commencement of actual diversion, storage, or use of water, or by the commencement of construction of works for such purposes, and which is thereafter maintained with reasonable diligence in the completion of such works and application of water to such purposes, or (2) a riparian, overlying, or pueblo right, to the extent that such laws of the State recognize such rights, or (3) a prescriptive right or any other water right to the extent that water has been put to beneficial use.

SEC. 4. If works hereafter constructed by or under the authority of the United States impair or interfere with the utilization of any right to the diversion, storage, or other use of water which is vested and compensable under section 3, and if agreement with the owner of said right as to the compensation due for such impairment or interference has not been reached by the time of the initial interference with such right, the United States shall initiate and diligently prosecute proceedings to condemn the same under appropriate Federal or State laws of eminent domain. If it shall fail to do so, no statute of limitations shall apply against a suit by the injured party against the United States for compensation for such impairment or interference in a Federal court of competent jurisdiction; but nothing in this Act shall authorize an action to enjoin such impairment or interference, if such an injunction action could not be maintained in the absence of this Act.

SEC. 5. Nothing in this Act shall be construed as—

(1) modifying or repealing any provision of any existing Act of Congress relative to acquisition by the United States of rights to the use of water pursuant to State law;

(2) permitting appropriations of water under State law which interfere with the provisions of international treaties of the United States;

(3) amending, altering, or repealing any provision of any law which limits the acreage in single ownership that may be served with water made available under the reclamation law;

(4) affecting, impairing, diminishing, subordinating, or enlarging (a) the rights of the United States or any State to waters under any interstate compact or existing judicial decree, (b) any obligations of the United States to Indians or Indian tribes, or any claim or right owned or held by or for Indians or Indian tribes, (c) any water right heretofore acquired by others than the United States under Federal or State law, (d) any right to any quantity of water used for governmental purposes or programs of the United States at any time prior to the effective date of this Act, (e) any right of the United States to use water which is hereafter lawfully initiated in the exercise of the express or necessarily implied authority of any present or future Act of Congress or State law when such right is initiated prior to the acquisition by others of any right to use water pursuant to State law, (f) any preference accorded by Federal or State law to any public agency with respect to electric power.

SEC. 6. This Act may be cited as the "Water Rights Act of 1971."

UNITED STATES V. DISTRICT COURT IN AND FOR THE COUNTY OF EAGLE ET AL., CERTIORARI TO THE SUPREME COURT OF COLORADO

NO. 87. ARGUED MARCH 2, 1971—DECIDED MARCH 24, 1971

This case arises from the attempted joinder pursuant to 43 U.S.C. § 666 of the United States as a defendant in a proceeding in state court for the adjudication of water rights covering the Eagle River system in Colorado. Under § 666(a) "[c]onsent is given to join the United States as a defendant in any suit (1) for the adjudication of rights to the use of water of a river system or other source or (2) for the administration of such rights, where it appears that the United States [owns] or is in the process of acquiring water rights by appropriation under State law, by purchase, by exchange or otherwise . . ." The United States contended that § 666 applies only to water rights that it had acquired under state law and does not constitute consent to have adjudicated in a state court the Government's reserved water rights arising from withdrawals of land from the public domain. Its objection was overruled by the trial court and the Colorado Supreme Court denied the Government's motion for a writ of prohibition. *Held:* Section 666(a) is an all-inclusive statutory provision that subjects to general adjudication in state proceeding all rights of the United States to water within a particular State's jurisdiction regardless of how they were acquired. Any conflict between adjudicated rights and reserved rights of the United States, if preserved in the state proceeding, can ultimately be reviewed in this Court. Pp. 2–5.—Colo.—, 458 P. 2d 760, affirmed.

Mr. JUSTICE DOUGLAS delivered the opinion for a unanimous Court. Mr. JUSTICE HARLAN, though joining in the opinion, filed a concurring statement.

[No. 87.—OCTOBER TERM, 1970]

SUPREME COURT OF THE UNITED STATES

UNITED STATES, PETITIONER, V. DISTRICT COURT IN AND FOR THE COUNTY OF EAGLE AND STATE OF COLORADO ET AL., ON WRIT OF CERTIORARI TO THE SUPREME COURT OF COLORADO [MARCH 24, 1971]

Mr. JUSTICE DOUGLAS delivered the opinion of the Court.

Eagle River is a tributary of the Colorado; and Water District 37 is a Colorado entity encompassing all Colorado lands irrigated by water of the Eagle and its tributaries. The present case started in the Colorado courts and is called a supplemental water adjudication under Colo. Rev. Stat. 1963, 148–9–7. The Colorado court issued a notice which, *inter alia*, asked all owners and claimants of water rights in those streams "to file a statement of claim and to appear . . . in regard to all water rights owned or claimed by them." The United States was served with this notice pursuant to 43 U.S.C. § 666.[1] The United States moved to be dismissed as a party, asserting that 43 U.S.C. § 666 does not constitute consent to have adjudicated in a state court the reserved water rights of the United States.

The objections of the United States were overruled by the state District Court and on a motion for a writ of prohibition the Colorado Supreme Court took the same view. ——— Colo. ———, 458 P. 2d 760. The case is here on a petition for certiorari, which we granted. 397 U.S. 1005.

We affirm the Colorado decree.

It is clear from our cases that the United States often has reserved water rights based on withdrawals from the public domain. As we said in *Arizona* v. *California*, 373 U.S. 546, the Federal Government had the authority both before and after a State is admitted into the Union "to reserve waters for the use and benefit of federally reserved lands." *Id.*, at 597. The federally reserved lands include any federal enclave. In *Arizona* v. *California* we were primarily concerned with Indian reservations. *Id.*, 598–601. The reservation of waters may be only implied and their amount will reflect the nature of the federal enclave. *Id.*, 600–601. Here the United States is primarily concerned with reserved waters for the White River National Forest, withdrawn in 1905, Colorado having been admitted into the Union in 1876.

The United States points out that Colorado water rights are based on the appropriation system which requires the permanent fixing of rights to the use of water at the time of the adjudication, with no provision for the future needs, as is often required in case of reserved water rights.[2] *Arizona* v. *California*, at 600–601. Since those rights may potentially be at war with appropriated rights, it is earnestly urged that 43 U.S.C. § 666 gave consent to join the United States only for the adjudication of water rights which the United States acquired pursuant to state law.

The consent to join the United States "in any suit (1) for the adjudication of rights to the use of water of a river system or other source" would seem to be all-inclusive. We deem almost frivolous the suggestion that the Eagle and its tributaries are not a "river system" within the meaning of the Act. No suit by any State could possibly encompass all of the water rights in the entire Colorado River which runs through or touches many States. The "river system" must be read as embracing one within the particular State's jurisdiction. With that to one side, the first clause of § 666(a)(1), read literally, would seem to cover this case for "rights to the use of water of a river system" is broad enough to embrace "reserved" waters.

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[1] 43 U.S.C. § 666(a), 66 Stat. 560, provides:

"Consent is given to join the United States as a defendant in any suit (1) for the adjudication of rights to the use of water of a river system or other source, or (2) for the administration of such rights, where it appears that the United States is the owner of or is in the process of acquiring water rights by appropriation under State law, by purchase, or otherwise, and the United States is a necessary party to such suit. The United States, when a party to any such suit, shall (1) be deemed to have waived any right to plead that the State laws are inapplicable or that the United States is not amenable thereto by reason of its sovereignty, and (2) shall be subject to the judgments, orders, and decrees of the court having jurisdiction, and may obtain review thereof, in the same manner and to the same extent as a private individual under the circumstances: *Provided*, That no judgment for costs shall be entered against the United States in any such suit."

[2] See *Soffin* v. *Left Hand Ditch Co.*, 6 Colo. 443, 446; *Mason* v. *Hill Land & Cattle Co.*, 119 Colo. 404.

The main reliance of the United States appears to be on Clause 2 of § 666(a) which reads:

"... for the administration of such rights, where it appears that the United States is the owner of or is in the process of acquiring water rights by appropriation under State law, by purchase, by exchange, or otherwise."

This provision does not qualify §666(a)(1), for (1) and (2) are separated by an "or." Yet even if "or" be read as "and," we see no difficulty with Colorado's position. Section 666(a)(2) obviously includes water rights previously acquired by the United States through appropriation or presently in the process of being so acquired. But we do not read §666(a)(2) as being restricted to appropriated rights acquired under state law. In the first place "the administration of such rights" in §666(a)(2) must refer to the rights described in (1) for they are the only ones which in this content "such" could mean; and as we have seen they are all inclusive, in terms at least. Moreover, (2) covers rights acquired by appropriation under state law and rights acquired "by purchase" or "by exchange," which we assume would normally be appropriated rights. But it also includes water rights which the United States has "otherwise" acquired. The doctrine of *ejusdem generis* is invoked to maintain that "or otherwise" does not encompass the adjudication of reserved water rights, which are in no way dependent for their creation or existence on state law.[3] We reject that conclusion for we deal with an all-inclusive statute concerning "the adjudication of rights to the use of water of a river system" which in §666(a)(1) has no exceptions and which, as we read it, includes appropriate rights, riparian rights, and reserved rights.

It is said that this adjudication is not a "general" one as required by *Dugan* v. *Rank*, 372 U.S. 609, 618. This proceeding, unlike the one in *Dugan*, is not a private one to determine whether named claimants have priority over the United States. The whole community of claims is involved and as Senator McCarran, Chairman of the Committee reporting on the bill said in reply to Senator Magnuson:[4] "S. 18 is not intended ... to be used for any other purpose than to allow the United States to be joined in a suit wherein it is necessary to adjudicate all of the rights of various owners on a given stream. This is so because unless all of the parties owning or in the process of acquiring water rights on a particular stream can be joined as parties defendant, any subsequent decree would be of little value."

It is said, however, that since this is a supplemental adjudication only those who claim water rights acquired since the last adjudication of that water district are before the court.[5] It is also said that the earliest priority date decreed in such an adjudication must be later than the last priority date decreed in the preceding adjudication.[6] The last water adjudication in this water district was entered on February 21, 1966, and the United States was not a party to that or to any prior proceeding in this water district. The United States accordingly says that since the United States cannot be barred by the previous decrees and since the owners of previous decreed rights are not before the court, the consent envisaged by 43 U.S.C. § 668 is not present.

We thing that argument is extremely technical; and we decline to confine 43 U.S.C. § 666 so narrowly. The absence of owners of previously decreed rights may present problems going to the merits, in case there develops a collision between them and any reserved rights of the United States.[7] All such questions, including the volume and scope of particular reserved rights, are federal questions which, if preserved, can be reviewed here after final judgment by the Colorado court.

Affirmed.

Mr. JUSTICE HARLAN's concurring statement follows the opinion in No. 812.

GENERAL ACCOUNTING OFFICE REPORT ON "SHOULD COST" METHOD OF PROCUREMENT

Mr. PROXMIRE. Mr. President, In May of 1969, the Subcommittee on Economy in Government of the Joint Economic Committee, under my chairmanship, issued a report entitled "The Economics of Military Procurement." We made a series of recommendations among which was the following:

> GAO should study the feasibility of incorporating into its audit and review of contractor performance the should-cost method of estimating contractor costs on the basis of industrial engineering and financial management principles.

This recommendation was one of the many we made after a series of hearings which took place between November 1968 and the spring of 1969. It was in those hearings that public attention was first focused on the $2-billion overrun on the C–5A and what Deputy Secretary of Defense Packard has called the "mess" in procurement.

I am pleased to announce that the General Accouuting Office, under the excellent leadership of Comptroller General Elmer Staats, has, in fact, carried out that recommendation. They have made four trial reviews of negotiated contracts using the "should cost" method to help determine the costs of weapons.

In each case they found that lower costs could be achieved. They found, in addition, that improvements were needed in production and control, that there was a great need for more competition in procurement of material from subcontractors, and that there was often a higher quality of engineering in the production stage than was required. This latter is referred to generally as "gold plating."

In addition, the Army has now begun to use the "should cost" method with considerably more emphasis than before and to a much greater degree than the other services.

This system, combined with the new uniform accounting procedures when they are finally put into effect, should make some substantial improvement in defense procurement.

I ask unanimous consent that an item from the March 15 General Accounting Office Newsletter entitled "Should Cost" Concept and Weapons Procurement be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. Mr. President, meanwhile, I want to commend the GAO for their four trial reviews and for carrying out the recommendation of the subcommittee report.

EXHIBIT 1

"SHOULD COST" CONCEPT AND WEAPONS PROCUREMENT

Four trial GAO reviews of negotiated defense contracts using the "should cost" method for determining costs of weapons have demonstrated, GAO believes, the worth of this approach in reducing the cost of weapons systems.

A February report noted congressional concern that the traditional method of pricing negotiated defense contracts—primarily on the basis of past cost—has not protected the Government sufficiently.

The "should cost" method tested by GAO attempts to determine contractor costs by estimating what weapons ought to cost, given attainable efficiency and economy of operation.

In the four GAO reviews, areas were found at each of the contractor plants where lower costs to the Government could be achieved. GAO found—Improvements were needed in production and control; There was a need for increased competition in procurement of material from subcontractors; and Higher quality engineering talent was being used in the production stage than required.

It was not possible to determine the total savings that could result if improvements in contractor and Government management practices were carried out as GAO suggested. However, determinable savings could amount to nearly $6 million.

Incidentally the report showed that some Government contracting practices added to cost: for example, instances, for excessive packaging and testing requirements, and failure to consolidate purchasing.

Success of future GAO should-cost reviews will depend, the report predicted, almost entirely on the cooperation of contractors and the extent to which Department of Defense contracting officials apply GAO findings and recommendations during negotiation of contracts. B–159896, February 26.

QUORUM CALL

The PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

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[3] See Note, 48 Cal. L. Rev. 94, 111 (1960).

[4] S. Rep. No. 755, 82d Cong., 1st Sess., p. 9. And see *Pacific Live Stock Co.* v. *Oregon Water Bd.*, 241 U. S. 440, 448.

[5] Rev. Stat. § 148–9–7.

[6] *Id.*, § 148–9–13.

[7] The Colorado court stated:

"We are not determining whether the United States has reserved water rights in connection with lands withdrawn subsequent to August 1, 1876, the date of Colorado's admission to the Union; nor, if so, whether these rights have priority over previously adjudicated rights. These questions properly should be decided after the United States presents its specific claims for adjudication and the issues of fact and law are clearly drawn." 458 P. 2d, at 770.

THE GENOCIDE CONVENTION AND INTERNATIONAL COOPERATION

Mr. PROXMIRE. Mr. President, the Convention on the Prevention and Punishment of the Crime of Genocide will shortly come before this body for a vote. If we are truly interested in promoting world peace and cooperation, we can begin to do so by giving our advice and consent to this human rights covenant.

Some have suggested that it is futile and a waste of time to go through with the formality of making genocide an international crime. Many of the opponents of this Convention have asked that before we ratify this covenant, we must be assured in advance that there will be enforcement of the treaty provisions. Unfortunately, we cannot assure, in advance, that the nations of the world will observe the law as proposed in the Genocide Convention, just as a law prohibiting and punishing homocide is not based on the condition that all murder will be stopped.

Article VIII recognizes that any party may call upon "the competent organs of the United Nations to take such action under the Charter as they consider appropriate for the prevention and suppression" of the crime.

But even more powerful is the moral force implicit in such an international agreement. The requirements of morality are more likely to be recognized and observed if they are also the requirements of the law.

Mr. President, the pursuit of peace and fraternity will be served by our ratification of the Genocide Convention.

IMPOUNDED PUBLIC WORKS APPROPRIATION FUNDS FOR FISCAL YEAR 1971

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed in the RECORD a statement I have submitted to the committee presided over by the Senator from North Carolina, the Subcommittee on Separation of Powers.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FUNDS IMPOUNDED BY THE PRESIDENT, FROM APPROPRIATIONS CONTAINED IN THE PUBLIC WORKS APPROPRIATION ACT FOR FISCAL YEAR 1971

Statement of Senator ELLENDER

Mr. Chairman, I appreciate the opportunity to express my views on the impoundment of funds by the President of appropriations made by the Congress for Public Works for fiscal year 1971.

The Subcommittee on Public Works of the Committee on Appropriations held 42 sessions between March 4 and June 30 for the purpose of taking testimony from Government and non-Government witnesses. During that period the Committee heard testimony or received statements from 914 individuals or organizations. The hearings were printed in eight volumes containing some 7,981 pages. I think this record is very significant, Mr. Chairman. It is evidence that the Committee did not consider this subject lightly. In each and every case there was sound evidence to support the recommendations of the Committee. I would like to particularly emphasize the fact that not one dollar was recommended in excess of an amount the responsible agency testified that they could economically and efficiently utilize.

Before discussing the merits of a few of the Congressional increases, I would like to bring to your attention the cavalier manner in which the Administration treated the considered judgment of the Congress. Not one single new start, or one single increase of a budgeted amount for planning or construction of a water resource project in the entire bill was apportioned for use in fiscal year 1971. The entire amount was placed in budgetary reserve.

Most, but not all, of these funds are presently scheduled for release in fiscal year 1972. However, the funds in budgetary reserve from 1971 add-ons to a great extent are being used to finance the program in fiscal year 1972, and thereby reducing the Administration's request for fiscal year 1972 funds.

The Executive action shows a complete and utter disregard for the expressed will of the Congress in expressing its judgment on priorities.

From time to time the Administration refers to expenditure limitation. The Congress last year appropriated $3,491,829,930 less than the President requested. The final Public Works bill was $25.1 million below his estimate. So, it was not a case of Congressional irresponsibility.

Attached to my statement is a list of projects and amounts placed in budgetary reserve. I would like to comment on just a few of these items.

Gila River and Tributaries Downstream from Painted Rock Dam—$500,000. In addition to the flood control benefits for which the project is justified on a benefit-to-cost ratio of 3.2 to 1.0, the urgency of early construction has international aspects. The United States and Mexico consummated an agreement in March of 1965 to achieve a solution to the Colorado River salinity problem which has caused strained international relations. Completion of the project will reduce the saline water volume from flood flow to about five to ten percent of that under existing conditions. The United States Commissioner on the International Boundary and Water Commission, United States and Mexico, has urged early initiation of construction.

Lock and Dam 26, Alton, Illinois—$351,000. This was an increase in the allocation for planning. The existing dam is continuing to deflect and will become an increasing problem in the next few years. The structural integrity of the dam is questionable since it is resting on the edge of a scour hole that is deeper than the tips of the wood friction pile supporting the dam. The Committee considered it was imperative that the design and construction of the replacement dam be completed as rapidly as possible. It is expected that before the dam can be replaced, commerce through the lock will increase to about 60,000,000 tons a year.

Lake Pontchartrain and Vicinity, Louisiana—$3,000,000. The budget estimate last year was $8,250,000 with completion of the project scheduled for December of 1978. This is a hurricane protection project. If the path of Hurricane Camille had been 50 miles west of its actual course, it would have scooped up the waters of Lake Pontchartrain and flooded the City of New Orleans. The damage and loss of life would have been tremendous. The engineers testified that they had a capability of $12,000,000 on this project for fiscal year 1971. The Committee felt that they could not and should not gamble on the lives and security of the people of New Orleans. The unidentified bureaucrats in the Office of Management and Budget were willing to take that gamble. Not only that, but the recommendation for fiscal year 1972 is only $4,555,000 which, when supplemented by the $3,000,000 in budgetary reserve, will still be $695,000 below the budget request of last year. The result of this short-sightedness is a three-year delay in completion of the protective works from December 1978 to December 1981.

Wynoochee River Dam and Lake—$1,900,000. The Committee heard testimony from Members of Congress, local interests and the contractor regarding the inadequacy of the budget request to fund the required work on the main dam. The contractor was issued a notice that the Corps is out of funds, and still the Congressional add-on is held in budgetary reserve.

Central Valley Project, California—$10,000,000

Of this amount, Congress provided $8,500,000 for two new contracts on the Westlands distribution system and $1,500,000 for the Pleasant Valley Canal. The entire amount is being reprogrammed to reduce the funding requirements in fiscal year 1972 for budgeted items in the fiscal year 1971 program.

Columbia Basin Project, Washington—$1,460,000

These funds were provided for the Bacon Tunnel and Siphon and for Block 251 laterals. The entire amount will be reprogrammed to assist in financing the ongoing project drainage and supplemental construction program.

Mr. Chairman, up to this point in my remarks I have been speaking as the past Chairman of the Senate Appropriations Subcommittee on Public Works, a position which I occupied for many years. As suggested in your correspondence to me concerning these hearings, however, I think it might be well to expand my comments to include some of the broad Constitutional questions involved in the Executive "impoundment" of appropriated funds.

This was a subject which was giving me considerable concern long before I assumed Chairmanship of the Senate Committee on Appropriations. Looking back over my tenure in the Senate, stretching from 1937 to the present, it is easy to see the expansion of Executive activity in this area during those years. It is equally easy to perceive a corresponding decrease in the powers of the Congress.

It has become a cliché to observe that the last three of four decades have brought about a tremendous increase in Executive power, generally at the expense of the Congress. The trend started with our Great Depression, when a strong and effective central authority was thought to be necessary for the survival of our form of government. The trend was given impetus by the Second World War when a concern with foreign affairs first gained a foremost place in the national attention. Here again, a strong central authority, able to act with dispatch and secrecy, was thought to be necessary for our national survival or at least to insure our victory in a worldwide conflict. Under pressures of the Cold War, and our international position, an Executive dominance in foreign affairs has become so buttressed by precedent, largely approved by the Congress, that I doubt anything approaching parity can be regained by our National Legislature except, perhaps, over an extended period of time.

This is not necessarily the case in domestic affairs however. Here we find that Executive dominance has grown up gradually. In my estimation, its growth has been brought on by the expansion in the Federal bureaucracy. The increase in the domestic power of the Executive *vis-a-vis* the Congress has been aided by ideas such as "efficiency in government" and "technological complexity." None of these reasons, however, provide a substantive basis for allowing the continued encroachment by the faceless minions of the Executive bureaucracy into the Constitutional preserves of the Congress. In short, there is no need for the individual, specific priorities of the Nation to be established by a desk-found bureaucratic elite, rather than the collective judgment of the Congress. I am referring here to the growing direct involvement of the Executive in the appropriations and expenditure processes of Congress and the nation.

It seems to me that this is one of the most important areas to be considered by the Subcommittee on Separation of Powers. The Constitutional provisions drafted so painstakingly by our founding fathers in 1787, contain several attempts to provide a lasting guarantee that the Powers of Government in the American system will in fact be separate. Among these we find, of course, the different constituences for the House, the Senate, and the President assured by the Constitution. We find the principle of staggered terms, the advise and consent function of the Senate, and, of course, the Power of the Purse. Yet it is widely recognized today that the Judiciary "legislates" as much as it judges (whether we like it or not), and that through its regulatory powers the Executive agencies not only legislate but assume quasi-judicial functions. It has also finally come to be admitted that there is as much "politics" involved in administration as there is in legislation.

Looking beyond the Constitutional provisions, we find other traditions and procedures which are perhaps more important in maintaining some semblance of an independent legislature as the function of government changes over time. Among these I would list the seniority system in the House and Senate which insures against Party Government and Executive control. I would also list our committee system which may work either in opposition to or in concert with the Executive will, but at least provides points at which Congressional attitudes may be focused.

It may be felt that I am going far afield in these remarks, but the point I desire to make is that the absolute guarantees for legislative independence or a separation of powers between the Congress and the Executive are actually few and far between. In today's America, they are indeed frail reeds for one to rely on as a bulwark of protection for the Congressional preogatives. For that reason, those that do have vitality and substance remaining in them today deserve our utmost attention to see that they are preserved.

One of the few Constitutional provisions in which we can say there is still some semblance of vitality is the appropriations process—that which I referred to earlier as the Power of the Purse.

I said earlier that the diminution of this power over the last three decades has caused me concern. That is so because I have watched the Executive move to surreptitiously expand his control over the ultimate use of appropriated funds under the guise of the national emergency of the Second World War on the one hand, and national economic policy on the other.

The Constitution provides no provision giving to the Executive the right of item veto. We cannot suppose that this was by chance, for the question was hotly debated during the Constitutional Convention and rejected by the Founding Fathers. Yet, in the last few decades, we have seen the item veto used more and more. Whether it is called a budgetary impoundment, budgetary reserve, or by some other euphemism, the result is the same. It is the frustration of the Congressional will by the substitution of the Executive will.

At this point, Mr. Chairman, I would like to refer to a study on this subject by Professor J. D. Williams, entitled "The Impounding of Funds by the Bureau of the Budget," and published in 1955. Professor Williams points out that authority to impound funds was used before the Second World War entirely in connection with the quarterly allotments established by the Bureau of the Budget to prevent deficiencies among the agencies, and to effect savings where work authorized by the Congress was accomplished at less expenditure than anticipated.

It was during the Second World War that the practice of establishing reserves to cancel specific projects gained acceptance in our government. President Roosevelt was able to delay expenditures on individual projects for which funds had been appropriated, and successfully defended this action against the Congress. The authority used by the President at this time was based on his war powers and he stipulated on several occasions that funds approved by the Congress would not be used for projects not considered to have "important value in the national defense." Nineteen hundred forty-three saw the high point in the Congressional counter-attack against this usurption of its powers by the Executive. Senator McKellar of Tennessee, who was then Chairman of the Senate Appropriations Committee, led the fight. In cooperation with others he sought to overturn this assumed power of the Bureau of the Budget, even in time of war. Legislative language designed to reassert the authority of the Congress in the area of appropriations was approved by the Senate, but failed passage in the House. The failure was primarily because of the emergencies facing the nation, according to Williams.

After the Second World War was concluded, representatives of the Executive Branch recognized the shaky grounds they were occupying should it be necessary to continue the practice of "impounding" funds by the establishment of "reserves" in times of peace. Accordingly, after considerable debate within the Bureau of the Budget, specific legislative authority was sought for such actions. This approval was granted, perhaps unwisely, by the Congress in the General Appropriations Act of 1951. It will be recalled that the Korean Conflict was then upon us. Section 1211 of that statute became part of the U.S. Code (Title 31, Section 665(c)). I ask consent that the pertinent language from the Code, under the heading: "Apportionment of appropriations; reserves; distributions; review" be included at this point in my remarks. This language today forms one basis for the Executive's action in the instances which I described at the beginning of these remarks.

The point here is this, Mr. Chairman. Congressional action in the past, twenty years ago, gave specific legislative authorization for the Executive and the Bureau of the Budget to do exactly what is being done by the current Executive and his Office of Management and Budget today. If we want to begin a serious attempt to restore the prerogative and powers of the Congress, this is a specific point at which to start. Twenty-three years ago, a past Chairman of the Senate Appropriations Committee took up the battle and won the approval of the Senate. He saw the beginnings of the trend and attempted to nip it in the bud, but the trend toward Executive control has continued to gather strength.

Mr. Chairman, that concludes my remarks on this subject. The study to which I have referred, done by Professor Williams and printed as a case study by the University of Alabama in 1955, is today out of print. A member of my staff came upon it while researching another subject early in 1969 before the question of budgetary reserves began to receive national attention. Professor Williams' work has now come to be extensively cited by other students of the subject, but it is still difficult to find. I am informed that the Library of Congress has only one original copy. For that reason, Mr. Chairman, I ask unanimous consent that his work be printed at the conclusion of my remarks. It is not very long and I believe it should be made more widely available to interested members of the public.

Mr. Chairman, thank you for this opportunity to present my views. I will be most anxious to obtain the results and conclusions of your inquiry into this important subject.

The case study is as follows:

THE INTER-UNIVERSITY CASE PROGRAM—THE IMPOUNDING OF FUNDS BY THE BUREAU OF THE BUDGET

(By J. D. Williams)

I. INTRODUCTION

This is the story of the efforts of the Budget Bureau to impound funds appropriated by Congress for public works projects during World War II in an effort to lessen inflationary pressures and to check the diversion of scarce materials from defense production. It is also a brief life history of a policy and its political and administrative repercussions.

If the makers of the Constitution had given the President an item veto over appropriation acts, the policy on which this case focuses would never have been initiated. Under the Constitution, Congress is empowered to pass laws and to appropriate money. But the public usually holds the President responsible—particularly at election time—for the nation's economic health as well as for its security. As the federal government's role in economic affairs increased during the 1930's, it was inevitable that a President would some day have to find a means to avoid spending money appropriated by Congress for projects which, in his view, were not in the national interest.

President Roosevelt was confronted with such a situation following his re-election to a third term in 1940. As the nation's economy shifted to defense production and as the price index began to rise, it became apparent that nonessential expenditures would have to be curtailed to prevent inflation and to check the diversion of scarce materials from defense production. For this reason the Budget Bureau drafted the following policy statement which the President included in his budget message of January 3, 1941:

"During this period of national emergency, it seems appropriate to defer *construction projects* that interfere with the defense program by diverting manpower and materials. Further, it is very wise for us to establish a reservoir of post-defense projects to help absorb labor that later will be released by defense industry."

However, the President's message did not stop congressmen from pressing for appropriations for public works projects in their own districts, just as it did not convince the constituents of these congressmen that their local public works projects, along with hundreds of others, constituted a threat to the defense effort or to the economic stability of the nation.

What, then, was the President to do when wartime appropriation acts, containing funds for local public works projects, came to him for signature? He could not veto the unwanted items without vetoing the entire appropriation. The Budget Bureau proposed a solution: put the funds for objectionable projects in a reserve, "frozen" so that the spending agency cannot touch them.

This case describes the formulation and adoption of the policy of impounding; it then depicts the efforts of the Bureau to impound funds for two projects and to deal with the strong congressional criticism which resulted; and it recounts how Congress and the Bureau ultimately sought to settle the matter.

Development of impounding practices

Long before the establishment of the Bureau of the Budget, Congress had provided for an apportionment procedure in the Anti-Deficiency Acts of 1905 and 1906. Agencies were required by those laws to divide their annual appropriations into quarterly allotments or three-month expenditure ceilings which were not to be exceeded. In those quarterly allotments lay the rudiments of appropriation reserves, the *sine qua non* of the impounding process.

The original purpose of the allotment procedure was to prevent agencies from spending their entire appropriations before the end of the fiscal year; in other words, to *prevent deficiencies*. A second purpose—*to effect savings*—was added in 1921 in Budget circular #4, issued by the first Director of the Budget, Charles G. Dawes. Since 1921 the reserve device has been used extensively by the Bureau of the Budget to adjust spending to actual needs in achieving the program objectives of the Congress. (For example, where Congress appropriated a million dollars to control the Mediterranean fruit fly, and the Department of Agriculture accomplished the task for half a million dollars, impounding the balance prevented waste of public funds.)

An important issue since the twenties has been the nature of a congressional appropriation act: is it simply authority to spend a certain sum of money for a specified purpose, or is it a directive to spend? Willoughby, writing in 1927, seemed to prophesy the struggle that was to ensue fifteen years later. A few appropriations, he thought, were mandatory: e.g., "appropriations for the payment of claims, pensions, interest on the public debt, and the like." Others, he said, for *political reasons,* must be regarded as mandatory:

"There are other appropriations such, for example, as those for the erection of a particular public building or the improvement of rivers and harbors, which if not put into effect would undoubtedly cause resentment on the part of Congress and action by it that would make the expenditure obligatory."

The hand of the Bureau of the Budget in post-appropriation control was strengthened on June 10, 1933, when authority to make, waive, or modify the quarterly apportionments was transferred from the agency heads to the Bureau by Executive Order 6166. With the transfer of the Bureau itself to the Executive Office of the President six years later, the stage was set for a systematic effort by the President and his budget staff to achieve improved central control over expenditures. That effort was to be marked in part by putting the impounding process, employed during the '30s to effect savings by controlling the *level of programs*, to a new use: *viz.,* impounding funds for entire *public works projects* which lacked Presidential approval. (The two types are referred to as program control and project control.) President Roosevelt's 1941 budget message, which emphasized the need "to defer construction projects that interfere with the defense program", seemed to require more stringent impounding than merely establishing reserves to effect savings.

II. THE POLICY IS ADOPTED

Four days before he declared an unlimited national emergency late in May, 1941, President Roosevelt was faced with the first test of his announced budget policy. Congress had just forwarded for his approval the War Department Civil Appropriation Act for 1942 (Public Law 71), containing funds for flood control and some $1.6 million for certain river and harbor projects which had not received Executive approval as important to national defense. Lacking the item veto, the President had to sign the Act. During the two months that elapsed before the War Department could submit to the Bureau of the Budget its request for apportionment of the newly-appropriated funds, the Bureau sought a tool that would halt the objectionable projects.

In the meantime a flood control authorization bill (H.R. 4911) was moving toward final passage in the Congress. The House version of the bill provided that projects contained in the measure "shall be prosecuted and speedily as may be consistent with budgetary requirements. . . ." On July 3, the President wrote the President of the Senate that the House had ignored the fact "that initiation of new construction projects without defense values should be deferred until the end of the present international emergency." Mr. Roosevelt suggested an amendment to section 3 of the bill to read: "That during the unlimited emergency . . . no construction work shall be initiated on any project hereby authorized unless the President should find that the proposed work is of important value to the national defense."

The President was turned down. Congressman Whittington explained early in August, 1941, that the proposed amendment was killed because Congress did not want to surrender absolutely to the Executive the right to determine which projects had defense value. Anyway, he said, "if the President . . . is not satisfied . . . he can veto the bill."

Whittington and his colleagues did not anticipate the means the Executive Branch would use to nullify the appropriations in excess of the President's requests. Mr. Roosevelt did not veto the authorization bill. However, in signing it on August 18, he warned:

"I wish to make it clear that during the present emergency I do not intend to submit estimates of appropriations or approve allocations of funds for any project which does not have important value in the national defense."

By the time the President signed the bill, the Bureau of the Budget had decided that impounding was the only means to halt projects which had no defense value but which had been tucked into appropriation bills that the President had to sign. The decision of Budget Director Harold Smith at the end of July, 1941 to halt War Department construction of certain flood control projects for which Congress had appropriated money in Public Law 71, was the result of four weeks of intermittent discussion and head-scratching within the Bureau:

On July 7, Budget Examiner Charles Curran of the War-Civil Unit in the Estimates Division called his superiors' notice to the impending authorization by Congress of public works projects, some of which the President had not approved. Curran had recently returned from a tour of some civil and military projects of the War Department and had been struck with the waste of money and effort on projects which could never be completed because they did not carry a priority rating to obtain scarce materials. Why, he asked, should not the Bureau of the Budget impound funds for nonessential projects to keep them from getting started in the first place?

Similar concerns were felt by most others in the Bureau, beset on all sides with demands for money to meet the emergency. There was, consequently, at least a partial attitude of receptiveness when Curran proposed that for the first time the Bureau should halt entire public works projects by impounding.

Hertofore the Bureau had impounded funds almost solely to effect savings in programs undergoing readjustments which Congress could not have fully foreseen in making appropriations available. A number of times during the course of 1941, reserves were established to effect savings in the traditional manner. The programs of the Civil Aeronautics Administration for civilian pilot training, of the Civilian Conservation Corps and the National Youth Administration for the surplus labor force, and of the Surplus Marketing Corporation for surplus crops, all had begun to fell the pinch of the defense effort. Military pilot training, selective service, war production, and rising food needs demanded curtailment of these peacetime programs. To force curtailment in expenditures, the Budget Bureau impounded funds appropriated to each agency in amounts ranging from $1.6 million to $95 million.

Reducing the *level of programs* in this way was much safer politically than halting completely a specific *project* authorized and financed by Congress. To attempt the latter would place the Bureau in the risky position of running directly counter to the will of Congress—and of damaging the standings of individual Congressmen in their home disstricts, which stood to gain by these projects. A Congressman might easily give way on a question of broad national policy. But to cancel public works projects in his particular district was to hit him personally—and in his most vulnerable spot, his reputation as a good provider for his constituents. It was to threaten the Pork Barrel principle.

Mindful of these considerations Curran's chief, Colonel C. L. Dasher, suggested that he sound out Fred Bailey, the Assistant Director for Legislative Reference. Curran recounts the story this way:

"Bailey gave me the impression that he thought I was trying to go a little too far. He pointed out that, in the past, reserves had been set up in order to prevent unapproved use of funds within an appropriation when a change in law had eliminated some requirement otherwise provided for or in order to give effect to the anti-deficiency law. Then he said, in effect, that the appropriation of money did not carry a mandate to spend . . . Now if Congress in its wisdom appropriated more for some program than the Budget thought necessary, there was a question of soundness in attempting to reverse Congress by impounding a part of the appropriation. Certainly, at least the proper segment of the Appropriations Committee should be consulted. Perhaps a case could be made and defended for holding back funds beyond those which could be expected to be used efficiently. But any reduction would need to be made on a program basis. *The executive or administering agency should determine where and how the program was to be modified. . . .*

"He went on to point out that deliberately stopping specific *projects* went far beyond general economy and efficiency. It was approaching an item veto. It was one thing to shrink a whole program, but quite another thing to go into the program and eliminate specific items—items individually endorsed or perhaps inserted by Congress. But he said all he would do was advise. It was up to me to put the issue to the Director."

Consideration of the proposed policy became a matter of immediate importance with the arrival in the Bureau of the War Department's request for apportionments for funds appropriated in Public Law 71. Hopefully, the hot issue was tossed to the National Resources Planning Board. But back it came; as far as NRPB was concerned, the question of project control via impounding was strictly a budgetary matter.

The bureau acts to impound

Budget Director Harold Smith accepted the project impounding suggestion. In his letter to Secretary Stimson on July 29th, after quoting the President on the necessity of deferring nonessential public works, Smith went on to say:

"You are thoroughly conversant with the need of deferring the construction of public works which would interfere with the defense program through the diversion of manpower and material. Consequently you can see how the initiation of such works at this time would be out of harmony with the policy of the President *as developed since the approval of the War Department Civil Appropriation Act* (that is, since May 23, 1941) and would clearly be in conflict with his present program.

"I therefore suggest that you have placed in Budgetary Reserves, in addition to any other reserves, the sum of $1,605,000 of the appropriation "Maintenance and Improvement of Existing River and Harbor Works" and $7,405,305 of the appropriation "Flood Control, General." The funds so placed in reserve under . . . "River and Harbor Works" would be released at such time as the President found the three projects for which the funds are earmarked to be of important defense value and the flood control funds placed in reserve would be available for initiation of authorized flood control projects when approved by the President as important to national defense."

As word spread that the Bureau of the Budget had halted certain public works projects, Congressmen began to make inquiries. Senator Wagner (Dem., N.Y.) wanted to know what constituted a defense project entitled to funds. Harold Smith replied on August 25, 1941:

"Two criteria for determination of defense value are whether the project is necessary to the armed forces and whether it is necessary to our industrial effort. The first can be determined most properly by those in command of the armed forces. The second can best be determined, particularly as to the relative present importance, by the Office of Production Management."

The bureau impounds funds for two Oklahoma projects

The Bureau of the Budget was now to discover the political consequences of curtailing public works projects designed for the constituents of individual Congressmen. A sample of these consequences is the flurry caused by impounding funds for two Oklahoma flood projects: the Tulsa levees and Markham Ferry Dam.

On March 25, 1941, the Secretary of War had submitted a report to Congress from the Chief of Engineers recommending completion of a flood control levee on the Arkansas River at Tulsa and West Tulsa, Oklahoma which had been started some years before. The Secretary admitted that the Budget Bureau regarded the proposal as out of line with Presidential policy. Congress nevertheless called for the completion of the levee project, along with others, in a flood control authorization act of August 18, 1941 (Public Law 228 of the 77th Congress).

In submitting supplemental requests for fiscal 1942, the President asked no funds for the Tulsa project. But in the Third Supplemental National Defense Appropriation Act, 1942, passed December 17, 1941, $300,000 (which had been added in the Senate) was appropriated for the Tulsa levees. In the following year, $213,000 more was added, upon Senate initiative, in the War Department Civil Functions Bill for 1943, making a total of $513,000 of unrequested funds for the Tulsa project.

A $15.4 million power and flood control reservoir at Markham Ferry on the Grand Neosho River in Oklahoma was also authorized by Public Law 228. The Federal Power Commission had included the project in its defense program as a source of additional electric power, but the Office of Production Management (OPM, predecessor of the War Production Board) believed (a) that the surrounding area could not absorb the additional energy, and (b) that there was no defense need for the reservoir. No funds were requested by the President, but at Senate behest, $1.5 million was made available in the Third Supplemental, 1942.

On December 18, 1941, the day after Congress provided funds for the two disapproved projects at Tulsa and Markham Ferry, the attention of the Assistant Budget Director for Estimates was called to the two projects. A budget examiner explained to him that the request for funds for the projects had originated with Senator Elmer Thomas (Dem., Okla.), and not with any federal agency. Thomas had introduced into the hearings a number of letters from manufacturers in the area of Sand Springs and West Tulsa citing defense work and warning of the flood danger to their operations. Among the companies were Sheffield Steel, National Tank, and Wheatley Brothers Pump and Valve. The budget examiner recommended asking OPM about the defense necessity of the Tulsa levee project before allowing the Corps of Engineers to proceed. He recommended also that the Markham Ferry and Tulsa funds be placed in reserve.

Budget Director Smith notified the Secretary of War on February 5, 1942, that $1.8 million for the Markham Ferry and Tulsa projects had been placed in reserve until evidence was received from OPM indicating that the projects had some defense value. Smith's impounding letter seemed only to spur the War Department, for on February 9, it requested $213,000 for the Tulsa project for fiscal 1943.

Not long afterwards a news item appeared in the Tulsa *Tribune* reporting the resentment of local officials over the stoppage of the levee project. Senator Thomas next informed the Tulsa *Tribune* (which printed the story on page one) that release of the funds depended upon the recommendation of the district engineer of the Corps of Engineers in the Tulsa area. (Actually, the decision on the defense value of any project had to come from the War Production Board or from the higher echelons of the War Department.) From the 16th through the 20th, Tulsa papers reported that the Chamber of Commerce was taking action to prove the defense worth of the levee project.

On February 18, the same day that budget examiners were recommending retention of the impounded funds, the president of the Tulsa Chamber of Commerce, N. R. Graham, sent a letter to the Budget Director:

"We wish to respectfully protest this decision. This decision overrules the judgment of Congress. Our people feel that we are having far too much government by decree rather than by law; and we have had many expressions of dissatisfaction over the action of your Bureau in this particular instance." Graham went on to emphasize the importance of the levee and reservoir projects for preventing a recurrence of the crippling flood experienced in November, 1941, and for providing additional power. Copies of his letter were sent to the Oklahoma delegation in Congress.

Undaunted, the Budget Bureau notified the War Department on February 24: no release of funds for Tulsa or Markham Ferry. Harold Smith replied to Graham on March 6, also sending copies to the Oklahoma Congressional delegation. He emphasized that when he approved the legislation authorizing Markham Ferry and other projects, the President had stated that funds would neither be requested for, nor allocated to, projects not important to national defense. Smith then explained the problem of materials shortages:

"The manufacture of hydroturbines (which would be needed were Markham Ferry to be undertaken) is in direct competition with the manufacture of guns and forgings. It is impossible for us to undertake at this time the construction of all those multiple-purpose flood control and hydroelectric power development projects which are desirable and economically justified."

On March 10, Director Smith informed Senator Josh Lee (Dem., Oklahoma, up for re-election that year) that the brief of the City of Tulsa in behalf of the levee project had been received and was under study, adding: "In this study, in addition to considering the views of local interests, the relative importance of any project as determined by the federal agencies directly charged with prosecution of the war effort must be obtained."

About this time, the WPB, which had also received the Tulsa brief, indicated concern over the political ramifications of the Tulsa decision. It sent a legal aide to ask the Budget Bureau: since the levee project called primarily for earth-moving and would not require scarce materials, could funds be released simply on certification from WPB that it had no objection to the project?

No, WPB was told, the President's policy called for a positive statement that a given project was essential to the war effort. Furthermore, the materials question did not exhaust the burdens that the Tulsa project would place on the war economy, since it would require funds, machinery, and skilled personnel which should not be diverted from more essential war activities.

On February 20, when Congress was being petitioned for additional funds for certain flood control projects, Director Smith explained in a letter to Congress that the required sum to be appropriated might be reduced by $7.1 million by drawing upon existing appropriations held in reserve from the projects for which they had originally been intended. Included in the $7.1 million were the reserves for Markham Ferry. Congress acquiesced by appropriating amounts in line with the recommended transfer of reserves, thus "plowing under" the Markham Ferry project among others.

On the House floor on April 2, Congressman Jerry Voorhis of California protested the impounding of $37 million of Agriculture Department funds for the school lunch program since the start of fiscal 1942. Under questioning from surprised colleagues, Voorhis said he understood that the Budget Bureau claimed legal authority to impound funds under the Anti-Deficiency Act and Executive Order 6166. Voorhis disagreed that these justified the impounding of funds and pointed out two possible dangers: the Bureau might impounded funds for the Legislative Branch, threatening representative government; or it might increase other appropriations by transferring funds placed in reserve. "When that time comes, the power of the purse of Congress will be gone," he warned.

On April 9, Donald Nelson, chairman of WPB, informed the Budget Bureau that a study of the Tulsa project "fails to establish that the project may properly be described as essential to the national defense." "*However,*" Nelson went on, in view of the small amount of materials and equipment involved, WPB "has no objection to the release for this purpose of $300,000 from the appropriation for 'Flood Control, General' of the Act of December 17, 1941."

After this finding by WPB, it was recommended within the Bureau that the $300,000 already appropriated for Tulsa should be kept in reserve and that $213,000 about to be appropriated should be put there.

A feeling of uneasiness seemed to come over the Bureau officials as the impounding process bit deeper. In a memorandum dated April 16, 1942, to Martin, Assistant Director for Estimates, Dr. R. D. Vining, a group head in that division, expressed doubt about the Bureau's legal authority to impound funds. Beyond that, he worried about the political wisdom of holding up projects for which Congress had appropriated funds. Vining felt that there was room for debate about the necessity of the Tulsa project, but even if it were clearly an unwise venture, responsibility for it would not rest with the Bureau. On the other hand, for the Bureau to impound the Tulsa funds was a sure way to court criticism that it had set itself above the law.

Soul-searching was going on at all levels within the Estimates Division.[1] While Vining was writing to his chief, Curran was writing Vining (Curran's group head). Called upon by Vining to find a legal basis for impounding funds, Curran turned first to some suggestive, if not permissive, language in certain Congressional reports and statutes. Specifically noted was the sentence in the Flood Control Act of 1941 (the sentence which the President had wanted strengthened): "The following works of improvement . . . shall be prosecuted as speedily as may be consistent with budgetary requirements." Curran noted also that the House Appropriations Committee had recently spoken of appropriations as "*authority* to enter into contracts and incur bills," (his emphasis) rather than as mandates to do so.

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[1] As Vining put it years later, "There was unanimous opinion in the Bureau that no statutory authority existed for impounding funds under 'continuing' appropriations for specific projects as distinguished from annual appropriations for maintenance and operation of government agencies where apportionment was required under the Anti-Deficiency Act of 1906."

Curran then turned to a second source of authority for the Bureau's action the war power of the President. Recognizing that the Bureau's right to stop specific projects during peacetime might be questionable, he contended that the President's war power permitted "the President to prosecute (the) war in all its ramifications by all the machinery available to him." [2]

The President agrees:

Meanwhile the Civil Functions Appropriations bill for 1943 had gone over to the Senate Appropriations Committee, where Senator Thomas introduced more evidence from industrial plants along the Arkansas River of the need for flood protection. A short while later Curran called Assistant Director Martin's attention, to the fact that the bill was through conference, containing funds for a whole group of projects (including Tulsa) which had never received Presidential approval. With his memo, the budget examiner forwarded a draft of a letter ordering the impounding of certain funds which he hoped the President would sign and send to the Secretary of War at the same time he signed the Bill.

Martin, however, had many doubts, including those which his assistant chief, Vining, had planted in his mind a week earlier. He ordered that the draft letter be submitted to the National Resources Planning Board, the second time in ten months that the issue had been shifted in its direction. With a few changes called for by the NRPB, the letter was cleared by the Budget Bureau and sent on to the President.

Casting an eye in the direction of Capitol Hill, the President's political advisers could discern both favorable and unfavorable portents. Four Months earlier, Judge Tarver, chairman of the House Appropriations Subcommittee on Agriculture, had criticized the Budget Bureau for impounding $3.4 million for the Soil Conservation Service in 1941. On the other hand, the House Appropriations Committee as a whole had subsequently hinted that it would go along with the President in holding up non-essential public works. In a House report of March 6, 1942, the Committee stated that the President alone had the power to determine priorities among construction projects. This was important, coming from the committee which originated all appropriation measures and which focused upon government-wide problems in contrast to the narrower scope of the substantive program committees.

So the President went ahead. On April 28, he signed the Civil Functions Appropriation Act and immediately blocked the projects of which he did not approve by signing the impounding letter to the Secretary of War which the Bureau had drafted. Noting that Congress had made certain appropriations for public works in excess of his budget requests, the President asked the War Department to establish, in cooperation with the Budget Director, "administrative reserves in the amount which can be set aside at this time by the deferment of construction projects not essential to the war effort and by the suspension of the survey program." He said he would have no objection to a subsequent release of funds for any projects which are shown to be of importance for national defense.

The President's letter settled the internal problem within the Bureau of the Budget. On April 30, Assistant Director Martin issued a directive to the staff of the Estimates Division, referring to the letter as a "declaration of policy on the part of the President." The Bureau proceeded immediately to implement the policy, after discussions with the Corps of Engineers, by impounding $17.8 million of the new appropriations for civil works, including $213,000 for Tulsa. The Corps was informed that no funds could be earmarked for Tulsa or Markham Ferry, among other projects.

The Fight for the Tulsa project

The Bureau had now to defend its new impounding policy against the rising protests of Congressmen and their hurt constituents. Early in June, Budget Examiner Curran inspected the Sand Springs area near Tulsa. He found that the industries there, like most industries in the country at that time, did have some war contracts. But so far as he could tell, the real pressure for the levee project stemmed from the inhabitants of inexpensive cottages in the lowlands near the river. Estimating that the levee would cost twice the $513,000 held in reserve, Curran reiterated his conviction that the Tulsa project was not essential to the war effort and therefore should not be started.

The boosters of the levee project received unwelcome support when torrential rains caused the Arkansas River to flow over its banks on June 24, inundating Sand Springs. The damage gave new impetus to the demand for completion of the flood control levees. The Tulsa *Daily World* of June 26 pointed to the Budget Director as the culprit responsible for freezing the funds. The newspaper said that the Oklahoma delegation in Congress "will again be bombarded with 'demands for action' in the hope that the budget director can be persuaded to release the frozen funds so vitally needed here."

The flood seemed to nourish every type of grass root activity. The pastor of a Tulsa Baptist Church, along with many others, wrote Senator Lee urging release of the funds. The Senator talked to the Budget Bureau. But on the 13th, acting director Coy, politely rebuffed him:—no funds unless and until the war necessity of the Tulsa project was certified by the proper authorities.

Senator Elmer Thomas wrote the Bureau the next day protesting that he had been given the "run-around." He enclosed a letter of July 26 from General W. B. Persons of the Office of the Chief of Staff and photographs of the flood waters at West Tulsa. Oddly enough, the Persons letter said that "There are no important products produced in the protected area with which the War Department has direct concern." The question of necessity for the war effort, the General continued, "is one for determination of the War Production Board or other Federal Agency directly concerned with the use of the products of this area."

At this point another member of the Senate Appropriations Committee, Richard Russell (Dem., Ga.), wrote a letter to the President, criticizing The Budget Bureau's attempt to curtail—not to halt completely—the food distribution programs of the Agricultural Marketing Administration.

Chief Examiner James Scott who had fought for reserves in what he regarded as inflated appropriations for various agriculture programs, felt that Russell's letter deserved a strong reply. His draft was ultimately signed by the President and sent to Senator Russell on August 18, 1942. It said in part:

"It should, of course, be clearly understood that what you refer to as "the practice of the Bureau of the Budget of impounding funds duly appropriated by the Congress" is in fact action by the Chief Executive, and has two purposes. The first purpose is compliance with the Anti-Deficiency Act, which requires that appropriated funds be so apportioned over the fiscal year as to insure against deficiency spending. This step, of itself, has for many years resulted, and will continue to result, in important savings of appropriated funds. Secondly, the apportionment procedure is used as a positive means of reducing expenditures and saving money wherever and whenever such savings appear possible.

"While our statutory system of fund apportionment is not a substitute for item or blanket veto power, and should not be used to set aside or nullify the expressed will of Congress, I cannot believe that you or Congress as a whole would take exception to either of these purposes which are common to sound business management everywhere. In other words, the mere fact that Congress, by the appropriation process, had made available specified sums for the various programs and functions of the Government and is not a mandate that such funds must be fully expended. Such a premise would take from the Chief Executive every incentive for good management and the practice of commonsense economy. This is particularly true in times of rapid change in general economic conditions and with respect to programs and activities in which exact standards or levels of operation are not and cannot well be prescribed by statute."

The President's letter put a timely prop under the Bureau at a time when Congressional criticism was beginning to rise.

In October, with election day a month off, Senator Josh Lee wired Donald Nelson at WPB that a steel mill near Tulsa had been flooded during the summer because a flood control project had been held up by the Budget Bureau. Four days later the president of the Shefield Steel Corporation, R. L. Gray, informed WPB that summer flood water coming through an uncompleted levee on the Arkansas had caused a shutdown of one of his plants handling war contracts at West Tulsa.

Then came a direct assault. On October 13, Senator McKellar (Dem., Tenn.) served notice in the Senate of his intention to introduce several amendments to H.R. 7672, the Supplemental National Defense Appropriation Bill. One of the amendments would have required the Budget Bureau to release $513,000 of impounded funds for the Tulsa-West Tulsa project.

Reaction within the Budget Bureau indicated that McKellar's threat was not taken lightly. Once again the Estimates heads asked for a review of the whole Tulsa impounding. On October 15, Assistant Director Coy informed Lawton and Martin that he had talked with Senator Barkley (Dem., Ky.), the majority leader, on how to deal with the McKellar amendment. Barkley was pessimistic about the chance of defeating it once it was introduced. Budget Director Smith suggested that, if the amendment passed the Senate, one of the House conferees should be approached by the Bureau. Smith's plan again showed the Bureau's reliance on the House Appropriations Committee.

While preparing to meet the McKellar amendment, the Bureau received word from Donald Nelson on October 16, that the Tulsa project was now regarded by WPB as essential to the war effort. The first paragraph of Nelson's letter sounded as if he had never heard of the Tulsa issue before and was totally unaware of WPB's refusal to certify the project on April 9, 1952:

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[2] A year later Chief Justice Stone was to say for the Supreme Court, "The war power of the national government is 'the power to wage war successfully.'" (Hirabayashi v. U.S. 320 U.S. 81, 93)

"Senator Josh Lee in a telegram dated October 8th has brought to my attention the fact that the money to finish a certain levee on the Oklahoma [sic] River for protection of the town and steel mill is frozen because your Bureau has not been advised that protection of the steel plant and rolling mill of the Sheffield Steel Corporation at Sand Springs is necessary for war purposes. . . . The War Production Board therefore certifies to you that proper protection from floods is necessary to assure the continued operation of this particular plant."

"I am taking the liberty," Nelson said in his final paragraph, "of sending copies of this letter to Senators Lee and Thomas of Oklahoma, and to Congressman Wesley E. Disney of the First District of that same State."

While a reply was being prepared, the Bureau informed the Secretary of War that since WPB had now certified the necessity of the Tulsa project, the Bureau would release the $513,000 from reserve on receipt of the proper form from the War Department. Three days later, the amendments mentioned by McKellar on October 13 were passed, except for the amendment on the Tulsa project which was not even called up.

Coy replied to Nelson's letter on October 19, informing WPB that the funds for Tulsa would be released. Coy asked, "In order that our records may be complete, what circumstances have arisen to change the character of this project so that it now has become important to national defense?" He concluded tartly: "Your thoughtfulness in sending copies of your letters to Senators Lee and Thomas of Oklahoma and Congressman Wesley E. Disney of that State is appreciated."

Nelson replied evenly on October 29, that during the investigation in the spring of 1942:

"There was no evidence that the possibility of floods in the Arkansas River seriously endangered the operation of war plants in the vicinity. We have only recently been advised that in July of this year apparently because of a new break in the levee, the Sheffield Steel plant at Sand Springs was flooded and shut down for about a week. This occurrence convincingly demonstrated that there is, in fact, flood danger to war plants in the area and prompted my request for release of the funds."

Not long afterwards, the Corps' request for release of the $513,000 for the Tulsa project was granted. Thus, in 1942, the Bureau kept the Markham Ferry project from going through but lost on the Tulsa project.

III. DEFENDING IMPOUNDING IN 1943

A Senate Appropriations subcommittee headed by Senator Pat McCarran (Dem., Nev.) opened hearings in January, 1943, on the Civil Aeronautics Administration appropriations for fiscal 1944. McCarran asked CAA Administrator Charles Stanton why appropriated funds for two airports in Nevada had been impounded by the Budget Bureau. Stanton's story ran as follows: in July, 1942, Congress had passed appropriations for construction of a large number of airports. $800,000 was specifically included for two CAA airports to be built at Winnemucca and Lovelock, Nevada, communities in the northwestern part of the state having about 2500 and 1300 people, respectively. Some time in August or September, 1942, the Budget Bureau had initiated what was a new practice for Stanton, apparently on instructions from the President. Agencies with construction projects were called back before the Bureau's examiners to rejustify projects for which funds had already been appropriated, "with a view to determining projects that might be deferred or eliminated" through the process of impounding funds. After listening to CAA's rejustification of the airport program, the Budget Bureau had impounded funds including the $800,000 for the two airports in Nevada.

CAA then had specifically requested the release of funds for the Winnemucca project. On November 3, 1942, L. C. Martin of the Bureau of the Budget had informed CAA that Presidential policy forbade the construction of projects not essential to the war effort; in view of that policy, funds would not be released for Winnemucca unless additional evidence could be furnished showing its necessity. On November 7, Stanton said, he wrote to the chief of buildings and grounds of the Army Air Forces about the two airport projects. Col. James B. Newman had replied that they were not regarded as essential.

Knowing that the Bureau would have to give McCarran its own explanation, Assistant Director Martin again requested a comprehensive review of the impounding procedure. A memorandum by Curran concluded that while the Bureau of the Budget had no legal power to halt construction of projects for which Congress had appropriated money, nevertheless, acting for the President it could establish priorities for the initiation of those projects. In the absence of any Congressionally-designated date, and as long as he does not violate the specific intent of Congress, the President has the discretionary authority to decide when projects shall be undertaken. In wartime, the memorandum continued, there can be little question of the President's power to defer or suspend construction under his authority to prosecute the war. With this review, Martin readied himself for interrogation by McCarran and his colleagues.

In his testimony before the committee, Martin frankly admitted that he knew of no law specifically authorizing the Budget Bureau to set up reserves. "However, it has been the practice of the Bureau for many years to set up reserves to prevent a deficiency or to effect savings under programs where the requirements have materially changed since the submission of the appropriation estimate to Congress."

McCarran asked how the Budget Bureau, acting in the name of the President, could impound funds in an appropriation bill which the President himself had signed. Martin replied that since the President's policy was to restrict all non-essential construction projects, the Bureau had to have War Department certification that the projects were necessary for the war effort.

Senator McCarran countered: "Congress must have thought these airports essential, or they would not have made an appropriation of $800,000 for them, part of which has already been—I won't say allocated, but the bids have been taken and preliminary surveys made."

Martin said he thought it was a question "of the authority of the President to set up reserves under policies which he has enunciated respecting public works." The Senator replied:

> I think it is deeper than that, if I may say so. I think it goes to the question of whether or not the Congress of the United States governs appropriations, or whether those appropriations, after they have been molded into law and approved by the President, can then be thereafter vetoed.
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> . . . And I believe that either the Congress of the United States has to be the lawmaking body, and its law has to be carried out, or else we are going to have to regard the abrogation of the Constitution of the United States, and then Congress has no place in this set-up whatsoever. It is either one of the two. Either Congress is responsible for the expenditure of the taxpayers' money, which the Constitution provides, or else the Congress has little or no place in the picture. Now, if the Army can override that, if the Budget can override it, the sooner we know it, the better.

Four months later, on May 28, 1943, Stanton of CAA appeared again before McCarran's subcommittee and revealed that the Budget Bureau had released the $800,000 for the Nevada airports. Whatever pressures the Nevada Senator had applied had proven irresistible. But, though victorious in the case of his own State's projects, McCarran had not frightened the Bureau out of continuing to impound funds for other non-essential projects.

The Roads Bill

In the early summer of 1943 Congress proceeded to consider H.R. 2798, a bill to provide federal aid for state construction of rural post roads. In the Senate Committee on Post Offices and Post Roads (Sen. McKellar, chairman), the following language was added as Section 9:

"No part of any appropriation authorized in this act shall be impounded or withheld from obligation or expenditure by any agency or official other than the Commissioner of Public Roads."

During the floor debate Senator Vandenberg asked Senator Hayden whom the sponsors of this section were trying to by-pass. Hayden said it was the Director of the Bureau of the Budget, who had been impounding public road funds. When Vandenberg asked under what authority the Budget Director had done this, Senator McKellar replied:

"That is exactly what we want to ascertain. We inserted this inhibition for the purpose of determining whether the will of the Congress shall be supreme, or whether the will of the Bureau of the Budget shall be supreme. I think that if the Congress shows that it is in favor of having its own views carried out, they will be carried out. That is my judgment. But if we supinely let the Bureau of the Budget veto any provision it pleases in any bill, it will not be long before it will be vetoing more than the road bills. It has been vetoing road bills for several years, and we think that such legislation ought not to be vetoed in that way."

Vandenberg then said that he was under the impression that there was a Presidential directive ordering cutbacks in nondefense highway expenditures and that probably the Bureau of the Budget was merely attempting to carry out that directive. "It seems rather curious," he said, "that we should attempt to enact legislation which seeks to withdraw some of the obvious checks and balances which evidently now exist and have heretofore existed. Apparently, however, I am not getting to the bottom of the question."

When the bill reached conference, the House managers opposed the Senate amendment. They finally compromised by allowing funds to be impounded only on WPB certification that a given project would impede the war effort. The bill passed the Committee of the Whole House, 147 to 10, was approved by the Senate, and was signed by the President on July 13. Senator McKellar, one of the grand old spoilsmen, had curtailed by law the authority of the Budget Bureau to impound in at least one area of government expenditure. The professional civil servants in the Budget Bureau, however, regarded his rider as little more than a temporary injunction against impounding.

Smith is criticized in hearings

Following the McKellar rider, opponents of impounding shifted from legal restrictions to the weapon of committee interrogation. A group of them attacked Budget Director Smith in hearings on a supplemental defense appropriation bill in the fall of 1943.

Senator Overton (Dem., La.) began by asking Smith: "Now, where is the law that authorizes either the Executive or the Bureau of the Budget to impound funds that have been appropriated by Congress?" As Smith began to explain that the power rested largely on the apportionment statutes, Senator McKellar entered the fray. The Senator recalled the impounding of certain funds appropriated for roads. He then asked: had either Mr. Smith or Mr. Lawton (both present before him) drafted Executive Order 6166 in 1933 transferring the apportionment authority from agency heads to the Budget Director? Neither had been with the Budget at that time. But McKellar drew the inference that the Bureau had wangled the apportionment power for itself and had then illegally extended that power to include the impounding of funds.

Senator Nye (Rep., N. Dak.) offered an example involving the "Turtle Mountain appropriation" for the purchase of certain lands in his state by the Indian Bureau. The funds were impounded, he said, before Pearl Harbor. Then Senator Hayden (Dem., Ariz.) added the case of an appropriation for a bridge over the Gila River, Arizona, which the Indian Bureau refused to spend.

"Senator Holman: Then how does the Congress express itself or announce a Congressional policy? After all, we represent the people.

"Mr. Smith: . . . There may have been instances that look arbitrary. But in most cases where something has been set aside, it is because it cannot be efficiently spent, or it is because the situation had changed. I think, as far as the Budget Bureau is concerned, we have tried to be very conscientious in going back and looking at the Congressional policy. Sometimes it may look as if we have done something, when material has been held up by the War Production Board or some other agency, with the Budget Bureau being uniformly damned I think for everything."

At a later point Smith put the case for impounding in one sentence: ". . . If you desire central control on the part of the administration, improved control of these expenditure matters, someone has to have some authority." Senator McKellar retorted: "That has to be somebody competent to deal with them."

Then Senator Thomas (Dem., Okla.) said that after getting the "runaround" in trying to get the Tulsa funds unfrozen,

"I introduced an amendment directing the Budget Bureau to release those funds and I submitted the amendment on that to the committee at that time, and thought it was a good idea. Some way the Budget Bureau got hold of this amendment and during the night they unfroze the funds, and since that time the work has been progressing as fast as the engineer could do the work."

Apparently the Senator was referring to the amendment which Senator McKeller gave notice of introducing on October 13, 1942.

There was little doubt in the minds of the committee that impounding of funds by the Budget Bureau was, in effect, an item veto of appropriation bills. As Senator McKeller put it:

"Of course if the President wanted to do it, why, he has got a right to veto any bill, and that is the time for him to veto it. That is the authority the Constitution gives him to stop appropriations, but after the appropriation is made and signed by the President and becomes a law, why, to my mind any executive officer that attempted to interfere with it in the slightest degree renders himself liable for illegal action."

In response to a committee request, the Bureau submitted a memorandum of November, 1943, gave a comprehensive history of the establishment of reserves, touching on the Anti-Deficiency Act of 1905, General Dawes' Budget Circular No. 4 of July 1, 1921, Executive Order 6166 of 1933, Reorganization Plan 1 of 1939, etc. Two Court of Claims decisions were cited which connoted the idea that appropriations are authority, not mandates, to spend. The memorandum referred to the role of the President as responsible manager of the Executive Branch as an additional justification for the impounding power. Reference was made to the President's letter of August 18, 1942, to Senator Russell of Georgia. If appropriations were to be regarded as mandates to spend every appropriated cent, the President had said, it would take away all incentive "for good management and the practice of common sense economy." Toward the end of its memorandum the Budget Bureau suggested the practical argument for the impounding power: it "is the most immediate and effective means by which the President, as the responsible manager of Government, can prevent useless outlay of the public funds."

McKellar's second rider

McKellar was unimpressed. With the help of a number of other members of the Senate Appropriations Committee who were provoked at the Budget Bureau, he won committee approval for a legislative rider to the National Defense Appropriation Bill. The proposed Section 305 read as follows:

"That no appropriation or part of any appropriation heretofore, herein, or hereafter made available for any executive department or independent establishment to construct *any particular project* shall be impounded, or held as a reserve, or used for any other purpose, except by direction of the Congress, and any part of such appropriation not needed to complete such project, or the part thereof for which appropriation has been made, shall be retained by the Treasury. (Emphasis added.)"

The rider was approved by the Senate Appropriations Committee. Among the supporters the Bureau lined up in opposition to the rider was second-termer Harry S. Truman (Dem., Mo.), who obligingly delivered a speech based on arguments presented to him by the Bureau. The Senator suggested that the McKellar proposal would weaken fiscal flexibility, which was essential to the prosecution of the war. The government, he pointed out, cannot undertake everything at once. Since conditions change between the time Congress appropriates and agencies spend, the President should be allowed to determine spending priorities. He then reminded the Senate that another Congressional committee, the newly-established Joint Committee on Reduction of Nonessential Federal Expenditures (the "Byrd Committee"), did not agree with the recommendation of the Appropriations group. The Joint Committee, in its first report, had recommended "that legislation be enacted which would authorize the Director of the Budget to set up reserves out of any future appropriation, at such times and in such amounts as the Director may determine."

Later Senator Byrd (Dem., Va.) expressed his own doubts about the McKellar proposal:

"I have some question in my mind with respect to the latter part of the amendment . . . which provides that no funds appropriated can be impounded except by the direction of Congress. I think there are probably some construction appropriations which have been made, and perhaps it might be wise that those appropriations revert to the Treasury, especially in this emergency, and could be deferred by the action of the Bureau of the Budget, and that the Bureau of the Budget should have the authority in those cases, of actually making a reversion of the money into the Treasury."

But the arguments for Section 305 carried the day. Passing the Senate by voice vote on December 8, 1943, it was the first across-the-board curtailment of the Budget's impounding procedure to be accepted by either house of Congress. The Bureau hoped, however, that the measure would fail in the House.

Three days after Senate passage of Section 305, the Washington *Star* editorialized against McKellar's proposal. The *Star* admitted strong constitutional arguments against the impounding of funds, but felt they were outweighed by such practical necessities of fiscal management as controlling projects detrimental to the war effort and giving flexibility to government operations:

"Critics might say that the background of the Senate amendment encompasses not only principle but at least the shadow of the pork barrel as well. Thus, it appears to be aimed in part at pushing through to completion more than a score of civilian airports of dubious essentiality at this time."

On December 13, Smith conveyed the Budget Bureau's opposition to the rider to Senator McKellar and to Representative Cannon (Dem., Mo.), chairman of the House Appropriations Committee. He called attention to the fact that, for the years 1940 through 1943, savings achieved through impounding ranged from $174 million to $405 million. Enactment of Section 305, Smith warned, would destroy central control of expenditures. Each individual agency would then become sole judge of the timing and amounts of its expenditures. This section would end the present practice of placing appropriated funds in reserve at a time when agencies and the Bureau "believe they may not be needed," and would force a return to the practice of not effecting savings "until it is definitely known that (the funds) are not needed."

As in times past, the Bureau found ready allies in the House Appropriations Committee. Cannon spoke against Section 305 and then Congressman Taber (Rep., N.Y.) took the floor. The second half of the amendment, he said, "would prevent the Budget from impounding any funds appropriated for the construction of a particular project. This would result in the waste of millions and millions of dollars and is inserted in the bill for the purpose of preventing the Bureau of the Budget from impounding funds at the time when we need the exercise of that power more than any other in the history of our country. The sands are shifting very rapidly and as we approach nearer and nearer to the end of the war, it is going to be absolutely necessary for the Budget to impound funds on all sorts of projects, or we are going to face financial bankruptcy. The second part of the proviso of this amendment would prevent the Budget from impounding the funds that need to be impounded."

The McKellar amendment was rejected 283 to 18 (128 not voting). By the end of 1943, $500,000,000 appropriated for programmed public works had been impounded.

McKellar seeks the last word

Senator McKellar sought revenge in grilling Director Smith early in 1944 during hearings on the Independent Offices Appropriation Bill for 1945:

"You are operating this practice absolutely without authorization of law. You are treating the Congress of the United States with absolute—not disrespect—but contempt, when you undertake to say, after the Congress has made an appropriation of money and directed the executive officers what to do with it; when you come along and overrule the Congress and put it in a place where the executive officer whose duty it is to expend this money cannot expend it. You put yourself in the place of the Congress, Mr. Smith, I want to say with all due respect that you have no legal right, moral right, or any other right, to overturn the action of the Congress that has been approved by the President of the United States. Now, you cannot do that, and so far as I am concerned, I am going to devote a good deal of time to preventing that in the future. I hope it won't occur again. I hope that you won't undertake the place of Congress and pass upon these things that it is necessary for the Congress to pass upon. If you had thought that necessary by reason of not being able to get the proper materials; if you had come up here and appeared before the Congress, the Congress might have sustained you. I do not know what the facts were about it. But, when you undertake to assume the authority yourself to overrule the decision of Congress made with regard to that appropriation, you are assuming authority that you do not have under the law, you do not have under our institutions, and I am very much opposed to that action on your part. . . . And I hope it will not occur again. I want to say right now that those funds ought to be released and it ought not to occur again. I am just merely giving my judgment."

Mr. SMITH: Mr. Chairman, I would hesitate very much to have this record show, without any response from me, that I treated the Congress with contempt or that I am violating the law.

Senator MCKELLAR: You are doing both. . . .

Mr. SMITH: We could disagree as to the law, which is a matter that can be corrected; but I certainly have no spirit of contempt for Congress, and I have the most deep appreciation of the problems that Congress and this committee face, and I think that we are carrying out the will of the Congress in this very respect and the powers of the President with respect to appropriations. I am sure that this committee does not want us to countenance the expenditures of funds even though appropriated, which would be wasted.

Senator MCKELLAR: You have no more authority in reference to appropriations that are made by the Congress, that the President has signed, and that our administrative officers have been directed as to what to use them for; you have no more authority over those appropriations than you have got over the man in the moon; not a particle.

Mr. SMITH: The issue, Mr. Chairman, has not gone to the Supreme Court, but there are court decisions on it, and, as I said, I think the last time I was here, I would be happy to have this issue cleared up. I think I am carrying out the law. . . . Mr. Chairman, I am sure that this is not anything between us personally.[3]

Senator MCKELLAR: Oh, no.

Mr. SMITH: It is purely a matter of what we operate under in the way of legal authority.

Senator MCKELLAR: Yes. . . . I will ask you this——

Mr. SMITH: I think we can talk in generalities——

Senator MCKELLAR: Just one moment. I am going to ask you a question. You do not even give the chairman of this committee an opportunity to ask you a question.

Mr. SMITH: Pardon me.

Senator MCKELLAR: You go on talking; and I do not think you mean to be disrespectful.

IV. IMPOUNDING AFTER THE WAR

The obvious usefulness of impounding for halting of cutting back appropriations no longer required for prosecution of the war led Congress to take a more favorable view of the policy late in 1944 and in the immediate post-war period. In the Federal Employees Pay Act of 1945, Congress gave the Budget Bureau authority to impound unneeded personnel funds in order to deal with demobilization. Harry S. Truman, defender of project control as a Senator, found an early use for that instrument as President. In May, 1946, he ordered the Director of the Budget to impound funds appropriated in the War Department Civil Functions Appropriation Act, 1947, for the Kings River project, pending final determination of costs and repayment provisions.[4] An important use of impounding for program control occurred in 1949 when the President ordered into reserve the $615 million which Congress had appropriated, above his request, for a 48-group Air Force.

Neither the President's attitude nor the temporary inclination of Congress to use the policy could resolve doubts in the minds of some of the officials in the Budget Bureau about its legal authority to impound funds in peacetime when the war power of the President could no longer be relied upon. Largely on the insistence of some of the officials in the Estimates Division—who were vigorously disputed by others in the Bureau—it was decided to seek statutory approval from Congress for impounding: not for project control, but for program control. Since the Budget Bureau and the General Accounting Office were collaborating in suggesting improvements in fiscal management to Congress, a reference to impounding was included in this report. A draft bill, submitted with the report on June 5, 1947, to the Senate Appropriations Committee, contained the following provision:

"In apportioning any appropriation, reserves may be established to provide for contingencies, or to effect savings whenever savings are possible by or through changes in quantitative or personnel requirements, greater efficiency of operations, or other developments subsequent to the date on which such appropriation was made available."

The bill was ignored that year, but two years later the Hoover Commission urged Congress to confirm the President's authority "to reduce expenditures under appropriations, if the purposes intended by the Congress are still carried out." Occasional efforts were made within Congress to grant the President an outright item veto, but though these were unsucecssful, receptiveness to impounding appeared to mount. On May 11, 1949, for example, Senators Gordon (Rep., Ore.) and Knowland (Rep., Cal.) both expressed a belief that the President "may refuse to spend any of the money provided by appropriation bills if he wishes to do so. The fact that the appropriation has been made does not carry with it any mandate to spend the money."

Legislative approval came finally in a rider (Section 1211) attached to the General Appropriations Act of 1951. It followed closely the 1947 Budget Bureau-General Accounting Office draft

"In apportioning any appropriation, reserves may be established to provide for contingencies, or to effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such appropriation was made available . . .

"Any appropriation subject to apportionment shall be distributed by months, calendar quarters, operating seasons, or other time periods, or by activities, functions, projects, or objects, or by a combination thereof, as may be deemed appropriate by the officers designated . . . to make apportionments and reapportionments. Except as otherwise specified by the officer making the apportionment, amounts so apportioned shall remain available for obligation, in accordance with the terms of the appropriation, on a cumulative basis unless reapportioned. (31 USC 665)"

Paragraph (4) of the same section provided for quarterly review of apportionments, at which times reapportionments may be made "or such reserves established, modified, or released as may be necessary to further the effective use of the appropriation concerned."

In addition to these provisions, the Act went on in Section 1214 to order the reduction by Executive action of $550 million from the amount appropriated by the Act. The reduction was to be accomplished "through the apportionment procedure provided for in Section 1211 of this Act." On October 10, 1950, in pursuance of Section 1214, the Budget Bureau announced that it had cut a total of $580 million from nondefense appropriations.

To some Bureau officials, the new law afforded welcome relief from the uncertainties and attacks which had plagued them during the war. Section 1211 of the 1950 Act seemed a firmer ground for impounding than authority inferred from the Anti-Deficiency Acts of 1905–06. But other officials disagreed. Was it a good thing, they asked, to have Congress define a power which the Bureau had exercised up to that point without such explicit definition? "He who can give, can take away". Officials inclined to "strict interpretation" emphasized that Section 1211 reduced rather than expanded the Bureau's authority by stating only two purposes for which reserves might be established: to provide for contingencies or to effect savings (and savings only in those situations where there was a change in requirements, greater efficiency of operations, or other developments subsequent to the date on which the appropriation was passed). Would either stated purpose have authorized the Bureau to halt construction of the two Nevada airports because certain agencies did not share Senator McCarran's views about proper airport location?

The Budget Bureau officially has taken the conservative view of its peacetime authority to impound. The 1952 edition of the Examiner's Handbook, the Bureau's "Bible", states:

"Reserves must not be used to nullify the intent of Congress with respect to specific projects or level of programs."

Project Impounding Since 1950

According to Carl H. Schwartz, Jr., Chief of the Resources and Civil Works Division of the Bureau, project control by impounding has not been attempted since 1950. He writes (1955):

"The Bureau since establishment of reserves under Section 1214 of the General Appropriation Act, 1951, has not impounded funds on any civil works projects for the purpose of preventing construction of improvements on which this Bureau had raised objections but for which appropriations had been made by the Congress. There have been instances where funds have temporarily been placed in reserve pending the fulfillment of requirements prescribed by the Congress to be met before construction could start."

The disuse of project impounding since 1950 is due partly to the fact that during the period of the Korean conflict and immediately after the armistice the administration operated a "no new starts" rule for public works. Emphasis was on developing power projects at a more rapid rate in areas important to defense production. Most of these projects had been started before the Korean conflict broke out. A second reason for the avoidance of project impounding has been the general philosophy of the Eisenhower administration not to precipitate disputes with Congress.

However, on July 19, 1955, President Eisenhower was reported in the Washington *Post* to have threatened to impound funds appropriated by Congress to the Corps of Engineers for navigation and flood control projects, pending completion of cost and engineering studies. The *Post* reported adverse reactions from Senators O'Mahoney, Morse, Mansfield, and Humphrey, with Senator O'Mahoney saying that the President's decision would "transfer to the Bureau of the Budget and its anonymous assistants the legislative power that exists in the Congress of the United States." Senator Humphrey was quoted as saying that the Budget Bureau is "taking on the aspect of a second parliament."

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[3] Dr. Vining is not so sure. "I never knew," he says, "why McKellar was so hostile to Harold Smith but I always thought that Smith rather than the Bureau was the object of his hostility." Smith may have rankled the Senator because he was a symbol of the rising influence in government of the professional career civil servant.

[4] See Arthur Maass: "The Kings River Project" in the ICP Series, also published in Harold Stein: *Public Administration and Policy Development* (N.Y., Harcourt Brace, 1952).

Whatever interpretation is placed by the Budget Bureau on the powers accorded it in Section 1211, strong Presidents, relying in peacetime on their responsibilities as general managers of the Executive Branch, are as likely in the future as in the past to order impounding of funds for projects which they believe to be inimical to the national interest. No provision of statutory law is likely to settle permanently the question of whether Congress can force the Persident to allow the expenditure of appropriations against his will.

When the strong President of the future does order public works project impounding, certain differences in congressional reaction to project and program control are likely to continue to manifest themselves. While the establishment of reserves to reduce the level of military budgets, foreign aid, or crop support may evoke disagreement from Congressmen who strongly believe in these programs, such impoundings are likely to be tolerated. They will not appear to be personal insults or attacks. But when the President halts a miniscule flood control project in the home district of an individual Congressman, a reputation as a "go getter" with his constituents may suddenly be shattered and chances for reelection imperiled. Project impounding is likely to continue to produce outraged charges of Executive usurpation of the spending power of Congress and demands to know "Who's Boss?"

Mr. ELLENDER. Mr. President, I point out that the Subcommittee on Public Works of the Committee on Appropriations held 42 sessions last year between March 4 and June 20 for the purpose of taking testimony from Government and nongovernment witnesses. During that period the committee heard testimony or received statements from 914 individuals or organizations. The hearings were printed in eight volumes and contained some 7,981 pages.

I think this record is very significant. It is evidence that the committee did not consider the subject lightly. In each and every case there was sound evidence to support the recommendations of the committee.

I would like particularly to emphasize the fact that not $1 was recommended in excess of an amount the responsible agencies testified that they could economically and efficiently utilize.

Yet, Mr. President, with all of that testimony, I point out that not one single new start or one single increased of a unbudgeted amount for the planning or construction of a water resource project in the entire bill was apportioned for use in fiscal year 1971. The entire amount was placed in budgetary reserve.

Most, but not all, of these funds are presently scheduled for release in fiscal year 1972.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, if the Chair will recognize me, I will be glad to yield my 3 minutes to the distinguished senior Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for an additional 3 minutes.

Mr. ELLENDER. Mr. President, I thank the Senator from West Virginia.

I point out that even after these lengthy hearings and after having received the testimony of men and women from all over the country, the President did not see fit to authorize the expenditure of a single dollar to initiate an unbudgeted start, or to speed up projects badly needed for the welfare of the people. I think that comes in bad grace. The effect will be that when the President presents his budget for 1972, the amounts he has in reserve will be deducted from the amount we should spend during 1972, so that we will actually have a slowdown, or a reduction in these programs in fiscal 1972.

I think Congress is as efficient and as qualified as are the bureaucrats of the executive branch to state what should and should not be done with public funds.

I point out that in the past the committee of which I was chairman, the Public Works Subcommittee of the Appropriations Committee, did approve funds for quite a few unbudgeted items. That action made it possible for us to provide navigation for our national commerce from the Gulf of Mexico clear up to Pittsburgh, Pa. We have had the same thing occur in respect to navigation on the Arkansas and White Rivers up to Tulsa, Okla. and elsewhere in the tremendous Mississippi River Basin.

Many of these projects were started without budget estimates. Fortunately, in the past these congressional actions were honored by the President, and the funds were obligated as intended. Lately, however, they have been put in reserve and not spent. I wonder what would have happened to our transportation program if Congress had not made it possible to have navigation on the Arkansas River, the Ohio River, the Monongahela River, the Mississippi River, and the other rivers that empty into the gulf. Our transportation system is now in bad shape because our railroads are in a state of financial disorder.

Mr. President, it is not just our public works program that is suffering because of this highhanded, shortsighted action by the President and his Office of Management and Budget. This altitude by the Executive, showing a complete disregard for the will of Congress, is present throughout the activities undertaken to benefit the people. This is particularly true with regard to those programs affecting our urban areas.

Mr. President, at this point in my remarks I would like to have printed a table setting forth the total amount in frozen funds as of February 23, 1971, as it appears in the record of hearings I chaired earlier this year on the President's budget.

There being no objection, the table ordered to be printed in the RECORD, as follows:

Frozen 1971 Appropriated Funds

[In millions of dollars]

Human resources:	
Special milk program, Agriculture	2
Community education	5
School assistance in Federally affected areas	10
Higher education	13
Health Services and Mental Health:	
Regional medical programs	34
Buildings and facilities	4
Indian health facilities	1
Medical facilities construction	2
National Institutes of Health:	
Buildings and facilities	7
Research institutes	10
Rehabilitation services and facilities	2
Programs for the aging	1
HEW trust fund (permanent)	21
National Science Foundation	10
Economic development:	
Appalachian regional development	191
Regional development programs, Commerce	1
National security:	
Foreign military assistance	200
Department of Defense—Military	1, 334
Other:	
Executive Office of the President	*
Foreign economic assistance	215
Agriculture:	
Farmers Home Administration	180
Other Agriculture:	
Current	81
Permanent	236
Commerce	8
Corps of Engineers	43
Panama Canal and other civil functions	1
Housing and Urban Development:	
Basic water and sewer facilities grants	200
Urban renewal	200
Interior:	
National Park Service road construction	71
Indian Affairs road construction	64
Reclamation loan program	19
Other Interior:	
Current	33
Permanent	56
Transportation:	
Federal Aviation Administration	970
Federal Highway Administration:	
Current	411
Permanent: Highway trust fund	5, 852
Federal Railroad Administration	39
Coast Guard	1
Atomic Energy Commission	170
General Services Administration	71
National Aeronautics and Space Administration	20
Farm Credit Administration	260
District of Columbia	87
Other agencies	9
Total	11, 145

Mr. ERVIN. Mr. President, I am much interested in what the distinguished senior Senator from Louisiana has had to say. During last week the Subcommittee on Separation of Powers, of which I have the honor to be chairman, held 3 days of hearings on the general subject of the impoundment of congressionally appropriated funds by the executive branch of the Government.

The executive branch of the Government has now impounded approximately $12 billion of appropriated funds. Moreover, the executive branch of the Government has undertaken to put an absolute end to excavation of the barge canal across Florida.

Mr. President, under the Constitution the Congress is supposed to have the power of the purse. But if Congress permits the President to impound or place in budgetary reserves such sums as he pleases, the President in effect is exercising an item veto which is denied him by the Constitution. He is also usurping the power of establishing priorities for expenditures. If Congress permits this, it will lose the power of the purse, which is one of the few powers of consequence that it has left.

I think it would have been better if the Constitution had given our President an item veto, but the Constitution does not. I am studying this question with a view to offering a statute which will require the President, whenever he impounds funds appropriated by Congress for a specific project, to report his action to Congress and to let his action lie before Congress for a certain number of days—say 60 days—and with the further provision that if Congress votes to veto the impoundment that it becomes the duty of the President in the execution of his constitutional obligation to see that the laws are faithfully executed to carry out the specific expenditure.

I believe in a balanced budget. But I do not believe that the President should, in effect, exercise what amounts to an item veto without some method by which Congress can reassert its will.

I think it has become serious when the President impounds about $12 billion of appropriated funds in one fiscal year without any method being available to Congress to reverse his action if it so wills. I would go along with the President's action if it were taken to balance the budget, but it is not done to balance the budget. It is done to keep Congress within the limits of the budget submitted by the President and to require Congress, if it does anything at all, to let the President dictate the priority of expenditures for the country as well as the amount of expenditures.

Mr. President, this is a serious matter which deserves prompt consideration on the part of Congress.

AMENDMENT OF RURAL ELECTRIFICATION ACT OF 1936, AS AMENDED

Mr. TALMADGE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 70.

The Presiding Officer (Mr. Allen) laid before the Senate the amendment of the House of Representatives to the bill (S. 70) to amend the Rural Electrification Act of 1936, as amended, to provide additional sources of financing for the rural telephone program, and for other purposes.

Mr. TALMADGE. Mr. President, I move that the Senate disagree to the amendment of the House of Representatives and ask for a conference with the House on the disagreeing votes thereon, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Talmadge, Mr. Ellender, Mr. McGovern, Mr. Allen, Mr. Miller, Mr. Aiken, and Mr. Dole conferees on the part of the Senate.

1971 ANNUAL REPORT OF THE ECONOMIC COMMITTEE

Mr. PROXMIRE. Mr. President, this afternoon the Joint Economic Committee will release its economic report.

The Joint Economic Committee report is based on the President's report, the testimony of administration and expert witnesses, and the analysis of the economy by its members and staff.

The report shows that it was the virtually unanimous opinion of the independent economists of all political views and all economic persuasions that the administration's projection of a $1,065 billion GNP for this year, given the economic policies proposed, is too optimistic, particularly the assumption that the economy will enjoy a growth in constant dollars of 5 percent. But even if this growth were achieved, the economy would still suffer from unemployment in excess of 5 percent and from inflation at a rate of 4 percent or more.

If the administration does not achieve its goal our economy may go about the way the economists estimate.

All the objective evidence for the first quarter of 1971 indicates that a GNP in the neighborhood of $1,045 billion is a more accurate projection of the real circumstances for 1971 and that the economy will need greater stimulus than the administration proposes if a figure in excess of that amount is to be achieved. This means that unemployment will continue at a very high and wholly unacceptable level for the remainder of the year.

The report of this committee, therefore, concentrates on what could and should be done in the event that this dismal outlook continues to prevail.

To me, the principal economic problem now is how to get the economy moving ahead: providing more jobs, producing more goods, generating the revenue basis for the localities and States and Federal Government to meet their obligations.

Economic expansion is clearly our No. 1 problem. We should recognize it as such and put a top priority on it. While some statistics in the first quarter of 1971 compare favorably with the last quarter of 1970, if we discount for the effects of the General Motors strike, there is too little evidence of economic recovery.

I have strongly shared the view expressed by the Senator from Louisiana (Mr. Ellender), the chairman of the Committee on Appropriations, and the Senator from North Carolina (Mr. Ervin) that the administration should unfreeze the billions of dollars of funds appropriated by Congress which the administration said it will not spend. These funds include moneys for housing, mass transit, urban renewal, and funds that the people in our towns and cities today need.

We are proposing a series of actions to create jobs and to reduce unemployment, to increase production and the rate of economic growth, and to get the economy moving again.

We propose that among the actions which could be taken are these:

Unfreeze the $1.3 billion of funds for housing, mass transit, and urban renewal.

Speed up and put into effect this year the increase in personal exemptions and the reduction of personal income taxes scheduled for next year.

Persist in the congressionally enacted social security benefit increase of 10 percent with the increase in taxes delayed until January 1972. The administration proposal to increase the social security base retroactively to January 1, 1971, should be denied.

Together these two actions would decrease taxes by over $7 billion this year and could add, through the multiplier effect, more than $20 billion to the GNP than would otherwise be the case. This is true because these amounts would go in large proportion to low- and middle-income families where the proportion of consumption expenditures is high. Most of it would be spent.

As a first step, pass the Nelson public service employment bill now. This would not only put unemployed men and women to work but would provide useful and badly needed services to our cities and States.

Spend in this fiscal year those funds for model cities, water and sewer projects, urban programs, and other social services which the administration has frozen.

Fund the Emergency Housing Act which for a relatively small amount of money could provide a large number of jobs.

Press the monetary authorities, and the Treasury in its refunding operations, to pursue policies to reduce the long-term interest rate in order that housing, State and local government financing needs, and industrial production may be met through a significant reduction in money costs.

Not in the report but very helpful in stimulating the economy would be passage of the Proxmire variable reserve requirement bill, hearings on which will begin Wednesday.

These steps could add significantly to demand and hence stimulate the economy. As the period of demand inflation has long passed, and as we are in a period of cost-push or administered price inflation, these actions can be taken without inflationary effect.

In order to deal with the cost-push inflation now endemic in the economy, and to put the economy on the road to the goal this committee proposes of an annual unemployment rate of 3 percent and of an increase in the GNP deflator of 2 percent or less, we propose a series of actions which the administration should take.

1. An incomes price board should be set up along the lines discussed in the report.

2. Pending the establishment of such a board, the President should consult with business and labor and should issue interim price and income guidelines designed to contribute toward a significant reduction in the rate of inflation.

3. Import restrictions which can be modified or removed by Executive order should be relaxed. This applies to "voluntary" as well as mandatory restrictions. Increased imports of commodities such as steel, oil, textiles, beef, and sugar could make a major immediate contribution to price stability.

4. Government procurement policy should make a more active contribution to price stability. The 50-percent preference given domestic over foreign sup-

pliers of defense equipment should be reduced.

5. Materials should be sold out of Government stockpiles.

6. The antitrust laws should be vigorously enforced.

7. The regulatory agencies should be encouraged to allow more price competition in regulated industries, especially in the transportation sector.

8. The General Services Administration should be instructed to serve as a purchasing agent for State and local governments on request.

I would also like to draw attention to certain other areas in the report; namely, the section on priorities which indicates that spending for human needs is considerably lower than the budget charts would lead one to believe, to the section on national security which indicates that overall spending for defense and national security is more than $110 billion, to the section on agriculture which shows that while farm prices last year went down the price of food to the consumer went up and that the increase in the cost of living would have been even greater than it was except for the fact that farmers took it on the chin, and to the proposals that aid to State and local governments take the form of assumption of welfare costs and an income support program rather than revenue sharing.

Taken together, we believe the proposals we make to stimulate the economy and to reduce cost-push inflation are the means by which the goals of the Employment Act can be reached.

I would like to point out another matter. I have been informed by the chairman of the Committee on Appropriations that the President is asking for three-quarters of a billion dollars of additional money to finance foreign banks. We should put that in perspective when the administration is freezing funds desperately needed here for cities and localities, funds necessary to put people to work now in this country. [Applause.]

Mr. BYRD of West Virginia. Mr. President, may we have order in the galleries?

The PRESIDING OFFICER. The galleries will be in order.

LIMITATION OF DEBATE ON APPROPRIATION BILLS—ADDITIONAL COSPONSOR

Mr. GRIFFIN. Mr. President, I rise to commend the distinguished majority whip, the Senator from West Virginia (Mr. Byrd), for sponsoring a resolution seeking to expedite consideration of appropriation bills in the Senate.

I ask unanimous consent that my name be added as a cosponsor of the resolution.

The PRESIDING OFFICER (Mr. Allen). Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I have long favored a reasonable limitation of debate on appropriation bills, and when the distinguished majority whip the Senator from West Virigina (Mr. Byrd) first outlined his proposal last December, I indicated my general agreement with and support for his proposal.

After last December's legislative logjam, with one filibuster piled on top of another, it seems to me that it should be apparent to all there is need for reform of the Senate rules as to debate, particularly with respect to appropriation bills.

Of course, appropriation bills differ from authorizing legislation in one obvious respect. Timely funding is absolutely necessary if the departments and agencies of Government are to function.

If a prolonged debate, or even a filibuster, is ever justified, it would be during consideration of the authorizing legislation. At that point, one may expect disagreement and sharp controversy over basic policy and direction.

But once a program has been approved and authorized, it seems to me that it should be possible, after a reasonable period of debate for the Senate to get to a vote on the amount of money to be appropriated.

The reform resolution offered by the distinguished majority whip would change rule XVI to include the following provisions: A motion for immediate consideration of an appropriation bill would be decided without debate; debate on such a bill would be limited to 2 hours on each amendment and 10 hours on final passage; debate on an appropriation conference report would be limited to 1 hour on each matter reported in disagreement and 10 hours on the adoption of the report; and a motion to limit for the debate on such a report would be decided without debate.

Mr. President, I agree completely with the Senator from West Virginia as to the desirability of these provisions. As to one point in his resolution I might suggest what I believe would be an improvement.

Under his proposal, the limitation on debate with respect to appropriation bills would not be triggered until August 1 of each year. In my mind, I believe it would be better to provide for July 1 as the triggering date because July 1 is the beginning of the new fiscal year. In other words, if by the time a fiscal year has begun, appropriations for that year have not yet been enacted, then it would seem that the reform proposed should be in effect. However, the triggering date is a detail which can be considered by the committee.

I want to indicate my support for this reform proposal, not only in my leadership capacity, but also as a member of the Committee on Rules and Administration.

Mr. President, I ask unanimous consent, with the concurrence of the distinguished Senator from West Virginia (Mr. Byrd) that my name be added as a cosponsor of Senate Resolution 73.

Mr. BYRD of West Virginia. Mr. President, I thank the able assistant Republican leader for his support and for his cosponsorship of Senate Resolution 73, the resolution which I have offered to amend rule XVI of the Standing Rules of the Senate. I am today writing a letter to every Member of the Senate asking cosponsorship on the part of all Senators of this amendment to the rule. I believe it will be a decidedly good reform of the rules.

It seems to me that, as we look back to the bottleneck which occurred last year and which kept us in session until January 2 of this year, it should be obvious that rule XXII—which is a red flag to many Senators who have a sort of built-in resistance to any modification of that rule—is not really the culprit in the difficulties that seem to confront the Senate from year to year. However, appropriation bills and/or conference reports thereon have, certainly in the most recent instance, appeared to be the principal obstacles that have delayed adjournment.

So with this thought in mind, the resolution was introduced.

I intend, as chairman of the Subcommittee on Rules, to conduct early hearings on the proposal, at which all Senators will be invited to appear and in which they will be invited to participate.

It is my plan to press this matter. I would hope that with the contributions that will be made by other Senators, we can bring to the floor and place on the calendar an amendment to rule XVI which will be feasible, practical, workable, and wise.

The suggestion which has just been made by the distinguished minority whip may be a good one. Appropriation bills are supposed to be passed by July 1 of every year. The August 1 deadline, therefore, is not one to which I am wedded. It is just a takeoff point for discussion.

I certainly do welcome the suggestion by the Senator. I welcome his cosponsorship. I hope other Senators will join in cosponsoring the amendment in an effort to bring about a workable, meaningful, practical reform of the Senate rules.

Mr. President, I yield the floor.

IN DEFENSE OF CAPT. EUGENE M. KOTOUC

Mr. CURTIS. Mr. President, I rise in defense of a distinguished Nebraskan who has served his country well. The court-martial charges against Capt. Eugene M. Kotouc should be dropped.

Captain Kotouc has served in combat for the United States of America in Vietnam. He is a good soldier. He is honorable. He is honest. He has given dedicated service to his country.

Some months back Captain Kotouc was charged with the murder of Vietnamese civilians. This announcement being made at the time it was made caused Captain Kotouc to be branded as a murderer, not only throughout this country but around the world.

Captain Kotouc did not murder anybody. He was not even in My Lai at the time of the alleged massacre. Recently the murder charges against Captain Kotouc have been dropped. The reason given was "insufficient evidence." The information I have is that there was no evidence whatever to support a charge of murder against Captain Kotouc. Yet this good man has been punished, he has suffered humiliation, and he has been blackened by this charge.

It now develops that the military authorities are going to try Captain Kotouc in a court-martial proceeding on some lesser charge.

Mr. President, I do not believe that Capt. Eugene Kotouc is guilty of this lesser offense or any other offense. However, even if he were, this man has been punished enough. The murder charge against him was unjustified and inexcusable.

Mr. President, simple justice and common decency demand that Captain Kotouc be released from all charges and exonerated. He should not be further mistreated.

This case is one of the most outrageous that I have ever heard of. The military and civilian authorities pushing this injustice against Captain Kotouc know that the basic article 32 investigation, which is similar to a grand jury proceeding in nonmilitary courts, wound up last December with a recommendation that all charges against Captain Kotouc be dropped.

Mr. President, why is not this recommendation that all charges against Captain Kotouc be dropped carried out? Captain Kotouc should be treated as a soldier and not as a criminal.

I will have more to say about this later on if it becomes necessary.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Reserve Forces

A letter from the Secretary of Defense transmitting, pursuant to law, a report entitled "Annual Report on Reserve Forces for Fiscal Year 1970" (with accompanying report); to the Committee on Armed Services.

Proposed Department of Human Resources Act

A letter from the Director of the Office of Management and Budget, submitting a draft of proposed legislation to promote more effective management of the Executive Branch by reorganizing and consolidating certain related functions of the Government in a new Department of Human Resources, and for other purposes (with accompanying papers); to the Committee on Government Operations.

Report of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on more competition in emergency defense procurements found possible, Department of Defense (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report and recommendation to the Congress concerning the claim of Mr. Salman M. Hilmy against the United States (with an accompanying report); to the Committee on the Judiciary.

Proposed Legislation Providing Congressional Representation for Guam and the Virgin Islands

A letter from the Assistant Secretary of the Interior, submitting a draft of proposed legislation to provide the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report of the Foundation of the Federal Bar Association

A letter from the Secretary, the Foundation of the Federal Bar Association, transmitting, pursuant to law, an audit report of the Foundation of the Federal Bar Association for the fiscal year ending September 30, 1970 (with an accompanying report); to the Committee on the Judiciary.

Report on Welfare and Pension Plans Disclosure Act

A letter from the Special Assistant for Legislative Affairs, Office of the Secretary, U.S. Department of Labor, transmitting, pursuant to law, an annual report on the administration of the Welfare and Pension Plans Disclosure Act covering the calendar year 1970 (with an accompanying report); to the Committee on Labor and Public Welfare.

Report on the Youth Opportunity Program

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on the Youth Opportunity Program (with an accompanying report); to the Committee on Labor and Public Welfare.

Proposed Legislation To Liberalize Eligibility for Cost-of-Living Increases

A letter from the Chairman, United States Civil Service Commission, to liberalize eligibility for cost-of-living increases (with accompanyng papers); to the Committee on Post Office and Civil Service.

Report of the Job Evaluation and Pay Review Task Force

A letter from the Chairman, United States Civil Service Commission, transmitting, pursuant to law, an interim progress report of the Job Evaluation and Pay Review Task Force (with an accompanying report); to the Committee on Post Office and Civil Service.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A House Concurrent Resolution adopted by the Legislature of the State of South Dakota; to the Committee on Agriculture and Forestry:

"House Concurrent Resolution No. 522

"A concurrent resolution, memorializing the Secretary of Agriculture to reconsider the changes in policy placed in effect by the United States Department of Agriculture with the adoption of the 1970 Agricultural Act and protesting any possible action to eliminate the United States Department of Agriculture from its Cabinet-level status.

"Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

"Whereas, the changing of the Agricultural Conservation Program (A.C.P.) to the Rural Environmental Assistance Program (R.E.A.P.) may cause the present program to lose its identity; and

"Whereas, consideration is being given to the elimination of the Cabinet-level status of the United States Department of Agriculture and combining its functions with another department, which would be very detrimental to the interests and needs of agricultural states such as South Dakota:

"Now, therefore, be it resolved, that the Legislature of South Dakota hereby vigorously protests any possible action to eliminate the United States Department of Agriculture from its present Cabinet-level status; and

"Be it further resolved, that copies of this Concurrent Resolution be transmitted by the Chief Clerk of the House of Representatives of the state of South Dakota to the offices of the President and Vice President of the United States, the Secretary of Agriculture and the Congressional Delegation of the state of South Dakota.

"Adopted by the House March 10, 1971.

"Concurred in by the Senate March 12, 1971."

Three resolutions adopted by the Legislature of the Virgin Islands; to the Committee on Interior and Insular Affairs:

"Resolution No. 523

"Resolution To Petition the Ninety-second Congress of the United States of America To Amend Certain Provisions of the Revised Organic Act of the Virgin Islands, Pertaining to Qualifications of Candidates for Public Office in the Virgin Islands

"Whereas Subsection (b) of Section 6 of the Revised Organic Act of the Virgin Islands now specifies the qualifications of candidates for membership in the Legislature of the Virgin Islands including the requirement that no person shall be eligible for the Legislature who has not attained the age of twenty-five years; and

"Whereas the Ninety-First Congress of the United States of America amended the Revised Organic Act of the Virgin Islands to provide that the Legislature of the Virgin Islands, after a referendum, may lower the voting age in the Virgin Islands; and

"Whereas Federal Law now provides that persons 18 years of age and older may vote in all Federal elections; and

"Whereas it is the determination of the Legislature of the Virgin Islands that the elected representatives of the people of the Virgin Islands should have the requisite power to determine the qualifications of all candidates for public office in the Virgin Islands; and

"Whereas it is the further determination of the Legislature of the Virgin Islands that young men and women of the Virgin Islands are capable of and qualified for public office at an age lower than the arbitrary age of 25 which is now prerequisite for membership in the Legislature of the Virgin Islands; Now, Therefore, be it

"Resolved by the Legislature of the Virgin Islands:

"That the Legislature respectfully petitions the Congress of the United States to adopt an amendment to the Revised Organic Act of the Virgin Islands granting to the Legislature of the Virgin Islands the authority to set qualifications for all candidates for public office in the Virgin Islands or in lieu of such an amendment that an amendment be adopted to lower the age at which persons shall become eligible for public office to 21 years of age, except for the Offices of the Governor and Lieutenant Governor which shall continue at 30; and be it further

"*Resolved*, that copies of this Resolution be transmitted to the President of the United States, to the Secretary of the United States Department of the Interior, to the Presiding Officer of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to the Chairman of the Committee on Interior and Insular Affairs of the Senate of the United States, to each member of said Committee, to the Chairman of the Committee on Interior and Insular Affairs of the House of Representatives of the United States, and to each member of said Committee.

"Thus passed by the Legislature of the Virgin Islands on January 26, 1971.

"Resolution No. 524

"Resolution to Petition the 92nd Congress of the United States of America to Amend Certain Provisions of the Revised Organic Act of the Virgin Islands Pertaining to the Place of Holding Sessions of the Legislature of the Virgin Islands

"Whereas the Revised Organic Act of the Virgin Islands now provides that sessions of the Legislature shall be held in the Capitol of the Virgin Islands at Charlotte Amalie, St. Thomas; and

"Whereas the Territory of the United States

Virgin Islands is an island Territory comprising three major Islands; and

"Whereas it is necessary for residents of the Islands of St. Croix and St. John to travel by air or by water to attend sessions of the Legislature on the Island of St. Thomas; and

"Whereas the people of the Virgin Islands are vitally interested in the operations and the workings of their Legislature; and

"Whereas all residents of the Virgin Islands should be afforded the opportunity to attend the sessions of the Legislature of the Virgin Islands from time to time without inconvenience or travel expense; Now, Therefore, be it

"Resolved by the Legislature of the Virgin Islands:

"That the Legislature, on behalf of the people of the Virgin Islands, respectfully petitions the Congress of the United States to adopt an amendment to the Revised Organic Act of the Virgin Islands which would permit the holding of formal sessions of the Legislature of the Virgin Islands at any appropriate place on the Islands of St. Croix and St. John as well as in the Capitol of the Virgin Islands at Charlotte Amalie; and be it further

"Resolved, that copies of this Resolution be transmitted to the President of the United States, to the Secretary of the United States Department of the Interior, to the Presiding Officer of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to the Chairmen of the Committee on Interior and Insular Affairs of the Senate and of the House of Representatives of the United States, and to each member of said Committees.

"Thus passed by the Legislature of the Virgin Islands on January 26, 1971.

"RESOLUTION No. 533

"To Petition the Ninety-Second Congress of the United States of America To Amend Certain Provisions of the Revised Organic Act of the Virgin Islands Which Now Requires the Approval of the President of the United States or his Designated Representative Prior to the Obligation or Expenditures of Monies Out of the Internal Revenue Matching Fund in the Treasury of the Virgin Islands

"Whereas section 28(b)'c'(ii) of the Revised Organic Act of the Virgin Islands provides that certain Internal Revenue collections deposited in the Internal Revenue Matching Funds in the Treasury of the Virgin Islands may be obligated or expended only for emergency purposes and essential public projects 'with the prior approval of the President or his designated representative': and

"Whereas it is the determination of the Legislature of the Virgin Islands that it is unnecessary and unwarranted with the present level of self-government and local autonomy enjoyed by the people of the Virgin Islands to require the approval of the President of the United States or his designated representative, the Secretary of the Interior, prior to the expenditure or obligation of funds in the Treasury of the Virgin Islands; and

"Whereas the Congress of the United States has recently expressed its confidence in the maturity and responsibility in the people of the Virgin Islands by its passage of the Virgin Islands Elective Governor Act; and

"Whereas it is the considered position of the Legislature of the Virgin Islands that the Legislature and the Governor of the Virgin Islands, as the elected representatives of the people of the Virgin Islands, should have full authority to obligate and expend public monies for emergency purposes and essential public projects without the prior approval or intervention of the President of the United States or the Secretary of the Interior; Now, Therefore, be it

Resolved by the Legislature of the Virgin Islands:

"That the Legislature respectfully petitions the Congress of the United States to adopt an amendment to the Revised Organic Act of the Virgin Islands which would permit the obligation or expenditure of monies deposited in the Treasury of the Virgin Islands pursuant to the provisions of section 28(b) of the Revised Organic Act of the Virgin Islands without the prior approval of the President or his designated representative; and be it further

"Resolved, that copies of this Resolution be transmitted to the President of the United States, to the Secretary of the United States Department of the Interior, to the Presiding Officer of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to the Chairman of the Committee on Interior and Insular Affairs of the Senate of the United States, to each member of said Committee, to the Chairman of the Committee on Interior and Insular Affairs of the House of Representatives of the United States, and to each member of said Committee.

"Thus passed by the Legislature of the Virgin Islands on February 9, 1971."

A joint resolution of the General Assembly of the State of Tennessee; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION No. 1

"A resolution to ratify the proposed amendment to the Constitution of the United States of America extending the right to vote to citizens 18 years of age or older

"Whereas, The Ninety-Second Congress of the United States of America, at its First Session in both houses by a constitutional majority of two-thirds (⅔) thereof, has made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"'JOINT RESOLUTION

"'Proposing an amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older

"'Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (Two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

"'ARTICLE—

"'SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

"'SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

"'Be it resolved by the House of Representatives of the Eighty-seventh General Assembly of the State of Tennessee, the Senate concurring, That the said proposed amendment to the Constitution of the United States of America is ratified; and

"'Be it further resolved, That certified copies of this Resolution shall be forwarded by the Secretary of State of Tennessee to the Governor of Tennessee, to the Administrator of General Services, Washington, D.C., to the President of the Senate of the United States of America, to the Speaker of the House of Representatives of the Congress of the United States, to the Secretary of the Senate of the United States of America, to the Secretary of the House of Representatives of the Congress of the United States, and to each member of the Tennessee Congressional Delegation.

"'Adopted: March 23, 1971.'"

A concurrent resolution of the Legislature of the Commonwealth of Massachusetts; to the Committee on the Judiciary:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PROPOSE A CONSTITUTIONAL AMENDMENT AUTHORIZING PUPILS TO PRAY AND HAVE BIBLE READINGS IN THE PUBLIC SCHOOL

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to propose an amendment to the federal constitution so that pupils whose parents do not object may listen to Bible verses and recite a prayer while in our public schools; and be it further

"Resolved, That copies of these resolutions be transmitted by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from this Commonwealth."

A resolution of the Legislature of the State of Minnesota; to the Committee on the Judiciary:

RESOLUTION No. 3

"A resolution ratifying a proposed amendment to the Constitution of the United States of America, extending the right to vote to citizens eighteen years of age and older

"Whereas, both Houses of the Congress of the United States by a joint resolution proposed an amendment to the Constitution of the United States which reads as follows:

"Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

""ARTICLE—

""SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

""SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."

"Now, therefore, be it resolved by the Legislature of the State of Minnesota that the proposed amendment to the Constitution of the United States is hereby ratified by the Legislature of the State of Minnesota.

"Be it further resolved that the Secretary of State of the State of Minnesota is directed to forward copies of this resolution to the administrator of the General Services Administration, to the presiding officer of the Senate of the United States and the speaker of the House of Representatives of the United States and transmit an official notice of this resolution to the Secretary of State of the United States as provided by the law of this state.

BILLS INTRODUCED

The following bills were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. DOMINICK (for himself, Mr. ALLOTT, Mr. BENNETT, Mr. BIBLE, Mr. HOLLINGS, Mr. SCOTT, and Mr. WILLIAMS):

S. 1385. A bill to designate the first Monday after the first Sunday of November as Election Day; to provide for a uniform closing time for polling places in Federal elections; and for other purposes. Referred to the Committee on Rules and Administration.

By Mr. MATHIAS:

S. 1386. A bill to amend the act to regulate the practice of the healing art and other purposes. Referred to the Committee on the District of Columbia.

By Mr. MATHIAS (for himself and Mr. RANDOLPH):

S. 1387. A bill to amend the Internal Revenue Code of 1954 to require the consent of the taxpayer concerned before a person who prepares a taxpayer's income tax return may use or disclose for other purposes any information furnished for the preparation of such returns. Referred to the Committee on Finance.

By Mr. MONDALE:

S. 1388. A bill to authorize the Secretary of Agriculture to carry out a special research program on wild rice. Referred to the Committee on Agriculture and Forestry.

By Mr. MONDALE (for himself and Mr. BROOKE):

S. 1389. A bill to promote the foreign policy and best interests of the United States by authorizing the President to negotiate a commercial agreement including a provision for Most-Favored-Nation status with Romania. Referred to the Committee on Finance.

By Mr. MONDALE:

S. 1390. A bill for the relief of Dr. Alberto Aranibar; and

S. 1391. A bill for the relief of Mrs. Alicia Zavala (Leal) and two children, Liliel and Ivette Perea. Referred to the Committee on the Judiciary.

S. 1392. A bill to provide certain services for Government employees in order to assist them in preparing for retirement. Referred to the Committee on Post Office and Civil Service.

By Mr. BURDICK:

S. 1393. A bill to donate to the Devils Lake Sioux Tribe, Fort Totten Reservation, some submarginal lands of the United States, and to make such lands part of the reservation involved. Referred to the Committee on Interior and Insular Affairs.

S. 1394. A bill to amend the Bankruptcy Act to abolish the referees' salary and expense fund, to provide that fees and charges collected by the clerk of a court of bankruptcy in bankruptcy proceedings be paid into the general fund of the Treasury of the United States, to provide salaries and expenses of referees be paid from the general fund of the Treasury, and to eliminate the statutory criteria presently required to be considered by the Judicial Conference in fixing salaries of fulltime referees;

S. 1395. A bill to amend section 48 of the Bankruptcy Act (11 U.S.C. 76) to increase the maximum compensation allowable to receivers and trustees; and

S. 1396. A bill to amend section 35 of the Bankruptcy Act (11 U.S.C. 63) and sections 631 and 634 of title 28, United States Code, to permit full-time referees in bankruptcy to perform the duties of a United States magistrate. Referred to the Committee on the Judiciary.

By Mr. CHURCH:

S. 1397. A bill to amend the United States Information and Educational Exchange Act of 1948 to impose restrictions on information activities outside the United States of Government agencies. Referred to the Committee on Foreign Relations.

By Mr. JACKSON (for himself and Mr. ALLOTT) [by request]:

S. 1398. A bill to amend the Water Resources Planning Act to authorize increased appropriations;

S. 1399. A bill to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior; and

S. 1400. A bill to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives. Referred to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself, Mr. ALLOTT, and Mr. MOSS):

S. 1401. A bill to establish a national Indian education program by creating a National Board of Regents for Indian Education, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BEALL:

S. 1402. A bill for the relief of Sofie Calotes Baquial; and

S. 1403. A bill for the relief of Maria Adela Binett. Referred to the Committee on the Judiciary.

By Mr. BYRD of Virginia:

S. 1404. A bill to amend the United Nations Participation Act of 1945 to prevent the imposition thereunder of any prohibition on the importation into the United States of any strategic and critical material from any free world country for so long as the importation of like material from any Communist country is not prohibited by law. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS

By Mr. DOMINICK (for himself. Mr. ALLOTT, Mr. BENNETT, Mr. BIBLE, Mr. HOLLINGS, Mr. SCOTT, and Mr. WILLIAMS):

S. 1385. A bill to designate the first Monday after the first Sunday of November as election day; to provide for a uniform closing time for polling places in Federal elections; and for other purposes. Referred to the Committee on Rule and Administration.

Mr. DOMINICK. Mr. President, on behalf of myself, Mr. ALLOTT, Mr. BENNETT, Mr. BIBLE, Mr. HOLLINGS, Mr. SCOTT, and Mr. WILLIAMS, I introduce for appropriate reference a bill to provide for the conduct of national elections on the first Monday after the first Sunday in November, to establish that day as a national holiday, and to provide for the closing of all polls simultaneously.

This bill would increase voter participation not only by making it much easier for Americans to vote, but by making election day a national holiday, it would help focus attention on the importance of the voting process. The right to vote is at the heart of our democratic process. Yet, its exercise remains a big hassle for many Americans. About 47 million qualified voters, or 39 percent of the electorate, failed to vote in the 1968 national elections. Making election day a legal holiday would eliminate the situation where many qualified voters do not vote because they would lose wages by taking time off from their jobs, and it is too difficult to get to the polls before or after working hours. Others are unable to vote because their occupations require them to travel on that day. Although the holiday I am proposing would technically affect only Federal employees and the District of Columbia, the States could be expected to follow suit. About two-thirds of the States have already designated election day as a legal holiday.

The purpose of moving election day from Tuesday to Monday is to assure that the new holiday would cause the least possible interference with business. It would avoid stop-start production costs due to midweek shutdowns. And since Monday is the slowest day for many types of businesses, a holiday on that day should have the least adverse economic impact. Additionally, many salesmen who are paid on a commission basis and must travel substantial distances find it very inconvenient to vote on Tuesday. This inconvenience would be minimized by enabling them to vote on Monday and travel the remainder of the week.

Mr. President, the reasons why Tuesday was long ago established as election day are inapplicable now. The selection of the first Tuesday after the first Monday in November for national elections was based on several considerations. Article II, section 1, of the Constitution provides:

> The Congress may determine the Time of choosing the Electors, and the Day on which they shall give their votes, which Day shall be the same throughout the United States.

A law was approved March 1, 1792, fixing the first Wednesday in December as the day for the electors to meet and cast their votes for President and Vice President. The law also provided that the electors should be "appointed" in each State "within 34 days preceding the first Wednesday in December in every fourth year succeeding the last election."

In the early days, the legislatures of many of the States chose the presidential electors and the exact date on which the electors of the States were chosen was not important. After the election of 1832, nearly all the States that had not already done so gave up the old method of choosing presidential electors by the legislature. With a few exceptions the presidential electors have since been chosen by popular vote in all States. Before 1845, there was no national election day and each State fixed its own date for "appointment" of presidential electors within 34 days prior to the meeting of electors. All the States chose their electors in November, but the dates varied. New York held its election for electors on the first Tuesday after the first Monday; New Jersey, on the first Tuesday and the day following. In two States the second Monday was election day; in 14, the first Monday; in two, the second Tuesday; and in two, the Friday nearest the first of November.

This lack of uniformity led to abuses. The results in one State were used to influence those in other States. In contiguous States "repeating" was easy and common. By traveling from State to State, one person could vote for presidential electors several times. This practice led to what were known as the "pipelaying scandals" of 1840 and 1844, when both the Democrats and Whigs were accused of sending gangs of voters across State lines. The frequency of such election frauds created a popular demand for a uniform national election day.

In 1845, a law was enacted providing that:

> The electors of President and Vice President shall be appointed in each state on the Tuesday next after the first Monday in the month of November of the year in which they are to be appointed.

The act of 1792 still required the electors to meet on the first Wednesday in December, and in fixing a uniform day Congress wished to make the time as close as possible to 30 days before that date. Public sentiment was opposed to holding elections on Sunday or traveling to the polls on that day. Therefore, it was desirable to have one day intervene between Sunday and election day because many voters lived far from the polls, and in those days, it was often necessary to start out the preceding day. Since many voters would object to traveling on Sunday to go to the polls, Monday was excluded. The first Tuesday was excluded because it might fall on the first of the month and inconvenience businessmen. The second Tuesday might fall on the 14th, which would leave only 22 days between election day and the meeting of the presidential electors. It was discovered that the first Tuesday after the first Monday in November, the date already chosen in New York, therefore, would always place election day not later than November 8 and always about 30 days before the meeting of the electors on the first Wednesday in December.

I might also add that the author of the election bill of 1845 said in the debate on the subject that "public sentiment has appointed this time" because harvesting is over by November and winter weather has not yet made the roads impassable. He objected to the first Tuesday in November because it "might in some cases be more than 30 days from the first Wednesday in December." The first Tuesday after the first Monday in November was accordingly accepted.

Mr. President, so it is apparent that the original considerations in designating the first Tuesday after the first Monday in November as national election day are no longer applicable, and should not deter us from changing to Monday now. The time for the meeting of presidential electors has been changed several times. And the time involved in traveling to the polls is no longer enough of a factor to require holding elections on Tuesday to avoid traveling on Sunday.

By establishing a time for the simultaneous closing of all polls, this bill would eliminate the possibility that predictions based on early returns from one area may affect election results in areas where the polls have not closed. There has been increasing concern that computer projections of election results by the electronic media influence the way many votes are cast, and cause people not to vote because they believe the outcome has already been decided.

Mr. President, solving this problem through a uniform closing time for all polls would be better than trying to restrict the flow of information about election returns. I don't think there is any constitutional question about the power of Congress to establish a uniform poll closing time. Article II, section 3, gives Congress the power to determine the time of choosing the electors for President and Vice President. Article I, section 4, gives Congress power to regulate the time, places, and manner of holding elections for Senators and Representatives, and the Supreme Court has indicated this may apply to presidential elections.

Under this bill, in Federal elections all polls would close at the same Greenwich mean time across the Nation. They would close at 11 p.m. eastern standard time; 10 p.m. central standard time; 9 p.m. mountain standard time; 8 p.m. Pacific standard time; 7 p.m. Yukon standard time; 6 p.m. Alaska-Hawaii standard itme; and 5 p.m. Bering standard time. Since this would require some polls to close earlier than they have in the past, all polls would be required to stay open at least 12 hours.

Mr. President, the ideas of establishing a national holiday for Federal elections and providing for a uniform poll closing time were endorsed by the National Governors Conference in 1966. I ask unanimous consent that a copy of the proposal and resolution of the Governors Conference in that regard be included in the Record at this point.

There being no objection, the proposal and resolution were ordered to be printed in the Record, as follows:

A Proposal To Establish a Uniform, Simultaneous, Nationwide 24-Hour Voting Day in Years of Federal Elections

Voting is the most important function in a democracy. Yet, generally speaking, many of our election customs are a throwback to the days when it took hours and even days to get to the polling booth. By a determined avoidance of improvements we have done little to ease—and much to impede—the voting process.

Among our archaic election customs is adherence to Election Day itself, first designated in 1845 as "the Tuesday next after the first Monday in November." This day was chosen by Congress largely because public sentiment was against traveling on Sunday and it was necessary to allow an entire day and night for many voters to get to the polls.

A second anachronism in the electoral process is the system of widely divergent hours in which the polls are open across the country in federal elections. The polls in the West are open many hours after they are closed in the East. And opening and closing hours vary, not only within time zones, but also within individual states. The system grew without much design or direction as the nation expanded to the Pacific and through four time zones. In our own time we have seen the boundaries of electoral participation extended even further, from West Quoddy in Maine to Attu in Alaska, across six time zones.

In recent years technological progress—particularly in the area of computers and communications—has highlighted the archaic nature of our voting procedures. For example, polling places have traditionally closed early to allow time for counting the votes, but today ballots can be tabulated in a matter of seconds using computer systems. And modern communications permit speedy transmission of returns to collection centers.

Various proposals have been made to bring election day procedures into line with 20th century realities. One appears to meet the test of equity, and of logic, and appears to present no constitutional problems: A common, simultaneous, nationwide, voting day of 24 hours length for federal elections. There is much to recommend that this day also be a national holiday.

The advantages of such a uniform voting period are many:

It would give every qualified voter in the nation the time and the opportunity to vote.

A uniform 24-hour voting day would provide all voters with the identical real-time hours in which to vote; and although the polls would open at different hours in different time zones, the voters of every community in the nation could vote at whatever local time of day or night that was most convenient for them.

It would relieve the pressure in urban and suburban voting districts where long, slow-moving waiting lines have discouraged many voters from casting ballots.

It would put an end to unsupported speculations that reports from one area of the country, with all its polls closed, can affect voting in another area where they are open.

Computers would enable a fast, accurate tally of the national vote immediately after the polls had closed, and thus do away with the confusion and uncertainty generated by delayed and partial returns.

No constitutional barrier exists to prevent the Congress from instituting a universal, 24-hour voting period. Indeed, Article I of the Constitution specifically gives the Congress the authority to make regulations concerning the holding of elections. Nor has anyone suggested that such a period would not be in the best interests of the voter himself. The only significant argument against it is made in terms of expense.

Against this argument, consider that the United States has the least impressive voting record in federal elections of any democracy in the world. In 1964, only 62 percent of eligible Americans cast a ballot for one of the Presidential candidates. In off-year congressional elections, the record is even worse—less than 50 percent of Americans over 21 vote. In Europe, on the other hand, where uniform, nationwide voting hours are common practice, the percentages range from 87 in Denmark to 72 in France. It is difficult to defend the position that the most affluent democracy with the sorriest voting record cannot afford to keep the polls open for a few additional hours every two years.

Principle aside, there is no real evidence to indicate that costs would rise unreasonably. In recent years election costs have been dramatically reduced in some states through the use of electronic voting systems. For example, Orange County in California spent $235,869 on the June 2, 1964, primary, at which 273,756 ballots were cast and tabulated without the electronic system. On General Election Day, 1964, Orange County used an electronic system encompassing both the voting and counting. The cost, with 416,136 votes cast, was $118,428. The saving here was $117,441—cutting the bill in half, even without allowing for the greatly increased number of votes cast. Actually, the cost per ballot cast declined by over two-thirds, from 90 cents to 28 cents.

Looking ahead, we can anticipate additional savings through the use of the instruments and techniques which science has made possible. In addition, urban polling places may be able to operate on a more efficient basis when voting is spread over a 24-hour period, while polling places in small communities can close after the last registered voter has cast his ballot.

The need for election reforms in many areas is urgent: the Presidential campaign period is too long; residency requirements prevent millions of citizens in our mobile population from casting a vote even in Presidential elections; much of the apparatus we use for registering and counting votes was contrived for another age.

But electoral procedures must be brought into line with the realities of the 20th century. A start must be made. It is the conviction of this conference that a logical and proper place to begin is with the most serious consideration of a biennial national voting holiday during which the polls would be open across the nation for a uniform period of 24 hours.

A RESOLUTION

Whereas it is the sense of the National Governors Conference that the most serious consideration should be given to the proposition that in federal elections the electorate would benefit from the establishment of a "national voting holiday" during which the polls would be open across the nation for a uniform period of 24 hours—that is, regardless of time zone the polls would be open simultaneously, and close simultaneously 24 hours later;

Be it resolved that the National Governors Conference forward to the President of the United States the respectful suggestion that he initiate a study, by whatever means he deems appropriate, of the feasibility of instituting a uniform, nationwide, 24-hour voting period for federal elections, and its designation as a biennial national holiday.

Mr. DOMINICK. Mr. President, I think the reforms suggested in this bill merit our consideration. They are relatively noncontroversial and would not be difficult to implement. I have chosen January 1, 1974, as the effective date for this legislation in order to give the States adequate time to enact implementing legislation.

By Mr. MATHIAS (for himself and Mr. RANDOLPH):

S. 1387. A bill to amend the Internal Revenue Code of 1954 to require the consent of the taxpayer concerned before a person who prepares a taxpayer's income tax return may use or disclose for other purposes any information furnished for the preparation of such returns. Referred to the Committee on Finance.

CONFIDENTIALITY OF INFORMATION FURNISHED FOR INCOME TAX RETURNS

Mr. MATHIAS. Mr. President, I introduce for appropriate reference, a bill to amend the Internal Revenue Code of 1954 to require the consent of the taxpayer concerned before a person who prepares the taxpayer's income tax return may use or disclose for other purposes any information furnished for the preparation of such return.

This legislation is prompted by new developments with serious implications for individual privacy. Growing numbers of banks, department stores, and other companies with large computer facilities are offering tax-preparation services to their customers and the general public. Conversely, many income tax preparation firms and services are beginning to move into other fields, such as the selling of mutual funds, insurance, and other financial services, and are using for these marketing purposes the detailed knowledge of their customers gleaned in the course of preparing income tax returns.

As reported in the Wiesenberger Financial Services newsletter of last August 12:

> H & R Block, which started in the tax preparation business with a single Kansas City office in 1955, had over 4,000 offices in operation during the past tax season through which it was expected that fully 10% of the nation's tax returns would pass. Growth and earnings of the company (listed on the NYSE) came from tax business receipts. However, shortly before this year's tax season, this grandaddy of all tax preparation firms announced its intention of putting its multimillion customer roster to new use, of forming a joint subsidiary with Pennsylvania Life Insurance Co. of Los Angeles to sell mutual funds and insurance to tax clients.
>
> Even financial service sales organizations that have not set up their own tax return preparation units or joined with existing ones have been quick to realize the "gold" in the detailed and pertinent individual information such units gather in the course of their work. Los Angeles' 210-branch State and Federal Computerized Income Tax Consultants reports, "We never intended to sell this information, but at least eight mutual fund firms have offered to buy."

Mr. President, it has been estimated that of the approximately 75 million individual and joint Federal income tax returns filed last year, nearly half were prepared by someone other than the taxpayer himself. In some cases assistance may have been provided by a relative or friend, or by a neighborhood lawyer or accountant. But in more and more instance, harried taxpayers are seeking the help of large organizations which offer, for a fee, to transform the individual's raw financial data into a finished tax return, often with the aid of a computer.

Federal law, of course, places the stamp of strict confidentiality on Federal tax returns once they have been submitted to the Internal Revenue Service. Knowing this, many, if not most taxpayers, assume that the same information is equally confidential when it is in the hands or files of a tax preparation service. Such an assumption is natural but quite naive. There are, in fact, no Federal laws restricting in any way the uses which such services may make of the financial information entrusted to them for tax preparation purposes.

As businesses explore the full range of marketing possibilities which automation has opened to them, the individual who seeks professional help with his income tax may find himself receiving, along with his finished tax return, offers of investment counseling, insurance, credit loans, and other financial services, attractively tailored to fit his personal economic situation. He may discover long after April 15 that his name and financial history have been sold, as part of a massive mailing list, to a mutual fund, a bank, an insurance company, or other organization.

In short, the taxpayer may discover that by the innocent act of seeking income tax assistance, he has delivered up the most intimate details of his financial position into the burgeoning national network of computers which already hold, trade, sell, and analyze far too much information about individual Americans.

To me it is both ludicrous and alarming to have the Internal Revenue Service holding a tax return in the strictest secrecy while private firms are shipping and selling the same information all over the country without the taxpayer's knowledge or consent. Yet, this is all too possible today.

It is not my intent today to place an absolute prohibition on the use of tax return information for other purposes by private firms. Some of the financial services involved may be extremely helpful or desirable to individuals, and most are certainly legitimate business propositions. I do believe, however, that the taxpayer should know precisely what other uses a tax-preparation firm intends to make of its copy of his tax return. Further, I believe that the taxpayer should have the opportunity to veto such other uses if he so desires.

Accordingly, the legislation I am introducing today would require that any Federal income tax return which is prepared by a person other than the taxpayer shall include an additional written declaration, under the penalties of perjury, by the person preparing the return, that either—

First, he has not used and will not use any information by the taxpayer for any purpose other than the preparation of the tax return, and has not made and will not make any such information available to any other person for such purpose, or, second, he has obtained valid consent of the taxpayer to use such information for purposes other than the preparation of the return or declaration, or to make such information available to another person or persons for such purposes.

The bill defines a valid consent form as a separate document, signed by the taxpayer, which is printed in 8-point type or larger, or typed or written in letters of comparable size, and specifies the information which may be used or made available, and the purpose or purposes for which it may be used or made available.

This provision is intended to insure that the taxpayer, if he signs a consent form, will know what he is signing. It is intended to preclude tax preparation services from including some type of blanket consent statement in small print in what may appear to the taxpayer to be a standard tax preparation contract agreement or bill.

Mr. President, I am indebted to Mr. Donald S. Grubbs, Jr., of Baltimore, for calling this problem to my attention and recommending legislation very similar to that which I introduce today.

I ask unanimous consent to have printed in the RECORD the article to which I have referred.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INCOME TAX PREPARATION CENTERS SPIN OFF FINANCIAL SERVICES PROSPECTS IN 100,000 LOTS. IN SEEKING APRIL 15 HEADACHE RELIEF, THEY SCREEN THEMSELVES AS POTENTIAL CLIENTS FOR MUTUAL FUNDS, INSURANCE, MONEY MANAGEMENT

In what amounts to a stampede, financial services and commercial organizations jumped into the business of helping the small man prepare his annual income tax report during the season just past. *The attraction:* Tax preparation fees garnered (generally less than $20 per return) are often of secondary interest; but substantial additional fees, commissions or what-not can be turned up in the subsequent sales (of everything from auto loans to mutual fund withdrawal plans) that the income-tax contacts make possible.

One service, at least, that's selling well: Approximately 75 million U.S. income tax returns and half that number in state and city returns were filed this year; and in recent years their growing complexity have led to nearly half of them being prepared by someone other than the taxpayer himself.

THOUSANDS OF "BLUEPRINTS" FOR FUTURE SALES

While some service organizations such as Automated Tax Corporation, Mineola, N.Y., made the move into tax preparation service for the obvious reason—the fees the taxpayer pays for this help—many others, while doing the job and taking the fees, have their eye on bigger game.

One such, Benevest, Inc., San Francisco, a subsidiary of Beneficial Finance Co., set up an organization that in this first season processed 100,000 applicants for tax preparation, accepting preparation of returns for 40,000. *Its aim:* To subsequently contact these 40,000 pre-qualified prospects, about which detailed financial information was now known, for sale of life insurance and several brands of mutual funds. Approach, presentation and product pushed can be pre-tailored for each according to known individual needs and circumstances.

Pay dirt seen in the records of established tax preparers, too: H & R Block started in the tax preparation business with a single Kansas City office in 1955, had over 4,000 offices in operation during the past tax season through which it was expected that fully 10% of the nation's tax returns would pass. Growth and earnings of the company (listed on the NYSE) came from tax-business receipts. However, shortly before this year's tax season, this grandaddy of all tax preparation firms announced its intention of putting its multi-million customer roster to new use, of forming a joint subsidiary with Pennsylvania Life Insurance Co. of Los Angeles to sell mutual funds and insurance to tax clients.

Even financial service sales organizations that have not set up their own tax return preparation units or joined with existing ones have been quick to realize the "gold" in the detailed and pertinent individual information such units gather in the course of their work. Los Angeles' 210-branch State and Federal Computerized Income Tax Consultants reports, "We never intended to sell this information, but at least eight mutual fund firms have offered to buy."

TRAFFIC, NOT FEES, EXCITES THE BANKS

Two years ago, First National City Bank of New York became the first bank to explore the possibility of offering income tax returns prepared by computer, establishing a pilot project on New York's Staten Island.

On finding the service successful in building business also for the 22 other services the bank offered, it contracted with Tax Corporation of America, Santa Barbara, Calif., to use its computer, and this year established income tax service in 81 other branches. Scores of other banks across the country went into the business of preparing income tax returns at the same time.

Gary D. Ritter, president of Digitax, Inc., New York City, a company that makes it possible for others, including banks, to go into the computerized income tax service business, notes that banks, too, tend to see tax preparation service as a means, rather than an end in itself: "They see it much more as a vehicle for getting into other business, getting traffic, than for being profitable *per se* from the actual preparation of returns."

(When it comes to banks as tax preparers, there may be a cross-current to the comfortable feeling of the preparer being on your side. An after-tax-season opinion expressed in one big-city bank interviewed was to the effect that "People still feel a bank is an arm of the government—iron grilles, marble floors and all that.")

A READY-TO-USE TAX SERVICE—HOW IT WORKS

Digitax operates on a to-the-trade basis, initially supplying forms, promotional material and tax-preparation training materials to subscribing retailers at no cost. (A service agreement calling for a minimum of $200 business a season is required—20 cases submitted at a $10-per-case charge to the retailing organization which sets its own prices.)

The retailer (tax preparer) obtains necessary income and financial information from his client, transferring it to a specially designed input form, four 2-column worksheets. Information on the form, sent to the Digitax computer, is digested and translated into triplicate printouts of the taxpayer's return, then returned to the preparer.

Says Ritter about what it takes under the system to become an expert tax preparer, "Our experience has shown that it is not difficult to educate and train a lay person who has some business experience in extracting the proper information for the preparation of income tax returns."

SEES POTENTIAL AT BROKERS-DEALERS LEVEL

While the Digitax marketing thrust for retailers has so far been confined to members of the more historic professions, Ritter indicates that he feels broker-dealers could benefit from the local prescreened prospects they could generate from offering such a service in their own communities, has plans for pre-'71 marketing efforts in this area.

"The preparer's computer-input forms are an ideal tool in terms of financial information for a prospective insuror or a person representing mutual funds," says Ritter. "All the information that is gathered by us, the wholesaler, is of course held in strictest confidence, but what the tax preparer does with the information he gathers is up to him."

THE $15 MILLION INSTANT REFUND CAPER

In the 1970 rush to get into the income tax preparation business Montgomery Ward prepared returns in 135 of its stores, Sears, Roebuck in 88; Long Island's Teletax Systems took tax information by phone, and one auto dealer offered tax preparation as a free accessory with every new Datsun bought from him. But perhaps the most flamboyant large-scale tax preparation operation begun was that of the nationwide Beneficial Finance Co., set up for its trial run in California where flamboyant operations are the rule as much as the exception.

"Instant Refund"—within a week: Through a tax-preparation subsidiary, Benevest, Inc., San Francisco, the company offered to replace refunds found to be due with its own check in the amount due, and immediately, for clients who would come into any of 80 Benevest store-front offices between Jan. 15 and April 15 to have their state and federal income tax returns prepared. Refunds were paid at the time the Benevest customer paid his second visit to the office to pick up and sign his completed, computer figured tax forms—usually within a week.

To get his instant refund (and the Benevest chain paid out $15 million in such during the past season) a customer was required only to agree to sign over to Benevest his California and/or Federal tax refund check within five days after he received it. What's more, his acceptance of a Benevest "instant refund" did not carry with it any obligation on him for payment of interest on it regardless of whether it might take Uncle Sam or Uncle Cal six weeks or six months to forward their refunds to him (a concept one might think to be rather foreign to Beneficial Finance tennets.)

Refund magic was held out also to those prospects who hadn't really counted themselves among the chosen. Benevest literature advised them, "Even if you don't expect a refund, you may be in for a pleasant surprise this year. The Benevest system is so thorough, that many people take legal deductions they've never taken before—and end up getting a check instead of writing one."

How refund-payout losses were controlled: The Benevest entry into the field was made on a crash basis. Within a period of two months the company located, leased, opened and furnished 80 offices, hired 320 full time people to man them. Come tax time, heavy advertising brought inquiries from 100,000 potential, refund-minded clients.

It was essential in order to avoid "skips" who might feel they could hang onto their government refund check as well as Benevest's that a fast credit screening be applied, since a Benevest check could be issued within five days of the first contact with the client. A scoring system based on—Do you have telephone? How long have you been working? etc.—initially eliminated 20,000 inquirers over the telephone, then 40,000 of the remainder in the office.

Of the 40,000 left for whom tax returns were prepared, according to John M. Croxall, Benevest president, 80% had a refund coming; average refund, $500; lowest, $3; highest, $9,244. Ninety percent of those who got Benevest "refunds" later sent their government refund checks to Benevest as soon as they got them; 10% had to be followed up.

Six percent of the total and drawn from this later group paid up with a little prodding, leaving 4% of the total to be turned over for professional follow up. Croxall estimates losses within this 4% are leveling out at 1½%, a figure within the range allowed for. Both interest costs to Benevest for money tied up in payouts and its losses on paychecks are figured by the company as part of sales promotion.

Among non-paybacks, clients have been found to have died, gone to jail, moved overseas. Croxall notes that two of the collection problems that arose stemmed from (1) the government deducting back taxes and penalties for same from the anticipated refund in checks returned to clients this year and (2) the fact that in California 3% of the people move every month—that's 36% of them each year, some several times a year.

What "instant refund" did tax-return business itself: Benevest's 40,000 returns prepared were largely of the simplified type—no extra income reported or business deductions such as Schedule C—drawn from middle income ($8,000–$20,000) people. Croxall reports the average charge was $26 on billing ranging from $12 to $40. More complex returns were routed through another system: average charge, $80.

Tax-return business seen as only phase 1 of a larger plan: Croxall sees Benevest as filling the more continuous financial needs of the $8,000–$20,000 client, once his annual income tax return has been taken care of. "The rich have their consultants. The average family needs a financial center where someone can put its estate into perspective and recommend long-range objectives. Our big job is to help the man in the middle income bracket know where he is now, where he wants to go, and how to get there.

"The income tax preparation basically is a part of an overall one-stop financial planning service. It's a great prospecting tool because one of the basic principles of prospecting is to meet another person under favorable circumstances, which we do in preparing his income tax return. The natural sequence that follows is for him to become a complete client."

Benevest plans for the 320 tax preparers it hired into its California offices were for each to carry on subsequent sales of life insurance and mutual funds to the same individuals who came to them as tax preparation clients. The preparers were provided with a profile (financial analysis sheet) that they offer to complete for each client as a service.

The client is first told about it when he comes in with his original income information. He is then told when he comes in to collect his completed return that he will be contacted after tax season for an appointment to complete it.

At this first after-season appointment information is gathered from the client, and a profile is later completed. At still another profile-review meeting the completed profile is discussed and accompanying financial recommendations are made to the client.

"It takes an hour-and-a-half to do a profile," Croxall notes, "and we found that by doing this profile the salesman gets involved with the person, his needs and his wants. As a result, the person feels that involvement, and our chances for getting a complete sale from this person is far greater than just going out and trying to sell mutual funds or insurance."

In recruiting its tax preparer-salesmen, Benevest ran employment ads indicating they could expect to earn $1,500 a month in commissions. Company expectations were that the tax service would bring a man $5,000 or $6,000, tiding him over until commission income took over.

Unfortunately, tax time and tide wait for no plan: As a result of the "crash" nature of its entry into the field, most of the salesmen Benevest hired came in with neither insurance nor mutual fund background. And there was time before the tax rush to do little more than train them in tax procedures. Too late for "instant follow up" to follow "instant refund" as hoped, the company had to undertake another after-season crash program instead—this time to license its new people in sales of insurance and mutual funds.

The company is still in the process of training and trimming, and its men have only recently gotten their starts with client profiles and profile reviews.

AN UNMANNED PIPELINE TO THE COMPUTER

Perhaps a major drawing card new companies and financial services organizations coming into the tax return field can show their prospects is the computer; there's a consensus among many that nervous taxpayers seem to feel more comfortable with an "institutional" sendoff behind their annual offering to Uncle Sam's computers—preferably with a computer on *their* side.

A Minneapolis computer software company, Systems, Inc., made it possible this year for numerous banks (such as Chase Manhattan in New York with 150 branches) and retail outlets (such as Carson Pirie Scott in Chicago) to offer their thousands of customers computer-calculated and imprinted income tax returns while at the same time *by-passing the personnel and space draining personal interview.*

The company's product, Tax-Pak, is a set of nine folders labeled "income", sale of property", etc., passed over the counter to taxpayers $2.50. At home, the customer fills in basic information on the front of each folder and inserts records in appropriate folders. He returns the set of sealed folders to the outlet where they were purchased; they are forwarded from there for processing; and the computer-prepared tax returns with appropriate schedules are routed back to the outlet within seven days. The customer then picks up his duplicate tax returns and mails a set to IRS.

David Buck, formers Vice President-Marketing for Fiscal Systems and now head of David Buck Associates estimates his in-house processing time per return to average a half-hour, the average fee charged the customer at the retail end to be $17.

Describing advantages of Tax-Pak to sponsoring companies, Buck says, "You get a chance to do a job without involving your own personnel, without involving your own equipment, your own facilities. You get a chance to do that job with profit. Finally, and not the least important, you get a chance to really sit down with those people that you want as your customers and find out every last thing about that customer financially."

But what about lack of hand-holding in the Tax-Pak system? Isn't that what customers want? Seemingly the giant of the industry, H & R Block, believes so; tax preparation is almost 100% a face-to-face matter with them. Buck, on the other hand, negates the therapeutic value of the typical tax preparer, and shows a not inconsiderable amount of fresh 1970 tax-return business to back up the impersonal approach. The tax preparer is often, says Buck, "a fellow whose expertise consists of a course on the 1040 in November, and who could well be dead tired from nothing to eat but apples, sour coffee and sandwiches."

By Mr. MONDALE:

S. 1388. A bill to authorize the Secretary of Agriculture to carry a special research program on wild rice. Referred to the Committee on Agriculture and Forestry.

Mr. MONDALE. Mr. President, today I am introducing legislation which will authorize the Department of Agriculture to spend $2 million over the next 10 years to conduct a research program for wild rice. In the past, various appropriations have been made by the Federal Government and some private investors for this purpose, but what is really needed to develop the full potential of this important crop is enough money and enough direction to conduct a long-term, steadily funded research project. The research would boost the economies of Michigan, Wisconsin, and Minnesota. The agriculture experiment station at the St. Paul campus of the University of Minnesota has been carrying out some research for the past few years, mostly in the development of an improved strain. Because nearly 60 percent of the world's wild rice harvest comes from the Indian Lake area of Minnesota, I hope that this area will benefit proportionately from funds allocated.

By way of background, wild rice has been harvested primarily by Indians who used their harvest as a staple food. The natural stands today are located on Indian land. According to the Bureau of Indian Affairs, there are nearly 10,744 acres of wild rice producing areas on wild rice tribal lands in Minnesota. Though annual production varies dramatically, in 1967, 1⅓ million pounds were harvested from two reservations alone. In Minnesota harvesting on the tribal lands is restricted to Indian labor. In 1968, 18,805 people harvested wild rice with an average per capita income for rice harvesters in Minnesota at about $88. There is also a ban against the use of mechanical harvesting equipment in the natural stands.

Retail prices of wild rice have fluctuated from $3.25 a pound in the mid-1950's to $15 a pound in 1966. Currently it is selling for over $5 a pound retail. The market is growing, and with a more controlled harvest could be increased still more. Wild rice mixes, frozen pouches, and casseroles are expected to increase demand and expose steadily.

But production of wild rice is hampered by some severe problems and there has been no way to date to assure the size of an annual crop. Shattering of the seed head, the wild rice worm, fungus conditions, crowding by other lake plant life, and consumption by wildlife. Wild rice ripens gradually over a period of 10 days, the ripening progressing from the top downward. As the top grains ripen, they "shatter or fall into the water. Each plant must be harvested several times to hold shattering losses to a minimum. As it is, in the natural stands where harvesting is done by hand only 5 to 10 percent of the rice is recovered. Some work has been done to perfect a noshattering seed, but the seed successfully produced is not yet available for common use. Scientists at the University of Minnesota estimate that it may take at least 10 years to develop a proven nonshattering seed for wide distribution. There is also not enough knowledge about the wild rice worm or the smut which affects the crops. These are problems which will also have to receive research attention.

The end which scientists and rice growers are looking for is a successful predictable, and profitable cultivated annual green rice crop. There is a growing demand for the rice. It is nutritious and the exposure the crop is getting through major processed food companies are making it more popular. But the inability of producers to assure a sizable crop year after year has kept sales low.

Some companies are moving toward paddy production. In paddies mechanical harvesting equipment can be used and rather than the 4 to 10 percent yield from harvesting, 30 to 40 percent of the grain can be gathered by machine. Successful experiments in paddy growing in the past 3 years have widely increased interest and enthusiasm for possibilities in the profitable production of green rice. Many Indians who have opposed paddy cultivation in the past as a threat to their economy are now looking more favorably to a more controlled harvest. There are thousands of acres which could be developed for paddy rice if the proper research is funded. The diseases which presently bother natural stands could become more severe problems as stands are heavier and fertility is higher. Successful production of green rice is dependent on specific water chemical and water level and flow conditions. Obviously when raising the crop tables on a more artificial nature, these water factors will have to be thoroughly researched. New harvesting equipment will have to be developed and processing plants will have to be established with careful attention to storage and effective commercial distribution. Of course, hand in hand with an increased ability to produce will come needs for promotion efforts.

Research can open new acres to production and increase production three to four fold. It can assure a stable crop and increased commercial sales. The possibilities for more employment and a rise in per capita income for those involved in a wider green rice production and a better life for the Indians of the areas involved more than justify the request for $2 million for research.

By Mr. MONDALE (for himself and Mr. BROOKE):

S. 1389. A bill to promote the foreign policy and best interests of the United States by authorizing the President to negotiate a commercial agreement including a provision for most-favored-nation status with Romania. Referred to the Committee on Finance.

THE ROMANIAN TRADE ACT OF 1971

Mr. MONDALE. Mr. President, since 1949, the United States has pursued a policy designed to prevent trade with Communist nations from threatening in any way the security or national interest of the United States.

We are still pursuing this basic policy, most notably in our export controls which prohibit the export of U.S. goods or technology which could contribute to the military potential of Communist nations or in any other way be contrary to the national interest of the United States.

But in addition to policies, laws, and regulations such as these, we also carry on our books a number of other provisions which, if they ever indeed contributed to our national interest and/or military security, do not do so today. Some of these restrictions, in fact, seem actually to be counterproductive, contributing to nothing but the economic benefit of our Western competitors and the continued economic and political domination of East Europe by the Soviet Union.

One such policy—surely the most damaging symbol of irrational hostility toward the East—is the denial of most-favored-nation treatment to all nations of Eastern Europe except for Yugoslavia and Poland.

The effect of such a denial is to impose upon the products of the rest of East Europe the old Smoot-Hawley tariff rates. Given such extraordinary discrimination against their products, there is little hope for any major expansion of peaceful, nonstrategic trade in East Europe—the fastest growing market in the world. For, aside from the great political damage rendered by such discrimination, the inability to sell goods to us severely limits the amount of goods they can buy from us, and places an unnatural and irrational limit upon trade in peaceful, nonstrategic goods.

I say "unnatural and irrational" because the discrimination against imports from the East European countries makes neither economic nor political sense.

The denial of most favored nation in no way contributes to our national security. All goods bound for East Europe must be licensed, and the presence or absence of most favored nation adds absolutely nothing to this protection.

Nor does it have any significant economic effort on the nations of East Europe. The denial of most favored nation status, in fact, keeps nothing from the East Europeans which cannot otherwise find its way there from the West—legally and with full concurrence of our Government. All this denial does is to prevent the East Europeans from earning the necessary dollars with which to become customers of U.S. exports in peaceful, nonstrategic goods. It is one more explanation why in 1969, with some 16 percent of total world trade, the United States enjoyed only 3 percent of the total trade between the East and the West—$249 million out of a total of over $8 billion. In the fastest growing market in the world, we lag behind West Germany, Italy, France, Great Britain, Yugoslavia, India, Egypt, Finland, Japan, Austria, and Sweden.

Nor, should I add, does the denial of most favored nation make sense in terms of the products against which it most discriminates. If we had reason, for example, to raise special tariffs against certain products from the East European countries, then such tariffs should be imposed with some semblance of precision and reason. I do not happen to think that such discriminatory tariffs should be necessary as long as we have basic protection against dumping and foreign export subsidies. But the denial of most favored nation across the board imposes a totally capricious set of discriminatory tariffs upon the products of these nations, unrelated to specific products or to any coherent economic or trade policy.

Mr. Harold Scott, Deputy Assistant Secretary of Commerce for Domestic and International Business and Director of the Bureau of International Commerce recently visited East Europe and had this summary comment to make on the most favored nation problem:

> The lack of MFN treatment to all East European countries except Poland is the most discussed major problem. To a degree, this deterrent while real also is partly psychological. There is a strong feeling among East Europeans that the lack of MFN is a form of punishment. Importers not only pay a higher duty but view such treatment as a symbol of the "unwelcome mat." One of the major purposes of our Mission was an examination, product by product and country by country, of export potential to the United States. Indeed there were many specific product areas where the lack of MFN removed all possibilities. There were, however, many of their products with some U.S. potential, despite the lack of MFN, that had not been aggressively promoted. One can speculate that occasionally the lack of MFN represents a warm security blanket under which Eastern European export enterprises can quite easily hide their lethargy. It is safe and practical to conclude that trade relations will not grow rapidly until the MFN problem is resolved. It is equally sound to conclude that East European countries have specific trade opportunities in the United States today with the existing tariff structure that they are not exploiting to maximum potential. We in Commerce hope to be helpful in this area in the months ahead, for we believe that political awareness of the MFN problem can be heightened by trading actively with consequent agitation by the business community for even broader trade which would result with MFN.

Actually, we do give most favored nation status to two East European countries: Yugoslavia and Poland. We also grant these two nations special treatment in our export control regulations, Yugoslavia being considered as "West Europe" for such regulations, and Poland—along with Romania—being given preferential treatment over all the rest of the East European countries.

What I am proposing today, Mr. President, is that the President of the United States be given authority to negotiate a commercial agreement with Romania, extending most forward nation, to that nation in return for equivalent benefits granted us and in our national interest.

This bill cosponsored by the Senator from Massachusetts (Mr. BROOKE) would grant "most favored nation" status at least to that nation which seems to be, in fact, "most favored" in the eyes of our Government.

In the summer of 1969, after Mr. Nixon concluded his most successful visit to Romania, he and President Nicole Ceausescu issued a joint statement reading:

> The two heads of state devoted particular attention also to the economic relations between their countries. While noting the upward trend which these relations have displayed in recent years they also agreed on the need in the interests of both countries to develop and diversify the economic ties between the United States and Romania. In this connection it was agreed to look for new ways of realizing the potentialities which this important field offers.

In the President's recent foreign policy message he declared:

> There are difficulties, which we recognize, attending close political relations between Eastern European nations and the United States. But within these limits there are opportunities for economic, scientific and technological contact which we are prepared to broaden on the basis of mutual benefits.
>
> Our trade with Romania doubled in 1970. We extended credits for the purchase of agricultural commodities and liberalized certain export controls for her benefit. We expanded educational and cultural exchanges and responded with immediate relief in medical supplies, foodstuffs, and other emergency needs when Romania suffered a disastrous flood in 1970.
>
> Romania and Yugoslavia have indicated by their policies a desire for cordial relations with the United States on the basis of reciprocity. Our relations have continued to improve because the pace and scope is determined in the first instance by them. We are responsive, and other countries in Eastern Europe who desire better relations with us will find us responsive as well. Reconciliation in Europe is in the interest of peace.

Mr. President, surely the foreign policy as well as the economic interests of the United States can be furthered by granting most-favored-nation status to Romania.

In the first three quarters of last year, we exported $46,218,000 to Romania and imported from that nation $10,019,000—for a more than 4.1 trade surplus. Our exports to Romania last year will be at least triple the 1968 figure of $16,680,000—signs of a great growth potential. I ask that a table showing total exports to and from Romania be included at this point in my testimony.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

QUARTERLY REPORT UNDER EXPORT ADMINISTRATION ACT

TABLE E.—UNITED STATES TRADE WITH PRINCIPAL COUNTRIES OF EASTERN EUROPE, 1968, 1969, AND JANUARY-SEPTEMBER 1970

[Value in thousands of dollars]

Commodity	1968	1969	Jan.-Sept. 1970
TRADE WITH ROMANIA			
Exports, total	16, 679	32, 394	46, 218
Food, beverages, and tobacco	494	1, 175	4, 036
Nonfat dry milk			1, 060

QUARTERLY REPORT UNDER EXPORT ADMINISTRATION ACT—Continued

TABLE E.—UNITED STATES TRADE WITH PRINCIPAL COUNTRIES OF EASTERN EUROPE, 1968, 1969, AND JANUARY-SEPTEMBER 1970—Continued

[Value in thousands of dollars]

Commodity	1968	1969	Jan.–Sept. 1970
Wheat			2, 237
Barley			554
Vegetables, fresh or dried		283	122
Soybean oilcake and meal	479	787	
Crude materials	2, 584	4, 960	12, 647
Cattle hides, undressed	570	3, 091	2, 930
Rubber, synthetic	87	196	171
Woodpulp, chemical, dissolving grades	1, 916	1, 514	1, 636
Woodpulp, chemical, except dissolving grades			216
Cotton, raw, except linters			5, 732
Seeds for planting	7	6	903
Mineral fuels and related materials	966	4, 089	13, 910
Bituminous coal	953	891	1, 380
Coke of coal, lignite, or peat		3, 192	12, 499
Chemicals	1, 197	1, 141	478
Pesticides and synthetic organic agricultural chemicals	556	303	93
Organic chemicals, other	18	348	49
Polymerization plastic materials	160	164	128
Insecticides, fungicides, herbicides, and disinfectants	88		(1)
Chemicals, other	376	326	207
Manufactures classified chiefly by material	2, 610	10, 576	10, 124
Patent leather, parchment-dressed, and metallized leather	313		
Ferromanganese			922
Ferroalloys and spiegeleisen, except ferromanganese		210	1, 051
Iron or steel plates and sheets, uncoated	1, 898	6, 656	5, 710
Iron or steel plates and sheets, coated, except tin plate		1, 846	793
Oil pipe of iron or steel	79	736	
Iron or steel pipes and tubes, other than cast-iron pipe or oil pipe	1	653	
Iron or steel tubes, pipes, and fittings, other	5	3	1, 062
Drill bits, percussion bits, and parts	148	306	194
Metal manufactures, other	82	11	29
Manufacturers classified chiefly by material, other	85	154	362
Nonelectric machinery	6, 913	8, 783	3, 053
Steam generating power boilers and parts	503	698	274
Harvesting machines	200	13	
Machinery for mowing, haying, and crop preparation	276	299	2
Electronic computers, including process control computers	346		
Statistical machines used with punched cards or tape	105	612	61
Grinding and polishing machines, metalworking	40	92	247
Punching and shearing machines, metalworking		1, 418	
Presses, metalworking	135	7	
Gas-operated welding and similar metalworking appliances	499	914	
Grain milling machinery	70	413	287
Power cranes, draglines, and shovels, excavator type	11	246	8
Boring, mining, and well-drilling machinery	351	167	29
Glassworking machinery	2, 415	488	609
Furnaces, burners, ovens, and kilns, except metalworking	213	305	50
Refrigerators and refrigerating equipment, except domestic	111	45	140
Machines for treating foods with heat or cold	378	239	19
Pumps for liquids	171	71	6
Air and gas compressors, except refrigeration type	321	85	323
Machine tools, parts, and accessories, mineral working	7	259	33
Machine tools, parts, and accessories, woodworking	55	1, 400	15
Nonelectric machinery, other	709	1, 014	950
Electric machinery and apparatus	780	901	846
Single sideband high frequency transceivers	108		
Electronic navigational aids	24	271	22
Electronic search and detection apparatus, including radar	93		
Telecommunications apparatus, other	89	10	2
Geophysical and mineral prospecting instruments	40	159	499
Electric instruments for measuring or controlling nonelectric quantities, other	164	42	26
Electric machinery and apparatus, other	263	420	296
Transport equipment	137	67	641
Power cranes and shovels, wheel or truck mounted			630
Special purpose vehicles, except power cranes and other excavating or drilling type equipment	118	55	
Miscellaneous manufactured articles	927	583	349
Instruments for physical or chemical analysis	83	75	23
Parts for scientific, measuring, or controlling instruments	192	257	83
Scientific, measuring, and controlling instruments, other	112	39	49
Photographic prints	348	1	
Miscellaneous manufactured articles, other	192	211	194
Other domestic exports	20	34	70
Reexports	51	84	66
Imports, total	5, 553	7, 966	10, 019
Food, beverages, and tobacco	887	767	474
Cheese	685	537	345
Fruit, dried	57	41	46
Paprika	52		
Coriander	60	42	32
Food, other	28	120	33
Crude materials	582	310	307
Poppyseed	406	109	143
Feathers and down, crude	149	110	140
Crude materials, other	27	90	25
Mineral fuels and related materials	848	2, 708	4, 143
Distillate fuel oils		87	96
Residual fuel oils	848	2, 621	4, 047
Chemicals	31	165	1, 362
Benzene		147	102
Toluene			336
Xylene			660
Organic chemicals, other			238
Manufactures classified chiefly by material	679	832	899
Wood manufactures, except furniture	60	75	91
Cotton fabrics, woven			198
Textile fabrics, woven, except cotton	25	87	43
Made-up textile articles	98	225	100
Carpets, carpeting, and rugs	81	90	81
Drawn or blown glass, unworked	224	135	132
Glassware	185	210	243
Nonelectric machinery	91	6	
Knitting machines	57		
Electric machinery and apparatus	3	(1)	
Transport equipment		2	
Miscellaneous manufactured articles	2, 366	2, 978	2, 802
Bentwood furniture and parts	164	176	172
Chairs of wood, other than of bentwood	505	470	489
Furniture, other	108	120	180
Clothing	88	682	855
Footwear	1, 171	1, 188	806
Stamps	209	169	152
Baskets, handbags, and other plaiting material articles	61	58	57
Miscellaneous manufactured articles, other	61	114	91
Other imports	66	198	31
Returned goods	36	178	6

[1] From the 4th Quarter 1970 Quarterly Report on Export Control, U.S. Department of Commerce, Feb. 22, 1971.

Mr. MONDALE. Mr. President, it is obvious, in spite of this growth in trade, that Romania, with precious few dollar holdings and almost no way to earn them in this country, cannot continue to maintain such a deficit in her accounts with the United States.

A country cannot buy if it cannot also sell. And we cannot sell if we do not also buy.

I must point out that most favored nation is not a concession to be given without compensation. The Romanian Trade Act of 1971 does not require the President to grant most favored nation. Rather, it authorizes him to negotiate a commercial agreement—our part of which would be an extension of most favored nation treatment, and Romania's part to be the granting of equivalent commercial benefits to the United States.

Mr. President, I think that enactment of this legislation would be sound economics and sound foreign policy, furthering not only the commercial returns from expanded trade, but the political returns from closer ties to this key nation of East Europe. I ask that the full text of this bill, the Romanian Trade Act of 1971, be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1389

A bill to promote the foreign policy and best interests of the United States by authorizing the President to negotiate a commercial agreement including a provision for Most-Favored-Nation status with Romania

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SEC. 101. This Act may be cited as the "Romanian Trade Act of 1971".

STATEMENT OF PURPOSES

SEC. 102. The purposes of this Act are—

(a) to maintain United States objectives in building a peaceful, democratic world;

(b) to promote constructive relations with Romania and to provide a framework helpful to private United States firms conducting business relations in Romania by instituting regular government-to-government negotiations concerning commercial and other matters of mutual interest; and

(c) to increase peaceful trade and related contacts between the United States and Romania, and as assistance in meeting United States balance-of-payments problems, to expand markets for products of the United States in Romania by creating similar opportunities for the products of Romania to compete in United States markets on a nondiscriminatory basis.

AUTHORITY TO ENTER INTO COMMERCIAL AGREEMENTS

SEC. 103. The President may make commercial agreements with Romania providing Most-Favored-Nation treatment to the products of Romania whenever he determines that such agreements—

(a) will promote the purposes of this Act,

(b) are in the national interest, and

(c) will result in benefits to the United States equivalent to those provided by the agreement to the other party.

BENEFITS TO BE PROVIDED BY COMMERCIAL AGREEMENTS

SEC. 104. The benefits to the United States to be obtained in or in conjunction with a commercial agreement made under this Act may be of the following kind, but need not be restricted thereto:

(a) satisfactory arrangements for the protection of industrial rights and processes;

(b) satisfactory arrangements for the settlement of commercial differences and disputes;

(c) arrangements for establishing or expansion of United States trade and tourist promotion offices, for facilitation of such efforts as the trade promotion activities of United States commercial officers, participation in trade fairs and exhibits, the sending of trade missions, and for facilitation of entry and travel of commercial representatives as necessary.

(d) Most-Favored-Nation treatment with respect to duties or other restrictions on the imports of the products of the United States, and other arrangements that may secure market access and assure fair treatment for products of the United States; or

(e) satisfactory arrangements covering other matters affecting relations between the United States and Romania, and the improvement of consular relations.

EXTENSION OF BENEFITS OF MOST-FAVORED-NATION TREATMENT

SEC. 105. (a) In order to carry out a commercial agreement made under this Act and, notwithstanding the provisions of any other law, the President may by proclamation extend Most-Favored-Nation treatment to the products of Romania.

(b) Any commercial agreement made under this Act shall be deemed a trade agreement for the purposes of title III of the Trade Expansion Act of 1962 (19 U.S.C. 1901 et seq.).

(c) The portion of general headnote 3(e) to the Tariff Schedules of the United States that precedes the list of countries and areas (77A Stat. 11; 70 Stat. 1022) is amended to read as follows:

"(e) PRODUCTS OF CERTAIN COMMUNIST COUNTRIES.—Notwithstanding any of the foregoing provisions of this headnote, the rates of duty shown in column numbered 2 shall apply to products, whether imported directly or indirectly, of the countries and areas that have been specified in section 401 of the Tariff Classification Act of 1962, in sections 231 and 257(e)(2) of the Trade Expansion Act of 1962, or in actions taken by the President thereunder and as to which there is not in effect a proclamation under section 5(a) of the Romanian Trade Act of 1971;".

(d) Nothing in this Act shall be deemed to modify or amend the Export Administration Act of 1969 (50 U.S.C. App. 2401 et seq.) or the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611 et seq.).

REPORTS TO CONGRESS

SEC. 106. The President shall submit to the Congress an annual report on the commercial agreements program instituted under this Act. Such report shall include information regarding negotiations, benefits obtained as a result of commercial agreements, the texts of any such agreements, and other information relating to the program.

By Mr. MONDALE:

S. 1392. A bill to provide certain services for Government employees in order to assist them in preparing for retirement. Referred to the Committee on Post Office and Civil Service.

FEDERAL EMPLOYEES PRERETIREMENT ASSISTANCE ACT OF 1971

Mr. MONDALE. Mr. President, I introduce today a bill which would provide Federal employees with a comprehensive program of preretirement counseling and assistance.

I have introduced similar proposals twice before—as S. 2295 of the 90th Congress in 1967, and in 1969 as S. 2554 of the 91st Congress.

The hearings and the interest in the subject generated by these two previous bills have already brought about some positive changes in attitude within the Government. But I think it is clear that the continuing, urgent need for a legislative directive to establish comprehensive preretirement planning has been demonstrated by the situation existing today.

The needs of retirees and prospective retirees have not changed. The transition from a daily work routine to retirement is surely one of the most difficult adjustments that modern man is called upon to make. "Retirement shock" is a well-known phenomenon to doctors. A combination of confusion and anxiety upon retirement is added to declining health and reduced income to produce not only general unhappiness, but often physical symptoms as well.

In a society which is both work oriented and youth oriented, retirement can produce a real identity crisis, and often a loss of interest in living. Yet, with adequate advance preparation, retirement from a job need not mean retirement from life. Techniques of self-renewal that will enable personal growth in every situation must be fostered.

At the hearings in 1967 John Gardner, then Secretary of Health, Education, and Welfare, commented:

> I would like to stress here again the importance of tailoring preretirement training to the needs of the persons about to retire. Merely offering a series of lectures or classes will accomplish little. There must be individual counseling so that the special concerns of each person may be discussed privately and dealt with. And there must be a concerted effort to maintain contact with the older person as he nears the age of retirement and after he retires.

This expresses a need that is no less today, yet few of the existing programs begin to meet it.

I was amazed and appalled in 1967 to discover that only one-third or less of the more than 400,000 Federal employees then eligible for retirement had access to more than the most basic clerical help from their employers in preparing for retirement.

In 1969, at hearings on S. 2554, we heard again of the appalling lack and the great need for broad preretirement planning. I was gratified to learn, however, that the Civil Service Commission had commissioned a study of retirement planning programs, which found the preretirement planning was something both desired and needed among Government employees.

As a result of this study, the Civil Service Commission issued in July 1969 a bulletin announcing a change in position—from a neutral posture to one of positive encouragement of preretirement planning. It subsequently announced guidelines for retirement planning programs and a continuing series of training courses for preretirement advisers.

But in 1971, I have to conclude that much more is needed, and that necessity for a legislative directive has been reinforced, not alleviated. The steps taken by the Civil Service Commission are commendable, indeed, but they go only a short part of the way toward what is needed.

The Commission reports that in fiscal 1970, 21 training institutes were attended voluntarily by 419 agency advisers. This is an impressive show of interest; however, no statistics are available to indicate how many Government agencies actually have instituted preretirement programs. Ironically, the Civil Service Commission offers no such program itself. The guidelines suggested by the Commission, in no way guarantee the personalized, psychological preparation suggested by Mr. Gardner and others.

In 1967, of 96 agencies reporting on retirement planning, 61 had no programs at all, and 75 percent of these had no plans to develop them. With the positive encouragement of the Civil Service Commission, we can hope more are planning to develop them, but records on this matter and an outright directive from Congress are clearly needed.

Of approximately 2.5 million Federal employees, an estimated 320,000 are eligible to retire now. It is expected that 63,000 will retire in fiscal 1971, as opposed to 55,000 Federal retirees in 1969.

As the numbers increase, so does our responsibility to assure the hundreds of thousands of potential retirees that they will have the necessary assistance in preparing for this very difficult decision.

I believe the Federal Government offers particular advantages in providing such programs. The groundwork has been done in researching the many alternatives available to retirees: phased retirement, trial retirement, part-time work, development of a "second career."

With its provisions for early retirement, often as early as age 50 or 55, the Federal Government can offer not only the needed psychological preparation, but leeway in trying these alternatives.

Mr. President, I would fervently hope that this bill will receive early and favorable consideration in this Congress. The interest and the need for the programs it would require have been urgently demonstrated. We should make sure now that the Federal Government does not fall behind what private industry is doing for the persons who have served long and should be prepared for a happy and fruitful retirement.

Let us put into effect now the programs that will eliminate the prevalent attitude recently expressed by the director of a leading association for the study of old age. He said of retirement:

> This is an unhappy subject. You don't get into it until you have to.

Let us assure now the program that will make retirement a happy subject, one which can be prepared for with hope, and not dismay.

By Mr. BURDICK:

S. 1394. A bill to amend the Bankruptcy Act to abolish the referees' salary and expense fund, to provide that fees and charges collected by the clerk of a court of bankruptcy in proceedings be paid into the general fund of the Treasury of the United States, to provide salaries and expenses of referees be paid from the general fund of the Treasury, and to eliminate the statutory criteria presently required to be considered by the Judicial Conference in fixing salaries of full-time referees. Referred to the Committee on the Judiciary.

BANKRUPTCY REFEREE'S SPECIAL SALARY FUND ABOLISHED

Mr. BURDICK. Mr. President, a bill relating to the administration of the Bankruptcy Act is S. 1394 which also have introduced today, in order to require that the fees in bankruptcy proceedings, which now are paid into a special fund used for defraying the salaries and expenses of referees, be paid in the general fund and that the salaries and expenses of referees be paid out of the general fund.

The Judicial Conference at its March 16–17, 1970, meeting, upon the recommendation of its Committee on Bankruptcy Administration, authorized the Director of the Administrative Office to prepare a draft of an amendment to section 40 of the Bankruptcy Act (11 U.S.C. 68), and related sections, to abolish the self-supporting bankruptcy system in accordance with the policy adopted by the Conference at its October 31–November 1, 1969, session—Conference report, page 76. In that report the action of the Conference on matter is reported as follows:

COMPENSATION FOR FULL-TIME REFEREES

> Judge Weinfeld stated that a subcommittee which he had appointed reported to the full committee on the criteria and method of fixing the salaries of full-time referees. The subcommittee emphasized the statement of policy approved by the Judicial Conference at the March 1969 session to the effect that the maintenance of a self-supporting bankruptcy system, as contemplated by Section 40 of the Bankruptcy Act, is no longer possible without placing an inordinate financial burden upon bankrupts and the assets of bankrupts. Pursuant to the subcommittee's report, the committee recommended to the Conference and the Conference approved a statement of policy that the present criteria for fixing salaries of full-time referees should be eliminated from the Bankruptcy Act and all full-time referees should be paid at the same rate within the limit upon such salaries established by the President's Salary Commission.

The salaries of full-time referees and part-time referees were increased respectively from maximums of $22,500 and $11,000 per annum to the present maximums of $36,000 and $18,000 per annum, commencing February 14, 1969, upon the recommendation of the President of the United States, pursuant to Public Law 90–206. See section 40a of the Bankruptcy Act (11 U.S.C. 68).

As authorized by the Judicial Conference, the Bankruptcy Division of the Administrative Office prepared a draft of amendments to section 40 of the Bankruptcy Act (11 U.S.C. 68) and related sections, to abolish the self-supporting bankruptcy system and to eliminate the present criteria for fixing salaries of full-time referees. The Committee on Bankruptcy Administration of the Judicial Conference considered the draft at its July 8, 1970, meeting and recommended that the conference approve it and authorized the Director to seek its introduction in the Congress. The conference approved this recommendation at its October 29–30, 1970, meeting.

The proposed bill makes only two substantive amendments in the existing law. The others are conforming and perfecting changes. The substantive changes are:

First. Section 1(b) of the proposed bill would amend the second sentence of subdivision a. of section 40 of the Bankruptcy Act to eliminate the statutory criteria now required to be considered by the conference in fixing the amount of salary to be paid a full-time referee. The existing criteria would continue to be applicable in the fixing of the salary of a part-time referee and in determining whether a position shall be part-time or full-time.

Second. Section 1(g) of the bill would amend subdivision c.(4) of section 40 of the Bankruptcy Act to abolish the referees salary and expense fund established in the Treasury of the United States and provide that all fees and charges collected by the clerks in bankruptcy proceedings be paid into the general fund of the Treasury of the United States instead of the account of the referees salary and expense fund. The salaries and expenses of referees would be paid from funds appropriated from the general fund of the Treasury.

Section 9 of the proposed bill provides that the amendatory act shall take effect on the first day of the month following the day of enactment. It also provides that any funds appropriated for the salaries and expenses of referees as of the effective date, shall be chargeable to the general fund of Treasury of the United States, and that any balance in the referees' salary and expense fund shall be transferred into the general fund of the Treasury.

Salaries of referees are fixed by the Judicial Conference of the United States within the maximum limitation authorized by the Bankruptcy Act. At the close of business June 30, 1970, there were 218 authorized referee positions and of these 184 were full-time of which seven received a salary of $25,000 per annum and the remaining 177 received a salary of $30,000 each. Of the 218 referee positions, 34 were part-time referees and four of these received $18,000 per annum and the salaries of the remaining 30 ranged from $10,000 to $15,000 per annum.

The clerical staffs of referees' offices, including full-time, part-time and temporary employees, totaled 855 at the end of fiscal year 1970. The salaries of the members of the clerical staffs are fixed by the Director of the Administrative Office of the U.S. Courts.

The salaries and expenses of the bankruptcy courts are paid out of the special fund—Referees' Salary and Expense Fund—in the U.S. Treasury which is made up from a portion of the filing fees in bankruptcy proceedings and certain other charges against the assets of bankrupt estates. The table below shows the annual payments into the obligations against the fund from July 1, 1960, to June 30, 1970, as well as the accumulated surplus in the fund as of June 30, 1970:

REFEREES' SALARY AND EXPENSE FUND

Fiscal year	Receipts	Obligations	Surplus
1961	$6,694,264	$5,737,526	$956,738
1962	7,339,837	6,605,714	734,123
1963	7,849,219	7,381,413	467,806
1964	8,890,400	7,798,844	1,091,556
1965	9,840,697	9,828,677	12,020
1966	9,926,676	10,673,577	-746,901
1967	10,578,782	11,241,727	-662,945
1968	10,881,669	11,879,379	-997,710
1969	11,173,176	13,440,000	-2,266,824
1970	11,041,534	15,573,000	[1] -4,531,460

[1] Subject to adjustment.

Note: Accumulated surplus June 30, 1960: $7,470,467; accumulated surplus as of June 30, 1970: $1,526,864.

It will be observed that obligations have exceeded receipts into the referees' salary and expense fund beginning fiscal year 1966. Recognizing this situation, the Bankruptcy Committee of the Judicial Conference of the United States proposed amendments to the schedules of fees and charges in asset, nominal-asset and arrangement cases to provide increased payments into the fund. These amendments were approved by the Judicial Conference to be effective July 1, 1969—pages 22 to 24, report of March 1969 session.

A further increase in the schedules of fees and charges in asset, nominal-asset and arrangement cases was proposed and approved by the Judicial Conference of the United States at the March 1970 session to be effective July 1, 1970—pages 24 to 25, report of March 1970 session.

Inasmuch as these fees and charges are not normally paid until the final stages of administration of the cases, the increased payments will not be reflected in receipts into the fund until fiscal year 1971 and thereafter. Receipts in 1971 and thereafter will also reflect the increased volume of bankruptcy business in 1970, particularly in the classifications of business cases and chapter XI—arrangement—cases.

The Judicial Conference recognizes, however, that the increased payments into the referees' salary and expense fund resulting from these changes in the schedules of fees and charges will fall short of raising the total payments into the fund to the level of annual obligations against it. Additional increases in the schedules would place an inordinate burden upon bankrupts and the assets of bankrupt estates.

The Judicial Conference concluded at its March 1969 session—pages 23 to 24 of the report—that the principle of a self-supporting bankruptcy system is outmoded and should be abandoned. Pursuant to this policy statement, the Director was authorized—page 25, report of March 1970 session—to draft an amendment to section 40 of the Bankruptcy Act (11 U.S.C. 68) and related sections to abolish the self-supporting bankruptcy system. This bill was approved at the October 1970, session of the Judicial Conference and is submitted herewith for introduction in the 92d Congress.

By Mr. BURDICK:

S. 1395. A bill to amend section 48 of the Bankruptcy Act (11 U.SC. 76) to increase the maximum compensation allowable to receivers and trustees. Referred to the Committee on the Judiciary.

BANKRUPTCY COMPENSATION OF RECEIVERS AND TRUSTEES

Mr. BURDICK. Mr. President, I am introducing today S. 1395 which will facilitate the administration of the estates of bankrupts under the Bankruptcy Act.

It is increasingly difficult to obtain qualified persons to serve as receivers and trustees, because of the limited compensation payable for necessary services rendered by such officers.

There have been no increases in the statutory maximum allowances provided for receivers since they were first enacted in 1910 and there have been no increases in trustees' rates since 1956. In the meantime costs have increased and salaries of others have increased.

The proposed legislation would permit the court to make discretionary allowances not to exceed $150 for a receiver and $250 for a trustee in those cases where the distribution is too small to provide an adequate basis for computing a reasonable allowance for the necessary services rendered.

Under this proposed legislation, the maximum allowances which are at present permitted for a trustee will be applicable to receivers. This will represent an increase in the percentage rates for receivers and also have the effect of increasing, for receivers, the range of the application of the higher rates to the medium and larger distributions.

The maximum allowances for trustees have been increased, with this proposal, by increasing the range in which the rates for a trustee are applicable.

The proposed increase in the custodial rate would make it unnecessary for the referee to enlarge the duties of the receiver in order to fairly compensate him for his services.

The proposed increases would apply only in bankruptcy cases initiated subsequent to the enactment of the proposed legislation.

The above bill was approved by the Judicial Conference of the United States at its October 1970 session.

By Mr. BURDICK:

S. 1396. A bill to amend section 35 of the Bankruptcy Act (11 U.S.C. 63) and sections 631 and 634 of title 28, United States Code, to permit full-time referees in bankruptcy to perform the duties of a U.S. magistrate. Referred to the Committee on the Judiciary.

Mr. BURDICK. Mr. President, I introduce for appropriate reference, S. 1396, to amend the Bankruptcy Act to permit fulltime referees in bankruptcy to perform the duties of a U.S. magistrate.

The Federal Magistrates Act, approved October 17, 1968, 82 Stat. 1107, provides that with the approval of the Judicial Conference of the United States "a part-time referee in bankruptcy—may be appointed to serve as a part-time magistrate," and authorizes the Conference to "fix the aggregate amount of compensation to be received for performing the duties of part-time magistrate and part-time referee in bankruptcy", 28 U.S.C. 634. The act, however, does not authorize a full-time referee in bankruptcy to perform the duties of a part-time U.S. magistrate. In addition, section 35 of the Bankruptcy Act, pertaining to qualifications for referees in bankruptcy, provides in part that an individual shall not be eligible for appointment as a referee unless he is "not holding any office of profit or emolument under the laws of the United States or of any State or subdivision thereof other than conciliation commissioner or special master under this title." Exceptions to this provision are made only in the case of a part-time referee in bankruptcy.

In the design and organization of the new system of U.S. magistrates two difficulties have arisen which would be ameliorated in part if a full-time referee in bankruptcy were authorized to perform the duties of a U.S. magistrate. First, there is the problem of a "back-up" for a magistrate who is ill, or temporarily away from his station on business or vacation. Some courts have requested authority to appoint a second part-time magistrate at some locations at a nominal salary to arraign defendants and set bail in the absence of the regular magistrate—a function which a full-time referee in bankruptcy might well perform. Second, certain language in the Magistrates Act and in the Bankruptcy Act seems to prohibit a court from combining a position of part-time referee in bankruptcy with a position of part-time magistrate, in order that it may have one full-time officer rather than two part-time officers. It is the view of the Judicial Conference of the United States and its Committees on Bankruptcy Administration and the Implementation of the Federal Magistrates Act that it would be in the interest of good judicial administration to permit full-time referees in bankruptcy to perform magistrate duties and to authorize a full-time combination position of referee in bankruptcy.

By Mr. CHURCH:

S. 1397. A bill to amend the U.S. Information and Educational Exchange Act of 1948 to impose restrictions on information activities outside the United States of Government agencies. Referred to the Committee on Foreign Relations.

PROHIBITING THE UNITED STATES FROM ENGAGING IN PROPAGANDA ACTIVITIES FOR FOREIGN GOVERNMENTS

Mr. CHURCH. Mr. President, last year the Committee on Foreign Relations held a series of hearings on the operation of U.S. advisory and assistance programs in Vietnam. The hearings revealed a great deal concerning the nature and extent of our involvement in the internal affairs of that country. Today, I wish to discuss briefly one of the most insidious of those programs and to introduce legislation to correct the underlying policy. I refer to the propaganda services which our Government renders on behalf of Vietnam.

Traditionally, American citizens have viewed with great suspicion anything that suggests the creation of an official Government information agency. And rightfully so. They realize that Government information programs cannot be divorced from political propaganda designed to serve partisan or personal purposes. Germany's experience under Goebbels lingers in the American memory.

Yet in Vietnam the U.S. Information Agency, which was created to promote better understanding of our country abroad, is now engaged in a massive campaign, using every tool of the communication arts, to sell the Thieu Government to the people of Vietnam. Through television and radio, and newspapers, magazines, and leaflets by the tens of millions, the USIA is teamed up with military psychological warfare specialists to inflict on the people of Vietnam the kind of official propaganda system that we refuse to allow in our own country. It is the ultimate corruption in a war which has for years now eroded the moral sensibilities of our Nation.

Our Vietnam policymakers under both Presidents Johnson and Nixon have assured the American people that all we seek for South Vietnam is the right of "self-determination." But is "self-determination" really possible as long as the United States spends millions of dollars in promoting the interests of the government in power in Vietnam, doing everything possible to convince the Vietnamese people that the Thieu government is their friend and protector? When the Vietcong and North Vietnamese view the magnitude of the U.S. propaganda and aid effort in Vietnam, there is little wonder that they are skeptical about repeated promises of free elections. I think my colleagues are generally aware of the importance of the mass media in election campaigns. Does anyone believe that opposition candidates, assuming that genuine opposition candidates are allowed, will be given equal time and treatment on Vietnamese radio and television or in the other U.S.-financed information programs, when the basic purpose of all these programs has been to win the Vietnamese people over to the Thieu government's side.

It is all very well to call for free and open elections; it is an appealing slogan. But when it comes to specifics as to who controls the campaign machinery, the mass media, and the election process, "free and open" is likely to look very much like "government controlled." Lack of credibility as to U.S. intentions has always been a major problem in communicating with the other side. The contrast between what is said by our Government concerning free elections and what we, in fact, do in promoting the interests of President Thieu demonstrates that the problem is far from being resolved. The United States should make it clear to all concerned that it will take a strictly neutral position in the coming election in Vietnam. To do so it must gear its activities to aiding the people, not the government. One of the most obvious ways to demonstrate neutrality is to cease assisting the Thieu government on propaganda programs.

Mr. President, since I was first elected to the Senate, I have told the people of Idaho that I would not support legislation which would authorize the Federal Treasury to pay the campaign expenses of nationally elected officials. I do not feel that the taxpayers of this Nation should support my campaigns or the campaigns of others for public office. I feel even more strongly that our Nation's taxpayers should not provide support to foreign political leaders in their attempts to gain favor with their own people.

I ask unanimous consent to have printed in the RECORD following my remarks the transcript of the Foreign Relations Committee hearing of March 19, 1970, concerning USIA operations in Vietnam. Nowhere in that act is there authority, direct or indirect, for any government agency to engage in a propaganda compaign to increase understanding between a foreign government and the people it governs. The simple fact is that the U.S. Information Agency has assumed authority not conferred on it by the Congress.

I am introducing today a bill that will correct some of the abuses revealed in the hearing last year. The bill contains two simple provisions:

First. It prohibits the U.S. Information Agency, or any other U.S. agency, from assisting in the preparation or dissemination of information for a foreign government; and

Second. It requires that the USIA imprint, or the imprint of the appropriate agency, appear on any publication prepared for distribution abroad. The testimony last year revealed that the USIA has published a number of propaganda booklets in English concerning Vietnam—but without any mark as to their origin.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered. (See exhibit 1.)

Mr. CHURCH. Mr. President, the Smith-Mundt Act, the basic statutory authority for operation of the Government's overeas information programs, states that the objectives of the act are "to enable the Government of the United States to promote a better understanding of the United States in other countries, and to increase mutual understanding between the people of the United States and the people of other countries."

Mr. President, it is a sign of the times that the hearing which revealed the extent of U.S.I.A.'s selling efforts in behalf of the Thieu government failed to bring any appreciable public reaction. Apparently, the war has so numbed the American conscience that it is incapable of being shocked further over anything involving Vietnam. One of the most tragic aspects of the war is that we seem to have lost our capacity for indignation and outrage over our continued involvement in a lame-duck war which has never involved our vital interests. The use of our taxpayers' millions to package and sell the Thieu government, like a bar of soap, to its own people, is the ultimate hypocrisy. It should be stopped.

EXHIBIT 1

VIETNAM: POLICY AND PROSPECTS, 1970—U.S. ASSISTANCE ON INFORMATION MATTERS AND U.S. PSYCHOLOGICAL OR PROPAGANDA OPERATIONS, THURSDAY, MARCH 19, 1970

The CHAIRMAN. The next witness is Mr. Edward J. Nickel.

Swearing in of witnesses

Mr. Nickel, in keeping with the procedure followed in the previous hearings involving personnel brought back from Vietnam, in order that I show no partiality in this matter, I will ask you and your associates who may be called upon to testify to be sworn at this point. Would you please stand and raise your right hand.

Do you solemnly swear that the testimony which you are about to give will be, to the best of your knowledge, the truth, the whole truth, and nothing but the truth, so help you God?

Mr. NICKEL. I do.

Mr. OSBORNE. I do.

Mr. HAYS. I do.

The CHAIRMAN. You have a prepared statement, I believe, Mr. Nickel?

Mr. NICKEL. I do, sir.

The CHAIRMAN. Would you proceed, please, sir.

TESTIMONY OF EDWARD J. NICKEL, DIRECTOR, JOINT U.S. PUBLIC AFFAIRS OFFICE, SAIGON, AND OTIS E. HAYS, OFFICE OF USIA ASSISTANT DIRECTOR FOR EAST ASIA AND PACIFIC

Mr. NICKEL. Mr. Chairman, I would like first to described briefly the office in Saigon which I head. It is called the Joint U.S. Public Affairs Office or JUSPAO. This Office, which was established in 1965, includes American military and civilian personnel and its functions are:

To provide policy guidance for all U.S. psychological operations in Vietnam.

To provide media materials in support of U.S. policy in Vietnam to the U.S. Information Agency for use in third countries.

To perfom the normal USIS cultural and information mission.

To provide assistance to the Government of the Republic of Vietnam (GVN) to improve its public information programs.

Assistance provided by JUSPAO

I will confine my statement to a description of this last function. JUSPAO's efforts in this regard can be grouped in four categories:

First, assistance in the construction and operation of mass media communication facilities including the national radio network and the national television network.

Second, assistance in the improvement of personnel, training, organization, methodology, and the equipping of the Ministry of Information's field organization called the Vietnamese Information Service (VIS).

Third, assistance in the production of information materials by the Government's mass media and by the Vietnamese Information Service.

Fourth, assistance through joint planning and joint production of information materials by JUSPAO and the Ministry of Information to support the Government's pacification and development programs.

Additionally, Mr. Chairman, JUSPAO indirectly influences the psychological warfare activities of the Vietnamese Armed Forces because we provide policy guidance for psychological operations to the U.S. Military Assistance Command (MACV) which assists the Vietnamese Armed Forces in this field.

These categories of assistance cover a wide range of cooperative efforts to which the U.S. Government and the GVN contribute staff, funds, and equipment. The number of personnel and the amounts of money contributed by each side have varied from year to year. However, in the last year and a half we in JUSPAO have begun to establish terminal dates for several assistance operations and to transfer greater responsibility for others to the Government of Vietnam. This process is related to the overall effort to replace the U.S. contribution to the war effort with an increased Vietnamese contribution.

Reduction of JUSPAO contributions

JUSPAO is presently in the process of defining specific reductions in its contributions of personnel, money, and equipment. By the end of the current fiscal year American civilian positions will be reduced by 31 (from 132 to 101); American military positions by 11 (from 118 to 107); Vietnamese positions by 42 (from 385 to 343); third-country nationals by eight (from 12 to 4). As the GVN absorbs more of our currently joint operations, more American positions will be eliminated.

Our support in the information field should be completely terminated by the middle of 1972. Some projects will be completed earlier. For instance, the terminal date for the television project is June 1971. Radio construction will be completed in the spring of 1971. However, technical training needed to operate the new radio network will require an additional year.

Our role increasingly will become more and more an advisory one as our financial support and our production of media materials is reduced. But, in the category of printed material, the GVN in the near future will not be able to take over all of our present production. We believe this situation will be partially offset when the radio and television networks are completed and when more Vietnamese Information Service personnel have been trained in face-to-face communication techniques. We are planning now to increase this type of training.

For some time the GVN has lacked trained and experienced personnel needed to sustain effective information programs. Our training programs and support have helped alleviate this problem to some degree. However, many of those trained have been drafted for military service. Mass communications skills will continue to be in short supply in South Vietnam for some time.

1970 pacification and development program

Lately the GVN has manifested an increasing understanding of the importance of developing better lines of communication with the people, especially those in rural areas. The 1970 pacification and development program expresses this awareness by making the goal of establishing an effective information system one of its eight national objectives. The realization of that goal could make an important contribution to successful communication between the Government and the governed.

Other objectives of the 1970 plan are designed to encourage increased participation by citizens in the governmental process and to encourage local initiative.

Among the substantive programs of the plan are land reform; elections at the local, provincial, and national levels; recruitment of citizens in local militia forces with arms provided by the Government; and Government grants of village self-help funds to be used for development projects the villagers themselves desire. A large part of the GVN information effort in 1970 and U.S. support for it is being devoted to publicizing these programs and encouraging the South Vietnamese citizens to participate in them.

I would like to describe some of our assistance projects and to indicate our plans for reducing them as the GVN assumes increasing responsibility for them.

U.S. assistance in radio

Between the years 1952 and 1964, the U.S. financed the purchase of low- and medium-power radio transmitters to help the GVN to set up stations in various parts of the country or to increase the signal strength of existing stations. The cost to the United States of this equipment was about $1.1 million. Australia contributed a high-powered station through the Colombo plan.

However, the collection of stations was never quite a network and its range was still inadequate. As the pace of the war stepped up 5 years ago, the United States began a project aimed at providing the GVN with an integrated radio network capable of reaching 95 percent of Vietnam's population, rather than the 65 percent possibly reachable with varying quality signals and programing through the then existing group of stations. Feasibility studies were followed by preconstruction architectural and engineering studies. These were almost completed when the 1968 Tet attacks took place. In those attacks transmitters at Hue and Ban Me Thuot were badly damaged as were studios and other installations in Saigon and Qui Nhon.

As a result of those attacks, the United States and GVN decided against constructing a 12-station network in favor of a network of four stations of highe. power. This change was dictated by security and manpower considerations. It was felt it would be easier to protect four installations than 12, and also to staff them. The coverage of the population would be the same in either case—more than 95 percent.

That four-station network is now being built and will be complete 1 year from now at a cost of approximately $6.8 million in U.S. funds. Technical training for operation and maintenance of the new network will continue for 1 year after construction is completed.

An additional sum equivalent to about $1 million in GVN-owned but jointly controlled counterpart funds is being used in the project.

The rest of the GVN contribution to this project is an indirect one, largely in the form of its budget for radio operations, including the salaries of a staff of 464 personnel. In 1965, that budget was the equivalent of about $750,000. This figure has increased steadily in the past 5 years. This year the budget is the equivalent of about $1.7 million.

We believe the quality of programing has improved during that period. More and more the GVN officials concerned with radio have become aware of the concept of providing a service to the people. This has resulted in increased use of radio broadcasting to engender participation by the people in Government programs ranging from land reform and improved agriculture to self-defense.

U.S. assistance in television

In 1966 the United States agreed to install a four-station television network in Vietnam. The GVN was committed to furnishing land, buildings, staff and an operating budget.

Telecasting initially was for 1 hour nightly to the Saigon area from an airborne transmitter. Now ground stations in Saigon, Hue and Can Tho are on the air an average of 4 hours nightly. Between Saigon and Hue an airborne transmitter provides coverage for the coastal area. By early 1971, a fourth ground station—at Qui Nhon—will have replaced the air operation.

The U.S. cost will total about $8.2 million when we phase out of the operation by July 1, 1971. GVN counterpart funds amounting to the equivalent of about $2 million paid for land and building costs. In addition, the annual operating budget of GNV television has risen from the equivalent of about $400,000 including salaries of 17 employees in 1966 to more than double that amount including salaries of 139 employees in the current year.

The Chairman. Could I ask for a point of information? Do the GVN counterpart funds arise from American imports?

Mr. Nickel. In the original instance; yes, sir.

The Chairman. Is there any real distinction in their impact upon American costs between GVN counterpart funds and $1 million?

Mr. Nickel. The difference, of course, sir, would be that they are not directly appropriated funds.

The Chairman. No; but the total cost really is American; is it not? It is not GVN. It is American costs expressed in two different ways.

Mr. Nickel. It would be derived from the commercial import program.

The Chairman. OK.

Mr. Nickel. A rigorous program of training in the difficult TV skills is being carried out under contract by the National Broadcasting Co., International. Most of the training is on vite in Vietnam. However, six engineers who will constitute the GVN supervisor engineering staff are being trained in the RCA Institute in New York.

We estimate there are now 300,000 TV receivers in Vietnam, with a viewing audience of about 2 million. Many sets are outside the cities in the heavily populated flat delta region where the signal is particularly good.

Of the programs presented by the GVN's TV network, less than 10 percent are imported. Ninety percent of the programing is locally produced, either live or on film or tape. As with radio, the television medium is used extensively to explain GVN programs to the people. Last September the GVN began a weekly program called "The People Want to Know," during which officials and other leaders are interviewed by journalists in the format of "Meet the Press."

U.S. assistance to Vietnamese Information Service

A major part of our assistance is directed to the operation of the Vietnamese Information Service. This is the field arm of the Ministry of Information, with officer staffs at corps headquarters cities and in all provinces and districts of the country. Starting this year, the Ministry began an intensive training program for additional personnel at the village and hamlet levels. As these new lower level personnel are trained, they are now being placed under the operational control of the village and hamlet chiefs with program support coming from district and provincial VIS offices.

The job of the VIS is to use a wide range of information and psychological techniques to support GVN programs as prescribed in guidances from the Ministry in Saigon. The techniques include the publication of district newsletters and province newspapers, leaflets and posters; the relaying of news and commentaries and the playing of prerecorded tapes over loudspeaker systems in village and hamlet centers; the showing of motion pictures; visits to families in villages and hamlets to discuss GVN programs affecting them; the distribution of national magazines and other materials received from the Ministry and JUSPAO; and the sponsoring with other local officials of campaigns, public meetings, exhibits and artistic and cultural presentations.

From fiscal year 1955 through 1967, the United States contributed an average of $497,000 in dollar funds annually to equip the VIS with audiovisual equipment, the vehicles, the office machines, and other materials necessary to carry out these programs. In the succeeding 3 years the dollar expenditure for this program has been $187,000 in 1968, $85,000 in 1969, and $60,000 in the current year. In the last 2 years we have gradually transferred to the GVN full responsibility for maintenance and replacement costs for this equipment as well as for the operation of repair centers.

During the same period, an average of the equivalent of $200,000 annually was used for the VIS from GVN counterpart funds. We do not have adequate figures for the GVN's budget for the VIS prior to 1964. However, from that year to the present the budget has averaged about the equivalent of $6.4 million annually through 1970. The 1970 budget is about the equivalent of $15 million, a substantial increase over previous years.

The Chairman. What caused that?

Mr. Nickel. To a large extent, sir, an increase in personnel, but there was also a real increase in operations. There was a large increase in local personnel with the improvement of hamlet and village information programs.

U.S. Contact With VIS

Contact with the VIS is maintained both in the field and in Saigon. In the capital it is the function of several elements of JUS PAO. In the field it is carried out by 81 American civilian and military advisers located in 34 of the 44 Provinces. These advisers are detailed to the U.S. Military Assistance Command CORDS program and are under the operational control of the Province senior advisers at the Province level and the U.S. Command elements at the various corps headquarters. Just as the VIS chief is required to participate with the province chief and other GVN officials in planning and operating GVN programs, so our CORDS psychological operations staff perform a similar function within the U.S. province team. The providing of advice and support to the provincial VIS operation is the principal duty of these American psychological operations personnel.

Thus, the American structure for information operations parallels in broad outline that of the GVN, permitting a degree of coordination at all levels.

Efforts to Improve Efficiency of VIS

The efficiency of the VIS varies from place to place. Where key officials are dedicated and competent, operations are generally effective. And there are a number of these. Where they are not well motivated and energetic, the programs suffer. And there are some of these also. In the past year, two new approaches have been undertaken by the Ministry of Information with our cooperation to try to improve the efficiency of the VIS. These are the planning of a comprehensive series of training courses for various levels of VIS personnel and the regular holding of joint meetings of Saigon and field personnel, usually on a corps area basis. We believe these two measures have had and will continue to have a good effect on the VIS operation. During the current year, we will use the equivalent in counterpart funds of about $63,000 to support the training program. We are also providing the assistance of one American adviser to help develop course materials.

JUSPAO's Liaison With Ministry of Information

JUSPAO's liaison with the Ministry itself takes many forms. At the top, I meet frequently with the Minister and his senior staff. At the planning level, JUSPAO policy officers meet daily with Ministry officials to plan joint campaigns, instructions, and guidances to media producers and to field personnel. On the media production side, our writers and editors work together in the publication of magazines, pamphlets, posters, loudspeaker tapes, and radio programs.

I have tried, Mr. Chairman, to describe here the evolution of some of the current major programs we are conducting to assist the GVN in the information and psychological fields. In the expansion of these programs over the years, the American contribution has been substantial. So has the Vietnamese contribution. In the past 2 years, a considerable portion of the load the United States was carrying has been shifted to the GVN. We plan to continue moving in that direction.

Thank you, sir; that is the end of my statement.

The Chairman. Thank you, Mr. Nickel.

How long have you been in charge of this program, Mr. Nickel?

Mr. Nickel. Two years, sir.

The Chairman. Do you live in Saigon?

Mr. Nickel. I do, sir.

Magnitude of USIA Effort in South Vietnam

The Chairman. I believe you said there were 132 Americans under your immediate direction; in that correct?

Mr. Nickel. We are reducing this year, sir, by 31 positions from 132 American positions to 101 American positions.

The Chairman. Is that in the office in Saigon or how extensive is this?

Mr. Nickel. Those are civilian USIA officers, some serving in Saigon and some in the Provinces. I should add that we also have American military personnel serving with JUSPAO, sir.

The Chairman. You mentioned that in the Provinces you have military advisers who are Americans. Is that right?

Mr. Nickel. We have some civilian advisers in the provinces but the bulk of them are military, sir.

The Chairman. To get some idea of the magnitude of the effort, take the present fiscal year of 1970. Is it correct to say that the civilian positions are 132 or 101?

Mr. Nickel. 101 civilian positions, sir.

The Chairman. That is in the current year.

Mr. Nickel. Fiscal year 1970.

The Chairman. How many of these military advisers are assigned to this work?

Mr. Nickel. We have 107 military spaces in JUSPAO, sir.

The Chairman. 208 is the total American personnel?

Mr. Nickel. 208 is the figure, sir.

The Chairman. What is the size of the budget for the USIA operation in Vietnam?

Mr. Nickel. The USIA budget for Vietnam, sir, is $6.4 million.

The Chairman. Is that for the year of 1970?

Mr. Nickel. For fiscal year 1970; yes, sir.

The Chairman. Does that include construction or is that only support of the personnel?

Mr. Nickel. That is the USIA component of the budget, sir. Construction would be funded by an AID component of our budget. I will give you these add-ons. We also have $2.4 million funded by AID and $2.1 million funded by the Department of Defense, to make a total budget available to me for JUSPAO's operations of $10.9 million.

The Chairman. Would that include the pay of the military men to whom you referred?

Mr. Nickel. It does not include military salaries. However, it does include USIA civilian salaries.

The Chairman. The military salaries would be in addition then?

Mr. Nickel. They would be in addition, sir.

The Chairman. Do you have any estimate of what that would cost?

Mr. Nickel. I have no estimate, but I could furnish it for the record.

(The information referred to follows:)

Pay and allowances of military in JUSPAO

(The military pay and allowances, as reported by the four Military Services whose personnel are involved, amount to $1.2 million.)

The Chairman. What I am trying to get and what we are interested in is the total cost of this overall operation. It is the usual basic material that we would like to have.

Mr. Nickel. I could furnish the information about military pay, sir.

Military personnel working in propaganda field

The Chairman. Do these personnel figures include the personnel in the military units not associated with USIA who work in the field of propaganda?

Mr. Nickel. They do not, sir.

The Chairman. Do you know how many people are in that?

Mr. Nickel. May I furnish that, sir. I have it, but I cannot put my hands on it.

The Chairman. Yes; you can furnish it. Could you give a rough estimate that you can correct later?

Mr. Nickel. Sir, I now have the information. In 1970 there are 761 U.S. military psyops filed personnel and 50 serving on staff or as advisers to the Vietnamese, for a total of 811.

The Chairman. That is very much larger than your own operation; is it not?

Mr. Nickel. That is right, sir.

Mission of Juspao

The Chairman. This brings up a further question. What do you consider to be the mission of your operation? What are you trying to accomplish?

Mr. Nickel. My principal mission, sir, is to assist the Vietnamese Government in developing and conducting an effective program of communications.

The Chairman. Your mission is to assist the Vietnamese Government to create a system of communications? It that it?

Mr. Nickel. To assist the Vietnamese Government in developing a means of communicating with the electorate and to provide technical and professional advice.

The Chairman. What leads you to believe that the purpose of our Government in establishing the USIA was to create an agency to create a means of communication for a foreign government?

Mr. Nickel. I would answer that Mr. Chairman, by stating that my operations are responsive to the instructions and directions I receive from the Director of the U.S. Information Agency and from the American Ambassador in Saigon.

The Chairman. Then you would characterize your mission to be to carry out orders. Is that the right way to put it?

Mr. Nickel. In my position; yes, sir.

The Chairman. You have no idea what the real mission of this operation is other than to carry out orders?

Mr. Nickel. I know what my instructions are.

Authorization of Joint U.S. Public Affairs Office Mission Questioned

The Chairman. This is a matter, I think, of considerable interest. Let me refer to section 2 of the basic legislation creating this operation:

"The Congress hereby declares that the objectives of this Act are to enable the Government of the United States to promote a better understanding of the United States in other countries and to increase mutual understanding between the people of the United States and the people of other countries."

Do you think that language authorizes USIA to create for another country a system of communications for that government and its people?

Mr. Nickel. My organization, the Joint U.S. Public Affairs Office, Mr. Chairman, was established in 1965 by order of the President. I would suggest that any justification of the suitability of the mission we are performing is something that should be addressed to the people to whom I report. I would be very happy to address this problem to them.

The Chairman. I think it would be very interesting if you would. You say it was created by Executive order. It was not created by statute. There is no statute law authorizing you to do what you are doing; is there?

Mr. Nickel. I said that the U.S. Public Affairs Office was created as a result of Presidential directive.

The Chairman. Yes. And in pursuance of that action you have been directed by your superiors to do what you are doing. So you would not wish to undertake to say what this whole operation is intended to accomplish for the people of the United States; would you?

Mr. Nickel. I believe I said earlier, sir, that my mission in Vietnam was in large measure to assist the Vietnamese Government in developing and improving its means of communicating with its people.

Establishment of Ministry of Information questioned

The Chairman. It occurs to me that in this country there has always been not only a great reluctance, but aversion, to the creation of a ministry of information in our Government to inform our own people. Is that not so?

Mr. Nickel. That is correct, sir.

The Chairman. Does the law not specifically forbid the USIA to indoctrinate or brainwash, or whatever you want to call it, the American people? Is that not so?

Mr. Nickel. Clearly, sir.

The Chairman. Are you not creating in Vietnam just such an information agency? The way you describe here what you have done and are in the process of doing, it is to create in Vietnam an agency to enable that Government to control its people through this device which we ourselves abhor in this country? How does this seem to you to be consistent with our own views?

Mr. Nickel. I would suggest, Mr. Chairman, that Vietnam is not unique in possessing a ministry of information. I would also suggest that in Vietnam, as in many other developing societies, there do not exist any strong commercial or nongovernmental media.

The Chairman. Mr. Nickel, I am quite aware that it is not unique. In every dictatorship I know of they have a ministry of information just like this. But we are told, on the one hand, that we are seeking to establish the government of self-determination and this leaves the impression we are seeking to establish a democratic system there.

I quite agree with you that information agencies are typical. They were typical of Hitler's Germany and typical of nearly every dictatorship and authoritarian government I know of, but I would not have thought we would be a party to helping construct such a governmental apparatus.

Mr. Nickel. Are there not also some regimes we regard as being democratic that have ministries of information?

The Chairman. What, for example, would be one from your point of view?

Mr. Nickel. If I am not mistaken, is there not a French Ministry of Information?

The Chairman. I would not know. Is there one in Sweden, which is a country that I think has achieved a high degree of democracy or self-determination if you like, or England? I do not recall that in England they have a minister of information whose job it is to sell the people of England upon the merits and virtues of that Government. I do not recall ever having heard of it. France has recently gone through a rather unusual evolutionary period, almost revolutionary under De Gaulle, of course, and France may be an example. I would not want to say for sure. I do not know that.

GVN closing of private newspapers

How many private newspapers have been closed by the Government of Vietnam during the past year?

Mr. Nickel. I could not give you the number, sir.

The Chairman. There have been several.

Mr. Nickel. There have been several closings.

The Chairman. You say there is not a heavily developed private sector. It is largely because that Government is so sensitive to criticism that they close the private newspapers whenever they criticize the Government. Is that not a fact?

Mr. Nickel. There have been some closings; yes, sir.

The Chairman. Do you ever feel a bit uncomfortable in being alined with a government which is so clearly an authoritarian government or do you feel perfectly comfortable in your relationship with that government?

Mr. Nickel. I have no problems in performing my job.

The Chairman. You have no problems. You feel perfectly at home?

Mr. Nickel. Yes, sir.

USIA pay and allowances in South Vietnam

The Chairman. Coming back to a more pedestrian subject of the costs, could you tell me what is the average pay of the American employees of USIA in Saigon?

Mr. Nickel. The average pay for a USIA employee with JUSPAO, sir, including allowances, minus housing, would be about $28,900.

The Chairman. What is the total cost to the Government of the United States for those employees, including everything? Do they furnish housing?

Mr. Nickel. Yes, housing is furnished, sir. I am unable to break out that figure for an individual. Do you want the total cost?

The Chairman. Perhaps if you could tell me your own. What is your pay and what do your allowances amount to? You are the Director?

Mr. Nickel. That is right, sir.

The CHAIRMAN. What is your total? What is the total cost to the Federal Government?

Mr. NICKEL. The combination of my salary and allowances, again making no provision for my housing, is $45,473.

The CHAIRMAN. Plus housing?

Mr. NICKEL. Housing?

The CHAIRMAN. Do they furnish you with a house?

Mr. NICKEL. I am furnished with housing.

The CHAIRMAN. What would be the reasonable cost of the house that is paid for by the Federal Government?

Mr. NICKEL. That is right, the house is paid for by the Federal Government.

The CHAIRMAN. How much is that? You ought to know that.

Mr. NICKEL. Let me see if I have that, sir.

The CHAIRMAN. You have been there for 2 years. You have no idea what that would be?

Mr. NICKEL. My house, sir, is a U.S. Government house.

The CHAIRMAN. Is it a good house?

Mr. NICKEL. It is comfortable, sir.

The CHAIRMAN. Was it one that the Government built or is it an old villa?

Mr. NICKEL. It was there. It is a U.S. Government-owned house.

The CHAIRMAN. How many houses does the U.S. Government own in Saigon? Do you know?

Mr. NICKEL. I do not know that answer, sir.

The CHAIRMAN. Is it several?

Mr. NICKEL. It is more than several.

The CHAIRMAN. It is more than several. Then I would estimate your total cost would be somewhat in the neighborhood of at least $50,000.

Mr. NICKEL. That would seem right, sir.

The CHAIRMAN. Are you furnished an automobile?

Mr. NICKEL. Yes, sir.

The CHAIRMAN. Are USIA officials in Saigon given special pay equivalent to combat pay for military people?

Mr. NICKEL. No, sir. We receive a differential.

The CHAIRMAN. What does it amount to? Is it 25 percent?

Mr. NICKEL. Twenty-five percent.

U.S. communications assistance to other countries

The CHAIRMAN. If our Government decides that it is proper to furnish assistance in the building of a propaganda operation for Vietnam, how does it decide in which country to do this? Is this the only country in which we have done this?

Mr. NICKEL. Specifically have done what, Mr. Chairman?

The CHAIRMAN. Have we created a communications system which enables the government to, as you say, communicate with its citizens? Have we done it in Thailand? Are we doing it or have we done it in Thailand? Does the USIA have a comparable operation in Thailand, may be not on as large a scale but a lesser scale?

Mr. NICKEL. Certainly, as you say, not comparable in order of magnitude.

The CHAIRMAN. Do we have a similar operation?

Mr. NICKEL. I am not—I personally am not aware that——

The CHAIRMAN. Are any of your associates?

Mr. NICKEL. I am not aware and I do not think my associates are aware that we are doing any such thing as building a TV network or building a radio network. I cannot speak more directly to the specific programs, sir.

Newspapers closed by GVN

The CHAIRMAN. Before I leave that, you said you did not know how many newspapers. Do either of your associates know how many newspapers the government of Saigon has closed in the last few years?

Mr. HAYS. No, sir.

The CHAIRMAN. Is that information not available?

Mr. OSBORNE. It can be made available. I do not have it available.

The CHAIRMAN. Would you supply it for the record?

Mr. OSBORNE. Yes, sir.

(The information referred to follows:)

Newspapers suspended by GVN from 1968 through March 23, 1970

During 1968 the Government of Viet-Nam indefinitely suspended six newspapers. Sixteen others were temporarily suspended, for an average of 35 days per suspension.

During 1969 through March 23, 1970, the GVN indefinitely suspended 12 newspapers. An additional 14 received temporary suspensions ranging from a few days to almost 11 months, for an average of 46 days per suspension.

The CHAIRMAN. I notice in the paper every now and then there is a notice that X paper has been closed by the government. I simply have not made a counting of it, but I am under the impression there have been several.

Mr. NICKEL. I will supply it, sir.

The CHAIRMAN. Of course the government controls the supply of newsprint and it is no problem for them simply to cut off the newsprint if they wish to close a newspaper. Is that so?

Mr. NICKEL. Yes.

USIA analysis of South Vietnamese public attitudes

The CHAIRMAN. Does the USIA, Mr. Nickel, or any other agency attempt to analyze Vietnamese public attitudes periodically?

Mr. NICKEL. Yes, sir.

The CHAIRMAN. Have polls been taken?

Mr. NICKEL. Yes, sir; polls have been taken.

The CHAIRMAN. How is this done? It is done by you directly or by contract?

Mr. NICKEL. By contract, sir.

The CHAIRMAN. What organization has done it?

Mr. NICKEL. May I answer that, Mr. Chairman, by saying that I have been informed that you have written the Director of the U.S. Information Agency asking for information about our polling in Vietnam, that this is now under consideration, and that I would prefer to have the information come to you through that channel.

The CHAIRMAN. I wrote that letter partly to give you notice that this is a matter in which we are interested. I hoped that you would be prepared to answer it this morning. Are you saying that this is a matter that affects our security and that you do not wish to testify in open session on it?

Mr. NICKEL. I prefer not to go beyond stating, sir, that we do engage in polling in Vietnam, as in some other countries.

Witness' instructions concerning testimony about polling

The CHAIRMAN. Have you been instructed to state to the committee that you will not testify in open session on this matter?

Mr. NICKEL. I am not able to discuss the polling in open hearing, sir.

The CHAIRMAN. Have you been instructed not to respond to questions about polling?

Mr. NICKEL. Yes, sir.

The CHAIRMAN. Who instructed you, sir? Did Mr. Shakespeare tell you not to answer such questions? If not, who did?

Mr. NICKEL. I have been instructed by my principal.

May I have just one moment, sir?

The CHAIRMAN. Certainly. You confer with your lawyer if you like.

Mr. NICKEL. In answer to your question, sir, I have been instructed by the director of my agency.

The CHAIRMAN. Mr. Shakespeare has instructed on this?

Mr. NICKEL. Yes, sir.

The CHAIRMAN. What grounds did he give you for instructing you not to reply to this question?

Mr. NICKEL. This question is under consideration as to the possible security elements involved.

The CHAIRMAN. Possible security involved. You heard the previous witness, Congressman McCloskey; did you not?

Mr. NICKEL. I did, sir.

The CHAIRMAN. You realize that this committee has some authority in the authorization of the funds for your agency; do you not?

Mr. NICKEL. I am very well aware of that.

The CHAIRMAN. We normally expect people in USIA to respond to questions about their operations if they expect this committee to authorize any funds for the agency. You realize that; do you not?

Mr. NICKEL. Yes, sir.

The CHAIRMAN. Does Mr. Shakespeare realize that?

Mr. NICKEL. I cannot speak for Mr. Shakespeare, sir.

The CHAIRMAN. I want to make it clear that I do not accept your reason for refusing to answer. It is a perfectly legitimate question. You are engaged in an activity which is very dubious in its authority under an executive order, in any case, and I think that you should be very careful in refusing to answer questions about these operations.

I would like to know how much you paid, for example, for a contract to take a poll in Vietnam and see how it compares to polls in this country. Would you be willing to say how much you paid for the poll?

Mr. NICKEL. I do not believe I am able to, sir.

The CHAIRMAN. Who was the gentleman who advised you not to answer? Was he sworn also?

Mr. NICKEL. The gentleman with whom I just talked did not advise me not to answer.

The CHAIRMAN. He did not?

Mr. NICKEL. I wanted to check something with him. He is the General Counsel of the U.S. Information Agency.

The CHAIRMAN. He did not advise you as to your instructions.

It is very unusual. I did not expect you to refuse to answer these questions. One reason why I sent the letter inquiring about these matters was, as I say, to alert the Agency that we are interested in the poll.

When was the latest poll taken? Will you refuse to answer that?

Mr. NICKEL. I find myself unable to answer it, Mr. Chairman.

The CHAIRMAN. You mean by saying "unable" that you do not know?

Mr. NICKEL. No, sir.

The CHAIRMAN. Do either of your associates know when the latest poll was taken?

Mr. NICKEL. I believe, sir, that they are bound by the same instructions.

Witness' instructions concerning subject of polling

The CHAIRMAN. I asked you if you were instructed to tell it. There is a difference between your answer if you know, and are instructed not to tell and if you do not know. I want to make the answer clear. On what grounds are you refusing to say when the latest poll was taken?

Mr. NICKEL. I am under instructions, sir, not to discuss this subject.

The CHAIRMAN. Then you do know when it was, but you are under instructions not to discuss the subject. You are in effect taking the equivalent of the Fifth Amendment; is that correct?

Mr. NICKEL. No.

The CHAIRMAN. Why is that not correct? You do not consider that the USIA is a sensitive undertaking similar to the CIA; do you?

Mr. NICKEL. No, sir.

The CHAIRMAN. Usually your activities are open and above board; are they not?

Mr. NICKEL. Yes, sir.

The CHAIRMAN. You are not authorized to engage in covert operations; are you?

Mr. Nickel. No, sir.

The Chairman. Would you be willing to answer this kind of question? What was the poll about? Did it ask about the attitude of the local citizens toward Americans?

Mr. Nickel. I find, sir, in line with my instructions, that I am unable to discuss the subject of polling.

The Chairman. You would not discuss as to whether or not the poll involved the question of the extent of the support of the Vietnamese people for the Thieu government?

Mr. Nickel. I do not believe, sir, in line with my instructions, that I am able to respond.

The Chairman. I may say before I leave this subject, this is very unsatisfactory. I regret very much, and I hope you will tell your superior, Mr. Shakespeare, that, speaking for myself, I very much regret this attitude. This committee is entitled to know what the poll cost, what it asked, and what the results were.

This is not a document, it seems to me, that comes under executive privilege. It has nothing whatever to do with the President directly. I mean it is not a confidential document. It is a matter that is paid for by the public funds of the Government, and the committee is entitled to actually have the poll, in my opinion, and we shall ask for it. I regret he gave you such instructions.

U.S. ADVISORY WORK IN TV, RADIO, AND PRINTED MATERIALS

Do the U.S. advisers work with the Vietnamese on matters involving TV and radio program content and makeup?

Mr. Nickel. Our advisers work with both radio and TV. They occasionally are involved in the format of a program.

The Chairman. Do they work with them in the preparation of printed information materials?

Mr. Nickel. Yes, sir.

Gun media's treatment of Tran Ngoc Chau case

The Chairman. Was the case of Tran Ngoc Chau reported over the Vietnamese radio and television stations?

Mr. Nickel. I can only assume it was I would have to retire to an assumption because I was not in Saigon at that particular time, Mr. Chairman.

The Chairman. Are you familiar with the Chau case?

Mr. Nickel. I have read about it; yes, sir.

The Chairman. Do you know Mr. Chau?

Mr. Nickel. I do not, sir.

The Chairman. Do either of your associates know whether or not the radio and television stations of Vietnam carried any news about Mr. Chau?

Mr. Hays. No, sir.

The Chairman. You do not know?

Mr. Hays. No, sir.

The Chairman. You do not know?

Mr. Osborne. No, sir; I do not.

The Chairman. Were any printed materials put out by the South Vietnamese Government on this case?

Mr. Nickel. I do not know, sir. I can find out.

The Chairman. In your statement you say "JUSPAO's liaison with the ministry itself takes many forms." That is the Ministry of Information.

Mr. Nickel. Yes, sir.

The Chairman. You say:

> "At the top, I meet frequently with the Minister and his senior staff. At the planning leved, JUSPAO policy officers meet daily with Ministry officals to plan joint campaigns, instructions and guidances to media producers and to field personnel. On the media production side, our writers and editors work together in the publication of magazines, pamphlets, posters, loudspeaker tapes, and radio programs."

In doing all of that, do you still say you do not know whether anything was put out on the Chau case?

Mr. Nickel. If I may offer a brief explanation, sir, our relationship with the Ministry would deal with things like support of the pacification program, but would not consist of liaison in terms of tactical matters. We have never had occasion to discuss the Chau case with anyone in the Ministry.

The Chairman. Did our advisers or did you advise against the public attacks on Chau by the Government media?

Mr. Nickel. I have never personally been involved in the Chau case in any way, sir.

The Chairman. Did any of your employees under your direction give any advice whatever about the Chau case?

Mr. Nickel. I do not believe so, sir. Again, I wish to state that I myself was absent from Saigon during most of this period, but I believe that they did not.

Kinds of advice given to GVN by JUSPAO

The Chairman. Does the Minister of Information in Saigon ever ask your advice about the formulation of his Government's public position on major issues?

Mr. Nickel. My discussions with the Minister in line with my own responsibilities, sir, are concerned more with the operations of the Vietnamese Information Service program than with substance.

The Chairman. Then are you saying you do not give him advice about substantive measures; is that right?

Mr. Nickel. My advice is primarily operational.

The Chairman. Is it exclusively?

Mr. Nickel. No. We might, for example, Mr. Chairman, discuss how best to promote or to conduct information campaigns in support of the People's Self-Defense Force, and matters like that which fall within the pacification and development program.

I think I should point out that I am not responsible, Mr. Chairman, for our press operation in Vietnam. That responsibility falls to a colleague of mine who is the special assistant for press affairs to the Ambassador.

As the director of JUSPAO I do not speak for the Embassy on press affairs.

The Chairman. What is his name?

Mr. Nickel. Mr. Newman.

The Chairman. Is he in Saigon now?

Mr. Nickel. He is in Saigon, sir.

The Chairman. Have you discussed with the Information Minister the South Vietnamese refusal to attend the opening of the expanded Paris talks?

Mr. Nickel. I did not, sir.

The Chairman. Did you discuss with him what the official reaction to the death of Ho Chi Minh would be?

Mr. Nickel. We had some discussion with the Ministry of Information about this matter; yes, sir.

The Chairman. What was your advice to them with regard to how to treat the death of Ho Chi Minh?

Mr. Nickel. We agreed, sir, that a maximum effort should be made to inform the enemy forces in Vietnam of Ho's death. We also agreed that our treatment should be straight information, and that there should not be any exultation in our output to the enemy forces.

Advice concerning impact of GNV policy on United States

The Chairman. Do you or any of your officials ever advise President Thieu or other GVN officials on the potential impact in other countries of policy matters, particularly about the potential impact in the United States of GVN policies?

Mr. Nickel. I do not advise Vietnamese officials about the impact on the United States or the impact on American public opinion, sir.

The Chairman. Does anyone?

Mr. Nickel. I presume this is discussed, but not by me, sir.

The Chairman. You do not know of it. You are not aware of any such advice?

Mr. Nickel. Not specifically; no, sir.

The Chairman. You are not aware of any advice that was given to Mr. Thieu or anyone else in the higher echelons of the Government as to the possible reaction in this country of the imprisonment of Mr. Chau?

Mr. Nickel. As I said earlier, I was not involved in the Chau case. I do not know.

The Chairman. It would not be a deep involvement.

Has there ever been any discussion with them about the impact in this country of his imprisonment of Mr. Dzu? Do you know about Mr. Dzu?

Mr. Nickel. Yes, sir.

The Chairman. You are aware of who he is?

Mr. Nickel. Yes, sir.

The Chairman. Do you know what happened to him?

Mr. Nickel. Yes, sir.

The Chairman. Did you ever advise them as to what the reaction in this country is to his imprisonment?

Mr. Nickel. I have never advised the Minister of Information about impact on U.S. public opinion.

The Chairman. Do any U.S. personnel ever assist Vietnamese officials in the writing of speeches?

Mr. Nickel. Certainly no one in my organization, to the best of my knowledge.

The Chairman. Are U.S. officials consulted by Vietnamese officials in the handling of statements that relate to U.S. policy?

Mr. Nickel. I presume so, sir, but not within my cognizance so far as my organization is concerned.

The Chairman. You do not know anything about it anyway?

Mr. Nickel. No, sir.

U.S. personnel located at Ministry of Information

The Chairman. Are any Americans attached directly to the Minister of Information's office?

Mr. Nickel. We have one or two Americans, Mr. Chairman, who are physically located in the Ministry of Information headquarters building for liaison purposes. They are not attached directly to the office of the Minister.

The Chairman. What is their function?

Mr. Nickel. They perform liaison in terms of our overall advisory efforts. I believe the thrust of your question was whether any of my officers are attached directly to the office of the Minister. No one serves directly on the Minister's staff, sir.

The Chairman. There is no such thing as an adviser to the Minister of Information?

Mr. Nickel. We have advisers to various elements of the Ministry. There is no adviser to the Minister, sir.

U.S. advisers to elements of ministry of information

The Chairman. I do not know enough about it to make a distinction. Could you tell us the distinction? I mean advisers to an element. What is an element? It is a person; it is not? You advise people; do you not?

Mr. Nickel. Yes, sir.

The Chairman. What do you mean by that?

Mr. Nickel. We have advisers who work with the radio network. We have advisers who work with the TV network.

The Chairman. What do they do?

Mr. Nickel. We have advisers who work with the Vietnamese Information Service.

The Chairman. About what do they advise them? Do they not advise them about U.S. policy?

Mr. Nickel. Most of their advice, sir, is concerned with improving operational efficiency of the various elements of the Information Ministry.

The Chairman. How do you improve the efficiency without any attention to the substance which they are using? Do you mean to say they are concerned only with the technical operation of the broadcast system?

Mr. Nickel. No, sir. With respect to the Vietnamese Information Service, for example, our advisers would be concerned with discussing with their Ministry counterparts how best, for example, to support and promote the various objectives of the pacification and development program.

Handling of Mylai massacre

The Charman. How has your Agency handled the Mylai massacre theme during the past several months?

Mr. Nickel. JUSPAO, sir, has handled the Mylai incident by taking the position that a serious investigation is underway by the U.S. Government and that if a crime has been committed, the U.S. Government will try the personnel concerned. In other words, we have not in any way attempted to be evasive. We take the position it is under investigation and we have to wait and see what the investigation reveals.

The Chairman. What has been the position of the Vietnamese information Service regarding these incidents?

Mr. Nickel. I think the Vietnamese Information Service position has been very similar to ours, sir.

The Chairman. Did the USIA or other American advisers offer advice to the Government of South Vietnam about the handling of this matter?

Mr. Nickel. Our policy people in JUSPAO discussed it with the policy people in the Ministry of Information with respect to the guidance that should be given to the psyop media.

The Chairman. Did the Vietnamese Government play down the incident as being of little importance?

Mr. Nickel. It has been treated in the Vietnamese press. I am unable to say myself whether the Vietnamese Government played it down, sir. It certainly has been mentioned in the Vietnamese media.

The Chairman. Would you say that it had been emphasized or was it deemphasized as a matter of great significance?

Mr. Nickel. It certainly has not been emphasized, sir.

Treatment of Communist massacres at Hue

The Chairman. How has the USIA treated the Communist massacres at Hue in the program aimed at the Vietnamese people through leaflets, newspapers, or television?

Mr. Nickel. We have done our best to assist the Vietnamese in telling the story of the massacres at Hue, sir.

The Chairman. Has the USIA itself in its own pamphlets, newspapers and programs emphasized the massacre at Hue?

Mr. Nickel. We in JUSPAO have provided material to USIA for use by USIA posts in other countries, sir.

North Vietnamese Affairs Division of JUSPAO

The Chairman. What is the function of the North Vietnamese Affairs Division of JUSPAO?

Mr. Nickel. The North Vietnamese Affairs Division of JUSPAO, sir, is a staff office which seeks to keep abreast of the propaganda developments involving the North. It is concerned with release to the media of certain enemy documents. It also releases material of a more general nature about certain enemy attitudes, activities, and practices.

Psychological operations against North Vietnamese

The Chairman. Are any psychological operations being carried out against North Vietnam at the present time?

Mr. Nickel. With respect to the operation that I am responsible for, sir, I know of nothing but radio broadcasting.

The Chairman. There are no aerial drops being made of printed material?

Mr. Nickel. That is correct, sir.

The Chairman. Have there ever been any made in the past?

Mr. Nickel. Yes, sir.

The Chairman. Could you give a brief description of their magnitude and purpose?

Mr. Nickel. I could supply that for the record, sir. I cannot describe the magnitude of them since they were discontinued some time ago.

The Chairman. When were these air drops terminated?

Mr. Nickel. At the time of the bombing halt, sir.

The Chairman. They ran coincidentally with the bombing in the north; that right?

Mr. Nickel. They took place at the same time. They were not operationally——

The Chairman. No, I mean they went on at the same time.

Mr. Nickel. And they were discontinued at the same time.

(The information referred to follows:)

Beginning in 1965, propaganda leaflets were released from aircraft operating over North Viet-Nam, or were dropped over waters outside the boundaries of North Viet-Nam and wind-drifted into the country. Until March 31, 1968, this program was designed generally to convince North Viet-Nam—both people and regime—the North Vietnamese aggression in South Viet-Nam would fail, to motivate North Viet-Nam to seek peaceful settlement of the conflict, and to warn the people to stay away from military targets because they were subject to air strike. At its peak, the program involved some 25 million leaflets per month.

Following the partial bombing halt announced on March 31, 1968, leaflet targets were restricted to those south of 20 degrees North Latitude. The primary objective of these leaflets was that of keeping the people in the area aware of efforts by the Government of Viet-Nam and the United States to bring about a negotiated settlement of the conflict.

After the total bombing halt of November 1, 1968, the leaflet program over North Viet-Nam was terminated.

Cost of U.S. propaganda operation in Vietnam

The Chairman. I am not sure this question has been quite clarified. Is it fair to say your operation in all phases of the information, psychological warfare program in Vietnam costs approximately $10 million? Did you say it cost about $10 million?

Mr. Nickel. I said that the money that fell within my area of responsibility was $10.9 million.

The Chairman. It does not include the military?

Mr. Nickel. It does not include the military.

The Chairman. The military I remember now you said had 800 people against your 81?

Mr. Nickel. Yes, sir.

The Chairman. I guess if yours is $10 million, theirs is $80 million, Is it fair to say we spend $80 million or $100 million on propaganda?

Mr. Nickel. I would hesitate to answer that.

The Chairman. What?

Mr. Nickel. I would hesitate to even speculate on what the cost is, sir.

The Chairman. Would you venture a guess?

Mr. Nickel. I just have no base on which to make such a judgment.

The Chairman. We would like very much to have an idea of the total cost. Of course, I realize the Pentagon has an enormous propaganda operation in many places far greater than yours. I wondered whether you could give an estimate.

Radio broadcasting beamed to the North

Did I understand you to say that radio broadcasting is not beamed to the North?

Mr. Nickel. I did not say. Some of it is, sir.

The Chairman. Some of it is, presently.

Mr. Nickel. Yes.

Radio Free Asia

The Chairman. Do you have anything whatever to do with Radio Free Asia?

Mr. Nickel. No, sir.

The Chairman. Did you ever hear of it?

Mr. Nickel. I think I have. I am not sure of the title.

The Chairman. Do you know what it is? Do you know where the broadcasts come from?

Mr. Nickel. No, I do not.

The Chairman. Do they not come from Korea?

Mr. Nickel. I personally am not familiar with that.

Mr. Chairman. To your knowledge, can you hear them in Vietnam?

Mr. Nickel. I am not aware of that.

The Chairman. If you can, you do not know it.

Mr. Nickel. I do not.

The Chairman. I do not either, but we have seen these letters soliciting donations to Radio Free Asia. They state that they beam radio programs all over Asia. I do not know that they say specifically Vietnam. I do not know whether they do either. It came to my attention a few weeks ago. You do not know whether you make any contribution to that operation or not.

Mr. Nickel. We make no contribution, sir.

GVN spending on psychological warfare

The Chairman. Do you know how much the Vietnamese Government spent on their psychological warfare in the current year and last year, either one or both?

Mr. Nickel. Yes, sir.

The Ministry of information, sir, in its current fiscal year budget is spending $19.7 million.

The Chairman. $19.7 million?

Mr. Nickel. Yes, sir.

The Chairman. Is that budget this current year, 1970?

Mr. Nickel. Yes, sir.

The Chairman. Is that up or down? What was it compared to last year; do you know it?

Mr Nickel. That is up, sir. Last year it was $9.6 million, sir.

The Chairman. From $9 to $19 million in 1 year?

Mr. Nickel. That is right, sir.

The Chairman. How do you account for such a large increase?

Mr. Nickel. I believe I mentioned earlier, sir, that there was a sizable increase in personnel which accounted for a good part of this increase from $9 to $19 million, but not all of it. There was also a substantial increase in program money.

The Chairman. How much of that do we furnish, directly or indirectly?

Mr. Nickel. The $19 million which I cited, sir, is from the GVN's regular budget. There are no counterpart funds in that.

The Chairman. Do you know how much is planned for next year?

Mr. Nickel. No, sir.

JUSPAO budget for fiscal year 1971

The Chairman. Do you know how much you have or are planning for fiscal year 1971 for your operations?

Mr. Nickel. Yes, sir. We plan to have a budget figure of $8.4 million, sir.

The Chairman. For next year?

Mr. Nickel. Next year.

The Chairman. That again does not include the military or any allied?

Mr. Nickel. It does not include the military, although it does include, as I believe you are aware, the AID and DOD funds that are available to JUSPAO.

DISTRIBUTION OF FILM, "THE SILENT MAJORITY" IN VIETNAM

The Chairman. Has the film, "The Silent Majority" been distributed in Vietnam?

Mr. NICKEL. It has, sir.

The CHAIRMAN. By you? By the USIA?

Mr. NICKEL. We made it available to Vietnamese television and to the National Motion Picture Center of Vietnam. It was shown on the GVN television network and in commercial theaters.

The CHAIRMAN. Would you estimate how many Vietnamese have seen it?

Mr. NICKEL. I will supply an estimate, sir.

(The information referred to follows:)

NUMBER OF SOUTH VIETNAMESE WHO HAVE SEEN "THE SILENT MAJORITY"

In South Vietnam, the GVN's Ministry of Information (MOI) was the sole distributor of the film "The Silent Majority." MOI estimated that 1.2 million persons saw the showings of the film on the national television network, and that an additional 300,000 urban viewers saw the film in theaters in six major cities, for an overall total of 1.5 million.

The CHAIRMAN. It would be apparently a very substantial amount.

Have you any measure of public reaction to that film?

Mr. NICKEL. We did not undertake any specific evaluation.

The CHAIRMAN. Has anyone that you know?

Mr. NICKEL. I am not aware that anyone did.

USIA POLLS CONCERNING ATTITUDES TOWARD UNITED STATES

The CHAIRMAN. Coming back for a moment, it inspires me to ask a further question about the polls. Have you been instructed to decline to discuss the polling in Vietnam or all polls—any poll in any other country?

Mr. NICKEL. Well, the only polling that would come within my purview would be that in Vietnam, sir.

The CHAIRMAN. The USIA takes polls in other countries; does it not?

Mr. NICKEL. Yes, sir.

The CHAIRMAN. They are about public attitudes toward the United States and its policies? That has been a practice for a long time; has it not?

Mr. NICKEL. Yes, sir.

The CHAIRMAN. You do not know about them and cannot testify about them; is that right?

Mr. NICKEL. When I say I do not know about them, I mean that I just do not know in detail anything about them and obviously could not speak to what they were about, sir.

The CHAIRMAN. Were you in the USIA before you went to Saigon?

Mr. NICKEL. Yes, sir.

The CHAIRMAN. Where did you serve before that?

Mr. NICKEL. In Japan, sir.

The CHAIRMAN. In Japan?

Mr. NICKEL. Yes, sir.

The CHAIRMAN. While you were in Japan, did you take polls there?

Mr. NICKEL. Yes, sir.

The CHAIRMAN. Are you at liberty to discuss the polls you took in Japan?

Mr. NICKEL. No, sir.

The CHAIRMAN. You are instructed not to discuss them; is that it?

Mr. NICKEL. I am instructed not to discuss polls.

The CHAIRMAN. It is very unusual. Where did you serve besides Japan?

Mr. NICKEL. I have served in Burma, and I have served in Washington, sir.

The CHAIRMAN. Did you take polls in Burma?

Mr. NICKEL. To the best of my recollection, I do not believe we did, but that was some years ago.

The CHAIRMAN. You do not believe you did?

Mr. NICKEL. I just cannot give you a definitive answer.

Is USIA taping proceedings?

The CHAIRMAN. Is the USIA taking a tape of these proceedings?

Mr. NICKEL. I am unaware if they are taping these proceedings.

The CHAIRMAN. You would know if they are; would you not?

Mr. NICKEL. Let us just say that I am unaware if they are.

The CHAIRMAN. I wondered how efficient they were in reporting all these matters.

Publication of "Vietnam Today"

How many newspapers, magazines or other periodicals does the United States publish or print that are aimed at Vietnamese audiences?

Mr. NICKEL. We publish, Mr. Chairman, or should I say we assist the Vietnamese in publishing, a pacification newssheet, a weekly called "Vietnam Today," in 600,000 copies per issue.

The CHAIRMAN. 600,000?

Mr. NICKEL. Yes, sir.

The CHAIRMAN. Is that a newspaper type of publication?

Mr. NICKEL. Yes, sir.

The CHAIRMAN. 600,000 copies are published weekly?

Mr. NICKEL. 600,000 copies.

The CHAIRMAN. Is that given away? What happens to it? I was interested.

Mr. NICKEL. It is given away, sir. It is distributed through the Vietnamese information service and it is more or less a vehicle for the Central Pacification and Development Council. In others words, it concentrates on developments in the pacification field.

The CHAIRMAN. It is printed in Vietnamese?

Mr. NICKEL. Printed in Vietnamese, sir.

The CHAIRMAN. Is the cost of printing that a part of your budget?

Mr. NICKEL. The printing cost is part of my budget.

The CHAIRMAN. What would it cost a week to put out 600,000 copies of that?

Mr. NICKEL. $2,400.

The CHAIRMAN. Where is it printed?

Mr. NICKEL. Printed in Saigon, sir. Part of it—I might say that half of the printing now is handled by the Ministry of Information and half is handled by the USIA.

The CHAIRMAN. Does the USIA have a printing plant in Saigon?

Mr. NICKEL. JUSPAO has a small printing plant.

The CHAIRMAN. JUSPAO. Is it large enough to print this?

Mr. NICKEL. This is not printed entirely by JUSPAO. Half of the circulation—in other words, 300,000, sir—is printed by the Ministry of Information printing plant, and the other half by JUSPAO.

The CHAIRMAN. Who determines the material that goes into this publication?

Mr. NICKEL. Most of the editorial work on this newspaper now is done by the Ministry of Information, sir.

Publication of "Free South"

The CHAIRMAN. There is another newspaper called "Free South."

Mr. NICKEL. That is right, sir.

The CHAIRMAN. Is it published biweekly?

Mr. NICKEL. Yes, sir.

The CHAIRMAN. How many of those are published?

Mr. NICKEL. This is published in an edition of 1.3 million copies. It is a small 8 by 10 sized newspaper. It is air dropped into contested areas.

The CHAIRMAN. Being published twice a week that 2.6 million a week; is that correct?

Mr. NICKEL. I am sorry, sir; it is published every 2 weeks, not two a week.

The CHAIRMAN. Every 2 weeks?

Mr. NICKEL. Every 2 weeks, sir.

Publication of "Rural Spirit"

The CHAIRMAN. I notice here another one called "Rural Spirit." Are you familiar with that?

Mr. NICKEL. Yes, sir.

The CHAIRMAN. What is that? Describe it. Is it a magazine?

Mr. NICKEL. The Vietnamese name for Rural Spirit is Huong Que. It is a magazine designed largely for rural audiences, and it is to a great extent agricultural in its approach. It has a monthly circulation of 565,000, sir.

The CHAIRMAN. How many pages is a typical issue of that magazine?

Mr. NICKEL. Thirty-six pages.

The CHAIRMAN. Thirty-six pages. Is it slick paper or what?

Mr. NICKEL. No; it is not slick.

The CHAIRMAN. Is it a picture magazine?

Mr. NICKEL. It has some illustrations, but it is not basically a picture magazine.

The CHAIRMAN. Where is it printed?

Mr. NICKEL. It is printed in Manila at our regional service center.

The CHAIRMAN. Printed in Manila?

Mr. NICKEL. At the U.S. Information Agency Regional Service Center. We have a large printing plant there.

USIA printing plant in Manila

The CHAIRMAN. Do we have a large printing plant there?

Mr. NICKEL. Yes, sir.

The CHAIRMAN. What countries does it service?

Mr. NICKEL. It serves for the most part, sir, USIA posts in the East Asia and Pacific area.

Size of circulation of "Free South" and "Rural Spirit"

The CHAIRMAN. Would you say that the Free South newspaper has the largest circulation of any newspaper in Asia outside of Japan and mainland China?

Mr. NICKEL. Well, it is a magazine. I just would not be able to make that judgment. It has a very high circulation, if you discount Free South which—are we talking about Huong Que?

The CHAIRMAN. Take both of them. One is a newspaper and one is a magazine?

Mr. NICKEL. Yes, sir.

The CHAIRMAN. Would you say they have the largest circulation of their kind, both magazine and newspaper, in Asia outside of Japan and mainland China?

Mr. NICKEL. I could not make that judgment. They certainly are the largest in Vietnam.

The CHAIRMAN. You do not know of any that is larger; do you?

Mr. NICKEL. I do not know, sir.

USIA printing plant in Manila

The CHAIRMAN. Did you answer the question of what countries the printing office in Manila serves? Does it serve all countries in Asia? Could you tell us how large that operation is?

Mr. NICKEL. It exists to provide backstopping for our USIS posts in Asia, Mr. Chairman. If you would like specific information on the plant, I shall see that the appropriate parties in my agency furnish it.

(The information referred to follows:)

USIA'S REGIONAL SERVICE CENTER IN MANILA

USIA's Regional Service Center in Manila has three main functions: (1) producing publications originated by USIA in Washington for distribution to USIS posts in Asia; (2) producing publications originated by USIS posts in Asia for their own use; and (3) editing and producing regional publications. Products include magazines, photo newspaper inserts, leaflets, posters and "fast pamphlets." The latter, frequently full texts of Presidential statements, are keyed to major foreign policy events in which the time element is important.

Among the 11 American and 231 Filipino employees currently at the Regional Service Center are editors, artists, photo specialists and skilled printing technicians. The estimated operating budget for FY 1971 is $2,566,000, which includes printing service performed for other U.S. Government agencies on a reimbursement basis.

Magazine entitled "The Face of Anguish, Vietnam"

The CHAIRMAN. Is this magazine I have here, The Face of Anguish, Vietnam, an issue of the Rural Spirit?

Mr. NICKEL. No, sir.

The CHAIRMAN. This is not its name; is it? What is this issue? It is a picture magazine; I think it came from you.

Mr. NICKEL. I do not—I cannot recognize it.

The CHAIRMAN. No; this comes from Free Asia Press, Manila, I am sorry. Is that part of our operation?

Mr. NICKEL. I do not recognize the magazine, sir.

The CHAIRMAN. Since you are in the business, maybe I will give it to you and ask you to see if you can identify it for us. It does not seem to be identified. I do not know what the Free Asia Press is. It is a very elaborate magazine and beautifully done. Who would you say is the sponsor of that?

Mr. NICKEL. I would just say that—I have never seen it, and it does not appear to me to be one of our products.

The CHAIRMAN. Who would publish such a magazine except us?

Mr. NICKEL. I do not know.

Publication and distribution of, "Who are the Vietcong?"

The CHAIRMAN. Here is another one. It has no identification whatsoever. It is called, "Who Are the Vietcong?" Have you ever seen that pamphlet?

Mr. NICKEL. That is ours.

The CHAIRMAN. It is not identified. There is nothing in it, I am told by the staff, that would identify it as being your publication. Is that the normal way we operate? We do not identify our publications?

Mr. NICKEL. No; I would not say that is normal.

The CHAIRMAN. What proportion would you say are attributed to us and are identifiable as our publications and what proportions are not?

Mr. NICKEL. It would be very hard to give a percentage. It is an English language publication, I believe, Senator. I would feel comfortable in saying that most of our English language publications are attributed.

The CHAIRMAN. Do you know where this was distributed? Was it distributed in South Vietnam?

Mr. NICKEL. Since it is an English language version, sir, I would assume that some numbers were used in South Vietnam, but I would also assume that the English language version was prepared for use primarily outside of Vietnam.

The CHAIRMAN. In the United States?

Mr. NICKEL. No; not in the United States.

The CHAIRMAN. Where outside of Vietnam?

Mr. NICKEL. For use by posts other than Vietnam.

The CHAIRMAN. By the USIA?

Mr. NICKEL. Yes, sir.

The CHAIRMAN. You prepared it in Saigon?

Mr. NICKEL. It was—may I inquire?

The CHAIRMAN. Do you want to look at it or are you familiar with it?

Mr. NICKEL. May we see it, sir? The reason I am pausing is because I am not sure whether it was a JUSPAO publication or a USIA publication.

I can find out for you, sir, and supply the information.

The CHAIRMAN. But it is a pamphlet which you prepared and published?

Mr. NICKEL. We are sure it is a pamphlet in which we were involved. But whether JUSPAO prepared it or USIA prepared it, I do not know.

The CHAIRMAN. Would that kind of magazine be printed in Manila rather than in Saigon?

Mr. NICKEL. Yes; it would be.

The CHAIRMAN. Where would it be distributed? It would not be distributed in Japan; would it?

Mr. NICKEL. That would depend on what posts ordered it, sir. Japan certainly would not use large numbers in English.

The CHAIRMAN. Will you be able to find out where that was printed and for whom and where it was distributed?

Mr. NICKEL. I will see that information is developed.

The CHAIRMAN. Will you supply it for the record, please?

Mr. NICKEL. Yes, sir.

(The information referred to follows:)

PRINTING AND DISTRIBUTION OF "WHO ARE THE VIET CONG?"

The pamphlet "Who Are the Viet Cong?" was initially prepared in English by USIA in Washington for overseas distribution as part of USIA's worldwide information program. Texts and photos were initially sent to USIA's Regional Service Center (RSC) in Manila, where 10,250 pilot copies were printed in August 1966. Some 10,000 of these were printed for USIA, for distribution to USIS posts ordering them. There were additional printings at RSC Manila for USIS posts in Saigon, Canberra and Tel Aviv in 1967.

JUSPAO prepared a Vietnamese language version which was printed at RSC Manila in several press runs from December 1966 to March 1967, in a total of 300,000 copies. This version was distributed in South Viet-Nam.

Is any unidentified material distributed in United States?

The CHAIRMAN. Is any material of this kind without identification ever distributed in the United States?

Mr. NICKEL. No, sir.

The CHAIRMAN. You are sure about that?

Mr. NICKEL. I am sure to the extent that I am very well aware of the need to keep it out of the United States, and we are always cognizant of this restriction.

The CHAIRMAN. If it is not identified, how would you keep it out? What is to prevent someone from distributing it here when there is no way of telling who printed it where it came from except to the initiated?

Mr. NICKEL. In terms of USIS use of materials of this sort, all USIS posts, and all USIS personnel would be aware of the necessity to avoid its introduction into the United States.

Booklet entitled "Vietnam: The View Beyond the Battle"

The CHAIRMAN. On a recent visit to Saigon, two members of the staff of this committee were given this booklet called, "Vietnam, the View Beyond the Battle." Are you familiar with it?

Mr. NICKEL. I have seen it.

The CHAIRMAN. This was part of the materials in a welcoming kit.

Mr. NICKEL. Yes, sir.

The CHAIRMAN. When you say you have seen it, who published it? Did you publish it? It also does not have a date on it.

Mr. NICKEL. I believe it was printed at our regional service center in Manila.

The CHAIRMAN. It is a very elaborate magazine with extremely fine workmanship in its maps and photographs. There is a magnificent photograph of Thieu and Ky and President Lyndon B. Johnson taken in February of 1966. It does not say itself when it was printed. Can you tell us when this was printed?

Mr. NICKEL. I believe, sir, that was printed at our regional service center in Manila. I believe it was a USAID project, and the cost of printing——

The CHAIRMAN. Was it prepared at your request for distribution in Vietnam?

Mr. NICKEL. I believe it was prepared by a contract writer for AID and I believe printing was at AID expense. However, I make that statement subject to check.

The CHAIRMAN. I asked the AID Director the day before yesterday if he had ever seen it. I thought perhaps it was his, but he had no knowledge of it. He said he had never seen it and knew nothing about it.

Mr. NICKEL. I believe, sir, it was printed 2 or 3 years ago.

The CHAIRMAN. He said he knew nothing about it, and he left the impression that he did not think it was an AID project. Again I raise the same question because it is such a fine piece of work. What is the purpose of publishing in English such a fine magazine and what is the distribution of it? Could you find that out on this one too?

Mr. NICKEL. I will find out on that, sir.

(The information referred to follows:)

PRINTING AND DISTRIBUTION OF "VIETNAM: THE VIEW BEYOND THE BATTLE"

In 1967, because the Government of Viet-Nam wanted to tell to its citizens the story of developing nationhood in South Viet-Nam and because USAID especially was providing advice and assistance in the development, JUSPAO was requested to prepare a one-time publication, "Viet-Nam: The View Beyond the Battle." Information and photos were furnished by the GVN and USAID, with JUSPAO assuming coordinating responsibility for text, editing, layout and printing. The Vietnamese language publication was printed in 100,000 copies at USIA's Regional Service Center (RSC), at JUSPAO's request, for distribution in Viet-Nam.

An English language version was also printed in 68,500 copies. They were ordered by and shipped to JUSPAO and to USIS posts, at Manila, Djakarta, Bonn, Wellington, Canberra, Kuala Lumpur, Lusaka, Lagos, Stockholm, Taipei, Georgetown, Quito, Tel Aviv, Beirut, Rangoon, Cuva, Copenhagen, Bern, Kabul, Brussels and Reykjavik.

From the JUSPAO supply, some 5,000 copies were provided to USAID for use in a briefing kit for distribution to visitors, journalists, incoming USAID officers and other persons inquiring about USAID's activities. Until early 1968 the U.S. Mission Press Center in Saigon, which operates under American Embassy supervision, distributed copies to newsmen.

Why are magazines unidentified as to source?

The CHAIRMAN. I do not quite understand why magazines of this kind are not identified as to source. It obviously raises a very interesting question.

Mr. NICKEL. I will furnish the information to the committee.

(The information referred to follows:)

"EXPLANATION OF LACK OF ATTRIBUTION OF PUBLICATIONS"

"As was pointed out in Mr. Nickel's opening statement, one of the roles performed by JUSPAO is assistance in the production of information materials by the GVN. In 1967, when "Viet-Nam: The View Beyond the Battle" was first printed, the GVN did not have the capacity to produce magazines of this type. In developing this particular project with and for the GVN, JUSPAO decided that this and similar publications might also have an audience in third countries as well. If attribution were given rightfully to the GVN, such attribution could limit USIS use overseas. On the other hand, if attribution were given to USAID or JUSPAO, it could limit or embarrass the GVN's use of the publication in Viet-Nam. As has been noted earlier, JUSPAO assisted the GVN by providing 100,000 copies of the publication in the Vietnamese language. Accordingly, a decision was made not to positively identify this type publication with either the GVN or U.S. agencies, thereby permitting all interested parties to distribute it through their own outlets."

Publication of attributed and unattributed magazines

The CHAIRMAN. Do you know who would make the contracts for the publication of such magazines? Put it this way: Has USIA ever made a contract for a similar magazine even though it is not this one? Have you ever asked the regional office to publish for your purposes an unidentified magazine?

Mr. Nickel. Let me answer that by saying we would occasionally use contract personnel to prepare products for us, but the use of a contract writer would not in any way be related to the decision as to whether the product would be attributed or unattributed. I do not myself know why this publication is not an attributed product.

The Chairman. Does your office ever ask for magazines similar to this from the regional office in Manila?

Mr. Nickel. We occasionally order publications from the regional office in Manila.

The Chairman. When you do, do you specify whether they are to be attributed to you or not? Is that decision left up to the regional office?

Mr. Nickel. If they are in English, sir, and they already exist, they already are either attributed or unattributed, so we would not get involved in the attribution. I think I am correct in assuming that most are attributed. If we are doing Vietnamese versions of basic English language publications that originate at the Manila plant, then it would be up to JUSPAO to decide whether we wanted them attributed.

The Chairman. On what basis do you decide whether it is attributed to you or not attributed to you? What is the criteria?

Mr. Nickel. Well, speaking for myself alone——

The Chairman. You ought to speak for the Agency. I do not want you to speak only for yourself, but you can do both.

Mr. Nickel. If you will allow me to speak——

The Chairman. Speak for yourself and then speak for the agency. That is right.

Mr. Nickel. In making the decision as to whether something is to be attributed or not, I generally follow the policy that anything that is explaining some aspect of U.S. policy or U.S. society, should have attribution to the United States. In fact, attribution adds to the credibility of it.

The Chairman. How do you decide when not to attribute it? What is your objective?

Mr. Nickel. Let me put it this way. I have another area of operations in Vietnam where I am engaged in helping the Vietnamese publish materials. Obviously, I do not attribute such materials to my own organization.

South Vietnamese publication of materials in English

The Chairman. They would not publish materials in English; would they?

Mr. Nickel. They publish some materials in English.

The Chairman. Do they?

Mr. Nickel. A few, for use abroad.

The Chairman. For use where?

Mr. Nickel. Well, for use abroad.

The Chairman. In the United States?

Mr. Nickel. Yes.

The Chairman. Really?

Mr. Nickel. But these are not materials I am involved in.

The Chairman. But they do publish materials in English that are then distributed in the United States?

Mr. Nickel. Yes, occasionally, sir.

The Chairman. I did not know that. Of how many do you know?

Mr. Nickel. I would have to determine that.

The Chairman. Have you any examples of it?

Mr. Nickel. I have no examples with me, sir.

The Chairman. What would be the objective of such publications? To what are they directed?

Mr. Nickel. Well, when I say for use in the United States, they publish on their own behalf without assistance from us some materials for use overseas. They publish these in French and in English, and I can only assume that some of the material they publish in English, unilaterally, is made available to their Embassy in Washington.

Now, I want to make it very clear, Mr. Chairman, these are aspects of their operation that I am not officially involved in; I provide neither support for, nor assistance in any way.

The Chairman. And no advice?

Mr. Nickel. And no advice.

The Chairman. They do it all on their own?

Mr. Nickel. That is right, sir.

The Chairman. Could you supply for the record some recent examples of publications that the Vietnamese Government has made in English?

Mr. Nickel. I will, sir.

The Chairman. Give us a few examples during the last year to see what they are doing.

(The information referred to follows:)

GVN publications in English

Sample materials provided through the Embassy of Viet-Nam include "Fighters for Peace," "Communist Atrocities During the Latest Offensives," and "Viet-Nam Bulletin."

Other publication

The Chairman. With regard to these other publications, we mentioned three, I believe, the Rural Spirit, which has 565,000, and the Vietnam Today, with 600,000, and the Free South with 1.3 million per edition.

Mr. Nickel. That is right, sir.

The Chairman. There are nine other publications which I will not take the time to go into at length. I will name them and I think these are correct. This is material which we obtained in Saigon.

A magazine called Mother Heart. Long Me is the way you pronounce it in Vietnamese. It is published bimonthly in 200,000 copies per issue.

There is a magazine called Culture-Drama published bimonthly, 12,000 per issue.

Magazine entitled "Mother Heart"

What is "Mother Heart"?

Mr. Nickel. Long Me, sir, is a publication of the Ministry of Chieu Hoi. We provide considerable assistance to the publication. We print it. It is designed to explain and promote the Chieu Hoi program largely in the sense of informing families of prospective Chieu Hoi ralliers.

The Chairman. This is intended for the Vietcong whom you want to come over; is that right?

Mr. Nickel. No; it is intended for families on the South Vietnamese side who may have relatives serving with the enemy. It provides these families with better information about the program. Also, one of its secondary objectives is to supply more information about the program to the Vietnamese officials who themselves are concerned with Chieu Hoi.

Magazine entitled "Culture-Drama"

The Chairman. What is the magazine Culture-Drama about?

Mr. Nickel. It is known as the Van Tac Vu magazine, Mr. Chairman. It is a magazine designed to provide program material—songs, skits, and general raw material—for a great number of culture-drama teams which exist in Vietnam. The culture-drama form is a very attractive one.

The Chairman. Culture-drama has nothing to do with the theater, I guess.

Mr. Nickel. It is folk theater touring——

The Chairman. Is there a theater in Saigon?

Mr. Nickel. There is opera, renovated opera, classical.

The Chairman. Do they have a local opera company?

Mr. Nickel. There are performances.

The Chairman. Are they traveling people that we bring in?

Mr. Nickel. No; this would be more on the order of classical Vietnamese drama. When I say opera, I mean classical Vietnamese opera which is not unrelated to Chinese opera.

The Chairman. Do we determine the subject matter of a magazine of that kind?

Mr. Nickel. This particular magazine is directed at culture-drama teams which perform in the provinces, and in general perform almost like vaudevillians, if I might use the term, Mr. Chairman.

The Chairman. What is the objective of our sponsoring such a magazine? What do we seek to accomplish in publishing such a magazine?

Mr. Nickel. We seek to provide program material that is nationalist in its direction because these culture-drama teams play a role in support of the Government.

The Chairman. Do you think this kind of a role would agree with Vice President Agnew's idea of what a magazine or a publication ought to do? He would not criticize the kind of publications we put out in Vietnam?

Mr. Nickel. I prefer not to comment on the Vice President.

The Chairman. If I understood his views, they were that magazines and newspapers ought to support the Government and, therefore, he would approve of this type of publication. It seems to me it is perfectly obvious he would.

I am not quite sure myself though what justifies the spending of American money on the cultural and drama magazine. Not that I have any aversion to culture and drama, but I did not know that we were competent to tell the Vietnamese about culture and drama in Vietnam.

Mr. Nickel. Well, of course——

The Chairman. We have a hard time knowing what is culture and drama in Washington.

Mr. Nickel. Of course, Mr. Chairman, the JUSPAO staff that works on this magazine is predominantly Vietnamese.

The Chairman. I see. You think it is so constructed and edited that it would appeal to the effete, intellectual snobs of Saigon?

Mr. Nickel. I would say that it appeals to the performers and culture-drama teams in the provinces of Vietnam.

Posters, pamphlets and song sheets

The Chairman. Of what are posters IR–8 and IR–5 on rice examples? This is about the miracle rice.

Mr. Nickel. Yes, sir. Those would be posters.

The Chairman. Is that a one-shot proposition, one poster?

Mr. Nickel. One poster.

The Chairman. 50,000 copies?

Mr. Nickel. It is not a fixed periodical.

The Chairman. It is not a recurring poster or is it?

Mr. Nickel. It is not recurring, but obviously our interest in IR–8 is such that over a period of time we could do many posters on IR–8.

The Chairman. We have another poster entitled, "Our Project Has Been Completed." Is that a recurring poster or a single shot?

Mr. Nickel. I would assume that is a single shot?

The Chairman. Is it 50,000 copies?

Mr. Nickel. Yes, sir.

The Chairman. Then you have a poster called, "The Government of the Republic of Vietnam Helps Refugees Return Home." That again is just another poster?

Mr. Nickel. Yes, sir.

The Chairman. Then there is a pamphlet, "Security Laws Protect the Citizens."

Mr. Nickel. Yes, sir.

The Chairman. That is 50,000 copies. Is that only for that purpose?

Mr. Nickel. That would be a one shot pamphlet, yes, sir.

The Chairman. Then we have song sheets. One is called "Spring of Hope" and one is called "Native Spring." What is our objective in printing song sheets?

Mr. Nickel. That song sheet was probably a product that was issued by the Ministry of Information in connection with the Tet observation. As you know, Tet is quite a festive holiday in Vietnam, and the songs were probably connected with the celebration of that holiday.

Number of posters produced in Fiscal Year 1969

The Chairman. Could you tell us how many different posters were put out last year?

Mr. Nickel. I can only give you an overall figure on posters, Mr. Chairman—a total of 1.73 million copies in fiscal year 1969. That would be for individual units.

The Chairman. Individual units of posters.

Mr. Nickel. 1.73 million pieces of paper, every one of which was a poster. I cannot give you the circulation or the production per poster. I cannot say 50,000 of this or 70,000 of that.

The Chairman. To illustrate the point, you put out 15 posters consisting of 1.7 million issues. Is that about right?

Mr. Nickel. Those are not the figures, but that is the logic.

The Chairman. I know they are not the figures.

Mr. Nickel. That is the logic.

The Chairman. That is what I meant. You could not estimate how many posters there were, not individual pieces but how many different posters there were?

Mr. Nickel. I find that very difficult.

Publications of all kinds put out in a year

The Chairman. Would you estimate how many publications of all kinds you put out in a year? Would it be 10 million or 50 million publications of all different kinds, including all these magazines and posters and newspapers? The newspapers alone run into several million weekly; do they not?

Mr. Nickel. Yes, sir.

The Chairman. I wondered if you had an estimate to give us some idea of the volume of our activity.

Mr. Nickel. 24 million plus, sir. That would be magazines, newspapers, posters, and pamphlets.

Leaflets dropped by the military

The Chairman. Would the pamphlets include the leaflets dropped by the military?

Mr. Nickel. That does not, sir.

The Chairman. Do you have any estimate how many there are?

Mr. Nickel. That would be somewhere in the vicinity of 1.5 billion, sir.

The Chairman. Billion?

Mr. Nickel. Billion.

The Chairman. My goodness; 1.5 billion by the military?

Mr. Nickel. Yes.

The Chairman. Who prints those? Where can they get so many printed? That seems incredible.

Mr. Nickel. They would be primarily distributed by the military.

The Chairman. Are these printed in that regional office in Manila?

Mr. Nickel. No, sir.

The Chairman. Does the military have its own printing plant?

Mr. Nickel. I was a bit hasty. Let me be more precise. Some might be printed in Manila. Many might be printed by the military on Okinawa.

The Chairman. Do they have a big printing plant on Okinawa?

Mr. Nickel. They have a printing plant that provides support for the psychological program in Vietnam.

The Chairman. Is it comparable to the size of yours in Manila?

Mr. Nickel. No, sir.

The Chairman. It is not as large?

Mr. Nickel. No, sir.

The Chairman. Is the USIA plant in Manila a very large one?

Mr. Nickel. It is a substantial modern plant.

The Chairman. Is it capable of printing a magazine as large as, say, Time magazine or Fortune or Newsweek?

Mr. Nickel. It is difficult for me to answer. I am not aware of what capacity it would have for volume. I would think that technically it could do the job.

Other printing by the military

The Chairman. Does the military, in addition to the 1.5 billion leaflets, also print magazines and publications similar to this? Does it print anything similar to this anywhere?

Mr. Nickel. It would be very unlikely to print a pamphlet like that. I believe they do print an employee relations magazine for the Vietnamese employees for the military in Vietnam. But to the best of my knowledge, Mr. Chairman, that is the only publication of that type that the military publishes.

Lack of attribution of "Vietnam: The View Beyond The Battle"

The Chairman. I do not know who did this, but that is one of the finest pictures of its kind I ever saw of the people in the rice paddies. As a technical matter, regardless of its content, you could well take credit for it because it is a very fine production. I think it is a very attractive thing. Did I show it to you to see if you could identify it, or did you? I do not remember. Do you want to look at it and perhaps you can tell me?

Mr. Nickel. I am familiar with it. I have seen it.

The Chairman. You have seen it.

I have so many publications here I cannot keep them all straight.

I am told by the staff that the USIS press said this morning, after they checked it, that it was printed in March 1967. I still am puzzled about this question of attribution. A magazine of this kind is such an imposing production that it is rather a shock to find there is no way of telling who printed it and where and when it was printed. Yet it is on a subject which apparently either we or the Government of Vietnam would be the only ones really interested in doing it. So I can see now that it was. I would suggest, for whatever it is worth, that it helps our credibility to identify and to claim it as our own when it is. I do not think that the world as it is today is going to be very impressed by our trying to avoid responsibility for the publication.

Press credentials granted to four security agents in Saigon

Did your office have anything to do with the recent granting of press credentials in Saigon to four security agents?

Mr. Nickel. No, sir.

The Chairman. It is not your responsibility. Do you know anything about that episode?

Mr. Nickel. I am familiar with the general newspaper accounts of that.

The Chairman. Then I suppose you have friends who were aware of that in Vietnam?

Mr. Nickel. Yes, sir.

The Chairman. Could you tell me in what mission these people were engaged for which they wanted such credentials?

Mr. Nickel. I have no knowledge of that, sir.

The Chairman. You have no knowledge of that.

Are CIA personnel using USIA as cover?

Could you say whether any CIA personnel are using the USIA as cover?

Mr. Nickel. Comment on such a question must be made in executive session by other appropriate officials, Mr. Chairman.

The Chairman. All right.

Language facility of USIA personnel in Vietnam

Could you tell me what percentage of USIA personnel in Vietnam speak Vietnamese?

Mr. Nickel. Yes, sir.

The Chairman. At three level or better. I am not talking about Vietnamese employees.

Mr. Nickel. Six percent.

The Chairman. How many speak French at the three level or better?

Mr. Nickel. I am sorry, sir. I gave you a percentage figure. I did not mean it to be a percentage. Six employees speak Vietnamese at the three level or better.

The Chairman. That is approximately 6 percent; is it not?

Mr. Nickel. It also works out to approximately 6 percent, but it is not a percentage figure. The figure for French would be 24.

The Chairman. That is at the three level or better?

Mr. Nickel. Yes, sir.

Language facility of JUSPAO personnel

The Chairman. What about all JUSPAO personnel?

Mr. Nickel. All JUSPAO personnel in terms of three or better or what, sir?

The Chairman. Yes.

Mr. Nickel. Well, I am addressing the civilian component of JUSPAO. There are six people who speak Vietnamese and 24 who speak French.

The Chairman. What about the 800 military you mentioned? Do you know anything about them?

Mr. Nickel. I do not.

The Chairman. You do not have the figures on them.

Journalists' trips to Vietnam sponsored by USIA

Does the USIA finance or sponsor in any way trips to Vietnam by Journalists from the United States?

Mr. Nickel. The U.S. Information Agency, sir, does have a third country journalist program.

The Chairman. Could you indicate the magnitude of that? How many journalists in the course of a year?

Mr. Nickel. I would be very happy to supply that for the record. It is a program administered out of the headquarters in Washington, and I cannot speak to the details, sir.

(The following information referred to follows:)

USIA third country journalist program, fiscal year 1969

"For the record, the program involved 15 foreign journalists during Fiscal Year 1969, and an anticipated equal number during the current fiscal year."

The Chairman. I want it both ways. I want trips from the United States to Vietnam of American journalists and also from other countries to Vietnam.

Mr. Nickel. I believe, sir, that this program is only concerned with third country journalists to Vietnam.

The Chairman. You mean not United States?

Mr. Nickel. Not American journalists.

The Chairman. Then the answer to my first question is no. They do not sponsor U.S. journalists to Vietnam; is that correct?

Mr. Nickel. That is correct, sir.

The Chairman. They do sponsor foreign journalists to Vietnam?

Mr. Nickel. That is right, sir.

The Chairman. Could you say what is the purpose of this program? Why do you sponsor foreign journalists to Vietnam?

Mr. Nickel. To enable them, sir, to come and see for themselves the developments in that country. This is done in many instances for journalists from publications which could not afford to or would not send their correspondents to Vietnam.

The Chairman. When they arrive in South Vietnam, does your agency take care of them, meet them and make arrangements for their visit?

Mr. Nickel. They are accredited, and they receive the same facilitation from the Mission Press Center, Mr. Chairman, as any accredited journalist would receive.

The Chairman. I realize that, but in addition there is the fact that you sponsored them and paid for their passage. Do you also take care of them and give them any special treatment or are they just allowed like any other journalist?

Mr. Nickel. We give them special treatment when they ask for it, special treatment of the same kind that we would give any journalist in Vietnam who so requested it.

To really get to the thrust of your question, Mr. Chairman, it is up to them. They come out; they are accredited; they are there like other journalists and their programs are theirs to arrange.

The Chairman. If they are not familiar with the place, I would assume in the normal course of events you would take them around and show them the places of interest. I would have thought the answer was yes. It would seem to me a rather dubious investment to bring a journalist from Europe or Africa and then let him go on his own.

Mr. Nickel. The answer is yes. I just wanted to make it clear that what is offered them is what is available for all the journalists in Vietnam.

Justification for USIA third country journalist program questioned

The Chairman. I have some difficulty, I may say, in reconciling this activity with the mission of your agency that you describe. I cannot quite fit this in as to how we are justified as a government and as a people to support this activity. I wish you would enlighten me a little as to the reasoning justifying this activity of bringing foreign journalists to Vietnam to view the——

Mr. Nickel. I think this is another matter, Mr. Chairman, which I will have to refer to my superiors and I am sure they will furnish a justification for it. I say that because it is a program that is not within my purview in terms of responsibility.

(The information referred to follows.)

Third country journalist program

"This activity, known within USIA as the third country journalist program, was begun in 1965 and is currently active. The records of the Committee will reflect that, in hearings on news policies in Vietnam on August 17, 1966, the Agency provided a legal memorandum justifying this program. That record also indicates that the Committee obtained an opinion from the Comptroller General of the United States on the program that found the expenditure of funds for this program to be proper."

The Chairman. I see. In other words, this is carried on, but you have no responsibility for doing it. The decisions are all made here.

You would have to ask Mr. Shakespeare about that; is that what you said?

Mr. Nickel. I am not sure that it would be Mr. Shakespeare, but certainly one of my principals in Washington.

The Chairman. I just use him. He is the nominal head of the Agency. It is quite right he might not know about it, but someone at that level would know. But you would not be willing to share with me your views about the justification for such a program.

Third country journalists' briefing and interviews

When these people arrive there, are they normally given briefings by the American officials?

Mr. Nickel. If they so request.

The Chairman. Is it normal that they do request such a briefing?

Mr. Nickel. I would say not necessarily, Mr. Chairman.

The Chairman. No?

Mr. Nickel. It is very hard to categorize journalists in that regard.

The Chairman. Do they normally expect to see military officials or the people in the Embassy? What would you say was the norm?

Mr. Nickel. Many of them, Mr. Chairman, would like to interview senior officials in Vietnam. I would say, by and large, they are no more successful or no more unsuccessful in arranging interviews than the average journalist who is accredited in Vietnam.

Witness' instructions concerning policy questions

The Chairman. In this matter, do your instructions with regard to the polls also include policy questions? Were you instructed not to discuss policy questions with the committee?

Polling by Oliver Quayle

The Chairman. Have you ever heard of Mr. Oliver Quayle? Does that name mean anything to you?

Mr. Nickel. The name does not sound completely strange, but frankly I cannot associate it with anything.

The Chairman. You associate Mr. Quayle with something else; do you? That word used to be common, but I have not heard it in that connection for a long time. They have developed new words. He is a well-known figure in U.S. circles and has often done work testing public opinion. In fact there is an article in this morning's paper. One of the well-known columnists apparently has been down in Alabama with him this week. I happened to see it this morning.

I wondered if you knew whether he had ever visited Vietnam while you were there. Apparently not. You are not acquainted with his work?

Mr. Nickel. No, sir.

The Chairman. He has done considerable work in this country on the testing of attitudes and opinions, and I think one of the columnists sometime back mentioned that he thought Mr. Quayle had made a poll in Vietnam. Whether he made it at the USIA's request is another matter. We will try to find that out from your superiors.

(The information referred to follows.)

Polling by Oliver Quayle

"U.S. Information Agency records indicate that USIA has never commissioned Mr. Oliver Quayle to conduct a public opinion poll in Vietnam."

Orientation of USIA offices from countries other than Vietnam

Are USIA officers assigned in countries other than Vietnam ever sent to Vietnam for brief visits at Government expense?

Mr. Nickel. USIA officers?

The Chairman. Yes.

Mr. Nickel. Yes; we bring some USIA officers to Vietnam for orientation.

The Chairman. Could you indicate about how many during the course of a year are brought to Vietnam for the purpose?

Mr. Nickel. I do not have specific figures but, during the period I have been there, we have brought groups of five officers, I would say, to Vietnam two or three times a year for orientation.

The Chairman. That means 15 or 20 officers altogether?

Mr. Nickel. That is right.

The Chairman. What countries did they come from while you were there?

Mr. Nickel. They came from a variety of countries.

The Chairman. Europe?

Mr. Nickel. Europe, South America, and East Asia.

The Chairman. The purpose of this orientation is for them to go back and do what?

Mr. Nickel. Its purpose is to give them a firsthand appreciation of the situation in Vietnam.

The Chairman. Is it in order to aid them in spreading the word when they get back to their posts?

Mr. Nickel. In order to enable them to better speak to the situation.

Effect of USIA third country journalist program

The Chairman. With regard to the newspapermen, what has been the effect and the result of this program? Even though you did not inspire it nor originate it, do you know whether when they return to their respective countries they report and write their articles in a very sympathetic way to our purposes in Vietnam?

Mr. Nickel. I do not know enough about it, sir, to be able to characterize it.

The Chairman. If they do not, it does not seem justified to carry on the program. Is there no followup to find out how they react?

Mr. Nickel. There is.

The Chairman. There is a followup?

Mr. Nickel. There is, sir, but the followup does not fall into my area of responsibility.

The Chairman. I see. You do not know, but clearly they could want to check to see if these people reacted in the proper way and if they appreciate the courtesies you have extended them. Would they not?

Mr. Nickel. I am sure that our people are well aware of what was written by newspapermen who have participated in this program.

Program of bringing government officials to Vietnam

The Chairman. Were you there when Mr. Moshe Dayan came to Vietnam?

Mr. Nickel. No, sir.

The Chairman. Was that before your tour of duty?

Mr. Nickel. That was before my time.

The Chairman. Do you know anything about the program of bringing government officials there? You do not know about that?

Mr. Nickel. No, sir.

The Chairman. It is not your responsibility.

Mr. Nickel. It is not mine, and I am not aware of any.

The Chairman. You do not know about it.

Western influence on South Vietnamese culture

There was a recent publication in the Vietnam Embassy here in Washington which contains an article on what is happening to Vietnamese culture. This is from a statement of the Minister of Culture on which I would like to have you comment. It says and I quote:

"Few of these young city people know much about their own culture except for the well-known festival such as Tet or the Mid-Autumn Festival," says the scholar versed in eastern and western cultures. "It is not that they don't care. But access to western ways is easier than access to traditional Vietnamese culture. * * *"

Radio and television are the media mainly responsible for the changes. As a Saigon University coed says, "Probably 80 percent or even more of the young people in Saigon prefer western music and art. We like the music especially. Few of us understand our own culture, mainly because we have never had the opportunity to study its features. But the western forms can be seen and heard daily on the American forces radio and television stations. And now even Vietnamese radio and television have programs devoted to western music."

Would you say that is an accurate description of what has taken place in Saigon?

Mr. Nickel. Certainly access to Western culture is there. The communications explosion, I would say, Mr. Chairman, has had its effect in Vietnam as elsewhere. The youth of Vietnam like the youth of other countries have been attracted by Western forms. On the other hand, in the countryside of Vietnam, the Vietnamese cultural impact is very pronounced and very visible. I would say from my own view that the cultural problem, the problem of cultural identity in Vietnam, is probably not much different from the problem of cultural identity that you find in most developing nations today.

The Chairman. Do you mean most developing nations or only those in which we have a large presence?

Mr. Nickel. Perhaps I will amend that to say many developing nations. It is largely a problem of what I call the communications explosion.

The CHAIRMAN. Is there any indigenous competition in Saigon to the television and radio systems which we have established?

Mr. NICKEL. Well, Mr. Chairman, on Vietnamese television, I believe that probably the most popular program offered during a week's schedule is a night devoted to Vietnamese opera, which is distinctly Vietnamese in form and a very inherent part of their own cultural pattern. You find youngsters as well as elderly Vietnamese clustered around the sets watching it.

Impact of U.S. presence on Vietnamese culture

The CHAIRMAN. Do you think that the impact of the U.S. presence in Vietnam on the Vietnamese culture has been a favorable one?

Mr. NICKEL. I would answer that, Mr. Chairman, by saying that whenever you introduce a half million foreigners into a country of a population of 17 million, there are going to be dislocations and some of the dislocations are going to be cultural.

The CHAIRMAN. Are you saying that the presence of a half million soldiers is a greater influence than the presence of the USIA with its great publications, its newspapers, magazines, pamphlets, and posters? Which do you think is the greater influence on the Vietnamese culture?

Mr. NICKEL. What I am saying, Mr. Chairman, is that the presence of a half million foreigners in a nation of 17 million people is bound to have some impact, some cultural impact.

The CHAIRMAN. Supposing you did not have any USIA, do you think there would be a great impact if the foreigners were engaged primarily in fighting out in the rice paddies? All I mean is that it seems to me you probably are responsible for a greater part of the impact than the soldiers.

Mr. NICKEL. I would not discount the effect of the presence of a half million people.

The CHAIRMAN. I am not discounting it.

I do not suppose there are any easy criteria by which we can measure that.

Mr. Nickel, it is getting late. I must say, outside of those areas in which you have been instructed not to answer my questions, you have been very forthcoming and I think it has been a very interesting hearing. It seems to me that you have demonstrated beyond a doubt that the presence of the Americans is overwhelming. It has almost submerged the indigenous traditions and culture, at least in Saigon, although not in some of the remote areas where I suppose it is different. But I hardly know how they could resist it and maybe that is a good thing. I do not know. I guess that is for history to determine.

I appreciate very much you and your colleagues coming here to the committee.

Questions on U.S. Information Agency Polls

We will take up with your superiors the question of whether or not we are entitled to the information about polls. I must say it is hard for me to find a justification for secrets in an agency for information created and paid for by the American people. I thought it was to instruct everyone. When we ask you what you are doing, it seems to me it is a little incongruous for you to say, "We can't tell you about that." We expect that from something like the CIA, but I was a little surprised to have it coming from an information agency. I had not thought of it in that connection, but I realize you are not the policymaker nor the highest responsible official and I do not criticize you for it. If you have been told to do that, I do not want you to cut your own throat out in the open here before the committee. We will talk to Mr. Shakespeare about it or someone else in his agency.

Thank you very much, Mr. Nickel.

Mr. NICKEL. Thank you very much.

(Whereupon, at 1:15 p.m., the committee adjourned, subject to the call of the Chair.)

(The following are answers by the U.S. Information Agency to additional committee questions:)

USIA REPLIES TO SENATE FOREIGN RELATIONS COMMITTEE STAFF QUESTIONS

1. What is the current USIA policy with regard to having in its libraries in Viet Nam books that are critical of U.S. policy in Viet-Nam? Would you name some of the books currently stocked that are critical of U.S. Policy?

The U.S. Information Agency's policy with regard to critical books in Vietnamese libraries is one of presenting the issues, both pro and con, to interested readers.

Some typical titles on this subject include the following: J. W. Fulbright, *The Arrogance of Power* (English and French editions); and Robert Shaplen, *The Lost Revolution*. In addition the libraries have balanced collections of periodicals, many of which regularly have contents critical of U.S. policy, including New Republic, Nation, Harpers, Look, Life, Foreign Affairs, Newsweek, Time, Saturday Review, Asian Survey, New York Times Magazine, and the New Yorker.

2. Have any films produced by the Vietnamese Government been brought to the United States for showing? If so, provide the details.

The Ministry of Foreign Affairs has sent the following GVN-produced 16 mm films to the GVN's Embassy in Washington and to the GVN's permanent observer to the United Nations since January 1969:

Title	Language	GVN Embassy	Observer to U.N.
"Carnage at Hue" [1]	English	1 print	1 print.
"Viet-Nam News Magazine."	do	2 prints	2 prints.
"Love and Hatred"	do	3 prints	None.
"Viet-Nam Fights and Builds."	Vietnamese	1 print	None.
"Back to the Fatherland."	do	None	1 print.

[1] In addition, approximately 28 prints of "Massacre at Hue," which is the same as "Carnage at Hue," were sent by the GVN to various U.S. civilian groups at the latter's request.

3. (*a*) *Have there been any studies made of the relative effectiveness of GVN and Viet Cong political propaganda?* (*b*) *If so, what do they show as to the effectiveness of the various methods of propaganda used by each?*

There is no record of any comparative studies. Typical Viet Cong propaganda studies report themes but no comparative evaluation.

4. *How many TV sets are there in Viet-Nam—in Vietnamese hands? How many are owned by the Vietnamese Government? How many were paid for by the United States?*

The GVN estimates that there are 300,000 television sets in use by the Vietnamese. The GVN owns 4,832 sets, of which 4,582 were USG-funded—1,082 for the Republic of Viet-Nam's Armed Forces (RVNAF), and 3,500 for the Ministry of Information's community viewing program.

5. *How many TV crews does the USIA operate in Viet-Nam? What use is made of their production?*

USIA does not have any TV crews in Viet-Nam. JUSPAO, however, does have six motion picture cameramen on its payroll, and they are available to produce materials for a TV clip service. Since January 1, 1969, JUSPAO has produced 108 TV clips for distribution to USIS posts in 36 countries. When clips are considered to have application to Vietnamese audiences, they are offered to Vietnamese TV.

6. (*a*) *How does the number of personnel now attached to the* (1) *USIA,* (2) *JUSPAO, and* (3) *in military psychological operations compare with a year ago? How many will there be a year from now?*

	1969	1970	Estimate, 1971
(1) Personnel—USIA element:			
American civilians	[1] 130	[2] 99	[3] 88
Local and 3d country nationals	[4] 397	[5] 347	[5] 347
Total	527	446	435
(2) Personnel—JUSPAO:			
American civilians	[6] 132	[6] 101	[6] 90
Local and 3d country nationals [7]	397	347	347
American military personnel	118	107	107
Total	647	555	544
(3) Personnel—Military psychological operations	996	811	([8])

[1] Includes 30 AID-funded, 6 DOD-funded, and 2 VOA-attached officers.

[2] Includes 24 AID-funded, 2 DOD-funded, and 1 VOA-attached officers.

[3] Includes 14 AID-funded and 2 DOD-funded officers.

[4] Includes 133 AID-funded personnel.

[5] Includes 117 AID-funded personnel.

[6] Includes USIA element and 2 MACV civilians.

[7] USIA element.

[8] 1971 personnel level is still in the planning stage where some reduction is being considered.

6. (*b*) *What percentage of all USIA personnel overseas are in Viet-Nam?*

5.04 percent of all USIA American and local overseas personnel are in Viet-Nam.

6. (*c*) *How many JUSPAO employees are in Saigon and how many are in the field?*

Of the total of 555 personnel, 389 are in Saigon and 166 in the field:

	Saigon	Field
American civilians	78	23
American military personnel	34	73
Local and 3d country nationals	277	70
Total	389	166

7. *Is the USIA consulted regularly concerning future military operations, with a view to obtaining its assessment of the effect of such operations on Vietnamese attitudes?*

In Saigon, the Director of JUSPAO as a member of the Mission Council has the opportunity to advise the Ambassador and fellow Mission Council members of possible effects on Vietnamese attitudes of planned general and specific military actions.

8. *The information booklet entitled "JUSPAO Viet-Nam" states that "It (JUSPAO) also produces for field use leaflets, pamphlets, newspaper articles and photographs, posters, magazines, loudspeaker tapes, motion pictures, and radio and television programs. These items are variously distributed by hand, disseminated from airplanes or broadcast by the GVN, the U.S., and other free world nations."*

8. (*a*) *What was the total number of pieces printed or produced last year for each of these categoies? What is planned for this year? Next year?*

Category	Estimate— 1969	1970	1971
Leaflets	36, 000, 000	10, 000, 000	5, 000, 000
Pamphlets	[1] 3, 500, 000	3, 000, 000	1, 500, 000
Newspaper articles	6, 000	3, 000	3, 000
Photographs	66, 000	36, 000	36, 000
Posters	[1] 7, 800, 000	8, 000, 000	6, 000, 000
Magazines	[1] 9, 900, 000	9, 600, 000	7, 800, 000
Loudspeaker tapes	11, 819	7, 310	None
Motion picture prints	1, 514	655	600
Radio programs	1, 271	1, 048	450
Television programs [2]	27	72	None

[1] The estimates provided in the Mar. 19, 1970, testimony were based on volume of U.S. support for the GVN printed media program.

[2] JUSPAO provided scripts and culture-drama team support to GVN television.

8. (b) *Do these totals include the propaganda materials put out by the U.S. military forces? If not, how much did the military produce last year? Where are these materials printed?*

Military production, for which JUSPAO is not responsible, last year included:

Category	Quantity	Where produced
Leaflets	7.8 billion [1]	7th PsyOP Group, Okinawa.
Do	2.4 billion [1]	4th PsyOp Group, Vietnam.
Pamphlets	0.5 million	7th PsyOp Group, Okinawa.
Newspaper articles.	Not applicable.	
Photographs	do	
Posters	15.8 million	4th PsyOp Group, Vietnam.
Magazines	1.9 million	7th PsyOp Group, Okinawa.
Loudspeaker tapes.	1,327	4th PsyOp Group, Vietnam.
Motion picture prints.	Not applicable.	
Radio programs	208	7th PsyOp Group, Okinawa.
Television programs.	Not applicable.	

[1] The estimate provided in the Mar. 19, 1970, testimony was based on GVN, not United States military publication programs

8. (c) *Does JUSPAO print materials of the Vietnamese government? How much of the GVN printed propaganda is printed in its own plants?*

It is estimated that during FY 1970, approximately 70 percent of JUSPAO's printing output provides information support to GVN programs. Of the GVN's total support requirements, JUSPAO estimates that the GVN produces about 46 percent of the materials.

8. (d) *Does JUSPAO produce materials for use by the Korean and Thai forces in Viet-Nam? Has it ever produced any materials relating to allegations of Korean atrocities against civilians?*

JUSPAO does not regularly produce materials for use by Korean and Thai forces. However, records list the following printed products:

Category	Date	Quantity	How used
Two posters in Vietnamese	1968	30,000	By Koreans troops.
Paper flags, ROK, GVN, and United States	1968	12,000	Do.
Booklet, in Korean	1969	15,000	By Korean troops involved in the Chieu Hoi program.
Poster, in Vietnamese	1968	50,000	By Vietnamese Information Service to reveal Thai assistance to Vietnam.

JUSPAO has not produced any materials relating to allegations of Korean atrocities.

8. (e) *How many publications, in English, concerning Viet-Nam have been produced by USIA and are currently in stock? Please provide copies of these publications, information on the distribution and the cost of each.*

USIA has one such publication in stock, "Vietnamizing the Search for Peace," printed in 20,000 copies of which 19,270 were distributed to 13 USIS posts in East and South Asia, and the remaining 280 copies held in stock. In addition, JUSPAO has one English-language publication in stock, "Viet-Nam 1970," printed for the GVN in 20,000 copies by the Regional Production Center, Manila. Distribution was made to the GVN Ministry of Foreign Affairs and 29 GVN diplomatic posts (excluding Washington), 11,800; GVN Ministry of Information, 6,500; 29 USIS posts where there are GVN diplomatic posts, 475 for information; RSC reserve stock, 1,000; JUSPAO reserve stock, 225.

Cost of "Vietnamizing the Search for Peace" is .7 cents per copy, and "Viet-Nam 1970" is 20 cents per copy.

8. (f) *How many of these publications do not bear the USIA imprint? Why?*

"Viet-Nam 1970" does not bear the USIA imprint but rather that of the GVN Ministry of Information. The publication was originally published in Vietnamese (100,000 copies) at the GVN's request for GVN use; the subsequent English language verision was likewise printed for GVN use.

9. (a) *What facilities does the Armed Forces Radio and Television Network maintain in Viet-Nam?*

[In kilowatts]

Location	Radio/ AM power	Radio/ FM power	Television/ ER power
Quang Tri	1		40
Danang	10	25	40
Chu Lai	1		40
Pleiku	10	25	40
Qui Nhon	10	25	40
Tuy Hoa			40
Nha Trang	10	25	40
Saigon	50	100	240
Can Tho			[1] 1

[1] UHF translator.

9. (b) *How many hours is the Armed Forces TV station in operation daily compared with the operating hours for the GVN station?*

Armed Forces TV stations average 12 hours of daily operations. Three of the GVN TV stations average four hours daily; the fourth station (Saigon) averages five hours.

9. (c) *How many Vietnamese watch the Armed Forces TV network compared with the number who watch the GVN station?*

A comparison has not been established.

10. (a) *How much has been spent, or is planned to be spent, by the USIA and other U.S. agencies, to help build the physical plants for the GVN radio and television, film, printing and other information programs?*

Since 1965 and projected to the completion of the current GVN projects, U.S. agencies have spent or plan to spend the following amounts: 4-station radio network, $6.8 million; television network, $8.2 million; motion picture center, $2.5 million; information printing house, $234,000; other physical plants, none.

10. (b) *How much has the GVN put up for each of these categories?*

Actual amounts earmarked for physical plants for GVN media facilities are not identified per se in the GVN budget. However, for the period since 1965, the following monies, including those for any physical plants, have been spent or earmarked for: radio, $8.3 million; television, $4.2 million; motion picture center, $2.7 million; information printing house, $1.8 million; and Ministry of Information General Directories and the Vietnamese Information Service, $47.6 million.

11. (a) *What was the total amount spent last year by the United States on all phases of the information and psychological warfare program in Vietnam, including the costs for all aspects of military psychological operations? How much will be spent this year? Next year?*

[In millions of dollars]

Category	1969	Estimate— 1970	1971
Joint U.S. Public Affairs Office controlled programs	13.3	12.1	9.7
U.S. military programs	14.6	10.7	([1])
Total	27.9	22.8	

[1] 1971 funding level is still in the planning stage where some reduction is being considered.

11. (b) *How much did the Vietnamese government spend on these programs last year? How much is planned for this year?*

[In millions]

Category	1969	Estimate, 1970
Ministry of Information	$9.6	$19.7
RVNAF Psy War activities	[1] 4.9	4.9
Total	14.5	24.6

[1] No detailed breakout of GVN funds expended for 1969 is available. However, officials estimate that the amount is approximately the same as programed for the current year.

12. (a) *How many U.S. personnel work directly in or with GVN agencies concerned with propaganda or information matters?*

	U.S. civilians	U.S. military
JUSPAO	[1] 67	107
USMACV		167
Total	67	274

[1] This total includes 16 NBC/I contractual personnel.

12. (b) How many Americans work in the GVN radio network?

Three JUSPAO advisors. In addition, there is one technical advisor assigned to the RVNAF radio branch.

How many Americans work in the GVN television activities?

Sixteen contractual advisors (National Broadcasting Company, Inc.) and three other JUSPAO advisors. In addition, there is one technical advisor assigned to the RVNAF television branch.

How many Americans in GVN films?

Two JUSPAO advisors.

13. What is the purpose and scope of operation of "psychological operations officers" attached to U.S. advisory teams in the provinces? How many are there?

They advise Vietnamese Information Service (VIS) and Vietnamese Army political warfare (PolWar) units in the provinces on effective coordinated information/psychological operations in support of national and local Pacification and Development goals. There are 34 civilians and military "psychological operations officers" attached to U.S. advisory teams in the provinces to concentrate on the functions of the GVN civilian information services; an additional 43 military officers serve as advisors to the GVN military political warfare cadre.

14. What control, if any, does the USIA have over the activities of the five Army television camera crews operating in Viet Nam that produce materials aimed at U.S. television audiences?

None.

15. Have the Viet-Nam Information Services and other Viet-Nam agencies dealing with propaganda matters been receptive to USIA advice?

They have been generally receptive to advice in program, training, and engineering matters. Advice in administrative matters has been less effective.

16. (a) How many members of Viet-Nam's National Assembly have come to the United States in the last two years? How many have had all or part of their expenses paid for by the United States?

During the past 2 years, 3 Vietnamese senators and 42 deputies visited the United States. Ten senators and 10 deputies traveled in whole or in part at U.S. Government expense. Of these 20, six senators and five deputies were provided domestic travel expenses and per diem from the Department of State in response to invitations issued by members of the U.S. Congress.

16. (b) Does the USIA sponsor any Vietnamese to come to the United States on speaking tours? If so, give details.

None.

17. (a) How many Vietnamese have been brought to the United States for study or training (non-military) in the last five years under government auspices?

Program	1965	1966	1967	1968	1969	Total
Fulbright-Hays scholarships	9	6	0	0	[1] 1	16
Cleveland international program	2	2	3	2	2	11
East-West center scholarships	2	5	7	5	2	21
American field service scholarships	15	14	48	33	23	133
USAID grants	107	92	412	433	186	1,230
Total	135	119	470	473	214	1,411

[1] Partial grant.

17. (*b*) *How many are here now?*

Program:	
Fulbright-Hays scholarship	1
East-West Center scholarships	13
American field service scholarships	30
Television engineers to RCA Institute	5
USAID grants	526
Total	575

17. (*c*) *How many are programed to come this year? Next Year?*

Program	1970	1971
Cleveland international program	2	2
East-West Center scholarships	5	5
American Field Service scholarships	20	20
USAID grants (new)	[1] 331	411
USAID grants (renewals)	384	448
Total	742	886

[1] Although new participants have been selected and funds obligated, they are authorized to depart Vietnam up to 9 months after the obligation date.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 1398. A bill to amend the Water Resources Planning Act to authorize increased appropriations. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of the senior Senator from the State of Colorado (Mr. ALLOTT) and myself, I send to the desk for appropriate reference a bill to amend the Water Resources Planning Act to authorize increased appropriations.

This legislation was submitted and recommended by the Water Resources Council, and I ask unanimous consent that the executive communication accompanying the draft proposal be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WATER RESOURCES COUNCIL,
Washington, D.C., March 11, 1971.

Hon. SPIRO T. AGNEW,
President of Senate
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a proposed draft bill "to amend the Water Resources Planning Act to authorize increased appropriations." At present, the Act (79 Stat. 244, 42 USC 1962 *et seq.*) contains a combined ceiling of $900,000 for the Council's administration of the Act, consisting of a ceiling of $500,000 for Title I and $400,000 for the administration of Title III. The bill proposes to eliminate these ceilings so as to accommodate the Administration's proposed FY 1972 budget for the Council and to permit any necessary future increase in funds that could be made available.

The separate authorization ceilings for the administration of Titles I and III have proved to be somewhat artificial and impractical in actual operation, and we believe that the authorization for the Council's administration of the Act should be combined as proposed in the bill. This change will result in more efficient administration and more accurately reflect the Council's organizational structure.

Authorization ceilings for river basin commissions established under Title II of the Act would not be changed by this bill. It would, however, clarify the budgetary procedure for such commissions by providing explicitly that the salaries and expenses of commission chairmen are subject to the Title II ceilings.

The ceiling on grant funds to States, set at $5,000,000 in the Act, would not be affected by this bill.

The Office of Budget and Management advises that this bill would be in accordance with the program of the President.

Sincerely yours,
ROGERS C. B. MORTON,
Chairman.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 1399. A bill to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, I introduce, for myself and the senior Senator from Colorado (Mr. ALLOTT), by request, a bill submitted and recommended by the Secretary of the Interior to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior.

I ask unanimous consent that the text of the letter transmitting the proposed legislation be printed at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 24, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a proposal "To establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior.

We recommend that the proposal be referred to the appropriate committee for consideration and that it be enacted.

The proposal creates a sixth Assistant Secretary of the Department of the Interior who will be appointed by the President with the advice and consent of the Senate. He will have responsibility for those duties assigned to him by the Secretary of the Interior and will be compensated at the rate of Executive Level IV.

The intent is that the new Assistant Secretary will assume the duties currently assigned to the Assistant Secretary for Administration. The present Assistant Secretary for Administration is appointed by the Secretary of the Interior with the approval of the President and is compensated at Executive Level V.

The Assistant Secretary for Administration is responsible for a variety of functions, including offices of Budget, Management Operations and Survey and Review. These functions cut across the entire department and involve substantive policy as well as more routine administrative matters. Placing the new Assistant Secretary for Administration on the same level as the other Assistant Secretaries will, we feel, substantially enhance his effectiveness in dealing with the other Assistant Secretaries and in carrying out his functions.

The proposed bill abolishes the existing position at the same time creating the new one. In order to avoid a hiatus while the Senate is exercising its confirmation prerogative, the bill provides that the existing position will not be abolished until an appointee is confirmed to fill the new position.

The Office of Management and Budget has advised that there is no objection to the presentation of this legislative proposal from the standpoint of the Administration's program.

Sincerely yours,
ROGERS C. B. MORTON,
Secretary of the Interior.

A bill to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be hereafter in the Department of the Interior, in addition to the Assistant Secretaries now provided for by law, an additional Assistant Secretary of the Interior who shall be appointed by the President by and with the advice and consent of the Senate, who shall be responsible for such duties as the Secretary of the Interior shall prescribe, and shall receive compensation at the rate now or hereafter prescribed by law for Assistant Secretaries of the Interior.

SEC. 2. Section 5315, title 5, United States Code, is amended by striking the figure "(5)" at the end of item (18) and by inserting in lieu thereof the figure "(6)".

SEC. 3. Section 4 of Reorganization Plan Number 3 of 1950, as amended (64 Stat. 1262) is repealed, effective upon the confirmation by the United States Senate of a Presidential appointee to fill the position created by this Act.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 1400. A bill to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of the senior Senator from Colorado (Mr. ALLOTT) and myself, by request, I send to the desk for appropriate reference a bill to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives.

This measure has been submitted and recommended by the Department of the Interior, and I ask unanimous consent that the letter accompanying the proposed legislation be printed in the RECORD following my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C., March 23, 1971.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is enclosed a draft bill "To provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives."

We recommend that the enclosed draft bill be referred to the appropriate committee for consideration and that it be enacted.

This proposal is identical to H.R. 19413, a bill which was favorably reported out by the Committee on Interior and Insular Affairs of the House of Representatives during the 91st Congress. This is a proposal that is acknowledged to be peculiarly within the province of the Congress since it concerns the membership in the House of Representatives.

We have included both territories in the same bill since apart from their acquisition, Guam having been acquired from Spain in 1898 and the Virgin Islands having been purchased from Denmark in 1917, their status and development parallel one another. Both Guam and the Virgin Islands are organized, but unincorporated, territories of the United States; i.e., the Congress has provided for each of them a formal structure of government through passage of an organic act. The residents of both territories are American citizens.

The territories are governed by locally elected legislatures, and recently inaugurated their first elected Governors on January 4, 1971. In each area, the judiciary is separate from the executive and legislative branches of government. Federal District Courts have been establish in Guam and the Virgin Islands.

In the Virgin Islands, the elected legislature has shown an increasingly mature grasp of its responsibilities, and, politically, the people have developed a meaningful party system. The territorial government has greatly expanded the scope of its services, and the private economy has likewise prospered, largely because of the increase of tourism and of manufacturing enterprises of various sizes.

Similar political maturity has been evidenced by the legislature and the people of Guam. Guam is an area of full employment and is actively engaged in diversifying its economy in order to be less dependent upon the defense establishments located there.

Normally, neither territory approaches the Congress for direct appropriations to support its governmental activities. The present exception is Guam's requests for loans and grants authorized in connection with the rehabilitation program authorized by Public Law 88-170, as amended by Public Law 90-511. This is not to say that either territory is entirely self-supporting, but only that each of the two territories is able to finance its affairs through revenues generated locally, either directly or indirectly, and retained and expended pursuant to Congressional authorization.

We believe each of the territories of Guam and the Virgin Islands should have representation in the House of Representatives in the form of a non-voting delegate. Each Congress considers and acts upon a variety of proposals which, if enacted, affect the territories and their people in varying degrees, sometimes only remotely, but often in a direct and substantial way. We submit the citizen residents of these territories are as entitled as the citizens of the several States to express their views respecting the actions of the Congress through a duly accredited and accepted member of the House of Representatives, albeit one with limited powers.

The enclosed draft bill, if enacted, would provide for the representation we suggest. It provides for the popular election of a nonvoting delegate to the House of Representatives from each of the named territories, whose term would be two years, and who would receive the same compensation, allowances and benefits as a Member of Congress, and such privileges as might be afforded him by the Rules of the House of Representatives. The draft bill sets forth certain criteria and procedures for candidates and the manner of election, but leaves the majority of the details of election in the hands of the local legislatures.

The Office of Management and Budget has advised us that there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely yours,

Hollis M. Dole,
Assistant Secretary of the Interior.

A bill to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembeld, That the territory of Guam and the territory of the Virgin Islands each shall be represented in the United States Congress by a nonvoting Delegate to the House of Representatives, elected as hereinafter provided.

Sec. 2(a). The Delegate shall be elected by the people qualified to vote for the members of the legislature of the territory he is to represent at the general election of 1972, and thereafter at such general election every second year thereafter. The Delegates shall be elected at large, by separate ballot and by a majority of the votes cast for the office of Delegate. If no candidate receives such majority, on the tenth day following such election a run-off election shall be held between the candidates receiving the highest and second-highest number of votes cast for the office of Delegate.

(b) A candidate for Delegate who is the nominee of a political party shall be so designated and a candidate who is not the nominee of a political party shall be designated an "Independent." No political party shall nominate more than one candidate for the office of Delegate. An "Independent" candidate shall have been nominated by petition of at least two hundred registered voters, such petition to be filed not less than thirty days before the date of the election.

(c) The term of the Delegate shall commence on the third day of January following the date of the election.

Sec. 3. No person shall be eligible for the office of Delegate who, on the date of the election, is a candiate for any other office or is not:

(a) At least twenty-five years of age; and

(b) A qualified voter and otherwise eligible for election as a member of the legislature of the territory he is to represent.

Sec. 4. The legislature of each territory may determine the order of names on the ballot for election of Delegate, the method by which a vacancy in the office of Delegate shall be filled, the method by which ties between candidates for the office of Delegate shall be resolved, and all other matters of local application pertaining to the election and the office of Delegate not otherwise expressly provided for herein.

Sec. 5. The Delegate from Guam and from the Virgin Islands shall have such privileges in the House of Representatives as may be afforded him under the Rules of the House of Representatives. The Delegate from each territory shall receive the same compensation, allowances and benefits as a Member of the House of Representatives, and shall be entitled to whatever privileges and immunities are, or hereinafter may be granted to the Resident Commissioner for Puerto Rico.

By Mr. JACKSON (for himself, Mr. Allott, and Mr. Moss):

S. 1401. A bill to establish a national Indian education program by creating a National Board of Regents for Indian Education, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

THE NATIONAL BOARD OF REGENTS FOR INDIAN EDUCATION ACT OF 1971

Mr. JACKSON. Mr. President, I am introducing legislation today which is designed to make major reforms and major institutional changes in the field of Federal Indian education. This measure, the "National Board of Regents for Indian Education Act of 1971," would establish in the executive office of the President a National Board of Regents for Indian Education and would transfer to the Board of Regents responsibility for Federal Indian schools and education. Improving the quality and quantity of Indian education and maximizing opportunities for Indian control and self-determination are the major purposes of the bill.

Through the years, Mr. President, the basic posture of the Federal Government toward American Indians has assumed a variety of forms. In the most sweeping terms, these have ranged from dealing with the tribes as separate and independent nations to treating the Indians in a paternalistic manner and in a guardian-ward relationship. These various relationships have been based upon a large and still-growing body of court decisions, treaties, laws, and regulations. This body of law provides the judicial basis for the long-standing, unique relationship which exists between the American Indian people and the Federal Government.

It is because of this relationship that the Federal Government has a "special" responsibility for the protection of Indian lands and resources and for the provision of basic community services to Indians under specified conditions.

Many American Indian people view the maintenance of this unique relationship as important, even critical, to the continued survival of their culture and their identity as a people. In the immediate sense, they view this relationship as essential to their physical survival and well-being as individuals, families, and communities. Based on this relationship, many of the most essential needs of America's Indian people have been and, to a large extent, still are being met through benefits and services provided under Federal programs operated on reservations and in other traditional "trust" areas.

Because of the Federal Government's moral and legal commitments, and in light of the very real social and economic needs of many Indian communities, it is essential that we continue to improve and to build upon this unique relationship between the Federal Government and the

Indians. It is also necessary to undertake an effort to assure that appropriate high quality services are made available to Indians who are in need and who qualify. This is a goal to which I personally ascribe. I believe that quality services and a policy of self-determination can maximize personal opportunity and they should serve as guiding principles in a new Federal effort to improve policies and programs to advance the well-being of all Indian people.

Traditionally, the Bureau of Indian Affairs, organized under the War Department in 1824 and later transferred to the Department of the Interior upon its establishment in 1849, has served as the organizational vehicle to carry out Federal Indian responsibilities.

While its primary responsibility is to protect Indian lands and resources, the Bureau of Indian Affairs does provide important community services to many Indian people. Unfortunately, the Bureau has been guided by policies, programs, and laws that, for the most part, have precluded Indian self-determination and control of affairs on their reservations and in their communities. This almost complete Federal dominance in the daily lives of Indian people for decades has created excessive reliance on governmental assistance, has eroded initiative, and has served to inhibit social and economic growth and development.

Congress must share in these shortcomings for it is Congress who has enunciated Indian policy since the earliest days of our Nation. Our combined policy and program efforts have failed to achieve the kind of measured progress in the Indian field which was anticipated and which can be pointed to with pride.

Evidence of the failure of Federal Indian programs is well illustrated in a growing body of health, social, and economic statistics. Indians, compared to other Americans, have not shared equitably in the great social and economic advancements of the Nation. The wide spectrum of statistics which reflect failure to achieve the goal of equal participation, at the same time indicate that there are serious impediments that must be overcome if social and economic advancements are to be made.

A few examples reflect the Nation's failure and provide an insight into why major educational reforms and institutional changes are now required.

The infant mortality rate for Indians is 30.8 deaths per 1,000 live births compared to 20.7 for all races;

The average age at death for Indians is 46.1 years compared to 65.0 years for all races in the Nation:

The average Indian family of five or six lives in a one or two room house, 24 percent of which lack running water and adequate sanitation facilities;

Fifty percent of Indian students drop out of school before graduation, and the average number of years of schooling completed by Indians is 8.4 compared to the national average of 10.6;

Unemployment among Indian people is approximately 10 times the long-term national average, and runs as high as 60 percent on some reservations during the winter months;

In 50 percent of the Indian households, the annual income is under $2,000, well below the poverty level established by the Federal Government.

These statistics, while only illustrative, reflect deplorable social circumstances which everyone, especially the Indian people themselves, want to remedy. However, the Indians' hopes and aspirations for a better way of life are too often cut short by early deaths and a denial of full opportunity. For those who survive childhood these same hopes and aspirations are narrowed by inadequate academic and vocational skills to enjoy economic self-sufficiency. This situation, in short, represents the challenge which confronts the Congress, the executive branch and Indian communities.

Although the problems of Indians are severe and complex, the winds of positive change have been directed to the Indian field and reflect hope and promise for the future. Within the last decade, there have been tremendous changes in Indian Affairs. The changes point to a more dynamic role for Indian leaders, Indian people, and Indian communities in setting the course of their educational, social and economic development. This does not mean that Indians now "have control" but it does mean that they are increasingly in a position to influence, to set the tone, and in great measure participate meaningfully in decisions affecting their daily lives and their future.

A national response to the disadvantaged was begun during the 1960's with congressional approval of legislation authorizing the establishment of new social and economic programs within the executive branch of government. A number of key measures were the Elementary and Secondary Education Act, the Economic Opportunity Act, the Manpower Training and Development Act, medicare, and medicaid.

As a result of these developmments the imprint of the Office of Economic Opportunity, the Housing and Urban Development Department, the Economic Development Administration, the Labor Department, the Agriculture Department, and the Department of Health, Education, and Welfare, in addition to the Bureau of Indian Affairs, can now be noted on most reservations. The net effect of these developments in terms of Federal financial resources being applied against Indian problems is a combined expenditure of all agencies in excess of $625 million in the 1971 fiscal year alone.

A noticeable feature of this multiagency involvement is that a number of other Federal departments are now striving to serve effectively the Indian people on reservations. Needless to say, a whole new set of interactions between Indians and other officials have been set in motion with varying degrees of successes and failures.

The availability of new or expanded social and economic benefits for Indian people has given rise to added responsibilities and challenges for Indian leaders and their people. Essentially, tribal governments are faced with the task of marshaling these resources in such a way that they will have optimum benefits for the people they represent.

While the broadening of authorities and the greater involvement of Federal agencies, and an increasing demand for Indian participation has been taking place, what has been happening to and in the Indian communities? A rediscovery of those communities has occurred by the public and private resources.

The Indian community, itself, also has been in an upward spiral. More jobs and opportunities are available now in the community. Young Indian people with advanced education are coming back to live; transportation and communication with the surrounding towns and the outside world are a part of everyday living. New social and political forces that want to effect change and improve the Indian community are at work. More than any other time in Indian history, there are tremendous internal and external social and political forces at work on the Indian community. These forces have as their goal a radical change in the posture of the Indian and his community.

Yet, the majority of Indian people are caught in the backlash of historical developments and policies which make it difficult for them to come to grips with the key issues of how to meet the needs of their people and how to develop the best communities to live in. A key to this development is the issue of education for Indian children and people.

Just as the interest in Indians has moved from a one-agency to a multiagency focus in policy and programs, so has the educational focus in Indian Affairs.

Over the years, the formal education of American Indians has been the responsibility of three major groups—Christian missionaries, the Bureau of Indian Affairs, and more recently the State public school system.

Mission schools were the major way for educating American Indians until the last part of the 19th century. After the Civil War, the Federal boarding schools became the important educational effort. Today, the State public schools are educating about two-thirds of all Indian children for whom the Federal Government assumes responsibility.

None of these avenues for education were totally satisfactory but should be looked upon as ways devised to provide some opportunity for Indians to receive an education.

Much has been publicized about education for Indians, particularly in the last 5 years. I think it fair to say that with the growing interest of Indian involvement in programs, a new interest in education also has been developing in the Indian community.

Today 185,587 Indian children attend Federal, private, and mission schools. Of these children 68.4 percent attend public schools; 25.8 percent attend Federal schools; and 5.8 percent attend mission and other schools.

Federal sources to support these children originate from direct appropriations to the Bureau of Indian Affairs for support of the Federal system, as well as from funds made available by amendments to the Elementary and Secondary Education Act of 1965, and transferred to the Department of the Interior from the Department of Health, Education, and Welfare for use in the Bureau of Indian Affairs schools.

For those Indian children attending public schools, three main sources of Federal funds are utilized: Johnson-O'Malley Act of 1934 (43 Stat. 596, as amended) administered by the Department of the Interior; Public Law 81–874 (64 Stat. 1100) and the various titles authorized under Elementary and Secondary Education Act of 1965.

In both the Federal and public school systems serving Indian children, parents and others in the Indian community have virtually no voice in the manner in which the schools are operated and how these Federal moneys are utilized. In short, it is a closed educational system to Indian people, and one which I propose to open up for them and for public scrutiny to assure that these systems will become more responsive to the diverse educational needs of Indian children and their communities.

The bill I have introduced today is predicated on the assumption that a national Indian education program must be established in order to effectively meet the educational needs of Indian and Alaska Native children, irrespective of their place of school enrollment.

To this end, the bill authorizes creation of a National Board of Regents for Indian Education to provide leadership and an organizational framework for such a program.

Because the educational needs are so great, and the deficiencies so serious, I am proposing through my bill that the executive branch join with the Congress in declaring that making educational opportunity available to Indian children is among the Nation's highest and most urgent domestic priorities. This can best be accomplished by placing the board of regents, as I propose, in the Executive Office of the President for a period of 5 years to insure the successful establishment and implementation of a national Indian education program. In this manner, the program will receive the high-level executive and congressional focus and attention that it requires and rightfully deserves.

The bill provides that the 11-member board of regents for Indian education, to be appointed by the President with the advice and consent of the Senate, will be selected from the Indian and education communities. The board will be charged with responsibility of formulating the broad operating policies for a national Indian education program, along with projected cost estimates, that is responsive to the educational needs of the Indian and Alaska Native children to be served.

The bill provides that the board of regents will assume complete responsibility for control and management of the educational system currently administered by the Bureau of Indian Affairs. This changeover will be completed within a 4-year period of time. It will involve the transfer of 138 day schools on reservations, 19 off-reservation, and seven peripheral dormitories from the Bureau of Indian Affairs jurisdiction to the board of regents. The board will assume responsibility for administration of Johnson-O'Malley contracts which the Bureau of Indian Affairs maintains with 15 States to support education programs for Indian children enrolled in public school districts.

My bill mandates the right of Indian communities to establish school boards to assume control and operation of Federal schools serving the children in such communities. The board of regents would finance the locally controlled school through appropriated funds from Congress and other financial aids emanating from the U.S. Office of Education, Department of Health, Education, and Welfare.

As a means of influencing the proper utilization of Federal funds made available to school districts serving Indian children and which originate from the Department of Health, Education, and Welfare, my bill authorizes the board of regents to serve in an advisory capacity to the Secretary of that Department. This will permit the board to serve an "advocacy" role in behalf of Indian children concerning the use of Federal educational funds and programs.

These are the essential features of the bill. I believe it can serve as a new blueprint for Indians and the Government to join in the design of an educational thrust that will insure educational achievement and excellence for their children.

The educational needs of Indian and Alaska Native children are so long-standing and severe that they must transcend partisan political considerations. Therefore, I am hopeful that my colleagues from both parties in this great body will respond to this challenge, as we have done so often in the past on other critical issues, and join with me in cosponsoring the National Board of Regents for Indian Education Act of 1971. It offers the avenue for Indian people to achieve their hopes and aspirations for a life of decency and self-sufficiency.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1401

A bill to establish a national Indian education program by creating a National Board of Regents for Indian Education, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Board of Regents for Indian Education Act of 1971."

CONGRESSIONAL FINDING

(a) The Congress, after careful review of the Federal government's historical and special legal relationship and resulting responsibilities to American Indian people, finds:

(1) that the Federal responsibility for providing education for Indian children, for adult education and for skills training has not produced the desired level of educational achievement nor created the diverse opportunities and personal satisfaction which education can and should provide;

(2) that recent studies indicate that the average level of educational attainment among young American Indian people is only 8.4 years as opposed to a national average of 10.6 years;

(3) that the school dropout rate for Indian students is in excess of 50 per cent as opposed to a national average of approximately 25 per cent;

(4) that 25 per cent of the adult Indian population is functionally illiterate and is a major contributing factor to the high Indian unemployment rate which is ten times the national average;

(5) that in many areas of the nation these deplorable levels of educational attainment are directly linked to inadequate educational materials, school curricula which is not relevant to Indian culture, substandard facilities, a lack of enough competent teachers; and a failure to place appropriate decision-making authority and responsibility for educational policy in the hands of the Indian people; and

(6) that the failure to provide quality educational opportunity results in a waste of human resources and a loss of intellectual and cultural benefits of national value which cannot be allowed to continue.

(b) The Congress further finds:

(1) that local communities, individual families and parents should, as a matter of national policy, be directly and actively involved in decisions relating to the nature and quality of their children's education;

(2) that there is a need for new leadership in the field of Indian education which is professional qualified, innovative and responsive to the educational needs of Indian children and the desires of Indian communities;

(3) that this new leadership should be composed of representatives of Indian communities as well as other representatives who bring experience, excellence and a capacity to develop innovative programs in the field of education;

(4) that a properly funded and structured program of Indian education which is held to a standard of academic excellence can provide the nation an opportunity to test new techniques, concepts and materials designed to improve both Indian education and education for all Americans; and

(5) that as a matter of national policy the Federal government shall maximize educational achievement and opportunity for all Indian children as well as for all other children attending schools operated by the Federal government for the education of Indian children.

TITLE I—DECLARATION OF POLICY

SEC. 101. In recognition of the critical importance of education in meeting the social, cultural, and employment aspirations and needs of American Indian and Alaska Native children, and the growing desire of Indian peoples for self-determination through maximum involvement, participation, and direction of educational as well as other services in their communities, the Congress hereby declares that a restructured, revitalized and properly funded program of Indian education shall become the foundation and central feature of our Nation's Indian policy and shall be accorded the Nation's highest domestic priority.

SEC. 102. Providing the quantity and quality of educational services and opportunities that will permit American Indian children to compete and excel in the life area of their choice is hereby declared to be a major national goal.

Sec. 103. The Congress further declares its intent to achieve this goal by establishing a National Board of Regents for Indian Education to work with Indian communities and to provide direction, leadership and an organizational framework to mobilize public and private educational resources towards the development of a quality national Indian education program for Indian children, which provides for diversity of opportunity, individual fulfillment, equality of services and academic excellence.

TITLE II—NATIONAL BOARD OF REGENTS FOR INDIAN EDUCATION

Sec. 201. There is hereby established in the Executive Office of the President an independent agency to be known as the National Board of Regents for Indian Education.

Sec. 202. (a) The Board shall consist of eleven members to be appointed by the President of the United States, with the advice and consent of the Senate. Such appointments shall be made by the President after considering proposed nominees submitted by Indian tribes and organizations, and shall, insofar as is possible, represent the geographic regions of the country having substantial Indian populations. Persons appointed to serve on the National Board of Regents shall be selected on the basis of: (1) their commitment toward, and professional or personal experience in improving the quality of Indian education; (2) their professional competence as educators who have a history of successfully implementing effective, bold and innovative educational programs; or (3) their demonstrated ability to work with local Indian communities in developing and implementing educational programs.

(b) It is the intent of the Congress that the President appoint the most capable persons available to serve on the National Board of Regents and that these appointments shall include a substantial number of persons who are American Indians.

(c) Appointments to the Board of Regents and the appointment of staff for the Board of Regents shall be made without regard to political affiliations or partisan consideration of any kind, and said staff shall not be otherwise employed.

Sec. 203. Members of the Board of Regents shall be appointed for three years; except that the terms of office of members of the initial Board shall be composed of four members appointed for one-year terms, three members appointed for two-year terms, and four members for three-year terms. There shall be no limit on the number of terms a member of the Board of Regents may be reappointed. Any person appointed to fill a vacancy on the Board, occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of that term. The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman. The Vice Chairman, during the absence or disability of the Chairman, shall act for, and exercise the powers of, the Chairman. The Vice Chairman shall perform such duties as the Chairman may prescribe.

Sec. 204. Members of the National Board of Regents shall meet at least once each month subject to the call of the Chairman; and when in attendance at such meetings shall be compensated at the daily rate prescribed for grade GS-18 of the General Schedule, under section 5332 of Title V, United States Code, including travel expenses and per diem at the applicable government rates.

Sec. 205. Pursuant to rules and regulations adopted by the National Board of Regents, the Chairman is authorized to:

(a) appoint, prescribe the duties of, and fix the compensation of the Executive Director and such additional staff personnel as the Chairman deems necessary. The Executive Director shall be appointed by the Chairman after advice and consultation with the members of the Board of Regents.

(b) compensate all employees at the schedule prescribed in chapter 53, Title 5, of the United States Code.

(c) procure temporary and intermittent services of individuals and consultants to the same extent as is authorized by section 3109, United States Code, but at a rate not to exceed $125 a day for individuals.

TITLE III—POWERS AND DUTIES OF THE NATIONAL BOARD

Sec. 301. The National Board of Regents is authorized and directed to:

(a) develop priorities and specific goals and objectives for a National Indian Education Program to achieve within two, five, and ten years respectively together with a recommended detailed program designed to attain these goals and objectives. The recommended program shall deal with the needs of all Indian children enrolled in Federal, public, and private school systems. The Board of Regents initial program plan shall be completed within one year following the appointment of the initial Board

(b) submit the National Indian Education program to the President, to the Congress, and to the Secretaries of the Department of the Interior and the Department of Health, Education, and Welfare for review and, where appropriate, for implementation;

(c) serve in a program monitoring role to the Secretary of the Interior until such time as all powers, functions, and responsibilities for Indian education are transferred from the Department of the Interior to the Board of Regents;

(d) assist the Office of Management and Budget in the development of regulations, guidelines, and procedures to provide for the transfer of the educational programs, authorized by the Johnson-O'Malley Act (43 Stat. 596, as amended), and administered by the Secretary of the Interior to the Board of Regents. Transfer of the Johnson-O'Malley educational programs from the Department of the Interior to the Board of Regents shall occur no later than two years from date of enactment of this act

(e) devise procedures for assuming full responsibility for the formulation of the Federal budget in Indian education in conjunction with the Secretary of Interior and report this procedure to the appropriate committees of the Congress no later than one year following enactment of this act. Unless Congress otherwise directs, such transfer of budget authorities shall occur within three years from the date of enactment of this act;

(f) serve as an advisory committee to the Secretary of the Department of Health, Education and Welfare concerning that Department's programs which directly affect Indian children including the public school system;

(g) assume full responsibility for the control and operation of Indian educational programs of the Federal government, including presentation of the budget for Indian education to the Office of Management and Budget and the Congress, no later than four years after the effective date of this act;

(h) devise and implement procedures for establishing new local Indian school boards that will assume control and operation of Federally-supported education programs. Such local Indian school operations shall be financed from appropriations to the Board and various other Federal funds. These local Indian school boards may not be given full control of a local Indian school until they have met appropriate standards and criteria established by the Board of Regents. The Board of Regents shall not interfere with activities of already established local Indian school boards, but may extend to them such assistance as they may request; and

(i) render such training and technical assistance as is necessary, particularly to Indian tribes, groups, and organizations, to carry out the Board's programs and policies.

Sec. 302 (a) The President of the United States shall implement the transfer of authorities and responsibilities provided for in this Act by the promulgation of any necessary Executive Orders.

(b) When programs are transferred under this Act to the Board of Regents, the Board, together with the transferring agency, shall develop a plan and program for the transfer of appropriate and needed personnel, budget accounts, records, property and other necessary materials. No person who is transferred or who stays with the transferring agency in some other capacity shall be denied any rights or status available under the Civil Service laws and regulations.

TITLE IV—REPORTING BY THE BOARD

Sec. 401. The Board of Regents shall submit an annual report to the Congress beginning one year from the effective date of this Act. The report shall set forth the progress of the Board in meeting the objectives of this Act. The Board's report shall, 60 days prior to its transmittal to the Congress, be submitted to the Secretaries of the Interior and Health, Education, and Welfare, for their review and comments, and any views shall be attached to the report when transmitted to the Congress.

Sec. 402. The Board of Regents shall include in its third annual report its recommendations on the organizational location of the Board of Regents. Prior to such submittal, such report shall be submitted to the President, and the President shall, if he deems it appropriate, send to the Congress a Reorganization Plan to implement recommendations resulting from this report.

TITLE V—TRANSFER OF PROPERTY TO THE BOARD

Sec. 501. The Secretary of the Interior, other Federal agencies, and private organizations are authorized to convey to the Board of Regents all right, title, and interest in and to Indian schools, supporting facilities and equipment, and real property.

TITLE VI—ADMINISTRATIVE RESPONSIBILITIES OF THE BOARD

Sec. 601. The principal office of the Board of Regents shall be in the District of Columbia, but it may have such other offices as the Board deems necessary.

Sec. 602. The Board of Regents is authorized to make such rules and regulations as it deems necessary to carry out its functions.

Sec. 603. The Board of Regents is authorized to make such expenditures or grants, either directly or by contract, as may be necessary to carry out its responsibilities under this Act.

Sec. 604. In carrying out its responsibilities under the provision of this Act, the Board of Regents is authorized to request such personnel, services, and materials as it deems may be needed and such support subject to the concurrence of the Office of Management and Budget, shall be made available to the Board by the Department or agency requested to furnish such personnel, services, and material.

Sec. 605. The Board of Regents is authorized to receive and use donated funds or services if such funds or services are donated without restrictions other than for use in furtherance of Indian education.

Sec. 606. The Board of Regents is authorized to acquire by purchase, lease, loan, gift, or contract, and to hold and dispose of by grant, sale, lease, loan, or contract, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this Act, including transfer of property to Indian school boards.

SEC. 607. The Board of Regents is authorized to enter into contracts or other arrangements, or modifications thereof, with organizations or individuals, including other government agencies of the United States, for such research, development, demonstration, evaluation, and other proposed efforts as may be necessary under this Act.

TITLE VII—AUTHORIZATION FOR APPROPRIATIONS

SEC. 701. There is authorized to be appropriated such sums of money as may be necessary to carry out the functions and responsibilities of the Board of Regents. Such sums shall remain available until expended. Until such time as the Board presents its own operating budget to the Office of Management and Budget and the Congress, as provided in section 301(e) of this Act, the Secretary of the Interior shall submit the operating budget recommendations of the Board of Regents at the time the Administration's budget requests are presented.

TITLE VIII—DEFINITIONS

SEC. 801. The term "Indian" as used in this Act is defined to mean an Indian, Eskimo or Aleut person who is a member of a tribe, band, nation or Alaska Native community for which the Federal government provides special programs and services because of their identity as Indians.

SEC. 802. The term "Board of Regents" as used in this Act shall be defined to mean the "National Board of Regents for Indian Education."

SEC. 803. The term "Federally-supported education programs" as used in this Act is defined to mean all education programs operated by the Department of the Interior or operated under contract for the Bureau of Indian Affairs by local Indian school boards or by other Indian or non-Indian contractors.

SEC. 804. The term "Public schools" as used in this Act is defined to mean those public schools with Indian children in attendance which may receive assistance under the Johnson-O'Malley Act (43 Stat. 596, as amended) and impact aid funds as authorized under Public Law 815 of the 81st Congress (64 Stat. 967) and Public Law 874 of the 81st Congress (64 Stat. 1100).

SEC. 805. The term "Indian tribal organizations" as used in this Act is defined to mean any formally or informally organized tribe, band, or community or group recognized by the Department of the Interior.

By Mr. BYRD of Virginia:

S. 1404. A bill to amend the United Nations Participation Act of 1945 to prevent the imposition thereunder of any prohibition on the importation into the United States of any strategic and critical material from any free world country for so long as the importation of like material from any Communist country is not prohibited by law. Referred to the Committee on Foreign Relations.

Mr. BYRD of Virginia. Mr. President, I am today introducing legislation aimed at ending the dependence of the United States upon the Soviet Union for its supply of chrome ore—a material vital to national defense.

The United States is now facing a critical shortage of chrome, which is essential to the manufacture of stainless steel. Jet aircraft and missiles are among the items vital to defense which make use of chrome.

Our current situation is the result of American participation in United Nations economic sanctions against Rhodesia, the small African country which is the world's richest source of chrome.

The U.N. sanctions were imposed after Rhodesia declared her independence from Great Britain. Rhodesia was labeled a "threat to international peace and security"—a ridiculous charge.

Unfortunately, the United States actively supported the embargo against Rhodesia. Since the first sanctions in 1966, the United Nations has twice tried to strangle Rhodesia with an ever-tighter boycott, each time actively supported by the United States.

These measures have not worked. The embargo policy is a failure. Rhodesian trade actually is increasing.

Yet the United States persists in supporting the unethical U.N. sanctions, even though all Rhodesia has done is to declare her independence from Great Britain—a step the American colonies took in 1776.

It is today a criminal offense for any American to engage in trade with Rhodesia.

Now this situation would be bad enough if it were just a question of international law and relations between nations. Former Secretary of State Dean Acheson has called the U.N. action against Rhodesia "barefaced aggression, unprovoked and unjustified by a single legal or moral principle."

I concur.

But more than legal and moral principle is involved.

Before the U.N. sanctions were imposed, Rhodesia supplied the United States with most of its chrome ore.

With the embargo in effect, the United States has had to turn to the Soviet Union for chrome. Sixty percent of the chrome we are using comes from Russia.

The Russians have taken advantage of a monopoly situation and have more than doubled the price of the chrome ore they export to the United States.

But even more serious is the fact that we are dependent on the favor of the Russians for a strategic material.

The administration has requested that Congress pass a bill permitting withdrawal of 30 percent of the present supply of chrome in the Nation's reserve stockpile.

This would temporarily meet our needs, in combination with Russian chrome. But it is only a stopgap measure, for at this rate we would exhaust our stockpile in a little over 3 years.

To my mind, it is totally illogical for the United States to depend upon Russia for a strategically important commodity.

The legislation I am introducing today would enable us to end this dependency upon the Soviet Union.

Under my proposal, the President could not ban imports of a strategic material from a free world country if the importation of the same material is permitted from a Communist-dominated country. That seems logical to me.

Now technically, the administration could meet the requirements of this legislation by banning all chrome imports. But then of course there would be far too little ore for even the most elementary needs of the United States.

Therefore, the United States would have to end its participation in the U.N. sanctions against Rhodesia, insofar as chrome is concerned.

It would be my hope that the administration would drop all sanctions against Rhodesia. That would be the proper course to take.

But even if this course were not taken, at least the United States would end its reliance upon the Soviet Union for strategically vital chrome ore.

Legislation similar to mine has been introduced in the House of Representatives by Representative COLLINS of Texas. I hope that the Congress will take prompt action to change the absurd and dangerous position in which the United States now finds itself.

Mr. President, I send to the desk proposed legislation to accomplish this purpose, and I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1404

A bill to amend the United Nations Participation Act of 1945 to prevent the imposition thereunder of any prohibition on the importation into the United States of any strategic and critical material from any free world country for so long as the importation of like material from any Communist country is not prohibited by law

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the United Nations Participation Act of 1945 (22 U.S.C. 287c(a) is amended by adding at the end thereof the following new sentence: "On or after the effective date of this sentence, the President may not prohibit or regulate the importation into the United States pursuant to this section of any material determined to be strategic and critical pursuant to section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), which is the product of any foreign country or area not listed as a Communist-dominated country or area in general headnote 3(d) of the Tariff Schedules of the United States (19 U.S.C. 1202), for so long as the importation into the United States of material of that kind which is the product of such Communist-dominated countries or areas is not prohibited by any provision of law.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 933

At the request of Mr. HUGHES, the Senator from Indiana (Mr. BAYH) and the Senator from Oklahoma (Mr. HARRIS) were added as cosponsors of S. 933, the Voter Assistance Act of 1971.

S. 950

At the request of Mr. DOMINICK, the Senator from Kansas (Mr. PEARSON) was added as a cosponsor of S. 950, a bill to amend the Gun Control Act of 1968 relating to the importation into the United States of sporting rifles and sporting shotguns.

S. 1116

At the request of Mr. JACKSON, the Senator from Kentucky (Mr. COOK) was added as a cosponsor of S. 1116, a bill to require the protection, management, and control of wild free-roaming horses and burros on public lands.

S. 1197

At the request of Mr. MONDALE, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1197, a bill to extend the availability of Federal crop insurance and to authorize the appropriation of funds for administrative expenses of the Federal crop insurance program.

S. 1217

At the request of Mr. JACKSON, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 1217, a bill to declare that certain federally owned lands within the White Earth Reservation shall be held by the United States in trust for the Minnesota Chippewa Tribe, and for other purposes.

S. 1307

Mr. BYRD of West Virginia. Mr. President, at the request of my colleague from West Virginia (Mr. RANDOLPH) I ask unanimous consent that, at the next printing, the name of the distinguished Senator from Florida (Mr. GURNEY) be added as a cosponsor of S. 1307, a bill to provide increased employment opportunities for middle-aged and older workers, and for other purposes.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

SENATE JOINT RESOLUTION 29

Mr. BYRD of West Virginia. Mr. President, at the request of the distinguished Senator from Oklahoma (Mr. HARRIS), I ask unanimous consent that, at the next printing, his name be added as a cosponsor of Senate Joint Resolution 29, a joint resolution designating National Peace Corps Week.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 29 AND SENATE JOINT RESOLUTION 34

At the request of Mr. SCOTT, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of Senate Joint Resolution 29, a joint resolution providing for National Peace Corps Week; and the Senator from Alabama (Mr. SPARKMAN) was added as a cosponsor of Senate Joint Resolution 34, a joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of voluntary prayer or meditation in public schools and other public buildings.

ADDITIONAL STATEMENTS

TRIBUTE TO FORMER SENATOR PAUL H. DOUGLAS, OF ILLINOIS

Mr. STEVENSON. Mr. President, for 18 years these Halls were graced with the presence of an Illinoisan who celebrated, on Friday, his 79th birthday anniversary.

Paul H. Douglas, in retirement, is a voice which remains with us as we celebrate his anniversary with respect, admiration, and—in my own case—an intense personal devotion stemming from my earliest acquaintance with this great Senator.

The close association that exists between my family and Paul and Emily Douglas now marks nearly a quarter century. My father became Governor of Illinois the same year Paul Douglas took oath as a Member of this body. I was privileged to have my name linked to his in my second political campaign. He has been an inspiration to me in my political life.

Countless families in Illinois have directly benefited from his wisdom and foresightedness in the Senate. His energy, wisdom, and legislative skill led to the economic redevelopment of southern Illinois. His concern for people, and his interest in conservation now entitles residents of the Chicago area to enjoy the Indiana dunes, which he saved.

There was, of course, much more Paul Douglas did for Illinois. But it is the Nation as a whole which was specially touched by his personal magic. For all Americans, he foresaw needs. He responded to the times. He understood, and understands, priorities. Paul Douglas was as concerned about truth in spending as about truth in lending.

The great social legislation of two decades—social security and minimum wage laws, civil rights, area redevelopment, medicare—owe much to his powers as an economist, a legislator, and a humanitarian.

It is important in our times to proceed clamly and with conviction in a course of right action—with boldness when needed, with integrity and compassion always. Paul Douglas has done this. His life will continue to inspire us and strengthen our resolve.

Only semiretired, Paul Douglas at 79 continues to serve his country in many ways, and we are grateful for that. As one of his debtors, it is an honor for me on this occasion to pay tribute to a very special man.

INTERVIEW OF PRESIDENT NIXON BY HOWARD K. SMITH

Mr. GRIFFIN. Mr. President, a week ago, President Nixon was interviewed on television by ABC's Howard K. Smith while millions of Americans watched and listened.

I ask unanimous consent that an editorial concerning the interview, which appeared in the March 24 issue of the Detroit News, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NO EASY ANSWERS FOR A RESPONSIBLE PRESIDENT

What President Nixon said in his televised interview with Howard K. Smith won't make the slightest dent on the thinking of confirmed doves but it was a masterful job of communicating with the American people.

The people aren't stpuid. It must have occurred long ago to millions of them that Mr. Nixon doesn't enjoy the constant stream of criticism directed upon him by senators, members of the press and protesters on the campuses and in the streets.

If the way out of Indochina is as easy as his critics say, why doesn't he jump at their solution, immediate withdrawal? Why not satisfy the public's yearning for peace, get his critics off his back and assure his reelection?

Mr. Nixon admitted in his chat with Smith that such a course is politically tempting. Then he made the case for presidential responsibility.

Senators sitting in their ivory tower on Capitol Hill can deal with problems in bits and pieces and make politics without having to answer for what happens. The President cannot afford the luxury of short-range, easy, popular solutions. As commander in chief, he must deal with the total picture and answer for the consequences.

In the case of a hurried withdrawal, he would have to answer for the loss of leverage in negotiations with the foe; for the loss of national prestige which would follow withdrawal; for the damage to America's reputation and her ability to perform as a peace-keeping power in the world; for the possible slaughter of the innocents which would follow the seizure of power by the Communists in South Vietnam.

As the President says, his critics offer a "very, very inviting but dangerous road to peace at any price." We suspect that if any of Mr. Nixon's war critics had been elected in his place, that man would be doing approximately what Mr. Nixon is doing—and if he did otherwise would produce the consequences of which Mr. Nixon warns and lose credibility thereby.

On the subject of credibility, commentators lose credibility with us when they condemn the operation in Laos out of hand. The least they can do is wait, as the President is waiting, to observe the outcome before delivering a judgment as to ultimate success or failure.

Meanwhile, the interview with Smith was a success if the purpose was to inform the public on the President's views. Some televised press conferences have seemed to make that purpose secondary to scolding the President of the United States.

The success of the interview must be attributed in good part to the skillful performance of the interviewer. Smith notes that he faced the problem of having to ask tough questions without being rude. He walked that thin line with a sense of balance which we wish more TV newsmen possessed.

PRESIDENT NIXON'S RESCISSION OF CLOSURE ORDER AGAINST KITTERY-PORTSMOUTH SHIPYARD

Mrs. SMITH. Mr. President, I rise in defense of the President of the United States. I do so without any prior notice to him.

Extremely erroneous and unfair accusations have been made against him to the effect that he attempted to buy my vote on the SST with his letter to me notifying me that he had ordered the McNamara closure order against the Kittery-Portsmouth Naval Shipyard rescinded.

Nothing could be further from the truth. To the contrary, I am sure that he fully realized the risk of that letter influencing me to vote against, instead of for, the SST.

Let me make some political facts and truth plainly clear. At no time did the

President ask me to vote for the SST. At no time did any member of his staff ask me to vote for the SST. At no time did any member of the entire Nixon administration ask me to vote for the SST.

His letter to me about the Kittery Naval Shipyard and my vote on the SST were close in chronology only by coincidence and not by plan.

There were reports last summer that the McNamara closure order would be rescinded by President Nixon. But subsequent attempts for confirmation of this, whether made to the White House, the Department of Defense, or the Department of the Navy, were unproductive and unsuccessful.

When, in late December 1970, I learned from the commander of the Kittery-Portsmouth Naval Shipyard that he was operating the shipyard on the basis of this unconfirmed report and despite assurances from his superiors of the Department of the Navy and the Department of Defense that there was no change in the McNamara order to close the shipyard, on December 28, 1970, I wrote the President stressing the urgency to remove the speculation and confusion without delay. Again a month later on January 28, 1971, in a letter to the President I repeated this request. I did not write another monthly letter on February 28, 1971, because shortly prior to that time, the Defense Department gave me assurances that the matter was being seriously studied and a decision and announcement would be made soon.

On March 4, 1971, after he conferred with the senior Senator from New Hampshire (Mr. COTTON), Secretary of Defense Laird and Senator Cotton came to my office, and the three of us conferred for an hour or so. In that discussion Senator COTTON received the impression that Secretary Laird would make an announcement by the first of the next week, and he so announced to the press. I was not that sure, so I declined any appraisal to the press.

Then 2 weeks later on March 19, 1971, Foster's Daily Democrat of Dover, N.H., quoted the junior Senator from New Hampshire (Mr. McINTYRE) as stating that Secretary Laird had told him "there is no decision imminent on the yard" and further quoting Senator McINTYRE as stating that it was his guess that a decision on the shipyard would not be reached until December this year.

On March 22, 1971, Senator COTTON informed me of this report which was in sharp conflict with his impression of what Defense Secretary Laird had said to Senator COTTON. I then wrote President Nixon a third letter pointing out how this latest development had added to the already too great confusion and speculation on this matter. My concluding paragraph was:

> I have tried to be patient in this matter but my patience is at an end. The pattern in this matter is certainly not one to enhance the credibility of the White House or the Department of Defense.

The President obviously did not see my letter before late Tuesday or early Wednesday. I have the very clear impression that it did not reach his attention before that time. I have my doubts that my previous two letters had gotten through his staff to him. I am strongly inclined to believe that the breakthrough to the President did not come before late Tuesday or early Wednesday.

When that breakthrough finally came, President Nixon obviously acted swiftly in response to my third letter. That response, following the breakthrough, was, in fact, so swift that it came the morning of the day of the vote on the SST.

To conclude that the President crassly and crudely sought to buy my vote on the SST because of what was only chronological coincidence does the President a grave disservice and injustice. Surely even his political detractors must admit that he is far too astute a politician than to reason that this would win my vote. To the contrary, it should be crystal clear because of past history that the far greater risk was that the reverse would be the situation. I am personally convinced that the President recognized this but went ahead with the letter simply because he felt I deserved an answer without any further delay.

His letter had no influence whatsoever on my vote against the SST. I voted on the matter on my own judgment of the merits of the issue. I think it took real political courage for him to respond so quickly after the breakthrough realizing the false interpretations and accusations that would be made against him. I further think that keeping the shipyard open is the President's decision solely and not the decision of anyone else.

RULES OF THE COMMITTEE ON VETERANS' AFFAIRS

Mr. HARTKE. Mr. President, pursuant to the requirements of section 133B of the Legislative Reorganization Act of 1970, I hereby submit for printing in the CONGRESSIONAL RECORD, the Rules of Procedure of the Veterans' Affairs Committee. The Legislative Reorganization Act requires that the rules of each standing committee be printed not later than March 1. Because of the difficulties involved in quickly assembling a staff and moving into our new quarters, the committee was not able to meet and formulate Rules of Procedure until Wednesday of last week. I ask unanimous consent that our unavoidable delay be pardoned and that the rules be published in the RECORD, as required by law.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON VETERANS' AFFAIRS

(1) *General.*—All applicable requirements of the Standing Rules of the Senate and of the Legislative Reorganization Act of 1946, as amended, shall govern the Committee and its Subcommittees.

(2) *Meetings.*—The Committee shall hold its Regular meetings on the first and third Thursday of each month, when Congress is in session, or at such other times as the Chairman shall determine. Additional meetings may be called by the Chairman as he deems necessary to expedite Committee business.

(3) *Quorum.*—Three members shall constitute a quorum for the purpose of transacting Committee business: *Provided,* That one member shall constitute a quorum for the purpose of receiving testimony.

(4) *Voting.*—

(a) Votes may be cast by proxy; and

(b) There shall be a complete record kept of all Committee action. Such record shall contain the vote cast by each member of the Committee on any question which a "yea" or "nay" vote is requested.

(5) *Subcommittees.*—

(a) The Committee Chairman and the ranking minority member shall be ex-officio members of any Subcommittee of the Committee.

(b) Subcommittees shall be considered *de novo* whenever there is a change in the Chairmanship and seniority on the particular Subcommittee shall not necessarily apply.

(6) *Hearings and hearing procedures.*—

(a) The Committee or any Subcommittee thereof shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearing unless the Committee or Subcommittee determines there is good cause to begin such hearing at an earlier date;

(b) The Committee shall as far as practicable require each witness, who is scheduled to testify at any hearing, to file his written testimony with the Committee not later than forty-eight hours prior to his scheduled appearance. Said written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony; and

(c) No hearing of the Committee or any Subcommittee shall be scheduled outside of the District of Columbia except by the majority vote of the Committee or Subcommittee or by authorization of the Chairman of the Committee.

REVITALIZATION OF THE OLD CITY

Mr. MATHIAS. Mr. President, we are sometimes told that the needs of our society dictate a hard-nosed businesslike attitude toward the pleas of historians who beg us to spare some ancient structure. It is argued that unless such structures can be made to "pay their own way," they should be sacrificed to the bulldozer's blade and the somehow higher and better use which can be made of the real estate on which the old edifice stands.

I was rather impressed recently when I learned that historic preservation can help "pay its own way" by contributing substantially to a general rise in downtown property values where such structures are located. In fact, I am informed that, in the case of Annapolis, Md., the increase in assessable base substantially attributed to vigorous efforts at historic preservation have been a significant factor in enabling the city fathers to obtain favorable interest rates for their municipal bond offerings.

I ask unanimous consent that an article on the subject by James Burchfield, entitled "Old City Revitalization Pays," published in the March 19, 1971, Washington Evening Star, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Old City Revitalization Pays

(By James Birchfield)

Annapolis, the historic capital of Maryland, has found that historic preservation pays.

Annapolis Mayor Roger W. Moyer told a Maryland Senate Finance Committee hearing recently that the results of a cooperative, constructive approach to urban revitalization already are being demonstrated in the Maryland city.

He added that New York bond merchants, who are "not inclined toward puffery" recently told him that Annapolis is one of the few cities where downtown property values have risen in recent years.

Moyer said the city's reversal of the nationwide trend toward downtown decay is largely the result of successful preservation efforts in the city.

Mrs. J. M. P. Wright, one of the founders of Historic Annapolis Inc., who has been fighting for the last 19 years for historic preservation, said a study now being prepared by a Washington consulting firm indicates that the historic area provides a key industry which gives economic support and net benefit to the remainder of the community.

Reporting from a study being prepared by Robert Gladstone & Associates, Washington based economic consultants, Mrs. Wright said that since 1961 the growth in true value of properties in the Annapolis historic area has been dramatic. These values have risen from an estimated $18 million in 1961 to about $20 million now, for an increase of 112 percent.

Mrs. Wright said tax assessments for the historic district are estimated to have risen about 85 percent during the same period, as compared with the static condition of the 1950 decade.

While the historic district comprises only about seven percent of the city's land area, Mrs. Wright continued, it has about 19 percent of the assessable base of the entire city.

During the last nine years, she said, the historic district has accounted for 17 percent of the city-wide assessable base in the face of intense development of apartments, houses and commercial buildings outside the district.

Mrs. Wright said the report points out that the pattern of economic revival in the city's historic area follows a trend established in places like Charleston, S.C., Savannah, New Orleans and other communities which have an impressive architectural heritage.

The study points out, however, that only a fraction of the economic potential of the historic district has been realized because, it was said, there is lack of a consensus within the community about its historic area.

This condition, Mrs. Wright added, has been partially corrected by a city-wide referendum which approved a preservation ordinance.

The efforts of Historic Annapolis have been commended for having saved many historic structures, and with having attracted new businesses to the historic area.

Mrs. Wright said that she got interested first in historic preservation because "I really did want the city to last."

She realized, she said, that the historic sector requires certain types of businesses, and her group has tried to stimulate the specialty shops for the city.

"Just a few years ago," she said, "there were 20 vacant stores on just one street in the area, and now they are all occupied."

One of the most important accomplishments of Historic Annapolis, it has been said, is that it has gradually made the community aware of the value of the historic area, and this has resulted almost automatically in improvement of the appearance of the old city.

The study indicates, Mrs. Wright said, that Annapolis property values could rise to $58 million in the 70's if the historic district becomes an even more significant part of the city's economic base. The personal income level might increase by $7.5 million and retail sales by about $3 million annually, it was said.

The study, according to Mrs. Wright, suggests a program of preservation and development that would be strictly compatible with the historic character of the capital.

A BETTER APPROACH TO IMPRISONMENT

Mr. EAGLETON. Mr. President, traditional correctional philosophy in this country is characterized by a heavy reliance upon institutional commitment of offenders under relatively close custody. This pattern is typically expressed in the State penitentiary—a place of barred cages, surrounded by high walls, topped with guard towers. Often only a minority of the penitentiary's inmates pose such a threat as to necessitate these conditions—Missouri's extremely capable director of corrections, Fred Wilkinson, estimates that such dangerous inmates comprise only 12 percent of his prison population—but the regimen required to contain them sets the pattern for the entire institution. And the track record for our operations under this philosophy, in terms of promoting rehabilitation and reducing recidivism, has been abominable.

Some progress has been made in providing other institutions within a State varying in degrees from maximum to minimum security, depending on the category of offenders assigned to them. Yet even these are usually isolated from the communities where the inmates are going to have to make their way after release.

More recently, a new kind of correctional institution, based in the community, has been developed. Many are familiar with one type of community-based institution, the half-way house, to which offenders who have served a major part of their time in conventional institutions are assigned during the last few months prior to release to help ease their reintegration into the community. Halfway houses have proved extremely useful but they still represent basically a compromise with traditional "lock 'em up and let 'em rot" attitudes.

There is growing support for another kind of community-based institution to which offenders may be assigned immediately after sentencing and screening, and in which they may serve their entire period of confinement, if warranted by their progress toward rehabilitation. This approach recognizes that the community has vastly greater resources than prisons, or variants thereof, that can be drawn upon in working with an offender.

Henry J. Waters, editor of the Columbia, Mo., Daily Tribune, has written an extremely thoughtful report on one such institution in Rochester, Minn. Mr. Waters' article provides an excellent insight into the strengths of such community-based centers and discusses the possibilities for developing similar programs in Missouri. I ask unanimous consent that Mr. Waters' article be printed in the Record at the conclusion of my remarks.

I am especially pleased to see this discussion going on in my home State. Earlier this year I joined with Senators Saxby, Mondale, and Brooke in introducing S. 400, the Model Criminal Justice Reform Act, which would provide massive Federal assistance to States willing to undertake comprehensive upgrading of their entire criminal justice system. Among the goals established for a State desiring to participate in this program is the requirement that it:

> Has established a range of correctional facilities that are adequately equipped and staffed to treat the particular classifications of inmates assigned there, including small-unit, community-based correctional institutions.

I am hopeful that the experience in Rochester and in other communities—such as the District of Columbia—that are experimenting with institutions of this kind will provide useful models for the rest of the Nation.

There being no objection, the article was ordered to be printed in the Record, as follows:

Law and Order: Port Has an Answer

(By Henry J. Waters III)

In Rochester, Minnesota, a program called Probationed Offenders Rehabilitation Training is showing how to break the vicious cycle of habitual criminal behavior.

Can society learn the lesson?

For years there has been concern in criminal treatment circles over the emphasis on maximum security prisons and the concurrent lack of public support for criminal treatment and rehabilitation.

Judges have been faced with a difficult "either-or" situation: Either send the offender into the bowels of a penitentiary or turn him loose under the supervision of badly understaffed probation and parole programs. Sensitive judges and others in law enforcement have long understood the inadequacy of this choice.

The maximum security institution with its overpopulation and unwholesome experiences is clearly the wrong environment for many first and youthful offenders. Indeed, it is just as damaging to more experienced criminals who could respond to rehabilitation.

And the underdirected environment of thinly staffed probation and parole operations leaves many others without enough support and guidance.

In either extreme the vulnerable lawbreaker has a good chance of falling back into bad ways or learning even worse ones, and all of society suffers.

Of the two alternatives, clearly the worst is the maximum security prison. There is so much evidence to show the shortcomings of the present penitentiary approach to law enforcement that it hardly need be cited. Such prisons are universally known as schools for crime. The experiences an offender has in the prison environment almost guarantees he will have an even more difficult time becoming a useful member of society when he gets out than when he went in.

Experts estimate no more than 25 per cent of those currently locked up in such institutions really need be there. The other 75 per cent could be rehabilitated and turned into useful, safe, productive people at far less cost to the public—if only proper treatment facilities existed.

The challenge has been twofold: To provide a successful alternative—and to get around the public inclination to simply put criminals away, the farther the better.

Perhaps Rochester, Minnesota's PORT is the answer.

The initials stand for Probationed Offenders Rehabilitation Training. The program opened last October in a former nurses' dormitory on the grounds of the Rochester State Hospital. It is currently being funded by money from private foundations, the local United Fund and the federal safe streets act. PORT's directors are well into a two-year program of trying to prove a point so that funding will continue as part of Minnesota's state correctional budget.

I recently had a chance to visit PORT as part of a delegation from the Mid-Missouri Law Enforcement Assistance Council. We spent most of a day with PORT's Executive Director, Ken Schoen, and Program Director, Jay Lindgren. The story they have to tell is an exciting one.

About six years ago, Dr. Francis Tyce, the Medical Director of the Rochester State Hospital and a man highly regarded in the field of public medicine, convinced local District Judges to let him have a crack at some of their worst criminal cases, convicts with serious emotional and psychiatric problems who were headed for the pen with little hope of ever getting straightened out. The initial work was done by Tyce in the hospital facilities, and the offenders lived at home. This experiment went on with such success that last year community leaders got behind the creation of PORT, an expanded, more formalized extension of the program designed to deal with around 25 offenders at a time.

The "clients" come from courts in the immediate Rochester area. Those who are deemed capable of handling PORT and are acceptable to the staff are given the alternative by the judge; either to jail or to PORT. Most choose PORT.

But not because it is simply a soft way out. Before any offender is admitted he is given a full explanation of what will be expected of him, and the rules are strict.

In speaking of a 17-year-old resident with a serious truancy problem, Schoen said, "We have really put the screws to this kid, but we aren't going to take the approach that we will do nothing for him." At the time we were there the teenager was mostly confined to his room, but PORT workers were "cutting out" a special program for him involving tutoring and skills training through a local sheltered workshop agency. Schoen and Lindgren both believe in dealing firmly with their residents. Bad behavior gets its just reward, and much of this pressure comes from the group culture within the building.

At present the PORT family consists of 15 residents ranging in age from 13 to 32. Regular talk sessions are held three times a week and attendance is mandatory. During these sessions the offenders get down to the nitty-gritty of how their world is functioning. Individuals are brought on the carpet. Rules are discussed. And sanctions are taken.

It is early yet to measure PORT's success in complete terms. But the progress of the first person admitted is excitingly encouraging.

Lonnie Buss is 21 and a convicted arsonist. He is one of 13 children of a nearby farm family. He was sent to PORT by the judge after setting fire to a number of buildings, mostly barns. Dr. Tyce of the state hospital interviewed Lonnie and discovered a deep attachment to a twin brother who had joined the Marines and was in Vietnam. Dr. Tyce concluded that Lonnie was desperately trying to make his family so sick of him they would "make" him join the service where he would be with his brother, at least symbolically. It was decided his problems could respond to PORT treatment.

At this writing Lonnie Buss is working as a shipping clerk in Rochester, earning $2.35 an hour and paying the standard $15 weekly for room and board at PORT. He is on his way to recovery and is a working, paying member of society—something that never could have happened had he been sent to the pen.

Residents are rated on a scale of 0 to 5. Individuals earn their way up to a possible "volunteer" status which gives them nearly complete freedom. They are then considered the virtual equals of the Rochester Junior College students who live in with PORT residents and help run the house in exchange for room and board. Offenders with a 0 rating have almost no freedom except to attend to school or job duties.

The real secret of success is the development of the group culture. Administrators work subtly but hard on this. Schoen says it has taken until recently to really get it working, but now the group makes practically all its own rules and decisions. Even though there is a supporting group of supervisors with final authority, not once in months has a decision of the resident group had to be overturned.

The resident society works quite well. To demonstrate this, Minneapolis Tribune reporter Sam Newlund wrote:

Not all behavior is perfect, however. A few nights ago, one of the college students and a resident went to a party. As Schoen put it, "the college student got smashed out of his socks" and the resident "had to drive him home."

At PORT the person in charge (officer of the day) was a 15-year-old resident. A fight ensued. Schoen said, and the 15-year-old telephoned (program Director) Lindgren and told him, "I don't like this situation. You'd better come out here and do something about it."

The youngster, said Schoen, "was in charge of the building that night and he did his thing. He carried it forward beautifully."

The group exerts strong influences against intolerable behavior. When drugs or alcohol are brought into the building the group normally moves to correct the situation immediately because the residents know everyone will suffer. If an individual gets into trouble with the law he is subject to the same punishment as anyone else. "We won't let PORT become an umbrella to shield residents from the law," Lindgren said.

We were shown around the building by a young man named Tom, a resident who had recently been busted from a top rating of 5 back to 2. Tom had been caught with marijuana in the building and the system had responded by restricting his status and freedom. He was obviously not proud of himself for being busted, but he conducted the tour with a pride in the program that was still intact.

The rooms were homey with two or three beds in each. There were all sorts of pictures and posters on the walls and the typical room was littered with a friendly collection of the stuff that makes a dormitory into a group home.

"We have lots of freedom about how we fix up our rooms and what we have in them," Tom said. "Of course, we can't have drugs or booze, but we can have almost any magazine or book we want." Copies of Playboy were in evidence, and psychedelia adorned the walls in more than one room.

The most striking feature, however, was the cleanliness. The bathroom in the center hall was gleaming. Tom explained that residents were assigned the duties of keeping things clean, and if they failed they got "minuses." Obviously, in the well-ordered world of PORT, minuses are something to avoid.

Schoen and Lindgren hope PORT will become an example for the entire state. Once the evidence is in and the proof of success can be documented, they expect to be able to make a multi-pronged case for PORT. It will be cheaper and more effective than incarceration. Lord knows, it will be more humane for the offender. For less net cost society can rehabilitate people and put them to work helping pay the taxes instead of shipping them off somewhere behind gray walls where they are nothing but drains on society and eternal criminals.

"We expect to say to the legislature," Schoen asserts, "Just give us money at the rate we cut down your commitment funds for the state penal institutions and we can run a program."

Already there is support in high places. Paul W. Keve, state corrections commissioner, is "genuinely enthusiastic" about PORT. "I think that it's an indicator of the shape of the future. And I see the prospect of duplicates of this all over the state."

District Court Judges O. Russell Olson and Donald Franke are unabashed in their positive feeling. Both are on the PORT Board of Directors, and we talked with them at lunch.

"Dr. Tyce had been saying that he could straighten out many of the people who were being sent to prison," Judge Franke recalled. "So when I got elected to the District Court bench I decided to let him prove it. One of the first cases I had was a seemingly hopeless sex offender. Rather than see him go to prison, Dr. Tyce said he would take the man under his wing, and I made the commitment with a lot of skepticism. But it worked. While the man lived at home and worked, he was saved by regular contact with Dr. Tyce at the hospital." Since then this story has been repeated with such regularity that Judge Franke is an ardent believer. One of the success stories from his court was a previous five-time loser.

Obviously the State of Missouri is on a different tack in its program of corrections. At the top of the current priority list is a new maximum security prison to be built in the bootheel at a cost of some $8.7 million. It is designed to house about 330 convicts at an estimated annual operating cost of around $1 million.

State Director of Corrections Fred Wilkinson describes this new facility as an isolation location for the worst inmates in the present prison system. "We have about 12 per cent of the people in our prisons who are simply unreachable. They are the ones who continually disrupt prison operations, they cost us money, and if we can get them relocated there are lots of things we can do that are not now being done in the present buildings."

As an example, Wilkinson notes that the removal of the incorrigibles from the penitentiary in Jefferson City will cut his lookout tower expenses by half. He also anticipates a wider range of activities (such as night school) can be successfully carried on and present employes who now spend their time in security activities can be moved into more productive functions.

"Actually, we will have no additional operation cost for security forces after the new prison is built," Wilkinson says, "but we will retain some of our former security guard personnel budget for activities oriented more toward correction."

What about efforts to increase rehabilitation of prisoners?

"Nationwide our prison population is no larger than it was ten years ago," Wilkinson explains, "so treatment efforts have obviously had some effect."

When asked what he thinks about the PORT idea for Missouri, Wilkinson answered, "If they can be operated as community-based treatment centers with community support I think the idea is splendid."

Have any efforts been made in the past to implement such a program in Missouri? "There was a bill introduced in the legislature recently which would have allowed the Department of Corrections to contract with local treatment centers for keeping convicts. We would have paid on a per person, per diem basis. But the bill didn't even come out of committee."

The fact is obvious that bastions of detention are the easiest to promote. Already the Missouri General Assembly has appropriated $860,000 for planning and site acquisition for the Southeast Missouri facility, and there is little question that the project will be completed.

With this sort of money being spent an obvious alternative comes to mind. Would it have been possible to create treatment centers in the populous areas of the state with enough capacity to take, say, 300 prisoners out of present maximum security buildings? If so, the remaining penitentiary population could be shuffled around so that the incorrigibles which Wilkinson properly wants to isolate could be sent to an existing facility like the one at Moberly. Thus, we would be using our money to create treatment facilities (with all their advantages) instead of more penitentiary facilities (with all their inherent drawbacks).

The annual budget for PORT is $80,000 and it is designed to handle 25 residents. This does not include an adequate amount for capital expense, but there is federal financial help available for this purpose. Crime prevention programs have high priority in Washington these days.

Because residents of facilities like PORT are paying rent it can be shown that net costs per offender are no more (and often less) than maximum security detention costs. In addition, PORT type residents are typically earning salaries, paying taxes and learning how to live on the right side of the law while penitentiary inmates sulk behind bars, deteriorate as human beings and drain society's resources.

For generations we have gone ahead with about the same approach to criminal treatment that we had in the middle ages. The lock has been the primary tool, and disturbingly little has happened to change this practice. The reason probably lies in a basic emotional and mental inclination of society which produces a blind resentment against criminals and a desire to simply see them disposed of quickly and finally. "Out of sight, out of mind"—except that it doesn't work. It is horribly expensive and more often than not inmates get out only to continue their old ways, or worse ones. And then society has another terrifically expensive round of law enforcement, court judgment and renewed incarceration.

As Schoen puts it: We have an extrusion process in society. Whenever we find anything annoying we send it off some place. So we build institutions. And then in the institutions themselves there is an extrusion process. The juvenile institution sends the kid into its security unit. If this doesn't work out too well, they send him to a separate security institution (we are building these now around the country). Finally it all ends up some place, and that's why we build places like Alcatraz. We are finally finding out it is better to deal with the problem when it arises instead of shipping the person from place to place just building a case against him."

Schoen should know; he comes straight from years of working in just such institutions for the Minnesota Department of Corrections.

The PORT idea makes so much sense it is shameful that it is only now being seriously considered as an alternative to the maximum security lockup. Even in Minnesota where an example is being set, no state money is involved in the pilot project, although the state has been cooperative. The disturbing fact is that it is easier to get a legislature to spend $9 million for a new penitentiary than $80,000 to start a program with the potential of PORT. Since rehabilitation centers are by nature small local projects, small annual increments of money could be spent in building a program of statewide scope. Each year a little can be added which should make such a fiscal program easier for the legislature than the massive capital outlays required for state penitentiaries. In the potential saving of state funds alone, rehabilitation has so much possibility it is nearly sinful it has been so poorly exploited.

We can no longer afford to be half blind on this issue. As long as our narrow vision includes little more than repeated expansions of old approaches to crime prevention and treatment, little improvement in the situation can be expected. As Jay Lindgren says, this myopia has much to do with the entire question of law and order.

But for now we seem hell bent on locking people up, spending more on them than we should and building an ever increasing group of social outcasts who are non-productive, dangerous drains on society.

Public shortsightedness is a sin. Too bad we can't pass a law against that.

ADDRESS BY SENATOR SCOTT BEFORE SINO-AMERICAN CULTURAL SOCIETY

Mr. GRIFFIN. Mr. President, on Sunday night, March 28, the distinguished Republican leader (Mr. SCOTT), who is an internationally known collector of oriental art and an authority on the T'ang dynasty, spoke here in Washington at the Sino-American Cultural Society dinner.

Senator SCOTT several years ago also authored "The Golden Age of Chinese Art," a beautiful, illustrated book on Chinese art, mostly told through objects in the collection owned by the minority leader.

Mr. President, I ask unanimous consent that the remarks made by Senator SCOTT at the Sino-American Cultural Society dinner be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SENATOR SCOTT SPEAKS ON "ASIA NOW" AT SINO-AMERICAN CULTURAL SOCIETY DINNER, PEKING RESTAURANT SUNDAY, MARCH 28, 1971

In these tumultuous times, we need to examine closely all of the societies that influence the destiny of this rapidly shrinking world. Chinese culture has been shared by more people than any other in the history of mankind. More people today speak and read the Chinese language than any other in the world. China holds an inescapable fascination for those such as myself who have felt her charm and those who have closely studied her culture.

China produced the beautiful and tectonically powerful Shang artwork in bronze marble and jade with extraordinary variety, originality and richness. Shang ideography unified Chinese culture through Chinese writing—the oldest still existing.

The Chinese are responsible for the dynamism of the T'ang—the highest artistic apex in China's long history. Its metal crafts have never been equaled; its boldly glazed ceramic forms have served as inspirational prototypes. Its poetry has never been surpassed. The T'ang masterpieces in sculpture and painting stand on par with anything produced before or since.

China's society and culture emphasizes the individual's role in his relationship with others. Confucius thought men should be governed by moral example rather than harsh laws. He stressed kindliness, respect and propriety in human relationships.

He believed in harmony among all men, with the family as the foundation of society.

The 300 years of the T'ang dynasty were the most brilliant and open period in all of China's history. Foreigners enjoyed freedom to trade, travel and to achieve prosperity. We can scarcely overrate the invigorating foreign influence on the Chinese creative and intellectual spirit. In the ninth century, foreign population of Canton alone was over 100,000. The T'ang capital became the greatest and most cosmopolitan city in the world. This was the period which honored learning and welcomed innovations. It was a great golden era which saw China prosperous, stable, and dynamic.

The consolidation and centralization of the T'ang dynasty was a turning point in Chinese history. The culture of late T'ang and Sung remained characteristic of China until the early Kingdom appeared at least in embryo stages during the late T'ang and came into bloom under Sung. This was a period of renaissance—a new awareness of the past.

The confident T'ang emperors did not, until the end of their rule, fear foreign influence. Intellectual curiosity and tolerance encouraged sympathy toward foreign religions and artistic ideals. However, the laws against rebellion and conspiracy were very severe, with the family of the criminal being liable.

The greatest cultural changes often occur during times of peace and prosperity—as they did during the T'ang. Nothing produces change more inevitably than growth. During the Tang, their Pax Sinica brought growth in population, production, trade and culture. China reached a plateau far above Western levels. But the subsequent dynamic upsurge in Europe and after the Age of Discovery dropped China far behind.

As the pendulum swung, China's cosmopolitan spirit of the early T'ang moved into a narrower, more exclusively China-centered culture.

Even so, post-T'ang government and culture period showed acceptance of a basically egalitarian ideal. The concept of leadership by virtue of moral and intellectual superiority, whatever its social origin, triumphed in Chinese society during this time. In the later T'ang dynasty, administrative efficiency gradually declined. Population and poverty increased. Famine and unrest was widespread. Centralized rule declined.

China's political, social and economic systems remained remarkably unchanged until the nineteenth century. The Western world had a shattering impact on China bringing the breakdown of the old order and traditional values.

China maintained its strong sense of cultural unity and superiority, but the concept of a strong, nation-state became a powerful motivating force among modern Chinese intellectuals. With this, the Communist Chinese seized control of an ongoing revolution and came to power.

Their aim has been to alter the entire nature of Chinese society, its political system, its basic ideology and system of values. They believe strongly in totalism, maximum control and supervision of ordinary people's lives, thought, and behavior.

The Communist Chinese political apparatus is the first genuinely totalitarian regime rooted in the Chinese masses. The family, bedrock of traditional Chinese society for centuries, has undergone fundamental transformation. Communist techniques minimize its functions and subordinate it to other political and economic institutions.

A new utilization and revolutionary philosophy of aesthetics motivates the Chinese Communists approach to art and literature. Art, not for art's sake, is nationalistically valued, but used to serve the cause of revolution. Like most aspects of Communist Chinese life today, contemporary art has been thoroughly politicized and proletarianized. They view the written and spoken language not as a vehicle for preserving history and traditional culture, but as a tool to foster the revolution. This will make their kind of learning easier but it will tend also to block the transmission of centuries of Chinese literature.

The Maoist demand for "absolute selflessness," echoes the traditional Chinese stress on collective standards. But it leaves less room for individualism. Great stress lies on the rural and the "Chinese" instead of the impure and the foreign influences.

The Chinese Communists are determined that the Marxist-Leninist-Stalinist-Maoist ideology should totally replace traditional Confucian values with its competing ideologies. Harmony, compromise, adjustment and stability, so important in China's history have no place in the Communist scheme. In their place, the new regime induces the values of struggle, change, progress, and innovation. But the task has not been easy. Peking has had to retreat on a number of fronts.

Chinese peasants cling stubbornly to such concepts as the control of their own plots of land. The effort to destroy traditional Chinese cultural systems will not be successful. The Chinese people have survived many onslaughts on their value systems. They will overcome this, too. Certain deep-rooted patterns of Chinese thought and behavior will reassert themselves in the years ahead and exert greater influence on the Chinese Communist regime.

Quoting Lin Pao in 1966, the Communist aims are "to destroy all the old ideas, old culture, old customs and old habits of the exploiting classes and transform all those parts of the superstructure that do not correspond to the socialist economic base."

From the beginning the battle cry was the triumph of youth over age, of the new "over old." Youth and vitality declared war on age and decay. The Communist Chinese stress on the modern is understandable. Their means are deplorable and their aims contribute massively to international discomfort.

Yet, I have faith that the wisdom of thousands of years of Chinese history and culture will ultimately overcome the present period of complete dictatorship. The Chinese people will, I believe, ultimately be reunited in a return to a more tolerant way of life. China may again have an open society with its leaders and its people confident of their place in the world, less fearful of foreign contact.

We must hope for evolution in China leading to renewal of that cultural heritage so long imbedded in Chinese life. The character of Chinese society and its culture 20 or 30 years from now will, I believe, be very different both from the traditional society and from the Communist society. But it will be greatly influenced by both.

Of one thing we can be certain. When China reopens the doors of the Middle Kingdom, this will change the course of history, for good or ill. As for me, I remain, for the long term, an optimist.

REVITALIZATION OF RURAL AREAS

Mr. ALLEN. Mr. President, on January 25, 1971, the distinguished senior Senator from Arkansas (Mr. McCLELLAN) introduced S. 10. This measure would establish a national policy to revitalize rural and other economically distressed areas by providing incentives for a more even and practical geographic distribution of our population and our industrial growth and activity, and developing manpower training programs to meet the needs of industry.

To date, 39 Senators have joined Senator McCLELLAN in sponsoring the bill. I am pleased to be a cosponsor and look forward to the projected hearings before the Government Operations Committee.

On February 16, 1971, the Arkansas General Assembly passed a concurrent resolution urging Congress to pass S. 10, as well as personally commending the distinguished Senator from Arkansas for introducing the measure and pressing for its adoption.

Mr. President, I wholeheartedly concur with the words of that esteemed legislative body and ask unanimous consent that the text of the Resolution commending Senator McCLELLAN be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

H. CON. RES. 16

Urging the Congress of the United States to Pass S. 10 Which Would Promote the Revitalization of Rural Areas by Providing Incentives for More Even and Practical Geographic Distribution of Industrial Growth.

Whereas, S. 10, introduced by Senator John L. McClellan and thirty-three cosponsors in the First Session of the 92nd Congress of the United States, would establish a national policy relative to the revitalization of rural and other economically distressed areas by providing incentives for a more even and practical distribution of industrial growth and activity, and developing manpower training programs to meet the needs of industries; and

Whereas, S. 10 recognizes that seventy percent of the American people live on only one per centum of the land of the United States and that this high concentration of population results in increased pollution, critical problems of housing and transportation, and unhealthy living conditions, and increased crime; and

Whereas, these conditions are aggravated and intensified by the location and expansion of industries in major metropolitan centers of the nation which continue to attract more people to these highly congested areas; and

Whereas, a more balanced distribution of the nation's population and economic expansion is needed to accommodate the anticipated population increase of more than one hundred million persons in the United States over the next half century; and

Whereas, S. 10 recognizes that a more even and practical distribution of industrial growth and activity is needed to reduce the continued concentration of industry and to stimulate the growth and development of less heavily populated rural country with a view toward providing a more diversified and better balanced distribution of our inhabitants, and facilitating the restoration and protection of the quality of our environment, thus enhancing and enriching the lives of all Americans; and

Whereas, S. 10 would establish a national policy whereby government would take the lead in offering inducements and encouragements for the location of business and industry in the more sparsely populated areas of the country, thereby reducing the monstrous problems facing the nation through continued growth of large metropolitan areas, and effectuating an orderly growth in the nation and its economy by the distribution of industrial activity throughout the country in areas in which planning and development of industrial growth can alleviate the congestion and related "problems now facing large metropolitan areas; and

Whereas, the national policy as declared in S. 10 would especially benefit the State of Arkansas which has an abundance of undeveloped land and resources and whose people would be given improved opportunities to share in the increased economical growth of this nation, Now, therefore be it

Resolved by the House of Representatives of the Sixty-Eighth General Assembly of the State of Arkansas, the Senate Concurring Therein:

That Senator John L. McClellan and the thirty-three Senators co-sponsoring S. 10 of the First Session of the 92nd Congress are hereby commended for their leadership and efforts in promoting the development of a national policy to bring about revitalization of economically distressed areas, thereby assisting in alleviating major problems facing the congested areas of this country. Be it further

Resolved that all members of the Arkansas Congressional Delegation and each member of the Congress, and the President of the United States are urged to support the bold and visionary goals of S. 10 which would enable all of the citizens of this country to have opportunities to share in the future growth and expansion of industry and business activity. Be it further

Resolved that a copy of this Resolution shall be furnished to each member of the Arkansas Congressional Delegation, to the Speaker of the House of Representatives and to the President of the Senate of the Congress of the United States and to the President of the United States.

J. BYRD NORRIS

Mr. MATHIAS. Mr. President, in the hurly-burly of our times, racing to keep up with what is new, we may not stop often enough to listen to the advice of those who have been through comparable experiences before us.

J. Byrd Norris, of Westminster, Md., recently celebrated his 80th birthday, but he continues a most active interest in the affairs of his community, the State and the Nation. As he put it:

> I'm busier now than I was before I retired.

I ask unanimous consent to have printed in the RECORD a report of an interview with Mr. Norris, published in the Carroll County Times.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

[From the Carroll County Times, Mar. 18, 1971]

J. BYRD NORRIS: SPRY AT AGE 80

(By Patricia A. Rouzer)

"When I was a young boy we lived in very poor circumstances, but I have always felt that it is a shame that poor people who are willing to work are not able to partake of the nicer things in life.

"Now I take issue with anything from a political standpoint where the people are unable to look for betterment, but which will be of benefit to its promoter . . . and I mean I am AGAINST it."

The speaker was J. Byrd Norris, who turned 80 years old Saturday. In an interview, he reflected on his life, recalling how he fell in love with Carroll county after he walked to Westminster with a friend while attending Baltimore Polytechnic Institute.

"We had a classmate who lived in Westminster and who told us to come up, so we walked up here. I was dumbstruck when I got here. I couldn't get over how nice the people were. People in the city were too busy doing things to talk to you. I thought that Carroll county was where I'd like to settle when I retired."

Since he settled in Westminster in 1934, Norris has taken strong stands on local and state issues and has made his mark as a conservative in the county.

Fresh from celebrating his 80th birthday with 50 friends and relatives, Norris talked of his latest project, the planned defeat of the State legislation to remove restrictions placed on rezoning in the county.

"The bill is too sweeping. It would give the county the right to stick a factory or a development anywhere," he said. "I'm not against progress and I think there should be factories and developments, but their number and size should be limited."

Norris, an inveterate author of letters to the editor has gone firmly on record against the re-writing of the State constitution in 1968 which he termed a "male order constitution." He also opposed charter government for the county in the same year.

"Certain provisions of the constitution are archaic, but the document as a whole made the State what is it. Why they try to change it is a very transparent effort to make it so that people are going to have less and less voice in what is going on," Norris said. "I was against charter government for the same reason. I am against anything which will increase and promote more government and taxes."

"When you stop and think that in 1920 there were 90 million people and the government was administered in Washington with few local officers anywhere . . . now we have a population that is twice as large but we've got 100 times the bureaucracy," he said.

Asked what he thought of his conservative label, he said, "If they would say I'm a conservative, they would say the right thing."

"I've got some liberal friends, even got some in the family, and I respect their point of view," he said.

The former vice president of the Ellicott Machine Corporation, a Baltimore company which is one of the leading manufacturers of hydraulic dredges, Norris is a graduate engineer and former seafarer.

After graduating from Cornell in 1913 with a degree in mechanical engineering, he went to sea and "got an engineers' license on ocean going vessels."

About 4 months before World War I broke out Norris signed on with the Kurfott Engineering company of New York as chief engineer.

Before that he worked in shipbuilding 10 hours a day for 6 days a week and received $6 for his efforts.

"Those were hard times and that was quite a job," he said. "People were out of work and that's what would happen if we stopped spending today. That's what we need, although I realize it would cause suffering. It's just a matter of time. At the rate we're going there won't be anything to spend anyway and it won't be worth spending. The economy will be destroyed. Every country who has tried it winds up the same way—in a dictatorship."

In 1917 he left the company to enlist and was assigned to the First Engineering Officers training at Fort Myers, Virginia, and was stationed in New York. He later asked to be transferred to field duty and was sent on to Camp Lee, Virginia, where he helped organize the 51st Engineers, a military unit which later went to France and was responsible for getting supplies and munitions to the front via railroad.

After the armistice and Russia defected to the allied nations, he was asked to organize a battalion of engineers to go to Archangelsk, a Soviet seaport, to help a white Russian general against the communists. Archangelsk, and I declined the invitation," he laughed. "It would have meant a considerable increase in rank, but I didn't want to see Archangelsk again."

In his work with the Ellicott company, however, he saw much of the world, as he went from country to country explaining how his company's dredges could be used to clear channels and deepen harbors.

Following the war he returned to the U.S. in 1919 and joined the Kurfott Company again, but his father, who was a partner in the Ellicott Company, asked him to come to the Baltimore firm, and he did.

He remained in Baltimore and retired from the company about 20 years ago.

With his wife, he lives in his Gist road residence, but retirement has not brought idleness.

Reflecting on the last 20 years of activity, he said, "I'm busier now than I was before I retired."

THE ADMINISTRATION'S INDOCHINA POLICY

Mr. HARTKE. Mr. President, when for more than a decade our country has been engulfed in a senseless and continually spreading war in Indochina, all people ought to be searching for every opportunity to end that holocaust. Instead, the administration is turning away from negotiations and turning toward a policy of enlarging the boundaries of that conflict.

During his recent interview with C. L. Sulzberger of the New York Times, Mr. Nixon made very clear that his commitment is not for immediate peace, but rather, as Mr. Cyrus Eaton says in a letter to the Times, that he is:

> Blindly dedicated . . . to the complete extinction of Communism, at whatever cost in American lives and substance.

I respectfully suggest that serious attention be given to Mr. Eaton's thoughtful assessment of Mr. Nixon's recent interview and I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 20, 1971]

"VERY LAST WAR"—ON WAY TO ARMAGEDDON?

To the Editor: C. L. Sulzberger's highly interesting "This is probably the very last war" interview (March 10) underlines grave basic fallacies in President Nixon's policies.

In insisting on a "non-Communist Asia," Mr. Nixon fails to point out that both the Chinese People's Republic and the Soviet Union would have to be overpowered to achieve his goal.

In stating that "for the next 25 years the United States is destined to play this superpower role as both an economic and a nuclear giant" in order to build a "world that is relatively peaceful," Mr. Nixon not only ignores the fact that the United States is already on the brink of bankruptcy and exhaustion from pursuing this policy. As self-appointed arbiter of world politics and economics, Mr. Nixon also omits any reference whatsoever to the United Nations, the organization duly constituted to solve international problems peacefully.

One can only conclude that Mr. Nixon is still as blindly dedicated as he was when he first came to Congress 24 years ago to the complete extinction of Communism, at whatever cost in American lives and substance, and that he will not end but will continue indefinitely to widen the war in Southeast Asia.

For many years, as a capitalist concerned with the preservation of our system, I have made a point of having direct and constant contacts with the statesmen, scholars and industrial leaders of all of the Communist nations, now constituting half the world's population. It is utterly incomprehensible that the White House, the Pentagon and the State Department, far from seizing obvious opportunities for accommodation with the Communist world, have consistently taken active steps to stir up heightened anger and bitterness.

At this moment in history, unless Mr. Nixon voluntarily alters his head-long course, or the Congress exercises its constitutional right to cut the military purse strings, it would appear that "this is probably the very last war," to use Mr. Nixon's very own words, and that nuclear Armageddon must inevitably engulf the globe.

CYRUS EATON,
Cleveland, March 11, 1971.

DIAMOND ANNIVERSARY CONVENTION NATIONAL GRAIN AND FEED ASSOCIATION

Mr. DOLE. Mr. President, last week in Kansas City, Mo., the grain and feed dealers from all over the Nation met to celebrate the 75th anniversary of their organization.

The association has been most helpful through the years in developing better service and improved products for the farmers. These merchants know that the farmer must be successful if they are to have customers, and this attitude is reflected in the success of the association on its diamond anniversary celebration.

A featured speaker at the convention was Assistant Secretary of Agriculture Clarence Palmby, who was formerly associated with the group on their professional staff.

Secretary Palmby outlines the grain marketing activities of the world in his text, and the importance of these markets to the Nation's agriculture. The speech is worthy of wider distribution, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF ASSISTANT SECRETARY OF AGRICULTURE CLARENCE D. PALMBY

I am pleased to be among so many old friends. It is an especially great honor to have a place on the program of your Diamond Anniversary Convention.

It is appropriate that you are giving international trade such a prominent place on today's program. Your members and your industry have had a major role in the growth of our international trade. I commend you for the recognition of the importance of exports to the economic welfare of American agriculture.

There is much to talk about. We are setting all kinds of trade records in this export year. Our total farm exports in the year ending June 30 will approach the $7½ billion level—far above the previous record established in 1966–67. Of this total, commercial sales for dollars will be in the neighborhood of $6½ billion, setting a record for the second straight year. Not only will we set new records for export value, we are also exporting a record volume of farm products this year.

What does this all mean?

The obvious answer is the contribution to farm income. In the 1970 crop year, almost one cropland acre out of every four produced for the export market. In soybeans, we are exporting well over half the 1970 crop—the harvest of 23 million acres! We are exporting well over half of our wheat crop, two-thirds of the rice crop, and a third of the cotton crop.

But there is a more subtle meaning to what is taking place in the world market this year. For some years, many of us—many of your members—have been concerned about the working of the market. Rather, we have been concerned with the many restraints and impediments that sometimes *prevent* the market from working as it should.

We have worried about these obstacles in our own marketing system—and in the world. We have been trying to do something about them.

In this country, this has brought a move toward a "freeing up" of our agriculture, to let the market function, to let our farmers produce for markets at home and abroad, to permit production shifts in line with these objectives.

Beyond our own borders, we have been striving very hard to encourage more liberal, market expansive trade policies. This kind of effort—so important to our agriculture—is not easy. The virtues of liberal trade are not universally recognized. There is a long ways to go.

But the point I come to is this: The growth in farm exports this year came about because . . . *the market is working*. We have proof what the market can do—despite all obstacles—to move farm products from the people who produce to the people who consume. That is the real, underlying meaning of this year's trade figures: The international market is working.

The market is working in soybeans.

Much has been said about the growth in soybean acreage and production in the past 15 to 20 years. What is not so fully realized is the extent to which overseas shipments have accounted for this. In the past 15 years, we have increased soybean production by 764 million bushels. Of this, we are exporting over 500 million bushels as beans or meal—almost two-thirds of the increase in use!

We now have 55 percent of the entire world market for oilseeds, cake, and meal. This is a remarkable record, and one that certainly reflects the working of the market. Prices of soybeans are determined by the market. There is no subsidy on soybean exports. And we have duty-free entry for soybeans in major markets.

Our soybeans move at an expanding rate into the European Community, where we have duty-free bindings. Our soybeans have good access into Japan, and our exports to that remarkable nation continue to grow. Certain barriers remain, and we are negotiating for their removal.

The United Kingdom, Spain, Canada, also are taking more U.S. soybeans. The U.K., Portugal, Greece, and Iran will all be opening new crushing mills in the near future. We are also expanding oilseed meal and oil shipments into many parts of the world, including Taiwan, South Korea, and Eastern Europe.

The market is working in grains.

Wheat prices at Rotterdam are the highest they have been in almost a decade. And this is true at a time when our commercial wheat exports are the largest in history. Japan has once again increased its imports of U.S. wheat. Eastern Europe, even the European Community, are importing more U.S. wheat. Our wheat exports will be at least 125 million bushels above last year.

The feed grain story is similar. The price of corn at Rotterdam is the highest since 1956–57. Our corn exports are running behind last year's totals; corn blight is of course a factor in both shipments and price. Our exports of barley, oats, and grain sorghums are at a higher level, reflecting a continued growth in demand for feed in Europe, Japan, and many other countries where livestock and poultry economies are developing.

The market is working in livestock.

Almost everywhere there is a desire for better living and improved diets as economies expand and purchasing power becomes greater. This is reflected in the continued rise in beef production, in both importing and exporting countries. Yet this increased production has not been a burden to markets, but has been absorbed at rising prices. Prices to cattle producers are up here, and in all the major producing countries.

These trends in livestock have brought about some interesting developments. For example, we saw earlier this winter quite a movement of U.S. cattle to Canada. We normally bring in a great many feeder cattle from Canada, and it is unusual that price relationships would be such as to attract U.S. feeder and slaughter cattle into Canada. But that is what happened, mostly in November and December.

Another interesting development is the continuing, and apparently expanding, import of western red meat and poultry into the Soviet Union—mostly from the Netherlands, France, and West Germany. Besides that, the Russians have been in the United States—here in Kansas City as a matter of fact—looking into possible purchases of beef breeding stock. So it seems that the market is working—even across the barriers of ideology.

It is apparent that the countries of Eastern Europe are being affected by the growth in economies in that area, as well as the opportunity to produce for export to Western Europe. Some of those countries have a natural advantage in livestock production, and they are looking for reasonably priced inputs from outside Eastern Europe. Increasingly, they have looked to the United States.

Eastern Europe seems to be a growing market for U.S. feed ingredients as well as grains and other feedstuffs. The outstanding example is soybean meal. Exports of U.S. soybean meal to Eastern Europe have climbed from less than $1 million in 1960 to more than $50 million in 1970. The total value of our soybean and soybean product exports to that area exceeded $80 million.

Grain exports to Eastern Europe have been held down by the rise in production there during the late 1960's. In 1969, we exported $30 million worth of grains to that area, and this was virtually all feed grains. However, a poor grain crop in Eastern Europe in 1970 is resulting in a sharp increase in our grain sales during the current marketing year. And these sales have included wheat as well as feed grains.

The natural advantages that Eastern Europe has as a livestock producer, coupled with a rising consumption of livestock and poultry products in Western Europe, leads to an increasing trade in these commodities between East and West Europe. Yugoslavia, for example, last year negotiated a preferential arrangement for marketing its baby beef in the European Community.

We disapprove of this arrangement, as we object to other preferential arrangements. The Yugoslavs assure us that they see the baby beef preference as a special situation, one that does not imply anything broader. Nevertheless, if East-West trade in Europe continues to increase, there is reason to believe that the countries of Eastern Europe will be striving hard to supply more high quality beef and perhaps other meats to Western Europe.

Those countries need to earn foreign exchange, and one way to do this is to export livestock products into Western Europe. If this trade expands as now appears likely, it will be interesting to see what impact this will have on Eastern Europe as a market for feedstuffs. It will be interesting to observe what pressures are exerted on the EC's Common Agricultural Policy. What will be the impact of livestock and poultry imports based on lower-cost production just outside the EC borders?

Within Eastern Europe too, higher incomes have led to pressure for increased consumption of meat. Recent events in Poland have demonstrated the importance of these consumer pressures.

There are, of course, a number of deterrents to trade between East and West—many relating to political structures and the rigidities of state trading systems. Credit problems and the lack of convertible currencies are further deterrents to commercial contact between East European countries and the Free World trading system.

There are, of course, increasing contacts of many kinds between the United States and Eastern Europe, in the areas of culture, tourism, science, and business. President Nixon, in his recent foreign policy message to Congress, said: "There are difficulties, which we recognize, attending close political relations between Eastern European nations and the United States. But within these limits there are opportunities for economic, scientific, and technological contact which we are prepared to broaden on the basis of mutual benefit."

The President himself visited Romania in late summer of 1969—the first American president to visit a Communist country in 24 years. A year later, he visited Yugoslavia. He conferred with President Ceausescu in Romania and with Persident Tito in Yugoslavia.

These visits led, this past winter, to a trip by Secretary Hardin and others in and out of the Government to explore agricultural contacts with Romania and Yugoslavia. Bill Pearce of your association was a valued part of that team, as a member of the President's Commission on International Trade and Development. I also had the privilege of being with that group, and a very interesting assignment it was, including not only Eastern Europe but also the U.K. and EC countries.

As a result of those meetings, there is occurring an expansion in contacts between our Government and theirs in the field of agriculture. In Yugoslavia we have a number of cooperative research projects being carried on with excess currencies generated by earlier food assistance programs. In Romania, we have provided several kinds of help as a result of the serious floods on the Danube and other streams last year. Food, feed, and medicines have had a part in this assistance.

The growth in agricultural contact between the U.S. and Romania will result, it appears now, in the placement of a U.S. agricultural attache in Bucharest probably this summer. We have had an attache in Yugoslavia for a number of years, and the opening of a similar post in Romania will extend and enlarge our reporting and other contacts in that part of the world in the interest of our own agriculture.

American producers of grains and other feedstuffs should increasingly think of themselves as part of a world economy—where the market works to favor the efficient producer and reward the holder of comparative economic advantage. There are things that you in the industry and we in the Government can do to help the system work.

For one thing, we must be alert in defense of our agriculture's trading rights. We have been concerned about the growth of restrictionist thinking in many countries in recent years. We have been particularly uneasy about the growth of trade-restrictive policies within the European Community—and concerned that these policies might be extended at such time as the Community may be enlarged.

This concern was back of the negotiation we completed with the British two weeks ago, with respect to our grain trade with that country. Our exports of grain to the U.K. have generally amounted to $150 to $200 million a year and we are therefore interested in preserving this trade.

We have made it plain both to the U.K. and to the Community that we are determined to use all appropriate means to safeguard our trade rights and interests in grains, soybeans, and other agricultural commodities. With this in mind, we intend to exercise fully our rights under the General Agreement on Tariffs and Trade, including retaliatory trade measures should that be necessary. This applies both during and after the period of U.K. negotiation with the Community, whether or not the U.K. becomes a member of the Community.

Our agreement with the British preserves our GATT rights for full use later. By maintaining these rights, and avoiding their dissipation in a general negotiation, we keep ourselves in a position to use them to their utmost on behalf of our farm products at a time and place of our choosing.

Within our own country, there are things we can do to make the market work effectively—to help producers take advantage of the growth opportunity in world trade. As I mentioned earlier, the new U.S. farm programs are designed with this in mind—to enable U.S. farmers to produce for an expanding world market as well as to promote expanding use in this country.

If grain and soybean farmers are to benefit fully from this opportunity, the grain and feed industry must do a better job of informing farmers of new crop prices and market opportunities. This is not to say that the industry should tell farmers when to sell, but the industry can provide a great deal of information as to opportunities in forward contracting.

You use the futures market yourself. Why should not the farmer use forward contracting to take advantage of a price of his own choosing—and not to be forced to rely entirely on the day-to-day cash price. It is to his advantage, and to *your* advantage, if he can use the market to lock in a price for a period ahead. And you can help him do this.

If the market is to function well—consistent with large use and large exports—people in the industry might well consider how they can do a better job of servicing farmers.

May I say a word, too, about the movement of grain out of the country. There continue to be serious transportation problems. Obviously, whatever we do to build markets here and abroad is partly wasted if we cannot get the grain to terminals and ports. I know that your association is giving major attention to that problem in your convention. It cannot be stressed too strongly that whatever progress you can achieve, or help to achieve, in the area of grain transportation will contribute directly to the growth of this industry and its markets.

With these thoughts, let me wish you well for the remainder of your first 100 years. Your organization is a "child of the century"—coinciding as it does with this most remarkable and tumultuous Twentieth Century. The grain and feed dealers have made a contribution to our nation and our standard of living that is unique in the world. I know that the years ahead will be just as challenging, just as exciting.

STUDENTS LEAD IN DEVELOPING COMMUNITY-ORIENTED STUDIES

Mr. MATHIAS. Mr. President, one very encouraging development in American education is the emergence of a large number of programs, classes, and projects developed and run by students and focusing on the needs of their own communities. In fields such as environmental protection, urban planning, neighborhood renewal, and social action, students at all levels of education have been bridging the distance between the classroom and the community. Both the class and the community reap great benefits from such imaginative efforts.

I invite the attention of the Senate to three such programs in Maryland. The first is an experimental 11th-grade class at Lansdowne High School, in Baltimore, which spent last semester studying the ecology, economy, and life style of the community of Arbutus. As summarized in the Baltimore Evening Sun on February 16, the project was largely planned and organized by the 28 students involved. In addition to the findings of the study teams, the results of this interesting experiment included greater student understanding of the community and, conversely, enhanced public awareness of the students' abilities and concerns.

Two other student-led programs of great potential in Maryland are the summer projects developed by teams at the University of Maryland and at Goucher College, focusing on environmental problems affecting Rock Creek and Lake Roland, respectively. Both of these efforts are among the 103 recipients of the special grants for Student-Oriented Studies—SOS—initiated this year by the National Science Foundation. In addition to advancing the skills, knowledge, and maturity of the students involved, these projects can make valuable contributions to our understanding of natural resource problems and needs.

Mr. President, I believe that such constructive efforts by our young people should be applauded and encouraged. I, therefore, ask unanimous consent to have printed in the Record the Baltimore Evening Sun article about the Lansdowne High School experimental class and materials from the National Science Foundation which summarize the SOS program and the University of Maryland and Goucher College projects.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Evening Sun, Feb. 16, 1971]

Experimental Class: Students Survey Ecology Of Arbutus

(By Lee Baylin)

The ecology and life style of Arbutus, a quiet little community on the Patapsco river just across the city line from southwest Baltimore, was the subject of a thorough study by students of an 11th grade experimental class at Lansdowne senior high school last semester.

The students concluded that the community is a "desirable place to live."

The air and water was found to be clean, the condition of the business district was described as "very good" and most of the residents liked living in Arbutus.

One class committee, which canvassed 87 of the 700 families living in the test area, found that most of the people were unaware of any environmental problems in their own community.

The survey found the community to be populated by many older persons. The majority of the families surveyed had lived in the area for over 20 years.

The test area was bordered by the Rolling road golf course, Rolling road, the University of Maryland Baltimore county campus, and Sulfur Springs road.

The class was an experimental one started by two teachers who attended a seminar on science and society in Colorado last summer.

PLANNED BY STUDENTS

It was designed for student participation. Members of the class planned their experimental study, carried it out themselves, and helped in the grading process.

"It was great, there was more student involvement than any other class I've ever been in," Jean Moennich, an energetic, blue-eyed blonde who headed the class committee which studied the business aspect of the community.

The only complaint the students seemed to have was that the course was too short.

"We didn't have enough time," Kevin Aftung, another student, said.

TIME FOR ACTION

"We could have used more time to take action," Miss Moennich explained.

Stephen Penyak, who headed the group which surveyed the community, said the class could have used a full year, "three quarters of the time to complete the study and the rest to take action."

The 28 students in the class, taught by Dr. Benjamin F. Pascover, head of the science department, and Thomas S. Fort, head of the social studies department, was divided into six committees to study different aspects of life in Arbutus.

Two groups studied the air and water in the community, another did research on population, one studied the business community, one surveyed the community and the sixth handled public relations.

AIR, WATER SAMPLE TESTED

The water and air committees, using techniques taught in the classroom, tested samples of air in the area and water from a pond and two streams which feed the Patapsco river.

The students found the air to be clean and the water free of pollutants. They did recommend that the county health department investigate some bacteria found in the streams to determine if they are dangerous.

Although the students found no serious environmental problems in the community, they feel their project was a success.

"We have made the people aware, at least, that students are aware of community problems. Quite a few of the people we saw were surprised to see that we were interested, one of the students commented.

EFFECT ON STUDENTS

Even if the effect on the community is little, the semester-long course has had its effect on the 28 students who participated in it.

A survey of the class in September showed that most of the students felt world peace was the most important element in their lives. By the end of the course, a clean environment was the top choice.

NATIONAL SCIENCE FOUNDATION,
Washington, D.C., March 5, 1971.
Hon. CHARLES McC. MATHIS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIS: As a follow-up to your letter of December 2, 1971, Dr. McElroy has asked me to inform you that the Foundation is today making a grant of $26,120 to the University of Maryland for a student-directed research project to determine the extent and location of bacteriological and chemical pollution in Rock Creek, Washington, D.C. The Student Project Director is Gary C. Stanton, Department of Microbiology, and will involve 21 student participants who will conduct the research during 12 weeks of the summer of 1971.

Enclosed is the list of projects selected for support by the Foundation in the first competition held by the Student-Originated Studies Program. From the 560 proposals submitted, the Foundation has selected 103 for grants, and has named an additional 185 to receive honorable mention. Details of the research projects to be conducted under the grants (not given in the enclosed release) are available from the Foundation. We hope to release these titles at a later date.

In addition to the grant made to the University of Maryland, you will be interested in the award to Goucher College—$13,140 for "The Analysis of the Degradation of Lake Roland in Baltimore County, Maryland." This project will be conducted by a group of eleven students from Goucher College and Towson State College; the Student Project Director is Virginia L. Richards, Department of Biological Sciences, Goucher College.

You will note from the enclosed release that three Student-Originated Studies projects were cited to receive honorable mention.

The response to the Foundation's Student-Originated Studies Program on the part of undergraduate student groups throughout the country has been very gratifying. We are proud to announce the first grants for Student-Originated Studies and to inform you that the University of Maryland and Goucher College are among the 103 recipients of these grants this year.

As requested, Representative Gude is also being informed about the University of Maryland project to be directed by Mr. Gary C. Stanton.

Sincerely yours,
JOHN B. TALMADGE,
Head, Congressional Liaison Office.

THE 1,100 COLLEGE STUDENTS TO CONDUCT RESEARCH ON ENVIRONMENTAL PROBLEMS

More than 1,100 United States college and university students will devote their summers to conducting independent research on problems of the environment, Dr. William D. McElroy, Director of the National Science Foundation announced today.

The grants, totaling almost $1.5 million, were awarded to 97 colleges and universities. The awards support student-initiated, student-planned, and student-directed research aimed at exploring some of the pressing problems of our society. The grants are the first awarded under the Foundation's newly established Student Originated Studies (SOS) program.

The SOS program is designed to encourage undergraduate students to express in productive ways their concern for the environment. The program provides support for groups of students who demonstrate a readiness to assume increased responsibility for their educational development.

The NSF program supports interdisciplinary groups of students proposing to attack either a single problem or a group of related problems focused on the general area of environment—physical, biological, or social. Each project is carried out under the leadership of one of the students who serves as the student project director. Students devote their full time to the projects, each of which lasts from 10–12 weeks.

College students, reacting enthusiastically to the Foundation's invitation for SOS projects, submitted 560 proposals, requesting $8.2 million, by December 1970.

To help evaluate the proposals, the Foundation invited 17 college undergraduates to serve on panels along with university faculty.

While a faculty advisor is associated with each student research group, the Foundation insists that the real initiative and responsibility must rest with the students. Each student research group consists of from 5 to 21 students.

Examples of the SOS projects include:

At the University of Maryland, College Park, a group of 21 students, including several from Montgomery College, will study Rock Creek, a stream that flows through a major park in the nation's capital. This project will focus on bacterial and chemical contamination. The students seek to determine the level, nature, and specific sources of pollutants. The data collected will be made available to Federal, state, and local officials responsible for maintaining and improving water quality of Rock Creek.

At the University of Oregon, Eugene, 14 students will assess, from an environmental viewpoint, plans for the dredging and filling of a portion of the bay in the Coos Bay-North Bend area. The students will combine the disciplines of biology, sociology, psychology, urban geography, economics, and architecture to help develop an integrated land and water use plan for the area.

At Carroll College, Waukesha, Wis., six chemistry and biology students will measure amounts of pollution entering rivers and streams from feedlots in southeast Wisconsin. The students will examine the efficiency of inexpensive methods of removing both microbial and chemical pollutants from run-off water.

At Clemson University, Clemson, S.C., 13 students with training in economics, civil engineering, and psychology will study the role which socio-economic status plays in limiting travel of the aged in Greenville, S.C.

At Grambling College, Grambling, La., biology, chemistry, and sociology students will study levels of DDT-derived materials in Negroes. The students will take blood samples of individuals selected according to geographic location and socio-economic status. The findings will be evaluated to determine whether the DDT content is dependent on socio-economic and geographic factors.

Attached is a list of awards by state and institution, student project director, and dollar amount. Also attached is a list of those projects receiving Honorable Mention.

Note for participants: College students interested in participating in a particular project should contact the appropriate student project director named in the attached list, not the National Science Foundation.

CONSTRUCTION WORKERS, INFLATION SCAPEGOAT

Mr. PROXMIRE. Mr. President, the construction workers in the United States have been made the whipping boy for the failures in the administration's fight on inflation.

First, the administration suspended the Davis-Bacon Act, which undercut construction workers' wages, but imposed no restrictions on builders or employers. That was a one-sided, unjust, and unfair action. Now that action is rescinded, but controls on wages and prices in the construction industry alone have been imposed instead.

Meantime, the prices construction workers pay for food, rent, and the necessities of life continue to go up. While limits are placed on construction wages, almost nothing is done to halt the upward price spiral for the goods construction workers have to buy.

What we need is evenhanded justice. We need wage-price guidelines which apply not only to construction workers and construction employers; we must go beyond that. We must have a policy which applies to all industry. We need a guidelines policy which applies not only to wages but also to prices and profits. That is the only way to right the injustice of the present policies which have made the hard hats the scapegoats for inaction.

The one-sided policy against construction workers has also been based on inadequate, misleading, and superficial information. Here is why:

The average construction worker earns $5.40 an hour, but because of weather, time between jobs, and seasonality in the industry he works only 1,500 hours a year. His annual average pay of $8,100 a year is not enough for him to buy the $25,000 to $30,000 house he works to build.

While he is unemployed for about 12 weeks a year, he is generally unable to qualify for unemployment compensation, because he is the victim of a series of short layoffs rather than one long, extended one.

Contrary to the propaganda put out, high construction wages are not the major or even a highly important cause of the high cost of housing. Onsite labor accounts for only 12 to 15 percent of the total cost of a house. Eighty percent of housing units are built with nonunion labor. High mortgage rates, huge increases in the cost of land, lawyers fees, closing costs, points, materials, durable goods like refrigerators, stoves, furnaces, air conditioners, and furniture, taken together, are far more important factors in the increase in housing costs than onsite labor.

It is time to stop making the construction worker the villain of the piece. What we need are comprehensive wage-price guidelines so everyone has to share in the fight on inflation.

REPORT OF CITIZENS ADVISORY COMMITTEE OF BALTIMORE CITY

Mr. MATHIAS. Mr. President, last year, I ask the citizens of Baltimore City to join together and form a Citizens Advisory Committee for the purpose of studying the programs of the Office of Economic Opportunity as they operate in the city and to recommend ways to make them more effective.

The committee has done an outstanding job. I believe that Senators should be made aware of its accomplishments. I have learned a great deal from this experience.

I ask unanimous consent that the report and some introductory material be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE OEO BALTIMORE CITY CITIZENS ADVISORY COMMITTEE REPORT PRESENTED TO THE HONORABLE CHARLES MCC. MATHIAS, JR., U.S. SENATOR, STATE OF MARYLAND, DECEMBER 1970

DECEMBER 7, 1970.

Mr. DONALD RUMSFELD,
Director, Office of Economic Opportunity, Washington, D.C.

DEAR DON: As you know, the Congress will soon be appropriating new money and authority to the Office of Economic Opportunity as that Agency's enabling legislation comes to an end. It is thus timely to study the accomplishments of the Agency with the objective of enacting legislation which would build on OEO's record and even better serve the nation's poor.

To further this objective, I formed a Citizens Advisory Committee in Baltimore City comprised of representatives from all segments of vocational and social life to study the problems of OEO in their City. Enclosed is their report.

The report is limited to Baltimore City due to the huge amount of OEO money it presently receives in comparison to the rest of the State; however, I plan to commence similar studies throughout the State upon the success of this report. The recommendations of the Committee come from member's impressions and daily experiences in dealing with the City's poor.

These citizens of Baltimore have spoken; I am happy to provide a forum for their views. The members of the Committee have spent many hours and many days formulating this report. It is submitted in the good faith that it will be read earnestly and with the hope that the Federal Government will make a bona fide attempt to respond to their views. As mentioned in this report, a written response is requested from your office.

It is my understanding that this is the first Citizens Advisory Committee of its kind to be established throughout the country. I encourage more of them. It has been a rewarding experience; I have grown closer to the problems of Maryland's poor.

Thank you for your interest in this report; your staff has been most helpful. I am forwarding a copy of this report to the President.

Sincerely,
CHARLES MCC. MATHIAS, JR.,
U.S. Senator.

BALTIMORE, MD.
Noverber 25, 1970.

Hon. CHARLES MCC. MATHIAS, JR.
Washington, D.C.

DEAR SENATOR MATHIAS: It is the privilege of the OEO Baltimore City Advisory Committee to present to you this study and report.

We are well aware that in the length of time given to this Committee we could not deal in great depth or detail. However, this report does deal with basic issues and concepts which became real to the Committee through its intensified study and research. It is the desire of this Committee that the study reflect the "grass roots" level of concern, frustration and hopes of the Baltimore community.

The Committee offers itself for further consultation and service should you deem this wise or necessary. This offer is made with the full realization that "poverty and causes of poverty" must be dealth with quickly and effectively.

In this report the Committee is cognizant that it is dealing with more than a governmental structure or city structure; we are dealing with people. We are dealing with their lives, their hopes and their fears.

I express personal thanks to all the members of the Committee who gave of themselves for this study. It is only because of the total Committee's efforts that this study can now be shared with you. A special note of appreciation goes to your staff, especially Miss Joyce Freeland and Mr. Joel Abramson. They served cheerfully and effectively.

To the Office of Economic Opportunity we express our gratitude for the individuals who served as valuable resource persons.

Finally, I express appreciation to you for having chosen us to serve and the confidence of the other members who chose me as their chairman.

I trust this report will provide for you, at least in a partial way, suggestions, guidelines and answers to assist your legislative efforts and activities on behalf of Baltimore City's poor.

Sincerely,
REV. RICHARD L. ALMS,
Chairman, Baltimore City OEO Citizens Advisory Committee.

OEO BALTIMORE CITY CITIZENS ADVISORY COMMITTEE

Chairman: Rev. Richard L. Alms, Director, Lutheran Mission Society of Maryland, 509 Park Avenue, Baltimore, Maryland 21201.

I. RECIPIENT COMMITTEE

Chairman: Mr. Sampson Green, Chairman, ACTIVISTS, Inc., 2316 W. North Avenue, Baltimore, Maryland.

Members

Mrs. June G. Ross, (Baltimore City Public Schools), 3816 Callaway Avenue, Baltimore, Maryland 21215.

Miss Joanna Balzano, (MUND), 2133 Maryland Avenue, Baltimore, Maryland.

Mrs. Josephine Smith, 1225 N. Gay Street, Baltimore, Maryland.

Mr. Robert A. Sanders, 1107 E. Preston Street, Baltimore, Maryland.

Mr. Joseph Neal, 4602 Norfolk Avenue, Baltimore, Maryland.

Mr. Lloyd A. Anderson, 1510 Guilford Avenue, Baltimore, Maryland 21202.

II. PRIVATE SECTOR COMMITTEE

Chairman: Mr. Peter Smith, Piper and Marbury, 700 N. Wolfe Street, Baltimore Maryland.

Members

Mr. Harry E. Smith, (MUND), 2133 Maryland Avenue, Baltimore, Maryland.

Mr. William Boucher, III, Greater Baltimore Committee, 1 Charles Center, Baltimore, Maryland 21201.

Mr. Lenwood M. Ivey, Community Action Agency, 11 E. Mount Royal Avenue, Baltimore, Maryland.

Mr. Dan Zaccagnini, Office of the Mayor, City Hall, Baltimore, Maryland.

III. ADMINISTRATION COMMITTEE

Chairman: Mr. Marshall Jones, 1735 Harford Avenue, Baltimore, Maryland 21213.

Members

Mr. Joseph A. Matera, Legal Aid Bureau, Inc., 341 N. Calvert Street, Baltimore, Maryland.

Mr. Dominic Fornaro, 305 W. Monument Street, Baltimore, Maryland.

Mrs. Mildred Adkinson, Associate Director, Maryland Council of Churches, 14 W. Madison Street, Baltimore, Maryland 21201.

Mr. Frank W. Welsh, Executive Director, Maryland OEO, 301 West Preston Street, Baltimore, Maryland.

Special contacts and assistance

Mr. Andrew Stanfield, Office of Economic Opportunity, 1200 Sixteenth Street, N.W., Washington, D.C.

Mr. Fred Forbes, Office of Economic Opportunity, 2nd and Chestnut Streets, Philadelphia, Pennsylvania.

Mr. Joel Abramson, Office of Senator Mathias, 240 Old Senate Office Building, Washington, D.C.

Miss Alice A. McFadden, Office of Economic Opportunity, 1200 Nineteenth Street, NW., Washington, D.C.

PART I. OVERVIEW

The gathering of twenty concerned citizens to discuss and resolve the ills of poverty is akin to an assembly of a like number of members of the PTA joined to discuss what is best for *their* children. In both groups members are often selfish and protective. We each have individual approaches to problems; we think and act differently. To come up with a report and recommendations for the City of Baltimore which would be ratified by the entire Committee would have seemed impossible. But we did it. This alone makes the report viable, persuasive, and vitally important.

Citizens of Baltimore City have gathered under the Chairmanship of the Reverend Richard Alms from all facets of vocational and social life to discuss what has been so often talked about, dissected, examined and researched—poverty.

The Committee, because of the dimensions of the task, divided itself into three subcommittees—each dealing with a specific problem—the Administration, Recipient and the Private Sector Subcommittees. This report deals with the findings of these subcommittees.

The Administration Committee, as its name implies, dealt with administration of federal, state and local programs. It followed numerous programs from grant to recipient stage to assess the problems along the bureaucratic line.

The Recipient Subcommittee was the largest. Its members contacted recipients, heard their complaints and evaluated the agency's success in getting to them in a meaningful and lasting way. It dealt with "real poor folk"—those without salary or stipend—as well as those currently benefiting from a federal assistance program. They looked at the federal anti-poverty program's effort to create self-sufficient and independent communities.

The Private Sector Subcommittee concerned itself with non-governmental efforts to help alleviate poverty. The Subcommittee studies specific cases of private sector involvement within Baltimore City.

We do not pretend to represent every individual in Baltimore City. That would be virtually impossible. However, we do feel that our group represents a broad enough spectrum to give this report credibility. We also do not wish to give the impression that we have discovered and are discussing things that have not already been outlined previously by blue-ribbon commissions and reports. What we are saying has been discussed a thousand times and in a thousand ways—but now we feel some comfort that for the first time the citizens of Baltimore City are saying it.

When we speak of "poverty" we refer to the hunger pains in the stomach, disease, rats, dilapidated homes, dirty air, no jobs—no hope. We refer to all humans: black and white; brown and yellow.

Poverty has become a profession for those who serve it; a political tool for those who use it and a case of sad neglect for those in it. Poverty is all-pervasive. It is a rare day that we are not reminded of the plight of those in poverty. We hear and read legislative debates throughout the land; we see rat-infested homes; hungry and angry eyes; we smell the garbage of the ghetto and the sweat from an underpaid day's work.

On October 19, 1970, Senator Mathias along with the chairman of each Subcommittee, Chairman Alms and other committee members, took a tour of West Baltimore. They saw frustration, lack of self-esteem and identity; they saw failure and despair. A noted exchange was the Senator approaching an elderly man for his comments about OEO's role in the inner city. The man just shrugged his head, didn't answer and looked down at the ground. (The Office of Economic Opportunity should make a concentrated effort toward helping elderly poor.)

At first the members of the tour questioned citizens about the "effectiveness of OEO." Few had heard of the agency. Then "OEO" was changed to "Community Action Agency." The majority of people were aware of this local poverty agency. The point was made—though it should be quite obvious—the hungry man in the ghetto does not know whether it is OEO, HUD, HEW . . . that is not helping . . . or helping him. He doesn't care. He knows of the local effort and identifies that with the commitment of the Federal Government. We agree, OEO must be decentralized to the local level, not regionalized. Its programs should not be delegated and diluted to other branches of the Federal establishment, but given to local anti-poverty agencies. At the same time, we want to stress the point that OEO must remain as a Poverty Agency. We need it.

It is not enough that we change individual lives, for if the institutions which encompass (and devour) these individuals are not altered, we will never conquer poverty. On one occasion, a committee member related the following encounter: he had met with an indigent recently released from prison and was told that she had no other choice but to go back to the same community—the same environment that destroyed her in the first place. We must stop this vicious cycle.

Consultants and private industry come into the community, "do their poverty thing," and leave. What has it given to the community—to the institution of life? Nothing. It has upgraded some lives, but the *community* stays the same. And now, it has less hope and confidence with the outside world: a rejection.

We need dedication by all peoples and governments to resolve poverty. This does not exist today. If the same dedication was aggressively channeled to solve poverty as it has been to send a man to the moon we would have already seen great results. But what do we see? The same poverty, the same decay. Now we just have bigger and more expensive institutions to deal with the problem.

Poverty has been studied, picked at, massaged; and, it still remains—as it did. And why does it remain—notwithstanding the Federal Government's allocation of money and energies? The answer must be that we have not decided to do away with it.

Our social and welfare system fosters ghettos—breeds defeated, defaced and selfless individuals. Dependency is fostered. We must look at the objectives and efforts of programs to see that they produce and are planned to produce independence, self-sufficiency, and self-esteem—both within the individual and the community.

The Federal Government has promised great things—jobs, housing, and more—but has failed in its expectations. We understand that it cannot overnight fulfill these promises, but it has said it will nonetheless, and thereby has produced a sense of false hope. This same sense of disillusionment is evident within the ranks of poverty workers. When a young, dedicated government employee is told of huge promises and sees little in results, a sense of apathy—and anger—emerges. We need honesty.

The bureaucracy itself dissipates valuable energies. Too much time is spent fighting City Hall and Capitol Hill rather than helping needy people.

Too often we hear that the war on poverty should be non-political. We disagree. Political power creates change—unfortunately. And, if we want to see changes, we have learned from this past election and others—that the vote, the pen and the voice are the greatest friends of the war on poverty. Once this effort becomes apolitical—we shall see even greater frustration, hostility and anger with the danger of violent eruption.

Poverty will not be solved without the assistance of those outside the government. The private sector—the business and academic communities, the clergy, teachers, lawyers, doctors, the rich and the poor, the young and the old—all must take part. No one group should bear the burden, for we will all share the responsibility, both morally and financially.

The need for the involvement of the private sector is perhaps the most important recommendation that can be made by this Committee. We don't need consultants to do a job that the community can do. The Federal Government cannot determine what is best for Baltimore, only Baltimore can—only all *Baltimoreans*.

A reason for urban decay and urban poverty is urban and suburban neglect. Those now indigent in Baltimore City at one time came from outside the city. If assistance had been given in the rural communities then, our cities would now be in better shape. Efforts and money should be dedicated to overcoming poverty in rural areas for the sake of our city.

Nothing new can be said about poverty. It has already been said; many times. We only have to go back and re-read the Kerner Commission Report. It said, "a new understanding, a new attitude, and above all, a new will" must be created if we are to get rid of poverty. This is a reaffirmation of that report.

We must tackle poverty as we combat cancer—first at the disease, then preventive steps to stop it from spreading.

Poverty is a reflection of the society and those who govern it. The war on poverty, like the war in Southeast Asia, is a matter of priorities, but, unfortunately, the latter has been given a higher priority. And this is what this report is all about—we have not decided to get rid of poverty. For if the same energies, talents, moneys and political pressures were devoted to this war the results would be far more dramatic and the benefits far more visible and lasting than the other. It is a question of priorities—a matter of dedication.

We thank Senator Mathias for the opportunity of giving us this chance to tell those in Washington what is needed in Baltimore City.

PART II. ADMINISTRATION SUBCOMMITTEE REPORT

In the very limited time that this committee has had to reflect upon the present operation of OEO programs in the State of Maryland, we have concluded to offer the following recommendations:

1. Although the committee agrees that all programs written in the Economic Opportunity Act should be administered by the Office of Economic Opportunity, we also agree that if in fact Congress decides to delegate the administration of additional programs to other federal agencies there should be strong legislative language to guarantee effective input by OEO in the policy making process with the delegate agency. Also, if the present Administration does decide to make OEO an experimental-innovative poverty agency, we hope that these programs which have proven successful and to the benefit of the Baltimore community, continue to receive funding from the Federal Government.

2. The tendency of OEO to regionalize certain programs that have a national emphasis should be eliminated. Such an effort was recently made with regard to the National Legal Services Program. Regionalization of this program and other such programs would result in undermining their political integrity and independence due to local political pressures resulting from unpopular litigation on behalf of the poor.

3. Community Action Agencies are too often restricted in using their meager grants. For example:

The government makes a grant to them in many cases specifying that it be used for only a designated purpose when the program may find that the money is urgently needed in another area.

Grants should be made directly to the program without being restricted for any one particular area. If there is an urgent need for a greater portion of the grant to be utilized in another area, e.g., job training, housing, or health; the local agency should be permitted to exercise its discretion . . . perhaps along promulgated guidelines. The committee agrees with the 1969 report of the National Advisory Council on Economic Opportunity that at least 50% of funds appropriated for the Community Action Program be made available for program initiated at the local level. In other words, there should be less earmarking of funds and more discretionary funds available.

4. There is a need for consolidation within the Baltimore CAA (Community Action Agency). For example:

The consolidating of 20 programs, let us say, dealing with job training and placement in the CAA would reduce overhead, construct a stronger and more responsive community agency, solidify the activities involved, bring down costs and result in greater efficiency. We can envision the unity of CAA and model cities into one Community Action Agency.

5. Funds allocated by OEO under Title II of the Economic Opportunity Act should be done on a more equitable basis.

(a) Although over 40% of the poor in the State of Maryland live outside Baltimore City, these subdivisions receive only 30% of the total funds in the State. As reported by the President's Commission on rural poverty in September of 1967, one of the reasons for the magnitude of the problems of the poor people in the cities is the migration that has taken place over the past 30 years from rural to urban America.

(b) Since the inception of OEO, the City of Washington, D.C., has continued to receive more funds than the entire State of Maryland. The present population of Washington, D.C., is 783,000; Maryland's population is 3,732,000. In fiscal year 1968 Maryland received from the Economic Opportunity Act (Titles 1, 2, 3, 4, 5 and 8) $25,170,943; in 1969—$26,293,812. The District received $31,085,076 in 1969 and 31,449,251 in 1968. The latest figures indicate that 17.3% of the District's population was at poverty level (under $3,000 per year) while Maryland had 15.3% of its population at poverty level. The allocation is patently unfair. Maryland and Baltimore City need more poverty fighting money.

(c) Funding levels of CAA's should be predicated on the incidence of poverty in the area. Money is often given to states and communities without regard to the cost of living. The poor in Mississippi need less to live on than the poor in Baltimore. It is unfair to equate the two. Perhaps allocations should be made upon established geographic regions.

6. An important recommendation by the

Subcommittee is that more control be given to the local agency in running, operating and determining their own poverty programs. This has been mentioned before in this report, but we feel it is important enough to mention it again. In this regard, notwithstanding the improved relationship between the CAA and the Mayor and Council of Baltimore City, the latter must relinquish their jurisdiction over the former. However, to put greater emphasis by the City government in the poverty effort, we recommend that the Mayor create a Human Resource Commission to oversee all poverty and social programs—one city agency to take care of the city's poor.

7. We must provide greater involvement by the members of the Baltimore City poverty community in poverty programs. In this regard, the Subcommittee suggests the formation of a special committee to study the pros and cons of civil service coverage of those future employees in poverty programs. The use of private consultants to do a job which local citizens can do is defeating, and could be remedied by taking future poverty workers out of civil service.

8. There must be more economic development within the poverty community. The Federal government can encourage this local effort, for example, by permitting the local CAA to buy their offices, instead of the present rental setup and lease their buildings to other poverty efforts. The moneys made can then be spent on the local poverty program, gradually relieving the federal, state and local governments of the fiscal burden. Perhaps a trust fund can be created to fulfill this objective.

PART III. RECIPIENT SUBCOMMITTEE REPORT

Our observations and evaluations indicate that the most vital items needed in the poor communities are employment (income), housing and education. The lack of the three form a vicious cycle which is all too often impossible to break.

The Office of Economic Opportunity for the past five years has successfully attempted to deal with this vicious cycle through its manpower training programs, the Community Action Agency, Head Start and other services. However, these programs are still reaching far too few with far too little. Blight and hopelessness still remain.

Substantial funding and intensified efforts encompassing all phases of this cycle are essential if we are going to begin to break its massive and destructive hold upon the lives of poverty-stricken people.

The Recipient Subcommittee thus makes the following recommendations:

1. That housing be dealt with on a priority basis. No family can adequately survive in the inhumane way many persons are forced to live. Too many apartments and tenements are owned and operated by absentee landlords—escaping the wrath of community and sanctions of the law. There is not enough low income housing in Baltimore City which is maintained in a decent and humane manner. OEO must deal with the issue of adequate housing for the poor.

2. In our present society, to have an income and be out of the poverty cycle, one must have employment. When there is no employment, there is no income. However, individuals often have their expectations raised when they are given encouragement in an employment training program. These hopes are often dashed when they find that after completing training programs neither the government nor private sector offer concrete vocational and career opportunities. It is important that any job training program relate to jobs first and training second. In other words, let the emphasis and efforts first be directed in getting jobs—and then in the training. It is totally devastating to a person to be trained for a position only to be told he is not needed.

These shattered hopes lead not only to despair but to frustration and anger. Not only does this affect those being trained, but it affects those who do the training. It is easy for them to develop apathy in training, by simply saying what is the use?

3. Added to the need for better housing and employment is education. Education on an improved level is desperately needed. While educators are doing their best in the poverty areas, they are limited by lack of funds, equipment and determination—by both faculty and students. An attitude of "What is the use" is again the permeating force which breeds apathy at home and in school.

New and innovative educational programs must be provided for the poverty areas of Baltimore City.

It is the feeling of this Subcommittee that OEO, if it is to be a viable agency, should tackle these programs. If these three problem areas: housing, employment and education were dealt with in an adequate way rather than with tokenism in dollars and manpower, substantial gains would be made in the war on poverty.

Finally, this Committee pleads the case of poverty: that it be looked upon as a war that needs to be fought and won—as the war in the Far East. It is a war that is also destroying the lives of people. To win this war there must be a coordinated effort by the various governmental agencies, together with the private sector and the self-determination of the poverty communities. When one speaks with people who live in poverty in our city, it becomes apparent which war needs priority. Their hunger and sickness and emptiness of spirit are constant reminders.

PART IV. THE PRIVATE SECTOR SUBCOMMITTEE REPORT

The following represents the private sector's involvement in Baltimore programs funded by the Office of Economic Opportunity:

Program and private sector organization

1. Year Round Head Start Program:

A. Knox Day Care Center, Knox Presbyterian Church and Presbyterian Synod.

B. St. Veronica's Day Care Center, St. Veronica's Church.

C. Harvey Johnson Day Care Center, Union Baptist Church.

2. Druid YMCA Leadership Training and Development Center, YMCA.

3. Home Ownership Plan Endeavor, HOPE Inc.

4. Legal Services to Poor, Legal Aid Bureau, Inc.

5. Martin Luther King Parent-Child Center, Johns Hopkins Hospital.

6. Provident Comprehensive Neighborhood Health Center, Provident Hospital.

7. Project Discover, Maryland Institute of Art.

8. Project SAGA, Alpha Kappa Alpha Sorority.

9. Cherry Hill Community Council Service Center, CITGO Service Corporation.

Federally financed anti-poverty programs alone cannot be successful in eliminating poverty. Private business must contribute more than job training which usually utilizes federal assistance. It must give jobs and money.

The above chart shows only one instance of the business community's involvement—Citgo Services Corporation. And this is a federally funded program. Citgo is just a drop in the bucket.

We have learned from our little experience that government, business and the local community can all profit from their mutual involvement. The private sector must realize that their own livelihood and stability is at stake.

The private sector must explore new ways to eradicate the ills of the inner city. The Citgo Company's involvement is laudable. Here private business has entered into partnership with the community by an investment of over $14,000 by the company, in addition to providing training in management techniques and occupational skills. Both the community and the company will profit.

This is just one way in which the two communities can relate to one another. They need to have cooperation and coordination. Private business can teach the poverty community to use its meager resources in a profitable way. It can guide the poverty community into prosperous economic development. It can teach the poverty community how to use techniques and methods of success for its own economic development.

Industry must provide jobs. It must expose vocational opportunities to the poverty community. It must have those training programs which would guarantee realistic jobs and career opportunities. It must help the hard core unemployed.

We realize that it is difficult and, unfortunately, foreign for the business sector to be involved in these activities. We must provide incentives for its entry. The federal government can assist by granting greater profit and tax incentives for its efforts. And, the private sector, of course, must utilize these incentives as the present MA–3 and MA–4 programs.

The Subcommittee took a look at one area within the City to ascertain the success of the federal government's efforts. The Committee took a look at the MUND area (Model Urban Neighborhood Development).

The Job Information Center of MUND has processed over 3,000 applicants from the community and has placed more than 1300 in jobs—good jobs paying an average of $3.35 per hour. The approximate $140,000 that the OEO invested in the employment program has yielded over $6 million in income for the inner-city residents.

Equitable Trust Company is also helping MUND by staff services to assist in developing a pool of financially sound project proposals from which a program can be developed. There have been other contracts of this kind with Weaver Brothers Investment Bankers, The Ford Foundation, Presbyterian Church and the Catholic Archdiocese of Baltimore.

A Westinghouse plant has moved into the MUND area employing 50 neighborhood residents with current expansion plans for 100 employees. Baltimore Electronics Associates, Inc., has also been started within the area. The firm was awarded a $183,000 contract by the Manpower Administration of the U.S. Department of Labor in 1968 to train and employ 50 persons as electronic assemblers and testers. It has since received new contracts and sub-contracts from private industry and government. The firm is now in the process of developing a training and job placement program through the efforts of the Manpower Training Programs and private business.

A region's welfare is measured by the real income of its residents. It is, therefore, important that the profits derived by private industry remain in the community. Benefits as jobs and income—should not be able to be easily transferred outside the area.

Although the attitude of a self-contained community might seem provincial and narrow, we feel the poverty community has no other choice. It has tried to integrate itself with the economic mainstream—but it has been either rejected or unable to compete. The community must get its own economic identity. We support black capitalism and minority enterpreneurship.

The business community should, of course, be joined by other members of the private sector: the religious and academic community; doctors and lawyers; government workers and others. Poverty cannot be done away with unless all join in.

For instance, the religious institutions have valuable untapped resources—land and money—which must be used in the poverty effort. The legal community has made some input into the poverty community, namely the opening of a field office by the law firm of Piper and Marbury in the ghetto community. This is just token involvement. We need more. The Legal Services Program of OEO is a valuable contribution and should remain.

It is time for the private sector of Baltimore City to act—not react. They must on their own initiative help the poor. One way in which this can be fostered, we believe, is to change the make-up of the present governing Board of the CAA to include the leading businessmen of the City. By doing this a bigger institutional role will be played by the business sector, for then the policy decisions of the Board will be implemented more effectively and predictably. Perhaps the new members can be chosen from the current membership of the Greater Baltimore Committee.

CONCLUSION

The foregoing has been the Committee's impressions of the pulse of the Baltimore City poverty community. We hope we have made a contribution.

When the Office of Economic Opportunity was first established it was thought by many to be a panacea. We know now that OEO cannot solve poverty by itself. We need the cooperation of all citizens of the Baltimore community. OEO was first directed toward helping the poor. We recommend that OEO should now use its energies and imagination toward the objective of the poor *helping themselves*. This we feel is a more realistic goal and one most beneficial toward the welfare and happiness of those comprising the Baltimore poverty community.

Notwithstanding the critical language directed at OEO in this Report, we all agree that OEO must remain as an independent poverty fighting federal agency. We are grateful there is an organization within the federal structure that devotes its energies and talents toward helping the poor.

OEO has had great success in its Head Start, Manpower and Health Programs and Legal Services Programs, just to mention a few. There have been inroads—substantial ones. But as one committee member put it "the poor in Baltimore City are still drowning—now at least their heads are above the water. OEO has helped."

Yes, OEO has bettered the lives of many within Baltimore City. It has especially made great progress in the attitude and understanding by the Baltimore community in the problems and needs of its poor. But the battle has just begun.

We hope that the members of this Committee will be informed as to the application of this Report to the future workings of OEO. We wish to know what kind of contribution we really made. We would be most happy to relate any of our findings and recommendations to any Congressional hearing, administrative body or any interested official.

INCREASE IN THE DAIRY PRICE SUPPORT LEVEL

Mr. DOLE. Mr. President, on Thursday, March 25, Secretary of Agriculture Clifford Hardin announced an increase in the dairy price-support level. The announcement will raise the support per hundredweight of manufactured milk to $4.93, an increase of 27 cents from the present level of $4.66.

It was just 2 weeks ago that Secretary Hardin announced that the $4.66 level, which had been in effect since April 1, 1970, would be the minimum for this year. By law, the minimum for the marketing year must be proclaimed by April 1. After that date the minimum cannot be lowered until the following April 1.

I am sure we are all aware of the constant analysis the Department of Agriculture maintains on the prices our farmers receive for commodities they produce. USDA conducts similar surveillance on the prices our farmers have to pay for their supplies and equipment. The most recent figures on these costs reflected a marked increase.

Since the dairy farmer is producing a perishable commodity, and due to the marketing system through which his milk is sold, he has no way to increase the price he receives for his milk as compensation for his increased costs. By increasing dairy price supports, the farmer can get a raise in his price. This 27-cent increase in support price is one step Secretary Hardin has taken to increase the farmers' income.

The time has come when our dairy farmers deserve a raise in milk prices much the same way as other segments of our economy.

GEORGE D. HORNING, JR.

Mr. MATHIAS. Mr. President, in 1829, in speaking about the law, Joseph Story spoke these famous words:

> It is a jealous mistress, and requires a long and constant courtship. It is not to be won by trifling favors, but by lavish homage.

I ask unanimous consent to have printed in the Record remarks written by the vice president and general counsel of the American University, Anthony C. Morella, regarding such a man, George D. Horning, Jr., professor emeritus of the Washington College of Law of the American University. The law school's recent Law Review was devoted to the energies, accomplishments, and legal courtship of Professor Horning. The Law Review is entitled "The Modernization of Justice in the District of Columbia" and is devoted to the analysis and critique of the recently passed Court Reform and Criminal Procedure Act of 1970. It is indeed a unique publication.

It is fitting that the editors and staff of the American University Law Review have elected to dedicate this special symposium issue to Professor Horning. The issue is designed to orient the compleat lawyer—the lawyer who meets the requirements of experience, knowledge, and versatility. It was Professor Hornings' objective to produce such a lawyer. And he did. In the words of the editorial board in their dedicating remarks:

> He is demanding—he trains one to be an attorney who will do his job with the best possible skills, oral and written, and who will provide the direct with the possible representation.

The country is always in need of competent, creative, and conscientious attorneys willing to devote their energies to their clients under a canopy of public trust. I feel certain that Professor Horning has made a noble contribution to this objective.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

A Compleat Lawyer

> No man can be a compleat lawyer by universality of knowledge without experience in particular cases, nor by bare experience without universality of knowledge; he must be both speculative and active, for the science of the laws, I assure you, must joyn hands with experience.—Coke, *Book of Entries: Preface.*

George D. Horning, Jr., Professor Emeritus of The Washington College of Law of The American University, is the compleat lawyer.

It was 1922 after a distinguished academic record at Georgetown University when George Horning began a career in the law which has spanned forty-eight years. At the start there were four years of dedicated service as an Assistant United States Attorney for the District of Columbia. Then followed entry into the private practice of law before the courts of the District of Columbia and Maryland. George Horning's talents, training, dedications and ambitions charted for him at an early age the rigors and satisfactions of a trial practitioner. His virtuosity for such was promptly evident to his peers—and at an age before most of us today complete preparation for the profession.

Professor Horning stayed his established career at the bar at the outbreak of World War II. He assumed active duty in the United States Naval Reserve. He served for the duration of the War in virtually every world theatre of naval operations. With almost characteristic expectation he retired with the rank of rear admiral.

The years away from practice tendered no obstacles to George Horning's prompt return to his professional pursuits. He resumed his practice with the distinguished Washington law firm of Hogan & Hartson. Within the year he found his legal "sea-legs" again. He was invited into the partnership and his colleagues elected him to lead their civil litigation department.

George Horning is a man not readily contented with the demands of an extensive and encompassing practice. He is an activist. His commitments are total. His arduous pursuits as a trial practitioner by no means precluded him from a desire to return to his alma mater, The Georgetown University Law Center, where he was appointed an adjunct professor to share his talents, insights and know-how with many students of the law eager to learn techniques, styles, demands and satisfactions which only the skilled and experienced trial practitioner knows. He taught his students well. He instilled in them the same guidelines, admonitions and substantive requirements for the good trial lawyer that he gave to his younger associates at Hogan & Hartson; and there are today, from all those who shared, many who rank among the leaders at the trial bar.

There can be no speculation that those days and nights at Georgetown rekindled in George Horning a dream and ambition shared by so many compleat lawyers: to cap their careers in the active practice of law at the lecterns and in the classrooms of a law school. The law students of The American University have been the beneficiaries of that ambition. For over five years now George Horning has devoted his full energies to the law teaching profession since his retirement from practice.

What is the measure for such a man who has given so much to his profession, his colleagues, and his students? Is it reflected in his telling young students of the law how to do it? Or does he tell them how he did it? These objectives are too narrow and too self-indulgent for George Horning. His mind, his energy, and his dedications could not be satisfied by simply meeting students in classrooms, pouring over cases and rules of evidence and procedure; feeding the young minds and demanding the traditional feedback. George Horning's mind is too aggressive for such patterns. He is too untiring to secure contentment from the droppage of legal gems from the mouthings of a master. George Horning cares and he teaches by doing. He demands maximum effort from his students.

His own thoroughness in preparation, diligence in analysis, slavishness to complete research and articulateness in communication of the law in both a written and spoken manner are infectious to his students. His projections and zeal to be a contemporary lawyer fully capable of meeting the contemporary demands of a societal structure rooted in the rule of law will not permit acceptance by him from his students of anything less than the best standards of excellence.

It is fitting that the Editors and Staff of The American University Law Review have elected to dedicate this Special Symposium Issue on The Modernization of Justice in the District of Columbia to Professor Horning. The focus of this issue will be on the Court Reform and Criminal Procedure Act of 1970.

This comprehensive and massive reformation of the processes and methods for the administration of justice in the District of Columbia is something which all compleat lawyers applaud. This Symposium Issue is designed to orient the compleat lawyer. Such an objective has always been among those to which George Horning, lawyer, practitioner, scholar, author, and teacher, has dedicated forty-eight years of his life.

In this twilight of his distinguished career, it has been my honor to teach courses jointly with Professor Horning. We have worked together in the same classroom, which for us has been the Law School's Courtroom. During these enriching years I have always sensed that I have not been a co-professor to George Horning. On the contrary, I too have been among his students and I too have been infected. I believe that I sense what is in the hearts of our students because it is in mine. I trust we have conveyed those sentiments in this dedication to a lawyer with a universality of knowledge and experience; to an activist who has joyned experience with knowledge; to the compleat lawyer, Professor George D. Horning, Jr.

SPREAD OF NARCOTICS ADDICTION

Mr. MONDALE. Mr. President, just 1 week ago, I called attention to several examples of Minnesota's mounting reaction to the terrible spread of narcotics addiction in America.

In cities and towns across Minnesota that concern continues to grow. From Preston to Duluth, the people of my State are aware of the immediate threat posed by hard drugs. They are not only aware of this danger; they are demanding action to protect us all from the terror of death and crime brought into the United States by tons of heroin each year.

An administration expert testified in hearings before the House Crime Committee last year that an estimated 5,500 pounds or 2½ to 3 tons of heroin were entering the United States annually.

Newsweek reports, March 29, 1971, that 22,000 pounds or 11 tons of heroin entered the United States in 1970 alone. I am shocked to learn that heroin importation may have quadrupled in the last 12 months.

But in reviewing the results of our international narcotics control efforts, it is no wonder the availability and use of heroin are soaring.

Administration announcements proclaim the success of closer cooperation with France and Turkey in fighting the criminal network of drug cultivation and processing.

Yet the French embassy discloses that heroin seizures in France declined in 1970 from 1969. During the past 14 months, not one heroin processing laboratory has been uncovered by French. Two laboratories were seized with U.S. help in 1969.

The evidence on Turkish cooperation is even more revealing. Between 1966 and 1968, poppy cultivation declined from 59,000 to 32,000 acres. Since 1969, acreage has increased from 32,000 to 37,791. The New York Times reports that opium production in Turkey may have doubled last year. And despite reports of crackdowns by Turkish police, over 90 percent of the illicit opium is still getting through.

I have introduced proposed legislation to make narcotics control a high priority in American foreign policy. My bill would strengthen cooperation with countries that are serious about stopping illegal drug traffic. But it would also draw the line as to what we mean by cooperation and cut off aid to countries which do not.

Over the past 3 years, we have provided $100 million more in aid to Turkey than our total Federal expenditures for narcotics control in the United States. For fiscal year 1971 our aid to Turkey will be $64 million more than all Federal funds for enforcement of narcotics laws, as well as treatment rehabilitation, education, training, and research to stop addiction.

I ask Congress to meet this urgent question now. The public outcry from Minnesota and elsewhere in the Nation demands it.

I ask unanimous consent that several editorials on the subject be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the St. Cloud (Minn.) Times, Feb. 17, 1971]

MONDALE FIGHTS HEROIN TRAFFIC

Senator Walter F. Mondale of Minnesota treated his colleagues, the other day, to a quick review of some eye-opening figures on the cost of the heroin traffic. He led off with an estimate that drug addiction may cost as much as eight billion a year "in theft, criminal justice proceedings and related expenses."

He then went on to illustrate what costs of such magnitude, or even half as great, mean in relation to other things the nation spends money on. "Even if that eight billion dollars is reduced by half," he said on the senate floor, "the heroin traffic would still cost us each year seven times what we now spend to fight air and water pollution, nearly four times our budget for health research, almost twice our investment in elementary and secondary education."

Such comparisons give added impetus to the conviction that we absolutely must do something more effective about control of the heroin traffic. Mondale's proposed legislation to this end is the most promising approach yet offered.

His bill encompasses the familiar idea of offering opium-producing countries financial help to permit them to reduce the opium crop to basic medicinal needs without upsetting their economies. The chief beneficiary would be Turkey, but some other countries also would be involved. The Mondale bill takes the important additional step of imposing sanctions on countries which do not take advantage of this plan.

That is the key to the potential success of this legislation: it would bar further military and economic aid to non-complying countries, and would further call for United Nations economic sanctions "on the grounds that narcotics traffic is a threat to the peace and security of a member nation . . ."

That, essentially, is one prong of a two-pronged attack on the problem. The other prong incorporated in the Mondale bill has to do with seeking out and punishing narcotics offenders.

[From the Mankato (Minn.) Free Press, Feb. 8, 1971]

MONDALE'S RIGHT, BUT . . .

Sen. Walter F. Mondale's amendment to the foreign aid bill to attempt to halt the supply of heroin from foreign countries by cutting off U.S. aid to nations which allow the growing and processing the killer drug is a bold step forward that deserves full consideration—fraught as it might be with danger of another kind.

There are many touchy problems inherent in such legislation, and there undoubtedly will be great controversy over its provisions.

Yet, as Mondale declared, drastic steps must be taken to solve the problem of drug addiction which is "killing thousands of our people (3,000 from 1965 to 1969), ruining a half million lives, stripping as much as $8 billion every year from our economy (in thefts and criminal control costs) and right now destroying our great cities in a holocaust of crime and degradation."

The U.S. gave NATO ally Turkey a $3 million loan last March to encourage a change from opium production, and Turkey claims progress because the number of opium-growing provinces has been reduced from 21 to 4 over the last decade. Mondale asserts, however, that actual acreage under opium cultivation in that country will have increased by 5,000 acres between 1969 and 1971. The real effect of the supposed reduction of provinces, according to the New York Times, is a doubling of the amount of opium actually being produced in Turkey.

France, another U.S. ally, is the site of most of the heroin processing in the world. Despite claims that pressure by the Nixon Administration has moved the French to step up anti-heroin efforts, Mondale says France has only 30 policemen to fight the international drug network, only one-tenth of the number they assign to domestic drug abuse. The Associated Press reports most French heroin arrests last year were the small offenders, that France will not pressure Turkey on drug traffic and that law enforcement efforts have yielded few results in eliminating the big laboratories where most of the shipments to the United States are prepared.

Reacting to the lack of effort to stem the heroin flow, Iran recently lifted its 13-year-old ban on opium production, and Mondale claims this will probably mean 500 more tons of opium for export to the United States and other countries.

Mondale's amendment would require immediate cessation of opium production (except in small amounts for medicinal purposes) and then provide aid over a five-year period for foreign opium farmers to adjust to new livelihoods. The bill would stop military and economic aid to countries that continue to allow the cultivation or processing of opium and urge the President to seek international economic sanctions through the United Nations should the threat of suspension or actual suspension of U.S. fail in its objectives.

There is a clear and present danger to our society from the heroin trade, and the federal government should exercise all the powers it can command to try to wipe it out. Foreign countries who are poisoning us by allowing the production and processing of the drug have no right to expect us to pump our dollars into their economies and protect them with our military umbrella.

On the other hand, trade limitations, aid restrictions and sanctions in the past have had a terrible way of backfiring on the U.S. in the international amphitheater.

The offending nations frequently continue their normal policies, and following the rebuff from us, merely switch the direction of their outstretched hands—and more important, their allegiance—to somebody else. Like Russia.

A very notable and painful example is the Aswan Dam project in Egypt eagerly accepted by the Soviets after John Foster Dulles' rejection and which eventually enabled the Reds to gain a fantastic foothold in the Mideast.

Turkey, a cornerstone of Western defense, fits that same mold precisely.

[From the Preston (Minn.) Republican, Feb. 11, 1971]

Mondale Seeks Halt to Illegal Drug Traffic

(By Wayne)

Minnesota Senator Walter F. Mondale recently introduced legislation in the U.S. Senate to combat the drug problem which is costing our country billions of dollars and thousands of lives each year. Mondale's bill would force the countries, which grow the opium poppy and process the heroin, to cooperate in halting this drug traffic or face the loss of military and economic assistance. The two countries most directly involved in this nefarious activity are France and Turkey. The drug, heroin, is the prime offender. Heroin is derived from the opium poppy, which thrives in Turkey. The Turks harvest the raw opium and this material is smuggled into France, where it is refined into the powerful drug. From there, individuals involved in the drug traffic smuggle the finished product into the United States by the ton.

Senator Mondale states: "We have guarded the security of these nations. They are pledged to guard ours. Yet, the heroin traffic continues to endanger the United States as much as any military invasion. We cannot tolerate this horrible absurdity."

Senator Mondale should be commended for taking such a firm stand to break up this drug network of processing and distribution. It is difficult to understand how we can continue to pour millions of dollars of foreign aid into the very countries which would return our generosity by sanctioning such illicit activities.

[From the Duluth (Minn.) News-Tribune, Feb. 12, 1971]

Going Cold Turkey

Sen. Walter Mondale has introduced sound legislation for limiting the flow of heroin into the United States.

According to Mondale, about 80 percent of heroin used here comes from opium grown in Turkey after being processed in laboratories in France. Both Turkey and France are so-called allies under the North Atlantic Treaty Organization (NATO).

Mondale has proposed that the United States make funds available to Turkey to convert itself from illegal opium growing to a legitimate form of agriculture, over five years. Also, he calls for greater financial support from the United States to Interpol, thus assisting France in the policing of drug laboratories.

If cooperation from France, Turkey and other countries exporting heroin to the United States were not obtained, Mondale's legislation would allow for suspension of all U.S. aid to those countries, military and otherwise.

As the situation stands, about 110,000 Turkish opium growers indirectly are responsible for an estimated 500,000 heroin addicts in the United States. The crime and related social problems caused by these addicts is estimated to cost the United States $8 billion a year.

In contrast to this staggering cost in dollars and human misery, it would cost about $10 million to convert the Turkish fields into another kind of agricultural industry. Currently, Mondale points out, we are giving Turkey $200 million a year in military and economic aid.

The only way, in the last analysis, to solve the heroin problem is by limiting its source, opium, to that small volume needed for legitimate medicinal uses. Efforts have been made prior to this to get Turkey to cut production, but they have failed. The French, as well, appear to enjoy blood profits. It has come to that point where, faced with rising costs now at $8 billion a year, the United States cannot afford to continue to be so tolerant.

And an alternative to heroin is available, called Methadone. Almost a miracle drug, it can be made cheaply, and fulfills an addict's craving for heroin without destroying him as heroin can.

There's a small catch in Mondale's plan, however. The United States grows large volumes of tobacco for cigarettes sold abroad, through large promotional campaigns. Regular cigarette tobacco isn't heroin, certainly, but smoking is a health hazard, as use of heroin is a health hazard. While the degree of the problems caused by tobacco as against heroin are vastly different, in principle, the problems are similar. To be consistent, Mondale might consider stopping the promotion of American tobacco products abroad. But that surely would kill any chance of his present legislation. A proposal to be remembered, however.

DR. ROBERT M. WHITE

Mr. MATHIAS. Mr. President, I have long been proud that the State of Maryland includes among her 4 million citizens thousands of dedicated public servants. For it is the public servants who carry out the policies determined by Congress and the President who are essential to the true effectiveness of our Government in meeting the needs of the citizens.

Outstanding among these career civil servants is Dr. Robert M. White, new administrator of the National Oceanic and Atmospheric Administration. I ask unanimous consent to have printed in the Record an article about Dr. White and his famliy, published in the Sunday Washington Star of March 21, 1971.

There being no objection, the article was ordered to be printed in the Record, as follows:

Whatever You Do, You Pollute

(By Diana McLellan)

Administrator of the National Oceanic and Atmospheric Administration is a rather grim, formal, omniscient-sounding title. But its new holder is none of the above.

In fact, Dr. Robert M. White bags his own leaves, breakfasts with a guinea pig and once wrote a recipe for tripe souffle.

The man who'll play a major role in the government's cleaning-up of our environment works hard on his own surroundings. The garden in the quiet Bethesda cul-de-sac where the Whites live is his hobby and his delight.

"Of course, there's a problem with the leaves," muses the dark-eyed, dark-haired Administrator. One senses that he's a dynamo of energy; occasionally, as he talks, it breaks out and he stands up and begins to pace.

"Either you can burn the leaves and pollute the atmosphere—not legal in Montgomery County—or pile them up and put them in plastic bags—which might not be degradable. You can build a compost heap, but it can only be so big. Whatever you do, you pollute. Just by existing, by the very nature of things, we pollute."

LAUNDRY PROBLEMS

Slim, brown-haired Mavis White, animated and attractive in an ice-blue pantsuit, is quick to point out that women face similar problems with their laundry.

"Even if you buy a detergent that claims to be non-polluting, you have to use something else to squirt on the shirt collars, and that could have anything in it. Besides it comes in an enormous plastic bottle that has to be disposed of. . . ."

Mavis White is not the type of woman to brood about flaunting the whitest laundry on the block. She's too busy being an adventurous cook, an avid reader and a warmly encouraging mother to 13-year-old Richard and 11-year-old Edwina. She's also tenderhearted "grandmother" to Cinnamon, a frisky honey-colored guinea pig. Cinnamon has the run of the house, and precedes guests up the stairs with a startling display of athletic prowess.

Edwina—she prefers to be called "Nina"—with a toss of her dark pigtails, politely confides that "Cinnamon eats breakfast with us every day. Orange juice, cereal, milk and a paper napkin."

To the man at the head of the table during Cinnamon's morning performance, the word ecology is no recent acquisition. The doctoral dissertation he wrote at M.I.T. in 1950 had as its subject "Global Energy Balance." Before his previous appointment in 1965 as Administrator of the Environmental Science Services Administration—which now forms part of NOAA—he was chief of the U.S Weather Bureau.

From the social point of view, Mrs. White laughingly points out, a husband who is the U.S. Weatherman was a coup. "The weather is a wonderful conversational crutch—and of course our friends assumed we always had inside information on it."

ALL ABOUT TRIPE

It was before his first stint at M.I.T. and after his B.A. in geology from Harvard that Bob White learned all about tripe—the unsavory-looking but delicious, buffs insist, lining of a cow's stomach. He had taken a detour from science and into the worlds of journalism and advertising. As an agency's copy chief, one of his assignments was to write the recipes to go on the outside of cans of tripe.

"I combed the cookbooks, and found out everything about tripe. The most dramatic recipe I could come up with was for tripe souffle . . ."

"At that point," chimes in Mavis with a chuckle, "I decided it was time to change his field."

The imagination that could unblanchingly confront tripe souffle in the 40s will have to draw upon all its resources to tackle the nation's disposal and pollution problems in the 70s.

"We have to be clever," he emphasizes. "Our old cars, for example, could be used in oceans to build artificial reefs around which fish would congregate. The excess heat that we produce and pour into our waterways that harms aquatic life—there must be ways to use that up intelligently, but we must find them. Great Britain started earlier than we did, but they've proven it can be done. Do you know, this week they found the first sea trout in the Thames River since 1958?"

He's sanguine about the chances of doing the same here with new approaches.

NEW APPROACHES

New approaches in the White household are not confined to its head. Mrs. White applies the same spirit of adventure to her domestic life—particularly cooking.

"I'll try anything that's new! The family is told a dish is new, and we have a vote on it. Richard is the best judge. If he says 'make it again!' it's a success."

Craig Claiborne, she adds, is her maestro. chicken her favorite basic—"you can do anything at all with it"—and small dinner parties for 10 her pet type of party.

Both Dr. White and Mrs. White read avidly, although he finds far less time these days to read outside his field. Mavis did persuade him to read Erich Segal's "Love Story."

"I couldn't see what all the fuss was about," he confesses.

Mavis points out that she enjoyed it from her vantage point as a former professional writer.

"I admire the sheer skill of a good writer, and I know what effort goes into a book. People always say to me, 'Why don't you write a book about so-and-so?' It sounds so easy. But the truth is that it's plain hard work. Writers are my favorite people, though."

Included among her favorite people is brother-in-law Theodore White. The family often gets away in the summer to the Fire Island house where the author of the "Making of the President" books writes.

Summer weekends in town are spent mostly in the garden. Sunday brunches and parties are held on the charming, level patio that leads from glass doors out onto the sloping lot. In summer, it's screened from neighbors by luxuriant plantings.

THEIR GARDEN

Dr. White takes the visitor outside to show off his already-budding camelias and forsythia; the birch tree that he rescued from a fungus by timely surgery; the long row of carefully cultivated rose-bushes along a wall.

"Yes, I still have to use pesticides or fungicides occasionally. I certainly don't as much as I used to. When your leaves start to turn yellow, though, you have to come to their rescue . . ."

Both children, their mother reports, have their father's compassion for living things. Nina has just started riding lessons, and young Richard enjoys underwater life.

"Even our own vacations are often spent on projects," Mavis White laughs. "Last year's trip to the Soviet Union, and the one the year before to Barbados."

She explains, "Bob's very intense about his job. It sounds old-fashioned, but he works hard."

THE MILFORD CABINET, A NEW HAMPSHIRE WEEKLY

Mr. COTTON. Mr. President, the weekly newspaper is the life blood of many a rural community and is as American as apple pie.

Today's weeklies are more sophisticated than a few years ago when a country editor took for granted that he would write the news, sell the ads, lay out the newspaper, run the press, and even deliver door to door if necessary.

New mechanical processes now have eliminated much of the drudgery of weekly newspaper publishing.

But it still is hard work.

In the tradition of our most famous country editor, William Allen White, weekly newspaper editors continue today to write some of the most informative and thought provoking editorial and news copy in America.

Thus, the State of New Hampshire takes justifiable pride that one of its many excellent weekly newspapers, the Milford Cabinet, and its longtime editor and publisher, William B. Rotch, have been featured in a fine article, "The News From Milford," which appeared in the Saturday Review of Literature of January 9, 1971.

The author, Mr. M. L. Stein, chairman of the Department of Journalism at New York University, shows a refreshing understanding of rural America and of the responsibilities and problems which confront country newspapers. He pays tribute—and properly so—to Bill Rotch as an editor of typically forthright New England opinion coupled with heart, grace, and humor.

Mr. President, I ask unaminous consent that "The News from Milford" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NEWS FROM MILFORD

(By M. L. Stein)

Union Square in Milford, New Hampshire, population 4,863, is actually an oval. The grassy plot with its faded, gingerbread bandstand splits the tiny business district and serves as a convenient reference point when one gives directions to strangers. "Take a right at the oval and it'll bring you to Route Thirteen."

Milfordites are proud of the landmark, believing that it gives their community a distinctive, New England charm while providing for an orderly flow of traffic. All vehicles must go around the oval to get almost anywhere in the Milford area.

If the town has another distinctive feature, it is the Milford Cabinet, a weekly newspaper that has been published continuously since 1802 and is as much of a conversation piece as Union Square, although not as universally revered. Yet, even those who do not always agree with the Cabinet's outspoken editorials readily admit that they couldn't get along without the paper and wouldn't want to try. In an age of Telstar and other high-speed communication technology, the newspaper is for Milford residents a familiar, reassuring presence in a fast-moving, frightening world. Milford is only fifty miles from Boston, yet, for most of the inhabitants, there is a cultural isolation of far greater distance.

But if the Cabinet is any indication, rural America is not much concerned about being out of the mainstream. When the paper comes out on Thursday, most of its subscribers can't wait to get at it. "I couldn't get along without it," said a matronly waitress at the Mile-Away Restaurant. "And when I'm away, I really miss it." She recalled that her eighteen-year-old son, who had scoffed at the Cabinet's country style, asked her to send him the paper regularly a few weeks after he had moved to Denver.

What is the news from Milford that the readers of the sixteen-page weekly find so interesting? The page-one lead story of a recent issue concerned a $7,500 fund drive for the Souhegan Community Nursing Association. Other page-one items included coverage of the Red Cross Bloodmobile's impending arrival in Milford, a local reception for Governor Walter Peterson, a school board meeting in the nearby town of Wilton, an upcoming Great Books discussion, minor construction bids accepted by the Board of Selectmen, the beginning of Brownie troop meetings, and a rugby exhibition game, along with a three-column report on Fire Prevention Week.

The inside pages were taken up with stories about a Grange meeting, returning servicemen, a women's club tour of old New England homes, a lecture by an interior decorator from Manchester, Girl Scout meetings, a car-school bus collision (minor injuries suffered by the auto driver), a new class on safety for hunters, a Conference for Racial Understanding sponsored by the First Unitarian Society, and, of course, advertisements, social announcements, editorials, letters to the editor, and news from neighboring communities covered by the Cabinet's part-time correspondents, most of them housewives.

The lead story in another issue was placed under a five-column headline: Old Homes in Milford and Barretto Granite Corp To Be Viewed Saturday. The off-lead story at the left of the page confirmed a rumor that a dress manufacturer is interested in locating in Milford, which is having its troubles finding new industry. Of the articles below the fold, one revealed an environmental lecture series sponsored by the League of Women Voters, and another detailed a Chamber of Commerce warning about home canvassing by salesmen without police permits. The page also contained a feature story about a trained German shepherd dog who found a lost, two-year-old boy.

Most of the stories are crisply written, although several of the "meeting" items lead off with nothing more than time, place, and the presiding officer. The paper's makeup is clean and well-balanced with liberal use of pictures. The ear at the top left of the page carries New Hampshire's motto "Live Free or Die," and the one on the right proclaims that the Cabinet has been "Serving Souhegan Valley Towns over 168 Years."

For the past twenty of those years, the Cabinet's editor and publisher has been William B. Rotch (prounouced "Roach"), a fifty-five-year-old Dartmouth graduate and World War II destroyer officer, who takes seriously the fact that the paper has been in his family since 1809. He bought it from his late father, Arthur, who, with New England frugality, sold it to him on the basis of a small down payment and a bank note for the balance. William, a trim, reserved man who looks much younger than his years, readily admits that he has adopted his father's parsimonious habits in running the paper. While many other weeklies are switching to photo-offset printing, the Cabinet, an eight-column broadsheet, is still turned out on an aging flat-bed cylinder press, which Rotch is in no hurry to replace despite the paper's solvency. The paper is housed in a red-brick former schoolhouse built in 1853. Most of the two-story structure right off Union Square is given over to the mechanical departments, leaving only a tiny space for the editorial and advertising offices. The paper has a circulation of 4,872 in eight communities with a total population of 12,717.

The Cabinet is a typical weekly in that Rotch puts it out with a small staff, relying largely on stringers and handouts for local items and pictures. His only two editorial assistants are Margaret Doyle, a part-time reporter, and his wife, Patty, who shoots news pictures with a 35 mm Leica when she isn't managing her home, overseeing a Girl Scout troop, and doing other volunteer work. Ratch's brother-in-law, William Ferguson, a Milford insurance broker, writes a regular column: The Rambling Reporter. Two office clerks, Mrs. Loretta Aveni and Mrs. Beatrice Sargent, help out with proofreading. The weekly also has a superintendent, Leo P. Sarceno, an advertising manager, Harold F. Burgess, and five printers in the backshop, where a substantial job printing business is also carried on.

It is only when one examines the Cabinet's editorial page and gets to know more about Bill Rotch that one becomes aware that the newspaper is anything but typical. The editorials are lively, often controversial, and range in subject matter from Milford potholes to the invasion of Cambodia ("We think it entirely likely that the President may have made a tragic error"). Rotch also has deplored the Kent State killings, criticized the government's dumping of nerve gas off the Bahamas, praised the musical Hair, urged a truth-in-packaging law, and taken the Chiang Kai-shek government to task for jailing two Chinese publishers for printing "subversive material" in their newspaper in the Philippines. Sometimes the editorials are in reply to one of the many letters to the editor. To a reader who wondered why the Cabinet did not print a column of advice for teen-agers, Rotch replied editorially:

"While the editor thoroughly enjoys telling other people what to do, he really does not expect them to take his advice, and when it comes to teen-age problems, he feels completely incompetent to offer useful suggestions. . . . Nor can we see much appeal in just another column advising girls of thirteen whether or not to let their boyfriends kiss them goodnight, and what to do if mother discovers the diary. . . ."

Besides writing all the editorials, Rotch also turns out a letter from the editor column, a medley of folksiness and observations on everything from New Hampshire politics to turbot, a kind of flounder. In one column, he lampooned luncheon speakers who, at the close of their address, advise their listeners, including reporters, that their remarks are off the record. Among those Rotch scored for the practice was Harvard President Nathan Pusey. In another "Letter," the editor defended long-haired youngsters, asserting that he had hired three of them over the summer "and everything worked out just fine." The column also gives Rotch the opportunity to take potshots at some of his favorite targets, including William Loeb, president and editor of the stridently right-wing Manchester Union Leader.

Bill Rotch's brand of liberal Republicanism is dispensed in a deeply conservative farming community. The town's early Yankee stock is mingled with descendants of Italians and Finns who immigrated there after the turn of the century to work in the granite quarries. For many years, Milford was also supported by woodworking factories, which died off during the past decade. Currently, Milford's principal employers are a sprinkling of small plants making machine tools, castings, and other metal products. The politics of many citizens are entwined with taxes and other state and local economic matters. When residents discuss issues beyond their primary concern of making a living, they usually lean considerably to the right, a fact reflected in a number of letters to the Cabinet editor. Domestic communism and other left-wing manifestations are deemed serious threats by several of these writers. One such missive was an open letter to Postmaster General Winton M. Blount that asked: "Why do you allow the communist-controlled United Nations to sell their anti-religious cards in our post offices during Christmas time when anybody at any time may purchase them in any communist bookstore during the rest of the year?"

Rotch freely prints virtually all letters, including those from members of Milford's small but active John Birch Society, an organization whose beliefs are several light-years away from his own. As he sat in his cramped office leafing through his mail, Rotch recently explained to a caller: "They [the letter writers] are sincere, even when they are very mistaken in my opinion. They have a right to be heard." The publisher recalled a Bircher who came into his office with a wildly right-wing tract, saying, "Please read this, Bill and tell me if I'm wrong."

"What can I say to a person like that?" Rotch asked. "He's trying to find answers."

Actually, the editor says a great deal to his fellow townsmen in his editorials, the main objectives of which are to inform and to influence. "People can get their information at the hairdresser or the barbershop, but we can probably do a better job," he declared.

To stay ahead of the barbership as an information source, Rotch spends a lot of his time chatting with politicians, businessmen, shoppers, policemen, and others. His reading includes the Boston, Manchester, and Nashua newspapers, The Christian Science Monitor, The Atlantic, Time, Newsweek, and a number of other publications. The walls of the Rotches' comfortable, 100-year-old home ("It's not really old enough to be interesting," he told a visitor) are lined with hundreds of books. Rotch and his wife, Patty, a Smith graduate with an advanced degree in social work, belong to the New Hampshire World Affairs Council and have traveled widely in the United States and abroad. In Milford, they have played hosts to dozens of foreign visitors, New Hampshire politicos, and sundry other persons, including groups of youths bicycling through New England. There is nothing folksy about Rotch in social circumstances. He serves good French wine to his guests and displays an urbane, sometimes barbed wit. When he invited a recent visitor from New York to his home, he added, "We'll light a fire and roast apples or chestnuts, or whatever it is you New Yorkers think that New Englanders do on winter evenings."

If the Rotches are not part of the Milford power structure, they're certainly members of the Establishment. Bill Rotch serves on the Souhegan National Bank's board of directors, is active in Dartmout alumni activities, and was appointed to Governor Peterson's Citizens Task Force on New Hampshire Problems. Patty, whose grandfather was Governor of the state, is a former chairman of the Milford School Board. Both Rotch and his wife are natives of Milford.

But at the Cabinet Rotch is 100 per cent country editor, roll-up sleeves and all. He gets to work at 8 a.m. and first sorts out his mail, tossing much of it in the wastebasket. "Part of being a small-town editor is knowing what mail to throw away," he observed. Then he usually spends two to three hours writing stories and headlines, making up the next issue and setting type in the composing room, where he chats easily with the linotype operators William Barrett, Paul Duff, and Elmer W. Peacock.

Some mornings are different from others. The *Cabinet's* routine was broken recently when one of the job printers go his finger caught in a press and was rushed to the hospital. The printing order had to be farmed out to another press in a nearby town. And when Rotch opened one letter from a stringer, expecting to find her copy, he discovered instead a note that read: "I'm sorry but there will be no news today. Usually, I put a cardboard box over the radiator of my car so it will keep warm during the night. But last Monday I forgot, and in the morning I could not get the car started so I couldn't collect any items. I'll do better next time."

A dispute over a classified ad also caused some disruption. The ad offered "two loose skis" for sale, but the elderly lady who placed it indignantly insisted to Rotch that she had been misunderstood on the telephone. "What I told your girl was that I was selling two Toulouse geese, not skis," the customer went on. The ad taker was just as sure that the woman had said "skis." The editor resolved the matter by driving over to the woman's house and buying the geese. "Now don't you go and have them killed," she called after Rotch as he was driving away, the geese flopping around in the rear of his station wagon.

Visitors some of them news sources, drop in frequently. The local conservation officer came by one day and asked Rotch if he would run another story about "telling people not to let their dogs chase deer around town." The official suggested that the *Cabinet* use the same story it published last year on the matter.

"Nothing new on it?" Rotch wondered.

"Nah," the other replied "it's the same old thing. Last night, for instance, a bunch of dogs chased a deer across the (Souhegan) river and the animal got stuck in the ice. The boys in the firehouse found him this morning, frozen stiff and standing up, so they're gonna have venison tonight." Rotch impassively took notes and assured the officer there would be a story.

Another caller was the manager of a new Milford plant that will produce plastic drinking cups. Rotch, a strong environmentalist, asked the man if the factory's process would cause any pollution and was assured it would not. You folks will see a lot of white smoke coming out of the stacks, but it will be pure steam," the manager explained. He was followed by George "Buster" Brown, a high school student who brought in copy for "The Oracle," a special page of high school news the *Cabinet* carries each week. A few minutes later Rotch winced as he looked at an out-of-focus wedding snapshot delivered by a relative of the couple. The photo was not usable.

Around 10:30, Bill Rotch knocked off for a coffee break at the Sandwich Shop, where he usually meets Hugo E. Trentini, board chairman of the Souhegan National Bank; his brother-in-law, Bill Ferguson; Melvin Reever, another insurance agent; and other businessmen. They flip coins for the coffee before discussing the news around town. Often Rotch picks up an item or two at these sessions, some of them handouts on the club activities of the wives of his fellow coffee klatchers. On the way back to his office, the editor often stops at the police station for a news check.

Rotch is not a crusading editor in the sense of forceful, investigatory reporting. He attends few town meetings, depending mainly on the mimeographed advance agenda, which he fills in with phone calls to selectmen, clerks, spectators, and others. He noted that some meetings ran for five or six hours, much too long for the time he has to spare to them. Nor does the Cabinet feature any exposé-type stories. Rotch, in fact, shuns any kind of sensationalism, a case in point being the return of Linda Kasabian, the principal witness in the Charles Manson murder trial, to her hometown of Milford. While out-of-town newsmen were fanning over the community getting material on the girl, Rotch all but ignored the story and didn't even attempt to get an interview with her. He acknowledged her arrival with a straight story that began:

"A Milford mother and her two children returned to her family home in Milford last week, after she was granted immunity following lengthy testimony in a California trial of defendants charged with a series of murders including that of actress Sharon Tate."

Editorially, he termed the media's interest in Miss Kasabian "brutal and aggressive journalism."

Rotch's aggressiveness is vented in his plainly written editorials that leave no doubt where he stands on anything. He has the knack of putting such complex local issues as taxes and schools into understandable language—albeit adding his own ideas on what is the best course for the community. During elections, Rotch generally supports Republican candidates, but through all his editorials there is a basic fairness and decency in assessing men and issues.

For a number of readers, the editorials are welcome guidelines for voting and other actions. For others, especially those who disagree with Rotch, they are irritating. Some persons, while lauding the Cabinet's news coverage, confuse the editorials with news items. They feel that the editor is biased, or, as one woman put it, "Mr. Rotch twists everything his own way." One of Rotch's less than enthusiastic readers is Selectman Louis Kregos, who often seems to take the editorials as a personal affront. "You can be sure that Rotch always has the last word," he has complained. "Printer's ink is poison." However, Charles Sullivan, chairman of the Board of Selectmen, professes a high regard for Rotch. "We differ on politics, but the town gets thorough coverage in the Cabinet," he has said. Kregos's peevishness may be related to one of Rotch's editorials in which he recommended a professional town manager. "Three part-time selectmen, no matter how well intentioned, simply cannot do the job in a growing town the size of Milford," the editor argued. "It is curious and frightening that in a country noted for the efficiency of its industrial management, municipal management so often is lacking."

Rotch's independence has earned him a statewide reputation—as well as a local one—for rejecting sacred cows. When his wife was cited by police for not having an up-to-date safety sticker on her car, her name went into the paper with other offenders. "That was one of the best things that can happen to a country editor," he explained with a trace of a smile. "Now when anyone comes in and complains about getting bad publicity, I just pull the story about Patty and show him."

Rotch's formula has produced a profitable and sprightly newspaper. While many weeklies are struggling along on a marginal or losing basis, the Cabinet is solidly in the black. Its pages are crammed with advertising, a big chunk of it from three supermarkets. The ad revenue alone last year was $106,749; job printing accounted for $85,312, and subscriptions, $25,458. The Rotches live comfortably on the salary he pays himself, and, as sole owner of the corporation, he can draw from the profits or investments if he needs more. They have three grown children and a fifteen-year-old son, John, who attends prep school.

But it isn't the money that has persuaded Bill Rotch to stay in Milford. He feels he has a good life and a useful one. Milford may be conservative, but its people are generally friendly and tolerant of other points of view. Drivers stop their cars to let pedestrians cross the street, and strangers are received kindly.

When Bill Rotch feels that the frustrations of a country editor are too much, he pulls out a letter he got from a staunch Tory who "disagrees with me about one hundred per cent of the time." The man wrote:

"Dear Mr. Editor: I will send a check for renewal next week. I would not be without the Cabinet, as I have grown to like it. Interested in why? Because you appear to be an honest man printing a decent paper and are not afraid to add your comments which make sense. You are willing to sound off when you think you are right."

PHIL NESBITT: A COMEBACK FROM ADVERSITY

Mr. MATHIAS. Mr. President, courage in the face of adversity is a trait long admired by Americans. I invite attention to Phil Nesbitt, a brilliant electronics engineer, who suffered severe brain damage in a freak accident. The accident was a professional disaster for Mr. Nesbitt. But he has come back. Unable to work as an engineer, he has established a Hobby Swap Shop in Rockville, Md., providing a needed service for hobbyists seeking to recoup their investment in activities they have tired of and seek a new hobby when they have a change of heart.

The Sunday Star recently reported on the success of Mr. Nesbitt's venture and his personal success in demonstrating, in spite of his handicap, the ability to be constructive and independent. I ask unanimous consent that the Star's report be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TUNING OUT, IN ON HOBBY

(By Diana McLellan)

You've tuned out on hi-fi, but you could be persuaded to fly high. Photography is out of your hobby picture, but you might set your sights on astronomy. Weightlifting has lost its pull on your husband's heartstrings and unstrung his hamstring—but he might go for a snowmobile.

Needed: Hobby Swap Shop. A center where hobbyists can recoup their investments and replace their hobbies when they have a change of heart.

The man with that idea, Phil Nesbitt, is finding double-barreled success. He's not only building a business, he's making a new life for himself and other handicapped people.

"This is my second chance at the gold ring," he says, looking around at the shelves of his new Hobby Swap Shop in Rockville, Md. On every side, ham and antique radios, telescopes, musical instruments, easels, cameras—even a video recorder—await new worshippers at their avocational shrines.

Customers come to Phil not with cash in pocket, but with an old hobby heavy on their hands and the light of a new one glinting in their eyes.

A little over a year ago Phil was an electronic engineer. A former colleague described him as "Brilliant. The kind of guy who works out square roots and does eight-digit long division in his head for amusement."

That changed on an ill-fated bus ride.

After a successful business trip in London, Phil was heading back to Heathrow airport on a double-decker bus for the flight home. Up three steps—then his foot slipped. Crack. His head struck a step. He was, in pain, but not stunned. On the flight back he collapsed.

THEN SURGERY

For three weeks, Phil lay unconscious, his pulse flickering out occasionally. Elaborate brain surgery finally brought back consciousness—but a different consciousness.

"When anybody fools around with your gray matter, you just gotta take what comes," he says, his brown eyes gentle behind their horn-rimmed spectacles.

What came to Phil Nesbitt was, professionally, tragedy.

"I can hardly add a column of figures now. That part is gone."

His voice has no edge of self-pity. It's a soft voice. In more fortunate days, you probably heard it in your home—he was both an engineer and a performer on several radio stations in Baltimore and Washington. He even owned one station—WHFS.

At one time, he had his own company which supplied various government agencies with electronic equipment.

"He was an electronics engineer of tremendous imagination and knowledge. I'd say he contributed considerably to the betterment of naval communications around the world in the post World War II period," says retired assistant head of Naval Communications Systems, Capt. George Dixon.

Nelson Funk, who runs Rodel Audio Services here, says "the guy was an electronics genius."

The false step on the bus wiped out not only his mathematical ability, but every cent of his savings. And most of his hope.

"I just vegetated. I felt useless, hopeless. I couldn't do what I'd been trained to do any more.

"Then, last Thanksgiving day, I was moping about in our basement, looking at an electric saw I couldn't use any more. I needed a sander for some work around the house. It occurred to me that it would be great if I could work a swap with somebody—even trade. And then the idea struck."

The idea lit up his darkly brooding mind like a lamp. There must be dozens, maybe thousands, of people around who'd want to swap one tool or hobby for another.

Friends and his wife Maryan—"the best thing that ever happened to me," he says of the slender, blue-eyed woman who now keeps his business books for him—were delighted with his enthusiasm after his long night of despair. They rallied round with ideas, suggestions, offers, hobbies.

HUMAN NATURE

"You know, I'd been out there in that old chase-a-buck world. And to be honest, I don't have much to say for human nature. But this—" gesturing at his pate—"this has been a refresher course for me in human kindness. The sheer goodness of people."

Busy men—businessmen—volunteered their time to help out and appraise.

"Maryan wrote to some civic associations to tell about the Swap Shop, and responses poured in. We even gained an advisory board to handle the things I can't—two ministers, a Rabbi, doctors, lawyers—wonderful, wonderful people."

Phil decided not to be alone on the receiving end.

"I have to take a medicine like the one epileptics take. So I began finding out a lot about the disease. There are about 7,500 epileptics in the Washington area—and they have a hard time getting jobs, even though it's controllable these days. So the two people who work here were hired through the epilepsy foundation."

He explains how his Hobby Swap Shop works:

"You bring in your hobby thing—if you can carry it, that is. If it's something like an airplane, which we have, or 800 pounds of commercial laundry detergent, which we also have, although that's not strictly speaking a hobby—we go see it, and take a picture for the catalog. You tell us the minimum value you'd consider accepting for it in trade. We give you a receipt, and then we have it appraised. We call you with the appraised value and at that point you can say okay, go ahead and swap, or you can take it back.

"The charge to you is 20 percent of the appraised value—that pays the fellers' salaries here. But you get a swap voucher for one hundred percent of the object's value—so you don't lose a penny.

"If we don't have what you want, you write it on a card and we try to find it for you.

"Some of the best swaps are spontaneous, though," he relates. "One woman brought in an antique harp and walked out with a complete set of artists' supplies—easel, paints, brushes. A hour later, another woman came in and said she had to have that harp. She came back with a whole station-wagon full of stuff including that zig-zag sewing machine you see there.

"We don't have a truck to pick things up," he adds apologetically, "if we ever get one, there's a feller in a wheel chair who's an electronics whiz. I'd like to pick up everyday to work here."

MOSTLY ELECTRONIC

Thanks to old friends from radioland who helped get the Swap Shop off the ground, much of the up-for-swaps merchandise is electronic: Such items as a 7-channel sound mixer (swap valued at $85), amplifiers, speakers and so on, should bring rock-band teens in droves. The old pump-organ, the guitars, and the electric organ kit still in its box should attract more sedate swappers.

A bright chrome meat grinder (swap value: $18) and a many-cup punchbowl ($1) he explains, "Are for people whose hobby is entertaining."

The native Baltimorean—he was a schoolmate of Spiro T. Agnew as a boy—believes the Swap Shop will find its most fervent fans among wives whose words "clear out the attic, basement, garage" are the weekend leitmotif. Now that husbands have somewhere to take the stuff—to 76 Halpine Court, behind the Congressional Shopping Center in Rockville—and even the prospect of a fair swap in sight, he believes those long-postponed chores will soon be history.

"But for the people here, the best part is that this Swap Shop fills a very basic human need: The need to be constructive and independent. And the chance to be a success, in spite of a handicap."

SUPPORT FOR REVENUE SHARING

Mr. BEALL. Mayor Richard G. Lugar, of Indianapolis, who is also president of the National League of Cities, recently sent to me a letter and enclosed a resolution adopted by the National League of Cities and the National Association of Counties in support of President Nixon's revenue sharing proposal.

I was very much pleased to note that Mayor Tuchtan, of Rockville, Md., who is president of the Maryland Municipal League, introduced the resolution, which was seconded by Mrs. Gladys Spellman, the county official from Prince Georges County and also vice president of the National Association of Counties. It is my understanding that the resolution received unanimous support.

I ask unanimous consent that the resolution and the speech by Mayor Lugar be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Resolution

Whereas, the National League of Cities and the National Association of Counties have supported the concept of revenue sharing for more than five years; and

Whereas, Revenue Sharing provides a distribution of power and resources that will strengthen the Federal system and lead to a revitalization of state and local governments; and

Whereas, the fiscal plight of local governments of all sizes has grown more acute and is beyond the capacity of local governments to solve without assistance from the Federal government, and

Whereas, the local and state governments worked closely with the Administration in the development of a new general revenue sharing proposal which the President has adopted and forwarded to Congress for action:

Now therefore be it resolved that those members of the National League of Cities and the National Association of Counties meeting in Indianapolis, Indiana, February 19, 1971, reaffirm their long-standing commitments to general revenue sharing, commend President Nixon for his leadership in offering this vital and long overdue proposal and call upon the continuation of bipartisan efforts in the Congress to immediately enact the $5 billion general revenue sharing measure.

Revenue Sharing, a Redressing of American Federalism

(By Richard G. Lugar)

Vice President Agnew, and fellow governmental officials: Despite assurances that 77 per cent of the American people favor revenue sharing, including 42 Governors at latest count and a prohibitive majority of state legislators, county officials, and municipal officers, it is widely predicted that revenue sharing will not enjoy legislative life during the current session of the United States Congress. This pessimistic assessment is not based on closely guarded rumors but rather on several conspicuous and widely reported speeches delivered by Congressman Wilbur D. Mills, Chairman of the House Ways and Means Committee. In a bipartisan spirit of opposition Congressman Mills has been joined by Congressman John Byrnes, the ranking Republican member on the House Ways and Means Committee.

They have raised questions such as: 1) What revenue does the Federal government have to share? 2) Why should those who spend the money not have the responsibility of raising it? 3) Will proposed revenue sharing distributions injure certain states and cities by disrupting current grant-in-aid programs, ignoring severe needs of unusually hard-pressed situations, and failing to meet national objectives which the Congress has stated on numerous occasions through legislation? 4) Is not the performance level at the state and local level a most uneven prospect and worse still, what assurances does the federal taxpayer have under revenue sharing that his monies will not be squandered, used for racial discrimination, stolen by venal local politicians, or used by ambitious political rivals of Federal officials to strengthen partisan or personal political machinery?

A few news analysts have concluded in the month following President Nixon's State of the Union Message that the questions raised promptly by Congressman Mills and others are "devastating" and that those of us gathered here in Indianapolis today for a strategy conference on revenue sharing are discussing an academic issue whose time has come and gone within a relatively brief month.

A cursory reading of the national press indicates that many Congressmen who extol the virtues of grass roots government enjoy the pleasures of grass roots spending patronage even more and are prepared to protect each and every one of 435 categorical grant-in-aid programs against tampering by consolidation, simplification, or even further discussion if such can be discouraged.

Other journalists find the immediate debate intriguing and the role of Congressman Mills and a majority of the House Ways and Means Committee flexible. Two broad courses of action are suggested as methods of achieving sounder state and local budgets without adopting a revenue sharing plan.

First of all, larger bloc grants of revenues to state governments might be employed with relatively few strings attached. In this manner, broad objectives of Congress in health, education, welfare, environmental issues, transportation, and other pursuits might be met without giving up all ties to the money. In summary, President Nixon would be granted a more flexible federal mechanism and local governments while failing to enjoy the promised land of "no strings attached" money might find appeal in more abundant monies only a few stages removed from local control.

Secondly, a few political observers have suggested that Congressman Mills and others ought to outflank the President's alleged political strategy by coming forward with plans for complete Federal assumption of public welfare payments, an objective which would relieve much state and local financial anxiety, rationalize a current nightmare of regulation and misapplication, and recapture a Federal role of responsibility without surrendering any other roles and privileges.

I have reviewed a portion of current discussion about revenue sharing because so much water has gone over the dam since President Nixon's most recent revenue sharing proposals that the simple bald assertions of the past are no longer persuasive. That state and local governments are suffering budgetary problems of severe national consequences and that state and local governments know best how to spend scarce tax dollars, these arguments are self-evident to most Americans. Eventually, the stark simplicity of these arguments may prevail. In the meanwhile, let us spar a few rounds in the in-fighting which will precede an honest coming to grips with revenue sharing legislation.

Federalism in the United States of America involves intergovernmental cooperation among all levels of government if it is to work. It is not an easy process to fine-tune all of the elements nor is it an easy task to provide service to 206 million Americans under thousands of diverse geographical and historical circumstances. We approach the prospects with perpetual confidence because we see government in this country as one whole cloth. If, in fact, we are a people determined to be divided into different levels of government, determined to stand on the proposition that Federal government is essentially of a different character than state government, and that local governments are essentially different and antagonistic to both of the above, we are not only dealing in a dangerous fiction, but governmental quality and diversity will suffer grievously in the years ahead.

Let me state the proposition in unmistakable language. A few Congressmen are operating under the illusion that Congress can establish national priorities, pass laws to alleviate discovered needs, raise revenues and appropriate monies to meet these needs, formulate organizational structures to implement the spending, review the results by conducting public hearings and reading reports from the field, and thus respond to the national will and achieve the public good.

In truth, the Congress of the United States, as a body, reacts very sluggishly, if at all, to current needs in the country, indulges in considerable individual oratorical efforts to dramatize sensitivity, occasionally passes laws which are well meant but clumsy responses to a myriad of local situations, does raise revenue but appropriates funds in a rather hap-hazard and ill-timed manner to meet already fuzzy legislative mandates, conceives implementation which is frequently so wide of the mark as to render hapless whatever idealism the legislation contained, and then listens to reviews of what happened which bear only a possible relationship to the truth because the realities of what occurred are unknown to Federal officials at any level for many months and even years after the fact.

This is not an overdrawn summary. It is stated so badly because Congress will need to make a fundamental decision in the revenue sharing debate. Either State and local governments are a part of the Federal system of government or the Congress had best employ tens of thousands of new functionaries to monitor what actually does occur in the American Federal system. For the moment, State and local governments stand between the Congress and sheer anarchy.

While Congressmen ponder over the potential quality of local governmental officials, the nation observes a Congress long overdue for fundamental internal reform and the Executive branch of government crying out for the radical surgery which the President recommended in his State of the Union address and which many Congressmen dismissed as unrealistic and Utopian thinking.

If the current system of Congressional speech-making, legislation, taxing and spending had worked, with a reasonable degree of success, the current pressures for revenue sharing would be much less intense. In fact, however, the domestic problems of the United States have become much more grim while Congress passed more and more bills and parcelled out more and more billions of dollars, most of them unknown in quantity or form to State and local administrators who became reluctant bystanders in this bizarre process. Congress has created far too many ill-defined, unintelligible, and ineffective political mechanisms which are ill-coordinated and in many cases, contradictory in impact.

Congress can literally get by with such shoddy results because it is, in reality, very seldom accountable for any expenditures or results, insulated from the every day cares of actual face-to-face confrontation with ordinary citizens, and divided into tens of tiny duchies serving very narrow interests at the expense of the general public as a whole.

In August of 1970, the Report of the President's Task Force on Model Cities was published and under the guidance of Professor Edward C. Banfield, Chairman, addressed itself to the questions I have been discussing generally. The report commenced by saying, "In recent years the federal government has taken many important steps in the direction of supporting the cities in their efforts to provide more and better services. The creation since 1960 of two new departments concerned mainly with urban affairs (housing and transportation) and of the Council for Urban Affairs are examples of this greater support as is the increase in federal aid to urban areas from $3.9 billion in 1961 to $10.3 billion in 1968. There is little doubt that when the Vietnam War ends the federal contribution to local government revenues will rise sharply again. Some expect it to double almost immediately.

"Unfortunately these efforts have not produced the results that were hoped for in the places where conditions are worst, especially the inner parts of the older and larger cities. One reason for this is that the really big federal outlays—for subsidized mortgages, highway construction, hospital construction, and aid to elementary and secondary schools—have gone mainly to the suburban fringes, where most of the growth has been taking place, and to rural areas. The central cities have not had anywhere near as large a share of federal expenditures and tax subsidies as is generally supposed.

Another reason why the money has produced disappointing results is that almost every dollar of it has had a thousand strings attached to it. There are about 400 federal grant-in-aid programs, each with its own set of rules and regulations, some stationary and some administrative, often very detailed. Because a city receiving a grant can use the money (as well as whatever matching money it may put up) only for the purposes and in the manner specified by these rules and regulations, a great deal of waste and frustration results. Cities commonly find themselves able to get federal money that they can spend only for things that are relatively low on their list of priorities (highways and urban renewal projects, say) and at the same time unable to get money that they can spend for the things that they consider most urgent (hiring more teachers and policemen and paying them better salaries, say). Everyone knows of instances of which a city has done things with federal money that it would not have done with its own simply because otherwise the federal money would be "lost." Everyone knows, too, of instances which a city was unable to do something that should have been done simply because the 400-odd "categorical" programs did not authorize the doing of that particular thing.

"Federal laws and regulations not only restrict the purposes for which money can be spent: they also prescribe how the cities are to organize and manage their programs. In this manner city governments are prevented from using the full strength of their local styles and capacities in the creation of organizational forms and procedures. They are rendered incapable of dealing effectively with problems that in the opinion of a Washington official (but not necessarily in fact) fall in the space between catgorical programs, and they are made objects of distrust by citizens who see that they are serving the interest of others (those eligible for something that is federally supported) at their expense. We believe that if mayors and other local elected officials did not have to play second-, third-, or fourth-fiddle to so many federal officials they could do a much better job of managing the conflict that is so characteristic and important feature of American city life.

"The jungle-growth of aid programs is formidable. The planners of the model cities agency of Cambridge, Massachusetts, for example, have identified 134 federal and 17 state programs that they think might contribute to their model cities program. They must make separate applications to each program; if they should receive aid from all, they will have to follow 153 different sets of rules and regulations, most of them very detailed.

"It would be easy to blame these developments on arrogant bureaucrats and the almost universal tendency of bureaus to aggrandize themselves. These are indeed important factors in the situation. But it must be remembered that it is Congress which attaches the largest and most important of the strings to the federal dollars. Some of these it attaches at the behest of special interests. Others it attaches in an effort to assert what may be called a national will or purpose. Most of the rules and regulations made by executive agencies are justified by them on the grounds that they are responsible for seeing to it that the money is spent as Congress intends.

"This is the way the American system of governent works, and we do not think that it is either possible or desirable to change it in its essentials. We would note, however, that as a rule Congressional purposes are stated in very general terms. Agency heads, in prescribing the detailed regulations by which these purposes are to be given content in particular circumstances, necessarily rely heavily on their own more or less arbitrary judgments. There is no reason to suppose that their judgments about what is or is not implied by a statement of Congressional intent is necessarily sounder that the somewhat different judgments that might be made by other persons—local government officials, for example. To be sure, the agency heads are under the discipline of knowing that they may be called publicly to account before a Congressional committee if they make determinations that are clearly inconsistent with the spirit, not to mention the letter, of the law. The effect of this discipline, however, is to incline them to play it safe by piling on regulations and then more regulations. They know that they will not be praised for getting things done; their problem is to avoid being blamed for doing things that Congress—or rather certain Congressmen—do not want done, and the way to avoid blame is to take as few chances as possible. It is probably safe to say that timid bureacrats produce more red tape than arrogant ones.

"We believe that city and state officials are as capable as federal ones of reading the laws that Congress passes and of interpreting them correctly. We believe also that in general they can be trusted to respect the intentions of Congress and this even though they, unlike the federal officials, do not have to answer hard questions before Congressional committees. There can be no doubt that the capacity of local officials to do these things has been growing steadily and that in most parts of the country it is now fairly high. Looking ten to twenty years ahead, we feel reasonably confident in predicting further dramatic improvement in the quality of local government provided that the Federal government allows it greater freedom.

"Even if the quality of local government is much poorer than we suppose it to be, it is essential, in our opinion, that there be an immediate and large-scale shift of responsibility from federal to local officials. The scale of federal operations in the cities has suddenly become much too great to be carried on under the present arrangements. Now that billions instead of millions are being appropriated, the system simply will not work as it used to; Congress and the federal bureaus cannot possibly regulate and supervise the details of hundreds of programs operating in thousands of cities. It is necessary either to give local governments vastly greater freedom in the use of federal funds or else in effect to replace them with a much enlarged federal and state bureuracy. We have no doubt whatever as to which alternative is preferable."

NATURAL GAS REGULATION BY FEDERAL POWER COMMISSION

Mr. BELLMON. Mr. President, natural gas, the Nation's cleanest source of energy, as a commodity which is in increasingly short supply. This energy source provides more than 33 percent of the total energy produced in the United States. Over the past 25 years natural gas has continued to expand its role as a supplier of national energy requirements. In 1954, the producers of this vital energy source were included under the regulatory control of the Federal Power Commission. Since that time natural gas pricing has increased very little while consumption has doubled.

The role of the Federal Power Commission in the regulation of natural gas has been a subject of considerable controversy. It is argued that regulation has diminished the exploration and development of addition gas reserves to meet the growing needs of the consumers of this country. For the small producers of natural gas, producing about 15 percent of this country's natural gas, regulation by the FPC has been extremely burdensome. Those producers have the burden of finding most new gas reserves and the continual decline of proven reserves indicate that regulation was in fact having an adverse effect on exploration and development.

On March 18, 1971, the Federal Power Commission announced that it is acting to remove small gas products from most of those impractical and burdensome controls. It is my opinion that this decision is an important step in the right direction toward solving the national energy crisis by opening the way for rejuvenation of at least one important segment of the petroleum industry. It is a decision that is long overdue and I am optimistic that this decision will cause an increase in the level of exploration and development which is presently at a 25-year low. I would like to commend the members of the Federal Power Commission for their decision and it is my hope that this is only a first step in adjusting policies to correct the mistakes that have been made in the past relating to pricing of natural gas. Our country faces for the first time a serious shortage of energy. Decisions like this one will help us eliminate this problem. I ask unanimous consent that a portion of the Federal Power Commission decision be printed in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

EXCERPT OF ORDER No. 428

Order establishing blanket certificate procedure for small producer sales and providing relief from detailed filing requirements—issued March 18, 1971

The small producers argue that traditionally they have been very aggressive in searching for new gas reserves but that such activity has been greatly curtailed in recent years, largely because of restrictive regulation. They further state that their drilling efforts often prove or disprove the presence of gas bearing structures, and that the information gained is useful to all producers, large and small, in their search for new gas supplies. Because of uncertainties in regulated prices, they claim that discontinuation of regulation, rather than higher ceiling prices alone, is necessary to provide the incentive required to encourage a substantial increase in exploratory drilling.

Opponents of the proposed exemption, on the other hand, contend that the proposal will lead to higher natural gas prices for small producer sales resulting ultimately in higher consumer rates. They also disagree with the view that the impact on the consumer will be minimal. In addition, they question the Commission's authority to exempt small producers.

We disagree with the argument that the provisions of Sections 4, 5 and 7 of the Act, which speak in terms of all sales in interstate commerce for resale by any natural gas company, are mandatory and leave no room for administrative judgment and discretion. Mr. Justice Clark, speaking for the Court in *F.P.C.* v. *Hunt*, 376 U.S. 515 (1964) recommended that the Commission consider procedures for the exemption of small producers. And, in *Permian Basin Area Rate Cases*, 390 U.S. 747 (1968), the Court, while recognizing that the language of Sections 5 and 7 is without exception or qualification, noted the power of the Commission under Section 16, for purposes of its rules and regulations, to "classify persons and matters within its jurisdiction and prescribe different requirements for different classes of persons or matters."

One of the important Commission responsibilities under the Natural Gas Act is to assure maintenance of an adequate gas supply for the interstate market. By our action herein, we are taking an important step forward to meet this responsibility. Upon review of the contentions made by the various parties, we have decided that both existing and future sales of small producers shall be regulated in the manner hereinafter provided.

Such action should encourage small producers to increase their exploratory efforts which are so important to the discovery of new sources of gas. Our purpose in taking action here is not to increase contract prices, but to facilitate the entry of the small producer into the interstate market and to stimulate competition among producers to sell gas in interstate commerce. We seek to assure the small producer that when he enters into a new contract for the interstate sale of gas, the provisions of his contract will not be subject to change. We also want to relieve the small producer of the expenses and burdens relating to regulatory matters. Our action should also ease the administrative burdens connected with processing small producer filings.

We have reviewed the impact of our action on 96 pipelines that purchase gas, based on 1969 statistics in Forms 2 and 2-A. This shows, for example, that Kansas-Nebraska's purchases from small producers amount to 21.63% of its total gas supply including purchases from all producers, pipelines and its own production. Comparable percentages for many of the small gather-type pipelines were quite high. However, many of the major pipelines show less than 10%. Others show no purchases at all from small producers. The overall weighted average for the 96 companies was 7.54% (or 10.52% after eliminating all pipeline to pipeline sales).[1]

The action taken here in our view does not constitute deregulation of sales by small producers. We will continue to regulate such sales but will do so at the pipeline level by reviewing the purchased gas costs of each pipeline with respect to small producer sales. We shall also provide certain other safeguards against unreasonably high small producer prices, as hereinafter discussed, to assure adequate protection for the consumer.

MRS. WILLIAM E. LEE, BETHESDA, MD., SPECIALIST IN PLANT CULTURE

Mr. MATHIAS. Mr. President, we are a nation of gardeners. Our communities are justly proud of their public parks and their private lawns and gardens. And the millions of growers of house plants add their touches of green and brightness to our lives. Typical of the millions of persons who have specialized in a particular form of plant culture is Mrs. William E. Lee, of Bethesda, Md., I ask unanimous consent that an article regarding Mrs. Lee's success with the art of bonsai, published in the Washington Sunday Star of March 14, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CREATING DWARFS FROM CUTTINGS

(By M. M. Flatley)

Fifteen years ago, Mrs. William E. Lee of Bethesda returned from a trip to Japan with two maple tree cuttings, one for her son and one for her daughter.

The son's tree now shadows his house. The daughter's is still in its original pot, with its dwarfed trunk trained sideways and its scattered clusters of leaves suggesting cloud formations.

It has been carefully pruned, de-rooted and re-potted each spring as a first experiment in the age-old Oriental art of Bonsai.

FASCINATING HOBBY

Mrs. Lee's daughter, Mrs. David Nicholson, has created some 50 Bonsais in the past 15 years. Though she's not sure exactly what the word itself means, she is fascinated by the hobby, which she says is a "natural" for anyone who likes gardening as she does.

She is also somewhat bemused by the mystique surrounding it. "It's silly that they've made it sound so difficult," she says.

To prove her point, Mrs. Nicholson will demonstrate her own simplified, and obviously successful, techniques for creating Bonsai from almost any shrub with small leaves (maple, yew, juniper, agalea) at this year's Landon School Azalea Tour May 1 and 2 from noon to 10 p.m.

COAX INTO SHAPE

The main idea is for the gardener to dwarf a tree or plant and coax it into an unusual, attractive shape with the leafy sections following Japanese concepts of design through pattern clusters.

Basically, Mrs. Nicholson looks for plants which already have an unusual shape. Fledglings that have been re-shaped by bulldozers in a construction make excellent prospects, she says.

When the plants bloom, she clips off about one-half of the root system with flower shears, beginning from the tips. Next, she prunes one-half of the foliage from the top, studying the limb structure and deciding the plant's future shape.

To create a new shape, or accent a natural one, Mrs. Nicholson wires supple limbs through the summer. Brittle limbs, as on azaleas, must be shaped through other means.

The plants are placed on an aluminum screen inside shallow pots with several drainage holes in the bottom. Mrs. Nicholson drills her own with a power drill.

WATER DAILY

They require daily watering, limited fertilization, and pruning after blooming. They are stored in the ground, still in shallow pots, through the winter, and brought out for re-potting and display each spring.

Mrs. Nicholson displays hers, with variated blooming times, on redwood shelves lining the outside wall of the family garage. Bonsai, she says, is an excellent gardening technique for townhouse dwellers and others with limited yard space.

OBSERVANCE OF NATIONAL BOYS CLUB WEEK

Mr. FANNIN. Mr. President, I invite the attention of Senators to the fact that National Boys Club Week began on Sunday, March 28.

A very good editorial on the subject was published in the March issue of Arizona Farm Bureau News. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BOYS CLUB WEEK

Commenting on the tendency of politicians to glorify the common man, former President Herbert Hoover once said, "Let us remember that the great human advances have not been brought about by mediocre men and women. They were brought about by distinctly uncommon people . . . It is a curious fact that when you get sick you want an uncommon doctor; if your car breaks down you want an uncommonly good mechanic . . . I have never met a father and mother who did not want their children to grow up to be uncommon men and women. May it always be so. . . ."

These words are inscribed on a plaque which was presented by the Boys' Clubs of America to the Vice President of the United States, Spiro T. Agnew. The Boys' Clubs organization is scheduled to celebrate National Boys' Club week March 28 to April 3. The purpose of National Boys' Club week is to promote the cause of juvenile decency and to draw attention to the work of 880 local Boys' Clubs to achieve this goal. Mr. Herbert Hoover served the Boys' Clubs for 28 years as national board chairman. He believed there was no such thing as a common man, and he instilled this belief in thousands of youths during his years of inspiring leadership of the Boys' Clubs.

Today, there is nothing common about the Boys' Clubs of America. It has opened the door of opportunity and hope to millions of boys. It is an uncommon organization. It deserves the hearty support of all of us—not just for a week, but all through the year.

ADMINISTRATION ENERGY POLICY

Mr. BELLMON. Mr. President, a long-overdue change in emphasis in administration policy regulating national energy policy was indicated recently in a speech by Dr. Paul McCracken, the Chairman of the Council of Economic

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[1] These statistics do not include resales to pipelines by large producers of gas purchased from small producers.

Advisers and of the President's Special White House Fuels Committee.

Dr. McCracken, a top White House adviser, acknowledged in Houston that energy has long been an attractive bargain in the American economy, but the energy squeeze we are in means we can no longer afford to take low fuel for granted.

He took note in his speech of the need for adequate economic incentives for increased production of natural gas and crude oil. But most significant, and most encouraging, was his apparent implication that the Government should take a hands-off approach to oil and gas pricing and allow the energy market mechanism to function freely.

The implication is surprising in that it comes from an official who, only 3½ months ago, viewed the energy situation in much different terms. Dr. McCracken and the Council of Economic Advisers issued and inflation alert in December that critically took the oil industry to task for increasing the cost of crude oil. The alert indicated that the increases were artificially induced by producers holding back on stock supplies and holding down production.

The general recommendation of the Council then was to intensify steps to strengthen resistance to cost and price increases. No mention was made of existing poor economic incentives and rising production costs.

Mr. President, I am highly encouraged to hear that the administration is now aware of the real gravity of our Nation's present energy supply shortage and has publicly recognized that greater economic incentives are needed to develop domestic resources as fast as we can.

Dr. McCracken's remarks before the Natural Gas Processors Association on March 16 should be of interest to all Senators concerned with the development of a national policy that will insure continued exploration and production of mineral resources to meet the Nation's future demands for energy supplies. I ask unanimous consent that the full text of Dr. McCracken's address be printed in the Record.

Mr. President, in the last 20 years the price level for our whole gross national product has risen 68 percent. But the price of gas for space heating rose only 47 percent and the rise in the price of electricity, an energy source using increasing quantities of gas and oil, was just 13 percent.

A report issued last week by the Department of the Interior showed the United States used more energy last year than ever before, relying on petroleum for 43 percent of all domestic energy demands and on natural gas for 33 percent. That reliance on just two minerals for more than 75 percent of our energy needs means that incentives for increased production and exploration of those resources are absolutely essential to the national welfare.

Yet, the national policy toward the oil and gas industry has for too long been designed to hold energy prices down without regard to the predictable result of discouraging new exploration and drilling ventures.

In 1969, the Congress cut the oil depletion allowance by 5½ percent. That is costing the industry an estimated $700 million a year, thereby decreasing exploration investment capabilities. As a direct result, drilling has dropped to the lowest level in 25 years at the very time demand is growing rapidly.

Last fall the administration criticized the oil industry for raising the price of crude oil by just 7.7 percent. Shortly thereafter the President ordered the Department of Interior to take over supervision of offshore federally owned lands to raise production to the maximum efficient rate. The intent was to increase supplies to hold prices down, but the action has not increased total crude oil production substantially.

In 1971, the allowable returns on natural gas at the wellhead are based on 1960 production costs. Despite inflationary trends over the last 10 years, the Federal Power Commission has kept natural gas prices too low for desired consumption to be met and has retarded the development of new gas supplies.

The Federal Government has done a lot of talking in recent years about the need for developing new techniques for locating potential energy supplies, about increasing production of onshore reserves and about accelerating development of offshore reserves. Unfortunately, the actions of Government have had exactly the opposite effect.

The present administration has talked about those needs but has always opposed any actions that would add to the more immediate problem of inflation. Now, at last, the White House, through Dr. McCracken, has hit upon the heart of the matter of increasing energy supplies. The administration has recognized that greater economic incentives are needed to spur further development of mineral resources. Otherwise, the Nation may be forced into reliance on foreign powers for its future demands for increased energy supplies. When that happens, inflation on a level not now imagined as well as other equally undesirable effects will be the certain result.

That recognition has been long in coming. It will be significant only if the administration takes action on the new light that has dawned.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

National Energy Problems and Prospects

(Remarks by Paul W. McCracken, Chairman, Council of Economic Advisers)

It is not so long ago that the typical citizen, asked what he thought about the problem of energy, might well have responded, "We need more, and a good diet and regular exercise are the way to feel more energetic." For the energy problems of the world with which we have been concerned more recently are relatively new, at least so far as our average citizen has been concerned. You are, of course concerned with gas. I propose to discuss the energy problem somewhat more broadly here, however, because it is difficult to see the problems that will face one source of energy without keeping in mind the whole picture.

I

Like the air we breathe energy has been very much taken for granted by Americans during most of our economic history. It was plentiful. We doubled our consumption of energy during the last two decades, but more always seemed to be there as needed. And there was the comforting thought that a large proportion of the coal, gas, and oil we needed was within our own boundaries. Energy has also been relatively cheap in this country. It has been, in fact, more and more a bargain relative to the prices of goods and services generally. During the last twenty years, for example, the price of gas (for space heating) rose 47 percent, and the rise in the price of electricity during the last two decades was about 13 percent. Both figures are substantially less than the 68 percent rise in the price level for our whole gross national product. Energy has, in short, been a bargain and an increasingly attractive bargain in the American economy.

For a variety of reasons in recent years we have become aware of the fact that energy could no longer be taken so completely for granted in this Nation. Brownouts and the threat of overloads, thin inventories of fuel at certain utilities as we moved into last winter—these were some of the things that have started us to thinking in a more focused way about our energy problems, and it is reasonable to expect that ultimately the end result will be the emergence of a more explicit energy policy for the Nation.

Moreover, international developments have had their repercussions on our own economy at home. Demands, particularly for clean fuels, have increased sharply abroad—indeed, have been increasing at an accelerating rate. At the same time that these world demands were rising sharp production cutbacks or threats of cutbacks and limited shipping capabilities combined to tighten the world market.

A cluster of developments at home has also turned our attention more explicitly to energy. Growing concern about pollution has made us more reluctant to depend upon certain energy supplies of which we have abundant quantities but whose use does pose environmental problems. Moreover, nuclear power has not come on stream as rapidly as had been expected a few years ago. And because of delays in construction of our nuclear generating capacity, this expected capacity was not operating. Yet earlier expectations that nuclear power would by now be more important than in fact is the case deterred development work then that could now give us enlarged coal production and capability to transport it.

Finally, the data about energy consumption generally raise an interesting question. It is still only a question, but it is one that we do well to keep before us. Are we seeing a tendency for energy consumption to rise more rapidly than historical trends and relationships would have suggested? One of the persisting longer run tendencies has been the slow decline in the amount of energy used per unit of output in our economy. This was a reasonable expectation. It presumably represented the slow improvement in the efficiency with which we utilized energy in economic activity. After 1966, however, this trend seems to have reversed itself, and during the last four years the amount of energy consumed per unit of real output in the economy has been rising. Since this development will have important implications for the economy, if it persists, let me be precise about it all. If we were to value our output of goods and services in 1958 prices throughout, we consumed about 141,000 BTU's of energy for each dollar's worth of goods and services produced in 1920. Three decades later this had dropped to 96,000 and by 1966 it was only 86,000.

During this period we were thus able to produce a given amount of output in our economy with, on the average, about 1.3

percent of less energy than in the year before. If that trend had continued, by 1970 for each dollar's worth of goods and services produced (valued in 1958 prices) we would have consumed about 75,000 BTU's of energy. In fact the figure was 95,000 as this long declining trend reversed itself after 1966.

We see this in another way looking over all growth rates in our use of energy. From 1965 to 1970, for example, energy consumption has increased at the rate of about 5 percent per year, substantially above the longer run average of roughly 3½ percent. If this acceleration in the use of energy continues, something about which we cannot yet be sure, it will carry with it large implications for our energy problems.

As we look toward the years ahead, therefore, even the quantitative dimensions of our energy requirements are impressive. A decade hence we shall be producing in real terms about 50 percent more goods and services than today. Even if the longer-term trend toward using energy more efficiently were to continue, we would still need about 40 percent more energy within ten years. If the trend since 1966 toward increasing amounts of energy used per unit of goods and services produced were to continue, the growth in our overall energy requirements during the decade ahead could be over 60 percent. While such a top-side figure does not yet seem probable, developments since 1966 suggest the wisdom of not too casually assuming that our growth requirements will be as low as 40 percent per decade for the period ahead.

II

While there are as yet too many unresolved questions here to lay out anything that could yet be called an overall national energy policy, it may be useful to explore what some of the elements of such a policy would be. There are, I believe, at least three general national objectives that will be relevant to shaping this energy policy as it finally emerges. First, this Nation is deeply committed to an economy of reasonably full employment and rising levels of living, and there is every reason to believe that these objectives will continue to be high on the national agenda in the years ahead. Studies of consumer aspirations give little support to the view that people generally have lost their desire for further material progress. We must, therefore, be prepared for the enlarging energy requirements that a vigorously growing economy will require.

Second, our nation has made a deep and purposeful commitment to deal with pollution and cleaning up the environment. While economic progress must continue, we shall no longer uncritically accept the contamination of the atmosphere and environment generally that has in the past been associated with industrialization and economic and material progress. This has clear and obvious implications for the types of fuels that we shall be using. They will be clean fuels or fuels whose use processes can render them clean. And gas is, of course, a premium fuel in many ways, and particularly in terms of our pollution concerns.

Third, reliability of fuel supplies must obviously also be a major concern in any national energy program. Fuel and energy for the economy are like oxygen to the human system. If these supplies are shut off or sharply curtailed, a complex and closely integrated modern economy would quickly experience suffocation. Reasonable assurance of availability is, therefore, an important element of national policy. This inevitably places some premium on domestic sources of supply, and on ways by which foreign sources can be drawn upon, at the same time preserving a reasonable capability to minimize problems from any potential interruptions of supply.

III

Looking ahead, now, what might be the picture of our energy consumptions look like by, say, 1980? By that year we will be using roughly 100 million billion BTU's of energy, an increase of 40 to 50 percent above that for last year, and it could be more.

Where will this energy come from?

It is easiest to begin with nuclear and hydroelectric power since the contribution of these sources in 1980 will be related to projects and plans that are now in existence. On this basis we can estimate that nuclear power will provide about 650 billion kwh's or 7 million billion BTU's, and hydroelectric power will supply about 275 billion kwh's or 3 million billion BTU's of our energy. These two sources can thus reasonably be expected to contribute about 10 percent of our needed energy supplies, leaving 90 percent to be supplied by oil, gas, and coal.

Now it is not, of course, just a simple matter of finding enough more BTU's from these sources to provide the remaining needed amount.

Although gas, coal, and oil are highly substitutable in many uses, such as boiler fuel, there are other uses where substitution is obviously not feasible, and probably will not be by 1980. Gasoline and jet fuel are examples. The demand for energy to power automobiles and aircraft can only be met presently by the products of crude oil. Residual fuel oil and home heating oil are the only major products of crude oil where substitution with gas or coal is currently practical.

This very specific demand for crude oil leads to an important point. The quantity of crude oil that will be demanded in 1980 just to satisfy those specific uses that have no practical substitutes, such as gasoline and jet fuel, will be so much larger than expected domestic production that oil imports will almost certainly be rising. Put another way, if all the other fuels provided sufficient energy to satisfy all energy demands except those that oil alone must satisfy, we would still have to import more oil in 1980 than at present. And this assumes that Alaskan production will come on stream by 1975 and that production in the low 48 States can hold its own, resulting in domestic production of about 13 million barrels per day. Thus the demands for oil that cannot be substituted for any other fuels will be in the neighborhood of 19 million barrels per day, with imports possibly accounting for close to one-third. And if crude oil does carry a significant part of the burden of meeting overall energy demand, imports could approach 10 million barrels per day by 1980.

Turning to natural gas the question here is primarily one of adequate incentives, including an efficient pricing system. If these incentives are created, it is reasonable to expect that 33 trillion cubic feet of natural gas, or at least one-third of our total energy requirements, could be supplied from domestic sources and imports by 1980.

With respect to coal, the potential supply is enormous. The question is whether it can economically be made clean for widespread use. If the coal industry were to continue for the entire decade at the rate of expansion planned for the next few years, which cannot be taken for granted, 860 million tons per year would be available for domestic use, and this would supply somewhat over one-fifth of our needed energy by 1980. This would, however, occur only if coal can compete with other clean fuels.

IV

If you have bothered to keep up with those figures, which is unlikely, you would find that they seem to add up. The ballpark figure for energy available seems to match projected requirements.

Whether that happy result occurs, however, depends on how well we shape our policies. And I would like to conclude these remarks by making a few observations on these matters. The first requirement for a viable policy is to recognize the many uncertainties always involved in the future. Visibility ahead is always murky. There is uncertainty about the magnitude of our overall requirements. There are many uncertainties about how different fuels can fit into our complex requirements for the environment. There are too many unanswered questions for a stiff and rigid approach.

We must also have a new imaginativeness about research, development, and technological change in the energy field. It is possible that unacceptably dirty fuels can be rendered clean on an economical basis. Nuclear energy may be able to handle a larger proportion of our growing energy requirements if new and more efficient technology can be developed.

Finally, we must be prepared to use market incentives and the market mechanism. This is particularly relevant for gas. If prices are held below the market-clearing level, three results are almost inevitable. Discovery and development will be retarded. Demand will be encouraged where economic considerations would point to the use of alternative fuels. And to the extent that unmet demands must turn to other fuels, their prices will tend to be forced upward.

Market and pricing incentives may also be useful in handling our concerns about environment. In this way we can use a complex tailoring to different problems of different approaches—ranging from the ideal of clean fuels, cleaning up dirty fuels, and trapping of contaminants before the move into the atmosphere.

History is clear about one thing. When we get our economic incentives and pricing system pointing in the direction that public policy wants to go, the beneficent results are usually impressive.

U.S. FUEL AND ENERGY CONSUMPTION, 1950, 1960, 1970

	1950	1960	[2] 1970
Total electric (billions of kw.-hr.)	390	848	1,640
Total energy consumption [1]	34.1	45.0	68.8
Individual fuels:			
Oil (millions of bbls. per day)	6.5	9.9	14.7
Natural gas (trillions of cu. ft.)	5.9	12.3	21.8
Coal (millions of tons)	479	398	527
Hydroelectric (billions of kw.-hr.)	96	146	246
Nuclear (billions of of kw.-hr.)	0	0	19
Share of energy consumed (in percent):			
Oil	39.5	44.6	43.0
Natural gas	18.0	28.2	32.8
Coal	37.8	23.2	20.1
Hydroelectric	4.7	4.0	3.8
Nuclear			0.3
Total	100.0	100.0	100.0

[1] In million billions (10^{15}).
[2] Preliminary.

Source: Bureau of Mines.

ROCKVILLE, MD., FIRE DEPARTMENT

Mr. MATHIAS. Mr. President, in thousands of communities across America, the volunteer fireman is a key figure in the maintenance of public safety. The tradition of citizens who commit themselves to drop what they are doing at a moment's notice to help combat the ravages of fire is as old as our Nation.

In Rockville, Md., the Rockville Volunteer Fire Department recently marked its 50th anniversary of service to the community. I ask unanimous consent to have printed in the Record a report of the anniversary published by the Montgomery County Sentinel.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Montgomery County (Md.) Sentinel, Mar. 11, 1971]

Fire Department Is 50 Years Old

Fifty years ago on March 9, a group of Rockville men gathered at the Potomac Electric Power Company office to organize Rockville Volunteer Fire Department.

And on Saturday, state, county, and city officials will join department members in celebrating the fiftieth anniversary with a banquet at Indian Spring Country Club.

Louis L. Goldstein, state comptroller, Robert Robertson, state fire marshall and Thomas A. Anderson, Sr., are among those invited.

In the first 20 years of the century, the only fire-fighting pieces in the town were horsedrawn hose reels manned by two men and some volunteers.

STORE DESTROYED IN 1921

In early 1921, fire destroyed John Collins' general store and upstairs living quarters. Despite efforts of bucket brigades and the men working hoses, the fire threatened a block along E. Montgomery Avenue which included the town hall.

Townspeople alerted the District of Columbia and men and more modern equipment were sent out from the city to quell the fire.

After the night-long fire, Rockville citizens realized they needed local firemen and equipment. More than 50 volunteers attended the first official meeting of the new department.

Joseph W. Howes was the first chief of the department and served 1921–28. Only two of the charter members, Marbery Gates and Albert Hamke, are alive today.

The town rallied to support the volunteer department and in less than a year collected $3,800 for a Model T "Waterous Ford" pumper.

Housed in the basement of the old courthouse, the new truck provoked competition among the 55 volunteers for its six passenger spaces.

The first men to the courthouse after a pistol shot alarm sounded won the coveted places on the vehicle. Latecomers had to follow in cars or by any means available.

In 1926, a proper firehouse (now the Sentinel building) that served the department for 40 years was built.

Valentine Wilson, chief for 22 years, founded the department rescue squad in 1931 with the purchase of a rescue wagon.

Today the department has three stations, Hungerford Drive, Rollins Avenue, and Falls Road. Last year over 5,500 emergency calls were recorded, of which approximately 4,000 were for rescue.

THIRTY-EIGHT PAID FIREMEN

The 88 volunteers man the night and weekend shifts, while 38 men are paid weekday firemen. The department has 20 vehicles, nine of which are pumpers.

Fire taxes amounted to $751,900 last year. Tax revenue pays the salaries and provides for maintenance of the buildings and equipment. The tax is one of the lowest in the county, 13 cents per $100 assessed land value.

The annual August carnival brings additional money to the department. Last year, it netted a $40,000 profit. Firemen work the booths at the carnival and determine the use of the profits which normally go to purchase new equipment.

Present chief of the department is Woodrow Mossburg, elected in January.

ARIZONA'S TWIN PLANTS PROGRAM

Mr. FANNIN. Mr. President, America has been very fortunate in having good neighbors—Canada to the north and Mexico to the south. Over the years, I have been especially interested in relations between the United States and Mexico.

It is encouraging when we can operate programs that benefit both our Nations.

That is precisely what is happening in the case of the Twin Plants program along the border in Arizona and Mexico.

One of the Nation's outstanding business writers, Don Campbell, wrote an excellent article on the program for the March 21, 1971, Arizona Republic. His article includes some of the reasons why the Twin Plants program is needed.

Union bosses have attacked the program by using the erroneous argument that it steals jobs away from Americans. This is not the case. The U.S. plants locating along the border would be moving their entire operations overseas if it were not for the Twin Plants concept. This enables the U.S. businessmen to maintain at least a part of their operations in America.

Most of the money earned by the Mexican workers is spent in the United States. This certainly is not the case when an American business relocates in Korea, Taiwan or elsewhere across the sea.

The Twin Plants program also has given a much-needed boost to the economy of the border area.

Mr. President, I ask unanimous consent that Mr. Campbell's fine article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Arizona Republic, Mar. 21, 1971]

The State's Business: Happy Combination All Around—Program Slow To Start, But Folks Both North and South Sing Praises of U.S.-Mexico Border Industrialization

(By Don G. Campbell)

Nogales.—Stacked up, they resemble portions of yellowing elephant trunks. Slightly mottled, the graceful S-shape of the finished product is still burred and unfinished.

There's not much yet, certainly, to suggest the golden-glittering, full-throated saxophone—proudly heralding some high school football team's victory—that they will ultimately become.

Nestled in the hills outside this Arizona border town, Coin-Art, Inc., does a quiet, thriving business in the fabrication of semi-finished brass parts for the music industry—or, more specifically, for nearby Artley of Arizona, Inc., a division of Conn Music Co., and a major manufacturer of music instruments, among them about a third of the country's annual production of flutes.

With the finishing touches now being put on Coin-Art's "twin plant" a few miles away on the Mexican side of the border, the company should thrive even more as a new partner in the Mexican government's Programa de Industrializacion Fronteriza—the border industrialization program, a scheme launched unilaterally in 1965 to counter the massive unemployment problem wracking Mexico's northern border.

A chronic headache, unemployment along the border became acute in 1964 when the United States—under organized labor's pressure—ended its long-time bracero program. The move caught thousands of Mexican families at the border unable to migrate into the States as farm laborers, and without funds to return to their homes in the interior.

Despite implementation of Programa de Industrializacion Fronteriza in 1965, the plan was slow in getting off the ground, and recently as 1968, the jobless situation at the border had reached crisis proportions:

Of the nearly 136,000 workers available in Ciudad Juarez, across from El Paso, 15 per cent were without jobs, and in Nogales, Sonora, the problem was far worse with an estimated half of the available Mexican workers unemployed.

With one of the world's fastest expanding populations (3.5 per cent a year), the situation obviously wasn't going to solve itself.

Since 1967, however, U.S. interest in the border industrialization program has zoomed. By late 1967, that is, the Mexican government had authorized 73 companies to make a total investment of $6 million on the border and, by mid-1969, the number had almost doubled—to 147 plants representing an investment of $14.2 million.

This past week, at the invitation of the American Chamber of Commerce of Mexico, approximately 100 business executives—representing a cross-section of geographic and manufacturing interests—shelled out $175 apiece to participate in a three-day seminar on the Mexican program that began with a day-and-a-half series of meetings at Scottdale and then moved down to Nogales for another day-and-a-half of plant visitations and case histories.

Essentially, the Mexican border industrialization program simply set up the legal machinery that permits American companies to operate plants as wholly owned subsidiaries within a 12-mile border zone. Under various agreements between Mexican agencies, the American companies can import equipment and materials into the border zone duty free, and Americans can cross the border every day to work in plants in the zone. The only restriction is that products of the plants can't be sold in the Mexican market.

And, while the U.S. government has kept a strict hands-off policy on the Mexican arrangement, its tariff schedules favor border plants by imposing duties on products assembled abroad from components manufactured in this country only to the extent that value is added to products abroad—this "value added" consisting of foreign labor costs, overhead costs of foreign plants, and an estimated profit on the foreign operations.

American industrial development groups, of course—typified by Arizona's Department of Economic Planning and Development—have also jumped into the promotional fray by hammering away at the theme that the most economically feasible way to cash in on the Mexican program is by utilizing the "twin plant" concept—establishing one plant just over the North American side of the border for the fabrication of goods, and a second one just over the Mexican border for the assemblying if the product and its shipment back into the states. This is how Nogales' Coin-Art will operate in a few weeks when its Mexican plant in Parque Industrial de Nogales opens for business.

No one on either side of the border even tries to conceal the fact that the big lure in the border industrialization program is the disparity between U.S. and Mexican wage rates. Where the average minimum daily wage in the United States is $12.80 (before fringe benefits), the daily minimum at Ciudad Juarez, for example, is $2.84 (35.50 pesos), $2.70 a day at Matamoros, Reynosa and Nogales, and $3.80 along the border of Baja California.

And the other big plus, of course, is the immediate availability of an almost inexhaustible labor supply. At Nogales, alone, the available labor supply within the city itself is estimated at 12,000 to 15,000, and with another 15,000 to 25,000 workers available within a 70-mile radius.

Quite understandably, the recurring charge that U.S. labor groups level against both the Mexican government and the domestic firms that submit to the lure of the border industrialization program is that it is undermining the U.S. economy by resorting to "cheap foreign labor."

But, at Nogales this past week, one executive involved in the program put it this way: "Look, let's be realistic. Because of the price squeeze on American-made products today, most of the manufacturing activities that have come down here would, otherwise, have gone to some other low-price labor market like Hong Kong, Korea or Taiwan.

"Here, at least, we can stay competitive in the market, are helping a friendly, neighboring country, are importing a skilled technology into a country that can be trusted to use it wisely, and—let's face it—as much as 80 cents out of every dollar that we lay out in wages in these border towns may be spent on the American side."

There is general agreement among virtually all of the companies that have gone into the Mexican program that one of the most valuable things to come out of it is the laying to rest—for once and for all—the ancient myth about the Mexican "manana" attitude toward work.

"These people," one U.S. executive said, "are absolutely marvelous—they're not only highly motivated, which admittedly goes hand-in-hand with their high unemployment, but the refreshing thing is that they have none of the U.S. worker's hang-up. Maybe 34 cents an hour doesn't sound like very much money, but it's good by Mexican standards, the Mexican worker knows it, and shows his appreciation by sticking to the job."

Absenteeism, which will average about 3 per cent in the normally well-adjusted U.S. plant, runs at the 1½ per cent rate in the Mexican border zone.

One firm, which has production facilities in both the border zone and in New York City, found that Mexican workers being trained for a relatively skilled manufacturing operation required just one-third the time to master the task that had to be allocated to the training program in New York.

"I don't understand the feeling that some people have," one executive said, "that Mexicans can be trained for semiskilled work, but not for anything very exacting. They seem to forget that this culture, for centuries, has been producing some of the world's most intricate and delicate artwork and handicrafts!"

One of the baffling aspects of the border industrialization program is the fact that the Mexicans, themselves, have accepted, so philosophically, the wide disparity between salaries on both sides of the border.

"We were afraid that there might be some friction within the family where you have a situation in which one member is working south of the border at 34 cents an hour, and another is working just a few miles away at $1.60 an hour. But, somehow, the Mexicans have learned to take it in stride as a fact of life," Carl A. Bossee, coordinator of Nogales, Sonora's attractive, 116-acre Parque Industrial de Nogales, said.

Organized labor's protests to the contrary, then, Programa de Industrializacion Fronteriza is off and running, and proving increasingly popular with everyone involved in it—north and south of the border.

SENATOR SAXBE'S POSITION ON INDOCHINA

Mr. SAXBE. I have been a consistent critic of our involvement in the Vietnam war. This is a position which I espoused in my campaign for the Senate in 1968. In short, I favor United States withdrawal from South Vietnam. I hope and pray that the President is able to continue on schedule with his troop withdrawals. As you know, U.S. troop strength has been reduced from 542,000 in January, 1969, to 306,500 by January of 1971. A further reduction to 284,000 is planned by May, 1971.

The decision was made by a previous administration to fight a limited war in a limited way. To defeat an enemy on the battlefield, one must isolate and destroy him. This option was discarded in 1966–67. Therefore, I believe we have accomplished all we can in South Vietnam. We have stabilized the government in the South; we have stopped the invasion from the North; we have opened up supply routes; we have trained and supplied the South Vietnamese Army. We cannot maintain the South Vietnamese Government or Army forever, so we must leave.

I do not want my call for an immediate withdrawal to be misunderstood, however. I think it is simplistic and irresponsible to say that the way to get out of Vietnam is to load the troops on ships and leave. We do not want a Dunkirk, a bloodbath. We want a responsible withdrawal, which is primarily what I believe the President is trying to accomplish.

I have voted twice for the repeal of the Tonkin Gulf Resolution. This resolution, approved August 10, 1964, provided the peg upon which our Vietnam involvement was based. It approved all necessary steps, including the use of armed forces, to assist any member of the Southeast Asia collective defense treaty requesting assistance in defense of its freedom. It also allowed the President to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

I was dismayed by our incursion into Cambodia last April and more recently the move into Laos. I do not support any widening of the war. However, there is some evidence that these twin thrusts at the Ho Chi Minh Trail will allow Secretary Laird and the President to sustain their pledge of continued withdrawal of American forces from South Vietnam at a rate of approximately 12,500 a month.

The Congress has allowed the executive branch to severely erode their foreign policy powers in the last half century. It is not realistic to believe that this balance of power can be restored in a short period of time. Therefore, only President Nixon can effectively end the war. Further, I am convinced that our withdrawal cannot be facilitated by a cutoff of funds as envisioned in last year's McGovern-Hatfield amendment.

Congress cannot effectively cut off funds for the incursion into Cambodia and Laos because such moves impair the flexibility that the President must have to withdraw our troops safely. But, the legislative branch can prevent an invasion of North Vietnam or support of a South Vietnamese invasion, by the U.S. forces.

It is in this regard that I have directed my efforts. Recently, I introduced a bill that would require the executive branch to obtain the consent of Congress before committing any support to an invasion of North Vietnam. I fear anything to the contrary would seriously endanger this country and would lead to a widening of this war that is destroying the moral and economic fabric of our Nation. A war that can and must be ended as soon as expeditiously possible.

THE RIGHT TO READ

Mr. MATHIAS. Mr. President, the ability of every American to read is a concern to all of us. Exceptional leadership in the drive to assure every child a right to read has been provided by Dr. James E. Allen, Jr., former U.S. Commissioner of Education and now a visiting lecturer in education and public affairs at the Woodrow Wilson School, Princeton University.

Last November 13, I was privileged to introduce Dr. Allen as the principal speaker before a meeting in Washington of the Orton Society, which is devoted to the study and treatment of children with specific language disability.

I ask unanimous consent to have printed in the Record a transcript of the meeting, including Dr. Allen's important speech and the comments provided afterward by Dr. Archie A. Silver, Arlene W. Jones, and Katrina de Hirsch.

There being no objection, the items were ordered to be printed in the Record, as follows:

Introduction of James E. Allen Jr., by Senator Charles McC. Mathias, Jr.

One of the unresolved philosophical questions which perplexes mankind is the question of whether history makes men or men make history. We have tonight one of those strange coincidences which raise new facets of this question, because the conjunction of the stars which brings Dr. Allen and myself to the same meeting is a conjunction which first began to be apparent in the heavens two generations ago, when our grandmothers went to school together in the small community of Duffield Junction, Virginia, and I would take this as a most unlikely result of that event.

You remember that President Kennedy, on the occasion of his visit to New Haven to receive an honorary degree from Yale University, said that as a Harvard graduate and the recipient of a Yale degree he had the best of two worlds. Dr. Allen has the best of twenty-seven worlds, because he has twenty-seven degrees from twenty-seven different universities and colleges in this country, and I would say that not one of them was merely honorary; every one of them was earned.

As you know, in February of last year, President Nixon appointed Dr. Allen to the position of Assistant Secretary of Health, Education and Welfare, and as United States Commissioner of Education, a position in which he served until June of this year. In October of this year he joined the Woodrow Wilson School of Princeton University as Visiting Lecturer in Education and Public Affairs, and where he is the head of an exploratory program in education and public affairs.

It is of particular significance to the members of the Orton Society that, as commissioner of education, Dr. Allen was the man who first proclaimed The Right to Read. And more than simply issuing a proclamation, which is something that we in government can do very glibly, and very inexpensively on many occasions, he actually proposed a program which would guarantee the right to read.

Remember the Crimean War and the Battle of Balaclava? Where the Light Brigade charged down the valley as a result of courage and confusion? In the Battle of Cambodia I think Dr. Allen charged right down the middle as a result of courage and conviction. I regret to say that in both Balaclava and in the Cambodian Operation, the casualties were heavy. But he returns to Washington tonight as a very distinguished veteran of that campaign, one whom I personally am extremely happy to welcome, one whom I am privileged to be able to introduce to you.

It's an interesting thing that excellence, excellence in human beings, very often extends beyond a single area of endeavor, that when a man is excellent in one thing, he may be excellent in many things. So, I'm glad to present to you one of the most excellent tennis players in the United States, the undefeated tennis champion of Albany, New York, and the undisputed educational champion of the United States, Dr. James Allen.

THE RIGHT TO READ—REEMPHASIZED

(By James E. Allen, Jr.)

When I accepted the invitation last Spring to address this, the Twenty-First Annual Meeting of the Orton Society, I expected to be coming here as United States Commissioner of Education reporting in my official capacity on the progress of the Right to Read effort. But something happened on the way to the Shoreham!

Let me assure you, however, that being now a *former* Commissioner of Education has in no way diminished my interest in the Right to Read effort, nor weakened my determination to do everything in my power to help achieve its goals.

You will understand, I am sure, that I come to you as a generalist among specialists and have no qualifications as an expert in the field of reading. My decision to make reading the primary focus of my efforts in Washington stemmed not from any particular understanding of the problem of reading failures, but rather from experiences throughout my years of educational administration which had deeply impressed upon me the disastrous effects of this shortcoming of our educational system.

It was my belief that a nation-wide emphasis upon reading would accomplish two objectives: first, it would ensure that one of the primary functions of the education system would be more universally carried out; and second, it would strengthen the entire system by helping to restore confidence in its effectiveness.

Let me elaborate first on the second of these objectives. Much of the activity in education today deals with such matters as compensatory education, accountability, evaluation, contract performance, voucher systems, team teaching, non-graded schools, desegregation, decentralization, etc., which, important as they are, are not easily understandable to the layman. But everyone can relate to reading, and it is easy to turn almost anyone's attention and interest to education by bringing up that basic subject.

Education has become extremely complex with greatly expanded curriculum, changes in structure and organization, diversity of approaches, and an enlarged concept of the depth and breadth of its scope and influence. It has become bigger, constituting our largest domestic enterprise. It has become more expensive, accounting for a major portion of the funds invested in public services and programs. It has become news as a growing awareness of its importance has increased interest and generated a more critical attitude toward its management and a more exacting assessment of its effectiveness.

All of these things in their complexity and enormity have tended to confuse the minds of the public and to becloud basic issues and central purposes. As a result, the uncertainties and dissatisfactions, arising from a variety of causes, which are felt about our education system, often focus upon the obvious and readily comprehended failure in carrying out the basic function of the teaching of reading.

People feel, and rightfully so, with a sense of indignation and bewilderment, that they are being cheated when the schools do not meet one of their fundamental obligations. This in turn produces a lack of confidence in the effectiveness of the whole operation. Thus, the elimination of this glaring and shameful failure on the part of our schools will go far toward restoring public confidence in the soundness of the educational system, and in gaining for education, the broad base of public support and the legislative and administrative actions so urgently needed.

The first objective that I envisioned for the Right to Read effort—namely, that it would ensure that one of the primary functions of the education system would be more universally carried out—relates to the provision of equality of educational opportunity which is the basic premise of our educational undertaking. "University" is the key word here, and the shocking nation-wide statistics on reading failures inexorably reveal how far our efforts are from deserving such a description.

You are, I know, familiar with the statistical information about reading failures. The recent "Survival Literacy Study" by Louis Harris and Associates, conducted for The National Reading Council, has given added weight and meaning to these statistics in terms of their effect upon the daily lives of people and their ability to function successfully in society.

There is, of course, a great deal of activity throughout the country centered upon the problem of reading deficiencies, and, as the report of the Advisory Committee on Reading Disorders pointed out, the number and diversity of efforts being made to deal with the failing reader are, in many ways impressive. But, as the Report further stated, the efforts are uneven and their theoretical and scientific basis is uncertain.

It was, and is, my feeling therefore, that what is urgently needed is a gathering of the forces of this nation to concentrate upon the elimination of reading deficiencies. I thought of this not just as a gathering of the forces of education, but as a total national commitment to and involvement in the achievement of the right to read goal of assuring that by the end of the 1970's the right to read shall be a reality for all—that no one shall be leaving our schools without the skill and the desire necessary to read to the full limits of his capability.

Such a goal mandates not a national program per se, but a nation-wide availability of the resources necessary to teach everyone to read. These resources must be available in every school, either within the school itself, or on a community or regional basis. The school must accept the responsibility for the teaching of reading for each individual child. No parent should have to search for the solutions to his child's reading problems. The school should find the solutions, using its own facilities and personnel, or wider resources already identified and prepared to assist. Both prevention and cure must be provided for, and there must be an end to the practice of allowing children to proceed from grade to grade, suffering the ever increasing burden of cumulative reading failure.

In other words, help for identification, prevention and cure of reading deficiencies should be available whenever and wherever it is needed. No child should be denied his "right to read" because of location, or of social or economic status.

This is, I realize a tall order and the range of effort will involve professionals and volunteers, teachers and parents, specialists and laymen, legislatures and government agencies and the public. The activities required will be equally broad in kind and scope. I shall not attempt even a partial listing of these activities or areas of special need, but I should like to call attention to three which I feel to be of prime importance.

The first concerns the role of the states. As you know, the legal responsibility for the provision of educational opportunities in our nation rests with the states. They, therefore, must bear a major share of both the blame for reading failures and of the obligation to eliminate them. The Federal government has a vital supportive role to play, but this does not involve specific plans or the prescription of the programs and methods to be used. The diverse needs and conditions of the various States and their communities require the flexibility of approach that our decentralized system makes possible. The main contribution that can be made at the Federal level is the coordination of the effort, the marshaling of forces and resources on a nation-wide basis, and the provision of the technical, administrative and financial assistance required, all done in a spirit of total and fervent commitment.

Central, then, in the right to read effort is renewed emphasis upon reading at the state level. Each state must access its own situation and evolve a plan for corrective and preventive action. Many states have already done so as a result of the Right to Read challenge.

A second area of need, where prompt action is of special urgency, is in the training of teachers and reading specialists. I know of no better substantiation for this statement than the information contained in the "Reading Disorders" report mentioned earlier, which reveals that the curricula of most teachers' colleges require only three-credit-hours in a separate reading course, in many instances subsuming reading within a single general language arts course; that many teacher candidates graduate from teachers colleges without ever having had experience in teaching reading; that less than one-third of the states require a separate reading course for teachers receiving certification at the general elementary level; that only about two-thirds of the states have any special certification for reading specialists. The inadequacy and weakness of such a situation is obvious, and certainly the provision of more reading specialists and of teachers, better trained in the teaching of reading, is fundamental to the right to read effort.

The third activity which deserves high priority is research. While we have accumulated an enormous amount of research and expertise in the field of reading which can be put to immediate use, there is much more that needs to be known. This is one of the strongest reasons for my support of the National Institute of Education recommended by President Nixon in his March 1970 Message to the Congress. In that message the President stated "Where we do not know how to solve a reading problem, the National Institute of Education would undertake the research. But often we find that someone does know how and the Institute would make that knowledge available in forms that can be adopted by local schools." Wider and more thorough knowledge of the theoretical and scientific basis for teaching practices in the field of reading would be a source of strength and confidence, greatly aiding coordination of effort and helping to prevent the waste and time loss resulting from the use of less effective methods.

Even just these three areas and activities I have mentioned out of the multitude necessary for the achievement of the right to read goal present an enormous challenge. There are many who, either in cynicisms or in honest doubt, question the possibility of achieving the goal, of reaching the target of eliminating reading failure by the end of the 70's. I do not underestimate the difficulties but I believe that much of the doubt about the practicability of the timing and the scope of the goal arises from being trapped in the rationalization, the justification for failure that for too long have persisted, demoralizing our will and generating a defeatist attitude.

I repeat once more, with even stronger belief, my statement in the original right to read speech that it is inexcusable that in this day when man has achieved such giant steps in the development of his potential, when many of his accomplishments approach the miraculous, there still should be those who cannot read. With sufficient will, the way, I am convinced, can be found. It is the responsibility of the National Reading Council to generate and sustain this will.

The National Reading Council was conceived as the source for rallying the nation to a concerted attack on this problem. It is composed of a cross-section of society and can, therefore, reach out to mobilize the wide resources both within and without education that must be involved. The operating arm of the Council is the National Reading Center whose primary purpose is the carrying out of the partnership approach, coordinating the efforts of contributing organizations, organizing the training of citizen volunteers, developing public support and helping the States to undertake similar programs.

It is my hope that the Council and the Center will be unflagging in their efforts, allowing no slacking off, and proding, when necessary, education, government and the public so that the necessary level and pace of action will be maintained.

The Council is now in operation. The United States Office of Education has organized to give increased emphasis to reading. States and localities are moving ahead. National, state and local educational organizations are developing ways of helping. The public, more and more aware of the goal, is increasingly behind the effort. The President has given his endorsement to the Right to Read goal and I believe that he will honor this commitment with continuing support. The effort is underway.

This is encouraging but soon we will be at the point of one down and nine to go for the 1980 target date and the pace must be accelerated.

It is all too easy midst the pressure of the many and diverse national needs to have even so worthy an objective lost or submerged by newer and more immediate urgencies.

It is essential, then, that all who understand the importance of reading, who know of the fateful effects of reading failure, make themselves heard. We must insist on performance by the schools, we must require full acceptance of the responsibility for reading by the states, and we must demand the federal leadership which can make the Right to Read effort the truly nationwide undertaking that will enable our schools to carry out universally their vitally important function of the teaching of reading.

There is no higher priority to the field of education.

In conclusion, then, I repeat the closing paragraphs of my Right to Read speech which began this nationwide effort.

"Continuing toleration of the failure to give everyone the ability to read breaks faith with the commitment to equality of opportunity which is the foundation of our public education system. Having arrived at a time which holds forth the possibility of eliminating this failure we must, in all justice, seize the opportunity with the utmost vigor and determination.

"Remarkable success has been achieved by our educational system, but so long as there is one boy or girl who leaves school unable to read to the full extent of his capability, we cannot escape the charge of failure in carrying out the responsibility entrusted to us."

RESPONSE TO DR. JAMES ALLEN "RIGHT TO READ"

(By Archie A. Silver, M.D.)

President Saunders, Dr. Allen, Senator and Mrs. Mathias, honored members of the Orton Society: To be here to respond to Dr. Allen's address is a stirring privilege. How children learn to read is a problem which has confounded me, interested me, challenged me, frustrated me, and, all along, outside the laboratory, I keep seeing those children in the first grade, trying to read the letters and not quite succeeding. Working in the Lower East Side of New York, I am particularly confronted with learning problems of the black and the Puerto Rican children. Dr. Allen's cry for the right of these children to read strikes, in me, a resounding note.

The brief biographical glimpse presented by Senator Mathias and Dr. Allen tracing their genetic roots to a small town in Maryland brings back some pertinent memoirs of my own. I cannot go back to Maryland, but I do go back to a small town in Russia. I offer this personal note to stand as an example of the equality of opportunity which in the early part of this century welcomed the immigration wave from central Europe. These new citizens soon learned to read. What has happened to our educational system in these succeeding fifty years? Why is it that the new migration to the United States, that from Puerto Rico, and the new migration to the northern cities from the south, why is it that their children have so difficult a time learning to read?

There is no evidence to suggest that these children naturally are less gifted than their central European brothers. Part of the answer, I think, is that these children have not yet acquired the skills needed to learn to read. They approach first grade with a perceptual apparatus which cannot effectively deal with the symbols presented to it. The tragedy has been that our traditional, unwieldly educational system turns slowly and it is only beginning to learn to cope with these problems. Just why so many children come to the first grade with perceptual immaturity, is still an unanswered question. As Dr. Allen insists, however, the schools must accept the responsibility for the education of these children. Educators, the day by day teachers, are those on the firing line and they must ultimately accept the final responsibility, but we as physicians, as psychologists, as psychometricians, as sociologists, as linguists, as biochemists, we too are thoroughly involved in this effort and we too cannot shirk our responsibility.

The question however, is how are we going to attain the goal of giving every child the right to read? Dr. Allen speaks of this from the point of view of administration, high level administration. Sometimes, I feel, he may soar like an eagle over our great country looking over the broad plains and the mountains, but somehow my horizons are not quite so broad. You might say, in contrast to the eagle, I have a worm's eye view. I have had to look at the reading problem at a circumscribed plodding level. At this local level, where grand designs must ultimately be implemented, the delivery of services to the individual child has faltered.

With rare exceptions there has not been a careful analysis of the needs of a particular school district; a gap in the knowledge of why children in a particular area do not read, a lack of appreciation of what etiological factors are involved, and how many children are in each etiological group. The tendency has been to lump all children with reading problems into a single entity without considering the varied causative factors which may underlie their reading problems. The importance of this is that programs of remediation are not structured to the specific needs of the specific child. Without knowledge of what defects and how many, we do not know the needs of each school, and remediation consequently cannot optimally be applied.

The remedial programs themselves, again with rare exceptions, are not coordinated. In one district I know, programs overlap, compete, and do not effectively utilize the skills of each. Diverse local programs demand coordination.

I am disturbed too at the uncritical acceptance of untested methods by educators, the grasping at panaceas and the very sloppy evaluation of results. The local school boards also are not exempt from responsibility and here there is clear need to disentangle educational programs from the political web which ties education to militant expediency.

The delivery of services falters not only at the local level. State bureaucracy sets up its own frustrating games. There is first of all the motile quality of the bureaucratic maze. We learn how to tread the maze and find out our way in it. We learn to go from one bureau to another, from one administrator to another, and we solve the maze; but just as soon as we have this maze solved, it becomes motile. The maze shifts, people we have learned to live with disappear, procedures change in shape and style and we have to learn a new maze. The bureaucratic maze shifts not only at the level of individual administrators, but also in terms of the policy of bureau and departments. In the area of learning problems, overlapping as it does the fields of many disciplines, the isolation of these disciplines by bureaucratic fiat is particularly unhappy. Programs of preventive psychiatry and preventive education for example are shunted from one department to another with resulting dichotomy in funding, in reports and with total delay.

The mazes are finally solved, a new game must be played, that of the function number. This comes down from on high, no one really seems to know from whence it comes. It's a shy function hiding away until the end of November. Now school starts somewhere in September. We try to organize for the beginning of school sometime in the summer, but the function number does not appear until the end of November. The importance of this is that one cannot buy so much as a pencil; let alone pay a salary until this function number comes through. We have tried to make up a few numbers and, you know, sometimes they get by, but what we really need are tolerant landlords and dedicated people who are all of course independently wealthy, and who can wait for the function number to appear.

There is another game called vanishing reports. This relates to the material we send in to the agencies which sponsor our program and to the proposals that we put in for the following year. Somehow they disappear and only the greatest effort brings them to light. There is still one other game which is most important that is the guessing game, a game in which one never knows whether he will be funded from one year to the next. A program to train one's people is started; the schools are alerted; the community is interested, cooperative and involved, and when all that is done, we all must wait until we know if the program will be funded next year. This problem of inadequate temporal support, the funding year by year does not mean that assurance of refunding is not given. We are assured we are recycled, but somehow we can never know until November that our program may continue as from the previous September. What havoc this works on keeping a trained and experienced staff can be imagined.

In short implementation of the right to read demands evaluation of the needs of and the remedial measures taken in each local school district. What type of reading disability and how many of each are found in each district? What measures may best serve this population? How can these measures be evaluated and what administrative changes are needed at the Federal and State level to smooth the way for the right to read? I have mentioned only a few, seen from the viewpoint of one close to the firing line.

The overall view is a great and grand one. We're with you Dr. Allen where ever you are!

Response by Mrs. Arlene W. Jones, Claremont, Calif.

Each of us has heard a different message in what Dr. Allen has said, and each will respond differently to the responsibilities implicit in the magnificent aims which he has so eloquently presented to us. It is, for instance, not the global phases of this Right to Read effort that concern me nearly as much as the little, two-legged, six-year-old or ten-year-old "phases", in your schools and my schools, the ones that we cannot always "catch" at the appropriate time in their education to insure that the skill to read is acquired by each of them.

Individual differences have long been recognized. We have now come to a point in education when it is not enough to give just lip-service to this concept. We have to do more really individualized teaching. Nor can we wait for specialists to be properly trained and certified as reading teachers before we begin. It is important to start with what we have—to start in-service training now.

Of course new research is vtial, too, but as teachers and administrators we need to read and put to use the research that has already been done.

The effectiveness of the program we are talking about will be measured only as it filters down to the local levels of education and makes a difference to the individual learners and their teachers.

Perhaps we should extend the theme of this conference to be, "To teach the language as it is to the child as he is, *wherever we can find him,*" recognizing that involvement of the child and on his behalf, may need to reach beyond the academic classroom.

As you go back to your homes, my charge to you is to carry from this meeting and this conference your share of the responsibility not as a burden but as a challenge. And thank you, Dr. Allen, for stating that challenge so clearly!

Response by Katrina de Hirsch

It is both a pleasure and an honor to share the platform with Dr. Allen, not only because of his contributions to the field of education which are widely known, but for other and perhaps more valid reasons: I admire what he stands for. Guiding a developing organism through the many stages of intellectual and moral growth—and this is what education is about—will never be accomplished by means of even the most sophisticated teaching machine. What children and young people need are living models, men and women of dedication, integrity and courage. Without men such as Dr. Allen, our educational efforts will bear no fruit, our labours will be wasted.

Tonight, I would like to look at some of the statistics regarding reading failure in a recently completed study—Dr. Jansky's—and discuss what her results mean in terms of the battle-cry raised by Dr. Allen: The Right to Read.

Dr. Jansky's predictive investigation evaluated the performance of 400 kindergarten children from a variety of socio-economic backgrounds on a large battery of tests. Two years later, at the end of the second grade, she evaluated the very same youngsters. Among her group of 400 children, 14% of white girls, 23% of white boys, 43% of black girls and 63% of black boys from low income groups had failed to catch on to reading after two years in elementary school, and after having been exposed to a variety of educational approaches. What do these figures mean in terms of these children's Right to Read?

(1) Regarding socio-economic background and ethnic differences, they mean that reading failure is by no means confined to children from economically disadvantaged milieus or to specific ethnic groups.

Between 12 and 23% of white children from advantaged backgrounds fail in reading in the early grades. This percentage, incidentally, is more or less the same as the one found by the National Advisory Committee on Dyslexia in a well-to-do community in Maryland. Thus, one would have to admit that a sizable number of middle class children need help in learning to cope with printed words.

(2) What else do these figures mean regarding differences between boys and girls? They might mean that God by and large intended little white girls to read. Since the differences between the sexes are equally striking in black and white children, it probably signifies that the central nervous system patterning of girls, at any rate at early ages, is more mature than that of boys, a fact which, though known for a long time, has not been acted on by the school system in terms of first grade admission.

(3) These figures stimulate further inquiry into the pervasive reading lags among deprived children—a well known phenomenon. They clearly reveal that many deprived children—and I do realize that they are by no means a homogenous group—are at an enormous disadvantage when they enter school. In the study I am reporting on, the kindergarten and second grade performance of large numbers of disadvantaged children was shockingly poor. Why? let me spend a few minutes discussing some of the reasons.

It is not really true that deprived children lack stimulation. On the contrary, most of them are flooded with an array of stimuli which they are entirely unable to sort out. Their often chaotic environment does not help them to organize their experiences, sequence events, discover the relationship between cause and effect and as a result, many of these children are bewildered and confused. In their lives there are few rewards for mastery of new skills or tasks completed. The pervasive instinctualization of the milieu provides no help for the growing youngster to learn to control drives, to curb impulsivity, to delay gratification, to sustain effort—all of them essential ingredients of learning.

Orton has emphasized the close interrelation between spoken, printed and written language. A *sine qua non* for mastering reading printed language is the child's comprehension and use of spoken language. There are, of course, legitimate dialect differences between deprived black children and middle class ones. These differences have to be recognized and respected. Nevertheless, the communicative style of mothers in deprived environments does not necessarily foster linguistic complexity and conceptual development. Many of the children are action, rather than verbally, oriented. They may have massive difficulties, processing—that is to say, interpreting—complex syntactical constructions; they may have trouble expressing thoughts and feelings; they may not be accustomed to generalize or categorize—all of which are needed in reading, which requires not only decoding skills but the forming of anticipatory schemata of what the sentence is going to say and the integration of what is read into an already existing experimential and conceptual framework.

One might point out, incidentally, that a number of middle class children also have trouble with spoken language. I know entire families who communicate cheerfully with very few words: they go fishing together or put up a fence. Few of these children are good readers and their compositions are usually deplorable. But the number of such children is smaller than in deprived groups, in which mothers often are too depressed, too apathetic to communicate with their youngsters even on a non verbal level—perhaps because efforts at communication have not been worthwhile in the past.

There is the fact, moreover, that disadvantaged children compensate far less for subtle neurological deficits or inherent weaknesses than do middle class children. A child's life experience—and his social cultural milieu, the nurture he receives—both in the physiological and the affective sense of the word—does influence biological functioning.

The point I am trying to make is this: if we fail to identify potential academic risks at early ages, we are beaten before we start. Clinically we know pretty well what kind of three year old is "at risk" in terms of subsequent reading achievement. It is easy to describe such a youngster: He is hyperactive or he tends to slump. He does not complete the simple block construction he is building. He cannot wait at all. He acts impulsively. He cannot follow the sequence of events in a picture book. He will not listen to a story suitable for his age. He can't "pretend." He will look blank if one says: push the truck "backwards." He expresses himself at best in rudimentary sentences. Rather than saying "stinker" he will hit. Such a youngster needs help—and his mother does. She is the one who programs information for him, who helps him to order a world which threatens to overwhelm him. She teaches him concepts such as "next to" and "inside". She teaches him to sequence events, both non-verbal and verbal. When the little boy has stubbed his toe and howls she will take him on her lap and say—"You stubbed your toe—it hurts, doesn't it? Look at that sharp corner over there—it sticks out; that's where you hit your toe." In the process of comforting him she explains what happened, she teaches him the concept of "corner" and "sticking out," she connects events for the little boy who may be inclined to think that some evil spirit has hurt him.

It is our job to teach mothers. Not by playing the expert, not by criticising them but by making a sincere effort to enter their frame of reference. It is at this level that reading instruction starts, it is at this level that we have to intervene.

The Right to Read has many facets: physiological, psychological, educational, sociological, financial and—let's face it—political. We have no right to settle for easy solutions. We can no longer afford to wait until our children *are* in trouble. We must step in early—and if I dared to say what I really mean—it is at the age of 14 months at the latest that preparation for reading starts if we do not want to run the risk that our children will become alienated from the mainstream of our culture long before they enter first grade.

DATA ON PRICE-SUPPORT LEVELS

Mr. TALMADGE. Mr. President, the staff of the Committee on Agriculture and Forestry has prepared for me, at my request, various tables containing updated data on production, yearend stocks, price supports, and costs on selected agricultural commodities.

This information was compiled for the last 5 years on: Corn, grain sorghum, barley, oats, wheat, rice, soybeans, cotton, peanuts, tobacco, by type, dairy, wool, and flaxseed. Other minor price-supported commodities, such as castor beans and honey, were not included. All data came from the U.S. Department of Agriculture.

Price support levels for the specified commodities for the 1970 crop, as a percent of parity, range from 58 percent in the case of flaxseed to 85 percent of parity in the case of dairy. Direct payments to producers of corn, sorghum grain, wheat, cotton, and wool are included in the total support made available to growers of these commodities and against which the percent of parity determination is computed.

Carryover stocks of most major agricultural commodities are reasonably in line with needs. Some are low, such as cotton, feed grains, and soybeans. In the tobacco group, burley stocks need to be reduced by approximately 300 million pounds to be reasonably in line with our requirements. Flaxseed stocks are also high in relation to our needs but this is a minor crop.

Commodity Credit Corporation losses and costs in fiscal 1970 amount to $1.9 billion for feed grains, $1.3 billion for cotton, and $1.2 billion for wheat. These are the major cost commodities and these amounts include price support payments and diversion payments where applicable, as well as Public Law 480 costs. In the case of wheat, Public Law 480 costs amounted to $538 million in fiscal 1970.

Mr. President, I ask unanimous consent that the tables be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

PRODUCTION, DISAPPEARANCE, YEAR END STOCKS, PRICE SUPPORTS, SELECTED COMMODITIES, 1966-67—1970-71

Year	Production (million bushels)	Disappearance (million bushels)	Yearend stocks (million bushels)	Price supports: Loan level per bushel	Percent of parity	Direct payment per bushel [1]	Total support [2]	Percent of parity
CORN								
1966-67	4,117	4,135	823	$1.00	62	$0.30	$1.25	78
1967-68	4,760	4,422	1,162	1.05	65	.30	1.25	77
1968-69	4,393	4,443	1,113	1.05	63	.30	1.25	78
1969-70	4,583	4,698	999	1.05	61	.30	1.29	75
1970-71	4,110	4,464	650	1.05	59	.30	1.33	74
GRAIN SORGHUM								
1966-67	715	862	244	$0.85	59	$0.30	$1.10	77
1967-68	756	711	289	.90	63	.30	1.10	77
1968-69	740	741	288	.91	61	.30	1.15	77
1969-70	747	789	246	.90	58	.30	1.15	74
1970-71	697	783	160	.90	55	.30	1.20	73
BARLEY								
1966-67	393	383	122	$0.80	62	$0.20	$0.97	75
1967-68	373	365	138	.90	68		.90	68
1968-69	423	372	199	.90	67		.90	67
1969-70	424	399	237	.83	58	.20	.98	69
1970-71	410	484	175	.83	57	.20	1.00	69
OATS								
1966-67	801	851	270	$0.06				69
1967-68	789	789	273	.63				72
1968-69	939	839	375	.63				71
1969-70	950	837	490	.63				67
1970-71	909	951	450	.63				66
WHEAT								
1966-67	1,312	1,423	425	$1.25	48	[3] $1.32	[4] $1.48	71
1967-68	1,522	1,408	539	1.25	48	[3] 1.36	[4] 1.73	66
1968-69	1,577	1,297	819	1.25	48	[3] 1.38	[4] 1.80	68
1969-70	1,460	1,396	885	1.25	45	[3] 1.52	[4] 1.90	69
1970-71	1,378	1,545-1,570	694-719	1.25	44	1.57	[4] 2.00	71

[1] Support payment made on ½ the base acreage times projected yield.

[2] Average loan level plus payment per bushel averaged over total participant production.

[3] Certificate payment made on domestic portion of allotment.

[4] Average loan level plus certificate payment per bushel averaged over total participant production.

Year	Production (million hundredweight)	Disappearance (million hundredweight)	Yearend stocks (million hundredweight)	Price supports: Dollars per hundredweight	Percent of parity
RICE					
1966-67	85	84	9	4.50	65
1967-68	89	91	7	4.55	65
1968-69	104	93	16	4.60	65
1969-70	91	90	16	4.72	65
1970-71	83	[1] 83	[1] 16	4.86	65

[1] Estimated March 22, 1971.

SOYBEANS

Year	Production (million bushels)	Disappearance (million bushels)	Yearend stocks (million bushels)	Price supports: Dollars per bushels	Percent of parity
1966-67	929	874	90	2.50	78
1967-68	976	900	166	2.50	76
1968-69	1,103	945	324	2.50	73
1969-70	1,126	1,221	230	2.25	62
1970-71	1,136	1,296	70	2.25	60

Year	Production (million bales)	Disappearance (million bales)	Yearend stocks (million bales)	Price support: Loan rate (M-1) cents per pound	Percent of parity	Payment per pound (cents)	Support on domestic allotment as a percent of parity
COTTON							
1966-67	9.6	14.1	12.5	21.00	50	9.42	71
1967-68	7.5	13.2	6.4	20.25	47	11.53	72
1968-69	10.9	11.0	6.5	20.25	47	12.24	74
1969-70	10.0	10.8	5.8	20.25	45	14.73	76
1970-71	10.3	11.5	4.5	20.25	42	16.80	77

PEANUTS

Year	Production (million pounds)	Disappearance [1] (million pounds)	Yearend stocks (million pounds)	Price supports: Cents per pound	Percent of parity
1966-67	2,410.00	2,440.00	372.00	0.1135	76.7
1967-68	2,473.00	2,494.00	353.00	.1135	75.2
1968-69	2,543.00	2,541.00	357.00	.1201	77.5
1969-70	2,523.00	2,529.00	353.00	.1238	76.0
1970-71	2,987.00	2,968.00	374.00	.1275	75.0

TOBACCO (BURLEY)

Year	Production (million pounds)	Disappearance[1] (million pounds)	Yearend stocks (million pounds)	Price supports: Cents per pound	Price supports: Percent of parity
1966-67	587.0	600.0	1,382.0	60.6	69.0
1967-68	541.0	599.0	1,324.0	61.8	70.0
1968-69	563.0	571.0	1,316.0	63.5	70.0
1969-70	591.0	564.0	1,343.0	65.8	68.0
1970-71	560.0			68.6	68.0

TOBACCO (FLUE-CURED)

Year	Production (million pounds)	Disappearance[1] (million pounds)	Yearend stocks (million pounds)	Price supports: Cents per pound	Price supports: Percent of parity
1966-67	1,108.0	1,274.0	2,273.0	58.8	73.0
1967-68	1,263.0	1,221.0	2,315.0	59.9	71.0
1968-69	982.0	1,198.0	2,100.0	61.6	71.0
1969-70	1,053.0	1,184.0	1,969.0	63.8	69.0
1970-71	1,191.0			66.6	69.0

TOBACCO (CIGAR-WRAPPER)

Year	Production (million pounds)	Disappearance[1] (million pounds)	Yearend stocks (million pounds)	Price supports: Cents per pound	Price supports: Percent of parity
1966-67	21.0	20.8	24.7	([2])	([2])
1967-68	17.6	20.8	21.5	([2])	([2])
1968-69	18.1	19.9	19.7	([2])	([2])
1969-70	15.9	14.2	21.4	([2])	([2])
1970-71	13.6			([2])	([2])

TOBACCO (CIGAR FILLER AND BINDER)

Year	Production (million pounds)	Disappearance[1] (million pounds)	Yearend stocks (million pounds)	Price supports: Cents per pound	Price supports: Percent of parity
1966-67	64.6	84.3	194.2	30.3	72.0
1967-68	60.8	73.4	181.6	30.9	72.0
1968-69	57.6	73.9	165.3	31.7	72.0
1969-70	55.7	72.5	148.5	32.9	72.0
1970-71	57.1			34.3	70.0

TOBACCO (DARK AIR-CURED)

Year	Production (million pounds)	Disappearance[1] (million pounds)	Yearend stocks (million pounds)	Price supports: Cents per pound	Price supports: Percent of parity
1966-67	22.8	23.1	64.7	36.6	72.0
1967-68	16.8	19.3	62.1	37.3	73.0
1968-69	19.2	18.4	62.9	38.3	73.0
1969-70	19.5	25.4	57.0	39.7	71.0
1970-71	17.1			41.4	71.0

TOBACCO (FIRE-CURED)

Year	Production (million pounds)	Disappearance[1] (million pounds)	Yearend stocks (million pounds)	Price supports: Cents per pound	Price supports: Percent of parity
1966-67	47.7	54.3	106.1	41.1	75-76
1967-68	36.4	52.0	90.5	41.9	75-77
1968-69	38.5	46.4	82.5	43.1	74-77
1969-70	40.8	49.7	73.6	44.6	71-75
1970-71	39.4			46.6	71-73

TOBACCO (MARYLAND)

Year	Production (million pounds)	Disappearance[1] (million pounds)	Yearend stocks (million pounds)	Price supports: Cents per pound	Price supports: Percent of parity
1966-67	36.0	40.1	95.6	53.8	69.0
1967-68	32.4	36.0	92.0	([3])	([3])
1968-69	32.0	48.8	75.2	([3])	([3])
1969-70	28.0	41.2	62.0	([3])	([3])
1970-71	27.0				

[1] Includes CCC diversion for crushing and export.

[2] None.

[3] No program.

PRODUCTION AND IMPORTS, FARM USE, COMMERCIAL DISAPPEARANCE, GOVERNMENT PURCHASES, NET EXPENDITURES, PRICE SUPPORT, 1966-67—1970-71

DIARY

Year	Production plus imports[1] (billion pounds)	Used on farms (billion pounds)	Commercial disappearance (billion pounds)	Government purchases (billion pounds)	Net Government expenditures[2] (million dollars)	Price support: Dollars per hundredweight	Price support: Percent of parity
1966-67	123.1	5.4	115.0	2.7	182.3	[3] 3.50 [4] 4.00	78 89
1967-68	120.5	5.1	108.4	7.0	400.4	4.00	87
1968-69	118.4	4.6	109.0	4.8	310.7	4.28	89
1969-70	118.3	4.3	109.6	4.4	245.5	4.28	83
1970-71	119.7	4.0	109.0	6.7	381.0	4.66	85

[1] Imports, normally about 1,500,000,000 to 2,000,000,000 pounds yearly, are included as part of production.

[2] On advice of Department net expenditures are used rather than CCC losses.

[3] April.

[4] June.

PRODUCTION, IMPORTS, MILL CONSUMPTION, YEAREND STOCKS, TARGET PRICE 1966-67—1970-71

WOOL (CLEAN BASIS)

Year	U.S. production (million pounds)	Imports (million pounds)	Mill consumption (million pounds)	Yearend stocks[1] (million pounds)	Target price[1]: Cents per pound	Target price[1]: Percent of parity
1966-67	110.6	162.5	266.6	88.3	0.65	[2] 78
1967-68	106.4	109.1	228.6	79.9	.66	[2] 77
1968-69	99.7	129.7	238.3	88.9	.67	[2] 77
1969-70	91.6	93.5	219.0	81.0	.69	[2] 76
1970-71	[3] 89.8	79.8	[4] 163.8	([5])	.72	[3] 75

[1] The average producer receives a payment on the amount of the difference between the national average price received for wool and the target price.

[2] January.

[3] Estimated.

[4] No information available on U.S. mill consumption of domestic production. No Government stocks involved.

[5] Not available.

PRODUCTION, DISAPPEARANCE, YEAREND STOCKS, PRICE SUPPORTS, SELECTED COMMODITIES, 1966-67—1970-71

FLAXSEED

Year	Production (million bushels)	Disappearance (million bushels)	Yearend stocks (million bushels)	Price support: Dollars per bushel	Price support: Percent of parity
1966-67	23.4	29.4	9.3	2.90	73
1967-68	20.0	22.3	7.0	2.90	73
1968-69	27.1	24.2	9.8	2.90	72
1969-70	35.1	22.9	22.0	2.75	64
1970-71	30.0	24.0	28.0	2.50	58

CCC LOSSES SELECTED COMMODITIES PRICE SUPPORT AND RELATED PROGRAMS (INCLUDING PUBLIC LAW 480 AND PROGRAM PAYMENTS) REPORT OF FINANCIAL CONDITION—COMMODITY

[In millions of dollars]

Fiscal year	Corn	Grain sorghum	Barley	Oats	Total feed grain payments	Wheat	Wheat payments	Tobacco	Rice	Wool	Cotton	Cotton payments	Peanuts	Soybeans and products
1966	195.6	169.7	3.2	11.7	1,272.3	1,648.6	121.9	31.4	117.1	36.1	201.3	506.1	44.3	38.7
1967	197.9	218.9	4.7	13.3	1,340.3	996.5	304.6	61.9	175.9	32.6	575.8	813.0	43.8	59.8
1968	87.9	95.3	1.8	18.1	832.2	882.6	345.8	61.3	153.9	69.4	497.2	855.0	48.2	3.8
1969	123.2	58.5	9.7	16.6	1,051.8	620.0	362.7	64.1	201.6	65.1	154.8	730.9	38.8	23.1
1970	176.1	61.3	28.6	28.1	1,643.6	758.8	473.8	99.9	228.6	52.6	218.2	1,042.5	36.0	46.6

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER.** All time set aside under the previous order for the transaction of routine morning business having now expired, morning business is closed.

POUNDAGE QUOTAS FOR BURLEY TOBACCO

The **PRESIDING OFFICER.** In accordance with the previous order, the Chair lays before the Senate for its consideration S. 789, which the clerk will please state by title.

The assistant legislative clerk read the the bill (S. 789) by title, as follows:

A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended.

The Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with amendments on page 1, line 9, to strike out: "if the amount of the national marketing quota for burley tobacco for the marketing year beginning October 1, 1971, as determined under section 312 of the Act will result in a reduction of more than 15 per centum in farm acreage allotments which are subject to reduction, and the Secretary finds that acreage allotments provided in section 313 of the Act as limited by Public Law 528, Eighty-second Congress (66 Stat. 597), as amended by Public Law 21, Eighty-fourth Congress (69 Stat. 24), approved March 31, 1955 (7 U.S.C. 1315), will not continue in future years to be effective in adjusting supplies to the reserve supply level, because of increasing per acre yields, decreasing usage, or otherwise, the Secretary shall".

And insert, in lieu thereof: "the Secretary shall, within thirty days following the enactment of this section,".

On page 6, line 25, insert a colon, and the following:

Provided, That such factor for the marketing year beginning October 1, 1972, shall not be less than 95 per centum: *Provided further*, That such factor for the marketing year beginning October 1, 1973, shall not be less than 92½ per centum: *And provided further*, That such factor for any subsequent year shall not be less than 90 per centum.

On page 11, line 19, strike out "(d)" and insert "(b)"; on line 25, strike out "Subsection" and insert "Clause";

On page 12, line 2, strike out "follows: "(e)" and insert "follows: (c)"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", is amended by adding immediately following section 318 a new section 319 to read as follows:

"FARM POUNDAGE QUOTAS FOR BURLEY TOBACCO

"SEC. 319. (a) Notwithstanding any other provision of law the Secretary shall, within thirty days following the enactment of this section, proclaim national marketing quotas for the three marketing years beginning October 1, 1971, as provided in this section.

"Within thirty days following such proclamation, the Secretary shall conduct a referendum of the farmers engaged in the production of the 1970 crop of burley tobacco to determine whether they favor or oppose the establishment of farm marketing quotas on a poundage basis as provided in this section for the three marketing years beginning October 1, 1971. If the Secretary determines that two-thirds or more of the farmers voting in such referendum approve marketing quotas on a poundage basis, marketing quotas as provided in this section shall be in effect for those three marketing years. If marketing quotas on a poundage basis are not approved by at least two-thirds of the farmers voting in such referendum, no marketing quotas or price support for burley tobacco shall be in effect for the marketing year beginning October 1, 1971. Thereafter, the provisions of section 312 of the Act shall apply: *Provided*, That national marketing quotas for burley tobacco for any marketing year subsequent to the marketing year beginning October 1, 1971, shall be proclaimed as provided in this section.

"(b) The Secretary shall determine and announce, not later than the February 1 preceding the second and third marketing years of any three-year period for which marketing quotas on a poundage basis are in effect under this section, the amount of the national marketing quota for each of such years. If marketing quotas have been made effective on a poundage basis under this section, the Secretary shall, not later than February 1 of the last year of three consecutive marketing years for which marketing quotas are in effect under this section, proclaim national marketing quotas for burley tobacco for the next three succeeding marketing years as provided in this section. Within thirty days following such proclamation, the Secretary shall conduct a referendum in accordance with section 312(c) of the Act. If the Secretary determines that more than one-third of the farmers voting oppose the national marketing quotas, he shall announce the results and no marketing quotas or price support shall be in effect for such kind of tobacco for the first marketing year of such three-year period. Thereafter, the provisions of section 312 of the Act shall apply: *Provided*, That the national marketing quota and farm marketing quotas shall be determined as provided in this section. Notice of the farm marketing quota which will be in effect for his farm for the first marketing year covered by any referendum under this section shall insofar as practicable be mailed to the farm operator in sufficient time to be received prior to the referendum.

"(c) The national marketing quota determined under this section for burley tobacco for any marketing year shall be the amount produced in the United States which the Secretary estimates will be utilized in the United States and will be exported during such marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 10 per centum of such estimated utilization and exports. For each marketing year for which marketing quotas are in effect under this section, the Secretary in his discretion may establish a reserve (hereinafter referred to as the 'national reserve') from the national marketing quota in an amount not in excess of 1 per centum of the national marketing quota to be available for making corrections and adjusting ineqiuties in farm marketing quotas, and for establising marketing quotas for new farms (i.e., farms for which farm marketing quotas are not otherwise established).

"(d) When a national marketing quota is first proclaimed under this section, the Secretary shall through local committees determine a farm yield for each farm for which a burley tobacco acreage allotment was established for the marketing year beginning October 1, 1970. Such yield shall be determined by averaging the yield per acre for the four highest years of the five consecutive years beginning with the 1966 crop year: *Provided*, That if *burley* tobacco was produced on the farm in fewer than five of such years, the farm yield shall be the simple average of the yields obtained in the years during such period that burley tobacco was produced on the farm: *Provided further*, That if no burley tobacco was produced on the farm but the farm was considered as having planted burley tobacco during the immediately preceding five years, the farm yield will be appraised on the basis of the yields established for similar farms in the area on which burley tobacco was produced during such five-year period: *And provided further*, That the farm yield established for any farm shall not exceed three thousand five hundred pounds per acre.

"(e) A preliminary farm marketing quota shall be determined for each farm for which a burley tobacco acreage allotment was established for the marketing year beginning October 1, 1970, by multiplying the farm yield determined under subsection (d) of this section by the farm acreage allotment (prior to any reduction for violation of regulations issued pursuant to the Act) established for such farm for the marketing year beginning October 1, 1970. For each farm for which such a preliminary farm marketing quota is determined, a farm marketing quota for the first year shall be determined by multiplying the preliminary farm marketing quota by a national factor obtained by dividing the national marketing quota determined under subsection (c) of this section (less the national reserve) by the sum of all preliminary farm marketing quotas as determined under this subsection: *Provided*, That such national factor shall not be less than 95 per centum.

"The farm marketing quota for each succeeding year shall be determined by multiplying the previous year's farm marketing quota by a national factor obtained by dividing the national marketing quota determined under subsection (c) of this section (less the national reserve) by the sum of the farm marketing quotas for the immediately preceding year for all farms for which burley tobacco marketing quotas will be determined for such succeeding marketing year: *Provided*, That such factor for the marketing year beginning October 1, 1972, shall not be less than 95 per centum: *Provided further*, That such factor for the marketing year beginning October 1, 1973, shall not be less than 92½ per centum: *And provided further*, That such factor for any subsequent year shall not be less than 90 per centum. The farm marketing quota so computed for any farm for any year shall be increased by the number of pounds by which marketings from the farm during the immediately preceding year were less than the farm marketing quota (after adjustments): *Provided*, That any such increase shall not exceed the amount of the farm marketing quota (including leased pounds) for the immediately preceding marketing year prior to any increase for undermarketings or decrease for overmarketings. The farm marketing quota so computed for each farm for any year shall be reduced by the number of pounds by which marketings from the farm during the immediately preceding year exceeded the farm marketing quota (after adjustments): *Provided*, That if on account of excess marketings in the preceding year the farm marketing quota is reduced to zero pounds without reflecting the entire reduction required, the additional reduction required shall be made in subsequent marketing years.

"The farm marketing quota for a new farm shall be the number of pounds determined by the county committee with approval of the State committee to be fair and reasonable for the farm on the basis of the past burley tobacco experience of the farm operator; the land, labor, and equipment available for the production of burley tobacco; crop rotation practices, and the soil and other physical factors affecting the production of burley tobacco: *Provided*, That the farm marketing quota for any such new farm shall not exceed 50 per centum of the average of the farm marketing quotas for similar farms for which farm marketing quotas are otherwise established: *Provided further*, That the number of pounds allocated to all new farms shall not exceed that portion of the national reserve provided by the Secretary for establishing quotas for new farms.

"(f) When a poundage program is in effect under this section, the farm marketing quota next established for any farm shall be reduced by the amount of burley tobacco produced on any farm (1) which is marketed as having been produced on a different farm; (2) for which proof of disposition is not furnished as required by the Secretary; and (3) as to which any producer on the farm files, or aids or acquiesces in the filing of, any false report with respect to the production or marketings of tobacco: *Provided*, That if the Secretary through the local committee finds that no person connected with such farm caused, aided, or acquiesced in any such irregularity, the next established farm marketing quota shall not be reduced under this subsection. The reductions required under this subsection shall be in addition to any other adjustments made pursuant to this section.

"(g) When a poundage program is in effect under this section, farm marketing quotas (after adjustments) for burley tobacco may be transferred to other farms in the same county under the terms and conditions contained in section 316 of the Act: *Provided*, That such transfers shall be on a pound for pound basis: *Provided further*, That any adjustment for undermarketings or overmarketings shall be attributed to the farm to which transferred: *And provided further*, That not more than five thousand pounds may be transferred to any farm under this section.

"(h) Effective with marketing year beginning October 1, 1976, no marketing quota, other than a new farm marketing quota, shall be established for a farm on which no burley tobacco was planted or considered planted in any of the five years immediately preceding the year for which farm marketing quotas are being established.

"(i) When marketing quotas under this section are in effect, provisions with respect to penalties for the marketing of excess tobacco and the other provisions contained in section 314 of the Act shall apply, except that:

"(1) No penalty on excess tobacco shall be due or collected until 110 per centum of the farm marketing quota (after adjustments) for a farm has been marketed, but with respect to each pound of tobacco marketed in excess of such percentage the full penalty rate shall be due, payable, and collected at the time of marketing on each pound of tobacco marketed, and any tobacco marketed in excess of 100 per centum of the farm marketing quota (after adjustments) will require a reduction in subsequent farm marketing quotas in accordance with section 319(e) : *Provided*, That if the Secretary in his discretion, determines it is desirable to encourage additional marketings of any grades of burley tobacco during any marketing year to insure traditional market patterns to meet the normal demands of export and domestic markets, he may authorize the marketing of such grades without the payment of penalty or deduction from subsequent quotas to the extent of 5 per centum of the farm marketing quota for the farm on which the tobacco was produced, and such marketings shall be eligible for price support.

"(2) The provisions with respect to penalties contained in the third sentence of section 314(a) shall be revised to read: 'If any produced falsely identifies or fails to account for the disposition of any tobacco, the Secretary, in lieu of assessing and collecting penalties based on actual marketings of excess tobacco, may elect to assess a penalty computed by multiplying the full penalty rate by an amount of tobacco equal to 25 per centum of the farm marketing quota (after adjustments) and the penalty in respect thereof shall be paid and remitted by the producer."

"(3) The provisions contained in the fourth sentence of section 314(a) shall not be applicable. For the first year a marketing quota program established under the provisions of this section is in effect, the farm marketing quota determined under the provisions of section 319(e) shall receive a temporary upward adjustment equal to the amount of carryover penalty-free burley tobacco for the farm. For subsequent years, the provisions of section 319(e) shall apply.

"(j) The Secretary shall prescribe such regulations as he considers necessary for carrying out the provisions of this section."

Sec. 2. Section 378 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding subsection (b) to read as follows:

"(b) In applying the provisions of this section to a farm for which a tobacco marketing quota has been determined under section 319 of this Act, the words 'allotment' and 'acreage', wherever they appear, shall be construed to mean 'marketing quota' and 'poundage', respectively, as required."

Sec. 3. Clause (c) of section 106 of the Agricultural Act of 1949, as amended, is amended to read as follows:

"(c) If acreage-poundage or poundage farm marketing quotas are in effect under section 317 or 319 of the Agricultural Adjustment Act of 1938, as amended, (1) price support shall not be made available on tobacco marketed in excess of 110 per centum of the marketing quota (after adjustments) for the farm on which such tobacco was produced. and (2) for the purpose of price support eligibilty, tobacco carried over from one marketing year to another shall, when marketed, be considered tobacco of the then current crop."

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, the pending bill would amend the burley tobacco marketing quota law to substitute poundage controls for acreage controls for burley tobacco.

For many years acreage allotments were effective to keep burley tobacco supplies in line with demand at little cost to the Government. In recent years, however, they have proved inadequate. Production exceeded disappearance in 1969–70 by 26 million pounds and Commodity Credit Corporation loans outstanding at the end of the marketing year increased by 105 million pounds. The Department of Agriculture testified at hearings held on this bill that there can be no doubt that the acreage allotment program will not continue in future years to be effective in adjusting supplies to the reserve supply level.

The inability of the existing allotment program to continue to keep supplies in line with demand is caused by first, decreasing demand; second, increasing yields; and, third a minimum allotment provision which prohibits any reduction in the majority of the allotments.

Average yields per acre have increased from 833 pounds in 1938, when the law was enacted, to 2,488 pounds in 1969, and an estimated 2,585 pounds in 1970.

Acreage allotments provide an incentive for each producer to increase his yield, and to the extent yields are increased the control program is defeated.

The existing law prevents further reduction of any allotment of one-half acre or less. As shown by the table on page 30 of the committee's hearings 168,893 farms, or approximately 60 percent of all farms having 1970 allotments, were at the minimum and could not be reduced further. The number of allotments which cannot be reduced becomes greater each year as national allotments are reduced, so that effective control becomes more difficult each year. The average allotment is now .82 acre.

Under the bill before the Senate each farm would receive a quota in pounds. It could market without penalty up to 110 percent of that quota, but then its quota would be reduced for the following year by the amount of the overage. On the other hand a farm which had a crop failure 1 year would have its quota increased the following year, so that the amount marketed by all farmers would average out to the amount of the national quota. No farmer could increase his quota by increasing yields, and all farmers would share in any increase or decrease in the national quota ratably.

The bill provides for an orderly reduction of supplies. The national quota for any year would be equal to estimated domestic consumption and exports, increased as necessary to maintain adequate supplies, or decreased by not more than 10 percent as necessary to reduce supplies to the reserve level. No farm quota for 1971 could be reduced more than 5 percent below its 1970 allotment multiplied by its yield factor. No farm quota could be reduced below that for the preceding year by more than 5 percent in 1972, 7½ percent in 1973, and 10 percent in any year thereafter. This would prevent too drastic an impact in any one year on burley tobacco farmers and producing areas, but would begin reducing stocks immediately and soon level off at a sizable reduction in stocks each year. As indicated by the table on page 7 of the committee report, production in 1971–72 would be about 4 million pounds less than disappearance. It would be 25 million pounds less in 1972–73, 59 million pounds less in 1973–74, 62 million pounds less in 1974–75, and 61 million pounds less in 1975–76. Because it is expected that private stocks rather than Government loan stocks would be reduced in 1971–72, CCC outstanding loan stocks are expected to increase by 18 million pounds the first year, but they are expected to drop by 10 million pounds the next year, 40 million pounds the following year, 43 million pounds the year after that, and 41 million pounds in 1975–76.

The bill also permits leasing of burley tobacco quotas to other farms in the same county, with a limit of 5,000 pounds on the amount which may be leased to any one farm. This is now permitted for other kinds of tobacco.

Effective controls are absolutely necessary for the continuation of the burley tobacco program for the benefit of the small grower, as well as for those who are above the current minimum allotment. Practically every witness at the committee's hearings advocated poundage controls, although some advocated even more stringent controls than those provided by the bill.

Mr. President, there are typographical errors in the committee amendments shown on page 11, lines 18 and 19. The subsection designation "(b)" in each case should be "(f)". Accordingly, I modify these committee amendments by striking "(b)" where it appears in lines 18 and 19 on page 11 and inserting "(f)". With these changes the amendments will conform with the description of them on page 3 of the committee report and with the changes in existing law shown on page 19 of the committee report.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. TALMADGE. I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be treated as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, the committee amendments are agreed to en bloc and the bill will be treated as original text for the purpose of further amendment.

The bill is open to further amendment.

Mr. COOPER. Mr. President, I wish to express my appreciation to the distinguished Senator from Georgia (Mr. TALMADGE) for his assistance in bringing before the Senate the bill (S. 789) which I introduced, for the committee hearings he arranged, and for his very able explanation of the purposes of the bill.

My statements before the committee at the December 8 hearing, in the Senate on December 31, and again on February 11 when I introduced the bill, and at the hearing on March 2, are all included in the RECORD. They describe the situation in the burley program, the necessity for this bill, its purpose and provisions. I will not take time to repeat them here.

As I said when I first introduced this bill on December 31, 1970, I have followed our tobacco program throughout my service of several terms in the Senate. Kentucky is the largest producer of burley tobacco. In volume and value, burley tobacco is second only to the Flue-cured tobacco which is grown chiefly in North Carolina.

I listed some figures in my statement in December to show the importance of burley tobacco to our agricultural economy. Burley tobacco was grown on about 282,000 farm allotments totalling some 231,000 acres in 1970, and producing a crop valued at $400 million. More than 135,000 of these burley farm allotments are in Kentucky, which produces nearly three-fourths of the crop, providing cash receipts to Kentucky farm families in 1970 of nearly $300 million.

In addition to the value and the benefit which it obtains to growers, tobacco produces for our citizens in taxes several times the income it brings to growers. It is very highly taxed, and is an important source of revenue—about $4.5 billion in 1970—for our States and for the Federal Government.

I have followed the tobacco program for many years, and have done my best, as one Senator, to attempt to keep it sound and of value to the farmers. In 1948, when the first farm bill after World War II was before Congress, I offered an amendment, in which the late Senator Barkley joined, to assure to all growers of Flue-cured and burley tobacco a fair market price of 90 percent of parity. For dark air-cured and Fire-cured tobacco, the support was not fully 90 percent, but the support levels for those products were graduated according to their production and use.

In 1960 the Senator from North Carolina (Mr. JORDAN) and I offered an amendment to further stabilize the price of tobacco, and to maintain the support price at 90 percent of modernized parity.

I believe that those amendments, which I had the privilege to offer and secure, have resulted in literally hundreds of millions of dollars of income for tobacco growers. But the price support program for tobacco depends upon strict production control. If the Government is to assure each tobacco grower a price equal to 90 percent of parity, by taking under loan any unsold tobacco on the market, the Government must have the assurance that production will be controlled and held at levels no greater than demands, or domestic use, plus exports.

There was not much difficulty about the control of production for several years after 1948, but in the last 10 years particularly, tobacco growers, through the use of fertilizers, closer planting, pesticides, newer varieties, and lately irrigation, have increased production upon their limited acreage allotments until the average yield per acre has increased from about 1,600 pounds in the 1956–60 period to 2,585 pounds last year. As a result of these increased yields and some declines in use, the stocks of burley tobacco on hand now exceed the desirable statutory level, calculated by multiplying "disappearance" or annual use by 2.8 percent. The total supply of burley has now reached about 3.4 year's use, and while much of that is held by the trade and in manufacturer's stocks, Government loan holdings now exceed half a billion pounds of burley tobacco.

So it has come to the state where I believe that our burley tobacco farmers, who have always been very good about controlling their production, must know that this situation cannot go on, that the Government cannot continue to buy tobacco from farmers when the stocks are piling up.

Also, there is another situation which we must recognize—that of the opposition to cigarette tobacco itself, expressed in the anticigarette campaign. So I think it imperative that burley growers agree in the coming referendum upon a price support and production control program which will be sound.

The poundage program authorized by this bill provides that those growers who now grow one-half acre or less—growers who have in the past been protected against acreage cuts—would no longer have that complete protection but would share alike with all other burley tobacco growers any reductions in total production. But we have tried to provide for the protection of these smaller growers. The bill which I introduced provided that the initial poundage quota for each farm would be calculated by taking the 4 best years of the last 5 years of production for each farmer, including the good year of 1970, and using that average as his preliminary 1971 poundage quota.

My bill provided that this "preliminary farm quota" could not be reduced more than 5 percent in establishing the 1971 farm quota. It provided that the national burley quota could not be less than 90 percent of estimated use. I asked the committee to limit the cuts in any year to not more than 5 percent, and they did agree to not more than 5 percent in 1972, 7½ percent in 1973, and 10 percent in 1974 and thereafter. Under the committee bill it seems likely that within 3 or 4 years, by 1973 or surely by 1974, the program would be in order; and, if disappearance does not continue to go down, there would be no further cuts. Of course, if the use of burley tobacco then increases, there could be a corresponding increase in farm quotas.

I must say that at times, and even recently, the burley program has been characterized as if it were a program divided into large and small growers. The truth is that, because of the successive cuts in the last 10 years, there really are not many large allotments, as shown by the fact that there are now 282,115 farm allotments, totaling only 230,947 acres.

I conceive the bill I have introduced as a protection for the small farmer as well as the large farmer, because I am afraid that if the present acreage program is continued and large acreage cuts are ordered, as has been proposed for the 1971 crops year, we will reach one of two situations:

First, that those farmers who now grow more than half an acre and who still represent more than the one-third which could vote out the program, would vote it out, and there would be chaos, because no one in the country would be restricted from raising burley tobacco. It is likely that in the first 2 or 3 years without a program that each grower would increase his acreage and production far beyond his present practice; there would be no production controls and no 90-percent support price; there would be no support price, the market price might be cut in half, and there would be utter chaos. In that case, I think the advantage would probably go to the larger growers, who have better land, who have capital and resources, who are close to the warehouses, who are able to put on more fertilizer; and I think the adverse effect would be upon many small growers.

Second, if the present acreage program is continued and the required cuts in acreage are not made, the surplus and the Federal investment in loan stocks could continue to build up. If this should happen, in 3 or 4 years a remedy might be sought and enacted which would be much more radical than the one I am proposing; I believe the program would lose public support and the Congress itself would enact legislation to abandon tobacco price supports and abolish the burley tobacco program.

It is not easy to offer a bill such as the one I have helped develop and propose today, because I know it may be characterized—and has already been by some—as a battle between the large growers and the small growers. I come from a section of the country which has many more small growers—one-half acre or less—than large growers. But if I may say so, without being immodest, I have had something to do with protecting this program and protecting small growers during my years in the Senate. I offered the amendment in 1948 which gives to every tobacco grower the assured 90-percent support price, and no other agricultural crop in this country enjoys that level of price support. Wool has had at times support more than 100 percent, but so far as a crop grown on the land is concerned, no other agricultural commodity has had that. As I have said, in 1960, the Senator from North Carolina (Mr. JORDAN) and I further assured and guaranteed that price.

I feel that I have a duty to those whom I represent in my State, because I have championed their tobacco program and have spoken for it throughout the State. When acreage-poundage was before the burley growers of Kentucky in 1966 and 1967, I went around the State and spoke to the farmers and urged them to support it, which they did; but it was defeated because it was not supported in some of the other States. In my years here, I have tried to lead with respect to protecting the tobacco program. I think I have an obligation and a duty to help keep it successful and effective, and to prevent its being lost to all growers, large and small, at some future date.

Mr. President, this bill also provides for the leasing of burley quotas—not more than 5,000 pounds. I had opposed the leasing of burley allotments in earlier years, but I have changed my mind about it if the amount leased can be kept to a maximum of, say, 5,000 pounds or not much more. I have done so because leasing could enable older people, disabled people, people who are not able to stay on the small farms, to lease their quota to another farmer and so be assured of some income from it. The leasing provision can be as valuable to small growers as to large growers, because it will also enable them, if they desire, to lease some additional poundage—enough to grow a reasonable family farm size crop. I hope the 5,000-pound limit will not, however, be increased in the House or by the conference.

I absolutely oppose the sale of quotas. I hope very much that this will not be placed in the bill in the House or in conference. If it is, I think I would expect to vote against the bill. I do not want to see those who have large financial capacity, perhaps better land, machinery, and able to hire labor, enabled to buy up the small quotas of people in less favorable circumstances, perhaps at a time when they could be in dire need of funds. I just do not want to see that happen. I hope and I urge that this bill not include the sale of quotas in its enactment by the House.

I want to say again to the distinguished Senator from Georgia (Mr. TALMADGE), the chairman of the Senate Committee on Agriculture and Forestry, as well as to the Senator from Iowa (Mr. MILLER), who conducted the March hearings, and to the Senator from Mississippi (Mr. EASTLAND) and others who attended the hearings, and to all the members of the committee that I appreciate very much their deep interest. I would have preferred the bill as I proposed to the committee, to permit a cut in farm quotas not over 5 percent in any year. But the bill as recommended by the committee would allow cuts for the first and second years of 5 percent, the third year 7½ percent, and the fourth and subsequent years not to exceed 10 percent. I do not believe it will be necessary to cut that much if we adopt the bill, and if it becomes effective for this crop year.

I want to make one other statement, and then I shall close, because I think it is necessary to make this statement for the record. The Department of Agriculture, through its representatives at the hearings, made the statement and took the position that the poundage cut for the first year should be at least 15 percent or even 20 percent, the idea being that they could immediately bring the program into balance and, in doing that, same some money for the Department because it would not have to take much tobacco under loan this year.

I recognize that if the Department looked at the problem simply from the position of the Office of Management and Budget, its proposal would save some money in the first year over the bill which I had introduced. But I want to say to the Department of Agriculture and its Secretary, and the Office of Management and Budget, that we cannot look at this program simply from the standpoint of some saving in 1971 and 1972. We are dealing with farmers who represent a part of the American economy. We cannot reduce their income so drastically—or should not—in 1 year, even from the standpoint of improving the economy of the country, which is a program of the President and the administration.

Also, these men who grow tobacco—not all are men, some are women on the small farms, growing small plots of tobacco—we have to take into account their income next year and the necessity to enable them to move gradually into a position where the program will be sound and helpful.

One other provision in the bill I introduced is the insurance feature; namely, if a grower desires, he can grow 110 percent of his quota in 1 year and sell it, but the following year his poundage would be correspondingly reduced 10 percent, to 90 percent. Similarly, if there should be a failure in the crop, hail or drought or blight or some disaster should cause a reduction in the crop, this feature would enable the grower to make up that income next year. In fact, he could lay out of production 1 year, and grow his quota for that year in the following year, along with the second year's quota. The burley program has not had that insurance feature before and it should, therefore, be of interst to all burley growers.

Mr. President, let me close by saying that I thank again the distinguished Senator from Georgia (Mr. TALMADGE) and the members of the Committee on Agriculture and Forestry. I hope very much that this bill will be passed and that our farmers will accept it. Otherwise, I feel that we are moving down a road where the burley acreage program will be voted out, resulting in loss of price support, unlimited production, and chaos for all burley growers. And if we wait too long, the result will be a radical change and hard upon tobacco growers and the economy of rural areas.

Mr. ERVIN. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. ERVIN. As I understand it, the Senator from Kentucky was prompted to offer his bill because the amount of burley on hand is far more than is necessary to satisfy current needs.

Mr. COOPER. That is correct.

Mr. ERVIN. And the Senator from Kentucky was afraid that if we continued to increase the pileup of surpluses of burley above current needs, the price support system might be abolished.

Mr. COOPER. I think that is a possibility. I may say that that could occur, and it would be a danger not only to burley growers but also to Flue-cured growers and growers of dark tobacco.

Mr. ERVIN. In other words, the ultimate purpose of the distinguished Senator from Kentucky is to provide continued protection for all those who grow burley.

Mr. COOPER. Yes.

Mr. ERVIN. If the pending bill is enacted by Congress and approved in referendum by the burley growers, it is to be a substitute for past programs.

Mr. COOPER. That is correct.

Mr. ERVIN. The bill attempts to protect the burley growers against drastic reductions, by providing that reductions in their marketable quotas cannot exceed 5 percent during the first and second years of operation, 7½ percent during the third year, and 10 percent——

Mr. COOPER. The first 2 years it is 5 percent, the third year 7½ percent, and the fourth year and thereafter 10 percent, as amended by the committee.

Mr. ERVIN. Third year 7½ percent. Fourth year 10 percent.

Mr. COOPER. Yes.

Mr. ERVIN. As I understand it, the bill would not require that the reductions be as much as 5 percent in the first 2 years or 7½ percent in the third year, or 10 percent in the fourth year unless such reductions are necessary to bring a proper balance.

Mr. COOPER. That is correct. If, as we hope, it will bring the program into balance, with production 5 or 10 percent less than use, it would not be necessary to make further reductions after 1973 or perhaps 1974 unless use declines further.

Mr. ERVIN. This act would take effect, if approved by Congress, only after approval in a referendum by the growers.

Mr. COOPER. That is correct.

Mr. ERVIN. I thank the Senator.

Mr. COOPER. Mr. President, one more statement. Someone may say, well, we can cut the acreage sharply this year, under the present acreage program, and we will bring production into balance. But that will never bring it into balance, because those who grow tobacco will continue to increase their yields per acre as they lose acreage—and every person growing one-half acre or less can do the same—by use of fertilizer, by use of pesticides, by planting high-yielding varieties, by irrigation, and by planting rows closer together. I see no way to bring this program into balance under the old acreage allotment program.

Since 1948, when I first came here and first became interested in this program in a legislative way, acreage has been reduced to less than one-half; and yet the amount of burley produced is about the same as before the cuts came. It is impossible to keep this acreage allotment program working in its present shape.

Mr. BAKER. Mr. President, I am very glad to support the bill before the Senate today, S. 789, for it is an effort to save the burley tobacco price support program, which has been a good program for Tennessee tobacco producers and is important to the agricultural economy of Tennessee—and particularly to eastern Tennessee which is my home. There are nearly 100,000 farm tobacco allotments in Tennessee, of which 87,000 are burley allotments, and the burley crop last year brought Tennessee farmers $70 million cash income—which generates several times that volume of economic activity for the people of the area.

Those familiar with the farm programs—certainly the chairman of the committee, Senator TALMADGE; and the ranking minority member, Senator MILLER; and the author of the bill, Senator COOPER—know that the tobacco program has been a successful program over the years. It is unusual in several respects, including the level of price support at 90 percent of parity; its method of extending price support which actually establishes the market price paid by the buyers at or above the price support level; but principally in its strict production controls designed to assure that the program operates without substantial cost to the Government, in sharp contrast to most other farm commodity programs. It has often been said that the success of the program rests on the willingness of growers to make the sacrifices necessary to keep the program sound. In effect, tobacco growers accept controls designed to hold production at a level no greater than the use of tobacco, in exchange for the guarantee of fair prices.

The proposal embodied in the bill before the Senate today would change the method of production control from acreage allotments, limiting the amount of land on which farmers may plant and harvest burley tobacco, to poundage quotas, restricting the actual amount of burley tobacco which they may sell each year. This is, of course, a very strict means of controlling production, but it is one which clearly assures effective control, which will enable any surplus now held under Government loan to be moved into the channels of trade in an orderly fashion over a period of years, and for that reason will protect the essential basis for burley tobacco price supports, and protect the income of thousands of farmers and the economy of burley producing areas.

In preparation for this discussion, I want to point out that I have talked with farm and industry leaders in Tennessee. They have been represented at the Agriculture Committee hearings, and they have made known their concern over the burley tobacco program.

As Senator COOPER has pointed out in the course of developing this legislation, and as affirmed by the testimony of farm groups and tobacco experts, including those from Tennessee, the need to change the method of production control arises from the combined effect of increasing yields per acre in recent years, and the shift from an upward trend in use to a stable, and, in fact, modest decline in the total domestic use and exports of burley tobacco. It seems clear that acreage controls can no longer, in the coming years, be effective in maintaining production at a level less than use. For example, officials of the Department of Agriculture have said that a 30-percent cut in acreage allotment would be required for the 1971 croup under the present system, and have said that even that reduction would not prevent future annual cuts in acreage. Such cuts would be a terrible blow to thousands of farmers and to the agricultural economy of the region. Conceivably, such a cut could lead farmers to reject the burley program in the coming referendum—a tragic consequence which would result in loss of price support, unlimited production, ruinous market prices, and chaotic conditions. Or, if a surplus were allowed to build up on the other hand, with the eventual sale of Government loan stocks at heavy losses, the program could come under attack, and lose support in the country and in the Congress.

The present acreage program has given farmers an incentive to fertilize, plant closer, use high-yield varieties—to some degree without regard for the best quality leaf which has given American burley its preeminent position in domestic and world trade. In addition to this "yields race"—in effect requiring each farmer to try to outproduce his neighbors each year and keep ahead of the cuts ordered by the Secretary of Agriculture—and to the decline in use, the bill addresses itself to a difficult area, unique in the burley program, which has brought the acreage control program to the end of its ability to work as effectively in the future as it has in the past. That is the provision which I think all of us, and certainly Senator COOPER, have supported and defended in the past, that acreage allotments of one-half acre and less could not be reduced. It has been a wonderful thing over the years for thousands of small growers, a great many of them in Tennessee. It has meant that only the growers having an allotment of more than one-half acre—a modest amount, after all, representing annual income of perhaps $700 to $1,000—made the sacrifices and took the cuts required to keep the price support program for all. But, however popular and desirable this special provision may have been, I think it is clear that with more than half the farms exempt from cuts, the old program—which would allow all farmers to increase their yields per acre each year, but then try to control the total by reducing the acreage of only some farms—could not possibly continue to work.

The senior Senator from Kentucky has kept me informed at every stage of this legislation and I commend him and all who have worked on this measure for developing a responsible bill, one which I believe is fair to all growers, large and small, in all States; which protects the interests of taxpayers and of the Federal investment; and, of greatest interest to Tennessee burley producers, which will insure the continuation of the burley tobacco price support program by keeping it sound in the years ahead.

I know the development of this bill has not been an easy task. It is easier, perhaps, to talk about provisions which appear to give some temporary advantage to farmers, or to one or another groups of farmers, without regard to the consequences for all if the price support program goes down, because of surplus production and loss of public support, or even division of support among farmers themselves. But the difficulties in this bill are those of dealing realistically with the problem and offering farmers a responsible program. Tobacco farmers have shown before, and I believe they are ready to consider now, that they know that a good program must abide by the facts of life if it is to survive and serve. I believe burley tobacco growers understand their program and can face facts, as I believe we in the Congress are doing in this bill, and I hope the measure will be adopted by the Senate and the House and promptly enacted.

Mr. President, I have expressed my general support for the bill, S. 789. However, I have been concerned about its effect on the many small farmers who have been protected from cuts under the acreage allotment program. Of the 87,209 burley allotments in Tennessee, 62,847 are 0.5 acre or less and, therefore, could not be reduced under the old program. These small allotments are often an important source of cash income to rural families, not the only source in most cases but an important one nevertheless, and one which has been protected—perhaps even to the point of finally raising serious difficulty in the operation of the burley price support program.

I know that in developing this bill, Senator Cooper and others have been concerned about small burley growers; he knows them from his own area and has always fought for the small farmer. And I recognize that the bill protects the interests of small growers in several ways:

First, and mainly, it promises to maintain the burley price support program—and without that no allotment or quota would be worth much.

Second, poundage quotas would be fixed in 1971 based on each farm's average yield multiplied by its 1970 acreage allotment—that is, following the 10-percent cut in 1969 acreage borne by all farms larger than one-half acre. It follows also the earlier years of acreage reductions for other farms, including many of those now reduced to one-half acre. The effect, as I understand, is to preserve under poundage quotas whatever advantage has accrued to small growers over the years. The bill maintains for them their relative position and their share of the market—and would maintain that position for every future year. If I may ask the Senator from Kentucky, is it not correct that the bill as written would establish poundage quotas for 1971, and for each future year, on the basis of the 1970 distribution of acreage? It accepts all the cuts that have been made in the past, and maintains the relationship now existing?

Mr. COOPER. The Senator from Tennessee is correct. Poundage quotas would be fixed for future years on the present relationship—last year's acreage allotments times the farm's average yield in recent years.

Mr. BAKER. I thank the Senator.

Third, there is the provision that would reduce any average yields larger than 3,500 pounds to that figure. I have been told that many small growers do not have such high yields and consider they have not contributed as much to any surplus. To this extent the 3,500-pound ceiling on yields will be helpful.

Fourth, the bill provides for the first time for the leasing of burley quotas. In this way any small grower can lease up to 5,000 pounds of additional quota, a reasonable amount for a family farm operation, increasing his production by perhaps four or five times. Or, if he prefers, he may lease his own quota to another farmer and have that income without having to produce the tobacco himself. While some farm groups in Tennessee urge the sale of quotas, and the lease of quotas across county lines, I know this leasing provision will be helpful.

Fifth, the bill includes a crop insurance feature, so that if a small grower, or a large grower, is hit by hail or drought—or simply wishes to lay out of burley production for 1 year, he may produce and sell it the next year.

Sixth, I know the Senator from Kentucky has included a provision that the Secretary shall set the national burley quota at not less than 90 percent of estimated use. That will permit any surplus to be moved out into the channels of trade in substantial quantity each year—some 50 million pounds—but will protect the small growers, and all growers, from a sharp and destructive cut in quotas.

Seventh, the committee bill provides for adjustment to that level of surplus disposal in steps over the next 3 or 4 years: The 1971 farm poundage quota would be not more than 5 percent under the farm's average yield; not more than a 5-percent cut in 1972, not more than a 7½-percent cut in 1973, or not more than a 10-percent cut in any later year.

Mr. President, I recognize, as I have said, that this bill is carefully constructed to protect small burley growers, and all burley growers, by the provisions I have cited, most of which it is true are applied equally. While they make no distinction between size or location of farmers, they give assurance—and an assurance which we have not had under previous law—against large cuts in any year, and against drastic cuts unrealistically designed to dispose of a surplus accumulated over many years in only 2 or 3 years.

Nevertheless, in the past, small growers have enjoyed a special degree of protection, and their income from burley tobacco is very modest indeed. Under this bill they would for the first time be accepting modest reductions, and I would hope these reductions could be accomplished gradually and as painlessly as possible so that they would have time to adjust. For that reason, I offer an amendment to limit the reduction for small growers—those protected from acreage reductions under the old law—to not more than 5 percent a year. I hope very much that the Senator from Kentucky, and the chairman of the committee and manager of the bill, might be able to accept the amendment.

Mr. COOPER. Mr. President, I understand the concern of the Senator from Tennessee. He has stated very well the interest of small burley tobacco growers in this bill, and has described the provisions designed to protect all growers, both large and small. I have always defended the small grower provision, but I think it is clear that the acreage minimum has contributed to the difficulty the burley tobacco program is now in, and a poundage minimum would raise anew the same difficulties in the practical operation of the program. But what the Senator from Tennessee proposed is simply a modification which would protect small growers from cuts larger than 5 percent.

When the bill was before the full Committee on Agriculture, I had proposed a similar provision, applicable to all farmers. But after considering the position of the Department of Agriculture, which was requesting larger cuts in poundage, and cuts to a lower level of production, the committee developed the amendment included in the bill authorizing reductions not in excess of 5 percent in 1972, after poundage came into effect with the 1971 crop, 7½ percent in 1973, and 10 percent in any later year—although the Department estimates a reduction of only 2 percent in 1974 and 1 or 2 percent thereafter according to the annual changes in the use of tobacco.

I would have no opposition to the amendment, consider it a reasonable and good proposal, and would gladly support it and join the Senator in urging its adoption. I hope the Senator from Georgia, and the Senate might accept the amendment of the Senator from Tennessee.

Mr. BAKER. Mr. President, it may be asked what the effect of my amendment may be upon production, and the fiscal effect on the operating of the Commodity Credit Corporation. The practical effect of the amendment would be that in 1973, when the Secretary may order a cut of 7½ percent in quotas, small growers would be cut only 5 percent. These growers produce less than 30 percent of the burley crop. I am informed by the Department of Agriculture that the amendment would result in a 1973 effective national farm quota about 4 million pounds larger than under the committee bill. That is less than 1 percent of the total crop. The 1973 crop would still be 50 million pounds less than estimated use. We can still expect a large net reduction in Government loan stocks. The next year, in 1974, the difference would be made up, when perhaps a 3-percent, rather than a 2-percent, reduction in all quotas would be required. So it represents a very modest change, over 1 year only, in the fiscal and stocks' position of the program.

I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 7, strike out the period in line 6, insert a colon in lieu thereof and insert the following:

"*And provided further*, That in the case of any farm having an acreage allotment of .50 acre or less for the marketing year beginning October 1, 1970, the farm marketing quota shall not be less than 95 per centum of the farm marketing quota established under this section for the previous year.

Mr. TALMADGE. Mr. President, I have consulted with the author of the bill, the Senator from Kentucky, and others interested. I find that it would have no effect whatever for the years 1971–72 and 1972–73. The only effect it would have would be beginning in the year 1973–74. At that time, it would cause the production to be some 4 million pounds greater than it would be under the committee bill. The cost to the Government would be approximately $4 million for that year.

In view of the fact that about 60 percent of the burley tobacco growers in the United States have allotments of one-half acre or less, some 168,839 farms are involved.

I am willing to accept the amendment on behalf of the committee. I think that the benefits to the people involved would be greater than the additional cost to the Government.

Many of them are marginal farmers. This is practically the only cash crop money that many of these farmers have. Without it, many of them would be pushed off the land and be forced to move into the cities and go on welfare. I think it is highly beneficial from the social standpoint. On behalf of the committee, I accept the amendment.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. BAKER. I yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I ask unanimous consent that I be made a cosponsor of the amendment offered by the distinguished Senator from Tennessee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I take this position because, like the Senator from Tennessee, many of my constituents are engaged in growing burley and they are in the main small farmers.

I wish to commend him for offering the amendment, and the Senator from Georgia, the chairman of the committee, for accepting the amendment, because it minimizes the impact of the bill upon the small farmers.

Mr. BAKER. Mr. President, I thank the Senator. I ask unanimous consent that he may be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I wish to point out that the amendment sent to the desk was offered on behalf of myself and the distinguished junior Senator from Kentucky (Mr. Cook).

I thank the distinguished chairman of the committee for accepting the amendment, I thank the Senator from North Carolina for his comments, and I thank the Senator from Kentucky for his leadership in this field.

I believe this additional amendment will help very materially in easing the dislocation to the very small farmers.

Mr. President, I hope the Senate agrees to the bill as amended.

Mr. COOK. Mr. President, once more I find myself rising in support of Kentucky's and the Nation's tobacco growers. During the past decade, and particularly in my first 2 years in the Senate, this great and valuable industry has been under a constant and vicious attack by many interests. These attacks, based more on statistical fantasy than hard fact, have had some effect on a heretofore relatively stable commodity.

Today we are considering S. 789, a bill introduced by my very distinguished senior colleague from Kentucky, which would amend the burley tobacco marketing quota provisions of the Agriculture Adjustment Act of 1938 as amended. Essentially, this legislation provides for a change in the quantitative control of burley tobacco by implementing a poundage control system in place of the present acreage allotment program.

Mr. President, I personally do not take lightly any action which would change the burley program that many of my farmer constituents have lived under for over two decades. Tobacco accounts for approximately 40 percent of Kentucky's farm income and produces $400 million annually for some 200,000 farm families. These farm families are the backbone of Kentucky. I consider this a very serious proposal, and accordingly, I have studied it very carefully for a considerable length of time.

A little more than a year ago, on February 30, the Secretary of Agriculture announced the marketing quota provisions for the 1970 growing season. By law, the Secretary was also required to simultaneously impose a reduction of 10 percent on all burley acreage allotments. Minimum acreage growers, or those with 0.5 acre or less, were not affected by the cut. Although I vigorously protested the Secretary's action, I also realized that more than the allowable 2.8 years' burley supply existed and that his action was mandatory under the law. Through the efforts of many burley State senators and congressmen, and I might say, particularly under the leadership of the senior Senator from Kentucky, the Secretary limited the acreage reduction to only 10 percent with the understanding that a new control program must be devised before the next growing season. At that time I urged our burley growers, warehousemen, agricultural specialists, processors, and the various farming groups to work together and come up with an alternative program which would prevent even larger acreage cuts in the future. I am pleased to say that the burley tobacco interests in Kentucky held many meetings throughout the State and by this process hammered out a proposal similar to S. 789.

The proposed change has come none too soon. The Department of Agriculture has estimated that if the averages of the past 10 years are used as normal years for domestic and export consumption and without any adjustments an acreage reduction of 40 percent could be imposed in this growing year. Using his discretionary authority, and optimistically calculating possible trends, the Secretary could hold the reduction to 25 percent or 30 percent in 1971 under the present program. Even this figure is completely unacceptable and could cause havoc in Kentucky's agricultural economy. What is more disturbing is the obvious fact that this would not preclude even further reductions in the years ahead.

The decline in domestic use coupled with an increased burley yield per acre are the basic reasons that make the future very bleak under the present program. Very briefly let us explore the latter. In the 1940's when the program was first initiated the average acreage yields were as little as 1,000 pounds. Gradually, through intense cultivation and fertilization, these yields have increased to well over 2,500 to 3,000 pounds per acre. The present acreage limitations encourage increased poundage. At the same time, especially in the past few years, the tobacco farmer has been confronted with a declining market resulting in a market surplus, today, we are confronted with approximately 3½ years' supply of burley tobacco as opposed to the 2.8 years' supply allowed by law.

Mr. President, the ability and ingenuity of the burley grower to obtain everincreasing yields per acre in an area of declining usage makes it impossible to control the supply under the present system. Already over 60 percent of burley allotments are minimum acreage and cannot be reduced under the present law. Ultimately, in the very near future, we could be faced with the situation of as many as 75 percent of the allotments being covered by the minimum acreage rule and still not be able to keep supply in line with demand. For example, between 1946 and 1970 burley allotments were reduced by 113 percent. And yet, production still exceeds demand.

Obviously, the present system is unworkable. We plant acreage but we sell pounds. Some minimum acreage growers have expressed concern over a system by which they too would share in any attempt to control production. I sincerely believe that S. 789 provides the best solution for all of Kentucky's burley growers, both large and small. If the present unworkable system continues, then we shall certainly be in a situation of no Government price supports for burley tobacco. In such a competitive market the small farmer stands to lose more than the larger, better equipped growers. We cannot allow such a situation to occur.

Mr. President, I was not elected to represent either the larger grower or the small grower—but rather to look out for the best interests of all burley tobacco growers. Again, I sincerely believe that a poundage program affords the best protection for Kentucky's and the Nation's burley tobacco industry.

I wish to thank my senior colleague from the Commonwealth, particularly, for his efforts at the hearings. I also wish to thank the Senator from Iowa (Mr. Miller) and the Senator from Georgia (Mr. Talmadge). I hope we will be able to move forward.

Mr. COOPER. Mr. President, I thank my colleague for his statement. He is absolutely correct when he states that last year a cut of 25 percent was suggested, and this year 30 percent is proposed. Those of us who represent tobacco States went to the Department of Agriculture and consulted with the Secretary and urged him to hold the cut to 10 percent. We said to him that if this could be done, we would work during the year to see if the program could be revised to keep the burley tobacco program sound. That is what we have tried to do.

I would like to comment briefly on the amendment offered by the Senator from Tennessee. Actually I had proposed to the committee that cuts in farm quotas be limited to no more than 5 percent in any year, and for all growers, whether smaller or larger than one-half acre.

I will support the amendment. The practical effect of the amendment would be that in 1971 and 1972 there would be no change at all in the bill I proposed and the bill reported by the committee. So this represents a major change so far as the opinion of the small growers is concerned, and in recognizing the special position of small growers, but really not a great change in its effect on the bill I proposed or as it has been reported from the committee.

I shall support the amendment offered by the Senator from Tennessee, and would be glad to join with him as a cosponsor of the amendment.

Mr. BAKER. Mr. President, I thank my colleague from Kentucky, who has been so instrumental in formulating this measure and in bringing it to the floor in a form which will be approved by the Senate and which promises to be successful in meeting this phase of the tobacco problem.

Mr. President, I ask unanimous consent that the name of the distinguished senior Senator from Kentucky (Mr. COOPER) be added as a cosponsor of my amendment to the tobacco bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. May I ask if my amendment is pending before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and read the third time.

SUBSIDIES FOR TOBACCO

Mr. MOSS. Mr. President, as we consider S. 789 to provide poundage quotas for the burley tobacco price-support program, I should like to point out the questionable practice of the Government providing price supports for a product universally condemned as a health hazard.

Whether or not the burley tobacco price support program is based on an acreage formula, an acreage-poundage formula, or a poundage formula, as S. 789 would require, is not germane to the larger problem of price supports for tobacco. I note that some have argued that the bill would reduce Government's costs for tobacco price supports. Others argue that the change in formula will hurt the small farmer, the very individual held on a pedestal whenever opponents of tobacco price supports attempt to eliminate this program.

I have introduced a bill to terminate all price support programs for tobacco beginning with the 1972 crop. I introduced similar legislation in the last Congress, and I offered a simple amendment to end price supports to the Agriculture Appropriations bill for fiscal 1971. Neither the bill nor the amendment was successful, yet they both produced some enlightening dialog. For additional discussion of this problem, and perhaps some insight into the value of continuing these tobacco crop supports, I suggest that Senators watch "CBS 60 Minutes" tomorrow, March 30, at 10 p.m.

CBS will review in detail the overall tobacco price support problem, and I might note, they will consider this problem in greater detail than has Congress since the passage of the Agricultural Adjustment Act some 33 years ago.

I strongly urge the Committee on Agriculture and Forestry to hold hearings on my bill, S. 322, in the not too distant future, so that Congress will be better prepared to evaluate whether we should continue to spend almost $30 million for tobacco export subsidies annually, $240,000 for tobacco advertising abroad annually, $4 million for tobacco crop supports annually, and $4 million for unreimbursed tobacco inspection and crop information programs annually. Additionally, more than $30 million is spent annually for tobacco in the food for peace program.

Mr. President, should the United States spend almost $68 million per year in support of a crop which is one of the major causes of death and disability among our people? I think not. Let us get on with the consideration of the more significant issue so that Congress might finally determine whether or not the time has come to say "enough" and to stop the continuation of this hypocritical policy of supporting a condemned product.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 789) was passed, as follows:

S. 789

An act to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", is amended by adding immediately following section 318 a new section 319 to read as follows:

"FARM POUNDAGE QUOTAS FOR BURLEY TOBACCO

"SEC. 319. (a) Notwithstanding any other provision of law, the Secretary shall, within thirty days following the enactment of this section, proclaim national marketing quotas for the three marketing years beginning October 1, 1971, as provided in this section.

"Within thirty days following such proclamation, the Secretary shall conduct a referendum of the farmers engaged in the production of the 1970 crop of burley tobacco to determine whether they favor or oppose the establishment of farm marketing quotas on a poundage basis as provided in this section for the three marketing years beginning October 1, 1971. If the Secretary determines that two-thirds or more of the farmers voting in such referendum approve marketing quotas on a poundage basis, marketing quotas as provided in this section shall be in effect for those three marketing years. If marketing quotas on a poundage basis are not approved by at least two-thirds of the farmers voting in such referendum, no marketing quotas or price support for burley tobacco shall be in effect for the marketing year beginning October 1, 1971. Thereafter, the provisions of section 312 of the Act shall apply: *Provided,* That national marketing quotas for burley tobacco for any marketing year subsequent to the marketing year beginning October 1, 1971, shall be proclaimed as provided in this section.

"(b) The Secretary shall determine and announce, not later than the February 1 preceding the second and third marketing years of any three-year period for which marketing quotas on a poundage basis are in effect under this section, the amount of the national marketing quota for each of such years. If marketing quotas have been made effective on a poundage basis under this section, the Secretary shall, not later than February 1 of the last year of three consecutive marketing years for which marketing quotas are in effect under this section, proclaim national marketing quotas for burley tobacco for the next three succeeding marketing years as provided in this section. Within thirty days following such proclamation, the Secretary shall conduct a referendum in accordance with section 312(c) of the Act. If the Secretary determines that more than one-third of the farmers voting oppose the national marketing quotas, he shall announce the results and no marketing quotas or price support shall be in effect for such kind of tobacco for the first marketing year of such three-year period. Thereafter, the provisions of section 312 of the Act shall apply: *Provided,* That the national marketing quota and farm marketing quotas shall be determined as provided in this section. Notice of the farm marketing quota which will be in effect for his farm for the first marketing year covered by any referendum under this section shall insofar as practicable be mailed to the farm operator in sufficient time to be received prior to the referendum.

"(c) The national marketing quota determined under this section for burley tobacco for any marketing year shall be the amount produced in the United States which the Secretary estimates will be utilized in the United States and will be exported during such marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 10 per centum of such estimated utilization and exports. For each marketing year for which marketing quotas are in effect under this section, the Secretary in his discretion may establish a reserve (hereinafter referred to as the 'national reserve') from the national marketing quota in an amount not in excess of 1 per centum of the national marketing quota to be available for making corrections and adjusting inequities in farm marketing quotas, and for establishing marketing quotas for new farms (i.e., farms for which farm marketing quotas are not otherwise established).

"(d) When a national marketing quota is first proclaimed under this section, the Secretary shall through local committees determine a farm yield for each farm for which a burley tobacco acreage allotment was established for the marketing year beginning

October 1, 1970. Such yield shall be determined by averaging the yield per acre for the four highest years of the five consecutive years beginning with the 1966 crop year: *Provided*, that if burley tobacco was produced on the farm in fewer than five of such years, the farm yield shall be the simple average of the yields obtained in the years during such period that burley tobacco was produced on the farm: *Provided further*, That if no burley tobacco was produced on the farm but the farm was considered as having planted burley tobacco during the immediately preceding five years, the farm yield will be appraised on the basis of the yields established for similar farms in the area on which burley tobacco was produced during such five-year period: *And provided further*, That the farm yield established for any farm shall not exceed three thousand five hundred pounds per acre.

"(e) A preliminary farm marketing quota shall be determined for each farm for which a burley tobacco acreage allotment was established for the marketing year beginning October 1, 1970, by multiplying the farm yield determined under subsection (d) of this section by the farm acreage allotment (prior to any reduction for violation of regulations issued pursuant to the Act) established for such farm for the marketing year beginning October 1, 1970. For each farm for which such a preliminary farm marketing quota is determined, a farm marketing quota for the first year shall be determined by multiplying the preliminary farm marketing quota by a national factor obtained by dividing the national marketing quota determined under subsection (c) of this section (less the national reserve) by the sum of all preliminary farm marketing quotas as determined under this subsection: *Provided*, That such national factor shall not be less than 95 per centum.

"The farm marketing quota for each succeeding year shall be determined by multiplying the previous year's farm marketing quota by a national factor obtained by dividing the national marketing quota determined under subsection (c) of this section (less the national reserve) by the sum of the farm marketing quotas for the immediately preceding year for all farms for which burley tobacco marketing quotas will be determined for such succeeding marketing year: *Provided*, That such factor for the marketing year beginning October 1, 1972, shall not be less than 95 per centum: *Provided further*, That such factor for the marketing year beginning October 1, 1973, shall not be less than 92½ per centum: *And provided further*, That such factor for any subsequent year shall not be less than 90 per centum: *And provided further*, That in the case of any farm having an acreage allotment of .50 acre or less for the marketing year beginning October 1, 1970, the farm marketing quota shall not be less than 95 per centum of the farm marketing quota established under this section for the previous year. The farm marketing quota so computed for any farm for any year shall be increased by the number of pounds by which marketings from the farm during the immediately preceding year were less than the farm marketing quota (after adjustments): *Provided*, That any such increase shall not exceed the amount of the farm marketing quota (including leased pounds) for the immediately preceding marketing year prior to any increase for undermarketings or decrease for overmarketings. The farm marketing quota so computed for each farm for any year shall be reduced by the number of pounds by which marketings from the farm during the immediately preceding year exceeded the farm marketing quota (after adjustments): *Provided*, That if on account of excess marketings in the preceding year the farm marketing quota is reduced to zero pounds without reflecting the entire reduction required, the additional reduction required shall be made in subsequent marketing years.

"The farm marketing quota for a new farm shall be the number of pounds determined by the county committee with approval of the State committee to be fair and reasonable for the farm on the basis of the past burley tobacco experience of the farm operator; the land, labor, and equipment available for the production of burley tobacco; crop rotation practices, and the soil and other physical factors affecting the production of burley tobacco: *Provided*, That the farm marketing quota for any such new farm shall not exceed 50 per centum of the average of the farm marketing quotas for similar farms for which farm marketing quotas are otherwise established: *Provided further*, That the number of pounds allocated to all new farms shall not exceed that portion of the national reserve provided by the Secretary for establishing quotas for new farms.

"(f) When a poundage program is in effect under this section, the farm marketing quota next established for any farm shall be reduced by the amount of burley tobacco produced on any farm (1) which is marketed as having been produced on a different farm; (2) for which proof of disposition is not furnished as required by the Secretary; and (3) as to which any producer on the farm files, or aids or acquiesces in the filing of, any false report with respect to the production of marketings of tobacco: *Provided*, That if the Secretary through the local committee finds that no person connected with such farm caused, aided, or acquiesced in any such irregularity, the next established farm marketing quota shall not be reduced under this subsection. The reductions required under this subsection shall be in addition to any other adjustments made pursuant to this section.

"(g) When a poundage program is in effect under this section, farm marketing quotas (after adjustments) for burley tobacco may be transferred to other farms in the same county under the terms and conditions contained in section 316 of the Act: *Provided*, That such transfers shall be on a pound for pound basis: *Provided further*, That any adjustment for undermarketings or overmarketings shall be attributed to the farm to which transferred: *And provided further*, That not more than five thousand pounds may be transferred to any farm under this section.

"(h) Effective with marketing year beginning October 1, 1976, no marketing quota, other than a new farm marketing quota, shall be established for a farm on which no burley tobacco was planted or considered planted in any of the five years immediately preceding the year for which farm marketing quotas are being established.

"(i) When marketing quotas under this section are in effect, provisions with respect to penalties for the marketing of excess tobacco and the other provisions contained in section 314 of the Act shall apply, except that:

No penalty on excess tobacco shall be due or collected until 110 per centum of the farm marketing quota (after adjustments) for a farm has been marketed, but with respect to each pound of tobacco marketed in excess of such percentage the full penalty rate shall be due, payable, and collected at the time of marketing on each pound of tobacco marketed, and any tobacco marketed in excess of 100 per centum of the farm marketing quota (after adjustments) will require a reduction in subsequent farm marketing quotas in accordance with section 319(e): *Provided*, That if the Secretary in his discretion, determines it is desirable to encourage additional marketings of any grades of burley tobacco during any marketing year to insure traditional market patterns to meet the normal demands of export and domestic markets, he may authorize the marketing of such grades without the payment of penalty or deduction from subsequent quotas to the extent of 5 per centum of the farm marketing quota for the farm on which the tobacco was produced, and such marketings shall be eligible for price support.

"(2) The provisions with respect to penalties contained in the third sentence of section 314(a) shall be revised to read: 'If any producer falsely identifies or fails to account for the disposition of any tobacco, the Secretary, in lieu of assessing and collecting penalties based on actual marketings of excess tobacco, may elect to assess a penalty computed by multiplying the full penalty rate by an amount of tobacco equal to 25 per centum of the farm marketing quota (after adjustments) and the penalty in respect thereof shall be paid and remitted by the producer."

"(3) The provisions contained in the fourth sentence of section 314(a) shall not be applicable. For the first year a marketing quota program established under the provisions of this section is in effect, the farm marketing quota determined under the provisions of section 319(e) shall receive a temporary upward adjustment equal to the amount of carryover penalty-free burley tobacco for the farm. For subsequent years, the provisions of section 319(e) shall apply.

"(j) The Secretary shall prescribe such regulations as he considers necessary for carrying out the provisions of this section."

SEC. 2. Section 378 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding subsection (f) to read as follows:

"(f) In applying the provisions of this section to a farm for which a tobacco marketing quota has been determined under section 319 of this Act, the words 'allotment' and 'acreage', wherever they appear, shall be construed to mean 'marketing quota' and 'poundage', respectively, as required."

SEC. 3. Clause (c) of section 106 of the Agricultural Act of 1949, as amended, is amended to read as follows: "(c) If acreage-poundage or poundage farm marketing quotas are in effect under section 317 or 319 of the Agricultural Adjustment Act of 1938, as amended, (1) price support shall not be made available on tobacco marketed in excess of 110 per centum of the marketing quota (after adjustments) for the farm on which such tobacco was produced, and (2) for the purpose of price support eligibility, tobacco carried over from one marketing year to another shall, when marketed, be considered tobacco of the then current crop."

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, later today it is the intention of the leadership to lay before the Senate H.R. 5432, a bill to provide an extension of the interest equalization tax. That bill will become the unfinished business tomorrow by virtue of the adjournment over until tomorrow.

I shall not ask that the bill be laid before the Senate now because there are Senators who wish to speak on matters not germane to the bill, and the Pastore rule would prevent their doing so.

Therefore, I ask unanimous consent that the distinguished Senator from Washington (Mr. JACKSON) be recognized for not to exceed 30 minutes; and that at the conclusion of his remarks, there again be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there may be a quorum call without prejudice to the Senator from Washington (Mr. JACKSON) under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Washington (Mr. JACKSON) is recognized for a period not to exceed 30 minutes.

SALT: A NEW INITIATIVE

Mr. JACKSON. Mr. President, there are few tasks of government more difficult than the successful conduct of international negotiations; and there is no subject for negotiation so complex as the limitation of strategic arms. The prudent search for stabilizing measures of arms control is essential, not only to our national security, but to the collective hopes of mankind for a lessening of risk of nuclear war.

Nothing in the arms control area comes quickly or easily. Such success as we have had in past arms control negotiations has been the product of care, deliberation and, above all, unremitting patience. In consequence we have, in concert with the Soviet Union, moved to prohibit atmospheric nuclear testing, to inhibit the proliferation of nuclear weapons, to keep certain environments free of nuclear weapons and to establish reliable channels of communication for use in severe crises.

We are now engaged in the most important arms control negotiations since the development of nuclear weapons in the closing days of World War II. On March 15, representatives of the United States and the Soviet Union met for the first session of the fourth round of the Strategic Arms Limitation Talks in Vienna, Austria. There they continue to explore measures to increase the stability of the strategic balance.

I

My immediate concern, Mr. President, is that the pace of events may overtake our efforts to conclude a SALT agreement covering the whole range of systems under consideration. Our past experience in arms control negotiations does not encourage the view that we have the time in which to resolve all the problems that should be discussed at SALT. The test-ban treaty, for example, took 5 years to negotiate—and even then it failed to provide for the control of underground testing. The nonproliferation treaty took several years, as did the establishment of a nuclear-free zone in the Antarctic.

In my view, we should take immediate steps to bring about a period of relative stability in which it will be possible to address the many complex issues that surround the terms and provisions of a comprehensive arms control agreement. We need to buy time. Without time—without a pause in the offense momentum—our best efforts to negotiate a comprehensive agreement may be overtaken by events.

I have come to the conclusion, therefore, that we ought to consider a partial, interim agreement with the U.S.S.R. that would at once have the effect of slowing the strategic arms competition and adding to the immediate security of the strategic balance. Ideally, such an interim measure would be both simple and immediate: simple so as to obviate complex negotiation and immediate so as to arrest the decline in the security of our deterrent. Such an agreement would focus on the principal source of the mounting instability in the strategic balance: the increasing offensive potential of the Soviet forces. It is clear that the current United States-Soviet strategic balance is threatened—not by efforts to protect our respective deterrent forces—but by the developing Soviet capability to attack and destroy our deterrent. It is this development, therefore, that ought to be the subject of an immediate freeze of sufficient duration to facilitate the conclusion of a more comprehensive agreement.

I have in mind an agreement that would constrain the deployment of additional land-based offensive weapons in both the United States and Soviet Union—and it would do so at once. Specifically, I propose a mutual United States-Soviet agreement for an initial period of 1 year providing the following:

First. The United States would immediately halt the deployment of Minuteman III missiles with their MIRV warheads.

Second. The Soviet Union would immediately halt the deployment of new ICBM launchers and missiles including those now under construction.

Third. Both countries would retain the freedom to assure the survivability of their strategic land-based forces so long as they did not add to their offensive potential.

Fourth. Neither side would deploy a population defending ABM.

Mr. President (Mr. BUCKLEY), such a program would greatly increase the security of our strategic forces. Moreover, it would, I believe, calm any possible Soviet concern that we might be increasing the offensive potential of our forces so as to threaten the security of *their* deterrent. I would hope, therefore, that such a proposal would meet with a favorable reception at the SALT talks.

II

In my view, such a proposal would have several advantages. First, and most important, it would bring a halt to the program that threatens to disturb the stability of the strategic balance. Once that stability is seriously impaired—once the Soviet offense appears to be capable of destroying a large fraction of our deterrent—it will be extremely difficult to achieve a negotiated agreement at SALT. The proposal I am making would thus give us the vital pause in which to search for a more comprehensive agreement.

Second, by permitting us to deploy defenses to protect our Minuteman silos, we would be able to counter any likely qualitative upgrading of the current Soviet offensive forces. And we could do this without in any way adding to our capacity to strike the Soviet deterrent.

Third, by preventing the deployment of ABM systems for the purpose of defending populated areas—thick city defenses—we would diminish the necessity for deploying MIRV's on our Minuteman force. At the same time, we could continue to deploy the much smaller warheads of the MIRV'ed Poseidon missile on our Polaris submarine so as to increase the effectiveness of our sea-based deterrent.

Fourth, it would be well for the United States to put forward an alternative to the current Soviet proposal for a defense-only limitation. Since I am convinced that the Soviet proposal is dangerous and unwise, and because I believe that it would actually provide an incentive for the Soviets to increase their offensive forces, I am concerned that an alternative be advanced that does genuinely add to the security of both countries.

Finally, the discussion surrounding this proposal may help to illuminate the nature of Soviet strategic objectives. In spite of the obvious importance of having such knowledge, we really know very little about Soviet strategic doctrine. My own view is that we will not emerge from the SALT talks with a very comprehensive agreement unless we and the Soviets succeed in arriving at some common understanding as to the nature and objectives of strategic nuclear forces.

It seems to me that the risks involved in proposing such an interim agreement for an initial period of 1 year are minimal. The advantage of halting the deployment of Soviet offensive weapons would be real, immediate, and stabilizing. It would diminish the pressure that we are now under to press ahead with new offensive nuclear systems of our own. Its advantages over the Soviet proposal to limit only defensive weapons should be clear: It would add to the stability of the balance of terror, while the Soviet proposal would accelerate the decline in the stability of the balance.

III

Mr. President, in my view the central objective of our strategic force is to prevent a nuclear war by deterring any potential adversary from launching a first strike against the United States. That our security should lie in deterrence—in the threat to launch an overwhelming retaliatory strike against a nuclear aggressor—is an unhappy necessity for which I have more regret than enthusiasm. Nevertheless, it is essential, for our own security and for the assurance of peace, that there be no doubt as to the certainty and severity of our response in the event that an attack should be made against us.

I believe that arms control arrangements have a vital role to play in increasing the stability of the strategic balance, and in deepening the conviction, on both sides, that an all-out nuclear war would be suicidal.

The stability of the strategic balance results from the fact that the United States has developed, and is determined to maintain, an invulnerable retaliatory force. So long as our deterrent is certain to survive any effort to destroy it, the Soviet Union, our principal nuclear adversary, will have no incentive to initiate a first strike. It is the capacity of our strategic force to survive in sufficient numbers that makes the strategic balance a stable one. And we can increase the stability of the balance by measures that remove any possible incentives to a first strike.

Now, the chief incentive to a nuclear strike is the belief, on the part of a potential aggressor, that a first strike might destroy enough of our deterrent force so that we would be unable to use our few surviving weapons to retaliate. If the Soviet Union ever believed the nuclear balance implied this outcome, we would be subjected, at the very least, to blackmail and intimidation across a broad range of foreign policy issues. Beyond that, we would find ourselves in a situation that encouraged Soviet brinkmanship with a resulting risk of accident, miscalculation, and nuclear war.

It is for this reason that we should welcome arms control arrangements that diminish the vulnerability of our deterrent forces while soundly rejecting proposals whose effect would be to place our deterrent at greater risk.

IV

The urgency many of us associate with the SALT talks results from the fact that the Soviet Union has been increasing its offensive strategic forces in spite of 5 years of American restraint. We have watched the number of SS–11, SS–13, and SS–9 missiles climb steadily since 1965. We have watched the growth of those forces pass the level necessary for a deterrent posture that mirrors our own. We have watched, most recently, the ominous development of what may be a new generation of offensive missiles of a size and disposition that gravely threatens the security of our deterrent force. In short, Mr. President, we have watched the security of our deterrent—the principal source of strategic stability—eclipsed by the shadow of increasing Soviet offensive strength.

Our response to this development has included the deployment of a system of ballistic missile defense designed to protect the retaliatory capacity of our Minuteman missiles—the heart of the strategic deterrent. We have taken this step in the hope that it would impress upon the Soviet Union the futility of its effort to deploy offensive forces capable of threatening our deterrent.

But this deployment of defenses to offset the Soviet threat has not been our only response to their build-up. We have also proposed to the Soviet Union a SALT agreement designed to limit our strategic forces in such a way as to increase the security of our respective retaliatory forces. We have said, in effect, that if the Soviet Union will stop building up its strategic offensive forces, we will agree to limit our defenses.

Unfortunately, the Soviets have chosen to press for an agreement on terms that would limit defenses only, and that would prevent us from defending our deterrent. The clear implication of this Soviet position is that they wish to inhibit our defenses while proceeding to increase the capability of their offensive force to strike—and perhaps destroy—our deterrent.

Such a position is, of course, completely unacceptable. Far from slowing down the arms race, it would provide an incentive to the Soviets to press ahead on the deployment of more offensive weapons in the full knowledge that we, for our part, have nothing in prospect with which to counter their increasing strength. Far from increasing the stability of the strategic balance, adoption of the Soviet position would prejudice that stability. Rather than controlling the *offensive* forces that threaten our deterrent, it would limit the *defensive* forces that protect it.

I would hope, Mr. President, that the United States would therefore act immediately to propose the alternative interim freeze that I have outlined. The stability of the strategic balance and the prospects for a comprehensive SALT agreement would be greatly improved by such a move.

Mr. President, I yield back the remainder of my time.

FURTHER ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, under the previous order does the Senate now proceed again to the transaction of routine morning business?

The PRESIDING OFFICER (Mr. BUCKLEY). The Senate will now proceed to the consideration of further routine morning business for a period not to exceed 15 minutes, with statements therein limited to 3 minutes.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, it was hoped by the leadership that the Senate could proceed with consideration of H.R. 5432 today through to completion of action on that measure; but because of the fact that an amendment is now expected to be offered to that measure—an amendment which cannot be offered today but which must wait until tomorrow—it is the plan of the leadership to lay the bill before the Senate today and make it the pending business, so that it will become the unfinished business on tomorrow.

It is hoped that action will be completed tomorrow on H.R. 5432—the bill to which I have just referred—a bill to provide an extension of the interest equalization tax, and for other purposes.

Mr. President, the only remaining measure, at this time, is S. 31, a bill to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

AUTHORIZATION FOR COMMITTEES TO SUBMIT REPORTS DURING ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, it is expected that committees may report additional bills and resolutions for placement on the calendar, and I therefore ask unanimous consent that committees may be authorized to submit reports during the adjournment over until tomorrow.

The PRESIDING OFFICER (Mr. HANSEN). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MUSKIE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the recognition of the two leaders or their designees under the standing order, the distinguished Senator from Maine (Mr. Muskie) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from Maine (Mr. Muskie) tomorrow, there be a period for the transaction of routine morning business not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTEREST EQUALIZATION TAX EXTENSION ACT OF 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 50, H.R. 5432.

The PRESIDING OFFICER (Mr. Hansen). The bill will be stated by title.

The Assistant Legislative Clerk. A bill (H.R. 5432), to provide an extension of the interest equalization tax, and for other purposes.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BYRD of West Virginia. Mr. President, there will be no action on this bill today but it will be the unfinished business on tomorrow.

Mr. President, I ask unanimous consent that upon completion of the period for routine morning business tomorrow, the Senate proceed to the consideration of the unfinished business, Calendar No. 50, H.R. 5432, to provide an extension of the interest equalization tax, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there may now be a period for the transaction of routine morning business not to exceed 10 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOVIET MILITARY AID INCREASES

Mr. SCOTT. Mr. President, an interesting and significant phenomenon is developing in world affairs that is worth examining more carefully by the Senate. It appears the Soviet Union is stepping up its military aid to non-Communist nations while the United States is attempting to lower its own profile.

According to an article in the New York Times Tuesday by its noted foreign affairs specialist, Drew Middleton, the Soviet Union is now spending in excess of $800 million annually in foreign military assistance to countries other than the Warsaw Pact powers. There is, of course, no really valid estimate on how much the Russians are spending to maintain their hegemony in Eastern Europe.

Much of the assistance outside Eastern Europe, according to the Times story, goes to the United Arab Republic. But Soviet aid has expanded far beyond Egypt. In 1962, Russia was providing assistance to 10 non-Communist countries at a rate of about $110 million a year. By last year she was providing assistance to 25 non-Communist countries at the $800 million rate.

At present, according to the story, the Soviets have some 25,000 military advisors serving in these non-Communist nations.

Meanwhile, the United States is working hard at cutting its military presence abroad. Our own military assistance program is running at about $700 million a year, exclusive of aid to South Vietnam.

Soviet aims, according to the Times dispatch, involve a two-front objective, increasing Arab strength in the Middle East, and bolstering strength of countries in Asia abutting Red China.

Thus, the Soviets are concentrating large portions of their foreign military assistance in Egypt and the other Arab countries on the one hand, and in India and Afghanistan on the other.

It is significant that Russia—always critical of American efforts to support the military strength of countries around the world—has quietly embarked on a program of such magnitude herself. It is another evidence of the Soviet Union's ever-widening effort to make its presence felt worldwide.

Mr. President, I ask unanimous consent to have the text of Mr. Middleton's story printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Soviet Aid Said To Run $2 Billion Yearly

(By Drew Middleton)

Soviet military aid to Communist and underdeveloped countries amounted to more than $19-billion in the years from 1955 to 1970, according to authoritative sources in the United States and Allied governments.

According to a recently disclosed American report, assistance is increasing in value and geographical scope, with North Vietnam in the Communist world and the United Arab Republic of the underdeveloped countries receiving the largest shares.

Only 10 non-Communist countries received military aid in 1962. Eight years later the number had risen to 25 and annual aid in arms had jumped to $800-million from $110-million. The number of Soviet military advisers and technicians around the world, exclusive of Warsaw Pact countries, is now estimated to be at least 25,000.

U.S. AID IS ROTATED

United States military aid through the Mutual Defense Act of 1949 and the Foreign Assistance Act of 1961 totaled over $33-billion from 1950 to 1968. The amount for the fiscal year 1968, excluding South Vietnam, was more than $718-million.

Intelligence analysts in the United States and in governments of members of the North Atlantic Treaty Organization estimate the Soviet Union's current annual bill for economic and military aid at something more than $2-billion. Reports of criticism of this expenditure have reached the west from Moscow, although the Russian people are unaware of the full extent of foreign aid.

These reports add that Communist party speakers addressing meetings on Soviet collective farms or in factories are provided with guidance for answering questions concerning the Government's foreign aid.

OBJECTIVES LISTED

Government sources here and abroad believe the Soviet military aid program has these political objectives:

To increase the dependence of Arab states on the Soviet Union by providing arms, advisers, equipment and replacements.

To maintain the military strength of North Vietnam and, consequently, enable the Soviet Union to wield greater influence than China in Hanoi.

To increase the military preparedness of Asian countries such as India and Afghanistan, which adjoins China.

To raise the power of the Soviet Union's Warsaw Pact allies by introducing modern weapons systems, including guided missiles.

Soviet military aid to Communist countries amounted to about $12.7-billion in 1955–1970.

The largest share went to North Vietnam. Its value, reckoned in dollars at Soviet foreign-trade prices, was $1.4-billion from 1954 through 1968. Aid in 1969 was estimated at $120-million.

TOTAL PACKAGE FOR HANOI

One allied estimate is that the combined military and economic aid agreement signed by the Soviet Union and North Vietnam last year will cost Moscow about $1-billion annually.

Total economic and military aid to North Vietnam from 1954 through 1968 by the Soviet Union, Communist China and eastern Europe is put at $4.1-billion.

Soviet military help to its Warsaw Pact allies averaged about $500-million annually in the fiscal years 1961–1971. The bulk was in the form of advanced aircraft, missiles, tanks and electronic weapons systems.

Other Warsaw Pact forces fly the MIG–21, the most advanced fighter in general service with the Soviet Air Force, and expect to receive the new MIG–23 after the Soviet Union has been equipped. Three types of surface-to-air missiles, the SAM–2, the SAM–3 and the SAM–4, have been delivered to east European forces.

The latest United States estimate is that Soviet military aid to Cuba amounts to $20-million annually.

The United Arab Republic receives the largest amount of military aid among non-Communist recipients.

Dependence on the Soviet Union, it was said, increased dramatically after the introduction of SAM–3 missiles into Egypt and a modern antiaircraft defense system in 1970.

The aid program for Egypt, already costly, rose sharply after the 1967 war with Israel. According to one intelligence estimate, the entire program from 1955 through the end of 1970 amounted to $2.7-billion. This excludes, however, the military and economic assistance pact signed in Moscow in December, 1970.

COMMITTEE REPORTS ON UTILIZATION OF FOREIGN CURRENCIES

Mr. ELLENDER. Mr. President, in accordance with the Mutual Security Act of 1954, as amended, I ask unanimous consent to have printed in the RECORD the reports of committees of the Senate, certain joint committees, and parliamentary bodies, concerning the foreign currencies and U.S. dollars utilized by them in calendar year 1970 in connection with foreign travel.

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

CALENDAR YEAR 1970, FOREIGN TRAVEL FUNDS EXPENDED—ALL COMMITTEES, U.S. SENATE

	U.S. dollars	Foreign currency dollar equivalent
Aeronautical and Space Sciences		$674.89
Appropriations		5,777.01
Armed Services		12,386.86
Banking and Currency		11,801.36
Commerce		13,270.40
Finance		2,897.40
Foreign Relations		29,292.09
Senate delegation, British-American Parliamentary Conference, Bermuda		606.36
Senate delegation, 13th Canada-United States Interparliamentary Conference, Washington, D.C.; Cape Kennedy, Fla.; Houston and San Antonio, Tex	$9,643.43	
North Atlantic Assembly Conference, The Hague, The Netherlands; Rome, Italy; and Dublin, Ireland	13,424.24	14,438.44
Mexico-United States Interparliamentary Conference, Washington, D.C., and San Francisco, Calif	16,712.26	
U.S. Group, Interparliamentary Union	$12,537.30	$27,974.59
Government Operations		26,061.64
Interior and Insular Affairs		4,712.76
Judiciary		12,504.25
Labor and Public Welfare		22,336.59
Public Works		8,918.26
Rules and Administration		4,364.22
Joint Committee on Atomic Energy		9,417.32
Joint Economic Committee		26,807.00
Total	52,317.23	234,241.44
U.S. dollars	52,317.23	
Foreign currency dollar equivalent	234,241.44	
Grand total, funds expended	286,558.67	

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES, U.S. SENATE EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
James J. Gehrig:											
Germany	DM	195.00	$53.71	153.60	$42.32	475.58	$130.71	98.86	$27.24	923.04	$253.98
The Netherlands	Guilders	166.85	46.35	124.80	34.67	58.55	16.26	24.20	6.72	374.40	104.00
William Parker:											
Germany	DM	195.00	53.72	144.73	39.87	484.35	133.13	72.06	19.85	896.14	246.57
The Netherlands	Guilders	103.00	28.61	74.00	20.55	45.00	12.50	31.25	8.68	253.25	70.34
Total			$182.39		$137.41		$292.60		$62.49		$674.89

RECAPITULATION

Foreign currency (U.S. dollar equivalent)	$674.89
Total	$674.89

CLINTON P. ANDERSON,
Chairman, Committee on Aeronautical and Space Sciences.

February 19, 1971.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON APPROPRIATIONS, U.S. SENATE EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Gordon Allott:											
Transportation	Netherlands Florins					1,092.50	$303.73			1,092.50	$303.73
Finland	Markkas							155.20	$37.45	155.20	37.45
Senator Allen J. Ellender:											
Transportation	German marks					4,315.87	1,188.62			4,315.87	1,188.62
Austria	Shillings					899.00	34.94	2,000.00	77.76	2,899.00	112.70
Belgium	Francs					4,350.00	87.31			4,350.00	87.31
Czechoslovakia	Korunas							667.00	46.48	667.00	46.48
France	Francs							550.00	99.65	550.00	99.65
Greece	Drachmas					80.00	2.67			80.00	2.67
Italy	Lire							62,500.00	100.00	62,500.00	100.00
Poland	Zlotys							9,750.00	150.00	9,750.00	150.00
Romania	Lei							1,251.	70.20	1,251.	70.20
United Kingdom	Pounds					21.11.8	51.56	20.14.0	49.68	41.25.8	101.24
Senator James B. Pearson:											
Transportation	German marks					5,128.39	1,389.80			5,128.39	1,389.80
Italy	Lire	10,900	16.50	20,205	33.28					31,105	49.78
Israel	Pounds	157.50	41.14	290.16	58.19	129.40	36.97			477.06	136.30
Lebanon	Lebanese pounds	72.00	21.00	417.75	129.00	38.00	11.78			527.75	161.78
Jordan	Dinars					16.150	45.24			16.150	45.24
Frederick David Seaton:											
Transportation	German Mark					5,128.39	1,389.80			5,128.39	1,389.80
Italy	Lire	10,900	16.50	20,200	33.28					31,100	49.78
Israel	Israeli pound	157.50	41.14	290.16	58.19					347.66	99.33
Lebanon	Lebanese pound	72.00	21.00	417.75	129.00					489.75	150.00
United Arab Republic	Egyptian pound							2,855	5.15	2,855	5.15
Total			157.28		440.94		4,542.42		636.37		5,777.01

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$5,777.01
Total	5,777.01

ALLEN J. ELLENDER,
Chairman, Committee on Appropriations.

Mar. 10, 1971.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON ARMED SERVICES, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Sen. Peter Dominick:											
So. Vietnam	Piastres			767.00	$6.50			1233.10	$10.45	2000.10	$16.95
Hong Kong	Dollar	327.44	$54.08	120.27	20.00	204.90	$33.77	59.79	10.00	712.40	117.85
Japan	Yen	15,120	42.00	15,480	43.00	4000	11.11	5400	15.00	40,000	111.11
Germany	Deutche marks					3422.83	927.60			3422.83	927.60
Col. John O. McFalls, USAF:											
So. Vietnam	Piastres	10,620	90.00	5,310	45.00	590	5.00	1160	9.83	17,680	149.83
Hong Kong	Dollar	332.75	55.07	222.97	36.76	36.30	6.07	60.50	10.08	652.50	107.98
Japan	Yen	15,120	42.00	12,600	35.00	3,960	11.00	4,320	12.00	36,000	100.00
Germany	Deutche marks					3422.83	927.60			3422.83	927.60
Sen. Henry M. Jackson:											
Israel	Israeli pounds	798.65	228.12	74.20	21.20	1020.95	291.70	2.15	.68	1895.95	541.7
United Kingdom	Pounds	20.3	48.53	2.2	5.07			2.2.7	5.13	24.7.7	58.7
Richard Perle:											
Israel	Israeli pounds	493.50	141.00	385.00	110.00	1249.85	357.10	117.25	33.50	2245.60	641.60
Germany	Deutche marks					3202.50	881.99			3202.50	881.99
Lt. Col. Thomas W. McGuire, Jr.:											
United Kingdom	Pounds	62.5.9	150.00	20.15.3	50.00			20.95.3	50.00	103.16.5	250.00
Germany	Deutschemarks	552	150.00	184	50.00	3257.40	883.48			3993.40	1083.48
Sen. John G. Tower:											
Germany	Deutschemarks					3257.40	883.48			3257.40	883.48
Sen. Stephen M. Young:											
Dominican Republic	RD Dollar	86.00	86.00	32.75	32.75	12.80	12.80	15.00	15.00	146.55	146.55
Romania	Lei	2138.40	120.00	891.00	50.00	178.20	10.00	721.80	40.00	3920.40	220.00
Italy	Lire	566.10	90.00	157.25	25.00	125.80	20.00	113.22	18.00	962.37	153.00
Portugal	Escudos	1429.700	50.00	428.910	15.00	142.970	5.00	171.564	6.00	2173.144	76.00
Spain	Pesetas	3480.00	50.00	1392.00	20.00	556.80	8.00	1392.00	20.00	6820.80	98.00
Poland	Zlotys	9100.00	140.00	2600.00	40.00			1625.00	25.00	13325.00	205.00
Belgium	Francs	3000.00	60.00	1000.00	20.00	600.00	12.00	500.00	10.00	5100.00	102.00
Netherlands	Florin	789.80	220.00	244.12	68.00	2654.2306	739.34	140.78	42.00	3828.9306	1069.34
Germany	Deutschemarks			29.04	8.00	5927.5722	1632.94			5956.6122	1640.94
Cdr. J. L. Larson:											
Dominican Republic	Rd dollar	32.00	32.00	22.00	22.00			8.00	8.00	62.00	62.00
Netherlands	Florin					1,050.10	291.53			1,050.10	291.53
Italy	Lire	25,160.00	40.00	27,676.00	44.00	6,290.00	10.00	20,674.00	32.88	79,800.00	126.88
Portugal	Escudos	1,229.54	43.00	955.04	33.40	142.97	5.00	661.65	23.14	2,989.20	104.54
Spain	Pesetas	1,893.82	27.21	2,644.80	38.00	556.80	8.00	864.58	12.42	5,960.00	86.63
Germany	Deutche marks					4,377.36	1,205.55			4,377.36	1,205.55
Total			1,959.01		838.68		9,180.06		409.11		12,386.68

JOHN C. STENNIS,
Chairman, Committee on Armed Services.

Mar. 23, 1971.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON BANKING AND CURRENCY, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
John B. Childers:											
Belgium	BFrancs	8,157	$163.14	2,001	$40.02	133	$2.66	440	$8.80	10,731	$214.62
Germany	DMarks					3,081.72	846.86			3,081.72	846.86
Subtotal			163.14		40.02		849.52		8.80		1,061.48
Senator Wallace F. Bennett:											
Japan	Yen	21,600	60.00	9,000	25.00			2,692	7.48	33,292	92.48
Korea	Won	14,664	48.00	23,218	76.00	3,971.50	13.00	5,521.50	17.54	47,375	154.54
Subtotal			108.00		101.00		13.00		25.02		247.02
Senator Harrison A. Williams, Jr.:											
Vietnam	Piasto	14,750	125.00	8,260	70.00			490	4.15	23,500	199.15
Thailand	Baht	1,041.25	50.00	937,125	45.00			104,125	5.00	2,082.50	100.00
Hong Kong	HK$	606.00	100.00	484.80	80.00	75.45	12.43	121.20	20.00	1,287.45	212.43
Korea	Won	13,635	45.00	9,090	40.00			1,915	6.31	24,640	81.31
Japan	Yen	27,000	75.09	21,600	60.00	33,865	94.07	5,400	15.00	87,865	244.07
Germany	D Marks					7,158.55	1,939.50			7,158.55	1,939.50
Subtotal			395.00		285.00		2,046.00		50.46		2,776.46
Stephen J. Paradise:											
Vietnam	Piasto	14,750	125.00	8,260	70.00			490	4.15	23,500	199.15
Thailand	Baht	1,041.25	50.00	937,125	45.00			104,125	5.00	2,082.50	100.00
Hong Kong	HK$	606	100.00	484.80	80.00			121.20	20.00	1,212.00	200.00
Korea	Won	13,635	45.00	9,090	30.00			1,915	6.31	24,640	81.31
Japan	Yen	27,000	75.00	21,600	60.00	12,370.00	34.36	5,400	15.00	66,370	184.36
Germany	D Marks					7,158.55	1,939.50			7,158.55	1,939.50
Subtotal			395.00		285.00		1,973.86		50.46		2,704.32
Senator Charles H. Percy:											
Belgium	B Francs	1,920	38.40	1,500	30.00	750	15.00	830	16.60	5,000	100.00
France	F Francs	810	146.70	372	67.40	196.50	35.60	277.50	50.30	1,656	300.00
Finland	F Marks	447.80	107.00	121.80	30.00	74.80	18.00	187.20	45.00	831.60	200.00
Germany	D Marks					6,769.54	1,864.37			6,769.54	1,864.37
Ethopia	Eth. $					86.85	35.00	161.28	65.00	248.13	100.00
Nigeria	N £							35.14.5	100.00	35.14.5	100.00
United Kingdom	£	47	112.00	14	34.00	7.6.8	18.17			68.6.8	164.17
Subtotal			404.10		161.40		1,986.14		276.90		2,828.54

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON BANKING AND CURRENCY, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970.—CONTINUED

		Lodging		Meals		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hugh H. Smith, Jr.:											
Belgium	B Francs	1,680	$33.60	6,070	$121.40	1,884.00	$37.76	1,500	[1] $30.00	11,138.00	$222.76
Denmark	D Kroner	1,207	161.00	915	122.00	120.00	17.00	300	[1] 0	2,542.00	300.00
Spain	Pesetas	2,010	29.00	4,200	60.00	700	10.00	3,570	[1] 51.00	11,604.20	150.00
Total			223.60		303.40		64.76		[1] 81.00		672.76
Carl A. S. Coan:											
England	Pounds	23.44	55.80	6.08	14.50	28.19	67.50	51.6	12.20	62.83	150.00
Denmark	D. Kroner	1,140	152.00	285	38.00	112.27	14.96	35	4.67	1,572.27	209.63
Guatemala	Quetzal	66	66.00	67.75	67.75	9.50	9.50	14.75	14.75	158.00	158.00
Nicaragua	C	0	0	365.41	52.20	24.50	3.50	55.09	7.87	445.00	63.57
Germany	D Marks	0	0	0	0	1,651.93	449.86	0	0	1,651.93	449.86
Subtotal			273.80		172.45		545.32		39.49		1,031.06
John R, Evans:											
Belgium	B, francs	1,680	33.60	2,020	40.40	1,137.50	22.75	500	10.00	5,337.50	[2] 106.75
Denmark	D, kroner	1,207.50	161.00	579.38	77.25	37.50	5.00	44.03	5.87	1,868.41	[2] 249.12
Spain	Pesetas	2,010	29.00	3,850	55.00	700	10.00	2,040	29.85	8,620	123.85
Subtotal			223.60		172.65		37.75		45.72		479.72
Total			2,186.24		1,520.92		7,516.35		577.85		11,801.36

RECAPITULATION

Amount	$11,801.36
Total	11,801.36

JOHN SPARKMAN,
Chairman, Committee on Banking, Housing, and Urban Affairs,

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[1] Expenses totaled more than indicated but were paid for by personal funds,
[2] $116.11 (5,805.50 B, francs) carried into Denmark to cover expenses in that country,

Mar. 17, 1971.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON COMMERCE, U.S. SENATE EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

		Lodging		Meals		Transportation		Miscellaneous		Total	
me and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Emanuel L. Rouvelas:											
Greece	Drachma	8,250.00	$275.00	4,500.00	$150.00	2,100.00	$70.00	1,650.00	$55.00	16,500.00	$550.00
Germany	DM					4,377.36	1,202.90			4,377.36	1,202.90
Subtotal			275.00		150.00		1,272.90		55.00		1,752.90
Scott Hugh:											
Taipei	NT	4,000.00	100.00	4,000.00	100.00	1,000.00	25.00	1,000.00	25.00	10,000.00	250.00
Hong Kong, B.C.C.	Hong Kong Dollars	1,200.00	200.00	1,200.00	200.00	315.00	50.00	315.00	50.00	3,030.00	500.00
Germany	DM					6,507.48	1,763.54			6,507.48	1,763.54
Subtotal			300.00		300.00		1,838.54		75.00		2,513.54
Sutcliffe, S. Lynn:											
Belgium	Fr	1,568	31.36	2,640	52.80	1,020	20.40	1,962	39.24	7,190	143.80
France	Fr	195	35.30	350	63.40	90	16.30	63	11.00	698	126.00
United Kingdom	L	19.00	45.25	20.00	48.00	8.00	21.00	15.00	36.00	62.00	150.25
Japan	Yen	51,840	144.00	33,840	94.00	54.799	152.22	33,840	94.00	174.319	484.22
Germany	DM					8,661.39	2,383.54			8,661.39	2,383.54
Total											
Subtotal			255.91		258.20		2,593.46		180.24		3,287.81
Wedin, John:											
Japan	Yen	397,800	1,105.00	91,440	254.00	312,562	868.23			801,802	2,227.23
Germany	DM					5,668.83	1,561.23			5,668.83	1,561.23
Subtotal			1,015.00		254.00		2,429.56				3,788.46
Arthur Pankopf, Jr.:											
Japan	Yen	61,586	170.99	31,176	86.61	42,199	117.22	5,826	16.19	140,787	391.01
Germany	DM					5,579.67	1,536.68			5,579.67	1,536.68
Subtotal			170.99		86.61		1,653.90		16.19		1,927.69
Total			2,106.90		1,048.81		9,788.26		326.43		13,270.40

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$13,270.40
Total	13,270.40

Warren G. Magnuson,
Chairman, Committee on Commerce.

Mar. 24, 1971.

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[1] Expended between Dec. 30, 1969, and Jan. 12, 1970.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON FINANCE, U.S. SENATE EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

		Lodging		Meals		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
McCarthy:											
France	Francs	630.00	$113.31	275.00	$49.46	54.00	$9.71	153.00	$27.52	1,112.00	$200.00
	Marks					[1] 4,449.83	$1,205.92			4,449.83	1,205.92
Eller:											
France	Francs	270.00	48.56	464.95	83.62	100.00	17.99	277.05	49.83	1,112.00	200.00
U.S.S.R.	Rubles			51.00	56.67			26.00	28.89	77.00	85.56
	Marks					[1] 4,449.83	1,205.92			4,449.83	1,205.92
Total			161.87		189.75		2,439.54		106.24		2,897.40

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$2,897.40
Total	$2,897.40

Signed: RUSSELL B. LONG,
Chairman, Committeeton Finance.

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[1] Flight transportation.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON FOREIGN RELATIONS, U.S. SENATE EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

		Lodging		Meals		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Pell:											
France	New tranc	425	$76.99	308	$55.80	61	[1] $11.06	95	$17.21	889	$161.06
Switzerland	Franc	110	25.58	75	17.44	1,923	[1] 447.31	30	6.98	2,138	497.31
Germany	Mark					1,009.70	[1] 278.00			1,009.70	278.00
France	New franc	828	150.00	586	106.16			242	43.84	1,656.00	300.00
Germany	Mark					1,696.014	[1] 467.00			1,696.014	467.00
Senator Frank Church:											
Mexico	Peso	1,300	104.00	1,040	83.35			158	12.65	2,498	200.00
Robert Dockery:											
Germany	Mark					1,489.62	403.69			1,489.62	403.69
Venezuela	Bolivar	675	150.07	1,008	225.00	225.00	50.22	110.25	24.71	2,018.25	450.00
Colombia	Peso	1,225	68.29	2,650	147.71	550.00	30.66	854.00	47.60	5,279.00	294.26
Germany	Mark					3,329.10	892.07			3,329.10	892.07
Switzerland	Franc	1,304	303.61	1,050	244.46	2,046	473.86	96.00	22.39	4,496	1,044.32
Francis R. Valeo:											
Philippines	Peso	489.88	125.00	391.91	100.00			319.91	81.63	1,201.70	306.63
Philippines	Peso					139.00	35.46			139.00	35.46
Hong Kong	H.K. dollar	242.34	40.00	121.17	20.00			142.49	23.52	506.00	83.52
Germany	Mark					6,791.13	1,840.47			6,791.13	1,840.47
J. G. Lowenstein:											
Hong Kong	HK$	434.11	81.85	331.28	54.88	61.29	10.24	264.42	43.84	1,091.10	190.81
Vietnam [2]	P/	18,301	155.09	7,562	64.08			717	6.08	26,580	225.25
Cambodia	Riel	3,988	71.95	9,847	180.20	3,422	61.24	1,497	28.02	[3] 18,754	[3] 341.41
Thailand	Bht							120.63	5.79	120.63	5.79
France	Franc	825.51	149.67	478.17	86.70			64.58	11.72	1,368.26	248.09
	DMark					5,004.64	1,369.72			5,004.64	1,369.72
Vietnam [2]	P/	8,291	30.15	7,714	28.05			1,435	5.22	17,440	63.42
Richard Moose:											
Hong Kong	HK	450.60	73.84	332.60	56.04	52.40	8.64	247.0	39.78	1,076.65	178.30
Vietnam [4]	P/	7,816.6	67.09	6,862.9	58.16	6,664.7	60.15	4,702.3	39.85	26,667	225.25
Vetnam [4]	P/	7,068.0	25.70	6,500.0	23.62	2,000.0	7.27	1,432.0	5.23	17,000	61.82
Cambodia	Riels	2,935.0	52.95	6,589	121.92	337.9	68.18	1,962	35.77	[5] 11,863.9	[5] 278.82
Thailand	B					68.63	3.29			68.63	3.29
Germany	DM					2,052.85	556.78			2,052.85	556.78
France	Franc	585	106.21	449.66	81.55					1,035.66	187.76
Seth Tillman:											
UAR	Pound	97.509	175.53	8.263	14.86	55.586	99.93	3.192	5.86	164.550	296.18
Lebanon	Pound	88.00	27.00	50.40	15.80	29.10	,9.20	7.00	2.15	174.50	54.15
Jordan	Dinar					30.150	84.45			30.150	84.45
Israel	Pound	349.65	97.90	160.30	46.47	273.20	78.08	53.05	16.46	836.20	238.91
Vietnam	Piaster	31,223	113.54	20,673.	75.10			1,354.	5.00	53,250.	193.64
Norvill Jones:											
Japan	Yen	48,600	135.00	27,000	75.00	3,600	10.00	10,800	30.00	90,000	250.00
Korea	Won	21,597	69.00	15,024	48.00	2,191	7.00	6,925	23.18	46,065	147.18
Indonesia	Rp	45,243	118.75	31,623	83.00	1,714	4.50	25,146	65.99	103,725	272.24
Hong Kong	HK$	490.68	81.00	254.52	42.00	36.36	6.00	162.63	26.87	944.57	155.87
Germany	DM					7,186.04	1,979.08				1,979.08
D. G. Henderson:											
Uruguay	Peso	14,200	56.98	25,650	102.93	750	3.01	2,537	10.18	43,137	173.10
Brazil	N. Cruzeiro	230	51.57	380	85.20	12	2.69	25	5.61	647	145.07
	D. Mark					3,081.72	846.86			3,081.72	846.86
France	New Franc	345	62.50	494	89.49	144	26.08	133	24.10	1,116	202.17
Belgium	Franc	5,250	105.00	6,762	135.24	650	13.00	338	6.76	13,000	260.00
England	Pound	43.3.0	103.55	51.2.0	122.63	99.12.6	239.08	6.18.6	16.62	200.16.0	481.88
W. H. Pincus:											
Iceland	Kronar	2,422	27.55	1,793	20.40			245	2.79	4,460	50.74
United Kingdom	Pound	32.34.4	78.56	27.0.6	65.75	6.16.0	15.74	14.72.1	36.28	80.23.6	196.33
Norway	N. Kr	120.75	16.93	11	1.55	201.50	28.23	5	.70	338.25	47.41
Germany	D.Mark	344.08	94.74	225	61.95	150	41.29	204.92	56.42	924	254.04
Belgium	B.Franc	1,516	30.32	1,013	20.26	404	8.08	4,437	88.74	7,370	147.04
Morocco	DH	199.18	39.45			35.82	7.09	100	19.80	335	66.34
Iran	Rls	5,123	67.18	3,640	47.74	700	9.18	785	10.29	10,248	134.39
United Arab Republic	E.Pnds			1.5	2.71	1.920	3.46			3.420	6.17
Ethiopia	E.Dlrs	175.01	70.53	36.12	14.56	201.05	81.04	39.06	15.74	451.24	181.87
Italy	Lira	15,240	24.23	10,500	16.69	5,250	8.35	460	.73	31,450	50.00
	D.Mark					8,758.02	2,375.38			8,758.02	2,375.38

Footnotes at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON FOREIGN RELATIONS, U.S. SENATE EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970—Continued

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
R. A. Paul:											
Iceland	Kronar	2,917.60	$33.17	2,231.83	$25.38	200	$2.27	107.40	$1.26	5,456.83	$62.08
U.K.	Pound	40.4	97.35	23.64	57.11	11.16	27.16	11.5	27.97	86.7	209.59
Norway	N. Kr.	139.75	19.58	14	1.98	201.50	28.23	63	8.83	418.25	58.62
Germany	D. Mark	336.10	91.22	382.10	104.33	160	43.18	225.80	61.27	1,104	300.00
Belgium	B. Franc	3,642	72.84	2,000	40.00	1,300	26.00	558	11.16	7,500	150.00
Morocco	DH	175	34.65			75	14.86	100	19.80	350	69.31
Iran	Rls	4,998	65.56	1,100	14.42	800	10.49	940	12.32	7,838	102.79
U.A.R.	Eg. Pounds			1.5	2.71	1.920	3.46			3.420	6.17
Ethiopia	E. Dollars	211.75	85.34	28	11.30	216.05	87.07	101.44	40.88	557.24	224.59
Israel	Is. Pnds	163.25	46.65	175	50.00	189	54.00	44.75	12.78	572	163.43
France	Franc	178.40	32.33	200	36.12	95	17.08	80.60	14.47	554	100.00
D. Mark						8,758.02	2,375.38			8,758.02	2,375.38
Pat M. Holt:											
Jamaica	Jamaican dollar	103.00	123.60	93.00	111.60	58.20	69.84	11.56	13.87	265.76	318.91
Barbados	Barbados dollar	207.82	103.91	83.80	41.90	28.24	14.12	14.98	7.49	334.84	167.42
Trinidad and Tobago	T & T dollar	476.12	238.06	281.20	140.60	89.00	44.50	41.68	20.84	888.00	444.00
Guyana	Guyana dollar	150.00	75.00	110.10	55.05	16.00	8.00	23.90	11.95	300.00	150.00
Germany	Mark					1,722.76	473.42			1,722.76	473.42
Charles D. Ferris:											
Germany	Mark					4,541.69	1,230.81			4,541.69	1,230.81
New Zealand	New Zealand dollar	129.43	115.20	200.89	178.80	52.13	46.40	58.53	52.10	440.98	392.50
Arthur M. Kuhl:											
The Netherlands	Guilder	1,214.25	337.30	980.01	272.22	184.45	51.11	161.55	44.87	2,540.26	705.50
Spain	Peseta	3,758	54.47	4,169	60.42	6,130	88.84	1,051	15.23	15,108	218.96
Germany	Mark					3,237.50	887.10			3,237.50	887.10
Total			$5,130.78		$4,146.69		$18,665.43		$1,349.19		$29,292.09

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$29,292.09
Total	29,292.09

J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations.

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[1] Used to purchase air transportation to and from countries visited.
[2] Vietnam is shown twice because of the great difference in the rate of exchange between April and December.
[3] These are preliminary figures as all receipts have not yet been returned from the field.
[4] Reason for listing Vietnam twice is because of great difference in rate of exchange.
[5] These are preliminary figures as all receipts have not yet been returned from the field.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE SENATE DELEGATION, BRITISH-AMERICAN PARLIAMENTARY CONFERENCE, BERMUDA, FEB. 20-24, 1970; EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
William B. Spong, Jr.:											
Bermuda	Bermuda dollars	75.00	$75.00	75.00	$75.00					150.00	$150.00
Bermuda	German Marks[1]					333.06	$90.36			333.06	90.36
Mike Gravel:											
Bermuda	Bermuda dollars	100.00	100.00	100.00	100.00	91.00	91.00			291.00	291.00
Carl Marcy:											
Bermuda	Bermuda dollars	125.00	125.00	125.00	125.00	25.00	25.00			275.00	275.00
Total			200.00		200.00		206.36				606.36

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$606.36
Total	606.36

WILLIAM B. SPONG, Jr.
Chairman, Senate Delegation, British-American Parliamentary Conference.

Mar. 8, 1971.

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[1] Used for purchase of airline ticket, Bermuda to Washington, D.C.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS SENATE DELEGATION, 13TH CANADA-UNITED STATES INTERPARLIAMENTARY CONFERENCE, WASHINGTON, D.C.; CAPE KENNEDY, FLA.; HOUSTON AND SAN ANTONIO, TEX., EXPENDED BETWEEN MAR. 10 AND MAR. 15, 1970

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Frank Church: United States	U.S. dollar		$108.96		$6.47						$115.43
Senator Ted Stevens: United States	U.S. dollar		17.87								17.87
Norvill Jones: United States	U.S. dollar		52.34		9.30						61.64
Myrna Sasser: United States	U.S. dollar		52.34		4.83						57.17
Milrae Jensen: United States	U.S. dollar		48.20		5.93				$7.28		61.41
Abner Kendrick: United States	U.S. dollar		52.34		6.84				4.43		63.61
Mildred Mitchel: United States	U.S. dollar		56.50		4.83						61.33

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Delegation expenses:											
Official meals and receptions	U.S. dollar				$8,044.09						$8,044.09
Transportation	U.S. dollar						$843.87				843.87
Control room rental	U.S. dollar		$78.91								78.91
Telephone charges	U.S. dollar								$27.45		27.45
Books and newspapers	U.S. dollar								98.56		98.56
Printing	U.S. dollar								13.70		13.70
Stamps	U.S. dollar								3.00		3.00
Portfolios and badges	U.S. dollar								78.99		78.99
Reporters fees	U.S. dollar								16.40		16.40
Total			467.46		8,082.29		843.87		249.81		9,643.43

RECAPITULATION

	Amount
Appropriated funds:	
PL86-42	$9,643.43
Total	9,643.43

FRANK CHURCH,
Chairman, Senate Delegation, 13th Canada-United States Interparliamentary Conference.

Feb. 19, 1971.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE NORTH ATLANTIC ASSEMBLY CONFERENCE NOV. 4–15, 1970, THE HAGUE, THE NETHERLANDS, ROME, ITALY, AND DUBLIN, IRELAND

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Sparkman:											
Holland	Dollar		$132.96		$107.50				$17.04		$257.50
Ireland	Dollar		75.68		82.29				10.81		168.78
Holland	Guilder					253.50	$70.48				70.48
United Kingdom	Pound	20.0.11	48.05	18.3.9	43.70	36.2.3	86.27	3.8.8	8.25	77.15.7	186.27
Senator Allott:											
Holland	Dollar		132.96		106.43				24.39		263.77
Italy	Dollar		48.54		62.68		26.32		26.53		164.07
Ireland	Dollar		26.43		22.13				5.30		53.86
Senator Bayh:											
Holland	Dollar		132.96		123.26				18.52		274.74
Italy	Dollar		48.54		59.87		11.33		26.17		145.91
Ireland	Dollar		26.43		21.56				2.92		51.91
Senator Case: Holland	Dollar		132.96		88.98				3.85		225.79
Senator Cooper:											
Holland	Dollar		90.97		75.38	226.80	63.05		2.32		231.72
England	Pound	100.0.0	240.00	33.5.3	80.00	101.17.3	243.34	16.12.11	40.00	251.5.0	603.34
Senator Eagleton:											
Holland	Dollar		132.96		115.91		6.35		22.89		278.11
Italy	Dollar		48.54		62.14		12.14		25.80		148.62
Ireland	Dollar				24.32				7.80		32.12
Senator Griffin:											
Holland	Dollar		132.96		112.47				..68		254.11
Italy	Dollar		48.54		55.17		9.71		21.80		135.22
Senator Jackson:											
Holland	Dollar		79.77		80.12				11.61		171.50
Senator Kennedy:											
Holland	Dollar		132.96		138.82		51.70		34.51		357.99
Holland	Guilder					135.00	37.53			135.00	37.53
France	New Franc	170	30.94	210	38.22	90	16.33	82	14.51	552	100.00
Senator Javits:											
Holland	Dollar		135.84		144.88				17.95		298.67
Senator McIntyre:											
Holland	Dollar		132.96		84.43				9.73		227.12
Italy	Dollar		48.54		64.03		8.90		14.45		135.92
Ireland	Dollar		26.43		24.91				7.57		58.91
Senator Nelson:											
Holland	Dollar		132.96		9 .59				7.42		230.97
Italy	Dollar		48.54		51.22				14.72		114.48
Ireland	Dollar		26.43		24.03				12.01		62.47
Senator Percy:											
Holland	Dollar		128.49		87.97				12.48		228.94
Italy	Dollar		48.54		65.48				23.34		137.36
Senator Saxbe:											
Holland	Dollar		159.55		148.62				23.66		331.83
Italy	Dollar		48.54		62.79		7.28		23.08		141.69
Ireland	Dollar		26.43		55.24						81.67
Senator Schweiker:											
Holland	Dollar		132.96		107.31				22.70		262.97
Italy	Dollar		48.54		62.87		10.20		22.92		144.53
Ireland	Dollar		26.43		26.19						52.62
Senator Spong:											
Holland	Dollar		132.96		135.52				21.36		289.84
Italy	Dollar		48.54		59.22		8.80		23.53		140.09
Ireland	Dollar		26.43		25.02				5.58		57.03
Senator Stevens:											
Holland	Dollar		132.96		120.27				16.20		269.43
Italy	Dollar		48.54		62.81		10.86		24.37		146.58
Ireland	Dollar		26.43		29.25				9.58		65.26
John Childers:											
Holland	Dollar		104.96		78.89				2.66		186.51
Italy	Dollar		32.36		26.83				8.47		67.66
Ireland	Dollar		14.42		22.99						37.41
Donald G. Henderson:											
Holland	Dollar		90.97		92.84						183.81
Italy	Dollar		32.36		44.21		7.57		7.83		91.97
Ireland	Dollar		14.42		19.31				5.60		39.33
Milrae Jensen:											
Holland	Dollar		104.96		65.10				8.82		178.88
Italy	Dollar		32.36		22.54						54.90
Ireland	Dollar		14.42		13.90						28.32

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE

NORTH ATLANTIC ASSEMBLY CONFERENCE NOV. 4-15, 1970, THE HAGUE, THE NETHERLANDS, ROME, ITALY, AND DUBLIN, IRELAND—Continued

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Arthur [illegible]. Kuhl:											
Holland	Dollar		$104.96		$111.17				$22.44		$238.57
Italy	Dollar		32.36		29.54				6.94		68.84
Ireland	Dollar		14.42		17.31				7.01		38.74
William Miller:											
Holland	Dollar		132.96		73.70				11.34		218.00
Italy	Dollar		32.36		30.17				8.04		70.57
Ireland	Dollar		14.42		23.32				6.60		44.34
Angela Morris:											
Holland	Dollar		62.98		75.23				9.73		147.94
Italy	Dollar		32.36		25.66				8.14		66.16
Ireland	Dollar		14.42		22.57				6.70		43.69
Judith M. Morrison:											
Holland	Dollar		90.97		74.06				4.62		169.65
Italy	Dollar		32.36		22.11				7.37		61.84
Ireland	Dollar		14.42		19.75				1.37		35.54
Clark Norton:											
Holland	Dollar		90.97		46.94						137.91
Italy	Dollar		32.36		27.09				9.41		68.86
Ireland	Dollar		14.42		18.43				4.59		37.44
Nell Ryan:											
Holland	Dollar		104.96		90.84				12.42		208.22
Italy	Dollar		32.36		25.91				7.55		65.82
Ireland	Dollar		14.42		19.97				6.10		40.49
Charles Ferris:											
Holland	Dollar		112.96		120.60		$8.40		6.40		248.36
Italy	Dollar		36.36		63.40		15.60		12.50		127.86
Ireland	Dollar		28.84		41.60				10.58		81.02
Delegation expenses—The Netherlands:											
Official meals	Dollar				1809.03						1809.03
Transportation	Guilder					21,440.07	5,972.17			21,440,07	5,972.17
Hotel Offices, supplies and equipment rental.	Guilder	7,602.87	2,117.81							7,602.87	2,117.81
Overtime, embassy personnel	Guilder							5,786.25	1,611.71	5,786.25	1,611.71
Telephone	Guilder							277.61	77.33	277.61	77.33
Telephone	Dollar								57.70		57.70
Miscellaneous	Dollar								43.76		43.76
Delegation expenses—Italy:											
Hotel offices	Lira	153,356	246.14							153,356	246.14
Transportation	Lira					901,522	1,447.06			901,522	1,447.06
Overtime, embassy personnel	Lira							194,456	312.13	194,456	312.13
Official meals	Dollar				555.15						555.15
Miscellaneous	Lira							91.75	17.93	91.75	17.93
Delegation expenses	Ireland:										
Official meals	Dollar				1238.90						1238.90
Hotel offices	Pound	29.01.11	69.90							29.01.11	69.90
Transportation	Pound					549.01.0	1319.09			549.01.0	1319.09
Overtime embassy personnel	Pound							77.12.06	186.50	77.12.06	186.50
Total			7251.91		8002.66		9450.48		3,157.63		27,862.68

RECAPITULATION

	Amount
Foreign currency (U.S. equivalent)	$14,438.44
Appropriated funds:	
Public Law 84-689	13,424.24
Total	27,862.68

JOHN SPARKMAN,
Chairman, U.S. Senate Delegation.

Mar. 19, 1971.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE MEXICO-UNITED STATES INTERPARLIAMENTARY CONFERENCE, WASHINGTON, D.C., AND SAN FRANCISCO, CALIF. EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Alan Bible: United States	Dollar		$131.63		$18.16				$0.30		$150.09
Joseph Montoya: United States	Dollar		154.08		76.76		$229.95		9.08		469.87
Jennings Randolph: United States	Dollar		154.08		32.81		177.45		17.67		382.01
Robert Dockery: United States	Dollar		109.14		22.39				14.79		146.32
Pat M. Holt: United States	Dollar		154.08		37.80		29.25		25.35		246.48
Milrae E. Jensen: United States	Dollar		109.14		8.11				1.54		118.79
Arthur M. Kuhl: United States	Dollar		219.35		45.24		177.45		3.75		445.79
Delegation expenses:											
Hotel offices	Dollar	1,197.13									1,197.13
Official meals and receptions	Dollar				9,856.53						9,856.53
Transportation	Dollar						2,488.80				2,488.80
Interpreter fees	Dollar								722.73		722.73
Telephone charges	Dollar								129.96		129.96
Public stenographer	Dollar								42.50		42.50
Typewriter rental	Dollar								40.80		40.80
Stationery and supplies	Dollar								107.37		107.37
Miscellaneous	Dollar								126.39		126.39
Total			2,228.63		10,097.80		3,102.90		1,241.93		16,712.26

RECAPITULATION

	Amount
Appropriated funds:	
Public Law 86-420	$16,712.26
Total	16,712.2

MIKE MANSFIELD
Chairman, Senate Delegation.

Feb. 23 1971.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE UNITED STATES GROUP, INTERPARLIAMENTARY UNION, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Birch Bayh:											
France	F	189.75	$34.25	45.20	$8.15					234.95	$42.40
Monaco	F	500.00	90.90	821.70	148.21			284.50	$51.21	1,606.20	290.32
	US$						$465.00				465.00
Tunisia	TD							16,000	30.48	16,000	30.48
Henry Bellmon:											
Poland	ZL	1,573.00	24.20	235.00	3.62					1,808	27.82
Romania	Lei	480.00	26.88	76.00	4.02					556	30.90
Netherlands	FL	855.00	237.50	1,106.55	307.61			170.00	47.00	2,131.55	592.11
Belgium	BF	2,239.00	44.78	4,582.00	91.64			900.00	18.00	7,721.00	154.42
Thomas J. Dodd:											
France	F	189.75	34.25	95.00	17.10			1.00	.18	285.75	51.53
Monaco	F	700.00	127.30	565.90	101.96			217.60	39.55	1,483.50	268.81
Tunisia	TD							9.000	17.14	9.000	17.14
B. Everett Jordan:											
France	F	189.75	34.25	432.20	78.00			318.00	57.40	939.95	169.65
Monaco	F	700.10	127.30	370.30	66.65			236.40	42.65	1,306.70	236.60
Tunisia	TD							15.000	28.27	15.000	28.27
Poland	ZL	1,136.00	17.48	1,802.95	27.73			169.00	2.60	3,107.95	47.81
Romania	LEI	480.00	26.88	54.85	2.82			652.00	36.59	1,186.85	66.29
Netherlands	FL	855.00	237.50	435.25	120.90			1,145.50	319.34	2,435.75	677.74
Belgium	BF	2,240.00	44.80	8,778.00	175.56			271.00	5.42	11,289.00	225.78
Mike Gravel:											
Poland	ZL	1,181.00	18.17	1,655.10	25.47			172.00	2.72	3,013.10	46.36
Romania	LEI	480.00	26.88	884.00	49.35					1,364.00	76.23
Netherlands	FL	855.00	237.50	919.65	256.28			710.00	197.00	2,484.65	690.78
Belgium	BF	2,239.00	44.78	3,933.00	78.62			4,698.00	94.00	10,870.00	217.40
Len B. Jordan:											
France	F	189.75	34.35	36.25	6.53					226.00	40.88
Monaco	F	700.00	127.30	323.50	58.65			20.00	3.60	1,043.50	189.55
	U.S. dollar								10.00		10.00
Tunisia	TD							4.000	7.62	4.000	7.62
Charles H. Percy:											
Monaco	F	700.00	127.30	599.55	108.22			951.25	171.70	2,250.80	407.22
	U.S. dollar				66.00						66.00
Hugh Scott:											
France	F	189.75	34.25	256.00	46.18					445.75	80.43
Monaco	F	700.00	127.30	957.30	172.62			246.20	44.65	1,903.50	344.57
Tunisia	TD							26.250	50.00	26.250	50.00
John Sparkman:											
France	F	189.75	34.25	58.90	10.65					248.65	44.90
France	U.S. dollar				24.47						24.47
Monaco	F	1,400.00	254.55	1,716.25	309.59			1,310.90	236.97	4,427.15	801.11
Poland	ZL	1,226.00	18.86	566.80	8.72			6,130.00	94.31	7,922.80	121.89
Romania	LEI	480.00	26.88	58.00	3.01			382.00	21.44	920.00	51.33
Netherlands	FL	855.00	237.50	1,366.70	380.43	306.50	85.21	615.50	171.45	3,143.70	874.59
Belgium	BF	2,240.00	44.80	1,560.00	31.20					3,800.00	76.00
Strom Thurmond:											
France	F	189.75	34.25	179.60	32.33					369.35	66.58
Monaco	F	500.00	90.90	497.20	90.30					997.20	181.20
Ralph Yarborough:											
Poland	ZL	1,136.00	17.48	86.55	1.33			4,819.00	74.13	6,041.55	92.94
Romania	LEI	480.00	26.88	101.25	5.42					581.25	32.30
Netherlands	FL	855.00	237.50	213.70	59.38					1,068.70	296.88
Belgium	BF	2,239.00	44.78	761.00	15.22					3,000.00	60.00
Stephen Young:											
Poland	ZL	1,136.00	17.48	308.90	4.75			3,250.00	50.00	4,694.90	72.23
Romania	LEI	480.00	26.88	72.00	3.82					552.00	30.70
Netherlands	FL	855.00	237.50	250.00	69.44					1,105.00	306.94
Belgium	BF	2,239.00	44.78	756.00	15.12					2,995.00	59.90
Jo Anne Green:											
France	F	115.00	20.75	65.90	12.00			6.05	1.15	186.95	33.90
Monaco	F	490.00	89.10	823.00	148.55					1,313.00	237.65
Milrae Jensen:											
France	F	605.00	109.85	756.05	137.09			20.00	3.60	1,381.00	250.54
Poland	ZL	721.00	11.10	728.00	30.33			108.00	1.66	1,557.00	43.09
Romania	LEI	480.00	26.88	356.00	20.00					836.00	46.88
Netherlands	FL	585.00	162.50	315.30	87.58			14.00	3.85	914.30	253.93
Belgium	BF	1,514.00	30.28	1,604.00	32.30			27.00	.54	3,145.00	63.12
Jay H. Long:											
France	F	115.00	20.75	16.10	2.90					131.10	23.65
Monaco	F	159.10	101.85	395.10	71.12			96.80	17.61	651.00	190.58
	U.S. dollars						331.00				331.00
Poland	ZL	481.00	7.40	559.70	8.60			72.00	1.10	1,112.70	17.10
	U.S. dollars						83.00				83.00
Netherlands	FL	585.00	162.50	433.70	120.48					1,018.70	282.98
	U.S. dollars				47.50						47.50
Belgium	BF	757.00	15.14	87.00	1.74			93.00	1.86	937.00	18.74
Denise Snyder:											
Monaco	F	490.00	89.10	57.80	10.50					547.80	99.60
Katharine St. George:											
Monaco	F	490.00	89.10	129.10	23.50					619.10	112.60
Poland	ZL	721.00	11.10					108.00	1.70	829.00	12.80
Rumania	LEI	480.00	26.88	24.80	1.17					504.80	28.05
Netherlands	FL	585.00	162.50	225.80	84.72					810.80	247.22
Belgium	BF	1,504.00	30.08	913.00	18.26					2,417.00	48.34
Octa Watson:											
France	F	115.00	20.75							115.00	20.75
Monaco	F	490.00	89.10	1,183.40	213.84			900.00	162.45	2,573.40	465.39
Poland	ZL	1,136.00	17.48	67.90	1.05			6,669.00	102.60	7,872.90	121.13
Romania	LEI	480.00	26.88	36.25	1.82			432.00	24.24	516.25	52.94
Netherlands	FL	855.00	238.16	225.55	62.82			1,206.00	333.00	2,286.55	633.98
Belgium	BF	2,240.00	44.80	926.00	18.52			680.00	12.41	3,846.00	75.73
Darrell St. Claire:											
France	F	189.75	34.25	20.70	3.73			493.00	88.98	703.45	126.96
Monaco	F	700.00	127.30	1,877.25	339.39			567.20	102.48	3,144.45	569.17
Tunisia	TD							20,220	38.47	20,200	38.47
Morocco	U.S. dollar								100.00		100.00
Poland	ZL	1,136.00	17.47	111.10	1.70			15,270.00	234.92	16,517.10	254.09
Romania	Lei	480.00	26.88	136.40	7.37			94.50	5.30	710.90	39.55
Netherlands	FL	855.00	237.50	546.90	151.95			359.00	100.00	1,760.90	489.45
Belgium	BF	2,240.00	44.80	623.00	12.46			5,000.00	100.00	7,863.00	157.26

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE UNITED STATES GROUP, INTERPARLIAMENTARY UNION, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1970—Continued

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Delegation expenses:											
France	F					3,041.35	$548.48			3,041.35	$548.48
	U.S. dollars				$2,043.55				$93.30		2,136.85
Monaco	F			1,219.00	220.05	6,476.00	1,169.00			7,695.00	1,389.05
	U.S. dollars				1,464.49		124.05				1,588.54
Tunisia	U.S. dollars				292.00		124.19		28.28		444.47
Morocco	DH					531.27	105.20			531.27	105.20
	U.S. dollars						174.79				174.79
Poland	ZL			46,020	708.01	18,291	281.50	15,033	231.27	79,344	1,220.78
	U.S. dollar						504.00				504.00
Romania	U.S. dollar				601.25						601.25
Netherlands	FL	258.08	$71.89	1,285	357.94	42,714	11,898.05			44,257	12,327.88
	U.S. dollar		233.26		1,597.27		35.00		218.22		2,083.75
Belgium	BF	8,180	163.59	30,023	611.30	92,342	1,853.51	2,045	41.20	132,590	2,699.60
	U.S. dollar				256.04						256.04
Total			5,842.34		12,911.96		17,781.98		3,975.61		40,511.89

RECAPITULATION

	Amount
Foreign currency (U.S. $ equivalent)	$27,974.59
22 U.S.C. 276	[1] 12,537.30
Total	40,511.89

[1] $400 of this amount rebated by Darrell St. Clarie to IPU accounts for personal expenditures.

JOHN SPARKMAN,
Chairman, U.S. Group, Interparliamentary Union.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON GOVERNMENT OPERATIONS, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31 1970

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Dorothy Fosdick:											
West Germany	DM					167.71	$46.20			167.71	$46.20
Netherlands	Guilders	385.00	$107.24	325.00	$90.52	100.00	27.86	87.50	$24.38	897.50	250.00
United Kingdom	Pounds, Shillings, Pence	53	127.48	12	28.86	6	14.43	3S. 3d.	.40	71.3.3	171.17
Subtotal			234.72		119.38		88.49		24.78		467.37
Robert J. Wager:											
Japan	Yen	126,000	350.00	108,000	300.00	3,890.00	10.81	18,000	50.00	255,890	710.81
Germany	DM					5,579.67	1,536.68			5,579.67	1,536.68
Subtotal			350.00		300.00		1,547.49		50.00		2,247.49
Subtotal			584.72		419.38		1,635.98		74.78		2,714.86
Albert A. Lakeland:											
Israel	Pounds		75.71		62.00		10.00		7.15		154.86
Turkey	Kiras		29.27		46.00		10.00		3.73		89.00
Iran	Rials				25.00		4.00		3.00		32.00
India	Rupees				65.00		25.00		20.00		110.00
Thailand	Baht		16.50		24.00		6.00		3.50		50.00
Vietnam	Piasters				10.00				20.00		30.00
Japan	Yen		53.50		50.00		25.00		21.50		150.00
Subtotal			174.98		282.00		80.00		78.88		615.86
Albert A. Lakeland:											
Belgium	Francs		36.00		29.00		9.00		11.00		85.00
England	Pounds		75.00		64.00		34.25		20.00		193.25
Germany	Marks				30.00		5.00		15.00		50.00
Subtotal			111.00		123.00		48.25		46.00		328.25
Subtotal			285.98		405.00		128.25		124.88		944.11
Albert A. Lakeland:											
France	Francs								5.00		5.00
Netherlands	Guilders		75.00		80.00		27.00		40.00		222.00
England	Pounds		70.00		82.00		32.75		48.00		232.75
Ireland	Pounds		15.00		15.00		5.00		15.00		50.00
Subtotal			160.00		177.00		64.75		108.00		509.75
Jacob K. Javits:											
France	Francs			165.00	30.00			110.40	20.00		50.00
United Kingdom	Pounds			54.03.02	130.00	73.19.03	176.69	8.06.08	20.00	136.01.10	326.69
Germany	DM					2,183.85	601.45			2,183.85	601.45
Subtotal					160.00		778.14		40.00		978.14
Subtotal			160.00		337.00		842.89		148.00		1,487.89

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jacob K. Javits:											
Israel	Pounds	635.30	$181.53	64.65	[1]$18.47					700.00	$200.00
Turkey	Liras	648.00	72.00	104.00	[1]46.56					1,067.00	118.56
Iran	Rials			2,438	[1]31.97					2,438	31.97
India	Rupees			937.00	123.29			190.00	$25.00	1,127.00	148.29
Thailand	Baht	1,793	[2]86.10	(3)	(1)					1,041.25	50.00
Vietnam	Piasters			17,700	[3]150.00					17,700	150.00
Japan	Yen	82,896	[2]230.27							54,000	150.00
	German marks					7,503.14	$2,036.16				2,036.16
Subtotal											2,884.98
Jacob K. Javits:											
Belgium	Francs	3,198	63.96	1,802	[5]36.04	3,906	78.40			8,906	178.40
Italy	Lira	72,989	116.04	21,386	[5]34.00	26,992	58.81			131,367	208.81
England	Pounds			41.13.6	[5]100.00	49.10.7	118.37			91.4.1	218.37
Germany	Marks			312.81	[5]86.00	3,107.16	853.50	[6]50.82	14.00	3,470.16	953.50
Subtotal			180.00		256.00		1,109.08		14.00		1,559.08
Carmine S. Bellino:											
Japan	Yen	20,215	56.15	28,327	78.68			1,458	4.05	50,000	138.88
Philippines	Pesos	57,254	88.91	106.61	16.56			39.00	6.05	718.15	111.52
Hong Kong	HK$	1,181.15	194.91	969.60	160.00			74.00	12.58	2,227	367.49
Vietnam	Piasters	13,960	50.91	6,750	24.55			2,500	9.09	23,210	84.55
Italy	Lira	37,521	60.32	18,179	29.23	2,000	3.22			57,700	92.77
Germany	D. marks	72.60	19.99	129.50	35.65			108.90	29.98	311	85.62
Germany	D. marks					7,136.01	1,965.30				1,965.30
Total			471.19		344.67		1,968.52		61.75		2,846.13
L. J. Duffy:											
Hong Kong	HK $	1,181	195.11	969	160.10			886	146.46	3,036.00	501.67
Philippines	Pesos	772.8	120.00	144.9	22.50			48.3	7.50	966	150.00
Japan	Yen	38,400	106.67	54,720	152.00			2,880	8.00	96,000	266.67
Vietnam	Piaster	11,232	40.84	5,429	19.74			2,059	7.49	18,720	68.07
Germany	D. Marks					7,136.01	1,965.30				1,965.30
Thailand	Baht	360	17.30	410	19.68	105	5.04	166.25	7.98	1,041.25	50.00
Thailand	Baht	869.31	41.74	993.50	47.68	248.37	11.93	372.57	17.90	2,483.75	119.25
Korea	Won	3,144	10.00	3,218	10.22	599	1.88	524	1.64	7,485	23.74
Malaysia	M $	115.70	37.97	105	34.47	18	5.92	19.55	6.43	258.25	84.79
Subtotal			569.63		466.39		1,990.07		203.40		3,229.49
Philip W. Morgan:											
Hong Kong	Dollar	251	41.55	309	51.13	19	3.14	65	10.75	644	106.57
Philippines	Pesos	130	20.19	140	21.73	15	2.33	37	5.75	322	50.00
Thailand	Baht	360	17.30	410	19.68	105	5.04	166.25	7.98	1,041.25	50.00
Japan	Yen	21,760	60.44	25,200	70.00	1,440	4.00	5,600	15.56	54,000	150.00
Malaysia/Singapore	M$	115.70	37.97	105	34.47	18	5.92	19.55	6.43	258.25	84.79
Vietnam	Piasters	6,754	24.56	5,010.5	18.22			732.25	2.67	12,500	15.45
Korea	Won	6,545	20.89	6,810	21.73	1,200	3.83	1,114	3.55	15,669	50.00
Germany	DM					7,136.01	1,965.30				1,965.30
Subtotal			222.90		236.96		1,989.56		52.69		2,502.11
James J. Garibaldi:											
Hong Kong	Dollars	340	56.12	420	69.32	25	4.13	84	13.87	869	143.44
Philippines	Peso	130	20.19	140	21.73	15	2.33	37	5.75	322	50.00
Thailand	Baht	360.15	17.30	410	19.68	105	5.04	166.10	7.98	1,041.25	50.00
Japan	Yen	21,758	60.44	25,202	70.00	1,440	4.00	5,600	15.56	54,000	150.00
Malaysia/Singapore	Dollar	115.25	37.97	105.45	34.02	18	5.95	19.55	6.40	258.25	84.79
Vietnam	Piasters	6,480	23.56	4,220	15.35	180	2.95	1,440	5.23	12,950	47.09
Korea	Won	6,546.6	20.89	6,808.4	21.73	1,200	3.83	1,114	3.55	15,669	50.00
Germany	DM					7,136.01	1,965.30				1,965.30
Subtotal			236.47		252.28		1,993.53		58.34		2,540.62
Charles L. Mangers:											
Hong Kong	HK$	340	56.12	426	70.32	44.3	7.31	58.7	9.69	869	143.44
Philippines	Peso	130	20.19	148.0	22.98	10.2	1.58	33.8	5.25	322	50.00
Thailand	Baht	360.15	17.30	455.8	21.93	84.2	4.04	140.2	6.73	1,041.25	50.00
Japan	Yen	21,758	60.44	27,540	76.50	1,080	3.00	3,622	10.06	54,000	150.00
Malaysia/Singapore	M$	115.25	37.97	110.8	36.28	13.8	4.53	18.4	6.01	258.25	84.79
Vietnam	Piastres	2,750	10.00	6,891.2	25.06	1,197.8	4.35	1,661	6.04	12,500	45.45
Korea	Won	6,546.6	20.89	7,126.3	22.74	705	2.25	1,291.1	4.12	15,669	50.00
Germany	DM					7,469.55	2,057.16			7,469.55	2,057.16
Subtotal			222.91		275.81		2,084.22		47.90		2,630.84
Senator Edward J. Gurney:											
Hong Kong	HK$	340	56.12	432.5	71.44	76.4	[7]12.52	66.5	10.97	915.4	151.05
Philippines	Peso	130	20.19	156	24.23	7.0	1.08	29.0	4.50	322	50.00
Thailand	Baht	360.15	17.30	482.8	23.18	58.1	2.79	140.2	6.73	1,041.25	50.00
Japan	Yen	21,758	60.44	28,080	78.00	31,903	[7]88.62	4,162	11,56	85,903	238.62
Malaysia/Singapore	M$	115.25	37.97	120.2	39.36	214.27	[7]69.86	15.8	5.18	465.52	152.37
Korea	Won	6,546.6	20.89	7,399	23.61	548.4	1.75	1,175	3.75	15,669	50.00
Vietnam	Piastre							951.5	3.46	951.5	3.46
Germany	DM					7,356.52	2,026.03			7,356.52	2,026.03
Total			212.91		259.82		2,202.65		46.15		2,721.53

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[1] Actual expenses exceeded these amounts due to representational requirements. Excesses were paid out of pocket.

[2] Hotel bills exceeded local currencies received. Additional expenses were paid personally.

[3] Includes dinner for American press in Saigon.

[4] Actual expenses exceeded this amount as noted above. This is amount received in local currencies from various embassies.

[5] Actual expenses exceeded this amount as I entertained members of press and foreign officials. Excess expenses were paid personally.

[6] Used for purchase of airline ticket.

[7] Includes charges for transportation furnished by U.S. embassies for the entire party. All expenditures were handled either by Mr. Mangers or Commander Garibaldi.

JOHN L. McCLELLAN, Chairman, Committee on Government Operations.

March 15, 1971.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

		Lodging		Meals		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jerry T. Verkler:											
New Zealand	NZ$		$121.91		$120.00		$50.00		$118.09		$410.00
New Zealand	DM					6,132.33	1,661.88			6,132.33	1,661.88
Ronald G. Birch:											
New Zealand	NZ$		113.00		96.00		45.00		125.00		379.00
New Zealand	DM					6,132.33	1,661.88			6,132.33	1,661.88
Daniel A. Dreyfus: New Zealand	NZ$		83.00		68.00		40.00		9.00		200.00
Thomas J. Smythe: New Zealand	NZ$		83.00		68.00		40.00		9.00		200.00
Senator Mark O. Hatfield: New Zealand.	NZ$		83.00		68.00		40.00		9.00		200.00
Total			483.91		420.00		3,538.76		270.09		4,712.76

HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs.

Mar. 16, 1971.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON THE JUDICIARY, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

		Lodging		Meals		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Birch Bayh:											
France	Franc	1,100	$200.00	550	$100.00	1,545	$281.59			3,195	$581.59
Netherlands	Guilder	241	70.00	108	30.00					359	100.00
Total			270.00		130.00		281.59				681.59
Dale S. deHaan:											
Hong Kong	Dollars	424.20	70.00	393.90	65.00	30.30	5.00	60.60	$10.00	909.00	150.00
Laos	Kip	15,075	30.00	12,562.50	25.00			11,356.50	22.60	38.99	77.60
Thailand	Baht	2,249.10	108.00	1,770.10	85.00			145.80	7.00	41,650	200.00
Vietnam	Piasters			4,248	36.00			472.00	4.00	4,720	40.00
United Kingdom	Pounds	21	50.00	27	65.00	16.00	39.60	6.00	15.00	70.14.4	169.60
Netherlands	Guilders	71.91	20.00	71.91	20.00	25.17	7.00	10.79	3.00	179.78	50.00
Switzerland	Francs	686.40	160.00	643.50	159.00	928.69	216.48	107.25	25.00	2,365.84	551.48
Germany	D marks					8,025.10	2,210.16			8,025.10	2,210.16
Total			438.00		446.00		2,478.24		86.60		3,448.84
A. C. H. Kanters:											
Netherlands	F					1,306.5	359.22			1,306.5	359.22
Charles McC. Mathias, Jr.:											
Belgium	BF	1,250	25.00	750	15.00			500	10.00	2,500	50.00
France	F			696	125.00	139	25.00	270	50.00	1,105	200.00
Total			25.00		140.00		25.00		60.00		250.00
Fred M. Mesmer:											
Germany	Mark					7,524.41	2,072.27				2,072.27
Hong Kong	HK $	712.05	117.50	651.45	107.50	45.85	7.51	151.50	25.00	1,560.85	257.51
India	Rupee	714.40	94.00	653.60	86.00			152	20.00	1,520	200.00
Italy	Lira	40,183.5	64.50	43,921.5	70.50			9,345	15.00	93,450	150.00
Japan	Yen	33,840	94.00	30,960	86.00	3,556	9.88	7,200	20.00	75,556	209.88
Switzerland	Sw. Franc	740.03	172.00	808.87	188.00			172.10	40.00	1,721	400.00
Thailand	Baht	1,468.16	70.50	1,343.21	64.50			312.38	15.00	3,123.75	150.00
United Kingdom	Pounds	26.70	64.50	29.19	70.50	9.10	22.69	6.21	15.00	71.20	172.69
Vietnam	Piastres	45,337.5	164.50	41,387.5	150.50			9,525	35.00	96,250	350.00
Total			841.50		823.50		2,112.35		185.00		3,962.35
Howard E. O'Leary, Jr.:											
Belgium	Francs	2,190	43.08	2,850	57.00	750	15.00	1,335	26.70	7,125	141.78
Germany	DM					3,081.72	846.86			3,081.72	846.86
Total		43.08			57.00		861.86		26.70		988.64
Jerry M. Tinker:											
Hong Kong	Dollar	424.20	70.00	363.60	60.00	42.42	7.00	78.78	13.00	909.00	150.00
Laos	Kip	15,075	30.00	7,411.88	14.75					22,486.88	44.75
Thailand	Bhat	1,686.82	81.00	1,249.50	60.00			187.43	9.00	3,123.75	150.00
Vietnam	Piaster			11,800	100.00	1,180	10.00	420.08	3.56	13,400.08	113.56
United Kingdom	Pound	22	50.00	25	60.00	7	17.00			62.11.0	150.00
Germany	D. mark					8,025.10	2,205.30	9.00	23.00	8,025.1	2,205.30
Total			231.00		294.75		2,239.30		48.56		2,813.61

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$12,504.25

JAMES O. EASTLAND,
Chairman, Committee on the Judiciary.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON LABOR AND PUBLIC WELFARE, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Wade P. Clarke:											
Hong Kong	HK$	414	$68.00	388	$64.00	73	$12.00	36	$6.00	909	$150.00
Thailand	B	1,748	84.00	1,315	63.00			60	3.00	3,123.75	150.00
Vietnam	P/	20,060	170.00							20,060	170.00
Japan	¥	18,000	50.00	24,120	67.00			11,880	33.00	54,000	150.00
Germany	DM					6,900.93	1,900.56			6,900.93	1,900.56
Jay B. Cutler:											
Hong Kong	HK$	486	81.00	405	66.00			18	3.00	909	150.00
Japan	¥	32,400	90.00	20,880	58.00			720	2.00	54,000	150.00
Thailand	B	1,874.25	90.00	1,249.50	60.00					3,123.75	150.00
Vietnam	P/	20,060	170.00							20,060	170.00
Germany	DM					6,900.93	1,900.56			6,900.93	1,900.56
Total			803.00		378.00		3,813.12		334		5,041.12
ohn S. Forsythe:											
Sweden	S. Kronor	7,445	143.69	450	86.85	200	38.60	158	30.86	1,552.5	300.00
Sweden	DM					3,460.9	953.15			3,460.9	953.15
Gene E. Godley:											
Switzerland	Sw. Fr	241.36	56.00	170.24	39.50	19.40	4.50			431.00	100.00
United Kingdom	Pounds	54	129.60	41	98.40	8	19.20	1.0.6	2.80	104.0.6	250.00
Germany	Marks					3,228.12	887.09			3,228.12	887.09
Total			329.29		224.75		1,902.54		33.66		2,490.2
Robert O. Harris:											
Hong Kong	HK$	486	81.00	414	67.50	49.10	8.12	9	1.50	958.10	158.12
Japan	Y	32.400	90.00	21,600	60.00	32,028	88.97			86,028	238.97
Thailand	B	1,874.25	90.00	1,249.50	60.00					3,123.75	150.00
Vietnam	P/	20,060	170.00							20,060	170.00
Germany	DM					6,900.93	1,900.56			6,900.93	1,900.56
Roy H. Millenson:											
Sweden	Kronor	730	140.89	410	80.13	173	33.39	185	35.70	1,498	290.11
Eugene Mittelman:											
Switzerland	Sw. Fr	603.40	140.00	323.25	75.00	279.75	64.81	107.75	25.00	1,314.15	304.81
Switzerland	DM					1,701.90	467.68			1,701.90	467.68
Total			711.89		342.63		2,563.53		62.20		3,680.25
Ralph T. Smith:											
Switzerland	Sw. Fr									431.00	100.00
Switzerland	Sw. Fr					316.50	73.30			316.50	73.30
Germany	DM					3,601.44	989.68			3,601.44	989.68
Hong Kong	HK dollars	374	61.50	420	69.00	94	15.50	21.00	4.00	909	150.00
Julian F. Granger:											
Japan	Y	28,800	80.00	25,200	70.00	59,472	165.20			113,472	315.20
Thailand	B	992	47.00	1,455	70.50	260.25	12.50	416.50	20.00	3,123.75	150.00
Korea	W	4.400	14.00	9,356	30.00			1,838	6.00	15,594	50.00
Vietnam	P/	14,650	124.00	3,078	26.00			2,332	20.00	20,060	170.00
Germany	DM					6,900.93	1,900.56			6,900.93	1,900.56
Total			326.50		265.50		3,156.74		50.00		3,898.74
Richard J. Wise:											
Hong Kong	HK$	486	81.00	375	61.00			48	8.00	909	150.00
Japan	¥	32,400	90.00	18,540	51.50	12,100	33.61	3,060	8.50	66,100	183.61
Thailand	B	1,874.25	90.00	1,103.50	53.00			14;	7.00	3,123.75	150.00
Vietnam	P/	20,060	170.00							20,060	170.00
Germany	DM					6,900.63	1,900.56			6,900.93	1,900.56
Total			431.00		165.50		1,934.47		23.50		2,554.17
Ralph W. Yarborough:											
Switzerland	Sw. Fr									431.00	100.00
Switzerland	Sw. Fr					447.50	103.64			447.50	103.64
Switzerland	Sw. Fr									648.00	150.00
Switzerland	Sw. Fr					325.00	75.60			325.00	75.60
United Kingdom	Pound									104.0.6	250.00
United Kingdom	Pound					65.5.6	155.94			65.5.6	155.94
United Kingdom	Pound									62.10.0	150.00
Romania	Lei									272.00	15.26
Germany	DM					3,228.12	887.09			3,228.12	887.09
Germany	DM					3,617.54	996.29			3,617.54	996.29
France	Fr					4,696.00	851.34			4,696.00	851.34
Total											
Ralph W Yarborough:											
Netherlands	F									1,615.50	450.00
Netherlands	F					246.00	68.39			246.00	68.39
Belgium	B. Fr									7,500.00	150.00
Italy	Lit									156,250	250.00
Italy	Lit					11,650	18.52			11,650	18.52
Total							3,156.51				4,672.07

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$22,336.59
Total	22,336.59

HARRISON WILLIAMS,
Chairman, Committee on Labor and Public Welfare.

Mar. 16, 1971.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON PUBLIC WORKS, U.S. SENATE EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

		Lodging		Meals		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Graham, L. O.:											
Morocco	Dirham	358	$70.88	301	$59.60	200	$39.60	104	$20.59	963	$190.67
Tunisia	Dinar	35	66.67	28.875	55.00			28.350	54.04	92.225	175.71
Yugoslavia	New Dinar	1,170	93.60	547	43.76			223	17.84	1,940	155.20
Poland	Zloty	2,085	86.87	1,356	56.50			242	10.09	3,683	153.46
Pakistan	P Rupees	686.00	143.51	640.00	133.89	12,628.91	2,630.40	706.87	147.88	14,661.78	3,055.68
India	Rupee	1,514	199.22	902	118.70			1,590.91	209.33	4,006.91	527.25
Burma	Kyat	332.75	70.49	172.00	36.44			692.63	146.74	1,197.38	253.67
Gravel, Mike:											
Kuwait	K Dinar	27.720	78.00	1.835	5.16	39.250	110.47	5.995	16.84	74.800	210.47
U.A.R.	E£	33.333	60.00	13.888	25.00	.800	1.44	8.334	15.00	56.355	101.44
Jordan	JD							3.545	9.94	3.545	9.94
U.K.	£	14.3.4	35.00	16.13.4	40.00	5.8.4	13.00	5.0.0	12.00	41.9.8	100.00
Germany	DM					5,801.83	1,573.59			5,801.83	1,573.59
Lebanon	LL	296.35	90.00	213.95	65.00			148.20	45.00	658.50	200.00
Hamel, Charles:											
Kuwait	KD	27.720	78.00	6.290	17.71	39.250	110.47	1.540	4.29	74.800	210.47
U.A.R.	EL	33.333	60.00	13.888	25.00	.800	1.44	8.334	15.00	56.355	101.44
Jordan	JD	32.130	90.00	12.490	35.00			8.925	25.00	53.545	150.00
Germany	DM					5,801.83	1,573.59			5,801.83	1,573.59
Lebanon	LL	296.40	90.00	181.21	55.00			100.98	30.68	578.50	175.68
Total			1,312.24		771.76		6,054.00		780.26		8,918.26

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$8,918.26
Total	8,918.26

JENNINGS RANDOLPH,
Chairman, Committee on Public Works.

Mar. 18, 1971.

REPORT OF EXPENDITURE OF FOREGIN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON RULES AND ADMINISTRATION, U.S. SENATE EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

		Lodging		Meals		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
William M. Cochrane:											
Japan	Yen	7,200	$20.00	21,600	$60.00			9,000	$25.00	37,800	$105.00
Hong Kong	H.K. dollar	560.00	93.33	450.00	75.00			150.00	25.00	1,160	193.33
Transportation (air)	Deutschmark					6,507.48	$1,764.98			6,507.48	1,764.98
Subtotal			113.33		135.00		1,764.98		50.00		2,063.31
John F. Haley:											
Japan	Yen	36,000	100.00	27,000	75.00			9,000	25.00	72,000	200.00
Hong Kong	H.K. dollar	750	125.00	600	100.00			150	25.00	1,500	250.00
Transporation (air)	Deutschmark					6,507.48	1,764.98			6,507.48	1,764.98
Transporation (ground)	Yen					309.33	85.93			309.33	85.93
Subtotal			225.00		175.00		1,850.91		50.00		2,300.91
Total			338.33		310.00		3,615.89		100.00		4,364.22

RECAPITULATION

	Amount
Foreign currency (U.S. $ equivalent)	$4,364.22
Total	4,364.22

B. EVERETT JORDAN,
Chairman, Committee on Rules and Administration.

Mar. 12, 1971.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON ATOMIC ENERGY, U.S. SENATE EXPENDED BETWEEN JAN. 1 AND DEC. 31 1970

		Lodging		Meals		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent of U.S. currency
Congressman Aspinall:											
Australia	Australian dollar	112.16	$125.00	40.37	$45.00	4.48	$5.00	8.97	$10.00	165.98	$185.00
Austria	Schilling	1,371.64	53.00	1,020.44	39.43	3,218.69	124.37	258.80	10.00	5,869.57	226.80
Belgium	B. Franc			3,272.10	65.00	4,335.28	86.12	503.34	10.00	8,110.72	161.12
France	F. Franc	310.57	56.00	209.30	37.74	274.41	44.69	55.46	10.00	822.74	148.43
Germany	D. Marks					8,436.52	2,323.47			8,436.52	2,323.47
India	Rupee			90.67	12.00			113.34	15.00	204.01	27.00
Italy	Lira	128,453.00	205.00	46,995.00	75.00			12,532.00	20.00	187,980.00	.00.00
Japan	Yen	35,820.00	100.00	20,776.60	58.00	69,217.20	119.34			125,812.80	277.34
Switzerland	S. Franc	290.24	67.00	43.32	10.00			16.02	3.70	349.58	80.70
United Kingdom	Pound	31.7.0	74.40	17.10.0	42.60	31.7.9	74.98	2.5.0	6.06	79.20.0	198.04
Australia	Australian dollar	78.96	88.00	64.60	72.00	8.97	10.00	8.97	10.00	161.50	180.00

Footnote at end of table.

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
George F. Murphy, Jr.:											
Austria	Schilling	2,070.40	$80.00	2,058.23	$79.53	258.80	$10.00	517.60	$20.00	4,905.23	$189.53
Belgium	Belgian franc	8,220.00	164.50	7,270.00	144.00	30,980.00	[1] 633.48	1,258.50	25.00	47,728.40	966.93
France	French franc	305.03	55.00	277.30	50.00	55.46	10.00	55.46	10.00	693.25	125.00
Germany	Deutsche mark					11,694.43	[1] 3,218.85			11,694.43	3,218.85
India	Rupee			37.78	5.00			113.34	15.00	151.12	20.00
Italy	Lira	95,243.20	152.00	61,406.80	98.00	6,266.00	10.00	9,399.00	15.00	172,315.00	275.00
Japan	Yen	33,310.80	94.00	10,566.90	29.50	25,768.90	71.94	3,582.00	10.00	73,218.60	205.44
Switzerland	Swiss franc	207.93	48.00	116.96	27.00	21.66	5.00	43.32	10.00	389.87	90.00
United Kingdom	Pound	30.00	72.00	43.75	105.00	11.66	26.48	6.33	16.19	91.74	218.67
Total			1,433.90		994.80		6,773.67		214.95		9,417.32

RECAPITULATION

	Amount
Foreign currency (U.S. equivalent)	9,417.32
Total	9,417.32

JOHN O. PASTORE,
Chairman, Committee on Atomic Energy.

Mar. 16, 1971.

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[1] Commercial Air Transportation.

JOINT ECONOMIC COMMITTEE, U.S. SENATE EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hale Boggs:											
France	Franc	441.68	$80.00	303.65	$55.00	2,804.57	[1] $507.98	82.81	$15.00	3,632.71	$657.98
Germany	Mark					3,617.54	[2] 996.29			3,617.54	996.29
Italy	Lira	32,079	51.00	26,733	42.50	12,240	19.46	4,088	6,50	75,140	119.46
Switzerland	Franc	224.54	52.00	185.67	43.00	351.50	[1] 81.40	21.59	5.00	783.30	181.40
United Kingdom	Pound	35/8/4	85.00	23/19/2	57.50	1/15/0	4.20	3/2/6	7.50	64/5/0	154.20
Total			268.00		198.00		1,609.33		34.00		2,109.33
Gary Hymel:											
France[3]	Franc	419.60	76.00	303.50	55.00			104.90	19.00	828.00	150.00
Germany	Mark					3,617.54	[2] 996.29			3,617.54	996.29
Italy	Lira	88,060	140.00	81,770	130.00			3,145	5.00	172.975	275.00
Switzerland	Franc	172.72	40.00	194.31	45.00	45.34	10.50	19.43	4.50	431.80	100.00
United Kingdom[3]	Pound	20/16/8	50.00	14/11/8	35.00	3/2/6/	7.50	1/0/10	2.50	39/11/8	95.00
Total			306.00		265.00		1,014.29		31.00		1,616.29
George D. Krumbhaar, Jr.:											
Demark	Krone	1,140	152.00	672	89.60	189	25.20	249	33.20	2,250	300.00
Germany	Mark					784.70	216.11			784.70	216.11
Tota			152.00		89.60		241.31		33.20		516.11
Loughlin F. McHugh:											
Ireland	Pound	6/0/0	14.40	12.10/0	30.00	8/0/0	19.16			26/10/0	63.56
United Kingdom	Pound	10/0/0	24.00	10/16/8	26.00					20/16/8	50.00
Total			38.40		56.00		19.16				113.56
Myer Rashish:											
Belgium	Franc	6,250	125.00	3,750	75.00	4,022	80.86	1,250	25.00	15,272	305.86
France	Franc	1,104	200.00	662	120.00	221	40.00	221	40.00	2,208	400.00
Germany	Mark					1,592.10	[2] 437.51			1,592.10	437.51
Switzerland	Franc	752	175.00	453	105.00	1,484	343.[illegible]4	150	35.00	2,839	658.94
United Kindom	Pound	62/10/0	150.00	37/10/0	90.00	12/10/0	30.00	12/10/0	30.00	125/0/0	300.00
Tota			650.00		390.00		932.31		130.00		2,102.31
Henry S. Reuss:											
Germany	Mark					1,854.16	[2] 502.89			1,854.16	502.89
Spain	Peseta	4,194	60.00	6,640.50	95.00	1,607.70	23.00	1,537.80	22.00	13,980	200.00
Total			60.00		95.00		525.89		22.00		702.89
John R. Stark:											
France[3]	Franc	412	74.63	248	44.92	78	14.14	90	16.31	828	150.00
Germany	Mark					3,617.54	[2] 996.29			3,617.54	996.29
Italy	Lira	83,200	132.27	94,310	149.94	32,570	51.78	1,170	1.86	211,250	335.85
Switzerland	Franc	161.23	37.34	187.06	43.32	14.98	3.47	19.60	4.54	382.87	88.67
United Kingdom[3]	Pound	35/0/0	84.00	23/0/0	55.20	4/10/0	10.80			62/10/0	150.00
Tota			328.24		293.38		1,076.48		22.71		1,720.81
Franz Aschinger:[1] Switzerland (3 days per diem at $50 per day).	Franc		[5] 150.00			3,859	897.65			4,507.55	1,047.65
Karl Casserini[4]: Switzerland (3 days per diem at $50 per day).	Franc					3,846	890.48			4,490.25	1,040.48
Total			[5] 150.00				890.48				1,040.48

Footnotes at end of table.

JOINT ECONOMIC COMMITTEE, U.S. SENATE EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970—Continued

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
A. Cattani:[4] Italy (3 days per diem at $50 per day).	Lira					616,500	$980.13			710,850	$1,130.13
Total			[5] $150.00				980.13				1,130.13
Hugh Corbett:[4]											
Germany	Mark					2,920.68	792.16			2,920.68	792.16
United Kingdom (4 days per diem at $50 per day).	Pound									82/18/0	200.00
Total			[5] 200.00				792.16				992.16
John H. Dunning: United Kingdom (3 days per diem at $50 per day).	Pound					333/15/0	800.94			396/1/6	950.94
Total			[5] 150.00				800.94				950.94
Pierre-Robert Goetschin[4]: Switzerland (3 days per diem at $50 per day).	Franc					3,846	890.48			4,491.55	1,040.48
Total			[5] 150.00				890.48				1,040.48
Mary Goldring:[6] United Kingdom (3 days per diem at $50 per day).	Pound					332/10/0	797.94			394/14/0	947.94
Total			[5] 150.00				797.94				947.94
Heribert Maier:[4] Belgium (3 days per diem at $50 per day).	Franc					44,100	888.75			51,600	1,038.75
Total			[5] 150.00				888.75				1,038.75
Herman C. Posthumus Meyjes:[4] Netherlands (3 days per diem at $50 per day).						3,073.30	845.01			3,618.35	995.01
Total			[5] 150.00				845.01				995.01
Okita Saburo:[4] Japan (3 days per diem at $50 per day).	Yen									54,000	150.00
Total			[5] 150.00								150.00
Peter Oppenheimer:[4] United Kingdom (3 days per diem at $50 per day).	Pound					333/15/0	797.30			396/5/0	947.30
Total			[5] 150.00				797.30				947.30
Samuel Pisar:[4] France (3 days per diem at $50 per day).	Franc									827.66	[7] 150.00
Total			[5] 150.00								150.00
Kurt Richebacker:[4] Germany (3 days per diem at $50 per day).	Mark					3,239.10	892.07			3,783.60	1,042.07
Total			[5] 150.00				892.07				1,042.07
Jean Royer:[4] Switzerland (3 days per diem at $50 per day).	Franc					3,846	890.48			4,491	1,040.48
Total			[5] 150.00				890.48				1,040.48
Roger Savary:[4] France (3 days per diem at $50 per day).	Franc					4,679.41	839.81			5,510.41	989.81
Total			[5] 150.00				839.81				989.81
Jean-Jacques Servan-Schreiber:[4] France (3 days per diem at $50 per day).	Franc					4,697	851.52			5,525	1,001.52
Total			[5] 150.00				851.52				1,001.52
Ota Sik:[4] Switzerland (6 days per diem at $50 per day).	Franc					2,350	546.64			3,642.60	846.64
Total			[5] 300.00				546.64				846.64
Jan Tinbergen:[4] (3 days per diem at $50 per day).	Franc					4,680	844.00			5,508	994.00
Total			[5] 150.00				844.00				994.00
John Tuthill:[4] France (3 days per diem at $50 per day).	Franc					4,680	844.00			5,508	994.00
Total		[5] 150.00				844.00	844.00				994.00
Peter Wiles:[4] United Kingdom (3 days per diem at $25 per day).	Pound					213/1/2	511.34			244/6/2	586.34
Total		75.00				511.34	511.34				586.34
Grand total			5,002.64		$1,386.98		20,219.47		$272.91		26,807.00

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	26,807.00
Total	26,807.00

WILLIAM PROXMIRE,
Chairman, Joint Economic Committee.

Mar. 16, 1971.

[1] Transportation expenses incurred on behalf of the entire party which were charged to Representative Boggs as chairman of the subcommittee.

[2] Round-trip transportation purchased by State Department.

[3] Expenses and cost of rooms for press conferences have been included under lodging and food since it was done at the hotels. This item was approximately $200 for Representative Boggs, John Start, and Gary Hymel.

[4] Testified at hearings before the Subcommittee on Foreign Economic Policy.

[5] Advance by U.S. Embassies before departure for the United States—no breakdown furnished the Joint Economic Committee. For accounting purposes entire amount included under "Lodging."

[6] Testified at hearing before Subcommittee on Economy in Government.

[7] State Department did not furnish transportation expenses for this witness.

Mr. ELLENDER. Mr. President, I point out that the number of U.S. dollars spent for foreign travel last year was $52,317.23. In foreign currencies dollar equivalent was $234,241.44 for a total expenditure in 1970 of $286,558.67 for travel by members of Senate committees, as well as staff.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows. The Senate will convene at 9:45 a.m. Following the recognition of the two leaders under the standing order, the distinguished Senator from Maine, (Mr. MUSKIE) will be recognized for not to exceed 15 minutes, following which there will be a period for transaction of routine morning business not to exceed 30 minutes, with a 3-minute limitation on speeches therein. At the conclusion of the routine morning business, the unfinished business, H.R. 5432, a bill to provide an extension of the interest equalization tax, will be laid before the Senate. The junior Senator from Indiana (Mr. BAYH) plans to offer an amendment, dealing with unemployment compensation, to H.R. 5432. There may be rollcall votes tomorrow. On tomorrow, the leadership will announce the further schedule for the remainder of the week, so far as programing can be anticipated.

S.31, to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities providing needed public services, and for other purposes, will be scheduled for action, following the completion of action on the interest equalization tax bill.

Whether S. 31 will be taken up immediately following H.R. 5432 remains to be seen. Therefore, whether it will be taken up tomorrow, or on Wednesday or on Thursday, will have to be determined by the joint leadership, perhaps tomorrow.

Mr. GRIFFIN. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. GRIFFIN. The distinguished acting majority leader just made reference to the fact that consideration of H.R. 5432, a bill to provide an extension of the interest equalization tax, and for other purposes, is being held up, because an amendment is to be offered tomorrow—an amendment which could not be offered today.

Can the distinguished Senator from West Virginia enlighten us as to whether that amendment is printed and available, and the nature of the amendment?

Mr. BYRD of West Virginia. I am only told that it is an amendment which will deal with unemployment compensation. The author of the amendment is not available today to offer the amendment. It is for that purpose only that it was decided it go over until tomorrow.

COMMITTEE AGENDA

Mr. SCOTT. Mr. President, if the acting majority leader will yield, I merely take this time to mention that I have discussed with the distinguished majority leader the agenda of the various committees of the Senate. I know that he has had some conversation from time to time with the chairmen of the committees, as I have with the ranking members of the committees.

It is our joint hope that the committees will continue to review their agenda, in order to bring out those bills which could be acted upon promptly in committee and, hopefully, promptly on the floor of the Senate, before we reach that point of legislative logjam which inevitably occurs when certain major bills arrive and certain major appropriation bills press for action.

The distinguished acting majority leader has made some cogent and useful suggestions as to what we may be considering doing as we near the end of the session, but we all know that each day we do not meet at the beginning of a session in itself adds to the ultimate burden.

I raise this question only in the hope that those Senators who read the RECORD will be impressed by the fact that we are now offering bargain rates, a clover day, special white sales, and special black sales—since I am a politician—and special red and yellow sales and that, therefore, we are available for legislation.

We know the problems of committees and we know how busy Senators are in committees. That is where so much of the work is being done. But we do earnestly hope that this opportunity which the leadership offers to Senators will be taken advantage of.

I thank the distinguished acting majority leader.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished minority leader for his timely and pertinent and very appropriate remarks. They underline the statements that have been made from time to time on the floor by the joint leadership to the effect that the calendar is pretty bare and that this affords the commitees an opportunity to meet and take action on bills and resolutions to be reported for placement on the calendar so that Senate floor action can immediately follow.

As the distinguished minority leader has pointed out, now is the time to act so as to avoid the logjams which may come along in the heat of the summer and in the fall. And now is the time to act in such a way as to insure the adjournment of the first session of the 92d Congress at some date, hopefully, before October or November.

Mr. SCOTT. Mr. President, we used to have certain built-in conditions weatherwise for getting Congress out of town. However, since the advent of air conditioning, we have fallen into year-round sessions. I hope that we will surmount even these technological improvements in order to get some actual work done.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished minority leader. I feel that the chairmen of the committees are working diligently to order bills and resolutions to the floor.

The majority leader held a meeting with the committee chairmen last week and, based on their reports at that time, I think we can be somewhat optimistic and that we can expect measures to be reported from the various committees fairly regularly and at an increasing pace now. However, we call attention again to the sparseness of measures on the current calendar and to the necessity for committees to utilize the full days, that are being given from time to time, to the very best of advantage so that the Senate can expedite business rapidly as, if, and when measures are placed on the calendar.

ADJOURNMENT TO 9:45 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until 9:45 a.m. tomorrow.

The motion was agreed to; and (at 2 o'clock and 12 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, March 30, 1971, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate March 29, 1971:

U.S. CIRCUITS COURTS

Robert A. Sprecker, of Illinois, to be a U.S. circuit judge, seventh circuit, vice Latham Castle, retired.

U.S. DISTRICT COURTS

Thomas R. McMillen, of Illinois, to be a U.S. district judge for the northern district of Illinois, vice William J. Campbell, retired.

Walter T. McGovern, of Washington, to be a U.S. district judge for the western district of Washington, vice William J. Lindberg, retired.

DEPARTMENT OF JUSTICE

Donald B. Mackay, of Illinois, to be U.S. attorney for the southern district of Illinois for the term of 4 years, vice Richard E. Eagleton, resigned.

U.S. AIR FORCE

The following officer to be placed on the retired list in the grade of lieutenant general under the provisions of section 8962, title X of the United States Code:

Lt. Gen. Joseph H. Moore, xxx-xx-xxxx FR (major general, Regular Air Force) U.S. Air Force.

Maj. Gen. George J. Eade, xxx-xx-xxxx, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President in the grade of lieutenant general, under the provisions of section 8066, title X of the United States Code.

U.S. ARMY

The following-named officers to be placed on the retired list in grades indicated under the provisions of title X, United States Code, section 3962:

To be general

Gen. Berton Everett Spivy, Jr., [redacted] Army of the United States (major general, U.S. Army).

To be lieutenant general

Lt. Gen. Vernon Price Mock, [redacted], Army of the United States (major general, U.S. Army).

Lt. Gen. Harry Jacob Lemley, Jr., [redacted] Army of the United States (major general, U.S. Army).

Lt. Gen. William Pelham Yarborough, [redacted] Army of the United States (major general, U.S. Army).

Lt. Gen. Beverley Evans Powell, [redacted] Army of the United States (major general, U.S. Army).

U.S. MARINE CORPS

Lt. Gen. Louis B. Robertshaw, U.S. Marine Corps and Lt. Gen Frederick E. Leek, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general in accordance with the provisions of title X United States Code, section 5233.

Having designated, in accordance with the provisions of title X, United States Code, section 5232, Maj. Gen. Ormond R. Simpson, U.S. Marine Corps and Maj. Gen Earl E. Anderson, U.S. Marine Corps, for commands and other duties determined by the President to be within the contemplation of said section, I nominate them for appointment to the grade of lieutenant general while so serving.

IN THE NAVY

The following-named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to the qualification therefor as provided by law:

David W. Clark
Thomas A. Galloway
Dennis J. Kern

The following-named (naval enlisted scientific education program candidates to be permanent ensigns in the line or staff corps of the Navy, subject to the qualifications therefor as provided by law:

Terry G. Christiansen
Mark S. Hosier
James A. Jones
Dennis H. Miller
Andrew C. Rutan
Samuel J. Visage

James R. Landry (naval enlisted scientific education program candidate) to be a permanent lieutenant (junior grade) in the line or staff corps of the Navy, in lieu of permanent ensign as previously nominated, to correct grade, subject to the qualification therefor as provided by law.

The following-named (naval enlisted scientific education program candidates) to be permanent lieutenants (junior grade) in the line or staff corps of the Navy, in lieu of permanent ensigns as previously nominated and confirmed to correct grade, subject to the qualification therefor as provided by law.

Frederick E. Mace, Jr.
Luis C. Martinez

Arthur R. Pearson (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the Navy, subject to the qualification.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

John A. Boice II
Thomas G. Cook
Jonathan H. Cress
Linton E. McCracken, Jr.
Lee J. Melton, III
Richard H. Nealis

The following-named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

William H. Farrar, Jr.
James T. Mann III

Floyd D. Trautmann (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (naval Reserve officers) to be permanent lieutenants (junior grade) and temporary Lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Jeffrey P. Allen
Melvin E. Ball
Walter T. Cunningham
Earl F. Fisher
Ralph E. Nettlehorst
George S. Pugh
Byron E. Snell, Jr.

Robert J. Hassl (civilian college graduate) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named midshipmen (Naval Academy) to be permanent ensigns in the line or staff corps of the Navy, subject to qualification therefor as provided by law:

Thomas H. Abernathy
Mark C. Ablett
Thomas G. Acton
David A. Adams
Thomas D. Adams, Jr.
Robert F. Adkins
Robert J. Agnor
Jeffrey H. Albright
John F. Alburger
John F. Alexander III
Patrick J. Alexander
Ralph M. Alford, Jr.
David P. Alleman
Richard E. Alvarez
Edward A. Ammons
Robert E. Annis
Joseph D. Anthony
Ralph E. Architzel
Vincent Ardizzone
Karl J. Athow
Leland D. Atkinson
Simeon H. Austin
Robert S. Ayers
Eric W. Baittinger
Leonyx G. Baker
Peter A. Baker
Gary C. Bakken
John C. Ball
Charles E. Banellis
Daniel S. Barrett
John M. Barrett, Jr.
James D. Barron, Jr.
Glenn J. Barrowman
John M. Barry
David C. Barton
Walter H. Barton
Harry W. Bashore III
Bruce T. Batten
Carl O. Bauer
Richard B. Baxter
Frederick B. Beacham, Jr.
Drew W. Beasley
Edward C. Beck, III
Fred R. Becker, Jr.
Don H. Beckham
Tommy L. Beckham
Robert J. Beckman
Michael H. Beelby
John P. Bender
James W. Benefiel
Ronald V. Benigno
Arthur K. Bennett, III
Eric J. Benson
Eugene T. Benson
Sanford K. Bernard
Keith P. Bersticker
John C. Bickford
Michael S. Bilecky
Richard D. Blake
Sankey L. Blanton, III
James A. Bloom
Michael S. Bluestein
Daniel D. Bogdewic
James A. Bolcar
David T. Bolduc
Charles R. Bongard
John M. Boniface
Barry E. Boswell
Richard B. Bottenberg
Edwin H. Bouton, Jr.
John D. Bowen, III
Richard T. Bowman, Jr.
William K. Boyd, Jr.
Patrick D. Brady
Peter D. Brady
Terry A. Brake
John C. Brandes
William B. Brasel
Donald S. Brewer
James M. Brick
Daniel E. Brown
Duane W. Brown
Steven A. Brown
William B. Brown
Robert C. Brubaker
Stephan R. Bruce
Glenn A. Bruggemann
Duane L. Brunelli
Dennis R. Bruwelheide
James B. Bryant
George C. Bullard, Jr.
John S. Burd
Lee E. Burgess
Richard S. Burgess
Ferree R. Burkhead
Charles F. Burlingame III
Richard A. Burman
Timothy J. Burns
Stephen B. Butkus
William A. Butler
Cyrus H. Butt IV
Robert E. Byrd
Gerald L. Byrnes
Charles J. Cadden
John E. Calia
Joseph A. Callahan II
David A. Capizzi
Robert A. Capra
James J. Carlin, Jr.
Thomas M. Carnahan
Russell M. Carr
Stephen J. Carro
Thomas H. Carson III
David A. Chaney
Robert B. Chapman
David E. Charvat
Richard M. Cheliras
John M. Cherry
David W. Chew
Robert A. Chimenti
William R. Chiquelin
Jon L. Cichucki
Lawrence F. Clark
MacKenzie C. Clark
John W. Closs
Bradley D. Closson
Charles T. Cochran
David P. Cocolin
William J. Cocos
Michael F. Cohen
Alan S. Cohlmeyer
Fred G. Cole
Warren B. Cole
Charles M. Collier
Michael J. Collier
Arthur K. Colling, Jr.
James P. Collins
William B. Collins
Richard E. Colquitt, Jr.
Stephen A. Comer
John K. Condon
John A. Conkey
Douglas G. Conklin
Richard J. Connelly
Jeffrey D. Conners
Jack L. Conrad
Mark G. Cooksey
Richard W. Cooper II
Ronald F. Cornelison
Thomas E. Crabtree, Jr.
David C. Cradduck
James S. Creelman III
Richard M. Crouch
Jackie M. Crowther
Frank L. Culbertson, Jr.
Harold H. Cummings, Jr.
Daniel L. Curry
Robert C. Custer
Thomas N. Dale
Bradley L. Daley, Jr.
Donnie B. Davis
James A. Davis
Terry L. Davis
Joseph C. Dean
Michael F. DelBalzo
Ronald M. DeLoof
Harry M. Dereniuk
Dennis A. Desmond
Ross S. Dessert
Peter F. de Vos
Steven M. DiAntonio
Gregory B. Dies
Donald B. Disney, Jr.
Stephen F. Dmetruk
Timothy G. Dobrovolny
James A. Dokos
John K. Dolan
William H. Donges
Robert J. Donlon
Michael S. Donnelly
Gale N. Doores
Patrick M. Doyle
Carroll M. Drake
Eugene N. Dubay
Michael G. Duncan
Patrick J. Dunford
Philip S. Dunlap
Peter H. DuRocher
Thomas R. Dussman, Jr.
Ralph P. Earhart
William M. Ecker
Richard H. Ector
Joseph F. Edgerton
John K. Eldridge
James M. Elfelt
Robert L. Elsbernd
William A. Emslie
John P. Enderle
Richard H. Enderly
Gregory A. Engel
Joseph E. Enright
Bruce N. Erickson
Jerald L. Erickson
Alfred E. Ericson, Jr.
Vincent J. Esposito III
John S. Etcher
William J. Farley, Jr.
Kenneth L. Farner, Jr.
Richard J. Farrell
Michael E. Feeley
John P. Feeney
William S. Felts, Jr.
Randal C. Finch
Brian D. Finegold
Richard G. Finley
Theodore A. Fischer II
Robert S. Fisher, Jr.
Edward M. Flanagan
Thomas J. Flanagan
Peter A. Flannery
Patrick J. Fletcher
Richard S. Fletcher
John M. Foley
Bradley S. Foster
Finley B. Foster
John T. Foust
Roger A. Franssen
Parker C. Freeman
Michael J. French
Wilson J. Fritchman
Robert W. Fritz
Jack W. Frost
Scott A. Fry
Thomas B. Fulton
James C. Funke
Harry E. Fuqua II
Harold L. Furrevig
Michael G. Gaffney
Robert M. Gallagher
James B. Gallemore
Thomas R. Galloway
Frank C. Garcia
James W. Garrow
James K. Gatchell
Douglas D. Gavrich
Stephen L. Gemmell
Scott N. Gessis
Timothy T. Gilman
John B. Gilmer, Jr.
James W. Gokey
James G. Gonzales
Thomas H. Gorski
Grant J. Gorton II
James A. Gosma
Grant L. Graeber
Clive Graham, Jr.
Steven M. Grames
Donald F. Gray, Jr.
Kevin P. Green
Brenton C. Greene
Charles H. Griffiths, Jr.
Thomas M. Gross
Donald L. Gunther
David J. Hackett
Michael R. Hagy
Donald K. Hakanson
Daniel J. Haley
William M. Hall
Michael J. Hallahan
Wayne J. Hallenbeck, Jr.
Michael G. Hambleton
Thomas J. Hammons III
Gregory P. Harper
Charles P. Harris
Gordon F. Harris
Jodie R. Harris, Jr.
Randy L. Hartshorn
David F. Hash
William L. Hatcher III
Willard C. Hay, Jr.
Michael P. Hayden
Gregory G. Heath
Edward R. Hebert
Michael R. Hecomovich
William N. Heflin, Jr.
James P. Heil
John T. Held
William B. Hemphill
Robert P. Hendershot
James Hergenroeder
Joseph F. Herger
Bruce Hermanson
Theodore A. Hermeling, Jr.

Thomas Herring III
Mark W. Hess
George B. Hewes III
Ronald E. Hewett
Michael J. Hichak
Daniel G. Hickey
Stephen E. Hickman
Charles H. Hiles, Jr.
William R. Hilton
Edward C. Hines, III
Leander L. Hingle, Jr.
Louis M. Hirsh
Michael J. Hoert
Thomas L. Hoffman
Raymond J. Hogan
Benjamin A. Holland
John P. Holland, Jr.
John A. Holm, II
Kurt E. Holmquist
Garry Holmstrom
Kenneth J. Hook
William C. Hoover
Roger K. Hope
Brian J. Horais
Mark M. Horgan
Richard C. Hormel
Scott A. Hornung
Mark D. Hovermale
John L. Howard
David B. Howe
Mark H. Howe
James D. Hower, Jr.
John H. Hubbard
Steven D. Hudson
Eric M. Hughes
John T. Hughes II
John G. Hume, Jr.
Alfred R. Hupp, Jr.
Leo O. Hura
Brian D. Hurst
Alfred G. Hutchins, Jr.
Thomas W. Hutson III
Peter J. Ibert
Forester W. Isen, Jr.
Alfred J. Jacobs
Robert W. Jacobs
Michael T. James
Charles E. Janes
Jan D. Janiec
John P. Jarabak, Jr.
Michael E. Jastrab
Harry D. Jenkins
John A. Jensen
Steven K. Joens
Joseph H. Johns
Larry C. Johnson
Wayne M. Jones
Franklin W. Jordan
Kenneth S. Jordan
Carl E. Josefson, Jr.
Peter R. Jouannet
Dennis M. Junge
Edward W. Kaiser, Jr.
Charles L. Keating
Timothy J. Keating
Michael J. Kehoe
Frederick W. Keith
Edward W. Kelly
Patrick R. Kelly
Allan W. Kemp
Phillip J. Keuhlen
Jackson G. Kimball
Michael R. King
Fred C. Klein
John R. Knight, Jr.
Gary L. Koger
John G. Kohut
George N. Kolle, Jr.
Paul W. Kolody
John S. Kotz
Boleslaw A. Kovacinsk
Frank J. Kratochvil
Edward H. Krueger
David E. Kunselman
Thomas A. Laboon, Jr.
John R. Lambert
William R. Large, III
Robert J. Larkin
David A. Larson
Abraham J. Lassman
David T. Laws
Thomas N. Ledvina
David L. Lee
David C. Leestma
Alan E. Legacy
Michael P. Lehman
Bruce S. Lemkin
Mark H. Lepick
Jeffrey E. Lewis
Victor T. Linck
Bruce R. Linder
Paul W. Lindgren
John J. Linnehan, II
Victor J. Linnenbom, Jr.
Richard W. Loerch
Gary W. Lohman
James W. Loiselle
John H. Long
Paul B. Long
William T. Long
Paul J. Longinotti, Jr.
Paul J. Loustaunau
Aljurnel E. Lowe
Robert C. Loyd
James W. Luckey
Robert W. Lucy
David W. Luengen
Michael J. Lynch
James J. Lynn II
Daniel W. Lyons
Frank M. McAfee, Jr.
Michael P. McBride
Bruce P. McClure
Daniel D. McConnell
Bruce A. McCroskey
Michael E. McCuddin
Michael J. McDonald
Lawrence L. McDonald
Craig L. McFarlane
Paul G. McIntire
Stanley W. McKee
William L. McKinney
John C. McMacken
Geoffrey L. McMullin
John M. McNallen
Paul E. Madurski
Stanton V. Mahoney, Jr.
Fred J. Mallgrave, III
Milutin Marich
James R. Maris
Kenneth A. Marks
Michael D. Marks
William H. Marle
David T. Martin
John F. Martin, III
Michael R. Martin
Stephen R. Martin
Perry J. Martini, Jr.
David C. Maskaluk
Lewis G. Mason
Richard Massa
John L. Massie
Monty G. Mathews
Edward F. Mathus
William P. Matz
Mark E. Mauriello
Gregory J. Maxfield
Charles W. May
John T. Meister
Peter J. Mellin
Thomas L. Mendenhal
James W. Metzger
William A. Meyers
Joe C. Midgett
Michael J. Miernicki
Arlington R. Miller, Jr
Charles R. Miller
David B. Miller
David E. Miller
Donald P. Miller
Jan S. Milligan
John H. Minnich, III
Scott A. Monson
Frank W. Montesano
Glenn H. Montgomery
George H. Moore
Richard T. Morawski, Jr.
Roger A. Morin
Michael P. Morrell
Ernest L. Morris, Jr.
John L. Morris
John T. Morris
Robert L. Morris
Patrick C. Mullins
Gregg P. Mulvany
John C. Muncie
Douglas A. Murphy
Raymond M. Murray
Thomas F. Musso
Stephen R. Myck
Frederick H. Myers
Daniel S. Naedel
Richard P. Naple
Herbert M. Nave
Frederick D. Nelson
Robert E. Nelson
John D. Nevins, Jr.
William R. Nevitt, Jr.
Stephen R. Newberger
Micajah W. Newman
Stephen H. Newnam
Bruce E. Nichols
David J. Nichols
Kevin C. Nicolin
William G. Nielson
Leslie R. Nixon
Lawrence F. Nolan
Neal D. Noland, Jr.
William F. Nold
Michael T. Nordin
Joseph D. Norton
Keith E. Novin
Jon R. Nus
Thomas F. O'Brien
Kenneth M. O'Bryant
Joseph M. O'Connor
Kevin J. O'Connor
David J. Odland
James K. Opsal
William E. Organek
Michael P. O'Rourke
Michael L. Orirson
Lonnie D. M. Ortner
Christopher Osier
Louis J. Oswald III
William E. Otto
Edward M. Oxford
Gerald A. Padgett
Henry B. Palmer
Michael C. Palmer
Phillip K. Parker
Edward J. Parks
Robert C. Parsons
John J. Paulson
Robert K. Pearce, Jr.
David A. Pearl
Stephen Pelstring
Stephen E. Penner
William T. Penniman III
Charles A. Perkins
George W. Perkins, Jr.
Claus P. Perkuhn
Charles S. Pesce
Wayne A. Peters
Richard G. Plank, Jr.
Elwood H. Plourde
Robert D. Plyler
David P. Polatty III
Valentin Poleshaj
David E. Polzien
Timothy E. Poole
Samuel J. Porter
James F. Postel, Jr.
David C. Poyer
John R. Price
Alan C. Ptak
Stephen R. Purdy
Troy K. Pyles
Charles A. Quinlan III
Barry J. Quinn
David E. Radcliffe
Thomas F. Radich
David R. Rainey
Michael M. Rand
Richard J. Rankin
Stephen T. Raphael
James D. Reasoner, Jr.
Gary A. Reese
Edward J. Reeve
James A. Rehkopf
Anthony J. Rehwaldt
John J. Ripicky, Jr.
Kenneth A. Richardson
Danny L. Rickard
James W. Rightmire, Jr.
Michael E. Riordan
Dana A. Roberts
Brian D. Robertson
David C. Robertson
Donald E. Rockwell III
Ted E. Rogers
Michael G. Rohrbaugh
John F. Rosinski
Ronald A. Route
Daniel J. Rowe
Mitchell L. Rowland
Woody M. Rubino
Theodore D. Ruddock III
Howard S. Russell
Bruce E. Rychener
John P. Sagi
Douglas E. Sameit
George M. Samons
Edward J. Sanderson, Jr.
John I. Sauls, Jr.
Roger S. Saylor
Alan B. Schaffter
George E. Schall, Jr.
Mark C. Scharfe
Albert A. Schaufelberger III
Michael R. Scherr
Leon A. Schierer
Thomas P. Schlax
Peter P. Schneider, Jr.
Ronald D. Schroder
Richard E. Schuknecht
John A. Schultz
Joseph M. Schultz
Robert R. Schultz
Warren R. Schultz
John H. Schuyler
John E. Scott
Bradley D. Scroggins
Thomas A. Secorsky
John W. Seil
Peter J. Selde
Michael W. Senior
Rex W. Settlemoir
Charles W. Setzer, Jr.
Lewis A. Shatzer, Jr.
Henry M. Shaw, Jr.
Russell J. Shaw
Harold L. Sheffield
John P. Shelton, Jr.
William M. Shepherd
James J. Sheppard
Loren R. Shim
Steven J. Shimmin
Mann A. Shoffner III
William L. Shutt
Kenneth M. Sieminski
Lawrence F. Simoneaux
Charles J. Simpson
Paul L. Simpson
Stephen D. Sitler
Michael E. Skinner
George L. Skirm III
Arthur F. Slater
Douglas A. Smartt
Jeffery T. Smith III
John K. Smith
Leonard G. Smith, III
Richard M. Smith
James L. Smogen
Guy B. Snodgrass
Theodore E. Snoots
Ludwig A. Sorrentino
William E. Soule
Mark E. Spanbauer
Steven C. Spancake
William N. Sparhawk III
Jan T. Sparks
Robert G. Speer
Philip D. Stafford
Russell F. Stahlak
Scott W. Stahler
David M. Stahlhut
William J. Steelman
Norman W. Steffen
Paul D. Steinke
Michael R. Stephens
William T. Stevens
John H. Stevenson
Scott C. Steward
Daniel D. Stewart
Michael B. Stewart
Robert D. St. Germain
Robert R. Stilwell
Hugh J. Strain
James W. Stratton
Robert J. Strobbe
William W. Strom
Robert W. Stuart
Robert H. Stuhlman
Paul D. Sudds
Edward L. Sullivan
Paul D. Swetland
Thomas L. Sydnor
Stanley R. Szemborski
John M. Tapajcik
Kenneth J. Taplett
Perry R. Taylor, Jr.
Richard W. Taylor
John W. Tennant
Thomas J. Ternes
James M .Theis
Averill E. Tilden
John P. Timmins
Lynden R. Toliver
James E. Toomey
Bruce G. Towne
Thomas L. Travis
Leo J. Tredway, Jr.
Michael F. Trent
Michael D. Trice
Henry J. Turowski, Jr.
Miles E. Twaddell III
David M. Vander Els
David L. Vandover
George A. Vassos III
Timothy L. Vaughan
Louis C. Vest
Thomas E. Vickery
Dennis E. Viglienzone
Michael P. Vining
Terry P. Virus
John W. Vivian
James W. Vivoli
James B. Waddell
Wallace J. Wagemaker
Randall D. Wagner
Robert C. Wagoner
Frank T. Walker, Jr.
Allan D. Wall
Dennis M. Walsh
Richard F. Walsh
Robert E. Walter
Robert L. Walton
James T. Ward
Michael C. Ward
Joseph W. Wargo
Gary I. Washam
Raymond S. Waters, Jr.
Patrick R. Watts
Christopher E. Weaver
Rolland E. Weibley, Jr.
Richard D. Weidman
Daniel R. Welch
David C. Welling
Edward J. Welsh III
David L. Wenner
Gerald C. Werner
Richard C. Wheeler
Richard G. Wheldon
H. Leland Whitfield III
Daniel L. Whitford
David A. Whitman
Forrest R. Whittaker
Alfred J. Whittle III
Carl J. Weidemann II
Henry L. B. Wilder
Tom D. Wiles
John R. Wilhelm, Jr.
Donald G. Williams, Jr.
Eugene J. Williams, Jr.
John A. Williams
William R. Williams
Frederick D. Wilson
Michael K. Wilson
Robert B. Wilson
William T. Wimett
James A. Wish
John A. Withrow
Francis M. Wnek
David A. Woerner
Stephen A. Wohler
Robert L. Wolnewitz II
Jack J. Wong, Jr.
Charles E. Wood, Jr.
Reginald W. Woolard II
Lawrence F. Wray
Carroll G. Wright
James R. Yeakley
Thomas H. Yee
William E. Yocum, Jr.
Cassin Young II
Roger A. Young
Vincent N. Zabala, Jr.
Richard G. Zajicek
William E. Zapf, Jr.
Richard F. Ziska
Michael T. Zurfluh

Thomas D. Schonauer, Medical Corps, U.S. Navy, for temporary promotion to the grade of lieutenant commander in the Medical Corps subject to qualification therefor as provided by law.

Stephen B. Gallagher, Supply Corps, U.S. Navy, for temporary promotion to the grade of lieutenant in the Supply Corps subject to qualification therefor as provided by law.

Jean J. Farver, U.S. Navy, for permanent promotion to the grade of lieutenant in the line subject to qualification therefor as provided by law.

Edward L. Erickson and Stuart P. Timm, U.S. Navy, for permanent promotion to the grade of lieutenant (junior grade) in the line subject to qualification therefor as provided by law.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 29, 1971:

IN THE COAST GUARD

The nominations beginning Glenn G. Kolk, to be lieutenant (junior grade), and ending Robert C. North to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on Mar. 24, 1971.

EXTENSIONS OF REMARKS

MRS. BERTIE SEXTON, 100 YEARS OF AGE TODAY, HONORED BY NEIGHBORS AND FRIENDS AT BIRTHDAY PARTY—PRESIDENT NIXON SENDS MESSAGE

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, March 29, 1971

Mr. RANDOLPH. Mr. President, Mrs. Bertie Sexton, 100 years of age today, was honored yesterday by her neighbors and friends at a birthday party attended by more than 150 admirers.

The happy occasion was brought into being by Mr. and Mrs. James H. Pipkin, who have enjoyed a cherished affection for this truly remarkable woman who has lived her happy life in Virginia and West Virginia, in the area of Harpers Ferry.

Bertie was laughing and alert as she greeted the guests, walking about the dining room of the Blue Ridge Rod and Gun Club.

President Richard Nixon sent a personal message to Mrs. Sexton. It was read to the group by Deena Clark, well-known television personality. The President said:

> Warmest congratulations to you on your one hundredth birthday. Mrs. Nixon and I join in the hope that your happiness on this occasion—and your contentment always—may reflect in full the joy you have brought to the lives of others throughout these years.

Congratulatory messages were received from Gov. Linwood Holton, Senators WILLIAM SPONG and HARRY BYRD of Virginia and Senator ROBERT BYRD and me. It was my joy to be present at the event.

Gifts were piled high on a large table. Among these presents were a fishing pole and a can of worms, given his rural route postal patron by the mail carrier from the Harpers Ferry Post Office. That gift was appropriate recognition of Bertie's many activities. She still gardens, makes pickles and preserves. A very religious woman, she has a genuine interest in her church and in community organizations. She currently is assisting in the solicitation of funds for the new Charles Town General Hospital project.

Mr. President, I ask unanious consent to have an article on the bright centenarian, appearing in the March 27 issue of the Martinsburg, W. Va., Journal, printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHE'S READY TO CELEBRATE HER 100TH BIRTHDAY SUNDAY

(By Sarah Snyder)

HARPERS FERRY, March 27.—"I'd love to be back in the orchard business right now," declares Mrs. Chester (Bertie) Sexton on the eve of her 100th birthday.

For years, Mrs. Sexton and her husband operated the third largest orchard in Loudoun County, Va., just across the West Virginia border from here, and shipped thousands of bushels of apples to such places as England and other foreign countries.

While Monday, March 29, is the official century mark for Mrs. Sexton, the big celebration will be Sunday when more than 200 friends from the area will gather at the Blue Ridge Rod and Gun Club to honor her.

Mrs. Sexton said she has always lived within a mile of the place she was born, adding "there is no place like it." During her life, she has visited such places as Florida and California but always "drifts back here."

Her husband, whom she calls "one of the nicest men I've ever known," died in 1944, and she lost her son, Russell, two years ago. He was president of the Brunswick Bank.

Mrs. Sexton lives with her sister-in-law, Mrs. Margaret Russell, and is just waiting for Spring to come to get back with her flowers and garden. She said she would like to raise chickens, but Mrs. Russell won't let her have them.

A member of the Ebenezer Methodist Church, Mrs. Sexton used to be looked at as a "money raiser" for the church but admits she doesn't do too much lately. She remembers well baking an eight-pound cake and chancing it off for $51.

Looking back over the last century, Mrs. Sexton recalls the many picnics on the island at Harpers Ferry when there were no automobiles, just horse and buggy.

She says things are so different now, and while she welcomes many of the changes, she does not like the new fashions for women particularly the short dresses. She told your reporter to put a ruffle on her skirt before she came to call again! Mrs. Sexton added that she hopes the time never comes when men start wearing dresses.

She declared that she is not pleased with taxes and expenses of today, adding that it cannot possibly last. A strike today, and up go costs.

One of her dearest friends is Lou Cohen, of Martinsburg. Mrs. Sexton said she used to visit his store just to see him, without wanting anything. Mr. Cohen said that was a sign of a true friend.

Even approaching the century mark, Mrs. Sexton concluded that she is still a scrapper, lively as ever.

THE 150TH ANNIVERSARY OF GREEK INDEPENDENCE

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, March 29, 1971

Mr. SCOTT. Mr. President, March 25, 1971, the 150th anniversary of Greek independence, should be a joyous time and a period of rededication to the quest for a more perfect freedom. Democracy began with the public meetings in Athens. The people would gather, debate, and vote on issues concerning their city. Truly, this exemplified a pure democracy, but the Athenians discovered democracy was hard to preserve in a hostile world.

Fortunately, the Greek people kept the democratic idea alive. They preserved it through art, poetry, drama, and literature. Today, the foundations of the Government of the United States owe their very basis to the Greek culture.

All the nations of the world should look back 150 years when the Greek struggle for liberty ended with independence from Turkish domination. The movement for independence started on March 25, 1821, when rebellion swept across the Peloponnesos, Macedonia, and Thrace. Although setbacks were many, the relentless efforts of the Greek people, along with such patriotic allies as Lord Byron, kept hope alive. The struggle for freedom officially ended in July 1832, when Turkey recognized Greece as an independent nation.

And since this period, the courageous and artistic people of Greece have struggled to maintain their independence and freedom.

Thomas Jefferson, who left so much to this great Nation of ours, echoed his feelings that have much meaning today. In a letter to M. Coray in 1823, he wrote:

> No people sympathize more feelingly than ours with the sufferings of your countrymen, none offer more sincere and ardent prayers to Heaven for their success. And nothing indeed but the fundamental principle of our government, never to entangle us with the broils of Europe, could restrain our generous youth from taking some part in this holy cause. Possessing ourselves the combined blessing of liberty and order, we wish the same to other countries, and to none more than yours, which, the first of civilized nations, presented examples of what man should be.

LET'S BRING OUR MEN HOME

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. ROY. Mr. Speaker, it is fitting and proper that we observe a "National Week of Concern for Prisoners of War/Missing in Action." The plight of American families suffering the agony of uncertainty in regard to their sons, husbands, fathers, and brothers is one more tragic aspect of the dreadful conflict in Indochina.

Friday, March 26, marks the seventh anniversary of the capture of the first of our men still being held.

At the present time nearly 1,600 of our servicemen are either known to be prisoners of the Communists, or are listed as missing in action. We owe these men a tremendous debt.

Our Government sent them 12,000 miles to fight a war that was not of their making. It is our responsibility to secure their release and rapid return to their loved ones.

For although it is appropriate that we honor these men with special observances, it is not enough to make speeches and wring our hands over their fate. We must take positive action to secure their release.

There are heartfelt differences of opinion among those of us in and out of Congress as to the best means of achieving the end of the war in Indochina. Let us hope the policies decided upon are successful in rapidly securing this national goal.

Above all, however, our POW's must not be used as an excuse for prolonging our involvement. Their plight, in fact, is a primary reason for speeding up our withdrawal, if this will result in their early release.

North Vietnam stands condemned for its violations of the Geneva Convention provisions in regard to prisoners of war. We should all join in writing letters and bringing pressure on the leaders of that country, so as to secure more humane treatment of our men.

Actually, our options are somewhat limited. We value our men highly and want them back, but it is not being realistic to expect Hanoi to separate the question of POW's from the larger political issues involved.

Our men have languished in captivity for 7 years. It is time we seriously considered negotiations linking our withdrawal and their release.

The POW situation is a part of the larger tragedy of this war, which has killed 50,000 and wounded 300,000 Americans. A quarter of a million Americans are still in Southeast Asia, risking their lives daily.

In a sense, all of our servicemen in Indochina are prisoners of war. Let us bring them all home as soon as possible.

ECONOMIC SANCTIONS AGAINST RHODESIA

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, March 29, 1971

Mr. BYRD of Virginia. Mr. President, the Monday, March 14, 1971, edition of the Charleston, S.C., News and Courier included an excellent editorial on the subject of economic sanctions against Rhodesia.

I ask unanimous consent that the editorial, entitled "U.S.A. and Rhodesia," be printed in the Extensions of Remarks. The editor of the News and Courier is Thomas R. Waring.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

USA AND RHODESIA

The longer the United States participates in the United Nations' economic sanctions against Rhodesia, the more foolish that participation appears. The USA's position is not only foolish but dangerous and could be a hazard to national security.

In a forceful attack on the Nixon administration policy on Rhodesia, Sen. Harry F. Byrd Jr. of Virginia recently warned the Senate that the USA is permitting the Soviet Union to maintain a strangle-hold on supplies of chrome ore vital to national defense. Because the USA supports the U.N. sanctions against Rhodesia, which is the source of two-thirds of the world's supply of chrome ore, it has had to turn to Russia for the ore. Taking advantage of the USA's predicament, Russia has boosted its asking price.

The Nixon administration has asked Congress to release chrome ore from the national raw materials stockpile to ease the shortage caused by the embargo on Rhodesia. Sen. Byrd told the Senate such release "is not the aprpopriate remedy." The correct step, he said, "is for this nation . . . to end its foolish policy against Rhodesia and resume trade with that nation."

After Rhodesia in 1965 declared her independence from Britain, the U.N. Security Council adopted a resolution condemning Rhodesia as "a threat to international security." As absurd as this resolution was, since Rhodesia is no more a threat to world security than is Switzerland, the U.S. endorsed it.

Sen. Byrd has deftly demolished the arguments in favor of sanctions presented by Arthur Goldberg, then U.S. ambassador to the U.N. Mr. Goldberg said: "What is happening now in Rhodesia is an effort to perpetuate the control of 6 per cent of the population over the other 94 per cent . . ." Sen. Byrd observed that in the Soviet Union, members of the Communist Party comprising about 1 per cent of the population control the other 99 per cent of the population. A handful of men control the destinies of all the people in Albania.

"Fidel Castro," said Sen. Byrd, "almost singlehanded, operating through a small communist cadre, controls the lives of nearly 7 million Cubans," and a small communist dictatorship controls the lives of about 700 million Chinese.

Yet the United Nations, said Sen. Byrd, has imposed sanctions on none of those countries nor has the USA asked the U.N. to impose any such sanctions. "Besides that," said Sen. Byrd, "we are in the absurd position of demanding economic sanctions against a nation at peace with us and yet do nothing about seeking economic sanctions against North Vietnam . . ."

Economic sanctions against Rhodesia have failed. That country's export trade has increased. The USA has put itself in an exposed position. Russia could cut off its chrome ore shipments to the USA at any time. Rhodesia undoubtedly is finding other markets for the ore and soon will not need America's business even if sanctions were lifted.

With logic that cannot be evaded, Sen. Byrd has urged the Nixon administration to reverse its policy on Rhodesia because "morally, it is wrong. Legally, it is dubious. Economically, it is costly. And it would jeopardize the security of the United States." A policy riddled with so many faults should not be continued.

COMPARATIVE U.S./U.S.S.R. MANAGEMENT OF DEFENSE R. & D.

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. HOSMER. Mr. Speaker, the public, the press, and the Congress are interested in better management of our defense capability and in the development of new weapons to maintain an adequate capability for the future. We hear that the Soviets are investing a larger amount of resources in their weapons research and development; it would be interesting to compare how the two countries manage their programs to see what implications it may have on comparative technology posture.

All sectors of the Soviet national economy and all its resources are centrally regulated and allocated according to rigid state plans. In the long range—5-year and 7-year—plans and in the annual plans, resource allocation has been subject to stringent controls; unlike the capitalistic system which relies on the law of supply and demand, this method of resource allocation is not always as efficient for supplying consumer goods.

However, the system has certain strengths. The Soviet state, in its sole ownership of resources, is able to concentrate resources on areas which support their stated goal of achieving technology superiority. It is apparent that planning in the U.S.S.R. is directed toward utilizing all of the resources allocated. This is reflected by the consistent rate of new weapons development, by full employment of their scientists, engineers, and technicians and by continuous and full use of their factories and test facilities.

On the other hand, the U.S. planning process can be called "needs" planning, that is, the United States identifies R. & D. needs and then seeks the resources from the Congress and indirectly from the public. While this process is more responsive to the will of the people, there is no assurance that R. & D. resources—people and facilities—will be fully and continuously used.

One way that we seek to overcome the Soviet advantage of greater R. & D. resources is by the use of new management technologies. One of these is called net technical assessment, which is a way of defining our margin of security by carefully measuring the assets of both sides and determining the most needed weapon system development.

In this assessment process, a very careful analysis is made of two distinct types of Soviet and U.S. data in the defense sector—input and output. In the categories of comparable inputs, we looked at the budgets, manpower, research and development facilities, transfer of manpower between nations, and the R. & D. management processes. On the output side, we have analyzed the technological progress of the United States and the Soviet Union in several key areas by examining the technical status of hundreds of particular kinds of research efforts—for example, research in fuels, engines, electronics, and materials—as they have related to improvements in weapon systems. We have compared a U.S. weapon system which does a certain kind of job with a similar Soviet system, over a period of years, to determine which was better and how many years it would take the nation with the second-rated system to produce one comparable to the other's.

Finally, we added up the total number of weapons systems produced by both sides over a number of years and analyzed this gross output in relation to the input of R. & D. resources; the numbers of new weapons are about the same and the U.S. inputs during the period were slightly larger, probably because of the higher complexity and technology of our product.

By the use of this input-output analysis, we have found that our identification of research and development requirements and our allocation of priorities is made easier. This method promises a way to get more military capability for the R. & D. dollar and, even more important, will permit a better assessment of national defense needs.

ACCOUNTING FOR SOCIAL PROGRESS

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Monday, March 29, 1971

Mr. MOSS. Mr. President, David F. Linowes is a partner in a large accounting firm and has served as an adviser to the State Department and to the United Nations. In the New York Times of Sunday, March 14, 1971, Mr. Linowes published an article in the Point of View section entitled "Accounting for Social Progress." What he says in this article is most provocative and certainly is worthy of consideration.

At a time when the problem of social welfare is critical and much discussion is being had as to total Federal support of welfare, as contrasted with partial Federal support and partial local support, I believe that thought could be given to some of the ideas advanced by Mr. Linowes. Therefore, I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ACCOUNTING FOR SOCIAL PROGRESS; YARDSTICKS MUST BE FOUND FOR PUBLIC PROGRAMS

(By David Linowes)

The public sector has never been concerned with the bottom line of a profit-and-loss statement. It can no longer afford the luxury of this "benign neglect."

Many of our cities are facing the prospects of bankruptcy; our largest states are being squeezed beyond their financial ability to respond; the Federal Government is increasing the national debt dangerously—and far worse, the nation's problems are not being solved.

Yet, the social and governmental institutions that deal with these problems can be made effective if we devise new approaches to the way these agencies and their programs are set up, financed and run.

Fortunately, it is not too late—and the tools are at hand. The tools come wrapped up as several advanced business management principles to which must be added a number of social-science techniques.

To accomplish what must be done in the social sector—to produce the people-oriented individual-centered results urgently needed—we will have to create a totally new discipline; what I call Socio-Economic Management.

Before getting into the elements of this new concept, we should realize that when government applies standards in the public sector, they are usually the least relevant ones. The accent is on the quantitative. The old numbers game is being played. Consider, for example, welfare programs, where allocations are mostly based on the number of people fed, clothed and housed. Shouldn't the standards be concerned with making people self-sufficient, self-respecting, employable?

There are as yet no existing case studies of how standards for qualitative results can be related to the funding of social programs. But here is a simple and hypothetical example of how socio-economic management principles can be applied:

Public School No. 2 in Progress City received an appropriation of $1,400 a student for fiscal 1971–72. Public School No. 3 was given $1,200 a student and Public School No. 4 was granted $1,600. All three schools were in equivalent social and economic environments.

Why the differences? A survey showed that the graduating students from Public School 2 last June had on the average achieved a competency in reading, writing and arithmetic of level B. Public School 3 students achieved only a level C, whereas Public School 4 graduates reached a level A competency.

Progress City in administering its funds for education made its appropriations not only based on numbers of students, but also based on the learning achievement of the students: Qualitative standards, as well as quantitative standards, were being applied.

Let's look at how value standards, based upon "people needs," can be implemented by funding geared to socio-economic management techniques in helping the poor to become self-sufficient:

Good City with a population of 90,000, received a grant from the Federal Government for its poverty programs in 1971–72 of $9-million. Fair City, with the same population and the same economic status, received $8-million; and Poor City, of equal size and status, received only $7-million. Why the disparity?

In the last fiscal year, Good City, through its effective programs, imaginatively administered, succeeded in making 1,000 indigent residents employable and self-sufficient; Fair City returned only 500 people to the economic mainstream, and Poor City, none. The Federal Government was applying a value standard in making appropriations by relating the funds to the accomplishment of the true objectives of a poverty program. This, basically, is what socio-economic management is designed to do.

Social scientists have given considerable thought to qualitative standards, but no one has yet put the social scientists together with the quantitative and management experts. That is what would make socio-economic management a functioning entity.

There are five socio-economic management principles that I recommend be applied to social agencies and programs:

1. Clearly identify as standards for measurement, when making fund appropriations, those objectives for which the social program or agency exists.

2. Keep changing the mix of resource inputs—that is, the kind of things being bought with the budgeted funds—until satisfactory results are achieved. Don't become locked into hiring more of the same kind of policeman to do more of the same work. Put some of that money to use in analyzing the causes of crime or lighting more ghetto alleys, or creating more challenging playgrounds for potential teen-age offenders.

3. Many qualitative measurement standards already exist in the social, education, and welfare areas, but are being overlooked in assessing the results of operation of these nonbusiness organizations. They should be used.

4. For all social agencies and programs, identify the people who are supposed to be the recipients and develop procedures for choices by the clients.

5. Establish a regular program of socio-economic audits by independent outsiders.

To start the process by which we can hope to make our social institutions responsive to our national needs, I would urge that Socio-Economic Management Councils be created at every level of government. Composed of social scientists, accountants, and business management executives, they would examine the existing programs in education, environment, crime, poverty and drug control to establish to what extent their objectives are being met.

As a prototype, I propose that Socio-Economic Management Councils be set up on the local level to create programs to provide solutions for the major urban problems.

The council team would be assigned to one specific community problem area—preparing Harlem high school dropouts for college entrance, for example. It would first research the problem and then design a system to obtain the desired solutions.

Socio-Economic Management is a logical extension of socio-economic accounting, which can be defined as the measurement and analysis of the social and economic consequences of governmental and business actions on the public sectors.

In the United States we need the determination to study and experiment with our resource imputs to arrive at the best combination to give us the most numbers of self-sufficient, self-respecting, happy people who happen to live in the ghetto areas.

Perhaps our poverty programs should apply some of their input resources to setting up trade training centers in conjunction with and joined to government-supported, ghetto-resident-owned small industry complexes—industries whose products have ready markets as components to be used by larger industries or as small consumer products. These products could be subsidized by a poverty program so that they can compete effectively in price with established, efficient plants. In time, these will also become efficient and be able to stand on their own, but of more importance, the people being aided will be working for what they get.

Our social problems have long outdistanced our ability to "buy" solutions. What's more, intense competition exists for what limited public dollars are available for social use.

The American accounting profession and business management—working in tandem for the first time with the social scientists—have all the know-how needed to begin a "turn-around" for the public sector. Together they can create social investments that can finally begin showing desperately needed profits: improving the quality of life in the United States.

SUPPORT OF INTERSTATE 75 ROUTE IN GEORGIA

HON. JOHN W. DAVIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. DAVIS of Georgia. Mr. Speaker, for some 8 years I and other concerned citizens of the Seventh District of Georgia have been laboring on behalf of the construction of Interstate Highway 75 through the Seventh District. Five years ago, open hearings were conducted on the proposed route north of Marietta and the route was approved by the Department of Transportation after favorable recommendations were made by the State Highway Department of Georgia, the Georgia Game and Fish Commission, the Georgia Parks Department, and other interested agencies of the State and Federal Governments.

At that time, I maintained, as I have throughout, that the most important factor in the selection of a route must necessarily be swiftness of construction to avoid further loss of lives on the existing primary thoroughfare, U.S. 41, a highway which cannot begin to serve the great traffic flow running north and south from Atlanta to Chattanooga. Additionally, I supported the State highway department's proposed route because it offers the optimum resource utilization and cost effectiveness and is the most direct of all proposed routes.

Unfortunately, Mr. Speaker, the routing of Interstate Highway 75 became a political issue in my last campaign. The opponents of this route, which traverses Lake Allatoona, cited environmental and ecological considerations which they contended would come to pass were the highway to follow this particular longitude.

As a long-time member of the Committee on Science and Astronautics, no one is more aware than I of the grave dangers posed to our environment due to past excesses on the part of Government, industry, and all our citizenry. No one, Mr. Speaker, is more aware of our need to pursue a rational and careful course so that we may secure our environment from a disastrous end. But, I must contend that erring on one side of the issue can be nearly as calamitous as erring on the other side—to wit, the contention by opponents of the proposed routing of Interstate 75 over Lake Allatoona, that such a route will pose a serious hazard not only to the lake area, which, by the way, is an artificially created body, but also to the two State parks between which the route would run.

Two points must be made at this juncture. First of all, some of the finest engineering minds in Georgia have repeatedly and vigorously asserted that routing of the highway over the lake will pose no serious environmental threat to the lake community. Second, when it comes down to a question of human lives or the minor inconveniencing of a few recreational facilities, I look first to the security and welfare of those who must travel on an antiquated, overcrowded, and highly dangerous stretch of road.

Compounding the problem hitherto described has been what one Georgia State representative called the meddling of outsiders in the affairs of the seventh district. There are those in an adjacent district who have been extremely vocal on the side of prohibiting the lake route, as they contend this route would disturb recreational facilities presently enjoyed in large numbers by their own constituents. I might point out also that these facilities are themselves environmental pollutants. I would not dispute that this must be a consideration. However, I must reiterate my feelings that the safety of human lives can never be equated with the preservation of recreational facilities, particularly when such facilities would be only minutely disturbed and could, within time, be properly restored.

I am pleased that the majority opinion rests with my point of view, not only in my own district, not only with concerned State agencies—which have unanimously endorsed the lake route—but also in adjacent areas which have an interest in this project. All of my colleagues from Georgia in the House of Representatives—save one—have adopted my point of view, and I was delighted to learn this week that majority sentiment on the issue in that gentleman's district concurs with my feelings. Toward that end, I commend to my colleagues the following resolution adopted by the Fulton County Board of Commissioners:

A RESOLUTION IN SUPPORT OF STATE HIGHWAY BOARD'S POSITIONS ON INTERSTATE 75

Whereas, it has been reported that the Federal Department of Transportation has determined to reject the Georgia State Highway Department's proposed route of Interstate 75 in the vicinity of Lake Allatoona; and

Whereas, the Georgia State Highway Department has invested between $1,000,000.00 and $2,000,000.00 of Highway funds in engineering studies and investigation of alternate routes for said highway, including serious consideration of environmental aspects, and the Highway Department has determined that the proposed route across Lake Allatoona is the route best in the public interest of the citizens of Georgia; and

Whereas, a rejection of this route will result in inevitable delays in constructing this vitally needed link in the Interstate system, such delays being estimated to be from two to three years in duration; and

Whereas, this traffic corridor to be served by Interstate 75 has by far the most heavily travelled corridor in the State of Georgia and the system as presently existing is totally inadequate to move said traffic with either facility or safety; and

Whereas, it has been reliably estimated that this additional delay will result in the loss of thirty additional lives because of the inadequacy of the existing highway;

Be it, therefore, resolved: That the Board of Commissioners of Fulton County, Georgia, strongly support the position of the Honorable Bert Lance, Director of the State Highway Department in his efforts to secure immediate acceptance of the presently proposed route for said Interstate 75 and, if he fails to secure this acceptance, his announced intention to seek the aid of the Courts in settling the route of said highway, so that construction can be begun at the earliest possible date; and

Be it further resolved: That the Clerk of this Commission send copies of this Resolution to: Honorable Bert Lance, Director, State Highway Department; Honorable John Volpe, U.S. Secretary of Transportation; U.S. Senators of Georgia, and U.S. Congressional Delegation.

BYELORUSSIAN INDEPENDENCE

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. WIDNALL. Mr. Speaker, dating its economic, cultural, and political ties back to the 13th century, the people of Byelorussia established the Byelorussian Democratic Republic on March 25, 1918.

At the time the Republic was established, Byelorussians showed some very progressive measures. A provisional constitution was adopted which called for direct and secret ballot open to all freedom of press, speech, and assembly, national and cultural autonomy of all minorities, an 8-hour workday, the right to strike, and all guarantees of human rights.

These provisions came from a heritage that produced Litouski Statut, a carefully developed legal code that was a prelude to Byelorussia's period of cultural and artistic leadership of Eastern Europe.

The Soviet Union has been attempting to stamp out this heritage since Russian Bolsheviks created the Byelorussian Soviet Socialist Republic in 1919. It is estimated that over 4 million Byelorussians have been removed from their homeland because of political terror, mass deportations, or forced resettlements of Byelorussians on the Asian parts of the Soviet Russian empire.

In governmental affairs, only Russians are permitted to occupy the key positions in the Socialist Republic. The Byelorussian language has nearly been eliminated from schools and government. The economic development of Byelorussia is guided by the needs of the Siberian and Central Asian regions of the Soviet empire.

Byelorussia is represented in the United Nations, but an analysis of the country's votes indicates that it does not deviate from the U.S.S.R. positions.

The Byelorussians have often indicated their desire for freedom from Soviet dominance. Uprisings from 1920 through 1926 and the Second All-Byelorussian Congress convened in 1944, reaffirm the Byelorussian people's desire for complete political independence.

Therefore, I join with Byelorussians throughout the free world in celebrating today as a symbol of their national aspirations.

AN ECONOMIC BASIS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. CRANE. Mr. Speaker, Mr. Ted Jefferson, the publisher of several trade magazines, has long been an outspoken defender of the free enterprise system.

In a recent editorial in one of his publications, Welding Distributor, he presents an interesting description of some of the benefits of the much-defiled "profit motive" in business. I insert this editorial in the RECORD as follows:

AN ECONOMIC BASIC

Profit seems to become a dirty word. If yours is an average firm, in all probability some of your employees are against the idea of the company making a profit—not because of any special reason other than that they have been listening to the wrong people.

We all know that the company's income is dependent on the sales of products and services. If the firm doesn't have sufficient profit to meet expenses, the business goes into the "red." These losses must come out of the reserves built-up in profitable years, or out of the owners' pockets. If the losses continue over a prolonged period, the business goes broke, and the employees then learn that a lack of profit has cost them their jobs. Profit then assumes a new importance.

Like most employers you probably have a communications problem. Have any of your employees ever been told that it takes the profits of sales equal to nearly two times their annual salary to pay the taxes on their social security and unemployment benefits? Do they know that those fifteen minute coffee breaks use up the profits on sales equal to two times their annual salary. These figures assume that your after tax profits are three percent—if they are greater these fringe benefits, of course, are not so costly, but if the profits are less, the sales required to meet the "fringes" may be many times greater.

Most employees enjoy many more fringes, such as paid vacations, health insurance, and the like, all of which have to be paid out of profits. When the cost of all these are totaled, they may add to the total profits obtained from sales equal to eight-to-ten times each employee's annual salary.

Profits also provide the owners of the firm wtih an incentive to invest. The returns must be sufficiently high to warrant the risk; otherwise, it might be better to place the money in a bank account or some other place offering an assured return at little or no risk.

It must also be remembered that profits are required to insure the continuation and expansion of the company. Only a few years ago, a distributor started business with an investment in inventory and equipment of only $5,000 per employee. This sum is now grown to $40,000–50,000, or more, per employee.

When profits are looked at in the correct perspective, it is seen that they are not a necessary evil, but rather a necessity. If your employees have not been told the story, now is the time to do it so that the entire team will work to make next year more profitable.

TOBACCO INSTITUTE REPLIES

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. ABBITT. Mr. Speaker, the tobacco industry is one of the oldest continuous enterprises in the New World, yet today we find that this industry is constantly having to defend itself on every hand.

In the Wednesday, March 17, edition of the Washington Evening Star there was a splendid article in the "Letters to the Editor" column written by Mr. William Kloepfer, Jr., vice president of the American Tobacco Institute, Inc. This article speaks for itself and I would like to include it herein with my remarks. I commend it to the reading of the Members of the House.

The article follows:

Letters to the Editor

TOBACCO INSTITUTE REPLIES

Sir: Recently you published a lengthy letter from three officials, including the president, of the Medical Society of the District of Columbia, attacking a recent report by Columnist James J. Kilpatrick on the notorious "smoking dog" research of 1970.

Mr. Kilpatrick can handle his own affairs, of course, but we cannot permit your readers to be misguided by the assertions of the three doctors whose letter you published.

Certain of their assertions cannot be questioned, including their statement that until the "smoking dogs" report was published a year ago, "it had long been suspected that smoking did have a relationship to lung cancer," but "no proof had heretofore existed."

It appears, however, that in several respects the three doctors have been seriously misled by their sources of information.

The chronology of the "smoking dogs" episode is significant. For more than two years, using some three-quarters of a million dollars furnished by the American Cancer Society and the Veterans Administration, researchers had a group of beagle dogs "smoking" cigarettes through holes cut in their throats.

REPORTED THEIR FINDINGS

On February 5, 1970, the scientists in person reported their findings to an American Cancer Society meeting, and then to the public at a large news conference in the Waldorf-Astoria hotel in New York.

Then the "New England Journal of Medicine" refused to publish their finding because they had delivered them first to the news media.

Then, in June, the researchers delivered new versions of their report to the AMA convention in Chicago.

Then the "Journal of the American Medical Association" rejected their reports for publication.

Then the authors submitted new reports to "Archives of Environmental Health" on whose editorial board, as Mr. Kilpatrick pointed out, one of the authors serves. The editor of that journal convened a meeting in July with the authors and a veterinary pathologist employed by a Philadelphia drug company at the firm's headquarters, to work out enough changes in the manuscripts to make them suitable for publication.

The final versions of the papers appeared in print in December.

Contrary to the statement by the three doctors that "there was no change in the scientific content of the papers which would have differed in any way" from the initial version, there were, in fact, numerous and major changes.

One of these was deletion, in the December version, of a stated purpose of the experiment in the February version—"to ascertain whether smoking cigarettes for two years or longer will produce lung cancer in dogs."

Contrary to the statement by the three doctors, the pathologists who reviewed this research before last February did not all concur in the findings.

Contrary to the statement by the three doctors, the pathologist whom the beagle researchers invited from the Council for Tobacco Research (supported by the cigarette industry) to review their work, at a time when he was in New Zealand, did not ignore the opportunity. He wired this reply:

"Am informed of your invitation for me to review your . . . beagle experimental material. Believe desirable also to permit other independent experts to see the slides and protocol since as research director CTR the review by me alone might be considered biased. On return . . . would appreciate further opportunity for discussion."

NEVER RESPONDED

The researchers never responded to him.

The three doctors say the authors "requested permission to retract the paper" from the Journal of the American Medical Association, so they could publish it elsewhere. This is certainly incorrect. The fact is that the authors went to another publication with their manuscripts; refusing to accept and deal with the fundamental criticism made by 17 of the 18 scientific experts to whom JAMA had submitted the papers for review.

The three doctors stated correctly that the Tobacco Institute does not accept this experiment, as reported, as any proof that cigarette smoking causes people to become ill. As most experts in the field are aware, scientists have been attempting to produce illness in animals for three decades or more with inhalation of cigarette smoke, and have failed. At this moment, the National Cancer Institute's Tobacco Working Group is focusing considerable funds and talents in the search for animal experimentation methods which can yield reliable answers to questions raised about smoking.

Finally, the three doctors have expressed their belief that smoking is associated "with other debilitating diseases," and they specify smoking as "probably the single greatest cause for emphysema."

With due respect to the gentleman's professional knowledge, we must point out that this expression puts them at variance with the National Institutes of Health, which states in a current news release about emphysema: "We don't know the cause."

Despite the years of effort to establish scientific facts about smoking and health, the controversy still founders in a quicksand of statistical mysteries. Oddly enough, those who oppose smoking have linked it conveniently with the causes of three of the largest voluntary fund raising associations in the country, in the areas of cancer, heart trouble and respiratory diseases.

The tobacco industry itself remains the largest single contributor to independent scientific research in smoking and health—an expenditure by the industry which will exceed $40 million by the end of this year. The industry will continue to set this example of investigation, not condemnation in this significant area where its "selfish" interest, and the public interest, wholly coincide.

William Kloepfer, Jr.,
Vice President, Public Relations, The American Tobacco Institute, Inc.

A SEVENTH ANNIVERSARY

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. JOHNSON of California. Mr. Speaker, today marks the 8th year of prison life for the first serviceman captured by the Vietcong. This week has been appropriately designated by Congress as the National Week of Concern for Prisoners of War/Missing in Action. Accordingly, I have joined more than 200 other Congressmen in cosponsoring House Concurrent Resolution 114, calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front.

The resolution calls on North Vietnam to abide by the Geneva Convention Accords on Prisoners of War, and endorses the efforts of the U.S. Government, the United Nations, the International Red Cross, and other groups in seeking better treatment for the POW's.

This resolution would put Congress on record as cognizant of the plight of more than 1,400 Americans held as prisoners of war or missing in action.

It would call upon the North Vietnamese and their allies in South Vietnam, Cambodia and Laos to: First, identify the prisoners they hold; second, permit impartial inspection of their POW camps; third, release prisoners who are seriously ill or injured; and fourth, permit the free flow of mail between prisoners and their families.

I believe that American pressure for better treatment for the POW's has brought some small improvements in their lot. Some increase in mail between the men and their families has been permitted, and more packages can now be sent to the POW's. Also, the weight limitations on Christmas parcels have been liberalized and families have been permitted to mail such previously forbidden items as small games, medicines, and vitamins.

Despite these improvements, conditions are still deplorable. Less than a dozen prisoners have been freed in the last 5 years.

We must continue our efforts to involve all Americans in showing their concern for the POW's. It is becoming apparent to the North Vietnamese that the world looks harshly upon their refusal to abide by the Geneva POW Accords, which they signed in 1957.

POLICE STATE IN PANAMA?

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. WALDIE. Mr. Speaker, I have previously expressed my concern over conditions in the Canal Zone regarding relations between the Panamanian Government and Americans within the Canal Zone.

Recently, the current situation within the Panamanian Government itself has been brought to my attention. Mr. Speaker, I am alarmed at those reports.

Apparently the present Government of Panama has embarked upon a policy of suppression designed to remove civil liberties and basic freedoms of the citizens of that Nation.

Continued acts of suppression and other police state tactics will only serve to feed the frustrations and discontent of the people of Panama.

There is ample evidence that restoration of representative and democratic government in that troubled Republic is long overdue.

In order that this situation be given proper exposure before the Congress, Mr. Speaker, I insert in the RECORD a recent letter sent me by Mr. Phillip Harman of Los Angeles and an article from the Los Angeles Times:

MARCH 22, 1971.

HON. JEROME R. WALDIE,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR MR. WALDIE: Thank you so very much for your letter of March 16th, 1971, pertaining to my concern of the military dictator of Panama, General Omar Torrijos.

The Panamanian is not a person of violence and that is why General Torrijos has stayed in power although the force and fear of General Torrijos is well known to the people of Panama. However, there is a limit as to how long they will tolerate this suppression of their human rights and this tolerance is coming to an end.

I am firmly convinced and sincerely believe that the only solution to stop the spreading of communism in the Canal Zone area and a possible building of a new Panama Canal by another country (as per General Torrijos' statement of Feb. 23rd, 1971) would be the return of the Constitutional President, Dr. Arnulfo Arias, who is in exile in Miami, Florida. The whole country is waiting for his return to restore human rights and democracy to Panama.

I am enclosing an article by the Chicago Daily News exposing the police state tactics that exist in Panama today.

May I say how so very much I appreciate the interest you are taking in this matter which means so much to the people of Panama and to the free world.

Cordially,

PHILLIP HARMAN.

POLICE STATE TACTICS TOLD IN PANAMA

(By Don Bohning)

PANAMA.—Repressive police state tactics reportedly have eliminated any trace of organized opposition to Panama's military dictatorship.

Methods employed have been as effective in silencing public criticism by disgruntled Panamanians as they have in quelling the hard-line extremists dedicated to terrorism.

Tactics used by the National Guard, Panama's only military force, include arbitrary arrests, tapped telephones, widespread use of informants, subtle and not so subtle physical and economic threats and, in extreme instances, torture, say those citizens who will talk.

There is no evidence to indicate torture is practiced on any large scale. But neither is there any doubt that it has been used in such places as "the kennels" near Tocumen International Airport and in various "houses of interrogation" around the city.

As a result, the atmosphere in Panama City now is such that many politically aware Panamanians are afraid to be seen talking with a foreign newsman.

When they do, they tell of telephone intimidations, changing their eating places because known informants frequented the ones where they had been eating and of being hauled off for questioning on the flimsiest of reasons.

TWO-YEAR TERMS

Or they cite the case of five Panamanians—including a Canal Zone policeman and fireman—who were sentenced without public trial to two years in the Coiba Island prison for "developing subversive activities" against the government.

The system of informants and intimidation extends beyond Panama and to Miami as well, where a growing colony of Panamanian exiles lives.

Some of the Miami exiles are known to have received telephone calls from National Guard officials, threatening their families who still remain here and warning against any anti-government activity.

In fairness to the guard, the present government—administered by civilians under the tutelage of Gen. Omar Torrijos, the guard commander—is probably as popular with the peasants and the lower class working man as any Panama ever had.

Yet, as the guard's heavy-handedness increases, as many believe it is, a likely result is that a reaction born of frustration and resignation eventually will set in. The guard then could find itself in trouble.

The increased repression of recent weeks is partially attributed to a National Guard crackdown on an extremist group, apparently readying itself for a campaign of urban terrorism and partially to the appointment of Lt. Col. Manuel Antonio Noriega as the new head of G-2, or the guard intelligence section.

GETS JOB DONE

Noreiga has a reputation as a man who gets things done even if it means going beyond the generally accepted norms.

There seems little doubt that one thing he did was to effectively put out of business an extremist organization which posed a real problem for the guard.

The government announced recently that the group had been broken up with the arrest of 29 persons and the deaths of two others since late September.

Juan de Arco, the alleged leader and a respected Panama engineer, escaped into the Canal Zone where he requested political asylum.

Two other prominent members of the organization—Frederico Britton and Bolivar Crespo—were not mentioned in the guard announcement and apparently escaped.

The organization, however, has been completely smashed.

It was blamed for the $29,000 casino robbery at the Hotel Panama in late September—which was not reported in the government-controlled press—as well as other recent robberies including one at a stationery store where a mimeograph machine was stolen.

The guard announcement said it had routed the Communist Party of Panama which was not entirely accurate.

In fact, the People's Democratic Party—Panama's pro-Moscow Communist group—continues to exist with the apparent approval of the government as long as it remains inactive.

MAOIST OUTGROWTH

The extremist group shattered by the guard action called itself the Central Command of the National Liberation Movement—29th of November.

Nov. 29, 1969, marked the day that Frederico Britton's brother Floyd died in the Coiba Island prison of what the government claimed was a heart attack, a story given little credence by most Panamanians.

Daniel Zuniga, a member of the so-called National Liberation Movement, was the key to the guard success in wiping out the organization.

A story Oct. 17 in Matutino, a government-controlled newspaper, reported that Zuniga had given himself up, apparently sometime earlier.

Zuniga's fate is uncertain but given the current repressive tactics in vogue, there is considerable skepticism that his "important information" came voluntarily.

OFF THE FARM INCOME

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. ZWACH. Mr. Speaker, parity today is at 70 percent. This means that our American farmers, if they are to maintain economic equality, must look other places than to their farm acres for a source of income.

Although this fact of substandard income seems to be universally known, we generally talk about it, but generate very little real action.

I always have been a strong supporter of 100 percent of parity for our food producers. Unless we can provide an adequate income for the products of their farms, they are forced to turn elsewhere for supplemental income, or move to the large centers.

Mr. Speaker, Editor Curtis Warnke of the Wood Lake News in our Minnesota Sixth Congressional District, touched on this problem recently in an editorial in his newspaper.

In order to bring this matter to the attention of my colleagues, with your permission, I hereby insert Mr. Warnke's editorial in the RECORD:

OFF THE FARM INCOME!

A national publication recently pointed out that 92% or nearly 3 million American farm operators receive some of their income off-the-farm. The publication went on to extoll the virtue of this arrangement, and spoke in glowing terms on how healthy this situation is for the American farmer—we beg to differ!

According to the most recent U.S. farm Census, off-the-farm jobs brought in income equal to 86 percent of the value of farm produce across the nation—this averaged nearly $4800 per farm operation. In 1965, which is the most recent year that figures are available, the farm labor force (that is those working outside actual farming in addition to their normal pursuit) received a whopping $8.3 billion in wages and salaries. Now that's nothing to sneeze at! During the same year, on two out of every five farms in the country the off-farm income was greater than the farm income.

We don't have figures available for later years, but in 1970 the net income of America's farmers declined from $16.2 billions to $15.8 billions. Thus in order to live and subsist, the farmer must look elsewhere for his livelihood—he must join the labor force of the nation.

Contrary to the line followed by the national publication referred to above, we here—at our vantage point in Wood Lake, should be concerned about this trend. Do we want only giant corporation type farms? Do we want only "hobby farmers". Well, pure and simple, that's exactly what we are going to find if the present trend is not reversed.

The first order of business is to raise farm income! It can be done (if they really want to) in a number of ways—however, the method is not important—what is important is the necessity of it being done. We don't care if it's a direct government subsidy or what it is—it's absolutely imperative that it be done now before it's too late.

If you disagree with the above paragraph we only wish you could have been in Minneapolis last Friday morning to see the people lined up at the Hennepin County employment office attempting to secure a limited number of jobs that were going to be offered. They spent all night in sleeping bags, lying out in the cold air—literally by the thousands, and—mind you, only to apply for a job! They had no assurance they would get one. Many of them were Vietnam Veterans who are coming home and can't find work—of any kind.

Yet, we have forced our farm friends to go to work in off-the-farm pursuits to survive—now this newspaper asks you—how crazy can we get?

The $8.3 billion farmers earned working in the labor force in 1965 is a powerful amount of money—but actually it is a small amount compared to what we are spending on space exploration for example; and how much more practical it would be to subsidize the American farmer that much to keep him on the farm (where he'd much rather be); and in turn open up the jobs he's working at for others.

We agree with our American Indian friend when he said: "White man heap crazy".

FUTURE HOMEMAKERS' WEEK

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. HATHAWAY. Mr. Speaker, this week has been set aside to pay special tribute to the more than 600,000 American teenagers who, as members of Future Homemakers of America, have devoted themselves to constructive work in helping solve many of the problems which confront today's society. In my own State of Maine alone there are 2,482 members who belong to 78 chapters from Madawaska, south to the Maine-New Hampshire border.

The motto of the Future Homemakers—"Toward New Horizons"—is evidence of the challenging role this impressive organization can provide to those who join its ranks. FHA activities center on individual growth, the family, education, development of occupational competencies, preparation for marriage and careers, and youth's role in society and the world.

The future of this Nation and our world rests on the shoulders of today's youth, and we should be grateful that we have such organizations as the Future Homemakers of America to train the leaders of tomorrow.

THE SELLING OF CBS NEWS

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. WHITEHURST. Mr. Speaker, so much has been said recently about the CBS program, "The Selling of the Pentagon," with regard to the distortions and half-truths it contained, that Jack Kestner, military writer for the Norfolk, Va., Ledger-Star, did some background research.

The resulting article, "The Selling of CBS News," appeared in the Ledger-Star on the afternoon of March 24, 1971. I would call particular attention to the fact that in attempting to stage a shot of Adm. Ephraim Holmes greeting a group of Boy Scouts, CBS implied to his public affairs officer that they were planning to do a "Navy community relations program." Mr. Kestner's conjecture concerning the use that would have been made of such a shot is also worthy of note.

I submit to you that the lack of good faith on the part of CBS did not begin with the actual showing of the program, but indeed was part of the "documentary" from its very conception.

Mr. Speaker, I commend Mr. Kestner's article to the attention of my colleagues:

THE SELLING OF CBS NEWS

(By Jack Kestner)

NORFOLK.—News commentator Roger Mudd opened CBS's broadcast "The Selling of the Pentagon" with the following statement:

"Nothing is more essential to a democracy than the free flow of information. Misinformation, distortion, propaganda, all interrupt that flow. They make it impossible for people to know what their government is doing—which, in a democracy, is crucial."

These words have a noble ring to them.

One segment of the hour-long "documentary" that followed Mudd's introduction was the revelation that the U.S. Department of Defense staged an action in Vietnam to brighten the image of the South Vietnamese soldier.

It appears that what is staging for the Defense Department is not necessarily staging for CBS.

Last year, while CBS News was putting together its special broadcast, Cmdr. David M. Cooney received a telephone call.

Cooney at that time was serving as Public Affairs Officer for Adm. Ephraim P. Holmes, who as commander in chief U.S. Atlantic Fleet was the Navy's top admiral in the Atlantic.

"The man identified himself as an assistant producer for CBS," Cooney recalls. "He said CBS was working on a Navy community relations program and wondered if a camera crew could film Admiral Holmes greeting a troup of Boy Scouts at the Naval Station gate.

"I told him CBS would be welcome to film civilians visiting the Naval Station as part of the 'Normal Tour'—which they do every day," Cooney continued.

"He asked me if I didn't think the admiral would cooperate in this Boy Scout idea in view of the fact he would receive national exposure on TV.

"I told him if he could arrange for Dr. Frank Stanton (president of CBS) to start greeting tourists in the CBS building to call me back and I'd see what I could do with the admiral," says Cooney, who is now a captain working in the Pentagon. "I never heard from him again."

It can only be conjectured to what use CBS would have put the staged Boy Scout shot, but certainly it would have tied in with two other segments of the broadcast—segments in which CBS raised the specter of the military influencing children in the techniques and hardware of combat.

When the program was first aired a month ago it resulted in a mixed bag of criticism—praise from newspapers like The New York Times, vehement protest from official Defense Department spokesmen, Vice President Spiro Agnew, and Rep. Edward Hebert.

Last night, CBS re-aired the program and followed it with the critics' protests and CBS response to the protests.

Responding was the president of CBS News, Richard Salant.

"None of our critics have said these things didn't happen or weren't done, so the validity of the broadcast stands unscathed," Salant said.

Of course, no one argues that events in the program didn't happen. Optically, it would be rather difficult to film something that didn't take place.

It is the use of the events and the interpretation thereof that has so enraged the military.

The program, they say, is sprinkled with half-truths and inuendoes.

Arguments can be made both for and against the military "selling" itself. Certainly, the Civil Service has its powerful Washington lobby to get its share of the taxpayer's dollars—and so does every major private enterprise that does big business with the government.

Certainly cases can be cited of the military either misleading or misinforming the public.

But in "The Selling of the Pentagon" CBS has strained at a gnat and swallowed an elephant.

GONZALEZ BACKS BILLS TO BENEFIT THE CIVIL SERVANTS

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. GONZALEZ. Mr. Speaker, I am reintroducing today two bills that would ease tax burdens on retired Federal employees and allow early retirement for employees who have completed 30 years of Federal service.

My first bill calls for an amendment to the Internal Revenue Code to exclude the first $5,000 received in civil service annuities from gross income. This provision would make any Federal retirement benefits up to $5,000 tax exempt.

Presently, retired civil service employees are taxed on all benefits exceeding the amount they personally contributed to retirement while working. My bill changes this situation by extending the nontaxable status of social security and railroad retirement annuities to most civil service annuities. Passage of this measure is essential to equal treatment of all retired persons.

Fair treatment of Federal employees is also my motivation for reintroducing another amendment to the Civil Service Retirement Act to permit civil servants with 30 years of service to retire with full annuities regardless of age.

Many Federal employees complete 30 years of service well before the presently stipulated 55-year-old minimum retirement age. There is no reason that

30-year employees should not be able to opt for early retirement.

The advantages of this proposal are twofold: It would reward a faithful civil servant and would place more employment opportunities in today's ever-tightening job market.

Retirement law has been amended to provide retirement with full annuities at 55 with 30 years service, 60 with 20 years service, or 62 with 5 years service, but this amendment has not really responded to the desires of Federal employees and to the need for Government leadership in diminishing the ranks of the unemployed. My proposal recognizes both of these needs and I urge prompt and favorable action by Congress.

THE PROBLEMS OF GOVERNMENT ORGANIZATION

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. RHODES. Mr. Speaker, President Nixon is to be commended for focusing so much attention on the problems of government organization. He has presented us with a dynamic set of proposals for four new Departments centered around the major purposes of Government to substitute for the seven departments we now have—each of which marches to the time of a different drummer. Some Departments—Agriculture, Commerce, and Labor—were established as voices for specific constituencies. Interior was designed to preserve our resources, while HUD and Transportation were supposed to develop our resources. At the same time, HEW has been trying to administer to the Nations very real human needs.

With all of these officers running similar programs for different constituencies, it becomes enormously difficult to know exactly what the Federal Government is doing in any one area.

Not only is the public confused when it tries to get answers from Government, tries to apply for Federal assistance, or tries to find where responsibilities lie for a particular action, but the Congress and the President are likewise confused as to who is ultimately accountable for program performance in education, health, water treatment, community development, highway construction, and so on. We can all locate points of responsibility, but the buck is constantly passed from one agency to another and seldom comes to rest short of the President's Office.

The President's reorganization plan will do away with all this confusion. I am hopeful that we can so restructure the Federal Departments that one Administrator, in one agency will exercise ultimate authority over related programs. If one man has authority he can then be held accountable for knowing exactly how individual programs under his responsibility are performing their assigned functions.

Less confusion will result during congressional hearings and on the administration side, the President will be able to direct programs far more efficiently.

I heartily endorse the President's proposals for reassigning Government programs to four new areas—Human Resources, Community Development, Economic Affairs, and Natural Resources. At last we will have accountability for dollars spent and performance achieved.

CVP WATER CHALLENGED

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. McFALL. Mr. Speaker, an interesting and enlightening expression of opinion on a subject of great interest in California which has national implications is contained in the March 18, 1971, editorial of the Stockton, Calif., Record.

Entitled "CVP Water Challenged," the Record editorial comments upon issues raised by a recent suit to halt delivery of water to a key pumping station of the Central Valley project.

The article follows:

CVP WATER CHALLENGED

With a scrupulous disregard for any other region's welfare, the San Francisco Chronicle again has assumed its strident pose as defender of San Francisco Bay.

From its base in a city that historically has plundered bay waters, filling them and fouling them with garbage, and even now dumping sewage raw through storm drains, the journal self-righteously exults in the suit of the Sierra Club and others that could stop the delivery of Central Valley Project waters at the Tracy pumping plant.

The plea for injunctive action in federal court takes in other aspects of river water diversion, including the Delta Peripheral Canal, the San Luis Drain and the East Side Canal. With this challenge of works as yet unconstructed we have little quarrel. If they cannot survive legal tests they should either be revised or shelved.

We do, however, regard as a piece of querulous hind-sighting the attempt to dry up thousands of West Side farming acres that grow food and fiber for people who live in cities. We do not believe for a moment that this irresponsible effort will be upheld. We wonder, however, why the plaintiffs did not go farther up-stream to the Friant-Kern Canal that taps the San Joaquin River in their assault on diversions that might be harmful. Why such exclusive attention to the Tracy pumps and the Delta-Mendota Canal?

Meanwhile, we direct the Sierra Club's attention to another fruitful opportunity to apply hindsight in stopping an operating, ecological monstrosity. There is nothing in this part of California to match the violation inflicted by the Hetch Hetchy project of the Chronicle's own city.

Thanks to San Francisco's political muscularity, its citizens tap water from a reservoir built uniquely in a national park, Yosemite, that destroyed a scenic chasm rivaled only by Yosemite Valley, itself. That project, too, like Central Valley, exists through the authority of Congress. Moreover, it diverts water that otherwise might run freshly into San Francisco Bay rather than as a conveyor of San Francisco's sewage.

Apply a federal stopper to Hetch Hetchy would mean, of course, that San Franciscans would go thirsty, and the Chronicle might object San Franciscans are, after all city people, and farms—well, they're just dirt.

ASSISTANCE FOR AEROSPACE UNEMPLOYED

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. HANNA. Mr. Speaker, the Department of Labor recently estimated that there are now somewhere between 50,000 and 75,000 unemployed aerospace engineers and scientists. Most of these people have lost their jobs, and cannot find reemployment, because of specific Federal policies.

The plight of the aerospace unemployed presents us with not only a tragic problem, but, frankly, an unfortunately ironic dilemma. It is quite difficult to rationalize a state of affairs where a nation, very technologically advanced and oriented, has at the same time a substantial portion of some of its best trained and most experienced scientists and engineers unable to find work.

This is precisely our situation today. Government policy has seriously reduced available jobs in aerospace and related industries. And, while there is considerable discussion about alternative long-range policies that can be initiated to provide new sources of jobs for the technically trained, little has been done to solve the immediate circumstances faced by these people.

Quite frankly, many of the men being laid off are in their late forties and fifties. Age discrimination, former high salaries, and even overtraining in a very specific area are reemployment handicaps almost impossible for many to overcome.

Although some grants have been made available for retraining, there are some problems with this. First, very few dollars are available for retraining and therefore the great majority of unemployed aerospace engineers and scientists cannot benefit.

For example, in my own district only two retraining programs are underway. Less than 100 people were able to enroll. This is out of an estimated 3,000 unemployed highly trained engineers.

The second problem is that, although the retraining is provided and a small income made available, there is no assurance that a job will be waiting at the end of the course. Really very little provision has been made to insure jobs.

While I strongly endorse retraining, I cannot help but feel that not enough Federal support is being given. It seems quote clear that more funds must be made available now and careful attention and support must be given to insure that these men and women are being trained for jobs that will be available.

There is another policy we can pursue which can offer some immediate relief to many of the unemployed. With the training and experience which they have accumulated over the years, unemployed scientists and engineers can move into new businesses, perhaps technically oriented and geared to solving many of our domestic problems.

I am introducing two measures today which will assist and encourage many unemployed aerospace personnel to take advantage of new business opportunities.

The first bill would encourage small business investment corporations to make loans to unemployed aerospace personnel interested in going into a new business. SBIC were created by the Small Business Act of 1958 and have provided $1.8 billion in loans to many small companies which would have been unable to start under ordinary circumstances.

The measure provides authority to the SBA Administrator to extend the 90-percent Federal guarantee to loans made by SBIC's. The guarantee would only be extended to SBIC loans in areas where the Administrator determined that national policy goals are being advanced. The bill lists three goals: Aiding the unemployed, assisting rapid transit development, and solving pollution problems. The language is open ended so that the Administrator may extend the guarantee to other areas of national concern.

As a companion to this measure, I am also introducing legislation which will increase SBA guarantee authority from $2.2 to $3.1 billion. This increase would provide the Administrator with enough additional flexibility so that a portion of the guarantee authority could be extended to cover SBIC loans to unemployed aerospace engineers and scientists.

These measures will not solve all the problems faced by many of those who are unable to find a job. However, this program will help quite a few gain a new opportunity. I urge the House to take quick action on these two proposals. We must demonstrate that we are offering every reasonable avenue of relief to the many aerospace personnel who have lost their position because of Federal policies.

THE RURAL TELEPHONE BANK BILL

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1971

Mr. JONES of Tennessee. Mr. Speaker, the rural telephone bank bill which recently was passed by this body represents a major step toward the redevelopment of rural America. This legislation will make possible the expansion of rural telephone service of a quality comparable to that which has long been available to our urban people.

Presently, over 60 percent of the REA residence telephone subscribers have four-party service or worse. Almost a third have eight-party service. This is hardly a condition which would encourage rural people to remain in rural areas or to encourage urban people to move back to the country.

Today, there are approximately 200 million telephones in the United States. Of these, the Bell System owns about 85 percent. The independents own roughly 14 percent, and REA borrowers own the remaining 1 percent. The rural telephone bank bill will benefit primarily that 1 percent.

The telephone bank which will be established under this bill will not make grants. It will use no Federal tax revenues. Government funds, which will make up the class A stock of the bank, will come from moneys which REA telephone borrowers are presently repaying to REA on outstanding loans.

This bank is necessary because the revenue which is generated by providing rural telephone service is so small compared to urban service. The rural telephone cooperatives average about $300 in revenue per mile of line, while the Bell System grosses about $11,000 per mile.

If the House version of this bill survives the conference committee reasonably intact and is signed by the President, we will have performed a great service not only to rural America, but to the whole Nation.

As one of the founders of the Yorkville, Tenn., Telephone Cooperative, I am aware of the tremendous value of good rural telephone service. I am eager to see that all of America has such service available.

ADM. U. S. GRANT SHARP

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. SCHMITZ. Mr. Speaker, the following article which deals with a recent speech made by retired Admiral U. S. Grant Sharp should be of great interest to all my colleagues. Admiral Sharp was commander in chief Pacific from 1964 to 1968 and speaks with a great deal of experience in matters pertaining to the military.

Particular attention should be paid to Admiral Sharp's assessment:

> It seems clear that the Soviet Union is striving to achieve a first-strike capability which could be used to blackmail the United States.

It is our duty as Representatives to see that the Soviets do not achieve this capability which will give them the material requisite for achieving their stated goal of global conquest.

The article, which appeared in the Register, Santa Ana, Calif., of March 18, 1971, follows:

"INADEQUATE" DEFENSE BUDGET INVITES WAR—EX-PACIFIC CHIEF

(By Len Davis)

NEWPORT BEACH—Retired Adm. U. S. Grant Sharp, former Commander-in-Chief Pacific (1964–1968), said here Wednesday that the 1972 defense budget submitted by President Nixon to Congress is inadequate for the security of the country "and multiplies the chances not of peace, but of nuclear war."

The former five-star admiral, who commanded nearly one million Army, Navy, Marine Corps and Air Force personnel in an 85 million square mile area, said Russian overconfidence or miscalculation "may trigger such a war inadvertently, or place the United States in a posture from which there can be no retreat.

"There are perilous times ahead," the 64-year-old Sharp told an Operations Alert planning session at the Stuft Shirt Restaurant.

"The fiscal 1971 defense program is only $5 billion more than the fiscal 1964 level," said Sharp. "Yet, the cost of the war in fiscal 1971 will be more than double the $5 billion budget increase.

"This means that the war in Vietnam is being funded by deferring weapons modernization and reducing operational readiness.

"We could have won this war back in 1966," he said, "if we had deployed our bombers effectively.

"In spite of operational restrictions," he continued, "we had them licked in 1967.

"And in 1968, we could have won with ease.

"But we licked ourselves. Now look where we are," he added.

Sharp warned against pulling out of Vietnam too fast.

"If we do, we will surely lose the war," he said.

"In terms of Gross National Product," Sharp explained "our defense budget has gone from 9.7 percent of the GNP in 1968 to 7 percent in 1971, the smallest allocation for defense purposes in 20 years.

Sharp said the 1972 budget presented to Congress by the Nixon administration represents only 6.8 per cent of the GNP.

"It seems clear," said Sharp, "that the Soviet Union is striving to achieve a first-strike capability which could be used to blackmail the United States."

He pointed out that since 1965 "the Soviet Union has engaged in a major effort to change the balance of power in the development of strategic nuclear weapons.

"During that period it has more than tripled its inventory of these weapon carriers from about 500 to 1,700, including some 200 nuclear heavy bombers.

"In the same time, the United States has not increased its level of 1,710 strategic nuclear missile launchers, and has reduced its heavy bomber strength from 780 to less than 600," said Sharp.

"In 1965," he continued, "the Soviets had none of the monster SS–9 missiles now operational. Today, they have more than 200 SS–9s, with an ultimate total of about 300 when current construction effort is completed.

"The SS–9s alone," said Sharp, "will be capable of delivering a megatonage in nuclear weaponry that exceeds the combined total nuclear weapon megatonage capability of all our existing strategic delivery systems.

"We have no counterpart for this huge Soviet nuclear weapon," he added.

Sharp said the Soviet SS–9s "are capable of carrying a 25 megaton payload and can be produced with the accuracy necessary to destroy the entire United States missile force and every major city in the nation."

He told the audience that the Soviet Union is now deploying huge new intercontinental ballistic missiles "as big or bigger than the SS–9s and superior to them in quality—and accuracy."

Noting that most major U.S. cities "are close to our coasts and within short range of their (the Soviet Union's) potential submarine launching stations," Sharp said "they can launch their attacks with little time for us to react before being hit."

Sharp pointed out that, since 1954, "the Soviets have designed and produced 18 new types of fighter planes, 15 of which we have actually photographed in flight.

"During that period," he said, "the United States has not produced a single new and superior fighter, and we have not had one on order until last year."

"After long delays, due to lack of appropriations, we now have two fighters underway—the F–14 for the Navy and the F–15 for the Air Force—but they will not be a part of our inventory for several years," said Sharp.

"The Soviet Union now has the largest submarine fleet in the world, the strongest force of missile-launching ships and is even closing-in on the United States in the numbers of cruisers and destroyers," he said.

"The great majority of our fleet," he added, "consists of ships more than 20 years old, and equipment."

Sharp said Red China "will not be a threat during the next 20 years.

"Even more of a threat than Red China," said Sharp, "is our own U.S. Congress with its left-wing members and those who play politics with the security of our country."

HEAPING WRONG UPON WRONG

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. GROSS. Mr. Speaker, I have pointed out on previous occasions some of the shocking facts surrounding the construction of the so-called Hirshhorn Museum on the Mall, not the least of which is that it should be named for an individual of dubious character.

I would like today to call the attention of Members of the House to a newspaper article by Mr. Clark Mollenhoff which details how the Federal Government is permitting a construction firm owned by a criminal to build this monument and turn a fat profit on the deal.

I include the article for insertion in the RECORD at this point:

WATCH ON WASHINGTON

(By Clark Mollenhoff)

WASHINGTON, D.C.—The government's dealing with the Piracci Construction Company is a classic case of how far the General Service Administration (GSA) can bend the rules if it wants to do business with a firm involved in violation of the law.

Ordinarily, a firm can be suspended from doing business with the government for up to 18 months if fraud is suspected. If found guilty, the firm can be "debarred" from dealing with the government for up to three years.

The basic thesis is that firms and individuals who cheat the government through frauds and payoffs shouldn't be regarded as "responsible bidders."

However, Robert Kunzig, the administrator of GSA, has made it possible for the Piracci Company, of Baltimore, Md., to continue to do business with the government despite repeated law violations. The GSA has minimized the fact that Dominic A. Piracci, Sr., the sole owner of the construction firm, has a record of fraud convictions and involvements in fraud.

Piracci has simply stepped out of his role as president and director, and has turned the management over to some other business men "for a period time which will extend six months beyond the completion of The Hirshhorn Museum and Sculpture Gardens."

Piracci's firm holds the $15,000,000 general contract for the controversial Hirshhorn project in Washington, D.C. and is to receive more than $1 million in profit.

Looking at the law and the background of Piracci, there would have been ample reason to debar the Piracci firm from ever bidding on the Hirshhorn project. In fact, the counsel for the GSA Region Three office had recommended debarment of the Piracci firm. The law authorizes suspension of "all known affiliates of a concern or individual" who has been convicted.

The law further states:

"The criminal, fraudulent or seriously improper conduct of one individual may be imputed to the business firm with which he is connected when the impropriety involved was performed within the course of his official duty, or with the knowledge or approval of the business firm."

Not only has Piracci been permitted to do business with the government, but in the face of a record of proven bribery, perjury, and falsification of records, Piracci has been permitted to increase his bid on the Hirshhorn project by $754,375. The GSA accepted Piracci's explanation that a "clerical error" had resulted in a lower bid than he intended. Piracci was still the low bidder, but by a narrow margin.

The GSA informed Representative Joel Broyhill (Rep., Va.) that it has "insufficient justification" for debarring Piracci's firm.

Here is the Piracci record.

In 1954, Piracci was convicted of fraud and obstructing justice in connection with an off-street parking scandal in Baltimore. Piracci paid a $4,000 fine on that conviction and was later pardoned by former Governor Theodore R. McKeldin.

In 1969, Piracci was convicted in the United States District Court in Baltimore on charges of having made a payoff to Guido Iozzi, jr., president of the Baltimore Building Trades Council, AFL–CIO. Piracci was sentenced to pay a $5,000 fine and to serve 183 days in federal prison.

Another indictment has been returned against Joseph P. Doherty, executive assistant to the assistant postmaster general in charge of post office bureau facilities. Piracci was not a defendant in this case, but the indictment charged that Doherty took large sums of cash from Piracci to provide influence for Piracci Construction Company in dealing with the Post Office Department.

Doherty entered a "no contest" plea to the ninth count of the indictment on "conflicts of interest" that charged he "did knowingly act as agent" of Piracci and the firm "in connection with applications, contracts, and other particular matters involving the leasing of various post office facilities." Action on the other counts in the indictment against Doherty is still pending.

In dealing with Piracci's record, the GSA, in its letter to Broyhill, dismissed the 1954 conviction as being far enough back that "it cannot ordinarily be used to support a current debarment."

The GSA also noted the federal judge did not impose the maximum prison term and fine on the 1969 conviction and that "the six months' sentence presumably recognized the fact that Piracci had cooperated with the government."

But, the GSA overlooked the comments of United States District Judge Alexander Harvey II, who said as he sentenced Piracci:

"You lied to the FBI, the United States attorney and the federal grand jury: A man who has a prior criminal involvement and who has lied . . . can hardly expect leniency from the court."

The GSA also told Broyhill, "Finally, to the best of our knowledge, it has not been legally established whether Mr. Piracci or the firm made any illegal payments to a former employee of the Post Office Department."

Apparently GSA did not ask the prosecutor who could have told them Piracci admitted making payments of at least $3,000 to Doherty and a total payoff of $20,000 was discussed.

A final argument on behalf of doing business with Piracci Construction Company was that Piracci had "resigned both as president and a member of the firm's board of directors, the fact that he is divorced from all control over the firm; and the fact that the firm itself has satisfactorily performed several construction contracts for GSA."

The GSA and other government agencies aren't often so tolerant of fraud, or so understanding of the lines between control of a firm and the actual ownership of the firm. Apparently, Piracci is receiving some unusual understanding at a high level in Washington.

Piracci's penalty for his problems with the previous convictions will be that he won't be permitted to pick up the profits on the Hirshhorn project until at least six months after it is completed.

STATEMENT AND RESOLUTION OF THE NEW ENGLAND LEADERSHIP CONFERENCE

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. DRINAN. Mr. Speaker, I attach herewith a statement and a resolution of the New England Leadership Conference held on March 21, 1971, in Newton, Mass.

This resolution was drawn up by 500 leaders of all New England Jewish organizations assembled in an emergency conference.

I commend this thoughtful presentation of issues in the Middle East at this particular time:

STATEMENT AND RESOLUTION OF THE NEW ENGLAND LEADERSHIP CONFERENCE, MARCH 21, 1971

STATEMENT

We, of the Jewish community of New England, gathered in emergency session, unequivocally reject current attempts to impose on the Middle East the futile and discredited policies reminiscent of Munich. In October, 1938, Czechoslovakia, like Israel today, was pressured to exchange defensible frontiers for "peace in our time" and "Big Power guarantees".

"Those who do not learn from history are condemned to relive it."

Twice in the last 22 years, Israel was compelled to surrender vital strategic areas in the Sinai to a defeated, but unrelenting Egyptian aggressor. Each forced withdrawal was followed inevitably by another round of Mid-East warfare, 1949 led to 1956. 1957 led to 1967. Today, the basic thrust of Big Power pressure is to embark once more on this fatal path. It should be recalled that President Eisenhower and Secretary Dulles later recognized and regretted the error of interposing the great powers between the parties in the Middle East, thus shielding Egypt from the need to face Israel in direct negotiations.

President Nixon correctly underscored this lesson when he stated in his televised news conference of March 4, 1971:

"The question here is whether or not the U.S. will impose a settlement in the Middle East, and the answer is *no*. We will do everything that we can to urge the parties to talk . . . but we are going to have to depend upon the parties concerned to reach an agreement . . ." (emphasis supplied).

The regrettable fact, however, is that the Great Powers and the UN Secretariat are obstructing any Israeli-Egyptian negotiations, direct or indirect. Not only are the representatives of Israel carefully kept from meeting their Egyptian counterparts—an unprecedented way of "negotiating"—but Israel may not even address written memoranda directly to the Egyptian government. Regarding substance, Israel has been told simply to sign documents under which all the relevant details, including borders, are already spelled out. When Israel questions this attempt to dictate to it on matters of its own vital security, over which the blood of its own youth was spilled, the UN Secretary-General intervenes to criticize Israel for insufficient docility. It is abundantly clear, therefore, that the so-called "talks under Dr. Jarring's auspices" are not negotiations at all, but a mere cover for a Big Power dictate.

This posture is fundamentally inimical to the chances of a genuine peace in the region. Egypt and the Arab countries, which have three times attempted to destroy Israel, are in effect guaranteed perpetual immunity from the consequences of their own acts. The Great Powers, the UN Secretary-General—whose own precipitate action helped to bring about the 1967 war—apparently stand ready at all times to bail out the Arab aggressors. It is significant that this lesson has already been duly noted in Cairo, where the semi-official *Al-Ahram* and its influential editor, Mr. Heykal, have openly stated on February 26, 1971, the correct meaning of Egypt's present willingness to accept a political settlement.

"There are only two specific Arab goals at this stage: 1) elimination of the consequences of the 1967 aggression through Israel's withdrawal from all the lands it occupied that year; and 2) elimination of the consequences of the 1948 aggression through the total eradication of Israel . . . If the whole land is returned . . . it will not become possible to . . . isolate Egypt from the rest of the Arab nation, and expel the USSR from the Arab area."

This statement underlines the illusory nature of dreams that appeasing Egypt at the expense of Israel's vital security will somehow weaken Russia's grip on the Arab world. The Egyptians themselves, obviously have no such intentions. Moreover, it is utterly unrealistic to think that Washington can ever outbid Moscow in being anti-Israeli and pro-Arab. Any appeasement, as in 1957, would give Moscow a gratuitous victory. Russian influence would be strengthened and not weakened.

It is important to note the contents of current Big Power discussions and the spirit of the so-called "Rogers Plan", as reported in the press. They wish to substitute for defensible borders, freely negotiated between the parties themselves, an international force under the auspices of the same UN which showed its moral bankruptcy in 1967. This force would contain a Soviet contingent; in other words, Soviet soldiers and missiles, which Israel has successfully contained on the west bank of the Suez Canal, are to be shipped across the canal under U.S. and UN auspices, into the Sinai Peninsula, the vital Straits of Tiran and the frontiers of Israel's Negev. The U.S. in 1967, when faced only with Egyptian opposition, was unable to implement its guarantee to protect Israel's freedom of shipping in the Tiran Straits. Would the U.S. be able to carry out such a commitment when confronted by Soviet troops? Only six months ago the violation of the cease-fire standstill agreement through the illegal introduction of Soviet-Egyptian missiles into the canal zone, demonstrated U.S. helplessness in the face of a Soviet breach of an international undertaking.

However, it is not only the utter impracticality of these "guarantees" that is objectionable. The fact is that the whole concept runs completely counter to the basic thrust of the current U.S. global policy. In two State of the World messages to the Congress, President Nixon emphasized that the U.S. intends to strengthen her friends and allies in all parts of the world, to the point where they will be capable of defending themselves, assisted only by U.S. arms shipments and U.S. deterrence against attack by a nuclear power. In fact, the President's positive leadership, in providing vital U.S. economic and military aid to Israel, forced Russia and Egypt to abandon military action, at least for the moment, and turn to the diplomatic front. In his televised news conference, the President reemphasized this aspect, saying:

"We, of course, will be there to see that the balance of power is maintained in the Middle East. We will continue to do so because if that balance changes, that could bring a war . . ."

Nevertheless, seduced once more by the siren-song of appeasement and acquiescing to Soviet and Egyptian blandishments, some State Department officials are turning the President's policy upside down. In Israel, the U.S. has one of the very few allies that is capable of defending itself, not only because of the democratic, progressive nature of its society and the magnificent spirit of its people, but because, for the first time in its history, it is not imperiled by indefensible lines. To force Israel back to the pre-1967 lines is bound, once again, to invite aggression. It would leave Israel defenseless, especially since now she would be facing Russian troops in addition to Arab armies. What these officials are proposing is to make it virtually impossible for the Israelis to defend themselves and then to substitute U.S. soldiers, under UN auspices, to fight for Israel instead!

For a most dubious short-lived "diplomatic" advantage for the U.S., it is proposed that, in effect, every bullet fired in a Middle Eastern skirmish could become the opening shot in a Big Power confrontation. This will neither give security to Israel nor comfort to the U.S.

Particularly disingenuous is the argument that, in view of the development of modern weapons, it does not matter where Israel's frontiers are located. It still makes a fundamental difference whether the frontier leaves Tel Aviv and Jerusalem easy targets of conventional weapons and leaves Israel's maritime life-line to Asia and Africa within open range of Egyptian light artillery, or whether Israel's enemies have to launch a protracted, full-scale campaign before reaching any of her vital centers and communication lines.

Finally, the character of any agreement or treaty is, in large measure, determined by the history of the negotiations leading to the final document. There is, therefore, a difference in kind between a document which results from a careful and detailed process of free negotiation and one which is signed primarily as a result of outside pressure. The long-term questions of war and peace hinge on the lack of ambiguity in interpretation of any peace agreement.

RESOLUTION

A true and lasting peace is the only sensible goal for U.S. policy in the Middle East. Such a peace which will assure the security of Israel is in the vital national interest of the U.S. Because we, of the American Jewish community of New England, are committed to real peace, and because we see clearly the danger, futility and immorality of appeasement, we declare our firm and unyielding solidarity with the people of Israel in their demand for a settlement of Middle East problems through free and untrammelled negotiations between the parties concerned in the conflict.

We therefore:

1. vigorously endorse and support the Mid-East policy enunciated by President Nixon of maintaining the balance of power and not imposing a settlement. We urge that U.S. diplomacy conform to that policy and abandon all pressures, however well-motivated, to impose pre-determined and futile plans on Israel and the Arab states.

2. strongly urge that the Big Powers desist from those activities that cripple the process of free negotiations, which alone can bring the Middle East to the threshold of genuine peace.

3. strongly urge that the Big Powers and the U.N. Secretariat desist from activities and statements which undermine the delicate balance of U.N. Resolution 242 of November, 1967, which called specifically for *"agreement"* between and among the parties so that every state in the area will have the right *"to live in peace within secure and recognized boundaries free from threats or acts of force."*

A LOW, SLOW ALTERNATIVE TO THE SST

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. WALDIE. Mr. Speaker, Jim Boman, a friend and constituent of mine from Walnut Creek, has recently brought to my attention a perceptive and provocative article from the Wall Street Journal of March 10. It is the story of the short take-off and landing aircraft and its promise for the airline industry. I would like my colleagues who have not seen its compelling case for the development of suburb to suburb STOL's to have the opportunity to see this article:

A LOW, SLOW ALTERNATIVE TO THE SST

(By Harvey E. Foster)

The year 1970 was not a good one for airline profits. New equipment increased seat-miles and labor settlements increased costs, while a slowed economy reduced growth. The results were heavy losses for most of the nation's carriers, in spite of an actual growth in both passengers and freight last year. As Secor Browne, chairman of the CAB, so aptly put it, "The airlines had more seats than bottoms to cover them."

Many people are gravely concerned. The industry itself, the stockholders and responsible citizens who know the need for economic health in our prime people-transportation system. But what kind of rhetoric fills our news? Do we see solutions offered to the airline dilemma?

No, it's the SST that seems to have captured all our attention.

Not that the SST shouldn't be discussed. It should, and a decision must be made. But the more pressing problem is to get more people to travel by air, not to move a few of them twice as fast.

Less than 1% of the freight moved in this country goes by air. The automobile still far exceeds the airplane as both the long- and short-haul passenger choice.

Early railroad history gives a clue to where we should look for a solution—improve the short-haul transportation system. Early railroads encouraged the building of roads as a means of bolstering the short-haul system, which routed payload to the railroads for the more profitable long-haul.

Short-haul travel today is by rails and highways. Each system unfortunately is expensive to build and difficult to relocate and consumes huge quantities of expensive real estate. An uncrowded expressway connecting centers of commerce would perform the short-haul task well if it remained uncrowded. The truth is, however, that if the road is located where it can serve a short-haul need, it is invariably so crowded as to restrict traffic to a crawl. The railroads have practically lost their short-haul ability. Connecting city center to city center, they offer little more than slum to slum connections.

THE STOL

The airplane, on the other hand, is not encumbered by such impediments. It is the most flexible vehicle existing today; it uses a small amount of real estate, and this only at the terminals. With short take off and landing, or STOL, it becomes still more flexible and needs even less land. STOL planes make possible a new transportation system, a third-level airline network connecting new sources of airline payload with existing terminals.

Where are these new sources of payload? They won't be found in the city center, where with few exceptions, the decay continues its irreversible pattern. The greatest potential for new airline payload is in the suburbs.

Most major cities today are bypassed by a beltway, a natural consequence of the interstate highway system. Along these prime transportation arteries, centers of industry and commerce are springing up. Shopping centers and industrial parks, including much new office space, are taking over the functions formerly performed by the city center. Thus they represent the source and destination of most of the future airline payload. Stolports close to or in these centers would linke them to existing air routes.

This is by no means the first recognition of the need for STOL to complete the transportation complex, but is a plea that we consider carefully where these stolports are located. Much press has been given to recent attempts to locate stolports near the city center. Even better coverage has been given to the vigorous and emotional protests of citizens living near these proposed new facilities. Attempts to extoll the virtues of STOL to these citizens are severely hampered by the fact that these protestors are not likely customers for STOL service, nor is there presently an operating system that can exemplify its advantages. It therefore follows that if a downtown stolport is ever to exist (and it could be a valuble factor in reversing city decay), it must first be proved in some other location.

The suburbs, adjacent to the beltways, or at intersections of interstate highways, are the ideal place to start STOL. Not only is it the source of much potential airline payload it is also a place not likely to arouse the citizen objection. This later point is particularly true if the stolport is in a new shopping center built over an abandoned general aviation airport. This would not only avoid citizen protest, but would salvage the facility for continued aviation use.

Stolports could be added to most shopping centers with little difficulty. For example, locating the STOL strip on the roof of the shopping mall would make it handy to the traveler, and would also elevate the approach and departure paths, thus reducing the neighborhood noise problem. The parking lot surrounding the shopping mall would serve as an additional buffer. Noise could be further reduced by routing the flights over the highways. People don't mind working near an airport, but object vigorously to sleeping in the landing pattern.

What about the other end of this new airline system, the airport terminal? With many airports already at or near saturation, won't STOL traffic just add to the problem? Not if we utilize the unique capability of the STOL plane. Steep angles of climb and descent, combined with a short runway—1,500 to 2,000 feet—would permit separation of STOL and conventional flight patterns at most terminals, allowing completely independent operations.

What does this do for the average traveler? Improved load factors mean improved airline profits, which might reduce fares, or at least delay rises. But more important, the service offered the public would be greatly improved. The missing link in our transportation system would be finally fitted into place, offering fast, efficient public transportation to the 50–300 mile traveler.

Unfortunately this missing link in transportation will not just happen. The equation is far too complicated; too many different and only slightly related factors are involved for the system to develop naturally in time to address the need. The federal government, with help from state and local authorities, must act to bring the system into being. To succeed, the federal government must accept the lead. Fortunately, both the FAA and the CAB have written into their charters a requirement for stimulating growth in civil aviation. Never before was that stimulation more sorely needed.

History shows that the federal government did not shrink from shaping the future of railroads. By huge federal land grants, the roadbeds were sent across unprofitable routes and supported the railroads until the routes profited.

SOME SUGGESTIONS

This does not mean that subsidies in any form are proposed for building the STOL system. Instead, the federal assist would include:

Define and publicize the advantages of STOL and the consequences of no STOL.

Halt, or at least slow, destruction of general aviation airports; many have already been turned into shopping centers without provision for STOL.

Bring airframe manufacturers and airlines together to develop the new equipment required.

Stimulate architects and city planners to develop ways to include STOL in their plans.

Develop the economics of the short-haul STOL operation for the potential operators.

Inform land developer of the urban dispersion possible with the aid of a STOL network.

Last year vividly illustrated what a slight economic recession does to airline profits: a loss currently estimated at $123 million. Growth that heretofore was considered normal by the airline industry has created an environment responsive to innovative ideas and courage to make huge investments. Setbacks as were felt by the industry last year, and as are forecast for 1971, could destroy this spirit of optimism and seriously stifle the industry's future growth. We would all suffer if this spirit of confidence were destroyed.

A STOL airline network performing the short-haul task could do much to restore economic health to the airline industry, and complete the public transportation complex.

Just possibly, if we lowered our SST voices, we could hear a small STOL voice saying, "The way to solvency is low and slow, not high and fast."

GREEK INDEPENDENCE DAY

HON. GEORGE W. COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. COLLINS of Illinois. Mr. Speaker, 150 years ago a band of Greeks staged a revolt against their foreign overlords, and after constant warfare for more than 6 years, that revolt culminated in the birth of modern Greece as we know it today. March 25 of that year, 1821, is memorable in the annals of Greek history because it marks the regeneration of Greece after its subjection to alien rule for many centuries.

In the course of those centuries the Greek people suffered and sacrificed much, but they did not lose the fine traits of their forefathers. As a nation the Greeks were submerged, but fortunately they were not subdued. Diligently they nursed their hopes of winning their national independence and, when the chance presented itself they cast off the foreigner's yoke and proclaimed their independence. In this they had the wholehearted sympathy of all lovers of freedom everywhere. Partly through such sympathy and effective support from abroad Greece's independence was assured.

We Americans have always been friendly to Greece and have helped the Greeks in their hours of need. We have aided them in defending their freedom against external foes both in the struggle for independence in the early 19th century and in the fight against first fascism and then communism in the 20th. We helped them from the very serious threat of a Communist takeover in the late 1940's. It was to enable Greece and Turkey, first of all, to defend themselves that the Truman doctrine was proclaimed and military and financial assistance given. We have felt that such aid would serve a double purpose: Help the Greek people, and also enlist their alliance in our struggle against East European Communist tyrannies.

On the observance of the 150th anniversary of Greek Independence Day I glady join my Greek-American friends in wishing happiness to the Greeks in their homeland.

U.S. NAVY SPEEDS VIETNAMIZATION IN UNIQUE WAYS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. HOSMER. Mr. Speaker, turning the war in Southeast Asia over to those whose prime interests are there, the people who live there, involves a wide spectrum of unique effort. The men of the U.S. Navy have shown exceptional enterprise in this effort as witnessed by the following account written by PO 1/c Bob Lincoln, USN, which appeared in the February issue of the Naval Reservist:

SELF-HELP SMOOTHS THE WAY TO VIETNAMIZATION

American Navymen in the Republic of Vietnam—both Regular and Reserve—are doing their best to work themselves out of a job.

Through such programs as ACTOV, "Helping Hand," "Buddy Base" and the colorfully named "Pigs and Chickens," they are helping to achieve Vietnamization and reduce the need for American forces in that country.

Perhaps their most successful venture to date is ACTOV, through which the turnover of the U.S. Navy's river patrol boats has been completed.

Unscrambled, ACTOV means Accelerated Turnover to the Vietnamese. It was started just 2 years ago, with the assignment of Vietnamese sailors—one at a time—to the crews of American boats. But the program really began to roll on a large scale when both navies launched intensive operational management and maintenance programs in the U.S. and Vietnam to train complete crews for each vessel before delivery.

Operation Helping Hand, a relatively new venture, is designed to upgrade the standard of living for the Vietnamese sailor and his dependents through low-cost family housing and food supplement plans.

The housing project is being carried on throughout the South Vietnamese countryside by American Seabees. They are building the concrete units of materials produced in-country, at a modest cost of $600 each. Some 21,000 are planned.

The results of this self-help project can be seen in many villages where Vietnamese Navy families, following the Seabees' lead, are building their own homes.

Pigs and Chickens is the U.S. Navy's broadside attack on the food problems of the Vietnamese Navy family. The aim is to establish a self-sustaining source of meat, poultry and produce for sale at each local naval base in the Vietnamese equivalent of an American military commissary.

This food-on-the-table project began with an initial free stock of 40,000 day-old chicks. Later, enough hogs and feed were added to allow each base at least two sows, one boar, 200 chicks and the necessary feed.

From this beginning, Vietnamese Navymen assisted by American Navymen with farm experience—who conduct intensive farm management and market education programs—are now better able to feed their families at prices they can afford.

The Pigs and Chickens project has so inspired the local Navy community that the Americans and Vietnamese are also trying experimental truck farms and fully stocked duck ponds. Thriving pig pens and chicken coops are already becoming familiar sights behind most sailors' homes.

One U.S. Navy advisor has taken on the task of teaching the Vietnamese new ways to fish.

Going a step further than the experienced local fishermen, he has introduced the long-line fishing technique—a long, floated line with 3000 baited hooks hanging near the ocean bottom. Now, during a night's fishing, a 3-man crew averages 1 to 2½ tons of fish—rebaiting the hooks only about 4 times.

Perhaps the most comprehensive Vietnamization project is the new Buddy Base plan—designed to link a U.S. base with a South Vietnamese Navy base through a "sister city" approach.

Among the plan's multiple objectives is a close working relationship between paired-off bases, with the U.S. side providing management and technical advice to its Vietnamese counterpart.

Each of these self-help programs is almost entirely voluntary, funded primarily through contributions. An Operation Helping Hand fund has been organized by American businessmen in Saigon and the U.S. to raise funds to support the projects. The collective aim is to make the expanding Vietnamese Navy community self-supporting.

In the process, by relieving the individual Vietnamese Navyman of many of his worries about his family, the programs are helping to make the Vietnamese Navy a more effective organization.

CLERGYMEN GIVE THEIR VIEWS ON THE SELECTIVE SERVICE ACT

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. KUYKENDALL. Mr. Speaker, under leave to extend my remarks in the Record, I include the following statement:

STATEMENT ON SELECTIVE SERVICE ACT

In man's long and sometimes tortuous ascent toward a civilized state, he has readily and generally accepted certain norms almost unanimously. One of those norms has been the recognition of the clergy's commitment to a higher allegiance than the temporal, and this recognition, too, was accorded those students for the divine ministry.

We, who are undersigned, bring this concept to your attention in the matter now pending before the U.S. House of Representatives and ultimately in the U.S. Senate, which would deny exemption from the military service to students of divinity preparing for their various and respective ministries.

It is our considered religious obligation to bring to your attention our moral conviction that the passage of this specific portion of the Selective Service Act constitutes a regression in our country's civil striving.

We have resolved that this be no political statement of general opposition to the Selective Service program, since such an opinion is not unanimously shared by those who signed this statement. Let it, therefore, be a statement of religious conscience. This country cannot afford the many dangers inherent and the interruption of the preparations of its future clergy. Let us be warned that few strongholds of religious instruction and moral retention remain. Should these be weakened, the complexion of our beloved United States may be changed in the manner which will be unacceptable to all.

The position which the United States must maintain as a leader in the gentler aspects of civilization demands the resolute encouragement of the various strengths of many religions and their teachings. We dare do no less.

With the blessings of God we commend into your able hands this matter and the sincere conviction that you will treat with sympathy this cause for the blessed betterment of our great land.

Most Rev. Carroll T. Dozier,
Catholic Bishop of Memphis, on Behalf of Catholic Community.
Rabbi Chaim D. Seiger,
Senior Rabbi, Baron Hirsch Synagogue, Memphis Orthodox-Jewish Community.

BIPARTISAN SUPPORT NEEDED ON REVENUE SHARING

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. ANDERSON of California. Mr. Speaker, in order for progressive legislation to wind its way through the congressional maze and become law, bipartisan support is needed. Programs that do not receive the support of elements of both parties are doomed to failure.

Revenue sharing, a means of aiding the financially depressed State and local governments, cannot become a reality unless it receives support from Democrats and Republicans alike; it cannot become law unless the parties join hands in a common effort.

In the past, we have seen instances where programs were endorsed by the President only to see his party desert him—the SST, according to the Evans-Novak report, is a case in point. I would hope that Republicans, as well as Democrats, listen to the local officials and heed their warning on the financial plight of the localities. This program must not be abandoned like the SST.

At this point, I include an article by Rowland Evans and Robert Novak that appeared in the Washington Post on March 26, 1971:

WHY SST LOST IN THE HOUSE

Shortly after the House voted down any more money for President Nixon's supersonic transport plane (SST), a Democratic SST supporter needled a high administration official about Republican congressional opposition to the project.

"I thought we had enough Democrats to save you," said the Democratic congressman, "and we did. But why did so many of your Republicans vote against SST?"

"They weren't voting against SST," the official replied evenly. "They were voting against John Ehrlichman and the German Mafia in the White House."

That blunt assessment is partially true. The remarkable fact that 85 House Republicans opposed the SST on March 18 (compared with 89 for it) transcended environment and economics. Unquestionably, some were seeking vengeance against what they consider arrogant presidential aides, typified by policy chief Ehrlichman. But the broader meaning escaped the administration official.

The fact is that all the ecological, economic and Ehrlichman factors combined would not have impelled so many Republicans to defect if Richard M. Nixon's star were not in decline. Far more than the Senate (which now has also rejected the SST), the House is a barometer of national opinion. On the SST that barometer registered stormy weather for Mr. Nixon.

Moreover, the SST vote was one of those rare Washington events that both reflects the current political climate and simultaneously influences the future. Spawned by the feeling of Republican congressmen that the President is not strong enough to influence their vote, the defeat reinforces that mood and makes him still weaker. Caused partly by divisions among the party's House leadership, the loss further divides that leadership.

All this is perceived but dimly by the White House senior staff, whose lack of rapport with Capitol Hill has become a truism. Indeed, a careful staff re-examination of the SST in January barely brushed against vital political questions. The certainty of a very close vote in the new, more liberal House was regraded by senior staffers as not relevant.

Just how relevant it would become was obvious when the new Congress convened. Scores of "undecided" Republicans, the balance between victory and defeat, were impervious to lobbying—from labor, industry, even the White House. Unlike suburban ladies' clubs and college campuses, the House Republican cloakroom was not transfixed by ecological outrages over the SST.

Rather, the true source of this opposition became clear the week before the House voting. With the President dropping in the polls and folks back home talking about him as a loser in 1972, Republican congressmen wanted to embellish their record with some anti-Nixon votes. What better issue than the SST, where grass roots supporters are hard to find?

The defections permeated even the nine-man House GOP leadership team, whose loyalty is normally beyond quesiton. In a bitter closed-door session before the vote, Minority Leader Gerald Ford of Michigan angrily told his lieutenants that SST was a matter of personal loyalty, both to him and the President. It didn't work. Five of the nine voted against the President.

That split showed unprecedented hostilities among the House Republican leaders. More important will be the memory of those five party leaders walking down the center aisle with green cards (against SST) to place in the teller's ballot box. The impact of that astonishing spectacle on previously disciplined House Republican ranks could be epidemic, eroding Mr. Nixon's ability to sustain unpopular vetoes of spending bills.

In fact, it strikes to the heart of White House legislative strategy: a loyal House Republican minority becoming a floating majority with the addition of different combinations of relatively few Democrats. Nor can a revised coalition be built now with more Democrats. Rep. Hale Boggs of Louisiana; the new House Democratic leader, supported the SST, but for two weeks dodged a meeting with Ford to coordinate strategy. Ford can expect more of the same from Boggs on other domestic legislation.

To optimists at the White House, these hard days are only the vestige of the long hard winter, soon to be replaced by a more favorable cherry blossom climate. But to Republican realists the defeat of the SST casts a shadow far darker and longer than than the death of an airplane.

IS ANYBODY THERE? DOES ANYBODY CARE?

HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. ZION. Mr. Speaker, this poem, written by a young lady in my district, shows how deeply she feels about the inhumane treatment being given our POW's. I want to share her moving thoughts with my colleagues:

IS ANYBODY THERE? DOES ANYBODY CARE?

I lay in my lonely cell in the dark of night
Longing for my mama's bosom to rest my head
My restless dream of smiling faces
Faraway voices calling out
Their reassurance of their love
I feel clinging arms swallowing my body
Smothering me until I can't breathe
I . . . . can't . . . . breathe . . . .
I wake up with sweat on my face
I find my fingers grasping my own arms
The dawn's glare becoming a reality
And I am here in this stinking hell
I fall on my knees
My eyes lifted towards heaven
"Dear God
Does anybody hear?
Does anybody care?"
In the shadows
My enemy's voice mocking back my words
Scorn on his face as he throws
The damned food
On the floor
I put the bitter morsel to my lips
And pretend it's mama's good food
I endure this rot to nourish my body
Always praying—
"God, I want to live!"
In the distant still
I heard my comrades fighting a battle to their deaths
I felt the moans and the suffering
Whispering to their last breath—
"Mama and daddy—
Don't cry for me
For in your hearts I'll always live!"
And I laughed—
At the enemy!
Now the time has come when
The blood of my comrades is
Mixed in the soil.
Their bodies you cannot hold as your own!
And I pound my fists against
The cold steel
My bitter tears
To gain my sanity!
A small ray of light appeared momentary
I reached out to touch it
As if an answer to my plea
I feel God's gentle touch in the peace of my cell
His deliverance unto my soul
"My son, you will one day be free"
But again I whisper a silent reassurance—
Is anybody there?
Does anybody care?

DAVID WEBBER OF WARREN COUNTY, N.C.

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. MIZELL. Mr. Speaker, I rise at this time to inform my colleagues of an editorial broadcast by WRAL–TV in Raleigh, N.C., on February 22, 1971.

On most occasions, editorials for this station are voiced by Mr. Jesse Helms, executive vice president of the Raleigh station.

But this particular broadcast was mainly the work of a young man named David Webber, of Warren County, N.C. David is 17 years old, he is a student at San Diego State College, and he is black.

His words show wisdom beyond his years and an objective viewpoint that few men, black or white, are able to express so precisely and effectively.

David's letter was written to the black students at John Graham High School, in North Carolina, which has recently been troubled by violence and disruption.

I am inserting Mr. Helms' editorial, including David Webber's letter, in the RECORD of today, and I urge my colleagues to read it carefully:

AN EDITORIAL EXPRESSION OF THE VOICE OF FREE ENTERPRISE IN RALEIGH-DURHAM

(By Jesse Helms)

One of the more melancholy lamentations of our time is most frequently stated in the form of a rhetorical question: What has *happened* to reason? The answer, of course, is that there are still plenty of voices of reason; they just don't make the headlines or the newscasts. So we seldom hear them.

Last week we received a copy of a letter written by a 17-year-old Negro boy, a native of Warren County, now a freshman at San Diego State College. David Webber has been reading in California newspapers about the violence and disruption taking place in the high school at Warrenton—the high school from which he himself was graduated just last year.

So David Webber wrote a letter which he asked to be placed in the hands of black students at Warrenton. David Webber's is a voice of reason. We invite your attention to excerpts from his letter:

Dear Future Citizens: We as young people want the world to be better for ourselves, but we are selfish and narrow-minded toward creating a better world for others. We want things changed in an instant that have taken years to formulate . . . the combined efforts (of black and white, and shades in between) who have worked together for a better world. I do not say "perfect" world, but a better one.

I must mention selfishness and narrow-mindedness again, for no greater example do I know than disruption of school, disruption of a fellow human being's right to learn and to make something of himself. What we need is personal responsibility—not students acting like five-year-olds who throw tantrums when things don't go to suit them, and who destroy a toy to keep another child from playing with it.

This is what is happening in Warrenton this year. The disruption and violence has been caused by *children*, certainly not students and certainly not responsible adults, who don't know how to use the educational process.

We all cry about "civil rights." We say that we have a right to stay out of school. I agree . . . some also say that we have a "right" to disrupt classes. I disagree! Our rights, no matter what color we are, stop at the ends of our noses.

When certain young people start saying that they shouldn't go to school, I am inclined to agree. I am of the opinion that there should be a place to send people who crave to be illiterate. If they don't want to learn, if they don't want to better themselves, they should not take up space needed for people who do want to learn and who do want to better themselves. The schools should not be burdened with those who do not wish to make the effort to be responsible citizens.

Too many of us cry and gripe that "the man" is "holding us back" We need to understand that we are holding ourselves back by not making full use of what is available. Thousands upon thousands of opportunities are open to all of us. We need to ask ourselves—what qualities are these opportunities looking for, in us? Punctuality—being where we are supposed to be when we are supposed to be there. Neatness—keeping ourselves clean and well-kempt, even if it be in patched overalls. Responsibility—to fulfill one's obligations to himself and to others. Maturity—the ability to keep one's cool in an emergency. And finally, a record of willingness to work—and that includes working with others.

The opportunity is there at Warrenton for you to use, not abuse. It is not our school that will bear the stigma of disruption. It is the disruptors who will forever bear the stigma who, through their actions, have shown that they don't want to learn, but just to mess up a good thing for everyone else. Students, don't let a handful of troublemakers rob you of your rights to learn and make something of yourselves.

(Signed: David G. Webber, San Diego State College.)

The preceding was a letter written by a 1970 graduate of John Graham High School at Warrenton. David Webber is 17; he is black. And, as we said at the outset, his is a voice of reason too seldom heard amidst the clash and clamor of turmoil and unrest. We thought you'd be interested in David's attitude—and his courage in offering advice to his friends back home.

STOL TECHNOLOGY AND AIRPORT PLANNING

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. SYMINGTON. Mr. Speaker, as a member of the Committee on Science and Astronautics, I have noted the new emphasis which NASA places on its first "A," aeronautics, and particularly NASA's determination to assist in the development of technology to create a short takeoff-and-landing plane for commercial use by 1978. The FAA has also announced new STOL studies.

We should welcome this new emphasis because of the growing problems of air traffic control and heavy congestion of existing airports. As former FAA Administrator General Elwood "Pete" Quesada stated recently, flights of up to 500 miles constitute approximately 40 percent of all commercial air traffic. The perfection of STOL, therefore, within 7 years' time would effectively reduce the traffic problems of major airports. Nevertheless, we find plans for future airports which will not come into being in less than a decade being made oblivious of and without reference to either the current state of the art or its near future prospects. In order to justify carrying out airport plans initiated before STOL possibilities were considered, recent developments in the field are simply being ignored. For example, Mr. Arven H. Saunders, director of planning for a proposed new $500 million airport in Illinois to complement and ultimately supplant Lambert Field, has been quoted by a St. Louis Post-Dispatch editorial of March 10, 1971, as saying that it would be a "tragedy" to risk the economic future of the bistate area on a theoretical airplane "that is not even off the drawing boards."

Mr. Speaker, the tragedy would be rather to go forward with such a huge investment without at least examining the possibilities inherent in a number of STOL aircraft which have been off the drawing boards and up and away for some time. These would include McDonnell Douglas' 50-passenger experimental STOL, and De Havilland's "Buffalo" which claims to be a very quiet STOL plane.

There is no particular reason to believe that airport planners in other parts of the country have a greater awareness of the prospects of STOL. For this reason, Mr. Speaker, I would recommend a STOL symposium to catch the national attention and incorporate such practical demonstrations as can feasibly be made at this time. I would very much hope, since the question of airport needs is a very lively one in St. Louis at present, that appropriate authorities there together with interested manufacturers might welcome such a symposium to St. Louis. Moreover Missouri's recent emergency fund bill includes an appropriation of $125,000 to study the airport needs of the greater St. Louis area. An on-site STOL symposium would provide valuable guidance for such a study.

REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following:

COMMENTARY ON THE SST

Each Session of the Congress produces a few dramatic votes. The 92nd Congress had its first such moment last week when the House rejected funding for the Supersonic Transport (SST) by a 217-to-204 vote. The Senate followed with a 51-to-46 vote against the project.

The debate on the SST has centered on the President's request for $290 million to continue the development of the aircraft in Fiscal Year 1971. In the final days of the 91st Congress, the House approved the request, but the Senate rejected it. A House-Senate conference committee agreed to fund the program at $210 million until March 30, 1971, and the compromise was accepted by both Houses.

The President then asked the 92nd Congress for $134 million for the final quarter of FY 1971 (April–July) to bring the development program up to its full funding level. It was this request that was rejected by the House and Senate. The President has requested $281 million for the SST in the budget for Fiscal Year 1972, but the future of the project is uncertain.

My vote against continued funding of the SST was based on several factors:

NATIONAL PRIORITIES

The funding of the SST—an appropriation of public money for a private purpose—demands tax dollars at a time when we face enormous Federal budget deficits, for Fiscal Years 1971 and 1972. The project is absorbing millions of dollars of public money and thousands of years of skilled labor at a time when there are urgent needs for these resources in health, education, housing, crime, pollution, rural and urban development, to name a few.

I have serious reservations, too, about spending the tax resources of many Americans to provide a few Americans (about 3 percent) with prestige transportation over a few transoceanic routes which will shave only a small amount of travel time on a door-to-door basis.

THE ECONOMICS

Continued development of the SST poses great uncertainties in the area of economics. My major concern is that the government is investing heavily in an aircraft which apparently does not have commercial attractiveness. A survey of the Nation's best-known economists—from Milton Friedman on the right to John Kenneth Galbraith on the left—rejected the marketability of the SST. If the market was really there, the economists argued, forced-feeding by the government would not be necessary. The cost of prototypes of the SST will cost the taxpayer $1½ billion, but that may only be the beginning. With the present financial plight of the airline industries, it appears to me that they can only come to the government to finance the major developmental costs.

Put simply, why shouldn't the SST stand or fall in the competitive market?

Proponents argue that the SST will provide many jobs. Undeniably, it is an important source of employment. However, we should not be persuaded by a philosophy of make-work, in which employees are hired to do less important tasks. The argument of job creation assumes that nothing else will happen if the SST program is stymied. Surely, money not spent on the SST will flow into other job-creating investments.

THE ENVIRONMENT

Much of the opposition to the SST has centered around its engine noise, the sonic boom it will create, air pollution and possible climatic effects. This argument has not carried decisive weight with me, but the environment problems are serious, largely unanswered, and must be taken into consideration. If the SST production does proceed, all of us, proponents and opponents, must make every effort to reduce the harmful environmental aspects of the aircraft.

PRESTIGE

Probably the strongest argument for the SST was that its development was essential to keep the U.S. in the forefront of aviation technology. The British-French SST (the Concorde) is obviously in trouble, with operating costs twice those of the 747, and a decision pending on whether or not to proceed with production. Moreover, I wonder if it is proper to base a decision to go ahead with the project on any generalized concept of the enhancement of American prestige. I question that international prestige is a valid argument since the U.S. already has more than one type of operational aircraft capable of Mach 3 flight.

Finally, I should say that all of us—opponents and proponents—believe that the SST should be built. The debate is on the rate of development and the extent of government financing.

MRS. B. J. BANDY: A $22,000 DEBT PAID FOR IN BEDSPREADS AND EVENTUALLY BUILT A CITY

HON. JOHN J. FLYNT, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. FLYNT. Mr. Speaker, in a recent issue of the Chattanooga, Tenn., News Free Press there appeared an article about Mrs. B. J. Bandy of Dalton, Ga. The article was written by Mrs. Helen M'Donald Exum and tells the story of how Mrs. Bandy and her late husband literally began what is now a major industry in the United States.

From a very modest beginning, which is described in this article, there developed the tufted chenille bedspread industry which in turn became the carpet industry and Dalton, Ga., became the carpet capital of the world.

In a very interestingly written article Mrs. Exum tells the story of how Mr. and Mrs. Bandy got into the bedspread business and later the carpet industry more or less by accident. When someone once described her as a pioneer in the industry, she replied:

> Oh, I never think of myself as a pioneer. All I could think of back in the depression was how on earth my husband and I were going to get out of debt.

Mrs. Bandy is now nearing 80 and can look back on a life of service and many contributions of her time, her talents and her material goods to her home and community. Her son, B. J. Bandy, Jr., put it this way:

> The story portrays a lovely lady. Her interests have been many over her eighty years but devotion to her family always has been first. She has been a wonderful mother.

Mr. Speaker, it is with much pleasure that I include Mrs. Exum's article on Mrs. Bandy as a part of my remarks:

[From the Chattanooga News-Free Press, Chattanooga, Tenn.]

MRS. B. J. BANDY: A $22,000 DEBT PAID FOR IN BEDSPREADS AND EVENTUALLY BUILT A CITY

(By Helen M'Donald Exum)

Dalton, Ga., that pleasant town about 30 miles south of Chattanooga on the way to Atlanta, is now the carpet capital of the world. It is a boom town where fortunes are made and sometimes lost, and the carpets that come out of 75 or so mills there are shipped all over the world.

One of the pioneers in the industry is a woman, Mrs. B. J. Bandy, and she is undoubtedly the first lady of Dalton. Many credit her with starting the whole thing.

"Oh I never think of myself as a pioneer, honey. All I could think of back in the depression was how on earth my husband and I were going to get out of debt. B. J. and I had a country store when the depression hit. We did a large credit business and many of our customers had to take bankruptcy, and didn't pay us a dime. We owed our suppliers $22,000 and we were determined to pay them in full, but how?

"We thought and thought. B. J. was a telegrapher with the Southern Railway when we married, and he kept his job along with the store and taught me how to be a telegrapher. too. He made $57.50 a month, but that wouldn't pay all we owed."

This was about the time that tufted bedspreads were coming in. Most of us can remember the roadside stands that dotted Highway 41 between here and Dalton with every variety of spreads on the lines. But no one had thought of taking them to other parts of the country.

Mrs. Bandy went to Mrs. Catherine Evans Whitener, who started the tufted bedspreads and got her permission to copy five designs. She got these tufted, bought one new dress, and since her husband was an employee of the Southern Railroad, got a free railroad pass to New York.

"I had never been farther away from home than Atlanta. I took the bundle of sample spreads, my suitcase, and took a seat on the day coach, sitting up all night until the train got to Washington. I'll never forget it," she says.

"I didn't even know that you could check your suitcase in the terminal, so I got off the train with my bag and my spreads and made my way to Woodward and Lothrop. When I got to the buyer's office I must have looked a sight, but I showed him what I had to sell. I told him I'd never sold anything before, and he smiled and said he knew!

"But do you know, he was wonderful. He ordered 400 spreads at $4 a spread. I figured I could get them made for $2 each, so maybe we would get out of debt after all!

"I was so excited I got the train to Baltimore and sold 200 more at Hochschild and Kohns. This was so much more than we had hoped that I didn't even go on to New York, but turned around and came home. We had to hire people to tuft the spreads, had to figure out how to get so many stamped with the stamping irons, the shipping problems. But we filled the orders."

From this start she used her pass to go to New York and to Macy's. Her first order there was for 1,000 if she would sell them for $3. She did. She also began using those free railroad passes and spent many nights on day coaches as she made regular trips to Boston, New York, Chicago, Washington, wherever she could talk a buyer into buying tufted bedspreads from Georgia.

This was a cottage industry and the Bandys had people all around tufting the spreads that they would stamp. Whole families worked on the spreads. When the wage and hour law came in with the New Deal, many thought the bedspread business was all over.

"I was just praying the bedspread business would last long enough for us to pay the $22,000 we owed," she remembers.

But technology took over. The old-fashioned goose neck Singer sewing machine was adapted so that the spread could be machine tufted. The Bandys opened their first factory in a tin building down on Thornton Avenue. I asked if I could get a picture of the first factory. "Oh, honey, it was nothing. We wouldn't have wanted a picture of that!" she said.

The new machine age was born. Mr. Bandy later bought a large plant in North Carolina; he established the Southern Craft Co. in Rome, Georgia, and built Bartow Textile Co. in Cartersville. He is credited with being the first man to ever make a million dollars in the bedspread business.

From tufting bedspreads it was a natural step to use much the same principle to tuft carpets. The Bandy family were among the first to get into the carpet business, taking advantage of every innovation. Her son, B. J. Bandy is currently vice president of Coronet Carpets which recently merged with R. C. A. in a stock exchange. "Why, Coronet was started just 10 years ago in this very living room," she told me.

Her daughter, Mrs. Joseph K. McCutchen, is the wife of the chairman of the boards of both J. and C. Carpet Co. and Universal Carpet of Ellijay, Georgia. McCutchen is the holder of more than 30 major patents in tufting technology.

You cannot drive through the streets of Dalton with Mrs. B. J. Bandy without detecting her wide interests, her enthusiasm, her drive. "There's our new bank. Isn't it beautiful? Over there is a carpet business that has expanded and expanded so that it includes a whole block. That landscaping is nice, isn't it? I like the water fountain."

We drove out by Dalton Junior College, a beautifully planned college. She is a member of the board of trustees. All the classrooms are carpeted.

Dicksie Bradley Bandy is not only a super saleswoman with lots of dynamic ideas for a family business, but she is both civic and history minded. In memory of Mr. Bandy, who died in 1948, and a granddaughter, Christie McCutchen, who was killed in an automobile accident at the University of Georgia, her family established an intensive care unit at the Dalton Hospital.

"I think people should be interested in everything, and help wherever they can. Life is more than just business. Once my husband went to see a man about possibly selling a plant, and they had lunch together. The man talked nothing but business all through lunch, and my husband decided not to get involved."

Mrs. Bandy says that as she was growing up as Dicksie Bradley with all her brothers and sisters, as the daughter of a country doctor, she always felt sorry for the Indians and thought they had been treated badly. She had watched the once magnificent old Vann house, built by Cherokee James Clement Vann, fall into disrepair. She interested the Whitfield Murray County Historical Society in restoring it and they bought the big house at Spring Place outside Dalton for $5,000. Of course, it took another $75,000 to restore it, but it is the only mansion type home in America built by an Indian.

When she needed help in decorating it, she just called Mr. Scalamandre in New York, who came down to get the feel of it and ended up donating $8,000 worth of material for the draperies. When it was dedicated, Will Rogers, Jr., a descendant of the Vanns, came, as well as governors, dignitaries and representatives from the Cherokees in Oklahoma. Dicksie Bradley Bandy was made an Ambassador of the Cherokee Nation by W. W. Keeler, president of Phillips Petroleum in Bartlesville, Oklahoma.

Today Mrs. Bandy can look about her at the changes that have come to her part of the country in her lifetime. The country doctor's daughter has made the big time without losing for a minute her compassion for people who have been treated unjustly, as well as for the sick, her patriotism that feels we must save the best of the past for the future, and her love of people and of life. Mrs. Bandy is the first lady of Dalton, and a gracious, down-to-earth Southern lady in the best sense of the word.

PROGRESS OR AN EXPENSIVE FUNERAL?

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. ROONEY of New York. Mr. Speaker, much has been said here, in the other body, and in the press on the fate of the supersonic transport project. Some of what has been said and written made sense and was accurate; some of it, unfortunately, bordered on the absurd and hysterical. In the cold light of day following the votes on the SST, the Washington Daily News printed an editorial which I believe makes a great deal of sense and I commend it to my colleagues for their reading. Under the permission heretofore unanimously granted me, I include this editorial which was published in the Washington Daily News of March 25, 1971:

No Obit For the SST

Backers of the supersonic transport plans are confronted with two choices now that both houses of Congress have cut off future federal aid.

The can quietly bury the SST project, leaving the supersonic field to the British, the French and the Russians.

Or they can try to revive the SST—either thru private financing, government-guaranteed loans or a combination of both.

The only responsible choice is to keep trying.

This wouldn't be pigheaded stubbornness. It simply would reflect the conviction of many knowledgeable Americans (including nearly half the members of Congress as well as this newspaper) that supersonic travel is bound to come—and the United States should go after its share of the market.

The 51–46 vote yesterday in the Senate and last week's 215–204 vote in the House are not convincing enough to drop abruptly a project which so far has cost the taxpayers $864 million and could cost a billion dollars once contract cancellation penalties are computed.

As Sen. Henry M. Jackson, D-Wash., said, this is too stiff a price to pay for unproven scare stories about sonic booms, skin cancer and air pollution.

"The SST program is a program to build two prototypes," he points out. "No one ever claimed this would have any adverse effect on the environment."

There is always the chance—however remote—that Congress will change its mind about the SST. Perhaps some kind of partial funding can be arranged for the fiscal year starting in July.

In the meantime, the Nixon administration should continue exploring every possible way to keep this project alive—even if it means backing private loans with federal credit.

This is the wrong time to write an obituary for the SST. The stakes are too high. And the funeral would be far too expensive.

AMERICAN POW'S—WE DO CARE

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. STEELE. Mr. Speaker, it has been 7 years since the first U.S. serviceman, Capt. Floyd J. Thompson, was imprisoned in Southeast Asia. Today he is among the almost 1,600 young men of our Armed Forces listed as missing in action or prisoners of war.

The North Vietnamese and Vietcong have claimed that they are treating American prisoners of war humanely, but there is clear evidence that this is not true. They have, in fact, consistently ignored the requirements of the Geneva Convention. They have never released the names of all the U.S. prisoners they hold. They have not released sick and wounded prisoners. They have not allowed impartial inspections of prisoners-of-war facilities. And they have not permitted a regular flow of mail between the prisoners and their families.

The North Vietnamese Government has often indicated that it does not really believe that the American people care about their captured servicemen. As a cosponsor of legislation in the House which designates this week as "National Week of Concern for Prisoners of War/Missing in Action," I am hopeful that this congressional action will help to dispel this grave misconception in Hanoi.

I am also hopeful that this national expression of concern for our missing and captured servicemen will focus new attention on the callous disregard the North Vietnamese Government has shown for its own military personnel captured and missing in South Vietnam. Hanoi continues to deny that its army has invaded South Vietnam and consequently treats its own 8,000 prisoners of war in South Vietnam as nonpersons. It denies that these 8,000 men exist and has rejected all proposals for prisoner exchanges.

Hanoi's stand on the prisoner-of-war issue thus contravenes not only the most basic interest of the American people, but of the Vietnamese people themselves, north and south. It is a policy which cannot stand exposure to the light of world opinion and one which we therefore must continue to expose with all the resources at our command.

IN DEFENSE OF RIVERS

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. HÉBERT. Mr. Speaker, I want to insert in the CONGRESSIONAL RECORD a letter to the editor which appeared in the Charleston, S.C., News and Courier on March 23, 1971.

The letter, which speaks for itself, was written by members of the L. Mendel Rivers Monument Committee:

DEFENSE OF RIVERS

TO THE NEWS AND COURIER:

Congratulations to Sen. Strom Thurmond for springing to the defense of our beloved friend, the late L. Mendel Rivers, who has, in a Senate hearing, been accused by Sen. Abraham Ribicoff in what, under the circumstances, we consider to be an unfair and cowardly manner.

As we understand from newspaper accounts, the accusation is based solely on two alleged conversations between Sen. Ribicoff and the late Congressman Rivers in the fall of 1969. If any such conversations did indeed take place, obviously the living may report anything he chooses, while the dead is forever silent.

One wonders, if his accusations were true, if by withholding the said vital evidence for more than two years Mr. Ribicoff does not to some extent indict himself. If such should be the case, would he not by his silence during this time become somewhat of an accessory to whatever wrongdoing he now claims was going on?

Any citizen knows that no court will accept "hearsay evidence," and it only takes a grain of common sense to tell one that what a living person, with no witnesses, states that a dead one said is just that.

Sen. Fritz Hollings, like Sen. Thurmond, is also to be commended for making a similar admirable defense on the floor of the Senate when the New York Post printed an inexcusably tasteless and indeed abhorrent article on the day of the late Congressman's funeral.

It is expected that all great men will have enemies, but let it be known that the true friends (Republican, Democrat, Independent, or whatever) of L. Mendel Rivers, who admired him in life and revere him in death, will not forget that he literally gave his life for our interests and those of our country. We shall never stand by and fail to speak out when any attempt shall be made, either directly or by inference, to besmirch a name which he made great by sacrificial service to his God, his country and to us, his fellowmen.

J. A. HAMRICK,
JOSEPH P. RILEY,
HAROLD SIMMONS
F. JULIAN LEAMOND,
W. HAROLD BUTT,

13 Broad St.

AN AMENDMENT TO IMPROVE THE POSTAL REFORM ACT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. WALDIE. Mr. Speaker, as a member of the House Post Office and Civil Service Committee, I have been pleased with the progress we have made in providing the citizens of the United States with the best possible mail service. With the implementation of the Postal Reform Act this July, we will have produced a mail service that is convenient to the public as well as reliable.

However, I feel that the Postal Reform Act would be greatly improved with the adoption of the amendment which I have just introduced. The amendment will prohibit the unsolicited mailing of cigarettes and the unsolicited mailing of merchandise for which payment is required or expected. The amendment would also restrict the mailing of drugs.

The banning of unsolicited mailing of cigarettes and merchandise is necessary, because, unfortunately, there are some who would abuse the privilege of the mail by using the mail service for their own convenience. I include in this group those tobacco companies who send sample cigarettes to a random selection of the population. I also include those companies who send unsolicited merchandise through the mail, and then bill the recipient for receiving the parcel. Mr. Speaker, I have introduced this amendment to stop this harassment of the public.

Restrictions on the handling of drugs and other controlled substances covered by the Comprehensive Drug Abuse Prevention and Control Act of 1970 are necessary to insure that these items reach only those who have requested them and who are authorized to receive them. Dangerous and readily abused drugs must be handled with special and meticulous caution.

The amendment follows:

A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to prohibit the mailing of unsolicited merchandise for which a remittance is required and of unsolicited samples of cigarettes, to regulate the mailing of drugs covered by title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3001 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 745 and 746; Public Law 91-375) and amended by the Act of January 8, 1971 (84 Stat. 1974; Public Law 91-662), is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting immediately below subsection (e) the following new subsection:

"(f) (1) Any sample of any cigarette mailed without the prior express written consent or request of the addressee is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs. The Postal Service may permit the transmission in the mails, under regulations prescribed by the Postal Service, of any such unsolicited sample addressed to a physician, chemist, or medical technician engaged in medical research or to a hospital, clinic, laboratory, medical school, or other agency, institution, or organization, whether government or private, engaged in medical research or having medical research facilities. Such regulations shall provide that the envelope, package, or other cover under which such unsolicited sample is mailed shall bear on its face in conspicuous type a notice, in words prescribed by the Postal Service, to the effect that such envelope, package, or other cover contains a sample of one or more cigarettes unsolicited by the addressee but which may be of interest or assistance to the addressee for purposes of medical research.

"(2) As used in this subsection, 'cigarette' has the meaning provided by section 1332(1) (A) and (B) of title 15."

SEC. 2. (a) Chapter 30 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 745-751; Public Law 91-375) and amended by the Act of January 8, 1971 (84 Stat. 1974; Public Law 91-662), is amended by inserting immediately following section 3001 thereof the following new section:

"§ 3001A. Mailing of certain drugs and other controlled substances covered by Comprehensive Drug Abuse Prevention and Control Act of 1970

"(a) Any controlled substance otherwise legally acceptable in the mails is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs, unless such controlled substance is mailed—

"(1) in response to the prior express written order or request of the addressee and

"(2) under such conditions as the Postal Service shall prescribe in order to provide—

"(A) security in the handling of such controlled substance in the mails, and

"(B) certainty of personal delivery of such controlled substance to the addressee, and

"(C) proof of when, where, and the person to whom such controlled substance was delivered; and

"(3) upon agreement by the manufacturer, distributor, or other sender of such controlled substance to pay, if such controlled substance is not delivered after such period of time as the Postal Service shall prescribe, an additional postal fee to be fixed by the Postal Service to cover its cost of return of such controlled substance to the manufacturer, distributor, or other sender; and

"(4) under a cover which bears the name and address of the manufacturer, distributor, or other sender of such controlled substance and indicates on its face, by such notice as the Postal Service shall prescribe, that such cover contains a controlled substance which has been ordered or requested by the addressee.

"(b) For the purposes of this section, 'controlled substance' has the meaning provided by section 102(6) of title II (the Controlled Substances Act) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1243; Public Law 91–513).

"(c) The Postal Service shall prescribe and issue special regulations for the administration of this section.".

(b) The table of sections of chapter 30 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 745; Public Law 91–375), is amended by inserting—

"3001A. Mailing of certain drugs and other controlled substances covered by Comprehensive Drug Abuse Prevention and Control Act of 1970."

immediately below—

"3001. Nonmailable matter.".

SEC. 3. (a) Chapter 83 of title 18, United States Code, relating to offenses against the Postal Service, is amended by adding at the end thereof the following new section:

"§ 1738. Unlawful mailing of certain drugs and other controlled substances covered by Comprehensive Drug Abuse Prevention and Control Act of 1970

"(a) Whoever willfully uses the mails for the mailing, carriage in the mails, or delivery of any controlled substance in violation of section 3001A of title 39, or willfully violates any regulation of the Postal Service prescribed and issued under such section 3001A, shall be fined not more than $1,000 for each offense.

"(b) As used in this section, 'controlled substance' has the meaning provided by section 102(6) of title II (the Controlled Substances Act) of the Comprehensive Drug Abuse Prevention and Control Act of 1970.".

(b) The table of sections of chapter 83 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"1738. Unlawful mailing of certain drugs and other controlled substances covered by Comprehensive Drug Abuse Prevention and Control Act of 1970.".

SEC. 4. (a) Chapter 30 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 745–751; Public Law 91–375), and amended by the Act of January 8, 1971 (84 Stat. 1974; Public Law 91–662), is amended by inserting immediately following section 3009 thereof the following new section:

"§ 3009A. Mailing of unsolicited merchandise for which payment is required or expected

"Any item of merchandise mailed without the prior express written consent or request of the addressee and payment for which by the addressee is required or expected by the sender is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs.".

(b) The table of sections of chapter 30 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 745; Public Law 91–375), is amended by inserting—

"3009A. Mailing of unsolicited merchandise for which payment is required or expected."

immediately below—

"3009. Mailing of unordered merchandise.".

SEC. 5. Section 3009 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 749; Public Law 91–375), is amended by adding at the end thereof the following new subsection:

"(e) The foregoing provisions of this section shall not impair, change, or otherwise affect the application and operation of any other section of this chapter.".

SEC. 6. The amendments made by this Act shall become effective at the beginning of the third calendar month following the date of enactment of this Act or on such earlier date or dates, published in the Federal Register by the Board of Governors of the Postal Service, as the Board may prescribe.

MUSEUM OF THE CITY OF NEW YORK—NARCOTICS EXHIBIT

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. SCHEUER. Mr. Speaker, each day three New Yorkers die, victims of the horror of drug abuse. Each day, drug abusers commit nearly one-half of all crimes reported to the New York City Police Department. Each day, the drug crisis, leaving no segment of this Nation untouched, becomes increasingly severe.

We in the Congress must do all possible to put an end to this spreading addiction and fatal abuse. A comprehensive, coordinated effort to direct all of the resources at our command toward this goal must be developed. The Congress, the Executive, and the citizens of this Nation must be made to realize that as long as hard drugs permeate our land, as long as they infect our youth, if it everyone's dilemma, we must all live with it, and together we must all solve it.

Congressional and Executive action might well begin to bring us to a solution. But that is not enough. Our media, our educational and cultural institutions, and our people themselves, must act so as to influence and increase our commitment to the eradication of this growing crisis.

The Museum of the City of New York, through a $65,000 grant from the New York State Narcotic Addiction Control Commission, is now staging a timely exhibit entitled "Drug Scene." It is the first exhibit about drug abuse staged by a museum in this country and it has been a complete success. By taking this problem directly to the people of New York, the museum and the city have discovered a neutral ground for family and school groups to examine the facts and the problems of drug abuse in a dramatic and effective manner.

The success of this kind of endeavor demands that there be more of the same, in museums, schools, and cities, all across the Nation.

A series of reviews which appeared upon the opening of this exhibit, unanimous in their praise and approval, follows:

[From the New York Post, Mar. 3, 1971]

A GRIM TRIP: "DRUG SCENE"

(By Jerry Tallmer)

They passed in through the coffins at the entrance to the show, 10 kids, mostly black, and their teacher, a young white woman, and now stood contemplating some free-standing photo-figures each labeled: "I'm on drugs."

A little boy about 7 stood himself next to one of the photo-figures. "She 'bout the same size as me," he remarked.

A little girl pointed to another of the figures. "What's that," she said, "a girl or boy?" The teacher looked and said: "A girl. Do you think she'll live to be a grownup?" "Nope," said her student, and the group moved on into the rest of the exhibit.

It is called "Drug Scene," and it opened last week for three months at the Museum of the City of New York, Fifth Av. and 103d-104th Sts., where it is already smashing attendance records.

All day long on weekdays the school buses pull up and the kids pour out. Sunday was even heavier, some 5500 in a continually moving line, bringing the total by the end of that fifth day of the show to 17,500.

Normal Sunday attendance, says Joseph V. Noble, director of the museum, would be "2000 to 2500, tops," He recommends weekday lunch hours, 12–2, as the best time to avoid the crush.

The kids were looking at the blownup face of a man taking LSD, and the LSD he was taking, cut into the photo at the appropriate spot, was the real stuff.

"He takin' a drug pill, and he gives me the creeps at night," said one of the little girls of the fourth grade, PS 6, the Bronx.

"Don't worry about it, Annie," said her teacher. "Better he gives you the creeps *now*."

A new group came walking through.

"If you have a question," said their teacher, "go up to the 'Ask Me' man and ask."

The "Ask Me" men wear big buttons saying: "Ask Me," and they are reformed—or reforming—addicts. There were two of them on hand right then.

One of them made himself available to a little girl who was studying a bunch of marijuana cigarettes.

"What do they put in there?" she asked, pointing to the reefers.

"This," said the "Ask Me" man, pointing to powdered marijuana and then to a marijuana leaf. "You see, you dry it out, then crush it up."

He pointed high up to a window sill. "We have the plants growing up there," he said—and sure enough, they do. The little girl reached out to try and touch a marijuana leaf, but it and all the rest are securely bolted behind thick plastic shields.

A little boy walked up and jabbed the "Ask Me" man in the elbow.

"How do you feel when you take it?" he asked.

"How do you feel when you take marijuana?" said the "Ask Me" man. "Well, kind of light. Music sounds great. You feel kind of happy. It all depends on the setting you're in when you smoke it."

And then he informed the boy, and others listening what else might happen to people who start smoking marijuana.

The group moved along the "Ask Me" man moving with them.

"That there—that's methadone," he said. "See, you use that to help you stop taking dope. This here—this here's an encounter session in group therapy. You see," he said to a Puerto Rican girl, "I run encounters." And he explained them.

Toward the end of the exhibit at a red "hot line" telephone stood another "Ask Me" man, a brown man of about 30 with a neat mustache and intense eyes. A bunch of kids were clustered around him, enthralled.

"How did you feel when you were taking dope?" one of them asked.

"Very aching," said the "Ask Me" man, recruited here from the Bushwick methadone program. "You get aches and pains all over. Plus you break out in cold and hot sweats. And on top of all this you might take too much."

"An overdose," said a kid.

"Right, and it will kill you instantly."

A girl asked: "When you're on speed, do you feel funny?"

"Like you're on the roof, and want to jump right off it."

He was asked which drug he thought was worst.

"All bad. All. But," he said, slowly and emphatically, "I would say the worst one is heroin. And LSD is very bad because it puts you through hallucinations.

REALLY TRUE

"I might be with my wife, and I might take a knife and stab her in the heart."

The kids were wide-eyed, silent, listening, as the "Ask Me" man told of other horrors. Finally one boy asked: "Is this really true?"

"Yeah," said the "Ask Me" man bluntly, "it's the truth. Any time you go on drugs there's no future for your life whatsoever. You lose your self-respect, and you definitely don't love anyone else. So please don't ever take no kind of drugs. I've experienced it and I know.

"There were 10 of us on drugs, and only two of us are alive now. Two were killed by police. The others were ODs."

The kids nodded and a tall girl said: "If you start doing it once . . ."

"If you do it once you can't stop," said the "Ask Me" man. "If you do it one time, you're going to do it two, if you do it two times, you're going to do it three."

Says museum director Noble: "One thing has astounded me. I hadn't been prepared for it. We get kids down to 10-year-olds confiding to the 'Ask Me' men that they're shooting it up.

"The 'Ask Me' man can get them help through the 'hot line' telephone but he usually says first: 'Have you told your parents?' The kids say: 'My parents would throw me out.' He says: 'Bring your parents back to the show and maybe we can talk to them too'."

According to Noble there have been about 10 such confessions—or cries for help—a day, or 40 to 50 in all so far.

At the end of the show there's a family portrait, Dad, Mom, the kids, the dog—and a medicine cabinet full of "legal" pills in Mom's tummy, a cabinet of liquor and another of cigarettes in Dad's.

"We are all part of the drug scene" is written over their heads—in English and Spanish, like everything else in the show.

"Hey, Red, look," said a little white girl to her chum while pointing to all the TV-blatted remedies in Mom's tummy, "they tell us this stuff is safe."

"I gave my sister an aspirin the other day," said her friend.

"You stupid, you really are," said the first girl, giggling.

"Anything taken in excess is dangerous," said their teacher as they started out of the exhibit.

Another group came up and stared at all the familiar brand names and then at a strange man standing there, writing things down in a reporter's notebook.

"My mother takes that," said one of the children to the writing man, pointing to a headache remedy. "Why do they have this here?" And a bunch of other kids echoed his question.

"Anything taken in excess is dangerous," said the writing man, doing the best he could to explain why.

You could see the light dawn.

"Ohhh," said a girl pointing to each item in turn, with the others shaking their heads in agreement, "sleepies are bad for you, headache pills are bad for you, diet pills are bad for you . . ."

Out by the coffins at the entrance a little white boy of about 6 grasped: "Coffins! Is it real?"

By the coffins there is a sign that reads: "Three New Yorkers will die today from overdoses and diseases caused by drugs."

[From the New York Sunday News, Feb. 14, 1971]

CITY MUSEUM SETS EXHIBIT ON NARCOTICS

(By Edward Benes)

A trip through the world of narcotics, dramatically portrayed by life-size three-dimensional, free-standing murals, awaits visitors to the Museum of the City of New York when a special exhibition opens Feb. 24. Entitled "Drug Scene," it will be the first major exhibition concerned with drug abuse ever presented by a museum in this country, Director Joseph Veach Noble said.

"This provocative exhibition was proposed as an attempt to show that not only is a museum a mirror to the past, but also can serve as a powerful visual educational medium to today's problem, which will be tomorrow's past," he said.

Noble called drug addiction today's No. 1 problem in the city and said although the exhibition will not cure someone who is an addict, it might help prevent someone from either experimenting with drugs or stop an experimenter from going deeper into habit.

COST IS $65,000

Noble was confident that the exhibit, funded at a cost of $65,000 by the State Narcotic Addiction Control Commission, would be watched carefully by other cultural organizations and museums throughout the country. "If we seem to meet with any measure of success in attracting people, on what I consider to be neutral grounds, in a museum, to become more educated in all aspects of this terrible drug epidemic sweeping our country, I know it will be repeated in every big city nationwide," he said.

The exhibit will show a brief history of narcotics in this country since the Civil War, the consequences of drug abuse, the treatment of addicts and a "first step" toward help.

Three guides, all former addicts, and identified by buttons reading "Ask Me," will be on duty to answer questions. The exhibition will be bilingual and is expected to run for three months, from Tuesday to Saturday from 10 a.m. to 5 p.m. Admission is free.

Greeting visitors in the main rotunda of the museum will be a 15-foot three-dimensional mural of an addict about to mainline a shot of heroin. It will be captioned in both English and Spanish: "Welcome to New York City, Drug Capital of the World."

Past this grotesque figure, Noble said, other figures will all be life-size to give the illusion that the viewer is actually part of the scene. "At one point, in the treatment area, the viewer will be surrounded by about 12 figures engaged in an encounter session rapping about drugs," he said. Two of the figures will emit voices from tape recordings, both in English and Spanish, of actual dialogue in a rehabilitation center.

At the end of the exhibition, the phase called "First Step," an eight-page booklet in both languages, will be handed out. On a desk will be a "hot line" phone.

It will be connected directly with State Narcotic Addiction Control Commission centers for anyone who might need help.

Noble, who became director of the museum on Sept. 1, said the museum's board of trustees, including President Louis Auchincloss an author; Mrs. Bennett Cerf, Mrs. Charlotte Ford, Bruce A. Gimbel and Julian K. Roosevelt, completely supported his idea of a drug exhibit.

[From the New York Catholic News, Feb. 25, 1971]

CITY OF NEW YORK MUSEUM PRESENTING "DRUG SCENE EXHIBIT"

Drug Scene, the first major exhibition dealing with the problems of drug addiction and abuse to be presented in the United States, opened at the Museum of the City of New York yesterday. This educational exhibition, which is primarily concerned with the drug problem as it relates to New York City, will be bilingual in English and Spanish. Admission is free.

Joseph Veach Noble, Director of the Museum, conceived the idea for the exhibition and its presentation at the Museum of the City of New York. In commenting on it he said, "Drug Scene is an exhibition which fills an urgent need here in New York City. A wave of drug abuse is our major urban problem, and it affects all of us every day—directly or indirectly. The dread of its consequences lies in the heart of every parent. And yet, until now, where could people take their children in a neutral environment to have a look at the hardware of drugs, to question the root causes behind drug abuse, and to see an objective presentation of the methods of treatment and rehibilitation? The Museum of the City of New York has undertaken the responsibility of presenting Drug Scene as an educational and constructive exhibition which will create an insight into this perilious problem."

The exhibition is divided into five major areas. The first area is entitled "How and Why." Here the viewer is shown the root causes of drug abuse in juxtaposition to the actual "hardware" of the drugs themselves, with details on the legal and illegal uses of the drugs and their effects on the human body. The second major area entitled "Consequences" is a multi-media visual and sound presentation to tell of the horrors and consequences of drug abuse. "Treatment" is the third part of Drug Scene and here chemotherapy and psychotherapy as means of overcoming drug addiction are explained and illustrated.

"Law Enforcement" is the fourth section, which illustrates the routes by which drugs reach New York City, and the attempts locally, federally, and internationally at controlling the flow of drugs to this city. The "Ask Me" desk is in the fifth major area. This is attended by a former drug addict with a red "Hot Line" telephone for instant referral to any of the drug addiction agencies for anyone wishing help for further information. A free 8-page booklet covering the drug problem, in English or Spanish, will be given to every visitor.

The aim of the Drug Scene exhibition is involvement, and to achieve this an entirely new exhibition technique has been created whereby the visitor is confronted with life size, free-standing figures and settings which serve as the medium for displaying the artifacts of drug abuse. A sound track of the street vocabularly used in connection with drugs orients the uninitiated visitor. To further help in an understanding of Drug Scene (the guides for exhibition are former drug addicts who will be stationed throughout the area to answer questions. They will be wearing the large "Ask Me" buttons.

The Museum, located at Fifth Avenue and 103rd Street in Manhattan, is open Tuesday through Saturday, 10 A.M. to 5 P.M., and Sundays and Holidays from 1 to 5 P.M. Drug Scene has been made possible by a grant from the New York State Narcotic Addiction Control Commission. It will be shown for three months.

[From the Long Island Newsday, Feb. 23, 1971]

THE ADDICT WHO CAME IN FROM THE RAIN

In the walkways of the housing project at 104th Street and Madison Avenue yesterday the rain was running gray rivulets around crushed beer cans and empty wine bottles. Women coming back from shopping clutched brown paper bags in one hand and umbrellas in the other. Kids coming home from school pulled their raincoats up over their heads. There wasn't a dope pusher in sight, but Virgil Black, chatting in a building a block away, knew they were out there, or would be there later, in the hallway or in the playground or just standing on the street corner. Virgil spent 10 years shooting up heroin in that neighborhood and hustling it to others.

"I was on skag for $200 a day," he said. (Skag is his word for heroin.) "I had a girl who was supportin' me. She'd bring me two bags in the morning. Then I would be okay. I wasn't sick, as long as I had the stuff. But when she left, that's when it got bad. When you got to support yourself, you've got to be out hustlin' all the time, hustlin' all day long. You don't got no time to rest. And you could never hustle enough. Some days I'd hustle up $300, I'd go to an after-hours shoot-up joint with my friends and blow the whole $300. Next morning you got to start all over again.

"I got into skag when I was 27," he said. "That's pretty late. I came to New York from North Carolina when I was 26. Didn't know anything about skag back then. There wasn't all this publicity back home. I hung out with some fellas from North Carolina. They're snortin' this white stuff and they say, 'Here try it, it'll make you feel good. It can't hurt you, see, we're takin' it.' So you snort the stuff a few times and before you know it you're hooked. You've got a habit.

"Ten years I was on skag. I guess I'm lucky. A lot of those guys I started out with are dead, ODd. There was never any trouble getting' the stuff, it's all over the place. They can't stamp it out, it's too big. Cops are hustling stuff. Straight guys, guys you'd never guess, are shootin' up. You take a girl out, drinkin' and partyin', and you pull out some skag and snort it and say, 'Here, try it, it won't hurt you.' So she tries it and gets hooked. Then you dump her and move on to the next. That's the way these guys operate. I wouldn't do that, though. I wouldn't turn on anybody who wasn't hooked already.

"But a guy on skag likes to get his friends skag too. That way they can shoot up together. It's companionship. And you can hustle each other. When you start out, there's no trouble gettin' money for stuff. Friends will give you money, and relatives. For about six months, till they find out what you're doing. Then they stop. Then you've got to start hustling.

"Sometimes I'd go visting back home in North Carolina or stay with friends in Connecticut" he said "There would be junk around, but I wouldn't need any. The minute I'd get back to New York my stomach would start tightening. I'd start getting sick and have to get some skag."

It was still raining as we talked, but Virgil was dry and warm, in a building at 104th Street and Fifth Avenue, one block from the housing project where he used to hang out. The building is the Museum of the City of New York. An exhibition on the drug scene opens to the public there tomorrow, for a three-month run, and Virgil began work there yesterday as a guide. He is no longer an addict, but it had taken him 10 years to travel that one block, 10 years to come in out of the rain.

The exhibition is informative and frightening in a low-key way. There are three coffins beneath a sign that says: "Three New Yorkers Will Die Today from Drug Abuse." There are displays of heroin, LSD, amphetamines, barbiturates, marijuana, even alcohol and tobacco. There are pictures portraying some of the reasons for drug use: loneliness, alienation, poverty, discrimination, materialism. One display depicts the pressures that can lead to middle-class addiction. "Step right up for the easy life and instant happiness," it says. "Buy, buy, buy . . . promise her anything . . . automatic status . . . the hair nature should have given you . . . life is too short and winter too long to go without mink . . ."

The hope of museum officials is that parents will bring their children to the exhibition and learn about drugs together; communicate with one another before it is too late. Maybe that will help, maybe it won't. As one display says: "The problem will keep growing until some of the things people are trying to escape from change . . . until people themselves change."

It must be noted that Virgil Black was not cured of his 10 years of addiction by any museum display. He was cured at the Narcotics Treatment Center at Lexington, Ky., and it was no wall poster or psychedelic display that motivated him to go there. "I finally got busted for hustlin'," he said. "They was goin' to give me five years. I told them I'd take the cure."

One other detail, just for the record. Virgil is not his real name, it's just a made-up name for a guide through hell. He didn't want his real name to be used. "I've got a new girl," he said. "I haven't told her about this drug stuff yet."

[From the Newark Sunday News, Mar. 7, 1971]

DRUG FORUM: A MUSEUM THAT TELLS IT LIKE IT IS

(By Dr. Stanley Einstein)

Most people remember museums in odd ways. Teachers took them there as part of school. Parents did the same to broaden horizons, to fill up a rainy day or for family togetherness. Tourists go there. And they are a reasonable kind of place for a cheap date or to pick up a date. In a sense, they are status, static places for many of us.

But the scene has changed at the Museum of the City of New York. Situated at 103rd Street and Fifth Avenue, with beautiful gardens to the west, Black Harlem to the north, Spanish Harlem to the east, and the jetset to the south, the museum and its director. Joseph Veach Noble, are bringing the dynamic reality of today's drug problem to thousands of daily visitors.

As you walk in there's a huge photo of a youngster injecting himself. To the side are three coffins. The bronze one is to remind us that the rich are affected; the pine one is for the young and if that doesn't get to you, as you raise your eyes there are some devastating facts staring at you:

One out of every 80 New Yorkers is hooked on addictive drugs.

Two addicted babies will be born today in New York City.

Three New Yorkers will die today from overdoses and diseases caused by drug abuse.

That's just the beginning of the exhibit called "Drug Scene in New York City." The exhibit was conceived by Noble. What's included in it, and what's excluded is his sole responsibility as well. He knew that if all the drug experts get together to decide what to do and how to do it, the exhibit would never be.

One may wonder what motivates an old prestigious museum and its scholarly director to get involved in the nitty gritty of daily urban problems. The answer, according to Noble is quite simple.

"Museums should step out of conservative roles into contemporary life," he said. "History starts today—it's not yesterday's newspaper."

While the exhibit gets this message across quite succinctly, none of the foundations that the museum turned to would take a chance on funding the project. It was too avante garde, which is a fancy way of saying that tax exempt funds should only be used for safe issues. And indeed, drug abuse is far from safe. The tab was picked up with a grant by the New York State Narcotic Addiction Control Commission, which spent less than 24 hours to make its decision. Funny thing is that they used taxpayers money.

The exhibit is a three dimensional, multimedia one, which is divided into five areas of concern. After walking through a short historical hallway which reminds us that America had an opiate problem after the Civil War, we are hit with the hows and whys of the drug problem.

Various drugs and how they are misused are shown. Since the intent of the exhibit is honesty, the drugs are all real ones. The museum has five different governmental licenses which permit it to show these drugs. Otherwise, the scholarly Noble might be doing time on a drug bust.

The reasons for drug use—the educated hunches—are dramatically spelled out; alienation, materialism. discrimination, social pressures and poverty. This is a long way of saying contemporary life.

Just about when you have adjusted to the "causes," you enter the "consequences." A multimedia scene reminds you not only of Janis Joplin but of Judy Garland as well. "Over the Rainbow" went over the hill. And there are lots more voices to hear, scenes to see, and feelings to experience.

The two kinds of treatment, verbal and chemical are explained, as are the various facets of law enforcement. Most times an exhibit would end at this point. Not this groovy one. As you almost walk out there is an "Ask Me" desk, attended to by a "tell it like it is" ex-addict who not only distributes a free booklet, in English or Spanish, but mans a red "Hot Line" telephone. He answers questions and is able to make an immediate referral to many New York City centers, all of which are listed in the booklet.

The day that I was there two things happened that got to me. A class of 10-year-olds had finished walking through the exhibit and began talking to their teacher about their own drug experimentation. When the initial shock wore off, the teacher understood that exhibits aren't just for intellectual understanding; they can open up areas that indeed need opening up. Now the teacher is being faced with a real educational challenge—getting students to take a chance on living life with people and not playing at it with drugs.

The second event was a 13-year-old girl who told the "Ask Me" ex-addict that she smoked marijuana and wanted to tell her folks but was afraid to. He offered to help her, but she was too anxious at the time to take him up on his offer. His comment was most appropriate. "When you're scared to talk to your folks, you have a problem—and its not marijuana."

All of this is going on in a museum with old furniture, old fire trucks and old models of ships. Youngsters were asking questions about the consequences of drug use and oldsters were more often than not asking about why people begin to use drugs. Most often each group knew their answers before they entered the exhibit. By the time they left it, they were just beginning to ask themselves the questions that must be asked.

And with all of this going on, museums from Milwaukee, Washington and San Antonio, were calling. And the National Association of Museums was closely observing what was going on. If this relatively small staid New York museum could generate public interest and take museums out of the mothballs of safety, to the excitement of today, others would follow suit. Press, TV and radio coverage was quite adequate. Funny thing though—the black and Spanish speaking press were not covering the exhibit. It's hard to figure that one out.

The final statement in the exhibit was the real zinger. Because after experiencing the sound and sight of the drug scene, the visitor must ask of himself what can I do? Obviously the first step is to attain knowledge, that is sound and reasonable. Going to this exhibit is one excellent way of doing this. The exhibit is free and school buses have been bringing kids from all over to see it.

The next step is to figure out what your role in your community could be. Remember, if our educational efforts don't work out, the real drug scene will be in our streets, parks, living room, bathroom and schools, not in a museum.

Obviously the choice is ours to make. While you are choosing, take a chance and find out if there aren't others like you in your community to whom you can turn to for mutual aid. And while you are checking this out, take the time to consider whether your community needs a drug exhibit, and if so, what kind?

[From the Village Voice, Mar. 18, 1971]

MUSEUM'S "DRUG SCENE" COCAINE, COPS, COFFINS: A PROGRAM OF DETERRENCE

(By Roslyn Lacks)

"I thought it was going to be different," says Marilyn, seven, standing perplexed before the cardboard image of a teenager four times her size, shooting heroin on the elegant marble stairway of the Museum of the City of New York.

Three coffins punctuate the entrance to "Drug Scene," the new multi-media exhibit that has already broken all attendance records. The display, financed by a $65,000 grant from the New York State Narcotics Addiction Control Commission, is scheduled to run at least three months. The coffins—bronze, pine, and white—signify the utter democracy of death among all classes and ages. "ONE out of every 80 New Yorkers is hooked on addictive drugs," a bi-lingual legend reads. "TWO addicted babies will be born today in New York City. THREE New Yorkers will die today from overdoses and diseases caused by drug abuse."

These dismal truths steer Marilyn and her classmates into a somber labyrinth introduced by a history of drug use from colonial nostrums and Civil War opiates through Lydia Pinkham tablets to window boxes growing gentle leaves of grass.

Genevieve, a six-year-old, brightly examines the spoons, eye droppers, and needles near a blassine envelope of heroin sealed into a plastic case. "Do you know any drug addicts?" I ask her. "Yes," she murmurs, mimicking the drawl and shuffle of an old junkie in her neighborhood. "I just say no, thank you," she adds, somewhat obliquely.

The splashiest display occurs in the area labeled "Consequences." Corpses flash on the screen, alternating with images of Janis Joplin, Jimi Hendrix, Judy Garland, and Marilyn Monroe, while a sound track erupts into amalgams of sound. Fragments of encounter sessions, street noises, and melodies run concurrently and contrapuntally, pausing briefly for the clear and eerie sound of Judy Garland singing "Somewhere Over the Rainbow."

I am told that this is "a media overload thought process which provides more information than one can assimilate." Well, Linear throwbacks like me, who hack along trying to hear what's being said in this barrage of sound, are left feeling as though connections between hearing and perception have been permanently severed.

"What's he eating?" Genevieve asks, as a corpse floats on the screen, his mouth filled with the white froth of death from an overdose of heroin.

A young man with clear, friendly eyes, recently graduated from City College, stands midway between "Consequences" and "Treatment." "Scare tactics," he observes, shaking his head. The written texts beside each drug, he agrees, are scrupulously correct; but the exhibit as a whole, he feels, is one-sided, leaving out any positive attributes of drug use. His own experience? Head drugs mostly—never heroin. He drifted away from them of his own accord, except for occasionally smoking marijuana.

Standing beside a bottle of methadone, Genevieve calls to me from the "Treatment" display. She has just remembered something. "Last Halloween, there was this boy in the house we used to live in and he went trick-or-treating and this old lady she gave him some candy with drugs in it and he got dead. . . ."

The labyrinth is populated by lifelike figures wearing badges of addiction and real life figures (ex-addicts and ex-addicts in training who serve as guides) wearing big red "Ask Me" buttons. The guides report that they receive more questions from children than from adults. The most frequently asked questions are "How did you get started? How did it make you feel? How did you stop?"

Will this turn kids on or off?

"The kids already know about drugs," a graduate from Phoenix House answers. "This is mainly an educational program for their parents."

"If I had seen this before I started," a guide from the methadone maintenance program at Greenwich House adds, "I never would have gotten hooked."

The "Ask Me" desk in the final area of the exhibit provides a "Hot Line" telephone for instant referral to any drug addiction agency for anyone wishing help or more information.

The six- and seven-year-olds walk soberly through the "Law Enforcement" area past free-standing tombstones beyond the "Ask Me" desk, back to the 15-foot photograph that looms over the exhibit.

"I thought it would be different," says Marilyn, hesitating between tombstones and coffins. "I thought we would see pictures and stuff and learn how to make things."

For Joseph Veach Noble, the museum's director, "Drug Scene" sets an existing precedent. "The museum has been too much a mirror of the past," he explains. "We felt it should reflect the problems of the city today."

"Museum directors have been calling Mr. Noble from all over the country about mounting similar exhibits," Mrs. Jacqueline Adams, the museum's public relations director, adds enthusiastically.

"Passivity is passe," Noble quips in the large airy conference room. Newly framed licenses permitting the display of heroin, morphine, and cocaine rest on a ledge nearby.

"Has anyone tried to get at the samples in your display?" I ask.

"The samples are tightly sealed behind plastic," Noble smiles. "And of course, we have guards and police about."

To be sure, you'll see more police around the Museum of the City of New York on Fifth Avenue and 103d Street than you'll ever find just four block east where multiples of glassine envelopes change hands every day.

Noble hopes the exhibit will deter youngsters from experimenting with drugs or from escalating what they have already started. "And the parents take a second look when they pass the display. The pharmaceutical companies are as guilty as the Mafia," he continues, "when you consider that eight billion ups and downs are manufactured in a single year. Curiously, the most affluent use the least expensive drugs (amphetamines and barbituates) and the poor the most expensive (heroin)."

Before his appointment to the Museum of the City of New York, Noble, who is also an authority on Attic vases, served as vice-director for the Metropolitan Museum of Art. I ask him if this current show is in any way an extension of the "Harlem on My Mind" exhibit.

"No," he says emphatically, "neither in thought nor technique. This exhibit has been carefully programed. It's no random accident, but follows an outline like a paper for college."

"You see," Mrs. Adams interjects, "although you were not aware of it, you were programed as you passed through the exhibit."

Noble nods in agreement. "True art," he concludes, "conceals itself."

[From the New Yorker, Mar. 13, 1971]

DRUGS

An extraordinary and regrettably pertinent exhibition has just opened at the Museum of the City of New York, and on the first day we went up to see it and find out how it was being received. The show, an audio-visual, multimedia one, is entitled "Drug Scene," and it is believed to be the first of its kind. It pulls few punches. As we entered the Museum, we saw a fifteen-foot-high photomural of a youth probing one forearm for a vein still able to accommodate a hypodermic needle. Below it, three coffins stood, illustrating the fact that every day three New Yorkers die from drug abuse. We entered the exhibition in the company of a few adults and several classes of schoolchildren, who had just arrived in a convoy of bright-yellow school buses.

"I thought I'd try drugs just once," a recorded voice was saying as we and the children made our way into the south wing of the Museum, past a series of strikingly lifelike three-dimensional photomurals of narcotic addicts of all races and ages.

"Yeah," one of the boys near us said in reply to the voice. "Wasn't it good?"

The recording went on, "And then, before I knew it, I was hooked."

Turning a corner, we and the children came into a section in which the hardware of narcotics use was displayed, some of it in transparent recesses in additional photomurals. A boy began to cry, and was taken in tow by a woman teacher. Beside one of the exhibits, other children were gathering around a long-haired young male teacher. "Who knows what this is?" he was asking.

"A needle," the children chorused.

"Can it be used for good?" he asked.

"Yes," the children said together.

Another voice said, "By a doctor."

"Right," the teacher said. "By a doctor or a nurse. They may use needles, because they know how to use them."

The class rounded another corner and moved toward a screen on which were projected dozens of images, including headlines and a picture of Judy Garland singing.

We paused for a minute to talk to the teacher, who told us that his name was Robert Eisner, and that he was escorting fourth graders from P.S. 17, in Brooklyn.

We asked Mr. Eisner if he thought his students were profiting from the realism of the exhibits.

"I've been asking myself the same question," he said, "But look at these kids. Every one of them seems to know what it's all about."

The teacher who had taken care of the crying child joined us. Two or three more children were clinging to her arms and hands now, and we asked if she thought it was a good idea to subject children of their age to so dramatic a presentation.

"I'm afraid I have to think it *is* a good idea," she said. She identified herself as Mrs. Janet Levy, a teacher at P.S. 182, also in Brooklyn, and went on, "These kids have already been exposed, you know. We've had highschool kids around our schoolyard trying to get them to sniff glue. I think it's better that they find out here what it can lead to."

Patrolling the exhibit area were several men and women—rehabilitated narcotic addicts, we learned—wearing red-and-white buttons that read "Ask Me." We asked one of them—a sweater-wearing, crew-cut youngster, who told us he was twenty-five years old and in Bellevue Hospital's methadone program—what the children's questions tended to be.

"They ask the same questions everybody else asks," he said. "They want to know how long I was on drugs and what I took."

"And what do you tell them?" we asked.

The young man looked us in the eye. "I tell them I was on narcotics for seven years, and I took everything, all the way to heroin."

Nearby there was a considerably older man wearing one of the buttons, and we asked him about the children's questions.

"They ask me which of the drugs is the most dangerous and which is the safest," he said. "I tell them not to mess with any of them. They're all dangerous, and the use of one leads to the use of the others."

We took the elevator up to the Museum's administration office, on the third floor, where we found Joseph V. Noble, a gray-haired scholar, who is the director of the Museum and the man who conceived "Drug Scene" and commissioned the striking photographs, by Michael Hanulak, from which the murals were executed. "It would have been a lot easier for me to go on scheduling shows of antique furniture and historic objects," he said. "But when I came here from the Metropolitan, last September, I realized that this museum, if it were really to be a museum of the City of New York, had to stop treating history as something that occurred in ancient times and begin treating it as something starting now and running backward in time. We have a diorama of the blizzard of 1888. I told the board of trustees I didn't want to wait twenty years and then do a diorama on the city's great problem of today—narcotics. They told me to go ahead."

We asked if he had encountered any particular problems in setting up the exhibition.

"There have been nothing but particular problems," he said. "Not just in setting up the show—that was the easiet part—but in getting funds and legal clearances. First, I went to the foundations; they were interested, but they all said this was a little too avant-garde to try out right now. Finally, I thought of the state Nacrotic Addiction Control Commission, and I got an hour's hearing before its board. I told them what I wanted to do, and said I needed sixty-five thousand dollars to do it. They called me the next morning and told me I had the money. Then my problems really began."

Mr. Noble went to a table, and showed us a framed mat on which were displayed New York State certificates licensing the Museum as a "labortary entrusted with the custody" of narcotics, stimulants, and barbiturates. "This museum has lots of hard-to-get items," he said. "But I don't know that many of them were harder to come by than these pieces of paper. I had to get federal, state, and city permission to put this show on right, with the true drugs, but I'd be damned if I was going to stop at anything less than the real thing. All the way along, people kept asking me why I couldn't use powdered sugar for heroin and use simulated capsules.

"Why couldn't you?" we asked.

"Because we're a museum," he said. "For generations, we've told people that when they come to museums they are seeing the real thing—not just a copy of a painting but the real painting. If we were going to do a show on drugs, then I had to have the real drugs—not just imitations or drawings of marijuana plants. We needed the real plant. Even the methadone bottle down there in the treatment section is authentic. One of our 'Ask Me' guides took his dose from it this morning before we integrated the bottle into the show."

We asked how the guides were working out.

"Very well," he said. "They were referred to us by the Phoenix and Greenwich House rehabilitation programs and state addiction-control centers, and we made sure we had black, white, and Puerto Rican guides, so that everybody would have somebody he could identify with. We pay them regular museum-guide wages, which aren't much but are enough to take them off welfare. We couldn't really have put on an effective show without them. I believe that the combination of the photomurals, the audio tapes, real drugs, and the testimony of these people as to what drugs have done to them makes this an exhibition that truly fulfills our role as the city's museum."

We told Mr. Noble that we had seen one child crying and several children who appeared frightened by the display.

"People have said we're using scare tactics," he said. "But maybe it's good that people become a little frightened. The tragedy would be if we made this stuff attractive to anyone. I don't think we have. Look at the kids going in. They're laughing and joking. But watch them when they come out. They're quieter. Of course, this isn't just a children's show. About fifty per cent of it is geared to allow adults to catch up with what many of their children seem to have found out about already. And it's no accident that we've included cigarettes and whiskey in our display of products that contribute to the drug scene. As kids who worked on the show pointed out, these are the 'drugs' most often abused by adults."

We asked about the volume of response, and Mr. Noble waved a hand toward the window of his office, from which we could see parked school buses from the city, White Plains, and Long Island. "We haven't counted the adults yet, but normally we get about two hundred schoolchildren a day in classes touring the Museum," he said. "So far today we've had four hundred, and the day's only half over. Originally, we thought we'd restrict the show to fifth-graders and up, but we've had calls from third-grade teachers and from as far away as Philadelphia, so we've relaxed our age limit, and also our policy of scheduling all classes through the Museum. Now we're telling teachers that if they can handle their class, they can bring it in—no appointment necessary."

After thanking Mr. Noble, we rode down in the elevator with several boys of high-school age, who told us, with just a little hesitancy, that they had skipped school that day in order to see "Drug Scene," and were now taking in the remainder of the Museum for the first time. "This guy here," one said, pointing to another. "We couldn't get him out of some of those Colonial rooms."

"I took a whole trip looking at some of that antique furniture," the second boy said. "I really dig the way it was made."

On the first floor, we paused on our way out to watch a tall man with an Afro haircut and wearing a badge that identified him as a teacher at a Bronx junior high school taking pictures of students grouped in front of the entrance display. A minute later, we were joined by Mrs. Robert Neilson, the supervisor of the museum's school tours. "I can't get over it," she said. "Some of these kids—fourth- and fifth-graders, for heaven's sake—are asking us for the addresses of the treatment centers. I don't know whether it's for themselves or for older brothers or sisters, but it's for someone, and I handle about fifty-four thousand kids each year, but I have never seen anything like this. This is what a museum should do. We're teaching people."

[From the New York Times, Feb. 19, 1971]

Museum To Open Drug-Abuse Exhibit

(By Richard Severo)

The Museum of the City of New York—which must be more than "just a mirror to the past," according to its director—will soon enter an area normally avoided by museums: drug-abuse education.

The museum will open an exhibit on drug abuse next Wednesday. The display has been financed by a $65,000 grant from the New York State Narcotic Addiction Control Commission and is scheduled to run at least three months—more if attendance warrants it.

But a look at some of the elements in the show and a talk with the museum's director Joseph Veach Noble, suggests the uncertainties in trying to put together any visual approach to drug education. For among psychiatrists and others who work with addicts, there are grave doubts that any visual approach is effective, and many are extremely skeptical of the "scare" techniques in visually trying to present the perils of drug abuse.

There is a lack of fully evaluated information as to what educational approach—visual or otherwise—is effective, what is not effective, and even worse, what might serve to spark interest in experimentation where none existed before.

MAY BE A 'FIRST'

A few days ago, as workmen were bringing huge, photo-mural displays into the museum at Fifth Avenue and 103d Street, Mr. Noble talked about his plans, noting that this would mark the first time, to the best of his knowledge, that any museum in the nation had created such an exhibit on drug abuse.

"No exhibit will cure a drug addict," he said, "but perhaps this will dissuade some from experimenting or stop them from escalating what they've already started."

But Mr. Noble concedes "there is probably no way we can measure the deterrent." He is also sure there is nothing in the exhibit that would "turn on" a youngster.

He pointed out that the exhibit would not attempt to simulate the visual distortions associated with the use of marijuana or LSD, would offer no strobe effects or perfume, or do anything else to alter the perception of the beholder. "We are trying to tell it as cold turkey as we can," Mr. Noble said.

A PHOTO AT THE DOOR

Those who attend Mr. Noble's production will be greeted inside the door by a 15-foot-high photograph of a kneeling boy who is sticking a hypodermic needle into his arm. Mr. Noble is sure the photo won't turn anyone on and may, in fact, turn a few off.

Workers in the field of drug abuse remain undecided about the merits or demerits of portrayals of this type.

Following the kneeling boy, the visitor will see three coffins, placed at the entrace to a room filled with photo-murals. One coffin is bronze, one is white, the other pine.

"It symbolizes that drug abuse affects every facet of society," Mr. Noble explained, "bronze for the wealthy, white for children and the pine box for potter's field."

THE CAUSES EXPLORED

In an effort to describe the root causes of addiction, Mr. Noble contends—using photographs of addicts, pushers, bored students and the grimmer aspects of life in New York—that the reasons lie in the nation's materialism, its poverty, its school system, in the decay of family life and in discrimination, among other things.

In one caption for a bigger-than-life photomural, Mr. Noble writes that the addict "trades loneliness, anxiety, despair for an illusion . . . a fleeting warmth, safety, euphoria . . . a permanent hell of a body craving more and more . . . of a mind going crazy . . . of sudden death."

The theory that the addict is largely the result of an ugly society has been widely discussed. But the approach was probably relied on more heavily a decade or two ago, when drug researchers felt that addicts tended to be brighter and more sensitive than their peers, and less able to cope with harsh reality.

But more recently, other factors have come under scrutiny that suggest addiction is far more complex and capable of reaching more types of people than was originally imagined.

The factors include not only hypersensitivity and emotional problems, but self-indulgence in an affluent society and the willingness on the part of some people—of high, low and average intelligence—to try any drug once, no matter what they've been told about it and no matter how happy and content they may be.

The spread of drug use in black slums has surprised even some of the blacks who were worried about it years ago. For now, youngsters in some neighborhoods are under considerable peer group pressure to experiment drug abuse is virtually normative.

In this type of situation, blacks who are well adjusted and have no desire, latent or otherwise, to "cop out" are literally deluged with a wide selection of drugs, of which heroin is but one.

LIMITATIONS ACKNOWLEDGED

Mr. Noble said he was aware of the variety of causes of drug addiction. But he explained that a visual presentation such as his could not deal with all the nuances in the same way that the footnoted chapter of a well-researched book could.

Anyone who starts a drug education program has the problem of measuring its effectiveness. Teachers, doctors, students and former addicts have reported on the wide range of reactions within a single group to their message.

Thus former addicts, warning of the perils of heroin are sometimes listened to, sometimes laughed at and sometimes glamorized in the minds of those who regard them as a kind of folk hero. Semidocumentary motion pictures describing the life-style of the addict have provoked laughter where they meant to evoke pity.

Mr. Noble does not see that kind of problem with his exhibit. He is sure that nothing he has created will turn on children, whom he feels are already sophisticated about drugs.

EDUCATION FOR PARENTS

"Fifty per cent of the value of such an exhibit is to educate the parents," he said.

The display will offer its message in both English and Spanish. A few ex-addicts will be on hand to answer questions, and Mr. Noble has provided a "hot line" telephone that people can use if they need help with an addiction problem.

Mr. Noble is a former vice-director of the Metropolitan Museum, which he served from 1956 until last September, when he took his present job.

During his tenure at the Metropolitan, he did the technical analyses from which he concluded that the famous Etruscan terracotta warriors and a Greek bronze horse were forgeries. Mr. Noble owns a large collection of Athenian vases that are authentically ancient.

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IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. BADILLO. Mr. Speaker, I join with our colleagues in observing the National Week of Concern for our servicemen who are being held captive by the North Vietnamese or the National Liberation Front or are listed as missing in action.

It was exactly 7 years ago today that the first American was taken prisoner in Vietnam. Since that time this number has grown to almost 1,600 soldiers, sailors, marines, and airmen.

As most of our colleagues know, Mr. Speaker, I am unalterably opposed to the continuation of our involvement in Indochina and to the senseless death and destruction being wrought by both sides in this tragic, war-torn land. I am equally opposed, however, to the violations of the Geneva Convention being perpetrated by the North Vietnamese and the NLF. The basic comforts and human dignities of the Geneva Convention must be afforded to our servicemen being held captive and the names of those in captivity must be released.

Mr. Speaker, I am convinced that continued bombing missions, secret raids and similar activities dreamed-up by Pentagon bureaucrats are fruitless and that they will not contribute to securing the release of American POW's. The only clear answer is our complete withdrawal from Vietnam with a simultaneous release of the prisoners. I am pleased to have joined in sponsoring a concurrent resolution calling for a proportional repatriation program. The wives, parents and children of our POW's are certainly tired of years of meaningless rhetoric and inaction and simply want to be reunited with their husbands, sons and fathers. I believe the proportional repatriation program could conceivably bring this about by Christmas and I urge that our resolution proposing such a plan be promptly approved and effected.

COURT DELAYS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. DERWINSKI. Mr. Speaker, an editorial carried in the Wednesday, March 24, Tri-City Advertiser, serving Dolton, Riverdale, and South Holland, Ill., discussed some specific cases in Cook County involving delays in court decisions, which is a nationwide problem in our courts.

We recognize, Mr. Speaker, that "justice delayed is justice denied." Unnecessary delay, whether deliberate or otherwise, is a major problem the public faces when individually involved in any situation under the jurisdiction of the judicial branch of our Government.

COURT DELAYS ARE COSTLY

All of us are becoming increasingly alerted to the problem of Court procedure in our country, not only nationally but locally.

Clearing the dockets of the pile-up of unheard cases seems to be a major problem.

Any criticism of those in judicial authority, or those in the legal profession, is not presently within our province.

We always tried to understand that when a person is charged with a law violation, whether it be murder, robbery, arson or minor violations, the duty of the courts and attorneys was to proceed on the premise that the accused was entitled to a fair and impartial trial with his full legal rights to be protected.

We agree that the attitude to seek a mitigation of a just sentence is a serious deterrent to the suppression of crime as it is today known. The problem goes out of focus when we assume personal inclinations to influence decisions.

By violation of the principle of mathematics the offender punishes himself. That, we believe, should be the basis of fair, legal procedure.

Perhaps we should also be concerned with the problem of rehabilitation of the law offender in endeavoring to reform him instead of the present status of condemning him to a life in prison.

A visit to the Circuit Court held in the Riverdale Municipal Building would astound those who have never been there. Here are gathered hordes of people of all sorts and one could find it hard to believe that so many violators exist.

As an example of delays imposing strain on the public purse, by attorneys, who must surmise that a delay in imposing a sentence may result in a milder sentence, we quote a case typical of many others.

On July 5, 1970, police apprehended and charged a youth with disorderly conduct and possession of marijuana. Court records indicate that the defendant appeared in court on seven subsequent occasions and succeeded in obtaining delays from the judge. Finally, the defendant requested a jury trial and appeared in Harvey Police court March 22, 1971, where such trials are held.

The expense of such delay procedure should be of interest to taxpayers as well as the expense of a jury trial.

When the date of the trial arrived, the defendant suddenly pleaded guilty to the charges and was sentenced.

If his final judgment was that he was guilty, as accused, we wonder why he didn't know that at the beginning.

We surmise that is how attorneys make money off their clients.

THE PRISONER OF WAR

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, I am proud to join my colleagues in Congress in voting to observe a National Week of Concern to again draw the world's attention to the callous refusal of North Vietnam to abide by the Geneva Convention on the Treatment of Prisoners, which that nation signed in 1957. We must be relentless, I believe, in insisting that Hanoi's leaders comply with these most basic humanitarian principles. I believe that all nations must join us in demanding the humane treatment of American prisoners of war in accordance with the Geneva Convention. In fact, I find it incredible that other nations would continue to tolerate and condone the example set by North Vietnam, the outlaw nation flaunting its contempt for decency and the rights established by international law.

We must rapidly end the war in Southeast Asia to free the American POW's. But I think our Nation's leaders should intensify their efforts to persuade other world leaders of their obligation, and it is no less than an obligation to condemn the criminal behavior of North Vietnam. Would they not ask the same of us in similar circumstances?

Mr. Speaker, we should gratefully acknowledge the work of the National League of Families, as well as millions of other concerned citizens, to publicize the POW/MIA issues. We are united in this great cause.

Let us rededicate ourselves to the effort to find a way to bring these men home.

ECONOMY OF TOTAL FORCE CONCEPT

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. HOSMER. Mr. Speaker, I am highly pleased by the portion of Secretary Laird's statement to the Congress on the defense program in which he explains his new policy regarding greater reliance on the National Guard and Reserve. Recurring comments in his statement refer to the role of specific units of the Guard and Reserve in various contingencies. He went into great detail on current actions to improve and modernize the equipment of the units of these components so that they will be able to attain adequate levels of combat readiness.

This new policy and the efforts of Defense and the Military Departments to make it a reality are commendable. Bringing the Guard and Reserve to a state of preparedness at which they can perform the mission assigned them by law is something we can all applaud. The determination to use these forces as part of the in-being military force of the Nation and, by insuring their capability, to make possible reductions in the size of the active duty military forces is even more deserving of our support.

Secretary Laird has pointed out that the lower sustaining costs of nonactive duty units will allow greater flexibility in U.S. force structure planning—that attainment of the proper balance between active duty and Reserve elements can produce "more bang for the buck" or the same amount of "bang" for a smaller investment in dollars. I am familiar with a cost study which shows that, deleting the costs of current operations and talking strictly about the maintenance of capability, an air defense fighter unit can be maintained at full readiness in the Air National Guard for about half what it would cost in the active Air Force. I am sure that savings in other mission areas and other components are equally impressive.

In this age of great emphasis on economy—I might say of great necessity for economy—this cost differential is a vital consideration. But the economic attractiveness goes further than mere base cost.

In the process of their training—and in many cases at no cost beyond that involved in training—the units of the Guard and Reserve perform useful tasks for the military and for the entire society. As one example, Army Guard and Reserve engineer units have helped to improve living conditions on certain Indian reservations at the same time they were learning and practicing their military skills. Another case is the airlift provided by Air National Guard and Air Force Reserve units as a byproduct of training which had to be performed. Some of this effort provided needed supplies and equipment for our forces in Southeast Asia; some of it resulted in humanitarian missions to relieve disaster victims in the United States and elsewhere.

And throughout the Reserve components of the Army, Navy, Marine Corps, and Air Force, countless units and individuals have been able to provide essential assistance in alleviating natural disasters as a result of their Reserve training.

Preparing the Guard and Reserve for their statutory role in national security is good insurance against potential enemies in the future. Using these forces, thus prepared, as an integral part of our total military posture is good business.

COUNTRY GREEN FOR CITY LIVING

HON. JOHN J. FLYNT, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. FLYNT. Mr. Speaker, on March 18, 1971 the Research Center of the Department of Agriculture sponsored a program on the national Garden and Lawn Week with the theme "Country Green for City Living." Mr. Ray Shirley, director of the Georgia Forestry Commission, delivered a most informative talk on the metro forestry program in the Metropolitan Atlanta area. In 1967 the Georgia Forestry Commission, recognizing that people living in urban areas had become vitally interested in the environment, organized the metro forestry program to provide assistance and advice to homeowners who have problems relating to forestry and conservation. A very thorough educational program including TV shows, news articles, and neighborhood displays, has been created to educate the public in the proper cultivation of trees.

As more and more citizens today are concerned with the preservation of our natural resources, Mr. Shirley's description of the principles of metro forestry will be informative to us all. I include this interesting speech at this point in the RECORD:

METRO FORESTRY

(By Ray Shirley)

Mr. Chairman, ladies and gentlemen: I am highly honored to have a part on the garden and lawn program today. The theme "Country Green for City Living" is most appropriate and meaningful.

In July 1967, the Georgia Forestry Commission began a Metro Forestry program for the Metro Atlanta area. This area consists of one and one-half million acres on which one and one-half million people live or about one-third of the State's population. Trees and forest occupy about 64% of the area.

What is Metro Forestry? Metro Forestry is the adaptation of sound forestry principles to urban areas. Basically, it involves professional advice and assistance on problems relating to trees, and education of the urban populace on the role of trees in their environment.

How important are trees in the life of your community, area, town, city and State? There is more concern and interest in trees and things around us than ever before. The average citizen is becoming increasingly interested in the things that are around him and have an effect on his well-being.

People living in the city and urban areas have become vitally concerned with the words environment and ecology as well as the total environment. I think we should look at this word environment. Webster defines it as "surrounding conditions, influences, or forces, which influence or modify". It relates broadly to climate and soil; wild plants and animals; human behavior, customs, laws, and languages. Environment means many things.

The word is used by every group that you can conjure, and for each a different meaning is exploited.

Trees mean many different things to people and as the population increases these differences become more pronounced and take on a new importance.

Trees, to the home owner, are aesthetics, beauty, home for birds, noise abatement, nature's air conditioner, water purifier, the play area, and the landscape of the community.

Trees, to the hunter, are the habitat for game, providing cover and food.

Trees, to the fisherman, provide a basis for food in the streams and lakes, filter the water reduces water temperature in summer and helps maintain stream flow.

Trees, to the recreationist, are a place to hike on a scenic trails; to study plant life, bird life and animal life; a restful place to relax; shelter from the elements of wind and temperature; and a place to camp.

Trees, to the city, a watershed insuring a continuous supply of good water and the basic requirement for a park or playground area.

Trees, to landowners and the public, are vital in preventing soil erosion, providing flood control and an income from an investment.

Trees, to the forest landowner, a raw material to grow and sell to industry, hopefully for a profit.

Trees, to industry, a raw material for processing into items for trade:

Trees, to the wage earner, affording a job to support himself and or family

Trees, to the local and state governments, basis of tax revenue for government.

The trees and the forests are big enough in Georgia to meet all of these needs if we use the knowledge we possess toward meeting these needs.

Georgia is indeed rich in natural resources. Trees and forests are important to Georgia's economic well-being, providing raw materials and jobs in great abundance for the benefit of all. However, with almost seventy percent of the state's land area in forests, trees have a profound effect on the total environment.

In looking at three great resources given to us by nature—the air, water, and trees—we sometimes forget the incredible part that trees play in contributing to the ecological balance over the other two.

It is no accident that air pollution hangs heaviest over the cities, and that once in the country, not too distant away, the air smells sweeter. The forgettable fact about our woodlands is that their blessings are not just in their wood product and their aesthetic beauty, but in the many ways they aid the atmosphere and help maintain the pure water supply.

What would you think if I told you that a great discovery had been made, a machine had been invented that would take carbon dioxide gas and convert it into pure oxygen, and at the same time, would filter out of the atmosphere dust, dirt, pollen, smoke, odors, and other air-borne particles, and in addition, act as an air conditioner. But that's not all this machine will do, it also takes in polluted water and purifies it and then recirculates it back into the atmosphere. You would immediately say that's just what is needed today. If such a machine could be invented, everybody would want one or more. The inventor would certainly receive every award that mankind could bestow upon him. Well, we do have such a machine, the perfect ecological system, a tree. God is the inventor or creator of it. I believe all of our people should know about this and metro forestry program about it and what it means to all people.

In reverse to man, the tree breathes in man's pollutants of carbon dioxide and mono-oxide and breathes out pure oxygen into the atmosphere. Along with the green vegetation, trees produce one-third of the planet's oxygen.

Research indicates that just one acre of young, growing, well managed trees release four tons of oxygen into the air each year, enough to supply the needs of 12 humans. Thus, lumber and pulp and paper companies, that are harvesting nature timber and growing new, young forests could be contributing more to the control of air pollution than we may be giving them credit.

The forest is equally adapted at aiding man's water supply in purifying, maintaining, and recirculating much of the moisture in our environment. A large oak tree takes several barrels of water out of the earth each day, runs it through its incredible complex filter system, then places it back into the atmosphere.

Without trees to recirculate the moisture—the humidity level drops, creating conditions unfavorable to plant and tree growth. As countries such as Israel know, the reforestation of arid areas is a stimulant to increased humidity and rainfall.

The forest is one of man's best allies. The control of floods, acting as a blotter for excessive rainfall and as a giant snow fence in the winter, in the vast paved-over areas of the cities and suburbs, the water runs over asphalt and concrete instead of through the purifying forest land, bringing pollutants of the streets into our water supply.

Too many of our subdivision, residential, and business developments are destroying with bulldozers and other equipment many trees, shrubs, and other plants that make for a healthy environment. These barren areas contribute greatly to soil erosion and water pollution.

City and county officials, with proper zoning and enforcement, can maintain small wooded areas to be used for parks, historic sites and shrines, playgrounds, nature trails, and other similar areas that will add to a more liveable environment.

Atlanta and the metropolitan area is actually in a big forest. Trees occupy sixty-four percent of the lands that total 1.5 million acres. About 1.5 million people live in this area of about one-third of the State's population. Some of the finest hardwood stands in the State are located in this area.

Trees in urban areas have needs just as they do in rural areas. The metropolitan forestry program is based on giving advice and assistance to home owners who have tree problems. The city of Atlanta and the Georgia forestry commission have entered into an agreement providing for the joint use of an entomologist. We work very closely with the Atlanta director of parks and recreation in providing advice and assistance for their parks, streets, and other areas where trees are located. Requests are received from home owners for information and advice related to shade trees on subjects of insects and disease, pruning, fertilization, damages caused by mechanical equipment, earth fills and others. Often times one tree or only a few trees may be as valuable to urban or city home owners as a farm or fifty to one hundred acres in rural areas.

A forest education program is provided for tree owners; school, church and youth groups; civil organizations; garden and women's clubs; and other groups of all phases of forest conservation.

A weekly five-minute TV program, complete with color and sound, or with appropriate slides, is conducted. This program primarily deals with one subject such as how to plant a tree, how to prune a tree, how to fertilized a tree, flowering trees, tree insect and disease problems, and other appropriate subjects.

Floats are prepared for parades. Last year the national geographic carried the Georgia forestry commission float used in the Dogwood festival.

Exhibits are placed in various shopping centers and other suitable areas on various forest and conservation subjects.

News articles and other means of communication are given to informing the public on the multiple use forest concept and the value of trees to all people. The economic benefits of forests are made known.

Youth in urban areas know only what is told them about our forests. The metro program is trying to tell the true story to all the youth, that the forests are big enough for all of our needs. Boy Scout, Girl Scout, school, church and other youth groups are learning of the trees about them. However, it was only three years ago that the metro forestry program was begun for the Atlanta area. Today, we have a technical forester on this program for Athens, Augusta, Albany, Columbus, Gainesville, Macon, Rome and Savannah.

Today, the overwhelming majority of Georgia citizens live in an urban environment. Why shouldn't they receive assistance with their tree needs? Numerous conservation organizations, civic groups, city and county officials and State legislature members have expressed support of this program.

Georgia has been blessed to have Governors, over the past years, and members of the general assembly who supported and encouraged the development and conservation of our State's natural resources.

The metro forestry program is focused on trees and the part trees play in our daily lives, and what a progressive forestry program means to Georgia.

We have a social system that puts a premium upon a high degree of physical comfort and decent surroundings for every person. Forests and trees can be the most useful of all raw materials toward this continued system. They can be used to make products for people while they also enhance their environment, recreation, and at the same time embody their own natural recycling system.

Citizens who glorify "environmental values" alone must recognize that wood fiber from vigorous public and private forests is absolutely essential for the production of more than five thousand different products. Without wood there would be no lumber and plywood for housing; no pulp and paper for packaging, wrapping, writing, or reading; no cellulose for rayon to make clothing. The standard of living of all the people of the United States would deteriorate rapidly without the miracles provided by trees. The remarkable forest resources, in their natural state and in their material contributions, benefit all of the people all of the time.

The products of the forests and the resource itself contribute much to the quality of the environment and the least to ecological pollution.

The basic wood products the forests provide such as lumber, plywood, particleboard, hardboard, shingles, and other products of wood are made from a raw material that is created from the earth with only the heat and the light of the sun.

The green leaves of the trees use sunlight, air, and moisture to make wood. And this forest process of wood manufacture is a perpetual process that adds to and does not deplete our stock of natural resources.

Many of us know, but many of our fellow citizens do not know, that a managed forest produces not only wood fiber but water, wildlife, or a pleasant place to camp or walk or sit by a brook. While the steel mills . . . and the public's automobiles, furnaces, and electric power plants . . . inhale vast quantities of oxygen and produce equal quantities of carbon dioxide and other pollutants, growing forests utilize that carbon dioxide to make new wood, and return oxygen to the air.

We have to tell this to the people.

We want the people to know that industry is aware of current environmental problems in water and air pollution.

For the $130 million current annual expenditure, the industry-wide figure may rise to as much as $250 million annually by 1975.

We want the people to know that skilled management can protect the forests against fire, pestilence, disease, and the infirmities of old age.

We want the people to know that one of the Nation's major social ills—inadequate housing—requires the lumber and plywood that comes from scientific management of our forests for timber production.

Forests are a place for people to play and think. A source of food and shelter for wildlife. And best of all—forests are renewable! They can be harvested, renewed, and reharvested indefinitely, all the while providing their many priceless benefits.

There are many things that must be told. And those of us in public and private life who are knowledgeable and concerned about trees and forests are trying to assist and inform all Georgia citizens, urban and rural, of the facts about forestry and their environmental and materialistic value.

Forests are the greatest achievement of ecological evolution, the largest, most complex of all ecosystems. It is in forests that natural regulatory processes excel, producing the most stable of ecosystems. It is in forests that man has his best opportunity to work with nature. Development of this opportunity is the major challenge to foresters in an increasingly crowded and demanding world.

ERRONEOUS REFERENCE TO THE ACTIVITIES OF THE FBI

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. WALDIE, on March 16, 1971 I inserted into the RECORD a term paper authored by a constituent of mine attending St. Mary's College on the subject of civil disobedience. In that paper there was a reference to an incident that allegedly occurred in Seattle, Wash. involving a raid on the local headquarters of the Black Panther Party.

The intimation was to the effect that the Federal Bureau of Investigation had requested the chief of police of Seattle, Wash., to conduct that particular raid.

The Director of the Federal Bureau of Investigation advises me that that reference is not correct, and I am inserting into the RECORD a letter from Mr. J. Edgar Hoover, dated March 19, 1971, setting forth a correction on what is apparently an erroneous reference to the activities of the FBI:

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Washington, D.C., March 19, 1971.

Hon. JEROME R. WALDIE,
House of Representatives
Washington, D.C.

MY DEAR CONGRESSMAN: The Congressional Record of March 16, 1971, on page 6797 contains a statement which was included in a paper you had inserted into the Congressional Record to the effect that the Federal Bureau of Investigation had requested the Chief of Police of Seattle, Washington, to conduct a raid on the local headquarters of the Black Panther Party.

You may be interested in knowing that I had previously checked the facts regarding this matter and I can say without qualification that the Federal Bureau of Investigation was in no way involved in the situation.

Sincerely yours,

J. EDGAR HOOVER.

THE SST—A MATTER OF PRIORITIES

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. ROY. Mr. Speaker, as a freshman Member of Congress, I was swept into the debate surrounding the future of the U.S. supersonic transport program.

I attempted to obtain a balanced presentation from supporters and opponents of the project, and cast my vote against further funding only after serious consideration.

As I finally saw it, I could not, in good conscience, support further use of our taxpayers' dollars for the SST. The needs are too great in other areas. Our resources are limited and must be applied to the solution of human problems. We cannot afford to squander our National Treasury on luxuries which would benefit only the privileged few.

The Federal Government has already put up $864 million for the SST. That is enough, as far as I am concerned. If private industry cannot even take it from here, then I can only conclude that the SST does not meet the test of the marketplace—a long-established principle of our free enterprise system.

In this Congress I will support redirection of the public funds proposed for the SST and similar projects to higher priority uses. These should include constructive programs to help Wichita, Seattle, and other aerospace centers redirect their technological and managerial genius and skilled work force.

Their expertise could be used for the revitalization of our rural areas and cities, control of air and water pollution, provision of adequate housing and health care, and development of improved mass transportation.

Two editorials which appeared the day after the climatic vote in this Chamber summarizes well, in my opinion, the arguments of those of us who voted against continued Federal funding of the SST.

I insert them in the RECORD.

[From the Evening Star, Mar. 19, 1971]

DOWNING THE SST

It would be premature to write an obituary for the Supersonic Transport on the basis of yesterday's House vote. True, the decision to cut off funds—a reversal of last year's House vote—has put the project on the critical list. But now it's up to the Senate, and no one should underestimate the pressure that the SST lobby will apply to rescue their crippled billion-dollar baby.

The economic argument, to the effect that America faces bankruptcy and disgrace unless it produces an SST, has been pulled out from under the proponents by the testimony of domestic economists and some chilling reports from Europe on the economic prognosis for the Concorde.

As a result, the rose-tinted balance sheet has been put away. Now we are told that what we don't know can't hurt us; that since no one can prove environmental damage by a fleet of SSTs, therefore there is nothing to worry about. The tone of the argument has shifted from one of logical persuasion to one of abuse and ridicule. Anyone who opposes the project is either an irrational alarmist, an irrational environmentalist, an irrational fuddy-duddy—or an irrational combination of all three.

The political-industrial complex has aimed some it's most barbed wit at William Proxmire, the leader of the anti-SST forces in the Senate. The senator, they said, had been suckered in by the outlandish claim that the SST might cause cancer—an obvious crackpot charge. Then some two dozen scientists, including several recognized experts on cancer and radiation, expressed serious concern that the introduction of water vapor into the upper atmosphere might reduce the protective layer of ozone, increasing exposure to cancer-producing ultra-violet rays. So the tactic shifted. From the President's press secretary came the charge that Proxmire, in bringing up the cancer issue, had indulged in an "inexcusable and shocking attempt to create fear about something that is simply not a fact." The spokesman added that, of course, if the skin cancer theory should turn out to be correct, the SST project would be dropped.

Very reassuring.

The rest of us who have opposed the SST have come in for our lumps, too. The trade paper Aviation Daily last month referred to the opposition as "braless tennis-shoe environmentalist crusaders," a charge to which we cheerfully plead guilty—except for the tennis shoes. This month, the Air Transport Association of America let us have it. In their newsletter, Airlines, the lobbyists for the airline industry opened with a letter from Governor Martin Van Buren of New York to President Andrew Jackson, protesting plans for railroads which would travel "at the enormous speed of 15 miles per hour." The trains, the governor argued, would be noisy, dangerous and unnecessary. The newsletter traced a brief history of obstructionism down to the present opposition to the SST, implying that some obdurate people never get the word.

Right again. Some people have failed to learn, despite the mounting evidence, that change is not necessarily progress; that the wonders of civilization already constitute a threat to the health of the inhabitants of the planet; that the time has come to stop bowing down blindly before the golden idol of technology and to start considering the consequences.

Some people haven't learned. But happily the House has. And we expect that the Senate is about to demonstrate once again that it can stand up to pressure by voting to nail the lid shut on this environmentally and economically dubious project.

[From the Washington Post, Mar. 19, 1971]

THE SST: A BLITZ THAT FAILS

We do not kid ourselves that there was only one lobby at work in the fight over the SST in the House; the environmentalists were in it as ferociously as the coalition of labor and business interests which has been adorning bumpers with stickers and plastering the newspapers with full-page ads. What was destructive about the argument of the environmentalists, and the other SST opponents, however, was that in the main they were animated not by narrow self-interests or false national pride but by larger human concerns. So we congratulate the House majority in yesterday's vote for listening to the right arguments. It was a narrow margin—215 to 204—but it is no less comforting on that account, for the blitz mounted by the well heeled outfit which called itself "American Industry and Labor for the SST" was no mean effort. We will feel its heat again, no doubt, as the showdown approaches in the Senate, where again the margin will probably be a narrow one, and the pressure will be intense. But the argument, for the SST as it shifts to the Senate, is not likely to become any more persuasive, even if last-ditch desperation increases its intensity.

For what we are dealing with here is less a matter of hard facts than one of genuine anxieties, questions which are by their nature unresolved; that is what largely worries the environmentalists, together with the question of priorities, of where this country at this moment should place its emphasis. And yet the proponents of the SST persist in pretending to deal in *facts*. That is what makes their lobbying efforts so patently spurious—the inflated claims of jobs at stake, the certainty with which they speak of Soviet or other foreign supremacy in the commercial airways, the absolute terms in which they dismiss the threat of ecological or environmental damage. If they could conceivably be as sure about these matters as they sound, there would be an easy answer to their argument: private financing for a project so soundly founded technologically and so certain of commercial success. If the SST is as good as they make it out to be, why are they clamoring for federal funds? If the supremacy of the American system is what is at stake, why don't the SST advocates first put private, free enterprise to the test? The answer, one would have to presume, is they are not that sure at all—about noise levels, about the future demands for commercial air travel, about the impact of the boom and the possible threat to the earth's atmosphere. So they would have the government do the gambling at the taxpayers' expense.

Well, we can think of better ways to spend federal funds right now. As we have said on several occasions, we do not see the need to hurry—either across the oceans or into the building of an aircraft which will convenience only a tiny fraction of the population at a time when great numbers of our people have more urgent needs. Some would say that we can have the SST and everything else at the same time, and perhaps we can. But we aren't doing the other things, which is precisely why the SST has become a very meaningful symbol of misplaced values and disordered priorities.

BYELORUSSIAN INDEPENDENCE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. DERWINSKI. Mr. Speaker, last Thursday was the 53d anniversary of the independence of Byelorussia. Unfortunately, it will not be a day of rejoicing for its people, but rather a time of sadness, as their nation is one of the many colonies of the Soviet empire.

In December 1917, not long after the provisional government of Alexander Kerensky had been overthrown by a Communist coup d'etat led by Nikolai Lenin, the All-Byelorussian Congress met in Miensk. On March 25, 1918, it proclaimed the independence of the Byelorussian Democratic Republic. The provisional constitution of the new nation provided for universal suffrage and freedom of speech, press, and assembly.

Free Byelorussia was soon erased from the map of Europe, as the Soviet Army invaded it, and the infant republic became a unit of the Soviet Empire in 1919. Except for the period during World War II when it was occupied by the forces of National Socialist Germany, Byelorussia has been under the domination of Moscow.

Its territory of 80,154 square miles contains 9,003,000 people, but these are only half the total, as an additional 9,000,000 Byelorussians live in other parts of the Soviet Union. Another million of Byelorussian stock reside in the United States, Great Britain, Canada, and Australia.

Mr. Speaker, let us hope and pray that the day is not too far distant when March 25 will be an occasion for rejoicing rather than a day of mourning for the people of Byelorussia. These people are as deserving of freedom as the inhabitants of the dozens of new nations that have been emancipated from the bonds of colonialism since World War II.

KILPATRICK DEBUNKS THE TIMES AND A KNIGHT RIDES ON

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. GROSS. Mr. Speaker, Columnist James J. Kilpatrick has the engaging habit of getting to the facts of a case in a hurry and then getting them to the reader in no uncertain way.

In a recent column he recounted the story of how the pompous New York Times has tried to deceive its readers into believing that Miss Frances Knight, Director of the U.S. Passport Office, is embarked on a massive witchhunt by maintaining a snooper's file on passport applicants.

Columnist Kilpatrick deflates this ridiculous story in short order. My hat is off to both Mr. Kilpatrick and Miss Knight.

I include the article for insertion in the Record at this point.

[From the Washington Star, Mar. 21, 1971]

The Flap Over Miss Knight's "Lookouts" File

(By James J. Kilpatrick)

The best-known Knight in Washington, unlike the paragon of Chaucer's tale, may be "verray parfit" but she is not the least bit "gentil." Miss Frances Knight, director of the U.S. Passport Office for the past 16 years, is a hardboiled egg, well seasoned with salt and pepper, and she is an absolute delight.

This weekend finds Miss Knight down in Florida with her millionaire husband, publisher Wayne Parrish, puttering around the retirement home they have in mind at Hobe Sound. The prospect that the lady may even be contemplating retirement will gladden a few hearts in the State Department and on the Hill, but it will depress the legions of Miss Knight's admirers. One is inclined to encourage an outpouring of letters to Frances: "Say it isn't so."

She was in a low when I lunched with her a few days ago, and this was sadly out of character. Ordinarily she flies as high as a flag on a windy day. An attack in The New York Times had her spirits drooping, but her foes should not be too encouraged. By the time she got back to her office, she was in full fighting form.

The Times was giving her a hard time for its belated discovery last month that "Passport Office Has Secret File." The gist of the story was that Miss Knight's office maintains what is known as a "lookout file," now comprising some 243,000 names. To the Times, this was "Raw Material for Snoopers."

In point of fact, the lookout file is not new. It has been maintained, in one form or another, for many years. Its existence never has been a secret; and until the Times began heaving and howling, about the only public criticism had come from the Warren Commission on the assassination of John Kennedy. In the matter of Lee Oswald, said the commission, the system was "obviously deficient."

In the maintenance of this common-sense lookout, the Passport Office functions in an administrative capacity only: It places a flag on names sent to it by the courts, the FBI, the CIA, and the Secret Service, and when one of the names turns up on a passport application, that fact is reported to the agency concerned. The Passport Office maintains no dossiers, undertakes no surveillance, and routinely issues passports unless it finds compelling reason not to.

Many of the names in the lookout file have been inserted by the FBI as "known or suspected Communists or subversives." This troubles the New York Times, which cherishes the breathless illusion that all men must be considered innocent until proved guilty in court, but it will not trouble persons who live in the real world. Of course law enforcement agencies must keep an eye on suspects; they would be derelict if they didn't.

The lookout file also contains names of persons whose U.S. citizenship is doubtful. The list embraces fugitives from justice, draft dodgers, and those sought by courts for desertion or failure to maintain child custody. Still another category takes in persons who have threatened the life of the President. Miss Knight sees nothing wrong in the service her office renders to law enforcement. I am as apprehensive as any man at computerized invasions of privacy, but I see nothing wrong in this either.

The Times and the lookout file are the least of Miss Knight's troubles. Her office is struggling to maintain its outstanding performance record against a formidable increase in foreign travel. Last year saw 2 million passports issued; the number will be much larger this year. Instead of increasing efficiency, a new system under which certain postoffices handle passport applications has produced additional paperwork.

But it is the sheer obsidian nature of bureaucracy that is beginning to get to her. Miss Knight finds herself arrayed, much of the time, against her superiors in the State Department. She is pelted with memoranda from her boss. She has proposed some bold innovations in the whole business of issuing passports, but she is getting nowhere with them. A deserved raise in grade and pay, long overdue, still is denied her. But quit? Not yet. Over her desk is a familiar Latin motto. Loosely translated, it reads: "Don't let the bastards grind you down." It's great advice for a doughty Knight whose armor gets more battered all the time.

THE PENTAGON SOLD SHORT

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. WHITEHURST. Mr. Speaker, the reaction of the news media to the CBS "documentary" "The Selling of the Pentagon" seems to have consisted largely of knee-jerk tributes to the doctrine of TV network infallibility. In view of this, it is both refreshing and heartening to find that there are local television stations and newspapers that have maintained their objectivity and honesty.

The Norfolk, Va., Ledger-Star is one of these. It does not hesitate to criticize when criticism is due, but its staff does not leap blindly to the conclusion that because a great network has said something it must be true. The fine article by Jack Kestner was evidence of this; the editorial from the March 25 issue which I now submit is further proof.

Mr. Speaker, I am proud to represent a district which is served by a newspaper to whose staff truth, accuracy, and fairness are so important.

The article follows:

The Pentagon Sold Short

Because a great deal of criticism followed the original showing of the CBS documentary, *The Selling of the Pentagon*, it is very probable that the audience for the second presentation the other night gave the show more attention than it deserved if it was meant to be, as we suppose CBS meant it to be, an exposé of military public relations shenanigans.

As a spectacle, it was good viewing; guns firing, ships sailing, men training, the Green Berets in a tumbling act, our old friends Chet Huntley and Walter Cronkite busily selling the Pentagon's image in old clips; the show even had John Wayne. As we say, as a kind of war picture, it was interesting; as a documentary it was one-sided and as an exposé it was ho-hum.

Ho-hum, because not many people could have been convinced that the Pentagon ought not to try to tell the American people what the armed forces are supposed to do. Roger Mudd may find it wrong to see an Army or Navy display in a shopping center, but we certainly think the majority of Americans don't. Nor do we see anything wrong in having civilians attend war games. One remark of Mr. Mudd's typified an attitude we thought unresponsive to the facts; he commented on these war games and attendance by civilians and said: war, however, is not fought in front of a grandstand. Of course not; but then neither were all these exercises carried out merely to sell the Pentagon; most of them, we think, were part of the training men undergo to prepare them to defend themselves in conditions of war.

The program even included in its broadside criticism the armed forces "home town" report system, whereby items of interest such as awards and promotions are sent to a serviceman's local paper and broadcast station so his friends can learn about him. This is wrong? One wonders how the armed services are expected to keep up their enlistment quotas, and the parents and wives of servicemen to be informed unless such things are done? Is the Pentagon next to be asked to close down the recruitment desks in the post offices?

The chief criticism of the documentary, we think, lies not so much in the errors and emphases that brought on charges of irresponsibility, but in the fact that the program's thrust was aimed not at *some* areas of public information but at *all* areas of armed services public information. So it seemed to us.

Propaganda? Of course such activity is propaganda in the eyes of some beholders. But what is one man's propaganda is another man's information.

We see nothing wrong with the armed services polishing their images and putting their best foot forward so long as it is done sensibly and we don't think the public objects to this at all. The trouble here was that *The Selling of the Pentagon* seemed to be an all-and-nothing approach: What the Pentagon does in information is all wrong and nothing is worthwhile or good. It was foolish for CBS to create such an image for itself.

INCREASE IN PAY FOR ARMED SERVICES

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, I commend to the attention of my colleagues the following amendment which I may offer for consideration during the debate on the draft. Please see pages 30 to 33 of House Report 92–82 for comparison of H.R. 4450 to other proposals.

The amendment follows:

H.R. 6531 is hereby amended by striking lines 11 through 15 on page 12, along with the following tables on pages 12, 13, and 14, and by striking lines 10 through 23 on page 16 and lines 1 through 15 on page 17, and substituting in their place the following:

"Section 203(a) of title 37, United States Code, is amended to read as follows:

"INCREASE IN PAY RATES FOR MEMBERS OF THE UNIFORMED SERVICES

"The Secretary of Defense shall formulate not later than the first day of the first calendar month after which this Act is enacted a revised basic pay schedule for members of the uniformed services incorporating the increases in the basic pay of enlisted personnel and officers listed in the table below and such adjustments in the basic pay of other personnel of the Secretary deems necessary and appropriate to insure equitable pay differences between grades. The revised basic pay schedule formulated by the Secretary pursuant to this section shall become effective on the first day of the first calendar month after which this Act is enacted.

COMMISSIONED OFFICERS

Pay grade	Years of service						
	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
0–10[1]	$2,111.40	$2,185.80	$2,185.80	$2,185.80	$2,185.80	$2,269.50	$2,269.50
0–9	1,817.40	1,920.80	1,961.70	1,961.70	1,961.70	2,011.20	2,011.20
0–8	1,695.00	1,745.70	1,787.40	1,787.40	1,787.40	1,920.60	1,920.60
0–7	1,408.20	1,504.20	1,504.20	1,504.20	1,571.10	1,571.10	1,662.60
0–6	1,043.70	1,147.20	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90
0–5	941.40	980.70	1,047.90	1,047.90	1,047.90	1,047.90	1,080.30
0–4	844.20	886.80	914.40	914.40	930.60	972.30	1,038.30
0–3	758.10	791.70	809.10	864.90	906.30	938.70	989.10
0–2	693.30	726.00	748.20	773.10	789.30	789.30	789.30
0–1	612.30	648.90	672.60	672.60	672.60	672.60	672.60

Pay grade	Years of service						
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
0–10[1]	$2,443.50	$2,443.50	$2,618.40	$2,618.40	$2,793.30	$2,793.30	$2,967.60
0–9	2,094.60	2,094.60	2,269.50	2,269.50	2,443.50	2,443.50	2,618.40
0–8	2,011.20	2,011.20	2,094.60	2,185.80	2,269.50	2,361.00	2,361.10
0–7	1,662.60	1,745.70	1,920.60	2,052.60	2,052.60	2,052.60	2,052.60
0–6	1,221.90	1,263.30	1,463.10	1,537.80	1,571.10	1,662.60	1,803.30
0–5	1,137.90	1,213.80	1,304.70	1,379.70	1,421.10	1,471.20	1,471.20
0–4	1,097.10	1,147.20	1,197.00	1,230.30	1,230.30	1,230.30	1,230.30
0–3	1,038.30	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80
0–2	789.30	789.30	789.30	789.30	789.30	789.30	789.30
0–1	672.60	672.60	672.60	672.60	672.60	672.60	672.60

[1] Chief/staff, $3,000.

COMMISSIONED OFFICERS WITH OVER 4 YEARS' ACTIVE SERVICE AS AN ENLISTED MEMBER

Pay grade	Years of service						
	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
0–3	0	0	0	$864.90	$906.00	$938.70	$989.10
0–2	0	0	0	773.10	789.30	814.20	856.50
0–1	0	0	0	672.60	698.40	722.10	743.70

Pay grade	Years of service						
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
0–3	$1,038.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30
0–2	889.80	914.40	914.40	914.40	914.40	914.40	914.40
0–1	766.50	790.50	790.50	790.50	790.50	790.50	790.50

WARRANT OFFICERS

Pay grade	Years of service						
	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
W–4	$666.30	$714.60	$714.60	$731.10	$764.40	$798.00	$831.00
W–3	605.70	657.00	657.00	665.10	673.20	722.40	764.40
W–2	544.20	576.60	576.60	590.40	622.80	657.00	681.90
W–1	484.80	517.20	517.20	549.00	573.60	598.50	622.80

Pay grade	Years of service						
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
W–4	$889.80	$930.60	$963.90	$989.10	$1,022.10	$1,056.60	$1,137.90
W–3	789.30	814.20	838.80	864.90	897.90	930.60	963.90
W–2	706.50	731.10	756.60	781.20	806.10	838.80	838.80
W–1	648.30	673.20	698.10	722.40	748.20	748.20	748.20

ENLISTED MEMBERS

Pay grade	Years of service						
	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
E-9	0	0	0	0	0	0	$756.90
E-8	0	0	0	0	0	$635.10	652.80
E-7	$445.80	$478.50	$496.20	$513.60	$531.30	$548.10	565.50
E-6	411.30	431.70	448.80	463.20	480.30	497.40	514.20
E-5	378.90	397.80	413.10	429.00	446.10	462.90	479.70
E-4	352.80	370.50	387.90	405.30	421.20	430.20	430.20
E-3	336.90	353.40	367.80	384.00	392.40	392.40	392.40
E-2	320.70	336.60	353.70	353.70	353.70	353.70	353.70
E-1	310.80	326.40	326.40	326.40	326.40	326.40	326.40
E-1 (under 4 months)	310.50	0	0	0	0	0	0

Pay grade	Years of service						
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
E-9	$774.30	$792.00	$809.70	$827.70	$843.90	$888.60	$975.00
E-8	670.20	687.90	705.30	722.10	740.10	783.60	870.90
E-7	583.50	609.60	626.70	644.10	652.80	696.60	783.60
E-6	531.30	548.10	565.50	574.50	574.50	574.50	574.50
E-5	496.80	505.50	505.50	505.50	505.50	505.50	505.50
E-4	430.20	430.20	433.20	430.20	430.20	430.20	430.20
E-3	392.40	392.40	392.40	392.40	392.40	392.40	392.40
E-2	353.70	353.70	353.70	353.70	353.70	353.70	353.70
E-1	326.40	326.40	326.40	326.40	326.40	326.40	326.40
E-1 (under 4 months)	0	0	0	0	0	0	0

REMARKS ON ANNIVERSARY OF GREEK INDEPENDENCE DAY

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. ROBISON of New York. Mr. Speaker, it is a privilege for me to join my colleagues in the observance of Greek Independence Day, the 150th anniversary of the Greek struggle for freedom from Turkish domination. The spark of freedom ignited on this day in 1821 characterizes the history of this nation and its people. It is the Greeks who gave the West both the definition of freedom and the earliest demonstration of its practice. So great and so encompassing has been their heritage that we in the United States are—at least in a sense—all Greeks; for the freedom that we now exercise and the ideal of human dignity upon which we have built our political system are the heritages of the Greek nation.

When Homer sang of the anger of Achilles in the Iliad, man still fought the caprice of the gods; yet as Odysseus made the tortuous journey back to his homeland, the gods became an equal foe, and the Greeks yelled at them in jest and derision. It was in Solon's code that the West found its own destiny to order and rule through law. It was through the thought of men like Plato and Aristotle that the Greek nation provided the concepts and vocabulary of freedom. This was not only the freedom of a people to govern itself, but the freedom to create beauty for its own enjoyment and the freedom of man to laugh and cry at himself in the comedies of Aristophanes and the tragedies of Aeschylus.

The hunger for this freedom has lived in Greece throughout its history, so that to be free, a small nation would fight an Empire in 1821. The same nation would remind us again of its love for freedom as it withstood the devastation of fascism and communism only to arise again as an independent state. This is the spirit that has made us all Greeks and that must continue to remind us of the paramount value of human dignity.

I am pleased, Mr. Speaker, to celebrate this heritage of the Greek nation on the occasion of Greek Independence Day.

THE 150TH ANNIVERSARY OF GREEK INDEPENDENCE

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, I rise today in commemoration of the 150th anniversary of Greek independence, the celebration of which commenced on March 25 and will continue throughout the year. I rise to add my remarks because I am firmly convinced that what we are commemorating here in Congress under special orders granted last Thursday is not something which is or should be limited to the Greek-American community; I agree with the gentlemen who observed many years ago that in a real sense we are all Greeks—not just today, this week or this year, but always have been and always will be. For at the very root of our civilization—and I would go further and argue that providing the impetus and logical framework for all of the advances in knowledge and science by Western man—lies ancient Greece. I believe it was Alfred North Whitehead, the eminent philosopher, who once observed that all philosophy is but a footnote to Plato. To a degree, I think the same could be said with accuracy of the ancient Greek accomplishments in other fields of human endeavor. While it is true that this country is usually referred to as part of the Judeo-Christian tradition, insofar as we are members in good standing in what is known as Western civilization and the Western world, our identity is, in fact, traceable to the singular achievements of those philosopher-kings, scientists, writers, and immortals who lived and dwelled in the scattering of islands and rocky peninsula washed by the waters of the Ionian and Aegean. If any people can be credited with realizing man's full potential, with discovering his faculties for reason and logical discipline, with disciplining the arts and exalting the intellect over his emotions, then it was the ancient Greeks that discovered in man qualities which set him apart from the rest of the animal kingdom and set man, for good or for bad, on the road to progress which changed the very horizons of the then known world.

Nor was the Greek contribution to succeeding generations limited to solitary intellectual advancement, book learning and ivory tower concerns. Those same Greeks, in their ceaseless quest for knowledge and unquenchable curiosity, were bound to turn their attention to the world around them—not just in scientific observations of the natural world around them, but to observe, study and reorder the social world around them. It is the ancient Greeks who, after studying man's relation to his fellow man were led by the logic of their own observations to conclude that the ideal form of government was democracy. The Greek city-state was to be the earliest example of a democratic experiment. In a real sense, not much new has been done or thought of since politics was first practiced in the Greek polis—city-state, of old. It can also be doubted whether any group of people developed a finer sense of loyalty and devotion to their community than the ancient Greeks. Greek patriotism in its purest and most uplifting form was practiced in a way which has inspired generations of citizens ever since. A devotion to liberty and freedom from foreign oppression has received few more exalting approximations in history than the field of Marathons, the mere mention of which today never fails to conjure up the most noble sentiments around the world. Is it any wonder then that James Monroe summed it up on December 2, 1822, in his annual message to Congress in this manner:

> The mention of Greece fills the mind with the most exalted sentiments, and arouses in our bosoms the best feelings, of which our nation is susceptible. Superior skill and refinement in the arts, heroic gallantry in action, disinterested patriotism, enthusiastic zeal and devotion in favor of public liberty

are associated with our recollection of ancient Greece.

But the unfortunate thing is that for most of the modern history of the world, Greece did not know independence. The modern Greeks knew only one form or another of foreign oppression and domination ever since the Romans. The sad fact is that Greece has been more a state of mind for much of its history than a state, in fact, in the political sense. It really has only been for the relatively short period of 150 years that Greece has been more than a name on the map, a period in ancient history, an inspiration to succeeding generations of students. For hundreds of years the survival of the Greek culture and tradition depended very much on the efforts of men outside of Greece to keep it alive. The world had to look outside of Greece to find examples of democracy in action, of liberty and freedom from foreign domination. As President Monroe observed:

> That such a country should have been overwhelmed and so long hidden, as it were, from the world under a gloomy despotism, has been a cause of unceasing and deep regret to generous minds for ages past.

When the Greeks finally could stand it no longer and made their glorious final push for freedom from the ruthless Ottoman empire, the word spread throughout the civilized world like wildfire. Greece which in a real sense had given birth to the very idea of liberty and home rule was at last to enjoy the fruits of its own creation. It is hardly surprising that the Greek war of independence captured the imagination of the most sensitive souls in the capitals of Europe and in our own young country. Jefferson, Adams, Monroe, Webster all cheered and gave moral support to the Greeks in their efforts. Some joined the battle not content to cheer from the sidelines. Samuel Gridley Howe of Boston and George Jarvis of New York fought in Greece, the latter losing his life, as did Lord Byron, probably the single most heroic and romantic figure in the Western world of his time. These men were fighting for their birthright in a very real sense. They were fighting for an idea, for an ideal of which they felt as much a part of as any Greek living in Thessolonica at the time.

In their victory, the Greeks became at one and the same time the newest nation with the longest tradition. In achieving their independence and uniting as a nation, the Greeks were destined to play another epoch-making role in history. For the rest of the century, other peoples throughout Europe struggled to achieve the same thing. Other old civilizations were to take courage from the Greek example. Other places which had existed over the centuries more in name than as political realities were to unite with a sense of national identity—that is, Germany and Italy. Throughout Central Europe and the Balkans, men of good will found in the culture of their ethnic past strength for concerted political action to throw off the yoke of imperialism and foreign domination. In a very real sense, the events in Greece in 1821 set off a chain of events which finally culminated in World War I and the breakup of the old order.

Many times since the Greeks have had to struggle for their national identity. Their success in the 1820's was not to go unchallenged. Practically every suceeding generation of Greek people have had to reassert their freedom from foreign domination, most recently in the war of 1947. Through all of this, I am happy to say, the United States has found it in its best interests to be on the side of the Greeks and hopefully that is the way it always will be. This alliance, proven tried and true as it has been over the years, has more going for it today than it did in 1821. Then, as I have said, Greece was more a state of mind that anything else. Yet men of good will the world over found Greek independence a common cause. Today, however, the United States is the adopted homeland of thousands of Greek Americans, who have brought to this country their great heritage and character, the infusion of which into our national bloodstream has made this country so much the better for it.

There is also another reason for commemorating Greek independence which has nothing directly to do with Greece itself, and that is the lesson contained in Greek history for other small downtrodden peoples who find themselves under foreign domination this very day. Captive nations the world over in the Baltic, Central Europe, and the Balkans can take comfort in the knowledge that a strong idea is hard to keep down. National identity and a desire to throw off foreign domination whether it be Ottoman or Russian has survived and will continue to survive years of oppression. If the Greeks could nourish and nurture the idea of freedom and nationhood, after centuries of foreign domination, then there is hope, indeed, that the idea will live and grow stronger in those nations which have lost their freedom this century. Just as Greece inspired nations yet unborn in the 19th century, I firmly believe it will continue to inspire nations temporarily submerged in the 20th century. This message of hope should emerge from this year of commemoration of the Greek struggle against hope.

I cannot conclude without admitting that recent events in Greece have been a cause of deep concern and distress to men of good will the world over, but nowhere more than in these United States. The Greek American community finds itself mirroring the profound disquiet in Greece itself. For me, or any other American, to pretend to be in a position to judge on the basis of fact, rather than emotion, the relative merits or demerits of the present government in Greece would be the height of arrogance and interference in the internal affairs of our allies. As in all cases of civil disagreement in a nation with friends and supporters on both sides, the best thing that the friends of Greece around the world can do today is to hope and pray that Greece will soon be at peace with itself, that its traditions once again be resumed, and that justice will prevail and its national soul made whole again. only then will the air of sadness be lifted from this 150th anniversary of the Greek independence of 1821.

THE MAYORS VIEW THE BUDGET

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. GREEN of Pennsylvania. Mr. Speaker, yesterday I introduced into the RECORD the first of two parts of the Conference of Mayor's report, "The Mayors View the Budget." I am today submitting the second part of that report:

THE MAYORS VIEW THE BUDGET—PART II

MANPOWER

The manpower programs on the accompanying table are designated for conversion into the special revenue sharing package. Before analyzing them, let us review briefly the Administration's budget request for overall Manpower Administration activities to get a clear picture of the extent of its commitment to solving urban employment problems by placing increased authority and resources in the hands of local government.

The FY 72 overall Manpower Administration budget increases by $212 million from FY 71. One major increase is found in the Work Incentive Program ($136.9 million), which if incorporated under the Administration's Family Assistance Program would be administered by state employment services, not city government prime sponsors. The second major increase appears in funds also earmarked for state administration, Unemployment Compensation and Employment Service programs (62.6 million). Hence, the major increases in the overall Manpower Administration budget are in the programs that would circumvent a city manpower delivery system.

FY 72 funds available for locally administered manpower programs reflect the trend established in the overall Manpower Administration budget. Here, the Administration's commitment also appears to be on the downturn. For example, budget requests for those manpower programs slated for conversion into special revenue sharing funds (see table) show an *absolute decrease of $21.5 million* from the level of obligations for this fiscal year. From Administration wants to reduce the number of programs.

Furthermore, the Administration views the special revenue sharing manpower funds, and not a new PSE program, as the more appropriate way to finance a local government's PSE program. In short, the Administration considers PSE a local and not a national program option. But, as we have already seen, special revenue sharing manpower funds are derived from converting existing manpower programs listed on the accompanying table. Hence, if a local government chooses to institute a PSE program under the Administration scheme, it must deprive other training and work support programs already operating within the community. This clearly is not a workable option.

Before leaving the Administration's plans for special revenue sharing, special consideration should be given to "reverse" revenue sharing plan. An example of this can be seen in the FY 72 budget for summer youth programs. In it, the Administration plans to raise the local share of the program costs for this urgent urban program from 10 percent to 20 percent. By doing so, it hopes to extend program coverage. Yet, at the same time, it has sharply cut the funds available for this program by $32.2 million. In effect, through this form of "reverse" revenue sharing, the Administration is looking to the scarce resources of local government to help salvage the program and thereby lessen the Federal government's commitment to this priority national program.

MANPOWER

[Dollars in millions]

Department of Labor	Obligations (thousands) 1970	Obligations (thousands) 1971	Budget estimate 1972	Change
Private sector, OJT	$221,500	$260,700	$260,500	$-200
Public sector, OJT	87,100	135,600	125,800	-9,800
MDTA, institutional	321,800	335,400	324,900	-10,500
Job Corps	158,200	156,200	196,100	+39,900
NYC, in school	59,200	64,100	69,800	+5,700
Summer youth program	157,900	197,900	165,700	-32,200
NYC, post school	148,900	165,800	165,800	
Special targeting (CEP)	$186,800	$177,900	$172,900	-$5,100
Computer job placement	9,700	22,300	22,300	
Program support	48,500	70,900	61,600	-9,300
Total	[1] 1,399,600	1,586,600	1,565,300	-21,500

[1] Includes funds appropriated to OEO.

ENVIRONMENT

The Administration is seeking some increases in environmental programs impacting on the cities.

Most noticeable is a substantial increase in requested budget authority for waste water treatment facilities. The new Environmental Protection Agency is requesting $2 billion—$1 billion more than this year's appropriation. It plans to obligate $1,905 million—$720 million more than this year.

For other water quality programs, $137.5 million requested budget authority represents an increase of $20.2 million over this year's appropriation of $117.3 million. These funds will be used for accelerating river basin planning, research and development, and manpower training to improve the efficiency of local waste treatment plant operators.

Requested budget authority for solid waste programs is $18.4 million—up only about $1.3 million over this year's level. This is a major disappointment because Congress authorized more than eight times as much—$152 million—for FY 72 in the Resource Recovery Act of 1970. The Administration plans to use these monies for continued research and development of resource recovery and solid waste disposal rather than undertaking a large construction and demonstration program.

Budget authority requested for air pollution control programs is up $14.9 million from $101.9 million in FY 71 to $116.8 in FY 72. Much of this increase will be used to strengthen state air pollution control agencies. In addition, it is expected that a large portion of an $85 million supplementary request for FY 72 will be used for clean air programs.

The Interior Department's budget includes a major increase of $95 million in requested budget authority for state and local Outdoor Recreation programs: from the $185.4 million appropriated in FY 71 to $280 million in FY 72. However, the gap between appropriations and obligations is increasing. The budget indicates that FY 72 obligations will total only about $125 million. While higher than this year's obligations, it is less than half the FY 72 appropriation request. This year's obligations are also less than half the FY 71 appropriations.

SELECTED ENVIRONMENTAL PROGRAMS

[Dollars in millions]

	Fiscal year 1970, appropriation	Fiscal year 1971, appropriation	Fiscal year 1972, budget request
ENVIRONMENTAL PROTECTION AGENCY			
Water quality:			
Operations, facilities, research	83.7	117.3	137.5
Construction grants [1]	800.0	1,000.0	2,000.0
ENVIRONMENTAL PROTECTION AGENCY			
Solid waste: Operations, facilities, research	14.6	17.1	18.4
Air pollution: Operations, facilities, research	104.7	101.9	116.8
Separate transmittal [2]		13.0	85.0
DEPARTMENT OF INTERIOR			
Land and water conservation fund: Aid to State and local governments [3]	62.0	185.4	280.0

[1] Obligations for construction grants were: $425,000,000 fiscal year 1970; $1,185,000,000 fiscal year 1971; $1,905,000,000 fiscal year 1972 (estimated).

[2] Funds for implementing the 1970 Clean Air Act, 1970 Resources Recovery Act and overall organization and management of EPA programs and new proposals, with most to go for air pollution.

[3] Obligations for Land and Water Conservation—Aid to States were $49.4 fiscal year 1970 (estimated); $85 fiscal year (estimated); $125.0 fiscal year 1972 (estimated).

Note: Operations, Facilities, Research Includes: Abatement and Control; Manpower Development; Research Development and Demonstration; Facilities.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

[Dollars in thousands]

	Fiscal year— 1969	1970	1971	Proposed 1971 supplemental	Proposed 1972	Change
Grants for development and implementation of comprehensive plans	$19,000	$21,000	$26,000		$35,000	$+9,000
Matching grants to improve and strengthen law enforcement:						
Allocations to States according to population (block grants)	24,650	182,750	340,000		413,695	+73,695
Allocations to States or localities as determined administratively	4,350	32,000	70,000		73,005	+3,005
Aid to correctional institutions and programs				$50,000	97,500	+47,500
Academic assistance:						
Law enforcement education program (LEEP)	6,500	18,000	21,000	1,000	29,000	+7,000
Curriculum development and program evaluation				250	1,000	+750
National Institute of Law Enforcement and Criminal Justice	3,000	7,500	7,500		21,000	+13,500
National Criminal Justice Information and Statistics Service		1,000	4,000	700	9,700	+5,000
Technical assistance and training:						
Assistance		1,200	4,000		6,000	+2,000
Training				500	1,000	+500
Administration and advisory committees	2,500	4,487	7,454	450	11,500	+3,596
Total, obligation authority	60,000	267,937	479,954	52,900	698,400	+165,546
Transferred to other agencies	3,000	182	46			-46
Total authorized	63,000	268,119	480,000	52,900	698,400	165,500

LAW ENFORCEMENT ASSISTANCE

1972 Budget

The levels of authorization and appropriation have risen rapidly since 1968 when the Law Enforcement Assistance Administration began to administer its new programs to improve the criminal justice systems through grants to states and cities.

Appropriations have jumped from $63 million in FY 69 to a proposed level of $698 million for FY 72 reflecting the growing capacities of the states and cities to gear into the new program.

The 1972 budget proposes a $218 million increase over FY 71 and a supplemental FY 71 request of $52 million for grants for corrections programs. The 1972 program will include $584 million for various grants in aid to state and local law enforcement improvement programs and for correctional institutions, and $35 million for comprehensive planning.

It is expected that two of these grant in aid programs, discretionary grants and block grants, totaling $486 million in obligational authority, will be included in the special revenue sharing program.

TRANSPORTATION

The 1970 Amendments to the Mass Transportation Act provided five-year authority of $3.1 billion for capital facilities, relocation and technical studies, research, demonstration, and university training.

In assessing the program from the jumble of budget figures, there are four stages to keep in mind: authorization of a portion of the $3.1 billion for use during a single year; "reservations" set aside for new project approvals; "obligations" made as projects get under way; and "outlays" of cash during construction. The activity in the Mass Transportation program can be judged by how much is reserved for new projects and by the level of obligations as projects reach construction, but outlays are not a good measure of progress for this program. The additional obligational authority proposed for FY 72 is $600 million. This is the same as granted by Congress for FY 71. New approval reservations for FY 72 will be $227 million higher than FY 71. There will be a substantial increase ($35 million) in Research and Demonstration grants. By the end of FY 72 it is estimated that $2,462 million will remain unobligated from the original $3.1 billion. Thus it appears that most new authority requested for FY 72 will not be used. This rate of utilization of funds, $640 million by June 30, 1972, must be doubled if we are to reach the level authorized by Congress for the five year period.

The mass transit capital facilities program will be included in the transportation special revenue sharing group starting January 1, 1972. Research, development and demonstrations will remain to be administered at the Federal level.

The Interstate Highway System program has been operating at a level of $3 billion in obligations against authorizations of $4 billion for several years.

The Federal aid program for urban extension of state highways will increase from $266 million in FY 71 to $275 million in FY 72. A new urban high program will be funded at $50 million, half its authorized level for FY 72.

The Traffic Operations in Urban Areas (TOPICS) program obligated only $97 million during FY 1970 and FY 1971 leaving a balance of authority of $303 million. The FY 1972 authorization is $100 million while obligations are expected to reach $200 million because of carryovers from the current fiscal year.

By the end of FY 72 there will be an unobligated balance available in the trust fund of $6,965 million.

AIRPORT GRANTS

[In millions of dollars]

	Fiscal year 1971	Fiscal year 1972	Change
Grants for planning	$10	$15	+$5
Grants for construction	170	205	+35
	$180	$220	+40

TRANSPORTATION

[In millions of dollars]

Mass transit	Fiscal year 1971 [1]		Fiscal year 1972 [2]		Change[3]	
	Reserve	Obligation	Reserve	Obligation	Reserve	Obligation
Total	[4] 328	179	600	464	+272	+285
Capital facilities	270	129	497	381	+227	+252
Technical studies	15	15	25	20	+ 10	+ 10
Reserve and demonstrations	40	33	75	60	+ 35	+27
University research and training	3	2	3	3	0	+1

[1] $600 authorization, increased fron $214.

[2] $600 authorization.

[3] None.

[4] Does not include a $57,000,000 loan to the District of Columbia.

HIGHWAYS

[In thousands of dollars]

	Fiscal 1970		Fiscal year 1971		Fiscal year 1972	
	Authorization	Obligation	Authorization	Obligation	Authorization	Obligation
Interstate System	4,000	3,080	4,000	3,045	4,000	3,000
Urban extensions of primary and secondary	275	251	275	266	275	275
Topics program	200	1	200	96	100	200
Urban highways					100	50

Grants to public agencies under the Airport and Airway Development Act of 1970 are for planning, development and improvement of public airports. Planning grants support the development of construction plans for regional systems of airports and for individual airports. Financing of this program was shifted to a trust fund partially supported by airline user charges. As the trust fund was established in 1970, comparisons are only clear between FY 71 and FY 72. They reveal a moderate increase in grants for planning and construction, however these commitments are well below the legislative authorization of $280 million per year.

EDUCATION

While the FY '72 Budget proposes an overall increase of $300 million (from $4.4 to $4.7 billion), most of the increases go to higher education for proposed reform of college grants and loans which expire this June.

Only $1.85 billion is requested for elementary and secondary education—a drop of $50 million from FY 1971 appropriations. There were sharp budget cuts for individual programs such as libraries and educational communications, down $35 million; vocational education, down $25 million; and impact-aid to federally affected schools, down $110 million. No money is requested for school equipment and minor remodeling, nor for construction of public libraries. Decreases in vocational education reflect the Administration's intent to consolidate existing programs into four broad categories: Basic grants to states, research and special projects, adult education and planning and evaluation. The low request for impact-aid also reflects a renewed Administration effort to pass the Impact-Aid Reform Act reducing assistance to several thousand districts.

The Administration plans to ask Congress for $1 billion in fiscal 1972 for emergency school desegregation funds not shown in the budget. The President also requested money to fund the new Environmental Education Act and Drug Abuse Education Act at their fiscal 1971 levels, $2.5 million and $6 million respectively.

The Office of Management and Budget estimates that education would receive $3 billion in special revenue sharing during the *first full year*. All titles of the Elementary and Secondary Education Act would go into the proposed revenue sharing funds for education. Even if revenue sharing were enacted quickly—an unlikely possibility—elementary and secondary education would receive only $92 million more than it did in fiscal 1971.

EDUCATION

[Dollars in thousands]

Program	1970 actual	1971 estimated	1972 request
Elementary and Secondary:			
Educationally deprived (ESEA I)	1,339,014	1,500,000	1,500,000
Library resources (ESEA II)	42,500	80,000	80,000
Supplementary Services (ESEA III) [1]	130,810	143,393	143,393
Equipment and remodeling (NDEA III)	36,854	50,000	
Bilingual education (ESEA VII)	21,250	25,000	25,000
Dropout prevention (ESEA VIII)	4,981	10,000	10,000
Federally affected areas	520,498	550,657	440,000
Planning and evaluation	8,825	8,825	3,825
Handicapped	84,865	105,000	110,000
Vocational and adult	371,345	505,096	476,073
Libraries and Ed. communications	[2] 126,713	85,280	29,400
Research and development	82,325	98,077	105,000

[1] Consolidated with NDEA V–A in the 1970 ESEA Amendments.

[2] Formerly community education, including university community services (now under higher education) and adult education (now under vocational education).

WELFARE

Public assistance grants to states are for maintenance and medical assistance, social services, State and local training, and child welfare services. The Department of HEW has taken the estimates of requirements prepared by the states and adjusted them downward for the following actions to be taken in administering its programs: (1) A reduction in the number of hours a person can work and still meet the definition of an unemployed parent under title IVA of the Social Security Act. (2) Installation of improved utilization review procedures and other management improvements in the Medicaid programs.

The estimates of Federal payments for maintenance assistance administration, social services, and State and local training have been limited to 110 percent of each State's estimates for FY 1971. The administration believes that appropriations for needs unrelated to subsistence should be limited by the Executive and the Congress through deliberate advance choices as to their size, character and the amount of Federal financial commitment for any given year.

A number of amendments to the Social Security Act including social security benefit increases, Welfare Reform and proposed reforms of the Medicaid and social services program are proposed for separate transmittal to the Congress. Estimates of the effects of these amendments are not included in the budget figures.

Amendments in 1969 increased the funding for the Food Stamp Program. Purchase requirements were reduced and, as a result, June 1970 participation climbed to 6.5 million persons, and by October it reached 8.8 million. The appropriation for 1972 is $580 million higher than that for FY 1971.

The existing legislation for juvenile delinquency programs expires on June 30, 1971 and will be followed by a basic revision in the legislation and substantial changes in the focus of the program. The FY 1972 Budget shows an increase in technical assistance and a decrease in program development resulting in a net reduction of $5 million in program funding.

The social security payments shown above are those not funded by payroll taxes from workers and employers. The decrease of $134.6 million reflects adjustments for prior years for which the amounts appropriated were higher than presently estimated costs.

WELFARE

[In millions of dollars]

	Appropriations		Budget request 1972	1971–72 change
	1970	1971		
Public assistance grants to States	$7,498.9	[1] $8,651.9	$11,411.6	+$2,759.7
Social Security Administration	2,014.6	2,599.9	2,465.3	−134.6
Food stamp	596.9	1,416.2	1,996.4	+580.2
Juvenile delinquency	10.0	15.0	10.0	−5.0

[1] A supplemental request will be submitted for $1,047.6 million to meet increases requested by States as both numbers of recipients and average monthly payments rose sharply.

HEALTH

Federal appropriations for construction of health facilities will decline to $108.7 million in 1972, $76.6 million less than in 1971, reflecting changes in the Hill-Burton program. Emphasis will be on encouraging construction of facilities which offer lower cost alternatives to hospitalization such as ambulatory care, rehabilitation, and mental health facilities. In addition, $20 million in interest subsidies will be made available to support the new program of guaranteed and direct loans for construction and modernization of hospitals and other health facilities.

There will be a substantial increase in the appropriation for maternal and child health programs. A major portion of these programs assists States and localities in providing comprehensive health services for low-income mothers and children. Emphasis will be placed on broadening the range of services available, increasing the number of Budget provides a substantial increase, both in appropriation and in outlay for these services.

Legislation is being proposed again in early beneficiaries receiving comprehensive medical care, and expanding training for pediatric nurses and physician assistants serving mothers and children.

The President's message to Congress in July, 1969, set a goal of providing family planning services by 1975 to all women who face barriers to receiving them. The 1972 1971 to modify Medicare to stem sharply rising costs.

OFFICE OF ECONOMIC OPPORTUNITY

The 1972 budget for OEO reflects the Administration's intent to limit OEO activity to poverty research. The agency will administer a research, development, and evaluation program, of between $70 and $80 million, and even this amount is $40.4 million less than Congress appropriated last year.

OEO will continue to manage the Community Action Program (CAP) in FY 72 but at about $22.4 million less than last year's operating level. Funds for local initiative, which are in this category, show a corresponding decrease from $312.9 million in FY 71 to $296.4 million in FY 72. The reason for this cut is OEO's decision to raise the local share from 20 percent to 25 percent, avowedly to increase local responsibility for CAP (OEO has not decided whether the 5 percent increase will be in cash or in kind.) By January 1, 1973, CAP will be spun into the Urban Community Development component of special revenue sharing.

Plans are being made to spin off other programs. Several health projects are being transferred to HEW. These projects, Head State and Follow Through, now appear in HEW's budget. The Administration plans to ask Congress to combine VISTA and the Peace Corps into a National Service Corps. OEO plans to ask Congress to make Legal Services an independent corporation tied to the American Bar Association.

Other programs are to be phased out. Although it will continue operating at approximately the same level until 1973, the Emergency Food and Medical Program will then be phased out. No new funds are being requested for the program in FY 72 because the new Food Stamp and Family Commodities programs will render the "emergency" program unnecessary. The Alcoholism Program will also be phased out because a National Institute of Alcoholism and Alcohol Abuse has been established in HEW. No new funds are being requested, although OEO will sustain activities already begun. The Rural Loan Program is being phased out in FY 72.

Reductions in research and CAP and the elimination and spinning off of some programs are only partially offset by increases in comprehensive health, family planning, drug rehabilitation, and the Indian and migrants programs. In net terms, the budget request for FY 72 ($778 million) is $76 million less than this year's obligation, and $116 million less than this year's appropriation.

HEALTH

[In millions of dollars]

Program	Appropriations		Budget fiscal year 1972	1971–72 change
	Fiscal year 1970	Fiscal year 1971		
Medical facilities construction	$179.7	$185.3	$108.7	−$76.6
Comprehensive health planning	205.9	247.2	251.7	4.5
Maternal-child health	277.9	255.7	326.4	70.7
Rehabilitation services-facilities	497.3	570.4	605.0	34.6
Family planning services	22.8	33.6	90.9	57.3

OEO PROGRAMS

[Dollars in millions]

	1970 obligations	1971 appropriation	1971 obligations	budget request
PROGRAMS TO REMAIN IN OEO				
Research development and evaluation	65.0	114.6	79.5	74.2
Community development:				
Community action	371.2	[1] 388.6	368.4	346.0
Health and nutrition	157.3	195.3	189.1	[2] 159.5
Special impact	36.2	37.1	36.1	25.8
Special migrant and Indian	52.5	35.5	60.1	60.6
Legal services	54.7	61.4	61.0	61.0
VISTA	34.2	36.5	36.2	33.0
Rural economic opportunity loans	3.5	9.4	6.0	
Subtotal	709.6	763.8	756.9	685.9
General Support	16.0	16.0	18.0	17.9
Subtotal	790.6	894.4	854.4	778.0
SPIN-OFF PROGRAMS				
Child Development:				
Headstart	325.3	360.0	360.0	[3] 376.5
Follow through	70.3	69.0	69.0	[3] 60.0
Subtotal	395.6	429.0	429.0	436.5
Work and training:				
Private sector OJT	47.0			
Public sector OJT	46.8			
Job Corps	170.0			
In-school work support	183.3			
Post-school work support	149.0			
Special targeting	139.0			
Program support	17.5			
Subtotal	752.6			
Unobligated balance lapsing	3.3		40.0	
Transferred to other accounts	[4] 6.0			
Total	[5] 1,948.1	1,323.4	1,323.4	778.0

[1] Includes funds for Indian CAA's which were transferred out of community action to special migrant and Indians during fiscal year 1971.

[2] Decreases resulting from phasing out of emergency food and medical program and alcoholism program were only partially offset by increases in comprehensive health, family planning and drug rehabilitation.

[3] Appears in HEW's budget request for fiscal year 1972.

[4] Balance of funds appropriated for rural loan fund.

[5] Total appropriation for fiscal year 1970

DESIGNATION OF MONTANA'S LINCOLN BACK COUNTRY AS A WILDERNESS AREA

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. SHOUP. Mr. Speaker, I have introduced legislation to bring wilderness designation to 240,500 acres of western Montana known as the Lincoln Back Country. This is mountain recreation land at its best. Its lakes and streams are home to the native cutthroat trout and its forests are home to elk and grizzlies.

This is a textbook example of a "best use" for land. Many individuals and agencies have studied this area for years. The consensus says that this fragile alpine country, without minerals or timber of commercial significance, would best serve man in its natural wilderness state.

I would enter into the RECORD a joint resolution of the Montana Senate and the Montana House of Representatives as an example of the general and bipartisan support for this wilderness proposal:

RESOLUTION No. 23

A joint resolution of the Senate and House of Representatives of Montana to the Honorable Mike Mansfield and the Honorable Lee Metcalf, Senators from the State of Montana; to the Honorable Richard Shoup and the Honorable John Melcher, Representatives from the State of Montana, urging that parts of the Lincoln Back Country and Scapegoat Mountain area be enjoined with the National Wilderness Preservation System

Whereas, parts of the Lincoln back country and Scapegoat Mountain area lie within the national forest system and are in a natural wilderness condition at the present time; and

Whereas, the area is presently being heavily utilized as a natural recreation area for horseback riding, hiking, fishing, hunting, camping, photography, and observation of wildlife; and

Whereas, there is a growing population of Americans seeking high quality outdoor recreational opportunities; and

Whereas, the Lincoln back country and Scapegoat Mountain area contain some of the most spectacular scenic and recreational opportunities to be found in the United States; and

Whereas, these outstanding recreational areas, and the wildlife and scenic opportunities therein are of the highest value in attracting people to Montana for the enjoyment of these areas; and

Whereas, Montana is one of the few states where this type of outdoor recreation containing a complete wildlife community in its natural environment can still be enjoyed; and

Whereas, the grizzly bear, the majestic elk, the native cutthroat trout, the Rocky Mountain goat and various other species, some of them endangered, abound in this area; and

Whereas, these areas should be preserved and protected for the enlightenment, education, and enjoyment of future generations.

Now, therefore, be it resolved by the Senate and House of Representatives of the State of Montana:

That the forty-second legislative assembly of the state of Montana urges the congress of the United States to take the appropriate action necessary to identify those parts of the Lincoln back country/Scapegoat areas best suited to optimum recreational purposes and include them in the National Wilderness System.

Be it further resolved, that the secretary of state is instructed to send copies of this resolution to each member of the Montana congressional delegation.

H.R. 6825, LEGISLATION TO LIMIT THE PRODUCTION OF AMPHETAMINES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. ANDERSON of California. Mr. Speaker, in the past, Congress has admirably noted the serious and critical abuse and effects of narcotics and dangerous drugs. Research and experience have made the effects of such dangerous substances as amphetamines common knowledge among my colleagues, the public, and the medical profession.

Direct observations have shown amphetamines to be physically addicting. Dr. Sidney Cohen of the Division of Narcotic Addiction and Drug Abuse, National Institute of Mental Health, affirms the possibility of a panic and paranoid state, malnutrition, prolonged nervous breakdowns, and infections as the result of such addiction. Also, a newly developed possibility is that the use of a very high dose of amphetamines over a long period of time may lead to brain cell changes. In addition to the dangers of physical addiction, "speed" can also cause a potent psychological addiction. Many doctors have made connection between the amphetamine usage and paranoid psychosis.

The dangerous and harmful effects of amphetamine usage extends further than to just the individual user. Just recently, the Select Committee on Crime—January 2, 1971—attested to the relationship between the abuse of amphetamine-type drugs and violence and crime. Dr. Joel Fort, professor at the School of Social Welfare, University of California at Berkeley, testified before the committee that on:

> A typical run of speed, there develops severe paranoia, a marked tendency to violence and sometimes tragically leading to murder, and serious physical deterioration.

From all the evidence, amphetamines do tend to set up conditions in which violent behavior is more likely to occur than would be the case had the individual not used it.

Congressional response to this evidence of the dangerous nature of amphetamines has been limited basically to the amendments to the Drug Abuse Control Act in 1965 and the enactment of the Comprehensive Drug Abuse Prevention and Control Act of 1970. Such bills were designed to increase controls over the distribution of amphetamines, barbiturates and other drugs affecting the central nervous system. The 1970 Act placed amphetamines under Schedule III substances which inadequately limits the drug through annual registration, periodic reports, and registrant inventories.

The effect of these laws on the amphetamine problem has been like applying a bandaid where a tourniquet is needed. Our laws have not been adequate to deal with this fantastic problem, nor have they kept pace with it.

The results of this near void has been prodigious. First of all, there has been an incredible overproduction of "speed" (amphetamine) by legitimate manufacturers. Eight billion "speed" pills are being spewed out every year. According to the National Institute of Mental Health, the total legitimate medical need of amphetamines in this country can be measured "in the thousands of pills rather than the billions." Physicians by and large agree, that if amphetamines were to disappear from the market tomorrow, almost all patients would benefit except children with narcolepsy and hyperkinetic behavior. Secondly, there has been no meaningful or adequate controls on the exportation of such dangerous drugs. Also, there has been no adequate Federal or State control over the purchase of the immediate chemical ingredients needed to manufacture such drugs. And, finally, there has been no adequate Federal or State control on the overprescription and the mail order purchase of "speed."

Mr. Speaker, the importance of controlling these dangerous substances cannot be overemphasized. The overproduction of "speed," far in excess of any legitimate need, no longer can be tolerated. Consequently, I am introducing a bill to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from Schedule III of such Act to Schedule II. By movement from Schedule III to Schedule II, the Attorney General will be required to fix a manufacturing quota for each of the basic classes of amphetamines and amphetamine-like substances based upon the estimated medical, scientific, research and industrial needs of the United States, plus lawful export requirements and a sufficient quantity for reserve stocks.

Under current law, only liquid injectable methamphetamines are included in Schedule II. This constitutes 0.12 of 1 percent of the "speed" being marketed in the United States. In order to achieve any rational control, it is necessary for the Federal Government to control the quantity of all speed-type drugs, no matter in what form they are manufactured.

I introduce this bill today as the necessary tourniquet for the overproduction of the danger drug—amphetamines.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

CONGRESSMAN WENDELL WYATT REPORTS

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. WYATT. Mr. Speaker, for the 7th year in a row I am mailing out a questionnaire polling the residents of my First Congressional District on some of the major issues we as a Nation face today.

Because of the diversity of my district, which takes in the northwest corner of the State of Oregon, the opinions represent the thinking of a wide social and economic spectrum. The questionnaire goes to urban residents in Portland, suburbanites in Washington, Clackamas, and other counties, to rural residents, university communities, mill towns, fishing ports—just to cite a few.

In the past I have received a good response, and many who return the questionnaire add additional remarks. I read these very carefully and when respondents include a name and address I try to answer them individually. Because of space limitations, and the time element in getting a questionnaire drafted and printed some vital areas are omitted. But I believe the basic areas of national concern are included in the questionnaire, which I would like to share with my colleagues:

CONGRESSMAN WENDELL WYATT REPORTS

DEAR FRIEND: Once again I am seeking your opinions on the many issues facing the nation, the State of Oregon and the 1st Congressional District which I am privileged to represent in the U.S. Congress. In the past your views have been of great value to me in guiding my voting in the House of Representatives.

A simple yes or no answer may not fully express your views on some of the issues. If such is the case, any additional comments you may wish to make will be most welcome.

This is the seventh consecutive year that I have sent out a questionnaire. I hope you will take the few minutes required to fill it out and return it to my Washington office. Simply fold the questionnaire over and affix a six cent stamp. Please do not seal it with staples or tape. Thank you.

Sincerely,

WENDELL WYATT,
Member of Congress, First District, Oregon.

1. To get families off welfare, President Nixon has proposed a work incentive and job training program while guaranteeing a basic level of financial assistance. Do you favor this alternative to the present welfare system?

Yes ☐
No ☐
No opinion ☐

2. Do you approve of the way the Nixon Administration is handling the conduct of the Vietnam war?

Yes ☐
No ☐
No opinion ☐

3. Would you favor a federal program which would actively provide information on ways to control the size of families?

Yes ☐
No ☐
No opinion ☐

4. Do you favor federal legislation to legalize abortions nationwide?

Yes ☐
No ☐
No opinion ☐

5. Would you favor stringent federal controls on air, water and land pollution by industry even though this may result in higher taxes for you?

Yes ☐
No ☐
No opinion ☐

6. Should the federal government impose wage controls in order to slow inflation?

Yes ☐
No ☐
No opinion ☐

7. Should the federal government impose price controls in order to slow inflation?

Yes ☐
No ☐
No opinion ☐

8. President Nixon has proposed a program of revenue sharing with state and local governments. Would you favor returning a share of federal taxes to the states and local governments, with no restrictions on how the funds are to be spent?

Yes ☐
No ☐
No opinion ☐

9. Do you think the federal government should provide a medical insurance program to everyone, even if it meant higher taxes to you?

Yes ☐
No ☐
No opinion ☐

10. The construction of the Supersonic Transport (SST) passenger plane has created controversy because of the noise problem and the possibility of increased air pollution. On the other hand, it will provide new jobs and advocates argue that it will help the balance of trade problems of the United States. Do you favor using federal money to support the construction of the SST?

Yes ☐
No ☐
No opinion ☐

11. In general,

(a) How would you rate the performance of President Nixon:

Excellent ☐
Good ☐
Fair ☐
Poor ☐

(b) How would you rate the performance of Vice-President Agnew:

Excellent ☐
Good ☐
Fair ☐
Poor ☐

12. What, in your opinion, are the top domestic issues confronting the United States today? Please rate first, second, third.

(a) Inflation —
(b) Law and Order —
(c) Environment —
(d) Campus Disorders —
(e) Drug Abuse —
(f) Civil Rights —
(g) Housing —
(h) Other (specify) ____________

The following questions are completely optional. However, you would assist me in knowing about the people answering the above questions if you felt you could respond to them.

13. Your sex

Male ☐
Female ☐

14. Your age

Under 21 ☐
21–30 ☐
31–40 ☐
41–60 ☐
61 and Over ☐

15. Is the head of your house now

Employed ☐
Unemployed ☐

16. How many family members in your home, counting yourself?

One ☐
Two ☐
Three ☐
Four ☐
Five ☐
Six or more ☐

My sincere thanks for taking this time to answer my questionnaire.

WENDELL WYATT,
Member of Congress.

UNDERGRADUATE DRAFT DEFERMENTS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. BINGHAM. Mr. Speaker, when H.R. 6531, to amend the Military Selective Service Act of 1967, reaches the floor for amendments, I plan to offer an amendment to section 1 to insure that, if the President exercises the authority given him in the bill to abolish college deferments, anyone now having a deferment will be permitted to retain that deferment until he completes college, drops out, or reaches age 24.

This amendment is necessary because the President has indicated that if given the authority, he will do away with undergraduate deferments retroactive to April 23, 1970. To change the law now for undergraduates who entered college last fall under a law which provided them with a 4-year deferment does not seem just.

Mr. Speaker, for the convenience of Members, I include herewith the text of the amendment:

AMENDMENT TO H.R. 6531

Page 4, line 9, strike out the period and insert the following: "; except that any deferment which was granted to an individual under such section 6(h)(1) (as in effect before the effective date of this paragraph (12)) before such effective date and not terminated as of the day before such effective date shall continue until such individual completes the requirements for his baccalaureate degree, fails to pursue satisfactorily a full-time course of instruction, or attains the 24th anniversary of the date of his birth, whichever first occurs."

J. EDGAR HOOVER

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. SPENCE. Mr. Speaker, one of America's greatest leaders is being attacked by various sources. Some of these individuals are motivated by political ambition while others seem intent on further eroding respect for law and order in this country.

For more than 45 years J. Edgar Hoover has stood as a beacon, guiding law enforcement on its upward climb toward greater professionalism. While there are today a few in this country who would douse this light of professionalism, there are far, far more friends and admirers of Mr. Hoover than there ever will be enemies and detractors.

Mr. Speaker, I think it is imperative that we all examine the motives behind the attacks against Mr. Hoover and the possible consequences should these attackers succeed in their efforts to drive him out of active law enforcement.

The well-known editor in chief of the Hearst newspaper, Mr. William Randolph Hearst, Jr., in a recent column entitled "Mud For A Monument" contributed greatly toward putting some of the charges against Mr. Hoover in proper perspective. Ray Cromley in a column appearing in the March 17, 1971, issue of the Washington Daily News pointed out another important aspect in this campaign against Mr. Hoover.

Mr. Speaker, I think it would benefit all Members of this body to be aware of the contents of these two columns, and, I therefore, include them at this point in the RECORD:

[From the Baltimore (Md.) News American, Mar. 14, 1971]

MUD FOR A MONUMENT

(By William Randolph Hearst, Jr.)

NEW YORK.—Although the 1972 presidential election is a long 20 months ahead, hot political winds already are gusting across the land as Democratic White House hopefuls step up their search for vote-getting issues and campaign cash.

To date, and for compelling reasons of strategy, the hottest and most extreme blasts have emanated from Sen. George S. McGovern. Because he must overcome the Muskie steamroller to have a chance, he became the first to declare his candidacy—in January—and has been running desperately since.

In attempting to outdistance his still-undeclared potential rivals, South Dakota's champion dove on Vietnam already has established himself as number-one war critic of the pack. None could possibly surpass his election promise of a total and immediate American withdrawal.

My disgust over this position—which amounts to nothing less than abject surrender to Communism in Southeast Asia—has been voiced here before and there is no point in repeating it. The point to be noted is that the war is inevitably going to be a primary campaign issue in the months ahead.

This is as it should be. Vietnam is a legitimate campaign issue if there ever was one. And Sen. McGovern has a perfectly legitimate right to take any position he wants, no matter how reckless and harmful it might be.

The same cannot be said for another issue he has injected into the 1972 race. Thanks to Sen. McGovern. FBI Director J. Edgar Hoover—if he stays in the post he has held since 1924—again is assured of becoming the political football he was in 1968.

Mr. Hoover, now 76, became a target because of his age and because of his eminence as a symbol of law, order and old-fashioned Americanism. The latter was anathema for the liberals. A critical pronouncement about the FBI and its head thus became a required act of faith for them in the 1968 campaign.

It was a phony and illegitimate issue then and it remains so now that McGovern has resurrected it.

What is tragic about the situation in that the world-famous FBI—zealously built by Mr. Hoover during the terms of eight Presidents—faces a new barrage of the scurrilous partisan attacks which have done so much serious and possibly irreparable damage.

It is doubly tragic that this damage to its prestige has been especially noteworthy among the young people of our nation—the generation which will be influencing Congress and paying the nation's bills before long.

For the benefit of those coming in late—or who may not have been paying close attention—here is how Sen. McGovern has succeeded in re-establishing Mr. Hoover and the FBI as prime targets for forthcoming Democratic campaign criticism.

He started out by demanding a Senate inquiry into the resignation under pressure of John F. Shaw, an FBI agent who wrote a letter that included some criticism of Mr. Hoover. Subsequently, on March 1, the Senator made headlines by inserting in The Congressional Record an anonymous letter he said came from 10 unhappy agents of the bureau.

Like the Shaw letter, the anonymous communication charged that the FBI director is a sternly demanding boss who tolerates no disobedience or criticism from his agents—a charge that certainly is true enough.

Throughout his long and distinguished career, J. Edgar Hoover always has imposed rigid discipline on his men. The total lack of any scandal in the ranks—ever—is a measure of his success in keeping unsullied the FBI motto: "Fidelity, Bravery, Integrity."

Over the years—as today—there, of course, always have been some agents unable to adjust to the necessity for such high standards. Yet the level of morale generally remains as high as the standards. Some 62 per cent of the special agents on the rolls as of April 1, 1969, had been with the FBI for 10 years or longer.

This fact speaks loudly and clearly to any impartial observer. Yet it obviously was no concern of Sen. McGovern when he inserted the anonymous letter of criticism into the Congressional Record—along with his own comment that Mr. Hoover has "an overbearing concern for the FBI's public image."

As might be expected, responsible FBI officials were outraged by the publicity the Senator got through his act and comment. A total of 21 senior FBI officers subsequently wrote to him, denouncing him as an irresponsible, represensible opportunist.

The strongest came from Clyde Tolson, the bureau's veteran associate director. It said, in part:

"I term you an opportunist because it is no small coincidence that you have singled out a man of Mr. Hoover's national stature for attack at a time when waves of publicity are urgently needed to buoy your political career.

"You are not the first person I have encountered during 30 years in Washington whose ambition has far exceeded his ability, and I cannot help wonder how many other esteemed career public servants will be maligned and abused before your political balloon runs out of hot air."

The Tolson letter, as Sen. McGovern decleared later, may well have "exceeded the bounds of proper comment by a high government official."

Considering the provocation, however—and particularly the irresponsibility of Sen. McGovern in publicizing an unsigned communication throwing mud on a monument of integrity—I think I would have used even stronger language had I been Mr. Tolson.

It is impossible in this space even to summarize adequately the tremendous, 47-year record of Mr. Hoover and the FBI. It covers too varied a field of successful investigations of gangsters and kidnapings in the 30s through Nazi espionage in World War II, and up to the present through Communist subversion, civil rights strife, city rioting and the plots of anarchy.

Headlines aside, the best proof of FBI effectiveness is the extremely high percentage of convictions it marks up in cases based on its investigations.

According to the Congressional Quarterly, in fiscal 1968 such convictions were obtained against 97.3 per cent of persons brought to trial during that year. And of the 13,059 convictions that year, 11,190 (or 85.7 per cent) were on guilty pleas; the rest following trials before judge or jury.

"These percentages," notes the eminently reliable Congressional Quarterly, "were typical of other years."

It is not the FBI and its director who need any justification. What cries out for any kind of justification are the shockingly unfair attacks of such short-sighted, self-serving politicians as George McGovern.

The only possibly valid criticism that could be directed at J. Edgar Hoover would have to be based on his advanced age. And so far as anyone knows he is remarkably sound in both mind and body.

In a word, there is no justification whatever for the mud slinging—either in or out of a political campaign.

J. Edgar Hoover and the FBI have done nothing to deserve castigation. The exact opposite is true.

Politicians who go around seeking votes by knocking honorable men and their accomplishments make me literally sick at heart.

It is small wonder that so many of our youngsters are growing up with the idea that the whole establishment of our society is no good.

[From the Washington Daily News, Mar. 17, 1971]

THE FBI FILES

(By Ray Cromley)

The other day a prominent presidential candidate spoke in muted horror of the warnings his senatorial colleagues voiced about the dangers of his speaking critically of FBI Chief J. Edgar Hoover.

The thrust of their warnings, as described by this candidate, was that Mr. Hoover as chief of the Federal Bureau of Investigation has data on so many people that it is not safe for anyone, including high members of Congress, to say anything Mr. Hoover might consider critical.

Rubbish.

Whatever else a man may say of Mr. Hoover, he has a consistent record thru the past decades of never having used secret information from the FBI files for political attacks on any member of the government.

I know, in fact, that from time to time in other years pressure from very high places indeed has been put on Mr. Hoover to allow the FBI's secret files to be used for other purposes than checking on crime or in tracking down criminals. I know that Mr. Hoover has consistently refused to open the files to these highly placed men.

I have contacted the office of the candidate who made this statement. I was answered in evasions and hints. When an attempt was made to explore these hints, they evaporated in further evasions.

Every one of us, senator or citizen, has the right to criticize Mr. Hoover or any other government official, and to differ with the way the FBI or any other government agency operates. But let us hold to the truth.

Consider the awful situation in this nation if the FBI files were ever used by the government in power to ruin the members of the political opposition.

I sometime stay awake at night worrying who Mr. Hoover's successor will be, and whether that man, whatever his virtues and his faults, will have the guts Mr. Hoover has shown—to resist all pressures aimed at opening his files for political use.

If we did have as head of the FBI a man who would let those files be used for political massacre, we could indeed very quickly have a police state.

DADE COUNTY SCHOOLCHILDREN BELIEVE IN POSITIVE ACTION

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. FASCELL. Mr. Speaker, there is something exciting happening in my district, and I am proud to call our colleagues' attention to it. Hundreds of young people from Kinloch Park Junior High School in Miami have been spending their free time turning the school grounds into a showplace.

This beautification project has brought students, faculty, administrators, and the community together in a common effort to "put the park back into Kinloch Park." Especially significant is the fact that most of the students are of Latin American heritage—many are Cuban refugees.

I want to particularly commend the leadership roles played by Principal Harold Rash and faculty member Harry Hewitt. They have been the moving force behind the students' enthusiasm and work. That work includes planting trees, shrubs, and flower beds, and surrounding them with ponds, waterfalls, covered walkways, and benches for resting and studying.

The Kinloch Park story is certainly worthy of emulation in other schools and communities in our Nation. It not only improves and upgrades our environment, but also brings school communities together and bridges generational and cultural differences.

Miami has been called the Magic City. Once again its residents have shown the spirit which makes the city a thriving crossroad of the Americas. The Kinloch Park experience is one of the most dramatic demonstrations of that spirit.

I know our colleagues join in wishing continued success to the boys and girls of Kinloch Park Junior High School. Their positive action to beautify their school is an example from which we can all benefit.

PRISONERS OF WAR AND MISSING IN ACTION GRAVE CONCERN TO AMERICANS

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. BEGICH. Mr. Speaker, the fate of our soldiers who are prisoners of war and missing in action is of grave concern to all Americans. I have expressed my views on this subject just last week when I said I supported any action that would bring our soldiers home quickly and safely.

The Alaska State Legislature has always been concerned with the vital issues that shape our future and wellbeing. I know that every member of the State legislature in Alaska shares the concern of the family, and friends of these men who are serving so valiantly in Indochina. At this time, I wish to insert into the RECORD a resolution adopted by the Alaska State Senate in which they express their deep concern for our men who are prisoners of war or missing in action.

SENATE JOINT RESOLUTION NO. 14

Be it Resolved by the Legislature of the State of Alaska

Whereas the Alaska Legislature in 1970 passed a Resolution urging the Congress of the United States to enact legislation for the protection of American personnel captured in military operations in Southeast Asia; and

Whereas, despite continued and repeated appeals by both government and private individuals, the names of American prisoners of war largely remain unknown; and

Whereas the United States government has information that prisoners are not being accorded the right of humane treatment; and

Whereas impartial inspections of prisoner-of-war facilities have not been permitted nor even the regular flow of mail facilitated;

Be it resolved by the Alaska State Legislature that it renews its concern regarding prisoners of war in Southeast Asia and urgently requests the Congress of the United States and other government officials to do everything possible to obtain a complete listing of all American and other prisoners, effect the release and freedom from captivity of those men now, and at the very least, assure the humane treatment of all prisoners taken captive in these hostilities.

Copies of this Resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable William P. Rogers, Secretary of the Department of State; the Honorable J. W. Fulbright, Chairman of the Senate Foreign Relations Committee; the Honorable Thomas E. Morgan, Chairman of the House Foreign Affairs Committee; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

ANTI-SEMITISM IN ARGENTINA

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. EILBERG. Mr. Speaker, the ancient problem of anti-Semitism persists in modern dress despite the lessons of history and the efforts of concerned humanity.

Last November, I visited South America at the request of the distinguished chairman of the Committee on the Judiciary. The committee's concern was principally focused on the impact that political change in Chile would have on the U.S. immigration policies.

Argentina was among the countries I visited. It was obvious to me, despite attempts by some members of the community to convince me otherwise, that anti-Semitism continues, sometimes in a most virulent form.

Events of the last week have seen the rise of another military junta to power in Argentina and its designation of Army Commander Alejandro A. Lanusse as President. One would hope that General Lanusse will quickly bring to a halt open terrorism against the Jewish community in Argentina by extreme nationalist groups.

However, a careful reading of Rabbi Morton M. Rosenthal's assessment of the Argentine situation does not encourage optimism along these lines. It is the contention of Rabbi Rosenthal, director of the department of Latin American affairs for the Anti-Defamation League of B'nai B'rith, that much of the anti-Semitic terrorist activity goes on with the unspoken consent of Argentina's establishment, including, of course, the army.

With the unanimous consent of my colleagues, I enter in the RECORD Rabbi Rosenthal's article "The Threatened Jews of Argentina," from the March edition of the ADL Bulletin, the national publication of the Anti-Defamation League of B'nai B'rith:

THE THREATENED JEWS OF ARGENTINA

EXTREMIST NATIONALIST GROUPS AND ARAB PROPAGANDISTS ARE NATURAL ALLIES IN AN ORGANIZED ANTI-SEMITIC CAMPAIGN

(By Rabbi Morton M. Rosenthal, director, ADL's Department of Latin American Affairs)

"The legacy of Hitler is alive in the forces and virulence of Nazi organizations and in the action of Arab terrorism . . . We testify with anguish to the incredible anti-Semitic hatred of a neo-facist left that fought with us against Nazism, but that today raises anti-Jewish banners under the pretext of anti-Zionism."

The speaker was Dr. Nehemias Resnizky, an officer of the Delegation of Argentine Jewish Associations (DAIA), which represents the Jewish community before the Argentine government. He addressed an emotional overflow crowd in the auditorium of the La Plata Jewish Community Center at a meeting called to protest the devastating explosion which destroyed a portion of the

Community Center building. La Plata is the capital of Buenos Aires province.

"Nobody should forget the lesson of history," Dr. Resnizky said. "Attacks on the Jews are the first step to liquidating democracy and the dignity of man. Public authorities and the pressure of public opinion must check the armed attacks in order that Jewish youth not be obliged to decide that it is the sole defense of the physical existence and the dignity of our people . . ."

The La Plata bombing, in the predawn hours of May 16, 1970, was the most destructive in a long series of attacks on Jewish institutions in Buenos Aires and provincial cities. Jewish schools, synagogues, fraternal organizations, newspapers and community centers have been the target of more than twenty bombings since November, 1969.

In most incidents, aside from some shots fired through school room windows, the explosive devices used made a loud noise and splattered tar, but seldom caused injury or extensive damage. The explosives used at La Plata, however, were a plastic type available only to military personnel. They caused more than $20,000 in damages to the Community Center and shattered windows in the neighborhood. Had the bombing occurred while the building was occupied, many lives might have been lost.

What happened at La Plata brought into focus various factors which pose a serious threat to the Jews of Argentina.

Of paramount concern is the government's policy of passively tolerating repeated attacks on Jewish institutions. Jewish leaders have insisted that those responsible for the attacks can be identified through "their organizations . . . their swastikas . . . their hymns of hate . . . with the new swastika of the half moon."

The failure of Argentine government officials to apprehend and punish those responsible for the bombings contributes to the proliferation of anti-Semitic incidents. The Buenos Aires daily *La Presa* editorially criticized the government's attitude. Discussing a rash of anti-Semitic bombings in January and February, 1970, the paper noted that the attacks were not spontaneous acts of isolated individuals, but were well-planned efforts of anti-Semitic groups which "were able to commit these attacks with absolute impunity, despite the fact that the identification of those responsible does not appear to be an extremely difficult task."

The DAIA, in messages to the Minister of Interior, has asked that government action be taken to halt the attacks and bring those responsible to justice. When a DAIA delegation met with an official of the Interior Ministry after the La Plata incident, he said the government regretted the attacks but reportedly suggested that Jewish leaders protect the institutions themselves because the government could not grant special attention.

It was not until three months after the bombing, when a soldier at the army base near La Plata voluntarily disclosed the complicity of military personnel who were members of a right-wing extremist organization, that the army began to probe links between the military personnel and well known civilian nationalist personalities. Although the commander of the garrison was relieved of his duties, and four officers and eight non-commissioned officers and soldiers were arrested, military authorities nave not yet announced any date for trial.

The relative immunity enjoyed by ultranationalist hooligans is not a new phenomenon in Argentina. The Jewish community over the years has frequently protested a police failure to apprehend those responsible for hundreds of attacks upon Jewish buildings and individuals. The situation became so desperate in 1962, in the wake of Eichmann's capture in Argentina, that the DAIA called a general strike to back up its demands for "immediate action against Nazi-Fascist bands."

The Argentine press has also frequently commented on the special protection the terrorists enjoy. At the time of the general strike, *La Nacion* editorialized: "No one explains how bands organized to bring off such villainies can continue acting with impunity. It is well-known that the acknowledged sagacity and diligence of the police are capable of putting an immediate end to such excesses which reduce our community to the level of a primitive people."

When the neo-Nazi terrorist group *Tacuara* was in its heyday, the journal *Primera Plana* addressed itself to this problem, too: "The general public feels that *Tacuara's* deeds go unpunished thanks to some special military immunity. Those who hold that opinion cannot easily prove their claim, but certain leaders of the Armed Forces are convinced that the terrorist bands are an effective barrier against the spread of Communism."

Another explanation for the freedom granted nationalist groups such as Guardia Restauradora Nacionalista, which claimed responsibility for most of the recent attacks by scrawling its initials on walls and leaving leaflets at the scene, is that members of the group are young men from some of the country's "best" families. They are the sons and grandsons of Argentine aristocracy, supported and portected by influential personalities in the government, church and armed forces.

A second major cause for concern is the coalescence of the extreme left and the extreme right. In an analysis of the situation of Jews in Latin America written several years ago, Prof. Leon Perez of Argentina said that a convergence of the anti-imperialist left and the frequently anti-Semitic nationalist right was "sinister." He warned that if the two extremes merged their efforts to overthrow the existing government and nationalize the country, open anti-Jewish aggression could result. It seems to be happening in Argentina.

According to a New York Times story (February 19, 1971) on the dramatic increase in guerrilla activity in Argentina, the groups support both the Castroite radical left and the radical right. "The radical left and radical right have largely fused," the Times correspondent declared.

Arab propagandists have played a significant role in fostering and fusing extremism in Argentina. Intent upon discrediting Israel in order to weaken support from Argentina and other Latin American countries at the United Nations, Arab League agents have worked for two decades fomenting anti-Semitism under the guise of anti-Zionism.

Early in the game they found that anti-Semitic Argentine nationalist groups were natural allies and cultivated their relationship with large amounts of cash. As early as 1964, an Argentine weekly said that police authorities had proof that the Arab League representative was covering most of the expenses of Tacuara. The close relationship was most apparent at a mass rally organized by the Arab League that year.

Posters announcing the event and denouncing "Zionist lies" appeared on Buenos Aires buildings prior to the rally. At the rally itself, contingents of uniformed Guardia Restauradora Nacionalista and Tacuara members greeted the mostly Arab crowd with the Nazi salute. They also encouraged various Arab speakers with shouts as "Jews to the gas-chambers" and "Long live the Fuehrer." When Hussein Triki, head of the Arab League office, compared the Arab population of 200 million with Israel's much smaller Jewish population, the nationalists shouted, "Thanks to Hitler, thanks to Hitler."

In recent years, the Arabs have penetrated leftist political circles, trading on the fact that both the Arab and Latin American countries are part of the "Third World."

Arab propagandists have used every means and spared no expense in their efforts to win over workers, students and intellectuals. Arab agents are responsible for vast quantities of anti-Semitic literature sold at newsstands. During a speaking tour, the Syrian Ambassador in Argentina, Col. Jawdat Attasi, charged Argentine Jews with "financing Israeli armaments with monies stolen from the country in which they live." Arab delegations from abroad frequently go to Argentina and other Latin American countries to spread the Arab message.

Arab propagandists have had their impact. They have stimulated the growth of what a DAIA spokesman called "a new anti-Semitism, implanted in the working class."

Is Argentine Jewry really in danger? The views of Jorge Garcia Venturini, professor at the Catholic University of Buenos Aires, are as pertinent today as they were six years ago when he first voiced them. Arguing against those who insist that no one in Argentina can successfully advance an anti-Jewish policy, he referred to the attacks launched by Juan Peron against the Catholic Church. Noting "ample support from the masses when tyranny wanted to unleash an anti-Catholic persecution," Dr. Venturini warned that "any other despotism might receive greater support if Jews were involved."

LINDA DEATON, ALABAMA'S MAID OF COTTON

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. EDWARDS of Alabama. Mr. Speaker, when people think of Mobile County, Ala., they usually conjure up thoughts of beautiful, blooming azaleas growing in profusion across the landscape. They also think of Mobile County as the home of the annual Senior Bowl football classic, the nationally recognized America's Junior Miss Pageant, and as a landmark for some of the most succulent seafood to be found anywhere in the United States.

For many years now, Mobile County has also received recognition for turning out some of the South's, and the Nation's most beautiful and intelligent young women.

The most recent testimonial to this claim occurred when Miss Linda Deaton, a 20-year-old green-eyed beauty from Chickasaw in Mobile County, was named Alabama's Maid of Cotton for 1971.

A graduate honor student in mathematics at the University of Southern Mississippi, Linda was described by a number of beauty pageant officials as possessing more poise and character than most people develop in a lifetime.

No newcomer to the world of winning beauty contests, Linda has also been chosen Posture Queen of Mobile County, Miss County Fair, Miss Vigor High School, and last year, was first runner-up as Freshwater Fishing Rodeo Queen.

In the First District of Alabama, we are all proud of Linda Deaton.

BYELORUSSIAN INDEPENDENCE DAY

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. HUNT. Mr. Speaker, March 25, 1971, marks the 53d anniversary of Byelorussian Independence Day.

Emerging initially as a cultural manifestation, the unique cultural conception of the Byelorussian nationality in time acquired a distinct political relevance.

Based at first on the ironies of war, German occupation of Byelorussia during World War I set the stage for throwing off the yoke of oppression and slavery under Russian czarism. Despite the occupation, accompanied by certain restrictions, German permissiveness in the treatment of the Byelorussians enabled their leaders to carry on their political activities.

Those activities found their opportunity for open expression in the growing disorganization of the Russian Army subsequent to the Russian March Revolution of 1917. Over Bolshevik resistance, the Great Byelorussian Rada declared itself the national representative of the Byelorussian people and in December 1917, the first All-Byelorussian Congress, comprised of democratically chosen delegates from all Byelorussian organizations and political parties, met to determine the political future and form of the new Byelorussian state. Although temporarily interrupted in this move by the Bolsheviks, the Treaty of Brest-Litovsk of February 19, 1918, between the Germans and Bolsheviks gave the Byelorussians sufficient relief that on March 19, 1918, the executive committee of the Rada, representing the first All-Byelorussian Congress, declared:

> During the World War (I) which has overthrown some governments and weakened others, Byelorussia has awakened to state life. After 3½ centuries of slavery the Byelorussian people proclaim to the entire world that they are living and will live . . .

Shortly thereafter, on March 25th, the Rada of the new Byelorussian National Republic rendered the official declaration of independence, proclaiming in part:

> From now on, the Byelorussian National Republic is to be a free and independent power. The peoples of Byelorussia themselves, through their own Constituent Assembly, will decide upon the future relations of Byelorussia with other states . . .

Byelorussian independence, ironically owing itself to the permissiveness under German occupation, began to wane as the German armed forces dissolved following the Armistice in November 1918. On their heels came the Red army and the beginning of the end for the fledgling Byelorussian state. Officially, by the Treaty of Riga in 1921 between Poland and Bolshevik Russia, Byelorussia was divided.

Mr. Speaker, Byelorussians throughout the free world celebrate this day as a symbol of their national aspirations. They, I am sure, look to the United States for the hope that those aspirations will again one day be realized. I am equally certain that they are painfully aware that precious freedom must not be taken for granted. It can be lost, whether by defeat or default.

As I take the occasion from time to time to recognize the anniversaries of the Independence Days of this and other former independent nations that have succumbed to the tyranny of communism, I would hope to impart that while the peoples of those nations may find hope and inspiration in the free world leadership of the United States, we have not earned that position of confidence without great sacrifice. In practical terms, that position today is contingent, in my estimation, upon our willingness and our ability to fulfill our commitments wherever they have been made.

THE DEATH OF WHITNEY YOUNG, JR. IS A LOSS TO THE NATION

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. WHALEN. Mr. Speaker, I was deeply shocked over the untimely death of Mr. Whitney Young, Jr., executive director of the National Urban League.

On March 17, 1971, I expressed my sentiments in a column written for weekly newspapers in my District. I thought it would be appropriate to include those remarks at this point in the RECORD:

THE DEATH OF WHITNEY YOUNG, JR., IS A LOSS TO THE NATION

America was deprived of one of its ablest civil rights leaders with the death of Whitney Young, Jr., on March 11.

Not quite as well known to the general public as such men as the late Dr. Martin Luther King, Jr., Mr. Young was perhaps one of the most effective black men in this era.

His essential characteristic was pragmatism. He knew what he was about and frequently reflected candidly on his way of doing things.

An observation he made one day to a reporter is illustrative. He and the journalist were on a commuter train from Mr. Young's home in the New York City suburb of New Rochelle. As the train passed through Harlem before going underground to Grand Central Station, Mr. Young commented:

"I think to myself, should I get off this train and stand on 125th Street cussing out Whitey to show I am tough? Or should I go downtown and talk to an executive of General Motors about 2,000 jobs for unemployed Negroes.?"

The reporter noted that he did indeed go "downtown" and to a lot of other places, pleading the case for a better America for every citizen. But he strongly resented being called a moderate.

"There is no such thing as a moderate in the civil rights movement," Mr. Young once declared. "Everyone is a radical. The difference is whether or not one is all rhetoric or relevant."

To Whitney Young, relevancy meant results—concrete improvements. He was a black man who fully comprehended the white society within which we all live. And he applied the very basic American technique of persuasion and salesmanship in dealing with that society. He knew that underlying the layer of racial prejudice that does, in fact, exist in this country is another layer of basic Christian morality. That root was tapped and bore fruit in the racial renaissance that began to blossom in the early 1960s only to wither and lose momentum in the late sixties.

Mr. Young's posture of non-violence made his task all the more difficult in many quarters of black America. Not only was he engaged in an unpopular cause so far as the white view was concerned, he was not militant enough for some whose lives he was trying to improve.

But he persevered. And his courage and determination would inspire anyone, even the most ardent segregationist.

He did not have to stick his neck out. Coming from a family of educators, Mr. Young originally intended to become a physician. But he changed his mind during military service in World War II when he witnessed directly the problems of the black man in the Army and foresaw what it portended for the future. He then went into social work and later was named dean of the School of Social Work at Atlanta University. In 1961, he became the executive director of the National Urban League.

Having served as a delegate to the White House Conference on Children and Youth under the Eisenhower Administration, Mr. Young subsequently served on a number of commissions and advisory committees under Presidents Kennedy and Johnson. He also authored two books, gave talks and wrote a syndicated newspaper column in a jammed seven-day-a-week schedule.

As one newspaper commented editorially: ". . . Whitney M. Young, Jr. was 49 years old, chronologically between the older leasers of the civil rights revolution and some young men and women who have preached a new separatism. They have not always communicated well with each other; they rarely had trouble talking with Whitney Young."

I first met him at a meeting in New York City in 1968 although I already knew of him. I did not see him again until I had the privilege of introducing him at the annual Urban League dinner in Dayton in 1969.

Mr. Young was one of the most capable men to lead the fight for racial equality in the United States.

His untimely death at the age of 49 is as tragic as Dr. King's assassination. It removes from our midst a gifted, perceptive American who was devoted to his country and to its hopes of becoming an even greater Nation. His passing weakens the strength of the undertaking which dominated his life.

BERNADETTE DEVLIN

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. HUNT. Mr. Speaker, on March 9, 1971, I addressed the House in regard to the so-called cultural speaking tour of Bernadette Devlin in the United States.

I am happy to tell you now that Miss Devlin departed the shores of the United States from the J. F. Kennedy Airport in New York City on March 10, 1971, at 8 p.m., on flight No. 700, TWA, traveling with a Mr. Hawkins to the destination of London, England.

Mr. Speaker, further investigation of this matter indicates that Miss Devlin arranged this so-called speaking tour where she advocated the overthrow of the governments by revolution through the American Program Bureau, a U.S. corporation, located in Boston, Mass.

I have inquired as to what has been done with the money she has collected and whether or not it is subject to the scrutiny of the Internal Revenue Service.

I am now advised by the Internal Revenue that they have instructed the American Program Bureau to withhold 30 percent of Miss Devlin's fees to be paid to this country the same as any American citizen would be required to do who receives honorariums for speaking.

Mr. Speaker, I intend to follow this up, and it will be quite revealing to ascertain just exactly how much money Miss Devlin will collect for the purpose of advocating the overthrow of governments in the entire world.

INEQUITIES OF OUR TAX LAWS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr WALDIE. Mr. Speaker, a constituent of mine, Mr. Cyril Bell, has recently written me concerning retirement income credit features of our tax laws. Mr. Bell points out that inequities of this law result in tax breaks for many who are well able to pay, while offering those who truly need tax credits far too little relief. I share Mr. Bell's comments with my colleagues:

WALNUT CREEK, CALIF.,
March 17, 1971.

Hon. JEROME R. WALDIE,
Member of Congress,
Washington, D.C.

DEAR CONGRESSMAN WALDIE: I read in the March 15, 1971, San Francisco Chronicle that 301 Americans with incomes of more than $200,000—paid no income tax during 1969.

As you are aware over $40 billions—about 20% of the U.S. Federal Government annual income—is lost every year to the Treasury in tax loopholes!

I will write more on these matters later but I wish to use them as a contrast for support of this request for legislation for the elderly.

I have two widow clients whose income tax I complete. One is financially independent and does not work. The other has to work to maintain her very modest way of life. They are both over sixty-five and under seventy-two. I am struck at how the wealthy one has a relief of $229 in actual taxes for Retirement Income Credit, while the one who has to work does not get this credit. This would appear to be a clear case where a tax break is available for the non-productive wealthy American without the same tax break being available for the productive one. The only difference in their tax situations is that one can sit at home and "clip her coupons" (not even that work is necessary nowadays!) and the other works for her income!

Recent figures indicate that of all Americans reaching the age of sixty-five only 2% can retire on their own savings. This 1040-R Schedule should therefore be called Sch-R "Retirement Income Credit for the Wealthy".

I realize as time passes—and we live in what I call the age of "Accelerating Change" —the supposed rationales for legislation evaporate entirely. I would suggest this case is a perfect example.

I am enclosing sample Federal Income Tax returns (Forms 1040 and Sch. R) for imaginary taxpayers who do not represent any of my clients. The figures on the forms are collected from imaginary sets of figures but could conceivably be the exact figures of two of the hundred million taxpayers filing returns.

As you will see the only difference in the income tax returns is the source of the income and yet—

Mrs. Part-Time Poor Worker pays (in income tax)	$295
Mrs. Able-Bodied Retired pays only (in income tax)	66
Difference in actual income tax paid	229

With so many vast tax breaks allowed for the wealthy I do think the above situation should not be allowed to last another year.

I would respectfully suggest that a Bill should be presented to both houses of Congress eliminating Schedule R (1040) entirely with all its nonsensical and petty restrictions. A new law should allow a straight $400.— to be deducted for each individual over sixty-two, from his income tax due on his taxable income, whatever its source.

This reduction of actual tax should be called "Retirement Age Income Credit" and could be shown on Form 1040, line 52 without attaching any Schedule. In fact, line 52 should read: 52 Retirement Age Income Credit, 62 years & over enter $400. Joint Returns—see instruct.

This "Retirement Age Income Credit" would be available to all Americans over sixty-two and not merely to the wealthy 2% of Americans over sixty-five, to which the current "Retirement Income Credit" primarily applies.

With a "Retirement Age Income Credit" of $400.— available to those over sixty-two, the exemptions for sixty-five and over need not be touched.

The main point is to make a simple change from the current "Retirement Income Credit for the Wealthy" available to 2% of Americans over sixty-five to "Retirement Age Income Credit" available to a 100% of Americans over sixty-two.

To return to my first paragraph. It is time the wealthy started paying their fair share of the country's bills. With the poor needing help and the wealthy evading their responsibilities, it is the "Middle Income Group" that has paid this great country's bills. When the members of the "Middle Income Group" reach the age of sixty-two they thoroughly deserve a "Retirement Age Income Credit" of at least $400.— reduction in taxes due, whatever the source of their income.

Congressman Waldie, I do hope that you can see your way to help in this matter. I am convinced that if you can get a bill passed in the U.S. House of Representatives and one started by a Democrat in the U.S. Senate to help the aged of the "Middle Income Group", only good can come to the country.

I do wish to thank you for the attention which you have given to my other letters.

Yours respectfully,

CYRIL BELL.

SALVATION ARMY LOSES A PIONEER

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. MIZELL. Mr. Speaker, 2 years ago, one of America's greatest military leaders, Gen. Dwight D. Eisenhower, passed away and was laid to rest amid the solemn pageantry of a state funeral, a tribute from 200 million people to a great patriot and soldier of freedom.

Many of us still remember the reverenced strains of the song, "Onward Christian Soldiers," as it was sung by kings and Presidents gathered to honor the memory of General Eisenhower. The sight and sound of their singing was a truly moving experience.

Earlier this month, on March 2, another old soldier, a Christian soldier, died after 60 years of service to his God and to his fellowman.

Brig. Julius Mack Satterfield, of Winston-Salem, a pioneer in the work of the Salvation Army, passed away at the age of 83.

A story appeared in the Twin City Sentinel in Winston-Salem that day, chronicling Brigadier Satterfield's many works of kindness and community service.

A portion of that story serves as a fitting epitaph to this great Christian soldier:

> The soft-spoken, sympathetic North Carolina native dedicated his life to giving comfort and spiritual guidance to those who needed help—the transient, the downtrodden, the alcoholic, the child without a proper home.

I am sure my colleagues join with me in extending most sincere sympathy to Brigadier Satterfield's wife and family, with our thanks for his great contribution to the lives of countless Americans, and thus, to the Nation itself.

I am inserting the text of the aforementioned article in the RECORD at this time for the benefit of my colleagues and as an inspiration for all Americans:

SALVATION ARMY LOSES A PIONEER

Brigadier Julius Mack Satterfield, 83, of 1288 Cloister Drive, who served as an officer of the Salvation Army for 60 years, died at 3 a.m. today at Forsyth Memorial Hospital.

He had been seriously ill a week.

The soft-spoken, sympathetic North Carolina native dedicated his life to giving comfort and spiritual guidance to those who needed help—the transient, the downtrodden, the alcoholic, the child without a proper home.

A woman who knew them well said that he and his wife, who served with him throughout his ministry, "treat you like you are a lady or a gentleman" no matter what your station in life.

"You just don't talk about bums, hobos, deadbeats or tramps when they're around—anybody has a chance where they're concerned. They're always ready to help you, even after you make mistakes."

Brig. Satterfield, who often said "I'm a salvationist from the soles of my feet," was born in Charlotte on Aug. 4, 1887 to S. S. and Addie Kimble Satterfield. He attended public school and began serving in the Salvation Army as a soldier at age 14.

He married Augusta Hammond in Greensboro in 1907. Four years later he decided to give up his job as a plumber and she her job as a linotype operator to become probationary captains in the Salvation Army.

Following regulations of the army, they shared the same rank throughout their careers, being named brigadier, the highest rank that may be held by field officers, in 1947.

They came to Winston-Salem in 1938 after serving in New Bern, Charlotte, Spartanburg, S.C., Rome, Ga., and Lakeland and Jacksonville, Fla.

He officially retired in 1952, but continued as city commander, a post he held since 1941, until 1963. At that time, he and Mrs. Satterfield, who had lived in Salvation Army quarters for 52 years, moved to their home on Cloister Drive.

When Brig. Satterfield first came here, the Salvation Army consisted of a rundown citadel on Dacian Street in Southside and the corps headquarters on Second Street.

He opened a home for transients in the tobacco market section, organized a summer camp program for youngsters, built the Red Shield Boys Club on Stadium Drive, replaced the Dacian Street citadel with a trim new building and raised money for the Red Shield Girls Club.

The brigadier lived to see the fulfillment of one of the Salvation Army's biggest dreams with the opening this year of the new $250,000 headquarters on South Marshall Street. But because of his health he was unable to attend its dedication last Sunday.

Even after his second "retirement," his slightly stooped, white-haired figure was a familiar sight in downtown Winston-Salem as he went about army business.

And he continued to take his turn each December at the Christmas Kettle on Fourth Street, as he had done for more than 30 years, raising funds for the needy.

The brigadier once said that he felt the couple's most outstanding work in Winston-Salem was the organization of the Boys Club.

"I still remember how we started—in the basement of our headquarters on 110 W. Second Street, with a donation of $125 by the Kiwanis Club," he said. "We operated on a budget of something like $7 or $8 a week.

A reporter once asked him if he had ever been "really discouraged" in his work.

"Never," came the reply. "Maybe I'm too much the other way, because when I have a conviction I follow it through. God has told us, 'I will supply all your needs' and He has never failed me. Mind you, He didn't say He would supply all our wants."

"Oh, we've had some disappointments," he said, "but for each of these we've had a thousand happy hours of knowing we have helped others."

For his work, Brig. Satterfield received the Salvation Army's highest honor, The Order of the Founder, in 1954. In 1952, he became the first Salvation Army officer to receive the Silver Keystone award of the Boys Clubs of America.

"Fifty years ago," he said at a testimonial dinner in 1961, "I locked up my box of plumbers tools and started to serve God in the Salvation Army. I've never gone back and I never will.

"My service is not through yet, because when I signed the Articles of War, I promised 'I will be a true soldier until I die.' And brothers and sisters, when that happens, don't bring me any private clothes to dress up in—I've got a new uniform for the occasion."

Surviving are his wife of the home; two sons, Rigsby C. Satterfield of 3756 Avera Avenue and Richard A. Satterfield of Lakeland, Fla.; four grandchildren and 10 great-grandchildren; a sister, Mrs. Emma Eller of Charlotte, and two brothers, E. B. and Register Satterfield, both of Charlotte.

The funeral will be conducted at 2:30 p.m. Wednesday at Volgers Main Street Chapel by Col. Gordon Swyers. Burial will be in Salem Cemetery.

The family will be at the funeral home from 7 to 9 p.m. today.

They requested that memorials be made to the Salvation Army Boys Club or Girls Club.

SUGAR BEET GROWERS IN TROUBLE

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. NELSON. Mr. Speaker, H.R. 5981, which authorizes the Secretary of Agriculture to establish feed grain bases for a small number of sugar beet growers, is of particular concern to me. One of the three sugar beet factories being closed down is located in my district in the community of Chaska, Minn.

Only about 30,000 acres of sugar beets were grown for processing at the Chaska plant. But the closing represents an enormous blow to the family farmers affected. They have invested thousands of dollars in expensive equipment to tend and harvest the beets, and now they are left without a market for what they grow. Some, of course, may be able to ship their production to other sugar beet plants in Iowa or the Red River Valley. But for at least some of the beet growers, long-distance shipping will be so uneconomic as to be out of the question.

I am sure the same situation applies with respect to the beet growers affected by the closing of processing facilities in West Jordan, Utah, and Hardin, Mont.

Unless Congress acts affirmatively, these growers and their families may well suffer extreme hardship.

That is why this legislation is before us today, and I urge your affirmative support. As pointed out in the Agriculture Committee report which accompanies this legislation to the floor, the bill would authorize the establishment of feed grain bases for sugar beet producers who formerly processed their beets at a processing plant which ceased operations after December 31, 1969.

It would further provide that the establishment of such feed grain base be conditional upon the production of the commodity on the base. The Secretary would be precluded from providing any farm with a feed grain base larger than the number of acres on that farm devoted to sugar beets in 1959–60.

Provision is made to protect against any possibility of dual benefits to eligible farmers. The report also makes plain that such a farm would not continue sugar beet production with respect to the number of acres for which a farmer receives a feed grain base under the legislation.

The feed grain base acreage would remain in effect in subsequent years. The Department of Agriculture estimates that if new feed grain bases are established for these acres previously in sugar beets, the additional set-aside payments would amount to about $700,000 in fiscal year 1972.

Now I recognize that a few of my colleagues object to this legislation on grounds it may unfairly benefit sugar beet growers because they are not grain producers. But this is simply not accurate. In years past, it is fair to say that nearly all these growers did grow feed grains, switching more heavily to beets as that industry grew. Furthermore, by using the 1959–60 period of sugar beet acreage, it is obvious that these growers stand to receive a more limited base than is enjoyed by numerous feed grains producers.

It has been suggested that a more reasonable way to assist these beet growers is to amend the sugar act, so that they may receive "abandonment" or "deficiency" payments to compensate them, in the same manner as if they had experienced a natural disaster. But this remedy could only be temporary in nature, and hardly meets the long-range problem of helping to secure a reasonable livelihood for them and their families. Additionally, the sugar act does not expire until this December 31, and it is unrealistic to expect action to help these growers until such time as the entire sugar law is revised. This would accordingly leave them without any opportunity to make sensible crop planning decisions in advance.

I would like to point out that the 30,000 acres of sugar beets that have been produced for processing at the Chaska plant is only an insignificant fraction of the total Minnesota feed grain base of 7,471,995 acres. What we are talking about, insofar as Minnesota is concerned, is only a possible four-thousandths of 1 percent of Minnesota's total feed grain base.

The Agriculture Committee, which has studied the problem carefully, is of the opinion that this legislation will not adversely affect the feed grain program. I share this view, and hope that the Congress will act quickly to remedy the plight of these beet growers who have been thrown out of business through no fault of their own.

SPEECH OF F. F. WOLFF

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. KEITH. Mr. Speaker, last month, F. F. Wolff, chairman of the Committee of the London Metal Exchange, delivered a penetrating and incisive address to the Copper Club Dinner in New York. In his relatively brief remarks, Mr. Wolff provided a tour d'horizon of the present state of the copper market worldwide. He also gave those of us on this side of the Atlantic a unique insight into the workings of the London Metal Exchange.

Because of the timeliness and value of Mr. Wolff's speech, I am inserting it at this point in the RECORD under unanimous consent. And since Freddy Wolff is a close friend as well as a distant relative, it is a particular pleasure to bring his speech to the attention of my colleagues:

SPEECH TO BE GIVEN BY F. F. WOLFF, CHAIRMAN OF THE COMMITTEE OF THE LONDON METAL EXCHANGE, TO THE COPPER CLUB DINNER IN NEW YORK, THURSDAY, FEBRUARY 18, 1971

As a "Limey" I feel particularly privileged to have been asked to address this most distinguished gathering, all of whom are experienced in the copper world. But firstly, let me thank you for your most generous hospitality. A certain eastern bloc president when speaking to the Kremlin recently was heard on the telephone saying, "Da da da nyet da da da." When asked by those listening to the conversation how he dared to say "No" even once to the Kremlin he replied, "Well, they asked me if I always had to say yes." For my part, I could not even say "No" once to your kind invitation.

I also take it as a great honour to the London Metal Exchange that I, as chairman of the committee, should be invited to speak tonight, especially as there are bound to be people here this evening, despite this enlightened age in which we live, who are critical of our market. I hope perhaps that after tonight some of the critics will have a fuller appreciation of the value of the London Metal Exchange to the copper trade throughout the world and that, as a pricing medium, our market offers the fairest and the soundest basis. We were all delighted to have listened to Simon Strauss' excellent speech at the London Metal Exchange dinner last year, and I very much appreciate the opportunity you have given me in speaking to you on your home ground and being able, so to speak, to play in both home and away matches.

It is my invariable custom to say something flattering to begin with so that I shall be excused if by any chance I put my foot in it later on!

The whole philosophy of our exchange is based on assisting the metal trade, and an intelligent and professional use of our market is of immense value to everyone concerned in any way with the mining, smelting, refining or fabricating of metals. An example of the way the copper trade throughout the world is becoming more directly involved in our activities is the interest displayed by Japan—a country which is fast becoming an increasingly important influence in the copper world—in the workings of the L.M.E. active in the purchase of raw materials to feed their expanding smelter and refined production, the Japanese have wisely made good use of the L.M.E. and it is interesting to note their statesmanlike approach to operations on the market, as evidenced by the opening of the Japanese metal centre in London.

Our contracts are under constant review in order that they may be of maximum assistance and value first and foremost to the trade. This is why we changed our old standard contract to separate cathode and electrolytic wirebar contracts, and also why we extended our delivery points to warehouses in Antwerp, Hamburg and Rotterdam.

Further changes may be introduced for the same reasons; I mentioned at the last London metal exchange dinner that we might, at some time in the future, and I repeat—in the future—have to change the main trading basis of our copper contract to one based on cathodes (and this, I am sure you will all appreciate, will mean only *one* price basis for cathodes!) the possibility of opening markets in new metals is under constant review. You may be interested to know my committee has only very recently approved in principle the idea of introducing an aluminum contract as soon as possible. We may also extend our warehousing facilities to other parts of the world, including possibly New York. Let me emphasize that these developments are not for the benefit of the speculator. If we wished to go solely after Tom, Dick and Harry's business, (welcome though that may be, and my best wishes to any Toms, Dicks and Harrys here tonight), we would not have troubled to alter the contract basis.

Having stressed the commercial attractions of our market, I must make it clear that any terminal market, with the variety of facilities which it provides, must attract a volume of speculation. Whilst this can, in the short term, accentuate price movements or a particular trend, it does also impart a greater degree of flexibility to the market. Speculators cannot control the market for any length of time nor make the prices, but they do sometimes act as a buffer and help to prevent a "run-away" market, since they are always operating both ways and prepared to be buyers or sellers at a time of rapidly moving prices. Morever, if producers were to use the L.M.E. more imaginatively, it would also help to level out violent fluctuations and if they would only allow consumers to sell their copper or lend their copper to the L.M.E. it might have prevented those large and sudden backwardations for limited periods which the market has suffered in the past and which are intensely disliked by *all* members of the L.M.E. as well as by all members of the copper trade.

Why is the London Metal Exchange being used as the world's pricing medium for copper outside the United States? The reason is that it is an international market used by organisations, including governments, throughout the globe from north to south, and east to west: including the Eastern Bloc countries. Orders pour in daily from the four corners of the earth through members of the London Metal Exchange. A large part of these orders result from the need for hedging operations by those fabricators and producers who wish to keep a balanced book, and by those wishing to establish definite prices on purchases or sales sooner than they might otherwise have been able to do. Moreover, by adroit use of the market, a fabricator can lessen the cost of his purchases, while a producer selling his output on long-term contracts at open pricing terms may be able to effect worthwhile and sometimes substantial savings in freight costs by arranging with his customer to accept a certain tonnage of L.M.E. copper and so divert a part of his own production to more accessible areas.

In mentioning orders pouring into the market from all over the globe, I can quote a recent example with our own firm, but the same would apply to the majority of ring dealing members. Twice recently, we had a visitor on the market: on the first occasion I was able to point out that we were dealing on behalf of clients from no fewer than eleven countries, and on the second occasion from nine countries.

All this serves to demonstrate what an international market the L.M.E. is becoming—I deliberately use the present tense since I firmly believe that this process of development—of internationalisation—is by no means over—and I restate my conviction that the L.M.E. should continue to serve as the pricing basis for copper traded internationally.

Simon Strauss, in his provocative speech at the L.M.E. dinner, gave as his main reason for expecting no change in the U.S. copper pricing structure that, I quote, "The large buyers and the large sellers do not want it!" Perhaps the buyers are in the position of never having tasted freedom and, therefore, do not know what they are missing. With regard to the sellers, I suppose fortunate indeed are they who can unilaterally fix prices and remain assured of a tied market.

But then it must be remembered that some circumstances in the U.S.A.—such as the degree of vertical integration in your market—are different from those obtaining in the rest of the free world. However, I am sure my producer friends here tonight will agree that it is no exaggeration to say that the current level of the L.M.E. price is a factor in their deliberations when establishing their producer prices.

How much greater then has been the influence of these vital factors on the posted prices which have, from time to time, been imposed by producers or by producer governments outside the U.S.A. and which in the last analysis have always failed. I remain absolutely convinced that the fairest, indeed the only realistic way of determining the price of a commodity which is subject to fluctuating demand and seemingly inevitable interuptions in supply, is by a free market, and I can only repeat what I have said many times in the past that it is well-nigh impossible to defeat by artificial means the inexorable law of supply and demand. When Simon Strauss mentioned that U.S. buyers were against a change in the U.S. copper pricing structure, he went on to say, and I quote again, "they have a strong preference for a producer's price as compared to a price which changes twice daily." My knowledge of European consumers leads me to believe that they are far less concerned with a daily moving price than they are with continuity of supply. As Michel Feron said in his speech at the American metal market forum in London last autumn, "rationing is less acceptable to consumers than price instability, and the lack of availability makes the question of price stability almost theoretical."

Since the re-opening of the London metal exchange copper market in 1953, there have been attempts at a controlled price; however, free market influences have ultimately prevailed as they always will do and the lesson learnt by industry is that such attempts at control produces a multi price system which is detrimental to all concerned.

I am only too conscious that the present price level is causing concern and that a further fall of any magnitude could well mean hardship for the people of the CIPEC countries. However, I still feel strongly that they should continue to base their sales on the L.M.E. Any contrary action could well bring only short-lived benefits, and I believe that through the medium of the market they can add a flexibility to their operations: Thereby in the long run maximising the return from their sales.

Permanent control of the free market is only possible with unlimited funds, unlimited material, and dictatorial powers to control the rate of production on a worldwide basis. Has the international tin council scheme, working through a buffer pool and supported directly or indirectly by most of the world, really been successful? It has kept the price of tin within the agreed limits—limits which nevertheless have been amended more than once—at times when the imbalance of supply and demand has been containable. But at moments of extreme stress it has failed both upwards and downwards, and surely it is at these moments when such a scheme has to work: Otherwise it must be considered a failure.

Look at the recent example of nickel prices, when their inability to supply sufficient metal made the producer price almost meaningless, and in the absence of an organised terminal market, the outside price rose and fell by approximately $12,500 per ton within less than one year: leaving in its wake numerous cancellations of contracts and firms unable to pay for metal bought at the top, especially among stainless steel manufacturers.

In looking to the future of supply and demand in the copper industry I can only echo the sentiments of experts, whose thinking is that between now and the middle 1970's supply is likely to remain in excess of demand but that this situation could be reversed during the second half of this decade. There is a lot of new production of copper coming on stream but with the increased demand from countries such as the peoples Republic of China, whose use of copper per capita is at present low, but will inevitably rise within the next few years, the increase in aggregate demand taken overall could be stronger than the experts predict. Many of my American friends appreciate the gigantic potential of the Chinese market. The London metal exchange being a world's market, must obviously take into consideration the importance of the inbuilt demand from China.

Certain guesstimates have it that China may have imported close to 100,000 tons in 1970—the bulk of it having been purchased during the first half of the period, and demand from this quarter has been quiet in recent months, no doubt partly for the same reason that other consumers have kept out of the market.

Possibly a more important factor is that only now are they said to be finalising the new five year plan, the completion and implementation of which could shortly make its impact felt. Whether they use the same tactics as before, or whether they increase direct links with producing countries, is their own affair: whatever they decide I am sure that their purchasiing will be carried out with the same acumen that they have shown in the past.

In the foreseeable future, an expression Simon finds difficult to understand, and so do I for that matter, I cannot personally look for any significant rise in prices. But, of course, the copper market always has unexpected surprises round the corner—will there be a strike in the U.S.A., and for how long? Will there be any curtailment of production due to natural causes or to labour unrest elsewhere? Will there be an increase of political troubles in the Middle East or elsewhere? etc. etc.

From what I have said, you may well have assumed that I am biased in favour of the London Metal Exchange. You would be quite correct. But I am not alone. Last October at the American Market Forum in London, Mr. H. Grillo, managing director of Wilhelm Grillo Handelsgesellschaft and former president of the West German Non-ferrous Metal Industries Association, stated that, "Consumers in Germany prefer a competitive free market price which guarantees them a larger security for their own business."

I am delighted that the London Metal Exchange is used so extensively withing the Common Market and I foresee no problems should the United Kingdom join the E.E.C., indeed, such a move can only strengthen the international basis of our market.

Mr. G. S. Somerset, Deputy Director of the British Nonferrous Metals Foundation, in his paper on the "Economic Aspects of Copper Production, and Marketing Possibilities for Developing Countries" stated that, "the basic function of any pricing system is to equate supply and demand. It should do this at a price level which is high enough to encourage new investment in mining and yet not so high as to price the metal out of the market and drive off its customers to use substitutes. The London Metal Exchange is a free market used by almost every country in the world. It, therefore, reflects the conditions of supply and demand in the world."

I know that Simon does not accept the theory that high prices encourage new investment, but I believe there is a good deal of truth in it, and I have no doubt that many of the new mining projects under way were conceived in the expectation of adequate copper prices and a good return on money invested.

To sum up, therefore, surely a market which reflects all known factors and which records constant changes in values is a fairer basis on which to trade than the arbitrary fixing of prices with little or no flexibility. Earlier on I suggested that U.S. buyers had not tasted freedom. I did not mean to imply that they were slaves, but perhaps manacled would not be far from the truth. To reduce the buying function to one of calling copper forward for delivery the following month at a price outside your control is surely to reduce all buyers to the same level. This compares unfavourably with the freedom of being able to choose any market day to price in line with precise information received from the sales division, and at the same time to use market expertise to derive additional profit.

To my mind these attributes outweigh the advantages claimed for a stable price—even assuming that "stable" is the right word to apply to a price which can be moved unilaterally and without warning.

Naturally, no system, however devised will be completely perfect; as economists will point out, perfect markets are textbook myths. Nevertheless, the L.M.E. has shown itself over the years to be responsible to *all*—I repeat *all*—sectors of the industry internationally, and does constitute the least imperfect medium, provided of course, and of this I am certain, that it continues to operate in a responsible and flexible manner.

TWA, SURGEON GENERAL SUPPORT NONSMOKERS RELIEF ACT

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. YOUNG of Florida. Mr. Speaker, letters from across America continue to flood into my office in support of the Nonsmokers Relief Act I introduced on February 22.

In addition to encouragement from thousands of nonsmoking citizens who are deeply distressed over being forced to breathe smoke-polluted air, I have received support from U.S. Surgeon General Jesse L. Steinfeld, and from one of the Nation's largest air carriers, Trans World Airlines.

So far I have received only two letters in opposition to this legislation. The reason there is so little objection to this bill is, I believe, because my proposal would place no burden on the smoker. It does, however, provide relief for the nonsmoker—a heretofore silent majority which believes it, too, has rights.

My good friend, Senator Edward Gurney, of Florida, has introduced similar legislation in the Senate.

H.R. 4776 would require the Secretary of Transportation to establish regulations for a protected area to be set aside on airliners, trains, and buses for nonsmoking passengers.

All indications are that, while my proposal may cause some inconvenience, the transportation industry can easily learn to live with it. TWA's experience clearly shows that providing nonsmoking sections can be of considerable benefit to a carrier.

Here, for the consideration of my colleagues, are the communications I received from the Surgeon General and TWA:

Department of Health,
Education and Welfare,
Washington, D.C., March 22, 1971.
Hon. C. W. Bill Young,
House of Representatives,
Washington, D.C.

Dear Mr. Young: Thank you for your letter of February 25, enclosing your bill, which would seek to protect travellers from being forced to experience the tobacco smoke of others. As you know, I feel strongly that we should seek to accomplish this and I applaud your interest in the problem.

The Public Health Service is in the process of developing an assessment of the effect of tobacco smoke from other people's smoking on the nonsmokers and I will, of course, see that you receive this when it is published.

In the meantime, I am enclosing a bibliography on the subject which may be useful to you.

Please let me know if I can be of further help.

Sincerely yours,
Jesse L. Steinfeld, M.D.,
Surgeon General.

Trans World Airlines, Inc.,
Washington, D.C., March 24, 1971.
Hon. C. W. Bill Young,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman: I have noted with interest your introduction of HR-4776 which would require the Secretary of Transportation to establish regulations for non-smoking areas on board interstate carriers.

In July of 1970, TWA announced that it was initiating a program to provide for smoking and non-smoking sections on board its aircraft. Since that time the program has met with considerable success and wide acceptance by our passengers.

You are to be commended for your efforts in this regard.

With best wishes,
Sincerely,
Richard S. Tribbe,
Vice President, Federal and Civic Affairs.

Passenger Reaction to No-Smoking Sections Favorable, TWA Reports

New York.—In the past six months Trans World Airlines has received hundreds of letters complimenting the carrier for being the first to offer no-smoking sections on all of its aircraft.

"We began separating smokers and nonsmokers in February, 1970, with our inauguration of Boeing 747 service," said Blaine Cooke, TWA's senior vice president of marketing.

"By July 1, 1970, no-smoking sections were set aside in each of our 238 jet aircraft, in accordance with a resolution adopted by the American Medical Association's House of Delegates," he added.

"Since then, TWA has received hundreds of letters hailing our move," Mr. Cooke said.

Under TWA's system, both first class and coach sections of every aircraft provide at least one no-smoking area. Passengers advise gate agents of their preference for smoking or no-smoking sections and are seated accordingly.

NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR/MISSING IN ACTION

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. MONAGAN. Mr. Speaker, I am pleased to join my colleagues in observing the National Week of Concern for Prisoners of War/Missing in Action. I supported the House passage of House Joint Resolution 16 on March 3 to set aside this week as a means of focusing national and world opinion on the plight of American servicemen who are being detained by the Republic of North Vietnam and the National Liberation Front of South Vietnam.

North Vietnam is a signatory to the 1949 Geneva Convention Accord on Prisoners of War and as a signatory it has a responsibility to: identify all prisoners of war within a week of capture; to allow periodical inspection of prisoner-of-war camps by impartial parties; to release prisoners of war who are seriously ill or injured; to allow a free flow of mail between prisoners and their families. To date, the government of North Vietnam has not fulfilled its responsibilities under any of these provisions. It has shown contempt and disdain for the prisoners and their families and for worldwide public opinion.

In this session of Congress I introduced House Concurrent Resolution 220 providing for a congressional protest against the treatment of U.S. servicemen held prisoner by North Vietnam and the National Liberation Front of South Vietnam. My resolution calls upon North Vietnam and the National Liberation Front to comply with the requirements of the Geneva Convention, and approves and endorses efforts by the U.S. Government, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment and release of American prisoners of war.

I insert the text of my resolution in the RECORD at this point:

CONCURRENT RESOLUTION

Whereas more than one thousand four hundred members of the United States Armed Forces are prisoners of war or missing in action in Southeast Asia; and

Whereas North Vietnam and the National Liberation Front of South Vietnam have refused to identify all prisoners they hold, to allow impartial inspection of camps, to permit free exchange of mail between prisoners and their families, to release seriously sick or injured prisoners, and to negotiate seriously for the release of all prisoners and thereby have violated the requirements of the 1949 Geneva Convention on prisoners of war, which North Vietnam ratified in 1957; and

Whereas the United States has continually observed the requirements of the Geneva Convention in treatment of prisoners of war; and

Whereas the Ninety-first Congress formally condemned by resolution the uncivilized treatment of prisoners of war by the North Vietnamese; and

Whereas the United States Government has repeatedly appealed to North Vietnam and the National Liberation Front to comply with the provisions of the Geneva Convention: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress strongly protests the treatment of United States servicemen held prisoner by North Vietnam and the National Liberation Front of South Vietnam, calls on them to comply with the requirements of the Geneva Convention, and approves and endorses efforts by the United States Government, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment and release of American prisoners of war.

GOVERNMENT REORGANIZATION: TOUGH GOING

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, the Wall Street Journal recently carried an article which provides vivid illustration of the ineffectiveness and waste that can result from the current scrambled and diffuse organizational structure of the Federal departments. In his message on departmental reorganization, the President listed the possibility that uncoordinated agencies may work at cross purposes as one of the most important undesirable consequences of the current system. This article by Burt Schorr of the Journal's Washington Bureau concerns just such an instance; in this case, the expenditure of nearly $20 million by the Bureau of Reclamation for a water reservoir system that was rendered inoperative by projects of the Soil Conservation Service further upstream.

The point of this episode is not that certain individuals or agencies are deserving of blame; as President Nixon said in his message: "the ineffectiveness of government is not a matter of men or money. It is principally a matter of machinery." I believe that the President's reorganization plan could provide for the needed restructuring of the governmental machinery that will make it possible for us to avoid further developments like that of the Foss Resorvoir. By placing all water resource functions within one agency of a single department, I am confident that we will have taken a major step toward ending the all-too-frequent situations in which one arm of the Government is doing precisely the opposite of that being done by another arm. I commend this article to all of my colleagues and include it at this point in the RECORD:

[From the Wall Street Journal, Mar. 26, 1971]

GOVERNMENT REORGANIZATION: TOUGH GOING

(By Burt Schorr)

WASHINGTON.—If President Nixon needs to dramatize the Cabinet reorganization proposal he sent Congress yesterday, a photograph of western Oklahoma's Foss Reservoir would serve perfectly.

A decade ago the Interior Department's Bureau of Reclamation formed the reservoir by throwing an earthen dam across the upper Washita River. To carry the water to four thirsty Oklahoma towns, the bureau also constructed a 55-mile underground aqueduct and pumping system. Overall, Washington's investment totals more than $20 million (although a bit more than a third of this was to be recovered through water purchases).

Today, Foss Dam stands sturdy, the distribution system is being maintained in tip-top condition and the lake, while 80% smaller than anticipated, sparkles nevertheless amid the gently rolling hills. All is serene—except for one problem.

Foss Reservoir water is undrinkable.

The lake, it seems, is loaded with minerals, and conventional filtering and softening methods can overcome neither the "dissolved solids—or the obnoxious taste—nor the undesirable effects of the Epsom salts," as an official of the local agency that was supposed to market the water complained to Congress several years back. A $1.5 million desalination plant has been proposed as a solution. Meanwhile, the aqueduct remains dry, and beyond some minor irrigation use, the lake's chief value has been to migrating water fowl.

BUNGLED PLANNING

Laying out $20 million for a drink of Epsom salts is sad enough. But Foss Reservoir is an especially galling example of bungled planning: It is a story of two federal agencies at cross-purposes.

In the early 1950s, while the Bureau of Reclamation was still studying the project's feasibility (urged on by Oklahoma's late Sen. Robert Kerr, a powerful friend of big dams), the Agriculture Department's Soil Conservation Service was already building small flood-control dams on Washita tributary streams upriver. Ultimately, 204 of these dams were erected at a federal cost of $6 million. And nobody can say they haven't worked.

Indeed, the reclamation people believe, the small dams are the major reason that the flow into Foss Reservoir has been only a third of that projected. (Dry weather is another reason.) The water blocked by the upstream dams, moreover, is of a higher quality than that available from other parts of the reservoir watershed. This aggravates the taste and purification problem.

Clearly, Foss Reservoir is the kind of thing the President's Council on Executive Reorganization, headed by Roy L. Ash, chairman of Litton Industries Inc., had in mind when it said federal water resources development suffered from "interagency rivalry, duplicative planning and conflicting policies." The council's proposed remedy: Gather water responsibilities now vested in three tradition-encrusted departments—Agriculture, Interior and the Army (Corps of Engineers)—into a new Department of Natural Resources.

This and other recommendations contained in the 160-page Ash Council report, completed last fall, have become the foundation for the government-wide reform envisioned by Mr. Nixon. Congress willing, Mr. Nixon would forge four super departments from the present Departments of Agriculture, Labor, Commerce, Interior, Transportation, Housing and Urban Development and Health, Education and Welfare, plus lesser assorted pieces of the federal bureaucracy.

"Over the years we have added departments and created agencies at the federal level, each to serve a new constituency, to handle a particular task—and these have grown and multiplied in what has become a hopeless confusion of form and function," Mr. Nixon said in his State of the Union message. "The time has come to match our structure to our purpose—to look with a fresh eye, to organize the government by conscious, comprehensive design to meet the new needs of a new era."

The congressional response, however, hasn't been the one Mr. Nixon was looking for. At this point, it can be described as overwhelmingly negative, if not actively hostile. "Grandiose in concept, monstrous in scope and impossible of achievement," is the way one senior House Democrat whose support is crucial recently described the proposal to a White House staffer.

Another Capitol Hill heavyweight, Sen. John C. Stennis, doesn't like the idea of the new Department of Natural Resources either. He sternly warned the other day that transfering some or all of the Corps of Engineers from the Department of Defense to the intended DNR "strikes at the vitals of our national defense posture." Vagaries of metaphor notwithstanding, Mr. Stennis' words aren't to be taken lightly; the Mississippi Democrat commands the powerful Armed Services Committee and heads the Public Works Appropriations subcommittee. The latter parcels Corps dams and other pork barrel projects that benefit nearly every congressional district.

A THREAT TO CONGRESS

The Hill resistance to reorganization certainly reflects some genuine concern that creating still larger Washington bureaucracies may actually make federal programs less responsive to national needs. But a number of Senators and Congressmen undoubtedly see the Nixon plan as a threat to their power bases. "Seniority arrangements that have been worked out over the years suddenly would have to be realigned. This would shake up every committee of Congress," observes one lobbyist in frequent contact with members of the Southern Democratic bloc that largely dominates Congress.

The special constituencies of departments marked for extinction—notably farm organizations and labor unions—are no less concerned about losing influence. In a recent newsletter, the National Rural Electric Cooperative Association razzed Mr. Nixon for arguing that carving Agriculture into four superdepartments would mean four Cabinet members speaking up for farmers, rather than only one.

Asked the newsletter. Why stop at four? Why not split Agriculture into eight departments ? "Think of it. Eight voices speaking up to the White House about the troubles of farmers, none of them really knowing anything about rural problems, but all of them using good grammar."

Though they were almost radical departures in their time, the Rural Electrification Administration, the Forest Service (both also in Agriculture), the Soil Conservation Service the Corps and the independent Atomic Energy Commission all have acquired an almost untouchable sanctity over the decades. Their dug-in positions are defended, moreover, by a fast-moving reaction force of lobbyists as well as strategically located congressional committee chairmen.

One is Democratic Rep. Chet Holifield of Los Angeles County, a leading AEC crusader. In Congress for 24 years, Mr. Holified worries that placing the government nuclear-power activities in the Natural Resources superdepartment might allow coal and oil interests to sabotage development of atomic power. Whether this argument is valid or not, Mr. Holifield couldn't be in a better position to see that transfer never happens; he's chairman of the House Government Operations Committee through which all reorganization bills must move.

Actually, only one of Mr. Nixon's proposed changes, a Department of Community Development, is judged to have even faint prospects of passage—principally because it would consist mainly of the present Department of Housing and Urban Development and thus is calculated to provoke the least controversy. Nixon aides say that in an effect to salvage something in the current session, the President might settle for a DCD alone if he could get it. (Some Hill staffers believe, though, that no action on reorganization is possible at all until after the 1972 election, and then only of Mr. Nixon wins.)

Still, one can argue that the aspect of Mr. Nixon's plan that makes the most sense is the proposed Department of Natural Resources. For when natural resource agencies negotiate as equals from behind the parapets of their separated departments, a Foss Dam is only one of many possible boondoggles. Consider these equally depressing intragovernmental tangles cited by the Ash Council:

—The Soil Conservation Service is straightening and deepening streams in Southern states to control floods, while Interior Department men deplore the toll the work is taking of fish and wildlife populations.

—Authority over non-military public lands is shared by four agencies in two departments; federal recreation areas are administered by five separate agencies in three departments. (One consequence: a series of occasionally bitter struggles between the Forest Service and Interior's National Park Service over how and by whom newly designated wilderness and recreation areas will be administered. "Every time there's a proposal to make a park out of forest lands, there's a disagreement," says a Park Service official.)

—In Kansas, an existing Bureau of Reclamation project is threatened by a proposed upstream watershed development by the Soil Conservation Service. In Montana, the Corps of Engineers and Bureau of Reclamation are studying separate projects for the same site.

—Energy programs are scattered among several departments and agencies, the Ash report notes, "with no single agency charged with developing a unified approach to energy resource utilization and conservation." (Total federal outlays for development of nuclear power generation now approach $3 billion, dwarfing the research spending for gassification of coal, say, or commercial uses of shale oil—an imbalance that soon could prove costly to U.S. energy consumers as world petroleum demand soars.)

To mute inter-agency conflicts and to try to eliminate duplication of effort, a mysterious and ubiquitous Washington institution has emerged, the Interagency Committees. The Ash Council counted some 850 of them, though many apparently haven't met for years. The committees can produce compromises, but are the compromises really in the public interest? The history of one super interagency structure, the Water Resources Council, suggests that the answer is often no.

Congress established the Council six years ago; membership today includes the Secretaries of Interior, Agriculture, Army, HEW, Transportation and the chairman of the Federal Power Commission. Its mission: Improve Washington leadership and coordination of government water planning and construction programs. Part of the task has involved supervision of 28 comprehensive federal-state studies of major river basins, studies reckoned to cost federal taxpayers about $95 million in all.

SPLITTING UP THE TERRITORY

Now some basin study critics argue that the entire effort has largely been a waste of money and time. One of them should know: He's Council Director W. Don Maughan, a Nixon appointee who took over in mid-1969 (too late to have any impact on the basin work being done by interagency field committees). In Mr. Maughan's view the final basin reports are proving to be little more than formal agreements between federal water agencies not to intrude on each other's territory—that is, so many flood control structures for the Corps, so many dams for reclamation, so much land treatment by the Soil Conservation Service, with everybody living happily ever after.

What has been overlooked, Mr. Maughan believes, is the possibility, for example, that a basin or two might get along without any more big dams or without any more irrigation projects. "Nearly all the money's been spent and we don't have all the alternatives," he complains.

Could it have come out any other way? Probably not, considering that Congress deliberately chose to let each agency budget its own share of the basin study funds. Not surprisingly, some had much greater success with their respective appropriations subcommittees than others, creating an imbalance of basin study inputs. More important, the procedure left the Council almost powerless to force new thinking on case-hardened agency officials.

"Unless you hold the purse strings, individual agencies tend to build up their own programs," one veteran water program man on the Council staff concludes.

Control of the purse strings, of course, is what reorganization is *really* all about, and apprehension about losing control is the reason that the most logical reorganization plans often get nowhere.

INEQUITIES IN THE NIXON REVENUE-SHARING PLAN

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, Mayor John Canfield, the distinguished mayor of Dearborn Heights, Mich., has recently indicated that he is beginning to see through the Nixon administration's revenue-sharing smokescreen. As more information on this plan becomes available, I am confident that more local officials will reach similar conclusions.

In his comments before the delegates to the Legislative Conference of the National League of Cities and the United Conference of Mayors, Mayor Canfield points out some of the more apparent inequities which appear when this illogical scheme is applied to communities located in Wayne County, the largest county in Michigan. A careful appraisal of this analysis indicates that the true Republican philosophy is inherent in the Nixon revenue-sharing proposal—the rich get richer and the poor remain poor.

I am inserting a copy of this statement in the Record, and I would urge all my colleagues to study carefully the excellent analysis which is included at the conclusion of Mayor Canfield's remarks. The statement and analysis follow:

Statement by Mayor John L. Canfield

Ladies and Gentlemen: The prime purpose of this Conference, if I understand it right, is to discuss the question of Revenue Sharing at the Federal level with local Communities throughout the United States.

When this issue first came to the forefront a few years ago, it was a generally accepted idea that the Revenue Sharing should be based on a population basis primarily because we are talking about sharing a Federal Income Tax which is paid by the people throughout the country.

It is impossible for me to know what is happening in all parts of the Country but based on newspaper reports and the reports from the Congressman in my District, if the President's proposal were enacted into law, in many instances in Wayne County, Michigan, the rich Communities would get richer and the poor Communities would get poorer.

I am not just talking about the Central City but have compiled a list of most Communities in Wayne County which indicates the vast range of inequities that exist under this proposal. I assume that if this is true in Wayne County, Michigan, it is probably true in Cook County, Illinois, and in all of the other cities across the Nation.

As you can see by the table in Wayne County, the range is from $1.20 per capita in Sumpter Township, which is one of the poorest communities in Wayne County, to a high of $40.15 per capita in Highland Park, Michigan. In the case of the City of Dearborn, the per capita would be $20.25, and in the City of Dearborn Heights, which is my home base, it would be $4.65 per capita.

Approximately 70% of the income of the City of Dearborn is derived from an industrial tax base while in Dearborn Heights it is only 15%.

I submit to you that this is one of the greatest inequities that has ever perpetuated against the people of America unless it is the case of the Farm Aid Plan where millionaire farmers are made multi-millionaires.

I have attended most of the Conferences of these two great Organizations in recent years and I read with dismay that the League of Cities and the Conference of Mayors are taking credit for the President's proposal.

I urge the Delegates of this Conference to continue to press for Revenue Sharing but to absolutely insist that the inequities in this law are not put into effect.

Yes, Dearborn Heights needs the $371,005 that we would get under this plan. We are in dire need of money with a population of 80,000 and a low tax base, but I cannot idly sit by and receive this $371,005 while our sister City of Dearborn with a population of 104,199 receives $2,113,705 when they are now trying to figure out how to spend their money.

Again, I urge that we oppose the proposal as it now stands.

CITIES AND TOWNSHIPS IN WAYNE COUNTY, MICH.

Cities	Federal revenue sharing amount	1970 census figure	Per capita
Allen Park	$225, 711	40, 747	$5. 50
Garden City	160, 482	41, 864	3. 80
Inkster	193, 215	38, 595	5. 00
Lincoln Park	332, 974	52, 984	6. 25
Melvindale	88, 660	13, 862	6. 40
Wayne	229, 126	21, 054	10. 85
Dearborn Heights City	371, 005	80, 069	4. 65
Westland	190, 389	86, 749	2. 20
Canton Township	36, 853	11, 026	3. 30
Huron Township	18, 015	8, 030	2. 25
Pomulus Township	61, 108	22, 879	2. 70
Sumpter Township	9, 773	8, 091	1. 20
Taylor Township	252, 086	70, 020	3. 60
Van Buren Township	160, 247	13, 162	12. 15
Dearborn	2, 113, 705	104, 199	20. 25
Detroit	24, 901, 847	1, 511, 482	16. 45
Grosse Pointe City	104, 437	6, 637	15. 70
Grosse Pointe Farms	135, 992	11, 701	16. 60
Grosse Pointe Park	109, 736	15, 585	7. 10
Grosse Pointe Woods	129, 752	21, 878	5. 95
Highland Park	1, 423, 148	35, 444	40. 15

MUD FOR A MONUMENT

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. HOGAN. Mr. Speaker, the attacks against law enforcement in general and the FBI and its Director, J. Edgar Hoover, in particular, continue to be heard from various sources. The distinguished editor in chief of the Hearst newspapers, William Randolph Hearst, Jr., in a recent column entitled "Mud for a Monument," very effectively summarized and put into proper perspective some of these charges. His column appeared in the March 14, 1971, issue of the News American of Baltimore, Md., and I think it would be beneficial for all of my colleagues to read this column. I, therefore, insert Mr. Hearst's column in the RECORD at this point:

MUD FOR A MONUMENT

NEW YORK.—Although the 1972 presidential election is a long 20 months ahead, hot political winds already are gusting across the land as Democratic White House hopefuls step up their search for vote-getting issues and campaign cash.

To date, and for compelling reasons of strategy, the hottest and most extreme blasts have emanated from Sen. George S. McGovern. Because he must overcome the Muskie steamroller to have a chance, he became the first to declare his candidacy—in January—and has been running desperately since.

In attempting to outdistance his still-undeclared potential rivals, South Dakota's champion dove on Vietnam already has established himself as number one war critic of the pack. None could possibly surpass his election promise of a total and immediate American withdrawal.

My disgust over this position—which amounts to nothing less than abject surrender to Communism in Southeast Asia—has been voiced here before and there is no point in repeating it. The point to be noted is that the war is inevitably going to be a primary campaign issue in the months ahead.

This is as it should be. Vietnam is a legitimate campaign issue if there ever was one. And Sen. McGovern has a perfectly legitimate right to take any position he wants, no matter how reckless and harmful it might be.

The same cannot be said for another issue he has injected into the 1972 race. Thanks to Sen. McGovern, FBI Director J. Edgar Hoover—if he stays in the post he has held since 1942—again is assured of becoming the potlical football he was in 1968.

Mr. Hoover, now 76, became a target because of his age and because of his eminence as a symbol of law, order and old-fashioned Americanism. The latter was anathema for the liberals. A critical pronouncement about the FBI and its head thus became a required act of faith for them in the 1968 campaign.

It was a phony and illegitimate issue then and it remains so now that McGovern has resurrected it.

What is tragic about the situation, is that the world-famous FBI—zealously built by Mr. Hoover during the terms of eight Presidents—faces a new barrage of the scurrilous partisan attacks which have done so much serious and possibly irreparable damage.

It is doubly tragic that this damage to its prestige has been especially noteworthy among the young people of our nation—the generation which will be influencing Congress and paying the nation's bills before long.

For the benefit of those coming in late—or who may not have been paying close attention—here is how Sen. McGovern has succeeded in re-establishing Mr. Hoover and the FBI as prime targets for forthcoming Democratic campaign criticism.

He started out by demanding a Senate inquiry into the resignation under pressure of John F. Shaw, an FBI agent who wrote a letter that included some criticism of Mr. Hoover. Subsequently, on March 1, the Senator made headlines by inserting in The Congressional Record an Anonymous letter he said came from 10 unhappy agents of the bureau.

Like the Shaw letter, the anonymous communication charged that the FBI director is a sternly demanding boss who tolerates no disobedience or criticism from his agents—a charge that certainly is true enough.

Throughout his long and distinguished career, J. Edgar Hoover always has imposed rigid discipline on his men. The total lack of any scandal in the ranks—ever—is a measure of his success in keeping unsullied the FBI motto: "Fidelity, Bravery, Integrity."

Over the years—as today—there, of course, always have been some agents unable to adjust to the necessity for such high standards. Yet the level of morale generally remains as high as the standards. Some 62 per cent of the special agents on the rolls as of April 1, 1969, had been with the FBI for 10 years or longer.

This fact speaks loudly and clearly to any impartial observer. Yet it obviously was no concern of Sen. McGovern when he inserted the anonymous letter of criticism into The Congressional Record— along with his own comment that Mr. Hoover has "an overbearing concern for the FBI's public image."

As might be expected, responsible FBI officials were outraged by the publicity the Senator got through his act and comment. A total of 21 senior FBI officers subsequently wrote to him, denouncing him as an irresponsible, reprehensible opportunist.

The strongest came from Clyde Tolson, the bureau's veteran associate director. It said, in part:

"I term you an opportunist because it is no small coincidence that you have singled out a man of Mr. Hoover's national stature for attack at a time when waves of publicity are urgently needed to buoy your political career.

"You are not the first person I have encountered during 30 years in Washington whose ambition has far exceeded his ability, and I cannot help wonder how many other esteemed career public servants will be maligned and abused before your political balloon runs out of hot air."

The Tolson letter, as Sen. McGovern declared later, may well have "exceeded the bounds of proper comment by a high government offical."

Considering the provocation, however—and particularly the irresponsibility of Senator McGovern in publicizing an unsigned communication throwing mud on a monument of integrity—I think I would have used even stronger language had I been Mr. Tolson.

It is impossible in this space even to summarize adequately the tremendous, 47-year record of Mr. Hoover and the FBI. It covers too varied a field of successful investigations of gangsters and kidnapings in the 30s, through Nazi espionage in Word War II, and up to the present through Communist subversion, civil rights strife, city rioting and the plots of anarchy.

Headlines aside, the best proof of FBI effectiveness is the extremely high percentage of convictions it marks up in cases based on its investigations.

According to the Congressional Quarterly, in fiscal 1968 such convictions were obtained against 97.3 per cent of persons brought to trial during that year. And of the 13,059 convictions that year, 11,190 (or 95.7 per cent) were on guilty pleas; the rest following trials before judge or jury.

"These percentages," notes the eminently reliable Congressional Quarterly, "were typical of other years."

It is not the FBI and its director who need any justification. What cries out for any kind of justification are the shockingly unfair attacks of such short-sighted, self-serving politicians as Geroge McGovern.

The only possibly valid criticism that could be directed at J. Edgar Hoover would have to be based on his advanced age. And so far as anyone knows he is remarkably sound in both mind and body.

In a word, there is no justification whatever for the mud slinging—either in or out of a political campaign.

J. Edgar Hoover and the FBI have done nothing to deserve castigation. The exact opposite is true.

Politicians who go around seeking votes by knocking honorable men and their accomplishments make me literally sick at heart.

It is small wonder that so many of our youngsters are growing up with the idea that the whole establishment of our society is no good.

THE COST OF VIETNAM—920,028 DEATHS; $115 BILLION TO AMERICAN TAXPAYERS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. PUCINSKI. Mr. Speaker, William McGaffin, of the Chicago Daily News Washington bureau, has performed a notable public service by compiling for his readers a tabulation of what the Vietnam conflict has cost.

Mr. McGaffin's report is journalism at its finest and deserves the careful attention of every Member of Congress as well as every American.

I am placing Mr. McGaffin's report in the RECORD today, and at the same time renewing my plea to President Nixon to impose a moratorium on any further shipment of American replacement troops to Vietnam.

On February 2, of this year I introduced House Joint Resolution 258 which calls for such a moratorium.

Under my proposal, the United States would not replace American troops being rotated home at the conclusion of their 1-year tour of duty. In 1 year, there would be no American troops in Vietnam.

I believe the Chicago Daily News article prepared by Mr. McGaffin provides the best argument for my proposal.

There are a number of proposals being discussed among House Members for American troop withdrawal from Vietnam, but none of these proposals addresses itself to the fact that regardless of which formula we use, we will continue sending to Vietnam more than 20,000 troops a month.

After we complete the present reduction phase on May 1 of this year, we will still have 285,000 troops left in Vietnam. After that date, through the normal 1-year rotation policy, we will be bringing back home 24,000 troops every month and replacing them with 24,000 being sent to Vietnam.

There are reports that President Nixon plans to announce on April 15 that we will be reducing our troop commitment to Vietnam by 16,000 a month beginning May 1.

At this rate, even with the stepped-up rate of reductions, we will still continue to send 8,000 troops to Vietnam a month or 100,000 a year for an indefinite period.

I have introduced House Joint Resolution 258 to approach this whole problem of disengagement from a different direction. My resolution calls for a moratorium effective immediately on all shipments of replacement troops to Vietnam. Under my proposal, as troops are rotated back home upon completion of their 1-year tour of duty, they would not be replaced and troops in Vietnam would be consolidated into new units as they are now being consolidated under the present monthly reduction policy.

Under my proposal, the attrition provided by rotation would lead to a total removal of our American troops within 12 months.

More important, I have reason to believe that a moratorium on shipment of fresh troops to Vietnam would open up a new dimension for the peace talks in Paris and hopefully bring about not only a cease-fire, but an exchange of POW's.

Mr. McGaffin's excellent article follows. I am also including a copy of House Joint Resolution 258 following the article. I hope the House will give careful consideration to my proposal in the wake of Mr. McGaffin's startling disclosure.

The articles follow:

[Chicago Daily News, Mar. 27, 1971]

THE COST OF VIETNAM: 920,028 DEATHS; $115 BILLION TO UNITED STATES

53,771 YANKS HAVE BEEN KILLED

(By William McGaffin)

WASHINGTON.—The Vietnam War has resulted in the deaths of more than 900,000 persons and has cost the American taxpayer $115 billion.

It has, in addition, disrupted the lives of 2,855,700 young Americans who have served in Indochina and Thailand since 1965—the year that Vietnam became an American war.

These are some of the figures made available by the Defense Department in response to a request by Sen. George McGovern (D-S.D.). McGovern's request was prompted by a series of questions sent to him by Harry R. Booth, a prominent Chicago attorney.

In what is believed to be the most comprehensive accounting ever provided by the Pentagon about the magnitude of the war, it is acknowledged that the death toll from the start in 1960 has reached 920,028.

This breaks down as follows:

American soldiers, 53,771.
South Vietnamese soldiers, 131,995.
South Vietnamese civilians, 26,700.
Allied soldiers, 4,282.
Enemy soldiers, 703,280.

Of the 53,771 American deaths, 44,518 were killed or died from wounds resulting from enemy action. The other 9,253 were soldiers who died in airplane and helicopter accidents and from other causes that were not the result of enemy action.

In addition, the war has resulted in the wounding of nearly 900,000 persons, the Pentagon report revealed. This figure does not include any estimate of enemy wounded, which is not available.

It does show that 294,414 American servicemen, 20,211 allied troops, 320,970 South Vietnamese soldiers and 252,000 South Vietnamese civilians were wounded. These add up to 877,595.

The South Vietnamese civilian figures probably are on the conservative side. Those figures were supplied by the South Vietnam government.

The 26,700 civilian deaths reported by Saigon were those caused by enemy terrorist attacks. No figures were made available on the number of civilians killed by American forces. The 252,000 wounded were only those admitted to hospitals from 1967 through 1970.

The number of American servicemen in Vietnam at any one time has never been more than about 530,000. By May 1, the American strength is scheduled to be down to 284,000.

But each draftee and many regular soldiers have served only one year there. Because of the numbers required to replace them, the number of Americans who served in Vietnam from Jan. 1, 1965 through Sept. 30, 1970, was 2,885,700.

The Army, as might be expected, has supplied the lion's share—1,522,800 men. The rest came from the Navy and Coast Guard, 450,000; Marine Corps, 430,100; and Air Force 452,800.

Vietnam is only one place in the Pacific where the United States has military personnel on duty. On Feb. 18, for example, there were 330,600 in Vietnam and 168,000 in Okinawa, the Philippines, Formosa, Japan and Korea.

The $115 billion cost of the war to the United States included only $100 million in fiscal 1965.

In fiscal 1966, the cost went up to $5.8 billion. In fiscal 1967, it jumped to $20.1 billion. In fiscal 1968, it hit $26.5 billion. It reached a peak of $28.8 billion in fiscal 1969. And in fiscal 1970 it declined to $23.2 billion.

The Pentagon estimates that by June 30, when fiscal 1971 ends, the United States will be funding the war at the rate of approximately $14.5 billion a year.

H.J. RES. 258

(Urging the President of the United States not to send any United States Armed Forces to Vietnam after March 1, 1971, and for other purposes)

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of Congress that, after March 1, 1971, the President of the United States shall not send any United States Armed Forces to Vietnam. No law, rule, or regulation in effect on the date of enactment of this resolution shall be amended or modified to authorize the extension of a tour of duty with respect to any member of the United States Armed Forces assigned to duty in Vietnam on such date of enactment.

Further, it is the sense of Congress that as present United States troops in Vietnam are rotated at the conclusion of their one-year tour of duty, their remaining units shall be consolidated until ultimately no United States troops will remain in Vietnam.

EXTENSION OF WAGE AND PRICE CONTROL AUTHORITY

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. BADILLO. Mr. Speaker, I was unfortunately delayed in New York by urgent business involving the welfare of my constituents and did not arrive in Washington in time for today's vote on Senate Joint Resolution 55, authorizing a temporary extension of the President's authority to set wage and price controls, stabilize interest rates, and expand credit controls. Had I been here, I would have voted for this legislation.

The fact that this legislation is needed is spelled out daily by statistics which tell the story of our continued economic distress. It is tragic that the President did not use the authority granted him under legislation originally passed by the 91st Congress. Even now, his reluctance to establish wage and price controls is damaging the economic well-being of our Nation and contributing to rising unemployment.

The overwhelming margin by which this authority is being renewed should be ample evidence of the seriousness with which Congress views our economic situation. Continued inaction by the President is clearly against the public interest.

IMPACT OF BRUSSELS ON U.S.S.R. AND WORLD

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. DRINAN. Mr. Speaker, I include herewith an excellent article by a distinguished jurist entitled "Impact of Brussels on U.S.S.R. and World." This article is written by a widely admired Boston attorney, Lewis H. Weinstein. Mr. Weinstein has held national leadership posts in Jewish organizations including the American Conference on Soviet Jewry. Mr. Weinstein was a central figure at the recently concluded Brussels Conference on Soviet Jewry on which his excellent and comprehensive article reports.

This article is reprinted from the Jewish Advocate of March 11, 1971. It follows:

IMPACT OF BRUSSELS ON U.S.S.R. AND WORLD

(By Lewis H. Weinstein)

(EDITOR'S NOTE.—Mr. Weinstein, author of this article, is a prominent Boston attorney. He has held national leadership posts in Jewish organizations, including the American Conference on Soviet Jewry. He was a central figure at the recent Brussels Conference on Soviet Jewry, on which he reports here.)

The Brussels Conference on Soviet Jewry dramatized the plight of three and a half million Jews deprived of their rights to religious and cultural freedom and to freedom from anti-Semitism, rights expressly guaranteed by the Soviet Constitution. It sharpened the issue of Soviet refusal to permit Jews to emigrate, despite the provisions of the Universal Declaration of Human Rights, subscribed to by the U.S.S.R.

Some 850 Jewish delegates from 38 countries in all the continents unanimously agreed upon the Brussels Declaration of solidarity and action. The program was highlighted by a rare synthesis of logic, emotion, dedication and practical realism.

Arthur Goldberg, former Justice of the Supreme Court and Ambassador to the United Nations, presented a skillful analysis of the problem and the issues at the opening session. Dr. Albert Sabin of anti-polio fame, now president of the Weizmann Institute of Science in Israel, presided at the first plenary session, and was one of a group of scientists, scholars, philosophers, writers and artists who participated in various sessions.

Eli Wiesel, with his magic mysticism and his moving poetry, stirred the audience to tears and laughter. Otto Preminger, movie director, and Paddy Chayefsky, playwright and television writer, were not of the same caliber; they were brief, insulting and apparently unaware of the background or purpose of the conference.

Nehama Lifschitz, "The Nightingale of Soviet Jewry," and Chief Rabbi Jacob Kaplan of France, who had heroically survived two World Wars, touched the audience deeply.

David Ben-Gurion, approaching his 85th birthday, a delegate to the Conference, spent his days in Brussels in a sickbed, but was permitted by his doctors to make a short appearance, to express his solidarity with Soviet Jews and the conference. The rafters of the Palais des Congres resounded to the roar of welcome to this vital Jew.

In the session devoted to parliamentarians, Menachem Begin, who recently led the Gahal Party out of the Israel Cabinet, talked "unity" but used, unsuccessfully, divisive tactics. A perfect reply to Begin was given by Liova Eliav, also of the Knesset, author of "Between Hammer and Sickle," in warm Yiddish, factual, precise, dramatic and devastating.

But the heroes of the conference were a group of young Russian Jews who had left the Soviet Union within a matter of weeks. Two girls in their early 20's, Ella Tamsha of Kovno and Kraina Shur of Leningrad, won the hearts of the conference as they gave testimony of their efforts for freedom. Major Grisha Fegin, a Red Army hero, forced into an insane asylum by the Soviet authorities when he wanted to emigrate to Israel, in simple, poignant, sincere words held the audience captive.

Five commissions devoted to work with governments, jurists, youth and campus and mass media and at the nongovernmental level, did the nitty-gritty work of the conference, hearing reports, presenting practical, workable programs, analyzing past efforts and outlining directions and guideposts for the future. The last named of these commissions had an omnibus function to include everything that had not been included in the ambit of the other four commissions.

As a sample of how these commissions functioned, let me describe the fifth commission, of which I was chairman. After a presentation by Dr. J. S. Roth of London and the World Jewish Congress, 63 delegates gave formal statements, suggestions and experiences and recommended programs. Consultants included two rabbis from the Hague and Washington and the head of the Department of International Law at Tel Aviv University, formerly a member of the Israel Delegation to the UN, intimately familiar with Soviet matters. A Buenos Aires Jewish leader was vice-chairman.

The panoramic sweep of dealing with political parties, including the Communists, inter-parliamentary bodies, new-Left groups, industry and labor, Jewish organizations of all kinds and varieties, other ethnic and racial groups, voluntary organizations including civil rights, international cooperation, supporters of United Nations and peace movements, professional, scientific, academic, artistic and intellectual leaders, religious leaders, lay and clerical, special women's groups and a host of others, was the subject of discussion and report.

The success of the Brussels Conference was insured by unsuccessful Soviet efforts to cancel the program and then to attempt a counter program. Without Russian intervention, the conference might have made a headline in the Yiddish and Anglo-Jewish press, but would have been buried in the back pages of general newspapers. The USSR charged that the conference was anti-Soviet and formally demanded cancellation. Claude Kellman, chairman of the Conference Secretariat and the ideal businessman-diplomat-leader, answered each allegation with precision and finesse. The Belgian Minister of Foreign Affairs responded with suavity that Brussels was known for its great Congress structures, its hotels and its hospitality. Moreover, he added: "we have always had room in Belgium for those who believe, rightly or wrongly, that they have suffered injustice or discrimination, like Karl Marx and Friedrich Engels, both of whom enjoyed Belgian hospitality."

When the Soviets sent their puppets, a Lieutenant General, a vice-president of the Soviet Bar Association, a leader of a large cooperative farm and others, the response they received was negative. Their public programs were laughed at and announced movies were not even shown. Apparently the Soviet-Belgian Friendship League could not win the support even of Belgian Communists in this endeavor.

The conference ended with the adoption by acclamation of a declaration of solidarity with Soviet Jews, denunciation of Soviet violations of human rights, rights to religious and cultural liberty, right of freedom from anti-Semitism and right to emigrate, and a call to the conscience of the world to ensure these rights.

The conference selected five representatives from France, Israel, Latin America, the United Kingdom and the United States to transmit the Declaration to the Human Rights Commission of the United Nations fortuitously then about to begin its sessions in Geneva. Leaving Brussels very early, we were in Geneva before the offices in the Palais de Nations opened.

Our program involved conferences with friendly delegates, including Rita E. Hauser of New York, representing the United States, and the President of the Human Rights Commission, Dr. Andres Aguilar, who was well acquainted with his fellow townsman, our Venezuelan delegate, Dr. Ruben Merenfeld. Despite reports, we did not ask for the privilege of addressing the Commission. We knew better, and even if the lawyer members of our group had not known that only accredited non-governmental organizations could address the Commission, our expert consultant on United Nations' matters, Professor Dinstein, had reminded us of this requirement.

President Aguilar did not refuse our request (JTA and other statements to the contrary). We asked him to file our Declaration with the office of the UN Secretary General in Geneva, which after translation into the five UN languages, was distributed to the Commission members. We obtained the assistance which we requested. And the members of the Human Rights Commission knew we were present. Even the Soviet delegate, Nikola K. Tarrasov, to whom Ambassador Hauser presented me, knew our mission.

At noon, Ambasador Hauser made probably the strongest statement ever made by an American representative at a UN meeting on the issue of Soviet Jewry. Two-thirds of a fifteen minute statement were devoted to the specific problem of Soviet treatment of Jews, a historic, juridical, nobly-stated review, in the highest traditions of American diplomacy. A summary would not do justice to her brilliant exposition.

Tarrassov immediately asked for the right to respond and his answers showed that raw exposed nerves had been touched. Mrs. Hauser had quoted from Pravda that any Soviet Jew who wished to migrate to Israel is automatically "an enemy of the Soviet people." The Soviet delegate said that Mrs. Hauser's quotation was baseless, slanderous and deceptive. He then read from the original which had said that any Soviet Jew who wished to migrate to Israel is a Zionist and thus automatically an enemy of the Soviet people. He then uttered a tirade against Zionism as racism, imperialism, etc., etc. When he added that the Pravda editor spoke only as an individual, even though Tarrassov agreed with him, the otherwise solemn assembly burst into laughter. Only the Iron curtain and Arab representatives did not smile.

The delegate from the United Arab Republic joined the debate, but Mrs. Hauser responded with concise and effective words. Her performance rated an A plus.

That she made a deep impact was apparent by the remarks of the Iraqui and Lebanese delegates to a New York Times reporter with whom we sat. At lunch, Mrs. Hauser gave us additional insight into some of the Commission's members, programs and problems.

Unfortunately, efforts of Rabbi Meir Kahne to sensationlize his role and to disrupt the Brussels Conference received more attention than they deserved. The request of the Jewish Defense League to participate in the conference was turned down, because it has no relationship to any of the Jewish organizations, representing practically the entire American Jewish community, under the umbrellas of the two American sponsoring organizations. A number of Rabbi Kahane's strong supporters were delegates to Brussels; they had been named delegates of the Revisionist branch of the American Zionist Federation, and Rabbi Kahane, I assume, might have come as a similar delegate.

The statement of the few Brussels followers of Rabbi Kahane that his arrest and deportation were the result of action by the officials of the Conference is not true. Security was strict. The Soviet authorities' unsuccessful efforts to cancel the Conference, the presence in Brussels of several Russian apologists for the Soviet authorities and the wild threats of Dr. George Habash, head of the Arab terrorist radical group (which had claimed responsibility for plane hijackings) that Jews going to the Conference would taste terrorist medicine, were responsible for large numbers of Belgian police at every entrance to the Conference Hall.

When Rabbi Kahane was denied admittance because he did not have a delegate's card, he called a "press conference" at the main gateway and, with a few others, apparently headed toward the entrance. The Belgian police detained him and Foreign Ministry officials ordered him out of the country.

The officials of the Brussels Jewish Conference had no part in the arrest or deportation of Rabbi Kahane.

The overwhelming number of delegates at Brussels believed that the methods of persistent diplomacy, of obtaining the support of governments, the United Nations, recognized non-governmental organizations (having status with the UN), men and women of good will of all religions, labor groups, business and industry, artists and intellectuals and all groups dedicated to human rights, are more effective in obtaining results than violence, harassment, breaking up cultural events or other extremist measures. They believe that the tactics of Rabbi Kahane and the Jewish Defense League are counter-productive of their announced goals, violative of the principles of democracy, dangerous to members of the League and harmful to the Jews of the Soviet Union. They prefer to penetrate the Iron Curtain with the support of the conscience of the world, rather than to rely upon strong-arm methods.

Some delegates, including some of the youth delegates, were frustrated in their efforts to establish a formal, permanent World Conference on Soviet Jewry, a highly commendable purpose. But, the B'nai B'rith International Council, the Jewish Agency-World Zionist organization and the World Jewish Congress were not yet ready for this step, whatever their reasons may be. Since they were influential members of the Presidium, any floor effort would have succeeded. But anyone knowing the "art of the possible," the attainable, the achievable, knew that, willy-nilly, a secretariat and presidium of Jews throughout the world on the issue of Soviet Jews already exists and can be called into action immediately. And there is strong support for financially self-sufficient regional and national conferences. The need for top lay and professional direction is obvious. In the United States, the solution of this problem already has the attention of key national Jewish organizations and leaders.

What impact did the conference have on the Soviet Union? We know their immediate unsuccessful responses. But, as Winston Churchill once said, the USSR is "a riddle wrapped in a mystery inside an enigma." Within a week after the Conference, one planeload of 50 Jews, mostly young people from Moscow, Riga and Kishinev, arrived at Lydda in Israel, the largest group of Russian Jews to arrive at one time since the establishment of the State. Will many more be able to come?

What the Soviet Union will do at any time may be stupid, subtle, skillful, brutal or even humane. The answer is interwoven with the broad political goals of the USSR, its Middle East penetration, its relations with Arabs, its sensitivity to criticism, its adherence to certain slogans, all in the context of a totalitarian, monolithic structure, with internal forces struggling against one another—and all against a background of a long-standing, deeply-rooted anti-Semitism.

Svetlana Alleluyeva, Stalin's daughter, once told me that changes in Soviet policies on treatment of Jews would only come after the present Soviet leadership changes. Is she right? Kremlinologists in the State Department and elsewhere have emphasized to me the unpredictability of Soviet responses.

Our appeal to the conscience of the world must be continuous, fervent, at every level and into every corner. And our allies are many; among the strongest are the Soviet Jews of courage. Even the non-Jews of the Soviet Union, whether they now live abroad like Kutznetzov, or who remain within the Soviet Union, like the Nobel Laureate in Literature, Solzhenitsyn, or the poet Yevtushenko or the composer Shostakovich are our allies. And for a message of hope, listen to the first movement of Shostakovich's 13th Symphony to the Yevtushenko poem, "Babi Yar," banned in the Soviet Union.

The impact of the Brussels Conference will be felt in many corners of the world, if we cause it to be felt. The period between Purim, Festival of the Victory of Queen Esther and Mordecai over Haman in Persia, and Passover, Festival of Freedom from Slavery in Egypt, is a good time to reflect and to commit one's energy and to act. If not now, when?

GREEK INDEPENDENCE

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. GREEN of Pennsylvania. Mr. Speaker, it is the custom of the House to commemorate the national holidays and other dates of significance of those countries that have provided the United States with much of its sense of history and fundamental social outlook. Certainly, Greece is such a country.

The 150th anniversary of Greek independence was celebrated on March 25, 1971. Traditionally, this day is regarded as the first blow struck for Greek liberty.

We in America owe the Greek nation a large debt of gratitude. They have provided much of the philosophic underpinnings of our Declaration of Independence, the outlines of our basic structure of government, and the thrust of our heritage.

The contribution of Greece to civilization is difficult, if not impossible, to measure. The number of ideas, the objects of art, the governmental principles, the literature, the great thinkers—all are part of a culture that cannot and will not die.

Unfortunately, a police state now exists in Greece. The philosophy of this Government runs counter to the entire heritage of Greece. It is repressive. It is tyrannical. Curiously, the State Department of the United States has maintained an icy silence as to its posture on the present rulers of Greece. It has been said that the military junta is making progress in the reestablishment of liberty, yet two Senate investigators have just filed a report that challenges this view.

I believe it is time that the United States use its influence and challenge the control of the junta; we should demand free elections and we should cut off military aid until reforms are made.

I am proud to honor the people of Greece, for they have been leaders in the quest for political freedom and individual thought. I can only hope that the freedom and independence will return once again to Greece and that the present rulers will realize that the dignity of a people cannot be compromised and cannot be denied.

RESOLUTION ON SOVIET JEWRY

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. DRINAN. Mr. Speaker, I attach herewith an important statement issued by the Great and General Court of the Commonwealth of Massachusetts.

This statement memorializes the President of the United States to prevail upon the Soviet Union to allow Soviet Jews to freely practice their religion, maintain their culture, and to leave the Soviet Union on their own free will.

This resolution was unanimously adopted by all of the members of the Legislature of Massachusetts and was given to me by the Honorable Theodore D. Mann, a member of that great body, on the occasion of a rally attended by 2,000 people at the Newton, Mass., City Hall on behalf of Soviet Jewry.

The resolution follows:

Resolution Memorializing the President of the Unted States to prevail upon the Soviet Union to allow Soviet Jews to freely practice their Religion, maintain their Culture and to leave the Soviet Union on their own free will.

Whereas, Reports from Russia of the refusal of the Soviet government to permit Jews to leave the country and of the political and racist repression of these people is of great concern to all free men; and

Whereas, The General Assembly of the United Nations in 1948 adopted a resolution entitled "The Universal Declaration of Human Rights" and in 1965 adopted the recommendations of the International Convention on the elimination of Racial Discrimination which further defined these human rights, condemned racial discrimination, agreed to pursue by all appropriate means, a policy of eliminating racial and political discrimination, and to promote a better understanding of this problem and guaranteeing everyone equal protection before the law; and

Whereas, The Soviet Union subscribed to the Declaration of Rights of 1948 and voted to ratify the recommendations of the convention of 1965; and

Whereas, Although the fate of an individual may still be at the mercy of his government, it is a matter of continuing and increasing international concern whenever such government is guilty of political and racist discrimination and of repression against any segment of its citizens; therefore be it

Resolved, That the Massachusetts House of Representatives hereby request the President of the United States to bring the question of the political and racist discrimination and repression of the Soviet Jews by the Soviet Union before the United Nations and to use the good offices of the United States government in urging the Soviet Union to allow Soviet Jews to leave the Soviet Union on their own free will; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from this commonwealth.

INFLUENCING A CONGRESSMAN

HON. M. C. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. SNYDER. Mr. Speaker, I have enjoyed a healthy return on my annual questionnaire which was mailed out in the district in February. I received more than 8,600 questionnaires with about 14,400 individual respondents participating in the poll.

Right after the questionnaire was distributed in the district, the Kentucky Post and Times-Star commented editorially on it. The text follows:

INFLUENCING A CONGRESSMAN

Rep. Gene Snyder's February newsletter is a two-way mailing piece containing the still-rising Kentucky congressman's annual questionnaire. This one is interesting in two particulars. For one thing it's tabulated for yes/no replies by two persons—designated "HIS" and "HERS," like two bath towels hung side by side.

Further, the 12 questions are highly pertinent if not downright critical, for they seek opinions on President Nixon's "state of the union" goals and broad questions of high-level policy.

We look forward with more than casual interest to a report on the returns from this mailer. They should indicate the thinking of concerned northern Kentuckians of both sexes on welfare, the budget, revenue-sharing, ecology, Cambodia, price-control, Communism, cabinet reorganization, Justice Douglas, UN membership for Red China and Nixon's leadership.

"Your answers," the newsletter concludes, "will be most helpful to me in performing my duties as your congressman." They should be so indeed. We like to see members of Congress as sensitive to the views of their constituents as this suggests. Snyder has just become the ranking minority member of the Rivers and Harbors subcommittee of the House Public Works committee, and his congressional star is much in the ascendancy.

Yet no mere weathercock is this forthright Kentucky Republican. He assumes, and rightly, we believe, that most Kentuckians would approve a massive crash program in cancer research—even if it meant abandoning the lunar wilderness and the SST. And he voices his own strong disappointment in Nixon's astronomical and inflationary budget.

We hope every couple who receives one of these questionnaires sits right down and fills it out, then invests six cents in good government. Any man who fails to do so overlooks an opportunity to be politically effective in the democratic tradition (if you'll pardon that adjective, Gene).

And any woman who neglects to check the "HERS" answers is disloyal to the Women's Lib.

The results of the questionnaire are as follows:

[In percent]

	Yes	No	No opinion
1. Do you favor the proposed plan for a guaranteed minimum income for every family with children? (total welfare cost estimated to at least double under this plan)	6.6	92.4	1.0
2. Do you believe the Federal budget should be balanced under today's conditions?	68.0	28.6	3.4
3. Do you favor tax-supported expansion of basic medical care for every needy family?	42.1	55.8	2.1
4. Do you favor returning a part of Federal revenues to State and local governments to spend as they please without Federal control?	40.4	57.5	2.1
5. Do you favor new and additional government spending to restore and enhance our natural environment?	65.5	32.3	2.2
6. Do you favor a plan to reorganize 7 cabinet departments into 4 new agencies?	53.2	36.0	10.8
7. Should the United States give arms and advisory support to Cambodia?	48.7	47.5	3.8
8. If prices could be stabilized, would you be willing to have your pay or annuity level frozen?	68.6	27.1	4.3
9. Do you feel the investigation of the conduct of Supreme Court Justice Douglas should be renewed in this Congress?	62.9	28.5	8.7
10. Do you believe the United States has a global responsibility to prevent the spread of Communism?	52.7	44.1	3.2
11. Do you favor the admission of Red China into the U.N.?	33.3	62.5	4.2
12. Generally, are you satisfied with President Nixon's performance to date?	54.4	40.4	5.2

POTHOLES—TOP MAINTENANCE PROBLEM

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. EILBERG. Mr. Speaker, streets commissioner Leo Goldstein announced today that since the city of Philadelphia began its "pothole reporter" campaign on February 16, some 50,000 pothole conditions have been repaired by city forces at a cost of almost $300,000.

Commissioner Goldstein stated that over 1,500 tons of bituminous materials have been used to plug the potholes, which are conditions that occur when moisture seeps into roadway cracks, expands when it freezes, and cracks the concrete.

He added that the pothole is one of Philadelphia's top maintenance problems and said that it reaches its peak during the period of spring to early summer when the city spends $11,000 a day for pothole repairs.

Goldstein urged Philadelphians to continue sending post cards identifying pothole locations to him in room 840, Municipal Services Building, Philadelphia, Pa., or calling MU 6-5508.

With the aid of "pothole reporters," he pointed out, the city can more quickly schedule repairs of these roadway hazards, thus saving the taxpayers' money and minimizing possible damage to automobiles.

LUMBER PRICES ARE RISING

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. McCLURE. Mr. Speaker, lumber prices are rising as the housing industry moves out of a slump, so the Nixon administration has indicated it will investigate the lumber industry.

The Government's understanding and support of the forest industry is not exactly outstanding so I guess this latest is about par for the course.

The industry is accused of stalling on its Government timber contracts to wait higher prices. If waiting for market conditions to improve can be called "stalling," then that is exactly what they are doing. But why should they not? Their timber contracts were signed 2 years ago on the basis of high stumpage prices prevailing at that time. Recently as demand has increased, the Government has sold less and less timber. If you cannot increase production, you have not got much to go on. Who is to blame here—the industry or the Government?

The administration will also investigate the trading of wood products on the futures market in Chicago and study the availability of boxcars for forest products. Both are welcome, but why did it have to take a change in lumber prices to stir the Government to action?

I also wonder where the Government's concern was as demands on timber resources grew. Forest research funds have not been increased to help meet the demand. Why did they not increase the funding of sales by the Forest Service? The problem is compounded by congressional failure to provide enough money for forest highway construction—but the administration even held back part of the funds that were provided. Now, just as we are moving into an expansionary budget, the administration announces the complete cancellation of the money which was held back. Even as the President was seeking money for the SST, and the Public Works Committee was announcing plans for a $2 billion accelerated public works program, the OMB in the White House canceled plans to build forest roads.

Lumbermen should be commended for the good job they did in minimizing unemployment during last year's depressed market period by keeping men at work and building up inventories. Instead of jumping on them when prices rise, we should be giving them credit for what they have done. The forest industry does not like fluctuating prices any better than anyone else. What would be welcome at this time is a statement from the administration pledging consistent support for forest management funds.

If you want to know what is ailing the lumber industry today, you have only to look at what the Government's policies were yesterday. Instead of investigating the lumber industry, the administration should be investigating itself.

HUMILIATION OF RUSSIAN JEWRY

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. BROOMFIELD. Mr. Speaker, since December of last year, when the Leningrad show trial focused world attention on the humiliation of Russian Jewry, there has been a noticeable improvement in the Soviet attitude toward its Jewish community. New York Times reports that an average of about 15 Jews per day are emigrating from the country, as compared to about two a day in January and six a day in February. This is an encouraging sign to all men who cherish human fredom and value human dignity.

In large measure, this development owes to the constant pressure of world opinion on the Soviet Union, much of which was generated from within this very Chamber. That the Russian leadership is still sensitive to international comment—when rationally expressed and peacefully exercised—is surely a cause for hope in this body and around the world.

Still, the condition of the Soviet Jew remains unsatisfactory, and still, there is the fear that it will deteriorate even further once the pressure of world opinion has relaxed. I have little confidence that the Soviet Government will continue to pursue its new policy toward Jews without some prodding from external sources.

That is why I have introduced this week two pieces of legislation on this subject, both of which would increase American pressure on the Soviet Union to recognize the legitimate rights of its Jewish citizens. We cannot stand idly by while another wave of anti-Semitism sweeps through the Russian nation.

The first of my bills would provide 30,000 special refugee visas for Russian Jews who wish to come to this country. In a sense, this is a direct challenge to the Soviet Union and, particularly, to its emigration policy. In the past, most Jewish requests for emigration have been denied on the grounds that the emigrant had not received permission from the country in which he wanted to stay. In fact, this technicality merely clouded the real nature of Soviet anti-Semitism.

My bill would bring the Soviet policy of persecution into the open by eliminating the technicality: Soviet officials would know beforehand that a large number of Jews are entirely welcome in the United States.

This bill sets no precedent. Similar actions were taken to permit 30,000 Hungarian and 10,000 Czechoslovakian refugees to settle here after their 1956 and 1968 national conflicts. Moreover, 565,000 Cubans have made the United States their home through exemptions from the immigration laws. There is no reason why we should not extend this same privilege to the downtrodden Jews of the Soviet Union.

My second measure is a resolution calling upon the President to take appropriate action to reaffirm this Nation's commitment to basic human rights. He is directed to take steps to persuade the Soviet Union to grant religious and cultural freedom to its Jewish minority and to guarantee the rights of those wishing to emigrate. The President has already acted firmly in this regard through the United Nations. I ask only that the emphasis be spread to other diplomatic channels.

Mr. Speaker, our past efforts to relieve the plight of the Soviet Jew have already proven helpful. But much more remains to be done, if he is ever to be granted the rights we, as free men, so greatly appreciate.

PRISONER TREATMENT MUST CONCERN US ALL

HON. JOHN MELCHER

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. MELCHER. Mr. Speaker, now, on the occasion of this "National Week of Concern for Prisoners of War/Missing in Action," is the time to look hard at the dilemma we face. Hundreds of Americans are held in North Vietnam with little or no communication with their families, contrary to the spirit and the rules of humanity and decency recognized by the world's nations.

I have joined in the introduction of House Concurrent Resolution 115 in the belief that it will demonstrate the deep conviction of the House of Representatives that North Vietnam must comply with the accords of the Geneva Convention.

On behalf of the people of Montana, and all Americans certainly, I ask the leaders of North Vietnam and the Vietcong—

One, to identify prisoners whom they hold;

Two, to treat prisoners humanely;

Three, To release the seriously sick or injured prisoners—at least to a neutral nation;

Fourth, to permit impartial international inspection of all prisoner of war facilities;

Fifth, to allow more frequent and meaningful mail contact between prisoners and their families, and

Sixth, to negotiate in good faith for the exchange and release of all prisoners.

I stand in quiet awe of the courage of the devoted wives and families of these imprisoned men. It is to the tireless efforts of family members like Mrs. Arvin Knutson of Billings, Mont., who is Montana's State coordinator of the efforts of the National League of Families of American Prisoners and Missing in Southeast Asia, that we owe the international focus on the plight of our men. Their frustrations are too great to imagine, yet their will is marvelous. Every man, woman, and child in this Nation must share their personal burdens.

There can be no rest in America, while this national grief hangs over the land, until our imprisoned Americans are freed from the prisons of North Vietnam.

EULOGY TO HERBERT KEALOHA KEPPELER—OUTSTANDING CITIZEN OF HAWAII

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. MATSUNAGA. Mr. Speaker, the period from March 1903 to March 1971 has been for Hawaii, as it has for the entire Nation, an eventful one. This period also marks the lifespan of Herbert Kealoha Keppeler, an outstanding citizen of Hawaii who passed away on March 18, 1971, just a few days short of what would have been his 68th birthday. Mr. Keppeler was for many years closely connected with the growth of Hawaii. As a friend I mourn over his death and send his family my heartfelt sympathy and condolences.

Herb Keppeler was a native son in every fine sense of the term. He was born in Pearl City, immediately north of Pearl Harbor, on March 26, 1903. He attended a Honolulu high school, and was graduated from the University of Hawaii in 1924 with a degree in civil engineering.

He joined the Bishop Estate as surveyor and civil engineer upon his graduation from college, and began an association which, except for a period of about 10 years, was to last a lifetime. The Bishop Estate was established under the will of Princess Bernice Pauahi Bishop, founder of the Kamehameha Schools, maintained and operated by the estate trustees.

Mr. Keppeler was promoted to the position of office manager in 1936 and to chief engineer in 1946.

After serving in a managerial capacity with a private firm in Honolulu from 1951 to 1962, he returned to Bishop Estate as a trustee and served in such capacity from 1962 to the time of his death.

From 1938 to 1943, Mr. Keppeler served on the board of regents of the University of Hawaii.

Following a period of service as a lieutenant in civil engineering in the U.S. Naval Reserve and as captain with the Businessmen's Military Training Corps, he served with the Army during World War II.

After the war, he found time to serve

in such important community posts as president of the Palama Settlement board of trustees and commissioner with the Honolulu Redevelopment Agency.

The senate of the State of Hawaii, in recognition of Herbert Kealoha Keppeler's outstanding community service, on March 19, 1971, adopted a resolution which I submit for inclusion in the RECORD at this point:

S. RES. 201

Resolution in memory of Herbert Kealoha Keppeler

Whereas, Herbert Kealoha Keppeler, Trustee under the Will of the Estate of Bernice Pauahi Bishop, Deceased, died on March 18, 1971 in the 67th year of his life; and

Whereas, since his birth two-thirds of a century ago in Pearl City, Herbert Keppeler's life has been inextricably bound with Hawaii and its people; and

Whereas, Herbert Keppeler was long associated with the Bishop Estate first as employee, later as an officer, and finally as a trustee; and

Whereas, Herbert Keppeler was also active in public, community and professional organizations, notably as Regent at the University of Hawaii; and

Whereas, by the passing of Herbert Keppeler, Hawaii has lost an able son and loyal servant; now, therefore,

Be it resolved by the Senate of the Sixth Legislature of the State of Hawaii, Regular Session of 1971, that it pays its final tribute to the memory of Herbert Kealoha Keppeler and joins the entire community in mourning the passing of a good and faithful friend of Hawaii; and

Be it further resolved that this Resolution be spread upon the minutes of the Senate and copies thereof be transmitted to his family and to the Trustees of the Bishop Estate.

SENATE OF THE STATE OF HAWAII.

March 19, 1971

We hereby certify that the foregoing Resolution was this day adopted by the Senate of the Sixth Legislature of the State of Hawaii, Regular Session of 1971.

DAVID MCCLUNG,
President of the Senate.

Attest:

——————,
Clerk of the Senate.

A CALL TO ACTION—NATIONAL HOUSING CONFERENCE URGES RELEASE OF APPROPRIATED FUNDS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. EVINS of Tennessee. Mr. Speaker, the National Housing Conference, composed of mayors, officials of housing authorities, and other municipal officials throughout the Nation, has strongly protested the withholding, freezing and impounding of funds for important programs for our cities by the Office of Management and Budget.

In this connection I place in the RECORD herewith a call to action by the National Housing Conference which includes a statement I recently submitted to the Subcommittee on Separation of Powers of the Senate Committee on the Judiciary.

This legislative information bulletin issued by the Housing Conference follows:

A NOTE TO THE ORGANIZATIONAL REPRESENTATIVES WHO COOPERATE IN THE HOUSING LEGISLATION INFORMATION SERVICE AND TO NHC'S FRIENDS IN THE FIELD

March 24, 1971.

The hearings before the Ervin (D., N.C.) Subcommittee on the Separation of Powers of the Senate Committee on the Judiciary end tomorrow. The record of the hearings, for statements to be filed and included therein, will be open for ten days. The Subcommittee tells us that all statements will be welcomed within that time limit.

We recommend to you the statement of Congressman Joe L. Evins (D., Tenn.) enclosed, which was presented to the Ervin Subcommittee. You recall that in the last session of the Congress, Congressman Evins chaired the Subcommittee on Independent Offices-Housing-Space-Science of the House Committee on Appropriations which handled the moneys for HUD. Twice, he had to take the measure to the House floor, the first bill having been vetoed by the President. As floor manager of such a measure, he is without peer.

Although Congressman Evins has now moved over to the chairmanship of the Subcommittee on Public Works of the House Appropriations Committee, he retains his seat as ranking majority Member on the Independent Offices-Housing—et al. Subcommittee under the chairmanship of Congressman Edward P. Boland (D., Mass.). From long experience, we will find in Congressman Boland a brilliant, able and eloquent champion of housing and its allied programs in the public interest.

From the attached, you will observe that Congressman Evins holds a lively interest—a deep burn you might say—in the withholding of funds by the Administration which were appropriated in the last Congressional session.

For the National Housing Conference, I will file a statement with the Ervin Committee objecting to the freeze of funds for urban renewal, low-rent public housing, model cities and water and sewer programs. A Suggestion for National Public Interest Organizations: To be sure that we take every opportunity offered, we believe that you will want to file a statement.

STATEMENT OF CONGRESSMAN JOE L. EVINS

Mr. Chairman and distinguished members of this Committee—I want to thank you for this opportunity of presenting my views on this most important matter of the separation of powers.

I want to commend you, Mr. Chairman, for conducting these timely and appropriate hearings.

As you know, our forefathers when they drafted the Constitution had some rather definite ideas concerning the doctrine of the separation of powers and checks and balances. This is, of course, fundamental to our system and through the years this sensitive system has worked remarkably well.

At times we have had strong Presidents—at other times we have had weak presidents and strong Congressional leaders—and at other times the judicial branch has been dominant.

However, the system has always worked—the pendulum has always swung back as the various constitutional checks and countermeasures available to the various branches were used to re-establish their rightful place in the American system of Government.

These hearings, Mr. Chairman, are most timely because it seems to me that at this time we are at a critical juncture in history with respect to preserving the powers and prerogatives of the Congress.

As you are aware, many of the powers of the Congress have been eroded over the years. Many powers vested in the Executive in wartime have set precedents and established a trend of concentration of power.

Our Federal Government has grown in size, magnitude and complexity with the President, the Cabinet Secretaries and other high officials assuming greater and greater powers.

And I must say that Congress all too often has gone along with the recommendation of various Presidents and reorganization proposals which have served to negate its own power.

In any event there has been a steady encroachment by the Executive Branch on the Legislative Branch.

One of the most disturbing elements of this encroachment is the expanding power of the Office of Management and Budget (OMB), formerly the Bureau of the Budget.

One of the most flagrant abuses of Executive power is the excessive employment of the freezing, withholding and impounding of funds appropriated by the Congress by the Bureau—now by the OMB.

The OMB was created in a reorganization last year allegedly to assure a more efficient management of Federal funds and Federal Departments and agencies.

This agency—OMB—within the Executive Branch is exercising enormous powers following this reorganization, and the Director of OMB is now referred to in the press as the "General Manager of the United States Government."

What we are actually seeing, gentlemen, is a tremendous concentration of power in a vehicle which was originally established to coordinate budgets for submission to the President.

OMB undertakes to overrule agencies on program policies, on such things as cost-benefit ratio components of public works projects, on standards for programs.

But more than that—the OMB is arrogating power vested in the Congress by the Constitution by disregarding priorities set by the Congress and substituting its own priorities—rewriting legislation and appropriations, in effect—exercising what amounts to unconstitutional item vetoes.

The OMB has impounded more than $11 billion in funds appropriated by the Congress last year. I receive letters from constituents almost every day protesting the emasculation of some important project or program authorized by Congress.

We all know and understand that the Anti-Deficiency Act permits some limited control of funds to spread expenditures by an agency throughout the year on a uniform basis. But the intent of this Act was not to give the Executive Branch the power to impound monies in wholesale fashion—destroying or altering the priorities established by Congress and shifting funds willy-nilly according to the whims of the Budget Bureaucrats.

We all know and understand that Congress in the post several years has established a ceiling on expenditures. *And we also know and understand that this is a flexible ceiling which goes up or down, depending upon appropriation actions of the Congress.*

The ceiling is flexible and was designed to adjust automatically, based on appropriations passed by Congress.

For some months one excuse for impoundment was inflation. Currently the President has proposed deficit-financing in his expansionary budget with his primary goal and objective now as full-employment.

And yet the withholdings continue—and OMB continues to defend its policies before Committees of the Congress.

The OMB continues to say when and where funds appropriated by the Congress shall be expended while in many instances disregarding the will and intent of the Congress.

This is indeed a dangerous practice.

The precedents which this reorganized Budget Bureau is attempting to set can, if left unchecked, effect a shift in the balance of power than can inhibit the powers of Congress permanently and in large measure negate the appropriations process and the will of the people, expressed by their elected Representatives.

We all know that one of the keystones of the check and balance system is the power of the purse possessed by the Congress. From this power flows many corollary powers of examination, review, inquiry and investigation.

This power must be preserved, safeguarded and maintained.

Let me demonstrate the manner in which the OMB is chipping away and undercutting this power of the Congress.

On the two Appropriations Subcommittees on which I serve—the Independent Offices-Housing-Space-Science Subcommittee and the Public Works-Atomic Energy Commission Subcommittee—we find that the Office of Management and Budget has withheld and is withholding substantial funds approved by Congress last year.

The OMB has withheld $1 billion 325 million from the HUD Appropriations Bill—shortchanging the urban renewal program $200 million—the water and sewer grant program by $200 million—the Model Cities program of $727 million—and the public housing program by $193 million.

In the Subcommittee on Public Works Appropriations, OMB has impounded funds totalling $91 million 700 thousand for 145 public works projects for the Nation—funded last year. Funds for all projects initiated by the Congress last year were impounded. Funds for a few Administration budgeted projects included in the impoundment have been released.

In this bill Congress exercised its authority to set priorities. Recommended appropriations for some programs were reduced—some were increased—and some projects were added because of our determination and decision that they were in the public interest.

After the action by the Congress on this bill, there was a net reduction of $26 million from the amount budgeted.

In other words, the bill which Congress passed and the President signed was $26 million less than the President and the OMB had requested.

And yet these unelected officials in the OMB shuffle priorities—withhold funds arbitrarily—and in effect substitute their judgment for the judgment of the Congress.

Currently $45,649,000 is being withheld on 107 projects of the Army Corps of Engineers. It is interesting to note that these projects are the additions and new construction starts added by the Congress. The add-ons and new starts which the President requested were briefly held in reserve and then released. In other words, Budget Bureau officials have chosen to ignore the Congress—the people's Representatives.

Now we are advised that all but $5,145,000 of the $45 million now held in reserve will be released next fiscal year. I am pleased and delighted that funds for these projects are being released—however, this action—this delay by impoundment in the first place—will result in more Federal expenditures in the long run. Labor costs, the costs of material, and other costs continue to increase.

In other words, the American people are subsidizing with their tax dollars the political maneuvering, slowdowns and delays of Budget Office of Management.

Mr. Chairman, two items appropriated for Atomic Energy Commission projects, which are being withheld by the Executive Branch, constitute in my judgment an item veto. Last year the Congress provided $600,000 for the American Museum of Atomic Energy at Oak Ridge, Tennessee—an educational project which has been specifically authorized and will benefit the whole Nation. We also provided $500,000 to build an addition to the Argonne National Laboratory in Illinois, another important project of national interest. Not only has the President refused to release the appropriations for these projects, the President proposed in his new budget to Congress to divert funds for these items totalling $1.1 million to another area in the AEC. This, Mr. Chairman, represents item vetoes which are unconstitutional.

Mr. Chairman, the time has come for Congress to stand firm against this encroachment and critical usurpation of powers of the Congress.

This is a dangerous precedent and a disturbing trend and should be stopped.

We must serve notice on the Executive Branch by every means possible that this usurpation will not be sanctioned or accepted by Congress.

The Constitutional balance of powers must be maintained.

SKUBITZ CONTINUES OPPOSITION TO NUCLEAR WASTE DUMP

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. SKUBITZ. Mr. Speaker, the proposal by the Atomic Energy Commission to bury nuclear wastes in the salt beds of Kansas has generated widespread opposition by Kansas citizens. Loud objections are now coming not only from the Governor's office and the Kansas scientific community, but also from thousands of signatories to petitions being circulated all over the State. Hundreds of letters are being written to me, to Kansas editors, and to the chairman of the Joint Committee on Atomic Energy opposing the facility and requesting more facts before it is established and before Kansas ground is used as an atomic waste dump. The people of Kansas covet the right to have a controlling voice over this proposal. They feel that no Federal agency should be allowed to decide a question so important to the State and to its environmental future.

As a part of my remarks I include news stories, editorials, and letters to the editor that have appeared in Kansas and elsewhere:

[From the Wall Street Journal, Jan. 25, 1971]

ATOM-AGE TRASH: FINDING PLACE TO PUT NUCLEAR WASTE PROVES A FRIGHTFUL PROBLEM—AEC, PRODDED BY CRITICS, LOOKS HARDER AT SAFETY OF RADIOACTIVE DUMPINGS—STIRRING UP A DEADLY "SOUP"

(By Dennis Farney)

LYONS, KAN.—The phrase "peaceful atom" conjures up images of cleanliness and light; of white-gowned technicians and bright new reactors, of light and heat and power, seemingly without pollution.

The dark, dirty side of atomic energy is symbolized a half-mile east of this central Kansas town. It is an abandoned salt mine that may soon become this country's first atomic-age crypt.

There, in the perpetual darkness a thousand feet below the Kansas prairie, the Atomic Energy Commission plans to entomb all the "high level" (intensely radioactive) wastes generated by U.S. commercial atomic power plants for the rest of this century. So concentrated will be these wastes that, were they somehow evenly distributed, they could contaminate much of the nation. So fantastically long-lived are they that they will have to remain sealed away for as long as 500,000 years.

The mine also symbolizes a growing, if belated, effort by the AEC to come to grips with potentially the most devilish pollution problem of all. This is the problem of isolating from the environment the growing volume of radioactive wastes—the result of weapons-making as well as commercial operations—for the centuries, even millennia, they require to decompose.

EXPEDIENCY IS CHARGED

Finding solutions hasn't been the AEC's top priority. Democratic Sen. Frank Church of Idaho has calculated that over the last 25 years, while the agency spent billions to develop military and commercial applications of the atom, it spent only $50 million on waste disposal research. Today the nuclear industry is growing rapidly. But one of the AEC's own scientific advisory committees has characterized some of the agency's waste disposal practices as "expedients designed to make the best use of poor location."

For example:

In southeastern Idaho, one of the AEC's four major U.S. installations routinely stores a variety of radioactive wastes about 600 feet directly above the Snake Plain Aquifer, a huge underground river whose waters ultimately reach much of the Pacific Northwest. Sen. Church and Federal water quality officials are concerned that radioactivity might leach down into the aquifer.

Near Richland, Wash., the AEC's Hanford installation stores millions of gallons of high-level liquid wastes in huge underground tanks. The tanks have a life expectancy of 20 or 30 years, though the wastes within them will remain deadly for about 600 years. At least 11 times, the tanks have sprung relatively minor leaks.

Millions of gallons of high-level wastes rest in a similar "tank farm" at the AEC's Savannah River plant, near Aiken, S.C. The AEC hopes to dispose of these wastes by pumping them into a man-made cavern below the Tuscaloosa Aquifer, already heavily used for drinking water and industry. The AEC advisory committee has called this plan—in a report that was suppressed for four years—"in its essence dangerous."

AN INSIDER URGES HALT

Glenn T. Seaborg, AEC chairman, concedes that "you could argue, in retrospect, that the AEC might have moved faster" on waste disposal. But he says such work is moving rapidly now and argues "it was logical" to build up the industry first.

One of the commission's sharpest critics disagrees. Arthur R. Tamplin of the AEC's Lawrence Radiation Laboratory argues for a moratorium on growth of the industry "until we perfect the systems all along the line." He adds: "We really don't know what to do with wastes today. We haven't devised the systems. And we're starting to produce wastes at an ever-increasing rate."

The AEC puts the great bulk of radioactive wastes in the "low-level" category, and maintains that relatively simple disposal techniques are perfectly adequate. Some four million cubic feet of contaminated materials now lie buried in the Idaho desert, for example—everything from contaminated laboratory gloves to bricks and rubble, placed in steel drums or wooden containers and buried in shallow trenches.

There is growing concern that disposal practices for even low-level and intermediate-level wastes pose serious potential hazards. "The curent practices of disposing of intermediate and low-level liquid wastes and all manner of solid wastes directly into the ground above or in the fresh-water zones, although momentarily safe, will lead in the long run to a serious fouling of man's environment," warned one AEC scientific advisory committee.

DRAMATIC GROWTH SEEN

But by far the greatest concern is over "high-level" wastes, which account for more than 99% of all the radioactivity in materials on hand, though they account for a relatively small percentage of volume.

The exact volume of high-level wastes is classified because they are largely the result of AEC plutonium production for nuclear weapons. The AEC put the total at more than 80 million gallons; of this, only about 400,000 gallons are the result of commercial operations.

But this ratio is going to change dramatically as the U.S. nuclear power industry grows. Today that industry provides roughly 1% of all U.S. electric power; by 1980, the AEC estimates, it will provide 25%. By the year 2000, the industry is expected to generate some 60 million gallons of "high-level" waste (or its solidified equivalent), which will be from 10 to 30 times as radioactive as the weapons-related waste now on hand.

Nuclear reactors' uranium fuel elements, whether used to generate electricity or to produce plutonium for weapons, eventually become choked, in effect, with the radioactive fragments of split atoms. When this happens the fuel must be taken to a reprocessing plant. There, the fuel rods are dissolved in acid and the reusable uranium and plutonium are separated out.

What's left, in AEC jargon, is "the soup": A liquid laden with enough radioisotopes to make it one of the deadliest substances on earth.

Many of the radioisotopes decay to harmless levels in relatively short order. (An example is zirconium–95, with a half-life of 65 days; this means half of a given amount will decay in the first 65 days, half of the remaining half in the next 65, and so on.) At the other extreme is plutonium—some of which escapes reprocessing—with a half-life of 24,000 years.

Despite its extreme longevity, plutonium isn't considered the most dangerous component of the liquid waste. Its radiation is incapable of penetrating even a thin shield (a steel barrel, for example) and most plutonium compounds aren't readily soluble in water. Thus plutonium is considered highly dangerous only if actually ingested into the body, particularly if inhaled into the lungs.

The really troublesome radioisotopes are strontium–90 (half-life: 25 years) and cesium–137 (33 years). Unlike many radioisotopes, which are excreted by the body, strontium–90 concentrates in the bones. Cesium–137 emits gamma radiation, similar to X-rays, which can readily penetrate thick shields. In addition, both give off great amounts of heat as they decay, enough to make "the soup" boil furiously for years.

The waste liquid goes into enormous concrete-encased steel tanks, some more than a million gallons in capacity. Depending upon the tank design, the liquid is either cooled for years or simply allowed to boil (with its steam siphoned off to prevent tank rupture). Either way, the liquid loses much of its heat and radioactivity within a few years.

The problem is that the tanks wear out—to say nothing of their vulnerability to accidents—while some radioisotopes within them remain hazardous, in human terms, almost forever. (Strontium-90 and cesium-137 are considered hazardous for 600 years and plutonium for a half-million). Already there have been 15 recorded cases of tank failure, the 11 at Hanford and four at Savannah River. In one mishap at Savannah River, about 700 gallons of intensely radioactive waste overwhelmed safety devices and soaked into the ground.

LONGER THAN HISTORY

Clearly, the AEC and its critics agree, a more permanent solution is needed. "We really can't talk about this in terms of 'waste disposal,'" says Mr. Tamplin. "It's 'waste guardianship.' . . . Somebody is going to have to watch this stuff . . . for longer than the history of our country and, in the case of plutonium, longer than the recorded history of man."

The AEC has yet to decide upon a "final" solution to its weapons-related wastes. In the interim, it is solidifying much of them in the tanks they now occupy. But the agency does have a plan for the growing volume of commmercial wastes: Solidification and shipment to the salt mine here at Lyons.

Many scientists, inside and outside the AEC, endorse this plan as the safest, surest available. Salt beds are dry and extremely stable geologic formations. Rock salt approximately equals concrete as a gamma ray shield and is so plastic under heat and stress that fissures are self-healing.

Beginning in 1975, if AEC plans hold, ordinary railroad cars would start hauling in barrels and containers of "low-level" wastes for burial here. At full-scale operation, 200 to 400 carloads might be coming each year.

DEFYING THE IMAGINATION

The "high-level" wastes would start arriving about 1976. Concentrated and solidified, they might take the form of a greenish-black glassy substance, a ceramic-like material or a granular powder. This would be packed inside steel cylinders, each containing wastes so enormously radioactive as to almost defy imagination.

The standard unit of measurement for radioactivity is the curie. One AEC official calculates it would take 10 billion gallons of water to dilute one curie of strontium-90, the deadliest of all the radioisotopes in high-level waste, to the level that current guidelines consider acceptable in drinking water. By comparison, the strontium-90 in high-level wastes may run at 50 to 100 curies per gallon. Solidification of high-level wastes before shipment here would concentrate them sixfold or more.

Altogether, including curies of other radioisotopes as well as strontium-90, each cylinder to be buried here would contain a million or more curies. By 1990, when the disposal operation would be in full swing, some 1,200 or more cylinders would be arriving here each year—shipped in enormous 50 or 100-ton lead "casks" to contain their gamma radiation.

Once here, the casks would be unloaded by remote control behind heavy shielding. The cylinders would then be lowered to the caverns below and transported by a remote-controlled vehicle to their burial tunnels, holes drilled into the tunnel floor. Eventually the entire tunnel would be filled with crushed salt.

TAKING THE LONG VIEW

The strontium and cesium within the cylinders would make them hot enough eventually to raise the temperature within the underground caverns to 200 degrees or more. This impresses laymen, but AEC engineers seem to take it in stride. Conducting a group of Lyons townsfolks through the mine, AEC official assured them that "the heat drops off very rapidly. It would be essentially done . . . in a couple of hundred years."

None of this seems to worry many pepole in this town of about 4,800, who see a potential boom in the disposal project. "This is great," says Jack McClain, a local electrician. "We just couldn't get a cleaner industry." Declares C. R. "Tiny" Moorman, resplendent in his red "Lyons ambassador" bosters club jacket: "It's about the grandest thing that could happen to any place."

But farther away from Lyons, concern is rising.

The Kansas affiliate of the Sierra Club considering a court fight to block the project. Chairman Dale Saffels of the state corporation commission has expressed concern about derailments when the big shipping casks start coming in. Gov. Robert Docking has said he wants more facts. But perhaps the most influential skeptic is William W. Hambleton, director of the state geological survey.

Mr. Hambleton was a member of an AEC advisory group that found salt mine disposal with qualifications, "the safest choice now available." Nevertheless, he's worried about a number of questions and says he isn't "horribly impressed by the enthusiasm they (the AEC) show for checking out these things."

One of his worries is what's known as the "Wigner effect." The wastes will bombard the walls of rock salt with intense radiation, causing energy to be stored in the salt. Under certain conditions this energy might be released in a sudden burst of heat, perhaps shooting temperatures in the underground caverns to 800 degrees centigrade. What would happen then?

"I don't know," he says. "One could speculate on all kinds of horrible things." An extreme possibility: An explosive unheaval, which could release radioactivity to the world above.

And Mr. Hambleton has another worry. "As far as we can tell, the AEC has no contigency plans for retrieval of this stuff should something go wrong."

In reply, an AEC official cites specific studies that "have virtually ruled out" the heat burst danger. And the AEC emphasizes that nothing in the disposal plan will preclude retrieval—although an official concedes the agency hasn't worked up detailed contingency plans for such an operation.

Questions about this project may seem mild, however, compared to the controversy likely to erupt if the AEC goes ahead with another proposal under evaluation. This is "Project Bedrock," the plan to pump millions of gallons of high-level liquid waste into a cavern below the Tuscaloosa Aquifier.

ECONOMY GETS PRIORITY

The project here at Lyons is only for commercially related wastes; the AEC's enormous stores of high-level weapons-related wastes still remain. It seems generally agreed—even among AEC officials—that the safest answer to these wastes, too, is solidification and salt mine burial. Nevertheless, the AEC is seriously considering the bedrock plan, which another of its own scientific advisory committees not only described as "in its essence dangerous" but also predicted would be sure to "lead to public controversy."

Economy appears to be the foremost consideration. AEC officials say admittedly inexact estimates indicate it might cost 10 times as much to solidify the wastes and bury them in salt mines as to dump them into bedrock caverns. Another consideration: Project Bedrock would allow onsite disposal, eliminating potentially hazardous overland shipments. Finally, AEC officials argue, if Project Bedrock proves safe enough it's simply wasting money to buy an additional margin of safety.

The big questions, of course, are whether the wastes would seep upward through fissures in the bedrock into the aquifer itself—and, if so, how soon?

A majority of the AEC advisory committee—in a critical 1966 report that the AEC suppressed until 1970—concluded the risks of this happening were simply too great. In one of several projections, the committee theorized that wastes could possibly reach fresh water within 100 years; they will be hazardous for at least 600 years. A narrow committee majority recommended that the AEC abandon even attempts to study the project.

"You could never prove, even by all sorts of (exploratory) drilling, that bedrock storage would be as safe as solidification and storage in a salt mine," says Earl Cook, a Texas geographer who was executive director of the committee. "The only way you could be sure is to put this stuff down and wait and see. Unfortunately, that's the way we make too many decisions these days."

Project Bedrock has at least one Senator worried Democratic Sen. Mike Gravel of Alaska has called on the President's Council on Environmental Quality to "immediately appoint a committee of independent and credible investigators" to look into it. Council member Gordon J. MacDonald says he's inclined to agree.

Nevertheless, the project is "still feasible; so far the feeling is that it looks quite good." says one AEC official close to the matter. The AEC feels confident at this stage of investigation that several barriers—including a layer of clay between the bedrock and the aquifer—would bottle up the wastes long enough to allow them to decay to harmless levels before reaching fresh water.

The agency says it plans to spend $1.3 million for preliminary work and at least $10 million to sink an exploratory shaft and tunnels. If tests prove favorable, routine pumping of the wastes into the cavern probably would start in the late 1970s. The agency might then go ahead with a similar project for the Hanford wastes. "We won't go ahead with (Project Bedrock) until we're sure it's absolutely safe," pledges Chairman Seaborg.

But, as AEC officials themselves testify, few problems in the arcane world of radioactive waste lend themselves to "absolute" answers.

"I'm often asked, 'Can you be absolutely sure this or that is safe,' " says John A. Erlewine, the AEC's assistant general manager for operations. "My invariable answer is, 'No, I'm not absolutely sure of anything on this earth.' "

[From the Christian Science Monitor, Mar. 4, 1971]

Nine States Challenge AEC Nuclear Protection Rules

(By Austin C. Wehrwein)

St. Paul, Minn.—"Possible Atomic Radiation Ahead—Road Closed," say some signs currently held in storage by the Minnesota Highway Department.

They are for possible emergency use near the state's first nuclear power plant at Monticello, a $115-million, 545,000-kilowatt Northern States Power Company (NSP) project 40 miles upstream from Minneapolis-St. Paul on the Mississippi River.

Although NSP insists the shielding is so strong there's no chance of harmful radiation escape after any foreseeable explosion, and although prediction of a catastrophic blowup has played a negligible role in a landmark controversy, the road signs are nonetheless most symbolic.

The controversy has turned into a "states' rights" battle with Minnesota authorities and the federal Atomic Energy Commission (AEC) as the main adversaries. The issue: Does a state have constitutional authority, regardless of federal statutes, to set protection limits tougher than the AEC's—in this instance, 50 times more stringent?

MARYLAND FACING THE ISSUE

Minnesota says it does have this right and it has been joined in court by eight other states—Pennsylvania, Michigan, Wisconsin, Vermont, Missouri, Virginia, Illinois, and Maryland—as well as attorneys for some members of the Southern Governors Conference.

Maryland faces the same issue, having set permissible discharge rules 100 times as strict for the $387-million nuclear plant the Baltimore Gas & Electric Company is building at Calvert Cliffs on Chesapeake Bay.

According to the AEC, Vermont is considering regulations exceeding the AEC's; Michigan has legislation for concurrent control but apparently less restrictive standards; and Oregon wants equal authority with the AEC.

Minnesota's stored road signs summarize the state's case. Is there, as the state contends, indeed "possible atomic radiation ahead" from normal operations under the AEC's emission standards?

The Northern States Power Company and AEC prefer to state the question. Does the benefit outweigh what they insist will be infinitesimal risk?

An AEC spokesman said in 1969 that state ceilings above the AEC floor for rules would produce "total and utter chaos." And Earl Ewald, NSP board chairman, last year warned of power shortage brownouts, assailed "witch hunters," and said there was "not one shred of tangible, scientific proof . . . this power plant is hazardous."

ROUND LOST IN DECEMBER

After two years of political-legal-scientific sparring, the state lost a crucial round in December in a dispute with tremendous economic and environmental ramifications.

The power company refused to accept the stringent operating-permit limits of the State Pollution Control Agency (PCA). And U.S. District Court Judge Edward J. Devitt ruled that Congress had "preempted" the field for the AEC, leaving Minnesota without authority to regulate the release of radioactive discharges from the plant.

Judge Devitt, handed down a "declaratory judgment" on stipulated facts regarding the law—he did not rule on the "adequacy or inadequacy" of any regulations before him. He did note that NSP on one hand claimed the state's rules were impractical and uneconomic, but that on the other hand it might be true that "prudence dictates" standards stiffer than the AEC's.

Prof. Charles W. Huver, a University of Minnesota zoologist contends there are no "safe" levels for discharge. He has predicted a tenfold increase in leukemia and a "significant" increase in genetic mutations in the Twin Cities.

COURT FIGHT CONTINUES

But the Devitt decision, which ignored the state's contention that the Tenth Amendment to the U.S. Constitution carved out a state's police power to protect its citizens against hazardous pollution, is not the last round. The final result will shape the future of an electricity source of great potential.

The outgoing Republican administration that began the fight started appeal machinery and the incoming Democratic administration of Gov. Wendell Anderson carried on with a formal notice of appeal to the Eighth Circuit Court of Appeals, from which the case could go to the Supreme Court.

Meanwhile, the Minnesota plant operated at low power for testing, and the AEC Division of Reactor Licensing has granted NSP a full-power license based on the Devitt ruling. The AEC made its full-power permit effective Feb. 18, although the company did not immediately announce a precise date for full-power start-up.

Governor Anderson set up what might have proved another hurdle for the power plant on Jan. 11 when he asked the state pollution agency to defer action an another permit until additional testimony could be obtained. This second state permit covered the two 230,000-gallon recirculating storage tanks.

STATE PERMIT GRANTED

However, the Governor later indicated he believed the critics had had ample time. In any event, on Feb. 8, the state agency granted the tank permit to the Northern States Power Co. The action was taken over the objections of the St. Paul City Council and the Minnesota Environmental Control Citizens Association (MECCA), a leader in the first against the NSP plant. It contended there was risk of accidental leakage.

Bills to give states nuclear plant regulation jurisdiction were introduced by Minnesota congressmen in the last session but got nowhere; since, then, however, Congress gave California authority to impose air pollution regulations above the floor set in federal regulations.

There are now 20 operable nuclear power plants in the U.S., 53 under construction, and 44 planned. AEC Commissioner James T. Ramey, who has dismissed some of the criticism as "hogwash" and the product of "sensationalism and misrepresentation," has contended that the need for electricity will rise from 344 million kilowatts now to 1,260 million in 1990 and to reach this goal nuclear-powered plants are vital.

Mr. Ramey said that by 1980 there would be 100 nuclear plants or more, representing 25 percent of electrical generating capacity, and by 1990, nuclear plants would be generating 40 percent of the nation's electricity.

Dr. Glenn T. Seaborg, AEC chairman, says the benefits we gain [from nuclear plants] will far outnumber the risks of the potential hazards."

But a growing body of critics contend that AEC's secrecy concerning nuclear hazards, actual accidents, and incidents of leukemia they believe were caused by atomic energy activities casts serious doubt on AEC data and theories.

With the experts divided and the technicalities baffling to the average citizen or congressman, the ultimate question will be whether the nation is willing to take the gamble to meet what the AEC and the power industry jointly assure us is likely to be a power shortage without nuclear power plants.

[From the Augusta (Kans.) Daily Gazette, Mar. 12, 1971]

Forty-Eight Representatives Take Issue With Nuclear Store in Kansas

Topeka.—Forty-eight members of the Kansas House of Representatives joined Thursday in introduction of a resolution opposing proposed Atomic Energy Commission authorization to establish a permanent nuclear waste storage facility in Kansas.

Republican Bob Talkington of Iola headed the list of sponsors of the resolution saying there are too many unanswered questions at this time to say go ahead.

Talkington said he thinks almost anyone would agree that the unanswered questions involve the safety of Kansas citizens.

The Kansas Senate federal and state affairs committee has approved several antipollution bills. One of the measures would prohibit publicly owned vehicles from using leaded gasoline after next Jan. 1. Another would prohibit the discharge of mercury into waterways.

The Kansas House has approved and sent to the senate a bill to set up a program in which approved inmates in the state penitentiary could donate blood for removal of plasma to be sold to pharmaceutical houses. The vote was 116 to nothing. Funds from the program would be used for prison improvements.

A resolution introduced Thursday asks congress to call a constitutional convention for the purpose of proposing an amendment to make available to the states a portion of the federal income taxes.

The house also passed and sent to the senate a bill to designate an area on the proposed El Dorado reservoir as a state park. The vote was 105 to three. The measure is designed to facilitate negotiations with the corps of engineers in planning of recreation areas for the projected reservoir.

The elections, fees and salaries committee of the Kansas House has killed a bill to increase the filing fee for state senator or state representative to $150.

The same committee also killed a resolution asking a study of the advisability of selection nominees for state office by party convention rather than direct primary.

The house federal and state affairs committee has killed bills exempting Kansas from daylight saving time and requiring a certificate of competency and safety in handling firearms when purchasing a hunting license.

The committee also killed a bill to require legislative or administrative bodies of the state or its subdivisions to hold open meetings with all final or binding actions by open ballot.

The group killed a bill which would prohibit political candidates to use pictures taken more than two years before the filing deadline for the office sought.

A controversial branch banking and multibank holding company bill has been killed in a committee of the Kansas House.

The bill had been strongly supported by some Kansas bankers and bitterly opposed by others.

Members of the house commercial and financial institutions committee indicated they're looking to the Kansas Bankers Association to work out a compromise in the problem acceptable to the various banking segments and then come back to the legislature.

The bill would have liberalized present laws against branch banking and multi-bank holding companies.

The Roads and Highways Committee of the Kansas House has killed a bill to reduce the so-called shrinkage allowance for gasoline dealers on the fuel tax they remit to the state.

The committee vote was ten to eight today although its chief sponsor first won adoption of an amendment softening its provisions.

When it was killed the bill simply would have reduced the allowance from three per cent to two and one-half per cent.

Overland Park Republican Wendell Lady said a reduction of the allowance would have increased the amount of money available for the Kansas highway program by $420,000 a year.

The Kansas Senate gave preliminary approval Thursday to a bill which would exempt privately owned bodies of water from the state's water pollution statutes.

Senator C. Y. Thomas of Mission Hills said the bill was drawn up at the request of the Kansas City Power and Light Co., with consultation from the State Department of Health.

Thomas said the purpose of the bill is to give the largest power generating station in Kansas, currently under construction at La Cygne, assurance, in Thomas' words, "It will not be shut down by the board of health in a few years for violating pollution laws."

The plant is a joint venture of the Kansas City Power and Light Co., and the Kansas Gas and Electric Co.

In other actions, the senate approved a bill giving further homestead tax relief to persons over 65, and killed a measure which would have authorized signs warning people of the penalties for vandalism in state parks.

The Transportation and Utilities Committee of the Kansas House has voted to file a complaint against Topeka lobbyist Eugene Hiatt, asking that his privilege to act as a legislative agent be revoked.

The complaint will be considered by the Senate President Pro Tem, the Speaker of the House and the Republican and Democratic leaders of both branches.

The complaint involves an appearance by Hiatt before that committee in opposition to a proposed cable television bill introduced by members of the house delegation from Shawnee county.

The complaint says statements made by Hiatt during his testimony were totally untrue.

It says he also questioned the motivation and integrity of sponsors of the bill.

The Kansas Senate has killed a bill which would have given every home-owner in the state a $1,000 homestead exemption on his ad valorem tax assessed valuation.

A 17 to 17 tie vote this afternoon on the measure was broken by Wichita Republican Wesley Sowers, who was presiding over the senate session.

The bill's sponsor, Democrat Harold Herd of Coldwater, said the measure would have provided half the homes in Kansas with a reduction of one third or more in the amount of property taxes the owners are paying.

[From the Hutchinson (Kans.) News, Mar. 10, 1971]

JOE AND THE AEC

The war Rep. Joe Skubitz of the Kansas Fifth is waging with the Atomic Energy Commission and its chairman, Dr. Glenn T. Seaborg, is worth the fight.

The present battleground is the Rice County salt mine in which AEC plans to store atomic wastes. Regardless of the merits or demerits of that scheme. Skubitz deserves credit for challenging AEC to prove its case.

The Congressman claims AEC has not done this. He demands complete reports of the project and a public accounting by the bureau of its research.

So far, AEC has responded cooly with the implication the Congressman is a know-nothing thwarting the public need. It has answered accusations with a verdict of "hogwash" and replied to serious questions with a charge of "sensationalism and misrepresentation."

Such tactics do not speak well for the AEC, or any other bureau. They indicate other Congressmen should join Skubitz.

Not only the Rice County project is at stake. At least nine states—not including Kansas—have gone to court to prove that states may set protective limits on atomic power plants and waste disposal. Twenty such plants are in operation, 53 more are under construction, and 44 are being planned.

These states have not been convinced that AEC has proper standards, or that it enforces the standards it has set.

Too many government bureaus have established little governments of their own, asking of Congress only that it write blank checks for what they want. AEC, by its arrogance in this matter, is demonstrating that it has become one of these autonomous agencies.

It's time Congress found out who's in charge.

[From the Fort Scott (Kans.) Tribune, Mar. 3, 1971]

KANSAS FOR DUMPING NUCLEAR WASTES?

Questions about the proposed dumping of atomic wastes in Kansas salt beds have been raised by Congressman Skubitz. He has been making a study of the plans for the past nine months, and he thinks more safeguards ought to be determined for the area than have so far been assured.

The waste products, most of which come from nuclear power plants of the East, amount to 80 million gallons of radioactive material. The stuff is 1,800 degrees in temperature and would remain hot for hundreds of years, according to Skubitz in a letter to Governor Docking, urging him to oppose the plan.

The congressman thinks higher technical safeguards ought to be assured before the plan is accepted. "Since we are dealing here with wastes that will remain dangerous for half a million years, who can be sure that underground water sources in adjacent Kansas, indeed the entire Midwest lower river basins, will not eventually become radiation contaminated?" he asks.

The technical qeustions are certainly pertinent ones. There is also the question as to why some more remote places than Kansas cannot be found, Skubitz suggests. But to many easterners, Kansas is a remote region. They seem to think that the Midwest is a wasteland itself quite appropriate for dumping nuclear wastes.

Even though the proposed storage area is outside the Fifth District which Congressman Skubitz represents, all of Kansas and the Midwest region should be concerned. The questions he raises about the waste deposits certainly are pertinent ones which all of this part of the country should want answered.

[From the Kansas City (Kans.) Times, Mar. 4, 1971]

SKUBITZ UNHAPPY OVER AEC WASTE PROJECT "DOUBLE· TALK"

(By Jeo Lastelic)

WASHINGTON.—Rep. Joe Skubitz (R-Kas.) yesterday accused the chairman of the Atomic Energy commission, Dr. Glenn T. Seaborg, of "bureaucratic double-talk" in the answers he gave Skubitz about the proposal to store nuclear wastes in Lyons, Kas., salt mines.

Skubitz protested again in a 10-page letter to Seaborg that the AEC evaded his questions, which originated from Kansas scientists and others, and conducted a "big daddy knows best campaign."

Noting he began a series of inquiries in April, Skubitz said his first AEC reply was "one of those pat me on the head type of bureaucratic letters." That was followed by a report analyzing the population of Lyons and vicinity, a letter full of assurances, but no reports, a letter saying safety studies were being conducted, another that three firms had been selected to carry out the design work and another that core drilling had disclosed no geological problems.

Skubitz complained he had not received answers on safety, management of and transportation of nuclear wastes and other pertinent matters. He insisted work should not begin on the depository site until additional research proves the site safe for present and future generations. He pointed out the final report of the Kansas State Geological survey, conducted under contract with the AEC, was completed but under wraps. He asked the AEC to make it public.

Ever since he got into the matter Skubitz has had problems. Some Kansas editors have denounced him as "hysterical." Others have praised him. Gov. Robert Docking has not paid much attention to Skubitz and his suggestions. Rep. Garner Shriver (R-Kas.) complained that his colleague was getting involved in an area that was in Shriver's district.

To Skubitz the fundamental issue is not a scientific one of whether the AEC can prove that nuclear wastes are dangerous, or whether the Lyons salt beds are a safe respository or whether the waste dump is a matter of national public concern.

"The issue, so far as I am concerned," Skubitz told Seaborg, "is that the people of Kansas have the right to refuse to allow any part of their state to be made a dump for any garbage, not just radioactive nuclear garbage.

"The AEC case just won't hold water. It is full of the kind of bureaucratic assurances that I have come to mistrust in my long experience in Washington."

[From the Parsons (Kans.) Sun, Mar. 6, 1971]

WORTHY BATTLE

The Atomic Energy Commission and its chairman, Dr. Glenn T. Seaborg, may belittle Rep. Joe Skubitz, the 5th District congressman, for seeking assurances that a thorough and competent study has been made of plans to store atomic wastes in perpetuity in a Kansas salt mine.

A politically-minded Washington correspondent of a middlewestern newspaper, perhaps a part of the same cabal or simply insensed because Skubitz is a Republican, whets his knife for the 5th's man in print.

The congressman nonetheless has uncovered a wide public concern and given the public a voice it has lacked before and which Seaborg obviously has sought to deny it.

Moreover, Skubitz has plenty of company in his insistence that the AEC be given something less than blank checks in the use of atomic power for peaceful purposes and in the disposal of its inevitable wastes.

Nine states, including Missouri, have gone to court to insist that states have the right to set protective limits on atomic usage which are more stringent than those of the captive AEC.

The issue centers primarily around atomic power plants, with their numbers growing steadily (20 in operation, 53 under construction and 44 in the planning stage).

The states aren't certain that the AEC has drawn proper standards or intends to enforce them. They feel responsible for the safety and well-being of their populations which live close to atomic plants and want to be sure that every protective precaution is pursued.

As with Skubitz, the states are not satisfied with answers of "hogwash" and "sensationalism and misrepresentation" from the AEC whenever a question is raised about the hazards involved. Nor should they be.

Dr. Seaborg goes so far as to say that "the benefits we gain (from nuclear plants) will far outnumber the risks of the potential hazards."

What, in all seriousness, does that statement mean?

No matter how munificent the benefits atomic energy may produce, what will they be worth if no one is left to enjoy them or if large numbers of humans die either quick or slow deaths or are otherwise jeopardized by inadequate controls and measures of protection.

Dr. Seaborg must be no fool, but his careless choice of words comes close to making him out as one. The nation is entitled to something better than his demonstrated arrogance in a wholly critical position of authority.

Skubitz is fighting a worthy battle. Many persons other than his constituents, if they don't count for enough, will be cheering him on.

[From the Sterling (Kans.) Bulletin, Mar. 18, 1971]

Old Home Editor

A New York Times reporter concludes that 99 out of 100 Rice County residents favor the AEC's radioactive waste project at Lyons. At least he was appalled at the apparent lack of concern, hinting that we are a naive and trusting lot.

Perhaps he should have extended his field of questioning beyond the Lyons city limits.

True, there has been no organized local opposition, chiefly for the reason that it has been difficult to know what to believe. But this is not to say there has not been deep concern.

Six weeks ago this column expressed serious doubt about the wisdom of allowing such an installation in our county—but the words were little noted and for the most part ignored.

The Lyons News has taken a fair position on the matter, saying, in effect, if responsible persons can find valid objections they should be heard.

The Bulletin takes the position that because of the many unanswered questions, we can in no way afford to take the risks involved. And these questions will remain unanswered for the reason that no one, not even the AEC, knows exactly what the results of such massive storage will have on the local environment.

Preliminary testing is meaningless.

Radioactive materials, the world's worst contaminant, are not to be trifled with. Only time would tell what catacylsmic horrors might result—a rise in local radiation levels, an increase in surface temperatures, contamination of the all-important ground waters, any of a number of serious imponderables.

For what it is worth, we find a number of local citizens, certainly responsible—by Lyons News definition—share our concern:

Rollin Mead, president of the Sterling Drilling Company, a man who knows local geology as well as anyone, has serious doubts about the wisdom of such an installation. Geologists from outside the country have expressed their fears to Rol. (Several thousand oilfield holes have been bored in this county in the past thirty years, connecting the salt beds with higher water-bearing sands.)

Dr. George Gill, physician and biologist, who has handled more radioactive material (radium) than anyone in the area, considers the project an unquestionable risk. AEC designates such an installation as a "dedicated plot," which is in a sense saying that this ground—and the life around it—is expendable.

T. Marion Heier, with the life-long experience of an architect and builder, knows the nature of the geological structures which underlie the area. "These Arkansas River aqueous sands lie too near the site to risk contamination." Heter has contacted persons in Topeka in this regard.

Others, not wishing to block any economic benefits to be derived from the project, have not spoken out, but nonetheless harbor serious doubts.

Whether or not the plan is approved will not make much difference to this writer. He will be gone before any harmful effects develop. But there are young people at Lyons who hope to raise their families here in safety. How they can rationalize such a move, we cannot understand. Selling out for a mess of pottage?

As for economic benefit: Could the area hope to attract industry or even people, if such a risk hung over our heads?

At a time when pollution, contamination, ecological problems seem to be the No. 1 concern, how can we justify a move to deliberately jeopardize our environment.

Eighty million gallons of boiling liquid waste is now seething away at various AEC installations. Solidify this junk and bring it to us, we'll take care of it in Rice County, cesspool of creation.

[From the Parsons (Kans.) Sun, Mar. 6, 1971]

Atomic Dumping Issue—Skubitz Slams AEC: "Forked Tongue"

(By Lee Byrd)

WASHINGTON.—Rep. Joe Skubitz, R-Kan., has accused the Atomic Energy Commission of "bureaucratic doubletalk" in attempts to justify plans for a $25-million radioactive dump in a salt mine near Lyons.

Dismissing the latest assurances offered by AEC Chairman Glenn T. Seaborg, Skubitz wrote back that "We are not country bumpkins who can be taken for granted."

Skubitz' complaint was based on a letter from Seaborg Feb. 23 which declared: "No radioactive wastes will be placed in the Lyons salt formation until all the necessary studies and safety analyses have been concluded and the commission is satisfied that it is safe."

Noting that the AEC, however, is asking $3.5 million for an immediate construction start, Skubitz replied "I, for one, simply don't trust the AEC . . ."

Skubitz pointed out the Interior Department and private sources have questioned the wisdom of the project, which he said would be "handling highly radioactive wastes that will remain dangerous for a half-million years."

In an interview, Skubitz claimed widespread public opposition to the facility, which would begin operation in 1974 and handle virtually all wastes produced by commercial nuclear reactors through the year 2000.

The congressman said he does not know the number of persons who have complained to his office, and an aide, Mike Marden, said only that it was "several hundred."

"We haven't had but just one or two people disagree with us," said Marden.

Meanwhile, Jim Fairchild, an assistant to Rep. Gardner Shriver, R-Kan., whose district includes Lyons, said, "We have had very little correspondence from the people in that area.

"There has been no great outpouring of concern."

Skubitz hoped to block the AEC appropriation for the project by carrying his protest to hearings before the Joint Committee on Atomic Energy. Copies of his 11-page letter to Seaborg went to each member of the committee.

Beyond the question of whether the project is safe, said Skubitz, "the people of Kansas have the right to refuse to allow any part of their state to be made a dump for any garbage, not just radioactive nuclear garbage."

He said also the AEC had failed to satisfy fears that earthquakes or other disasters might jar loose the radioactive materials. And he said the problem of transportation means "every damned state is going to be involved."

"I can't see where Kansas owes any private enterprise anything in order to take care of waste."

An AEC spokesman, Truman Temple, said the agency has received no protests over the plan except those from Skubitz and Ronald Baxter, president of the Topeka chapter of the Sierra Club.

Temple noted that AEC had experimented with radioactive storage in salt from 1962 to 1967, and the results were "very carefully analyzed." He said the Lyons mine was chosen "because of the great geologic stability of the area."

The salt deposit, said Temple, dates back 230 million years, providing "a pretty good basis for our judgment" over the possibility of geologic disturbances in the future.

Temple said the project had been endorsed by Jerry Allen, radiologist for the Kansas Department of Health, and Dr. Curtis Chezem and Prof. R. W. Klack of the Kansas State University nuclear engineering department.

[Letter to the editor, Wichita (Kans.) Eagle, Mar. 3, 1971]

Reader Needs a Reason for an Atomic Dump Anywhere in United States

I have been impressed by several stories in other papers that quote more extensively than did your paper the questions raised by Congressman Skubitz about the safety and wisdom of the Lyons atomic waste site. Now your Feb. 21 editorial seems to chide the congressman in one breath for raising the issue and in the next breath the governor's office and the State Geological survey for not telling you about their own study.

As a long-time Kansas resident, it seems to me that you miss the basic point—even if the whole project were a safe one, what good is it going to do Kansas and Kansas people? Frankly, you haven't come up with a reason why there should be an atomic dump anyplace in the United States? Why should the taxpayers shell out for a facility for the benefit of a big, rich, out of state utility companies to dump their wastes? It would be just as logical to agree to let them pipe their smoke-stack gases and truck the ashes from their coal furnaces to Kansas to pollute our air and our ground.

RONALD G. ALDERMAN.

[Letter to the editor, Wichita (Kans.) Eagle, Mar. 5, 1971]

HE FEELS ACCEPTING ATOMIC WASTES AT LYONS IS VERY DANGEROUS

It is utterly appalling to see that the people of Kansas, and particularly the town of Lyons, seem willing to trade away their future health and safety for the pittance offered by the Atomic Energy Commission in trade for its atomic burial ground. Surely the meager benefits accruing from a few local jobs would never be worth even a single unforeseen accident.

The greatest accident potential, however, may not be isolated to the town of Lyons or even South Central Kansas because such a facility would receive atomic waste shipments by rail from reactors and fuel reprocessing plants all across the nation. The possibility of an accident may even be greater in the towns and cities along the shipment routes. Even with the relatively safe handling techniques that have been developed so far, possibilities still exist for high-speed derailments or sabotage incidents which would result in needless injury or death.

The AEC with its vested interests in promoting atomic power should at no time be entrusted with the authority to determine that the salt vault method of dumping waste is adequate enough for public safety. The citizens of this state should take it upon themselves to look over the shoulder of the AEC and establish rigorous safety standards that would be enforced by properly trained state health authorities.

Questions concerning safety inspection of railroad operations and roadbeds remain unanswered, yet no one can reasonably advocate that the railroad's current accident record indicates its ability to operate in the future without incident.

ERIK H. EAST.

[Letter to the editor, Wichita (Kans.) Eagle, Mar. 17, 1971]

SHE WOULD LIKE THE FACTS ABOUT THE PROPOSAL FOR LYONS

What do the people of Kansas want to read regarding the proposed Lyons repository? The facts please, not exclusively the views of the AEC.

I refer to the article of the March 9 Eagle which gives most of the space to discrediting the Kansas Sierra Club chairman. The article states, "The Department of the Interior rejected the AEC's environmental proposal on the basis that further tests needed to be carried out before approval could be given." The Sierra Club has thus assumed that further testing is required before even the AEC is satisfied the program is safe.

Misinterpretation by the Sierra Club? It really was difficult to determine from the context of the article.

Safe? Radioactive waste that will remain "hot" for thousands of years? Waste that could cause pollution of air, water and ground? Why Kansas? The people of Kansas are told our state was "chosen" because of our abandoned salt mines. There are salt mines elsewhere, there are areas of low earthquake probability. Unfortunately these other areas are located directly under or near densely populated areas. Perhaps Kansas is a safer place to store these wastes, but safer for whom? People other than Kansans, one would assume.

MRS. SHERRIE YARD.

[From the Parsons (Kans.) Sun, Mar. 10, 1971]

PITTSBURG UNIT FIGHTS AEC PLAN

LYONS, KAN.—It was learned Thursday night that a Pittsburg, Kan., environmental group has started a petition campaign it hopes will become a statewide effort in opposition to the Atomic Energy Commission proposal to establish a nuclear waste storage facility near Lyons.

In Hutchinson, members of the Reno County Environmental Action Committee met Thursday night to discuss the petition and methods for circulating the statement, which calls for a "total and immediate suspension" of the AEC proposal "until clarification on this issue is possible for the people of Kansas."

In Topeka, 48 members of the Kansas House joined Thursday in introducing a resolution opposing the nuclear waste repository.

Use of a Lyons salt mine for burying radioactive wastes is expected to be a key topic at a meeting Saturday of the Kansas Academy of Science's Conservation Committee at Lawrence.

Joint congressional hearings on the proposal are scheduled to begin Tuesday in Washington.

U.S. Rep. Joe Skubitz, R-Kan.; William Hambleton of the Kansas State Geological Society; and Ronald Baxter, president of the Kansas chapter of the Sierra Club, are expected to testify against the proposal.

[From the Coffeyville (Kans.) Journal, Mar. 16, 1971]

DOCKING CRITICIZES AEC

TOPEKA.—Gov. Robert Docking accused the Atomic Energy Commission today of being more interested in conducting a public relations program regarding the proposed nuclear waste repository at Lyons, Kan., than in carrying out tests to prove the project is safe.

The governor made his feelings known in a prepared statement issued here as William W. Hambleton, director of the Kansas Geological Survey, represented the state at a Congressional hearing in Washington.

The hearing before the Joint Committee on Atomic Energy involves the AEC's request for $3.5 million in fiscal 1972 for site acquisition and planning on the Lyons project.

"Adequate funds should be provided for research to answer many questions associated with the Lyons site," Docking said, adding the AEC appears to be "more interested in convincing the public of the safety of the Lyons site rather than using these funds to carry needed studies to conclusions."

The AEC has proposed using abandoned salt mines near Lyons for storing nuclear wastes from all over the nation. The Kansas Sierra Club and Rep. Joe Skubitz, R-Kan., have led opposition to the project, which Docking tenatively endorsed last summer when it was announced, but said he expected to have tests conducted to prove safety features of the project.

Docking said Hambleton was instructed to ask the Congressional committees to defer funds for the proposed repository "until scientific tests determining the site's safety are completed."

Docking said the Commission has "exhibited remarkably little interest" in certain studies and "has not demonstrated a capability for solving other problems the repository presents."

The governor accused the AEC of being slow in responding to requested reports, said the AEC has failed to inform the state of other investigations and "treated our concerns as negligible and trivial in public statements."

PEARSON JOINS IN

WASHINGTON.—Sen. James B. Pearson, R-Kan., said today absolute safety must be guaranteed before nuclear waste is stored in the salt mines near Lyons, Kan.

In a statement submitted to a hearing of the joint Atomic Energy Committee, Pearson said:

"Under no circumstances should this project be allowed to be put into full-scale operation until it has been satisfactorily and reasonably demonstrated that the storage of nuclear waste at this site is absolutely safe.

"On this there can be no compromise.

"Because questions of safety are of such vital importance I therefore urge the joint committee on atomic energy to authorize whatever additional funds are needed to carry out the necessary research. The Atomic Energy Commission should be authorized and indeed directed to carry out additional in-house research and also to make funds available to the appropriate research personnel and agencies in the state of Kansas."

PLAN STATE PETITION

PITTSBURG, KAN.—Plans for statewide circulation of petitions asking that implementation of the nuclear waste storage project at Lyons be suspended "until satisfactory clarification of this issue" is possible were announced today by a Pittsburg environmental organization.

Bill Summers, Pittsburg State College faculty member and chairman of the petition committee of the Environmentalist Club at the college, said petition forms have been sent to several school campuses and to environmental action groups.

Among organizations that will receive the forms, he said, are the Salina Consumers for Environmental Action, the Izaak Walton League of Wichita, the Environmental Concern Club of Ottawa University, the Greater Kansas City Environmental Action group, the Kansas Campers Association, the Kansas Association of Biology Teachers, the Citizens for Better Environment at Kansas State University, the Kansas Wildlife Federation, the Kansas Association of Teachers of Science, and the Association for Environmental Improvement at Wichita State University.

"It is important to emphasize," Summers said, "that the petition essentially asks for a suspension of all activity in any way related to implementation, pending a rigorous and exhaustive examination of the proposal. It does not ask for an outright rejection of the proposal."

The petitions will be sent, he said, to the Joint Committee on Atomic Energy. He said signatures from on-campus signing at Pittsburg State already have been sent to the committee.

[From the Iola (Kans.) Register, Mar. 1, 1971]

DOCKING STRESSES NEED TO DETERMINE SAFETY OF WASTE DUMP PROJECT

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[From the Kansas City (Mo.) Times, Mar. 17, 1971]

Insist on Safety at Lyons

(By Joe Lastelic)

WASHINGTON.—Kansans worried about using the salt mines at Lyons, Kas., to dispose of nuclear waste materials told the joint congressional committee on atomic energy yesterday they would insist that the project be safe.

The safety factor was the predominant theme at a hearing that opened yesterday and will continue today. The Atomic Energy Commission has asked for 25 million dollars for the project, with 3.5 million requested for the fiscal year that begins in July to buy land and begin developing the site.

"The decision belongs properly to the people of Kansas," Rep. Joe Skubitz (R-Kas.) told the committee. "They are entitled to have all the facts before such a decision is reached. I am trying to make some of the pertinent facts available to them."

Skubitz has been leading the parade of those who oppose the project. The opponents contend the AEC has not provided them assurances of safety in transportation of the wastes to the mines or storage once the wastes are encased deep in the mines.

Representing Gov. Robert Docking, Dr. William Hambleton, director of the Kansas State Geological survey, said the governor feels that title to the land should not be granted until the studies are completed.

"Kansans don't want the dubious honor of being the first laboratory experiment for burying lethal wastes in salt," Skubitz told the committee.

Hambleton said Governor Docking "reluctantly concludes that efforts of the AEC, to minimize safety problems and treat fears as negligible, support the fears of many Kansans that if funds are appropriated the project cannot be stopped at a later date if the project is found to be unsafe."

He said the AEC's justification for choosing the site represented "a simplistic view of geology" and said the agency had not studied sufficiently the long-term possibility of the salt's being subject to erosion.

Hambleton added: "Plans for the safe transportation of radioactive materials are completely inadequate and no plans for retrieval exist at all."

Rep. Garner Shriver and Rep. Keith Sebelius, Kansas Republicans, joined in a statement calling for abandonment of the project should studies reveal potential danger to the lives, health, and safety of Kansas citizens.

"We do not view the request for authorization of these funds at this time, nor the decision to conduct this demonstration project in Kansas, as a final or irrevocable step," they said. "We believe the people of Kansas and Congress must have assurance of the unquestioned permanent safety of this project before any nuclear wastes are buried in the Lyons salt mine."

Sen. James B. Pearson (R-Kas.) said there can be no compromise on the question of safety and he urged the committee to authorize whatever funds are needed to carry out research on that subject.

"Kansas officials must have complete confidence in the integrity of the scientific judgments regarding safety of this project," Pearson said.

Sen. Bob Dole (R-Kas.) said regardless of how very small the risks, a detailed analysis of them must be given to satisfy not only the federal government, but Kansans. He stressed he would insist that radioactive emissions from any proposed repository not be allowed to exceed those limits required for nuclear power plants and said there must be continuous monitoring.

[From the Coffeyville (Kans.) Journal, March 11, 1971]

Solons Oppose AEC Proposal Near Lyons

TOPEKA (AP).—Forty-eight members of the Kansas House joined today in introduction of a resolution opposing proposed Atomic Energy Commission authorization to establish a permanent nuclear waste storage facility in Kansas.

Rep. Bob Talkington, R-Iola, headed the list of sponsors of the resolution.

"I feel there are too many unanswered questions at this time to say 'go ahead,' " said Talkington.

Talkington said he thinks almost anyone would agree that the questions involve the safety of Kansas citizens.

"If in the future the questions are answered to the satisfaction of the people of Kansas, then I would say, 'go ahead,' " the Iola representative said.

Talkington said a recent review of earthquakes in the United States indicated the proposed storage location near Lyons is in an area moderately susceptible to earthquakes.

[From the Columbus (Kans.) Advocate, Mar. 1, 1971]

Storing Atomic Wastes Hit by Skubitz

PARSONS, KAN. (AP).—Rep. Joe Skubitz, R.-Kan., said Friday he is receiving nationwide support in a fight to keep atomic wastes out of Kansas.

"Why in the hell should we transport the stuff clear across the country to deposit it in an old salt mine in Lyons, Kans.?" he asked in a telephone interview from his office in Washington.

"Let Con Ed look out after its own atomic garbage. Why . . . should we take care of them?"

He had reference to Consolidated Edison, a New York electrical utility.

The congressman, who recently launched a campaign to prevent Atomic Energy Commission use of old salt mines in central Kansas, said a little-understood point is that atomic wastes in the next decade will originate largely from private power plants using that form of energy.

"We're not talking about federal installations," he said. "That being the case, the utilities should make their own provision for disposal of atomic wastes, and near their plants. There are salt mines in northeastern states, too, as well as Kansas."

In Washington, Skubitz accused Gov. Robert B. Docking Friday of "weasling" on the nuclear wastes issue. Skubitz said Docking has tried to shunt aside his responsibilities as governor.

He wrote Docking Feb. 12 and got a reply Feb 20, then wrote back Thursday, saying, "You suggest that 'constraints be placed on development funding so that the project will be abandoned if studies and investigations reveal any potential danger.' Surely, governor, that's a weasling statement if you ever wrote one." Instead, Skubitz contended, the studies should be done beforehand and atomic wastes should be made safer.

The congressman said Docking seems to want the Kansas congressional delegation to take the leadership in the matter. Skubitz said Docking should go before the joint Atomic Energy Committee of Congress and take a strong stand against the waste dumping plan.

"I continue to hope that your position will be less equivocal so that the committee and the AEC will understand that Kansas officialdom is unambiguously opposed to making our state a nuclear dump," Skubitz said.

[From the Fort Scott (Kans.) Tribune, Mar. 5, 1971]

Skubitz Accuses AEC of Bureaucratic Doubletalk on Kansas Radioactive Dump

WASHINGTON (AP).—Rep. Joe Skubitz, R-Kan., has accused the Atomic Energy Commission of "bureaucratic doubletalk" in attempts to justify plans for a $25-million radioactive dump in a salt mine near Lyons.

Dismissing the latest assurances offered by AEC Chairman Glenn T. Seaborg, Skubitz wrote back that "We are not country bumpkins who can be taken for granted."

Skubitz' complaint was based on a letter from Seaborg Feb. 23 which declared: "No radioactive wastes will be placed in the Lyons salt formation until all the necessary studies and safety analyses have been concluded and the commission is satisfied that it is safe."

Noting that the AEC, however, is asking $3.5 million for an immediate construction start, Skubitz replied "I for one, simply don't trust the AEC . . . "

Skubitz pointed out the Interior Department and private sources have questioned the wisdom of the project, which he said would be "handling highly radioactive wastes that will remain dangerous for a half-million years."

In an interview, Skubitz claimed widespread public opposition to the facility which would begin operation in 1974 and handle virtually all wastes produced by commercial nuclear reactors through the year 2,000.

The congressman said he does not know the number of persons who have complained to his office, and an aide, Mike Marden, said only that it was "several hundred."

"We haven't had but just one or two people disagree with us," said Marden.

Meanwhile, Jim Fairchild, an assistant to Rep. Gardner Shriver, R-Kan., whose district includes Lyons, said, "We have had very little correspondence from the people in that area.

"There has been no great outpouring of concern."

Skubitz hoped to block the AEC appropriation for the project by carrying his protest to hearings before the Joint Committee on Atomic Energy. Copies of his 11-page letter to Seaborg went to each member of the committee.

Beyond the question of whether the project is safe, said Skubitz, "the people of Kansas have the right to refuse to allow any part of their state to be made a dump for any garbage—not just radioactive nuclear garbage."

He said also the AEC had failed to satisfy fears that earthquakes or other disasters might jar loose the radioactive materials. And he said the problem of transportation means "every damned state is going to be involved."

"I can't see where Kansas owes any private enterprise anything in order to take care of waste."

An AEC spokesman, Truman Temple, said the agency has received no protests over the plan except those from Skubitz and Ronald Baxter, president of the Topeka chapter of the Sierra Club.

Temple noted the AEC had experimented with radioactive storage in salt from 1962 to 1967, and the results were "very carefully analyzed." He said the Lyons mine was chosen "because of the great geologic stability of the area."

The salt deposit, said Temple, dates back

230 million years, providing "a pretty good basis for our judgment" over the possibility of geologic disturbances in the future.

Temple said the project had been endorsed by Jerry Allen, radiologist for the Kansas Department of Health, and Dr. Curtis Chezem and Prof. R. W. Klack of the Kansas State University nuclear engineering department.

[From the Hutchinson (Kans.) News, Mar. 12, 1971]

PRESSURE MOUNTS AGAINST LYONS AEC PROJECT

(By Roy Miller)

LYONS.—With congressional hearings only four days away, pressure is intensifying against the establishment of a nuclear waste storage facility at Lyons.

The Atomic Energy Commission proposal will be the subject of a hearing before the Joint Committee on Atomic Energy beginning Tuesday at Washington.

The News learned Thursday night that a Pittsburg environmental group has started a petition-signing campaign it hopes will become a statewide effort.

In Hutchinson, members of the Reno County Environmental Action Committee met Thursday night to discuss the petition and methods for circulating the statement, which calls for a "total and immediate suspension" of the AEC proposal until "clarification on this issue is possible for the people of Kansas."

In Topeka, 48 members of the Kansas House joined Thursday in the introduction of a resolution opposing the nuclear waste repository.

KEY TOPIC

Saturday, use of a Lyons salt mine for burying radioactive wastes is expected to be a key topic at a meeting of the Kansas Academy of Science's Conservation Committee at Lawrence.

U.S. Rep. Joe Skubits, R-Kan.; William Hambleton of the Kansas State Geological Society; and Ronald Baxter, president of the Kansas chapter of the Sierra Club, are expected to testify against the proposal, a public information official of the AEC said Thursday from Washington.

Skubitz, who represents Kansas' 2nd District (primarily Southeast Kansas), has received national publicity for his attacks on the project.

The congressman, reportedly busily preparing testimony for Tuesday's hearing, could not be reached Thursday. But an aide indicated Skubitz' interest stems from the fact he was an aide to the late Sen. Andrew Schoeppel, who was in Congress when the AEC proposed 17 years ago to store nuclear wastes in the Lyons salt beds.

"They proposed a big excavation that would look something like a laboratory flask," said Edward Cooper, a Skubitz aide. "They're going to just pour wastes down in liquid form and use a series of tubes to cool the gasses.

"He (Skubitz) remembered this. He remembered how Schoeppel and the rest of the Kansas congressional delegation raised hell.

"So last summer when they brought this up again, Congressman Skubitz started asking questions. He didn't like some of the answers.

"He's busy now working up his paper. He really feels that he is required to document this thing as thoroughly as he can."

RIGHT TO REFUSE

In a letter to Dr. Glenn T. Seaborg, AEC director, Skubitz has said "that the people of Kansas have the right to refuse to allow any part of their state to be made a dump for any garbage—not just for radioactive nuclear garbage.

"Even you will agree that neither the AEC nor any other federal agency has the right or the authority to compel them to do otherwise. . . . What disturbs me is the AEC's effort in this instance to subvert that lack of authority by a 'big-daddy-knows-best' campaign that is at best disingenuous."

Skubitz believes the AEC has not made enough studies into safety factors concerning the Lyons repository.

"(The) AEC should not put the cart before the horse by proposing actual site work be done while it carries out additional research to determine if what it has begun will be safe later on." Skubitz told Dr. Seaborg, adding, "We are here dealing with human lives, and we must know the facts beyond a reasonable doubt."

SENDING COPY

In Skubitz' hometown of Pittsburg, the Environmentalist Club is sending a copy of the letter and other statements to Kansas newspapers and petitions to other ecology groups.

The publicity includes excerpts of a State Biological Survey report which concludes that the AEC has "exhibited remarkably little interest in studies of radiation damage. The State Geological Survey regards this problem as extremely critical to safe storage of radioactive waste at the Lyons site."

The survey also raises questions about transportation of the materials, a point emphasized by critics of the Lyons site.

"We judge that plans for safe transportation of these radioactive materials are completely inadequate and that no contingency plans for retrieval of waste exists at all," the survey's report states. "We conclude that these two elements are critical and crucial to the safe storage of radioactive materials at the Lyons site."

The petition being circulated by the Pittsburg ecology organization also raises questions about transportation.

"Not to be overlooked, psychotic bombing or terrorist activity in Kansas and across America further complicates the risk factor involved in the transportation," the petition states.

Bill Summers, a high school counselor and Environmentalist committee chairman, said the petition campaign is being undertaken with the "hope to make known in Topeka as well as in Washington how the people of Kansas feel."

"The people have a right to have a say-so in this," Summers said. "We have called for responsible public opinion sampling throughout the state on the part of media sources.

GIVES CHALLENGE

"I challenge anybody to sample opinion outside of Rice County. I don't think the people of Kansas are in favor of it."

Inside Rice County, Lyons business leaders have endorsed the project, pointing to the new jobs (about 200) it will create.

"I personally think it is a tremendous opportunity for the state of Kansas, the city of Lyons and Rice County, John Johannes, then president of the Lyons Chamber of Commerce and manager of the Kansas Power and Light Co., said last summer. "Not only from the economic standpoint, but with your emphasis on pollution and the environment, we know that it can be stored safely here without dumping it in the ocean or where it is stored now."

While most reaction here has been favorable to the nuclear garbage dump, the feeling is not universal. Residents whose land will be purchased for the layout of about 1,000 acres are in an uneasy position as the issue is battled.

The property owners would admit to being selfish. They say land is scarce in Rice County. They don't want to lose their property.

While a Washington public information spokesman for the AEC says the only contact with property owners has been to seek permission for core drillings by the U.S. Army Corps of Engineers, persons owning land adjacent to the salt mine once operated by the Carey Salt Co. of Hutchinson say appraisers have inspected their property.

Jack Stewart, whose land runs north of the salt mine, says the AEC will want 20 acres if Congress approves the project.

"I don't think a whole lot of it," Stewart said of the proposal. "I think they're more concerned about the economic part of it than the health part of it.

"It seems to me that the businessmen down here can't sleep until they can get it in here. It seems to me that they've talked only to the businessmen and not the landowners."

If the disposal project is approved and built, Stewart said he would remain on his land adjacent to the facility.

"I'm not that much afraid of it," he said. "As far as what they (the AEC) actually know, I don't know if it amounts to much or not. As far as misleading people, the government's always been pretty good at that."

WANTS ALL

Another landowner, Roy Dressler, said the government wants all of his 160 acres—"improvements and all."

Reflecting his uneasy feeling about the future, Dressler answered questions mostly in abrupt sentences.

Q. Has the land been appraised?

A "Yes, but they wouldn't tell me what it is."

Q. Is it hard to find other land?

A. "Yes. Especially when you've been here 35 years."

Q. Are you in favor of the project?

A. "I sure am not."

Q. What about the safety?

A. "I don't know."

Q. Do you think the project will become a reality?

A. "I did. But they're getting a little static now. I'm hoping it won't but I don't know."

Q. Are you bitter about the stand taken by the business community?

A. "They're forgetting that we've done business here all this time. I just don't understand it. Everybody seemed to know about it before I did."

[From the Parsons (Kans.) Sun, Parsons, Kans., Mar. 20, 1971]

FROM THE BENCH

Look, if you will, at the ball carrier who rushed from the bench and picked up the ball on atomic wastes in Kansas once Joe Skubitz had cleared the field by mowing down the defense as a super-blocker.

None other than Bob Docking, who is making like a fleet-footed halfback after the Kansas congressional delegation, spurred by Skubitz in the first instance, united to bring the Joint Atomic Energy Committee to time on the question of making this state a dumping ground for atomic garbage.

The governor hardly had been as daring in the game's opening quarters. Indeed he glued himself to the bench, waiting to see what turn the combat would take.

His statements were reserved and cautiously phrased, as if there was great reluctance to take a stand. Skubitz meanwhile came on like a battalion of gangbusters. He spoke his mind first, placing the safety of Kansas first, and left his own flanks exposed while political opinion caught up with him. He was, to return to jargon of the gridiron for the moment, a lonely end for many months.

The cause became so popular, though, that Docking not only entered the fray but enlisted the advice and possible services of Vern Miller, the attorney general, on suing the federal government.

In the fashion of one who has just filled his mouth with sour grapes, Docking suggests that only action of the state may save Kansas from a calculated assault of the Atomic Energy Commission.

Far more effective, in reality, will be the votes and influence of the Kansas congressional delegation and the extensive record compiled by Skubitz in his single-handed campaign against the hazards posed by the AEC's salt mine invasion of Kansas.

Citizens are not likely to be impressed by the brave pronouncements flowing from Topeka after the grubby preliminaries had been handled, and well, by others.

DAYTON, TENN.,
March 3, 1971.

Mr. JOHN H. COLBURN,
Editor, The Wichita Eagle,
Wichita, Kans.

DEAR EDITOR: As former long-time residents of Kansas, who are still proud to claim the center of America as our native soil, we take sincere interest in the proposal to make Lyons a nuclear wastedump.

Our present residence near the Oak Ridge national laboratories of the Atomic Energy Commission (Oak Ridge, Tennessee) heightens our awareness of the development of nuclear power in this country. Needless to say, the local press is as sensitive to the problems of ORNL as you are to the problems of Boeing.

In all fairness, the most pressing problem of AEC is obviously the question of what to do with a dangerous accumulation of radioactive wastes. Local feeling is clear: Kansas is considered dusty, desolate, and scarcely populated. It is not uncommon to solicit an off-the-cuff response of "Can you think of a better place to dump this stuff than in Kansas?"

Personally, we resent this implication that Kansas, our native state, is a suitable dump. In your editorial of February 21, you appear to brush aside this regrettable stigma as a "catchy phrase." Unfortunately, this "catchy phrase" is the essence of the feelings of people aware of the nuclear waste disposal problem and not particularly concerned about Kansas integrity. In a state already burdened with the unwarranted stereotype of "western desert" by people who think of Kansas as "out there" it is difficult to understand your willingness to accept the additional tag of "nuclear garbage dump."

Kansas is being cheapened, Mr. Editor, and I don't think you know it.

Sincerely,
Mr. and Mrs. RICHARD HARRIS.

P.S.—Inasmuch as you have editorialized on this issue, we hope that in fairness you will publish this opposing view under letters to the editor. We are sending a copy of this letter to Representative Joe Skubitz of Pittsburg. From our standpoint, his "hysteria" appears to be honest concern for the future of Kansas.

GEORGIA TEEN ELECTED PRESIDENT OF FUTURE BUSINESS LEADERS OF AMERICA

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. HAGAN. Mr. Speaker, I know that many of my colleagues have been proud and pleased with the outstanding achievements of certain of our fine young constituents. I earnestly believe that when a young man does well, is a success in his endeavors, and demonstrates his devotion to the principals of true Americanism, then we should take note of this individual.

Therefore, I want to call to the attention of my colleagues an article about Jones Hooks from Metter, Ga., which appeared recently in the Atlanta Journal and Constitution Magazine.

Jones Hooks in my opinion typifies the all American boy spirit which has become a rarity in our modern times and I hope that his good qualities will serve as an inspiration to other youth of America:

[From the Atlanta Journal & Constitution magazine, Mar. 21, 1971]

TEEN WHO HEADS AMERICA'S FUTURE BUSINESS LEADERS—THE ONLY THING LAZY ABOUT JONES HOOKS OF METTER, GA., IS HIS SOUTHERN DRAWL

(By Margaret Shannon)

"You should have seen those Yankee girls. They were just standing around and saying, 'Jones, say mayonnaise,' or 'Jones, say so-and-so.' They just went *wild* over this."

And so, for once anyway, a Southern drawl was an asset in a presidential campaign. Jones Hooks, a 6-foot, 18-year-old Metter High School senior with a true south Georgia molasses-and-cornpone accent, was elected president of the Future Business Leaders of America on the first ballot at the national convention in Philadelphia.

FBLA is an organization for high school students taking business and office training courses. It has 5,000 chapters with 98,000 members nationally. Dr. Russell J. Mercer, Georgia state supervisor of business education, is chairman of the national board of directors of FBLA and its college division, Phi Beta Lambda.

Georgia has more FBLA chapters (282) than any other State. But up there is Philadelphia, things were run on a sort of unit system. Each state delegation had two votes.

"I could just see Georgia getting about five Southern votes," says Mrs. Bernice Bland, chapter adviser and business education teacher at Metter High.

"Mrs. Bland said surely nobody from the South could *ever* win," Jones says—and laughs. But win he did, and he has been busy ever since with conferences and conventions and speeches and meetings, traveling to places like Washington and New Orleans and Chicago, an excited, enthusiastic young man with energy, drive and maybe even charisma.

What goes into the making of the president of a national teen-age organization? More, of course, than a Southern accent or a name that catches on.

"I think one thing that sold me at the national convention was my name," says Jones Hooks. "It's so unusual that it seemed like whenever you told it to anybody, they would repeat it and remember it. They asked me about it."

Carson Jones Hooks, second son of Mr. and Mrs. V. H. Hooks Jr., is named for his maternal grandfather. Their older son and only other child, Vendie, is a first year student in the Medical College of Georgia at Augusta. Mr. Hooks is a mortician.

As part of his vocational office training (VOT) course in high school, Jones works at the funeral home, mostly in the office. "Everybody says, '*Surely* you're going to be a mortician,'" Jones said. "I say, "Surely I'm *not*, either.'"

"He's a good employe," his father says. "He's just about been running the office, except for the accounting; the bookkeeper does that. Jones sends out statements. He helps with the insurance business, keeping up with premiums and the like. He answers the mail and that sort of thing."

"I don't know any other employer that would have been as understanding about me missing so much time in regular hours," Jones said. "The way it is, I can make up hours by working in the office late in the afternoons or if we have a Sunday afternoon funeral."

Mr. Hooks has been in the funeral home business for 25 years. "I guess you might say Jones has been working around the funeral home all of his life—he and his brother both," Mr. Hooks said. "When they were little, they'd play hide-and-seek among the caskets in the storage room and this sort of thing.

"In the last four years Jones has gradually been working into various phases of the business. He will not take any part in preparation of the deceased, but he does help with the flowers at funerals."

"I mainly helped park cars for a while," Jones said, "but then I would leave with mother and her helpers if it was a church funeral and help decorate the church with flowers—place the racks and all and move furniture if necessary."

Jones worked several summers at a tobacco warehouse, too, but he skipped that job last year after his election as national president of the Future Business Leaders of America. He is local chapter president and state president also—a triple-threat man, you might say.

FBLA is not as old or as big as the 4–H organization or even the Future Homemakers of America, of which a Metter girl, Luck Hendrix, was national president in 1969–70. But it has a similar purpose: to offer activities that will keep young minds and hands occupied in a constructive way.

Down there in the small town of Metter in south Georgia, Vendie Hooks was an outstanding Boy Scout, a state typing champion and a top student and a big brother for Jones, who was five years younger, to look up to.

"I don't know but what there might have been a little bit of brother competition there," Mr. Hooks said.

"We just have two boys that have always wanted to do their best," Mrs. Hooks said. "I don't know if Jones has told you, but he took tapdancing when he was small. This made him have to dance before people, and he could learn not to be so stage-frightened.

"Later on, we got to where we had a right good band here, and Jones decided he wanted to be the drum major. A lot of the boys thought it would be so sissy, but he said he didn't care—they had drum majors at college that were boys. So he went to Florida State two summers to learn to be a drum major. There again he had to be a leader."

The making of the president had begun.

Then the teacher, Mrs. Bernice Bland is a trim blonde whose eyes twinkle as she talks. She has been teaching business courses at Metter High for 25 years, and she is known at district and state literary meets as the maker of typing champions. Her students have won state titles in Class B school competition for the last 10 years. Three have set national records.

"I really wanted to run Jones for state FBLA president since he was in the ninth grade, because I knew he had the ability and the get-up-and-go to be a leader," she said.

Another of her students, Gail Robinson, was elected state president in 1969, a year before Jones was eligible. "I thought, "That let Jones out,' but they told me at the State Department of Education, 'No, it doesn't. We want you to try again next year.'

"Then when we went up to the state convention, they said, "We want to run him for national president, too.'" That is when Mrs. Bland remarked that surely nobody from the South could ever win.

In the business education department of Metter High School, however, no one would have guessed that Jones Hooks' chances were regarded with pessimism by the teachers.

"The group that helped most was the VOT students," Jones said. "The whole last six weeks of school Mrs. Bland taught my campaign and the FBLA. We just had so many handouts and so many campaign posters to be done that we just about converted the whole business department into campaign headquarters."

VOT—vocation office training—is a high

school program in which students in business education work parttime in local businesses. They do it for pay, but the main idea is to get experience. On-the-job training, in other words.

Metter is a town with approximately 3,000 people, and Mrs. Bland didn't really know whether it was large enough for a VOT program when she started one four years ago.

"We only had 15 students to go out then," she said. "This year I have 35. They're working about every place you go in. Like Jones said the other day, he went to the hospital and met one in the office and one in the back at the nurses' station. She told me not long ago, 'Can you believe it—one of the doctors asked me to go with him on his hospital rounds?' They're at banks, the telephone office, lawyer's office, feed store, grocery store, insurance offices. The Guildo Evangelistic Association has four and wants another one."

"VOT is taking over the town!" Jones exclaimed.

Jones is an exclaimer. In Philadelphia at the national convention, he put his zest to full use. The Future Business Leaders of America doesn't allow any preconvention campaigning, and at the convention an advisory committee screens candidates to be sure they have the qualities to lead FBLA. Wholesome American youth—that's what they want. Jones and two others, another boy and a girl, qualified.

Tim Bagwell, son of a Methodist minister, formerly of Metter, now of Cuthbert, was Jones' campaign manager. The Georgia delegation set up a booth at convention headquarters.

"We had many giveaway things," Jones said. "We took 1,800 bags of Georgia peanuts and stapled 'Elect Hooks' labels on them. We took two bushels of Georgia peaches. It was the first of the season and they were just about green, but those people ate those peaches and thought they were the best things. We called back for more peaches, but we couldn't get any."

Jones undertook person-to-person campaigning. He spoke to state delegation caucuses.

"Jones did a real good job," Mrs. Bland said. "He tried to meet everybody. He was out campaigning while we were manning the booth."

"I never have been so tired in all my life," Jones said. "The personal contact with people—that just can't be beat. I could be just *dying* I was so tired, and smile from ear to ear and be so happy to see them. I guess it was kind of a fake front, but not really."

At caucuses delegates asked him what jobs he'd held, what he'd do about the FBLA's sagging budget, and how he'd solve other problems of the organization. One question sure to pop up—invariably asked by a girl—was: "You're so busy, being state president and all, if you get to be national president, too, when are you ever going to have time to have a date on the weekend?"

"I just told them that every now and then I do have a weekend free, and the things I go to, like the teenage nutrition conference—well, they had a dance. It's not *all* business."

At the rally that topped off the election campaign, Jones and the other candidates spoke to all the delegates. The convention hall blossomed with posters and resounded with cheers.

"I gave my campaign speech in a white blazer, red shirt, white tie and blue trousers," Jones said. "I think that must have been the reason they voted for me. Whenever I got an invitation to speak at the Arkansas state convention, they said, Please wear your red and white.' I wrote back, 'I'll be there in my red and white with bells on.'"

The Jones Hooks administration as FBLA president has been something of a family affair. "His mother and I have rather enjoyed it," his father said. "I believe we look forward as much as he does, when he gets his mail, to seeing what different states the letters come from.

'His mother especially has seen that he has the proper clothing for the many meetings and other affairs he attends, and we've tried to furnish transportation to and from the airport in Atlanta or Savannah when he goes on his various trips."

Jones usually travels alone, and his parents don't worry about how he'll make it. "One reason we haven't been afraid for him to be by himself is that ever since Jones and his brother were big enough, when we'd go to get a new ambulance, we would carry them with us and drive the ambulance back. We usually would detour somewhere—like New York, for instance—and their father would take us to nice restaurants," his mother said. "So they grew up knowing how to do these things."

"You haven't done anything until you've driven a hearse right through the middle of New York!" Jones exclaimed.

"And everybody just looks at you," Mrs. Hooks said. "It's so much fun."

"You drive up to a hamburger joint," Jones said, "and everybody says, Oh, boy, that's the way to travel.'"

The Metter FBLA chapter with Jones as president has stayed busy too. It has undertaken more than 50 projects. The most ambitious was staffing William Lanier's campaign center in Metter during his unsuccessful race for state agriculture commissioner last summer.

The club's postelection project was a cleanup drive. Members went all over Candler County taking down political posters—Lanier's and everybody else's.

In January, the young people solicited letters to Hanoi about the prisoner of war issue. "We ended up mailing around 700," Jones said.

The Metter High FBLA club has 102 members out of some 125 students enrolled in business education courses. Jones thinks they're great. "Everybody *cares*," Jones said.

Jones plans to enter the University of Georgia this fall. "I'll take business administration," he said. "Naturally! Then I may go on to law school."

"I have realized what the funeral business is and how confining it is, and I have never really tried to interest either one of our boys in it," Mr. Hooks said. "We wanted them to make up their own minds and decide what they want to do.

"I think Jones gets his 'political' talent naturally. His grandfather served in the General Assembly, in the House and Senate both, so I think it has rubbed off on Jones a little. His grandfather wanted one of his boys to study law, but none of us did."

Jones' year as national president ends with the national FBLA convention in Miami Beach June 19–21. There's a cruise to the Bahamas afterward. "I'm *so* excited," said Jones. "I can't wait!"

NATIONAL WEEK OF CONCERN FOR PRISIONERS OF WAR/MISSING IN ACTION

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1971

Mr. WYDLER. Mr. Speaker, the first American still being held by the enemy was captured in South Vietnam on March 26, 1964. Now, with the seventh anniversary of that event approaching, the number of Americans missing in action or known captured in the Vietnamese conflict has grown to about 1,600. These men, who served their country and are now held in prison camps which the world is not allowed to see, deserve the support of every American in seeking release and return to their families.

The North Vietnamese show their callous disregard not only for the Geneva Convention but for elementary humanitarian rights in even refusing to give lists of the prisoners of war and to allow them to send and receive mail.

The North Vietnamese should be exposed and condemned for such action and this process has been started. The pressure brought against them is bearing fruit and certain small concessions have been made. Mobilizing world opinion is in progress, and former astronaut Frank Borman has been the President's special envoy in seeking decent treatment for our men.

Recently there have been indications the enemy might allow some inspection of prisoners-of-war camps and talks with out men. The pressure is on, is working, and should be intensified.

As a Congressman, I intend to join all efforts to increase pressure on North Vietnam. President Nixon has proclaimed this a week of Concern for Americans who are prisoners of war.

The families of these men are suffering enough without being denied hope. Most Congressmen are united in their effort to supply hope, pressure, and action. The comments of men, such as Senator HARTKE, who when asked whether we could leave our prisoners of war in prison replied, "why not?" are atypical and reprehensible.

The President has stated his determination to free our men. His words are matched by his deeds, not only in sending missions into North Vietnam to try to free them but in making their release a prime point of negotiation with the North Vietnamese.

This week it would be well for every American to consider what it would be like to have a member of his family held in captivity. These men are our Nation's responsibility and we must not fail them. In so doing we would be breaking faith with ourselves.

AN ALTERNATIVE TO THE STATUS QUO

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. ANDERSON of Tennessee. Mr. Speaker, many of us are hoping that the United States will, in the immediate future, withdraw our troops from Indochina. We have found, as past American leaders had warned, that U.S. troops should not be committed to wars on the Asiatic mainland. The American people have grown increasingly apprehensive about using our young soldiers, our infantry, as the point of America's security sword. We do not read of many alternatives these days but the attached letter printed in the Washington Post on March 2, 1971, does present at least one alternative for our consideration and

I request permission to enter it in the RECORD as a matter of interest to the Congress.

The article follows:

AN ANZUS PERIMETER

I propose that the United States withdraw completely from Asia and establish its line of defense in the Pacific, taking in no more than the three nations of the ANZUS Treaty—Australia, New Zealand and the United States itself. I propose also that it shore up this position by incorporating the islands of Micronesia, including Guam, into the State of Hawaii.

The United States would then maintain its security by means of the deterrent force of its long-range weaponry, and its present Asian allies, I expect, would maintain theirs by means of regional alliances.

Peace in Asia, as I see it, means an Asian balance of power which is entirely Asian. Peace at home means a stable western flank. The latter is a job, not for the Army but for the Navy—not for the infantryman on the Asian continent but the Pacific sailor.

Six months notice can be given at any time.

DAVID YUHAS.

Washington.

THE NEW MISSISSIPPI

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. GRIFFIN. Mr. Speaker, Mr. Anthony H. Harrigan, executive vice president of the Southern States Industrial Council, and author of the syndicated column Sensing the News which appears in more than 200 newspapers across the country, reports on progress made by Mississippi in his column of March 18, 1971.

Mississippi is meeting her problems head on, both economic and otherwise, and with much success. Unlike some cynical visiting journalists, Mr. Harrigan's comments on Mississippi are objective, informative, and timely. I recommend these observations for the consideration of every Member, as follows:

THE NEW MISSISSIPPI

(By Anthony Harrigan)

JACKSON, MISS.—Though this state has had many difficulties in modern times, its people are doing a remarkable job of creating new opportunities and building a bright future. The progress Mississippians have achieved in the last decade certainly deserves to be better known.

One of the most meaningful symbols of Mississippi today is the state's Research and Development Center, a handsome multistory building set in rolling pineland east of the capital city. This center provides the state with a wide variety of research capabilities, including industrial planning, water resources studies and community development plans—the know-how essential to the economic, social and cultural needs of a modern industrial society.

If anyone imagines that Mississippi is parochial, he should visit with industrial and banking leaders in the state. One company in Jackson—to give an example of the state's outward-looking attitude—has had contracts in more than 40 states and overseas as well.

The visitor who comes to the state with stereotyped critical views of Mississippi is bound to be surprised. Driving south of Jackson one won't find the decrepit rural shacks that the TV networks like to focus on. Instead, the area is dotted with cattle farms. Splendid black Angus cattle graze in lush pastures.

There's prosperity in Mississippi's future. The state is strategically located in the mid-South, with the Mississippi River traffic artery on the west, the resorts of the Gulf Coast to the south, and important trade and communications centers a short distance across the state lines in Tennessee and Alabama. The City of Jackson understandably bills itself as the "Crossroads of the South." It has constructed a superb airport to capitalize on its role as a communications center.

The optimism about the future evident in the conversation of businessmen here is all the more commendable in view of roadblocks that have been placed in the path of the state. Public education continues to face grave handicaps imposed by federal authorities. Federally-decreed busing of students is enormously disruptive and causes many heartaches, not to speak of damage to the educational process.

A by-product of the extraordinary pressures placed on the public schools is a large and growing system of independent schools. One of these schools—Jackson Prep—has 500 students. Next year, I was told, enrollment may reach 900. Schools of this type are attracting high caliber teachers. While no one knows how extensive the private system will be in the mid-'70s or later, the long-range educational effects of a quality independent school system are bound to be beneficial to the state.

From the cultural standpoint, Jackson is a major force in the life of the state. It is the home of a variety of institutions of higher learning. Plans are being made for an art center. An evening spent at a little theatre production of an avant-garde play reveals the growth and ferment in the cultural life of Mississippi.

From modern cattle farms to modern theatre, Mississippi is moving ahead. It deserves a new image in the national news media.

ARMED SERVICES COMMITTEE GRANTS OUTSIDE ORGANIZATIONS OPPORTUNITY TO BE HEARD

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. HARRINGTON. Mr. Speaker, on March 23, the House Armed Services Committee, of which I am a member, granted the request of outside organizations to be heard before the committee on the military procurement authorization bill, for what may be the first time in its history. While outside witnesses have occasionally been heard by this distinguished committee, they have normally been at the invitation of the committee and in executive session. Now, thanks to the sense of fair play of the chairman, Mr. HÉBERT, and because of the committee's interest in hearing not only the official point of view but that of other informed persons, the committee seems to have begun a tradition of permitting certain groups to apply to be heard on relevant matters of special interest to them, about which they feel strongly.

The potential value of this tradition was made evident immediately when the first witness, Dr. Jeremy J. Stone, testified for the Federation of American Scientists as its director. With only 4 business days notice, Dr. Stone prepared 50 pages of detailed, documented, and persuasive testimony on ABM, MIRV, and the B–1 bomber. It presented a point of view that would not otherwise have been heard with regard to each weapon system arguing: that an ABM defense of Minuteman would be unreliable; that the B–52 bombers could and should be maintained in preference to buying a B–1 bomber; that it is wasteful to deploy multiple warheads on Minuteman; and that it is both premature, and arms race stimulating, to continue to deploy MIRV on Polaris submarines.

These dissenting points of view were backed up by the approval of the executive committee of the federation including Dr. Herbert York, former Director of Defense Research and Engineering, Dr. Marvin Goldberger, chairman of the Department of Physics at Princeton University, and Dr. George W. Rathjens of MIT. Many other eminent names, from the world of science and Government security policy, on the federation council, and board of sponsors, reflected the right of this organization to present such a document. In an hour and one half of question and answers, Dr. Stone made it clear that the federation knew its facts, as well.

One press article said that the committee was "ruffled" by this testimony. Far from it, Mr. Speaker, I was proud to see the committee take this step and hope it will continue. As a contribution to the debate over strategic weapons, and to make it evident to my colleagues what outside witnesses can do, I insert the text of Dr. Stone's testimony:

TESTIMONY OF THE FEDERATION OF AMERICAN SCIENTISTS ON THE FISCAL YEAR 1972 DEFENSE PROCUREMENT AUTHORIZATION BILL H.R. 3818

(By Dr. Jeremy J. Stone)

Mr. Chairman: It is a pleasure and a privilege to appear before this distinguished Committee, as a spokesman for the Federation of American Scientists. We welcome the Committee's decision to permit an outside organization like our own to voice its views.[1]

Speaking personally, Mr. Chairman, I have not forgotten the comments you made as Chairman of Subcommittee Number 2, on April 4, 1966, in your report on the "Department of Defense Decision to Reduce the Numbers and Types of Manned Bombers in the Strategic Air Command." You asked whether Congress had become only "a necessary, and to the Executive Branch on occasion, inconvenient step" in the determination of policy. Often, to be more than "an inconvenience", Congress may require independent sources of information and opinion. If so, perhaps we can help. The Federation has the expertise to provide just such alternative views on military procurement. Among our senior members are ex-Government officials whose tenure and experience in high Government office often exceed that of the senior officials who will be appearing before you in the coming months.

Obviously, in the four business days we have had to prepare and print this testimony, we cannot touch on all of the major items in a bill covering $27,074,073,000 in New Obligational Authority. Our statement covers ABM, MIRV, and the B–1 Bomber

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Footnotes at end of article.

only. For the same reasons of time, not all members of our governing board have had time to review it, in draft, as carefully as they might otherwise have. But the policy conclusions it reaches, which I shall now summarize, are explicitly endorsed by the Executive Committee of the Federation. And the larger document has been approved, as well, by the Strategic Weapons Committee of the Federation, which has special responsibility for these questions.

SUMMARY OF CONCLUSIONS

In all of the questions discussed here—ABM, MIRV, and B–1—we find, in particular, that large sums are being proposed to provide marginal improvements in strategic forces that are secondary to our primary deterrent force. *Goldplating secondary strategic forces is not a sensible approach to national security.*

In procuring MIRV for our primary deterrent, Polaris, the Administration is acting prematurely. Since our answer (MIRV) to the threat of a Soviet ABM is now ready for deployment, the necessity for its immediate deployment has disappeared. Compulsive over-reaction can be just as dangerous as compulsive under-reaction. Bolting into a response to yesterday's fear, we are, at the same time, setting in motion a new and dangerous round of the arms race that will cost billions. Containing, limiting, managing, and ending the arms race will require a more restrained hand on the throttle.

1. *ABM:* We believe that all deployment *funds for the SAFEGUARD ABM should be deleted.*

The proposed system simply is ineffective in defending Minuteman, even if it works perfectly. The protection offered by SAFEGUARD for the Minuteman force is negligible. Even if SAFEGUARD functions perfectly, it offers significant protection to Minuteman only over a very narrow band of threats. If the threat grows rapidly, SAFEGUARD will be obsolete before deployed. If the threat levels off, SAFEGUARD will not be needed. Nor is it a sensible assumption that SAFEGUARD will work perfectly—it might well fail catastrophically. In fact, information on its vulnerabilities might become known to the Soviet Union. Alternatively, neutralizing methods might develop out of on-going technology. Speaking generally, political confidence in the safety of Minuteman cannot be retained by placing the Minuteman missiles under the umbrella of an ABM in which there is, after all, far less political confidence. No ABM can give Minuteman the security of Polaris.

As a proposed first step toward other defenses—against China or the Soviet Union—the system is unnecessary. And the full area defense SAFEGUARD would make U.S./Soviet agreement in the SALT talks, on ABM and many offensive systems, impossible. As a defense against accidents, SAFEGUARD is also either unnecessary or ineffective in most cases; moreover, it contains within itself the seeds of possible accidents as likely as those it may forestall.

SAFEGUARD is an ineffective, expensive, and arms-race stimulating mistake. As a bargaining chip, SAFEGUARD is to be feared only if it is likely to grow into a *heavy* defense. But both sides should be apprehensive about this.

2. *MIRV: We believe that no further expenditures should be made in fiscal 1972 for deploying MIRV, and none should be permitted for improving the accuracy of multiple warheads under development. Authorization for the ABRES program should not include funds for further improvements in guidance and accuracy. Instead the Defense Department should have a program for putting a single warhead on Poseidon missiles, if the United States is to negotiate seriously at SALT for a halt to MIRV.*

It is patently unnecessary to deploy MIRV before the Soviet ABM that motivated our purchase of MIRV has arisen. The Soviets are talking of negotiating about ABM. *Rather than throw the MIRV punch, we could hold it cocked behind our ear.*

There is no sensible political or strategic theory that demands the installment of MIRV warheads now, unless the United States intends to purchase the capability of destroying Soviet land-based missiles with its MIRVed warheads. There is evidence, in our statement, that the President is following this course. If so, he is making a serious mistake. The United States may call such an effort "damage-limiting", but the Soviets will see it as an effort to get a first-strike capability.

It is not only inconsistent with U.S. policy—and pointless—to buy MIRV for attacks on Soviet weapons; it is also counter-productive. The very MIRV we buy will, when it is matched by a Soviet MIRV, undermine the utility of our second most modern deterrent system—Minuteman land-based missiles. An investment of perhaps $10–$15 billion for MIRV will only result, and promptly, in the obsolescence of an investment of a comparable amount in Minuteman *missiles* and *silos* when the Soviets build MIRV.

The *threat* of Soviet MIRV has already begun the process. We are acting on the assumption of missile obsolescence when we rip out older Minuteman models and replace the with MIRVed Minuteman III missiles. We hurry to put three warheads on each missile on the grounds that 95% of them may be destroyed—hardly a good investment. And why will they be destroyed? Because the Soviets are expected to match our purchase of MIRV!

Why not negotiate? The Commitee should insist that all roads to an agreement be explored before MIRV deployment continues. And whether or not agreement is reached, the Committee should not authorize further procurement and improvement of MIRV unless, and until, the Soviet Union moves toward the imminent construction of a heavy ABM system *requiring* our reaction.

3. *B–1 Bomber: We believe that funds for the B–1 bomber should not exceed those reqiured for an on-going study—at a level of $25 million or so. This study should include examination of an alternative, less sophisticated, long-endurance aircraft designed to first long-range missiles rather than to penetrate defenses.*

In the perspective of our entire strategic policy, the advantages by buying a B–1 bomber, rather than maintaining B–52's for as long as possible, are not great. The B–1 would penetrate certain kinds of air defenses more readily. But the extent to which either bomber will penetrate is unknowable and may depend mainly on the effectiveness of missiles in destroying air defenses. Hence the differences between their penetration capabilities are not of great significance for either deterrence or counterforce purposes.

The B–1 would be somewhat quicker in leaving its ever more vulnerable bases and could be dispersed more readily. But both bombers are really secure only in the air and the advantages of dispersal and lift-off are essentially marginal. Certainly they do not give the new bomber the kind of security we have with submarine-based missiles. *In the final analysis, bombers are bombers.*

The Air Force is arguing for B–1 on the grounds that it is more economical than maintaining and modifying the B–52's. But there is testimony to suggest that this economy would not be realized until perhaps 17 years of the life of the B–1 have expired. The estimates undoubtedly favor the B–1 by ignoring the cost-overrun problem. The B–1 purchase requires large investments early in the period. And the B–1 purchase runs the risk of triggering Soviet air defenses against it that leave one with whatever questions about penetrability that one may have had before about the B–52.

I. INTRODUCTION

In discussing strategic forces we shall give, for each, different purposes it might serve and discuss these in turn. *In general, we urge the Committee to require the Defense Department to provide it with more analysis of the purpose of the strategic forces it wants and the ways in which the forces proposed fulfill that purpose, and to provide the Committee also with alternative purposes and the forces that might fulfill these other purposes.*

After all, it is Congress that must decide upon and approve strategic force goals. And it is Congressional authorization and investigation that must insure that the forces being procured and deployed fulfill the purposes approved. All too often, the weapon system which happens to be proposed by the Defense Department is put forward as the only live choice. Reasons are then adduced to justify that single possibility. Indeed, with the ABM, with MIRV, and with the B–1 bomber, it is a cliche that the purposes change while the systems remain the same. One too often sees shifting rationales and "weapons in search of a mission".

Practicing what we preach, we have listed alternative purposes for each weapon system discussed. We note, in passing, that we used this same format on March 11 in discussing the problem of Bomber Defenses before the Senate Special Subcommittee on Bomber Defenses chaired by Senator John C. Stennis. The material from that extended hearing will be put in the public record by the Senate Armed Services Committee and is not, therefore, included here.

We propose to discuss three parts of the strategic budget treated in H.R. 3813: the anti-ballistic missile SAFEGUARD; the funds for development and deployment of MIRV (Multiple Independently Targeted Reentry Vehicles); and the $370 million requested for Research and Development of the B–1 Bomber. But in order to discuss these matters, it is necessary to review our present strategic forces.

II. BACKGROUND

The primary United States deterrant force is the fleet of 41 Polaris nuclear submarines with sixteen missiles each. Thirty-one of these submarines are now gradually being retro-fitted to carry the Poseidon missile with approximately 10 nuclear *warheads* on each *missile*. The number of independently targetable warheads on this force is thus rising from 656 to over 5,000 as the force is retro-fitted.

The smaller warheads being emplaced are larger in yield than the Hiroshima bomb. At least half of this force (i.e., embodying 328 missiles now and, if retro-fitting is completed, 2,500 separately targetable warheads later) can be expected to be on station at all times. Virtually none of this force can be neutralized. As Secretary Laird observed in his Fiscal 1971 Posture Statement:

> According to our best current estimates, we believe that our POLARIS and POSEIDON submarines at sea can be considered virtually invulnerable today. With a highly concentrated effort, the Soviet Navy today might be able to localize and destroy at sea one or two POLARIS submarines. But the massive and expensive undertaking that would be required to extend such a capability using any currently known ASW techniques would take time and would certainly be evident.[2]

Nor is neutralization of these missiles now possible with a Soviet missile defense even if the Moscow ABM system works perfectly, because that system has only about 64 interceptors and limited radar coverage as well.

For the foreseeable future, these missile-firing submarines could deter the Soviet Union from surprise attack *by themselves*. In early 1964, Secretary of the Navy Paul Nitze testified that eight on-station Polaris submarines could destroy 25 to 35 million people and most of the war-making potential of the Soviet Union urban industrial complex.[3] Under normal circumstances, we might have three times that number of submarines on station (i.e., 24).

Thus, *each* submarine is itself a very sizable deterrent to the Soviet Union against initiating a nuclear attack. It is hard to believe that any Soviet planner—with any now-imaginable technology or tactics—could have high hopes of destroying simultaneously a few tons of such submarines. As Admiral Galantin has testified, each can travel in an area of 15,000,000 square (*about five times the area of the United States*) and still cover its important targets.

Because the technology for the Polaris submarine was not then available, the United States relied in the 1950's upon strategic bombers: first, B-36's, then B-47's, and, finally, 700 B-52's and about 80 B-58's. It early became evident that bombers were exceedingly vulnerable to Soviet missile attack. At first the bombers were pulled back from overseas bases lest they be destroyed by intermediate-range missiles.

Then, in the late fifties, concern arose that all SAC bomber bases—at home or abroad—might be destroyed by Soviet ICBM's and IRBM's. It was not really an impending gap in *numbers* of missiles, but the threat of a Soviet surprise missile attack against our bomber bases, that frightened American strategists.

One answer to this threat was to use aerial refueling of bombers so that they could be kept aloft in a crisis. This did not, obviously, eliminate the problem of *surprise* attack, and it was impractical to keep more than ⅛ to ¼ of the force in the air even in prolonged crises. The technology of the land-based missile was the answer. President Kennedy eventually bought 1,000 Minuteman missiles.

It was evident to the experts, even in the early sixties, that increasing accuracy of missiles would make individual land-based missiles vulnerable to attack—no matter how well emplaced in hardened silos. For this reason, 41 Polaris submarines were ordered, although the cost of a Polaris weapon on station was perhaps three times that of a Minuteman.

This history is presented to make the following points. The obsolesence of bombers as a reliable deterrent encouraged the rapid deployment of land-missiles. And the foreseeable obsolescence of land based missiles accelerated the purchase of missiles based under water. There was not any idea that we *needed* three different deterrents each capable of destroying the Soviet Union. The necessity simply grew out of tradition as is evident in the following quotation of the Director of Defense Research and Engineering, Dr. John S. Foster:

> We have long followed a policy of maintaining three independent deterrent forces any one of which should be sufficient to deter nuclear attacks on us. To maintain this *cornerstone national security policy*, we cannot defer corrective action.[4] (Italics added).

But first of all, "long followed" here meant only about eight or ten years. There was no such idea and ideology before that time. Then we simply relied upon the Strategic Air Command, and as a hangover from the still-earlier past—and as a result of service rivalry—we also maintained some strike forces on carriers.

Furthermore, it simply is not true that each of these three independent forces is now considered "sufficient to deter". For example, we bought the missile strategic forces because bombers were *not* by themselves considered sufficient to deter surprise attack. They are less sufficient today.

Today, the same problem we had with bombers is arising with land based missiles *as we foresaw*. The President's State of the World Address this year says:

Offensive systems have clearly developed to a point where certain further improvements as well as increased launcher deployments could pose a threat to land-based missile retaliatory forces and thus threaten stability.

In short, the "ideology" of the three-deterrent force flies in the face of a more evident fact. The United States has only one strategic force upon which we can rely to deter the Soviet Union from attack by itself alone. This dependence on one *basic* force is our real tradition. FAS accepts the political necessity of having a basic deterrent force beyond even politically motivated question. But the United States is following a policy of maintaining, improving and protecting two older kinds of strategic forces whose utility cannot be importantly increased through these expenditures. The question at issue is not one of how to keep in business three forces "each sufficient" by any standard to deter the Soviet Union. The question is how much money, if any, should be devoted to improving supplementary strategic forces—forces that were once our primary deterrent but which are now obsolescing.

III. ANTI-BALLISTIC MISSILES

Purpose 1: Defend Minuteman Land-Based Missiles

The present rationale for the SAFEGUARD missile defense lies in its ability to defend a fraction of the 1,000 Minuteman land-based force. The previous discussion shows there is no tradition that requires that America have, for perpetuity, 1,000 survivable Minutemen. Whether or not there is an alternative for protecting Minuteman, the question at issue is whether the SAFEGUARD ABM adds, sufficiently to the necessary reliability of our strategic deterrent to be worth the cost.[5]

It seems useful to recount the political history of SAFEGUARD, without which no explanation of its function is intelligible. We begin by noting that the controversy over the "bombs in the backyard" of early 1969 forced Administration reconsideration of the Johnson Administration ABM program. As an outgrowth of that reconsideration, President Nixon made an unprecedented announcement. He noted that there was "no way" in which the United States could protect itself against a major Soviet attack and said that to try to do so with a heavy ABM system would be an arms race "provocation". There was little political support for an ABM to defend against Chinese missiles. Reserving the anti-Chinese defense as an "option for the future", the Administration shifted the basic rationale of the Sentinel program to defense of Minuteman missiles and renamed it "SAFEGUARD".

While the desirability of protecting our deterrent was stategically unexceptionable, it had the unfortunate political effect of requiring the Administration to justify its decision by emphasizing—if not vastly exaggerating—the threat to that deterrent. And it led the Administration to propose, as a way of improving confidence in Minuteman, the use of a weapon system (ABM) in which there was far less public and technical confidence than in Minuteman itself. Politically, it was an absurd idea. It forced the pro-ABM supporters to apply criteria of effectiveness ("The Soviet Union cannot be sure that it will not work") that would otherwise have been scorned as "facade defenses" by the hardnosed professionals.

In fact, however, the case against the SAFEGUARD defense of Minuteman did not rely upon the well-founded, and widely accepted, premise that ABM might not work well if it worked at all. Even if SAFEGUARD worked perfectly, cost-effectiveness calculations showed that it saved a single Minuteman missile only at a cost that would have made it possible to buy three to twelve more (i.e., $25 to $100 million per Minuteman saved.)[6]

The graph of Wolfgang K. H. Panofsky made it clear. If the Soviet Union did not build accurate MIRV warheads and emplace them on its SS-9, and did not sharpen the accuracy of its smaller missiles, no threat to Minuteman would arise. But if the Soviet Union did make these improvements, SAFEGUARD would be overwhelmed as a defense of Minuteman. In short, as a defense SAFEGUARD was either unnecessary or inadequate. In 1970 four senior members of the Federation formally subscribed to the assertions of Wolfgang K. H. Panofsky that:[7]

"The protection offered by SAFEGUARD for the Minuteman force is negligible. Even if SAFEGUARD functions perfectly it offers significant protection to Minuteman only over a very narrow band of threats; if the threat continues to grow as rapidly as it is at present, SAFEGUARD is obsolete before deployed; if the threat levels off, SAFEGUARD is not needed. For SAFEGUARD to have any significant effectiveness at all in protecting Minuteman, the Soviets would have to "tailor" their threat to correspond to it."

(As is evident in this statement, the views expressed have nothing whatsoever to do with the number of Minutemen one deems it necessary to save—whether 300, or 100, or 50 of the threatened Minutemen, or all of them. The number 300 chosen in the graph above was simply illustrative).

The Senate Armed Services Committee report on this subject adopted a view championed by Albert Wohlstetter that is, in our view, irrelevant and incorrect. It said:

"The Committee accepts the view that the relevant criterion for the evaluation of a system of active defense is not the defense cost per Minuteman silo saved, or the relationship between the cost of the protection and the cost of the missile itself. It is, rather, a comparison of the cost of the defense to the cost of the offense to offset that defense."[8]

The point of view implicitly assumes that the Soviet weapons that may penetrate SAFEGUARD would be built only in direct response to it. But if part, or all, of the Soviet interest in building Soviet ICBM's, and Soviet MIRV, is based, for example, on a desire to have what the United States has, then it is not a "relevant criterion" to ask how much it will cost the Soviets to overcome our defense. They might simply overwhelm the defense as a byproduct of ongoing efforts to catch up. Also, an easily overwhelmed active defense that the Soviets have no particular interest in overwhelming may be more effective than a difficult to overwhelm defense which, for doctrinal, imitative, or political reasons, the Soviets are willing to pay a great deal to neutralize.

This is no idle observation. Many analysts believe the gross size of the Soviet missile force is motivated by Soviet interest in maintaining a deterrent and by an urge to match us. Our own development of MIRV encourages the Soviet Union to build more land-based missiles and to build MIRV. It is therefore nonsense to talk of measuring the effectiveness of SAFEGUARD as if the only Soviet purpose in building forces was to overwhelm it. If, for whatever reasons, the Soviets are destined and determined to build enough warheads to make SAFEGUARD hopeless, we will achieve nothing whatsoever except waste of resources when we try to defend against it. And since we now plan to have enough warheads to make a (Soviet) SAFEGUARD impossible, so will they.

But even by offense-defense criteria SAFEGUARD would do badly. For one thing, there is a substantial and important possibility that SAFEGUARD might fail catastrophically for technical reasons or against novel tactics. These possibilities cannot be adequately considered in trade-off comparisons. Even with regard to trade-off comparisons of the Wohlstetter type, substantial disagreement exists and is inevitable.

The Posture Statement this year explicitly admits that SAFEGUARD "may not be suffi-

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Footnotes at end of article.

cient" to cope with "all possible threats". Last year's posture statement was more candid when it noted that the expected threat *would* overwhelm SAFEGUARD.

"[If] the Soviets deploy a MIRV on the SS–9, improve their ICBM accuracy and do not stop building ICBM's at this time, but continue building them at their present rate, we would then be faced in the mid-1970s with a threat which is *much too large* to be handled by the level of defense envisioned in the SAFEGUARD system without substantial improvement and modification." (Italics added.)

At that time, the indicated intelligence estimates were for continued growth in numbers and accuracy of precisely the kind hypothesized. Indeed, Dr. Foster testified that SAFEGUARD could be "completely overwhelmed" by "early 1974".[9] While the Soviet force has now slowed its growth in numbers, the Posture Statement of this year suggests that the accuracy of the SS–9 force could be "substantially improved." The obvious corollary is to expect larger numbers of smaller warheads per Soviet SS–9, each warhead still capable of destroying a Minuteman missile through use of that higher accuracy. Indeed the State of the World Address says:

"Nor is it clear that even at *present levels* of Soviet forces, future qualitative improvements would not endanger our ICBM forces." (Italics added.)

Evidently, no further numerical growth in the threat is now necessary to discredit Minuteman.

Nevertheless, the Administration wants $1.278 billion for SAFEGUARD. It indicates in the Posture Statement that if SAFEGUARD is insufficient in itself, it can still "serve as a core for growth options" to defend Minuteman. This evidently means going ahead eventually with what is called the "dedicated" or hard-site defense, which W. K. H. Panofsky insisted from the beginning was the only defense worth buying in any case—if any was to be procured. Last year's Posture Statement expanded on the notion of a "core" by discussing, explicitly, Panofsky's approach of "new and smaller additional radars" that would have to be developed to make SAFEGUARD less dependent on its present smaller number of easily blinded $150 million radars originally designed for city defense.

This Committee should at least delete the deployment funds for SAFEGUARD and those R. & D. funds that are not associated with the newer and more promising technique of "hard-site defense".

But we believe the Committee should go further. ABM defense of Minuteman should be discarded. The entire idea of defending Minuteman with an ABM has a serious political flaw. No reliable, or long-standing, public confidence can be generated in any strategic weapon system whose defense relies upon the effective working of an antiballistic missile. The protection will always be wide open, politically, to charges that it contains serious vulnerabilities. No weapon system is more discredited in the public mind. No weapon system is thought to be more complicated, or less reliable

The political confidence in our deterrent which earlier came from putting our weapons under the earth, and which now comes from putting them under water, cannot be re-achieved by putting our weapons under an anti-ballistic missile system. And since a deterrent should be as far above question as possible, methods should not be used that lend themselves even to politically motivated attack.

Underlying these political problems are serious technical ones. The system may indeed fail catastrophically. Its limitations may become known—vulnerabilities of electronic equipment, shortcomings of the programming, firing doctrines of the interceptors. Minuteman security could come to depend in part on secrecy—this would be unfortunate. Methods of circumventing the defense may be developed. For example, non-ballistic missiles, like our Scad, might be fired from bombers to attack the radars. A year after Safeguard was put forward, DOD was already finding vulnerabilities in it. Our experience with vast defensive systems has been of this kind. In 1960, shortly after the Sage air defense was completed, Herman Kahn wrote: "One way not to make a reputation as an analyst in the last five or ten years would have been to find a hole in our air defenses . . .; people mostly think of it as being full of holes".[10]

Safeguard is repeatedly referred to in official documents as a system "designed to achieve several objectives".[11] It is not necessary to question the alternative objectives to be in opposition to Safeguard because, for these other objectives, Safeguard is basically research and development that could be carried out at a test site in the Pacific. Since we do oppose the procurement of Safeguard for these alternative objectives, however, we give—as additional reasons for halting Safeguard—arguments against its other purposes.

Purpose II: China and accidents

As the President's State of the World Message indicated, he continues to see Safeguard as related not only to the Soviet threat but to the "Chinese development of strategic forces" and to the "disturbing possibility of accidents". The Senate Armed Services Committee report on its Posture hearings last year said there was "no compelling need to move now" to an anti-Chinese defense and added that the wisdom of such a defense remained to be "demonstrated".[12]

In fact, the argument for defense against the Chinese is a thin one. I have incorporated here, Mr. Chairman, an excerpt from an Adelphi monograph of my own entitled: "The Case Against Missile Defenses", printed by the Institute for Strategic Studies in London. If the word Safeguard is substituted for the word Sentinel, this excerpt precisely indicates my present view:

Does China Warrant a Missile Defense?

"Virtually all China experts deny the image of a Communist China that 'seeks' nuclear war. They suggest instead the likelihood that Peking will seek low-risk strategies of political intervention, assistance to insurgents, propaganda, and so on. More generally, the Chinese leadership can hardly remain oblivious to the stark nuclear realities that have persuaded everyone else. A Chinese attack upon the United States is Chinese national suicide, and Chinese leaders, or committees of them, can be expected to see it this way. Attack from China is very well deterred.

"Many American supporters of a defence against Chinese missiles quite openly want to retain the ability to attack China pre-emptively or the threat to do so. Thus one American analyst asserted: 'American leaders probably would develop different attitudes towards the Chinese according as the United States did or did not have BMD'. However, American Presidents are not likely to put as much confidence in these very involved computations of the Defense Department as all that, and even these computations always leave open the possibility of losing a city or two. Presidents know that Defense Departments—indeed government agencies generally—are capable of making mistakes. This particular estimate concerns a system that is especially complicated and untestable—as we noted. In short, the President is likely to be deterred from pre-emptive attack of China.

"But would the Chinese know it? Might they not be sobered by an American defence? Again, their most likely strategies are ones to which nuclear conflict and the threat of it are irrelevant. In any case, can they be expected to believe in the defence? Whoever heard of a defence that was airtight? Chinese planners will not have to be optimistic to be skeptical of the optimism of American planners they need only share the attitudes of almost everyone but strategic analysts.

"In addition. this posture of seeming to threaten pre-emptive attack is not desirable. The temptation to carry out the threat gives to risks of general nuclear war. To the extent that the threat of attack is successful, it might only induce in the Chinese a policy of holding Asians hostage. It could also induce them to develop weapons less desirable than missiles. In any case, the very effort to defend against Chinese missiles is likely to enhance China's status in Asia. And if Chinese missiles are worth such an effort on the part of the United States, it may be that Asians will be pressed by parties in opposition to take the Chinese threat more seriously than they might have otherwise. The pre-emption possibility itself might be considered very undesirable by friendly Asians and very dangerous. War with China, like war with North Vietnam, will be much more destructive in the theatre of conflict than it is to the United States, and this possibility will not be lost upon Asians.

"In general, to base Western steadfastness in Asia upon the ability of the United States to reduce American casualties is to make the same mistake just made in Europe. There the United States has recently avoided basing her commitment on her ability to cut her own losses in a nuclear exchange—that posture has totally lost credibility. An analogous policy would lose that same credibility in Asia fast enough. The United States should therefore develop a rationale for Asian guarantees with greater staying power. As in Europe, she should avoid playing into the hands of those who doubt her commitment by basing it on ever more dubious calculations of casualties.

"Notwithstanding all this, would the system work against China? No one really knows because the type and sophistication of future Chinese missiles cannot be known. The most effective counter-measures of the 1970s are not known either (nor whether they will be expensive or cheap). Whatever they are, they will be openly discussed in the American press, and the Chinese will learn them. The Defense Department estimates that attacks which might otherwise kill 7 million people could be held to 1 million or less. And it believes that as the Chinese ICBM force grows, 'for relatively modest outlays' *Sentinel* could be improved to limit Chinese damage into the 1980s. But 1985 is as far in advance as 1950 is behind, and since the first Soviet atom and hydrogen bombs were detonated in 1949 and 1952, it has become clear that an awful lot of technical advance is possible in time spans of this order.

"Can the Chinese-oriented system be dissociated from a larger Soviet-oriented one? The Chinese force is likely to require improvement in *Sentinel* earlier than the United States expects, and these improvements may blur the difference. More immediately, many in the United States see *Sentinel* as a suitable beginning for an attempt to maintain or increase American nuclear 'superiority'; Secretary Clifford might be in that category. Certainly *Sentinel* could be a building-block to a larger system. (It is also what the Defense Department calls a 'foundation' for a future defence of *Minuteman* forces.)

"Most relevant, the Soviet leaders are likely to see this system as a first step to a defence against their missiles, because that is the problem *they* worry about and because they need lead-time to take the appropriate preventive measures. Certainly, *Sentinel* is far more effective in neutralizing overall Soviet capabilities than the primitive Soviet efforts around Moscow are in reducing those of the United States. And consider how much the latter overreacted to the Soviet efforts.

Footnotes at end of article.

"Mr. McNamara called the American decision to build *Sentinel* 'marginal'. But in terms of the American-Soviet arms race, the balance seems quite in the other direction. *Sentinel* seems likely to cost the United States a great deal in time."

Finally, concerning the possibility of accidents, the following arguments are relevant. No accident of the kind contemplated has ever occurred. If it did occur, our ABM is unlikely to be primed to fire. If the ABM is being held at a high state of readiness—primed to fire at all times—it may itself give rise to accidents. The risks of self-generated accidents from our ABM are no less, one might speculate, than the chance that an accident from an ICBM might be successfully intercepted. For one reason, ICBM's are not normally at a high state of alert. The risk of accidents from an *alerted* ABM seem *a priori* certain to be higher than those from an *unalerted* ICBM at least. Further, the constructed ABM might fail to intercept the ICBM anyway, but every accident the ABM itself induces adds to our peril.

In any case, our most serious relevant danger is not that of losing, due to an accident, a missile site or even a city. The most serious danger is that of a totally accidental World War III. The ABM does not completely resolve that problem (an accidentally fired ICBM might trigger a war, *even if intercepted*). Nor is the ABM *necessary* to resolve the problem. The true solution is a strategic force—and a strategic doctrine—that makes our hair-trigger reaction to attack unnecessary. Since we should buy this kind of force and doctrine in any case, it is a zero-cost substitute for an accident-intercepting ABM.

Purpose III: Matching

Some believe that we must match the Soviet ABM. But why should we duplicate Soviet mistakes in building an ineffective system—with critical deficiencies of a kind that caused us to avoid such procurement years ago? The present strategic situation is so complicated and asymmetrical that it seems ridiculous to believe that an imbalance of 64 ABM interceptors would embolden the Soviets.

Purpose IV: Bargaining chips

It is no accident that the most potent argument for the ABM in Congress is based on a political factor nowhere alluded to in Posture Statements, or State of the World Messages. It is critical to the support of SAFEGUARD but will not stand the light of day.

The argument is, of course, that we need an on-going ABM deployment program, in the SALT talks, to counter the Soviet SS-9 buildup, now said to be slowed or stopped. The assumption is that our ABM system is a weapon system of which the Soviets are highly apprehensive. The argument is highly speculative. Indeed it is the precise opposite of the speculations that were offered by the Administration, when the goal was to persuade the public that SAFEGUARD was not destabilizing. Thus the following statements were made in early 1969:

"*. . . it would be my judgment that . . . to proceed with Sentinel would have little, if any, impact on the Soviet interest in negotiating strategic arms limitations.*"

Gerard S. Smith, SALT negotiator and Director, Arms Control and Disarmament Agency March 6, 1969 before Gore subcommittee

Question: Do you have reason to believe that the Russians will interpret your ABM decision today as not being an escalating move in the arms race?

President Nixon: "*I have reason to believe . . . that they would interpret it just the other way around . . . the Soviet Union recognizes very clearly the difference between a defensive posture and an offensive posture . . . an interesting thing about Soviet military history: They have always thought in defensive terms . . . the Soviet Union cannot interpret this as escalating the arms race.*"

President Nixon at press conference announcing Safeguard, March 14, 1969

Senator Gore: "*(what) if the United States modified this program to be . . . a hard defense against offensive missiles from the Soviet Union, what would be their reaction?*"

Mr. Smith: "*I would not think that it would have a great effect on the Soviet mentality . . . Their general attitude in the past has been, 'Well, defensive missiles systems don't threaten anybody. If you want to spend a lot of money on them, that is your business'.*"

Gerald C. Smith, SALT negotiator and Director, Arms Control and Disarmament Agency, March 6, 1969 before Gore Subcommittee

The Soviet Union can hardly be afraid of an effort of ours to defend our Minutemen. Hence, they can only be frightened, alarmed, or nervous—if they are frightened at all—about the possibility that a U.S. ABM program will grow out of control, into trying the impossible feat of neutralizing all Soviet weapons, despite certain Soviet efforts to avoid just that. The likelihood that we might attempt to build such a defense should alarm Americans and Congressmen just as much as the Politburo. It will cost us no less money than the Soviets, and stimulate an arms race no less dangerous to either side.

IV. MIRV: MULTIPLE INDEPENDENTLY TARGETED RE-ENTRY VEHICLES

A variety of purposes have been given for MIRV. We discuss them in turn.

Purpose I: Penetrating a Soviet ABM (By Overwhelming It With Warheads)

This has been the only purpose for MIRV that was sufficient—historically—to induce a Secretary of Defense to approve large development and deployment funds. Here MIRV is simply the ultimate decoy. Every incoming object is a warhead that must be shot down. No amount of discrimination of incoming objects reduces the problem of interception. The need for independent guidance arises because the warheads must be separated far above the target to avoid the destruction of the unseparated warheads by a long range exo-atmospheric interceptor. Separated so far from earth, the warheads would normally fall outside a given target area. Hence they require independent guidance to be useful.

At the outset, it should be emphasized that neither side can rely upon its anti-ballistic missile system. It is fully tenable to argue that the existence of an opponent's ABM requires no penetration aids at all. After all, whether or not an ABM would work is not something a political leadership is likely to rely upon for surprise attack or crisis attack. (And, as noted, U.S. interest in killing innocent Russians is not significant so actual penetration is not important). *A fortiori*, it is even less necessary to build decoys that are all independently guided reentry vehicles. MIRV represents an extraordinarily—and unnecessarily—conservative point of view for insuring against deliberate attack.

But even if MIRV is deemed necessary to penetrate a Soviet ABM, or to discourage the Soviets from building an ABM, it is patently unnecessary to deploy MIRV before the Soviet ABM is built. It has been true for several years that the United States could deploy its MIRV more rapidly than the Soviet Union could build the necessarily thick ABM. And it has been true for some years that the Soviet Union might well not be interested in making these pointless expenditures. *We need not throw the MIRV punch but could hold it cocked behind our ear.*

Purpose II: Increasing the number of survivable warheads

This year, for the first time, the Defense Department gave greater emphasis to the importance of increasing the number of *survivable* warheads than it did to penetrating a Soviet ABM system; this may reflect the strength of the arguments against Purpose I. The Posture Statement said:

"Should part of our missile force be unexpectedly and severely degraded by Soviet preemptive actions, the increased number of warheads provided by the remaining MIRV missiles will insure that we have enough warheads to attack the essential soft urban/industrial targets in the Soviet Union."

Even if all of our bombers, and all of our Minuteman missiles, were lost, we do not lack for survivable warheads with our Polaris missiles to destroy the urban-industrial complex of the Soviet Union. According to statements of Secretary Laird's Posture Statement last year, 25% of the Soviet population and 50% of its industry lie in the largest 100 Soviet cities. *We have already noted that 8 submarines could destroy half of these people and most of the industry.*

Furthermore, the Minuteman missiles, on which MIRV is being emplaced, are missiles that the Defense Department has indicated are rapidly becoming vulnerable. As noted, the President's State of the World message even says: "nor is it clear that *even at present levels* of Soviet forces, future qualitative improvements would not endanger our ICBM forces". (*Italics added*). It seems especially wasteful to substitute a MIRV Minuteman III for 550 of the 1,000 Minutemen already installed, if 95% of the force can be destroyed.

Purpose III: Attacking Soviet land-based missiles

The Defense Department has conceded that the MIRV concept was "originally generated" to increase our "targeting capability" rather than to penetrate ABM defenses. It noted, in answers submitted in 1968 for the record by Dr. John Foster, that, in 1961–62, it had been found that the "total number of aim points exceeded the number of Minuteman missiles". MIRV was "originally born" to split up the payload to cover more targets. It was then found that the previously generated MIRV concept could "equally well be used" against ABM.[13]

The President's thinking seems to be moving away from the historically secondary use of MIRV—protecting our deterrent by insuring penetration—and toward the original use of MIRV, which was counterforce. Indeed, he seems to be moving beyond finite deterrence itself to some kind of counterforce strategy.

In the State of the World Message of February, 1970, President Nixon said:

"Should a President in the event of nuclear attack be left with the single option of ordering the mass destruction of enemy civilians, in the face of the certainty that it would followed by the mass slaughter of Americans?

In the State of the World Address of February, 1971, the President said:

"I must not be—and my successors must not be—limited to the indiscriminate mass destruction of enemy civilians as the sole possible response to challenges. This is especially so when that response involves the *likelihood of triggering nuclear attacks on our own population*. It would be inconsistent with the *political meaning of sufficiency* to base our force planning solely on some finite—and theoretical—capacity to inflict casualties presumed to be unacceptable to the other side." (Italics added).

It is known that the strategic force plans already include options for the use of nuclear weapons against one or more targets

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Footnotes at end of article.

that are not simply cities. General Curtis LeMay once testified before Congress that—in answer to the Kennedy interest in options—"We have tried to comply by producing as many as possible. I am talking about our strategic plans now."

Under these circumstances, the President's statements seem to suggest interest in putting a high accuracy on MIRV and using its almost 10,000 warheads to attack the Soviet land-based force, if war occurs. Also, it is unusual to think that the option of attacking more than 1,400 Soviet land-based missiles would not trigger nuclear attacks upon us! The President may be one of those rare believers in limited strategic nuclear war.

Other evidence supports the conclusion that this is the Presidential policy. For example, consider the following history. On October 7, 1969 the Air Force Chief of Staff, General John Ryan, alluded to an accurate MIRV by telling the House Appropriations Committee:

"We have a program we are pushing to increase the yield of our warheads and decrease the circular error probability so that we will have what we call a hard target killer which we do not have in the inventory at the present time."

In answer to a letter of Senator Brooke, Mr. Nixon said: "There is no current U.S. program to develop a so-called 'hard-target' MIRV capability". (Italics added). He said that the program to which General Ryan had referred had not received funding in the forthcoming (i.e., fiscal 1971) defense budget.

Nevertheless, a year later, on September 22, 1970, in a speech before the Air Force Association, General Ryan effectively repeated his remarks. He praised the Minuteman III MIRV as the "best means of destroying time urgent targets like the long range weapons of the enemy". And he hailed MIRV as a way of attacking " . . . the remaining strategic weapons which the enemy would no doubt hold in reserve".

In answer to a further letter of Senator Brooke, Secretary Laird simply repeated, in a letter of November 5, 1970, a formula he had used before:

"We have not developed, and are not seeking to develop a weapon system having, or which could reasonably be construed as having a first-strike potential."

He went on to say that General Ryan's comment had been made "in the context of limiting damage to the United States by second-strike employment against remaining weapons of an aggressor nation which had struck first."

It seems evident that these assertions rest on the view that the Soviets have no right (perhaps considering their underwater missile firing submarines) to interpret our deployment of MIRV—and the related threat to Soviet land-based missiles—as a weapons system that could "reasonably be construed as having a first-strike potential". Nevertheless, the United States, which has more and better nuclear submarines, does adopt quite a different standard in its analysis of the Soviet threat.

The double standard that compares what we are *now* doing with what they might *in future*, do is clear in this quotation from the President's State of the World Message:

"Deployed in sufficient numbers and armed with the multiple independently targetable warheads (MIRVs) of sufficient accuracy this (SS-9) missile could threaten our land-based ICBM forces. Our MIRV systems, by contrast, do not have combinations of numbers, accuracy and warhead yield to pose a threat to the Soviet land-based ICBM force."

The Committee will recall that Secretary Laird told the Senate Foreign Relations Committee in 1969 that this threat to our "land-based missiles" was a sign that the Soviets were "unquestionably" developing a "first-strike" capacity.

There is much other evidence to support the idea that technology is moving the United States in the direction the President's remarks indicated. Herman Kahn told the House Foreign Affairs Committee that, if MIRV is "reasonably accurate and flexible," it might easily provide the U.S. with an "annihilating first strike capability against even one or two thousand Soviet ground-based missiles".[14] The Chairman of our Federation, Dr. Herbert F. York, said much the same thing when he told the Senate Foreign Relations Committee in 1969 that an improvement of "somewhat less" than a factor of 2 in guidance accuracy would "almost certainly" give our planned forces the capability to destroy "virtually all" Soviet silo-based missiles in a surprise attack.[15] In 1970, he told the same committee that accuracy has improved "four-hundred fold in only 25 years". He went on to note that "any conservative Russian planner" considering these figures would have to conclude that "in a relatively short time U.S. technology could improve missile accuracy by another factor of two or four and thus convert not only the Minuteman MIRV but even the Poseidon MIRV into a missile silo destroyer".[16]

Donald G. Brennan, a supporter of ballistic missile defenses, told the House Foreign Affairs Committee that MIRV could be developed with self-contained guidance that would produce accuracies "in the neighborhood of 50-100 feet".[17]

A recent report to a 1970 Pugwash conference, confirmed that "an overall ICBM CEP of 30 meters may be expected with reasonable and practical application of science and technology to this task".[18] The author was D. G. Hoag, Director of the Apollo Guidance and Navigation Program.

Dr. Freeman Dyson, of the Institute for Advanced Study, another supporter of ballistic missile defense, has testified that our deployment of MIRV—to which he was "strongly opposed"—"directly threatened" the Soviet deterrent and "must" be perceived by Soviet decision-makers as a "potential U.S. first-strike capability". Calling our announced deployment a "major escalation" of the arms race, that would "compel" a Soviet expansion, Dyson said that many of the evils popularly thought to follow from ABM "will in fact" result from deploying MIRV.[19]

Under these circumstances, it is Kafka-ish for the President to advise Senator Brooke that we have made it "perfectly clear" that we do not "intend to develop" counterforce capabilities which the Soviets "could construe" as having a first-strike potential.[20] And it is preposterously disingenuous for the Defense Department to respond to such questions of Senator Brooke, as it did, by saving that it had "no reason to believe" that the Soviets were worried.

By emphasizing accuracy *now*, the Administration is reaching precisely the opposite conclusion reached by Secretary McNamara when he discussed eventual accuracy. Then, in 1967, Deputy Secretary of Defense produced the following chart which showed, he noted, that MIRV's provide "much more effective" payloads by "every relevant criterion" of military effectiveness, though they deliver much less total megatonnage.

COMPARATIVE EFFECTIVENESS OF 2 HYPOTHETICAL MISSILE PAYLOADS

[Number of targets destroyed]

Type of target destroyed	10 50-kiloton warheads	1 10-megaton warhead
Airfields	10.0	1.0
Hard missile sites	1.2-1.7	1.0
Cities of 100,000 population	3.5	1.0
Cities of 500,000 population	0.7	1.0
Cities of 2,000,000 population	0.5	.6
Total megatonnage	0.5	10.0

Footnotes at end of article.

Finally, the Administration has a program, ABRES, designed to improve the maneuverability of ICBM reentry vehicles, and the effectiveness of penetration aids. Under this program individual guidance units could be placed on each reentry warhead in such a way as to provide terminal guidance with an associated very high accuracy. Unquestionably the Soviets must see this program as a threat to their land-based missiles. So long as ABRES is not precluded from developing high accuracy for MIRV, it must be assumed that the accuracy of MIRV is being increased, and the Soviets will certainly reach that conclusion.

MIRV and SALT

Still other facts militate for deferring MIRV. The Soviet Union has proposed an agreement on ABM. The possibility of imminent agreements makes it especially peculiar to be deploying a premature, and possibly unnecessary, U.S. MIRV.

If the United States achieves some kind of agreement on MIRV, Minuteman will be far more secure than if it does not. The cheapest protection for Minuteman is a MIRV agreement. There has probably been no better example of arms race futility than the sequence in which we deploy MIRV, we then assume the Soviets will deploy MIRV, and the Minuteman missile then becomes—as a direct result—hopelessly discredited as a reliable deterrent.

MIRV is rapidly ensuring and becoming a self-inflicted national security disaster requiring billions of dollars for deployment, forcing the obsolescence of billions of dollars' worth of existing weapons, and undermining the utility of our second most valuable strategic force. We invented it first. We deployed it first. We should stop it now and make every effort to negotiate a solution. FAS emphasizes that, in its view, there is no necessity whatsoever for MIRV deployment now on the basis of any sensible political ideology or strategic theory.

V. B-1 BOMBER

The current question at issue in the defense community is not the question of maintaining a strategic bomber as a supplement to our submarine-based missile force. It is whether and when to replace the B-52 bombers with a new strategic bomber B-1. For that reason, we will not, at this time, analyze the purposes of a strategic bomber. We will address, instead, the critical differences between the policies at issue. But we think the time has long passed when strategic bombardment should be considered an unquestionably necessary part of our strategic posture.

As Senator Warren G. Magnuson noted in 1969, in a speech on bombers: There is nothing magical about the number "three" when speaking of deterrents. We can and should reduce or expand the number of our deterrents in response to technological change, scientific evidence, and international agreements.[21]

Can B-52's be maintained?

Is it possible to maintain our strategic bomber force of 255 B52F's and B-52G's, along with our newer force of 75 FB-111's, for a considerable further time? These B-52's were built in the 1960-62 period, and they are about nine to eleven years old now. (Soviet heavy bombers are now more nearly 15 years old).

Historically, estimates of the *further* lifespan expected of the B-52 have *increased* with passing time. In 1960, the Senate Preparedness Investigating Subcommittee concluded, in an investigation chaired by Lyndon B. Johnson, that the B-70 had to be built lest the B-52 have no replacement when it "enters its period of obsolescence (mid-1960s) . . ."[22] This suggested the B-52 force had about *five* good years left.

Six years later, a sizable B-52 force was given *eight or nine* years life when, in 1966, the Secretary of the Air Force, Dr. Harold

Brown, told this Committee that the 255 B-52 G-H's could be maintained in a satisfactory operational status at least through Fiscal Year, 1975 . . ." [23]

A year later, in 1967, the same bombers had been given an additional *five* years of *life*, as the Defense Department testified that: "There appears to be no reason why the B-52G's and H's cannot be maintained through 1980, if that should prove necessary". [24]

Two years still later, in 1969, the exact same bombers had been given another few years. In a letter to Senator George McGovern, Laird said:

"It is presently expected that the structural life of the newest model B-52's will last, under projected usage, until sometime in the early 1980's with appropriate modifications." [25]

Thus, in 1960, Congress was urged to replace planes that had five years of life before "obsolescence". In 1966, it was urged to replace planes that had "at least" eight or nine years of life. Now, in 1971, it is urged to replace the same planes although they will last "under projected usage" for ten or twelve more years. Furthermore, "projected usage" could be changed—just fly the bombers less often. Bombers have no rigid life span.

Indeed, the Air Force is *not* flatly claiming the B-1 is needed because an end to the useful life of the B-52 is approaching. Instead, Secretary of the Air Force Robert C. Seamans is suggested that the M-1 is more *cost-effective:*

"The B-1 will be expensive, but as I mentioned earlier, it will be cheaper than modifying and maintaining our B-52s for the same period of time. And we expect the B-1 to be flying and strengthening American security well into the 1990's." [26]

Similar implicit assumptions were made in 1968 by Secretary of the Air Force Harold Brown in these detailed calculations:

"Over the first ten-year period, the program cost of an AMSA bomber force would be considerably higher than that of the B-52 and FB-111 force because with selective modifications to the structure and avionics, the lifetime of many B-52's can be *economically* extended to the late 1970's. *Over a period of about 17 years, the costs* of a bomber program phasing to (deleted) AMSA's, compared with a program continuing the 255 B-52's and the 210 FB-111's *would be the same,* $22 to $23 billion." [27] (Italics added).

Thus, B-1 is economical only if one wants to invest in it for more than a 17 year long run! (And as every Congressman knows, the estimates for the new investment will not have taken into account the certainty of cost overruns, mis-estimates, estimates that ignore related equipment, and estimates that ignore inevitable program changes. The TFX started at "less than $3 or $3½ million per plane" but it ended up costing more than $9 million). [28]

In short, we could keep the B-52's for a very long time, much as we have continued to hang on to the B-47's if we had not built the B-52—and as the Soviets will surely hang on to their heavy bombers if they do not build a new one.

The question is, therefore, what advantages are there to buying the B-1 now, and what costs?

Purpose I: Deterrence

For the purpose of deterring Presidents or Premiers, or even export Generals, the advantages of one strategic bomber over another are not highly important. Unless the enemy planner can expect to destroy the bombers on the ground, he can have no very clear idea of whether some or all or none of the attacking bombers will get through. For one thing, more than one salvo of a missile war will precede bomber penetration. Some of these missiles are designed to neutralize the Soviet defense, and no one knows what effect this will have. In other words, surprise attack planners will not find the "radar cross section" of our bombers critical to their calculations to strike or hold fire.

Even before missiles had entered the picture, in answers to questions from Senator Stuart Symington, the Commander-in-Chief of the U.S. Air Defense Command, General Partridge, said:

Senator SYMINGTON. Do you think you could knock down 50 percent of the attacking force?

General PARTRIDGE. I would not hazard a guess.

Senator SYMINGTON. 75?

General PARTRIDGE. The way to evaluate our air-defense system is to try to think of it as insurance which you carry for years and hope the house will not burn down.

Senator SYMINGTON. You just don't know what you could do?

General PARTRIDGE. No, Sir; I have no basis on which to guess. . . . [29]

Furthermore, it is not a pressing matter to us—to say the least—that our bombers actually succeed in destroying larger numbers of Soviet citizens than they otherwise would. Nuclear war will be destructive enough for the greatest revenge seeker—and the civilians of both sides will be innocents anyway.

Purpose II: Counterforce

So long as it remains U.S. policy not to make a major effort to limit damage from a Soviet attack, it seems absurd to put much store on the counterforce (damage-limiting) capabilities of bombers. No really essential task of destruction can be reliably assigned either the B-1, or the B-52, because the survivability and penetrability of neither can be assured. And both are less effective for time-urgent targets than missiles because they arrive so late. While the B-1 is taking four hours to fly 6,000 miles, for example, *eight* successive missile salvos—four on each side and each "answering" the other—could take place. The war may well be over before the bombers arrive. (If the war has been formally terminated, perhaps by use of the hot line, the late arrival of the bombers will be an unmitigated disaster. Contrary to the impression given by bomber advocate slogans, the bombers *cannot* be recalled where it really counts. We mean that a missile can be recalled—by not firing it—one-half hour before it hits the enemy; a bomber cannot be recalled within such a short time of target arrival).

Survivability

The differences between the B-1 and the B-52 in survivability are marginal. One plane can be kept on 15 minute alert. The other might be kept on a somewhat tighter alert. True, every minute counts in determining how many planes leave which fields in the face of what attacks. This is especially true with regard to the possibility of a submarine launched missile attack. But from the vantage point of our entire strategic posture, the differences are marginal. Both planes are basically vulnerable on the ground. And both are secure in the air. Better not count on either of them against surprise attack. And in crises, both should be put, insofar as possible, into the air.

Nor should we count too much on the B-1's improved ability to be dispersed. It should not be dispersed, in crises, to the airports of major cities—as was done with B-58's during the Cuban Crisis—because the Soviet Union would then be encouraged to attack cities early in any nuclear war. And if the B-1 is dispersed to locations without facilities, its efficiency is reduced and costs of maintenance are increased. Wherever dispersed, it can still be attacked. Remember that the Soviet Union may have on its submarines, during the useful life of the B-1, the 5,000 separately targetable warheads that we may have shortly.

If great weight is to be put on the ability of the B-1 to survive, these advantages must be realized by its tankers. The Air Force has shown some equivocation about the need to keep pre-launch survivability consistent with that of the B-1 by replacing the existing KC-135 tankers. Perhaps the KC-135's can be better dispersed eventually than the B-1's themselves, so that the ability to survive attack is equalized. But this matter deserves careful attention which it does not seem to have received so far. [30] And the Air Force should resolve its debate over the need for a new tanker to "off-load" more fuel. [31] If a new tanker is required, then the cost of those tankers should be included in the cost of the B-1 itself, when comparing its cost with the cost of maintaining B-52's. A new fleet of tankers might cost $7 billion, adding enormously to the cost.

Purpose III: Conventional wars

It is hard, to say the least, to find a conventional war in which some 200 B-1's would be an important improvement over the 76 FB-111's and 225 B-52's. In particular, the Air Force has admitted that the FB-111 can do a "creditable strategic mission job" with "certain specific advantages" over the B-52 C-F's. (These are the B-52's being used in Vietnam). The FB-111 was termed "completely acceptable" as a replacement for these B-52's. [32] (In fact, this Committee concluded that the FB-111 could be "utilized effectively" as a strategic bomber that would reach 70% of Strategic Air Command targets). [33]

Purpose IV: Goldplating

Air Force supporters are, almost of necessity, technological enthusiasts. They want to "get the best", "incorporate new technology", and fly faster (and either higher or lower) than before. These are not, in themselves, national security interests, and they do not provide a sensible argument for building a new bomber, now or later.

If a New Bomber, Which One?

Not only are the advantages of moving ahead with a B-1 marginal, but the B-1 may be the wrong plane to buy. There is a traditional uncertainty, even among bomber supporters, about the kind of bomber to buy. For example, in 1964, Senator Richard Russell, Chairman of the Senate Armed Services Committee, said:

"I want us to move ahead with a new manned aircraft. But I must confess I have some qualms about it. What is the primary consideration in this new aircraft to replace these aging 52's and 58's? Is it speed or altitude or ability to carry long-range missiles, or are you seeking all of these things in this bomber? [34]

Six years later, the Deputy Chief of Staff for Development Plans of the Air Force, General Glasser, was quoted as saying that ". . . it simply is not possible to specify with clarity what a weapon system such as the B-1 will be actually used for ten or fifteen years from now". [35]

In the end, the Air Force has been confounded by the ability of Soviet air defense planners to devise methods which, at least in principle, might neutralize the bombers that the Soviets see coming along in the U.S. inventory. Thus, when the Soviet Union developed air defenses for which the B-52 was thought to be too slow, the Air Force proposed the high speed, *high altitude,* B-70 on which $1.5 billion was spent. The Soviets subsequently deployed large numbers of SA-2 high altitude bomber interceptor missiles which, using nuclear warheads, had the potential of defeating the B-70.

Now the Air Force proposes high speed *low-level* penetration. But at the very same time, our Director of Defense Research and Engineering is exclaiming: "revolutionary advances in airborne radar technology have made possible a major revision in our strategic air defense". The new air defense, centered around AWACS, would be "capable of seeing and engaging aircraft at very low altitudes". [36] The Soviets could build the

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Footnotes at end of article.

same AWACS system of ground-looking radars and high speed interceptors and hence could, in principle, neutralize the B–1.

In this case, as with the B–70, we would presumably cancel the B–1 after large sums, perhaps $2 billion, were spent on development of it. This would simply repeat the tragedy of the B–70. Worse, without great courage in the Executive Branch, we would make the mistake of buying a bomber in whose penetration capabilities the planners had no more confidence than they might have in that of the present bombers. Since the whole purpose of the B–1 procurement, according to the Senate Preparedness Subcommittee, was to replace the B–52's and FB–111's, because they may be "incapable of coping with the sophisticated defense environment which is expected . . .", this would be tragedy repeated as farce.[37]

We ought not become prematurely wedded to the necessity for penetrating Soviet defenses at all. If one wants a manned aerial platform that can be "recalled", it may well turn out to be more in keeping with the technology of the 80's and 90's to put a very-long-range missile on the bomber, and let it patrol far outside the borders of the Soviet Union. This Committee should ask the Air Force to present, in contrast to the B–1, the advantages and disadvantages of buying such a bomber. This request would have the important advantage of preventing participants in the procurement process from blandly assuming — notwithstanding any "milestone" approach—that the B–1 is certain to be built. Only a week ago, on March 18, in his prepared remarks to Senate Armed Services, Dr. John S. Foster talked of the B–1 "which *will* replace the aging B–52" (italics added). No such commitment has been made or even proposed.

More is changing in the strategic situation that affects bombers than just revolutionary improvements in bomber defenses. Bomber bases may get hopelessly vulnerable to submarine-based weapons, and some new threat to the bases may come onto the horizon, such as orbital bombs. In this shifting background—even for those who want America to have a strategic bomber forever—no major expenditures for strategic bombers would seem warranted unless the expenditures are clearly necessary and provide for clear improvements in overall U.S. strategic security. *Bombers face too uncertain a strategic future to justify long-term investments.*

The B–1 Might Re-ignite Bomber and Air Defense Races of the 50's.

Finally, whether or not the Soviet Union builds a new heavy bomber may be determined by our decision with the B–1. Just as U.S. bomber supporters use Soviet activities as an argument for the funds they want, so do Soviet analysts use U.S. activities in their lobbying. Both sides could make do, for as long as possible, with existing bombers. Or both could egg each other on into buying new bombers and larger numbers of them.

A Soviet decision to buy a new bomber might not only increase the number of B–1's we felt obliged to buy. It might also trigger strong U.S. interest in bomber defenses, including and especially AWACS and a new modern interceptor. Since an anti-Soviet bomber defense, without an anti-Soviet missile defense, is an absurdity, we ought to try to avoid making this mistake.

Even if the Soviets do not buy a new bomber in response to our B–1, they may well buy AWACS-type bomber defenses against it. In this case, our Air Force will want an air defense no less modern. In considering our influence over Soviet procurement it is worth pondering the comments of Dr. Harold Brown:

> The Soviets, 4 or 5 years after we did each of the following things, also did them. They dispersed their silos, they hardened them, they put in the equivalent of a BMEWS to warn their bombers. They built nuclear submarines, with ballistic missile launch capability".[38]

All in all, we ought not encourage the Soviets to imitate us in buying a new bomber, or new bomber defenses. This will, in turn, hold down our expenditures on bombers and bomber defenses, both of which we ought not to buy in any case.

(NOTE.—Dr. Jeremy J. Stone received his Ph.D. in mathematics, but has since become widely known for his analysis of national security and arms race issues. He has been a staff member of the Hudson Institute, a Research Associate at the Harvard Center for International Affairs, a Social Science Research Council Post-Doctoral Fellow in Economics, an International Affairs Fellow of the Council on Foreign Relations and is now Director of the Federation of American Scientists and one of its elected Council members. He is the author of "Containing the Arms Race" (MIT, 1966) and "Strategic Persuasion" (Columbia University Press, 1967). His articles have appeared in, among others, Foreign Affairs, The New Republic, Commonweal, Bulletin of the Atomic Scientists, Survival, The Washington Post, Boston Globe, and Los Angeles Times.)

FOOTNOTES

[1] The Federation of American Scientists is a 25-year-old, nonpartisan organization of natural and social scientists and engineers concerned with problems of science and society. For those Committee members who may be curious about the Federation's goals, we have appended a copy of our brochure to this testimony.

[2] See pg. 32, Hearings before the Senate Armed Services Committee on Military Procurement for Fiscal 1971, Part 1.

[3] *New York Times*, March 3, 1964.

[4] Statement of Dr. John S. Foster, Jr., Director of Defense Research and Engineering, Department of Defense, before the Joint Committee on Armed Services and Defense Subcommittee of the Appropriations Committee, Feb. 26, 1970, pg. 10.

[5] To take an analogy, we could keep ⅛ of our strategic bombers in the air at all times. This would clearly improve their chances for survival but the cost would be enormous in resources, crews, and plane fatigue, so we do not do it. For the most part, we have simply let the bombers become more vulnerable to enemy missile attack.

[6] See Testimony of Dr. George W. Rathjens, Before Senate Committee on Foreign Relations, March 1969, pg. 364, Part 1, Hearings on Strategic and Foreign Policy Implications of ABM Systems.

[7] These members were: Herbert F. York, Marvin L. Goldberger, Herbert Scoville, Jr., and Jerome B. Wiesner.

[8] Pg. 21, Senate report 91–1016, on H.R. 17123, July 14, 1970, Committee on Armed Services, U.S. Senate.

[9] See the Senate Armed Services Posture Hearings, pg. 327, Volume 1.

[10] Kahn, On Thermonuclear War, pg. 345.

[11] Posture Statement of Secretary Laird, Fiscal 1972, pg. 70.

[12] Report 91–1016, 91st Congress, 2nd Session, Report on H.R. 17123, pg. 19.

[13] Senate Hearings on Department of Defense Appropriations, Fiscal 1969 (90th Congress, 2nd Session, 1968), Volume IV, pg. 2310.

[14] Pg. 99, Stratgey and Science: Toward a National Security Policy for the 1970s; Hearings before the Subcommittee on National Security Policy and Scientific Developments of the Committee on Foreign Affairs, House of Representatives, 91st Congress, 1st Session, March 1969.

[15] Pg. 659, Volume 3, Strategic and Foreign Policy Implications of ABM Systems, Hearings before the Subcommittee on Foreign Relations, United States Senate, 91st Congress, 1st Session.

[16] Pg. 61: ABM, MIRV, SALT, and the Nuclear Arms Race; Hearings before the Subcommittee on Arms Control, International Law and Organization of the Committee on Foreign Relations, United States Senate, 91st Congress, 2nd Session, March-June 1970.

[17] Pg. 113: Diplomatic and Strategic Impact on Multiple Warhead Missiles, Hearings before the Subcommittee on National Security Policy and Scientific Developments of the Committee on Foreign Affairs, House of Representatives, 91st Congress, 1st Session, July-August 1969.

[18] Ballistic-missile Guidance by D. G. Hoag, pg. 81 of *Impact of New Technologies on the Arms Race,* edited by B. T. Field, T. Greenwood, G. W. Rathjens, and S. Weinberg.

[19] Pg. 1353, Volume 2, Senate Hearings on Military Procurement, Research and Development, Fiscal 1970, 91st Congress, 1st Session.

[20] Pg. 2172, Volume 3, Senate Hearings on Military Procurement, Research and Development, Fiscal 197'.

[21] Congressional Record, vol. 115, pt 19, p. 25583.

[22] Report of the Preparedness Investigating Subcommittee of the Senate Armed Services Committee on the "B–70 Program". . . July 8, 1960.

[23] Pg. 6090, Hearings before Subcommittee No. 2 of the Committee on Armed Services of the House of Representatives on the "Department of Defense Decision to Reduce the Number and Types of Manned Bombers in the Strategic Air Command," January-February, 1966.

[24] Hearings on Military Posture, House Armed Services Committee, February-April, 1967, pg. 499–500.

[25] Quoted from Congressional Record, vol. 115, pt 19, p. 25585.

[26] Speech at the National Security Seminar, Anchorage, Aalska, January 12, 1970.

[27] Pg. 54, Status of U.S. Strategic Power, Hearings before the Preparedness Investigating Subcommittee of the Committee on Armed Services, United States Senate, 90th Congress, Second Session, April 1968.

[28] Senate Hearings on Defense, 1963 (87th Congress, 2nd Session, 1962), testimony of Harold Brown, pg. 977. The second estimate was reported by Senator Carl T. Curtis.

[29] U.S. Congress, Senate, Subcommittee on Air Force of the Committee on Armed Services, Air Power (84th Cong., 1st Sess., 1961), Part 3, pg. 55.

[30] See the speech of Senator McIntyre, *op. cit.*

[31] *Armed Forces Journal,* June 20, 1970.

[32] 6098–6099, Hearing Before Subcommittee Number 2, op. cit., January-February, 1966. Among the specific advantages were: supersonic capability, comparable range during a typical refueled nuclear mission employing extended low-level flight, high-speed penetration, more modern avionics, and characteristics that make dispersed operations feasible.

[33] Pg. 6564, Report of Subcommittee Number 2, April 1966, on Department of Defense Decision to Reduce . . . op. cit.

[34] Senate Hearings on Military Procurement, 1965, pg. 714.

[35] P. 38, Air Force/Space Digest, April 1970.

[36] Status of U.S. Strategic Power Hearings, op. cit., p. 56.

[37] See Congressional Record, vol. 115, pt 19, p. 25888.

[38] Pg. 238–239, Status of U.S. Strategic Power, op. cit., 1968.

PROPOSED AMENDMENT TO H.R. 6531

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. RYAN. Mr. Speaker, in accordance with the Legislative Reorganization Act, Public Law 91–510, I am herewith inserting in the RECORD the text of the amendments, one or both of which I intend to offer on behalf of Mr. MITCHELL, of Maryland, and myself, and several of our colleagues, to H.R. 6531, the Military Selective Service Act.

The text of the amendments follows:

Amendment to H.R. 6531, as reported. Offered by Mr. RYAN:

On page 19, line 18, immediately after "strength," insert the following: ", no part of which may be used for assignment to South Vietnam, Cambodia, Laos, and North Vietnam, and the waters immediately adjacent thereto, after December 31, 1971,".

Amendment to H.R. 6531, as reported. Offered by Mr. RYAN:

On page 20, line 3, immediately before the period, insert the following: ", but no part of any such active duty personnel strengths, whether or not increased by the President, may be assigned for use in South Vietnam, Cambodia, Laos, and North Vietnam, and the waters immediately adjacent thereto, after December 31, 1971".

THE 150TH ANNIVERSARY OF GREEK INDEPENDENCE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. PUCKINSKI. Mr. Speaker, this month commemorates the 150th anniversary of the 7-year battle for the independence of Greece.

As the most hallowed of the nations of the ancient world for its development of democracy and self-determination, it was natural for our own earliest patriots to revere the traditions of Greek civilizations.

In 1821, under the leadership of Theodore Kolokotronis, Petrompes Mavromichalis, Andreas Zaimis, Andreas Lontos, Gregorios Papaflesas, the Greek people joined once more to become a nation.

Thomas Jefferson wrote of this struggle in 1823, 5 long years short of eventual victory:

> No people sympathizes more feelingly than ours with the suffering of your countrymen, none offers more sincere and ardent prayers to heaven for their success. . . . Possessing ourselves the combined blessings of liberty and order, we wish the same to other countries and to none more than yours, which, the first of civilized nations, presented examples of what man should be.

Mr. Speaker, I join with my colleagues in saluting the men and women of Greece. Greek independence is a very special sense represents independence for all men on all continents.

Included in my remarks today is a brief synopsis of some of the important historical factors that contributed to this great quest for independence and its ultimate success. Anyone who knows the Greek people, knows they will always seek to retain their independence.

I support the efforts of those who are advocating a commemorative stamp to honor this important date in man's search for the right to call his life his own.

Mr. Speaker, a brief history of this revolution follows:

THE 1821 GREEK WAR OF INDEPENDENCE: MARCH 25, 1821, TO MARCH 25, 1971

(NOTE.—Since the year 1971 marks the 150th Anniversary of the 1821 Greek War of Independence, the Order of Ahepa has prepared a fairly comprehensive historical booklet covering the events of the War for Independence, which includes America's contributions to the Greek cause. This history of the Greek Revolutionary War of 1821 is available and can be ordered from Ahepa Headquarters, 1422 K Street, N.W., Washington, D.C. 20005 at a cost of $1.00 per copy. Please forward check or money order with your request.

(We feel that this booklet will be of great value not only to the Ahepa Family as source material for addresses at March 25th Celebrations in your community, but also of great interest to the younger generation, whose knowledge of the events and personalities of the War of Independence may be limited. We suggest that this booklet will make a fine gift to your friends who may be interested in the subject.

(The following abbreviated history of the Greek War of Indpendence is limited due to lack of space in this magazine, however it does touch upon most important aspects. For a more comprehensive history, we recommend that you order one or more copies of the longer history from Headquarters.)

(By George J. Leber, Executive Secretary)

I. THE BACKGROUND AND EVENTS LEADING UP TO THE REVOLUTION

The Fall of Constantinople

On May 29, 1453, Constantinople finally fell before the onslaught of the Turkish armies, and this date also marks the beginning of virtual slavery for Greece, for a period of nearly four hundred years.

During the early years following the Fall of Constantinople, the Greek Orthodox Church did not suffer greatly at the hands of the Turk, however, during the two centuries preceding the Revolution, bans were put on the Church, and cruelties to the priests and followers became common. Small outbreaks among the Greeks resulted in reduced liberties, slavery to women and children, and oftentimes, wholesale murders and massacres. The Greek Orthodox Church held its place and its power throughout Greece and the Near East mainly because of the constant energetic fight of the Patriarchs, who never relaxed their vigilance, and who carried on their struggle for maintenance of their faith.

The Phanariotes

The Phanariotes were men of great learning, taught at Phanari in Constantinople, under the Patriarchate. They kept alive the Greek language both in the Church and in the communities of all Greece. These men because of their learning, gained rank in Turkish diplomatic and business circles. The Phanariotes were given ambassadorial and diplomatic positions to all parts of Europe. They rose to high positions, and secured lands, and titles for their families, which placed them in strategic positions for the revolution to come.

With the fall of Constantinople, the scholars in Greece immediately fled to the other parts of Europe, taking refuge in Holland, England and France. This left little source of learning for the people, for soon the schools themselves were closed for lack of teachers and because of Turkish pressure. Finally, in the 18th Century the prosperous Greek community of traders and merchants in Venice started its own small Greek school and Church. The Black Sea communities followed suit, and then the program was broadened to include schools in Athens, with aid from these outside communities. Schools were also established in Giannena, Levadia, Patmos, etc. Among the teachers who carried on this work were Eugenios Voulgaris, Nikeforos Theotokis, Constantinos Economos, Vamvas, Georgios Gennathios, and others. These teachers not only taught their pupils the Greek language, but also taught the hope of freedom, someday, for Greece. They preached a greater and free Hellas for the future.

Adamantios Koraes

The greatest of these Greek teachers was Adamantios Koraes, of Chios. However, he never actually taught in a school, as an instructor. Through his writings, he did more to instill the thought of freedom and of the glory of the Greek language and name in the mind and heart of the Greek, than any other person. He brought back all of the deeds of ancient Greece—informed these Greeks that they were descendants of these great men—and that slavery was never meant for them. He is credited with giving new life to the Greek language, for he took the work of the ancients and explained them in his writings, using them as a means of portraying the action he believed that the modern Greek should follow. He did much to bring out a Greek language now bereft of the many dialects and instructive tongues it had acquired throughout the centuries under various overloads. He died in 1833, at 85.

Regas O Fereos

Regas O Fereos was born in 1757 in Velestino, Thessaly. He studied and became a teacher in Bucharest. At this time, the French Revolution had begun, and Regas began to think of freedom for his country, Greece. He began writing letters to all influential men in Greece, urging freedom for the country, asking them to work towards that end. He also wrote many poems and songs of the greatness of Greece, and of freedom—hoping to instill within the hearts of his countrymen more than an ordinary desire for freedom. These spread over all of Greece. He also wrote to Napoleon, and arranged for an audience with him. On the way, he was stopped by the Austrians, searched, and incriminatory papers were found on him which caused his return to Vienna, and later, he was turned over to the Turkish authorities in Belgrade. There, he died in prison, but his memory lived forever after in Greece, where he was a hero, and his songs and poems lived on, feeding the flame of revolt.

Philiki Etairia

The great national secret society, which was international actually in scope, was the Philiki Etairia. This society was formed by three Greek merchants of Odessa—Skoufas, Tsakaloff, and Xanthos. The membership was secret for it would mean death at the hands of the Turks to be known as a member of the society. Headquarters were established in Constantinople, and the movement officially opened for freedom for Greece, Alexander Ypsilanti, a general in the Russian army, was chosen the leader of the Philiki Etairia. (June, 1820)

On Easter Day, at the close of the services in the Greek Orthodox Churches, Turkish soldiers forced their way into the Greek Patriarchate in Constantinople, and showed papers to the Patriarch, which stated that he had been evicted from his post as Patriarch by the sultan. The soldiers then put the Patriarch in prison, where he remained for some time. The Patriarchate was given orders by the sultan, on pain of death, to select another Patriarch.

Finally, the Patriarch was taken from his prison, to the Patriarchate, and there hanged from the Inner Gate. His body was left there for three days, while all Christians hid in their homes for fear of their lives, as the Turkish soldiers roamed the city, searching for Greek Christians. Those that they found, were slaughtered. Then, the body of the Patriarch was taken down, weighted with a heavy stone, and thrown into the sea, by the Turks. However, a Greek ship captain, several days later, sighted the floating body, which had come to the surface, brought it abroad his ship upon recognition, and carried it immediately to Odessa in Russia. There, the Czar gave the Patriarch the honor due him, with a state funeral, and great mourning. After fifty years the body was exhumed and taken to Athens, where it lies today.

II. MEN AND EVENTS OF THE REVOLUTION

In 1821, through the efforts of the Philiki Hetairia, the secret society, some semblance of organization and planning had been brought about, and in March of that year, under the leadership of such men as Theodore Kolokotronis, Petrompes Mavromichalis, Andreas Zaimis, Andreas Lontos, the Metropolites Palaion Patron Germanos, Gregorios Papaflesas—the revolution opened in Greece.

Kolokotronis arrived at Mani, in January of 1821, and his very presence in Greece was enough to arouse the spirit of the patriots, for his name was already known throughout the country, as a fearless patriot, and leader. In 1818, the Turks had evicted him from the Morea, or Pelaoronesia, because of his aggressiveness and rebellious spirit.

On March 21, 1821, the patriots besieged the city of Kalavrita, and in five days had taken the town. On the 22nd, Mavromichalis and his Maniates, with Kolokotronis and others, besieged Kalames and took it on the 25th. In Patras, the Metropolites Palaion Patron Germanos, with Andreas Zaimis, Lontos and others, struck the colors for freedom, on March 25, which date is recognized as the official beginning of the Revolution. With their force, these leaders besieged the town of Patras. At the same time, Lala, Corinth, Monemvasia, Navarino, Argos, and Nauplion were besieged by the patriots.

The revolution was raised in *sterea* Hellas by Panourgias at Amphissa, by Thanasis Diakos at Levadia, and by Diovouniotis at Voudounitsa.

A large Turkish force, under Kioshe Mehmet and Omar Vrionis, advanced upon the Greeks in Sterea Hellas, and dispersed the force advanced upon the Greeks in Sterea Hellas, and dispersed the force that came to meet them—all except for forty patriots and Thanasis Diakos, who decided to hold at Thermopylae. They were finally all dead except Diakos, who was taken prisoner and taken to Lamia. There, the two Turkish leaders asked him to join with them for they both admired and feared his bravery. He cursed them instead of agreeing, and he was consequently spitted upon a large stake by the Turks, where he died, pierced the length of his body by the stake. . . .

The revolution opened on May 20 in northern Greece. Because of the heavy Turkish forces in that section, the struggle did not meet with any success. In Thessaly, the uprising was quickly downed by the Turks who massacred and destroyed as they went through the countryside. In Macedonia, the heavy Turkish forces spelled defeat for the Greeks there, also. In Crete, in the south of Greece, the Greeks arose in revolution, but had to flee to the hills for safety where they remained for the duration of the struggle, fighting for their lives.

In the islands, lay the greatest wealth of Greece, because of trading and commerce which they carried on. The islands joined with the rest of the country in the revolt, and on April 3, the Septses Isles revolted, sending 58 ships to besiege Nauplio from the sea. Hydra, Psara, and Spetses bore the brunt of the revolution among the islands, since they led them in importance. Shortly after Samos, the Cyclades, and the Dodecanesa, except for Rhodes, also joined in with the revolutionists.

The first government

The first government of the revolutionary forces was formed at Epidaurus. A committee was selected to rule, with Alexandros Mavrokordatos as the president, and leader. From this seat, the revolution was directed, and the forms of attack were planned. However, shortly thereafter, at Peta, the Greeks suffered their first great loss, losing 3500 men, being routed from the field, to Missolonghi, where the survivors took refuge while the Turkish forces besieged the city. The siege lasted for years, resulting in hardships and suffering for those in the city. It was here at Missolonghi that Marco Bozzaris first sprang into fame for his bravery and leadership.

Kolokotronis

During these dark days, it was Kolokotronis who saved Greece from being taken again by the superior forces of the Turks, for time and again, through his strategy and leadership, he constantly harried the enemy, keeping them at bay, and worrying them keeping them disorganized. Kolokotronis asked the other Greek leaders to follow his plan for he realized that the Turks would march towards Corinth, instead of retreating as the other leaders insisted. They scoffed at him, but he took up his position in the hills, and when the Turks did appear on the way to Corinth, he was the actual savior of Greece, for he engaged them with his small force, until aid came from the other leaders.

Konstantinos Kanaris

Konstantinos Kanaris is renowned for his feats of daring and bravery on the sea, of which he had gained control over the Turks, with his Samians. On one occasion, the Turkish fleet had two giant warships anchored at Chios. Kanaris came into the harbor with his small boats, unseen. Kanaris succeeded in tying the kegs of gunpowder to an open gun-turret of one ship, but his companions failed to secure their kegs to the other ship. They rowed away, while the fuse burned, and finally the kegs exploded, setting fire to the one ship. The fire reached the powder rooms, and the entire warship went into the air, with a loss of 2,000 lives to the Turkish fleet.

Marcos Bozzaris

Marcos Bozzaris has been immortalized by an American poet (Halleck) for his bravery. He did not care for honors, but only liberty for Greece. While the various other leaders fought amongst themselves for medals and honors, and credit for victory, he sought only to do his work, unmolested.

Bozzaris was the leader of the Souliotes, described as the most-feared fighters among the patriots. He conceived the daring plan of attacking a force of Turks, 4,500 in number, as they were encamped during the night. He took with him only 350 of his Souliotes, and they attacked the camp, and were well on the road to a complete rout and massacre of the Turkish force, when a stray bullet struck Bozzaris in the head, killing him. His Souliotes then took his body and fled to the hills, leaving behind them over 2,000 dead of the enemy! His loss was one of the greatest of the war, to the patriots.

Internal troubles

Two factions appeared within the government itself—one demanding that Kolokotronis became the leader of all the forces, and the other which demanded Mavrokordates as leader. There were now two governments among the revolutionary forces—one headed by Petrompes and the other by Koundouriotes. The government of Koundouriotes won out, and Kolokotronis was imprisoned by the government at Hydra, the monastery of the Prophet Elias. Oddessus Androutsos bitterly complained of the treatment given Kolokotronis, and was himself consequently accused of being in alliance with the Turks. Cauras was sent after him with a force—he has seized and imprisoned on the Acropolis, in Athens. However, within a few days his body was found at the bottom of the slope, broken on the rocks. The mystery of his death was never solved. At this point, the Greeks were saved from their own foolishness and jealously through aid from the rest of Europe. The various nations were attracted to the scene and offered their aid.

European philhellenism

When news of the Greek Revolution spread throughout Europe, the great scholars on the continent saw once again the rise of the Glory of Ancient Greece. With this ideal before them, they began the campaign for aid to Greece, which led, ultimately, to financial and material aid in soldiers and ships, to the patriots. The little country had not been heard from for over 1,000 years, and the magic of the word "Greece" and "Hellas" brought immediate aid. In Switzerland, France, and Germany societies were formed to aid the patriots. The government of England was not in favor of the revolution at the first, however after constant pressure from internal groups, she was forced to accede to their demands of the English, and favor swung towards aid for Greece. It was Lord Byron who raised his voice and power to bring material and financial aid to Greece, and he went so far as to expend his own personal fortune in aiding the patriots, and died in Greece, at Missolonghi, during the siege, of fever.

Naval battles

In 1824, the Turkish fleet sailed to Samos, to attack the island and to punish the populace, however they were met by the Greek fleet, under Kanaris and were forced to flee, retreating to Ko.

In August of that year, the Egyptian fleet reached the islands and with an additional 56 warships, and 150 smaller ships, the Turkish-Egyptian fleet sailed against the Greeks again, but in two battles, at Geronta and at Samos the Greeks were again the victors, although they had to fight against overwhelming odds. Miaoulis was the naval hero in these two engagements. However, now the Greek fleet was in sad need of repairs, and they returned to Hydra for the winter, believing that the Egyptians and Turkish fleets would not engage in activity for the rest of the winter. However, in February, 1824, Ibrahim, the Egyptian leader landed 4,000 soldiers on the Peloponnesus, with 500 cavalry, at Methonis, from 50 ships.

In the peleponnesus

The entire Peleponnesus now clamored for the freedom of Kolokotronis, still in prison. The government would not listen, even though Papaflesas, himself, asked for his release. Consequently Papaflesas with his 1,000 Roumeliotes took the stand against the Turks, and although they fought bravely, they were slain to the last man. Now, the government seeing disaster before it freed Kolokotronis and his friends, who had been imprisoned because of jealousy and political reasons, for the patriots needed a good leader now, if ever they had.

The news that Kolokotronis, O Geros Tis Moreas, was free spread like wildfire over the Peleponnesus, and his name drew thousands of patriots to the fight, under him, as their leader.

Kolokotronis was faced with the problem of meeting the Turks in battle whose superior fighting forces, in numbers, could not be easily met in open battle on the field. Consequently, he fell back to the Kleftiko method—with lightning thrusts at night or day, from the hills, upon the enemy, furious fighting that demoralized the Turks, then back into the hills would sweep the patriots until the next opportunity. He constantly harried them with this guerrilla warfare for it was Greece's only way out.

At this time, the siege of Missolonghi was underway in earnest and he was called to go to the aid of the Turkish troops besieging the city. After months, finally the Turkish forces had worn down the resistance of the Greeks, and they determined to break through, to safety. However, almost to safety, fear overtook the patriots, and half of them turned back to the city, while the other half continued on to freedom in the hills. Those who had turned back were followed closely by the enemy, who broke into the city, and began the massacre that alarmed all of Europe. When they had finished, Missolonghi was nothing but a smoking ruins. The fall of Missolonghi, now named the Holy City, (Iera Polis) because of the massacre, also spelled the downhill of the revolutionary government in power, and a new one arose, with Zaimis as president. Kioutahis was in command of the Turkish troops in central Greece at the time, while Ibrahim returned to the Peleponnesus where he began laying waste the countryside, killing as he drove relentlessly onward. Koutahis meanwhile advanced into Attica, and laid siege to the Acropolis.

Karaiskakis

Karaiskakis, the leader in the central Greek front, was a small, sickly man, who was described as having the "heart of a lion." It was his strategy and bitter defense that was of such aid to the patriots. He was given command of the Greek forces in central Greece by the government. In July, 1826 he went to Salamina where he gathered together 3,500 patriots, among whom were Kriezotis, Vasos, Panourias, and others, and a force that had been gathered together by the Frenchman, Faviero. This force was defeated by the Turkish cavalry at Haidari, near Daphni of Attica, but shortly thereafter, Kriezotis with 500 men under him, broke through the Turkish lines and reinforced the small group of patriots who were defending the Acropolis. Their leader, Gouras, had been killed shortly before.

Then Karaiskakis decided to gather as large a force as possible, in order to trap Koutahis, and his forces, in Africa, where they were besieging the Acropolis. He sent Kouletis by sea to Atalanta to take Dombrina, and Ibrahim sent a force under Mustaphia Bey to oppose him, and Kouletis was forced to leave without victory. Karaiskakis then guessed that Mustaphia Bey and his Arvanites would go to Salona, so he sent Griva, the Gardikiotis, to Arahova, to take that position, which he held, so that when the Turks arrived, they found him there. Griva engaged the Turks and thus gained time for Karaiskakis to put his plan into effect. Karaiskakis then sent other troops against Mustaphia Bey and his Arvanites. The Greeks closed in, scoring a decisive victory—only 300 of the Arvanites escaping their vengeance. This victory was made at Parnassus, in November, 1826. After this the patriots scored other victories and retook all of central Greece with the exception of Vonitsa, Missolonghi and Naupakto. The Turks retired to Phaleron, where the big engagement would take place on April 23.

Aid from the European powers

At this moment, when the revolution seemed doomed to failure, the European powers entered the picture, officially. England, France, Russia and Austria had previously lent no governmental aid to Greece, nor sanctioned the revolt, because of fear of international complications. France, England, and Russia met in London in 1827 and signed a secret treaty, agreeing to support the revolutionary government of Greece, and to rid Europe of Turkey.

England, France and Russia immediately sent their fleets to Greek waters, and ordered the Egyptian and Turkish commanders to take their troops and their ships and vacate the Peleponnesus and its waters. The Turks refused, upon further orders from Constantinople. In the meantime, the Greek forces had taken new heart upon the good news, and the revolution sprang up anew. Ibrahim then began anew to scourge the Peleponnesus sweeping through Messenia, Arcadia and Laconia. Following this action, the French, Russian and English ships swept into Navarina and gave final orders for the Turkish-Egyptian fleets to leave the waters of the country at once. The Turkish fired and sank a small English boat. Following this action, Codrington, the English commander, gave orders to start firing. Within four hours, only 20 of the original 120 Turkish-Egyptian ships remained afloat on the water. All the rest had been sunk. This destroyed Turkey's power in Greece forever. French soldiers were then landed in the Peleponnesus, and Ibrahim was forced to flee the country with his Egyptians, back to Egypt. Finally, on September 12, 1829, all of central Greece and the Peleponnesus had been cleared of Turkish forces.

Recognition and freedom

John Capo D'Istrias was elected as governor of Greece by the nations and the revolutionary government. He had been striving since 1822 to influence the Czar of Russia to aid Greece without success, and then had gone shortly after to Switzerland to try to raise funds for the patriots. He had been quite influential in Russia, within the government there. In 1828 he arrived in Greece.

It was decided by the three powers, England, France and Russia, that Prince Leopold of Coburg should become ruler of Greece. It was their wish to establish a monarchy in Greece. Capo D'Istrias also had the same idea and upon the eviction of the Turks from the land, he dissolved the legislative chamber of the revolutionary government, and took charge of all the affairs. This action by Capo D'Istrias caused internal dissension and strife, for the men who had led in the revolution, and had risen to power, now found themselves without power and without positions, and unrecognized, in a sense—or so they felt. They also regarded Capo D'Istrias as an opportunist, who wished to make himself king, which was not the case. Capo D'Istrias wished to prepare the government to receive the monarchy, and he believed his action the best in the way of preparation. Finally, things became so bitter that on September 27, 1831, Capo D'Istrias was assassinated.

Immediately following the assassination, violent civil war broke out in Greece, and the three European powers looked on with alarm. Leopold had refused to accept the throne of king, because he learned of the destitute conditions of the country following the effects of the revolution, and the powers then selected Prince Othon of Bavaria, son of Ludovici, King of Bavaria, to rule as the monarch of Greece.

Othon, only seventeen years of age, assumed the crown as King of Greece on January 25, 1832, and peace reigned in the land for the first time in almost four hundred years. The people welcomed him as a saviour for now they were united, as a recognized nation of the world. And freedom came to Hellas, again.

THE BEGINNING OF AMERICA'S INTEREST IN GREECE

On May 25, 1821, Petros Mavromichalis, Director General of the Messenian Congress at Kalamata, wrote a letter addressed to the people of the United States, in which he asked for America's help.

This letter reached the attention of American Ambassador to France Albert Gallatin, Secretary of State John Quincy Adams, and Dr. Edward Everett of Harvard University. A letter to Everett was also sent from Paris, and Adamantios Koraes was one of the signers, asking for assistance from America. Dr. Everett published these letters in his North American Review, and through his personal efforts, the Greek War of Independence received wide publicity in America, resulting in widespread support from the American people.

Adamantios Koraes wrote to Thomas Jefferson, from Paris, on July 10, 1823, asking for America's help, and support, and Jefferson replied with fervent hope for Greece's success, and his support, and with suggestions. In addition, there was correspondence from Lafayette to Jefferson urging American recognition of the Greek stand for independence.

AMERICAN PHILHELLENES IN THE GREEK WAR OF INDEPENDENCE

Although we hope to briefly recount the story of the American Philhellenes who assisted Greece during her War of Independence, tribute must first be paid to the great English poet Lord Byron, who called the attention of the world to Greece's desperate struggle for freedom and existence.

Lord Byron arrived at Missolonghi on December 24, 1823, where he was warmly welcomed by the Hellenes. He delighted in wearing the Greek foustanella. With his own money, he supported 500 Souliotes soldiers, and gave greatly of his own wealth for the cause of Greece. However, illness struck on April 6, 1824, and on April 7, 1824, he died, at 37 years of age, with these words on his lips: "Greece, I gave you everything that any one man can give. I gave you my wealth—my every hour—my health, and now—my very life. My sacrifice is for your salvation."

Monuments now stand to his memory in Missolonghi, and also at the Zappeion in Athens.

SONS OF PERICLES MEMORIAL

These monuments include a memorial erected by the Order of Sons of Pericles, the Junior Order of Ahepa, in 1939, and placed there in memory of the American Philhellenes.

This 10-foot-high monument erected by the Sons of Pericles was dedicated and unveiled in the Garden of Heroes at Missolonghi on June 25, 1939, in the presence of representatives of the Sons, Ahepa, and the American and Greek governments. The Congress of the United States passed a unanimous Joint Congressional Resolution which read: "The President be authorized and requested on behalf of the Order of Sons of Pericles, the Junior Order of Ahepa, a national fraternity of youthful Americans of Hellenic descent, to provide through the American Minister to Greece for the presentation to the people of Greece of the monument recently erected in the Garden of Heroes at Missolonghi, Greece, the shrine of Greek Independence, as a tribute to and in commemoration of those patriotic Americans who, aided by the moral and material support and assistance of the entire American people, gave their services, their fortunes, and their lives to the cause of Greek Independence in the Greek Revolutionary War of 1821."

YPSILANTI, MICHIGAN

Ahepa Erected Statute of Demetrius Ypsilanti in Ypsilanti, Michigan on August 29, 1928

Harvey C. Colburn in his book "The Story of Ypsilanti, Michigan" says:

"Among the notable world events of the time was the Greek revolution. In the splendid struggle of the Greek people against Turkish tyranny, appeared an outstanding heroic figure, Demetrius Ypsilanti.

"Judge Woodward proposed that the name of the new city be Ypsilanti—and Ypsilanti it was. (1826.)

"It was a wise providence that guided the good judge in his remarkable suggestion.

"In the city hall hangs a fitting portrait of the Greek general. The cause of human freedom is largely indebted to him, and besides, he left us a good name."

PRESIDENT JAMES MONROE

On December 3, 1822, President James Monroe included the following words in his Message to Congress: "The mention of Greece fills the mind with the most exalted sentiments, and arouses in our bosoms the best feelings of which our nature is susceptible. That such a country should have been overwhelmed, and so long hidden as it were, from the world, under a gloomy despotism, has been a cause of unceasing and deep regret to generous minds for ages past. A strong hope is entertained that these people will recover their independence, and resume their equal station among the nations of the earth."

DANIEL WEBSTER OF MASSACHUSETTS, U.S. HOUSE OF REPRESENTATIVES

U.S. Representative Daniel Webster of Massachusetts introduced a resolution in the House of Representatives during the 1823–1824 Congressional 18th Session that: "That provision ought to be made, by law, for defraying the expense incident to the appointment of an agent, or commissioner, to Greece, whenever the President shall deem it expedient to make such an appointment."

In speaking for his resolution, Webster said: "This people, a people of intelligence, ingenuity, refinement, spirit, and enterprise, have been for centuries under the most atrocious, unparalleled Tartarian barbarism that ever oppressed the human race. It has been as truly, as beautifully said, that "The Turk has now been encamped in Europe for four centuries. Yes, sir—it is nothing else than an encampment. They came in by the sword, and they govern by the sword. . . .

"Does not the land ring from side to side with one common sentiment of sympathy for Greece, and indignation towards her oppressors? Sir, while we sit here deliberating, her destiny may be decided. . . . They look to us as the great Republic of the earth—and they ask us by our common faith, whether we can forget that they are now struggling for what we can now so ably enjoy? . . ."

HENRY CLAY OF KENTUCKY, U.S. HOUSE OF REPRESENTATIVES

U.S. Representative Henry Clay of Kentucky spoke in the same Session of Congress in support of the resolution introduced by Daniel Webster, as follows:

"Are we so low, so base, so despicable that we may not express our horror, articulate our detestation, of the most brutal and atrocious war that ever stained earth, or shocked high Heaven, with the ferocious deeds of a brutal soldiery set on by the clergy and followers of a fanatical and inimical religion, and rioting in excess of blood and butchery, at the mere details of which the breast sickens?

"Go home, if you dare; go home, if you can, to your constituents, and tell them that you voted it down—meet, if you dare, the appalling countenances of those who sent you here, (I mean no defiance) and tell them that you shrank from the declaration of your own sentiments—that you cannot tell how, but that some unknown dread, some indescribable apprehension, some indefinable danger, affrighted you—that the spectres of scimetars, and crowns, and crescents, gleamed before you, and alarmed you; and that you suppressed all the noble feeling prompted by religion, by liberty, by national independence, and by humanity.

JOHN QUINCY ADAMS

(President of the United States. Annual message, Dec. 4, 1827)

"The sympathies which the people and Government of the United States have so warmly indulged with the cause of Greece have been acknowledged by their government in a letter of thanks, which I have received from their illustrious President, a translation of which is now communicated to Congress. We hope that they will obtain relief from the most unequal of conflicts which they have so long and so gallantly sustained; that they will enjoy the blessing of self government, which by their sufferings in the cause of liberty they have richly earned, and that their independence will be secured by those liberal institutions of which their country furnished the earliest examples in the history of mankind, and which have consecrated to immortal remembrance the very soil for which they are now again profusely pouring forth their blood."

HENRY W. DWIGHT

(Member of the House of Representatives from Massachusetts)

No, sir, not to England, but to America, did Greece appeal from the Senate of Calamata, in language which we cannot refuse to hear, "That having deliberately resolved to live or die for freedom, they were drawn by an irresistible sympathy to the people of the United States."

DANIEL P. COOK

(Member of the House of Representatives from Illinois)

On these principles (of the Declaration of Independence) Greece has dared to act; she has broken her chains, and set up for herself an independent Government; in recognizing that Government, we break no international law.

PATRICK FARRELLY

(Member of the House of Representatives from Pennsylvania.)

We are not sending an agent to Greece to excite her to begin a rebellion against the Turk; that is begun already, and more than half finished too, sir. For one, I believe they are able to maintain their independence, and well maintain it; they will not forget their ancestors. And, as a confirmation of this opinion, I pray you, sir, look at the last news from there. The coincidence of their modern and their ancient spirit is striking indeed, sir, the selfsame act has now been performed in Attica that was done two thousand five hundred years ago—the inhabitants of Athens have all migrated to Salamis, to avoid subjection.

SUPPORT FROM CITY COMMITTEES

Sentiment was expressed in popular assemblies which drew up resolutions of sympathy for Greece and urged Congress to do likewise. Philadelphia was among the leading cities to champion the Greek cause.

On December 11, 1823, in the City of Philadelphia, a committee sent a resolution to the Congress of the United States urging it to recognize Greek independence in the following words:

"Having read the appeal of the Messinian Congress to the United States, can we any longer shut our hearts to such an appeal? No! No!

On January 18, 1824, in Philadelphia, the Reverend Gregory T. Bedell of Saint Andrew's Church, appealing to his congregation for aid to Greece, said:

"The struggle of the Greeks finds a defender in our hearts, since it is connected with reminiscences of our own history."

The resolution from Washington City, typical of the rest, is:

"Praying Congress to assure the people of Greece of the deep interest felt by the people of this country in their contest for emancipation and freedom, and of the sincere good wishes of the Congress of the United States for the ultimate success and triumph of their cause."

DR. SAMUEL GRIDLEY HOWE

Dr. Samuel Gridley Howe, who completed his medical studies at Harvard University in 1824, departed that same year for Greece, to observe the struggle for independence and to assist the Greeks.

He was the author of a book, "An Historical Sketch of the Greek Revolution," which was published upon his return to America, and which received wide readership. The Howe book has been reprinted by Dr. George C. Arnakis of the Center for Neo-Hellenic Studies, of Austin, Texas. (1010 W. 22nd St., Austin, Texas.)

Dr. Howe stayed in Greece from his arrival at the close of the year 1824, until November 13, 1827, when he departed for the United States. On November 12, 1828, he arrived back in Greece at Aegina, and stayed until June of 1830, when he returned to America to continue his professional career as a doctor.

While in America between the trips to Greece, he spent almost all of his time campaigning for Greek relief, lecturing in behalf of the many Greek committees in the United States, and working on his book for publication.

During his first years in Greece he was a surgeon in the Greek armed forces and was given the title of "Surgeon-in-Chief" by the Greek government. Dr. Howe also took part in several engagements, wore the *foustanella* on some occasions, and gave invaluable service to the Greek forces.

On his second trip to Greece in 1828 he escorted a large supply of American aid materials, which he distributed to the Greek war refugees, with the assistance of Jonathan P. Miller and George Jarvis.

Dr. Howe again visited Greece in 1844 for a brief time, and in 1867 he returned to Greece with his family, at a time when the Cretans were fighting for freedom from Turkey.

The following excerpt is taken from one of Dr. Howe's letters:

"Greece is my idol, and the sufferings and privations I have endured in her cause have rendered her fate and her future to be more interesting. I can say sincerely that I have found the Greeks kindly, affectionate, truthful, grateful and honest. There is a spark left of the spirit of ancient Greece which four hundred years of slavery has not been able to blot out."

In 1939, the Order of Ahepa dedicated the Dr. Samuel Gridley Howe Flag Mast on the campus of Brown University, Providence, R.I., as a memorial to the contributions of this American Philhellene to the Greek War of Independence.

COL. JONATHAN P. MILLER

In 1824, Colonel Jonathan P. Miller of Vermont was sent to Greece by the Greek Committee of Boston, to observe conditions of the war, and he made the long voyage which took 45 days.

Speaking of Colonel Miller, Dr. Howe says in a letter to his father, dated March, 1825:

"Captain Miller you have seen. He is as brave a man as ever stepped foot in Greece; has the most sterling integrity, and an entire devotion to the cause of liberty. You would laugh to see him; he has his head shaved, has on the Greek *floccata*, and petticoat trousers, and with his pistols and dagger stuck in his belt, and his musquet on his shoulder, cuts a most curious figure. He serves as a captain, and if his life is spared, he will be of the greatest use to the cause."

Upon his return to America, Colonel Miller brought with him two Greek orphans, a boy and a girl. He adopted the boy, whom he named Lucas Miltiades Miller. Lucas Miltiades Miller became the first American Congressman of Greek descent, when elected to the U.S. House of Representatives in 1891. He was a resident of Oshkosh, Wis., at the time of his election.

WAR ORPHANS FROM GREECE

Under the auspices of the various Greek Committees in the United States, and individuals, several war orphans of the 1821 Greek War of Independence were brought to the United States.

Fotios Kavasalis, age 14, and Anastasios Karavelis, age 11, arrived at Salem, Mass., in 1823.

Two brothers, Stephanos and Pantelis Galatis, 16 and 12 years of age, arrived here in October, 1823, and were sent to the United States by a theologian named Temple.

Konstantinos and Pantias Rallis, 16 and 14 years of age, arrived here in May, 1824.

Nicholas Petrokokkinos came to America also in 1824 at 16 years of age.

Alexander Paspatis arrived here in 1824 at age 12.

Three young Greeks, Nicholas Prassas, age 16, Nicholas Vlassopoulos, age 22, and Gregorios Perdicaris, age 22, arrived in Boston in June, 1826, on board the ship *Romulus*, under shipmaster John M. Allen.

Other young Greek orphans who came to the United States were: Konstantinos Fountoulakis, Christos Stamatis, Epaminondas I. Stratis, Christos Vangelis (Vangale), and Ioannis Zachos.

Athanasios Kolevelonis was born in 1815 in Missolonghi, and was brought to New York sometime in the latter part of the war by shipmaster Nicholson of the ship *Ontario*.

George Mousalas Calvocoressis was brought to Baltimore, Maryland, with other Greek orphans on board the ship *Margarita*.

Ioannis Killivergos Zachos was brought to America by Dr. Samuel Gridley Howe in about 1828.

Christoforos Kastanis also arrived in the United States at the same time as John Zachos.

In the book, "The Greek Exile," by Kastanis, he mentions that about forty (40) Greek orphans were brought to the United States by American Philhellenes, and that they studied at Yale University, Amherst, Princeton, Hartford, Athens, Ga., Kenyon College of Ohio, Easton College, Pa., and at Knoxville Tenn. He states that these 40 young Greek lads were from Chios, Eipiros, Athens, Macedonia, and Asia Minor, and that most of them returned to Greece after completing their studies in the United States. He also says that in 1839 three young students came from Eipiros to study at Princeton University.

Another young Greek who studied at Yale College in 1840 was Vasilios Argyros.

Evangelinos Apostolides Sophocles came to America in 1828, at 24 years of age, at the invitation of theologian Josiah Brewer.

LUCAS MILTIADES MILLER

When Colonel Jonathan P. Miller of Vermont returned to America after serving so courageously with the Greek forces, he brought with him two orphans, a boy and a girl. The girl was adopted by the Winthrop family of Massachusetts (and we assumed this was Governor Winthrop of Massachusetts), and Miller adopted the boy, giving him the name Lucas Miltiades Miller.

The boy was born in Levadia in 1824. He was educated in Vermont, and at 21 years of age became an attorney. Lucas Miltiades Miller moved to Oshkosh, Wisconsin, in 1846, and in 1891 was elected to the U.S. Congress as a U.S. Representative from Wisconsin. Insofar as we know, Lucas Miltiades Miller was the first member of the U.S. Congress of Greek descent.

LIEUT. GEN. GEORGE JARVIS

George Jarvis, an American from Massachusetts, was the first American to join the Greeks in their struggle for freedom.

He went to Denmark, where he was born, and from there to Greece in early 1822. Along with Jonathan P. Miller, Jarvis fought with the Greeks to the defense of Nauplia against the Egyptians (who were allies of the Turkish forces) in 1825, as well as in other battles.

Also with Miller, Jarvis helped Dr. Samuel Gridley Howe in the distribution of American food, clothes and medicine which were sent to Greece from the United States, and also helped in the establishment of a hospital, created by Dr. Howe, for Greek veterans. Jarvis also originated the idea of a model agricultural settlement for the war refugees, which Howe established at Hexamilia, and which was named "Washingtonia," sixty-six families were established at this settlement.

Lieutenant General George Jarvis was the son of an American diplomat stationed in Germany. He fought with the Greeks against the Turks for almost seven years. He died of illness at Argos, Greece, on August 11, 1828.

Speaking of Lieutenant General Jarvis in a letter written to his father in March, 1825, Dr. Samuel Gridley Howe says:

"General Jarvis has been in Greece three years, has been in many engagements, has become a complete Greek in dress, manners, and language; he is almost the only foreigner who has uniformly conducted himself with prudence and correctness; and he has reaped his reward. He has gained the confidence of the Greeks, he has rendered great service to their cause and now is made Lieutenant General. He is a man I am proud to own as a countryman."

OTHER AMERICAN PHILHELLENES

Among other American Philhellenes in Greece were:

George Wilson, from Providence, Rhode Island, who served with the Greek naval forces.

James Williams, from Baltimore, a Negro, who also served with the Greek naval forces.

Estwick Evans, from New Hampshire.

John M. Allen, shipmaster, who had previously served in the American naval forces, and who was a close friend of Lafayette.

William Washington, who died at the battle of Palamidiou.

Also Christ Bosco, John Getty, Alexander Ross, John Villen.

Intensive research on the subject would no doubt bring other names to light, and the subject should be pursued further.

AMERICAN & EUROPEAN PHILHELLENES

According to available figures, about 450 Philhellenes from Europe and America went to Greece during the 1821 Greek War of Independence, to assist the Greek cause.

Germany, alone, was represented by about 150 men, and the other 300 were from America, Italy, Poland, England, Switzerland, Denmark, Sweden, Finland, Russia, Holland, Belgium, Hungary, Portugal and France.

RETURN OF AN OUTCAST

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. DINGELL. Mr. Speaker, in the last year or so, leading members of the business and academic communities have expressed deepening concern over the direction in which the American economy will progress during the decade of the 1970's.

With greater and greater repetition, critical comments are surfacing as to the benefits of economic competition, and recently several proposals have been introduced in this body to examine and evaluate the effectiveness of our Federal antitrust enforcement. This country has been built upon the economic concept of free enterprise and vigorous competition. It is surprising to find suddenly that the basis upon which this country's greatness was built is now being challenged.

The March 22 issue of the Wall Street Journal carried a thought-provoking editorial entitled "Return of an Outcast." This editorial, Mr. Speaker, dramatically warns of the dangers inherent in a move away from competition toward an economy based on accommodation and cooperation. The insight that I have gained over the last 7 years, while having the honor of serving on the House Small Business Committee under the capable and able leadership of Chairman Joe L. Evins, Democrat, of Tennessee., has firmly instilled in me the dangers inherent to the small business community of this country whenever competition is removed from the marketplace. Economic history has shown that removal of competition is the catalyst which brings upon concentration whether by governmental action or industry agreement.

Mr. Speaker, I include the entire article in the Record at this point:

RETURN OF AN OUTCAST

Old ideas, long thought to be dead and discredited, have a way of returning, in a fresh suit of clothes, trying to look respectable.

Take the idea of cartels, where a benign government permits competition-limiting agreements among commercial firms. We thought that one had been killed off long ago by countless demonstrations of market competition's superior power to create economic wealth.

But in the last several days we have heard an airline chairman, Eastern's Floyd D. Hall, and a chemical company president, Douglas Grymes of Koppers, sounding a lot like advocates of movement towards cartelization in American industry. Mr. Hall argues that greater freedom for inter-airline discussions could "minimize the wasteful byproducts of excessive competition." Mr. Grymes, in a speech before a steel industry group in Pittsburgh, called for "both business and government to face up to the existence of a planned economy—to stop pretending that we exist in a truly free enterprise system—and to begin performing as 'partners' trying to reach the same goals."

Well, businessmen undoubtedly get tired of the rigors of competition. And the interaction of government, business and labor as adversaries creates an atmosphere of contentiousness and struggle. There certainly is no harm in intelligent executives' occasionally stepping back from the arena to ask if there might not be a better way. But from our vantage point, any argument that important problems can be solved by reducing competition will not make much of an impression. We've heard it all before.

Mr. Grymes insisted that since business is heavily regulated and taxed by government, "free enterprise" died ages ago, and that the present system isn't working. "Our economy is neither free nor enterprising," he declared.

Of course, the term "free enterprise" is always a good target because it is not very descriptive; freedom is relative, not absolute. Business enterprise probably has never been totally free, here or anywhere else. Our modern economic system is based on private, competitive enterprise—subject to government regulation. Yet to argue that it isn't working comes as a shock to some of us who thought we were participating in an economy generating a trillion dollars worth of goods and services a year.

What Mr. Grymes is really concerned about—and it is a legitimate and useful concern—is the possibility that some other national economies are working better than ours. He cites Germany and Japan. He is concerned lest the products of these allegedly more effective economies "clobber" those of the United States in international markets. He suggests that they can do this because the relationship between business and government is so close that business is allowed to form exporting cartels.

We don't accept the assumption that Germany is highly tolerant of cartels, although it does permit limited forms. Former Chancellor Ludwig Erhard, usually credited as the architect of Germany's postwar economic "miracle," was a strong believer in competition and helped smash postwar efforts by some German industrialists to re-establish prewar-type cartels.

There probably is more cooperation between government and industry in Japan than in the United States. Still, anyone who would recommend that the United States try to emulate Japan grossly underestimates the complexities of Japan's cultural and political traditions. American consumers would not so willingly sacrifice their own interests to national foreign trade goals, for one thing. And even in Japan, government stimulation of competition in important industries has figured heavily in the rapid postwar economic growth.

Business-government cooperation has been close in other places; France and Spain are examples. The economic success of those two countries, however, has hardly been startling.

It should be further noted that the United States is not without its own version of business-government alliances. The U.S. government promotes exports, operates barriers against certain foreign imports, grants subsidies to some industries, and very often, through regulatory agencies, actually discourages rather than encourages competition.

No one would argue that the United States economy has no problems. But to argue that those problems would be diminished by weakening the antitrust laws, permitting or encouraging a reduction in competition or fostering a cozier relationship between business and government is to grossly misinterpret past lessons. What the economy needs, in fact, is a relentless effort to counter the constant tendency for producers to try to limit competition, whether those producers be bricklayers, doctors or giant industry. This is the role of government and it cannot perform that role through alliances.

We're afraid this is not an academic argument. Not long ago, the U.S. government looked the other way while most of its major oil companies joined in an international cartel in Tehran that set terms for buying Persian Gulf crude oil. We also read that Congress is being asked to pass a law that would legalize a pipeline acquisition made by El Paso Natural Gas Co. in 1959, which courts have declared illegal under antitrust laws. And the Civil Aeronautics Board is proving receptive to airline requests for greater freedom to collaborate.

As we say, old ideas have a way of creeping back after they have been discredited. One of the most persistent is the idea that we can have a vigorous and fruitful market economy and at the same time spare ourselves the rigors of competition. The simple answer is that we can't.

A DISTINGUISHED PUBLIC SERVANT—NICHOLAS OGANOVIC RETIRES AS EXECUTIVE DIRECTOR OF THE U.S. CIVIL SERVICE COMMISSION

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. EVINS of Tennessee. Mr. Speaker, one of the outstanding career executives in the U.S. Government—Nicholas Oganovic, executive director of the Civil Service Commission—has announced plans for his retirement, June 1.

Mr. Oganovic is one of the most able, competent, and effective career executives in the Federal Government today. As Executive Director of the Civil Service Commission, he has contributed greatly to the growth and progress of the Federal career system.

As Mr. Oganovic takes his leave of absence from a long and distinguished career of public service his friends wish for him the very best of good luck and success and happiness as he enjoys a richly deserved retirement.

TEXTILE INDUSTRY

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. CAREY of New York. Mr. Speaker, Mr. Louis Stulberg, president and general secretary of the International Ladies' Garment Workers Union, is an admirable and respected American whose friendship I have long valued. He is among those historical labor leaders who have worked their way up in the ranks in a gruelling, demanding, trade—from a fabric cutter to a leader of one of the finest labor organizations in the world. From this part of the House of Labor, I have seen Lou Stulberg educate children of families with modest means and produce some of our finest professional people in the fields of medicine, law, and education. Mr. Stulberg, however, has never forgotten that at the heart of the American system, there must be a dignified employment situation that can only be achieved through collective bargaining and a private enterprise system comparative in all respects with any in the world. The article I wish to now submit for the record points out, however, that this system of ours is under serious stress as a result of successive imports. I think it is worth the attention of all of our Members who are concerned with our problems of trade and tariffs. I, therefore, ask that it be printed in the RECORD at this point.

THE WORKERS' IRE

I.L.G.W.U. IS ANGRY ABOUT APPAREL IMPORTS

(By Isadore Barmash)

There is a pickup in sales and manufacturing on Seventh Avenue—"almost imperceptible in nature and too soon for the figures to show it"—but the industry recession is hardly over. Women are still generally afraid to buy, preferring to save their money. But manufacturers are so anxious to please the customer that they are trying every sort of styling in their lines. One result is "terrific diversification, short production runs and slightly lower work-weeks."

This might be said to be a capsule review of the women's garment industry by a man who ought to know. He is Louis Stulberg, president and general secretary of the International Ladies' Garment Workers Union, the 450,000-member union representing plants in the United States, Puerto Rico and Canada.

Not as flamboyant as his predecessor, David Dubinsky, but as vehement in his own way against what he considers inequities, Mr. Stulberg pinned much of the continuing industry recession to the national economy. But, in an interview late last week, he expressed bitterness and determination to act against the "growing inroads" created by apparel imports.

Action on imports—"the industry's first and foremost problem"—and on the continuing recession and inflation will take these forms:

The I.L.G.W.U.'s general convention, due to be held in Miami May 6–14, will be asked to approve a union-wide, consumer educational program, involving widespread picketing of stores that sell apparel imports. "We will allot as much money as it needs to inform the public of the personal and economic effects of imports," he said. This campaign will begin in the fall.

The union is looking into the advisabilty of asking the industry for a cost-of-living increase to cover the constant encroachment of inflation on salary increases won in contracts. Mr. Stulberg said, "In a couple of weeks, we'll know for sure."

Retailers arouse Mr. Stulberg's particular ire because, "There is little way in which we can stop them from selling imports. If it were only producers who were going abroad to manufacture or join in manufacturing abroad, we could control them. But retailers? That's why we are going to picket as many of them as we can."

The I.L.G.W.U. has at this point organized about 55 per cent of the 800,000 workers in the United States and Puerto Rico in the women's and children's apparel industry. In Canada, the union has organized about 28 to 30 per cent of the workers, or about 23,500 employees.

Total unionized employment is currently down between 2 per cent and 3 per cent, a decline that Mr. Stulberg considers "not significant." But the decrease in hours worked, from 34½ to 33½ hours per week, while seemingly small, does worry him. "You can," he said, "attribute it to the import problem."

Mr. Stulberg rose from his wide desk on the fourth floor of the union's headquarters on Upper Broadway, a desk once used by the late Edsel Ford when the building was owned by the Ford Motor Company, and paced the floor. "Years ago, we fought the sweatshop and now they have established it all over the world. I have no quarrel," he said, "with the native industries that produce for their country's consumption, but when they export in large numbers 'what' happens to our own workers? Where are the people in this country who used to make cameras and toys?" he asked.

The domestic sweater industry is being hurt by the flood of imports, he went on, and the brassiere industry "is being ruined."

A peculiar social problem being created by the adverse effects of imports, he said, is the flow of workers into metropolitan areas after "one-shop" towns lose their apparel industries. "Such workers, strangely enough, refuse to die," Mr. Stulberg said, "so what do they do? They come up to the big city, looking for work that isn't there, and many wind up on the welfare rolls. So who is paying for the so-called privilege of being able to buy imports? The same consumer who is paying for the cost of welfare."

On other subjects, Mr. Stulberg replied more calmly, such as:

The recent announcement by Genesco, Inc., that it would employ a laser-beam, computerized cutting device on apparel is "still an unproven development. How many workers will it displace and how much money will it save the manufacturer? I don't know the claims; I just don't think the answers are available as yet." The union has never opposed any technological developments, he stressed, "but we would also like to be the beneficiaries of such developments."

Conglomerates that come in from outside

the industry and acquire old-established apparel companies are "worrisome." The union head is especially concerned when such outsiders impose their own management and policies on their new subsidiaries because, he asserted, "usually this results in a negative effect on the acquired company's fortunes."

Is he concerned by the number of small- and medium-sized companies that have liquidated since early 1970 because of the downturn in the economy and the skirt-length confusion? Mr. Stulberg said he wasn't particularly worried by it inasmuch as "some people go out of business because of the surrounding circumstances, but as many give up because there is no one else for them to turn the business over to." But often when a son does take over, he proves to be just as well-endowed for business as his father, he said.

Back at his desk, interrupting himself with some anecdotes of his many years as a clothing cutter and then as a union officer, the lean, calm-eyed, labor official summed up some of his own conclusions:

"I don't know of anything in the wind that will eliminate the industry tradition of having a worker work on one garment, one piece, at a time. . . . If people will pay attention to their businesses, and especially if they will be lucky enough to get their talented sons involved, it will be good for all of us. . . . The fact that is hard to ignore about imports from low-wage countries is that our union's fringe benefits are still higher than the hourly wages that those foreign workers earn."

AUTOMOBILE ABUSE AT GEORGE WASHINGTON UNIVERSITY

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. VAN DEERLIN. Mr. Speaker, the powers-that-be at George Washington University, evidently unmoved by concern for the environment, are proceeding with plans to build three elegant new garages that eventually will draw an additional 3,000 cars into downtown Washington.

The automobile, of course, is at the root of our pollution problems. Emissions from the more than 105 million motor vehicles now on the road account for at least 90 percent of our smog—and upward of 90 percent in some metropolitan areas.

When autos die—and many of them have notoriously short life spans—they fill unsightly junk yards. The automobile, with its insatiable fuel appetites, can even be blamed, albeit indirectly, for tragedies such as the Santa Barbara Channel oil leak.

Granted, many people have to drive, in part because public transportation is so sorely deficient in many areas. But I question whether such a vast number of the healthy young students at George Washington University need be as dependent on their wheels as university officials seem to think.

Such excessive and selfish use of the automobile is hardly compatible with the youthful idealism we hear so much about. Could these be the same students who lobbied so vigorously against the alleged environmental hazards of the SST? And unlike other parts of town, the GWU area does enjoy excellent bus service.

Unfortunately, a federally supported agency, the National Capital Planning Commission, has consented to the woefully short-sighted garage project. Perhaps the NCPC should be asked to explain itself.

The "car first" philosophy of the GWU administrators was revealed in a column published Saturday in the Washington Star. Star staff writer Christopher Wright points out that the cars already on hand around the campus have forced a pediatrics professor to build an airlock in order to get a pollution-free room for his young patients.

Mr. Wright's column follows:

THE NEW COLLEGE ECONOMICS: CARS FIRST, STUDENTS LATER

(By Christopher Wright)

George Washington University, unimpressed by popular outcry and technical evidence, has decided that now is the time to embrace the automobile. University officials, fearing fewer students will crowd its classrooms if fewer cars jam its streets, are planning to build a series of new garages to house the wheels of students and faculty.

True, there was a time when college students begged on bended knee for permission to park a car on campus. But times have changed. Nowadays, if they can't bring the Belchfire 90 to class, they go someplace else.

"There are numbers of students who just would not come to the university if there weren't parking available," says Charles Diehl, vice president for development at George Washington.

Sadly, it seems, GW's courses aren't worth a bus ride.

And so, to encourage its students, the university is planning to build the fourth biggest auto garage in the District.

The $4.5 million, seven-story edifice—surpassed only by the catacombs under such monsters as the Rayburn Building—will store 1,020 cars. On the school's master plan it is called "First Parking Garage" because there are two more to come, eventually increasing the capacity to 3,000.

Many people would ask, "What's wrong with that? It gets the cars off the street, doesn't it?" So it does. Only problem is, it's five years behind the times. And even the highway engineers are against it.

"Here we are, going around trying to convince people to get into car pools, to ride mass transit, to leave their cars at home," grumbled one District engineer, "and now these guys are out there building garages: That's going to draw cars into the area like a magnet."

Meanwhile, GW's own law students have helped form GASP, a group devoted to stemming the tide of air-polluting automobiles in the city, and its own hospital is busily trying to measure just how dangerous the automobile is to the city dwellers in this respect.

Have the university fathers ever met in a classroom where the windows have to be kept closed to ward off the smell of auto exhaust and the roar of faulty mufflers? Have they ever noticed the creeping traffic, the double-parked delivery trucks, the already jammed intersections?

One might have thought that this was the time for some courageous administrator to say STOP! No more automobiles on this campus. No more superpolluters outside the classrooms. Let them ride buses; let them ride bicycles; let them walk!

Unfortunately, GW needs black ink more than clean air, to balance its ledgers.

Students mean solvency.

With only a tiny fraction of its expenses coming from endowment funds, the university is totally dependent upon student tuition. Like suburban shopping center magnates, university officials see more parking places as more cash in the bank.

Although the university doesn't "encourage" parking, it charges its 7,193 part-time and 7,895 full-time students about $2.50 a week to park in the existing 2,000-car open lots.

Ironically, GW can be reached by some of the best bus service in the District and someday it will have its own subway stop. The trouble is, few college students these days want to ride the bus. How they will feel about the subway is a question still years away.

Of course, the city could step in.

Students in most Eastern university cities know how the local potentates felt about their automobiles—it was no use crying to the dean when your car was dragged away by some black-jacketed tow truck driver while you were in economics class.

But the District's wrath is strangely muted—possibly because GW boasts of being the biggest employer of the city outside of the federal government.

When the garage plans reached the National Capital Planning Commission last month, opponents drew a picture of a campus choked by exhaust fumes, strangling in its own traffic. Even the commission staff reminded the panel of plans to curb traffic in the area.

But the call to stop the automobile was too jarring for the planners' ears. Instead of arguing whether the garage should be built, NCPC members debated how it would be built.

"What are the walls going to be? Just concrete?" asked the committee chairman. "Is that coping along the top going to slope forward?" asked a colleague.

And so, GW will get its garage.

It is hoped that at least it will contain a place for Dr. Frederic Gerard Burke, the university pediatrics professor who found he had to build an air lock to get a pollution-free room for children suffering from such common illnesses as hay fever, eczema and asthma.

ALTERNATIVE TO ABORTION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. HOGAN. Mr. Speaker, as an alternative to abortion, a new organization has appeared on the scene. Aptly named "Birthright", the group offers a telephone counseling service to those in search of help and information.

The Evening Star on March 3, 1971, carried an article by Ruth Dean on "Birthright". Because of the hope this group offers to pregnant girls and women, I call this article to the attention of my colleagues.

[From the Washington Evening Star, Mar. 3, 1971]

ALTERNATIVE TO ABORTION

(By Ruth Dean)

Birthright is a new volunteer group in the Washington area offering an abortion alternative to women with unwanted pregnancies via its telephone "hot line."

Already in the month it has been an operation, Birthright has received 200 phone calls, both for help and for information, on its special number, 526–3333, Mrs. Robert

L. Connelly, its Washington founder, said last night.

Of these, 70 were pregnant women whom volunteers were able to refer to agencies that could help them, and "all but two, who were angry with us," sought information or offered financial help to the organization.

"Birthright itself is not a legal lobby, not a group of women fighting, carrying banners, yelling against abortion, although it is obvious we are against abortion and feel it is a basic evil," Mrs. Connelly told new volunteers at a training session in the Blessed Sacrament School auditorium, loaned to them for the meeting.

The group included Catholic and Protestant women, housewives, military nurses, retirees and college students. All were there to learn how to handle the knotty questions they will be asked during the one hour a month they've volunteered to man the phones.

BORROW TECHNIQUES

Many of the techniques used in the successful phone suicide-prevention services around the county are used, Mrs. Connelly explained.

"Ask yourself, how are you really listening to the woman or the girl on the other end of the phone," Mrs. Connelly told the volunteers. "She's really concerned about herself, not the baby at this point. Are you able to put yourself in her shoes and have empathy with her?"

Mrs. Connelly warned the women "you are not social workers or psychiatrists, and don't try to be. Refer them to those who are when they ask. The important thing is to keep them talking, find out the problem, then refer them to the agencies that can give them the professional help they need."

Mrs. Connelly and her husband (a supervisor at Chesapeake and Potomac Telephone Co.), Mrs. Thelma Mullin, a former psychiatric case worker, and the Rev. Donald Duggan, director of the Family Life Bureau of the Archdiocese of Washington, founded the group, patterned after one founded in Canada two years ago.

Mrs. Mullin explained there was a need "to give women with unwanted pregnancies a balanced view of abortion so they could make an intelligent decision. Up until November, when we began our organizing meetings," she said, "there had been no central counseling service other than how to obtain an abortion here in the District or in New York City."

WHY THEY JOINED

Most of the women at last night's meeting were new volunteers. They came, they said, in response to publicity in county newspapers and radio spots or contact through a friend.

Mrs. Benjamin Carroll, choir director at the Emory Methodist Church, said she joined "because I have two daughters in Women's Lib who are very proabortion. We've had some hot family discussions on the subject," she admitted.

"I'm antiabortion, with reservations, naturally," she said. "I am for medical abortion when it's obvious the child will be born a monster, or if a woman is raped. But I believe in the sanctity of life. And if you're 45 and faced with an unwanted pregnancy, let's face it—you've known about birth control all the time, and if you didn't have enough sense to use it, then tough beans; you better take the pregnancy."

Mrs. Lewis E. Berry Jr., member of the McLean Baptist Church, wife of a lawyer and mother of nine children, said she volunteered to help Birthright because "I'd been quite disturbed the last year about the lowering of our national values, and I didn't know what to do about it by myself.

"I consider abortion infanticide; there is no other name for it. I don't think the ovens at Buchenwald and Auschwitz burned so brightly as they're burning now in these hospitals in the District and New York."

Mrs. Berry said that as a pre-med student at the University of Houston she'd seen films showing the aftermath of abortion, such as were shown last night by Dr. Edward J. Connor, chairman of the department of obstetrics at Cafritz Memorial Hospital.

ANGRY

She said her reaction was anger "that the rights of the child, and yes, of the father whether married or unmarried, are being deprived. Really, I get incensed over the fact people gilbly go about saying abortion is so easy, abortion is nothing," she said.

Lt. Comdr. Elizabeth McCormick, a retired Navy medical service corps officer, who headed the blood bank at Bethesda Naval Hospital several years, said the hearings on legislation to repeal the Maryland abortion law prompted her to join Birthright.

"It seems to me that in a country where we make much objection to Vietnam war deaths which are now approaching 45,000," she said, "it is ironic we let go by the loss in life of thousands (through abortion) in our own states.

In her hospital work, Comdr. McCormick said she'd assisted with transfusions to those who'd had abortions and those who had died from abortions due to blood poisoning "from improper methods being used." She added she didn't think it "right that my funds are used to destroy life when I've worked 30 years as a technician in keeping life."

COED HELPS

The Annapolis hearings on Maryland's abortion law last May also moved 19-year-old Kathy Goldbeck, a University of Maryland sophomore, to join last night's group.

Kathy learned about it through her mother whom she said "works for a Catholic organization called CANA." She said she wanted to assist with the Birthright calls "because I feel abortion is really killing a person, and to me life is very important."

Mrs. Connelly emphasized to the volunteers that their telephone role will involve "no religious or moral brain washing, no judgment of these girls influenced by your own religious feelings. It has very little to do with it," she emphasized.

"The actual fact of abortion is a very human problem, which as far as Birthright is concerned is the right for every baby to be born, if at all possible."

JIM WIEGHART OF NEW YORK DAILY NEWS REPORTS ON INDOCHINA WAR—II

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. REUSS. Mr. Speaker, I today commend to the attention of my colleagues the last of a series of articles on the Indochina war by Jim Wieghart, military affairs reporter for the New York Daily News, who has well conveyed the paradoxes and tragedies of U.S. involvement:

[From the New York Daily News, Feb. 25, 1971]

SOUTH VIETNAM—SCARRED, STOICAL, BEAUTIFUL

(By James Wieghart)

SAIGON, February 24.—No nation can be at war for 25 years without bearing the indelible imprints of prolonged conflict on its land, its institutions and the faces of its people. South Vietnam is no exception.

But what first strikes the visitor forcibly is that despite the long, bitter battle—first for freedom from French colonial rule after World War II, then the continuing struggle with the North Vietnamese, South Vietnam remains an incredibly beautiful country.

From Saigon down, the southern third of the country is flat, marshy lowlands dominated by the Mekong River system. The Mekong Delta area, similar to the Louisiana coastal region, is one of the richest rice-growing areas in the world and normally provides more than enough to feed the 60% of the nation's people who live there.

LIKE FLAWS ON A CANVAS

To the north, along the coast, white sandy beaches, set off by sharply rising plus green hills, provide a natural resortlike setting that in more peaceful times could rival Hawaii as a tourist attraction.

To the north and west, over the steep rising Annamite Mountain chain covered by dense tropical rain forest, are a series of plateaus along the Cambodian and Laotian borders that resemble in appearance and beauty the area around Denver, Colo.

But even from the air the signs of war—gaping bomb craters, black, burned-over vegetation, ruins of buildings—dot the landscape like flaws on an impressionistic canvas.

The scars are least noticeable in the mountains where the dense jungle growth, spurred by steaming tropic heat and six-month-long monsoon rains, quickly obliterates the works of man.

Some of the war's devastation has also been erased along the fertile coastal plain and in the rich Mekong Delta by the intensive agricultural practices by stoical South Vietnamese peasant farmers. They appear to view the war mainly as an unwanted interruption of their labors and any outcome, so long as it is quick, would apparently be satisfactory to them.

DESTRUCTION, CONSTRUCTION

The destruction looks worst around the imperial city of Hue, overrun and held by the Communists for almost a month during the 1968 Tet offensive, and in the northwestern border area around Khe Sanh, not far from Laos.

Once a prosperous tea-producing area, the region around Khe Sanh is a wasteland. Heavy allied bombings and constant Communist artillery bombardment during the 77-day siege of the Marine garrison there in the summer of 1968 destroyed virtually every building, denuded the terrain and drove the inhabitants into already swelling refugee camps.

Even more impressive than the destruction wrought by the war, however, is the massive construction it generated, particularly during the six years of heavy U.S. involvement. Among the hundreds of military construction projects scattered across the countryside are:

Scores of heavily sandbagged fire bases, perched on bulldozed mountain tops or alongside strategic roads or waterways. The fire bases complete, with underground concrete-and-steel-reinforced command bunkers, are armed with long-range artillery and usually have helicopter landing pads.

Complete military communities housing thousands of men, like Camp Eagle near Hue, headquarters for the U.S. 101st Airborne Division, or Camp Baldy, south of Da Nang, headquarters for the 5th Marine Regiment.

Dozens of military airfields, ranging from small landing strips for helicopters and light observation planes to full-fledged airports capable of handling huge four-motor cargo planes.

Hundreds of miles of roads and countless bridges built by U.S. military construction battalions equipped with trucks, road graders, dirt movers, bulldozers and cranes.

Extensive seaport and docking facilities at coastal cities like Da Nang, Cam Ranh Bay and Saigon, to handle the millions of tons of food, ammunition and other supplies funneled into South Vietnam from the United States over the last six years.

Elaborate, fully stocked supply depots with fuel tanks, acres of motor vehicles, ammunition dumps, equipment repair shops and warehouses crammed with food, clothing and medical supplies.

ECONOMY GEARED TO WAR

But military fortifications don't end at hamlet, village or city limits in a guerrilla war like South Vietnam's. Since the entire nation is the battlefield, the whole country has become, of necessity, an armed camp and the war is institutionalized—a fact of daily life for every citizen.

In every hamlet, village and city in the country, barbed wire, machine-gun emplacements, sandbagged bunkers and guard outposts ring government buildings, police stations and the homes of important local and national officials.

In fact, so pervasive are such accouterments in the civilian sector that they now attract no more notice from residents than a tree or a post or a garbage can. The same is true for the daily sight of large numbers of armed men walking down busy city streets—only visitors take notice.

Such relative invisibility is no mean feat when one considers that in a nation the size of Florida there are now a million South Vietnamese servicemen and a million more armed civilian defense forces—about 12% of the nation's total 17.9 million population—plus about 325,000 American military personnel roaming about.

As could be expected of a nation in a prolonged war with no end yet in sight, the conduct of the war and the war's aftermath has become the chief pro-occupation of the central government; it also dominates an economy, which is geared to war and dependent on its continuation, and it is the single, most important fact of life for every South Vietnamese citizen.

The corrosive effect of the war on society's fabric is everywhere visible in South Vietnam, particularly in the large cities of Saigon, Da Nang and Hue.

The streets there are alive with the casualties of war—armless and legless veterans, napalm-burned men, women and children. The halt, the lame and the blind—women and children, some with noses, ears or jaws blown away—creep or crawl or simply lie on crowded downtown sidewalks begging for just enough money to stay alive another day.

INACCURATE ON LOW SIDE

The official 1970 caseload figures of the South Vietnamese ministry of Social Walfare and Assistance lists 51,000 disabled veterans, 156,000 disabled citizens, 258,000 war orphans and 131,000 war widows, but officials agree the actual figures are many times higher.

The ministry, short of manpower and funds, has a long waiting list for assistance and many thousands of victims, not even aware of the program, have simply fled to the cities in hopes of somehow finding the means to sustain life.

Similarly, government statistics on refugees—victims whose homes and villages have been destroyed by allied bombs or Communist shellings or a combination of the two—have proved to be consistently inaccurate on the low side.

No one really knows how many people have been displaced by the war, but it is generally agreed that the figure may be as high as four million, almost 25% of the population. The government reported last year resettling 735,000 refugees in their former homes and began 1971 with an estimated 250,000 backlog.

But the government's count does not include the emormous flow of refugees from rural to urban areas over the past few years. As a result of that flow, the populations of the major cities have doubled, tripled and even quadrupled over the last decade while the nation's population increased by about 10%.

For instance, Saigon's population, estimated at 400,000 in 1962, is approaching the three million mark. During the same period, Da Nang's population soared from 120,000 to 415,000, while Hue grew from 104,000 to 170,000.

Having been victimized by the war, many of these people are now dependent on the war's economic dislocations to save them. Many who are able find work, primarily in the wide variety of service industries that inevitably spring up around military bases—laundries, restaurants, taverns, shops, taxi companies and shoeshine parlors. Others are directly employed by the military for mess service, cleanup work, maintenance and minor clerical duties.

But an alarming number, especially the young, have turned to vice and crime for their livelihood. Day or night, the downtown streets of the major cities are lined with youthful pickpockets, purse snatchers, black marketeers, dope peddlers, panderers, prostitutes, illegal money changers and con artists. The police, seemingly overwhelmed by the problem, appear more interested in getting their cut than in stopping the illegal traffic.

Graft and official corruption, long a problem in South Vietnam and every other Far Eastern country except Japan, has been intensified by the enormous pressure of inflation, which has made it virtually impossible for low-paid government employes to live on their salaries.

PRICE INDEX UP 700 PERCENT

Last year alone, the cost of living went up 29.8% here and this was on the heels of an even greater 32.1% jump in 1969. Between 1965 and 1970, the retail price index in Saigon rose an unbelievable 700.

Although the economic pressure on civil servants was eased somewhat by a recent 17% general wage increase and by stepped-up government efforts to slow inflation, government workers and servicemen continue the kind of hand-to-mouth existence that breeds corruption.

The difficulties of the South Vietnamese economy are easily traceable to the war and to the massive infusion of American dollars into a small, relatively underdeveloped nation.

During the high point of the U.S. buildup in 1968, the United States was spending about $2.5 billion a month to support the war, more than half the nation's gross national product for the year. Although the Nixon administration does not separate out Vietnam war costs in its budget, informed estimates set this year's cost at about $15 billion or about four times greater than South Vietnam's GNP.

Over-all, American officials have estimated that the United States has spent more than $100 billion on the war and has pumped another $4.2 billion in economic assistance into South Vietnam. American nonmilitary aid to the Saigon government continues to run at a rate of about $700 million a year.

When viewed in the context of the current U.S. withdrawal program, under which President Nixon hopes to have all U.S. personnel out by the end of 1972, South Vietnam's already difficult economic problems will become clearly unmanageable.

AID MUST GO ON AND ON

American officials agree privately that the United States will have to continue massive economic aid to South Vietnam for years after the last U.S. troops are gone.

Obviously, there can be no meaningful solution to the tremendous physical, social and economic problems confronting South Vietnam until peace is restored.

No nation with limited resources and a population of 17.9 million can support two million men under arms in a widespread modern war without eventually collapsing under the strain. The same, of course, can be said for the Hanoi government, whose own war effort is increasingly reliant on outside help from Red China, the Soviet Union and other Communist countries.

But still, the war has gone on for 25 years and it seems to have developed a curious momentum of its own that defies ordinary logic. Perhaps it can only be ground to a halt when the outside forces helping to sustain it are finally gone.

[From the New York Daily News,
Feb. 26, 1971]

BRASS DIDN'T THINK REDS WOULD STAND IN LAOS

(By James Wieghart)

SAIGON, February 25.—Although they considered it a possibility, few of Gen. Creighton W. Abrams' top planners actually believed the North Vietnamese would "stand and fight" a bloody battle of attrition to defend the Ho Chi Minh Trail against South Vietnamese raiders in Laos.

Yet, 17 days after the border crossing, the spearhead of 16,000 crack South Vietnamese troops has been stopped in its tracks 15 miles inside Laos, far short of the original goal of severing the vital supply link through which North Vietnamese infiltrate arms and men into Cambodia and South Vietnam.

Despite assurance by Defense Secretary Melvin R. Laird in Washington that the operation is prceeding on schedule, it is *not*, according to advance briefings given to reporters in Saigon early this month.

Likewise, the Nixon administration claims that the incursion has seriously disrupted the flow of supplies down the trail are at variance with the contention of Air Force sources that electronic monitoring devices along the trail indicate that stepped-up movements on the western branches have partly compensated for the incursion on the eastern side.

BUT THE BUILDUP IS HURT

This is not to say that the Laotian operation, dubbed Lamson 719, has been a failure. There has been a disruption on part of North Vietnam's only supply network to the south.

This means that the dry season buildup planned by the North Vietnamese will fall below expectations, perhaps enough so to cause them to scale down, if not postpone, a summer offense.

But in light of the stiff Communist resistance, it is surprising that the conventional military wisdom among Abrams' advisers before the operation began was that the bulk of the 60,000 North Vietnamese defending the trail would "melt" into the rugged, jungle-covered mountains, leaving behind only small units to fight a rear guard action.

Abrams was less sanguine about the prospects of a bloodless victory. Too old a Vietnam hand to be confident of any prediction on how the wily Communists would react, the 56-year-old veteran tank commander was supremely confident before the action that the allies would inflict a defeat on the enemy no matter how he reacted.

In a far ranging, hourlong interview on the eve of the border crossing, Abrams praised the South Vietnamese forces. He made it plain that he believed the South Vietnamese, backed by overwhelming U.S. air power, could handle anything the Communists might throw at them in Laos.

Abrams attributed the improvement in the South Vietnamese army to their successful Cambodian invasion last May, saying:

"The generals I deal with now are not the same people I was dealing with a year ago.

Their men are better equipped and better trained. It is a formidable military force—a fine military organization, tactically and logistically. The South Vietnamese have grown in maturity and have gained the confidence that they can, in fact, handle their problems."

Still, despite Abrams' caution, there was strong circumstantial evidence to support the viewpoint that the North Vietnamese would sidestep a full-scale battle in Laos. For almost two years, they have generally avoided major actions in an apparent return to a protracted war posture of small-unit hit-and-run guerrilla warfare.

This posture was encouraged by the phased withdrawal of American troops, under which more than 200,000 U.S. servicemen have been pulled out of Vietnam since President Nixon announced the Vietnamization program in mid-1969.

Even May's daring U.S.-South Vietnamese invasion of the Cambodian sanctuary areas at the foot of the Ho Chi Minh Trail did not prod the North Vietnamese into a major fight.

Therefore, most senior American military officials concluded that the North Vietnamese were seeking to build up their forces, strengthening their supply and infiltration routes through Laos, preferring to wait until the bulk of U.S. combat troops are withdrawn before launching any major attack.

HEAVY TOLL OF COPTERS

It was precisely this conviction that prompted Abrams last month to seek White House approval for the invasion by 20,000 Vietnamese troops, backed by 9,000 American troops used to support the vital Highway 9 supply route from Quang Tri through Khe Sanh and up to the Laotian border.

As the complex operation swung into motion three weeks ago, the first stages went as smoothly as a textbook military exercise unfettered by any enemy resistance, making the initial optimism seem justified.

But the enemy reaction since then has been intense and costly to the allies. Unexpectedly heavy and accurate antiaircraft fire has taken a heavy toll of U.S. helicopters—some estimates run as high as 60—and have seriously limited their ability to support and resupply men on the ground.

At the same time, the Communists have unleashed withering ground fire against forward elements and have launched several major ground attacks.

Clearly the enemy's willingness to "stand and fight" and his ability to do so have been underestimated by U.S. planners. It also seems likely that the effectiveness of American air power in rugged mountain areas, largely obscured by triple canopy jungle, has been overestimated by the Allied command.

It is also possible, though the evidence on this is not yet in, that the South Vietnamese—while admittedly improved—are still no match for the North Vietnamese regulars when not accompanied by U.S. advisers.

Abrams hotly disputes this contention, adding that, in his opinion, many of the South Vietnamese units are the equal of any American force, however elite.

BELIEVES IT WAS VITAL

Abrams also denied that the operation was running behind schedule. He insisted that the intention never was to "cut or block" the Ho Chi Minh Trail permanently and said it should not be measured in terms of such an objective.

But whatever the outcome of Lamson 719, whether it meets the objectives originally assigned it or the scaled-down version now ascribed to it by Laird and Abrams, a bigger question sure to be a matter of controversy in the future is whether the operation was justified at all.

Abrams believes the Laos incursion was absolutely vital before further American withdrawals can be made after U.S. troop strength dips to the 284,000 level May 1. The U.S. commander said the enemy supply buildup in the Laos panhandle indicated that the Communists planned an offensive this summer in the northern provinces of South Vietnam that would have made further American withdrawals from that area hazardous.

He said that the Cambodian incursion last year not only thwarted a planned Communist offensive in southern South Vietnam but so weakened the Communist forces cut off in the Mekong Delta area that enemy activity there was sharply curtailed and the entire region is now considered secure by the Saigon government.

A successful Laotian incursion, he said, could achieve the same beneficial effect for the northern provinces.

Naturally, Abrams' view is shared by most in the upper echelons of the U.S. military and diplomatic establishment here, including U.S. Ambassador Ellsworth Bunker.

But there are some high-ranking officers in his command who privately disagree. One ranking diplomatic official said that he felt the South Vietnamese had effectively met the challenge in their own country and should now devote their energies to consolidating their gains by attacking the social and economic problems at home.

An Army colonel with wide experience as an adviser to South Vietnamese troops agreed with Abrams' assessment that they have improved markedly, but strongly disagreed with his decision to invade Laos.

COLONEL TAKES DIFFERENT VIEW

"They (the South Vietnamese now have a million-man army, well armed and most of them well-trained," the colonel said. "I think they should use this force to increase the security within their own borders and not go chasing off to Laos after the enemy. When they do that, they are giving the Communists the advantage of shorter supply lines and favorable terrain for their kind of fighting."

The colonel also favored a substantial speedup in the withdrawing of U.S. troops, adding that he believed all American ground troops could be safely pulled out of Vietnam by the end of this year. He conceded, however, that the South Vietnamese would need considerable U.S. air support for a much longer time period than that.

While none of them would say so publicly, those American officials critical of the decision to invade Laos pointed out that the logic behind that decision, if carried to its ultimate conclusion, would inevitably lead to a decision to invade North Vietnam sometime in the future.

They agreed that no responsible American official was advocating such a course, but they added that South Vietnamese President Thieu and Vice President Ky have spoken of a possible invasion of North Vietnam recently and that President Nixon pointedly refused to rule out such a possibility in a meeting with reporters last week.

[From the New York Daily News,
Feb. 27, 1971]

SKEPTICS ARE NOW ADVOCATES OF VIET PULLOUT

(By James Wieghart)

SAIGON, February 26.—Perhaps the best measure of the success of President Nixon's Vietnamization program is that fact that American officials here who were most skeptical of the phased U.S. withdrawal when it was unveiled in mid-1969 are now its strongest supporters.

The original skepticism was based on the fear that pulling U.S. troops out at the rate of 15,000 per month would leave dangerous defensive gaps because the South Vietnamese would never be able to train and equip men fast enough to replace the GIs.

But the program has worked—the skeptics have become advocates—and even such cautious men as U.S. Ambassador Ellsworth Bunker and **Gen. Grieghton W. Abrams** are now saying privately that the U.S. troop withdrawal rate can be safely speeded up.

The main reason for the turnabout in official opinion is the dramatic change in the military situation in South Vietnam brought about by a serious weakening of the Communist forces and a starling improvement in South Vietnamese army (ARVN), particularly since last May's successful Cambodian invasion.

LARGEST IN SOUTHEAST ASIA

Indeed, a visitor cannot help but be impressed at the size of the ARVN force—1 million men under arms, well equipped and fairly well trained, backed up by another 1 million civilian-soldiers being armed and trained to defend their own hamlets and villages.

In addition, the South Vietnamese air force and navy, both equipped with modern U.S. planes and ships, are the largest in Southeast Asia.

The upsurge in military power and the attrition suffered by Communist forces in the South, have permitted the Saigon government to expand remarkably its control over the countryside. The latest survey by the American pacification team indicates that 95% of the population lives in relatively secure areas, compared with 65% registered in 1968.

Just as every silver lining has its cloud, there are soft spots in the South Vietnamese military posture that concern American advisers.

GRIND, RACE AND SQUEAL

The ARVN have serious maintenance problems. Many of their troops have a cavalier "easy come, easy go" attitude about their expensive American hardware which prompts them to abuse it rather than care for it properly. Riding in an ARVN convoy, for instance, can be an ear-shattering experience—what with grinding gears, racing motors and squealing brakes—and it only slightly less dangerous than going into actual combat.

And although many South Vietnamese are skillful screwdriver mechanics—capable of somehow keeping in operation the enormous number of 20-year-old cars, trucks and taxi cabs seen daily on city streets here—there is a serious shortage of trained technicians needed to keep their new, highly sophisticated war machinery operative.

The South Vietnamese are also short on pilots, management personnel, engineers, electronic specialists and competent senior noncommissioned and field grade officers.

Some critics feel there is a tendency among the South Vietnamese and American government officials here to use these shortcomings as a crutch to prolong U.S. involvement in the war. The critics contend the question is not really whether the South Vietnamese can operate as effectively without American presence, but whether they can operate effectively enough to do the job without American help.

ANTI-AMERICAN FEELING

There are other less positive but perhaps equally persuasive reasons for speeding the U.S. withdrawal. As the South Vietnamese assume more of the burden for the war—they already are carrying on a lion's share of the combat load—and the American presence becomes less vital, the natural frictions between the two cultures become less tolerable to the South Vietnamese.

In short, incipient anti-American feeling is certain to grow as the U.S. winds down its participation in the war. Such sentiment is clearly on the rise and has reached potentially dangerous levels in some areas.

For instance, Americans involved in traffic accidents with a South Vietnamese, regardless of whose fault it is, often find themselves surrounded by crowds of angry, fist-waving Vietnamese. Frequently the crowds refuse to permit the American to proceed, even after the police arrive at the scene, until an American official shows up to make an on-the-spot compensation payment, actually a form of ransom.

Worse yet, there have been numerous anti-American demonstrations, sometimes bordering on riot, in some of the major South Vietnamese cities during the last year.

More than 2,000 student demonstrators hurled rocks and fire bombs at American compounds in the coastal city of Qui Nhon earlier this month to protest the accidental slaying of two Vietnamese citizens by an American soldier. One U.S. building, two buses and five vehicles were burned and 15 other vehicles were damaged by rocks in the ensuing daylong riot.

The city, South Vietnam's fourth largest, has been off limits to U.S. personnel since last December when smaller scale rioting broke out after a high school student was shot and killed by a G.I.

Not surprisingly, anti-American demonstrations in turn anger the GIs, especially those who did not choose to come here in the first place, thus contributing to the so-called "morale problem."

BEHAVIOR PATTERNS

The rash of "morale problem" stories, which have appeared over the last six months usually center on three behavior patterns—disciplinary problems, including fragging and refusal to obey orders; increased drug use by GIs, and racial problems.

Thus far, the U.S. military command concedes that while there are some morale problems, they exist mostly in rear areas away from combat zones and are no more widespread in Vietnam than they have been in any other war.

A Marine colonel at the U.S. Military Command Headquarters who holds this view, said: "Any military unit anywhere has to work hard to keep peak morale. The threat of lagging morale always comes up in a withdrawal situation. It happened after World War II and after the Korean War—everyone wants to be the first on the list to go home."

The colonel said that attitude is now developing here and is complicated by the fact that the Vietnam withdrawal is underway while the war is still going on. No one wants to be the last American killed in Vietnam, he explained.

He discounted the significance of the recent widely publicized cases of enlisted men who attempted to kill superiors they felt were too gung ho. This practice has been called fragging because fragmentation grenades were used in several of the cases. The colonel said such things happened, with probably the same frequency, in previous wars.

He agreed that in two areas—racial friction and excessive drug use—the Vietnam experience differs from the past. "But keep in mind," the colonel added, "that we did not originate these problems in the services, they came to us from society outside and we're doing the best we can to cope with them."

MORALE PROBLEMS PROBED

Although the U.S. command denies a serious morale problem exists among the troops, it was learned that under orders from Abrams, an in-depth study of morale problems was begun here quietly two months ago. The study, still several months from completion, is designed to find the extent of any morale slippage and the underlying causes for it.

My own observation is that the morale is generally high among U.S. combat troops and among those engaged instimulating work, such as serving as advisers to ARVN forces, At the same time, there appears to be a serious morale problem in rear echelon units. This is particularly true where the GIs have little useful or interesting work to do and where they are stationed in areas near big cities which have been placed off limits.

When discussing the American withdrawal rate with reporters on the record, military commanders insist their judgment is based primarily on military criteria. Yet, in private informal discussion these same officials repeatedly refer to the morale problem and the growth of anti-military feeling at home as reasons why "we should get the hell out of here." And again in informal discussions only, American commanders from all services increasingly cite what they consider a growing Soviet military threat to justify a quicker withdrawal from the war. They express concern that unless the United States can spend more of its defense money on new weapons systems "we will fall behind the Russians."

THE RED CHINESE THREAT

Thus far, few in the military establishment here seem to attach much importance to what many Senate doves feel is the most compelling reason for a speedy withdrawal—the danger that the spreading war, already slooped over into Cambodia and Laos, will draw in Communist China and precipitate a nuclear showdown.

There is, in fact, a worrisome lack of concern among U.S. officials that Communist China would intervene in the war, however widespread it becomes. But important diplomats representing countries friendly to the United States do not share this complacency.

One pro-American ambassador said privately that in view of the menacing statements emanating from Peking following the South Vietnamese invasion of Laos, he does not see how the possibility of Chinese intervention can be ruled out.

THE GREEKS—GUARDIANS OF FREEDOM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. RARICK. Mr. Speaker, as the people of Greece mark the 150th anniversary of the beginning of the Greek War of Independence—1821–29—which culminated in their freedom from almost 400 years of Ottoman rule and the winning of their independence from Turkey, it is proper that Americans express their appreciation to the Greek people for their brave struggle for freedom. Throughout the centuries—and especially more recently in 1967 when the freedom loving Greeks subdued an imminent Communist takeover; and restored order by rounding up and jailing the Communist leaders, organizers, and agitators—the Greek people have resisted outside suppression and tyranny. Under the leadership of their diligent and competent Prime Minister George Papadopoulos, the Greek people in 1968 approved at the ballot box by an overwhelming majority a new reform constitution.

The history of Greece has been the story of a constant struggle to keep burning the flame of liberty. The achievements of the Greek people and their contributions to western civilization in art, architecture, science, mathematics, philosophy, drama, and literature have been unsurpassed by any other culture.

Both the U.S. Government and people expressed a warm and sympathetic feeling toward the Greeks during their period of struggle for freedom from the Turks and extended to the Greeks at that time moral and financial help. Today, voices are heard in our Government highly critical of the present Greek Government for its implacable and oppressive opposition to Communist totalitarianism.

Yet, today Greece stands as the greatest bulwark against Communist tyranny in all Europe. Were it not for the present Greek Government the U.S. Sixth Fleet might well have been excluded from the Mediterranean. Our Greek friends, despite the few American antagonists, remain freedom's strongest bastion on the Mediterranean.

Americans have good reason for being grateful to the Greeks for manning the ramparts of freedom in 1971 as they have done throughout the ages.

I insert at this point in my remarks a letter from the chairmen of the Justice for Greece Committee, Greek Proclamation Committee, and Greek Evzones of America; a newsclipping from "Hellenic News," a letter from his Excellency Archbishop Iakovos of the Greek Orthodox Archdiocese of North and South America, a reprint entitled "How Americans Responded to the Greek Revolution of 1821," a paper by Prof. Charilaos Lagoudakis entitled "New York State and the War of Greek Independence 1821–30," and an American opinion article by Thomas J. Haas entitled "George Papadopoulos and the Greeks":

March 17, 1971.

Congressman John R. Rarick,
House of Representatives,
Washington, D.C.

Dear Congressman Rarick: Your objectivity in connection with the present Greek Government is greatly appreciated by the "JUSTICE FOR GREECE COMMITTEE", the "GREEK PROCLAMATION COMMITTEE", and the "GREEK EVZONES OF AMERICA".

The members of our respective groups believe that the Greek Government has been dedicated to sound remedial reforms (social and economic) and that these have greatly benefited the entire nation. The progress and tranquility, resulting therefrom, was evident to the 1½ million tourists in 1970, many of whom were Greek ethnics from various parts of the world.

We regret to observe that the Foreign Relations Committee has been burdened with another attempt to discredit the Greek Government by former Greek politicians whose allegations to Greece and the United States is suspect.

Unfortunately, the latest Foreign Relations Committee "investigators" confined themselves to the projected politicians that were responsible for the chaotic situation in Greece prior to April 21, 1967. This cannot be considered an impartial investigation of popular sentiment in Greece, by any stretch of the imagination.

Contrary to the misleading reports of anti-American and anti-Greek Government sentiment circulated by a small, vociferous minority, the Greek Government has the overwhelming support of the majority of the Greek people. The United States Government has the respect and admiration of the majority of citizens in Greece, Greece has now become the most loyal NATO member.

We enclose for your consideration an article that appeared in the Hellenic News, an independent Greek American newspaper. It has been translated into English at the request of the undersigned. It reflects, not only the majority view of the populace in Greece, but also the majority view of Hellenes throughout the world.

It would be greatly appreciated by the undersigned, therefore, if the article were entered into the Congressional Record as an expression of the popular sentiment of the Hellenic Community of America.

Respectfully yours,
Dr. NICHOLAS DESTOUNIS,
National Chairman, Justice for Greece Committee.
P. B. BOORAS,
National Chairman, Greek Proclamation Committee.
C. B. ROCHE,
Secretary, Greek Evzones of America.

[From Hellenic News, Feb. 11, 1971]

ON MR. BLANK'S "INVESTIGATION"

(By Spyros Triantafyllou)

Every so often, Senator Blank comes out with his statements in various forms to assert that he is struggling for Greece's return to democratic life, "protecting" thus, in his opinion, the liberties of the Greek people. In this way, Mr. Blank justifies his assaults against the Greek Government and the National Revolution of April 21, 1967, as well as his protests to the Nixon Administration to suspend the American aid until Greece pulls back to the parliamentary "normalcy."

Besides Mr. Blank, there are some other Senators and Members of the House, as well as some American newspapers—with "The New York Times" first in line—who insistently charge against the Greek Government established by the National Revolution of April 21, 1967, and use repetitiously the rational that they act . . . "in the name of Democracy."

It is, indeed, very . . . touching to see these distinguished American politicians and journalists being concerned about Greece, her Democracy, the freedoms of the Greek people, however distant they may be from the fact that the National Revolution of April 21, 1967, averted the threat of a new Vietnam in Europe, and that without the present Greek Government the Americans and their 6th Fleet would have been thrown out of the Mediterranean and that NATO would have crumbled into pieces.

It is a happy coincidence that the bitter political experience and the prudence of the Greek people, the Revolution's composure and the national responsibility of the present Greek Government did not allow an explosion of the Greek temper to happen as a result of these unjustified insults, and cause an anti-American feeling as exists presently in Turkey.

That is also because the Greeks are still teaching Democracy; because they know better than anyone else what freedom means throughout centuries of innumerable historical examples with their struggle, sacrifice and bloodshed to preserve their freedom and Democracy.

The Greeks have never asked from friendly nations or allies any protection or assistance to secure their political liberties—which they are able to restore and preserve when it becomes necessary. In the past, and particularly during the German occupation, the reaction of the Greek people—the most recent example of Greek mentality—proves that the Greeks would have overthrown the present Revolution if they had not been convinced about its national necessity.

The Greeks are not naive nor cowardly people by letting their Armed Forces interfere, in protecting and restoring their institutions, with no sign of protest. It is simply because, in the past, these institutions were under constant jeopardy and their very existence was threatened by ambitious and ruthless politicians who pursued personal and partisan gains at the expense of national interest. Above any other political, economical or social freedoms the Greeks place their national freedom, which they value as the dearest of all freedoms.

Obviously, the foreign zealots who supposedly "defend" freedom and democracy—and particularly the Americans, whose national freedom was never threatened—ignore this fact. Furthermore, the Greeks know that Democracy and Civil Rights in their Country are protected by the Greek Armed Forces which have been guarding them ever since the new Greek State was constituted after 1821's Revolution.

The Greek Armed Forces, acting within the spirit of preserving Democracy in the Country, often obliged in the past the Crown, bad political leaders or worse politicians to accept the Constitutions on which the Country relied until April 21, 1967, when the National Revolution took over and with the people's consent voted the new Constitutional Chart of 1968. Mr. Blank and the others—the few or many American politicians—should therefore know that if they want to restore in Greece the same political chaos with such leaders as Kanellopoulos, Mavros, Papaspyrou, Averof, A. Papandreou, Glezos, Kefallinos and others, and return to the same era, with the Lambraki's gangs and the red or reddish pimps of democracy, they should know that under no conditions will the Greek people accept such "restoration."

In the Greek conscience, the Revolution and the Papadopoulos' Government are comparatively speaking, a thousand times better than the corrupted prerevolutionary political establishment, even more so, because during this Administration no one was hurt or abused.

These gentlemen should also know that that Greek people have never forgotten the Bloody December of 1944, the nightmarish days of mass executions by the communists, the communist guerrilla war—the so called civil war—and the turbulent era of 1963–1967.

However, Mr. Blank and the other American politicians and journalists—who appear to be fighting a good-intentioned battle for a so-called "democratic restoration" in Greece—must know, for if they don't know we are telling them now, that their political tactics and their assaults against the National Revolution and the Greek Government do not promote the cause of Democracy, but rather help and directly support the Soviet policy and propaganda, which for many years have been working to create anti-americanism in Greece. Where then the Soviet policy and propaganda failed, acting in isolation, to cause corrosion in the Greek-American friendship, this failure is being transformed gradually into a successful accomplishment on Russian account (!) by these American Senators and their press who express Mr. Blank's views. For their statements and articles are insults against the Greek, self-esteem and patriotism and enrage the Greeks against the United States.

Did Mr. Blank ever stop to think what the repercussions would be in the case of Greece's neutrality, or even her participation in the Eastern Alliance?

Because we don't think that the tactics of the Chairman of the Foreign Relations Committee in the American Senate support the Greek-American relations, or serve the American interests . . .

The Greeks have survived through thousands of years, before America was discovered and without . . . American aid, in situations far more critical than today's; and they are now doing their best for their country, even withstanding a slight and insignificant deviation from the parliamentary system, trying to restore everything that was destroyed by the unscrupulous politicians of the past.

By this, we are not referring to the accomplishments made by the National Revolution and the Papadopoulos' Government in improving the standards of living in Greece and fostering a healthy economy with a steady growth. It is not our intention to become advocates, to herald these successes and plead for their stay in Greek Administration. We are limiting ourselves only within the area of national sovereignty, in order to underline the importance of National Revolution's contribution to Greece and the Greeks, who, even with none of these improvements in their lives, would still support the present Government. With no hesitation, the Greeks will be eternally grateful to them because this Government literally saved them from a serious national danger and secured for them their national freedom.

Of course, it is Mr. Blank's right to believe in whatever he thinks right, even in matters concerning Greek affairs. But no Greek is responsible for his impatience to reasonably wait and witness the end, the fulfillment of the National Revolution in which the Greeks believe deeply.

As of this moment we don't know the content of the report that Mr. Blank's special emissaries are writing on Greece, nor are aware of the Senator's future plans . . . What we know, however, is that the patience of the Greek people, the National Revolution and the Greek Government cannot remain calm forever; their patience has limits which are getting increasingly narrower, because the Senator's rhetoric on a non-existent for the Greeks issue creates a crack in the Greek-American relations, with possible international consequences threatening severely the Free World.

In spite of malicious propaganda, there is no such thing as Fascism, Nazism or Dictatorship in Greece. What we have there is a peaceful Revolution which enjoys the trust and support, not only of the Greek people in the Motherland, but of all around the world, because today's Greek Government is building the future Greek Democracy totally freed from the perils it experienced in the past.

Four million tourists who visited Greece during the last 3 years is very impressive a number to provide the factual evidence and confirmation of the peaceful nature of the National Revolution, even though Mr. Blank's special envoys may probably ignore it. But Greece won't get lost in spite of such biased reports. She was not lost when she rejected with contempt the decisions of the "European Coffee-Shop," known as the Council of Europe, and she is still glowing against the ridiculous discussions and the meaningless books by authors such as Mrs. Vlachos and Mrs. Margaret, as well as against Melina's telegenic hysteria . . .

It is a really happy coincidence, for the United States and the Free World, the fact that the U.S. Government and the great majority of the American people look at the so called "Greek issue"—which in essence does not exist—in its real dimensions and not from a prejudicial position which characterizes the demagogic attitudes and sophistries of the suspicious "protectors" of democracy in Greece.

GREEK ORTHODOX ARCHDIOCESE
OF NORTH AND SOUTH AMERICA,
New York, N.Y., March 22, 1971.

DEAR CONGRESSMAN: In prideful anticipation of the 150th Anniversary of Greek Independence, which will begin on March 25, 1971 and be commemorated throughout the year by our Greek-American Communities, Schools and organizations, we take the liberty of sending you the enclosed material describing the interest and enthusiasm which the brave struggle of the enslaved Greeks for their liberty stirred in the minds and hearts of Americans of that day.

Thomas Jefferson, James Monroe, John Quincy Adams and Daniel Webster spoke eloquently on behalf of Greek Independence in the Congress, and used their influence to have it supported by the Great European Powers; while high-minded Philhellenes like Samuel Gridley Howe of Boston and George Jarvis of New York fought in Greece, the latter losing his life, as did Lord Byron, and other non-Greeks, in a noble cause.

For those of us who are of Hellenic descent, it is most moving that the struggle of the Greeks to free themselves from Ottoman rule generated such passionate fervor among Americans, some of whom had themselves fought in the American Revolution a half century earlier and had been sustained by the eternal democratic principles for which Greece had always stood.

This fervidness of the Americans is strikingly demonstrated by the names directly associated with Greek Independence—like Ypsilanti (in Michigan) and Navarino (in New York) given to American towns and cities; while older Greek names like Troy, Syracuse, Ithaca, Solon, Ulysses, Hector, Corinth—to take only a few of many examples from New York State alone—had earlier been bestowed in appreciation of the Hellenism for which they stood.

Americans have traditionally championed the causes of freedom, justice and equality for all nations and peoples, and it is our prayers and hope that our observance of the 150th Anniversary of Greek Independence, will strike responsive chords in the minds and hearts of our Americans of today.

Yours most sincerely,

ARCHBISHOP IAKOVOS.

How Americans Responded to the Greek Revolution of 1821

Reaction to the Greek Revolution of 1821 varied considerably with Europeans and Americans.

While official standpoints among the governments of Europe did not as a rule reflect the feelings of the populace towards the Greeks fighting to shake off four hundred years of slavery, in the United States both government and people developed from the very beginning a very sympathetic and warm attitude towards the enslaved descendants of the ancient Hellenes and extended to them substantial moral and financial help. The fighting Greeks felt that their natural ally in a struggle for freedom were the Americans, who had themselves gone through the ordeal of liberation, and their appeals to the government and people of the United States are animated with the kind of trust entertained for those whose faith in eternal ideals had been sealed with blood and victory.

Here are some eternal values that man, going through the fortunes of good and evil in community and nation, has come to believe in. The thought of the fighting Greeks expressed simply yet magnificently by the slogan "freedom or death," finds an equally magnificent response on the part of the leaders of a new nation, the destiny of which had already ordained it to guide the peoples of the earth in the manner in which the Greeks had done two thousand years before.

The Appeal of the Messenian Senate written in Kalamata, May 25, 1821, translated from the French and published in "The North American Review," October 16, 1823:

To the citizens of the United States of America: Having formed the resolution to live or die for freedom, we are drawn toward you by a just sympathy; since it is in your land that Liberty has fixed her abode, and by you that she is prized as by our fathers. Hence, in invoking her name, we invoke yours at the same time, trusting that in imitating you, we shall imitate our ancestors, and be thought worthy of them if we succeed in resembling you.

Though separated from you by mighty oceans, your character brings you near us. We esteem you nearer than the nations on our frontiers; and we possess, in you, friends, fellow-citizens, and brethren, because you are just, humane and generous; just because free, generous and liberal because *Christian*. Your liberty is not propped on the slavery of other nations, nor your prosperity on their calamities and sufferings. But, on the contrary, free and prosperous yourselves, you are desirous that all men should share the same blessings; that all should enjoy those rights, to which all are by nature equally entitled. It is you, who first proclaimed these rights; it is you who have been the first again to recognise them in rendering the rank of men to the Africans degraded to the level of brutes. It is by your example, that Europe has abolished the shameful and cruel trade in human flesh, from you that she receives lessons of justice, and learns to renounce her absurd and sanguinary customs. This glory, Americans, is yours alone, and raises you above all the nations which have gained a name for liberty and laws.

It is for you, citizens of America, to crown this glory, in aiding us to purge Greece from the barbarians, who for four hundred years have polluted the soil. It is surely worthy of you to repay the obligations of the civilized nations, and to banish ignorance and barbarism from the country of freedom and the arts. You will not assuredly imitate the culpable indifference or rather the long ingratitude of some of the Europeans. No, the fellow-citizens of Penn, of Washington, and of Franklin, will not refuse their aid to the descendants of Phocion and Thrasybulus, of Aratus and of Philopoemen. You have already shown them esteem and confidence in sending your children to their schools. You know with what pleasure they were welcomed, and the steady kindness and attention which they received. If such has been their conduct when enslaved, what friendship and zeal will they not manifest to you, when through your aid they shall have broken their chains. Greece will then furnish you advantages, which you can in vain seek from her ignorant and cruel tyrants; and the bonds of gratitude and fraternity will forever unite the Greeks and the Americans. Our interests are of a nature more and more to cement an alliance founded on freedom and virtue.

At Kalamata, May 25, 1821. Signed, The Messenian Senate at Calamata, Peter Mavromichalis, commander in chief.

Excerpt from "The North American Review" commentary on the above, October 16, 1823:

The Greeks have taken the liberty, as we did in 1776, of declaring themselves free; they have raised armies and navies; they have defeated the Turks in several engagements, both at sea and on land; they have taken some of the most important fortresses, particularly Napoli di Romania, by its position and strength the most important of all; they have organized a system of government, which, though far from being faultless, is upon the whole a judicious system; and finally they have made such progress in the war, that a writer in the last number of the *Quarterly Review*, a journal not friendly to insurrection against masters, civilized or barbarous, has ventured to say, "that it now appears extremely probable (we might indeed, we believe, use a still stronger expression) the Greeks will be able to establish their independence."

Excerpt from James Monroe's annual Message to Congress, December 2, 1822:

The mention of Greece fills the mind with the most exalted sentiments, and arouses in our bosoms the best feelings, of which our nature is susceptible. Superior skill and refinement in the arts, heroic gallantry in action, disinterested patriotism, enthusiastic zeal, and devotion in favor of public liberty are associated with our recollection of ancient Greece. That such a country should have been overwhelmed and so long hidden, as it were, from the world under a gloomy despotism, has been a cause for unceasing and deep regret to generous minds for ages past. It was natural, therefore, that the reappearance of these people in their original character, contending in favor of their liberties, should produce that great excitement and sympathy in their favor, which have been so signally displayed throughout the United States. A strong hope is entertained that these people will receive their independence and resume their equal station among the nations of the earth.

Excerpts from James Monroe's annual Message to Congress, December 2, 1823:

Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers, to consider the government de facto as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm and manly policy, meeting in all instances the claims of every power, submitting to injuries from none.

A strong hope has been long entertained, founded on the heroic struggle of the Greeks that they would succeed in their contest, and resume their equal station among the nations of the earth. It is believed that the whole civilized world takes a deep interest in their welfare. Although no Power has declared in their favor, yet none, according to our information, has taken part against them. Their cause and their name have protected them from dangers which might ere this have overwhelmed any other people. The ordinary calculations of interest, and of acquisition, with a view to aggrandizement, which mingle so much in the transactions of nations, seem to have had no effect in regard to them. From the facts which have come to our knowledge, there is good cause to believe that their enemy has lost forever all dominion over them; that Greece will become again an independent nation, that she may obtain that rank, is the object of our most ardent wishes.

Excerpt from James Monroe's annual Message to Congress, December 7, 1824:

In turning our attention to the condition of the civilized world, in which the United States have taken a deep interest, it is gratifying to see how large a portion of it is blessed with peace. The only wars which now exist within that limit, are those between Turkey and Greece, in Europe, and between Spain and the new Governments, our neighbors, in this hemisphere. In both these wars, the cause of independence, of liberty and humanity, continues to prevail. The success of Greece, when the relative population of the contending parties is considered, commands our admiration and applause, and that it has had a similar effect with the neighboring Powers is obvious The feeling of the whole civilized world is excited, in a high degree, in their favor. May we not hope that these sentiments, winning in the hearts of their respective Governments, may lead to a more decisive result? That they may produce an accord among them to replace Greece on the ground which she formerly held, and to which her heroic exertions, at this day, so eminently entitle her?

Excerpt from John Quincy Adams annual Message to Congress, December 4, 1827:

From the interest taken by this sovereign (the Emperor Nicholas of Russia) in behalf of the suffering Greeks, and from the spirit with which others of the great European Powers are co-operating with him, the friends of freedom and humanity may indulge the hope, that they will obtain relief from the most unequal of conflicts, which they have so long and so gallantly sustained; that they will enjoy the blessing of self-government, which by their sufferings in the cause of liberty they have richly earned; and that their independence will be secured by those liberal institutions, of which their country furnished the earliest examples in the history of mankind, and which have consecrated to immortal remembrance the very soil for which the people and the Government of the United States have so warmly indulged with their cause, have been acknowledged by their government, in a letter of thanks, which I have received from their illustrious President, a translation of which is now communicated to Congress, the Representatives of that nation to whom this tribute of gratitude was intended to be paid, and to whom it was justly due.

Excerpts from the speech of Daniel Webster during the discussion of the "Greek Question" in the House of Representatives, as published in the Howard Gazette, January, 1824:

It was difficult, on any occasion that called the attention to a spot on the globe so connected with association and recollections as Greece, to avoid some degree of warmth and enthusiasm. Yet, he was entirely sensible that, in gravely legislating on the present subject, those feelings must be chastised. He should endeaver, in what he had to offer to the House, to repress such feelings as far as it was practicable; yet, if we would wholly escape from them, we must fly beyond the limits of the civilized world; we must go beyond the limits of social order, the bounds where laws and knowledge are found; nay, we must have this Hall, before we can turn away from the memorials of ancient Greece. What, he asked, is this popular assembly? what this free discussion of public measures? what this open, unreserved action, of mind upon mind? what that popular eloquence which, if it were now present, would on such a theme, shake this hall to its centre? what are these but such memorials? This magnificent edifice, these columns, with their stately proportions, this fine architecture by which we are surrounded, what are these, but so many witnesses of what Greece once was, and what she has taught us to be? Yet sir, I have not introduced the resolution, now on your table, with any view towards repaying aught of the debt, which we, in common with the civilized world, owe to that land of science, freedom, arts, and arms. It is a debt that never can be paid. Whatever may be our feelings of gratitude for these gifts, we are constrained to act with a view alone to the present state of the world, and of our relations to it. What I propose, and what I shall say, has reference to modern, not to ancient Greece—to the living, not to the dead. . . .

Within the last thirty or forty years, the condition of that country has undergone a great improvement. Her marine produces the best sailors in the Mediterranean—better in that sea, than even our own. Their commerce, before the present commotions, had begun to extend itself to France and Spain. Hobhouse (our best authority) states their seamen at fifty thousand; but that number is certainly much too large—they have 153,000 tons of shipping, which is equal to about one fifth of that of the United States. Their population in European Turkey is about five millions, and in Asia Minor about two millions more. Their moral state is advancing rapidly in all respects—the literati of Europe conceived a strong interest in their behalf, and sent books and scholars and printing presses into Greece—many of the works of modern Europe have been translated into their language, and they have produced many works entirely original. This people, a people of intelligence, ingenuity, refinement, spirit and enterprise, have been for centuries under the most atrocious, unparalleled Tartarian barbarism that ever oppressed the human race. . . .

The situation of Greece had excited the sympathies of Western Europe for 30 years past. Societies had been formed in Germany to improve the condition of the suffering people—branches of those societies were extended into Greece—many of their youth were carefully instructed in literature—many disbanded officers from the European armies entered into the Grecian service, and a considerable amelioration of their condition with respect to the advantages of education began to be effected. In 1821, the revolt took place in Moldavia and Wallachia: a revolt which was supposed to have been fomented by Russia. The Emperor brought down a large force upon the Bosphorus—and a rupture seemed immediately impending. Russia demanded that the Turkish forces should be withdrawn from those two northern provinces. At the same time that Ypsilanti was in rebellion on the North, the Porte had to carry on a desperate struggle with Ali Pacha in the West. And another war with Persia threatened in the East. "Then it was that the Greek revolution burst forth. They soon possessed themselves of the open country of the Morea, and forced the Turks to flee for refuge into the cities. Of these, Tripolizza soon fell into their hands; and then they began to contemplate a government. They assembled a Congress (the name is hallowed on this side of the Atlantic—it is a name dear to freedom), and began to organize a system of laws. . . .

Talking about the slaughter and burning of Chios, he states:

And, Sir, on the wharves of Boston did I see the utensils from the hearths of that polished, refined, and literary people, selling for old copper. Numbers of children, all whose relatives had been slaughtered, were picked up by the merchants in the Mediterranean, and some of them are now among us. . . .

Mr. Chairman, there are some things which, to be well done, must be promptly done. If we even determine to do the thing that is now proposed, we may do it too late. Sir, I am not of those who are for withholding aid when it is most urgently needed, and when the stress is past, and the aid no longer necessary, overwhelming the sufferers with caresses. I will not stand by and see my fellow man drowning without stretching out a hand to help him, till he has by his own efforts and presence of mind reached the shore in safety, and then encumber him with aid. With suffering Greece now is the crisis of her fate—her great, it may be, her last struggle. Sir, while we sit here deliberating, her destiny may be decided. The Greeks, contending with ruthless oppressors, turn their eyes to us, and invoke us by their ancestors, slaughtered wives and children, by their own blood, poured out like water, by the hecatombs of dead they have heaped up, as it were to heaven, they invoke, they implore us for some cheering sound, some look of sympathy, some token of compassionate regard. They look to us as the great Republic of the earth—and they ask us by our common faith, whether we can forget that they are struggling, as we once struggled, for what we now so happily enjoy? I cannot say, sir, that they will succeed; this rests with heaven. But for myself, sir, if I should to-morrow hear that they have failed—that their last phalanx had sunk beneath the Turkish cimetar, that the flames of their last city had sunk in its ashes, and that nought remained but the wide melancholy waste where Greece once was, I should still reflect, with the most heartfelt satisfaction, that I have asked you, in the name of seven millions of freemen, that you would give them at least the cheering of one friendly voice . . . .

Excerpts from the Appeal to the House of Representatives of the citizens of the State of New York, December 29, 1823:

In the opinion of the meeting the independence of the Greek nation was a subject of the highest concern to the interest of the human race, and recommended itself to the approbation of every civilized people by the most powerful considerations that could possibly be addressed either to the judgment or to the sympathy of mankind. . .

The committee conceived that they will have discharged their trust when they make known to Congress the anxious desire of the citizens of New York, either that the independence of the Greeks may be speedily and formally recognized or such steps preparatory thereto taken as may, in the opinion of Government, be consistent with its interests, its policy, and its honor . . . .

Excerpts from the Appeal to the House of Representatives of the citizens of the City of Boston, January 5, 1824.

That the contest of an oppressed and enslaved people for the invaluable blessings of self-government, and of a Christian people for the enjoyment of religious liberty, has a claim to the best wishes of this nation, for its eventual success, and to whatever aid and encouragement, consistently with the primary duty of self-preservation, it may have the ability to afford.

No one who has duly reflected upon the consequences which have resulted from our own successful struggle in the cause of civil liberty, not as respects the interests of nation only, but as it has affected also the condition of the whole civilized world, can hesitate to admit that the question of the erection of a new independent Christian State is the most momentous that can occur in the program of human affairs, and especially deserving the attention of the representatives of a free people. Centuries, whose annals are filled with the common succession of wars and conquests, may pass away, without being attended with any important result to the great cause of civilization and humanity; but the emancipation from a barbarous despotism of a gallant and enterprising and intelligent people must be followed by the most propitious consequences, and cannot fail to add to the security of all free Governments, by increasing the number of those who are devoted to their common defence. . . .

Excerpts from an Appeal by American students resolved in Andover, Mass., December 13, 1823:

To Americans, any brave and generous nation, struggling for civil and religious freedom, is a spectacle never to be regarded with indifference; but when a people, inheriting a spirit which ages of suffering have not subdued, and professing the same Christian faith with ourselves—breaking the chains of their oppressors, not only look to us as the chosen people of freedom, gathering strength from our example, and hope from our history; but call on us as Freemen and as Christians to aid them in their hour of peril;—if we should turn away from that appeal, and refuse to hear their cry, we should prove ourselves unworthy of the name in which we glory. . . .

Resolved:

1. That the members of this Seminary deeply sympathize with the Greeks in their present struggle.

2. That a Committee, consisting of one from every college and state, represented here be appointed to confer with our Professors on the subject; to take up a contribution, and receive subscriptions here; and to propose a Circular for the various colleges and professional seminaries in this country.

3. That if the members of the other literary institutions concur in the plan, it be represented to the government of Greece, as our wish, that the money contributed in these institutions, be devoted, after the establishment of Grecian freedom, to the promotion of literature in that country, in some such way, so that it may become a permanent token of the respect and esteem with which the Greeks are regarded by the American youth devoted to study.

GREEK SONG OF LIBERTY

Greeks!—the battle paean's sounding,
Our bosoms are for freedom bounding,

Then fly in arms to frame or death;
Greeks!—can History show a story,
Like thine so fraught with stars of glory,
A page so bright—a page so gory?

No,—Fame owns thee great in every breath,
Behold in Sparta's crumbling pile,
Our country's wrongs,—her trodden name,

See Athens hurled in bondage vile,
A haunt of slaves—a nest of shame!

The churls who spurn the bliss of freedom,
Who fawn and crawl where tryants lead 'em,

Oh, let them live and die like slaves:
That star o'er Helle's waters gleaming,
Immortal rays of glory beaming,
Shall, with our banner proudly streaming,

Sink blood-red on our humid graves,
To arms!—ye brave, the great decree
Is breathed from heav'n—then wake to frame,

For, O, one breath of liberty
Is worth an age in chains of shame!

Greeks! let our inmost cares inherit
Firm Leonidas' patriot spirit;

He died to guard his country's laws;
Firm as the peak of Ida towering,
Swift as a tempest downwards showering,
Like Eagles o'er their nestlings lowering—

Arise!—and shield a legal cause!
Our umpire is our common God,
No oracle speaks *his* decree;

But who will fear to kiss the sod
When made a couch of Liberty?

A Memorable Fragment of Greek-Americana From the Year 1823

(By N. D. Diamantides)

In commemorating Greek Independence day this month as Americans of Greek descent, we acknowledge an attachment to the remarkable Grecian past that is part and parcel of what America is supposed to stand for.

In this context and at this time of the year, therefore, we may indulge in an interesting fragment of Greco-Americana that transpired in 1823 between two notable historical figures, one revered in America and the other in Greece: Thomas Jefferson and Adamantios Coraes.

Long retired from the highest offices of the land, Jefferson had returned to Monticello where he "felt free from the shackles of power", as he said, "to cultivate those tranquil pursuits of science for which nature hand intended him." In this serene environment, he probably never thought of Coraes, whom he had met thirty-five years earlier while minister to France.

Coraes, on the other hand, born in Smyrna to a family of rich merchants, abandoned the mercantile pursuits, and in 1785 settled as a doctor in Paris. His love for the classics and his insatiable urge for literary research made him one of the most renowned Hellenists of his time and one whose reputation had become international. Not only did he publish many learned translations of the ancient Greek writers in French as well as in modern Greek, but he also became the veritable "teacher" of the Greek nation then smarting under the Turkish yoke for more than three hundred years. As a matter of fact, he is the father of . . . (purist) version of modern Greek that links our language today to the form into which it had evolved during the Hellenistic period, about the time of Christ. Because of all this, contemporary Greek history has elevated him to the status of . . .

In July of 1823, the learned teacher sent a letter to the sage of Monticello written in French, and on a subject that was very close to his heart. The Greek War of Independence was two years old in 1823 and destined to continue for five more years, filled with victories as well as reversals, sacrifices as well as indomitable determination. Theodoros Kolocotronis had emerged as the top military commander, and Alexandros Mavrocordatos had already made his mark as the foremost stateman among the war leadership. Mavrocordatos was a descendant of a distinguished Byzantine family, and served the revolution primarily as the head of the executive branch of the provisional government. After the war, he served as ambassador to Constantinope and Paris. Seven of his ancestors between 1670 and 1786 had been governors of the province of the Ottoman Empire that is now Romania.

By 1823, the Peloponnese, the southernmost province of the Greek mainland, had been cleared of the Turks. Outside of it, most all other Greek territories were still under the Turkish rule and, therefore, subject to bloody reprisals, with the exception of the Ionian Islands, which were a British protectorate since 1815.

It is in this setting that Coraes, then seventy-five years of age, wrote his appeal to Jefferson from Paris.[1] Here it is translated from the French by my daughter, Niki, the linguist of the family:

MONSIEUR: Perhaps you remember a Greek who was introduced to you some years ago by the late Mr. Paradise, and who even had the pleasure of dining at your house at Challiot. It is this same Greek, now advanced in age, who takes the liberty of writing this letter to you at a moment when his country is about to be reborn.

It is not in the power of our tyrants to prevent this renaissance. However, it is primarily because our liberty is still only a child that its education requires help and care for it not to perish in its cradle. And one can hope for such help only from men who are truly free.

It is unfortunate for us that we revolt at a time when our public instruction has barely started. We come from a very bad school, a Turkish school, and that says everything.

It is true that modern Greece has unexpectedly produced some Leonidases and Miltiadeses, but, in emerging from a long oppression, she was unable to produce all of a sudden legislators such as the ones who appeared in ancient Greek times, or the one seen in your country today.

It is also unfortunate for us to be neighbors of the so-called enlightened European nations at a time they find themselves in a crisis. Because when that crisis threatens even the little liberty they enjoy, one fears that they will allow only as much of it to Greece as it suits their interests.

The English have just embraced our cause, and started giving us aid. But you know only too well the nature of the embrace of your dear fathers who do not resemble their children at all. They have already begun by praising the excellence of our political officials, and will probably finish by advocating an Upper House to us, which under the present state of our body politics, would end up by being composed of all the corrupt parts of this body. What should we do under these circumstances I do not know. To return under the Turkish yoke appears to me as something physically impossible. But I consider it equally impossible that our dear friends and neighbors next to the Peloponnese will ever permit us to have a form of government of our liking. It is not in their interests to permit such a bad example within sight of the Greeks of the Ionian Isles whom they have been treating in a manner hardly liberal.

You see, Monsieur, the perplexity in which those Greeks, who desire the happiness of their nation, find themselves. I am the senior of these Greeks, and the one who for the last thirty years, seeing the present era approaching, has not ceased exhorting my compatriots to prepare themselves for it through education. The benevolence with which they honored my exhortations encouraged me to continue until the present. But what can I do now, being so old and ill?

Mavrocordatos, whom some flatterers have begun to call a Prince, and who could conceivably come to believe these imbeciles, has just written to me for the first time. His style, far from being that of a prince, speaks of a man who works in good faith for the happiness of his country. I believe his letter to be sincere and have responded accordingly. This letter renewed my regrets for not having you as neighbors, and at the same time, gave me the idea to write to you and solicit your advice.

Since the distance which separates us prevents you from helping us materially, let me at least ask you the following questions:

1. Would it be possible for you to dispatch to Greece two or three well known persons ostensibly for negotiating commercial transactions? Indeed, I do not believe that you could find a time for such negotiations more suitable to your interests. While on official business, these men will be able at the same time, through their ideas and zeal for freedom, to encourage those of the Greeks who are heading public affairs in their noble resolution to preserve their independence, and advise them of all the proper ways of forming a good government. Their presence in Greece would provide us with the antidote for neutralizing the pernicious influences coming from the foes of our liberty.

2. In case you do not intend to send negotiators, or do not believe that the time is yet appropriate, wouldn't you, or some one else of your countrymen possessing the same prestige as you do, be able to publish in one of your newspapers a consultative letter on the affairs of Greece? The letter could be a response addressed to an anonymous Greek who asked you for advice; and if you are so kind as to send me a copy of the paper, I will be able to translate the letter into modern Greek. Unless I am completely mistaken, such a letter should produce a beneficial effect on my countrymen's minds, many of whom know and respect your name. If I am asking you not to reveal my name, it is because my position requires caution. Other than that, you are not restricted as to the form of the letter; you may, if you wish, present your advice in the form of reflections prompted by the interest you take in Greece.

I take the liberty, Monsieur, of sending to you along with this letter, the *Ethics* and the *Politics* of Aristotle which I published a short while ago. I beg you to acknowledge the receipt of this letter by addressing your reply under cover to my dwelling: Rue Madame No. 5, derrière le Luxembourg.

Help us, fortunate Americans; it is not charity we ask. Rather an opportunity to augment your happiness.

Accept, Monsieur, the assurance of the profound respect that your person always inspired in me.

Paris, July 10, 1823.

CORAES.

The reply came three months later in a tightly handwritten letter seven pages long, packed with all the political, legislative, and constitutional wisdom that one of the foremost lawgivers of modern times could, and cared to, pass on to a nation just emerging into statehood. Only the opening paragraphs can be given here:[2]

MONTICELLO IN VIRGINIA,
October 31, 23.

DEAR SIR: Your favor of July 10 is lately received. I recollect with pleasure the short opportunity of acquaintance which you afforded me in Paris by the kindness of Mr. Paradise, and the fine editions of the classical writers of Greece which have been announced by you from time to time have never permitted me to lose the recollection. Until those of Aristotle's *Ethics* and the *Strategicos* of Onasander, with which you have now favored me, and for which I pray you to accept my thanks, I had seen only your *Lives* of Plutarch. These I had read, and profited much by your valuable Scholia, and the aid of a few words from a modern Greek dictionary, would, I believe, have enabled me to read your patriotic address to your countrymen.

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[1] D. M. Robinson, D. Litt: "America in Greece," Anatolia Press, pp. 1948, 36–38.

[2] *Ibid.*, pp. 41–46.

You have certainly begun at the right end towards preparing them for the great object they are now contending for, by improving their minds and qualifying them for self-government. For this, they will owe you lasting honors. Nothing is more likely to forward this object than a study of the fine models of science left by their ancestors; to whom *we* also are all indebted for the lights which originally led ourselves out of Gothic darkness.

No people sympathize more feelingly than ours with the sufferings of your countrymen, none offers more sincere and ardent prayers to heaven for their success, and nothing indeed but the fundamental principles of our government, never to entangle us with the broils of Europe could restrain our generous youth from taking some part in this holy cause. Possessing ourselves the combined blessings of liberty and order, we wish the same to other countries and to none more than yours, which, the first of civilized nations, presented examples of what man should be. Not indeed that the forms of government, adapted to their age and country, are practicable or to be imitated in our days although prejudices in their favor would be natural enough to your people. The circumstances of the world are too much changed, and all other useful sciences should be taught in their highest degree . . .

So spoke Thomas Jefferson.

These echoes from an exchange that took place nearly 150 years ago make it sound as if we, the Americans of Greek descent, have indeed the best of two very worthwhile worlds.

NEW YORK STATE AND THE WAR OF GREEK INDEPENDENCE: 1821 TO 1830

(By Prof. Charilaos Lagoudakis)

The 150th anniversary of Greek independence, celebrated in 1971, will recall the "Greek fever" that spread throughout the United States during the decade from 1821 to 1830, when the Greeks rose to free themselves from Ottoman rule. The State of New York is foremost in the Union that can tell the story of America's interest in the rebirth of Greece as a free nation. The philhellenic activity in the Empire State alone illustrates America's contribution to the independence of Greece. New York City was the principal center from which most of America's assistance went to the fighting Greeks.

NEW YORK IS FIRST TO RECEIVE THE GREEK NEWS

The first news of the Greek uprising against the Ottoman Empire reached New York City on May 20, 1821, brought by the brigs "Manhattan" and "Importer". New Yorkers received the report with some caution, remembering the previous failure of the "Neapolitan Rhodomontades"[1] It was not long, however, before the Greek revolt drew their serious attention. Subsequent dispatches concerning Greek gallantry were released from New York to other parts of the Union, and American sympathy for Greece soon grew to such an extent that even the strange sounding Greek name "Ypsilanti", then in the news, was given to a town on the American frontier in the territory of Michigan.

Two weeks later the New York *Commercial Advertiser* voiced the feelings of the American people editorially: "This portion of the Globe, always intensely interesting to the scholar, the artist and the antiquary, becomes still more important at the present crisis. Greece under any circumstances, can never be mentioned, without awakening a train of recollections and associations which absorb the mind . . . The Greeks have the strongest and tenderest claims upon our sympathies . . ."

Interest heightened, however, when the New York press in February, 1822, reported that "the Greeks of Morea has established a Federal Constitution like that of the United States, and have elected their president, senators and representatives." This was important news at a time when the government in Washington was hastening to recognize the South American Republics, for fear the Holy Alliance of Europe would interfere in Latin America and extend its doctrines and despotic system to the New World.

WASHINGTON VOICES AMERICAN EXCITEMENT

Canaris attacked and destroyed by fire the Ottoman fleet in the bay of Chios. This naval exploit was the first spectacular news that reached the shores of America in June 1822. And subsequent news from Greece stirred the American public to seek ways and means to support the cause of Greek freedom. Voicing popular American feeling in 1822, President James Monroe registered in the U.S. Congress the first official expression "in favor of Greek liberties", pronounced by any head of a sovereign state. The President of the United States stressed: Superior skill and refinement in arts, heroic gallantry in action, disinterested patriotism, enthusiastic zeal and devotion in favor of public liberty . . . , these examples could not have left the American people indifferent to the fate of a people, who, numbering less than a million souls, were fighting not only against the superior forces of the Ottoman Empire but also had faced the opposition of the despotic powers in Europe." In this same message to Congress, Monroe concluded his reference to Greece saying: "A strong hope is entertained, that these people will recover their independence and resume their equal station among the nations of the earth".

NEW YORK'S CAPITAL UNFURLS THE BANNER

The capital of New York is on record as the first city to translate American sympathy for Greece into action. In December 1822 Albany's citizens held an enthusiastic meeting for the Greeks at the Capitol of the Empire State. Governor Yates made the first contribution to a Greek Fund for "the prosecution of the war in Greece." His messages in both State Houses form a moving record for any generation to read. A year later the "Albany Argus" published the eloquent declarations on Greece by Salem Dutcher, Jacob Lancing and J. Chester. A Greek Committee was formed under the chairmanship of James Edwards and V. S. Kane as secretary. The Committee met at the Court Room of the Capitol and composed a memorandum asking the U.S. Congress to recognize Greece as an independent state. In the meantime New York City was keeping pace with the Capital of the State.

The "Greek fever" spread to other New York cities. In Troy, the wife of the city's Mayor, Albert Paulding, gave for the Greek cause her elegant gold watch and its trimmings. Mrs. Paulding was the chairman of the Troy Greek Committee, of whom the Sentinel wrote: "She is worthy of the character of the lady, who is connected by blood with one of the most strenuous defenders of his country's rights during the last war (1812) and by marriage with one of the patriots of the (American) revolution." Other New York cities followed the example of Troy: Buffalo, Batavia, Oxford, Cortland and other smaller towns like Hudson, Sag Harbor, Monticello, Ludlawville, Blookefield, Victor, Gorham, Rushville, Kingston, Norwich.

The New York Commercial Advertizer reported that "we cannot keep record of the numerous meetings called in every part of the country; it is sufficient to say that the feeling for Greece is universal." Even the frontier town, Niagara, which itself at that time needed relief, joined the Greek cause. The Albany Argus wrote: "Our hearts are sensitive to the sufferings of the Greeks at 6,000 miles distance."

NEW YORK TOWNS NAMED "GREECE" AND "NAVARINO"

American concern for Greece was carved on the land of the Empire State. In 1824 the New York legislature gave the name "Greece" to a township as a token of American hope for an independent Greece. Three years later New Yorkers were jubilant over the Battle of Navarino, which brought victory to the Greeks on October 2, 1827. The news of Navarino reached Manhattan 57 days later, but still New York's merchant John Pintard excitedly declared "the winds of heaven favoured the rapid transmission of this glorious event!" To honor the event the New Yorkers placed the name Navarino in the County of Onondaga. Today, the 500 Navarinoans and 2,000 Grecians of that town are celebrating the rebirth of Greece, which means their name-day.

There were other New York towns with Greek names active for Greek freedom: Troy, Syracuse, Ithaca, Lysander, Homer, Solon, Ullyses, Marathon, Plutarch, Attica, Hector, Phoenix, Corinth, Esopos, Mycenae, Sparta, Argus, Athens, Socrates, Plata, and Eureka that reflected the "glory that was Greece"—to use the expression of New York's poet, Edgar Allen Poe, who was reputed to have gone to fight for Greek liberty. Some of these names illustrate the impact of the Greek uprising in American nomenclature, but most of these Greek-named frontier towns of New York were part of the so-called "Military Tract" in which veterans of the American Revolution were settled.

FROM ALBANY TO NEW YORK'S FRONTIER

The philhellenic activity in New York's frontier reveals the extent to which the "Greek fever" spread. Rochester was a little frontier town of the Empire State. Its chief citizen, Col. Nathaniel Rochester, gave his fellow townsmen the signal on Greece with these prophetic words: "It is not visionary conjecture to anticipate that the assistance of the United States may terminate the contest, and that we shall soon hail the Greeks as an emancipated, independent and happy people . . ." And reminded them that Greece "is the seat of Science and of Arts."

The response was prompt. A large meeting was held at Christopher's Mansion House, where James K. Guernsey took the chair. Dr. Levi Ward was appointed secretary. And the *Rochester Observer's* editor wrote of the meeting: "Let our sympathy be shown by acts. Hereafter let the name American be associated in the mind of the Greek with the most sublime and heavenly virtue, BENEVOLENCE, manifesting itself in deeds: feeding the hungry, clothing the naked, administering the wants, mitigating the sufferings of widows and fatherless children . . ." The Greek subject crowded out almost every other topic from this weekly little paper.

Rochester's benevolent activity started in 1823. Here is what General Ripley and his partner, Colonel Dissell, did. They sold a corner lot on New Main and Ohio streets for $200, and offered this proceed for the inhabitants of Chios. This gesture was carried a step further. In appreciation of the "undaunted spirit with which the people of the Island of Chios withstood the massacres that shocked the world," Rochester named one of its streets CHIOS. This little frontier town then had problems of its own. The people were clamoring for more fire engines, as the greatest need of the town, and for "at least two more lamps on the Main Street Bridge." The town council found no way of getting the needed money, but within a short three months the Rochester Greek Fund had a round figure of $1,500—a considerable amount for a little American town 157 years ago.

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[1] This refers to the revolution which broke out in Naples in 1820 under the leadership of the Carbonerio. It was soon suppressed, and the Austrian Army wiped out the democratic constitution to which Ferdinand of Naples had sworn.

How did Rochester raise its Greek Fund? Daniel Penfield can tell the story of his own "fine fat ox," which was offered to the Greek cause. He proclaimed that his ox "would be sold for freedom" at 25 cents a pound for the "choicest portions." Penfield garlanded his ox with evergreens and decorated its flesh with ribbons and led it through the streets of Rochester, preceded by a band of music. He carved the "illustrious ox" that was slaughtered for Greece. (Jenny March Parker, who wrote the *History of Rochester,* doubts if the beast would go down to posterity!)

NEW YORK TOPS ALL AMERICAN CITIES IN THE GREEK CAUSE

No other American city did as much as New York City for Greek independence, although Boston and Philadelphia could also show a philhellenic activity that would be had to match in any European city. Seventy distinguished Americans were elected to form the Greek Committee of New York. They held a meeting on December 3, 1823, at the Totine Coffee House[2] corner of Wall and Water Streets, under the Chairmanship of William Bayard, whose family produced public leaders, statesmen and jurists, during the 18th and 19th centuries. The purpose of the meeting, open to the public, was to adopt resolutions "to render every possible aid toward the promotion of their (Grecian) emancipation." Charles King was elected Secretary and Charles Wilkes as Treasurer. He was known to have discovered the Antarctic Continent.

The first acts of the New York Greek Committee was an appeal for funds from all the states of the Union and a petition to Washington, urging the US Congress to recognize Greece as an independent state. The appeal was sent to leading citizens in other cities to form similar Greek Committees. In the course of a single month $34,402 were raised, which were remitted to the Greek Emissaries in London. At the same time muskets and swords were shipped direct to Greece along with medical supplies and clothing. No complete account is available of the amounts collected following the first dispatch of funds and provisions.

The New York Greek Committee held open meetings to report the progress of the campaign in America and the war in Greece. In one of these meetings an old veteran of the American Revolution, Colonel Willet, took the floor. With a moving oration he offered his 2,000 acres of land for the fighting Greeks. This gesture illustrates the "Greek fever, which raged with violence" in the metropolis of the Empire State, according to the *New York Statesmen,* during the winter months of 1823–24. The press continued to report exciting news from Greece, When Admiral Miaoulis set on fire two frigates and ten brigs of the enemy, the same New York paper headlined its column: "Glorious news from the Greeks." And its editorial began "we return to the affairs of the Greeks as of the first importance to the cause of freedom and humanity."

GUNS FOR GREECE AND VOLUNTEERS

The New York Greek Committee petitioned Washington to recognize the independence of Greece and armed New Yorkers were ready to embark for Greece. Early in 1826, Colonel Duff of the 106th Regiment of New York, ordered Major Samples to hold the First Battalion of the regiment in readiness "for a march in defense of the Greeks":

"Attention, Battalion! In consequence of the above requisition of Colonel Duff, the enrolled militia within the bounds of the 106th Regiment are ordered to hold themselves in readiness to march at a moment's warning, in the defense of the Greeks."—February 27, 1826. (Signed) Major Thomas Samples.

This order remained symbolic of American public opinion as was the New York Congressman's proposal that American troops be sent to Greece and the U.S. Squadron in the Mediterranean join the Greek Navy. U.S. foreign policy, as defined by the Monroe Doctrine, blocked all military moves; the impulse, however, for armed action was present in American manifestations favoring the Greeks.

The manifestation of the people in the New York town of Courtland defied the neutrality of their government. They sent to the New York Greek Committee a double fortified four pound ship cannon for shipment to Greece. It was mounted and "completely in order", but there is no record if it ever reached the land of Themistocles. About the same time New York welcomed a band of volunteers from Georgia, under the command of Captain C. N. Higgins, but they were probably held back from going to Greece as "Impractical". Both actions, however, were indicative of the public mood in America, which was more cogently seen at a 4th of July celebration in 1823 dedicated to the cause of Greek freedom. On this occasion a New Yorker, Alberman McQueen, presented a "42 Pounder" which was named "The Greek Gun." This gun was used in the American Revolution. In dedicating it to "Greek freedom", the officiating Dr. Perkins offered the following toast: "May the Greek Gun report in favor of Liberty, and speak Greek as well as it ever did Yankee!"

DAUGHTERS, SISTERS AND MOTHERS OF AMERICA

The women of New York joined their men in the Greek cause. On behalf of the "daughters, sisters and mothers of America" they erected on September 6, 1823, a 20-foot cross on the Classic Heights of Brooklyn with the inscription: SACRED CAUSE OF THE GREEKS. To this "insignia of Grecian devotion to his God and Country", General Swift drank a toast: "May the Grecian Cross be planted from village to village and from steeple to steeple, until it rests on the Dome of St. Sophia". The daughters, sisters and mothers of America had read in their press of the Greek women in the war. It was moving to learn that "the Grecian mother, after arming her husband and with her children for the battle, goes with them, to conquer and die."

The Greek cause had the blessing of the American Church. Special services were held in New York's churches urging their congregations to give support to the people whose forefathers were the first to spread the gospel of Christianity. This was the message of the sermon on Greece by the Rev. John Henry Hobart, the Bishop of the Episcopal Church and Rector of Trinity Church in the Wall Street district of New York.

THE YOUTH OF NEW YORK IN THE VANGUARD

The youth of New York was in the vanguard. At West Point, the cadets were stirred to exalted demonstrations. An extract from a cadet's letter to his father demonstrates the exaltation in unaffected language: "The Greeks and their cause seem to be the most popular subject on the tapis. We had a meeting a few days since, when we resolved to send to the Committee here in New York $500, which is $2 for each cadet, thinking this is the most ready way to demonstrate our attachment to the cause of Greece." And it was not long after in 1827 that one of the West Point Cadets, Lt. William Townshend Washington, a grand nephew of the President, fought and died in Greece.

The students of Columbia University were not less aroused than the cadets of the United States Military Academy. They held a meeting on December 9, 1823 at College Chapel "for the purpose of aiding the Grecian cause." The President of the College, William Duer, chaired the meeting, who later in 1831 sponsored the project for a college in Greece. A Greek Committee, consisting of eight students from each class, was formed to campaign for funds, but more significant was the resolution adopted at this meeting "in the anxious wish that Greece may once more be free". The resolution said:

"It may be thought unbecoming in persons of our age and devoted as we are, exclusively to study, to interfere in the politics of the day, but the present occasion conceived, is one upon which without fear of censure, all ages and classes may come forward . . . Our daily studies bring to our recollections Greece in the period of her glory, and if we did not sympathize in her misfortunes and rejoice that she is at length awakened from her long degradation to a rememberance of what she once was, we should be strangers to those generous feelings which in youth it may sometimes be pardonable to carry to excess . . ."

The Columbians established their "Grecian Fund", but so did the students of New York University. They formed a Greek Committee from students representing each state of the Union, which devised ways and means to assist the "heroic people of Greece". Other New York colleges, such as Hamilton College in Clinton, held vigorous campaigns for the Greeks. The students of the Union Hall Academy in Long Island contributed $32 and the New York High School collected $90 for "glorious Greece".

The wealthy youth of New York had their own way of raising funds for the liberation of Greece. They organized a young men's ball for the most fashionable set of New York. It was held at the elegant room of Washington Hall, which was decorated with American and Greek colors, on the day commemorating the American victory at New Orleans. The proceeds from the fifty dollar ticket went to the New York Greek Committee.

MARCO BOZZARIS, AND NEW YORK'S POETS

When New York poet James Gates Percival published his "Ode on the Emancipation of Greece" on July 25, 1821, the youth of America had a slogan: "Greeks! arise, be free, Arms for Liberty . . ." This poem was inspired by Rigas Fereos' verses calling the Greeks to rise, which were translated by the Rev. George W. Doane and published in his "Songs by the Way" (New York, 1824). Rigas became a popular name in America, but Marco Bozzaris was made prominent in American literature by New York's poet Fitz-Greene Halleck, whose poem "Marco Bozzaris"[3] was first published in the *New York Review* and *Athenaeum Magazine* in June 1825.

Halleck's "Marco Bozzaris" was one of the best American poems in the 18th century—

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[2] The Totine Coffee House was the place where New York business men and members of the Chambers of Commerce held their meetings. It was constructed in 1772 and razed in 1827.

[3] Near the site of the battle of Plataea (479 B.C.) where the Greeks under Pausanias defeated the great Persian army (not far from Thebes), Marco Bozzaris with his small band, fell in the Ottoman's camp (August 20, 1823) Here Bozzaris was fatally wounded, in a moment of victory: "To die for liberty is a pleasure, not a pain", were his last words.

a poem that the next two generations of American boys and girls learnt by heart at school. Theodore Roosevelt had to recite the poem at his commencement exercises:

At midnight, in the forest shades,
Bozzaris ranged his Suliot band,
True as the steel of their tried blades
Heroes, in heart and hand.

Strike—till the last armed foe expires;
Strike—for your altars and your fires;
Strike—for the green graves of your sires;
God—and your native land!

Come . . . Death! . . .
But to the hero, when his sword
Has won the battle of the free,
Thy voice sounds like a prophet's words.

Bozzaris! . . .
We tell thy doom without a sign
For thou art Freedom's now, and Fame's—
One of the few, the immortal names,
That were not born to die!

Halleck's "Marco Bozzaris" was translated in Greek during the Revolution but the original in English has a quality that can hardly be rendered in another language. His feeling for Greece was expressed in another earlier poem, which reveals the poet's own yearning in 1823 to join the fighting Greeks. Halleck's poem "Magdalen" may reflect also the desire of Edgar Allen Poe who had announced his departure for Greece, but in any case the poem portrays the first American who went to fight and die in Greece. "Magdalen" fits the young man of a New York family, George Jarvis, who left for Greece on March 12, 1822, long before Lord Byron, to fight for freedom and die in Greece on August 11, 1821.[4] Halleck may have not known of George Jarvis when he wrote this poem:

In Greece, the brave heart's Holy Land
Its soldier-song the bugle sings;
And I had buckled on my brand,
And waited by the sea-wind's wings.
To bear me where, or lost or won
Her battle, in its frown or smile,
Men live with those of Marathon,
Or die with those of Scio's isle;
And find in Valor's tent or tomb,
In life or death, a glorious home.

THE "FRIGATES SCANDALS" AND HOPE BECOMES HELLAS

Public opinion in America, particularly in New York, ran high in the year 1826, over the so-called "frigates scandals". The Greeks ordered two large war vessels from a New York ship-building house, the cost of which ran higher than the contracted price. Out of national embarrassment, the U.S. Government bought one of the frigates, the "Liberator", making possible for the other, named "Hope", to sail for Greece on October 12, 1826. The following day, the *New York Statesman* wrote: "We are happy to state that the Greek frigate HOPE unfurled her canvas yesterday, and is now on her way to render, as we hope, good service to the cause of liberty and Christianity."

"Hope" created much excitement among Americans. Many young men wanted to make the voyage to Greece. Some 200 applied to serve as the Captain's clerk. Several officers of the U.S. Navy requested leave of absence to sail for Greece with the frigate. Four of them, with Lt. Francis H. Gregory in command, took charge of the ship. American concern for *HOPE* and the *LIBERATOR* became the subject for poetry.[5] "Hope" reached Nauplion on December 6, 1827, too late to prevent the fall of Messolongi. Admiral Miaoulis became the commander of the celebrated "Hope", renamed HELLAS, which became the pride of the Greek fleet. Jonathan Miller, the American volunteer in the Greek forces, noted in his *Journal* that "a finer frigate than HELLAS is not to be found."

THE FALL OF MESSOLONGI STIMULATES AMERICAN CONCERN

The fall of Messolongi, the controversy of the frigates and reports of growing distress in Greece heightened American concern for Greece in 1826. The New York Greek Committee was reorganized in January 1827 to conduct a larger campaign for funds "to save the orphans and widows of the war". Its new Chairman was Stephen Allen. A year later he was succeeded by George Griswold. The Secretary was Samuel Akerly. Other prominent New Yorkers of the new committee were William Maxwell, Robert Sedgwick, Linde Catland, Preserved Fish, Peter Sharp, James I. Jones, Frederick Shelton, F. Vandenburg and Hiram Ketchum.

A new appeal was issued by the Greek Committee, which read: "The inhabitants of Greece are contriving for civil and religious liberty. The exertions they have made, the sufferings and sacrifices to which they have submitted in a war, nearly as long as our revolutionary struggle, prove them worthy of the object for which they contended." Within three months New York City alone, with a population of 150,000 raised $40,000. Brooklyn contributed $3,000. The total figure for the whole state was estimated at about $300,000. Five of the eight ships that carried relief supplies to Greece departed from New York: The total value of these relief cargos for the years 1827 and 1828 cannot be estimated, but for Greece this support was crucial. Dragoumis, the secretary of Governor Capodistrias, recorded in his memoirs that were it not for American philanthropy, the officials and the population of the provisional seat of the Greek government in Poros would have perished.

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The 150th anniversary of Greek independence in 1971 recalls the words of James Monroe, the 5th President of the United States who retired in New York, "that Greece will become again an independent nation; that she may obtain that rank is the object of our most urgent wishes." New York's faith in what the Greek struggle for freedom meant was shared by most Americans a century and a half ago. In more specific terms Americans had the satisfaction of seeing the doctrines of the Holy Alliance in Europe give way to free institutions in the achievement of the Greeks to attain independence. For, popular feeling in America was on the side of Daniel Webster, who most eloquently voiced this sentiment, when he declared in the U.S. Congress: "We must avail ourselves of the Greek Revolution to make our protest against the doctrines of the Allied Powers, both as they are laid down in principle and as they are applied in practice."

Therefore, there is a deep rooted reason in the conclusion of the late Professor Edmond Mead Earle of Columbia University, when he wrote: "American sympathy with the cause of Greece did not die with the birth of the Greek Kingdom . . . Philhellenism has come to stay . . . For over a century it has colored American public opinion concerning the Near East."

[From American Opinion, July–August 1970]

GEORGE PAPADOPOULOS AND THE GREEKS

To understand Greek Premier George Papadopoulos—the man and his mission—we must consider the historic role of the nation which produced him. The great contributions of Greece to sculpture, painting, literature, medicine, science, and philosophy are well known. But the role Greece has played in preserving and defending this heritage is often overlooked in a day when Western Civilization is under attack everywhere.

When the Persian kings, first Darius and then Xerxes, led their million-man Army against a divided Greece in the Fifth Century B.C., there seemed no hope for the Greeks. Yet, in one of the greatest and most important series of campaigns in history, at the cost of countless Greeks dead and Athens burned, the Persians were defeated. If the Persians had been victorious, their occupation and influence would almost certainly have prevented the developmnt of Western Civilization as we know it.

In any case, that Civilization would have been destroyed in its infancy if the Greeks of Constantinople had not later stopped the sweep of the Moslem hordes by guarding the invasion route to the West for nearly eight centuries. When Constantinople finally fell, a Europe immensely more powerful than the one at the time of the first assault nearly fell also, with the Moslems reaching the very gates of Vienna. Again the Greeks had saved Europe, and again they paid a terrible price—this time, four hundred years of Turkish occupation.

Today the world is faced with the greatest threat in history—more brutal than even the Persians could imagine, more powerful than any ever dreamed of by the Moslems. And, again, it is the Greeks who man the ramparts of the West. Little Greece, ancient Hellas, today stands as the most committed opponent of Communist tyranny in all Europe. If Greece falls to the Communists, the Mediterranean Sea will become a Russian lake.

The Soviet fleet is already in the Mediterranean in strength, and the Communists completely control the land base from Syria to Algeria. The apparent "Eastward look" of Spanish policy will, if continued, leave only Greece as an obstacle to unquestioned Soviet domination of the Mediterranean and Red seas. With such control the Soviets can use their troops in Czecho-Slovakia as a powerful threat behind ultimata to the nations of Europe which few will dare reject. Without exaggeration, the fall of the present Government in Greece could seal the fate of all Europe. And the destiny of Greece, and thus of Europe, is in the hands of George Papadopoulos.

Who and what is Papadopoulos? First, last, and always he is a Greek. He was born on May 4, 1919, in Eleochorion, a small and rather poor village in the Achaia region of Greece. But Papadopoulos was not warped and twisted by early years of poverty, as the radical Press would have us believe. His family was poor, yes; but not desperately so. His father's salary as the village schoolmaster did not allow much room for luxuries after providing for the needs of his wife and five children, but he gave his son George something far more important than an easy life—he gave him a sound discipline of mind and body, and an unquenchable thirst and love for knowledge.

After receiving primary education in his father's school, young George Papadopoulos attended secondary schools in Patrai and then went on to the War Academy, graduating in 1940 as a second lieutenant. He had attained the highest possible grades there, and it was at the Academy that he began collecting books. This scholarly avocation resulted in his having at the time of the April Revolution the best and most complete library of Greek authors, from ancient to modern, in the entire country.

Here indeed was a rare personality—an intellectual, a soldier, a strict disciplinarian, and a man of the people. And he was steeled by fire. Two months after his graduation from the War Academy the Greek-Italian war broke out and the young officer was assigned to the Albanian front. His combat record was "excellent," and he was awarded the Medal of Valor and twice the War Cross. During the German occupation he joined the national resistance units. From November 1944 to January 1954 he was a staff officer, and then served in Intelligence until May 1946.

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[4] Halleck asked that the "reader will have the kindness to presume that he died there"—that is, in Greece, as did George Jarvis.

[5] In a poetry competition, Grencille Mellen won first prize for his poem *Our Chronicle of '26* and the second prize went to Dr. Henry T. Farmer for his poem *The Woes of Modern Greece*. The competition was held in Bos in 1827.

With the outbreak of the Communist guerrilla war, Papadopoulos served nineteen months as a commander of artillery and took part in operations on Grammos Mountain, at Souli, in the Peloponnesus, in Roumeli, and at Agrafa. After the Communists were defeated in the field, he was assigned to the Artillery School as an instructor, and attended the School of Army Engineers Corps. He had earlier graduated from the Artillery School and the Officers Training School. From 1955 to 1957, Papadopoulos served at the Intelligence Bureau of the Army General Staff and attended the Higher War School (1955), the Naval Academy (1956), and the Armed Forces School of Special Weapons (1958)—always graduating with academic distinction.

From August 1959 to July 1964 George Papadopoulos was posted at the Central Intelligences Service. And, after an artillery command, he served from August 1966 until April 21, 1967, at the Third Staff Bureau of the Army General Staff.

As Papadopoulos moved up the ranks, he watched the political situation in Greece go from bad to worse. By the early months of 1967 the crisis was reaching catastrophic proportions. The nation faced a complete economic collapse and a Communist takeover. Radical Premier George Papandreou and his Communist Harvard-trained son, Andreau, were throwing the nation to the Reds. The Communist terrorists Papandreou had released from prison were tearing Greece apart. Strikes, demonstrations, and riots led by the Reds were paralyzing the nation. The end was near. Parliament, which should have moved forcefully to avoid the imminent disaster, was too steeped in corruption to act. And the corruption was not limited to monetary affairs alone. As one Greek citizen told me: "It is so good now to have a government run by men instead of homosexuals."

Papandreou even had the university fees raised so high that only the sons of the wealthy or the graft-soaked politicians could obtain a college degree. No one would deal with the national crisis or the corruption because nearly all were in on the take. With seventeen different Parties there was always the chance of Deputy A and his Party forming a Government and really getting to the big money—to hell with the people.

The situation in Greece seemed hopeless when on April 21, 1967, a group of Army officers took charge of the Government and made George Papadopoulos Prime Minister. The corrupt Parliament was suspended.

We have now answered: Who is George Papadopoulos? But what is he? More specifically, is he a dictator? This is, of course, a matter of semantics. If by dictator one means a tyrant in the fashion of Josef Stalin, no. If one means dictator in the ancient sense—a man who is selected for leadership in a time of national emergency, and who takes upon his shoulders, with no thought of his own well-being, the cares of his nation for the duration of a crisis . . . a man such as Pericles—then, yes, George Papadopoulos is a dictator.

Here is a man who has voluntarily undertaken a task nearly impossible to complete successfully. Here is the material of legends; here the stuff of ancient Greece. Papadopoulos works eighteen to twenty hours a day, seven days a week. When he returns home to his wife, Despina, and two daughters (his son, an engineer, is married and lives elsewhere), it is not to a palatial villa. His home is typical of the residence of a moderately successful Greek doctor or lawyer; not spectacular by the standards of his country, and quite humble by those of the United States.

What has Papadopoulos done? First, and most important, he has saved Greece from a Communist takeover. If he had waited a year, six months, a month, it might have been too late. But he did not wait. And, after becoming Prime Minister, he rounded up the Communist leaders, organizers, and agitators . . . and jailed them. These were no idealists or parlor pinks—they were hard-core Reds, many of whom had been serving prison terms for mass murder and atrocities before being released by Papandreou. Premier Papadopoulos simply put them back in prison. Yet, since the April 21 Revolution, and contrary to Communist propaganda, not one drop of blood has been shed by the Government.

What is more, lesser offenders have been offered their release by simply signing a pledge to refrain from political activity. But few of the Comrades will sign. They have been directed by their superiors to stay in prison and play martyr, in the hope that the *New York Times*, America's slick media, and "our" State Department will be successful in destroying the present Government. Such Communists hope then to become the masters of Greece.

Meanwhile, the new Government's five-year economic development program is running well ahead of schedule. Furthermore, decentralization is the keynote of the regime. And, Premier Papadopoulos is making powerful attempts to distribute the political, economic, social, and intellectual life of Greece over all the country, rather than permit Athens to continue sapping the vitality of the nation for its own benefit.

When Prime Minister Papadcpoulos introduced a new reform Constitution, it was supported at the ballot box by an overwhelming majority of the Greek people. The Prime Minister and his Government are working feverishly to complete the mechanics of this new Constitution. When it goes into effect, in a year to a year and a half, George Papadopoulos will be excluded from serving in the Government by an age-limit clause upon which he personally insisted.

What kind of dictator is this—an anti-Communist intellectual who works eighteen to twenty hours a day preparing a new governmental order which will exclude him from any political power?

Yet, if the International Establishment and the kept Press have their way, the new anti-Communist Greece will be smothered in her cradle. The "East" will be victorious! Christian charity and national interests demand that the American people come to the defense of Papadopoulos and Greece. But, even more important, the West must come to realize that the attack on Greece is only one more part of the Communist strategy. Greece is the key to the Mediterranean. The Communists need it to turn the lock on an imprisoned Europe. Only George Papadopoulos and his anti-Communist Government stand in their way.

WAR CRIMES IN VIETNAM

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. SCHEUER. Mr. Speaker, the March 28, 1971 New York Times Book Review carried as its lead article a lengthy analysis by Neil Sheehan on the question of war crimes in Vietnam and our Nation's response to it. The article is based on 33 books published in this country in the recent past, including several reports and hearings from various U.S. Senate committees, which are representative of the growing body of literature on the causes and consequences of our involvement in the bitter, unending conflict in Indochina. It is a disturbing, thought-provoking piece. It comes at a time when people all over the country are beginning to pay increasingly close attention to a problem which heretofore seemed too awful and too far from the realm of possibility to consider.

Mr. Speaker, this question can no longer be ignored. Our perceptions of the Indochina war have changed radically since the early 1960's, and they must continue to evolve until we face squarely the full implications of our national war policy. As Mr. Sheehan says:

> The more perspective we gain on our behavior, the uglier our conduct appears. At first it had seemed unfortunate and sad; we were caught in the quicksand of Indochina. Then our conduct had appeared stupid and brutal, the quagmire was of our own making, the Vietnamese were the victims and we were the executioners. Now we're finding out that we may have taken life, not merely as cruel and stubborn warriors, but as criminals. We are conditioned as a nation to believe that only our enemies commit war crimes. Certainly the enemy in Indochina has perpetrated crimes. The enemy's war crimes, however, will not wash us clean if we too are war criminals.

Mr. Sheehan closes his article with a call for a congressional inquiry into the war crimes question. Twenty-one Members of Congress have already cosponsored House Joint Resolution 409, which calls for just such an investigation. I urge the Rules Committee to take speedy and favorable action on that resolution.

In the meantime, I commend Mr. Sheehan's article which follows to the attention of all those in the Congress who are considering our Nation's policies abroad, both past and future:

SHOULD WE HAVE WAR CRIME TRIALS?

(By Neil Sheehan)

"The tragic story of Vietnam is not, in truth, a tale of malevolent men bent upon conquest for personal gain or imperial glory. It is the story of an entire generation of leaders (and an entire generation of followers) so conditioned by the tensions of the cold war years that they were unable to perceive in 1965 (and later) that the Communist adversary was no longer a monolith . . . Lyndon Johnson, though disturbingly volatile, was not in his worst moments an evil man in the Hitlerian sense . . . Set against these facts, the easy designation of individuals as deliberate or imputed 'war criminals' is shockingly glib, even if one allows for the inexperience of the young."—Townsend Hoopes, the former Under Secretary of the Air Force, January, 1970.

Is the accusation glib? Or is it too unpleasant to think about? Do you have to be Hitlerian to be a war criminal? Or can you qualify as a well-intentioned President of the United States? Even when I saw those signs during the March on the Pentagon in 1967, "Hey, Hey, L.B.J. How many kids did you kill today?" they didn't make me think that Lyndon Johnson, the President of the United States, might be a war criminal. A misguided man perhaps, an egomaniac at worst, but not a war criminal. That would have been just too much. Kids do get killed in war. Besides, I'd never read the laws governing the conduct of war, although I had watched the war for three years in Vietnam and had written about it for five. Apparently, a lot of the men in Saigon and Washington who were directing the war didn't read those laws either or if they did, they interpreted them rather loosely.

Now a lot of other people are examining our behavior in Vietnam in the light of these laws. Mark Sacharoff, an assistant professor of English at Temple University, has gathered their work together into this bibliography. By this simple act he has significantly widened our consciousness. If you credit as factual only a fraction of the information assembled here about what happened in Vietnam, and if you apply the laws of war to American conduct there, then the leaders of the United States for the past six years at least, including the incumbent President, Richard Milhous Nixon, may well be guilty of war crimes.

There is the stuff of five Dreyfus affairs in that thought. This is what makes the growing literature on alleged war crimes in Vietnam so important. This bibliography represents the beginning of what promises to be a long and painful inquest into what we are doing in Southeast Asia. The more perspective we gain on our behavior, the uglier our conduct appears. At first it had seemed unfortunate and sad; we were caught in the quicksand of Indochina. Then our conduct had appeared stupid and brutal, the quagmire was of our own making, the Vietnamese were the victims and we were the executioners. Now we're finding out that we may have taken life, not merely as cruel and stubborn warriors, but as criminals. We are conditioned as a nation to believe that only our enemies commit war crimes. Certainly the enemy in Indochina has perpetrated crimes. The enemy's war crimes, however, will not wash us clean if we too are war criminals.

What are the laws of war? One learns that there is a whole body of such laws, ranging from specific military regulations like the Army's Field Manual 27-10, "The Law of Land Warfare," to the provisions of the Hague and Geneva Conventions, which are United States law by virtue of Senate ratification, to be broad principles laid down by the Nuremberg and Tokyo war crimes tribunals. These laws say that all is not fair in war, that there are limits to what belligerent man may do to mankind. As the Hague Convention of 1907 put it, "The right of belligerents to adopt means of injuring the enemy is not unlimited." In other words, some acts in war are illegal and they aren't all as obviously illegal as the massacre of several hundred Vietnamese villagers at Mylai.

Let's take a look at our conduct in Vietnam through the viewing glass of these laws. The Army Field Manual says that it is illegal to attack hospitals. We routinely bombed and shelled them. The destruction of Vietcong and North Vietnamese Army Hospitals in the South Vietnamese countryside was announced at the daily press briefings, the Five o'Clock Follies, by American military spokesmen in Saigon.

So somebody may have committed a war crime in attacking those hospitals. The Manual also says that a military commander acquires responsibility for war crimes if he knows they are being committed, "or should have knowledge, through reports received by him or through other means," and he fails to take action to stop them. President Johnson kept two wire-service teletypes in his office and he read the newspapers like a bear. There are thus grounds for believing that he may have known his Air Force and artillery were blowing up enemy hospitals. He was the Commander in Chief. Did his knowledge make him a war criminal? The Army Manual says that "every violation of the law of war is a war crime."

Let's proceed to one of the basic tactics the United States used to prosecute the war in South Vietnam—unrestricted air and artillery bombardments of peasant hamlets. Since 1965, a minimum of 150,000 Vietnamese civilians, an average of 68 men, women and children every day for the past six years, have been killed in the south by American military action or by weapons supplied to the Saigon forces by the United States. Another 350,000 Vietnamese civilians have been wounded or permanently maimed. This is a very conservative estimate. It is based on official figures assembled by Senator Edward M. Kennedy's Senate Subcommittee on Refugees and on a study for the Subcommittee by those eminent Government auditors, the General Accounting Office. The real toll may be much higher. This conservative attitude makes the documentation put together by the Senator and his staff aides, Jerry Tinker and Dale S. de Haan, among the most impressive in the bibliography. Many, perhaps the majority, of those half-million civilian casualties were caused by the air and artillery bombardments of peasant hamlets authorized by the American military and civilian leaders in Saigon and Washington.

The United States Government tried and hanged in 1946 a Japanese general, Tomoyuki Yamashita, because he was held responsible for the deaths of more than 25,000 noncombatants killed by his troops in the Philippines.

Can a moral and legal distinction be drawn between those killings in World War II, for which General Yamashita paid with his life, and the civilian deaths ordered or condoned by American leaders during the Vietnam war? Again, if you accept only a portion of the evidence presented in this bibliography, and compare that evidence to the laws of war, the probable answer is, No. And President Nixon has spread this unrestricted bombing through Laos and Cambodia, killing and wounding unknown tens of thousands of civilians in those countries.

Looking back, one realizes that the war-crimes issue was always present. Our vision was so narrowly focused on the unfolding details of the war that we lacked the perspective to see it, or when the problem was held up to us, we paid no heed. This lesson becomes clear in reading the proceedings of the Russell Tribunal now published in "Against the Crime of Silence." The proceedings were widely dismissed in 1967 as a combination of kookery and leftist propaganda. They should not have been. Although the proceedings were one-sided, the perspective was there.

One saw the substance all the time in Vietnam in the bombing and shelling of the peasant hamlets. In November, 1965, I found five fishing hamlets on the coast of Quangngai Province in central Vietnam, not far from Mylai, which had been ravaged over the previous two months by the five-inch guns of United States Navy destroyers and by American and South Vietnamese fighter-bombers. The local Vietnamese officials told me that at least 184 civilians had been killed. After a day of interviewing the survivors among the ruins, I concluded that a reasonable estimate might run as high as 600 dead. American Army officers working in the province told me that the most serious resistance the Vietcong guerrillas in the hamlets had offered was sniper fire. The hamlets and all their inhabitants had been attacked just because the Vietcong were present. I discovered that another 10 hamlets in the province had also been gutted and about 25 others severely damaged, all for like reasons.

Making the peasants pay so dearly for the presence of guerrillas in their hamlets, regardless of whether they sympathized with the Vietcong, seemed unnecessarily brutal and politically counter-productive to me, since this Hun-like treatment would alienate them from Saigon authorities and the American forces. No common-sense military purpose seemed to be served. When I wrote my story describing the agony of the fisher folk, however, it did not occur to me that I had discovered a possible war crime. The thought also does not seem to have occurred to my editors or to most readers of The Times. None of the similar stories that I and other reporters wrote later on provoked any outrage, except among that minority with the field of vision to see what was happening. As Lieutenant Calley told the prosecutor at Fort Benning, "It wasn't any big deal, sir."

Reading through the news dispatches from 1965, 1966 and 1967 that Seymour Melman of Columbia and Richard Falk of Princeton assembled to document accusations of war crimes made by The Clergy and Laymen Concerned About Vietnam, "In the Name of America," is to view those scenes again in this new and disturbing perspective. Frank Harvey, in "Air War—Vietnam," recounts with the power of anecdotal narrative the casual destruction of peasant hamlets in the Mekong Delta by the United States Air Force. Usually the excuse was that a squad or so of guerrillas might be present in the hamlet or the mere location of the hamlet in guerrilla-dominated territory. Harvey is a convincing witness because he concludes with a defense of the war.

You might argue that this destruction, and concomitant loss of civilian life, were not deliberate, that they were among those haphazard horrors of war. The record says otherwise.

As early as the fall of 1965, the American Embassy in Saigon distributed to correspondents a Rand Corporation study on the air and artillery bombardments. The study concluded that the peasants blamed the Vietcong when their hamlets were blasted and their relatives killed; in effect, that shrapnel, white phosphorous and napalm were good political medicine. The study was dismissed by reporters as macabre proof that the Government could always find a think-tank to tell it what it wanted to think.

In the summer of 1966, however, a lengthy secret study of the pacification program was done for the Embassy and military headquarters in Saigon by some of the most experienced Americans in the country. One of the study's recommendations was that this practice of unrestricted bombing and shelling should be carefully re-examined. According to the study there was evidence that the practice was driving hundreds of thousands of refugees into urban slums and squalid camps, causing unnecessary death and suffering, and angering the peasantry. The proposal for a re-examination was vetoed at the highest levels of American authority in Saigon.

By deciding not to reconsider, the American leadership in Saigon was deciding to ordain the practice, to establish a de facto policy. During those earlier years at least, the policy was not acknowledged in writing, as far as I know, but neither can there be any doubt that this was the way things were to be done and that those American military and civilian leaders directing the war knew the grim cost of their decision not to look. Why did they establish the policy? Because devastation had become a fundamental element in their strategy to win the war.

I remember asking one of the most senior American generals in the late summer of 1966 if he was not worried by all the civilian casualties that the bombing and shelling were causing. "Yes, it is a problem," he said, "but it does deprive the enemy of the population, doesn't it?" A survey of refugees commissioned later that year by the Pentagon indicated that 54 per cent of those in Dinhtuong Province in the Mekong Delta were fleeing their hamlets in fear of bombing and shelling. So this was the game. The firepower that only American technology can muster, the General Motors of death we invented in World War II, was to defeat the Vietnamese Communists by outright military attrition, the body count, and by obliterating their strategic base, the rural population.

If you destroyed the rural society, you destroyed the resources the enemy needed to fight. You deprived him of recruits in the South, of the food and the intelligence the peasantry provide; you reversed Mao Tse-tung's axiom by drying up the sea (the peasantry) in which the guerrillas swam.

All of those directives issued by the American military headquarters in Saigon about taking care to avoid civilian casualties, about protecting the livestock and the homes of the peasantry, were the sort of pharisaic prattle you hear from many American institutions. Whenever you say the institution is not behaving as it says it should, the institution can always point to a directive and say you must be mistaken. (General Electric had directives forbidding price fixing when some of its vice presidents were convicted of price fixing.) No one was fooling himself when he marked off those "free-fire zones," and ordered those "pre-planned airstrikes" and that "harassing and interdiction fire" by the artillery. People and their homes were dehumanized into grid coordinates on a targeting map. Those other formalities, like obtaining clearance from the Vietnamese province chief before you bombed a hamlet, were stratagems to avoid responsibility, because he almost never refused permission. (Such legal fictions, by the way, are expressly forbidden by the laws of war.)

Out in the countryside the captains and majors did not disguise the design. One day in a heavily-populated province in the Mekong Delta, a young Army captain swept his hand across the map over a couple of dozen hamlets in guerrilla-dominated territory near the provincial capital and remarked that the peasants were evacuating them and moving in near town. Why? I asked. "Because it's not healthy out there. We're shelling the hell out of them," he said.

By 1967, this policy of unrestricted air and artillery bombardments had been orchestrated with search and destroy operations by ground troops, B-52 strikes, and crop destruction with chemical herbicides into a strategy that was progressively laying waste much of the countryside. (The question of whether herbicides were dumped on the landscape to an extent that may constitute a separate war crime is treated at length in several of the books Mr. Sacharoff lists.) That year Jonathan Schell went to Quangnai to document the creeping destruction of the rural society in a two-part article that first appeared in The New Yorker magazine. It was later published with a title of understated irony, "The Military Half." Schell estimated that by this time about 70 percent of the 450 hamlets in the province had been destroyed.

Did the military and civilian leaders directing the war from Washington know what was happening in Vietnam? How could they have avoided? The newspapers, magazine articles like Schell's and the reports of the Kennedy Subcommittee indicated the extent of what was being done in their name. The statistics alone are enough to tell the tale: five million refugees, nearly a third of South Vietnam's population of 16 million people, and that conservative estimate of the civilian casualties from what is called "friendly" military action, of at least 150,000 dead and 350,000 wounded or maimed.

These peasant hamlets, one must bear in mind, were not being plowed under because American or South Vietnamese ground troops were attempting to seize them from the enemy in pitched battles. The hamlets were being bombarbed in the absence of ground combat.

One might argue that though regrettable, though even immoral, the indiscriminate air and artillery bombardments of civilians in Vietnam were not a war crime. The Allies engaged in terror bombing of Japanese and German cities in World War II. Look at the incendiary raids on Dresden and Tokyo and the nuclear holocausts of Hiroshima and Nagasaki. None of the defendants at the Nuremberg and Tokyo trials were convicted of war crimes involving the bombing of civilian populations, because the prosecutors had done the same thing. By custom, therefore, one might argue, terror bombing is an accepted practice of war. Similarly, in the Korean War, the United States Air Force bombed Korean towns and cities.

But is Vietnam the same kind of war? There is good reason to think that it is not. In World War II opposing industrialized societies were fighting a war of survival. In this context of total war, the cities inevitably became targets to be destroyed. They contained the industries that fueled their opponent's war machine and the workers who manned the factories. The worker was as much a combatant as the uniformed soldier. Korea was also, more or less, a conventional conflict between uniformed armies, although bombing practices there would bear examination in the perspective of history.

In Vietnam, however, the most advanced technological nation in the world intervened in a civil war in a primitive, agricultural country. The Vietnamese Communists possess negligible industry, no air force of any size, and no intercontinental missiles that pose a threat to the survival of the United States. The intervention was, rather, undertaken for reasons of domestic politics and foreign policy, to avoid the repercussions at home of losing a war to Communists and to maintain a position of power and influence for the United States in Southeast Asia.

Moreover, as the literature in Sacharoff's bibliography amply documents, the use of the air weapon underwent a subtle and important change in South Vietnam from the previous two wars. Air power, and artillery as a corollary weapon, were directed by an occupying power, the United States, at the civilian population in the rural areas of the country under occupation. The targets of the bombs and shells were the noncombatants themselves, because it was believed that their existence was important to the enemy. Air Power became a distinct weapon of terror to empty the countryside. Samuel P. Huntington, of Harvard, has even coined a marvelously American euphemism for the technique—"forced-draft urbanization and modernization." Some of us prefer a quotation from Tacitus that the late Bernard Fall was fond of citing: "Where they make a dessert they call it peace."

One key to understanding this use of airpower in South Vietnam is to compare the unrestricted bombing in the south with the elaborate restrictions that surrounded the air campaign against North Vietnam.

Although the North Vietnamese may not believe it, in the North a conscious effort was made to bomb only military, and what limited industrial targets were available, and to weigh probable civilian casualties against the military advantages to be gained from a particular airstrike. The ultimate objective of the air campaign against the North was, to be sure, political rather than military. It sought to intimidate the North Vietnamese into withdrawing their forces from the South and taking the Vietcong guerrillas along with them. And undoubtedly the restrictions were also designed to escape the unfavorable publicity that would result from severe civilian casualties in the North.

The mere fact that an attempt was made to avoid them throws into sharp understanding the very different motives that lay behind the bombing in the south and the inherent acceptance of great civilian suffering. When Harrison Salisbury, an assistant managing editor of The New York Times, visited North Vietnam in December, 1966, to write his memorable series of articles on the destruction wrought by American air raids there (civilian homes, schools, hospitals and churches had been wrecked because the air campaign had never been the surgical operation Pentagon propaganda portrayed it as being), the most severe example of civilian deaths the North Vietnamese claimed was 89 in the town of Nandinh southeast of Hanoi, from six months of bombing, less than half the official South Vietnamese estimate of the number of civilians killed in the five hamlets I found on the coast of Quangngai Province in 1965.

Did the employment of the air weapon and the artillery in South Vietnam thus exceeded the limits sanctioned by the laws of war?

The United States Army Field Manual says: "The law of war . . . requires that belligerents refrain from employing any kind or degree of violence which is not actually necessary for military purposes and that they conduct hostilities with regard for the principles of humanity and chivalry." The Manual goes on to explain what is meant by "actually necessary for military purposes," i.e. military necessity. "The prohibitory effect of the law of war is not minimized by 'military necessity' which has been defined as that principle which justifies those measures not forbidden by international law which are indispensable for securing the complete submission of the enemy as soon as possible. Military necessity has been rejected as a defense for acts forbidden by the customary or conventional laws of war inasmuch as the latter have been developed and framed with consideration for the concept of military necessity." In short, if you can demonstrate certain measures are required to defeat the enemy, and those measures are not specifically forbidden by the laws of war, you employ them.

Assuming that the use of air power in South Vietnam was not specifically forbidden by the laws of war, was this means necessary to defeat the enemy? He could have been deprived of the rural population by another, more humane method. This would have involved putting sufficient American ground troops in South Vietnam to occupy most of the countryside and thereby gain control over the rural hamlets. National mobilization and the dispatch of upwards of 600,000 troops to South Vietnam was proposed by the Joint Chiefs of Staff and rejected by President Johnson and his advisers, because this strategy would have meant higher draft calls, wage and price controls, and other measures that would have been unpopular with the American public. So there are grounds for believing that the use of the air weapon in the South was not a military necessity but a political convenience, a substitute for sufficient infantrymen to hold the countryside.

I am not saying that garrisoning South Vietnam with ground troops would have made the war a sensible enterprise. I am suggesting that the war's impact upon the Vietnamese might have been more merciful. The Marines, because of their pre-World-War-II experience with pacification in Central America and the Caribbean, did make an attempt to hold a good many of the hamlets in central Vietnamese provinces where they operated. Life for a Vietnamese farmer within these zones was safer than for his brethren in other regions.

In any case, to address the basic question of legal sanctions, it appears that the employment of air and artillery to terrorize the peasantry and raze the countryside was an act specifically forbidden by the laws of war. The Geneva Convention of 1949 Relative to the Protection of Civilian Persons in Time of War states:

"The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons [civilians] in their hands. This prohibition applies not only to murder, torture, corporal punishment, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents.

"No protected person may be punished for an offense he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.

"Pillage is prohibited.

"Reprisals against protected persons and their property are prohibited."

The paragraphs seem to be a reasonably fair description of what was inflicted upon much of the South Vietnamese peasantry by the United States.

The Army Field Manual is more specific. "The measure of permissible devastation is found in the strict necessities of war," it says. "Devastation as an end in itself or *as a separate measure of war* [italics added] is not sanctioned by the law of war."

The adoption of devastation as a basic element of strategy also seems to have led American leaders into what may be related war crimes against South Vietnamese civilians. The Geneva Convention of 1949 states that a belligerent power has a duty, in so far as it is able, to care for the victims of war.

"The wounded and the sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect. As far as military considerations allow, each party to the conflict shall facilitate the steps taken to search for the killed and wounded, to assist the shipwrecked and other persons exposed to grave danger, and to protect them against pillage and ill-treatment."

The consignment of Vietnamese civilian war wounded to provincial hospitals that were little better than charnel houses has been a national scandal for the United States. The reports of the Kennedy Subcommittee describe the scenes of two wounded to a bed, no sheets or mattresses, no showers, filthy toilets, open sewers and swarms of flies spreading infection. In contrast the United States military hospitals are models of medical science. Given the wide publicity the deplorable conditions in these Vietnamese civilian hospitals have received over the years, would it be possible for the responsible leaders of the United States to contend that the neglect was not deliberate?

A similar war crime may have been committed against civilians forcibly evacuated from their homes. These persons would appear to fall under the category of internees in the Geneva Convention of 1949. The Convention lays out in great detail the obligation of a belligerent power to provide such persons with adequate food, housing and medical care. Here is an excerpt from a report to the Kennedy Subcommittee by a team from the General Accounting Office which inspected so-called refugee camps in South Vietnam last summer. The excerpt describes a camp in Quangnam Province on the central coast:

"At this location, there were about 2,070 people. We were informed that only 883 were recognized as refugees and that they would receive temporary benefits. We were advised that these people were all Vietcong families and that they were relocated by force in February or March 1970. These people are under heavy guard by the Vietnamese military.

"During our inspection, we observed there were no latrines, no usable wells, no classrooms, and no medical facilities. The shelters were crudely constructed from a variety of waste material, such as empty ammunition boxes and cardboard. We observed that the number of shelters would not adequately house these people.... The [American] refugee adviser stated that there were no plans to improve the living conditions at this site."

The fact that these persons are being held by the South Vietnamese authorities apparently does not absolve the United States of responsibility under the laws of war. Legally they remain our refugees. As the Army Field Manual explains:

"The restrictions placed upon the authority of a belligerent government cannot be avoided by a system of using a puppet government, central or local, to carry out acts which would be unlawful if performed directly by the occupant. Acts induced or compelled by the occupant are nonetheless its acts." The Saigon regime is not a puppet government, but it is a client regime whose existence is dependent upon the United States. A good argument could be made that because of this client relationship, the United States induces these acts. Telford Taylor, of Columbia, the former chief American prosecutor of Nuremberg, quantifies the neglect of the civilian war wounded and refugees. In "Nuremberg and Vietnam: An American Tragedy," he notes that the United States spent, at the most, a quarter-billion dollars to ease the civilian plight over the three years from 1965 through 1967. You will think this is a lot of money, until he tells you the amount was less than four per cent of the cost of air operations over the same period.

What about a relationship between the use of airpower and artillery in South Vietnam and the garden variety war crimes that many of the books in this bibliography allege—the individual acts of torture and murder of prisoners and civilians by American soldiers, the burning of peasant huts in "Zippo raids," the looting and the rape? Did the conduct of the war as approved at the highest levels create an atmosphere in which the lives of the Vietnamese were so cheapened that they became subhumans in the eyes of the soldier? If so, did this atmosphere help to incite these individual war crimes, given the traditional racism of Americans towards Asians—the dinks, the gooks, the slopeheads—and the psychological stress upon the soldier of fighting in a country where much of the population is hostile, where women and children do set mines and boobytraps and shoot at you?

The two accounts of the Mylai massacre mentioned in this bibliography, Richard Hammer's "One Morning in the War" and Seymour Hersh's "My Lai 4," as well as the testimony that has emerged at the court martial of Lieutenant Calley, of practices like driving civilians ahead of the troops to detonate mines with their bodies suggest that the general conduct of the war did contribute to these individual atrocities.

The word Lieutenant Calley used to describe the act of slaughtering the 102 men, women and children for whose deaths he is being held responsible evokes this atmosphere in uncanny fashion. He told the prosecutor that he was ordered "to waste the Vietnamese . . . waste, waste them, Sir." Were this just Lieutenant Calley speaking the word would not carry much meaning, but the word is from the argot of the American soldier in Vietnam. Human beings are "wasted" there, they are "blown away." Soldiers have a unique ability to find words to describe the reality of their wars.

Given such an atmosphere, the massacre at Mylai would be a departure from the norm only in that it consisted of the direct murder by rifle and machine gun fire of several hundred Vietnamese civilians at one time. The soldiers in Lieutenant Calley's platoon, whose moral sense led them to disregard his orders and not participate in the killings, do not appear to have been shocked by the lesser, individual atrocities that occurred prior to Mylai. Looked at coldly, Lieutenant Calley and the soldiers who did join him in the massacre were doing with their rifles what was done every day for reasons of strategy with bombs and artillery shells. There are Calleys in every army. What makes them dangerous is a set of circumstances in which their homicidal aberrations can run amok. The laws of war say that it is the responsibility of the highest leadership to do all in its power to prevent such circumstances from occurring.

Both the Army Field Manual and the Nuremberg Principles address this central issue in delineating when a claim of superior orders can constitute a defense against a charge of war crimes. "The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, *provided a moral choice was in fact possible for him*" [italics added], the Nuremberg Principles say. The Army Field Manual is a bit more elaborate. "In considering the question whether a superior order constitutes a valid defense, the court shall take into consideration the fact that obedience to lawful military orders is the duty of every member of the Armed Forces; that the latter cannot be expected, in condition of war discipline, to weigh scrupulously the legal merits of the orders received; that certain rules of warfare may be controversial; or that an act otherwise amounting to a war crime may be done in obedience to orders conceived as a measure of reprisal," the Manual says.

Curiously, Lieutenant Calley's lawyers have claimed that he has a robot-like personality incapable of resisting any orders from his superior, Captain Ernest Medina, but they have not sought to defend Calley on the grounds that, given the general atmosphere in which the war was being conducted, and his interpretation of his orders that morning in Mylai, he may not have been capable of a moral choice. They may have hesitated to do so because they would have had to put the entire command structure from President Johnson on down in the witness chair. Telford Taylor notes in his book that a court martial at Fort Benning is too limited a forum for such a far-reaching inquiry.

Nevertheless, the question of higher responsibility hangs over Mylai. It hangs over the individual atrocities described in these books, it hangs over the use of airpower and artillery to lay waste the Vietnamese villages, if that, too, constitutes a war crime and the greatest one of all.

Many would contend, as Townsend Hoopes did in an exchange of articles with two reporters for the Village Voice who accused him and his colleagues of being war criminals, that raising the issue of war crimes in Vietnam is absurd and unwarranted in the context of a democracy like the United States. Worse, many would argue, it is vindictive, capable of perversion into a new McCarthyism. Hoopes was a Deputy Assistant Secretary of the Air Force in the Johnson Administration. He wrote an admirable account of the inside events behind the March 31, 1968, decision to restrict the bombing of North Vietnam and open peace negotiations. His view is important because it appears to be widely held.

Hoopes argued that since the President is elected, since the war was prosecuted from well-meaning if mistaken motives, since Congress voted the funds and there was broad public support at the outset, no official should acquire criminal liability. Judgment, he said, should be confined to voting the Government out of office. Attacking this position in his introduction to the Russell Tribunal proceedings, Noam Chomsky of M.I.T. states that Hoopes is claiming an immunity for American leaders which this country denied to the leaders of Japan and Germany. Marcus Raskin, co-director of the Institute for Policy Studies in Washington, the think-tank of the New Left, asserts that Congress cannot be held responsible as a body, because many Congressmen voted funds merely to ensure that American soldiers had the means to defend themselves. Telford Taylor, a mugwump Democrat, remarks that though good intentions may be mitigating circumstances, they do not negate the fact of a crime, if one occurred.

Taken to its logical end, the Hoopes argument also means that all Americans were responsible for the actual conduct of the war. If so, then the adult majorities of Japan and Germany should have been punished for war crimes. They applauded the beginning of World War II. And if everyone is responsible, of course no one is responsible. The Nuremberg and Tokyo tribunals rejected Hoopes' argument by making a distinction between those in the audience and those who held power, as do the laws of war. The Army Manual denies a collective copout: "The fact that a person who committed an act which constitutes a war crime acted as the head of a State or as a responsible government official does not relieve him from responsibility for his act."

(Hyperbole in describing what war crimes may have taken place in Vietnam seems just as unhelpful as the Hoopes argument. Chomsky in "At War With Asia," accuses the United States of intending genocide in Vietnam. So do Richard Falk, the international legal scholar, and Gabriel Kolko, the revisionary historian, both of whom have otherwise diamond-cutting minds, in "War Crimes and the American Conscience," the published proceedings of a Washington symposium on war crimes last year. Genocide does not appear to be an accurate characterization of American conduct in Vietnam. The story is more complicated and the facts do not support the charge. The population of the country has grown despite the war, from an estimated 15-million in 1962 to about 17-million now.)

But how is this country to determine whether war crimes were really committed in Vietnam and who is responsible for them?

Not even the wildest of anti-communist politicians has predicted the conquest of the United States by the Vietcong guerrillas and the North Vietnamese army. So it seems equally outlandish to imagine that a tribunal with the power of those at Tokyo and Nuremberg will ever sit in judgment on the leaders of this country.

The Army, the principal service involved in the Vietnam war, has shown that it will not enforce military law and judge itself. The dismissal of charges against Maj. Gen. Samuel W. Koster, the division commander of the troops at Mylai, demonstrated that the current leadership of the Army considers Lieutenant Calley and Captain Medina to be its only real war criminals. Barring unforeseen disclosure, no one more important than a few captains, a major and a colonel or two are likely to join Calley and Medina in the dock. For the Army had a good case against General Koster, who was in his helicopter over the Mylai area that morning. What the Army lacked was the will to prosecute.

Perhaps it is expecting too much of human nature to think that the Army would sit in judgment on its own conduct in Vietnam. A command structure so traumatized, so emotionally defensive because of its failure in Vietnam, is not, except under great outside duress, about to begin charging members of the inner circle with war crimes.

Indeed, the military services are in the greatest danger of becoming the scapegoats of a public witchhunt that could come from the left over the war crimes issue if responsible men do not prevail. Mark Lane's collection of purported eyewitness accounts of atrocities in Vietnam, "Conversations with Americans," is an example of the kind of scurrilous attack that is already being made. The military have few defenders in the current climate. Much of the intellectual community and many of the students are almost childishly indiscriminate in their assaults. A number of the former senior civilian officials of the country, who have changed their minds about the war they helped to prosecute, are now all too eager to blame everything on the generals.

Professional soldiers, whose frame of reference is almost by nature circumscribed, are being criticized for not having displayed the kind of broad wisdom and judgment self-proclaimed statesmen did not exhibit. If the generals did commit war crimes in Vietnam, they did so with the knowledge and consent of the civilians. If seeking to pacify with the fire and the sword of the 20th-century, airplanes and howitzers, constituted a war crime, then the civilians helped to induce this crime by denying the generals sufficient troops to garrison the countryside.

President Johnson and his closest advisers, Robert S. McNamara, Walt W. Rostow, and Dean Rusk, directed the unfolding of the conflict just as President Nixon and his senior advisers now do. The military almost always played a subordinate role. Mr. McNamara, for example, supervised the planning and the execution of the war for the President as the chief of a European General Staff would have done. In 1965 he often said: "We're going to trade firepower for men." He had no criminal intent, of course. What he meant was that he planned to expend ten bombs to kill five North Vietnamese soldiers, instead of trading the lives of five American infantrymen for the same job. But when the bombs were targeted on civilians, Mr. McNamara did not cry halt. This is not to say that the generals would be absolved of responsibility, only that the highest, and therefore the greatest, responsibility does not rest with them.

For precisely this reason, one cannot expect the Nixon Administration, of its own accord, to institute any meaningful inquiry into war crimes. Mr. Nixon is using the same airpower tactices in Laos and Cambodia that his predecesor employed in South Vietnam. His strategy of Vietnamization is even more dependent upon the unrestricted use of airpower than was Mr. Johnson's. Mr. Nixon has also sensed even more keenly the political convenience of this weapon. He has calculated correctly that the public will not worry much about the dead, or about their age or sex, so long as the bodies are far enough away that the photographers and the television crews can't get to them too often and so long as they are, most important of all, not American.

The Kennedy Subcommittee estimates that civilian casualties in Laos, which has a population of only three million, are now exceeding 30,000 a year, including more than 10,000 dead. Many of these casualties are attributable to American bombs. Classified military documents specifically talk about bombing villages in Communist-held areas "to deprive the enemy of the population resource." No one knows what the civilian casualty toll is in Cambodia, where the same kind of air attacks are taking place. The Kennedy Subcommittee guesses there are now about a million and a half refugees in Cambodia out of a population of 6.5 million and that civilian casualties are running in the tens of thousands a year.

When I asked a responsible official at the State Department about the refugees he said he didn't have an estimate. Why? I asked. "The Cambodians haven't really asked us for any assistance with refugees and until they do it's not our concern. Our staff in the Embassy is pretty small and they have a lot of other fish to fry." What about the civilian casualties? "The Cambodians haven't been compiling them," he said. "We're dependent on their statistics and they don't keep careful statistics on anything." Really, that's what he said. The new American aid program for Cambodia contains no funds specifically marked for civilian medical relief.

Yet the cleansing of the nation's conscience and the future conduct of the most powerful country in the world towards the weaker peoples of the globe, demand a national inquiry into the war crimes question. What is needed is not prison sentences and executions, but social judgments soberly arrived at, so that if these acts are war crimes, future American leaders will not dare to repeat them.

The sole hope for such a national inquiry would appear to rest with the Congress or a commission of responsible men, with military and judicial experience, appointed by Congress and empowered to subpoena witnesses and examine documents. They might try to answer one fundamental question that I have not attempted to deal with here because the arguments are still so tangled—whether the United States intervention in Vietnam was itself a violation of the Nuremberg Principles forbidding wars of aggression. There does not seem to be the stomach for such an inquiry in Congress now, but attitudes may change as the full import of the issue becomes known.

If Congress fails to undertake an inquiry that carries the authority of the nation, then hypocrisy will be added to our sins. The Nuremberg judgments upon such diabolical Nazi crimes as the extermination of the Jews will still stand as a monument to international justice. Even under the most critical scrutiny, nothing the United States has perpetrated approaches the satanic evil of Hitler and his followers. The Nazis were in a class by themselves.

But the other, lesser judgments at Nuremberg, and the verdicts at the Tokyo Tribunal, will become what many said they were at the time—the pronouncements of victors over vanquished. We ought to remember that at the Tokyo Tribunal, the United States went so far as to establish the legal precedent that any member of a Cabinet who learns of war crimes, and subsequently remains in that Government acquires responsibility for those crimes. Under our own criteria, therefore, Orville Freeman, the Secretary of Agriculture under President Johnson, could acquire responsibility for war crimes in Vietnam.

Recently, when I discussed with a Japanese friend the condemnation of General Yamashita for the death of more than 25,000 noncombatants in the Philippines, he remarked: "We Japanese have a saying. The victor is always right."

History shows that men who decide for war, as the Japanese militarists did, cannot demand mercy for themselves. The resort to force is the ultimate act. It is playing God. Those who try force cannot afford to fail. I do not mean to suggest that men should be free to attempt anything in war to ensure victory. Quite the opposite. The laws of war seek to mitigate the evil of war, to save what lives can be saved in the midst of great killing. War nonetheless remains an evil that imposes a unique burden upon those responsible. This will sound cynical to many, but if the Johnson Administration had won the war in Vietnam, few would be searching for war crimes among the physical and human ruins of Indochina. Evidence of murder and brutality on a grand scale would have been hushed in the shouts of success. The resort to force has failed, however, and that failure has helped to make the issue of war crimes in Vietnam a very real and a very fair one to be dealt with. Our failure presents an opportunity for humanity that should not be lost.

A CRITIQUE OF "ROTC, MYLAI, AND THE VOLUNTEER ARMY"

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. FRASER. Mr. Speaker, on March 15 I placed in the RECORD a series of articles on the issue of the citizen soldier and the career soldier. A critique of the Foreign Policy article I included has been brought to my attention. I introduce it for the benefit of those who read my previous insertion:

(From the Friends Committee on National Legislation)

AN UNPERSUASIVE CASE FOR DRAFT EXTENSION

(By Holmes Brown)

The recent article "ROTC, Mylai, and the Voluntary Army," in the Spring 1971 issue of *Foreign Policy* reprinted in the March 15, 1971 *Congressional Record*, p. 6536, raises a number of challenging questions but fails to prove the proposition that an end to the draft would have a deleterious effect upon the quality and attitudes of America's career officer corps. A careful examination of the concerns raised in the article, compared with data cited in the Gates Commission Report suggests rather that a volunteer army is a more satisfactory response to these questions than either extension of the current system or draft reform.

The authors of "ROTC, Mylai, and the Voluntary Army" begin by observing that ROTC is under attack on a number of campuses, and they express the fear that the reduction or dismantling of ROTC could result in a dramatic increase in the number of officers drawn from the service academies and the enlisted ranks whose attitudes would have an unsettling effect on both domestic and world policies. There follows a series of tables which indicate varying differences of opinion among academy, ROTC, and non-ROTC respondents. The difficulty with this opening section is that the fears expressed concerning ROTC are groundless and much of the data relating to student attitudes are inconclusive or irrelevant.

As to whether attacks on ROTC will result in its demise, Senator Cranston in the March 14 edition of the *Washington Post* observes that "there are today more students and colleges desiring scholarship ROTC programs than there are spaces or units available." He further notes that while more than 50 colleges and universities are now actively interested in initiating their own ROTC program, some of the 12 colleges which recently dropped ROTC are inquiring about reestablishing their units.

The related concern that ROTC might be officially terminated is equally unfounded No Congressional sponsors of the volunteer army favor abolition of ROTC, rather they support its expansion. And the Gates Commission contends that instead of causing a constantly diminishing supply of college trained officers (whose more liberal and circumspect outlook the authors admire in comparison with service academy alumni) the volunteer army promises a steadily increasing number of college graduates in both the ROTC and OCS programs.

TABLE 6-11.—ARMY COMMISSIONED OFFICER REQUIREMENTS AND POTENTIAL SUPPLY IN AN ALL-VOLUNTEER FORCE

(2,500,000-man force level)

	Potential supply								
		ROTC		OCS					
Fiscal year	Academy [1]	Scholarship [2]	Nonscholarship [3]	College graduates [4]	Noncollege graduates [5]	Others [6]	Total	Required accessions	Estimated surplus or shortage
1971	900	1,400	11,200	200	1,000	1,400	16,100	16,800	−700
1972	900	1,500	8,000	300	1,000	500	12,200	5,300	+6,900
1973	1,000	2,000	5,700	300	1,000	600	10,600	7,100	+3,500
1974	1,000	2,500	3,200	400	1,000	1,000	9,100	11,400	−2,300
1975	1,000	2,500	3,100	500	1,000	700	8,800	8,700	+100
1976	1,000	2,500	4,100	500	1,000	700	9,800	8,500	+1,300
1977	1,000	2,500	5,100	500	1,000	800	10,900	9,900	+1,000
1978	1,000	2,500	6,000	600	1,000	800	11,900	9,500	+2,400
1979	1,000	2,500	6,800	600	1,000	800	12,700	9,000	+3,700
1980	1,000	2,500	7,300	600	1,000	800	13,200	9,400	+3,800

[1] Based on current Army plans.

[2] Assumes an increase in current Army plans of 500 in 1973 and 1,000 thereafter.

[3] Assumes the additional 1,000 ROTC scholarships are given to new applicants and are not included in ROTC projections (original 1,500 were assumed to be included).

[4] Assumes growth in 1964 proportion of college graduates entering OCS in line with estimated growth in male college population adjusted for the war-induced decline in the rate estimated from ROTC. Estimated proportion of draft-induced volunteers among 1964 entrants equals 60 percent.

[5] Assumes approximately 10 percent of officer entrants will be noncollege graduates.

[6] Includes mostly direct appointments and entrants from special commissioning programs. Ratio of such officer to total requirements instituted at prewar level.

Note: Numbers rounded to nearest 100.

If these projections are correct, the differences in attitude noted between academy personnel and ROTC graduates become mere tabulated facts rather than arguments for continued conscription, since on the one hand, a positive correlation between the draft and the number and quality of ROTC applicants has not been established, and on the other hand, the Gates Commission figures indicate that the ROTC program will be retained as the major source of officers entering the armed services.

It may be argued that the Gates Commission figures obtain only during peacetime with an army of 2.6 million, but Pentagon figures indicate that the presence of the draft did not result in a significant increase in the number of college students joining ROTC during the escalation of the war in Indochina. For as the demand for officers accelerated, thte percentage of officers supplied by ROTC to the army fell from 60.5% in 1965 to 28.1% in 1968. The actual number of program graduates between the two years was a miniscule increase of 290. In contrast, the percentage of officers provided by non-college graduate programs grew from 4.6% in 1965 to 37.9% in 1968. The numerical increase in this category between 1965 and 1968 was nearly 13,000. Thus the contention that the draft provides a "leavening" effect on the doctrinaire officers of academy and OCS origin by inducing college graduates to enter ROTC is disproven. For during the war, when one suspects the preference for being an officer as opposed to a draftee would be greatest, a minimal increase in thet number of ROTC candidates occurred.

The polls conducted by the authors do demonstrate a vast difference of attitude between the college liberal arts major and his military counterpart. By quoting one senior officer as complaining: "Lieut. Calley never would have become an officer if we were not so short-handed. Why are we short-handed? Because the bastards at Harvard wouldn't . . . step up to their responsibilities." The authors suggest that one way to allay their fears of a militaristic officer corps would be to implement a highly selective draft of humanities majors charged with the duty of "leavening" and "surveilling" the military. But this alternative is not likely to appeal to those who currently oppose the draft as an inequitable infringement of personal liberties, nor to the military who would express some reluctance at accepting a draftee who had been selected for his incompatibility rather than his efficiency, and finally it would appeal least of all to the liberal arts graduate who might define "stepping up to his responsibilities" as working to end the war altogether, rather than making it more "humane" or palatable to either the Asian or American public.

In conclusion, the article fails to make the convincing correlations between conscription and a dangerous change in officers' attitudes which would provide one reason for retaining the draft.

There are many career officers who are revolted by the atrocities committed in this war, and who have been active in bringing these issues to public attention. Col. Anthony B. Herbert brought charges against fellow officers "out of a sense of duty, the dictates of his conscience, love of country—and in the best interests of the Army" according to a *Washington Post*, March 15 story by Philip D. Carter.

Ultimately, if the American military establishment endangers the Republic, it is not going to be the draft motivated volunteers, of whom only 16% re-enlist, who control the threat, but rather it must be a concerned and vigilant Congress and public.

ESSAY ON SOUTHERN AFRICA

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. KEITH. Mr. Speaker, one of our Nation's most distinguished and respected diplomats, George Kennan, has published a thoughtful essay on Southern Africa in the January issue of Foreign Affairs.

Although I do not necessarily agree with some of Mr. Kennan's conclusions, I believe he has provided in this article a useful and exhaustive survey of the current situation in that area. In view of my longstanding interest in Portugal and the interest of many thousands of Portuguese Americans in my district, I would call particular attention to Mr. Kennan's treatment of the situation in Angola and Mozambique. In sharp contrast to the racist policies of South Africa, Kennan asserts, these Portuguese colonies are marked by a near total lack of discrimination.

He also notes the rapid change and development taking place in these territories. The number of primary school students in Angola, for example, has increased by some 500 percent in the last 15 years, and the secondary school population by as much as 850 percent. And, within the last 10 years, a university has been established in each of these territories.

In sum, although the Portuguese were late in instituting such reforms, considerable progress is now being made. Presumably, by the time the native peoples' aspirations for independence have reached full tide, a well-educated and relatively prosperous base for governing the new nations will have been established.

Mr. Speaker, I include the full text of Mr. Kennan's essay at this point in the RECORD:

HAZARDOUS COURSES IN SOUTHERN AFRICA

(By George F. Kennan)

Stretching southward from the two great river systems of the Congo and the Zambesi to the confluence of the Atlantic and Indian Oceans, and thus comprising roughly the southern third of the African continent, there lies a vast area, about two-thirds the size of the United States, which constitutes in its entirety one of the principal problem-children of the world community. Consisting largely of an arid central plateau, with lower coastal strips only partially suitable for human habitation, this region harbors a population of some 41,000,000, of whom, in approximate terms, 34,000,000 might be of black African origin, 4,500,000 of European, and the remainder of mixed or other blood. It is made up of a number of highly disparate political entities; the great Portuguese dependencies of Angola and Mozambique, the highly controversial territories of Rhodesia and South West Africa, the Republic of South Africa, and the three former British High Commission territories, now independent: Lesotho, Swaziland and Botswana.

With the exception of these last-named entities, which make up only a small portion of the whole, there is no part of this area which has not been in recent years the subject of violent discontent, debate, protest and conflict in the United Nations and in world opinion generally. Controversy has centered, of course, on the political relations existing there between people of European origin and the black Africans who constitute everywhere the majority. This is scarcely surprising. The area contains at least 90 percent of the entire white population of Africa, as against 11 percent of its Blacks. Of the white inhabitants, furthermore, a considerable proportion have been settled in Africa for many generations, having even in some instances come no later than did the Blacks to the settlement of the regions in which they are now residing. In these circumstances racial problems were bound to be of a different order—greater in scale, emotionally more acute—than elsewhere in Africa. It could scarcely have been otherwise. This distinction notwithstanding, the demands of the international community, particularly as formulated by the senior bodies of the United Nations, have tended to be no different than those previously raised with relation to the African countries farther north: *i.e.* immediate decolonization, in the case of the Portuguese territories, and the establishment everywhere of régimes drawn, whether by democratic means or otherwise, from the black African majorities.

Elsewhere in Africa these demands have been generally accepted. In southern Africa, aside from the three former High Commission territories, the controlling powers have resolutely refused to accept them, alleging them to be demagogically inspired, historically unjust, economically unrealistic and detrimental even to the interests of the black African populations involved. The resulting political conflict, massive and tragic, has now weighed heavily, over a period of several years, on the stability of international life: preempting larger sections of U.N. debate, complicating relations among outside powers, interfering with normal cultural and commercial as well as political contacts throughout the region, reducing greatly the contribution this region, itself the seat of most of the industrial strength of Africa, could make to the life of the remainder of the continent and indeed to world affairs generally.

II

It may be best, in tackling the bundle of problems that southern Africa presents, to go first to the one that is the most difficult and recalcitrant of all as well as being the one that involves the largest number of people, namely, South Africa itself.

It should perhaps be made clear at the outset that the present examination does not rest on any disposition to minimize the evils of South African apartheid. These are real, ubiquitous, shocking and depressing. It is idle to argue whether the fault proceeds from the nature of the theories these policies are designed to serve or from the manner in which the theories are put into execution. No merits of theory could justify, and no deficiencies of execution excuse, the inequities and inhumanities which the present system obviously produces. This is a painful indictment to make for one who has many South African friends whose goodwill he credits and whose feelings he respects. Candor, unfortunately, permits no other judgment.

One can accept, and even sympathize with, the theory that in a country which is a veritable jumble of cultures and races each of the cultural or racial groups should enjoy the privilege of retaining its traditional identity and developing its life in its own way. But none of this would seem to necessitate or to justify either the general condition of denial to the majority of the population of any effective voice in the shaping of the larger aspects of its own condition or a whole series of specific anomalies, injustices and hardships which the laws and practices of the South African regime now impose. Among these latter might be mentioned: the viciousness of the pass laws and their enforcement; the absurdities and extremisms of petty apartheid; the multitudinous hardships inflicted on the urban Bantu by the régime's insistence on clinging to the absurd theory of the temporary nature of their residence in the urban areas; the power and disposition of the police to ignore, almost at will, the protection afforded to the individual by an otherwise excellent judicial system; the magnitude of the disparities in wages and in public expenditure on education as between Whites and non-Whites; and the hardships worked by the recent inclusion under the strictures of apartheid of the Asians and the Cape Coloureds—the latter, in particular, a people, largely Afrikans-speaking, who have no culture, no tongue and no remembered past other than those of the Whites who inflict these strictures upon them. (This listing is only illustrative, not inclusive.)

There are, on the other hand, a number of circumstances relative to this indictment, often ignored in Western opinion, which, while they do not excuse the conditions in question, go far to explain them and to make clear why suitable alternatives are not always easy to discover.

It should be recognized, first of all, that the South African Whites, and the Afrikaners in particular, are confronted with a very real problem when it comes to maintaining, in the face of a large black African majority, their own historical and cultural identity. It is a remarkable identity, forged and affirmed over the course of centuries, at times in struggle and adversity, and against a background of circumstances in some respects different from that which any other people has ever had to face. It is an identity in which, as in the case of the Israeli, national components are mixed, for better or for worse, with religious ones; and the Afrikaners are no more inclined to jeopardize it, by placing themselves entirely in the power of a surrounding foreign majority, than are their Middle Eastern counterparts. They would die rather than do so; and it is simply useless to come at them with demands which suggest that it is this that is expected of them.

Secondly, slight as may seem the prospects for any early change in the political situation of the non-Whites in South Africa, it cannot be said that their situation in other respects is unchanging or that its development does not have hopeful aspects. The Nationalists, when reproached over the evils of apartheid, often say in reply: "Give us time. The native will have, ultimately, no complaint. But we will do things in our own time and our own way." Whether the Nationalist concept of the end to be ultimately achieved is the same as that of the many foreign critics may be doubted; but the point made here is not entirely without substance. Real incomes among the urban Bantu, even allowing for inflationary tendencies, are increasing by about four percent per annum. Bantu are being brought into the labor market at a rate of about 2½ percent per annum. Educational opportunities, already in some respects far ahead of those existing in the black-ruled countries to the north, are showing steady improvement, particularly at the primary and trade school levels. The wage disparities, as between Whites and Blacks, are of course excessive and onerous and deserve prompt correction. But one must not forget that there are severe limits to the pace at which this correction could safely be effected. A sudden and complete removal of these disparities would unquestionably undermine the competitive viability of great sections of the South African mining and industrial establishment, which now give employment to hundreds of thousands of black Africans, and would in many instances force the closing of the enterprises, with consequences disastrous to black African living standards.

In judging South African conditions much depends, invariably, on the perspective of the viewer. It will thus be pointed out, in rebuttal of what has just been said, that if living standards among the Blacks are improving, those of the Whites are improving even faster; and a similar point will be made with respect to educational advancement. All this is true. But it would be wrong to ignore the extent to which the rapid economic development of the country is beginning to exert upon the white leadership an effective discipline in the direction of rethinking some of the extremisms of apartheid. The severe shortage of white labor is compelling, in ever-increasing degree, the admission of Blacks into positions within the industrial structure which, under a strict interpretation of the apartheid concepts and regulations, they would not have been expected or permitted to occupy. The realization is steadily spreading, furthermore, among white businessmen and political leaders, that a great modern economy such as that of South Africa cannot continue to thrive or even to achieve a proper balance unless and until the majority of the population comes to command a strong purchasing power and to give proper dimensions to the consumers' market. In general, it may be said that there is a basic conflict between the concepts of separate development that now constitute the official ideology of the régime, on the one hand, and the needs of a successful and rapidly expanding industrial economy, on the other; and if the stormy pace of economic growth is continued, this conflict is bound to produce changes, and favorable ones, in the position of the non-white portions of the population.

Thirdly, it should be recognized that any sound and fair criticism of racial conditions in South Africa must bear in mind the position and interests not just of Whites and black Africans but also of the other racial groups, notably the Indians and the Cape Coloureds. It is by no means certain that their interests would be served by the sweeping, simplistic solutions to which the more emotional of the foreign critics are prone.

Finally, the foreign observer has to bear in mind that while a relaxation or removal of the present racial régime would presumably solve some of the problems of the native black South African, it would solve by no means all of them. Those that would remain would be problems of great seriousness, and ones that could not conceivably be solved except in intimate collaboration with the white community. There could be many illustrations of this; but a particularly vivid one might be found in the problem of the native "homelands"—the rural areas in which, ideally under the concepts of apartheid, the native Africans are eventually to find their permanent homes and to achieve complete autonomy and, in some instances, even independence.

It is true that these areas (and notably the greatest and most important of them—the Transkei), over-grazed, poor in resources, poor in capital, and overpopulated as they now are, would be quite incapable, in any foreseeable circumstances, of harboring successfully anything like the totality of the tribal groups theoretically assigned to them, many of whose members now reside in the large urban and industrial centers of the "white" area. To this extent the theory of apartheid is unrealistic as well as unjust. But it would be wrong to assume that the abolition of apartheid would produce anything resembling a solution of this problem.

The basic problem here is, as in other African countries that have no racial difficulty at all, sheer overpopulation. Present estimates are that instead of the expected 19,000,000 black Africans by the year 2,000, the figure on which governmental policies with respect to the homelands have heretofore been based, the actual figure will be closer to 35 to 40 million. The most optimistic estimates of the economic development of the homelands afford no reason to hope that these regions will be able to cope even with the existing black population, let alone anything resembling this increase. The existing program for construction of "border industries" just outside the homelands, to which the inhabitants of the latter could commute on a daily basis, will solve only a small part of the problem. The only other visible alternative is the continued residence of great masses of these people in the major urban areas, where the birth rate among them is only about one-half what it is in the rural areas, and where, theoretically at least, one might hope for a relative stabilization of their numbers.

But there are limits, as can easily be observed even in places remote from South Africa, to the rate at which any great city can successfully absorb immigrants from a primitive rural culture. And it is hard to conceive that any political régime could achieve much more in this respect than the present South African régime is achieving. One has to remember that the municipality of Johannesburg, South Africa's greatest city, has contrived to build on its own outskirts, just in the past two decades, a complete new city of individual homes, nearly 75,000 of them, complete with amenities such as schools, sport facilities and the greatest hospital in the Southern Hemisphere, to house over a half-million black Africans, many of whom previously resided in the most wretched sort of shantytowns. The position of the inhabitants of this vast native "township" leaves much to be desired in a number of respects, particularly as regards policing and transportation; but it would be unfair to the South African authorities not to recognize the magnitude of the effort they have put forward. A glance at the comparable records of great cities elsewhere should suffice to show that it is not likely that this sort of progress in the absorbing of a rural native population into urban areas could be much accelerated under any other conceivable régime.

The foreign critic, therefore, in weighing South Africa's problems, has to remember that the question of racial discrimination represents by no means the totality of them, and that there are some, including a few of the most profound and bitter ones, that could not possibly be mastered without the continued enthusiastic commitment—and this means in many respects the leadership—of the white South African community on whose shoulders the responsibilities of government now rest. The two communities are mutually dependent in a way that whites and Blacks farther north in Africa never were; and the problems of neither can be solved by the destruction or permanent frustration of the other.

III

There is a sharp division of opinion among foreign observers and among well-informed South Africans themselves as to the present underlying trends and possibilities in the political life of the Republic. Some feel that the results of the recent election, repudiating the right wing of the Nationalist party and strengthening somewhat the position of its more moderate opponents, is the beginning of a trend in the direction of greater liberality and maturity of official policy—a trend bound to become strengthened as more young people come into the picture as voters. Others, seared perhaps too often by past disappointments, are skeptical. They see the Nationalist leaders as unshakable in their political monopoly, implacable in their commitment to the most unfeeling promulgation of apartheid, deaf to both outside and inside criticism.

The author, believing that no country in South Africa's position can live for long without change, and that change, in this instance, can hardly fail to be for the better, is himself inclined to the more optimistic of these analyses. But he is free to admit that there is, as yet, no adequate proof, one way or the other. It is entirely possible that he is wrong.

However this may be, the main determinants of change will be and must be, as in any other great country, internal. Over the long run no outside force can ever make great, lasting and beneficial changes in another country's life. This does not mean, however, that foreign reaction and opinion have, in the case of South Africa, no influence at all. They have some. There are few South African Whites who are not aware that not all things are as they should be in South Africa and who are not in some way sensitive to outside opinion with relation to these conditions. The manner in which such people react to foreign opinion may vary greatly, however, from positive response to the most violent and determined resistance, depending upon the tenor and spirit of the criticism to which they find themselves subjected. If white South Africans are given to feel that they are viewed with implacable hatred by the outside world, and that the demands made upon them are ones that could be satisfied only by their punishment and humiliation or by some sort of mass emigration, this will only get people's backs up, produce a feeling that safety lies only in a deeper commitment to the principles of white supremacy, and cause otherwise moderate and well-disposed elements to rally in despair around the most intractable nationalist leadership. If, on the other hand, they are confronted with a foreign reaction that takes some account of the measure, the reality and the uniqueness of their problems, they may be importantly aided, as well as stimulated, to find better solutions.

Neither Blacks nor white liberals nor any other South Africans are aided, for example, by demands for Western policies designed to damage the South African economy. Aside from the fact that no outside efforts in this direction are likely to have any appreciable success, they are conceptually wrong in the first place. The black man would be the first to suffer from any serious failure in the process of economic growth. His best chances for a relaxation of apartheid lie, on the contrary, precisely in the continuation of the present rapid economic development of the country. No thoughtful and informed friend of the black African population of South Africa could logically wish for the obstruction and failure of the country's economy.

Similarly, efforts to bring about the isolation of South Africa from the remainder of the world community are simply counter-productive. The country, separated as it is by thousands of miles from the remainder of the Western world, already suffers from an excess of isolation. Apartheid is to some extent the reflection of this isolation. The reactionary and racist tendencies within South African society positively thrive on it. Nothing, on the other hand, with the exception of the economic development, places a greater strain on those tendencies than does extensive personal contact between South Africans and reasonable people in other countries. Apartheid is simply one manifestation of a great national introversion, and why any opponent of that system would wish to intensify the very condition it feeds upon is difficult to image.

Finally, the well-meaning outside critic will do well to avoid specific advice to the South Africans as to the manner in which their problems might best be solved. It is all right for him to record, and to emphasize, his disbelief that better, more humane and more hopeful approaches could not be found to South Africa's problems than those that dominate official policy today. It is all right for him to use his influence, in a friendly but earnest way, to bring the white South Africans to a reëxamination of their own situation in a spirit larger and more compassionate, less dominated by petty anxieties and more cognizant of the community of fate that links them to their non-white fellow citizens, than the present inspiration of their policies. But the outsider will do well to avoid the responsibility he would incur by recommending specific courses of action.

The real state of mind of the South African native remains, so far as many of us can see, a book with seven seals. No one knows how this native would react to specific alternatives in the future course of South African policy. The hour is late. It may be too late.

A relaxation of the present iron hand might open the way to a brighter period in South African life. But it might conceivably, on the other hand, set in motion uncontrollable forces whose play could end only in violence and disaster. The writer does not believe this last to be the case. He is inclined to think that the white establishment in South Africa still has options more hopeful than that. But he cannot know for sure; and there is no reason for him to make assumptions. No changes in official South African policy will ever be successful unless they spring in the main from the workings of the country's own public opinion and political process. It is inadvisable and unproductive for outsiders to relieve the South African authorities of even the smallest degree of their own responsibility by forcing their hand and trying to tell them what to do. Let the friends of the various South African peoples hold the white rulers of that country to the recognition that to the outside world the present pattern of South African apartheid is abhorrent in aspect and unconvincing in rationale; but beyond that let it be the task of those rulers, who know their own situation better than any outsider can, to find the conceivable alternatives.

IV

Nowhere is the conflict between the United Nations and the present ruling power in southern Africa so formal, so acute and so complete as in the case of South West Africa. Not just the General Assembly but in this case the Security Council as well has flatly demanded that South Africa withdraw immediately its administration of the territory and hand it over to the authority of the United Nations, and has threatened South Africa with "effective measures in accordance with the appropriate provisions . . . of the United Nations Charter" in the event of noncompliance. The South African rejection of these demands has been no less determined and categoric. The impasse is now complete. It is all the more dangerous because positions have been so formalized on both sides.

Bearing in mind that in international affairs all legal distinctions rest on infirm foundations, one can follow the legal arguments advanced by the United Nations in favor of the termination of the mandate and the establishment of its own authority in South West Africa. It is more difficult to see what the world organization would do with the territory if it had it. This vast arid region, as large as France and the German Federal Republic combined, is inhabited by only 610,000 people. Of these, approximately 96,000 are white South Africans—Afrikaners for the most part—of whom nearly 90 percent live in the administrative center of Windhoek, in the west-central part of the territory. The remaining population is made up of indigenous peoples comprising about half-a-dozen distinct ethnic groups. Of these, nearly 65 percent reside in the northern region of the territory, near the Portuguese border, some 500 miles north of Windhoek, where they are very little troubled by the proximity or competition of Whites. The majority of these northern natives (the majority, in fact, of the entire indigenous population of South West Africa), in the number of some 300,000, to be exact, are known as the Ovambos. They live in a native homeland—Ovamboland by name—which now enjoys fairly extensive rights of local autonomy. This is perhaps the only native "homeland" under South African control which would seem to have reasonably favorable prospects for progress under the existing concepts of "separate development." Much better watered than most of the rest of the territory, it is relatively ample in area and provides a home for at least 95 percent of the Ovambos. The South African official presence is neither numerous nor burdensome. (Of the territory's 102 policemen, for example, only 50—or about one to each 6,000 inhabitants—are white.) No Whites other than officials are permitted to reside or even normally to travel in the territory. Educational standards at the primary and secondary level compare with the best in Africa. Health and medical services are exemplary. Taxation of the natives, except locally and by their own administration, is negligible.

The overwhelming portion of the expense of maintaining and developing the territory is supplied by the South Africans. Their present contributions of $4,350,000 annually for budgetary expenditures and $12,420,000 in developmental capital run, together, to about $55.00 per capita, as compared with $6.10 in aid from all sources as the average for the black African countries farther north. This is in addition to a bevy of other services—water development, soil research, pest control, public health, meteorological service, etc.—which are extended automatically by virtual inclusion of the territory in the South African state, and could hardly be effectively provided by any other than a highly advanced, and preferably contiguous, country.

Things are not ideal for the Ovambos, and particularly not for those who aspire to higher education or who would like to play a role in public affairs outside their own territory. These, however, are a small minority. As for the remainder: it is difficult to believe that their material condition could be improved, or their capacities for self-government given more extensive scope for development, by any sort of U.N. administration.

This narrows the problem, essentially, to that of the remaining 200,000 non-Whites in the territory. These, for the most part, do not reside in the homelands tentatively marked out for them; most of them probably never will. They suffer indeed from all the restrictions of apartheid, although the atmosphere is perhaps somewhat less tense and cramped than in the Republic proper. If all that was involved in a South African withdrawal and a U.N. takeover was an alleviation of their situation in these respects, there might be much to be said for it, although the effect on the more fortunate Ovambos would still have to be considered. But one is obliged, regrettably, to consider not just the likely positive but also the predictable negative consequences of such a turn of events.

In the event of a forced South African withdrawal, the overwhelming majority of the existing white population of the territory could be expected to withdraw together with the South African authorities. All existing administrative and social services would simply cease to exist. The railways are South African. Their rolling-stock, in its entirety the property of the South African State Railways, would assuredly be removed. Without the railways, the great non-ferrous and diamond mines, employment in which provides a large part of the income of the native population, would close down. In the case of the non-ferrous ones, their pumps would at once cease to function; it would be months before they could be reopened. Agriculture, too, would be largely paralyzed. The territory's only significant port, Walfish Bay, the status of which as a complete South African coastal enclave has never been questioned, would remain under South African administration.

Worst of all, while it is possible to imagine certain of the remaining tribal elements, notably the Ovambos, administering themselves (albeit largely without money), it is not possible to imagine any of these elements collaborating in the administration of any of the others. These tribal entities live, in many instances, hundreds of miles apart; there is no intimacy and little affection among them; none, one suspects, would respond favorably to the appearance in its midst, as would-be administrators, of officials of another tribal affiliation. The United Nations would, in other words, have to create a new administration, largely foreign, to take the place of the South African one. It is easy to believe that such an administration would follow more liberal policies with respect to the status of the native than does the existing one. It is not easy to believe that it would be as efficient, or as well provided with funds; and it would almost certainly be years before it could expect to restore to this vast territory even a semblance of such good order and prosperity as it has now achieved.

One can understand the desire in U.N. circles to remove from South African control at least this one area which was once, and can still be construed to be, an international responsibility. But one wonders whether the practical consequences of such a step have been really thought through. Very few foreigners have visited South West Africa in recent years. Senior American officials do not, as a matter of policy, go there. An exchange in 1968 between the South African government and the U.N. Secretary-General about the possibility of the latter's sending a U.N. representative to the territory ended in misunderstanding, confusion and recrimination.

Would it not be better, one must ask, instead of continuing to press the South Africans to take a step which they will not take and cannot be compelled to take, and which, if taken, would only be likely to have unfortunate consequences for the people of the territory anyway—would it not be better for the United Nations to inform itself at first hand on conditions there and then to enter into normal contact with the South African authorities with a view to seeing whether some accommodation could not be found which would relieve the situation of that minority of black African inhabitants of the territory who live outside the homelands, and would at the same time relieve the South Africans of the continued burden of a grievous and dangerous conflict with most of the rest of the international community? This might bring at least limited benefits to the non-white portion of the South West African population; a continuation of the present threats and pressures will bring none at all. That support of the members of the Afro-Asian bloc, not to mention the communists, would not be easily had for such an approach is obvious; but this is no reason why, if it really represents the most hopeful line of possible solution, the Western powers should not support it.

V

The situation in the great Portuguese territories of Angola and Mozambique differs fundamentally from that prevailing in South and South West Africa in that the central issue here is not that of race. Members of the insurgent movement now operating against the Portuguese administrations like to insinuate that Portuguese rule is really a concealed form of white supremacy; and such allegations find ready credence in Western-liberal, not to mention Afro-Asian, circles. Neither the personal observations of a detached visitor nor the literature of unbiased scholars who have addressed themselves to Portuguese African affairs afford much confirmation for such allegations. There have no doubt been periods of racial prejudice in the past; and there are no doubt individual manifestations of it here and there today; there always are some such manifestations when great numbers of people of different racial origin reside side by side. But there is no legal discrimination in residence, education or employment; and there is ample evidence that the absence of such discrimination is not just a formality. The tenor of everyday life in these Portuguese territories reflects less racial tension than can at times be observed in certain of the independent black African countries. It is useful to reflect that if one were able to have today in South Africa not only the legal basis but the living reality of what now exists in the Portuguese territories in the sense of interrracial relationships, even the most sanguine liberal would surely feel that at least 95 percent of the problem of South African apartheid had been solved.

To say that the racial factor is not the issue is not to say that there are not other disparities and deficiencies in the Portuguese administration which have not been, and could not be today, the objects of more serious and legitimate challenge. It is also not to say that the material and social situation of the African portion of the population is equal, or anywhere near equal, to that of the European and the mixed elements. The differences that exist in this respect are primarily the reflection of educational and economic, not racial, disparities. The average black African Angolan or Mozambiquan, starting as he does from a lower economic and social level, tends to get off the educational ladder—with a view to beginning to earn his living—at a lower point than does the average youngster of European-Portuguese origin; and this finds its reflection in position and income. But this is a problem not peculiar to Angola and Mozambique.

This disparity in living standards and social position is the real focal point of much of the criticism of the Portuguese administrations. The demand is, in reality, for a greater degree of social egalitarianism—for a curtailment of the priveleges and prerogatives of the rich, most of whom happen to be European-Portuguese, and for a more rapid elevation of the poor, most of whom are still black.

But this situation is now in a state of rapid evolution and change. This is not generally realized abroad. Members of the Portuguese administration in these territories make no bones of the fact that the armed challenge with which they have been confronted in recent years has stirred them, and, more importantly, has stirred the Lisbon authorities, to reforms and improvements that might otherwise have taken decades to complete. Nowhere have the changes been greater than in the educational field. The number of persons embraced in the primary school system in Angola has increased by some 500 percent in the last 15 years, and in the secondary school system by as much as 850 percent. In 1963, a university was established in Angola, where none existed before. The proportion of black Africans among the university students in Angola was, by 1970, up to 30 percent and growing. In a country where education, rather than race, is truly the key to position and prosperity, this represents no insignificant change.

It is difficult, furthermore, to believe that a triumph of the present insurgent pressures would produce any more rapid progress in educational opportunities and living standards for the African. In both of these respects the Portuguese territories are already well ahead of most of the black-ruled countries of Africa. The existence of privileged élites, after all, is not a peculiarity just of the white-ruled countries of Africa.

The reproach most commonly leveled against the Portuguese administrations of Angola and Mozambique is that they represent a colonial relationship. For those—and their number is not few—to whom the term "colonialism" is a negative semantic absolute, there can be no defense against this charge. The same will be true of those whose criteria are more than just semantic but who view as uniquely inquitous any relationship of dependence that operates across a body of water or any in which a West European country, or the United States, figures as the metropolitan power. But these are subjective distinctions. They have no sanction, as yet, in any formal international determinations. In the absence of such determinations, the well-meaning foreign observer has no choice but to focus his judgment not on semantic distinctions but on the real interests of the peoples most immediately involved.

To what extent there is genuine popular discontent with Portuguese rule, as distinct from the restlessness of individual intellectuals ambitious to replace the Portuguese in the seats of power, is hard to judge. Even a plebiscite would not throw much light on this question. Self-determination, as the present Portuguese premier has pointed out, is not a matter of thrusting square pieces of paper into the hands of the man in the bush. Prior to the insurgent attack in 1961 (in which, incidentally, far more black Africans than Portuguese were killed), the vast territory of Angola, larger than Texas, Oklahoma and New Mexico combined, was garrisoned by no more than two regimental combat units of 1,000 men each. This does not suggest great discontent with Portuguese rule. Militant insurgency, provoking as it always does punitive measures, making its own martyrs and causing people to hedge their statements as well as their bets, has a tendency of course to evoke discontent, or at least the semblance of it, even where there was none before. But this is something else again.

However that may be, it is hard to picture a happier future for the people of these territories being brought about by the further successful pursuit of those military pressures that have been brought to bear against the Portuguese since 1961. One has only to consider the likely consequences. The white population, in Angola in particular, is the greatest, proportionately, of any country in Africa after South Africa. Its numbers are heightened, in effect, by the fact that tens of thousands of people of mixed blood consider themselves, and are accepted as, Portuguese. This strong and vigorous element would not bow out of the picture. In addition to that, the insurgent forces operating against the régime in Angola are split into three competing factions, the differences running in some instances along tribal lines.

Finally, one must reckon with the South Africans. They have a keen interest in what takes place in the southern part of Angola where some of the border tribes are related to their neighbors, the Ovambos, not to mention in the southern part of Mozambique, which is important to South Africa from a number of standpoints. In the event of a disruption of the authority of the present Portuguese administrations, all of these various elements could be expected to compete for the heritage. The likelihood would be for a partition of both territories, certain portions falling to the South Africans, and the strong European factions, whose roots of residence and experience go back for hundreds of years, digging in for one form or another of a "Rhodesian" solution. It is possible to imagine that one or another of the insurgent leaders might find a partial satisfaction of his ambitions in such a state of affairs, though even this is not certain. It is harder to see how the mass of the African population would be benefited.

As things now stand, these two Portuguese territories serve—with their relatively tolerant racial policies—to break the bipolarity between the north and south of the African continent. In the event of a removal of Portuguese authority and the triumph, even on limited portions of their territory, of the existing guerrilla-insurgent elements, the territories would cease to play this role. Quite the contrary. Bitterness, fear, and violence of feeling would be heightened on both sides. The area of South African control—the area of *real* racism, that is—would almost certainly be geographically increased. Not only that but the fires of racial discrimination in South Africa itself would be importantly fed. The reactionaries there would say: "You see what comes of the attempt to pursue moderate racial policies. The Portuguese pursued such policies. Did that save them? Is it not evident from their experience that the real motive behind the guerrilla pressures in southern Africa generally is not race at all—that this is merely the pretext? What reason is there to suppose that more moderate and tolerant racial policies on our part would have any effect in preserving us from the same sort of attack?" It is in this spirit, and under the influence of such arguments, that the South Africans would move to secure, if forced to, such areas in the countries north and east of them as they consider essential to the security of their own territory.

Whether the Portuguese will be able to hold out indefinitely against the military attacks now being pressed against them is, again, simply impossible to predict. For the moment, the situation has all the earmarks of a standoff. The Portuguese military would appear to have the capability of holding on indefinitely in the central districts of the country. The insurgents, on the other hand, would seem to have, presupposing a continuation of the present level of external support, an equally indefinite capability of continuing to infiltrate and to make trouble. The conflict, meanwhile, is consuming nearly half of both metropolitan and provincial budgets. It is devouring resources at least a good portion of which might be expected to be otherwise available for economic development. Never, surely, was there less reason for continuing a conflict, and more reason for attempting to compose it by negotiation and compromise. And never, surely, was there a conflict which it was less in the interests of the major Western powers, in particular, to exacerbate and to press to a violent conclusion.

The Portuguese position in Africa rests, in contrast to the recent colonial positions of the other European powers, on several centuries of involvement and experience. In the depth of its roots as well as in the nature of relationships between European and African to which it has led it is unique. To try to liquidate it in exactly the same way, and under exactly the same assumptions, as in the case of other colonial relationships in that continent, is neither logical nor politically promising. Here, if anywhere, new ideas and new approaches are in order.

VI

Space does not permit a similar review of the situation in Rhodesia; nor do the Western powers have, in this instance, the same latitude of choice that they have with relation to the countries already discussed. It will suffice to note that here, too, a successful prosecution of the insurgent military pressures—of the attempt, that is, to solve the problem by external violence—would almost certainly lead to a greater involvement of the South Africans and to an expansion, rather than retraction, of the effective area of South African apartheid.

But there is another reason, too, why one's heart sinks at the prospect of a continuation of the attempt to solve the problems of this part of the world by violence. This is the situation of the three former High Commission territories of Lesotho, Swaziland and Botswana. These new countries are in many respects the most hopeful places in southern Africa. Here, too, as in the Portuguese territories (but without the attendant issues of colonialism), efforts are being made to solve problems on a basis of racial amity and willing collaboration. Again, like the Portuguese territories, these countries stand as useful buffers between the black African countries of the north and the countries of white supremacy in the south.

Not only this, but they stand as symbolic tests of the principle that there can be ways of doing things in that part of the world which do not involve racial discrimination yet present no danger to any racial element or to any neighboring state. That they have found it possible in recent years to pursue an independent existence on the basis of this principle in intimate proximity to—in one instance even totally surrounded by—South Africa is one of the really encouraging features of the whole South African situation. It is of greatest importance that they not fail in their undertaking.

Their example is of importance, in particular, for those of the South African homelands that are moving, at least in theory, toward independence. In many respects the physical and social problems of these two categories of regions are similar. The example of the successful cultivation of an independent national life, in these three countries, in a manner that poses no danger to South African interests, can have a significant effect on future South African attitudes and policies both in the homelands and elsewhere.

Yet there can be no doubt that the relentless pursuit of efforts to overthrow by military means all the so-called "white-ruled régimes" of the remainder of southern Africa will grievously complicate the relations of these countries to their neighbors and will jeopardize in many ways the achievements they already have to their credit. In a situation of gradual change, they have good prospects for establishing themselves and developing their independence. In a situation of extreme military tension and political polarization these prospects will inevitably suffer.

VII

The United States government and to some extent the other Western governments have wisely recognized the danger and sterility of the movements that purport to solve the problems of South Africa by military violence. Yet the political positions these governments have taken are in a number of instances ones that could conceivably be satisfied only by the very violence they profess to oppose. These positions have been conceived, no doubt, primarily as gestures of goodwill and solidarity addressed to the peoples and régimes of the remainder of the African continent. But if this was the point, it may be considered now as having been amply made; and there is nothing to suggest that the further belaboring of it is going to produce much more in the way of appreciation and confidence than has been forthcoming to date. The time has surely come for a reëxamination of Western policy toward this region from the primary standpoint of the interests of the peoples most immediately concerned, with a view to finding approaches which, while not endorsing or encouraging any form of racial discrmination or oppression, would hold out for those peoples prospects more favorable than those implicit in the present precarious deadlock.

NATIONAL GALLERY OF ART

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. FULTON. Mr. Speaker, I should like to call the attention of my colleagues to the current Calendar of Events, National Gallery of Art for the month of April. It is of particular interest that on April 25, 1971, one of the world's finest exhibits of the great artist Dürer opens. This showing which features his graphic work and will mark the 300th anniversary of the gocd artist's birth. In addition to the display, a major scholarly work on the German artist will be published by National Gallery. This fine publication was edited by Mr. Charles Talbot, an assistant professor at Yale University who received outstanding assistance from Gaillard F. Ravenel, a curator from our own National Gallery of Art and Jay Levenson, an affiliated of the Institute of Fine Arts of New York University. It will certainly be an exciting month at the Gallery during the exhibition and I encourage all my colleagues to avail themselves of this opportunity.

I include the article as follows:

Calendar of Events, April 1971

DÜRER IN AMERICAN: HIS GRAPHIC WORK

The largest Dürer graphics exhibition ever held in the United States will open at the National Gallery on April 25, to remain on view through June 6. Marking the 500th anniversary of the artist's birth, the exhibition will consist of 36 Düer drawings from public and private American and Canadian collections, and a selection of 207 of the finest prints from public collections in the United States. It will bring together for the first time all but two of the Dürer drawings in America. Ten books with woodcut illustrations and six bound volumes of prints will also be on exhibition.

Among the drawings are the *Self-Portrait* of 1493, one of Dürer's most important early drawings; *Adam and Eve,* a study for the well-known engraving; and *Kneeling Donor,* a study for the *Feast of the Rose Garlands* altarpiece, commissioned by the German merchants in Venice and now in Prague.

Prints in the exhibition, chiefly engravings and woodcuts, will include *Melencolia I* (see illustration). This work has been described by the late Erwin Panofsky, professor at the Institute for Advanced Study, Princeton, as "in a sense a spiritual self-portrait of Dürer." In addition to its symbols of Melancholy as one of the four humors and Geometry as one of the seven liberal arts, the engraving reflects Dürer's mental state of frustration not only with the limitations of his beloved disciplines of art and geometry, but with the fitness of his own powers.

The exhibition spans Dürer's entire career, and is organized to show his development as a graphic artist. A technical section developed by Richard Field, Assistant Curator of Prints, Philadelphia Museum of Art, will contain 50 Dürer prints with texts and labels and will deal with problems of connoisseurship.

The exhibition was organized by Gaillard F. Ravenel, a curator at the National Gallery of Art, with the collaboration of Charles Talbot, an assistant professor at Yale University; Jay Levenson, affiliated with the Institute of Fine Arts of New York University; and Mr. Field.

GALLERY AND CAFETERIA HOURS

The Gallery is open weekdays and Saturdays, 10:00 a.m. to 5:00 p.m., and Sundays, 12 noon to 9:00 p.m. The Cafeteria is open weekdays, 10:00 a.m. to 4:00 p.m.; luncheon service 11:00 a.m. to 2:30 p.m.; and Sundays, dinner service 1:00 to 7:00 p.m.

DÜRER CATALOR

The catalog *Dürer in America: His Graphic Work,* published by the National Gallery, will be a major scholarly publication on the artist and his work, with extensive treatments of all drawings in the exhibition, summaries of major points on the prints, and reference material. A hard-cover edition will be distributed in this country and abroad by the Macmillan Company of New York and London. The 362-page catalog will be available at the Gallery. All works in the exhibition will be illustrated. In addition to 253 illustrations of exhibited works, there will be 35 supplementary illustrations of paintings and drawings relating to works on view. Four illustrations will be in color.

The catalog was edited by Charles Talbot, assistant professor at Yale University, who has written the introduction. Entries were prepared by Charles Talbot, Gaillard Ravenel, and Jay Levenson. J. Carter Brown, Director of the National Gallery of Art, has written the foreword. A special sixteen-page illustrated essay based on Professor Wolfgang Stechow's lecture "Dürer and America," which inaugurates the opening of the exhibition, will also be available with the catalog.

LECTURES AND TOURS ON DÜRER EXHIBITION

In connection with the Dürer exhibition, a series of four Sunday lectures by distinguished scholars will begin the opening day of the exhibition. Wolfgang Stechow, the 1971 Kress Professor in Residence at the National Gallery of Art, will speak on April 25 on "Dürer and America." He has also been invited to deliver the opening remarks on the Dürer exhibition in Nuremberg, the artist's native city, in May.

On May 2 Julius Held, Professor of Art History, Barnard College, Columbia University, will discuss "Dürer's Personality." Gerald Strauss, Professor in the Department of History, Indiana University, Bloomington, Indiana, will speak May 9 on "Dürer—The Artist and His Society." On May 16 Eleanor A. Sayre, Curator, Department of Prints and Drawings, the Museum of Fine Arts, Boston, will discuss "Dürer, Master Printmaker." Each lecture will be at 4:00 p.m. in the National Gallery auditorium.

The Education Department staff lecturers will give guided tours of the exhibition, beginning on April 27. An acoustiguide tour of the exhibition will also be available.

MONDAY, MARCH 29, THROUGH SUNDAY, APRIL 4

Painting of the week: [1] Jordaens. *Portrait of a Man* (Ailsa Mellon Bruce Fund), Gallery 44, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week: *19th-Century French Masters: Toulouse-Lautrec.* Rotunda, Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection.* Rotunda, Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture: *Canaletto and the Venetian View Painters. Guest Speakers:* Claus Virch, Former Curator of European Paintings, The Metropolitan Museum, New York, Auditorium 4:00.

Sunday concert: National Gallery Orchestra, Richard Bales, *Conductor,* East Garden Court, 7:00.

MONDAY, APRIL 5, THROUGH SUNDAY, APRIL 11

Painting of the week: [1] Jacques-Louis David. *Madame Hamelin* (Chester Dale Collection), Gallery 93, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week: *19th-Century French Masters: Cézanne.* Rotunda, Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection.* Rotunda, Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

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[1] *11'' x 14'' reproductions with texts for sale this week—15¢ each. If mailed. 25¢ each.*

For reproductions and slides of the collection, books, and other related publications, self-service rooms are open daily near the Constitution Avenue Entrance.

All concerts, with intermission talks by members of the National Gallery Staff, are broadcast by Station WGMS–AM (507) *and FM (103.5).*

Inquiries concerning the Gallery's educational services should be addressed to the Educational Office or telephoned to (202) *737-2415, ext. 272.*

Sunday lecture: *Archetypal and Personal Elements in Leonardo's "Last Supper." Guest Speaker,* Raymond S. Stites, Former Curator in Charge of Education, National Gallery of Art, Auditorium 4:00.

Sunday concert: National Gallery Orchestra, Richard Bales, *Conductor,* East Garden Court, 7:00.

MONDAY, APRIL 12, THROUGH SUNDAY, APRIL 18

Painting of the week: [1] Botticelli. *Portrait of a Youth* (Andrew Mellon Collection) Gallery 8. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week: *19th-Century French Masters: Manet.* Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection.* Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture: *Hogarth's London. Guest Speaker:* W. R. Dalzell, Author, Lecturer, and Radio Commentator, Bedford, England. Auditorium 4:00.

Sunday concert: Thomas Beveridge, *Bass.* Martin Katz, *Piano.* (28th American Music Festival). East Garden Court, 7:00.

MONDAY, APRIL 19, THROUGH SUNDAY, APRIL 25

Painting of the week: [1] Byzantine, XIII Century. *Enthroned Madonna and Child.* (Andrew Mellon Collection) Gallery 1. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week: *19th-Century French Masters: Degas.* Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection.* Rotunda, Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture: *Dürer and America. Guest Speaker:* Wolfgang Stechow, Kress Professor in Residence, National Gallery of Art. Auditorium 4:00.

Sunday concert: Helen Boatwright, *Soprano.* Stuart Raleigh, *Piano.* (28th American Music Festival). East Garden Court, 7:00.

SENATE—*Tuesday, March 30, 1971*

The Senate met at 9:45 a.m., and was called to order by the Acting President pro tempore (Mr. Metcalf).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

My voice shalt Thou hear in the morning, O Lord; in the morning will I direct my prayer unto Thee, and will look up—Psalms 5: 3

And now as we return to the vexing problems of state we beseech Thee, O Lord, to empower Thy servants with hearts aflame for Thee and minds illumined by Thy wisdom. Give them eyes to see the distant scene and a faith in the things that abide all our earthly years. We pray that Thou wilt direct and control all that they design or do or say. And when evening comes give them a good conscience, a quiet mind, and peace at the last.

In the name of Him who gave Himself for others. Amen.

THE JOURNAL

Mr. MOSS. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, March 29, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 55) to provide a temporary extension of certain provisions of law relating to interest rates and cost-of-living stabilization.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 55) to provide a temporary extension of certain provisions of law relating to interest rates and cost-of-living stabilization, and it was signed by the President pro tempore.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, March 30, 1971, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 55) to provide a temporary extension of certain provisions of law relating to interest rates and cost-of-living stabilization.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MOSS. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BYELORUSSIAN INDEPENDENCE DAY

Mr. SCOTT. Mr. President, on March 25, we recognized the courageous and nationalistic spirit of the Byelorussian people on their 53d observance of Byelorussian Independence Day. The free world should take note of these people who every day pray and hope for freedom from the constant terror of communism. The short term of Byelorussian freedom from 1918 to 1921 has since been followed by a long and bitter Communist rule. This lunge for liberty has not been forgotten by the Byelorussians and will not be ignored by the United States.

Byelorussia emerged as an independent nation during the turmoil of the Bolshevik Revolution. An example of Byelorussia's desire for self-determination was powerfully stated in an excerpt from the Second Constitutional Decree of March 9, 1918:

> After three and one-half centuries of slavery, the Byelorussian people proclaim to the entire world that they are living and will live.

This statement certainly has survived within the hearts of the Byelorussian people at this hour. They will never give up hope, and the United States will never let that hope down.

Every possible means of assistance will be furnished by the United States, as well as the United Nations, to work toward a lasting era of freedom in the future for this captive nation. The short term of Byelorussian independence beginning on March 25, 53 years ago, will be a symbol revealing what these captive people are struggling for. Freedom is waiting to be unleashed in Byelorussia. The thirst for freedom is living and will continue to live in Byelorussia.

Mr. MOSS. Mr. President, under the previous order, I ask that the Senator from Maine (Mr. Muskie) be recognized.

The ACTING PRESIDENT pro tempore. The Senator from Maine (Mr. Muskie) is recognized for 15 minutes.

(The remarks of Mr. Muskie when he introduced S. 1408 are printed in the Record under Bills and Joint Resolutions Introduced.)

SILENT VIETNAM

Mr. MUSKIE. Mr. President, the United States has paid a heavy price for its involvement in the war in Indochina. Thousands of lives have been lost, priceless resources have been squandered, and public morale has suffered a crushing blow.

Yet the toll which this war has exacted on the countries of South Vietnam, Laos, and Cambodia has been far more savage, infinitely most costly.

Our obsession with the body count method of measuring the progress of this war has led us to the indiscriminate bombing of the countryside and the wasteful destruction of its people and resources.

The number of people driven from their homes has soared. The number of bodies maimed by bombings and the use of chemical weapons reaches into the many thousands.

And the countryside itself has been stripped of its vegetation and wildlife. The chances are great that the delicate ecological balance has been irreparably upset, and that the social structure built upon this balance has been destroyed.

In the March 6 issue of Look magazine, Orville Schell, codirector of the Bay Area Institute, has provided a detailed examination of the horrors of the "ecocide" which the war has brought to Vietnam. I ask unanimous consent that this article, entitled "Silent Vietnam," be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Silent Vietnam

(By Orville Schell, Jr.)

The gradual dismemberment of Indochinese society has become a fact of life. Learned at first with disbelief and horror, and then integrated into the routines of our everyday existence, the destruction has become a cliché. Even to speak of the "Vietnam problem" or the "Indochina problem" is deceiving because it implies that there remains a real entity that can easily be restored to health with certain reasonable changes. But, like the bodies of men and women mangled by napalm, fragmentation bombs and phosphorous, the land and the peoples of Indochina will not readily recover from the wounds that America has inflicted, even if a peace is achieved.

The war reports speak of particular battles, an accidentally bombed village, a B-52 strike, a defoliated county, the body count and the increasing numbers of refugees. We have understood this conflict more in terms of isolated events rather than as a complex pattern. We have come to assume that the changed structure of a village, the altered chemistry of a jungle or river, the destroyed tissue of a napalmed child or the shattered economy of a nation do not affect each other. We still see the war in Indochina in terms of meaningless categories, of boundaries, programs, operations and invasions, without understanding that Indochina is an organic fabric in which all living things are tied together in innumerable ways.

If we look at all these disparate disasters as part of a whole, however, it begins to become apparent that our actions in Indochina have already gone far in committing what may well be a new kind of crime in the history of warfare—ecocide. Just as genocide is the crime of eliminating one of the earth's peoples, ecocide is the crime of destroying the natural environment in which people live. In the past, armies have often engaged in a "scorched earth" policy. But whereas a scorched-earth strategy killed and burned everything in its path, an ecocidal strategy, which has become possible only through the recent technological transformation of warfare, destroys an environment for an extended period of time.

It is difficult now to recall Indochina before the ecocide began. Over the last few centuries, the countryside had changed little. South Vietnam was an area largely made up of small decentralized villages spread out over the coastal plain and the fertile Mekong River Delta in the South. The village was the essential unit of Vietnamese life. Most people seldom left their village. Fewer left their county or province. Most villages, although simple, gave one a sense of peace and beauty. Many were accessible only by path or canal. Small houses of split bamboo and thatch, many even on stone foundations, were clumped together in an agreeable way so as to allow for both privacy and communality. In spite of poverty and the absence of land reform, the inhabitants had worked out an accommodation with the natural world around them. They planted palm trees and bamboo groves around their houses for shade and shelter. Rice fields surrounded each village. And, of course, not far away, were the ancestral tombs. At his village, a peasant farmer was born, got married, raised his family, grew his rice crops and died. He lived in a simple universe, yet one that gave him dignity.

Now, ten years after the American military began to move into Vietnam, many crucial elements between man and nature have been destroyed. The two principal agents of this destruction have been a saturation bombing unprecedented in warfare, and the massive spraying of herbicides.

From the point of view of the Indochinese peasant, Vietnamization and President Nixon's claims of withdrawal have not meant an end to the destruction, but a clear escalation of the assault on the countryside by American air power, bombing and defoliation. Aerial bombardment has increased, and systematically replaced ground forces as they have withdrawn. Whatever selectivity the military once exercised in picking targets has disappeared with the massive continuous bombing in Vietnam, Cambodia and Laos.

Indochinese society has become our target, and, in turn, our enemy. We are waging a war against an abstraction that has turned out to be a war against the people and the land itself. Gen. William C. Westmoreland's billion-dollar electronic battlefield for automated warfare has arrived. A year and a half ago, he told the Association of the U.S. Army, "I see battlefields on which we can destroy anything we can locate through instant communications and almost instantaneous application of highly lethal firepower. With first-round kill probabilities approaching certainty, and with surveillance devices that can continually track the enemy, the need for large forces to fix the opposition physically will be less important."

Technology and firepower have now allowed America to wage a wider war while reducing its own casualties, and thus hardly notice what it is doing.

With the replacement of General Westmoreland by Gen. Creighton W. Abrams, the much publicized "search and destroy" operations that were the heart and soul of the Westmoreland tenure began quietly to be phased out in favor of "cordon and search" and "reconnaissance in force" operations, which simply meant that large ground operations were phased out and technology substituted. The high U.S. casualties—over 1,500 during an average week—had become too great a political liability at home. There was a pullback on the ground away from the bloody Loc Ninh, Hamburger Hill, Khe Sanh battles, and the Junction City or Cedar Rapids type of military operation. Drug problems and insubordination among U.S. troops rendered such operations worthless. The war moved to the air. Planes that had been flying daily strikes over North Vietnam were diverted, after the bombing halt in October, 1968, to Laos and South Vietnam. B-52's began to be used as tactical weapons on daily runs. Bomb tonnage soared, and U.S. casualty figures dropped. Mr. Nixon began to speak effusively about withdrawal and of Vietnamization. But the tonnage still has reached amounts that are difficult to comprehend. *Le Monde* reported last July 29 that 1,387,000 tons of bombs were dropped on Indochina in 1969. During the first five months of last year, 594,171 tons of bombs were dropped. The total tonnage dropped during the war is now just under six million tons. (The U.S. dropped just over two million tons of bombs during the whole of World War II on Europe and Japan.) This does not even include artillery shells fired (for example, some 5,172,588 tons fired between January 1, 1968, and May 31, 1970). Since then, B-52's have been flying a thousand sorties and dropping up to 2,000 tons of bombs a day. Such figures stagger the imagination; we have dropped almost 20 tons of explosives for every square mile in Vietnam.

The war has shown that United States firepower is almost limitless. Our inability to win has not stemmed from an absence of ordnance but from an absence of targets. In this technological warfare, our lethal firepower has been turned on society itself, like a broad-spectrum antibiotic that makes no distinction between wanted and unwanted organisms. Target bombing and air support for ground operations have given way to saturation bombing. Artillery strikes, once called in on specific targets, have evolved into harassment and interdiction (H&I) fire that is shot around the clock into "free-fire zones" (now conveniently called "specified strike zones") from coastal and inland fire bases. Navy guns are now computerized to fire continuously at whole counties for several days running rather than just at isolated targets. Whole villages are incinerated by napalm strikes because of single snipers. Armed helicopters of days gone by have become "gun ships" capable of launching rockets, grenades and machinegun fire. C–47's, now nicknamed "Puff-the-Magic-Dragons," have been armed with multiple "mini-guns" that are capable of laying a withering blaze of fire, 18,000 rounds a minute.

One of the most disastrous, and least noticed, effects of our bombing has been the destruction of the irrigation system in rural Vietnam. The waterworks are one of the most important elements in inter-village life of South Vietnam, the one undertaking that makes cooperation within the village, and even between adjacent villages, absolutely essential. As in all Asian countries, the irrigation system for the rice fields is extremely complicated. Water runs down through scores of paddies on which hundreds of different people and families depend. Disruption at any point of the long chain threatens the survival of everyone further down the line.

More than anything else since the advent of Chinese hydraulic technology hundreds of years ago, the irrigation system made a social fabric out of the patchwork of villages in the Vietnamese countryside. Without the dams, dikes and canals to temper the heavy monsoon rains and assure a supply of water during the long dry months, tillable land, crops, and hence society, could not exist.

Almost without noticing it, the U.S. military have destroyed this system in Vietnam and much of Indochina. As one flies over the countryside, he sees brownish-yellow rivers and streams flowing aimlessly across paddies and eroded fields. Some areas are scorched dry and pitted with crators. One looks down on mile after mile of uncultivated rice fields pockmarked with millions of large craters filled with water in which malarial mosquitoes have been breeding in epidemic numbers. Reportedly, 2.5 billion cubic yards of earth have been removed. This is 25 times greater than the Suez Canal excavation. In the coastal areas of I Corps, one searches for signs of life in the vast "sanitized" free-fire zones. On the borders of fields, at the treeline, one can often see evidence of pathetic gardens where people attempt to grow basic foods like sweet potatoes, taro or squash. They do not dare work the rice fields for fear of being shot by Americans who are out "squirrel hunting" in bubble choppers. In free-fire zones, people are subject to bombardment 24 hours a day and live like moles in bomb-shelter holes beneath the ground.

While the bombing was being stepped up, the use of herbicides continued unabated. Beginning in 1961, the U.S. began the "experimental" use of herbicides in South Vietnam as a weapon to destroy crops. The initial objective was to deny food to the National Liberation Front. In 1962, herbicides became "a central weapon" in the overall chemical and biological warfare (CBW) strategy of America throughout Southeast Asia. Known as "Operation Ranch Hand," the project's motto became "Only we can prevent forests."

The defoliation program soon expanded into a critical aspect of the whole shift of strategy from ground to air power in South Vietnam. Besides destroying crops, defoliants began to be used to destroy the forest canopy that hid NLF forces from detection by air. The process is described in an Army Training Circular *#TC3–16 Employment of Riot Control Agents, Flame, Smoke, Anti-plant Agents and Personnel Detectors in Counter Guerrilla Operations:* "Guerrilla operations rely heavily on locally produced crops for their food supply. Crop destruction can reduce the food supply and seriously affect the guerrilla's survival. Naturally dense vegetation in jungle areas is ideal for illusive hit and run tactics of guerrillas. Removal or reduction of this concealment limits the guerrilla's capability to operate in the defoliated area." A report released last December by the American Association for the Advancement of Science claims that in Vietnam, some 600,000 people have been deprived of their normal food supply by defoliation. The report claims that chemical agents sprayed by the U.S. have been responsible for killing over $500 million worth of prime hardwood, covering an area the size of Massachusetts. It states that some 400,000 acres of coastal mangrove forest have been killed, leaving lifeless swamps. These vast areas were once major sources of smaller species of fish and shrimp, on which larger kinds of seafood depend for life. The effect of this disruption in the food chain, and, consequently, of the livelihood of fishermen in the area, is not known.

Over 12 percent of South Vietnam's territory, including croplands and grazing lands, has been damaged or destroyed. Sen. Gaylord A. Nelson of Wisconsin reports that "The U.S. has sprayed [in South Vietnam] enough chemicals to amount to six pounds for every man, woman and child in that country."

Last spring, American military sources announced that after nine years, use of the deadliest herbicide, Agent Orange (some 60,000 tons had already been used), was suspended. The use of other herbicides continued. But in November, it was revealed that the 90th Chemical Attachment in Quang Ngai province had, in fact, continued to use Agent Orange and had defoliated thousands of acres in spite of the ban. As one soldier remarked, "Hell, we've been using it all through the summer." Sen. Stephen M. Young of Ohio quoted another young soldier, who had been asked where all the barrels of Agent Orange had disappeared: "If we ain't been using it, where do you think those missing barrels went? We sure ain't makin' milkshakes out of it."

On February 2, 1971, General Abrams and U.S. Ambassador Ellsworth Bunker issued a statement saying that herbicide spraying of crops by fixed-wing aircraft would cease, but that the program would continue, from the ground and from helicopters, around U.S. bases and in other "unpopulated areas." Most people, however, remain justifiably confused as to the real status of the herbicide program. Even if the program were ended *in toto*, the indications are that many important aspects of the whole organic fabric of Vietnam have already been affected. Scientists are concerned that herbicides have damaged the soil by destroying the process through which foliage regularly falls to the ground, decays, and returns minerals and nutrients to the earth. As a result plant life is unable to replenish itself, and erosion washes the essential soil nutrients away. Other scientists fear that a process called laterization may set in in many areas, turning the soil into a hard, rocklike substance in which nothing will grow.

Reports indicate that patterns of wild-animal life have been altered through the interruption of food chains and the near extinction of several rare species. The regeneration of vast jungle areas that are pollinated by animals and insects rather than air currents are affected in turn. Elephants, often used by both sides for transportation, are shot on sight, while the tiger population has soared as a consequence of an abundant supply of fresh human meat.

There are even reports of women giving birth to monsters, though most occurrences are not reported because of nonexistent procedures for compiling statistics. The Saigon Ministry of Health classified the files of malformed babies as "secret" in 1969.

Quietly, the whole nature of Indochinese agriculture is being changed by the aerial destruction. In 1964, South Vietnam exported 48,563 metric tons of rice. The following year, largely because of bombing and spraying, South Vietnam *imported* 240,000 metric tons of rice. In 1968, the figure rose to 677,000 tons. The destruction of rice has meant the destruction of a culture. The people of Asia have been growing and eating rice for 5,000 years. Rice is central not only to their diet but to the entire spiritual relationship between the Vietnamese people and the natural world. If a Vietnamese has not eaten rice, though he may have eaten other foods that day, he considers himself not to have eaten at all. During the day, Vietnamese often greet each other with the words, *"An Com Chua?"* literally, "Eat cooked rice yet?"

The destruction of the rice crop has meant that the fundamental connection between peasant and earth is broken. Without the rice to plant, grow and harvest, the village is without function or meaning, even if it is not bombed or burned. A man forced off his land is left without reason to exist or connection with the world around him. He becomes a purposeless human being.

For the people of Vietnam, the immediate consequence of the bombing and the destruction of their crops has been the growth of the refugee camps. Such camps are usually located in "secure areas," away from trees or hills. They are placed in the baking sun on bulldozed lots surrounded by barbed wire. Small houses with tin roof that cause them to heat up like ovens under the tropical sun are lined up like cars on a parking lot. U.S. surplus-commodities, dietary food and food banned in the U.S. because of cyclamates are brought in to replace the native rice. Here a refugee, or "detainee," frequently separated even from friends and family in the evacuation shuffle, is "resettled."

As with every other aspect of the war, statistics on refugees have almost no real meaning. Authorities in Vietnam have compiled "statistics" to give the illusion that the problem is not totally out of hand. Their figures give only an incomplete, shadowy picture of the devastating reality.

On December 28, 1967, the New York *Times* reported that although the military have "classified" two million Vietnamese as refugees, a "competent source" put the figure at four million. Meanwhile, officials claimed that 309,000 "classified" refugees were in camps and 475,000 were "elsewhere." Where is "elsewhere"? Journalists in Saigon are usually told that the refugees are "staying with relatives." One can understand what this means by seeing the squalid overcrowding of South Vietnamese cities.

In February, 1970, Rand Corporation anthropologist Gerald Hickey said, "Just 15 years ago, all but 15 percent of the South Vietnamese people lived in rural areas. Now, 60 percent live in urban areas. Saigon has grown from a city of 300,000, which it was designed to be, to more than three million." The pattern is the same in most Vietnamese cities. Da Nang, for example, has grown from a city of 25,000 to 300,000 in five years. Similarly, Phnom Penh, the capital of Cambodia, has grown from half a million to two million in eight months. This kind of "urbanization" is a tactic that Samuel P. Huntington, chairman of the Department of Government at Harvard University, and a long-time supporter of the war, advocated in *Foreign Affairs*, July, 1968. He claimed that Vietcong support could be cut off if there were " 'direct application of mechanical and conventional power' . . . on such a massive scale as to produce a massive migration from countryside to city."

The city of Saigon perhaps best illustrates this tactic of forced urbanization. In December, 1964, an article in the *Christian Science Monitor* described Saigon as the "Paris of the East." In a scant two years, the same paper began to run articles describing Saigon as a city in which "labor shortages due to the war have made services worse than usual. The streets are very dirty. Huge piles of uncollected trash and rotting garbage lie about, and sanitation is sadly lacking." Saigon has become one of the ugliest and most congested cities in the world, with an average population of 140 persons per acre (Tokyo has 63).

The overriding problem of civilian dislocation, euphemistically called "pacification," is one that the American military have never taken seriously. The index of General Westmoreland's final report on the war includes five references to "Refugees"—all with the misleading subtitle, "Care of. . . ." There is no serious discussion or even statistical reference in that report to the disruption that has been taking place in the countryside because of U.S. firepower.

In June, 1969, John Hannah, head of the Agency for International Development, told Sen. Edward Kennedy's Subcommittee on Refugees that 3.2 million Vietnamese had "become homeless" since 1965. A chart accompanying the testimony lists 1,328,517 of them as "current temporary refugees" for 1968. Then, there is an asterisk referring to a footnote in minute print: "Refugees are defined as persons who leave their home for war related reasons, and have not yet reestablished a permanent home. Statistics do not include victims of the Tet and May offensives numbering in excess of 1,000,000."

Hannah's report further states that 61,101 of these "current temporary refugees" are "in camp." Another 600,105 are listed as "out of camp" or "elsewhere." It all sounds like a reasonably manageable proposition. But as any honest refugee adviser in the provinces of Vietnam is quick to point out (since he has to work with actual people, not fantasy-land figures), official statistics only deal with "classified" refugees. Conservative estimates place the figure of dislocated people at twice the number of those "classified." This means that, as of 1969, roughly seven million Vietnamese (or nearly half the population of South Vietnam) had become homeless.

According to Royal Laotian Government figures in 1970, 1.5 million people there have been displaced since the U.S. began intensive bombing of Pathet Lao-held territory in 1968. Laos has a population of only three million. According to Jacques Decornoy of *Le Monde*, who was in the province of Sam Neua, a Pathet Lao area, all but two villages there had been destroyed as early as 1968. Since then, the U.S. has been flying up to 20,000 sorties a month over Sam Neua. One can only guess the effect the February invasion of Laos has had on the already severe refugee crisis in that country.

In 1970, a report of the Senate Subcommittee on Refugees said that in Cambodia, with a population of seven million, one million of refugees have already been "generated." We also know that the Lon Nol regime "generated" some 100,000 refugees from the ethnic Vietnamese population living in Cambodia just before the invasion of the NLF sanctuaries last spring. We also know that since then, the U.S. has provided unlimited air power to Lon Nol's tragicomic army. Whole cities like Snoul, where thousands of people lived, have been destroyed. And yet, in spite of this obvious escalation of the air war and the inevitable rural dislocation that must follow, U.S. authorities continue to claim, even with self-satisfaction, that the refugee problem is under control.

One wonders where all the refugees went. They began to disappear from our consciousness just as the B–52 raids increased. One is justified in conjecturing whether people are simply being killed in their villages without being brought into a pacification camp where they can be tabulated.

Fact has been piled on fact—few of them are new and fewer capable of shocking. The immensity of the destruction in the Indochinese war has led to a kind of national numbness that is only momentarily interrupted by another escalation or invasion. Government "experts" speak of "urbanization," "protective reaction," "crop control," and "Vietnamization." But the old words are incapable of conveying just what it is that the U.S. is doing to Vietnam and the rest of Indochina. The crime is a new one, ecocide, our addition to the annals of man's inhumanity to man.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MOSS. Mr. President, I move that the Senate proceed to the transaction of routine morning business.

The ACTING PRESIDENT pro tempore. Pursuant to the previous order, the Senate will proceed to the transaction of routine morning business, for a period not to exceed 30 minutes, with a limitation of 3 minutes on statements therein

THE NIXON DOCTRINE—SENATOR MANSFIELD'S ADDRESS AT OLIVET COLLEGE

Mr. AIKEN. Mr. President, last night our distinguished majority leader, the Senator from Montana (Mr. Mansfield), spoke at the Begole-Brownell Lecture at Olivet College, Olivet, Mich.

The address of our distinguished colleague was thoughtful, temperate, forceful, and factual, as always are the remarks he makes. He gave a report in this address which cannot be overemphasized in the interest of the United States and in the interest of promoting peace in the world. He gives a message which should be often repeated.

Mr. President, I ask unanimous consent to have it printed in the Record.

There being no objection, the address was ordered to be printed in the Record. as follows:

The Nixon Doctrine

I have not come here to make a political speech. Spring is not the season for politics, unless you are a young man running for the Presidency. Or unless you are a President in your first term. I am no longer that young. I am in my fourth term in the Senate. I run for office only in Montana and I have only recently been re-elected.

In any event, the subject of my remarks is not political. The Nixon Doctrine is not a partisan policy. It was not advanced by the President as a partisan thrust. It was not met in the Senate with a political party. On the contrary, when the President issued this Declaration on Asian policy eighteen months ago, support was immediately extended to him from the Senate. It came from Republicans and it came from Democrats.

What differences there are with regard to foreign relations, derive from policies not from politics and they are shared by members of both parties. The Senate, today, is not an intensely partisan forum. As Majority Leader, I have no political axes to grind. My relationship with a Republican President has been correct and cordial. In matters of foreign policy, the relationship does not differ greatly from that which existed with his predecessor, a Democrat.

Over the years in Washington, I have seen something of the burdens of the Presidency. They are great and lonely. In foreign affairs, the President is out in front at all times. The pressure is direct and relentless. In this connection, when the late John F. Kennedy assumed personal responsibility for the Cuban debacle, he quoted an old saying, "victory has a hundred fathers and defeat is an orphan."

Regardless of party, a President is entitled to understanding in his responsibilities. Since I have been in the Senate, it has been my practice to extend to the incumbent of the Presidency whatever I could in the way of support, cooperation and consolation. In doing so, however, I have not overlooked the separate Constitutional obligations of Senators nor the Leadership's additional responsibilities to the other 99 members of the Senate. Three Presidents have known that I do not stand on partisan ground. They have also known where I stood on the issues.

The Nixon Doctrine is one of those issues because it is a touchstone in our relations with Asia and the rest of the world. The Doctrine was set forth with the intent of bringing about an adjustment in U.S. policy in the Western Pacific. Eighteen months later, there is concern with the follow-through.

This concern does not arise from a retrogression to some sort of isolation. Provided the issues are clearly presented, the people of the nation are discerning enough to recognize that the alternative to one distortion is not another. I reiterate, provided the issues are clearly presented.

There is no escape by national isolation from the complexities of our times. We will have to live with these complexities and work with them, and do so in cooperation with other nations of the world or in conflict with other nations. There is no shell of sky large enough to shut out the rest of the globe. There is no sweep of ocean. There is no electronic shield, no insulating web of missiles.

Isolation is no answer to the nation's needs. But neither is internationalism some sort of incantation against the ills of international life. We will search in vain to safeguard our security and well-being by an internationalism which leads us to project military forces into the farthest reaches of the globe and to maintain them there without the comprehension of the people of this nation and without the understanding and cooperation of the rest of the world's people.

That reality ought not to be overlooked in an excess of concern in the Executive Branch that the American people will "retreat to isolation," at any suggestion of an adjustment in the present course of foreign policy. We would do well, instead, to note carefully the danger of persisting in a course which has already alienated many people at home and abroad and has led the nation a long way down the road to an isolated internationalism.

If I may lay aside, then, this non-issue of isolation along with partisan politics, as a basis for my remarks, I would like to turn your attention, now, to the Nixon Doctrine. The subject is of particular interest because shortly after the Doctrine was set forth in the summer of 1969, I went to Southeast Asia. I did so at the request of the President, and in the course of the journey, sought to convey some understanding of the President's new approach to Asia.

In a public report in September 1969, I pointed out that the Nixon Doctrine did not mean the United States was turning its back on Asia. Rather, the Doctrine was designed to reduce the factor of U.S. military participation in the problems of that region. The Doctrine's aim, too, was to foreclose new situations of dependency as had developed in Viet Nam; contrary to our interests such situations tended to lead to involvement in Asian conflicts.

In further interpretation of the Doctrine, I noted that we intended to alter aid-policies by placing more emphasis on economic aid and less on military help. Even with regard to economic aid, moreover, it was to be expected that we would shift from a unilateral approach and participate when desirable in whatever multi-sided cooperation Asian nations were inclined to develop themselves.

I made clear that the Nixon Doctrine did, indeed, imply major adjustments in long-standing U.S. policies in the Western Pacific, policies which had been formulated in the aftermath of World War II and the Korean War. Circumstances had long since changed greatly and we had not kept pace. As a result, we found ourselves more deeply involved in Southeast Asia than warranted by the nation's interests. The U.S. role had become both anachronistic and wasteful. Most seriously, an over-long persistence in that role had led us into the tragedy of Viet Nam. The time had come to alter it.

It seemed to me that the essence of the Nixon Doctrine was to be found in the President's frequent references to a new "low-profile" policy. I agreed fully with that concept and so stated many times in Asia and at home. Moreover, the Administration soon made clear that the new Doctrine would apply, not only in Asia but throughout the world. With that extension, too, I agreed completely.

During 1969 and the early months of 1970, the Executive Branch elaborated the Nixon Doctrine in specific actions. The U.S. military base structure was curtailed in the Far East. Reductions were made in official personnel throughout the region. The Executive Branch entered into negotiations with the Japanese government pursuant to the agreement which the President had achieved with Japan on the Okinawan question. That settlement promised to remove a spur of increasing tension in U.S.-Japanese relations. Largely by the President's personal efforts, diplomatic relations were restored with Prince Sihanouk's Cambodia and the restoration seemed to check the danger of a spill-over of Vietnamese hostilities into that nation. Initiatives were also taken by the President to enlarge contact with the Chinese People's Repubilc.

The most significant implications of the Nixon Doctrine, of course, involved Viet Nam. Despite obvious difficulties of immediate application, U.S. military forces in Viet Nam were reduced by 100,000 men between July 1969 and April 1970. With the reduction came a sharp drop in casualties and in the cost of the war. At the same time, new U.S. leadership was supplied to the negotiations in Paris. Hopes quickened for a negotiated peace in Viet Nam.

Elsewhere in the world, the inertia in U.S. policy seemed to be ending under the impetus of the Nixon Doctrine. There were indications of an intent to reduce the cost of maintaining a garrison of half a million military personnel and dependents in Western Europe. The new SALT talks on disarmament, as they involved ICBM's, ABM's and other laconic euphemisms of civilization's suicide, opened on an encouraging note. A Defense budget, swollen with cost over-runs and other waste as well as the price of the Vietnamese War, began to be curbed in the wake of the Senate's great debate on the Anti-Ballistics Missile.

The Nixon Doctrine, in short, appeared to have set off a chain reaction which promised to bring up to date the nation's international security affairs. It was most welcome in the Senate and in the nation. For a long time, we had remained wedded to the needs of another era. We had continued to indulge ourselves with policies and practices born of another time. As a nation, we had been so deeply concerned for two decades with threats from abroad, that we had overlooked the erosion of the nation's inner security and well-being.

The Nixon Doctrine opened the shutters on these musty thought-processes. In so doing, there was revealed the possibility of adjustments of policy abroad which would also redound to the benefit of the situation within the nation. Billions of dollars of taxes, not to speak of the creative skills and energy of young people, were involved in the excessive and increasingly isolated search for national security in Viet Nam and elsewhere abroad. With the advent of the Nixon Doctrine, it seemed that some of these immense resources might begin to be channeled into urgent needs at home.

In my judgment, the President deserves great credit for having established this turning point. The Nixon Doctrine was an invitation to change—long overdue change—if I may use that overworked word, a change in priorities.

Then, there was April 30, 1970 and the American military incursion into Cambodia. The event is recent. You remember it and there is no point in a re-run. To make my position clear, let me say only that I opposed the incursion before it began; I was saddened by its beginning; I regard it, even now, with regret, although it is held in some quarters to have been a "successful operation."

At the time, it seemed to me that the incursion thrust the war deep into what had been, for all practical purposes, the only non-dependent nation in Indochina in which there existed a measure of stability self-achieved under a reasonably responsive civilian government. Most serious, the Cambodian incursion enlarged the battlefield. In so doing, it promised to prolong the U. S. involvement and open up a new source of U.S. casualties.

That position was not arrived at lightly. It is not re-asserted lightly now. The Cambodian incursion was justified largely in terms of saving American lives. That is a consideration that has always weighed heavily with me and every other member of the Senate. It was apparent then, however, and it is apparent now that the termination of our involvement in the war in Viet Nam and a prompt withdrawal would save far more American lives and return our POW's more quickly than an enlargement of the area of conflict.

As it was, in the brief invasion of Cambodia a year ago 362 Americans died and 2,205 were wounded—in the process of "saving American lives." And in the process of "saving American lives," our forces in Indochina have incurred casualties of 4,000 dead and 18,000 wounded in the year since the Cambodian incursion. In the light of those grim figures, it may well be asked—are we saving lives or saving face? The question becomes even more pertinent when put in the perspective of total casualties: 54,000 dead; almost 300,000 wounded, since the beginning of this tragic conflict.

This sacrifice of American life to date is indicative of the magnitude of the war's toll. The people, for whose benefit it was intended, have, themselves, suffered greatly in the war. Hundreds of thousands of Indochinese men, women and children, have been killed and maimed. The war has created millions of refugees. Ancient cultures and the natural environment in which they flourished have been damaged beyond calculation by the devastating tools of modern warfare.

If the war was widened by the Cambodian incursion, it was widened, again, by the Laotian incursion. With that development, what was once the Vietnamese conflict became a full-fledged Indochina war. What was once an American involvement in South Viet Nam was consolidated into an American involvement in all of Indochina. Notwithstanding linguistic gymnastics, an extension of warfare into vast new areas of combat cannot be depicted as a contraction of the war.

The fact is that we are still held fast in the evershifting current of a struggle which has gone on almost continuously for a quarter of a century. It is a war without light at the end of the tunnel. It is a war which does not stop at the borders of Cambodia. It does not stop at the borders of Laos. Where, then, is the end? Indeed, there may be none, unless it is in Peking or beyond, in a worldwide nuclear inferno.

How we are entrapped or, more accurately perhaps, how we entrap ourselves in this pattern of expanding violence is illustrated by events in Cambodia. I would note that on April 30, 1970, there were scarcely a half-dozen American officials in Cambodia and they were carrying out the most limited diplomatic functions. There are now many times that number and they are carrying on a variety of functions.

On April 30, 1970, we had no obligations whatsoever to the government of Prince Sihanouk of Cambodia; its fate was in its own hands. Since the overthrow of Sihanouk, we have already made aid-commitments totaling $260 million to the successor government. That government's fate is not in its own hands; it is now in ours. It is dependent for survival on the United States and on the Saigon government which, in turn, is dependent on the United States.

To be sure, the U.S. ground forces which were sent into the Cambodian border regions were withdrawn after a campaign of several weeks. To be sure, in Laos, U.S. service personnel have not set foot on the ground in any great numbers. Presumably, in deference to the Cooper-Church amendment, they have been restricted to hovering a few feet above the ground. However, U.S. planes and helicopters crisscross Laos and Cambodia many times a day. They fly missions of bombing and other direct combat support, supply, transport, evacuation, reconnaissance and whatever. U.S. planes and helicopters are now shot down in both Cambodia and Laos as well as in Viet Nam and men often die when they are shot down. We do not disinvolve ourselves by withdrawing on the ground while we plunge in more deeply through the air. Involvement is involvement, whatever it is called.

To be sure, the President deserves every credit for having reduced overall U.S. troops numbers in Viet Nam by more than 200,000 since the beginning of his Administration. But there are over 300,000 Americans still in Indochina. Furthermore, the use of U.S. airpower seems much more intensive than a year ago—that, in a primitive region which has already been bombed with more than twice the total tonnage dropped in both World War II and the Korean War.

Costs are costs wherever incurred. Casualties are casualties whether they are received on the ground or in the air. While lower costs are better than higher and fewer casualties are obviously to be preferred to more, all losses are tragic in a mistaken war.

If it is not in the interest of this nation to be in the war with ground forces, how can it be with air forces? To be sure, it may seem more palatable but it is not more purposeful. It is not less wasteful.

The prerequisite of a meaningful application of the Nixon Doctrine in Southeast Asia seems to me to be the termination of the U.S. military involvement—land, air and sea—in Indochina and military withdrawal from that region, lock, stock and barrel. That termination is not yet visible. That withdrawal is not yet in sight.

It is not only with regard to Indochina that there are grounds for concern over what has happened to the Nixon Doctrine since April 1970. Digressions or delays appear to be developing elsewhere in Asia. It is many months later, but the details of the Okinawa settlement have yet to be completed by the Executive Branch. Difficulties with Japan have also arisen over trade questions and a short time ago were even allowed to reach a tempestuous stage. As I see it, U.S.-Japanese trade is of immense value to both countries even as a political relationship of mutual consideration and forebearance between the two countries is essential to the elaboration of the Nixon Doctrine in the Western Pacific. It is disturbing, therefore, to find what appears to be the intrusion of petty bickering and personal pique into these vital ties.

Also of great importance to the Nixon Doctrine is the restoration of civility with the Chinese People's Republic. The President has shown a consistent initiative in this connection. Whether a satisfactory relationship can be achieved at this time is another matter. Certainly, it is not a very promising prospect when the Indochinese war has again been extended to within minutes bombing range of the Chinese borders and, in the circumstances, the Chinese have re-affirmed publicly their complete support of the North Vietnamese. Moreover, U.S. policy has yet to come to grips with the vehement rejection of a "two-China" concept by both the government of the Republic of China and the Chinese People's Republic. Both insist that Taiwan and mainland China are parts of one Chinese nation.

Elsewhere in the world, in Western Europe in particular, there seems also to have been a retrogression from the Nixon Doctrine. While the need for a cut in the consignment of U.S. forces to Europe is more and more recognized in the Senate, the reluctance of the Executive Branch to act remains as great under this Administration as it was under its predecessor. It is reluctance, apparently, stimulated by the anxieties of the German and other European governments who remain unwilling, nevertheless, to relieve this nation of any substantial part of the present one-sided burden of the costs of NATO defense.

To maintain U.S. forces in Europe is estimated to account for $14 billion of the annual Defense Department budget. This expenditure is made, presumably, to forestall or to meet a possible military thrust from the Soviet Union. It is an expenditure which has gone on year in and year out for almost two decades. In the meantime, by contrast, in the policies of both the Western European countries and the Soviet Union, the fear of such a conflict has been progressively downgraded and, today, the accent in both parts of Europe is almost entirely on the contacts of peace.

Let me make clear that the sentiment in the Senate for a change in U.S. policies regarding NATO has nothing to do with severing treaty relationships with Western Europe or with the complete withdrawal of the U.S. military garrison from Europe. The NATO treaty remains highly regarded and a U.S. military presence in Europe, as an earnest of the importance which this nation still attaches to the alliance, is a principle that has long been accepted. That is not the question. What is sought in the Senate, rather, is a substantial reduction in the half-million of U.S. forces with dependents that are maintained in Europe at such great cost to the people of this nation. The resistance of the Executive Branch to this change in my judgment is ill-founded and may well produce, in time, a Congressional reaction which will compel drastic reductions.

To bring these remarks to a close, I want to note again, as I did at the outset, my deep belief in the urgency of the adjustments of U.S. policy which are implicit in the Nixon Doctrine. I would be less than candid, however, if I did not express the concern which I have with the divergencies, digressions, dodges and delays which have been encountered in carrying out the doctrine.

We have not escaped the consequences of this procrastination at home. In my judgment the absence of a vigorous follow-through on the Doctrine has had much to do with the persistence of the inflation and the slack in the economy. It has had much to do with our continuing inability to confront fully the financial and other problems of the States and localities. It has had much to do with the inadequate way in which we are meeting the whole range of compelling needs of our national life whether they be pollution, welfare, unemployment, violence or whatever.

There is blame enough to spare for things done and not done. Where the finger points often depends on who is pointing and I shall not point mine. The fundamental difficulty, as I see it, is that the President and the Congress function in a government grown immense. It is a government whose gears must grind in a complex synchronization if they are to grind at all. The machinery is not easily moved by the President alone and certainly not, alone, by the Congress. Yet it must be moved if there is to be a fulfillment of the promise of the Nixon Doctrine and a realistic adjustment of our policies in line with its implications. In my judgment, the primary need, the critical need, is an end to the involvement in Indochina: an end, period. In their separate Constitutional authority as necessary and, in cooperation, where possible, the effort must be made by the President and the Congress to meet that need.

The Republic deserves no less.

VERBUM SAT SAPIENTI—"A WORD TO THE WISE"

Mr. SCOTT. Mr. President, I think we should be careful about the words we use, no matter how deep our emotions.

I have just heard a dreadful charge hurled, that the United States is engaged in indiscriminate bombing.

Without any attempt to justify the way we got into the war, and with every desire in the world to get out of it—the sooner the better—I do not believe that we should use phrases like that unless we say what they mean.

It is my understanding that the bombing by the United States is for the purpose of the destruction of supplies and the interdiction of the Ho Chi Minh Trail. We can argue whether it should continue or whether it should not continue, but merely to characterize all bombing out of hand as being indiscriminate implies that our pilots are merciless monsters, hell bent on the destruction of the population and the ecology of the countryside.

Mr. President, that simply is not so. It is a reflection on the pilots. It is a reflection on the action taken by the governments involved.

I plead for a little less extreme language, no matter how anxious any given spokesman may be to put blame on one person or another. Goodness knows, there is enough to go around. The war began two administrations ago. It is high time we found a way to end it. No one disagrees with that. But the moment we start overstating our case, the more the temptation becomes to go all the way back to the 17,000 men who first went into Vietnam and then replay by post mortem all the sad successions of involvements from which we are now in the process of extrication.

I just add this as a sort of verbum sat sapienti—"a word to the wise."

Mr. BELLMON. Mr. President, I should like to commend the distinguished minority leader for setting the record straight. I have visited Vietnam twice and the countryside does not show any evidence of indiscriminate bombing. What bombing has been done has been in the areas where the enemy has built fortifications or supply bases to use to support his activities against the South Vietnamese people and their government.

It seems to me there is an easy way to end the bombing and other acts of war in South Vietnam and that is for the North Vietnamese to realize that once they stop sending men and supplies into the south, our troops will be quickly withdrawn and all bombing can be stopped.

It seems to me that a charge of this kind should be aimed in that direction rather than in trying to help discredit our efforts to aid the South Vietnamese in protecting their own country.

Mr. SCOTT. Mr. President, perhaps the reason for the deeply emotional language now being used is the result of pent-up emotions which have been self-contained for the period since 1961 and they are just now finding release.

I would suggest that perhaps some of these rather strong statements could have been made 6, 7, or 8 years ago, or could have been made on the 27th of April 1964, when I was proposing means by which we could get out of the war. I shall repeat that speech on the 27th of April this year, 7 years later, because I am not a Johnny-come-lately—and I am not running for the Presidency, either.

Mr. BELLMON. Mr. President, I wonder whether the distinguished minority leader knows if any bombs are falling in populated areas of South Vietnam at present.

Mr. SCOTT. To the best of my knowledge, no bombs are falling in populated areas of South Vietnam, and to the best of my knowledge no defoliation is going on and no wreaking of irreversible ecological damage—as impressive as those Norman-French words are.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DISCHARGE OF A COMMITTEE AND REREFERRAL OF A BILL

Mr. TALMADGE. Mr. President, S. 1356 was referred to the Committee on Agriculture and Forestry.

The rules of the Senate provide that the Committee on Interior and Insular Affairs has jurisdiction over forest reserves and national parks created from the public domain, whereas the Committee on Agriculture and Forestry has jurisdiction over forestry in general and forest reserves other than those created from the public domain.

The Department of Agriculture advises that the land covered by S. 1356 is either all or practically all from the public domain.

I therefore ask unanimous consent that the Committee on Agriculture and Forestry be discharged from further consideration of S. 1356 and that the bill be referred to the Committee on Interior and Insular Affairs.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BELLMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without exception, it is so ordered.

LEGISLATIVE PROHIBITION OF MILITARY OPERATIONS

Mr. BELLMON. Mr. President, last Thursday the Democratic Party, through its policy council, was put on record as endorsing the prohibition of all funds for American military operations in Indochina after December 31, 1971.

This would seem to be political strategy of a rather low order.

When President Nixon took office, this war had been going on for 7 years, under two Democratic administrations. There were 542,000 U.S. troops in Vietnam. I recall no such recklessly political resolutions on the part of Republicans during that period.

To date, the Republican administration has withdrawn 230,000 U.S. troops from Vietnam, with a withdrawal rate of over 12,000 per month, soon to be increased. And, whether the Democratic Policy Council likes it or not, the Vietnamization of the war, as described and planned by President Nixon, is working.

The Baltimore Sun last Friday commented that withdrawal as a policy is agreed upon now by both parties. It added that disagreement as to schedule between the two parties was legitimate.

But the Sun also pointed out the perilous irresponsibility of the Democratic resolution. It states:

> To cut off funds would be a dangerous business for all concerned, including the Americans in Indochina. . . . Congress, moreover has a share in the responsibility now for the military operations in Indochina, and this extends to the responsibility for making sure that the American forces are withdrawn in safety.

I would hope that my colleagues across the aisle have a more responsible position on this matter than does the Democratic Policy Council. I commend this editorial to their attention, and ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Mar. 26, 1971]

WAR FUNDS

Differences between the President and the Congress over the withdrawal of American forces from the war cannot be permitted, we suggest, to reach the point of a pitched battle over legislation to prohibit the use of any funds for United States military operations in Indochina after a given date, such as December 31, 1971. The Democratic Policy Council has put itself on record as favoring such a measure but the Democratic leaders in Congress should find it possible to advocate a complete withdrawal, if that is their view, without undertaking the drastic step of cutting off funds to the President at a specific time.

To cut off funds would be a dangerous business for all concerned, including the Americans in Indochina. Congress should not want to take on such a responsibility, even if this could be done in such a way as not to infringe upon a President's constitutional responsibility as Commander in Chief. Congress, moreover, has a share in the responsibility now for the military operations in Indochina, and this extends to the responsibility for making sure that the American forces are withdrawn in safety.

As a general proposition, a majority of the two political parties in Congress now supports, at least in a broad way, the policy of withdrawing American forces from the war. On a major policy matter of this sort, a broad area of bipartisan agreement is essential. Within this area there is room for differences as to precise schedules, and Democrats are within legitimate political bounds if they argue for an earlier and more complete withdrawal than the President may have in mind. But forcing the President's hand by cutting off funds goes well beyond this. The President, any President, must have some degree of flexibility in an operation of this kind. A threat to cut off funds for American forces looks to an impasse between the executive and the legislative, to the kind of political struggle that would not be good for anyone concerned.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report of Indian Claims Commission

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, an order dismissing petition in *Gila River Prima-Maricopa Indian Community, Etc., plaintiff*, v. *The United States of America, defendant*, Docket No. 236–H (with accompanying papers); to the Committee on Appropriations.

Report of Facilities Project Proposed To Be Undertaken by the Army Reserve

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting on facilities project proposed to be undertaken for the Army Reserve within the uncommitted balance of lump sum authorization provided by section 801(1)(b) of Public Law 91–142; to the Committee on Armed Services.

Proposed Legislation To Carry Out the Fire Research and Safety Act of 1968

A letter from the Secretary of Commerce, submitting a draft of proposed legislation to authorize appropriations to carry out the Fire Research and Safety Act of 1968 (with accompanying papers); to the Committee on Commerce.

The Financial Investment Advisory Panel of the National Railroad Passenger Corporation

A letter from the Chairman, Financial Investment Advisory Panel, pertaining to the second report of the Financial Investment Advisory Panel of the National Railroad Passenger Corporation; to the Committee on Commerce.

Proposed Legislation for Regulation of Exports

A letter from the Secretary of Commerce, submitting a draft of proposed legislation to provide for continuation of authority for regulation of exports (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

Proposed Legislation To Create the Office of Administrative Assistant to the Chief Justice of the United States

A letter from the Director, Administrative Office of the U.S. Courts, submitting a draft of proposed legislation to create the Office of Administrative Assistant to the Chief Justice of the United States (with accompanying papers); to the Committee on the Judiciary.

Proposed Legislation To Establish a Commission on Revision of the Judicial Circuits of the United States

A letter from the Director, Administrative Office of the U.S. Courts, submitting a draft of proposed legislation to establish a commission on revision of the judicial circuits of the United States (with accompanying papers); to the Committee on the Judiciary.

Proposed Legislation To Permit a Federal Judge To Serve as Director of the Federal Judicial Center or as Director of the Administrative Office of the U.S. Courts

A letter from the Director, Administrative Office of the U.S. Courts, submitting a draft of proposed legislation to provide for the appointment of justices and judges to the offices of Administrative Assistant to the Chief Justice, Director, Administrative Office of the U.S. Courts, Director, Federal Judicial Center, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Metcalf):

A resolution of the House of Representatives of the State of Georgia; to the Committee on Armed Services:

"H.R. No. 348

"A resolution urging the abandonment of a policy of consolidating Selective Service functions within the State of Georgia; and for other purposes

"Whereas, the United States Selective Service System has recently adopted a nationwide co-location plan for the centralization of records and certain functions relative to the Selective Service System; and

"Whereas, centralization in this manner might necessitate travel by citizens of this State for excessive distances, often exceeding 50 miles in each direction, in order to transact certain business and perform certain tasks connected with the Selective Service System; and

"Whereas, any savings to be affected on the part of the Selective Service System by the co-location plan in the State of Georgia would more than be offset by the extra expense and inconvenience to the citizens of this State in the additional travel required for the transaction of certain business with the Selective Service System; and

"Whereas, the adoption of this plan will result in the loss of the equivalent of 26.68 full time jobs, or a total of 65 full and part time jobs, in this State at a time when unemployment is of serious concern to the citizens of this State and Nation; and

"Whereas, the inability of a local draft board to have immediate access to the records of its registrants will result in an inability on the part of local boards to provide responses to inquiries by registrants concerning the status of said registrants in a reasonably short period of time; and

"Where as, the continuous flow of records from the co-located records centers to the local boards and their return will only serve to impede the efficiency of the local boards and creates the strong possibility of loss of records and other vital data; and

"Whereas, it is the feeling of the members of this body that the Selective Service System should be maintained in a manner so as to be as close as possible to the local community in order that a better understanding of the problems and needs of the local communities of this State and the citizens thereof might be better maintained.

"Now, therefore, be it resolved by the House of Representatives, that the members of this body hereby urge the Selective Service System and its Director, Dr. Curtis Tarr, to reverse the decision which has been made on co-location of Selective Service records and other functions within the State of Georgia and do hereby urge that the present number and methods of operation of Selective Service System offices be maintained within this State.

"Be it further resolved, that the Clerk of the House of Representatives is hereby authorized and directed to transmit appropriate copies of this Resolution to the President of the United States; the Vice President of the United States; the Director of the United States Selective Service System; the Direcor of the Selective Service System in Georgia; the Governor of the State of Georgia; and to each member of the United States Senate and the United States House of Representatives from the State of Georgia."

Two concurrent resolutions of the Legislature of the State of South Dakota; to the Committee on Agriculture and Forestry:

"A Concurrent Resolution

"A concurrent resolution memorializing the President of the United States and the United States Senate to establish a mandatory requirement that the United States Secretary of Agriculture be a farmer or rancher who receives a minimum of seventy-five percent of his income from farming or ranching

"Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

"Whereas, national agricultural policies for nearly two centuries have encouraged the development of farms and ranches and the nation has benefited from this policy as industrious farmers and ranchers have built the most efficient agriculture base the world has ever known; and

"Whereas, South Dakota is one of the most agricultural states of the nation; and

"Whereas, the economic well-being of South Dakota is very dependent upon the economic condition of its farming and ranching areas; and

"Whereas, the agriculture policies and programs administered by the United States Department of Agriculture have a profound effect upon the economic well-being of all farms and ranches throughout the nation:

"Now, therefore, be it resolved, that the Senate of the Forty-sixth session of the Legislature of the State of South Dakota, the House of Representatives concurring therein, respectfully urge the President of the United States, the Honorable Richard M. Nixon, and the United States Senators from South Dakota, the Honorable Karl E. Mundt and the Honorable George McGovern, to support a mandatory requirement that the United States Secretary of Agriculture be a farmer or rancher who receives a minimum of seventy-five per cent of his income from farming or ranching, and we respectfully urge their support of this proposal as being in the best interests of the agricultural economy of South Dakota and in the public interest of this nation; and

"Be it further resolved, that the Secretary of the Senate of the State of South Dakota be directed to transmit copies of this Concurrent Resolution to His Excellency, the President of the United States, the Honorable Richard M. Nixon; to the Secretary of the United States Senate; to the Honorable Karl E. Mundt and the Honorable George McGovern; and to the Honorable Clifford M. Hardin, Secretary of the United States Department of Agriculture.

"Adopted by the Senate: March 4, 1971.

"Concurred in by the House of Representatives: March 12, 1971."

"A Concurrent Resolution

"A concurrent resolution memorializing the President and the Congress of the United States to initiate and implement action to revitalize the agricultural economy of our nation

"Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

"Whereas, the agricultural economy of the United States is in a period of serious instability because of almost total inaction and lack of concern by the government of the United States; and

"Whereas, the number of those people involved in producing the foods for America are so small compared to those people who are benefiting from this productivity that the agricultural problems are subordinated to those of greater political numbers; and

"Whereas, the President and the Congress of the United States have the joint responsibility to establish a complete agricultural program for the general welfare of this nation and the world; and

"Whereas, the time for action by the President and the Congress of the United States is the present if serious consequences and unnecessary suffering are to be avoided:

"Now, therefore, be it resolved, by the Senate of the Forty-sixth Legislature of the State of South Dakota, the House of Representatives concurring therein, that the Congress of the United States initiate and the President of the United States implement without delay the necessary programs to revitalize the agricultural economy of our nation; and

"Be it further resolved, that copies of this Concurrent Resolution be transmitted by the Secretary of the Senate of the State of South Dakota to the office of the President of the United States, the Speaker of the House of Representatives of the United States, the Secretary of the Senate of the United States, the chairman of the Committee on Agriculture of the United States House of Representatives, the chairman of the Committee on Agriculture and Forestry of the Senate of the United States and the members of the Congressional delegation of the State of South Dakota.

"Adopted by the Senate: March 4, 1971.

"Concurred in by the House of Representatives: March 11, 1971."

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on the Judiciary:

"House Concurrent Resolution No. 78

"Concurrent resolution ratifying a proposed Amendment to the Constitution of the United State extending the right to citizens eighteen years of age or older in all federal, state, and local elections

"Whereas, Congress passed a law last year lowering the voting age to eighteen years in all elections as part of an extension (P.L. 91-285) of the Voting Rights Act of 1965, but a Supreme Court decision on December 21, 1970, held the provision constitutional only for federal, not state and local, elections; and

"Whereas, unless the states also lower the voting age to eighteen years, many states will have to establish two sets of electoral machinery, one for federal elections and one for state and local elections; and

"Whereas, the Congress of the United States has proposed an amendment to the Constitution of the United States to lower the voting age to eighteen years in all federal, state, and local elections; and

"Whereas, the amendment would be the fourth to enlarge the electorate since the Constitution was originally adopted—the 15th Amendment extends the right to vote regardless of race, color, or previous condition of servitude; the 19th Amendment regardless of sex; the 23rd Amendment permits voting for President and Vice President in the District of Columbia; and the proposed 26th Amendment would extend the vote to eighteen year olds; and

"Whereas, Senate Joint Resolution 7, approved by the Ninety-Second Congress, First Session, reads as follows:

" 'Senate Joint Resolution 7

" 'Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older

" 'Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" 'Article —

" 'Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

" ' "Sec. 2. The Congress shall have power to enforce this article by appropriate legislation." '

"Be it resolved by the House of Representatives of the Sixth Legislature of the State of Hawaii, Regular Session of 1971, the Senate concurring, That the Article proposed as an amendment to the Constitution of the United States as set forth in United States Senate Joint Resolution 7, dated March 23, 1971, be, and is hereby, ratified by the Legislature of the State of Hawaii; and

"Be it further resolved, That a certified copy of this Concurrent Resolution be transmitted to the Administrator, United States General Services Administration, and that copies of this Concurrent Resolution also be transmitted to the President of the Senate and to the Speaker of the House of Representatives of the United States and to the members of Hawaii's delegation to the Congress of the United States."

A concurrent resolution of the Legislature of the State of South Dakota; to the Committee on Post Office and Civil Service:

"A Concurrent Resolution

"A concurrent resolution memorializing the Congress to reveiw and give direction to the U.S. Bureau of the Census

"Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

"Whereas, the U.S. Bureau of the Census has in certain past census and in the most recent census, namely that taken in 1970, provided directions for recording of college students within the county where they are attending a college or university; and

"Whereas, said college students in the event that they are qualified voters do only rarely vote in precincts within the city or county where they are enrolled for purposes of educational training, but may be qualified as voters in their home precincts; and

"Whereas, in the event that young people at age 18 years gain the right to vote not only in National elections but also in state elections including subdivisions of state government and it seeming to be in public interest that said students shall continue to register and be registered on the registration rolls of their home counties and voting precincts; and

"Whereas, for purposes of apportionment of Congressional seats to the U. S. House of Representatives, the state Legislature and either constitutional officers of the state, the Doctrine of "one man one vote" has been increasingly the rule of practice laid down by the Courts and followed by Legislative bodies; and

"Whereas, the effect of the 1970 practice by the Bureau of the Census in calling for a count of college students to be taken in and allocated to counties other than those counties in which said students actually reside and in which they are most likely to vote does of a certainty do violence to the proposition of proper apportionment; and

"Whereas, the State Legislature is required to determine and outline and establish the district boundaries of members of the U.S. House of Representatives and of the members of the State Legislature on the basis of U.S. Census figures:

"Now, therefore, be it resolved, by the Senate of the 46th Session of the Legislature of the state of South Dakota, the House of Representatives concurring therein, That we respectfully memorialize the U.S. Congress to point out to the Bureau of the Census the obvious inconsistency in removing from the census rolls of all counties *one whole segment of our population;* namely a county's entire college enrollment, and taking the count of these people only in the counties that include the colleges and universities in which they are enrolled as students; and

"Be it further resolved, in the interest of providing for a more reasonable approach to apportionment, fully realizing the necessity of counting student populations within the corporate limits wherein their instruction is provided for planning purposes and for more accurately determining the amount of financial assistance through federal grant programs necessary to alleviate overburdening local housing, utility systems and governmental services necessary to sustain the largest aggregate student and permanent resident population, that the Bureau of the Census be requested by the Congress to provide for the states a count of all college students by home counties so that census figures can at least at the state level be adjusted for apportionment purposes, to the end that inequities in population Census figures particularly emphasized against the most rural areas and counties; may within the states be corrected; and

"Be it further resolved, That the Secretary of the Senate make available copies of this Resolution to the Secretary of the U.S. Senate, the Speaker of the House of Representatives, to U.S. Senator Honorable Karl E. Mundt, to U.S. Senator Honorable George G. McGovern, to the Honorable Frank Denholm, and the Honorable James Abourezk, members of the House of Representatives.

"Adopted by the Senate: March 9, 1971.

"Concurred in by the House of Representatives: March 13, 1971."

A concurrent resolution of the Legislature of the State of Oklahoma; to the Committee on Finance:

"Resolution No. 1018

"A concurrent resolution memorializing the Congress of the United States to continue the Federal Highway Trust Fund; and directing distribution

"Whereas, an adequate highway system is essential to the economy of Oklahoma and the nation; and

"Whereas, highway users pay gasoline taxes and other federal excise taxes which are deposited with the Federal Highway Trust Fund; and

"Whereas, the Federal Highway Trust Fund was created for the purpose of developing and constructing an interstate highway system and implementing highway safety program standards; and

"Whereas, the diversion of such taxes and the termination of the fund would impair the continued construction and maintenance of an interstate highway system for America.

"Now, therefore, be it resolved by the House of Representatives of the 1st session of the 33rd Oklahoma Legislature, the Senate concurring therein:

"SECTION 1. The Congress of the United States is hereby respectfully urged to continue the Federal Highway Trust Fund on a permanent basis for highway construction and implementation of highway safety program standards.

"SEC. 2. Duly authenticated copies of this Resolution shall be forwarded to the Speaker of the House of Representatives and the President of the Senate of the Congress of the United States and to each member of the Oklahoma Congressional Delegation.

"Adopted by the House of Representatives the 15th day of February, 1971."

A resolution of the General Assembly of the State of Georgia; to the Committee on Public Works:

"RESOLUTION

"Memorializing Congress and the Corps of Engineers to provide recreation a higher priority among management needs of reservoirs; and for other purposes

"Whereas, in recent years the number of recreational small craft registered in the State of Georgia has increased 52.2 percent, and the sale of marine equipment and services is now grossing $55,000,000 a year and substantially contributing to the economy of the State; and

"Whereas, Georgia's present water resources would be inadequate to handle such increased demands for boating and other water-based recreation without the multipurpose reservoirs of the U.S. Army Corps of Engineers; and

"Whereas, despite the fact that recreational benefits to the public is one of the factors which the Corps is required by law to take into account in justifying the construction and operation of multipurpose reservoirs, the experience in Georgia has been that recreational use is often hampered and severely curtailed as the result of periodic drawdowns of the reservoirs for other purposes; and

"Whereas, the present policy of according water recreation a relatively low priority in the management of Corps reservoirs in Georgia is not a realistic evaluation of the importance of water recreation to the economy of the State and the general public interest.

"Now, therefore, be it resolved by the General Assembly of Georgia, that this Body respectfully memorializes the Congress of the United States and the Chief of the United States Corps of Engineers to recognize that recreation needs and deserves a higher priority in the management of Corps of Engineers reservoirs, and to take such steps as are necessary to insure that higher priority will be given.

"Be it further resolved, That the Clerk of the House transmit copies of this Resolution to the Chief of the United States Army Corps of Engineers and to the Speaker of the House of Representatives and the President of the Senate, and to each Senator and Representative from Georgia in the Congress of the United States."

A resolution of the city of South Miami, Fla., requesting the National Aeronautics and Space Administration to designate Cape Kennedy as the operational base for the Space Shuttle system; to the Committee on Aeronautics and Space Sciences.

REPORT OF THE JOINT ECONOMIC COMMITTEE (S. REPT. 92-49) ON THE 1971 ECONOMIC REPORT OF THE PRESIDENT

Mr. PROXMIRE. Mr. President, under the Employment Act of 1946, the Joint Economic Committee is required to submit a report each year to both the Senate and House of Representatives conveying its findings and recommendations with respect to each of the main recommendations made by the President in the Economic Report. The report is to serve as a guide to the several committees of Congress dealing with legislation relating to economic issues.

Normally, the filing date for the report is March 1 but this year the Congress authorized the committee, in Public Law 92-2, dated March 5, 1971, to extend our normal period and file on or before April 1.

As chairman of the Joint Economic Committee, I am pleased to file the report herewith. In so doing, I would like to commend my colleagues on the committee for their highly competent handling of this responsibility. It was a great pleasure and privilege for me to work with them.

I submit the report to be printed together with the statement of committee agreement, minority, and supplementary views.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as indicated:

By Mr. METCALF:

S. 1405. A bill to establish the Missouri Breaks Scenic Recreation River in the State of Montana. Referred to the Committee on Interior and Insular Affairs; and

S. 1406. A bill to amend section 104 of the Truth in Lending Act. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. CHURCH (for himself and Mr. JORDAN of Idaho):

S. 1407. A bill to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MUSKIE (for himself, Mr. JACKSON, Mr. JAVITS, Mr. METCALF, Mr. MOSS, Mr. RANDOLPH, Mr. STEVENSON, and Mr. TUNNEY):

S. 1408. A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies, and committees and members thereof. Referred to the Committee on Finance; and

By Mr. MUSKIE:

S. 1409. A bill for the relief of Victor Frederick Sellier. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself, Mr. HART, Mr. MATHIAS, Mr. MONDALE, Mr. MUSKIE, and Mr. STEVENS):

S. 1410. A bill to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical political involvement with elected officials on the local, State, and Federal levels of government. Referred to the Committee on Labor and Public Welfare.

By Mr. BENTSEN:

S. 1411. A bill for the relief of Ulrich Otten (also known as Heinz Erhardt Nass), Elke Otten, and Michael Wunderwald. Referred to the Committee on the Judiciary.

By Mr. BEALL:

S. 1412. A bill for the relief of John T. Fitzwater. Referred to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. BAYH, and Mr. MATHIAS):

S. 1413. A bill to amend section 553, title 5, United States Code, relating to administrative practice and procedure, to remove certain exemptions from the requirement of notice of proposed rulemaking. Referred to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 1414. A bill to amend the Social Security Act by providing for the establishment of a child advocacy program. Referred to the Committee on Finance.

By Mr. PEARSON:

S. 1415. A bill to amend the Interstate Commerce Act in order to provide for the rail transportation of freight for the Department of Defense in general purpose box cars owned by the United States. Referred to the Committee on Commerce.

By Mr. FONG:

S. 1416. A bill for the relief of Benito Chow Wong (also known as Cho Chia Yuan), his wife, Chan Pui Koon (also known as Chan Pui Koon De Chow), and their children, Tin Yee Chow and Elisa Chow Chow;

S. 1417. A bill for the relief of Rufina R. Olpindo;

S. 1418. A bill for the relief of William Phillips; and

S. 1419. A bill to amend the Immigration and Nationality Act to provide that parents of permanent residents be eligible to file for the second preference category and to include sons and daughters within the provision relating to waiving the exclusion from the United States for fraud. Referred to the Committee on the Judiciary.

By Mr. GRAVEL:

S. 1420. A bill to amend the Internal Revenue Code of 1954 to provide that the sale of firearms to law enforcement officers who are required to purchase their own firearms for service use shall be exempt from excise tax. Referred to the Committee on Finance.

By Mr. ANDERSON (for himself, Mr. FULBRIGHT, and Mr. SCOTT) (by request):

S. 1421. A bill to authorize the Smithsonian Institution to acquire lands and to design a radio-radar astronomical telescope for the Smithsonian Astrophysical Observatory for the purpose of furthering scientific knowledge, and for other purposes. Referred to the Committee on Rules and Administration.

By Mr. JAVITS:

S. 1422. A bill to establish a National Emergency Price Stabilization Board to protect the public interest in price stability and the control of inflation. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. KENNEDY:

S. 1423. A bill to amend title 5, United States Code, to provide for the establishment of a Public Counsel Corporation to insure full participation by and on behalf of unrepresented citizens in administrative rulemaking proceedings. Referred to the Committee on the Judiciary.

By Mr. McGEE:

S. 1424. A bill to amend chapter 89 of title 5, United States Code, to provide improved health benefits for Federal employees. Referred to the Committee on Post Office and Civil Service.

By Mr. JAVITS (for himself, Mr. HUGHES, and Mr. MOSS):

S. 1425. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide an increase in the appropriations authorizations for the Commission on Marihuana and Drug Abuse. Referred to the Committee on Labor and Public Welfare, and ordered to be held at the desk until the next session of the Senate.

By Mr. JAVITS (for himself and Mr. Buckley):

S. 1426. A bill to establish the Van Buren-Lindenwald Historic Site at Kinderhook, N.Y., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. TUNNEY (for himself, Mr. Bayh, and Mr. Cranston):

S. 1427. A bill to amend the Disaster Relief Act of 1970 to provide additional authority for the cancellation of disaster and emergency loans. Referred to the Committee on Public Works.

By Mr. PERCY (for himself, Mr. Bayh, Mr. Hart, Mr. Humphrey, Mr. Javits, Mr. Mathias, Mr. Stevenson, Mr. Hatfield, Mr. Tunney, Mr. Taft, Mr. McGee, Mr. Randolph, Mr. Williams, Mr. Cannon, Mr. Pastore, and Mr. Roth):

S. 1428. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. METCALF:

S. 1405. A bill to establish the Missouri Breaks Scenic Recreation River in the State of Montana. Referred to the Committee on Interior and Insular Affairs.

Mr. METCALF. Mr. President, I introduce for appropriate reference a bill to establish the Missouri Breaks Scenic Recreation River in the State of Montana.

This bill is identical to S. 4580, which I introduced on December 10, 1970. Introductory remarks appear on page 40831 of the Congressional Record of that date, volume 116, part 30.

Supporters of this legislation include the Montana Legislature. I ask unanimous consent to have printed at this point in the Record the legislature's Senate Joint Resolution 5, which was signed by Gov. Forrest Anderson on March 3, 1971.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Senate Joint Resolution 5

A joint resolution of the Senate and House of Representatives of the State of Montana to the Montana Congressional delegation supporting the establishment of a scenic recreation river along the Missouri from Robinson Bridge to Fort Benton in Montana and urging the Montana Congressional delegation to introduce and support appropriate legislation

Whereas, that reach of the Missouri River from Robinson Bridge to Fort Benton in Montana has great historic value, tremendous recreational potentialities, game and wildlife that are attractive to the hunter and fisherman, and still contains traces of Lewis and Clark; and

Whereas, legislation has been introduced into the United States congress to establish that reach of the river as the Missouri Breaks Scenic Recreation River; and

Whereas, the proposed legislation would preserve aesthetic and historic values by prohibiting impoundments on the wild and scenic segments of the river; would perpetuate traditional uses of the area through administration under the Taylor Grazing Act and allowance for mining and mineral leasing; would emphasize land requisition by scenic easement and exchange and would not require mandatory purchase of inholdings; and would give the state of Montana responsibility through cooperative agreement.

Now, therefore, be it resolved by the Senate and House of Representatives of the State of Montana:

That the legislative assembly of the state of Montana supports the establishment of the Missouri Breaks Scenic Recreation River to provide for wild river areas, for scenic river areas, and for recreational areas readily accessible by road in order to protect the historic sites, provide for recreation, including hunting and fishing, and preserve the area; and

Be it further resolved, that the legislative assembly of the state of Montana endorses legislation in the form of U.S. Senate Bill No. 4580 which was under consideration by the United States senate during the 91st congress, and urges the introduction and support of a like bill by the Montana congressional delegation during the 92nd congress; and

Be it further resolved, that the secretary of state be instructed to send copies of this resolution to the Honorable Mike Mansfield and Lee Metcalf, senators from the state of Montana, and the Honorable John Melcher and Richard Shoup, congressmen from the state of Montana.

By Mr. CHURCH (for himself and Mr. Jordan of Idaho):

S. 1407. A bill to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

SAWTOOTH NATIONAL RECREATIONAL AREA IN IDAHO

Mr. CHURCH. Mr. President, I introduce for appropriate reference, on behalf of myself and my distinguished colleague (Mr. Jordan), a bill to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes.

The purpose of this bill, Mr. President, is to preserve and protect the scenic, historic, pastoral, fish and wildlife, and other recreational values of the Sawtooth Mountains and adjacent lands, as well as the nearby White Cloud and Boulder Mountains.

In addition to establishing the recreation area, the bill would designate the Sawtooth Primitive Area, 201,000 acres of spectacular alpine-type peaks, lakes, and evergreen forests, as part of the national wilderness preservation system; provide for a 5-year moratorium on new mining entries, and direct the Secretary of Interior to prepare a comprehensive plan for establishing a national park in the uplands of the area.

The proposed national recreation area would be located 40 miles north of Idaho's internationally known Sun Valley resort, and 75 miles east of Boise, the State's largest metropolitan area.

The natural sweep of the Sawtooth valley and the beauty of the mountains are inseparably linked. Five large lakes, numerous smaller lakes, the Salmon River with its abundance of both salmon and trout, beautifully situated campgrounds, splendid sites for winter sports developments, and a spacious setting for hiking and horseback riding provide exceptional opportunities for full, yet uncrowded, use of the area.

Only 7 percent of the proposed NRA is privately owned, most of it on the floor of the valley where the flatlands were brought under cultivation by pioneer ranches. The purpose of the bill is not to eliminate these private holdings, but rather to prevent unsightly subdivision of the valley.

The overall national recreation area would embrace 752,000 acres of some of the most dramatic mountain ranges, colorful lakes and picturesque valley ranchlands in the West. Whiteface cattle and bands of sheep graze behind log fences, against a backdrop of distant ranchhouses and green forests which ascend to jagged and snowcapped peaks. At the junction of the two of these valleys is the old "cow town" of Stanley, sprawled like a western movieset at the foot of the mountains.

It is the intent of this legislation, Mr. President, to preserve the town of Stanley, and the valley ranches, with their authentic western appearance. The Secretary of Agriculture, who would administer the recreation area, would publish regulations setting standards for the use, subdivision and development of privately owned property within its boundaries. The Secretary could also obtain scenic easements—by condemnation if necessary—to assure that private land is used in a manner which is not in conflict with the purposes of the act. Condemnation in fee would be used only to acquire land for administrative and other necessary facilities, and would be limited to 5 percent of the total private acreage.

Commercial development now threatens the valley and adjacent foothills, and there is urgent need for the protection this legislation would provide.

East of the Sawtooths, the White Cloud Mountains have undergone mineral prospecting and pre-development that could jeopardize their fragile ecology. This bill would provide a 5-year moratorium on all new forms of location, entry and operation under the mining laws in the area. Mining operations under valid existing rights would be subject to regulation by the Forest Service.

This would assure time in which the Secretary of the Interior could complete his comprehensive plan for a national park within the area, and make his recommendations for the permanent management of the entire region.

The bill would not change the authority of the State or its political subdivisions to its exercise of civil or criminal jurisdiction within the area or its rights to tax persons, corporations, franchises, or property, including mineral of other interests.

Nor would it affect the jurisdiction or responsibilities of the State of Idaho with respect to fishing and hunting. The jurisdiction of the State and the United States over waters of any stream included in the area would not be altered or affected by the bill.

Mr. President, my distinguished colleague (Mr. Jordan) will explain the legislative history of this proposal, but I would like to point out that a Sawtooth National Recreation Area bill has twice been approved by the Senate. This proposal, however, has been considerably refined. An identical bill is being introduced in the House by the other Members of the Idaho delegation (Mr. McClure and Mr. Hansen) who believe it will have a good chance of favorable action in this session of the Congress.

Mr. President, I ask unanimous consent that the text of the measure appear in the Record at the conclusion of our introductory remarks.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). Without objection, it is so ordered.

(See exhibit 1.)

Mr. JORDAN of Idaho. Mr. President, for the fourth successive Congress, I am pleased to join my distinguished colleague, Senator Church, in the introduction of a jointly sponsored bill to authorize creation of the Sawtooth National Recreation Area in the State of Idaho. I am also pleased that our congressional colleagues are this day introducing a companion measure in the House.

This proposed 752,000-acre National Recreation Area in the heart of some of the most beautiful mountains, lake country, and forest land in the West has the potentiality of becoming recognized as one of the world's great alpine scenic and recreational areas with a distinctively "Old West" atmosphere.

Included in the proposed Sawtooth NRA are 725,000 acres of National Forest and Public Domain lands, 25,000 acres of private lands, and 2,000 acres of State lands. Because of this very high proportion of Federal lands, acquisitions in fee would be minimal and development costs extremely moderate.

Three mountain ranges are included—the Sawtooths, the White Cloud Peaks, and the Boulder Mountains. These mountains are accented with spectacular peaks, girdled with crystalline lakes, and the watersheds are the source of some of the Nation's most beautiful tributary streams and rivers.

The valleys and the lowland country are dotted by rustic ranch buildings, sheep and cattle graze on the verdant meadowland, and pack train load up at the ranch headquarters for hunting and camping trips into the roadless, essentially unspoiled back country. Visitors to the picturesque Sawtooth and Stanley Basins agree that this atmosphere has made their dreams of the old West come true.

We have been striving since 1966 to adequately preserve and manage this outstanding area in south-central Idaho, which is now being subjected to the heavy pressures of real estate speculation and modernday development.

Two Church-Jordan national recreation area bills have been approved by the Senate, the latest being S. 853, which passed unanimously on July 2, 1969. The area has been subjected to a joint Forest Service-National Park Service study, and extensive hearings have been held, both in the field and here in Washington.

The bill which we are introducing here today differs from the Senate-approved bill of last session in three major respects.

The acreage of the proposed Sawtooth NRA has been increased from 508,250 acres to 752,000 acres. This permits inclusion of the Boulder Mountains in the southeast corner, a strip along the Salmon River north of the White Cloud Peaks, and a small area along the northwest approach to the Sawtooth Mountains. The areas added are largely Federal lands.

This bill proposes Wilderness status, under the National Wilderness Act, for the Sawtooth Primitive Area, based upon the Wilderness Act study recently completed by the Forest Service. The bill also directs that wilderness studies by expedited on suitable Federal lands elsewhere within the NRA boundary.

In addition, the new bill requires the Director of the National Park Service to make an impact study, designate boundaries, and propose a draft bill for creation of a national park within this area. National Park proposals have been advanced for this area since the early part of the century, but aside from participating in the joint FS–NPS study in the early 1960's, the Park Service has not made an in-depth analysis of the impact that the creation of a national park would have on this particular area. Other provisions of the bill authorize funds for this NPS analysis and decree a 5-year moratorium on mining operations as interim protection for the land.

The information that will be derived from this NPS analysis and the studies currently being made by the Forest Service and the Geological Survey will be necessary for subsequent consideration of a Sawtooth National Park bill. The USGS mineral surveys and environmental studies of the Forest Service will not be completed until 1973.

Passage of this bill will not preclude later enactment of a national park bill. Conversely, eventual consideration of park legislation will not preclude continued management of the area as a Forest Service National Recreation Area and Forest Wilderness, if the State and the Congress conclude that the approach proposed in this legislation is adequate for protecting and managing the area.

This legislation not only has the collective support of the Idaho congressional delegation, but the Idaho Legislature also has recently memorialized the Congress to establish a Sawtooth National Recreation Area.

Mr. President, I ask unanimous consent to have printed the resolution of the Idaho State Legislature, at this point in my remarks.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

[Legislature of the State of Idaho]

In the House of Representatives, House Joint Memorial No. 1, by Resources and Conservation Committee

A joint memorial to the President of the United States, the Honorable Senate and House of Representatives of the United States in Congress assembled, the House Committee on Interior and Insular Affairs, the Senate Committee on Interior and Insular Affairs, and to the Senators and Representatives representing this State in the Congress of the United States

We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the First Regular Session of the Forty-first Idaho Legislature, do respectfully represent that:

Whereas, the Congress of the United States has before it various proposals for legislation which would affect the future management of the present Sawtooth Primitive Area and adjacent lands; and

Whereas, this is a region of incomparable scenic beauty and a rich historical past; and

Whereas, this area is under increasing pressures of public and private use; and

Whereas, uncontrolled development in the Sawtooth Valley, the Stanley Basin, and the environs of the Sawtooths threaten destruction of the natural beauty of the area; and

Whereas, it is urgently required, in the public interest, that a definite permanent plan for the management of the Sawtooths be adopted as soon as possible; and

Whereas, this matter has been the subject of considerable study by the United States Congress including public hearings in the area of the Sawtooths; and

Whereas, the weight of past study and public sentiment favors the creation of a Sawtooth National Recreation Areas; and

Whereas, such action would permit continued management of the Sawtooths by the United States Forest Service, allowing the broadest multiple use of the area—for example, permitting grazing and timber management where possible; and

Whereas, a national recreation area would permit continued management of fish and game by the Idaho Fish and Game Department.

Now, therefore, be it resolved by the First Regular Session of the Forty-first Idaho Legislature, now in session, the Senate and House of Representatives concurring, that we most respectfully urge the Congress of the United States of America to proceed at the earliest possible date to enact the necessary legislation to authorize the establishment of the Sawtooth National Recreation Area and Wilderness.

Be it further resolved that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President and the Vice President of the United States, the Speaker of the House of Representatives of Congress, to the House Committee on Interior and Insular Affairs, to the Senate Committee on Interior and Insular Affairs, and to the Senators and Representatives representing this state in the Congress of the United States.

Mr. JORDAN of Idaho. Mr. President, 4 years ago, when Senator Church and I introduced the first Sawtooth National Recreation Area bill to pass the Senate, S. 1267, I made the following statement in a floor speech:

> Presently, the beauty and unique western character of this environment is being threatened in some measure by subdivision of the meadows and fields near highway 93 in the Sawtooth Valley. Some of this development is incompatible with the scenic and historic integrity of the area. To protect this integrity we need regulation of development and scenic easements.

This development pressure has increased during the intervening years, and the upland area in the White Clouds has been undergoing intensive mineral prospecting and predevelopment work. Time is of the essence to preserve this magnificent area and give the Forest Service adequate authority to properly manage it.

I sincerely hope that the Senate will approve this bill so that 1971 can see the establishment of one of the Nation's finest national rcreation areas in the heartland of Idaho's alpine paradise.

EXHIBIT 1

S. 1407

A bill to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the United States mining laws, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to assure the preservation of, and to protect the scenic, historic, pastoral, fish and wildlife, and other recreational values of the Sawtooth Mountains and adjacent lands, there is hereby established, subject to valid existing rights, the Sawtooth National Recreation Area.

SEC. 2. The boundaries of the recreation area shall be those shown on the map entitled "Proposed Sawtooth National Recreation Area" dated March 1971, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture. The Secretary of Agriculture (hereinafter called the "Secretary") shall, as soon as practicable after the date this Act takes effect, publish in the Federal Register a notice of the establishment of the Sawtooth National Recreation Area, together with a detailed description and map showing the boundaries thereof.

SEC. 3. The Secretary shall administer the Sawtooth National Recreation Area in accordance with the laws, rules, and regulations applicable to the National Forests in such manner as will best provide for (1) the protection and conservation of the salmon and other fisheries; (2) the conservation and development of scenic, historic, pastoral, wildlife, and other values, contributing to and available for public enjoyment, including the preservation of sites associated with and typifying the economic and social history of the American West; and (3) on federally owned lands, management, utilization, and disposal of natural resources, such as lumbering, grazing, and mining, that will not substantially impair the purposes for which the recreation area is established.

SEC. 4. Subject to the limitations hereinafter set forth, the Secretary may acquire by purchase with donated or appropriated funds, by gift, exchange, bequest, or otherwise, such lands or interests therein within the boundaries of the recreation area as he determines to be needed for the purposes of this Act. But, any property or interest within the recreation area owned by the State of Idaho or any political subdivision thereof may be acquired under the authority of this Act only with the concurrence of the owner.

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property or interests therein located within the boundaries of the recreation area and convey to the grantor of such property any federally owned property or interests therein within the State of Idaho under the jurisdiction of the Secretary, notwithstanding any other provision of law. The properties so exchanged shall be approximately equal in fair market value: *Provided,* That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

Notwithstanding any other provision of law, any Federal property located within the recreation area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the purposes of this Act. Lands acquired by the Secretary or transferred to his administrative jurisdiction within the recreation area shall become parts of the recreation area and of the national forest within or adjacent to which they are located.

SEC. 5. (a) The authority of the Secretary to acquire an interest in private property within the recreation area without the owner's consent and by means of condemnation shall be limited to—

(1) the acquisition of scenic easements when the private owner is unwilling to use his property in conformance with the standards of a use provided for in subsection (b) of this section, and

(2) the acquisition of easements for access to and utilization of public property, and the acquisition of land for recreation and other administrative facilities: *Provided,* That such acquisitions shall not exceed 5 per centum of the total acreage of all private property within the recreation area as of the effective date of this act.

(b) The Secretary shall make and publish regulations setting standards for the use, subdivision, and development of privately owned property within the boundaries of the recreation area. Such regulations shall be generally in furtherance of the purposes of this Act and shall have the object of assuring that the highest and best private use, subdivision, and development of such privately owned property is consistent with the purposes of this Act and with the overall general plan of the Sawtooth National Recreation Area. Such regulations shall be as detailed and specific as is reasonably required to accomplish such objective and purpose. Such regulations may differ amongst the several parcels of private land in the boundaries and may from time to time be amended by the Secretary. All regulations adopted under this section shall be promulgated in conformity with the provisions of the Administrative Procedure Act. The United States District Court for the District of Idaho shall have jurisdiction to review such regulations after their effective date, upon a complaint filed by any affected landowner, in an action for a declaratory judgment.

(c) To assure that private land within the boundaries of the national recreation area is used in a manner which is not detrimental to the purposes of this Act, the Secretary is authorized to procure by gift, purchase with donated or appropriated funds, or otherwise, scenic easements within the boundaries of the recreation area.

As used in this Act the term "scenic easement" means the right to control the use of land in order to protect the esthetic values for the purposes of this Act, but shall not preclude the continuation of any use exercised by the owner as of the date of this Act.

(d) Where an owner of private property within the exterior boundaries of the recreation area as of the date of this Act or his heirs and devisees, desires to dispose of such property to the Federal Government, the Secretary shall purchase said property at a price that shall include compensation for any decrease in the value thereof not previously compensated for under the provisions of this Act that may have resulted from the promulgation of regulations, standards, or other consequences of the establishment of the recreation area. In the event the Secretary and the owner are unable to agree upon the purchase price, and the Secretary declines to complete the purchase, the owner may file a complaint setting out these facts, together with a good and sufficient deed to the property, in the United States District Court for the District of Idaho. After the filing of an answer by the United States, the case shall be treated to the extent possible, in the same manner as an action for the condemnation of property brought by the United States: Provided, however, That the provisions of this subsection shall cease to be ineffect after a period of ten years from the date of the enactment of this Act.

SEC. 6. (a) The area classified as the Sawtooth Primitive Area, as generally depicted as the "Sawtooth Wilderness–Proposed" on the map referenced in Section 2 of this Act, is hereby designated as the Sawtooth Wilderness within and as a part of the Boise National Forest, Challis National Forest and Sawtooth National Forest, comprising an area of approximately two hundred and one thousand acres.

(b) As soon as practicable after this Act takes effect, the Secretary shall file a map and a legal description of the Sawtooth Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act; Provided, however, that correction of clerical and typographical errors in such legal description and map may be made.

(c) The Sawtooth Wilderness shall be administered by the Secretary in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

(d) The previous classification of the Sawtooth Primitive Area is hereby abolished.

SEC. 7. The Secretary of Agriculture shall, as soon as practicable after the enactment of this Act, review the undeveloped and unimproved portion or portions of the Recreation Area as to suitability or non-suitability for preservation as a part of the National Wilderness Preservation System. In conducting his review, the Secretary of Agriculture shall comply with the provisions of sub-section 3(d) of the Wilderness Act of September 3, 1964 (78 Stat. 892) relating to public notice, public hearings, and review by States and other agencies, and shall advise the Senate and House of Representatives of his recommendations with respect to the designation as wilderness of the area or areas reviewed.

SEC. 8. The Secretary may cooperate with other Federal agencies, with State and local public agencies, and with private individuals and agencies in the development and operation of facilities and services in the area in furtherance of the purposes of this Act, including, but not limited to, the restoration and maintenance of the historic setting and background of the frontier ranch-type town of Stanley.

SEC. 9. Nothing in this Act shall diminish, enlarge, or modify any right of the State of Idaho, or any political subdivision thereof, to exercise civil and criminal jurisdiction within the recreation area or of rights to tax persons, corporations, franchises, or property, including mineral or other interests, in or on lands or waters within the recreation area.

SEC. 10. Nothing in this Act shall affect the jurisdiction or responsibilities of the State of Idaho under other provisions of law with respect to hunting and fishing.

SEC. 11. The jurisdiction of the State and the United States over waters of any stream included in the Sawtooth National Recreation Area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of a water right which is vested under either State or Federal law at the time of enactment of this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

SEC. 12. (a) In order to permit adequate time to study and determine the provisions desirable and necessary for management of the Federal lands described in section 2 of this Act, said lands are hereby withdrawn, subject to valid and existing claims, from all forms of location, entry, and operation under the mining laws of the United States for a period of five years from the date of this Act.

(b) The provisions of section 5 of the Act of May 10, 1872 (30 U.S.C. 28), which require that on each mining claim located after May

10, 1872, not less than $100 worth of labor shall be performed or improvements made during each year until patent has been issued therefore, shall not apply until six months after the expiration of this withdrawal, to claims or interests in claims located within said area. No mining claim or any interest in a claim within said area shall be subject to forfeiture by nonperformance of annual assessment work during the period ending six months after the expiration of this withdrawal: *Provided,* however, the claimant of any mining location shall, before the expiration of each assessment year during the withdrawal, file or cause to be filed in the office where the location notice or certificate is recorded a notice that he desires to hold his mining claim or interest therein.

SEC. 13. The Congress hereby recognizes and declares the need to take action to regulate the use and protect the surface values of the federal lands described in section 2 of this Act, and directs that necessary rules and regulations shall be jointly promulgated and issued by the Secretary of Agriculture and the Secretary of the Interior. Such regulations shall include, when deemed necessary, provisions for control of the use of motorized and mechanical equipment for transportation over, or alteration of, the surface of such Federal land in connection with any authorized activities on such land, including but not limited to mineral prospecting, exploration, or development and mining operations.

SEC. 14. Patents shall not hereafter be issued for locations and claims heretofore or hereafter made in the area described in section 2 under the mining laws of the United States. This shall not be construed as preventing or interfering with the full exercise of the rights of the holder of a valid claim to further prospect, develop, and mine any such claim subject to compliance with the rules and regulations covering the Federal land on which any such claim is located.

SEC. 15. Money appropriated from the land and water conservation fund shall be available for the acquisition of lands and scenic easements for purposes of establishing the Sawtooth National Recreation Area. There is hereby authorized to be appropriated $30,000,000 for the development of recreation and related facilities and for the acquisition of land and interests in land pursuant to this Act.

SEC. 16. (a) The Secretary of the Interior, in consultation with appropriate Federal, State, and local agencies, shall make a comprehensive analysis of the natural, economic, and cultural values of the Sawtooth National Recreation Area for the purpose of evaluating the potentiality of establishing therein a national park or other unit of the national park system. He shall submit a report of the results of the analysis along with his recommendations to the Congress by December 31, 1973.

(b) His report shall show that in making the aforesaid recommendations he took into consideration, among other things,

(1) the feasible alternative uses of the land and the long- and short-term effect of such alternative uses upon, but not limited to, the following:

(A) the State and local economy,

(B) the natural and cultural environment,

(C) the management and use of water resources,

(D) the management of grazing, timber, mineral and other commercial activities,

(E) the management of fish and wildlife resources,

(F) the continued occupancy of existing homesites, campsites, commercial and public recreation enterprises, and other privately owned properties and the future development of the same,

(G) the interrelation between Recreation Areas, wilderness areas and Park lands, and

(2) the establishment of a national park in the mountain peaks and upland areas together with such portions of the National Recreation Area as may be necessary and appropriate for the proper administration and public use of and access to such park lands, leaving the valleys and low-lying lands available for multiple-use purposes.

(c) Any recommendation for the establishment of a unit of the National Park system shall be accompanied by (1) a master plan for the development and administration of such unit, indicating proposed boundaries, access or other roads, visitor facilities, and proposed management concepts applicable to such units; (2) a statement of the estimated Federal cost for acquisition, development, and operation of such unit; and (3) proposed legislation for establishment of such Park administrative unit.

(d) There are authorized to be appropriated not more than $50,000 to carry out the provisions of this section.

SEC. 17. If any provision of this Act is declared to be invalid, such declaration shall not affect the validity of any other provision hereof.

By Mr. MUSKIE (for himself, Mr. JACKSON, Mr. JAVITS, Mr. METCALF, Mr. MOSS, Mr. RANDOLPH, Mr. STEVENSON, and Mr. TUNNEY):

S. 1408. A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies, and committees and members thereof. Referred to the Committee on Finance.

Mr. MUSKIE. Mr. President, today I am introducing a bill that would revise the tax code to allow tax-exempt charitable organizations to advocate the public interest directly before Congress on an equal basis with private business.

The March 4 issue of the Washington Post and the March 8 issue of the New York Times contained advertisements paid for by an organization named American Labor and Industry for the SST. This organization was recently formed to develop and coordinate industry and grassroots support for the supersonic transport. The organization is a business association, organized pursuant to section 501(c)(6) of the Internal Revenue Code. As such, it is tax exempt, and for Federal income tax purposes contributions to it are deductible. Thus the massive lobbying effort which has been launched in support of the SST is, in effect, subsidized by the Federal Government by means of favorable tax treatment.

Mr. President, in 1962 I supported the amendment to section 162 of the Internal Revenue Code which permits tax-exempt business associations such as the SST coalition to engage in lobbying activities. I did so to assure that Congress would have the most complete record possible as it considers legislation. I did so with the feeling that the denial of tax-exempt status for such organizations would hamper their ability to communicate effectively with the Congress on matters where their expertise, experience, and interest were directly involved. The 1962 amendment which added section 162(e) to the tax laws has resulted in a flow of valuable information to the Congress.

Public interest and environmental organizations, however, are legally prohibited from contributing to the legislative process. These organizations can be a valuable source of information; they can broaden legislators' understanding of proposed legislation; and they can suggest valuable legislative alternatives.

Tax-exempt status is available to these organizations, only so long as no substantial part of their activities constitutes attempts to influence legislation. This limitation has had a severe impact on the ability of charitable and public interest groups to participate meaningfully in the formulation of public policy. A determination that such an organization has engaged "substantially" in attempting to affect legislation will result in a denial of tax-exempt status and a consequent denial of deductions for contributions which the organization receives. This is the equivalent to death for many of them. Even a review of their tax-exempt status can dry up desperately needed funds. It makes no sense to decide that these organizations operate in the public interest and grant them tax-exempt status and then silence them when they attempt to speak to those who must decide public policy.

The groups which suffer most under these limitations of the Internal Revenue Code are civil rights organizations, consumer and environmental groups, and the recently established public interest law firms. The outstanding characteristic of these groups has been their advocacy of the views of those who are underrepresented before governmental agencies, in the courts, and Congress. It is fundamental to our constitutional system that they should have equal access along with business groups and others in presenting views to Congress. This is so, not because the views of the public interest groups are necessarily correct, but because in considering the increasingly complex matters which come before it, the Congress should hear and weigh all views to the fullest extent possible.

On this point, it is instructive to review the language of the Senate committee report which accompanied the 1962 trade lobbying provision. The committee stated:

> It is also desirable that taxpayers who have information bearing on the impact of present laws, or proposed legislation, on their trade or business not be discouraged in making the information available to the members of the Congress or legislators in other levels of Government. The presentation of such information to the legislators is necessary to a proper evaluation on their part of the impact of present or proposed legislation. S. Rept. No. 1881, 7th Congress, 2nd Session.

This reasoning is eminently sound and should be applied fairly to all groups which represent interests affected by legislation.

Today the business community spends enormous sums of money trying to influence public opinion and Congress on legislative matters. Yet public interest groups, conservation groups, and other nonprofit tax-exempt organizations speaking for other parts of our society, have their voices stifled by the tax code. Why should the Government encourage private business to communicate with Congress by making lobbying a business expense which can be deducted from taxes, while preventing strong efforts of public-interest groups to speak to lawmakers by removing their tax-exempt status when they raise their voices?

I believe that voices of the environmentalists, of the civil rights and poverty groups, of public interest law firms, are just as important—if not more important today—than the already finely orchestrated views of private business pursuing private policy.

Accordingly, I am today introducing a bill to amend section 501 of the Internal Revenue Code. The amendment would permit certain charitable and educational organizations which qualify as tax exempt under section 501(c)(3) to communicate directly with Congress, with the legislatures of the States, and with their members, to affect legislation of direct interest to the organization.

The amendment would not apply to those charitable organizations which are private foundations. Therefore, it would not affect the activities of any private foundation as defined in the Tax Reform Act of 1969.

Nor would the amendment change the provision of existing law which denies exempt status to organizations which engage in so-called grassroots lobbying, or which participate in political campaigning on behalf of a candidate for public office.

The amendment would allow charitable organizations which rely on public support to express their views in appropriate ways before the Congress, without the fear of losing their tax exemption.

Those who control the power of government are not responsive enough to the needs of our people. Congress itself is not as accessible as it should be, and it is often accessible only to the privileged few. If we are to maintain a democratic form of government in practice, and if the Congress is to reach reasoned judgments on the important issues before it, we must assure that every segment of our society is able to communicate with Congress. With its present restrictions, the Tax Code seriously impedes such communication. I hope the Congress will remove that impediment and restore full access to information which we need in order to consider fairly the issues which come before us.

The bill which I offer today is modeled after a resolution of the American Bar Association which recommended in 1969 an amendment to the Internal Revenue Code to accomplish these same purposes. I ask unanimous consent that the text of the ABA resolution and recommended amendment be printed in the RECORD, along with the text of my bill.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1408

A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax exempt organizations to engage in communications with legislative bodies, and committees and members thereof

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 501 of the Internal Revenue Code of 1954 is amended by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following new subsection:

"(f) APPEARANCES, ETC., WITH RESPECT TO LEGISLATION.—

"(1) IN GENERAL.—In the case of an organization described in section 509(a)(1), (2), or (3), none of the following activities shall be deemed 'carrying on propaganda, or otherwise attempting, to influence legislation':

"(A) appearances before, submission of statements to, or sending communications to, the committees, or individual members, of Congress or of any legislative body of a State, a possession of the United States, or a political subdivision of any of the foregoing with respect to legislation or proposed legislation of direct interest to the organization; or

"(B) Communication of information between the organization and its members or contributors with respect to legislation or proposed legislation of direct interest to the organization.

"(2) MATTERS OF DIRECT INTEREST.—For purposes of paragraph (1), matters of direct interest to the organization are those directly affecting any purpose for which it is organized and operated.

"(3) LIMITATION.—Paragraph (1) shall not apply to any attempt to influence the general public, or segments thereof, with respect to legislative matters, elections, or referendums."

SEC. 2. Section 170(c) of such Code is amended by adding the following new sentence at the end thereof:

"As used in subparagraph (D) of paragraph (2), the phrase 'carrying on propaganda, or otherwise attempting, to influence legislation' shall be subject to the exception set forth in section 501(f)."

SEC. 3. Section 2055(a) of such Code is amended by adding the following new sentence at the end thereof:

"As used in paragraphs (2) and (3), the phrase 'carrying on propaganda, or otherwise attempting, to influence legislation' shall be subject to the exception set forth in section 501(f)."

SEC. 4. Section 2106(a)(2)(A) of such Code is amended by adding the following new sentence at the end thereof:

"As used in clauses (ii) and (iii), the phrase 'carrying on propaganda, or otherwise attempting, to influence legislation' shall be subject to the exception set forth in section 501(f)."

SEC. 5. Section 2522 of such Code is amended by redesignating subsections (c) and (d) as subsections (d) and (e) and inserting after subsection (b) the following new subsection:

"(c) CARRYING ON PROPAGANDA, OR OTHERWISE ATTEMPTING, TO INFLUENCE LEGISLATION.—As used in paragraph (2) of subsection (a) and in paragraphs (2) and (3) of subsection (b), the phrase 'carrying on propaganda, or otherwise attempting, to influence legislation' shall be subject to the exception set forth in section 501(f)."

SEC. 6. These amendments shall be applicable to taxable years beginning after the date of enactment thereof and to estates of decedents dying after the date of enactment thereof.

RECOMMENDED AMENDMENT

Resolved, That the American Bar Association recommends to the Congress that the Internal Revenue Code of 1954 *be amended to permit organizations which are exempt from taxation under section 501(c)(3)* (e.g., religious, charitable, scientific, and educational organizations) *to engage in direct legislative activity with respect to matters of direct interest without losing their tax exempt status and without loss of tax deductions for contributions made to such organizations;* and

Further Resolved, That the Association proposes that these results be effected by amending sections 170, 501, 2055, 2106 and 2522 of the Internal Revenue Code of 1954; and

Further Resolved, That the Section of Taxation is directed to urge the following amendments, or their equivalent in purpose and effect, upon the proper committees of Congress:

SEC. 1. Section 501 is amended by redesignating subsection (e) as subsection (f) and inserting after subsection (d) the following new subsection (insert new matter in italics):

(c) APPEARANCES, ETC., WITH RESPECT TO LEGISLATION—

(*1*) *None of the following activities by an organization described in subsection* (c)(*3*) *shall be deemed "carrying on propaganda, or otherwise attempting, to influence legislation":*

(*A*) *Appearances before, submission of statements to, or sending communications to, the committees, or individual members, of Congress or of any legislative body of a State, a possession of the United States, or a political subdivision of any of the foregoing with respect to legislation or proposed legislation of direct interest to the organization.*

(*B*) *Communication of information between the organization and its members or contributors with respect to legislation or proposed legislation of direct interest to the organization.*

(*C*) *For purposes of this paragraph, matters of direct interest to the organization include—*

(*i*) *those directly affecting its exemption under this section;*

(*ii*) *those directly affecting the deduction of contributions to such organization under sections 170, 642, 2055, 2106, or 2522;*

(*iii*) *those directly affecting any exempt purpose or function for which the organization was organized and is operating, in the case of an organization which normally receives a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under this section) from the United States or any State or possession or political subdivision thereof or from direct or indirect contributions from the general public.*

(*2*) *Activities described in paragraph* (*1*) *shall not include any attempt to influence the general public, or segments thereof, with respect to legislative matters, elections or referendums.*

By Mr. HUMPHREY (for himself, Mr. HART, Mr. MATHIAS, Mr. MONDALE, Mr. MUSKIE, and Mr. STEVENS):

S. 1410. A bill to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical political involvement with elected officials on the local, State, and Federal levels of government. Referred to the Committee on Labor and Public Welfare.

INTERNS FOR POLITICAL LEADERSHIP

Mr. HUMPHREY. Mr. President, on behalf of Senators HART, MATHIAS, MONDALE, MUSKIE, STEVENS, and myself, I introduce a bill to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical political involvement with elected officials on the local, State, and Federal levels of government.

Mr. President, this Congress has passed and sent to the States for ratification the 26th amendment to the Constitution of the United States, which would permit Americans 18 years of age and older to vote in all elections. Last year the Congress extended this right for all Federal elections.

Those who are 16½ years old today will be voting for President of the United States next year and quite possibly all other offices as well.

There will be some 11.2 million young persons eligible to vote for the first time in 1972, thanks to this new law lowering the voting age from 21 to 18.

I am proud to report that the State of Minnesota was the first to ratify the new amendment that will add 221,000 new voters 18, 19, and 20 years old in our State alone.

These new voters will be an unpredictable, unknown, and unmeasurable element. The politician who assumes they will vote as their parents tell them to are in for a rude awakening.

The politician who ignores them is in for defeat.

The politician who hopes to win their support must speak to the future and a vision of a better tomorrow.

Young voters are not going to be satisfied with the old politics of carping criticism and partisan attack.

They are going to want in their candidates people who speak to the ideals of young America—they are going to want men and women who give young people a chance to participate in the building of the America of tomorrow which will be theirs.

The founders of our Nation were not afraid of the young voter—many were young themselves—Thomas Jefferson was 33 when the revolution began and Alexander Hamilton was only 20—and they wanted young people involved in government. That is why our Constitution provides a person can be a Congressman at the age of 25, a Senator at 30, and President of the United States at 35.

In the past few years, the American people have suddenly been reawakened to the very real force which young people in politics can represent.

This irresistible urge to participate is fired by the refusal of the youth of our country to accept the flaws in our society. They want change, and rightly so.

I say to the political leaders of either party who find this development troublesome, and who are alarmed because this generation can neither be bought nor ignored—get with it, or get out of the way.

I say to the young people, if you are to be true to yourself, listen to your own conscience, and then wade in and seek a meaningful experience in practical, real politics and community action.

You cannot change things by standing on the outside shouting about it. You have got to get involved.

It is time we brought students directly into our political life. Not just stuffing envelopes or running mimeograph machines in campaigns, but playing a significant role.

We already have a limited program of congressional fellowships and internships, but we have got to do more, and not just in the Congress but on all levels of government, and in a coordinated manner to give each step continuity and added meaning.

That is why I am introducing today the Interns for Political Leadership Act.

This would be a greatly expanded program of practical political education and participation.

In the first year, about 1,000 college juniors and seniors would be placed in the offices of local and State elected officials and Members of Congress.

They will serve as aides to these officials, participating in the legislative, administrative, and political activities, including behind the scenes, and generally sharing the good and the bad things of public life.

This is for the student who takes seriously the responsibility of being a citizen in a free society and wants to do something about it.

He would start at the proverbial grassroots, working and learning his way up—learning how day-to-day politics work, starting in the precincts and wards, moving on up to city hall and the county courthouse and the statehouse.

Just as a person is a better U.S. Senator if he has first been a city councilman or mayor, governor or legislator, so the staff member, too, can do a better job if he has had experience at other levels of government.

Mr. President, you have to know the system before you can do anything about it.

What I have in mind is a program that will permit college students interested in a political career to learn how the system works firsthand and at the same time to show their leadership potential and examine their creative ideas in a practical atmosphere. The program is a direct response to student alienation of the political process. By familiarizing students with the process, the program would, hopefully, encourage competent young people to stay within the system and pursue politics as a career.

Students participating in the program will handle constituent complaints, review and draft legislation, undertake special projects, attend meetings and, in general, serve as a professional assistant to elected officials.

A similar plan—based on a proposal I made during my 1968 presidential campaign—is being tried successfully on a limited, experimental basis at the local level by eight colleges—Johns Hopkins, Morgan State, Towson State, University of Maryland Baltimore Campus, City University of New York, Tufts, Gaucher, and Emory University.

It started in January and is privately supported.

The 1968 presidential election showed conclusively that college students can be a useful and productive force even when inexperienced and untutored in politics. It also showed how time and talent can be wasted because of the students' unfamiliarity with the structure and function of government at all levels and the practical political consideration that makes it work.

And it demonstrated the need for a graded experience by which students can learn and ultimately put into practice their theoretical knowledge and test their political ideas through which our system might be changed for the better.

In other words, there must be a means which would allow a young person, by a combination of academic study and actual practical experiences, to become a part of American politics and help improve it.

The program I am proposing today would attract only the best qualified, most dedicated students.

I will leave the exact qualifications to the experts, but I will tell them this.

If I were the admissions director, I would pay a lot more attention to commitment than I paid to test scores.

I would be looking for fresh ideas, imagination, social conscience—yes, and dreams—and the determination to make impossible dreams come true.

Both of our political parties would benefit from this program. And the country would benefit.

American politics cannot live on Pablum or Geritol. It needs the continuing nourishment of ideas, dissent, debate, commitment, and participation.

To the serious student, our political system is not sufficiently broadly based. It is not attracting the best talent and not responsive enough to this Nation's deeply felt needs.

The youth of our Nation have articulated and brought to the forefront of the American conscience what many of us have felt for many years.

Our present political structure need not be destroyed to build a better one. But it must be reformed and modernized—change with order, and order with change.

I regret to say that for too many people of all generations, politics is a dirty word.

Maybe that is what is wrong with our country.

But let me tell you something: Politics is just as dirty and just as clean, just as good and just as bad, just as honorable and just as mean as people make it.

The program I am proposing today would help bridge the gap between the college campus and the political process. Participants would get practical political involvement with elected officials in the performance of their duties, and they also would be able to earn academic credit for their work.

The interns would start out at the local level, working with municipal, suburban, and county officeholders, then moving up to the State level and, ultimately, to the congressional level.

Administration of the program will be through a private, nonprofit agency to be known as the National Coordinating Agency. It will carry out its duties through arrangements with colleges and universities and States and local governments as well as with Members of Congress.

It will be financed by 50-50 Federal matching grants for the stipends of State and local interns, and totally federally financed for interns serving with Members of Congress. The bill calls for a $10 million appropriation for the first fiscal year, fiscal year 1972, and for each of the 2 succeeding fiscal years to cover stipends and administrative costs.

Internships would be distributed among the 50 States, Puerto Rico, and the District of Columbia on the basis of their representation in the Congress.

This program will do far more than provide valuable insight and experience for the interns. It will be a fresh, energetic, and enthusiastic source of capable assistance for elected officials at all levels of government, and, hopefully, it will attract some highly talented young people to make politics their profession.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1410

A bill to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical political involvement with elected officials on the local, State and Federal levels of government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Interns for Political Leadership Act of 1971."

SEC. 2. Title IX of the Higher Education Act of 1965 is amended by adding at the end thereof the following new part:

"PART D—INTERNS FOR POLITICAL LEADERSHIP

"PROGRAM GRANTS AND CONTRACTS

"SEC. 931. The Secretary is authorized to enter into a contract or other arrangement with a private nonprofit agency (to be known as the "National Coordinating Agency") under which such Agency will plan, develop and carry out an internship program under which students will be provided practical political involvement with elected officials in the performance of their duties at all levels of government through internships in their offices. Such internship program shall be carried out through arrangements with institutions of high education and State and local governments under which students in their third and fourth years of study at the institution will serve as interns in offices of State and local elected officials, and under which the interns will be assigned duties, which will give them an insight into the problems of the different levels of government, as well as an opoprtunity for research and for involvement in the policymaking process. Such arrangements shall provide for coordination between the on-campus educational programs of the persons selected and their activities as interns, with commensurate credit given for their work and achievement as interns. Such internship program shall also provide opportunities for students who have participated in the internship programs at State and local levels to become interns in the offices of Members of Congress for up to three months during the first year following the receipt of their bachelor's degree. Such internships shall be arranged by the National Coordinating Agency with the Members of Congress who wish to participate.

"SELECTION OF STUDENTS FOR PARTICIPATION

"SEC. 932. The students who are to participate in the internship program provided for in this part shall be selected by the National Coordinating Agency from among students whose names are proposed by participating institutions of higher education. Internships shall be distributed among the States so that insofar as practicable the number for each State bears the same ratio to the total number as the number of Members of Congress from that State bears to the total number of Members of Congress.

"FEDERAL SHARE

"SEC. 933. The amount of Federal payments on account of carrying out the program provided for in this title by providing for internships in the offices of State and local elected officials may not exceed one half of the cost thereof.

"ADMINISTRATION

"SEC. 934. Subject to the terms of the contract or agreement between it and the Secretary, the National Coordinating Agency shall prescribe the stipends to be paid to the interns participating in the program provided for in this part, and the duration and other terms and conditions of such internships. The cost of administration of a program may be paid by such Agency.

"APPROPRIATIONS AUTHORIZED

"SEC. 935. There is authorized to be appropriated to carry out this part, the sum of $10,000,000 for the fiscal year 1972 and for each of the two succeeding fiscal years.

"DEFINITION

"SEC. 936. Notwithstanding section 1201(a) or section 921(a), the term 'State' as used in this part means the fifty States, Puerto Rico, and the District of Columbia. For purposes of the distribution of internships among the States, in determining the number of Members of Congress for purposes of section 932, the Resident Commissioner for Puerto Rico and the Delegate from the District of Columbia shall be considered Members of Congress, and interns in the offices of Members of Congress shall be attributed to the State of the Member in whose office they are serving."

By Mr. KENNEDY (for himself, Mr. BAYH, and Mr. MATHIAS):

S. 1413. A bill to amend section 553, title 5, United States Code, relating to administrative practice and procedure, to remove certain exemptions from the requirement of notice of proposed rulemaking. Referred to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, "Power to the people" is a phrase that has been gaining currency and, since President Nixon's state of the Union address, has even assumed a bipartisan flavor. If, as the President suggests, "most Americans are simply fed up with government at all levels," a principal cause of such dissatisfaction is the citizen's increasing feeling of powerlessness to influence the course of government activities that affect his daily life. One step that can be taken immediately to reverse this malaise is to expand the opportunities for public participation in the making of governmental decisions having substantial public impact.

The rulemaking provisions of the Administrative Procedure Act—section 553 of title 5, United States Code—afford an avenue for interested persons to participate in the process by which the policies of Federal agencies are formulated. The requirements for public notice and comment on proposed agency rules is not simply a palliative offered the public for letting off steam. To the contrary, these provisions impose upon the Government a duty to be responsive to commonly felt public needs by offering a genuine opportunity for interested persons—who are often in the best position to furnish needed information to administrative officials—to participate in the rulemaking process. Prof. Kenneth Culp Davis, one of the leading authorities on administrative law, has suggested that the APA rulemaking procedure "is probably one of the greatest inventions of modern government." The opportunity accorded persons affected by agency rules to present their views enhances the quality of decisionmaking by government officials and represents an element of our system of participatory democracy.

In the quarter century since the passage of the Administrative Procedure Act this system has worked exceedingly well. Speaking before a plenary session of the Administrative Conference of the United States, Professor Davis succinctly described the salutary features of this procedure:

> It gives people who are affected an opportunity to express themselves in writing. It is an efficient system. It helps the agencies to understand what they are confronted with, and especially it helps them to understand the point of view of those who are affected by what the agency is doing.

Exempted from the APA requirements, however, is all rulemaking related to public property, loans, grants, benefits, or contracts. These exemptions were based originally on the uncritical assumption that the activities excluded were "proprietary matters" wherein the Government is in the position of an individual citizen and is concerned with its own property, funds, or contracts. If that assumption was uncritical and unwarranted when the act was passed in 1946, it is even more so today.

The distinction between proprietary and nonproprietary functions of Government has been discredited both in law and in the public mind. The irrelevancy of the label "proprietary matters" is particularly apparent when we recognize that matters relating to public property, loans, grants, benefits, or contracts represent those very mechanisms most commonly employed by Federal agencies to accomplish their statutory missions. Burgeoning agency programs, involving billions of dollars and affecting millions of citizens, are effectuated through such mechanisms. Obviously these programs have a substantial impact on the public. Similarly, the rules and regulations themselves, developed by the agencies to achieve program objectives, have an enormous effect. Rules prescribing eligibility standards for, or imposing mandatory requirements upon, recipients of loans, grants, or contracts significantly affect substantive private interests and often have an impact beyond the public's choosing.

Today I am introducing a bill that would eliminate the specific exemptions for matters relating to public property, loans, grants, benefits, or contracts from the requirements of the APA rulemaking procedure. This bill will contribute to achieving the objective, enunciated in the state of the Union message, of giving every American a chance "to participate in a system of government where he knows not only his votes but his ideas count."

The Administrative Conference of the United States, at its October 1969 plenary session, strongly recommended the legislation I propose. See CONGRESSIONAL RECORD, volume 115, part 27, page 36178. In its recommendation that rulemaking relating to public property, loans, grants, benefits or contracts should be subjected to usual rulemaking procedures under the Administrative Procedure Act, the conference made an important point. Removing the present statutory exemptions for these kinds of rulemaking would not diminish the power of the agencies to omit the prescribed rulemaking procedures whenever their observances were found to be impracticable, unnecessary, or contrary to the public interest. The conference had the benefit of a detailed research report and analysis of the problem prepared by Prof. Arthur Bonfield at the time it considered the above recommendation. See Bonfield, "Public Participation in Federal Rulemaking Relating to Public Property, Loans, Grants, Benefits, or Contracts," 118 U. Pa. L. Rev. 540 (1970). That report makes a very strong case for the legislation I propose, and contains substantial data and argument to support it.

It should be noted that the Administrative Conference recommendation also noted that—

> (W)holly without statutory amendment, agencies already have the authority to utilize the generally applicable procedural methods even when formulating rules of the exempt types now under discussion. They are urged to utilize their existing powers to employ the rulemaking procedures provided by the Administrative Procedure Act, whenever appropriate, without awaiting a legislative command to do so.

I was pleased to learn that two of the largest grant-making executive agencies—the Department of Health, Education, and Welfare and the Department of Housing and Urban Development—have since advised the chairman of the conference of their intentions voluntarily to implement that recommendation. Public notice to that effect has been issued by the Secretary of Health, Education, and Welfare in a policy statement concerning public participation in rulemaking that appeared in the Federal Register on February 5, 1971. A general status report on voluntary implementation by the agencies of the Administrative Conference's recommendation was prepared last month and I ask unanimous consent that the report be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit I.)

Mr. KENNEDY. Mr. President, the willingness of several major departments administratively to effectuate the conference's recommendation is encouraging. However, the fact that the recommendation has not been uniformly adopted by all agencies emphasizes the need for the legislation I propose. In the absence of generally applicable legislation, inconsistencies among agency practices regarding public participation in rulemaking are likely to prevail.

The extension of the public notice and comment requirements to the rulemaking of all agencies relating to public property, loans, grants, benefits, or contracts, as contemplated by the proposed legislation, should lead to the elimination of inconsistent or irreconcilable rules and the development of more coherent rules applicable to these functions. A further beneficial byproduct may be a resulting end to the unnecessary proliferation of separate agency rules dealing with the administration of similar functions.

In his extensive study of the need for public participation in rulemaking involving the "proprietary" activities of the Government, Professor Bonfield surveyed the responses of Federal agencies to the prospect of subjecting these activities to the Administrative Procedure Act requirements. He discovered that many of the agencies had not restudied their opposition to modifying APA applicability during the past few years. After a thorough review of the general issue and the arguments on both sides, Professor Bonfield concluded:

> The unqualified exemptions from section 553 for all rulemaking relating to "public property, loans, grants, benefits, or contracts" should be repealed. The reasons advanced to justify those exemptions are not sufficient. At most, those justifications dictate the need for a more narrowly tailored exemption from usual rulemaking proceedings than is currently found in section 553(a)(2). The existing "impracticable, unnecessary, or contrary to the public interest" provision found in section 553(b)(B) and the "good cause" exemption found in section 553(d)(3) provide such an exclusion from the requirement of section 553(b)-(d). They would work an adequate accommodation of the competing interests involved, carefully balancing the need for public participation against the need for effective, efficient, expeditious, and inexpensive government administration.

In an excellent article—the most recent on the subject—Mr. John Grossbaum discussed and analyzed in great detail the Government contract rulemaking process. "Administrative Due Process in Public Contracts: The Procurement Regulations," (Va. L. Rev., March 1971). Mr. Grossbaum explored the possible impact elimination of the APA exemption would have on Government contract rules and strongly concluded that the benefits of such elimination—to both the public and the Government—outweigh any possible additional burdens on the agency processes that might be imposed. He observed:

> Rather than impede the rulemaking process, public participation in the development of contract rules is likely to make the process itself more effective and responsive.

Added significance to the need for expanding opportunities for public involvement in agency rulemaking has been imparted by recent decisions liberalizing the judicially created tests for standing to sue in the Federal courts over matters involving agency action. The trend is toward enlargement of the class of people who may protest administrative action and, in the words of Mr. Justice Douglas:

> The whole drive for enlarging the category of aggrieved persons is symptomatic of that trend.

The bill I propose today is consistent with that trend and complements the direction being charted by the courts. In the area of rulemaking it is unnecessary to enlarge the class of persons who may participate, because the interested persons standard of section 553 is sufficiently broad and extends beyond the confines of aggrieved persons entitled to judicial review. Instead, the effect of the proposed bill will be to enlarge the categories of administrative rulemaking activities in which the public is afforded an opportunity to participate.

Many of the recent decisions expanding the test of standing to sue have involved challenges to agency rules that are exempt from the APA rulemaking procedure. Although enlarging the class of persons entitled to challenge administrative rules in the courts is a salutary development, judicial review of agency rules is not a satisfactory substitute for public involvement during the rulemaking process. To the contrary, public participation in rulemaking is likely to enhance the authoritativeness and acceptability of administrative rules and forestall much subsequent litigation over them. Dissenters would be less likely to protest a rule if they have had an adequate opportunity to present their objections prior to its promulgation.

The bill I am introducing would affect only the specific exemptions relating to public property, loans, grants, benefits, or contracts. It would in no way affect other functions presently exempted from APA rulemaking requirements. Moreover, the bill would not affect the other important safeguards provided by the APA that permit agencies to dispense with the notice and comment procedures when these are found to be impracticable, unnecessary, or contrary to the public interest.

The popular dissatisfaction with the workings of government at all levels, about which we are hearing so much rhetoric lately, will not be dispelled by simply stripping the Federal Government of its powers. The solution lies in enabling Government to be more responsive to the needs of the people. This bill, enlarging opportunities for the citizen to have a voice in the making of administrative decisions that intimately affect him, is directed toward that goal.

EXHIBIT 1

ELIMINATION OF CERTAIN EXEMPTIONS FROM THE APA RULEMAKING REQUIREMENTS

ADMINISTRATIVE CONFERENCE OF
THE UNITED STATES,
Washington, D.C., February 26, 1971.

In response to the request of the Chairman of the Administrative Conference for a report on the status of implementation of Conference recommendations, 21 agencies provided responses with respect to Recommendation No. 16. A number noted its inapplicability. There follows a summary of the comments of those agencies most directly affected.

On October 12, 1970, Secretary Richardson of the *Department of Health, Education, and Welfare* directed all agencies and offices of the Department which issue rules and regulations relating to public property, loans, grants benefits or contracts to utilize the public participation procedures of the Administrative Procedure Act, 5 USC 553.

The *Department of Interior* has had a longstanding policy that whenever practicable the public should have an opportunity to participate in rulemaking proceedings even though such action was not required by statute.

The General Counsel of the *Department of the Treasury* in a memorandum dated November 17, 1969 to the Assistant General Counsels and Chief Counsels called attention to Recommendation No. 16 and advised that rulemaking activity in the Department should, consistent with the public interest, be undertaken in accordance with the Conference recommendation without waiting for amendatory legislation.

The *Department of Defense* follows the Conference recommendation in several areas, for example, public grants under the Federal-aid Airport Act. It is examining the proposal to determine whether notice and public procedures can and should be used in other areas. It opposes the recommendation insofar as it applies to contracts and other proprietary functions.

The *Department of Housing and Urban Development* has adopted a policy which is in full accord with the recommendation. It is being published in the Federal Register and will apply to statements and rules of the Department of general applicability and future effect.

The *Department of Labor* had advised that it strongly endorses Recommendation No. 16 and is proceeding to implement it with respect to its rulemakings in the area of public grants, benefits and contracts.

The *Department of Agriculture* employed informal rule-making procedures in a number of its rulemakings prior to the Conference recommendation. It is reviewing its programs with a view to determine the feasibility of further recourse to informal rulemaking procedures in other areas.

The *Atomic Energy Commission* has sought the views of interest groups in connection with some rule-making in the past. The practice, however, has not been uniform. In the future they propose as a general matter to engage in public rulemaking, notwithstanding the exemption. Among the areas to be included are establishing reasonable sales prices for special nuclear material, source material and by-product material; establishing guaranteed prices for plutonium and source material; and establishing prices to be paid for licensees for material and services, etc.

The Office of Economic Opportunity approves the goals of Recommendation No. 16 but not the specific procedures. Dealing with poverty programs it feels that publication in the Federal Register would have little utility in notifying its clientele. It has established more direct means of securing the views of those affected by its programs and they are considered in the promulgation of rules and regulations of general application.

The views of the *National Aeronautics and Space Administration* are comparable to those of DOT, particularly as to procurement where they feel that existing public rules make adequate provision for notice and participation by interested parties.

By Mr. RIBICOFF:

S. 1414. A bill to amend the Social Security Act by providing for the establishment of a Child Advocacy program. Referred to the Committee on Finance.

NATIONAL CHILD ADVOCACY PROGRAM

Mr. RIBICOFF. Mr. President, at times the United States seems to be a nation obsessed with the idea of youth. Our society is becoming increasingly oriented toward young people, their hopes, values, life-styles, and actions. Yet, paradoxically, we have failed to follow the lead of other countries in making a national commitment to guarantee to all American children certain basic rights.

We extol the virtues of youth but remain oblivious to the fact that in our midst exist large numbers of ill-fed, ill-housed, ill-educated, and discontented youngsters. These potentially useful lives are being lost to society because no one seems to care.

My colleagues may recall the tragic story of Walter Vandermeer, the 12-year-old heroin addict who died just over a year ago in New York City.

Society simply gave up on Walter. The school authorities dropped him in the third grade without seeking help for the child. He was moved from one children's shelter to another and then into a halfway house in Harlem. As each institution gave up on him, he became more a child of the streets. He became addicted to narcotics. Then he died, locked in a bathroom of a slum tenement building.

Walter Vandermeer died because no one was on his side. The system—or nonsystem—of child care we have allowed to develop failed him and his family.

There are many Walter Vandermeer's. Not all are poor, or black, or hooked on drugs, but all of them are headed toward useless existences and will become emotional and economic drains on society.

With proper care these youngsters—the mentally ill, the handicapped, the retarded, the delinquent—can lead productive lives and contribute to the Nation rather than being a continued burden. Unfulfilled lives are doubly expensive to the Nation—first, in the loss of human lives and resources; and second, in the loss of productivity and the economic costs of dependency.

It should be a birthright of all American children to receive care and treatment through facilities which can meet their needs and which keep them as closely as possible within their normal social setting. Regrettably, millions of our youth are not receiving this care.

The National Institute of Mental Health estimated that in 1966 at least 1.4 million young Americans needed psychiatric care, but that only 400,000 received it.

Allowed to go untreated, these youngsters become the problems of tomorrow—young adults for whom care and treatment are most expensive and often ineffective. A system must be developed which can detect and treat the problems of the young early and quickly. The sooner they are discovered the better the chance to cure them and at a minimum cost to society. Preventive care is far less expensive than remedial care. For example, the cost of foster care is one-tenth the cost of institutionalization. The list is endless and the cost figures indisputable. This Nation has paid the price many times over for its indifference and will continue to do so unless substantive and dramatic changes are made.

William Raspberry of the Washington Post has written of one boy the system has abandoned and who will probably cost society a great deal in the long run. Derek, a 12-year-old District of Columbia child, has not been to school for over 3 years. He is emotionally disturbed, but has an above average intelligence and is treatable. Derek's problem is that he does not fit into any of the slots of the local child care system. He is too intelligent for the retarded program and has not caused enough trouble for the social adjustment program.

For a time he received some help in a special class at District of Columbia General Hospital. However, when his family moved to another section of the city he lost his eligibility. Now he just sits at home and life passes him by. One day he may be a ward of the state—of little use to himself or to his country. Both Derek and society are the losers.

Derek needs an advocate—someone who is dedicated to insuring that children in need receive treatment. A child advocate will help those children who now fall through the cracks in the existing systems that deliver needed treatment. He will not be wedded to any specific professional group of theory, but will be interested only in the welfare of all children. These children will be his clients and his task will be to insure that their basic needs are met.

Advocacy is not a new concept. The report of the Joint Commission on the Mental Health of Children stated in 1969 that a child advocacy system could be the first step toward reforming the present chaotic child care system and insuring that no American child lost his chance in life because no one cared about or understood his problem. Last year the White House Conference on Children reiterated this concern and placed an advocacy system high on its list of priorities.

These two groups represent the leaders in the child care field and know better than anyone else the inequities of the present system. They know that the existing apparatus allows many young Americans to go without care and treatment through no fault of their own. They know that some parents cannot adequately provide for their children because of a lack of knowledge of how or where to go to secure care and treatment. They know that the Government and private agencies have become overspecialized and have allowed these youngsters to slip by untreated.

This is where the child advocate steps in. He will become a spokesman for those youngsters whose parents or guardians are unable to secure help.

The role of the child advocate will be a dual one. First, he will be the link between the child in need and the program which fills that need. For example, a mother in the ghetto might come to the child advocate with a daughter who has an unusual hearing problem. The advocate will direct that mother and child to the proper care center, check to see that the service was provided, and follow up later to see how the child is progressing. The child will not be abandoned in the bureaucratic morass of the present system, but will be guided through and helped at every turn.

Most children are lost to society not because of poor care, but rather because they never received care. The advocate will see that they get it and he will be there to see that those who provide services will be accountable.

The advocate's second role is as overseer of all children's programs. Since he is an independent agent solely concerned with the welfare of his clients, he will be best able to assess the community's children's needs, to evaluate the adequacy of the community's performance and to set the goals and priorities. He will spot inefficiencies and inadequacies in the present system and press for their solution. For example, the same advocate who aided the child mentioned above may come across other children with undetected and untreated hearing problems. As he moves through the community he may discover that the local school has not been conducting the required annual hearing tests and that some children have gone for years with their impairments undiagnosed. The advocate will call attention to the deficiency and ask the local authorities to redress the situation and insure that it is not occurring in other areas as well.

The need for some sort of advocacy system is obvious. The present delivery systems are fragmented and overspecialized. The child care bureaucracy is growing larger and less responsive to the community. In the past, the emphasis has been on the child care institutions, but now it must shift to the children themselves. The delivery systems must be coordinated and designed to meet the needs of the children rather than simply growing of their own accord.

The bill I introduce today can be the initial step in establishing a national child advocacy system by funding 10 to 20 pilot projects across the Nation.

The bill would establish in the Executive Office of the President a Council on Child Development. The Council will collect and analyze information on the needs of the Nation's children and the capabilities of existing programs to meet such needs. It will then develop a national children's policy and recommend legislation to implement this policy. In other words, its goal is to end the gap between the needs of children and the Nation's resources allocated to meet such needs.

There will also be established within the White House an Office of Child Development, headed by a Director, who will serve as an ex-officio member of the President's Council. The Director will be the working arm of the Council, serving as a liaison with Congress and the agencies, providing the expertise needed to develop legislative proposals, and preparing guidelines for the implementation of the national children's policy. He will also establish and administer, under the direction of the President's Council, child advocacy demonstration projects across the Nation by funding selected public or private nonprofit agencies willing to establish a neighborhood office of child advocacy—NOCA.

The group selected to establish the NOCA will also form a neighborhood council of child development which will serve as the governing body of the local NOCA. At least one-half of the members of the Council will be residents of the neighborhood to be served. The neighborhood council will select the Director of the NOCA, establish personnel and fiscal policies, and generally oversee the operations of the NOCA. In addition, it will use the information its members gather to develop a comprehensive plan for providing services to the local children.

The NOCA, composed of child care professionals, will be the local representative of the neighborhood children. These advocates will assist parents and their children in finding the service they might need whether it be legal, psychological, medical, or educational. There will be a small charge—based on a sliding scale according to family income—for this counseling and referral assistance.

If a child comes in with a problem no existing agency can handle, the NOCA will be permitted to contract with another person or institution to provide the necessary service. Such a purchase is not expected to go on indefinitely. The NOCA would be required to review every 6 months the effectiveness of the purchased service and the need for continuation. If it is necessary to continue it, the NOCA will make every effort to have another agency take up the burden.

Any purchase which continues for 12 months must be reported to the President's Council along with a full report of the number of similar problems in the neighborhood and the possibility of State and local authorities establishing a program to treat such problems.

This continuous review of the NOCA's operations is an important function of the President's Council. The advocacy system will not be expected to take the place of existing delivery systems, but rather it is designed to be the catalyst for revamping and modernizing the system.

The President's Council, by reviewing NOCA actions and expenditures, can spot inefficiencies in the local system as well as in the national system. If, for example, several NOCA's report that they have to contract out for aid for undernourished children, it will be evidence to the President's Council that this is an area to be developed.

The NOCA will be doing much the same on the local level. If the local advocate discovers that a significant number of children suffer from a certain disease, it will be clear that something is seriously wrong and should be investigated.

The advocacy system can be of major assistance in redirecting the efforts of our children's agencies back to the needs of the children. It is extremely difficult for existing institutions to analyze their own or their competitors capabilities and resources because of the built-in professional and personal biases. As an independent, imaginative observer of the child care scene, the advocate will be the best choice to analyze the shortcomings of the existing structure and recommend needed changes.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis of the bill be printed at this point in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 1414

A bill to amend the Social Security Act by providing for the establishment of a Child Advocacy Program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the heading to title XI of the Social Security Act is amended by striking out

"TITLE XI—GENERAL PROVISIONS"

and inserting in lieu thereof

"TITLE XI—GENERAL PROVISIONS AND CHILD ADVOCACY PROGRAM

"PART A—GENERAL PROVISIONS"

(b) Title XI of such Act is further amended by adding at the end thereof the following:

"PART B—CHILD ADVOCACY PROGRAM

"SUBPART I—SHORT TITLE AND STATEMENT OF PURPOSE

"SHORT TITLE

"SEC. 1151. This part may be cited as the 'National Child Advocacy Act'.

"STATEMENT OF PURPOSE

"SEC. 1152. It is the purpose of this part, through the conduct of demonstration projects, to explore the feasibility of the establishment of a National Child Advocacy System which will—

"(1) focus the Nation's resources on the healthy development of children, with special attention to very young children;

"(2) strengthen and improve the capabilities of the family unit to insure healthy child development;

"(3) create a focal point of responsibility at every level in the American society to guarantee that children and the families of which children are members receive the services needed to prevent, and to cope with, mental and physical disabilities;

"(4) change or eliminate inefficient programs relating to child development and replace them with more effective means of insuring the healthy growth of children;

"(5) coordinate and consolidate programs relating to child development which are of proven effectiveness so as to achieve the most economic use of funds and manpower;

"(6) evaluate existing programs for children and develop better ways of providing services for children;

"(7) forge a new partnership between elected officials, the general public, civil servants, and the private sector of the economy in the planning and operation of programs affecting children; and

"(8) determine the amount of funding and manpower required to extend proper services for children to every community in the Nation.

"SUBPART II—ADMINISTRATION OF CHILD ADVOCACY PROGRAM

"PRESIDENT'S COUNCIL ON CHILD DEVELOPMENT

"SEC. 1161. (a) (1) There is hereby established in the Executive Office of the President a council to be known as the President's Council on Child Development (hereinafter in this part referred to as the 'President's Council').

"(2) The President's Council shall consist of 15 members to be appointed by and to serve at the pleasure of the President.

"(3) Of the members of the President's Council, not less than 5 shall be representatives of families with children who receive children's services (as defined in section 1185 (c)), and not less than 5 shall be individuals who are recognized for their professional competence in formulating, innovating, planning, assessing, or delivering children's services. The membership of the President's Council shall include representatives of low income families (as defined in section 1185 (e)), representatives of families of minority groups (as defined in section 1185(f)), and representatives of providers of child care services (as defined in section 1185(d)); and one member who shall be not less than 15 years old and not more than 21 years old.

"(4) The President shall designate one of the members of the President's Council as Chairman and one as Vice Chairman, who shall act as Chairman in the absence of the Chairman.

"(5) Members of the President's Council shall each receive $100 per diem when engaged in the actual performance of duties vested in the President's Council, and shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(b) It shall be the duty and function of the President's Council to—

"(1) develop and maintain information regarding the developmental needs of the Nation's children and the capabilities of existing programs to meet such needs;

"(2) recommend legislation to eliminate the gap between children's needs and the Nation's resources allocated to meet such needs;

"(3) develop a National Children's Policy which—

"(A) identifies the needs of the Nation's children;

"(B) establishes long-term and short-term goals for meeting such needs; and

"(C) sets priorities for Federal funding and effort aimed at achieving the goals of and the implementation of the National children's policy;

"(4) submit to the President, the Congress, and the Secretary an annual report on the Nation's progress toward achieving its goals for children;

"(5) advise the President, the Congress, the Secretary of each of the executive departments of the Federal Government, the Office of Management and Budget, and the heads of appropriate Federal agencies of the activities undertaken and the progress being made in the implementation of the national children's policy.

"(6) review the budgets of all programs of the Federal Government relating to children and make such recommendations as may be advisable to the President, the Congress, and the heads of the Federal departments, agencies, or instrumentalities responsible for the administration of such programs;

"(7) review, evaluate, and approve the standards imposed under Federal programs relating to children and review and evaluate the manner and extent to which such standards are complied with in the operation of such programs;

"(8) evaluate the operation of demonstration programs carried on pursuant to grants made under subpart III, and make recommendations to the President and the Secretary based on such evaluation as to the future development, continuation, or termination of such programs; and

"(9) evaluate other Federal child service programs and make appropriate recommendations for the consolidation, expansion, or termination of such programs to the President, the Congress, and the heads of the various departments, agencies, and instrumentalities of the Federal Government responsible for the administration of such programs.

"OFFICE OF CHILD DEVELOPMENT

"SEC. 1162. (a)(1) There is hereby established in the Executive Office of the President an Office of Child Development (hereinafter in this subpart referred to as the 'Office').

"(2) The Office shall be headed by a Director (hereinafter in this part referred to as the 'Director') who shall be appointed by the President. The Office is authorized to employ such staff as is necessary to enable it to carry out its duties and functions.

"(3) The Director of the Office shall serve as an ex-officio member of the President's Council, but shall not be regarded as a member of such Council for purposes of voting or determining a quorum, nor shall he receive additional compensation on account of his services as a member of such Council.

"(b)(1) It shall be the duty and function of the Director of the Office to—

"(A) provide the information and expertise necessary for the President's Council to fulfill its duties and obligations under section 1161(6).

"(B) consult with the President's Council, the Congress, and heads of departments and agencies of the Federal Government regarding, and prepare and publicize guidelines for the implementation of, the National Children's Policy;

"(C) at the direction of the President's Council, to take appropriate measures to coordinate the activities of Federal departments and agencies serving children as specified in the National Children's Policy;

"(D) assist the President's Council in recommendations to Congress on all Federal budgetary matters involving programs for children and assist the Office of Management and Budget in formulating those parts of the President's proposed annual budget which relate to programs for children;

"(E) coordinate the child-serving activities of all Federal departments and agencies and shall establish such interdepartmental advisory committees as may be necessary to provide for the coordination of such activities;

"(F) establish and administer, under the direction of the President's Council, subpart III, child advocacy demonstration projects to demonstrate a National Child Advocacy System; and

"(G) establish and administer, under the direction of the President's Council, subject to paragraph (2), demonstration projects in connection with existing Federal programs for children.

"(2)(A) The Director shall not establish any demonstration project pursuant to the authority contained in paragraph (1)(F) unless he determines that such program is needed and that the Federal agency or agencies responsible for the children's program or programs with respect to which the demonstration project is to be conducted are unable properly to establish, operate, or evaluate such project.

"(B) Any demonstration project established under authority contained in paragraph (1)(F) with respect to any Federal program or programs for children shall be established and conducted for the purpose of ascertaining the effectiveness of such program or programs in achieving the objectives for which such program or programs were established.

"(C) No such demonstration project shall be operated by the Director for more than 5 years.

"(D) Whenever the Director determines that any such demonstration project is effectively achieving the objectives of the Federal program or programs with respect to which such project is established, he shall make appropriate recommendations to cause such project to be transferred to an appropriate Federal agency for continued operation.

"SUBPART III—NATIONAL CHILD ADVOCACY SYSTEM DEMONSTRATION PROJECTS

"DEMONSTRATION GRANTS

"SEC. 1171. (a)(1) In order to carry out the purposes of this part, the Director, with the approval of the President's Council, is authorized, in accordance with the provisions of this part, to make grants for the establishment and operation of not more than 20 Neighborhood Offices of Child Advocacy to provide a means of gathering data to evaluate the cost-effectiveness of all programs affecting children as a basis for reordering National and local priorities, and to test new types of remedial programs and service delivery systems.

"(2) The Director shall also evaluate the effectiveness of such Offices in providing a simple and convenient focal point of responsibility and referral to assist children and their families and of assuring continuity of attention to the developmental problems of children.

"(3) Not later than five years after the date of enactment of this part, the Director shall submit a report to the President and the Congress containing the Director's evaluation of the effectiveness of the Neighborhood Offices of Child Advocacy established pursuant to this part and the Director's recommendations for the termination of such Offices or for the transferral of such Offices to an appropriate Federal agency for continued operation.

"(b) Neighborhood Offices of Child Advocacy established under this part shall be distributed in such manner as to assure, to the maximum extent feasible, that such an Office will be located in each of the various geographic areas of the United States and that the persons served by such Offices will be representative of the various racial, ethnic, and economic groups in the United States. If more than seven such Offices are established, at least one shall be on an Indian Reservation, and at least two shall be in rural areas.

"PLANNING ASSISTANCE

"SEC. 1172. The Director, with the approval of the President's Council, is authorized to make planning grants to, and otherwise assist, through technical advice and otherwise, any public or nonprofit private agency and organization which desires to establish a Neighborhood Office of Child Advocacy.

"DUTIES AND FUNCTIONS OF NEIGHBORING OFFICES OF CHILD ADVOCACY

"SEC. 1173. (a) It shall be the duty and function of each Neighborhood Office of Child Advocacy to—

"(1) provide an assessment of the needs of children who reside in the neighborhood served by such Office;

"(2) publicize its services to all residents of the neighborhood served by the Office and to all professionals providing services affecting children in such neighborhood;

"(3) provide counseling to any family with children residing within the neighborhood served by such Office which desires counseling assistance;

"(4) provide to any such family referral and purchasing of services when determined to be necessary or proper after assessment of needs and counseling;

"(5) collect data and maintain current records regarding its activities and the services provided by it; and

"(6) provide training services.

"(b) (1) The assessment of Neighborhood Offices of Child Advocacy shall include, but not be limited to, evaluations of nutritional, medical, psychological, social, educational, recreational, vocational, and economic needs of the families served by any such Office.

"(2)(A) The counseling function of Neighborhood Offices of Child Advocacy shall include the provision by any such Office of advice and guidance to any family residing in the neighborhood served by such Office which desires assistance in locating and using appropriate services to meet their needs, including, but not limited to, the following: nutrition; family income supplementation; housing; transportation; sanitation; recreation; adult education; disease prevention; education; medical care; employment; day care and preschool programs; family planning and birth control services; genetic counseling; prenatal care and homemaker services; budget planning; youth employment services; vocational training; rehabilitation; consumer education; special education; residential care; specialized foster homes; group homes and institutional services; family, marital, and premarital counseling; protective services; legal services; and inpatient and outpatient mental health treatment services.

"(B) Such counseling function shall also include assistance to families in dealing with other agencies which have a responsibility with respect to the developmental needs of children. Any Neighborhood Office of Child Advocacy, in providing such assistance, may advise families as to various courses of action available to them, may accompany them in their contact with such other agencies, and may assist them in preparing correspondence or taking such other actions as may be lawful and proper to secure appropriate services for their children.

"(3) (A) The referral and purchasing services function of Neighborhood Offices of Child Advocacy may be provided to a family with children residing in the neighborhood served by any such Office only after the assessment and counseling functions of such Office have been provided to such family. Such referral and purchasing services shall be designed to assist a family with children in securing any services required to assure the healthy development of the child or children of such family or remedial assistance regarding a problem of such a child.

"(B) Such referral function includes, but is not limited to, the following:

"(i) informing the family of available services;

"(ii) making appointments with providers of needed services on the family's behalf;

"(iii) discussing the child's problem with the appropriate provider of services;

"(iv) appraising the outcome of referrals;

"(v) arranging for personal escort and transportation when necessary.

"(C) (i) The referral function shall be considered complete when the agency or individual to whom a family has been referred by such an Office accepts responsibility for providing the services necessary to meet the problem giving rise to the referral.

"(ii) Whenever any Neighborhood Office of Child Advocacy has completed referral of any child, such Office shall maintain surveillance of such child's progress and shall have responsibility to re-refer such child if such child's progress is inadequate.

"(D) (i) In carrying out its referral function, each Neighborhood Office of Child Advocacy shall maintain a current and comprehensive file of all community services, both public and private, available in the neighborhood served by such Office.

"(ii) In carrying out such function, each such Office shall maintain records of—

"(I) all agreements currently in effect between such Office and agencies or individuals accepting referrals from such Office; and

"(II) evaluations of the results of referrals previously made by such Office.

"(4) (A) In the event that the services required by a child are inadequate, unavailable, or beyond the financial capability of the family of such child, a Neighborhood Office of Child Advocacy may, if it deems appropriate act as purchasing agent to assist the family of such child in securing and paying for the services needed by such child.

"(B) A neighorhood Office of Child Advocacy may not expend funds for the purchase of services for any child unless—

"(i) such Office has made an assessment of such child's needs and, as a result of such assessment, such Office has determined that such child needs such services;

"(ii) the family or guardian of such child has been involved in the decision of such Office to seek such services and agrees with the services chosen by the Office to meet such child's needs;

"(iii) the services required are either unavailable in the community in which such child resides, or the services available to such child under other programs are inadequate to meet such child's needs; and

"(iv) the Office has, after full investigation, determined that funds for the purchase of such services are not available to such child through sources other than the Office.

"(C) Any such Office shall, in purchasing services for any child, obtain such services from agencies in accordance with the following priorities—

"(i) first, from public or private nonprofit agencies which presently provide the required service in an effective and efficient manner;

"(ii) second, from public or private nonprofit agencies which do not presently provide the required service, but is willing and capable of expanding its functions to meet the needs of such child;

"(iii) third, from any provider of service which presently provides the required service in an effective and efficient manner;

"(iv) fourth, from a provider of service which does not presently provide the required service, but is willing and capable of expanding its functions to meet the needs of such child; and

"(v) fifth, by creating (through the making of a demonstration grant to an appropriate public or private nonprofit agency for such purpose) a new program to provide the required services.

"(D) Services provided by any Neighborhood of Child Advocates may be provided through contract, purchase, or the creation of new programs, but shall not be provided directly by such Office.

"(5) (A) Each Neighborhood Office of Child Advocacy shall maintain current records regarding all services provided by and all expenditures made by it, in accordance with requirements of this part and regulations of the Director, and shall provide a continuing record of each child who receives services provided by such Office.

"(B) Such records shall include such demographic information, such information respecting services provided by such Office, as the Secretary shall by regulations prescribe, and an evaluation by such Office of the effectiveness of the various providers of services (in the community served by such Office) determined, among other factors, on the experience that clients of such Office have had with such providers.

"(C) Separate records shall be kept on the amount of funds allotted by the Office for individual families served by it and for each category of service provided by such Office.

"(D) Whenever a family moves from a neighborhood served by any Neighborhood Office of Child Advocacy to any other neighborhood served by any such Office, such Office serving the neighborhood from which such family moves shall, upon the request of such family, transfer its records pertaining to such family, to the Neighborhood Office of Child Advocacy serving the area to which such family moves.

"(6) All purchases of services under this section shall be reviewed every six months to determine the effect of the service and need for continuation of the service.

"(B) Any service which is purchased for more than 12 months shall be reported directly to the President's Council.

"(C) Such report shall state, but shall not be limited to,

(i) why the purchase was originally necessary;

(ii) how many persons in the neighborhood need similar services;

(iii) how many persons in the neighborhood receive similar services;

(iv) what steps are being taken by the state and local authorities to relieve the need for such purchase.

"(7) (A) Each Neighborhood Office of Child Advocacy shall, whenever possible, develop and maintain relationships with public and private educational and training institutions under which such Office will be utilized, whenever appropriate, by such institutions as a training resource for the training of para-professional and professional personnel.

"(B) Each such Office shall, in carrying out its functions, utilize to the maximum extent feasible the services of para-professional personnel and appropriate individuals who are residents of the area served by such Office as 'Neighborhood Health Representatives'.

"(C) With the approval of the Director, any such Office may provide services through individuals not licensed to provide such services, if such Office determines that utilization of such individuals to provide such services is necessary to facilitate the utilization and training by such Office of personnel needed to perform such services.

"(D) Each such Office shall make maximum use of volunteer workers and shall attempt to assure the utilization of young people and the aged in carrying out its functions with respect to children (or the families of children) who are in need of services provided by such Office.

"APPLICATIONS FOR GRANTS

"SEC. 1174. (a) (1) Grants under section 1171 may be made only upon application therefor by one or more sponsors each of which is a private nonprofit agency or organization.

"(2) Grants under section 1171 shall be in such amounts, on such terms and conditions, and paid at such time or times, and in such manner as the Director shall prescribe in order most effectively to carry out the purposes of this part and protect the financial interests of the United States.

"(b) The Director shall not approve any application for a grant under section 1171 unless such application contains or is supported by—

"(1) assurances satisfactory to the Director that the Neighborhood Office of Child Advocacy with respect to which such application is submitted will be governed by a Neighborhood Council on Child Development which meets the requirements and other criteria contained in section 1175;

"(2) reasonable assurances that Federal funds paid pursuant to any such grant will be used only for the purposes for which paid and in accordance with applicable provisions of this part and regulations promulgated thereunder;

"(3) reasonable assurances that the applicant will provide for such fiscal control and fund accounting procedures as are required by the Director to assure proper disbursement of and accounting for such Federal funds;

"(4) reasonable assurances that the applicant will make such reports, in such form and manner and containing such information as the Director may from time to time reasonably require, and will keep such records and afford such access thereto as the Director may find necessary to assure the correctness and verification of such reports;

"(5) reasonable assurances that the Neighborhood Office of Child Advocacy with respect to which much grant is requested will undertake to cooperate with, and whenever appropriate enter into cooperative agreements with, other public and private agencies providing services for children in the area to be served by such Office, including, but not limited to, community planning councils, local school districts, family service agencies, community mental health centers, mental health and public health departments and agencies, welfare agencies, community action councils, Model Cities' Boards, and local consumer organizations; and

"(6) indications of, and support for, the Office from the Chief Executive of the political subdivision in which Office is to be located and local private and public agencies serving the area to be served by such Office.

"NEIGHBORHOOD COUNCILS ON CHILD DEVELOPMENT

"SEC. 1175. (a) (1) The agency or organization designated to plan the NOCA shall form a Neighborhood Council on Child Development serving as the governing body of any Neighborhood Office of Child Advocacy shall be composed of not less than nine or more than twenty-one members.

"(2) At least one-half of the members of any such Council shall be individuals representing residents of the neighborhood served by the Neighborhood Office of Child Advocacy governed by such Council; and one member shall be such an individual who has not attained age twenty-one, but who has attained age fifteen.

"(3) Members of any such Council may be elected, or appointed, or some may be elected and some appointed.

"(4) The term of office of members of any such Council shall not exceed three years.

"(b) The duties and responsibilities of any such Council shall include—

"(1) the selection and employment of an individual to serve as Director of the Neighborhood Office of Child Advocacy governed by such Council, which Director shall have authority to secure through employment or under contract such additional personnel as may be necessary, subject to budgetary limitations, to carry out the duties of such Office;

"(2) the development, for the neighborhood served by such Office, of a comprehensive plan to provide services for the children of such neighborhood designed to meet, in accordance with priorities contained in the plan, the needs of such children, and to develop new and improve existing services to meet the needs of such children;

"(3) the maintenance of the fiscal responsibility of the Office which it governs;

"(4) the establishment of personnel policies;

"(5) acting as an appeals body for parents who are dissatisfied with services provided for their children by the Neighborhood Office of Child Advocacy governed by such Council;

"(6) the assumption of responsibility for coordinating and encouraging the development of services for children;

"(7) the development of effective and continuing liaison with the Governor's Council (if any) for the State in which such Council serves and with officials of the political subdivision in which is located the Neighborhood Office of Child Advocacy governed by such Council;

"(8) the preparation of the annual budget for the Neighborhood Office of Child Advocacy governed by such Council, and the submission periodically of reports to State and Federal Councils on Child Development on the conduct of the programs operated by the Neighborhood Office of Child Advocacy governed by such Council, results of evaluations by the Council of services rendered by such Office, and the projected needs of such Office;

"(9) whenever it deems the same to be desirable and feasible, to develop and submit to the Director applications for demonstration programs under section 1176; and

"(10) otherwise to take such action as may be appropriate to comply with the assurances provided or required to be provided under section 1174(b).

"EXPERIMENTAL PROGRAMS FOR COMPREHENSIVE CHILD CARE

"SEC. 1176. (a) The Director, with the approval of the President's Council, is authorized, in accordance with the provisions of this section, to make to any Neighborhood Office of Child Advocacy which has received a grant under section 1171 a special demonstration grant for the purpose of enabling such Office to establish new experimental programs of comprehensive child care.

"(b) No application for a grant under this section shall be considered by the Director if such application is submitted with respect to a Neighborhood Office of Child Advocacy which first received a grant under section 1171 more than 6 months prior to the date such application is submitted to the Director.

"(c) Any application for a grant under this section must include—

"(1) reasonable assurances that the demonstration program with respect to which such grant is requested will be carried out in the neighborhood served by the Neighborhood Office of Child Advocacy with respect to which such grant is requested by a public or nonprofit private agency or organization;

"(2) reasonable assurances that such program will be consistent with the comprehensive plan developed for such Office pursuant to section 1175(b)(2) by the Neighborhood Council Development governing such Office;

"(3) reasonable assurances that not less than 30 per centum of the cost of such program will be furnished from non-Federal funds; and

"(4) reasonable assurances that there will be collected and submitted with respect to the operation of such program such data and information as the Director may prescribe to enable him and the President's Council to evaluate the effectiveness of such program;

"(d) The Director shall, upon receipt by him of any application for a grant under this section—

"(1) submit copies of such application to

"(A) the President's Council; and

"(B) the Governor's Council (if any) of the State wherein is located the Neighborhood Office of Child Advocacy with respect to which such grant is requested;

for comment and approval; and

"(2) review the possibility, in the event such application meets the conditions for approval for a grant under this section, of funding the program with respect to which such grant is requested from funds available for Federal programs (other than the program established by this part).

"(e) No grant under this section may be made unless the application therefor is approved by the President's Council, and, in the event that there is a Governor's Council in the State wherein is located the Neighborhood Office of Child Advocacy with respect to which such grant is requested, by such Governor's Council.

"GOVERNOR'S COUNCILS ON CHILD DEVELOPMENT

"SEC. 1177. (a) (1) The President's Council shall take steps to encourage the establishment in each State (in accordance with the laws of such State) of a Governor's Council on Child Development (in this part referred to as a 'Governor's Council').

"(2) (A) The President's Council is authorized to provide such technical assistance as may be necessary or appropriate to assist a State in establishing a Governor's Council in such State.

"(B) The President's Council shall develop and maintain close liaison with and shall otherwise cooperate with each Governor's Council.

"(3) The Governor's Council of any State shall serve as the State Child Advocate for such State.

"(b) (1) The duties and responsibilities of any Governor's Council shall include, but not be limited to—

"(A) developing a State Comprehensive Plan for Children's Services;

"(B) conducting a survey of the State's services for families with children;

"(C) making an assessment of the needs of families with children in the State;

"(D) formulating plans to coordinate State programs affecting children; and

"(E) advising the Governor, heads of State agencies, and the State legislature regarding the implementation of the State Comprehensive Plan for Children's Services; and the preparation and submission, not less often than once each year, to the Governor, heads of State agencies, and the State legislature of a full and complete report regarding the implementation of such Plan, together with its recommendations for legislation designed to implement such Plan.

"(2) It shall also be the duty of each Governor's Council to cooperate with and assist any Neighborhood Office of Child Advocacy which is located in the State served by such Council with a view consolidating and improving child care services in the State.

"(c) (1) (A) Any Governor's Council shall be composed of 15 members.

"(B) At least 10 of such members shall be representatives of consumers of children's and families' services, who live in the State served by such council.

"(C) Not more than 7 of such members shall be professionals with recognized competence in formulating, innovating, planning, assessing, or delivering children's services.

"(D) Members of legislative bodies shall be ineligible for membership in such Council.

"(d) (1) Upon the request of any State, the Director is authorized to make grants to such State for the purpose of assisting such State in meeting the reasonable and necessary costs of—

"(A) operating the Governor's Council in such State;

"(B) preparation by the Governor's Council of the State Comprehensive Plan for Children's Services;

"(C) preparation by the Governor's Council of its annual progress report;

"(D) the conduct, by the Governor's Council of its data collection and program evaluation activities; and

"(E) carrying on such other activities as may be required under this part or by regulations of the Director.

"(2) No grant to a State under this subsection shall exceed 75 per centum of the costs with respect to which the grant is made.

"(3) In considering applications for grants under this subsection, the Director shall give priority to applications from States in which there is located one or more Neighborhood Offices of Child Advocacy.

"ESTABLISHMENT OF ADDITIONAL COUNCILS ON CHILD DEVELOPMENT

"SEC. 1178. (a) In addition to the Councils authorized to be established by the preceding provisions of this part, the Director is authorized to make grants to assist in the establishment and operation of such additional Councils at appropriate levels in the Federal and in State governments as he determines to be necessary to carry out the purposes of this part.

"(b) Grants under this section shall be in such amounts, made on such terms and conditions, and paid at such time or times, and in such manner as the Director shall prescribe most effectively to carry out the purposes of this part and protect the financial interests of the United States.

"SUBPART IV—APPROPRIATIONS; GENERAL PROVISIONS; AND DEFINITIONS OF "AUTHORIZATION OF APPROPRIATIONS

"SEC. 1181. For the purpose of carrying out the provisions of this part there are authorized to be appropriated for each fiscal year, commencing with the fiscal year ending June 30, 1972, such amounts as may be necessary.

"ACCEPTANCE OF SERVICES TO BE ON VOLUNTARY BASIS

"SEC. 1182. No Neighborhood Office of Child Advocacy shall coerce any family to accept services provided by such Office, but each such Office shall actively encourage all eligible residents of the neighborhood served by such Office to accept the services provided by the Office and all residents of such neighborhood to participate as volunteer workers in carrying out the activities of the Office.

"CONFIDENTIALITY OF RECORDS

"SEC. 1183. (a) (1) Each Neighborhood Office of Child Advocacy shall treat all records pertaining to children and families who are receiving or have received services provided by such Office as confidential and shall maintain such records in such manner as to protect such records of individuals with respect to whom such records pertain.

"(2) Such records pertaining to any child shall be available for inspection and review by the parents or guardian of such child and information contained therein may be made available to other persons (including any public or private agency or individual) authorized by the Neighborhood Office of Child Advocacy to receive such information, but only if the parent or guardian of such child agrees in writing that such information may be made available to any such other person.

"(b) If any individual divulges, in contravention of the provisions of subsection (a), information referred to in such subsection pertaining to any persons, such person may (without regard to the amount in controversy) bring in the appropriate district court of the United States an action against such individual for the recovery of whichever of the following amounts is the greater—

"(1) $500, or

"(2) an amount equal to three times the actual damages (if any) sustained by such person by reason of the action of such individual in divulging such information.

"(c) Whenever any person has reasonable cause to believe that any individual is preparing to take any action which would, in contravention of the provisions of subsection (a), divulge information referred to in such subsection pertaining to such person, such person may bring a civil suit in the appropriate district court of the United States to enjoin such individual from taking such action.

"FEES FOR SERVICES

"SEC. 1184. (a) Each Neighborhood Office of Child Advocacy shall, except as otherwise provided in this section, impose fees for services provided for children or families with children by such Office. The amount of the fee imposed for any service shall be related to the ability to pay (as determined under regulations of the Director) of the family of the person receiving such service.

"(b) Any family with an income below the level of income determined to be required, for families of the same size as such family and living in the same region (as established by the Bureau of Labor Statistics) as such family, to maintain a moderate living standard shall be regarded as unable to pay any fee for services provided by any Neighborhood Office of Child Advocacy.

"(c) The ability of any family with an income above that referred to in subsection (b) shall be determined on the basis of the income of such family as related to the level of income of other families of the same size and living in the same region (as established by the Bureau of Labor Statistics).

"(d) Persons unable to pay in cash the amount of any fee imposed for services received by them or by members of their families may be permitted by any such Office to pay such fee by contributing personal services needed by such Office.

"(e) No fee shall be charged to any person by any Neighborhood Office of Child Advocacy for or on account of any assessment of need or counseling services provided by such Office.

"(f) In no event shall the fee charged by any such Office for any service provided by it exceed the cost of such service to such Office.

"DEFINITIONS

"SEC. 1185. For purposes of this part—

"(a) The term 'neighborhood' as used in connection with the area served by any Neighborhood Office of Child Advocacy, means an area in which there resides not less than 2,000 and not more than 10,000 children, and wherever possible should coincide with the jurisdictions served by the other Federal child-serving programs.

"(b) The term 'child' means an individual who has not attained age 18.

"(c) The term 'children's services' means those programs which provide the educational, social, health and mental health, nutritional, and physical services needed for children to achieve their full potential.

"(d) The term 'provider of children's services' means any public or private agency or institution which as part of its mission provides directly or indirectly services to children and/or their families to aid or improve the children's personal development and to protect their welfare including health and mental health, educational, and social services and any similar or related program.

"(e) The term 'low income family' shall be determined by regulation in a manner consistent with the definition used by other related Federal programs as established by the Bureau of Labor Statistics.

SECTION BY SECTION ANALYSIS

SEC. 1152. States that the purpose of the act is to explore the feasibility of a national child advocacy system to focus the Nation's resource on the needs of our children, to coordinate, consolidate and evaluate existing programs and to propose new programs and methods to insure the healthy development of our children.

SEC. 1161. (a) Establish a President's Council on Child Development to: develop a national children's policy; recommend legislation; establish priorities for Federal agencies concerned with children; review the budgets of such agencies; and evaluate demonstration projects and other Federal child service programs.

SEC. 1162. (a) Establishes an Office of Child Development in the Executive Office of the President.

(b) Under the direction of the President's Council, the Director of the Office of Child Development shall; assist the President's Council; help coordinate Federal children's program; assist in developing legislation and budgetary proposals; establish and administer child advocacy demonstration projects; and establish and administer demonstration projects in connection with existing Federal programs.

SEC. 1171. (a) Gives the Director, with the President's Council's approval, authority to establish and fund not more than 20 Neighborhood Offices of Child Advocacy (NOCA) to determine the cost-effectiveness of present programs and to test experimental programs.

The Director shall: evaluate the effectiveness of such Offices in assisting and referring children to the appropriate services; and submit after 5 years, an evaluation report to the President's Council and a recommendation for the termination of such offices or for the transfer to an appropriate Federal agency for continued operation.

(b) Directs that the NOCA's be established in various geographic regions and that persons served by such offices be representative of diverse racial and socio-economic groups.

SEC. 1172. Authorizes the Director to make planning grants to public or private nonprofit agencies or organizations desirous of establishing a Neighborhood Office of Child Advocacy.

SEC. 1173. (a) Describes duties and functions of each Neighborhood Office of Child Advocacy (NOCA) including responsibility to: assess the needs of neighborhood children; publicize NOCA's existence and services; counsel families with children needing assistance; refer such families to appropriate agencies; purchase services, if necessary; and provide training facilities for interested professionals and para-professionals.

(b) The NOCA assessment shall include the nutritional, medical, psychological, social, educational, recreational, vocational and economic needs of neighborhood children. The counseling and referral function shall include determination of a family's needs, explaining what programs are available and directing families to these programs. The NOCA shall keep note of a child's progress and maintain adequate records of all its cases.

(b) (4) (5) If indeed services are unavailable and it is determined that the family cannot afford such services, the NOCA is authorized to purchase the services for the child. Accurate records of any such purchase must be maintained by the NOCA.

(b) (6) Any purchase shall be reviewed every six months to determine the effect of the service and its continued need. Any service purchased for more than 12 months shall be reported to the President's Council detailing the reason for the original purchase, how many persons need and receive similar services, and what steps are being taken by state and local authorities to relieve the need for such purchase.

SEC. 1174. Details the procedure for applying for NOCA grants.

SEC. 1175. (a) The agency which establishes a NOCA shall also form a Neighborhood Council on Child Development composed of neighborhood residents and qualified professionals which shall be the governing body of the NOCA.

(b) The Neighborhood Council shall select the Director of the NOCA; establish appropriate personnel policies; develop a comprehensive plan for neighborhood child services; prepare the annual budget; and act as an appeals body for parents dissatisfied with services provided by NOCA.

SEC. 1176. Authorizes the Director of the Office of Child Development, with the approval of the President's Council, to give to any NOCA a special demonstration grant to allow such NOCA to establish experimental programs of comprehensive child care.

SEC. 1177. States that the President's Council shall encourage the establishment in each state of a Governor's Council on Child Development which shall survey the needs of the state's children, serve as the state's child advocate for its children, develop a state plan for meeting the needs of its children, review action taken by appropriate state agencies, and assist NOCA's located within the state.

SEC. 1178. Authorizes the Director of the Office of Child Development to make grants to any additional Councils at appropriate levels of state and federal government as may be needed to carry out the purposes of this Act.

SEC. 1181. Authorizes the necessary appropriations.

SEC. 1182. States that the NOCA shall encourage neighborhood families to avail themselves of its service, but shall exert no coercion on them to use the facilities.

SEC. 1183. All records of the NOCA shall remain confidential and shall be open only to the concerned family and can be made available to a service agency only with the consent of the family.

SEC. 1184. Each NOCA shall impose fees for its services except simple assessment and counseling services. Such fees shall be based on an "ability to pay" schedule determined by the NOCA Director. Persons unable to pay may contribute personal services to the NOCA. No fee shall exceed the cost of the service provided.

By Mr. PEARSON:

S. 1415. A bill to amend the Interstate Commerce Act in order to provide for the rail transportation of freight for the Department of Defense in general purpose boxcars owned by the United States. Referred to the Committee on Commerce.

Mr. PEARSON. Mr. President, I am introducing today a bill to meet the basic cause of the critical boxcar shortage which persists today, not only in my region, but across the Nation. Repeating the statement I made when I introduced this legislation in the last Congress, "There simply are not enough boxcars."

This bill would enlarge our Nation's overall boxcar fleet by arranging for the construction and purchase of boxcars sufficient for the needs of the Department of Defense, thereby releasing those cars presently in use by DOD. This measure is vitally needed, Mr. President, because the Department of Defense is holding cars at many shipping points across the country and paying quite substantial demurrage charges on them; while at the same time, grain is overflowing the elevators and spoiling on the ground in the Midwest, while coal, perishables, and other products are also waiting to be transported from points across the Nation.

Mr. President, national defense purposes undoubtedly require at times that cars be held at various shipping points. This is understandable and justifiable. This bill would provide adequate cars for such purposes, would ease their administrative burdens while also saving taxpayers' money. Not only would this represent a wiser expenditure of Government funds, but it could ultimately produce a net savings in the national budget.

The important thing, however, is that funds will be spent in a positive way—in an effort to alleviate the critical boxcar shortage rather than for continued payment of excessive charges in the nature of parking fines on cars which are so desperately needed, but which are sitting idle at various places throughout the Nation.

This bill, Mr. President, is not intended to prejudice any current efforts within the Congress or the Executive which are directed at other aspects of the boxcar shortage problem. There is a pressing need to establish proper rates, demurrage charges, penalties, and other regulations to increase boxcar utilization. But this proposal, which has received support from east and west, deals with the basic problem of inadequate boxcar supply.

Mr. President, within a few months, combines and harvest crews will be moving into the Kansas wheatfields; but as farmers and grain dealers across the Midwest are well aware, it will be a long time before this new crop reaches the market.

Unfortunately, however, this is no new problem to the people of the Midwest. The first case to be held before the Interstate Commerce Commission—Docket No. 1–1887—was a petition by farmers in the Dakota territory complaining of inadequate boxcar supply.

In my State today, it has been estimated that the economic loss due to the boxcar shortage runs in the neighborhood of $100 million per year.

But Mr. President, the problem is no longer sectional; it is a national problem of awesome complexity which affects not only market price structures, but international trade as well. The problem today is no longer seasonal; it is year-round.

I would particularly note, Mr. President, that the harvest was transported more expeditiously last year than it has been in several years, for which the Interstate Commerce Commission, the Commodity Credit Corporation, railroads, and grain dealers alike are to be commended. Through cooperation of this type, many of the problems now plaguing this entire area of commodity transportation can be, I am convinced, satisfactorily resolved.

As I have stated in the past, it is simply unrealistic to expect the railroads alone—given their present financial condition—to be able to build or purchase adequate numbers of boxcars sufficient for the transportation of the essential commodities of this Nation. Moreover, it is an unfortunate fact that millions of dollars in the Federal Treasury may be wasted by the military paying the unnecessary demurrage charges.

Therefore, Mr. President, I urge that the Senate redirect the Government's vital resources to the improvement of the grave situation. It is unfortunate that this act is necessary, but we simply must face the facts. Accordingly, I urge the Senate to give due consideration to this proposal.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1415

A bill to amend the Interstate Commerce Act in order to provide for the rail transportation of freight for the Department of Defense in general purpose box cars owned by the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Part I of the Interstate Commerce Act (49 U.S.C. 1, et seq.), is amended by redesignating section 26 as section 27 and by inserting before such section a new section as follows:

"NATIONAL DEFENSE FREIGHT CARS

"SEC. 26. (a) The Secretary of Defense (1) shall arrange for the construction and purchase of such number of general purpose box cars (not less than 10,000) as may be necessary to provide for the transportation of all freight tendered to railroads subject to this Part by the Department of Defense and suitable for transportation in such cars, in general purpose box cars owned by the United States or in general purpose box cars provided in exchange for such cars owned by the United States, (2) may enter into such agreements with such railroads as are necessary to provide for the maintenance and most efficient use of such cars owned by the United States, including exchange agreements, and to provide for necessary rate adjustments in order to recognize the United States' capital investment in such cars.

(b) There is authorized to be appropriated for the purpose of section (a) (1) the sum of $120 million, such funds to remain available until expended."

By Mr. GRAVEL:

S. 1420. A bill to amend the Internal Revenue Code of 1954 to provide that the sale of firearms to law enforcement officers who are required to purchase their own firearms for service use shall be exempt from excise tax. Referred to the Committee on Finance.

Mr. GRAVEL. Mr. President, today I am introducing a bill to amend the Internal Revenue Code to provide that pistols and revolvers purchased by law enforcement officers with their own funds, for exclusive use in their duties as officers, shall be exempt from manufacturers' excise tax.

The purpose of my amendment is to rectify an inequality in the law which provides for the excise tax exemption when the sale of firearms is to State or local governments for law-enforcement purposes, but refuses this exemption to the individual officer when he is required to purchase his own firearms.

In a number of our cities and towns in Alaska police officers are required to purchase their own pistols or revolvers, and this may well be a common practice in other States as well. I hope that my colleagues will join me in an effort to rectify this inequity in the tax law.

By Mr. JAVITS:

S. 1422. A bill to establish a National Emergency Price Stabilization Board to protect the public interest in price stability and the control of inflation. Referred to the Committee on Banking, Housing and Urban Affairs.

NATIONAL EMERGENCY PRICE STABILIZATION BOARD

Mr. JAVITS. Mr. President, I introduce today a bill to establish an Emergency Price Stabilization Board in order to restrain inflationary wage and price increases and so to hasten our economic recovery. This Board stems from my belief that the prime practical economic policy move which the administration can take this year is to institute an effective incomes policy, and it is also the outgrowth of recommendations from business and banking leaders throughout the country and of recommendations from Government officials as well.

Mr. President, I have noticed with the greatest of interest that the President has imposed guidelines on the construction industry. I believe that while the construction industry has been a particularly serious offender in terms of the economy generally, many service and other aspects of industry leave very much to be desired.

This administration has found it very hard to grasp the nettle, having begun its term with so many fiscal restrictions as we have experienced up to now, largely attributable to the effort to sweep the consequences of the Vietnam war under the rug. We simply have to face the consequences and have some broad-scale machinery for dealing with inflationary prices and wages.

The Emergency Price Stabilization Board, which would be established on a temporary basis by the bill would consist of three Presidential appointees from private life, and would be charged with developing systematic and comprehensive approach to the price stabilization problem as it exists today.

The Board would have subpena power to examine records and witnesses and hold hearings as its principal authority. Thus it could direct public attention to the course of wage-price decisions. Although independent from the executive, it would recommend action to the President in individual cases. It could also recommend legislation or other Government action to deal with structural bottlenecks affecting prices. The power of this Board would rest primarily upon its ability to give the public reliable information on the mechanics of wage and price decisions, thereby stimulating public concern against inflationary decisions; and also upon its power of persuasion in the executive branch and the legislative branch.

In several other respects the Board will go substantially beyond the administration's present policies. For example, it would, to use the language of the bill, "prepare and publish standards and criteria by which decisions with respect to wages and prices of all kinds can be measured in terms of their inflationary impact on the economy." This mandate, while similar to the 3.2-percent guidepost approach of the 1960–66 period, differs from those guideposts in one important respect; it would be more flexible, applying different standards to different industries according to differences in productivity, supply conditions, and marketing factors.

Another important difference between my bill and the thrust of the administration's present policies is the implicit emphasis on the role of the consumer. The consumer today has no voice in wage-price disputes; however, it is he who ultimately bears the brunt of any such dispute which results in inflationary conditions. By requiring quarterly reports to Congress, by enabling the Board to hold public hearings, and by concentrating wage-price recommendations in a fully staffed and independent agency, my bill would pinpoint to the consumer the ramifications of wage-price decisions free of political overtones.

Because the Board would not possess coercive powers to regulate individual wage and price decisions, it is important that the policies of the Board be made in an atmosphere of mutual cooperation with business and labor. Therefore, my bill requires the President to convene a conference for leaders from all sectors of the economy in order to secure this cooperation.

The bill is based upon the clear emergency which confronts us today: A prolonged inflation which prevents us from operating effectively to stimulate the economy and reduce unemployment and which weakens the balance of payments position of the United States. Therefore, the bill contains a congressional declaration of emergency. It also provides for the expiration of the Board when the emergency has been found to have ended, or by the end of 1972, whichever is sooner. The temporary nature of the Board has two reasons: First, most observers agree that a voluntary wage-price mechanism is most effective over relatively short periods of time. Second, the same observers generally agree as well that the administration has already laid the groundwork for dampening inflation, by eliminating excess demand. An incomes policy can be particularly effective in a slack economy when excess demand has been eliminated.

Mr. President, notwithstanding the clear responsibility which previous administrations bear for our present inflationary problems, the time is clearly over when the President can use these past mistakes as an excuse for not coming to grips with the problem of inflation on a comprehensive basis. The time is also clearly over when we can afford to be doctrinnaire and inflexible about the permissible means at our disposal for coping with inflation.

Over the course of the past 2 years, we have seen the administration come a long way in developing ways to meet inflationary price or wage actions or bottleneck situations on an individual basis. The testimony of the Council of Economic Advisers before the Joint Economic Committee this year lists several steps the administration has taken when it felt the free market economy could be strengthened by such actions. Two of these—the publication of periodic Inflation Alerts and the appointment of a Purchasing and Regulations Review Board—stem directly from recommendations made by Joint Economic Committee Republicans last year. The concept underlying the administration's actions is that the free market economy is the best allocator of resources and price levels we have, but that restraining action is necessary where price and wage decisions are made while insulated from the effects of free market forces.

In testimony this year, the CEA remarked that it was considering ways to make the elements of its wage and price policies "more systematic and comprehensive, and to provide more adequately for their management." "What is called for," the CEA continued, "is a policy of doing what can effectively be done, whenever it can be done, and not pretending to do more."

My bill is offered in the spirit of accomplishing exactly what the Council of Economic Advisers intended.

In some respects it will parallel the work of the CEA. For example, the Board's quarterly reports to the President and the Congress will touch upon many of the issues covered by the current system of inflation alerts. However, the independent status of the Board will enable it to take a more objective stand on wage and price developments than the Council of Economic Advisers could be expected to take. The Board will also examine the same kinds of structural economic inefficiencies—such as we find in the construction and oil industries—as do the CEA and other executive branch departments. However, the CEA itself admits that it is poorly staffed to do a comprehensive job in this regard; and in addition, neither the CEA nor other executive branch agencies have the power to conduct hearings, subpena witnesses and records, and publicize findings and recommendations, which the Board would be particularly well suited to do.

My bill holds the most promise in its potential for developing an informed, nonpartisan consensus that noninflationary wage-price behavior is the best course in the long run. There are of course proposals which would go further than this, to impose a wage-price freeze or direct wage-price controls. Aside from the obvious logistical problems in enforcing direct controls or a freeze, these measures involve an infringement on private decisionmaking which invites both inequity and inefficiency. This is not to say that they should never be used, but I believe they are not warranted at the present time.

On the other hand, a Price Stabilization Board can have a measurable effect over relatively short periods of time in dampening inflationary pressures. For this reason, I am convinced that a Board is essential at this particular time, when the conditions have already been established for making headway against inflation. Coming at this time, a temporary Board can help ensure that our goal of expanding the economy and reducing unemployment will not at the same time unleash new inflationary forces. I urge my colleagues in the Senate to give this proposal their serious and sympathetic consideration.

By Mr. KENNEDY.

S. 1423. A bill to amend title 5, United States Code, to provide for the establishment of a Public Counsel Corporation to insure full participation by and on behalf of unrepresented citizens in administrative rulemaking proceedings. Referred to the Committee on the Judiciary.

PUBLIC COUNSEL CORPORATION ACT

Mr. KENNEDY. Mr. President, the opportunity of the public to participate in the Federal administrative processes is fundamental to the entire notion of fairness and equity in those processes. Notice and the chance to participate are the very foundations of the Administrative Procedure Act passed by Congress almost 25 years ago now. It is clear, however, that this act is but an imperfect guarantee that agency decisionmaking will be in the best interest of the public. Large economic blocs know full well how to use the administrative processes to gain favor and protection for their special interests. The public does not. And in the end, the public is left behind.

The Federal administrative processes reach almost every activity of every American. Children attend federally assisted schools; laborers work on Federal or federally assisted construction projects or in industries regulated by the Government; the Indian, the farmer the disabled veteran, the widow, often rely heavily on Government assistance. The tax system is administered through regulations of the Internal Revenue Service; the meat we eat has been inspected pursuant to Department of Agriculture regulations; the products we buy are all manufactured and distributed within the framework of rules and regulations worked out within agencies of the Federal Government.

Yet how many of our citizens know about, much less participate, in the determination of those rules and regulations that so vitally affect them? Who is their advocate in the governmental decisionmaking process? In fact, until now, they have been unrepresented.

Much of the administrative process works in an adversary manner, even when rulemaking is involved. But too often the adversaries all represent a class of special interests vying for a favored position in the marketplace and in the halls of Government. The interests of big business are never forgotten in proceedings affecting their interests; the Washington lawyer sees to that, perennially subjecting the agencies to lopsided pressures. The large economic blocks in our society can afford to hire agents who keep tabs on agency activities and are alerted usually before actions affecting their interests are initiated. Whether over cocktails or at lunch, or through the Federal Register or trade journals, industry's representatives stands ready to do battle. At hearings they appear with an army of engineers, economists, and other experts—in quadruplicate—to persuade the agency that the public interest or the public convenience and necessity coincide with their position. Yet all the while the voice of the consumer, the taxpayer, the poor, are drowned out by competition of more particularized interests.

Why should not those who pay exorbitant prices for drugs and who rely on them for their daily well-being be represented as well as drug manufacturers?

Why should not the purchasers and viewers of television sets be heard as well as the spokesmen for the networks and station owners?

Why should not those who breathe polluted air, who are displaced by freeways, and who buy and drive automobiles be spoken for as well as the automobile manufacturers and the concrete industry?

Why should not airline, bus, and railway passengers be heard as well as the airlines, bus companies, and railways?

It is no secret that particularized interests have found effective representation within the structure of the Federal Government. Hardly a day goes by without the newspapers carrying further evidence that the agencies have become captives of the industries they regulate. The Department of Agriculture represents the farmer. The Department of Commerce represents businessmen. The Interstate Commerce Commission represents the carriers. As Clifford Durr, former Federal Communications Commissioner, described it:

> In time the vision of the larger and more distant public tends to grow dim.

Thus, in day to day matters involving product safety, Federal contracting, the setting of standards, the granting of licenses, the little man goes unheard and unnoticed. Louis Brandeis observed in a speech at Harvard in 1905 that the public interest is served by the adversary system in litigation, where a lawyer's vigorous advocacy is balanced by that of his opponent. But, as Brandeis suggested—referring to dealings with the legislature, but equally applicable to proceedings before Federal agencies—"a very different condition is presented—a condition of great unfairness to the public," when the only voices heard are those of highly capable lawyers representing private interest, "while the public is often inadequately represented or wholly unrepresented." This continues to describe most administrative proceedings today.

Two years ago the Subcommittee on Administrative Practice and Procedure published a compilation of responses from members of major regulatory agencies to a questionnaire I sent them on citizen involvement and responsive agency decisionmaking. The same echoes on page after page. The Chairman of the Civil Aeronautics Board observed that "ordinarily, the Board does not specifically seek out the views of persons who would not otherwise be likely to present their views to the Board." That is a shorthand way of saying that only commercial interests regulated or directly affected are involved in the administrative process. Commissioner Johnson, who is with us this morning, observed that "citizen participation in the Federal Communications Commission process is virtually nonexistent." Former Chairman Lee White, of the Federal Power Commission, wrote:

> On the whole, I believe meaningful citizen involvement in the administrative process is sorely lacking.

Even the courts have recognized that the absence of public involvement in administrative decisionmaking is crucial and that agencies cannot be relied on to uphold the public interest on their own. As the court of appeals observed of the Federal Communications Commission in the United Church of Christ case:

> The theory that the Commission can always effectively represent the listener interests . . . without the aid and participation of legitimate listener representatives fulfilling the role of private attorneys general is one of those assumptions we collectively try to work with so long as they are reasonably adequate. When it becomes clear, as it does to us now, that it is no longer a valid assumption which stands up under the realities of actual experience neither we nor the Commission can continue to rely on it.

The condition is not limited to the independent regulatory agencies. A recent study completed for the National Product Safety Commission analyzed the scope and adequacy of the automobile safety, flammable fabrics, toys, and hazardous substances programs of the Department of Transportation, Commerce, and Health, Education, and Welfare. That study concluded:

> Continual communications with lobbyists and representatives of the regulated industries causes agency preoccupation with the economic burdens and dislocations that specific safety standards would impose. . . . In sum, the consumer safety regulatory process in fact has too often been a dialog between Government and industry, with informal communication not open to public scrutiny.

As a recommendation, the report has this to say:

> To counter industry arguments and institutional constraints limiting vigorous agency action, an independent voice speaking for the generalized consumer interest should be intruded into the administrative process. That voice should be heard in the critical phases of standard setting before specific proposals are published, and later, when formal proposals have been formulated. The ubiquitous presence of the consumer spokesman should stiffen the spine of the most timid official.

After numerous hearings and extensive investigations into the administration of Federal programs affecting public safety, the Product Safety Commission issued its report just a few weeks ago. In that report it observed that while it is generally assumed that a Federal agency itself invariably defends the public interest, "most agency decisions represent a compromise among contending factions. When such a contest develops, the weakest voice is often that of the unorganized and unrepresented consumer." The Commission concludes:

> Quite as private enterprise requires counsel to represent its interest in dealings with agencies of Government, the public requires an Advocate who will defend consumer safety against exploitation, excess, or neglect.

The poor people of this country, quite apart from their role as consumers, have special problems confronting them with the special Federal programs designed for their assistance. And a large number of Federal programs affect them directly and intimately. The Department of Health, Education, and Welfare adopts rules relating to old age assistance, aid to the blind, medicare, and aid to families with dependent children. The Department of Agriculture administers the food stamp program and the commodity surplus distribution program. The Labor Department promulgates rules relating to programs for the chronically unemployed and for welfare recipients. The list is almost endless.

Yet in a recent study undertaken for the Administrative Conference of the United States, Prof. Arthur Bonfield observed that a number of agencies did not even recognize that programs they administered had a substantial impact on the poor, and that even when agencies recognize this impact, they usually do not seek out the views of those affected by the programs. Even the Department of Justice has recently acknowledged that poor people as a class are not effectively represented before agencies with respect to many proposed rules having a significant impact on the poor.

Consumers, the poor, the elderly, taxpayers, debtors, tenants—the list of the unrepresented in an agency proceedings goes on and on. At last count over 43 separate bills were introduced before the last Congress to provide, in some manner, representation for the consuming public—often broadly defined—before Federal agencies. All of these would, among other things, give the unrepresented public a vehicle through which their interests could be translated into effective representation and channeled through the proper administrative channels to reach Government decisionmakers. Proposed legislation would place this public advocate in a Cabinet-level agency, in an independent agency, in the Executive Office, in the Justice Department, or in an independent public corporation. Each approach has its advantages and disadvantages, and many of these have been brought out and will continue to come out in hearings on the bills. We no longer question the need for effective representation of the public interest in the agencies of the Government. We are now searching for the means for more of such representation.

I do not believe, if we are to learn from history, that the Public Counsel should be within the traditional framework of Government. As a full-time employee of the U.S. Government the Public Counsel is more likely than not to become a captive of the establishment and out of touch with his real constituency. Thus, considering the need so widely recognized, I have opted for an independent Public Counsel Corporation with a primary responsibility for advocacy in representing the views of the public in Federal administrative proceedings, with an emphasis on rulemaking proceedings.

The Public Counsel Corporation I propose in the bill I am introducing today would be a nonprofit corporation modeled after the Public Broadcasting Corporation, funded by the Federal Government and directed by a board of Presidential appointees. The Corporation would be authorized to represent directly or by contract the interests of the unrepresented public in agency proceedings, either on its own initiative or by request of the agency. It could initiate rulemaking proceedings and could seek judicial review or consideration of administrative actions or inactions where the issues involved substantially affect the interests of the unrepresented public.

The Corporation would also serve a clearinghouse function of collecting and disseminating information concerning rulemaking affecting the unrepresented public.

The term "unrepresented public" is generally defined in the bill as "persons or groups of persons whose collective interests are not likely to be adequately represented in regulatory agencies of the United States, because such persons lack resources or organization necessary to provide such representation." I believe that the Board of the Corporation can determine the precise substantive areas of involvement based on input from presently existing public interest organizations and on a study of areas where the public is not at present adequately represented by any groups of organizations.

Last summer my Subcommittee on Administrative Practice and Procedure held hearings on the public counsel bill introduced last session (S. 3434). Mr. Ralph Nader and FCC Commissioner Nicholas Johnson—two men who have over the period of recent years devoted as much energy to pressing for recognition of the public interest in administrative decisionmaking as anyone here in Washington—strongly and clearly made the case for this type of legislation. Eight public interest lawyers participated in a roundtable hearing on the bill, their experiences and problems in trying to initiate or participate in proceedings before various agencies stand as strong testimony for the need for Government support of public interest advocacy.

We will soon be continuing our hearings on the bill I am introducing today—which has been modified based upon suggestions at last year's hearings. I hope that through hearings on the Public Counsel Corporation bill and Senate consideration of the legislation we can make the agencies and departments of Government more mindful of the needs and interests of the public, and that we can begin to reverse the average citizen's feeling of powerlessness to influence the course of Government activities affecting his daily life.

By Mr. McGEE:

S. 1424. A bill to amend chapter 89 of title 5, United States Code, to provide improved health benefits for Federal employees. Referred to the Committee on Post Office and Civil Service.

Mr. McGEE. Mr. President, I introduce for appropriate reference a bill to provide the Federal employee, for the first time in history, with a truly comprehensive health benefits program. This measure, built upon our experience over 11 years with the provisions of the Federal Employees Health Benefits of 1959, is a logical next step to assure that Federal officers and employees have the kind of health insurance they need and deserve in this era of inflated medical costs.

The 1959 act, bringing the Federal Government into the field of health insurance at a date far later than private industry had entered it, was initially intended to make the Federal Government competitive as an employer by the addition of this important fringe benefit. This landmark measure which was moved into operation speedily and effectively by the Civil Service Commission, achieved that goal. But over the years, the Government's contribution, established by law as a fixed dollar amount, diminished as a percentage of the total as costs spiraled. In 1970, it had dropped to 28 percent of the high option premium. And only then did Congress act to increase that percentage to 40 percent. For years, employees contributed far more than was envisioned in 1959. Additionally, gaps in coverage became apparent. Studies showed that the multiplicity of plans available was confusing to many who had to make a selection. And the difficult paperwork involved in filing claims raised the question whether some insured employees actually were getting what was coming to them.

The bill I introduce today amends the Federal Employees Health Benefits Act of 1959. The purpose of this bill is threefold.

First, it broadens coverage to include legitimate medical expenses not covered by any of the insurance underwriters who contract with the Civil Service Commission to provide health benefits under existing law. There are currently 40 different plans operating under the Health Benefits Act of 1959. The new comprehensive plan to be authorized by this bill would not involve any insurance carriers. The new plan would be financed and administered by the Civil Service Commission.

Second, the bill would vest in the Civil Service Commission the authority to establish fee schedules for medical, surgical, and hospital services. These schedules, which could be determined after consultation with representatives of the medical profession, would become generally accepted as appropriate fees to be charged for the kinds of services rendered in the community.

Third, the bill provides for an increase in the amount the Government pays for the cost of the program from the present level of 40 percent of the average high option premium to 75 percent, effective 3 years from enactment.

I view this program as being vitally important to Federal employees and to the Government itself—important because it views the imperatives of health care in terms of today's health costs and needs, not those of 11 years ago. Present health insurance coverage in many cases is totally inadequate for our employees' needs.

Consider the areas of medical care that are not currently covered. Existing legislation ignores the cost of routine dental attention or even dental disease. Dental care is covered only if the treatment is for traumatic injury. If an employee's child is "lucky" enough to have his teeth knocked out in an accident, his treatment is covered. Otherwise the cost of dental treatment comes out of the employee's pocket. And who today views orthodontal treatment—the straightening of teeth, which becomes more expensive every year—as somehow off the beaten path of medical expenses? Such treatment is not covered. Present-day legislation also excludes the not unusual expenses of eyeglasses and hearing aids.

A Federal employee who pays $350 a year for health insurance under the present health benefits program must, in almost all cases, pay all of his dental bills, all of the bills for the routine care of his children, all of the bills for eyeglasses or hearing aids, plus a deductible, plus 20 or 25 percent of all other expenses incurred in a year. It is really not uncommon for an employee to pay $500 or $600 a year for health insurance and medical expenses and not get a single dime's worth of rebate from his plan.

I do not mean to be unduly critical of the present program. It is among the best available. Last year, the Federal program paid out $1,180 million in benefits for 8 million employees and family members. But despite that magnificent achievement, the 1959 program is simply not adequate. This bill not only offers the employee broader coverage, it vests in the Civil Service Commission administrative and enforcement powers. It thus enables the Commission to serve as a servant of the employee, assuring that his rights under law will be protected, assuring that neither redtape nor a lack of understanding of the employee's various entitlements will stand between him and his due.

Public hearings will be scheduled before the Post Office and Civil Service Committee on this legislation after the Easter recess. I invite my colleagues, the administration officers of the Civil Service Commission and individuals in the health insurance business, as well as our millions of Federal employees to review my proposal and make whatever suggestions they deem constructive so that the goal of excellent health insurance protection can be rapidly achieved.

By Mr. JAVITS (for himself and Mr. Hughes):

S. 1425. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide an increase in the appropriations authorizations for the Commission on Marihuana and Drug Abuse. Referred to the Committee on Labor and Public Welfare, and ordered to be held at the desk until the next session of the Senate.

Mr. JAVITS. Mr. President, I introduce on behalf of myself and the Senator from Iowa (Mr. Hughes), for appropriate reference, a bill to increase the authorization for the Commission on Marihuana and Drug Abuse from $1 million to $4 million.

The Commission on Marihuana and Drug Abuse was established by Public Law 91-513 of October 27, 1970, to conduct a comprehensive study of drug abuse and the use of marihuana in the United States. The study of marihuana will include the extent and nature of use of marihuana in the United States, an evaluation of the efficacy of existing laws on marihuana and international control of marihuana. The Commission will also investigate the physical and psychological effects of marihuana and the relationship of its use to drug addiction and to aggressive behavior and crime. A report on the findings of the Commission relating to marihuana is required within 1 year after the date funds become available for the study.

The Commission will also conduct a comprehensive study and investigation of the causes of drug abuse and their relative significance. If advisable, they will submit interim reports to the President and the Congress and within 2 years after the date funds become available, they will make a final report of their findings and conclusions. The Commission will terminate 60 days after the submission of the report.

Since the Commission's formation, an indepth review of its congressional mandates has been undertaken. It is becoming evident that the present $1 million authorization will be insufficient for the Commission to fulfill its responsibilities to the President and the Congress over the next 2 years.

A $4 million authorization would insure the ability of the Commission to hire the staff necessary to handle its daily affairs and the staff and consultants necessary to undertake special projects relating to the extent, scope, and avenues of approach to the marihuana and drug problem. Increased funding will also enable the Commission to contract for special services, such as a comprehensive literature compilation and evaluation, special research projects, and feasibility studies. This contracting capability is exceedingly important in light of the fact that the Commission has only 1 year within which to complete its marihuana investigation and the remaining year to complete its general drug abuse study.

Mr. President, I ask unanimous consent that this particular measure, because it is so important within our compass, be referred to the Committee on Labor and Public Welfare; and I also ask unanimous consent that the reference be held at the desk for 1 day, or until the next session of the Senate, so that if there is any objection from any committee, it may be recorded. We believe, however, that it has been cleared, but we just want to be sure.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. JAVITS (for himself and Mr. Buckley):

S. 1426. A bill to establish the Van Buren-Lindenwald Historic Site at Kinderhook, N.Y. and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JAVITS. Mr. President, I introduce today on behalf of myself and my colleague, Senator Buckley, a bill to establish the Van Buren-Lindenwald Historic Site at Kinderhook, N.Y. The proposed Lindenwald National Historic Site would preserve and protect the property of President Martin Van Buren whose public career touched every aspect of government. Adequate facilities in existing structures on the site will allow the public to have great use and enjoyment of the historic property. Historians would be encouraged to study the site and the proposed collection of Van Buren memorabilia. Comprehensive planning will be coordinated with the appropriate State agencies to assure protection of the setting of Lindenwald.

The property was purchased by Van Buren in 1839 and consisted of a house and 130 acres of land. The original house on the property was built in 1797. The present property consists of approximately 13 acres.

There have been previous efforts to preserve Lindenwald and the National Park Service has evaluated the site as to its possibilities for management as a national historic site. They have determined that Lindenwald is of national significance as the only surviving structure closely associated with President Van Buren. The only thing that remains is for action to be taken to effectively set up the machinery for preserving this historic property.

Bills on this subject have been previously introduced in both Houses of Congress including a bill which I have previously introduced. In this session, Congressman Fish of New York has introduced this bill in the House and I am hopeful that we will finally take action to preserve this historic property.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1426

A bill to establish the Van Buren-Lindenwald Historic Site at Kinderhook, New York, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of preserving for the education and inspiration of present and future generations the former residence (from 1841 until 1862) and only remaining structure intimately associated with Martin Van Buren, eighth President of the United States, the Secretary of the Interior shall acquire, on behalf of the United States, by gift, exchange, or purchase (with donated or appropriated funds) the real property and improvements thereon known as Lindenwald and located at Kinderhook, New York, together with such adjacent or related lands and interests therein as the Secretary determines are necessary for the establishment of a national historic site. The property so acquired shall be known and designated as the Van Buren-Lindenwald National Historical Site. The Secretary may also acquire personal property used or to be used in connection with the administration and interpretation of the national historic site.

Sec. 2. The National Park Service, under the direction of the Secretary of the Interior, shall administer, protect, and develop the Van Buren-Lindenwald National Historic Site, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C., sec. 1 and others), and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C., sec. 461 and others).

Sec. 3. There are authorized to be appropriated from time to time such sums as may be necessary to carry out the provisions of this Act.

By Mr. TUNNEY (for himself and Mr. Bayh and Mr. Cranston):

S. 1427. A bill to amend the Disaster Relief Act of 1970 to provide additional authority for the cancellation of disaster and emergency loans. Referred to the Committee on Public Works.

Mr. TUNNEY. Mr. President, I introduce today for appropriate reference legislation to expand the Federal aid available to homeowners and businesses for reconstruction following the tragic California earthquake of February 9.

This legislation is proposed as an amendment to the Disaster Relief Act of 1970, enacted last year under the leadership of Senator Bayh. I am therefore especially pleased to be joined by Senator Bayh as well as by my fellow Californian, Senator Cranston, in introducing this legislation.

The Disaster Relief Act presently provides for full Federal grants to repair and reconstruct damaged or destroyed public facilities under this authority. The Office of Emergency Preparedness has announced that it will provide approximately $232 million in grant aid. This vital help will be used to replace damaged roads, schools, sewers and water mains, and other public property.

For private property owners, the Disaster Relief Act provides relief which, in my judgment, has been shown by the recent earthquake to be less effective. The Small Business Administration and the Farmers Home Administration, where applicable, are authorized to extend disaster or emergency loans on special terms when a major disaster has occurred.

The Small Business Administration has been the active lending agency in California, due to the location of the areas hardest hit by the earthquake. Under its program, loans are made to homeowners and businessmen to the extent loss or damage or injury is not compensated for by insurance or otherwise. After the first $500 the SBA is directed to cancel $2,500 of the principal of any such loan, if the loan is made to cover losses and damage and injury resulting from major disasters as determined by the President. Moreover, the SBA may in its discretion defer interest payments or principal payments, or both, in whole or in part, on any such loan during the first 3 years of the loan term.

Special provisions of present legislation now allow these loans to be made without regard to whether the required financial assistance is available from private sources.

Further, present law provides that the SBA, and the FHA under its analogous authority, may also refinance all existing mortgages or other liens where a house or business concern is totally destroyed or substantially damaged. This additional refinancing is limited so that the amount refinanced shall not exceed the amount of the principal loss actually sustained. And such refinancing is subject to the provisions for forgiveness of $2,500 of the principal, and for not requiring proof that aid was unavailable from other sources.

Mr. President, this present legislation was fully considered by committees of both the Senate and the House, and builds on our past experience with other tragic disasters. I seek to preserve the carefully drawn basic structure of the provisions for the SBA and FHA loan programs.

I do feel, however, that further aid within those programs is urgently needed. The legislation I introduce today would accomplish this by a straightforward and minor change in the language of those sections. Under this legislation, the benefits and limits of the present law would be preserved, except as to the amount of loan principal which could be forgiven. Under the new bill, the homeowner or businessman suffering under a major disaster would still have $2,500 of the first $3,000 of his loan forgiven. Thereafter, however, he would under the new bill have 50 percent of the additional loan forgiven up to a total forgiven amount of $20,000. Under this provision, a homeowner or businessman who suffered a loss requiring a $38,000 loan would receive $20,000 by way of forgiven principal. I suggest this 50-percent Federal forgiveness is entirely fair because it encourages, but does not require, matching State aid. Senators will recall that a Federal-State matching-grant program was used after the Alaskan earthquake, and that the Federal share was set at 50 percent in that case.

Moreover, I firmly believe this extension of Federal aid is vitally needed in any community which suffers, as did those in southern California, vast damage to private homes and businesses. Realities require that we reorganize the crushing burden imposed by disaster on homeowners already struggling with a heavy debt load, to maintain their own house or business. We must now move to extend the aid currently available by extending it to levels realistically adequate to meet the needs of the more than 20,000 homeowners and businessmen who have applied for help since the earthquake struck on February 9.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1427

A bill to amend the Disaster Relief Act of 1970 to provide additional authority for the cancellation of disaster and emergency loans

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 231(1) of the Disaster Relief Act of 1970 is amended to read as follows:

"(1) to the extent such loss or damage or injury is not compensated for by insurance or otherwise, (A) shall, in the case of any loan in a principal amount of not less than $500 or more than $3,000, cancel that part of the loan which is in excess of $500, and, in the case of any loan in a principal amount of more than $3,000, cancel $2,500 of the principal amount of the loan plus 50 per centum of that part of the loan which is in excess of $3,000; except that the total amount canceled under this clause (A) shall not exceed $20,000, and the authority conferred by this clause (A) shall be exercised only with respect to loans made to cover losses and damage and injury resulting from major disasters as determined by the President, and (B) may defer interest payments or principal payments, or both, in whole or in part, on any loan made under this section during the first three years of the term of the loan except that any such deferred payments shall bear interest at the rate determined under section 234 of this Act.

(b) Section 232(1) of such Act is amended to read as follows:

"(1) to the extent such loss or damage is not compensated for by insurance or otherwise, (A) shall, in the case of any loan in a principal amount of not less than $500 or more than $3,000, cancel that part of the loan which is in excess of $500, and, in the case of any loan in a principal amount of more than $3,000, cancel $2,500 of the principal amount of the loan plus 50 per centum of that part of the loan which is in excess of $3,000; except that the total amount canceled under this clause (A) shall not exceed $20,000, and the authority conferred by this clause (A) shall be exercised only with respect to loans made to cover losses and damage resulting from major disasters as determined by the President, and (B) may defer interest payments or principal payments, or both, in whole or in part, on any loan made under this section during the first three years of the term of the loan except that any such deferred payments shall bear interest at the rate determined under section 234 of this Act."

Sec. 2. The amendments made by the first section of this Act shall be effective on and after January 1, 1971.

By Mr. PERCY (for himself, Mr. Bayh, Mr. Hart, Mr. Humphrey, Mr. Javits, Mr. Mathias, Mr. Stevenson, Mr. Hatfield, Mr. Tunney, Mr. Taft, Mr. McGee, Mr. Randolph, Mr. Williams, Mr. Cannon, Mr. Pastore, and Mr. Roth):

S. 1428. A bill to amend title of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice. Referred to the Committee on the Judiciary.

Mr. PERCY. Mr. President, I am today reintroducing with the cosponsorship of the Senator from Indiana (Mr. Bayh), the Senator from Michigan (Mr. Hart), the Senator from Minnesota (Mr. Humphrey), the Senator from New York (Mr. Javits), the Senator from Maryland (Mr. Mathias), and the Senator from Illinois (Mr. Stevenson), a bill to establish an Institute for the Continuing Studies of Juvenile Justice. Many of my colleagues may be aware that this bill was introduced in the House by Congressmen Tom Railsback, Abner Mikva, and Edward Biester and that it has strong bipartisan support from over 100 cosponsors. Last year both Congressman Railsback and I testified before the House Judiciary Committee on this proposal. I am pleased to commend Representative Railsback for his creativity, his initiative, and his deep understanding of this problem as well as his devotion to finding a solution to it. I am hopeful that, in light of the recent report to Congress by the Youth Development and Juvenile Delinquency Prevention Administration and heightened congressional interest in the problem of juvenile delinquency, we can move favorably toward implementing such an institute.

The subject of juvenile crime has been thoroughly studied and documented in the last few years. Yet if the reiteration of the statistical facts helps us focus our attention toward constructive action, then they do bear repeating.

Juvenile court statistics for 1969, soon to be published by the National Center for Social Sciences of the Department of Health, Education, and Welfare, reveal that almost 1 million juvenile delinquency cases were handled by juvenile courts in 1969, representing a 10 percent increase over the previous year. Young people involved in court action constitute 2.7 percent of all children between the ages of 10 and 17.

For the period 1960–69, juvenile arrests increased by 90 percent, compared to an overall 71 percent increase in total arrests. Even more alarming is the fact that juvenile arrests for violent crimes rose by 148 percent during the same period, according to FBI accounts. Not only are youths becoming increasingly involved in all antisocial behavior, but they are participating to greater degrees in the serious crimes of murder, forcible rape, robbery, and aggravated assault. When serious crimes are considered, persons under the age of 15 make up 22 percent of all arrests and those under 18 almost one-half. We are forced to ask ourselves what conditions in our society and judicial system give rise to such increases and cause more than 75 percent of those juveniles in detention to one day reenter the correction process.

What chance does a juvenile have to be rehabilitated, when over 39 percent of our Nation's juvenile courts have no provisions for separate juvenile facilities? Young people are often tossed into jails and prisons along with derelicts and hardened criminals. Of those States that do have juvenile detention homes, more than half of them do not offer any diagnostic services or studies. Only a few States have gone so far as to develop regional detention facilities that can provide more direct attention to the juvenile's personal reasons for being there. I am pleased to say that Illinois is currently moving toward a regionalization of correctional treatment centers and improving its facilities along the goal of community-based institutions.

There is no question but that the special problems of youth and the techniques and procedures we utilize for handling delinquents in juvenile courts require flexibility, significantly more understanding and greater expertise by all personnel who work with juvenile offenders. The ultimate goal of our juvenile program must be to prevent youths from establishing a pattern of deviant behavior and serious crime that will eventually bring them back into our prisons and jails. Such a goal requires community support, for our institutions must be community based for optimum effectiveness. These programs will require a new leadership and coordination from the Federal level, both of which have been seriously lacking.

In the annual report of the Youth Development and Delinquency Prevention Administration, submitted to Congress by the President last week, the case for national leadership and coordination is well presented. The summary of major findings reports the following:

> There is little coherent national planning or established priority structure among the major programs dealing with the problems of youth development and delinquency prevention. . . . There is a strong indication that although bits and pieces of the Federal response to the problems of youth and delinquency may be achieving their discrete objectives, the whole, in terms of the overall effectiveness of Federal efforts, may be less than the sum of its parts . . . There is a lack of effective national leadership dealing with all youth including delinquents. . . . State planning has been spasmodic and ineffective. . . . No model systems for the prevention of delinquency or the rehabilitation of delinquent youth that have been developed or implemented.

The report recommends a new national program strategy and a concentration of emphasis on new knowledge and techniques into a model system for guiding State and local agencies.

The Institute for the Continuing Studies of Juvenile Justice which would be created under the legislation I am proposing today offers the unification and Federal leadership that is called for. The purpose of the Institute is to serve as an information bank for the systematic collection of data obtained from studies and research by public and private agencies on juvenile delinquency, including, but not limited to, programs for the prevention of juvenile delinquency, training of youth corrections personnel, and rehabilitation and treatment of juvenile offenders. Aside from the packaging of a vast amount of data on delinquent behavior, the center would provide short-term training for corrections personnel and would assist State and local agencies in developing technical training programs within the States.

The Institute is to function independently of any other Federal agency, although it will coordinate its efforts with those of the Department of Justice and the Department of Health, Education, and Welfare. A director is to be appointed by the President with the consent of the Senate and will serve as administrator and coordinator of the Institute's personnel for a term of 4 years. Policy and planning for the Institute will be the responsibility of an Advisory Commission, consisting of the Attorney General, the Secretary of Health, Education, and Welfare, the Director of the U.S. Judicial Center, the Director of the National Institute of Mental Health, and 14 other members who have training and experience in the area of juvenile delinquency.

The value of a national institute for juvenile justice has been clearly pointed out in the hearings held in the House by both the Judiciary Committee and the Select Committee on Crime last year and in testimony before the Senate Subcommittee To Investigate Juvenile Delinquency.

The cost of our continued inaction may be greater than we think. We can no longer afford to ignore one of the most serious social problems confronting our society.

I believe that our juvenile corrections personnel should be fully prepared to handle the special problems of the young offender, and that they should have the latest, most comprehensive information and training possible. To deny this would mean an agreement to let yet another generation of our youth experience a further increase in delinquent behavior. This can only mean wasted and useless lives. I do not believe that we should tolerate this further human destruction. Why should we willingly accept the fact of juvenile crime when passage of the legislation I am introducing today would mean a difference that we could all see within our own time?

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 221

Mr. KENNEDY. Mr. President, I ask unanimous consent that the following Senators be listed as cosponsors of S. 221, the Fisheries Development Act of 1971: Senators PASTORE, STEVENS, MUSKIE, PELL, BROOKE, GRAVEL, FONG, INOUYE.

Mr. President, I want to emphasize the urgency of congressional action on legislation for the development of the American fishing industry. Recent headlines concerning the harassment and seizure of fishing vessels in the waters of South America and the controversy over mercury contents of fish products are symptomatic of grave problems facing the fishing industry.

The American fishing industry—which, for decades, led the world in productivity and prosperity—today is experiencing serious economic decline.

Since 1945, domestic catch has remained static at 4 to 6 billion pounds while world hauls have tripled from 43 billion pounds to 123 billion pounds.

There has been a steadily growing influx of imported seafood. More than $700 billion worth of foreign seafood products are now consumed annually in the United States. In 1959, 61 percent of U.S. fish consumption was produced by the domestic industry; in 1969, the U.S. fishing industry supplied only 39 percent of the seafood consumed by the American public.

The plight of our fishermen is even more serious because it represents a failure to realize our tremendous potential: in domestic demand, and in an available supply easily accessible to U.S. fishermen.

Public demand for seafood has almost tripled since World War II—from 5.3 billion pounds in 1945 to 14.2 billion in 1967—yet domestic output has not significantly increased. By the year 2000 U.S. demand is expected to double again to more than 31 billion pounds.

However, instead of growing to meet the new demand, the U.S. fishing industry has actually shown a major decline—a decline that has dropped the United States from second to sixth among the nations of the world in a single decade.

Several factors have contributed to this decline: they are overlapping and contradictory Federal, State and local regulations; depletion of species through overconcentration; prohibitive costs of building, equipping and insuring vessels; and outdated fleets and techniques competing with subsidized modern foreign vessels.

The current profile of the American fishing industry is dismal—but it is not without hope. A growing and vital fishing industry could stimulate economic development at home and abroad; develop new tools for dealing with hunger and malnutrition here and in developing nations; improve our balance of payments; increase our technical and research capabilities for tapping the vast marine resources; enhance our position as a world maritime leader and confirm that the American economy can and does adapt to changing conditions. If the fishing industry is to be revitalized, the Federal Government must play a key role in providing the fishing industry with adequate support and assistance.

The Fisheries Development Act of 1971 proposes in eight-step program to meet the immediate needs of this emergency situation and to insure continued health and vitality for this industry:

First, the creation of a fisherman's extension service to centralize and systematize now fragmented information and assistance;

Second, establishment of a program of technical assistance grants to enable fishermen to take advantage of modern equipment and methods to increase their productivity;

Third, encouragement of expansion into new species;

Fourth, establishment of a comprehensive study of existing regulations at all levels of government;

Fifth, a thorough and continuing review of the fish import situation;

Sixth, research into fish protein concentrate as a significant dietary supplement;

Seventh, grants to fishermen's cooperative associations which can coordinate efforts in regional areas; and

Eighth, authorization and assistance in the formation of fisheries marketing agreements to facilitate group efforts to market products, promote the development of new products, and conduct marketing research.

In addition, I shall shortly introduce supplementary legislation to deal specifically with the fishing industry's requirements for an adequate source of insurance. Premiums both for hull insurance and for personal liability insurance for the fishing industry have skyrocketed and American insurance companies have been increasingly reluctant to provide insurance at any cost.

Mr. President, I have known and talked with fishermen from the great ports at New Bedford, Gloucester, and Boston all my life. I have known their courage; their strength; their humor; their traditions and folklore; and their pride in lives spent at sea.

But now, speaking with these same men I hear of frustration; of fear; of despair; of a ghost that once was the pride of all New England and all the Nation.

The urgency of the situation is clear and the need for action is immediate. My proposal is not a panacea, but a step in the right direction. We must restore to the fisherman and his family their livelihood. A firm commitment today will save the industry for tomorrow.

Thus I am encouraged by the decision of the Senators who have joined me in this measure which can bring urgently needed relief to the U.S. fishing industry.

S. 635

At the request of Mr. ALLIOTT, the Senator from Idaho (Mr. JORDAN) and the Senator from Arizona (Mr. FANNIN) were added as cosponsors of S. 635, a bill to amend the Mining and Minerals Policy Act of 1970.

S. 664

At the request of Mr. COOK, the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), the Senator from Kansas (Mr. DOLE), the Senator from North Carolina (Mr. ERVIN), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), the Senator from Kansas (Mr. PEARSON), and the Senator from Wyoming (Mr. HANSEN) were added as cosponsors of S. 664, the Daylight Saving Time bill.

S. 731

At the request of Mr. JAVITS, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 731, to make rules respecting military hostilities in the absence of a declaration of war.

S. 1030

At the request of Mr. Randolph, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 1030, a bill to amend the Vocational Rehabilitation Act in order to assure rehabilitation services to older blind persons, and for other purposes.

S. 1071

At the request of Mr. BOGGS, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1071, a bill to clarify the status of funds of the Treasury deposited with the States under the act of June 23, 1936.

S. 1085

At the request of Mr. HANSEN, the Senator from Kansas (Mr. PEARSON) was added as a cosponsor of S. 1085, a bill to amend the Federal Meat Inspection Act.

S. 1173

At the request of Mr. METCALF, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1173, to redefine disability for purposes of social security benefits.

S. 1209 AND S. 1251

At the request of Mr. HANSEN, the Senator from Kansas (Mr. PEARSON), the Senator from Arizona (Mr. FANNIN), the Senator from Nebraska (Mr. CURTIS), the Senator from North Dakota (Mr. YOUNG), the Senator from Utah (Mr. MOSS), the Senator from Utah (Mr. BENNETT), and the Senator from Colorado (Mr. DOMINICK) were added as cosponsors of S. 1209, a bill relating to the control of noxious plants on Federal lands; and the Senator from North Dakota (Mr. YOUNG), the Senator from Arizona (Mr. FANNIN), the Senator from Utah (Mr. BENNETT), the Senator from Nebraska (Mr. CURTIS), the Senator from Mississippi (Mr. EASTLAND), the Senator from New Mexico (Mr. ANDERSON), and the Senator from Florida (Mr. GURNEY) were added as cosponsors of S. 1251, a bill relating to quotas on certain meat and meat products.

S. 1298

At the request of Mr. GURNEY, the Senator from Wyoming (Mr. HANSEN), the Senator from Utah (Mr. BENNETT), the Senator from Oklahoma (Mr. HARRIS), the Senator from California (Mr. CRANSTON), and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors of S. 1298, a bill to prescribe regulations requiring certain modes of public transportation in interstate commerce to reserve some seating capacity for passengers who do not smoke.

S. 1307

At the request of Mr. RANDOLPH, the Senator from Iowa (Mr. MILLER) was added as a cosponsor of S. 1307, a bill to provide increased employment opportunities for middle-aged and older workers, and for other purposes.

SENATE JOINT RESOLUTION 4

At the request of Mr. JAVITS, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S.J. Res. 4, a joint resolution to authorize and request the President to proclaim the period April 19, 1971, through April 23, 1971, as "School Bus Safety Week."

SENATE CONCURRENT RESOLUTION 13—SUBMISSION OF A CONCURRENT RESOLUTION TO ESTABLISH A JOINT CONGRESSIONAL COMMITTEE ON EXECUTIVE IMPOUNDMENT OF FUNDS

Mr. ERVIN. Mr. President, I submit for appropriate reference a concurrent resolution which would establish a Joint Congressional Committee on Executive Impoundment of Funds. My distinguished colleague in the other body, Mr. BENNETT of Florida, is today introducing an identical measure in the House of Representatives.

While I do not look with favor upon creating new congressional committees, I feel that the constitutional questions presented by the ever-increasing impoundment of congressionally appropriated funds by the executive branch is serious enough to warrant the establishment of a joint committee to oversee the executive branch in this regard. This measure would simply establish a joint committee which would report to the Congress on instances of impoundment by the executive branch, and make recommendations for congressional action.

As I mentioned on the floor of the Senate yesterday in my colloquy with the distinguished chairman of the Senate Appropriations Committee, Mr. ELLENDER, the Senate Subcommittee on Separation of Powers, of which I am chairman, conducted 3 days of hearings beginning on March 23 through 25 on the question of impoundment of funds by the Executive. During the hearings it became apparent that this administration, as well as others preceding it, has utilized the impoundment process to thwart the will of Congress. The current level of impoundment, according to the Office of Management and Budget, exceeds $12 billion, a sum which is not to be taken lightly, especially in view of the fact that we have not eradicated the age-old scourge of cancer, and in view of the fact that many of our Nation's veterans are unable to be admitted to VA hospitals because of a lack of space.

Mr. President, the Constitution grants all legislative power to the Congress, and this includes the power to appropriate money. When the President is allowed to impound funds to effectuate policy in direct contravention of congressional will, we no longer have a "government under law" and the separation-of-powers doctrine is nothing more than a sham.

As I mentioned yesterday on the floor of the Senate, the subcommittee is studying a proposed measure which would require the President to report to Congress when he impounds funds appropriated by Congress for a specific project, whereupon the Congress will have an opportunity to veto his action within a certain number of days or his action will die. I shall have more to say about this proposal in the near future.

Mr. President, the measure I am submitting today is a step in the right direction toward returning to Congress its power over the purse. The matter of impoundment of funds by the executive branch of the Government is indeed serious and requires prompt remedial action by the Congress if it is to carry out its constitutional mandate.

Mr. President, I ask unanimous consent to have printed in the Record at this point the text of the concurrent resolution.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred; and, without objection, will be printed in the Record.

The concurrent resolution (S. Con. Res. 13), which reads as follows, was referred to the Committee on Government Operations:

S. Con. Res. 13

Resolved by the Senate (the House of Representatives concurring), That (a) there is established a joint congressional committee which shall be known as the Joint Committee on Impoundment of Funds (hereafter in this concurrent resolution referred to as the "committee") consisting of five Members of the Senate to be appointed by the President pro tempore of the Senate, and five Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Of the five Members of the Senate appointed under this subsection, three Members shall be from the majority party, and two Members shall be from the minority party. Of the five Members of the House of Representatives appointed under this subsection, three Members shall be from the majority party, and two Members shall be from the minority party.

(b) The committee shall expire at the close of the 2d session of the 92d Congress.

(c) The committee shall select a chairman and a vice chairman from among its members. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship shall alternate between the Senate and House of Representatives and the chairman shall be selected by Members from the body entitled to the chairmanship. The vice chairman shall be chosen from the other body.

(d) Vacancies in the membership of the committee shall not affect the authority of the remaining members to execute the functions of the committee. Vacancies shall be filled in the same manner as original appointments are made.

(e) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony.

(f) The committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded. All committee records, data, charts, and files shall be the property of the committee and shall be kept in the offices of the committee or such other places as the committee may direct.

(g) No legislative measure shall be referred to the committee, and it shall have no authority to report any such measure to the Senate or to the House of Representatives.

Sec. 2. (a) It shall be the duty of the committee to conduct a continuing comprehensive study and review of the President's constitutional power to terminate authorized Federal projects for which appropriations have been made or to withhold funds for same and to report to the Congress its findings in a final report before the close of the 92d Congress. The committee may make such interim reports to the appropriate standing committees of the Congress as it deems advisable.

(b) In carrying out its functions and duties the committee shall avoid unnecessary duplication with any investigation undertaken by any other joint committee, or by any standing committee of the Senate or of the House of Representatives.

Sec. 3(a) For the purpose of this concurrent resolution, the committee is authorized, as it deems advisable (1) to make such expenditures; (2) to hold such hearings; (3) to sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate and of the House of Representatives; and (4) to employ and fix the compensation of technical, clerical, and other assistants and consultants. Persons employed under authority of this subsection shall be employed without regard to political affiliations and solely on the basis of fitness to perform the duties for which employed.

(b) The committee may (1) utilize the services, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Congress, or any subcommittee thereof, the committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the committee determines that such action is necessary and appropriate.

Sec. 4. To enable the committee to exercise its powers, functions, and duties under this concurrent resolution, there are authorized to be appropriated for each fiscal year such sums as may be necessary to be disbursed by the Clerk of the House of Representatives and the Secretary of the Senate on vouchers signed by the chairman or vice chairman of the committee.

SENATE CONCURRENT RESOLUTION 14—SUBMISSION OF A CONCURRENT RESOLUTION TO PRINT REPORT ON "CONTROL OF HAZARDOUS POLLUTING SUBSTANCES"

Mr. RANDOLPH submitted a concurrent resolution (S. Con. Res. 14) to print as a Senate document the report of the Secretary of Transportation on "Control of Hazardous Polluting Substances," which reads as follows, and was referred to the Committee on Rules and Administration:

Resolved by the Senate (the House of Representatives concurring), That there be printed as a Senate document, the report of the Secretary of Transportation, entitled "Control of Hazardous Polluting Substances", submitted to Congress in accordance with Section 12(g) of the Federal Water Pollution Control Act as amended, and that there be printed two thousand five hundred additional copies for the use of the Committee on Public Works.

SENATE RESOLUTION 88—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF REPORT ENTITLED "PROGRESS IN THE PREVENTION AND CONTROL OF AIR POLLUTION"

Mr. RANDOLPH submitted a resolution (S. Res. 88) authorizing the printing of the report entitled "Progress in the Prevention and Control of Air Pollution" as a Senate document, which reads as follows, and was referred to the Committee on Rules and Administration:

Resolved, That the annual report of the Administrator of the Environmental Protection Agency to the Congress of the United States (in Compliance with Public Law 90–148, The Clean Air Act, as amended) entitled "Progress in the Prevention and Control of Air Pollution", be printed as a Senate Document.

Sec. 2. There shall be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

SENATE RESOLUTION 89—ORIGINAL RESOLUTION REPORTED RELATING TO PROMPT REMOVAL OF DISCRIMINATORY PREFERENCES ON CITRUS FRUITS GRANTED BY THE EUROPEAN ECONOMIC COMMUNITY

Mr. LONG, from the Committee on Finance, reported an original resolution (S. Res. 89) expressing the sense of the Senate with respect to the prompt removal of discriminatory preferences on citrus fruits granted by the European Economic Community, and action to be taken by the United States if such discriminatory preferences are not promptly removed, and submitted a report thereon, which resolution was placed on the calendar, and the report was ordered to be printed.

NOTICE OF HEARINGS ON NURSING HOMES

Mr. MOSS. Mr. President, on April 2 and 3, my Subcommittee on Long-Term Care of the U.S. Senate Special Committee on Aging will continue its study into "Trends in Long-Term Care" with hearings scheduled in Chicago, Ill.

These hearings will be held at the University of Illinois circle campus, room 250, Behavior Science Building, Morgan and Harrison Streets, Chicago, Ill., beginning at 9:30 a.m.

These hearings, Mr. Chairman, were prompted by a recent newspaper series which reflect the result of a study of Chicago area nursing homes by the Chicago Tribune investigative task force in conjunction with the Better Government Association. The series asserted that widespread irregularities exist in inspection procedures and that nursing home residents in general are receiving very poor care.

The series in the Chicago Tribune is another example of the expanded public interest in the operation of nursing homes. The Tribune series joins previous investigations by the Associated Press, the New York Times, the St. Petersburg, Fla., Times, and the Baltimore Evening Sun, and so forth, each calling for new legislation as well as better enforcement of existing statutes.

Congressman David Pryor of Arkansas continues to detail problems in the nursing home field as he pushes his bill for the creation of a Committee on Aging in the House of Representatives. I am pleased to note that the Congressman now has some 231 cosponsors for his bill, and I am hopeful that the bill will be passed.

The Subcommittee on Long-Term Care of which I have been chairman since 1963 has conducted hearings on these problems in 1963, 1964, 1965, 1967, 1969, and 1970. In 1970 we conducted 10 hearings including investigations into the Baltimore salmonella epidemic and the Marietta, Ohio, nursing home fire. It is my intent to issue a report to the Congress based upon these hearings and suggest what needs to be done on the Federal level.

Perhaps it is unfortunate that we must always focus on problems when we talk about nursing homes. There are many examples of good nursing homes and there are innovations which serve the public as well as the patient. Once such example is provided by the Nampa Drug Co., in Nampa, Idaho. Although I have not seen this system personally, the description of the program which seeks to control the flow of drugs going to nursing home patients is most interesting. I am grateful to Senator Church, chairman of the committee, for calling it to my attention.

I submit herewith the information supplied to me by Mr. John Rawlings about this program along with an excellent article on nursing homes found in the March edition of the AFL–CIO Federationist.

I ask unanimous consent that the letter and articles be printed at this point in the Record.

There being no objections, the letter and articles were ordered to be printed in the Record, as follows:

Nampa Drug,
Nampa, Idaho, January 26, 1971.

Hon. Frank E. Moss,
Chairman, Subcommittee on Long-Term Care, Special Committee on Aging, U.S. Senate, Washington, D.C.

Dear Senator Moss: Thank you for your recent letter and for the copy of the testimony given at the hearing before your subcommittee. It is encouraging to note that attention is being given to conditions existing in nursing homes.

Such interest was bound to result when Medicare made it possible for nursing home beds to increase more rapidly than hospital beds. The nursing home business has burgeoned at an astounding rate, and the related health professions have actually been unable to keep pace.

Our interest in nursing home patient care arose out of the fact that we were providing many patients with prescription drugs, and once the prescription was delivered to the nursing home, we had no knowledge of its administration or disposal. We were also concerned with the amount of drug waste resulting when patients died, were removed to a hospital or a home, or medication orders were discontinued. We recognized another very real problem: nursing homes have trouble attracting competent personnel, and this situation inevitably leads to extensive drug misuse and abuse.

Realizing these problems, we did a good deal of research into the concept of hospital pharmacy known as "unit dose," where every single dose of any medication is accounted for, and accountability becomes the joint responsibility of the prescribing physician, the pharmacist and the medication nurse. Documented studies abound of how unit dose has cut down drug abuse and waste in conventional hospitals. We felt that the same care and precision could and should be applied to medication distribution in nursing homes.

Accordingly, we worked out a system to provide pharmacy service to first one, and then all three, of our local nursing homes. This system is described in the enclosed reprint of an article from a trade magazine. Since we first instituted the system in June, 1969, we have assisted pharmacies in neighboring cities, across the state, and soon in Utah, in implementing similar programs. Signally, monetary kickbacks to the nursing homes (unfortunately commonplace in many drug supply setups) have been eliminated from the systems implemented locally. We might say here that while at least one pharmacist, in Ohio, has developed a controlled distribution system that is being marketed throughout the United States, we have not "sold" our program to anyone, although dozens of pharmacists from neighboring states have come to see the system or have inquired about it. We feel that we have a highly professional program that can benefit nursing homes and pharmacies, and have shared our experience on that basis.

You may not be interested in reading this entire article, so I might summarize the advantages of the unit dose system over the conventional prescription system where medication was sent to nursing home patients in 30-day supplies:

1. The cost per-dose per-patient is a fraction higher as compared to a conventional system, but because patients do not pay for medications they do not consume, the net cost is actually no more; the savings more than balance the increment.

2. Because of the system of keeping the patient medication records, the servicing pharmacy knows *all* the medications any patient is receiving, and we have had numerous cases where this knowledge helped avoid drug interactions which could have been serious.

3. The series of checks established from the doctor's order through the pharmacy and through the medication nurse has reduced drug administration errors to less than 1%. This figure is significantly low; hospitals average 6% errors, according to a study made by Dr. Kenneth Barker of the University of Mississippi.

4. The emergency board described in the article has saved numerous patients trips to the hospital for treatment of respiratory, coronary or diabetic trauma.

We like to think that this effort reflects the deep concern of responsible professionals for what is a real social phenomenon, one which will proliferate still more in the future. As we have indicated, hospitals are finding unit dose drug distribution systems to be the answer to many drug headaches. It is our firm belief that unit dose offers at least one solution to the drug problems inherent in most nursing homes and will become standard procedure in the better-operated institutions. Nursing homes are in greater need of such systems than hospitals.

We thank you for your interest.

Very truly yours,
John L. Rawlings, *Pharmacist Manager.*

Unit-Dose Packaging Spurs Optimum Therapy in "Project ECF"

(By John L. Rawlings, R. Ph. and Donald R. Mathieson, R. Ph., Nampa Drug, Nampa, Idaho)

Nampa Drug is a community pharmacy located in the Owyhee Shopping Center in Nampa, Idaho (population 20,000). Prior to June, 1969, Nampa Drug was one of 5 community pharmacies supplying drug services to 3 nursing homes in Nampa. This study deals with the implementation of a unit-dose system—based on principles designed in hospitals—to deliver rational drug therapy to patients of Parkview Manor Nursing Home—a 100-bed extended care facility located in our area.*

To establish this system, Nampa Drug had to become the sole supplier of the drug elements of health care to Parkview. In addition, it was essential to have the system approved by the Idaho State Board of Pharmacy and the Licensing Division of the Idaho State Board of Health. Another vitally interested party was the Department of Public Assistance, County Welfare Department. Finally, the success or failure of the entire project depended on full participation by members of the patient-care team at Parkview Manor.

"Project ECF" is the story of a cooperative venture in health care by professionals deeply concerned with better care for elderly patients.

Can the consultant or community pharmacist provide rational drug therapy for the ever-increasing number of patients in the nation's nursing homes? This question is being asked by the consultant pharmacist himself who recognizes his moral and legal responsibility to upgrade his professional practices and procedures. It is on the lips of those in private and government sectors who are demanding better health care for the elderly. Finally, there are those health care professionals who feel that the consultant pharmacist lacks the experience and expertise to develop better delivery methods for the drug elements of health care to the nation's nursing homes.

Without going into the many and varied relationships that can exist between the community pharmacy and the nursing home certain factors should be considered when discussing the general plight of the community pharmacist.

The "choice of vendor" concept which permits patient or nursing home to select many suppliers for medication needs is questionable—in light of modern demands. The entrance of government and other third party payees into the health care field has meant that great numbers of elderly patients who would have been hospitalized in the past are now in nursing homes. They require the type of sophisticated care, including drug therapy, normally provided in hospitals.

Many Suppliers: Loss of Control

Where the pharmacist is one of many suppliers, he loses control of the medication at the moment of delivery to the nursing home. It is fairly common to find different pharmacies supplying prescriptions for the same patient.

The traditional system whereby the community pharmacy delivers prescriptions to the nursing home has inherent shortcomings. In this system, a 15- to 30-day supply of medication is placed on the drug room shelf of the nursing home. The nurse must select a drug from as many as 500 to 600 assorted bottles (based on 100 beds). This creates a massive storage problem at nursing stations. Not only does this increase the possibilities for medication errors (a rate that may run as high as 15%), but often nurses are burdened with the inconvenience of ordering from multiple drug sources. There has to be a better way.

Before Project ECF, the situation at Parkview Manor was typical of the arrangement many retail pharmacies have made with many nursing homes. Through no one's neglect, but rather due to the rapid increase in nursing home beds in recent years, a drug supply situation had developed which was less than ideal. Nampa Drug supplied individual prescriptions to a number of patients in the home—patients whose prescriptions and refills required deliveries to be made almost daily. Once delivery of the drug was made to the nursing home, the pharmacy no longer had control over the medication or knowledge of its disposition. Thus, Nampa Drug was in the position of sharing the legal and moral responsibility for a distribution system which was beyond its control. In some instances, Nampa Drug was not the only retail pharmacy supplying medications to the same patient. The possibilities for errors and drug interactions that exist in such a situation have been well documented in the literature. In addition, shrinkage of patients' drug supplies due to waste has to be extensive in this type of operation. It was estimated that discard medication—arising from discontinued orders, transfer, or demise of the patient—cost the average Parkview resident an estimated $3.55 per month.

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* Project ECF began at Parkview. It was soon extended to include two other nursing homes (an additional 140 patients).

UNIT DOSE OFFERS A SOLUTION

The desire to effect change led to an examination of various systems. This search led to unit dose. If the unit-dose concept was being utilized successfully in hospitals, why wouldn't it be adaptable for use in nursing homes? The accepted benefits of unit dose systems seemed to hold the answers to many of the thorny problems that confronted us. Unit dose promised:

To reduce the possibility of medication errors;

To provide nurses with more time for patient care;

To reduce preparations and dispensing time;

To avoid loss or waste of unused doses;

To permit more accurate and equitable medication charges; and

To facilitate a justifiable unit charge.

Of particular interest was the work done by Donald Beste at Providence Hospital in Seattle.[1] This system called for a duplicate copy of the physician's order to be received by the pharmacy. Medications in this system were packed in a single-unit form, and transported to the nursing station in cabinets with individualized drawers for each patient. It also called for the nurse to record the medication on a medication administration record in the patent's chart at administration time. We were convinced that ths system could be modfied to apply to nursing home needs.

EVERY 24 HOURS

Parkview Manor, a progressive extended care facility, was sufficiently impressed with the advantages of the unit-dose concept that it considered and accepted the Nampa Drug challenge. For its part, Nampa Drug promised delivery of unit-dose medications for Parkview residents every 24 hours. We prepared an area in the pharmacy for single-unit packaging and made the necessary capital investment to insure implementation of the system. We were determined that it would be a total system—one that could serve every patient.

Prior to the establishment of the unit-dose system at Parkview, the program was presented formally to the patient-care team at Parkview to assure them that it would enhance their value to their patients and greatly simplify their medication procedures. A similar presentation was made to members of the staff at Mercy Hospital in Nampa, because physicians from the hospital treat the residents of all the nursing homes in the area. Their reactions were generally favorable.

From the inception of our unit-dose approach, we were in the market for single-unit packages for our oral medications—both liquid and solid. For injectable items, we used prefilled cartridge-needle units Tubex and—where prefilled units were not available—we used disposable single-use, empty cartridge-needle units.

Unfortunately, we were not able to purchase single-unit packages or oral solid and liquid medications in varieties wide enough to fill all our needs. This meant that we had to package those items *not* available commercially. To get into the production of single-unit packages, we purchased an Autobag packager for oral solids and for liquids—a Universal Capsolut made in Denmark for Owens-Illinois. The Capsolut caps 15- and 30-cc. Unipak vials for liquids. These packagers, while easy to operate, required the services of a technician. Working under the supervision of a pharmacist, the technician can package 450 tables or capsules per hour on the Autobag packager. Single-unit vials for liquids can be filled at the rate of 100 per hour.

At the time of packaging, the lot number is recorded, and a pharmacist checks to see that the proper medication is going into the package. This identification is checked again when the prepackaged unit doses are placed in alphabetically-arranged boxes which line the unit-dose packaging area in the pharmacy. Originally, this was done in the main pharmacy lab of the drug store. But having added two more nursing homes to the initial program, we have arranged a place in the pharmacy where the technician and pharmacist can work without interruption. Finally, using a Graphotype (purchased secondhand), we made plates for labeling drugs in the packages, patient-labels for medication drawers, patient profile sheets, and monthly bills.

PATIENT PROFILE AND PHYSICIAN'S ORDER

It was determined that a patient profile sheet would be made for each patient, showing medications he was receiving. The work-up of the patient profile was very revealing. The average patient was using at least 6 different medications, some of them more. Nurses had been putting up nearly 800 doses daily from 500 to 600 individual prescription bottles. We could get to know the patients' names and something of their medical history. It was clear, too, that the profile offered the opportunity to detect possible drug interactions, because some patients were being treated by more than one physician. In addition, the pharmacy fills the patient drug order from a patient profile. The profile has been prepared previously by the pharmacist—from a direct copy of the medication order as written or dictated by the physician. If the medication order is phoned to the pharmacy, the copy of the order is picked up at the nursing home by the pharmacist or his representative on the next visit to the nursing home. This must be accomplished within 24 hours after the order is received by the pharmacy. The profile sheet printed on self-duplicating paper has undergone many improvements since we began. The latest revision not only has spaces for daily medications dispensed and returned, but also has space for occasional medications and sundry items so that the duplicate profile can be used, effectively, as the monthly bill.

HOW THE SYSTEM WORKS

Medications are provided to the nursing home facility in 20-drawer cabinets. Drawers are divided into 5 sections—each section representing the hour of the day at which the dose is to be given. There is also a section at the back of the drawer for "prn" medications. Because the drawers are filled by a pharmacist from orders called off by a technician from the profile sheet, we found it best to designate each section with unrelated letters, i.e., A—8 p.m.; N—1 p.m.; P—5 p.m.; H—bedtime; X—prn.

At the same time the drawers are filled, any unused doses are noted on the profile sheet. Filling a drawer with enough medication for one patient and maintaining his profile for 24 hours takes about one minute per patient.

Two sets of cabinets are used in this system. The filled cabinets are delivered to the nursing home once a day. At this time, the empty cabinets are returned to the pharmacy for filling. The cabinets are taken directly to the ward nursing stations where they are checked for accuracy by the nurses against the patient's medication charts. After the drawers have been checked, the cabinets are placed on utility carts ready for the next "med" time. Because the medication is not removed from the unit-dose package until the drug is administered, there is no loss of drug identity in a souffle cup or medication cup. This system of double checking has greatly reduced the possibility for medication errors. At the same time the cabinets are delivered, orders for new medications are picked up and delivered to the pharmacy.

SPECIAL PROCEDURES

Narcotics are provided in patient drug cabinets as ordered. The pharmacy accepts the order of the physician to the nursing home as his authority for dispensing the narcotic. A copy of this order is placed on file at the pharmacy. In addition, the nurse's written order is used as authorization for the dispensing of "prn" doses. This system has the approval of the State Board of Pharmacy and the Licensing Division of the Board of Health because there is less chance of misappropriation of drugs than there is under a traditional system of dispensing narcotics for a given period of time.

Automatic stop orders are in effect for all medications. Adverse drug reactions are reported immediately to the director of nursing who informs the physician.

One of the most important responsibilities of the consultant pharmacist—relative to the nursing homes he serves—is the establishment of an emergency drug supply. Nampa Drug set up an Emergency Board in the nursing homes it services. Attached to this board—which is kept in a locked cabinet in the home—are individual plastic packages which contain all the injectable elements necessary for cardiac, respiratory, diabetic, and other common emergencies. A list of these medications by name and action (heart stimulant, sedative, etc.) is affixed to the inside of the cabinet door, so that the nurse can inform the doctor what is immediately available for emergency use. Emergency injectables are supplied in Tubex sterile cartridge-needle units. Where medication must be reconstituted from a vial, a sterile cartridge-needle unit containing water for injection is supplied. Medications used from this board are replaced the next day. These emergency drugs are the property of Nampa Drug—until used.

The implementation of the unit-dose system at Parkview Manor Nursing Home and other homes availing themselves of Nampa Drug Project ECF program has resulted in the realization of our initial objectives. The various state agencies and the State Board of Pharmacy are satisfied that the Nampa plan—which they approved—has helped assure rational drug therapy for patients in these nursing homes. At present, a study is underway that will demonstrate the cost factors for the State Department of Welfare in Idaho.

A CHALLENGE

It is the conviction of the professionals associated with the Nampa project that this system can work to the benefit of all interested parties. Admittedly, this type of total pharmaceutical service means longer hours in the pharmacy, more night calls, and emergency deliveries. However, the challenge to practice this type of clinical pharmacy and the knowledge that it results in better patient care is both rewarding and stimulating.

[From AFL–CIO American Federation,
March 1971]

THE CRY FOR ADEQUATE NURSING HOMES

(By Vaughn Ball)

An increasing number of older Americans are living out their years in one of the nation's 24,000 nursing homes.

For some, the nursing home represents a brief transitional period between hospitalization and full recovery. But for many, it is the final home, reflecting the changing nature of American society and family life.

When a family is unable to take care of an elderly parent, when a once-active person is bedridden or incapacitated, when special care or special diets are needed, the nursing home is often called on to fill the need.

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[1] *Beste, D. F., Jr., "An Integrated Pharmacist-Nurse Approach to the Unit-Dose Concept,' Am. J. Hosp. Pharm. 25:397 (Aug.) 1968.*

For the fortunate few, there are luxurious establishments—with prices to match the decor. But even a handsome building and charges that strain the budget are no assurance against neglect or even inhumane, demeaning standards of care.

The quality of nursing home care is of real concern to all Americans, not just those directly affected.

Certainly, it is the concern of the trade union movement. For labor has battled over the years to establish the principle that workers have a right to share in the fruits of their labor at every stage of their lives.

At its February 1971 meeting, the AFL–CIO Executive Council noted that unions "have fought with some success for the right of children to grow and learn in health, for the right of workers to provide decently for their families and for the right of aging Americans, when their years of labor are over, to live out their lives in dignity and comfort."

But do the great majority of America's nursing homes provide that essential "dignity and comfort?"

The nursing home industry is big business. Last year, Americans paid out nearly $3 billion to nursing home operators. Charges of $500 a month or more are common.

All credit to those homes that provide the services they promise—decent accommodations and attentive care.

But the shortcomings in this expanding industry have been revealed periodically—and these revelations have included some shocking scandals.

There have been reports of helpless patients left to rot in untended beds; about patients kept in a drugged stupor so that they will be easier to manage; about doctors making huge profits—often from government-financed programs—by walking through a nursing home, glancing at medical charts and charging big fees for the care of each patient.

In the worst establishments, careless food handling and violations of fire codes present hazards to life.

State and local inspection programs are often hopelessly understaffed and underfinanced. When violations are reported, enforcement too often is lax.

The federal government has made scarcely any effort to establish and maintain humane standards or to police the expenditures of millions of dollars in federal funds paid to private nursing homes on behalf of patients covered by Medicaid, which provide medical care for the poor. Shamefully, the U.S. Department of Health, Education and Welfare has only a single employe, working part time, to enforce Medicaid regulations concerning nursing homes.

Although the Medicare program for the elderly is more carefully regulated by the federal government, it too has its shortcomings.

Medicare payments are given only for short-term, post-hospital treatment requiring skilled nursing care and standards are considerably higher.

Nevertheless, only about one-third of all homes approved for Medicare fully meet federal standards. The Social Security Administration still allows institutions that are in "substantial" compliance to continue to receive federal funds. The staff of the Senate Finance Committee has recommended that only homes fully meeting standards be allowed to participate.

Seldom does any authority—state, local or federal—check on reports of nursing home patients being used as guinea pigs by doctors and drug companies testing new drugs.

Wages paid in nursing homes in many parts of the nation are often too low to attract competent employees and new workers seldom receive adequate training for their important tasks. The labor turnover is the highest of any industry.

Increasingly, nursing homes are run as a big business with a chain of institutions controlled by a single individual or corporation.

The demand on the manager of each institution is to return a profit to the owners. Too often, this is accomplished by cutting down on services and quality of food.

These abuses are not, of course, universal. But they are common enough to demand federally-enforced remedial action.

Any program that spends nearly $2 billion of public funds must be controlled and decent standards must be enforced to insure that patients will receive adequate care.

The AFL–CIO has called on the Administration and Congress to take the following eight steps as the minimum required:

Encourage nonprofit institutions providing nursing home care by including them in all programs, gradually phasing out public financing of institutions motivated by profit.

Develop alternatives, such as home health aides and homemaker programs, to enable patients to remain at home unless compelled for medical reasons to enter a nursing home.

Require nursing homes to provide planned programs of rehabilitation, in cooperation with qualified hospitals, for all patients who can benefit from them.

Provide adequate inspection programs to assure vigorous law enforcement. Inspections should be frequent and unannounced and nursing homes that fail to remedy defects promptly should be closed.

Instruct HEW to promulgate minimum standards for operating a nursing home, uniform for both Medicare and Medicaid.

Require licensing under federal standards of all nursing home administrators, vesting responsibility for licensure in a board controlled by persons with no financial interest in any nursing home. Licensure should aim at raising standards for qualification to a level that will insure that only trained and qualified persons will operate nursing homes.

Close immediately every nursing home that fails to meet adequate fire and safety standards. Require preparation of emergency escape procedures and instruction of both staff and residents in carrying out such procedures.

Upgrade the quality of service in nursing homes by providing decent wage levels and good working conditions, as well as adequate training programs for nursing home personnel. Government programs in this area should incorporate and strengthen the training and upgrading efforts already put in effect by unions of workers in the health-care field.

The ills that these eight steps are designed to cure outline what is wrong with the nursing homes of America. The root of the problem lies partially in the nature of a changing nation. At once more populous and more mobile, the nation finds its old ways no longer sufficient.

Care for the elderly was formerly a family function, most often on the family farm, which sustained everyone from grandparents through infants. But the rapid urbanization of recent decades has drastically altered that picture. Demands for living space and job opportunity scattered the members far from the family unit.

Today's population aged 65 and over was born in the early 20th century, in years when America's population soared at a phenomenal rate—from 60 million in the 1890s to 91 million by 1910. In those days, only 4.5 percent of all Americans were aged 65 or over while today almost 10 percent are over 65. And with a 1970 population of over 200 million, there are not only more elderly, but more Americans of every age, with consequent social needs which must be met.

The needs of the elderly, like so many other functions of society, have passed by necessity from the hands of the family to the hands of society as a whole. Social Security, Medicare and many other social programs have evolved from that necessity.

Nursing home care is one need that has not been adequately met. Of the 20 million Americans aged 65 and over today, some 1 million, or a full 5 percent, are in nursing homes. And in the few years since 1965, the number of people in nursing homes has doubled.

This growing segment of the population is cared for in several types of institutions which are popularly referred to as nursing homes. The institution designated by Medicare to provide post-hospital care for patients is called an extended care facility. Contrary to this name, it doesn't extend care for a long period of time. Its main purpose is to provide a less expensive bed during the recuperating period in which the intensive services of a hospital are no longer needed. A limit of 100 days is placed on the payment for this facility by Medicare.

Another facility called a nursing home by the general public is the skilled nursing home as identified in the Medicaid law. But since it is a joint federal-state effort, it is actually 50 different programs. This facility should very closely resemble the extended care facility under Medicare, but the standards have been somewhat lower in most states.

Other facilities often called nursing homes are those custodial homes that provide a certain amount of personal care service to individuals unable to care for themselves to one degree or another.

All of these facilities can be of use to the patients and to the community under the general title of nursing home.

These institutions—and their shortcomings—have come under periodic scrutiny from the news media, from congressional committees and from concerned public officials. The problems, in short, have been cited, but the kind of comprehensive action needed for a remedy has not been undertaken.

Several of the groups which have conducted investigations, including the Senate Special Committee on Aging, the National Council of Senior Citizens, Rep. David Pryor (D-Ark.) and others, have exposed some of the terrible abuses. Besides the careless food handling, fire hazards and "gang visits" by doctors, there have been revelations of unscrupulous officials collecting federal money by continuing to carry the names of patients who have died and "double" collecting under both the Medicare and Medicaid programs. Individuals have had their public assistance money confiscated or have signed "life-time" contracts in exchange for their estates.

While providing the needed criteria for change, these revelations have also served to increase the fear of nursing homes and thus add to the trauma of an elderly person facing the necessity of going to one. This trauma is often shared by a family, most likely a middle-aged couple with the growing responsibilities of teen-aged or college-aged children.

Although the decision to send an elderly parent to a nursing home may be absolutely unavoidable, still the family is guilt-ridden by forcing the issue—and simultaneously stunned by the $300 to $700 monthly costs that are now prevalent.

Only a wholesale correction of the impact of "living in anursing home" can ease this experience. At the root of the needed correction is the question of who is responsible for the state of the nation's nursing homes.

Responsibility would seem to lie with the owner of the nursing home. But the owner is often a corporation, formed to take advantage of available federal money for construction and patient care. Or the owner is simply an investor, attracted because nursing home securities have been referred to as "the hottest stock on Wall Street." With 90 percent of the nation's nursing homes run for profit, it is a good bet that the owner will not be physically present at any one home.

The owners' organization—The American Nursing Home Association—represents them well, with three main themes running through all of its arguments before public bodies: 1) increase the amount of money to be paid to the nursing homes for patient care; 2) maintain standards at least at the present level, since it is insisted that a shortage of available personnel prevents the meeting of higher standards.

Some responsibility would seem to lie with the physician. But in most cases no one doctor serves as a "medical director" totally responsible for the quality of medical care at the home. One doctor may be designated "principal physician," but the term may be meaningless. In the investigation into the salmonella epidemic at the Gould Convalesarium in Baltimore in the summer of 1970, the doctor who bore the title "principal physician" explained that it meant simply that he treated the 39 patients who had no personal physician, it did not mean that he was responsible for the total medical care of the home.

Some responsibility would seem to lie with the administrator, and indeed in the homes that are well-run an efficient, capable administrator is invariably present. But more often, the administrator is guided by the demands to cut costs in order to return a higher profit. And he is faced with the inefficiency or outright neglect of an undertrained, underpaid staff. Nursing home aides are among the lowest paid of any American workers. And like his staff, the administrator is apt to be ill-prepared for his job. One developer of a chain of nursing homes claims his best administrator is a former bakery foreman. And an investigative reporter for the Chicago Tribune found himself named administrator within 72 hours after he applied for work as a handyman.

The vacuum created by this abdication of responsibility must be filled by the general public through its various forms of government. The present situation in many nursing homes testifies to the fact that the responsibility has not been adequately assumed by government. The Medicaid program especially illustrates how state and local governments carry out only the minimal regulations that HEW has set for their participation in the program.

The first step to improvement is to phase out the profit motive. Inhumane conditions cannot help but result from the inhumane policy of allowing one man to make a profit from another man's infirmity.

Yet today, not only are 90 percent of the nation's nursing homes run for profit, but over 50 percent of them are owned by corporations or by individuals who own a number of homes.

The federal government helps to maintain this 90 percent figure by heavily favoring the financing of institutions operated for profit. The Small Business Administration lends money only to such institutions. Similarly, more than 95 percent of the funds under one section of the FHA program go to the operation of profitmaking institutions.

A nursing home operator can build or improve a facility with an FHA-guaranteed loan, then go back into the public treasury to pay it off by taking patients under the Medicare and Medicaid programs. Once this loan is repaid, he is under no obligation to take public patients.

The net result of such programs is that tax dollars are widely used to support profit-making enterprises.

When stockholders or a balance sheet must be answered to, there is no alternative but to cut costs—and cut services, at the expense of the dietary, medical or other needs of the patient. The well-being of the patient, not the bank balance of the owner, should be the guiding motive behind the home.

Alternatives to the nursing home are a direct way to relieve the strain of overcrowding. Many of current patients do not have to be—and should not be—confined to a nursing home, because they are not medically in need. They could take care of themselves, if supportive services such as homemaker's aids and home health aids were available.

Rehabilitation is a necessity if the nursing home is ever to be more than a place to spend one's last days. Proper rehabilitative care can be provided only when the home is affiliated with a qualified hospital.

It takes a skilled person to handle rehabilitation, but the mere effort can provide a form of self-fulfilling achievement—that someone cares enough to work with you and help you improve can be a powerful force in instilling the desire to improve.

Inspection of nursing homes has a long way to go to become adequate. When the home is alerted to the inspector's impending visit, the very definition of inspection is so undermined as to be laughable.

Any hint of conflict of interest must be removed from the inspection process. And inspection should be broadened to mean not just the physical facilities but also the auditing of financial records and the like.

State and local agencies are supposed to be responsible for inspecting nursing homes. In most cases, their inspection programs are understaffed and underfunded. Inspectors who do find defects are often powerless and violators are hardly ever prosecuted.

Inspection should mean not only surveillance on a regular schedule, but also an atmosphere of openness, including availability to press, public and families, within reasonable limits.

The minimum standards for nursing homes under the Medicare program while not fully enforced at present provide a model. These requirements include:

—transfer arrangements among institutions;

—a nursing home utilization review committee;

—restorative services if so ordered by a physician;

—laboratory diagnostic services;

—a physician or group of physicians to advise on medical care patient policy;

—dental and social services.

A nursing home will be allowed to operate in 36 of the 50 states however without meeting standards such as those outlined for Medicare.

Where licensing boards are set up to license nursing home administrators the majority are controlled by the nursing home industry. If the Nursing Home Association controls the licensing board of the state, it will generally insist on low standards for licensure of administrators. Similarly, in many states these associations can exert pressure on health departments and other agencies responsible for standards.

Licensure boards set up in the states to license nursing home administrators must be constructed so that a majority of the board will not be representatives of or have a financial interest in the nursing home industry. The HEW regulations in this area need to be changed to allow for consumer participation.

The question of safety rarely comes up except in the aftermath of a tragic fire or other catastrophe. The example of the fire at Marietta, Ohio, early last year brought a delayed reaction on the part of the Social Security Administration, which finally published regulations on Sept. 2, 1970, which include the Life Safety Code—the best measure developed to date as a guideline to patient safety.

Fire is always an increased danger when patients are bedfast. Many nursing homes do not have organized fire prevention systems or methods of dealing with a fire so that all involved know exactly how to react in case of a fire. In the absence of better methods, a sprinkler system is the bare minimum needed to protect bedfast patients.

The people who work in these institutions are often paid the lowest wages and are usually given no training for their important tasks. It follows logically that the turnover of the labor force in nursing homes would be the highest of any kind of employment.

The importance of the nurse's aides cannot be overemphasized. Since they are the ones in everyday contact with the patient, their skill in relating to the patients is extremely important.

Because the pay is low and the work is physically strenuous, the job carries a very low status. As a result, many people who work as aides have personality problems of their own and shouldn't be working with frail old people. The aides take out their frustration with aggressive action, both physical and verbal, toward patients.

The aging Americans whose labor has helped make this nation great have a right to decent treatment and a right to protection from exploitation in the years of their retirement.

The workers who care for them have a right to decent wages and working conditions.

And every American taxpayer has a right to receive full value on his tax money.

Health care problems in America are frightening—to the patient, who must pay ever larger portions of his family budget for medical care, and to the medical professional, who must try to care for the health of his patients hindered by an outmoded delivery system.

What America needs as the heart of its medical care philosophy is a single primary goal—good health for all its peoples. The profit-making philosophy of the market place—to make money for those who provide and finance medical services—is not an acceptable philosophy for medical care.

The AFL–CIO believes that the National Health Security Bill is the only truly comprehensive program of national health insurance that meets the challenges of care, financing, costs, development and reform. Indeed, the goal of Health Security is health.

America has the best available medical talent—but available to only part of the society.

Consider the plight of non-white Americans who live in poverty in city ghettos and rural shacks: Their men and women can expect seven fewer years of life than more affluent Americans; their babies have as much chance of surviving as infants in Ecuador; their young mothers have about the same chance of surviving childbirth as the women of Costa Rica.

Health care is not equally provided for all Americans. It is a myth that private insurance is doing—or can do—the job. More than 20 percent of the population under 65 is not covered against the most costly aspects of medical care—hospital and surgical services. More than half have no coverage for physician home and office visits. A miniscule number have coverage for dental costs.

Under National Health Security, every resident of the United States will be eligible to receive virtually the entire range of personal health care services without deductibles or coinsurance.

Financing of medical care today is a patchwork effort of personal, private, state, local and federal funds. Medical bills are paid part by private insurance, part out of workers' pockets, part out of welfare funds, part out of Medicare.

For example, state and local governments are burdened with a $2.5 billion a year expenditure for health care, plus approximately $500 million a year to provide private health insurance for their employes.

National Health Security will be financed by taxes on employers, employes, and self-employed and unearned individual income and from general revenues.

The workers' share—1 percent of wages and unearned income up to a total of $15,000—represents no new tax. Workers are now paying almost that amount toward Medicare. Further, National Health Security would significantly reduce workers' out-of-pocket, non-reimbursed medical expenses with the added bonus of better and more complete medical care.

Self-employed persons would be taxed at a 2.5 percent rate up to $15,000.

The employer's contribution—3.5 percent on payrolls—is about what many employers now pay for inadequate private health insurance for their employes. Some pay much more; some pay less; some pay none.

General tax revenues would account for the remainder of the Health Security Trust Fund—approximately 50 percent of the total. This is not all new money. Medicaid, Medicare and other medical costs already constitute a significant and growing portion of the federal budget. Health Security would absorb these costs.

The program would also result in a direct form of revenue sharing by relieving state and local governments of much of their present health care burdens. Additionally, state and local government employes health delivery systems. And their family physicians, in turn, will be free to refer patients to specialists. Patients will be freed from financial worries and will be able to seek medical care before it is too late.

An essential feature of National Health Security is the Health Resources Development Fund which will be used for health manpower education and training, group practice development and other means to expand and improve personnel, facilities and services.

Enactment of the Health Security program will create increased expectations and demands for services. The Health Resources Development Fund will come into operation two years before benefits begin. It will help insure that as people need medical care, the care will be there.

At present, health care is fragmented, disorganized, inadequate and spotty. It is a non-system—a haphazard collection of isolated and uncoordinated institutions.

The result is that care is often received at the most expensive location—hospitals—because that is where doctors are assured of being paid, when the doctor could treat the patient just as well and sometimes better in his office. Doctors and hospitals now are only paid when patients are ill; preventive medicine and early treatment are not practiced to the degree that will reduce illness and shorten hospital stays.

National Health Security has built-in financial, professional and other incentives to encourage organized arrangements for patient care and to encourage prevention and early diagnosis and treatment of disease.

Private insurance companies are unwilling or incapable of dealing with increased costs. They have acted simply as a pass-through mechanism, paying for whatever care was offered, good or bad, needed or unneeded, efficient or inefficient. Their rates go up not only to pay for increased medical costs of policyholders, but also to maintain profit margins and pay high operating expenses.

National Health Security will have effective fiscal controls by contracting with hospitals and other institutional providers on the basis of an approved budget and by maximum emphasis on pre-payment to contracting groups, such as medical and dental societies.

The program will not constrict individual liberty. Doctors will be free to choose whether or not they will participate. Doctors can be paid by all present methods. There will be no lay interference with their professional judgment. Doctors will be freed from choosing treatment and services on the basis of a patient's ability to pay. Doctors will be freed from the time-consuming paperwork of billing patients.

Patients will be free to choose their physicians and would receive comprehensive benefits at no cost to the governmental units.

The explosion in medical costs is playing havoc with budgets—personal and governmental.

Last year, the average worker spent $324 on medical care for himself—$324 for his wife and $324 for each of his children—that is 10 percent more than 1969 per individual. Medical care costs have been rising at least twice as fast as the general cost of living. Blue Cross premiums have more than doubled, on the average, since the late 1950s.

Union bargaining committees are faced with the dilemma of rising medical costs at every negotiation session. Reasonable wage gains are sacrificed for improvements in health insurance, only to find that their members' medical expenses increase faster than the increase in coverage.

Hospitals will be encouraged to increase efficiency; to cooperate in planning, purchase and utilization of new equipment and to eliminate unnecessary, wasteful and duplicative expenditures. Doctors will be given a financial stake in keeping their patients well. Care will be provided at the best—not the most expensive—location.

National Health Security is the proper program to provide quality health care for all Americans. The AFL–CIO is proud to endorse it.

We arrived at our decision after careful examination of other proposals—some substantive and some merely crude attempts to avoid needed reforms in the present system of delivering health care.

The American Medical Association's "medicredit" plan and the private insurance carriers' "Healthcare" proposal are thinly disguised efforts to protect vested interested and insurance company profits. They are bandaids, where surgery is required.

There are other proposals—such as the bills introduced by Senators Jacob Javits (R-N.Y.) and Claiborne Pell (D-R.I.) and the proposal of the American Hospital Association—which are much more substantive.

But generally, all of the proposals, except National Health Security, lack at least one of the following: equal access to health care for all people; comprehensive coverage; restructuring of the health care system; effective incentives for quality and efficiency or controls on costs; or they depend on inadequate private insurance as carriers or intermediaries or both.

It has been nearly a year since President Nixon declared there is a "massive crisis" in the area of health care and a threat of a "breakdown" in the medical care system. In that time, he has met that crisis by vetoing a hospital construction bill and a measure to provide for the training of more family doctors and he threatened to close down vitally-needed Public Health Service hospitals.

After taking one action after another to forestall urgently needed health care measures, the President has at long last delivered a health message. The President's proposals, though lengthy, are nevertheless devoid of many essential details. One or two constructive features are noteworthy, such as the President's belated recognition that pre-paid group practice can deliver better medical care at less cost and his proposal to eliminate the onerous Medicare premium the elderly must now pay.

But it is evident that the President's approach, taken as a whole, is both piecemeal and inadequate. It places main reliance on discredited private insurance which has been largely responsible for the high cost, low quality medical care we have today. Under the President's proposals, there is no indication that either the private insurance organizations or the providers of medical care would be subject to effective cost controls or quality incentives.

His proposals fall far short of meeting the "massive crisis" in health care the President has himself recognized.

The AFL–CIO urges the Congress to enact the bipartisan National Health Security Program during this session so that it will be able to go into operation in 1974. Further, we pledge our unstinting efforts to that goal. It is and will remain our No. 1 legislative goal until victory has been won.

ADDITIONAL STATEMENTS

PROTECTION AND RECOVERY OF ARCHEOLOGICAL DATA

Mr. GRAVEL. Mr. President, I am happy to support S. 1245, to extend the Federal statute which provides for the protection and recovery of archeological data. It is an excellent measure, giving long overdue clarification of what have been some pretty murky areas of Federal responsibility.

In one way or another, I have been concerned with these matters in Alaska for years. We were successful in 1959 in prevailing upon the Atomic Energy Commission to provide for archeological salvage at Cape Thompson. However, it took a bit of doing, and, when finally acceded to, it had more the aura of a favor granted than a public obligation met. There have been other occasions, like the underground test site at Amchitka, in the Aleutian chains, and the pace of these occurrences will quicken in the next few years.

S. 1245 would well serve the public interest; it is especially significant for our State, with so much land under Federal stewardship. Accordingly, I am pleased to join the Senator from Utah (Mr. Moss) in sponsoring the bill. I cannot imagine any circumstances in which passage of this legislation would be viewed with disfavor. The proposed law seems to me to be essentially apolitical, simply spelling out Federal responsibility in an area where there has for years been acknowledged Federal authority.

The one minor addition I would hope the bill's sponsor would accept would be to have line 14 on page 3, of S. 1245 amended in committee to read:

> Shall notify the Secretary *and the Governor of the State in which the discovery or activity takes place,* in writing, etc."

THE PRESIDENT'S REORGANIZATION PROPOSALS

Mr. SCOTT. Mr. President, on Monday, March 29, the lead editorial in the New York Times praised President Nixon's proposed reorganization of seven cabinet level departments into four new departments. The Times stated:

> It is the most ambitious reform of the Federal Government attempted since the unification of the armed services and the creation of the Defense Department in 1957.

The editorial goes on to say:

> The dominant theme of the reorganization is that existing departments which serve specific constituencies—such as Agriculture and the farmers, Labor and the unionized workers—should be regrouped in terms of broad missions.

Republicans long have felt that the bureaucracy of big government has grown increasingly unresponsive to the needs of the people. For far too long, they have been poorly served by the institutions of their Federal Government.

They have been crying for an improvement in the jungle which has grown up about them. Here is a recommendation aimed at streamlining the process. At the same time, it carefully protects all those of our citizens who have made the operation of Federal machinery their lives' work. There is no need to fear the reorganization. It will not harm any individual or group. The civil service is not going to be destroyed.

Yet it is already freely predicted that the proposed reorganization will run into rocks and shoals. Opposition will be mounted partly by groups fearing their own personal situation will be disadvantaged, partly by political groups seeking partisan advantage from the reluctance of people to change a known condition—even though faulty—for an unknown.

Mr. President, because support from the New York Times is so important to the President's program, and is, therefore, so welcome, I recommend this editorial to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

To Reorganize the Government

It is not necessary to accept President Nixon's sweeping indictment of the failure of the Federal Government in order to agree with him that any big organization can occasionally benefit from a thorough overhaul. His plan, spelled out in complex legislation submitted to Congress last week, would reorganize and consolidate seven of the Cabinet-level departments into four new departments. It is the most ambitious reform of the Federal Government attempted since the unification of the armed services and the creation of the Defense Department in 1947.

The departments affected employ nearly a half million people, spend approximately $50 billion a year and administer hundreds of grant-in-aid programs. The dominant theme of the reorganization is that existing departments which serve specific constituencies—such as Agriculture and the farmers, Labor and the unionized workers—should instead be regrouped in terms of broad missions. These missions are self-evident in the names of the four proposed new departments—Natural Resources, Human Resources, Community Development and Economic Affairs.

The Department of Natural Resources, on which we have previously commented in detail, involves the least change because it is essentially a strengthening of the existing Interior Department. It would gain the Forest Service from Agriculture and policy control of the water programs of the Army Corps of Engineers. Both changes are highly desirable and have long been advocated by experts in natural resources management.

The Department of Human Resources is the Department of Health, Education and Welfare with a still broader mandate. It would acquire manpower training programs as well as the Women's Bureau from the Labor Department. This rearrangement makes excellent sense. Manpower training logically relates to the vocational, adult, and technical education programs now in H.E.W., while women's programs belong with the other social services provided by that department.

Labor and Commerce have long been the two weak sisters among the Cabinet departments. Labor's responsibilities have not been broad enough, while those of Commerce have been incoherent. President Johnson urged a merger of the two, but his recommendation foundered on the opposition of the trade unions. In the proposed reorganization, Mr. Nixon assigns most of their functions as well as many from Agriculture and Transportation to the new Department of Economic Affairs. To attempt to sweep these agencies off the bureaucratic checkerboard is easily President Nixon's boldest stroke. The resistance in Congress and the special-interest lobbies is sure to be strong, but the reasons for reform are compelling.

The new Department of Community Development would be created around the nucleus of the existing Department of Housing and Urban Development. In short whatever contributed to the strengthening of an old community or the development of a new community, whether rural or urban, would be sheltered under a single departmental roof.

Unquestionably, the committees of Congress and interested public groups will argue the merits of specific changes. In any reorganization of this magnitude, there are gray areas where the choices are hard and the decision could easily have gone the other way. Nevertheless, the President's plan moves in the right direction and the detailed reasoning behind most specific changes is persuasive. Even if it did not achieve the broader philosophical objectives which he envisages, President Nixon's reorganization plan would produce tangible gains in efficiency and in improved delivery of services to the ordinary citizen.

THE WINDWARD OCEANOGRAPHY INSTITUTE

Mr. RIBICOFF. Mr. President, the 1970's may well be remembered as the beginning of the age of ecology. All of us are beginning to recognize how delicate the balance of nature is and how easily our everyday activities can damage it.

Future environmental control will depend upon increased public awareness. If our children today develop a concern for the environment, the earth may some day return to a healthy state.

To accomplish this, schools across the Nation have initiated projects for ecological research and education. The Windward Oceanography Institute, of Rowayton, Conn., has been a pioneer in environmental education. The institute is designed, according to its director, Dr. Howard Weiss, to develop "an awareness in young people of the educational opportunities and excitement in this field, which is receiving so much attention all over the world today."

The institute's programs have caught the public's eye as its students try to understand and solve the problems facing Long Island, which is rapidly becoming an ecological disaster area.

I ask unanimous consent that an article outlining the institute's programs and progress, written by Charles Friedman, and published in the New York Times of March 28, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Marine Ecology, Rather Than Summer Camp, Is What's Turning Youth On

(By Charles Friedman)

Rowayton, Conn.—Somewhat to the surprise of parents, many youngsters here aren't thinking about camp or the usual recreational hijinks when summer comes. For instance, one 10-year-old set off vibrations at home when he announced:

"Say, I guess I'll take up some marine ecology."

The new, universal awareness of water pollution and the dangers of upsetting the ecological balance has not bypassed this little community on Long Island Sound and its surrounding area. Children and adults are becoming increasingly involved, thanks to the Windward Oceanography Institute, which was organized a year ago as an offshoot of the Windward Sailing School here.

"Our boys and girls are finding that the wonders of the space world are matched by the wonders of the world of water," said Dr. Howard Weiss, the 28-year-old director of the institute, a marine ecologist, as he worked to fit out the "floating lab" that will be a second home to youngsters during July and August.

First of all, he emphasized, the institute is not just a sounding board for promulgating facts about the ocean.

"We are delving into problems of marine biology that need solving," he explained. "We hope to develop an awareness in young people of the educational opportunities and excitement in this field, which is receiving so much attention all over the world today."

That his program may be "getting through" is attested to by the increase in applications for enrolling in the institute. Last year tuition was $475, but Weiss is hoping that funds from a foundation set up by Herman Shepherd, a Connecticut businessman who founded the institute, will be sufficient to reduce the cost this summer.

The institute has become a sort of postgraduate adjunct to the sailing school, which is older and regarded as first-rate by expert observers. But the floating lab is drawing considerable interest. Students are brought in by buses and are on the water from 9 A.M. to 3 P.M. five days a week. On board are marine educators and scientists who help expose them to real-life situations. The students must bring bathing suits, towels and lunches, but all equipment is provided by the institute.

Courses are varied and include fishing, diving, exploration of submarine life, scientific experiments and field trips to shore areas linked to oceanographic interest, including visits to marine-oriented industries.

By now the institute's boats are familar as they ply the waters around Rowayton, Norwalk and the Norwalk Islands. When the weather is bad, land activities are set up at waterfront properties and buildings owned by the institute.

As they sail out to Long Island Sound, which experts have labeled an "ecological disaster" because of the sewage and industry waste that is poured into it, the youngsters get busy with nets and dredges. A team analyzes the Sound's chemical properties at various depths and distances from the mouth of the noisome Norfolk River. Others measure currents, collect plankton and other floating organisms and trawl the bottom for shellfish and sludge.

Later, they confer on the findings. "I never used to give it thought," said one youth, "but now I can't stand to see anybody throw a beer can overboard."

Weiss is constantly surprised and delighted at how his pupils, who range from elementary school to college age and include some adults, grasp and go about tackling the projects. Their enthusiasm has led the institute to start a cooperative program with public schools in Fairfield County to supplement the schools' science studies.

In addition, it is expanding facilities to handle teacher-training and research for city, state and Federal agencies.

But the main focus is on the youngsters—the scientists and planners of tomorrow. It is through them, moreover, that parents are showing concern over environmental affairs, according to Weiss.

"In our house, ecology is no longer a foreign word," one parent wrote the institute. "We've learned quite a few things from our children."

The institute operates on a nonprofit basis. Last year it was limited to 53 students, but Weiss expects to be able to accommodate more this summer.

"It's a fast-changing world for kids," he says. "Most schools in the country are years behind. They don't teach about the environment. They just teach facts."

What is especially exciting about the institute, he adds, is that youngsters are learning "by helping us learn."

Shepherd, whose business is aerosol packaging, gets satisfaction from watching boys working with scientists. As a boy in Brooklyn, he spent considerable time at the Botancial Garden and became friendly with the botanists there. It was an experience he always remembered and it led him to set up the institute.

BENEFITS OF FREE TRADE

Mr. FANNIN. Mr. President, we hear much theory these days about the benefits of free trade. Economists dealing with figures, charts, and graphs speak glibly of the shift of industries from nation to nation.

What is often ignored in our abstract discussions of industries and trade is the fact that people are involved in all of our decisions.

It is wonderful that a consumer in Massachusetts can purchase an imported garment for a few cents less than he might pay for American-made clothing. But as a result of this circumstance, some textile worker in a southern city may be out of work and his family may be placed in desperate straits.

It is difficult not only for individuals, but for communities and even small cities, as well, to adjust to the hardships being caused by the increased foreign competition.

Sunday's New York Times contained an article which provides a good illustration of what I am talking about. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Twilight of a Textile Town

(By Ray Jenkins)

Roanoke, Ala.—While the United States and Japan debate the complex issues of trade quota agreements, this Alabama city of 5,000 is feeling the economic squeeze on the American textile industry in more dramatic and human terms.

Roanoke's second largest industry, the Rolane Manufacturing Company, will cease production of women's panty hose at the end of this month. A total of 440 workers will be out of jobs.

Rolane's closing comes only a few months after an even more devastating blow struck Roanoke, which is in east-central Alabama near the Georgia line. Last November, Handley Mills, Inc., which had been the town's leading industry for 70 years, went bankrupt and put 844 textile workers out of work.

One source estimated that 62 per cent of all jobs in Roanoke had been eliminated by the double blow. And many of the Rolane workers were the wives of men who worked at Handley.

Handley and Rolane are among 50 textile plants in the South that have shut down since 1969 because of bad market conditions, higher prices, high interest, but, above all, competition from foreign textile producers. The Department of Labor has estimated that 27,200 Southern textile workers lost their jobs in 1970 alone.

"And a hundred more plants will close next year if something isn't done," a Handley executive predicted.

Clyde Hartley, manager of the local state employment service, predicts that when Rolane is shut down, the joblessness rate may go above 25 per cent here.

Clyde Pike, 56 years old, is typical of Roanoke's unemployed, except that his situation is complicated by illness. Mr. Pike went to work at Handley Mills in 1930 at the age of 16. At the time the mill closed he was a "slubber tender"—mill jargon for a worker who tends a machine in the yarn-making process.

Mr. Pike was paid according to his output, earning about $18 a day. For almost two years he had worked seven days a week. "I didn't take off but four Sundays in 20 months," he said.

As did many of his fellow workers, he sought employment in a mill in a nearby textile town. But it was discovered that he was suffering from a hernia, and had to have surgery. As a result, he lost his $50-a-week unemployment compensation because he was no longer available for work. His savings are now down to about $100. He thinks his two sons—both of whom have moved from Roanoke—will help out if it becomes necessary.

As do many of his fellow employes, Mr. Pike lives in a small white frame house that was once owned by the mill. He bought the house in 1954 and since then he and his wife have added two rooms, working in their spare time.

Since 1920, financial control of Handley Mills has been in New York. Its last owner was Frank B. Cavanagh, who acquired the mill in the early nineteen-sixties and began to modernize its machinery and marketing policies.

In 1966 Mr. Cavanagh brought James R. Eichelberger to Handley as general manager. Mr. Eichelberger, whose parents had worked in the mill, went to Auburn University, where he earned a degree in textile engineering.

Mr. Cavanagh spent $6.5 million over a six-year period upgrading the mill's antiquated machinery. At times the interest cost was as high as $800,000 a year.

"We did real well in 1966 and 1967," Mr. Eichelberger said. "But we began to hurt in 1968. It was always a struggle to stay a jump ahead of the import competition. Then in 1969 the bottom sort of fell out. We took a real bath."

Last October the bank notified Handley Mills that no more money would be advanced. The corporation went into bankruptcy in New York, listing debts of $8,440,188 and assets of $4,996,328. Mr. Cavanagh, the company president, also filed personal bankruptcy, having put up some $3.5-million of his own to guarantee the obligations of the mill.

As Prof. Cleveland L. Adams, head of the department of textile engineering at Auburn, see it: "Our mill owners are trapped. If they don't modernize, they can't compete. If they do modernize, they can't bear the high interest rates of short-term loans."

Mr. Eichelberger said he felt Handley had "turned the corner" and was on its way back to prosperity when the closing came. "But I guess everybody just sort of lost faith." And he added a rueful footnote: "We were just getting ready to move the corporate headquarters down from New York. It would have been the first time in fifty years that control of the mill would have been in the hands of the people living in Roanoke."

The import situation is blamed for the closing of both plants. "Indian imports put us out of business," a Handley executive said. "There was one big mill in India putting out the same duck [a heavy cotton fabric similar to canvas] that we were making—the duck used in tennis shoes and sneakers. And it's beautiful duck, better even than we made. It's made with better cotton. Our Government gives them the cotton, by the way."

"I predicted nine months ago that Rolane would close," the Hanley executive continued, "because I knew Germany was getting into the panty hose production in a big way."

Recently Jonathan Logan Company announced it would open a plant in Roanoke to manufacture women's wear, but it will employ less than 300 and will not be in operation for another three months.

As the expiration of unemployment compensation in May approaches, anxiety is growing. "If I walk downtown to get a haircut, it takes me two hours to get back," said Roy Reeves, president of the City Bank of Roanoke. "Everybody's asking, 'What can we do? When will the mill reopen?' I tell them we're doing everything we can."

Almost every institution has felt the economic disaster. Church collections are down; savings accounts are rapidly being depleted; city revenues are short, and some businesses are closing.

Churches in neighboring towns have organized a "Samaritan Fund," which now stands at more than $3,000, to handle emergencies among Roanoke's unemployed. Alabama has no general welfare assistance for such people. Moreover, Roanoke has no food stamp program, but does distribute surplus commodities.

Among the mill people one finds a calm, austere fortitude and a stubborn faith that the mill will somehow run again.

One such man is Lumos Looser, who spent his life in Handley Mills. He went to work there in 1918 at the age of 14. His pay was around $9 a week for 60 hours, "and you never really did know when you were going to get paid," he said.

"Sometimes we had to go to the office two or three times a week to get our pay," he recalled. Mr. Looser was among those working at Handley when the mill closed for 13 months in 1920. Although his own future is now secure because he draws Social Security, he shares the faith that the mill will reopen soon. I just don't believe the mill will be closed as long as it was in '20," he said. "I just got that feeling."

The Rev. Ralph Worley, whose Congregational Christian Church is made up largely of unemployed mill workers, thinks the experience "has drawn people closer together." He said: "In all this crisis the greater concern has been for the other person. It seemed like everybody was concerned about somebody else. Of course there has been anxiety, but there hasn't been any despondency. It caused people to become more spiritually minded.

"You know, it might not be a bad experience for the whole country. I don't mean a depression, mind you. But just a little reminder that we can become too dependent upon material things."

CORPORATE INITIATIVE AND THE ENVIRONMENT

Mr. RIBICOFF. Mr. President, there is a growing realization on the part of all Americans that governmental action alone cannot solve the environmental problems we face. Industry also has a major role to play if we are to provide coming generations a decent world in which to live.

The call has gone out for corporate initiative, but the reaction has been limited. A major corporation in Connecticut has, however, demonstrated its concern. The Southern New England Telephone Co. used recycled paper in its 1970 annual report, thereby saving 306 trees and reducing the air pollution which would have resulted from burning the otherwise unused waste.

By itself, this is only a small savings. But consider the impact if every corporation took similar action. The air would be cleaner and thousands of acres of forests would be saved.

In addition, the use of recycled paper is only a beginning. Imaginative leadership from our corporations will enable them to take other steps to lessen the strain on our environment.

The Southern New England Telephone Co. is to be congratulated for taking the initiative and setting an example for other companies to follow.

ANDEAN CODE ON FOREIGN INVESTMENT

Mr. JAVITS. Mr. President, on February 1, in a speech in New York, I pointed out that the Andean Code governing private foreign investment could work in reverse and have adverse effects on the aspirations of the Andean people's need for development through private foreign capital inflows to the detriment of the economies of those nations adhering to the code.

The Council of the Americas, a U.S. business association of 210 corporations which represent some 85 percent of U.S. private investment in Latin America and are therefore vital to Andean development has now made a clause-by-clause analysis of the proposed, new code after polling executives of the following industries active in the Andean bloc: automotive industry, banking, the drug industry, insurance, manufacturing, mining and petroleum. The Council's analysis of the Andean Code brings out three principal reasons why the code is unattractive to foreign investors.

First, the code embodies the "fade-out" theory, under which foreigners have to sell a majority interest in their investment to private investors or to the governments of the Andean countries within 15 to 20 years, if they want to enjoy the benefits of the Andean Common Market. The Council analysis points out that investors do not invest in order to go out of business, that the terms of such "fade-out" cannot be equitably arranged in advance because market conditions change and that foreign investors are likely to neglect enterprises in which they have a declining interest.

Second, the code may create such a number of bureaucratic requirements that foreign investors will be reluctant to cope with them. The code contains many requirements for prior official authorization of what are normally routine business decisions.

Third, the code is unclear on a number of important points. In addition to its provisions restricting foreign investment, it contains many loopholes, escape clauses, and provisions for possible exceptional treatment of investment. It is therefore difficult for foreign investors to know where they stand and what they may expect.

Concerning the effects of the code, if it is indeed applied, the point must also be made that because of the limited private capital markets of the Andean-bloc countries, only governments would be capable of mobilizing the required financial resources to carry out a divestiture policy. The question arises whether these limited resources could be better spent on housing, health, education, and other badly needed infrastructure projects rather than by buying out healthy, ongoing enterprises only because they are foreign owned or foreign controlled. A forced divestiture policy would not promote accelerated economic growth but it could abort the vital task of increasing the rate of capital formation that is so necessary for the Andean countries.

Mr. President, I ask unanimous consent that a memorandum of comment on the Andean Code, which has been prepared by the Council of the Americas, be printed in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

The Common Regime Treatment of Foreign Capital in Andean Bloc

The ultimate objectives of the proposed Andean Code are highly amenable. The strengthening of domestic investment and technology in the Andean countries is very desirable for the purpose, among others, of enabling nationals to participate more fully and more effectively in the ownership and control of the countries' industries. Likewise, the preamble of the Code commendably declares that "the investment of foreign capital and the transfer of foreign technology constitute a necessary contribution for the development of the Member Countries and 'must receive guarantees of stability in the measure in which they really constitute a positive contribution.' "

However, certain provisions of the proposed Code would prevent, rather than facilitate, the achievement of these laudable objectives. Adoption of those provisions would lead to a sharp curtailment of the inflow of new foreign investment and new foreign technology into the Andean countries; would reduce the contributions that existing foreign investments are making to the economies of those countries; and would impair, rather than strengthen, domestic investment and technology.

The principal defects in certain provisions of the proposed Code are as follows:

1. Far from providing "guarantees of stability" for potential new foreign investors, these provisions would create new and major elements of instability. Some provisions would create serious uncertainty in the mind of each such investor concerning the amount of his capital that he would be able to withdraw when his investment is transferred to nationals of the Andean countries. And some provisions would create serious uncertainties concerning the extent, and the manner, in which present and future governmental officials will control not only the basic policies, but even the daily operations, of the foreign affiliates—possibly with great damage to their success.

2. Some provisions would discourage foreign companies from transferring technology not only to their affiliates, but even to nationally-owned companies in the Andean countries. This discouragement would derive partly from the purely practical difficulties of complying with the requirement that the prior approval of governmental officials must be obtained for such transfers. It would derive also from the fact that the precise standards to be applied by the governmental officials in determining the desirability of each such transfer are not adequately specified in the proposed Code; indeed, those standards could not possibly be specified with sufficient precision to permit either the foreign company or the domestic recipient to arrive at a reasonably safe assumption as to whether, or when, the proposed transfer would be approved. Moreover, some—perhaps, most—foreign companies would become increasingly reluctant to transmit certain types of technology to their foreign affiliates as the fixed date approaches for transferring ownership or control of the affiliates to Andean bloc investors who would then be free to compete with the foreign companies in other markets with the unrestricted use of that technology. In fact, some foreign companies would be reluctant even to give present or future government officials the engineering and other details of the proposed transfer of technology because of their fear that those officials might not maintain the security arrangements necessary to prevent acquisition of the technology by unauthorized and competitive business firms.

3. Few foreign companies would give serious consideration to a fixed-term investment in any country for a period as short as fifteen to twenty years unless they were confident that the investment would yield exceptionally high profits during most or all of that period. Such profits can rarely be anticipated anywhere, particularly during the earlier years of most investments and particularly in the case of large-scale manufacturing investments that require the introduction and use of advanced technology. The likelihood of such profits is particularly small with respect to foreign manufacturing investments in the Andean countries, where (as shown in Table 9 of the attachments) the average annual rates of return during 1960–1969 on U.S. investments of this type were substantially lower than on such investments in the rest of Latin America and in other regions of the world.

The foregoing principal defects of the proposed Code, are analyzed in more detail in the attachment, together with an analysis of certain of its other important defects. However, the Council does not believe that the full implications of the proposed Code can be appreciated simply by examination of its specific provisions. It is necessary that consideration also be given to certain aspects of the basic attitude toward foreign investment that appears to underlie the proposed Code as a whole.

Despite the recognition in the preamble that "the investment of foreign capital and the transfer of foreign technology constitute a necessary contribution for the development of the Member Countries," the operative provisions of the proposed Code reflect the general assumption that: first, the entry of any specific foreign investment is likely, except perhaps in special cases, to serve as a substitute for domestic investment; second, domestic investment can generally be expected to serve the national interests better than foreign investment; third, measures should therefore be taken to replace all foreign investment by domestic investment as soon as possible.

While strengthening domestic investment and technology in the Andean countries is highly desirable, this is not to say, however, that domestic investment should be considered as an *alternative* to foreign investment. On the contrary, sound domestic investments and sound foreign investments will generally constitute valuable *supplements* to one another. Indeed, neither foreign investments nor domestic investments can be expected to provide their maximum contributions to the national economy unless companies in *each* category are present, and are operating, on the scale and under the conditions most conductive to their business success. The business prospects of each foreign affiliate are best when there are many other sound companies, including domestically-owned companies. Likewise, the business prospects of each domestically-owned company are best when there are many other sound companies, including foreign-owned companies.

So far as economic considerations alone are involved, the issue of whether any specific company should be foreign-owned, domestically-owned, or some combination of the two, is best resolved by reliance on market forces, including particularly the different kinds and amounts of resources that foreign and domestic nationals are able and willing to invest in that company. There is abundant evidence that the economic contributions made by any company are rarely affected by the nationality of its owners, managers, or technicians, but are generally determined instead by the relationship between (a) the amount and quality of the capital, managerial, and technological resources that are put into the company by its owners and (b) the amount and quality of those resources needed for the success of the company. Domestic investment may be most appropriate for one company, foreign investment for another, and some combination of the two for a third. Moreover, the appropriate and actual distribution of total investment among foreigners and nationals will inevitably vary over time and amoung countries.

The eminent economist and statesman, Dr. Raul Prebisch, recently gave considerable emphasis—in his report, *Transformacion y Desarrollo: La Gran Tarea de América Latina*—to one of the region's major problems: the fact that the total of all of the resources that have been available for investment, including capital and technological resources and foreign as well as domestic resources, has not been increasing rapidly enough to promote the necessary growths of industry income, and employment. This problem would undoubtedly be aggravated if there were a decline in the rate of new foreign investment in the region and/or if the relatively low amounts of national savings were allocated to the purchase of existing investments from their foreign owners rather than to new domestic investment.

The countries of Latin America need more of *both* foreign and domestic investment, not less of *either*.

No one could justifiably deny the major contributions that the nationally-owned companies of Latin America have been making to the economies of their countries. Likewise, no one could justifiably deny the major contributions that the foreign-owned companies have been making to those economies, as is demonstrated in the Council of the America's report entitled "The Effect of United States and Other Foreign Investment in Latin America", such as:

1. That during 1965–68, operations of U.S. affiliates provided a *net* balance of payments support to Latin America of about $8,550 million a year.

2. That, domestically, total sales by all U.S. affiliates in Latin America amounted to about 13.7% of the aggregate gross domestic product of the region, i.e., that U.S. investment is definitely not in a dominant role.

3. That of the total employment provided by U.S. affiliates in Latin America, only 7.5% of the managerial positions, and 0.5% of technical, professional and other salaried positions were not occupied by nationals in 1966. Wage earners were all national.

4. That earnings obtained on accumulated U.S. investments in the area averaged only about 12.7% during 1960–68, i.e., lower than any other areas of the world excepting Canada.

It should be noted, however, that that report was based exclusively on data that could be quantified. As impressive as those data are, they do not cover the non-measurable, but nonetheless extremely important, contributions that foreign investments have unquestionably made to the Latin American countries. There can be no doubt of the fact, for example, that *domestic* investment in these countries has been greater, more diversified, and more productive, than it would have been in the absence of the foreign investments. The foreign affiliates have purchased most of their production inputs from national companies, thereby providing an important, or indispensable, market for those companies. The goods produced by the foreign affiliates have included many commodities essential for the production requirements of some national companies. Much of the technology transferred to the foreign affiliates by their parent companies has been made available to national companies. Moreover, many of the numerous management and technical personnel of the foreign affiliates have subsequently become the owners, managers, or technicians of national companies, where the knowledge and experience they acquired in the foreign affiliates have been put to effective use.

In short, foreign investment is a means of strengthening and expanding domestic investment. The curtailment of foreign investment, which the proposed Andean Code would inexorably bring about, would lead to the weakening and the shrinking of the domestic economies of the Andean countries.

THE NATION'S HEALTH AND HEALTH INSURANCE NEEDS

Mr. TALMADGE. Mr. President, much has been written and said in the growing debate on our Nation's health needs and national health insurance proposals.

Recently, the distinguished chairman of the Senate Committee on Finance (Mr. LONG) addressed the Louisiana Hospital Association and made pertinent remarks on these subjects. I believe that all Senators will find his very timely statement both interesting and beneficial.

I ask unanimous consent that the remarks of the Senator from Louisiana be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

HEALTH CARE REFORMS

(Remarks of Hon. RUSSELL B. LONG)

Once again, it's a real pleasure for me to visit with the fine folks who do so much to provide Louisianians with the best in hospital care. Your kind invitation provides a welcome opportunity to discuss matters of mutual concern. I must say that as far as the hospital situation in Louisiana is concerned, there has been no chance of my becoming too remote from it. Your good executive director, Charley Gage, comes to Washington several times a year with various delegations to make sure that your message is delivered. And, of course, we also get together here at home, from time-to-time, on hospital problems.

As you know, the Congress has been working hard over the past two years to develop reasonable and equitable ways of bringing runaway Medicare and Medicaid programs under control. The Social Security bill which will be acted upon this year will undoubtedly include a number of important changes in Medicare and Medicaid—some of which I will describe a little later. In recent months, however, all of this work in the Medicare and Medicaid areas is being overshadowed—and even dominated—by the growing national debate over national health insurance. As you know, almost every day there is a new entry in the health insurance sweepstakes—including President Nixon's proposal announced just two weeks ago.

The American Hospital Association's "Ameriplan" is a proposed entry in the race. While it is only in outline form now, I look forward to a careful evaluation of the proposal when the details are worked out. I am concerned, however, that in this legislative race to see who can get there "fustest with the mostest" we are being asked—intensively and often shrilly—to accept as facts what to my mind needs to be proved. Perhaps the most significant of those assumptions—and certainly the most basic—is that by legislating massive reorganization of the health care system necessary changes will come about and be infinitely better than what we have.

Now the costs of these proposals are far too high for this Senator to take a chance on being swept away by rhetoric. A long hard look is definitely in order. The nation just cannot afford to go off the deep-end on national health insurance by trying to do everything at one fell swoop. After that long hard look we might find it wiser to approach the issue through one careful "swoop" at a time. Hopefully, Congress has learned the wisdom of caution through its unhappy experiences with Medicare and Medicaid.

Of course, there is no real argument concerning the need of Government to help people meet their health care costs and to help hospitals and others do a better and more efficient job of meeting health care needs. The issue is not whether Government should help meet legitimate needs which cannot otherwise be met—but rather in carefully determining and defining those needs. Equal care then would be required in developing appropriate solutions.

I don't often find myself in agreement with the editorial policies of the Washington Post. Once in awhile, however, they say the right thing. For example, last week, in commenting on President Nixon's health care program, the Post stated:

> "It is too early in the debate, as far as we are concerned, to express a preference among the many possible alternatives. The goal of everybody's program is to make good quality health care available to all Americans. But the road that the country should take towards that goal has a good many forks in it and the options need to be spelled out and considered in much more detail than they have yet been before wise choices can be made."

In general, that editorial fairly states my own position with respect to national health insurance.

On the other hand, a posture of careful caution does not preclude acting to improve existing programs nor does it stop us from making comprehensive efforts to bring the costs of health care under control. As you know, it is the uncontrolled rapid rise in health care costs which has generated most of the impetus for national health insurance through pricing many people out of the private insurance market and substantially increasing their out-of-pocket costs which are not covered by insurance. Substantial success in moderating the costs of care might very well relieve pressure to the point where a partial, selective health insurance program might be more desirable to the American people than the total approach of a national program. Certainly it's worth exploring.

The Catastrophic Health Insurance plan which I have proposed is a good example of a careful, selective approach. I am deeply concerned over the disastrous effect which a catastrophic illness can have on any American family. I believe that this is the largest gap in our present health insurance program. Over the past decades science and medicine have come a long way in their ability to sustain and prolong life. Patients with kidney disease, spinal cord injuries, severe burns, and strokes, to name only a few examples, can now often be saved and even rehabilitated. However, these catastrophic illnesses and injuries which before would have been rapidly fatal, now often have an enormous impact on a family's finances. The net cost of a catastrophic illness or injury can be and usually is staggering. Hospital and medical expenses of many thousands of dollars can rapidly deplete the resources of nearly any family in America. These families are then faced not only with the devastating effect of the illness itself, but also with the necessity of accepting charity or welfare. Catastrophic illnesses do not strike often, but when they do the effects are disastrous. Its purpose of the catastrophic health insurance plan is to help keep millions of hard-working middle-income Americans from being bankrupted by the heavy expenses of prolonged and serious illness. At the same time, it is also designed to keep the Government from going bankrupt by trying to meet all of the costs of sickness. It is a reasonable and relatively modest step which is non-inflationary and can be readily coordinated with the exiting Medicare program.

In summary, the Catastrophic Health Insurance Plan would, in general, pay 80 percent of hospital care costs from the 61st day on. It would also cover 80 percent of medical care costs above $2,000. The types of services covered and benefit limitations would be the same as those in Medicare except that this would be a program for people under age 65.

The concept of coverage of catastrophic costs is the vital point. Certainly consideration could be given to lowering or raising the deductibles and even broadening the types of services covered. In all honesty, when I was working on the proposal it seemed fairer to have variable deductibles related to the income of an individual or a family because what might be fully within the means of someone with an income of $30,000 a year might be catastrophic to a family with $6,000 a year.

The problem in the income approach, according to the Social Security people, is that it is complex and difficult to administer. For that reason, income-related deductibles were not included in the Catastrophic Health Insurance amendment approved by the Finance Committee last year. But, I believe it might be possible to devise a system of different deductibles related to income which would be reasonably simply to administer. We will certainly try to develop that approach; and I invite you to write me if you have any suggestions along these lines.

The reason for the selection of the 60-day hospital deductible was because so many basic private hospital insurance plans—such as Blue Cross—cover up to 60 days and sometimes more. And the middle-income American families with one or more wage—earners who would be the principal beneficiaries of the Catastrophic proposal are still, at this point in time, capable of purchasing reasonably adequate basic hospital insurance. The catastrophic illness insurance program builds on top of regular basic insurance.

I know that you're also interested in possible changes in Medicare and Medicaid this year as well as the prospects for legislation increasing the minimum wage.

As far as the minimum wage is concerned, indications are that the Congress will hold hearings to consider changes but that an increase will not be voted upon this year. Certainly you would agree that minimum wage questions are not easy ones; all working Americans are entitled to be paid a wage which permits them to live decently. But, how much of a minimum is required to live decently? And, would an increase in the minimum wage—through the escalator effect upon wages generally—serve to accelerate inflation to the point where the wage increase is eaten up by increased prices. There may be also a point at which the minimum wage reaches levels which discourage employment of marginal workers. And, if the Administration is successful in pushing our welfare rolls up to 24 million people—how many millions more might be added on top of that as a possible result of a minimum wage increase? As you can see, it's not an easy matter to decide and I have noted that it does not appear that the minimum wage will be changed this year.

It might also be well to add that while some of us are very much concerned over the rapid and continuing rise in hospital costs, that concern is with costs which are capable of control by hospitals. We recognize the substanital impact upon hospital costs which occurs as the result of increases in the minimum wage and we are aware that increased costs of this sort which result from laws we pass are beyond your control. On the other hand, another way of looking at it is that the cost of inefficiency also jumps with every increase in the minimum wage.

Now, it might be time for both of us to let our hair down and frankly discuss the problems confronting hospitals and the Government. I think we can all agree that it is too late in the day for anyone to claim that hospitals and the health care system are already doing the best job they can do and there's no room for improvement. It is equally too late in the day for anyone to claim that government has all the answers to the problems or that the Government does not bear a good part of the blame for the difficulties and pressures confronting our system of health care today. Today, we are getting too little in the way of results, at far too great cost and with far too much red tape.

As we have learned through extremely costly experience with Medicare and Medicaid, there is an absolute need for effective control and administration to assure reasonable and prompt payment for properly-provided services. And from our Medicare and Medicaid lesson we have learned that, in general, neither government nor private agencies are meeting those needs in effective fashion.

Here are some of the hard facts. For the year starting July 1, Medicare and Medicaid costs are estimated to total more than $17 billion. The Hospital Insurance part of Medicare—Part A—has a deficit over existing financing—including scheduled increases already in the law—officially estimated at $216 billion over the next 25 years. Unofficially, using American Hospital Association figures—that 25-year deficit is projected as high as $370 billion. Those are billions—not millions of dollars.

All right! That's where we are. Against that background of an enormous deficit in Medicare, many hospitals are claiming that the program still does not pay them enough.

Ladies and gentlemen, where is all of the money supposed to come from to meet that deficit—let alone increase the basis of payments to hospitals? There is only one answer, unless we have some changes, and that is to pile it on the backs of the taxpayers. That's the "silent majority" you hear groaning!

Our problems in the Senate in terms of money are not too different from your own. You have to decide among competing priorities of different departments in your hospitals for the limited funds available. We have the same problem. The government is asked to pump more and more money into a broad range of worthwhile programs—and yet, believe it or not, Federal funds are also limited. And, we too, just as you, have our share of inefficiency and waste.

Okay! That's the bad news. That's the size of the problem confronting us. But, I don't think we are without possible reasonable solutions.

If in Medicare and Medicaid, we can develop and apply effective professional controls to assure proper utilization of services, it might very well be possible to recognize and reimburse for more of a hospital's appropriate growth and operating expense. This would come about through reducing or moderating the overall cost per patient stay rather than necesarily cutting down on how much we pay per day. For example, if a Medicare patient now averages 10 days in the hospital at a cost of $80 a day the total payment is $800. If that average stay could be brought down to 8 days, the government could afford to pay more than $80 a day and still achieve important savings. We will all benefit from that type of result.

It seems to me that there are two ways to bring about the happy result I have just described—effective planning and effective comprehensive utilization review. The key word is effective—not paper planning or token utilization review. And, wherever possible those mechanisms should be built at State and local levels around practicing professionals and institutions. The Federal role should be supportive—and the government should assume responsibility for those functions *only* where State and local agencies are unwilling or unable to perform properly.

This leads to a discussion of the Professional Standards Review Organization amendment originally proposed by Senator Wallace Bennett and approved, in modified form, by both the Finance Committee and the full Senate in the last Congress. That amendment has now been endorsed and proposed to this Congress by both the President and the Secretary of Health, Education, and Welfare.

I suppose it might be easier for me to talk around an important area of disagreement—such as Professional Standards Review—between many hospitals and government. However these are extremely serious times for both the health care system and government. Evasiveness or side-stepping wouldn't be fair to you; I think we know each other well enough to be able to give and take freely. To be anything less than completely honest with you would not only be to do a disservice to you but to all of the citizens of Louisiana whom I am privileged to represent.

Please bear in mind that what I say is not directed at Louisiana but is in terms of the nation as a whole.

The Professional Standards Review amendment is based on the premise that the physician determines how much care a patient receives and when and where he gets it. Thus, simple logic would dictate that any effective review system must be built around physicians. Obviously, any such system must include appropriate safeguards to forestall pro forma review and, wherever possible, build on, recognize and accept other review efforts which have proven to be effective. But responsibility for overall review of patient care must be lodged at a central place—the

PSRO—and the patient's care must be viewed as a whole, rather than just doctor's office, hospital, nursing home, clinic, and so forth.

Perhaps at this point I ought to backtrack a little. The Social Security bill of last year, as passed by the House of Representatives, included a provision to establish and use government-run program review teams in each State to constantly monitor utilization and quality control. These teams would be appointed by the Secretary of Health, Education, and Welfare.

In the Finance Committee we were convinced that the government and its agents did not have the capacity to effectively audit the health services provided under Medicare and Medicaid. Perhaps, more importantly, many of us, and I was one, had serious reservations about whether the government should perform those functions—even if it and its agent insurance companies could do so. For those reasons we saw real advantage in placing review responsibility, wherever possible, with those best able to decide whether care is necessary and of proper quality—the practicing physicians themselves.

Now after Senator Bennett introduced his amendment it generated a lot of heat and some light. Quite a bit of criticism was constructive and thoughtful, but unfortunately quite a bit of it was stumbling and rather helpless comments from people who obviously had not read the amendment.

As I said, the Committee received quite a bit of constructive comment—comments which, by the way, Senator Bennett invited when he first offered his proposal. As a result of the testimony of a wide variety of witnesses as well as quite a few excellent and constructive letters forwarded to the Committee, some rather significant changes were made in the amendment providing for Professional Standards Review.

A major change was in response to a concern expressed by nearly every hospital organization, including your own, that the original amendment might weaken existing hospital quality and utilization controls where they are effective and are doing a reasonably good job. The Committee change provided that local PSROs are authorized and expected to accept the results of in-house hospital review activities where they find those review activities effective. In other words, there would be no duplication of worthwhile in-house utilization review and there would be an incentive for hospitals doing ineffective review to beef-up their efforts to the point where it would be accepted by the PSRO.

As you know, any doctor who reviews hospital care for the PSRO must have active hospital staff privileges. Further, most doctors in an area are on the staffs of one or more hospitals. Those would be the doctors comprising the PSRO and thus, they would be collectively familiar with hospitals in the area. It is expected that the doctors reviewing hospital care in the PSRO would not be on the staff of the hospital whose patients are reviewed. However, in some areas, where most physicians have staff privileges at all of the hospitals in the area, that would not be possible. In those situations, we would have to waive the requirements.

Hospital organizations also expressed dissatisfaction with the provision in the original Bennett amendment which would have required the PSRO to review every non-emergency admission in advance. In this case, the Committee's answer was to limit prior approval requirements to only those diagnoses or institutions where the PSRO found it was necessary to control overutilization. Again, a hospital doing a good job of screening admissions would not have the PSRO superimpose its judgment on those admissions.

The final version of the amendment contains safeguards against bias by the PSRO against a given hospital or doctor. They also provide for prompt appeal of adverse decisions.

The Committee made a major and determined effort to respond to constructive criticism. But it was pretty well agreed by the time hearings were completed that the Committee had to provide for expanded and more effective review of Medicare and Medicaid. It was also pretty well agreed that only qualified physicians could and should review the necessity for and quality of medical care. The present situation—where insurance company and government personnel—often question medical determinations and judgments—is unacceptable where a professional alternative is available. Finally, the alternative to the professional alternative was expanded control and review of medical care by government agencies and insurance companies.

It is gratifying that many of those who expressed concern over aspects of the original PSRO amendment, after careful study of the modified Committee provision, are now expressing full or qualified support. Among those are the State Medical societies of Georgia, Mississippi, and North Carolina.

Let's move on to another Finance Committee amendment to Medicare, approved by the full Senate, which is designed to deal with an issue of great concern to many hospitals and extended care facilities. The amendment established a Reimbursement Appeals Board so that hospitals and other providers would have a means of appealing cost determinations by intermediaries. As you know, at present, there is no provision for appeal from intermediary decisions.

The amendment would establish a Provider Reimbursement Appeals Board consisting of five members—two of whom must be selected from qualified nominees of provider organizations. Any provider, or group of providers, who have filed timely cost reports may appeal an adverse final decision of a fiscal intermediary to the Board where the amount at issue aggregates $10,000 or more. The minimum amount was necessary to keep the appeals mechanism from being clogged with relatively minor disputes. However, a lesser amount, involving a matter of principle, can be appealed in the nature of a class action by a group of hospitals, if the total amount in controversy exceeds $10,000. As you may know, the Department of Health, Education, and Welfare has opposed establishing appeals mechanisms in the past on the grounds that it would become an administrative nightmare and clog the courts.

We met those objections through establishing a minimum amount subject to appeal, and by providing judicial review only in those cases involving conflict between the Appeals Board and the Secretary of Health, Education, and Welfare. In this case, I believe we acted fairly to protect the legitimate rights of hospitals and the administrators of the Medicare program.

Well, as you can see we don't have all the answers but we sure have all the problems. Hopefully, all of us will be able to work together in the months and years ahead to solve the most important of those problems. We'll welcome your cooperation in that effort.

Thank you again for the opportunity to visit with old friends.

ADDRESS BY DR. NOVICE G. FAWCETT, PRESIDENT, OHIO STATE UNIVERSITY

Mr. SAXBE. Mr. President, my friend, John W. Bricker, a distinguished former Member of this body, recently sent me a copy of a speech made by Dr. Novice G. Fawcett, president of Ohio State University. I agree with Senator Bricker that the speech is a fine one, thoughtful and provocative. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY DR. NOVICE G. FAWCETT

What I propose is a dram or two of the future—quite heady, and sufficiently potent for an after-dinner stimulant or anesthetic.

Since good ideas must work through the *brains and will* of good and far-sighted people, it is essential that you be told of the thinking which guides this enterprise as it faces its next hundred years. Even though Abraham Lincoln had a point in observing that "one good thing about the future is that it comes one day at a time,"[1] tomorrow is not likely to turn out well unless, insofar as possible, each step ahead is envisioned and prepared for. Through the most recent, fresh attempt to plot that course, I have reached an awesome conclusion. Very like Edmond Rostand's now-classic avowal—except that it was in French and about love—mine is succinct, declarative, emphatic: *American Higher Education is doing more today but less than it must do tomorrow*. The result of such realization is an updated guiding philosophy for the university as a whole, and for each of its parts, and in a sense I try it on you for size tonight.

In trying to anticipate the probable hazards which lie ahead, and to plan our way around or through the barriers of past or current construction, we find numerous spike-studded obstacles in the way of a tenable future for civilization. Over-population is but one of the most recognizable. Reputable demographers seem united in the conviction that no knowledgeable person expects anything but rapid future growth in people-numbers, even though the United States (in contrast to India or China or Tahiti) is now experiencing a leveling-off process which should provide this country with approximately one generation's worth of time in which to catch its breath. That span must be used in intelligent preparation for an all-but-inevitable upsurge; helped, paradoxically, by such welcome advances as those made in nutrition, health, and longevity.

Lack of consideration for our non-expandable planet has been accompanied by similar indifference to its irreplaceable natural reserves. Mankind's heedless meddling with nature, incredibly multiplied by the scientific breakthroughs and technological inventiveness of our time, has resulted in seriously dwindling and polluted resources of water, soil and air.

There is welcome promise in the possibility recently expressed at a meeting of the American Association for the Advancement of Science. Geneticist Barry Glass is of the opinion that the basic laws of life for all time to come may well have been discovered in our own lifetime, implying that science may have run out of the main unknowns. We had best hope that this be so, and that we now will focus on deriving full benefit from the headlong rush of discovery. Almost every advance still contains unlocked mysteries; too many dangers still lurk in a great deal of otherwise valuable new expertise; and too many of the world's people still receive no benefit whatsoever from a stockpile of modern miracles.

In this skeletal, very skeletal, sketch of the path ahead, there is at least one more arduous maze to be cleared—the uncertainty and confusion of a belief-system change as radical as that experienced by man in the Middle Ages. Dr. Willis Harmon of Stanford University believes that our society is now confronted by a choice between alternative societal-shifts, and considers the two likeliest courses to be what he calls a "Second-Phase Industrial Society," or a "Person-Centered Society."

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[1] Quote: February 7, 1861.

My own belief is that the choice already has been made—that we are now at the last stages of a great value-system revolution. More or less simultaneously, with or without awareness of deciding, the various segments of our populace have settled on a course, passed the crossroads, and we now have undertaken a collective commitment of psychic, human, and economic resources to the ideal of a person-centered society. The main, conceptual transition has been accomplished—from economic man to a more nonmaterialistic, more spiritual, intuitive, transcendental form-of-being. And the troubles we are experiencing relate to a necessary union—the fitting of new life structures and new learning systems to this new human we have chosen to become.

Reasoning based on varied and sufficiently numerous blocks of evidence, both those which are visible and those only sensed, permit me to suggest that the buffeting problems of today are not necessarily a signal of continued, accelerated change. They well may be the prelude to a period of calm. If what must be done is, then, done, humankind may achieve a golden age of recovery—the entrée to a truly civilized civilization.

Since the Age of Reformation ushered in the Protestant ethic with its subsequent economic base, we have dealt with work-oriented man and the development of an appropriate societal structure around him. It is now necessary to accommodate a very old and recurring idealization, an addition which, at long last, may bring to mankind the quality of existence longed for throughout human experience.

The establishment of such an age of recovery will require a congenial atmosphere and proper accomodations, both of these stemming from much more learning, far more-widely distributed. It must have watchwords to which full weight is attached and scrupulous adherence paid. Chief among such watchwords is *quality*—meaning, in this context, a new sense of fitniteness and limitation; the end of exponential growth in population and technology. Such dramatic changes as those of accelerating speed in travel and communications and weaponry development will have leveled off, and we must adjust to stabilized forms—making use not of the most, but of the *best* which is in them.

A second watchword must be *balance*. We constantly must be about the business of seeking a higher balance between society and self—between togetherness and individuality—between essential unity and freedom. We must be attentive to maintaining a responsible balance between man and his natural world.

The wholesomeness resulting from such a qualitative symmetry and stability will come through the vehicle of learning—driven by the motive power of human value. Knowledge through education will be the stuff and economy of a new person-centered society. Having succeeded in meeting an unprecedented enrollment crunch and multiple accompanying demands, higher education—with fewer distractions—can direct its steps in this direction—one toward which for some time it has been headed. Now it must take a fully-cognizant, decisive lead. It must help to bring all members of our society to the fullest development of their highest potential, keenly perceptive of and sensitive to human values, keenly aware of our universal reliance on the planet which we inhabit.

Learning will extend itself over the entire life span, from infancy to final ending. It will go into the home, and the vast reaches of leisure, and the islands of industry—a union already solidified, and symbolized, by our Center For Tomorrow. Interspersed with periods of rest, travel, work, and other pursuits we do not yet know, it will be continuous. Education will be both a moving target and a moveable feast. In an unrelenting search for truth, it must be anchored to the immutable verity which Adlai Stevenson phrased in these words: "We travel together, passengers on a little spaceship, dependent on its vulnerable reserve of air and soil. We are all committed for our safety to its security and peace, and preserved from annihilation only by the care, the work, and the love we give our fragile craft."

With containment of population upsurge and runaway technology at fingertip reach, this country's people may be seen as completing the metamorphosis of man from newborn, to youth, to adult status. Physical growth eventually stops, but there is no end to the maturity of mind he may achieve.

Such learning must help us to gain what is called a "steady state"[2]—an intelligent, tolerant, free and flexible society in which *modern economics* and *modern technology* provide the means for bringing about elimination of crucial ills and disadvantages. As the necessary alternative to ultimate extinction, these ends are both profitable and possible. Such Churchillian "sunlit uplands" are no longer a visionary Utopia; they are within reach. The project is not mere rhetoric; it is potential reality!

To do what must be done will take *some* doing! Above all else, the responsibility for delineating and reaching new national goals will require courageous, strong, established leadership, by those agencies experienced in evaluating and disseminating ideas. And, most certainly, in order to maintain its fine position among that group, Ohio State will continue to rely on the understanding assistance of what's euphoniously called "the private sector." In the main, our more realistic title is "The Presidents Club."

During the course of University history, in my admittedly prejudiced opinion, not much is of greater importance than the instigation and cultivation of this invaluable nucleus of what Edgar Dale refers to as "we-centered" rather than "me-centered" citizens. Started only eight years ago by Ev Reese, Kenyon Campbell later succeeded by Chuck Traphagen, and those of like-mind, this meaningful concept of perceptive involvement, enlightened self-interest, and far-reaching humanity has made a spectacular difference; helping OSU to become one of the nation's most-productive, most-respected universities.

The effect is near-incalculable on those of us who labor here and deeply believe in what we're doing. Even so, you have the right to know the drift of that effect. Perhaps, since I have only myself to thank for so difficult an assignment, I can—in personal terms—make manifest the inexpressible.

More important than all else is a lifting of spirits, a strengthened resolve, the refreshment and renewal of such basic convictions as are these which I state with firm finality.

I believe in my country—in its precepts and its vigor, in the generosity and idealism and responsibility of its people.

I believe in our educational system, and in the educability of our citizens. I believe that collective wisdom can, and will, engender the knowledge and work and patience and endurance and hope which have been the glory of our past.

In the very best sense, I believe in myself, my fellow-professionals and our staunch advocates. I am confident that, together, we have the knowhow, the skill and the *will* to see the task through.

For the Ohio State University—in which I passionately believe—for its chief spokesman, personally, and for the troubled civilization which it serves, there is only one thing more which needs be said—to you—a heartfelt *thank you*.

In a note to his editor, penned on the flyleaf of his *East of Eden*, John Steinbeck explained that the submitted novel was a small box, carved for his friend, and that in it was placed nearly everything he had—but it still was not full.

As expression of the esteem in which I hold you, I have offered my own hand-fashioned box of belief. It contains much of what I have learned during 40 years in the education field and it, also, is still not full. Some hurt and much happiness are in it—and some feeling hard-pressed and some heady exhilaration. A great deal of pleasure and unending challenge and hopefulness are there. And, on top of all these, are all the companionship and the gratitude and respect which I have for you.

Please take it. It is offered with deep faith—and with the prayer that blessings may attend our efforts and the cause which unites us.

WILBERT SNOW

Mr. RIBICOFF. Mr. President, Connecticut has a great tradition of combining the roles of scholar and politician. Wilbert Snow, former Lieutenant Governor and Governor of Connecticut and former English professor at Wesleyan University, is in that tradition.

An outstanding and beloved professor, Wilbert Snow taught generations of Wesleyan students to love the English language. Countless students owe him a debt of gratitude for the patience and warmth with which he taught his subject.

Acknowledged by his peers to be a great poet, Wilbert Snow wrote with deep meaning works that have been read with thought and enjoyment by many people through the years. He is the author of seven books of poetry and was commissioned to write the Tercentenary Ode for the State of Connecticut.

Wilbert Snow began his political career by stumping the State of Maine in 1912 for Woodrow Wilson. In 1944 he was elected Lieutenant Governor of Connecticut. Two years later he lost the gubernatorial race, but he served as Governor for a brief time when the incumbent Governor, Raymond Baldwin, left for the U.S. Senate.

Wilbert was also a member of the Connecticut Constitutional Convention in 1965 and has served Middletown, Conn., with distinction on the board of education, the Democratic town committee, and as a supporter of the establishment of Middlesex Community College. The people of Middletown expressed their appreciation for his years of dedication to their community by naming the Snow school in his honor.

Over the years, Wilbert Snow has been a close personal friend. He has always had my admiration and deep affection. No day is better spent than in his company enjoying his conversation.

It has been a privilege and honor to know this fine and thoughtful man, and I know all of his friends in Connecticut join me in wishing him well in the years to come.

U.S. CATHOLIC CONFERENCE SPEAKS OUT FOR AN ALL-VOLUNTEER MILITARY

Mr. HATFIELD. Mr. President, numerous groups and individuals have testified before both the Senate and House

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[2] John Radar Platt.

Armed Services Committees on the question of the draft. On March 11, 1971, the Reverend Monsignor Marvin Bordelon, director of the Department of International Affairs of the U.S. Catholic Conference, an agency of the Catholic bishops of the United States, presented testimony to the House Armed Services Committee. The U.S. Catholic Conference—USCC—strongly opposes peacetime conscription, favoring an all-volunteer armed force. I strongly commend this statement of the USCC to the Senate and urge that they give it careful consideration.

Mr. President, I ask unanimous consent that the statement given by Monsignor Bordelon be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

U.S. CATHOLIC CONFERENCE ON SELECTIVE SERVICE LEGISLATION

I am Marvin Bordelon, Director of the Department of International Affairs of the United States Catholic Conference (USCC). The USCC is an agency of the Catholic Bishops of the United States. Its purpose is to coordinate activities of Catholics in the United States in the areas of education, social welfare, international affairs, communication and public affairs.

PREFACE

I would like to preface my remarks about this most serious question of military conscription by saying that the Catholic Bishops of the United States are gratefully conscious of the sacrifices and valor of those men who have served in the armed forces and especially those who have given their lives in service to their country. Their courage in the defense of the common good should not be underestimated or forgotten. In the words of the Second Vatican Council document, *The Church in the Modern World*, "As long as they (members of the armed forces) fulfill this role properly, they are making a genuine contribution to the establishment of peace." (n. 79).

In their Statement on Peace of November 18, 1966, the National Conference of Catholic Bishops said:

"We reaffirmed at the Council the legitimate role of patriotism for the well-being of a nation, but a clear distinction was made between true and false patriotism: 'Citzens should develop a generous and loyal devotion to their country, but without any narrowing of mind.' In other words, they must always look simultaneously to the welfare of the whole human family, which is tied together by the manifold bonds linking races, peoples and nations.

"But these limits on patriotism do not rule out a country's right to legitimate self-defense. While making it clear that all means short of force must first be used, the Council restated the traditional teaching regarding the right of self-defense: 'As long as the danger of war remains and there is no competent and sufficiently powerful authority at the international level, government cannot be denied the right to legitimate defense.' And what a nation can do to defend itself, it may do to help another in its struggle against oppression."

The Church has always espoused that the individual has an obligation to support and promote the common good. When survival of the wider community has been threatened by external force, the Church has traditionally underscored the obligation of Christians to serve in military defensive forces. Such community-oriented service, that is, soldiers devoted to the authentic purposes of securing peace and justice, has always merited the Church's commendation.

GENERAL REMARKS

In discussing the relative merits and dangers of a standby draft, an all-volunteer army and the problems associated with military procurement, we do not wish to give the impression that a volunteer army under democratic controls, or a reformed conscription system either, will solve a more fundamental problem: the propensity of nation-states to solve international problems by the use of military force.

In their pastoral of November 1968, the American Bishops stated:

"If war is ever to be outlawed, and replaced by more humane and enlightened institutions rooted in the notion of universal common good, *it will be because the citizens of this and other nations have rejected the tenets of exaggerated nationalism and insisted on principles of non-violent political and civic action* in both the domestic and international spheres." ("Human Life in Our Day," Section: "The Role of Conscience") (emphasis added)

The Second Vatican Council called for an "entirely new attitude toward war." (*Church in the Modern World*, n. 80) This implies that old concepts of armaments and a balance of power are no longer adequate for world peace and security. New means must be sought to insure the common good of the international community.

The ancient but perennial formula reads: Build up a powerful military defense appropriate to the times, and the bigger and better the military hardware, the greater will be the nation's security. However, the lamentable fact is that in the past one hundred years more than 150 million men, women and children have been killed in wars. The terrible madness about this is that multitudes continue to accept this premise, for the hope of achieving peace by merely maintaining the balance of massive, destructive power is a tempting delusion. (Cf. *Ibid.*, n. 81)

The primary and crucial task, then, is to define the nation's authentic needs, that is, the limits of its national interests. Americans must confront and resolve the question of how to respond to other national systems—political and economic—which differ from ours. When the spirit of nationalism among our government's leadership and the general public becomes so excessive as to induce us to believe that our nation, our system, our people are superior to other nations, we are working against peace and the energies of war are coming alive in the nation. (Cf. *Ibid.*, n. 82) Can we recognize a laudable pluralism among national systems? If we cannot, then the old notions about securing peace will persist, and we will continue to rely on such devices as sophisticated weapons and large, mobilized combat forces.

As a nation, we must commit ourselves, with firm determination, to respect other men and peoples and their dignity. To do otherwise is to place ourselves in a position of self-righteous superiority and to perceive our neighbors' intentions as immoral, ours as moral. The neighbor is thought to be eager to attack and conquer, while we are the peacemakers.

When our nation fears that its national interests are being threatened and war is imminent, we contend that we must seriously examine our consciences to determine to what extent we are being motivated by fear of the loss of economic advantage; what degree of nationalistic pretentions are involved; has a desire for national prestige and political domination crept into our actions; has a spirit of militarism become dominant? (Cf. *Ibid.*, n. 85.)

In this post-Hiroshima era, with the frightful prospect of war threatening to devastate the planet, men are forced to search for new insights. It is in this spirit—searching for new understandings about war and respecting the judgment of history—that we address the question of military service in the United States.

OBSERVATIONS AND RECOMMENDATIONS

Compulsory military service—The opposition of the Catholic Church and its leadership to peacetime military conscription has been clearly stated on several occasions. The following text from the 1968 pastoral letter of the U.S. Catholic Bishops is pertinent to this issue:

"A Catholic position of opposition to compulsory peacetime military service, first formulated on the level of the Holy See by Pope Benedict XV, has had for its premise the fact that such service has been a contributing cause of the breeding of actual wars, a part of the 'great armaments' and 'armed peace' security concept, and, in the words of Cardinal Gasparri in a letter to Lloyd George, the cause of such great evils for more than a century that the cure of these evils can only be found in the suppression of this system. . . . Our call for the end of any draft system at home which, in practice amounts at times to compulsory peacetime military service is in direct line with previous resolutions of the hierarchy of the United States on compulsory military training." (*Op. cit.*, Section: "The International Community")

In the past, the United States has deployed a small professional army in peacetime and a large "citizens" army in time of war. This is not just a quirk of history, but rather, it is a reflection of a very fundamental trait in our domestic process—that each citizen participates, to a greater or lesser extent, in the decision for national survival. If that survival is threatened, the nation is compelled to mobilize. If, however, the survival of the nation is not at stake, then there is no need for a large standing army.

Until recent years, the United States has not drafted men into military service except in times of national emergency. The last two decades have seen a dramatic change in this policy. The nation has continually ceded to its Chief Executive the power to induct men into military service. Even though during much of that period the United States has not actually been engaged in warfare, men have been inducted. This has amounted, at times, to peacetime military conscription, which has been opposed by the Catholic hierarchy in the past because, among other things, "such service has been a contributing cause of the breeding of actual wars. . . ." (*Ibid.*)

The USCC recommends the termination of the present draft system which has, at times, amounted to compulsory peacetime military service. Congress should end the present draft system 1) by allowing the Selective Service Act of 1967 to expire, and 2) by initiating a standby draft system for times of national emergency and as a temporary measure for providing manpower during a period of transition to an all-volunteer army, and 3) by providing the means for the establishment of an all-volunteer army.

The new draft law should contain provisions which would require the Chief Executive to obtain a new authorization each year to induct a specific number of men into the armed forces, if indeed, in the national interest, clear purposes of adequate defense demand conscription. This would not only impose a ceiling or limit on the number of men who can be drafted in that year, but it would also encourage a broad review of manpower requirements each year. By allowing the present Selective Service Act to expire, Congress could authorize the conscription of a certain number of men in any one year, subject to review the following year, with the clear purpose and intent of ending conscription as quickly as possible.

The all-volunteer army—In their 1968 pastoral letter "Human Life in Our Day," the U.S. Catholic Bishops stated:

"We welcome the voices lifted up among our political leaders which ask for a total review of the draft system and the establishment of voluntary military service in a professional army with democratic safeguards and for clear purposes of adequate defense." (*Ibid.*)

Although an all-volunteer army is desirable for a number of reasons, there are certain dangers inherent in a totally professional military establishment which will require constant scrutiny. For example, without the constant turnover of draftees and of draft-induced volunteers, the military establishment could become overly autonomous and isolated from the mainstream of American life. In addition, the all-volunteer army could draw into its lower ranks a high percentage of youth from minority, poor and disadvantaged groups. Also, a large standing army of professional soldiers could pose a threat of its own to national security.

Our nation has experienced considerable growth in the power and size of its armed forces during the period following World War II. Some of this growth is, no doubt, a legitimate response to a tense world situation, the so-called "Cold War." But, growth which proceeds without the constant and most explicit scrutiny of Congress and the Executive can acquire a momentum all its own. Without so intending, the military establishment itself, because of its size and budgetary demands, can become overly influential in the formation of policies which are its duty to implement, but not to create.

Therefore, in establishing procedures for obtaining an all-volunteer army, Congress should be encouraged to make special efforts 1) to reduce the present size of the army, 2) to establish clear lines of civilian control over the military, and 3) to distribute the burden of national defense over all classes of citizens as far as this is possible.

Opposition to a Universal Service Corps—A Universal Service Corps has been suggested as a means of solving, among other things, many of the problems which have arisen as a result of the draft. Those not volunteering for the armed forces would be required to serve the nation in non-military capacity. Although there is an element of choice in this program, it is not voluntary in the sense that the law would require that every young person serve in some capacity under the threat of penalty. This program, it seems, would complicate an already complicated problem. Not only would it be difficult to administer, but it would be tantamount to involuntary servitude for many young people. We oppose the proposals for a Universal or National Service Corps because they constitute a form of compulsory service. It is not clear that the country's non-military needs (such as health, education, welfare, social service) would be well-served by nationalization of the youth work force. We oppose this plan as we have opposed in the past other forms of compulsory service during peacetime.

Conscientious objection and selective conscientious objection—The law should prohibit the drafing of conscientious objectors and selective conscientious objectors.

The draft law as it is presently written makes no provision for selective conscientious objectors, i.e., objectors to particular wars. This is a matter of concern to the Catholic Church since a growing number of religious objectors are Catholics and many of them are selective objectors. This is also a matter of concern to other denominations.

Both the conscientious objector and the selective objector are representative of a twofold development in Catholic teaching regarding war and conscience. The conscientious objector is one who believes that the Gospel imperatives of love and brotherhood exclude the use of organized violence in international affairs. The selective conscientious objector, on the other hand, is one who determines, through the use of moral reasoning, that to fight in a particular war or to serve in a particular branch of the service (for example, in nuclear forces) would be morally wrong.

Selective conscientious objection is rooted in a tradition which is associated with the evolution of the just war doctrine or theory developed by St. Ambrose in the fourth century and later amplified by St. Augustine, St. Thomas Aguinas and other prominent theologians. According to this doctrine, a war is considered just only if it is declared as a last resort and by lawful authority, uses means which are not intrinsically immoral, and follows the principle of proportionality, that is, the good to be achieved by the war must outweigh the evils caused by the conflict.

While the Church does not officially declare some wars just and other wars unjust, the individual Catholic is obliged to follow his conscience. If that conscience impels him not to participate in a particular war, then he sins gravely by taking part in it. The Catholic who follows the just war theory traditionally taught by the Church and objects to a particular war has a basis for his claim: his religious training and belief.

The section of the Selective Service Act which requires that the registrants be conscientiously opposed to participation in war "in any form" is too restrictive and discriminatory.

In the pastoral letter cited previously, the Catholic Bishops recommended:

"A modification of the Selective Service Act making it possible, although not easy, for so-called selective conscientious objectors to refuse—without fear of imprisonment or loss of citizenship—to serve in wars which they consider unjust or in branches of service (e.g., the strategic nuclear forces) which would subject them to the performance of actions contrary to deeply held moral convictions about indiscriminate killing. Some other form of service to the human community should be required of those so exempted." (*Ibid.*, Section: "The Role of Conscience")

The selective conscientious objector should be given the same provision under the law as the conscientious objector, providing his objection is well-founded and constitutes a sincerely held moral conviction. He should be allowed to state his case before a competent board of judges. By their own admission, some local boards or individual board members do not feel qualified to make judgments about these questions which are often philosophical or religious in nature. Problems in this area could be partially solved if the question of conscientious objection were handled at a higher level than that of the local board, by a special, regional panel appointed specifically for that purpose.

Alternative service program—We would urge that Congress review the regulations regarding alternative service and investigate the practices of local boards in assigning civilian work. It has been our experience that the administration of the law has not been uniform in this regard. Some local boards correctly interpret the law and allow the registrant to choose from a broad spectrum of work assignments which contribute to "national health, safety or interest." There are usually few problems in placing registrants in civilian work which truly benefits the community and utilizes the talents of the registrant for truly productive work.

Other local boards, however, appear to operate from the premise that the registrant should be put in a job which tests his sincerity, and therefore, force the registrant to forego a number of job opportunities in order to place him in work which will be disruptive, disagreeable and unpleasant. This style of operation has been encouraged in part by some communications from the National Headquarters of the Selective Service, such as Local Board Memoranda 64 and 98.

If alternative service becomes a form of punishment or a test of sincerity, it can be counterproductive in the long run, negatively affecting the young person's attitude toward service to the human community. It is assumed that the registrant is sincere if his claim is accepted and he is granted an exemption.

The Selective Service System should relax the stringent regulations regarding civilian work in LBM 64 and LBM 98 and provide for a more uniform administration of the program through the local boards. If that were done, Catholic health and welfare agencies would be able to cooperate more easily with Selective Service in providing jobs for conscientious objectors on alternative service.

Administration of the law—Judging from correspondence we have received from a wide range of Church membership, the administration of the Selective Service Act at the local level is often awkward, arbitrary and uneven. Some local boards are not responsive to the legitimate claims of registrants and, in many cases, have administered the law incorrectly. It is not uncommon for registrants to be denied deferments or exemptions to which they are legally entitled. This lack of uniformity in the administration of the law causes inequities. Standardization of draft procedures would tend to insure the proper and uniform administration of the law throughout the country. Draftees should be allowed the same protection of law which is granted in other areas of human affairs, including the right to have legal counsel present at hearings, a safeguard against arbitrary interpretations of the law.

Serious discrimination occurs under the present draft system, since the minority poor are generally less educated and have less opportunity to acquire legal and counseling services. It is not surprising that the number of deferments and exemptions on a per capita basis is generally higher in the white suburbs than it is in dominantly black and ethnic minority areas. The elimination of most deferments will no doubt help minimize some inequities in the draft, but more efforts should be made so that the burden of military service falls equally on all classes and ethnic groupings.

We would recommend the retention of a random selection process with the youngest called first on a basis of a uniform national call. We would continue to urge, however, that high school students not be drafted.

Concerning exemptions and deferments, Congress should retain the authority to decide these issues and should not cede discretionary authority to the Executive Branch of the government.

Seminarians and ministerial exemptions.—A word about seminarian and ministerial exemptions is in order at this point. When the threat to the nation's integrity and institutions is real and proximate, as in World War II, a state of national emergency is declared. At such times, the nation's leadership must make difficult decisions about the utilization of manpower to achieve both the short-range goal of national defense and also the nation's long-range needs after hostilities have ceased.

In the past, Congress has seen fit to grant exemptions to those engaged in the priestly ministry. Congress has also granted statutory exemption rather than student deferments to seminarians. Such exemption removes them from the category over which the President is able to exercise discretionary power. We see no reason to change this policy since we would hope that the Congress and the nation would continue to value the work of the ministry and the preparation for the ministry as critical to the well-being of the country.

In testifying before Congress in 1940, Monsignor Michael J. Ready, General Secretary of the National Catholic Welfare Conference, stated:

"[Exemption from military service] is not a privilege conceded unfairly to the ministers of religion as a class. In respecting the immunity of the clergy from military service the state recognizes the right of the people at all times to practice their religion and to have available for that purpose the ministrations of their priests."

In speaking about a law which would not exempt seminarians and ministers, Monsignor Ready said:

"To enforce provisions of law such as those now considered would dangerously interfere with the progress, even with the preservation, of religion, and would result in grievous suffering and hardship to millions of families by depriving them of Sacramental ministrations, and would curtail an influence that contributes inestimably to the preservation of morale and the strengthening of national unity."

THE COURT MARTIAL OF LIEUTENANT CALLEY

Mr. TALMADGE. Mr. President, war under the best of conditions is a horrible thing. When young men are drafted and sent off to fight, kill, and die against their will, it is even more distressing and horrible.

The war in Southeast Asia has divided our country more than it has been divided since the War Between the States more than 100 years ago. Most Americans have been shocked by stories of atrocities in the news media that we get almost daily from Southeast Asia. This is a war where it is impossible to tell friend from foe. There is no rear. There is no flank. There is no front. Women and even children frequently fire upon our troops.

Most Americans have been shocked at the circumstances surrounding the court-martial of Lieutenant Calley. Most Americans believe that he is assuming the burden for the entire war, including the errors of his superiors. As a former combat veteran myself, I am saddened to think that one could fight for his flag and then be court-martialed and convicted for apparently carrying out his orders.

RACISM IN WASHINGTON, D.C.

Mr. SCOTT. Mr. President, the election of March 23 is over. The Reverend Mr. Fauntroy was overwhelmingly elected to the post of nonvoting, but, hopefully, influential, congressional delegate from the District of Columbia. The voters expressed their preference first in a Democratic primary in January, at which Mr. Fauntroy was chosen to be the standard bearer for the Democratic Party, and again in the regular election. I know he carries the good wishes of all citizens of our Capital city as he takes his seat and assumes his duties. There is much that needs to be done.

In newspaper accounts of the election, however, from which many citizens are forced to take their historical perspective of the vote because there is no other source, there was the implicit suggestion that the vote in ward 3, which was carried by the Republican candidate who happened to be white, was racial because ward 3 is predominantly white; whereas the vote in the rest of the city, predominantly black, was not. Were this presumption to remain unchallenged one would be forced to conclude that the sincere efforts of the thinking people of the community, who have striven for years to judge individuals not by their color but by their capabilities and the opinions they hold, have gone for naught. This kind of shallow generalization can do no good to anyone except perhaps those benefiting from the continuance of dissension, polarization, or antipathy.

The Washington Post for Monday, March 29, in its "Letters to the Editor" section, published a perceptive communication on this subject from a man who signs himself "William H. Carroll, Jr." He puts the matter in the correct context when he writes:

> Without denying the existence of white racists in this area, I wonder if those who say the Ward 3 vote was "racial" really mean that while 13 thousand (presumably non-white) voters outside of Ward 3 chose Mr. Nevius because of the gentleman's many qualifications, 15 thousand voters of Ward 3 selected the same candidate only because he is white, and similarly, 9 thousand Ward 3 voters chose Messrs Fauntroy, Hobson, Harris, and Moore solely because they were black.

Mr. President, it is quite true that the racial problem in this country has not yet been solved, but I think it is also true that it is being solved, and that the solution involves understanding, tolerance, acceptance. Washington, D.C., would be far better served by a more thoughtful evaluation of the real significance of this vote.

I recommend Mr. Carroll's letter to the attention of all Senators, and ask unanimous consent that it be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Not a "Racial" Vote

I wish to protest the slurs carried by your newspaper to the effect that the whites of Ward 3 voted on a racial basis in the election of the non-voting Congressional delegate. Without denying the existence of white racists in this area, I wonder if those who say the Ward 3 vote was "racial" really mean that while 13 thousand (presumably non-white) voters outside of Ward 3 chose Mr. Nevius because of the gentleman's many qualifications, 15 thousand voters of Ward 3 selected the same candidate only because he is white and, similarly, 9 thousand Ward 3 voters choose Messrs. Fauntroy, Hobson, Harris and Moore solely because they were black. The characterization of the Ward 3 vote as "racial" is not only absurd and unfair; it also fuels the forces of polarization within our community.

The undersigned (a supporter of Mr. Hobson, who happens to be caucasian) feels that Mr. Fauntroy's lack of popularity in Ward 3 is not a matter of race, but rather a lack of confidence that he is a force strong enough to operate effectively in Congress. I do, however, congratulate Mr. Fauntroy on his great victory, and join his most loyal supporters in hoping that this deeply spiritual man can fulfill the promise of his candidacy and mobilize "forces of good will" for the benefit of our city.

William H. Carroll, Jr.

Washington

HEALTH CARE LEGISLATION

Mr. RIBICOFF. Mr. President, no problem is more complex or multifaceted than the need to improve the health care of this country. It will take long hours of hard, constructive thought and work on the part of the Congress and the administration if we are to be successful in developing a health care program adequate to meet the needs of the last 30 years of this century.

Victor Cohn's article in The Washington Post of March 29 sets the problem in perspective and all of us would do well to ponder the points he raises. I ask unanimous consent that his article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Drastic Changes Needed for Better National Health

What this country needs for its health is a secretary of health. It needs someone in charge of this floundering area—an official with proper authority and help, declared responsible for developing possible solutions to the growing health crisis.

Strange as it may seem, it has no one such official now, and even under President Nixon's new federal reorganization plan—which includes a Department of Human Resources, including health—it will have none without some drastic further changes.

This conclusion seems inescapable to this reporter after some weeks spent watching the highly partisan debate over how to provide us with better national health. Consider these sickly results of recent federal non-planning:

The Nixon Administration proposal for national health insurance would omit a large part of the population, though insuring the health of many private health insurors.

The most publicized counter-plan the Kennedy-Griffiths health bill, promises more. But a health specialist for the National Urban League says that: "Nowhere in the myriad of bills, resolutions or plans advanced to date is there any clear mandate to establish and implement with speed any coordinated health system."

The administration and Congressional health forces are vying to construct a new crusade against cancer to cost an extra $100 to $200 million a year just to start—while research lags on many other diseases whose victims also sicken and die. Research areas like over-population, alcoholism, heart disease, cerebral palsy, mental retardation and children's diseases need funds too.

Health in the United States is a $70 billion a year industry. Medicare and Medicaid are costing millions more than anyone ever predicted. The national health bill may reach $200 billion in another 20 years. Yet only in the past year has this administration even begun to think about cheaper health delivery. Last year it spent $1.6 billion for biomedical research, but less than $18 million for health delivery research.

There has been equally little systems study of health, as versus the narrower subject of medical care. Sweden has 83 doctors per 100,000 population, yet has half the death rate among middle-aged men as the U.S. with 140 doctors per 100,000. Is training more doctors and paying for more care our most economical health strategy? No one is asking this question on any respectable scale.

Who should? No one knows. Examine the huge Department of Health, Education and Welfare, which may soon become part of an even more Pentagonian Department of Human Resources, and you find an astonishing lack of health planning at any point. Who's responsible? No one—or every one.

A parade of secretaries has failed to master HEW's appalling machinery, though a few—the best was Wilbur Cohen—made a pretty good show of it. Secretary Elliot Richardson is able, bright and extraordinarily well informed on health for a layman. But he would probably be first to testify that he lacks time to be a "secretary of health" as well as secretary of HEW.

The department's highest health official is not even an undersecretary but one of seven assistant secretaries. All with some pieces of health action. This assistant secretaryship for health and scientific affairs was slated to go to Dr. John Knowles (director of Massachusetts General Hospital) at the outset of the Nixon era. The American Medical Association and the late Sen. Everett Dirksen of Illinois (AMA headquarters) opposed Knowles. And health lost. During a fight that lasted for months, HEW's various health tasks were grabbed by various assistant secretaries, deputies, "assistants to," etc.

A nice man, Dr. Roger O. Egeberg, finally got the job. He had been a good dean of the University of Southern California Medical School. Washington was different. He never did get control.

Suddenly health heated up. Sen. Kennedy began calling it "the country's fastest-growing failing business" and proposing solutions. Says one administration official: "In September there was a decision that this was a year of health. So a hysterical exercise began. There were no health plans on the shelf, as there should have been.

In February, practically panting, HEW Undersecretary John G. Veneman (ex-Medicare-Medicaid chairman in the California legislature), Deputy Undersecretary Robert Patricelli (a lawyer) and Assistant Secretary for Planning and Evaluation Lewis Butler (a lawyer) presented the Nixon "National Health Partnership." It would require businessmen and employes to chip in for a high minimum level of group insurance; it would provide most low-income families private policies paid for entirely or in part by the government.

But part-time employees would be excluded from the group plan. Low-income families would get only 30 days' hospital care per illness. Low-income singles or marrieds without children would still get only present welfare medicine or Medicaid. Those 65 and over would be left with Medicare, which is paying less than half their health costs. They would have to start paying part of their hospitalization on 13th instead of 61st day (while being relieved of one $5.30-a-month charge).

Health experts immediately told the Kennedy health subcommittee that Mr. Nixon apparently wanted to charge the old less when they're well but more when they're sick. Under the group plan, a $7,000-a-year worker might have to pay $1,800, a quarter of his salary, for a $5,000 illness.

Also, critics have emphasized, the administration plan rests almost entirely on extending private (Blue Cross, Blue Shield and commercial) insurance. The commercial sector may be a weak reed.

The February Social Security Administration Bulletin showed that operating "expenses" of commercial insurors for group health policies averaged 13 per cent of premium income in 1969. Expenses of non-profit Blue Cross plans averaged 6 per cent. Social Security's expenses in operating Medicare were betwen 2 and 3 per cent (omitting rent and many other hidden costs).

Major health insurors like Prudential and Aetna replied that their expenses were only about 4½ per cent for large groups—and, given a government mandate to cover much of the country, they could do as well as Blue Cross.

Maybe so. Scrutiny of the 1969 figures of even the biggest, most efficient firms (like Aetna, Equitable, Metropolitan Life) shows that their overall group coverage expenses ran 9 and 10 per cent. Expenses of smaller firms ran as high as 26 or 50 or even nearly 100 per cent in a large number of cases.

Bankers Multiple Life Insurance Co. of Chicago, an advertiser of "Medicare supplemental protection" in The Washington Post and Washington Sunday Star of February 28, "earned" $5,270,399 in premiums in 1969, but paid out only $2,248,273. The rest was "expenses." (Figures from Chilton's Spectator, annual health insurance review issue, September, 1970).

The Administration has promised legislation to regulate health insurors. It is clear that it will have to regulate most of them out of existence—or that Sen. Kennedy may be right when he questions putting a national system in the hands of a demonstrably high-cost industry.

Yet no one has clearly demonstrated that a new government plan can control costs any better than the government has under Medicare. Sen. Kennedy's hearings have shed some light and more heat—because they have mainly been an adversary procedure between the Massachusetts senator and his administration, AMA and private health insurance foes.

It is perfectly true politically that Kennedy must build support for his own national health plan or see it tossed in the wastebasket when Wilbur Mills introduces *his* plan.

But is there any better way to develop a national health plan? In Great Britain during World War II, Conservatives, Labor and the British Medical Association agreed one was needed. The famous Beveridge Commission produced a plan, which was *then* submitted to political debate. It had defects. But it at least followed dispassionate examination of all the alternatives.

The United States is sick, of course, of dead-end commissions as substitutes for action. But in this case—where there is already wide agreement among all parties that a new health plan is necessary—why couldn't Congress: (1) agree by resolution on the goal (as much health care for everyone as the country can afford); (2) create a commission to propose either one or alternate plans; (3) then subject *these* to political debate?

As to the missing health boss or planner in the Department of HEW or whatever it becomes, Dr. Edmund D. Pellegrino of the State University of New York at Stony Brook has now been asked to succeed Dr. Egeberg. He is, it is said, a good and strong man. But if the President's new reorganization is adopted, he will find himself (as mere "administrator for health") topped by a secretary, deputy secretary, undersecretary and assistant secretary, and who knows how many "assistants to."

The canny Wilbur Cohen's current answer is: make the top health official (and the top education and welfare officials) "secretaries" too—under the secretary of the larger department. This may sound like a small change, he argues, but "you could get a better man for the job; it would give him more prestige in the government; it would give him acceptance by the professionals in his field." It is at least one mechanism that might say clearly: this is the responsible health man, where no one with real prestige and authority is responsible now.

THE JARRING MISSION—II

Mr. HATFIELD. Mr. President, I placed in the Congressional Record of March 24, 1971, portions of the report of the Secretary General regarding the Jarring mission to the Middle East. Today I ask unanimous consent that the remainder of the January 4, 1971, report be printed in the Record.

There being no objection, the item was ordered to be printed in the Record, as follows:

III. The Attempt To Hold Discussions Under the Special Representative's Auspices (June 1970–4 January 1971)

33. In June 1970, the Government of the United States of America proposed to the Governments of Israel, Jordan and the United Arab Republic that they should each advise Ambassador Jarring as follows:

(a) that having accepted and indicated their willingness to carry out resolution 242 in all its parts, they will designate representatives to discussions to be held under his auspices, according to such procedure and at such places and times as he may recommend, taking into account as appropriate each side's preference as to method of procedure and previous experience between the parties;

(b) that the purpose of the aforementioned discussions is to reach agreement on the establishment of a just and lasting peace between them based on (1) mutual acknowledgement by the United Arab Republic, Jordan and Israel of each other's sovereignty, territorial integrity and political independence, and (2) Israeli withdrawal from territories occupied in the 1967 conflict, both in accordance with resolution 242;

(c) that, to facilitate his task of promoting agreement as set forth in resolution 242, the parties will strictly observe, effective 1 July at least until 1 October, the cease-fire resolutions of the Security Council.

34. Having been informed by the United States Government that the States concerned had accepted its peace initiative, I invited Ambassador Jarring to return immediately to Headquarters, where he arrived on 2 August. I informed the Security Council in a note dated 7 August (S/9902) that Ambassador Jarring had received confirmation from the Permanent Representatives of those States of their acceptance and that he had addressed to me a letter as described above. I was informed by the United States representative that his Government had received the acceptance of the Governments of the United Arab Republic and Israel to a standstill cease-fire for a period of ninety days from 2200 GMT on the same day. Ambassador Jarring and I had previously been informed by Secretary of State Rogers that his Government would take responsibility for organizing the standstill cease-fire.

35. Ambassador Jarring at once entered into contact with the parties and, after considering their views on the time and place of the discussions, on 21 August 1970 addressed to them invitations to take part in discussions opening at New York on 25 August 1970. He met on the appointed day with representatives of each of the parties. However, Ambassador Tekoah, who had been designated by Israel as its representative for the initial phase of the talks, then stated that he had been instructed by his Government to return to Israel for consultations. On his return on 8 September, he communicated to Ambassador Jarring the following decision of his Government:

"Israel's acceptance of the United States peace initiative according to its decision of 4 August 1970, and the appointment of a representative to the talks under the auspices of Ambassador Jarring are still in effect.

"The Government of Egypt has gravely violated the ceasefire-standstill agreement, and this violation is continuing without letup.

"The strictest observance of the ceasefire-standstill agreement is one of the central elements of the American peace initiative and of the talks under the auspices of Ambassador Jarring. Therefore, so long as the ceasefire-standstill agreement is not observed in its entirety, and the original situation restored, Israel will not be able to participate in these talks.

"Ambassador Tekoah, who is returning to his post as head of the permanent delegation of Israel at the United Nations, has been authorized to bring this decision of the Government of Israel to the attention of Ambassador Jarring."

The Special Representative thus found himself precluded for the time being from holding formal meetings with the Israeli representatives, and his talks with the representatives of the Arab States, though they continued, could not be productive because of the lack of contact with the Israeli representative. After a brief visit to Moscow from 6 to 14 October to attend to his affairs as Ambassador of Sweden there, the Special Representative returned to New York and had a wide range of contacts with representatives of the parties and of other Member States during the commemorative session of the General Assembly and the debate on the Middle East, which followed that session.

36. Immediately following the adoption of General Assembly resolution 2628 (XXV), Ambassador Jarring entered into contact with the representatives of the parties in order to invite them to re-enter into talks under his auspices for the purpose of reaching agreement on the establishment of a just and lasting peace. The representatives of Jordan and the United Arab Republic informed him that their Governments continued to be willing to do so; the representative of Israel stated that the matter was under consideration in the Israeli Cabinet.

37. On 19 November and pending a decision by the Israeli Cabinet, Ambassador Jarring returned to Moscow. On the eve of his departure, he addressed a letter to the Israeli Minister for Foreign Affairs, in which he formally invited the Israeli Government to resume its participation in the discussions, as well as letters to the Permanent Representatives of Jordan and the United Arab Republic, in which he took note of the position of their Governments. These letters, together with replies from the Permanent Representative of the United Arab Republic and the Israeli Foreign Minister, are reproduced in annex II.

38. On 30 December, Ambassador Jarring received in Moscow a message from the Foreign Minister of Israel in which the latter informed him of the readiness of the Government of Israel to resume its participation in the talks. The message is also reproduced in annex II.

ANNEX II—CORRESPONDENCE RELATING TO THE RESUMPTION OF THE DISCUSSIONS

A. LETTER DATED 18 NOVEMBER 1970 ADDRESSED TO THE MINISTER FOR FOREIGN AFFAIRS OF ISRAEL

I have the honour to refer to my letter of 7 August 1970 addressed to the Secretary-General, referred to in document S/9902, in which I informed him of the agreement of your Government and of the Governments of Jordan and the United Arab Republic to the holding of discussions under my auspices for the purpose of reaching agreement on the establishment of a just and lasting peace between the parties.

As you will recall, I issued on 21 August 1970 an invitation to the parties to take part in discussions opening at New York on 25 August 1970. Ambassador Tekoah, who was Israeli representative for the initial stage of the discussions, met with me twice on the opening date, but was recalled to Israel for consultations. On his return on 8 September he communicated to me the decision of your Government, for reasons which were explained to me and have been publicly announced by your Government, to suspend its participation in the talks.

I am definitely of the view that the time has come for me once again to invite your Government to participate in discussions for the purpose of reaching agreement on the establishment of a just and lasting peace in accordance with Security Council resolution 242 (1967).

When I met you last on 5 November 1970, to consider the question of Israel's return to the discussions, I noted your concern about the influence of the debate of the General Assembly on the Middle East question and of its resolution 2628 (XXV). I wish to assure you in this connection that I am proceeding on the basis that there is no change in my mandate, which I continue to regard as having been defined in Security Council resolution 242 (1967).

You will understand, I know, my desire to make a positive report to the Secretary-General about the progress of our discussions. I am accordingly inviting your Government to reconsider its position on the question and to resume its participation in the discussions. In this connexion, I wish to state that I have already been informed by the Governments of Jordan and the United Arab Republic of their continued willingness to participate.

I take this opportunity to inform you that, pending a reply from your Government to this appeal, I am returning to my post in Moscow. I hope that your Government will find it possible in the near future to respond favourably to this invitation, in which case I shall be available to return to New York at twenty-four hours' notice.

GUNNAR JARRING.

B. LETTER DATED 18 NOVEMBER 1970 ADDRESSED TO THE PERMANENT REPRESENTATIVE OF JORDAN

I have the honour to inform you that I have today addressed a letter to the Israeli Minister for Foreign Affairs in which I once again appealed to his Government to resume participation in discussions for the purpose of reaching agreement on the establishment of a just and lasting peace in accordance with Secretary Council resolution 242 (1967).

In that connexion, I keep in mind the willingness of the Governments of Jordan and the United Arab Republic, as expressed to me by yourself and your colleague from the United Arab Republic, to continue to participate in such discussions.

I take this opportunity to inform you that, pending the receipt of a reply from Israel, it is my intention to return to my post in Moscow. I wish to emphasize, however, that I am ready to return here at twenty-four hours' notice on receipt of the Israeli reply.

GUNNAR JARRING.

C. LETTER DATED 18 NOVEMBER 1970 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED ARAB REPUBLIC

With reference to your letter of today in which you inform me of your imminent return to your post in Moscow, I note with appreciation your reference to the readiness of the United Arab Republic to co-operate fully with you.

I wish to emphasize that, conscious of its obligations under the Charter and in abiding by the Security Council resolution 242 (1967), the United Arab Republic has for the last three years consistently co-operated with you, in the sincere hope that you will successfully achieve the targets entrusted, by the Secretary-General, to you in accordance with the aforementioned resolution.

Since my Government designated me last August to enter into discussions with you, I have during several meetings restated my Government's belief in a lasting peace based on the faithful implementation of the aforementioned Security Council resolution in all its parts and consequently the restoration of all Arab lands occupied by Israel since June 5, 1967, as well as ending the injustices inflicted so far on the Arab people of Palestine.

I am sure that Your Excellency's report to the Secretary-General on your mission which would be transmitted by him to the Security Council before 5 January 1971, will be of great benefit to the members of the Security Council and would assist them in taking whatever steps they may deem necessary in carrying out the responsibility entrusted to them by the Charter.

MOHAMED H. EL-ZAYYAT.

D. LETTER DATED 1 DECEMBER 1970 FROM THE MINISTER FOR FOREIGN AFFAIRS OF ISRAEL

I have received your letter of 18 November 1970 in which you invite the Government of Israel to participate in discussions under your auspices for the purpose of reaching agreement on the establishment of a just and lasting peace in accordance with Security Council resolution 242 (1967). I note your assurance in reply to my comments on General Assembly resolution 2628 (XXV) that you are proceeding on the basis that there is no change in your mandate, which you continue to regard as having been defined in Security Council resolution 242.

On 6 August 1970 Ambassador Tekoah conveyed to you Israel's position on the United States peace initiative. This communication remains valid as the expression of Israel's policy. Concerning the discussions which we have agreed to hold under your auspices, I also draw attention to the Israel Government's decision of 6 September 1970 which was conveyed to you by Ambassador Tekoah.

On 22 November 1970 the Government of Israel adopted and published the following decision:

"The Government will act in accordance with the policy expressed in the Prime Minister's statement to the Knesset on 16 November 1970, for the creation of conditions which will justify implementation of the Government's resolution of 4 August 1970 which was approved by the Knesset—concerning the holding of talks under the auspices of Ambassador Jarring including consolidation and extension of the cease-fire agreement with the aim of progressing from a cease-fire to a complete end to the war and to lasting peace."

We are now holding discussions on the creation of conditions which would justify a decision by the Government of Israel to hold talks with the United Arab Republic under your auspices, in accordance with our decision of 4 August 1970 conveyed to you by Ambassador Tekoah on 6 August. I shall keep you in touch with developments on this matter as they arise.

We have publicly announced that we are ready for discussions with Jordan whose Government has informed you on its continued willingness to participate in such talks.

We are also willing to hold discussions on the establishment of permanent peace with Lebanon which has announced its adherence to Security Council resolution 242.

ABBA EBAN.

E. MESSAGE FROM THE MINISTER FOR FOREIGN AFFAIRS OF ISRAEL

Further to my letter of 1 December 1970 I have the honour to inform you that the Government of Israel decided on 28 December 1970 as follows:

The present political and military conditions enable and justify the termination of the suspension of Israel participation in the talks under the auspices of Ambassador Jarring. The Government decided to authorize the Minister for Foreign Affairs to inform those concerned of the readiness of the Government of Israel to resume its participation in the Jarring talks in accordance with the basic principles of the Government policy and on the basis of its decisions of 31 July and 4 August 1970 as approved by the Knesset concerning Israel's affirmative reply to the peace initiative.

In view of this decision I would like to meet you in Jerusalem at your earliest convenience and my intention is to survey the situation, to acquaint you with the basic views of my Government and to discuss steps necessary to ensure the fulfilment of your mission for the promotion of agreement on the establishment of peace.

ABBA EBAN.

LOCAL ACTION FOR PROTECTING AGAINST POTENTIAL OIL POLLUTION

Mr. BAYH. Mr. President, Congress and the Nation as a whole has been greatly concerned about damage which could be caused to waterways and beaches by oil pollution. If there is one concept for which almost universal approval has been expressed, it is that government at all levels should take whatever steps are necessary to lessen this danger to the Nation's environment. Despite the improvements which have been made in cleanup methods and restoration techniques after major oil spills, prudence dictates that Government agencies should not permit activities which involve great risks of future contamination and should, where necessary, impose regulations which might help avoid disasters.

There recently was brought to my attention an incident which demonstrates how quickly the officials of one community reacted in an attempt to preserve its own waterfront against possible future despoliation. Despite serious damage in California caused in recent years by escaping oil, the State of California in January relaxed its moratorium against new oil drilling to permit the boring of a well on an island only 2 miles from the coast of Seal Beach. The city council of Seal Beach, protesting that it had not even been consulted by the State before this action was taken, adopted under the leadership of Mayor Morton A. Baum, two new city ordinances which local officials hope will help offset this potential source of pollution. The first ordinance created an "Open Space-Water Recreation" land use zone extending 3 miles seaward from the city which should remain open space land and water and be and remain limited in use to public recreation, enjoyment of scenic beauty and conservation of natural resources. The second ordinance prohibited all pollution and certain prohibition-prone business activities within the Seal Beach ocean area extending 3 miles seaward, and required person proposing to operate any polluting activity in that area to obtain from the city council a pollution prevention certificate for that activity.

Mr. President, this is a unique example of local home rule powers being used in a bold and forceful manner by community leaders in an attempt to protect their area against future environmental damage. Final determination of the line of demarcation between State and local constitutional powers will be decided by the courts. However, it is worth noting the innovative approach which the Seal Beach municipal council adopted in the belief that its waters and beaches might be endangered by future pollution, so I ask unanimous consent that a brief statement by Mayor Baum and the text of the two new ordinances be printed in the RECORD so that other communities can become aware of this unusual action.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT OF THE MAYOR—CITY OF SEAL BEACH

FEBRUARY 1, 1971.

As Mayor of the City of Seal Beach and one of your elected representatives I am going to outline tonight an urgency ordinance that will help to return control of our lives and destiny where it belongs—in the hands of the citizens. For that is the main issue—whether or not the citizens will have Local Control over their own affairs and government. When I accepted the office of Mayor I did so with this idea in mind. Abraham Lincoln said,

"Government should only do for the people what the people cannot do for themselves."

This is not a new idea, indeed it is still valid today in the state of California and our City of Seal Beach.

Last week on the anniversary of its own self-imposed moratorium on new oil drilling off the coast of California, the State Lands Commission lifted that moratorium and gave Standard Oil of California permission to sink a new well on "Esther Island", two miles off the coast of Seal Beach. They did this without consulting our Local Government officials. This is totally at odds with what we, as citizens, have a right to expect.

The Orange County Board of Supervisors and the City of Seal Beach, have now witnessed their State government usurping their representation and have in effect been bypassed with regard to environmental concerns. What next?

With the actions taken tonight, we, the City Council, your elected officials are going to make an attempt to turn the tide. With your help and support we will succeed. For Success here will give hope to all who believe in Home Rule.

If we do not do this, we may not have the chance again. I invite other municipalities to join with us in re-establishing the role of Local Government so that we may fulfill our duties and responsibilities to those citizens who elected us to office.

MORTON A. BAUM.

ORDINANCE NO. 834

An ordinance of the city of Seal Beach adopting a partial open space plan; establishing an "open space-water recreation" land use zone (OS–WR Zone); fixing the boundaries of said zone and enumerating the uses permitted therein; providing for the construction of this enactment; prescribing penalties for violations thereof; and declaring the urgency thereof

The City Council of the City of Seal Beach does ordain as follows:

Section 1. Adoption of Partial Open Space Plan

Recognizing that open space land and water is a limited and valuable resource which must be conserved wherever possible, the City Council adopts this partial open space plan for the City of Seal Beach for the comprehensive and long range preservation and conservation of open space land and water within its jurisdiction under the provisions of Government Code Section 65563 by declaring those portions of the City of Seal Beach described as follows:

"That part and portion of the territorial limits and boundaries of the City of Seal Beach situated and lying seaward from the mean high tide line of the Pacific Ocean, and extending seaward from said line a distance of three (3) miles as shown in the Seal Beach Incorporation by order of the Board of Supervisors of the County of Orange made October 25, 1915, shall hereafter be and remain open space land and water and be and remain limited in use to public recreation, enjoyment of scenic beauty and conservation of natural resources."

Section 2. Creation of "Open Space-Water Recreation" Land Use Zone

An "Open Space-Water Recreation" land use (OS–WR Zone) is hereby created and established in the City of Seal Beach.

Section 3. Boundaries of "Open Space-Water Recreation" Zone

The boundaries of the Open Space-Water Recreation land use zone shall include those portions of the City of Seal Beach described as follows:

"That part and portion of the territorial limits and boundaries of the City of Seal Beach situated and lying seaward from the mean high tide line of the Pacific Ocean, and extending seaward from said line a distance of three (3) miles as shown in the Seal Beach Incorporation by order of the Board of Supervisors of the County of Orange made October 25, 1915."

Section 4. Permitted Uses in Open Space-Water Recreation Zone

The following uses, and none other, shall be permitted in the Open Space-Water Recreation zone:

(a) Water sports and water oriented recreational activities including, but not limited to, swimming, surfboarding, paddleboarding, sailing, boating and sport fishing by members of general public.

(b) Nothing herein shall be deemed to authorize or permit any person to engage in any water sport or water oriented recreational activity in violation of any provision of Chapter 4 Beaches and Piers (beginning with Section 4–1) of the Seal Beach City Code.

Section 5. Penalties for Violation

Every person, whether acting as principal, employer, agent, employee or otherwise, who violates any of the provisions of this Ordinance, or who authorizes, conducts, or allows any use or activity, not herein specifically permitted to be conducted or carried on within the Open Space-Water Recreation zone, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than $500.00 or by imprisonment for not more than six months, or by both such fine and imprisonment. Every person shall be deemed guilty of a separate offense for each day during any portion of which any such violation or prohibited use or activity is committed, continued, authorized, allowed or permitted to continue.

Section 6. Construction

To the extent of any inconsistency between them, the provisions of this Ordinance shall govern, prevail over and supercede any contrary or inconsistent provision or provisions of Section 15A–7 and Sections 17.1 thru 17.14 of the Seal Beach City Code and of Sections 300 thru 309 and 2100 thru 2115 of the Zoning Appendix of the Seal Beach City Code.

Section 7. Severability

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, firm, cooperation or circumstance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Seal Beach hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion be declared invalid or unconstitutional.

Section 8. Urgency and Immediate Effectiveness

This Ordinance shall take effect and be in force immediately upon its adoption as an emergency ordinance and the facts constituting its urgency are as follows: The unprecedented actions of the 1970 California Legislature in establishing an Office of Planning and Research to prepare a Statewide Environmental Goals and Policy Report and in imposing deadlines within which all general laws cities in the state must adopt and incorporate open space elements and conservation elements as a part of their general plans emphasize and demonstrate the urgent need which exists for Seal Beach and other cities to cooperate with all county, regional and state agencies in dealing with the open space and recreational land crisis by identifying, developing and limiting the uses to be made of existing open space land and recreational land before such land is developed and exploited for commercial and economic purposes that threaten the local public health, natural resources and environmental quality. It appears further that any further or additional construction, building, use or operation of new buildings, improvements, oil wells or other structures within the boundaries of the open space-water recreation zone would prematurely and unnecessarily convert open space and recreational land into a private, commercial use inconsistent with the environmental, recreational and open space needs of the citizens of Seal Beach and of the State of California, and that the immediate designation and preservation of the above described land as open space and recreational land promotes the health, safety and general welfare of the City of Seal Beach and of its citizens and inhabitants and protects the public interest in open space and recreational land.

Section 9. Posting by City Clerk

The City Clerk shall certify to the passage and adoption of this Ordinance by the City Council and shall cause the same to be posted as required by law.

Passed, approved and adopted this 1st day of February, 1971.

ORDINANCE No. 835

An ordinance of the City of Seal Beach prohibiting pollution of Seal Beach ocean area and prohibiting certain pollution-prone business activities within Seal Beach ocean area without or in violation of terms of pollution prevention certificate from Seal Beach City Council; prescribing penalties for violations thereof, and declaring the urgency thereof

The City Council of the City of Seal Beach does ordain as follows:

Section 1. Legislative findings and declarations

The City Council of the City of Seal Beach finds and declares:

(a) The National Environmental Policy Act and the California State Environmental Quality Act of 1970 recognize the urgent public policy considerations involved in maintaining a high quality environment and the immediate necessity of developing effective policies and practices in the management of natural resources and waste disposal in order to prevent, control and minimize environmental pollution.

(b) Pollution of the area of the Pacific Ocean situated within the territorial limits and boundaries of the City of Seal Beach presents a direct, immediate and serious hazard to the health, safety and general welfare of the citizens and inhabitants of the City of Seal Beach.

(c) A January, 1971 incident in the San Francisco Bay demonstrated that the operation of seagoing oil tanker ships creates an extraordinary risk of ocean pollution. A January, 1969 incident in the Santa Barbara Channel demonstrated that the operation of off-shore oil wells creates an extraordinary risk of ocean pollution.

(d) The conduct of any pipeline business activity and the conduct of any transportation or disposal at sea of industrial or commercial waste business activity within or upon the Seal Beach Ocean Area creates an extraordinary risk of ocean pollution.

(e) The conduct of any commercial or sports fishing boat business activity discharging human waste into the Seal Beach Ocean Area creates an extraordinary risk of ocean pollution.

Section 2. Pollution of ocean prohibited

No person shall place, throw, discharge, divert, dump or deposit any crude oil, refined oil, waste oil, by-product of oil, rotary mud, drill cuttings, oil well waste, gasoline, distillate, other petroleum products or hydrocarbon, industrial waste material, commercial waste material or human waste material into or upon or within the territorial limits and boundaries of the City of Seal Beach lying within the Pacific Ocean (herein Seal Beach Ocean Area) which is specifically described as follows:

That part and portion of the territorial limits and boundaries of the City of Seal Beach situated and lying seaward from the mean high tide line of the Pacific Ocean, and extending seaward from said line a distance of three (3) miles as shown in the Seal Beach Incorporation by order of the Board of Supervisors of the County of Orange made October 25, 1915.

Section 3. Conduct of pollution-prone business activities within Seal Beach Ocean area without or in violation of terms of, pollution prevention certificate prohibited

No person shall conduct any pipeline, seagoing oil tanker shipping, off-shore oil well, commercial or sports fishing boat discharging human waste into ocean, or commercial or industrial waste transportation or disposal at sea business activity within the Seal Beach Ocean Area without first having obtained from the Seal Beach City Council a Pollution Prevention Certificate for that business activity, nor shall any person conduct any such business activity within said Seal Beach Ocean Area in violation of any condition, restriction or limitation imposed by such Pollution Prevention Certificate.

Section 4. Pollution prevention certificate

Every Pollution Prevention Certificate promulgated by the City Council hereunder shall make separate findings of fact concerning each business activity which an applicant conducts or proposes to conduct within the Seal Beach Ocean Area in relation to:

(a) The environmental impact of the business activity.

(b) Any measures in mitigation proposed by applicant to minimize that environmental impact.

(c) Any other known measures in mitigation to minimize that environmental impact.

(d) The adverse environmental effect which cannot be avoided if the proposed business activity is implemented.

(e) Any irreversible environmental change which would result from the proposed business activity.

(f) All available alternatives to the implementation of the proposed business activity.

Each such Pollution Prevention Certificate shall set forth such reasonable conditions, limitations and restrictions upon the applicant's business activities within the Seal Beach Ocean Area as, in the judgment and discretion of the City Council, will, or will tend to, reduce and minimize the risk and danger of ocean pollution and adverse environmental impact from such business activity without unduly or unreasonably restricting, curtailing or interfering with the applicant's right to conduct and carry on its lawful business activities within said Seal Beach Ocean Area.

Section 5. Application for pollution prevention certificate, hearing, procedure, appeal

Every person who operates, or proposes to operate any pipeline, seagoing oil tanker shipping, off-shore oil well, commercial or sports fishing boat discharging human waste into ocean, or commercial or industrial waste transportation or disposal at sea business activity within the Seal Beach Ocean Area shall first make written application to the Seal Beach Environmental Quality Control Board (herein Board) for a Pollution Prevention Certificate. Said application shall be in such form, and shall be accompanied by such scientific, engineering and ecological data, information and reports as the Board shall require. The Board shall then give at least 10 days advanced written notice to the applicant and thereafter conduct a public hearing into the matter, and shall, at said public hearing, permit the applicant as well as any other interested person, including any recognized responsible conservation group, to offer evidence and to present data, information and reports and to make any recommendations and suggestions as to any reasonable conditions, restrictions or limitations that might be imposed upon applicant's business activities or proposed business activities within the Seal Beach Ocean Area for the purpose of eliminating or minimizing the risk and danger of ocean pollution and adverse environmental impact resulting from such business activities. Applicant shall be entitled to be present and to participate fully in such hearing, to be represented by counsel, to cross examination any adverse witness and to rebut any adverse evidence, data, information, report, suggestion or recommendation proffered by any other person. The Board may, upon its own motion, request, obtain and consider other independent scientific engineering and ecological reports and recommendations prepared by qualified experts or authorities in the field, provided, however, applicant shall likewise be entitled to rebut any such reports and recommendations considered by the Board. After the conclusion of such hearing, the Board shall prepare and transmit to the City Council its recommendations with respect to the findings of fact and the conditions, restrictions and limitations to be included in the applicant's Pollution Prevention Certificate. The City Council, without any further public hearing, may adopt any or all of the recommendations of the Board and may impose any conditions, restrictions and limitations upon applicant's business activities which are not more restrictive or burdensome to applicant than those recommended by the Board. Before the City Council may impose any condition, restriction or limitation that is more restrictive or burdensome to applicant than those recommended by the Board the City Council shall first conduct a trial de novo hearing into the application and provide applicant with all of the procedural rights and safeguards allowed in the Board hearing. The decision of the City Council with respect to any condition, restriction or limitation imposed in any Pollution Prevention Certificate shall be final and conclusive and subject only to judicial review as in an administrative mandamus proceeding.

Section 6. Penalties for violations

Every person, whether acting as a principal, employer, agent, employee or otherwise, who violates any of the provisions of this Ordinance; or who authorizes, conducts or allows any restricted business activity to be conducted within the Seal Beach Ocean Area without, or in violation of the terms of, a Pollution Prevention Certificate shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $500.00 or by imprisonment for not more than six months, or by both such fine and imprisonment. Every person shall be deemed guilty of a separate offense for each day during any portion of which such violation or prohibited activity is continued, committed, authorized, allowed or permitted to continue.

Section 7. Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or the application thereof to any person, firm, corporation or circumstance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Seal Beach hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion be declared invalid or unconstitutional.

Section 8. Urgency and immediate effectiveness

This Ordinance shall take effect and be in force immediately upon its adoption as an emergency ordinance and the facts constituting its urgency are as follows: Maintenance of a clean, high quality, pollution free Pacific Ocean area adjoining the City of Seal Beach is essential to safeguarding the quality of life and protecting the health, safety and general welfare of the citizens and inhabitants of Seal Beach. The continuing pollution, and the continued threats and dangers of further pollution of the ocean by the pollution-prone business activities enumerated creates an immediate risk and danger that the quality and the purity of the ocean adjoining Seal Beach may be destroyed. That risk and danger may be averted only by the immediate enactment and implementation of restrictions and safeguards upon those pollution-prone business activities as will tend to minimize the risk of further pollution of said ocean area adjoining Seal Beach.

Section 9. Posting by city clerk

The City Clerk shall certify to the passage and adoption of this Ordinance by the City Council and shall cause the same to be posted as required by law.

Passed, approved and adopted this 1st day of February, 1971.

EFFECT OF THE SST ON THE ENVIRONMENT

Mr. TAFT. Mr. President, while the Congress voted not to continue the construction of the two prototype supersonic transport, the questions raised during the long debate as to its effect on the environment and whether or not we should have an SST remain. In light of this, I invite the attention of the Senators to an article entitled "The Tragedy of the SST Isn't in Its Abandonment," published in the Atlanta Journal of March 29, 1971.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE TRAGEDY OF THE SST ISN'T IN ITS ABANDONMENT

(By John Crown)

The Senate vote last week against continued development of a supersonic transport came as no real surprise to anyone and there is no point now in lamenting and wailing about the outcome itself.

The death knell was sounded when the House turned it down. Those who pinned any real hope on salvation from the Senate ignored earlier Senate action in this regard—plus the fact that several SST supporters were no longer in the upper chamber.

So it was a foregone conclusion. But the interests of the SST opponents were served by trying to make it appear as a nip-and-tuck neck-and-neck affair right down to the wire. This makes the SST foes appear more important, and more talented and more persuasive than if we had realistically yawned and admitted what was a foregone conclusion.

But those who fought and killed the SST are not important or talented or persuasive.

They were summed up very pointedly by Senator Henry M. Jackson, D-Wash. Sen. Jackson had this candid and penetrating comment:

"The know-nothings are taking over."

And that is the tragedy of the SST vote. While admittedly losing the SST and driving our airlines into the arms of the Russians is tragic enough, the overwhelming tragedy is just that—"the know-nothings are taking over."

And with those creatures taking over, the portents are ominous.

In as true an evaluation as could be made of the anti-SST vote, Senator Jackson said it signified a growing anti-technology crusade "without proper reflection and thought."

That is precisely what it signifies.

What absurd lengths the opponents went to in their hysterical approach against the SST bodies ill for future development and future technical progress.

One senator made the totally irresponsible assertion that the SST would produce skin cancer. He had no scientific basis for such a statement. It was an unproved opinion. He should have been laughed out of the Senate chamber. Instead there were those who seemed to take him seriously.

He could have said with the same degree of authority and authenticity that the SST would make males pregnant. And he would have made such a charge if he thought enough of the gullible would accept it.

It is a tactic to remember. Any future move that merits opposition from anyone can be attacked in the same manner and probably will be. The accusation can be made that anything in the world will cause skin cancer. It will be as flimsy a canard as it was when directed against the SST. But if it can shoot down the SST, it can shoot down any number of other projects.

I imagine we'll be hearing it about the space laboratory and other scientific projects.

The entire justification for proceeding with the development of the SST prototype was to pin down the claims and contentions from both sides of the argument. It was to develop creditable scientific knowledge. And after, only after, all of the scientific tests had been accomplished would a decision be made on whether to produce the SST.

But the know-nothings are taking over.

They don't want specific technical and scientific knowledge. They prefer to be in the position of throwing about wild and unwarranted and hysterical charges. If we were to proceed with specific tests, then they just might be proved wrong. And wouldn't that be embarrassing.

So let's cut out scientific development. So let's quit caring whether we're number one in aviation—or any other field for that matter. The competitive spirit, the unyielding desire to achieve, the demand that we be foremost—all of this is dying in these United States as has been demonstrated in our national legislative bodies.

The know-nothings are taking over. And they will promote and produce more of their own kind.

Standing still is something that simply cannot be done in this world. You either progress or you regress.

With the know-nothings taking over and leading an anti-technology crusade, which do you think we're going to do?

THE MEN WHO HAVE DIED IN VIETNAM

Mr. RIBICOFF. Mr. President, all of us during the course of a year receive particularly touching letters. Such a letter came in my mail recently from Mrs. Frederick Dauten, a constituent of mine in Rock Hill, Conn., concerning the death of her son, Maj. Frederick W. Dauten, Jr., in Vietnam. Major Dauten gave his life for his country as the pilot of a C–7A aircraft supplying a Special Forces camp under hostile attack.

I hope Mrs. Dauten's letter will give us all pause to remember the tremendous sacrifices that continue to be made by outstanding young men risking and giving their lives for this country.

I ask unanimous consent that Mrs. Dauten's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ROCKY HILL, CONN., *March 10, 1971.*

DEAR SENATOR: This month my son Major Frederick W. Dauten Jr. a 14 year career officer with the U.S. Air Force would be returning from Vietnam.

He will not be coming back. On April 4th 1970, as pilot of a C–7A Aircraft, Major Dauten was piloting the number four aircraft in a 5 aircraft airdrop mission to resupply Dak Seang Special Forces Camp, which was under extreme hostile attack and cut off from all other supplies.

Flying into intense ground fire, Major Dauten successfully airdropped his supplies to the besieged camp to sustain the lives of its defenders. His plane was shot down when leaving the area.

Numerous rescue attempts failed and my son was listed "Missing in Action". He had been in Vietnam about 3 weeks. After 4 months of anguish and the torture of not knowing, a rescue mission reached the crash site on Aug. 4th 1970—there were no survivors. My son leaves a wife and three daughters.

Apparently his death was of little consequence; my daughter-in-law received a letter from President Nixon, we his parents did not expect one. But the Senators and Congressmen from Connecticut offered us no sympathy, no State or Town Official had a word of consolation for the parents of a man who died while helping to save the lives of others.

In October of 1970, my son was awarded the Purple Heart, Silver Star and the Air Medal posthumously. We wanted no big ceremony; I was ill at the time and have since had a lung operation, but we are proud of our son and asked the Air Force to publish information regarding Major Dauten's 14 years of service with the Air Force and a brief resume of his career as a High School and College Athlete. The Air Force sent this information along with a photograph of my son to several New England Newspapers. The Boston Globe and New Haven Register printed nothing. The Hartford Courant printed a few lines on Page 51 under Legal notices and the Hartford Times did about the same. The only paper to give the article full coverage was the Waltham (Mass.) News Tribune.

Had my son thrown a bomb or started a riot he probably would get top billing on the front page. Ironically the Hartford Courant of that particular date devoted most of the front page to protesters who wanted to fly the Viet Cong flag to express disapproval regarding the Vice President's arrival in Connecticut for a speaking engagement.

When my Husband inquired why the article was hidden in the newspaper's back pages, he was told that the paper did not have room to print such things in detail.

My question to you—have the American people and the American press so little regard for the 44,000 Americans who have died in Vietnam?

Sincerely yours,
PHYLLIS M. DAUTEN.

UNION POWER AND THE NEW INFLATION

Mr. HATFIELD. Mr. President, the state of our economy has shown little sign of improvement in recent years. Unemployment has remained steadily above what had previously been viewed as an "acceptable" level and inflation has continued to spiral upward. While the overwhelming responsibility for this state of affairs rests with the Federal Government, particularly Congress, other sectors of our society can also lay claim to a sizable portion of the blame. While it might appear inconsistent and hypocritical for Government to be saying "Do as I say not as I do," I would nevertheless invite the attention of Senators to an article written by Mr. Gilbert Burck and published in the February 1971 Fortune magazine and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

UNION POWER AND THE NEW INFLATION

(By Gilbert Burck)

The gravest economic problem facing the Western world in the early 1970's is cost-push inflation powered by excessive wage increases. European economists have been arguing this for about a year, and lately some U.S. economists have come to the same conclusion. In its scope and intensity, this inflation can be regarded as a new phenomenon. By past standards, Chairman Arthur Burns of the Federal Reserve Board recently said, the U.S. Government's moderately restrictive monetary and fiscal policies *should* have slowed the pace of wage increases, along with demand and business activity. But those policies seem to have had little effect on union settlements, and it looks as if only intolerable unemployment could tame them. Excessive wage increases, Burns concluded, are for practical purposes a new problem. Even Nobel Prize winner Paul Samuelson has come around to recognizing the current cost-push inflation as a "new disease."

What is happening, throughout the Western world, is that organized labor is overreaching. The London *Telegraph* last November caught the spirit of the movement in a cartoon depicting a labor leader haranguing a group of his colleagues: "Nor shall we relax our efforts, brothers, until the lowest paid worker is earning more than the national average wage." At times, indeed, organized labor seems to be chasing the delusion that a society can consume more than it produces, and that everybody can prosper by beggaring his neighbor. But of course a country's real wages, or the purchasing power of money wages, cannot possibly rise faster, on the average, than over-all productivity or output per man-hour. Wage increases in excess of productivity are inevitably followed by unemployment or price increases or both—it is the unorganized, the unemployed, and the aged who pay.

Most labor leaders know all this. Yet unions continue to make excessive demands. U.S. construction wages rose an average of about 19 percent last year, and despite a few wrist slaps by the Administration, construction workers are demanding 50 to 60 percent over the next three years. U.S. auto workers, not content with an annual increase four times the rate of over-all productivity increase, compounded the evil by winning an automatic wage adjustment geared directly to the cost of living. That is to say, they got immunity from the consequences of other workers' exorbitant wage increases. The steelworkers are confidently predicting that they will shake the country down for an even better deal.

The same sort of thing is going on in other industrial nations. Canada's program of voluntary price and wage restraint, accorded wide cooperation by employers, was wrecked by labor's barefaced refusal to go along. In Britain, labor's exactions have reached a crisis stage. Although the productivity of British industry has recently been rising at less than 2 percent a year, wages are rising at something like 13 percent, and prices are accordingly heading up fast. Japan, too, has its own peculiar version of the problem (see page 98). Even West Germany, long a bastion of monetary stability and fiscal rectitude, has apparently succumbed to the disease—wages are rising about three times as fast as productivity.

Such wage increases redistribute income by force, breaking down time-tested wage differentials that eventually must be restored at the cost of more inflation. Labor's impositions are also accompanied by strikes and slowdowns that seriously reduce national output, or by monetary policies calculated to subdue excessive demand by deliberately reducing output. This is a sorry spectacle—a world wasting resources quarreling about the division of output instead of expanding it. The problem, to be sure, is getting expert attention; rarely have so many eminent and accomplished people advanced so many schemes for dealing with an economic ailment. The trouble is that so far none seems to embody an effective remedy. The malady is a complex mixture of old basic ailments and new complications, and is not likely to be cured by quick or painless treatment.

MONOPOLY ABETS MONOPOLY

The underlying trouble is a phenomenon so much taken for granted that it seldom gets the critical scrutiny it deserves—labor's unique monopoly power. "When you really examine that power today," says an eminent British economist, "it is quite fantastic." Unions were originally established, of course, to protect workers from exploitation and to advance their general welfare. It was partly because of the unions' benign role that the Western world put the interests of people as producers ahead of their interests as consumers. Thus favored, however, labor unions naturally sought to gain higher wages and benefits for their members than they could get in the open market. They became monopolies. They rig the markets for labor by restricting the supply, thereby raising the price. Allowed to organize like armies, they practice coercion and intimidation, and do not hesitate to disrupt a whole economy to gain their ends. And because a company with great market power can usually afford higher wages than it could if it had to compete vigorously, labor unions tend to abet business monopoly. They even in effect join their employers in exacting tribute from the public, as in the construction industry (see "The Building Trades Versus the People," FORTUNE, October, 1970).

Paradoxically, unions are all the more difficult to bargain with in the name of the public interest because labor power is so fragmented. When people think of monopoly, they tend to think of bigness, but it is not by swinging big aggregations of power that unions have won monopoly wages. One giant union with the power to settle for all would tend to exercise some social responsibility if only because it would lean against excessive wage differentials within its ranks. But many small or relatively small unions, each dominating its own market, have been able to gain more for their members than a single big union could. No country has such a union, with the power to settle for all; almost everywhere the local unions are completely autonomous, often belligerently so.

This autonomy leads to a contest in irresponsibility. Union leaders find themselves driven to get a better deal than their colleagues. Thus they not only put the interests of labor in general above the interests of consumers, but also put the interests of their own unions above those of labor in general. Self-restraint on their part would open them to the charge of being statesmen, and a modern professional labor leader resents nothing so much as being called a statesman. Only romantics, of course, expect him to act like one.

The pattern is reinforced by a new restlessness and dissatisfaction in the rank and file. To begin with, workers almost everywhere want more and believe they are entitled to more. They don't know, even if their leaders do, that the rise in the average standard of living is necessarily slow, limited by the rate of increase in real output per capita. What they don't know, unfortunately, hurts everybody.

Their wage expectations are all the higher because work satisfactions in many unionized trades have declined over the years. Only rarely does one find a carpenter or other craftsman who takes pride in his work and goes out of his way to do a good job. In the mass-production industries, younger workers are increasingly alienated from their jobs; for many of them, getting away from the job counts as an additional strike benefit. And some of the pervasive social unrest that afflicts many Western nations finds its expression in the insistent demands of organized labor.

A TENDENCY TO RETREAT

Several trends in industrial nations have conspired to increase the power of unions and weaken the countervailing forces. Government full-employment policies have practically extinguished old fears of being out of a job for a long time. Unemployment insurance and other cushions provided by a well-intentioned society take the hardship out of strikes and enable strikers to stay out in relative comfort until the employer surrenders. As workers develop a taste for very large pay increases, unions become more and more demanding; some union leaders even welcome press attacks on their demands as proof of their manliness and competence. The further employers retreat, moreover, the more aggressively unions behave.

And the tendency of employers these days is to retreat. For one thing, everybody seems to assume at the start that labor is entitled to annual wage increases regardless of what is happening to the economy. Practically nobody any more argues that productivity increases should be passed on in the form of price reductions. Everywhere, or almost everywhere, business assumes that it must yield wage increases that are at least equal to the over-all productivity increase. Thus, by definition, nearly all successful strikes by large unions are inflationary—i.e., they gain *excessive* wage increases. But various pressures operate to force business to give in. There is fear that customers or government or the public will blame the company for the strike. Sitting out a strike in a capital-intensive industry, moreover, can be exceedingly expensive—capital charges go on, of course, whether the plants are working or not. Again, signing an excessively generous contract usually doesn't make a company vulnerable to competition, because its competitors have been or shortly will be burdened with much the same settlement. And to a great extent, employers have been able to pass the higher costs along in the form of higher prices. It is technically true that excessive wage increases would cause unemployment and stagnation unless accompanied by appropriate increases in the money supply, but business knows that government, wanting to avoid high unemployment, will probably ratify excessive wage increases with inflationary monetary policy.

UNIONS VERSUS LABOR

Of all the industrial nations, Britain has been suffering from the most severe case of economic malaise caused by excessive union power. Organized labor is fragmented into 534 trade unions. Their realms are dispersed and overlapping; many factories must deal not only with several unions, but with several factions in each union. Unions representing nine-tenths of all members are affiliated with the Trades Union Congress, but its authority is very limited.

The ability of the unions to keep pushing costs up has graveled Britons of many persuasions, most notably the dogmatic socialists. The socialists championed unionism under capitalism, but they have come to see that no socialist order can tolerate monopolistic trade unions, each trying to outdo the others, and each ready to disrupt the economy to attain its own goal. Perhaps the most eminent exponent of this point of view is Hungarian-born economist Thomas Balogh, Fellow of Balliol College, Oxford. Balogh, was one of the authors of the Oxford studies on which Sir William Beveridge based his 1945 model for the full-employment state. Balogh rose to high places in the Labor party, served as economic consultant to Prime Minister Wilson, and in 1968 was elevated to the peerage. As long ago as 1943 he described British trade-unionism as "one of those monopolistic associations which is syndicalist in its approach, i.e., incapable of securing harmony between the different branches of the economic system." When the Wilson government came to power in 1964, a lot of people, Lord Balogh included, hoped that somehow it would be able to nudge the Trades Union Congress into assuming more responsibility for labor relations and wage policy. But the T.U.C. never did, and union belligerence plagued the Wilson government throughout its tenure. When it tried to push a union-reform bill through Parliament, for example, the unions ganged up to defeat the measure.

Far from moderating, the British cost-push inflation really took off late in 1969. During the last few months of the year, wages were rising at a 9 percent rate. The government then proceeded to do its inflationary thing by rapidly expanding the money supply—at a rate of nearly 18 percent for a while. Last summer, in the classic inflationary sequence, both wages and prices accelerated sharply, and the London financial press labeled the situation the worst crisis since 1931.

In October, Lord Balogh, now chairman of the Fabian Society, discharged a cannonade in the form of a tract entitled *Labour and Inflation*. It dumped practically all the blame for inflation on union leaders. Distinguishing sharply between the interests of labor in general and the interests of particular unions, Balogh argued that the unions have failed labor. The record of twenty-five years, he said, shows that unbridled trade-union action cannot improve the wage earners' share of the national cake; it can only ruin Britain's ability to compete abroad, and lead to accelerating price increases and a cumulative debauching of the currency. Trade unions have got to realize they are no longer weak representatives of the poor. Their strength makes it necessary for them to accept duties and responsibilities to the community. Balogh's somewhat vague solution is a new "Social Contract," reinforced by an independent review body to deal with prices and incomes.

Union leaders denounced the Balogh tract savagely. Jack Jones, the leader of the Transport and General Workers' Union, declared he wasn't going to take criticism from anyone, least of all professors and journalists who knew nothing about wage claims, "as frankly they've never worked in their lives." But British labor unions are going to be encountering more than pamphlets. The Heath government is pushing through Parliament a new comprehensive Industrial Relations Act, which proposes to overhaul the antiquated British negotiating system, and although the unions are denouncing it as an antistrike act, it is expected to pass. The unions' scramble to outdo one another in wage rises has reinforced a widespread feeling in Britain that there is a need for some kind of intervention to subdue wage inflation.

THAT OLD STABILITÄTSBEWUSSTSEIN

For a long time it looked as if West Germany had the right formula for combining swift growth, full employment, and stable prices. Over the five years 1965–69, G.N.P. rose at a rate of 7.5 percent and consumer prices at about 2.5 percent; unemployment averaged less than 1 percent. Underlying this enviable record was the national fear of inflation, dating back to the great postwar inflation of 1920–23 and the lesser but still severe inflation of 1945–48. As Rudolf Henschel, secretary of the executive committee of the German Federation of Trade Unions (D.G.B.), puts it, the people of West Germany have a *Stabilitätsbewusstsein* (stability consciousness). The average West German, recent public-opinion polls suggest, actually understands that he is better off with a combination of steady prices and small wage raises than with large raises and rising prices.

In keeping with the stability consciousness, West Germany has enjoyed what might be called a statesmanlike labor movement. It has gone out of its way to gear wage demands to the country's ability to pay. This lack of belligerence stems in part from arrangements designed to give organized labor a secure and responsible place in the social structure. A few years after the end of World War II, the coal and steel industries agreed to put union members on corporate boards of directors. Later on, an elaborate profit-sharing scheme was established throughout the country. And organized labor is less fragmented in West Germany than in the U.S. and England. There are only sixteen unions, and each is represented in the federation. Although they are strictly autonomous, they seem to think pretty much alike. West Germany, moreover has imported two million "guest workers," mainly from Yugoslavia, Turkey, and Italy; while most of them are union members, their presence has eased the labor market and helped soften demands for higher wages.

On top of all this, Economics Minister Karl Schiller about four years ago introduced what he called *Konzertierte Aktion* (Concerted Action). It was less vigorous than its name suggests: a group of representatives of government, banks, labor, and management simply met regularly for a kind of kaffeeklatsch. In Schiller's words, "It amounts to a discussion of our economic panorama, of our national account, of our alternatives and possibilities for the future." But if they did not really act in concert, the participants did apparently get to understand one another. For some time, at least, there appeared to exist a working informal consensus that helped to keep union demands within reasonable limits.

Then, in 1969, the edifice of orderly give-and-take seemed to fall apart. In the fall of that year the country was racked by a wave of wildcat strikes. Germany, too, is troubled by political unrest, and although union officials play down the idea, some responsible people blame the uproar on agitators, including a group known as the "Extra-Parliamentary Opposition," organized and subsidized by the "East" (i.e., the Communist bloc). Whatever the origin of their unrest, the wildcat strikers made much of employers' high profits. The unions had agreed to moderate their wage claims in the slowdown of 1967, and with profits high the workers wanted more.

The practice of linking wage demands to profit levels has been troublesome in other nations too. If they surpass productivity gains, wage increases geared to profits are just as inflationary as increases claimed on other grounds. More important, the notion that labor has a right to share in an industry's exceptional profitability is dubious to begin with. Although profits tend to fluctuate with productivity, they are only partly a function of productivity, and depend on many other factors as well. The appropriate, equitable correctives for too-high profits in a given industry are more employment, lower prices, and more investment in that industry. Temporary increases in relative wages are economically justified only when needed to attract more workers to the industry; the practice of funneling abnormally high profits into abnormally high wages tends to constrain efficiency and output.

West German workers, at all events, are getting highly inflationary wage increases. Last fall some four million metalworkers (steel, iron, vehicles, etc.), who had contented themselves with a modest 3 percent gain in 1969, won raises ranging between 11 and 14 percent, against a national productivity increase of 4 to 5 percent. Since then, union demands have swelled even larger. As prices have gone up less steeply than wages in recent union settlements, some German workers are for the moment enjoying considerably enhanced purchasing power; but as other workers get *their* big increases, prices will catch up. Demand and profits, moreover, are softening, and appear to be in for a sluggish year or two. Will unions that got big increases be content with much smaller ones next time around, or will the pressure from below oblige them to demand too much for the health of the economy and society?

Both the Federation of German Industry and the Economics Ministry optimistically hope that labor will display some of that old *Stabilitätsbewusstsein*. Their official projections suggest that average wage increases will taper off during the next few years to a point where consumer prices will be rising at somewhere between 1 and 2 percent. The Federation of Trade Unions professes a similar optimism, which may mean that the unions are actually planning to exercise restraint. "German unions," says economist Karl-Heinz Friedrichs of the metalworkers union, "want *real* increases, not money increases."

But a lot of fingers are crossed, including those of Karl Klasen, head of the Bundesbank (Germany's central bank). Unlike the U.S. Federal Reserve, the Bundesbank would not dream of contracting the money supply to the point of bringing about a significant rise in unemployment (now about 0.5 percent). That, says Klasen, would be "politically impossible." So aside from tightening credit, Klasen can only hope, like the Economics Ministry, that stability consciousness will prevail. Nearly everything that has happened in the world of organized labor since World War II has tended to support the late Henry Simons' famous generalization, put forward in 1944, that monopoly power has no use except abuse. Within a year or two the world will know whether West German labor unions provide an exception.

A "RITUAL" OF NEUTRALISM

Economists aren't waiting. They are proposing a variety of remedies, all of which in one way or another restrain or counterbalance the monopoly power of labor. Although it is still fashionable among those plugging for restraints to equate business' market power with labor's monopoly power, the equation simply isn't valid. Most business organization exercise nothing like the market power of organized labor. All U.S. companies are in one way or another subject to the antitrust laws. The prices of natural monopolies, such as utilities and transportation companies, are regulated by the government. Even companies in highly concentrated industries, such as steel, autos, and computers, are constrained by market discipline (the latest evidence is an analysis conducted by Professor J. Fred Weston of the University of California at Los Angeles). And prices of commodities, of course, respond to the forces of supply and demand. When the copper supply shifted from scarcity to abundance not long ago, the price suddenly began to fall. Representatives of the producer countries and their workers fared to Paris to discuss ways of halting the decline, but even while they huffed and puffed, the price of copper fell more steeply than ever. The price of union labor, however, never falls. It moves only upward. And nowadays it moves upward even when the economy is faltering.

Accordingly, it is a mistake to insist that any restraint imposed on wages must be matched by a corresponding restraint on prices. This mistake is an example of what economist George Terborgh some time ago called "ritual neutralism." Last month Edwin L. Dale Jr., economic correspondent of the New York *Times*, put the case against present-day ritual neutralism this way: "Public debate and discussion of the present inflation issue has been bedeviled by a fatal semantic error: the use of the term 'price and wage problem.' It is a *wage* problem, and it will not be solved until the 'plague on both your houses' mentality is overcome. Corporate profits, no matter how measured, are not the culprit now." Dale's proposed remedy for inflation has a certain grandeur about it, but it suffers from a neutralism of its own, lumping together all kinds of earners and all kinds of compensation. For the next two years, he suggests, the federal government should prohibit employers from increasing anybody's compensation more than 3 percent a year. Prices, meanwhile, would be subject to no restraints except market forces.

"YES" FROM BUSINESS, "NO" FROM LABOR

Very few of the dozens of ideas that have been put forward in recent months go anywhere near this far. Most, indeed, are rather vague. But practically all recognize that reasonable fiscal and monetary restraints alone are not likely to retard the current climb in union wages. The minimal program, just one degree beyond doing nothing, is "moral suasion," an elegant synonym for jawboning. Even Raymond Saulnier, Chairman of the Council of Economic Advisers under Eisenhower, argues that the White House should take the lead in spelling out the implications of labor-cost increases three or four times as great as productivity increases. The most notable convert to moral suasion, considering his past views and his present position in the U.S. Government, is Arthur Burns, who in early December proposed a high-level wage-and-price review board with broad authority to investigate, advise, and recommend price and wage changes. It would lay down guidelines, in short, but would have no power to enforce them.

Burns, as it happened, advanced his idea at an inauspicious time. Only a few days before his speech, Canada abandoned its experiment with voluntary guidelines. The experiment had begun in June of 1969, with the establishment of a prices and incomes commission under John H. Young, professor of economics at the University of British Columbia. Young, a dedicated and persuasive man, patrolled the country, preaching the gospel of voluntary restraint. Labor, arguing that prices and profits must be restrained first, refused to cooperate.

Young took up labor's challenge. Early in 1970, at a conference on price stability, he persuaded 250 of Canada's leading businessmen to agree to keep price increases "clearly below" cost increases for the rest of the year. Afterward he persuaded hundreds of other businessmen to join the movement. The price curve flattened out dramatically.

But when Young's commission indirectly tried again last spring to persuade labor to hold wage demands down—6 percent was the recommended guidepost—labor again refused. Wage settlements subsequently ran as high as 15 percent. The national government itself was forced to grant postal workers a raise of close to 10 percent. Late in the fall, when Young and his men again took to the road to ask businessmen to extend the pact six months more, they got a uniformly cool reception. The upshot was Young's announcement that wage-and-price guidelines would not be extended beyond the end of the year.

The Canadian experience supports the arguments of those who say that voluntary guideposts will not work. And Burns, among others, has recognized that guideposts might need adidtional support. He has suggested that Congress might have to subject labor disputes involving the public interest to compulsory arbitration, and that the President might have to suspend the Davis-Bacon Act, which augments union power in the construction industry by fixing wage rates on federally financed projects at the highest prevailing rates.

Professors Henry Wallich of Yale and Sidney Weintraub of the University of Waterloo in Canada have independently proposed using a profit tax to "defuse" union power. To induce employers to stand up to excessive wage increases, they would levy an extra tax on the profits of companies granting such increases. Wallich and Weintraub point out that their plans involve no coercion and employ only market forces. But such plans could also impose additional burdens in the wrong place, leaving the power of unions untouched.

TO END THE FREE-FOR-ALL

A good many ideas for restraining inflation, appropriately enough, are being hatched in Britain. Something ought to be done, many British economists are beginning to say, about the extreme decentralization of organized labor, which virtually compels union leaders to keep on demanding excessive increases. Henry Phelps Brown, a professor at the University of London, recently published in the London Times a proposal "to end the pay claims free-for-all." Those who make wage decisions, he argues, must be confronted with the consequences of those decisions. "At present," he wrote, "they are not. Any one inflationary settlement is not followed immediately by a rise in the prices of what the employees buy. On the contrary, their purchasing power rises initially in full proportion to the rise in their pay . . . This must be so as long as decisions about pay are taken singly. Only when the parties to these decisions are brought together on a broad front, to consider rises in a large number of rates of pay at the same time, can they see inflationary rises for the delusion that they are, at the time when the rises are decided."

So Brown proposes to establish a National Council for Pay, which would represent management, employees, and the public, and would lay down general wage guidelines. Each sector of employment would be represented by a similar tripartite council that would apply the guidelines to the particular circumstances. The decisions of the councils would be binding. Although strikes would continue to be legal, strikes that breached the prescribed procedures would be denied the normal protection of the laws.

All these proposals and the many others that have been advanced are welcome signs that the problem of union monopoly is getting wide and thoughtful attention. But though they may hobble union power somewhat, none of them offers a convincing remedy even for the short run, much less the long. Time may prove that there is no remedy except a direct legislative assault on the monopoly power itself—perhaps, as some have proposed, a revision of the antitrust laws that will put business and union labor on a roughly equal footing. The labor unions were in 1914 specifically exempted from the Clayton Act on the grounds that the labor of a human being is not a commodity or article of commerce. But many argue that this provision does not make any sense these days when it is the labor unions that are the exploiters.

But much will have to happen before any intervention so apocalyptic comes to pass. In the meantime, any effective program to restrain cost-push inflation must include measures to chip away at union puissance. One step, for example, might be to end the practice of letting strikers draw unemployment insurance. Another might be to abolish union control over the admission, training, and certification of skilled workers. Still another might be a crackdown by federal and state authorities on the unions' use of violence in industrial disputes.

THE TRUE ECONOMIC STRUGGLE

While such measures to redress the balance of power between business and the unions are being talked about, hopes for reasonable price stability continue to be dependent to a large extent on the good sense and statesmanship of labor leaders. This is a somewhat disconcerting prospect, but it has a redeeming feature. Unless labor *does* show some sense and statesmanship, informed public opinion may well get so fed up with abuse of union monopoly power that it will in time support radical legislation to restrain that power. Labor still has great political strength, but, after all, more than three-quarters of the U.S. labor force does not belong to any union.

The unions are already getting a bad press, as more and more reporters and editorial writers blame inflation on union power rather than business power. These rumblings in the papers may be important signs of a developing shift in public opinion. Perhaps large numbers of people are coming to understand that the true economic struggle these days is not between workers and employers, but between labor monopoly power and the community.

There are other signs of the times, too. When the city's taxi drivers recently went on strike, New Yorkers discovered they could get along pretty well without taxis; and the drivers discovered they weren't quite as indispensable as they thought. And in the United Kingdom last December, some 125,000 electrical workers, demanding a wage increase of 25 to 30 percent, decreed a work slowdown that blacked out parts of the country. Public hostility rose to the point where bartenders and shopkeepers refused to serve the strikers. The union backed down, and the government succeeded in referring its demands to a court of inquiry. If the unions want to disprove the axiom that monopoly power has no use except abuse, perhaps they had better start soon.

APRIL 28, 1971, DESIGNATED AS PRISONERS OF WAR DAY IN ALABAMA

Mr. ALLEN. Mr. President, Gov. George C. Wallace has issued a proclamation designating April 28, 1971, as Prisoners of War Day in Alabama. Mr. President, I wholeheartedly concur in the sentiments expressed in the proclamation and strongly support the goals of the National POW Day Committee. I believe that Members of the Senate, the families and loved ones of POW's and MIA's, and the public in general will appreciate the action of Governor Wallace in designating a Prisoners of War Day in Alabama. It is a pleasure to ask unanimous consent that the proclamation be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

> PROCLAMATION
>
> Whereas, there are many United States Servicemen listed as Prisoners of War of the North Vietnamese as a consequence of the war in Vietnam, who have borne the flag of this country abroad and who have worn so proudly the uniform of this great land, now helpless, almost forgotten, victims of the inhumanity of the North Vietnamese who are not abiding by the Geneva Convention rules relating to Prisoners of War; and
>
> Whereas, the overwhelming majority of Alabama citizens, regardless of their individual beliefs about the war, are deeply concerned about the treatment of the prisoners; and
>
> Whereas, we, the people of Alabama, are very prayerful for the safety and well being of our servicemen now defending their country in Southeast Asia;
>
> Now, therefore, I, George C. Wallace, Governor of the State of Alabama, do hereby proclaim the day of Wednesday, April 28, 1971, as Prisoners of War Day in Alabama, and urge all of my fellow citizens to join me in praying for the welfare and humane treatment of all prisoners being held in Vietnam, and to pray for their speedy return to their friends and loved ones.

ANNIVERSARY OF BYELORUSSIAN INDEPENDENCE

Mr. TAFT. Mr. President, March 25 commemorated the 53d anniversary of the declaration of independence of the Byelorussian people. On March 25, 1918, the All-Byelorussian Congress met in the city of Miensk and proclaimed the Byelorussian Democratic Republic. Unfortunately, like her neighbors, the Baltics, this new state was unable to enjoy her sovereignty for long. The Russian Communists consolidated their forces and the Red army invaded Byelorussia.

Despite the Communist rule, and German occupation during World War II, the Byelorussian people revived their national institutions and convened a second Congress in 1944, which reaffirmed their desire for complete political independence.

On March 25, 1918, the highest aspirations of the Byelorussian people for a free and independent life were fulfilled. Today, March 25 stands as the symbol of their quest for liberty for all Byelorussians. Those Americans of Byelorussian descent thoroughly disapprove and deplore the regime in the land of their ancestors. Let us join them and express the hope that one day these sturdy and stouthearted people will again attain their national goal of independence and liberty.

CONCERN FOR OUR PRISONERS OF WAR

Mr. CHURCH. Mr. President, Congress and the President declared last week to be a National Week of Concern for Americans Who Are Prisoners of War or Missing in Action. Americans care very deeply about the well-being of all our men in Vietnam. Yet, last week we justly emphasized 1,600 men who face particular hardships through imprisonment at the hands of the North Vietnamese. Each day these men sacrifice for their country. They endure separation from family and friends; they live in physically and psychologically debilitating conditions; and, they must face the prospect of no early return to their own country. Along with other Senators, I wish to join in support of these brave men.

Mr. President, as we must both expect and cherish in a democracy, we find differences in opinion as to the best course of action for this country in the war in Southeast Asia. Yet, regardless of these differences, we all are united in our empathy for the plight of our young men who are known or thought to be prisoners. No one in Hanoi, or any other place in the world, should underestimate the strength and dedication with which all Americans support their young men who are prisoners of war.

As do my fellow Senators, I look forward to the day when our young men who are prisoners of war may be returned home again. Along with my colleagues, I have long been deeply concerned with the fate of those of our countrymen held prisoner by North Vietnam. Many will remember that in 1966 we heard persistent reports that the government in Hanoi had threatened to execute, as common criminals, American airmen who were prisoners of war. Accordingly, I prepared a statement, "A Plea for Sanity," in which I was joined by 18 other Members of the Senate. In that statement we said that—

> Before the last remnants of reason are irrevocably abandoned, we call upon the Hanoi government to refrain from any act of vengeance against the American airmen. They are prisoners of war, fully entitled to the protection extended to men in uniform when captured in the performance of their duty.

Now we must renew that plea, for the underlying conditions have changed little in the intervening years. We still have no indication, much less a guarantee, that these prisoners are being treated in the manner to which they are entitled.

Continued North Vietnamese intransigence led me to submit before the Senate, on October 1, 1969, "An Appeal for Humanity in the Treatment of American POW's." In that statement I said that—

> It is time for Hanoi to recognize that its treatment of prisoners of war is morally repulsive to people of all shades of opinion in the United States and the world.

Hanoi has still refused to recognize this unity of opinion, for the situation has remained unchanged. Therefore, we must again call on the North Vietnamese and the NLF to observe the canons of morality and international law in the treatment of prisoners.

Still again, in 1970, with a number of other Senators and Members of the House, I joined in cosponsoring a resolution calling for an exchange of prisoners held by North Vietnam, including Americans, for prisoners held in South Vietnam. In that resolution we urged—

> Inspection of all prisoner of war facilities, humane care, attendance to dietary and health care needs, free inspection of American and allied prisoners of war held in Vietnam, with priority of release given to sick or injured prisoners and those who have endured long periods of confinement.

The tenets of that resolution have remained valid, but we have had no indication of any meaningful response on the part of the North Vietnamese. Therefore, with many other Senators, I cosponsored a resolution calling on the United Nations to intervene on the prisoners' behalf and to assure humane treatment for them and speed the day of their safe return home.

Yet, all of these calls have gone unheeded. Consequently, until the United States is assured of North Vietnam's compliance with the Geneva Conventions all of us must continue to exert ourselves in the active search to determine means through which humane treatment of those prisoners may be assured. In particular, we must seek a delineation of all our men who are held captive in order that the terrible uncertainty for the families of men missing in action may be ended. To these ends I recently have been privileged to join in cosponsorship of the resolution submitted by the Senator from Massachusetts (Mr. BROOKE) and the Senator from West Virginia (Mr. BYRD) which would create a Joint Committee to Investigate the Treatment of Prisoners of War in Vietnam. This committee could perform work which is undeniably important, for we continue to pose many questions, but those questions remain unanswered. In particular, among those questions which this committee must seek to answer are the number of prisoners held captive, the circumstances under which they are held, and the conditions under which they might be released or exchanged.

Mr. President, it is time for Congress, the President, and the American people to join together in ending the American participation in the hostilities in Vietnam. While there is disagreement on some of the particulars, there is no question about the country's common support of our young men who are captive and our joint determination to bring them just and equitable treatment.

Thus, in this time of national concern for Americans held captive, we highlight what must be an unceasing pledge to maintain the highest possible amount of public and private pressure on the Government of North Vietnam. In so doing, we may hope to make more humane the treatment our young men receive in their hands, and bring nearer the day those men may return home.

DEMOCRATIC POLICY COUNCIL

Mr. HUMPHREY. Mr. President, the Democratic Policy Council of which I am Chairman, met last week and adopted a statement on Indochina. This statement is a joint effort by members of the Policy Council speaking for the Democratic Party. It was done in good faith and out of a feeling of deep concern for the present policy of the Nixon administration.

Because it represents a carefully thought out reply to present policies and offers constructive suggestions with regard to the Middle East as well as Vietnam, I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ADOPTED BY THE DEMOCRATIC POLICY COUNCIL, MARCH 24, 1971

INDOCHINA

Our most urgent international problem remains the ending of the tragic war in Indochina. During the 1968 campaign, Candidate Nixon pledged that he had a plan to end the war.

Now, in 1971, in his State of the World message, President Nixon admits that his policy of Vietnamizing the war "cannot, except over a long period, end the war altogether." The message states that unless the other side agrees to a settlement, Vietnamization will lead to "perpetuating the war." Since the President has indicated he does not expect a negotiated solution, the Administration's policies offer the prospect of endless war.

Although the Administration claims credit for "winding down" the war, in fact it has been expanded into Cambodia and Laos. It is impossible to tell through the smokescreen of conflicting Administration statements and battlefield reports just what is happening in Laos, but it is plain that the decisive victory the President sought has not been attained. The invasions of Laos originally described as intended to run until about May 1 were suddenly described by Vice President Agnew on March 19 as already having lasted "longer than we projected they would." At least the Vice President characterized the South Vietnamese movement towards their own border as "orderly retreat" rather than the "mobile maneuvering" which had previously been used to obscure the realities. Whether a retreat during which cannon are blown up and troops cling to the landing skids of helicopters can be described as orderly is an open question. One uncontroverted fact is that the South Vietnamese forces are completely dependent upon American combat air support and on helicopter lift of men and material to advance or retreat.

Even though American casualties have declined, South Vietnamese troops are dying in larger numbers and civilian casualties continue to mount. It is callous to assume that only American deaths are important. While American troop strength has been slowly reduced, at the end of nearly two and one-half years of the Nixon Administration less than half our troops will have been withdrawn and there has been no assurance of the withdrawal of all American forces.

Our air power is fully engaged in bombing both Cambodia and Laos. Under the guise of "protective reaction" United States planes have stepped up the bombing of North Vietnam. The President has indicated that he will not accept any limitation upon the use of American power anywhere in Indochina and declined to rule out an invasion of North Vietnam which President Thieu has threatened. Escalation of the war increases the risk of Chinese intervention. The United States should not participate in any manner in an invasion of North Vietnam.

The President continually justifies his expansion of the war as necessary for the protection of American lives and the continuation of his program of slow troop withdrawal. Surely the way to save American lives is to end the fighting and bring our troops home. The overwhelming majority of the American people favor a total American withdrawal in 1971. In recent elections the people of South Vietnam have themselves indicated they want to end to the war.

There should be a firm, unequivocal declaration by the Government that all American forces will be withdrawn by the end of this year. The Congress should share responsibility for this decision. An announcement of complete withdrawal this year should be used to negotiate the safe withdrawal of our troops and the speedy release of our men who are prisoners of war. Vietnamization of the war offers no prospect for obtaining their freedom. Such an announcement could also result in the beginning of real, substantive negotiations in Paris and an early ceasefire. At the negotiations we should seek an agreement prohibiting future reprisals by either side against supporters of the other side and providing for international supervision. We should also seek agreement on a plan for the rehabilitation and development of all Indochina, once peace is achieved. Having helped to create the devastation, we have an obligation to assist in the restoration. This would also provide an incentive for North Vietnam to adhere to a peace agreement. Other issues should be left to negotiations among the Vietnamese themselves.

The choice does not lie, as the President asserts, between "neoisolationism" or "bugging out" as the one alternative and Vietnamization of the war as the other. A decision should now be made for responsible withdrawal. This would be welcomed by the great majority of our allies and would strengthen our international position and influence.

We call for the enactment now of legislation such as the proposed Vietnam Disengagement Act of 1971, which will prohibit the use of any funds for American military operations in Indochina after December 31, 1971, with adequate provision to assure the return of our prisoners of war.

In the interim we categorically oppose any expansion of the war by American or South Vietnamese forces in Cambodia, Laos, or North Vietnam or by the bombing of North Vietnam.

In 1965, facing steadily increasing American military escalation, North Vietnam rejected President Johnson's offer to contribute one billion dollars to a Southeast Asia Development Fund from which all countries in the region could benefit. We now renew the call for reconstruction and pledge our support for major U.S. participation in that effort.

MIDDLE EAST

We are encouraged that the differences between Egypt and Israel are being clarified and to some extent narrowed. While full support should be continued for Ambassador Jarring's mission, every effort should now be made to bring about direct talks between the parties to reach the compromises necessary for settlement of the highly emotional issues. The four powers should continue their consultations and stand ready to guarantee the settlement which must be negotiated between the parties. The United States should clarify the security assurances upon which it is asking Israel to rely. Our objective remains a lasting peace with secure and agreed upon borders—a peace that will assure independence and security to Israel and all other nations in the area.

THE ECONOMIC SITUATION IN CONNECTICUT CONTINUES TO WORSEN

Mr. RIBICOFF. Mr. President, the serious economic situation confronting our Nation continues to worsen. According to figures released last week, 50 major labor areas now suffer from substantial or persistent unemployment. This is the highest number since June 1962. The unemployment rate in these areas is at least 6 percent and in several areas runs as high as 12 percent.

In Connecticut, four communities are listed in the substantial unemployment category. Included are: New Haven, Bridgeport, New Britain, and Waterbury. So-called "moderate" unemployment of from 3 to 5.9 percent exists in Hartford and Stamford.

Promises of future assistance are not satisfying to men and women who desperately need help today. Immediate steps must be taken to aid those men and women who have lost their jobs due to circumstances they cannot control.

The amendment being offered today would provide immediate relief to 300,000 unemployed Americans who have exhausted their unemployment benefits. This amendment is identical to S. 973, which I joined the distinguished Senator from Indiana in introducing on February 25.

This legislation would amend the Federal-State Compensation Act of 1970 so that workers laid off their jobs for 26 weeks would be eligible for 13 additional weeks of Federal unemployment compensation. This additional aid to jobless workers, it should be stressed, would be started immediately with the Federal Government assuming all costs.

Present law provides for extending unemployment insurance from 26 to 39 weeks only when the national insured jobless rate reaches 4.5 percent for 3 consecutive months, a requirement that has never been reached. This legislation reduces that requirement to 4 percent for 3 consecutive months. The rate of unemployment has exceeded this 4-percent insured figure since September of 1970. Costs of this extension of coverage, which were to have been shared 50–50 with the States, would be taken over completely by the Federal Government.

The amendment also provides potential relief for more than 1 million Americans who are fast approaching the point of benefit exhaustion and who have already been unemployed at least 15 weeks. With the Federal Government funding the extended coverage, benefits could begin now—and not 10 months from now or longer, as called for by the 1970 act.

Mr. President, a recent article by Frank C. Porter, published in the Washington Post, discusses the sad fact that one-third of the Nation's major labor areas are now suffering "substantial" unemployment. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Jobless Rate Passes 6 Percent in 50 Major Areas

(By Frank C. Porter)

A third of the nation's 150 major labor areas are now suffering "substantial" unemployment—6 per cent or more—with the addition of five new cities in March, the Labor Department announced yesterday.

And Seattle joined the classification of 12 per cent or more joblessness, the first mainland U.S. city to do so in at least nine years.

The 50 major areas in the substantial category is the highest since June, 1962, when the country was emerging from its last recession. There were only eight so listed at this time last year.

Yesterday's report helped cloud hopes raised by two successive monthly declines in national unemployment—from 6.2 per cent to 6 per cent in January and to 5.8 per cent in February, although the number of jobs and the average work week also dropped in the latter month.

The new list was drawn, however, on the basis of two-month-old data from January. Any subsequent improvement in the over-all employment statistics could be reflected in later reports.

The five additions are New Haven, Conn. (6.5 per cent unemployment); Rockford, Ill. (6.7); Terre Haute, Ind. (7); Worcester, Mass. (7), and Binghamton, N.Y. (6.6).

Two areas already listed as substantial—Bridgeport, Conn., and Lawrence-Haverhill, Mass.—moved up to the 9 to 12 per cent category this month. There are 10 areas in this group now; there were none a year ago.

Seattle, which stands to lose another 5,000 jobs as the result of the defeat of the SST program in Congress Wednesday, moved up from this latter category to the highest group, those with at least 12 percent unemployment.

Two Puerto Rican cities, Ponce and Mayaguez, have been listed under this classification for a number of years. A Labor Department spokesman said he could find no mainland cities so listed at least as far back as 1962.

The following compares the status of 150 major labor areas today with February and a year ago:

Groups	This month	Last month	Year ago
A. (Less than 1.5 percent unemployed)	0	0	0
B. (1.5 to 2.9 percent)	8	13	52
C. (3 to 5.9 percent)	92	92	90
D. (6 to 8.9 percent)	37	34	6
E. (9 to 11.9 percent)	10	9	0
F. (12 percent or more)	3	2	2

The Labor Department describes Group A as "overall shortage," B as "low unemployment," C as "moderate unemployment," and D, E and F all as "substantial unemployment."

Larger cities included in Group D (6 per cent to 8.9 per cent unemployed) are Los Angeles, Detroit, San Diego, New Orleans, Jersey City, Buffalo and Portland, Ore.

Washington is one of the eight areas falling in Group B (1.5 to 2.9).

The eight areas besides Bridgeport and Lawrence-Haverhill in the next to highest category, Group E (9 to 11.9), are Stockton, Calif.; New Britain and Waterbury, Conn.; New Bedford and Lowell, Mass; Muskegon-Muskegon Heights, Mich; Takoma, Wash., and Wichita, Kans.

An area is classified as having substantial unemployment if its rate of at least 6 per cent is expected to continue for two months or more. This is intended to rule out temporary aberrations or seasonal variations.

The Labor Department moved two areas—Muskegon, Mich., and Fresno, Calif.—onto its list of "persistent" unemployment. This means the average unemployment rate has been at least 6 per cent for a year and has been at least 50 per cent above the national average for several years.

CUBAN SUCCESS STORY IN UNITED STATES

Mr. CHILES. Mr. President, as a Senator elected to represent the people of Florida, I am deeply aware of the influences Cubans who have emigrated to the United States have had on my State, and I know also that with the passage of a few years these people have made an almost unbelievable transition from heavy dependence on our government and its resources to a degree of accomplishment and self-reliance that seems impossible.

While the State of Florida has received the greatest impact from this immigration, it has certainly had an effect on the whole country. It is well that all of us have an understanding of the Cubans' developing role in our country and how well they are adapting to it. The Washington Post for Sunday, March 28, 1971, published a comprehensive story on the subject, which I feel should be brought to the attention of the Senate. I therefore ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Success Story: U.S. Cubans—Refugees Make Strides in Income, Education

(By Haynes Johnson)

Miami.—Twice a day, five days a week, year in and out, the planes leave Florida empty, touch down at Varadero 75 miles east of Havana and return filled with men, women and children. The passengers arrive at Miami International Airport virtually destitute, with only the clothes on their backs. They are the latest line in an old American story—the immigrants.

It is an emotional scene as the Cubans are reunited with relatives. Old men and women meet their grandchildren for the first time. Often, they find they cannot understand the Americanized Spanish the children speak. There are tears, embraces and frantic conversations.

Sometimes women proudly display wedding rings they have worn on their toes to avoid last-minute confiscation, the last link to a life they have left behind. Then, after processing, the refugees disappear to begin a new life in a strange society.

One Cuban recalls the sense of bewilderment after he first arrived. It was 10 years ago, on the eve of the Bay of Pigs invasion. He was wandering down a street in Southwest Miami, stopping other Cuban refugees and asking about mutual friends. "Where is Enrique?" he asked. "He's in the training camps." "Camps?" he asked again. "What camps?" "Why, the training camps for the invasion."

The Cuban colony at that time was in ferment, a place where refugees clung stubbornly to their language and customs. Older Cubans still maintain their native customs—cooking the pig at Christmas in a large hole dug in the ground covered with banana leaves and gathering at parties to sing Cuban songs—but the emigres long since have been assimilated into American culture.

Grocery stores now sell as standard items such Cuban staples as black beans, plantains and yucca, along with Wheaties and frozen TV dinners. Cubans who started in business by selling their country's food and delivering it to homes have branched out into restaurants appealing to all tastes. Others who began by shining shoes or as stock boys have saved and moved up into broadly based businesses.

The Cubans today have written one of the most notable American success stories.

"Some historian some day writing a sociological history of the United States might well analyze what happened to the Cuban people in the essentially Anglo-Saxon society that we have," Robert Hurwitch, Deputy Assistant Secretary of State for Inter-American affairs, has said. "A remarkable story."

NOTHING BUT ABILITIES

Since Fidel Castro seized control of Cuba in 1959, more than 410,000 Cubans have emigrated to the United States. A quarter of a million have come to America on the daily flights that began in December, 1965. They arrive with nothing but their abilities, and often without knowledge of English.

The age and occupational breakdown of those leaving Cuba has changed since the airlift began. The largest single group, accounting for nearly 24 per cent of the refugees, are between the ages of 6 and 18. The next largest, for almost 20 per cent, are between 30 and 39. The prime military age category from 19 to 29 accounts for nearly 9 per cent.

By occupation, more than 6 per cent are professional, semiprofessional or managerial, with an additional 11.5 per cent in clerical and sales and 9.2 per cent skilled workers. Children, students and housewives form 64 per cent of all refugees. These figures lie at the heart of the Cuban success. By and large, they are highly trained.

Today, 83 per cent of the Cubans are fully self-supporting. Many refugees have risen to positions of prominence in business and industry after starting over again, with nothing, in a new country.

Miami is now a bilingual city. There are some 4,500 Cuban-owned businesses—everything from small restaurants to posh nightclubs, cigar and shoe factories, heavy and light industry concerns—and the economic level of Cubans is rising steadily. The mere figures tell a dramatic story.

HIGH INCOMES

The average income of the Cuban family is approximately $8,000 a year. In the higher-educated and professional groups, it is $18,000 or more per year. Some 49 per cent of the Cubans own their homes, and 22 per cent are in the process of buying one. Hundreds of Cuban teachers work in public schools attended by tens of thousands of Cuban refugee children. There is hardly an area of life on which the Cubans have not left their mark.

Americans who have dealt closely with the Cubans characterize them as extremely well-adjusted and well-motivated: thrifty, hardworking, willing to try anything.

"They have," one government official said, "made it on just pure guts."

COLLEGE PROGRAM CITED

Howard Palmatier, director of the Cuban refugee program for the U.S. Department of Health, Education and Welfare, cites one government program as an example. The government operates a loan program for needy Cuban college students. Already, 11,000 loans have been made.

"The repayment rate is fantastic," Palmatier says.

What is most striking about the Cuban experience is that few expected them to adjust to America so successfully. Ten years ago if you went to Miami, you could find scarcely a Cuban who didn't think he was here only temporarily. Everyone was waiting to return to Cuba. The stories of Cubans sitting in their small rented stucco homes along Southwest Eighth Street with their suitcases already packed for departure while anxiously telling the latest rumor of Castro's imminent overthrow were legion—and true. Then, in the bitterness of the Bay of Pigs disaster, a great sense of betrayal welled up in the Cuban colony.

For months and even years afterward, Miami was a cauldron, the breeding ground for plots and vain-glorious schemes for action. Today, all that has changed.

"I am so different today that sometimes I hardly recognize myself," said Roberto Sanroman, one of the commanders of the Bay of Pigs invasion. "The hardest thing, I think, is to face reality. But it is the bravest thing."

He was talking about the prospects of returning to Cuba. "I would like to go back to Cuba," he said. "Of course. But I know it would be different. It will not be the same Cuba. Sometimes I think I would just like to be able to travel through Cuba—and then come back to my home here."

A CHANGE IN TONE

His is not an unusual view. Sit with Cubans at night in their homes and you will hear similar expressions. Their tone has changed from an ardent militancy to philosophical reflection. Now, there is more of an acceptance of conditions as they are, not as they might have been. And then, subtly but significantly, the conversation will switch from Cuba to Vietnam or the economy or their children.

"I used to stay involved, and try to keep up on what was happening in Cuba," said the wife of another Bay of Pigs invader who was captured and later ransomed with the survivors of the Cuban brigade. "But I don't anymore. We work too hard, and we're too busy in our own lives."

That doesn't mean the old fire—and desire to return to the homeland—has disappeared. One Cuban was talking about the success his people have made in business here, and how the drain of talent (2,000 Cuban doctors have left Cuba since 1959, for instance, about half the total number on the island then), is bound to hurt Castro. Then he said:

"You know, Fidel calls those of us who have left gusanos (worms), and the Cuban people call him El Caballo (the horse).

"Never forget, the worms always eat the horse."

PRESIDENT OR MONARCH?

Mr. CHURCH. Mr. President, is it possible that the President of the United States is surrounded by a court like that of the emperors of old? Can it be that the men who serve the President behave quite like the sycophants who served such tyrants as Adolf Hitler and Joseph Stalin?

Two prominent American journalists think so. Russell Baker, of the New York Times, and Charles Peters, of the Washington Monthly, present their case in a provocative review of three recently published books.

I ask unanimous consent that their article, published in the Washington Monthly for March 1971 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PRINCE AND HIS COURTIERS: AT THE WHITE HOUSE, THE KREMLIN, AND THE REICHSCHANCELLERY

(By Russell Baker and Charles Peters)

The analogy between the modern presidency and the royal European court, bewigged, bejeweled, and beset with intrigue, is not original with George Reedy, but he is the first to alarm us with notice that court government is undergoing a 20th-century rebirth in the White House. This renaissance of the princely court, Reedy insists, is breeding immense danger for American government, for much the same reason that the 17th and 18th-century courts of Western Europe contributed to the development of violent revolutions.

In both France and England, our immediate political forebears, kings lost their heads because they had become unable to sense or hear the intent and passion of their peoples through the barriers of courts erected to glorify and, ironically, to protect them. Reedy suggests that the presidency is in somewhat the same danger, and for essentially the same reasons.

The President, needing "access to reality" in order to govern effectively, too often has access, instead, only to a self-serving court of flunkeys, knights, earls, and dukes in business suits, whose best chances of advancing their separate fortunes usually lie in diverting reality before it can reach the President. The result is a dangerous presidential isolation, which may be compounded in its peril because court life works to persuade the President that he is more closely in touch with reality than anyone else in the realm.

Thus, we had those repeated assertions from Lyndon Johnson that only the President had all the facts on which to base decisions about Vietnam, when in truth he lacked the first fact that was most essential of all for a leader and easiest to learn outside the White House court: to wit, that his people were not behind him as he waded deeper and deeper into the quagmire. This isolation from reality kept Johnson, and has since kept Richard Nixon, obsessed with Southeast Asia as a prime problem of government at a time when very few among the people could sustain more than a flickering interest in it, and then only when aroused by White House theatrics.

Reedy suggests that the presidency may be confronted, if not with the headsman or guillotinist, with an institutional arteriosclerosis no less fatal at a time when the interests of government seem increasingly alien to the interests of the governed.

When Reedy's book was first published, its importance as a work of political science was discounted by some reviewers on grounds that Reedy, as a member of the Johnson staff, had based his treatise on a singularly peculiar presidency, one in which parallels to the Sun King were ludicrously easy to draw.

Reedy's discussion of courtiers insulating the President against reality was taken by many readers as sour grapes, a subtle intellectual's way of taking his vengeance upon the cleverer players of the court game who had eased him into retirement. John Roche, who stayed with President Johnson's staff to the end, refers with mild contempt to the notion that presidential staff aides can seriously be likened to royal courtiers.

Members of the Kennedy circle—that strange, apparently indissoluble court in search of a king—contend that Johnson was, of course, susceptible to royal isolation by slick courtiers. But not their man, not Jack. The court analogy had no validity when applied to a President of superior competence.

And yet. . . . And yet. . . .

There were signs, not altogether superficial, that the development of something remarkably like court life had been rapidly accelerating at the White House since the arrival of Franklin Roosevelt. With Roosevelt, the presidency—for reasons not too difficult to understand in an era that was dotting the rest of the earth with strutting Caesars—entered a period of apotheosis. There had been strong presidents before, but now we were embarked on the time of the strong presidency, a time which is still with us.

THE TRAPPINGS OF COURT

In sheer body density alone, the insulation around the presidency has thickened rapidly. Herbert Hoover had a staff of only 42 persons. A generation later, General Eisenhower, who prided himself on taut administration, had more than 2,000. Under Kennedy and Johnson, foreign-policy management groups were moved into the White House, and institutional divisions between domestic- and foreign-policy barons began to develop. In the Nixon White House, an expanding foreign policy dukedom has been established under Henry Kissinger with a staff of his own moving in independent orbit around Kissinger, who simultaneously maintains a great-lord's orbit around the President in the larger White House universe.

The trappings of court began, simultaneously, to multiply. The custom-built carriages, magnificently engineered automobiles built expressly for the White House. Great ocean-spanning jets kept constantly at the ready. Special helicopters. Presidential appearances were preceded and surrounded by the inevitable, ineffectual showing of the private presidential bodyguard. Security at the White House thickened. First, there were the gates through which ordinary mortals might not step. Inside, the lobbies swarmed with hangers-on, most especially the press, waiting for some emanation to filter out from the ruler burrowed deep behind offices occupied by gentlemen of ascending importance. The elite might have entree to the Oval Room, equivalent of the Royal Bedchamber. For the sub-elite there were certain Presence Chambers where the Presidential Magnificence might be seen in the flesh, might indeed grant the boon of a smile, of a casual "Hi, there!" to the fortunate. And there was the White House Mess, where the etiquette of who might eat at what table was of an intricacy that would surely have bemused Louis XIV.

American fears of monarchy at the head of government are familiar to schoolboys—the debate at the beginning about how the leader of the new country should be styled, the fears of the more republican founders that the President might develop into a king and that the seat of government might develop into a court.

These fears survived from memories of the abuses of the English court of the 17th and 18th centuries, at which people and Parliament were frequently dealt with according to the advice of some royal favorite, whose grasp of statecraft ended with a mastery of sycophancy. The most notoriously inept of the courtiers whimsically given power by kings was perhaps the Duke of Buckingham, who seems to have bewitched King James I with his male beauty and skills at flattery and royal companionship. Buckingham survived James to continue incompetent government into the reign of King Charles I. When Buckingham was eventually murdered, all England lit bonfires to honor his murderer. The experience of such government, repeated in differing degrees in the reigns of Charles II and James II and later under the Hanovers, was part of the intellectual heritage of the men who founded the Republic. Hence, the distaste for courts.

Reedy's thesis holds that the time the Founders feared may have arrived at last, unnoted under all the mock-serious political uproar about kings, tyrants, and courtiers that has been part of the currency of political campaigning throughout American history. Reedy, in fact, gives us a full-length portrait of the courtier's life at the modern presidential court.

And what is a courtier's life like at the White House? Why, surprising to tell, not terribly different from court life at the Reichschancellery in the reign of Adolf Hitler, where a courtier's life was surprisingly like life in the Kremlin, at the court of Josef Stalin.

SERVILITY BECOMES ENDEMIC

By an extraordinary publishing coincidence, Reedy's memoir appears in the same year that Albert Speer and Nikita Khrushchev have given us their memories of life at the top in Germany and Russia.* Neither the Speer nor Khrushchev book concerns itself consciously with court life under Hitler and Stalin; yet, when they are read in context with Reedy, we are startled to discover that the styles of government being described by all three are remarkably alike.

At each court, for example, we find the leader, or prince, treated with a deference approaching reverence, which must inevitably tempt all but the humblest souls (who are rarely to be found running large aggressive states) to assume they possess a superiority bordering on divinity. In time, the man treated with such distinction begins to expect it as his due. The sycophantic Buckingham repeatedly signed his notes to the king, "Your faithful slave and dog," and James seems never to have told him that a friend's groveling was embarrassing to the king. Jack Valenti, who knew his man as well as anyone in Washington, knew that Lyndon Johnson would not bridle if Valenti told the world he slept better for knowing Johnson was in the White House. Princes, whether monarchist, fascist, communist, or democratic, become accustomed to feeling like very special people.

Reedy writes of the White House:

"There is built into the presidency a series of devices that tend to remove the occupant of the Oval Room from all of the forces which require most men to rub up against the hard facts of life on a daily basis. The life of the White House is the life of a court. It is a structure designed for one purpose and one purpose only—to serve the material needs and the desires of a single man. . . .

"He is treated with all the reverence due a monarch. No one interrupts presidential contemplation for anything less than a major catastrophe somewhere on the globe. No one speaks to him unless spoken to first. No one ever invites him to "go soak your head" when his demands become petulant and unreasonable."

Speer found a similar condition under Hitler. He writes:

"There is a special trap for every holder of power. . . . His favor is so desirable to his subordinates that they will sue for it by every means possible. Security becomes endemic among his entourage, who complete among themselves in their show of devotion. This exercises a sway over the ruler who becomes corrupted in turn."

And in Moscow, at about the same time Speer and colleagues were competing to persuade the Fuehrer of his surpassing excellence, Khrushchev and comrades in Moscow were busily laboring to show Stalin that there was no duty more vital for them than humoring his whims. At the end of a brutally exhausting day, Khrushchev recalls:

"We would meet either in his study at the Kremlin or, more often, in the Kremlin movie theater. Stalin used to select the movies himself. ... . When a movie ended, Stalin would suggest, "Well, let's go get something to eat, why don't we?" By now it was usually one or two o'clock in the morning. It was time to go to bed. . . . But everyone would say, yes, he was hungry, too. This lie was like a reflex. We would all get into our cars and drive to the dacha."

UNCOMFORTABLE TRUTHS

The prince, having become accustomed through the assurances of the courtiers to the sensation of being an extraordinary human being, becomes more difficult to deal with at certain times. One such time is the moment when an uncomfortable truth is delivered at the palace door. A courtier's first instinct is to protect the prince, and there are rationalizations for doing so in the unwritten court protocols, as Reedy notes:

"It is felt that this man is grappling with problems of such tremendous consequence that every effort must be made to relieve him of the irritations that vex the average citizen."

It vexes the average citizen, fully aware of his own incompetence, to be forced to dwell upon the fact that in life, things frequently don't work out. Imagine, then, the difficulty of having to confront a prince, conditioned to believe in his peculiarly excellent superiority, with the fact that his policy is failing. There must be many of Lyndon Johnson's dukes and earls who, remembering the Vietnam years, would find it possible to sympathize with Hermann Goering's lines in an anecdote related by Speer.

About to board his train to leave Berlin, Goering was visited by General Adolf Galland. Goering took the occasion to reprimand Galland for having told Hitler that American fighter planes had penetrated German territory. Galland said they would soon be flying even deeper into Germany. "Fantasies!" Goering said. Galland said American fighters had already been shot down at Aachen. "Impossible!" said Goering. And yet, Galland insisted, the downed planes were at Aachen.

"Goering finally declared: 'What must have happened is that they were shot down much farther to the west. I mean, if they were very high when they were shot down they could have glided quite a distance farther before they crashed.'

Not a muscle moved in Galland's face. "Glided to the east, sir? If my plane were shot up. . . ."

" 'Now then, Herr Galland," Goering fulminated, trying to put an end to the debate, "I officially assert that the American fighter planes did not reach Aachen."

"The General ventured a last statement. 'But, sir, they were there!'

"At this point Goering's self-control gave way. 'I herewith give you an official order that they weren't there! Do you understand? American fighters were not there! Get that! I intend to report that to the Fuehrer.' "

It can't happen here? After the Sontay raid failed to discover a single American prisoner of war, much less rescue one, Secretary of Defense Laird went to the White House. What was this? A failure? Not at all, Laird explained. It had been a triumph for American intelligence.

Communism occasionally has the bad news problem, too; and apparently deals with it just as fascists and democrats do.

Khrushchev tells a story that had been told to him by Mikoyan. Demchenko, a member of the Ukrainian Politburo, called on Mikoyan in Moscow.

"Here's what Demchenko said: 'Anastas Ivanovich, does Comrade Stalin—for that matter, does anyone in the Politburo—know what's happening in the Ukraine? A train recently pulled into Kiev loaded with corpses of people who had starved to death. It had picked up corpses all the way from Poltava to Kiev. I think somebody had better inform Stalin about this situation.'

" 'You can see what an abnormal state of affairs had developed when someone like Demchenko, a member of the Ukrainian Politburo, was afraid to go see Stalin himself.' "

Actually, according to the evidence of our three memoirists, it wasn't abnormal at all. Rather than disturb the prince by becoming the delivery agent for bad news, and thus perhaps lose favor, the courtier elects to withhold from him information essential to realistic policy decisions. Or, to put it more bluntly, his own interests are placed above the interests of the prince and the state he professes to serve.

Experienced courtsmen may find it naive that anyone should expect them to behave otherwise. The rationale has been finely worked out; it has been articulated many times by men explaining why they chose not to voice their dissent from the Johnson war policy. Open dissent ends one's chance to exercise his benign influence within the government, and creates job openings to be filled by less high-minded men. In brief, he who runs away shall live to run away another day.

THE KEYS TO THE KINGDOM

Reedy, Khrushchev, and Speer give us comparable pictures of the advancing corruption created in the courtiers by their impulse to establish and protect their intimacy with the leader.

The White House assistants, writes Reedy, constitute "the greatest of all barriers to presidential access to reality." For them:

"There is only one fixed goal in life. It is somehow to gain and maintain access to the President. This is a process which resembles nothing else known in the world except possibly the Japanese game of *go*, a contest in which there are very few fixed rules and the playing consists of laying down alternating counters in patterns that permit flexibility but seek to deny that flexibility to the opponent. The success of the player depends upon the whim of the President. Consequently, the President's psychology is studied minutely, and a working day in the White House is marked by innumerable probes to determine which routes to the Oval Room are open and which end in a blind alley."

This world sounds remarkably like the court of King James I, at which the Catholic faction, finding the King between favorites and knowing his weakness for handsome young men, kept thrusting a lovely young man of their choosing across the King's path, in hopes of obtaining the keys to the kingdom.

In Johnson's White House, the technique at least must have been rather duller. The basic method, Reedy reports, was "to be present either personally or by a proxy piece of paper when 'good news' arrives and to be certain that someone else is present when the news is bad."

Speer found precisely the same principle at work around Hitler. Writing of Martin Bormann, his *bête noire*, he states:

"Eormann followed the simple principle of always remaining in closest proximity to the source of all grace and favor. He accompanied Hitler to the Berghof and on trips, and in the Chancellery never left his side until Hitler went to bed in the early morning hours. . . .

"The powerful men under Hitler were already jealously watching one another like so many pretenders to the throne. Quite early there were struggles for position among Goebbels, Goering, Rosenberg, Ley, Himmler, Ribbentrop, and Hess. . . . But none of them recognized a threat in the shape of trusty Bormann. He had succeeded in representing himself as insignificant while imperceptibly building up his bastions."

"To be close to Stalin," Khrushchev remembers, "this seemed to be the crowning moment of my career."

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* *The Twilight of the Presidency* by George E. Reedy—World Publishing, 197 pages, $6.95. *Inside the Third Reich*, Memoirs by Albert Speer—The Macmillan Company, 675 pages, $12.50. *Khrushchev Remembers* translated and edited by Strobe Talbott—Little, Brown and Company, 618 pages, $10.00.

And elsewhere, "I believed that everything Stalin said in the name of the party was inspired by genius, and that I had only to apply it to my own life." As this comment suggests, the courtier may, at some early stage in the relationship, develop such a psychological identity with his particular prince that he will abandon his own judgment and, like a lover, submerge his identity in that of the prince. The sweet delirium of ecstasy is produced when the prince returns the worship with some small gesture of recognition.

"For me to speak with the idol of a nation," writes Speer, "to discuss building plans with him, sit beside him in the theater, or eat ravioli with him in the Osteria" was simply "overwhelming."

"Now I was completely under Hitler's spell, unreservedly and unthinkingly held by him. I was ready to follow him anywhere."

On occasion, when Speer would greet Hitler with, "Heil, Mein Fuehrer!" Hitler would reply with, "Heil, Speer!" At such moments, Speer recalls, he felt "as if a medal has been conferred upon me. . . . All the intrigues and struggles for power were directed toward eliciting such a word, or what it stood for."

YES MR. PRESIDENT, I AGREE

Receiving the recognition and approval of the leader becomes a pleasure so powerful that the strongest of courtiers find it difficult to deny themselves. The empty-headed thrills which the younger Khrushchev and Speer derived from the notice of their leaders may be dismissed as the natural response of innocence in the presence of a celebrity. But what are we to make of the account of a National Security Council meeting under Lyndon Johnson, as recounted by Chester Cooper in *The Lost Crusade?* Cooper writes:

"The President, in due course, would announce his decision and then poll everyone in the room—Council members, their assistants, and members of the White House and NSC staffs. 'Mr. Secretary, do you agree with the decision?' 'Yes, Mr. President.' 'Mr. X, do you agree?' 'I agree, Mr. President.' During the process I would frequently fall into a Walter Mitty-like fantasy: When my turn came I would rise to my feet slowly, look around the room and then directly at the President, and say very quietly and emphatically, 'Mr. President, gentlemen, I most definitely do *not* agree.' But I was removed from my trance when I heard the President's voice saying, 'Mr. Cooper, do you agree?' And out would come a 'Yes, Mr. President, I agree.'"

The courtier's need to please his leader often has disastrous consequences for the people on the other end of royal decisions. When the Russians surrounded Hitler's Sixth Army at Stalingrad, at a critical moment in World War II, a black reality began to threaten the Fuehrer's notion that the Wehrmacht could not be defeated. At the timid suggestion of a general, he was even considering an effort to save the Army by breaking out into a retreat until Reichsmarshal Goering entered the room:

"Depressed, with a beseeching note in his voice, Hitler asked him: 'What about supplying Stalingrad by air?' Goering snapped to attention and declared solemnly: 'My leader! I personally guarantee the supplying of Stalingrad by air. You can rely on that.'"

His delusion of invincibility thus restored, Hitler would hear no more talk of retreat. He ordered the Sixth Army to stay and fight it out in Stalingrad, where it slowly faced extinction when Goering's promise proved totally fabricated—as everyone on the General Staff knew it would. Finally a group of generals persuaded Chief of Staff Keitel to recommend to Hitler an evacuation of the Army's helpless survivors. It was the only sane thing to do, and Keitel promised that he would. The courtier's instinct, however, overwhelmed him at the critical moment, as Speer recounts:

"But at the situation conference, when Hitler once again stressed the necessity of holding out in Stalingrad, Keitel strode emotionally toward him, pointed to the map, where a small remnant of the city was surrounded by thick red rings, and declared: 'Mein Fuehrer, we will hold that!'"

It is enough to make one sympathize with a tyrant, for the determination of his courtiers to deceive him for their own personal ends—if he is aware of it—confronts him with problems as baffling as those posed by an enemy state's diplomacy.

Rarely is combat among the courtiers pursued to much political purpose in these 20th-century courts. Old scores are settled. There is intrigue, jealousy. One may win prerogatives that can be gloated upon. There is the satisfaction of public recognition, of being written about with awe in the press, and other small chaff. On great issues, however, the court is rarely a court in the Elizabethan sense, but rather more like that self-applauding cheering section which modern American politicians like to call a "team." Members are permitted to work out personal rivalries behind the arras, but on issues of substance every man must shape up, and work with the team.

With court struggle fought out along petty personal lines, the courtiers are inevitably reduced to demeaning little maneuvers to protect their backs, while working into good knife position vis-à-vis their immediate opponents.

Bormann, Speer recalls, avoided long business trips and vacations for fear another would insinuate himself during the absence into Bormann's place. "The man with the hedge clippers," Speer calls Bormann. "He was forever using all his energy, cunning, and brutality to prevent anyone from rising above a certain level."

Speer himself was not without skill at the struggle. Hitler often explained the elimination of important men on grounds that they were in ill health. Politicians, therefore, "pricked up their ears" when they heard of Hitler's associates being "sick." And so, to keep his profile discreetly low, Speer, even when he became "really sick," deemed it "advisable to remain as active as possible."

Khrushchev, referring to personal competition for favor in the Kremlin, describes Stalin's men as "tearing at each other's throats." Indeed, as his version of the Beria story reveals, Khrushchev himself, by the time of Stalin's death, had become superbly adept at tearing throats.

"The life of a courtier," Reedy comments, "is to be Sammy Glick or to fight Sammy Glick."

KENNEDY AND O'DONNELL

This composite portrait of the new courts which seem to flourish around great political power in our century explains a great deal about why things go wrong in modern governments. The court imbues the prince with both religious and antionalistic characteristics that make him a figure of awe. ('I support the President," Americans will say, on most issues in which they have no immediate financial or blood interest. It is closely akin to saying, "I support the flag.")

The courtiers tend to identify the prince with the state. ("What is good for Josef Stalin is good for the Soviet Union," to paraphrase the young Khrushchev in American.) To help the state, the courtier must reach a position of intimacy with the prince, and to do this he must block or eliminate other courtiers moving toward the same goal. Above all, he must please the prince. And a prince who has been conditioned to consider himself a quasi-divine blend of flag, cause, and country is most unlikely to be pleased at being exposed too frequently to reality.

The danger becomes obvious, and Reedy has stated it. Our leaders, whatever their ideology, may very possibly be out of touch with the world that the rest of us live in. That hostile grille fence which keeps us away from the White House has two sides. The other seals off the President from the country he thinks he is governing.

As all this suggests, the courtier-prince relationship is almost inevitably corrupting to both parties. Consider the relationship of John Kennedy and one of his finest courtiers, Kenneth O'Donnell. In his memoirs published last year in *Life*, O'Donnell stated that Kennedy planned in 1963 to end the Vietnam war in 1965, after his reelection had been assured. O'Donnell, with his courtier's tendency to identify prince with state and place the welfare of ruler above all, saw nothing morally wrong, and to this day apparently fails to see anything out of order, with Kennedy's willingness to let men continue dying through 1963 and 1964 because it was politically awkward to end the war before assuring his own reelection.

What motivates the courtier? Money has something to do with it. Throughout history, the non-rich have tended to seek the patronage and protection of the rich. But money is far from the whole story. Another factor is the need to function, the opportunity the courtier gets to use his talents, to prove his mastery of special skills. Men wielding the pen or the brush naturally gravitate to the castle. Italian artists, for example, were given liberal use of church walls and domes to turn their talents to issues of ethereal importance in return for ignoring the rapacity and decadence of the princes who gave them their chance. Likewise, Albert Speer was able to blur away Hitler's final solution for the Jews as he focused on his own job performance. "I often ask myself what I would have done if I had recognized Hitler's real face and the true nature of the regime he had established," Speer said. "The answer was . . . my position as Hitler's architect had become indispensable . . . I was in accord with the system so long as it permitted me to function effectively."

But the need to function is not the whole story, either. Note that Speer did not say "my position as architect," but rather, "my position as *Hitler's* architect" (our emphasis). This is finally what is most depressing of all: the compulsion of men to seek their identities in the gaudier identity of someone they perceive to be greater than they. It is the religious impulse perverted so that one's allegiance is to LBJ rather than to an idea of what the President should be.

THE PRINCE-SUBSTITUTE

Of course, most of us do not have a real prince to have faith in. We have evolved something like a prince-substitute, however, in the governmental and corporate bureaucracies, the universities, organized labor, foundations, with which so many of us are so unhappily familiar. Here we see working most of the same principles which animate life at the great political courts. Speer's willingness to overlook Hitler's mass murders as irrelevant to his specialty is similar to Khrushchev's position on Stalin's purges, as Khrushchev recalls:

"A list was put together of the people who should be exiled from the city. I don't know where these people were sent. I never asked. If you weren't told something, that meant it didn't concern you."

And although these examples are perhaps more dramatic, the attitudes are identical to those of today's corporate specialist—say the advertising men at General Motors, who didn't feel responsible for the unsafe cars produced by their company. Modern institutions remind us in other ways of the courts—the elevation of the organization to suprahuman importance, the minuet of the courtiers, the increasing difficulty of perceiving reality.

The universities, for example, are still puzzled about "what the kids really want." AT&T is still trying to figure out why it didn't anticipate a rising demand for phone service in New York. Penn Central executives are still amazed that there was no one around the office who knew how to run a railroad. The unions are irritated because blacks excluded from jobs by union policy accuse them of racism. And so on, and on, and on. The organization man has already become the characteristic man of our time, the man who shapes our destiny after the princes have finished reciting their ghost-written (by organization men) speeches.

A prophetic article in *The Observer* of London, written about Speer in 1944, is worth recalling, for what it says about our own time.

"Speer is, in a sense, more important for Germany today than Hitler, Himmler, Goering, Goebbels, or the generals. They all have, in a way, become the mere auxiliaries of the man who actually directs the giant power machine—charged with drawing from it the maximum effort under maximum strain . . . In him is the very epitome of the 'managerial revolution.' "

"Speer is not one of the flamboyant and picturesque Nazis. Whether he has any other than conventional political opinions at all is unknown. He might have joined any other political party which gave him a job and a career. He is very much the successful average man, well dressed, civil, noncorrupt, very middle class in his style of life, with a wife and six children. . . . [He] symbolizes a type which is becoming increasingly important in all belligerent countries: the pure technician, the classless bright young man without background, with no other original aim than to make his way in the world and no other means than his technical and managerial ability. It is the lack of psychological and spiritual ballast and the ease with which he handles the terrifying technical and organizational machinery of our age, which makes this slight type go extremely far nowadays. . . . This is their age; the Hitlers and Himmlers we may get rid of, but the Speers, whatever happens to this particular special man, will long be with us."

And so they are, the new courtiers, rising at their most efficient to heights where they seem very close to becoming the organization, but never quite. One day, we are surprised that the organization has sloughed off one brilliant young man and found another immediately to replace him.

In a thousand conference rooms, where the smell of moral sterility is as strong as ether in a hospital corridor, the new courtiers do their minuet each day and the organizations slip further and further from reality.

"How many of us [Reedy asks] have sat without protest through meetings where glorified nonentities expounded profound platitudes in the non-thought and the 'innovative' non-proposal? How many of us have writhed in secret agony while 'dedicated' mediocrities have responded with the organization man's version of Alleluia: 'That grabs me. Run it up the flagpole and I'll salute it'?

"These obscenities have become the condition of life in the modern world—in business, in labor, in liberal and conservative organizations, in publishing, in education, and even in our churches. And when they reach government, where decisions are life and death for hundreds of millions of people, they reach the ultimate of the intolerable. . . .

"Somehow this thing must be made human again. Somehow we must learn to govern our people from an office that is secular and not from a court that is sanctified. If our destruction comes, it will be because we placed our faith—our unquestioning faith—in institutions that were only brick and wood and in men who were only flesh and blood and this seems to be the condition of the last half of the twentieth century."

Speer's personal lament may already apply to thousands who have never dreamed of Nazism and serve as epitaph for generations to come. "Years later, in Spandau," he writes, "I read Ernst Cassirer's comment on the men who of their own accord threw away man's highest privilege: to be an autonomous person.

"Now I was one of them."

DRASTIC CHANGES NEEDED

Mr. HUMPHREY. Mr. President, the need for health care reform in this country is generally accepted, although the method for accomplishing it is not.

The problem facing us is twofold—there is, first of all, an imbalance between supply and demand; there are great shortages of well-trained medical personnel and a need for adequate facilities. The second part of the problem is that those personnel and facilities which we do have are poorly distributed geographically.

To put it another way, we must develop a health care system that will provide the same high level of service to everyone at prices all can afford.

There is no official in our Government, reports Victor Cohn in today's Washington Post, "with proper authority to help, declared responsible for developing possible solutions to the growing health crisis."

Mr. Cohn is an able and articulate observer, and what he has to say should be read by all persons interested in this pressing national problem. Therefore, Mr. President, I ask unanimous consent that his column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DRASTIC CHANGES NEEDED FOR BETTER NATIONAL HEALTH

(By Victor Cohn)

What this country needs for its health is a secretary of health. It needs someone in charge of this floundering area—an official with proper authority and help, declared responsible for developing possible solutions to the growing health crisis.

Strange as it may seem, it has no one such official now, and even under President Nixon's new federal reorganization plan—which includes a Department of Human Resources, including health—it will have none without some drastic further changes.

This conclusion seems inescapable to this reporter after some weeks spent watching the highly partisan debate over how to provide us with better national health. Consider these sickly results of recent federal non-planning:

The Nixon Administration proposal for national health insurance would omit a large part of the population, though insuring the health of many private health insurors.

The most publicized counter-plan the Kennedy-Griffiths health bill, promises more. But a health specialist for the National Urban League says that: "Nowhere in the myriad of bills, resolutions or plans advanced to date is there any clear mandate to establish and implement with speed any coordinated health system."

The administration and Congressional health forces are vying to construct a new crusade against cancer to cost an extra $100 or $200 million a year just to start—while research lags on many other diseases whose victims also sicken and die. Research areas like over-population, alcoholism, heart disease, cerebral palsy, mental retardation and children's diseases need funds too.

Health in the United States is a $70 billion a year industry. Medicare and Medicaid are costing millions more than anyone ever predicted. The national health bill may reach $200 billion in another 20 years. Yet only in the past year has this administration even begun to think about cheaper health delivery. Last year it spent $1.6 billion for biomedical research, but less than $18 million for health delivery research.

There has been equally little systems study of health, as versus the narrower subject of medical care. Sweden has 83 doctors per 100,000 population, yet has half the death rate among middle-age men as the U.S. with 140 doctors per 100,000. Is training more doctors and paying for more care our most economical health strategy? No one is asking this question on any respectable scale.

Who should? No one knows. Examine the huge Department of Health, Education and Welfare, which may soon become part of an even more Pentagonian Department of Human Resources, and you find an astonishing lack of health planning at any point, Who's responsible? No one—or every one.

A parade of secretaries has failed to master HEW's appalling machinery, though a few—the best was Wilbur Cohen—made a pretty good show of it. Secretary Elliot Richardson is able, bright and extraordinarily well informed on health for a layman. But he would probably be first to testify that he lacks time to be a "secretary of health" as well as secretary of HEW.

The department's highest health official is not even an undersecretary but one of seven assistant secretaries. All with some pieces of health action. This assistant secretaryship for health and scientific affairs was slated to go to Dr. John Knowles (director of Massachusetts General Hospital) at the outset of the Nixon era. The American Medical Association and the late Sen. Everett Dirksen of Illinois (AMA headquarters) opposed Knowles. And health lost. During a fight that lasted for months, HEW's various health tasks were grabbed by various assistant secretaries, deputies, "assistants to," etc.

A nice man, Dr. Roger O. Egeberg, finally got the job. He had been a good dean of the University of Southern California Medical School. Washington was different. He never did get control.

Suddenly health heated up. Sen. Kennedy began calling it "the country's fastest-growing failing business" and proposing solutions. Says one administration official: "In September there was a decision that this was a year of health. So a hysterical exercise began. There were no health plans on the shelf, as there should have been."

In February, practically panting, HEW Undersecretary John G. Veneman (ex-Medicare-Medicaid chairman in the California legislature), Deputy Undersecretary Robert Patricelli (a lawyer) and Assistant Secretary for Planning and Evaluation Lewis Butler (a lawyer) presented the Nixon "National Health Partnership." It would require businessmen and employees to chip in for a high minimum level of group insurance; it would provide most low-income families private policies paid for entirely or in part by the government.

But part-time employees would be excluded from the group plan. Low-income families would get only 30 days' hospital care per illness. Low-income singles or marrieds without children would still get only present welfare medicine or Medicaid. Those 65 and over would be left with Medicare, which is paying less than half their health costs. They would have to start paying part of their hospitalization on 13th instead of 61st day (while being relieved of one $5.30-a-month charge).

Health experts immediately told the Kennedy health subcommittee that Mr. Nixon apparently wanted to charge the old less when they're well but more when they're sick. Under the group plan, a $7,000-a-year worker might have to pay $1,800, a quarter of his salary, for a $5,000 illness.

Also, critics have emphasized, the administration plan rests almost entirely on extending private (Blue Cross, Blue Shield and commercial) insurance. The commercial sector may be a weak reed.

The February Social Security Administration Bulletin showed that operating "expenses" of commercial insurors for group health policies averaged 13 per cent of premium income in 1969. Expenses of non-profit Blue Cross plans averaged 6 per cent. Social Security's expenses in operating Medicare were between 2 and 3 per cent (omitting rent and many other hidden costs).

Major health insurors like Prudential and Aetna replied that their expenses were only about 4½ per cent for large groups—and, given a government mandate to cover much of the country, they could do as well as Blue Cross.

Maybe so. Scrutiny of the 1969 figures of even the biggest, most efficient firms (like Aetna, Equitable, Metropolitan Life) shows that their overall group coverage of expenses ran 9 and 10 per cent. Expenses of smaller firms ran as high as 26 or 50 or even nearly 100 per cent in a large number of cases.

Bankers Multiple Life Insurance Co. of Chicago, an advertiser of "Medicare supplemental protection" in The Washington Post and Washington Sunday Star of Feb. 28, "earned" $5,270,399 in premiums in 1969, but paid out only $2,248,273. The rest was "expenses." (Figures from Chilton's Spectator, annual health insurance review issue, September, 1970).

The Administration has promised legislation to regulate health insurors. It is clear that it will have to regulate most of them out of existence—or that Sen. Kennedy may be right when he questions putting a national system in the hands of a demonstrably high-cost industry.

Yet no one has clearly demonstrated that a new government plan can control costs any better than the government has under Medicare. Sen. Kennedy's hearings have shed some light and more heat—because they have mainly been an adversary procedure between the Massachusetts senator and his administration, AMA and private health insurance foes.

It is perfectly true politically that Kennedy must build support for his own national health plan or see it tossed in the wastebasket when Wilbur Mills introduces *his* plan.

But is there any better way to develop a national health plan? In Great Britain during World War II, Conservatives, Labor and the British Medical Association agreed one was needed. The famous Beveridge Commission produced a plan, which was then submitted to political debate. It had defects. But it at least followed dispassionate examination of all the alternatives.

The United States is sick, of course, of dead-end commissions as substitutes for action. But in this case—where there is already wide agreement among all parties that a new health plan is necessary—why couldn't Congress: (1) agree by resolution on the goal (as much health care for everyone as the country can afford): (2) create a commission to propose either one or alternate plans; (3) then subject these to political debate?

As to the missing health boss or planner in the Department of HEW or whatever it becomes, Dr. Edmund D. Pellegrino of the State University of New York at Stony Brook has now been asked to succeed Dr. Egeberg. He is, it is said, a good and strong man. But if the President's new reorganization is adopted, he will find himself (as mere "administrator for health") topped by a secretary, deputy secretary, undersecretary and assistant secretary, and who knows how many "assistants to."

The canny Wilbur Cohen's current answer is: make the top health official (and the top education and welfare officials) "secretaries" too—under the secretary of the larger department. This may sound like a small change, he argues, but "you could get a better man for the job; it would give him more prestige in the government; it would give him acceptance by the professionals in his field." It is at least one mechanism that might say clearly: this is the responsible health man, where no one with real prestige and authority is responsible now.

SUBCOMMITTEE ON SEPARATION OF POWERS HOLDS HEARINGS ON EXECUTIVE IMPOUNDMENT OF APPROPRIATED FUNDS

Mr. ERVIN. Mr. President, on March 23, 1971, the Judiciary Subcommittee on Separation of Powers, of which I am chairman, began 3 days of hearings on a very important question involving the separation of powers doctrine.

The impoundment, by the executive, of funds appropriated by Congress is an occurrence which has been practiced by the executive branch of the Government since almost the beginning of the Republic, but which has increased enormously in the past few years. During the hearings, the subcommittee has been fortunate to hear from several witnesses who voiced grave concerns over our system of checks and balances in the face of executive thwarting of congressional intent when funds appropriated by Congress are manipulated by the administration to effect a policy not in conformity with that which Congress directed.

For the benefit of Members of Congress and all other interested persons, I ask unanimous consent to have printed in the Record my opening statement at these hearings and a partial list of impoundments by the executive branch as of February 23, 1971, supplied to the subcommittee by the Office of Management and Budget. The list dces not include $1.925 million for low-rent public housing and $732.1 million for the model cities program which were impounded in the Department of Housing and Urban Development as of March 1, 1971.

There being no objection, the statement and the list were ordered to be printed in the Record, as follows:

Opening Statement of Senator Sam J. Ervin, Jr., Chairman, Subcommittee on Separation of Powers of the Committee on the Judiciary at Hearings on Executive Impoundment of Appropriated Funds March 23, 1971

The Subcommittee on Separation of Powers today begins hearings on a subject that goes directly to the heart of the separation of powers doctrine: the impoundment by the Executive branch of funds duly appropriated by the Congress.

The growing practice of Executive impoundment is yet another in a long line of developments in the operation of our national Government which erode the powers of the legislative branch and contribute to the steady deterioration of the constitutional principles upon which this nation rests.

Impounding—or reserving, freezing, withholding, sequestering, depending on semantical choice—is not a new concept, and when undertaken for proper purposes, it may be quite useful in effecting economy. Various procedures have been used over the years, the most common being the reserving of funds to prevent deficiencies in a Federal program, or to effect savings. Impoundment also sometimes occurs when Congress, for some special reason such as war or economic unrest, passes appropriations as nothing more than ceilings on expenditures, leaving it within the discretion of the Executive branch to expend the funds. Moreover, impoundment may occur as the result of a specific congressional mandate. Under any of these forms of impoundment, the Executive branch is permitted—or required—to withhold funds under certain specified conditions.

However, impoundment unfortunately occurs under circumstances when the Executive branch, for reasons of its own, wishes to avoid expending sums which the Congress has explicitly directed to be spent for some particular purpose. It is this situation which poses a threat to our system of Government and which so patently violates the separation of powers principle.

Let it be established at the outset that neither I nor my colleagues in the Congress who are concerned over this problem wish the Executive branch to expend the taxpayer's money foolishly. On the contrary, it is well known that I advocate a balanced national budget and ever greater economy in the Government. Nor is this a partisan problem. Impoundment has occurred under Democratic and Republican administrations, and is as objectionable under one as under the other.

In fact, the Anti-Deficiency Acts of 1905 and 1906, provide that appropriated monies may "be so apportioned by monthly or other allotments as to prevent expenditures in one portion of the year which may necessitate deficiency or additional appropriations to complete the service of the fiscal year for which said appropriations are made."[1] These Acts were passed as an aid to economy, but the impoundment process has, over the years, evolved into a major policy tool. By employing impoundment for policy reasons, the Executive branch has, on many occasions, nullified policies of Congress which had been enacted into appropriations statutes.

Under the Constitution, all legislative power is vested in the Congress, including the power to appropriate money. Article I, section 9, provides that "No money shall be drawn from the Treasury but in Consequence of Appropriations made by Law." As one scholar, Leonard D. White, in his book, *The Federalists,* said, the Founding Fathers took the utmost care ". . . to ensure that public funds would be legally expended, to prevent either misapplication or embezzlement, and to guarantee that *the immediate representatives of the people would bear the responsibility for determining how much money should be provided, the sources from which it should be derived, and the purposes to which it should be applied.*" [Emphasis supplied.]

The President, on the other hand, is given no role in legislation save for the power to recommend "such Measures as he shall judge necessary and expedient" provided in Article 2, section 3, of the Constitution, and the power granted him under Article I, section 7, to veto measures passed by the Congress, subject to being over-ridden by a two-thirds vote of both houses. He does have the clear responsibility to "Take Care that the Laws be faithfully executed," as required by Article 2, section 3. Certainly the Founding Fathers did not intend to give the President any discretion when they imposed that duty upon him. On the contrary, they intended that he execute all laws passed by the Congress, irrespective of any personal, political, or philosophical views he might have.

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[1] Act of February 27, 1906, Chapter 510, Section 3, 34 Stat. 48–49).

He has no authority under the Constitution to decide which laws will be executed or to what extent they will be enforced. Yet, by using the impounding technique, the President is able to do just that. He is also able to effect policy by determining which of the laws passed by Congress he will enforce and to what extent.

It is equally evident that the Founding Fathers intended to limit the veto power of the President to the procedure outlined in Article I, Section 7, which gives him only a limited veto, subject to being overridden by the Congress. Yet under the impoundment procedure the President is, in effect, able to veto measures absolutely, after they have been passed by the Congress and signed by him.

Perhaps even more shocking is the fact that impoundment enables the President to effect an item or line veto. Such a power clearly is prohibited by the Constitution which only empowers him to veto entire bills. Thus, by impounding appropriated funds, the President is able to modify, reshape, or nullify completely, laws passed by the legislative branch, thereby making legislative policy through Executive power. Such an illegal exercise of the power of his office flies directly in the face of clear constitutional provisions to the contrary.

In this era, the powers of the Executive branch have become dominant in the operation of the governmental structure. The "power of the purse" is one of the few remaining tools which Congress can use to oversee and control the burgeoning Federal bureaucracy. Congress is constitutionally obligated to make legislative policy, and is accountable to the citizens for carrying out that obligation. The impoundment practice seriously interferes with the successful operation of that principle and places Congress in the paradoxical and belittling role of having to lobby the Executive branch to carry out the laws it passes.

The impoundment practice has existed throughout this century, although it did not reach its height until the depression and the war years, when it became a means of coping with economic pressures and the necessity of centralizing the management of the nation's war effort. While many observers feel that impoundment during the war years appeared at the time to be necessary to give effect to the President's war powers, the practice unfortunately did not abate following the war, but has expanded steadily since that time, spreading from military spending to the civilian sphere.

The increase in impoundment has attracted the attention of the Congress from time to time, and individual members have decried its use; however, the practice has never been studied in depth by a congressional committee and one administration after another has engaged in impounding with the apparent acquiescence of the Congress.

This Subcommittee in 1969 attempted to gather information from the Executive branch of the Government regarding the extent of impoundment, the amount of money being impounded and for what projects, and the constitutional grounds upon which the practice was based. The Subcommittee wrote every department, agency, commission, and board in the Government requesting that they submit a complete listing of impounded funds appropriated for their use for the fiscal years 1945–1969. The nearly 40 polite replies received by the Subcommittee demonstrated the difficulty in obtaining substantive information about impoundments. One particular example was the response submitted by the Director of the Bureau of the Budget, which has since been reorganized as the Office of Management and Budget. The document, entitled "Examples of Reserves Established Under Specified Circumstances, 1945–1969", presented a very sparse listing of so-called "reserving" actions, and failed to mention many examples of impoundment cited by scholarly writers on the subject. In fact, the only "examples" included were those which least brought the impoundment practice into question. The report did not even allude to such blatant incidents of impoundment as the cancellation of the aircraft carrier *Forrestal* in 1950.

From fragmentary reports, of course, we know that impoundment has been a widespread practice since World War II. It has been used extensively where Congress has appropriated money in addition to what the President has requested in his budget. These "add-on" funds have been impounded on a number of occasions by Presidents Eisenhower, Kennedy, Johnson, and Nixon.

One question we shall try to answer in these hearings is whether impounding is being practiced more today than in the past. Within the last few weeks, it has been revealed that the Nixon administration has placed in reserve or otherwise left unappropriated a total of more than $12 billion of appropriated funds. A list submitted by OMB to the Senate Appropriations Committee revealed that $11.145 billion was in this status as of February 23, 1971. Later testimony before the House Subcommittee of the Senate Banking Committee indicated that another $1.124 billion appropriated for urban programs was also in reserve. According to my off-hand calculations, this total of $12.2 billion represents nearly 20 per cent of the total of controllable items in President Nixon's budget for fiscal year 1971. If I am wrong on this score, then we want to clear this matter up during the hearings.

At this time, I will insert into the record (1) the list of monies in reserve or otherwise unapportioned as of February 23, 1971, (2) a list provided by the Secretary of Housing and Urban Development of funds for his department's programs which were in reserve on March 1, 1971, and (3) the letter of May 28, 1969, from the Bureau of the Budget to the Subcommittee.

Participating today in our discussion of the questions involving the President's power to impound appropriated funds will be Stewart L. Udall, a former Secretary of the Interior; Joseph L. Alioto, mayor of San Francisco; Representative Charles E. Bennett of Florida; F. C. Turner, administrator of the Federal Highway Administration; and William J. Driver, a former administrator of the Veterans Administration.

On Wednesday, we expect to have with us Caspar Weinberger, deputy director of the Office of Management and Budget; Professor Harvey Manefield of Columbia University; Raymond C. Coulter, deputy solicitor of the Interior Department; and Dr. Warren J. Wisby, director of the National Fisheries and Aquarium.

On Thursday, panelists will include Professor Joseph Cooper of Rice University; Professor Brownlee Sands Corrin of Goucher College; William G. Rehnquist, assistant attorney general, Office of Legal Counsel, Department of Justice; Elmer B. Staats, comptroller general of the United States; and Robert Keller, assistant comptroller general.

We are pleased to have with us for all three days Professor S. Loch Johnson of the University of North Carolina at Chapel Hill. Professor Johnson was instrumental in assisting Senator Church assemble materials and research for his article on impoundments which was published last year in the *Stanford Law Review*. I will insert Senator Church's article in the record at a later time.

We are also pleased to have with us Professor Preble Stolz of the University of California School of Law at Berkeley, now Visiting Professor of Law, Yale University, who will take part in these discussions throughout the three days. Professor Stolz has aided this Subcommittee in its past studies of the Federal judiciary.

The Library of Congress has been kind enough to lend us the services of Louis Fisher, an analysist on the staff of the Congressional Research Service, formerly assistant professor, Queens College, who has written three very helpful articles on this subject, which I shall also insert in the record at a later period. We are delighted to have Mr. Fisher with us during the course of these hearings as a special consultant.

I also would like to acknowledge at this time the valuable contribution to this inquiry which has been made by Mary Louise Ramsey, a legislative attorney in the American Law Division of the Congressional Research Service of The Library of Congress. Three years ago, Miss Ramsey did exhaustive research at the Committee's request and prepared for us a memorandum on impoundment. Recently, she updated this earlier work, and I will insert these two outstanding memoranda in the record at a later time.

Last—but not least by any means—we are pleased to welcome the Subcommittee's distinquished professional consultants, who have rendered great service to the Subcommittee during the past several years. I welcome Professors Philip B. Kurland of the University of Chicago Law School, Alexander M. Bickel, and Ralph K. Winter, Jr., of Yale Law School, and Arthur S. Miller of The George Washington University National Law Center.

Status of Amount Reserved or Otherwise Unapportioned as of February 23, 1971

[In millions of dollars]

Human resources:	
Special milk program, Agriculture	2
Community education	5
School assistance in Federally affected areas	10
Higher education	13
Health Services and Mental Health:	
Regional medical programs	34
Buildings and facilities	4
Indian health facilities	1
Medical facilities construction	2
National Institutes of Health:	
Buildings and facilities	7
Research institutes	10
Rehabilitation services and facilities	2
Programs for the aging	1
HEW trust fund (permanent)	21
National Science Foundation	10
Economic development:	
Appalachian regional development	191
Regional development programs, Commerce	1
National security:	
Foreign military assistance	200
Department of Defense—Military	1, 334
Other:	
Executive Office of the President	*
Foreign economic assistance	215
Agriculture:	
Farmers Home Administration	180
Other Agriculture:	
Current	81
Permanent	236
Commerce	8
Corps of Engineers	43
Panama Canal and other civil functions	1

Housing and Urban Development:	
Basic water and sewer facilities grants	200
Urban renewal	200
Interior:	
National Park Service road construction	71
Indian Affairs road construction	64
Reclamation loan program	19
Other Interior:	
Current	33
Permanent	56
Transportation:	
Federal Aviation Administration	970
Federal Highway Administration:	
Current	411
Permanent: Highway trust fund	5,852
Federal Railroad Administration	39
Coast Guard	1
Atomic Energy Commission	170
General Services Administration	71
National Aeronautics and Space Administration	20
Farm Credit Administration	260
District of Columbia	87
Other agencies	9
Total	11,145

"THE SELLING OF THE PENTAGON" REVISITED

Mr. HANSEN. Mr. President, last week, the Columbia Broadcasting System—CBS—rebroadcast its visual and audio production, which the network called a documentary, entitled "The Selling of the Pentagon."

Some have suggested that CBS intentionally made the lack of objectivity in the production obvious in order that there would be a public outcry against it to stimulate interest for a rebroadcast with the resultant profit made available by commercial sponsors for the second time. If this were the intent of the network, its venture was successful. There certainly was public outcry against the biased nature of the production, and its inaccuracies. The public was aghast.

At least this is the impression I have got from reading my mail—both from Wyoming and from other States—in regard to the original broadcast and the rebroadcast. I am pleased that CBS made the decision to rebroadcast the program. In my view, the program was a prime example of the failure by a major network to hold to the precepts of fairness and accuracy. The second broadcast came at a time when many of the inaccuracies had been brought to the attention of the public, and the average viewer was thus enabled to see for himself just how far afield CBS had strayed in the production. I commend CBS for having the decency to rebroadcast the program in the light of the facts about it.

However, Mr. President, with the second showing, CBS also broadcast a 20-minute program which was billed by the network as a rebuttal to "The Selling of the Pentagon."

I had expected that the network intended to provide the over-the-air time for a point-by-point rebuttal by a Defense Department representative who had conducted an in-depth study and appraisal of the CBS production. This was not the case. Instead, CBS again used film clips, edited as before by CBS editors. These clips featured comments by Vice President AGNEW, Secretary LAIRD, and Congressman HÉBERT on the CBS production. Mr. AGNEW's remarks were apparently cuts from a speech he made, and from a news conference, and a CBS commentator commented on the clips. There was no attempt by the network to allow presentation of a point-by-point analysis of the inaccuracies of its production.

Fortunately, such an analysis, in brief, appears in the April issue of Air Force magazine, written by Senior Editor Claude Witze. I ask unanimous consent that the article be printed in the RECORD at conclusion of my remarks, for examination by Senators.

Following the portion called "rebuttal" by the network last week, there was presented what was supposed to be, I presume, a rebuttal to the rebuttal. This was the last word from the network—featuring the president of CBS News, Richard S. Salant, reading his prepared statement. Mr. Theodore F. Koop, a CBS vice president in Washington, provided me an uncorrected proof of Mr. Salant's statement. The St. Louis Globe-Democrat, in an editorial comment on Salant's prepared statement, in which he did not subject himself to questioning by nonpartisan reporters or by any reporters, said that Mr. Salant made the brunt of his defense a sweeping statement that all of the charges could be refuted. Yet his answers to most of the specific accusations were evasive.

I ask unanimous consent that the brief Globe-Democrat editorial also be printed in the RECORD following my remarks.

Mr. President, Mr. Salant read the following first sentence of his statement:

> No one has refuted the essential accuracy of the Selling of the Pentagon.

This first sentence in itself reflects the lack of objectivity CBS used in presenting "The Selling of the Pentagon." If Mr. Salant chose to be objective, he would have said: "In my opinion, no one has refuted the essential accuracy of the Selling of the Pentagon."

I presume that that is his opinion. I hold to the other view.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FOLLOWING IS THE COMPLETE TEXT OF THE COLUMN "AIRPOWER IN THE NEWS," BY SENIOR EDITOR CLAUDE WITZE, AS IT WILL APPEAR IN THE FORTHCOMING APRIL 1971 ISSUE OF AIR FORCE MAGAZINE, THE PUBLICATION OF THE AIR FORCE ASSOCIATION

The winter issue of the *Columbia Journalism Review*, a quarterly published at the Columbia University Graduate School of Journalism, is devoted almost entirely to a study of how the press has performed in covering the war in Vietnam. The only possible conclusion a reader of these eight essays can reach is that the press has done a deplorable job. No matter what epithets you might want to hurl at the political administrations in Washington and Saigon, at the military hierarchy, at the military-industrial complex, and at the doves or the hawks, even more heated epithets could justifiably be thrown at the purveyors of ink and electronic signals.

There is one examination of television's performance, written by Fred W. Friendly, a former president of CBS News, who indulges in a bit of self-flagellation, confessing that the "news media, and particularly broadcast journalism" must share the responsibility for public misunderstanding of the situation in Indochina. Speaking of the years when he, Friendly, was the man in charge at CBS, he says, "The mistakes we made in 1964 and 1965 almost outran those of the statesmen."

One thing missing from Mr. Friendly's recitation is any suggestion that the television medium lends itself in a peculiar way to distortion of fact. This reporter has nearly forty years of experience on newspapers and magazines, including more than a decade operating from the copy desk of a metropolitan daily. Television news was born and brought up within that same forty-year period. I have watched it closely and confess that I never was impressed by its impact until Lee Harvey Oswald was murdeded on camera. No newspaper or magazine ever will duplicate that 1963 performance in Dallas. Yet, if I saw it today, I would demand confirmation that the event took place at all and that what we saw on the tube was not a clever compilation of film clips, snipped from a wide variety of source material and glued together to make a visual product that could be marketed to some huckster of toothpaste or gasoline, and then turn out to be a winner of the Peabody Award.

In support of this professional skepticism, we have the performance of Mr. Friendly's own CBS on February 23. The program was billed as a "News Special" and was called "The Selling of the Pentagon." It ran for one hour, with commercials, and featured a recitation of the script by CBS's charismatic Roger Mudd. Mr. Mudd did not write the script; he was burdened with it. The show's producer works in New York. He is reported to be thirty-four-year-old Peter Davis, who says he and his staff spent ten months working on this "documentary." Mr. Davis does not appear to make any claim to objectivity in his work. He is making a charge: that the Department of Defense spends a vast amount of money on propaganda designed to win public approval of its programs. Armed with cameras, scissors, and cement, he proceeded to make his case.

This magazine has neither the space nor the desire to do a detailed critique of "The Selling of the Pentagon," but we have examined enough of it to demonstrate that it leaves CBS with a credibility gap wider than the canyons at Rockefeller Center. Here is an example:

At one point, early in the script, Mr. Mudd, the narrator, transitions to a new sequence in Mr. Davis' portrayal with a paragraph of four sentences. We will examine the sentences one at a time:

MUDD. "The Pentagon has a team of colonels touring the country to lecture on foreign policy."

The team to which he refers comes from the Industrial College of the Armed Forces (ICAF), with headquarters here in Washington. There are four colonels on the team—two from the Army and one each from the Air Force and the Marine Corps. There is also a Navy captain, and, totally ignored by CBS, a foreign-service officer from the State Department. They are not "touring the country." They have a briefing on national-security policy that is given seven times a year, no more and no less. ICAF is not mentioned in the CBS script, and there is no reference to the mission of the college. A TV camerman who visited the school could easily take a picture in the lobby of a wall inscription that says:

"Our liberties rest with our people, upon the scope and depth of their understanding of the nation's spiritual, political, military, and economic realities. It is the high mission of the Industrial College of the Armed Forces to develop such understanding among our people and their military and civilian leaders."

The quote is attributed to Dwight D. Eisenhower, who spoke those words at the dedication of the college in 1960. He understood the requirement, perhaps more clearly than any other man in our history.

The ICAF national-security policy briefing is designed for the education of Reserve officers from all branches of the armed forces, not primarily for the general public. The reason the team, including the State Department officer, gives it in seven locations each year is to reduce travel expenses by eliminating the necessity for Reserve officers to visit the college. None of this was explained by CBS.

MUDD. "We found them [the ICAF team] in Peoria, Ill., where they were invited to speak to a mixed audience of civilians and military Reservists."

Here we have a use of the word "found" that would not be permitted by a competent newspaper copy editor. CBS was told that Peoria was on the schedule, and the CBS camera crew spent three days at the seminar in that city with the concurrence and cooperation of the Defense Department, the ICAF, and the Peoria Association of Commerce. Before departing, CBS was given full information on the curriculum, the scheduling, the military and civilian participation, the costs, and the funding. The Association of Commerce was the sponsor, in this case, and was permitted to establish the rules under which civilians were admitted. Their seminar, billed in Peoria as the "World Affairs Forum"—a label not mentioned by CBS—covered all aspects of national-security affairs. That includes economics, resources, technology, social problems, and military affairs, as well as foreign policy.

MUDD. "The invitation [to Peoria] was arranged by Peoria's Caterpillar Tractor Co., which did $39 million of business last year with the Defense Department."

The Peoria seminar was not arranged by the Caterpillar Tractor Co. It was arranged by the city's Association of Commerce, which provided the auditorium and other facilities. The Association has no defense contracts. A spokesman for the Association, contacted by this reporter, said his group shared the sponsorship with the 9th Naval District. There were two chairmen for the meeting. The civilian chairman was Charles B. Leber, who in his business life is an officer of the Caterpillar Tractor Co. The military chairman was Capt. Paul Haberkorn, USNR. He is the owner and operator of Peoria's Ace Hardware Store. The hardware store also has no defense contracts, which probably explains why it failed to get a mention on the CBS show.

MUDD. "The Army has a regulation stating: 'Personnel should not speak on the foreign-policy implications of the US involvement in Vietnam.'"

The ICAF team, consisting of five military officers and a State Department officer, does not speak on the foreign-policy implications of our involvement in Vietnam, which would be in violation of Army regulations. The regulations governing ICAF say the material used must be cleared for accuracy, propriety, and consistency with official policy. Both the State Department and the Defense Department have a hand in this routine clearance of all ICAF presentations.

In the CBS show, the camera moves from Mr. Mudd, following his recitation of the above inaccuracies, to one of the lecturers at Peoria. CBS does not identify the speaker in this paste-together of film clips, but he is Col. John A. MacNeil of the US Marines, a veteran of World War II and Vietnam. If the TV audience sensed that the next five sentences, out of the mouth of Colonel MacNeil, sounded somewhat disjointed, there was good reason for it. They came from four different spots in the camera record, and the sequence was rearranged to suit the somewhat warped taste of producer Davis. Sentence by sentence, the quotes go like this:

MACNEIL. "Well, now we're coming to the heart of the problem, Vietnam."

This appears on page fifty-five of the prepared, and approved, text of the briefing. Next sentence:

MACNEIL. "Now, the Chinese have clearly and repeatedly stated that Thailand is next on their list after Vietnam."

That one was cut out of what the Colonel was saying back when he was on page thirty-six and discussing an entirely different aspect of the presentation. Then:

MACNEIL. "If South Vietnam beomes Communist, it will be difficult for Laos to exist. The same goes for Cambodia and the other countries of Southeast Asia."

This is found on page forty-eight of the script. What is most important is that the statement was not original with Colonel MacNeil or the drafters of the briefing. It is a quotation. The CBS scissors-and-paste wizard deleted the attribution. Colonel MacNeil made it clear, in the words immediately preceding the above sentences, that he was quoting Souvanna Phouma, the Prime Minister of Laos. In other words, Souvanna Phouma said it; CBS distorted the film to make its viewers think Colonel MacNeil said it. It is the kind of journalistic dishonesty that a reputable newspaper would not tolerate. Many reporters have been fired for lesser indiscretions.

MACNEIL. "So, I think if the Communists were to win in South Vietnam, the record in the North, what happened in Tet of '68 makes it clear that there would be a bloodbath in store for a lot of the population of the South."

To get this one, the CBS film clipper searched deeper into his filmed record. In the prepared script of the ICAF team, it appears on page seventy-three.

It is easy to see how this technique can be used to make a man say almost anything you want him to say. Once the right words are on tape, they can be rearranged, and were by CBS, in this instance, to make a presentation sound inept, stupid, wrong, vicious, or to reach any conclusions that the film clipper wants to get across to his audience. What the speaker actually put onto the sound track cannot be recognized.

Another example of this in "The Selling of the Pentagon" comes out of Roger Mudd's interview with Daniel Z. Henkin, the Assistant Secretary of Defense for Public Affairs. Two minutes and four seconds of the interview were used out of forty-two minutes of filmed conversation. Here is one breakdown:

MUDD. "What about your public displays of military equipment at state fairs and shopping centers? What purpose does that serve?"

Now, this is not easy to explain, but there are two answers to that question from Mr. Henkin. One is his real answer and the other is the answer concocted by the CBS cutting room from the available tape. TV viewers only know the answer CBS put together. We will give you both.

Here is the answer from the transcript of the Mudd broadcast:

HENKIN. "Well, I think it serves the purpose of informing the public about their armed forces. I believe the American public has the right to request information about the armed forces, to have speakers come before them, to ask questions, and to understand the need for our armed forces, why we ask for the funds that we do ask for, how we spend these funds, what we are doing about such problems as drugs—and we do have a drug problem in the armed forces; what we are doing about the racial problem—and we do have a racial problem. I think the public has a valid right to ask us these questions.

If the TV viewers thought that was a bit disjointed for a reply, and, more important, that it did not answer the question about displays at fairs and shopping centers, it was not Mr. Henkin's fault, because—except for the first sentence—that was not his answer to the question. In the transcript of the interview, the real answer appears, most of which ended up on the CBS cutting-room floor:

HENKIN. "Well, I think it serves the purpose of informing the public about their armed forces. It also has the ancillary benefit, I would hope, of stimulating interest in recruiting as we move or try to move to zero draft calls and increased reliance on volunteers for our armed forces. I think it is very important that the American youth have an opportunity to learn about the armed forces."

This reply, the real one, of course makes sense and is responsive to the question. The producer of "The Selling of the Pentagon," however, was less interested in responsive answers that made sense than he was in portraying Mr. Henkin as a bureaucratic buffoon. The Secretary, incidentally, is himself an experienced and sophisticated reporter of military affairs but can be portrayed otherwise with the television technique of clipping what amounts to a phony reply from his answer to another question. And the other question, TV viewers did not know, also ended up on the cutting-room floor.

It is not necessary to labor the point, although there are several other instances. Mr. Henkin, in a letter to F. Edward Hébert, Chairman of the House Armed Services Committee, said that after spending his life in the news profession he "could not be pleased by the fact that the program's producer [Mr. Davis] chose to rearrange my words. . . ."

Congressman Hébert himself stars in "The Selling of the Pentagon." He also is a former newspaperman and stands completely shaken by this experience with television, although he had been quoted earlier as considering network TV "the most vicious instrument in America today."

That opinion appears to have been reinforced. Lou G. Burnett, who is Mr. Hébert's press aide, testifies that he was contacted early in the CBS effort by one James Branon of the network's New York office. Mr. Branon said CBS was planning to do a documentary on the prisoner-of-war situation. He said the show would explore the plight of the POW and his family. He was seeking film clips that might contribute to this exercise. Mr. Burnett responded with alacrity because he knows his boss is deeply interested in the problem and eager to help the POW families. In New Orleans, he knew, station WWL-TV had a film clip from an old "Congressional Report" program, in which the Congressman had interviewed Maj. James Rowe, a former POW. The interview was in the form of a report to Mr. Hébert's constituents. Mr. Burnett, Mr. Hébert's press aide, had the film shipped from New Orleans to New York and helped CBS's Mr. Branon round up other films dealing with the POW problem. The Hébert clip wound up in "The Selling of the Pentagon" and was offered as an example of how "sympathetic congressmen" are used by the Pentagon "to counter what it regards as the antimilitary tilt of network reporting."

Mr. Hébert's ire, it should be suggested, was aroused more by his depiction as a patsy for the Defense Department than it was by the misrepresentations used to obtain the film. The chairman is, of course, proud of his reputation as a stern critic of military transgressions wherever they occur. In many years as an inquisitor for the House Armed Services Committee, he has never been accused of being unfair, but often accused of being tough. From the time of his famous "Chamber of Horrors," which depicted military procurement waste and had officers squirming at their desks, to the most recent congressional inquiry into the My Lai incident, he has been one of the Pentagon's most uncomfortable hair shirts.

Mr. Henkin's office estimates that it expended 640 man-hours of labor assisting CBS in the production of "The Selling of the Pentagon." No reasonable request for help was denied. CBS reimbursed the government for the cost of one guard and one electrician employed during photography one day in the Pentagon.

Out of this day's effort came a short clip of a news briefing that was deemed suitable by CBS for inclusion in "The Selling of the Pentagon." The CBS crew filmed an entire DOD press briefing, at which Jerry M. Friedheim, a deputy to Mr. Henkin, responded to routine queries from the Pentagon's regular press corps. During the session, the reporters asked thirty-four questions. Thirty-one of them brought replies from Mr. Friedheim. In three cases, he was unable to be responsive. As the film was edited for broadcast, CBS used six of the thirty-four questions, including, of course, all three of the ones that could not be answered. Why couldn't they be answered? In one example, used by CBS, Mr. Friedheim was asked about the size of some warheads. He said he had nothing to give out on that. If he did have something, and gave it out, he could go to jail.

There are a number of small factual errors in the CBS script that represent nothing more than sloppy reporting. For example, narrator Mudd has a line referring to "30,000 Pentagon offices." There are only a few more than 26,000 persons employed in the Pentagon, all but the top executives sharing an office with many other people. An educated guess is that there may be 5,000 offices in the building.

One interesting fact, denied to viewers of "The Selling of the Pentagon" by CBS editors, is the origin of a clip introduced by Mr. Mudd as "an excerpt from a film called 'Road to the Wall' [in which] the Pentagon has James Cagney tell of a Communist plan that encompasses even more than the world." The excerpt was shown. What CBS did not disclose is that "The Road to the Wall" was produced by CBS itself in 1962 and that James Cagney was the CBS choice as star of the picture. Also, that CBS was paid about $100,000 of the taxpayers' money to turn out the picture. At the time, CBS Films said in a press release from its offices—on Madison Avenue, of all places—that the picture would be "an historical treatment of the Communist Party in operation throughout the world—its doctrine, its pronouncements." In 1962 CBS was far from derisive about the project and was proud that "it will be distributed for showing at all military bases inside and outside the USA and will be backed with pamphlets, posters, and other informational material on communism."

Once all the facts about "The Selling of the Pentagon" are on the record, and someone has examined the clips on the cutting-room floor, it will be interesting to find out what Fred Friendly will write about it in the *Columbia Journalism Review*. From where we sit, watching the tube, the broadcast industry continues to carry its share of responsibility for public misunderstanding. The incredible thing is that the camera is not to blame. It's scissors, paste, and a collection of calloused consciences.

Who Is Misleading Whom?

CBS's controversial television program on the Pentagon, rerun in St. Louis this week, offered food for thought, but no thought.

It was a sledgehammer blow designed to discredit the forces that protect America while simultaneously seeking to improve the image of critics who spend their waking hours finding sinister motives behind nearly all Defense Department actions.

This network overkill was demonstrated not only by the filmed tapes of Defense Department promotional material, but also by the narration provided by one of the nation's leading newscasters.

His account was marked by innuendo, antagonistic remarks in the midst of interviews with Pentagon spokesmen, and an openly slanted view of almost everything associated with our defense posture.

What was most significant was the conclusion provided by CBS President Richard Salant. Responding to criticisms of the program by such prominent leaders as Vice President Spiro T. Agnew, Defense Secretary Melvin R. Laird and U.S. Rep. Edward Hébert, Salant made the brunt of his defense a sweeping statement that all of the charges could be refuted.

Yet his answers to most of the specific accusations were evasive.

And, in the end, if it is true that the Pentagon is selling itself and the concept of a strong America, is that a vice? Was Congressman Hébert not correct when he asked: "What do you want them to sell—Communism?"

GOVERNMENT SERVICES TO RURAL AMERICA

Mr. HUMPHREY. Mr. President, under title IX of the Agricultural Act of 1970, Congress committed itself to pursuing a sound balance between rural and urban America in our national growth policies. It stated that the Congress considers rural-urban balance so important that we must give the highest priority to the revitalization and development of rural areas.

Title IX also required the administration to give the Congress information in five specific areas. Three reports have been received from the administration. On March 1 the President submitted to the Congress the required "Report on Government Services to Rural America." This report is pursuant to the following requirement in title IX:

> The President shall submit to the Congress a report not later than September 1 of each fiscal year stating the availability of telephone, electrical, water, sewer, medical, educational, and other government or government assisted services, to rural areas and outlining efforts of the executive branch to improve these services during the immediately preceding fiscal year.

Title IX provided that the President should submit the first report on December 1, 1970. However, due to the lateness of the enactment of this legislation the President did not submit the report until March 1.

I am greatly disappointed with the lack of substance in this report. On the basis of this limited information, neither the administration nor Congress could identify necessary corrective actions to implement an effective program of rural development.

Upon enacting this legislation the Congress had in mind detailed and specific information giving a true picture of the availability of Government services and Government assisted services in rural areas. In order to gage the adequacy of rural services, we must have some yardsticks by which to measure them. We must have comparisons of the availability of services in rural areas with the availability of services in urban areas. We must have 1970 services compared with services available in previous years. Unfortunately, none of this information was presented in the President's report.

The President's report consisted of three things: First, general statements about services in rural areas and the future of rural America; second, isolated and unrelated examples of the administration's accomplishments in rural areas, and third, expenditure levels of selected Government programs broken down into standard metropolitan statistical areas and nonstandard metropolitan statistical areas.

The problem with this report is twofold. First, most of the information is meaningless, and second, any information that has significance was already easily accessible to the Congress.

As for the examples of what this administration has done to improve rural services, they have no meaning because they are unrelated to the need for rural services, and the examples mentioned are completely unrelated to each other. Moreover, the examples of administration accomplishments are not even consistent with previous information received from the administration pursuant to title IX.

For example, the report states:

> Non-metropolitan area planning grants for HUD increased from the $1.2 million provided for 57 districts in 1969, to $2.7 million for 122 districts in 1970; $5.0 million is planned for 150 districts in 1971.

One would think from reading this item that the Department of Housing and Urban Development is really meeting the need to expand nonmetropolitan planning. However, in another report required by title IX—a report on the progress made under the joint HUD-Department of Agriculture program to provide assistance to rural multicountry areas—we find that we have barely scratched the surface. This previous report stated that—

> The demands on funds for planning assistance at the State, substate, regional, and local levels are so great that few non-metropolitan districts have adequate funding, even when state and local matching contributions are added. Such districts may not be assigned a high priority in a state's program because of the more pressing demands of urbanized areas.

The earlier report also stated that HUD's request for appropriations for comprehensive planning in fiscal 1970 was reduced nearly 25 percent, thus eliminating more than half of the amounts earmaked for funding programs of nonmetropolitan districts. The report further stated that of 600 multicounty area planning districts in the country, only 15 percent had funding from HUD.

The last part of the President's report deals with expenditures for selected Government programs broken down into standard metropolitan statistical areas and nonstandard metropolitan statistical areas.

Traditionally, a rural resident has been defined as a person living in places of

2,500 population or less, or in open country. The definition of "rural area" used in the President's report, however, is the definition of a non-standard metropolitan statistical area. A standard metropolitan statistical area is defined as a place containing one central city with 50,000 population or more. It includes the county in which the central city is located and adjacent counties which are found to be metropolitan in character and economically and socially integrated with the county of the central city. According to the census of 1970, 31.3 percent of the population lived in nonstandard metropolitan statistical areas.

The Presidential report gives a breakdown of a few Government services in terms of SMSA and non-SMSA. The problem with this classification is it gives us very little information about the kinds of services available in what have traditionally been identified as rural areas. For example, if someone were interested in comparing services in Vermont's principal city of Burlington with services in the most backward area of the State, he would get no help from the presidential report. The entire population of Vermont lives in a rural area according to this report. The same is true of Wyoming. Most people do not consider a town of 45,000 to be a rural area. The fact that a non-SMSA does not have a central city with 50,000 people in it does not mean it should be considered in the same light as an area with a town of 2,000 people.

The old definition of a rural area, a place with 2,500 population or less, is not adequate for the purpose of analyzing the need for additional rural services. However, the presidential report's breakdown in SMSA's and non-SMSA's is even less appropriate.

Another shortcoming of the expenditure figures given in the presidential report is that there is no good description of the selected Government programs which are the subject of the expenditure breakdown. These programs are not analyzed in terms of their purpose and their effectiveness.

More importantly, however, there is basically no new information about Government expenditures in this report beyond statistics which are already available to any Member of Congress upon request.

Mr. President, I hope we can work for a solution to the problems of rural America on a nonpartisan basis. One of the chief purposes of title IX was to develop a meaningful dialog between the executive branch and the legislative branch of the Government. I would hope that in the future the administration will be more cooperative in this effort.

The Senate Agriculture and Forestry Committee's efforts on rural development have been traditionally nonpartisan. I might point out that one of the original sponsors of the rural development title was the present chairman of the Republican National Committee, Senator ROBERT DOLE.

As chairman of the Subcommittee on Rural Development, I am putting the administration on notice that the issues raised by this report on "Government Services to Rural America," as well as other reports required under title IX of the Agricultural Act of 1970, will be gone into very thoroughly by the subcommittee. A genuine commitment to meeting the critical needs of our rural families, in the face of a heavy outmigration to the cities, demands that Congress have the facts by which to take informed legislative action on comprehensive national growth policies and programs.

MIDDLE-AGED AND OLDER WORKERS LOOK TOWARD NEW AND MORE REWARDING CAREERS

Mr. RANDOLPH. Mr. President, thousands of middle-aged and older workers now find themselves in a rut with regard to employment opportunities.

Many would like to embark on a new career, but they lack necessary training and education to make this major change. With the jobless rate now approaching 6 percent, it is becoming increasingly difficult for them to move into more gainful and satisfying employment. Nearly 1.1 million persons 45 and older have now lost their jobs.

In addition, mature workers represent a disproportionately high percentage of employees in declining industries, but a small proportion in the expanding occupations. Many also realize they are in dead end type jobs. Others are employed in occupations with no realistic opportunities for advancement.

However, our Nation still lacks an effective policy to help maximize job opportunities for persons 45 and older.

It was for these reasons that I recently introduced—with bipartisan support—the Middle-Aged and Older Workers Employment Act, S. 1307.

This measure would provide training and counseling directed at the unique and growing problemes of jobless individuals 45 and older. Moreover, it would offer special supportive services for employed persons to upgrade their occupational skills or to prepare them for new and more rewarding careers.

An article in Family Weekly on February 21, provides compelling arguments for these types of services for mature workers who are dissatisfied with their existing jobs and want to move into more productive employment.

Mr. President, I commend the article to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IS THERE A NEW LIFE WAITING BEYOND A JOB YOU FIND UNPLEASANT?

(By Shirley Sloan Fader)

How some men and women in middle years can break free and find second careers.

To all outward appearances, Bill Vreeland was a man who had it made. At 39, he ran a successful car-wash business, owned a magnificent suburban home complete with swimming pool, and was a member of the best country club in the community.

Yet, last summer, he suddenly gave it all up. He sold his business and his home, moved his wife and two sons to Boston, and became a student all over again, this time at Harvard Law School.

Bill Vreeland and his family are part of a new American phenomenon. They are among the increasing number of people who have become so dissatisfied with their way of life that they are switching to a new career in midstream. In effect, they are embarking on a "second" life. Throughout the country, men and women in their 30's, 40's, and even 50's who have found themselves trapped in work that they no longer feel is important or rewarding, are finding the courage to try something else.

Because of this new American mood, for example, 44-year-old Dick Stota will be teaching elementary school math in Indianapolis this spring, three years after he quit his foreman's job in a mattress factory. Carla Hedwig, a housewife for 16 years, began training a few weeks after her 35th birthday and now is a pediatric nurse in a Los Angeles hospital; John Reitz, 32, who was a doorman and a stock clerk, is beginning work in Houston as an electronics technician; and Wendy Rasmussen, in her 40's, has completed her first month of work as a beautician in a San Francisco salon after many years as an unskilled factory employee.

Colleges, trade and technical schools are noticing these days that a substantial percentage of their students are now married men and women with families to support. Anxious to fit themselves for new occupations, these mature people are willing to pay tuition fees and juggle home and study obligations simultaneously, while they work hard for their second chance at life.

"It's inevitable that a whole family will suffer a variety of tensions if either parent is actively unhappy with his daily work," says the nationwide Family Service Association of America, which annually counsels 2,000,000 people. "If a person is always angry and resentful, constantly exhausted, or escaping frustration through drinking, overeating, or gambling, he may be the victim of a daily routine that he finds intolerable. Beginning a new career in mid-life is a way of 'living twice' and is a possible cure for both personal and family ills."

Bill Vreeland and his wife Helen frankly admit their parents thought them "insane" to give up the material comforts they enjoyed. "But those things didn't bring us happiness," Helen points out. "Bill used to work every night until nearly midnight. We never had time together. Our young sons never had a father's companionship. And Bill just didn't like what he was doing. I'll have to teach school now so that we can pay the bills until Bill gets his law degree and starts a practice. But I'm sure we're going to have a better life. We may have had affluence before, but it was 'dullsville.'"

While some people turn away from affluence, others may switch careers in mid-life for the deliberate purpose of finding it. Dr. Orville Helms was making $15,000 a year doing chemical research for a major firm when he quit to join his cousin in a mammoth car-salvage operation. "I felt frustrated in my work because I wanted to make a lot of money and enjoy luxuries," he says frankly. "When I had the chance to go into business with my cousin, I saw an opportunity to own a piece of something that was going to grow, perhaps to branch out into franchise units. I'll earn enough now to support the kind of life I want to live."

Children, too, often thrive on the new interest that their father or mother develops in mid-life.

"My children absolutely loved it when I started studying to become a librarian," says Natali Klingbern. "They were 11, 13, and 15, and they say I stopped 'bugging' them when I was occupied with my lessons and had something to think about besides them. My husband says the same thing. On the nights when I had a class, they were all delighted to pitch in and take care of the house."

Isabel Fleiss, who entered college when her twins began kindergarten, thinks her children don't even notice she is studying. She earned her bachelor's degree in music education and is now working for her master's. "I'm home when the children come back from school," she says. "And they never think about what I do all day as long as I'm there when they want me."

A woman with young children must go to school during the day, Mrs. Fleiss believes. "The evening and afternoon are when the kids need you," she says. "It's important too, that you have an understanding husband. If he doesn't believe that what you're doing is worthwhile, then you're bound to fail. He'll fuss over housekeeping details and he'll refuse to help on those inevitable 'horror' days when you have an exam, when nothing has been cooked, and when one of the children has a dentist appointment.

"If he's not secure enough himself, or if he feels his wife's new ability will threaten him as head of the family, he's going to make things impossible. And he's certainly not going to be willing to pay tuition."

Counselors at the Family Service Association of America, teachers at colleges and trade schools, and men and women who have already lived through a career change agree that there are basic criteria indispensable to the success of such a change.

During an interview for this article, Dr. Morris Mintz and his wife, Sally, outlined these criteria.

Doctor Mintz, a former pharmacist who sold his drugstore and entered the Philadelphia College of Osteopathy at 34, was recently elected Chief of the Medical Staff of his hospital in New Jersey. "You must have a goal that you want desperately," he said. "You must also be completely dissatisfied with the kind of life you're living now. You need a spouse who will cooperate. Also, you need a realistic amount of savings for tuition and expenses. And you need solid self-confidence to keep telling yourself you can do it."

"A wife has to have interests of her own," said Sally Mintz. "Otherwise, she'll resent the husband being so busy. I had a baby. Also, I earned money for us by typing at home, and by selling diaper service over the phone. For a while, I worked part-time as a drugstore cashier. When Morris had to study for his exams, I used to take the baby and visit my mother for a week so he would have no distractions."

The Mintzes were financially and temperamentally suited to career change. Both feel their individual lives and their marriage have been strengthened by the experience. But FSAA experts emphasize that it is impossible to generalize as to whether a family will be strengthened or weakened by middle-life career change. Where it is an over-all plan that the whole family views as an improvement or as a necessity, the change should be a tonic for all who are involved.

Some people, however, are chronically discontented. With these people, job discontent may be only a symptom of deeper emotional problems. Changing their work will still leave their real problems unsolved. Also, a parent may selfishly wish to improve himself while placing an unreasonably heavy burden on his spouse and children.

Making a second life is not without its problem-causing demands, even for the most motivated of people. For instance, it takes a lot of energy to cope with the combined demands of part-time employment, parenthood, and home-making, while simultaneously going back to classes and homework. It is often difficult for the mature person to relearn good study habits. And the problem of living on a reduced income is sometimes too much to handle.

Arnold Cintron, for example, had his family's backing when he gave up a job as a successful shoe salesman to study architectural drafting in a trade school. But he dropped out of school three months later. "I just couldn't make enough money on side jobs to keep us going," he says. "We were carrying a big mortgage, and we didn't have enough money saved.

James Tichner's family had ample savings but faced a different kind of crisis. Like many people who change careers, Mr. Tichner decided he had spent enough time "just making money" and wanted more "meaningful" work. Giving up his prosperous insurance agency, he began studying for the ministry. Since his four children were happily settled in their local high school and elementary schools, moving the family 200 miles to the nearest seminary seemed wrong. The family's plan was for Mr. Tichner to live at the seminary and commute weekends.

The older children adapted to the change with ease. But Mrs. Tichner was lonely without her husband, and felt harassed by her new father-mother responsibilities, "Fortunately," she says, "I strongly approved of my husband's decision. This helps me live with my problems. But Billy, our eight-year-old, acted withdrawn at home and moody in school. He lost interest in his Cub Scout activities. On weekends, my husband has to devote hours of special attention to Billy. During the week I have to keep reassuring him that his father does still love him."

Skilled counselors at Family Service Agency offices in hundreds of communities across the country can explore with you the pros and cons of making such a career change. But, in the end, only you and your family can weigh the evidence, judge your own needs, and temperaments, consider your particular circumstances, and finally decide whether you want to "live twice."

DAIRY PRICE SUPPORTS

Mr. PEARSON. Mr. President, I had intended to introduce today a bill comparable to S. 1277, previously introduced by the distinguished Senator from Wisconsin (Mr. NELSON), to require that dairy price supports for the coming marketing year be not less than 85 percent of parity.

My decision to introduce such a bill had been prompted by the March 12 announcement of Secretary of Agriculture Hardin that the dairy price support level for the 1971–72 marketing year would remain at the $4.66 level in effect during the past marketing year. Because inflation has eroded the purchasing power of all Americans, and particularly the economic position of the American farmer, I had concluded that $4.66 per hundred weight of milk was wholly unacceptable as a support level for the American dairyman.

Apparently the administration has had the benefit of deep concern expressed by both farm State Congressmen and dairy farmers, for the Department has reversed its original ruling. The support price for milk for the coming marketing year has been increased to $4.93, or 85.1 percent of parity using the February 1971, cost-of-living indexes. I congratulate the Secretary for his courage and for his willingness to revise an original estimate which was clearly in error. Consumers will not suffer from this increased support price, for current market prices are above the support level. The support level, now at 85.1 percent of parity, will protect dairymen from precipitous price declines in the coming months.

Because of the Secretary's action, reversing his earlier decision, my intended legislation is not needed at this particular time. However, the situation in recent weeks has raised the question of whether or not the basic law should be changed to provide for a permanent support level of at least 85 percent of parity for manufacturing milk.

At the appropriate time I intend to introduce proposed legislation which would accomplish that objective.

SUPPORT FOR SST ALTERNATIVES

Mr. HUMPHREY. Mr. President, on Thursday, March 25, I joined the distinguished Senator from Maine (Mr. MUSKIE) in introducing a bill to provide $100 million to be used in the development of mass transit systems, improved aviation safety, and alternative air-service systems for areas of high population concentration.

I am delighted to be one of the original cosponsors of S. 1382. Clearly, the funds that would have been used to complete the SST prototypes and see them through their original testing can be better spent.

The expertise, technological and computer know-how of aerospace and defense oriented corporations, and their work force, are uniquely flexible and adaptable to the design, testing and production of the type of highly complex systems I mentioned above.

Mr. President, we were all aware that some jobs would be lost if the SST were eliminated. It was the most difficult part of any Senator's decision—knowing that 13,000 jobs depended on continuation of this aircraft program. However, Congress has made its decision and it is now up to Congress and the administration to work together to devise alternative modes for making sure that the unique talents of these companies and their employees are not wasted or underutilized.

I believe that S. 1382 plus resolutions designed to foster congressional-Executive cooperation in this endeavor are steps in the right direction. However, we must move swiftly and directly. Hearings should be held as quickly as possible, and a bill should be reported to the Senate that provides meaningful opportunities for redirecting the talented efforts of engineers, technicians, and other workers in aerospace and defense oriented fields.

America certainly has the ingenuity to design meaningful and challenging tasks for these corporations and workers. The need for jobs exists and continues to expand. The economic doldrums have doubled the unemployment rate in the past 2 years. Both the need and the opportunity face us. We can and we must match the two. This is both an economic and an ethical imperative with which we cannot proscrastinate.

SENATOR MATHIAS PUTS IMPOUNDMENT QUESTION IN PERSPECTIVE

Mr. ERVIN. Mr. President, the Judiciary Subcommittee on Separation of Powers, of which I am chairman, conducted hearings on March 23, 24, and 25 on the impoundment of appropriated funds by the executive branch of Government. A great deal of information and many opinions were developed during the course of these hearings, upon which the subcommittee expects to report in the near future.

One of the most cogent presentations made at the hearings was a statement delivered by the distinguished Senator from Maryland (Mr. MATHIAS), who is making an extremely important contribution as the subcommittee's ranking minority member. I do not believe that any participant in our hearings put the question of appropriated fund impoundment in perspective as well as Senator MATHIAS, and I commend him for his excellent statement and his work with the subcommittee.

Mr. President, in order that his statement may have widespread dissemination, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR CHARLES McC. MATHIAS

Mr. Chairman, the investigative power of the Congress is its ultimate safeguard—the dependable lifeline to assure a proper balance between the authority and power of the three separate branches of government. Through investigation, exposure and acknowledgment of problems, the Congress serves as the trustee of the public's conscience and the watchdog of Constitutional intent.

Congress will never lose control over its constitutionally mandated responsibilities as long as we have men in Congress such as our distinguished chairman, who will perform the necessary watchdog function over this delicate balance. It is indeed appropriate that Senator Ervin be the Chairman of the Separation of Power Subcommittee. We are all grateful to him for his leadership.

We have seen in the area of foreign affairs how the Congress has not only ignored the dangers, but has actually watered and fertilized the beanstalk of growing executive authority. It is important to recognize the naivete of Congress which tolerated every form of abuse of the rules so long as it was in substantial agreement. We must assure through hearings such as these that a similar acquiescence not be made in the area of domestic affairs. The power of the purse—the power of Congress to determine the expenditure of public money, the money of America's taxpayers—must be preserved if we are to preserve fundamental balance between the legislative and executive branches.

What was tolerated in the foreign and military areas where facts were few, expertise limited and differences dangerous is not likely to be accepted at home even in an atmosphere of harmony. Let us make clear that Congress will not sit idle and watch its domestic authority slip away.

We are addressing ourselves to the role of Congress and the role of the Executive in the spending of appropriated funds. The question goes to the very lifeline of our government. The Constitution clearly delegates sole authority to Congress to raise and expend money. But what is the role of the Executive in the context of its responsibility to execute the laws and its inherent duty to have an efficient, effective and orderly government. The Executive must have some opportunity to fulfill its objectives, for as we know, it must suffer the political burden for any failure. These are fundamental questions—hard questions which must be answered. When we consider when and under what circumstances the Executive can play an independent role in the appropriation process.

Three separate classes of cases come to mind: a standard authorization and appropriation, a mandatory appropriation and the appropriation of unrestricted funds for "revenue sharing". Illegal impoundment takes place when the Executive holds up—impounds—money what the Congress clearly has directed to be spent. If language is permissive not mandatory—where we give the President the discretion to impound or build reserves—we then cannot be surprised at the Executive for the exercise of that discretion. We are on notice from previous experience and could have acted differently to prevent repetition.

We cannot allow, however, the President or the Executive branch to have an informal line item veto of appropriated money which cannot be overridden. This is in effect to *impound* declared Congressional policy and threaten Congress' very existence. This is clearly in violation of the spirit and intent of our Constitution. There are certainly instances when in the name of efficiency or Keynesian management of the economy the Executive branch would decline to spend certain appropriated monies. It would just not make good business sense to do otherwise. But where efficiency or Keynesism ends and infringement begins is a very thin yet fundamental line.

But the occasional and arbitrary use of this power may not be the best way to exercise it. Perhaps we should consider a formal line item veto with provisions for Congressional review and authority to override the President's objections. Some consideration of this possibility would not be inappropriate to this hearing.

The practice of impoundment is not an exclusive characteristic of any administration. Executives of both parties have been guilty. Impoundment has become a tradition—an incidental benefit and power to the Executive within the mushrooming growth of the Executive branch.

Impoundment affects us all. It affects the quality and integrity of government as well as the implementation of the needed programs which have been specifically approved by Congress. In the state of Maryland, for example, recent federal impoundment has caused harmful results in housing and education.

As we approach the concept of revenue sharing, it is particularly timely to inquire into the role of the Executive in the appropriation process. Billions upon billions of dollars may be passing through the Executive branch on their way to the states. It is important that these hearings lay the ground rules for the participation of the Executive branch. Revenue sharing cannot tolerate revenue impoundment. If Congress ever authorizes revenue sharing without a clear understanding with the Executive on subjects of importance, it will have sounded its own death knell. If Congress delegates the power of the purse to a President by authorizing him to share federal revenue sharing or withhold them at his sole discretion, then the purposes of the Congressional institution will have become obsolete. And I speak as cosponsor and friend of revenue sharing.

Mr. Chairman, opposing points of view are being advanced as to the authority, right and jurisdiction of both the Congress and the Executive branch in the area of appropriations. I hope we do not make this mere academic exercise—for it must be clearly understood that all rights must be qualified in the public interest. Also, I sincerely hope that this Committee makes strong legislative recommendation to remedy the problem. We must act now to preserve the balance of power.

WHAT IS THE CONFERENCE ON ECONOMIC CONVERSION ALL ABOUT?

Mr. GURNEY. Mr. President, I have been studying the program of the so-called Conference on Economic Conversion which is being held on Capitol Hill this week.

Oftentimes when confronted with a cute phrase of jargon, it is well to look into the background to find out what this term "economic conversion" means. I find that it is not so cute after all, particularly when it appears that the leading presidential contenders of the Democratic Party have chosen this conference to peddle their wares.

Some may think that this is an objective, high-level conference, where truth is being sought.

In point of fact, all the evidence clearly indicates that it is nothing but a massive propaganda operation which could well result in undermining the national security of our country. It is a subtle lobbying effort exploiting the cause of peace for narrow ideological concerns, which could have the exact opposite effect.

I have taken the trouble to look behind the fancy name of the so-called Conference on Economic Conversion. I find there that the conference is a concentrated effort of a group that calls itself the Coalition on National Priorities and Military Policy. I realize that everyone is concerned with setting the proper priorities for our Nation. Yet, here it is essential to look behind the catchy title lest we buy a pig in a poke.

The Coalition on National Priorities and Military Policy was an intensive lobbying group set up in May of 1969 to undercut our defense posture generally and to pull us precipitously out of Vietnam with no regard for the consequences or for the safety of the men committed to fighting there by the Democratic administration of President Johnson. It is highly interesting that this group had no such pangs of compulsion until the Republican administration was in office.

I am quite ready to acknowledge that anyone in our Republic is free to take such a position if they want to. The point is, however, that their propaganda activity should be labeled for what it is, and not pass as an objective group of scholars and leaders seeking the truth.

Only a year ago, the Coalition on National Priorities and Military Policy described its activities as follows:

The ABM and MIRV issues:

Participates in concentrated and coordinated Senate and House lobbying;

Sponsored anti-ABM rallies at Madison Square Garden and Los Angeles, June 25, 1969; and

Distributed the anti-ABM film made at the New York Rally throughout the nation.

Military Authorization Bill:

Contacts all Members of Congress urging support of amendments to reduce budget;

Follows up with visits to Members; and

Organizes groups of observers to follow debate and voting on the Bill.

Mr. President, this is plainly and simply a lobbying group representing a narrow faction. We are used to lobbies of all types here in Washington, but it has always been considered that the decent thing to do was to present lobbying activities as lobbying activities. Yet here we have them hiding behind the high-sounding name of a "Conference on Economic Conversion." I should think that if the leading contenders for the Democratic nomination want to associate themselves with the lobbying efforts of a special interest group, that is perfectly all right, however, I think that they should have the good grace to tell the American people whose platform they are standing on.

A check of both the Clerk of the House and the Secretary of the Senate shows that no such group as the Coalition on National Priorities and Military Policy is registered as such as a lobby under the Nation's lobbying laws. Yet the group itself describes its principal activities in minute detail as lobbying.

And I thnk that there is something else that the American people should know about this group. In the past, it has been the principal cosponsor with the Vietnam Moratorium Committee of activities calling for an immediate withdrawal from Vietnam with no regard for the consequences. The honorary chairman of the coalition has appeared at press conferences with the moratorium leader, Sam Brown, who has frequently expressed his high regard for the Vietcong leaders, and his contempt for the President of the United States. It was Sam Brown who wrote as follows:

> In fact, most of us who have worked to end the War for some time believe that any semblance of a military victory in Vietnam would be disastrous for the United States.

Mr. Brown is free to make such statements if he so desires. The Coalition on National Priorities and Military Policy is free to cooperate with Mr. Brown if it so desires. However, when five contenders for the Democratic nomination appear on the coalition's platform, the public has a right to know what the coalition stands for, and what it has done in the past.

It is important to realize that a main force behind the coalition is the United World Federalists, a group which has never been described as in the mainstream of American politics.

Another member of the coalition is the Committee for a Sane Nuclear Policy, which also lacks a wide constituency in America.

Also included are the Women's International League for Peace and Freedom, and the Women Strike for Peace, which have seldom distinguished between the U.S. national interest and the interests of other superpowers.

The Americans for Democratic Action are also represented, along with the New Democratic Coalition.

It would be easy to go through the whole list of members and sponsors, but I have quoted enough to show that this is really a coalition of a narrow, left-wing spectrum of politics with, I might add considerable overlapping of trustees and officers.

It behooves us, therefore, to ask what this group from the far end of the political spectrum means by "economic conversion."

A good case can be made that the net effect of their program will be the conversion of the United States into a second-rate power.

They hope that this conversion will take place by reducing the U.S. defense capability and downgrading the constructive effort of the U.S. defense system.

The long-range, gradual dissipation of the standing of our national security will be further lowered by the reduction of the research and development programs in industries contributing to an improvement in our defense posture. The conference's bias is evident in the loaded question they propose to discuss: "Can defense firms undertake meaningful work?"

The conference claims that:

> Its objective is "to develop new government programs for redirecting human and capital resources to meet neglected national needs in an efficient manner.

Yet the reduction of the U.S. defense posture does not have, and cannot have, only the meaning of a transfer of funds and resources from the defense into social welfare and education. Rather, it is the process of creating an entirely new political and economic system. Economic conversion means the conversion of our free enterprise, democratic system into a system where the national objectives and the means of carrying them out are established by Government policy; or more precisely, by the policies of the small elite that advocates conversion.

The policies of conversion will affect the entire range of domestic and international problems, not just the defense expenditures which make such a fine target for demagogs. We will find that the ability of our economy to perform adequately, and to expand, will be diminished. The creativity of individual enterprise may well be constrained. The sudden shift into welfare-related spending will reduce individual and national productivity, with consequent further, serious inflation, and an increase in the cost of living and in the number who fall below the poverty line.

Internationally, we will see that our ability to provide positive leadership for peace will begin to fade. The conditions of leadership, and the independence of action necessary in the international political sphere depends directly on the ability to back up our leadership by adequate, credible, and viable economic and military force. A second-rate power has no friends, and no ability to command authority.

It would be wonderful if one could stop wars by a unilateral shift in the U.S. expenditures for defense. But the methodology of war prevention is much more complicated. It is also much more expensive than many would like to admit. The creation of peace cannot be attained by leaving the field to more powerful nations, particularly when these nations have an unparalleled record of military and ideological aggression.

This objective of the conference sponsors might conceivably be feasible in a really peaceful world; however, in fact we live in a world of so-called peaceful coexistence, in which one party preaches admittedly the continuation of the so-called class struggle by various means; for example, by wars of liberation, and so forth. The promoters of the conference overlook the fact that it is not the United States but the Communist countries and their allies which initiated and have perpetuated the struggle which claims such a high percentage of our national resources. Thus, in fact, the demands of the sponsors of the conference amounts to unilateral disarmament of the United States.

Furthermore, the sponsors of the conference seem to be oblivious to the fact that even if normal friendly relations between States should exist, the progress of science and technology would by now claim a high percentage of our national resources for military expenditures. If the sponsors of the conference honestly meant economic conversion from a wartime to a peacetime basis, they obviously do not know what they are talking about.

The United States devotes a relatively small share of its national resources to the demands made by the Vietnam war. The other national resources devoted to military purposes cannot be dissipated for the so-called important social needs—which the sponsors of the conference have never clearly defined—as long as the United States is not only doctrinally but also politically and development wise under ceaseless attack by the antagonists of this country.

Certainly, there are national needs other than military ones which have to be downgraded in view of the prevailing situation. However, the sponsors of the conference for their own reasons, attempt to put the blame for the neglect of these national needs on the United States rather than on this country's opponents which declare daily that they will strangle it if they only get an opportunity to do so.

The free enterprise system of this country depends in no way whatsoever on the allocation of a high percentage of national resources to military purposes. This is an entirely false, misleading, and unproved statement which has been so frequently made that is it accepted as true without ever having been proved.

Shock tactics to rock the economic boat have never been and will never be the way to achieve reallocation of national resources if and when this will be feasible. Such shock tactics can only lead to economic chaos, widespread unemployment, and the creation of a political situation and environment which the sponsors of the conference hopefully assume to be advantageous to their goals of imposing a collective socioeconomic system upon this Nation.

The scare propaganda emanating from these groups is a well-known device for political action. Certainly, the progress of science and technology has led to increased pollution, and the natural environment of man is not anymore what it used to be. But the Nixon administration and Congress have already taken good initial steps to combat pollution and are now in process of doing much more. Clearly the continuous repetition of political slogans like "environmentalism," "stop pollution," and so forth, are intended to drum up interest and sympathy for the coalition, whose main objective is really to hamstring the Department of Defense.

In conclusion, then, the Conference on Economic Priorities is not, as the invitation claims, an expression of widely divergent interests, but of a single group of political interests, the realization of whose goals will go a long way to disarm the United States unilaterally.

The reduction of military expenditures cannot be accomplished in a vacuum. We cannot ignore the reality of Soviet preparations for war, nor Soviet assistance and instigation of revolutionary wars in many theaters.

The two superpowers provide the basic umbrella of security for the rest of the world. The continuity in the symmetric balance of this umbrella is the only structure that can prevent the plunging of the world into wars of all kinds. One can remember the days when the umbrella of Prime Minister Chamberlain became the symbol of peace. I do not think that the American people wish to trade the umbrella of national security for the ineffectual umbrella of Chamberlain. Let us place this Conference of Economic Conversion in the proper perspective. Let us ask what the state of the world will be if the conversion of America takes place according to the biases and prejudices of this lobby on the left.

I ask unanimous consent that a list of participants in the coalition of national priorities and military policy, and other material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COALITION ON NATIONAL PRIORITIES AND MILITARY POLICY

Americans for Democratic Action.
Business Executives Move for Vietnam Peace and New National Priorities.
New Democratic Coalition.
SANE.
Southern Christian Leadership Conference.
Teachers Committee for Peace in Vietnam.
Women's International League for Peace and Freedom.
Women Strike for Peace.

CONFERENCE COSPONSORS

Committee for a More Effective Congress.
Common Cause.
Friends of the Earth.
Ripon Society.
Zero Population Growth.

MID-DECEMBER TOWN MEETINGS CALLED TO REVIEW PRIORITIES, MILITARY COSTS

Simultaneous town meetings on local needs and military spending will be held in some 30 U.S. cities Dec. 13 and 14, called by the Coalition on National Priorities and Military Policy with which ADA is cooperating.

"The need is to develop throughout the country a broadened base of political support for the concept of reordered priorities," the Coalition's announcement said.

"It is proposed that, in as many cities and counties as possible, simultaneous town meetings be held on Saturday and Sunday, Dec. 13 or 14, on the theme of local needs and military spending.

"If it is not feasible to hold the meetings on one of the designated dates they should be held December 15, 16, or 17. We hope to receive the benefit of national news coverage if the town meetings can be held within a few days of each other in communities across the country."

The Coalition said the meetings would be sponsored by local organizations, viewed as public hearings for and by voters and taxpayers, and would handle questions such as these:

How much income tax have the residents of this city paid to the federal government this year?

How much money have the taxpayers of this city spent to finance military activities? (The Coalition says that out of every tax dollar in fiscal year 1969, 54 cents went for current military outlays.)

How much federal money has come back to the community in the past fiscal year? In social programs? In defense contracts? for highways?

What are the unmet needs of the city in housing, health, education, transportation, pollution control, sanitation, recreation? How much would it cost to meet these needs?

It is expected that each town meeting will produce a written report based on the answers to the questions. The reports will include statistics on the community's unmet needs in housing units, classrooms, teachers, hospital beds, air pollution control centers, and the estimated costs of programs to meet these needs.

A national assembly and lobbying effort will be held in Washington in mid-January, centering on the information contained in the reports from the town meetings, "to raise the reordering of national priorities to a new level of visibility early in the next session of Congress," in the words of the Coalition's announcement.

A long list of distinguished citizens have agreed to act as "callers" of the meetings, including ADAers Reinhold Neibuhr, Joseph Duffy, John Kenneth Gailbraith, Jack T. Conway, Joseph S. Clark, and Walter Reuther.

[From the Washington (D.C.) Post, Dec. 7, 1969]

PROTESTS PLANNED IN 40 CITIES

A coalition of 29 private groups announced plans yesterday for 40 town meetings here and throughout the nation this month and next to discuss the conflict between domestic needs and military spending.

The meetings, sponsored by the Coalition on National Priorities and Military Spending, were endorsed by Sam Brown, a leader of the Vietnam Moratorium Committee. Brown called on moratorium backers to participate.

The coalition, whose chairman is former Sen. Joseph S. Clark (D.-Pa.), said its first town meeting will be held in Chicago today. A series of meetings is planned for the Washington area Dec. 12-19.

Clark said the aim is to allow each community to find out for itself how much of its federal tax money goes for military spending and "how much comes back for desperately needed programs."

Another objective is to assess unsatisfied needs in housing, health, transportation, pollution, sanitation, welfare, and other areas, and to determine the cost of meeting such needs.

Clark said he hoped testimony taken at the meetings could be sent to the President and Congress "to indicate that the silent majority wants the war ended and the military budget cut."

Most of the meetings here are scheduled during the Dec. 12–14 weekend. Moratorium activities have already been scheduled for Dec. 12 and 13, as well as Dec. 24.

The 29 peace, religious, labor and social action groups listed as affiliates of the coalition include Americans for Democratic Action, American Friends Service Committee, the Southern Christian Leadership Conference and the United Auto Workers.

Describing the coalition as including some "establishment types," Clark said. "We feel a bridge has now been made with youth by having the leadership of the moratorium" join in sponsoring the meetings.

A "town meeting" in Room 2175 of the Rayburn Building Friday is to serve as kickoff for several meetings throughout the Washintgon area, said Frederick T. Merrill Jr., coordinator of the D.C. Coalition.

Merrill said community leaders and representatives will testify on the city's needs at the 10 a.m. meeting.

Several members of the House District Committee have been invited to hear the testimony, he said.

Brown, co-chairman of the Moratorium, said that in some cities the meetings will serve as the only moratorium-related activity this month.

Meanwhile, the Young Americans for Freedom, a conservative youth group, announced it will hold a "counteroffensive" to moratorium activities on 600 campuses Dec. 12 and 13.

David Keene, national YAF chairman, said the activities will include teach-ins and circulation of petitions supporting the President.

PEACE GROUPS SEEKING TO MELD OLD AND YOUNG

Two major peace groups are combining their anti-war activities for the first time in an effort to bring the young and old together on the local level during the December Moratorium.

Joseph S. Clark, former senator from Pennsylvania and chairman of the Coalition on National Priorities and Military Policy, and Sam Brown, a national coordinator of the Vietnam Moratorium Committee, announced the plan.

Clark, who is also president of the United World Federalists, said the first joint venture would be to organize a series of town meetings, Dec. 13–14, in 36 cities to discuss local needs, military spending and federal taxes.

Results of the town meetings will be brought to Washington early in the next session of Congress.

Other activities planned by the Moratorium Committee include Christmas carol "sing-ins" and church services Christmas Eve.

The coalition was formed last summer by 29 peace, political action, labor and church groups which have represented the more traditional and older elements in the peace movement. Among the affiliated organizations are American Friends Service Committee, Americans for Democratic Action, SANE, United World Federalists, United Auto Workers, the American Baptist Convention and the Department of International Affairs of the National Council of Churches.

The Moratorium Committee represents younger elements in the anti-war movement.

A "counter offensive" to the antiwar efforts is planned by the Young Americans for Freedom, a conservative youth organization.

It announced yesterday it will sponsor, "Vietnam: Alternative Weekend" on 600 college campuses, Dec. 12–13. Activities will include teach-ins and the distribution of over a million copies of a tabloid entitled, "Tell It to Hanoi."

The group also will circulate petitions in support of President Nixon's Vietnam policies which will be delivered to the North Vietnamese delegation in Paris, said David Keene, national chairman of the YAF.

GENOCIDE IS A MATTER OF INTERNATIONAL CONCERN

Mr. PROXMIRE. Mr. President, genocide is a matter of international concern. On our shrinking planet, the massive destruction of human life in one country affects the lives and people of other countries. According to Richard Gardner, professor of law and international organization, of Columbia University:

> Genocide is often associated with threats to or breaches of international peace and security . . . Genocide and internal repression may often be the handmaiden of external aggression. (Testimony before the Senate subcommittee on the Genocide Convention, April 27, 1970.)

Major international disputes often have their origin in racial, ethnic, or religious hatreds. International covenants, dealing with the promotion and preservation of human dignity and liberty, are rightly concerned with international matters and they are, therefore, a proper subject for the exercise of the treaty-making power.

Unfortunately, U.S. leadership in promoting the U.N. human rights covenants has been lacking in recent years. Ernest Gross, Assistant Secretary of State under President Truman, told the General Assembly of the United Nations in December of 1948 that—

> In a world beset by many problems and great difficulties we should proceed with this convention before the memory of recent horrifying genocidal acts has faded from the minds and conscience of man.

Certainly the international promotion of human rights is in keeping with our most basic traditions. The need for such action is both compelling and urgent. Our ratification of the Genocide Convention would help to lay the foundation for basic international law dealing with the protection of human rights. The time to act is long overdue.

A NEW EDUCATION POLICY FOR AMERICA

Mr. HUMPHREY. Mr. President, I have been deeply concerned about proposed cutbacks in funds for Federal education assistance programs, proposed by the administration for the coming fiscal year. It is my firm belief that both our critical education financing needs and rapid developments in the general field of learning experience enrichment demand the drafting of a new education policy for America.

Basically, we must make an intensive effort to assure excellence, imagination, and full opportunity in American education. We must also look upon education as a total social experience, having learned by now that the finest in classroom resources can be dissipated by malnutrition, deprivation, a daily diet of tension and hostility, and neighborhood and national value-systems that conflict with the highest aspirations of mankind.

The immediate task confronting Congress is to assure that our schools, our colleges and students, and our supplementary and specialized education services are not left with empty promises, but instead obtain the essential financial assistance demanded in the face of clearly established need. It has now become sufficiently clear that the President's proposal for consolidating education programs under special revenue sharing would actually result in a net reduction of Federal aid. Nor is there any prospect for prompt institutional aid to the hundreds of American colleges that are now in dire financial straits.

I believe that a decisive emphasis must be given to America's educational priorities. This must be evident in establishing a high-level authority for education in the Federal Government a new Department of Education at Cabinet level. Also the full funding of present Federal education assistance programs, and in the enactment of new authorizations for the substantial expansion of our educational resources.

Mr. President, I recently had the opportunity to discuss the details of a new education policy for America, in an address in New York City at a luncheon held by the recently established Educational Facilities Corporation, for some 200 leaders in the education field and representatives of industries producing educational products and systems.

Mr. President, I ask unanimous consent that the text of my remarks on March 19, 1971, be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR HUBERT H. HUMPHREY

Ignorance is an alien force in America—the enemy of everything we seek, everything we stand for. Our Nation was born with the adoption of a Declaration of human rights. But from the outset it was recognized that the responsible exercise of these rights demanded the unrestricted development of human resources. As Thomas Jefferson expressed it, "Man cannot be both free and ignorant."

It is only in recent years, however, that we have spoken with conviction of the right to a quality education to the full extent of capability and need. Many forces in a world of rapid change have pressured us into the dramatic evolution of our educational resources. But there has also been a fundamental force operating from within each of us, as contrasted with the pressures from the outside world we live in.

I speak here of that basic discontent abroad in our Nation about the *quality* of human life. The fantastic pace of technological change explained the original extensive Federal investment in our educational resources over a decade ago. But now we are looking to education itself as a force for change—a decisive movement for ending the *in*equality of human life in America.

The hard task of enacting laws to redress the denial of civil rights and to break the cycle of poverty afflicting millions of our citizens brought us to a new understanding of basic human rights. The confrontation of these realities in the midst of unparalleled affluence produced a national commitment to the enrichment of human life in an entirely new context. Expressed in direct terms, we are saying today that our children and youth in and of themselves are a precious national resource—not to be either coddled or selectively pruned, but to be given every possible opportunity for self-development in achieving lives of meaning and purpose.

EDUCATION FINANCIAL CRISIS

And yet, precisely at the time we have come to this conclusion, our local school districts and institutions of higher education are stating that they have reached an absolute limit in financial resources. Local property taxes, devoted primarily to meeting the rising costs of public elementary and secondary education, have reached the saturation point. Our colleges have had to escalate their tuition fees simply to meet the costs of staying in business, much less undertake critically needed expension.

Both this national commitment and this financial reality demand the establishment of a new education policy for America. That policy should be directed toward paying the cost of a quality education at all levels, as a national investment that will be fully repaid. It should promote multiple approaches to providing educational opportunities that give the fullest recognition to the needs, problems, and abilities and interests of each child and young person. It should enable every adult to achieve self-sufficiency and respect as a contributing member of society. Finally, there should be a deliberate policy of innovation in educational processes and administration.

NEW EDUCATION POLICY

But while this demand for a new education policy ought to be self-evident, it is equally clear that the present Administration in Washington is marching to the beat of a different drum—a drum that signals retreat, rather than the advance this is essential at this critical time. President Nixon's proposal for consolidating education programs under special revenue sharing actually would result in a net reduction of Federal aid. Requested appropriations for elementary and secondary education amount, at best, to a "holding action," in comparison with appropriations enacted by Congress for the current fiscal year. But serious cutbacks are programmed in aid to Federally impacted areas and for vocational education and school equipment and remodeling, while the school lunch program is cut almost in half. And when we turn to the area of supplementary community resources in education, we find that the Administration plans to reduce funds for vitally important library services and construction programs by 62 per cent!

I find these funding reductions totally indefensible. It is one thing to call for reforms in elementary and secondary education programs to assure that Federal funds are directed where the need, in terms of educational deprivation, is greatest. But it is another matter entirely to seriously underfund these programs, making it impossible to fulfill expectations of equal opportunity and innovation in education.

It is all well and good to speak of streamlining the Federal-state-local fiscal machinery for education, and no one would question the wisdom of bringing together related categorical-aid programs to assure that specific needs are met efficiently. But we must carefully examine the other side of this "devalued" Administration coin. For, in the corrective actions already authorized in the Elementary and Secondary Education Amendments of 1969, Congress also expressed its judgment that there is no genuine streamlining in the speed with which Federal revenues may be simply handed over to the states. There are numerous competent state education administrations, but I remain unpersuaded that throughout the Nation these undesignated grants would necessarily be spent primarily and without discrimination to assist disadvantaged children and to aid local school districts where demand has far outstripped supply and fiscal resources. It is my understanding that, in fact, up to 70 per cent of special revenue sharing funds would be *immune* from the present law requiring that Federal education monies be spent over and above state and local funds, as an "extra" to help poor children catch up.

REVENUE SHARING

Let it be clear that I favor the concept of revenue sharing, coupled with the equitable federalization of public assistance programs. But I believe the bill I have introduced jointly with Representative Reuss offers a better approach than that of the Administration because it *supplements* ongoing categorical-aid programs, as in education, guarantees the pass-through of funds to the cities, and provides strong incentives for the maintenance of fiscal effort by the states.

What disturbs me most, however, is that this Administration continues to address our serious education cost problems with words rather than dollars. Can these words be believed in the light of sharply reduced Budget requests and Presidential vetoes of education appropriations over the past two years?

When we turn to higher education assistance, the same low-profile Administration approach—the same absence of national leadership toward achieving full opportunity and excellence in education—is sharply evident.

The expiration of major higher education laws this year provides a vital opportunity to reform and expand these critically important Federal assistance programs. It has been estimated that 6.6 million undergraduate students alone are currently enrolled in our colleges (of a total enrollment of over 8.5 million), and that in five years this number will swell to at least 8 million. The cost of attending college is now the second largest expenditure a family will make—but unlike the home mortgage, this one falls due within four short years.

But for others, and for our Nation, there is the tragic cost of *not* getting a higher education. Only 7 per cent of our college students come from low-income families. Colleges across the Nation are trying to expand opportunities for the black and the poor, placing an additional strain on financial aid resources.

Now, the President's Task Force on Education has told him that during the next decade, resources available to colleges and universities must more than *double*, from the present $17.2 billion to $41 billion. And the respected Carnegie Commission on Higher Education has called for a decisive national effort to eliminate racial and economic barriers to higher education by 1976.

STUDENT AID

What has been the Administration's response? Basically it has proposed the creation of a National Foundation for Higher Education and the revamping of student aid programs. Student aid would generally be in the form of subsidized loans and work-study payments. Priority would be given to the neediest students. The Foundation would provide aid to post-secondary institutions seeking to develop new programs of national importance and new models of reform and restructuring of higher education.

I am encouraged by the basic purposes of these proposals. The only problem is that they fail to take account of the immediate crisis confronting higher education. No prospect is held forth for prompt institutional aid to the hundreds of American colleges that are now in dire financial straits. Nor do I believe that the primary dependence upon subsidized or guaranteed student loans can fulfill the prospects for success envisaged by the Administration, in light of the limited availability of private capital for this purpose in recent years. While this assistance mechanism removes current appropriations from the Federal Budget, the cost to the Government will be higher in the long run.

Such considerations have led me to strongly support the purposes of legislative measures for the reform and expansion of federal assistance to higher education, introduced by Senators Claiborne Pell and Walter Mondale. These bills retain the thrust of the President's proposals, but they go further in maintaining essential aid to our colleges and universities, and in establishing direct federal assistance to students as a matter of right, and on the basis of need. Particular emphasis is placed on creating effective educational opportunities for young persons from low-income families. And student assistance is coupled with cost-of-instruction aid to the respective institution.

A DEPARTMENT OF EDUCATION

In addition, and in keeping with my own publicly expressed commitments over the past years, provision is made for the reorganization of the educational bureaucracy of the Federal Government. I have always felt that a decisive emphasis must be given to America's educational priorities through consolidating the educational activities of the Federal Government and raising this vital function to a high level of visibility and responsibility within the Administration. This demands the establishment of a Department of Education headed by a Secretary of Cabinet rank. We must assure that education, a matter of paramount concern to our people, has a spokesman at the very summit of Government.

FULL FUNDING

Finally, I strongly believe that our higher education assistance laws must not only be extended but also fully funded. I have received many letters from Minnesota and across the Nation expressing deep concern over extensive cutbacks in the Administration's budget for the coming fiscal year. Over 11 million dollars, or 40 per cent of the funds appropriated by Congress for Fiscal 1971, have been taken from the college library assistance, training, and research programs which are of such great importance to small colleges and in providing stipends for graduate students in this field. Grants and direct loans for the construction of academic facilities are terminated in this Budget, with a preference again given to the mechanism of subsidized private loans. No funds at all are provided for college teaching equipment. These are but a few examples of the serious cutbacks proposed by the Administration for programs which are, in fact, a solid capital investment in the future of the Nation.

But Congress must not limit itself to holding the line against these Budget reductions in the field of assistance to higher education. We must instead undertake a major commitment to expanding post-secondary education opportunities in America. For example, an important new resource has become increasingly visible in our community and junior colleges and vocational-technical institutions. We must develop this resource to meet effectively the special educational needs of both our society and thousands upon thousands of our young people.

These, then, are the immediate legislative tasks before Congress in the development of a new education policy for America. But the blueprint for this policy demands much more before a solid foundation can be laid.

If we mean what we say about education, we should be willing to pay for it. The Federal investment in public education doubled between 1960 and 1968—from 4 to 8 per cent of total state, local, and Federal expenditures. During the present Administration, that investment has fallen to 6.9 per cent or only $2.9 billion.

I believe Congress should set the goal over the next few years of at least matching the rate of increase in the federal commitment to education accomplished by 1968—in other words, *doubling* federal expenditures.

I believe we must also *guarantee* this federal investment, instead of leaving our school administrators in a state of uncertainty on Congressional appropriations. To that end, I propose that a fixed portion of federal revenues should be annually allocated to an education trust fund.

I believe that education for the 20th century demands that we stop giving tenure to the 19th century classroom. We must seize hold of the electronic revolution and apply the finest insights of education psychology to adopt multiple approaches to an unrestricted and humanized educational process for our children. Tremendous advances are underway in the application of audio-visual equipment, television, and cybernetics to the classroom, enabling the teacher to give individual attention to the learning needs and discoveries of the individual child. Hopefully, federal education programs will be supportive of this renaissance, giving as much attention to the child with learning disabilities as to the gifted and talented child, and especially at the preschool level.

But we must also forge a partnership of our public and private resources to achieve excellence, imagination, and full opportunity in American education.

One important catalyst in producing this partnership is represented in the Educational Facilities Center, opening in Chicago in 1973. Jim Allen, our former U.S. Commissioner of Education, has correctly described the Center as "an excellent idea whose time has come." I know that George Fischer, chairman of the Board, long ago while President of the National Education Association, saw the need for such an international clearing house where educators could see, firsthand, new educational materials, products, and systems.

There is no question of the necessity of establishing a close working relationship between the businessman and educator in carefully evaluating the growth and impact of a whole new industry spawned by the "knowledge explosion." We must assure the intelligent investment of educational system funds in providing genuine and challenging learning experiences for our children and youth.

But in demanding the best education for our children, we must also demand the best of our society. Values imparted in the classroom too often seem hypocrisies in the outside world. By intensively examining what, how, and why we teach our children, we may discover answers to education's ills that also can help heal the sicknesses of our society. At root, we must rededicate ourselves to the unique worth and the kinship of every man as a fundamental truth in education and as a basic explanation of what America is all about.

This is why we must look upon education as a total social experience. Progressive learning cannot take place in an atmosphere of hostility, fear, racial bitterness, and deprivation.

The education of a child is the sum total of that child's native ability, the experience in an educational system, and the social environment in which that child lives and grows—the neighborhood, the community, and the nation, and indeed the world. He is conditioned by it. The best in education—facilities, teachers, books—is diminished by the inadequacy of the surroundings and the inadequacies of the social environment. Likewise, the capacity to learn is affected by the condition of one's health, the adequacy of one's diet, and the sense of mental peace in which one lives. Therefore, educators have a greater responsibility than just to advocate better teachers, teaching methods, modernization of school plant and facilities, and the use of the most modern techniques including modern educational technology. The true educator must be a spokesman for social justice, a crusader against the evils of poverty and deprivation, and an advocate of communities that are wholesome and safe.

Let us resolve here and now to make education in America the finest in the world. We in Congress need your help now if this job is to be done. But you will also be committing yourselves to a task of the highest importance to all the people of this great land of opportunity. The charge is laid before us by Thomas Carlyle, in these well-remembered words:

"That there should one man die ignorant

who had the capacity for knowledge, this I call a tragedy."

LAND SALES FRAUDS

Mr. MOSS. Mr. President, Metromedia Television and the George Washington University School of Law have recently established the Consumer Help Center, a form of public ombudsman sponsored by WTTG, Washington, and operated by law students from the university. Among the projects which the Consumer Help Center has studied are automobile repair frauds, moving and storage practices, appliance warranties, and land sales frauds.

As summer approaches and more and more people are inclined to purchase lots for camping, or to build summer residences away from the heat of the city, I feel it is particularly appropriate for us to be aware of some of the problems confronting land buyers. High pressure sales tactics are a sure sign that deeper investigation of the property is worthwhile. Among the warnings which Consumer Help has issued are the following:

Do not sign a contract the first time out.

Do not waive or cancel the 48-hour cooling off period provided by law for your protection.

Do not assume that because the development is registered with the Federal Government, that the Government has inspected, investigated or in any way endorses the land offering.

Do not take for granted the adage that you cannot lose investing in land.

Do not assume anything you are told unless it is written in the sales agreement.

During October and November 1970, when land sales development companies were flooding the Washington area with invitations to dinner, gifts, prizes, discounts, and reimbursement for gasoline, Metromedia broadcast a 20-part series on land sales practices.

I have obtained a transcript of the series of programs as well as the Consumer Help Center's "Lot Buyer's List of Do's and Don'ts." I have reviewed these programs and the pamphlet and congratulate WTTG for its responsible broadcasting and the students of the Consumer Help Center for their diligence and interest.

Mr. President, I ask unanimous consent that the do's and don'ts be printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

LOT BUYER'S LIST OF DO'S AND DON'TS

DO

Be as cautious in buying a lot at a recreation vacation subdivision as you would be in buying a house or car. Remember, no matter how the deal is represented (i.e. $200.00 down and $25.00 a month), it will be a sizeable investment.

Ask for copies of the "Property Report," contract and any other pertinent documents. Ask to take them home so you may read them carefully, and perhaps show them to an attorney BEFORE YOU SIGN. If you are not allowed to leave with those documents in hand before signing . . . JUST LEAVE.

Take your time. If you are told that the "perfect" lot won't be there tomorrow, don't worry. Even if that is the case, there are many other lots in many other developments.

Contact the Office of Interstate Land Sales, H.U.D., Washington, D.C. 20411, if you want further information about a registered development or a copy of the development's "Property Report." There is a charge (presently 25¢ a page) for copies of documents. REMEMBER—all of this information was provided by the developer. H.U.D. has not checked the authenticity of the statements.

Seek legal advice if the investment is sizeable and you are willing to pay a little more to be safe rather than sorry . . . or consult friends or associates familiar with land/real estate transactions.

DON'T

Sign on the dotted line the first time out . . . the first time you visit the property and hear the sales presentation. To do so is to gamble with your money . . . not carefully invest it.

Waive or cancel the 48-hour "cooling off" period provided by law for your protection. WARNING: the waiver is built-in to many contracts. Always read contracts carefully.

Assume that because the development is registered with the federal government (The Department of Housing and Urban Development . . . H.U.D.), that the government has inspected, investigated or in any way endorses the land offering. It has not and does not.

Believe the old adage "you can't lose investing in land." A lot may be an excellent investment, but on the other hand it may be years before it appreciates in value enough to surpass an originally inflated price plus the finance charges. Balance investment possibilities with how much you'll be using and enjoying the land while waiting for it to increase in value.

Assume that anything you are told about the lot or development is gospel. As it says in almost all contracts: "no representations, oral or written, are relied upon which are not set forth in this agreement." In other words, it is what is written in the contract that counts.

J. EDGAR HOOVER

Mr. SPARKMAN. Mr. President, for several years, now, attacks and criticisms have been leveled at the Director of the Federal Bureau of Investigation, Mr. J. Edgar Hoover. I know that J. Edgar Hoover does not need to be defended. His long record of service in law enforcement speaks for itself. Since his appointment as Director of the FBI in 1924, J. Edgar Hoover has guided and shaped the FBI in such a way that his department has the overwhelming respect and admiration of professional law enforcement officers throughout the country and of the American people.

There are those in American society today who seem to feed on disrespect for law enforcement. It seems to me that attention should be called from time to time to the vital stake that our citizens have in effective law enforcement. I congratulate Mr. Hoover on a job well done.

SENATOR RANDOLPH COMMENTS ON PASSAGE OF S. 557—WAGNER-O'DAY ACT AMENDMENTS, MARCH 30, 1971

Mr. RANDOLPH. Mr. President, the thrust of social legislation today can generally be defined as an attempt to help the disadvantaged to help themselves, to make maximum utilization of our human resources, and to provide job opportunities to those who want most earnestly to become independent, self-supporting citizens.

Last Thursday the Senate unanimously passed legislation which I feel is admirably designed to accomplish all these goals, and more. As a cosponsor of S. 557, the Wagner-O'Day Act Amendments of 1971 and chairman of the Senate Subcommittee on Handicapped Workers, I commend the truly nonpartisan spirit in which this legislation was considered and approved. The Wagner-O'Day Act was effected 33 years ago, to utilize the unique talents of the blind in producing a number of articles offered for sale to the Federal Government. The program has grown steadily over the years until, in fiscal 1969, a total of 78 workshops for the blind in 35 States sold approximately $23 million worth of goods, employing about 5,000 blind workers.

A year ago, the Senator from New York (Mr. Javits) introduced amendments to the Wagner-O'Day Act in response to changes over the past three decades. During 2 days of hearings last June 9 through 10 before the Special Subcommittee on Handicapped Workers, of which I am chairman, we received testimony that the sheltered workshop program could and should be expanded. The Department of Health, Education, and Welfare estimates that there are more than 10,000 adult blind and approximately 77,000 severely handicapped who form a potential work force for nonprofit workshops to manufacture a wide range of products for sale to the Federal Government. The bill introduced in the last Congress was unanimously reported from the Committee on Labor and Public Welfare and passed the Senate. Its passage came too late for consideration by the House of Representatives. I am hopeful that S. 557 will receive prompt attention by the House in this current session.

Mr. Chairman, S. 557 has the unqualified support of the major national organizations for the blind and severely handicapped. The amendments to the Wagner-O'Day Act have two principal objectives: First, to extend the special priority in the selling of certain products to the Federal Government now reserved for the blind to the other severely handicapped, assuring that the blind will have first preference, and second, to expand the category of contracts under which the blind and other severely handicapped would have priority to include services as well as products. The blind would receive first preference for 5 years after the enactment of the bill.

Let me emphasize, Mr. President, that the proposed legislation is not a welfare measure. Rather it provides, at no added cost to the Government, an expanded opportunity for work sought by those who are both able and willing to help themselves. The blind and other severely handicapped are a special category of citizens who, too often in the past, were taken for granted and resigned to a role of dependency. Today we know that on the basis of performance under the Wagner-O'Day Act and other programs for the handicapped, the innate abilities of these citizens, coupled with their determination and dedication to becoming taxpayers rather than tax burdens, represent a gratifying resource of untapped skills.

I wish to express my gratification to the Senator from New York (Mr. Javits) for his diligent work on this legislation, and to the able majority leader (Mr. Mansfield) for his guidance and counsel in producing this first major legislation on behalf of the thousands of blind and severely handicapped workers in America in the 92d Congress.

SCIENTIFIC REWARDS OF THE SPACE PROGRAM

Mr. CANNON. Mr. President, recently the State of Nevada had the privilege of honoring the crew of Apollo 14 during Nevada Astronaut's Day. As far as I know, this event marked the first time any State has so honored our space explorers. It is a fitting tribute to those men who have dared the unknowns of space in the service of this country and for the benefit of all mankind.

I wish to share with Senators a column written by Mr. Hank Greenspun, editor and publisher of the Las Vegas Sun, in which he reflects upon the enthusiasm and excitement many Nevadans felt during and after the successful flight of Apollo 14. At a time when some critics of the space program are questioning the continuation of our space efforts, I think it is worthwhile to pause and reflect upon the positive contributions being made by our space team. In addition to the scientific rewards and a tremendous sense of national pride, the space program has also been responsible for another triumph in this country. Hank Greenspun writes about this triumph, the triumph of enlarging our sense of the possible. I am hopeful that Senators will have an opportunity to read Mr. Greenspun's article. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Where I Stand

(By Hank Greenspun)

A Las Vegas epic.

Watching the astronauts on television is as exciting as any science fiction film, but it hardly compares to shaking their hands or talking to them over a cup of coffee. That's the thing that really makes a believer.

This jaded old reporter has met practically all the luminaries of our society with less than more raising of the blood pressure. But meeting with Capt. Alan Shepard, Captain Ed Mitchell and Lt. Col. Stuart Roosa of the Apollo 14 mission is as epochal and emotional a feeling as any one man needs in an entire lifetime.

The thrill of meeting men who had gone all the way to the moon and back, is almost as great as knowing that man had explored the moon. Reality is what you experience even second hand.

The cry at McCarran Airport yesterday morning was "here they come" as thousands of Southern Nevada youngsters stood in trembling anticipation anxiously scanning the blue Nevada skies for a sign of the astronauts.

And if the school kids weren't trembling, I knew I was for I was listening to the words of Capt. Ed Mitchell talking to the kids over the loud speaker.

Capt. Mitchell had arrived in Las Vegas the night before after a visit to his hometown in Artesia, N.M. He was the local boy who made good and there was enough "country" in the boy to give his town the first crack at him.

Alan Shepard and Stu Roosa had flown their own planes here and were in the air holding over the Hughes Terminal for over 20 minutes until all the school buses arrived. No kid was going to be left out of this adventure and this is what made my day at the side of Ed Mitchell so thrilling and memorable.

Maybe that is the left-over child in a middle aged man just as Alan Shepard's golf shot on the moon or Ed Mitchell's ESP experiments on Apollo 14's nine-day mission.

When two tiny specks finally showed on the horizon Ed Mitchell told the crowd his partners in moon flight were 90 seconds away and to the second, they landed to cheers and handclapping from the kids assembled to greet them.

Childhood is an adventurous time of life and the appeal of the unknown, the mysterious and exotic was mirrored in the faces of the youngsters as they watched the astronauts.

Here were three men they could idolize for good cause. They represented everything that is thrilling to a child . . . adventure, courage and excitement. They had spanned the miles to the moon and two of them had walked on its surface. They had traveled far and fast. They are the Magellans, the Columbus', the Marco Polos, Kit Carson, Lindberg and Admiral Byrd all rolled into man's most exhilerating adventure into a last frontier—the universe.

Dressed in ordinary suits they hardly seemed as giant as they do in their space garb. But after talking and visiting with them there is instant recognition that these are good men, brave men and what is even more important, men just like us.

That fact has a lot of implication at a time when it is stylish to put down the human race as hopeless, confused and dwarfed in comparison to the great heroes of the past. Still, I think Christopher Columbus got just as big a thrill out of leading his voyage after disappointment and frustration as Alan Shepard did coming back to pass his physicals and qualify to lead the Apollo 14 mission. He did more for middle aged Americans than even he might realize.

There are a lot of people who have allowed that the space program is a waste of money, that it didn't do anything to solve our problems here on earth. There are some who even said it was wrong to send manned missions to the moon, that machines could do the job better.

Well, they are wrong.

We here in Las Vegas could see that for ourselves listening to these men, observing them and watching them share their knowledge with the young people in person and over Channel 10, the educational station. The program was beamed to all the schools in Clark County.

The tremendous knowledge stored in the minds of Shepard, Mitchell and Roosa and all the men of the space program which they so readily share with anyone who will listen is worth every dollar spent on space.

I urge Channel 10 to rerun this program during prime time so the adults can get the benefits of knowing how their tax dollars are being spent. Never again would there be even the slightest whimper of objection through the realization of the tremendous knowledge being gained for a minimal outlay of funds

The side effects are what's needed almost as much as the knowledge for the future.

The fact is we need heroes more than almost any other commodity. And we need national self respect showing that we can take on a challenge which men have dreamed of since ancient times and carry it through; a challenge that has nothing to do with war and destruction and is designed to improve knowledge and to unleash the perceptions of man.

It is the narrow people who oppose the space program. I'm not going to defend it on the grounds that space research brings technological advances here on earth. That should be obvious even to the uninformed. I say it is worth doing for the same reason Hilary climbed Mt. Everest—because it was there.

The problems here on earth would remain even if we never had the space program. And they'll be there until we find people with the same dedication, courage and imagination as the astronauts and the scientists who made their trip possible.

That is the point: the space program has enlarged our sense of the possible. When you think of it, that may be the whole triumph of our age. We may be too close to see what succession of impossibilities all of us have lived through from Orville Wright to Alan Shepard.

When we send men to the moon they can see us down here with a perspective impossible for the earthbound. And when they return they can share with us, as the three astronauts have done here in Las Vegas.

Those insights may be more valuable than all the moon rock they brought back, which also gives us insight to the creation.

The good wife and I have met many of the astronauts from previous trips. We felt real close to all of them watching Alan Shepard, Ed Mitchell and Stu Roosa with the young people, listening to them and breaking bread with them.

We have finally met some authentic heroes.

It should be Las Vegas' finest day.

NEED FOR IMMEDIATE ENACTMENT OF THE EMERGENCY EMPLOYMENT BILL

Mr. TUNNEY. Mr. President, later this week the Senate is expected to vote on S. 31, the Emergency Employment Act of 1971 which I have cosponsored. Since I must be in California this week on official Public Works Committee business, I would like to reiterate my strong support for the bill at this time and urge its unanimous passage.

The Economic Development Subcommittee of the Public Works Committee, of which I am a member, is holding hearings in Los Angeles beginning on Wednesday, March 31, and going through April 2. The subcommittee will be looking into the severe unemployment problem in the Los Angeles area with a view toward maximizing the Federal effort to assure that every person has a job. It will, therefore, be impossible for me to be here for the vote on the Emergency Employment bill.

The Emergency Employment bill would make available immediate job opportunities in needed public services during times of high unemployment and would provide effective mechanisms for moving people into these jobs.

Unemployment problems in California and throughout the Nation are so severe that this bill should, and, I am confident, will pass the Senate and House unanimously and should be signed by the President so that its provisions can be implemented immediately.

There are presently 5,442,000 persons unemployed nationally—almost 6 percent of the work force. In California, almost 700,000 people are unemployed—8 percent of the work force. This high unemployment rate has created huge increases in welfare costs. In Los Angeles County, for example, one out of every eight persons is on welfare and the number is increasing elsewhere in the State.

I will be looking into this serious problem this week in Los Angeles and I am hopeful that our Economic Development Subcommittee will be able to provide the Senate with recent information on new methods of maximizing the Federal effort in attacking the unemployment problem. Senator Montoya, chairman of the Economic Development Subcommittee, has described the hearings in the following manner:

> We will hold hearings in Los Angeles in order to examine in some detail the long-term development problems of a major metropolitan area which has large minority populations not benefiting from the general prosperity of the area.

RURAL AMERICA'S EXODUS

Mr. HUMPHREY. Mr. President, a recent series of excellent articles on the out-migration of our people from rural America has appeared in the Washington Post issues of March 15 and 21, 1971. Written by William Chapman, these articles pinpoint the causes of this profoundly disturbing exodus and raise serious questions about various concepts on how to revitalize our rural communities.

As chairman of the Senate Agriculture and Forestry Subcommittee on Rural Development, I have an immediate interest in such incisive analyses of the plight of rural America. But I also believe it is essential for all Members of Congress to be as fully informed as possible about the dimensions of this crisis. Mr. Chapman notes that:

> Some analysts believe that, unless the trend is reversed, by the year 2000, three-fifths of the population will live in four large megalopoli, most of the rest in large urban areas, and only 12 per cent in areas with under 100,000 in population.

While he is cautious about the "lesson" that "if the small and medium-sized cities are to flourish, only a large infusion of public aid will provide the initial momentum," he argues that "highways, public works, and indirect subsidies seem essential." He notes a frequent pattern of expanded higher education facilities and defense installations explaining isolated population increases in rural America, in the course of commenting on "the theory of natural growth centers." But he reflects the deep concern we should all share that "while the young leave, the older people stay on"—projecting the image of ghost towns financed by social security. And he provides the reader with stories of compelling interest where families have been separated as small farms have disappeared.

It is my intention to obtain a first-hand account of the problems confronting our rural families and their communities, in the course of hearings to be conducted by the Subcommittee on Rural Development across the Nation. It is my firm belief that there must be no further delay in implementing a national growth policy of balanced urban and rural development.

Mr. President, I ask unanimous consent that the articles by Mr. Chapman, entitled "Small-City Boom Deceptive" and "Rural America: The Exodus Continues," appearing in the issues of the Washington Post dated March 15 and March 21, 1971, be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Halt in Rural Migration Sought: Small City Boom Deceptive

(By William Chapman)

Emporia Kans.—By many standards, Emporia is an oasis of vigorous growth in a desert of declining rural America—a hopeful symbol that the vast migration out of the mid-continent can be stopped at last.

On the surface, it should delight those regional planners and population distribution experts who see in the Emporias of the country ways of anchoring the population in the slow-growing rural states and keeping it from flooding crowded urban areas. In their view, these could be the "natural growth centers" that absorb persons forced out of dying small towns and off the farms.

Amid the vast belt of failing counties stretching south from the Dakotas into Oklahoma and West Texas there are spots of growth like Emporia—such places as Grand Forks County, N.D.; Meade County, S.D.; Buffalo County, Nebr., and Riley County, Kan.

But the view from the Plains is not so clearly encouraging.

On closer examination, much of the growth appears to be artificial. These "growth centers" adjoin military bases, or have expanding colleges whose soaring enrollments show up on the books as population increases, or they are the seats of state government.

A smattering of new industry has come in, to. But it accounts for a minor proportion of the growth and has been bought at the expense of heavy public subsidization—tax exemptions and public bond issues to build plants and to buy land.

Emporia, for example, was a staid, stagnant college and farm-trading town for at least seven decades.

But its population jumped by nearly 20 per cent in the 1960's, while rural counties all around it declined anywhere from 4 to 18 per cent and Kansas as a whole grew only a modest 3.1 per cent.

FOUR NEW INDUSTRIES

It picked up four new small industries in the last decade and has an enviable unemployment rate about half that of the nation. There's hardly a house or apartment for rent in town, and the first signs of suburban sprawl are visible on Emporia's fringes.

More than two-thirds of the population growth in the 1960s is attributable directly to increased enrollment and faculty at the publicly supported Kansas State Teachers College and the private College of Emporia.

The new industry—principally a fast-growing beef processing company—brought in 1,800 jobs during 1960, a significant boom for this city and the surrounding countryside. Cheap, non-union labor and new plants subsidized by tax exemptions and municipal bond issues were major attractions for the new firms.

The lesson seems to be that if the small and medium-sized cities are to flourish, only a large infusion of public aid will provide the initial momentum. Highways, public works, and indirect subsidies seem essential.

At first glance, Emporia might seem atypical. Actually, it reflects what is happening in so-called "growth centers" in Kansas and other Plains States. Only three other sizable Kansas counties grew at a rate of 20 per cent or better. Two of them are big college towns and the third is a suburban bedroom community for Kansas City.

The theory of natural growth centers outside metropolitan areas has come to the fore in the past few years because of statistics showing a continued mass movement from countryside to the urban centers, particularly from the Midwest and South to the coastal regions.

More than half the nation's counties lost population during the Sixties and two out of three suffered an actual net migration loss—more people moving out than coming in. The big losses are most noticeable in the vast midland expanse stretching south from the Dakotas and across parts of the South and into Appalachia.

FLOCKING TO COASTS

The east and west coasts have attracted so many people from these sections that more than half the population lives within 50 miles of either coast, according to the U.S. Census Bureau.

Some analysts believe that, unless the trend is reversed, by the year 2000, three-fifths of the population will live in four large megalopoli, most of the rest in other large urban areas, and only 12 per cent in areas with under 100,000 in population.

To counter those concentrations, planners have encouraged the government to direct its aid and attention to alternate growth centers, feeding them with highways, public works, and job training to keep persons in regions surrounding those centers anchored.

There is sharp disagreement, however, over what a growth center is and how large it should be to attract government support. Rural enthusiasts, with many supporters in Congress, talk of towns with 10,000 people or less as being suitable bases. Such analysts as Prof. Brian Berry of the University of Chicago's Center for Urban Studies suggests the best opportunities lie with cities close to 250,000, because those that reach that mark usually generate a self-sustaining growth. Others, like Prof. William Alonso of the University of California at Berkeley, favor smaller centers.

Most recently, there has been revived interest in the small cities like Emporia—those roughly between 25,000 and 50,000. Researchers at the National Goals Commission spoke enthusiastically last year of expending government assistance to cities with populations ranging from 50,000 in size to 25,000. The U.S. Economic Development Administration, providing aid to depressed areas, is prohibited from dealing with cities over 250,000, and most of its efforts are directed toward potential growth centers much smaller.

HIGHWAY A FACTOR

That view of the small city growing rapidly to absorb population in rural states has been encouraged by a special study conducted by the Census Bureau. It has produced this tentative finding: the city having between 25,000 and 50,000 people which has easy access to an interstate highway grew rather rapidly during the 1960s. On the average, those cities grew at the same rate as the nation—about 13 percent. And a large share of them were in distant, rural areas of general population loss.

An enthusiastic booster of small cities as growth centers is George H. Brown, director of the Census Bureau, who has said: "The growth in these counties contradicts the popular notion that our nation's population is on the high road to engulfing itself in a number of big, densely packed urban centers. In sports page parlance, smaller urban centers have and are running for daylight."

The experience of four midlands states—the Dakotas, Nebraska and Kansas—during the 1960s shows that some small cities of that type are, indeed, "running for daylight." But they are also fueled with heavy expenditures of public money and subsidies.

In North Dakota, for example, three counties grew faster than the nation while the state as a whole lost 2.3 per cent in the decade. All started the sixties in the 25,000-to-50,000 population range. All are on interstate highways, and technically, they prove the point.

But the faster-growing—Grand Forks County (25 per cent increase)—got its lift from both an expanding air force base and the Universtiy of North Dakota. The second is Ward County (up 24.4 per cent). It has the air base at Minot. The third is Burleigh County (up 19.7 per cent) which has the seat of state government in Bismarck.

Nebraska, where population increased 5 per cent in the Sixties, also had three counties in that range of population, all of which exceeded the national growth rate. One has both an Army ammunition depot and a technical school, another is the location of Kearney State College, and a third is a Strategic Air Command base.

Kansas is the arch-typical midlands state, and while three fourths of its counties lost population during the Sixties, four sizable ones increased in population at rates considerably exceeding the nation's.

FOUR COUNTIES GAIN

Only those four, according to state tabulations, had actual net in-migrations.

One is Johnson County, a suburb of Kansas City. It had an unusually large net in-migration of 48,700 people, the vast majority of them suburbanites.

Riley County grew by 35 per cent. But half of its growth is directly attributable to increased enrollments and faculty members at Kansas State University in Manhattan. Another large portion of the growth was made up of military personnel from nearby Fort Riley.

Douglas County's population went up from 43,700 to 57,900 during the decade, or about 32 per cent. About two-thirds of it is accounted for directly by students and faculty at Kansas University in Lawrence.

The smallest of the four is Lyon County, where Emporia is located, and at least two-thirds of its 19 per cent increase during the 1960's can be traced directly to the colleges.

The state's largest metropolitan county—Sedgwick, around Wichita—grew by only 7,000 and is now in a severe depression caused by a slump in its aerospace industries.

To some extent, the college towns of Kansas do provide a nucleus around which some private economic development takes place. They attract many service businesses—motels, restaurants, shops, all of which provide local employment. State economic development director Jack Lacy says that some industries seeking new sites prefer college towns because they provide some cultural amenities and athletic events. Middle-level executives prefer locating where their children can go to college.

But that impact is tangential and the colleges themselves do not play a large role in inducing corporate investment. Unlike such giant university centers as Berkeley and Harvard, there are no large-scale research and development plants coming in. "Until recently," said one college professor, "The administration here even frowned on professors taking on consultants' jobs on the side with any companies."

SOURCE OF LABOR

There are a couple of curious exceptions. A pattern-cutting plant opened at Manhattan and a greeting card company has a plant at Lawrence. Both use the large supply of cheap, female labor supplied by young women putting themselves or their husbands through college.

"To a great extent," says a Kansas State economics professor, "these industries are trying to get away from organized labor."

Whatever their motives, the industries which have come in do play a part in anchoring Kansans who might otherwise be off to the bigger cities.

Emporia offers a small but clear example with its new and largest industry, Iowa Beef Processors, Inc., which now employs 800 people in its cattle slaughtering and processing plants. Eighty per cent of them live within Lyon County and the rest commute up to 40 miles from surrounding communities. The alternative for many of them would have been Kansas City, St. Louis, or Chicago.

Its experience bears out the notion that sizable public investments—in this case, federal, state and local—are necessary to bring such companies to the countryside. Iowa Beef located its branch here because of good transportation in the cattle country and most of its collection of cattle and shipping of beef is done on two major highways—a new federal interstate route and a Kansas turnpike.

In addition, the company took advantage of Emporia's generous offer of financial assistance. The city issued $4½ million tax exempt industrial revenue bonds to build the plant and to buy the land and granted 10 years of real property tax exemptions. The company pays off the city's bonds with rental payments made directly to the local bank.

Was that assistance a major inducement?

"Very very definitely" says Howard McLean, manager of the comany's slaughtering division.

RURAL AMERICA: THE EXODUS CONTINUES

(By William Chapman)

MADISON, KANS.—Sam Schwab was born and raised only three-and-a-half miles from his farm here, an 800-acre spread where he has spent 40 of his 74 years farming and grazing cattle.

His seven children—five sons and two daughters—grew up here, helping him farm, going to school, and doing their 4-H work.

One son now teaches ROTC in California, another is a patent lawyer in Milwaukee, another is a helicopter pilot stationed in Hawaii, and two farm in Indiana.

One daughter moved to California. The other daughter is the only one of Schwab's seven children to settle in Greenwood County. The others, it seems, don't plan to return.

The story of Schwab's family is not unusual for this part of the country. It is a common account in Greenwood County and scores of other rural counties in a vast section stretching from the Canadian border south to Texas. A slow but steady depopulation is continuing.

As Alvin Maley, a county farm agent, summed it up: "It all comes down to this—you don't need many people on farms anymore."

It is a poignant commentary particularly for the Plains States, supposedly the bastion of rural individualism, the place where sturdy men and women spurn government aid in favor of hard work in the soil.

But in Greenwood County, as in other midland rural places, more personal income is derived from government payments—such as Social Security payments and agricultural subsidies—than from farming ($7.3 million as compared with $4.8 million).

Most counties have been losing people for decades. Some in Kansas peaked in population in 1890. Greenwood County's decline has been under way since 1900, with a steady population drop interrupted only by a temporary oil boom in the 1920s. The 1970 census records the latest ebb: Greenwood County slipped from a population of 11,253 to 9,141 during the past decade, a loss of nearly 19 per cent.

While the young leave, the older people stay on. More than 20 per cent of the population of Greenwood County is 65 years old or older—twice the national proportion in that age group.

Here, the generation gap is very real and growing wider. It shows up in curious ways: The Madison News, a weekly newspaper, has maintained a circulation of about 950 for many years. But now about one third of the subscriptions are mailed away to former residents who now live in California, Texas and other states.

In nearby Virgil, a shabby hamlet of boarded-up, paint-flaked stores, the postmaster for 21 years, George Shook, explains that he is down to 60 active mailboxes from a peak of 115. Most of the residents are old.

The big day of the month, he says, is "Social Security day—the day the checks come out. It's the third day of the month and you should see them line up here and wait.

"The RFD (rural free delivery) routeman says the same thing—they're waiting by the mail boxes on the third day of the month.

"We used to have a grade school and a high school here—we were a ball-playing town. We had a railroad spur and a bank—this post office used to be the bank. We lost it all."

Some small towns, such as Madison and the county seat of Eureka, manage to hold their own, while the crossroads communities and the open countryside are steadily drained of people. The plains and grasslands here are so lonely that they have spawned a new breed called "suit case farmers," men who live in town and commute to their farms.

A couple of decades ago, Quincy was a tiny but thriving community on a gravel road. It had grocery stores, a high school and gymnasium, two churches, and a branch line of the Santa Fe railroad, whose cattle cars annually hauled in thousands of head to be fattened for market.

No more than 100 people ever lived there, but it was a busy trading center for hundreds of rural residents around it.

Now Quincy has no stores, only 25 people, and a handful of empty homes, their windows smashed out and weeds growing all around. The railroad track has been ripped up, the high school torn down (except for the gymnasium, now used as a community building), and only one church remains (it has no resident preacher).

In its heyday, Quincy was the site of a hardware store operated by the parents of Stephen Gilman. They gave up after eleven years. Gilman runs the newspaper in Madison, his parents are dead, his brother lives in California and his sister in Missouri.

"There aren't any small farmers anymore," Gilman says, explaining why the Quincys collapse and the families leave.

"The young people go to Wichita or some other city. The old folks move into Eureka—they can at least get groceries and see a doctor there."

His analysis holds true for much of Kansas and the Plains States—there aren't any small farmers anymore. While Kansas gained slightly in population during the 1960s, the U.S. Census Bureau found that the rural population dropped from 849,870 in 1960 to 761,708 in 1970. Many places ranging between 1,000 and 2,500 held their own or showed slight increases, but the farm country and crossroads communities lost heavily.

Kansas State University analysts estimate that the state had 131,000 farms in 1956 and only about 85,000 now. They also believe that the waves of migration out of the farmland are receding, simply because there are so few young people left who will move away.

For most of Kansas the decline is caused by familiar economic changes. In the big wheat country, farming is increasingly mechanized, the small farms become uneconomical, there is no need for hired labor. The small farmer sells out to the bigger one and more families move out.

But Greenwood County has been cattle county. It lies on the edge of the Flint Hills were the tall-growing "Bluestem" grass has been prime grazing country since the first cattle drives of the West.

EXODUS CONTINUES

Until the 1950s, the medium-size farm could flourish by grazing cattle on contract. Owners shipped in cattle from Texas and even Mexico. Local farmers fattened them on their grasslands, then shipped them on to slaughter in Kansas City.

Today, the fattening is done in huge feed lots—pens where thousands of head of cattle are branded, dehorned, castrated, and fed corn, hay and grain in large troughs. It all takes only about 120 days, less than half the time the farmer needed to fatten cattle on his grasslands 15 years ago.

Only the very prosperous survive—those who raise their own cattle or have crop acreages large enough to turn a profit. Gilman, the newspaper editor, observed that the only farmers able to keep their children at home are the affluent few.

Sam Schwab was asked why he thought his children would not come back to Greenwood County. While he pondered, his wife suggested that it was their college education; after a university experience, the Kansas horizon simply looked too bleak.

"No," said Schwab, "the word is 'profit. We're not making any money here. It wouldn't have been profitable for them to stay. They can make their money so cockeyed more easier and get a retirement than they ever could out here on farms."

There is a special, sad irony about Greenwood County's decline because so many enthusiastic boosters have placed their faith in it over the years.

Its county seat of Eureka (Greek for, "I have found it") was named by an early settler, Edwin Tucker, who was searching for a place to build a new community in the rich grazing lands. Nearby, someone else established Utopia, a place that never got past hamlet stage.

In the 1940s, the late Roger W. Babson, a popular economist, looked upon Eureka as the very center of his "Magic Circle," a huge inland paradise so amply endowed with minerals, cattle and croplands that it inevitably would become a self-sustaining, dynamic region.

"If you now live in this 'Magic Circle'," wrote Babson more than 20 years ago, "continue to live there and urge your children to settle there and bring up a good family . . . Do not neglect the great opportunity which God has given you to live within this area."

He expressed his own confidence in Eureka by establishing a 2-year institution, Utopia College, as a training center for the children of those who followed his advice.

The college closed last year.

RAIL PASSENGER TRANSPORTATION DESTROYED BY RAILPAX

Mr. METCALF. Mr President, I am appalled that the National Railroad Passenger Corporation, which was created to improve inadequate passenger service, has as its initial action proposed to eliminate nearly half the passenger trains now running—365 to 184. If I follow this Catch-22 logic correctly, it has been necessary to destroy rail passenger transportation in the United States in order to save it.

For an initial $40 million investment, the taxpayers seem to have bought a lesson in warped logic and a great leap backward in rail passenger transportation.

The Railpax directors would eliminate the inadequate service still surviving in many areas of the country, including Montana, Wyoming, Arkansas, South Dakota, Ohio, West Virginia—in fact, just about everywhere but the Washington-New York-Boston Northeast Corridor.

The National Association of Railroad Passengers, a private group trying to represent the determined and patient people who still patronize passenger trains, has furnished me with a statistical analysis of the Railpax disaster outside the Northeast Corridor.

Mr. President, I ask unanimous consent that the NARP statistics be printed at this point in the RECORD.

There being no objection, the statistics were ordered to be printed in the RECORD, as follows:

ANALYSIS OF RAILPAX SERVICE REDUCTIONS ANNOUNCED BY PASSENGER GROUP

Upon commencement of operations by the National Railroad Passenger Corporation (RAILPAX) on May 1, intercity rail passenger service will be slashed drastically in most parts of the nation.

Excluding the Northeast Corridor (Boston-New York-Washington) where only minor adjustments will be made in the present pattern of service, the number of trains will be cut 68% and daily train miles by 65%.

The following table compares present service and proposed RAILPAX service on the individual railroads, excluding the Northeast Corridor.

OTHER THAN NORTHEAST CORRIDOR SUMMARY

	Present service		RAILPAX proposed	
	Number of trains	Daily train-miles	Number of trains	Daily train-miles
Penn Central	57	26,436	30	11,080
Norfolk & Western	8	3,092		
Delaware & Hudson	4	788		
Chesapeake & Ohio	13	3,285	4	1,540
Southern (including Central of Georgia)	10	4,538	2	1,787
Louisville & Nashville	7	3,727	2	980
Georgia RR	2	342		
Baltimore & Ohio	13	5,138		
Seaboard Coast Line (including Richmond, Fredericksburg & Potomac)	26	17,392	10	9,954
Gulf, Mobile & Ohio	6	1,704	4	1,136
Illinois Central	15	7,618	4	2,456
Missouri Pacific	6	2,106	2	560
Denver & Rio Grande Western	1	570	1	570
Chicago & North Western	10	1,717		
Chicago, Milwaukee, St. Paul & Pacific	14	3,169	8	1,352
Union Pacific	11	11,847	2	372
Southern Pacific	10	5,836	5	4,474
Chicago, Rock Island & Pacific	4	684		
Atcheson, Topeka & Santa Fe	18	18,382	8	7,692
Burlington Northern	32	26,972	6	6,858
Grand Trunk Western	8	2,110		
Total	275	147,453	88	50,811

Sources: For present service, Official Guide of the Railways, March 1971. For proposed RAILPAX service, National Railroad Passenger Corp. announcement of Mar. 22, 1971.

Mr. METCALF. Mr. President, to quote from the NARP analysis:

> Excluding the Northeast Corridor, where only minor adjustments will be made in the present pattern of service, the number of trains will be cut by 68 per cent and daily train-miles by 65 per cent.

In other words, vast areas of our country are threatened with the loss of what meager service is now furnished. In view of how Railpax would interdict rail service outside the Northeast, I can only recommend to the Defense Department that it set up a Railpax for the Ho Chi Minh Trail. It would be cheaper, save lives, and probably be more successful in stopping traffic.

As the NARP statistics indicate, the number of trains outside the Northeast corridor would be slashed from 275 to 88 daily, and daily train-miles from 147,453 to 50,811.

So far as rail passenger service from Chicago to Seattle over the Burlington Northern is concerned, the number of daily passenger trains would be cut from 32 to six. That is somewhat more than the overall 50-percent figure being offered by Railpax.

The Railpax directors have totally disregarded an Interstate Commerce Commission recommendation to provide service on alternating days over both the old Great Northern and Northern Pacific routes across Montana, as well as a continuation of partial service between Butte and Salt Lake City.

The ICC called the Butte-Salt Lake run a necessary bridge between east-west corridor routes that provided service to, among other areas, Yellowstone National Park. And it was a potentially profitable run. If I may quote from the ICC's recommendation:

> The losses sustained were felt to be partially if not wholly incurred by the carrier's own doing.

The ICC felt so optimistic about the profit potential of this run it recommended daily operation. Under Railpax—no service at all.

Mr. President, I ask to have printed at this point in the Record a copy of the ICC recommendation on the Salt Lake City-Butte, Mont., run.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Appendix B. Secondary Recommendations

SALT LAKE CITY-BUTTE

The proposed basic system does not include a north-south service between Salt Lake City and Butte. Both of these points are intermediate points on those transcontinental routes from Chicago to the west coast.

The Commission has twice ordered continuance of the Butte-Salt Lake trains operated by the Union Pacific.[1] The first case allowed the carrier to reduce service to tri-weekly but the more recent case denied the proposed total discontinuance. Essentially, the Commission has found continuance warranted for four reasons: the reliance of people in the area on this service; the bridge this line provides between other transcontinental routings; the lack of adequate alternate service; and the carrier's failure to promote this service.

Of significance is the fact that the tri-weekly service has resulted in a patron retention rate of 83 percent, despite an overnight schedule and the railroads' failure to either publicize the trains or to arrange schedules facilitating expeditious connections.

Alternate service is widely circuitous and limited. Forty-six of the 51 stations have no bus service. Air service is infrequent and limited to the termini and two intermediate points. Roads are limited. There is only one through highway from Great Falls to Butte to Salt Lake City. It is only two-lane and not engineered to Interstate Highway standards. Heavy fog is frequent at the mountain passes throughout the year and frequently closes the highway and the airports. The Commission summed up the situation when it ordered a continuance:

"The severe nature of the terrain and weather, the very inaccessibility of certain subordinate areas to the general area involved as demonstrated by this record dictate a need for some rail passenger service since the alternate modes available are limited and uncompromisingly subject to the vagaries of weather". 333 I.C.C. 182, at 193; 338 I.C.C. 50 at 60, *supra*.

The Commisison furthermore hoped that under Railpax, the Butte-Salt Lake City service would be returned to a *daily* operation.

The Commission further found that the carrier did nothing to promote service on the line (338 I.C.C. 50, 62). Despite the fact that the train passes through wild and spectacularly scenic areas, and is the western gateway to Yellowstone National Park and the only rail gateway to Grant Teton National Park, there has been no advertising to attract the tourist trade. Because of these factors, the losses sustained were felt to be partially if not wholly incurred by the carrier's own doing. They therefore should not be considered too seriously in view of the countervailing public interest in the continued operation of these trains.

Despite the fact that the present service connections on the Butte-Salt Lake City run leave much to be desired, nonetheless feeder value of the line is estimated at 30%. Feeder value has increased since the discontinuance of the Twin City-Kansas City line for the reason that Butte-Salt Lake City line is now the only way for people living in the northern Great Plains to reach Salt Lake City-Los Angeles and points south without having to travel either east to Chicago, or west to Seattle, in order to obtain connecting service. The Butte-Salt Lake City line cuts about 1,000 miles from either of these routes.

In sum, the line constitutes a necessary bridge between east-west corridor routes.

Mr. METCALF. Mr. President, the proposed east-west Railpax routing over the old Great Northern tracks would deprive two-thirds of the residents of Montana of rail passenger service. Anyone who has seen winter weather in that part of the country would realize the undependability of alternate means of transportation during the winter months.

The Great Northern routing is also at variance with the ICC recommendations, which pointed out both the Great Northern and Northern Pacific routes showed healthy passenger revenues, despite intentional downgrading by the railroads. To quote again from the ICC recommendation:

> There is clearly a need for some transcontinental service on both the former Great Northern and Northern Pacific corridors between St. Paul and Seattle-Portland—whether on alternate days or some basis.

Mr. President, I ask unanimous consent to have printed at this point in the Record the text of the ICC recommendation. I also ask for inclusion at this point of a letter from a Helena attorney, Mr. Thomas Mahan, that illustrates the economic insensitivity of the Railpax directors in recommending the northern Montana routing, and a letter from a conductor, Mr. Warren R. McGee, with his firsthand observations.

There being no objection, the items were ordered to be printed in the Record, as follows:

Twin Cities-Seattle

Presently, Burlington Northern operates eight trains daily between St. Paul and Seattle/Portland[1] over two separate main lines and via four different routings. Two pairs of trains use the former Great Northern route via Glacier Park. One of these trains, the Empire Builder, is a luxury express train providing the fastest ground service between Chicago and Seattle. It serves Williston and Minot, N.D. The other train, the Western Star, is routed via Alexandria, Minn., and Grand Forks, N.D., and provides the only direct connecting rail service to Great Falls, Montana, and Winnipeg, Manitoba. Both the Empire Builder and the Western Star serve Glacier National Park in the summer and the Whitefish Mountain ski area in the winter, popular rail destinations.

Two pairs of trains use the former Northern Pacific route via Yellowstone Park. One of these, the North Coast Limited provides luxury through service between Chicago and Seattle/Portland. This train serves Butte, Montana. The other train, the Mainstreeter, provides essentially local service and is routed via Helena, Montana rather than Butte.

In addition to providing the only all-year service to Yellowstone the Northern Pacific route serves Billings and Missoula, Montana, as well as Bismarck, the capital of North Dakota. In Montana, the Great Northern and Northern Pacific routes, while parallel, are almost 300 miles apart. In North Dakota, they are over 100 miles apart. Thus, for over 1,000 miles, they are not competitive with each other or any other rail passenger service.

All four pairs of daily transcontinental trains are well patronized. Indeed of these, only one, the Mainstreeter, has ever come before the Commission for discontinuance. And that we denied.[2] In analyzing the trains which the carrier itself regarded as the most likely prospect for discontinuance, we found in 1968 that 251,827 passengers used the Mainstreeter annually, and that unlike the general trend—usage was actually *increasing*. Pointing to these increases (which, even according to railroad figures showed an average of 345 passengers per trip), the Commission concluded: "We consider it clear beyond dispute that the public has not abandoned the Mainstreeter" (333 I.C.C. 15, 38). In 1969, when the carrier again unsuccessfully sought to discontinue the Mainstreeter, we noted that a decrease in patronage was attributable to intentional downgrading by the railroad. As we concluded "* * * there are good reasons for this decrease in patronage—reasons brought about by railroad management in contemplation of discontinuance" (336 I.C.C. at 38). Despite all of this, the Mainstreeter trains still carried "approximately 200,000 revenue passengers" in 1968 (336 I.C.C. at 40).

Such extensive use is in addition to the North Coast Limited, which except for the Butte cut-off, parallels the Mainstreeter route between St. Paul and Seattle. Significantly the North Coast has never even been the subject of a discontinuance proceeding. In these circumstances we think there is ample basis for such service in the basic national system.

The use of trains over the former Great Northern route is equally impressive, considered along with the fact that the carrier has never sought to discontinue its two pairs of transcontinental trains operated over this route. In 1969, approximately 200,000 people used the Western Star, which runs between St. Paul and Seattle.[3] During the same period approximately 400,000 people used the Empire Builder and its connections between Chicago and Seattle/Portland. (Id.) And these figures do not account for passengers formerly travelling trains discontinued in the cited case, but retained on the Western Star or Empire Builder.

In our judgment there is clearly a need for some transcontinental service on both the former Great Northern and Northern Pacific corridors between St. Paul and Seattle/Portland—whether on an alternate day or some other basis. To insure preservation of transcontinental rail passenger service through the northern tier of states, the Commission finds that the establishment of St. Paul and Seattle as end points is essential and should be included in the basic system.

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[1] *Union Pacific Railroad Company Discontinuance of Trains Nos. 35 and 36 Between Salt Lake City, Utah and Butte, Mont.,* 333 I.C.C. 182 (decided May 16, 1968) and 333 I.C.C. 50 (decided August 26, 1970).

[1] Trains serve Portland directly with through cars being switched off at either Spokane or Pasco, Washington. Consequently, trains arrive at both Portland and Seattle at approximately the same time.

[2] *Northern Pacific Ry. Co. Discontinuance of Trains Nos. 1 and 2,* 333 I.C.C. 15 (1968), 336 I.C.C. 7 (1969).

[3] *Great Northern Ry. Co. Discontinuance of Trains Nos. 3 and 4, etc.,* 336 I.C.C. 477, 511–512 (1970). This proceeding dealt with other trains but furnishes a valuable source of information as to patronage of the Western Star and Empire Builder. Our figures here were computed by multiplying daily averages set out in the cited case.

Helena, Mont., *March 25, 1971.*

Hon. Lee Metcalf,
U.S. Senate, Senate Office Building,
Washington, D.C.

Dear Lee: The purpose of this letter is to point out to you some of the points Railpax may have missed in setting a northerly route through Montana rather than following that of the North Coast Limited or Mainstreeter.

First of all, if you follow the route of the Mainstreeter which enters Montana near Wibaux, proceeds to Glendive, Miles City, Forsyth, Billings, Livingston, Bozeman, Helena, Missoula, Thompson Falls and then on to Idaho by using a radius of 80 miles on each side of the track you end up by serving 44 of the 56 county seats in Montana which represents 610,000 persons out of 694,000 people. In fact, it is estimated that the Hi-Line route announced by Railpax would serve a total of not more than 100,000 people.

But, in addition, these facts should be pointed out to Railpax. There are seven specific colleges and universities along this route. These include the University of Montana at Missoula, Carroll College at Helena, State University at Bozeman, Eastern Montana at Billings, Rocky Mountain at Billings, plus a college at Miles City and Glendive. Within the 80-mile radius you also have the School of Mines in Butte, the State College at Dillon and the College of Great Falls at Great Falls. In fact, the only college in Montana that you miss is Northern Montana College at Havre.

It should be pointed out to Railpax that the present clientele of the railroads are the students and the older retired people. They are restricted on funds and they have the time to use the train.

Point No. 2. There are two VA Hospitals in Montana—one in Helena, Montana, and one in Miles City, Montana. Both of these are on the current route of the Mainstreeter. They will be far removed from the northern Hi-Line route by Railpax. Many of these veterans, because of their physical condition, travel by train.

Point No. 3. The northern route through the Hi-Line completely wipes out rail access to Yellowstone National Park. The present terminal at Livingston is used by thousands of visitors every summer. In fact, it is reported that over 2,000,000 people visit Yellowstone Park each summer and the number is rising. Livingston is some 60 to 70 miles north of Yellowstone Park. With Railpax bypassing Wyoming and going through the Hi-Line of Montana, it is going to be virtually impossible for visitors to reach Yellowstone Park by rail.

It should be pointed out that Railpax has completely ignored coordination with other means of transportation in Montana. Perhaps the company did not have the time to go into coordination but the proposed route does not in any way, shape or form tie in with plane service, bus service or with the interstate highway system. I feel that this is a violation of the intent of Congress which set up Railpax for the convenience and necessity of the public.

The people in Montana were deceived by the officials of Burlington Northern when they pursued the merger plans between the Great Northern and the Northern Pacific. According to testimony before the ICC the Montana people were promised in city after city that this would not affect their existing passenger trains. As you know, the Northern Pacific was a land-grant railroad in which the Northern Pacific received thousands and millions of acres of land free from the government for the specific purpose of providing transportation for the public convenience and necessity. Many of the holdings of the Northern Pacific which have now been taken over by the Burlington Northern consist of minerals and timber given to them. For 610,000 people in Montana to suddenly lose all their rail service seems incongruous.

We realize in Helena that they need a train on the Hi-Line but we hope that everyone realizes that we also need a train to this area of Montana. We realize that the present North Coast Limited goes through Butte and misses the capital city of Helena and we are willing to predict that if given an even opportunity that Helena would show more passengers than Butte because of its unique situation as the seat of the government in which it is necessary for many more people to travel to Helena than to Butte throughout the year for various government functions. Helena has put up with taking the bus to catch the North Coast Limited for years and if it came down to that I suppose we could put up with it in the future.

Perhaps the solution would be to run alternate day trains. In other words, on Monday, Wednesday and Friday run the train through the southern part of the state and on Tuesday, Thursday and Saturday and Sunday run it through the Hi-Line.

Another solution would be to run diesel or electric self-propelled cars through Montana such as used to be run on the Great Falls-Helena-Butte segment—the so-called "Galloping Gooses." If these could be set up without too much overhead or union demands I am sure they could pay for themselves.

It certainly seems ridiculous to all the citizens in Helena to say that the northern route was selected because it saves one hour between Chicago and Seattle. If anybody wants to save one hour between Chicago and Seattle he is going to take an airplane.

But when you look to who it is really going to hurt in Montana, and initially it is going to hurt the older people and the students, you can see the hardships that are going to result. For instance, from Helena to Billings a train ticket round trip is $18.00, a plane ticket is $42.00. From Helena to Bozeman a train ticket is $3.75, a plane ticket coach is $15.00, a plane ticket youth stand-by is $9.00. In the meantime federal tax dollars continue to subsidize the airways, the airports and so forth while a system which is taking care of public convenience and necessity has been or is about to be entirely removed from this area on May 1st.

The people of Montana are going to have to rely upon your leadership and abilities in your office to watch the situation closely to keep Railpax and the Secretary of Transportation fully informed, to make sure that the Congressmen realize the tragic losses which will occur to the average citizen and to do everything within your power to help rectify the situation. All Railpax has to do is look at the transcript of the many proceedings involving the Mainstreeter to determine that thousands of passengers use the trains through the Montana area and that they will no longer be able to do so.

Thank you.

Yours very truly,

Thomas H. Mahan.

Livingston, Mont.,
December 18, 1970.

Dear Senator Metcalf: I am writing this letter to solicit your support for continued good passenger train service through Montana via the old Northern Pacific route.

In my attempt to assess the effects of the plan "Railpax" has designated for this section of the country, it appears to me that Mr. Volpe has left many doors open for himself to back out of, if the clamor for better service gets too vociferous in his direction. You, gentlemen, must do this.

No one out here knows just what trains he plans to keep on and I want to alert you to what I think should be retained under "Railpax" and the kind of service that should be maintained everywhere. Mr. Volpe's plan appears too skeletonized to define.

I have been a conductor on the "Mainstreeter" for the past year and have watched the full cycle of operations closely.

Special effort should be made to retain this train for Montanans' use, for it stops at 34 Montana stations, while the North Coast Limited serves but 13 stations in Montana. This ratio will be true in adjoining states as well. The NC Limited in heavy travel periods with its reservation "mess" has few seats to offer Montana patrons, because it is filled to capacity before arriving at the Montana boundaries, and the "Mainstreeter" is called upon to serve all stations for it has no reservations and it does serve those stations well.

The last nine days of November 1970 produced over $29,000 passenger revenues at Helena, Bozeman, Livingston and Billings. Most of these revenue patrons traveled via the Mainstreeter because the NC Limited was all sold out. Passenger head counts in this period ranged from 100 to 430 into major terminals, and one time after the coaches sleepers and diner seats were filled, 27 rode inside the baggage car. For this train turns no one away.

The needs in the future of the Postal Mail Service are supplied by this train and if one day soon, they retain their senses, the "Mainstreeter" is the train they will use extensively. The past year, this train has been delayed from 28 to 45 minutes at Miles City and Billings, loading and unloading U.S. Mail and a shorter time at Bozeman and Helena. The potential of a decent Express service will still rest upon the shoulders of this train. Once its continued service is assured. I believe these services will once again return to the rails. . . .

As for its schedule, the westbound NC Limited takes 36 hours to travel St. Paul to Seattle, the Mainstreeter takes 40 hours.

Eastbound NC Limited requires 42 hours Seattle to St. Paul and the Mainstreeter needs 44 hours over the same route (Time Zone changes not figured). All schedules have plenty of slack and could be improved, but I feel if our passenger trains all over the country were permitted 100 mph maximum speeds it would satisfy most all customers sensations of expedited service and not require extensive track renovations, for we traveled these speeds when we had steam engines and until the ICC put a maximum of 79 mph on trains without cab signals and which these managements voluntarily satisfied themselves that this would be their maximum speeds.

Contrary to RR Managements claim, the Public has not deserted these passenger trains, but the Public has been convinced that they were un-wanted and were being denied their "moneys-worth". Once this attitude is dispelled I predict a more profitable operation extending even to their freight business.

Finally: Some one of authority to Railpax must be designated in each State, to which complaints of poor service could be forwarded to. This information must be made available to the traveling public, for prompt correction.

Sincerely yours,

Warren R. McGee.

Mr. METCALF. Mr. President, my distinguished colleague from Montana (Mr. Mansfield) and I have already written the Senate Appropriations Committee to oppose further appropriations for Railpax, as well as to the Office of Management and Budget to try to stop further disbursal of public funds appropriated prior to the Railpax announcement.

It is clear that Railpax is acting in opposition to the public needs and the expressed intent of Congress. For instance the corporation, acting on the advice of the general counsel of the Transportation Department, decided that an environmental impact statement, required by the National Environmental Policy Act of 1968, was unnecessary in this case. It should be obvious there are some potentially serious environmental effects that require consideration, among them the possibility of an increase in automobile pollution in scenic areas such as Yellowstone National Park—where alternate transportation service would be eliminated.

The National Park Service has previously warned that automobile traffic in Yellowstone may have to be limited—and a cessation of rail service can only escalate the congested conditions.

The ramifications of this derailing of rail passenger service in the United States are just being realized. I ask unanimous consent to have printed in the RECORD an article published by Lewis Mumford in the New York Times, outlining reasons why the Railpax plan must be stopped.

Mr. President, I ask inclusion also of a letter from the Governor of Montana protesting the Railpax decision, and a recent article from the Christian Science Monitor, relating how passengers are beginning to realize what has been done to them.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 16, 1971]

TRANSPORTATION: HUMAN ENRICHMENT—THE FIRST STEP IS TO RESTORE PASSENGER TRAINS IN THE NATION

(By Lewis Mumford)

CAMBRIDGE, MASS.—The process that has been undermining our transportation system, with the progressive elimination of all but motor vehicles and jet planes, is what the biologist William Morton Wheeler, described in organisms as "de-building."

This brings on a lapse from a complex, multifunctioning unit of high potentialities to a lower state with limited means of interaction with other organisms or a larger environment. Should that process go at its present pace, would anyone, if the "locomotion machine" stops, remember how to use his legs? To call this de-building a technical advance or a human improvement is a shabby joke.

What has happened to the railroad points to similar lapses in other public sectors. Our postal system has been declining ever since the First World War and it is now being doomed by the same curious principle that has been applied to the "restoration" (destruction) of the railroad: it must show a mass demand and a profit or cease to exist as a public function.

This doctrine has been introduced so insidiously that, like our collective extermination of civilian populations in war, it has been accepted without a murmur. But surely that practice should cause general alarm, not least to other transportation services. On the same terms, air transport and eventually bus lines could be junked too. And why not the public schools?

At one time the nationalization of the railroads would have seemed to be a remedy; but this is an illusion. Under the canons of the corporate power complex, the same aims govern both private and national enterprises; and their respective bureaucracies, as the Department of Agriculture's promotion of pesticides, herbicides, and antibiotics, has taught us, work hand in glove. In the nineteen-fifties, the Tory Government of England, gauging the necessities of public service solely in terms of volume of traffic and earnings, cut back essential sectors of their nationally owned railway system and deliberately threw all the burdens of regional transportation on motor cars and trucks. The British public has had reason to regret this.

No adequate rebuilding of the transportation system is possible without introducing many coordinate measures outside the field of transportation itself. Anything like a constructive policy must be meshed in with closely related proposals for population limitation, energy conservation, industrial decentralization, low-income housing, urban reconstruction, pollution abatement, and even local agricultural production; and the money sufficient to accomplish these changes can only come from drastically cutting back on the whole Pentagon of Power, beginning emphatically with the military-industrial establishment.

Such a program would not be thinkable, still less acceptable, if there were not so many signs—from the miscarriage of the social welfare system to the rising tide of violence, crime, drug addiction, and organized blackmail—that the whole economy is becoming unworkable. What is in store is not merely a change of pace, or a reallocation of individual priorities, but a basic change of purpose and direction. This transformation will be directed toward shifting from an overheated economy, based on war, waste, forced consumption and meretricious affluence to a temperate "steady state" economy, such as J. S. Mill theoretically described a century ago. That new economy will be based, not on power, productivity, and pecuniary enrichment, but on well distributed plenitude and the general enrichment of human culture.

I am not alone in making this interpretation. There is already a study center in the State University of New York that is investigating the desirability of such an economy, and references to Mill's long-neglected description of its advantages now keep popping up.

No responsible mind will venture to write out in detail the prescription for such a deep-seated ideological and social change. Once the problem is faced, one must recognize that there are no easy answers; nor are instant solutions possible, except destructive or negative ones. We need time, not merely to make a more thorough canvass of "unprofitable" human needs, but also to change our minds and to reformulate our purposes—an even slower process. But meanwhile the first step can be taken: to slacken the pace of deterioration and destruction. With regard to transportation alone, the most imperative negative steps should be obvious.

First: We should not only oppose the Railpax plans to bleed to death the stricken railroad system, but demand the rapid building of an even more complete national network, with at least as many passenger trains restored on the timetable within the next decade as were in service in 1950.

Second: Trucks and trailers of freight-car dimensions must be prohibited on the public roads; jumbo freight planes and jumbo passenger jets for mass travel should be phased out; while supersonic planes should be permanently eliminated as both an ecological misdemeanor and a human disaster.

Third: To find funds for manufacturing the new rolling stock, restoring the neglected equipment, and reassembling a new body of trained workers, superhighway construction should be halted and the available moneys should be turned over to the railroad system.

Hold your breath: this is only a beginning. If these proposals are shocking enough to cause discussion, that will perhaps be their best service. Once we awaken to the real situation, better measures—possibly more drastic ones—will doubtless come forth.

MARCH 22, 1971.

CHAIRMAN,
Board of Governors, Railpax Corporation, Washington, D.C.
REGINALD N. WHITMAN,
Administrator, Federal Railroad Administration, Washington, D.C.

DEAR SIR: As Governor of Montana I believe it is my duty to actively protest the final designation of the Railpax route in this state. Your decision, if it stands, will eliminate convenient railroad passenger service for approximately 80 per cent of the population of Montana. The northern route you have selected will serve only one of the ten most populous cities in the state. Rail passenger service to the gateway cities of Yellowstone Park in Montana will cease, and rail passenger service on a North-South axis in the Rocky Mountain region will be impossible.

I am not suggesting you reconsider and substitute the southern route you have already designated. That would also not solve the problem. The fact is that Montana is too huge and too sparsely populated to be served by a single rail passenger route.

The stated intention of the Railpax System was to improve and assure the continuance of rail passenger service in this country.

I cannot imagine how you can possibly meet this objective when you ignore the transportation needs of approximately 80 per cent of the population of Montana.

I strongly urge reconsideration of this precipitous and detrimental decision.

I will continue to protest this action until another route is designated in Montana or all possibilities, including congressional intervention, are exhausted.

Sincerely,

FORREST H. ANDERSON,
Governor of Montana.

PASSENGERS SPEAK UP TO RAILPAX

(By Merelice K. England)

CHICAGO.—U.S. railroads are generally pleased. But passenger complaints are loud—and rising.

Meanwhile railroad unions, assured of job protection even though rail passenger service is being cut, wait to see precisely where their salaries will be coming from.

These are early reactions to the sweeping changes in American passenger railroad service announced earlier this week by the National Railroad Passenger Corporation (Railpax).

The new routes, slicing daily service almost in half, were announced before Railpax had signed contracts with the 22 passenger railroads which will provide track and crews for the new corporation as of May 1.

For now, the 22 railroads being approached to provide the minimum network of passenger service, covering 114 major cities, are staying noncommittal about their plans.

CONTRACT DETAILS AWAITED

Until the contract terms are negotiated, some railroads say they have not decided whether they will join. But no knowledgeable observer anticipates a railroad's refusing to become part of the new passenger service.

Seven of the nation's existing 29 railroads will give up passenger services altogether. They are delighted at the opportunity to concentrate on more profitable freight service. One example: the Chicago and Northwestern line.

The National Association of Railroad Passengers says it is pleased with aspects of the overall plan, but complains, in particular, that the Cleveland area is left out completely from new passenger services and that major cities in Michigan are similarly ignored.

Local communities in Ohio and Michigan are expected to protest at their exclusion; the state of Arkansas may also lodge a complaint.

Railroads which join Railpax can drop their own passenger service on May 1 in exchange for payments based on their current passenger losses.

NET TO LINK 114 CITIES

Railpax, having made its own choice of passenger routes, plans to use the 22 lines with which it is negotiating to connect 114 major cities with more than 100,000 population. The basic network would provide 184 passenger trains a day in nationwide service, roughly half of the present 365 trains. Railpax wants to pool the best 1,500 passenger cars out of existing supply of 3,300.

Even with such curtailments, Railpax estimates it will lose about $100 million during its first year of operation—compared with current railroad losses estimated at twice that.

A private study illustrates in greater detail the expected cutbacks in passenger service. Leaving aside the highly traveled trains in the northeast corridor, the number of trains elsewhere across the nation will actually be cut 68 percent, from 275 to 88. And the number of train-miles, excepting the northeast, will drop 65 percent from 147,453 per day to 50,811.

In response, Joseph Vranich—executive director of the National Association of Railroad Passengers—concedes: "We will gladly bargain off a number of trains for a 200 percent improvement in service."

The fact is, however, the routes designated by Railpax—with some fanfare and earlier than anticipated—cannot be confirmed until contracts for providing the service have been signed by Railpax and the individual railroads.

Mr. METCALF. Mr. President, I think that when the full extent of this administrative and financial botchery is realized, Railpax, potentially a good idea to improve a bad situation, is going to be in serious trouble. It has already been established that passenger trains are too important to be left to railroad executives, and it seems they are also too important to be left to the directors of Railpax.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The time originally agreed to for the transaction of morning business has expired.

INTEREST EQUALIZATION TAX EXTENSION ACT OF 1971

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state by title.

The assistant legislative clerk read the bill (H.R. 5432) by title, as follows:

A bill to provide an extension of the interest equalization tax, and for other purposes.

The Senate proceeded to consider the bill.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the first committee amendment.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LONG. Mr. President, H.R. 5432 basically is a very simple bill. Its most significant feature is that it extended the interest equalization tax for 2 more years, from March 31, 1971, to March 31, 1973. Because March 31 is almost here, it is important that we act on this bill promptly. To allow this tax to expire, and then be reinstated, could involve serious administrative problems both for the Government and for the taxpayers. Both the House and the committee, in addition to extending the tax for 2 years, have included technical amendments to the interest equalization tax. These amendments for the most part are technical perfecting amendments which do not, in any sense of the word, change the basic purpose of the tax. Two of the amendments, however, rise above the level of merely technical amendments and these two I will explain in just a moment.

Let me first explain quite briefly the purpose of the interest equalization tax. Its purpose is to protect our balance-of-payments position by restraining capital outflow from the United States. This is accomplished by increasing the cost to foreigners of borrowing in the United States. To achieve this end, the tax provided is equivalent to raising the interest rate on funds borrowed from the United States by as much as 1½ percent. The President has discretion to vary the tax to an interest rate equivalent of anything up to this rate. Presently, he has imposed a tax equivalent to an interest rate differential of three-fourths of 1 percent.

The extension of the interest equalization tax is necessary at the present time because the expiration of the tax would add significantly to our already excessive balance-of-payments deficit. Although for a number of years we succeeded in reducing this deficit, in 1969 it amounted to $7 billion and in 1970 to almost $4 billion.

Our capital markets are much better organized than those of foreign countries and any time our interest rates are lower than those in foreign countries, there is a temptation to borrow here. This is particularly important now because our interest rates are below those in many foreign countries. For example, in December 1970, the yield on long-term U.S. Government bonds was 5.97 percent; the average for western European Government bonds was 7.77 percent, a differential of 1.80 percent. The differential on industrial issues is also significant. In January, 1971, the rate on U.S. industrials was 6.98 percent, while the rate in foreign countries ranged from a low of 7.37 percent in Germany to a high of 9.42 percent in Italy. These differentials between the foreign interest rates and the lower U.S. rates are clearly large enough to attract a significant amount of foreign borrowing in the absence of the tax.

In addition, during the period we have had this tax in effect, and also controlled to some degree direct investments abroad, U.S. companies have issued large amounts of foreign securities abroad to finance their direct investment in various countries. If the tax were not to continue there would be a strong temptation to refinance these amounts in the United States. At the end of 1970 the volume of these securities outstanding amounted to $5.6 billion not counting bank loans. As a result, the tax is essential to prevent the refinancing of this large overhang of securities held by foreigners which are associated with U.S. companies.

Even apart from this special situation of U.S. companies with securities held by foreigners, the interest equalization tax has also been effective in preventing foreigners from both financing new securities here and selling outstanding securities here. Based upon past trends, and experience in those areas where the tax is not operative it appears that even apart from the special situations that I have referred to the tax, on the average, prevents foreigners from borrowing something like $2 billion a year in our markets. With a balance-of-payments deficit of $4 billion in 1970, the significance of such an increase is readily apparent.

The interest equalization tax is also important because it is a part of a larger program designed to reduce capital outflows. Not only do we have the interest equalization tax which applies to so-called portfolio investments—that is, where the investment is not so large as to be a factor in the control of the foreign company—but we also have the direct investment control program run by the Department of Commerce and also the program run by the Federal Reserve System to limit short-term bank credit abroad. If the interest equalization tax were not to be continued, therefore, not only would we have the increase in capital outflow arising from portfolio investments, but it seems unlikely that it would be possible to maintain our capital outflow controls in the direct investment area, if this eventuality were to come to pass.

Finally, we need the extension of the interest equalization tax because of the reaction of foreign officials and private holders of dollars if we fail to extend it. We have heard much about how foreigners are concerned with the amount of dollars they are accumulating and often the question is raised as to how long we can expect them to go on increasing their dollar holdings. We know, for example, that their holdings of dollars are many times our total gold supply. In fact, one foreign country alone has a dollar balance in excess of our gold supply.

The willingness of foreigners to continue to hold dollar balances depends upon whether they believe we are trying to control our balance-of-payments deficit and whether they believe that, in the long run, we will control price rises as well, on the average, as the leading foreign trading nations. If we were to allow the interest equalization tax to expire, this would certainly be regarded by foreign holders of dollars as a sign of our lack of concern with our balance-of-payments problem. This would very substantially increase the international pressure on the dollar and on the whole international monetary system. This is a risk we simply cannot take.

As I indicated when I began, the Finance Committee did make two amendments to the interest equalization tax which I believe are of sufficient significance to deserve explanation. The first and more important of these is that we have provided discretionary authority to the President to extend the interest equalization tax to debt obligations with maturities of less than 1 year. Presently, the tax only applies to those with maturities of 1 year or more.

The committee is concerned about these short-term obligations, particularly bank loans, because of the increases which have occurred in these loans in recent months. In 1970, for example, we note that these loans have increased to a level of $1.1 billion. This is up from much lower levels which have prevailed since 1965. With one exception these prior levels have not been much over $700 million.

A major reason for giving the present discretionary authority to apply the interest equalization tax to these short-term obligations is that in the absence of a tax in these cases the monetary authorities might attempt to discourage short-term capital flows by keeping interest rates higher than is consistent with the domestic requirements of our economy. Monday's Wall Street Journal, for example, indicates that a discount rate cut from the current level of 4¾ percent is considered less likely at present than it was a week ago. The article goes on to state that one of the principal reasons why the discount rate cut is viewed as unlikely is because the Federal Reserve Board believes that a reduction in short-term interest rates would lead to a dollar outflow to foreigners. This is the very problem with which the committee was concerned: the tendency to maintain higher interest rates here than would otherwise be needed merely to protect us against an outflow of dollars. In providing this discretionary authority the committee has been careful to provide the President with as much latitude as possible so that he will be able to impose the tax with respect to those short-term securities which are going abroad merely to seek higher interest rates as distinct from those funds which are needed to facilitate export and other transactions.

The second amendment which I believe should be called to the attention of the Senate relates to mutual funds. Present law provides that mutual funds set up before the interest equalization tax became effective may continue to operate free of tax with respect to the transactions of the fund itself even in the case of new investments made in the fund. Other new funds have complained of this advantage of the existing funds, and your committee has restricted the tax-free rollover privilege of existing funds to investments in the funds before March 24, 1971, the date of the committee press release on this restriction.

I point out again that it is vital that we act on the interest equalization tax today, because the tax expires at midnight on Wednesday of this week. To allow the tax to expire and then be reimposed would give rise to many administrative problems and would, in my view, not constitute responsible action on the part of the Senate. I am sure that we do not want this eventuality to occur.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as amended be considered as original text for the purpose of further amendment.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 5, strike out:

(a) Treatment of Debt Obligations of Corporations Obtaining Funds From Foreign Persons as Taxable.

(1) Section 4912(b) is amended by redesignating paragraph (4) as paragraph (5), and by inserting after paragraph (3) the following new paragraph:

"(4) Special election to subject debt issues of a United States corporation to tax. Any domestic corporation may elect to have any class of its debt obligations which is an original or new issue (and any class of stock into which such debt obligations may be converted) deemed to be debt obligations (or stock) of a foreign obligor (or issuer) the acquisition of which by a United States person will be subject to the tax imposed by section 4911, notwithstanding any other provision of this chapter other than section 4911(d), at the rate provided on the acquisition of stock under section 4911(b). The documents evidencing such debt obligations (and the certificates evidencing any stock into which such debt obligations are converted) shall clearly indicate that their acquisition by a United States person is subject to the tax at such rate. Notice of an election under this section shall be given to the Secretary or his delegate prior to the issuance of the debt obligations with respect to which the election is made. Any such election shall be effective as of the date of issuance of the debt obligations with respect to which the election is made and shall be irrevocable. The Secretary or his delegate shall prescribe such regulations as he may deem necessary to carry out the provisions of this paragraph."

(2) The amendments made by paragraph (1) shall apply with respect to debt obligations issued after the date of the enactment of this Act.

And insert in lieu thereof:

(a) Election To Treat Certain Debt Obligations as Subject to Tax.—

(1) Section 4912 is amended by adding at the end thereof the following new subsection:

"(c) Election To Subject Certain Debt Obligations to Tax.—

"(1) In general.—A domestic corporation or domestic partnership may elect to have its debt obligations—

"(A) which are part of a new or original issue, or

"(B) which are part of an issue outstanding on the date of the enactment of the Interest Equalization Tax Extension Act of 1971 and are treated under subsection (b)(3) as debt obligations of a foreign obligor,

to be treated as debt obligations of a foreign obligor the acquisition of which by a United States person (other than the issuer) will, notwithstanding any other provision of this chapter, be subject to the tax imposed by section 4911 at the rate applicable on acquisitions of stock under section 4911(b).

"(2) Assumption of obligations.—For purposes of paragraph (1), the assumption by a domestic corporation of debt obligations of an affiliated corporation shall be treated as the issuance of a new or original issue of debt obligations by such domestic corporation. For purposes of this paragraph, a domestic corporation shall be treated as affiliated with another corporation if both corporations are members (or would be members if they were both domestic corporations) of the same controlled group (within the meaning of section 48(c)(3)(C)).

"(3) Election.—An election under paragraph (1) with respect to any issue of debt obligations shall be made at such time and in such manner as the Secretary or his delegate may prescribe by regulations, and such election may not be revoked. In the case of a new or original issue, such election shall be made prior to the issuance (or, in the case of an issue treated as a new or original issue under paragraph (2), prior to the assumption) of any debt obligations of such issue.

"(4) Indication or endorsement of taxability.—In the case a debt obligation which is part of a new or original issue (other than an issue treated as a new or original issue under paragraph (2)), an election under paragraph (1) shall apply to such debt obligation only if the document evidencing such debt obligation indicates that its acquisition by a United States person is subject to the tax imposed by section 4911 as provided in paragraph (1). In the case of any other debt obligation, an election under paragraph (1) shall apply to such debt obligation only if the document evidencing such debt obligation is marked or endorsed, subject to such regulations as the Secretary or his delegate may prescribe, so as to indicate that its acquisition by a United States person is subject to such tax."

(2) Section 861 (a)(1) is amended—

(A) by striking out the period at the end of subparagraph (F) and inserting in lieu thereof ", and", and

(C) by adding at the end thereof the following new subparagraph:

"(G) interest on a debt obligation which was part of an issue with respect to which an election has been made under section 4912 (c) and which, when issued (or treated as issued under section 4912(c)(2)), had a maturity not exceeding 15 years and, when issued, was purchased by one or more underwriters with a view to distribution through resale, but only with respect to interest attributable to periods after the date of such election."

(3) The amendments made by this subsection shall take effect on the date of the enactment of this Act.

On page 9, line 4, strike out the following:

"(1) Section 4914(c)(5)(B) is amended by striking out "a substantial portion of which is extracted" and inserting in lieu thereof the following: ", where a substantial portion of the ores or minerals (or derivatives thereof) to be stored, handled, transported, processed, or serviced in or through such facilities, or in or through all of the facilities of the obligor for the storage, handling, transportation, processing or servicing of the same types of ores or minerals (or derivatives thereof), is extracted".

(2) The last sentence of section 4914(c)(5)(B) is amended by striking out "such facilities" the first place it appears and inserting in lieu thereof "the facilities with respect to which the loan is made".

(3) The amendment made by this subsection shall apply with respect to acquisitions made after the date of the enactment of this Act."

And insert in lieu thereof:

(1) Section 4914(c)(5) is amended by adding at the end thereof the following new sentence: "For purposes of subparagraph (B), if the proceeds of the loan are to be used by the foreign obligor (or by a person controlled by, or controlling, the foreign obligor) for additional facilities, the substantial portion requirement contained in such subparagraph, and the one-half of the percentage of cost of requirement contained in the last sentence of such subparagraph, shall be treated as satisfied with respect to such loan if it is established that an additional amount of ores or minerals (or derivatives thereof) extracted outside the United States by the United States person, or otherwise taken into account for purposes of such subparagraph, will be stored, handled, transported, processed, or serviced in the existing and additional facilities of such foreign obligor or person, and that, with respect to such additional facilities, such additional amount fulfills such substantial portion requirement or such one-half of the percentage of cost requirement, as the case may be."

(2) The amendment made by paragraph (1) shall apply with respect to acquisitions made after the date of the enactment of this Act.

On page 12, line 6, strike the following:

(e) Investments by Financial Institutions in Corporations Engaged in Finance Business Abroad.—

(1) Section 4915 is amended by adding at the end thereof the following new subsection:

"(e) Special Rule for Investments by Financial Institutions.—

"(1) For purposes of section 4912 and this section, a corporation which is—

"(A) a domestic corporation described in section 4920(a)(3)(C), or

"(B) a foreign corporation which is primarily engaged in the lending or finance business outside the United States,

shall be treated as a foreign corporation which is not formed or availed of for the principal purpose described in subsection (c)(1) with respect to an acquisition of stock from such corporation (whether or not as a result of a contribution to capital) by a corporation which is (or is affiliated with) a financial institution and which is affiliated with such domestic or foreign corporation, but only upon compliance with paragraph (2).

"(2) Paragraph (1) shall apply only if it is established to the satisfaction of the Secretary or his delegate, pursuant to rules and regulations promulgated by the Secretary or his delegate, that the amounts received by the domestic or foreign corporation as a result of the acquisition will not be used to acquire stock of foreign issuers or debt obligations of foreign obligors or utilized in any other way outside of the United States.

"(3) For purposes of this subsection, two corporations are 'affiliated' with each other if they are members (or would be members if they were both domestic corporations) of the same affiliated group (within the meaning of section 48(c)(3)(C)).

"(4) In any case where a domestic or foreign corporation has been treated as a foreign corporation which is not formed or availed of for the principal purpose described in subsection (c)(1) with respect to an acquisition of stock by another corporation as provided in paragraph (1) of this subsection, but the amounts received by such domestic or foreign corporation as a result of such acquisition are (before the termination date specified in section 4911(d)) used to acquire stock of foreign issuers or debt obligations of foreign obligors or utilized in any other way outside of the United States in violation of the rules and regulations promulgated under paragraph (2), then liability for the tax imposed by section 4911 shall be incurred by the acquiring corporation (with respect to such acquisition) at the time such amounts are so used; and the amount of such tax shall be equal to the amount of tax for which the acquiring corporation would have been liable under such section upon its acquisition of the stock involved if such domestic or foreign corporation had not been so treated."

(2) The amendment made by paragraph (1) shall apply with respect to acquisitions made after the date of the enactment of this Act.

And insert in lieu thereof:

(e) Direct Investments in Certain Lending and Financing Corporations.—

(1) Section 4915 is amended—

(A) by striking out subsection (c)(3), and

(B) by adding at the end thereof the following new subsection:

"(e) Special Rule for Investments in Certain Lending and Financing Corporations.—

"(1) In general. For purposes of this chapter, a corporation described in paragraph (2) shall be treated as a foreign corporation which is not formed or availed of for the principal purpose described in subsection (c)(1) with respect to an acquisition of its stock, if it is established to the satisfaction of the Secretary or his delegate, pursuant to regulations prescribed by the Secretary or his delegate, that—

"(A)(i) the amounts received by the corporation as a result of the acquisition will not be used to acquire stock of foreign issuers or debt obligations of foreign obligors or utilized in any way outside of the United States, or (ii) the funds used for such acquisition were obtained from sources outside the United States; and

"(B) such information and records with respect to the corporation as are necessary for the administration of this chapter will be made available to the Secretary or his delegate.

"(2) Corporations.—The corporations referred to in paragraph (1) are—

"(A) a domestic corporation described in section 4920(a)(3)(C),

"(B) a domestic corporation which is a qualified lending and financing corporation (as defined in section 4920(d)) during any period during which an election under section 4920(a)(3B) is in effect, and

"(C) a foreign corporation which is a qualified lending and financing corporation (as defined in section 4920(d)) and has given notice to the Secretary or his delegate of its status as such a corporation.

"(3) Misuse of amounts received.—In any case in which paragraph (1) applied to an acquisition of stock and—

"(i) the amounts received by the corporation whose stock was acquired as a result of such acquisition are (before the termination date specified in section 4911(d)) used to acquire stock of foreign issuers or debt obligations of foreign obligors or utilized in any other way outside of the United States in violation of the regulations prescribed under paragraph (1), or

"(ii) information or records with respect to the corporation, which the Secretary or delegate has determined (before such termination date) necessary for the administration of this chapter are not, after reasonable notice, made available to the Secretary.

then liability for the tax imposed by section 4911 shall be incurred by the acquiring corporation (with respect to such acquisition) at the time such amounts are so used or such information or records are not so made available; and the amount of such tax shall be equal to the amount of tax for which the acquiring corporation would have been liable under such section upon its acquisition of the stock involved if paragraph (1) had not applied to such acquisition."

(2) Section 4920(a)(3B) is amended to read as follows:

"(3B) Certain domestic lending or financing corporations.—

"(A) In general.—The terms 'foreign issuer', 'foreign obligor', and 'foreign issuer or obligor' also mean a domestic corporation which is a qualified lending or financing corporation (as defined in subsection (d)) and which elects to be treated, for purposes of this chapter, as a foreign issuer and foreign obligor.

"(B) Election.—An election under subparagraph (A) shall be made in such manner as the Secretary or his delegate prescribes by regulations. Any such election shall be effective as of the date thereof and shall remain in effect until revoked. If, at any time, the corporation ceases to be a qualified lending or financing corporation, the election shall thereupon be deemed revoked. When an election is revoked, no further election may be made. If an election is revoked, the corporation shall incur liability at the time of such revocation for the tax imposed by section 4911 with respect to all stock or debt obligations which were acquired by it during the period for which the election was in effect and which are held by it at the time of such revocation; and the amount of such tax shall be equal to the amount of tax for which the corporation would be liable under such section if it had acquired such stock or debt obligations immediately after such revocation."

(3) Section 4920(d) is amended to read as follows:

"(d) Qualified Lending and Financing Corporations.—For purposes of this chapter, the term 'qualified lending or financing corporation' means a corporation—

"(1) substantially all of the business of which consists of—

"(A) making loans (including the acquisition of obligations arising under a lease which is entered into principally as a financing transaction),

"(B) acquiring accounts receivable notes, or installment obligations arising out of the sale of tangible personal property or the performance of services,

"(C) leasing tangible personal property (but only if such leasing accounts for less than 50 percent of its business),

"(D) servicing debt obligations.

"(E) carrying on incidental activities in connection with its business described in subparagraphs (A), (B), (C), or (D), or

"(F) any combination of the foregoing;

"(2) all debt obligations of foreign obligors acquired by such corporation, and all tangible personal property not manufactured or produced in the United States acquired by such corporation for leasing, are acquired and carried solely out of—

"(A) the proceeds of the sale (including a sale in a transaction described in section 4919(a)(1)) by such corporation (or by a domestic corporation described in section 4912(b)(3) which is a member of a controlled group, as defined in section 48(c)(3), of which such corporation is a member) of debt obligations of such corporation (or such domestic corporation) to persons other than

"(i) a United States person (not including a foreign branch of a domestic corporation or of a domestic partnership, if such branch is engaged in the commercial banking business and acquires such debt obligations in the ordinary course of such commercial banking business),

"(ii) a foreign partnership in which such corporation (or one or more includible corporations in an affiliated group, as defined in section 1504, of which such corporation is a member) owns directly or indirectly (within the meaning of section 4915(a)(1)) 10 percent or more of the profits interest, or

"(iii) a foreign corporation, if such corporation (or one or more includible corporations in an affiliated group, as defined in section 1504, of which such corporation is a member) owns directly or indirectly (within the meaning of section 4915(a)(1)) 10 percent or more of the total combined voting power of all classes of stock of such foreign corporation, except to the extent such foreign corporation has, after having given advance notice to the Secretary or his delegate, sold its debt obligations to persons other than persons described in clauses (i) and (ii) and this clause and is using the proceeds of the sale of such debt obligations to acquire the debt obligations of such corporation (or such other domestic corporation),

"(B) the proceeds of payment for stock, or a contribution to the capital of such corporation, if the payment or contribution was derived from the sale of debt obligations by one or more members of a controlled group (as defined in section 48(c)(3)(C)) of which such corporation is a member (or by a corporation which would be such a member if it were a domestic corporation) to persons other than persons described in clauses (i), (ii), and (iii) of subparagraph (A) and such debt obligations, if acquired by United States persons, would be subject to the tax imposed by section 4911,

"(C) retained earnings and reserves of such corporation to the extent attributable to the conduct of the lending or financing business outside the United States, or

"(D) trade accounts and accrued liabilities, to the extent attributable to the conduct of the lending or financing business outside the United States, which are payable by such corporation within 1 year (3 years in the case of tax liabilities) from the date they were incurred or accrued, and which arise in the ordinary course of the trade or business of the corporation otherwise than from borrowing;

"(3) such corporation does not acquire any stock of foreign issuers or of domestic corporations or domestic partnerships other than stock of one or more members of a controlled group (as defined in section 48(c)(3)(C)) of which such corporation is a member (or of a corporation which would be a member if it were a domestic corporation) acquired as payment for stock, or as a contribution to capital, of such corporation; and

"(4) such corporation, in a manner satisfactory to the Secretary or his delegate, identifies the certificates representing its stock and debt obligations and maintains such records and accounts and submits such reports and other documents as may be necessary to establish that the requirements of the foregoing paragraphs have been met."

(4) The amendments made by paragraph (1) shall apply with respect to acquisitions made after the date of the enactment of this Act. The amendments made by paragraphs (2) and (3) shall take effect on the day after such date.

(5) For purposes of section 4920(a)(3B) of the Internal Revenue Code of 1954 (as amended by paragraph (2)) an election made under section 4920(d) of such Code (as in effect on the date of the enactment of this Act) shall be treated as an election made under such section 4920(a)(3B). For purposes of section 4915(e)(2)(C) of such Code (as amended by paragraph (1)), notice given under section 4915(c)(3) of such Code (as in effect on the date of the enactment of this Act) shall be treated as notice given under section 4915(e)(2)(C)."

On page 25, line 5, strike out the following: "where more than 2 years has elapsed after such date, if the issuing corporation involved makes the application within 60 days after the date of the enactment of this Act"

And insert in lieu thereof: "in which such 2-year period has elapsed before the expiration of 60 days after the date of the enactment of this Act, if the issuing corporation involved makes the application within such 60-day period."

On line 15 strike out the following:

(h) Borrowings by Member of Affiliated Group Where Corporation Is Engaged in Certain Financing Operations

(1) Section 4920(d)(3)(A) is amended by striking out "owns all of the stock of such corporation" in the matter preceding clause (i) and inserting in lieu thereof "is an including corporation in an affiliated group, as defined in section 48(c)(3)(C), of which such corporation is a member".

(2) The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

And insert in lieu thereof:

(h) Certain Mutual Funds—

(1) Section 4920 is amended—

(A) by inserting "subject to the provisions of subsection (e)," before "a domestic corporation which" in subsection (a)(3)(B);

(B) by inserting after "If, at the close of any succeeding quarter," in subsection (a)(3)(B) the following: "15 percent or more in value of the outstanding stock of the company is owned, directly, or indirectly (within the meaning of section 4915(a)(1)), by one person, or"; and

(C) by redesignating subsection (e) as (f), and by inserting after subsection (d) the following new subsection:

"(e) Certain Mutual Funds.—Notwithstanding subsection (a)(3)(B), a domestic corporation described in such subsection shall not be treated as a 'foreign issuer', 'foreign obligor', or 'foreign issuer or obligor' with respect to any acquisition of a stock or debt obligation which is attributable to funds obtained by borrowing or through issuance of its stock after March 24, 1971."

(2) The amendments made by paragraphs (1)(A) and (C) shall apply with respect to acquisitions made after March 24, 1971. The amendment made by paragraph (1)(B) shall take effect on the date of the enactment of this Act.

(*i*) Debt Obligations With Maturity of Less Than a Year.—

(1) Subchapter A of chapter 41 is amended by adding at the end thereof the following new section:

"Sec. 4921. Debt Obligations With Maturity of Less Than a Year.

"(*a*) Standby Authority.—

"(1) In general.—If the President of the United States determines, after taking into account the domestic economic objectives, the balance of payments objectives, and the other international economic objectives of the United States, that it is desirable to apply the tax imposed by section 4911 to the acquisition of debt obligations of foreign obligors having a period remaining to maturity of less than 1 year, he may, from time to time by Executive order (applicable as provided in subsection (c)), extend the application of such tax, at such rate or rates (subject to the provisions of subsection (b)) specified in such order, to the acquisition of such debt obligations specified in such order. The authority conferred by this paragraph may be exercised, at the discretion of the President, with respect to any classification of such debt obligations specified in paragraph (2), and with respect to acquisitions occurring during such period of time, as may be specified in the Executive order. The President may by subsequent Executive order terminate or modify any Executive order previously issued under this section.

"(2) Classifications.—For purposes of paragraph (1), debt obligations may be classified according to—

"(A) type of debt obligation,

"(B) period of maturity,

"(C) category of obligee,

"(D) category of obligor,

"(E) aggregate amounts subject to tax or not subject to tax, or

"(F) other criteria similar to any of the foregoing.

"(b) Rates of Tax.—The rates of tax which may be specified in an Executive order issued under this section shall not exceed the rate applicable to debt obligations having a period remaining to maturity of at least 1 year, but less than 1¼ years.

"(c) Applicability of Executive Order.—Any Executive order issued under this section shall apply with respect to acquisitions made after the date on which such Executive order is issued except that in the case of any such order which subjects acquisitions to the tax which are not then subject to the tax, or which increases a rate of tax (as in effect without regard to such order), to the extent specified in such order, rules similar to the rules prescribed in paragraphs (2), (3), and (4) of section 3(c) of the Interest Equalization Tax Extension Act of 1967 shall apply.

"(d) Regulations.—The Secretary or his delegate may prescribe such regulations (not inconsistent with the provisions of this section or any Executive order issued and in effect under this section) as may be necessary to carry out the provisions of this section."

(2) The table of sections of subchapter A of chapter 41 is amended by adding at the end thereof the following new item:

"Sec. 4921. Debt obligations with maturity of less than a year."

On page 29 line 20 strike out:

"(c) Interest Equalization Tax.—The provisions of this section shall apply with respect to returns required under authority of section 6011(d)(1) (relating to interest equalization tax returns) and section 4918(e) (relating to returns by participating firms with respect to money withheld) in the same manner and to the same extent as they apply with respect to returns specified in subsection (a)."

And insert in lieu thereof:

"(e) Certain Interest Equalization Tax Returns.—The provisions of this section shall apply with respect to returns of amounts withheld under section 4918(e)(7) (relating to withholding of interest equalization tax by participating firms) in the same manner and to the same extent as they apply with respect to returns specified in subsection (a)(1)."

And on page 30 in line 19 strike out "(j)" and insert in lieu thereof "(k)".

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

Mr. LONG. Mr. President, I send to the desk technical amendments and I ask unanimous consent that they be agreed to on the same basis.

The ACTING PRESIDENT pro tempore. The amendments will be stated.

The assistant legislative clerk proceeded to read the amendments.

Mr. LONG. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and, without objection, the amendments will be printed in the Record.

The amendments are as follows:

On page 3, line 25, strike out "Equilization" and insert "Equalization".

On page 4, line 4, strike out "to be".

On page 5, line 6, after "case" insert "of".

On page 15, line 1, after "stock" insert "or debt obligations".

On page 16, line 6, after "stock" insert "or debt obligations".

On page 16, line 8, strike out "stock was" and insert "stock or debt obligations were".

On page 17, line 3, after "stock" insert "or debt obligations".

On page 19, line 18, after "(c) (3)" insert "(C)".

On page 26, line 19, strike out "a stock or" and insert "stock or a".

On page 30, in the matter following line 15, strike out "(e)".

Mr. LONG. Mr. President, the amendments I am offering are technical amendments to correct an inadvertent omission in a provision of the House bill which was modified by an amendment offered by the Senate committee.

The bill contains a provision which permits tax-free investments in certain financing companies. The circumstances under which these tax-free investments may be made are carefully circumscribed so as not to adversely affect our balance-of-payments situation. Through inadvertence, however, reference was made to only taking back stock from the foreign corporation in such a case, while reference should have been made to taking back either stock or debt obligations. My amendments represent a series of technical changes inserting references to these debt obligations in various parts of this provision. There is no change in the policy intended by the committee in any regard.

In addition, the amendments make a series of other clerical corrections in the bill.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendments.

The amendments were agreed to en bloc.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

Mr. BAYH. Mr. President, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BAYH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 1, immediately after line 2, insert the following title caption:

"TITLE I—INTEREST EQUALIZATION TAX EXTENSION"

On pages 1 through 31, strike out the words "this Act" whenever they appear and substitute in lieu thereof the words "this Title."

On page 31, immediately after line 20, insert the following:

TITLE II—EXTENDED UNEMPLOYMENT COMPENSATION AMENDMENTS

SEC. 201. (a) This title may be cited as the "Extended Unemployment Compensation Amendments of 1971".

(b) Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by striking out "4.5" whenever it appears therein and inserting in lieu thereof "(4)".

(c) (1) Section 204(a) (1) of such Act is amended—

(A) by striking out "one-half of"; and

(B) by striking out "sharable" wherever it appears therein and inserting in lieu thereof "federally financed".

(2) (A) The heading to section 204(b) of such Act is amended by striking out "Sharable" and inserting in lieu thereof "Federally Financed".

(B) Section 204(b) of such Act is amended by striking out "sharable" and inserting in lieu thereof "federally financed".

(3) (A) The heading to section 204(c) of such Act is amended by striking out "Sharable" and inserting in lieu thereof "Federally Financed".

(B) Section 204(c) of such Act is amended by striking out "sharable" and inserting in lieu thereof "federally financed".

(d) (1) (A) Section 207(a) (1) of such Act is amended by striking out "January 1, 1972" and inserting in lieu thereof "the first day of the first calendar month which begins after the date of enactment of the Extended Unemployment Compensation Amendments of 1971".

(B) Section 207(a) (2) of such Act is amended by striking out "after December 31, 1971" and inserting in lieu thereof "on or after the first day referred to in paragraph (1)".

(2) (A) Section 207(b) (1) of such Act is amended by striking out "January 1, 1972" and inserting in lieu thereof "the day referred to in subsection (a) (1)".

(B) Section 207(b) (2) of such Act is amended by striking out "January 1, 1972" and inserting in lieu thereof "the day referred to in subsection (a) (1)".

(3) Section 207(c) of such Act is amended to read as follows:

"(c) Section 3304(a) (11) of the Internal Revenue Code of 1954 (as added by section 206) shall not be a requirement for the State law of any State with respect to any week of unemployment which begins prior to the first day of the first calendar month which begins after the date of enactment of the Extended Unemployment Compensation Amendments of 1971.".

SEC. 202. The amendments made by subsection (b) of the first section of this title shall be applicable only in determining national "on" and "off" indicators under section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 with respect to weeks which begin after the calendar month in which this title is enacted, and the amendments made by subsection (c) of such first section shall be applicable only with respect to payments under section 204(a) of the Federal-State Extended Unemployment Compensation Act of 1970 made on account of compensation (referred to in subparagraph (A) or (B) of paragraph (1) of such section 204(a)) which is paid for weeks which begin after such calendar month.

Amend the title of the bill so as to read: "To provide an extension of the interest equalization tax, to expedite the implementation of the Federal-State Extended Unemployment Compensation Act of 1970 and to provide 100 per centum Federal financing of the benefits payable thereunder, and for other purposes."

QUORUM CALL

Mr. BAYH. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is ordered.

Mr. BAYH. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, my amendment will provide urgently needed, immediate relief to some 250,000 to 300,000 unemployed Americans who have exhausted their unemployment benefits.

This amendment is identical to S. 973 which I introduced on February 25.

Mr. President, before proceeding to a discussion on the merits of the amendment, the Senator from Indiana wants to say one word out of deference to the chairman of the Committee on Finance, who has always shown great concern and compassion for the working men and women of this country. The Senator from Indiana is not oblivious of the parliamentary situation involved when the Senate attaches an amendment which, by definition in the House, is a nongermane amendment.

The Senator from Indiana does not want to cause embarrassment to the Senator from Louisiana, nor does he want to cause embarrassment to any of his colleagues in the House, but we now have a significant economic problem that confronts the country and directly confronts about 5.2 million Americans and that is the unemployment situation. It is a problem, I think, that needs to be dealt with quickly, yet the substance of the amendment now pending in the Senate cannot be originated in the House. It seems to me that this problem is too important to be denied solution by various procedural tieups.

This amendment provides not only for a speeding up of the effective date of the so-called extended benefits program adopted as part of the Employment Security Act of 1970, but it provides a more realistic formula for triggering extended benefits payments with full Federal financing of additional payments.

Last year, Congress passed an improved unemployment compensation package. Among other things, the Employment Security Act of 1970 provided, for the first time, for a permanent program of extended benefits during economic downturns. The 1970 act established an extended benefit period of 13 weeks, to be automatically triggered when the national rate of insured unemployment reached 4.5 percent for 3 consecutive months.

The Senator from Indiana does not intend to be critical of those who offered and secured passage of this amendment. On the contrary, he desires to compliment them for their effort and foresight.

However, I do not suppose that any Senator would deny that his hindsight is significantly better than his foresight. Now, with the passage of time and with the continued deterioration of the economy we see other things that need to be done in addition to the provisions of the 1970 act.

In the light of recent events, it is now clear that the 1970 act has three very serious shortcomings. First, it delayed the effective date of the new program until January 1972—in some States until July 1972. Second, it provided for the financing of extended benefits on the basis of increased payroll taxes and on a Federal-State matching formula. Third, it was based on a trigger mechanism that was set too high to be of practical use in anything but a prolonged and severe recession—or, perhaps we should say, depression as we had in the 1930's. This is the type of thing we are trying to prevent.

The Employment Security Act of 1970, while it recognized the need to provide extended benefits during an economic slowdown, mistakenly delayed the implementation of a national program until January 1972. It was argued that because of the matching formula, the States required time to act. The amendment I propose, since it calls for full Federal financing, requires no State implementing legislation. It could be triggered into operation, nationwide, upon enactment.

In 1969, while testifying before the Senate Finance Committee in behalf of the administration's program, then Secretary of Labor Shultz acknowledged that "an interim Federal program to fill the gap in time" would be appropriate. Delayed as it is, I believe that we should still act now to fill that gap, particularly in view of the current unemployment picture.

If extended benefits are a necessary stabilization device—and I believe they are—then we should not have to wait until January 1972. The American economy could stand a shot in the arm. Nor should we wait to begin alleviating the personal hardships caused by massive unemployment. There simply is no good reason to delay the effective date of extended benefits.

Historically, the rate of insured unemployment has been about two-thirds of the national unemployment rate. As a result, in order to trigger the extended benefits program in the present law, the national unemployment rate would have to climb to an intolerable 6.7 percent. First, public policy should never permit unemployment to reach that level. Second, it certainly should not wait that long before taking the necessary stabilization actions. At that point in the downturn, moreover, it is doubtful that extended benefits would have much of a counter-cyclical impact. In my judgment, therefore, the present trigger formula is simply not responsive enough to today's needs.

I propose, instead of a 4.5 percent trigger, that extended benefits be made available when the insured unemployment rate reaches 4 percent—which corresponds to a national unemployment rate of 6 percent. The rate of insured unemployment, I want to point out, has been above the 4 percent trigger since September 1970.

The most recent data published by the Bureau of Labor Statistics reveals that the number of persons jobless for 27 weeks or more as of December 1970 was 325,000—more than 200,000 greater than 1 year ago. Even more disturbing is the fact that the number of persons jobless for 15 weeks or more has now passed the 1 million mark, the highest level since 1964. In the next 2 or 3 months, most of these workers will be exhausting their standard benefits. The expected steady increase in exhaustions, in fact, already may have begun. In May 1970, the monthly total was 101,300; in October it had climbed to 114,300; in November it had climbed further to 128,300; in December the number of exhaustions had soared to 150,000. Clearly, now is the time to act.

As for full Federal financing, it seems to me that any time we have substantial numbers of workers exhausting their 26 weeks the source of our economic ills is national and reflects a failure in national economic policy. That is the situation that exists today. The Federal Government should move immediately to remedy it. My proposal seeks to do just that.

I ask unanimous consent that there be printed in the RECORD following these remarks, first, a report from the Washington Star of Friday, March 26, demonstrating the urgent need for this amendment, second, in addition to the 50 cities referred to in the Star article, a list of the 662 labor areas in this country suffering from persistent or substantial unemployment, third, the text of my amendment, and fourth, a fact sheet summarizing the amendment and its need.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FIFTY CITIES NOW ON 6 PERCENT JOBLESS LIST

Nobody had to tell the five cities added by the Labor Department to its list of major labor markets undergoing "substantial unemployment," that things were tough.

The announcement yesterday was just official confirmation of what people in New Haven, Conn., Rockford, Ill., Terre Haute, Ind., Worcester, Mass., and Binghamton, N.Y. already knew.

The addition of the five cities brought the total of cities with more than 6 percent unemployment to 50—the largest number in nine years. The Labor Department also added 27 smaller cities to the substantial unemployment list, bringing the total in that category to 662.

Plants in the five larger cities were being shut down, work forces cut back and officials were grasping at straws in the hope that things would pick up "around the end of the year."

The gloomiest statement was provided by Mayor Joseph M. Tinsley of Worcester.

"You've had to go all the way back to the Depression to equal this," Tinsley said. "And even during the Depression, I'm not sure it was much worse."

7.3 PCT. UNEMPLOYMENT

Unemployment in that city stood at 7.3 percent last week after a high of 7.8 percent earlier this month. An unemployment level of 6 percent or more is being used by the Labor Department to place the city on the "substantial unemployment" list.

Some 7,000 persons are out of work in Worcester, where U.S. Steel once employed 5,000 workers. The company now has cut its payroll to 750 and plans to close down.

In the other cities the situation was much the same, but with officials remaining tight-lipped about the problem.

MACHINE TOOL PRODUCER

Rockford, the second largest city in Illinois, with about 145,000 residents, is the nation's second largest machine tool producer. But all of the tool manufacturers have been forced to cut back.

"The machine tool business has been slow," said Eugene Quinn, administrative assistant to Mayor Ben T. Schleicher. "We also are major auto parts suppliers and this business has not been rushed either."

Terre Haute with a population of about 70,000 has had declines in primary and fabricated metals, food products and paper employment.

Officials there tend to describe the employment as "general" with no one employer engaged in serious cutbacks.

DEFENSE PRODUCTION

New Haven, with 12,000 or 6.6 percent of its population unemployed is heavily engaged in defense production and thus is effected by the winding down of the Vietnam war.

Sources there pointed out that the New Haven figure was actually lower than the state as whole where the unemployment rate is about 10 percent with areas like Bridgeport in even worse shape.

In Binghamton the picture was more complex. At one time the mills and shoe factories were the sources of employment and its fluctuations.

The Endicott Johnson Corp., is still a major employer and reports its hiring moved upward in 1970. But there have been cutbacks in new, more glamorous industries.

The Link Division of Singer-General Precision, Inc., a major producer of driving and flight simulators, has laid off more than 600 of its 3,200 employes in the last several months.

The GAF Corp., with more than a half dozen units in the area, as well as the Avionics Control Division of the General Electric Co. have each laid off some of their work forces in recent months. More are expected.

Additional unemployment woes were added by an announcement made by a division of the Vicks Chemical Co., that it would cease operations there by Oct. 1.

AREAS OF SUBSTANTIAL UNEMPLOYMENT—GEOGRAPHICAL BOUNDARIES, JANUARY 1971

[Except as noted for procurement purposes these classifications are effective Feb. 1, 1971]

Labor area[1] (political subdivisions included)	Substantial	Persistent
ALABAMA		
Centre (Cherokee County)	X	
Cullman (Cullman County)	X	
Eutaw (Greene County)		X
Florence-Sheffield (Colbert, Franklin, and Lauderdale Counties)	X	
Gadsden (Etowah County)	X	
Lawrence County		X
Pell City (St. Clair County)	X	

See footnotes at end of table.

AREAS OF SUBSTANTIAL UNEMPLOYMENT—GEOGRAPHICAL BOUNDARIES, JANUARY 1971

[Except as noted, for procurement purposes these classifications are effective Feb. 1, 1971]

Labor area [1] (political subdivisions included)	Substantial	Persistent
ALASKA		
Aleutian Islands (Election District 14)		X
Anchorage (Election District 10)		X
Barrow (Election District 21)		X
Bethel (Election District 16)		X
Bristol Bay (Election District 15)		X
Cordova-McCarthy (Election District 7)		X
Fairbanks (Election District 19)		X
Kenai-Cook Inlet (Election District 12)		X
Ketchikan (Election District 2)		X
Kobuk (Election District 22)		X
Kodiak (Election District 13)		X
Kuskokwim (Election District 17)		X
Lynn Canal-Icy Straits (Election District 6)		X
Nome (Election District 23)		X
Palmer-Talkeetna (Election District 9)		X
Prince of Wales (Election District 1)		X
Seward (Election District 11)		X
Sitka (Election District 4)		X
Upper Yukon (Election District 20)		X
Valdez-Whittier (Election District 8)		X
Wade Hampton (Election District 24)		X
Wrangell-Petersburg (Election District 3)		X
Yukon-Koyukuk (Election District 18)		X
ARIZONA		
McNary (Apache County)		X
Winslow (Navajo County)		X
ARKANSAS		
Batesville (Independence County)		X
Cerryville (Carroll County)	X	
Camden (Calhoun and Ouachita Counties)	X	
Clarksville (Johnson County)		X
Crawford County		X
Hardy (Sharp County)		X
Malvern (Hot Spring County)		X
Marshall (Searcy County)		X
Melbourne (Izard County)	X	
Mountain View (Stone County)		X
Ozark (Franklin County)		X
Paris (Logan County)		X
Pocahontas (Randolph County)		X
Searcy (White County)		X
Walnut Ridge (Lawrence County)		X
(See also Texas-Texarkana.)		
CALIFORNIA		
Alturas (Modoc County)		X
ANAHEIM-SANTA ANA-GARDEN GROVE (ORANGE COUNTY)	X	
Bakersfield (Kern County)	X	
Chico-Oroville (Butte County)		X
Crescent City (Del Norte County)		X
El Centro (Imperial County)		X
Eureka (Humboldt County)		X
FRESNO (FRESNO COUNTY)	X	
Grass Valley (Nevada County)		X
Hollister (San Benito County)		X
Lakeport (Lake County)		X
LOS ANGELES-LONG BEACH (LOS ANGELES COUNTY)	X	
Madera (Madera County)		X
Mariposa (Mariposa County)		X
Merced (Merced County)		X
Modesto (Stanislaus County)		X
City of Oakland [2]		X
Oxnard (Ventura County)	X	
Placer County		X
Placerville (El Dorado County)		X
Quincy (Plumas County)		X
Red Bluff (Tehama County)		X
Redding (Shasta County)		X
Salinas-Monterey (Monterey County)	X	
SAN BERNARDINO - RIVERSIDE - ONTARIO (RIVERSIDE AND SAN BERNARDINO COUNTIES)	X	
SAN DIEGO (SAN DIEGO COUNTY)	X	
SAN JOSE (SANTA CLARA COUNTY)	X	
Santa Cruz (Santa Cruz County)		X
Santa Rosa (Sonoma County)		X
Sonora (Tuolumne County)		X
STOCKTON (SAN JOAQUIN COUNTY)		X
Susanville (Lassen County)		X
Ukiah (Mendocino County)		X
Weaverville (Trinity County)		X
Willows (Glenn County)		X
Yreka (Siskiyou County)		X
Yuba City (Sutter and Yuba Counties)		X
COLORADO		
Antonito (Conejos County)		X
Blanca (Costilla County)		X
Center (Saguache County)		X
Ordway (Crowley County)		X
Pagosa Springs (Archuleta County)		X
Trinidad (Las Animas County)	X	
Walsenburg (Huerfano County)		X
CONNECTICUT		
Ansonia (Towns of Ansonia, Derby, Oxford, and Seymour in New Haven County)	X	
BRIDGEPORT (TOWNS of BRIDGEPORT, EASTON, FAIRFIELD, MONROE, SHELTON, STRATFORD, and TRUMBULL in FAIRFIELD COUNTY; TOWN of MILFORD in NEW HAVEN COUNTY)	X	
Bristol (Towns of Bristol and Plymouth)	X	
Danielson (Towns of Brooklyn, Canterbury, Eastford, Killingly, Plainfield, Pomfret, Putnam, Sterling, Thompson, and Woodstock in Windham County)	X	
NEW BRITAIN (TOWNS of BERLIN, NEW BRITAIN, and PLAINVILLE in HARTFORD COUNTY)	X	
Torrington (towns of Burlington and Hartland in Hartford County; Towns of Barkhamsted, Canaan, Colebrook, Cornwall, Goshen, Harwinton, Litchfield, Morris, New Hartford, Norfolk, North Canaan, Salisbury, Sharon, Torrington, and Winchester in Litchfield County)	X	
WATERBURY (TOWNS of BETHLEHEM, THOMASTON, WATERTOWN and WOODBURY in LITCHFIELD COUNTY; TOWNS of BEACON FALLS, CHESHIRE, MIDDLEBURY, NAUGATUCK, PROSPECT, SOUTHBURY, WATERBURY, AND WOLCOTT in NEW HAVEN COUNTY)	X	
FLORIDA		
Apalachicola (Franklin County)		X
Blountstown (Calhoun County)	X	
Bonifay (Holmes County)		X
Cocoa (Brevard County)	X	
Lakeland (Polk County)		X
GEORGIA		
Blackshear (Pierce County)		X
Blairsville (Union County)		X
Camilla (Mitchell County)	X	
Cedartown (Polk County)	X	
Chatsworth (Murray County)	X	
Cleveland (White County)		X
Colquitt (Miller County)		X
Cumming (Forsyth County)		X
Dallas (Paulding County)		X
Douglasville (Douglas County)		X
Eastman (Dodge County)		X
Fitzgerald (Ben Hill County)		X
Fort Gaines (Clay County)		X
Gibson (Glascock County)	X	
Hawkinsville (Pulaski County)		X
Homerville (Clinch County)	X	
Lakeland (Lanier County)	X	
Ludowici (Long County)		X
Manchester (Meriwether County)		X
McCaysville (Fannin County)		X
Nahunta (Brantley County)		X
Pembroke (Bryan County)	X	
Soperton (Treutlen County)		X
Young Harris (Towns County)		X
Zebulon (Pike County)		X
IDAHO		
Council (Adams County)		X
Driggs (Teton County)		X
Grangeville (Idaho County)		X
Jerome (Jerome County)	X	
Horseshoe Bend (Boise County)		X
McCall (Valley County)		X
Orofino (Clearwater County)		X
St. Maries (Benewah County and Avery-Clarkia Division of Shoshone County)		X
Sandpoint (Bonner County)		X
ILLINOIS		
Anna (Union County)		X
Cairo (Alexander and Pulaski Counties)		X
Carmi (White County)	X	
Du Quoin (Perry County)		X
Golconda (Pope County)		X
Hardin (Calhoun County)		X
Harrisburg-West Frankfort-Herrin (Franklin, Johnson, Saline, and Williamson Counties)		X
Jerseyville (Jersey County)		X
McLeansboro (Hamilton County)		X
Rosiclare (Hardin County)		X
Shawneetown (Gallatin County)		X
St. Clair County		X
INDIANA		
Bedford (Lawrence County)	X	
Clay County		X
Knox (Starke County)		X
Lawrenceburg (Dearborn and Ohio Counties)	X	
Linton (Greene County)		X
Marengo (Crawford County)		X
Michigan City-La Porte (La Porte County)	X	
Scottsburg (Scott County)		X
SOUTH BEND (MARSHALL and ST. JOSEPH COUNTIES)	X	
Vermillion County		X
IOWA		
Waterloo (Black Hawk County)	X	
KANSAS		
Coffeyville (Montgomery County)	X	
Parsons (Labette County)	X	
Wellington (Summer County)	X	
WICHITA (BUTLER and SEDGWICK COUNTIES)	X	
KENTUCKY		
Albany (Clinton County)		X
Barbourville (Knox County)		X
Bardstown (Nelson County)		X
Bardwell (Carlisle County)		X
Booneville (Owsley County)		X
Brownsville (Edmonson County)		X
Cadiz (Trigg County)		X
Campton (Wolfe County)		X
Dixon (Webster County)	X	
Eddyville (Lyon County)		X
Edmonton (Metcalfe County)		X
Flatwoods (Greenup County)		X
Fulton (Fulton and Hickman Counties)	X	
Grayson (Carter and Elliot Counties)		X
Georgetown (Scott County)	X	
Hardinsburg (Breckinridge County)		X
Harlan (Harlan County)		X
Hartford (Ohio County)		X
Hazard (Knott and Perry Counties)		X
Hyden (Leslie County)		X
Inez (Martin County)		X
Jackson (Breathitt County)		X
Jenkins (Letcher County)		X
Lancaster (Garrard County)	X	
Lebanon (Marion County)		X
Leitchfield (Grayson County)		X
Louisa (Larwence County)		X
Manchester (Clay County)		X
Mayfield (Graves County)		X
McLean County		X
Middlesboro (Bell County)		X
Monticello (Wayne County)		X
Morehead (Bath, Menifee, and Rowan Counties)		X
Morgantown (Butler County)		X
Nicholasville (Jessamine County)		X
Paintsville (Johnson County)		X
Pikeville (Pike County)		X
Prestonsburg (Floyd County)		X
Princeton (Caldwell County)		X
Richmond (Estill, Jackson, Madison, and Rockcastle Counties)	X	
Russell Springs (Russell County)		X
Salyersville (Magoffin County)		X
Smithland (Livingston County)		X
Springfield (Washington County)		X
Stanford (Lincoln County)		X
Stanton (Powell County)		X
West Liberty (Morgan County)		X
Whitley City (McCreary County)		X
(See also West Virginia-Huntington-Ashland.)		
LOUISIANA		
Abbeville (Vermilion Parish)	X	
Alexandria (Avoyelles, Grant, and Rapides Parishes)		X
Arcadia (Bienville Parish)	X	
Baton Rouge (East Baton Rouge Parish)	X	
Columbia (Caldwell Parish)		X
Crowley (Acadia Parish)		X
Denham Springs (Livingston Parish)		X
De Ridder (Beauregard Parish)	X	
Donaldsonville (Ascension Parish)		X
Ferriday (Catahoula and Concordia Parishes)		X
Greensburg (St. Helena Parish)		X
Hammond (Tangipahoa Parish)		X
Jennings (Jefferson Davis Parish)	X	
Lake Charles (Calcasieu Parish)		X
Leesville (Vernon Parish)	X	
Mansfield (De Soto Parish)	X	
Many (Sabine Parish)		X
Minden (Webster Parish)	X	
Monroe (Ouachita Parish)	X	
Napoleonville (Assumption Parish)		X
Natchitoches (Natchitoches Parish)		X
New Orleans (Jefferson, Orleans, St. Bernard, and St. Tammany Parishes)	X	
New Roads (Point Coupee Parish)		X
Oakdale (Allen Parish)		X
Oak Grove (West Carroll Parish)		X
Opelousas (St. Landry Parish)		X
Plaquemine (Iberville Parish)		X
Rayville (Richland Parish)		X
Reserve (St. John the Baptist Parish)		X
St. Francisville (West Feliciana Parish)		X
St. Martinville (St. Martin Parish)		X
Ville Platte (Evangeline Parish)		X
Winnsboro (Franklin Parish)		X

Footnotes at end of table.

AREAS OF SUBSTANTIAL UNEMPLOYMENT—GEOGRAPHICAL BOUNDARIES, JANUARY 1971—Continued

[Except as noted, for procurement purposes these classifications are effective Feb. 1, 1971]

Labor area [1] (political subdivisions included)	Substantial	Persistent
MAINE		
Biddeford-Sanford (Cities of Biddeford and Saco, Towns of Acton, Alfred, Arundel, Buxton, Cornish, Dayton, Hollis, Kennebunk, Kennebunkport, Lebanon, Limerick, Limington, Lyman, Newfield, North Berwick, Old Orchard Beach, Parsonfield, Sanford, Shapleigh, and Waterboro in York County)	X	--------
Calais-Eastport (Washington County)		X
Ellsworth (Hancock County)	X	
Fort Kent (Towns of Eagle Lake, Fort Kent, Frenchville, St. Agatha, and Allagash, New Canada, St. John, St. Francis, and Wallagrass Plantations in Aroostook County)		X
Greenville (Organized Towns of Elliotsville, Greenville, Lily Bay, Shirley; Unorganized Towns of Big Squaw, Frenchtown, Little Squaw, and T.A.-2, R.13 and R.14 in Piscataquis County)		X
Lewiston-Auburn (Cities of Auburn and Lewiston, Town of Lisbon in Androscoggin County)	X	
Madawaska-Van Buren (Towns of Grand Isle, Madawaska, Van Buren, and Cyr and Hamlin Plantations in Aroostook County)		X
Rockland (Knox County; Town of Waldoboro in Lincoln County)		X
MARYLAND		
Cambridge (Dorchester County)		X
Crisfield (Somerset County)		X
Hagerstown (Washington County)	X	
Oakland (Garrett County)		X
Pocomoke City (Worcester County)	X	
Prince Frederick (Calvert County)		X
MASSACHUSETTS		
Bourne-Wareham (Town of Bourne in Barnstable County; Towns of Rochester and Wareham in Plymouth County)		X
BROCKTON (TOWNS of EASTON in BRISTOL COUNTY; TOWNS of AVON and STOUGHTON in NORFOLK COUNTY; CITY of BROCKTON, TOWNS of ABINGTON, BRIDGEWATER, EAST BRIDGEWATER, HANSON, WEST BRIDGEWATER, and WHITMAN in PLYMOUTH COUNTY)	X	
FALL RIVER (CITY of FALL RIVER, TOWNS of SOMERSET, SWANSEA, and WESTPORT in BRISTOL COUNTY, MASS.; TOWN of TIVERTON in NEWPORT COUNTY, R.I.)	X	
Fitchburg-Leominster (Towns of Shirley and Townsend in Middlesex County; Cities of Fitchburg and Leominister, Towns of Lunenburg and Westminster in Worcester County)	X	
Gloucester (City of Gloucester, Towns of Essex and Rockport in Essex County)		X
Greenfield (Franklin County, except Towns of Erving, Monroe, New Salem, Orange, Warwick, and Wendell)	X	
LAWRENCE-HAVERHILL (CITIES OF LAWRENCE and HAVERHILL, TOWNS of ANDOVER, GEORGETOWN, GROVELAND, MERRIMAC, METHUEN, NORTH ANDOVER, and WEST NEWBURY in ESSEX COUNTY, MASS.; TOWNS of NEWTON, PLAISTOW, and SALEM IN ROCKINGHAM COUNTY, N.H.)	X	
LOWELL (CITY of LOWELL, TOWNS of BILLERICA, CHELMSFORD, DRACUT, TEWKSBURY, TYNGSBOROUGH, and WESTFORD in MIDDLESEX COUNTY)	X	
Milford (Town of Medway in Norfolk County; Towns of Hopedale, Mendon, Milford, and Uxbridge in Worcester County)		X
NEW BEDFORD (CITY of NEW BEDFORD, TOWNS of ACUSHNET, DARTMOUTH, and FAIRHAVEN in BRISTOL COUNTY; TOWNS of MARION and MATTAPOISETT in PLYMOUTH COUNTY)		X
Newburyport (City of Newburyport, Towns of Amesbury, Ipswich, Newbury, Rowley, and Salisbury in Essex County)		X
North Adams (City of North Adams, Towns of Adams, Clarksburg, Florida, New Ashford, Savoy, and Williamston in Berkshire County; Town of Monroe in Franklin County)	X	
Plymouth (Towns of Carver, Kingston, Plymouth and Plympton in Plymouth County)		X
Provincetown (Towns of Provincetown and Truro in Barnstable County)		X
SPRINGFIELD-HOLYOKE (CITIES of CHICOPEE, HOLYOKE, SPRINGFIELD, and WESTFIELD, TOWNS of AGAWAM, EAST LONGMEADOW, HAMPDEN, LONGMEADOW, LUDLOW, MONSON, PALMER, SOUTHWICK, WEST SPRINGFIELD, and WILBRAHAM in HAMPDEN COUNTY; CITY of NORTHAMPTON, TOWNS of EASTHAMPTON, GRANBY, HADLEY, and SOUTH HADLEY in HAMPSHIRE COUNTY; TOWN of WARREN in WORCESTER COUNTY)	X	
Taunton (City of Taunton, Towns of Berkeley, Dighton, Norton, and Raynham in Bristol County; Towns of Halifax, Middleborough, and Lakeville in Plymouth County)	X	
Ware (Towns of Brimfield, Holland, and Wales in Hampden County; Towns of Belchertown and Ware in Hampshire County; Towns of Hardwick, New Braintree, Oakham, and West Brookfield in Worcester County)		X
MICHIGAN		
Adrian (Lenawee County)	X	
Alger County		X
Alma (Gratiot County)		X
Alpena (Alpena County)		X
Bad Axe (Huron County)		X
Baldwin (Lake County)		X
BATTLE CREEK (BARRY and CALHOUN COUNTIES)	X	
Bay City (Bay County)	X	
Benton Harbor (Berrien County)	X	
Boyne City (Charlevoix County)		X
Cadillac (Missaukee, Osceola and Wexford Counties)		X
Caro (Tuscola County)	X	
Cheboygan (Cheboygan County)		X
Clare (Clare County)		X
Coldwater (Branch County)	X	
DETROIT (MACOMB, OAKLAND and WAYNE COUNTIES)	X	
East Tawas (Alcona and Iosco Counties)		X
Elberta (Benzie County)		X
Escanaba (Delta County)		X
FLINT (GENESEE and LAPEER COUNTIES)	X	
Fremont (Newaygo County)		X
Gaylord (Otsego County)		X
GRAND RAPIDS (KENT and OTTAWA COUNTIES)	X	
Grayling (Crawford County)	X	
Hancock (Houghton and Keweenaw Counties)		X
Hart (Oceana County)		X
Hillsdale (Hillsdale County)	X	
Hillman (Montmorency County)		X
Ionia-Belding-Greenville (Ionia and Montcalm Counties)	X	
Iron Mountain (Dickinson County)		X
Iron River (Iron County)		X
Ironwood (Gogebic County)		X
Jackson (Jackson County)	X	
KALAMAZOO (KALAMAZOO COUNTY)	X	
L'Anse (Baraga County)		X
Ludington (Mason County)		X
Mancelona (Antrim County)		X
Manistee (Manistee County)		X
Manistique (Schoolcraft)		X
Marquette (Alger and Marquette Counties)	X	
Mio (Oscoda County)		X
MUSKEGON-MUSKEGON HEIGHTS (MUSKEGON COUNTY)	X	
Newberry (Luce County)		X
Owosso (Shiawassee County)	X	
Petoskey (Emmet County)		X
Port Huron (St. Clair County)		X
Rogers City (Presque Isle County)		X
Roscommon (Roscommon County)	X	
St. Ignace (Mackinac County)		X
Sandusky (Sanilac County)	X	
Sault Ste. Marie (Chippewa County)		X
Standish (Arenac County)		X
Traverse City (Grand Traverse, Kalkaska, and Leelanau Counties)		X
West Branch (Ogemaw County)		X
MINNESOTA		
Aitkin (Aitkin County)		X
Bagley (Clearwater County)		X
Baudette (Lake of the Woods County)	X	
Bemidji (Beltrami County)		X
Brainerd (Crow Wing County)		X
Buffalo (Wright County)	X	
Cambridge (Isanti County)	X	
Crookston (Polk County)	X	
Detroit Lakes (Becker County)		X
Faribault (Rice County)	X	
Grand Rapids (Itasca County)		X
Hallock (Kittson County)		X
Little Falls (Morrison County)		X
Mahnomen (Mahnomen County)		X
Mora (Kanabec County)	X	
Park Rapids (Hubbard County)		X
Pine City (Pine County)		X
Princeton (Mille Lacs County)		X
Red Lake Falls (Red Lake County)		X
Roseau (Roseau County)		X
Rush City (Chisago County)	X	
Wadena (Wadena County)	X	
Walker (Cass County)	X	
Warren (Marshall County)		X
MISSISSIPPI		
Columbia (Marion County)		X
Kosciusko (Attala County)		X
Leakesville (Greene County)		X
Lucedale (George County)	X	
Lumberton (Lamar County)		X
Waynesboro (Wayne County)		X
MISSOURI		
Branson (Taney County)		X
Buffalo (Dallas County)		X
Charleston (Mississippi County)		X
Doniphan (Ripley County)		X
Eldon (Miller County)		X
Eminence (Shannon County)		X
Flat River (St. Francois County)	X	
Greenville (Wayne County)		X
Potosi (Washington County)		X
MONTANA		
Butte (Silver Bow County)		X
Glasgow (Valley County)		X
Livingston (Park County)		X
Philipsburg (Granite County)	X	
Red Lodge (Carbon County)		X
Roundup (Musselshell County)		X
Sheridan (Madison County)		X
White Sulphur Springs (Meagher County)		X
NEVADA		
Caliente (Lincoln County)		X
NEW HAMPSHIRE		
(See Massachusetts-Lawrence-Haverhill.)		
NEW JERSEY		
ATLANTIC CITY (ATLANTIC COUNTY)	X	
City of Newark [2]		X
JERSEY CITY (HUDSON COUNTY)	X	
NEW BRUNSWICK-PERTH AMBOY (MIDDLESEX and SOMERSET COUNTIES)	X	
Ocean City-Wildwood-Cape May (Cape May County)		X
PATERSON-CLIFTON-PASSAIC (BERGEN and PASSAIC COUNTIES)	X	
Vineland (Cumberland County)	X	
NEW MEXICO		
Alamagordo (Otero County)	X	
ALBUQUERQUE (BERNALILLO COUNTY)	X	
Bernalillo (Sandoval County)		X
Carlsbad (Eddy County)	X	
Deming (Luna County)	X	
Espanola (Rio Arriba County)		X
Farmington (San Juan County)	X	
Gallup (McKinley County)		X
Grants (Valencia County)	X	
Las Vegas (San Miguel County)		X
Mountainair (Torrance County)		X
Raton (Colfax County)		X
Santa Rosa (Guadalupe County)		X
Socorro (Socorro County)		X
Taos (Taos County)		X
Wagon Mound (Mora County)		X
NEW YORK		
Auburn (Cayuga County)	X	
BUFFALO (ERIE and NIAGARA COUNTIES)	X	
Catskill (Greene County)		X
Cobleskill (Schoharie County)		X
Gloversville (Fulton County)		X
Norwich (Chenango County)	X	
Ogdensburg-Massena-Malone (Franklin and St. Lawrence Counties)		X
Oneonta (Otsego County)	X	
Orleans County		X
Oswego County		X
Perry (Wyoming County)	X	
Plattsburgh (Clinton County)		X
Sidney (Delaware County)	X	
Speculator (Hamilton County)		X

See footnotes at end of table.

Labor area [1] (political subdivisions included)	Substantial	Persistent
Ticonderoga (Essex County)		X
Warren County		X
Watertown (Jefferson County)	X	
NORTH CAROLINA		
Ahoskie (Hertford County)		X
Bryson City (Swain County)		X
Camden County		X
Columbia (Tyrrell County)		X
Elizabethtown (Bladen County)	X	
Greenville (Pitt County)		X
Hayesville (Clay County)		X
Lumberton (Robeson County)		X
Manteo (Dare County)		X
Marshall (Madison County)	X	
Moyock (Currituck County)		X
Pamlico County		X
Robbinsville (Graham County)		X
Roxboro (Person County)	X	
Snow Hill (Greene County)		X
Whiteville (Columbus County)	X	
Wilson (Wilson County)		X
Windsor (Bertie County)		X
NORTH DAKOTA		
Rolla (Rolette County)		X
OHIO		
Carrollton (Carroll County)		X
City of Cleveland [2]		X
Clermont County		X
Gallipolis (Gallia County)		X
Jackson (Jackson County)		X
Lawrence County		X
Manchester (Adams County)		X
New Lexington (Perry County)	X	
Pomeroy (Meigs County)		X
Warren County		X
Waverly (Pike County)		X
(See also West Virginia-Huntington-Ashland.)		
OKLAHOMA		
Ada (Pontotoc County)	X	
Altus (Jackson County)	X	
Anadarko (Caddo County)	X	
Atoka (Atoka County)		X
Claremore (Rogers County)	X	
Coalgate (Coal County)		X
Cordell (Washita County)	X	
Holdenville (Hughes County)		X
Hugo (Choctaw County)		X
Idabel (McCurtain County)	X	
Jay (Delaware County)	X	
LeFlore County		X
Marietta (Love County)	X	
McAlester (Pittsburgh County)	X	
Miami (Ottawa County)		X
Muskogee (Muskogee County)		X
Okemah (Okfuskee County)	X	
Okmulgee-Henryetta (Okmulgee County)		X
Pawnee (Pawnee County)	X	
Pryor Creek (Mayes County)		X
Purcell (McClain County)		X
Sequoyah County		X
Shawnee (Pottawatomie County)	X	
Stigler (Haskell County)		X
Stilwell (Adair County)		X
Tahlequah (Cherokee County)		X
Tishomingo (Johnston County)	X	
Wagoner (Wagoner County)	X	
Wilburton (Latimer County)		X
OREGON		
Albany (Linn County)	X	
Condon (Gilliam County)	X	
Enterprise (Wallowa County)		X
Eugene (Lane County)	X	
Fossil (Wheeler County)		X
Gold Beach (Curry County)		X
Grants Pass (Josephine County)		X
Hood River (Hood River County)		X
Lakeview (Lake County)		X
Madras (Jefferson County)	X	
Medford (Jackson County)		X
McMinnville (Yamhill County)		X
North Bend-Coos Bay (Coos County)		X
Pendleton (Umatilla County)	X	
PORTLAND (CLACKAMAS, MULTNOMAH, and WASHINGTON COUNTIES, OREG.; CLARK COUNTY, WASH.)	X	
Roseburg (Douglas County)		X
Salem (Marion and Polk Counties)	X	
St. Helens (Columbia County)	X	
The Dalles (Sherman and Wasco Counties)		X
Tillamook (Tillamook County)	X	
Toledo (Lincoln County)		X
PENNSYLVANIA		
Bedford (Bedford County)		X
Bradford (McKean County)	X	
Clearfield-Du Bois (Clearfield County; Rush Township, Boroughs of Philipsburg and South Philipsburg in Centre County)		X
Coudersport (Potter County)	X	
Kittanning-Ford City (Armstrong County)	X	
Lock Haven-Renovo (Clinton County)	X	
Sayre-Athens-Towanda (Bradford County)	X	
Tunkhannock (Wyoming County)	X	
Uniontown-Connellsville (Fayette County)		X
Wellsboro (Tioga County)	X	
PUERTO RICO		
Aguadilla (Aguada and Aguadilla, Municipalities)		X
Arecibo (Arecibo, Camuy, and Hatillo Municipalities)		X
Caguas (Aguas Buenas, Caguas, Cidra, Gurabo, Juncos, and San Lorenzo Municipalities)		X
Carolina (Carolina and Loiza Municipalities)		X
Cayey (Aibonito and Cayey Municipalities)	X	
Corozal (Corozal Municipality)	X	
Dorado (Dorado Municipality)		X
Fajardo (Ceciba, Fajardo, and Luquillo Municipalities)		X
Guayama (Arroyo, Guayama, and Pitillas Municipalities)		X
Humacao (Humacao, Las Piedras, and Yabucoa Municipalities)		X
Juana Diez (Coamo, Juana Diaz, Santa Isabel, and Villaba Municipalities)		X
Manati (Barceloneta, Ciales, Manati, and Morovis Municipalities)		X
Maunabo (Maunabo Municipality)		X
MAYAGUEZ (MAYAGUEZ MUNICIPALITY)		X
Naguaba (Naguabo Municipality)		X
PONCE (PONCE MUNICIPALITY)		X
Quebradillas (Quebradillas Municipality)		X
Salinas (Salinas Municipality)		X
San German (Cabo Rojo, Hormigueros, Lajas, Sabana Grande, and San German Municipalities)		X
Toa Alta (Toa Alta Municipality)		X
Toa Baja (Toa Baja Municipality)		X
Trujillo Alto (Trujillo Alto Municipality)		X
Vega Alta (Vega Alta Municipality)		X
Vega Baja (Vega Baja Municipality)		X
Yauco (Guanica, Guayanilla, and Yauco Municipalities)		X
RHODE ISLAND		
(See Massachusetts—Fall River.)		
SOUTH CAROLINA		
Barnwell (Barnwell County)	X	
Bennettsville (Marlboro County)	X	
Berkeley County		X
Bishopville (Lee County)		X
Cheraw (Chesterfield County)	X	
Georgetown (Georgetown County)	X	
Marion (Marion County)		X
McCormick (McCormick County)		X
Orangeburg (Orangeburg County)	X	
Saluda (Saluda County)		X
Union (Union County)	X	
Winnsboro (Fairfield County)	X	
TENNESSEE		
Dayton (Rhea County)		X
Decatur (Meigs County)		X
Dunlap (Sequatchie County)		X
Erin (Houston County)	X	
Greenville (Green County)	X	
Hardin County		X
LaFollette-Jellico (Campbell County)		X
Lawrenceburg (Lawrence County)		X
Maynardville (Union County)		X
Morgan County		X
Newport (Cocke County)		X
Oneida (Scott County)		X
Rutledge (Grainger County)	X	
Sevierville (Sevier County)		X
Sparta (White County)	X	
Sweetwater (Monroe County)		X
(See also Virginia—Bristol.)		
TEXAS		
Atlanta (Cass County)	X	
Brackettville (Kinney County)		X
Brownsville-Harlingen-San Benito (Cameron County)		X
Carrizo Springs (Dimmit County)		X
Cotulla (La Salle County)		X
Crystal City (Zavala County)		X
Del Rio (Val Verde County)		X
Eagle Pass (Maverick County)		X
Floresville (Wilson County)		X
Hebbronville (Jim Hogg County)		X
Hondo (Medina County)		X
Laredo (Webb County)		X
McAllen (Hidalgo County)	X	
Newton (Newton County)		X
Pearsall (Frio County)		X
Raymondville (Willacy County)		X
Rio Grande City (Starr County)		X
San Augustine (San Augustine County)		X
Texarkana (Bowie County, Tex. Miller County, Ark.)	X	
Uvalde (Uvalde County)		X
Zapata (Zapata County)		X
UTAH		
Beaver (Beaver County)	X	
Brigham City (Box Elder County)	X	
Heber City (Wasatch County)		X
Kanab (Kane County)		X
Manti (Sanpete County)		X
Moab (Grand and San Juan Counties)		X
Nephi (Juab County)	X	
Ogden (Precincts of Clearfield, Clinton, Kaysville, Layton, South Weber, Syracuse, and West Point in Davis County; Weber County)	X	
Panguitch (Garfield County)		X
Park City (Summit County)		X
Price (Carbon and Emery Counties)		X
Provo-Orem (Utah County)	X	
Richfield (Sevier County)		X
Roosevelt (Duchesne County)		X
St. George (Washington County)		X
VERMONT		
Springfield (Towns of Athens, Grafton, Londonberry, Rockingham, Westminster, and Windham in Windham County; Towns of Andover, Baltimore, Cavendish, Chester, Ludlow, Reading, Springfield, Weathersfield, Weston, West Windsor, and Windsor in Windsor County)	X	
VIRGINIA		
Bristol (Washington County, Va.; Independent City of Bristol, Va.; Division of Avoca, Blountville, Bluff City, Bristol, Holston Valley, Piney Flats, and Weaver in Sullivan County, Tenn.), Va.-Tenn.	X	
Chincoteague (Accomack and Northampton Counties)		X
Colonial Beach (Lancaster, Northumberland, Richmond, and Westmoreland Counties)		X
Grundy (Buchanan County)		X
Lebanon (Dickenson and Russell Counties)		X
Norton-Big Stone Gap (Wise County; Independent City of Norton)		X
Richlands (Tazewell County)		X
WASHINGTON		
Aberdeen (Grays Harbor County)		X
Anacortes (Skagit County)		X
Bremerton (Kitsap County)	X	
Centralia (Lewis County)		X
Colville (Stevens County)		X
Dayton (Columbia County)		X
Ellensburg (Kittitas County)		X
Goldendale (Klickitat County)		X
Moses Lake (Grant County)		X
Newport (Pend Oreille County)		X
Okanogan (Okanogan County)		X
Port Angeles (Clallam County)	X	
Port Townsend (Jefferson County)		X
Raymond (Pacific County)		X
Republic (Ferry County)		X
SEATTLE (KING and SNOHOMISH COUNTIES)	X	
SPOKANE (SPOKANE COUNTY)	X	
Stevenson (Skamania County)		X
TACOMA (PIERCE COUNTY)	X	
Tri-City (Benton and Franklin Counties)		X
Wenatchee (Chelan and Douglas Counties)		X
Yakima (Yakima County)		X
(See also Oregon—Portland.)		
WEST VIRGINIA		
Beckley (Raleigh County)		X
Berkeley Springs (Morgan County)		X
Bluefield (Mercer County)		X
Clarksburg (Doddridge and Harrison Counties)	X	
Clay (Clay County)		X

Footnotes at end of table.

AREAS OF SUBSTANTIAL UNEMPLOYMENT—GEOGRAPHICAL BOUNDARIES, JANUARY 1971

[Except as noted, for procurement purposes these classifications are effective Feb. 1, 1971]—Continued

Labor area [1] (political subdivisions included)	Substantial	Persistent
Elkins (Randolph County)		X
Franklin (Pendleton County)		X
Gassaway (Braxton County)		X
Glenville (Gilmer County)		X
Grafton (Taylor County)		X
Grantsville (Calhoun County)		X
Hamlin (Lincoln County)		X
HUNTINGTON-ASHLAND (CABELL and WAYNE COUNTIES, W. VA.; BOYD COUNTY, KY.; LAWRENCE COUNTY, OHIO	X	
Hinton (Summers County)		X
Kingwood (Preston County)		X
Logan-Madison (Boone and Logan Counties)		X
Marlinton (Pocahontas County)		X
Martinsburg (Berkeley and Jefferson Counties)	X	
Mineral County		X
Moorefield (Hardy County)		X
New Martinsville (Wetzel County)		X
Oak Hill-Montgomery (Fayette County)		X
Parsons (Tucker County)		X
Pennsboro (Ritchie County)	X	
Petersburg (Grant County)		X
Point Pleasant (Mason County)		X
Richwood (Nicholas County)		X
Romney (Hampshire County)		X
Ronceverte-White Sulphur Springs (Greenbrier and Monroe Counties)		X
Sistersville (Tyler County)	X	
Spencer (Roane County)		X
Wayne County		X
Webster Springs (Webster County)		X
Welch (McDowell County)		X
Weston (Lewis County)		X
Williamson (Mingo County)		X
WISCONSIN		
Adams (Adams County)		X
Antigo (Langlade County)	X	
Arcadia (Trempealeau County)	X	
Ashland (Ashland County)	X	
Bayfield (Bayfield County)		X
Black River Falls (Jackson County)		X
Crandon (Forest County)		X
Dodgeville (Iowa County)	X	
Douglas County		X
Eagle River (Vilas County)	X	
Florence (Florence County)		X
Grantsburg (Burnett County)		X
Hayward (Sawyer County)		X
Hurley (Iron County)		X
La Crosse (La Crosse County)	X	
Ladysmith (Rusk County)		X
Mauston (Juneau County)	X	
Medford (Taylor County)		X
Neopit (Menominee County)		X
Oconto (Oconto County)	X	
Prairie du Chien (Crawford County)	X	
RACINE (RACINE COUNTY)	X	
Shawano (Shawano County)	X	
Sparta (Monroe County)	X	
Spooner (Washburn County)	X	
Viroqua (Vernon County)		X

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[1] Major areas shown in capital letters; all other areas are considered smaller areas.

[2] Program eligibility extends only to corporate limits of the municipality, not to other portions of the labor area containing the city.

Note: Explanation of column headings and eligibility of areas under Federal assistance programs are contained in the "Explanation of Area Classifications" section of this bulletin.

FACT SHEET ON THE BAYH AMENDMENT

This Amendment would *improve* and *accelerate the effective* date of the Federal-State Extended Unemployment Compensation Act of 1970. That Act establishes *13 weeks of additional assistance* to unemployment insurance claimants who have exhausted their benefits under state law. Effective date of the act was *January 1, 1972*, to allow states to enact taxes on payrolls to provide their share. Due to varying terms of state legislatures, actual effective date may be as late as *July 1, 1972* in some states.

The Bayh Amendment would *accelerate* the effective date of the Act, making extended benefits available immediately after passage. This would provide immediate relief for more than *300,000 Americans who have exhausted their benefits* in the last year, without causing them the additional *hardship of another 9 to 15 months* without benefits. This figure is more than 200,000 greater than in the same period the previous year. The Amendment also provides potential relief for the more than *one million Americans* who have *already gone past their 15th week of unemployment and are fast approaching the point of benefit exhaustion. This is the highest level in 7 years.*

The Amendment *reduces the activating mechanism* from 4.5% (*6.7% effective rate*) to 4% rate of insured unemployment nationally, or *an effective 6% rate*. The rate of unemployment has exceeded this 4% insured figure since September of 1970. The Amendment also *changes the cost burden* of the temporary aid from a 50–50 Federal-State allocation to *100% Federal financing*.

Department of Labor statistics for January of 1971 shows that *622 labor markets* in the United States are areas of *substantial unemployment* (*6% or more*) *or persistent unemployment* (6% unemployment for one of last two calendar years, and at least 100% above national average for that period). There are 50 *major labor areas* suffering from substantial or persistent unemployment today—more than at any time in the last nine years:

California.—Anaheim-Santa Ana-Garden Grove, Los Angeles-Long Beach, Sacramento, San Bernadino-Riverside-Ontario, San Diego, San Jose, Stockton, Fresno.

Connecticut.—New Haven, Bridgeport-Milford, New Britain, Waterbury.

Illinois.—Rockford.

Indiana.—Terre Haute, South Bend.

Kansas.—Wichita.

Louisiana.—Baton Rouge, New Orleans.

Massachusetts.—Brockton, Fall River, Lawrence-Haverhill, Lowell, New Bedford, Springfield-Holyoke, Worcester.

Michigan.—Battle Creek, Detroit, Flint, Grand Rapids, Kalamazoo, Muskegon.

New Jersey.—Atlantic City, Jersey City, New Brunswick-Perth Amboy, Paterson-Clinton-Passaic.

New Mexico.—Albuquerque.

New York.—Binghamton, Buffalo, Utica-Rome.

Oregon.—Portland.

Pennsylvania—Johnstown, Scranton.

Puerto Rico.—Mayaguez, Ponce.

Rhode Island.—Providence-Pawtucket.

Washington.—Seattle, Tacoma, Spokane.

Following is a list of the total number of areas of substantial or persistent unemployment by state:

Alabama	7
California	37
Georgia	25
Iowa	1
Maine	8
Minnesota	24
Nevada	1
North Carolina	18
Oregon	21
Tennessee	16
Virginia	7
Alaska	23
Colorado	7
Idaho	9
Kansas	4
Maryland	6
Mississippi	6
New Jersey	7
North Dakota	1
Pennsylvania	10
Texas	21
Washington	22
Arizona	2
Connecticut	7
Illinois	12
Kentucky	48
Massachusetts	17
Missouri	9
New Mexico	16
Ohio	11
Puerto Rico	25
Utah	15
West Virginia	36
Arkansas	15
Florida	5
Indiana	10
Louisiana	33
Michigan	54
Montana	8
New York	17
Oklahoma	29
South Carolina	12
Vermont	1
Wisconsin	26

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. HUMPHREY. Mr. President, I first want to commend the initiative of the Senator from Indiana. I particularly compliment him upon his emphasis on the importance for Congress to act on this amendment and not to let what we call protocol or regular operating procedures stand in the way of meeting a national need.

There is not any doubt that Congress has a responsibility, along with other branches of the Government, when it comes to alleviating the unemployment situation.

The Senator from Indiana wisely has revised the formula which triggers the extension of unemployment compensation benefits. He also wisely has included in his amendment a provision that makes program almost instantaneous in its application. This is achieved through full Federal funding, thus not requiring changes in State law or administrative rulings. I would hope that we in the Senate would recognize the urgency of prompt action.

The Senator from Indiana has cited the number of workers who are losing or have already lost their unemployment benefits. This is ample evidence of what the future portends unless we act now.

Mr. President, I predict that unless we act, we might very well have a situation by January 1, 1972, in which we could have 1 million workers without any unemployment compensation. One million unemployed and uninsured workers would represent great personal tragedy for those workers and their families.

As the Senator from Indiana has said, it would mean that the Nation would lose vast productive manpower capital that could be put to work to help the economy regain some of its momentum.

There is only one level of government that can alleviate this problem of unemployment, and that is the Federal Government—the Congress.

The Senator from Indiana gave us the statistical evidence we need. He has given us a new formula that would work. He has presented a convincing case for the desirability and urgency of this provision.

I would hope that the Senate would take the initiative now and quickly agree to the amendment. We must proceed in the hope that we can have some understanding with the House of Representatives regarding procedure.

I want to commend the Senator from Indiana again for his remarkable work in this body on matters that relate to human welfare.

Mr. BAYH. Mr. President, I appreciate the thoughtful commentary by the Senator from Minnesota. I know of no other Senator who has, over the years, been in a better position and has voiced a willingness, as well as an expertise, to support this type of legislation.

This is certainly the type legislation that is needed today. The present law, as well intentioned as it is, might take effect at a time when the unemployment situation has changed and the economy is picking up. It is needed now.

In addition, the effort here to make this a Federal responsibility, recognizing that when unemployment reaches the trigger level it is a Federal responsibility. It also recognizes the fact that States are hard pressed to find additional revenues. With all of the mayors and Governors who have been in Washington over the past week or two, this a matter that needs only brief notation.

As we talk about how to stimulate the economy and get things moving, this is the approach the Senator from Indiana would like to see us follow.

First, we are dealing with 250,000 to 300,000 people who have no unemployment compensation at all. They are on the streets, but they have families and homes and they have all the needs a person has when he is working. This is where the need is the greatest. Second, by providing assistance to those individuals there is a greater impact on stimulating the economy because when a person is out of a job he is going to spend each of those dollars and thereby stimulate the economy. If we start at the other end of the economic ladder, for example with investment credit depreciation allowance, it takes awhile before that approach has an impact. I suggest that each of the dollars that goes into the pocketbook, into the unemployment compensation envelope of these 250,000 to 300,000 Americans, will be spent immediately.

Therefore, I feel that of all the alternative remedies suggested, although this is not inexpensive, it is less expensive than other well-intentioned proposals and will yield more immediate results.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. HUMPHREY. The administration recently came to us with a program called revenue sharing. We can debate the merits of that program at another time. There are certain aspects of it I fully support. But this is really revenue sharing where it is needed; it is sharing revenue for people who are unemployed, people who have no other place to go than the relief line. Mandating relief through congressional default, should not be the highest calling in this Nation.

As the Senator from Indiana so wisely pointed out again, this is sound economic policy. The moneys expended here will be used immediately in channels of commerce and will have a stimulating effect for superior to trickle-down depreciation allowance.

The administration recently offered an accelerated depreciation program which, at a time when plant capacity of this country is only used at 72 percent, is of dubious quality and merit; but this particular proposal does something not only to help unemployment but to help the total economy, to help the man on Main Street, the merchant, to help people pay bills and to get the wheels of industry and commerce moving again.

As one of the original cosponsors of S. 973, legislation introduced on February 25 by the distinguished junior Senator from Indiana (Mr. BAYH), I call on every Senator to acknowledge our responsibility to ease the crushing weight of prolonged unemployment. We must pass the pending amendment.

The Bayh-Humphrey amendment provides those who have exhausted their 26 weeks of unemployment shall have an additional 13 weeks of coverage. It also accelerates the effective date, making benefits available immediately upon passage and provides that the benefits are triggered when the rate of insured unemployment exceeds 4 percent. This is a reduction from the present rate of 4½ percent. The amendment changes the cost burden of temporary aid from a 50–50 Federal-State allocation to 100 percent Federal financing.

There are now in excess of 700 labor markets of substantial unemployment of 6 percent or more. Already approximately 300,000 workers have exhausted their unemployment benefits under existing law. These and many more workers are and will be the victims of an unemployment compensation cutoff unless this amendment is passed.

We all know the statistics—5,200,000 out of work. We know that hundreds of thousands of Americans have not only been unemployed for approximately 6 months but these same hundreds of thousands are beginning to exhaust their unemployment compensation coverage. This figure may approach about 1 million unemployed workers in the next several months.

We have had an average of 6 percent national unemployment since September of last year. That is 7 months ago. We are losing approximately $60 billion in GNP every year of this manufactured recession. We are in the midst of a most distressing mixture of inflation and recession. The American economy is suffering from gout and malnutrition simultaneously.

But where is the fairness here? Where is the sense of basic justice? Who has the right to expect 5,000,000 Americans to give up their jobs to cool inflation? Who has the right to expect 15,000,000 Americans to share the economic and psychological trauma of prolonged unemployment for the head of their households?

We who sit here in Washington, secure in our jobs, have a basic responsibility to see that the economic and personal costs of unemployment are borne as much as possible by the entire Nation. Unemployment compensation is bare subsistence for a man with a family. Providing for immediate extension of compensation protection is the very least we can do to ease this burden.

Under present institutional arrangements, whereby the economy is managed with governmental fiscal and monetary tools, the Government must share responsibility for the loss of these jobs. Members of the Federal Reserve Board and administration officials speak openly of the tradeoff of jobs necessary to cool inflation.

Mr. President, I have talked of what the employment picture has been over the past year or so. I would not be here today, urging my colleagues so strongly, if the economy had begun to show significant signs of stable growth again. I would not be so critical of administration economic policies if the economic experts foresaw an end to such horrendous mass unemployment. But what is the prognosis? What can we look forward to for the next year or so? Every responsible and independent economic expert says that unemployment will remain at 6 percent, or a little above, through mid-1972. We have sunk into such a doldrum that even with strong economic recovery, it will take many months before the employment slack is taken up. Not only must we put those millions thrown out of jobs back to work but we must provide new jobs for those workers that enter the labor market every year.

Mr. President, the very least we can do is provide this extension of unemployment compensation benefits. These are not people who do not want to work. They do want to find jobs and regain their economic health and recapture a sense of well-being and pride in a job well done.

I urge every Senator to support this amendment. We, as individuals, are safe from this economic and psychological blight. Neither we, nor administration officials or experts, have the least moral justification if we force these willing and able Americans to lose even further their sense of dignity and personal worth.

Can we force these proud men and women to go from the protection of insurance to the degradation of the handout? I hope not.

I again say that it is important that we pass this legislation and that we pass this legislation quickly. The people who are on unemployment compensation are without benefits and add an extra burden to the economy which could stimulate greater unemployment.

Mr. BAYH. I certainly appreciate the additional remarks of the Senator from Minnesota.

This amendment is being offered through a little different approach than the Senator from Indiana likes to pursue. The Senator from Indiana likes to pursue legislative matters through the normal legislative process by introducing a bill, as he has, having it heard in committee and subsequently passed. But when I am advised that because of the parliamentary procedure it is inappropriate for the Senate to initiate this legislation, when I see no action coming from our colleagues in the other body, and when I find there are 5.2 million people out of work and 300,000 immediately affected in this category, then I ask leave of the Senate to follow a little different procedure than would otherwise be followed.

A number of Senators recognize the national nature of this matter. For the benefit of Senators in the Chamber and the readers of the Record I would like to point out the political and geographical divergences of the cosponsors of the amendment. The cosponsors of the amendment are Senators Ribicoff, Nelson, Pastore, Stevens, Gravel, McGovern, Humphrey, Hart, Metcalf, Cranston, Eagleton, and Percy.

Ironically enough we have our largest State represented by the distinguished Senator from California (Mr. Cranston), who is now the Presiding Officer and our smallest State, from the standpoint of population, represented by one Republican Senator and one Democratic Senator from the State of Alaska. I note with interest, and I will touch on just two or three of these States because I have asked unanimous consent that this material be printed in the Record.

I see our very distinguished colleague, the Senator from Oklahoma (Mr. Bellmon) in the Chamber. In Oklahoma 49 communities have substantial or persistent unemployment. In the State of Kentucky, 48 communities have been listed in this category. In West Virginia—and I see our distinguished whip in the Chamber—36 communities are in this category. Few States in the Nation do not have a significant unemployment problem. Over the weekend, I discovered that my home county in Indiana, which is one of the largest counties in Indiana, went on the list. This is not the kind of matter to be ashamed of. It is the product of the economic condition in the country today. Rather than be ashamed of the condition in my home county I want to do something to rectify it and to assist those who are presently unemployed and have exhausted their benefits.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT—LEGISLATIVE PROGRAM

Mr. BYRD of West Virginia. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, it will be the intention of the leadership to rescind this order if action is completed on the unfinished business today, and we anticipate that it will be. If action is completed, the leadership will then expect the Senate to go over until Thursday morning next.

Senators should be on notice that there will be at least one rollcall vote today on the unfinished business.

(Later in the day this order was changed to provide for the Senate to adjourn until 10 a.m. Thursday, April 1, 1971.)

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTEREST EQUALIZATION TAX EXTENSION ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 5432) to provide an extension of the interest equalization tax, and for other purposes.

Mr. JAVITS. Mr. President, I wish to express my support of Senator Bayh's amendment, which takes into account the existing situation we face in the country with respect to unemployment, and faces reality.

The United States, considering its past record, has a serious unemployment crisis right now. Therefore, the taking effect of the trigger which is incorporated in the idea of extra unemployment compensation in times of serious emergency respecting unemployment is properly accelerated by the Bayh amendment.

I shall shortly propose an amendment to the Bayh amendment which is necessitated by the fact that a number of States, including my own—I shall read the list of States—anticipating exactly what Senator Bayh is trying to accomplish, have made these payments of extra unemployment compensation. In the case of my State, it has been done since January 1, 1971. Therefore, it is necessary to make the Bayh amendment retroactive to that extent in order not to penalize, in all fairness, the States which have done what we would be doing by this amendment in response to their own exigencies. The States in question are Alaska, California, Connecticut, Idaho, Massachusetts, Michigan, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Vermont, and Washington. The State of Arkansas will begin to pay the same benefits in July of 1971; but, again, it may very well benefit from retroactivity in view of the fact that this may not become law by July 1, 1971.

In addition, I understand that there are 20 States whose unemployment rate already exceeds the level necessary to activate this program and which would participate if the Bayh amendment is adopted.

So that we have a total of 34 States out of 50 States directly and immediately affected. As we know, the retroactivity relates only to the increases of the Federal share.

Mr. President, the plight of the States is very well recognized by the President's revenue sharing ideas. Naturally, all of us are seeking some way in which the States can be helped within the pattern of existing law, even before some massive effort to help the States directly matures. This is a very honorable and a very good way in which to accomplish that result. Personally, I am very grateful to Senator Bayh for raising the issue at this time and giving us all an opportunity to deal with it.

Also, this is not an inflationary action, for this reason: The amounts involved, which run somewhere in the $500 million range, will add directly to the purchasing power of the public in an unusual way. Certainly, the unemployed are the most prime customers in terms of consumer purchasing if they have some money with which to do it; and the constant testimony before the Joint Economic Committe, of which I am a member, in respect of the existing slow rate of recovery of our economy, is that it is attributable very heavily to what is euphemistically called the lack of consumer confidence. But, really, it is a lack of consumer expenditure as reflecting a lack of confidence.

So I believe that this particular amount put into the stream of consumption, which would be very directly, with an immediate effect, is also helpful in that regard, so that it cannot be considered in terms of contributing to the inflation.

For those reasons, I hope very much that the amendment will be adopted.

Mr. President, I send to the desk my amendment to Senator Bayh's amendment which would put into effect the concept of retroactivity to which I have referred.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

Beginning on page 3, line 23, strike all after the word "applicable" and insert the following:

"with respect to payments under section 204(a) of the Federal-State Extended Unemployment Compensation Act of 1970 in like manner as if such amendments had been included in such Act on the date of its enactment.

"Sec. 203. Any State which is entitled, by reason of the enactment of the amendments made by subsection (c) of section 201 of this Act, to additional payments under section 204 of the Federal-State Extended Unemployment Compensation Act of 1970 by reason of expenditures made in prior periods for extended compensation shall be paid such additional payments in accordance with section 204 of such Act."

Mr. JAVITS. Mr. President, the amendment effects retroactivity for the States which have already begun to make those payments of special unemployment compensation to the time when they began to make them—in other words, triggered by the unemployment situation in the given States. I think it is a measure of elementary justice that the States which have had that kind of foresight should not be penalized if the Senate adopts this amendment and it becomes law, the whole system, and the retroactivity extends only to increasing the Federal share from 50 percent to 100 percent.

I understand that this amendment might be agreeable to Senator BAYH, so that the whole issue could be acted upon at one time.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. COOPER. I ask whether payments that have been made have been made wholly from the State funds.

Mr. JAVITS. I understand that the payments have been made half from State and half from Federal funds, but the retroactivity extends only to that half. So the retroactivity will involve reimbursement for the increased Federal share.

Mr. COOPER. In other words, if the payments in the past were 50 percent by the State and 50 percent by the Federal Government, this would provide that the 50 percent which has been paid by the State should be reimbursed by the Federal Government.

Mr. JAVITS. That is correct. From its funds.

Mr. COOPER. In other words, the Senator proposes starting this program now instead of on January 1, 1972. Is there any evidence that the States cannot pay the 50 percent which is provided by the existing act?

Mr. JAVITS. I yield to the Senator from Indiana.

Mr. COOPER. What is the reason for imposing the full charge upon the Federal Government prospectively?

Mr. BAYH. The Senator from Indiana is certain that the Senator from Kentucky is aware that not each State's unemployment insurance fund is equally well endowed. Some of the States, I am advised, can; some cannot. My staff has been advised that there are some 20 additional States, beyond the 14 which have presently enacted the legislation to which the Senator from New York's amendment is directed, in which the unemployment rate exceeds the level necessary to activate the program, but they do not have the funds necessary to take advantage of it.

Mr. COOPER. Will the Senator's amendment change in any way the provision in the existing law that, beginning with January 1, 1972, one-half of the benefit would be paid by the State?

Mr. BAYH. Yes. For the additional 13 weeks. That is what we are talking about—the additional 13 weeks. The amendment of the Senator from Indiana would make this a Federal responsibility for just the 13 additional weeks, feeling that at the time the unemployment rate gets to that level, it is a significant enough national problem that the Federal Government should indeed assist the States to do the job.

I think the Senator from New York stressed the revenue sharing aspect of this. I want to salute him for emphasizing this, and because most of our concern is about the need, and the tax base in State and local communities, and I cannot think of a better way to do it than to deal with those who are unemployed. I might read——

Mr. COOPER. May I ask the Senator one other question? After 13 weeks have passed, would the present act become effective, that is the 50 percent henceforth, to be paid by the State, and 50 percent by the Federal Government?

Mr. BAYH. The Senator from Indiana is not absolutely certain he understands the Senator's question but the amendment the Senator from New York and the Senator from Indiana are proposing does not deal with or recommend in any way the 26 weeks initially. What we are dealing with is 13 additional weeks which now, by statute, is paid for on a 50–50 basis. We are proposing that this would take effect when the triggering device meets the requirement immediately and not wait until January 1 and be paid for by the Federal Government.

Mr. COOPER. I understand that. What I am asking is, when the date arrives of January 1, 1972, after that date, would the benefits be paid wholly by the Federal Government or one-half by the Federal Government and one-half by each State?

Mr. BAYH. Yes. Benefits would be paid only by the Federal Government for the 13 weeks alone. For the original 26 weeks, that would continue to be on a 50–50 basis.

Mr. COOPER. For how long a period after January 1, 1972, would the Federal Government be responsible for paying one-half?

Mr. BAYH. For as long as the 4-percent trigger is met. Whenever it gets above 4-percent insured unemployment for the 3-consecutive months, the triggering mechanism would take effect. As long as that is in effect, the 100-percent financing for the additional 13 weeks would be in effect. When unemployment got down below that for 3-consecutive months, then, of course, there would be no triggering mechanism and there would be no additional 13 weeks of any kind.

Mr. COOPER. Then the Senator can say categorically that in such a case, when the triggering mechanism is not coming into play, the benefits would then be paid 50 percent by the Federal Government and 50 percent by each State. Is that correct?

Mr. BAYH. Yes. That is accurate.

Mr. President, it might be helpful to the Senate for me to read the testimony on H.R. 14705 before the Finance Committee in February of last year, to which the Senator from Indiana alluded earlier as attributed to former Secretary of Labor Shultz.

He stated as follows, and I read from page 79:

> High national unemployment is attributable to national factors, and the administration proposed a national remedy—a Federal program of extended unemployment compensation in times of high national unemployment. That program would be 100 percent federally financed—but operated by States as agents of the Federal Government and utilizing provisions of State law. The program could be operative at any time after 60 days beyond the enactment of the act.

Mr. President, I want to make certain that the broad philosophical recognition of the need for this kind of program, as well as the regional need, is understood. I know that the distinguished Presiding Officer in the chair, the Senator from Georgia (Mr. GAMBRELL), has 25 communities in his home State which have this kind of persistent, substantial unemployment. We are not only talking about States like New York, and California, but we are also talking about a State which is as rural in nature and has the least populous State, like Alaska, with its two distinguished Senators, one a Democrat and one a Republican, who have lent their names as cosponsors of this amendment.

Mr. JAVITS. Mr. President, one thing I wish to emphasize. My amendment and that of the Senator from Indiana apply only to the extra 13 weeks of emergency unemployment which the Federal Government supports to the extent of 50 percent based on a State-by-State trigger. What the Senator from Indiana is seeking to do is to accelerate application of a national trigger. That is point No. 1. Point No. 2 is, he is also increasing the percentage from 50 percent to 100 percent. But it still is effective only as the unemployment rate either on a State or national level reaches the trigger figure, and the trigger figure means 6 percent or more overall unemployment.

It is also a temporary measure because as unemployment recedes then the trigger is no longer applicable and, hence, there is no Federal share to deal with. So that I wish to make it clear this does not change anything in the basic unemployment compensation system, which is the 26 weeks. It deals only with emergency unemployment compensation for an additional—not higher rates—no doubling—but an additional 13 weeks and who is to carry that responsibility, the State or the Federal Government.

In the amendment of the Senator from Indiana (Mr. BAYH) and mine the Federal Government would carry that responsibility, with necessary retroactivity to deal with problems in the States which have been paying this 50 percent out of their own resources. So I emphasize that we are dealing with a temporary measure which has automaticity. As we drop below the trigger figure, in terms of unemployment, the whole thing is off. As we get above it, it would again take effect.

Mr. COOPER. If the Senator from New York will yield briefly, would the rate of unemployment be based upon the rate of the State, or will it also be based upon the rate in the particular community?

Mr. JAVITS. It is based upon the rate for the State. The whole thing is handled by the States. As to the application of the national trigger, as the Senator from Indiana (Mr. BAYH) has pointed out, it now extends to 14 States which have not attained a State trigger but may have—we do not know—but may have, and may put this into effect in view of the fact that they could, under the national trigger.

Mr. COOPER. I thank the Senator.

Mr. JAVITS. May I inquire of the

distinguished Senator from Indiana (Mr. BAYH) whether he will incorporate my amendment?

Mr. BAYH. Mr. President, I am privileged to incorporate the amendment of the Senator from New York.

Mr. JAVITS. And he will modify his amendment accordingly?

Mr. BAYH. Mr. President, I ask unanimous consent to modify my amendment accordingly and I appreciate very much the contribution the Senator from New York has made.

The PRESIDING OFFICER (Mr. GAMBRELL). The Senator from Indiana has the privilege of modifying his amendment, if he cares to.

Mr. BAYH. Yes, Mr. President, I do modify my amendment.

The distinguished Senator from New York (Mr. JAVITS), who serves on the important committee of the Senate dealing with problems of labor and all related human problems, is in a particularly sensitive place and has the kind of expertise that is very helpful in a dialog of this kind. I am glad to accept his wisdom and join the amendment which is now before the Senate.

The PRESIDING OFFICER. The Senator's amendment, is so modified.

Mr. JAVITS. I thank my colleague from Indiana.

Mr. BAYH. Mr. President, I ask unanimous consent to have printed in the RECORD articles relating to the critical nature of the unemployment problem and the number of areas specifically involved.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

Five More Big Areas Placed in Unemployment Category

WASHINGTON, February 27.—The Labor Department has listed five new major labor areas as having "substantial" unemployment, bringing the total to 45, the highest since April, 1963.

In addition, 12 smaller areas were added to the "substantial" list, bringing the total to 634, Assistant Secretary of Labor Malcolm R. Lovell Jr. announced Wednesday.

The designation means the area has an unemployment rate of 6 per cent or more with the rate expected to continue for at least two more months.

The five new major areas added are Sacramento, Calif., 6.7 per cent; Utica-Rome, N.Y., 7.6 per cent; Johnstown, Pa., 7.1 per cent; Scranton, Pa., 6.3 per cent, and Providence-Pawtucket, R.I., 6.6 per cent.

[From the Washington Post, Mar. 26, 1971]

Joblessness Passes 6 Percent in 50 Areas

(By Frank C. Porter)

A third of the nation's 150 major labor areas are now suffering "substantial" unemployment—6 per cent or more—with the addition of five new cities in March, the Labor Department announced yesterday.

And Seattle joined the classification of 12 per cent or more joblessness, the first mainland U.S. city to do so in at least nine years.

The 50 major areas in the substantial category is the highest since June, 1962, when the country was emerging from its last recession. There were only eight so listed at this time last year.

Yesterday's report helped cloud hopes raised by two successive monthly declines in national unemployment—from 6.2 per cent to 6 per cent in January and to 5.8 per cent in February, although the number of jobs and the average work week also dropped in the latter month.

The new list was drawn however, on the basis of two-month-old data from January. Any subsequent improvement in the over-all employment statistics could be reflected in later reports.

The five additions are New Haven, Conn. (6.5 per cent unemployment); Rockford, Ill. (6.7); Terre Haute, Ind. (7); Worcester, Mass. (7), and Binghampton, N.Y. (6.6).

Two areas already listed as substantial—Bridgeport, Conn., and Lawrence-Haverhill, Mass.—moved up to the 9 to 12 per cent category this month. There are 10 areas in this group now; there were none a year ago.

Seattle, which stands to lose another 5,000 jobs as the result of the defeat of the SST program in Congress Wednesday, moved up from this latter category to the highest group, those with at least 12 per cent unemployment.

Two Puerto Rican cities, Ponce and Mayaguez, have been listed under this classification for a number of years. A Labor Department spokesman said he could find no mainland cities so listed at least as far back as 1962.

The following compares the status of 150 major labor areas today with February and a year ago:

Groups	This month	Last month	Year ago
A (less than 1.5 percent unemployed)	0	0	0
B (1.5 to 2.9)	8	13	52
C (3 to 5.9)	92	92	90
D (6 to 8.9)	37	34	6
E (9 to 11.9)	10	9	0
F (12 or more)	3	2	2

The Labor Department describes Group A as "overall shortage," B as "low unemployment," C as "moderate unemployment," and D, E and F all as "substantial unemployment."

Larger cities included in Group D (6 per cent to 8.9 per cent unemployed) are Los Angeles, Detroit, San Diego, New Orleans, Jersey City, Buffalo and Portland, Ore.

Washington is one of the eight areas falling in Group B (1.5 to 2.9).

The eight areas beside Bridgeport and Lawrence-Haverhill in the next to highest category, Group E (9 to 11.9), are Stockton, Calif.; New Britain and Waterbury, Conn.; New Bedford and Lowell, Mass.; Muskegon-Muskegon Heights, Mich.; Takoma, Wash., and Wichita, Kan.

A area is classified as having substantial unemployment if its rate of at least 6 per cent is expected to continue for two months or more. This is intended to rule out temporary aberrations or seasonal variations.

The Labor Department moved two areas—Muskegon, Mich., and Fresno, Calif.—onto its list of "persistent" unemployment. This means the average unemployment rate has been at least 6 per cent for a year and has been at least 50 per cent above the national average for several years.

Mr. BAYH. After unemployment recedes and the national problem is alleviated to some extent, then the additional 13 weeks would no longer apply. Also, as the Senator from Indiana said earlier, we are talking about doing two basic things. We are talking about dealing with human needs. Some 300,000 or more people at the present are not only unemployed but have also exhausted all of their unemployment benefits.

There is the matter of additional concern because the number of people who are presently halfway through their unemployment compensation period, and thus are halfway along the road to being in the same category of having exhausted all their unemployment benefits. This number is higher than it has been in the last 7 years.

The Senator from Minnesota predicted rather dire consequences—and he may well be right—as all of these additionally unemployed people exhaust their benefits and have no source of income for their families.

Second, and perhaps a little more analytical and further removed from human need, is that by applying additional unemployment benefits to those who are unemployed and have no funds at all, these funds will be spent the day the people get them. They need them. They will not fritter the funds away, but will spend them on necessities. This will greatly stimulate the economy and do so immediately and lessen the chances that the problems will be compounded.

Mr. COOPER. Mr. President, I note that the amendment does change the existing law. It involves a sum of about a half billion dollars. I think there should be a larger number of Senators present.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTEREST EQUALIZATION TAX EXTENSION ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 5432) to provide an extension of the interest equalization tax, and for other purposes.

YEAS AND NAYS ORDERED

Mr. BAYH. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, it was only last year that the Senate and the House voted on what the two bodies wanted to do about the unemployment insurance program. We passed a major bill. The same subject matter contained in the pending amendment was raised at that time and rejected by a vote of 30 to 45. This same proposal for full Federal funding of extended unemployment insurance benefits for the additional 13 weeks was considered by the Committee on Finance last year and it was rejected by a vote of 5 to 10. It was considered by the Committee on Ways and Means in the House and it was rejected there.

No one could contend that this amendment to change the funding of extended unemployment insurance benefits is relevant to the interest equalization tax bill which we have before us. The amendment does not have anything at all to do with the bill.

Last year we passed the Legislative Reorganization Act which provided that when the Senate adds a nongermane amendment to a House-passed bill, the consent of the House is required even to go to conference on the measure. The Committee on Ways and Means in the House, composed of substantially the same people who rejected 100 percent Federal funding of extended benefits in the last Congress, obviously would be opposed to going to conference on the matter. One could not find a better situation to invite the House to refuse to go to conference than to add this proposal, which has been rejected by the Senate and by the House Ways and Means Committee in the last Congress, without the normal process of hearings.

Last year the Finance Committee held full hearings on unemployment compensation, including proposals for 100 percent Federal funding of extended benefits. We heard from employer organizations, and they were opposed to 100-percent Federal funding. To approve this amendment without offering employers the opportunity to testify and to be heard, without offering State unemployment commissioners the opportunity to testify—and so far as I know they are virtually unanimously opposed to it—and in view of the fact that this would be a tax on the employers, it would be totally unfair to move to add this amendment without offering those people an opportunity to have their views on the proposal known and considered.

Furthermore, Mr. President, as a practical matter in 40 States no unemployed workers at all will be affected by this proposal either because the States already have a program or because the level of unemployment in the State is not high enough to trigger the extended benefit program into action.

For these reasons this matter should not be added to the bill. If the Senate wants to add something of this sort, it should be done when we have the social security bill before us, at which time it could be contended at least that there was some relevance. If this amendment is to be acted upon, we should at least have an opportunity in committee to know that it is going to be added so that all those affected can have an opportunity to be heard.

As I mentioned before, workers in 40 States would not be affected by the amendment. Let me read a list of the States in which the workers would not be benefited under this amendment: Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, Vermont, West Virginia, and Wyoming.

Present law requires that by the end of this year virtually all States have a program of extended benefits. So by that time it might be said that the workers in no States would be benefited by the amendment.

If the Senate wants to approve a program for full Federal financing of extended benefits, this is something that should be considered in connection with some measure that would pay for it. Here is an amendment that would cost an estimated $600 million, yet the amendment contains no tax change to pay for any of it.

As a matter of fact, I suppose it is probably inadvertent, but the amendments as it is drafted could trigger into effect an additional 2.7 percent payroll tax on employers. I assume that was not intended, but that is how it would work out in many States. The reason is that the amendment requires all States to legislate extended benefit programs virtually immediately but does not allow time for the States to comply. If they were out of compliance, employers would be faced with an additional 2.7 percent unemployment tax just because the State legislature could not meet and act in the brief time provided under the amendment.

For those many reasons, it is not appropriate that we consider this proposal as an amendment to this bill, whose purpose is to extend a tax that expires on March 31 to protect our balance of payments. Accordingly, I think it appropriate that this amendment should be laid on the table.

Mr. JAVITS. Mr. President, before the Senator moves, will he yield?

Mr. LONG. I yield for a question.

Mr. JAVITS. I thank the Senator. I understood the Senator to state that workers would not get the benefit of this law in many States besides my State, but in my own State they are now being paid the extra 13 weeks' benefits. So how could New York be included in that list?

Mr. LONG. Unemployed workers in New York are already getting extended benefits.

Mr. JAVITS. I know they are already getting it, but they are getting it out of the jugular vein of the State. In addition to these, they are not going to get it, although the trigger has been reached in those States, precisely because the States do not have the money for it.

Mr. LONG. The employers are paying for the full cost of unemployment benefits whether through taxes at the State level or at the Federal level.

New York already has a law providing for extended benefits. It is true the State is paying 50 percent of the cost of these benefits. I assume the Senator wants to give relief to the budget of his State.

Mr. JAVITS. I want to give relief to the budgets of 34 States.

Mr. LONG. In any event, the employer is the one who is going to have to pay the cost of the extended benefits, either at the State or Federal level. The employers are going to have to pay the whole cost since they are the only ones taxed.

Mr. JAVITS. At the Federal level that is not the case, because while it is true that part of that money goes into the Federal fund for this extra compensation, we are not planning under this measure to increase the amount of tax. That may have to be done in the future, but right now, if that fund is exhausted, then we will have to face the issue of whether to end it altogether or to raise the tax. Meanwhile this fund can be used for an emergency. It is an emergency both of unemployment and on the part of the States.

I felt, in all fairness, under these exigencies, which are very serious, that we ought to give the States an opportunity to catch their breath. That is really what it comes down to.

Mr. LONG. It does not affect the workers in most States. The Senator agrees.

Mr. President, I move that the amendment be laid on the table.

Mr. BAYH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator withhold his motion?

Mr. LONG. Mr. President, I ask unanimous consent that I may withhold my motion and yield to the Senator from Indiana for a question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, the Senator from Indiana wanted an opportunity to phrase a thought. I am not sure, in all honesty, that it would be a question.

Mr. LONG. Mr. President, I yield for that purpose.

Mr. BAYH. I appreciate the Senator's courtesy.

The Senator from Louisiana left the floor on other business a moment ago when I started my earlier remarks with an apology to him. I said that the Senator from Indiana normally feels that matters of significant legislative importance should go through the normal legislative process, particularly when there is a Senator as sensitive to the national needs as the Senator from Louisiana.

I find myself in an embarrassing situation because I have come to the conclusion, perhaps erroneously, that the Senator from Louisiana is in a position, with all his compassion and prestige and influence in this body, where he cannot really initiate this type of legislation. In fact, the Senator from Indiana has already introduced a bill to do this very thing, only to be informed that the Senate—this body—cannot initiate legislation of this kind.

We are going to have to make a decision sooner or later. If we feel the Senate wants to go ahead with this matter, we are going to have to hook it on to some measure. Perhaps the Senator from Louisiana is right. Perhaps the social security bill is a better one. The question is—How long are we going to wait?

The Senator from Indiana regrets any embarrassment that this dialog and this particular parliamentary effort may place on the Senator from Louisiana, because he is a man who likes to move and likes to deal with problems and I think he is aware of this problem. But if we are going to get something done, it seems to me it is worthwhile to attach an amendment to a bill that has to become law this month.

The Senator from Louisiana mentioned that this matter had been considered before and had been turned down by this body. He is accurate, but perhaps the Record should show that there have been significant changes in the number of those who would qualify and benefit and who have need under the bill. As I recall, when the measure was considered in April last year by the Senate, there were 102,000 persons whose benefits were exhausted that month. That number had increased by 50 percent monthly by the end of this year. As I said earlier, the number of people who are half way along toward total extinction of their benefits at this moment in history is higher than it has been at any time in 7 years.

Although the Senate refused to go along last year, we had an amendment like this back in 1966 for total Federal funding for an additional 13 weeks, and, as I recall, the Senator from Louisiana voted for it at that particular time. I think we are in a situation where past history should not dictate what we do in the future.

I might touch on one other point, and then I will yield to the Senator from Louisiana and thank him for his courtesy. He certainly is within his rights to move to table, but I am interested in the argument. Who is going to pay for it? The Senator suggested that it would cost about $600 million. I notice in a memorandum prepared by the Finance Committee it is going to cost $400 million. The Senator from Indiana is willing to accept either of those, or a point in between. It is going to entail additional expense, but if we are going to talk about additional expense, in my judgment half a billion dollars for this type of economic stimulus and this type of economic need is much easier to justify than the $4 billion revenue loss due to the new depreciation allowance established by the administration.

Also, I think we need to recognize that right now times are bad, and when times are bad and numbers of people are unemployed, then, and only then, will the costs incurred by this particular amendment be in effect; whereas lowering or increasing the depreciation allowance is going to be in effect when times are good as well as when times are bad.

One additional point: We are all aware that steps must be taken to stimulate the economy, which is now not as healthy as we would like it to be. This type of fiscal stimulus, while it increases the deficit, is likely to have a positive impact on the economy.

I contend that the expenditure of this $400 million or $500 million in additional unemployment benefits for those poor working men and working women who are out of jobs will have a greater impact to stimulate the economy than any of the other dollars in the deficit budget we are running. So it seems to me, on the one hand, that providing 13 additional weeks for those who have exhausted their benefits is going to do more to stimulate the economy and put us back on the road to good economic health; and on the other hand, that this approach helps the people who need it most. They need these meager unemployment benefits to support their families, and need them now, not next year, when the bill would take effect and on a different financial basis.

I thank the Senator from Louisiana for yielding.

Mr. LONG. Mr. President, I now move to lay the amendment on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

Mr. LONG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. LONG. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Gambrell). The question is on agreeing to the motion of the Senator from Louisiana (Mr. Long) to lay on the table the amendment of the Senator from Indiana (Mr. Bayh). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. COTTON (after having voted in the affirmative). On this vote I have a pair with the Senator from Washington (Mr. Magnuson). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. Bible), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Massachusetts (Mr. Kennedy), the Senator from Washington (Mr. Magnuson), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Illinois (Mr. Stevenson), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. Jordan) is absent because of illness.

I further announce that, if present and voting, the Senator from Michigan (Mr. Hart), the Senator from New Mexico (Mr. Montoya), the Senator from Illinois (Mr. Stevenson), the Senator from New Jersey (Mr. Williams), and the Senator from Oklahoma (Mr. Harris) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. Brooke) and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

If present and voting, the Senator from South Dakota (Mr. Mundt) would vote "yea."

On this vote, the Senator from South Carolina (Mr. Thurmond) is paired with the Senator from Massachusetts (Mr. Brooke). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Massachusetts would vote "nay."

The result was announced—yeas 45, nays 40, as follows:

[No. 32 Leg.]

YEAS—45

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bentsen
Boggs
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Cook
Cooper
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Gurney
Hansen
Hruska
Inouye
Jordan, Idaho
Long
McClellan
Miller
Packwood
Prouty
Randolph
Roth
Scott
Spong
Stennis
Taft
Talmadge
Tower
Young

NAYS—40

Bayh
Beall
Burdick
Case
Chiles
Church
Cranston
Eagleton
Gravel
Griffin
Hartke
Hatfield
Hollings
Hughes
Humphrey
Jackson
Javits
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Saxbe
Schweiker
Smith
Sparkman
Stevens
Symington
Tunney
Weicker

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY RECORDED—1

Cotton, for.

NOT VOTING—14

Bible
Brooke
Goldwater
Harris
Hart
Jordan, N.C.
Kennedy
Magnuson
Mondale
Montoya
Mundt
Stevenson
Thurmond
Williams

So Mr. Long's motion to lay Mr. Bayh's amendment on the table was agreed to.

Mr. LONG. Mr. President, I move that

the vote by which the motion to table was agreed to be reconsidered.

Mr. BYRD of West Virginia. Mr. President, I move that the motion to reconsider be laid on the table.

The motion was agreed to.

Mr. BAYH. Mr. President, while I do not want to delay the Senate in further consideration of the important measure before it, needless to say, I wish the result of this last vote had been different. As I said on two previous occasions, and say it again, the Senator from Indiana was fully appreciative of the parilamentary position the Senator from Louisiana (Mr. LONG) was in. I am hopeful that in the next few days or the next few weeks—the quicker the better, because these unemployed people without unemployment compensation are suffering now—the distinguished chairman of the committee will be able to look into this matter further, and perhaps hold hearings, so that we can be on stronger ground in proceeding with the House.

The Senator from Indiana has a bill, cosponsored by several Senators now in the Chamber. We are going to have to do something to lay a foundation to compensate for the fact that, as long as we are going to let the parliamentary rules between Senate and House take precedence, the Senate will never be able to initiate legislation of this kind.

I am concerned, and apparently a number of other Senators are also concerned, that we do something about the 300,000 people who are unemployed now and do not have any unemployment compensation, and who are suffering personally as a result of their inability to participate in the buying and selling process of the economy, so that the economy is also suffering.

I think that is enough said for now, Mr. President.

Mr. JAVITS. If the Senator from Indiana will yield, first, I would like to join him in what he has just said; and second, I should like to point out that 40 Senators, voting under these circumstances, is an appreciable number of Senators. It is absolutely true that this was trying to do something which we felt was essential but it was doing a lot on this bill in this way. Thus, I, like the Senator from Indiana, can understand why some Members voted to table who otherwise would vote for such an amendment. It is susceptible to being worked out. Issues can be worked out. It would amount to a fractional percentage as far as employers are concerned, and any other issues which are nettling can be worked out also, so that I would like strongly to urge the distinguished Senator from Louisiana (Mr. LONG)—whatever our differences may be on many things, he has certainly never been lacking in appreciation of the problems of mankind, with unemployment, illness, and so forth—recognizing such heavy sentiment as was just reflected in what was a difficult vote for many Senators, to give an ear to this situation and try to help with it by the necessary hearings and whatever legislation might be framed by the committee.

Mr. PERCY. Mr. President, will the Senator from Indiana yield for a brief comment?

The PRESIDING OFFICER (Mr. BYRD of Virginia). The Senator from Indiana has the floor.

Mr. BAYH. I am glad to yield to the Senator from Illinois.

Mr. LONG. I object, Mr. President. The Senator can yield only for a question. I have been seeking recognition.

Mr. BAYH. Mr. President, I would like to make one further comment. I do not want to delay this legislation, but because the Senator from Louisiana has been very kind I would just like to say that on S. 973 there are certain features that have been brought to the attention of the Senate this morning that I think can improve that bill. First, the amendment of the Senator from New York. Second, the questions raised by the Senator from Louisiana about the tax on employers needs to be remedied. I think these things can be ironed out. I hope we will pursue this matter quickly. I know that the Senator from Louisiana is probably one of the busiest Members of the Senate. If not the busiest Member of the Senate because of the tremendous burden he bears.

Mr. PERCY. Mr. President, will the Senator yield for a brief question.

Mr. BAYH. I yield.

Mr. PERCY. Mr. President, is not the Senator from Indiana pleased with the fact that 40 Senators—though they know the urgency of this legislation and that the legislation must be passed because there is a deadline—were willing to move ahead with this amendment?

Certainly that is an encouraging sign that there should be hearings and that the Senate considers this an important matter.

Mr. BAYH. I think this is a very important sign. I thank the Senator from Illinois for bringing the matter up.

I must admit that I do not like to lose on a close vote. I know that others must share my feelings. If we could have changed three votes, the result would have been different.

The Senate has laid the ground work for showing the Members of the House that there are strong feelings here. In the normal process I think that we can be successful.

Mr. LONG. Mr. President, as far as I am concerned, I think we will cover this subject in hearings and let everyone have an opportunity to be heard.

I am frank to say that there were 30 Senators who voted for basically the same proposal last year, and 45 Senators voted against. At that point we were considering a major unemployment insurance bill.

Mr. President, I would think that when a considerable number of Senators change their position on a matter, it may be because they heard from one side without hearing from the other side. As far as I know, employers are almost unanimously opposed to this provision. We have also not heard from the State commissioners, who are opposed to this matter so far as I know.

As far as I remember, I do not think anyone was here to state the position of the Department of Labor on this matter. I received a letter from the Secretary of Labor while the vote was being taken. I ask unanimous consent that the position of the Department of Labor be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 30, 1971.

Hon. RUSSELL B. LONG,
Chairman, Senate Finance Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR LONG: This is in reply to Mr. Vail's request on behalf of your Committee for a statement of the Department's position on S. 973. This bill would amend P. L. 91–373 to provide 100 percent Federal financing and lower the national trigger from 4.5 to 4 percent.

The Department opposes the enactment of S. 973 for the following reasons:

1. The extended benefit provisions of Public Law 91–373 enacted by the Congress only last August is beginning to meet the extended benefit need and should be thoroughly tested before a decision is made to replace it. This law provides that the Federal Government will pay 50 percent of the cost of extended benefits any time after October 10, 1970 to any State that amends its law to meet the requirements of the Federal Act. Seventeen States are already paying extended benefits under the Employment Security Amendments of 1970. The 17 States account for two-thirds of all current insured unemployment and almost half of the Nation's covered workers. The remaining States have extended benefit legislation in various stages of consideration and those with the higher rates of unemployment can be expected to complete their legislation and qualify for Federal grants soon.

2. The State unemployment insurance reserves ($12.4 billion for all States) are high enough to pay half the benefit costs without strain on State funds.

3. The bill requires all States to enact extended benefit legislation by the first day of the calendar month following the bill's enactment. This would allow only 1 to 30 days for State legislative action. Some State legislatures have adjourned and more will have done so by the time S. 973 could be enacted.

Since the present arrangement under P. L. 91–373 is just getting underway, it would be unwise to discard it and substitute a mixture of approaches included in S. 973. That mixture could only be confusing in view of the actions the States have already taken.

Sincerely,

J. D. HODGSON,
Secretary of Labor.

Mr. LONG. It may well be that when this matter has been thoroughly considered and all parties have been heard, there might not be as much support for the amendment as there is now. That remains to be seen.

On the appropriate measure, I would certainly be happy to hear both sides and to make available to the Senate the arguments and the evidence that both sides have to present.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. JAVITS. Mr. President, as the Senate knows, I strongly opposed the introduction of the IET in 1963 and 1964. I continue to believe that the IET has been a bad and ineffective way of approaching our balance-of-payments difficulties. By attempting to stop up only one of the many holes in our balance of payments, it has merely increased the flow out of others, and the net result has been that our balance-of-payments position has continued to deteriorate. The IET by treating the symptoms rather than causes has put off the day when the administration must come to grips with the underlying causes of our balance-of-payments disequilibrium and formulate responsible, long-range programs for putting our own and the international accounts of others on a better and more realistic footing.

Yet, I recognize that the IET has regrettably become an integral part of the system of barriers established to deal with our continuing balance-of-payments problem. This problem persists, and the balance-of-payments deficit that the United States sustained in 1970 approached $4 billion on the liquidity basis. Chairman MILLS estimated that the deficit would have been at least $1.6 billion larger in 1970 if the IET had not been in effect.

I will support the extension of the IET since its discontinuance would have the following adverse effects:

First. It would cause a further deterioration in the U.S. balance-of-payments position both by increasing the attractiveness of the U.S. market to foreign buyers who are already attracted by the low interest rates now prevailing in the United States and by encouraging the substantial purchases from foreigners by Americans of securities which U.S. companies have issued abroad to finance foreign direct investment. In turn, the track record indicates that the IET has deterred U.S. purchases of foreign securities.

Second. It would jeopardize our attempts to improve other aspects of the international trade and monetary system and indeed convince monetary authorities in other nations that the United States indeed is indifferent about its balance-of-payments deficit. This could affect the role of the dollar as a reserve currency and the willingness of foreign nations to hold dollars.

Third. It would have the effect of increasing long-term bank loans to foreigners again to the detriment of our balance-of-payments position.

However, Mr. President, while supporting the extension of the IET, I do not believe that its coverage should be extended to cover short-term obligations of less than 1 year. This extended coverage provision is an addition of the Senate Finance Committee and does not appear in the House-passed version of the bill. The extension of the IET's coverage to short-term obligation of less than a year is opposed by the Department of the Treasury, and it is my understanding that the Treasury is concerned about the administrative problems such an extension would have in addition to the problems it might cause the financing of legitimate business and personal transactions. I note, however, that the Committee on Finance's wording accords discretionary authority only to the administration, that the Treasury has indicated publicly that they do not wish this discretionary authority and do not see how they could effectively use it even if it were authorized, and that the expeditious passage of this legislation is required.

Mr. President, accordingly, I urge the President not to invoke this authority even if contained in the bill. While I will support the extension of the IET this year for the reasons outlined, I would like to call the attention of my colleagues to the report of the Joint Economic Committee of the Congress which was released yesterday. In this report the majority and the minority joined in joint views on international economic issues. These joint views include a very fine section on the U.S. balance of payments. In this section it is recognized that "military expenditures overseas constitute the single largest adverse contribution that the Government makes to our continuing balance-of-payments deficits. Such expenditures totaled $4.8 billion annually in 1969 and 1970. The majority and minority then recommend that—

> As a major adverse element in our balance of payments, U.S. military expenditures abroad should be reduced.

I cite this fact to give a little better perspective on the debate concerning our balance-of-payments deficit, and it is my hope that the administration's balance-of-payments program which includes the extension of the IET will likewise include increasingly vigorous steps to reduce U.S. military expenditures overseas.

I ask unanimous consent that an article reporting the opposition of business firms to the extention of the IET to cover short-term transactions which appeared in the March 25, 1971, Journal of Commerce be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MANY FIRMS OPPOSE IET EXPANSION

(By Ed Tyng)

Banks and some international corporations which have outstanding many billions of dollars of short-term loans, credits and investments abroad expressed concern yesterday over a possible extension of the interest equalization tax to under one-year foreign investments. But they said they are not going to get excited about it until the proposal gets enacted into law and the administration uses it.

The Senate Finance Committee voted on Tuesday to approve a proposal by its chairman, Senator Russell Long, D-La., which would authorize the President to extend the equalization tax to investments of less than a year's maturity.

WOULD BE OPTIONAL

The proposal, which could affect perhaps $10 billion of bank overseas lending and investing and more billions of corporate money, it was noted, was optional for the President, and the Nixon Administration has already said it will not use it and doesn't want it. But even if because of a balance of payments crisis the administration did impose the tax on short-term credits or investments, the tax would be difficult to administer and would depend largely upon both the exact wording of the law as finally enacted and by Treasury or other government agency interpretation of what was a loan and what was an investment or whether loans would be considered synonymous with investments.

Sen. Long's idea was to provide more "ammunition" to the administration to cut back the U.S. international payments deficit which, on an official settlements basis, now is at a new record of around $10 billion yearly.

Bankers and businessmen investing internationally agreed that the imposition of the equalization tax on short-term loans and investments would almost immediately make further loans and credits prohibitively costly and force the repayment of loans and investments of a short-term character already outstanding. This would impose a crisis upon foreign borrowers and upon foreign subsidiaries of U.S. international corporations. Such cessation of further short-term lending and investing and forced repayment at maturity of existing loans and short-term investments would, of course, bring about a major correction of the U.S. payments deficit, but at the expense of creating a possible panic abroad.

If short-term loans and investments by international corporations were to be taxed, the corporations could not do as they are now doing, make short-term loans and investments in foreign subsidiaries during a calendar year and cause them to be repaid by year-end to comply with the direct foreign investment restraint program. For example, in the final quarter of last year, because of repayments, investments made directly abroad in foreign enterprises in which Americans have "significant control" fell to $410 million from $711 million in the third quarter but for the year 1970 as a whole rose to $3,970 million from $3,070 million in 1969, which was within prescribed limits.

ADMINISTRATION POSITION

Before the Senate Finance Committee acted, Treasury Undersecretary Paul Volcker told the group that there are better ways of dealing with the deficit problem, namely by stimulating the national economy and reducing inflation. Senator Long has said that he merely wanted to give the administration power to deal with short-term capital flows.

The Senate Finance Committee is said to be drafting the bill embodying the new authority was a view to making it clear that the tax will not apply to export-import transactions or commercial paper of any type through which vast amounts of foreign transactions are financed on credit.

Under present law the President is authorized to impose an equalization tax of up to 1.5 per cent on investments abroad of more than one year maturity, although the tax actually imposed is only half that amount. The equalization tax law expires next week and the House already has voted a two-year extension, with no authority for taxing any investments or credits of less than a year. Some observers believe the authority to tax short term investments will not survive in a Senate-House conference on the equalization tax measure.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 5432) was passed.

Mr. LONG. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia. Mr. President, I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. LONG. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. BYRD of Virginia) appointed Mr. LONG, Mr. ANDERSON, Mr. TALMADGE, Mr. BENNETT, and Mr. CURTIS conferees on the part of the Senate.

Mr. DOMINICK subsequently said: Mr. President, unfortunately, we seem to have been tied up in a luncheon of the Policy Committee on the Republican side, which my distinguished colleague heads, during the consideration of the Interest Equalization Tax Extension Act of 1971, which was passed by a voice vote. I want to express for the record my opposition to that bill, and I think I should explain that opposition for the RECORD.

In 1963, when this particular piece of legislation was passed, I was authorized by the Banking and Currency Committee, of which I was then a member, to go abroad and confer with the central bankers concerning our balance-of-payments problem. I went to the central bankers in England, Switzerland, France, and Italy.

While I was there, that bill was passed, and every single one of those bankers, without exception, said that it was badly timed and that it would not work.

The purpose of it at that time was to try to prevent U.S. capital from going abroad on a temporary, short-term basis, in order to correct our unfavorable balance of payments.

The act was then extended during the time when we went into tight money and high interest rates and money was coming from abroad. So obviously we were then in a reverse position, but still the same bill was passed.

Now our interest rates are going down. We are again in a position where capital may be sent out of the United States, which might have some possible effect on the short-term balance of payments. But our investments abroad on a 20-year basis—longer term basis—have created enormous balance of payments in our favor—as much as $3 billion or $4 billion a year.

It seems to be nonsensical to me to condition such action on the ground that we are affecting our balance of payments, when the legislation is enacted and extended under all different kinds of economic conditions, regardless of what the real balances of payments are.

So, I for one, having fought bitterly against the bill to continue that policy, thinking it was a poor piece of legislation, want to express my opposition—and strong opposition— to its passage today. I hope the House will take a longer look at it than the Senate did.

I ask unanimous consent that relevant parts of the report entitled "The Dollar Problem" which I compiled in 1963 subsequent to my discussions with English, Swiss, French, and Italian bankers, be inserted in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE DOLLAR PROBLEM

A report on a factfinding trip to England, France, Switzerland, and Italy from July 22 to August 1, 1963, by Senator Peter H. Dominick

BACKGROUND

With many others, I have been increasingly disturbed over our continuing balance of payments deficits and the continuing losses in our gold reserves.

With the invaluable cooperation and consent of the chairman, Senator Robertson; the subcommittee chairman, Senator Clark, and the ranking Republican member, Senator Bennett; I arranged through the State Department and through some personal contacts to discuss the problems noted above privately and informally with Treasury attachés, the respective Ambassadors, some private commercial interests, and officers of the central banks in England, France, Switzerland, and Italy. I have retained in my file the names of all with whom discussions were held, and will be glad to make these available to any member, but because of the nature of the talks and this report it would be inappropriate to list them here.

At the outset, it might be helpful to set forth the dimension of the problems involved. Under the executive department's policy decision issued in 1934 foreign central banks may redeem their dollar holdings in gold held in our Treasury at a rate of $35 per ounce. Obviously if gold in the world market is worth more than $35 per ounce, it is advantageous to redeem dollars in gold. In the following table I is a list of the gold and dollar holdings of various countries and international organizations. As of the end of March, total potential claims against our gold exceeded $25 billion. Against this amount we then had $3.883 billion of free gold reserves over and above the approximately $12.5 billion required to back our currency.

TABLE I.—FOREIGN GOLD AND SHORT-TERM DOLLAR HOLDINGS AS OF MAR. 31, 1963

[In millions of dollars]

	Gold	Short-term dollar holdings	Total
Austria	$484	$305	$789
Belgium	1,372	183	1,555
Denmark	31	65	96
Finland	61	79	140
France	2,709	1,414	4,123
Germany	3,749	2,475	6,224
Greece	77	166	243
Italy	2,286	1,099	3,385
Netherlands	1,581	228	1,809
Norway	30	130	160
Portugal	476	157	633
Spain	514	190	704
Sweden	181	492	673
Switzerland	2,461	812	3,273
Turkey	140	22	162
United Kingdom	2,447	2,193	4,640
Other	322	241	563
Total	18,921	10,251	29,172
Canada	732	3,137	3,869
Latin America	1,153	2,445	3,598
Japan	304	2,233	2,537
Rest of world	2,271	2,082	4,353
Total foreign countries	23,381	20,148	43,529
International and regional	2,235	4,982	7,217
Grand total	25,616	25,130	50,746

Source: Board of Governors of the Federal Reserve System.

As of June 30, 1963, the comparable holdings of gold and dollar reserves held by foreign countries and international organizations were $25.896 billion and $25.825 billion, respectively, and our free gold reserves available to secure the foreign dollar holdings were only $3.459 billion.

In table II is a schedule showing our total gold reserves year by year from 1950. If these losses continue, we will be in technical bankruptcy within 2 to 3 years or be forced to lower the gold backing of our currency which might well start a further run on our remaining gold supply.

TABLE II.—A SCHEDULE SHOWING OUR TOTAL GOLD RESERVES YEAR BY YEAR FROM 1950

[In millions of dollars]

	Total gold stock
Year:	
1950	$22,820
1951	22,873
1952	23,252
1953	22,091
1954	21,793
1955	21,753
1956	22,058
1957	22,857
1958	20,582
1959	19,507
1960	17,804
1961	16,947
1962	16,057
Month:	
1962:	
July	16,182
August	16,139
September	16,081
October	16,026
November	16,014
December	16,057
1963:	
January	15,974
February	15,891
March	15,946
April	15,914
May	15,854
June	15,830
July	15,667

Source: Federal Reserve Bulletin, August 1963, p. 1168.

The Federal Reserve Board has the authority to suspend, on a temporary basis only, the statutory 25-percent gold reserve backing our currency. This would certainly be considered an emergency situation, would undoubtedly create a dollar crisis, and would immediately trigger legislative action.

During calendar 1963 our imbalance of payments have been running at a deficit annual rate of $3.2 billion for the first quarter and $5.2 billion for the second quarter. The situation appears to be somewhat better in the third quarter, but the loss continues to be very serious.

Despite a favorable commercial trade balance, our imbalance of payments and the consequent gold losses continue, and can be traced to four fundamental expenditures and one economic factor: (1) foreign economic aid; (2) military aid; (3) tourism; (4) capital investments in foreign securities; and (5) world gold consumption exceeding gold production. Although the balance-of-payments deficit may not be as large as reported, as statistically it includes short-term investments in other countries but not foreign short-term investments here, nevertheless the gold losses cannot be blinked away. A solution must be found.

It is plain, therefore, that the stability of the value of our dollar is in the hands of our creditors, the largest of these being, as shown in table 1, France, Italy, West Germany, Switzerland, and the United Kingdom.

The timing of this trip was determined by the President's speech and proposed capital tax, the hearings held in July by the Joint Economic Subcommittee, and Senate duties.

GENERAL CONCLUSIONS

(1) Vigorous opposition by our creditors to any devaluation or reevaluation of our dollar.

(2) Recognition by our creditors of the urgent need to correct our balance-of-payments deficits.

(3) The President's proposed tax on use of our capital market for sale of foreign se-

curities was badly timed, badly announced, and ineffective, particularly after the Canadian exemption was announced.

(4) The increase in the Federal Reserve rediscount rate is helpful, but probably will not cure the long-term problem.

(5) An increase in long-term interest rates would attract foreign capital and decrease gold losses.

(6) A revaluation of our dollar would disturb France and Italy more than Switzerland and the United Kingdom, but would be matched promptly by all countries except Switzerland. The latter might try to reduce inflationary forces by raising the proportionate value of its franc by about 5 percent.

(7) Balancing of our national budget and a dramatic cut in foreign economic aid would tend to stabilize the value of the dollar.

(8) France shows increasing concern over purchases by U.S. citizens of controlling or substantial interests in key industries, but has not yet decided whether to invoke strictures on such transactions.

(9) Switzerland will continue to "sterilize" dollar deposits from out of the country so that they cannot be invested in the country. In addition, it will continue to charge the depositor instead of paying interest on the deposit. Despite these steps, dollar deposits are increasing.

(10) Gold production continues to fall behind gold consumption and gold hoardings, and the pressures on raising the price of gold to stimulate gold production increases each year. Any closing of the South African gold mines for commercial or political reasons would institute a sharp crisis in present currency transactions.

(11) There is growing discussion in Europe of the need to adopt a universal Common Market reserve currency to back their own individual currencies. It would appear that this is a long-range program to fit into further political integration of the European countries. If it should come into effect, and this is still very doubtful, it would have an enormous impact on international trade and the currency systems of the United States and other countries of the free world not within the Common Market.

RECOMMENDATIONS

(1) Hearings should be held to determine the advisability of amending section 16 of the Federal Reserve Act (the section setting up the 25-percent gold backing of our currency). These hearings would assist in publicizing our dilemma, the need for budget cuts, the advantages and disadvantages of metallic backing of our currency, the reasons for the gold ratio now in the law, and the measures used by other countries to stimulate gold production. These hearings should be held jointly with the Minerals, Materials, and Fuels Subcommittee of the Senate Interior Committee, which has jurisdiction over legislative matters dealing with gold production and the measures now or in the future needed to stimulate such production.

(2) Consideration should be given to positive legislative steps to place our national budget in balance in order to reduce pressures on the dollar. These steps could take a number of different forms: e.g. (*a*) a joint effort by committees to tie any effective tax cut to a balanced budget; (*b*) recommendations for a joint budget committee; (*c*) a series of statements on the floor of the Senate to emphasize the problem with specific recommendations in reducing Federal expenditures by flat percentages; (*d*) hearings by the International Finance Subcommittee of the Senate Banking and Currency Committee and the Senate Foreign Relations Committee to determine more exactly recent changes in administration of the International Monetary Fund in connection with Senator Javits' resolution calling for an international monetary conference.

UNITED KINGDOM

South Africa produces over 70 percent of the world gold supply and provides legislative incentives to keep production profitable. Hence, any increase in the price of gold by revaluation of the dollar would further stimulate production and enhance the economy of that area. Failing this, there is a good possibility that the price-cost squeeze on gold now in effect will require many of the South African mines to close within the next 5 or 10 years. Since world consumption of gold for monetary, industrial, commercial, and artistic purposes, completely excluding the hoarders, substantially exceed world production of gold, any shutdown of these producers or a substantial proportion of them would create a real crisis in the London gold market and probably would result in further runs on our gold reserves.

The United Kingdom currency reserves are held in the approximate proportion of 90 percent gold and 10 percent dollars. This represents a considerably larger ratio of gold to dollars than France, Belgium, Sweden, and West Germany. Hence, a revaluation of the dollar, to which all were verbally opposed, would not affect the United Kingdom as much as those countries holding a larger proportion of dollars. If any revaluation of the dollar should take place, it should be in an amount high enough to reflect changes in prices since 1935, i.e., double the present price or more, as this would give a stable atmosphere to the new valuation while a more modest increase would lead to further instability with people of most countries expecting a further revaluation in the next few years.

Financing of our balance of payments deficits through the sale of bonds in foreign currencies provides some guarantee against revaluation of the dollar, but psychologically this can be pushed too far as it leads some to believe that such revaluation is presently being contemplated.

At least one person suggested that further consideration be given to Mooney's theory of establishment of universal reserve to back all free world currencies, the reserve to be managed by a small group similar to the executive group of the International Monetary Fund. However, there are problems involved in the creation of any additional international credit management group.

Another suggested that any revaluation include Cutherbertson's theory of arbitrarily apportioning gains and losses between countries holding gold and dollar reserves to avoid undue impact ony free world country which has held a large proportion of dollars in order to assist the United States in its effort to protect our free gold, and several stated that Dr. Jacques Rueff's theory of a return to the gold standard would unduly restrict liquidity and cause too much hardship to be practical. A majority of those contacted, not otherwise committed for political reasons, stated that the President's capital tax program has doubtful value from the U.S. point of view and is harmful to the United Kingdom's effort to expand its own economy. General approval was given to the raise in the rediscount rate.

There was general agreement on the premise that stability of the dollar and the pound depends to a large extent on psychological factors. Hence, balancing of our national budget and a sharp cut in foreign aid as one method to reduce expenditures would evidence our determination and tend to stabilize the dollar.

The United Kingdom's economy appears to be improving slowly. There is no immediate crisis in the pound and although the United Kingdom currency reserves appear somewhat low for financing her total trade, they are probably adequate for the moment, and are well balanced to avoid problems in the event we must revaluate the dollar. Since trade is so important, the ideological problems connected with trading with the Communists are dismissed as unrealistic, and in 1962 the United Kingdom had an imbalance of trade with the Soviet bloc of £98 million. The chance of changing this attitude at this time appears unlikely with existing political and domestic pressures within England.

FRANCE

France has cooperated with the United States in our dollar and gold problems to a great degree, even though she has been unwilling to purchase our short-term obligations repayable in French francs, and despite the political disagreements between President de Gaulle and President Kennedy. She has informally agreed to hold gold purchases to $30 million per month, but this eventually placed her in a position where the ratio of her own gold reserves was falling while dollar reserves increased. In addition, France has been prepaying the loans she received in 1945 and 1949, part of these being loans from the U.S. Treasury and part through the World Bank. These prepayments have substantially helped offset our balance-of-payments deficit. This in time will reduce the cushion which we have been using to balance our payments.

France's gold reserves had fallen below 67 percent of her total reserves as of July 1, 1963, the lowest ratio of any country except West Germany. To change this trend she has recently negotiated the purchase from the United States of an additional $112 million of gold. As of August 1, 1963, her reserves had been strengthened to the proportion of about 70 percent gold with the balance in dollars. There were some indications that the percentage of gold reserves would be increased to a 73-percent level as a slight hedge against a dollar crisis.

At the present moment, France has only $700 million of external debts, all owed to the United States, and barring unforeseen circumstances, it will continue to prepay this amount. Based on recent experience, the prepayments of these debts, plus regular amortization payments should eliminate the external debt within the next 3 years.

Although France is becoming increasingly concerned over U.S. investments in key industries in France, she does not believe that the President's capital tax program was timely or strong enough and she feels that the United States will have to impose exchange controls. She heartily approves of the raise in the short-term rediscount rate. In a banking sense, France does not care to distinguish between private investment and governmental funds, and feels that the government should control both avenues of financing at all times. In addition, it was stated that a sharp cut in foreign aid imposed by Congress would increase faith in our determination to protect the dollar and would thereby stabilize its value, even though some countries might object.

As in London, great emphasis was placed on the psychological factors involved in currency transactions and the need to reaffirm faith in the stability of the dollar. As a result, considerable reluctance to discuss possible reevaluation was evident. Dr. Jacques Rueff's theories of stabilizing currencies by a return to the gold standard were well known and dismissed as impractical and incorrect, and the problem of decreasing gold production was recognized but treated as relatively unimportant.

A revaluation of the dollar in terms of 1963 prices ($75 to $78 per ounce) would have an adverse political effect on France as it would result in penalizing one of the few countries that has been trying to assist us in our gold loss problems by retaining dollar reserves. Obviously the penalty term is not realistic as it would merely involve loss of potential profit; not loss itself. In addition, two theories were expressed as to the possible effect of reevaluation on the gold hoardings in France, which are considered large, although no estimate of the amount involved was given. If it resulted in a reentry of the hoarded gold into the market, thus assisting in stabilizing the supply and demand for gold, it would also create strong inflationary pressures which are already in evidence and against which President de Gaulle is fighting. On the other hand, the hoarders might feel that this was only the first step in the rise of the price of gold and continue to hoard gold against future price increases. In the former event, the additional gold would create inflationary problems, and in the latter event, it would fail to stimulate the needed gold supplies. It seemed evident that both theories were advanced to discourage any further talk on revaluation and to emphasize the basic belief in the integrity of a managed currency with no metallic backing, despite the historical record of the catastrophies which this created in relatively recent French and German history.

France's economy is growing rapidly and despite strenuous effort by the Government inflationary pressures are strong. Defense budget expenses are still high despite the end of the Algerian affairs, because of the emphasis on development of nuclear weapons. It is doubtful whether France will join any nuclear test ban, as President de Gaulle's concept of history places France as the defender of Europe, and he is unwilling to turn that role over to the United States. Although the Communists poll a large number of votes, our Embassy personnel feel that their actual power is not strong. This is based on the theory that large numbers of dissatisfied French traditionally vote for the party on the extreme left of the ballot and this position has been preempted by the Communists. Hence, the vote is large, although the number of card-carrying Communists may be small.

SWITZERLAND

The Swiss commercial banking system is, of course, worldwide in renown and in operation. There is little doubt that in the eyes of the world the Swiss franc is more stable than any other currency and, consequently, whenever there is a ripple of uncertainty as to the stability of the dollar or any European currency, the Swiss banks receive an inflow of capital. This has created problems for the Swiss economy, as well as many benefits. For 2½ years inflation of about 3 percent has been occurring in Switzerland, and it has worried many of the commercial and political leaders. Despite a continuing commercial trade deficit the overall balance of payments is favorable because of the large inflow of foreign capital. This foreign capital in turn increases the inflationary pressures and hence the Swiss have taken measures to curtail its scope. For some time regulations have been in effect requiring a foreign depositor to pay the Swiss banks for deposits made and all such deposits are "sterilized" (i.e., may not be used for any investment in Switzerland). On the very day of the announcement of President Kennedy's possible exemption of Canada from our capital tax, $3 million were deposited from the United States.

The Swiss Central Bank holds reserves in an approximate proportion of 96 percent gold to 4 percent dollars, and the overall holdings in Switzerland are closer to 110 percent gold. This in turn has created some liquidity problems for Switzerland, although no concerted drive is in process to increase dollar holdings. The Swiss have purchased U.S. bonds payable in Swiss francs rather than dollars in order to assist us in financing our balance-of-payment deficit without creating more pressure on our gold reserves, and is willing to repeat the process. It was clearly indicated that this was not a continuing offer in terms of time and that while the process might help us over the short-term hump, it would not clear the long-term bump.

My attention was called to a portion of a book written by Dr. Lary, of Princeton, discussing foreign trade problems and indicating that our statistical system of computing our balance-of-payments deficit was inaccurate. Apparently the Treasury includes in its computation all short-term outflows of capital, but does not offset this with the corresponding short-term capital inflows which in 1962 were estimated to equal $1.2 billion. Although this is an interesting fact, the critical balance-of-payments figure is never less than the amount of our gold outflow, which in 1962 equaled $833 million and is presently running higher than that on an annual rate basis.

Revaluation of the dollar in terms of gold would, of course, substantially increase Switzerland's credit base because of the very high amount of gold in its currency reserves. However, the inflationary pressures which this would create were believed to be far more dangerous. Therefore, the Swiss join the English and the French in recommending against it. If revaluation should occur, it is probable that all other countries except Switzerland would revaluate their own currency to maintain present proportionate values. Switzerland, to reduce inflationary pressures, might set its franc 3 to 5 percent higher than present comparative values.

Once again, psychological values in currency stabilization were emphasized. All emphasized that President Kennedy's proposed capital tax was too little, too late, and probably would act adversely to the NATO economy, particularly with the Canadian exemption and similar concessions which would be given to Japan, and all endorsed the raise in the rediscount rate. It was felt that a sharp cut in foreign aid by Congress would strengthen belief in the stability of the dollar and that some additional share of the cost of the military assistance should be absorbed by the countries assisted and their neighbors.

Additional suggestions for balancing our payments ranged from subsidizing interest rates in the United States for foreign investors and depositors, to imposition of exchange controls on capital investments abroad, although most were aware of the difficulties involved in enacting any such proposals. Once again sharp questions were asked about the need for continuing a nationally imbalanced budget and reference was made to the increase in our own gold reserves in 1956 and 1957 when the national budget was balanced or in slight surplus.

ITALY

Italy has been growing economically very rapidly and this has put substantial pressure on wages and prices. The growth rate has been somewhat slowed recently but it is still progressing rapidly.

The Italian lira, like the French franc, is completely controlled by the Director of the Central Bank, and its value can be set at any level by his own decision and order. Although U.S. investments in Italy have been received somewhat more cordially than in France, the same fear of loss of control over key industries was expressed. No indication, however, was given that any direct restrictive measures would be imposed and the probability of this happening is small because of the overall need for capital investments for industrial and commercial growth.

Since the lira, like the other European currencies, is keyed in value to the dollar, any discussion of revaluing the dollar raises great concern. Italy's central reserves are apportioned approximately 78 percent gold and 22 percent dollars. Total reserves are not high in terms of their foreign trade, but appear adequate. It was stated strongly that revaluation of the dollar would be taken by the Communists in Italy as a sign of Western economic weakness and would substantially increase their power at the polls in the next election. Since they polled 25 percent of the total vote in this spring's election, this could be very serious. In addition, the relative low proportion of gold to dollars would mean a loss of potential profit and the Italians are no happier over this than were the French.

The attitude toward currency stabilization measures followed that of the other countries. It was felt that the proposed capital tax was too late and largely ineffective, that the rediscount raise was helpful, that the national budget must be balanced to stop our continuing gold losses, and that a cut in foreign aid funds would be a step in the right direction. Considerable skepticism was expressed about the need for any gold backing of the dollar and interest in a universal currency reserve managed by the central bankers of the Western Hemisphere was expressed. Examples of the disasters into which managed currencies have historically fallen were brushed aside on the basis of the integrity of the existing heads of the central banks, although no one undertook to guarantee either their longevity or tenure.

SUMMARY

It seems apparent that there are a number of extremely serious problems which should be studied and acted upon before potential disaster becomes actual. The first involves the very fundamental question of whether gold is needed to back a stable currency. If it is, then we should so state as a matter of policy, take steps to stop our gold losses, and find a means to stimulate gold production particularly in the United States. If it is not, then we should take successive steps to lower or eliminate the required gold backing of our currency so that we can avoid a crisis which looms ahead and which is approaching ever more rapidly with our ever increasing imbalance in payments. The second is to publicize the need for balancing our national budget.

This report should not close without expressing my appreciation to the Embassy staff members who arranged many of the meetings and schedules and to the heads of the central banks who spoke freely and frankly. As I have stated to many of the people involved that our conversations were not for public record, but for my own information and that of committee members. I have not attributed any opinion, fact, or conclusion to any particular individual.

Respectfully submitted.

PETER H. DOMINICK,
U.S. Senator.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, we face a rather odd situation. I want to introduce a bill, and the Senate is about to go out. The time has not yet expired under the germaneness rule. These are peculiar circumstances.

Mr. BYRD of West Virginia. Mr. President will the Senator yield?

Mr. JAVITS. I yield to the Senator from West Virginia.

ORDER FOR ADDITIONAL PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND ORDER FOR RECOGNITION OF SENATOR FULBRIGHT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there again be a period for the transaction of routine morning business not to exceed 15 minutes, with statements therein limited to 3 minutes, and that upon the conclusion of that period for the transaction of routine morning business, the distinguished Senator from Arkansas (Mr. FULBRIGHT) be recognized for not to exceed 20 minutes, following which there be another period for the transaction of routine morning business not to exceed 15 minutes with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

(The remarks of Senator JAVITS when he introduced S. 1422 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSNESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business again be closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order the Senator from Arkansas is recognized for not to exceed 20 minutes.

QUESTION TIME ON LAOS

Mr. FULBRIGHT. Mr. President, it is with reluctance that I speak today about Laos and the recent South Vietnamese venture there. It will be charged that I am gloating at a South Vietnamese disaster—that I enjoy being able to speak in tones of "I told you so."

Were I to remain silent, however, I would be partner to what is either a massive deception of the American people, or what is a massive misjudgment on the part of our political or military leaders.

Silence under these conditions does not serve a free Government.

Silence when we are being told that the Laos operation "went according to plan"—when I know it did not go according to plan—would make me party to deception or would imply an acceptance of the administration's misjudgment.

Should I remain silent when the Secretary of Defense states with apparent astonishment that:

> The invasion of Laos was cut short because of "the tremendously vicious and violent reaction on the part of the North Vietnamese?

From the beginning the South Vietnamese operation in Laos has been a most peculiar affair. It has been conducted in great secrecy with reporters denied the means to provide an accurate account of what has transpired.

The Chairman of the Joint Chiefs of Staff has described the operation as "successful." In his view the only thing that went wrong was that almost everyone reporting the operation "was itching for the South Vietnamese to lose." When the highest ranking officer in the Armed Forces of the United States is so misled by his predilections, there is occasion for some public alarm.

The objectives of the Laotian operation have shifted with the weather; the results achieved have been measured by the Vice President as an "orderly retreat," by the Chairman of the Joint Chiefs as "successful," and by the administration generally as having gone according to plan.

On February 9, shortly after the operation began, the Committee on Foreign Relations was briefed in a top secret executive session by the Secretary of State, accompanied by Lt. Gen. John W. Vogt, Jr., Director of the Joint Staff of the Joint Chiefs of Staff.

At that briefing most members of the Senate Foreign Relations Committee expressed profound doubt about the wisdom of the operation and the reliability of the intelligence upon which it was based. A number of statements were made about the objectives of the operation. I have asked the Secretary of State whether the transcript of that briefing can be declassified. Since the operation in Laos has ended, I see no justification for continuing to keep the briefing classified.

Much of the flavor of the Laos operation is found in a column by Richard Wilson in the Evening Star of February 12th which I ask unanimous consent be inserted in the RECORD at this point in my remarks.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

NIXON DETERMINED TO SEE LAOS MOVE SUCCEED

(By Richard Wilson)

If the optimum objective of the current operation in Laos is achieved, major Communist offensives probably cannot be carried on in Vietnam in 1972.

The planned withdrawal of all American combat forces can thus be completed and President Nixon can go into the 1972 election period with confidence that the American people will credit him with having come close enough to his firm pledge to end the war.

This is the hope, and, in fact, it is the President's expectation. It probably will not be known with any certainty until May if the operation succeeds or fails. Unless, that is, the Communist side is able to envelope the South Vietnamese forces in a reception of the Dien Bien Phu siege which ended French public support of the war in Indochina.

This is not expected. The President does not believe that the Communist side has the capability of doing that. He believes that North Vietnam's capability is now being as badly overestimated as it was underestimated in the 1964–65 period.

But, win or lose in Laos, one conclusion emerges from the President's decision. Whatever the political consequences, he intends to complete the withdrawal in Vietnam only when he is assured that he is leaving behind a South Vietnamese military force equal to maintaining the integrity and independence of South Vietnam.

His strategy is based upon blocking the supplies which have been coming into South Vietnam and Cambodia on the Ho Chi Minh Trail in the largest volume of any period during the war to sustain a new Communist offensive timed to the Vietnamese elections, and during next February and March when the American withdrawal will be at its most critical point.

Supplies which are now kept north of Route 9 by the current operation will have to remain there during the rainy season because they cannot be moved, and possibly through the end of 1972.

By that time, it is calculated, the independent strength of the South Vietnamese armed forces will have reached the point where their defeat by North Vietnam is out of the question.

When one listens to an explanation of the President's strategy and grasps its potentially decisive and paralyzing effect on future Communist operations in the critical areas of Indochina for a year or two to come, the conclusion presents itself that it cannot be permitted to fail.

Once the courageous decision has been made to do what has always been the logical thing—cut off Communist supplies so they cannot fight—there probably can be no backing away. If the South Vietnamese forces, supported by American air power, cannot accomplish the objective their failure would be catastrophic.

It would be a different version of Dien Bien Phu; and, so, taking into account the President's present frame of mind, it can be surmised that he will think long before he lets lack of American involvement bring on such a catastrophic failure.

The presidential frame of mind is thus of critical importance. He said to his advisers that there were 18 reasons for the operations against the Ho Chi Minh Trail and only one against it—the reaction of American public and congressional opinion. That single reason was easy for him to overcome. He had done so before when opponents of the Cambodian operation inside the administration warned him of casualities rising to 1,000 per week and a domestic explosion. Casualities did not prove to be anywhere near 1,000 a week and the domestic explosion was finally contained. The ultimate result gained six months' time. The port at Sohanoukville, through which most of the Communist supplies had been coming, remained closed.

That left the Ho Chi Minh Trail as the only route of supply and now the objective is to close that route at least for a year. If successful, neither stepped up Russian or Chinese support would be of much use to Hanoi. It could not move the added supplies to the centers of military operations.

Thus, what is going on now is undoubtedly the most critical operation of the Vietnam war. It widens the war, of course. Semantics to the contrary are a political justification for a bold military operation.

The attitude at the White House on hints that, if successful in the initial stages, the South Vietnamese might move into North Vietnam is interesting. There is no law of nature that a country whch has been invaded cannot invade back. But that is not a planned part of the current operations.

North Vietnam can react. The forces positioned north of the DMZ could attack. Attention could be diverted by new offensive operations in Laos. Least likely of all, North Vietnam could pull its unsupplied forces back into the North.

The coming weeks are extremely critical in the development of Nixon's Vietnam policy.

Mr. FULBRIGHT. Mr. President, in that column, Mr. Wilson, whose information without doubt was based upon White House sources or, to be specific, a briefing by Mr. Kissinger, was most positive in describing the strategy of the administration. Mr. Wilson said, for example:

> When one listens to an explanation of the President's strategy and grasps its potentially decisive and paralyzing effect on future Communist operations in the critical areas of Indochina for a year or two to come, the conclusion presents itself that it cannot be permitted to fail.
>
> The strategy is based on blocking the supplies which have been coming into South Vietnam and Cambodia on the Ho Chi Minh Trail. If the South Vietnamese forces, supported by American air power, cannot accomplish the objective, their failure would be catastrophic.

Mr. Wilson writes that the President "said to his advisers that there were 18 reasons for the operations against the Ho Chi Minh Trail and only one against it—the reaction of American public and congressional opinion. That single reason was easy for him to overcome. . . ."

Mr. President, criticism of the Laotian move has been muted. Indeed, the Committee on Foreign Relations delayed scheduling a series of hearings on "How to End the War" because we did not want to do anything that might remotely be construed as a cause for failure of an operation already underway but about which we all had most serious and profound doubts.

The time has now come, it seems to me, for those of us who have special responsibilities in this field to comment upon the latest developments in Indochina.

The difference between the promise of what the Laotian venture would do, and what in fact it accomplished, is another example of the profound lack of wisdom and judgment in the affairs of Indochina.

The last three Presidents have somehow misjudged the situation in Indochina. Before them, President Roosevelt during World War II perceived that colonialism was at an end in Indochina. The French and Dutch and the British came more slowly to that perception—a perception sharpened sometimes by military disaster, as with the French at Dien Bien Phu.

The United States, motivated by the internationalism of the United Nations, cloaked with righteous assurance stemming from our puritan ethic and missionary zeal, and with the mantle of world leadership, has been slow to perceive the practical limits to its foreign policy.

In Southeast Asia, our leaders, reflecting these high motivations, have been unwitting victims of faulty intelligence and their own commendable desire to do good as they perceive good—free elections, private enterprise, and all that. Relying on special information and intellectual expertise presumably only available to Presidents and others who rely on captured enemy documents, public opinion polls in Asian countries, and the advice of friendly heads of Asian states, our Indochina venture has been characterized by failure after failure in intelligence and judgment.

It is time that we asked why. Why have our best military leaders and our most highly educated political and social scientists been so often wrong?

Administration officials, whether political, bureaucratic, or military, are not evil men who have, like Rasputin, led this Nation from one disaster to another in Indochina. They have failed because they have not understood a fundamental human trait.

It is the trait, to use the colloquial expression, of not telling it how it is, but telling it how one wants it to be. No one is immune to this trait.

What Ambassador or military leader in the field will confess to the President that he cannot "hack it"? When a President asks for an honest-to-God report on how things are going in the field, what sergeant will say that morale in his platoon is bad? What captain will say that his company cannot handle the situation? What general will report problems that he cannot overcome?

I have been criticized for not going to Vietnam so I could see it "like it is." While I hope I could have withstood the brainwashing to which Secretary Romney was allegedly subjected, the question is where among our military or political figures in the field might I have found someone who, if he had doubts about what he was about, would say so? How could he speak out in criticism of his own efforts? How could he criticize his own operation or his own Commander in Chief?

Fortunately, over the nearly 200 years of our existence as a nation, a free press with all its shortcomings has provided Government officials in the administration and Congress an element of third-party judgment. The press does look and criticize Government from outside. With time and some research, I believe one could show that the press generally has more often been right in its reporting of what has been going on in Vietnam than our officials. Mr. Halberstam of the New York Times was more nearly right about American involvement there in 1963 than President Kennedy. I suggest that present press reports from the Laotian front—even inhibited as they have been—will provide the officials of this Government and the public with more reliable information than we will receive from official sources. What President, Ambassador, general, Presidential adviser, Secretary of State or Defense, will while in office, confess a failure of intelligence or judgment? Is it possible that in nearly 10 years of involvement in Vietnam that there have been no failures of policy, intelligence, or judgment? I can recall no one of rank who has so confessed.

Some may think this sad; but with the propensity that most people have—including myself, I may say—the propensity to want to see and hear things like we want them to be is common to us all. If we recognize this fact, then we know that a free and critical press is essential not only to freedom, but to the exercise of judgment based on facts, not fancy.

In that connection, I wish publicly to congratulate CBS on the quality of its recent commentary called "The Selling of the Pentagon." It is a good example, in my opinion, of a discriminating presentation of the facts. Most of those facts have been developed here on the floor of the Senate in speeches and published in books and are based upon official Government documents. I have not the slightest doubt that the principal thrust of that commentary was entirely justified. I have regretted the criticism to which that organization has been subjected by members of the administration.

The "light at the end of the tunnel" cliché has apparently affected this administration, just as it did the previous administration.

It is time to ask why there is this difference between promise and fact; it is time to heed the administration's own admonition to the American people—"to watch what we do," and, by implication, ignore what we say.

I do think that the administration owes the American people a more accurate accounting than has been given to date. In Britain, there is a tradition known as question time when members of the government are questioned on the floor of the House of Commons by members of Parliament. Perhaps we might emulate our British cousins in a less formal way by asking the administration to reply, in clear and unequivocal language, to the following questions:

One, was the concept of the operation in Laos to proceed in and beyond Tchepone and to establish blocking positions on the main intersections of routes 91, 11, 92, and 23?

Two, was it hoped that the operation would prevent the flow of supplies south through the remaider of the dry period by maintaining these blocking points while the good weather periods lasted; that is, until May 1?

Three, was it believed that the enemy had no capability for providing major reinforcements to threaten seriously the South Vietnamese forces in Laos and that consequently no major threat would develop to the operation?

Four, was it planned that South Vietnamese forces would be in the Tchepone area within the first weeks of the operation and would then fan out and establish blocking positions which would be supplied, re-equipped and maintained for an extended period of time?

Five, was it hoped that the enemy supplies to South Vietnam could be completely cut off so that North Vietnamese forces in South Vietnam and Cambodia would die on the vine?

On the basis of the information that has been given to the committee and reported in the press, it is clear that these questions can be answered with a simple yes or no. There remains only one question to ask and that is will the administration answer these questions in a straightforward manner or must the American public be left to believe that the Laos operation went according to plan.

I ask unanimous consent that the following items be inserted at this point in the RECORD:

An Associated Press article in the Evening Star of March 24, 1971;

A column by Mary McGrory in the Evening Star of March 23, 1971; and

An article by Orr Kelly which appeared in the Evening Star of March 26, 1971:

There being no objection, the material was ordered to be printed in the Record, as follows:

Red's Violent Response in Laos Cited by Laird

Secretary of Defense Melvin R. Laird said today South Vietnamese forces are leaving Laos now because of "the tremendous vicious and violent reaction on the part of the North Vietnamese" and because they have succeeded in disrupting enemy logistics and supplies.

Speaking to reporters after an hour-long briefing of the Senate Armed Services Committee on the situation in Indochina, Laird spoke several times of the strong resistance encountered by South Vietnamese forces within Laos.

Both Laird and Adm. Thomas Moorer, chairman of the Joint Chiefs of Staff, said the South Vietnamese has made a good showing in Laos.

"They did an outstanding job" under difficult circumstances," Moorer said. "The South Vietnamese have come a long way."

Laird said the South Vietnamese had estimated the operation in Laos would last from five to eight weeks and is ending in a little over six weeks. He said the withdrawal is virtually completed with only 2,000 South Vietnamese troops still in Laos.

Asked why the withdrawal had been conducted at this time, with the rainy season still more than a month away, Laird said, "I think the reason is the tremendously vicious and violent reaction on the part of the North Vietnamese."

At the Pentagon, press spokesman Jerry W. Friedheim said today the allies had hoped to disrupt the Ho Chi Minh Trail "as long as possible, physically on the ground."

But he said original South Vietnamese plans and Laird's authorization for American air support were limited to an operation of five to eight weeks.

"Whether the plan would have been altered or a request made to extend the authorization for use of air power if the enemy had decided to go away, no one can say," Friedheim said.

"If he had not chosen to fight, some might have asked to stay longer. This would have involved going beyond the eight-week period. This would have caused the secretary to reconsider the availability of U.S. air power," he added.

Rosy View From the White House

(By Mary McGrory)

Sitting under a portrait of George Washington, the President sought to repair his credibility with the American people. It currently is as disrupted as the Ho Chi Minh Trail is said to be.

He was the picture of the "perspective and poise" which he told ABC interviewer Howard K. Smith are essential qualities in a president.

The view of Laos from the White House Library is rosy. All is proceeding according to plan. American lives are being saved. The North Vietnamese are suffering great losses of men and ammunition. The South Vietnamese are coming out with "greater confidence and higher morale" than ever before.

It was hard to believe that anywhere in the nation serious and patriotic citizens were discussing the affair—which the President said could not be judged either before it was concluded or even after—in terms of "rout" and "fiasco."

The trouble, it seems, is that old devil television, which—"not deliberately," the President said unctuously—is concentrating on the four South Vietnamese battalions which have been in trouble.

Actually, what the television cameras were focused on during the grisly news broadcasts which bracketed the President's serene assessment, was Americans in trouble.

Half an hour after the President finished assuring the nation that the South Vietnamese "could hack it," CBS showed one American who wasn't at all sure he could.

The face of Sgt. Fred Howard of San Diego, Calif., appeared on the home screen at both 6 and 11 p.m. He was hollowed-eyed and jumpy. His morale and confidence seemed at a low ebb. Supplies were running low. The men in his unit hadn't been able to move at all to get back to Khe Sanh. The enemy had pinned them down.

How were the men taking it? he was asked.

"In my section, some guys are ready to crack up," he said glumly, jumping at the sound of a nearby explosion.

After the President finished, NBC showed another American, harassed and grimy, at the front.

"We are not getting support," he muttered. "Nobody seems to give a damn."

The President left himself no room for "mobile maneuvering"—as the withdrawal has been called by the Pentagon in one of its more fanciful semantic sorties. Lyndon Johnson, after the Tet offensive, claimed a military victory but conceded a psychological victory for the enemy. No doubts seem to cloud Richard Nixon's mind about the rightness of the operation and its eventual justification.

But all he could offer was the claim that has been from the beginning the measure of success in the 10-year-old war, the body count. The enemy has lost five times as many men as the South Vietnamese.

The President volunteered no explanation about the South Vietnamese who came out of Laos clinging to the skids of American helicopters. Nor about the report, which appeared on Smith's pre-interview newscast, about the 53 Americans who refused an order to engage the enemy.

These apparently are exceptions to the general rule of higher morale and greater confidence in the operation.

Earlier in the day Secretary Laird was asked for an opinion about what appears to be the precipitate withdrawal of the South Vietnamese from Laos. He complained about "vicious and violent reaction of the North Vietnamese."

It is the custom and indeed the duty of soldiers to react violently and viciously to enemy attack. Did Laird expect the North Vietnamse to fling down their arms and rush forward to greet the invaders, kissing their boots like Lassie coming home?

The President may have felt the interview was a success. And if the people were taking their news only from him, it would have been a triumph. The trouble is they are getting a different story from the television and the press, and right now the view from the battlefield is prevailing over the view from the White House Library.

Reported "Itched" To Have Viets Lose, Admiral Moorer Feels

(By Orr Kelly)

Adm. Thomas H. Moorer, chairman of the Joint Chiefs of Staff, says he got the feeling that almost everyone reporting the Laotian operation "was itching for the South Vietnamese to lose."

The operation, Moorer said, was a definite success.

"I don't think we got a balanced story," he said, referring to news reports of losses, confusion and difficulties encountered by Saigon's troops. "The other side had a tough time, to," he said during an interview last night.

"I demand equal time for the North Vietnamese. Everything was on the negative side for the South Vietnamese. We didn't see the hundreds of thousands of North Vietnamese in trouble. They (reporters) didn't talk to them and quote young Sgt. So-and-So from Hanoi. . . .

"The whole thrust was negative."

He added, "I think the operation was a successful operation. I think the effect on the North Vietnamese will be significant, I think the objective of enhancing as much as possible the strength of the South Vietnamese and continuing the withdrawals" will clearly have been achieved.

"This was a definite success. Gen. (Creighton W.) Abrams (commander of U.S. forces in Vietnam) thinks so. I think Ambassador (Ellsworth) Bunker feels so," Moorer said.

Moorer began his analysis of the operation with a summary of the situation that preceded it.

The closing of the port of Kompong Som and the Cambodian operations last year, he said, forced the North Vietnamese to make what they termed a "crash effort" to move supplies down the Ho Chi Minh Trail during the current dry season.

The plan for South Vietnamese ground operation into Laos, with U.S. air support, was conceived "for the purpose of disrupting this crash effort to reconstitute his logistics base," Moorer said.

"There was never any thought we would occupy territory . . . never any thought of setting up static defenses. They (South Vietnamese) deliberately moved from one place to another. The whole idea was to keep moving," he said.

"It was expected that the North Vietnamese would react strongly and operate in a very concentrated and violent fashion. This area was, so to speak, the jugular. . . .

"It was thought that any disruption, regardless of the degree, would permit the strength of the South Vietnamese forces to increase and allow a reduction of U.S. involvement and a safe withdrawal of U.S. forces.

"This was a small force, relatively speaking. It was the first time they had operated in total independence . . . against the best the North Vietnamese could put forward. They acquitted themselves well.

Mr. FULBRIGHT. Mr. President, related to the question of the continued prosecution of the war in Laos, or in all of Indochina, there appeared in the Boston Sunday Globe of March 28, 1971—last Sunday—a most remarkable example of research, gathering together in one place of some of the most complicated statistics and factual background of a most complicated and long war. I shall read only a bit of it. The headline, for example, reads: "Indochina: 1.5 Million Lives Lost in a Decade."

The first few paragraphs read:

It's been nine years, three months, and six days since Army Sp4 James Thomas Davis of Livingston, Tenn., was killed in South Vietnam, tne first American combat fatality of the Indochina War.

Since then, according to the Pentagon:

44,729 more Americans have died in combat, and 9,364 have died in nonhostile action.

296,369 American men have been wounded.

135,970 South Vietnamese have died in combat, and 336,043 have been wounded.

725,000 North Vietnamese and National Liberation Front soldiers have been killed, not counting those who lost their lives in bombing attacks.

In South Vietnam, 325,000 civilians have died, and total civilian casualties now stand at about 1.1 million.

Refugees in South Vietnam and Laos alone number more than six million. Figures for Cambodia and North Vietnam are not available, and probably never will be.

More than 5.6 million tons of bombs have been dropped on Indochina, 2½ times the tonnage dropped by all sides in all theaters for all of World War II.

And other government estimates indicate that before the war is over, the direct American financial commitment to the conflict will total at least $400 billion.

These are all numbers, most of them too huge to be fully comprehended.

I shall not read all of the article, but I ask unanimous consent that it all be made a part of my remarks at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Boston Sunday Globe, Mar. 28, 1971]

Indochina: 1.5 Million Lives Lost in a Decade

It's been nine years, three months, and six days since Army Sp4 James Thomas Davis of Livingston, Tenn., was killed in South Vietnam, the first American combat fatality of the Indochina War.

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44,729 more Americans have died in combat, and 9,364 have died in nonhostile action.

296,369 American men have been wounded.

135,970 South Vietnamese have died in combat, and 336,043 have been wounded.

725,000 North Vietnamese and National Liberation Front soldiers have been killed, not counting those who lost their lives in bombing attacks.

In South Vietnam. 325,000 civilians have died, and total civilian casualties now stand at about 1.1 million.

Refugees in South Vietnam and Laos alone number more than six million. Figures for Cambodia and North Vietnam are not available, and probably never will be.

More than 5.6 million tons of bombs have been dropped on Indochina, 2½ times the tonnage dropped by all sides in all theaters for all of World War II.

And other government estimates indicate that before the war is over, the direct American financial commitment to the conflict will total at least $400 billion.

These are all numbers, most of them too huge to be fully comprehended.

In less impersonal terms, they represent the sum total of memories like My Lai, the South Vietnamese massacred at Hue by the enemy during the Tet Offensive in 1968, the charge up Hamburger Hill, the battle for the Ia Drang Valley, the picture of the bomb craters stretching to the horizon, the bombed-out leper hospital in North Vietnam, the old woman crying on CBS–TV while her hut burned, the assassinated South Vietnamese village officials, and the young "Viet Cong suspect" being shot through the brain by the Saigon police chief on a street corner during the Communist Tet Offensive in February 1968.

Since the US-backed South Vietnamese invasion of southern Laos in February, the American debate over the war has begun to acquire a new dimension more and more, opponents are focusing on the general themes of death, destruction and morality.

Until recently, however, the number of Americans killed and wounded eclipsed in the public consciousness the devastation in Indochinese villages and rice paddies.

Today, though, at least one American politician, Rep. Paul N. McCloskey Jr. (R-Calif.), plans to make Asian casualties one of the major issues in his planned campaign against President Nixon in the 1972 presidential primaries.

"I've never heard of a Vietnamese burning a village," says McCloskey. "They don't have napalm or Zippo cigarette lighters."

Administration officials are protesting already in private about this shift in emphasis by the domestic opponents of the war.

The President's senior advisors show signs of arguing that the critics' concern for Asian lives seems an afterthought after years of concentration on American war dead.

Writing in the New York Review of Books, Daniel Ellsberg, a former State Dept. official now at MIT's Center of International Studies, asked "what is Richard Nixon's best estimate of the number of Laotian people . . . that US firepower will kill in the next 12 months."

Nixon, he charged, "does not have an estimate. He hasn't asked Henry Kissinger for one and Kissinger hasn't asked the Pentagon."

According to these advisors, there are three possible choices for ending the war. They are:

1. Negotiations in Paris, for which hopes continue to be dim.
2. The military defeat of the Hanoi regime, which American policy-makers have explicitly rejected as an end result of the war.
3. The collapse of the regime of President Thieu in Saigon.

The last possible outcome is the only one now acceptable to domestic war critics, according to Nixon Administration thinking.

And, the prevention of just such a collapse also seems to be a principal objective of US bombing policy.

"Henry Kissinger doesn't understand why anyone's concerned that we're killing civilians," McCloskey says. "The President is counting on the fact that if American casualties are down, everybody will be happy.

"But now that we're withdrawing more and more Americans, we can't say that the heavy bombing is designed to save American lives. It's wholly to save face for the South Vietnamese in Saigon."

McCloskey plans a two-week trip to Laos next month to investigate civilian casualties and "possible violations of the Cooper-Church prohibition against U.S. forces there."

As the debate begins on this broad theme of the total cost of the Indochina War, here are details from presently available data of what has happened in South Vietnam, Cambodia, Laos and North Vietnam.

CASUALTIES IN INDO CHINA WAR

North Vietnam—Vietcong dead in combat, 725,000.

South Vietnam civilians dead in combat, 325,000.

South Vietnam troops dead in combat, 135,970.

Americans dead in combat, 44,729.

135,970 DEAD, 5M REFUGEES

The basic numbers are as follows: 135,970 dead soldiers, 336,043 wounded soldiers, 325,000 dead civilians, and a total civilian casualty figure of 1.1 million since Sp. 4 Davis was killed Dec. 22, 1961.

Since 1964, moreover, the war has created some five million refugees, according to Sen. Edward Kennedy's Senate Subcommittee on Refugees.

In the days of the Johnson Administration, the Kennedy unit's data was frequently challenged, but the State Department under President Nixon has not objected.

Last week, the South Vietnamese Embassy in Washington gave The Globe a figure on civilian casualties that was virtually identical to the one used by Kennedy.

The embassy also said it accepts the figure of 325,000 civilian deaths, and estimated that 30 percent of them were children under age 13.

"Everyone in each of the 42,000 villages and hamlets" has been affected by the war, a South Vietnamese official said.

The figures include civilians allegedly massacred by both sides: 102 at My Lai and the estimated 3000 buried in mass graves after they were killed by Communist troops at Hue during the 1968 Tet offensive.

Figures on the destruction of villages are not available in reliable form, but both the South Vietnamese government and the Kennedy subcommittee estimate that more than one third of South Vietnam's population of roughly 18 million people has been "relocated" at least once during the war.

Then there is the massive defoliation program of the allied forces. The official US government estimate is that five million acres of South Vietnam (more than 20 percent of the entire country) have been sprayed. According to a report last year by the State Department to the Senate Foreign Relations Committee, as of 1969 about 400,000 of these acres had been planted with food crops.

Last December the Herbicide Assessment Commission of the American Association for the Advancement of Science estimated that the crop destruction program had destroyed enough food to feed about 600,000 South Vietnamese for one year.

The commission noted that while this is less than two percent of the total annual national crop, the spraying was "largely confined" to the food-scarce Central Highlands.

The entire population of this region is only about one million, most of them Montagnard tribesmen. "We believe the anti-crop program may have had a profound impact on a large fraction of the total Montagnard population of South Vietnam and we believe this to be a point for urgent consideration," the commission said.

Though the commission has yet to complete its studies, it did raise the possibility that an extremely poisonous substance, Dioxin, used in a herbicide called Orange (since banned from use by the Pentagon) is probably now finding its way through the food chain into the diet of many South Vietnamese.

The commission concluded by estimating that more than 100 million pounds of assorted herbicides have been dumped on the country, destroying or retarding the growth of about 20 percent of South Vietnam's forest land.

(At a base for pilots flying defoliation missions in the country, the U.S. personnel call themselves "ranch hands" and have posted a sign which reads "Only We Can Prevent Forests.")

Inflation is another pervasive problem spawned by the war. Officials of the South Vietnamese Embassy in Washington give this breakdown of price increases over the course of the conflict—general goods, 700 percent; food, 800 percent; "non-general" goods, 500 percent.

The war's impact on industry and capital facilities in the country is difficult to assess, but one estimate from the South Vietnamese Embassy puts the total damage to industry from ground action only at $50 billion, which refers to lost production not property damage. In two cases, textiles and rubber, production was said to have dropped 30 percent.

As for capital facilities, government sources put the total damage at $304 million, including $110 million to highways, land bridges and ferry services; $60 million to railroad tracks, bridges, and rolling stock; $23 million to inland waterways (no dredging has been done since the war began); $11 million to telecommunications and electric power facilities and $100 million to housing.

Ten years ago, South Vietnam was a rural country and only 15 percent of its population lived in the cities. Now, disrupted by the war, 60 percent have crowded into urban areas, Saigon, designed for 300,000 inhabitants, now shelters about four million.

In addition, there is the coastal town of Qui Nhon in Binh Dinh province, which had a pre-war population of 40,000, but which today has a refugee-swollen total of more than 140,000 inhabitants.

In September 1969, Wells Klein, former deputy director of the U.S. Agency for International Development in Saigon, warned the Kennedy subcommittee that many refugees from rural areas are not expected to leave the urban centers once the war ends.

"If employment remains high, this becomes simply another urban slum, which unfortunately the population is well used to," he said.

"However, with a deescalation of the war and the reduction in military spending employment can be expected to drop off rapidly, presenting a whole raft of new urban problems with potentially serious political overtones not previously a part of the Vietnamese scene."

U.S BOMBING TONNAGE IN THREE WARS

World War II, 1941–1945, 2,057,244.

Korean War, 1950–1953, 635,000.

Indochina War, 1965, 315,000; 1966, 512,000; 1967, 932,763; 1968, 1,431,654; 1969, 1,387,327; 1970, 977,446; 1971, 137,282; total—5,693,382.

A TRIBE LOSES HALF ITS PEOPLE

The headlines of February and March to the contrary, most of the impact of the Indochina war in this country has been sustained not in the recent South Vietnamese operation with US air support along the Ho Chi Minh Trail complex but in Northern Laos, where American bombers have been pounding away relentlessly since 1964.

As far back as Jan. 8, 1966, the Associated Press reported that each day American planes were flying 300 sorties (one mission by one plane is a sortie) and in each dropping 1000 pounds of bombs on suspected "unfriendly" areas.

ONE-THIRD OF SOUTH VIETNAM PEOPLE RELOCATED

The spraying of toxic chemicals on these sections of the country was also in full swing at that time.

Two years later, the bombing was increased sharply, at about the same time Lyndon Johnson was declaring the "limited bombing pause" for North Vietnam. This was first revealed in public by President Nixon in a lengthy statement on Laos released on March 6, 1960. During the peak year, 1969, the daily number of sorties ranged from 400 to 800.

Of all those who have suffered because of the war in Laos, the plight of the Meo tribesmen is especially tragic. In 1960 there were 400,000 of them in Laos. Ten years later, according to the Kennedy subcommittee, the population had been cut in half, as an estimated 200,000 were killed, the victims both of the North Vietnamese—Pathet Lao forces and of American bombs.

Last August, the Defense Department told the Kennedy group that from Jan. 1, 1967, to early May, 1970, there had been eight accidental bombings of "friendly" villages in Laos, resulting in 97 dead and 54 wounded civilians.

The Kennedy subcommittee estimate for the total number of refugees caused by the war in Laos is one million, with civilian war casualties in the "tens of thousands."

One of the most knowledgeable non-government Americans on the subject of Laos is Fred Branfman, once an educational advisor in that country for the International Volunteer Service, and now a free lance writer for such outlets as Dispatch News Service.

He returned to the U.S. last month after being ejected by the Royal Laotian Government and is the most recent American, not in the government, to return from Northern Laos.

His fresh reports on the refugee and civilian casualty situations in Laos have been randomly checked by the staff of the Kennedy subcommittee and the U.S. General Accounting Office and been found consistent with reports from other sources.

In an interview last week with The Globe, Branfman said that between 70 and 90 percent of the more than 5000 villages in the once-rich Plain of Jars area have been completely leveled.

He said the US has mounted 200,000 bombing strikes a year in the country since 1968. As a result of these raids alone (leaving out concurrent activity by the Pathet Lao and North Vietnamese), he roughly estimates civilian casualties at between 25,000 and 50,000 dead and between 50,000 and 100,000 wounded.

Branfman puts the current refugee total in Laos at 500,000, or about half the figure for the entire war.

As for the Plain of Jars, both Branfman and Kennedy report that this richest farmland section of Laos has been totally ruined. "Every house has been destroyed and farmlands are deserted," Branfman said.

He also says herbicides have prevented the growing of rice on much of the plain, and described the "unnatural experience" for a peasant to find acres of land on his homestead where he can plant a seed but where nothing will grow.

Turning to the area in the South along the Ho Chi Minh Trail, where the recent allied invasion was aimed, Branfman said casualties were "heavy" among the 250,000 people who lived there and serviced the primitive roads. For years before the invasion, American bombers had hit this part of Laos consistently.

High administration officials have claimed there were no civilians living in the path of the invasion. However, a Washington Post dispatch last week told the story of the Montagnard tribesmen near the South Vietnamese border along the trail network.

Caught between US air strikes and Viet Cong threats that they stay or be killed leaving, 90 men, women and children walked through the rocky, jungled countryside for four days and three nights to the relative safety of a South Vietnamese Army outpost.

"Thousands Live in Filth, Squalor"

Regarding this most recent entrant into the war, there are far more questions than answers, but the few answers available suggest that the same process of widespread death and devastation is unfolding there, too.

Last September, Sen. Kennedy said that "over the last four to five months the population of Phnom Penh has doubled—from some 700,000 to well over one million persons. Provincial capitals and district towns throughout the country are bulging with new arrivals from the countryside.

"Thousands now live in squalor and filth in overcrowded refugee centers," he went on. "Hospitals and dispensaries are overburdened with hundreds and thousands of civilian war casualties."

Still there are no hard figures on either refugees or civilian casualties, though fragmentary evidence of the former indicates a total already in excess of one million.

The Cambodian government refuses to discuss its war costs, and last August, the counsel for Kennedy's subcommittee, Dale S. deHaan, was unable to travel outside Phnom Penh during a visit to Cambodia.

The human problems in Cambodia are made worse by the sizable number of ethnic Vietnamese who had lived there for years, but found themselves trapped when war broke out on a major scale after March of 1970.

How many people died in these attacks—both military and civilians—is not known.

Even the figures for combat casualties provided by the Pentagon may be open to question. During testimony at his court-martial, Lt. William Calley suggested that the alleged massacre at My Lai was prompted by the pressure to produce "a high body count."

Nor is it known what is the full extent of the destruction of military and heavy industrial facilities.

What is known, however, is that nonmilitary structures were hit constantly—even if by accident. There is no American data on this sensitive topic, but the North Vietnamese have made some information available to visitors during inspection tours over the years.

Following is a set of statistics compiled by Dr. Malcolm Segall of the British Medical Aid Committee a year ago from North Vietnam and his own investigations.

—607 hospitals and clinics of all sizes were destroyed, including 51 maor institutions such as the 2600-bed leper facility at Quyng Quynh Lap and the 400-bed tuberculosis hospital in Vinh; 24 of 30 provincial hospitals; and 190 of 195 district hospitals.

—1520 schools destroyed or severely damaged.

—475 churches and 420 temples, pagodas, shrines and meeting houses destroyed or severely damaged.

The country's extensive network of hydraulics facilities (dams, reservoirs, dikes and supporting systems) were also heavily bombed, according to the ministry of hydraulics works.

The ministry has reported that 500 separate air strikes against these vital works came in 1965, followed by 1000 in 1966, and 1300 in 1967. It adds that the attacks continued in the southern provinces after President Johnson proclaimed the limited bombing halt on March 31, 1968.

Among the new forms of explosives used in the bombing was something called a Cluster Bomb Unit, which on impact can spew out hundreds of small, hard pellets with tremendous force. By 1968, many of the pellets were made of hard plastic, and were thus impossible to detect with an X-ray machine, thereby making complete surgical care next to impossible, according to the British Medical Aid Committee.

In March of 1967, hospitals and clinics in Hanoi and the surrounding countryside were visited by Dr. Martin Birnstingl of St. Bartholomew's Hospital in London, who published his findings in a publication of the British Medical Aid Committee.

He wrote that all the facilities he visited were caring for civilian patients with wounds suffered in the bombings, and that fully a third of them had been hit by fragments from these "anti-personnel" bombs.

Mr. FULBRIGHT. I wish to comment further only that it seems to me that the time has come to do what our predecessors in Vietnam did, and that is to try to be as objective and as clearheaded as we can in evaluating what the interests of this country in Indochina are—what the direct interests are and what the cost is.

This article sets out in the most complete manner I have seen estimates as to the costs. Obviously, of course, many of these items have to be estimates. The question, for example, of the number of civilian deaths in South Vietnam; I doubt that these figures are accurate, but they are the best estimates that could be made under the circumstances. The same is true as to the enormous cost in dollars. The only really accurate figures, I suspect, are those for the deaths and the casualties involving our own soldiers; of course, we have ways of making those counts accurately.

In the final analysis, it seems to me that the first obligation of the Senate and of the Congress is to assist in evaluating what is the interest of the United States. Is it in continuing indefinitely to prosecute this war? What is to be achieved if we do that, that could possibly compensate the citizens of this country for the enormous cost in lives and treasure?

As a matter of fact, it is that very simple proposition which the Parliament of France undertook for that country in 1954. They had people in their official life and in their military establishment who had said many of the same things that ours have been saying. They were patriotic people.

It is a question of judgment where the interest of a country lies. In that case, the French Parliament rose to the occasion and prevailed upon their own Prime Minister, Mr. Mendes-France, to recognize that it was in the interests of France to liquidate the war, which the French Government proceeded to do at Geneva, by what are called the Geneva accords.

I feel that the procedure followed there is the classic and proper procedure to follow under similar circumstances, and I think if Congress assumes its responsibility, as the French Parliament assumed its responsibility, it will also decide that the time has come. Of course, I think it is long since past, but the judgment is still to be made as to what is in the interests of the people of the United States, and I hope we will proceed to that decision in the near future.

The Committee on Foreign Relations now has under consideration four resolutions submitted by various Members of this body dealing with the matter of how to end the war. We discussed that question this morning, and it is the intention of the committee to proceed, in the very near future, to hearings and further discussion of the issue.

The article in the Boston Globe certainly is an excellent background against which the Members of this body and the people of this country can judge what is in the interest of the United States, and where our interests lie. When we consider the disruption in our economy and the enormous toll that inflation is now taking, especially upon the poor and middle income people of this country, it is incredible to me that we can think of risking the further destruction—we already are risking the destruction—of our economic system, as well as the disruption of our political system.

So I commend the article to my colleagues, and I hope all of them will give it their most serious consideration.

APPOINTMENTS

The PRESIDING OFFICER (Mr. BYRD of Virginia). The Chair, on behalf of the Vice President, pursuant to the provisions of Public Law 77-250, appoints the Senator from Utah (Mr. BENNETT) to the Joint Committee on Reduction of Federal Expenditures.

The Chair, on behalf of the chairman of the Finance Committee, announces the selection of the Senator from Georgia (Mr. TALMADGE) and the Senator from Nebraska (Mr. CURTIS) to be members of the Joint Committee on Internal Revenue Taxation, pursuant to section 8002 of the Internal Revenue Code of 1954.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY EMPLOYMENT ACT OF 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 51, S. 31.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 31) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Emergency Employment Act of 1971".

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. The Congress finds and declares that—

(1) times of high unemployment severely limit the work opportunities available to the general population, especially low-income persons and migrants, persons of limited English-speaking ability, and others from socioeconomic backgrounds generally associated with substantial unemployment;

(2) expanded work opportunities fail, in times of high unemployment, to keep pace with the increased number of persons in the labor force, including the many young persons who are entering the labor force, persons who have recently been separated from military service, and older persons who desire to remain in, enter, or reenter the labor force;

(3) in times of high unemployment, many low-income persons are unable to secure or retain employment, making it especially difficult to become self-supporting and thus increasing the number of welfare recipients;

(4) many of the persons who have become unemployed as a result of technological changes or as a result of shifts in the pattern of Federal expenditures, as in the defense, aerospace, and construction industries, could usefully be employed in providing needed public services;

(5) it is appropriate during times of high unemployment to fill unmet needs for public services in such fields as environmental quality, health care, housing and neighborhood improvement, recreation, education, public safety, maintenance of streets, parks, and other public facilities, rural development, transportation, beautification, conservation, and other fields of human betterment and public improvement;

(6) programs providing employment in jobs providing needed public services and related training and manpower services can be a useful component of the Nation's manpower policies in dealing with problems of high unemployment, and dependency upon welfare assistance, and providing affected individuals with opportunities to develop skills and abilities to enable them to move into other public or private employment and other opportunities;

(7) providing resources for public service employment and related training and manpower services during an economic slowdown can help as an economic stabilizer both to ease the impact of unemployment for the affected individuals and to reduce the pressures which tend to generate further unemployment.

It is therefore the purpose of this Act to provide unemployed persons with employment in jobs providing needed public services and related training and manpower services during times of high unemployment and to enable such persons to move into employment or training not supported under this Act.

FINANCIAL ASSISTANCE

SEC. 3. The Secretary of Labor shall enter into arrangements with eligible applicants in accordance with the provisions of this Act in order to make financial assistance available to public and private nonprofit agencies and institutions during times of high unemployment for the purposes of providing employment for unemployed persons in jobs providing needed public services and training manpower services related to such employment which are otherwise unavailable, and enabling such persons to move into employment or training not supported under this Act.

AUTHORIZATION

SEC. 4. (a) There are authorized to be appropriated for the purpose of carrying out this Act $750,000,000 for the period ending June 30, 1972, and $1,000,000,000 for the fiscal year ending June 30, 1973.

(b) For the purpose of providing financial assistance under this Act to enable eligible applicants to carry out public service employment programs, the Secretary is authorized, out of funds appropriated to carry out this Act, to obligate expenditures equal to the sum of the amounts determined in accordance with the following clauses:

(1) $500,000,000 when the Secretary determines that the rate of national unemployment (seasonally adjusted) equals or exceeds 4½ per centum for three consecutive months prior to any such determination, but the Secretary may, under this clause, make only one determination prior to July 1, 1972, and one determination in the twelve-month period thereafter; and

(2) $100,000,000 for each increment of one-half of 1 per centum by which the Secretary determines that the average rate of national unemployment (seasonally adjusted) for three consecutive months prior to any such determination exceeds the rate specified in clause (1), but the Secretary may, with respect to each such increment, make only one determination prior to July 1, 1972, and one determination in the twelve-month period thereafter.

(c) No further obligation of funds may be made under subsection (b) subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 4½ per centum for three consecutive months.

(d) Whenever the Secretary makes any determination required by subsection (b) or (c), he shall promptly notify the Congress and shall publish such determination in the Federal Register. At such time, the Secretary shall recommend to the Congress any further steps he deems appropriate.

ELIGIBLE APPLICANTS

SEC. 5. For the purpose of entering into arrangements with the Secretary to carry out public service employment programs under this Act, eligible applicants shall be—

(1) States;

(2) cities, counties, and other units of general local government;

(3) Indian tribes; and

(4) public and private nonprofit agencies and institutions (including local service companies, and public service agencies and institutions of the Federal Government).

APPLICATIONS

SEC. 6. (a) Financial assistance under this Act may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this Act. Any such application shall set forth a public service employment program designed, in times of high employment, to provide employment for unemployed persons in jobs providing needed public services and, where appropriate, training and manpower services related to such employment which are otherwise unavailable, and to enable such persons to move into employment or training not supported under this Act.

(b) Programs assisted under this Act shall be designed with a view toward—

(1) developing new careers,

(2) providing opportunities for career advancement,

(3) providing opportunities for continued training, including on-the-job training, and

(4) enabling individuals employed under such programs to move into public or private employment or training not supported under this Act.

(c) An application for financial assistance for a public service employment program under this Act shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this Act will be administered by or under the supervision of the applicant, identifying any agency or institution designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and data indicating the number of potential eligible participants and their income and employment status;

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(4) assurances that, to the extent feasible, public service jobs shall be provided in occupational fields which are most likely to expand within the public or private sector as the unemployment rate recedes;

(5) assurances that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(6) a description of the methods to be used to recruit, select, and orient participants, including specific elegibility criteria, and programs to prepare the participants for their job responsibilities;

(7) a description of unmet public service needs and a statement of priorities among such needs;

(8) a description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(9) the wages or salaries to be paid persons employed in public service jobs under this Act and a comparison with the wages paid for similar public occupations by the same employer;

(10) where appropriate, the education, training, and supportive services (including counseling and health care services) which complement the work performed;

(11) the planning for and training of supervisory personnel in working with participants;

(12) a description of career opportunities and job advancement potentialities for participants;

(13) assurances that procedures established pursuant to section 10(a) will be complied with;

(14) assurances that agencies and institutions to whom financial assistance will be made available under this Act will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the Secretary;

(15) assurances that the applicant will, where appropriate, maintain or provide linkages with upgrading and other manpower programs for the purpose of (A) providing those persons employed in public service jobs under this Act who want to pursue work with the employer, in the same or similar work, with opportunities to do so and to find permanent, upwardly mobile careers in that field, and (B) providing those persons so employed, who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare for, and obtain work in other fields;

(16) assurances that all persons employed thereunder, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed persons;

(17) assurances that the program will, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged; and

(18) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

APPROVAL OF APPLICATIONS

SEC. 7. An application, or modification or amendment thereof, for financial assistance under this Act may be approved only if the Secretary determines that—

(1) the application meets the requirements set forth in this Act;

(2) the approvable request for funds does not exceed 90 per centum of the cost of carrying out the program proposal in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement;

(3) an opportunity has been provided to the community action agency in the area to be served to submit comments with respect to the application to the applicant and to the Secretary;

(4) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary; and

(5) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary.

DISTRIBUTION OF FUNDS

SEC. 8. (a) Funds made available for carrying out this Act shall be apportioned by the Secretary on an equitable basis among States and within each State among local areas, including Indian reservations, and among rural and urban areas. To the extent practicable, such funds shall be apportioned on the bases of the relative numbers of unemployed persons and the severity of unemployment in each such area.

(b) The Secretary shall make financial assistance under this Act available in such a manner that, to the extent practicable, public service employment opportunities will be available on an equitable basis in accordance with the purposes of this Act among significant segments of the population of unemployed persons, giving consideration to the relative numbers of unemployed persons in each such segment.

TRAINING AND MANPOWER SERVICES

SEC. 9. For the purpose of providing training and manpower services for persons employed in public service employment programs assisted under this Act, the Secretary is authorized to utilize, in addition to any funds otherwise available under federally supported manpower programs, not to exceed 20 per centum of the amounts made available for carrying out this Act.

SPECIAL RESPONSIBILITIES OF THE SECRETARY

SEC. 10. (a) The Secretary shall establish procedures for periodic reviews by an appropriate agency of the status of each person employed in a public service job under this Act to assure that—

(1) in the event that any person employed in a public service job under this Act and the reviewing agency find that such job will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling; and

(2) as the rate of unemployment approaches the objective of section 4(c) or financial assistance will otherwise no longer be available under this Act, maximum efforts shall be made to locate employment or training opportunities not supported under this Act for each person employed in a public service job under this Act, and such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling.

(b) The Secretary shall review the implementation of the procedures established under subsection (a) of this section six months after funds are first obligated under this Act and at six-month intervals thereafter.

(c) From funds appropriated pursuant to section 4, the Secretary shall reserve such amount as he deems necessary to provide for a continuing evaluation of programs assisted under this Act and their impact on related programs.

SPECIAL PROVISIONS

SEC. 11. (a) The Secretary shall not provide financial assistance for any program or activity under this Act unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program (A) will result in an increase in employment opportunities over those which would otherwise be available, (B) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), (C) will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed, and (D) will not substitute public service jobs for existing federally assisted jobs;

(2) persons employed in public service jobs under this Act shall be paid wages which

shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938, as amended, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(3) all persons employed in public service jobs under this Act will be assured of workmen's compensation, retirement, health insurance, unemployment insurance and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(4) the provisions of section 2(a)(3) of Public Law 89-286 (relating to health and safety conditions) shall apply to such program or activity;

(5) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants; and

(6) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) Nothing contained in this Act shall exempt any project otherwise subject to the provisions of the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5), from the provisions of that Act. The Secretary of Labor shall have, with respect to labor standards on any such project, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

(c) Where a labor organization represents employees who are engaged in similar work in the same labor market area to that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Secretary.

(d) The Secretary shall prescribe regulations to assure that programs under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

(e) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules, and regulations, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditures for construction, repairs, and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

(f) Acceptance of family planning services provided to participants shall be voluntary on the part of the individual to whom such services are offered and shall not be prerequisite to eligibility for or receipt of any benefit under the program.

(g) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this Act and other federally supported manpower programs. Such data shall include information on—

(1) characteristics of participants including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers; and

(3) total dollar cost per participant, including breakdown between wages, training, and supportive services, and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis, and shall include such information in the report required by section 12 of this Act.

(h) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(i) The Secretary shall not provide financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of chapter 15 of title 5, United States Code.

(j) The Secretary shall not provide financial assistance for any program under this Act unless he determines that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

SPECIAL REPORT

SEC. 12. The Secretary shall transmit to the Congress at least annually a detailed report setting forth the activities conducted under this Act, including information derived from evaluations required by section 10(c) and 11(g) of this Act and information on the extent to which (1) participants in such activities subsequently secure and retain public or private employment or participate in training or employability development programs, (2) segments of the population of unemployed persons are provided public service opportunities in accordance with the purposes of this Act.

DEFINITIONS

SEC. 13. As used in this Act, the term—

(1) "Secretary" means the Secretary of Labor.

(2) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(3) "city" means an incorporated municipality having general governmental powers.

(4) "public service" includes, but is not limited to, work in such fields as environmental quality, health care, public safety, education, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

(5) "health care" includes, but is not limited to, preventive and clinical medical treatment, family planning services, nutrition services, and appropriate psychiatric, psychological, and prosthetic services.

(6) "local service company" means a community development corporation or other corporation, partnership, or other business entity organized to operate a public service employment program or component thereof and owned or operated in substantial part by unemployed or low-income residents of the area to be served.

(7) "unemployed persons" means—

(A) persons who are without jobs and who want and are available for work; and

(B) adults who or whose families receive money payments pursuant to a State plan approved under title I, IV, X, or XVI of the Social Security Act (1) who are determined by the Secretary of Labor, in consultation with the Secretary of Heatlh, Education, and Welfare, to be available for work, and (2) who are either (i) persons without jobs, or (ii) persons working in jobs providing insufficient income to enable such persons and their families to be self-supporting without welfare assistance;

and the determination of whether persons are without jobs shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining persons as unemployed.

EFFECTIVE DATE

SEC. 14. This Act shall be effective upon enactment and the determinations to be made under section 4(d) shall take into account the rate of unemployment for a period of three consecutive months even though all or part of such period may have occurred prior to the enactment of this Act.

Mr. **BYRD** of West Virginia. Mr. President, this bill has been called up at this time for the purpose of making it the pending business. There will be no action on it today, and it will become the unfinished business when the Senate meets again.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

EXTENSION OF TIME FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. **BYRD** of West Virginia. Mr. President, how much time remains under the previous order for the transaction of routine morning business?

The **PRESIDING OFFICER**. The time has expired.

Mr. **BYRD** of West Virginia. I ask unanimous consent that at this time there be an additional period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

The **PRESIDING OFFICER**. Is there objection? The Chair hears none, and it is so ordered.

CONTROVERSIAL CBS DOCUMENTARIES

Mr. DOLE. Mr. President, the controversy over CBS and the way it handles documentaries and proposed documentaries goes on and on, thanks to largely CBS, itself which has taken the stand that it is above reproach and has set out to justify that stand.

Unfortunately for CBS the evidence continues to pile up that it not only is not above reproach but also is subject to legitimate criticism for its dubious practices involving both the manufacturing and the editing of so-called news.

Both the Washington Post of today, March 30 and this week's Barron's, the respected Dow Jones weekly, have something to say about these practices.

I would like to call both to the attention of my colleagues at this point, and ask unanimous consent to have the Washington Post editorial entitled "Mr. Salant's Letter" and the article entitled "Broadcast License, CBS Has Forfeited Access to the Nation's Airwaves" as published in Barron's National Business and Financial Weekly of March 29, 1971, printed in the Record.

There being no objection, the editorial and article were ordered to be printed in the Record, as follows:

[From the Washington Post, Mar. 30, 1971]

Mr. Salant's Letter

In our letters space today we print a response by Richard Salant of CBS News to our recent editorial concerning the dispute between CBS News, the Pentagon, Vice President Agnew, Congressman Hébert, and now—as it seems—The Washington Post. In time the U.N. may have to be called in, but for now we would like, in a unilateral action, to respond to Mr. Salant's complaint. We think it is off the point. And we think this is so because Mr. Salant invests the term "editing" with functions and freedoms well beyond anything we regard as common or acceptable practice. Mr. Salant taxes us with unfairly recommending two sets of standards in these matters, one for the printed press and another for the electronic. But he reads us wrong. We were and are objecting to the fact that *specifically, in relation to question-and-answer sequences,* two sets of standards *already* exist—and that what he and others in televison appear to regard as simple "editing" seems to us to take an excess of unacknowledged liberties with the direct quotations of the principals involved.

Before we go into these, a word might be of use about the editorial practices (and malpractices) common to us both. When a public official or anyone else issues a statement or responds to a series of questions in an interview, the printed media of course exercise an editorial judgment in deciding which part and how much of that material to quote or paraphrase or ignore. The analogy with TV's time limitations, for us, is the limit on space: deciding which of the half million words of news coming into this paper each day shall be among the 80,000 we have room to print. Thus, "Vice President Agnew said last night . . . Mr. Agnew also said . . ." and so on; it is a formulation basic to both the daily paper and the televised newscast.

That bad and misleading judgments can be made by this newspaper in both our presentation and selection of such news goes without saying—or at least it did until we started doing some public soul-searching about it in this newspaper a good while back. There is, for example, a distorting effect in failing to report that certain statements were not unsolicited assertions but responses to a reporter's question. But that we do not confuse the effort to remedy these defects with a waiving of our First Amendment rights or a yielding up of editorial prerogatives should also be obvious to readers of this newspaper—perhaps tediously so by now. What we have in mind, however, when we talk of the license taken by the electronic media in the name of "editing" is something quite different, something this newspaper does not approve and would not leap to defend if it were caught doing. It is the practice of printing highly rearranged material in a Q-and-A sequence as if it were verbatim text, without indicating to the reader that changes had been made and/or without giving the subject an opportunity to approve revisions in the original exchange.

It is, for instance, presenting as a direct six-sentence quotation from a colonel, a "statement" composed of a first sentence from page 55 of his prepared text, followed by a second sentence from page 36, followed by a third and fourth from page 48, and a fifth from page 73, and a sixth from page 88. That occurred in "The Selling of the Pentagon," and we do not see why Mr. Salant should find it difficult to grant that this type of procedure is (1) not "editing" in any conventional sense and (2) likely to undermine both the broadcast's credibility and public confidence in that credibility.

The point here is that "The Selling of the Pentagon" presented this statement as if it were one that had actually been made—verbatim—by the Colonel: TV can and does simulate an impression of actuality in the way it conveys such rearranged material. Consider, again from the same documentary, a sequence with Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs. This is how viewers were *shown* Mr. Henkin answering a question:

"Roger Mudd: What about your public displays of military equipment at state fairs and shopping centers? What purpose does that serve?

"Mr. Henkin: Well, I think it serves the purpose of informing the public about their armed forces. I believe the American public has the right to request information about the armed forces, to have speakers come before them, to ask questions, and to understand the need for our armed forces, why we ask for the funds that we do ask for, how we spend these funds, what are we doing about such problems as drugs—and we do have a drug problem in the armed forces; what are we doing about the racial problem—and we do have a racial problem. I think the public has a valid right to ask us these questions."

This, on the other hand, is how Mr. Henkin *actually* answered the question:

"Mr. Henkin: Well, I think it serves the purpose of informing the public about their armed forces. It also has the ancillary benefit, I would hope, of simulating interest in recruiting as we move or try to move to zero draft calls and increased reliance on volunteers for our armed forces. I think it is very important that the American youth have an opportunity to learn about the armed forces."

The answer Mr. Henkin was *shown* to be giving had been transposed from his answer to another question a couple of pages along in the transcribed interview, and one that came out of a sequence dealing not just with military displays but also with the availability of military speakers. At that point in the interview, Roger Mudd asked Mr. Henkin whether the sort of thing he was now talking about—drug problems and racial problems—was "the sort of information that gets passed at state fairs by sergeants who are standing next to rockets." To which Mr. Henkin replied:

"Mr. Henkin: No, I didn't—wouldn't limit that to sergeants standing next to any kind of exhibits. I knew—I thought we were discussing speeches and all."

This is how the sequence was *shown* to have occurred, following on Mr. Henkin's transposed reply to the original question:

"Mr. Mudd: Well, is that the sort of information about the drug problem you have and the racial problem you have and the budget problems you have—is that the sort of information that gets passed out at state fairs by sergeants who are standing next to rockets?

"Mr. Henkins No, I wouldn't limit that to sergeants standing next to any kind of exhibit. Now, there are those who contend that this is propaganda. I do not agree with this."

The part about discussing "speeches and all" had been omitted; the part about propaganda comes from a few lines above Mr. Henkin's actual answer and was in fact a reference to charges that the Pentagon was using talk of the "increasing Soviet threat" as propaganda to influence the size of the military budget.

Surely, something different from and less cosmic than a challenge to CBS's First Amendment rights is involved in the question of whether or not the subject of such a rearranged interview should not be given a chance to see and approve what he will be demonstrated to have said. And surely this "editing" practice must be conceded—with reason—to have damaging effect on public confidence in what is being shown to have happened—shown to have been said. We agree with Mr. Salant's premise that we are all in the same dinghy. That is why we are so concerned that either end should sink.

[From Barron's Mar. 29, 1971]

Broadcast License: CBS Has Forfeited Access to the Nation's Airwaves

We cannot help but admire a man who defends his principles and sticks to his guns. Last Tuesday evening Richard S. Salant, president of the News Division of the Columbia Broadcasting System, gave a nationwide television audience a demonstration of doggedness which, in other circumstances, might well have commanded our respect. Under fierce attack from Congress and the White House for airing the controversial documentary, "The Selling of the Pentagon," Mr. Salant refused to give an inch. Perhaps with an eye on the clock—the 11-12 p.m. slot, while not exactly prime time, is still too valuable to waste—the CBS executive took no more than a moment or so to rebut "only a few" of the critics' charges; however, he assured his viewers, "We have an answer for every one. . . ." Then, boldly switching to the offensive, the head of CBS News asserted: "We are proud of 'The Selling of the Pentagon.' . . . We are confident that when passions die down, it will be recognized as a vital contribution to the people's right to know." Lesser media of communications may occasionally run a correction or retraction; The Washington Post, not long ago, printed an extraordinary confession of error. CBS News, which is made of sterner stuff, stands defiantly on the record.

Quite a record it is, too. As to "The Selling of the Pentagon," Mr. Salant addressed himself to merely two of the many points of criticism raised. Regarding the rest, the chief critics—including the Vice President of the United States, senior editor of Air Force magazine and a non-partisan citizens' organization known as Accuracy in Media (AIM), which plans to lodge a complaint with the National Association of Broadcasters—makes a compelling, and thus far uncontroverted, case. In particular, CBS stands accused of various misstatements, including the amount spent by the Pentagon on public affairs, and the true identity of those responsible for a certain military briefing (not, as alleged, Peoria's Caterpillar Tractor Co., "which did $39 million of business with the Defense Department last year," but the local

Association of Commerce). Far worse were the omissions and distortions, including two episodes in which tapes were clipped and reassembled to convey false impressions of what the speakers said. Specific lapses aside, even the untutored eye could scarcely fail to detect, in a so-called documentary, pervasive malice and editorial bias.

On the CBS television network—which includes five wholly owned stations and 198 affiliates—slanted (or, in view of his authority and tenure, perhaps the word should be Salanted) journalism has long been the name of the game. As in "The Selling of the Pentagon," moreover, the thrust has tended to be violently against what most of the country would regard as its basic interests, institutions and values. In a prize-winning "documentary," key sequences of which subsequently proved false, CBS News professed to uncover "Hunger in America"; contrariwise, in an equally distorted report from Cuba, the television camera found, in effect, that Cubans under Castro never had it so good. Not content to cover (albeit in its own fashion) the news, CBS time and again has sought to make news. Shortly after NBC scooped the competition by airing an LSD-stimulated interview with Dr. Timothy Leary, WBBM-TV, CBS outlet in Chicago, participated in a headline making, and illegal, pot party, which became the object of an investigation by the Federal Communications Commission. In a similar, if far more brazen, exploit—on which both Vice President Agnew and Mr. Salant touched last week—CBS sought to stage, and to film, an invasion of Haiti. One picture supposedly is worth a thousand words. High time the U.S. got the picture.

As last Tuesday's performance suggests, it isn't pretty. Among other sins of omissions and commission, CBS News failed to mention that it was paid to produce one of the films at which it scoffed. In depicting a press conference, during which the briefing officer, replying to 34 questions, gave three no-comment answers, the camera focused on the latter. Statements made on tape by two Pentagon spokesmen, a Marine colonel and the Assistant Secretary of Defense for Public Affairs, were cut up, transposed and pieced together again in a way that made both of them seem unresponsive and foolish. Rep. Edward Hebert (not Herbert, as the caption later had it), chairman of the House Armed Services Committee, turned up on the screen with this gracious—and, despite Mr. Salant's subsequent remarks, wholly misleading—introduction: "Using sympathetic Congressmen, the Pentagon tries to counter what it regards as the anti-military tilt of network reporting (Ed. note: where would it ever get such an idea?). War heroes are made available for taped home district TV reports from pro-Pentagon politicians."

All this is reprehensible enough. Far worse—in a format presumably dedicated to fact—are the extremist opinions which it was used to convey. Here is a disillusioned and slightly incoherent ex-Air Force officer: "I feel that the military information arm is so vast, has been able to become so pervasive by the variety and the amounts and the way and the sheer numbers it's able to present its viewpoint to the American people, I think this attitude it was able to develop allowed Vietnam to happen. . . ." Here is CBS-News' own dispassionate Roger Mudd: "On this broadcast we have seen violence made glamorous, expensive weapons advertised as if they were automobiles, biased opinions presented as straight facts. Defending the country not just with arms but also with ideology, Pentagon propaganda insists on America's role as the cop on every beat in the world."

Anyone—even CBS, though it won't concede as much—can make mistakes. What the record shows, however, is a pattern of distortion and slanted reporting stretching back over the years. In 1963, so a revealing article and exchange of letters in The New York Times Magazine has disclosed, President Kennedy gave an exclusive interview to Walter Cronkite of CBS News on such literally inflammatory issues as the Buddhists in South Vietnam and the allegedly repressive government of Ngo Dinh Diem. In the editing process, the footage shrank from 30 minutes to 12, and, according to Pierre Salinger, then White House press secretary, "the result was a partial distortion of JFK's opinion of President Diem. In the actual interview . . . President Kennedy spoke of his respect and sympathy for the problems of President Diem. When the film was shown to the public, only the unfavorable Presidential remarks remained, and JFK's praise of Diem had been deleted. The impression was left that JFK had no confidence at all in Diem, and when he and his brother, Ngo Dinh Nhu, were later shot to death in a military coup, there were persistent charges from Madame Nhu and others that the President's statements had given aid and comfort to Diem's enemies. JFK was deeply hurt by the accusations."

Prior to the Republican convention the following year, CBS News struck again. According to Senator Barry Goldwater (R., Ariz.), Daniel Schorr, then serving as correspondent abroad, "took it upon himself to put out a news report to portray the idea that I was trying to forge links with far-rightist, neo-fascist groups in Germany . . . Schorr dealt heavily in false facts which neither he nor CBS newsmen in this country made any attempt to check with my office." So it has gone year by year. In 1968, after a storm of protest, a Special Subcommittee of the Committee on Interstate and Foreign Commerce investigated television coverage of the Democratic national convention in Chicago. In viewing the video tape of the CBS coverage, the Congressional probers noted a passage in which Walter Cronkite cried that the police "were severely manhandling a minister." According to the Committee Report: "The accompanying action shows police merely attempting to get a man dressed in clerical garb into a patrol wagon, using what the investigators felt was reasonable force to overcome the man's resistance." The Report concluded, in part: "In an attempt to give an overall impression, it might be said that the coverage presented over the air does, in retrospect, seem to present a one-sided picture which in large measure exonerates the demonstrators and protestors and indicts the city government of Chicago and, to a lesser degree, the Democratic Party."

The long reel of distortion continues to unwind. In her nationally syndicated column, Alice Widener, frequent contributor to Barron's, has chronicled some of the gamier episodes. In the fall of 1969, Frank Kearns, CBS correspondent in Rome, broadcast a report on alleged Italian opinion in the criminal case against the man who hi-jacked a commercial airliner from San Francisco. Mr. Kearns chose to quote the views of a single editor, that of the Communist newspaper "Unita," who described the hi-jacker a "Robin Hood . . . who made a fool of the repressive and hated FBI." Again, on "Face the Nation," CBS devoted a half-hour of Sunday time to Tom Hayden, revolutionist of the so-called New Left. Mrs. Widener wrote: "He was permitted by reporter Martin Agronsky of CBS, and two other reporters to get away with intellectual murder. . . . Thus it came about that at the end of the program, the arogant co-founder of the anarchic Students for a Democratic Society made an unchallenged statement about 'the poverty around the world that the United States is responsible for.'" Abbie Hoffman, convicted of inciting to riot in Chicago, appeared on the Merv Griffin show wearing a shirt made from the American flag (on the air, CBS thoughtfully bliped it out.) Small wonder that Desmond Smith of CBS once told TV Guide: "There's been a great deal of manipulation from the left. The left and SDS have been getting a great deal of play. Americans are starting to feel they're not getting the whole story."

Since then the credibility gap, notably with respect to so-called documentaries, has widened beyond belief. Webster's Seventh New Collegiate Dictionary defines documentary as follows: "adj. (1) contained or certified in writing; (2) relating to, or employing, documentation in literature or art; broadly, factual, objective." The noun, of course, possesses the same qualities. Neither word belongs in the CBS lexicon. In the famous charade on "Hunger in America," the narrator's off-screen voice said: "Hunger is easy to recognize when it looks like this. This baby is dying of starvation. He was an American. Now he is dead." Heart-rendering, but untrue. The baby was born prematurely, and, according to an FCC report, died of "septicemia due to meningitis and peritonitis to show that either the mother or father was suffering from malnutrition. . . ." Far less attention than it warrants has been paid the outrageous report on Cuba last September, which, by actual count of Accuracy in Media, contained 10 major doubtful statements, including: "For Cuba's poor, things are a good deal better than they used to be . . . the Cuban poor man doesn't want to leave . . . Schools are free, everyone must go. There is a quiet equality of the races now in Cuba. . . ."

So ran the script. However, as AIM pointed out in a letter to CBS News, real life refuses to follow it. On the contrary, the organization cited specific examples of working-class Cubans who risked their lives to flee the Castro regime. One, a Negro bricklayer, was quoted in The New York Times as saying: "Not only is there not enough to eat, but they make you spend extra hours in the fields after a 54-hour work week." As to schooling, AIM pointed out that on January 5, 1969, Castro admitted that 400,000 school-age children were not in school. Brotherhood of man? AIM quoted Erneldo Oliva, and Afro-Cuban and one of the first Castro appointees, to the effect that even under Batista, "whom we rejoiced to see go," Negroes were judges, Senators and high officials. Today only one black man holds an important post. An American Negro, who defected to Castro for five years, returned in 1968 saying that he would rather live in an American jail than remain. Citing the list of inaccuracies, AIM solicited comment from Richard S. Salant, head of CBS News, which was duly forthcoming (and, with the rest of the correspondence, put into the Record). Nine times out of 10, the criticism went unanswered.

Last Tuesday Mr. Salant took a stab at answering criticism of CBS' role in "financing a secret and illegal invasion of Haiti." Here, word, for word, is his rebuttal. "We did *not* finance the planned invasion. We did nothing illegal. No significant amount of money even inadvertently found its way to persons involved in the invasion plan. The Department of Justice found *no* unlawful activities on the part of CBS News. And John Davitt, Chief of the Criminal Division of the U.S. Department of Justice, said, quote: 'CBS advised us of the facts, advised the Bureau of Customs that they were there, and that they were filming these episodes.' At one point the Treasury Department asked us *not* to withdraw from the project. But the short answer to the Vice President is that he is attacking a journalistic investigation that never became a broadcast about an invasion that never took place."

For a short answer, not bad. But let's take a longer look at "Project Nassau," as CBS called it and it is known in the Report of the Special Subcommittee on Investigations of the House Committee on Interstate and Foreign Commerce. Let's note at once that the executive producer, Perry Wolff, served in the same capacity on "The Selling of the Pentagon." Let's also dispose of Mr. Salant. If CBS News did not "finance the proposed invasion," it did, according to the House Report, provide funds for the leasing of a 67-foot schooner which was to be utilized by the invasion force, reimburse expenses for the transportation of weapons to be used by the conspirators, make payments to the leader of the conspiracy "with full knowledge of his identity and his criminal intentions." "Significant," of course, is what lawyers call a word of art; while exact figures were never forthcoming from CBS, the House Report states that "Project Nassau" cost more than $200,000. CBS cooperation with the government was brudging, and, the Report indicates, evoked at official instance (a CBS cameraman blew the whistle to the authorities).

But let the Subcommittee speak for itself. "The implications of what has been learned are disquieting. To the average viewer, unsophisticated in the intricacies of television production, a network news doumentary typically represents a scrupulously objective reporting of actual events shown as they actually transpired. If 'Project Nassau' is any indication, this is not always true. During the preparation of this news documentary, CBS employes and consultants intermingled and interacted with personages actively engaged in breaking the law. Large sums of money were made available to these individuals with no safeguards as to the manner in which these funds would be put to use. Events were set up and staged solely for the purpose of being filmed by the CBS camera. An individual who was retained as a consultant, and later an employe, of CBS, was allowed to or instructed to appear in the actual filming and to provide narration for it. . . .

"The CBS News organization, or at least the individuals charged with the immediate supervision of the project, displayed a shocking indifference to the real possibility that their organization and funds were being made use of to further illegal activities. The control exercised by CBS Management in New York over the activities of the producer in the field seems to have been practically nonexistent. . . Had the decision . . . not to proceed with the documentary been founded on a recognition of any of the deficiencies indicated above, the only remaining question would be why the decision was so long in coming. But, under the circumstances, the rationale for the decision is itself far from reassuring. Rather than responding to any taint of artificiality or fraud in the considerable volume of film which had been prepared, the decision was apparently made on the basis that the project was journalistically unsatisfactory in view of the unfinished nature of the enterprise."

The law requires television quiz shows and commercials to be honest. Unfortunately, however, the public enjoys no similar protection against "documentaries," a credibility gap which the Subcommittee hopes to bridge. We would like to offer a proposal or two of our own. Believe it or not, Frank Stanton, president of the Columbia Broadcasting System Inc., serves as Chairman of the U.S. Advisory Commission on Information. Unlike Vice President Agnew, who backed away from the idea, we suggest that he be asked to resign. Moreover, to judge by the record cited above (which has exhausted our space, but barely scratched the surface), CBS television stations stand wide open to challenge on thier license renewals, and we urge concerned, public-spirited citizens—as well as the FCC—to respond. CBS, in our view, has forfeited its access to the nation's airwaves. The time has come to turn it off.

Mr. DOLE. Mr. President, it is growing increasingly evident that it is not attacks by Spiro Agnew that are destroying the credibility of CBS, but I believe the destruction of that credibility can be blamed on only one—CBS and Richard Salant. I believe these editorials make that plain.

THE 25TH ANNIVERSARY OF STRATEGIC AIR COMMAND—"PEACE IS OUR PROFESSION"

Mr. CURTIS. Mr. President, the slogan or the motto of the Strategic Air Command is "Peace Is Our Profession." That fine organization is a deterrant to aggression. Aggressors start wars that they think they can win. They do not start them if they have a strong feeling that they are going to lose. There is no way to measure the benefits that have accrued to the United States by reason of the strength of our Strategic Air Command.

On March 21, 1971, the Strategic Air Command observed its 25th anniversary with an appropriate observance. I believe that it would be of interest to the Senators to have placed in the Record a statement concerning the role of the Strategic Air Command, and I therefore ask unanimous consent to have an article prepared for this occasion, entitled "Strategic Air Command After 25 Years" printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Strategic Air Command After 25 Years

A quarter century ago, an ambitious but obvious mandate became clear to military planners at the close of World War II. The future security and freedom of the United States could only be secured through the development of a force so powerful that potential aggressors could not possibly entertain thoughts of world domination.

It was with this mission that the Strategic Air Command was born on March 21, 1946. Today, after 25 years of growth and development, it stands out clearly as the most powerful force for peace in man's history—a mixed force of bombers and missiles that comprise over 70 per cent of the free world's nuclear firepower.

Though the men and machinery have changed since General George C. Kenney took first command, SAC's original and primary mission has remained the same—to deter all-out nuclear war. If that should fail then a capability must exist to destroy the enemy's will to fight.

Since August 1968, that capability has been assured by General Bruce K. Holloway, commander in chief, who controls the world-wide force from SAC headquarters at Offutt AFB, Nebraska. It is from there that combat ready bombers and intercontinental ballistic missiles from some 45 locations around the world would be instantly notified to launch against an enemy once an order to strike has been received from the President—the only man allowed to give such an order.

The nerve center at Headquarters SAC, near Omaha, Nebraska, is there stories underground. A large control room, communications center, trajectory center, global weather central, and portions of the Joint Strategic Target Planning Staff, intelligence, material and operations activities are surrounded by exterior and ramp walls of concrete and reinforced steel 24 inches thick. If necessary, it could be totally sealed off for weeks to insure survivability.

Through the most advanced and extensive communications system in existence, SAC's commander and battle staff have complete control over every aircraft and missile and combat crew. Employing a world-wide telephone network, global teletype circuits and a single side-band radio network, instant "red phone" contact is possible. As a further precaution a back-up flying command post with identical capabilities has been in the air since 1961 with a general officer and senior team of controllers aboard in the event the underground post is destroyed.

Approximately 40 per cent of the SAC bomber-tanker force is in constant readiness, poised to respond to the klaxon signalling an "alert". On the ground, B–52 bomber and KC–135 tanker crews could be airborne within minutes and missile launch officers in hardened dispersed silos would stand ready at their consoles. As an additional means of protection, particularly from submarine launched ballistic missiles, SAC also has dispersed a portion of its alert bombers at other strips away from the aircraft's home base. Heavy bomber units also maintain the capability of mounting an airborne alert when so directed.

The possibility of an accidental launch or attack, however, is eliminated by "positive control" measures. The aircraft would fly to predetermined points well short of enemy territory and wait for further coded instructions. Weapons in the aircraft are not armed until the bomber is ordered to attack, and then a coordinated effort by several crew members is required. If the "go code" from the President is not received, they immediately turn back. Similar multiple safeguards protect against a mistaken missile launch.

Based on a concept of maximum flexibility, SAC weapons are a blend of manned and unmanned systems. United States defense policy requires a variety of options of response to national emergencies, and SAC employs the advantages of bombers and missiles, sternly convinced that an all manned or unmanned posture would not be effective deterrence.

The backbone of the manned systems is the eight-engine B–52 which has been in the inventory since 1955. Capable of high subsonic speeds, it can fly at altitudes in excess of 50,000 feet and carry a nuclear or conventional payload. Through the use of aerial refueling, its range is limited only by the endurance of its six-man crew. Later models can go 10,000 miles unrefueled.

The total bomber force has been reduced since 1965 by the retirement of older models, from about 750 B–52s and B–58s to a current total of approximately 450 B–52s.

Scheduled as a possible follow-on to the B–52 fleet is the B–1, formerly called the Advanced Manned Strategic Aircraft (AMSA). Engineering development contracts released in June of last year allow the fabrication of five flight test aircraft plus one static test airframe and one fatigue test airframe. If congressional approval and funding for full scale production is granted, the B–1 could be flown by SAC crews as early as 1977.

The FB–111, a medium bomber, is scheduled to become a part of the operational bomber force during FY 72. A variable-sweep wing aircraft capable of Mach 2 speeds, it will be able to carry both nuclear and conventional weapons, take-off and land in less distance than a B–52, and employ advanced avionics and ejection systems. Approximately 74 FB–111s are due for the inventory.

The refueling mission of the command is carried out by 600 KC–135 stratotankers. Responsible for refueling all fighters, bombers, and reconnaissance aircraft in the Air Force, Navy and Marine Corps, the tanker fleet off-loads about 2.375 billion pounds of jet fuel each year. Since 1965, refueling operations in Southeast Asia have supported the overall air campaign and acounted for untold emergency saves. Another invaluable role has been airlifting men and equipment to and from the United States.

Photographic and electronic reconnaissance operations are conducted by the high flying supersonic SR–71. Delivered to SAC in 1966, it can travel three times the speed of sound and photograph 60,000 square miles of surface in one hour of flight.

Indispensable in strategic air warfare, reconnaissance by SAC first detected the Soviet missile build-up in Cuba in 1962.

In carrying out the mission of deterrence, the SAC missile force poses a formidable carriage of strength. It is comprised of 54 Titan IIs and 1,000 Minuteman Intercontinental Ballistic Missile (ICBMs) which are constantly being updated.

As part of SAC's modernization program, Minuteman II was accepted into the inventory in October 1965. An improvement over Minuteman I, it uses microminiaturization, a new thrust control system and other refinements which increase its range, accuracy and flexibility over the earlier model.

An even newer missile, the Minuteman III, is also being integrated into the force. SAC assumed responsibility for the first Minuteman III's in June 1970. The first tactical squadron consisting of five manned control centers and 50 unmanned silo launchers was recently completed at Minot AFB, N.D.

Minuteman III employs an improved third stage for an additional throw weight capability. This enables the missile to carry more penetration aids to counter an antiballistic missile defense.

Eventually the force will include 500 Minuteman III missiles which are capable of carrying the Multiple Independently Targeted Re-Entry Vehicles (MIRVs).

From a beginning aggregate of 36,000 men and 250 war-weary bombers, the Strategic Air Command has grown to a force of 161,000 highly trained professionals in two and a half decades. This evolution has been stimulated by science, the Communist threat, and the developing role of the United States as a leader of free nations.

In this, the twenty-fifth anniversary, SAC looks back at years of hard work and dedication with the satisfaction that it has accomplished its mission. SAC readiness and firepower, combined with the determination of the American people to use it if necessary, will continue to be the best deterrent to general war in the next twenty-five years of the nuclear age.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is Calendar Order No. 51, S. 31, a bill to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

ORDER FOR ADJOURNMENT TO 10 A.M. THURSDAY, APRIL 1, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock Thursday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS BROCK AND PACKWOOD AND ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON THURSDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the conclusion of the prayer and the recognition of the joint leaders, the distinguished Senator from Tennessee (Mr. BROCK) be recognized for not to exceed 15 minutes, to be followed by the distinguished Senator from Oregon (Mr. PACKWOOD) also for a period of 15 minutes, and that there then be a period for the transaction of routine morning business after the conclusion of the remarks of the distinguished Senator from Oregon (Mr. PACKWOOD).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. The Senate will then turn to the consideration of S. 31 which is now the pending business.

Mr. President, for the record it should be made clear that the joint leadership did try to work out an accommodation for certain Senators for a time limitation on the pending business on Friday. However, unfortunately we were not successful. These things happen. It is, therefore, anticipated that there will be considerable debate on S. 31 when it is laid before Senate on Thursday next.

I make this statement for the purpose of having the record made clear so that those Senators who did seek a time limitation and had hoped that this matter could be taken up Friday on that basis will be aware of the difficulties which have developed.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. DOMINICK. Mr. President, I do not mind saying for the record that I was the one who asked the deputy minority leader to inform the leadership that I would object to any time limitation. I think this bill has a major national impact in its present form. It is regrettable. If I may say to those who had hoped that we might reach a compromise, if we do work out a compromise, it is possible that a time limit could be reconsidered, but it is highly unlikely.

Mr. MANSFIELD. Mr. President, I appreciate the remarks of the distinguished Senator from Colorado. I think for the record it ought to be said that there were others in addition to the Senator from Colorado who raised that question.

Mr. DOMINICK. I am glad to hear that.

Mr. MANSFIELD. So that there is considerable blame or credit to go around.

ORDER FOR SENATE TO CONSIDER S. 581, THE EXPORT-IMPORT BANK BILL

Mr. MANSFIELD. Mr. President, it is my understanding that the legislation dealing with the Export-Import Bank has been reported by the committee, but it is not on the calendar. After discussing the matter with the distinguished acting minority leader and the minority leader, who is equally distinguished, I ask unanimous consent that, following the disposition of the pending business, the Senate then turn to the consideration of S. 581, having to do with the Export-Import Bank.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, this will be the pending business on Monday next provided the pending bill is disposed of.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate turns to the consideration of S. 581 there be a time limitation of 1 hour on each amendment, the time to be equally divided between the manager of the bill and the sponsor of the amendment, and that there be 3 hours on the bill itself.

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not object, I want to indicate that I have checked on this matter with the ranking minority Member, the Senator from Texas (Mr. TOWER), and also with the ranking minority member on the International Subcommittee, the Senator from Oregon (Mr. PACKWOOD). This agreement is satisfactory.

I take it that it would be understood this would apply only to germane amendments. We are talking about the offering of germane amendments.

Mr. MANSFIELD. The Senator is correct. That should be included in the unanimous-consent request.

The PRESIDING OFFICER. Is there objection? The Chair hears none and the order is entered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the unanimous-consent agreement be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

UNANIMOUS CONSENT AGREEMENT

Ordered, That, effective following the disposition of S. 31, during the further consideration of the bill S. 581, to amend the Export-Import Bank Act of 1945, as amended, and for other purposes, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the manager of the bill: *Provided,* That in the event the manager is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 3 hours, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided,* That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. BYRD of West Virginia. Mr. President, the Senate should be on notice that there will, in all likelihood, be rollcall votes on both the pending business and the Export-Import Bank bill. I would hope that all Senators would make their plans accordingly.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

GREEK INDEPENDENCE DAY

Mr. KENNEDY. Mr. President, today marks the 150th anniversary of Greek independence. And it saddens me, as it does so many Americans, that the Greek tradition of the rule of law and respect for the dignity and rights of the individual, is submerged in the acts and policies of a repressive military regime. Especially today, as we remember the independence of Greece, the strangling of democracy in the country of its birth must revolt the conscience of all mankind.

Recently, I received a letter signed by prisoners in the Aegina Prison near Athens. It expresses the hope I strongly share, that the principles of democracy will finally prevail in Greece.

Mr. President, I ask unanimous consent that the text of this letter and a list of its signers be printed at this point in the RECORD.

There being no objection, the letter and list were ordered to be printed in the RECORD, as follows:

AEGINA JAIL,
December 1970.

Senator E. KENNEDY,
U.S. Senate,
Washington, D.C., U.S.A.

DEAR SENATOR: In a few months' time the military dictatorship in Greece will conclude its fourth year in power. During these four years the colonels' main concern has been to continue a series of innumerable frauds and ruses with the aim to deceive the public opinion abroad on the real face and intention of their regime. Official propaganda and the regime's conditioned means of communication, after having attempted to persuade the Free World that the "real" interest of the West would be jeopardized unless democracy in Greece were suppressed and the Greeks were terrorized, activated consequently an unscrupulous mechanism of promises directed to foreign governments and international organizations, ascertaining that the abolition of all fundamental human and civil rights is but "provisional," and that the abnormality would give off to a real constitutional order.

This allegedly provisional situation and the so-called "new order," three years and seven months after its establishment, amount to the following: martial law is still in force and courts-martial continue to function; arbitrary arrests and police questioning in defiance of the fundamental civil rights still consist an everyday practice against political opponents of the regime; parliament remains "out of law" and all political action is still banned, except, naturally, for the regime's brainwash activity; and last but not least, political prisoners are still held either in concentration camps or exiled in remote villages, or detained under heavy penalties in prisons as hostages of the military government. Many of them will have spent their fourth consecutive Christmas eve in prison.

Yet, these features of the Greek public life have been assessed recently by the official spokesman of the U.S. Government as encouraging "trend" towards a constitutional order, a trend which has been considered as a strong reason for resuming full military aid to the colonels.

We are now addressing to you this short message because we feel the need to congratulate you: we would like to express how deeply we appreciate the sagacity, integrity, and courage which led you to take a stand by the side of our people. This stand has put you on the line of our people's history and tradition which is a continuous struggle against all forms of totalitarianism and oppression. We believe it to be of primary importance that the junta did not succeed in ensnaring you into the labyrinth of its lies and deceiving you by its alleged constitutional reforms and notorious timetables of rendering to the Greeks the rights which they should have had by birth.

On this same occasion we would like to underline most strongly the huge mistake, expressed with mounting cynicism, which lies behind the doctrine of modern "provisional" dictatorships in the West. According to this doctrine, a number of free countries must undergo a stage of totalitarian rule, in order that the West can maintain its hold on allegedly precarious areas. On the basis of this doctrine an increasing number of reactionary dictatorships, and among them the Greek regime, are fostered semiopenly by the leading power of the West, under different pretexts. The doctrine is an obvious and tragic contradiction. Not a single people—and especially the Greek people—is prepared to accept, in any covered form whatsoever, the status of mercenary for defending others from faked dangers, nor would it undertake the role of forced guard of foreign interests. We believe that freedom is the same indispensable to the Americans, Europeans and Greeks as well. Only the defence of this *common-to-all* freedom could be a matter of common interest to all parties.

We thank you for keeping your clear voice in the air echoing the high principles for which we are being kept in prison and others in concentration camps.

We know that at the end these principles will prevail and we can assure you that we will not fail in this fight over a just cause which you have decided to support. We hope that more people will follow your example.

PRISONERS AT AEGINA WHO SIGNED THE LETTER TO SENATOR KENNEDY

Phoebus Ioannides, lawyer.
George Sipitanos, business man.
N. Voulelis, student.
Thomas Popoutsis, employee.
Nikos Armenis, artisan.
A. Tantsis, student.
Stelios Yannitopoulos, artisan.
Stelios Nestor, lawyer.
Nondas Ochounos, student.
Pavlos Zannas, Director of Salonika International Fair.
Argyris Maltsidis, engineer.
Antonio Goulas, student.
Costas Sophoulis, economist.
George Avramis, employee.
Nestor Hatjudis, engineer.
Ch. Protopapas, lawyer.
K. Kitsirites, lawyer.
Nikos Chloros, student.
John Vassiliou, economist.
A. Politis, petty officer.
Constantine Pirzas, teacher.
Sotirios Dedes, lawyer.
Anestis Anastassiadis, free enterprise.

OUTSTANDING SERVICE OF FORMER REPRESENTATIVE MAX McCARTHY

Mr. KENNEDY. Mr. President, I want to join Senators in praising the outstanding service which has been given by the former Representative from Buffalo, Max McCarthy.

Many words have already been spoken about Max McCarthy's contributions to his city, State, and Nation. Today, I would like to stress some of the valuable contributions which have not been mentioned. On a personal note, Max was one of the strongest supporters of Robert Kennedy's efforts on behalf of the less advantaged, both in New York and in the Nation.

Max has been persistent in his efforts to provide assistance to oil consumers in Buffalo who had been experiencing the negative impact of this administration's oil import policies. His unceasing efforts to change policies which were causing an increase in oil prices in western New York, and jeopardizing jobs, brought results. Today, more oil is flowing into Buffalo from Canada. Large refineries are in operation providing jobs and helping to meet domestic oil consumption demand.

His tireless fight against chemical and biological warfare is one of his most significant contributions. He fought for reforms governing the transportation of hazardous materials by rail. His persistence was rewarded by the passage of rail safety legislation.

Max McCarthy was also outstanding in his efforts to prevent pollution. He was outraged by the practice of dumping dredged spoils from the Buffalo River into Lake Erie. He was finally successful in persuading the Johnson and the Nixon administrations to build dikes to block passage of any dredges into Lake Erie. His campaign for clean water provides us with ample evidence of his competent and enlightened leadership.

Representative McCarthy was also successful in securing passage and funding for a series of flood control, recreation, harbor, highway, and canal projects benefiting the Buffalo area.

Early in 1965, Max was the only member of the House Public Works Committee to fight for the highway beautification bill. His persistent efforts brought Mrs. Lyndon B. Johnson, Presidential Assistant Bill Moyers, and finally the President himself to his aid. The measure was reported out of committee, passed, and signed into law.

Representative McCarthy's leadership was also felt in his attempts to give the people of communities marked for highway projects a greater voice in the location, and in fact, the wisdom of such projects.

He, along with other Congressmen, opposed the efforts of the Public Works Committee to force the District of Columbia into building highways which were opposed by a majority of residents.

His leadership was also obvious in his defense of provisions in Federal law which protect scenic and historic sites and parklands from being taken for transportation projects.

He has played a key role in securing model cities designation for his hometown. In addition, he has witnessed the inclusion of some of his important amendments in economic development legislation.

In 1968, he focused national attention on the issure of firearms legislation. The result of his vigorous campaign for firearms legislation was the passage of the 1968 Gun Control Act.

Mr. President, Max McCarthy's remarkable record has not gone unnoticed. I ask unanimous consent the following tributes be printed in the RECORD.

There being no objection, the tributes were ordered to be printed in the RECORD, as follows:

"We have a major job to do in cleaning up our waterways. You're doing a fine job for New York State and the Buffalo area." The late Senator Robert F. Kennedy; June 30, 1965.

"You have played a vital part in this age, and your countrymen are grateful to you." Former President Lyndon B. Johnson; September 24, 1968.

"An outstanding Member of the House. . . ." The New York Times; October 23, 1968.

"By any fair standard, he deserves high marks for being steadily on the ball in defending and advancing the interests of the metropolitan Buffalo community. . . . This is a record of hard work, initiative and conscientious devotion to duty." The Buffalo Evening News; October 17, 1968.

"What difference can one man make? One man can make a difference, can change attitudes and directions. Richard Max McCarthy, a Democratic representative from New York is such a man." Senator Vance Hartke; August 13, 1969.

"For anyone who thinks a good congressman is a contradiction in terms, here's somebody to set him straight. Representative Richard D. McCarthy may be forth nominating as the man of 1969." Dr. Theodor Rosebury, Life Magazine; November 28, 1969.

"The United States and the world owe a great debt to Congressman McCarthy. It restores hope in our democratic system of government that a man like this can be elected to Congress." Kenneth Boulding, The New Republic; November 29, 1969.

"Much of the progress we are making in controlling CBW today is a result of your leadership." Senator Edmund S. Muskie; September 13, 1970.

"One of the finest men to ever serve in Congress." Former Senator Paul H. Douglas; October 3, 1970.

Finally, Mr. President, I would like to point out that in addition to the 6 years of service rendered to his Nation in Congress, Mr. McCarthy has also served 1 year in the U.S. Navy; two in the U.S. Army; and 10 years as one of the leaders in a renewal and revitalization program in Buffalo. This is, indeed, a remarkable record of service.

Mr. President, we are reluctant to see Max depart, but from his record it is obvious that Buffalo, Erie County, New York State, and the Nation have not heard the last of Richard D. "Max" McCarthy.

ROLE OF CONGRESS IN INVOLVEMENT IN WAR

Mr. KENNEDY. Mr. President, we all know that one of the most pressing issues now facing our Nation—one that has continued and will continue to command the attention of this body—is the role Congress should play in controlling America's involvement in war. Until the tragic experience of Indochina, the drift of American history has been to place war powers substantially in the hands of the Executive, despite strict constitutional provisions to the contrary.

Many Americans are not fully aware of the nature of the debate now before us on the role of Congress in bringing an end to the Indochina conflict and in controlling American involvement in future wars. Too often I find that constituents visiting me—especially young people—are not fully aware of the legislation and proposals Members of Congress have made to stop the war in Indochina. This ignorance has led many to assume Congress has no role, or worse, to lose faith in the power and responsibility of Congress to share the warmaking power of the Constitution.

Recently at a "teach-in" at Mount Holyoke College, a distinguished college in my State, Mr. Thomas A. Dine, very ably reviewed the legislation and activities of the Congress toward ending the Indochina war. I commend his statement to those who doubt that Congress has the will or the way to end the war in Indochina, and I ask unanimous consent it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CAN CONGRESS END THE WAR?

(by Thomas A. Dine, Legislative Assistant to U.S. Senator FRANK CHURCH)

Tonight, I would like to talk about the work directly and immediately before us: To end the war.

The reform and restructuring of our political system may or may not come—but it should come. If it does, it will take decades to achieve. Meanwhile, we must end the war.

The reform and restructuring of our economic and social system may or may not come—yet it must—but before it does, we must end the war.

The whole framework and character of American thinking patterns need changing, indeed, must change drastically from an impersonal, technologically clean but withdrawn state of mind to one of humanity, of feeling of independent character, and of trust. But before this, the most important goal before us is to end the war.

If we are to redeem our country, which many Americans strongly desire, we first must face up to our country's greatest horror, the war in Indochina—and stop it. And to do so, Congress is our best hope.

In modern United States history, the American people have looked to the President to solve those problems most seriously plaguing the Nation. Turning depression into prosperity, linking vast distances with a network of highways, ensuring equal rights and opportunity for all citizens are a few examples. Yet, none of our last four Presidents has bitten the bullet in regard to ending America's part in the war in Indochina. No executive has used the necessary surgery to sever our disease-ridden ties with nonnationalistic regimes in Saigon, Vientiane, and Phnom Penh. None has stated that we have done as much as one nation can do for another, that it's time to come off the Asian mainland, that we are withdrawing all U.S. armed forces, allowing the Indochinese, at last, to run Indochina.

This Administration is similar to the Eisenhower-Kennedy-Johnson Administrations in not facing up to this dilemma. The Mitchell Doctrine admits to this. Shortly after Mr. Nixon's inauguration, the Attorney General told Washington skeptics, do not judge the President by his rhetoric, evaluate the President only by his deeds. Having thus witnessed his actions, we are all assembled once again to air our grievances about a war that our President refuses to end.

Since the Executive branch has been unable (or unwilling) to solve the most agonizing issue of our time, can the Legislative branch end America's participation in the war?

Ten years ago or even five years ago, the answer would have been a flat "no." Congress follows public opinion, some observers ridiculed; Congress is too conservative, others remarked; Congress doesn't initiate; I can remember when I was an undergraduate considering Richard Neustadt's book, which advocated a powerful presidency, as the Bible of modern government.

Today, however, Congress, especially the Senate, is the focal point of the war's opposition. In a leaderless nation, the American people are looking to Congress for direction. As the Senate, for instance, has tried to reassert its rightful Constitutional role in formulating, with the Executive, policies of war and peace, it has produced some hope that all is not lost, that the system is workable. This has led to legislation to compel the President and his advisors to limit at least the scope of the war, if not to end entirely our military involvement in Indochina. It has led, in this new session of Congress, to extensive legislative proposals in both houses to bring the senseless killing and acts of destruction to a halt. The key, then, to stopping American participation in this war has become a regenerated Legislative branch.

Involved in this process is a revival of the Constitution, once the sole property, so it seemed, of reactionary forces on Capitol Hill. The burning question today, however, for New Constitutionalists, like Senators Fulbright, Church, and Cooper, is whether to confide the war-making power in one man or subject it to some form of democratic control. If we are to conduct government by the separation of power—the bedrock principle of our Constitutional process—then each branch must live up to its responsibilities.

The last Congress showed that one part—the Senate—is on its way back to doing just this. In December, 1969, the first Cooper-Church amendment, which was attached to the Defense Appropriation bill and barred the introduction of American ground combat troops into either Laos or Thailand, became law. After seven weeks of acrimonious, divisive debate, the second Cooper-Church amendment passed the Senate on June 30th, by a vote of 58–37. By this action, the Senate said to the President that he could not use any funds to retain U.S. combat forces in Cambodia, provide the Cambodian government with military advisers or instructors, come to Combodia's defense with mercenaries, or supply air support to Cambodia troops. In this vote, bipartisan northern liberals were joined by a few southern moderates and midwestern Republicans.

Passage of this amendment was an event of first-rate importance. It showed first of all that our political system can work if enough people work at it hard enough and persistently enough. It also marked the first time in history when one of the houses of Congress voted restrictions on a President in the conduct of a shooting war. The President and his own in-resident advisors, his Secretaries of State and of War, the Senate Minority Leader and the Senate Minority Whip were all fully cognizant of the significance of this legislation. Day after day, they mustered all the political artillery at their command in an all-out effort to defeat the measure. This campaign included leaders of veteran's groups, editorial writers, foreign chiefs of state, communiques from LBJ at the Ranch, and various business firms. Although Joe Alsop labeled the battle over the amendment the "non-event" of the year, its passage through one legislative body attests to the breath and striking power of those who oppose America's participation in the war. The lesson learned last spring, following Nixon's invasion into Cambodia and the killings of the students at Kent State and Jackson State, was that when forces for peace swing into action at full strength, as so many people did, young and experienced, the Legislative branch—at least the Senate—responded to the people's will. From first-hand knowledge, for example, I can tell you that students were vital in supplying intelligence and manpower to beleaguered dove forces.

Along with Cooper-Church, another important rider attached to the Foreign Military Sales bill was the repeal of the Gulf of Tonkin Resolution, that infamous blank check which President Johnson flaunted in the face of his critics. This whole peace package went to a House-Senate conference in July and languished there until New Year's eve. During this long interval, the Administration adamantly refused to accept any kind of war restrictions on the ground that it infringed upon "the President's exercise of his lawful responsibilities as Commander-in-Chief of the Armed Forces."

On September 1, 1970, the Senate took up the McGovern-Hatfield amendment to the Military Procurement Authorization bill. This end the war amendment unfortunately occupied the Senate for only six hours, then was defeated by a vote of 55 to 39. Although its failure to reach a majority was disappointing, 39 Senators voting to end the war by a fixed time, in an election year and with a downswing in public opinion, was no small achievement.

When the President came to Congress in December requesting $255 million for economic and military assistance for Cambodia, anti-war forces were split on what to do. One school said, sit on the request until there is more hard evidence that such aid is so hastily needed. A larger collection of doves said, go along with the supplemental assistance but use it as an opportunity to place restrictions on this urgent order and to limit our commitment to another Indochina government.

After many days and nights of discussions with Administration officials, including the President, Senators Cooper and Church pressed the Administration to accept prohibitions barring U.S. ground combat forces or military advisers from entering Cambodia. When this revised Cooper-Church amendment passed both houses, Senator Church said:

"This . . . represents the culmination of an attempt that has gone on now for more than a year to write a statutory limitation on the extension of American military involvement in the Indochina war. . . . I think it is a historic moment."

The President signed. As a Republican Senator said on the floor two days ago, without Cooper-Church as law, there would be American Armies in Cambodia and Laos today.

The President was then forced to go one more step. By dropping the original Cooper-Church limitations on Cambodia yet keeping the Gulf of Tonkin repealer still intact, the Foreign Military Sales bill was revived at the end of the year and rushed through both houses. A protesting House hawk, Sam Stratton of New York called this whole affair a "shot gun wedding." Perhaps, but the President signed this peculiar legislative bundle, thus removing from the dockets any legal authority for him to conduct military operations in Indochina—except to withdraw the armed forces of the United States.

The fourth Cooper-Church amendment, prohibiting American ground combat troops from being introduced into Laos or Thailand, was renewed and signed into law in this legislative finale. At the present time, then, there are two Cooper-Church amendments which are law: limiting American involvement on Cambodian soil and barring American ground combat troops from Laos and Thailand.

What are the significant, current legislative proposals which follow-up last year's drive by the Congress to play a leadership role in winding down our participation in the war in Indochina? First, I should report to you that at this stage, with the Laotian operation in process, the President has regained the upper hand; the Congress is playing a wait-and-see game. I don't believe, however, this period of inaction will continue for long.

Second, because the 92nd Congress is only one month old, the progress of legislative proposals is not very far along. Some committees are still in the organizational stage; others are planning investigations or scheduling hearings, but have not really gone to work full steam ahead. Indeed, some antiwar legislation, which might become the center of national debate later on, has not yet been offered, perhaps not even conceived.

And thirdly, before I begin a rundown of current reforms of the draft, of measures to cut off monies for military operations, and of proposals to clarify war powers, I think you should realize that in almost every case, the idea is acceptable only to a minority. Although the pressure exerted by a dedicated minority can make a difference, the primary point to remember about reasserting Congressional authority is that you need 51 votes in the Senate and 218 in the House. How you get these becomes the means to stopping the war.

Draft reform is a significant anti-war effort. The present selective service system provides military manpowers that can be easily deployed by the President on missions of war without Congressional assent. The system, as it now functions, is a modern-day form of involuntary servitude to the state. Forced conscription was, in fact, the very oppression that led our great-grandparents and grandparents to flee to this country to live in a freer society. The draft, by plucking a young man here and taking one there, does not disrupt communities and it makes it easy to conduct limited, undeclared wars. Imperial powers operate best with draft calls at the leadership's will.

A number of noteworthy proposals have been advanced to change this archaic system, but none has a likelihood of passage in either body. Why? The chairmen of the two Committees on Armed Services and the Joint Chiefs of Staff are in favor of the way cannon fodder is now supplied. They also believe that to change at the present time would be too expensive as well as too disruptive during an ongoing war. The powerful veterans lobbies agree.

First is the Volunteer Military Act of 1971 offered by the most unlikely of alliances, the Republican duet of Senators Hatfield and Goldwater. Its goal is to implement the essential recommendations given to the President by the Gates Commission, that is eliminating conscription and moving toward an all-volunteer armed force—with sufficient regular pay and bonuses. Last year, this suggestion for reform received 33 votes in the Senate; it might reach 35 in this session. People like Ted Kennedy are opposed to it because it would create a lower-middle class Army. Ed Muskie has said that such an Army would "become a mercenary force unrepresentative of the nation" and uncontrollable by civilian leadership. Some Senators are opposed because the all-volunteer force is an unproven concept and the Indochina war continues; the rest are opposed because they are against change.

None tackles, however, the real problem head-on as the Gates Commission did in its Report last year. The Commission explained that a standby draft should be activated only by "resolution of Congress at the request of the President." In a frequently overlooked section, the Commission explained:

"The necessity for legislative action will guarantee public discussion of the propriety of whatever action is under consideration. If discussion yields a reasonable consensus, the nation's resolve will be clearly demonstrated and made less vulnerable to subsequent erosion. If a consensus sufficient to induce Congress to activate the draft cannot be mustered, the President would see the depth of national division before, rather than after, committing U.S. military power.

"A standby system which authorizes the President to invoke the draft at his discretion would capture the worst of two worlds. On the one hand, it would make it possible for the President to become involved in military action with a minimum of public debate and popular support. On the other hand, once the nation was involved, especially in a prolonged limited conflict, the inequities of the draft would provide a convenient rallying point for opposition to the policy being pursued."

This reasoning makes sense in a truly democratic society.

Senator Kennedy has reintroduced his bill providing for a two-year extension of the present selective service system, but putting a ceiling of 150,000 men on inductees. This establishes clear Congressional control over the number of men liable for the draft as well as 15 innovative steps such as eliminating all *new* student deferments beyond high school and providing a study of the ramifications of granting amnesty to those convicted for refusing induction.

A straight attempt to offset the present draft system has been offered by Hatfield, Church, Cranston, McGovern, and Proxmire. These Senators want to repeal the Selective Service System and to set its expiration date at December 31, 1971. Because the military combine is adamantly opposed, these reforms will not even receive a hearing by the military committees.

Interesting proposals in the House have been Congressman Kastenmeier's idea to induct no one into the military to fight in undeclared war without his expressed consent. Koch of New York City wants to extend the definition of a conscientious objector to include opposition to military service in a particular war and to make sure draft exiles in Canada and elsewhere are not prosecuted by allowing them to claim exemption from military service as selective conscientious objectors. Fritz Ryan of New York has introduced a bill to prohibit the assignment of any person to active duty in Vietnam unless the man himself consents to such an assignment.

To illustrate how systems don't change, and even get worse with time, there is the Stennis-Smith sponsorship of the status quo, extending the President's induction authority for two more years. Included in S. 427 is a punitive section which repeals the current exemption of divinity students from induction. One can conclude that studying the story of brotherhood is no longer a safe haven from killing rites in Indochina. This is the Nixon Administration's proposal and this is what the Generals and Admirals want. The harder it becomes for the top brass to obtain manpower for their legions, the harder they will scrap to obtain live bodies from all quarters of society. Hearings are already in progress before Stennis's Committee on Armed Services. Before the June 30th deadline for renewal, this measure will be brought to both floors where it will sail through.

In short, although President Nixon talks about creating an all-volunteer military force by 1973, he seems to be working against such a reform. He appears to be more interested in defusing the draft as a political issue than in overseeing basic changes in the law underpinning the present system of involuntary servitude. If so, this limited goal will strengthen the determination of draft opponents in and out of Congress to demand sweeping changes of their own. Unfortunately, the necessary votes for such change are not yet available in either body.

Anti-war legislative submissions have been plentiful in the House.

To the amazement of many, Congressman Pucinski of Chicago, a long-time hawk, introduced a resolution to suspend American troop replacement in Indochina. His legislative approach is to express the sense of the Congress that the President shall no longer send American armed forces to Vietnam after March 1, 1971. As U.S. troops are rotated at the conclusion of their one year tour of duty, remaining American units in Vietnam are to be consolidated until ultimately no U.S. troops remain in Vietnam. Although it will not even receive a hearing from the House Armed Services Committee, Pucinski's action has important political ramifications. What is important here is that the doves have a convert. A machine politician, representing a heavy blue-collar district, has jumped on to ride the political wave of 1972. This might mean for Pucinski a run against Percy in the Illinois Senatorial race; this probably means that middle America is fed up with the war and what it is doing to their newly acquired affluence.

Congressman Bingham has introduced a bill, based on the Cooper-Church amendment, cutting off funds for any American combat forces or military advisers or air and sea forces in, around, or over Cambodia. This was done before Operation Dewey Canyon II and the six-day news blackout in regard to Laos. It is already out of date, but it got over 50 cosponsors in the House when it was offered. The Chairman of the House Foreign Affairs Committee said privately he would not have hearings on this proposal.

The most straight-forward approach to ending the war was offered by Bella Abzug. She submitted the following resolution last month: "To express the sense of the House that the President set the date for withdrawal from Vietnam, Cambodia, and Laos." Period. This, too, will go nowhere because the Executive refuses to accept a date on any legislation.

Although not in the form of legislation, Pete McClosky of Northern California, a former Marine Lt. Colonel and Stanford law roommate of Nixon's assistant, John Erlichman, has suggested a national dialogue about impeaching Nixon on grounds that the President is pursuing the war in Indochina illegally. He refers specifically to the invasions of Cambodia and Laos.

William Anderson of Tennessee, former skipper of the Nautilus and the first man to command a ship under the Artic, has gone to the defense of the Berrigan brothers and hit hard, in public, the image of that infamous Washington war-lord, J. Edgar Hoover. Both McClosky and Anderson are men of the military, they have taken the lead in an area of anti-war protest that they literally risk their private and political lives. They very much need our support.

Senators George McGovern and Mark Hatfield have reintroduced a revised end the war amendment, calling it the "Vietnam Disengagement Act of 1971." It has 22 cosponsors at this time. If brought to a vote in the Senate today, however, veteran observers have said that it would not even receive the 39 votes it did six months ago. The problem is the concept of a date certain, but the political climate regarding this is changing. The amendment reads:

"No funds authorized to be appropriated under this or any other Act may be obligated or expended to maintain a troop level of more than 284,000 Americans in Vietnam after May 1, 1971. After May 1, 1971, funds authorized or appropriated under this or any other Act may be expended only to bring about the withdrawal of remaining American armed forces by December 31, 1971; to insure the release of prisoners of war; to arrange asylum or other means to assure the safety of South Vietnamese who might be endangered by the U.S. withdrawal; and to provide assistance to the Republic of Vietnam consistent with the foregoing objectives."

Congressman Peter Kyros of Maine, and others, including Father Drinan, have introduced the same bill on the House side; they have attached it to the Foreign Assistance Act which means Doc Morgan, the reluctant, reticent counterpart of Fulbright on the House side, will have to receive testimony on this controversial but crucial anti-war measure. Why is the House leadership so reluctant to hold hearings on the Vietnam Disengagement Act? A knowledgable source told me that these Representatives have been supporting the war for so long and have been following whatever the President—be it Johnson or Nixon—has said, that a majority of the Members feel that they are unable to change now. No wonder there is so much desire on the part of responsible progressives to change the seniority system!

This afternoon, Senators Mondale of Minnesota and Saxbe of Ohio introduced a Cooper-Church-type amendment which prohibits the introduction of American ground troops into North Vietnam and restricts combat air activities over North Vietnam "without prior and explicit Congressional authorization." There are many technical weaknesses to this proposal—but it is, I believe, the beginning of Senatorial movement toward coming to grips with a war that has been limited to a certain extent on the ground but widened in the air. The amendment will be referred to the Foreign Relations Committee. I suspect, however, that it will not go too far as is. Because the drafting is so sloppy, for instance, other Senators will pick up the idea and rearrange the syntax to fit a more relevant need. Just before I left for the airport this afternoon, I was privy to some conversations among far-left doves who thought that the Mondale-Saxbe approach was too narrow at this stage. What is needed, they said, is a legislative measure to force the President to come out completely, not just out of one country.

What are the war powers?

In our Constitution, it was carefully provided that Congress should participate in the making of foreign policy and play the primary role in the making of war. The president was to send no ambassador to a foreign capital without confirmation by the Senate; he was to make no binding treaty without the approval to two-thirds of the senators; and he was to enter no foreign war without the concurrence of the Congress as a whole. Indeed, Congress alone was entrusted with the power to declare war, the sole exception being that the president in his capacity as commander-in-chief would have the right and duty to defend the country against sudden attack.

In a letter to James Madison in 1789, Thomas Jefferson wrote:

"We have already given in example one effectual check to the Dog of War by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay."

The clear intention of the men who wrote the Constitution was revealed not only by their wise observations, but also by the fact that the early presidents—who were among that brilliant group at the 1787 convention—carefully respected the authority of Congress to initiate war. Almost 60 years later, the understanding of this point was so clear that Abraham Lincoln could express it in these words: "The provision of the Constitution giving the war-making power to Congress, was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention undertook to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us."

Yet today, a century later, one man does hold the war-making power. In both Korea and Vietnam, Americans were sent to war by the decision of the President. He now determines, with the help of his appointed military and civilian advisors, where we fight, when we fight and whom we fight. The ease and finality with which our country can thus be committed to foreign adventure has caused marathon warfare to become a chronic addiction. In the last 30 years, the United States has engaged in more fighting abroad than any other major nation. The dire prophecy of our forefathers has been fulfilled.

One of the most, if not the most, important yet complicated areas of pursuit by Congress this session will be, therefore, to redefine the Constitutional war power of the President and of the Congress.

Last year, the House passed a resolution that provides that the President should seek appropriate consultation with Congress before involving U.S. forces in foreign conflicts. The President could, according to the resolution's author, Clem Zablocki of Milwaukee, use American military might without prior Congressional authorization on certain occasions. But the President would have to submit to Congress a report on the reasons for the action and other pertinent information, within a feasible time.

This measure got a cold reception when it came to the Senate. Fulbright did not hold hearings on it, wanting to start from scratch on this whole issue this year, plus many Senators did not feel it sufficiently backstopped Congress's attempt to reassert itself.

Zablocki has reintroduced his resolution with slightly tighter language this year and it will be voted upon next month by an expected large majority of House Members. The chief sponsor's own contradiction, however, in regard to the American role in Cambodia and in Laos, for Senators, undermines his proposition to clarify the war powers. Zablocki's clarification seems to point directly toward the President!

The Senate Foreign Relations Committee will hold open hearings with Secretary Rogers on March 5th on the 1925 Geneva Protocols against the use of poison gas. The Committee will also start war powers hearings on March 8th and 9th. Senators are, first, anxious to determine whether it would be misleading to consent to the anti-CBW treaty, knowing full-well that the Administration is hell-bent on continuing to use tear gas and herbicides and other lethal gases in Indochina, even if the Protocol is ratified by the United States Government.

In regard to war powers, this series of hearings will be both intellectually stimulating as well as pertinent to the whole approach to putting a limit to unchecked Presidential power and to caging the Dog of War. I suggest you follow the proceedings of the hearings as best you can: for instance, on the 9th of March, Amherst's own Henry Steele Commanger will be one of the witnesses on defining the war powers.

Concerning specific legislation, Senator Javits has offered the most publicized bill so far. Its purpose is to make specific rules respecting military hostilities in the absence of a declaration of war.

Javits sets out the conditions under which U.S. armed forces may act under the President as Commander in Chief. His departure from Zablocki's resolution is that the initiation of military hostilities without any war declaration must be reported promptly to the Congress, and our participation shall not be sustained beyond thirty-days unless Congress sustains it by enacting specific legislation. Congress could, by the Javits approach, terminate American involvement in hostilities prior to the end of the 30-day period by a joint resolution.

During last year's House hearings, the Javits' bill was received without favor. Prospects for it in the Senate Foreign Relations Committee this year are fair to good; it may turn out to be the starting point for a collective effort by the Committee to report to the Senate a more exacting role for a regenerated Congress to take, in leading the nation into a less-militant era.

A bill that has received wide-spread support from both sides of the political aisle is that of Senator Clifford Case of New Jersey. This liberal Republican, a member of the Committee on Foreign Relations, has proposed a bill requiring all international agreements other than treaties entered into by the United States Government to be transmitted to the Congress within 60 days. This would include secret executive agreements between the U.S. and another nation as well as "understandings".

Senator Taft has a resolution which theoretically restricts deployment of troops outside United States territory. However, a close reading reveals that it permits the President so much freedom to roam in Indochina that the New Constitutionalists, who are a majority on the Foreign Relations Committee, will only hear Taft's testimony out of Senatorial courtesy and then let his suggestion lie dormant.

Senator Tom Eagleton of Missouri, a thoughtful activist, is planning to introduce his own resolution to clarify war-declaring and war-making powers early next month.

What the President has not come to terms with is that, since the repeal of the Gulf of Tonkin Resolution, he has no legal authority to conduct any military operations in Indochina, except to withdraw.

And this brings me to the next effort by the Cooper and Church alliance. On CBS's Face the Nation three weeks ago, Senator Church called for a declaration of national purpose in which the Congress and the President would join in stating that this country's objective is the total withdrawal of all our military personnel—land, sea, and air—from Indochina. Senator Cooper said he wanted to see the President state clearly that no residual American force such as our 65,000 men in Korea would remain in Vietnam, that I, the President, intend to withdraw all military personnel.

Since that television appearance, the Administration has objected that there is no need for such a declaration, the President is getting us out. As we all know, the credibility of our government is at an all-time low, so the President needs a strong push from Congress to focus on that essential end objective. Such a resolution would allow the President to reaffirm his intentions while reaping the benefit of joint responsibility with Congress on a goal that might otherwise elude the American people. By refusing to go along with Congress, he might invite widespread criticism from all spectrums of the political scale.

Also, the President is taking a political risk when we do sail away from the shores of Indochina, that the right wing in this country will come crashing down on his head for "losing Vietnam" to the Communists. Richard Nixon should know about right-wing attacks on Commanders in Chief; he was a regular assailant, battering Truman for not bolstering Chiang Kai-shek before he had to flee China's mainland. Both Cooper and Church want to prevent the sort of vicious political recrimination which occurred after the Korean War in the days of Joe McCarthy, by joining the Legislative and the Executive branches in sharing the responsibility for ending America's military participation in Indochina.

This new Cooper-Church approach was bolstered this Tuesday when the Senate Democratic Caucus adopted an unprecedented policy resolution calling for withdrawal of all U.S. ground, air, supply and other forces from Indochina by the end of the 92nd Congress in January, 1973. The Majority Leader, Mike Mansfield, insisted that adoption of the resolution was neither a challenge to the President nor an attempt to bind his hands to a definite deadline. Nor was it, he said, "a presidential resolution" for the Democrats to run on in 1972. Yet, it was an attempt by the majority party in the Senate to establish a general "time frame" for withdrawal from Indochina. The resolution states that it is the sense of the Senate Democrats "that in the 92nd Congress, the Senate majority should work to achieve . . . (an) end involvement in Indochina and to bring about the withdrawal of all prisoners in a time certain." What this means is that the Senate, perhaps the whole Congress, has moved one step closer to the day when it will assert its war-making power and legislate a cutoff of military appropriations for a war in which very few people believe anymore. As the pro-Administration newspaper, *The Washington Evening Star*, declared in a headline, "Congress a Bit Nearer to Closing Viet Purse."

What does all of this mean for the country? What relevance does this have for members of college communities?

One, it means that the system is not dead; it is, however, barely alive. Besides our fanatic anti-Communist crusade, a major part of the problem has been a steady decline of Congress—a necessary link in the checks and balances chain. This branch must improve its performance in fulfilling the role assigned to it by the Constitution. The waning authority of Congress relates not only to peripheral matters, but reaches to the very core of its legislative responsibility—to the war power, the treaty power, and its power over the public purse. It even reaches to the Senate's advice and consent of Supreme Court nominees and both houses approval of white elephants like the SST.

The resultant ascendancy of the executive, built upon the steady erosion of congressional power over a long period of years, should command the urgent attention of all those who believe in balanced Constitutional government. It is not too much to say that the very preservation of the Republic itself, is the ultimate issue at stake. Therefore, it is the duty of Congress to redress the imbalance which has arisen by reclaiming its authority under the Constitution. It will be a long and difficult undertaking. I have tried to present a case to you tonight that there is hard evidence that many people are trying. And try they must. Otherwise, Congress is reduced to the level of a badly tarnished medieval pageant, and little more. And, we, the American people, are the serfs.

Can students have an effect on this process? Many of you feel a sense of frustration and helplessness—you have tried so very hard before and your only return was a wider war and more barbarism. The President might not listen to you, but the Congress does. Many Members hear loud and clear young people voicing their outrage and trying to redress grievances. To become so discouraged, however, that you do very little about the war is a state of mind similar to that which led the Congress into a generation of impotence. Don't fall into that same kind of attitudinal trap.

The presence last spring of literally thousands of concerned, serious college and graduate students in Senatorial and Congressional offices day after day gave an impetus and a spirit about Capitol Hill which most of you would not understand unless you worked there the whole year, haunted by its more sedentary ways of deliberating crucial issues of state. Law students and physics majors, freshmen who could barely write and recent graduates, not only expressed themselves in many ways, but on June 30th, after eleven previous votes over a grueling seven-week period on attempts by the hawks and presidential lackeys to gut the Cooper-Church amendment, got concrete results when the amendment finally passed that sunny summer day. New legislation will need the same kind of assistance from Patriots of Peace like yourselves. Join with those in the Legislative branch to bring an end to the war. If you don't, a very few of us will go it alone anyway; positive results will be less certain than they would be with your participation. Help us stop this nation from committing more crimes of war. Write, talk, demonstrate, and recruit for causes that will stop the war now. Let's not wait for another President, no matter for which party he will be the standard-bearer.

Third, on this very score, all of you should be turning your attention to considering the impact you can make when you vote in Federal elections next year and two years after that and so on. For the political activists, I strongly urge you to start thinking about practical political tactics such as raising money, registering voters, and selecting candidates. For those of you who still have faith in the ballot box, please register. Over 20 million voters under 21 are eligible; in New Hampshire, for example, 40,000 more people will be eligible to vote in that important primary alone. How many will vote differently than their parents no one knows. But the candidate who can turn-on people's trust in the American Government again will be the victor, this I am sure.

In this regard, Mount Holyoke College's Committee to End the War Now sounds like the most positive, effective program possible. It will mean long hours; you will not be able to rely on your textbooks for the answers; it might cost you money, but the end results will be worth it. If this war is ever going to end, it is only going to do so when American public opinion is unmistakably insisting that it end. Full and fair debate on the Vietnam Disengagement Act and the new Cooper-Church proposal, in both houses of Congress, could help crystallize public opinion—and getting people to register to vote their opinions could produce that majority for peace we all seek.

At the same time, the change from senseless war to rational peace will come if there is more cooperation among varying factions of the peace movement. Change can take place only when liberal and radical pressures are both strong. Together, they make it possible continually to test the limits of what can be done. Liberals, it seems, never know whether the door is unlocked, being afraid to try it. Radicals, on the other hand, only caring about one large leap forward, blindly pass all doors, missing many opportunities for small advances. It is late, but still timely, to target complementary pressures on the Congress to stop the fighting.

A final note. Like the invasion of Cambodia last year, the invasion of Laos reflects an American President's deliberate decision to expand the war he claims to be winding down. What this says to the Legislative branch is: Now it is up to the two houses to end the war by a series of legislative measures and procedures by a time certain. The popular mandates given two Presidents in 1964 and in 1968 were not enough. It is time for such opinion to find expression in Acts of Congress.

Congress can end America's participation in the war.

Congress can return Americans to their rightful homes again.

Congress can articulate the irrationality of Pax Americana and lead in the rebuilding of our Democracy.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, how much time remains in the period for the transaction of routine morning business?

The PRESIDING OFFICER. Eight minutes.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business now be closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ALLEN AND FOR FURTHER PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Alabama (Mr. ALLEN) be recognized for not to exceed 10 minutes, and that following the conclusion of his remarks there again be a period for the transaction of routine morning business not to exceed 6 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJUSTING FARM SUPPORTS—USDA'S DOUBLE STANDARD

Mr. ALLEN. Mr. President, last week Secretary Hardin raised the price support on manufacturing milk from $4.66 per 100 pounds to $4.93, or to 85 percent of parity.

Actually, the action represented an "upward adjustment" from the $4.66 support price announced by Secretary Hardin on March 12.

I support the Secretary's decision to raise the support level of this vital commodity because I believe the income of dairy farmers will be augmented as a result.

However, I am both amazed and concerned over the reasons offered in support of the Secretary's decision, and I feel strongly that the handling of the matter raises serious and substantive questions and doubts concerning current USDA commodity policy.

I fear, for example, that this administration not only has adopted, but is vigorously pursuing a policy designed to reduce price supports to the lowest level that the Congress will tolerate.

There is substantial evidence to substantiate the concern, which relates to cotton, and perhaps to other commodities, in addition to dairy.

Secretary Hardin attributed the upward adjustment in dairy supports to increased costs, citing specifically a $10 to $20 per ton increase in concentrated feed. Were these costs not evident to commodity program planners at USDA prior to March 12 of this year? Actually these cost increases, which stem primarily from the corn blight, were beginning to pinch the producer as far back as last fall. Yet they are cited as the basis for a sizable adjustment, computed, and announced in a period of less than 2 weeks.

The situation becomes even more anomalous when the official position taken publicly by departmental spokesmen is considered. For example, only 3 days before Secretary Hardin took action to increase the price support on manufacturing milk, one of his leading subordinates stated in an officially published and distributed text:

> In the light of history, I must urge dairymen not to be their own worst enemies and push for higher supports at this time.

Were conditions within 3 days' time that much different? Had that much changed?

Perhaps upon reflection USDA decided not only to revise price support levels, but also to revise its own thinking.

If that is the case, it will come as especially good news to the American cotton farmer, for no doubt action will be quickly forthcoming to bring about badly needed revisions in the 1971 cotton program.

I would remind the Senate that cotton farmers—who are forced with increasing frequency in many areas to find off-farm jobs just to make ends meet—do not receive 85 percent of parity; cotton price supports and payments are far below that level, and have been for several years.

Actually for the current marketing year the combined cotton price support loan and payment total about 70.3 percent of parity, or almost 15 percent less than dairy.

Remember also, and this is very important, that the cotton producer only receives a guarantee on the domestic portion, or 65 percent, of his cotton allotment, so in real terms he is compensated at a considerably lower level in terms of parity.

Unfortunately, in the case of the cotton producer, USDA has made no upward adjustment in the level of price support. This year USDA is offering the cotton producer a 2-cent lower loan, and in effect has thereby reduced the farmer's incentive to plant at a time when markets probably will be lost as a result of inadequate production.

I might state parenthetically that I noticed in the press this morning that the cotton crop in Mexico is expected to be some 300,000 bales short of the production of last year.

Mr. President, let me remind you that cotton is now in short supply, and with producers being compensated for some time now at well below 80 percent of parity, there is little wonder why. By comparison, the dairy price support program now has accumulated 100 million pounds of butter, and it is my understanding that the total may well double by 1 year from now.

Meanwhile the cotton loan reduction goes into effect at a time when new farm legislation is bringing about a 1.8-cent-per-pound cut in payments, and the elimination of a premium of almost one-half cent per pound for fiber of certain quality.

What possible justification can be offered for these downward administrative adjustments? Certainly USDA cannot contend that cotton producers have escaped the cost increases cited as justification for the upward adjustment in dairy supports.

Even the most efficient cotton producers today operate on a razor-thin margin. Their costs—like those of the dairy farmer—continue to rise rapidly.

In fact, the Economic Research Service reports that in some of the South's most efficient farming areas, costs of production in cotton rose between 1966 and 1968 from $40.7 million to $48.3 million. While more recent figures are not yet available, an upward trend is well established.

I make these comparisons as a means of emphasizing that cotton farmers are confronted with similar—perhaps even substantially worse—income problems when compared to the dairy farmer.

The dairy farmer has gained needed assistance and adjustment, but primarily because, in his case, enough Members of Congress made it clear that they would not tolerate USDA's "bare minimum" policy on support levels.

It is obvious that no new trends in costs emerged between March 12 when Secretary Hardin announced a price support of $4.66 per hundredweight for dairy, and March 25 when he made his upward adjustment to $4.93.

It is equally obvious that no new trends in cotton costs, production, or price have emerged since USDA announced the specifics of its ill-conceived program on December 8.

There are important reasons why the 1971 cotton program should be changed. A policy based rigidly on bare minimums will work no better in cotton than it would have in dairy.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR GRIFFIN ON THURSDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Thursday next, immediately following the remarks of the able Senator from

Oregon (Mr. PACKWOOD), the distinguished assistant Republican leader (Mr. GRIFFIN) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON THURSDAY NEXT

Mr. BYRD of West Virginia. Mr. President, it is understood that an order has already been entered providing for a period for the transaction of routine morning business on Thursday.

The PRESIDING OFFICER. That is correct.

Mr. BYRD of West Virginia. I thank the Chair.

I ask unanimous consent that on Thursday the period for the transaction of routine morning business not exceed 30 minutes, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, how much time remains at this time under the order for transaction of routine morning business?

The PRESIDING OFFICER. Three minutes.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the current period for the transaction of routine morning business, with a limitation of statements therein to 3 minutes, be extended for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SENATE'S VOTE ON THE SST

Mr. ALLOTT. Mr. President, last Wednesday, when the Senate voted to discontinue funding for the SST, the Rocky Mountain News carried a most intelligent column which explained why the Senate should not do what it did.

The author of the column is Mr. Pasquale Marranzino. He makes a very illuminating reference to Bill Mitchell, whose name reminds us of another time when Congress came down hard on the side of shortsightedness concerning the future of aircraft.

Mr. President, I am indebted to Dr. Joseph L. Sajbel of Pueblo, Colo., for sending this column to me by special delivery, so that I can bring it to the attention of the Senate before the memory of last Wednesday's mistake begins to fade. Mr. Marranzino deserves to have the public record show that he saw the real nature of the dispute which has been temporarily settled in favor of those whose take seriously what Ogden Nash said in jest—progress was all right once, but it just went on for too long.

Mr. President, I ask unanimous consent for Mr. Marranzino's column to be printed on the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LET'S KEEP SST MOVING

(By Pasquale Marranzino)

The discussion got around to Billy Mitchell and finally to the rumble in Congress and the nation over footing the rest of the bill to make the SST a reality.

Billy Mitchell was the Army Air Force pilot who tried to convince Congress and the armed forces that the airplane was here to stay and could be a better defensive clout for our arsenal than battleships and tanks and foot-slogging soldiers.

In Billy's day and after it during the great Depression, Congress, under public pressure to stop military spending and do more charity at home, refused to authorize money for fighter planes that went at $20,000 a copy. The story was a sad one when we got to 1940.

Miraculously, American ingenuity went to work and in a matter of months the industry was cranking out fighters and bombers for defense. We were much late in entering the competition. The Luftwaffe had been at the drafting boards and experimenting for years. They were far ahead of everything we had. The jet almost came in time to give them the skies. And the V–1 and V–2 rockets, a year earlier, would have given Europe to them and the East Coast would have been under bombardment.

The arguments against our building the SST seem specious. Protect our atmosphere from bugaboos like cancer and total disruption. Protect the stratosphere. Protect the ear drums and the small wild life from sonic booms. These are all precautions that are understandable. But are they realistic?

Once again, money seems to be the problem. Why subsidize the industry and the airlines? To date we have expended $800,000 in the program. We are close enough to complete the building and get an SST into the air with expenditure of another $300 million.

The French-English Concorde has been flying for quite a while. The Russians have an SST of their own that will be operational this fall.

The world's airlines—which have looked almost exclusively to American plane builders for equipment in the past—will turn to France and England or even Russia to keep up with the competition.

No matter how much our Congress and our environmentalists holler, we aren't going to keep other SSTs out of the international skies. We possibly could ban their flights over our own territories, but they will have the Atlantic and the Pacific trade. When you can cut business travel between continents in half, you will corner the customers.

Some professionals in the industry—builders, pilots and airline officials—have been planning on the SST since 1966. Perhaps their motivation is personal. But of the 35,000 professional pilots manning U.S. commercial planes, about 5 per cent will be flying the SST if and when it comes off the assembly line and is certified.

Some of these pilots will be those who were part of the first commercial service in history—that's how fast this dynamic industry has grown.

Lost in the argument is the fact that the major powers already are flying military craft of all kinds that fly at the speed projected for the SST and faster. We have that kind of a bird in the sky for defense purposes. Why not use it for peaceful progress?

Perhaps the syndrome for pulling our necks into the shell and abandoning our world leadership in all fields is something we shall not overcome. I trust not.

PROPOSED AMENDMENT OF AIRPORT AND AIRWAY DEVELOPMENT AND REVENUE ACT

Mr. CANNON. Mr President, on behalf of myself and Senators MAGNUSON and PEARSON, I submit for printing in the RECORD today amendments to the Airport and Airway Development and Revenue Acts of 1970—Public Law 91–258, May 21, 1970—which I intend to introduce on Thursday next. The purpose of these amendments is to clarify and reaffirm the intent of Congress regarding the expenditure of aviation user tax revenues from the airport and airway trust fund established by that law.

Mr. President, it is with chagrin that I offer these amendments to the Airport and Airways Development Act, and Revenue Act in that Congress enacted this program only last May. However, the administration has callously ignored the major provisions of the legislation and has disregarded the intent of Congress in seeking funds to implement the provisions of the act. In effect, the administration has broken faith with the Congress and with the users of our aviation system who sought together to develop a comprehensive program to provide for the capital investment needs of the airport and airways system over the next decade.

In enacting that historic legislation, Congress acknowledged that the Nation's aviation system needed rapid modernization and expansion and determined that capital improvements to the airport and airway system—paid for by the users of the aviation system—should be accorded the highest priority in allocating the newly available financial resources and should be made as expeditiously as possible.

At the same time, it was recognized that the Federal Government, and the Nation as a whole, has an abiding interest in the continued development of air transportation. Accordingly, we contemplated that General Treasury revenues would be used to fund routine FAA operations and administrative expenses, as well as a portion of research and development costs, at least until the capital investment effort to modernize the Nation's airports and airways was substantially underway.

The administration has mistakenly interpreted the Airport and Airways Acts of 1970 to permit it to request appropriations less than the minimum levels for airport development and airways facilities specified in section 14 of title I of the Airport and Airway Development Act. Further, although Congress intended that the capital investment programs for aviation system modernization be fully funded from user tax revenues in the trust fund prior to the use of such funds for maintenance, operations, and administrative expenses, the administration has disregarded these statutory priorities and has given routine FAA expenses the same status as capital improvements.

For example, although the Airport and Airways Development Act clearly specifies that not less than $295 million is authorized for airport construction and planning grants during each of the next 5 fiscal years, in its appropriation request for the current fiscal year the administration asked Congress for only $50 million for this purpose. Furthermore in choosing to ignore the specified level of funding for airport development, the administration proposed to spend more than $200 million of user tax revenues to pay for the ordinary housekeeping programs of the Federal Aviation Administration. This diversion of funds from capital programs to pay for administrative programs long paid for from general tax revenues clearly violates the spirit of the act while ignoring the vital and pressing need for airport development in the United States. The Congress in approving appropriations for fiscal year 1971 did not approve the administration attempt to divert funds from capital programs and the result is that on July 1 there will be a $402 million surplus in the trust fund.

Mr. President, in its request for funds for fiscal 1972, the administration again ignores the pressing airport needs of the United States and asks for only $107 million in liquidating cash for airport programs while at the same time seeking to spend almost $700 million in user charge tax revenues for the operations and maintenance of the Federal Aviation Administration. Again, I am hopeful that Congress will reject this request and will speedily enact these amendments or similar legislation in order to preclude the administration from making similar proposals in the future.

Mr. President, in addition to the attempts to divert user charge revenues for noncapital purposes, the administration is about to present to Congress a proposal that would entirely abolish the airport grant-in-aid program established by the Airport and Airways Development Act.

In the next few days, I am told, the administration's transportation revenue sharing proposal will be submitted which would, if approved, turn over to the 50 States at least $220 million per year in user charge tax revenues which Congress had intended to be reserved for airport grants. The proposal would allow the States to use that money for any transportation purpose; for operational expenditures as well as for capital investments. There would be no assurance that a single dollar of the user charge revenues would be used for airport construction in the United States.

From what I have been able to learn about the President's transportation revenue sharing proposal, I find it without merit because it would largely disband present Federal assistance to transportation programs designed to insure specific levels of capital investment and would allow the States to use these Federal funds for any transportation purpose they desire.

While I am not greatly concerned that Congress will approve this scheme, it is a dramatic indication of the administration's disinterest in providing high priority to the development of a modern aviation system to meet our air transportation needs of the 1980's. While other transportation programs are urgently needed in the United States and should be funded on their own merits, the Nation's airline passengers, shippers, the airline companies and owners and operators of private aircraft were all assured that the additional tax burdens imposed upon them by this program would result in a dramatically better air transportation system in the future.

In testimony before the Congress in 1969 the administration stressed that at least $5 billion worth of airport development was urgently required in the United States in the next 10 years.

In addition the administration estimated that the Federal contribution to this development requirement should be at least $250 million per year or $2.5 billion over the 10-year period.

Mr. President, in adopting those estimates, the Congress tried to fashion a program that would guarantee that funds would be available for these purposes and generally constructed the program along the lines of the administration's proposal.

It now appears, less than 2 years later, that the President is abandoning his support of the airport and airways development program and in effect turning over to the States user charge revenues without any requirement that they be invested in airport facilities. The President's proposal makes it all the more urgent that Congress quickly consider and adopt legislation such as that I am introducing today in order that we reassure those who are now bearing a special tax burden that their aviation needs will be met in a timely and coordinated manner. This bill was drafted with the assistance of the entire aviation community and reflects strong support of the groups representing the users. I intend to hold hearings on it very soon in the Aviation Subcommittee. I introduce the bill as a working paper because it reflects the general objectives we all wish to achieve. However, I am open to suggestions and amendments and we will carefully consider other alternatives aimed at the same objectives during the course of hearings.

Let me make it absolutely clear the objective these amendments are designed to achieve. First, the administration will be required to request and the Congress appropriate not less than $290 million per year for airport development and planning grants and, second, the administration will be required to request and the Congress appropriate not less than $250 million per year for air navigation facilities. Then and only then will user charge-derived trust fund revenues be available for the other purposes specified in the act.

These amendments are designed to insure that first and foremost, the user charge derived revenues will be allocated to meet the minimum capital needs of the system and that they may not be used for any other purposes until the minimum authorized amounts have been requested and appropriated. That will assure that the highest priority is given to capital development and improvement and will result in a minimum amount of investment in the system in each of the years for which the program is authorized.

A word of explanation regarding the legislation; the amendment to section 14 sharpens the intent of Congress and safeguards user tax revenues in the trust fund for priority of expenditure for the airport and airway capital programs. It does so by assuring that amounts earmarked for airport development and airway facilities will remain in the trust fund until used for those purposes. In addition, the amendment proscribes the expenditure of user funds until the airport and airways programs have been adequately funded.

The amendment to section 208 removes the superfluous authorizing language which has caused ambiguity and incorporates by reference the priorities and minimum levels established in section 14.

I ask unanimous consent to have the text of the bill printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. —

A bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Airport and Airway Development and Revenue Acts Amendments of 1971."

TITLE I—AIRPORT AND AIRWAY DEVELOPMENT

SEC. 101. Section 14 of Title I of the Airport and Airway Development Act of 1970 (84 Stat. 219, P.L. 91–258) is amended by adding thereto the following new subsection:

"(e) PRESERVATION OF FUNDS AND PRIORITY FOR AIRPORT AND AIRWAY PROGRAMS.—

"(1) Amounts equal to the minimum amounts authorized for each fiscal year by subsections (a) and (c) of this section shall remain available in the Trust Fund until appropriated for the purposes described in such subsections.

"(2) No amounts transferred to the Trust Fund by section 208(b) of Title II of this Act (relating to aviation user taxes) may be appropriated for any fiscal year to carry out the activities enumerated in subsection (d) of this section (relating to administrative, research and development, maintenance and operating expenses) unless at least the minimum amounts for airport development established by subsection (a) of this section and at least the minimum amount for airways facilities established by subsection (c) of this section have been appropriated for any such fiscal year."

TITLE II—AIRPORT AND AIRWAY REVENUES

SEC. 201. Paragraph (1) of subsection (f) of section 208 of Title II of the Airport and Airway Revenue Act of 1970 (84 Stat. 237, P.L. 91–258) is amended to read as follows:

"(1) AIRPORT AND AIRWAY PROGRAMS.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, for making expenditures after June 30, 1970, and before July 1, 1980, to meet the obligations of the United States authorized under Title I of this Act."

AUTHORIZATION FOR SECRETARY OF THE SENATE AND PRESIDENT PRO TEMPORE TO TAKE CERTAIN ACTION DURING THE ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the adjournment the Secretary of the Senate be authorized to receive messages from the House of Representatives and that the President pro tempore or Acting President pro tempore be authorized to sign bills duly passed by the two Houses and examined and found duly enrolled by the Secretary of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF UNFINISHED BUSINESS ON THURSDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Thursday next, the the conclusion of the period for the transaction of routine morning business, the Chair lay before the Senate the unfinished business, S. 31.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS DURING ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that committees may be authorized to submit committee reports during the adjournment over to Thursday next at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Thursday next is as follows:

The Senate will convene at 10 a.m., following the adjournment.

Immediately following the recognition of the majority and minority leaders under the standing order, the able Senator from Tennessee (Mr. Brock) will be recognized for 15 minutes, followed by the distinguished Senator from Oregon (Mr. Packwood) for not to exceed 15 minutes, followed by the able assistant Republican leader (Mr. Griffin) for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

Following the conclusion of routine morning business, the Senate will resume its consideration of S. 31, a bill providing for programs of public service employment for unemployed persons, which will by virtue of the adjournment, become the unfinished business.

On Thursday, there will possibly be rollcalls. There will undoubtedly be a rollcall on passage of S. 31; and if the Senate does not complete action on S. 31 on Thursday, it is hoped that action will be completed thereon on Friday.

If action on S. 31 is completed on Thursday or Friday, the Senate will, on Monday next, proceed to the consideration of the export-import bill, S. 581, and permission has already been granted to the committee to submit its report thereon during the adjournment.

An agreement has already been entered into with respect to S. 581 on Monday next, under which there will be 3 hours of debate on the bill, equally divided and controlled by the majority and the minority leaders or their designees; there will be 1 hour on each amendment, motion, or appeal, except a motion to lay on the table, to be equally divided between the mover of such amendment or motion and the manager of the bill; and, under the usual form of such agreement, those Senators in control of time on passage of the bill may allot from such time under their control additional time to any Senator during the consideration of any amendment, motion, or appeal.

Also, of course, under the usual form, no amendments not germane to the bill may be received.

There will undoubtedly be one or more rollcall votes on S. 581.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. DOMINICK. Is my understanding correct that this unanimous-consent agreement, which has been obtained and which the Senator is now outlining, applies to the bill (S. 581) only at the conclusion of action on S. 31, whether that hapepns to be on Friday or a week from Friday?

Mr. BYRD of West Virginia. The Senator is correct. Let us hope it will not be a week from Friday, because that would be Good Friday.

Mr. DOMINICK. Correct. That would be a good time.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. GRIFFIN. I commend the distinguished majority whip not only for the excellent presentation he has made today concerning the schedule for Thursday, Friday, and Monday, but for the way he does it every day the Senate is in session. It is precise and exact, and very helpful to Senators on both sides of the aisle, who have to schedule their own time and like to know as closely as possible what is going to happen in the Senate.

The distinguished majority whip will be interested to know that when I suggested to the staff on our side that this information be conveyed and made available to Senators by way of tape recording, they told me this is already being done on our side, through the cloakroom, so that the information is available immediately after the Senate adjourns each day, which is very helpful.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished assistant Republican leader. I hope that the summary of the program which I am attempting to make each day for the following day on which the Senate is in session will be helpful to the staff on each side in their transmitting such information to the various offices of Senators, and hope it is helpful to Senators themselves.

May I say further, Mr. President, that in view of what the able minority whip has just stated, I shall be encouraged even to do a better job in the future in my summing up of the program at the close of each day.

BABY GIRL BORN TO SENATOR AND MRS. THURMOND

Mr. GRIFFIN. Mr. President, now, if I may have another moment or two for even a happier note, I have received word that the distinguished Senator from South Carolina (Mr. Thurmond) and his wife are now the proud parents of a 7-pound, 11-ounce baby girl. I know that this is welcome news to his many colleagues and his many friends in South Carolina and around the country, and we congratulate Senator and Mrs. Thurmond.

ORDER FOR ADJOURNMENT TO 10 A.M., THURSDAY, APRIL 1, 1971

Mr. BYRD of West Virginia. Mr. President, in view of the very happy note concerning the glad event which has just been brought to the attention of the Senate by the distinguished assistant Republican leader, I think the Senate ought to proceed now to adjourn forthwith. I therefore move that, in accordance with the previous order, the Senate stand in adjournment until 10 a.m. on Thursday next.

The motion was agreed to; and (at 2 o'clock and 51 minutes p.m.) the Senate adjourned until Thursday, April 1, 1971, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, March 30, 1971*

The House met at 12 o'clock noon.

Rev. Everett G. Miller, Sr., Dundalk Methodist Church, Dundalk, Md., offered the following prayer:

O Lord, our Heavenly Father, whose glory is in all the world: Most heartily we beseech Thee, with Thy favor to behold and bless Thy servants, the Members and agents of our House of Representatives. Grant that as they legislate for us they may be of one mind to establish justice and promote the welfare of all our people.

Endow all Members of Congress with a right understanding, pure purposes, and sound speech. Enable them to rise above all self-seeking and party zeal to the nobler concerns of public good and human brotherhood.

Cleanse our public life of every evil; subdue in our Nation all that is harmful; and make us a disciplined and devoted people. We ask all this that we may do Thy will on earth; even through Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 789. An act to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 70) entitled "An act to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes," agrees to a conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. TALMADGE, Mr. ELLENDER, Mr. McGOVERN, Mr. ALLEN, Mr. MILLER, Mr. AIKEN, and Mr. DOLE to be the conferees on the part of the Senate.

RESIGNATION FROM COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER laid before the House the following resignation from a committee:

WASHINGTON, D.C., *March 30, 1971.*

Hon. CARL ALBERT,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: It is with great sadness that I write this letter to you. As you know I have not attended several of the Veterans' Affairs Committee meetings because I have been attending the hearings of the Education and Labor Committee of which I am now a member. I thought at first that I could fulfill my responsibilities to both committees, but it is impossible to accomplish and thus, regretfully, I had to make a decision to relinquish one of my committee assignments. As you know, my first choice of committee assignments has always been the Education and Labor Committee, and I therefore respectfully request to resign from my position on the House Veterans' Affairs Committee.

Sincerely,

SHIRLEY CHISHOLM,
Congresswoman.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

JOINT ECONOMIC COMMITTEE REPORT OF ITS FINDINGS AND RECOMMENDATIONS ON THE ECONOMY

Mr. PATMAN. Mr. Speaker, the Employment Act of 1946 requires the Joint Economic Committee to file the report of its findings and recommendations on the economy on or before March 1 of each year. This year the Congress authorized us, in Public Law 92-2, to extend our normal period and file on or before April 1.

As vice chairman of the Joint Economic Committee, I am pleased to present to the House the 1971 report of the committee and ask unanimous consent that the report may be printed together with the statement of committee agreement, minority, and supplementary views.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE REVEREND EVERETT G. MILLER

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LONG of Maryland. Mr. Speaker, we have just listened with reverence to the opening prayer by the Reverend Everett George Miller of the Dundalk, Md., Memorial Methodist Church.

Reverend Miller graduated cum laude from Wesley Theological Seminary, and did graduate work at the University of Maryland. Reverend Miller, who is married to the former Eleanor Mae Shaeffer, has served my constituents in Dundalk since my first year in Congress. He is highly respected in the community and has compiled a most impressive list of religious and civic activities, including publishing articles and teaching at Essex Community College and the University of Baltimore. Last December, Reverend Miller was chairman of my Academy Advisory Committee.

Mr. Speaker, I am honored to welcome Reverend Miller to the U.S. House of Representatives.

JOINT COMMITTEE ON IMPOUNDMENT OF FUNDS

(Mr. BENNETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BENNETT. Mr. Speaker, today I am introducing legislation to establish a Joint Committee on Impoundment of Funds. Senator SAM J. ERVIN, of North Carolina is also introducing the bill in the Senate.

The committee would conduct a continuing comprehensive study and review of the President's constitutional power to terminate authorized Federal projects for which appropriations have been made or to withhold funds from programs.

Senator ERVIN's Judiciary Committee's Subcommittee on Separation of Powers has recently held hearings on impoundment of funds, but only to a limited degree. It was my privilege to testify at those hearings.

In my testimony I called on the committee to look into the President's recent decision to halt construction of the Cross-Florida Barge Canal, which is one-third completed and for which $60 million has been appropriated by the Congress.

It is my feeling that the President destroyed the delicate balance between the Federal Government and the State government by cavalierly breaking a contract between the U.S. Government and the State of Florida, and he also dictatorially repealed an authorized law of Congress by permanently halting the Cross-Florida Barge Canal. He did not even give notice to the public or to Congress that he was going to do it, much less allow any objective presentation of views on the subject.

Mr. Speaker there is a need for a special committee to look into the matter of the executive branch of Government failing to carry out the lawful directions of the Congress.

PRIDE IN OUR AMERICAN WORKMEN

(Mr. DENT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DENT. Mr. Speaker, and Members of the House, it is not often that a person gets a chance to say something about a subject matter that has been rather touchy. In the last decade there has been little if any condemnation concerning the kind or quality of foreign products.

For the last decade I have been listening to all kinds of condemnations about the American enterprise system, the American workingman, his skills, and his lack of ability, and also about the kind of products he puts out.

So for a long time we have been condemning our American workingmen. It was therefore refreshing to find out that Ford's latest imported product, the Pinto, completely foreign made, are now being all recalled because they are blowing up like firecrackers on Chinese New Years.

LIEUTENANT CALLEY—POW

Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, yesterday our people were shocked by one of the most morbid events in our Nation's history. Lieutenant Calley, a young Army officer, was convicted of premeditated murder of unnamed and unidentified people while serving our country in combat.

If there are any Americans who are not saddened by this tragic occurrence, it can only be that they do not understand the significance of the conviction.

In my district, public indignation at this affront to our fightingmen is hostile. Mothers and fathers are calling my offices stating that they will never allow their sons to serve in the military forces of a country which abandons its fightingmen. Veterans, highly enraged, are calling to say that if they were in Vietnam they would lay down their guns and come home.

The Commander in Chief and our top military brass may be proud of their accomplishment in giving world public opinion a sacrificial lamb. The members of the court-martial, like Lieutenant Calley, did their duty. Could it be that they did not realize that they more than Lieutenant Calley were destroying the U.S. military forces?

Now we Americans have two classes of POW's—those in Communist prisons and Lieutenant Calley in a U.S. POW camp.

THE CONVICTION OF LT. WILLIAM CALLEY

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, Lt. William Calley was convicted yesterday for criminal responsibility in the death of 22 of the Vietcong enemy, the enemy which has, so far, murdered more than 40,000 American servicemen and wounded hundreds of thousands of others. For carrying out the specific orders repeatedly given him by his superior officers, Lieutenant Calley faces life imprisonment or death by execution.

Less than 2 weeks ago, 52 American servicemen refused to obey the specific orders of their commanding officers in that same war zone and for this desertion in the face of the enemy they have not nor will they ever receive so much as a slap on the wrist.

Alice in Wonderland would have understood this, for in that cloud cuckoo land, up was down, large was small and black was white. But I do not understand it. As an American citizen, I do not agree. As a former serviceman who served in two wars, I am revolted by the double standard of these two incidents. As a Member of Congress, I am beginning to understand what many of our youths are saying about the inconsistency of American justice. If these two incidents are representative of what military justice is in this country today, those of us who have unreservedly supported the military in the past are left with pitiful arguments today.

In spite of the fact that charges have been filed against both officers and enlisted men in spite of the fact that many of these same charges against both officers and enlisted men have been dropped, in spite of the fact that all others who have been tried to this point have been acquitted.

Lieutenant Calley has been made a scapegoat and there is no honor in that course. The Army does not know what it is doing. I protest the verdict and I urge others to join me.

LAW IS AN UNEQUAL DISTRIBUTION OF JUSTICE

(Mr. ANDREWS of Alabama asked and was given permission to address the House for 1 minute.)

Mr. ANDREWS of Alabama. Mr. Speaker, a law student was in the class about half drunk, and the professor asked him, What is law? The student said, "Law is an unequal distribution of justice."

Last night I was sickened and sad when I heard about that poor little fellow who went down to Fort Benning to enter OCS. He had barely graduated from high school. He was taught to kill. He had volunteered. He had offered his life for his country. He was sent to Vietnam, and he wound up back at Fort Benning where he was indicted and convicted for murder in the first degree for carrying out orders.

I also thought about another young man about his age, one Cassius Clay, alias Muhammad Ali who several years ago defied the U.S. Government, thumbed his nose at the flag, and is still walking the streets making millions of dollars fighting for pay, not for his country.

So I think that half-drunk was right when he said that law is an unequal distribution of justice.

Where on earth is the Justice Department in this country? Why on earth is not that man Cassius Clay in the penitentiary where he should be?

THE CALLEY TRIAL

(Mr. FLYNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLYNT. Mr. Speaker, the Calley court-martial trial and the verdict in that trial constitute a very dangerous step toward the destruction of morale in the Army and the destruction of the Army as an effective instrument of U.S. foreign policy. The result of this verdict could be that in the future, no officer or noncommissioned officer can give any order with reasonable assurance that such order will be obeyed.

Lieutenant Calley was carrying out an assigned search-and-destroy mission which was the official policy of the Army at that time from the Pentagon on down. It is asinine to assess criminal responsibility on a lieutenant for carrying out an order, even if misunderstood, which originated at the very top of the chain of command. The search-and-destroy policy may have been changed since then but it was in effect on March 16, 1968.

In my opinion, the conviction of this young man destroys any possibility for an all-volunteer army. It makes the extension of the Selective Service Act more unpopular among Members of Congress and among the general public who have heretofore wholeheartedly supported it.

PROPOSED AMENDMENT TO H.R. 6531 TO LIMIT DRAFT INDUCTION AUTHORITY TO 1 YEAR

(Mr. WHALEN asked and was given permission to address the House for 1 minute.)

Mr. WHALEN. Mr. Speaker, pursuant to section 119 of the Legislative Reorganization Act of 1970, I take this time to advise the House that during consideration of H.R. 6531, I will offer an amendment to limit the draft induction authority to 1 year, that is, until July 1, 1972. The amendment will read as follows:

On page 11, line 22, after the word "thereof" strike "July 1, 1973" and insert "July 1, 1972".

ECUADOR USES U.S. VESSEL TO SEIZE U.S. FISHING BOAT

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, the Ecuadorean Navy continues to harass and seize American fishing vessels on the high seas off her coast. Last Saturday's incident involving the U.S. fishing boat *Caribbean* is the 26th illegal seizure this year and it brings the total fines against our fishing fleet during this period to more than $1.3 million.

The American Navy cargo vessel *Calicuchima*, which has been on loan to the Ecuadoreans since 1964, was used to nab the American fishermen who were 40 miles offshore. Subsequently, the *Caribbean* was taken into port and fined $74,160.

Mr. Speaker, once more a U.S. vessel on loan to Ecuador is used against Americans. Meanwhile, the State Department, contrary to the provisions of the Fishermen's Protective Act, refuses to deduct the amount of these fines from our foreign aid to Ecuador as provided by law. In addition, Assistant Secretary of State Crimmins testified before the House Fish and Wildlife Subcommittee there is no plan to stop these seizures.

The Congress has passed laws which could be used to deter the Ecuadoreans, but instead of heeding these laws, our State Department follows a policy which encourages these seizures.

This is a shocking and disgraceful situation, Mr. Speaker.

AMENDMENTS TO BE OFFERED DURING CONSIDERATION OF DRAFT EXTENSION

(Mr. DENNIS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DENNIS. Mr. Speaker, I take this opportunity to advise the Members of the House that at the proper time under the 5-minute rule in considering H.R. 6531, the Military Service Act amendments, the bill to extend the draft, I shall offer two amendments.

One amendment will be to delete what I regard as a punitive provision in the committee bill providing for an additional or a third year of alternate service in the case of a man who has been classified by law as a conscientious objector. I would restore the past and present law which gives 2 years of alternate service as it gives 2 years of military service.

The second amendment will provide that in the case of a college student who is ordered for induction, he may in accordance with the present law, have the induction—I am not talking about deferment—postponed to the end of the academic year rather than to the end of the semester.

Mr. Speaker, I include with my remarks the two amendments:

Amendments offered by Mr. DENNIS, of Indiana:

Page 5, line 3, strike out the word "three" in said line and substitute therefor the word "two".

Page 5, line 4, insert a "period" after the word "service" in said line and strike out the balance of line 4.

Page 5, line 5, strike out the words "the reserve obligation required of military inductees" where they appear in line 5.

Page 5, line 15, strike out all of said line 15 after the "semicolon" which follows the word "title" in said line—words to be stricken being words "or who after he has reported".

Strike out all of lines 16, 17, 18, 19, and 20 on said page 5. Renumber lines and pages accordingly.

Page 6, lines 1 and 2, strike out the words "term, or" at the end of line 1; strike out the words "in the case of his last academic year" in line 2.

PRESIDENT'S PROPOSAL TO REORGANIZE EXECUTIVE BRANCH

(Mr. CONABLE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. CONABLE. Mr. Speaker, the President has submitted for our consideration a bold proposal for the creation of four new executive branch departments to replace seven now dealing with domestic policy. I am especially interested in reorganizing departments so they effectively serve rather than frustrate the public.

I have long felt that the Federal bureaucracy worked ineptly at helping local communities and people solve their problems. In many cases taxpayers, or the Government's shareholders, are quite unaware of the Federal programs available to them through various offices.

Even though detailed lists of program purposes and funds are available, they are too complex to be readily understood by the general public. Often programs are very similar in nature, but administered by different departments or separate local organizations.

Programs in different departments will sometimes pay for different portions of the same project, or else money will be available for identical efforts through different offices.

One metropolitan area recently spent many months developing a water treatment plan and sewer system. The total cost was $14.4 million. The city applied for and received 50 percent of the funds from one agency, while another agency approved 30 percent of the funds. No interagency review took place. Naturally, this duplication of funding would please any city, but it is unfair to taxpayers.

If programs like this slip through bureaucratic cracks, some way must be found to coordinate the various agencies handling similar projects. Although 850 interagency coordinating councils exist on paper, we have little feedback indicating they actually cooperate on resolving conflicts satisfactorily.

The money we spend belongs to the taxpayers. Government exists, not of itself, but to serve them. By perpetuating interagency conflicts and rivalries at both the local and the national level we waste money. Is it not time we earned the taxpayer's good faith by organizing his Government to operate efficiently?

TAX RELIEF FOR SENIOR CITIZENS

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, my colleague, the gentleman from New Jersey (Mr. FORSYTHE), who previously spoke today in support of tax relief for senior citizens, echoed my sentiments thoroughly.

For a number of years I have been advocating this. Since I have been here, for 4 years, I have consistently advocated and supported all measures for senior citizens.

Today visiting in the Capitol, in addition to those persons who came from the district of my colleague, Mr. FORSYTHE, there is a sizable representation from the First Congressional District of the State of New Jersey. They are the ones I am vitally interested in, in addition to all senior citizens of the United States of America.

I want to tell you sincerely I shall continue to press for legislation that will assist senior citizens in the twilight of their lives the same as I have in the past. There will be no deviation from this policy.

I am only sorry I could not greet them all individually this morning, but I will try to meet them a little later on the steps and talk to those I have not seen.

A CALL FOR A PRESIDENTIAL PARDON FOR LIEUTENANT CALLEY

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, for approximately 9 months it was my duty and obligation to serve on the special investigating subcommittee on the My Lai incident.

It is not my intention today to comment on the finding of the military trial court, nor do I intend to do so in the future, but I do believe one thing needs to be emphasized and underscored.

Mr. Speaker, it was the finding and report of our committee that this be the case: It is not justice, and the law should certainly be changed, that would permit one person to be brought to trial because he is a professional soldier dedicated to the defense of this country while another person who stood side by side with him and did the same act, whether it be a felonious act or not, cannot be brought to trial simply because he was a short-termer now wearing civilian clothes. There is no equity in it. There is no justice in it.

Mr. Speaker, because of this—and I am not commenting on the finding of the trial court—I am today sending a telegram to the President asking for a presidential pardon for Lt. William Calley.

AMENDMENT TO BE PROPOSED TO H.R. 6531

(Mrs. ABZUG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ABZUG. Mr. Speaker, under the Legislative Reorganization Act I wish to notify the House and the Speaker that in connection the consideration of the bill, H.R. 6531, I intend to offer an amendment which will read:

> Page 1, strike out line 3 and all that follows thereafter down through line 22 on page 11 and insert the following: "That effective January 1, 1972, the Military Selective Service Act of 1967 is repealed and the President shall take such action as may be necessary before such date to insure an orderly winding up of the affairs of the Selective Service System."

THE VERDICT OF THE CALLEY CASE

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, the verdict in the case involving Lt. William Calley finds me with a bewildering mixture of emotions and views.

First, I find myself deeply concerned for Lieutenant Calley whose service to this country has brought him to this tragic point in his life.

Second, I find myself baffled that this matter proceeded through the ordeal of a public trial which has only brought comfort to those persons, both foreign and domestic, who have opposed our involvement in Vietnam. While giving comfort to the enemies of American policy, the trial has created great distress among all Americans from all walks of life. No benefit to this country has so far appeared as the result of this trial.

Finally, I am deeply disturbed at the long-term implications that this trial and conviction hold for the morale of our men serving in Vietnam and for the future morale and discipline of any citizen who may find himself serving in the Armed Forces of our country.

The killing of fellow humans is a deplorable affair, whether such humans be civilian or military. A nation which sets about pursuing a policy involving the destruction of human beings cannot expect to apply the rules of conduct which govern our affairs in times of peace. Our Nation has never fought under circumstances as difficult and frustrating as those which have constantly faced our men in Vietnam. It was the decision of this Nation to set about to destroy those Vietnamese who opposed our policies in that country. If unconscionable acts have occurred in carrying out that policy, the blot is upon the Nation's record, and no one man should be singled out for special punishment.

Questions of legitimacy can now be raised as to the actions of our aviators during World War II whose bombs destroyed whole cities. Anyone who has served in time of combat and has observed the destruction from his weapons must now reassure himself, when thinking of Lieutenant Calley's plight, with the thought, "There, but for the grace of God, go I." The leaders of North Vietnam, since the beginning of our involvement in that struggle, have maintained that the American servicemen whom they hold as captives, under the most inhumane conditions, are actually war criminals and thus not entitled to the treatment normally accorded prisoners of war. To what extent have we confirmed their charges?

The trial and the conviction of Lieutenant Calley have created far more questions than have been laid to rest.

AMENDING THE MILITARY SELECTIVE SERVICE ACT OF 1967

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 350 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 350

> *Resolved*, That upon the adoption of this resolution it shall be in order to move, clause 27(d) of rule XI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of

the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from New York is recognized for 1 hour.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 350 provides an open rule with 4 hours of general debate for consideration of H.R. 6531 to amend the military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for 1972; and for other purposes. Since the report on the bill was filed by the Committee on Armed Services on March 25, the resolution waives points of order against the 3-day rule—clause 27d of rule XI, as provided by the Legislative Reorganization Act of 1970.

H.R. 6531 would achieve the following major objectives:

It would extend the draft authority for a period of 2 years, from July 1, 1971, to July 1, 1973.

It would increase basic pay and allowances for members of the uniformed services by $2.7 billion for fiscal year 1972 with 64 percent of the dollar increase going to servicemen of less than 2 years' service.

It would authorize an average active duty strength for fiscal year 1972 of 2.6 million.

It would provide for the suspension of the State and local quota system and establish a national draft call by the lottery system.

It would provide the President discretionary authority to end undergraduate student deferments.

It would repeal the existing statutory exemption provided divinity students.

It would extend the alternative service requirement for conscientious objectors from 2 years to 3.

Congressman HÉBERT, the able chairman of the Committee on Armed Services, when he presented the bill before the Committee on Rules, stated:

> I suspect that not a single member of the committee would agree with every action taken in this bill. Nonetheless, it represents a very democratic and very sound resolution by the overwhelming majority of the committee on every one of these complex issues.

Further, the bill was ordered reported by the Armed Services Committee by a vote of 36 to 4.

Mr. Speaker, I urge the adoption of House Resolution 350 in order that H.R. 6531 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, as stated by the distinguished gentleman from New York (Mr. DELANEY), House Resolution 350 does provide for 4 hours of general debate under an open rule for the consideration of H.R. 6531 amending the Military Selective Service Act of 1967.

Points of order have been waived on the 3-day rule insofar as the report thereon being available. It was filed Friday and today is Tuesday. I think it has been filed for the required 3 days and in my opinion it would be technically correct to take it up in any event. However, points of order have been waived.

Mr. Speaker, the distinguished chairman of the Committee on Armed Services, the gentleman from Louisiana (Mr. HÉBERT), presented a very able and detailed statement to the Rules Committee which I assume he will be presenting to the membership very shortly and which in my opinion is a very fine explanation of this bill.

The report is very, very complete. Further than that, the gentleman from Louisiana (Mr. HÉBERT) stated that he would permit everyone under the 5-minute rule to have as much time as necessary, even if we had to go into next week in order to complete the consideration of the bill. However, it was with caution from our committee that we felt that we do not want a lot of dilatory tactics. However, he has assured us that everyone will have an opportunity to offer amendments and to discuss them. I anticipate that there will be a number of amendments offered because everyone has different ideas on the bill. Probably some amendments will be offered on the ministerial portion of the bill, college deferments, and others.

I was interested to note that today several Members, under the Reorganization Act, introduced into the RECORD some amendments which they plan to offer. Those amendments will be printed in today's RECORD. Then, tomorrow when taking up their amendments, no matter what the time element is, they shall not be shut off but will have an opportunity to discuss all aspects pertaining thereto. But, anyway, they will be guaranteed 5 minutes to discuss their amendment. This will be the first time a bill has been considered under the Reorganization Act as passed last year providing for this procedure.

The purpose of the bill is to extend the authority to draft persons for 2 years, to increase pay and allowances for members of the armed services, to provide the President with authority to end college deferments, to improve local draft boards, and to set authorized personnel strength limits for the Armed Forces for fiscal 1972.

This bill combines many separate features. It includes as its base, four Presidential proposals tied to military personnel matters, committee amendments to these proposals, and additional legislation believed by the committee to be desirable.

As its major feature the bill continues the present authority of the draft for 2 additional years—through June 30, 1973—together with concurrent authority to draft members of the medical and allied professions as the need demands.

With respect to the authority to draft, the bill gives the President power to abolish all college deferments, as well as those for divinity students and for persons enrolled in technical or vocational schools. The President has indicated that he will exercise this authority. As programed, those students who are called will be permitted to complete their current semester or term, or their final school year if it has begun.

The bill also abolishes the system of State quotas of draftees and will enable the President to institute a national call up system, utilizing the present lottery method of birthdate.

Finally, with respect to the draft system, the bill contains a number of changes in the operation and makeup of local draft boards. Revised upper limits on the age of board members and length of service are instituted which will have the effect of retiring older members. Other amendments seek to insure that a draft board accurately reflect the population mix, socially and economically, of the area it represents.

The bill deals with the conscientious objector. It does not amend the definition of that term but it does require that anyone claiming such status must serve for 3 years in a program of civilian public service as an alternative to military service.

The bill also includes a number of provisions aimed at improving the life and surroundings of members of the Armed Forces; several of these features go well beyond similar provisions as recommended by the President for fiscal 1972.

Basic pay allowances are greatly increased, with most of the increase—86 percent—going to enlisted personnel and junior officers with less than 2 years of service. The bill provides pay increases totaling $1,825,400,000 and will increase the pay of draftees and other enlisted personnel with less than 2 years of service by an average of 68 percent over pay levels effective on January 1, 1971. Approximately 50,000 officers and 1,400,000 enlisted men on active duty will receive pay increases. The same rates of pay will also be extended to some 6,500 officers and 518,000 men in National Guard and Reserve units.

Also increased are the payments of quarters allowances under the Dependents Assistance Act. This is a very major item of compensation for most enlisted men with families. The bill provides $824,200,000 in fiscal 1972 for increased payments for quarters allowances.

Further, the bill provides for an increase of $37,800,000 in subsistence allowances for members of the Armed Forces. These pay and allowance increases total $2,687,400,000 in fiscal 1972; almost two-thirds of this is earmarked for draftees and other personnel who have served less than 2 years and are in the lower pay and allowance categories.

The bill provides that actual costs incurred by military personnel in recruitment activities shall be reimbursed to those personnel who incurred such incidental expenses. The Department of Defense estimates that such costs average out to about $20 to $25 per recruiter.

For fiscal 1972, the estimated cost is $2,940,540, and over a 5-year period, some $15,000,000.

The bill sets active duty strengths for all service branches for fiscal 1972 as follows:

Army	1,024,309
Navy	616,619
Marine Corps	209,846
Air Force	758,635
Total	2,609,409

This is a "ceiling" figure and cannot be exceeded unless the President finds that national security interests require additional personnel, and he must so inform the Congress. This total represents a reduction of about 200,000 men during the fiscal year.

Fiscal 1972 costs, authorized by the bill, are estimated at $2,710,800,000. The 5-year cost projection shows that in fiscal 1976, this figure will have fallen to $2,493,400,000, due primarily to a continuing reduction in total active duty force strengths.

Mr. Speaker, I urge adoption of the rule.

Mr. **DELANEY**. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. **HÉBERT**. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The **SPEAKER**. The question is on the motion offered by the gentleman from Louisiana.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6531, with Mr. BOLAND in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The **CHAIRMAN**. Under the rule, the gentleman from Louisiana (Mr. HÉBERT), will be recognized for 2 hours, and the gentleman from Illinois (Mr. ARENDS), will be recognized for 2 hours.

The Chair recognizes the gentleman from Louisiana (Mr. HÉBERT).

Mr. **HÉBERT**. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I did before the Committee on Rules yesterday, I shall depart from the usual procedure of mine of not reading a paper, and today I shall do the same thing. Instead of speaking extemporaneously I want to have every word understood as I present it, and for that reason I am reading my statement.

Also, Mr. Chairman, I would ask that I not be interrupted until I finish the complete statement. I will not yield. However, at the end of the statement I will be glad to yield to anybody who has a question to raise.

I also want to stress the fact that the Committee on Armed Services will do everything it can to expedite this important bill.

Mr. Chairman, I bring before the House today on behalf of the Committee on Armed Services perhaps the most important bill that we will consider this year. It will be difficult to think of a piece of legislation that will have a more far-reaching effect on the American people—from a moral, economic or natonal security standpoint—than the bill which I now present to the House of Representatives.

I am going to depart from the past custom of the chairman taking the better part of an hour to explain in great detail the various sections of the legislation. I should like simply to outline the major features of the legislation very briefly.

An enormous amount of material is available to Members to acquaint themselves with the legislation. Our committee's extensive report and our copious hearings have been available to all Members. These hearings cover 1,112 printed pages. In addition, there has been available to all those interested the hearings of our subcommittee which reviewed the operation of the draft in 1970. That hearing, House Armed Services Committee Document No. 91-80, covers 421 pages and has been available to all Members of the House since December of last year.

In short, Mr. Chairman, the facts are there for those who want to read them.

It is my wish, therefore, to use as little time as possible in my own remarks so that I may have as much time as possible to yield to other Members.

This is a crucial national issue with profound moral implications for the country. Many Members want to be heard, and I think they should be heard. I want to say right now that at no time in the course of this debate will any motions to cut off debate come from me. I shall be here at the pleasure of the House as long as need be to assure that the House works its will on this legislation.

This bill, H.R. 6531, accomplishes three major functions:

It extends the induction authority under the Selective Service Act for another 2 years—to July 1, 1973.

It provides increases in pay and quarters allowances for military personnel costing $2,687,400,000.

It authorizes the active-duty strength of the Armed Forces for the fiscal year beginning July 1, as follows: Army, 1,024,309; Navy, 616,619; Marine Corps, 209,846; and Air Force, 758,635.

Each of these major actions was approved by substantial majorities in the committee after the most searching inquiry and the most thorough discussion of various alternatives.

Before explaining the reasons for the committee's actions a little more fully, let me say how extremely proud I am of the members of the Committee on Armed Services for the quantity and the quality of the work they produced on this legislation. The attendance and the diligence of members during our long hearings, morning and afternoon, was an inspiration to me. The bill before you today is the result of a committee functioning the way the Founding Fathers intended. The committee did not simply approve or disapprove executive branch proposals; the committee legislated. All of the members of the committee contributed, and on some sections of the bill the committee went over the language again and again, and debated numerous small changes, to be sure that we had the best law that could be produced.

Voting on this bill did not follow any of the neat and inadequate categories by which people love to identify members. There was no pattern of party-line voting, liberal or conservative voting, junior or senior member voting, or voting by regional interest.

Voting was a matter of individual conscience.

I should like now to briefly discuss what the committee did—and did not do—on the draft law.

In extending the induction authority for 2 years, we improved the draft law in the following ways:

We provided clear authority for the President to phase out undergraduate student deferments.

We repealed the existing exemption for divinity students.

We provided authority for the President to suspend the State and local quota system so that he could institute a uniform national call while the lottery system is in effect. The uniform national call is designed simply to insure that men with the same lottery number will have the same liability throughout the country.

We provided a 3-year period of alternate civilian service for conscientious objectors, with the Director of Selective Service charged with monitoring the performance of this civilian service. The committee's bill specifically provides that the third year of the conscientious objector's service is to be as a substitute for the Reserve obligation incurred by those who are inducted.

We continued the doctor draft. Quite simply, the health needs of the members of the Armed Forces could not be adequately provided for without the extension of this authority. We also continued the authority in law to provide special pay for physicians, dentists, and veterinarians and for the first time extend special provisions to optometrists. This was a simple matter of equity; optometrists are the only medical specialists subject to the so-called doctor draft who do not receive special pay. The special pay for optometrists in the committee's bill would be: $50 per month for second lieutenants, first lieutenants, and captains; $150 per month for majors and lieutenant colonels; and $200 per month for colonels and above.

We tried to make draft boards more responsive by reducing the present age limit from 75 to 65 years; by reducing the maximum years of service from 25 to 15; by assuring that anyone over the age of 18, if otherwise qualified, could be appointed—regulations presently set a 30-year age minimum—and by recommending that local boards, to the extent practicable, accurately represent the economic and sociological background of the community.

We gave the Director of Selective Service authority to prevent State directors from serving concurrently in other State offices.

We extended the period before which the statute of limitations begins to run in order to permit prosecution of draft evaders until age 31.

Now, let me mention some things we did not do:

We did not approve an all-volunteer force right now. I think Members of the House should keep very clearly in mind that the President did not recommend an immediate attempt to create an all-volunteer force.

What the President asked for was a 2-year extension of the induction authority and the vehicle with which to be in a position to move to an all-volunteer force in 1973.

Many witnesses expressed great belief in the idea of an all-volunteer force and in the power of adequate pay to procure such a force. However, belief is not factual assurance. And no witness presented sufficient evidence to satisfy the committee that the needed strength of our Armed Forces could be maintained if the draft was ended as early as July 1 of this year.

The committee, therefore, in good conscience, determined that national security required an extension of the induction authority.

The vote in committee was 28 to 7 against adopting H.R. 4450, which would have terminated the draft on July 1 of this year.

The vote was 30 to 9 against a motion to have only a 1-year extension of the draft.

The committee vote in favor of the 2-year extension was 32 to 4.

But while the committee did not vote for an all-volunteer force immediately, it did vote to give the President the tools to do the job. We did this by giving him in the present bill an increase in pay and allowances totaling $2,687,400,000 a year. This additional money falls into two broad areas: substantial increases in basic pay for men with less than 2 years of service and increases in quarters allowances for all personnel.

Eighty-six percent of the basic pay increases go to draftees and other men with less than 2 years of service, including junior officers. The majority of witnesses before our committee, both those for an all-volunteer force and those opposed, agreed that entry-level pay for men in the Armed Forces is disgracefully low. For enlisted personnel with less than 2 years of service our bill provides an average 68.6-percent increase in basic pay. Quarters allowances for military personnel have not been increased in 8 years. Our bill brings them to a realistic level.

I think it can be truly said that this bill will provide for the first time a level of military compensation which will make military pay truly competitive at all levels with pay in the civilian economy.

It is on the matter of pay that the committee disagreed with the administration. But there was no disagreement that the pay rates in our bill are equitable and are the level of pay needed to eventually move to an all-volunteer force. The administration, however, had asked for only part of these compensation increases in fiscal 1972—a recommended increase costing $987 million. Defense spokesmen could give only one reason for not moving immediately to the pay levels which their studies had determined were required as a matter of equity.

That reason was "budgetary constraints."

The committee believes, as witnesses of all stripes believed, that if constraints are to be placed in the budget, they are not to be placed there at the expense of young men who are drafted into the service of their country.

During fiscal 1971 the Armed Forces are being reduced by 367,000. The number of men and women in the Armed Forces at the end of fiscal year 1972—2,505,000—will be below the pre-Vietnam figure of 2,687,000 at the end of fiscal year 1964 and will be the lowest year-end strength level since fiscal year 1961.

From the beginning of fiscal year 1969 to the end of fiscal year 1972 the total reduction in active military personnel will be about 30 percent—over 1 million men.

In conclusion, Mr. Chairman, I think the committee has brought to the floor of the House the best bill that could be drafted to deal with these complex and trying issues.

I think our bill is justified on the only two grounds on which, ultimately, it can be justified: the requirements of national security and equity toward the men and women in our Armed Forces. On that basis and on that basis alone, I present it to the House. Whether you believe or do not believe in an all-volunteer force, the bill compels your support on the grounds of equity alone.

But if an all-volunteer force is feasible, the bill does all that we could do legislatively to move, over a reasonable period of time, toward that objective.

I would remind you that our capacity as legislators is limited, that the ingredient that we cannot supply in any bill or resolution is the image that rests in the hearts of the American people. And I would close with a quotation from the committee's report:

> Without a recognition by all Americans that a military career is an honorable profession, the goal of an all-volunteer force will be but a hollow dream.

The CHAIRMAN. The gentleman from Louisiana has consumed 23 minutes. Does the gentleman from Louisiana desire to yield time?

Mr. HÉBERT. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Chairman, before discussing the merits of this legislation I would like to take this opportunity to say publicly that which I have been saying privately for a couple of months; that is, that under our new chairman there has been a rebirth of intellectual objectivity in the House Armed Services Committee which will in the long run serve the Nation and our military well. I would like to make it crystal clear that my views on this subject are my own alone and probably do not represent the views of the majority of the committee, most of whom have been completely satisfied with the operations of the committee in the past. I was not satisfied with these operations and have never made any bones about saying so. Therefore, it seems only fair that our new chairman should get some credit for the things which he has done, which represent an almost revolutionary change within the framework of our system.

First of all, he has presided over the committee with absolute fairness, and perhaps most important, with unfailing good humor. In the process of drafting this legislation and in the posture hearings which we have already commenced as a background for our procurement bill, some unprecedented things have happened. Without having kept any statistical data on the matter, I believe I can say with some assurance that the doors of our committee have been open to the public for our hearings more than at any time within my memory. Every possible shade of political opinion and philosophy was brought before our committee on the subject of the draft, from Members of Congress, from church, student, youth and educational groups. While some of the testimony was abhorrent to some of the members—imagine the Armed Services Committee having to listen to testimony to the effect that the draft should be ended—it might just be considered a mind-expanding experience with none of the harmful side effects of LSD. We are conducting our hearings expeditiously, in my own judgment, too expeditiously, but I fully understand the pressures under which our chairman operates, and the demands made on him both by the leadership and our natural interest in getting the job done. Our chairman, this bastion of southern conservatism, has gone even further than the Democratic caucus in abolishing the rule of seniority. We are not recognized for our measly 5 minutes in the order of our seniority, but in the order in which we show up for the meetings. While this may seem like a small thing, the obvious result has been that when the meeting is supposed to start there is usually a quorum present. So we do not waste time.

I referred a few seconds ago to our 5-minute rule. There is no other way that a committee the size of ours can operate expeditiously, and there is no reasonable alternative to such a rule which anyone has proposed. Our chairman has the authority to waive it, and this year he has done so just once. Our chairman is a master of the rules of the House and of the committee, and has introduced some flourishes all of his own. For example, instead of having the members of the Joint Chiefs of Staff appear before the committee separately, they appeared en bloc, which means that the 5-minute rule becomes a rule of 1 minute and 15 seconds per Chief. We all know that with the possible exception of the Commandant of the Marine Corps, no one who aspires to the high honor of being a member of the Joint Chiefs of Staff can ever be caught answering a question in less than a minute and a quarter, and most of them from the Secretary of Defense on down are masters of the 5-minute answer to the 10-second question.

While all of this sounds critical, the criticism is directed perhaps as much to the cumbersomeness of our system as to anything else. It is not, above all, directed at our chairman, who simply could not have been much better than he has been since the 92d Congress convened.

In the past we have all too frequently conducted our hearings as if they were merely a necessary procedural evil in order to reach a foreordained conclusion. This year we have conducted our hearings as if we were willing to listen to ideas and to opposing views and to participate in a truly creative legislative process. For this I pay tribute to the gentleman from Louisiana. From such hearings, conducted in such a manner, the legislation before you has come, and I am pleased to be able to rise in support of it. Four years ago I supported the extension of the draft for 4 years in the House with misgivings, felt that the conference report included the worst of both the House and Senate versions, and voted against it. My reason for voting against the final version 4 years ago was very simple. The legislation was unjust; it was unjust to our poor who could not afford to go to college; it was unjust to our most highly motivated who had to work their way through college, but because of the necessity of holding down full-time jobs could not be full-time students, so they got drafted. It was unjust to those who for reasons of either heredity or environment did not have the mental capacity to get admitted to college. It was unjust because draft boards throughout the Nation were composed to a very large extent of very old men who had no capacity whatsoever for understanding the problems, the lives, the fears, and frustrations of the people whose lives they so drastically affected.

The bill which is brought to the House floor today does not remove injustice. Theoretically, there are two ways in which injustice can be removed. One way is to draft nobody; the other way is to draft everybody. We cannot draft everybody because a large number of our people is neither physically nor mentally qualified to serve. Nor is there need for such a number. We cannot draft nobody because there is a need for some number. So, in any system whereby some men are drafted and some men are not, there must be that built-in injustice. Some will have to serve, and some will not, so this bill does not eliminate injustice.

What it does do is assure that the chances of serving are spread as equally around our population as they can possibly be spread. One of the greatest injustices in the past has been that of student deferments. Perhaps even greater is the fact that two young men similarly situated have been treated differently simply because their cases were handled by different draft boards. We cannot totally eliminate this problem. As long as there are to be hardship deferments and hardship discharges, there has to be discretion at some level, and this discretion remains in the hands of local draft boards.

We have, however, expressed in this legislation for the first time the intent of Congress that local draft boards shall accurately represent the economic and sociological background of the population which they serve. At a time when present regulations require that a member of a draft board be 30 years of age, we are reducing that age to 18. We have limited the age of members of draft boards to 65, and their service on such boards to 15 years. These changes cannot help but make the draft boards fairer, more understanding, and more responsive.

We are going to a uniform national call instead of State quotas, which means that people with the same draft lottery number are going to be called at the same time wherever they are situated in our Nation. The President has wisely and properly by Executive order abolished occupational deferments. To the extent that a draft bill can be made just, this draft bill is just.

I will support some amendments to it. If no one else does, I shall offer an amendment to it because I believe that the pay raise which we have authorized in an effort to attract a volunteer army goes far beyond the realm of fiscal responsibility. The administration requested $987 million in pay raises; the committee provided $2,687,000,000 in pay raises—$1,700,000,000 over the President's budget. We have accepted the proposition that if a bottle of wine is good, a case of wine is even better. We are doing this at a time when the disposition of our forces around the world is such that much of the benefit of this pay raise will go to help the economy of foreign nations when our own economy needs it so badly.

I shall support the amendment to be offered by the gentleman from Ohio (Mr. WHALEN) to limit the draft extension to 1 year, but whether his amendment passes, or my amendment passes, or any other amendments pass which do not affect the basic thrust of this bill, I shall have no difficulty supporting it, for it is as fair a draft bill as a committee could come up with.

Mr. ARENDS. Mr. Chairman, I yield myself 12 minutes.

Mr. Chairman, under our Constitution it is the Congress which has responsibility to decide upon the size and nature of our Armed Forces; it is Congress which determines how our Armed Forces are to be raised and how they are to be maintained. The bill that we bring before the House today from the Committee on Armed Services, H.R. 6531, carries out all these constitutional responsibilities.

It extends the draft for 2 years as recommended by President Nixon and allows the President the wherewithal to set a goal of eliminating conscription in 2 years.

It provides for substantial raises in pay and quarters allowance for military personnel—I believe the largest pay bill ever brought to the floor of the House.

It authorizes the average annual active-duty strength of the Armed Forces for the year beginning July 1—taking into account the substantial reductions in manpower that President Nixon has made in the last 2 years and is continuing to make.

The first question before the committee was how the military manpower needs for our national security were to be met. After the most searching deliberation on any bill before the committee in my memory—and that is a long memory—the committee determined that the draft would have to be continued for 2 years. All of us would like to end the draft, but to do so without being sure that sufficient volunteers would be available would be taking grave risks with our national security.

We have heard many pleas for going to an all-volunteer force immediately. For understandable reasons many people passionately desire an end to conscription. All of us want to see an end of conscription. Some predict that a raise in pay would immediately produce a sufficient number of volunteers. But we cannot be sure. I have noticed that many of those who are so certain in their prediction that we can get the volunteers by simply raising the pay are the very ones who under no circumstances would volunteer themselves.

I would point out that though the induction authority is extended for 2 years, there is nothing to prevent the termination of inductions prior to that time if sufficient volunteers are forthcoming. The induction authority is permissive with the President. Obviously, President Nixon wants to achieve a zero draft as early as possible; and he has initiated an all-out program to improve the Armed Forces and attract volunteers. As the number of volunteers increase, the number of draft calls will decrease and the draft can be phased out.

The pay rates included in this bill—it is interesting to note—are as high as those recommended by any group which proposes the immediate termination of the draft. Therefore, even though the induction authority is continued, there will be an opportunity for their theories to be proved as quickly as possible.

Recognizing that the draft had to be continued for a period of 2 years, the committee determined that inequities and deficiencies in the existing draft law should be removed to the maximum extent possible. Therefore, the bill which we present to you today, H.R. 6531, has nine major amendments to the Selective Service Act. Let me just cover these briefly: First, it gives the President discretionary authority to end undergraduate student deferments. Virtually all witnesses agreed that the time has come to end undergraduate deferments; and from what I can determine, almost all undergraduate students agree. The President has indicated his intention to terminate all student deferments after April 23, 1970—the date of the message to Congress in which he asked for such authority. Deferments in effect prior to April 23, 1970, would be continued.

Second, it repeals the existing statutory exemption provided divinity students. The committee believed that terminating these exemptions was consistent with the authority to terminate student deferments. The administration has informed the committee that it intends to allow continued exemption for those divinity students who were enrolled prior to January 27, 1971.

Third, it provides authority the President requested to suspend State and local quotas to enable the President to establish a uniform national call. This is consistent with the move to a lottery system and will provide that all men with the same lottery number will be called at the same time nationwide.

Fourth, it provides for a 3-year period of alternate civilian service for conscientious objectors, with the third year being a substitute for the reserve obligation incurred by the regular draftee. In view of the fact that conscientious objectors do not take on any reserve obligation and do not have liability to the dangers of combat, the committee believes that this 3-year provision is fair. We provided that the monitoring of service by conscientious objectors should be under the supervision of the Director of Selective Service, as this is one area where there was weakness in administration in the past.

Fifth, it revises the upper age limit of local draft board members from 75 down to 65 and lowers the maximum years of service on a draft board from 25 to 15.

Sixth, it provides, to the extent practicable, membership of local draft boards shall accurately reflect the economic and sociological background of the population served. The purpose of this amendment, like the previous one, is to make the local draft board more reflective of the local population and more responsive in those areas where it might not have been so in the past. I think it should be stressed that we provided in the law that "no induction shall be declared invalid on the grounds that any board failed to conform to any particular quota as to race, economics, religion, sex, or age."

Seventh, it provides that people over age 18, if otherwise qualified, cannot be prohibited by regulation from serving on draft boards. Present regulations set minimum age at 30. This will allow younger people an opportunity to serve on local boards.

Eighth, it prohibits the State director of Selective Service from serving concurrently in another elected or appointed State or local government position without the approval of the Director of Selective Service. The purpose of this is to allow the Director of Selective Service to phase out the practice of State directors serving as adjutants general or in other State offices.

Ninth, it extends the period before which the statute of limitations begins to run on draft dodgers. Under the presently applicable court decision the 5-year statute of limitations only runs till 5 days after the registrant is 23. This is because the court interpreted the law to limit the time for prosecuting a man who failed to register to 5 years and 5 days after his 18th birthday. The committee's amendment provides that the statute of limitations does not begin to run until the day before he attains age 26. This will allow prosecution for 5 years after the man's 26th birthday—or up to age 31. This is consistent with the intent of the law since a man is liable for registration from age 18 to age 26.

Our committee struggled with the difficult question of determining equitable pay scales for our servicemen, keeping in mind President Nixon's goal of establishing an all-volunteer force. We had to determine to what extent and in what way military compensation could be made comparable to civilian pay. We had to do this in such a way as to encourage qualified young men to volunteer for military service and to consider military service as a career.

The bill reported by our committee authorizes a pay increase at an annual cost of $2,687,400,000.

There are two things that should be understood about this increase:

Eighty-six percent of the basic pay increases go to draftees and other men with less than 2 years' service. The purpose of the pay increase is to make up the great gap that has existed in the entry pay levels of military service. I might say that virtually all of our witnesses, those for the all-volunteer force and those opposed, recognized that pay of draftees and junior officers was unjustly low and supported the idea of substantial increases. The only pay raises other than those for under 2-year men are to assure a sufficient differential between longevity steps in the pay scales—for the most part in the pay scales of middle- and lower-grade enlisted personnel.

The second factor in the pay bill is an increase in quarters allowances both for the career forces and for the men with less than 2 years of service. Quarters allowances have not been increased since 1963, they are inadequate by any measure, and under any circumstances we would probably have had to consider an increase this year or next year.

Now let me say frankly that the matter of total pay for this coming fiscal year is the one area where I parted company with my committee on this bill.

President Nixon had proposed a two-step approach to the problem with a $987 million pay increase this year and the remaining $1,700,000,000 increase in fiscal year 1973. This, it seems to me, would have been a more responsible way to proceed. In view of the enormous pressure on the budget and the considerable cost involved, it would have been wiser, in my opinion, to have moved toward an all-volunteer force in two steps rather than one giant leap.

Following the President's program would have allowed us to make a judgment at the end of the first year as to how well the effort was progressing and would have allowed changes in the manner of approach if deemed advisable.

This year, for the first time, our committee was required by law to authorize the average annual active-duty strength of the Armed Forces. The committee's bill authorizes an average strength of 2,600,000. This is a ceiling that is the average strength for the entire fiscal year. Let me stress that by the end of the fiscal year actual strength will be down to 2,500,000.

The Secretary of Defense provided extensive material in our hearings to justify the need for these manpower requirements and to clearly show that further cuts at this time could lead to unacceptable risks for our national security. The Secretary provided us with a 46-page explanation of the basis on which these manpower recommendations are made. The record is there for all to see.

I think we should take note of, and I think we should commend the President for, the fact that at the end of fiscal year 1972 the strength of the Armed Forces will be 1 million men below what it was when President Nixon took office.

The average strength that we are authorizing for fiscal year 1972 will be more than 250,000 below the average strength of the present fiscal year and will be below the average strength for fiscal year 1964, the last pre-Vietnam year.

It will be the lowest military strength that we have attained in over 10 years.

In summary, while one might not agree with every aspect of the reported bill, I believe the committee did a credible job. As I said at the outset, I can think of no bill that has received more thorough and searching study by our committee.

I can think of no bill which is more important to our national security and I think the committee has done its job well in making sure that the needs of national security will be met.

It is an expensive bill because people are the largest single cost element in the Armed Forces and will be more so with an all-volunteer force. Today, personnel costs account for more than 50 percent of our defense budget.

People are our most expensive product.

The 1-million-man reduction that President Nixon has made in the Armed Forces over a 3-year period allows greater reductions in defense expenditures than we could achieve by cutting out a half dozen of the big weapons programs that opponents of defense spending love to attack. So if you want an all-volunteer force, you have to be ready to pay for it. I think the President is doing everything he can to bring about an all-volunteer force and I think the committee's bill will go a long way to help him realize that goal. I hope all of the Members of the House will support it.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. The pay increases that are given in the lower ranks are substantial and do go beyond what the administration recommended. I look upon this as an added incentive for a volunteer military force.

But there is another question that bothers me. As we increase the pay substantially in the lower categories, human nature being what it is, almost inevitably is going to produce pressure for corresponding or related increases on up through the top. Did the committee take that matter into consideration? What was their reaction?

Let me put the question another way: Because action has been taken in relation to the pay of those in the lower grades, there is no promise that there will be corresponding increases at higher levels?

Mr. ARENDS. There is a table in the

report which shows the approximate amount of quarters allowance increase that goes to the higher grades. It is not comparable to what we do in the lower grades. I think I said it is 86 percent of the increase which goes to the men in the first 2 years of service. We set the basic pay at a certain level. Beyond that, with the housing allowance increase, we reach a figure for the low man in the service—the entering private—of approximately $4,991 per annum, which is certainly comparable to the civilian pay.

This is the way we approached the problem, with the hope that we might attract new people into the service, so we can make it attractive enough with the fringe benefits for them to say, "Here is a possibility of a real career for me if I go in."

There is the additional fact that in the armed services, without making any contribution whatsoever, a man can come into a good retirement pay schedule, which I think we ought to emphasize more as we continue to discuss this matter.

But we do provide substantial increases in quarters allowances for career people—and these are tax free.

Mr. GERALD R. FORD. Was there any change in the reenlistment bonus incentive in this legislation?

Mr. ARENDS. No; there was not. They do have an attractive reenlistment bonus program now. An additional first enlistment bonus was proposed but the language was very loosely drafted and the committee rejected it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Iowa.

Mr. GROSS. But the committee did increase the direct benefits in the upper levels of the various services?

Mr. ARENDS. We did increase them somewhat in quarters allowance; yes.

Mr. GROSS. Not a pay increase, but the direct benefits to them?

Mr. ARENDS. Yes, but we were trying so hard to do something about these first 2-year men. The really substantial increases are for them, and I think they average almost 68 percent more than what they have now.

Mr. HÉBERT, Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I want to echo what my colleague, the gentleman from New York (Mr. PIKE) said about the manner in which our new chairman, the gentleman from Louisiana (Mr. HÉBERT) has been conducting our meetings. He certainly has been eminently fair, and with all of the attention that has been focused in this 92d Congress on eliminating the seniority system, I would like to repeat what the gentleman from New York (Mr. PIKE) has already said, but which I do not think entirely registered with the Members of Congress. In our committee the gentleman from Louisiana has abolished the seniority system and replaced it with the punctuality system—and that, as all of us are well aware, is a sweeping revolution.

I suppose it would be too much, Mr. Chairman, to expect that any bill to extend the draft could ever come before this body without any opposition at all, but I would say that insofar as it is possible humanly to head off that opposition, the bill which is before this committee today and which came out of our committee does just that. We have come as close, I think, to eliminating the opposition to this kind of legislation as any committee could come.

Basically our bill does three things which I think most people at least would recognize are important and need to be done.

First, this bill eliminates, in my judgment, the last remaining provisions of inequitability in the operation of the draft. As my colleague, the gentleman from New York said a moment ago, as long as we have a draft system where one man is drafted, and another man is not, that system is not completely fair, and equitable—at least not in the mind of the one who is drafted. But outside of abolishing the draft completely, I think we have gone just about as far as it is humanly possible to go.

Second, the bill does furnish the tools, as our chairman, the gentleman from Louisiana, said, to move in the direction of an all-volunteer army. We have been talking a great deal about that. Well, here is an opportunity for us to do something about it. The volunteer Army is in this bill. I think it merits the very serious consideration of Members.

Third, this bill also provides that while we are going through the procedures of trying to see how an all-volunteer army works, we shall be certain to maintain the mechanism necessary to provide the continued strength of American Armed Forces during that next 2-year period. That is a fair and reasonable time to give the all-volunteer service a chance to work, and it is a period of time when we are certainly going to need to maintain our strength without any doubts and questions—as we withdraw from Vietnam, for example, as we maintain our shield in NATO, and as we hopefully continue to deter Communist aggression in the Middle East.

Mr. Chairman, let me just dwell in a bit more detail on each of these three points.

First is eliminating any remaining inequities in the draft. We put through a change last year—incidentally, I am proud to have had something to do with initiating it—of combining a draft lottery with a 1-year vulnerability feature. Together those two things removed a lot of existing objections to the draft as inequitable.

But there was one difficulty with that combination. It still left a fairly large segment of our draft-eligible population with a deferment and thus not directly affected by the lottery; namely, the college students. And the draft calls also continued to work on a local board quota basis, so that a young man could never be quite sure, if he had number 195, let us say, whether he was going to be called by his draft board or not. It could depend on upon whether that draft board was in Oshkosh or in Albany.

Well, we have eliminated both those objections in this bill. We have eliminated the student draft deferment entirely, so that everybody is on the same basis now. As a practical matter, since one does not get actually inducted until about the age of 20, it means that a fellow who wants to go to college can go there for 2 years before he runs the risk of being drafted; and then he can come back after his military service and complete his college course under the GI bill of rights.

Second, this bill authorizes a national call in place of individual draft quotas set for local draft boards. Actually, the administration put a national call into effect by Executive fiat last year, so that nobody above 195 did get drafted, wherever his board might have been located. But that procedure was not in the law. Now we have it in this bill, a provision that means that when one gets his draft lottery number he knows that this number will apply regardless of where his draft board may be located, regardless of the number of men called to duty from his local board.

The second point with regard to this new bill concerns the volunteer force. There are a lot of reasons for refusing to volunteer for military service, I am sure, but the only concrete proposal that has come from anybody to encourage voluntary enlistment is the one that came from the Gates Commission, and then later on also came from the administration, to try to move us toward an all-volunteer force—and that, of course, was money. If we will put enough money in, so the proposal goes, then we can get an all-volunteer force.

That is just what this bill does. The administration suggested we put the necessary extra money in two steps. Secretary Gates headed a volunteer army commission a couple of years ago, and his commission recommended the kind of increase they believe we must have to get an all-volunteer force. What the Nixon administration did, was that in general they went along with that Gates Commission proposal but said, "Let us give part of that increase this year and let us give the rest of it another year."

This is not the kind of an area where you can operate on a half a loaf. You cannot give a girl a half an engagement ring and expect her to march down the aisle with you. You have to give her a full ring or none at all.

So our committee decided that if we are really serious about trying to get an all-volunteer force we must put the entire military pay increase into one package. That is what we have done. Of course, it will cost about $2.7 billion.

I get letters, and I am sure other Members of the House get letters, from people who say they are for an all-volunteer force and they are also for reducing the Defense budget. But you cannot do both at the same time.

We are trying seriously in this bill to move toward an all-volunteer force. And it is going to cost us $2.7 billion.

Our committee believes that we ought to make the effort toward a volunteer force seriously and not cut it into two little pieces, neither one of which would be big enough to do the job.

And finally, the third and last major

thing which this bill will do is to make it possible for us to maintain our forces for the 2 years during which we are going to try to move toward this volunteer army concept. This will be a dangerous and difficult 2 years. We are going to be withdrawing from Vietnam for another year and a half, and we are going to have to make sure that our position over there, throughout this time, is safe enough to protect those who are being withdrawn. And we are going to have a commitment in the Middle East, to try to prevent Israel from being driven into the sea. That does not require ground troops, but it does require the naval forces of the U.S. 6th Fleet, which have so far successfully deterred the Russians and the Egyptians from launching an all-out attack on Israel. Of course, the Navy is a volunteer force; but the testimony presented to our committee showed that at the present time many of those who volunteer for the Navy, or the Air Force, do so only because they are in danger of being drafted into the Army. So, by ending the draft too abruptly we could possibly endanger the size of our 6th Fleet in the Mediterranean.

Our experts have told us, for example, that the hardcore, true volunteers in our forces, year after year, have only been 270,000 men, and that we are going to need 607,000 men in fiscal year 1971 and 458,000 men in fiscal year 1972. So we do need to continue this protection to guarantee that we do not have chaos in our armed services and so that our commitments abroad are not jeopardized unduly, while we are in the process of shifting to the all-volunteer force.

I think this is a fair bill, Mr. Chairman. I think it is a sound bill, and I think it is a bill that moves in the direction that everybody in this House sincerely wants to move in. I believe it deserves the full support of this House.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield to me?

Mr. STRATTON. I am glad to yield to the gentleman from Illinois.

Mr. FINDLEY. Some Members have advanced a proposed 1-year extension. I wonder if the gentleman from New York will comment on how a 1-year extension of this authority will affect the three factors that he enumerated.

Mr. STRATTON. I am glad the gentleman raised that point. I think an extension of just 1 year would simply mean we would not have a fair enough opportunity to test out the concept of the volunteer force. It will take a little time before these new volunteer ideas get across, with all the increases we have provided in this bill, to enable them to percolate down so that people generally will understand there is a new Army, Navy, and Air Force. I do think we ought to have a 2-year opportunity to put this volunteer idea across. That is what the administration wanted. As I have indicated, our committee has given the whole pay loaf at the start precisely so that we could have a full opportunity over 2 full years. But if we limit the time to move to an all-volunteer force to just 1 year, we could well jeopardize the whole volunteer Army before it gets a fair trial.

Mr. PIRNIE. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the legislation which we debate today is designed to meet the security manpower needs of this Nation during the next 2 years in the most equitable and efficient manner possible. Likewise, the concept of a volunteer army will be permitted to function. However, it is recognized that despite the winding down of the war in Southeast Asia and the contraction of other forces abroad, the level of requirements will during this period be in excess of normal. It is for this reason that the standby support of the draft is imperative.

We have had extensive hearings on all phases of draft legislation. Testimony has been given by people desirous of modifying particular clauses, others have urged abolition of deferment and some have demonstrated that they have no interest in the solution of our problem. These people seek the end of the draft but feel no responsibility for the manpower needs. Some suggest the new pay scale if adopted will spur enlistments so that the needs will be met on a volunteer basis. I can only say that should this be so, the draft call will be zero. Should they be in error, the draft will only supply such deficiencies as actually exist. What could be more reasonable and responsible.

Mr. Chairman, this is the day that we bite the bullet and vote to extend the draft for another 2 years. I am sorry that this is necessary. All during our hearings I kept listening for sound arguments that would assure me that we could abolish the draft and yet maintain our national strength. But while I heard some statistical optimism, I heard nothing to give us assurance that our strength would not be drastically impaired if we permitted the draft authority to expire.

We simply cannot legislate on hope. The national security of this country is our primary obligation and we must do that which is required to maintain it.

The President has recognized certain inequities of the draft and the desirability of maximizing the freedom of the individual. He is the first President since 1948 to recommend doing away with the draft and returning to the traditional way of raising Armed Forces. However, he has recognized—and has had the courage to say it—that in all likelihood you cannot accomplish this desired objective before July 1, 1973.

A 2-year extension of the draft will put great pressure on the Defense Department and other agencies to take every step they can to increase the number of volunteers and to learn to live without the draft after July 1, 1973. It should be noted that there is nothing to prevent the Defense Department from attaining the goal of zero draft earlier than 1973 if it can possibly do so. I am sure the President will be working constantly toward that objective.

Some people recommend cutting military strength below what the President proposed as a means of eliminating the draft. It is hard to follow the logic of that approach. The military strength authorized by this bill for fiscal year 1972 will be at the lowest level of military manpower we have had in 10 years—since fiscal year 1961. The active duty strength called for in fiscal year 1972—2,505,000—will be more than 300,000 below the present military strength.

However, even with the reduced strength called for in 1972, over 500,000 new entrants will be required. Past experience has demonstrated that number cannot be met by volunteers alone. A goodly number of present volunteers are draft motivated and we have to gather some experience as to how young men will respond in the absence of the draft before we can do away with the induction authority.

I might also mention that the strength of the Reserves would suffer greatly with an immediate termination of the draft.

With the reduction in manpower that is taking place, increased reliance on the Reserves will be a necessity. It will be basic to strengthen the Reserves and improve their readiness. The President's policies call for the use of the Reserves in future emergencies prior to reliance on the draft. Therefore, we must be mindful of the effect on the Reserves of any action we take on induction authority.

In summary, I think a 2-year extension is an entirely reasonable approach. It is brief enough to put great pressure on the administration to achieve a zero draft. It will give sufficient time to make a judgment on the program we have authorized before doing away with the induction authority entirely. Through the pay increases recommended in the committee's bill, the President will have the means to achieve a volunteer force that we can give him legislatively. And if it is possible to end reliance on the induction authority in a shorter period of time, there are many reasons why the President will do so.

This is sound legislation and I urge all Members of the House to support it. Our national interests will be properly served.

Mr. HÉBERT. Mr. Chairman, I yield 10 minutes to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, the committee report on H.R. 6531 points out, very properly that the total cost of the pay allowance increases in this bill, amounting to $2,687,400,000 is within $20 million of the cost of the increase in regular military compensation recommended in H.R. 4450, the bill which incorporates the Gates Commission proposal for necessary pay increases to attain an all-volunteer force.

Stated another way, it would, therefore, appear that there is little difference between the two pay proposals since the dollar expenditure is approximately the same. However, that is not the case.

The Gates Commission recommendation would place the entire increase in basic pay—$2.667 billion; while the committee's recommendations would place a portion of the increase in basic pay—$1.825 billion—together with a small change in subsistence allowances—$37.8 million—and the balance—$824.2 million—in a substantial increase in quarters allowances.

Thus, the Gates Commission proposal would simply increase basic pay, while the committee's proposal will not only increase basic pay but also quarters and subsistence allowances.

Since allowances are tax free, the amounts provided in increased allowances result in a larger dollar benefit than is apparent on the surface, and certainly a larger dollar benefit than if these increases were in basic pay, since basic pay is taxable. To illustrate the advantages of this approach, I call the attention of the Members of the House to the table on page 27 of the committee report, entitled "Disposable Income."

That table reflects the fact that under almost every circumstance married and single personnel will fare as well, or better, under the provisions of H.R. 6531 than they would under the pay allocations proposed in H.R. 4450.

For example, an E–2 with under 2 years of service and one dependent, would receive $4,693 of disposable income under H.R. 4450, while under the provisions of H.R. 6531, the committee's bill, he would have a disposable income of $5,050.

Similarly, an unmarried E–2 with under 2 years of service would receive $4,558 under the provisions of H.R. 4450, and $4,566 under H.R. 6531.

Thus, I believe it is abundantly evident that on balance, personnel with under 2 years of service in the armed services will fare better under the committee's proposal than under the Gates Commission recommendations.

A persuasive justification for the committee's course of action is the impact the legislation will have on the so-called career force.

Under the committee proposal, the career force along with the under 2 personnel, will receive a very substantial increase in quarters allowances. The increase in quarters allowances for personnel with more than 2 years of service will average 62.8 percent while that for the under 2 group will average 45.6 percent. Despite this very substantial increase in quarters allowances, it is by no means extravagant. The new housing allowances which have been proposed in this bill are reflected on page 23 of the committee report, and will provide an equitable and realistic level of quarters allowances for the various military grades and ranks. The level established is based upon FHA median housing surveys for comparable income groups nationwide.

The action of the committee in providing a quarters allowance increase is, therefore, very important, particularly since this is the only source of a substantial compensation increase in either bill for the career force. These allowances have not been increased since 1963 despite the fact that there have, in the interim, been very substantial inflationary increases in the actual cost of housing.

It makes little sense to provide a very attractive level of pay for entrants into the Armed Forces and then effectively ignore the need for retaining these same personnel after they have achieved a level of training and experience which makes them obviously more productive than a new entrant into service. Also, the failure to compensate these men properly will inevitably result in our failure to retain them with a consequent increase in higher training costs and continued reliance on the draft.

I may also say that if you pass the legislation with the Gates Commission provisions in H.R. 4450 without making adjustment for these allowances, we would undoubtedly have to do so in the near future since the equity of these allowances in apparent.

It is for these reasons that I have no hesitancy in supporting the committee bill, and I, therefore urge every Member of the House to join us in approving this bill unanimously. This does not mean that there might, or might not, be amendments that I would support here and there as they may occur in the debate. But as the bill now stands, I believe it to be an excellent piece of legislation deserving the support of each of us.

Mr. PIRNIE. Mr. Chairman, I yield 8 minutes to the gentleman from Vermont (Mr. STAFFORD).

Mr. STAFFORD. Mr. Chairman, I want to express my support of H.R. 6531 as reported by the House Armed Services Committee. This bill is Congress's first major effort toward creating an all-volunteer armed force in modern times. Intensive study over the last several years has clearly shown that moving to a volunteer system of manpower procurement is in the best interests of our citizens.

This Nation has been forced to resort to a conscripted army in but 34 of our nearly 200 year history. The feasibility of the volunteer system has been proven to us; we must make every effort to manage our defense without reliance on conscription.

This Nation was born in a spirit of freedom from conscription and we cannot violate that principle while a satisfactory alternative for providing our defense is available.

Estimates as to when we will no longer need the draft vary, of course. The President's Commission on an All-Volunteer Armed Force suggested that 1 year from the enactment of appropriate pay increases would be sufficient.

The President, upon the advice of the Department of Defense has suggested at least a 2-year extension of the President's authority to induct. Some Members of Congress believe that we can repeal the draft now, without jeopardizing national security.

It is my belief that having the issue before Congress again next year would give us an opportunity to keep maximum pressure on the Department of Defense in its efforts, to measure our progress to zero draft, and to consider new steps of working toward that goal if necessary. I support then, extension of the draft for 1 year, until June 30, 1972.

Regardless of which is the most accurate prediction, we should provide the Department of Defense with every tool it needs to reduce draft calls to zero at the earliest possible time.

Mr. Chairman, the legislation we are considering today is important for reasons beyond the achievement of a volunteer force. Equity alone calls for the full pay raises embodied in this measure we are considering today.

Since 1948, military pay scales under the draft unnecessarily depressed the compensation given to those with under 2 years of service. While pay for enlisted men with 2 or more years of service has risen 111 percent, that for under 2 has risen only 60 percent. Wages for these same enlisted men are now roughly 60 percent of comparable civilian pay scales.

The British experience with an all-volunteer force indicates we can look forward to significant savings because of the greater efficiency of volunteers.

Mr. Chairman, it is my experience that those who study carefully and thoroughly the concept of an all-volunteer armed force become its most ardent advocates.

In early 1967, I joined with four of my colleagues in just such a study. The result was the publication of "How To End the Draft"—a 31-point program designed to reduce draft calls to zero.

At that time we noted that military pay has been an obstacle to those wishing to enlist; that steps could be taken to reduce reliance on the draft, and that reform of manpower policies in combination with increases in pay could reduce draft calls to zero in 2 to 5 years.

The recommendations included reform of recruitment practices, reexamination of enlistment standards, improvements in the life of the serviceman, and a reconsideration of the number of men in uniform needed for an effective military force.

I am proud to say that President Nixon specifically endorsed this study in the fall of 1967 and made the volunteer army one of his campaign pledges. In the 89th and 90th Congress, I filed legislation which would increase the pay of members of the armed services.

Following the President's creation of his Commission on an All-Volunteer Armed Force, I supported a resolution which would have declared that the sense of Congress supports the President's efforts in working toward an end to the draft. Following this report, I joined with several Members in the House in urging passage of legislation which would have embodied the recommendations of the President's Commission.

Now, in the 91st Congress, the first major steps toward reducing draft calls to zero are becoming a reality. I have worked for the development of a volunteer force; I support the efforts before the House today; and I urge my colleagues to support these long overdue steps as well.

Mr. HÉBERT. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, this is a good bill. It does not provide for a voluntary military but it does provide the means for achieving an all-volunteer force, it assures that we will have adequate strength until we are at a point where we can guarantee sufficient volunteers, and it provides the minimum strength required by our Armed Forces for the coming fiscal year.

One part of this bill which has been subject to some criticism and misunderstanding is that of exemptions for divinity students.

A continuation of divinity student exemptions when other students are denied deferment is inconsistent and impossible to justify.

Since the first amendment of the Constitution denies us the right to pass legislation which would establish a religion, if divinity students alone are given an exemption, it would have to be on the basis that national security would be served.

Let us keep in mind that we are not discussing the need for the clergy as such. Ministry of religion continues to be exempt. We are only discussing students of theology. The truth of the matter is that many theology school graduates are not going into the ministry. Theology schools are graduating more students than the ministry requires. It would be impossible to argue, therefore, that exemption of divinity school students is required because of national security.

It is also argued that the course of a registrant's life would be unfairly affected in the case of one who intends to enter the ministry.

This is a subjective judgment. Many chaplains served in the Armed Forces prior to entering the ministry. All of us have heard of many veterans who turn to the ministry as a result of their military experiences.

There are many roads which lead to the cloth, and any young man so predisposed will not find serving his country a distraction.

In some instances, of course, those disposed to the ministry will have conscientious objections to military service. They will be able to continue to claim their conscientious objector status.

I think it can be argued that ending divinity exemptions will strengthen the position of theology schools. In the future the sole attraction will be the personal call of the individual. Divinity school graduates will be able to enjoy unquestioned recognition of their dedication to the ministerial life. There is no question that some young men now seek divinity school exemptions to avoid military service, and while undoubtedly their number is small compared to the total number of divinity students, they cast a cloud unfairly over all who seek this exemption. In fact, divinity exemptions are harmful to the cause of religion. There are people who are entering the ministry, not for the primary purpose of advancing the cause of God but for the purpose of avoiding military service. This is a tragedy for the individual and cannot possibly serve the cause of organized religion.

I also do not believe that ending these exemptions will adversely affect divinity school enrollments to any significant degree. The rate of draft calls are so small in relation to the draft pool that the future enrollments of sincere divinity school students will be virtually unaffected. I think it is interesting to note that in its meeting on March 17, the General Commission on Chaplains and Armed Forces Personnel adopted a resolution urging that seminarians and seminary enrollees be subject equally with others to the risk of selection for military service.

These are the people most concerned and they are in favor of the revisions in the present bill.

In summary, the arguments in favor of ending divinity school exemptions are persuasive, and I urge all Members of the House to support this provision along with the other provisions of the committee's bill.

Mr. Chairman, I include at this point the resolution passed by the General Commission on Chaplains and Armed Forces Personnel:

RESOLUTIONS PASSED BY THE GENERAL COMMISSION ON CHAPLAINS AND ARMED FORCES PERSONNEL AT ITS PLENARY MEETING, MARCH 17, 1971

ALL VOLUNTEER ARMED FORCE

(1) ALL VOLUNTEER ARMED FORCE

"We . . . believe that the nation's interests will be better served by an all-volunteer force, supported by an effective standby draft, than by a mixed force of volunteers and conscripts; that steps should be taken promptly to move in this direction; and that the first indispensable step is to remove the present inequity in the pay of the men serving their first term in the armed forces."

Citing the above quotation from the Gates Report as a Preamble the General Commission on Chaplains and Armed Forces Personnel passed the following resolution:

Resolved: That the General Commission on Chaplains and Armed Forces Personnel record itself publicly as favoring the creation of an All-Volunteer Armed Force.

(2) IV D EXEMPTIONS FOR SEMINARIANS

Resolved: That the General Commission on Chaplains and Armed Forces Personnel urge that seminarians and seminary enrollees be subject equally with others to the risk of selection for military service, and that it request its member denominations to give attention to issues posed by the present IV D exemption for said seminarians and enrollees.

Resolution number one was approved by 39 delegates with one abstention. Resolution number two was approved by 30 delegates with ten abstentions. Most abstentions are due to lack of instructions from delegates' parent bodies regarding the subjects being voted upon.

Mr. CONYERS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 35]

Anderson, Tenn.
Ashley
Aspin
Barrett
Blanton
Broomfield
Camp
Chisholm
Clark
Clawson, Del
Clay
Collins, Ill.
Conable
Corbett
Davis, Ga.
Dellums
Diggs
Dulski
Edmondson
Edwards, La.
Esch
Evans, Colo.
Evins, Tenn.
Gaydos
Gettys
Goldwater
Gray
Green, Oreg.
Green, Pa.
Hall
Hammerschmidt
Hanna
Hawkins
Hays
Jarman
King
Koch
Long, La.
McCulloch
Martin
Mathias, Calif.
Moorhead
Poage
Price, Tex.
Pucinski
Rangel
Rees
Reid, N.Y.
Robison, N.Y.
Rodino
Rooney, Pa.
Rostenkowski
Ruth
Sandman
Smith, Calif.
Steed
Stuckey
Udall
Vanik
Wilson, Charles H.
Young, Fla.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Boland, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill H.R. 6531, and finding itself without a quorum, he had directed the roll to be called, when 371 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The committee resumed its sitting.

The CHAIRMAN. When the committee rose, the gentleman from Illinois (Mr. Arends) had 1 hour and 30 minutes remaining, and the gentleman from Louisiana (Mr. Hébert) had 1 hour and 5 minutes remaining.

The Chair recognizes the gentleman from New York (Mr. Pirnie).

Mr. PIRNIE. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey (Mr. Hunt).

Mr. HUNT. Mr. Chairman, I rise in support of the bill.

There is one aspect of the bill which has not been given too much attention in previous statements, but I would like to take a moment of the House's time to discuss it because it is an important part of the drive to achieve an all-volunteer force.

This is the matter of improving recruiting throughout the Armed Forces.

The committee bill, in section 7, provides the authority for the secretaries of the military departments to reimburse members of the Armed Forces on recruiting duty for necessary and actual expenses. This relates to such out-of-pocket expenses as luncheons, snacks, parking fees, and so forth. Recruiters have many such expenses in their contacts with potential enlistees and, frankly, they are nickeled and dimed to death.

It is estimated that the reimbursement under the committee's bill would average $20 to $25 per month per recruiter. The annual estimated cost is slightly under $3 million. That is not much in terms of the total cost of this bill, but it is something that will mean an awful lot to the individual recruiter. Nobody likes to have to spend his own money to do a better job.

The authority in the bill is just one of the things that is planned to improve the recruiting effort.

The Department of Defense has proposed a major investment in the improvement of the recruiting organizations of the military services. For many years now, the threat of the draft has been a "silent recruiter," inducing men to volunteer for the Army, Navy, Marine Corps, and the Air Force. Now that we are approving programs which hopefully reduce and then eliminate draft calls, we must concurrently expand the capability of the military recruiting organizations.

The Department of Defense has proposed a program that includes:

Increasing the recruiters force by 5,800.

Expanded advertising.

Opening new recruiting offices.

Refurbishing recruiting offices and modernizing their equipment, and

Raising the living standards of the recruiter in the field.

Army will naturally receive the major portion of the 5,800 new recruiters. It will mean a doubling of the number of the Army's nationwide sales force. The Navy, Marine Corps, and Air Force will also increase their field canvassers during the year.

We must make the youth of the Nation and their parents aware of the advantages of a military career. The services are increasing their use of advertising as a part of the campaign.

As additional recruiters are placed in the field, hundreds of new offices will be opened and equipped. Some of the older stations will be refurbished. The Department of Defense has requested $12.5 million for the facilities and equipment needed to support the expanded recruiting force, but those funds come out of operation and maintenance money and do not require authorization in the present bill.

Today, when the uniform is either scorned or ignored by many of our citizens, the recuiter's job is difficult. I am pleased to see that the Defense Department is requesting funds which eliminate some of the financial penalties of recruiting duty. We in Congress can help by speaking out in behalf of military careers as an honorable profession.

Starting last January all of the military services began paying recruiters $50 a month proficiency pay. This move was long overdue. Many were earning proficiency pay before being assigned to recruiting duty.

The recruiter is usually cut off from military housing. He must rent an apartment or a house. The cost of suitable rental housing far exceeds his quarters allowance. The Department of Defense is requesting funds to lease about 2,800 housing units for recruiters in high rental areas.

There is one more point I would like to make which I think is very important for the long-range results of this effort to improve recruiting. That is the fact which we refer to in our committee report on page 37 as "recruiter truthfullness."

Too often Members of Congress have heard complaints from constituents whose sons have enlisted in service, because of a promise made by a recruiter or implied by a recruiter which the recruiter had no authority to make. Such false promises are never kept and leave in their wake a bitterness on the part of the enlistee and his family. These practices must cease. The services must make sure that recruiters are truthful with young men and that young men are clearly given to understand that the only promise that can be made to them is what is provided in writing in their enlistment contract. Quite frankly, I would be in favor of presenting each potential enlistee with a card stating that no oral promises can be made to him, and that he is not to expect anything which is not in his enlistment contract.

With these improvements in the method and image of the recruiter, the recruiting establishment can go a long way to help us achieve an all-volunteer force.

In conjunction with that, I want to say that the minority on the Armed Services Committee is serving notice on the Defense Department that we expect them likewise to add improvements, and to explain to each enlistee and to each recruit coming in for service, the additional fringe benefits which go with the armed services. Too many men in the armed services are totally ignorant of the actual fringe benefits which accrue to them if they so desire. We want the Defense Department and the services to make crystal clear to the recruit coming in what he will get in the line of fringe benefits.

I should like to address myself for a few moments to the amendment which is to be offered to reduce this bill's effectiveness from a 2-year draft extension to a 1-year draft extension. I oppose the amendment for 1 year, and I am for the 2-year extension, for the reason that if at any time during the 2-year period of the extended draft the volunteer army becomes an actuality, if we obtain enough recruits to fill the slots, then the draft will be null and void.

The general objective for us to look at is the all-volunteer army. At the time when it begins to fulfill what we expect it will, then the draft will stop, whether it be 6 months, 9 months, 15 months, or 12 months.

So I am strongly in favor of the 2-year extension of the bill, which I expect and hope can be cut down to a zero draft call long before the 2 years come to a termination.

Only by the use of good recruiting methods, only by obtaining good recruiters, only by telling the recruits the actual truth, along with an increase in the pay scale for the recruit, can we come up with an all-volunteer army.

But one more episode like this Calley trial and we will never get a volunteer army. This is a most ridiculous thing. We have had a man tried by virtue of the indictment by Life magazine, and no one can deny it.

It is about time the people in this country begin to stand up and realize that in a war zone men follow orders. If that man is guilty then the man who issued the order is guilty. Why not try them all?

I served my time in combat. Let those who are without sin cast the first stone. They cannot afford to, because they live in a greenhouse of glass. They dare not do this.

The thing which stands out in my mind is that many of us in this House conscientiously try to do what we think is right. No one should be critical of the other man's vote, if he has a valid reason to do so, nor should we be critical of his dissent. That is his prerogative.

I find it takes us a little bit more time to do those things that are difficult and not quite so long sometimes to do those things that are impossible.

They say it is impossible to have a volunteer army. I do not believe it is. I believe with an esprit de corps and with specially designated divisions and outstanding regiments, such as the 82d Airborne, the Princess Pat Regiment, the Cold Stream Guard, the Black Watch, and the First Marine Division—with such outstanding divisions and regiments, we can come up with a volunteer spirit. With sensible remuneration and pay, with sensible recruiting, and without any false promises, we can have what we seek here; namely, a good volunteer Army which will eventually lead to the ending of the draft. Then we will not have to worry about whether it is 1 year or 2 years.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. HUNT. I yield to the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Chairman, the chairman of the committee has explained the bill in detail, and I will not take more than a few moments of the House's time.

I want to address myself briefly to one aspect of military pay—the question of military families being on welfare—because I think this issue has been misstated and should be looked at in perspective.

FAMILIES ON WELFARE

Since January 1, there have been an estimated 4,275 families of members of the Armed Forces eligible for family assistance under the President's proposed family assistance plan. The benefit levels of that plan are slightly higher than those of the Office of Economic Opportunity. In all cases the 4,275 families presently eligible are the families of men in the lowest four enlisted grades, E-1, E-2, E-3, and E-4, with three or more members in the family.

Under the committee's bill, H.R. 6531, only 95 families would still be eligible for family assistance aid and it is estimated they would be eligible for a benefit of less than $10 per year. More important, all 95 would be families of E-1's, that is, private—with a family of six or more people.

I think we all clearly understand that if one is a private with six children, one's career has not been normal in its progression. I think we also all understand that no matter what level you set as a welfare level or poverty level, people with unusually large families are likely to show up below that level.

But essentially the committee's bill wipes out the possibility of military families being on welfare.

However, the fact that they are not eligible for welfare is not an excuse for saying that their pay is adequate. There are two other indicators of the fact that pay for military personnel—particularly for junior enlisted personnel—is inordinately low. Let me just address these briefly.

WORKING WIVES

In December 1969, the Department of Defense conducted its fiscal year 1970 DoD-wide personnel survey which included questions pertaining to supplemental income for military personnel. At that time there were approximately 1,450,000 enlisted personnel on active duty with less than 2 years of service. The following information was discovered from this survey:

Among the 1,450,000 enlisted personnel with less than 2 years of service, approximately 330,000—23 percent—were married. Over one-third of the wives—117,000—worked full time. An additional 15 percent—49,000—held part-time or temporary jobs. Collectively, slightly more than half of all the wives of enlisted personnel with less than 2 years of service held some sort of paying job.

MOONLIGHTING

Approximately 9 percent—134,000—of all servicemen with less than 2 years of service held part-time jobs during their off-duty hours. The typical off-duty worker spends 19 hours a week at his off-duty job for an average weekly pay check of $33. Two-thirds of these off-duty workers stated that they were working to pay debts, household expenses, or to improve their standard of living.

It is intolerable that we require our servicemen and dependents to take outside jobs in order to make ends meet.

In summary, we should not overstate the issue or make too much of the idea that some military families may be eligible for welfare. But we do have evidence that pay is unfairly low for our draftees and our young enlistees and whether or not we agree in principle with an all-volunteer force, consideration of equity compels us to support the pay levels in the committee's bill. I hope all Members of the House will vote in favor of the bill.

Mr. HÉBERT. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. DANIEL).

Mr. DANIEL of Virginia. Mr. Chairman, the purpose of our foreign policy is to advance and protect the U.S. interest in world affairs.

The purpose of our Defense Establishment is to provide the muscle to insure that interest in the event that diplomacy fails.

Therefore, I desire to address my remarks to manpower authorization, the force levels under this bill.

Last year, by passage of Public Law 91-441, the Congress provided that, beginning with fiscal year 1972, no funds could be appropriated for active-duty personnel unless the average personnel strengths had been authorized by law.

Section 13 of H.R. 6531 implements Public Law 91-441. The average active-duty strengths authorized were justified in detail to the Armed Services Committee. These are the minimum strengths necessary to assure the national security of our country in fiscal year 1972.

The administration has already made cuts in our defense manpower. It has recommended even further reductions in fiscal year 1972. The authorizations in H.R. 6531 will provide an average strength for fiscal year 1972 of 2,609,000 for the Department of Defense. As stated in the President's budget, by June 30, 1972, a strength of 2,505,000 will be reached. This figure is over a million less than we had 3 years ago; about one-third of a million less than we have in uniform today; and almost 200,000 less than we had in 1964 before sizable troop formations moved into Vietnam.

Not since the demobilizations which followed World War II and Korea have we seen reductions in military manpower of this magnitude. I see nothing that exists in this world today that would justify further reductions below the authorizations provided by our bill. In making your judgment on this portion of the bill please be mindful of these considerations:

The continued momentum of the Soviet Union in strategic missiles, in aircraft, and in naval forces;

The continued growth of the conventional forces of the Soviet Union and other nations of the Warsaw Pact;

The developing capabilities of Communist China; and

The unstable and dangerous conditions in the Middle East.

Certain assumptions underlie these reduced active-duty manpower levels contained in this bill. These are:

First. Vietnamization will continue successfully.

Second. The National Guard and Reserve will be used to augment our active-duty forces should the need arise.

Third. Our allies will take on a greater share of the responsibility for international security.

Fourth. There will be no major armed conflict affecting the vital interests of our country in 1972.

To reduce the authorizations further would serve our national security interest.

I urge support of the strength authorizations provided as well as other provisions of the committee's fine bill.

Mr. ARENDS. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Thank you, Mr. Chairman.

Mr. Chairman, H.R. 6531 has a great deal with which to recommend it.

First of all it provides for a pay increase of $2.687 billion which certainly is much needed in terms of our military forces. Actually, what this does is to put servicemen on the same pay scale as those with equivalent skills receive from private enterprise.

Also, in my opinion this bill goes a long way toward correcting many of the inequities which presently exist in our draft statutes.

The thing that concerns me, however, about H.R. 6531 is that it fails to pursue the objective which I think many of us here in this body seek; namely, that of an all-voluntary military service. It was for this reason, therefore, that during committee consideration I inserted an amendment in section 17(c) which, in effect, would have extended the draft induction authority to 1 year instead of 2. In other words, this amendment called for extending the draft induction authority from the present time of expiration, July 1, 1971, to July 1, 1972, instead of July 1, 1973, as presently contained in the measure before us. Unfortunately, this amendment was defeated. However, as I indicated earlier in the day I am going to reintroduce this amendment at the proper time during consideration of H.R. 6531.

Mr. Chairman, I think that this amendment has five advantages which will enable us to attain the goal of an all-voluntary military service.

First, with the many benefits which are now contained in H.R. 6531, this will give the Department of Defense 15 months in which to increase enlistments and in which to realize the objective of an all-voluntary military service.

Second—and I think this is very important—this amendment, if adopted, will put this body on record as supporting the concept of an all-voluntary military service.

Third, it will also give the Congress what I would call an opportunity for reassessment. By this I simply mean that by this time next year if it becomes evident, despite the benefits contained in this measure, we still have not been able to obtain an all-voluntary military service, then the House of Representatives and the other body can consider alternative approaches which the administration might propose. I do not know what these suggestions would be—perhaps further changes in the pay scale, more money for enlistment promotions, or, perhaps, even further extension of the induction authority.

Fourth, I think we have to recognize that one of the basic weaknesses of this measure is this fact that it lacks the element of incentive. By extending the induction authority 1 year the Congress will give to the Department of Defense a time certain—July 1, 1972—to achieve an all-volunteer military service.

Adoption of this amendment will provide a real incentive for the Department of Defense to attain this objective within the next 15 months.

Fifth, this incentive also will apply to the administration itself, in terms of our involvement in Vietnam. It will provide an incentive for the President to continue to reduce our troop strength in Southeast Asia so that with this reduction, coupled with the increased enlistments that we hope this bill will bring, we will be able by July 1, 1972, to reduce draft calls to zero.

If we fail to do this, then this time next year this body will have a referendum opportunity, an opportunity once again to review the situation to determine whether or not we want to extend the induction authority.

Mr. Chairman, as I say, this amendment will be introduced at the appropriate time, and I would urge all of the Members to give it their serious consideration.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Chairman, after considerable reflection and all of the uncertainty which is normally associated with something new, a departure from tradition, I have decided to support the amendment that will be offered by the gentleman from Ohio (Mr. WHALEN) which would amend the draft bill, H.R. 6531, extending the draft induction authority for 1 year only—to July 1, 1972—in lieu of the 2-year extension provided by this measure. I support this amendment fully aware that it is a compromise measure, but convinced that it offers the best possible approach to the extension of the draft in view of all the debate currently swirling around the topic at the moment. In supporting the Whalen amendment, I am ultimately going along with the draft for another 15 months—not just the draft as we have known it in the past, but a draft with certain new features, especially a higher level of pay. I am giving the Defense Department and the administration 15 more months to see what effect the pay differential will have on recruitment and volunteers. I attach importance to this period of review and examination in view of all the claims which have been made for the feasibility of an all-volunteer armed force. I must confess that I am not too optimistic that there will be that much of an increase in volunteers and reenlistment. I am sure that my experience is not all that different from other Members. The young people of this country do not appear attracted to a life in the Armed Forces on a volunteer basis even at higher salary—certainly not the college population. But in voting for the 15-month extension in the life of the draft, I am admitting a willingness to consider and reexamine in depth the alternatives. Too, in 15 months the war in Vietnam hopefully will either be a thing of the past or a mere shadow of its former self. The manpower requirements for the Armed Forces should be considerably reduced.

In going along with the extension of the draft, I want to make it clear that I do not believe the present draft system is an ideal solution to our military requirements. There are many things which bother me about the draft. But I am also bothered about numerous features of an all volunteer Armed Force as well. Not that the known devil is always better than the unknown devil, but I do have certain lingering doubts about the concept of an all-volunteer Armed Force which must be cleared up in the next 15 months before I can become an enthusiastic convert. Despite all the claims to the contrary and the impressive support of the so-called Black Caucus of this House for the all-volunteer army, I still am not entirely convinced in my own mind that what we have to replace the draft, with all its inequities, will not be a system which will see rich men's wars fought by poor men—poor men who are attracted to battle and risk their lives simply because of an attractive pay. I realize that under the present system, an undue proportion of military responsibility is shouldered by the poor and the blacks. I am for reforming this aspect. But I am not convinced I would be doing so if I were to support an all-volunteer Armed Force. I do not feel the Gates Commission has really provided foolproof evidence that this possibility will not occur.

Furthermore, historically democracies and republics have relied, in fact, on a citizen army, not a professional mercenary force. The threat of a powerful professional military caste is something which bothered most of the democratic political theorists formulating their ideal society. If it has developed that a citizens' army has not proven satisfactory and has fallen far short of the ideal, I fail to see how the answer is to abandon the effort and swing 180 degrees in the opposite direction. I must take exception to those that argue that military conscription has no place in a democracy. From the earliest Greek city-states there are countless examples of democratic societies, both in fact and in theory, relying for their defense on a call-to-arms of the citizens. The idea was that when one's homeland was threatened, the nation could rely upon the citizenry to bear arms, do battle, and return to work. Universal military conscription, as a matter of fact, was argued by many political theorists in the 18th century to have a positive political value even in the absence of the threat of external aggression. It was argued that it was good for the country's political unity and spirit for all the youth to serve and receive discipline upon reaching a certain age, with the exception of only the most serious cases of physical disability. I think one of the real criticisms one can make of the present draft system is the layers of deferments and preferences which have been ingrained into the system. For a philosopher like Rousseau, there was as much reason to have a system of universal military training as a system of universal public school education. Our society has not gone this far. We have private schools and draft deferments. But I cannot help but feel that the solution to our military requirements is more in the direction of Rousseau than a professional military army, like the foreign legion.

Sure there are criticisms about the present system—far-reaching ones, serious ones, which should be considered seriously and not postponed forever. What seems to have happened is that the critics of the system have given up hope of reforming it and have instead turned their backs on a philosophic decision made again and again by democracies and republics throughout history. In the process, I believe feelings about the present war have grown to such a high pitch and resulted in such resistance that the critics have concluded that the best way to achieve a pullout is to destroy the source of its involuntary manpower. While I understand the reasons which have lead to this conclusion, I still cannot accept the conclusion. What is at fault is the war. What is at fault is the method in which the draft has been administered over the years, not the concept of a citizen army in and of itself. There is nothing undemocratic about a citizen army. When you get right down to it, a good case can be made out to show that it's part and parcel of the concept of a democratic society—the democratic ideal.

But, as I said at the outset, I think that there is much to be debated on this subject and hopefully the next 15 months will witness a continuation of this debate—of this search for a national policy on military training of the youth of this Nation. I am willing to listen and learn and approach another vote on this subject 15 months from now. Much can happen in a 15-month period to cool emotion and permit the calm, clear reflection and deliberation which one normally associates with a mature nation's legislative bodies.

Mr. PIRNIE. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana, Mr. DENNIS.

Mr. DENNIS. Mr. Chairman, and Members of the House, this is of course one of the most important, fundamental, and far-reaching bills with which this Congress will concern itself, and certainly it is one of the most difficult bills to vote upon so far as I personally am concerned. It is a measure which involves the lives of our young men; it involves our foreign policy; it involves the whole structure of our society; and it concerns itself with our personal liberties, and it concerns itself with our national defense.

The late Senator Robert Taft said some years ago that the draft—

> Is absolutely opposed to the principles of individual liberty which have always been considered a part of American democracy.

President Nixon himself has said:

> A system of compulsory service that arbitrarily selects some and not others simply cannot be squared with our whole concept of liberty, justice and equality under the law. Its only justification is compelling necessity.

So far as I am concerned, I subscribe to both of those statements.

The committee bill, it seems to me, goes quite a way toward reaching these goals. It provides the pay increases which are generally regarded as a necessary first step toward achieving a voluntary armed service, and it cuts in half the extension which has become usual from 4 years to 2 years.

The proposed amendment which will be offered by the gentleman from Ohio, (Mr. WHALEN), seems to me to merely attempt to make the step swifter and longer toward the same, identical goal, when he suggests a one-year extension. The principle involved is very close to being the same, and the question is, it seems to me, whether the 1-year period, under the presently existing circumstances, is actually a prudent and practical step at this time.

President Nixon has also pointed out, in advocating a volunteer service, that he did not think we could achieve that end while the Vietnam War was still going on, and that this is a goal which we should arrive at when the hostilities have come to an end; And I recognize the validity and the harsh reality of those considerations. I would like to vote for the 1-year extension, and I think I would do so if we were at peace, but we are not at peace. We are at war. And I am somewhat perturbed by the suggestion of the gentleman from Ohio, (Mr. WHALEN), that the 1-year extension can serve as a vehicle for a sort of a referendum about the current war in Vietnam.

I do not think the basic question of conscription versus a voluntary service ought to be decided on the basis of the merits or demerits of this war, or any other particular war.

This basic question ought to be decided on its own merits and, if possible, it ought to be decided during a period of peace.

I am not and I never have been for the idea of tying the hands of the President in the conduct of a war which is already going on. The thrust of the argument by the gentleman from Ohio seems to me to look in that direction and to approach, at least too closely for my liking, to asking for a vote of no confidence in the President and in the administration during the middle of an on-going armed conflict.

Moreover, obviously, we cannot be left without any armed services. There has to be a period of transition—and the question is—how long a period do we really need?

The President and those charged with the responsibility say that they need 2 years in order to bring that goal about in a practical, safe, and prudent manner.

It seems to me that their views on this subject, since they are informed and since they are charged with the duty, are entitled to a certain amount of deference.

Under all these circumstances, with great reluctance, it seems to me I may very probably be constrained to vote for the 2-year extension, with certain amendments which I shall propose, as noted this morning, designed to protect the legitimate rights of students and of legitimate conscientious objectors.

If I so cast my vote, I shall do so with the understanding that this measure is, indeed, a first step toward a voluntary armed service—and in the belief that, barring some severe and fundamental change in the international situation, in 1973, the second and final step will follow, which will return our country to the system of voluntary service, which is, historically, the free American way.

Mr. HEBERT. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, you are going to hear a full discussion of H.R. 6531. You have heard a detailed discussion up to now. You will hear much more under the 5-minute rule tomorrow.

For those of you who are not members of the committee, I direct your attention to the fact voluminous hearings were held. The hearings were rather different from any that have ever been held before during my years on the committee. Everyone had a chance to be heard, day after day—in the morning and then again each afternoon. All groups who asked to appear were given their opportunity to speak no matter what their philosophy was concerning the draft or about the amount of military pay.

All groups were all accorded a full hearing. Every member of the committee was given the opportunity to interrogate each witness. For that, I am sure we are all indebted to our chairman, the gentleman from Louisiana (Mr. HÉBERT) to whom we are also indebted for the fact that for the first time junior members of the committee were given the chance to interrogate the witness before more senior members. The new chairman established a rule that a member would be recognized, not according to his seniority, but according to the time that the member arrived in the committee room. When some of the senior members arrived a little late they did not get an opportunity to question the witness until after those who arrived earlier. But the doors were open to all. There were no executive sessions.

There is one feature of this bill that may be a subject of controversy tomorrow. It was offered by our chairman, the gentleman from Louisiana. That is the new conscientious objector provision. Before those of you who are not on the committee jump to any conclusions that the change is not a fair and an equitable amendment, let me call to your attention the fact that the extension from 2 to 3 years of service for a conscientious objector is not really or actually punitive. Instead it is eminently fair. The reason is that the third year of conscientious objector service takes the place of and stands in lieu of the 6 years Reserve duty that would be required of one who is drafted and serves for 2 years and at the end of such 2-year period faces 6 additional years of Reserve duty.

In my judgment the new 3-year period is eminently fair and not punitive and not inequitable.

Now I should like to address myself to some of the other details of the bill that the committee has carefully considered. I can report to you that not any important considerations were left unexplored. First an amendment was offered and defeated which would have extended the draft for 4 years. Then there was the amendment offered that would extend it for 1 year. Everyone had his say on each of these amendments. Finally the draft was extended for 2 years.

I know you have heard a lot of people say that the Armed Services Committee canceled all student deferments. This is not the fact. Some of us on the committee felt that student deferments should be continued until such time as there could be no appearance that we were changing the rules in the middle of the game. Let me make it clear to you the Armed Services Committee has done nothing to change student deferments. We have simply given the authority to the President to end student deferments if he chooses.

Another point, Mr. Chairman, that I am sure is going to be raised again and again under the 5-minute rule. I refer to the amendment or substitute offered in the form of H.R. 4450. This is the Gates Commission plan. Oh sure they had very extensive hearings. They published a large book which was kind of hard to wade through. But let me tell you that when all is said and done, the recommendations of the Gates Commission, as compared to the so-called 1973 plan for military pay which was finally adopted in committee was less than the committee bill: The committee bill provided for pay increases over $2.6 billion, or almost $2.7 billion. And listen to this. The committee bill provided a bigger pay increase for the lower grades of the military by, from $100 million to $200 million more than the pay scale of the so-called Gates Commission.

The committee listened to some witnesses who proposed we pay military personnel an amount comparable to what they could get in civilian life with starting pay of $6,000, $7,000, $8,000 a year. Well, the staff of the committee totaled up the tab on this suggestion, and we figured it would amount to somewhere between $15 and $20 billion or about $17 billion a year. The best estimate we could get of manpower costs showed the annual appropriation would have to be increased by about $17 billion. As it is, the added cost for manpower will be up by about $2.7 billion.

Without reservation it can be reasonably and fairly concluded that your Armed Services Committee has expected no roadblocks, or created no obstacles to be put in the path of the effort to try to make a voluntary Army work. I submit that is proven by the fact the committee bill calls for a newly enlisted private to receive the sum of $268 a month.

Mr. HÉBERT. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. ABZUG).

The CHAIRMAN. The gentlewoman from New York is recognized for 3 minutes.

Mrs. ABZUG. Mr. Chairman, I find it very interesting that we are sitting here in a debate—a lot of people who are past the draft age—talking about a bill that is going to continue drafting our young men to go to a war which is an illegal and an immoral war, a war which the American people oppose, and a war which is contrary to America's interests.

I also find it interesting that most of you who are here continue to support a practice which violates the basic traditions of our country. The compulsory conscription of the young men of this country to fight an undeclared war violates everything that every one of you who have supported this bill would normally oppose. Every one of you in this room would normally support the great American right to be free, the right to be independent, the right to human dignity—every right except the right to avoid being forced into wars, into conscription, and into an army.

It is with great sadness as a mother and as a woman who has for many years seen the agony of the young people in this country, it is with very great sadness, that I stand before this House and hear the talk once again of continuing a draft in a "peacetime" period. There may be a war going on, but it is a war that is going on illegally, without our consent in this House, and without the consent of the American people. It seems to me inconceivable that after 50,000 of our young men have been killed in this war; so many more wounded; and after many, many other young men have been forced to flee, to seek exile or go to jail rather than serve against their conscience; and many other young men in and out of the Army have been forced into drug addiction in order to escape the horrors of war, that we are still talking about continuing compulsory military service. And what about the prisoners of war? Those whom we so cynically paid tribute to last week—who are rotting in prison camps, through no fault of their own, and who will never be brought home until we, the American Government, bring this war to an end.

Yesterday at Fort Benning Lieutenant Calley was found guilty of mass murder at My Lai. He did wrong, he made an immoral judgment, and he killed civilians when he should not have. The significance of his case is that it reflects the wrongness of the war policies which have been made possible by the existence of an unlimited supply of manpower which in turn has given unlimited war power to the President and the Pentagon. Without the draft, this war and its many My Lais could never have dragged on so long. On this morning after the Calley verdict—which seems to have shocked so many of you—I think we display an inhuman hardness and callousness when we do not rise in a mass to object to the continuation of the draft. That we continue to allow this draft and this war to go on is indefensible. That we continue to foster a conscious military policy of killing innocent civilians and of making killers out of innocent young Americans is reprehensible.

As the Members know, I have testified before the House Armed Services Committee at hearings on the draft. I have proposed, and I am calling for, and I will continue to call for repeal of the entire military Selective Service Act.

I do not do this lightly. I do this, because unless we repeal the draft in this country, we as Members of Congress are failing to take responsibility for the foreign policy of this Nation. The draft has greatly weakened the constitutional power of the Congress of the United States over issues of war and peace. We see the results today as we continue to suffer and make others suffer in Indochina. The draft has provided the manpower for large-scale military intervention, without the approval of this House and without the approval of the people of the United States. Up there in the galleries and outside is where the real opinion is. The people do not want this war; they do not want this draft. Only in here, in this body are we deaf to the 73 percent who have spoken against the war, against the draft, and whose demonstration here today reaffirms where it truly is.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. **HÉBERT**. Mr. Chairman, I yield to the gentlewoman from New York an additional 3 minutes.

Mrs. **ABZUG**. I thank the chairman.

Mr. Chairman, I am suggesting that the existence of an unlimited supply of conscripts encourages the Government to resort to military solutions, and it discourages us from finding other policies, more constructive foreign policies for our country. I believe the Vietnamese war, the war in Indochina, has not only killed millions of people as it has also devastated their tiny countries who have done no harm to us, but that it is also ripping apart our own country. None of this could have taken place were it not for the existence and continuation of the military Selective Service Act. I think it is time we repealed the draft, because it is being continued primarily, even now, for the specific purpose of furnishing fighting men for Vietnam and Laos and Cambodia and Thailand.

It seems to me that a government which goes about the business of war is obliged to secure popular approval of the war, and is obliged to declare war through legal, constitutional channels. No government should be permitted to wage war simply by utilizing a ready supply of manpower to do so.

Conscription thus becomes the key element in enabling administrations, not only this administration but also previous administrations, whether Democratic or Republican, unilaterally to commit the Nation to war, even when that involvement proves to be illegal, immoral as well as dangerous to national interest and the health of our economy.

I think conscription has regrettably guaranteed to the military and to the Presidency the "flexibility" which by their own admission they covet. Ready access to a limitless reservoir of manpower has enabled them rapidly to expand the size of the Army by administrative fiat and thus to wage undeclared war. There was never any need under these conditions to go to the Congress, no need to go to the people. I think we must begin to end this. Testimony has been given to the Armed Services Committee which proves that without a conscription system to furnish men to the Armed Forces, even "gradual withdrawal" of American forces is not possible. Even "gradual withdrawal" requires that we feed more and more men into the war machine.

Selective Service Director Curtis Tarr recently visited Saigon for a firsthand view of the situation and expressed the judgment that we must have the draft in order to continue fighting in Vietnam.

According to figures given to us by the Defense Department, as of February the Army alone has been sending 19,000 replacements a month to Vietnam. The percentage of draftees who go to Vietnam is not recorded as they depart from the United States, but approximately 37 percent of the American troops in Vietnam are draftees, and that percentage has remained steady for a number of months.

You will find in analyzing these figures that the casualty rates among draftees are tremendous, because it is draftees who comprise the vast majority of the combat infantry ranks.

I believe that this abominable war must end, and the American people have made it clear through public opinion polls that they want it to end. We have not yet done anything about it here in this House, but I believe that we are going to act to see that it is ended, tomorrow in the Democratic caucus and, later, on the floor of the House. Let us start now by ending the draft today.

The CHAIRMAN. The time of the gentlewoman from New York has expired.

Mr. HÉBERT. Is the gentlewoman satisfied she has had sufficient time?

Mrs. ABZUG. Thank you.

Mr. HÉBERT. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. HICKS).

Mr. HICKS of Washington. Mr. Chairman, I am going to support the amendment of the gentleman from Ohio (Mr. WHALEN) when it is offered, and I should like to spend just a moment or two explaining why.

I was a member of the committee in 1967 when this act was before the House, and before the committee. At that time I voted against extension of the act because it was a deplorable act in my view. It required by law that students be deferred. It gave no consideration to the volunteer Army, and gave little consideration to the use of Reserves.

The present plan is much different. We are seriously considering the volunteer Army. We have a pay raise in this bill that will go a long way toward that objective, which is only treating these men in the service equitably, particularly in the lower grades, particularly those we are drafting.

So I find this bill not a bad bill except for one thing. It does not do what the gentlewoman from New York was talking about. It does not let Congress consider as adequately as it should what we are doing each year in the way of our military and foreign policy.

I contend that the military, the Defense Department, should come before the Armed Services Committee and the Congress each year and justify manpower needs in the same way it justifies its weapons needs and every other matter that the Armed Services and Appropriations Committees consider.

I see no difference between manpower and missiles and ammunition and clothing and anything else that is authorized or appropriated for. For that reason I feel that a year at a time extension of the draft is sufficient. Then we will have the opportunity to consider in depth, if we choose to do so, why the Department feels it will need so many draftees, or no draftees if it needs no draftees.

We should consider in depth each year the force levels and why those force levels are needed.

Consider the objection of the gentleman from Indiana (Mr. DENNIS), that we are in the middle of a war and a 1-year extension of induction authority is insufficient. I find that not a valid objection. It is no more of an objection than to say we should not consider plane procurement each year or tracked vehicles, because we are in the middle of a war. We do not give multiple-year authorizations for those items, and there is no more reason to do so for the manpower needs. Therefore, I believe serious consideration should be given to this amendment to be offered by the gentleman from Ohio (Mr. WHALEN) to extend the induction authority contained in this bill for 1 year only.

Mr. **CONYERS**. Mr. Chairman, will the gentleman yield?

Mr. **HICKS** of Washington. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank my colleague for yielding.

Has not this matter been discussed in the committee?

Mr. HICKS of Washington. Yes, this matter has been discussed in the committee.

Mr. CONYERS. I am talking about the number of men that should be supplied.

Mr. HICKS of Washington. It has been discussed in the committee, but it is not discussed as thoroughly as I believe it would be if it were up each year before the committee.

As a matter of fact, the climate in the House and in the country regarding this matter this year has caused much wider discussion than has taken place in our committee before.

I want to take this occasion, Mr. Chairman, to commend the chairman of our committee, Mr. Hébert, for the great breadth in which the committee was permitted to consider the present bill and for the fact that the committee will, I predict, continue to consider matters before our committee in far greater depth and breadth than ever before.

Mr. CONYERS. Were the Gates Commission studies considered carefully?

Mr. HICKS of Washington. Possibly not as carefully as they should have been, but they were considered. That is why I suggest we should go on a year-by-year basis rather than a 2-year or 4-year basis as we have had in the past.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. HICKS of Washington. I am glad to yield to the gentleman from Illinois.

Mr. MIKVA. Mr. Chairman, I compliment the gentleman on his remarks.

Mr. Chairman, in accordance with section 119 of the Legislative Reorganization Act of 1970, I wish to place in the Record the following amendments to H.R. 6531, which I intend to offer at the appropriate time:

On page 11, strike out lines 12 through 20, inclusive.

On page 4, strike out lines 13 through 25 inclusive, and on page 5, strike out lines 1 through 20 inclusive.

Mr. PIRNIE. Mr. Chairman, I yield to the gentleman from New York (Mr. Terry) such time as he may use.

Mr. TERRY. Mr. Chairman, I rise in support of H.R. 6531 as reported by the committee. The bill is sound in that it reflects the new direction of the military, as well as providing the necessary cohesion with the existing requirements of our Armed Forces.

Mr. Chairman, an extremely important part of the bill concerns the extension of the draft. The Army has currently launched a massive program to gain recruits and in concert with the Navy and Air Force, has been implementing new operation standards to enhance their image. However, with the current operational requirements of all branches of the service, the need for a draft system will continue through the next 2 years.

One aspect of the 2-year extension which has not received adequate attention from its opponents is the various steps taken within this bill to further equalize the distribution of the draft calls. A major step was taken with the implementation of the lottery system. Now, additional changes are being made to further regularize the impact of the draft, steps which if implemented will further diminish the inequalities which have plagued the Selective Service System for many years.

Chief among these is the President's recommendation for a uniform national call. Previously under the lottery system registrants with the same number, but different boards, were called at different times of the year. When the higher numbers were reached, the disparity increased as some people were drafted with high numbers and others were not.

Under the uniform national call, all registrants with the same number throughout the country will face the same liability. The lottery system will be, with the implementation of the uniform national call, what the public expects it to be; a truly equitable selective service system.

Mr. Chairman, there is great sentiment behind the concept of an all volunteer army. I must admit that I count myself among those who question the possibility of such a volunteer force. However, if it is to ever be a reality, much preparation has to be done. The bill before us today provides modifications to the current selective service system to improve it, as well as changes in the capacity of the military to improve themselves. This is the only way to proceed if we are to maintain a military force which is consistent with our security requirements.

Today, the military is in disrepute in many segments of the population. The disrepute is not held exclusively by any one political or economic group. It transcends all traditional classifications of Americans. This bill will remove some of the inequities which have tarnished the military's image and increase the capacity of the military to perform its mission during the coming years. Mr. Chairman, this bill deserves the support of this House, and I urge my colleagues to join in that support.

Mr. PIRNIE. Mr. Chairman, I yield such time as he may desire to the gentleman from Minnesota (Mr. Frenzel).

Mr. FRENZEL. Mr. Chairman, I regret that the House today is faced with a bill to provide a 2-year extension of the draft. Like most of the people in this country from the President to the next young man to be called, I wish we had the opportunity today to vote for an end to the draft.

Too long the draft has afflicted our society. Too long has it seemed to discriminate against the poor and disadvantaged. Too long has it created a deep sense of frustration and distrust of government among those who believe certain of our military operations to be unnecessary or unjust. The attractiveness of ending the draft is almost irresistible, but, unfortunately, that ultimate luxury of draft termination is not available to us now. The miracle that would let us end the draft this June is just not in sight now.

Our involvement throughout the world, and the international deployment of our military personnel may be questionable but they are fact. The mechanism for establishing a volunteer army may be tempting, but it is not tested. Therefore the hope for draft termination by this June remains a pious, but unachievable, hope.

But we must neither forget, nor unduly defer, our goals. For these reasons, I am supporting the amendment for termination June 1972, with the added stipulation that efforts be increased to end our involvement in Southeast Asia and to reduce our military personnel commitments elsewhere.

We have in this bill the beginnings of a volunteer military. That concept, in its earliest implementation, should be accompanied by our pledge to end the draft as soon as possible. We can do so by voting for the 1-year extension. In the horrible event that an additional draft extension is required, Congress is capable of that action on short notice.

The entire committee proposal, with the 1-year amendment, is worthy of passage. It includes some worthy reforms to the present Military Service Act such as a uniform national call and abolition of student deferments.

The passage of this conglomerate can give us, first, the beginning of the end of the draft, second, the beginning of a volunteer military force, and third, a better draft system during its last 15 months of existence.

Mr. PIRNIE. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. Nelsen).

Mr. NELSEN. Mr. Chairman, there was recently issued a special selective service call for doctors to serve in the armed services. A number of towns in my congressional district are about to be adversely affected by this physicians draft, and for this reason I would call attention to the fact that Selective Service officials under present laws and regulations are authorized to exercise the necessary discretion to defer from this call a young doctor whose services are needed in a rural area or possibly in a ghetto area either of which is suffering a shortage of physicians' services. I realize that the military must have doctors but I do urge extreme care so that undue damage be guarded against.

I would like to point out that it had been my intention to offer an amendment to the committee bill the language of which would make it clear that the status of young physicians whose services are sorely needed in a community might be recognized by Selective Service officials.

Several instances have been brought to my attention in the past couple of weeks where hard-pressed communities have worked hard and long to secure the services of physicians only to find that a young doctor who has made a commitment to serve in that community is now faced with a draft notice under special call No. 46. I would like to point out that this effect of the physicians draft after the abolishing of occupational deferments has not only worked a hardship on many rural communities, but its effect runs counter to efforts of the Congress to establish Federal programs which would increase the supply of physicians generally while at the same time encouraging young medical students to establish practice in the rural areas of our Nation. As a member of the Subcommittee on Public Health and Welfare of the House Committee on Interstate and Foreign Commerce, I am very aware of the crying need for physicians to facilitate the delivery of health care.

As a result of legislation written by our subcommittee, I am pleased to report that the doctor supply situation in

our country has improved as far as raw totals are concerned. In two respects, however, we have a long way to go. When I say this I have in mind the shortage of doctors which still exists in rural areas of our Nation and also the need for building up the numbers of doctors going into general practice. At this point I include in my remarks a table indicating the number of active physicians in the United States by type of practice for selected years from 1949 to 1967:

ACTIVE PHYSICIANS BY TYPE OF PRACTICE: 1949, 1960, 1967

Type of practice	1949	1960	1967
Number of physicians: Total active	191,577	230,762	295,072
Private practice: Total	150,417	165,844	[1] 190,079
General practice	95,526	74,553	62,757
Specialty practice	54,891	91,291	127,322
Nonprivate practice[2]	41,160	64,918	103,993
Percent of physicians: Total in private practice	100	100	100
General practice	64	45	33
Specialty practice	36	55	67

[1] Private practice not available for 1967. Figures shown are for solo, partnerships, group, and other practice.

[2] Includes for 1949 and 1960: hospital service (including interns and residents), medical school faculty, administration research, and Federal service.

Source: Health Manpower Source Book, secs. 14 and 20, Public Health Service Publication No. 263.

NUMBER OF ACTIVE NON-FEDERAL PHYSICIANS (M.D.) IN SELECTED SPECIALTIES IN EACH STATE, 1969

Geographic division and State	Active non-Federal physicians (M.D.) Dec. 31, 1969											
			Medical specialties				Surgical specialties					
	Total	General practice[1]	Total	Internal medicine	Pediatrics[2]	Other[3]	Total	General surgery	Obstetrics, gynecology	Other[4]	Psychiatry and neurology[5]	All others[6]
All locations[7]	273,502	66,347	64,322	33,638	16,622	14,062	86,104	26,038	17,049	43,017	22,483	34,246
United States	271,131	65,676	63,706	33,420	16,388	13,898	85,438	25,847	16,857	42,734	22,351	33,960
New England	19,747	3,671	5,203	2,825	1,237	1,141	6,126	2,072	1,043	3,011	2,046	2,701
Connecticut	5,241	904	1,407	763	352	292	1,609	480	330	799	563	758
Maine	931	287	171	88	44	39	316	117	43	156	38	119
Massachusetts	10,670	1,785	2,914	1,586	658	670	3,295	1,167	528	1,600	1,228	1,448
New Hampshire	885	261	178	104	44	30	271	91	39	141	62	113
Rhode Island	1,286	272	342	160	101	81	433	144	72	217	92	147
Vermont	734	162	191	124	38	29	202	73	31	98	63	116
Middle Atlantic	65,906	13,648	17,212	9,156	4,277	3,779	19,846	6,027	4,198	9,621	6,850	8,350
New Jersey	9,405	2,207	2,411	1,281	581	549	3,002	881	664	1,457	658	1,127
New York	39,995	7,201	11,157	6,005	2,833	2,319	11,919	3,702	2,511	5,706	4,803	4,915
Pennsylvania	16,506	4,240	3,644	1,870	863	911	4,925	1,444	1,023	2,458	1,389	2,308
South Atlantic	36,176	7,954	8,795	4,520	2,451	1,824	12,043	3,727	2,564	5,752	2,786	4,598
Delaware	654	146	146	69	46	31	205	65	50	90	59	98
District of Columbia	2,731	358	857	481	209	167	810	247	175	388	345	361
Florida	8,043	1,691	1,998	950	507	541	2,864	804	552	1,508	506	984
Georgia	4,470	1,017	1,021	524	279	218	1,592	507	355	730	294	546
Maryland	6,402	1,053	1,717	917	514	286	2,033	611	523	899	715	884
North Carolina	5,082	1,210	1,221	620	344	257	1,615	517	360	738	354	682
South Carolina	2,071	717	327	164	111	52	693	229	137	327	113	221
Virginia	5,026	1,251	1,178	600	357	221	1,617	487	324	806	346	634
West Virginia	1,697	511	330	195	84	51	614	260	88	266	54	188
East South Central	11,913	3,500	2,435	1,219	716	500	4,070	1,430	735	1,905	479	1,429
Alabama	2,827	847	600	296	172	132	974	339	191	444	79	327
Kentucky	3,082	971	610	305	167	138	989	363	160	466	153	359
Mississippi	1,692	641	281	132	92	57	544	191	114	239	59	167
Tennessee	4,312	1,041	944	486	285	173	1,563	537	270	756	188	576
West South Central	19,873	5,639	4,117	1,924	1,163	1,030	6,615	1,821	1,329	3,465	1,236	2,266
Arkansas	1,581	630	241	119	68	54	452	139	78	235	99	159
Louisiana	4,048	1,034	848	383	270	195	1,450	410	314	726	262	454
Oklahoma	2,376	732	484	241	123	120	764	215	152	397	143	253
Texas	11,868	3,243	2,544	1,181	702	661	3,949	1,057	785	2,107	732	1,400
East North Central	47,100	12,779	10,352	5,557	2,544	2,251	14,748	4,656	2,982	7,110	3,269	5,952
Illinois	14,127	3,837	3,250	1,740	839	671	4,207	1,348	888	1,971	1,005	1,828
Indiana	4,831	1,804	780	411	185	184	1,458	416	224	818	232	557
Michigan	10,240	2,391	2,247	1,229	532	486	3,364	1,117	785	1,462	854	1,384
Ohio	13,081	3,387	3,076	1,643	746	687	4,233	1,330	825	2,078	819	1,566
Wisconsin	4,821	1,360	999	534	242	223	1,486	445	260	781	359	617
West North Central	18,498	5,234	3,943	2,242	902	799	5,620	1,847	936	2,837	1,443	2,258
Iowa	2,692	969	434	234	104	96	827	258	118	451	177	285
Kansas	2,361	750	419	235	109	75	663	207	114	342	280	248
Minnesota	5,331	1,437	1,254	703	269	282	1,576	497	228	851	346	715
Missouri	5,528	1,075	1,389	825	313	251	1,826	613	352	861	513	729
Nebraska	1,541	564	286	156	68	62	431	158	78	195	88	172
North Dakota	544	202	95	52	21	22	164	60	25	79	26	57
South Dakota	501	237	66	37	18	11	133	54	21	58	13	52
Mountain	9,800	2,712	2,070	973	614	483	3,200	930	597	1,673	613	1,205
Arizona	2,070	628	438	208	110	120	658	191	130	337	106	240
Colorado	3,459	775	839	364	284	191	1,075	320	202	553	306	464
Idaho	603	252	82	43	23	16	188	58	30	100	20	61
Montana	644	241	110	59	30	21	209	60	34	115	19	65
Nevada	462	137	69	30	17	22	180	54	37	89	21	55
New Mexico	954	232	223	112	62	49	300	87	55	158	63	136
Utah	1,324	323	273	138	79	56	498	128	97	273	74	156
Wyoming	284	124	36	19	9	8	92	32	12	48	4	28
Pacific	42,118	10,539	9,579	5,004	2,484	2,091	13,170	3,337	2,473	7,360	3,629	5,201
Alaska	188	63	34	18	12	4	61	23	10	28	16	14
California	33,699	8,277	7,780	4,092	1,984	1,704	10,438	2,587	1,990	5,861	3,041	4,163
Hawaii	1,022	234	259	119	89	51	326	97	72	157	68	135
Oregon	2,712	720	594	328	133	133	933	253	157	523	168	297
Washington	4,497	1,245	912	447	266	199	1,412	377	244	791	336	592
Puerto Rico	2,238	647	582	203	218	161	615	169	179	267	129	265
Outlying areas	133	24	34	15	16	3	51	22	13	16	3	21

[1] Includes also physicians with no specialty specified.

[2] Includes also pediatric allergy and pediatric cardiology.

[3] Includes allergy, cardiovascular disease, dermatology, gastroenterology, and pulmonary diseases.

[4] Includes anesthesiology, colon and rectal surgery, neurological surgery, ophthalmology, orthopedic surgery, otolaryngology, plastic surgery, thoracic surgery, and urology.

[5] Includes also child psychiatry.

[6] Includes aviation medicine, occupational medicine, pathology and forensic pathology, physical medicine and rehabilitation, preventive medicine and public health, radiology (including diagnostic and therapeutic radiology), and specialities not recognized by the American Medical Association.

[7] Includes the United States, Puerto Rico, and outlying areas.

Source: Haug, J. N., and Roback, G. A., Distribution of Physicians, Hospitals, and Hospital Beds in the United States, 1969. Chicago, American Medical Association, 1970.

It has been reported that in 1931 three out of every four doctors in the country were general practitioners. It is interesting to note that the proportion of general practitioners has declined to a point where there were in 1967 only one-third of the doctors engaged in this family practice of medicine. The following table indicates that according to the study of the American Medical Association the proportion of physicians in general practice in 1969 had almost reversed itself from the situation which existed in the 1930's. We find that as of December 31, 1969, only some 66,000 out of 273,500 were actively engaged in general practice. See table No. 2. I want to emphasize this point because it is the general practitioner who is needed in the rural areas of our country.

A Library of Congress study made in August of last year was titled, "The Physician Shortage in Rural America." According to this study the number of physicians relative to population in rural areas has diminished at an alarming rate. Add to this the consideration that a high proportion of physicians in rural practice are over 50 years of age. When these relatively old general practitioners die or retire it is difficult to replace them with younger physicians going into the practice of family medicine.

The Library of Congress study emphasizes another point which complicates this disproportionate shortage of physicians in the rural areas of our country. The report states at one point:

> Evidence also suggests that a higher incidence of chronic health conditions exists in rural areas.

The point is also made that accident rates for rural residents are higher than those for urban residents. The report refers to a finding of the President's National Advisory Commission on Rural Poverty that rural farm residents have the highest rate of injuries caused by work-related accidents and that accident death rates are higher among rural than among urban people. It was the Commission's finding that in 1963 rural residents accounted for three out of five deaths caused by accidents.

In the last session of the Congress our Subcommittee on Public Health and Welfare held extensive hearings on proposals to increase the number of doctors going into the practice of family medicine. Without exception testimony was offered during the course of these hearings pointing up the need for more general practitioners in rural communities. Now in this session of the Congress we will be considering proposals for extension of the Health Manpower Act which expires at the end of this fiscal year. Again we will be concerned with programs to encourage the development of family practice and the carrying on of programs to encourage young doctors to locate in areas of greatest need. In this connection I might point out that under present law medical students receiving health professions student loans in medical school may take advantage of the loan cancellation provisions of the act. According to this forgiveness feature of the loan program, if the doctor practices in a certified physician shortage area, 50 percent of his student loan is canceled for the first year of practice and may be canceled at a rate of 10 percent for each year of practice thereafter. If the shortage area has been designated a rural low-income area, the total unpaid balance may be canceled at the rate of 15 percent per year of practice.

I have emphasized our concern in these matters to point up how procedures of the Selective Service under the present special call have the effect of running counter to everything we are attempting to do here in the Congress to alleviate the physician shortage in rural communities. President Nixon himself in his health message to the Congress in February of this year pointed out that Americans who live in rural areas or in urban poverty neighborhoods often have special difficulty in obtaining adequate medical care. The President stated that there is an average of one doctor for every 630 persons in our country today, but in over one-third of our counties the number of doctors per capita is less than one-third of that ratio. It was the President's recommendation that we should find ways of compensating and even rewarding doctors and nurses who move to scarcity areas. At this point in my remarks I include correspondence I have received from concerned individuals in the communities of Waseca, Fairmont, and Prior Lake, who are confronted with the loss of physician services, because of this latest physicians draft. After lengthy discussions with various officials representing the Minnesota Medical Advisory Committee, the Minnesota State Selective Service office, the National Selective Service office, the Office of Emergency Preparedness, the National Security Council, the House Armed Services Committee, and the White House itself, I have been led to believe that the Selective Service has the authority to exercise discretion in the drafting of these young doctors. In accordance with this assurance, I have been told that the necessary directives will be sent by Dr. Tarr to the various State directors. I wish to emphasize at this point that I am pleased to have the assurance of the Committee on Armed Services that this in fact will be done and that the needs of these adversely affected communities will be given proper recognition and that it is not necessary or proper that I offer amending language at this point.

I include the following:

FAIRMONT COMMUNITY HOSPITAL,
Fairmont, Minn., March 22, 1971.

HON. ANCHER NELSEN,
House of Representatives,
Washington, D.C.

DEAR MR. NELSEN: It has recently come to my attention that Dr. Stephen Lindahl has received his draft notice. Dr. Lindahl is just finishing his internship in a hospital at Fresno, California. We had been able to get Dr. Lindahl to consent to come to our community as a physician upon completion of his internship.

With the acute shortage of physicians we are experiencing, as indeed most rural areas are experiencing, any assistance we can get to keep Dr. Lindahl in our community would certainly be appreciated, not only by our medical staff, but by the people in the entire area.

Sincerely yours,
THOMAS A. DOHERTY,
Administrator.

FAIRMONT, MINN.,
March 19, 1971.

Representative ANCHER NELSEN,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE NELSEN: Recently the Selective Service System, especially for the drafting of doctors, has taken away the right of each individual state to determine the eligibility of its doctors for the draft.

Fairmont, a community in southern Minnesota which services approximately 30,000 patients medically, is sorely in need of new physicians. Several physicians have either left the area or have died within the past four years. In addition, at least five of the present physicians are in their late 60s or 70s and are either retired or soon will be retiring.

A University of Minnesota graduate, Dr. Stephen Lindahl, who is currently serving his internship in Fresno, California, has agreed to return to Fairmont for the practice of medicine. Because of his age and his near completion of his internship, he is subject to the draft which would remove him from an area in Minnesota that sorely needs his services.

I would encourage you to consider this problem which not only involves our area but most of rural Minnesota as you well know. If possible use your influence to help Dr. Lindahl start his practice in the Fairmont area.

The chairman of the National Advisory Committee to the Selective Service, August H. Groeschel, M.D. has his office at 1724 F St. N.W., Washington, D.C. 20535.

All the citizens in this area are keenly aware of the shortage of medical personnel and would appreciate any help that you can give them in this matter.

Sincerely yours,
ROBERT L. ZEMKE, M.D.

P.S. Dr. Lindahl notified me last evening that he has received his draft notice.

FAIRMONT CHAMBER
OF COMMERCE, INC.,
Fairmont, Minn., March 22, 1971.

Congressman ANCHER NELSON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN NELSON: Recently the Selective Service System has taken away the right of individual states to determine the eligibility of its doctors for the draft. This means that many young doctors (under 35) will be eligible for the draft irregardless of their critical position in their community. In the past, states have determined which young doctors were eligible based on the needs of various communities. Consequently, most of the draftees have come from areas that had larger complements of medical personnel.

Fairmont, like other rural communities, is engrossed in a serious struggle to attract young medical people. Presently five of our physicians are in their late 60s or 70s and are either semi-retired or soon will be retiring. Two young physicians have recently agreed to come to Fairmont, but because of their ages, they are subject to the draft. This action would remove them from an area in Minnesota sorely in need of their services.

We turn to you, as our elected statesman, to use your influence in helping us solve this critical situation.

Thanking you for your anticipated cooperation in this matter, I remain

Respectfully yours,
WAYNE J. UNZE,
Manager, Fairmont
Chamber of Commerce.

FAIRMONT, MINN., *March 19, 1971.*

Representative ANCHER NELSON,
House of Representatives,
Washington, D.C.

DEAR ANCHER: I am writing you concerning a medical problem we have here in Fairmont. As you probably know our medical situation has been going down hill for some period of time due to illness. Of the fourteen family physicians in Martin County, five are over 60 and two are over 70. You also probably know that Dr. J. R. Nickerson left Fairmont to practice elsewhere a couple of years ago and both Dr. Williamson and myself have had coronaries inside the last year. We are now in a position to get a new physician but the young man has been told that he is subject to the draft. I would appreciate anything you can do in his behalf for we desperately need help here in Fairmont.

Whether or not he comes has little to do with me for my practice is limited to Urology but the fellows in family practice certainly need assistance. His name is Steven Lindahl. He is a graduate of the University of Minnesota and now in his internship in Fresno, Calif.

With the governments requests that group practices be set up, the majority of the physicians in Fairmont have joined together and are building a new professional building in which to practice and this young man had been signed to a contract. It is now doubtful whether he will be able to come. It seems doubly unfair to us here for we keep hearing all this talk of the shortage of family practitioners, particularly in the rural areas, and now when we have an opportunity to obtain one, it appears that he is going to be taken from us.

I have also learned that of the 35 draftees chosen from our state, 28 of them had already agreed to go into family practice. This also seems doubly unfair. Anything that you can do to help us would certainly be appreciated.

Sincerely,

William M. Feigal, M.D.

March 17, 1971.

Congressman Ancher Nelsen,
Washington, D.C.

Dear Congressman Nelsen: I know that you are aware of the difficulties that rural communities are experiencing in maintaining adequate medical services. The shortage of medical doctors who are willing to locate outside of the metropolitan area has created serious problems for all of out-state Minnesota. I am certain that virtually every community in the Second Congressional District has a problem to a greater or lesser degree in this area.

A particular situation has arisen in Prior Lake, Scott County, that I feel is deserving of your attention. The area is presently served by only one doctor, Dr. Olaf Lukk of Prior Lake. The population growth in the area has far exceeded the ability of Dr. Lukk to adequately care for the residents in that community.

I am informed that Dr. Lukk was successful in obtaining a Dr. Eugene W. Ollila who is completing his internship at the Hennepin County General Hospital in Minneapolis to agree to join Dr. Lukk in practice in Prior Lake. Dr. Ollila has made arrangements for living facilities in the Prior Lake area and is planning to move to Prior Lake within a matter of a few weeks.

Unfortunately, Dr. Ollila has now discovered that he is number 15 of 35 doctors scheduled to be called into military duty by the Selective Service headquarters in St. Paul.

It occurs to me that this presents a situation where the services of Dr. Ollila could best be utilized by his being permitted to undertake practice in Prior Lake rather than being called into the military.

I would hope that you have an opportunity to make some independent inquiries to confirm this situation and if you feel as I do, perhaps you could undertake to persuade the Selective Service headquarters, that in this particular instance they would do well to grant a deferment to Dr. Ollila.

In any event, I would appreciate your looking into the matter.

Yours very truly,

Donald D. Alsop,
District Chairman.

March 17, 1971.

Re: Medical draft impact on Waseca, Minnesota.

Hon. Ancher Nelsen,
House of Representatives,
Washington, D.C.

Dear Congressman Nelsen: We address ourselves to you, our elected Representative to our federal government, in plea for help in preventing a medical vacuum of disaster proportions from occurring in this community and area.

The enclosed letters explain, in detail, the social and moral impact which would be caused by the loss of these doctors.

Many words are uttered, much time is spent and millions of dollars invested in searching for solutions to the paucity of medical practitioners in smaller communities and rural areas. Waseca has, through the efforts of its own people, gradually worked toward a solution. The proposed draft of Doctors Gerding and Hergott would completely destroy this effort. A result would be accomplished exactly the opposite to the result our government is striving to attain.

The words of Abraham Lincoln, "Government of the people, by the people and for the people," would be desecrated and this basic premise upon which this nation exists would become meaningless.

Respectfully submitted,

R. P. Madel, Jr.,
Lake Shore Inn Nursing Home, Waseca.
Lawrence T. Gallagher,
Attorney at Law.

General Foods Corporation,
Waseca, Minn., March 17, 1971.

Congressman Ancher Nelsen,
U.S. Congress,
Washington, D.C.

Dear Congressman Nelsen: I am writing to ask you to do everything possible to obtain deferments for Dr. Patrick Hergott and Dr. James Gerding who are scheduled to be drafted on approximately July 1, 1971. Dr. Hergott is one of the two medical doctors in this community of over 6,700 people, and Dr. Gerding is scheduled to move here and begin to practice this summer.

Our firm employs over 400 people year-round with a summertime increase of 550 to 600 additional workers. One third of our employees work on the 2nd and 3rd shift. With only two doctors we have many problems operating safely as we actually need five or six doctors. Some of the specific difficulties we presently encounter are:

We are unable to give employees pre-employment physicals to determine if they are physically able to work in our plant.

We are unable to give our present employees physicals. Over half of our employees are over age 45 and should receive annual physicals. At present we are fortunate if we can schedule these employees for physicals every three years.

We have difficulty in obtaining a doctor to treat minor injuries. Our plant nurses normally send employees to the doctor to treat questionable minor injuries to prevent them from becoming more serious and to insure that proper medical precautions are taken. At present, an employee may have to wait a day to see a doctor for minor injuries. Sometimes this delay results in their missing work and the needless aggravation of injuries.

Our night shift operation sometimes results in injuries that require one of our two doctors to be up much of the night. This in turn causes problems for the doctors' already crowded schedule for the next day.

We feel a need to have at least one local doctor visit our plant two or more times a month so as to be familiar with the work that is available for injured or handicapped people. The doctor would also be able to advise us on work situations that should be changed so as to avoid future injuries. We have not been able to have a doctor visit our plant for almost a year now.

As you can see we need more doctors here and to consider taking away one of our present doctors or one that we hope to have would be a tremendous hardship. This would be a hardship both for our plant's operations and for the employees who work here.

Thank you for your assistance.

Respectfully,

D. W. Armstrong,
Personnel Manager.

Waseca Chamber of Commerce,
Waseca, Minn., March 17, 1971.

Hon. Ancher Nelsen,
House of Representatives,
Washington, D.C.

Dear Ancher: Our city of Waseca is facing a problem which is causing us a great deal of concern and with which I sincerely hope you can give us some help.

For sometime Waseca has had a problem in obtaining Doctors and for an inducement to get doctors to come here the community rallied together and built a clinic. To show you the interest of the community and its concern $150,000.00 was subscribed within a period of less than one week. We now have two doctors, one of which has been here for several years and the other, Dr. Patrick Hergott came about six months ago. We are now in the position where we are able to get more doctors and another Dr. James Gerding is supposed to come here sometime this summer. We have now been advised that both Dr. Hergott and Dr. Gerding are subject to the draft which will leave our city of nearly 7,000 population with only one doctor.

To add to our problem Waseca is getting a new Technical College which intends to contract with the Clinic for medical services for their students. We also have in Waseca approximately 1600 Senior Citizens 65 years and over. Many of these have no mode of transportation and are dependent on our local doctors to take care of their medical needs. I can enumerate several factors to show the predicament in which we will find ourselves without sufficient doctors and I'm sure I do not need to spell this out for you.

I'm sure you recognize our situation and I know I and the entire Waseca community would appreciate any help you can give us to retain Dr. Hergott and Dr. Gerding. It might be of interest to you to know that the Minnesota Medical Association has recommended deferrment for both Dr. Hergott and Dr. Gerding, which proves they are aware of our plight and need. I sincerely hope you can find some way to help us.

Sincerely yours,

Alf Larson,
Manager.

Waseca Public Schools,
Waseca, Minn., March 17, 1971.

Hon. Ancher Nelsen,
U.S. Representative,
House Office Building,
Washington D.C.

My Dear Mr. Nelsen: You have been informed by telephone of the concern of the Waseca Community as it ponders the problem of maintaining medical service due to the possibility of two doctors being selected for military service. These two doctors are Dr. James Gerding and Dr. Patrick F. Hergott.

As Superintendent of Schools in Waseca, I am deeply concerned about the possibility of at least 2500 students being left without proper medical care. This, in addition to the employees will make our situation acute. The removal of these two doctors will indeed create a crisis in our community.

You are aware of the situation, I am sure, that we are not pleading for these two men as individuals. They are willing to serve. As an active Air Force Reserve Officer, I fully realize the need and obligation to serve one's country, but I believe the request for deferment at this time has top priority because of the great need in this community for medical care and its struggle to get doctors.

I am writing to Senator Humphrey and Senator Mondale on this matter and any united assistance to help us will be greatly appreciated.

Most Sincerely,

PHILLIP C. STOLTENBERG,
Superintendent of Schools.

MARCH 17, 1971.

Hon. ANCHER NELSEN,
House Office Building,
Washington D.C.

DEAR ANCHER: It has been brought to my attention that two of our three doctors are being drafted to serve in the Armed Forces, Dr. Patrick F. Hergott and Dr. James Gerding.

The people of this community are patriotic and sympathetic to the needs of the Armed Forces. However, it would appear that the Armed Forces could supply their need for doctors without leaving a community the size of Waseca with 7,000 population and the surrounding rural area badly in need of medical help with only one doctor. It could well be that we would be left without any doctor since our remaining doctor, Steve Normann, would probably find the burden so unbearable that he might also decide to give up his practice, leaving this community without any medical service whatsoever.

Our community has been in a precarious position regarding our medical needs. Our situation became so critical about three years ago that a group of interested citizens formed a corporation and sold stock to build a clinic so that we might be able to interest doctors to move to our community. It has been only within the past year that we have made any definite progress towards relieving this critical situation. We now find that we are plunged back into the same critical condition that we were in three years ago.

I therefore appeal to you to intercede on behalf of this community with the Selective Service so that they may grant to these young doctors who are now practicing in our community, Dr. James Gerding and Dr. Patrick F. Hergott hardship deferments which will relieve these young men from their obligation to the Armed Forces so that they might be permitted to continue their services to this community where they are so badly needed.

Very truly yours,

CARL A. SWANSON,
Mayor

FIRST NATIONAL BANK,
Waseca, Minn., March 17, 1971.

Congressman ANCHER NELSON,
U.S. Congress,
Washington, D.C.

Re: Dr. James Gerding, Dr. Patrick Hergott, Waseca, Minn.

DEAR CONGRESSMAN NELSON: I was shocked to hear that Dr. Hergott, who is now practicing in Waseca, and Dr. Gerding who is scheduled to open practice in July, have both been called up for the draft.

I am particularly disturbed, as the present Chairman of the Hospital Board, inasmuch as plans for our hospital building program are near completion and the success or failure of this program is based almost entirely on the premise that both of these doctors would be actively in practice this fall.

Through considerable effort on the part of Dr. Normann and the City Council, together with the Hospital Advisory Board, we have been able to bring the standards of the hospital to a point where they would qualify for accreditation and therefore meet the standards for medicare payments.

I cannot emphasize enough the damage to this program which would be incurred if these doctors were drafted at this time. There is no doubt in my mind the result would be complete abandonment of our building program. It is my understanding the Minnesota Medical Association has recommended deferment for both doctors and apparently there are many other areas in the state that have more doctors per capita than Waseca. The entire community has extended itself remarkably well to offer clinic facilities and the promise of a hospital addition in order to influence their location in Waseca.

Any assistance you could give us to help in the deferment of these two doctors would be greatly appreciated.

Thanking you for your time and consideration, I remain.

Sincerely yours,

R. P. SANKOVITZ,
President.

WASECA CLINIC,
Waseca, Minn., March 17, 1971.

Congressman ANCHER NELSEN,
U.S. Congress, Washington, D.C.

DEAR CONGRESSMAN NELSEN: I have been with the Waseca Clinic now for seventeen months during this time there were many times when I have wished there was some way I could be of some help to the Doctor when the waiting room is filled and the Doctors are double and triple booked.

Most of my time while with the Waseca Clinic has been trying to recruit Doctors. I have found Doctors want to join groups of at least three to five men. I can't really blame them if you want to spend any time with your family you can't be on call every other day and every weekend.

Finally Dr. Gerding agreed to come here over a year ago and mainly due to that fact Dr. Hergott agreed to come here last August first. There isn't any doubt in my mind that due to Dr. James Gerding and Dr. Pat Hergott being here was the main reason Dr. James Dey and Dr. Mark Gray are coming here. Dr. Dey and Dr. Hergott are the closest of friends as well as Dr. Gerding and Dr. Gray. We wouldn't feel right to hold Drs. Dey and Gray to their contracts if Drs. Hergott and Gerding weren't with us this July.

This of course would leave Waseca a city of 6800 people with only one Doctor. It could eventually lead to complete shutdown of Waseca's Health facilities.

It has been quite a shock to find 50% of the Doctors recruited for Waseca are to be drafted. I do hope and pray that there is something that can be done to help us out of what could turn into a medical disaster for this community.

Sincerely,

MEL DIETZ.

UNIVERSITY OF MINNESOTA,
Waseca, Minn., March 17, 1971.

Hon. ANCHER NELSEN,
Representative, State of Minnesota, Representative Office Building, Washington, D.C.

DEAR REPRESENTATIVE NELSEN: We were shocked to learn that Dr. Patrick Hergott, M.D., now practicing medicine at Waseca, and Dr. James Gerding, M.D., who is scheduled to come to Waseca to practice medicine, may be drafted into the Army.

This community has been deficient in medical doctors (one to three) and has been working hard to improve the situation. The community built a clinic and has made other moves to bring doctors to Waseca.

The city of Waseca has about 7,000 people in it and also serves an agricultural area around the city. In addition, there is a Southern School of Agriculture and a Technical College for Agriculture located at Waseca.

The school program has peaked at 300 students and the college program is just getting started. We expect 200 students this fall in the college program and expect the program to move upward to from 800 to 1,000 students. We have dormitory space for 312 students and this increases the need for medical services.

We need doctors for emergency purposes as well as for routine care and physicals. At present, with the limited number of doctors, it has been extremely difficult to get student medical service at Waseca.

We talk about the need for doctors in rural areas, it's true. Now that we have attracted several doctors, we need to keep them. Any help you can give would be appreciated. Thank you.

Sincerely,

EDWARD C. FREDERICK,
Provost.

WASECA CLINIC,
Waseca, Minn., March 17, 1971.

Congressman ANCHER NELSEN,
U.S. Congress,
Washington, D.C.

DEAR CONGRESSMAN NELSEN: I am writing to you at this time to give you a little background and history as to the medical situation herein our city of Waseca. In the past it has always seemed we have been short of help mainly due to the fact that the men in Waseca preferred solo practices rather than group practices. However, as time went along the older men dropped out or died, and on August 1, 1968 I found myself the lone practitioner of medicine in Waseca.

The situation was serious and a group of local businessmen and professional men in Waseca and myself met and decided the only way we could go would be to establish a Clinic building, preferably next to the Hospital, and embark on a strenuous recruiting program if medicine were to continue in the city of Waseca. Luckily, at this time a young Spanish trained surgeon who had previously been practicing in Wells, Minnesota heard of our plight, came to look over our situation and decided to move to Waseca. A short time later his brother who had been practicing for a few months in North Dakota decided that he would also like to come to Waseca and practice with his brother. As a result of their coming, I closed my one man office and leased a larger office space and attempted to orient and work with these two men. Much to our dismay this situation gradually became unbearable due to their inability to communicate with people, their lack of dedication to the practice of medicine and an inferior training.

In the early part of 1969 we contacted a young medical student, James Gerding, at the University of Minnesota who had made known a desire to practice as a general practitioner in Waseca at the completion of his internship. He agreed to help us in our recruiting problem and as a result we were able to recruit another Doctor, Dr. Patrick F. Hergott, to our Clinic who began working for us the latter part of July 1970. Following Dr. Hergott's admission to our Clinic, which incidentally, became a reality in the form of a modern spacious and up-to-date medical Clinic attached to our local Hospital on October 1, 1969. Dr. Hergott's practice grew immediately and through his efforts we were able to recruit another Doctor to start work July 1971 after his internship and now with four men soon to be active as a medical group we were successful in recruiting a fifth man also finishing his internship and ready to start on July, 1971.

Things had gone from bad to worse with the boys from Spain and they left the Clinic November 1, 1970 to return to Spain. Since that time Dr. Hergott and myself have endeavored to do our best to cover the medical practice in the city of Waseca. With a population of slightly over 7000 and the additional rural community immediately surrounding Waseca this has been a hard task. It is physically impossible for two men to adequately cover the population of this size. We have in addition much industry in our city, there are three schools, one of which is to become a Jr. College in the fall of this year.

To me it is frightening, frustrating, and with a tinge of bitterness that I look forward to more years of insufficient help and as a result inadequate coverage, medically, of our fair city. This, in contrast, to the operation including five active, dedicated and well-trained medical men.

I sincerely hope that something might be done to permit us to do an adequate job with the four men for whom we have worked so hard to obtain.

Sincerely yours,

S. T. NORMANN, M.D.

E. F. JOHNSON CO.,
Waseca, Minn., March 17, 1971.

Hon. ANCHER NELSEN,
Rayburn Office Building,
Washington, D.C.

DEAR ANCHER: I am deeply concerned to learn of the possibility of the induction of Drs. James Gerding and Patrick Hergott into the U.S. Army this summer. As the largest employer in the community of Waseca, we recognize the vital importance of adequate professional medical facilities and practitioners to support the emergency needs and the sustaining family requirements of our employee force. Without such support we cannot have a successful industrial operation in this community. Through the initiative and dedication of a group of the community leadership a very dangerous shortage of medical capability has been recitified by marshalling the local resources to build a clinic and recruit a competent staff. Drs. Gerding and Hergott are essential elements to this facility and to have these two critical people removed at this time will threaten its dissolution. We recognize the critical needs and difficulty experienced by the U.S. Army in acquiring adequate medical staff, but I sincerely believe that the national interest is better served at this point by giving special recognition to the needs of rural America. Anything you can do to gain favorable consideration for the deferral of the induction of Drs. Gerding and Hergott will be greatly appreciated.

Sincerely yours,

RICHARD E. HORNER,
President.

BROWN PRINTING CO., INC.,
Waseca, Minn., March 17, 1971.

Hon. ANCHER NELSEN,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE NELSEN: We have just learned of the fact that Dr. Patrick F. Hergott and Dr. James Gerding are to be drafted into the military service even though both men have been recommended for deferment by the Minnesota Medical Association. In spite of any present laws or regulations which nullify deferments, it seems to us to be extremely unjust to take these men out of our community where we have had a critical doctor shortage for some time. We are a highly industrialized community for a city of seven thousand people. Our company employs over five hundred fifty men and women and we shudder to think of the impact of losing the services of these two doctors. I know that the several other industries in our town, as well as all other residents, feel just as upset as we are.

We realize what demands are made on your time Representative Nelson, but we feel moved to ask you to do everything you can to assist us in getting a reversal in the decision to draft these men whose loss we feel unable to bear. Thank you most sincerely for whatever you can do to help the Waseca Community.

Sincerely,

EVERETT C. KING,
Director, Personnel and Public Affairs.

Mr. GUBSER. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, the House owes a debt of gratitude to the Committee on Armed Services for what is an exceptionally fine piece of legislation and an exceedingly well done report. I pay tribute to the chairman, to the staff, and all members of the committee for having undertaken full and open hearings and for having brought to the floor of the House a bill which, by and large, I think deserves the applause of the Members of the Committee of the Whole House on the State of the Union.

I specifically direct the attention of the Members to the material to be found on pages 27, 28, and 29 of the report which provides the justification for the pay package contained in the bill.

Having said that, Mr. Chairman, I must admit that there are two things with which I disagree. One is the length of the extension. I personally, will support the Whalen amendment at the time it is offered for a 1-year extension and, secondly, that provision relating to conscientious objectors which I hope the Committee will give some consideration to during the amendment process.

Mr. Chairman, an article which recently appeared in the Sacramento Union, highlights the results of a survey by the Air Training Command at Mather Air Force Base. According to the survey, young airmen:

> Generally are forced to live in substandard housing, have no funds for leisure, and are forced to eat below their desired standards.

Maj. Gen. William W. Veal, commander of the Sacramento Air Material Area was quoted as saying his base's statistics showed "a startling number of young airmen" in the Federal food stamp program for survival's sake.

Although one survey found nearly 1,400 servicemen using the food stamp programs, military personnel were denied other forms of public assistance. According to one county welfare official:

> It doesn't really matter what their income level is. We consider the military man a fully employed person. You're dealing with an intact family with the father fully employed—and to qualify for aid, they have to meet a deprivation requirement, either through the absence of the father or unemployment of the father.

The results of another study should be of interest to those who profess concern about the effect of military manpower procurement systems on different socioeconomic classes:

> Lower ranking Army families residing apart from the family head have a variety of ways of adapting. . . . The traditional arrangement, for the wife to live with relatives or parents, is not always satisfactory, for relatives or parents may not want to assist the family or may not have the financial resources to do so.
>
> The problems of maintaining separate residence will be most acute among members of low income or minority families, whose relatives live in the urban ghetto. Such families, whose husbands also stand a high chance of being drafted, will not have access to the personal, family, and financial resources enjoyed by middle-class families.
>
> Without family assistance the lower-ranking family may be forced to live with friends, or perhaps rent an apartment through use of funds received from employment, welfare, or the husband's part-time job.

The author of the study, a former Army social work officer, reported that this was not an uncommon situation.

The harsh reality is that many GI's now live in poverty due to a military compensation structure that is a national disgrace. During the period from 1948 to 1969, for example, the pay for careerists was increased by 111 percent, but by only 60 percent for first termers. The legislative history of military pay increases reveals that our current pay tables rely heavily on the power to compel young men to enter the military regardless of the wage level.

In spite of the fact that the cost of living rose by over 20 percent from 1952 to 1964, the pay of a recruit remained at a meager $78 a month for the entire period. In 1964, for example, Assistant Secretary of Defense Norman S. Paul admitted that low wages led to high turnover and poor morale, yet he cynically justified continued conscription as a budget saving device:

> Undoubtedly, if you significantly increased the pay of these people, more of them would stay in and there would be less griping and less people leaving the service . . . the cost of a significant pay increase has not been an investment (the government) wish(es) to make.

Under present pay scales, the average recruit earns only $2,750 a year—including basic pay, quarters and subsistence, and the tax advantage. Under any comparison, this wage rate is clearly inadequate: the Federal minimum wage annualizes to $3,300, an average Job Corps graduate earns $3,900 a year, and beginning wage for most unskilled blue collar work.

The difference between military entry pay and civilian wages represents a tax-in-kind of nearly $2 billion on those who are compelled to join the Armed Forces. The inequity of this implicit tax is intensified by the fact that less than one out of four young men are needed to fill military manpower requirements. Thus, the unlucky few who are drafted, or are draft-motivated volunteers, must bear a grossly disproportionate share of the national defense burden.

I am appalled by the logic of a system which compels young men to leave civilian life, and then forces them to choose between poverty and welfare; in a democratic society, it is intolerable that we use compulsory military service to reduce the cost of defense to the general public.

Every Member of this body is acutely aware of the deep anguish the draft has produced throughout our Nation. We have tried to reform the draft—and I hope we shall continue to do so by eliminating student deferments—but it is impossible to establish equity in a system that is inherently selective and discriminatory.

We are now faced with a unique opportunity to end the oppression of compulsory military service. Last year, the President's Commission on an All-Volunteer Armed Force reported that we could end the draft, consistent with our national security requirements, by paying our men in uniform a fair wage. It has been my privilege, along with the distinguished gentleman from Hawaii (Mr. MATSUNAGA), to have cosponsored legislation implementing the recommendations of this prestigious Commission, with the bipartisan support of 90 other Members representing a diversity of ideological backgrounds.

It has been most gratifying to see that the Committee on Armed Services has reported a bill (H.R. 6531) which contains much of what we advocated. For the first time in the modern era, a congressional committee has recognized the direct connection between conscription and inadequate military compensation. The committee should be commended for the pay structure recommended in their bill, which compares favorably to the recommendations of the Gates Commission.

It is my hope that we will now limit the extension of the draft to 1 year, to place the maximum pressure on all those responsible for setting public policy to make an all-out effort to end the draft. The 1-year extension, it should be remembered, is consistent with the Gates Commission view that the draft can be terminated within a year after the pay raises have been provided.

In his message on selective service, President Nixon stated:

> With an end to the draft we will demonstrate to the world the responsiveness of our system of government, and we will also demonstrate our continuing commitment to the principle of ensuring for the individual the greatest possible measure of freedom.

With these words in mind, I urge my colleagues to support the pay raises recommended by the committee, and to limit the extension of the draft to a 1-year period.

Mr. HÉBERT. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania, Mr. VIGORITO.

Mr. VIGORITO. Mr. Chairman, today and tomorrow we will be considering a most vital piece of legislation—the Military Selective Service Act of 1967. It has been 4 years since we passed this measure and since that time much has taken place in our military posture and in our national defense needs.

Because of this, the Selective Service Act is also in need of change. Many studies have been made since 1967 with the purpose of revamping or revising the Selective Service Act. The one which has caused the most attention is the proposal for an all-volunteer army.

Studies such as this have considered the Selective Service Act as a whole, as a big package. It may be true that we need a complete change in the act, but what I wish to offer for the consideration of my colleagues tomorrow is a short amendment, brief and to the point.

Its purpose is to straighten out what I feel is a great injustice in the present act. Currently two, three or even as many as five or six sons from one family may be drafted to serve in our military forces. A couple of days ago we all read in the newspapers of the death of an elderly woman who—during World War II—had sent five sons to war. Four of them came back in coffins.

Must we continue to allow this senseless tragedy? This woman made a great and patriotic gift to her Nation—the lives of four sons. But we can lessen the burden of this useless sacrifice when we are not actually at war.

My amendment states that two or more brothers from the same family could not be inducted into the military services if there was one male member of the family already in the Armed Forces, or if one had already been in the service previously.

The exceptions would be in the case of a war or national emergency declared by Congress or if the second brother wished to volunteer for military duty.

Every day families across the country are undergoing great anguish. They already have a son stationed in the military forces somewhere around the world and now a second brother—usually a younger brother—has also been called away. Instead of one son exposed to risk and danger, there are two sons who must face death in the service of their country. This is double and cruel suffering for parents.

We have a sufficient pool of manpower to fill the requirements of the Army, Navy, Air Force, and Marines. The latest census shows that there are more than 55 million families in the United States. Yet in 1965 we drafted 230,991 men into the services; in 1966, 382,010; 1967, 228,263; 1968, 296,406; 1969, 283,586; and 1970, 162,746; for a total of 1,584,002.

This shows that the burden of military service falls on a very small portion of our Nation. Yet, when you take two, three, or four sons from one family, you are placing a disproportionate weight on their shoulders. We would not be affecting the strength of our military forces by approving this amendment. But we would be doing a great service to millions of parents across the land. We would be equalizing the burden of suffering which every parent undergoes when a son goes off to fight in a foreign land. I urge my colleagues to join me in passing what I believe to be a most necessary and needed reform of our Selective Service Act.

Mr. ARENDS. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. KEATING).

Mr. KEATING. Mr. Chairman, I thank the distinguished gentleman from Illinois for yielding to me this time.

Mr. Chairman, at this time I rise in support of the amendment which will be offered by the gentleman from Ohio (Mr. WHALEN) to limit to 1 year the continuation of the draft induction authority in H.R. 6531.

Mr. Chairman, I entered the Congress in January of this year with an open mind on the subject of selective service. I shared the doubts of many toward an all-volunteer armed service. Since that time I have done a great deal of research and questioning on this subject. I have talked with many of my colleagues of the House and I have talked with many of the young people, and the older people, in my own district, and I have concluded that the establishment of an all-volunteer armed service is feasible, and indeed essential to the well-being of the Nation. It certainly falls more within the tradition of this country than does the present draft.

The legislation before us today, in the words of the committee report:

> Gives the Department of Defense all of the principal tools to do the job that the Department has asked of Congress, and that can be supplied legislatively.

I agree with this committee assessment, but I feel that the tools are adequate enough to move in this direction at a faster rate than is expressed in this bill.

There is in this vote another question, and that is our continued involvement in Vietnam. I have supported the President's policies, and feel that his program of withdrawal will be successful. Indeed, I feel his program of withdrawal will be accelerated, and I think he has been successful in reversing the ever-accelerating trend that occurred prior to his entry into office, but by having only a 1-year extension the Congress will be exerting its influence to insure an end to our military involvement in this next year. This action will put Congress in its constitutional position of oversight, and allow us to reexamine the manpower needs of the military in 1 year.

If Congress takes this road, we will be acting in a responsive manner.

Just as I feel that a 1-year extension is responsible and justified, I feel that to end the draft on June 30 of this year would be irresponsible. The 1-year extension gives the President a fair assessment of the temper of the Congress and that we are serious about moving toward a volunteer armed force. It also gives the President and the Department of Defense 15 months to move in that direction.

The Committee on Armed Services is to be commended for writing a bill that enables us to move forthwith to an all volunteer armed force. The bill includes many of the provisions of the bill which I introduced with 75 other cosponsors, and the recommendations of the Gates Commission report. These provisions include pay raises that are nearly equivalent to those in the volunteer Army bill. The committee bill provides quarters allowance and also permits expanded recruitment programs. In its report the committee stated its intention to support the recommendation improvements in ROTC programs and numerous other items. I feel that all these steps are strong moves in the right direction, and that is in the direction of a volunteer armed force.

I support the basic goals outlined by the bill, but strongly feel that Congress has an obligation to the Nation, and especially to the young men of America, to insist that we strive for creation of an all volunteer armed force in the next year. It can be done, and with the passage of this amendment, it will be done.

Mr. ARENDS. Mr. Chairman, I reserve the balance of my time.

Mr. HÉBERT. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. Hungate).

Mr. HUNGATE. Mr. Chairman, I thank the distinguished chairman of the committee for his courtesy.

Mr. Chairman, I would hope this body can afford itself an opportunity to vote for an end to the draft and for an all-volunteer army on a straightforward basis. I would seek a straight vote yes or no on the unmixed question of an armed services pay raise.

I see no necessity to mix pickles and pears, so that one who wishes to vote for an end to the draft, is compelled to vote against a pay raise for those in the Armed Forces.

I do not think one who wishes to vote for a pay raise for our servicemen should be compelled to vote for an extension of the draft.

Such parliamentary arrangements are clever. They are too clever. Putting inherently inconsistent questions such as have you stopped beating your wife: and did you ever make love to a sheep all you wanted to? This is an entertaining exercise on a burlesque stage, but should find no home in the Halls of Congress.

Mr. Chairman, it seems to me that every Member of Congress who can read and write has introduced some resolution aimed at resolving our Southeast Asian difficulties and restoring to Congress a vote on foreign policy. Now, I cannot join those who would vote against funds and appropriations for our troops whom we draft and send half way around the world to fight. I do not see how you can send draftees abroad and then deny them funds for supplies and weapons.

I do believe that an end to the draft would force the Chief Executive to fight his wars with volunteers, in which case, if he could, he would have a popular war and national unity would not be endangered. Or if volunteers did not supply adequate numbers of troops for foreign commitments then the President could simply come to Congress, justify his request, and ask for troops through a draft. That was the procedure of Abraham Lincoln, Woodrow Wilson, Franklin D. Roosevelt, and Harry S. Truman. Any President should rejoice to find himself in such company.

Here, Mr. Chairman, is the source of a voice for Congress on foreign policy. Let us seize it.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman.

Mr. CONYERS. Mr. Chairman, may I commend the gentleman from Missouri for making one of the most intelligent statements during the debate. I think every Member of this body should read his remarks before we vote.

Mr. HUNGATE. I thank the distinguished gentleman from Michigan for his customary generosity.

Mr. HÉBERT. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Leggett).

Mr. LEGGETT. Thank you very much, Mr. Chairman.

Mr. Chairman, I rise in support of this bill. I wish to commend the management of the committee, the chairman, in presenting the bill in the form that we have it today. The rule is an open rule. We have plenty of time to debate the bill.

As with any great bill, this one can be made even better, and I do intend to support certain amendments, one of which would propose to reduce the term of the bill from 2 years to 1 year, and I think another very important amendment would, in respect to the conscientious objector, conform the statute to the way the courts are currently interpreting the law, which I think would give young people a better break on what their rights are in the United States.

Mr. Chairman, this is a good bill which assures the required strength for the Armed Forces and assures the means of getting that strength by continuing the induction authority for 2 years while at the same time providing a means for eventually abolishing the draft and going to an all-volunteer force.

The pay rates established in this bill are justified as a matter of equity. They give substantial increases to draftees and other men with less than 2 years of service who have been compelled to serve at substandard pay rates in the past. They give a needed quarters allowance to all military personnel—an allowance that has not been increased in 8 years despite the obvious increases in housing costs.

These pay increases for the first time give us a rate of military pay which is fully competitive with the civilian economy and gives high promise of allowing us to achieve an all-volunteer force.

I want to take a minute to particularly point out one section of this bill and urge my colleagues to give it their support. This is section 6 of the bill which amends title 37 of the United States Code to provide special pay for optometrists. Quite frankly, this section is long overdue. Of the major medical specialties that are subject to the doctor draft—medicine, dentistry, osteopathy, veterinary medicine, and optometry—the optometrist is the only one that does not qualify now for special pay. Yet the optometrist has faced the draft in 4 of the last 5 years and has, in fact, faced the draft more frequently than some who now get special pay. The bill provides special pay for optometrist officers in the Army, Navy, Air Force, and Public Heath Service as follows: $50 per month in pay grades 0–1, 0–2, and 0–3; $150 per month in pay grades 0–4 and 0–5; and $200 per month in any pay grade above 0–5.

Take in relation to the pay provided dentists and physicians I think these rates are fair and I think they should go a long way toward improving the retention among optometrist officers and therefore improving the eye care provided to members of the Armed Forces.

This legislation has been coauthored by no less than half of the members of our Armed Services Committee, and I include a list of their names at this point in the Record:

Optometry: Provide additional benefits for optometry officers of uniformed services, by Mr. Fisher, Mr. Leggett, Mr. Lennon, Mr. Hicks, Mr. King, Mr. Brinkley, Mr. Corbett, Mr. Bennett, Mr. Long of Louisiana, Mr. Mollohan, Mr. Taylor, Mr. Byrne of Pennsylvania, Mr. Jones of Tennessee, Mr. Ullman, Mr. Whitehurst, Mr. Sisk, Mr. Wiggins, Mr. Ichord, Mr. Bob Wilson, Mr. O'Konski, Mr. Gubser, Mr. Davis of Georgia, Mr. Charles H. Wilson, Mr. Shipley, Mr. Nichols, Mr. Sebelius, Mr. Helstoski, Mr. Fuqua.

This special pay is justified in terms of the educational investment that optometrists have made and in terms of comparison of the average income of optometrist officers in civilian life as well as on the simple grounds of equity because of their liability to the draft.

Our Special Subcommittee on Supplemental Service Benefits in the last Congress in an extensive review of health benefits programs in the Armed Forces found shortcomings in the eye care provided military families. One of the things the subcommittee recommended was consideration of special pay for optometrist officers.

I might point out also that that subcommittee found inconsistencies in the staffing of three of the military services as regards to optometrist officers. I hope the Defense Department will understand that in providing this new provision to enhance optometrist careers, we will expect the Defense Department to use the authority in such a way as to improve its staffing of optometrists.

In summary, Mr. Chairman, this is one more example of the Committee legislating rather than rubberstamping. It is one of many new provisions that the committee put in the bill to mark a better day for our Armed Forces. I am proud of the committee's work and I hope all Members of the House will support it.

Now let us talk about the substance of the voluntary system.

Abolition of the draft is supported by elements of the entire political spectrum, from Senator McGovern on the left to Senator Goldwater on the right. Polls show it is supported by a substantial majority of the American people. A Presidential Commission, headed by former Secretary of Defense Thomas Gates and including former four-star Generals Gruenther and Norstad, studied the issues with competence, and concluded:

> We unanimously believe that the Nation's interest will be better served by an all-volunteer force, supported by an effective standby draft, than by a mixed force of volunteers and conscripts; that steps should be taken promptly to move in this direction, and that the first indispensable step is to remove the present inequity in the pay of men serving their first term in the armed services.

There is no question that a voluntary system would produce a more efficient, a more effective, higher morale fighting force.

Today and tomorrow we will be taking the first step in this direction by raising pay scales. But this is only the first of at least four steps we must take.

The second step, as acknowledged in the Committee report, is to improve the material living quarters and facilities, more privacy, and so forth.

These two steps will serve to attract sufficient quantities of men. But we must be concerned with quality as well as quantity. Modern warfare, with its technological and political complexity, is no place for dummies. We cannot expect a bright young man to voluntarily sign himself up fora life of make-work, stultifying regulations, and frustration of individual initiative. I am fully in support of Admiral Zumwalt's approach to military life, and I hope we will see much more of the same.

Fourth and finally, we must make a military career respectable in our general society. This cannot be done simply by deploring the declining prestige of the military. The plan fact is that, as long as the military is associated with the stupidity of operations such as the Vietnam war, it is not going to be a respectable element of our society in the eyes of the kind of man it needs to attract. The military has an honorable part to play in protecting our country from foreign nuclear aggression, and in helping those nations which are really free to stay that way. But if we continue the interventionist foreign policy of the past several years—well, the young people the military needs just do not like it and will not want any part of it, and there will not be anything we can do to change that. I am reminded of a poll by the Harvard newspaper last year which found more than 90 percent of the seniors would be unwilling to participate in the military under any circumstances.

If we make all these changes, Mr. Chairman, we can have a voluntary defense force. We can eliminate the injustice of the draft. We can eliminate the $675 million we spend annually to train men who drop out as soon as their terms are up, and then we have to train their replacements.

Finally, Mr. Speaker, let me discuss the fear many people have of a military caste developing, of greater influence of a career military on our society, and of the ultimate danger of a military coup. These arguments for the draft are not inconsequential, but on balance I find them not persuasive. We had a voluntary system throughout most of our history; we never had a peacetime draft until shortly before the Second World War, and we never had the military-industrial complex problems we have now. Great Britain has always had a peacetime volunteer force, and they have had ideal military-civilian relations. Greece had a conscripted force, and we all know what happened to them. Mr. Speaker, no one is more dedicated to civilian supremacy than I am, but in my view there is absolutely no question that the advantages of voluntary system outweigh its disadvantages.

Mr. HÉBERT. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Chairman, since I have been in Congress I doubt that we have faced a more important issue than the one we are facing today, and it is disconcerting to find so little attention being paid by the Members of the House of Representatives to this debate.

I know there is a great deal of concern being expressed about ending the war in Vietnam, and the liberal element of the House, of which I count myself a Member, is all concerned about cutting off the funds to continue the war in Vietnam as of December of this year, and I support this effort. But if we are willing to cut off the funds to avoid continuation of that war, why should we not also be willing to cut off the manpower that is needed for the war in Vietnam? There ought to be an equal commitment to end the manpower supply, just as there is a commitment to end the dollars needed for that war. The draft is inextricably tied up with the continuation of the war in Vietnam. I am one of those who believe if we want to end the war in Vietnam, we ought to vote to end the draft.

For my conservative friends, there is another issue. Many spoke about it today. They said they were so unhappy about the way in which Lieutenant Calley was treated, that they would never recommend to young people that they volunteer to serve in the Armed Forces.

As a matter of fact, one Member said if there was another such incident to happen, there will never be a sufficient supply of men who would voluntarily enlist in the Armed Forces. This very day a whole draft board resigned in Georgia because of what they consider to be the unfair treatment Lieutenant Calley received. The conservatives who believe Lieutenant Calley received unfair treatment ought to understand they are compelling young men to go into the Armed Forces and that there may result to these young men the unfair treatment they believe Lieutenant Calley received.

This vote is an extremely important opportunity for the Members of this House to declare to the President: Mr. President, we think Congress ought to take a part in this decision in Vietnam. We have stood by and let the Executive do it—and I have opposed the President of my own party just as I oppose my President of another party in this policy. I am going to vote to end the draft and have it expire, and I am going to vote to cut off the money for Vietnam. I am going to vote to end the war in Vietnam.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Chairman, after studying the provisions of H.R. 6531, I wish to commend the members of the Committee on Armed Services for their excellent work. The bill, while it contains provisions that I should like to see changed or amended, is in my opinion a sound and excellent attempt to legislate in this highly complex and difficult area.

I would also like to commend the distinguished gentleman from Louisiana (Mr. HÉBERT) who as chairman of the Committee on Armed Services extended the widest latitude possible to all groups and individuals of varying persuasions in the hearings on the bill. I think a particular expression of appreciation is due him.

Though the bill is generally sound, I expect to support some of the amendments that have been suggested. Among these is the proposal to limit the extension of the President's induction authority to 1 year rather than the 2 years provided herein. I support the 1-year extension primarily because I believe an annual consultation on the part of the executive branch with the Congress is to be desired on military matters. At the present time the Department of Defense, and, in fact, all other executive departments, must come to the Congress annually for operating budgets. I see no reason why the Department of Defense, or more particularly, the Selective Service System should not present their manpower needs to the Congress on an annual basis as well.

It has been the trend in recent years that the policymaking privileges inherent in the Congress have been absorbed by one or more agencies of the executive branch. I believe a 1-year limitation on the right to draft young Americans would tend to reverse this trend, and reassert the historic role of Congress as a coequal branch of Government.

Amending the bill to limit the draft extension to 1-year is in my opinion realistic. It would offer the administration an additional period of 15 months in which to explore the possibility of a volunteer army. A few weeks ago I sponsored H.R. 4451 to provide for the procurement of voluntary military manpower. This action would, in effect, place the Congress on record in support of the all-volunteer concept.

This amendment, in addition, would permit the executive branch and the Congress to determine whether increases in pay and other benefits are sufficient inducements to produce an all-volunteer force. Should the experience of the next 15 months prove otherwise, the administration would then have the opportunity to place alternative recommendations before the Congress.

Inasmuch as the continuing conflict in southeast Asia is the causative factor behind the need for extension of the draft, the year and three months granted under this amendment would provide the administration an additional period of time to wind down the Vietnam conflict. If the U.S. troop commitment in southeast Asia has not ended by the expiration of this law, then it will be encumbent upon the administration to request further congressional authority to continue the conflict. This would afford the Congress the opportunity and responsibility of determining whether the conflict should be perpetuated beyond July 1, 1972.

I am opposed to the proposal to end the immunity of divinity students. I believe this provision should be continued in the same form it currently has.

Another amendment which I believe has great merit and which I intend to support is one to restrict draftees under this 1-year extension from serving in Vietnam after December 31, 1971. The burden of the war in southeast Asia to date has fallen largely upon those who have been drafted. The casualty rate for draftees has been roughly twice that for enlisted men. These awesome statistics have been largely responsible for the extreme interest in an all-volunteer army.

In summary, then, I expect to support H.R. 6531 with certain amendments. This legislation does not offer the ideal solution to our military manpower needs.

However, it will, I believe provide a realistic alternative to the administration's request for a 2-year extension of the authority to conscript.

Mr. HÉBERT. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. Bingham).

Mr. BINGHAM. Mr. Chairman, I would like to thank the distinguished chairman of the Armed Services Committee for yielding me this time.

Mr. Chairman, I have asked for this time for two purposes. One is to announce that I will, at the appropriate time in the reading of the bill, offer as a replacement for section 1 of the bill, which contains the extension of the selective services authority, the substance of the bill I have previously offered as the National Service Act, which would allow any young man at the age of 18 to opt for civilian service in place of serving in the military or being liable to the draft.

The National Service Act as a replacement for the draft, is supported by 71 percent of the national population, according to a Gallup poll, and by 80 percent of those surveyed in the 21- to 29-year-old age group who would be most affected. This indication of support compares with a Harris poll showing 52 percent in favor of the much publicized all-volunteer army.

The National Service Act has won the support of many newspapers and broadcasting stations, including the New York Times, the New York Post, the Sunday Star, Washington, D.C., and WRC–TV here in Washington. The bill has been sponsored in the House by the following Members: Mr. Adams, Mr. Addabbo, Mr. Bergland, Mr. Byron, Mr. Carey of New York, Mrs. Chisholm, Mr. Dingell, Mr. Fulton of Pennsylvania, Mr. Halpern, Mr. Harrington, Mr. Hathaway, Mr. Hays, Mr. Leggett, Mr. Meeds, Mr. Podell, Mr. Rees, Mr. Roybal, Mr. Thompson of New Jersey, Mr. Tiernan, and Mr. Udall.

My amendment, the text of which I include below, would replace section 1 of the committee bill, the section which amends the Military Selective Service Act and extends it for 2 years. The amendment would retain all the other committee sections, including the pay raises for the Armed Forces which are much needed.

The National Service Act has been extensively discussed by me and others here on the floor in the past as well as in testimony before the Armed Services Committee both last year and this year. Let me, however, highlight some of its key provisions again. The present Selective Service law would be abolished. In its place, a young man at 18 would be given one of three choices: first, to volunteer for military service; second, to volunteer for civilian service; or third, to take his chances on a draft lottery.

Under the National Service Act willingness to perform civilian service would be the only commitment required of a young man to qualify him for this program. The jobs available in civilian service would be greatly expanded from the sort of jobs now available to conscientious objectors. They would include hospital work, law enforcement, urban renewal, Peace Corps and Vista type programs and a great variety of other jobs. Any young man who is unable to find his own job would enter the Civilian Service Corps, a Government program to train men in urgently needed skills. These men could then either find a job on their own with their new skills or they could remain in the Civilian Service Corps and perform such work as reforestation.

The National Service Act makes it possible for any young man who volunteers for civilian or military service to postpone his actual service for up to 4 years of education or training. This would be a true deferment, and not a de facto exemption, as present college deferments often turn out to be, and would allow a young man to be deferred for trade school or on-the-job training, as well as college.

Mr. Chairman, to make the full text of this amendment available to Members, I include it at this point in the Record:

Amendment to H.R. 6531, As Reported: Offered by Mr. Bingham

Page 1, strike out line 3 and all that follows thereafter down through line 22 on page 11 and insert the following:

TITLE I—NATIONAL SERVICE ACT

Sec. 101. This title may be cited as the "National Service Act".

POLICY AND INTENT OF CONGRESS

Sec. 102. The Congress finds that—

(1) the defense of the United States requires that a substantial portion of the young men in the United States must serve, at some time, in the Armed Forces of the United States;

(2) the manpower requirements of the Armed Services are unlikely to be met entirely by voluntary enlistments, and that ongoing provisions for conscription are necessary;

(3) the present Universal Military Service and Training Act, both in conception and administration, works grave and unnecessary inequities on the lives of the young men required to serve under it;

(4) there are many areas of nationally valuable work to which the market economy and Government programs presently supply inadequate amounts of manpower;

(5) young men of draftable age have both the ability to serve effectively in these areas and an idealistic desire to serve their country through participation in them; and

(6) a system of national service which provides an opportunity to effectively utilize these high aspirations and to accomplish these vital tasks, and at the same time provides for the military needs of the United States, is in the greatest national interest.

Therefore, it is the policy and intent of Congress in enacting the National Service Act—

(1) to fulfill military manpower needs by establishing procedures for the selection of men into the Armed Forces of the United States by means of a random lottery;

(2) to provide a free choice for young men between serving their country in a civilian or a military capacity, and to provide within the civilian category a variety of choices;

(3) to encourage civilian service registrants to become employed in areas of social need and to work within these areas in ways which do not interfere with the existing market and labor structure of those areas; and

(4) to create a selection process for the military which eliminates the inequities in the present selective service system.

NATIONAL SERVICE AGENCY

Sec. 103. (a) There is hereby established in the executive branch of the Government an agency to be known as the National Service Agency, and a Director of National Service who shall be the head thereof (hereafter referred to in this title as the "Director").

(b) The National Service Agency shall include a national headquarters, such regional headquarters as shall be established by the President, and such local placement centers as shall be provided by the President.

(c) The Director and three Deputy Directors shall be appointed by the President by and with advice and consent of the Senate and shall serve at the pleasure of the President. No person on active duty with the military forces of the United States shall be considered eligible for appointment as Director, Deputy Director, or any other office or position within the National Service Agency.

(d) Except as otherwise provided in this title, the Director shall appoint, and fix, in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, the basic pay of such officers, agents, and employees as he deems necessary to carry out this title.

(e) The Director is authorized, subject to the availability of funds appropriated for such purposes, to procure such space, personnel, and other material necessary to carry out the provisions of this title.

(f) Within the National Service Agency there shall be established three divisions, each headed by a Deputy Director appointed under subsection (c). These divisions are—

(1) the Civilian Service Division which shall be responsible for the operation and administration of the civilian service as established by this title.

(2) the Military Lottery Division which shall be responsible for the operation and administration of the system for the fulfillment of military needs as provided for in section 110 of this title;

(3) the Registration and Placement Division, which shall be responsible for operation and administration of all local placement centers as established in section 113(b) of this title.

The Deputy Director in charge of Registration and Placement shall also be responsible for the appointment, within each regional center as authorized in section 103(b) of this Act, of a Regional Registration and Placement Administrator.

(g) Each Regional Registration and Placement Administrator shall appoint a civilian board for his region, none of whose members shall be employees of the National Service Agency, to handle claims as provided for in sections 106(a)(4), 106(b)(2), and 107 (b), and shall appoint such hearing examiners who shall hear testimony, make findings of fact and conclusions of law and arrive at a decision as to the merits of any registrant's claim. A registrant shall have the right to appeal any such decision to the regional board as provided in section 107.

SELECTION OF QUALIFIED OCCUPATIONS

Sec. 104. (a) With the assistance of such advisory committees as the Director may establish, the Director shall from time to time promulgate regulations establishing specific occupational categories in which civilian service registrants may serve.

(b) An occupation shall be deemed suitable under subsection (a) of this section if—

(1) the occupation is of substantial social benefit to the community, Nation, or foreign nations wherein the registrants are to perform their service;

(2) Federal participation in the occupational area is constitutionally permissible under the First Amendment to the United States Constitution;

(3) participation of registrants in the occupation will not interfere unreasonably with the availability and the terms of employments of nonregistrant employees;

(4) registrants are able to meet the physical, mental, and educational qualifications that the occupation requires; and

(5) the occupation is in other respects suitable to the goals of this title.

(c) Suitable occupations shall include but shall not be limited to jobs in the employ of—

(1) State, Federal, and local government agencies;

(2) Public, private, and parochial schools;

(3) Nonprofit hospitals;

(4) Law enforcement agencies;

(5) Penal and probation systems; and

(6) Private, nonprofit organizations whose principal purpose is social service.

Suitable occupations shall not include jobs in the employ of—

(1) profitmaking business organizations;

(2) labor unions;

(3) partisan political organizations;

(4) organizations engaged in religious functions;

(5) domestic or personal service companies or organizations; and

(6) commercial farms.

(d) (1) Any action for the issuance, amendment, or repeal of any regulation promulgated by the Director under subsections (a) and (b) of this section shall be initiated by a proposal made (A) by the Director on his own initiative, or (B) by petition of any interested person, showing reasonable grounds therefor, filed with the Director. The Director shall publish such proposal and shall afford all interested persons an opportunity to present their views thereon, orally or in writing. As soon as practicable thereafter, the Director shall by order act upon such proposal and shall make such order public. Except as provided in paragraph 2 of this subsection, the order shall become effective at such time as may be specified therein, but not prior to the day following the last day on which objections may be filed under such paragraph.

(2) On or before the thirtieth day after the date on which an order entered under paragraph (1) of this subsection is made public, any person claiming that he will be adversely affected by such order if placed in effect may file objections thereto with the Director specifying with particularity the provisions of the order deemed objectionable, stating the grounds therefor, and requesting a public hearing upon such objections. Until final action upon such objections is taken by the Director under paragraph (3) of this subsection, the filing of such objections shall operate to stay the effectiveness of those provisions of the order to which the objections are made. As soon as practicable after the time for filing objections has expired the Director shall publish a notice in the Federal Register specifying those parts of the order which have been stayed by the filing of objections and, if no objections have been filed, stating that fact.

(3) As soon as practicable after such request for a public hearing, the Director, after due notice, shall hold such a public hearing for the purpose of receiving evidence relevant and material to the issues raised by such objections. At the hearing, any interested person may be heard in person or by representative. As soon as practicable after completion of the hearing, the Director shall by order act upon such objections and make such order public. Such order shall be based only on substantial evidence of record at such hearing and shall set forth, as part of the order, detailed findings of fact on which the order is based. The Director shall specify in the order the date on which it shall take effect, except that it shall not be made to take effect prior to the ninetieth day after its publication unless the Director finds that emergency conditions exist necessitating an earlier effective date, in which event the Director shall specify in the order its findings as to such conditions.

(e) (1) Any person who will be adversely affected by such order if placed in effect may at any time prior to the ninetieth day after such order is issued file a petition with the United States court of appeals for the circuit wherein such person resides or has his principal place of business, for a judicial review of such order. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Director or any officer designated by it for that purpose. The Director thereupon shall file in the court the record of the proceedings on which the Director based its order.

(2) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Director, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Director, and to be adduced upon the hearing, in such manner and upon such terms and conditions as the court may deem proper. The Director may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence.

(3) Upon the filing of the petition referred to in paragraph (1) of this subsection, the court shall have jurisdiction to affirm the order, or to set it aside in whole or in part, temporarily or permanently. If the order of the Director refuses to issue, amend, or repeal a regulation and such order is not in accordance with law, the court shall by its judgment order the Director to take action, with respect to such regulation, in accordance with law. The findings of the Director as to the facts, if supported by substantial evidence, shall be conclusive.

(4) The judgment of the court affirming or setting aside, in whole or in part, any such order of the Director shall be final, subject to review by the Supreme Court of the United States by writ of certiorari.

(5) The remedies provided for in this subsection shall be in addition to and not in substitution for any other remedies provided by law.

(f) The Director shall from time to time solicit information from all public and private employers who are authorized pursuant to subsections (b) and (c) of this section to participate in the civilian service program on—

(1) what types of jobs, whether existing or newly created for civilian service registrants, each employer would propose to have filled by registrants within the employer's organization;

(2) how many of each type of job the employer believes he could usefully fill;

(3) what effect civilian service registrants would have on his employment, and particularly hiring, practices; and

(4) what physical, mental, and educational qualifications the employer would require for civilian service registrants filling these jobs.

(g) The Director shall certify specific jobs as qualified for employment suitable for Civilian Service Corps employment according to the regulations promulgated by the Commission under subsections (a), (b), (c), and (d) of this section. The Director shall appoint hearing officers who shall hold hearings on the written request of any employer or registrant adversely affected by a decision of the Director as to the suitability of a specific job as Civilian Service Corps employment. The registrant or employer may appeal the decision of a hearing examiner to the appropriate regional board, as provided in section 113(f), within thirty days of receiving notice thereof. The decision of the regional board may be reviewed by the Director at the request of the registrant or employer. The decision of the Director shall be final.

(h) The Director shall regularly compile lists on a national basis of job opportunities which qualify within the occupational categories which are currently available, so that registrants shall have information on job opportunities throughout the Nation. These lists shall be available to registrants at local placement centers.

REGISTRATION

SEC. 105. (a) Except as otherwise provided in this title it shall be the duty of every male citizen of the United States to present himself for and submit to registration at the local placement center which serves the area in which he resides within ten days after the seventeenth anniversary of his birth; except that all persons heretofore registered under the Military Selective Service Act of 1967 or prior corresponding provisions of law shall be deemed to have satisfied the registration requirements of this paragraph.

(b) Each local placement center shall, at the time of registration, provide each registrant with detailed information on the nature and scope of the operations of the National Service Agency as provided to each placement center by the Office of the National Director. This information shall include but is not limited to a description of the operation of the military lottery, of enlistment opportunities in the Armed Forces, a list of general occupational categories established by the National Commission pursuant to section 104, and a detailed list of the actual qualified civilian service jobs available in the geographical area.

(c) Each local placement center shall maintain a staff of counselors who shall interview registrants and explain the details of the operations of the national service system.

(d) Each local placement center shall cause each registrant to complete, or where necessary shall complete for each registrant, such forms as may be required by regulations implementing this title, and such information shall be forwarded to the Director. All information contained in these records pertaining to registrants shall be disclosed only to authorized employees of the National Service Agency and to the individual registrant.

EXEMPTIONS AND DEFERMENTS

SEC. 106. (a) The following persons are exempt from participation in the military lottery:

(1) Personnel of the Army, Navy, Air Force, Marine Corps, and Coast Guard; cadets and midshipmen of the United States Military Academy, United States Naval Academy, United States Air Force Academy, and United States Coast Guard Academy; students enrolled in officer procurement programs at military colleges whose curriculum is approved by the Secretary of Defense; members of Reserve components of the Armed Forces and the Coast Guard; persons who served honorably on active duty in the Armed Forces at any time prior to the date of enactment of this Act; members of organized units of the federally recognized National Guard, the federally recognized Air National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, or the Coast Guard Reserve, so long as they continue to be such members and satisfactorily participate in scheduled drills and training periods as prescribed by the Secretary of Defense.

(2) Persons found physically, mentally, or morally unfit on a permanent basis, by standards to be prescribed by the President for any national service, either military or civilian, under this title.

(3) Persons who are not citizens of the United States. Any person who becomes a citizen of the United States after attaining

the seventeenth anniversary of his birth and before attaining the twenty-fifth anniversary of his birth shall be registered and treated in all respects as if he had attained the seventeenth anniversary of his birth on the date of his naturalization, except that his liability for service under this title shall not extend beyond the thirtieth anniversary of his birth.

(4) (A) During any period other than the period of a war declared by Congress, persons who, by reason of training and belief, are conscientiously opposed to any participation in the national service system established by this title.

(B) During the period of a war declared by Congress, persons who by reason of training and belief, are conscientiously opposed to participation in war in any form.

(C) In order to establish conscientious opposition under subparagraph (A), a registrant must prove by a clear preponderance of the evidence that service in general in a military and civilian capacity would be a violation of his most profound convictions. In order to establish conscientious objection under subparagraph (B), a registrant must prove by a clear preponderance of the evidence that participation in war in any form would be a violation of his most profound convictions. Whether an individual meets the requirements of this paragraph shall be determined pursuant to the procedure as provided in section 107.

(b) (1) The following persons shall be deferred, under regulations prescribed by the President, from participation in the military lottery:

(A) Persons satisfactorily pursuing a full-time course of instruction at a high school or similar institution of learning shall be deferred until graduation or until the end of the sixth academic year spent following completion of grade eight or the equivalent grade levels thereof.

(B) Persons found physically, mentally, or morally unfit on a temporary basis, under standards to be prescribed by the President, for any national service, military or civilian, under this title, shall be deferred for such time as that condition of unfitness shall continue.

(3) Any person granted a hardship deferment by the civilian board in their region pursuant to paragraph (2) below.

(2) A registrant may present, in writing, a claim of hardship pursuant to the procedure provided in section 107 at any time before or during a registrant's participation in the national service. Upon examination of the registrant's claim of hardship, a civilian board may—

(A) reject the claim as a whole;

(B) determine that the subsistence allowance of a civilian service registrant as provided for in section 13(b) shall be increased to provide for members of the registrant's family who are substantially dependent upon him for financial support, such increase not to exceed $4,000 per year maximum; or

(C) determine that the civilian service registrant be placed in a civilian service job if one is reasonably available which will enable him to reside with those members of his family who are substantially dependent upon him for personal services or for other forms of personal assistance; or

(D) upon a finding of hardship and a finding that subparagraphs (B) and (C) are insufficient either alone or applied together to provide adequately for members of the registrant's family who are substantially dependent upon him determine that the registrant be granted a hardship deferment from national service for as long as necessary; except that upon the twenty-fifth anniversary of his birth, a registrant deferred under this paragraph shall be deemed to have participated in the military lottery and not to have been selected during his period of liability.

CLASSIFICATION; RIGHT TO APPEAL CLASSIFICATION

SEC. 107. (a) Each registrant shall be classified according to regulations promulgated by the Director by the local placement center where he is registered on the basis of information supplied by the registrant to the local placement center. Whenever a registrant's status changes so that he believes that he is entitled to a classification different from that which has been previously assigned him, he shall apply to the local placement center by alleging in writing the facts which be believes entitled him to a different classification.

(b) A registrant may appeal his classification by notifying the civilian board appointed by the Regional Registration and Placement Administrator of that region pursuant to section 103(g) on or before the thirtieth day after receiving notice of any classification by the local placement center. The civilian board shall refer all appeals to a hearing examiner as provided for in section 103(g) to hear testimony, make findings of fact and conclusions of law, and arrive at a decision as to the merits of the registrant's claim. The hearing shall be held as close to the area in which the registrant resides as is practicable.

(c) The registrant may appeal the decision of the hearing examiner to his civilian board within thirty days of receiving notice thereof. The civilian board shall review the whole record and affirm the hearing examiner's decision only if supported by reliable, probative, and substantial evidence. On its discretion, the board may hear further testimony.

(d) Decisions of the civilian boards may be appealed by the registrant to the Director whose standards of review shall be the same as that of the civilian boards, described in subsection (c) of this section.

(e) A registrant who appeals his classification shall be entitled to appeal and to have the right to counsel at all stages of the appeal process. The National Service Agency shall, at its own expense, provide a lawyer for those unable to afford counsel. The hearing examiner shall determine whether the registrant is capable of paying all, some, or none of the cost of counsel. His decision shall be subject to appeal.

ELECTION OF SERVICE OPTION

SEC. 108. (a) Unless exempted as provided in section 106 of this title, each registrant (including those with deferments) on or before ten days prior to his attaining the age of eighteen years shall notify in writing his local placement center of his election to enlist in the Armed Forces, to participate in the military lottery, or to participate in the civilian service program.

(b) Any registrant who elects to enlist in the Armed Forces may have his entry into active service postponed by the Director if the Director finds that a program of education or training proposed to be undertaken by the registrant would enhance his potential contribution to the mission of the Armed Forces, but a postponement granted hereunder shall end at the close of the forty-eighth month after the month in which granted (which may not be before or include the month in which the registrant graduates from high school or similar institution of learning), or at the time the registrant successfully completes or otherwise ceases to engage in such education or training, whichever first occurs.

(c) (1) Any individual who elects to enlist in the Armed Forces pursuant to section 108 (a) and who postpones his service pursuant to section 108(b) may, upon request to and approval of the Director, transfer to the civilian service program.

(2) Any individual who elects to participate in the civilian service program pursuant to section 108(a) and who postpones his service pursuant to section 111(a) may, upon request to and approval of the Director, transfer to the Armed Forces.

(d) Upon receipt of the forms provided for the section 105(d) above, the local placement center shall immediately cause the names and registration number of each registrant selecting the military lottery option to be sent to the Deputy Director in charge of the Military Lottery Division. Only those registrants who have selected the military lottery under section 108(a) or those who have been placed in the military lottery as provided in section 118(b) of this title shall be processed as provided in section 110 of this title.

LENGTH OF SERVICE

SEC. 109. (a) Each person selected through the military lottery for service with the Armed Forces of the United States shall serve in active training and service for a period of twenty-four consecutive months, unless sooner released, transferred, or discharged in accordance with procedures established by the Secretary of Defense.

(b) Each person electing participation in the civilian service shall serve in active training and service for that period of time which the Director shall deem appropriate for the particular occupational category into which that person has been placed; except that no person shall be required to participate in active service in the civilian service for less than the period served by those participating in the military lottery or for more than forty-eight consecutive months.

OPERATION OF THE MILITARY LOTTERY

SEC. 110. (a) The Director of the National Service Agency shall establish under this title procedures for the selection of men into the Armed Forces of the United States by means of a random lottery of those individuals who have elected under the provisions of section 108(a) to participate in the military lottery.

(b) The lottery shall proceed by means of random selection. The random selection method will use three hundred and sixty-six days to represent the birthdays (month and day only) of all registrants who have elected to be placed in the lottery pool. On a date to be selected by the Director of the National Service Agency once each year the lottery shall be conducted selecting in a random manner each day of the year for every man who has since the last such lottery been placed in the lottery pool. On the same date, a supplemental drawing will be conducted to determine alphabetically the random selecting sequence by initial letter in surname among registrants who have the same birthday.

(c) The Secretary of Defense shall periodically notify the Director of the National Service Agency and the Deputy Director in charge of the military lottery of the number of registrants required to fill the manpower needs of the Armed Forces of the United States. The Director shall issue orders to report for induction to that number of individuals in the order that their birthdates and names were selected in the military lottery. Each registrant shall remain in the lottery pool for a period of twelve months following the date of the lottery selection for which he is eligible.

(d) A registrant who has received an order to report for induction but who has been granted a deferment under section 106(b) or under a procedure established by the Armed Forces, shall have his induction order stayed indefinitely but shall have his deferment reviewed each year thereafter until the twenty-fifth anniversary of his birth by the board which originally granted his deferment. If it is determined that the registrant can no longer qualify for a deferment, the induction shall be reactivated. When the registrant reaches the twenty-fifth anniversary of his birth, his induction order shall be permanently canceled.

(e) Any registrant who is discharged from the civilian service program pursuant to the provisions of section 118(b) of this Act shall have his name and birthdate placed in the random selection which next occurs following the date of his discharge from the civilian service program and shall remain eligible for a period of twelve months thereafter.

CIVILIAN SERVICE JOBS

Sec. 111. (a) It shall be the duty of each registrant who has elected to serve in the civilian service within six months of his election of civilian service or within six months after his deferment under section 106(b) has expired, whichever is later, either—

(1) to locate and become employed as a full-time employee in a job which has qualified for participation in the civilian service either upon previous application of the employer or upon application of the registrant, as provided in section 104; or

(2) if unable to become employed under (1), to join the Civilian Service Corps provided for in section 112; except that a registrant may not elect to enroll in the Civilian Service Corps until two months after his election or the expiration of his deferment, whichever is later;

except that a registrant may have his duty to comply with paragraph (1) or (2) suspended by the Director if the Director finds that a program of education or training proposed to be undertaken by the registrant would enhance his potential contribution to the mission of the Civilian Service Division, but a suspension granted hereunder shall end at the close of the forty-eighth month after the month in which granted (which may not be before or include the month in which the registrant graduates from high school or similar institution of learning), or at the time the registrant successfully completes or otherwise ceases to engage in such education or trainng, whichever first occurs.

(b) It shall be the duty of each registrant who has selected a job or a program pursuant to subsection (a) above to remain satisfactorily employed or enrolled for a period of time determined by the Director for the particular occupational category or program in which the registrant is employed or enrolled as provided in section 109(b).

(c) Public non-Federal and private employers who have employed civilian service registrants shall have the authority at all times to accept, reject, conditionally accept, or dismiss any individual civilian service registrant; except that if it shall be determined by the civilian service that any registrant was rejected or dismissed because of race, color, creed, or national origin, then the Director is authorized to declare under procedures provided in section 104 that the public or private employer be disqualified from inclusion on the official list of civilian service jobs. The employer shall be authorized to reapply for qualification under procedures provided in section 104.

(d) When any civilian service registrant withdraws or is dismissed from a civilian service job, and it is determined by a hearing, as provided for in section 119, that the registrant is to continue in the civilian service, then the registrant shall report to the local placement center nearest to his current place of residence, within ten days of the termination of the hearing, in order to be assigned to a new job or Federal program for the duration of his time obligation.

CIVILIAN SERVICE CORPS

Sec. 112. (a) There is hereby established a Civilian Service Corps which shall be under the direction of the Corps Administrator who shall be appointed by the Director. The Corps Administrator shall be under the immediate supervision of the Deputy Director of the Civilian Service Division. The Civilian Service Corps shall train and employ registrants who elected civilian service and who, having not found employment in a job which qualified for the civilian service, joined or were deemed to have joined the Civilian Service Corps.

(b) In order to operate the Civilian Service Corps, the Director is authorized—

(1) to establish any or all new facilities, including new construction necessary for the operation of the Corps;

(2) to establish necessary provisions for housing of the registrants enrolled in the Corps;

(3) to provide whatever is necessary to insure for the proper medical care of the registrants enrolled in the Corps, including but not limited to the utilization of armed services medical facilities;

(4) to request and utilize the services of any or all—

(A) departments of the Federal Government;

(B) agencies, departments, or units of regional, State, county, municipal, or town governments; and

(C) trade organizations, charitable organizations, educational institutions, any other private or public organization or group or any person or group of persons.

(5) to establish within the Corps programs for registrants who come from deprived backgrounds, which programs shall be essentially educational and training in scope and designed to enable the registrants to enter productive employment for the remainder of their civilian service and thereafter.

ADDITIONAL AUTHORITY OF THE DIRECTOR

Sec. 113. In addition to the authority granted in section 112, the Director is authorized—

(a) to delegate any authority vested in him under this title and to provide for the subdelegation of any authority;

(b) to establish a procedure for compensating all volunteers. Such procedure shall provide that non-Federal employers of volunteers must pay to the Federal Government the same wage paid by the employer to nonvolunteers performing the same or similar work or the minimum wage, whichever is greater, and that the Federal Government will compensate all volunteers at a rate equal to a subsistence allowance based on the cost of living in the geographical areas in which the volunteers work;

(e) to establish procedures to protect all volunteers from discrimination by any employer because of race, color, creed, or national origin;

(d) to utilize, when necessary, the services of all departments of the Federal Government; and

(e) to establish such regional review boards as may be necessary to hear appeals as provided for in sections 104(g) and 107(c).

(f) to prescribe such rules and regulations necessary to carry out the provisions of this title.

APPLICATION OF PROVISIONS OF FEDERAL LAW—REGISTRANTS NOT FEDERAL EMPLOYEES; FEDERAL EMPLOYMENT LAWS INAPPLICABLE

Sec. 114. (a) Except as otherwise specifically provided in this title, a registrant in the civilian service program shall not be deemed to be a Federal employee and shall not be subject to the provisions of laws relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(b) Registrants in the civilian service program shall be deemed to be employees of the United States for the purposes of the Internal Revenue Code of 1954 and of title V of the Social Security Act (42 U.S.C. 401 et seq.), and any service performed by an individual as a registrant shall be deemed for such purposes to be performed in the employ of the United States.

(c)(1) Registrants in the civilian service program shall for the purposes of the administration of the Federal Employees' Compensation Act, be deemed to be civil employees of the United States within the meaning of the term "employee" as defined in section 790 of title 5 and the provisions thereof shall apply except as hereinafter provided.

(2) For the purposes of his subsection:

(A) The term "performance of duty" in the Federal Employees' Compensation Act shall not include any act of a registrant—

(i) while on authorized leave; or

(ii) while absent from his assigned post of duty, except while participating in an authorized activity.

(B) In computing compensation benefits for disability or death under the Federal Employees' Compensation Act, the monthly pay actually paid by the employer shall be used.

(C) Compensation for disability shall not begin to accrue until the day following the date on which the enrollment of the injured registrant is terminated.

POLITICAL DISCRIMINATION AND ACTIVITY—INQUIRIES CONCERNING POLITICAL AFFILIATION AND BELIEF

Sec. 115. No discrimination shall be exercised, threatened, or promised by any person in the executive branch of the Federal Government against or in favor of any registrant in, or any applicant for enrollment in, the civilian service program because of his political affiliation, beliefs, or activities.

REPORTS BY EMPLOYERS

Sec. 116. Each employer (whether public or private) of civilian service registrant shall submit a report to the Director, in such form and manner as the Director shall require, whenever a registrant leaves or is removed from his employ. Except in cases of the normal expiration of a registrant's obligated service, such report shall state in detail the circumstances of, and reasons for, such termination.

CATEGORIES OF REMOVALS FROM JOB; EFFECT

Sec. 117. Each civilian service registrant shall possess the same rights of employment security against his employer as are enjoyed against such employer by other employees of similar rank and length of service. Any registrant who is removed from a job because of its abolition, or for any other reason not reflecting negatively on his performance, shall not be considered to have violated his obligation with the service; shall be considered to have been withdrawn without prejudice; and shall be eligible for transfer to new jobs within the service for which he is qualified. If a registrant is removed for any other reason (hereinafter referred to as "for cause"), he shall be liable to disciplinary action by the National Service Agency.

ADVERSE ACTIONS BY THE DIRECTOR

Sec. 118. (a) Adverse action against a civilian service registrant shall be begun by the Director only upon the basis of a special report from the registrant's employer supporting the registrant's removal from his job for cause or announcing the registrant's unauthorized departure from his job.

(b) Adverse actions against a registrant may include the imposition of such disciplinary sanctions, up to and including dismissal from the civilian service with loss of any benefits which would accrue as a result of completion of service as the Director or his authorized representative shall deem necessary. A registrant who is dismissed from the civilian service as the result of an adverse action shall be deemed to have elected to participate in the next military lottery whose date of drawing, as provided in section 110(b), is after the date of dismissal; except that any such registrant who has completed at least half of his required length of service in the civilian service before his dismissal, and has been selected by the lottery, shall be required to serve only one year in the military.

(c) A registrant may be dismissed from the civilian service only under circumstances involving willful disobedience, insubordinate conduct, conviction of a felony or highly unsatisfactory performance.

(d) Sanctions imposed by the Director against a registrant for misconduct shall not impair any rights of action, public or private, criminal or civil, accruing to any other party against such volunteer by reason of his misconduct.

(e) The Director shall establish procedures for the administrative release of registrants from the civilian service for reasons of health or hardship, where the documented basis in fact for the claim would be at least sufficient to confer an exemption from the obligation to serve. Action leading to such a release may be initiated either by the registrant concerned or by the civilian service. A registrant so released shall remain eligible for all benefits normally accruing to those who have successfully completed their service.

ADVERSE ACTIONS—PROCEDURES

SEC. 119. (a) The Director shall establish and impose administrative sanctions, up to and including dismissal from the civilian service by adverse action, to punish any registrant who fails to fulfill his obligation. He shall promulgate a code of sanction consistent with the provisions of this Act by regulation.

(b) There shall be created in the National Service Agency a Legal Corps. All members of the Legal Corps shall be members of the bar of at least one State. Members of the Legal Corps shall preside over each and every disciplinary hearing and each and every appeal therefrom. The Legal Corps shall be divided into a Hearing Division and an Appeals Division.

(c) The Director shall establish procedure for conducting a full and impartial hearing in any case where adverse action against a volunteer is contemplated or has been taken by the National Service Agency. Such a hearing shall be held at the request of the registrant; no registrant shall be dismissed from the civilian service without such a hearing. One member of the Hearing Division of the Legal Corps shall preside over each such hearing, and shall interpret the law and the facts in reaching a verdict and in imposing or upholding such sanctions as are found warranted.

(d) Any registrant whose punishment is imposed or sustained at a hearing held under section 119(c) of this title may take an appeal in writing to the Appeals Division of the Legal Corps within ten days of the announcement of the hearing judgment. The Appeals Division shall consider all appeals expeditiously. At its discretion, it shall hold an appeal hearing which may make fresh inquiry into both the facts and the law of the case. Such a hearing shall be presided over by three members of the Appeals Division.

(e) The Director shall promulgate rules governing all disciplinary hearings. Such rules shall provide for the right of the registrant to be advised by counsel, to confront any adverse witnesses, and to compel the attendance of witnesses. If a registrant facing a disciplinary hearing or an appeal therefrom desires representation by legal counsel but is unable to pay for it, the civilian service shall provide him with the services of an attorney who has been admitted to the bar of at least one State and is not employed by the civilian service, at no cost to the registrant.

(f) Any registrant who has abandoned or been dismissed from any employment shall have the right to a hearing in order to establish that his service has been satisfactory for completion of his obligation within the terms of section 122 of this title.

JUDICIAL REVIEW

SEC. 120. (a) A person suffering legal wrong because of action by the National Service Agency is entitled to judicial review. Such review shall be within the original jurisdiction of the district courts of the United States by writ of mandamus as provided in section 1361 of title 28, United States Code.

(b) There shall be no judicial review of actions by the National Service Agency or any officer or agent thereof until all administrative remedies provided in this title have been exhausted and Agency action is final.

(c) To the extent necessary to decision and where presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning and applicability of the terms of an Agency action. The reviewing court shall—

(1) compel action unlawfully withheld or unreasonably delayed;

(2) hold unlawful and set aside actions, findings, and conclusions found to be—

(A) arbitrary, capricious, an abuse of discretion, or not otherwise in accordance with law;

(B) contrary to constitutional right, power, privilege, or immunity;

(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

(D) without observance of procedure required by law; and

(E) unsupported by substantial evidence in the case when taken as a whole and based on the entire record.

COMPUTATION OF TIME OF SERVICE

SEC. 121. All the time spent by a registrant from the time of his initial entry into the civilian service shall count toward satisfaction of his obligation except—

(1) time spent in legal detention or incarceration; and

(2) time spent unemployed after voluntary abandonment of a job or dismissal from work for cause: *Provided, however,* That if disciplinary proceedings are instituted by the civilian service as a result of such abandonment or dismisal and the registrant is acquitted of fault, all the time spent unemployed after such abandonment or dismissal shall be counted toward satisfaction of his obligation.

ORDER OF CALL IN EVENT OF WAR

SEC. 122. Notwithstanding any other provision of this title, for the duration of any period of war declared by Congress, all persons subject to this title shall be liable for training and service in the Armed Forces and shall be inducted, unless exempt or deferred, for such training and service in the following order:

(1) Volunteers and delinquents,

(2) Persons in the military lottery pool under section 110 of this title,

(3) Persons in civilian service under this title, those with least service therein first,

(4) Persons under age twenty-six who were not inducted for training and service during their twelve-month period of prime eligibility in the military lottery pool; and

(5) Persons who have completed civilian service under this title.

MISCELLANEOUS AMENDMENTS

SEC. 123. (a) Section 5315 of title 5, United States Code, is amended by striking out

"(70) Director of Selective Service."

and inserting in lieu thereof

"(70) Director of National Service."

(b) Section 5316 of such title 5 is amended by adding at the end thereof the following:

"(128) Deputy Directors, National Service Agency (3)."

ADMINISTRATIVE PROVISIONS

SEC. 124. So much of the positions, personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available in connection with the functions, powers, and duties exercised by the Selective Service System immediately before the effective date of this title as the Director of the Bureau of the Budget shall determine shall be transferred to the Director of National Science. The transfer of personnel pursuant to this section shall be made without reduction in compensation for one year after such transfer.

PENALTY

SEC. 125. Whoever knowingly violates any provision of this title or any rule or regulation issued under this title shall be imprisoned for not more than two years.

REPEALER

SEC. 126. The Military Selective Service Act of 1967 (50 U.S.C. App. 451 et seq.) is hereby repealed.

SAVING CLAUSE

SEC. 127. This title does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SEVERABILITY

SEC. 128. If a part of this title is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this title is invalid in one or more of its applications, that part remains in effect in all valid applications that are severable from the invalid applications.

APPROPRIATIONS

SEC. 129. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

EFFECTIVE DATE

SEC. 130. (a) This title shall take effect ninety days after the Director of National Service first takes office, or on such prior date after enactment of this title as the President shall prescribe and publish in the Federal Register.

(b) The Director of National Service and the Deputy Directors of the National Service Agency may (notwithstanding subsection (a)) be appointed in the manner provided for in this title, at any time after the date of enactment of this title. Such officers shall be compensated from the date they first take office, at the rates provided for in this title. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Agency pursuant to this title.

TITLE II—MILITARY PAY AND ACTIVE DUTY STRENGTHS

Page 20, line 4, strike out "Sections 4–11 of this Act" and insert "Section 203–210 of this title".

Redesignate sections 2 through 14 as sections 201 through 213, respectively.

I indicated yesterday, on page 8440 of the CONGRESSIONAL RECORD, that I also have an amendment which would make the effective date of the cutoff of the student deferments, if student deferments are to be cut off, the effective date of the act and not April 23 of last year. Those students who began college last fall would be enabled to complete college in a status of deferment. They should not now have the rules of the game changed on them.

May I now address a question to the distinguished chairman with regard to the employment that is permissible for conscientious objectors. As I understand it, the bill, as it presently stands, defines alternate civilian service for conscientious objectors as "employment with agencies in government or public institutions which have difficulty finding eligible and qualified individuals to perform essential work."

My question is this: Is that definition intended to mean that work in hospitals or other nonprofit institutions, which now are able to employ the conscientious objectors, is work that will no longer be permitted?

Mr. HÉBERT. The limitations on defined work are public institutions, as the bill says. If the hospital is a public institution, supported by the State or city, it is eligible; but for the private ones, no.

Mr. BINGHAM. In other words, if the hospital is a privately supported institution, like some of our great institutions, it would not qualify?

Mr. HÉBERT. It would not qualify.

Mr. BINGHAM. Would the chairman further state what is the intention of the committee? If I understand it, the conscientious objectors who are qualified today are having difficulty obtaining suitable employment; that is, even today the positions where they can go in private hospitals, and so forth, are not sufficient in number to accommodate the conscientious objectors. What is the intention of the committee with regard to a CO who is qualified, but whose draft board cannot find employment within the meaning of the act?

Mr. HÉBERT. There was no indication in any testimony before the committee to contradict that there are many, many, many jobs in the institutions, the jobs outlined in the language of the law. The selective service, as the monitor of the individual conscientious objector, would be in a position universally or nationwide to determine where these positions are. I am sure there will be no difficulty at all. After all the CO's are detailed there will be plenty of jobs open.

Mr. BINGHAM. I am glad to note the chairman's statement, but that is not my understanding.

The reason I asked for the intention of the committee, is that there is no statement in the committee report as to why the CO's will no longer be allowed to work, for example, in private hospitals.

Mr. HÉBERT. This matter was discussed at length in the committee when we were considering the amendment in that particular area. The gentleman from New York is very closely identified with this type of institution and he did proceed and explain the matter to the committee, and it is his opinion there would be sufficient jobs.

The CHAIRMAN pro tempore (Mr. Gallagher). The time of the gentleman from New York has expired.

Mr. HÉBERT. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. Mitchell).

Mr. MITCHELL. Thank you for yielding, Mr. Chairman.

Tomorrow, or the next day, or the next day this House will pass an extension of the draft. We know that. We know that you have got your forces lined up so that you will end up continuing the draft. All that we can do is to stand and argue and articulate against this kind of senseless action which will perpetuate a senseless, stupid, bloody, dirty war in Southeast Asia in which we should never have become involved.

You will go home content this time after voting to extend the draft. You will go home content in your feeling that you have acted out of patriotism, when you ought to go home and hang your heads in shame that you have been guilty and culpable in extending national murder and national genocide, because that is what this undeclared war is.

When you go home I wish you could think about the young men that I see, their bodies mutilated and maimed. I wish you will think about the young men who supported me in my campaign, an arm missing, a leg missing or one who was blinded in Southeast Asia.

When you go home and feel your superpatriotism I hope you will understand that you have contributed to national hurt in a dreadful way that cannot be measured. You have contributed to the looming sense of disillusionment, the looming lack of credibility on the part of our young people in this system of government.

Go ahead; vote it. Go ahead; vote to extend it. But remember when you do you are not patriots. You are not partiots. All that you are doing is contributing to a greater division, a greater hate, a greater alienation. And you are compounding a felony by continuing a war in which we should never have become involved.

Mr. HÉBERT. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. Harrington).

Mr. HARRINGTON. Mr. Chairman, the outcome is not in doubt. We have had extensive hearings, and I might join with my colleague from New York (Mr. Pike) in being one who fought hard to attain a seat on this committee, to express my pleasure at the way in which the hearings were conducted. A point of view which was obviously not a majority one was tolerantly, pleasantly, and expansively accepted.

I would like, if I could—even with the outcome, as I say, not in doubt—to at least force this body to face reality.

Last December, Robert Penn Warren, in accepting an award in Washington, had occasion to refer to this institution. He referred to the Congress of the United States as a place that could very often offer imaginary solutions to real problems and real solutions to imaginary problems but which never got around to offering real solutions to real problems. I think this bill is in that category.

Mr. Chairman, if we have to have a draft, I suppose this bill does a great deal toward correcting inequities that exist in the present system. If we have to have a draft, I suppose this bill goes toward quieting some of the objections that have been raised from time to time. However, it is my contention and I hope it is that of this membership that there is no need, either in our history or in the present definition of our national security, to extend the draft.

The fight has been largely symbolic. There are not going to be more than 115,000 or 120,000 people conscripted. If we can take the administration and its spokesmen at face value, these draftees will be used very little in a combat context. But, outside of this very unreal world which we call Washington, D.C., there are people who do not believe that this system has a place in our society and who do not believe we need to draft 114,000 people to meet our security needs. They do not believe we should have a Standing Army of 2.5 million men in order to insure our security. These are the people who have been torn up and who have been forced to bear the major burden of the responsibility to serve.

I want a body which is mighty in its interest in efforts to face this responsibility rather than to avoid it. I want us as Members of Congress to have to make the decision that the President has made for 10 years. I want us to face this issue squarely in a year when we are confronted with the chances of standing for reelection. I want us to face it next year and not avoid this responsibility. The responsibility should be ours and we should face it.

I do not think there is any reason to expect that this bill is going to insure that the American public, particularly that segment which has been so badly treated by a continuation of this system, is going to feel that the Congress for once has begun to deal with and offer real solutions to real problems.

I hope tomorrow, when I intend to offer an amendment to end the draft on June 30, that enough Members who feel that way will be present to recognize what the real world is saying outside of Washington, D.C., and that it will be reflected when the vote is taken.

Mr. HÉBERT. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. Conyers).

Mr. CONYERS. Mr. Chairman, I begin by commending the gentleman from Maryland (Mr. Mitchell), the gentleman from California (Mr. Waldie), the gentleman from Massachusetts (Mr. Harrington), and the gentlewoman from New York (Mrs. Abzug), who have all articulated what is not only a majority position in our country but have added, I think, immeasurably to the discussion now underway.

Why will not the House of Representatives end the Selective Service System? Well, we will not end the draft for the very same reasons that we will not assert our right to declare war. It is not accidental that the same leaders in this body who refuse to do their duty so clearly set forth in the Constitution that high school children understand it, are the same leaders that now insist that the draft be continued for 2 additional years in the face of the overwhelming evidence that requires its immediate dismantling. The reason is they are wittingly or unwittingly a part of the Pentagon complex which causes them to feel they must comply with the militarist mentality that is now so pervasive in government and business circles alike.

Now, after 7 disastrous years, some of us have arrived at the rather elementary conviction that if we want to stop war, we ought to stop the draft. The truth of the matter is that there are more Congressmen who claim they are against the war than there are Congressmen willing to vote against the war. The administration concurrently provides those who prefer to give token opposition to the war a series of convenient rationales, the latest called Vietnamization, as if substituting Vietnamese bodies for the bodies of white and black Americans could ever legalize our conduct in Indochina.

In point of fact we are not winding down the war but moving to a newer more intense level, into the automated slaughter phase. This Nation's increasing technical military proficiency will enable us to continue to have high enemy body counts that we have had in the past with less troops and with less American presence in Indochina.

And, so it appears to me that these undeclared wars that we are in will continue to happen so long as the draft provides an easy military solution to political problems.

Those in this body who oppose this draft are laying a foundation that will result in tomorrow's victory. We may lose this skirmish but we will win ultimately the battle. But what a ghastly price each day's delay will cost. Cannot the leaders on both sides of the aisle realize their continual refusal to face up to the real issues are undermining the confidence a people must have in its government if it is to function as a democracy? Their position is as ludicrous as it is hypocritical. They are against the war but they are for the draft.

To all of you whom that description fits, I will say that not everyone in this country is being deceived by this mindless posturing. Until this Congress stops sending men and materials to the war, which is what our citizens want us to do, we cannot claim to be acting in good faith.

Until we act, there may always be wars, whether there is a Democratic President or a Republican President in the White House. Our conduct, and lack of it is a prime reason that this Nation clings to an outmoded foreign policy dictated by militarist adventurers. Daniel Webster's admonition that the adoption of military conscription is the first step toward tyranny is as true now as it was then.

Mr. Chairman, the truth was never more clearly stated than it was during World War I when a Member of the other body whom some of us knew, former Senator Carl Hayden of Arizona remarked:

> Let us not pay Prussian militarism, which we are seking to destroy, the compliment of adopting the most hateful and baneful of its institutions.

I say this because what we are trying to do is to delay the inevitability of a volunteer army. We could not continue the war in Vietnam with volunteers. There are not enough in America that would step forward to continue this most unpopular war perhaps in our entire history. Yet we here are trapped by our own leadership; betrayed by decisions and agreements made by leaders on both sides of aisle. We are strangled here aginst the will of the American people and are forced to accept the dictates of a majority in the House who are in fact a minority in this Nation.

I find it unconscionable, but I do not find it alarming because I have been in that situation many times in the last 6 years. I do not anticipate that it will end in the 92d Congress.

But sooner or later more and more will begin to recognize what we are doing in the country that we profess to love when we extend a system that will send our men to be slaughtered in a way that is unconstitutional.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HÉBERT. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, I had not planned to speak, during general debate on this particular piece of legislation, but now that we have heard the arguments for and the arguments against the proposal from our Committee on Armed Services I believe that it behooves all of us to try to objectively look at what we are trying to do in asking for an extension of the draft law in the United States.

This is in name and, in fact, a selective service law. It has only one purpose, and that one purpose is to provide for the defense needs of your country and mine. Experience has shown us that until now, in spite of the desirability for a volunteer army, we cannot in times of emergency be prepared unless we have a draft law.

This law has served us in years gone by, in what I believe to be a good way, because it has provided for us the manpower which the several branches of our Defense Department needed in time of peace and in time of war.

You hear an awful lot of people talk about the discriminatory provisions of the law as it exists, and almost everybody, including myself, believes that some revisions ought to be made.

When we talk about discrimination let us be honest with ourselves and admit that it is almost humanly impossible for this Congress, and it is humanly impossible for this committee, to pass a draft law that somewhere, some time, somehow, under some circumstances, does not discriminate against somebody. To those of you who are idealists perhaps you believe otherwise, but if you are halfway pragmatic you know that we cannot write a law which does not, under certain circumstances, discriminate.

It is discriminatory to say to a man of one age, "You must serve," and to a man who was just a day younger, "You do not have to serve." It is discriminatory to take the men and to allow the women to stay at home. Yes, it is discriminatory to allow one man to continue his education under the guise, if you want to call it that, of an educational deferment, and say to a man who is not in college that he has to serve, and he cannot have that same deferment.

It is further discriminatory, even after you draft a man, to say to one man, "You have got to go to the war zone," and to another, "You can stay pretty close to home at some military installation where you can go home on the weekends." And it is discriminatory to reassign some people overseas and others close to home.

The point I am making is we should be glad the system works as well as it does—and it is probably not even to our credit that it works as well as it does. But, the fact is that 435 Members of the U.S. House of Representatives and when 100 Members of the other body at different times and with different intentions were able to reach the consensus that we have reached and pass a law which, even though it is discriminatory, serves the defense needs of our country. And believing that we cannot write a law which will not discriminate and believing that we have not reached the point yet where we can meet the needs of our Military Establishment by voluntary methods, even though it is to be desired, I see no alternative for us, if we are going to continue to be militarily prepared, but to continue the draft. So I stand before you asking: Let us do the best we can and let us continue this program for the benefit of our Defense Establishment.

Mr. HÉBERT. Mr. Chairman, I yield myself the balance of the time remaining and I will not use all of the time, but I have a very highly emotional feeling to express at this time.

I fully realize that I am following in the footsteps of a great American, a man to whom I was personally devoted and for whom I had the deepest affection. There fell to my shoulders the duty to carry on if I possibly could.

Perhaps we have different styles. He had a different style from me, which I readily admit, but our objectives and our goals were the same—a strong America and the full defense and security of our country.

I would be less than human, Mr. Chairman, if I did not pause to thank those who have taken the well today and been so gracious in their commendation of the manner in which I have attempted to chair the Committee on Armed Services.

It is easily recognizable and readily admitted, I am sure, that we have varieties and different shades and hues of philosophy—philosophy of religion, philosophy of politics, and philosophies in any area that you may wish to mention. It is for this reason, Mr. Chairman, that I have this feeling of gratitude.

It is a feeling I must accept with humility—and humility is one of the virtues I have not been charged with very often. But I do want to express to each Member who has taken the floor today and gone out of his way to say the most complimentary and generous and gracious things about me, that I hope in the future—as I have now just merely crossed the threshold—when I have walked the full length of the House and come back again, I will enjoy that same confidence. Today I can only say to each one of you—yes, individually, and, yes, collectively, that I have a full realization and a full understanding of my responsibility. I look upon the charge to me to be a charge to exhibit compassionate understanding, integrity and fairness as chairman and to uphold, always, the dignity of the Committee and this House.

Mr. Chairman, I have no further requests for time.

Mr. ARENDS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I, too, want to join those who have so graciously this afternoon commented on the fine leadership of the gentleman from New Orleans, who has so well guided the destiny of our committee since the time he became chairman of the fine Committee on Armed Services.

He has been extraordinarily fair. He has been completely and wholly objective. He has done those things which in his own way he believes to be completely and wholly right. So, like the others, I repeat, I commend him for his actions as chairman of our committee. I am hopeful that tomorrow the House will feel likewise in support of the chairman, and that this bill will be overwhelmingly passed. I trust that that will be the end result.

Mr. DOW. Mr. Chairman, more than 30 years ago, the House adopted the Selective Service Act by a mere one vote. Since that time the conscription of young men has become imbedded solidly into what some like to call "our national heritage."

There is nothing sacred about the Selective Service Act and it is time that Congress move to repeal it.

The military needs of our country should be supported through an all-volunteer army. This was the conclusion of the Gates Commission which undertook an extensive study of our military manpower needs.

It is for this reason that I cosponsored H.R. 4451, the Voluntary Military Manpower Procurement Act of 1971. To attract qualified men into our armed services we will have to provide more realistic payments and benefits. There must be better opportunities for advancement and career training.

The Gates Commission unanimously reported that a volunteer force was not only feasible but desirable for the Nation. The Commission report said that improved pay and conditions of service would attract a sufficient number of volunteers each year to maintain a stable force level of 2.5 million men.

Despite the war and an entry pay roughly 60 percent lower than that available in civilian life, the Commission reported that there are 250,000 "true" volunteers each year. To attract the additional 75,000 necessary to maintain adequate military manpower levels, the Commission recommended a $2.7 billion basic pay increase.

Ending the need for the draft would go a long way toward easing the heavy uncertainty now facing our young people.

Mr. Chairman, I would like to share with my colleagues some commentaries broadcast by CBS radio as part of its new "Spectrum Series."

It is most interesting that three news commentators, whose views span the spectrum should reach the same conclusion about the draft.

Stewart Alsop says:

> Everybody knows that the draft system is an awful system. Everybody knows that the Reserves and the National Guard have become havens for draft dodgers, with about as much military usefulness as an old shoe. Everybody knows that the Army's ratio of noncombat to combat men is disgracefully high, and everybody knows that billions of dollars are spent for no militarily rewarding purposes whatever. But nobody can really do much about it—not even near-genius Robert McNamara, though he tried hard. In my opinion, nobody will be able to do anything about it, what's more—until or unless there's some sort of cataclysm which will force basic changes in the whole military system.

Jeffrey St. John says:

> It is, however, Stennis and other Senators and Congressmen who support the military draft who are fleeing reality. Reality one—the embitterment and distrust, if not hatred, by draft-age young Americans of their government and country. Reality two—in Vietnam, draftees have dragged down the morale of fighting units and are principally responsible for the growing and alarming use of drugs. Reality three—dissident draftees are using the race issue as a weapon to turn black soldiers against white. Reality four—regular army men in Vietnam have become the object of assault if not attempted murder. Disgruntled draftees on drugs are suspected. Reality five—draftees, militant during college days, have become the principal catalyst for precipitating within the U.S. armed services one of the most serious crises concerning discipline in the nation's history.

On another occasion, Mr. St. John quoted Lincoln:

> "I have always thought that all men should be free," remarked Abraham Lincoln, "(but) whenever I hear anyone arguing for slavery, I feel a strong impulse to see it tried on him personally."
>
> One could only wish that this Lincoln proposition could be applied to those arguing for a form of space age slavery in favoring retention of the military draft. The 13th Amendment not only abolished slavery but specifically carries the clause outlawing "involuntary servitude." The 13th Amendment's adoption in 1865 followed the New York draft riots. Lincoln—it is forgotten—imposed the Republic's first military draft, played politics with the slave question, and showed considerable contempt for civil liberties.

Stewart Alsop later said:

> Senator Edward Kennedy, testifying the other day before the Senate Armed Services Committee, cited some interesting—and in my opinion, horrifying—statistics. For example, quotes, "Army draftees were killed in Viet Nam in 1969 at more than double the rate of non-draftee enlisted men." End quotes. Another quote from Senator Kennedy: "65 per cent of army enlisted men killed in action for the first five months of 1970 were draftees." This although less than a third of our men in Viet Nam are draftees.
>
> These figures reflect what seems to me the very worst system of military recruitment ever devised by the hand of man. All three services, not only the Army, use the draft as a kind of blackmail instrument to get so-called "voluntary enlistments." All three services say in almost so many words—enlist with us, and you can choose a non-combat specialty and you won't get shot at. Can you imagine a worse way of recruiting men who are supposed to defend their country?
>
> The result is inevitable, and we are now paying the price for that result and for this dreadful system in Viet Nam. The price is just about the worst morale problem the U.S. Army has faced in its long history. For the system ensures that the regulars, the non-draftee enlisted men, get the cushy jobs in the rear, while the combat units are made up of draftees. For example, almost nine out of ten—88 per cent, to be exact—of the infantry battalions in Viet Nam are made up of draftees.
>
> Is it any wonder that there is mounting and constant tension between the draftees and what they call the lifers? How would you feel, after all, if you were a draftee who had to do the fighting while the regulars had the cushy jobs in the rear? The morale problem is complicated by drugs, and by the fact that the war is winding down and nobody wants to be the last man to die. But this dreadful system is at the bottom of it.
>
> It seems to me that two things have to be done. First, we have to withdraw from Viet Nam as fast as we safely can, reaching the point as soon as possible where no more draftees will be sent there. Second, we have to revise our whole system of military recruitment—not only the draft, the whole system—root and branch.

And Nicholas von Hoffman says:

> On June 30th the Draft Act expires unless Congress renews it. We call it the draft, conscription, selective service, but what it is, is a form of slavery to the State. The justification for violating the Constitution's prohibition against involuntary servitude can't be mere preparedness but only the gravest of emergencies, one that immediately threatens the existence of the State.
>
> By this reasoning America has been on the edge of destruction for more than 30 years, because that's how long we've had the draft. This is nonsense. There is no national emergency, and there hasn't been for a generation.

Mr. KASTENMEIER. Mr. Chairman, for the fourth time in the 12 years that I have served in Congress, legislation extending military conscription has come before the House for our consideration. In the past, Congress chose the temporary expedient of granting an extension to the draft rather than dealing with the basic problem of involuntary servitude in a free society. I fear this will be the situation again.

While the committee bill, H.R. 6531, has some commendable features, I must oppose it. I, however, do approve of the committee providing the President with discretionary authority over the deferment of undergraduate students. I believe the college deferments should be eliminated, and I trust the President will exercise such authority. I also applaud the committee's action in increasing the basic pay for members of the Armed Forces, particularly noting that 64 percent of the dollar increases are going to personnel with less than 2 years of service. We call upon many of our young men to perform what perhaps is the highest act of patriotism, to risk their lives in the defense of their country. Yet, their financial compensation is extremely meager. The chairman (Mr. HÉBERT), and the Armed Services Committee is to be congratulated for substantially boosting the military pay for these lower grade personnel. This will do much to eliminate the longstanding discrimination against these men who, in effect, have been subsidizing, in part, our national defense effort through the acceptance of low military wages.

My primary objection to the committee bill is that it extends the draft for another 2 years without a commitment to establish a volunteer military. Even with the random selection system, the draft still is a compulsory military conscription which forces a few to bear the burden of military service for the many. I also object to the committee recommendation extending the period of service for conscientious objectors from 2 years to 3. I would like to recall to my colleagues the words of the late President Kennedy who once wrote:

> War will exist until that distant day when the conscientious objector enjoys the same reputation and prestige that the warrior does today.

Instead of taking such punitive action against the conscientious objector, Congress should understand and respect not only the religious objections to military service and war, but also the dictates of human conscience.

Mr. Chairman, the draft, which once was a temporary measure, is becoming transformed into a permanent system of military procurement. Initially designed, in 1940, as a necessity to meet the threat of a national emergency that called for the mobilization of a massive land army, we now are seeing its metamorphosis into an efficient machine designed to meet the long-range needs of our foreign policy and methods by which that policy can best be furthered. Originally, the draft was not intended to be used to support a policy of military intervention in foreign lands when local insurrections break out. However, the existence of the draft has given administrations a free hand in obtaining and deploying military manpower wherever and whenever they have seen fit. The draft has been used as a vehicle to pursue, to an unprecedented extent, the defensive military responsibilities of the free world. I feel that this situation is alien to the philosophy of this country, and the efforts to make military conscription more equitable and to maintain it as a permanent institution are only further militarizing our society and foreign policy.

As a result, the draft, today, has produced a crisis of the first degree in our Nation. Opposition to American involvement in the unpopular Indochina war has resulted in many young men seeking political refuge in foreign countries while others remain here, in open defiance of a draft law that is widely despised. But, discontent with the draft is more than Vietnam for there are many who do not oppose American involvement in that war who, nonetheless, oppose the draft.

A peacetime draft is opposed to the principles which always have been considered a part of the American democracy. Compulsory military service not only results in a severe deprivation of civil liberties; it also is a wrenching departure from the traditional American ideal of liberty and this Nation's most cherished heritage, that of personal freedom. The peacetime conscription can be justified only under conditions of the extremist necessity, and the burden of justifying a military draft rests with the Government. No such justification, however, has really been made. Instead, the United States has been cast as an international police power and the draft has been used in a supporting role.

There are still many, however, who say we cannot end the draft. Some believe that the budgetary cost to the Government would be prohibitive. According to a number of economists, including Prof. Walter Oi of the University of Washington who was a former Defense Department consultant for the Office of the Assistant Secretary of Defense; Prof. Milton Friedman of the University of Chicago, and Prof. John Kenneth Galbraith of Harvard, who have studied this particular question, it would cost less to man the Armed Forces by volunteers than it now costs to man the military by compulsion, if the cost is properly calculated. The real cost of conscripting a soldier who would not voluntarily serve is not his pay and keep. It is the amount of money for which he would be willing to serve. Presently, we are imposing on the draftee a tax in kind equal in value to the difference between what it would take to attract him and the military pay he actually receives. Thus, the first-term serviceman must bear a disproportionately larger share of the defense burden. There are, however, financial savings derived from a volunteer force. Volunteers would have a higher average level of skill. The armed services would waste fewer manhours in training. Because manpower now is cheap, the military tends to waste it, using enlisted men for tasks badly suited to their capacities or for tasks that could be performed by civilians or machines or eliminated entirely. Better pay at the time to volunteers also might lessen the veterans' benefits that we now grant after the event.

Another objection to the volunteer system is that the conversion to it would mean a loss of flexibility to meet the anticipated range of military manpower requirements. According to the Gates Commission however, military preparedness depends on forces in being, not on the ability to draft untrained men. Reserve Forces provide immediate support to Active Forces, while the draft provides only inexperienced civilians who must be organized, trained, and equipped before they can become an effective military force.

For many individuals of liberal persuasion who are interested in the manpower question, there is grave concern about moving toward an all volunteer military. There is fear that a volunteer military will attract the socially undesirable. However, the military services require a wide variety of skills and offer varied opportunities. They have always appealed to people of varied classes and backgrounds and they will continue to do so. Particularly if pay and amenities were made more attractive, there is every reason to expect that they would draw from all segments of the community.

There is also a feeling that increasing the military wage and fringe benefits to a point sufficient to attract a volunteer military force would result in a predominantly black army. This, however, is not supported by the facts. It seems clear, since blacks are found in disproportionate numbers in the low-income groups, that making military service more attractive by equitable pay and other incentives will attract a larger percentage of this group. However, according to Pentagon officials, it is estimated, as a result of extensive and careful studies, that blacks would form from 16 to 18 percent of a volunteer force, although this figure would fluctuate with the state of the economy and the educational opportunities for blacks outside the military.

Still another criticism to an all volunteer military is that it is equated with a professional force which would conceivably develop into a potential threat to established political institutions. Such a threat, however, could be expected to come from an officer corps, rather than enlisted personnel, and officers currently are, and have always been, recruited voluntarily. Further, our proper tradition of civilian control of the military, has always been sufficiently strong so that there has been no threat of military take-over. History seems to show, however, that such threats in other countries have come from conscript as well as volunteer armies.

There are many liberals and conservatives, however, who believe that the primary question to be resolved this year is whether to continue the draft or to establish a volunteer military. We consider the peacetime draft to be a temporary expedient but it has been with us for the last 30 years, with only some brief interruptions. Rather than finding ways to make compulsory military service more palatable to the American people, I believe that the establishment of a volunteer military in 1971 is in the best interest of the United States.

Mr. Chairman, a volunteer military offers the following advantages: Preservation of the freedom of the individual by avoidance of the compulsion inherent in the present system; greater efficiency in the military services; fair compensation to military personnel for their services; and elimination of all the problems associated with the draft. Congress should take the necessary steps to end the draft this year with the hope of never having to resort to its use again.

Mr. HOGAN. Mr. Chairman, in my view the bill before us should pass. While the draft, itself, is distasteful, it is of prime importance that the current and future manpower needs of our Armed Forces be filled. Before an all-volunteer armed forces can be developed, many incentives and improvements in military life will have to be made to insure the retention of the necessary men and women. The 2-year extension before us, in addition to those provisions of the bill which would increase pay and improve conditions in the service, are consistent with the needs of national security and will enable us to move toward the objectives of a "zero draft" call.

Obviously, under present circumstances, if the draft law were permitted to expire in June, the Armed Forces could not acquire a force anywhere near able to meet the immediate needs of the country. Therefore, there is no question in my mind but that the draft must be continued for a period of time. To me, the 2-year extension will provide the most logical and orderly transition to the all-volunteer force.

In addition to substantially increasing the pay for those men in lower ranks, this bill provides substantial increases in quarters allowances for members of the career forces and increases the allowance provided under the Dependents Assistance Act of 1950 to enlist men in the grades of E–1, E–2, E–3 and those in grade of E–4 with 4 years or less of service. Unfortunately the basic allowance for quarters has not been increased for 8 years and has fallen seriously behind the housing costs for military families. This has been dramatically brought to our attention by the news media's focus on off-base living conditions of military families stationed in Europe.

It is also very unfortunate that many servicemen have been forced to apply for welfare assistance because of their extremely low pay. The bill before us responds to this problem.

In addition to these features, I am pleased to see further effort made to assure equitable selection procedures for the draft. The State and local quota systems are being suspended to enable the establishment of a uniform national call. Furthermore, discriminatory and preferential provisions of the law which permit deferments and/or exemptions to certain students are being repealed. Changes in the qualification and appointment of members to local draft boards are also contained in the bill before us. In my views, important improvements in the selection process would be made under this legislation.

The legislation we are voting on has been well thought out and deserves the support of the House. It brings us a giant step closer to the ideal of a volunteer military service.

Mr. DONOHUE. Mr. Chairman, I intend to support and I earnestly hope a substantial majority here will also support, with improving amendments, the basic provisions of this bill, H.R. 6531, designed, among other things, to extend the Selective Service Act for a limited period, increase military personnel pay and allowances, and authorize military active duty strengths for fiscal 1972.

Our great legislative task here, in my opinion, is to insure the fairest possible spreading of the burdens of induction among all the young men in this country and to make military pay realistically competitive, at all levels, with pay rates in the civilian economy. This is our fundamental duty, today, pending the reestablishment of our traditional all-volunteer military service system.

I think that this bill, with strengthening amendments, such as the reduction of its proposed extension to 1 year instead of 2, could and should provide a far more equitable share of induction risk and economic justice than the current law projects. I very deeply feel, as a sponsor of legislation to establish an all-volunteer military force that adequate evidence has been developed to reasonably suggest that the very substantial increases in pay, quarters and subsistence allowances contained in this bill will accelerate the number of volunteer enlistments sufficiently to warrant the adoption of a 1-year extension of this present act; if not the Congress is always here and ready to overcome any deficiencies, within the year, that might remain.

Mr. Chairman, facing up to the present facts of the draft situation, as we must, there appears to be no question at all that it would be most impractical, if not impossible, to summarily repeal the present Selective Service System however much we might like to do so. On this score, then, the most reasonable alternative appears to be the extension, in time, of the present law for just 1 year. The proposed pay and other allowance increases in this bill before us are far greater than those recommended by the administration, and they certainly project a long overdue major gesture of economic comparability and security to military personnel and their families that will hopefully move us forward at a much faster pace toward the attainment of an all volunteer military system.

With strengthening amendments, together with the President's intention to exert every effort to remove the inequities in the area of student deferments and more representatively adjust the composition and operation of local draft boards this pending measure, while not, of course, perfect in every point or entirely satisfactory to every individual, will, I believe, go a long way, at an opportune time, toward vastly improving our present draft system from every moral, economic and national security standpoint.

Because such improvement was never in all our history more critically or imperatively needed I believe it should be accepted by the House, now, while we continue to work toward the establishment of a traditional all volunteer military force as quickly as it can possibly be achieved.

Mr. BADILLO. Mr. Chairman, I rise to express my deep concern over our draft laws and to voice my opposition to many of the provisions contained in H.R. 6531, the Military Selective Service Act.

A dramatic symbol of the gap between generations and a major source of friction in our society, the draft is grossly unfair in many respects and contains many highly discriminatory features. I oppose involuntary conscription and believe the draft is wholly inconsistent with our traditional ideals and goals. The draft has become an inequitable system which imposes an undue burden of service on some while leaving many others virtually free of any obligation to serve. All too often the brunt of this involuntary servitude has been borne by minority groups, the economically disadvantaged, and the poorly educated.

Mr. Chairman, I can frankly see no way in which this system can be improved or made to operate more fairly and efficiently. Certainly, H.R. 6531 contributes nothing to improving the operation of the Selective Service System and, as a cosponsor of the Voluntary Military Manpower Procurement Act of 1971, I believe the time is long past that we abandoned the system of conscription and met our military manpower requirements through a volunteer army system.

There is one highly favorable aspect of the legislation under consideration today, however, and that is the provision of an increased pay package for our servicemen, particularly in the enlisted ranks. One of the major premises on which the sponsors of the volunteer army legislation based our case—and a primary recommendation of the Gates Commission—is that a decent, living wage should be established for the men and women serving in the military services.

The conditions under which many of our service personnel and their families are presently living are abominable and the large number of servicemen receiving some form of public assistance is unconscionable. If a man is asked to risk his life or the use of a limb he should at least be paid a living wage. I believe we have amply demonstrated through various statistics and reports presented during the hearings and elsewhere, that a volunteer military service is viable and can be sustained if the military men and women are given an increased and livable wage with increased educational opportunities, better housing and other benefits. I intend to fully support this portion of the pending legislation and will oppose any attempts to weaken it, particularly to have the administration's insultingly inadequate pay proposal substituted. I believe, however, that the Gates Commission proposal is more meaningful and realistic and should be given precedence.

Unfortunately, there is a great deal in this measure which is offensive and which simply perpetuates the continuation of the death and destruction of our senseless involvement in Indochina and the continued gross distortion of our national priorities. A number of amendments will be offered to abolish the draft system entirely, to abolish the induction authority, and to extend the induction authority for only 1 year rather than 2. These amendments have a great deal of merit and should be given every possible consideration and support as they are brought before the House.

I am pleased to be listed as a sponsor of amendments directing that draftees inducted into the Armed Forces after December 31, 1971, will not be required to serve in Indochina and, more importantly, one which will require the total withdrawal of all American forces from South Vietnam, Laos, Cambodia, and North Vietnam by December 31, 1971. As a number of my colleagues have already mentioned, 73 percent of the American public want withdrawal by the end of this year and there is simply no point to continue sending American servicemen to this unjust and illegal war. We have suffered more than enough deaths and casualties, we have seen too many My Lais, we have experienced enough internal strife and dissension and we have undergone too much economic dislocation and erroneous adjustment of our goals and priorities.

The Military Selective Service Act treats conscientious objectors most unfairly and this section of the bill must be substantially revised. Not only must the definition of "conscientious objection" conform to the recent Supreme Court decision allowing for nonreligious objection, but I can see no justification for requiring 3 years of service or the highly restrictive and totally unnecessary limitation on the definition of "civilian service." Not only were these provisions not requested by the administration but they are clearly punitive and repressive measures and must not be permitted to pass.

Furthermore, Mr. Chairman, section 13 of this bill authorizes a troop ceiling of 2.6 million men. No hearings were held on this aspect of the bill and there has been no justification presented for this number of military personnel. In addition, the provision was unilaterally transferred to H.R. 6531 from the military procurement authorization bill and should be deleted for further consideration.

Although I am pleased that the Armed Service Committee recognizes the importance of increased pay and benefits for military personnel and the clear and direct connection between conscription and inadequate military compensation, I am distressed that it did not reassert congressional authority and substitute the volunteer army proposal for the administration's weak extension request. As I mentioned before the committee earlier this month:

> The concept of a voluntary military service is not impossible . . . It is not only technically feasible to implement but it would most certainly be in keeping with the American tradition of encouraging individual freedom of choice.

The extension of the draft for 2 years, the repression of conscientious objectors, the increased average troop strength level and certain other aspects of this measure are unnecessary and will simply lead to continued dissension among our countrymen and the further alienation of our youth, our minority groups and our economically disadvantaged. The best of our country cannot be wasted on a purposeless, endless, and ill-conceived military venture in some far-off land which is hardly supported by the American people. The time for meaningful action is now, Mr. Chairman, and we must take positive steps by repealing the undesirable draft law. Involuntary servitude and military slavery must be ended and the freedom of conscience and choice must be permitted to flourish. I urge that we take such action today.

Mr. SCHMITZ. Mr. Speaker—

> So I told my son that only in the strictly legal sense, was anybody summoning him anywhere. He was, in fact, going to register certain claims of his own. By registering for the draft, he was, for the first time, registering his claim to be a man and citizen by claiming his right to bear arms in defense of his land.—Whittaker Chambers, Cold Friday.

When taking up the issue of whether or not to extend the military draft, we should keep in mind that since the earliest days of the American colonies it was assumed that every male citizen had a moral obligation to bear arms when necessary for the protection of his community, through service in the militia if not in the Regular Army. This assumption remains valid today, and bears as much as ever upon the survival of our Nation.

The conditions existing in the last half of the 20th century have made it necessary to maintain at all times a large and well-trained active duty military force, instead of starting to assemble this force only when war is imminent or has actually begun. Our method of preserving the required level of defense manpower is the Selective Service System, which makes it obligatory for a young man to register for possible induction in the active duty armed forces when reaching a specified age.

Intellectual giants such as Ludwig von Mises, whose thoroughgoing defense of liberty is well known, have recognized the right of a nation to call men into service when necessary for its defense. Von Mises has said:

> In a world full of unswerving aggressors and enslavers, integral unconditional pacifism is tantamount to unconditional surrender to the most ruthless oppressors . . . He who in our age opposes armaments and conscription is, perhaps unbeknown to himself, an abettor of those aiming at the enslavement of all.—Human Action, pp 281–282

The manpower requirements for our Armed Forces are determined primarily by the objectives and capabilities of actual and potential enemy nations—which now and in the foreseeable future means the Soviet Union and the Communist bloc. We must have at our disposal sufficient forces to discourage them from armed aggression to advance toward their stated goal of global conquest, and to defeat them rapidly should they launch aggression. While we cannot guarantee that the political leadership of our Nation will use our forces correctly, as the course of the war in Vietnam shows, we can be sure that no matter how sound the thinking of future leaders, they will not even have the ability to deter or defeat the Communist armies if the forces at their disposal are insufficient.

With the Selective Service law due to expire this June, Congress must decide whether our general purpose force level requirements can be met without a draft. The House Armed Services Committee does not believe this is possible, and consequently recommended its continuation on March 22.

By June 1972 our active military forces will have been reduced by over 1 million men from their June 1969 level, lowering our active general-purpose force level to the bare minimum consistent with national security requirements. Even with this reduction, over 525,000 enlisted men will have to enter our active duty forces between July 1971 and June 1972 in order to maintain this minimum force level. From July 1969 to June 1970, the last complete fiscal year, only 144,000 true volunteers—men who would have volunteered even in the absence of a draft law—entered the active duty Armed Forces. Assuming the volunteer rate remains more or less constant, we would be over 380,000 men short of meeting the very reduced force level requirements existing by June 1972. Pay increases sufficient to generate an enlistment surge of this magnitude would not leave enough money to maintain and expend our already dangerously depleted strategic weapon systems.

The current reduction of our active duty forces has been possible only by shifting to increased reliance on the reserves—and 70 to 80 percent of reserve enlistments are draft induced.

Personally I would prefer to have our Armed Forces composed strictly of volunteers. I find it very disturbing that many of the most active advocates of a "volunteer army" are precisely those who have no intention of volunteering, yet want to rely on defense provided by others. Their attitude reminds me of that of the freeway driver who wants rapid transit to get the other cars off the road.

The facts I have cited convince me that we cannot now defend this Nation adequately without continuing the draft. Consequently, I believe we have no choice but to continue it.

GENERAL LEAVE TO EXTEND

Mr. HÉBERT. Mr. Chairman, I ask unanimous consent that all Members may revise and extend their remarks on the bill H.R. 6531.

The CHAIRMAN pro tempore (Mr. GALLAGHER). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. ARENDS. Mr. Chairman, I yield back the remainder of my time.

Mr. HÉBERT. Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Military Selective Service Act of 1967, as amended, is amended as follows:

(1) Section 1(a) is amended to read:

"(a) This Act may be cited as the 'Military Selective Service Act.'".

(2) Section 4(b) is amended by substituting "the Secretary of Transportation" for "the Secretary of the Treasury" wherever they appear.

(3) Section 4(d)(1) is amended by striking out "(except a person enlisted under subsection (g) of this section)".

4) Section 4(d)(3) is amended by substituting "the Secretary of Transportation" for "the Secretary of the Treasury" wherever they appear.

(5) Section 5 is amended by adding a new subsection (d), as follows:

"(d) Whenever the President has provided for the selection of persons for training and service in accordance with random selection under subsection (a) of this section, calls for induction may be placed under such rules and regulations as he may prescribe, notwithstanding the provisions of subsection (b) of this section.".

(6) Section 6(a)(1) is amended by striking out the period at the end of the first sentence and inserting the following in place thereof: ": *Provided,* That any male alien who is between the age of eighteen and twenty-six years, at the time fixed for registration, or who attains the age of eighteen years after having been required to register pursuant to section 201 of this Act (other than an alien exempted from registration under this Act and regulations prescribed thereunder), or who is otherwise liable as provided for in this Act, who has remained in the United States in a status other than that of a permanent resident for a period of twenty-four consecutive months shall be liable for training and service in the Armed Forces of the United States. For the purposes of computing such twenty-four-month period, any period of absence from the United States not exceeding four consecutive months

shall be deemed to be a period of residency in the United States: *Provided further, however,* That the Director shall have the discretion to waive the provisions herein for alien students who have come to the United States for the purpose of satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution for a period of time not to exceed four years or the conclusion of a prescribed course of study whichever is the earlier: *Provided further,* That any alien student for whom the provisions herein have been waived shall upon the expiration of six months following the expiration of said waiver, if his alien residence continues, be liable for training and service in the Armed Forces of the United States.".

(7) Section 6(b)(3) is amended by substituting "section 4(a)" for "section 4(1)".

(8) Section 6(b)(4) is amended by striking out "or section 4(g)".

(9) Section 6(d)(1) is amended by substituting "the Secretary of Transportation" for "the Secretary of the Treasury" wherever they appear and by substituting "section 651 of title 10, United States Code" for "section 4(d)(3) of this Act" wherever they appear.

(10) Section 6(d)(5) is amended by striking out "Environmental Science Services Administration" and substituting "National Oceanic and Atmospheric Administration" wherever they appear.

(11) Section 6(g) is amended to read:

"(g) Regular or duly ordained ministers of religion, as defined in this title, shall be exempt from training and service (but not from registration) under this title.".

(12) Section 6(h)(1) is repealed.

(13) Section 6(h)(2) is amended by striking out the designation "(2)" and the word "graduate" from the first sentence.

(14) Section 6(j) is amended to read: "Nothing contained in this title shall be construed to require any person to be subject to combatant training and service in the Armed Forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. As used in this subsection, the term 'religious training and beliefs' does not include essentially political, sociological, or philosophical views or a merely personal moral code. Any person claiming exemption from combatant training and service because of such conscientious objections, whose claim is sustained by the local board, shall if he is inducted into the armed forces under this title, be assigned to noncombatant service as defined by the President, or shall, if he is found to be conscientiously opposed to participation in such noncombatant service, in lieu of such induction, be ordered by his local board to perform three years alternate civilian service, the last year of which to be as a substitute for the reserve obligation required of military inductees. As used in this subsection, alternate civilian service is defined as 'employment with agencies in government or public institutions which have difficulty finding eligible and qualified individuals to perform essential work', as supervised by the Director of Selective Service pursuant to regulations deemed appropriate by the President: *Provided,* That any such person who knowingly fails or neglects to obey such an order from his local board shall be deemed, for the purposes of section 12 of this title, to have knowingly failed or neglected to perform a duty required of him under this title; or who after he has reported to the assigned work fails to perform satisfactorily under the terms prescribed in Presidential regulations as supervised by the Director of Selective Service, shall be inducted into the armed forces for the period of time established by section 4(b) of this Act.".

(15) Section 6(i)(2) is amended to read: "Any person who while satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution is ordered to report for induction under this title, shall, upon the appropriate facts being presented to the local board, have his induction postponed (A) until the end of the term, or academic year in the case of his last academic year, or (B) until he ceases satisfactorily to pursue such course of instruction, whichever is the earlier.".

(16) Section 9(j) is amended by substituting "or Transportation" for "or Treasury".

(17) Section 10(a)(3) is amended to read as follows: "The Director shall be appointed by the President, by and with the advice and consent of the Senate.".

(18) Section 10(b)(2) is amended by changing the first semicolon to a colon and inserting immediately thereafter the following: "*Provided,* That no State director shall serves concurrently in an elected or appointed position of a State or local government with out the approval of the Director of Selective Service.".

(19) Section 10(b)(3) is amended to read:

"(3) to create and establish within the Selective Service System civilian local boards, civilian appeal boards, and such other civilian agencies, including agencies of appeal, as may be necessary to carry out its functions with respect to the registration, examination, classification, selection, assignment, delivery for induction, and maintenance of records of persons registered under this title, together with such other duties as may be assigned under this title: *Provided,* That no person shall be disqualified from serving as a counselor to registrants, including service as Government appeal agent, because of his membership in a Reserve component of the Armed Forces. He shall create and establish one or more local boards in each county or political subdivision corresponding thereto of each State, territory, and possession of the United States, and in the District of Columbia. Each local board shall consist of three or more members to be appointed by the President from recommendations made by the respective Governors or comparable executive officials. No citizen shall be denied membership on any local board or appeal board on account of sex. No member shall serve on any local board or appeal board for more than fifteen years or after he has attained the age of sixty-five. To the extent practicable, the members of a local draft board shall accurately represent the economic and sociological background of the population which they serve, but no induction shall be declared invalid on the ground that any board failed to conform to any particular quota as to race, economics, religion, sex, or age. The requirements outlined in the preceding two sentences shall be fully implemented and effective not later than January 1, 1972: *Provided,* That an intercounty local board consisting of at least one member from each component county or corresponding subdivision may be established for an area not exceeding five counties or political subdivisions corresponding thereto within a State or comparable jurisdiction when the President determines, after considering the public interest involved and the recommendation of the Governor or comparable executive official or officials, that the establishment of such local board area will result in a more efficient and economical operation. Any such intercounty local board shall have within its area the same power and jurisdiction as a local board has in its area. A local board may include among its members any citizen otherwise qualified under Presidential regulations, provided he is at least eighteen years of age. No member of any local board shall be a member of the Armed Forces of the United States, but each member of any local board shall be a civilian who is a citizen of the United States residing in the county or political subdivision corresponding thereto in which such local board has jurisdiction, and each intercounty local board shall have at least one member from each county or political subdivision corresponding thereto included within the intercounty local board area. Such local boards, or separate panels thereof each consisting of three or more members, shall, under rules and regulations prescribed by the President, have the power within the respective jurisdictions of such local boards to hear and determine, subject to the right of appeal to the appeal boards herein authorized, all questions or claims with respect to inclusion for, or exemption or deferment from, training and service under this title, of all individuals within the jurisdiction of such local boards. The decisions of such local board shall be final, except where an appeal is authorized and is taken in accordance with such rules and regulations as the President may prescribe. There shall be not less than one appeal board located within the area of each Federal judicial district in the United States and within each territory and possession of the United States, and such additional separate panels thereof, as may be prescribed by the President. Appeal boards within the Selective Service System shall be composed of civilians who are citizens of the United States and who are not members of the Armed Forces. The decision of such appeal boards shall be final in cases before them on appeal unless modified or changed by the President. The President, upon appeal or upon his own motion, shall have power to determine all claims or questions with respect to inclusion for, or exemption or deferment from training and service under this title, and the determination of the President shall be final. No judicial review shall be made of the classification or processing of any registrant by local boards, appeal boards, or the President, except as a defense to a criminal prosecution instituted under section 12 of this title, after the registrant has responded either affirmatively or negatively to an order to report for induction, or for civilian work in the case of a registrant determined to be opposed to participation in war in any form: *Provided,* That such review shall go to the question of the jurisdiction herein reserved to local boards, appeal boards, and the President only when there is no basis in fact for the classification assigned to such registrant. No person who is a civilian officer, member, agent, or employee of the Office of Selective Service Records, or the Selective Service System, or of any local board or appeal board or other agency of such Office or System, shall be excepted from registration or deferred or exempted from training and service, as provided for in this title, by reason of his status as such civilian officer, member, agent, or employee;".

(20) Section 10(e) is repealed.

(21) Section 10(f) is amended by substituting "$500" for "$50".

(22) Section 11 is amended to read as follows:

"SEC. 11. Under such rules and regulations as may be prescribed by the President, funds available to carry out the provisions of this title shall also be available for the payment of actual and reasonable expenses of emergency medical care including hospitalization, of registrants who suffer illness or injury, and the transportation, and burial, of the remains of registrants who suffer death, while acting under orders issued under the provision of this title, but such burial expenses shall not exceed the maximum that the Administrator of Veterans' Affairs may pay under the provisions of section 902(a) of title 38, United States Code, in any one case.".

(23) Section 12 is amended by adding a new subsection (d), as follows:

"(d) No person shall be prosecuted, tried, or punished for evading, neglecting, or refusing to perform the duty of registering imposed by section 3 of this title unless the indictment is found within five years next after the last day before such person attains the age of twenty-six, or within five years next after the last day before such person does perform his duty to register, whichever shall first occur.".

(24) Section 17(c) is amended by striking out "July 1, 1971" inserting in place thereof "July 1, 1973".

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that this section of the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. HÉBERT. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Gallagher, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 6531), to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes, had come to no resolution thereon.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5432. An act to provide an extension of the interest equalization tax, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5432) entitled "An act to provide an extension of the interest equalization tax, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Long, Mr. Anderson, Mr. Talmadge, Mr. Bennett, and Mr. Curtis to be the conferees on the part of the Senate.

EXTENSION OF THE INTEREST EQUALIZATION TAX

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5432) to provide an extension of the interest equalization tax, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, strike out all after line 4 over to and including line 13 on page 3 and insert:

"(a) Election To Treat Certain Debt Obligations as Subject to Tax.—

"(1) Section 4912 is amended by adding at the end thereof the following new subsection:

"(c) Election To Subject Certain Debt Obligations to Tax.—

"(1) In general.—A domestic corporation or domestic partnership may elect to have its debt obligations—

"'(A) which are part of a new or original issue, or

"'(B) which are part of an issue outstanding on the date of the enactment of the Interest Equalization Tax Extension Act of 1971 and are treated under subsection (b) (3) as debt obligations of a foreign obligor,

treated as debt obligations of a foreign obligor the acquisition of which by a United States person (other than the issuer) will, notwithstanding any other provision of this chapter, be subject to the tax imposed by section 4911 at the rate applicable on acquisitions of stock under section 4911(b).

"'(2) Assumption of obligations.—For purposes of paragraph (1), the assumption by a domestic corporation of debt obligations of an affiliated corporation shall be treated as the issuance of a new or original issue of debt obligations by such domestic corporation. For purposes of this paragraph, a domestic corporation shall be treated as affiliated with another corporation if both corporations are members (or would be members if they were both domestic corporations) of the same controlled group (within the meaning of section 48(c) (3) (C)).

"'(3) Election.—An election under paragraph (1) with respect to any issue of debt obligations shall be made at such time and in such manner as the Secretary or his delegate may prescribe by regulations, and such election may not be revoked. In the case of a new or original issue, such election shall be made prior to the issuance (or, in the case of an issue treated as a new or original issue under paragraph (2), prior to the assumption) of any debt obligations of such issue.

"'(4) Indication or endorsement of taxability.—In the case of a debt obligation which is part of a new or original issue (other than an issue treated as a new or original issue under paragraph (2)), an election under paragraph (1) shall apply to such debt obligation only if the document evidencing such debt obligation indicates that its acquisition by a United States person is subject to the tax imposed by section 4911 as provided in paragraph (1). In the case of any other debt obligation, an election under paragraph (1) shall apply to such debt obligation only if the document evidencing such debt obligation is marked or endorsed, subject to such regulations as the Secretary or his delegate may prescribe, so as to indicate that its acquisition by a United States person is subject to such tax."

"(2) Section 861(a) (1) is amended—

"(A) by striking out 'and' at the end of subparagraph (E),

"(B) by striking out the period at the end of subparagraph (F) and inserting in lieu thereof ', and ', and

"(C) by adding at the end thereof the following new subparagraph:

"'(G) interest on a debt obligation which was part of an issue with respect to which an election has been made under section 4912(c) and which, when issued (or treated as issued under section 4912(c) (2)), had a maturity not exceeding 15 years and, when issued, was purhased by one or more underwriters with a view to distribution through resale, but only with respect to interest attributable to periods after the date of such election.'

"(3) The amendments made by this subsection shall take effect on the date of the enactment of this Act."

Page 6, strike out lines 4 to 20, inclusive and insert:

"(1) Section 4914(c) (5) is amended by adding at the end thereof the following new sentence: 'For purposes of subparagraph (B), if the proceeds of the loan are to be used by the foreign obligor (or by a person controlled by, or controlling, the foreign obligor) for additional facilities, the substantial portion requirement contained in such subparagraph, and the one-half of the percentage of cost requirement contained in the last sentence of such subparagraph, shall be treated as satisfied with respect to such loan if it is established that an additional amount of ores or minerals (or derivatives thereof) extracted outside the United States by the United States person, or otherwise taken into account for purposes of such subparagraph, will be stored, handled, transported, processed, or serviced in the existing and additional facilities of such foreign obligor or person, and that, with respect to such additional facilities, such additional amount fulfills such substantial portion requirement or such one-half of the percentage of cost requirement, as the case may be.'

"(2) The amendment made by paragraph (1) shall apply with respect to acquisitions made after the date of the enactment of this Act."

Page 8, strike out all after line 7 over to and including line 15 on page 10 and insert:

"(e) Direct Investments in Certain Lending and Financing Corporations.—

"(1) Section 4915 is amended—

"(A) by striking out subsection (c) (3), and

"(B) by adding at the end thereof the following new subsection:

"'(e) Special Rule for Investments in Certain Lending and Financing Corporations.—

"'(1) In general. For purposes of this chapter, a corporation described in paragraph (2) shall be treated as a foreign corporation which is not formed or availed of for the principal purpose described in subsection (c) (1) with respect to an acquisition of its stock or debt obligations, if it is established to the satisfaction of the Secretary or his delegate, pursuant to regulations prescribed by the Secretary or his delegate, that—

"'(A) (1) the amounts received by the corporation as a result of the acquisition will not be used to acquire stock of foreign issuers or debt obligations of foreign obligors or utilized in any way outside of the United States, or (ii) the funds used for such acquisition were obtained from sources outside the United States; and

"'(B) such information and records with respect to the corporation as are necessary for the administration of this chapter will be made available to the Secretary or his delegate.

"'(2) Corporations.—The corporations referred to in paragraph (1) are—

"'(A) a domestic corporation described in section 4920(a) (3) (C).

"'(B) a domestic corporation which is a qualified lending and financing corporation (as defined in section 4920(d)) during any period during which an election under section 4920(a) (3B) is in effect, and

"'(C) a foreign corporation which is a qualified lending and financing corporation (as defined in section 4920(d)) and has given notice to the Secretary or his delegate of its status as such a corporation.

"'(3) Misuse of amounts received.—In any case in which paragraph (1) applied to an acquisition of stock or debt obligations and—

"'(1) the amounts received by the corporation whose stock or debt obligations were acquired as a result of such acquisition are (before the termination date specified in section 4911(d)) used to acquire stock of foreign issuers or debt obligations of foreign obligors or utilized in any other way outside of the United States in violation of the regulations prescribed under paragraph (1), or

"'(ii) information or records with respect to the corporation, which the Secretary or delegate has determined (before such termination date) necessary for the administration of this chapter, are not, after reasonable notice, made available to the Secretary.

then liability for the tax imposed by section 4911 shall be incurred by the acquiring corporation (with respect to such acquisition) at the time such amounts are so used or such information or records are not so made available; and the amount of such tax shall be equal to the amount of tax for which the acquiring corporation would have been liable under such section upon its acquisition of the stock or debt obligations involved if paragraph (1) had not applied to such acquisition.'

"(2) Section 4920(a)(3B) is amended to read as follows:

"'(3B) Certain domestic lending or financing corporations.—

"'(A) In general.—The terms foreign issuer," "foreign obligor", and "foreign issuer or obligor" also means a domestic corporation which is a qualified lending or financing corporation (as defined in subsection (d)) and which elects to be treated, for purposes of this chapter, as a foreign issuer and foreign obligor.

"'(B) Election.—An election under subparagraph (A) shall be made in such manner as the Secretary or his delegate prescribes by regulations. Any such election shall be effective as of the date thereof and shall remain in effect until revoked. If, at any time, the corporation ceases to be a qualified lending or financing corporation, the election shall thereupon be deemed revoked. When an election is revoked, no further election may be made. If an election is revoked, the corporation shall incur liability at the time of such revocation for the tax imposed by section 4911 with respect to all stock or debt obligations which were acquired by it during the period for which the election was in effect and which are held by it at the time of such revocation; and the amount of such tax shall be equal to the amount of tax for which the corporation would be liable under such section if it had acquired such stock or debt obligations immediately after such revocation."

"(3) Section 4920(d) is amended to read as follows:

"'(d) Qualified Lending and Financing Corporations.—For the purposes of this chapter, the term "qualified lending or financing corporation means a corporation—

"'(1) substantially all of the business of which consists of—

"'(A) making loans (including the acquisition of obligations arising under a lease which is entered into principally as a financing transaction),

"'(B) acquiring accounts receivable, notes, or installment obligations arising out of the sale of tangible personal property or the performance of services.

"'(C) leasing tangible personal property (but only if such leasing accounts for less than 50 percent of its business).

"'(D) servicing debt obligations,

"'(E) carrying on incidental activities in connection with its business described in subparagraphs (A), (B), (C), or (D), or

"'(F) any combination of the foregoing;

"'(2) all debt obligations of foreign obligors acquired by such corporation, and all tangible personal property not manufactured or produced in the United States acquired by such corporation for leasing, are acquired and carried solely out of—

"'(A) the proceeds of the sale (including a sale on a transaction described in section 4919(a)(1)) by such corporation (or by a domestic corporation described in section 4912(b)(3) which is a member of a controlled group, as defined in section 48(c)(3)(C), of which such corporation is a member) of debt obligations of such corporation (or such domestic corporation) to persons other than—

"'(i) a United States person (not including a foreign branch of a domestic corporation or of a domestic partnership, if such branch is engaged in the commercial banking business and acquires such debt obligations in the ordinary course of such commercial banking business),

"'(ii) a foreign partnership in which such corporation (or one or more includible corporations in an affiliated group, as defined in section 1504, of which such corporation is a member) owns directly or indirectly (within the meaning of section 4915(a)(1)) 10 percent or more of the profits interest, or

"'(iii) a foreign corporation, if such corporation (or one or more includible corporations in an affiliated group, as defined in section 1504, of which such corporation is a member) owns directly or indirectly (within the meaning of section 4915(a)(1)) 10 percent or more of the total combined voting power of all classes of stock of such foreign corporation, except to the extent such foreign corporation has, after having given advance notice to the Secretary or his delegate, sold its debt obligations to persons other than persons described in clauses (i) and (ii) and this clause and is using the proceeds of the sale of such debt obligations to acquire the debt obligations of such corporation (or such other domestic corporation),

"'(B) the proceeds of payment for stock, or a contribution to the capital of such corporation, if the payment or contribution was derived from the sale of debt obligations by one or more, members of a controlled group (as defined in section 48(c)(3)(C)) of which such corporation is a member (or by a corporation which would be such a member if it were a domestic corporation) to persons other than persons described in clauses (i), (ii), and (iii) of subparagraph (A) and such debt obligations, if acquired by United States persons, would be subject to the tax imposed by section 4911,

"'(C) retained earnings and reserves of such corporation to the extent attributable to the conduct of the lending or financing business outside the United States, or

"'(D) trade accounts and accrued liabilities, to the extent attributable to the conduct of the lending or financing business outside the United States, which are payable by such corporation within one year (three years in the case of tax liabilities) from the date they were incurred or accrued, and which arise in the ordinary course of the trade or business of the corporation otherwise than from borrowing;

"'(3) such corporation does not acquire any stock of foreign issuers or of domestic corporations or domestic partnerships other than stock of one or more members of a controlled group (as defined in section 48(c)(3)(C)) of which such corporation is a member (or of a corporation which would be a member if it were a domestic corporation) acquired as payment for stock, or as a contribution to capital, of such corporation; and

"'(4) such corporation, in a manner satisfactory to the Secretary or his delegate, identifies the certificates representing its stock and debt obligations and maintains such records and accounts and submits such reports and other documents as may be necessary to establish that the requirements of the foregoing paragraphs have been met.'

"(4) The amendments made by paragraph (1) shall apply with respect to acquisitions made after the date of the enactment of this Act. The amendments made by paragraphs (2) and (3) shall take effect on the day after such date.

"(5) For purposes of section 4920(a)(3B) of the Internal Revenue Code of 1954 (as amended by paragraph (2)) an election made under section 4920(d) of such Code (as in effect on the date of the enactment of this Act) shall be treated as an election made under such section 4920(a)(3B). For purposes of section 4915(e)(2)(C) of such Code (as amended by paragraph (1)), notice given under section 4915(c)(3) of such Code (as in effect on the date of the enactment of this Act) shall be treated as notice given under section 4915(e)(2)(C)."

Page 12, line 16, strike out all after "case" down to and including "Act" in line 20 and insert: "in which such two-year period has elapsed before the expiration of 60 days after the date of the enactment of this Act, if the issuing corporation involved makes the application within such 60-day period".

Page 12, strike out all after line 22 over to and including line 7 on page 13.

Page 13, after line 7, insert:

"(h) Certain Mutual Funds—

"(1) Section 4920 is amended—

"(A) by inserting 'subject to the provisions of subsection (e),' before 'a domestic corporation which' in subsection (a)(3)(B);

"(B) by inserting after 'if, at the close of any succeeding quarter,' in subsection (a)(3)(B) the following: '15 percent or more in value of the outstanding stock of the company is owned, directly, or indirectly (within the meaning of section 4915(a)(1)), by one person, or'; and

"(C) by redesignating subsection (c) as (f), and by inserting after subsection (d) the following new subsection:

"'(e) Certain Mutual Funds.—Notwithstanding subsection (a)(3)(B), a domestic corporation described in such subsection shall not be treated as a "foreign issuer", "foreign obligor", or "foreign issuer or obligor" with respect to any acquisition of stock or a debt obligation which is attributable to funds obtained by borrowing or through issuance of it's stock after March 24, 1971.'

"(2) The amendments made by paragraphs (1)(A) and (C) shall apply with respect to acquisitions made after March 24, 1971. The amendment made by paragraph (1)(B) shall take effect on the date of the enactment of this Act."

Page 13, after line 7, insert:

(i) Debt Obligations With Maturity of Less Than a Year.—

"(1) Subchapter A of chapter 41 is amended by adding at the end thereof the following new section:

"'Sec. 4921. Debt Obligations With Maturity of Less Than a Year.

"'(a) Standby Authority.—

"'(1) In general.—If the President of the United States determines, after taking into account the domestic economic objectives, the balance of payments objectives, and the other international economic objectives of the United States, that it is desirable to apply the tax imposed by section 4911 to the acquisition of debt obligations of foreign obligors having a period remaining to maturity of less than one year, he may, from time to time by Executive order (applicable as provided as in subsection (c)), extend the application of such tax, at such rate or rates (subject to the provisions of subsection (b)) specified in such order, to the acquisition of such debt obligations specified in such order. The authority conferred by this paragraph may be exercised, at the discretion of the President with respect to any classification of such debt obligations specified in paragraph (2), and with respect to acquisitions occurring during such period of time, as may be specified in the Executive order. The President may by subsequent Executive order terminate or modify any Executive order previously issued under this section.

"'(2) Classification.—For purposes of paragraph (1), debt obligations may be classified according to—

"'(A) type of debt obligation,

"'(B) period of maturity,

"'(C) category of obligee,

"'(D) category of obligor,

"'(E) aggregate amounts subject to tax or not subject to tax, or

"'(F) other criteria similar to any of the foregoing

"'(b) Rates of Tax.—The rates of tax which may be specified in an Executive order issued under this section shall not exceed the rate applicable to debt obligations having a period remaining to maturity of at least one year, but less than one and a quarter years.

"(c) Applicability of Executive Order.—Any Executive order issued under this section shall apply with respect to acquisitions made after the date on which such Executive order is issued, except that in the case of any such order which subjects acquisitions to the tax which are not then subject to the tax, or which increases a rate of tax (as in effect without regard to such order), to the extent specified in such order, rules similar to the rules prescribed in paragraphs (2), (3), and (4) of section 3(c) of the Interest Equalization Tax Extension Act of 1967 shall apply.

"'(d) Regulations.—The Secretary or his delegate may prescribe such regulations (not inconsistent with the provisions of this section or any Executive order issued and in effect under this section) as may be necessary to carry out the provisions of this section.'

"(2) The table of sections for subchapter A of chapter 41 is amended by adding at the end thereof the following new item:

"'Sec. 4921. Debt obligations with maturity of less than a year.'"

Page 13, line 8, strike out "(j)" and insert: "(j)".

Page 13, strike out lines 12 to 18, inclusive, and insert:

"'(e) Certain Interest Equalization Tax Returns.—The provisions of this section shall apply with respect to returns of amounts withheld under section 4918(e)(7) (relating to withholding of interest equalization tax by participating firms) in the same manner and to the same extent as they apply with respect to returns specified in subsection (a)(1).'"

Page 13, in the third line following line 24, strike out "(e)".

Page 14, line 4, strike out "(j)" and insert: "(k)".

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

Mr. **BYRNES** of Wisconsin. Reserving the right to object, Mr. Speaker, I do so only for the purpose of yielding to the gentleman from Arkansas so that he might call to the attention of the Members of the House the substance of the Senate amendments. I yield to the gentleman from Arkansas.

Mr. **MILLS**. I thank my friend from Wisconsin for yielding to me.

The most significant feature of H.R. 5432 is that it extends the interest equalization tax for 2 more years from tomorrow when the tax is scheduled to expire until March 31, 1973. As you will recall, this bill as passed by the House included a number of minor technical amendments to the interest equalization tax. The Senate retained the minor technical amendments in the bill and made some minor modifications in them. It also added two additional minor amendments to the bill. These amendments for the most part are technical perfecting amendments which do not, in any sense of the word, change the basic purpose of the tax.

The two additional amendments added to the bill by the Senate, however, rise above the level of merely technical amendments. I would like to explain these. The first, and more important of these amendments, provides the President with discretionary authority to extend the interest equalization tax to debt obligations with maturities of less than 1 year. At present, the tax only applies to obligations with maturities of 1 year or more.

In recent months, short-term obligations, particularly bank loans, have increased significantly. In 1970, for example, these loans increased to a level of $1.1 billion. This is up from the much lower levels which have prevailed since 1965. With one exception, these prior levels have not been much over $700 million.

The discretion provided to the President under the Senate amendment gives him as much latitude as possible so that he will be able to impose the tax with respect to those short-term funds which are going abroad merely to seek higher interest rates as distinct from those funds which are needed to facilitate export and other transactions.

The second additional amendment of the Senate to the bill relates to mutual funds. Present law provides that mutual funds set up before the interest equalization tax became effective may continue to operate free of the tax with respect to transactions of the fund itself even in the case of new investments made in the fund. Other new funds complained of this advantage of the existing funds and the Senate restricted this tax-free rollover privilege of existing funds to investments in the funds prior to March 24, 1971.

Both of these additional Senate amendments to the bill constitute improvements in the tax which I urge the House to accept.

As I indicated at the outset, the Senate also made several minor modifications in the technical amendments contained in the House-passed bill. None of these amendments change the purpose or thrust of the House bill. Rather, they generally either increase the workability of the House provision or clarify its application. I will briefly summarize the House provisions which were modified by the Senate and the nature of the Senate modification.

First. The House bill allowed a domestic company to elect to have a new issue of its debt obligations treated as subject to the tax so as to be able to comply with the foreign direct investment restrictions. The Senate extended this election to domestic partnerships, made the election inapplicable in the case of convertible debt obligations to the stock into which the obligations could be converted, and also extended the election to certain previously issued obligations of foreign or domestic subsidiaries. The Senate also exempted interest paid to foreign persons on obligations subject to this election from the 30-percent U.S. withholding tax.

Second. The House bill provided that the present exclusion for loans in connection with foreign mineral facilities which is available only if the lending U.S. person has a substantial amount of ores processed in the facility could be satisfied in certain cases by looking to the amount of ores supplied by the U.S. person to the existing, as well as the new, facilities of the foreign person. The Senate modified this provision so that the exclusion is available only where the additional amount of ores supplied by the U.S. person to the existing and the new facilities would satisfy the tests of present law.

Third. The House bill permitted tax-free direct investments to be made by financial institutions in certain lending or financing subsidiaries in situations where the amount invested would remain in the United States and thus not adversely affect our balance of payments. The Senate modified this provision in a number of respects. First, it made this treatment available in the case of investments by any U.S. company. Second, it made the treatment available where the invested funds came from foreign sources as well as where they stay in the United States. Third, it provided a definition of the type of lending and financing company in which an investment could be made which primarily is designed to insure that the company operates in a manner consistent with our balance-of-payments objectives. Fourth, it extended this tax-free treatment to acquisitions of stock or debt obligations of a financing subsidiary from third parties as well as from the subsidiary. Finally, any domestic company which qualifies as a lending and financing company under the bill is to be allowed to elect to be exempt from the tax on the loans it makes in its business.

Fourth. The House bill allowed the Treasury Department to waive a notice requirement which must be satisfied if additional shares of stock issued by a foreign corporation principally owned by U.S. persons are to be treated as domestic stock. The Senate clarified the application of this waiver rule in cases where the failure to give the notice occurred prior to the enactment of the bill.

Fifth. The House bill provided a civil penalty for late filing of certain interest equalization tax returns or for failures to pay over certain amounts of tax. This penalty would have applied to brokers who withhold tax for customers as well as to the customers themselves. The Senate deleted the penalty in the latter case since it is already provided for under present law.

I urge the House to agree to the Senate amendments to this bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

Mr. **BYRNES** of Wisconsin. Mr. Speaker, further reserving the right to object, I do so only to say I do think these amendments are acceptable.

I would add one word of caution that as far as I am concerned, I have some question about the desirability of imposing this tax on short-term obligations, but since it is discretionary authority, certainly that is not a big enough difference of opinion that we should contest it at this time.

The legislation is needed to become law by tomorrow night, and all of the other amendments are certainly in order in my judgment.

Mr. **MILLS**. Mr. Speaker, will the gentleman yield?

Mr. **BYRNES** of Wisconsin. I yield to the gentleman from Arkansas.

Mr. **MILLS**. Mr. Speaker, I associate myself with the gentleman's position. I can accept the amendment, because it is discretionary and it gives the President the right to go either way. I think I would have some trouble in accepting an amendment of this sort if we were first imposing the tax, and doing this without any discretion at all.

Mr. BYRNES of Wisconsin. That is correct, or in directing that it absolutely be used, but it is discretionary.

Mr. MILLS. If the gentleman will yield further, much of this is done for the purpose of promoting exports of American products in the first place.

Mr. BYRNES of Wisconsin. That is correct.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

DAMAGE TO THE FIRST AMENDMENT TO OUR CONSTITUTION

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, until this week I was unaware that the first amendment to our Constitution was a protective shield, under which foreign citizens who advocate the violent overthrow of that very Constitution must be admitted to this country.

But that is the effect of a recent ruling by a three-judge panel in the New York City Federal court.

I refer to the ruling in the case of Ernest Mandel, a Belgian Marxist, who was barred from entry to the United States in 1969 for the purpose of lecturing at colleges and universities. This ruling has the effect of striking down a section of the 1952 Immigration and Nationality Act.

Mandel is an internationally known advocate of world Marxism who admittedly preaches anarchistic doctrines and the forcible overthrow of the U.S. Government and its Constitution.

Let me say immediately that I have written to Attorney General John Mitchell urging him to appeal this matter, at the earliest opportunity. A copy of that letter accompanies this.

But I feel so strongly about the issue that I feel it incumbent upon me to bring it to the attention of this House.

The two Federal judges who concurred in the majority opinion are District Judge John F. Dolling, Jr., who wrote the majority opinion, and District Judge Wilfred Feinberg. Their decision holds that the first amendment insures free and open academic exchange and that the McCarran-Walter Act imposes a prior restraint on constitutionally protected communication.

If this court ruling had applied 30 years ago during World War II, I presume that Adolf Hitler, Benito Mussolini, and Hideki Tojo would have been free to visit our country and speak in behalf of nazism, fascism, and Japanese imperialism. No doubt even in the desperate days of that bitter conflict they would have enjoyed some sort of audience in the circles of academe, just as Mandel doubtless will today.

At least one of the three judges involved, however, is not seeking to promote national suicide, District Judge John R. Bartels wrote a strongly worded minority opinion. In it he said:

> My difference with the majority stems from the fact that while recognizing the sovereign power to exclude in the interest of self-preservation, they subordinate this interest to the First Amendment interest by applying standards invoked exclusively to strictures upon speech by American citizens and strictures upon the right of American citizens to hear other American citizens. In proceeding in this manner it seems to me that the majortiy has ignored the crucial fact that (the McCarran-Walter Act) serves the important objectives of (1) national security and (2) foreign policy, and that the exclusion of a disfavored political doctrine as expounded in person by an alien is not its aim but only a by-product.

Permit me, Mr. Speaker, to quote further from Judge Bartels' dissent:

> In the hierarchy of priorities, the imperative of national security in dealing with aliens must prevail over limited restrictions upon First Amendment rights . . .
>
> The loss of thousands of lives and the expenditure of billions of dollars attest to the fact that the Federal Government has reached the judgment that the continued worldwide growth of the Communist movement as practiced in its tyrannical form is inimical to the best interests of this nation.

I think Judge Bartels has exhibited wisdom and good commonsense in this dissent.

But he—and an act of Congress—have been overruled by two judges who apparently are more interested in theory than in applied practicality.

Let me cite just one example of what life in this country would be like should the social philosophies Ernest Mandel advocates gain supremacy in America.

Recently a 21-year-old American named Mark Hussy was arrested in East Berlin, charged and convicted, drawing a prison term of 7 years, I repeat, 7 years. His crime? Making statements critical of the Communist East German Government.

This, of course, is exactly what Ernest Mandel proposes to do here, on our Nation's campuses. Furthermore, Mandel undoubtedly intends to go much further than simple criticism of our form of government. Doubtless he will suggest that it be changed in favor of communism, by whatever means necessary to achieve that end.

If Mandel and those who are sponsoring him are successful in their efforts, it will not be his first visit to our country. Oh no, he has been here before, twice, in 1962 and 1968 to be specific.

But last year the Justice and State Departments denied entry for him because of determination that Mandel was ineligible because of his subversive affiliations and because his activities during his last trip went far beyond the stated purposes of his trip.

Mandel has furnished sufficient evidence that he hates this government and everything it stands for. He has all the right in the world, so far as I am concerned, to express his opinions—in Belgium, where he is a citizen.

But I see no reason to import him into this country to preach sedition and revolution. We have entirely enough homegrown extremists both on the right and the left who would destroy the Government without sending abroad for them.

My letter to Attorney General Mitchell follows:

MARCH 25, 1971.

Hon. JOHN M. MITCHELL,
Attorney General, U.S. Department of Justice, Washington, D.C.

DEAR ATTORNEY GENERAL: On March 19, 1971, a three judge Federal Court in New York handed down a decision in *Mandel et al.* v. *Mitchell*. The case involved the refusal of the United States to issue a visa to Dr. Ernest Mandel, a Belgium citizen and admitted Marxist, who openly advocates Marxist revolutionary doctrine. Dr. Mandel had been invited to lecture in the United States. When his application for a visa was denied, a group of United States citizens, joining Mandel as a party plaintiff, instituted litigation.

The court, with one judge dissenting, determined that Mandel could not be barred from a speaking tour of the United States because the basic exclusion statute in question, 8 U.S.C.A. § 1182(a) (28) is unconstitutional. The court determined the statute to be unconstitutional on the grounds that it is directed to no other and then limitation of First Amendment rights. Those First Amendment rights did not involve Mandel's right to speak; rather the rights of United States citizens to hear him speak.

Judge Bartels, in his dissenting opinion, has succinctly articulated what should have been the determinative arguments and reasoning to bring the decision to an opposite result. Bartels correctly points out that the majority opinion, casually brushing aside a line of cases which establish that no limitations can be placed upon the power of Congress to exclude aliens, severely restricts the powers and prerogatives of the Government to conduct foreign policies and provide for national security. I completely concur in his evaluation and urge you to take whatever measures are necessary to insure that this case is appealed.

Sincerely,

RICHARD H. ICHORD,
Member of Congress.

PUBLIC LANDS HIGHWAY FUNDS FOR UTAH

(Mr. McKAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. McKAY. Mr. Speaker, it is a matter of great concern to an area of my State that authorized funds for construction of highway projects in Daggett, Emery, and San Juan Counties have been frozen by Executive order of the President and current budget recommendations of the President and the office of management and budget will cause a loss of these funds unless action is taken right away.

I would like to urge authorization of the apportionment of fiscal year 1971 public land highway funds and the obligation of all public lands and forest highway funds authorized for fiscal years 1970 and 1971.

The projects for which these funds are programed in Utah are vital and important to the people of my State and I would like at this time to offer my support for and enter into the CONGRESSIONAL RECORD the following joint resolution of the 39th Legislature of the State of Utah:

S.J.R. No. 23—1971 APPORTIONMENT OF PUBLIC LAND HIGHWAY FUNDS

A joint resolution of the 39th legislature of the State of Utah requesting the President, the Congress, the Office of Management and Budget and the Secretary of the United States Department of Transportation to authorize the apportionment of fiscal year 1971 public land highway funds and the obligation of all public lands and forest highway funds authorized for fiscal years 1970 and 1971

Be it resolved by the Legislature of the State of Utah:

Whereas, Congress has authorized funds under the Public Lands Highway and Forest Highway Programs for fiscal years 1970 and 1971, and the United States Department of Transportation has apportioned part of these funds for use within the State of Utah; and

Whereas, in reliance thereon the Utah state road commission in good faith has programmed these funds for the construction of projects in Daggett, Emery and San Juan counties, to wit:

FHP 37-2(5) Final surfacing on SR-44 between Greendale Junction and Dowd's Spring	$400,000
FHP 7-3 (5) & (6) Huntington Canyon	1,065,000
FLH 42(9) SR-95 from Cottonwood Wash-Comb, Wash	2,300,000

Whereas, by executive order of the President, the Utah State road commission has not been allowed to proceed with the anticipated projects nor obligate the apportioned funds within the period for which they were authorized; and

Whereas, current budget recommendations of the President and the office of management and budget will cause the unobligated balances of the 1970 and 1971 Public Lands Highway and Forest Highway funds to lapse on July 1, 1971; and

Whereas, the projects for which these funds are programmed are essential and critical for protection of the investment incurred in the initial surfacing on the Greendale Junction road, and to provide for rerouting of the Huntington Canyon road to prevent delay in the construction of a power plant and reservoir and to bring nearer completion state road 95 from Blanding to Hanksville which serves as the backbone of the Golden Circle network of scenic and recreational highways in the State of Utah.

Now, therefore, be it resolved, by the 39th Legislature of the State of Utah, that the public interest requires that funds authorized by Congress and apportioned by the United States Department of Transportation and programmed in good faith by the Utah state road commission not be permitted to lapse on July 1, 1971, as proposed in the President's budget.

Be it, further resolved, that the Utah legislature requests the President, the Director of the Office of Management and Budget, the Congress and the Secretary of the United States Department of Transportation to take the action necessary to prevent the funds from lapsing as proposed and to authorize the obligation of said funds and the apportionment of the 1971 Public Lands funds to the States with consideration being given to Utah's application for such funds on file with the Federal Highway Administration.

Be it further resolved, that the secretary of state be, and is hereby, directed to transmit copies of this resolution to the President, the Director of the Office of Management and Budget, the Secretary of the United States Department of Transportation and the Congressional delegation from the State of Utah.

NATIONAL WEEK OF CONCERN FOR POW/MIA

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and included extraneous matter.)

Mr. ADDABBO. Mr. Speaker, it has been 7 years and 4 days since the first American prisoner of war was captured in Southeast Asia. It has also been 7 years and 4 days since the North Vietnam Government has failed to recognize and apply the Geneva convention understandings to our prisoners of war.

The only immediate hope we have for changing the policy of North Vietnam in this regard is the weight of world opinion. The grassroots campaign in the United States and throughout the world on behalf of our prisoners of war and those missing in action is reaching its peak with the National Week of Concern activities. As a cosponsor of the congressional resolution to recognize this Week of Concern, I am proud to join my colleagues on both sides of the aisle in these efforts to mobilize public pressure against the irrational and inhumane policies concerning POW/MIA's.

It is my hope that the wives and families of our POW/MIA's will not have to face another day of those policies which deprive them of any knowledge of their loved ones. It has been 7 years and 4 days too long for such a tragic situation.

Mr. Speaker, my position on the Vietnam war and our involvement in Indochina has been known for some time. As a member of the House Appropriations Committee, I have voiced concern over the expansion of the war, the extent of our role in Southeast Asia, and my support for a Vietnamization policy which should end our troop commitment by December of 1971.

It is said that the move to end the war by December 1971 gives solace to the enemy. This cannot give any more aid or comfort than the President's Vietnamization policy or the President's announcement of continued pullouts. I believe that after 10 years—after all our dead and wounded—after dropping over 4 million tons of bombs, twice as much as we dropped during World War II, including Korea—after 40 percent of our troops starting to use drugs, it is time to let the South Vietnamese know that they must take over the responsibilities in the field.

The South Vietnamese did not start drafting their 18-year-olds until we gave them an ultimatum so once again I believe we must give them an ultimatum—a definite date beyond which the United States will not continue to provide troops in Vietnam.

We are not running out—this is the third year of the Vietnamization program. The South Vietnamese have been fighting in Cambodia and Laos and they have told us that they will get out of Cambodia when they wish. South Vietnam has had an election and they will have another in September. If they cannot go it by December, they will never be able to defend themselves.

In 1968 the President told the American people that he had a plan to end the war. That plan had to be withdrawal of all American forces for in reality the Vietnamization program was started by President Johnson when he ordered the training of the South Vietnam Army to defend itself under the pacification program. By calling for complete withdrawal by December 31, 1971, we are supporting the policy of Vietnamization but calling for its completion in 1971 instead of 1972, a presidential election year.

The President has pledged to end the war. He has told us that all U.S. troops will be withdrawn from Southeast Asia. I say let that be our policy and let it be achieved by the end of this year.

CONGRESSIONAL QUESTIONNAIRE REPORT

(Mr. MONAGAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the results of my 1971 congressional questionnaire have been tabulated, and I should like to record them for the information and consideration of my colleagues. I also intend to send copies of this report to my constituents.

In distributing over 40,000 questionnaires, I asked citizens of Connecticut's Fifth District to answer 15 issue questions, and rank in order what they considered to be the 12 most critical problems facing the United States. I was gratified that over 6,000 questionnaires, or approximately 15 percent, were returned. With "his" and "her" categories on each card, the total number of respondents to the issue questions was increased to 8,700; 5,777 individuals provided a ranking of critical issues. Since the tabulation was completed 325 more questionnaires have been received.

Of most immediate interest, respondents supported the recent actions of the majority of the Congress on the issues of the supersonic plane and the 18-year-old vote. Out of 8,700 responses tallied on these questions, 5,269 people or 70 percent opposed further Federal funding of the SST; 4,614 or 53 percent favored extension of the 18-year-old vote to all elections. I was pleased to vote with the majority of the House on both of these issues.

On the priority ranking of problems, 1,820 people or 32 percent listed inflation and continued unemployment as the Nation's No. 1 problem. Significantly, those responding to the issue question supported price and wage controls as a means of curbing inflation by a 70- to 30-percent margin.

The Vietnam war was thought to be the most critical issue by 1,716 people or 29 percent. At the same time, approximately 50 percent supported an immediate unilateral withdrawal of American troops from Vietnam. Only 1 percent ranked the draft as the most critical problem facing the Nation.

Those answering also voiced overwhelming support for campaign reform, as 90 percent of those who responded favored specific limits on the length and cost of national political campaigns; 73 percent favored appropriate curbs on imports which compete unfairly with U.S. products. Opposition to the legalization of marihuana was expressed by 6,658 individuals, or 83 percent. Revenue sharing was opposed by 60 percent if it means a tax increase.

I was pleased with the response of the people of the District to this questionnaire. The results will help me determine how I shall vote on the critical issues facing the Congress, although I do not view the response as a mandate.

The complete tabulation of responses to the 15 issue questions and the priority ranking of problems follow:

THE QUESTIONNAIRE: TOTAL RESPONSES 8,700

Do you favor—	Yes	Percent	No	Percent	Uncommitted
1. A plan for the Federal Government to share revenues with the States and municipalities although it may mean a tax increase?	3,464	40	4,867	60	369
2. Price and wage controls as a means of curbing inflation?	6,129	70	2,366	30	205
3. Appropriate curbs on imports which compete unfairly with U.S. products?	6,364	73	2,039	27	297
4. Specific limits on the length and cost of national political campaigns?	7,868	90	626	10	206
5. Federal financial support for the further development of the SST?	2,621	30	5,269	70	810
6. The availability of Federal funds to insure the liquidity of railroads and other public utilities when they experience temporary financial difficulties?	4,747	54	3,593	46	360
7. Continuation of manned space exploration?	4,589	52	3,862	48	249
8. The admission of Communist China to the United Nations?	4,286	50	4,142	50	272
9. Extending the 18-year-old vote to all elections?	4,614	53	4,016	47	70
10. Legalization of the sale and use of marihuana?	1,513	17	6,658	83	529
11. Increased Federal support for population control programs?	5,563	64	2,766	36	371
12. The President's plan for family assistance?	4,765	55	2,894	45	1,041
13. Tax credits for parents who pay the expenses of college education?	6,253	72	2,201	28	246
14. Reduction of the U.S. commitment to the North Atlantic Treaty Organization?	4,717	53	3,341	47	642
15. Immediate unilateral withdrawal of all American troops from Vietnam?	4,352	50	4,130	50	218

Priority ranking of national problems	Responses	Percent
Rising inflation and continued unemployment	1,820	32.0
The war in Vietnam	1,716	29.0
Environmental pollution	557	10.0
High taxation	504	8.0
Crime	424	7.5
Drug abuse	255	4.5
Poverty	144	2.5
Imports which compete unfairly with American products	139	2.5
Unrest in the Middle East	61	1.0
The draft	53	1.0
Urban blight	52	1.0
Racial dissension	52	1.0
Total	5,777	

Note: Explanation—1,820 of the 5,777 responses listed rising inflation and continued unemployment as the No. 1 national problem; 52 listed urban blight and racial dissension as the No. 1 problem.

LT. WILLIAM CALLEY—MY LAI INCIDENT

(Mr. NICHOLS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, like many of my colleagues I am extremely shocked and appalled at the premeditated murder conviction of Lt. William Calley in connection with the My Lai incident almost 3 years ago. Although I am a strong supporter of the military and military justice, I cannot understand how the six Army officers could convict Lieutenant Calley when there is a very strong possibility he was carrying out orders from a superior officer.

Now this same jury must decide whether Lieutenant Calley shall spend the rest of his life in prison at hard labor or he should be executed for these alleged crimes.

Mr. Speaker, my two offices in my district and my Washington office have already been deluged with telephone calls and telegrams. Several deputy sheriffs, one of whom served two tours in Vietnam, have gone personally to my office in Anniston to protest the verdict. I have yet to receive a single call or telegram concurring with the decision.

The Alabama Legislature, which goes into session tomorrow, will study a resolution asking the President to intervene in the case and grant a pardon to Lieutenant Calley. I have no doubt that this resolution will be passed.

Mr. Speaker, I respectfully urge that the military appellate courts who will review this case give careful consideration to every detail. I have contacted the convening authority at Fort Benning, the commanding general of that base, asking if Lieutenant Calley can be released under the Military Justice Act of 1968–69 which gives the convening authority the power to defer the sentence until a final decision is handed down in litigation.

I am not only concerned with Lieutenant Calley, the individual and the soldier. I am concerned about this great country of ours. If the verdict is not reversed, it will be many years before America is able to remove this blot on our proud history.

MINISTER RETIREMENT PROGRAM

(Mr. WHITEHURST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITEHURST. Mr. Speaker, I am sure many people are not aware of the unusual circumstances that exist pertaining to the minister retirement program of the Federal Government.

Prior to 1954 a minister was in the unique position of having no retirement benefits except for a possible pension provided by his congregation. In 1954, the Government finally recognized this inequity and passed a law giving the opportunity to be covered under social security. Even this was done in a unique way.

The law provided for a minister to be covered as a self-employed individual, with no contribution being made by the church, and he was thus treated like all other self-employed individuals in the eyes of the law.

Since that time, however, other retirement benefits have become available to self-employed persons, but again, as occurred under social security, with the exception of the clergy. I am referring to the Keogh plan.

Under this retirement program, a self-employed person could invest up to 10 percent of his income—not exceeding $2,500—in a Government-approved private investment program, and deduct this from his income tax.

Mr. Speaker, the bill I am introducing today will correct this inequity, by permitting a minister to participate in this program on equal grounds with other self-employed individuals. I see no reason why our laws should reflect the opinion that a minister should receive less for services rendered humanity than other professionals. I hope that the House will give this bill prompt and favorable consideration.

OUR SENIOR CITIZENS: OUR RESPONSIBILITY

(Mr. FORSYTHE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORSYTHE. Mr. Speaker, today I have been most happy to welcome to Washington several hundred senior citizens who have come here to see their Nation's capital and to watch the Congress in action.

This fine group, which traveled in a dozen buses, represents a growing segment of the American population with special needs and requirements. Unfortunately, too often it is the very segment that is lastly considered.

The Congress took what must be an initial step earlier this month when it approved a 10-percent increase in benefits for social security recipients. But, this is not enough, and we must not rest with this achievement.

Virtually no person wants to grow old. Virtually no person wants to face the stark realities of being alone, of living on a meager income, of losing health, of becoming increasingly dependent on others. Edward Albee once wrote a play about a middleaged couple who, before putting Grandma permanently in the sandbox with a toy shovel, gave her a nice place to live under the stove, with an Army blanket and her very own dish.

Unfortunately, the play contains more truth than fiction.

One of the poignant trends of life in this country of ours is the gradual devaluation of older people, along with their spectacular growth in numbers.

Twenty million Americans are 65 or over. They have also increased proportionately, from 2.5 percent of the Nation's population to better than 10 percent today.

Tragically, though, the elderly persons throughout the United States are twice as likely to be poor as younger persons.

Today, I am introducing a package of legislation designed to help provide substantial, meaningful assistance to these older Americans.

The bills would:

Provide social security increases commensurate with the cost of living and raise from $1,680 to $3,000 annually the earnings limitation ceiling.

Exempt individuals from social security tax payments after age 65.

Amend the Internal Revenue Code to allow persons over 65 to deduct all medical expenses from income tax.

This program constitutes a goal to which I believe this Congress should address itself: the goal of providing what is due to a large sector of America.

Our older Americans are not to be pitied. They are not to be cast aside like old cars, on a junk heap to rust and disintegrate.

Rather, our senior citizens must be provided with what should rightfully be theirs—a meaningful income, the opportunity to continue and to contribute to their society.

Cost-of-living increases in social security are long overdue. The cost to this Nation in dollars would be insignificant to the help which would be provided to those who deserve it the most.

For maximum fairness, the outside earnings ceiling should really be lifted entirely. Estimates, however, run in the area of $2 billion. So, the $3,000 limitation is, I believe, a realistic step in that direction.

It seems to me that by imposing the unrealistic limitation on earnings which exists today, we are robbing this Nation of a talented and dedicated pool of individuals who are willing and able to contribute to their society.

Why not consider using qualified older persons who desire to work in day care centers? Why not expand and improve the foster grandparent's program? And the green thumb program?

It also seems to me that we are defeating the very purpose of the social security program by requiring those who receive the benefits to continue to pay the taxes.

This Congress, I assert, must reach for these goals which I have outlined here and which have been outlined by others before me.

But, we must not rest with these achievements.

The older American comes from a generation which has known the importance of national pride, of patriotism. He knows what it is to fight in wars—there have been at least four in his lifetime, and many have lost loved ones.

The older American knows the importance of reverence to God and to his Nation's flag. He is worth seeking out, and he is worth helping.

Taxes are a critical problem for those who have grown old.

In New Jersey, particularly, real estate taxes continue to climb. In many, many cases, it is virtually all one can do to keep a home which is long ago paid for—because of the mounting tax bill.

The group visiting here today has presented a petition to Congress requesting that tax responsibilities for senior citizens and retirees not be increased over the amount for which they were liable at the time of retirement or on their 65th birthday.

The crux of this proposal is really the real property tax, which of course, is a matter of local jurisdiction.

However, the message here should be heeded.

Senior citizens must have tax relief. They must be helped so that the honor and dignity which they deserve are not abrogated.

Samuel Dockett once said:

> We have time to grow old—the air is full of our cries.

My colleagues, let us hear these cries. And let us respond.

EL MONTE, CALIF.

(Mr. WIGGINS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WIGGINS. Mr. Speaker, recently, Time magazine printed an article exploring suburbia in the United States. The seven-page report included profiles on four communities in this Nation. El Monte, Calif.—my hometown and the town in which I had the privilege of serving as mayor—was one of those selected. El Montians would normally be pleased with the fact that a national magazine such as Time, selected their city as being representative of American communities. For indeed we are proud of our town and believe it is the kind of town that everyone can call home.

However, for those Members who may have read the article, please allow me a few words of rebuttal. I do this because I believe Time was negligent in failing to present a balanced picture of this community in their analysis of suburbia.

Time magazine stated:

> Despite its staggering growth, El Monte oddly manages to maintain a small town atmosphere. It could be a relic from a blue collar edition of Norman Rockwell's "America." The pace in El Monte is just a bit slower than in Los Angeles. The people are just a bit friendlier. Hands dirtied by honest work are still a badge of honor.

This is true. It is a friendly town. It is a workingman's town. It is a town where citizens take an interest in getting things done. And we are proud of it.

Take the Boys' Club, for example. Just a few years ago it was the dream of a local veterinarian and the Civitan Club. Today, it is a 1,500-boy reality, headquartered in a $250,000 center. It came about because the citizens of El Monte recognized a growing juvenile problem and decided to do something about it. Labor unions, business, city officials, and citizens ignored the critics—those who said it could not be done in a workingman's town—and joined together to build a club and serve youth. Perhaps, most significantly, Mr. Speaker, the proud people of El Monte did it themselves without a Federal handout.

Another example is downtown redevelopment. Like so many other older American cities—El Monte was founded about 1852—the downtown business area began to show its age a few years ago, but rather than request a Federal program, as is the practice in more affluent but less independent cities, the landlords, the tenants, and the city fathers, got together to build a beautiful downtown mall, using only local funds. El Monte has a long history of this kind of cooperation. It was a pioneer among California cities with off-street parking lots. It was the first city in the State to allow its merchants to band together in order to pay for parking and downtown promotions.

And because of this progressive attitude, El Monte is second only to Pasadena in the San Gabriel Valley in taxable retail sales. This retail trade helps keep property taxes down. In fact, the city fathers were able to reduce taxes from $1.66 to $0.63 from 1946 to 1969 while expanding city services to accommodate a population growth of 8,000 to 68,000.

El Monte schools have always been among the best in the State. We in the community have been proud to back their innovative programs. These programs were not only educational but also recreational. For years the elementary school districts and the city have cooperated in leisure hour programs in order to utilize playground facilities after school and during the summer.

As stated by Time magazine, we do not have a private country club set, but let me assure you, we are not lacking public recreational activities.

Our golf course, municipal swimming pools, community centers, offer a wide variety of programs for all age groups. With one of the largest little league systems in the county, an active Pop Warner football league, and a large number of Boy and Girl Scout troops we keep busy doing the things we best like to do—serving our youth.

El Montians turn out in large numbers to support the annual Lions Club barbecue, the Kiwanis pancake breakfast, and the many other charity events staged by community organizations.

We are also very proud of our industry. El Monte is corporate headquarters for two industrial giants, Aerojet-General and Hoffman Electronics.

Ball Glass Co. is a leader in the recycling of glass bottles. Sargent-Fletcher Manufacturing Co. has been in the forefront in the hiring of the handicapped and disadvantaged. These firms, and the hundreds more in our community, I am proud to say, are good, active citizens. The chamber of commerce long ago shed its image of a tourist greeting agency. Today, as a unifying force in the city, it has brought business community know-how to bear on social problems such as unemployment, drug abuse, and pollution. The chamber is truly concerned about the total community and not just the business-industrial sector.

Like many other towns El Monte has problems, but thanks to an alert and sensitive city council and a dedicated city staff, we are able to come to grips with them. The saving of the airport, enlightened zoning ordinances, and mile upon mile of road improvements, are just a few of their accomplishments.

Yes, this little-town-grown-big, with its friendly El Monte parade, its historical museum, its churches, manages to retain its small town atmosphere in the shadow of Los Angeles as alluded to in Time magazine. Unfortunately, however, Time missed entirely the reason the city is able to achieve so much. It is because of the independence and energy of its proud people.

HIGHER EDUCATION FUNDING ACT OF 1971

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute to revise and extend his remarks, and include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, today I have the distinct honor of reintroducing with 41 cosponsors my bill, H.R. 5, the Higher Education Funding Act of 1971.

I do not think I could have chosen a more opportune time to reintroduce this bill in the company of such illustrious Members. The mood seems ripe for major congressional action this year or next on the all-important question of how the Federal Government can best assist in relieving the awesome financial burden of putting young men and women through an institution of higher learning. Already there have been a number of bills introduced this session in both Houses which, while differing significantly in their approach to the problem, all have at least one aim in common, and that is offering Federal assistance to families faced with ever-increasing college education costs.

In the wide spectrum of possible alternatives in this area, I feel that the advantages of my bill can best be put as follows: it specifically addresses itself to the neglected middle-income family, which just misses qualifying for Federal assistance and yet does not possess an income sufficient to take increasing college costs in stride. This is, in a real sense, the neglected stratum of our society. The group that is always caught in the vise. A group which wants to pay its way, earn its way, but does in the final analysis need some recognition from the Federal Government for the burden they are bearing, lest they be crushed under its weight. My education bill is not, therefore, properly described as yet another Federal handout. Rather, it is designed to encourage self-financing by the parent-taxpayers of future college students. H.R. 5 has been designed to permit these parent-taxpayers to set aside limited amounts of money annually to meet future college costs. By employing the device of a deduction from gross income, it encourages the setting aside of amounts each year in a trust fund, the purchase of insurance or annuity contracts, custodial accounts with banks, nontransferable face amount certificates, and/or Government bonds.

We all know college costs have increased dramatically over the past several years and there is no evidence to lead one to believe that this trend will not at the very least continue if not, in fact, grow worse. The legislation I am sponsoring attempts to ease this increasing burden by allowing parents to plan in advance for their dependents' college education and spreads the anticipated cost over a period of years. The burden that will have to be borne by the already overburdened Treasury of this Nation is as limited as is possible, while at the same time providing a real incentive for parents to save and bear the major financial responsibility for educating their children.

I am not making any outrageous claims for this legislation. I am not arguing that it will solve all the varied problems facing this Nation today in the field of higher education. But it would at least be a long overdue measure of relief to one of the most neglected sectors of our society. Its costs would be minimal. It would not destroy incentive but would rather encourage families to continue to meet the major portion of their children's higher education expenses. By offering a variety of alternative methods for saving, it cannot be viewed as favoring one financial industry over another. What we would do in passing this legislation is to translate a long-standing awareness of staggering financial burdens into positive legislative action in a manner which would encourage the private sector to build a solid financial basis for future education. I think that today is the day to begin a major legislative push for this much-needed legislation.

It only remains to say I am proud to be associated with the following distinguished Members who have cosponsored this legislation:

LIST OF COSPONSORS

Joseph P. Addabbo, New York.
Frank Annunzio, Illinois.
Edward G. Biester, Jr., Pennsylvania.
Edward P. Boland, Massachusetts.
Joel T. Broyhill, Virginia.
John Buchanan, Alabama.
James A. Byrne, Pennsylvania.
Bob Casey, Texas.
Frank M. Clark, Pennsylvania.
James C. Cleveland, New Hampshire.
George W. Collins, Illinois.
Edward J. Derwinski, Illinois.
Harold D. Donohue, Massachusetts.
Thaddeus J. Dulski, New York.
Joshua Eilberg, Pennsylvania.
Walter Flowers, Alabama.
William D. Ford, Michigan.
James G. Fulton, Pennsylvania.
William J. Green, Pennsylvania.
G. Elliott Hagan, Georgia.
Seymour Halpern, New York.
Orval Hansen, Idaho.
Floyd V. Hicks, Washington.
Louise Day Hicks, Massachusetts.
John C. Kluczynski, Illinois.
Speedy O. Long, Louisiana.
Paul N. McCloskey, Jr., California.
John Y. McCollister, Nebraska.
Abner J. Mikva, Illinois.
F. Bradford Morse, Massachusetts.
Thomas P. O'Neill, Jr., Massachusetts.
John J. Rhodes, Arizona.
Benjamin S. Rosenthal, New York.
William R. Roy, Kansas.
Edward R. Roybal, California.
Fernand J. St Germain, Rhode Island.
Robert H. Steele, Connecticut.
Charles Thone, Nebraska.
John C. Watts, Kentucky.
Charles H. Wilson, California.
Lester L. Wolff, New York.

Mr. Speaker, I would conclude by adding the attached indepth study of H.R. 5, which attempts to provide answers to any questions which Members might have about the full implications and reasoning behind H.R. 5:

H.R. 5—A NEW PLAN TO MEET COLLEGE COSTS

(By Welton J. Fischer, J.D., and Marvin A. Kobel, C.L.U.)

It's a good bet that most parents in our education-oriented society have at one time or another considered the prospects of their sons and daughters going to college. However, after facing up to the tough financial requirements, all too many resign themselves to the unhappy fact that for their children college can never be more than a dream.

Just how many young people are deprived of a college education each year solely because of the financial inability of their parents to pay the costs involved is difficult to determine. It is estimated, however, that 100,000 high school seniors each year are qualified for college and yet cannot meet the increasingly high price tag.

The confluence of mushrooming educational costs, higher taxes, and the inflationary erosion of family income causes a real crunch in our family economic decision-making. More and more we have to pick and choose, with priority as always going to the traditional necessities of life. The list of financially-ineligible wants and needs seems to get longer and longer every year. It is shameful and wasteful that higher education should have to be on such a list because of that vital importance to both individual and nation.

This alarming situation is also of special interest to the various professions involved in the increasingly complex matter of family financial planning. Certainly, helping Americans blueprint practical ways to assure more and better education remains one of their primary professional functions.

COLLEGE EDUCATION WORTH $120,000

Betty Yarmon, writing for *Women's News Service,* reports that two economists, using the 1950 and 1960 census statistics, shows that the dollar value of a college education is $120,659. This amount represents how much more the college graduate on the average can expect to earn over a lifetime than can the high school graduate.

Truly, higher education is no longer a luxury to be enjoyed by a few. It has become as necessary to good jobs, productivity, and status in the community as secondary education was a generation ago.

Our society is a highly technical one. As this technological transformation continues, there are going to be fewer and fewer opportunities for the unskilled and uneducated.

The greatest increase in college costs has been in the area of tuition and related fees. The increase in room and board fees, while less dramatic, has been nonetheless equally alarming.

The situation is illustrated in the following chart, listing tuition and related fees for a random selection of 16 public and private colleges and universities.[1]

ANNUAL TUITION AND FEES

College	10 years ago	Current [1]	Percent of increase
Alabama [2]	$180	$350	94
Arizona [2]	80	269	236
Baylor	450	820	82
Denver	694	1, 500	116
Duke	800	1, 637	105
Idaho [2]	115	210	83
Michigan [2]	200	348	74
Oberlin	825	1, 850	124
Oregon [2]	195	369	89
Pasadena	420	1, 020	143
Seattle	396	1, 170	196
Stanford	750	1, 770	136
Syracuse	900	1, 900	111
Tulane	750	1, 700	127
Vermont [2]	360	677	88
Yale	1, 100	1, 950	77

[1] 1968.

[2] Tuition higher for nonresidents.

MORE THAN 50-PERCENT INCREASE AHEAD

The Office of Education, U.S. Department of Health, Education and Welfare in its 1968 edition of *Projections of Educational Statistics* [2] illustrates the expected average increase for public and nonpublic schools through the 1976–77 academic year. The projected increase is 37.4 percent for nonpublic institutions and 23.9 percent for public institutions. The HEW figures are for the constant 1966–67 dollar value, i.e., there is no consideration for inflationary trends. If our present approximately three percent per annum inflationary trend continues, by 1976 we could add about 30 percent to the above figures.

Further proof of the tough financial sledding for parents of college hopefuls was highlighted by an article in the *Washington Post* in January, 1969.[3] It reported that the 1969 cost of a bachelors degree at the average eastern private college was an estimated $14,000. If this figure is multiplied by two, three, or more children, the problem of funding college education becomes literally hopeless—or at the least, tremendously burdensome—except for the most affluent.

The alarming fact is that the dilemma described above is just the beginning. A recent report by the Carnegie Commission on Higher Education [4] indicates that institutional expenditures have gone from $5.2 billion in 1958 to $17.2 billion in 1968 and is expected to go to $41 billion in 1977. This is about a 700 percent increase over a span of 20 years.

MIDDLE-INCOME GROUPS FACE BIG PROBLEM

Most parents are totally unprepared to tackle the type of financial commitment now posed by the high cost of a basic college education—much less the increasingly required advanced degrees. The situation is not only a problem for those with lower incomes, but it is an insurmountable obstacle to most middle income groups.

The problems for those with lower incomes is critical and ever present. Yet they can have a fairly good hope of qualifying for loan and grant-in-aid programs. Middle income families, however, are generally expected to bear a large portion of the burden from their own resources. They are the ones who will be most shocked by their financial inadequacy when it comes to paying their tab for college.

RESULTS OF RESEARCH STEADY

In the Fall of 1966, under the sponsorship of the College Scholarship Service for the College Entrance Examination Board, Northeastern University Professor Wesley W. Marple, Jr., and his wife, Betty L. P. Marple, prepared a report on a research study they had conducted of parents' plans for financing the college education of their children. The report was published in the Spring, 1967 issue of the *College Board Review*.[5] The study proposed to reflect on three basic questions: How accurate are middle-income families' estimates of what college actually costs? How much outside financial aid do they believe is available to families in their income bracket? What savings program do they have for meeting future college bills?

While most of the families responding to the Marple inquiry were quite realistic about the cost of higher education, the greater number seriously over-estimated the financial aid available to them. The mean income of families participating in the study was $14,008. However, the average income of families presently receiving aid, even at the most expensive schools, is probably well below $10,000.

The report went on to note that less than 40 percent of the parents who now have or look forward to having children in college have plans for paying the bill. To compound the problem, the report indicates that, generally, as the number of children in the family increased, the number of families with specific plans for financing the cost of higher education decreased.

PRESENT GOVERNMENT EFFORTS INADEQUATE

The Federal government has not been oblivious to this situation, but its programs to date have been too limited to deal adequately with the problem. In numerous Federal programs, three basic approaches have been followed: the Educational Opportunity Grants Program, the College Work-Study Program and the various insured loan programs.

The first two programs offer direct financial assistance, but generally only to students who can demonstrate an exceptional financial need and then generally only in amounts less than $1,000 per student per year.

The loan programs provide assistance by shifting the burden from the parent to the student and making money available which must later be paid back by the student. These most commonly take the form of government-sponsored loans through the educational institution itself or loans from private sources but guaranteed by the government. Both are directed to lower income groups and both result in a tremendous liability on the graduating student who must repay them.

Little or no solace can be found in government assistance programs for middle-income families. This fact was statistically proven by a government report in a Department of Health, Education and Welfare publication, *Students and Buildings*.[6]

To evaluate the adequacy of present Federal programs of student aid, families were grouped into income quartiles based on average family income. The income in the lowest quartile was $2,331; in the second quartile, $5,549 in the third quartile, $8,359; and in the highest quartile, $16,016.[7] The financial need (that portion of college expenses not covered by personal or family resources) of students from each quartile was then compared with assistance available to each. The study found that 94 percent of the total student financial needs from the lowest income quartile was covered either by grants, work-study wages, by loans, or by some combination of the three. By contrast, only 38 percent of the total financial needs of students in the second quartile were covered by present programs. The figure drops to 31 percent for students from families in the third quartile.[8]

While it is obvious that not all from the first quartile who want to go to college will be able to share in one of these programs, it is equally clear that very few middle-income families will benefit, even though their ability to cope with the situation will be no more effective than members of the first quartile. It is interesting to note in this regard, that the highest income quartile is only $16,016 and we are discussing expenses approaching $19,000, per child.

SHORTCOMINGS OF TAX CREDIT AND DEDUCTION PROPOSALS

Several members of Congress have recognized this void and have proposed various solutions, none of which have been enacted. Most prominent among the proposals has been the tax credit. Its advocates would authorize a tax credit for some portion of the expenses paid each year for tuition and/or room and board. The amount of the credit proposed has varied, but most recent proposals have been around $300.

The intention in this approach is laudable. Yet the relief offered is no more than a token gesture of that which is needed, and sound federal fiscal policy will not permit significantly increasing the amount. The Treasury Department has indicated its extreme displeasure with these proposals on the basis of the tremendous cost factor involved. While the tax credit idea seems to be a popular one, and some members of Congress continue to sponsor such legislation, experienced legislators see little or no chance of any successful effort to pass the measure.

Another congressional approach that has received significant attention has been the tax deduction for various higher education expenses. The proposals have favored either an itemized deduction similar to that now permitted medical expenses or state taxes, or a deduction from gross income similar to that now permitted scholarships. Like the tax credit proposals, these bills have failed to generate substantial support because of the potential cost factor involved.

Cost is always going to be a dominating factor in any of the above approaches. The result is going to be either no programs at all, or a program offering such minimal relief that it will be of no real value. In addition, the Congressional proposals assume the existence of the required initial capital. This is not always a sound assumption. If it were, no relief would be needed.

LONG-RANGE PLANNING APPROACH NEEDED

It is not necessary to reward a taxpayer for spending for higher education by offering him tax credits and deductions for amounts expended. What is most desirable is a program to provide financing not otherwise available when it's needed most. Most parents would gladly spend all they had without asking for any incentive or return other than the completed education of their children. The situation cannot be remedied by a reimbursement program, but requires a long-range planning approach designed to anticipate and fund future capital needs.

Congress is not unfamiliar with programs, particularly in the retirement area, which permit small amounts of money to be set aside and permitted to accumulate over a period of years with favorable tax consequences.

Such programs are socially and economically useful without being unreasonably harmful to our Federal budget, because the amount per individual each year is relatively small. However, participation over a span of years, permits an individual to accumulate the large sums necessary to finance his retirement.

Footnotes at end of article.

The program has worked well in the pension area and could easily be adapted to financing requirements for higher education. The problem facing our elderly in their retirement years is not unlike that facing young parents with children preparing for college.

H.R. 5: ITS ORIGIN

There is now a legislative proposal before Congress which molds this retirement plan concept into a concrete and reasonable program for Federal participation in the consumer financing of higher education. The proposal strikes a fiscally responsible balance between the obligation of parents to assume their primary burden in the education of their children . . . with the responsibility of Government to fulfill its role of encouraging and fostering higher education.

The idea at issue is one originally suggested by John P. Meehan, CLU, of Boston, Mass., now elected Secretary of The National Association of Life Underwriters, and a leading life insurance agency management executive. It is embodied in legislation introduced as the fifth bill in the House, in the 91st Congress, by Rep. James A. Burke, (D.-Mass.), a member of the House Ways and Means Committee.

OBJECTIVE

The objective of H.R. 5 is to stimulate the maximum utilization of family resources to meet the problem of systematically accumulating money needed to meet the whole or partial cost of college education. It is specifically designed to encourage families to plan for the funding of the costs of higher education from personal resources. Rep. Burke; Congressional co-sponsors of HR. 5, (who now number 52 and who are drawn from both political parties); The National Association of Life Underwriters; the Federation of State Associations of Independent Colleges and Universities; and other supporters believe it can provide the necessary stimulus to accomplish this objective.

Of course, personal savings has always been available to every family. But a very brief review of the history of retirement planning before and after the enactment of Section 401 of the Internal Revenue Code will demonstrate that our society is inclined to make maximum utilization of the idea only when there is a real and present benefit. This benefit is present in H.R. 5.

HOW H.R. 5 WOULD WORK

H.R. 5 would permit parent-taxpayers to deduct from gross income, amounts contributed to a qualified plan established for their children's college education. The plan is modeled after the Keogh Act (H.R. 10), which permits self-employed persons to set aside annually, tax-deductible funds for future retirement purposes.

The qualified private investment media for secured accumulation of educational funds would include trusts, insurance or annuity contracts, custodial accounts with banks, nontransferable face amount certificates, and/or Government bonds.

Allowable annual contributions have been determined by taking into account the estimated future costs of higher education, but limiting the amount of such allowable contributions so as to avoid an unreasonable or unjustified burden upon the economy. This avoids the objections raised against the earlier tax credit and tax deduction proposals.

The bill sets annual contribution limits at the lesser of: $500 per qualified beneficiary; ten percent of the contributing taxpayer's adjusted gross income; or $2,500. A deduction would be allowed only for contributions to a qualified fund.

A qualified fund would be a fund established by the contributing taxpayer pursuant to a written plan solely for the purpose of defraying the cost of room, board and tuition at an institution of higher education for one or more qualified beneficiaries.

SELECTION OF BENEFICIARY

Each plan, would, at its inception and at all times thereafter, require a specified beneficiary(ies). If there should cease to be a beneficiary under the plan, the taxpayer would have a specified period (120 days) in which to designate an alternate beneficiary.

In such a case, the alternate beneficiary could be a son or daughter of the taxpayer, or a descendant of either; a stepson or stepdaughter of the taxpayer; a brother, sister, stepbrother or stepsister of the taxpayer or a son or daughter of a brother or sister of the taxpayer. However, only contributions to a fund having a beneficiary who is a child of the taxpayer and who (1) has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, and (2) is a student, are deductible from the taxpayer's gross income.

If at the end of the specified period no such beneficiary had been designated, the accumulated fund would be required to be distributed to the taxpayer and reported by him as ordinary income within a specified number of years. The taxpayer would at any time have the option to change a beneficiary or include additional beneficiaries.

DISTRIBUTION PROCEDURE

The bill specifically requires that distribution of the fund commence within five years of graduation or separation from a secondary school, and be completed within ten years of the same date. In the event it is necessary to designate an alternate beneficiary, distribution of the fund must be completed within ten years of the date of designation of the alternate beneficiary. Distribution of the fund to a qualified beneficiary for the qualified purpose would be tax free. These time spans were chosen to allow for service in the armed forces, four years of under-graduate study and some graduate work.

If distribution of the fund is not commenced or completed as aforesaid, then the proceeds of the fund, or the remaining proceeds, would revert to the taxpayer within a certain specified number of years and be taxed to him as ordinary income as received. If the proceeds of the fund revert to the taxpayer as a result of unauthorized use of the fund, the proceeds are includible in his income. The taxpayer would have the option to take the payout in lump-sum or over a five-year spread as in the Keogh Act, i.e., including, annually, one fifth of the total fund in his income over a period of five years.

Should the taxpayer predecease the date of distribution of the fund and without making testamentary disposition to the contrary, the assets of the fund at the date of his death would revert to the taxpayer's estate within a period not to exceed a specified number of years.

EDUCATION—KEY TO SURVIVAL

Proponents of H.R. 5 believe that it represents an appropriate and reasonable solution for many Americans faced with the vexing problem of having to meet ever-increasing costs of higher education. It will do much to enable and encourage families to accumulate funds to meet this enormous financial burden from their own personal resources. In addition, as more moderate income families are able to pay their own way in higher education, more Federal aid from such plans as the College Student Guaranteed Loan Program can be made available for lower income families.

President Nixon has stated, "Education, long key to opportunity and fulfillment, is today also the key to survival." H.R. 5 could well have a salutary effect on education . . . the key . . . in opening the door to a brighter, more meaningful tomorrow for untold numbers of young people and in arresting the growth of a public problem high on our national agenda.

FOOTNOTES

[1] "Are you Keeping Pace With College Costs?" Research and Review Service of America, Inc., 1968, Indianapolis, Ind. p. 2; *1967–68 College Costs,* Life Insurance Agency Management Association, 1967, Hartford, Conn.

[2] "Projections of Educational Statistics to 1976–77." U.S. Department of Health, Education and Welfare, Office of Education, 1968, Washington, D.C.

[3] Cohen, Richard M., "Cost of B.A. Here $14,000," The Washington Post, January 4, 1969, Washington, D.C.

[4] "Quality and Equality: New Levels of Federal Responsibility for Higher Education," Carnegie Commission on Higher Education, 1968, McGraw-Hill, Hightstown, N.J.

[5] "How Affluent Families Plan To Pay For College," College Board Review, No. 63, Spring, 1967.

[6] "Students and Buildings," U.S. Department of Health, Education and Welfare, Office of Education, 1968, Washington, D.C.

[7] Id at 11.

[8] Ibid.

GEORGE HARDY, LABOR LEADER, FIGHTER FOR THE DISPOSSESSED

(Mr. BURTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON. Mr. Speaker, on May 26, 1971, an old and dear friend, George Hardy, will become general president of the Service Employees International Union, AFL–CIO.

All men are the products of their home and training and George Hardy received his at the hands of a master. His father, Charles "Pop" Hardy kept unionism alive in San Francisco in those earlier dark days of union busting. "Pop" Hardy was the first organizer of the Service Employees International Union for California and was an international vice president of SEIU at the time of his death in 1948.

George Hardy's accession to the presidency carries on a family tradition of service to working men and women and is fitting recognition of George's personal years of service.

George Hardy will, I am sure, be honored by the great of this Nation's labor movement but knowing him as I do he will be most moved by the small tributes, the friendly smile and good wish, the handshake of the men and women with whom he has shared his life and talent and for whom he has toiled all his life.

George Hardy is a man of the people who make up Service Employees International Union for he has never stood apart from them in their times of need.

He was the original organizer of Service Employees Local 87 and actively involved in the organization of virtually every subsequent SEIU local in California. He has seen SEIU grow from a membership of 366 in California to more than 100,000.

The growth of SEIU and the accomplishments of George Hardy would be a story that could fill many pages but still would not give you a complete picture of the man.

George Hardy is a man of strength who is uncompromising in battle for his members yet he is warm and possesses a laugh that can on many occasions be heard throughout the SEIU Building at 240 Golden Gate Avenue, San Francisco.

He is at home in the Nation's Capital and in the councils of the Nation's labor leaders but he is also at home in shirt sleeves, helping get out a mailing for a cause or person in whom he believes.

George Hardy is and has been all his life, a progressive labor leader. He is by nature a fighter for justice, a man governed in his personal and public life by conscience and compassion.

Long before it was fashionable, George Hardy struck out against bigotry and prejudice. He was appointed by President Franklin Roosevelt to the first Equal Opportunity Commission from northern California. The present membership of SEIU in California is testimony enough of his commitment to extend the job protections of organized labor of all persons regardless of race, color, religion, ancestry, national origin or sex.

If the economically oppressed of our city or State needed a friend, George Hardy has been there.

If the cause of truth needed a voice, George Hardy has been there.

If someone sought to bring new vision to public office, George Hardy has been there with support.

Mr. Speaker, I can only say that George Hardy is a gentleman in the fullest and finest meaning of that word and a man whom I am proud to call my friend. Our longstanding relationship has been such that I almost consider myself a member of the Hardy family.

George Hardy will be wished well by all who know him but I suspect that there will be just a tinge of mixed emotion on the part of the working men and women of SEIU in California who are used to seeing him in the halls and at their meetings and who know that most of his time will now be spent in the Washington headquarters.

TRUTH IN NEWS BROADCASTING BILL

(Mr. MINSHALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MINSHALL. Mr. Speaker, I am today introducing the truth in news broadcasting bill.

It requires that any televised or radio broadcast sequences purporting to be factual reporting must be explicitly labeled if they have been staged, edited, or altered in any way.

With enactment of this measure the American television-radio audience will have some assurance that they are receiving factual news and not some network's philosophy.

Assurance of truth in news presentation is as essential a facet of consumer protection as truth in lending, truth in product labeling, or any of the other truth bills Congress has passed. Millions of citizens rely upon the integrity of the news media to bring them unbiased, unslanted coverage of current events. It is important that this trust not be betrayed. My bill would protect that trust while in no way infringing upon the freedom of the news media, which I most strongly agree is fundamental to a free society.

There is no point in belaboring the numerous examples of the broadcast media's flagrant news slanting. Suffice it to say that public figures ranging from the Vice President of the United States to U.S. Supreme Court Justice William O. Douglas have objected to the manner in which television editors can twist a "yes" into a "no" by a few deft slashes of their editorial shears. Many of us have personally witnessed television and radio crews actually encourage, and even rehearse, "demonstrations" by protesters, or record only one point of view at congressional hearings. And we have seen the actual meaning of an interview distorted, even turned about-face, by sequences being cleverly taken out of context.

I shall always vigorously protect the freedom of the news media. By the same token, I shall with equal vigor protect the right of the American public to know the truth. The two are not—and should not be permitted to become—incompatible.

In the hope that colleagues on both sides of the aisle and in both bodies of the Congress will join me in cosponsoring my truth in news broadcasting measure, I wish to insert the full text of the bill I am introducing today in the Record.

Mr. Speaker, it is very seldom I agree with Washington's largest morning newspaper, but this morning they had a very good editorial on this subject. I include that for the Record.

I include the material as follows:

H.R. 6935

(A bill to amend the Communications Act of 1934 to provide for more responsible news and public affairs programing.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part 1 of title III of the Communications Act of 1934 is amended by adding at the end thereof the following new section:

"NEWS AND PUBLIC AFFAIRS PROGRAMING

"Sec. 331. (a) No licensee may broadcast any program which contains a filmed or video-taped sequence purporting to be factual reporting if the event shown has been staged, edited or altered in any way, or if interviews have been rearranged, edited or altered so that questions and answers are no longer in their original context, unless such sequence is explicitly labeled throughout its entire showing as having been staged, edited, rearranged or altered, as the case may be.

(b) No licensee may broadcast by radio any recorded, audio-taped or otherwise audio-transcribed sequence purporting to be factual reporting if the event shown has been staged, edited or altered in any way, or if interviews have been rearranged, edited or altered so that questions and answers are no longer in their original context, unless such sequence is explicitly described by an announcer both before and following the broadcast of the sequence as having been staged, edited, rearranged, or altered.

"(c) Any live sequence, whether for television or radio broadcast, that is staged or is a dramatization purporting to be factual reporting must be clearly identified as a staged or dramatized sequence in accordance with the methods described in paragraphs (a) and (b).

"(d) Complete transcripts of unedited interviews must be available for distribution on request and at a nominal fee immediately after broadcast of any interviews that have been edited, altered or rearranged.

"(e) Whenever a broadcast station presents one side of a controversial issue of public importance, such station shall afford reasonable opportunity for the presentation of contrasting views.

[From the Washington Post, Mar. 30, 1971]

Mr. Salant's Letter

In our letters space today we print a response by Richard Salant of CBS News to our recent editorial concerning the dispute between CBS News, the Pentagon, Vice President Agnew, Congressman Hébert, and now—as it seems—The Washington Post. In time the U.N. may have to be called in, but for now we would like, in a unilateral action, to respond to Mr. Salant's complaint. We think it is off the point. And we think this is so because Mr. Salant invests the term "editing" with functions and freedoms well beyond anything we regard as common or acceptable practice. Mr. Salant taxes us with unfairly recommending two sets of standards in these matters, one for the printed press and another for the electronic. But he reads us wrong. We were and are objecting to the fact that *specifically, in relation to question-and-answer sequences,* two sets of standards *already* exist—and that what he and others in television appear to regard as simple "editing" seems to us to take an excess of unacknowledged liberties with the direct quotations of the principals involved.

Before we go into these, a word might be of use about the editorial practices (and malpractices) common to us both. When a public official or anyone else issues a statement or responds to a series of questions in an interview, the printed media of course exercise an editorial judgment in deciding which part and how much of that material to quote or paraphrase or ignore. The analogy with TV's time limitations, for us, is the limit on space: deciding which of the half million words of news coming into this paper each day shall be among the 80,000 we have room to print. Thus, "Vice President Agnew said last night . . . Mr. Agnew also said . . ." and so on; it is a formulation basic to both the daily paper and the televised newscast.

That bad and misleading judgments can be made by this newspaper in both our presentation and selection of such news goes without saying—or at least it did until we started doing some public soul-searching about it in this newspaper a good while back. There is, for example, a distorting effect in failing to report that certain statements were not unsolicited assertions but responses to a reporter's question. But that we do not confuse the effort to remedy these defects with a waiving of our First Amendment rights or a yielding up of editorial prerogatives should also be obvious to readers of this newspaper—perhaps tediously so by now. What we have in mind, however, when we talk of the license taken by the electronic media in the name of "editing" is something quite different, something this newspaper does not approve and would not leap to defend if it were caught doing. It is the practice of printing highly rearranged material in a Q-and-A sequence as if it were verbatim text, without indicating to the reader that changes had been made and/or without giving the subject an opportunity to approve revisions in the orignal exchange.

It is, for instance, presenting as a direct six-sentence quotation from a colonel, a "statement" composed of a first sentence from page 55 of his prepared text, followed by a second sentence from page 36, followed by a third and fourth from page 48, and a fifth from page 73, and a sixth from page 88. That occurred in "The Selling of the Pentagon," and we do not see why Mr. Salant should find it difficult to grant that this type of procedure is 1) not "editing" in any conventional sense and 2) likely to undermine both the broadcast's credibility and public confidence in that credibility.

The point here is that "The Selling of the Pentagon" presented this statement as if it were one that had actually been made—verbatim—by the Colonel: TV can and does simulate an impression of actuality in the way it conveys such rearranged material. Consider, again from the same documentary, a sequence with Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs. This is how viewers were *shown* Mr. Henkin answering a question:

Roger Mudd: What about your public displays of military equipment at state fairs and shopping centers? What purpose does that serve?

Mr. Henkin: Well, I think it serves the purpose of informing the public about their armed forces. I believe the American public has the right to request information about the armed forces, to have speakers come before them, to ask questions, and to understand the need for our armed forces, why we ask for the funds that we do ask for, how we spend these funds, what are we doing about such problems as drugs—and we do have a drug problem in the armed forces; what are we doing about the racial problem—and we do have a racial problem. I think the public has a valid right to ask us these questions.

This, on the other hand, is how Mr. Henkin *actually* answered the question:

Mr. Henkin: Well, I think it serves the purpose of informing the public about their armed forces. It also has the ancillary benefit, I would hope, of stimulating interest in recruiting as we move or try to move to zero draft calls and increased reliance on volunteers for our armed forces. I think it is very important that the American youth have an opportunity to learn about the armed forces.

The answer Mr. Henkin was *shown* to be giving had been transposed from his answer to another question a couple of pages along in the transcribed interview, and one that came out of a sequence dealing not just with military displays but also with the availability of military speakers. At that point in the interview, Roger Mudd asked Mr. Henkin whether the sort of thing he was now talking about—drug problems and racial problems—was "the sort of information that gets passed at state fairs by sergeants who are standing next to rockets." To which Mr. Henkin replied:

Mr. Henkin: No, I didn't—wouldn't limit that to sergeants standing next to any kind of exhibits. I knew—I thought we were discussing speeches and all.

This is how the sequence was *shown* to have occurred, following on Mr. Henkin's transposed reply to the original question:

Mr. Mudd: Well, is that the sort of information about the drug problem you have and the racial problem you have and the budget problems you have—is that the sort of information that gets passed out at state fairs by sergeants who are standing next to rockets.

Mr. Henkin: No, I wouldn't limit that to sergeants standing next to any kind of exhibit. Now, there are those who contend that this is propaganda. I do not agree with this.

The part about discussing "speeches and all" had been omitted; the part about propaganda comes from a few lines above Mr. Henkin's actual answer and was in fact a reference to charges that the Pentagon was using talk of the "increasing Soviet threat" as propaganda to influence the size of the military budget.

Surely, something different from and less cosmic than a challenge to CBS's First Amendment rights is involved in the question of whether or not the subject of such a rearranged interview should not be given a chance to see and approve what he will be demonstrated to have said. And surely this "editing" practice must be conceded—with reason—to have damaging effect on public confidence in what is being shown to have happened—shown to have been said. We agree with Mr. Salant's premise that we are all in the same dinghy. That is why we are so concerned that neither end should sink.

THE CALLEY DECISION AND CONGRESS

Mr. DELLUMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, if nothing else, the decision in the Calley trial reaffirms the need for congressional action dealing with U.S. war crimes in Southeast Asia and with the responsibility for these atrocities.

I just do not believe that Lieutenant Calley—no matter how deeply he was involved in the horrors of My Lai—can bear the sole responsibilty for what happened in that small hamlet that day.

Yet, if we leave it to the Military Establishment to render "justice," I am sure that every time the Calleys, the Hendersons, the Medinas will be found "guilty"—without any mention of complicity or responsibility at higher military and civilian command leadership positions.

I do not fault the members of the Calley court-martial. They are bound by their ethics, by their traditions—and I would have been quite surprised if the Calley verdict had been different.

Even if My Lai were an isolated aberration—and obviously now we know it is not—I would be upset at the decision. However it is interpreted, I believe that the decision cannot exonerate the ultimate responsibility of the military high command and the civilian leadership of our adventurism in Indochina.

Above all, the Calley decision makes imperative immediate congressional action on the war crimes issue. We cannot leave it to the Military Establishment to cleanse itself of these atrocities—and I will not accept any degree of scapegoating to be any sort of response by the military.

I am pleased to see growing national support for congressional investigation and action on this issue. I think the Calley decision will serve to increase the pressure for such action. Once again I note that 21 of my colleagues have joined with me in sponsoring House Joint Resolution 409 which calls for open congressional inquiry on U.S. war crimes.

As an indication of support for House Joint Resolution 409, I would now like to insert in the RECORD an editorial from the March 22, 1971, Newsday, and the impressive lead review by Neil Sheehan from Sunday's New York Times book section. Both the review and the editorial are impassioned, powerful documents and I urge my colleagues to read them and note the growing cries for congressional action on war atrocities.

The material referred to follows:

[From Newsday, Mar. 22, 1971]

FOR A WAR CRIMES INQUIRY

"This area was designated a free fire zone. We were instructed to shoot any moving civilian, whether he was armed or not. We were instructed to burn down every hooch, grenade every bunker, without giving any warning; destroy every temple."—Marine T. Griffiths Ellison.

The judge at the court-martial of Lt. William Calley Jr. held that the killing of unresisting civilians violated one of the basic rules of war. And so if Ellison's statement is true, and if he followed instructions, he would be a war criminal. And so would most of the men whose testimony appears below, and so, it is beginning to seem clear, would a substantial portion of the American troops who served in Indochina.

Daily we are being exposed to more revelations, new horrors. The instinct is to reject them, to dismiss them as the fevered concoctions of anti-war zealots or publicity seekers or paranoiacs or simply liars. We seek comfort from, of all places, the Pentagon, which assures us that they are being investigated "in accordance with the Geneva Convention."

But atrocities are being reported more rapidly than they can be disposed of. The confessions and the accusations are piling up like bodies in a ditch and the stench is beginning to rise. And with it rises the level of responsibility, for it is obvious that if only a fracton of the allegations is true, the incidents would have been too numerous to escape the attention of higher authorities. Indeed, unless the witnesses are all lying, many commanders not only knew of the atrocities, but facilitated them and even participated in their execution.

Although Army Chief of Staff Gen. William Westmoreland has characterized the My Lai massacre as "an aberration in the system (that) should not have happened," Vietnam veterans have clearly linked the routine killing of civilians to upper echelon strategy and tactics. As Army Lt. Louis P. Font told the Citizens Commission of Inquiry in Washington last December: "If there is one thing that I learned at West Point, if there is one principle that was driven into me during those four years, it is that lieutenants do not set policy and it is that a commander is responsible for everything that goes on in his command."

And in Vietnam many of the policies, dictated no doubt by the exigencies of fighting a guerrilla war, virtually mandate war crimes. Dr. Chaim Shatan, a New York psychiatrist who has studied the psychological stresses of warfare, described the free fire zones as "an original U.S. invention in counter-insurgency that probably plays one of the biggest parts in habituating the soldier to terror. After the population of an area is forcibly removed, he can burn everything that stands and shoot everything that moves, whether a North Vietnamese soldier or a child. In the ferocious climate of the free fire zone, General Westmoreland's surgically precise rules (cautioning care and discrimination) are a farce. When you have a Ph. D. in advanced fear, you shoot first and investigate later."

SEARCH AND DEVASTATE

Free fire zones are complemented by search and destroy operations, on which, one Marine pointed out, "we not only destroyed the buildings but we also destroyed any available food supply because it was a free fire zone and anyone using that food was designated a VC, VC suspect, sympathizer, and so forth."

Once the free fire zone concept is accepted, little is exempt from destruction. Animals can be slaughtered, wells can be poisoned, fields and forests can be defoliated and napalmed, and three times the American World War II bomb tonnage can be dropped. All without fear of retaliation against our countryside, our cities, businesses, homes, parents, wives and children.

And implicit throughout is an attitude of racial and technological superiority: "They" are "gooks" who live in "hootches"; less human than we, less deserving to live.

Can any nation pursue such policies without risk to its soul? Dr. Robert Lifton, professor or psychiatry at Yale and recipient of the National Book Award in science for his study of Hiroshima survivors, thinks not. "A country, like a person, has to dig, has to sort of descend into its own purgatory, (to seek) the truth of what it has done and been, in order to emerge from it," he has said. "And I think the whole country has to in some way struggle toward that effort of confrontation of what the Vietnam war really is."

We believe that such a confrontation is essential if Americans are to regain their self-respect as a people and if the United States is to regain its moral stature in the community of nations.

In 1945, the U.S. brought the surviving political and military leaders of a defeated Germany to trial at Nuremberg for crimes against humanity. Similarly, Japanese Gen. Tomayuki Yamashita was convicted and executed, with the concurrence of the U.S. Supreme Court, for atrocities committed without his knowledge by soldiers under his command. His American defense attorney has pointed out that under this precedent, Westmoreland would be convicted if any atrocities, including My Lai, are proved against American soldiers. Should we impose lesser standards on ourselves than we did on our former enemies? Or is the real difference determined by victory and defeat?

Ideally, perhaps, an inquiry into possible U.S. war crimes in Southeast Asia should be conducted by an international body—the United Nations. But political reality would make such a proposal unworkable. Political reality also makes unlikely the possibility that President Nixon would appoint a citizen commission to investigate the ever-mounting accusations.

There is, however, legislation already before Congress that would accomplish this objective. Introduced by Rep. Ronald V. Dellums (D-Calif.) with 21 co-sponsors, it calls for a full-scale, open, congressional inquiry into war crimes and war crimes responsibility. The investigators would have no punitive powers. The goal would not be vengeance, but truth—and, if guilt is established, some measure of expiration.

No nation has ever had the courage to publicly examine its own conscience. We believe that the American people are equal to such a challenge; that, if permitted by their leaders, they would welcome the opportunity to reaffirm their faith in their ideals, in their nation and in themselves.

The alternative to such an act of rehumanization is clear: We will pass on not grandeur, but guilt to our children. And among the family of nations, we will have lost the "decent respect to the opinions of mankind."

[From the New York Times, Mar. 28, 1971]

Should We Have War Crime Trials?

(By Neil Sheehan)

(NOTE.—Neil Sheehan, who spent three years in Vietnam, is a correspondent in The Times Washington Bureau.)

"The tragic story of Vietnam is not, in truth, a tale of malevolent men bent upon conquest for personal gain or imperial glory. It is the story of an entire generation of leaders (and an entire generation of followers) so conditioned by the tensions of the cold war years that they were unable to perceive in 1965 (and later) that the Communist adversary was no longer a monolith . . . Lyndon Johnson, though disturbingly volatile, was not in his worst moments an evil man in the Hitlerian sense . . . Set against these facts, the easy designation of individuals as deliberate or imputed 'war criminals' is shockingly glib, even if one allows for the inexperience of the young."—Townsend Hoopes, the former Under Secretary of the Air Force, January, 1970.

Is the accusation glib? Or is it too unpleasant to think about? Do you have to be Hitlerian to be a war criminal? Or can you qualify as a well-intentioned President of the United States? Even when I saw those signs during the March on the Pentagon in 1967, "Hey, Hey L.B.J. How many kids did you kill today?" they didn't make me think that Lyndon Johnson, the President of the United States, might be a war criminal. A misguided man perhaps, an egomaniac at worst, but not a war criminal. That would have been just too much. Kids do get killed in war. Besides, I'd never read the laws governing the conduct of war, although I had watched the war for three years in Vietnam and had written about it for five. Apparently, a lot of the men in Saigon and Washington who were directing the war didn't read those laws either, or if they did, they interpreted them rather loosely.

Now a lot of other people are examining our behavior in Vietnam in the light of these laws. Mark Sacharoff, an assistant professor of English at Temple University, has gathered their work together into this bibliography. By this simple act he has significantly widened our consciousness. If you credit as factual only a fraction of the information assembled here about what happened in Vietnam, and if you apply the laws of war to American conduct there, then the leaders of the United States for the past six years at least, including the incumbent President, Richard Milhous Nixon, may well be guilty of war crimes.

There is the stuff of five Dreyfus affairs in that thought. This is what makes the growing literature on alleged war crimes in Vietnam so important. This bibliography represents the beginning of what promises to be a long and painful inquest into what we are doing in Southeast Asia. The more perspective we gain on our behavior, the uglier our conduct appears. At first it had seemed unfortunate and sad; we were caught in the quicksand of Indochina. Then our conduct had appeared stupid and brutal, the quagmire was of our own making, the Vietnamese were the victims and we were the executioners. Now we're finding out that we may have taken life, not merely as cruel and stubborn warriors, but as criminals. We are conditioned as a nation to believe that only our enemies commit war crimes. Certainly the enemy in Indochina has perpetrated crimes. The enemy's war crimes, however, will not wash us clean if we too are war criminals.

What are the laws of war? One learns that there is a whole body of such laws, ranging from specific military regulations like the Army Field Manual 27–10, "The Law of Land Warfare," to the provisions of the Hague and Geneva Conventions, which are United States law by virtue of Senate ratification to the broad principles laid down by the Nuremberg and Tokyo war crimes tribunals. These laws say that all is not fair in war, that there are limits to what belligerent man may do to mankind. As the Hague Convention of 1907 put it, "The right of belligerents to adopt means of injuring the enemy is not unlimited." In other words, some acts in war are illegal and they aren't all as obviously illegal as the massacre of several hundred Vietnamese villagers at Mylai.

Let's take a look at our conduct in Vietnam through the viewing glass of these laws. The Army Field Manual says that it is illegal to attack hospitals. We routinely bombed and shelled them. The destruction of Vietcong and North Vietnamese Army Hospitals in the South Vietnamese countryside was announced at the daily press briefings, the Five o'Clock Follies, by American military spokesmen in Saigon.

So somebody may have committed a war crime in attacking those hospitals. The Manual also says that a military commander acquires responsibility for war crimes if he knows they are being committed, "or should have knowledge, through reports received by him or through other means," and he fails to take action to stop them. President Johnson kept two wire-service teletypes in his office and he read the newspapers like a bear. There are thus grounds for believing that he may have known his Air Force and artillery were blowing up enemy hospitals. He was the Commander in Chief. Did his knowledge make him a war criminal? The Army Manual says that "every violation of the law of war is a war crime."

Let's proceed to one of the basic tactics the United States used to prosecute the war in South Vietnam—unrestricted air and artillery bombardments of peasant hamlets. Since 1965, a minimum of 150,000 Vietnamese civilians, an average of 68 men, women and children every day for the past six years, have been killed in the south by American military action or by weapons supplied to the Saigon forces by the United States. Another 350,000 Vietnamese civilians have been wounded or permanently maimed. This is a very conservative estimate. It is based on official figures assembled by Senator Edward M. Kennedy's Senate Subcommittee on Refugees and on a study for the Subcommittee by those eminent Government auditors, the General Accounting Office. The real toll may be much higher. This conservative attitude makes the documentation put together by the Senator and his staff aides, Jerry Tinker and Dale S. de Haan, among the most impressive in the bibliography. Many, perhaps the majority, of those half-million civilian casualties were caused by the air and artillery bombardments of peasant hamlets authorized by the American military and civilian leaders in Saigon and Washington.

The United States Government tried and hanged in 1946 a Japanese general, Tomoyuki Yamashita, because he was held responsible for the deaths of more than 25,000 noncombatants killed by his troops in the Philippines.

Can a moral and legal distinction be drawn between those killings in World War II, for which General Yamashita paid with his life, and the civilian deaths ordered or condoned by American leaders during the Vietnam war? Again, if you accept only a portion of the evidence presented in this bibliography, and compare that evidence to the laws of war, the probable answer is, No. And President Nixon has spread this unrestricted bombing through Laos and Cambodia, killing and wounding unknown tens of thousands of civilians in those countries.

Looking back, one realizes that the war-crimes issue was always present. Our vision was so narrowly focused on the unfolding details of the war that we lacked the perspective to see it, or when the problem was held up to us, we paid no heed. This lesson becomes clear in reading the proceedings of the Russell Tribunal now published in "Against the Crime of Silence." The proceedings were widely dismissed in 1967 as a combination of kookery and leftist propaganda. They should not have been. Although the proceedings were one-sided, the perspective was there.

One saw the substance all the time in Vietnam in the bombing and shelling of the peasant hamlets. In November, 1965, I found five fishing hamlets on the coast of Quangngai Province in central Vietnam, not far from Mylai, which had been ravaged over the previous two months by the five-inch guns of United States Navy destroyers and by American and South Vietnamese fighter-bombers. The local Vietnamese officials told me that at least 184 civilians had been killed. After a day of interviewing the survivors among the ruins, I concluded that a reasonable estimate might run as high as 600 dead. American Army officers working in the province told me that the most serious resistance the Vicetong guerrillas in the hamlets had offered was sniper fire. The hamlets and all their inhabitants had been attacked just because the Vietcong were present. I discovered that another 10 hamlets in the province had also been gutted and about 25 others severely damaged, all for like reasons.

Making the peasants pay so dearly for the presence of guerrillas in their hamlets, regardless of whether they sympathized with the Vietcong, seemed unnecessarily brutal and politically counter-productive to me, since this Hun-like treatment would alienate them from the Saigon authorities and the American forces. No common-sense military purpose seemed to be served. When I wrote my story describing the agony of the fisher folk, however, it did not occur to me that I had discovered a possible war crime. The thought also does not seem to have occurred to my editors or to most readers of The Times. None of the similar stories that I and other reporters wrote later on provoked any outrage, except among that minority with the field of vision to see what was happening. As Lieutenant Calley told the prosecutor at Fort Benning, "It wasn't any big deal, sir."

Reading through the news dispatches from 1965, 1966 and 1967 that Seymour Melman of Columbia and Richard Falk of Princeton assembled to document accusations of war crimes made by The Clergy and Laymen Concerned About Vietnam, "In the Name of America," is to view those scenes again in this new and disturbing perspective. Frank Harvey, in "Air War—Vietnam," recounts with the power of anecdotal narrative the casual destruction of peasant hamlets in the Mekong Delta by the United States Air Force. Usually the excuse was that a squad or so of guerrillas might be present in the hamlet or the mere location of the hamlet in guerrilla-dominated territory. Harvey is a convincing witness because he concludes with a defense of the war.

You might argue that this destruction, and concomitant loss of civilian life, were not deliberate, that they were among those haphazard horrors of war. The record says otherwise.

As early as the fall of 1965, the American Embassy in Saigon distributed to correspondents a Rand Corporation study on the air and artillery bombardments. The study concluded that the peasants blamed the Vietcong when their hamlets were blasted and their relatives killed; in effect, that shrapnel, white phosphorous and napalm were good political medicine. The study was dismissed by reporters as macabre proof that the Government could always find a think-tank to tell it what it wanted to think.

In the summer of 1966, however, a lengthy secret study of the pacification program was done for the Embassy and military headquarters in Saigon by some of the most experienced Americans in the country. One of the study's recommendations was that this practice of unrestricted bombing and shelling should be carefully re-examined. According to the study there was evidence that the practice was driving hundreds of thousands of refugees into urban slums and squalid camps, causing unnecessary death and suffering, and angering the peasantry. The proposal for a re-examination was vetoed at the highest levels of American authority in Saigon.

By deciding not to reconsider, the American leadership in Saigon was deciding to ordain the practice, to establish a de facto policy. During those earlier years at least, the policy was not acknowledged in writing, as far as I know, but neither can there be any doubt that this was the way things were to be done and that those American military and civilian leaders directing the war knew the grim cost of their decision not to look. Why did they establish the policy? Because devastation had become a fundamental element in their strategy to win the war.

I remember asking one of the most senior American generals in the late summer of 1966 if he was not worried by all the civilian casualties that the bombing and shelling were causing. "Yes, it is a problem," he said, "but it does deprive the enemy of the population, doesn't it?" A survey of refugees commissioned later that year by the Pentagon indicated that 54 per cent of those in Dinhtuong Province in the Mekong Delta were fleeing their hamlets in fear of bombing and shelling. So this was the game. The firepower that only American technology can muster, the General Motors of death we invented in World War II, was to defeat the Vietnamese Communists by outright military attrition, the body count, and by obliterating their strategic base, the rural population.

If you destroyed the rural society, you destroyed the resources the enemy needed to fight. You deprived him of recruits in the South, of the food and the intelligence the peasantry provide; you reversed Mao Tse-tung's axiom by drying up the sea (the peasantry) in which the guerrillas swam.

All of those directives issued by the American military headquarters in Saigon about taking care to avoid civilian casualties, about protecting the livestock and the homes of the peasantry, were the sort of pharisaic prattle you hear from many American institutions. Whenever you say the institution is not behaving as it says it should, the institution can always point to a directive and say you must be mistaken. (General Electric had directives forbidding price fixing when some of its vice presidents were convicted of price fixing.) No one was fooling himself when he marked off those "free-fire zones," and ordered those "preplanned airstrikes" and that "harassing and interdiction fire" by the artillery. People and their homes were dehumanized into grid coordinates on a targeting map. Those other formalities, like obtaining clearance from the Vietnamese province chief before you bombed a hamlet, were stratagems to avoid responsibility, because he almost never refused permission. (Such legal fictions, by the way, are expressly forbidden by the laws of war.)

Out in the countryside the captains and majors did not disguise the design. One day in a heavily-populated province in the Mekong Delta, a young Army captain swept his hand across the map over a couple of dozen hamlets in guerrilla-dominated territory near the provincial capital and remarked that the peasants were evacuating them and moving in near town. Why? I asked. "Because it's not healthy out there. We're shelling the hell out of them," he said.

By 1967, this policy of unrestricted air and artillery bombardments had been orchestrated with search and destroy operations by ground troops, B–52 strikes, and crop destruction with chemical herbicides into a strategy that was progressively laying waste much of the countryside. (The question of whether herbicides were dumped on the landscape to an extent that may constitute a separate war crime is treated at length in several of the books Mr. Sacharoff lists.) That year Jonathan Schell went to Quangnai to document the creeping destruction of the rural society in a two-part article that first appeared in The New Yorker magazine. It was later published with a title of understated irony, "The Military Half." Schell estimated that by this time about 70 per cent of the 450 hamlets in the province had been destroyed.

Did the military and civilian leaders directing the war from Washington know what was happening in Vietnam? How could they have avoided knowing? The newspapers, magazine articles like Schell's and the reports of the Kennedy Subcommittee indicated the extent of what was being done in their name. The statistics alone are enough to tell the tale: five million refugees, nearly a third of South Vietnam's population of 16 million people, and that conservative estimate of the civilian casualties from what is called "friendly" military action, of at least 150,000 dead and 350,000 wounded or maimed.

These peasant hamlets, one must bear in mind, were not being plowed under because American or South Vietnamese ground troops were attempting to seize them from the enemy in pitched battles. The hamlets were being bombarded in the absence of ground combat.

One might argue that though regrettable, though even immoral, the indiscriminate air and artillery bombardments of civilians in Vietnam were not a war crime. The Allies engaged in terror bombing of Japanese and German cities in World War II. Look at the incendiary raids on Dresden and Tokyo and the nuclear holocausts of Hiroshima and Nagasaki. None of the defendants at the Nuremberg and Tokyo trials were convicted of war crimes involving the bombing of civilian populations, because the prosecutors had done the same thing. By custom, therefore, one might argue, terror bombing is an accepted practice of war. Similarly, in the Korean War, the United States Air Force bombed Korean towns and cities.

But is Vietnam the same kind of war? There is good reason to think that it is not. In World War II opposing industrialized societies were fighting a war of survival. In this context of total war, the cities inevitably became targets to be destroyed. They contained the industries that fueled their opponent's war machine and the workers who manned the factories. The worker was as much a combatant as the uniformed soldier. Korea was also, more or less, a conventional conflict between uniformed armies, although bombing practices there would bear examination in the perspective of history.

In Vietnam, however, the most advanced technological nation in the world intervened in a civil war in a primitive agricultural country. The Vietnamese Communists possess negligible industry, no air force of any size, and no intercontinental missiles that pose a threat to the survival of the United States. The intervention was, rather, undertaken for reasons of domestic politics and foreign policy, to avoid the repercussions at home of losing a war to Communists and to maintain a position of power and influence for the United States in Southeast Asia.

Moreover, as the literature in Sacharoff's bibliography amply documents, the use of the air weapon underwent a subtle and important change in South Vietnam from the previous two wars. Air power, and artillery as a corollary weapon, were directed by an occupying power, the United States, at the civilian population in the rural areas of the country under occupation. The targets of the bombs and shells were the noncombatants themselves, because it was believed that their existence was important to the enemy. Air power became a distinct weapon of terror to empty the countryside. Samuel P. Huntington, of Harvard, has even coined a marvelously American euphemism for the technique—"forced-draft urbanization and modernization." Some of us prefer a quotation from Tacitus that the late Bernard Fall was fond of citing: "Where they make a desert they call it peace."

One key to understanding this use of airpower in South Vietnam is to compare the unrestricted bombing in the south with the elaborate restrictions that surrounded the air campaign against North Vietnam.

Although the North Vietnamese may not believe it, in the North a conscious effort was made to bomb only military, and what limited industrial targets were available, and to weigh probable civilian casualties against the military advantages to be gained from a particular airstrike. The ultimate objective of the air campaign against the North was, to be sure, political rather than military. It sought to intimidate the North Vietnamese into withdrawing their forces from the South and taking the Vietcong guerrillas along with them. And undoubtedly the restrictions were also designed to escape the unfavorable publicity that would result from severe civilian casualties in the North.

The mere fact that an attempt was made to avoid them throws into sharp understanding the very different motives that lay behind the bombing in the south and the inherent acceptance of great civilian suffering. When Harrison Salisbury, an assistant managing editor of The New York Times, visited North Vietnam in December, 1966, to write his memorable series of articles on the destruction wrought by American air raids there (civilian homes, schools, hospitals and churches had been wrecked because the air campaign had never been the surgical operation Pentagon propaganda portrayed it as being), the most severe example of civilian deaths the North Vietnamese claimed was 89 in the town of Nandinh southeast of Hanoi, from six months of bombing, less than half the official South Vietnamese estimate of the number of civilians killed in the five hamlets I found on the coast of Quangngai Province in 1965.

Did the employment of the air weapon and the artillery in South Vietnam thus exceed the limits sanctioned by the laws of war?

The United States Army Field Manual says: "The law of war . . . requires that belligerents refrain from employing any kind or degree of violence which is not actually necessary for military purposes and that they conduct hostilities with regard for the principles of humanity and chivalry." The Manual goes on to explain what is meant by "actually necessary for military purposes," i.e. military necessity. "The prohibitory effect of the law of war is not minimized by 'military necessity' which has been defined as that principle which justifies those measures not forbidden by international law which are indispensable for securing the complete submission of the enemy as soon as possible. Military necessity has been rejected as a defense for acts forbidden by the customary or conventional laws of war inasmuch as the latter have been developed and framed with consideration for the concept of military necessity." In short, if you can demonstrate certain measures are required to defeat the enemy, and those measures are not specifically forbidden by the laws of war, you employ them.

Assuming that the use of air power in South Vietnam was not specifically forbidden by the laws of war, was this means necessary to defeat the enemy? He could have been deprived of the rural population by another, more humane method. This would have involved putting sufficient American ground troops in South Vietnam to occupy most of the countryside and thereby gain control over the rural hamlets. National mobilization and the dispatch of upwards of 600,000 troops to South Vietnam was proposed by the Joint Chiefs of Staff and rejected by President Johnson and his advisers, because this strategy would have meant higher draft calls, wage and price controls, and other measures that would have been unpopular with the American public. So there are grounds for believing that the use of the air weapon in the South was not a military necessity but a political convenience, a substitute for sufficient infantrymen to hold the countryside.

I am not saying that garrisoning South Vietnam with ground troops would have made the war a sensible enterprise. I am suggesting that the war's impact upon the Vietnamese might have been more merciful. The Marines, because of their pre-World-War-II experience with pacification in Central America and the Caribbean, did make an attempt to hold a good many of the hamlets in central Vietnamese provinces where they operated. Life for a Vietnamese farmer within these zones was safer than for his brethren in other regions.

In any case, to address the basic question of legal sanctions, it appears that the employment of air and artillery to terrorize the peasantry and raze the countryside was an act specifically forbidden by the laws of war. The Geneva Convention of 1949 Relative to the Protection of Civilian Persons in Time of War states:

"The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons [civilians] in their hands. This prohibition applies not only to murder, torture, corporal punishment, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents.

"No protected person may be punished for an offense he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.

"Pillage is prohibited.

"Reprisals against protected persons and their property are prohibited."

The paragraphs seem to be a reasonably fair description of what was inflicted upon much of the South Vietnamese peasantry by the United States.

The Army Field Manual is more specific. "The measure of permissible devastation is found in the strict necessities of war," it says. "Devastation as an end in itself *or as a separate measure of war* [italics added] is not sanctioned by the law of war."

The adoption of devastation as a basic element of strategy also seems to have led American leaders into what may be related war crimes against South Vietnamese civilians. The Geneva Convention of 1949 states that a belligerent power has a duty, in so far as it is able, to care for the victims of war.

"The wounded and the sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect. As far as military considerations allow, each party to the conflict shall facilitate the steps taken to search for the killed and wounded, to assist the shipwrecked and other persons exposed to grave danger, and to protect them against pillage and ill-treatment."

The consignment of Vietnamese civilian war wounded to provincial hospitals that were little better than charnel houses has been a national scandal for the United States. The reports of the Kennedy subcommittee describe the scenes of two wounded to a bed, no sheets or mattresses, no showers, filthy toilets, open sewers and swarms of flies spreading infection. In contrast, the United States military hospitals are models of medical science. Given the wide publicity the deplorable conditions in these Vietnamese civilian hospitals have received over the years, would it be possible for the responsible leaders of the United States to contend that the neglect was not deliberate?

A similar war crime may have been committed against civilians forcibly evacuated from their homes. These persons would appear to fall under the category of internees in the Geneva Convention of 1949. The Convention lays out in great detail the obligation of a belligerent power to provide such persons with adequate food, housing and medical care. Here is an excerpt from a report to the Kennedy Subcommittee by a team from the General Accounting Office which inspected so-called refugee camps in South Vietnam last summer. The excerpt describes a camp in Quangnam Province on the central coast:

"At this location, there were about 2,070 people. We were informed that only 883 were recognized as refugees and that they would receive temporary benefits. We were advised that these people were all Vietcong families and that they were relocated by force in February or March 1970. These people are under heavy guard by the Vietnamese military.

"During our inspection, we observed there were no latrines, no usable wells, no classrooms and no medical facilities. The shelters were crudely constructed from a variety of waste material, such as empty ammunition boxes and cardboard. We observed that the number of shelters would not adequately house these people . . . The [American] refugee adviser stated that there were no plans to improve the living conditions at this site."

The fact that these persons are being held by the South Vietnamese authorities apparently does not absolve the United States of responsibility under the laws of war. Legally they remain our refugees. As the Army Field Manual explains:

"The restrictions placed upon the authority of a belligerent government cannot be avoided by a system of using a puppet government, central or local, to carry out acts which would be unlawful if performed directly by the occupant. Acts induced or compelled by the occupant are nonetheless its acts." The Saigon regime is not a puppet government, but it is a client regime whose existence is dependent upon the United States. A good argument could be made that because of this client relationship, the United States induces these acts. Telford Taylor, of Columbia, the former chief American prosecutor of Nuremberg, quantifies the neglect of the civilian war wounded and refugees. In "Nuremberg and Vietnam: An American Tragedy," he notes that the United States spent, at the most, a quarter-billion dollars to ease the civilian plight over the three years from 1965 through 1967. You will think this is a lot of money, until he tells you the amount was less than four per cent of the cost of air operations over the same period.

What about a relationship between the use of airpower and artillery in South Vietnam and the garden variety war crimes that many of the books in the bibliography allege—the individual acts of torture and murder of prisoners and civilians by American soldiers, the burning of peasant huts in "Zippo raids," the looting and the rape? Did the conduct of the war as approved at the highest levels create an atmosphere in which the lives of the Vietnamese were so cheapened that they became subhumans in the eyes of the soldier? If so, did this atmosphere help to incite these individual war crimes, given the traditional racism of Americans towards Asians—the dinks, the gooks, the slopeheads—and the psychological stress upon the soldier of fighting in a country where much of the population is hostile, where women and children do set mines and boobytraps and shoot at you?

The two accounts of the Mylai massacre mentioned in this bibliography, Richard Hammer's "One Morning in the War" and Seymour Hersh's "My Lai 4," as well as the testimony that has emerged at the court martial of Lieutenant Calley, of practices like driving civilians ahead of the troops to detonate mines with their bodies suggest that the general conduct of the war did contribute to these individual atrocities.

The word Lieutenant Calley used to describe the act of slaughtering the 102 men, women and children for whose deaths he is being held responsible evokes this atmosphere in uncanny fashion. He told the prosecutor that he was ordered "to waste the Vietnamese . . . waste, waste them, Sir." Were this just Lieutenant Calley speaking the word would not carry much meaning, but the word is from the argot of the American soldier in Vietnam. Human beings are "wasted" there, they are "blown away." Soldiers have a unique ability to find words to describe the reality of their wars.

Given such an atmosphere, the massacre at Mylai would be a departure from the norm only in that it consisted of the direct murder by rifle and machine gun fire of several hundred Vietnamese civilians at one time. The soldiers in Lieutenant Calley's platoon, whose moral sense led them to disregard his orders and not participate in the killings, do not appear to have been shocked by the lesser, individual atrocities that occurred prior to Mylai. Looked at coldly, Lieutenant Calley and the soldiers who did join him in the massacre were doing with their rifles what was done every day for reasons of strategy with bombs and artillery shells. There are Calleys in every army. What makes them dangerous is a set of circumstances in which their homicidal aberrations can run amok. The laws of war say that it is the responsibility of the highest leadership to do all in its power to prevent such circumstances from occurring.

Both the Army Field Manual and the Nuremberg Principles address this central issue in delineating when a claim of superior orders can constitute a defense against a charge of war crimes. "The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, *provided a moral choice was in fact possible for him*" [italics added], the Nuremberg Principles say. The Army Field Manual is a bit more elaborate. "In considering the question whether a superior order constitutes a valid defense, the court shall take into consideration the fact that obedience to lawful military orders is the duty of every member of the Armed Forces; that the latter cannot be expected, in condition of war discipline, to weigh scrupulously the legal merits of the orders received; that certain rules of warfare may be controversial; or that an act otherwise amounting to a war crime may be done in obedience to orders conceived as a measure of reprisal," the Manual says.

Curiously, Lieutenant Calley's lawyers have claimed that he has a robot-like personality incapable of resisting any orders from his superior, Capt. Ernest Medina, but they have not sought to defend Calley on the grounds that, given the general atmosphere in which the war was being conducted, and his interpretation of his orders that morning in Mylai, he may not have been capable of a moral choice. They may have hesitated to do so because they would have had to put the entire command structure from President Johnson on down in the witness chair. Telford Taylor notes in his book that a court martial at Fort Benning is too limited a forum for such a far-reaching inquiry.

Nevertheless, the question of higher responsibility hangs over Mylai. It hangs over the individual atrocities described in these books, it hangs over the use of airpower and artillery to lay waste the Vietnamese villages, if that, too, constitutes a war crime and the greatest one of all.

Many would contend, as Townsend Hoopes did in an exchange of articles with two reporters for the Village Voice who accused him and his colleagues of being war criminals, that raising the issue of war crimes in Vietnam is absurd and unwarranted in the context of a democracy like the United States. Worse, many would argue, it is vindictive, capable of perversion into a new McCarthyism. Hoopes was a Deputy Assistant Secretary of Defense and Under Secretary of the Air Force in the Johnson Administration. He wrote an admired account of the inside events behind the March 31, 1968, decision to restrict the bombing of North Vietnam and open peace negotiations. His view is important because it appears to be widely held.

Hoopes argues that since the President is elected, since the war was prosecuted from well-meaning if mistaken motives, since Congress voted the funds and there was broad public support at the outset, no official should acquire criminal liability. Judgment, he said, should be confined to voting the Government out of office. Attacking this position in his introduction to the Russell Tribunal proceedings, Noam Chomsky of M.I.T. states that Hoopes is claiming an immunity for American leaders which this country denied to the leaders of Japan and Germany. Marcus. Raskin, co-director of the Institute for Policy Studies in Washington, the think-tank of the New Left, asserts that Congress cannot be held responsible as a body, because many Congressmen voted funds merely to ensure that American soldiers had the means to defend themselves. Telford Taylor, a mugwump Democrat, remarks that though good intentions may be mitigating circumstances, they do not negate the fact of a crime, if one occurred.

Taken to its logical end, the Hoopes argument also means that all Americans were responsible for the actual conduct of the war. If so, then the adult majorities of Japan and Germany should have been punished for war crimes. They applauded the beginning of World War II. And if everyone is responsible, of course no one is responsible. The Nuremberg and Tokyo tribunals rejected Hoopes's argument by making a distinction between those in the audience and those who held power, as do the laws of war. The Army Manual denies a collective copout: "The fact that a person who committed an act which constitutes a war crime acted as the head of a State or as a responsible government official does not relieve him from responsibiltiy for his act."

Hyperbole in describing what war crimes may have taken place in Vietnam seems just as unhelpful as the Hoopes argument. Chomsky in "At War With Asia," accuses the United States of intending genocide in Vietnam. So do Richard Falk, the international legal scholar, and Gabriel Kolko, the revisionist historian, both of whom have otherwise diamond-cutting minds, in "War Crimes and the American Conscience," the published proceedings of a Washington symposium on war crimes last year. Genocide does not appear to be an accurate characterization of American conduct in Vietnam. The story is more complicated and the facts do not support the charge. The population of the country has grown despite the war, from an estimated 15-million in 1962 to about 17-million now.)

But how is this country to determine whether war crimes were really committed in Vietnam and who is responsible for them?

Not even the wildest of anti-communist politicians has predicted the conquest of the United States by the Vietcong guerrillas and the North Vietnamese army. So it seems equally outlandish to imagine that a tribunal with the power of those at Tokyo and Nuremberg will ever sit in judgment on the leaders of this country.

The Army, the principal service involved in the Vietnam war, has shown that it will not enforce military law and judge itself. The dismissal of charges against Maj. Gen. Samuel W. Koster, the division commander of the troops at Mylai, demonstrated that the current leadership of the Army considers Lieutenant Calley and Captain Medina to be its only real war criminals. Barring unforeseen disclosures, no one more important than a few captains, a major and a colonel or two are likely to join Calley and Medina in the dock. For the Army had a good case against General Koster, who was in his helicopter over the Mylai area that morning. What the Army lacked was the will to prosecute.

Perhaps it is expecting too much of human nature to think that the Army would sit in judgment on its own conduct in Vietnam. A command structure so traumatized, so emotionally defensive because of its failure in Vietnam, is not, except under great outside duress, about to begin charging members of the inner circle with war crimes.

Indeed, the military services are in the greatest danger of becoming the scapegoats of a public witchhunt that could come from the left over the war crimes issue if responsible men do not prevail. Mark Lane's collection of purported eyewitness accounts of atrocities in Vietnam, "Conversations with Americans," is an example of the kind of scurrilous attack that is already being made. The military have few defenders in the current climate. Much of the intellectual community and many of the students are almost childishly indiscriminate in their assaults. A number of the former senior civilian officials of the country, who have changed their minds about the war they helped to prosecute, are now all too eager to blame everything on the generals.

Professional soldiers, whose frame of reference is almost by nature circumscribed, are being criticized for not having displayed the kind of broad wisdom and judgment self-proclaimed statesmen did not exhibit. If the generals did commit war crimes in Vietnam, they did so with the knowledge and consent of the civilians. If seeking to pacify with the fire and the sword of the 20th-century, airplanes and howitzers, constituted a war crime, then the civilians helped to induce this crime by denying the generals sufficient troops to garrison the countryside.

President Johnson and his closest advisers, Robert S. McNamara, Walt W. Rostow, and Dean Rusk, directed the unfolding of the conflict just as President Nixon and his senior advisers now do. The military almost always played a subordinate role. Mr. McNamara, for example, supervised the planning and the execution of the war for the President as the chief of a European General Staff would have done. In 1965 he often said: "We're going to trade firepower for men." He had no criminal intent, of course. What he meant was that he planned to expend ten bombs to kill five North Vietnamese soldiers, instead of trading the lives of five American infantrymen for the same job. But when the bombs were targeted on civilians, Mr. McNamara did not cry halt. This is not to say that the generals would be absolved of responsibility, only that the highest, and therefore the greatest, responsibility does not rest with them.

For precisely this reason, one cannot expect the Nixon Administration, of its own accord, to institute any meaningful inquiry into war crimes. Mr. Nixon is using the same airpower tactics in Laos and Cambodia that his predecessor employed in South Vietnam His strategy of Vietnamization is even more dependent upon the unrestricted use of airpower than was Mr. Johnson's. Mr. Nixon has also sensed even more keenly the political convenience of this weapon. He has calculated correctly that the public will not worry much about the dead, or about their age or sex, so long as the bodies are far enough away that the photographers and the television crews can't get to them too often and so long as they are, most important of all, not American.

The Kennedy Subcommittee estimates that civilian casualties in Laos, which has a population of only three million, are now exceeding 30,000 a year, including more than 10,000 dead. Many of these casualties are attributable to American bombs. Classified military documents specifically talk about bombing villages in Communist-held areas "to deprive the enemy of the population resource." No one knows what the civilian casualty toll is in Cambodia, where the same kind of air attacks are taking place. The Kennedy Subcommittee guesses there are now about a million and a half refugees in Cambodia out of a population of 6.5 million and that civilian casualties are running in the tens of thousands a year.

When I asked a responsible official at the State Department about the refugees he said he didn't have an estimate. Why? I asked. "The Cambodians haven't really asked us for any assistance with refugees and until they do it's not our concern. Our staff in the Embassy is pretty small and they have a lot of other fish to fry." What about the civilian casualties? "The Cambodians haven't been compiling them," he said. "We're dependent on their statistics and they don't keep careful statistics on anything." Really, that's what he said. The new American aid program for Cambodia contains no funds specifically marked for civilian medical relief.

Yet the cleansing of the nation's conscience and the future conduct of the most powerful country in the world towards the weaker peoples of the globe, demand a national inquiry into the war crimes question. What is needed is not prison sentences and executions, but social judgments soberly arrived at, so that if these acts are war crimes, future American leaders will not dare to repeat them.

The sole hope for such a national inquiry would appear to rest with the Congress or a commission of responsible men, with military and judicial experience, appointed by Congress and empowered to subpoena witnesses and examine documents. They might try to answer one fundamental question that I have not attempted to deal with here because the arguments are still so tangled—whether the United States intervention in Vietnam was itself a violation of the Nuremberg Principles forbidding wars of aggression. There does not seem to be the stomach for such an inquiry in Congress now, but attitudes may change as the full import of the issue becomes known.

If Congress fails to undertake an inquiry that carries the authority of the nation, then hypocrisy will be added to our sins. The Nuremberg judgments upon such diabolical Nazi crimes as the extermination of the Jews will still stand as a monument to international justice. Even under the most critical scrutiny, nothing the United States has perpetrated approaches the satanic evil of Hitler and his followers. The Nazis were in a class by themselves.

But the other, lesser judgments at Nuremberg, and the verdicts at the Tokyo Tribunal, will become what many said they were at the time—the pronouncements of victors over vanquished. We ought to remember that at the Tokyo Tribunal, the United States went so far as to establish the legal precedent that any member of a Cabinet who learns of war crimes, and subsequently remains in that Government acquires responsibility for those crimes. Under our own criteria, therefore, Orville Freeman, the Secretary of Agriculture under President Johnson, could acquire responsibility for war crimes in Vietnam.

Recently, when I discussed with a Japanese friend the condemnation of General Yamashita for the death of more than 25,000 noncombatants in the Philippines, he remarked: "We Japanese have a saying. The victor is always right."

History shows that men who decide for war, as the Japanese militarists did, cannot demand mercy for themselves. The resort to force is the ultimate act. It is playing God. Those who try force cannot afford to fail. I do not mean to suggest that men should be free to attempt anything in war to ensure victory. Quite the opposite. The laws of war seek to mitigate the evil of war, to save what lives can be saved in the midst of great killing. War nonetheless remains an evil that imposes a unique burden upon those responsible. This will sound cynical to many, but if the Johnson Administration had won the war in Vietnam, few would be searching for war crimes among the physical and human ruins of Indochina. Evidence of murder and brutality on a grand scale would have been hushed in the shouts of success. The resort to force has failed, however, and that failure has helped to make the issue of war crimes in Vietnam a very real and a very fair one to be dealt with. Our failure presents an opportunity for humanity that should not be lost.

(NOTE.—The Book Review received the accompanying bibliography from Mr. Mark Sacharoff, assistant professor of English at Temple University, and sent the books to Neil Sheehan for review.)

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ROBERT GOHEEN RESIGNS AS PRESIDENT OF PRINCETON UNIVERSITY

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. FRELINGHUYSEN. Mr. Speaker, it was with real regret that I learned that Robert Goheen had decided to relinquish his responsibilities as president of Princeton University. As an alumnus of Princeton myself, and a former trustee, I have come to know Bob Goheen well. For nearly 14 years he has been a consistent and intelligent force for good, during a time of change and occasional turbulence, and he will be sadly missed by all in the Princeton family.

Bob Goheen is still a comparatively young man. Though he has said he wants to resign as president of Princeton no later than July of 1972, I have every confidence that he will continue to make future major contributions to the national welfare.

An indication of the stature of President Goheen can be seen in the following editorial from the New York Times of March 27:

[From The New York Times, Mar. 27, 1971]

PRINCETON'S LOSS

Shortly after Robert Francis Goheen, then an assistant professor of classics, was named president of Princeton University in 1957 at the age of 37, he said: "I look forward to spending my entire life here." Since then, the pace and conditions of academia have changed furiously, and fourteen years on campus now may well seem a lifetime. It is therefore hardly surprising that Dr. Goheen, in announcing that he will leave his post by June 1972, insisted that the tempo of change argues against a tenure of more than ten to fifteen years in the modern university presidency.

However sound this judgment may be, his decision constitutes a loss for Princeton. Dr. Goheen's stewardship, though perhaps unspectacular to the outside world, has been consistent without rigidity, guided by a steady integrity of purpose. It is a measure of the changing scene that shortly after his inauguration, Dr. Goheen was challenged by superpatriotic crusaders to purge the campus of alleged radicalism and to bar Alger Hiss from speaking to the students, whereas last year radical students prevented former Secretary Hickel, then a member of the Nixon Administration, from delivering an address. Dr. Goheen was equally firm in his opposition to the vigilantism of either side.

His confidence in the fundamental strength of youth remained equally consistent. Taking office amid widespread complaints of the Silent Generation's apathy, he maintained that, contrary to public belief, students wanted "to play a meaningful part in building the world and in working for peace." He still holds to this assessment. Despite some disruptive incidents, he has guided the majority of students at Princeton on toward promotion of reforms which give them a more effective voice.

At a time when political reaction in New Jersey worked overtime to impede the growth of public higher education, Dr. Goheen assumed the leadership of the progressive forces that pressed successfully for a rapid upgrading of the public system in both quality and influence. His record at Princeton and his broad understanding of national issues in higher education suggest strongly that his experience and talents can well be used further in the nation's intellectual leadership.

STATE TECHNICAL SERVICES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MORSE) is recognized for 15 minutes.

Mr. MORSE. Mr. Speaker, on behalf of the entire Massachusetts House delegation, I am today introducing legislation to revise and extend the State Technical Services Act—Public Law 89-182—which originally became law on September 14, 1965. We are taking this action for two reasons: first, because the State technical services program has proven itself to be extremely beneficial and, second, because the need for it today is greater than ever.

The need for this legislation is especially great today because our economy is presently undergoing a painful period of transition. Due to cutbacks in Federal spending on space and defense, tens of thousands of scientists and engineers are without jobs. This is not because their talent is not needed in our society. It is rather because the resources of Government have thus far proved inadequate to the task of redirecting their energies into fields of rising priority. The State technical services program can do much to remedy this deficiency. Its proven effectiveness can be an invaluable asset in furthering the process of economic transition which is essential for the welfare of our people and the strength of our society.

Of the success of this program there can be little doubt. Created in 1965 for the purpose of assisting States to promote the wider diffusion and more effective application of science and technology, it fully justified the hopes of its sponsors. The report of the Public Evaluation Committee which was called upon to review the program 3 years after its initiation concluded that "the State technical services program is a valuable asset to our country not available anywhere else." An Arthur D. Little study made the following year found that the program was performing "a useful and economic service" and showed that it had generated increased tax returns and resulted in substantial economic and social benefits. The witnesses who offered testimony to the Senate Select Committee on Small Business a year ago were unanimous in their endorsement of the program. For example, Dr. Lee A. DuBridge, the science adviser to the President, said:

> I strongly encourage and endorse this type of program. For very little money it is beginning to achieve significant results. Discontinuing this type of effort may discourage States and set technology transfer back significantly, particularly in the less developed States which need it most.

Nevertheless, appropriations were cut off and the program will pass out of existence at the end of the present fiscal year unless we take strong remedial action. Curtailment of the program at the very time we need it the most would be extremely unfortunate. We do not think this should be allowed to happen.

While the State Technical Services Act as originally passed in 1965 was essentially sound and effective, we believe it can be improved in light of the experience gained during its implementation. Our bill seeks to accomplish this in several ways.

First, we propose to add municipal governments to those who will benefit from the technical services under the act. We are all aware of the staggering problems faced by our cities today—problems which threaten to overwhelm the municipal authorities trying to cope with them. The benefits of technology exchange and application should not be exclusively directed to business and industry. They should be made available to the municipalities as well so that they can be applied to improving the quality of life in our urban areas and to furthering their econmic development.

Second, experience has shown that those technical services provided under the act which were most effective were field services, and we have accordingly proposed to amend the act to stress their priority.

Third, we have provided that interstate programs under section 7 of the act be encouraged by raising the ceiling of Federal funding for them to 75 rather than 50 percent. Studies of the program have all stressed the value of a regional approach, and the successful operation of the New England technical services program at Durham, N.H., has shown the superior effectiveness of regional organizations.

Fourth, we have proposed that the program be funded with authorizations of $30 million for fiscal year 1972, $40 million for fiscal year 1973 and $50 million for fiscal year 1974. Studies have shown that the program could easily absorb this level of funding and that the expenditures will pay for themselves by generating additional tax dollars.

Finally, we have proposed certain changes in the administration of the program by the Department of Commerce. In accordance with a recommendation in the Arthur D. Little report, we suggest that the Department of Commerce establish a management information system which will provide data on program operation, services performed to meet program objectives and the effectiveness of supporting functions, such as accounting, reporting, marketing, personnel and public relations. Such a system, to be administered with the assistance of regional offices, would insure efficient operation and improve coordination among the States and between the States and other related Federal programs.

With these changes, we believe that an essentially sound program can be made even better. We hope that they will answer the objections of those who have had doubts about the program in past years.

Mr. Speaker, we believe that our country needs this program. Our industry needs it to ease the process of economic conversion, the unemployed need it for the jobs which will be created by technology transfer, our cities need it to help solve their problems, and the people as a whole need it for the economic and social benefits it will provide

The text of the bill follows:

H.R. 6976

A bill to amend the State Technical Services Act of 1965 to make municipal governments eligible for technical services under the Act, to extend the Act through fiscal year 1974, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) This Act may be cited as "State Technical Services Amendments of 1971".

(b) Whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered made to a section or other provision of the State Technical Services Act of 1965.

SEC. 2. Section 1 (15 U.S.C. 1351) is amended by adding immediately before the last sentence the following new sentence: "The Congress further finds that the quality of services provided by municipal governments, and consequently the quality of life in the States, can be enhanced by a wider diffusion of science and technology in the operation of municipal governments and by the effective application in such operations of the benefits of federally financed research and that this can be accomplished by the participation of municipal governments in the benefits of technical services under this Act."

SEC. 3. (a) Section 2(a) (15 U.S.C. 1352(a)) is amended—

(1) by inserting "municipal governments and" immediately before "businesses" in the matter preceding paragraph (1); and

(2) (A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively, (B) by adding "and" at the end of paragraph (2) (as so redesignated), (C) by striking out "; and" at the end of paragraph (3) (as so redesignated) and inserting in

lieu thereof a period, and (D) by redesignating paragraph (3) as paragraph (1), by striking out the period at the end of such paragraph and inserting in lieu thereof a semicolon, and by inserting such paragraph (as so redesignated and amended) immediately before paragraph (2) (as so redesignated).

(b) Section 2(g) is amended by striking out "Board of Commissioners" and inserting in lieu thereof "Commissioner".

(c) Section 2 is amended by adding at the end thereof the following:

"(h) 'Municipal government' means a city, county, township, borough, parish, or other general purpose political subdivision of a State."

SEC. 4. Sections 4, 5, 6, 7, and 10(e) (15 U.S.C. 1554, 1555, 1556, 1557, 1560(e)) are each amended by striking out "five-year plan" and inserting in lieu thereof "three-year plan".

SEC. 5. (a) Section 10(a) (15 U.S.C. 1560 (a)) is amended by striking out the period at the end and inserting in lieu thereof a semicolon and the following: "$30,000,000 for the fiscal year ending June 30, 1972; $40,000,000 for the fiscal year ending June 30, 1973; and $50,000,000 for the fiscal year ending June 30, 1974."

(b) Section 10(b) is amended by striking out "and" at the end of clause (2) and by striking out the period at the end of the section and inserting in lieu thereof a semicolon and the following: "(4) the operating efficiency of programs (as determined by the Secretary using data provided by the management information system established under section 11(b)) for which payments have been made under this Act; and (5) the needs of a State for technical services programs as determined by the Secretary taking into account the ratio of the number of persons employed in the State in scientific and managerial positions to the total number of persons employed in the State."

(c) Section 10(e)(1) is amended (1) by striking out ": *Provided*, That" and inserting in lieu thereof "; except that (1)"; and (2) by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: "and (2) in the case of any interstate technical services program, amounts paid under subsection (b) and (c) to carry out such program shall not in the aggregate exceed 75 per centum of the cost of such program."

SEC. 6. Section 11 (15 U.S.C. 1361) is amended by inserting "(a)" immediately before "The Secretary", and by adding at the end the following:

"(b) In the administration of this Act, the Secretary shall establish a management information system to provide data concerning the operation of technical services programs, services performed to meet the objectives of such programs, and the effectiveness of supporting functions, such as accounting, reporting, marketing, personnel, and public relations. The Secretary shall make use of this data not only to evaluate the technical services programs, but to actively assist the designated agencies by comparing their achievements with agencies in other States. Information to the State agencies concerning successful activities in other States shall be facilitated by issuance of a weekly communication providing data on successful programs, marketing and public relations activities, and personnel selection, training, and guidance.

"(c) The Secretary shall establish regional offices for the administration of this Act to improve communication between the States and between the Secretary and the States and to coordinate the activities of the States under programs assisted under this Act."

SEC. 7. (a) Section 14(a) (15 U.S.C. 1364 (a)) is amended by adding at the end the following: "Each designated agency shall, at least once every three months, report such information to the Secretary concerning its activities under the technical services program administered by it as the Secretary may require for the management information system established pursuant to section 11(b)."

(b) The section heading for section 11 is amended to read as follows: "Reports".

SHAMEFUL CONDITIONS EXIST IN DISTRICT OF COLUMBIA FOR TREATMENT OF SEX ASSAULT VICTIMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 15 minutes.

Mr. HOGAN. Mr. Speaker, I rise to seek the support of my colleagues to remedy a shameful condition which exists in our Nation's Capital.

The present procedures for the examination and treatment of rape victims in the District of Columbia are shameful.

Bureaucratic bungling and indifference in public service agencies are never palatable conditions. When they frustrate the innocent victims of crime, however, conscience cries out for redress.

One of my constituents, a 17-year-old girl, became such a victim. If her mother had not had the courage to inform me of the details of the crime, it might have been hidden in one of the dark corners of administrative and legal absurdity never to come to light.

The incident began in Prince Georges County, Md., in my district, when three men forced their way into this girl's car, abducted her across the Maryland State line into the District of Columbia, and raped her. She managed to find her way home in a dazed and confused state. Her mother called the Prince Georges County police only to be told that the young lady would have to return to the District of Columbia for an examination because the crime occurred in the District of Columbia. The abduction in fact occurred in Maryland. She was further informed that she would have to be taken to the District of Columbia General Hospital because it was the only hospital with the necessary examining facility. The girl did not want to go to the District of Columbia General Hospital and went instead to Cafritz Hospital. At Cafritz she was again told she would have to go to the District of Columbia General and that they did not have the facility to examine her. The girl's mother called her own physician to conduct the examination. He also refused to examine the girl, informing her that Rogers Memorial Hospital did not have the setup for rape cases and that the District of Columbia General was the only facility which did.

I have contacted various public officials to determine the reason for the policy of requiring treatment exclusively at District of Columbia General, and why it was necessary. I was astounded by the response.

Raymond L. Standard, M.D., Director of Public Health for the District of Columbia, replied:

> As far back as 1965 we convened the other hospitals in and near the District to ask them to examine alleged victims. The hospitals have not done so, in our opinion, because the staff physicians fear having to testify in court, or spend much time there, and secondarily, the hospitals fear not being paid.

Dr. Standard further stated:

> All hospitals equipped to render emergency service should be able to do these examinations. . . . I am surprised that the family physician in this case was unwilling to do this examination for a family he had served previously.

Jerry Wilson, chief of police, answered that—

> The refusal of the hospital staff, as well as her own physician, to conduct a sex assault examination, truly depicts the situation that exists in the District of Columbia.

Chief Wilson further stated that:

> In 1965 the negotiations between the Hospital Council in the District of Columbia for Community Hospitals and the Department of Public Health for the hospitals to receive reasonable reimbursement for cases treated came to a halt as the Department of Public Health was not willing to pay a reasonable rate of reimbursement.

Likewise, Robert H. Campbell, Chief, Law Enforcement Division, Office of the District of Columbia Corporation Counsel, said:

> Her letter does indeed cry out for help which she certainly deserved. Moreover, it very dramatically points up weaknesses in both law enforcement and public health service systems which should not exist or have occurred. Unfortunately, in this matter the Division of the Office of the Corporation Counsel which I head, has no jurisdiction to intercede or to be helpful in this matter.

Vincent Free, chief of police, Prince George's County, answered:

> . . . because the crime took place in D.C. the young lady was referred to the District Police Department. As to our policy in regards to hospitals, rape victims are taken to Leland Memorial Hospital for examination. There is much time consumed during the prosecution of these cases and none of the other hospitals will accept rape victims, because of this reason.

(The crime took place in both Maryland and the District of Columbia.)

Mr. Speaker, it is obvious to me that we have it within our power to remedy this situation. It is equally obvious that our public officials are unhappy with the present policy and its implementation. I must believe that our citizens would be equally unhappy with the policy.

In a report published in October of 1969, vol. 62, no. 10, of the Southern Medical Journal, entitled "Sexual Assault on Women and Girls in the District of Columbia," Charles R. Hayman, M.D., Charlene Lanza, R.N., and Roberto Fuentes, B.A., Department of Public Health, concluded:

> . . . that more complete evaluations should be made by using residents in gynecology and/or pediatrics and in areas removed from the bedlam of emergency rooms where examination is usually by a harried and inexperienced intern.

The report further indicates that—

> . . . during the entire period of the report data (33½ months) 1,385 or 93% of the initial medical examinations on women and girls were done at D. C. General, 63 were done at Children's Hospital, 27 at other hospitals, and 12 in the offices of private physicians.

The report also observed that—

> The examinations at D.C. General Hospital are done by interns on rotation for several months through the emergency room, and the number of victims averages about one during eight hours. Thus, there is little opportunity for training and proficiency. We are trying to remedy this situation by applying for grant support to have the examinations done by residents in gynecology and pediatrics. The examinations also need to compete in emergency rooms with hundreds of critically injured and ill patients, and with non-emergency patients who crowd our emergency facilities. This is another reason for taking the examination out of the emergency area. *Examinations are not done in other hospitals for a number of reasons, particularly because of fear on the part of physicians and other hospital personnel that they will be called to testify in court.* Court appearances can be minimized by expert examinations, reported legibly and completely. We recommend that the examinations be done by residents in gynecology and pediatrics in other large hospitals.

In view of the statements by public officials and in light of the report cited above, I can see no reason imaginable, short of neglect, for a hospital which supposedly operates for the benefit of humanity, to be allowed to refuse to treat a victim of rape. It must be obvious that the young lady in question was suffering physical and mental anxiety, while hospital officials, with the assistance of legal procedures, engaged in a reprehensible buck-passing game which considerably aggravated her distress.

If it is the considered judgment of medical authority that any hospital equipped to render emergency service is able to perform the examination, then, in the interests of human dignity, they should do so. If, as a necessary condition, facilities should be improved to meet the needs of the patients in more hospitals, then they ought to be improved promptly.

It is my intention to draft legislation which would help to accomplish these ends. I would appreciate the support and counsel of my colleagues in this matter.

TOWARD A QUIETER ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Ryan) is recognized for 30 minutes.

Mr. RYAN. Mr. Speaker, our environmental system has been stretched to the breaking point. The years of neglect, complacency, and ignorance have caught up with us. Our Nation is on the verge of becoming an ecological ruin.

The process of pollution is one of the great ironies of our society. Many of our ancestors came here because of the tales they heard about this country's natural wealth. America was the land of plenty. And it became more so as we, and our fathers before us, turned this Nation into the most advanced technological society in the world.

We are now confronted with the prospect that our very progress may have led us—not to the American dream—but to the American nightmare.

The realization of the extent of our environmental crisis was a long time in coming. For years, pollution and its decay of our environment have been creeping upon us. I am reminded of Marshal McLuhan's remark that if the temperature of bath water rises 1 degree each half-hour, how will the bather know when to scream?

We are now hearing the environmental scream.

The quality of life has become an overwhelming concern of Americans today. The more visible signs of our deteriorating environment have drawn the greatest amount of public comment and action. We are all painfully aware of the smog hanging over our cities and the filth-strewn rivers and lakes whose pollution is steadily increasing.

A less publicized factor in the decline of our environment is the excessive, intrusive noise that assails us daily. This noise is more than just a nuisance: it is a serious hazard to us physically, mentally, and economically. Excessive noise can inflict damage on the ear, resulting in temporary or even permanent damage to hearing. It disrupts sleep, causes annoyance, interferes with speech. Research has shown that noise can affect mental health, physiological activities, and even worker's efficiency. Noise can even influence property values.

The existence of sound pollution—for example, excessive noise—is not new. Two thousand years ago, Julius Caesar complained about the noise of the chariots on the streets of Rome. Queen Elizabeth I considered making it unlawful to beat one's wife after 10 at night, because the crying disturbed other citizens. Americans have been studying noise for nearly 100 years; Europeans have been studying it even longer. Yet, despite this consciousness of the existence of noise, virtually nothing has been done to control it.

For some reason, we have not taken the problem too seriously. Perhaps, as Robert Alex Baron, author of "The Tyranny of Noise," has suggested, we might have become more alarmed if we called noise something like "acoustic radiation." Perhaps, much of our acceptance of noise has been because of our American heritage—the frontier spirit of tolerating hazardous conditions as proof of our virility. Perhaps, it was because we feared that it would cost us something in dollars and cents to control noise. Or perhaps, it has been because we thought if we just ignored it, it would somehow fade away.

Whatever the reason for our past tolerance of an increasingly serious condition, one thing is clear; we cannot allow this problem to continue unabated.

The right to a quiet, peaceful environment is as basic as the right to clean air and water and pure food.

Concern for the cost of preventing and reducing noise must be replaced by the realization that it costs less to control noise than to endure it. No one can put a pricetag upon the right to enjoy one's health, to live free from annoying stimuli, to rest and sleep free of disruption. Surely, it is basic to the pursuit of happiness that the citizen has the freedom to open his senses to the full appreciation of the beauties and pleasures of pleasing sounds rather than being assaulted by incessant, excessive noise.

The intensity and severity of the problem we now face demands vigorous and comprehensive Government action now.

In the 91st Congress, I introduced legislation to begin such action. This bill—the Noise Control Act of 1970—was cosponsored by 20 of my colleagues. It provided for the establishment of an Office of Noise Control, and it established a program of grants to States and local governments, and of contracts for research and demonstration projects.

This legislation was in part embodied in the Clean Air Act Amendments of 1970, Public Law 91–604, which, in title IV, established an Office of Noise Abatement and Control within the Environmental Protection Agency.

Early this year, I, along with 14 of my colleagues, held an ad hoc hearing on noise pollution in New York City, on February 8. The 14 were: Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Biaggi, Mr. Bingham, Mr. Carey, Mr. Delaney, Mr. Halpern, Mr. Koch, Mr. Murphy, Mr. Podell, Mr. Rangel, Mr. Rosenthal, and Mr. Scheuer.

This hearing brought together experts to testify as to the problems of noise pollution, and the Government action that should be taken. The witnesses at the hearing were:

Robert Alex Baron, author of "The Tyranny of Noise";

George Tayor, executive secretary for occupational safety and health, AFL–CIO;

The Honorable Jerome Kretchmer, administrator, New York City Environmental Protection Administration;

The Honorable Robert Rickles, commissioner of Air Resources, New York City;

The Honorable Robert Bennin; director of Noise Abatement, New York City;

The Honorable Henry L. Diamond, commissioner, New York State Department of Conservation;

Roy Sullivan, chief, Division of Audiology, Long Island College Hospital;

Prof. Cyril Harris, Department of Electrical Engineering, Columbia University, and editor, "The Handbook of Noise";

George Diehl, noise consultant, Ingersoll-Rand;

Tony Crimmins, Crimmins Contracting Co.;

Stannard Potter, president, United Acoustics Consultants; and

Dr. Phyllis Gildston, chairman, Subcommittee on Noise, Scientists' Committee for Public Information.

The proposals brought forward at the hearing, together with my past involvement in the area of noise control, and consultations with various experts, have led to the development of a comprehensive legislative package which I am today introducing on behalf of myself and more than 30 of my colleagues. This package of four bills provides a tough, realistic, effective means to fight the menace of sound pollution.

NOISE ABATEMENT OFFICE APPROPRIATIONS

The first bill appropriates the money to fully fund the Office of Noise Abatement and Control established within the

Environmental Protection Agency by the Congress last year. Although the Clean Air Act Amendments of 1970, Public Law 91–604, authorized $30 million for this office to carry out a full and complete investigation of noise and its effect on the public health and welfare, not a penny has been appropriated, nor have any funds been requested in the administration's budget for fiscal year 1972.

The Clean Air Act amendments direct the Office to report the results of its investigation and study, together with its recommendations for legislation and other action, to the President and the Congress not later than 1 year after the date of enactment of title IV. The President signed this bill into law on December 31, 1970. Therefore, the office has only a little more than 9 months remaining to complete its responsibilities—responsibilities it cannot carry out because it has no funds.

My bill provides the money to make the Office of Noise Abatement and Control a functioning reality, not just another paper promise.

The 38 Members who have joined in cosponsoring this bill are Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Begich, Mr. Biaggi, Mr. Bingham, Mr. Brasco, Mr. Burton, Mr. Cleveland, Mr. Conyers, Mr. Dellums, Mr. Dow, Mr. Edwards of California, Mrs. Grasso, Mr. Halpern, Mr. Harrington, Mr. Hathaway, Mr. Hechler of West Virginia, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Kastenmeier, Mr. Koch, Mr. Leggett, Mr. Matsunaga, Mr. Mikva, Mr. Mitchell, Mr. Moorhead, Mr. Pepper, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Roe, Mr. Rosenthal, Mr. Roybal, Mr. Scheuer, Mr. Seiberling, Mr. Veysey, and Mr. Wolff.

EXPANDING THE OFFICE OF NOISE ABATEMENT

If we are to have an effective program to combat the hazards of noise, we must do more than merely continue our research into the problem. Although additional study is certainly needed, we now know enough about the problem and the technology involved to move directly toward abating it. Therefore, the second bill I am introducing—the Noise Abatement and Control Act of 1971—broadens the functions of the Office of Noise Abatement and Control to begin to deal directly with this problem. Thirty-eight Members of this House have joined with me in cosponsoring this legislation. They are Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Begich, Mr. Biaggi, Mr. Bingham, Mr. Brasco, Mr. Burton, Mr. Cleveland, Mr. Conyers, Mr. Dellums, Mr. Dow, Mr. Edwards of California, Mrs. Grasso, Mr. Halpern, Mr. Harrington, Mr. Hathaway, Mr. Hechler of West Virginia, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Kastenmeier, Mr. Koch, Mr. Leggett, Mr. Matsunaga, Mr. Mikva, Mr. Mitchell, Mr. Moorhead, Mr. Pepper, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Roe, Mr. Rosenthal, Mr. Roybal, Mr. Scheuer, Mr. Seiberling, Mr. Veysey, and Mr. Wolff.

Basically, the Noise Abatement and Control Act of 1971 does two things: First, it directs the head of the Office to prescribe standards on all noise generating machinery that may endanger the public health and welfare, and second, it provides a system of grants and contracts to provide Federal funds to levels of local government so that they can combat noise.

Specifically, the bill does the following:

First. It directs the Office of Noise Abatement and Control to prescribe standards for any machine, or class of machinery which it determines contributes to, or may contribute to, noise which endangers, or contributes to endangering, the public health and welfare and sets stringent enforcement powers. If the head of the office fails to take action against a violator within 60 days, this bill authorizes suits by private citizens or groups against the noise polluter and the head of the office, as may be appropriate.

Second. It directs the office, and all Federal agencies, as well as all Federal contractors, to maximize the purposes of this bill—for example, abatement of noise—by means of appropriate provisions in Federal grants, loans, and contracts.

Third. It authorizes the office to prepare, publish, and disseminate educational materials relating to the control, prevention, and abatement of noise.

Fourth. It authorizes the office to provide technical assistance to States, counties, municipalities, and regional governmental bodies, commissions, and councils to facilitate their development of noise control programs.

Fifth. It directs the office to coordinate the efforts of the Federal Government that relate to noise control, abatement, and prevention. To this end all instrumentalities, agencies, and departments of the Federal Government are directed to furnish the office with such information as it may require. Further, each such entity of the Federal Government is directed to carry out the program within its control in accordance with the purposes of this title—the creation of a quieter environment.

In any case where a level of Federal Government is carrying out or sponsoring an activity resulting in noise which the head of the office determines amounts to a public nuisance or is otherwise objectionable, such Federal entity must consult with the head of the office to determine possible means of abating the offending noise.

The office is to compile and publish a regular report as to the efforts and activities of the Federal Government and its instrumentalities, agencies, and departments in regard to noise.

Sixth. The office is directed to submit to the Congress in July of each year, a report concerning its activities. Currently, the office only has to make one such report, and that is before December 31, 1971. This section will give the office permanance not embodied in present law.

Seventh. The office is authorized to make grants to States, counties, municipalities, and regional governmental bodies, commissions, and councils for the purposes of developing, establishing, and carrying out programs of noise control and for research into the causes and effects of noise and new techniques of controlling, preventing, and abating noise.

There is authorized to be appropriated for these grants $5 million for the fiscal year ending June 30, 1971; $10 million for fiscal year 1972; $15 million for fiscal year 1973; $20 million for fiscal year 1974; and $25 million for fiscal year 1975.

Eighth. The head of the office is authorized to make grants to any public or nonprofit private agency, organization, or institution, or engage by contract the services of any such agency, organization, institution, or of any individual to conduct research into noise pollution; to provide training of professional and technical personnel in noise control techniques, methods, and approaches; to establish and conduct demonstration projects relating to noise control.

For these, there is authorized to be appropriated $5 million for fiscal year 1971; $7 million for fiscal year 1972; $10 million for fiscal year 1973; $12 million for fiscal year 1974 and fiscal year 1975.

Ninth. For the purpose of advising the head of the office on matters bearing on his responsibilities under this title, this section establishes a Noise Control Advisory Council of nine individuals skilled in fields relating to the matters to be considered by the office. Once each fiscal year, the Council must submit to the Administrator of the Environmental Protection Agency and to the Congress a report containing full and complete information on its work.

LABELING OF NOISE GENERATING MACHINERY

One of the prime reasons that the level of noise has increased so greatly over the past few decades is that the consumer has not been able to obtain reliable information necessary to weigh the noise level of a product as a factor when purchasing it.

Therefore, the third bill that I am introducing—the Noise Disclosure Act—with 35 cosponsors, requires that all new mechanical and electrical equipment transported in, sold in, or introduced into interstate commerce must have affixed a label or plate disclosing its operational noise level. The only items that can be exempted from this requirement are those that have an operational noise level "so low as to be negligible" and as to which "information with respect to such noise level will not be of value to the user."

Pursuant to this bill, the Administrator of the Environmental Protection Agency is directed to prescribe regulations establishing standard procedures for measuring the operational noise level of all classes of machinery and to prescribe the form and content of plates or labels which are required to be affixed to machinery and containers.

This legislation will allow the consumer to know the noise-generating potential of a mechanical item he is contemplating buying, thereby affording him the opportunity to consider its noise generation as a factor in his purchase decision. Thus, he could choose, not only the quieter of two automobiles or pneumatic drills, but the quieter of two electric razors or air conditioners.

The 35 Members cosponsoring the Noise Disclosure Act are Mrs. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BEGICH, Mr. BIAGGI, Mr. BINGHAM, Mr. BRASCO, Mr. BURTON, Mr. CLEVELAND, Mr. CONYERS, Mr. DELLUMS, Mr. DOW, Mr. EDWARDS of California, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. KASTENMEIER, Mr. KOCH, Mr. LEGGETT, Mr. MIKVA, Mr. MITCHELL, Mr. MOOREHEAD, Mr. PEPPER, Mr. PODELL, Mr. RANGEL, Mr. REES, Mr. ROE, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SCHEUER, Mr. SEIBERLING, and Mr. VEYSEY.

OCCUPATIONAL SAFETY AND HEALTH

Although noise is a hazard in all environments, particular attention must be given to the workplace. It is here that most Americans are prisoners for 25 percent of their working lives. Here, too, is where they are often subjected to the most severe and constant noise.

The only present Federal standards relating to noise in industry are those regulations promulgated in May of 1969 under the Walsh-Healey Public Contracts Act. These standards, although a step in the right direction, are demonstrably too lax to protect the majority of working individuals. We know that the average individual will sustain permanent hearing loss if subjected to prolonged exposure to noise levels of 85 decibels or more. Yet the standards under Walsh-Healey afford no more protection than a limit of 90 decibels for a normal workday. Under this standard, hundreds upon thousands of American working men and women will incur irreparable hearing loss.

Further, the Walsh-Healey Act does not cover all workers. It is only applicable to firms having Government procurement contracts over $10,000.

Last year, the Congress passed a comprehensive Occupational Safety and Health Act. Under that act, the Secretary of Labor is directed to promulgate standards for industry which will protect the health and safety of workers. These standards will apply to many more workers than do the Walsh-Healey regulations.

In order to insure adequate protection from excessive noise, the fourth bill I am introducing today—the Occupational Noise Control Act of 1971—will amend the Occupational Safety and Health Act to direct the Secretary of Labor to promulgate noise exposure limitations no less protective than provided in the following table:

Permissible noise exposures

Duration per day, hours:	*Sound level dBA*
8	80
6	82
4	85
3	87
2	90
1½	92
1	95
½	100
¼ or less	105

The 35 Members who have joined me in cosponsoring the Occupational Noise Control Act of 1971 are Mrs. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BEGICH, Mr. BIAGGI, Mr. BINGHAM, Mr. BRASCO, Mr. BURTON, Mr. CLEVELAND, Mr. CONYERS, Mr. DELLUMS, Mr. DOW, Mr. EDWARDS of California, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. KASTENMEIER, Mr. KOCH, Mr. LEGGETT, Mr. MIKVA, Mr. MITCHELL, Mr. MOORHEAD, Mr. PEPPER, Mr. PODELL, Mr. RANGEL, Mr. REES, Mr. ROE, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SCHEUER, Mr. SEIBERLING, and Mr. WOLFF.

COMPARISON TO THE ADMINISTRATION'S PROPOSAL

On February 17, 1971, the President's proposal for the control of noise—S. 1016—was introduced in the Senate.

I commend the President for his efforts to bring the problem of noise pollution to the public's attention. For far too long the Government has overlooked the gravity of this problem. I believe that the President's avowed commitment to promote an environment for all Americans free from noise that jeopardizes their health or welfare is a positive step toward obtaining concerted Government action to deal with the hazard of noise.

However, I do not believe the administration's proposal to be adequate. There are at least 10 major differences between the package of bills I am introducing today and the legislation proposed by the administration. In every case, this difference is one of strength versus weakness. In every case, my four bills provide a more effective program.

First, my bills in no way attempt to undo what was done last year by virtue of the passage of the Clean Air Act Amendments of 1970, Public Law 91-604. Title IV of that law creates an Office of Noise Abatement and Control. With this I am entirely in accord. It is essential that there be a focal point for the Government's noise pollution program. Proliferating responsibilities, scattered throughout numerous agencies, almost inherently result in diminished focus—both in terms of the Government's ability to grapple with the perceived problem and in terms of the public's being able to perceive the focus for its concerns, inquiries, requests, and demands for action.

The administration bill proposes to disband the just-created Office of Noise Abatement and Control. One would be hard pressed to find this on the basis of a superficial reading of the bill, since the section which accomplishes this complete overturning of Congress' just recently expressed will is entitled "Report of Noise Study." A careful reading discloses, however, that the administration bill proposes to delete the congressional mandate to the administration of the Environmental Protection Agency to establish the office, and instead just proposes that the Administrator carry out the program.

Presumably, the Administrator would designate a section or division, to run the noise-pollution program. But this is a very different thing, both bureaucratically and psychologically, than clearly identifying a specific Office of Noise Abatement and Control, and vesting it, not some obscure division or section, with the powers to run the Government's noise pollution program.

So, on this one issue alone, a clear balance is set, I believe, in favor of the legislative package I am introducing, as opposed to the administration bill.

Second, both my bill—the Noise Abatement and Control Act of 1971—and the administration bill propose that the Government set noise standards. But—and this is a very important but—my bill directs standards to be set by using the word "shall;" the administration bill is much weaker—it merely says standards "may" be set.

In addition, even if standards were set under the administration bill, they only would apply to three products, or classes of products: Construction equipment; transportation equipment; and equipment powered by internal combustion engines. Of course, these three classes of equipment are particularly egregious in the list of noise generating machinery. But, if one accepts the premise that noise is a problem, and I think the administration bill does, as does my legislative package, then one should include all products within the ambit of standards.

For example, the administration's bill would not include electric shavers. It would not include battery driven lawnmowers. Nor refrigerators. Nor air conditioners. Nor electric typewriters.

My bill would have standards be set as to any machinery which the head of the office finds to endanger, or which may contribute to endangering, the public health and welfare. Thus, every conceivable product, if its noise generation constituted a hazard, or even annoyance, would fall within the ambit of my bill. Moreover, my bill makes no caveat such as that proposed by the administration bill, which in its section 6 provides that in setting standards, "the Administrator shall consider whether any proposed standard is economically feasible, technologically practicable, and appropriate for the particular products to which it will apply." Words such as these are loopholes, not language to create an effective program.

Third, the administration bill provides for virtually no assistance to State and local governmental noise abatement programs. The only provision for Federal funds going to these programs is provided by section 11 of the bill, and this applies only to technical assistance to "State and local governments to facilitate their development and enforcement of ambient noise standards."

My bill, the Noise Abatement and Control Act of 1971, provides for grants to States, counties, municipalities, and regional governmental bodies to develop, establish, and carry out noise abatement programs. There is no getting around the fact that local governments are extremely hard pressed for funds; this pressure can only be relieved by the Federal Government.

Fourth, the administration bill, which fails, as I noted, to provide the States and local governmental bodies with fund to establish and conduct noise pollution programs, actually restricts the States and local governments which do seek to set their own noise standards from setting standards which are stronger. This is established by section 6(d), which provides:

> No State or subdivision thereof shall adopt or enforce, with respect to any product for which noise-generation standards have been prescribed by the Administrator under subsection (a) of this section, and standard limited noise-generation characteristics different from the standards prescribed by the Administrator.

Thus, if a State, such as California, or a city, such as Chicago or New York, should wish to set standards stronger than those set by the Federal Government, it could not do so. Surely, this is anomalous, that the citizens of a community cannot seek to protect themselves from noise pollution to any greater extent than the Federal Government has ruled.

My bill, the Noise Abatement and Control Act of 1971, specifically authorizes States and local governments to set stricter—although not easier—standards if they so choose.

Fifth, the administration bill, in its provision—section 7—concerning labeling, restricts the labeling requirement only to products or classes of products "capable of adversely affecting the public health or welfare" or "that are sold wholly or in part on the basis of their effectiveness in reducing noise." Again, there is no need to be so restrictive. The consumer should be entitled to know the noise-generating potential of any product he is contemplating buying, so that he can make an educated decision. Thus, my bill dealing with labeling, the Noise Disclosure Act, provides for labeling of all machinery—which includes appliances—unless the noise produced is "negligible" and the "information" is of no "value to the user."

Sixth, the administration bill fails, to use a colloquialism, to "practice what it preaches." The largest contractor in this country—for services, for goods, for construction of buildings—is the Federal Government. In addition, billions of dollars are distributed in grants and loans and assistance by the Federal Government. Yet, the administration bill completely omits provision for using the power inherent in Federal contracting to produce a quieter environment, by requiring contractors, grantees, and borrowers to utilize methods which reduce noise and by requiring them to use equipment—when there is a choice—which generates less noise.

My bill—the Noise Abatement and Control Act of 1971—on the other hand, provides that this enormous power is to be used, just as it is used in the Clean Air Act Amendments of 1970, by providing that each Federal agency which enters into contracts or extends Federal assistance by way of grants, loans, or contracts is to effectuate the purposes of the bill—a quieter environment.

Seventh, the administration bill fails to concern itself directly with noise on the job—clearly one of the most serious aspects of the noise pollution problem. My legislative package includes a bill—the Occupational Noise Control Act of 1971—which especially directs that when, pursuant to the Occupational Safety and Health Act of 1970, Public Law 91–596, the Walsh-Healey noise regulations are promulgated anew, they shall lower permissible noise levels to levels which protect the workers—which the present regulations do not now adequately do.

Eighth, the administration bill provides no authority for the Administrator of the Environmental Protection Agency to enforce in court violations of the acts proscribed—such as false labeling—but rather, he must turn over the case to the Justice Department, and rely upon it to pursue action. My bills provide that the head of the office or the Administrator has the power to bring suit against violators.

Ninth, the administration bill provides no recourse for the beleaguered private citizen or group which has failed to obtain relief by means of complaint to the agency. My bills provide that a private citizen or group does have standing to go into court if the head of the office or the Administrator fails to take affirmative action on a complaint within 60 days of receipt of that complaint. Again, this is one of the strong provisions which was enacted into law last year in the landmark Clean Air Act Amendments of 1970.

Tenth, the administration has requested no money, either for fiscal year 1971 or for fiscal year 1972, to fund title IV of the Clean Air Act Amendments of 1970, Public Law 91–604, which established the Office of Noise Abatement and Control. Obviously, the administration recognizes that noise pollution is a serious problem. Thus, there should be no dispute that the office should be funded, whatever changes might be wrought by legislation in the 92d Congress, concerning its formal structure and its functions. Thus, my legislative package includes a bill to provide the full $30 million authorized for the office by the Clean Air Act Amendments of 1970.

AD HOC CONGRESSIONAL HEARING ON NOISE POLLUTION

At this point, I include with my remarks the record of the ad hoc congressional hearing on noise pollution which I and 14 of my colleagues sponsored in New York City on February 8, 1971. The record follows:

AD HOC CONGRESSIONAL HEARINGS ON NOISE POLLUTION, NEW YORK CITY, FEBRUARY 8, 1971

SPONSORS

Congressman William F. Ryan.
Congresswoman Bella S. Abzug.
Congressman Joseph P. Addabbo.
Congressman Herman Badillo.
Congressman Mario Biaggi.
Congressman Jonathan Bingham.
Congressman Hugh Carey.
Congressman James Delaney.
Congressman Seymour Halpern.
Congressman Edward I. Koch.
Congressman John Murphy.
Congressman Bertram Podell.
Congressman Charles Rangel.
Congressman Benjamin Rosenthal.
Congressman James Scheuer.

HEARINGS

Representative RYAN. Americans have been studying noise for nearly one hundred years; Europeans have been studying it even longer.

Offending sound can be described in a multitude of technical terms; it can be recorded, amplified and measured on many different instruments; it can even be presented in a beautiful full color portrait ranging from red for the loudest to blue for the softest sounds.

Thousands of booklets, monographs and speeches have been written; books of protest have been published; heavy tones for the teaching of noise control are available.

Yet, while the level of sound has been steadily rising—having doubled since 1955—very little has actually been done either on the local or federal level to control this widely prevailing environmental pollutant.

While modern technology professes an eagerness to make life easier, it has saturated the homes of America with a steadily rising riot of sound: blenders, mixers, juicers, motor-driven carving knives, can openers, garbage grinders, hairdryers, and dishwashers. It has choked our streets and highways with bumper-to-bumper automobiles, trucks, and motorcycles. It has distracted homes and offices with the whir and whine of heating and air conditioning units and fans. It has added to the strain of a working day with the clack and clatter of typewriters, adding machines, mimeograph machines, calculating machines, computers, telephones, interoffice buzzers and taping machines; it has overwhelmed the quiet of the home with a host of entertaining equipment with which neighbors drive each other wild. The din of construction equipment endangers workers' hearing and renders unfit for human habitation the area surrounding the construction project. Over countryside as well as city, the jet scream of military and commercial planes has produced numerous law suits (these suits being a prime reason airplane noise has achieved recognition as an annoyance, if not yet as a menace to health). So far, these suits have had little success before the courts which seem to follow the doctrine of "legalized nuisance."

Very little has been done to prevent the intrusion of noxious noise into the homes of America. Few local codes provide a program for noise control, though the New York City Building Code of 1968 did include the requirement that new residential buildings provide for reduction of noise penetration. The FAA regulates aircraft noise (though allowable levels are demonstrably too high) and the Walsh-Healey Health and Safety Regulations have set some limits on industrial noise, though few workers are covered. Some states and localities have noise codes, but they are poorly enforced and carry insignificant penalties. With some of the better local codes, ineffectiveness arises from lack of standards or provision for measurement.

A Federal Office of Noise Abatement and Control was authorized by Title IV of the Clean Air Act Amendments of 1970, P.L. 91–604, and thirty million dollars was authorized to investigate and identify the sources of noise and its effects on health; this office must hold hearings and report to Congress within one year.

But this is only the beginning.

A full-scale program to abate the inescapable insult of noise pollution requires steps more practical and immediate than continuing research and compiling additional reports.

I hope that this hearing will provide the expertise and the stimulus to proceed on local, state and federal levels with comprehensive legislation, codes, and a program of practical projects that will not only bring further knowledge but advance the actual process of abatement.

One of the major barriers to control and abatement of noise is the belief that quiet carries a prohibitive price tag. Yet, the cost of tolerating noise is shockingly high: as one example, the World Health Organization estimates that more than four *billion* dollars is being spent every year in the cost of accidents, worker inefficiency, loss of time from work and compensation payments resulting from industrial noise.

Actually, very few workers enjoy the advantage of hearing protection programs. Except for the 1968 amendments to the Walsh-Healey Public Contracts Act, there is little regulation, and over 80% of the work force is *not* covered.

Moreover, compared to the costs of exposing workers to noise, control would be cheap: the Committee on Environmental Quality of the Federal Council for Science and Technology, in a September 1968 report, estimated that at least six million workers are exposed to *unsafe* (not merely annoying) levels of industrial noise. *Protecting the hearing* of these workers would cost twelve million dollars per year; noise *reduction* would cost $26 per person per decibel ($26,000). But, if industry *designed* for noise control, it would cost only about 5% of the total development cost.

The cost of quieting much of the machinery and home appliances would be quite reasonable on a mass production basis. But both consumer and manufacturer will have to be convinced by federal legislation to exercise this type of control.

A primary goal for any city should be an educational program to inform the citizens of the nature of the problem, obtain their cooperation and provide a cooperative climate for code enforcement. Much of the noise that assaults the citizen in his dwelling (slamming of doors, loud music, rehearsing by musicians, etc.) can only be controlled voluntarily.

The mass media could make a major contribution to the educational process by featuring articles and documentaries (or spot announcmeents) on noise, helping the public in general to become more aware of, and help to abate, many forms of unnecessary noise.

Even without the authority of codes, federal and local governments can do much more to abate noise. Government at all levels can create a market for quiet vehicles, machinery and equipment of all kinds; this practice would encourage the mass production of noise-controlled products and demonstrate their feasibility to the public.

The federal government, whether by regulation or legislation, must lead the way in encouraging the development of quiet products. Any product that is sold in interstate commerce, whether blender for home use or giant air compressor for construction purposes, can be regulated on a national level by requiring that noise control be considered in the design and manufacturing process. Factories can be designed for quiet working conditions. Modes of transportation can be designed for noise control. Patch and repair methods, use of ear-protecting equipment, muffling, damping, insulating, etc., will always be inadequate for controlling noise, though they may have to be used for old equipment and installations.

There is ample evidence for the position that noise can—and must be—controlled; that present technology can do the job; that a combination of public education and federal legislation (combined with judicious application of governmental buying power) can provide the stimulus for bringing noise under control.

With the help of the evidence from this hearing, I—together with my co-sponsoring colleagues—will make every effort to see that an abatement program gets under way as quickly as possible.

For the purposes of legislation or any other abatement method, I reject certain theories and solutions that have been advanced: for instance, that noise control may be achieved by "masking"—that is, that housewives living under the approach routes of airports should attempt to "mask" the roar of jet engines by turning on household appliances; or that a person who objects to the loud radio of his neighbor should turn up the volume of his own radio.

In the literature of noise analysis, there is a profit-motivated tendency to describe noise as a necessary evil—the "price of progress." I suggest that if noise is properly considered as in itself undesirable, more progress will be made in controlling it. Just as for any other form of pollution, the control of noise is a matter not of what we are *able* to do, but what we are *willing* to do. It is obvious that past efforts have been inadaquate and that the reason for this inadequate response is a failure to place the problem in its appropriate perspective.

I believe that the right to a quiet, peaceful environment is as basic as the right to clean air and water and pure food.

I insist that concern for the cost of preventing and reducing noise be replaced by the realization that it costs less to control noise than to endure noise. No one can put a price tag upon the right to enjoy one's home, to live free from annoying stimuli, to rest and sleep free of disruption. Surely it is basic to the pursuit of happiness that the citizen has the freedom to open his senses to the full appreciation of the beauties and pleasures of pleasing sounds rather than cowering behind insulating walls, covering or plugging his ears, or exposing himself to the alternative of illness, hearing impairment and emotional or psychological disturbance.

We intend to make every effort to see that the American people are protected from this unnecessary and intolerable intrusion into their working and living environments.

Now, I should like to turn to my cosponsors of this ad hoc hearing on noise pollution. It is a pleasure for me to welcome Congressman Benjamin Rosenthal of Queens this morning. We are very happy to have you with us.

Representative ROSENTHAL. Thank you very much. I am very pleased to be here with you and I want to commend you on initiating these hearings on what I consider to be a very important subject. In our community, particularly near La Guardia Airport, we have learned to live with noise, but we have rejected it as totally unacceptable. This is an area in which we have a keen interest. I am very anxious and hopeful that something be done in this very significant and important area.

Representative RYAN. Thank you. I am delighted that you are able to be here, and Congressman Mario Biaggi of the Bronx, we are very pleased that you are also here with us.

Representative BIAGGI. Thank you very much for inviting me, Congressman Ryan. It is my pleasure to be here, and I also commend you for initiating these hearings. When we mention noise pollution, there seems to be a heavy emphasis on aircraft noise, and I think we've engendered sufficient activity and interest in that area to hope that some resolution will be reached in the future.

Today, we are going to deal with the everyday noise that we have come to accept as part of living. The medical profession has found that it is a hazard to the health of the individual. And if we address ourselves to this area, we find a new attitude and perhaps a reappraisal of what the norm is. What we have accepted as the norm is totally undesirable. These hearings are going in the right direction. You are to be commended for initiating them.

Rep. RYAN. Thank you. We are delighted to have you here. Congresswoman Abzug, one of the cosponsors, cannot be present. She is represented by Hugh McCormick.

Mr. MCCORMICK. Thank you, Congressman Ryan. Congresswoman Abzug wishes she could be here, but she was unavoidably detained. Her statement is as follows:

STATEMENT BY THE HONORABLE BELLA S. ABZUG

One individual's noise is another's rock and roll, but there is one kind that we can all agree is polluting our environment—and that is the combined din of auto, bus and truck traffic; sanitation trucks grinding garbage; wailing police, firetruck and ambulance sirens; Con Edison drills; and the sounds of heavy equipment used in constructing luxury office and apartment buildings.

This is the daily and nightly environment of residents and working people in the 19th Congressional District, which includes large concentrations of factories, businesses and stores as well as the congested Wall Street financial district.

To this already unbearable cacaphony the Federal Aviation Administration is backing American Airlines in a project that will place the residents of Chelsea in the same nerve-wracking plight as the families who live near JFK airport.

I refer to the proposed STOL-port which would float in the Hudson River between 26th Street and 33d Street. Under this plan STOL planes (the term is an acronym for short take-off and landing) will be coming in and leaving within 500 yards of the Chelsea-Elliott Houses and London Terrace, which have a combined population of 10,000 people living in 4,500 apartments.

This proposed plan is a disaster for Chelsea from the point of view of safety, pollution, increased traffic congestion and the potential loss of cargo piers and jobs.

However, since this hearing is concerned primarily with noise pollution, I will address myself to that aspect. An investigation has shown that the special propulsive devices required by STOL planes for steep take-offs and landings create a fantastic amount of noise. There will also be, of course, the motor noises of the planes in horizontal flight.

Furthermore, if the STOL-port does become a reality, there will be thousands of passengers landing or departing daily, and their cars, taxis and buses will create still more noise, to say nothing of air pollution and traffic tie-ups.

Noise pollution is a definite health hazard. For the residents of the 19th Congressional District, who live adjacent to a busy harbor and within one of the noisiest cities in the world, raising the noise level of their daily lives, even further would be intolerable.

If New York is to be made fit for human beings, I would urge that projects such as the STOL-port be rejected.

Representative RYAN. Thank you. Congressman Joseph P. Addabbo of Queens was not able to be with us, but he has submitted a statement. Following is Congressman Addabbo's statement:

STATEMENT OF HON. JOSEPH P. ADDABBO

I am very pleased to be a cosponsor of this hearing on noise pollution and to participate with my colleague in the House, Bill Ryan, who has been a leader in the fight to bring the resources of the federal government to bear on this menacing and dangerous problem of noise pollution.

It is certainly appropriate that we in the New York City Congressional delegation appear in the forefront of this fight because our city is the noisiest in the world. It is only in the last decade that we have begun to realize the serious health hazards and other related dangers of the pollution of our atmosphere by noise.

In my own Congressional District, the villain is Kennedy Airport where airport noise pollutes the atmosphere over surrounding communities constantly and without pause. Since the first jet plane landed at Kennedy Airport in 1958 the residents of those communities have tried in vain to find relief through legislaiton, through research and through protests. The problem is increasing as the large super planes are readied for introduction into commercial use and as the battle over the supersonic transport continues.

I am one of the sponsors of the 1968 Aircraft Noise Abatement Act which represents the first federal recognition of the seriousness of the aircraft noise problem. I commend and join with Congressman Ryan and others in our delegation to try to broaden the national concern to include all sources of noise pollution.

If we are to find a way to reduce noise pollution to acceptable levels we must first learn more about the sources of noise and the scientific possibilities for curbing or controlling its impact. That is the purpose of this hearing today and I am pleased to participate and act as a cosponsor of this attempt to bring together those experts who can shed some light on these complex and disturbing areas of study which must be conducted if we are to find new ways of dealing with noise pollution.

The experts must act as the public watchdogs over the activities of the new Office of Noise Abatement within the Department of Health, Education and Welfare and the people and public officials they elect to represent them must make sure that this new Office is properly staffed, adequately funded and ever alert to its obligation to protect the person who is suffering from the hazards of noise pollution.

Finally I urge the enactment of local laws and ordinances which will not only protect the residents of our city but which will make our local laws a model for other cities in the nation which are now or will soon be suffering from substantial noise pollution.

Representative **Ryan**. We are fortunate in having a very highly qualified panel of experts who will appear before us today. Our first witness this morning is Mr. Robert Alex Baron. Mr. Baron is well known in the field of noise control. He is executive vice president and co-founder of Citizens for a Quieter City., Inc., and founder of the Upper Sixth Avenue Noise Abatement Association.

Mr. Baron arranged and chaired New York's first conference on Urban Noise Control. He arranged and conducted the first public demonstration of quieter construction equipment to be held in the United States. He was responsible for the development of the world's first quiet metal garbage can, and he initiated the development of the first quiet garbage truck in the United States. In addition, Mr. Baron provided back-up information for the Department of Health, Education, and Welfare's Task Force on Environmental Quality. Finally, Mr. Baron is a noted author of numerous publications, including his major book, *The Tyranny of Noise*, published in 1970.

Mr. Baron is testifying today as a private citizen—one who has spent years concerned with the problem of noise pollution. Thank you for being with us, Mr. Baron.

TESTIMONY OF ROBERT ALEX BARON

Mr. **Baron**. Congressman Ryan, and your colleagues, thank you for inviting me to talk to you today. I don't necessarily consider myself a technical expert on noise. However, I am a citizen who has spent six years on this problem of noise and noise pollution, trying to understand why, when there are ways to minimize noise, we don't do it; why, when we start to approach the problem, we are so slow and timid in doing something about it.

Several people have said to me: "Why do you bother with noise pollution? Why don't you put your efforts into air pollution and water pollution, and so on?" These kinds of questions indicate one of the very important reasons why we have not moved on pollution: there is a general tendency not to believe that noise exposure is a really serious problem.

I wish, in a way, that we could do away with the word "noise." I wish we could find something like "acoustic radiation," or some other phrase, that would be more acceptable in this day and age of science and technology. The word "noise" is, I think, if you will excuse me, a "mixed bag." I think too many people, including experts, tend to take the word "noise" as sort of a joke, and it is not too uncommon to think of somebody who protests about noise as a "little old lady in tennis shoes"—in other words, somebody who has nothing better to do, or somebody who is a crackpot. I was told, as a matter of fact, by a leading sociologist, that noise is "lonely people who have nobody else to talk to."

I think it is very important that we understand these attitudes, because they play a role in how effective we are in moving on this problem. I think these attitudes constitute one of the reasons we haven't moved in one of the more serious areas of noise—aircraft noise. So, the first problem is: what is it that we are dealing with?

Even with air pollution and water pollution we have tended not to get very serious about the problem until we picked a very interesting standard—death. That is, if it is proven, as it was, that air pollution can kill, then the problem is deemed serious. But even then we have not moved as rapidly and as strongly as we should have. Water pollution was shown to kill—it killed Lake Erie; it is killing Lake Michigan; it has killed other bodies of water. Therefore, water pollution becomes a "serious" problem.

Well, as to noise pollution, yes, we held a rat in front of the exhaust of a jet and thereby killed it. But, under normal circumstances noise is not though of as a direct cause of death. Therefore, maybe that is one reason we take noise as one of the "minor" irritants of life, instead of something that we have got to cope with.

Now, in literature you can read about noise: Julius Caesar complained about the chariots; Queen Elizabeth wanted men not to beat their wives after ten at night because the crying disturbed other citizens. So, you can go back in history, with any of these pollutants actually, and show that they always existed. But I do not believe—and this was indicated by Congressman Ryan: that noise had doubled in about ten years or so—that we have ever had the kind of exposure that we have now.

This exposure is not only in terms of intensity—that is, in terms of the common measurement—the decibel, which is really, from my point of view, only a primitive way of measuring noise, because something as complex as noise cannot be measured with just a simple device or technique which is borrowed from electrical engineering. (This is another problem, incidentally: we do not have, I believe, a thoroughly effective way of measuring what this particular pollutant is, and what it does to people). Today, the intensity of noise is unusual and unprecedented. The machines, whether aircraft, compressors, or other types, are making noise levels that never existed before in history.

But, an additional element of exposure, is the length of time it assails us. We used to think of the evening as a sort of period of quiet. Sometimes, it was embodied in laws that people could not make noise after a certain hour—10 o'clock or 11 o'clock at night. There was some sort of feeling that night was a time for recharging your batteries, so to speak—a time for rest. That is not true any longer. There was a paper given at the International Congress of Noise Abatement, in 1968 I believe, in which Dr. Stevenson of the London Greater Council Scientific Advisors Office stated that the difference between night time noise and daytime noise has shrunken, until he found only about four hours where there was a significant difference between night time noise and daytime noise.

Now, I don't think we have to be doctors, medical men, researchers, or what have you, to realize that, if the human organism cannot get its rest, something is happening. We now know, for example, that you don't have to be awakened at night for noise to be a problem; we know that sleep cycles are changed. We don't know exactly what that means, but certainly that should give us pause for asking questions. Certainly, for example, the constant traffic going through the streets at night, especially in cities like New York, is doing something to the quality of sleep of human beings.

The point I am making is that in terms of intensity, and in terms of length of exposure, we have never had a situation such as we have today.

Now, one of the problems is that many of the people who are concerned with noise—people, for example, in the Department of Defense, or people concerned with noise in industry (a concern, incidentally, which has been intensified because of the Walsh-Healey Act changes made recently)—are not people from the large cities. Therefore, a second thing I suggest in terms of attitude—the first, as I said, was the attitude that noise is not really a serious problem—is that noise is a problem of New York City—that is, a problem of the large city. This is not accurate.

Noise is a problem wherever you have noise sources, and since trucks and motor vehicles are sources of noise, noise is a problem anywhere near highways. Since aircraft are a source of the problem, noise pollution is a problem wherever you have aircraft stacking patterns and aircraft flight paths anywhere close enough to have a strong impact on the surface. Noise produced by snowmobiles is a problem when you go on vacation.

The primary standard we have applied to industry—the one we are now using—is the Walsh-Healey Act. And it is interesting that while there is much talk that when you are exposed many hours a day to 85 decibels for several years, you may lose your hearing for speech, yet the Walsh-Healey regulations set the figure at 90 instead of 85. But, as far as noise in the city—and I hope that some of the experts who talk this afternoon will go into this—we have no standards. I think that is one reason why subway noise continues to be the problem that it constantly is.

It is almost a tragic joke—the New York subway system. And Chicago, too, for that matter, because there is no way, as far as I know, at the moment, of getting the MTA's to develop a quieter subway. It is going to be very interesting to see—this is something that should be thought about—whether the Second Avenue subway, which is our first chance in many, many years to start from scratch, is going to be built with some of the noise control amenities that we know about. It is also going to be interesting to see if, in building this subway, they are going to do what they did to me that got me interested in noise in 1964—that is, using the open-cut method, where you have constant exposure. This is legal, incidentally, from seven in the morning until six o'clock in the evening; in fact, it is legal in every city of the United States during those times—that is, so-called noises of social utility.

The question I raise is this; why is it that we have not designed for quiet? I think I am stating accurately this fact: in our engineering schools, design for quiet is simply not taken very seriously. I talked to one group of mechanical engineers and said, "Why don't you give courses in design for quiet?" and they said, "Why should we; where is the market for graduates in this field?"

One of the things that we must accept is the fact that although there is a science and technology of noise control, it is not quite as widespread or quite as available as I think is necessary in order to design many of these quieter pieces of equipment.

If you walk by a construction project, observe for yourself the pile driver, for example. Now, if that pile driver is at a narrow street and you get the reverberations, you have something fascinating. Why are we using such primitive techniques? And to me these are primitive techniques—I don't see much difference between most of the construction techniques of today and most of the construction techniques—the pick and shovel—of years ago. They work a little faster, but I think the trade-off we are paying for what they are doing to us in terms of devaluating our homes and the unknown impact upon our systems makes them primitive indeed.

As far as I can see, there is very little being done, although you will hear from one gentleman—George Diehl—this afternoon who is with the first company in the United States to really take the step to develop a quieter air compressor, which is just a bare beginning in this field. This is something that I think we should be interested in—that our engineers are not being taught to design for quiet because design for quiet has no profit. Style does, but not quiet.

The STOL was mentioned in Congresswoman Abzug's statement. I think we must be very careful in introducing in an already stressed environment such as New York City new transportation modes, new noise sources, without a thorough understanding of the impact of these sources on the environment. We are told such things as that STOL will make a noise level of X perceived noise decibels. I think it's very important that we understand what we mean by that. We should not accept these standards and this technology without a thorough understanding from a multidisciplinary, impartial examination. Because otherwise who knows what we can be putting into the urban or any other human environment, if we don't really understand these standards that are being proposed?

Another thing that we must do. It has been traditional to look upon the city as the jurisdiction responsible for noise. Now, this is a very complex issue, and the question that I think should be asked is: in terms of the new noise sources, in terms of the fact that they are regional, in terms of the fact that they cross state lines and you are dealing with things like automobiles, airplanes—things that are manufactured for sale in many states—should not some method be developed for at least an interchange of guidelines so that we do not put the full responsibility for noise control on the municipality which may not have the funds or the resources, (a) for developing the guidelines, and (b) for funding the design for quiet?

Let me take the garbage trucks. In 1966, I attended an international convention on noise abatement in Baden-Baden, West Germany. I saw a garbage truck and subsequently suggested to the city of New York that a quieter garbage truck be developed. It is my understanding, and I'd like to be corrected if I'm wrong, that the new garbage trucks that the city has ordered are somewhat quieter because of the design element in the feeding mechanism. But the problem of the compactor, which is one of the major sources of the distressing noise of garbage trucks—which, I'd like to point out, operate early in the morning and, in the case of private ones, often during the night—still has not been resolved. This, to me, is just something hard to accept.

This is another problem: where do we get the research and development for some of these noise sources, the most intense and disturbing noise sources? Whose responsibility is it? What incentive shall we develop for industry so that it can do the necessary research and development, and once and for all rid ourselves of these things that people have been complaining about for decades?

Now you mentioned the quiet metal garbage can. It's interesting to me that when I asked a Bethlehem Steel engineer to develop the quiet metal garbage can, this thing became something that was publicized all over the country and all over the world. It became a symbol of noise abatement. It shows that there is a hunger for doing something to quiet this problem.

We need adult education. We need an ombudsman for the noise victim. The noise victim is alone, isolated. In the fields of air and water pollution, it is easier to develop a constituency to fight pollution. Air pollution, for example, may blanket an entire city. People can feel the problem—they're breathing it in. But noise pollution is very different. It is difficult to develop a constituency to fight it. In many cases the noise source is in a very small geographic location and therefore it doesn't seem to effect mass amounts of people. This is one of the things that I hope to work on in Project Quiet City, which has been partly funded by the Ford Foundation—to see how we can develop these constituencies in one small community.

Representative Rosenthal. Why doesn't this constituency develop itself?

Mr. Baron. For many reasons. In the first place, people have felt ostracized for complaining about noise. About two years ago I appeared on the Johnny Carson Show. I received a letter from an 80 year-old woman after that appearance. In her letter that lady said, "Mr. Baron, bless you. You are the first person I've ever heard who made me feel that my reaction to noise, my sensitivity, was normal. I could never express it to my family or to my friends."

So that's one reason: Ostracism. There is a fear, too, of retaliation from . . .

Representative Rosenthal. I think that it is more that we have learned to live with these inconveniences. The people that I represent around La Guardia Airport find the noise intolerable. They are a very vocal and a very considerable constituency. But that is because they have breached the upper limits of what they can accept.

Now, moving away from the airport area, people *are* less concerned about noise. But I find two things. Number one, that noise is spreading geographically, and, number two, it's spreading in intensity. People simply won't accept it any more.

What I really don't understand is why we have accepted all these situations. Perhaps, it is partly because of our tradition. We learn to suffer hardships; it's a kind of a frontier acceptance—a strength. We prove something by walking through an avenue with bulldozers going and sledgehammers going and motor truck noise surrounding us. I think the point has to be made that we cannot let this thing go to the acute stage it has in any of the areas surrounding airports.

Lady in Audience. Excuse me, sir. May I have something to say as a citizen?

Representative Ryan. We'll be happy to——

Lady. Just a little time, sir?

Representative Ryan. I'll be happy to let you say a word. But I must say that, at least until we complete the witnesses who have been asked to testify, we must adhere strictly to our schedule. If you'd like to make a quick statement, please go ahead.

Lady. Thank you. I have written many letters about noise, but no one has done anything about it. The noise continues. I have even written letters to the Mayor's office, but they haven't done anything. Something must be done. We're going crazy with this noise.

Representative Rosenthal. What noise do you find most offensive?

Lady. In my particular neighborhood?

Representative Rosenthal. Yes.

Lady. Well, a large building has put a massive air conditioner in back of our yard. They could have put it in their own building, downstairs or upstairs, but they put it in the yard. We are going insane from its noise.

Representative Ryan. If you will outline your complaint, we will all join in a letter to the Mayor of the City of New York for you.

Lady. We are going crazy from this.

Representative Ryan. If you will give us your name and your address, the Congressmen here today will send a joint letter to the Mayor on the points you have raised.

Mr. Baron. I would like to say that this problem of central air conditioning is a very serious one. Often central air conditioning units are mounted where they impinge on residential areas 24 hours a day. This is a problem that has not been resolved, at least, not as far as I know. There is, however, some reference to it in a limited way in the new Building Code of 1968.

In terms of what you said, Congressman Rosenthal, this is an aspect of the problem—that we some way or other feel that to make noise is to make progress. And if we can tolerate it, we are somehow virile. It is interesting to note that, as far as I know, there has never been effective control of motorcycle noise in the United States. There seems to be an almost vicarious identification with the motorcyclist.

Noise is an unusual pollutant, and we still must do a lot of study—multidisciplinary, impartial, people-oriented study. I don't mean study for study's sake. We must find out why we tolerate these things. The word "adapt" is a very interesting and a very dangerous word. We really do not adapt. And the price we are paying by this so-called "adapting" may be very high in human terms.

You can't get away from noise anymore. A friend of mine who worked in the publishing house that published my book, had a cancer operation. Yet in the early hours of the morning she was subjected to construction noise. Hospitals, schools, churches, synagogues, it makes no difference. All of them are attacked by noise.

The point I'm trying to make is this: there are many complexities to this subject, but the approach to the problem must be made from the human point of view—not from a purely engineering point of view; not from a purely physicist's point of view; but from a human point of view. We must find a way to deal with this very serious problem now. We cannot afford to wait until we develop the absolutely perfect means to measure noise.

Representative Biaggi. Mr. Baron, do you feel that awareness of this problem is developing? It is my own belief that we are entering into a new age—an environmental age. The people of our Nation are becoming aware of all the types of pollutants. True, in the past little or no attention was focused on noise. We were accustomed to it. We felt it was a natural part of our environment. We did not give it too much thought.

However, with our present concern about the environment on a total basis, noise is becoming important. I stated in my opening remarks that the noise resulting from the aviation industry has been subjected to severe criticism. The public—the immediate and interested public—has participated in this area because it affects them so terrifically. This is true in both Congressman Rosenthal's area, as he pointed out, and my area in the Northeast Bronx and South Yonkers. In these areas, it has become almost a question of survival. Because of this pressure, the aviation industry, in addition to the Congress and the Federal Aviation Administration, now are addressing themselves to the problem and are holding hearings to determine ways to abate aircraft noise. I believe that this aspect of the problem is well on its way to resolution.

Now we have to address ourselves to the everyday noise that we have come to accept as part of living. What is important is that we make people aware that something can be done, that someone is interested, and that this excessive noise is not the norm. This is a process of education. Once you make people aware that this problem of noise can be eliminated, that this noise level should no longer be the norm, that there is a grave peril in the day-to-day exposure to noise, then we will be well on our way to resolving this problem as well.

Representative Rosenthal. You're not a lawyer, are you, Mr. Baron?

Mr. Baron. No, sir. I am not.

Representative Rosenthal. I believe that we ought to shift the burden of proof. We ought to have a statement of public policy that we are all entitled to a tranquil society. Period. And anyone who wants to make noise has to get a license. In other words, the burden should be on the noise maker, not on the individual who is forcibly subjected to noise. There shouldn't be the burden to have to complain about noise. Each of us is entitled to *no* noise. No noise, period. That's the way God created the earth and we oughtn't give up too much of that. If a person wants to make noise, then the burden of proof should be on him. He must prove that the noise he is going to make will not adversely affect the rest of us. If we start off with that kind of a proposition, I think we will have a new ball game.

Mr. Baron. I think you have raised a very interesting point, and that is, that in attempting to fight noise producers in the courts, the individual—the noise victim—is at a serious disadvantage. If the noise is being made for not capricious reasons but, rather, for something that is important or interpreted as important for society, then the individual must suffer even damage to health.

The right to tranquillity, of course, has to be carefully interpreted.

Representative Rosenthal. Why should we have to apologize for that right? Who says that a subway is better than tranquillity? I don't know of anywhere where it says that.

Mr. Baron. No I agree with you that the responsibility ought to be on the other foot. The person who wants to bring intrusive noise sources into the environment should have a responsibility for proving that it will not adversely affect the environment.

Mr. Rosenthal. We're too apologetic. We're apologizing for finding noise offensive. Let the burden shift to the noise makers. Let us start off with the proposition that as of 11 o'clock this morning at Mr. Ryan's hearings, we are all entitled to a tranquil, noiseless society and it is the noisemakers who have the burden of getting permission to make noise. Period.

Mr. Baron. I couldn't agree with you more.

Representative Ryan. We are entitled to clean air and clean water. Why not a quiet environment?

Mr. Baron. The only question I raise is this: What is the definition of a quiet environment? This is where you get into the question of standards. I believe that the concepts of comfort and tranquillity should have an important role to play in these standards.

I'll close with this statement from my book: "Democracy gives man the right to vote, but not to sleep; the right to dissent, but not the right to minimize the noises of social utility; the right to go to school, but not the right to be able to hear the teacher. Under the guise of waging a necessary therefore holy war for progress, technology has stripped man of his dignity, his right to meditate and work creatively, his means of maintaining the well-being of his soul."

Thank you very much.

Representative Ryan. Thank you, Mr. Baron. We appreciate your testimony this morning. Our next witness is Mr. George Taylor, an economist for the Department of Research of the AFL–CIO and the Executive Secretary of the AFL–CIO Standing Committee on Safety and Occupational Health. Mr. Taylor also is a member of the Bureau of Labor Standards Technical Committee on Occupational Safety and Health. We are delighted to have you with us today, Mr. Taylor.

TESTIMONY OF MR. GEORGE TAYLOR, EXECUTIVE SECRETARY, AFL–CIO STANDING COMMITTEE ON SAFETY AND OCCUPATIONAL HEALTH

Mr. Taylor. Thank you very much, Congressman Ryan. I am very happy to be here this morning to express the active concern of the AFL–CIO over the problem of noise. While the attention of the public has chiefly been focused on the annoying and harmful effects of noise where they live, as they drive to and from work, while they indulge in various pursuits, millions of workers in a wide range of industries are exposed to excessive and harmful levels of noise every working day and throughout their working lives. And with very little being done about it.

I wish to convey to this ad hoc Congressional Committee the concern of organized labor over noise hazards, regardless of where they may occur. But our special attention has been on the work environment.

Control of industrial noise, just as of all unwanted noise, must not only rest its case on health and economic effects, but must also hold as a standard the quality of life itself. To the extent that noise interferes with human activity, to the extent it is offensive and senseless, the necessary controls are needed to stop that interference and all of its associated evils.

Your program today is well filled with acoustical experts. I am not one of these. What I do wish to discuss with you is what organized labor and its members at the plant level are faced with in our attempts to see that all workers are protected from all industrial hazards, including those created by noise. The two elements of noise that I wish to discuss, as they effect workers, are the noise that is incidental to the job environment, and the sound energy produced with full intent for industrial use; I also wish to discuss what kind of control programs are and should be established and what has been done and what needs to be done further.

The decibel values found in various industries and commercial enterprises range from about 50 in a private business office to those which are now indisputably associated with hearing loss at 80 dBA's or over. It is not only hearing loss which results from exposure to excessive noise on the job; there are changes of the physical processes of the human being—in respiration, blood pressure, heartbeat, oxygen consumption. Chemical and clothing workers are exposed to about 90 decibels. Machinery, lumber, lumber products, textile workers, and structural riveteers to about 100 decibels.

Representative Rosenthal. Do you have any statistics about the number of people involved in hearing loss last year?

Mr. Taylor. We have not been able to find very good statistics, Congressman. But our estimates—which we checked with the Department of Labor—are that about 50 to 60% of all industrial workers are exposed to 85 to 95 decibels or over—which is well within the harmful range if you are exposed to it chronically over a period of years.

Representative Rosenthal. What were the results?

Mr. Taylor. The only results we have are in terms of Workmen's Compensation cases. About $2 million in Workmen's Comp claims are processed each year. Unfortunately . . .

Representative Rosenthal. Because of hearing loss?

Mr. Taylor. Because of hearing loss alone, from industrial exposure to noise. Now, this is probably a great understatement as to what is happening because of noise. In many areas, it is very difficult to prove that your hearing loss is associated with your job or what you face on the job.

Representative Rosenthal. Are you prepared to speculate as to the number of workers each year in the United States who suffer some degree of hearing loss as a result of industrial noise pollution in their environment?

Mr. Taylor. No, I am not. The date is lacking on it. There have been a number of studies made in various industries but as far as an overall figure, no. The statistics are not there, at the present time. Some of our unions have made informal studies of morbidity and mortality, one of which has to do with the longevity of people who are members of the operating engineers union. They have found—and this date is now going through computerized verification—that the lifespan of an operating engineer who uses excessively noisy heavy equipment in construction jobs is ten years less than the general life span of his fellow citizen. In other words, an operating engineer right now has a life span of a little less than 60 years, whereas the life span of the ordinary male citizen runs about 71 years.

Representative Ryan. Because of noise exposure?

Mr. Taylor. Noise, vibration, fatigue, etc. There are many associated hazards, noise being one of them.

Lady. May I ask something?

Mr. Taylor. Surely.

Lady. My husband happens to be an ear specialist. He can verify what you said, that noise can really affect your hearing. It can also make a nervous wreck out of you. It's happening to me. I only get five hours of sleep each night because of the horrible noise going on from 5 o'clock in the morning until midnight. All they'd have to do is regulate this. We don't have to have an air blower from 5 in the morning until midnight. Now, what can be done?

Mr. Taylor. You have to control the noise where it emanates. Do you want me to proceed, or is there anything else? I don't want to be unresponsive, but if that's o.k., I'll go on.

Lady. Thank you.

Mr. Taylor. There is another type of sound hazard which is almost exclusive to the work place, and one which has gotten quite pervasive in industrial processes, but is not talked about very much. These are what is known as ultrasonic waves. Ultrasonic waves, even when the decibel level is below that which is considered hazardous in the conventional noise about which almost everybody talks, occurs at a number of additional cycles per second. They pass through the body more easily than lower frequency waves. The body resists it and creates heat as a result. It produces sensations akin to fever in human beings—nausea, dizziness, headaches—and these are created by the disturbance of organs affected by the heat of the ultrasonic waves. Ultrasonic equipment occurs in a wide range of industrial processes and is increasing. They're found in metal forming and aircraft fabrication, pharmaceutical and food processing, chemical, electronic and building construction industries, to name just some of them. Some of the devices include special hammers for aircraft riveting pile drivers, devices for drawing seamless metal tubing, improvement of rolling metal aluminum sheets, mixing concrete, earth and rock boring, and pumping liquids.

Ultrasonics have been used experimentally in increasing the aging speed of whiskey. I don't know how general that is, so watch your whiskey.

Nothing very much has been done about this because there just hasn't been as much research on the effects of ultrasonic noise as there has been on conventional noise. Much needs to be done in order to find out about the long range effects of this new type of noise hazard which is affecting hundreds of thousands of our workers.

The economic costs of industrial noise have been loosely estimated at about $4 billion a year. I have been unable to determine how accurate this figure is. Business management, in many instances, states that in order to control industrial noise to the point where it meets some of the standards I'll discuss in a few minutes, it would cost $15 billion. We challenge this figure, and they've never come up with the basis for the date that they used on this particular point.

The human cost to workers is harder to determine. Although Workmen's Compensation claims for hearing loss alone run about $2 million a year. But this is probably a very great understatement of the amount of hearing loss that is job-associated and that never shows up in Workmen's Compensation claims because the man has never gotten a pre-placement physical examination with a hearing examination and there is no way of proving that the hearing loss is associated with the job where the noise emanates. Workmen's Compensation Boards are notoriously close-fisted about being generous with the workers in those types of situations.

If one weighs the economic costs of noise control against the costs of not controlling noise, both are expensive, one in dollars and the other not only in dollars but in human values—the loss, permanent or temporary, partial or total, of a human faculty that is vital to the welfare of the human personality. Unlike injuries arising from a physical trauma, but like most occupational diseases, noise is likely to affect, to one extent or another, most of the workers in any given area. The degree of physiological harm and how soon it occurs, of course, depends on the individual's susceptibility. Compensation claims for noise damage can very well result in numerous claims involving sizable proportions of the men in a plant, rather than claims by a few individuals for these reasons.

Hearing loss does not respond to any known treatment, so that it will always be a permanent partial disability. There exists no substantial argument that to protect 95% of the work force from chronic exposure to noise over a period of 15 to 20 years, noise levels must be brought down to about 85 decibels or less.

If the hearing of workers were always to be considered as necessary to protect, yet no action is taken to abate the source of the noise, there will be a continuing cost for hearing conservation programs, which include pre-placement physicals, periodic audiograms, protective equipment, and mandatory requirements by management that this equipment be used. But organized labor believes that this point in the evolution of protection against industrial noise has been passed except in residual situations.

What must be done increasingly—and as rapidly as possible—is to control the sources of noise itself. There are several ways to do this. You substitute a non-noisy for a noisy operation. For example, you use welding instead of riveting; hydraulic pressure for hammer-forging. You change dies so that they shear rather than stamp. Major design changes, such as in textile mills and in wire-braiding machines, must be accomplished. It must be remembered that high noise levels in most industries have come about as a result of the lack of any design effort to reduce the noise from machinery or processes to that of quiet operation. There are one or two notable exceptions, and that is late model cars and electric generating equipment.

In terms of procedures in a plant, you isolate a noisy operation to prevent exposure of non-involved workers. However, this doesn't save the worker who is involved in the process or with the piece of machinery, itself, from being over-exposed. You install intake and exhaust mufflers on power tools; for example, jack hammers. You set up a room that has reverberations from noise—in a textile mill, for example, where the bobbins make a terrible racket—with acoustical materials of various types. Now this reduces the noise of exposure to people who are not immediately involved in this process, but it doesn't help the people who operate, because they are right up against it.

Industry usually falls back on personnel protective equipment, but this is not very high on the list of industrial hygiene. Its necessary in some instances where plants are so aged that they either go out of business or continue, depending upon the amount of investment they have to put into this new equipment—some of the Southern textile mills are examples of this. So you do have to use some degree of hearing protective equipment and also reduce the amount of time that a worker is exposed on a given shift.

Representative Rosenthal: These changes won't come about voluntarily, will they?

Mr. Taylor. No sir. I should say they won't.

Representative Ryan. To what extent is organized labor making an effort to write into contracts with management protections from noise?

Mr. Taylor. Well, not so much noise, Congressman. We've had so many problems with disagreement among the experts as to what constitutes a level of noise beyond which a man is going to get hurt when chronically exposed to it, and beneath which we can expect a reasonable degree of lessening risk of total or partial impairment of hearing.

Representative Ryan. You testified that noise levels should be 85 decibels or less.

Mr. Taylor. In 1968, former Secretary of Labor Wirtz had hearings on a very large variety of standards that he wanted to go into effect to protect workers under the Walsh-Healey Public Contracts Act. More than 25 million workers a year are covered under that Act.

Just before the Johnson Administration went out of office, Secretary Wirtz proposed a tremendous number of standards, including one on noise—85 decibels.

When the Nixon Administration came in, the new Secretary of Labor withdrew those standards and said he was going to review them. He appointed a Secretarial Advisory Committee—5 labor representatives, 5 business representatives, 5 public representatives—and proceeded to ask this advisory committee to review all the standards he was proposing under the health and safety provisions of Walsh-Healey. I was one of the five labor representatives on this committee.

After great internal debate, we finally decided that it would be better to have some kind of standard than none at all. There had never been a noise standard in this country. So, we compromised at 90 decibels. Industry didn't want any at all, but we finally worked it down to 90. It should have been 85, but we would have had either a hung jury, no standards, or some kind of standards. So, it's 90.

This standard was put into effect in May of 1969. It is operable throughout the companies who are Federal contractors at $10,000 a year or more. There are about 34 Walsh-Healey inspectors for 25 million men who work in these plants which are covered by Federal contracts. Now, as a result of just having 34 inspectors, this standard—although it has the force of law—has not been enforced.

Representative Ryan. Have there been any enforcement actions?

Mr. Taylor. There have been no enforcement actions against violations.

Representative Ryan. Who is charged with the responsibility of bringing enforcement actions, the Secretary of Labor?

Mr. Taylor. The Secretary of Labor.

Representative Ryan. He brought none?

Mr. Taylor. He brought none that I know of. He has been trying to get voluntary compliance.

Representative Ryan. That's like trying to get voluntary compliance of the civil rights laws, isn't it?

Mr. Taylor. Yes, it's the same principle. As you gentlemen know, there is a new Occupational Safety and Health Act, P.L. 91–596, signed by President Nixon on the 29th of December last year after a terrible struggle. This Act goes into effect on April 28, 1971, one hundred twenty days after the President signed it.

The Act sets up a program which is conducted by both the Secretary of Labor and the Secretary of Health, Education, and Welfare. The bill creates in the Department of HEW, an Institute for Occupational Safety and Health.

This Institute undoubtedly would handle much of the research, in fact most of it, that has to do with such complex occupational health hazards as noise. The authority of this Institute, which has a director appointed by the Secretary of HEW, will be to do a number of things. But in this connection it will be to develop criteria describing the physical effects of the various hazards, and out of those criteria recommend a standard of safety for workers; pass that standard on to the Secretary of Labor; who in turn will promulgate it, after hearings.

The Institute of Occupational Safety and Health has to do a number of other things. It has to conduct research, it has to label toxic material, it has to maintain a list of all toxic material, it conducts surveillance visits, it has the right of entry to every plant in the country, it can conduct physical examinations and it can monitor toxic materials.

This is a good bill. It has many rights for workers that have never been put in a safety bill before. But the test of the pudding is how it is going to be administered. How much money is going to be provided for it? Are the personnel going to be trained for it? Is there going to be a spirit of firm enforcement? Are these standards going to be developed, and what kind of standards are going to be developed? Now the possibility of getting a good strong noise standard is fine, but I must just say.

Rep. Ryan. By what date?

Mr. Taylor. Well, I would say this: that one section of the standards provision of the bill—one subsection—requires the Secretary, in a kind of a sudden-death period of two years, to take all existing federal standards, and all consensus standards, that they find acceptable in terms of the goals of the Act, and promulgate them. And this is done without hearing. These are existing standards that are now being used, unless the Secretary finds that some other standard does a better job. In that event, there is another subsection of the bill that prevails: that whereby the Secretary is authorized to develop his own standards or modify an existing standard. After two years, the entire process of accepting all private standards and all existing Federal standards is over. He then has to use a second approach. He also gets feed-in from the Department of Health, Education, and Welfare's Institute, in terms of occupational health standards which he will process through. He appoints advisory committees or he can do it in-house if he has the personnel.

One of the things that is going to happen is this: Fairly close to April 28, 1971, the Secretary, under section 6(a) of this Act, will promulgate all existing Walsh-Healey standards, including noise. Now, we have a 90 decibel noise standard under Walsh-Healey presently. It is not strong enough—from 20 to 25% of the workers in this country will not benefit from it and within ten or fifteen years most of these workers will come down with some kind of hearing loss.

We have talked to Secretary Hodgson and his Assistant Secretary and he gave us an informal agreement that they would go over all the nonconventional safety standards and as to every one that does not meet the test of the Act in terms of the rights of workers, they will hold them apart from the general blanket promulgation of all the noncontroversial Walsh-Healey standards. Then, they will hold hearings on these to determine what can be done about making them more effective. I would suggest that each of you Members of Congress should write to the Secretary of Labor and request that he withhold publication of the noise standard at 90 decibels when the Act comes into effect, and that this standard be reviewed and hearings be held so that the data which shows how inadequate this standard is, can be incorporated into the hearing process, and then he can come up with a standard that can really be meaningful. It may be 85 decibels, it may be 82 decibels, it may be time-weighted in terms of permitted exposures to certain levels. Out of this process would come, I believe, the very best kind of standard.

Representative Ryan. I think that is a good idea.

Mr. Taylor. Otherwise, all the standards, including noise, will be promulgated and the process in section 6(b) will have to be followed in order to amend them. That could take as long as two years, assuming that the Secretary would agree to review them in the first place.

I also suggest that everyone interested in the hazards people face on the job in addition to noise, which is of course what we are talking about today, write to the Secretary of Labor and state that you want to see him propose enough money to administer this bill properly. The Budget Bureau has approved a supplemental appropriation of $11 million to last them until the end of the Fiscal Year 1971, but they are only asking for about $25 million to operate this enormous, complex program covering 50 million people or more on the job and 4 million establishments—only $25 million for the Fiscal Year 1972. Now, I realize that too much money can be provided when there aren't enough personnel, but this estimate really ought to be reviewed. The Congress should review it very, very carefully.

The posture of the Department of Health, Education and Welfare is even worse. HEW did not even ask for a supplemental to tide them over until the end of Fiscal Year 1971. And they are asking for a business-as-usual appropriation for the Bureau of Occupational Health, which has been going along at about $13 million a year. If they are funded under their proposals, it will amount to about $16 million—about $2.9 million more than the previous year. But this money is just for expansion of existing programs. In checking with the people on the staff, and the Director, we find that they can use almost twice that much money to get the program started. So all I am saying is that while noise has to be attacked on a total basis, there has to be a real point of concentration on the work environment. That is where a person is really prisoner—prisoner 25% of his working life. Something has to be done.

Thank you very much.

Representative Ryan. Thank you very much, Mr. Taylor, for a very thorough statement. I think you point up the very serious problem which we face, across the board, with legislation in Washington: without adequate funding and without adequate enforcement the laws that we make simply are not going to be effective at all.

Mr. Taylor. That's right. This can either be a bill that can make the difference and save hundreds and thousands of lives and prevent millions of injuries and illnesses, or it can be just a piece of paper. It's whatever you want to do with it.

Representative Ryan. Thank you, Mr. Taylor. Mr. Baron, do you have a comment?

Mr. Baron. If I may, I would briefly like to make some points about occupational safety and health. The former Surgeon General, Dr. Stewart, estimated that between 50 and 60 million men are being made deaf for speech in industry. This statistic is of interest because it indicates what Mr. Taylor was bringing out—the terrible lack of data in this field.

Second point. Most men are discouraged from applying for Workmen's Compensation, in those States that have Workmen's Compensation, because they are made to wait for a period of six months before they can finalize their claims, under the theory that some of the hearing may come back in the six months.

The first question I would ask you gentlemen to consider is the standard itself, which is that you are not entitled to any sort of compensation unless you have lost a substantial portion of your hearing in the frequency below 2000.

The question we raise is this: Is this a desirable standard? In other words, should we say that a man is not really deaf in terms of being eligible for Workmen's Compensation unless he has lost as much hearing as is written into these standards. Thank you.

Representative Ryan. Thank you, Mr. Baron.

At this time, I would like to call upon the Environmental Protection Administrator of the City of New York, Jerome Kretchmer. Mr. Kretchmer took office in May of 1970 as head of New York City's Environmental Protection Agency, a superagency including the City's Departments of Air Resources, Water Resources, and Sanitation. He is chairman of the City's Environmental Control Board; president of the Board of Water Supply; chairman of the Interagency Committee on Automotive Pollution; and a member of the Mayor's Interdepartmental Committee on Public Utilities and the Mayor's Organizational Task Force on Comprehensive Planning. Before joining the City administration, Mr. Kretchmer practiced law and served for eight years as a New York State Assemblyman representing the 65th Assembly District on Manhattan's West Side.

Mr. Kretchmer is accompanied this morning by Mr. Robert Rickles, Commissioner of the New York City Department of Air Resources, and Mr. Robert Bennin, Director of the Office of Noise Abatement for the City of New York.

We are delighted to have you with us this morning, Mr. Kretchmer, to tell us what the City of New York is doing in the field of noise abatement and to give us your recommendations.

TESTIMONY OF THE HONORABLE JEROME KRETCHMER, ENVIRONMENTAL PROTECTION ADMINISTRATOR, NEW YORK CITY

Mr. Kretchmer. Thank you very much, Bill. I'm very happy to be here. This is my first Congressional hearing. I've been invited to a couple of others, but for some reason or other I haven't gone. But I am very pleased that the first one I get to come to is one that you're holding. I'm flattered to be here this morning.

I hope that I have something to say that will make some difference, and that together, we will be able to do something to meet this problem. You know, I feel very frustrated about the noise problem in New York, because we have not been very successful in getting anyone to pay very direct attention to it. And maybe this morning, as a result of what we do here and the news coverage we get, maybe we'll be able to elevate the level of understanding of the problem.

This reminds me of a story I often tell. You know, we have ten silent garbage trucks in the City of New York. They have special compressors that were designated not to make any noise, and they're the silentest garbage trucks we own—because they don't work. They sit in the garage most of the time. The real reason is that no one has really made an investment in the technology to make sure these things really work. We are about to buy another 400 trucks, but those trucks won't be noiseless, simply because we have not been able to get the interest of General Motors and the companies who make the bodies, and our own interest, to be high enough to really concentrate on abating noise.

For instance, if a truck didn't compact the garbage, we would get the truck repaired. The fact that the noise pump on it doesn't work is often ignored. So I think that occasions like this, where we have an opportunity to elevate the level of our interest and our understanding, are invaluable.

Rep. Ryan. I want to say that we are very pleased that you could be here today. I think that Mr. Baron said this morning that we know how to quiet the feeder, but not the compactor.

Mr. Kretchmer. But I'm convinced, as clearly as I'm in this room now, that if we really put in the same kind of energy that we do to solving some of our other problems, that we could have had, in this next order of trucks, 400 quiet trucks. Energy to meet these problems kind of builds on itself. And we really haven't built that energy.

I really must confess to this group that I didn't really realize how quiet the truck was until just last week. By a freak accident, I was in a street where we had one, and I stood next to it and I had to walk around behind it to see that it was running. It very much heightened my awareness. I think if I had known that the truck was as quiet as in fact it is, we would have made a greater effort in the past year to bring it on. We have, these last six or seven days, investigated whether the truck could be bought with a quiet pump, but it turns out that the difficulties in the electrical system are just past solving at this moment, because the companies that make the pump won't put their energies to it. Mr. Bennin really has applied his efforts to seeing if this machine could be made quieter, but we can't get the people who make this equipment involved.

It's no different in the solid waste area and all these areas. We just can't get these companies involved. There just isn't the romance there is in getting that capsule to the moon. And because that romance doesn't exist, we have had a great deal of difficulty in getting people to pay attention to our problem. And I think the quiet garbage truck is a perfect example of how American industry lets us down over and over again.

New York is not the only City that uses a compactor garbage truck. There must be four or five thousand a year sold around the country. And to think that that is not a sufficient market or that the problem is not sufficiently acute, is an indication of where we still are in the environmental struggle.

I was speaking some place yesterday, and I commented that I still don't think we have a very large constituency. I don't know what kind of attention these hearings will attract. But the feeling that I have in dealing with environmental problems is that we are still a very small group. Most of the people in the United States are content to live their lives in much the same style they are living them now, and don't take the environmental degradation that goes on around them very seriously. They don't feel the personal pain.

Representative Rosenthal. That may not be correct.

Mr. KRETCHMER. Well, Ben, we've had this argument before as it relates to the consumer movement, which is another movement in which that large constituency that we would hope would come forward, hasn't come forward. And I remember having this very discussion with you. It seems to me that what this army needs is a leader. Well, the consumer movement has had two very good leaders—yourself and Ted Mayer, and I only say this in a very sincere way, and yet we haven't seen the economy adjust itself to the great pressure both of you have put on.

In the environmental field there are people like Paul Ehrlich and even myself, if I might say so, who have tried to put a lot of pressure on, and we don't seem to be able to create the pressure. You talk to manufacturers about the way they package their products, as I did at a meeting the other day, and they call you a socialist.

Representative ROSENTHAL. Perhaps we have not been able to develop these constituencies, because they have not been made acutely aware of the damage to the physical state this noise can create.

Mr. KRETCHMER. I think that is exactly right.

Representative ROSENTHAL. In the past we accepted jobs as of higher importance than a decent environment. But many Americans are beginning to change their priorities.

I suggested something to Mr. Baron earlier, and you as a lawyer might appreciate it—that is, shifting the burden of proof. In other words, we should say that as a matter of absolute principle we are all entitled to a tranquil society. And the burden is therefore in the noise polluters to get a certificate from some new agency that we create. In other words, it shouldn't be on us to have to be subjected to noise a party gratuitously feeds to us, but the burden should be on the party seeking to make that noise. And I guarantee you that 50% of the noise in this country would be eliminated.

Mr. KRETCHMER. I ask you, as a Congressman, what's the chance of getting a piece of legislation like that passed?

Representative ROSENTHAL. I heard a rumor that the Mayor's thinking of appointing that Astronaut Shepard as Sanitation Commissioner on the theory that he would bring new technological know-how within the jurisdiction of that job. I don't know if that's true or not.

Mr. KRETCHMER. He might, but he might be faced with the same fact that the City's garbage is not as attractive as the moon and therefore he won't be as interested in dealing with it as the problems of the moon. You know, the moon becomes of interest to me only as the world's largest landfill.

I have some prepared remarks which I would like to submit at this time.

PREPARED STATEMENT OF THE HONORABLE JEROME KRETCHMER, ENVIRONMENTAL PROTECTION ADMINISTRATION, NEW YORK CITY

My name is Jerome Kretchmer and I am Administrator of New York City's Environmental Protection Administration. Accompanying me today are Robert N. Rickles, Commissioner of our Department of Air Resources, his Assistant Commissioner, Conrad Simon, and Robert Bennin, Director of our Bureau of Noise Abatement.

I am grateful for the chance today's hearings provide to focus public attention on noise pollution, a problem that has so far been the stepchild of the environmental movement. Noise has been regarded as merely a nuisance—unpleasant, but relatively unimportant compared to the more obvious problems of air, water and land pollution. Noise control has, therefore, been the last in line for funding and strong legislation at all levels of government.

But noise and the damage it causes have been growing at an alarming rate, particularly in our cities. There are estimates that urban noise has doubled since 1955, and that it will double again by 1980. These are only educated guesses, of course, because we were not measuring urban noise levels fifteen years ago, and still know far too little about them today. However, it does not take even an educated guess to realize that, if this trend continues unchecked, our cities will become uninhabitable, even if we succeed in cleaning up the rest of our environmental mess.

Today, we estimate the ambient noise level in mid-Manhattan is already around 85 decibles, and rising. While knowledge of the effects of noise on human beings is still far from complete, we are reasonably certain that this level is high enough to contribute significantly to the psychological stresses that beset New Yorkers—annoyance, tension and nervousness. We know, furthermore, that this level is well beyond the point at which measurable physical effects take place, and it is regarded as a danger point above which prolonged exposure can cause actual physical injury.

It is obvious, therefore, that noise can no longer be considered just a nuisance to be taken care of once we have solved all our other pollution problems. Clearly, noise has become a present danger, a threat to the health and well being of our people.

We in New York City intend to do something about this part of our environmental hazard. Let me first describe briefly the major sources of our noise problem, outline our plans for dealing with it, and then tell you what I consider to be the essential effort required of the federal government.

Most of our ambient noise sources fall into one of two broad categories—construction or transportation. New York City has 10,000 construction projects and 80,000 street repair jobs annually. Construction sites can generate localized noise levels in excess of 100 decibels. Pedestrians walking by a bank of air compressors at a typical site may encounter noise as high as 110 decibels, a level that can cause actual physical damage.

Vehicular traffic is the most pervasive noise source in the City. Some 2 million automobiles and more than 100,000 trucks move daily in and about the City producing noise levels of more than 95 decibels. Aircraft flyover noise adjacent to airports is now estimated to be 115 decibels.

In our subways, passengers are routinely subjected to noise levels of 90 to 98 decibels. "Curve squeal" averages 103 decibels, while an express train passing in a local station can blast passengers waiting on the platform with 109 decibels.

How can we attack this crisis? Noise pollution is a relatively new issue in a field that teems with crises, and it's a tricky one for the public to grasp. It is interesting here to draw a parallel with the air pollution problem. Air pollution in our cities today is not really significantly worse than it was ten years ago. The big difference is that people now perceive it as a problem and a threat to their well being. They therefore support the passage of strong laws and the expenditure of public and private funds to clean up the atmosphere.

Noise pollution, on the other hand, is a situation that most people perceive of as one of those unavoidable annoyances of city life. In actuality, however, noise is probably responsible for as much physical and psychological damage as unclean air, and furthermore, it is getting demonstrably worse.

It is vital that the public be made to realize the serious nature of this problem and even more important that they realize something can be done about it.

Paris, for example, has quiet jack hammers. Why don't we? Ingersoll Rand makes an acceptably quiet air compressor. Why don't the other manufacturers? And why doesn't the construction industry use them? Hamburg, Berlin, Montreal and Mexico City all have relatively quiet subway systems. Why not New York and Philadelphia? Paris, once again, has successfully outlawed horn honking. Why can't we do the same in American cities?

Obviously, without clear public demand, without determined governmental action at all levels, without some meaningful place for noise abatement in our system of priorities, no one will invest the money and the effort needed to achieve these results in this country.

We in New York City are attempting to make a start in the right direction. We have established within the Environmental Protection Administration a Bureau of Noise Abatement. The aim of this Bureau is to set priorities on the types of noise to be controlled; to establish guidelines for City agencies in purchasing and licensing machinery; to educate the public to the noise hazard; to encourage research on noise effects and control technology; to encourage noise reduction considerations in urban planning and land use management.

Already the Bureau is well into a pilot study supported by the Federal Department of Housing and Urban Development to develop the methodology for characterizing the noise levels and sources in the City. We are at this moment outfitting what will be a fully equipped noise monitoring van for operation on the City's streets.

Most significantly, however, the Bureau and my General Counsel's office are preparing a comprehensive Noise Control Code for presentation to the City Council. We believe this Code will become a model for the rest of the nation. Broadly speaking, we expect the Code to take a three-pronged approach to the noise problem:

It will (1) incorporate the general "unnecessary-noise" standards that are usual in today's noise control ordinances; (2) establish specific sound level standards for a wide variety of such sources as air compressors, pavement breakers, large air conditioning systems, refuse compacting vehicles and the like; (3) mandate the establishment of ambient noise quality zones for the entire City. A draft of this Code is currently circulating among interested City agencies, and we are receiving comments prior to submitting the Code for consideration by Mayor Lindsay.

There are, however, several difficult hurdles we must surmount to achieve a meaningful noise abatement program in New York City. For one thing, we have no power to regulate one of the most annoying sources of noise in the City—jet aircraft—because the authority to set standards for these planes is vested in the Federal Aviation Administration, and regulation of our airports is in the hands of the Port of New York Authority. The FAA regulations that went into effect in 1969 affect only aircraft built since that time. They are not adequate, we believe, to ensure the well being of residents in the vicinity of airports, particularly when we consider the addition of the other city noises, the fact that aircraft operate all night, and the frequency of takeoffs and landings. Furthermore, an aircraft must pass the FAA standards only at the time it is certified for airworthiness, and there is no subsequent check for deterioration.

We believe a more vigorous approach to reducing airport noise is essential, and New York City is therefore now contemplating joining the National Organization to Insure a Sound-controlled Environment (NOISE), a nationwide group of municipal governments concerned with the seriousness of the aircraft noise problem and determined to make this concern felt.

In another major area—our subways—the cost to institute meaningful noise control will be staggering, particularly in light of the current desperate straits of both our City and State budgets. Several effective measures are possible to reduce noise in the existing subway system, which is among the noisiest systems in the entire world. These techniques involve installation of damping and sound absorbent materials, welding of rails, and augmented car maintenance procedures. But to do a half-decent job will cost millions of dollars, and while this investment will be paid off by the resulting improvement in general welfare and efficiency, the cost will still be burdensome.

Mr. Bennin is working with the Transit Authority on the specifications of the new Second Avenue subway to ensure that noise control considerations are included, but we estimate that to make maximum use of current noise control technology on this new line might add from 10 to 15% to the final cost. However, in the long run, maintenance cost will be lower.

As for motor vehicle traffic, another major contributor to the City's noise load, New York State has already established a noise control standard and the City may not establish an inconsistent one. But, while this standard was a pioneering action, we feel that it is more appropriate to conditions on the open highway than to the urban situation and that, furthermore, by setting one maximum noise standard for all weights of vehicles—88 decibels measured at 50 feet—it discriminates against larger vehicles and allows smaller ones to get away with murder. New York City has just introduced legislation in the State legislature aimed at overcoming some of the problems with the motor vehicle standards.

Clearly, then, the City and the State cannot in present circumstances mount an all-inclusive campaign to abate noise. Federal action is essential as well. Up until this year federal activity in the noise abatement area consisted almost entirely of the FAA standards already discussed and the Walsh-Healey Act, which applies only narrowly to certain industrial environments.

This lack of activity must be evaluated in light of such federal priorities as the Supersonic Transport, for which another $235 million is requested in Mr. Nixon's Fiscal 1972 budget request, and the Federal Highway program. In spite of the almost universal realization that we must stop the stranglehold of the automobile on our society and revitalize our mass transit systems, we are still faced with highways getting $4.79 billion in Fiscal 1972, verus $327 million for all mass transit. It is no wonder we have no money for soundproofing our subways.

This year, however, thanks to the 1970 Revisions to the Air Quality Act, we have within the new federal Environmental Protection Agency a fledgling Office of Noise Abatement and Control with authority to study noise and its effects on the public health and welfare and to advise other federal agencies on means of noise abatement.

The authorization for carrying out this program is $30 million. While this is an attractive sum, there is no indication that anything approaching this amount will be requested, and the actual amount is more likely to be closer to one-tenth that figure. Furthermore, the language of the bill makes no provision whatever for support of state and local noise abatement programs. I believe a program of demonstration and maintenance grants is essential to establish meaningful noise abatement activities at lower levels of government. Ideally, this program would be similar to the air pollution program that has gone so far toward establishing meaningful local control agencies. To illustrate this point, at the conclusion of my testimony, Commissioner Rickles will outline the indispensible role this program has played in the operation of our own Department of Air Resources.

New York City's Bureau of Noise Abatement is already at the point where it could benefit greatly from such federal support. Not only is it initiating a well-planned program, it is also in the process of tooling up to carry it out. We plan, in spite of our City budget crisis, to expand funding for this program during the coming fiscal year. I believe that, with appropriate federal support, the New York City bureau could develop into a model program for other cities around the nation.

I believe another area where the federal government could have immediate impact on noise pollution is that of federal purchase and contract specifications. A preferential system for equipment that meets certain noise standards could be established similar to the existing program for low-emission motor vehicles. There is already available a wide range of quieter construction machinery—compressors, pavement breakers, pile drivers, rock drills—whose use is limited because of their slightly greater cost. The tremendous lever of federal purchasing power could greatly stimulate the development and use of such machines.

Clearly, too, consideration must be given to the concept of federal noise standards for motor vehicles, for the same reasons of national uniformity that inspired federal automotive exhaust emission standards. And a vastly increased research and development program on the effects of noise, both physiological and psychological, and on control technology is essential.

Finally, I believe the goal should be to establish and work toward implementing a system of ambient noise levels based on a zoning concept. With such a tool, local agencies will be able far more easily to identify their noise problems and work toward solving them.

In summary, I believe federal efforts in noise abatement should consist of:

A program of demonstration and maintenance grants to support local noise control agencies.

A large-scale research and development program aimed at studying the effects of noise and developing abatement techniques.

A reordering of federal transportation priorities to favor mass transit systems and to make noise abatement practices mandatory to their construction.

A reevaluation and tightening of noise regulations on jet aircraft.

Preferential purchase and contract specifications to encourage use of quiet construction machinery.

Consideration of Federal noise standards for motor vehicles.

Establishment of ambient noise criteria.

In short, noise in our cities can no longer be ignored. It is a problem ranking in seriousness with pollution of our air and our waters, It must be attacked vigorously by all levels of government, by industry and by the individual citizen. We in New York have made a beginning. I urge the Federal Government to follow suit.

Mr. KRETCHMER. Bill, I have to say in closing, that if your energy in this area anywhere matches your energies in any of the many other problems you've been involved in, I think we can look forward to achieving some of the results we are looking for today.

We have not been as involved with the Congress and congressional committees as we would have liked to have been. I just want to say in conclusion that I think we have some resources that you, as a New York Congressman, might like to put to use, and I'm here this morning not only to have my say but to offer you that help, as you begin to work toward some of the answers to this problem.

We're really prepared to make our talent and our resources and our equipment available. If there is anything we can do for you to help you understand the problems or help you dramatize the problems, do not hesitate to call on us. As I said, we really haven't had an opportunity to cooperate with a Congressional group. Our counsel's office and our noise people are really prepared to do whatever they can.

Rep. RYAN. Thank you very much. I am sure there are areas where your legislative counsel and your staff can be very helpful.

Last year, I introduced legislation to establish a Federal Office of Noise Abatement. Congressmen here today cosponsored that legislation. It did have in that proposal grants to local governments, but that section was not included in the legislation actually enacted into law. We hope to revise that original bill to meet some of the points you have raised, and to expand the Office of Noise Abatement and Control, which was set up with a $30 million authorization, but without any appropriation at all. It is not only a question of legislation, but of funding as well.

Mr. KRETCHMER. The one other thing I left out, which I think is important, is the whole idea of preferential purchasing policies. We got into that with the purchase of recycled paper by the City, but it seems to me the one thing the Federal government can do is demand in its purchases greater noise compliance. It seems to me that the federal procurement office, perhaps by Executive order, could obtain products in a much more noise-conscious way.

Representative BIAGGI. Mr. Kretchmer, there was a lady in the audience earlier this morning who is having difficulty because of the noise created by an air conditioning unit in the yard behind her building. Is there anything the City can do about that?

Mr. KRETCHMER. Congressman, I spoke to the lady in the hallway just a few moments ago. I can assure you that we will do everything in our power to do something about it.

The gentleman who is about to follow me is Robert Rickles, the City's Air Resources Commissioner. He is going to point out some of our successful experiences in cooperating with the Federal government in regard to air resources. And we would like to leave that testimony with you as an example of what can be done in the noise area as well.

TESTIMONY OF HON. ROBERT N. RICKLES, COMMISSIONER, DEPARTMENT OF AIR RESOURCES, ENVIRONMENTAL PROTECTION ADMINISTRATION, CITY OF NEW YORK

Mr. RICKLES. Congressman, I would like to speak briefly today about the role which federal grants have historically played in New York City's air pollution control program, and based on this experience, to define some implications for the future federal role in reducing ambient noise levels, both in our City and in other major urban areas around the country.

(1) Federal funding for state and local air pollution control programs has been provided for under the Program Grant Section of the Clean Air Act. According to its provisions, program support is made in four stages:

(1) *Development Grants*. Grants are usually made for a two year period but may continue into the third year of program development;

(2) *Establishment Grants*. These are made for a 3 year period, the first year of which may overlap the development grant;

(3) *Improvement Grants*. These are also made for 3 years, the first year of which is again an extension of the establishment grant.

These 3 phases usually average a total of 7 years, at the end of which the local agency program should be fully established. After this time federal funding is awarded in the form of (4) *Maintenance Grant*.

Prior to the award of federal funds in fiscal '66, the Department of Air Resources' annual budget was less than $900,000, and our total staff was 120.

In fiscal 1966 we received our first stimulatory federal grant under the program improvement phase of the federal grant support program.

The three-year award totalled over half a million dollars and enabled us to create an emission inventory unit defining the names and sources of every significant air pollutant in New York City. This project provided the basis for the advancement of our agency's activities into a full scale management program. Thus, in 1968 when the Department of Air Resources embarked on its implementation of new air pollution control legislation, it was our Maintenance Grant support of $860,000 per year that provided the springboard for a doubling of the total air pollution control budget from $2 million to $4 million and an expansive escalation of the city's war on pollution.

During the past three years the Department of Air Resources has received $2.7 million in federal maintenance funds. In fiscal 1969, this maintenance support represented 25% of our $4.1 million budget, and in 1970 28% of $4.4 million. In 1971 this figure will increase to about 35% of a total budget of $5.1 million.

These federal funds will next year pay the salaries of 36% of our inspection and field staff, greatly increasing our ability to serve summonses to violators of our air pollution code.

Federal assistance has also permitted the existence of additional high level technical positions. In 1968, when we initiated a ten station automatic air monitoring system to complement pre-existing manual stations and permit a continuous definition of the air pollution problem in New York City, it was federal money which made possible much of the required technical work in design and installation. Since then it has been in large part the federal contribution which permits the maintenance and servicing of our aerometric system, including the compilation of data for our daily air quality report to the media.

At the present time the City of New York has already completed several elements of a noise control program. We have, for example, concluded a Mayor's Task Force Study on the problem. The Department of Air Resources has recently proposed extensive research regarding the sources and effects of urban noise, in an effort to establish the framework for an operational noise control program. To implement these recommendations, we are requesting federal maintenance under an establishment type grant. This support is being sought in order to provide both personnel and equipment. When our program is fully established, we anticipate seeking federal support under maintenance type grants such as currently exists in air pollution.

Today, we are specifically recommending that in the allocation of funds under the noise abatement provisions of the Federal Air Quality Act of 1970, the federal government include a program grants section. We also recommend that it contain the three stimulating phases as found in the Clean Air Act, with a 3:1 ratio of federal support. This should lead into a maintenance grant program as now exists in air.

These programs are needed not only for the City of New York, but for every urban area in this country. If we are going to avoid mistakes in the wasteful overlapping of environmental control programs, now is the time to begin gathering reliable data. To do this, we need an expansion of the Federal pilot programs.

We have already requested similar support for the City's program through the State Legislature since, at the moment, our total noise abatement program, as embryonic as it is, is supported by the City of New York, with the exception of our HUD grant, which amounts to about $50,000.

Finally, I want to point out that virtually every air pollution control program on a state basis has been given a tremendous stimulus by the introduction of Federal funding and, specifically, in the formation of that funding, through development grants, establishment grants, improvement grants, and finally, a maintenance continuing grant. We would like to see something similar to this in the noise abatement field.

Thank you very much for your time.

Representative Ryan. Thank you, Mr. Rickles. Mr. Bennin, is there anything you want to add to either Mr. Kretchmer's or Mr. Rickles' statement?

Mr. Bennin. No, sir.

Representative Ryan. Let me ask a question about the Second Avenue Subway. Is it possible in the development of the Second Avenue Subway, to use some of the techniques and technology that we know in order to have a really quieter subway? Why can't we take this new subway as a pilot program and build into it sound reducing mechanisms and devices.

Mr. Bennin. This is exactly what we should be doing.

Representative Ryan. Well, are you going to?

Mr. Bennin. The indications are that we will. We are now just beginning the initial talks with the Transit Authority. The transit technology itself, is very well developed in terms of noise abatement, and it's being used in all new subways, the latest of which is the BART System, which is the Bay Area Rapid Transit in San Francisco. And all indications are that the levels can be reduced by at least a factor of four.

Representative Ryan. I understand that some cities use rubber tires. Is that feasible in New York?

Mr. Bennin. Not entirely, it is certainly no panacea for noise control either in a car or in a station. Unfortunately, the technology itself does not apply to a system such as New York City. The pneumatic tires don't have the load-carrying capacity; they wear much quicker; and they generate tremendous heat. Although it might be suited for Montreal, it would not in any way suit the kind of system New York City has.

Representative Ryan. What's the difference?

Mr. Bennin. Well, the speeds that are attainable are not the speeds at which the New York City subway travels. Our stations are very long. Pneumatic tires can't support the load, so you have smaller cars. And for every car you have, you must have a certain amount of space for turning radius. So what you've done is cut down on carrying capacity. Maintenance costs increase very substantially, because the pneumatic tires wear very greatly on the kind of road bed that we are using. So you have great particular discharge and heat build-up which could be a consideration in the confined space of our underground subways.

Representative Rosenthal. In Mr. Kretchmer's statement, he said Paris has quiet jack hammers.

Mr. Bennin. What Mr. Kretchmer stated was that quiet jack hammers are hydraulic. They're taking on rather great acceptance in this country. Con Ed, I understand, has just purchased a number of them and I think some of the other manufacturers are considering hydraulically operated equipment.

Representative Rosenthal. Assuming this equipment is good and useful, is there any way you can make the Transit Authority use that kind of equipment?

Mr. Bennin. No, presently not.

Mr. Kretchmer. That's the difficulty we have in influencing the Transit Authority. And that is not an unusual struggle. The interagency struggle in the City is not unique. I guess it exists in all government; the Federal government as well. The Transit Authority believes it has a responsibility to bring that subway in under "X" amount of dollars. And as we drive the cost up by demanding our environmentally acceptable devices, they rebel. We have no muscle. This is really the toughest kind of governmental question, and this is not the only time it arises. We face it all the time. We would have to have in the City of New York a piece of legislation that mandated certain noise criteria before we could have any influence over the Transit Authority.

Representative Rosenthal. Did you state earlier you were drafting such legislation?

Mr. Kretchmer. We are in the process of drafting that legislation, and are hopeful that we are going to be able to get that legislation passed.

You'll concede to me, I am sure, that in the tight fiscal situation in which the City finds itself, the question of a ten or fifteen percent increase in capital cost is really an overwhelming suggestion. I would opt to spend the money.

Representative Rosenthal. You're assuming getting the quiet jack hammer, etc., would tack on an additional 10% to 15%?

Mr. Kretchmer. Another reason we cannot get rubber tired subways is because of the compatibility of the system. We absolutely must have a system in which the rolling stock is interchangeable. We need a system in which the new cars are compatible with the existing system and that would have to be a steel wheel system. But the thing we are talking about in terms of noise pollution technology is welding all the tracks. We're talking about a different kind of road bed. Bob's developed a sound-absorbent road bed, and that road bed would be more expensive than the road bed we now use. And we're talking about acoustically lined tunnels. Well, these will add substantial costs.

Representative Rosenthal. What you're saying is that it costs money to protect the environment.

Mr. Kretchmer. It always costs money.

Representative Ryan. Can you not incorporate into your noise pollution code requirements that would affect the Second Avenue Subway?

Mr. Kretchmer. Absolutely, That's what we are in the process of doing. The code is presently being circulated amongst the City agencies—of which the Transit Authority is one—to get their judgment as to what our standards would mean in subway construction. That's exactly the point. One of the things that is required here is a fair degree of responsibility so that we, in promulgating a new code, don't overreach. We hope that the standards we establish would be standards that could be achieved, and, in fact, lessen the noise in the subways, while at the same time be attainable with the appropriate dollar expenditures.

I think the one thing we haven't run the cost on is to see what the appropriate value for environmental protection is.

Representative Rosenthal. Do you think that the terrible condition of the subways has an adverse effect on the morale of the City?

Mr. Kretchmer. Ben, I start out every speech that I make by saying "everybody thinks I'm here to talk about air and water and noise, but I'm really here to talk about the subways, because that's a New Yorker's most humiliating experience." How can a New Yorker care about the quality of the air, when for 45 minutes in the morning and for 45 minutes in the afternoon, it's too hot, it's too cold, it's too dangerous, it's too slow.

Representative Rosenthal. Do you think that a little extra investment in the subway—if it is extra—might have an effect with positive ramifications that would affect the entire quality of life in the City?

Mr. Kretchmer. It very well may; absolutely. If the subway system was humane and decent, the quality of life in New York would be improved 20% for everybody, at a minimum. I mean it would be a fifth better to live here. That number is out of the air; you might say that it might be a 100 per cent better.

Clearly, then we could have meaningful programs of getting people out of their automobiles. Every time you talk to somebody now about getting out of his automobile, he says to me "Well, I'm not going to go down in that subway, I'm not going to take that." So it's clear that we would improve the life and the life style, the mood and the humor, of people in the city of New York. And we would make some of our outlying areas which are reachable by subway far more attractive places to live because the trip in for them would be more pleasant.

Representative Ryan. Thank you very much, Administrator Kretchmer and Commissioner Rickles and Robert Bennin, Commissioner of Noise Abatement. Your testimony here was very helpful and certainly raised good points regarding the Federal role.

Mr. Baron. One point about subways. It's interesting that Mexico and Montreal and Paris can afford quieter subways, and we can't. There is a way of having quieter wheels, incidentally—metal wheels, sound-dampened wheels; there are other techniques, as I think Mr. Bennin indicated, that can be used.

As far as quieter jack hammers, there are now in the United States, American companies, too, that make different forms of muffled jack hammers. And one way that you get them used in Europe is the fact—I understand in England, for example—that in government projects they insist that muffling be used.

Representative Rosenthal. That's what my question was: "Wasn't there some way that we could read it into the contracts?"

Mr. Baron. This is one of the things that I think we should do, and I think there should be a general clause even in Transit Authority contracts.

Representative Rosenthal. The reaction was that that would cost more, but I'm not absolutely certain about that.

Mr. Baron. The Citizens for a Quieter City did a demonstration in 1967 and we imported a quieter jackhammer—pavement breaker—from England, and the cost of the quieter one was similar or less, I believe, than was the American one.

This whole question of cost is another area that should be very carefully scrutinized. I believe that once you tool up for a quieter pavement breaker—with, say, a built-in muffler—eventually the cost per unit is not that much different. It's just that it's now a prototype, practically. But there are quieter compressors, and there are other companies coming on the market with quieter compressors.

One last thing about standards—let us be careful when we go into this business of standards for, say, motor vehicles. Because in the State of New York the standard for motor vehicles is not based on what should be a desirable level—whatever that may be—in a home or a school or a hospital or what have you, but it is based on how much noise trucks make. And, therefore, I ask you gentlemen to consider this question when a standard is set for, say, motor vehicles—to what is it related? Is it related to the desirable result—in other words, the environment of the human being—or is it related to the existent noisy state of the art of the noise source? You can be merely legalizing—in one sense—the noisy noise source. This applies, by the way, to aircraft.

Representative Rosenthal. That is what we did with the airlines. We accepted their unsatisfactory performance record.

Mr. Baron. That's right. And we made them a legal standard. This happens all too often, and I think that the Federal government should have an impartial way of examining these standards so that they are related to the environment we want and not so much to protecting the noisy noise source. Thank you.

Representative Ryan. Our next witness is New York State Commissioner of Environmental Conservation, the Honorable Henry L. Diamond, who was designated the first Commissioner of Environmental Conservation on April 24, 1970. From that time until the effective date of the new agency on July 1, 1970, he headed a task force to plan and organize the Department that administers all State programs for environmental control and natural resource management. As Commissioner, Mr. Diamond is Chairman of the State Environmental Board, which establishes environmental standards and criteria. He is also Chairman of the Environmental Facilities Corporation, which assists local governments in planning, financing, and building pollution control facilities.

I would like to welcome you, Commissioner Diamond.

TESTIMONY OF THE HONORABLE HENRY L. DIAMOND, NEW YORK STATE COMMISSIONER OF ENVIRONMENTAL CONSERVATION

Mr. Diamond. Thank you for having me here, Congressman. I congratulate you on your leadership in calling this hearing. It is much needed. In the interest of time, I will submit a statement for your consideration, and briefly outline it, with your permission, rather than reading it in detail.

I think we have come to an interesting time in environmental history. Concern about noise as a pollutant is emerging. I know that five or six years ago, when we were planning a White House Conference on the Environment, Mr. Baron came to our attention, but we did not include noise as a major topic. We had air pollution, water pollution, solid waste disposal, but it was our judgment that noise not be included. Today, it is clearly a new and very, very prominent part of our environmental quality problem, and I think we have to focus on it.

This late development of awareness of noise as a pollutant is a little odd, because both the Constitution of the United States and the Constitution of New York State talk about noise. I'm not sure that that is what the Founding Fathers had in mind, but they talk about "domestic tranquility". Well, we haven't succeeded in their meaning. Perhaps we can succeed in the literal meaning, so far as noise is concerned.

In the State of New York an amendment passed only a year ago which provides specifically that the State concern itself with noise problems. Quite frankly, until now, the State of New York's noise programs have not been good enough. We have some legislation on the books which controls the level of truck noise. Again, we talk about adequate mufflers and exhaust systems. The testing is spotty. It's done occasionally by the State Troopers. It is not part of the automobile test system, and I think probably it should be.

We have a multiple dwelling law that puts some standards in. Again, I think they have to be toughened up.

We have—which is not much of a concern here in New York City, but it is quite an issue upstate, and I hope it to be part of any Federal legislation—a snowmobile problem. Snowmobiles make the damnedest racket you have ever heard, particularly when they are used late at night in places like Lake Placid. People go out in them at one or two in the morning and roll around in these snowmobiles and make an awful racket in the wilderness. So that's a problem I hope we will be getting more and more into. We have laws that require a muffler system by 1974, but that is not soon enough.

Representative Ryan. We now find these small little motor bikes being used in our parks.

Mr. Diamond. Yes. And there is a great noise potential, for some reason, on small motors. I ought to mention lawn mowers, also. We now have—and I must say we are about where the City of New York is—under consideration a new noise program that the Governor will be sending to the legislature. I can't say exactly what is in it yet. It will be coming soon. But the kinds of things that are under consideration are pretty obvious: codes for construction with very specific limitations on construction noise, etc. We don't know quite how we get to the airport problem—there's a Federal preemption problem there which I urge upon your attention. We are going to talk about automobile noise. Again, maybe this is better preempted federally. In all these things, in the airports and the automobile areas, I urge upon your attention a formula whereby the Federal government sets absolute minimum standards, and a State or a city which has particular problems has ability to go beyond that. We have that problem in automobile emissions; and I think the State of New York has its automobile emissions standards setting power preempted by the Federal government. California was smart enough when the bill came up to get excluded; I think we should have been too.

In New York State we have just established one consultant on noise who helped us with this paper, and we hope to establish in next year's budget, if it's approved by the Legislature, a Bureau of Acoustics and Noise Abatement. That will be at least a visible box on the chart. But that doesn't solve any noise problems. What it is going to do is work on the development of these noise codes, and we hope we will get a statute which delegates to the Commissioner of Environmental Conservation the authority to set them, and so my division will be involved in setting them and moving forward.

I hope that the State of New York will establish a policy of requiring that when we purchase equipment we require no-noise equipment, and when we contract for road building or construction that the contract have noise amendments in the contract. In fact, we have quite a few construction projects, I think, that could be done a little more quietly.

Representative Ryan. Does the State have the authority to do that now?

Mr. Diamond. We do not, sir. I am hoping that the State will do this. I am commending this to your attention. If the Federal Government—for instance, the Bureau of Public Roads in its 4 billion dollar highway program—provided in all of its contracts that low noise compressors be used, that would have a far greater effect than the Federal government simply buying its own. I have no idea as to how many compressors the Federal government buys, but contracts for use are far more than it actually buys, I am sure. Four billion dollars buys a lot of noise, as well as a lot of concrete. So I recommend that GSA—the General Services Administration—have as a policy—as part of its contract, just as it has a nondiscrimination clause—that federal contractors not be able to use high noise machines.

Representative Ryan. Is the Governor going to ask for that authority?

Mr. Diamond. I hope he will. Of course, if the Federal government did it and required it in all of its aid programs, because almost every dollar we spend would do it nationally. After all, almost every dollar we end up spending in the State has some Federal tie to it.

Representative Ryan. There have been times in the past when New York State has been ahead of the rest of the country.

Mr. Diamond. Yes, sir. And this is an area that I hope again we'll be out in front on. But I urge it to your attention as well. We'll hopefully get something in Albany on that.

I want to endorse very heavily what Jerry Kretchmer and Bob Rickles said about the Federal program. Your bill, if we could get some money in it, would be extremely helpful in creating State agencies and local agencies to have their own noise entity. I think that that is probably the most important Federal pressure to put on. And maybe even tie it to the air pollution grants which are essential to us now—to say that you have to have a noise pollution entity to get your air pollution grant—that is, some levers to make States have a noise entity and make them have to pass through some of that power and money to the local levels.

In New York City, where you have a tremendous problem and have sophisticated government working on it, you saw from the presentation that preceded me that there's some action. In other parts of the State, we have to help, as well, because we've got Buffalo, Syracuse, Rochester, all of which have noise problems. So I hope you will think of that when you draft legislation, and also this rural problem of snowmobiles the motor noises because, this is not only an urban problem but a problem across the State.

In closing I think we somehow have got to zero in on this aircraft thing. As you know, the local governments have tried to come in by suit and by statute. There are bills pending in the New York State Legislature to control the SST by New York State—I frankly don't know about the constitutionality of that—it is probably a Federal problem. But I urge you to get meaningful levels at airports because everybody has to live with those.

Thank you for having me here this morning. I would only add one thing. While our noise entity is fledgling, I would be happy to make it available to you. We hope by the first of April to have 3 professionals on the job and of course we would be happy to provide any help we could to this committee.

Following is my prepared statement:

STATEMENT OF THE HONORABLE HENRY L. DIAMOND, COMMISSIONER, DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Introduction

The Preamble of the Constitution of the United States refers to "domestic tranquility." If we relate our present noisy environment with that point in history, we compare the horse and stagecoach with today's high speed auto, bus or jet aircraft; the frontiersman's ax to a chain saw or bulldozer; a scythe to a power lawn mower.

We have many noise sources today which we could not compare—such as jack hammers, pile drivers, compressors, and snowmobiles.

Although the noise sources of the past were minuscule compared to present ones, our forefathers valued domestic tranquility sufficiently to make it one of the considerations of the Constitution. But one could ask—should the noise levels of our environment be permitted to continually increase? Are increasing noise levels the cost we must pay for progress? The answer to both of these questions, in my opinion, is no.

The progress and future development of our country can continue without being hampered by noise abatement. What we do need are definitive considerations of noise and its effect on people in the design and use of products . . . in the administration of services to the public . . . and in the construction and use of buildings and residences.

A limited amount of noise abatement effort has been applied to some areas of design and construction. Unfortunately, noise abatement has been overlooked or disregarded in far more areas. The government must establish a noise abatement program which deals with specific requirements.

The public must learn about noise and exert consumer influence on industry. A program which encourages the joint efforts of our society will be most effective. The main impetus must come from the state and federal governments who should establish specific requirements for noise control.

They may develop model codes, rules and regulations which can be adopted by option of local municipalities. Local regulations should be equal to or more stringent than those set by other levels of government.

Existing regulations in New York State for control of noise

Like the United States Constitution, the New York State Constitution considers noise. Section 4 of Article 14 of the New York State Constitution declares: "The policy of the state shall be to conserve and protect its natural resources and scenic beauty and encourage the development and improvement of its agricultural lands for the production of food and other agricultural products. The legislature, in implementing this policy, shall include adequate provision for the abatement . . . of excessive and unnecessary noise. . . ."

Although New York State has a limited number of laws relating to specific noise levels, there are many areas of law controlling noise in a general sense, such as nuisance type laws. Legal control for the abatement of noise is in state and local statutes. The penal law deals with this type nuisance in various forms, including annoyance, alarm, breach of peace and disorderly conduct. The general business law deals with prevention of all noise which unreasonably disturbs the peace of the day on Sundays.

The Vehicle and Traffic Law requires vehicles to be equipped with adequate mufflers and exhaust systems to prevent excessive noise. In 1965, the Vehicle and Traffic Law was amended by specifying the maximum noise permitted for motor vehicles. This amendment stated that noise from any vehicle operating on public highways shall not exceed 88 decibels on the A-scale, when measured at a distance of 50 feet. This section also specified that measurements be made when the vehicle was operating at a speed less than 35 mph. This law was probably the first in New York State in which quantity of noise was specified in terms of actual numbers of decibels.

In 1968, the New York Multiple Dwelling Law was amended by giving some attention to control of indoor noise. It required cities with populations in excess of 500,000 to formulate and adopt standards for sound control, and standards for transmission loss of walls, partitions, floors and ceilings between apartments. Construction of multiple dwellings after January 1, 1970, was required to comply with the standards and control of noise.

In 1970 the New York State Legislature passed a law controlling snowmobile noise. Although the law made no provisions for existing snowmobiles, it specifies that no snowmobile manufactured after June 1, 1972, will be sold or offered for sale unless it is equipped with a muffler that limits the engine noise to not more than 82 decibels, as measured on the A-scale at 50 feet. No snowmobile manufactured after June 1, 1974, shall be sold or offered for sale unless the muffler system limits engine noise to not more than 73 decibels on the A-scale at 50 feet.

The 1970 legislature also passed the Environmental Conservation Law. This law mandates that the environment be conserved, improved, and protected in order to enhance the health, safety and welfare of the people of the state. It defines pollution as a presence in the environment of conditions and/or contaminants in quantities or characteristics which are or may be injurious to human life or property, or which unreasonably interfere with comfortable enjoyment of life and property. This law defines noise as a pollutant and further charges the Department of Environmental Conservation with responsibility for preventing and abating noise pollution.

Rules under consideration in New York State

There are many bills relating to noise control that are on file for consideration of the 1971–72 New York State Legislature. The scope of these bills ranges . . . from muffler examination during annual inspection . . . to consideration of supersonic aircraft noise.

A bill has been submitted to limit the amount of noise from air conditioning units or other machinery in the vicinity of a multiple dwelling, if the ambient noise level outside of any window in a dwelling unit is increased 5 dBA above a threshold of 50 dB on the A-scale by this equipment. This same bill would make it unlawful for construction operations to increase the noise level outside the window of a dwelling unit to over 75 dBA.

There are several bills on file concerning aircraft and airport operation noise. One directs Commissioners of various Departments of the State to study and analyze effects of jet noise on people in communities abutting jet airports.

Another would amend the General Business and Transportation Laws to prevent excessive noise from airport and aircraft operations. This bill would make it unlawful for an airport to permit operation of an aircraft which creates a noise level of 85 dBA at the perimeter of the airport adjoining a residential area . . . with a reduction of 5 dBA below this during nighttime hours. The noise level limit is extended to 90 dBA at the perimeter of the airport adjoining commercial areas.

This bill also makes it unlawful to operate an aircraft which creates a noise level in excess of 75 dBA over a residential area. The New York State Department of Transportation would oversee the rules by monitoring and issuing permits.

Another bill would amend the Public Health Law and Executive Law to ban the supersonic transport from landing at urban airports unless design changes are made. This bill would grant power to bring a class action to enjoin any supersonic transport which creates a perceived noise level greater than 108 PNdB.

Concerning the jurisdiction of local governments over noise, a bill has been filed to amended the general city, village and town law. It would permit local government to establish regulation in which noise emission is limited to specific levels.

At this time there is no way of determining how many of these bills will be passed by this 1971–72 New York State Legislature and signed by Governor Rockefeller. In general, I support the intent of these bills. I make some exceptions to specifics, details, and the conflict with federal preemption in the area of aircraft noise.

N.Y.S. Department of Environmental Conservation noise abatement plans

The need for a noise abatement program was recognized by the 1970 legislature because of increasing noise levels in our community, added noise sources, and increase in population requiring more services and devices which produce noise.

We are formulating a comprehensive statewide noise abatement program to prevent further noise encroachment and reduce existing excessive noise. Official operations, purchases, and construction projects by New York State will lead the noise abatement program by reflecting these policies. The impact of noise on the environment during the construction phase as well as the operational phase of state construction projects will be considered.

Budget requests have been submitted to the 1971–72 New York State Legislature for funds to organize and fill manpower requirements to establish a Bureau of Acoustics and Noise Abatement within the Department of Environmental Conservation. This Bureau will take on increasing responsibility and importance as it develops model codes, standards, rules and regulations. Its functions will expand to include all areas of acoustics and noise control such as aircraft noise, highway and mass transportation noise, consumer products, industrial noise, architectural acoustics, room acoustics, building codes, community noise, and research into the effects of noise on hearing, speech communication, annoyance and other physiological effects.

Studies will be conducted with the cooperation of other State agencies to develop criteria, standards, and measuring procedures, utilizing the latest technology, including computer applications. In order to establish a unified statewide noise abating program, jurisdiction for noise abatement should be under one agency of the state.

Suggestions for Federal legislation

(1) Establish grants in aid to the states for creating autonomous state agencies to deal with problems of noise. Guidelines should be included to define major areas of concern, and provide direction for rules and regulations.

(2) Include noise performance criteria in specifications for purchase of equipment, and construction of projects, which are funded by the federal government.

(3) Accelerate activities and programs to more expeditiously resolve the aircraft noise problem.

Representative RYAN. Thank you very much, Commissioner Diamond.

Our next witness is Dr. Roy Sullivan, Chief of the Division of Audiology at the Long Island College Hospital. He is a consultant to the Brooklyn Eye and Ear Hospital; consultant to the National Center for Deaf-Blind Youths and Adults; and vice-chairman of the Pre-school Hearing Council of Long Island. Dr. Sullivan is also President of the Audiology Study Group of Greater New York.

I would like to welcome you to these ad hoc Congressional hearings, Doctor Sullivan.

TESTIMONY OF MR. ROY SULLIVAN CHIEF, DIVISION OF AUDIOLOGY, LONG ISLAND COLLEGE HOSPITAL

Mr. SULLIVAN. Thank you very much, Congressman Ryan. I am very happy to be here this morning and hope that I will be able to add some information that will be of use to you and your distinguished colleagues in understanding the problems created by excess noise, and in developing legislation to control it.

I might add that I am, professionally, an audiologist, and that it is "incipient" Dr. Sullivan. I am hurriedly completing my dissertation, which is in the experimental psychology area, specifically having to do with man's normative responses to sound. I am not a medical doctor.

The term "noise pollution" does not fit semantically with the other areas of pollution. We speak of air pollution, and it is the air that has been polluted. We speak about water pollution, and it is the water that has been polluted. But it is not really noise that has been polluted. It is sound. So what we are really faced with is sound pollution.

In dealing with all forms of pollution, there is a question of hierarchy: where does our emphasis go? Generally speaking, this emphasis is monetary—where do we divert our funds to apply to which areas of interest on behalf of our environment? Unfortunately, often we have been pretty far down on the hierarchy, because we have been unable to come up with a sensational statement, as someone mentioned earlier, that noise kills. We can't say this. We have to go to a definition of health which takes into account whether we consider the need for quiet in society as just a social amenity, or whether it is something that should fall under the jurisdiction of health.

The World Health Organization defines health as a state of complete physical, mental, and social well being and not merely the absence of disease and infirmity. When we accept this as an operational definition of health, we find our "health" is vulnerable to noise in many ways. We can think of noise as disrupting sleep, causing annoyance, interfering with speech, and inflicting physical damage on the ear. Certain research into noise has suggested effects of noise on mental health, physiological activities, and even workers' efficiency.

To summarize before I begin, I believe that you should approach noise in the following manner: 1) the physiological effects of noise, 2) the indirect effects of noise, and 3) the physical effect of noise.

The major physiological effect of higher levels of noise is a thoroughly documented, irreversible damage to hearing.

The second, or indirect effect of noise, that is a known effect on the physiology of man, is the ability of it to interrupt sleep. This goes beyond causing an individual to bolt upright in bed as a jet airplane flies over his home. It is possible to be roused from deeper stages of slumber to a lighter stage of sleep, yet not be conscious of this the next day. But when you get up in the morning fatigue sets in; you feel like hell. This has been documented physiologically.

The third major area is the interference with speech. We heard about ensuring the domestic tranquility and the right to life, liberty, and the pursuit of happiness—parenthetically, in relative peace and quiet. I think that this should not be underplayed. Noise can be construed as an interference with the right to free speech. How dare Consolidated Edison open the street in front of an office building, or in front of a school? How dare the airlines fly over schools and churches, and interfere with the educational process, the communicative process? All of this is avoidable. And if we think of noise as avoidable, unnecessary, intrusive sound, and use this as our working definition, I think it would be a most profitable approach.

Now, to take these points one by one—The effect of noise on our hearing, that is, injury of the delicate structure of the ear. The ear is the organ which is responsible for taking the physical energy from the outside world and translating it into impulses the brain can understand. It is one of the most sensitive organs in the human body. It is capable of responding to physical vibrations on the order of magnitude of that of the diameter of the hydrogen atom. It is magnificently constructed, and were it any more sensitive we would be troubled with the natural movement of air molecules at other than super sub-zero temperatures. It is sensitive. It is wide-ranging. And its capabilities are enormous. We hear from 20 cycles per second all the way to 20,000 cycles per second.

The ear is a remarkably healthy organ, however. It consists, among other parts, of 20,000 very, very delicate hair cells which are the final portion of the mechanism resulting in the translation of physical vibration from the outside world to the impulses in the ear. It is here that the insult to the human body takes place.

According to the Walsh-Healey Public Contracts Act, levels above 90 decibels on the A scale—a scale which unfortunately discriminates against sounds below a thousand cycles—are physically and physiologically traumatic to hearing if we have routine 8 hour exposure to noise of this level or above.

There are many difficulties with this standard. This standard is probably just about right for industry, if you were on the industry side of the fence. It includes approximately 85% of the noise susceptible population. But there is great individual difference. We can take the population in this room and expose them all to similar physiologically traumatic levels of noise, and on each individual the noise will take a different toll. On some individuals the effect will be temporary, on others it may be permanent, and still on others there may be no effect at all. There are tender ears and there are hard ears. The Walsh-Healey standard was written to encompass and practically guarantee safety for about 85% of the population. In addition, that population is being paid, you might say, hazard pay, for the occupational hazards that they're enduring.

So, the Walsh-Healey standard leaves 15% of the employed population uncovered and it also does not consider the general public who has noise inflicted upon them, rather than who work in a noisy environment by choice. For example, there is the white collar worker who must descend to our noisy New York City subways and be exposed to levels exceeding the minimum standards of the Walsh-Healey Act, yet he has to pay 30 cents for the privilege of having his ears traumatized.

I don't think that the Walsh-Healey standard should hold for the general public; I think it is written for those people who are in an occupational hazard.

Now if you take a look at the physiology of man and his hearing itself, there are some cues as to what and what not may be noxious to hearing. We have built into our middle ears, which are just inside the eardrum, a protective reflex—there is a muscle, the tiniest muscle of the human body, the task of which is to respond and to reflexibly contract one of the microscopic bones in the middle ear to reduce the level of incoming noise to the ear. The more intense the noise above a certain minimal level, the greater the degree of contraction and the greater the degree of reduction of noise going into the part of the ear which can be damaged. This is, and I don't think anyone would quarrel with this, a God-given protective mechanism. The levels at which this comes into play are from 70 to 90 decibels above the threshold of perception.

One of the members of the Department of Health, Education and Welfare staff has recently proposed that the phenomenon of hearing loss attributable to non-occupational noise exposed situations be considered somewhere around the 70 decibel level. And whereas now we consider 100 decibels as the limit for, let us say, a certain amount of 8 hours of noise exposure, 100 decibel limit for the non-occupational noise exposed public might be cut down to 15 minutes. If you apply these criteria, the general public who ride the subway from an hour and a half to two hours, fall within the potential range of those inadvertently and without compensation having their hearing destroyed in the higher frequency range.

Now, there are two separate aspects with regard to man's communication and hearing, one of which is sensitivity and the other of which is resolution.

Most of the specifications have been written to encompass the deleterious effect on hearing in the so-called speech frequency range, this is from 500 to 2000 cycles per second. But a higher frequency range, while not necessary for the hearing of speech, is very necessary for the understanding of soft, conversational speech. And an individual who has poor hearing above 2000 cycles will have hearing difficulty in a soft conversational situation, or in an average conversational situation where he is physically distant from the speaker. This is important to note, because currently, the standard is not written in terms of this resolution of sound—

or the ability of man to resolve sound—but rather it is written in terms of ability to hear sound.

The typical high frequency hearing loss which results from 20 years of occupational noise exposure leaves the individual hearing speech so that it sounds obscure. The individual is able to hear sounds, but the complaint of these patients, as we receive them in the hearing clinic, is that the can hear but they can't understand. So I think that we have to re-orient the concept of where the problems exist from a concept of simply being able to hear sound.

There have been radical advances within the last two years in the area of hearing aids. Certain advances have been made which now allow us to compensate and correct for hearing losses which begin at 1500 or 2000 cycles per second. Three or four years ago, if we had, let's say, a subway worker, or someone who was exposed to high levels of noise, come into the Center with a typical noise-induced hearing loss and good hearing below 1000 cycles per second, all we could say to them at that time is that you can either study lip-reading or perhaps take some auditory training lessons to understand better what you are able to hear, but there is nothing available for you. Now, the hearing aid technology has come to the point where we can compensate for higher frequency losses.

If we included all the noise induced-hearing loss and the acoustic trauma in our compensation structure and in our legislative structure, it would represent a far greater proportion of the population than is now included. A statistic which has been quoted on the incidence of use of hearing aids in the age group of 50 to 59 is that 5% of the non-noise exposed or non-occupationally noise exposed population in that age group typically are hearing aid users. But 25% of the occupationally noise exposed group are hearing aid users in that same age group, so noise does take its toll.

Now, as to whether noise shortens life or not, this is a possibility. But the definitive research to prove this point has not been done, and I don't think it's fruitful to speculate and to base our case on the fact that noise may shorten life, when we know that noise levels which surround us may very well injure our hearing, and also interrupt our sleep. Noise levels down to 70 decibels may very well interfere with our hearing and temporarily cause a hearing loss, if you include 100% of the population. Noise levels down to 53 decibels on the A scale begin to interfere with conversation.

And here I think there is another fruitful area and a basis from which Congress and the Assembly can legislate: the idea of the noise polluters interfering with the communicative process. With a 53 dBA level we can converse in a normal conversational tone at about the distance of 10 feet. As the noise rises above 53 decibels on the A scale, one of two things must happen: either we must physically move closer, or I must raise my vocal level.

We have begun some preliminary research at the Long Island College Hospital on a very interesting physiological point. If you must tie noise pollution to physiological effects, one effect to look at is the response of people with known organic vocal abuse pathology—that is, people with vocal polyps, with vocal cord nodules, with inflammations of the vocal cords. We compared them to normals to find out how their vocal levels respond to various levels of background noise. And in our pilot studies we have found that consistently the people with vocal abuse pathology will tend to raise their vocal levels and compensate for a given constant noise level much more than a group of people with no vocal pathology.

Now I don't think that potentially a vocal pathological group should be eliminated from our considerations if we need some physiological tack to hang our anti-noise campaign on for lower levels, then we might consider the fact that school teachers, legislators, men of the cloth have to raise their voices in the pursuit of their everyday activities in order to overcome these obnoxious noise levels brought about by the overflights of the airplanes.

So you can take it either one of two ways, as an interference with speech and the process of free speech, or the fact that this may potentially cause one man, with a higher and ever rising noise level, to compensate for this by raising his voice level at a cost of the condition of health of his vocal mechanism.

We had, while I was on the New York City Mayor's Task Force on Noise Control, a trip to Pratt-Whitney, which is one of the two largest companies manufacturing jet engines, and we were told, to paraphrase the Red Queen, that we should be thankful that they were running as fast as they were to stand still, and that if we were really lucky, we might get a decibel improvement in the overall jet noise level coming out of the factory every year or so. But we should really be grateful that they had been able to increase the thrust without increasing the noise level. This is a pretty poor logic; it's a public-be-damned attitude which leads to another effect of noise. This one, when you look at the way the hearing and the communication of the public is infringed upon by the people who are manufacturing noise as a by-product of their enterprise, leads to clear-cut annoyance. Once you experience noise and once it affects your daily routine, you know what everyone else is talking about, and you don't have to be a little old lady with tennis shoes to be one of the people who is being polluted by noise exposure.

The recommendations of the Task Force include certainly levels which are not unreasonable for starters. In order to ensure hearing conversation, we conservatively recommend an 85 decibel A-scale reading as soon as possible. The speech interference level of 52 decibels on the A-scale should be reduced as soon as possible in the overall living space so that we can go out on the street and converse with our neighbor without having to shout. Of course, it would be unreasonable to anticipate 52 dBA's on the subway, yet it might not be unreasonable on the city streets. In our own homes, we are asking for more than that—in wholly residential areas we are asking for 40 dBA's during the daytime hours and 30 dBA's at night. This is in wholly residential areas and, of course, we don't expect areas zoned for industry to meet these standards. But, I think these are not unreasonable levels.

The night time standard is considered in light of some of the research that has gone on at the Stanford Research Institute by Dr. Lucas, and some of the research that has been done in Germany by Dr. Jansen. Their research shows that noise levels as low as 50 dBA's can arouse you from deeper stages of sleep to less deep stages of sleep, and this will have an effect on how you feel the next day. This can be documented on an electroencephalograph, which is an objective, physical means of determining how much rest you are getting. So we must, in residential areas, have care and concern for those noise levels which affect sleep.

Now, the paper-thin walls through which we are forced to hear our next door neighbor's conversation can be taken care of in building codes. What may be one man's music may be noise to someone else's ears. We cannot legislate or hope to bring in medical reasons for controlling all the possible incidence of noise pollution. But any instance of noise pollution that brings about a physiological trauma to hearing invariably will interfere with speech. And if it interferes with speech, it invariably annoys. Therefore, if we can control the highest levels and the most prevalent sources of noise pollution, we will contribute to clearing up a significant portion of those lower order complaints. That is, monentary interruptions of conversation and interruptions of sleep. And I think this is where at the outset we might address and adjust the trust of our efforts.

Representative RYAN. Thank you very much for a very thorough presentation. Your remarks were most illuminating. Congressman Biaggi?

Representative BIAGGI. You should be commended for a very excellent presentation. It was most informative.

Representative RYAN. I think that it is a very interesting approach to remind us that what we are talking about is sound and how noise effects it. Noise pollutes sound.

At this point I would like to enter into the Record the statement submitted to these hearings on behalf of the Committee known as Chelsea Against the STOLport, 344 West 22nd Street, New York, New York 10011. This statement was submitted on behalf of the Committee by Mrs. Jacqueline Schwartzman.

The statement follows:

STATEMENT BY DAVID FERGUSON

We of Chelsea Against the STOLport submit this statement, although we understand this hearing is not dealing with aircraft noise, because those who propose this STOLport—to be located at West 30th Street, floating on ten Liberty Ships in the Hudson River—have said that it will not be noticed above the existing noise level. Stuart Levin, Associate Editor of *Space/Aeronautics*, writes, "The noise criterion for V/STOL is plain; bury the noise of the terminal operations inside the noise of the city." De Havilland Aircraft, on its record promoting the plane to be used, states that "the DCH 7 blends acceptably and unobtrusively with the general background noise of the downtown area."

Long before the STOLport was proposed the community had reached the boiling point on noise. Chelsea is a residential area. When noise levels are left to community activities we experience periods of intermittent quiet. Birds have been heard in Chelsea. That is, until frequent sirens and pneumatic tools pummel the brain or an occasional burglar alarm in a car or store, set off by a change in the weather, rivets all thought to its piercing oscillation. At night these alarms rob thousands of residents of what must now be asserted as the right to a good night's sleep.

The avenues from 6th to 10th and 34th, 23rd and 14th streets, as well as the illegal heavy truck traffic on residential side streets, have blasted us with an ever increasing nightmare of traffic noise. Chelsea block associations have taken their own surveys on the number and length of trucks violating the current city restrictions on traffic in residential areas. During the weekday unmuffled trucks make conversation on major streets as impossible as it is in the subway. Motorists and truck drivers roar through our community as if their engines bestowed a manifest destiny on their progress. Residents living on the avenues get battered night and day. Sanitation trucks grind up more quiet. Drivers, delayed by these trucks, lean on their horns as if they could blow their way across town. At any hour some driver. locked in by a double parked car, may use his horn in a burst of prolonged and nerve-racking frustration to rouse the owner. Horns are also used to call people down for appointments or to signal deliveries. Imagine what the projected 600 passengers per hour, arriving and departing almost exclusively in cabs (according to the American Airlines STOLport proposal), would do to the noise level in our streets.

Many Chelsea residents—journalists, freelance writers, composers, professionals in many fields and citizens of all ages given to the use of their minds—find it difficult, often impossible, to hear themselves think. The added burden excessive noise places on the already besieged family life in the city may be hard to calculate but it is more real than many things more easily calculated. The existence of an unhealthy, dangerous and insane level of noise must not be used by the aircraft industry as license for adding yet another source of noise to a city already bombarded to the breaking point. We have the right and responsibility, in the sanctuary of our homes, to think, to live, to be at peace. We will not be buried by decibels. We demand less noise, not more.

Mr. RYAN. Turning to our afternoon schedule of witnesses, you will note that Professor Cyril Harris of the Department of Electrical Engineering at Columbia and the editor of *The Handbook of Noise Control,* was scheduled at 2:00. Unfortunately Professor Harris has been called to Europe. He has submitted a very fine statement which we will include in the RECORD at this point.

STATEMENT BY CYRIL M. HARRIS, PH. D.

What is meant by the terms *noise* and *noise control*? By *noise* we mean any sound which is unwanted. According to this definition, music in your apartment is noise in your neighbor's apartment, making the reasonable assumption that he doesn't want to hear it. *Noise control* is the technology of achieving an acceptable noise environment consistent with economic and operational considerations.

Thus, noise control is concerned with the attainment of acceptable noise conditions—not necessarily with noise reduction. For example, no actual reduction of noise in a shipyard may be involved when acceptable noise conditions for the workers are achieved by the use of earplugs. The terms *noise control* and *noise reduction* are not always synonymous.

Another example of noise control occurs when an airport, whose operations are interfering with the sleep of home owners in the neighborhood, changes its schedule so that there are no evening flights. No actual noise reduction has taken place, but an acceptable noise level may have been achieved.

Noise and industry

We are interested in noise control and noise reduction because noise may damage hearing, it may affect sleep, and it may produce other psychological effects that are more difficult to measure. For certain types of tasks noise may affect a worker's efficiency; it affects man's ability to communicate through speech; it may produce a feeling of fatigue; and, certainly, it can be a source of considerable annoyance and complaint—especially if one has the feeling that the noise is unnecessary.

Noise pollution affects property values. Noise from the operation of a factory or an airport or from an elevated highway may influence the price of land in the surrounding area. All these effects of noise as a form of air pollution are of considerable economic and social importance.

For economic reasons, a considerable effort is being exerted by industry to develop products that are quieter and to achieve quieter conditions in offices and factories. Many business firms and their customers object to noise, and their employes prefer not to work in a noisy environment. During the past 14 years in the U.S., the total dollar sales of acoustical materials has increased from about $60,000,000 to $190,000,000. Such rapid growth can be accounted for only on the basis of the fact that people do not like noise. They are both annoyed and distracted by it. People like quiet. They are willing to pay for it.

It has long been known that intense impulsive noises—such as explosive sounds—may cause partial or total loss of hearing. However it is only in recent years that a quantitative relationship has been established between hearing loss and daily exposure (for a period of many years) to loud noises that are relatively continuous in duration. There is no discrete step above which exposure to such noise will produce impaired hearing, and below which exposure may be considered safe.

Of particular significance are the effects of prolonged exposure to high noise levels in producing a permanent loss in hearing. A worker in a factory who operates a very noisy machine day after day, or a musician who plays in a rock band with a high level sound amplification, both face a permanent loss in hearing. Exposure to high noise level impulsive (or non-steady) sounds, such as those produced by jack-hammers or riveting machines, can also result in permanent hearing loss.

Studies have been made of the relationship between the character of noise, the level of noise, and the exposure time (in hours per day) and the number of years that the workers have been exposed to such noises. These studies are far from complete, but they have already yielded important results which were used as the basis for formulating the "Walsh-Healey Act," the noise-exposure regulation of the U.S. Department of Labor that went into effect on May 17, 1969.

According to Section 50-204.10 of the Walsh-Healey Public Contracts Act Safety and Health Standards, any manufacturer who wishes to sell to the Federal Government goods in excess of $10,000 or services valued at over $2,500 must take the following steps to protect his employes' hearing:

"(a) Protection against the effects of noise exposure shall be provided when the sound levels exceed those shown in Table I of this section when measured on the A scale of a standard sound level meter at slow response.

"(b) When employes are subjected to sound exceeding those listed in Table I of this section, feasible administrative or engineering controls shall be utilized. If such controls fail to reduce sound levels within the levels of the Table personal protective equipment shall be provided and used to reduce sound levels within the levels of the Table.

"TABLE I.—*Duration of the working day*

Hours:	*Sound level (A-scale) decibels*
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
½	110
¼ or less	115"

Although this Act applies only to firms which do business with the Federal Government, such firms constitute a large segment of American industry and it has had the effect of spurring industry to institute noise reduction programs. The Act is significant as well because it is the first federal legislation which has been enacted to protect workers from loss of hearing as a consequence of their work in a high noise level industry.

It is important to note that any table, such as that given above in the Walsh-Healey Act, which indicates the number of hours it is permissible to work in an environment of specific noise levels, is designed to protect the largest percentage of workers—not each and every worker. There is a wide difference in the reactions of individuals who are exposed to high noise levels. For example, if a group of workers is exposed to the same intense noise (such as riveting) each work day for a period of 10 years, the majority is likely to show a definite loss, there may be some who will show almost no hearing loss, and there will also be some who show a much greater loss than the majority. As yet, we do not have a satisfactory explanation for these individual differences.

What happens to a wage-earner who works year after year in a noise-polluted environment that greatly exceeds these limits? The probability is high that he will sustain a permanent hearing loss because of this noise exposure. Some present estimates are that the total of claims involving compensation for loss of hearing from noise exposure is in excess of $1 billion in the U.S.

Noise and the community

The reactions of a neighborhood or an entire community to city noise are much more complex than the reactions of individuals. Perhaps the most important factor which determines whether or not a noise source is objectionable is the level of the background noise in the community. That is, the same noise may be considered to be much more objectionable in a quiet neighborhood than in a noisy one where its presence cannot be heard. For this reason, studies of background noise level such as those conducted by Columbia University's class in noise pollution are of considerable value.

Other factors that determine whether noise is objectionable in a community include:

(a) the number of times the noise source is heard per hour

(b) whether the noise occurs during the night time or day time

(c) the acoustical characteristics of the noise: i.e., whether the noise is continuous or intermittent

(d) whether the residents consider the noise to be necessary or unnecessary

(e) whether the community has been accustomed to hearing such noises or whether the noises add a new element to those which made up the background noise of the city.

There are other intangible factors as well, such as possible fear of the sources of noise, as in the case of low-flying aircraft. Economic considerations also may influence one's judgment as to the objectionableness of a noise source. By their nature, criteria for community reaction to city noises are statistical in significance. A noise level that may be considered annoying to one person may not have a significant effect on another. Furthermore, the reactions of people are not time invariant. They will react differently one time than at another; how a person reacts depends to a large extent on his previous history.

Transportation noise pollution

Many sources of noise pollution in cities are associated with some form of transportation, such as buses, trucks, motorcycles, aircraft and automobiles. These sources include acoustics signaling devices, such as horns and sirens, often used unnecessarily.

In urban areas, the problems of truck and bus noise are largely due to exhaust noises—frequently the result of inadequate or virtually non-existent mufflers. It is my opinion that municipal legislation is required to establish minimum standards of muffler effectiveness for all vehicles producing noise above an established level.

One of the major sources of transportation noise pollution, and a source of considerable aggravation and discomfort to New York City residents, is that noise produced by relatively low-flying helicopters. Here is a noise offender that need not exist. By flying higher (and at a safer altitude as well) the noise level will be reduced to a level that need no longer be a source of noise pollution. True, the noise will spread over a wider area, but if the altitude is sufficiently high this noise will no longer be a source of annoyance and discomfort. If this is impractical, the routes should be altered so that the helicopters travel principally over water. A whole city should not be disturbed to save minutes, or to provide pleasure (in sightseeing craft) for a handful of people. It is also interesting to note that present Federal requirements for commerical helicopters flying over this city do not require them to carry flight recorders (which are required of all other commercial aircraft). Such recorders would provide a means of determining whether or not these aircraft fly over the city at a safe altitude—i.e., one high enough so that if mechanical failure should occur, they could maneuver to a landing area instead of crashing on densely populated midtown. These aircraft should be required—without delay—to carry such flight recorders. Minimum altitudes should be established in quantitative terms, both from the standpoint of safety and that of noise pollution, for helicopter routes of the commercial carriers.

A study on noise in New York City subways, to be published this month in "Sound and Vibration", by Harris and Aitkin, shows in quantitative terms something that the average city subway rider already knows qualitatively—noise levels in cars and on station platforms are unacceptably high.

It is interesting to note that New York City operated hospitals have found that since their ambulances have been forbidden to sound their sirens, they have had fewer accidents, although in the case of dire emergency, a police escort plus siren is provided. It is my opinion that this procedure should be followed in other cities. Ironically, no ordinance has been passed in New York City which prohibits private ambulances from creating a din that sometimes gives a visitor the impression that an air raid warning is being sounded.

It is unfortunate that in many communities, a few irresponsible public servants are the cause of considerable noise pollution. Often, members of both the fire and police departments sound their sirens unnecessarily.

City-owned garbage trucks often are the principal source of community noise in the early hours of the morning. Perhaps the ordinary citizen would take more seriously existing anti-noise ordinances which regulate the noise from boisterous parties, loud radios, high fidelity sets, and window-type air conditioners if city governments set better examples in avoiding the generation of needless noise pollution. Law enforcement of anti-noise ordinances can be effective only if the public supports such measures.

Building construction noise

Perhaps the major source of noise pollution in many areas of our cities, other than those related to transportation, are noise sources associated with building construction and street repair—pile drivers, jack hammers, compressors and the like. I am convinced that nothing will be done on a voluntary basis to alleviate the problems that these noise sources create. The only remedy is legislation.

At present, a manufacturer or contractor who is desirous of reducing equipment noise is placed at an economic disadvantage if he installs noise suppression devices, since he must bid competitively against someone else who may not feel that it is important or necessary to spend money for such purposes.

Many responsible people associated with the construction industry believe that such legislation setting the permissible noise output of equipment must and will come. But the problem is not simple. First it is necessary to have an accepted standard method of measurement of the noise output of such equipment; then, second, acceptable limits must be established.

There are many practical problems involved in establishing a standard measuring technique that provides a repeatable answer under different field conditions. For example, the measurements must take into account the reflection of sound from nearby buildings. Also, the effects of noise from other nearby sources must be evaluated.

Thus, the first problem in any legislative program is to establish a meaningful, practical and reliable noise measurement technique for the class of equipment under investigation. After this problem has been resolved, how does one determine what is an acceptable limit for the noise output of a piece of equipment such as an air compressor?

Opinions differ sharply on how to set an acceptable limit for noise produced by construction equipment. But here is a method of approach which I believe is practical. For a given class of equipment, we must review data on the noise output of those pieces of equipment which have incorporated items of noise control such as silencers, noise shields, sound absorptive materials and the like. These pieces of equipment would serve as a guide is establishing the acceptable limits. An even lower level may be highly desirable, but this level can be established at a later date under a fixed schedule. Such a step would be only the first step in a legislative program which is realistic in the sense that it could be met by industry.

A different approach would be to set an arbitrary acceptable limit of noise output for a given class of construction equipment *without* taking into account the lowest levels that can be attained today. But there is a danger that in so doing one would establish limits which are unrealistically low—limits that our present technology would not permit, within practical bounds—in which case the new legislation would probably be ignored.

Noisier cities?

Are communities becoming noisier each year? The answer undoubtedly is *yes*. But, in point of fact, we do not have a valid objective answer to this question because adequate scientific data have not been obtained. Since the noise level at any selected location in a city varies from moment to moment—with the time of day, with the day of the week, and even from season to season—a considerable amount of statistical information is required to obtain an adequate characterization of the noise at only one location in the city. Similar data are required for a larger number of locations. Yet, because of the problems of cost in obtaining such information, sufficient data are not available to indicate how urban environments are changing in noise level. This is one engineering area in which governmental funding of projects both in industry and universities would lead to useful engineering results.

Planning against city noise

In a noisy community environment, important and, it would seem, obvious methods of noise control often are neglected. The lack of adequate zoning regulations around potential sources of noise complaints often results in serious noise problems. For example, undeveloped areas around airports should be zoned so as to exclude specifically land utilization for dwellings.

Recently, in the New York City area, it was decided to construct a school close to a major airport take-off runway. While construction on such a site can be acceptable, the cost will be enormous if adequate noise control is to be achieved. Since there are practical limitations to public spending for such buildings, the possibility of achieving an acceptable construction is insignificant, and the local residents will be left with another public white elephant.

Another method of noise control—locating a building on a site so as to minimize the disturbing effects of noise—often is overlooked. It is hard to understand why a community will locate the classroom building of a school adjacent to an arterial highway and then place the gymnasium playing fields behind the school building in a quiet area—some distance from the highway—instead of vice versa. This is simply a matter of poor planning.

Noise control in multiple dwelling units

Another area of noise control legislation that could improve the life of city dwellers is that of noise insulation of partitions in multiple dwelling structures. A question often asked is why the walls and floors in older apartment houses provide better insulation against airborne sounds than in those built in recent years. The most important factor responsible for poor noise insulation in today's newly erected buildings is the low mass of the partitions. As a result of low mass, the insulation against airborne sound has been poorer because the noise insulation value of a solid homogeneous partition (such as concrete or brick wall) carries directly with its weight per square foot. The reason for this relationship is that sound waves striking a wall actually provide a sufficient force to set the wall in motion. Although the movement of the wall is minute, it is sufficient to produce noise on the opposite side.

The greater the mass per unit area of a wall, the greater its inertia and the less its movement. Even if a noise source of tremendous acoustic power were to generate noise at a frequency corresponding to that at which the wall is mechanically resonant, the vibration of the wall would be so minute that it is highly improbable that the walls would ever come tumbling down, Jericho notwithstanding.

Most sounds of speech and music have frequencies that are much higher than those of the wall's most resonant frequency. Therefore, in theory, the increase in noise insulation should be 6 db. for each doubling of the weight per unit area of the wall. In practice this increase in average insulation value is nearer 4.4 db. per doubling of mass. According to the empirical relationship, which is often referred to as the mass law, a homogeneous partition weighing 10 pounds per square foot has an average noise insulation value of 38 db. If we double the weight per unit area, the noise insulation value increases to 42.4 db.

Most homogeneous walls, regardless of the material of construction, follow this empirical relationship reasonably well. It is well to note, however, that some partitions provide better insulation than the mass law indicates. These are double-wall constructions, or compound wall construction, in which one leaf of the partition is not rigidly connected to the other.

If it were possible to completely isolate two relatively lightweight walls from one another, the average insulation value for the compound structure would be equal to the sum of the values for each of the walls—in contrast to the 4.4 db. increase if we merely double the weight per unit area of the wall.

In practice, mechanical ties, as well as the entrapped air between the two leaves of a partition, provide a mechanical coupling which reduces the theoretically possible value to a much lower value. But, for a given weight, one can obtain higher noise insulation by using a compound partition than by using a single homogeneous partition.

The data on the noise suppression ability for partitions actually cover noise insulation value averages over all frequencies. However, the insulation of a partition is much greater at high frequencies than at low frequencies, primarily because the wall is a mass-controlled system. That is, noise insulation properties of partitions increase more or less uniformly with frequency, the average increase in insulation per doubling of frequency being about 6 db. It is either relatively poor insulation or low frequency—or both—that accounts for the fact that it is often possible to hear the low frequency booming sounds of your next door neighbor's radio, but not the higher frequency sounds. Much useful data are to be found in an FHA Guide prepared by the National Bureau of Standards. Such material should be updated at periodic intervals.

Conclusions

Because a noise-polluted environment has adverse effects on man, it is important that noise control measures be adopted in communities to make them more healthful and pleasanter places in which to work and live. Many of the sources of city noise will be reduced to acceptable limits only if controlled by legislation, as indicated above. Any such anti-noise ordinances must be based on field-measurement techniques which are both practical and reliable; and they must set limits which are realistic. In any case, if a noise-abatement program, based upon these ordinances, is to be successful, it must have the support of the general public.

References

1. Cyril M. Harris, editor, *Handbook of Noise Control*. McGraw-Hill, New York 1957.

2. National Bureau of Standards, *Report BMS 144* (February 1955) and Supplement (February 1956).

Representative Ryan. At this time, I would like to call upon our next witness, Mr. George Diehl, to discuss what has been done in the area of the manufacture of quieter products—specifically construction equipment. Mr. Diehl is the Sound and Vibration Consultant for the Ingersoll-Rand Company. He is a registered engineer; a member of the Acoustical Society of America; a member of the Compressed Air and Gas Institute Noise Coordinating Committee; and the Vice-Chairman of the Hydraulic Institute Committee on Sound Standards.

Mr. Diehl, I would like to welcome you to these ad hoc Congressional hearings on noise pollution. I understand that you have brought a number of slides with you today to illustrate your remarks.

TESTIMONY OF MR. GEORGE DIEHL

Mr. Diehl. Thank you very much, Congressman Ryan. I have brought a number of slides with me. I believe that it may be of use to see some of these products visually. It is often very difficult to conceptualize machinery from a verbal description.

Large portable air compressors produce one of the most objectionable noises on city construction projects. One reason for this is because they are so close to the public. As many as eight or nine of these large compressors may be lined up along the curb, close to the sidewalk, and close to apartments, stores and offices. And they usually remain there for many months.

Slide No. 1: Compressors lined up along curb.

These compressors produce about 110 dBA at a distance of three feet. This is about twice as loud as a subway train roaring into a station.

In the middle of a field, the sound pressure level would decrease six decibels each time the distance from the compressor is doubled, but in large built-up cities this is not so. The sound is reflected back and forth from nearby buildings, and usually decreases very little with distance.

Compressors of this type are heavy duty machines with fairly high horsepower engines, and meant for continuous duty. Consequently a large amount of heat must be dissipated, and each compressor radiates enough to heat about eight average size homes during the winter months. Notice that the side covers are left open, to provide cooling, but this means more noise radiation also.

Slide No. 2: "Whisperized" 900 CFM compressor.

Portable compressors can be quieted. This slide shows how the noisiest portable compressor made by Ingersoll-Rand Company was re-designed and 'whisperized" to reduce its radiated noise from 110 dBA to 85 dBA. Each time 10 dB is subtracted, the loudness is reduced by one half of its previous value. Therefore, in sound control work, a 25 dB reduction is dramatic. The way to verify this is to walk past the unsilenced machine, and then past the quieted one. The "Whisperized" Compressor makes less noise than traffic noise at many street intersections.

Slide No. 3: Octave band sound pressure levels of unsilenced and "whisperized" compressors.

A comparison of the octave band sound pressure levels of the unsilenced compressor and the "Whisperized" one is shown here for measurement distances of one meter and seven meters (that is, about three feet and twenty-three feet). These are the standard test measurement distances for construction equipment.

Slide No. 4: 85 dBA contours of unsilenced and "whisperized" compressors.

The 85 dBA contours of the two compressors show that a listener can be much closer to the "Whisperized" unit than to the unsilenced one without exceeding 85 dBA.

It is important to note that the cost of Sound control increases as the noise is reduced to lower and lower levels. That is, the cost to reduce an original noise of 110 dBA to 105 dBA is much less than the cost to reduce it from 90 dBA to 85 dBA, even though the reduction is 5 dBA in both cases.

Slide No. 5: Paving breaker exhaust muffler.

Another objectionable noise source on construction projects is that produced by paving breakers and rock drills. Usually they are farther away from the public than the compressors, but they still contribute a fair share of the total noise.

The largest component of rock drill or breaker noise is produced by the air exhaust. The next largest component is that produced by the ringing of the steel. We are now working on that problem. All the other sources have been identified too, but it is a fact that even if all could be removed entirely, no detectable reduction in noise could be made unless the exhaust noise were reduced first.

This slide shows one type of paving breaker exhaust muffler which can reduce noise by 8 to 10 dB. Remember that a 10 dB reduction means reducing the loudness by one-half. The muffler weighs only about one pound and projects out about 2½ inches from the side of the tool. It produces no measurable loss of impact power.

Slide No. 6: Muffler air flow diagram.

The air flow diagram for the muffler is shown here. The exhaust makes two reversals in direction, and passes through two expansion chambers before discharging through the proportioned exhaust ports.

Ingersoll-Rand Company thinks that all paving breakers should be muffled, and therefore has decided to include a muffler with each breaker.

Slide No. 7: SB8 paving breaker.

A new type paving breaker has been developed by Ingersoll-Rand Company using a different type impact mechanism. The development of this breaker cost more than three hundred thousand dollars.

This slide shows the appearance of the breaker, and the next slide shows a comparison of the octave band sound pressure levels of the new breaker and a comparable, unmuffled 80 pound class breaker, measured at a distance of 1 meter (3.28 feet).

Slide No. 8: Octave band sound pressure levels of the SB8 paving breaker and a PB8A 80 pound class breaker.

This new breaker not only operates at lower sound level, but produces considerably less vibration and is much easier to hold.

Slide No. 9: URD475 drill.

This slide shows a larger, crawler-mounted drill. It is equipped with a muffler, as shown on the next slide.

Slide No. 10: URD475 muffler.

The muffler is shown here mounted at the top of the drill tower. The rather unique muffler, developed by Ingersoll-Rand Company several years ago, not only reduces the exhaust noise, but moves it up and away from workmen and other people near the drill. The exhaust is carried up through the channels of the tower, and then through the internal chambers of the muffler.

Slide No. 11: Hobgoblin.

This slide shows a hydraulically operated Hobgoblin. It is a backhoe-mounted demolition tool that can do the work of at least ten 80 pound class paving breakers, and produces substantially less noise. There is no air exhaust, and therefore the major noise source has been eliminated.

Slide No. 12: Octave band sound pressure levels of the Hobgoblin, compared to ten 80 pound class paving breakers.

Sound levels were measured at the standard 7 meter distance (23 feet). The dotted curve is a calculated one showing the sound pressure levels of ten 80 pound class paving breakers. This is a conservative estimate since on many tests the Hobgoblin can outperform a lot more than ten heavy duty paving breakers. In fact, on some jobs it can do the work of twenty-four.

These slides represent some of the efforts being directed toward the reduction of construction equipment noise. In the past several years, Ingersoll-Rand Company has spent over two million dollars in the development of quieter equipment. And during the past year a series of lectures were given to Ingersoll-Rand Company design engineers which we called THINK "QUIET". The objective of these lectures was to attack noise at its source—during the design stage. We think that if enough design engineers constantly keep sound control principles in mind, then products are bound to come out quieter.

We do not subscribe to the theory that progress must be accompanied by an increase in noise, and we welcome the opportunity to work with you to prove that.

Representative Ryan. Thank you, Mr. Diehl. Is the Whispering compressor now on the market?

Mr. Diehl. Yes, sir, it is.

Representative Ryan. What kind of response have you had to it?

Mr. Diehl. There has been a fairly good response, although not as large as we thought there would be.

Representative Ryan. Could you tell us the differences in sales between the standard compressor and the whisperized one?

Mr. Diehl. I do not know in terms of total sales, but the whisperized compressors—which we showed here—are a very small proportion of our total sales of all compressors.

Representative Ryan. What needs to be done to make the quieter models more acceptable to the purchaser?

Mr. Diehl. I think it is a matter of cost. Contractors don't buy the whisperized model because its cost puts them at a disadvantage.

Representative Ryan. How much does it cost?

Mr. Diehl. About 25 to 30% more than the standard model, but that figure is being worked on.

Representative Ryan. Does that cost increase hold true for the paving-breaker as well?

Mr. Diehl. No. The paving-breaker's mufflers are 10% or less of the cost of the breaker.

Representative Ryan. What about sales of the paving-breaker? Is that being mass produced also?

Mr. Diehl. Yes, we are going to include the muffler on every paving-breaker, from now on.

Representative Ryan. As part of the cost or extra?

Mr. Diehl. I believe that it will be included at no extra cost.

Representative Ryan. What kind of response have you had to the paving-breaker with muffler?

Mr. Diehl. Good. A very good response.

Representative Ryan. Have contractors been willing to buy them?

Mr. Diehl. A lot of them have, yes. At first people thought that mufflers would cause a deterioration of the working ability of the tool, but that is not so. A number of years ago, when we first introduced the muffler, the workers would take them off, believing they could increase the production. But they do not decrease the performance.

Representative Ryan. But they are using them now?

Mr. Diehl. Yes. It is rather similar to the story about ear muffs. A number of years ago, workers wouldn't wear ear muffs, but now they are all using them.

Representative Ryan. You spoke of the new paving-breaker being quieter, does it also have less vibration?

Mr. Diehl. Yes.

Representative Ryan. Does less vibration extend the life of the machine?

Mr. Diehl. I do not think it will extend the life of the tool, but it makes the holding ability much greater for the operator. It is a harder hitting tool and he can do more work with it in a short period of time because of the holding ability.

Representative Ryan. I would like to commend you and the Ingersoll-Rand for its efforts in this area and would hope that contractors would utilize this quiet equipment. If standards were set that necessitated the use of these products, do you think it would increase the acceptance of them?

Mr. Diehl. I am sure it would.

Representative Ryan. Do you have any suggestions at what level these standards should be?

Mr. Diehl We have designed for 85 dB (A). We thought this would be about acceptable, although for community response it should be still lower. Right now, 85 dB(A) is below most traffic noise, so there wouldn't be too much point in going below that, adding to the costs. As the ambient noises come down, we can make quieter compressors, too.

Representative Ryan. How much further down can you go and what is the cost involved?

Mr. Diehl. We believe that we can design compressors to meet whatever ambient noise is there. But it would be a matter of cost and acceptability. But as you drop those levels lower and lower, the costs go higher and higher.

Representative Ryan. Thank you, I think your testimony was most helpful and added another dimension to our hearings.

Representative Ryan. Our next witness is Mr. Tony Crimmins, Vice President and Treasurer responsible for equipment, industrial safety, and finance of the Thomas Crimmins Contracting Company. This company has engaged in performing heavy construction for building foundations, subways, and street utilities in the New York Metropolitan area since 1847.

Mr. Crimmins, we are particularly pleased that you are able to be here with us this afternoon. As you are well aware, construction noise is one of the most frequently mentioned causes of unwanted noise. We are very happy that you have agreed to appear and explain what the construction industry is doing in terms of noise control and what the hinderances are.

STATEMENT OF MR. TONY CRIMMINS

Mr. Crimmins. Thank you very much, Congressman Ryan. I am very pleased to be here.

This presentation is given by an individual performing heavy or below ground construction in urban areas. I make no reference to building above ground level or rural areas.

Noise is costly to a contractor. Why has not more been done by the contracting industry to reduce noise?

Three reasons

Inertia.

Cost Competition—Why should one contractor pay more to reduce noise when his competition doesn't? The lowest bid still gets the job.

Lack of Means—Until recently few tools have been available that were practical and reduced noise. They cost more.

There are 2 types of noise in construction.

1. The noise of the work, or impact noise.
2. The noise of the tools and equipment that perform the work.

A Look at the Sources of Construction Noise.

The noise of the work comes from the necessary activities required to perform the job.

1. Blasting—brief, loud, not frequent, up 1 per hour.
2. Pile Driving—Rythmic, not as loud as blasting, lasts all day. Combines with tool noise. Difficult to mask.
3. Bullpoint or Drill steel striking rock or concrete.
4. Material dumping into and out of carrier bodies.
5. Saw blade passing thru material.
6. Materials banging together during placement.

Comment. A little can be done to muffle these, as some expense. Limiting of hours of work only extends noise exposure and is very expensive. Alternate more quiet methods will help in some few cases where natural conditions are suitable, very risky to specify—possibly very costly.

The Noise of the tools and equipment comes from the operation of products made by manufacturers for the construction industry.

A. Air Compressors.

B. Pneumatic tools, track drills, Paving Breakers, Jack Hammers.

C. Motor shovels and cranes.

D. Trucks, dump, ready-mix concrete.

E. Small power units—welding machines, generators.

F. Chain and circular saws.

G. Pumps.

Comment. A great deal can be done to muffle or reduce motor, mechanical, and pneumatic noise. Construction needs products from manufacturers. Contractors are limited in ability to modify tools themselves. Costs are lowest in this area.

What levels of noise in construction.

1. A few noise level readings have been made by contractors in different areas.

A. Blast noises are related to explosives per delay or detonation. DBA levels have been read as high as 170 close to detonation. This sound occurs in less than 1 second and disperses with distance and insulation between blast and reading.

B. Many outside non-construction noises are higher than the construction noise, such as traffic. Some construction noise has unpleasant rhythm—pile driving or frequency—chain saw.

C. Contractors have made minor changes to effect noise quality on request. (i.e.—Stop blowing the blast whistle, move equipment, muffle tools to screen high pitched sounds. Stop work for brief periods on request.)

What can be done about noise?

A. Pile driving by vibration vs. impact—possible in very few cases.

B. Melting rock, hydraulic drilling, hydraulic wedging of rock, lasers vs. chipping and blasting—very costly, not often practical.

C. Tunnel moles vs. drilling and blasting—suitable only in right ground.

D. Premade systems vs. banging together other materials. Good if economic.

Comments: not suitable to all cases, may be prohibitively expensive, technology may improve suitably. If it works better contractors will use it for economics.

The noise of tools and equipment improvement.

A. Manufacturers will hopefully redesign equipment to reduce noise (i.e.-I.R. air compressor). Manufacturer must consider all noises produced, loss or gain of weight and effect of muffler on efficiency.

B. Pneumatic tool mufflers—various effects not yet satisfactory in my opinion.

C. Motor mufflers—some effectiveness, manufacturers not sufficiently interested as yet. Some problem with back pressure, some cases little room to fit.

D. Housings—Job built for stationary equipment. Work well has problems of venting heat and fumes, require light and limit mobility of equipment.

How costly is noise reduction?

It depends on how you go about it—

The most expensive is to not work at all. No mass transit, housing, environmental facilities.

The next most expensive is to limit the hours of work which is going on now.

A. This has 2 effects. The facility is delivered later which has its own cost, plus it costs more to deliver it.

1. A five year job at 24 hrs. day, 5 days a week costs ½ of the same job done 8 hrs. day, 5 days a week in 15 years, and the facility is delivered 10 yrs. later!

1. Purchase of new, quieter equipment vs. use of currently owned standard equipment would increase cost of work 5% for a one year job, less for longer, more for shorter. Will someone pay the cost?

2. Example new I.R. Whisperized costs $50,000 vs. 2 years old I.R. same model good condition sells for $25,000.

3. The smaller the tool and the shorter its life, the less increase in cost to re-equip.

What legislation, codes to control noise?

To rule noise you must be able to measure—

Point of measure.

Mix with other noise.

Duration of noise.

Time of day, locations.

Walsh-Healy Act—known law.

Proposed Rule Board of Standards and Appeals No. 49, State of New York Dept. of Labor.

Comment: Both laws provide standards for work location, are logical, and provide for ear protection if DB's too high, not practical for the public.

N.Y.C. working on code—should consult with the construction industry and all other identified noise makers including NYC itself.

Currently law is made by pressure, rulings by City Authority, Public Contract Administrators, contractor does not know how to bid.

Mt. Sinai Hospital example—60 DBA any room windows specified open.

Possible Federal and State spur law to require manufacturers to specify his noise level of tools and equipment for sale. Contractor doesn't know how much noise when he buys his equipment.

Possible variable limits written into Public Contracts and building codes to meet variable needs of areas, jobs. More research is required before this can be done with intelligence. Need co-operation of manufacturers, construction Industry.

Representative Ryan. Thank you very much Mr. Crimmins. How often do you generally have to replace machinery.

Mr. Crimmins. The average Internal Revenue life is four to five years. But it is variable to the size of the equipment.

Representative Ryan. I assume that during the life of your company that you have had to change equipment as safety and health standards were developed, is that true?

Mr. Crimmins. I am sure that is true. Nothing comes to mind offhand, except having to get rid of the horses for health considerations. Some equipment has been changed because of fire codes.

Representative RYAN. My question is what differentiates this change for noise considerations from other health and safety considerations? If standards were passed, how much of an inconvenience would it be and how much lead time would you need?

Mr. CRIMMINS. In some cases, it would not be a problem. We could get paid for it. If a specification is in a contract to use a certain kind of equipment, it is an item of the bid just like any other material to be used on the job. It can have a good effect because when I finish the job I still have the machine, but in a blanket basis where nobody is willing to pick up the additional cost or share it, to take all the items off the shelf or street would cause some economic hardship.

Representative RYAN. The real drawback then is cost competitiveness?

Mr. CRIMMINS. It is if you are satisfied with the means available for abating noise. I'm not sure that I am when you get complaints about blasting, for instance. If blasting has to meet a certain decibel standard, I do not think we have the technology available.

Going back to your earlier question, the necessary lead time would have to vary on certain factors, but about six months to a year. If changes are required in bid specifications, it would be immediate when the job starts. In an ongoing situation, it would take whatever time needed to change equipment—if that was all that was required.

Representative RYAN. You have purchased whisperized compressors?

Mr. CRIMMINS. Yes, five of them. We did as a matter of bid specifications, and I might add that not only as quiet as Mr. Diehl said but the Ingersoll-Rand Company took the effort to build a better compressor as well. Now this has a salutory effect on sales: everyone wants a better machine.

I am deriving other benefits from these compressors now. For instance, we are now working on a project for the MTA and our hours are relatively extended in a half-commercial, half-residential area. Our relationship with the people in the surrounding area is improved because of the quiet nature of these compressors.

Representative RYAN. Thank you very much, Mr. Crimmins. Our next witness is the President of United Acoustics Consultants, Mr. Stannard M. Potter. Mr. Potter was a member of the Mayor's Task Force on Noise Control. He is also a member of the Acoustical Society of America; the American Institute of Aeronautics and Astronautics; and the Institute of Electrical and Electronic Engineers. Mr. Potter has been a guest lecturer at the Universities of Michigan, Wisconsin, South Carolina, and Hartford.

Mr. Potter, we are very happy to have you with us, this afternoon.

TESTIMONY OF MR. STANNARD M. POTTER

Mr. POTTER. Thank you, Congressman Ryan.

One issue that may not have been touched on quite as much as the others is that of the organization of noise control. I would like to suggest that you turn to page 8 in the Mayor's Task Force brochure which I believe you have in front of you. On the left hand side there is a chart labelled "a noise reduction system."

When the Mayor's Task Force was formed we agreed to participate, providing this was intended to be a long term effort, and indeed it has turned out to be that for New York City has the distinction of being the first city that I know of in the United States to have a duly authorized Office of Noise Abatement staffed by an individual that does know something about noise. Now this is a very unique matter. Even at the Federal level where a good Congress has authorized a 30 million dollar expenditure to set up an office within the Environmental Protection Agency there is neither any money appropriated nor is there any personnel to do the work. What we need at the Federal level is something that New York City has, an Environmental Protection Administration . . . a level which in itself would not be subservient to any particular industry and respond only to its major task: that of protecting our environment so that we as humans can go about our business of living in a harmonious community.

This chart presumably puts each one of us in a particular box to see where we can make contributions. At the top of the chart is "Noise" and at the bottom of the chart "Toward a Quieter City." Now between these two boxes we have on the left concern of the public, private and government. Now, those are the three basic sectors to which we have to get input before anything substantial is done. Then the minute you have this concern from these three different groups put into a common problem, before anything substantial is done, one needs money. And, so we have a little side injection into this chart called finance. Usually nothing much happens beyond this point except a lot of talk, unless there is substantial funding to do this. After we get money then we have to compile information because as you heard today nobody agrees with anybody on the subject on noise. "The thing that really bothers me is that airconditioner that was put up right behind the federal building and it just rattles around in my backyard and I tell you that's the most important noise there is." Well, there are others that might not agree with that, as Congressman Rosenthal pointed out the problem of aircraft noise . . . and contractor, Mr. Crimmins, who somewhat guardedly commented deplored the traffic noise out there is so loud he can hardly instruct his men to turn his machines off. There are a lots of different noises and we have to agree on a set of priorities as to what is significant and what is not significant as far as the group of population is concerned. To do this we have to have input from the scientific, the medical, the engineering, economic, legal and political areas. All of those have to have their day in court and be there and contribute to this information pool. Out of this pool comes the standard to which you heard reference so many times today. Now what is a standard? I was very pleased to hear Mr. Crimmins get down to some of the details that should be in a good standard, yet all too often are missing in the legislative attempt.

There is a need for interchange and that takes a lot of time. You have to educate people, they have to educate you then you both go talk to the manufacturer, he talks to his boss, they talk to the Federal government and gradually out of this chaos of political pulling and economic tugging comes standards. It is just like when I first talked to the contractors on the street, I was told that it was easier to go to City Hall and talk to a few people than it was to really do something about the noise, so I said what if there were a nice quite aircompressor and he said, well, sure, any compressor, any quiet machines are allright with me so long as my competitors have to do the same thing. And this was some grass roots type of thinking that goes on.

First you have to have two keys to make this work—either profit, or better performance. Now either of those two things would get us quiet. One area in which we got unanimity and cooperation from the Sanitation Department on quieter garbage trucks was in regard to the PTO—Power Take Off, a very troublesome piece of machinery. In fact, it causes so much trouble they had to build a large facility in Queens to maintain trucks that were on the books when Mayor Lindsay came to office. So much time was spent maintaining the trucks, that they were seldom available for garbage collections. Mr. Cousins and others wanted cleaner air, and one of the ways to get cleaner air was to shut down the incinerator. This means you are going to have more garbage to collect and, therefore, you need better compaction and more modern tools to do it with. So we set out to revitalize the fleet of garbage trucks. If you are going to purchase new garbage trucks, why not quiet garbage trucks. That was my goal. I found the Sanitation Department was less reluctant in the area of the PTO. However, if they could get rid of the PTO, they'd get on our team for this noise thing. That would mean less maintenance for them and they could collect the garbage better. Now incidentally, in the process of getting rid of the PTO, that meant that we had to put this quiet, new hydraulic pump up in the front of the engine compartment and that meant that you could also get rid of the hydraulic pump that is normally used for power steering and other things. So, we not only improved the maintenance picture but we also made this pump do two other jobs we wanted to pay for anyway. That is the kind of thing that really generates enthusiasm.

But although the first unit had tested out beautifully in many other industries and we knew the pump was a good pump, it did not stand the kind of service that was demanded of it and it broke down a couple of times. And immediately with the onrush of increasing amounts of material to be hauled away because of the air pollution interests, the City couldn't take the risk of trying something experimental at this stage. And today, the best I know, we still only have the ten experimental trucks purchased by the Environmental Protection Administrator. Well, this is all by way of saying that noise control requires all of these different inputs—it requires the profit motive, it requires the performance incentive, and then gradually you'll get progress.

There are two basic roots you go from standards to a quieter city. One is through purchase specifications, as Congressman Ryan recognized in his opening statement. The Federal Government is a very large procurer and perhaps it could start the ball rolling by insisting that noise specifications be included in all government purchases. This would have the effect that any manufacturer who wanted to do business with the Federal Government would have to provide the information with somebody like Mr. Crimmins. Mr. Crimmins can't issue a demand to all the manufacturers, he is just not that big. But, he could make educated choices if the information were provided. And I think his suggestion to Congressman Ryan that the Federal Government insist on specifications not only on their purchases, which is probably the most effective way, but also that the manufacturer of the machine must include in his performance description the amount of noise that the machine makes is an excellent one. What terms does he put this in? Well, we get involved with a lot of terminology and that is why we have to get this scientific and engineering group into the act because you measure decibels in many different ways. But probably the most effective and most agreed upon unit today is decibels on the A weighted network known as dB(A). And if we had at least that information at various distances or perhaps just one distance around the machine, it would be very useful. In another box we have retrofit programs and that probably is the biggest nut for us to handle, because nobody who has already invested money in his machinery wants to go through a retrofit—we have seen this in the aircraft case.

Perhaps purchase specifications are not the only route. We need to take one of two other routes that I'd like to talk about briefly.

First is the regulatory route. Now I have in this first box regulations, which is Congressman Ryan's job. He is the one, as a

Congressman, that makes sure there is an entity in the Executive Branch that has this responsibility to regulate noise. He puts up the money, and uses certain pressures to make sure they use it effectively.

Let us assume that we now have a law. A machine is built that doesn't meet the standards. Then whose job is it to proceed to the next step? There has to be a contest and that is why we have the courts.

So we have come two of these routes. One is through purchase specifications, the other is through regulation and court test. But there is a third way, and this third way is particularly effective with "people noise." This approach is personal pressure, using the opinions of the public to affect people's habits. For instance, the other day I saw a cab driver blowing his horn in a traffic jam. So I went up to him, leaned on the window, and asked him if he thought he was going to get out of there any quicker by blowing his horn. We talked for just a minute, and he became conscious of the fact that blowing his horn was not only useless but also very annoying.

So I submit in review the three routes through which we can control noise: purchase specification, regulation, and public opinion.

Representative Ryan. I would like to thank you very much for your presentation. I would like to call upon our final witness of the afternoon, Dr. Phyllis Gildston, Associate Professor of Speech Pathology and Audiology and Brooklyn College (CUNY). Dr. Gildston is a member of the Acoustical Society of America; the New York Academy of Sciences; and the American Association for the Advancement of Science. She is the Chairman of the Sub-Committee on Noise of the Scientists' Committee for Public Information.

Dr. Gildston, I would like to welcome you to these ad hoc Congressional hearings.

Dr. Gildston. Thank you, Congressman Ryan. I understand that you have to leave shortly so I will try to summarize as rapidly as possible.

The first thing that I would like to speak about is the concept of adaptation. I believe that there is a fundamental philosophical difference between the concept as discussed by Dr. Sullivan and that discussed by Robert Alex Baron. When a woman is pregnant and is a heroine addict, she then has a child that in a sense adapts to the state of the mother. That is, that child is more prone to becoming a heroin addict than a child born of a mother who is not a heroin addict.

To give you another example, we have a species that grows in the desert called cactus. That again is an adaptation to a situation where there is inadequate water supply for normal vegetation to grow.

There has to be some point which you reach where there is philosophic difference between what you call adaptation and what you call defective mutation.

I would like to speak about two things related to noise? In one sense they are both adaptations. The first is something we call temporary threshold shift. This is a change in the level of hearing, which to the layman would be equivalent to not hearing as well at the end of the day after working in a noisy environment. It is called temporary because after the ear is given some time to rest, the threshold shift will move back to normal. In a sense this is an adaptation. It is an adaptation to noise. We do not completely understand all the physiological implications, but it is probably a result of fatigue to the muscles of the ear which can no longer keep protecting the individual as they did initially.

Also, in a sense, noise-induced hearing loss is an adaptation. It is an adaptation to a noisy environment.

I would like to address myself to the point raised by Dr. Rosen in his many trips to the Sudan and other primitive areas where he found tribes with hearing much, much superior at older ages than we reach. Dr. Sullivan indicated that perhaps one reason was not that there was less noise or less stress but perhaps there was a genetic reason for very good hearing because they had to be able to hear the animal in the bush. I would like to pose what I feel is an inconsistency in that suggestion of why that tribe has better hearing with something Dr. Sullivan said earlier. He said that he did not think that stressful reactions to noise were maladaptive, because they were a protective mechanism. That is true, it is probably not maladaptive, it does protect your organism as a fear reaction would. But that does not say that having to adapt in that way over and over and over again for an extended period and with very high intensity, does not have an eventual effect. That is to say, a non-auditory effect of noise. And perhaps, if you look at it this way, you can see why we have had so much trouble with prespicusis, loss of hearing in the high frequencies with age. And for a long time we thought this was normal. We now find that perhaps this is an adaptation, too, to a very noisy, stressful environment. But the tribes in Africa are not without stress, they have their own stresses such as not knowing from where their next meal is coming, or whether that animal in the brush will actually get them. There is stress equivalence from society to society, although I must admit that the ticker-tape here is probably a greater stress. In any case, we do have a difference in the aging process and the loss of hearing from culture to culture. And the most interesting thing is how scientists themselves change their minds about things.

For a long time the studies of prespicusis showed a difference between males and females, with the females showing the superior hearing with age. Recent studies have shown that this is not because of female superiority at all but the fact that males are prone to work and have recreation in environments that are much noisier. In the temporary threshold shift there is no difference between the sexes. So we may be talking about auditory and nonauditory adaptations that are not good adaptations but poor mutations.

One other point that I do not believe should be overlooked that that is standards. The question raised earlier was "What is the right and proper standard?" A 90 decibel standard will leave out 15 to 20% of the population that we know will sustain a hearing loss. But we often forget is that there will be loss of hearing above two thousand cycles. If you were to sustain a hearing loss in the higher frequencies, you would not hear me say any of my "s" sounds if they were soft enough. Thus, you have the problem of intelligibility which Dr. Sullivan mentioned, which is jeopardized at this 90 dB(A) level, even at the 85 level you are running a risk.

A point that was not mentioned was susceptibility to noise. It is true we have to make some kind of compromise economically, but there are people who are highly susceptible to noise and you should have in legislation some kind of regulation to protect these people. In other words we must have hearing conservation programs even if we do have standards of overall dB(A) levels, so we can ascertain who those susceptible people are. To that I would just like to say that we can predict with some degree of accuracy from temporary threshold shift permanent threshold shift. That prediction is not definitive or conclusive. But, Ward in a recent article stated that if you have a choice between predicting from temporary threshold shift or not predicting at all, it was best to use TTS. The second point is why not take the point of view that anything that is noxious, and we know noise is, is guilty before proven innocent.

I would like to end with a piece of "oddball" information that I think might stick with you. In a recent experiment, they subjected tobacco leaves to 100 decibels of noise for a prolonged period of time and found that they retarded to growth rate of tobacco leaves 40%.

Representative Ryan. I want to thank you, Dr. Gildston, and all of the witnesses who participated today. I personally believe that this was one of the most beneficial hearings that I have attended. I am confident that the information you have provided today will be a solid foundation for government action to combat the menace of noise pollution. Thank you.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Miller) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. In 1968, the number of copyrights on books, periodicals, maps, photographs, and works of art or designs was 303,451 for the year. This figure represents an increase of nearly 100,000 copyrights recorded in these same categories in 1950.

THE ELECTRIC POWER SUPPLY AND ENVIRONMENTAL PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Macdonald) is recognized for 30 minutes.

Mr. MACDONALD of Massachusetts. Mr. Speaker, I am introducing today legislation which I believe will go a long way toward providing us with some of the elusive answers regarding our present power reliability and power adequacy problems. This measure is the Electric Power Supply and Environmental Protection Act.

Before I describe briefly what this bill would accomplish, I would like to call the attention of my colleagues to the gravity of the existing problems.

In the past we thought of power problems as being particularly acute during the summer, but this past winter we found out otherwise. Voltage reductions and brownouts were common, and blackouts reoccurred although not with the severity of the Northeast blackout of 1965. On February 7, parts of midtown Manhattan lost all electrical power. Television stations went off the air, subways ground to a halt, and thousands were temporarily without heat and light.

Two weeks later a half million people in Massachusetts and Rhode Island lost all electrical power in another blackout. All up and down the east coast the threat of power loss is now clearly a year round problem.

I am especially distressed by a report released recently by the Federal Power Commission which forecasts another long hot summer for the power industry complete with more brownouts and possibly even major blackouts.

This is not news to me although it might be to the Chairman of the Commission, John Nassikas. In May of last year, in hearings before the Subcommittee on Communications and Power of which I am chairman, Mr. Nassikas was asked about the need for Federal legislation to alleviate the power crisis. He responded by saying that he was opposed to any legislation because he did not think it was necessary. He said:

> I believe the problems can be worked out on a voluntary basis between industry, the Commission and the state agencies.

When pressed further as to whether he would recommend that the President veto any legislation which Congress might enact along these lines, Mr. Nassikas responded directly and to the point—"Yes, I would."

However, I might point out that there is sincere concern at the FPC over this problem, and I have been contacted directly by two Commissioners with legislative proposals of their own. At the request of Commissioner Lawrence J. O'Connor and Commissioner John A. Carver, I have also introduced their separate suggestions as to how we should best approach the solution of our current power dilemma.

After 2 years of inaction the administration has sent to Congress its major power legislation dealing with an especially important and critical concern that of powerplant siting. It is interesting to note that this proposal has come from the Office of Science and Technology and not from the FPC.

It is as an alternative to this measure that I offer the bill today.

I would now like to outline the substance of the legislation which will be the focal point for hearings in the very near future before our subcommittee. This bill provides for prompt and fair arbitration of disputes concerning proposed powerplant and high-voltage transmission-line projects. An arbitration panel will be brought in to decide on the best alternatives for bulk-power facilities at the request of the power companies if projects remain snarled in redtape after attempts have been made to gain approval of all Federal, State, and local jurisdictions.

To qualify for a decision under this arbitration procedure, power companies will be required to make advance disclosure of their proposals, including details on exact sites and possible alternatives.

Under this plan, one arbitrator will be chosen by the Chairman of the Federal Power Commission, and one by the Chairman of the Environmental Quality Council. These two arbitrators will then choose a third member. In the absence of agreement, the president of the National Academy of Sciences will choose the third arbitrator.

In addition to making early disclosure of their plans, individual power companies will jointly participate in long-range regional planning of needed facilities. All proposals will be made available for study by governmental agencies at all levels and by private groups concerned with environmental protection.

At every step of the procedure, possible alternatives to projects will be developed and examined. A final decision by the arbitration panel on the alternative that best balances consumers' need for electric power with the need for environmental protection and conservation, will allow construction and conservation, will allow construction to go forward promptly. After this arbitration, companies will be authorized to acquire the needed land, using, if necessary, the Federal power of eminent domain in the public interest.

The arbitration panel's choice of alternatives will be final, subject to possible appeal to the Federal Appeals Court.

It is my belief that we in Congress must not delay any longer positive and meaningful action to head off this worsening crisis. Adoption of this legislation would, I feel, go a long way toward solving some of the power problems which plague our country today.

Legislation cannot cure the short-range problems which will undoubtedly result in more blackouts and brownouts in the coming summer, but the complicated long-range problems obviously require legislation. These problems include the consideration of power adequacy which challenges us to provide even adequate sources of power in some regions, let alone build the necessary reserves. We also must consider power reliability in light of the special problems encountered in the Northeast and centered around the failure of the "Big Allis" generator in New York. Environmental protection must be a major concern and will necessitate the availability of more low sulfur fuels.

Add to this list, the problems of inadequate technology as shown in the lag in development of atomic plants, inadequate long-range regional and nationwide industry planning, and inadequate Government regulation which has been a cause for unnecessary delays.

Congress will have to act during this session on several aspects of the entire energy picture in this country. We will have to consider legislation such as I am introducing today to deal with the selection of new powerplant sites and selection of the technology to be employed while giving proper consideration to protecting the environment. We must consider ways to create greater incentives for the discovery of new energy sources. And we must consider legislation dealing with the importation of petroleum which would remedy the inequities in the present quota system that discriminate against regions such as my native New England.

I offer the Electric Power Supply and Environmental Protection Act as an approach to one aspect of our energy problem, and I ask for the support of my colleagues in this undertaking.

I would like to include in the RECORD at this point some recent newspaper articles which relate to my concern and which, I hope, my colleagues will find useful.

[From the Boston Herald-Traveler, Feb. 4, 1971]

19 SHORTAGES STRUCK NORTHEAST IN 21 DAYS: POWER CUTBACKS HIT 50 MILLION

(By Jean Heller)

WASHINGTON (AP).—In an unprecedented crisis of wintertime electric power supplies, the northern United States has been hit by 19 voltage reductions in 21 days—and officials say more could yet come.

According to Federal Power Commisson data the crisis began in New England on Jan. 14 and mushroomed until it reached as far south as Virginia and as far west as Chicago.

The trouble struck eight times in the power pool serving all New England, seven times in the New York State power pool, three times in the PJM interchange serving Pennsylvania, New Jersey, Delaware, Maryland, Virginia and the District of Columbia and once at the Commonwealth Edison Co., the electric utility serving Chicago and parts of northern Illinois.

The electric utility companies involved in the power reductions serve 17 million customers. Since one customer—like a large apartment building—may house several hundred people, the cutbacks have involved upwards of 50 million people.

The power shortages generally are blamed on two factors—generating equipment failures which have plagued electric utilities for the past five years; and unusually cold weather which put heavier than usual demands on the generating facilities remaining in operation.

To date, voltage reductions have been held to a maximum of 5 per cent so most electricity users have not felt the pinch beyond voluntary compliance with utility company requests to go easy on the use of electric appliances.

The exception was New York City where, on Tuesday, heat was shut off on subway trains for six hours and escalators were shut down in some parts of the city to preserve power.

The first noticeable change for electricity users comes with a voltage reduction of 8 per cent, generally the next step after a 5 per cent cut. At that point, lights may dim perceptibly and heating and air conditioning units work less efficiently.

Reductions beyond 8 per cent are not possible since electric motors could be damaged. The step after an 8 per cent cut is brief, deliberate blackouts of selected areas. Such blackouts were imposed during last summer's East Coast power crisis, and more may be in store this summer, possibly in the same areas suffering through this winter.

[From the Washington Post, Feb. 8, 1971]

POWER BLACKOUT HITS NEW YORK

NEW YORK, Feb. 7.—A power failure, apparently caused by an explosion in a utility plant, blacked out parts of midtown Manhattan and two other of the city's five boroughs tonight and knocked some local radio and television stations off the air.

A spokesman for Consolidated Edison Co., the area's major utility, said the trouble apparently was touched off by an explosion in an East Side power plant. Cause of the explosion was not known.

Police said parts of the Bronx, Queens and Manhattan were blacked out.

Loss of power at the Empire State Building knocked out local broadcasting. Spokesmen for the television networks, however, said network programming was continuing. Network shows are carried to local affiliates over leased telephone wires.

Some subway trains were slowed when signals were affected. The trains themselves run on direct current and were not without power.

Proprietors of many bars and restaurants asked patrons to finish drinks and meals and leave the darkened establishments. Some customers lost their orders in the confusion.

Special fire apparatus was sent to Grand Central Terminal to provide lighting for the station.

Power was restored to the Empire State Building at 9:40 p.m. and radio and television stations using its tower resumed broadcasts.

Shortly after the blackout began at 7 p.m., an anonymous telephone caller told the Associated Press, "We knocked out the TV in New York. Next will be City Hall." However, there was no immediate indication of sabotage.

The reduction caused traffic lights on some Manhattan streets to stay either red or green. Civilians directed traffic at some intersections, and traffic jams developed at the more heavily traveled intersections.

Lights dimmed in fashionable East side apartment houses, as did street lights on the avenues below. Neon signs in the area's many discotheques and night clubs flickered, dimmed and sometimes died.

The fabled "Great White Way" of Broadway in the Times Square area was partially blacked out, gaudy elaborate advertising signs dimmed and theatre marques unlit.

Some elevators were out of service.

A spokesman for the New York Telephone Co., said the utility was forced to switch to its own emergency power system, using batteries and a diesel generator. But the spokesman said the only basic effect of the power problem was slow dial tones.

On the evening of Nov. 9, 1965, a massive failure triggered by a fouled switch threw New York City and 80,000 square miles surrounding it into darkness for 10 hours. About 30 million people in eight northeastern states and Canada were affected.

President Lyndon B. Johnson ordered an investigation and the Federal Power Commission reported nearly a month later that the blackout began when a incorrectly thrown switch cut power at a relay station in Canada. When other power producers tried to make up the deficiency, they became overloaded.

[From the Washington Post, Feb. 23, 1971]

Summer Electrity Cuts Seen

Another summer of electrical power cutbacks may be in store for residents of the Washington Metropolitan area and other parts of the country, according to a pessimistic Federal Power Commission staff report released yesterday.

Some areas of the country may experience "tight power supply problems" during the coming summer as a result of inadequate installed capacity to meet forecasted summer peak loads, the staff analysis concluded.

"The shortage of capacity is due primarily to delays being experienced in placing new generating facilities in service, the FPC staff said. Their analysis was based on reports filed with the FPC by the nation's major electric utility systems and pools on generating capacity to be in service by May 31.

Although, the amount of spare generating capacity a system should have in reserve to be used in emergencies varies from system to system, the FPC staff analysis considered a reserve capacity of 20 per cent of expected peak load demands necessary.

Only the West, with a reserve capacity of 21.6 per cent, met the FPC staff test.

The power grid which includes the Washington area—the Pennsylvania-New Jersey-Maryland Interconnection—rated a reserve capacity of 15.4 per cent.

Other regions and their reserve capacities are:

	Percent
Northeast	19.1
East Central	13.9
Southeast	12.1
West Central	15.4
South Central	15.1

CONGRESSIONAL BLACK CAUCUS' RECOMMENDATIONS TO PRESIDENT NIXON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Diggs) is recognized for 60 minutes.

Mr. DIGGS. Mr. Speaker, on March 25, 1971, the 13-member congressional black caucus submitted to the President its recommendations for action in the areas of economic security and development, community and urban development, justice and civil rights, and foreign policy.

The issues and concerns of this caucus are not partisan ones. We are including these recommendations in the Record to bring them to the attention of the leadership of both parties in the Congress and the public at large.

The Members of the congressional black caucus are: Charles C. Diggs, Jr., of Michigan, chairman; Augustus F. Hawkins of California, vice chairman; Charles B. Rangel of New York, secretary; Shirley Chisholm of New York; William L. Clay of Missouri; Louis Stokes of Ohio; George W. Collins of Illinois; John Conyers, Jr., of Michigan; Ronald V. Dellums of California; Ralph H. Metcalfe of Illinois; Parren Mitchell of Maryland; Robert N. C. Nix of Pennsylvania; and the Reverend Walter Fauntroy, Delegate-Elect of Washington, D.C.

Statement to the President of the United States by the Congressional Black Caucus, U.S. House of Representatives, March 25, 1971

PART I. OPENING STATEMENT

We sought this meeting, Mr. President, out of a deep conviction that large numbers of citizens are being subjected to intense hardship, are denied their basic rights, and are suffering irreparable harm as a result of current policies.

As you may know, all of us were elected by substantial majorities. We were given clear and unmistakable mandates to articulate the problems of our constituents and to work for prompt and effective solutions to them. Most of the districts that we represent are predominantly black, though our constituencies also include whites, Spanish-speaking, Indians, Japanese-Americans, and Chinese-Americans, some suburbanites as well as residents of the central cities, poor, middle income, and even some well-to-do Americans.

But our concerns and obligations as Members of Congress do not stop at the boundaries of our districts; our concerns are national and international in scope. We are petitioned daily by citizens living hundreds of miles from our districts who look on us as Congressmen-at-large for black people and poor people in the United States. Even though we think first of those we were directly elected to serve, we cannot, in good conscience, think *only* of them—for what affects one black community, one poor community, one urban community, affects all.

We think it of singular significance that the leaders of national and local civil rights and human rights organizations, and hundreds of private citizens from all walks of life, have asked us to express their general and specific concerns. They share our hope that this is no *pro forma*, one-time exchange.

Like us, they believe this must be only the beginning of a continuing exchange aimed at permanently changing, through persistent and far-reaching action, the harsh conditions under which all too many poor, black, and other oppressed Americans are forced to live.

We recommend that by the end of this meeting we agree on a mechanism for insuring continued productive liaison between the President and this Caucus.

Since you assumed office, we have spent billions on war, while over 2 million Americans have been added to the ranks of unemployed, and 2.5 million more are now on ever-mounting relief rolls. Inflation is reducing our standard of living, and most cities face bankruptcy. The racist policies of public and private U.S. institutions insure that blacks and other oppressed peoples suffer much more than others, whether in good times or bad. Economic recovery—not now in sight—cannot possibly secure rights and opportunities that millions of citizens never had. In our view, the quest for economic stability cannot be separated from the basic need for a redistribution of wealth and income, so that there is no longer destitution amid opulence. Nor can we easily repair the damage done to our children by inferior schools, hunger, and ill-health.

We would be less than honest, Mr. President, if we did not reflect a view widely shared among a majority of the citizens we represent. That view is that the representatives of this Administration, by word and deed, have at crucial points retreated from the national commitment to make Americans of all races and cultures equal in the eyes of their government—to make equal the poor as well as the rich, urban and rural dwellers as well as those who live in the suburbs.

Our people are no longer asking for equality as a rhetorical promise. They are demanding from the national Administration, and from elected officials without regard to party affiliation, the only kind of equality that ultimately has any real meaning—equality of *results*.

If we are in fact to be equal in this country, then the government must help us achieve these results:

The eradication of racism within the United States and in its dealings with other nations;

The earning of a decent living, or the means to survive in dignity when work is not available;

Decent housing for our families and equal access to the total housing market;

Fair and impartial justice and adequate protection against drug abuse and crime;

The enforcement of civil rights and other constitutional guarantees through vigorous affirmative action by the government;

A fair share of the public funds used to support business and community development and full participation in determining how tax dollars are spent in our communities;

The guarantee by the federal government of ample health care for all citizens;

The protection of federal standards and guarantees in programs financed by federal funds; and

The full participation by the members of our communities in the executive, judicial, and legislative branches of our government at every level.

The results we pursue as achievable goals are those whose affirmation we have often missed in the words and deeds of many who represent this Administration. And be assured that those for whom we speak cannot afford the luxury of criticism as a mere expression of partisanship. Indeed, when you have proposed long-needed, if inadequate, welfare reforms, or when Secretary Romney has argued against restricting low and moderate income housing to the inner cities, our people felt a momentary quickening of hope that perhaps the federal government was prepared to respond to their desperate needs.

But all too often we have heard discomforting references to "forced integration," or to the need to "broaden" the Voting Rights Act in ways which would have rendered it less effective "Voluntarism" has been proposed as a means of achieving compliance with federal law by those with a history of callously flouting such laws. The principle of equal justice under law has been clouded over by ambiguous pronouncements on "law and order" and "crime in the streets."

Though the Office of Economic Opportunity is to be extended, it seems clear that current plans for reorganization and revenue sharing will result in the dismantling and eventual destruction of the one agency whose primary mission is to give an effective voice to the poor, the near poor, and minorities.

But we are not here merely to recite the disappointments of the past. We are here to present the first of a series of constructive proposals for the immediate relief of our communities, and for making America in the 1970's a whole and healthy nation.

We do not underestimate the power of the presidency in achieving progressive change. Every sector of our society tends to look to the White House for cues to the direction that the society is taking. When those cues seem negative, contradictory or half-hearted, then citizens take that as evidence of a lack of national commitment to their well-being. If equality for all Americans is to be a reality, it must have the unequivocal commitment of the Chief Executive. Every official in each federal department in Washington and the regional offices, every governor, mayor, county official, and local school board member must understand the clear direction in which the Administration is headed. If equal job opportunity in the private sector is to be real, then equal job opportunity in the federal system—from initial entry to upgrading—must provide a clearcut example for others to emulate. If the vast federal bureaucracy is to administer the laws of the land so that the poor, the black and the Mexican-American, the Puerto Rican and the Indian, the Japanese-American and the Chinese-American do not suffer inequities, then it must be clearly evident that the President of the United States demands it.

In fact, as you well know, having served in Congress, the success or failure of progressive legislation often depends on whether or not the Chief Executive is willing to make a sufficiently strong fight for it.

Lastly, black Americans and many of our constituents, without regard to income or color, would want us to make plain our alarm at the devastation to four Indochinese nations. We say this out of deep concern for the untold misery suffered by the people of Indochina, for American families which should not have to suffer further, and for the continued draining away in this futile conflict of the human and financial resources needed to rebuild this society. All U.S. military forces, and related civilian personnel should be withdrawn from all nations of Indochina promptly.

The recommendations which follow represent our own deep concerns and the expressed concerns of organizations and individuals from all over the country. We have not attempted to rank them in any order of priority. We feel that they are all essential to the long overdue task of making America one nation. We do not claim that they represent a comprehensive agenda of needs and remedial actions. We do believe that they represent more than merely a good beginning. In the days, weeks and months that lie ahead, we hope to remain in touch with you and the members of your Administration on this agenda.

In discussing these recommendations with you, we will be focusing on executive action that can be taken immediately, as well as legislative programs whose success may depend on the nature and intensity of the support they receive from the White House.

PART II. RECOMMENDATIONS

A. Economic security and economic development

1. Manpower and employment rights

Recommendation 1: Within the framework of a comprehensive manpower planning program, this Administration should provide permanent job creation programs—with jobs in the public sector targeted to the areas of persistent unemployment and underemployment without regard to national employment rates. These jobs must be useful and desirable and have adequate wages and supportive services. Present manpower programs fail to deal adequately with the gaps between national rates and the critically higher jobless rates for blacks and other minorities in urban and rural ghettos.

Recommendation 2: A federal job creation program in the public service fields must be adopted. Such a program should initially provide a minimum of 500,000 productive jobs during the first six months of operation, and 600,000 in the second six months in this one program alone, with additional jobs in other programs to meet the unemployment crisis.

Recommendation 3: A minimum of 1 million NYC jobs should be provided for in-school youth during the summer. Present planning in this area is totally inadequate. The jobs should be provided by the federal government with no local matching fund requirement and should be for 10–32 hour weeks at not less than $1.60 an hour. This program must be understood to be no substitute for the needs addressed in Recommendation 1.

Recommendation 4: Basic changes must be made in federal recruitment, testing, and promotion policies and day-to-day Administration to insure blacks and other oppressed minority peoples equal results to whites in the middle and upper levels of federal employment.

Recommendation 5: Executive Order 11246 must be enforced, requiring affirmative action by government contractors and subcontractors to provide equal employment opportunities and to extend the requirement of goals and timetables for achievement to all government contractors and subcontractors.

Recommendation 6: We call for vigorous support for expansion of the Civil Rights Act of 1964 to provide cease and desist power to the Equal Employment Opportunity Commission, coverage of employers of eight or more persons, and to eliminate the present exemption of state and local governments, and educational institutions.

Recommendation 7: At a time when blacks are fighting and dying in disproportionate numbers in Indochina, we urge the White House to initiate a thorough investigation of the status of blacks and other minorities in the Veterans Administration—90 per cent of whose black classified employees are in grades GS–8 or below. The investigation and the remedial action which must follow should include not only equal employment opportunity within the Veterans Administration, but should focus on closing the critically wide gap between the needs of black veterans and the inadequate and uncoordinated existing programs for the Veterans Administration, the Department of Labor, Housing and Urban Development, and other federal agencies.

2. Welfare reform

Recommendation 1: We recommend that the present welfare system be replaced by a guaranteed adequate income system. We oppose any welfare reform which fails to establish a satisfactory timetable for reaching a guaranteed adequate income system of a minimum of $6,500 a year for a family of four from cash assistance, wages or both.

Recommendation 2: Any federalization of existing welfare programs must have as an ultimate objective the realization of individual economic self-sufficiency. The federalized programs should guarantee the standardization of eligibility requirements, the establishment of adequate payment standards, the elimination of abusive and degrading administrative practices, and the provision of suitable work opportunities which maximize individual freedom of choice and self-respect.

Recommendation 3: Until a fully operational cash assistance program is established, we urge you, Mr. President, to direct the appropriate federal agencies to overhaul the food assistance delivery system, so that the minimum standards and goals of existing legislation can be guaranteed. Further, the necessary budgetary revisions (or supplemental budget requests) should be made so that the needs of all children eligible for free or reduced-price school breakfast or lunch programs by 1972 are met.

3. Federal assistance to state and local government

The Caucus recognizes that the concept of revenue sharing is already operative and that the issue is really one of block grants versus categorical grants. The federal government has been sharing federally-collected tax money revenue with states, cities, counties, and individuals for the past forty years. The Caucus would, however, support a form of federal assistance to state and local governments with the following provisions:

(1) Assurance that the funds will be spent in ways or in the amounts that will benefit the poor and the minorities who are least able to prevail in the inevitable contests at the local level that are bound to be waged over such expenditures.

(2) Allowance for the participation of neighborhood and other community units in planning and in the decisions about how funds will be spent.

(3) Enforcement of civil rights laws with respect to the expenditure of federal funds.

(4) Incentives for states to shift from forms of taxation that fall most heavily on low-income families to more progressive income taxes.

Recommendation 1: Immediate, short-term financial assistance should be afforded local communities by releasing frozen funds for development projects, closing the growing authorization/appropriations gap, and by expeditiously proposing and strongly supporting an emergency public service employment bill.

Recommendation 2: We strongly recommend that the program of welfare nationalization and reform called for in Recommendations 1 and 2 under Welfare Reform should not be considered as an alternative to the Administration's general "revenue-sharing" proposal.

Recommendation 3: The population-based distribution formula in the Administration's "revenue-sharing" bill must be altered to more accurately target the funds to places of maximum need. Specifically, we would recommend that one per cent (1%) of the individual tax base be distributed to all categorized welfare disbursing units on a basis reflecting the proportion of national welfare costs paid by that unit during 1970, providing that the unit maintains its 1970 welfare effort.

Recommendation 4: The distribution apparatus of the present proposal for "revenue-sharing" must be changed to funnel more funds to major urban centers, i.e., .5% of the individual tax base be distributed to all local units not sharing in Recommendation 3 above and which have a population of 50,000 or more.

Recommendation 5: The civil rights guidelines set forth in the Administration's "revenue-sharing" package must be greatly strengthened, particularly in regard to equal employment hiring, and an effective compliance program.

Recommendation 6: Although we support general "revenue-sharing" to states and localities, under the conditions set forth above, to assist in the provision of basic services, we are opposed to the apparent abandonment of national leadership in such areas as education, housing, etc. that would result from proposed program "revenue-sharing." While states and localities can be given more flexibility in administering federal grants, national priorities requiring accountability for delivering services to those most in need of them must be maintained.

4. Minority Economic Development

Recommendation 1: An independent agency should be organized as a non-profit quasi-public, publicly-funded development bank for consolidation of present programs intended to assist minority business, and should receive an initial annual appropriation of 1 billion dollars. This agency should be under the direction of a board with broadly representative minority membership.

Recommendation 2: A federally-financed guarantee organization similar to the Federal National Mortgage Association should be created to insure securities and obligations of community development corporations—firms providing employment for and owned by residents of low-income areas.

Recommendation 3: In addition to increased federal support and employment of direct set-aside programs for all procurement, we urge you to support the enactment of legislation requiring that contractors working on federally-assisted and financed projects, set aside a specified percentage of their subcontract work for minority firms.

Recommendation 4: Federal management and technical assistance should be increased and made more broadly available to minority trade associations, development corporations and other organizations of minority businessmen, with assistance provided more as an aid than as an audit.

Recommendation 5: Funding for Community Development Corporations should be increased to at least 50 million dollars for the development of community-based minority business ownership.

Recommendation 6: The Federal Deposit Insurance Corporation should be authorized and directed, by specific legislation, to use some of its assets to provide technical assistance to minority banks. No federal or quasi-federal agency presently provides technical assistance to these institutions, with the result that other kinds of programs (such as the $100 million deposit program) are less effective than they would be otherwise.

5. Poverty programming

Recommendation 1: We urge the Administration to abandon any plans—now or two years hence—which will weaken the programs now under the aegis of the Office of Economic Opportunity and submerge them in existing agencies or in a broader plan for government reorganization. We believe that converting the Office of Economic Opportunity to a research and evaluation organization will deprive the poor of an advocate agency in Washington. Further, we recommend the restoration of the $116 million by which the Economic Opportunity Act was reduced in the fiscal year 1972, and a substantial increase in anti-poverty funds for the following fiscal year, and the elimination of the matching requirement which makes it impossible for some communities to participate in the program.

Recommendation 2: We support the continued existence and expansion of the OEO legal services. We urge that new guidelines be drawn and new legislation be proposed which would limit the power of state and local authorities to intervene politically in the operation of these programs. Should this prove infeasible, we recommend that every low income American citizen be guaranteed access to a free, quality legal assistance through the establishment of a National Legal Services Corporation.

B. Community and human development

1. Education

Recommendation 1: We urge you, Mr. President, to initiate (and/or support) such child development legislation and to require the promulgations of such administrative regulations for existing child development programs, which incorporate the following principles: a) significant expansion of child development services; b) development rather than custodial programming; c) child development services provided as a right rather than as mandatory eligibility requirements; d) encouragement of educational innovation and reform; e) the validity of programs designed by and in accordance with the special needs of minority groups; and f) consumer control.

In conjunction with the support of minority business enterprises, special assistance should be provided to minorities for the development of day care and other child development programs. The grant system should be adopted, as opposed to the voucher system. Further, the federal government should issue grant and/or funds directly to day care institutions.

Recommendation 2: We recommend a strong program which enforces the priorities established by Congress under Title I of the Elementary and Secondary Education Act of 1965. In addition we recommend that this title be fully funded in advance so that educational systems may plan a continuing program of high quality as was true during the time of the Morrill Land Grant Act of 100 years ago.

Recommendation 3: We specifically urge that the Administration abandon its plans to consolidate federal education legislation into a program of block grants.

Recommendation 4: We urge this Administration to support pending legislation that is designed to provide quality integrated education so that the concept of equal educational opportunity will become a reality for blacks and others among the oppressed in the country.

Recommendation 5: We support and call on the Administration to make real its own announced commitment to universal literacy for every American in this decade.

Because illiteracy will be even more crippling for our citizens in the 1970's and 1980's than at any previous time in our history, we urge that the Administration revive and strongly fund and support a national "Right to Read" program like that originally proposed by your own first Commissioner of Education.

Recommendation 6: We specifically urge that the federal government increase substantially its financial support for predominantly black institutions of higher education in order to insure their growth and expansion. For immediate relief of black colleges we recommend the full funding of $91 million authorized in the Developing Institutions Program of Title III of the Higher Education Act of 1965, and the elimination of the matching fund requirement.

Recommendation 7: We recommend, Mr. President, that you arrange to convene a meeting of the officials of black institutions of higher education with the heads of major federal agencies and departments such as the National Science Foundation, Department of Labor, Department of Agriculture, HUD, and HEW, to consider how black colleges may have greater access to the funds, programs and technical assistance of those agencies.

Recommendation 8: While we would support a request for 70 percent increase in student aids in grant and work study over the previous fiscal year, we would strongly request reconsideration of the change in formula which reduces from approximately $1,800 to $1,000, the amount of grant and work study funds. A high proportion of black students now attending or hoping to enter our colleges, would not be able to sustain the financial burden of the loans now being proposed. We would support the proposed increase in the availability of subsidized grants to students whose family incomes are less than $10,000 per annum. We would recommend, however, (1) that existing grant and loan programs for student financial assistance be continued at least at current levels until the proposed programs become operational; (2) the ceiling in terms of family incomes be raised to $15,000 per annum; and (3) that interest rates on the available loans be stabilized.

Student financial aid for most black students must assume little or no family financial aid. They need money for almost all their costs. We therefore believe that the major emphasis should be placed on grants rather than loans in supporting their education.

Recommendation 9: We recommend that the Administration give strong support to the establishment and maintenance of community colleges. We ask you to direct the Department of Health, Education and Welfare, the Department of Labor, and the Office of Economic Opportunity to work with the appropriate public officials and private citizens to restructure vocational, technical, and post-secondary education for the 70's and 80's. A critical aspect of this mission must be making certain that community colleges do not become dumping grounds for the children of the poor and near-poor. We are concerned that community colleges develop into one of the strongest and most flexible links in the continuing education in which millions of our people must be involved at various stages in their lives if they are not to be crippled by dead-end or unmarketable skills, or by undeveloped capacities as citizens and human beings.

2. Housing and urban development

Recommendation 1: We call for the immediate release of supplemental FY 1971 funds of $150 million for public housing. This can be accomplished immediately by Presidential action.

Recommendation 2: We recommend the implementation of the Uniform Relocation Act to insure an adequate stock of low and moderate income housing for displaced persons. Immediate action by the President could achieve the implementation.

Recommendation 3: We urge you to support legislation to amend the Housing Act so that urban renewal money may be used for housing development projects other than new construction.

Recommendation 4: The Department of Housing and Urban Development should institute and enforce a uniform policy of site selection applicable to all of its departmental programs. The current regulations of the Department of Housing and Urban Development affecting site selections apply only to low rent housing. All other Housing and Urban Development programs, including Sections 235 and 236, should be brought under this policy to insure that they expand opportunities for black citizens and avoid reinforcement of segregation. Immediate executive action in this area is possible.

Recommendation 5: We strongly urge the amendment of Executive Order 11512 (1970) concerning the selection of sites for federal installations, in accordance with the U.S. Commission on Civil Rights' recommendation on "Federal Installations and Equal Housing Opportunity" to assure that communities are, in fact, open to all economic and racial groups as a condition of eligibility for locaton of federal installations.

Recommendation 6: Tax legislation providing favorable treatment of investment in new and rehabilitated housing should be broadened to provide identical preference to investment in any inner-city real property development, sponsored or substantially-owned by a community development corporation or other organization of minority or low-income citizens.

3. The drug crisis

Recommendation 1: We strongly urge that drug abuse and addiction be declared a major national crisis. We call upon this Administration to use all existing resources to stop the illegal entry of drugs into the United States, including suspension of economic and military assistance to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed in that country from entering the United States unlawfully.

Recommendation 2: We recommend that funds be made available to every major city for the establishment of ambulatory detoxification and rehabilitation centers. Federal financial support should likewise be extended to reinforce the local initiatives developed in many communities to address this problem.

Recommendation 3: Amphetamine abuse programs, beginning with Food and Drug Administration restraints on present overproduction and overuse, should be upgraded substantially. Special emphasis should be given cooperatively by the FDA and the Office of Education to restraint of the application of amphetamine drugs to control school children. We are concerned about the danger that such drugs might be given to children not adequately diagnosed as hyperkinetic.

Recommendation 4: Substantial federal funds should be made available to study the long-range social and physiological effects of the broad use of methadone as an alternative to heroin addiction. The Food and Drug Administration of the Department of Health, Education and Welfare should take the initiative in establishing safeguards which will eliminate the careless, and often unsupervised, dispensing of methadone.

Recommendation 5: Since organized crime is the principal distributive mechanism of hard narcotics, we urge that Justice Department manpower for investigation and prosecution in that area be substantially increased.

Recommendation 6: A cabinet level federal task force on drug abuse should be appointed, with broad representation, including the Justice Department, the Department of State, HEW and other federal agencies relevant to this problem. This task force should be mandated to design a government-wide action strategy for eliminating drug abuse. A task force report should be made public, and implementation begun within six months.

C. Justice and civil rights

1. Criminal justice

Recommendation 1: We urge that the President and the Attorney General direct the Law Enforcement Assistance Administration (LEAA) to do the following: (1) support law reform and basic changes in the present system rather than the excessive purchase of weapons and equipment; (2) insure adequate minority, urban and community-level representation on planning boards at all levels; (3) guarantee vigorous Title VI enforcement in regard to grantees; and (4) make certain that urban areas, particularly inner-city communities, are assisted in developing effective and fair criminal justice systems.

Recommendation 2: We urge you, Mr. President, to appoint black federal judges and other legal officials, including U.S. Attorneys, U.S. Marshals, federal correctional officers, and other Justice Department employees in every region of the country. We note with considerable concern that you have appointed only one black judge outside the District of Columbia. We feel it is especially important that black federal judges be appointed in the *South.*

Recommendation 3: We are disturbed that the D.C. Court Reform and Criminal Procedure Act of 1970 has been advertised as a model for the nation, inasmuch as we feel that some of its provisions clearly impinge on the constitutional rights of suspects and defendants. Such other laws with similarly constitutionally odious provisions are the Organized Crime Control Act of 1970. None of these ought to be so advertised as models, and we strongly urge that the Administration sponsor legislation to repeal such sections of those acts as the "no-knock" and preventive detention provisions as inimical to the interests of a free society.

2. Civil rights

Recommendation 1: We call for the full implementation of the 1970 Report of the U.S. Commission on Civil Rights, and request that the findings derived from the White House inquiries of the 26 federal agencies be shared with the Black Caucus as well as with the U.S. Commission on Civil Rights.

Recommendation 2: We urge you, Mr. President, to instruct the Attorney General to move promptly to investigate and take corrective action on efforts to disenfranchise blacks and other minorities in the South and Southwest—especially in thirty-three counties in Mississippi. In addition, we urge that you instruct the Attorney General to take prompt and decisive action to investigate and take remedial action concerning allegations of attempted vote fraud in Gary, Indiana, and that similar action be taken wherever attempts are made to disadvantage and disenfranchise minority voters.

Recommendation 3: We recommend that you instruct the Office of Management and Budget to establish an adequately staffed division on civil rights with properly trained persons, which would monitor every department and agency to insure that all civil rights legislation and executive policies are implemented. Further, this agency should issue periodic public reports of its findings.

Recommendation 4: We recommend that the regulations now being formulated by the Justice Department to implement Section 5 of the Voting Rights Act require the Attorney General to object to submitted voting law changes unless he makes a finding that the change has no discriminatory purpose or effect.

3. Veterans' affairs

Recommendation 1: We recommend, Mr. President, that you direct the Departments of Defense, Justice, and State—assisted by selected members of the bar, including minority representatives—to investigate the quality of justice meted out to black and other minority servicemen. The investigation should also examine the conditions under which blacks and other minority servicemen are incarcerated in military prisons here and abroad. The resulting report and recommendations for action should be submitted to you, the appropriate committees of Congress, and the public.

Recommendation 2: We urge the Administration to recommend and support legislation to establish a Civil Rights Division within the Department of Defense and to prescribe by law the personnel, funding, and procedure for handling complaints of racial discrimination against military personnel, both on and off base, in the United States and abroad.

4. District of Columbia

Recommendation 1: We urge you, Mr. President, to lend the vigorous support of your Administration to legislation providing for:

(1) full Congressional voting representation for the District of Columbia;

(2) Home Rule for the District, including an elected Mayor and City Council; and

(3) a just and adequate automatic federal payment formula to provide revenues necessary to make the District of Columbia a model for the nation.

D. Foreign policy

Recommendation 1: We call upon you to effect disengagement from Southeast Asia as soon as possible, preferably by the end of 1971, and definitely within the life of the 92nd Congress.

Recommendation 2: We call for drastic reduction in our military expenditures, and the redirection of these funds to finance much needed domestic programs—such as economic security and economic development, community and urban development, justice and civil rights, and many other unfulfilled interests of the black community.

Recommendation 3: Mr. President, following World War II Europe was the recipient of massive aid through the Marshall Plan and Japan was rebuilt essentially through American assistance. In the sixties the Alliance for Progress was conceived and funded for the benefit of Latin America, and the Middle East continues to receive a significant input of our resources. We feel strongly that Africa's turn is overdue. Africa must be given priority and attention on an equal basis with other parts of the world. Over the past few years, Africa has received only 8.5% of American aid; we believe this percentage should be increased significantly—to at least 15%.

We recommend that a special Task Force be created in the Executive Branch, composed of ranking members of the Departments of State, Commerce, Defense, and other pertinent agencies, where the variety of American policies dealing with Africa can be reviewed in a comprehensive manner and whose recommendations would be effectively implemented. In addition, several recognized experts of long time interest in this continent should be included (e.g., Members of Congress, academicians, journalists, and businessmen.)

U.S. representatives to the World Bank, the International Monetary Fund and the International Development Association should request those organizations to allocate increasing shares of multi-lateral resources for Africa.

We support broader U.S. participation in the African Development Bank and we urge that our government provide soft funds with other donors for the Bank.

Recommendation 4: United States relations with Southern Africa are in need of a major overhaul. This country should take the lead in isolating the Republic of South Africa, the world's most racist nation. Disincentives should be developed to discourage the expansion of further private American investment there. On the other hand, private American enterprise should be encouraged to seriously examine the potential for profitable investment in other parts of Africa.

We urge the Administration to actively support legislation proposing the withdrawal of the United States sugar quota for the Republic of South Africa, and its reallocation to other African countries. We further urge the Administration to implement the United States pronouncements in the United Nations to help liberate the remaining areas under colonial rule in Africa.

The House Subcommittee on Africa submitted a comprehensive report on Southern Africa to the Administration as a result of its extensive travels and hearings. The recommendations of this report and others it has rendered should be seriously considered.

Recommendation 5: Of all major industrial nations, the United States has for years allocated less proportionately for international development efforts. We propose that the United States direct at least 1% of its annual gross national product for international aid, with priority attention to Africa. (It must be noted that about 75% of all United States foreign aid funds have been spent for U.S. goods and services.)

Recommendation 6: We urge that blacks and other minorities be given a greater role in the making of foreign policy. We also ask the Administration to increase its recruitment of minority Americans for foreign policy positions, as well as to improve the upgrading procedures regarding minorities within the State Department and related agencies.

MARCH 25, 1971.

MR. PRESIDENT: As we indicated earlier, we have not at this time placed before you the full range of concerns which we and those we represent believe to be subject to amelioration by the federal government of which you are the duly elected head. We look forward to the opportunity to work cooperatively with you and with other representatives of your Administration on the issues we have laid before you today, and on others which we hope to consider with you in the future.

Respectfully submitted.

THE CONGRESSIONAL BLACK CAUCUS.

Charles C. Diggs, Jr., Chairman, Michigan, Augustus F. Hawkins, Vice Chairman, California, Charles B. Rangel, Secretary, New York, Shirley Chisholm, New York, William L. Clay, Missouri, Louis Stokes, Ohio, George W. Collins, Illinois, John Conyers, Jr., Michigan, Ronald V. Dellums, California, Ralph H. Metcalfe, Illinois, Parren Mitchell, Maryland, Robert N. C. Nix, Pennsylvania.

CALLEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BRINKLEY) is recognized for 15 minutes.

Mr. BRINKLEY. Mr. Speaker, the misfortune of the Mylai era transcends that of any one man, even though the individual tragedy is monumental.

First, let me say from the perspective of the district which I represent and from my own personal perspective, Lieutenant Calley is a scapegoat; a victim of a monumental witch hunt prompted by the political pressures and extremes of those who seek absolution of consciences, guilt-ridden by a war which they themselves have caused to be prolonged. The symbol of Calley justifies their stand, they reason, and his sacrifice will purge their souls.

The mental aberrations of such people are nauseating; their concern for the Cassius Clays is putrefying and abominable. Their self-righteous indignation over war is self-edifying and blind to the cruel and treacherous Communist offensive.

What of Calley? Has he loved his country, been honor-filled and duty bound in behalf of the United States of America? He has not cursed her nor spat in her face. He has fought for this Nation in the frontline trenches. He has risked his life in her defense. Can we permit him, then, to be misused in this way? As for me and the people I represent, we say emphatically "No."

More than a year ago, on January 21, 1970, I spoke on this subject. In the civil law of this country we have a provision called the emergency doctrine. Under that doctrine, if one is confronted with a sudden emergency, not of his own making, he is not held to the same standard of care to which he would normally be held. How much more ought this provision to apply to a situation of war? When a soldier must make snap decisions, with no time to debate the pros and cons of marginal situations, sometimes he may make the wrong decision. How, then, does condemnation lie within the mouth of those with an abundance of time?

May I commend to the consideration of this body a bill which I introduced during the 91st Congress and have reintroduced during this, the 92d Congress, on January 22, 1971. It is a good bill and would provide some measure of indemnification to servicemen who are exonerated under conditions such as are present in this case. Believing that right will prevail on appeal, this measure should offer some added assurance of fair play to our men in uniform:

H.R. 612

A bill to amend title 10 of the United States Code to permit actions against the United States for damage to the good name and reputation of members of the Armed Forces charged with committing certain crimes against civilians in combat zones if such members are cleared of such charges, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part II of subtitle A of title 10, United States Code, is amended by adding immediately after chapter 47 thereof the following new chapter:

"Chapter 47A.—CIVIL RELIEF FOR WRONGFUL PROSECUTION

"Sec.
"961. Civil action authorized.
"962. Amount of relief.
"963. Proceedings.
"964. Bar to actions against officials.
"965. Limitations.
"966. Definition.

"§ 961. Civil action authorized

"Any enlisted member or officer who is formally charged under chapter 47 of this title with committing, incident to carrying out military operations in a combat zone or any other area in which United States Armed Forces are engaged in armed hostilities, any offense punishable under section 918 or any of sections 918 through 930, inclusive, of this title against the person or property of a civilian noncombatant may bring civil action against the United States in a district court of the United States if each of the charges made with respect to an offense is disposed of in one of the following ways:

"(1) the charge is abandoned by the Government;

"(2) the member is found not guilty of the charge, and such finding is final and conclusive; or

"(3) the charge is otherwise dismissed at the trial, review, or appellate level and such dismissal is final and conclusive:

and if

"(4) the Government had no reasonable or probable cause for instituting such charge against the member.

"§ 962. Amount of relief

"The district court shall have jurisdiction to grant the following relief with respect to any action brought under section 961:

"(1) Not to exceed $10,000 for damages arising out of such charges to the good name and reputation of the member.

"(2) Actual costs, including reasonable attorney's fees, incurred by the member in defending himself against the charges.

"§ 963. Proceedings

"Judicial proceedings (including settlement by compromise or otherwise) for the determination of claims covered by this chapter, appeals therefrom, and payment of any judgment thereon, shall be in the same manner as in actions brought under chapter 171 of title 28, United States Code, over which the courts have jurisdiction pursuant to section 1346(b) of such title, except that the provisions of section 2678 (relating to attorney's fees) and section 2680 (a), (h), and (j) (relating to exceptions to which such chapter 171 does not apply) of such title shall not apply in the case of any such proceedings.

"§ 964. Bar to actions against officials

"No action may be maintained against any officer (whether civil or military) or employee of the United States (or former officer or employee) or his personal representative with respect to any acts for which an action could be maintained under this chapter.

"§ 965. Limitations

"No suit upon a claim allowed by this chapter may be commenced after the expiration of two years after the date on which—

"(1) the Government abandons the charge concerned, or if more than one charge was made, the last of such charges; or

"(2) a finding of not guilty to the charge or to the last of such charges, or a dismissal of the charge or of the last of such charges, becomes final and conclusive.

"§ 966. Definition

"As used in this chapter, the term 'combat zone' means an area so designated by the President pursuant to the provisions of section 112 of the Internal Revenue Code of 1954."

(b) The analysis of such part II is amended by inserting after

"47. Uniform Code of Military Justice__ 801"

the following

"47A. Civil relief for wrongful prosecution ________________________ 961".

SEC. 2. The amendments made by this Act shall apply with respect to actions brought thereunder on the basis of formal charges made with respect to offenses of the kind specified in section 961 of title 10, United States Code (as added by the first section of this Act), and filed on or after November 1, 1969, against members or officers of the Armed Forces.

It is a good bill and would provide some measure of indemnification to servicemen who are exonerated under conditions such as are present in this case. Believing in the Calley case that right will prevail on appeal, this measure would offer some increased assurance of fair play to our men in uniform.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. BRINKLEY. Yes, I shall be glad to yield to the distinguished gentleman from Mississippi.

Mr. MONTGOMERY. I thank the distinguished gentleman from Georgia for yielding.

Mr. Speaker, I would like to commend the gentleman in the well whom I also know represents Fort Benning, Ga. I believe I am correct in that assumption?

Mr. BRINKLEY. That is correct.

Mr. MONTGOMERY. And certainly he, like most Americans, has followed the trial of Lieutenant Calley.

Mr. Speaker, I would like to be associated with the gentleman's remarks today and certainly hope that his bill will get a fair hearing in the committee to which it will be assigned.

Further, I would like to comment upon the gentleman's remarks in saying that I think one of the very serious problems that has come out of this trial, whether it was pointed out or not, is that the war in Vietnam is really the strangest war that we have ever fought. We have never been involved in a war like this before. As the gentleman knows, I have been over there five times, probably more than any other Member in the Congress, and you cannot find the front lines. You cannot identify your friend from your enemy. There have been so many problems that I appreciate the gentleman taking the time today in bringing to the attention of the Congress this very serious situation.

Mr. BRINKLEY. I appreciate the gentleman from Mississippi making this contribution and I would like to more particularly thank the gentleman for his remarks about there not being any front lines in Vietnam. On last evening I had a call from the Third District of Georgia. The man on the other end of the line said, "It seems that we have a policy of eyes." He said, "During World War II we dropped bombs on cities knowing that there were women and children down there, because war is terrible and uncivilized and barbaric but yet we had to do this. He said it was accepted. "But today because we have the vision to see in a free fire zone, a man must be held to a judgment." He said, "Is that really a distinction which would hold up? Is it a valid distinction"?

Of course, none of us condone the promiscuous killing of women and children or even of men, but war is war and so, thus, certain things must be accepted.

Another man called me from Americus, Ga., and he wept as he talked with me. He said he had had a brother who served in Vietnam in 1966. His brother was a member of the Special Forces, a Green Beret. He said he lost his brother over there in 1966. Now, he said, they have brought his comrade-in-arms home and are trying him for attempting to control and contain and eliminate the enemy who had killed his brother. I grieved and was saddened because when I was an Air Force pilot I flew these Green Berets. I dropped them from airplanes at points where four flashlights formed an "L," and I know of their bravery and devotion to country. I weep today for the double standard which we seem to sometimes accept, when the enemy has committed so many atrocities and then we focus in and zero in on our own people instead of keeping things in perspective with reference to the actions of our own enemy, instead of balancing the scales against the cruelty of the enemy.

Mr. MONTGOMERY. Mr. Speaker, if the gentleman will yield further, I certainly agree with what the gentleman from Georgia has said. I think the gentleman has brought out the key points to the attention of the Members and I would like to thank the gentleman for yielding me his valuable time.

Mr. BRINKLEY. Mr. Speaker, may I say in conclusion that I have felt very strongly about this business of being unified behind our Commander in Chief. The President came into office, and he tried to hit the middle ground, because in this country we have those who are hawks on the one hand, and we have those in this country who are doves on the other hand. I thought unity in this country was the most important thing to give the President, a solid backing that would not lend hope to an enemy to keep fighting on and on, but now I have come to the conclusion that the middle position cannot be effective, and will not any longer work. I believe that the time has come to make a decision to win the war militarily, with an ultimatum to the North Vietnamese to give us back our prisoners of war, or to get out, lock, stock, and barrel, with the same outreach to get those prisoners of war, and to pursue one decision, either this way or that way, because the lack of direction is tearing the country apart, as witnessed in the debate on the draft.

I have certain reservations about the moral correctness of drafting a young man and asking him to commit himself wholeheartedly, his very life, in Vietnam, when this country has not been willing to make such a full and complete commitment. Where we have an initial onset of a war, there should be a declaration of war, but that would not contribute anything at this point, and I am not suggesting that there now be a declaration of war. But what I am suggesting is that if we are to continue the draft, then there must be the full commitment of this country behind these young men which equals their commitment, which is that of their very life, and then we will have a genuine merger of national will; also there must be a meaningful goal, either get out or get in there with the goal to win the war.

Mr. Speaker, I appreciate the patience of my colleagues here in this Chamber today. The number of my bill is H.R. 612, and upon which I hope the Committee on Armed Services will proceed to have early hearings.

NUCLEAR POWER PLANTS

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER), is recognized for 10 minutes.

Mr. KASTENMEIER. Mr. Speaker, for some time I have been deeply concerned by statements from distinguished physicists, biologists, engineers, and environmentalists regarding the unique danger that nuclear power plants may represent for human life and our environment.

Not only is there the potential danger of a malfunction of a nuclear plant which could result in the release of large quantities of radioactive particles into the atmosphere, but there also is the constant emission of radioactive substances from nuclear power production into the air and the water of streams which are used for cooling the nuclear plants. In addition, the waters are subject to danger of thermal pollution. Furthermore, there is the centuries long threat of the escape of radioactive poisonous nuclear wastes from the operation of nuclear plants which must be stored in perpetuity.

Despite these potentially grave threats to man and his survival on earth, I feel that Congress has been remiss in focusing attention on the entire question of the safety of these nuclear reactors. Thus, I am introducing, today, a joint resolution calling for a thorough reappraisal of the Federal Government's participation in the atomic energy program and the setting up of a blue-ribbon committee of Government officials, scientists, and environmentalists to investigate the potential impact of atomic development upon the health and safety of the American public and their environment.

Mr. Speaker, in addition to this resolution, I also am introducing legislation to restore to the States the option of setting more stringent standards for the release of radioactive pollution from these nuclear plants than those set by the U.S. Atomic Energy Commission. I believe it is unwise, as well as being a clear conflict of interest, for entrusting the sole authority for policing nuclear power plants to the Atomic Energy Commission which also is an active promoter of nuclear power development.

INTRODUCTION OF STATE PROPOSED BILLS CONCERNING MOTOR CARRIERS, RAILROADS, FEDERAL PROCUREMENT, COMMUNICATIONS, ENVIRONMENTAL PROTECTION, AND GAS PIPELINE SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 20 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, at the request of the National Association of Regulatory Utility Commissioners, commonly known as NARUC, I introduce, for appropriate reference, seven bills concerning communications, environmental protection, intrastate railroad rates, gas pipeline safety, uniformity of motor carrier regulation, and Federal procurement of transportation and utility services.

The State of Pennsylvania is honored to have a distinguished Pennsylvanian serving as the president of the NARUC this year. He is the Honorable George I. Bloom, chairman of our public utility commission.

The NARUC was founded in 1889 for the primary purpose of serving the public interest by seeking to improve the quality and effectiveness of Government regulation. Its members have largely shaped the profile and substance of public regulation in America as we know it today.

The NARUC is presently composed of 56 State agencies drawn from every State, and five agencies drawn from Canada, the District of Columbia, Jamaica, Puerto Rico, and the Virgin Islands.

I introduce the seven bills at the request of the NARUC, so that my colleagues will have an opportunity to fully study the association's position when the matters come up for consideration. I myself plan to introduce legislation on several of these subjects later this year, and I am hopeful that Congress will consider the various proposals during this session.

Mr. Speaker, I would like to have the text of the proposed bills, together with the justification, printed in the RECORD at this point:

FEDERAL-STATE COMMUNICATIONS JOINT BOARD ACT

JUSTIFICATION

In the United States today there are over 110 million telephones which average out to about 52 telephones per 100 people. Of these, 72 percent are classified as residential and the remaining 28 percent are classified as business.

These telephones comprise a nationally interconnected system which transmits approximately 169 billion calls a year.

Dominant in this national communications network is the American Telephone and Telegraph Company and its 24 associated companies which comprise the Bell System. This System is concentrated primarily in the metropolitan areas and has over 91 million telephones, a gross plant investment of over 46 billion dollars, and annual revenues of approximately 14½ billion dollars.

The remainder of the telephone service in the Nation is provided by 1,850 independent, or non-Bell, companies who have 19½ million telephones, a gross plant investment of almost 12 billion dollars and annual revenues of 2½ billion dollars.

Regulatory jurisdiction over the telephone industry is divided between the FCC and the State commissions.[1] The FCC regulates interstate message toll calls, commonly referred to as long distance calls.[2] The State commissions regulate intrastate message toll calls and local exchange calls even in instances where the boundaries of the exchange area overlap State lines.[3]

Under this division of regulatory responsibility, the FCC regulates approximately 3 billion interstate long distance toll calls a year and the State commissions regulate approximately 166 billion intrastate toll and local exchange calls a year. In terms of plant investment, the FCC exercises jurisdiction over approximately 25 percent of Bell System plant[4] while the State commissions exercise jurisdiction over the remaining 75 percent and over virtually all of the plant of the independent telephone companies.[5]

Under the rate base concept of ratemaking, practiced by the FCC and the State commissions, the Bell System, through its rates, is entitled to earn a reasonable return on its plant invested in common carrier service and to recoup its expenses reasonably incurred in furnishing such service. Since the vast bulk of Bell System plant and expenses are used in furnishing both interstate and intrastate communication service, such plant and expenses must be allocated or separated between the interstate and intrastate uses for purposes of ratemaking by the respective Federal and State jurisdictions.

The procedures employed in the division of these joint telephone costs are commonly referred to as "separations procedures." Inherently, they involve judgment factors in which there is no absolute correctness or incorrectness.

It is essential to the public interest that procedures for separating such plant and expenses be fair and equitable so that no unreasonable burden will be placed on either the interstate or intrastate users of the telephone service.

The State commissions have long contended that the FCC, which has controlled the prescription of separations procedures since the beginning, has never prescribed equitable ones because it has consistently refused to allocate a fair amount of the cost of providing local telephone service to the users of the interstate service. Local telephone service is an integral part of the national and international toll network. It is the gateway to the toll network and without it the toll network would be worthless.

The State commissions contend that the long-standing unfairness of FCC prescribed separations procedures, which favor the interstate users, is magnified by a strong technological trend in the telephone industry which results in reduced costs for long distance service and increased costs for local service. The extensive use of microwave facilities and of coaxial cable, with its high volume circuit capacity, has dramatically reduced the cost of long distance circuits. Ten years ago coaxial cable could carry only about 500 telephone calls at a time. The newest ones can handle about 32,000 calls at a time, and it is anticipated that in the near future this capacity can be increased to 100,000 calls. During the same period, the cost of installing such cable has decreased from about 100 dollars a mile for each channel to less than 5 dollars.

In contrast, there is no such technological breakthrough in the furnishing of local exchange service and hence the cost of providing this service steadily rises due to inflation. Although exchange plant is employed in both interstate and intrastate service, the investment in such plant is determined by the number of exchange subscribers served and not by the volume of local traffic generated. In other words, the investment in the local distribution plant connecting the subscriber to his central exchange office, as well as a significant portion of the investment in the central office, have a one-to-one correspondence with the number of subscribers. Accordingly, exchange plant costs vary directly with the number of subscribers while the magnitude of the long distance toll lines plant investment is largely determined by actual usage and hence this high use factor permits long distance calling to achieve a high degree of economic efficiency.

In an effort to afford the State commissions a role in decision-making regarding changes in separation procedures, the NARUC Executive Committee on March 13, 1969, approved the proposed Federal-State Communications Joint Board Act of 1969 (NARUC Bulletin No. 13–1969, p. 17), which was promptly introduced in the Ninety-first Congress as S. 1917 by Magnuson (D.-Wash.) and H.R. 12150 by Rooney (D-Pa.). Representative Rooney on February 2, 1971, automatically reintroduced this legislation in the Ninety-second Congress as H.R. 3323.

Adoption of the Act would create a seven member Board composed of four FCC Commissioners designated by the FCC and three State Commissioners nominated by the NARUC and appointed by the FCC. The Board would have sole administrative authority under the Communications Act of 1934 to prescribe uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service. For the text of this legislation, see *81st NARUC Annual Convention Proceedings*, pp. 157–159 (1969).

Congressional hearings on this legislation were precipitated by an announcement of the FCC on November 5, 1969, that it had negotiated with the Bell System telephone companies an interstate toll rate reduction totaling $237 million. NARUC Bulletin No. 45–1969, p. 20. This announcement came at a time when the same Bell System was seeking from State commissions rate increases totaling over half a billion dollars for State and local telephone service!

NARUC President Francis Pearson requested the prompt scheduling of hearings on the legislation in duplicate letters, dated November 8, 1969, to Chairman Warren G. Magnuson of the Senate Committee on Commerce and to Chairman Harley O. Staggers of the House Committee on Interstate and Foreign Commerce. NARUC Bulletin No. 46–1969, p. 3.

The Senate Committee on Commerce concluded hearings on S. 1917 on December 9, 1969. Fifty-one State commission representatives from 32 States appeared in support of the bill at these hearings. The FCC testified in opposition to the bill. NARUC Bulletin Nos. 48–1969, p. 15; 50–1969, p. 2.

The subcommittee on Communications and Power of the House Committee on Interstate and Foreign Commerce concluded hearings on H.R. 12150 on February 25, 1970. Fifty State commission representatives from 30 States appeared in support of the bill. Again, the FCC testified in opposition. NARUC Bulletin No. 9–1970, p. 3.

Following the conclusion of the NARUC testimony on February 25, 1970, the FCC, by letter of March 17, 1970, to the NARUC, suggested that pending jurisdictional separations proposals be considered by a Federal-State joint board established pursuant to Section 410 of the Communications Act of 1934, as amended (47 U.S.C.A., Sec. 410). The Congress, thereupon, suspended further consideration of the legislation to await the outcome of the joint board procedures. As indicated by the report on *Telephone Separations* (FCC Docket No. 18866), appearing in the *Report of the General Counsel on Litigation* submitted to the 82nd NARUC Annual Convention on November 16, 1970, a joint board was established and, pursuant to its recommendation, the FCC adopted the "Ozark Plan" on October 27, 1970.

The NARUC and the FCC on October 7, 1970, reached an agreement on a proposed amendment to the legislation which, in effect, would strike all after the enacting clause and substitute a provision confirming the Federal-State joint board procedures used in FCC Docket No. 18866. The FCC's agreement on this compromise legislation is reflected by its letter dated November 13, 1970, to Chairman Warren G. Magnuson of the Senate Committee on Commerce and Chairman Harley O. Staggers of the House Committee on Interstate and Foreign Commerce. The text of the Magnuson letter is stated in Appendix A to this document.

The proposed text of the compromise version of the Federal-State Communications Joint Board Act is as follows:

H.R.—

A bill to amend the Communications Act of 1934, as amended, to establish a Federal-State Joint Board to recommend uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. This Act may be cited as the "Federal-State Communications Joint Board Act."

SEC. 2. The Communications Act of 1934, as amended, is further amended by adding a new subsection (c) at the end of section 410 (47 U.S.C., Sec. 410) to read as follows:

"(c) The Commission shall refer any proceeding regarding the jurisdictional separation of common carrier property and expenses betwen interstate and intrastate operations, which it institutes pursuant to a Notice of Proposed Rule Making and, except as provided in Section 409 of this Act, may refer any other matter, relating to common carrier communications of joint Federal-State concern, to a Federal-State Joint Board. The Joint Board shall possess the same jurisdiction, powers, duties and obligations as a joint board established under subsection (a) of this section, and shall prepare a recommended decision for prompt review and action by the Commission. In addition, the State members of the Joint Board shall sit with the Commission *en banc* at any oral argument that may be scheduled in the proceeding. The Commission shall also afford the State members of the Joint Board an opportunity to participate in its delibera-

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Footnotes at end of article.

tions, but not vote, when it has under consideration the recommended decision of the Joint Board or any further decisional action that may be required in the proceeding. The Joint Board shall be composed of three Commisisoners of the Commission and of four State commissioners nominated by the national organization of the State commissions, as referred to in sections 202(b) and 205(f) of the Interstate Commerce Act, and approved by the Commission. The Chairman of the Commission, or another Commissioner designated by the Commission, shall serve as Chairman of the Joint Board.

FEDERAL-STATE COMMUNICATIONS REGULATORY COOPERATION ACT

JUSTIFICATION

Section 410(a) of the Federal Communications Act of 1934, as amended [47 U.S.C., Sec. 410(a)], presently authorizes the FCC to refer administrative matters to joint boards composed of State commissioners and further provides that they "shall receive such allowances for expenses as the Commission shall provide."

However, these provisions for defraying the out-of-pocket expenses of joint boards composed wholly of State officials, do not cover the cooperative arrangement where State commissioners sit with FCC presiding officers. The following proposed legislation is designed to rectify this omission.

It provides that when State commissioners sit with FCC presiding officers pursuant to invitation by the FCC, the reasonable expenses incurred by the State commissioners may be defrayed by the FCC.

For example, the FCC on October 27, 1965, released an order instituting an investigation of the charges of the American Telephone and Telegraph Company and the Associated Bell System Companies for interstate and foreign communication service, Docket No. 16258.

In accordance with paragraph 5 of the order, the FCC extended an invitation to the NARUC to designate cooperating State commissioners to sit with the presiding officers of the FCC for the hearing of the proceeding in accordance with the Plan of Cooperative Procedure set forth in Appendix A of Part 1 of the FCC's Rules.

The NARUC on November 9, 1965, accepted the FCC's invitation, and on December 10, 1965, designated three cooperating State commissioners to sit with the presiding officers of the FCC in the AT&T rate proceeding.[6]

AT&T and the Bell System Companies operate in forty-eight States and the District of Columbia. The cooperating State commissioners, like the FCC presiding officers, render a national service when presiding in the proceeding.

Consequently, it would appear inappropriate for a few State commissions to bear the travel, food and lodging expenses of the cooperating commissioners furnished by them when the service rendered by the commissioners is of national benefit.

Traditionally, when State commissioners are invited to participate in cooperative arrangements with Federal regulatory commissioners, the travel, food and lodging expenses of the State commissioners are defrayed by the Federal commission issuing the invitation.[7]

The Federal Government benefits from this arrangement by acquiring the use of State expertise and by conserving the use of Federal officials.

Accordingly, enactment of proposed legislation should strengthen cooperative efforts between the Federal and State governments in the regulation of the communications industry. The legislation was introduced in the Ninety-first Congress as S. 1922 by Magnuson (D.-Wash.) and H.R. 12148 by Rooney (D.-Pa.).

The text of the legislation reads as follows:

H.R —

A bill to amend section 410 of the Communications Act of 1934 to permit the Federal Communications Commission to pay the expenses of certain State officials serving in joint hearings with the Commission

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Federal-State Communications Regulatory Cooperation Act."

SEC. 2. Section 410 of the Communications Act of 1934, as amended (47 USC, Sec 410), is hereby further amended by adding at the end thereof a new subsection to read as follows:

"(d) State officials and representatives of the national organization of the State commissions, as referred to in section 202(b) and 205(f) of the Interstate Commerce Act, as amended [49 USC, Secs 302(b), 305(f)], serving in joint hearings or in other regulatory cooperative efforts with the Commission shall receive such allowances for travel and subsistence expenses as the Commission shall provide."

FEDERAL-STATE ELECTRIC POWER ENVIRONMENTAL PROTECTION ACT

JUSTIFICATION

Our country is continuing to experience an exponential growth in the demand for energy. For the power demands expected in 1990, the electric industry alone faces installation of nearly one billion kilowatts of new generating capacity during the next two decades.

This expansion of generating capacity is roughly equal to quadrupling the Nation's present electric generating facilities. The 1990 plant will be three times that of the 1971 plant, producing nearly six trillion kilowatt hours.

The demand for electric power has been doubling about every 10 years.[8] Per capita consumption has recently been increasing about five times as fast as population,[9] while in the past 100 years the population has tripled but energy consumption has increased 15 times."[10]

By 1990, electric utilities must add 200,000 circuit miles of new bulk transmission facilities, with about half expected to be extra-high-voltage lines requiring rights-of-way of 200 feet or more. The land requirements for these facilities is impressive—more than 3 million acres, or 4,850 square miles, equal to a right-of-way two miles wide spanning the Nation from New York to Los Angeles.

It is not difficult to foresee how painful will be the reconcilation between utility transmission needs and the public desire for a visually pleasant and uncluttered environment.

The planning decisions relating to power plant siting and transmission line routing and right-of-way acquisitions are inextricably involved in the future reliability of bulk power supply. Reliability suffers when environmental factors cause indecision on the part of utility planners and, as a consequence, delay the start of construction of generating capacity and the completion of transmission facilities.

A particularly troublesome aspect of utility system planning is the present structure of environmental safeguards which require utility systems to obtain a whole array of licenses, permits, and approvals on the local and State levels, sometimes as many as 30 or more, before all legal restraints to plan construction can be removed. If environmental problems are to be cleared expeditiously and fairly to all concerned, a new procedure must be established to centralize and to simplify the acts of licensing and appeal through which the public exercises its rights to a visually pleasant and a healthy environment and to do this without frustrating utility expansion programs.

In an effort to resolve these growing difficulties, a majority of the Federal Power Commission under the leadership of Chairman John N. Nassikas prepared legislation which was introduced on October 1, 1970, in the Ninety-first Congress as S.4421, a bill proposing the Electric Power Environmental Policy Act of 1970. The Administration on February 10, 1971, forwarded to the Congress for introduction a similar bill entitled the "Power Plant Siting Act of 1971" which was intended to implement a part of the President's Environmental Program Message of February 8, 1971. NARUC Bulletin No. 7–1971, p. 17.

The letter of transmittal for the Administration's legislation stated that it "will provide the nation with a coordinated system of state, regional and federal certifying agencies to assure that all substantive environmental protection requirements are met before power plants and transmission lines can be built. It would also assure that if these environmental concerns are satisfied construction could proceed in a timely fashion to meet the nation's growing needs for electric power."

The Administration's letter further stated that the legislation included the following provisions:

"Requires the nation's electric utilities to engage in long-range planning and to prepare and publish general plans for their system expansions at least ten years in advance of construction.

"Provides that each state or region may establish a decison-making body that will review alternatives in order to assure that optimum sites for power plants and large transmission lines are selected, and will assure, prior to construction, that adequate environmental protection features will be employed.

"Provides that if a state or region fails to establish such a decision-making body in accordance with federal guidelines, then the federal government would exercise the review and approval responsibility until such time as a decision-making body is established on a state or regional level.

"Requires that proposed power plant sites and general locations of transmission line routes be disclosed at least five years prior to construction and that public hearings on the plant sites be held at that time. Detailed applications for construction of power plants and transmission lines must be filed at least two years in advance and a public hearing held in which all interested persons can participate.

"Provides that the decision of the state or regional power plant siting body shall be conclusive on all matters of state or local law and thus consolidates the various approvals now required at the state and local level.

"Applies the foregoing requirements to all bulk power facilities regardless of ownership except that small plants and lower voltage transmission lines would be exempt."

A basic difference between the two proposals is that the FPC would be the primary "Federal certifying agency" under the FPC bill, and the President would designate the "Federal certifying agency" under the Administration's bill. The President has stated his intention to designate the proposed Department of Natural Resources. If this Department is not created, the President would probably designate the Department of the Interior or the Environmental Protection Agency as the certifying agency.

Although this legislation provides a role for State agencies, it nevertheless is not as meaningful as the role which would be afforded by the employment of the State joint board concept as reflected in the NARUC proposed Federal-State Electric Power Reli-

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Footnotes at end of article.

ability and Scenic Conservation Act of 1969 which was introduced in the Ninety-first Congress [S. 1916 by Magnuson (D.-Wash.); R.H. 9429 by Friedel (D.-Md.)]. *81st NARUC Annual Convention Proceedings*, pp. 162–171 (1969).

The joint board concept is also reflected in the draft bill proposing new electric power reliability legislation which was transmitted by Commissioner John Carver of the Federal Power Commission on June 15, 1970, to Chairman Warren G. Magnuson of the Senate Commerce Committee and Chairman Torbert H. Macdonald of the Subcommittee on Communications and Power of the House Committee of Interstate and Foreign Commerce.

Commissioner Carver, in his transmittal letter, said he was acting as an individual member of the FPC and not for the Commission.

He said the purpose of the bill is "to put a premium on the resolution of bottlenecks to construction." The main features of the bill are:

(1) Jurisdiction would be granted to the FPC to issue certificates of public convenience and necessity for EHV lines and fossil-fired power plants, but jurisdiction would have to be asked for by a regional reliability council; and

(2) The traditional process of an FPC examiner's decision and review by the Commission would not be used in reviewing applications for these facilities. Instead, review would be by a joint board made up of FPC and State representatives. NARUC Bulletin No. 28–1970, p. 2.

The Carver proposal has not been introduced in Congress.

The proposed legislation set forth below is similar to the Administration's bill. The chief distinctions between the two are that:

(1) Under the proposed NARUC bill a State joint board for the power pool region involved would act as the "certifying agency" in the absence of a qualified "state or regional certifying agency", whereas under the Administration's bill a Federal agency would act as the "certifying agency" in such circumstances;

(2) Under the proposed NARUC bill the FPC would be the primary "Federal certifying agency" while under the Administration's bill this function would be performed by some other Federal agency; and

(3) Under the proposed NARUC bill the certifying agencies would not be bound by Federal guidelines of the nature proposed by section 9 of the Administration's bill.

The enactment of the proposed NARUC bill would afford immediate protection to the public in the preservation of environmental values with the decisions being made by officials close to the problems. The joint board concept would not override State authority, but would stimulate the exercise of that authority by inducing the legislatures, which have not yet done so, to enact appropriate enabling legislation.

The joint board concept proposed here is similar to the joint boards now provided for in Part II of the Interstate Commerce Act concerning the regulation of motor carriers. 49 U.S.C., Sec. 305. The joint board procedure has worked successfully in motor carrier regulation since 1935 and has significantly strengthened Federal-State relations. Accordingly, the joint board concept should be applied to the regulation of the electric industry under the terms of the following bill.

H.R. —

A bill to strengthen Federal-State cooperation to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Federal-State Electric Power Environmental Protection Act."

SEC. 2. The Congress, in furtherance of the national environmental policy as set forth in the National Environmental Policy Act of 1969, 83 Stat. 852, and the national electric energy policy as set forth in section 202(a) of the Federal Power Act, 16 U.S.C., section 824a(a), hereby finds and declares the national public interest in the environment, the interest of interstate commerce, the interest of public and private investors in electric utility facilities, and the interest of consumers of electric energy require:

(a) That bulk power supply facilities adequate to the Nation's need for a reliable electric power supply be constructed upon a timely basis, and in a manner consonant with the preservation of important environmental values and wise comprehensive use of the Nation's air, land, and water resources for all beneficial purposes, public and private;

(b) That in order to avoid undue delays in the construction of needed bulk power supply facilities and to provide for full and timely consideration of environmental consequences well in advance of such construction, all of the Nation's electric entities should be required to engage in adequate long-range planning, and that certifying agencies be established for the preconstruction review of bulk power supply facility sites and all related bulk power supply facilities;

(c) That the siting of bulk power plants and high-voltage transmission lines be treated as a significant aspect of land use planning in which all environmental, economic and technical issues with respect to a bulk power supply project at the State or regional level should be resolved in an integrated fashion;

(d) That Federal, regional and State governmental authorities be authorized and empowered to act expeditiously in coordinating reviews to assure protection of environmental values and certifying the construction, operation or maintenance of bulk power supply facilities, all to the end of assuring for the Nation an adequate and reliable supply of electric power through a balanced and comprehensive use of the Nation's air, land and water resources for all beneficial purposes, public and private;

(e) That long-range planning be carried out through the electric reliability councils voluntarily established on regional and national bases and open to all systems comprising the various component parts of the electric utility industry, investor owned, publicly owned and cooperatively owned, and by participation of these councils in the work of the Federal Power Commission under Section 202(a) of the Federal Power Act, 16 U.S.C., Sec. 824a(a); and

(f) That a program be undertaken by the Federal government to assist in the development of new approaches or methods of locating or grouping bulk power supply facilities within particular geographic areas, at surface or sub-surface levels, or in conjunction with the location of physical facilities used in other types of energy, transportation or communications services which may be available to the general public through public or private suppliers.

SEC. 3. As used in this Act:

(a) "Electric entity" means any individual or corporation which owns or operates bulk power supply facilities, or plans to own or operate such facilities, however organized or owned, whether investor owned, publicly owned or cooperatively owned, including a "State" or a "municipality" as defined in Section 3(6) and 3(7) of the Federal Power Act, 16 U.S.C., Sec. 796, but not the United States or an agency, authority or instrumentality thereof, or any corporation which directly or indirectly is wholly owned by the United States, its agencies, authorities or instrumentalities;

(b) "Federal electric entity" means the United States, an agency, authority or instrumentality thereof, or any corporation which directly or indirectly is wholly owned by the United States, its agencies, authorities or instrumentalities, which owns or operates bulk power supply facilities or plans to own or operate such facilities;

(c) "Bulk power supply facilities" means electric generating equipment and associated facilities designed for, or capable of, operation at a capacity of 300,000 kilowatts or more, or any sizeable additions thereto as defined by the appropriate certifying agency, or electric transmission lines and associated facilities designed for, or capable of, operation at a nominal voltage of 230 kilovolts or more, between phase conductors for alternating current or between poles for direct current, or any sizeable additions thereto as defined by the appropriate certifying agency, except that any facilities subject to licensing pursuant to Part I of the Federal Power Act, 16 U.S.C., Secs. 792–823, shall not be subjected to the provisions of Sections 6 and 8(c) of this Act;

(d) "Federal certifying agency" means the Federal Power Commission or the United States Atomic Energy Commission if designated by the Federal Power Commission with respect to nuclear facilities falling within the definition of bulk power supply facilities;

(e) "State or regional certifying agency" means the State or regional agency, authority or other entity authorized and empowered to carry out the responsibilities provided for in this Act within the State or States affected;

(f) "Regional" means the Governments of two or more States;

(g) "State joint board" means a certifying agency authorized and empowered to carry out the responsibilities provided for in this Act within the State or States affected;

(h) "National organization of the State Commissions" means the national organization of the State commissions referred to in sections 202(b) and 205(f) of the Interstate Commerce Act, as amended [49 U.S.C., Secs. 302(b), 305(g)];

(i) "State commission" means the regulatory agency of the State having jurisdiction to regulate rates and charges for the sale of electric energy to consumers within the State, or if no such regulatory agency exist, the Governor of the State;

(j) "State commissioner" means a member of the regulatory agency of the State having jurisdiction to regulate rates and charges for the sale of electric energy to consumers within the State, or if no such regulatory agency exists, the Governor of the State or his designee; and

(k) "Commencement of construction" means any clearing of the land, excavation, or other substantial action that would adversely affect the natural environment of the site or route but does not include changes desirable for the temporary use of the land for public recreational uses, necessary borings to determine foundation conditions or other pre-construction monitoring to establish background information related to the suitability of the site or to the protection of environmental values.

SEC. 4. (a) Each electric entity and Federal electric entity shall prepare annually its long-range plans for bulk power supply facilities pursuant to guidelines established by the Federal Power Commission within 90 days after enactment hereof, upon the advice of interested Federal and State agencies and the national organization of the State commissions. These plans may be part of a single regional plan and shall:

(1) Describe the general location, size and type of all bulk power supply facilities to be owned or operated by such entity and whose

construction is projected to commence during the ensuing 10 years, together with an identification of all existing facilities to be removed from utility service during such period or upon completion of construction of such bulk power supply facilities;

(2) Identify the location of tentative sites for the construction of future power plants as defined in Section 3(c), including an inventory of sites for all plants on which construction is to be commenced in the succeeding 5 years, and the general location of the routes of transmission lines as defined in Section 3(c), and indicate the relationship of the planned sites, routes, and facilities thereon to environmental values and describe how potential adverse effects on such values will be avoided or minimized;

(3) Reflect and describe such entity's efforts to coordinate the bulk power supply facility plans identified therein with those of the other entities so as to provide a coordinated regional plan for meeting the electric power needs of the region;

(4) Reflect and describe such entity's efforts to involve environmental protection and land-use planning agencies in their planning process so as to identify and minimize environmental problems at the earliest possible stage in the planning process; and

(5) Supply such additional information as the Federal certifying agency upon the advice of interested Federal and State agencies and the national organization of the State commissions may from time to time prescribe to carry out the purposes of this Act.

(b) Each electric entity and the Federal electric entity, shall give initial public notice of its plans referred to in subsection (a), by filing annually a copy of such plans, together with its projections of demand for electricity that the facilities would meet, with the appropriate certifying agency, with the Federal Power Commission and the Environmental Protection Agency, and with such other affected Federal, State, regional and local governmental authorities, and citizens' environmental protection and resource planning groups requesting such plans.

SEC. 5(a). The several States, within 24 months from the date of enactment hereof, may designate or establish a decisionmaking agency at the State or regional level, which may be an existing or newly created agency, for the certification of sites and related bulk power supply facilities of any electric entity. These State or regional certifying agencies shall be designated or established and administered in accordance with the requirements of this Act, and shall possess adequate staffs with technical and professional competence. Each State or regional certifying agency shall provide for participation in its decisionmaking processes by environmental protection, natural resource, and planning components of the State government or governments involved, and provide for participation also by components of such governments having responsibility with respect to provision of electric power service. Such agency may also provide for participation by members of the public.

(b) The Governor of each State which designates or establishes such a decisionmaking agency and procedures, either as a State or regional entity, shall notify the Federal certifying agency of that fact, and thereupon the Federal certifying agency, if it finds such authorities and procedures to be in accord with the requirements of this Act, shall issue a Certificate of Qualification of Procedure with respect to each such State, which Certificate shall be revoked by the Federal certifying agency if the State or regional certifying agency fails to abide by said requirements, but unless revoked, shall constitute conclusive evidence of its authority to exercise the provisions of Section 6 hereof, for such period as the Certificate remains effective.

(c) If, within 24 months from the date of enactment hereof, a decision-making agency and procedures are not designated or established for the certification of sites and related bulk power supply facilities within one or more of the several States, and qualified in the manner as set forth in subsection (b), or if such Certificate of Qualification of Procedure is later revoked, the State joint board for the power pool area involved, as determined by the Federal Power Commission, shall have exclusive authority to issue a Certificate of Site and Facility with respect to any bulk power supply facility of any electric entity within any said State or States. With respect to each State the authority of such State joint board shall continue until such State or States have qualified pursuant to subsection (b) hereof. Any proceedings for the certification of sites and bulk power facilities which are pending before such State joint board on the date of issuance of any Certificate of Qualification of Procedure by the Federal certifying agency shall continue to be proceedings subject to the authority of such State joint board and shall require its certificate before construction shall commence, except that the State joint board may in its discretion transfer such proceeding to the appropriate State or regional certifying agency.

(d) The Federal certifying agency, prior to denying or revoking a Certificate of Qualification of Procedure in respect to matters arising under subsection (b), shall consult with the Governor or Governors of the State or States involved, informing each of the particular respects in which the State or regional certifying agency's authorities or procedures fail to comply with the requirements of this Act, and shall afford each State affected a reasonable time to respond and to make appropriate changes.

(e) Any State dissatisfied with the action of the Federal certifying agency denying or revoking a Certificate of Qualification of Procedure as referred to in subsection (b) may appeal to the United States court of appeals for the circuit in which such State is located, with service of the summons and notice of appeal at any place within the United States, and the court shall have jurisdiction to affirm the action of the agency, to set it aside in whole or in part, and for good cause shown, to remand the case to the agency for further deliberation; *provided* that any judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. Upon the filing of an appeal, the clerk of the court of appeals shall forthwith transmit a copy of the notice to the Federal certifying agency, which agency thereupon shall file with the court the record upon which the appealed action was entered, as provided in section 2112 of title 28, United States Code. Upon the filing by the agency of the record, the jurisdiction of the court shall be exclusive.

(f) A State joint board, under the provisions of this Act, shall be composed solely of one State commissioner from each State, within all or part of the region, nominated by the State commission and appointed by the Federal Power Commission. Each State commission shall certify to the Federal Power Commission the name, title and address of its nominee. A substition of membership upon a board from any State may be made at any time by the nomination by the State commission of a successor and his appointment by the Federal Power Commission. If a State commission shall fail to nominate a member, in the original constitution of the board or to fill a vacancy therein, the board shall be constituted, or shall continue to function, without a member from such State until such time, if ever, as such a member shall be nominated and appointed as provided above. Each member of the board shall have one vote. The chairman of the board shall be elected by the members of the board and shall serve at their pleasure. All decisions of the board shall be by majority vote. The Federal Power Commission, if requested by the board, shall designate an examiner to advise with and assist the board in the handling of any proceedings before it. The Federal Power Commission, if requested by the board, shall provide the board from among the personnel and facilities of the Commission such staff and facilities as are necessary to carry out the functions of the board. In conducting hearings, each board shall be vested with the same rights, duties, powers and jurisdiction as are vested in a hearing examiner when designated by the Commission to hold a hearing. The members of the joint board when administering the provisions of this Act shall be reimbursed by the Commission for their reasonable travel and subsistence expenses. A board shall meet from time to time as the chairman of the board shall direct by the giving of reasonable advance notice. A majority of the members of a board shall constitute a quorum.

SEC. 6 (a). Effective 24 months from the date of the enactment hereof no electric entity shall commence to construct or begin operation of bulk power supply facilities within a State or States unless it has obtained from each such State or States a certificate of site and facility with respect to those facilities, issued by each qualified State or regional certifying agency and no Federal electric entity shall commence to construct or begin operation of bulk power supply facilities unless it has obtained from the Federal certifying agency a certificate of site and facility with respect to those facilities. If after 24 months from the date of enactment hereof, there is no qualified State or regional certifying agency in one or more of the several States, no electric entity shall commence to construct or begin operation of bulk power supply facilities within said State or States unless there shall have been obtained from the appropriate State joint board such a certificate of site and facility with respect to such bulk power supply facilities to be constructed or operated within said State or States by any such electric entity. Such facilities shall be constructed, operated, and maintained in accordance with the terms and conditions of the certificate. Applications for certificates for bulk power facilities already under construction on the effective date of this subsection shall be filed promptly with the appropriate certifying agency, and certificates shall be granted for any application showing a sizable investment applicable only to the site which is the subject of the application on the effective date of this subsection, as defined by the appropriate certifying body. No certificate is required for permits or licenses required when construction in fact commenced had been obtained. Operation of any bulk power facilities whose construction had commenced on or before the effective date of this subsection may commence prior to certification if a timely decision has not been made, subject to any reasonable actions or conditions that may be later required by the appropriate certifying body. No Certificate is required for bulk power facilities already in operation on said effective date, but said certificates are required for sizable additions thereto as defined by the appropriate certifying body.

(b) All applications by any electric entity for a Certificate of Site and Facility from a State or regional certifying agency or State joint board or by a Federal electric entity from a Federal certifying agency shall be filed with the certifying agency not less than one year prior to the planned date of commencement of construction of the affected bulk power supply facilities and such plans may be subject to reasonable modification during the period of review. As a prerequisite to such filing, the electric entity or Federal electric entity shall have complied with the provisions of Section 4 hereof; and with respect to power plants and transmission line routes, except for good cause shown, shall have complied with the requirement that the site selected is from among those sites in the electric entity's or Federal electric entity's 5-year inventory of sites approved by the relevant agency pursuant to Section 8(c) hereof and that it will utilize the general transmission line routes identified in the electric entity's or Federal electric entity's long-range plans.

(c) It is the intent of Congress that any certifying agency shall complete action on each application filed pursuant to the authority of this Act within the one-year period prior to construction as provided under the procedures of subsection (b). For a period of 48 months from the date of enactment hereof, any of the provisions of Section 6 may be waived by the certifying agency in respect to filed applications of electric entities and Federal electric entities for good cause shown. Compliance with the procedures of Section 4 hereof in respect to planning and filing requirements shall constitute prima facie evidence of timely disclosure of construction plans in support of petitions for expeditious proceedings involving the bulk power supply facilities in all courts and administrative agencies of the United States and of the several States.

(d) The provisions of section 5 and subsection (a) of this section notwithstanding, any electric entity may petition the Federal certifying agency for a Certificate of Site and Facility based upon the entity's showing to that agency of a failure of a State or regional certifying agency or agencies or a State joint board to act upon a timely or conclusive basis with respect to any application of such electric entity for a State or regional certification which has been on file for a period in excess of one year; and that as a result thereof the public interest in an adequate and reliable regional bulk power supply imperatively and unavoidably requires a decision with respect to such certification. The Federal Power Commission shall prescribe by regulation the facts necessary to constitute the basis of such showing, giving due consideration to the effect upon adequacy and reliability of electric supply of the lack of timely, or of inconclusive, action by the State or States concerned. Such applications shall be referred to the Federal Power Commission, and if it makes a finding, upon the advice of the interested Federal agencies, that adequate and reliable regional bulk power supply will be materially impaired by reason of the fact that a State or States have failed to act upon a timely or conclusive basis after the expiration of a period of one year from the date the application is filed, the Federal certifying agency shall, effective upon the date of such finding, have jurisdiction to act in these circumstances, removing from the State or States concerned any basis upon which to proceed further in respect of State, regional or State joint board certification of the affected bulk power supply facilities. The Federal certifying agency shall accord priority to all petitions for Certificates of Site and Facility filed under this subsection and shall resolve them in accordance with the provisions of section 7.

Sec. 7. (a) The certifying agencies are hereby empowered and authorized, pursuant to Section 6 hereof, to issue Certificates of Site and Facility for bulk power supply facilities, if such agencies find, after having considered available alternatives, that the use of the site or route will not unduly impair important environmental values and will be reasonably necessary to meet electric power needs, or otherwise to deny such Certificates if the applicant fails to conform with the requirements of this Act. The judgment of the certifying agency shall be conclusive on all questions of siting, land-use, State air and water quality standards, public convenience and necessity, aesthetics, and any other State or local requirements but the Certificates shall be granted only after the appropriate certifying agency has ascertained that all applicable Federal standards, permits, or licenses have been satisfied or obtained. The Certificates shall show acceptance thereof by the applicant and agreement to comply with the requirements of this Act including a showing of the applicant's action to meet the objectives of Section 202(a) of the Federal Power Act, 16 U.S.C., Sec. 824a(a), regarding reliability and adequacy of electric service.

(b) In the consideration of applications for Certificates of Site and Facility, the certifying agency shall assure full public review and adequate consideration of all environmental values, including the impact on adjacent States, and other relevant factors bearing on whether the objectives of this Act would be best served by the issuance of the Certificate. In the issuance of such Certificates the certifying agency may impose such reasonable terms and conditions as it deems necessary. Such Certificates, when issued, shall be final and subject only to judicial review.

Sec. 8. Each certifying agency is hereby empowered, authorized, and directed—

(a) To review and comment on the long-range plans prepared and filed pursuant to section 4 hereof and make the information contained therein readily available to the general public and interested governmental agencies.

(b) To compile and publish each year a description of the proposed power plant sites and general locations of transmission line routes within its respective jurisdiction as identified in the long-range plans of the electric entities and Federal electric entities pursuant to section 4(a) (2), identifying the location of such sites and the approximate year when construction is expected to commence, and to make such information readily available to the general public, to each newspaper of daily or weekly circulation within the area affected by the proposed site, and to other interested Federal, State, and local agencies.

(c) To conduct public hearings with respect to any proposed power plant sites identified five years in advance of construction and to decide whether or not any such sites should be approved for inclusion in the electric entity's five-year inventory of sites. The basis for such decision shall be whether or not construction of any plant at the proposed site would unduly impair important environmental values. It is contemplated that any such hearings on the site itself will be held promptly after the site is identified.

(d) Upon the receipt of an application for a Certificate of Site and Facility pursuant to Section 6 hereof, to publish a notice in each newspaper of daily or weekly circulation serving the affected area which describes the location of the facilities (power plant and transmission lines) and other pertinent details concerning the facilities, and which provides the date of the public hearing thereon which shall be held prior to the issuance of the Certificate of Site and Facility applied for.

(e) To require such information from electric entities and Federal electric entities as it deems necessary to accompany applications for Certificates of Site and Facility and to assist in the conduct of hearings and any investigations or studies it may undertake.

(f) To conduct any studies or investigations which it deems necessary or appropriate to carry out the purposes of this Act.

(g) To issue such rules and regulations, after public notice and opportunity for comment, as may be required to carry out the provisions of this Act.

Sec. 9. An electric entity holding a Certificate of Site and Facility as referred to in Section 6, and which cannot acquire by contract, or is unable to agree with the individual, corporation, or other owner (other than the United States Government), of property as to compensation to be paid for the necessary rights-of-way or other property to construct, operate and maintain the certified bulk power supply facilities, may acquire the same by the exercise of the right of eminent domain in the district court of the United States for the district in which such property may be located, or in the State courts. In any proceeding brought in the district court of the United States, the petitioner may file with the petition or at any time before judgment a declaration of taking in the manner and with the consequences provided by Sections 258a, 258b and 258d of title 40, United States Code, and the petitioner shall be subject to all of the provisions of said Section which are applicable to the United States when it files a declaration of taking hereunder.

Sec. 10. (a) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts not in conflict with any law or treaty of the United States for cooperative effort and mutual assistance in certificating sites and related bulk power supply facilities of electric entities, for the enforcement of their respective laws thereon, and for the establishment of such authorities or agencies, joint or otherwise, as they may deem desirable for implementing such agreements or compacts. The right to alter, amend, or repeal this section is expressly reserved.

(b) It is the intent of Congress to encourage cooperation among the various State and regional certifying agencies in the planning of bulk power facilities and in their review of applications for Certificates of Site and Facility including the establishment of cooperative procedures and joint actions by the several States, and also to encourage compacts between the States to coordinate and resolve environmental considerations which affect bulk power supply facilities.

Sec. 11. Each State or regional certifying body qualified pursuant to a Certificate of Qualification of Procedure, each State joint board, and the Federal certifying agency are hereby authorized to assess and collect fees, including filing fees, in a just and equitable manner from every electric entity and Federal electric entity operating within the jurisdiction of the legal authorities and procedures of said agency, such assessment and collection to be in an amount not in excess of the cost of administration of the qualified agency's certification program, including the cost of all necessary studies and the cost of personnel.

Sec. 12. The Federal certifying agency, in cooperation with other interested Federal agencies and the electric power industry, is authorized to develop a coordinated program of studies of new and evolving siting concepts relative to bulk power supply facilities in consultation with interested State, regional and local governmental authorities, the national organization of the State commissions and the electric entities. The Federal agencies shall make public the results of their studies.

Sec. 13. All departments and agencies of the Federal Government are authorized to cooperate with the certifying agencies so as to foster and fully effectuate the purposes of this Act. Those departments and agencies are authorized to make avaliable to the various certifying agencies, staff experts, information and technical assistance upon request. Upon request of one or more States for a study of the environmental considerations affecting bulk power supply in its or their region, or the regional impact of any specific proposed bulk power supply facility, appropriately directed to a Federal department or agency, said department or agency is authorized to undertake such study in cooperation with other interested Federal, State, and local agencies and make its findings available to all concerned.

SEC. 14. The orders or decisions of the Federal certifying agency and of each State joint board pursuant to this Act shall be subject to review pursuant to the provisions of 5 U.S.C. 701–706. The orders and decisions of the State or regional certifying agencies pursuant to this Act shall be subject to review pursuant to applicable State law.

SEC. 16. (a) The provisions of this Act shall in no way alter or affect the jurisdiction of the Council on Environmental Quality or the requirements of the National Environmental Policy Act of 1969, 83 Stat. 852, except that the detailed statements required by section 102(2)(c) thereof, where the certifying agency has followed a substantially comparable procedure, shall not be required for power supply facilities which requires a certificate of site and facility pursuant to section 6 of this Act.

(b) Nothing herein contained shall be construed to relieve any present or future requirement arising from any Federal law, which may be applicable to any natural person, artificial person, or interest of government, Federal or State, or to affect in any way the authority of the Atomic Energy Commission under the Atomic Energy Act of 1954, as amended, or the Federal Power Commission under the Federal Power Act of 1935, as amended.

SEC. 17. (a) Whoever:

(1) Without first obtaining a Certificate of Site and Facility, commences to construct a bulk power supply facility after twenty-four months after the date of enactment of this Act; or

(2) Having first obtained a Certificate of Site and Facility, constructs, operates or maintains a bulk power facility other than in compliance with the Certificate; or

(3) Causes any of the aforementioned acts to occur; shall be liable to a civil penalty of not more than $10,000 for each violation or for each day of a continuing violation. The penalty shall be recoverable in a civil suit brought by the Attorney General on behalf of the United States in the United States District Court for the district in which the defendant is located or for the District of Columbia.

(b) Whoever knowingly and willfully violates subsection (a) shall be fined not more than $1,000 for each violation or for each day of a continuing violation, or imprisoned for not more than one year, or both.

(c) In additon to any penalty provided in subsections (a) or (b), whenever the Federal certifying agency determines that a person is violating or is about to violate any of the provisons of this section, the agency shall refer the matter to the Attorney General who may bring a civil action on behalf of the United States in the United States District Court for the district in which the defendant is located or for the District of Columbia to enjoin the violation and to enforce the Act or an order or certificate issued hereunder, and upon a proper showing a permanent or preliminary injunction or temporary restraining order shall be granted without bond.

NATURAL GAS PIPELINE SAFETY ACT AMENDMENT OF 1971

JUSTIFICATION

The Congress, in enacting the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C.A., Sec. 1671, et seq.), intended to establish a viable Federal-State partnership to carry out a national gas safety program. Under section 5 of the Act, a State agency which adopts the Federal safety standards as a minimum and which has the ability to effectvely enforce these standards, is permitted to administer a comprehensive gas safety program within that State with respect to distribution companies and local transmission lines. State adoption and enforcement of the Federal standards are reflected by a State agency annually submitting to the Secretary of Transportation a certificate accompanied by supporting information depicting the State program. If the Secretary finds that the State performance is inadequate, he may reject the certificate and assert direct Federal regulation.

However, one facet of Section 5(a)(4) of the Act [49 U.S.C.A., Sec. 1674(a)(4)] has created a conflict of interpretation between the State agencies and the Office of Pipeline Safety of DOT. Section 5(a) provides, as one of the conditions for State certification, that: ". . . the law of the State makes provision for the enforcement of the safety standards of such State agency by way of injunctive and monetary sanctions *substantially the same as* are provided under sections 9 and 10; except that a State agency may file a certification under this subsection without regard to the requirement of injunctive and monetary sanctions under State law for a period not to exceed two years after the date of enactment of this Act." (Emphasis supplied.)[11] [12]

The Office of Pipeline Safety has interpreted the phrase "substantially the same as" to mean that a State agency itself must possess the authority to fix and compromise penalties against gas companies committing safety violations.

Traditionally, many States have reserved such authority for exercise by the judiciary and not regulatory agencies. This certainly appears to be a sound policy decision when we consider that the judiciary is the ultimate guardian of the rights of the people.

Irrespective of the enormous responsibility placed upon the judiciary under our system of government, and the excellent record it has made in meeting this responsibility since the establishment of our government, the Office of Pipeline Safety has determined that the judicial fixing of penalties is inadequate.

Many States have attempted to change their laws to conform with DOT's interpretation during the two year period specified in Section 5(a) which expired on August 12, 1970. However, thus far the Office of Pipeline Safety has determined that the laws of only 33 States and Puerto Rico satisfy its imaginative interpretation regarding monetary sanctions. It has determined that the laws of the following 14 jurisdictions are inadequate and, therefore require amendment: Connecticut, Delaware, Hawaii, Louisiana, Massachuseths, Minnesota, Mississippi, Nebraska, New Jersey, North Dakota, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. It has not yet completed its review of the laws of Arkansas, Indiana, New Mexico and Ohio.

In view of these considerations, the NAR UC believes that the interpretation adopted by the Office of Pipeline Safety, which is unsupported by the legislative history, is bad policy because it minimizes the time-honored judicial role and because it will seriously impair the Federal-State safety program intended by the Congress. See resolution adopted by NARUC Executive Committee on July 22, 1970. NARUC Bulletin No. 31–1970, p. 5.

Accordingly, the Natural Gas Pipeline Safety Act of 1968 should be amended in the manner proposed below to clarify the Congressional intent as to the appropriateness of the judicial fixing of penalties for safety violations.

Also, the Act should be further amended with regard to the 50–50 matching grant-in-aid program to assist the State commissions in their safety regulation. As a result of the timing of the State commission's application for funds and the calendar year basis of the existing grant-in-aid program, most State commissions will not know the amount of Federal funds they are entitled to receive in any year until after their State legislatures have made appropriations for that year. Under these circumstances, a State legislature could easily fail to appropriate sufficient State funds to fully match the Federal funds apportioned to the State and hence the unmatched part of the apportionment would lapse.

Enactment of the Natural Gas Pipeline Safety Act amendment of 1971, set forth below, would permit Congressional authorization of a specific amount of funds for a given fiscal year to be apportioned among the several States well in advance of such fiscal year in accordance with a precise formula. Under this concept, the Federal authorizing legislation would be enacted during an even-numbered year, and the apportionment of funds to the States would be made before the close of that even-numbered year, so that the State legislatures (the vast majority of which meet during the odd-numbered years) would know the amount of State funds needed to match the apportioned Federal funds. The Federal-aid highway program is an outstanding example of the application of this concept.

The proposed Amendment also contains a "contract authority" provision which means that when the Secretary of Transportation approves the gas safety program of a State commission, such approval "shall be deemed a contractual obligation of the Federal Government for the payment of its apportioned contribution thereto." The proposed Amendment includes authorization for a $20,000 annual grant to the NARUC to aid in the conduct of the national gas safety program.

The proposed amendments, regarding the modification of the grants-in-aid program, formed a part of the NARUC proposed Natural Gas Pipeline Safety Act Amendment of 1969 which was introduced in the Ninety-first Congress as S. 1919 by Magnuson (D.-Wash.) and H.R. 12151 by Rooney (D.-Pa.). Representative Rooney on February 2, 1971, automatically reintroduced this legislation in the Ninety-second Congress as H.R. 3324.

The text of the proposed amendment reads as follows:

H.R. —

A bill to amend the Natural Gas Pipeline Safety Act of 1968 to clarify Congressional intent as to the appropriateness of the judicial fixing of penalties for certain safety violations, and to modify the grant-in-aid program to State agencies participating in safety regulations under the Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Natural Gas Pipeline Safety Act Amendment of 1971."

SEC. 2. The Natural Gas Pipeline Safety Act of 1968, 82 Stat. 720, is amended by inserting the words ", by it or the courts of the State," immediately after the words "such State agency" in clause (4) of subsection (a) of section 5.

SEC. 3. The Natural Gas Pipeline Safety Act of 1968, 82. Stat. 720, is amended by striking the first sentence of paragraph (1) of subsection (c) of section 5 and inserting in lieu thereof a new sentence to read as follows: "Upon application, the Secretary is authorized to pay out of funds appropriated or otherwise made available up to 50 per centum of the cost of the personnel, equipment and activities of a State agency reasonably required, during the ensuing fiscal year to carry out a safety program under a certification under subsection (a) or an agreement under subsection (b) of this section; or to act as agent of the Secretary in enforcing Federal safety standards for pipeline facilities or the transportation of gas subject to

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Footnotes at end of article.

the jurisdiction of the Federal Power Commission under the Natural Gas Act."

Sec. 3. The Natural Gas Pipeline Safety Act of 1968 is further amended by adding at the end of subsection (c) of section 5 the following:

"(4) On or before January 1 next preceding the commencement of each fiscal year, the Secretary shall certify to each such State agency the funds which he has apportioned hereunder to each State for such fiscal year. As soon as practicable after the apportionment has been made for each fiscal year, the State agency of any State desiring to obtain financial assistance shall submit to the Secretary for his approval the State's safety program for the use of the funds apportioned for such fiscal year. The Secretary shall act on each State program as soon as practicable after it has been submitted. The Secretary may approve any program in whole or in part. His approval of any program shall be deemed a contractural obligation of the Federal Government for the payment of its apportioned contribution thereto. If a State agency elects not to accept the funds apportioned to it, such funds shall be reapportioned among the other States whose State agencies are eligible to receive Federal funds under this subsection.

"(5) The Secretary may, in his discretion, from time to time as work progresses make payment to a State agency for the annual program costs incurred by it. These payments shall at no time exceed the Federal share of the program costs incurred to the date of the voucher covering such payment. After completion of an annual program and approval of the final voucher by the Secretary, the State agency shall be entitled to payment out of the appropriate funds apportioned to it of the unpaid balance of the Federal share on account of such program. Such payments shall be made to such official or officials or depository as may be designated by the State agency and authorized under the laws of the State to receive public funds of the State.

"(6) Upon application by the national organization of the State commissions submitted on or before September 30th of any calendar year, the Secretary shall pay out of the funds appropriated pursuant to this Act, or other available funds, the sum of $20,000, plus such additional sums as he deems justified, to such national organization, to pay, during the ensuing calendar year, the reasonable cost of (i) conducting training of State enforcement personnel, (ii) furnishing technical assistance, or (iii) other activities appropriate for the advancement of the safety programs of State agencies carried on under this Act.

Sec. 4. Section 15 of the Natural Gas Pipeline Safety Act of 1968 is amended by inserting "(a)" immediately after "Sec. 15." and by adding at the end thereof the following:

"(b) For the purpose of further aiding the Secretary in providing financial assistance to State agencies pursuant to section 5(c) of this Act, there is hereby authorized to be appropriated the additional sum of $——— for the fiscal year ending June 30, 1972; the additional sum of $——— for the fiscal year ending June 30, 1973; and the additional sum of $——— for the fiscal year ending June 30, 1974."

Uniform Motor Carrier Standards Act

JUSTIFICATION

Public Law 89–170 was signed into law by the President on September 6, 1965. Among other things, it amended Section 202(b) of the Interstate Commerce Act [49 U.S.C., Sec. 302(b)(2)] to authorize the NARUC to determine standards, and amendments thereto, evidencing the lawfulness of interstate operations of motor carriers, and to require the Interstate Commerce Commission to promulgate same into law to become effective five years from the date of promulgation. When the standards become effective any State laws not in accord therewith are deemed to be an undue burden on interstate commerce.

The NARUC, assembled in annual convention on November 17, 1966, unanimously adopted a resolution determining such standards, and the ICC promulgated them into law on December 14, 1966.[13] Accordingly, the standards will become effective on December 15, 1971.

The success of the national regulatory program which will be established by these standards, and the ability of the NARUC to discharge its responsibilities thereunder, will be directly affected by the capacity to expeditiously adopt necessary amendments. Under present law, five years would have to elapse after the NARUC determined an amendment before it could become effective. As an example, it would take a minimum of five years for the NARUC to make a minor change in the language of the cab card form. Accordingly, it is very important that Public Law 89–170 be amended to provide that after the standards become effective, any amendments thereof subsequently determined by the NARUC may become effective at the time of promulgation or at such other time as it may determine.

This proposed amendment was a part of the NARUC proposed Federal-State Highway Transportation Law Enforcement Act of 1969 which was introduced in the Ninety-first Congress as S. 1923 by Magnuson (D.-Wash.), H.R. 12146 by Rooney (D.-Pa.), and H.R. 12267 by Friedel (D.-Md.). Representative Rooney on February 2, 1971, automatically reintroduced this legislation in the Ninety-second Congress as H.R. 3320.

The enactment of the following proposed Uniform Motor Carrier Standards Act would so amend Public Law 89–170:

H.R. —

A bill to amend the Interstate Commerce Act to expedite the making of amendments to the uniform standards for evidencing the lawfulness of interstate operations of motor carriers

Be it enacted by the Sencte and House of Representatives of the United States of America in Congress assembled,

Section 1. This Act may be cited as the "Uniform Motor Carrier Standards Act."

Sec. 2. Paragraph (2) of subsection (b) of section 202 of the Interstate Commerce Act, as amended [49 U.S.C., Sec. 302(b)(2)], is hereby further amended by striking the period at the end of the second sentence and inserting in lieu thereof the following: "; *Provided*, That any amendments of the standards determined by the national organization of the State commissions and promulgated by the Commission prior to the initial effective date of such standards shall become effective on such initial effective date; and *Provided further*, That after the standards become effective initially any amendments thereof subsequently determined by the national organization of the State commissions shall become effective at the time of promulgation or at such other time as may be determined by such organization."

Intrastate Rail Rate Act

JUSTIFICATION

The Transportation Act of 1958, 72 Stat. 570, amended Section 13(4) of the Interstate Commerce Act [49 U.S.C.A., Sec. 13(4)] to provide that a railroad may seek from the Interstate Commerce Commission an increase in *instrastate* rates by alleging unjust discrimination against, or undue burden upon, interstate commerce, and that the ICC is required to take jurisdiction and to act upon the proposed rate increase "whether or not theretofore considered by any State agency or authority and without regard to the pendency before any State agency or authority of any proceeding relating thereto."

Although this provision was placed in the law in 1958, the railroads have apparently made no effort to bypass the State commissions until December 24, 1969, when approximately 80 railroads filed a blanket petition with the ICC to increase the intrastate rate level in nine Southern States to the current Ex Parte No. 262 interstate level. The petitioning railroads did not await or even seek intrastate rate relief from the commissions of the nine Southern States. *Intrastate Freight Rates and Charges in Southern States, 1969*, Docket No. 35203.

Accordingly, the NARUC has urged that the Interstate Commerce Act be amended by striking the parenthetical language in the proviso of Section 13(4) and inserting in lieu thereof the following language: "(if the State authority having jurisdiction thereof shall have denied a petition duly filed with it by said carrier seeking relief regarding such rate, fare, charge, classification, regulation, or practice, in whole or in part, or shall not have acted finally on such petition within one hundred and twenty days from the presentation thereof)".[14] It is essential to the full protection of the consumer interest that the State commissions retain primary jurisdiction over intrastate rail rates. The intrastate traffic pattern in each State is unique and, therefore, each State should be permitted to continue to seek to maximize the abundance of low cost transportation of certain economically significant commodities within its borders in order to stimulate business and to promote the general welfare and prosperity of its citizens. ICC review in these matters should only be directed to a substantial disparity which operates as a real discrimination against interstate commerce, and Congress should leave appropriate discretion to the State commissions to initially deal with intrastate rates in relation to the general level of rates which the ICC has found to be fair to interstate commerce.

Furthermore, retaining initial State consideration of intrastate rate cases will assure that consumers within the State, and especially small shippers, will have an opportunity to be heard in a local forum and before a State commission who, through its day-to-day contact with local problems, is in the best position to judge local needs within the framework of the overall revenue requirements of the railroads. While it is practical for a small shipper to appear at a public hearing in the State capital and verbally express his views, how many small shippers can afford to employ the attorneys and other experts required for filing intricate pleadings with the ICC in Washington, D.C.?

The text of the proposed Intrastate Rail Rate Act reads as follows:

H.R. —

A bill to amend the Interstate Commerce Act to require carriers by railroad to exhaust certain State remedies prior to petitioning the Interstate Commerce Commission for relief in intrastate rate cases

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. This Act may be cited as the "Intrastate Rail Rate Act."

Sec. 2. Paragraph (4) of section 13 of the Interstate Commerce Act, as amended [49 U.S.C., Sec. 13(4)], is hereby further amended by striking the parenthetical language in the proviso of paragraph (4) and inserting in lieu thereof the following: "(if the State authority having jurisdiction thereof shall have denied a petition duly filed with it by said carrier seeking relief regarding such rate, fare, charge, classification, regulation, or practice, in whole or in

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Footnotes at end of article.

part, or shall not have acted finally on such petition within one hundred and twenty days from the presentation thereof)"

FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT AMENDMENT

JUSTIFICATION

The purpose of the following proposed Amendment is to require the Administrator of Government Services, in his capacity as procurement officer for the Federal Government, to adhere to applicable State regulatory provisions when procuring transportation or public utility services.

The effect of the proposed Amendment will be to overrule the decision of the United States Supreme Court in *United States* v. *Georgia Public Service Commission*, 371 U.S. 285, 9 L.Ed. 2d 317, 83 S. Ct. 397 (1963). This case concerned the administrator's authority to arrange the transportation of Federal employee owned household goods from Savannah to Atlanta, Georgia, by Georgia PSC certificated carriers, but at rates below the PSC approved tariffs.

A three judge Federal district court unanimously upheld State regulation, but on appeal the Supreme Court, with Justices Goldberg, Harlan and Stewart dissenting, reversed, holding that Congressional policy, as expressed by the Federal Property and Administrative Services Act of 1949, 40 U.S.C., Sec. 481, as amended, 41 U.S.C., Secs 251 *et. seq.*, permits Federal procurement officers to disregard State economic laws in obtaining cheaper rates. See also *Paul* v. *United States*, 371 U.S. 245, 9 L.Ed. 2d 292, 83 S. Ct. 426 (1963).

The rationale of this decision might be applied to other areas subject to State commission regulation, such as permitting Federal procurement officers to arrange intrastate transportation by carriers holding no State authority[15] Also, there could be an erosion of Federal regulatory jurisdiction.

The proposed Amendment is the same as the NARUC proposed Federal Property and Administrative Services Act Amendment of 1969 which was introduced in the Ninety-first Congress as S. 1939 by Magnuson (D.-Wash.) and H.R. 12145 by Rooney (D.-Pa.). Representative Rooney on February 2, 1971, automatically reintroduced this legislation in the Ninety-second Congress as H.R. 3319.

The text of this legislation reads as follows:

H.R. —

A bill to amend the Federal Property and Administrative Services Act of 1949 to provide that the procurement of certain transportation and public utility services shall be in accordance with all applicable Federal and State laws and regulations governing carriers and public utilities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377, as amended; 40 U.S.C., Sec. 481) is amended by adding at the end thereof the following new subsection:

"(e) Any other provision of this Act or any other Act to the contrary notwithstanding, the procurement of transportation and public utility services under the provisions of this Act or any other Act shall be in accordance with all applicable Federal and State laws and regulations governing carriers and public utilities."

FOOTNOTES

[1] Telephone companies are regulated by State commissions in every State except Texas where regulation is administered at the municipal or local level. In the District of Columbia, The Chesapeake & Potomac Telephone Company, part of the Bell System, is regulated by the District of Columbia Public Service Commission.

[2] Communications Act of 1934, as amended, Secs. 1 *et seq.*, (47 U.S.C., Secs. 151 *et seq.*).

[3] *Id.*, Secs. 2(b) and 221(b) (47 U.S.C., Secs. 152(b) and 221(b)). An example of an exchange area which overlaps State lines is the very large Washington metropolitan exchange area encompassing the District of Columbia and parts of Maryland and Virginia and calls therein are subject exclusively to State and local regulation. The dimensions of the exchange area are measured by the distance you can call without incurring a toll charge.

[4] *Re American Telephone and Telegraph Company et al.*, 70 PUR 3d 129, at p. 145, par. 21 (1967).

[5] Communications Act of 1934, as amended, Sec. 2(b)(2) (47 U.S.C., Sec. 152(b)(2)).

[6] A more recent example, was the use of three cooperating State commissioners in FCC Docket No. 18519 involving TWX acquisition by Western Union.

[7] Section 209(a) of the Federal Power Act (16 U.S.C., Sec. 824h) and Section 17(a) of the Natural Gas Act (15 U.S.C., Sec. 717p), each authorize the Federal Power Commission to refer administrative matters to joint boards composed of State commissioners and further provide that they "shall receive such allowances for expenses as the Commission shall provide."

The Interstate Commerce Commission is also authorized to refer administrative matters to joint boards composed of State officials and the law provides that they "shall receive such allowances for travel and subsistence expenses as the Commission shall provide." Interstate Commerce Act, Part II, Sec. 205(b), as amended [49 U.S.C., Sec. 305(b)].

[8] *Report Draft, Interagency Power Plant Siting Study Group*, Office of Science and Technology, I–5.

[9] *Ibid.*

[10] *U.S. Energy Policies—The End of An Era*, an address by S. David Freeman, Director, Energy Policy Staff, Office of Science and Technology, before the Northwest Public Power Association Nuclear Symposium, Seattle, Washington, November 13, 1970, page 5.

[11] [12] The Act was signed by the President on August 12, 1968.

[13] 78th NARUC Annual Convention Proceedings, pp. 203–230, 371 (1966); NARUC Bulletin No. 63–1966, p. 2; Fed. Reg., Dec. 28, 1966, pp. 16567–16575; 49 C.F.R. Secs. 1023.1, *et seq.* The standards have been amended on the following three occasions: (1) 80th NARUC Annual Convention Proceedings, p. 263 (1968); NARUC Bulletin No. 49–1968, p. 9; Fed. Reg., Dec. 25, 1968, p. 19250; (2) 81st NARUC Annual Convention Proceedings, p. 375 (1969); NARUC Bulletin No. 43–1969, p. 12; Fed. Reg., Feb. 4, 1970, p. 2524; and (3) 82nd NARUC Annual Convention Proceedings, p. — (1970); NARUC Bulletin No. 48–1970, pp. 4, 5; ICC Order dated February 18, 1971, and served Feb. 19, 1971.

[14] NARUC support for this amendment is evidenced by: the resolution adopted by the Executive Committee on February 25, 1970 (NARUC Bulletin No. 14–1970, p. 12); the testimony on March 18, 1970, before the Subcommittee on Surface Transportation of the Senate Committee on Commerce on S. 2355, a bill to establish an advisory commission to make a study and report with respect to freight rates (NARUC Bulletin No. 13–1970, p. 12); and the resolution adopted by the Eighty-second Annual Convention on November 19, 1970 (NARUC Bulletin No. 48–1970, p. 8).

[15] Although the Administrator on February 20, 1970, amended the Federal Procurement Regulations, effective April 1, 1970, to require that motor carriers performing Federal moving contracts in interstate or intrastate commerce shall be certificated by the ICC or state agencies, respectively (41 C.F.R., Sec. 1–19.110; NARUC Bulletin No. 13–1970, p. 10), the requirement may be just as easily rescinded by the Administrator.

THE PATH OF PEACE IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 60 minutes.

(Mr. CRANE asked and was given permission to revise and extend his remarks.)

INTRODUCTION

Mr. CRANE. Mr. Speaker, the impasse which seems to have been reached in the Middle East has been discussed by some in terms of Israel's alleged intransigence in the face of Egyptian willingness to come to an agreement.

Those who have, in recent days, presented such an assessment of events in the Middle East rest their case primarily on a single assumption, namely that the Soviet Union truly wants peace in the Middle East and, as a result, Egyptian overtures to Israel are the result of Soviet pressure for a meaningful settlement.

The rest of their arguments follow very clearly from this assumption. Since the four great powers, the United States, France, Great Britain, and the Soviet Union, all share a desire for peace, it is argued, a settlement imposed upon Israel and the Arab states would, in the long run, be in the best interests not only of the parties involved, but of the whole world as well.

Such a settlement, the four powers seem at this time to be saying, can only occur if, as a precondition to negotiations, Israel withdraws from all of the territory it occupied as a result of the 1967 war. In return for the very real giving up of land from which enemy attacks have in the past been launched, the Israelis are promised international "guarantees" of their security. They are, thus, being asked to relinquish something tangible for something illusory.

INTERNATIONAL GUARANTEES

In reality, how meaningful are guarantees by third parties with regard to whether or not the occupied territory, once returned to Egypt, Jordan, and Syria, would once again be used as bases from which aggressive attacks upon Israeli territory would be launched?

The answer to this question is, of course, not known. But history does provide us with some ideas of what we must look forward to. The United States, we must remember, pressed Israel to give up the Sinai in 1957, following the Suez crisis. Now, nearly 4 years after the 1967 conflict, many in this country are busy persuading Israel to do it once again. The Israelis, however, have not forgotten the result of their previous acquiesence to this pressure.

The fact that Israel has seen the United States let it down in the past with regard to "gauarantees" must carefully be weighed in assessing the current Israeli hesitancy to participate in a withdrawal with nothing but "guarantees" in return. Discussing this point, the Washington Post in its editorial for March 16, 1971, notes that—

> The Israelis are completely right in pointing out that the 1957 arrangements were a disaster: first, the United States promised

> to ensure Israeli navigation rights in return for withdrawal, and the United States broke its promise; second, the United Nations peace force crumbled in the crunch in 1967.

The Israeli Embassy recently declared that guarantees "by their very substance cannot but be tenuous."

It is difficult to disagree.

Let us consider the question of such "guarantees" from an historical perspective, putting aside for a moment the particular history of the Middle East conflict. What do we find?

Did the promises of the Western powers made to Poland during the 1930's prevent an invasion by Nazi Germany and the Soviet Union? Was the League of Nations able to aid Ethiopia when it was invaded by Mussolini's Italy? Has the United Nations risen to the defense of the people of Hungary or Czechoslovakia when they fought for their freedom?

The fact is that despite international guarantees, treaties and agreements, each country, in the last analysis, is on its own. Bismark said that countries have neither friends nor enemies, but interests. This is not the way we would like the rest of the world to be but, unfortunately, it remains the nature of the world in which we are living. No nation can place her security and her very life in the hands of others. We would not think of pursuing such a policy with regard to our own country, and we should not ask that a country which is our ally do so for itself.

SECRETARY ROGER'S CLARIFICATION

It is encouraging to note that the plan being set forth by Secretary of State William Rogers does not involve the removal of the Israelis from the occupied territories as a condition precedent to peace negotiations. Many had feared this was the original intent of our Government's proposals, and the Secretary's clarification last Thursday is notice to the world that the Israelis will not be asked to pursue a policy which jeopardizes their security. Nevertheless, there will be continuing calls for such as Israeli withdrawal from the Egyptians, the Russians, the United Nations, and many other sources. These must be resisted if a meaningful peace is ever to be achieved.

SOVIET INTERESTS

The point which was raised earlier, however, remains a key element in any discussion of today's Middle East impasse. What interest does the Soviet Union have in the area? Is it seeking to mediate a just and lasting settlement, as many advocates of "detente" in this country tell us? Or is its goal an aggressive one, seeking to expand Soviet influence and perhaps control over the oil-rich Arab States, together with control over the Suez Canal?

If the Soviet Union is not interested in peace, it makes no sense to speak of joint peace keeping forces which include the very state which has stirred, not peace, but discord. Let us look briefly at the record.

Soviet influence in the Middle East is at an alltime high today, and its prospects for even greater increase seem notable. Pro-Soviet radical regimes have come to power in Egypt, Syria, Iraq, Algeria, South Yemen, and the Sudan.

The basic purposes of Moscow's Middle East policy are: First, to dominate the Arab States and extend Communist penetration of the African Continent; second, to force the U.S. fleet out of the Mediterranean, thereby disrupting NATO; and third, to control Arab oil.

This has cost the Soviet Union a great deal of money. In the 10 years before 1967, Moscow armed Arab States to the tune of $2.5 billion. Since the Israeli victory in the 1967 war, it has replaced the lost arms of the Arab States at a cost of more than $5 billion, and has sent thousands of military experts to Egypt and hundreds to Syria and Iraq. It is estimated today that there are 15,000 uniformed Soviet personnel in Egypt and an additional 1,500 advisers in the Sudan.

Simultaneously, Russia has increased its Mediterranean Fleet from 40 to at least 50 ships, has warmed up its courtship of Turkey, and offered commercial opportunities to Britain, Italy, and Germany. The immediate aims are the reopening of the Suez Canal, Israel's retreat to the 1967 frontier, Soviet participation in all decisions concerning the Mediterranean, and dominance of the Middle Eastern oil areas upon which both Western Europe and Japan are dependent.

If the Russians succeed in control of the Arab world, giving them strategic control of Arab oil, they would extend this control to the Persian Gulf within a few years. In Russian hands, the Middle East would be the strategic key to Africa and southern Asia, and quite probably to the breakup of NATO. Western Europe and Japan might be successfully blackmailed by Soviet control of Arab oil.

While the U.S. Navy has yet to develop an effective surface to surface missile, and has dawdled away the whole technology of modern guns and gunnery, the U.S.S.R. holds at least a 10-year lead in seaborne missiles designed to sink other ships.

The existence of Russian missiles aboard the new Kynda and Kresta classes of destroyers prompted Secretary of the Navy John Chafee to predict that our own aging 6th Fleet would have only a 45-percent chance of survival in a fight against the Russian Mediterranean Fleet.

By keeping the Middle East in a state of tension, the Soviet Union hopes to make radical Arab countries so dependent upon them for arms, economic assistance, technical help and diplomatic support that these countries will be drawn firmly into their control. As a result, Israel has become the frontline of Western defense in the Middle East.

Egypt seems, at this time, to be virtually a captive nation. Her frontal-defense strategy, contrasted with the Israeli system of widely spaced fortified positions, is in accordance with Soviet techniques.

The SAM–2 and SAM–3 antiaircraft missiles are concentrated behind the 203-mm. guns. The closest missile sites are about 7 miles from the canal. The SAM's are in Soviet hands, the Soviets dominate the Egyptian Air Force, and Soviety military "advisers" are integrated into the Egyptian Army down to the unit level where they both plan and execute orders.

NATO'S SOUTHERN FLANK

At the time the Palestinian skyjackers held Americans as hostages in Jordan it was said that our 6th Fleet would intervene. Military reports, however, indicate that our 6th Fleet was tied up in the eastern Mediterranean. Today, Greece is the only country in the entire region where the U.S. 6th Fleet can congenially call. It cannot go to Turkey, long a solid base, without inciting street riots, protest bombings and internal strikes. West of Turkey and except for Israel, Tunisia and Morocco, the entire southern rim of the Mediterranean is not only hostile to us, but shut. In contrast, Syria, Egyptian and Algerian harbors are available to the expanding Soviet Mediterranean Fleet.

Thus, the stakes here are the security of all of Western Europe. Today the Soviet Union is almost at parity with us in naval power in the Mediterranean, and they enjoy greater naval power than the United States in the Indian Ocean and the Persian Gulf. If the Middle East falls into hostile hands, we can, in effect, be ordered out of the Mediterranean, thereby exposing all of Europe to Soviet power. In such an event, it is certain that NATO would collapse.

MIDDLE EAST OIL

In addition, the Soviet Union, which will need to import oil in the 1970s, is paying new attention to the oil fields of the Middle East and North Africa. These fields account for one-third of current production in the non-Communist world, and three-fourths of the non-Communist world's known reserves. The Iraqi Government has already given the Russians rights to develop the rich North Rumalia oil field near the Persian Gulf—a field taken away from a Western owned company.

SOVIET INTENTIONS

Most pro-Western Arab states have come to feel that the Soviet Union has less than friendly designs upon the Middle East. King Hussein, for example, is well aware of Soviet intentions in the area. In a speech in June 1967 he stated:

> Russia has had designs on our region since the time of the czars, and we do not believe at all that the Soviet Union or Communist China would help us disinterestedly or want our well-being.

Discussing the growth of Soviet influence in the Middle East, Professor William Griffith of M.I.T. has noted that—

> Soviet penetration of the Arab lands is one of Russia's major diplomatic victories in modern history. For centuries, the czars dreamed of expanding their influence into that part of the world; until 1955, however, such dreams came to nothing. Today, by contrast, Russia is the most influential power in many Arab states.

The fact is that the Soviet Union desires control of the Middle East, not peace between its warring factions. The Soviet Union knows that the kind of control it desires can only come with the long-run elimination of Israel, which stands as a pro-Western bastion in a hostile part of the world.

"PEACEFUL COEXISTENCE"

Those who argue that the Soviet Union's intentions in the Middle East are peaceful are the very ones who tell us that there is no longer a Communist threat in Europe or Asia and that the cold war is primarily the creation of policymakers in Washington, not of aggressive designs in Moscow and Peking. We have entered an era, they have said, of "peaceful coexistence."

If we had a better understanding of what the Communists mean by "peaceful coexistence," much of our difficulty in this area might be corrected. In an important new volume, Deceitful Peace, Prof. Gerhart Niemeyer of the University of Notre Dame points out that—

> The design of "peaceful coexistence" policy is to dismantle our structure of might and the will to sustain it.

Dr. Niemeyer explains:

> The new policy has a key concept spelling out the expectations on which it rests. Its name is peaceful transition from capitalism to socialism, and it hinges on a key concept: "radical reforms short of revolution" . . . one finds three targets for "radical reforms." The first is the dismantlement of all Western resistance to the Soviet Union, in the form of disarmament, weakening or dissolution of the Western military alliance system, removal of the military bases surrounding the Soviet Union, and liquidation of "anti-Communism," or the assumption that Communism is a worldwide threat . . .

Too many Americans have been following the expected path. In an article in Foreign Affairs in 1965, America's leading disarmament advocate, William C. Foster, declared that—

> An erosion of alliances would have to be accepted for the sake of Soviet-American cooperation and for a gain in mutual confidence.

Underlying this trade of tangible elements of strength for intangible and ultimately wishful psychological gain is, according to Professor Niemeyer:

> A theory that through such assumed increases in mutual confidence the Soviet Government will be "educated," that it will turn out in the end to be less Communist, less atavistic, and will then become a good useful citizen of the world . . . The ideology of millenarian peace is no exception in terms of a Second Reality which is not yet here and has no foundation in historic reality, which dictates policies that are unsuited to situations as they are, and thus causes a deterioration of such international stability as we have been able to enjoy thus far.

Have we truly entered an era of detente, or is communism, despite its divisions and internal quarrels, as committed as ever to expanding through the use of force and the techniques of subversion? Communist advances in Chile, the attempted overthrow of the Government in Mexico, the persistent support of aggression in Asia, certainly place the burden of proof upon those who argue that, somehow, things have changed.

In 1968 the Soviet Union forcefully eliminated the effort at democratization in Czechoslovakia, and the Soviet Government, through the Brezhnev doctrine, declared that it had a right to intervene in the affairs of all of the states of Eastern Europe. Despite all of these facts, many Americans persist in saying that somehow communism has changed.

The Israeli Government, however, believes that communism has not changed, and that its aggressive designs are the same as before. When an American questioner told Israeli Foreign Minister Abba Eban that he sounded as if he wanted to "restart" the cold war, Mr. Eban said that it was simply a matter of understanding what the Soviet role really is.

Mr. Eban stated that:

> The Soviet role is provocative of war and hostile to peace, one-sided rearmament of the Arab states, blind identification with Arab demands, a very provocative penetration of the Mediterranean in order to change the international equilibrium.

He went on to point out that—

> Since that is our view of the Soviet role, since Soviet policy lies at the root of the 1967 war and the inability to get peace ever since, then we ought to say so. I don't want a Cold War. I would like to see East-West cooperation, but you don't get cooperation by pretending that it exists when it does not exist. I'm against a wish-fulfillment approach. In the Middle East . . . the Soviet Union is acting against the interests of peace, stability, and equilibrium.

SOVIET ANTI-SEMITISM

The Soviet Union's approach to the Middle East cannot be totally divorced from the policy of anti-Semitism which has infected that government ever since the revolution of 1917.

Soviet hostility to Israel is matched at home by a campaign of repression against Soviet citizens of the Jewish faith that can only be described as a policy of cultural and spiritual genocide.

Judaism in the U.S.S.R. is subject to unique discrimination. Jewish congregations are not permitted to organize a nationwide federation or any other central organization. Judaism is permitted no publication facilities, and no Hebrew Bible has been published for Jews since 1917, nor is a Russian translation of the Jewish version of the Old Testament allowed.

The study of Hebrew, even for religious purposes, has been outlawed and the production of religious objects, such as prayer shawls, is prohibited. The number of Jews in the Soviet Union is close to 3 million, of whom at least 1 million have been estimated as believers. For these there are approximately 60 synagogues and rabbis, or one synagogue and rabbi for every 16,000 believers. No new rabbis are now being trained and the average age of rabbis is over 70. Little hope remains for a continuation of Jewish religious life in the Soviet Union.

The rabid anti-Semitism of the Communist leadership has been well-known. It was no coincidence that in the much publicized purge trials in Czechoslovakia in 1952, 11 of the 14 accused in the Slansky case were of Jewish origin. Writing in "The Confession," which has now been made into a movie, Arthur London tells of his first interrogator who took him by the throat and shouted:

> You and your dirty race. We will know how to annihilate you! . . . What Hitler didn't finish, we will!

The far-left government of Chile has banned "The Confession" from its movie theaters. Anti-Semitism cannot be discussed or condemned in Chile in 1971, yet somehow we are told the Communists have changed.

CULTURAL GENOCIDE

Despite repeated statements to the effect that things since Stalin have improved in the Soviet Union with regard to Jews, the facts do not bear this out. B'nai B'rith, in a documented analysis of textbooks used in Soviet schools, accused Moscow of "systematically excising history" in an attempt to make the Jew a "nonperson."

Findings of the study said that Jews "are rarely mentioned and their culture ignored" in basic history textbooks used by the Soviet educational system.

The sixth edition of "Recent History," published in 1967 as a ninth-grade teaching manual, makes no mention of "anti-Semitic persecutions" in recounting the history of the Nazi regime from 1933 to 1939. The same book, discussing Nazi death camps, says that "in 1933–34, 100,000 Communists were thrown into prison and into especially established concentration camps" but makes no mention that Jews were victims.

A chronology in a 10th grade textbook listing nations newly independent since World War II omits reference to Israel, although such countries as Algeria and the United Arab Republic are treated in separate sections.

The Great Soviet Encyclopedia has adopted the same tactic of exclusion. In contrast to the 1932 edition which dealt with Jewish history and culture in 117 pages, the second edition, published in 1952, has put two pages devoted to Jews. Virtually all Jewish history is deleted. B'nai B'rith declared:

> The inevitable result is that the students are denied a positive image of the Jews.

Jews in the Soviet Union have become virtual captives, not able to practice their religion, and not able to emigrate. One Soviet Jew who did manage to leave, Lyuba Bershadskaya, describes the scene at her departure:

> The day I left Moscow to go to Israel, 200 people came to the airport to say goodbye. They already considered me a free person. They trusted me, they could say anything. People kept calling out: "Lyuba, tell Nixon, tell U Thant, tell Nixon!"

Religion, we must remember, has been the traditional enemy of all modern tyrannies. Mussolini stated that "Religion is a species of mental disease." Karl Marx called it the "opium of the people" and Hitler denounced Christianity not only because Jesus was a Jew, but because it was cowardly to speak of giving love for hate.

LOSE THE WAR, DICTATE THE PEACE

It is this same Soviet Union which Israel is now asked to trust with regard to a Middle East peace settlement. Spokesmen for our Government have said that the United States favors a multinational peace-keeping force, including the United States and the Soviet Union, that would "guarantee" any borders freely negotiated by Israel and the Arab States, and that the peace-keeping force could not be withdrawn without U.S. consent. On the basis of such "guarantees," Israel is now asked to withdraw to her 1967 boundaries as a "precondition" for negotiations. The Arabs have no preconditions to meet, since they seem to be in the awkward position of losing the war but dictating the peace. Only with Soviet influence and interference could this be possible.

Many vital questions remain unanswered concerning the proposed concept of a multinational peace-keeping force. Would the four major powers, for example, be a mixed peace-keeping force with troops of all nations patroling all sections of the borders together or would the peace-keeping troops be assigned separate "sectors" of the frontiers, as in Berlin? The concept of a legal Soviet presence on Israel's borders is, understandably, something the Israeli's fail to view as an answer to their problems.

Another question which has hardly been discussed is what would happen to the thousands of Soviet troops, airmen and technicians now in Egypt. Under a peace settlement would the Soviet troops go home or would they remain in Egypt in close proximity to Israel's borders? No one has even mentioned this subject. We must not forget that the only foreign troops stirring trouble in the Middle East are Russian troops. Surely no settlement can be considered which does not end Sovietization of the Middle East conflict.

According to New York Times columnist James Reston:

> It would be hard to overstate the Israeli Government's opposition . . . or to ignore the visible anger of Israeli officials for what they consider as (U.S.) . . . "meddling" . . Israeli officials . . . assert that if the U.S. Government had not come forward with the suggestion of "total withdrawal," Israel could have negotiated a reasonable settlement with Egypt, even on Sharm el Sheik, because, they say, President Sedat of Egypt needs peace to get on with his desperate internal political problems.

Mr. Reston notes that our Government has half a policy: it is specific about Israeli withdrawal but is vague about what is to follow:

Discussing the concept of a multinational peace-keeping force which would include Soviet troops, columnist William S. White writes that—

> There is no conceivable way in which an "international force" could be kept free of Soviet obstructionism or even possibly Soviet dominance. When the house is afire, one does not normally welcome the arsonist to help bring in the water hoses.

The experience with multi-national peace-keeping operations was vividly seen in the case of the International Control Commission which was established in 1954 to police the Geneva Agreements in Vietnam. Composed of Canada, India, and Poland, the Commission regularly policed only the non-Communists, not the Communists. The Canadian member of the commission condemned the concept of joining together for peace with the very forces who seek to stir dissension and war.

U.S. CREDIBILITY

Columnist White also makes a point which many Americans do not wish to consider, but which may tell us a great deal about Israel's lack of willingness to put her future on the line in return only for vague international guarantees. White points out that—

> The rest of the world is neither blind nor deaf. It is not unaware that American commitments to the right of smaller nations to self-determination and freedom from extermination have not exactly prospered for some years and that the famous "American deterrent" to Communist aggression is by no means as famous as it used to be. The rest of the world has seen one President . . . destroyed from within his own party for undertaking to carry out pledges of honor made by two of his predecessors to South Vietnam. The rest of the world is not unaware that the current President, Richard Nixon, is fighting for his political life from similar peace-at-any-price forces.

It is important, therefore, for the American people to understand exactly what the Israeli position is at this time. During his recent visit to Washington Israeli Foreign Minister Abba Eban was asked whether Israel would accept a United States treaty commitment as a substitute for substantial border alterations. He said that—

> There is no way of ensuring Israel's security except by a peace agreement which includes the necessary establishment of secure and recognized boundaries . . . different from the previous armistice lines. We don't believe or admit that there is any substitute.

SPECIFIC ISSUES

What the nature of a final peace can be in the Middle East, no one knows. That each side has important claims is beyond question. No solution, for example, can ignore the suffering of hundreds of thousands of Palestinians who have, since the creation of Israel in 1948, been relegated to temporary refugee camps which have, become permanent. Both the Arab States and the Israelis must express willingness to confront this problem and in the face of the suffering of so many people it does little good to debate the tenuous question of more than 20 years ago of exactly why they left. Just as Israel has a right to exist in peace, so the Palestinian people have a right to their own national life. Somehow, a final settlement must take this into serious consideration.

Yet, precisely because the issues between Israel and the Arab States are both complex and long-standing it is crucial that any solution be worked out by the parties involved in face-to-face negotiations. The 1967 war was based upon a denial to Israel of her legal rights in international waters and upon a continued harassment of Israeli border settlements. The Israelis, whether rightly or wrongly, believe that their country can never be secure unless the geographic points which have been used for such attack and harassment come under Israeli control. For Egypt, the Soviet Union, or our own country to ask the Israelis to relinquish these territories as a precondition to negotiations is an unreasonable demand. It is possible that after face-to-face negotiations with Egypt, the Israelis would, in return for a tangible concession on the part of the Egyptians, relinquish portions of this territory. But if Israel relinquishes the territory before the negotiations even begin, what reason would Egypt have to pursue a policy of conciliation?

All of those in America who would like to see Communist influence eliminated in the Middle East welcome any change in policy on the part of Egypt and the other Arab States. We would like to believe that Egypt's stated willingness to participate in negotiations and recognize the legal existence of Israel represents such a change in policy. Yet more than words are needed to cause us, or the Israelis, to act upon such a change.

Shortly after the cease-fire agreement both Egypt and the Soviet Union engaged in a massive arms buildup and moved missiles into the cease-fire zone. What guarantee in tangible terms do we have that an Israeli withdrawal from occupied territory would not result in a similar arms buildup and Egyptian military reoccupation of that area? Would the Soviet Union, which already has violated the cease-fire, be expected not to violate this new agreement? Perhaps this is just the best way the Egyptians can think of to regain their territory.

FACE-TO-FACE NEGOTIATIONS

It seems to me that if the Egyptians have sincerely arrived at the point where serious negotiations can take place, they can surely take place without preconditions. This, as I understand it, is all the Israelis are asking: face-to-face negotiations.

No lasting peace can come to the Middle East unless and until there is some agreement with regard to recognized borders. The Israelis, for their part, cannot hope to have peace and also occupy all of the lands taken in 1967. Such an occupation would remain a festering sore to all Arabs and another war would be inevitable. Similarly, the Arabs cannot expect Israel to relinquish the very areas which were used as bases for attack upon her until the good faith of the Arabs has been established—by deeds and not by words.

We, as Israel's friend and ally, should not tell her that the cold war is over, that the Soviet Union now desires peace, and that the way to achieve peace is simply to fulfill the demands of your enemy. This, in effect, is what we are saying when we urge an Israeli withdrawal without ever having one face-to-face meeting with the Egyptians and in return for a multinational force which would include the Soviet Union. We would not act in this manner if our own national life were at stake.

The Middle East has seen too much war and trouble and suffering. All of its people, Arabs and Israelis, Jews, Moslems, and Christians, deserve a peaceful opportunity to develop their resources and improve their lives. Such a chance will come only with a peace to which both sides agree and it is the pursuit of such a real peace that should be our goal.

ESTABLISHMENT OF A NATIONAL CREDIT UNION BANK

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, today, along with 16 other members of the Banking and Currency Committee, I am introducing legislation that would establish a National Credit Union Bank to serve the Nation's nearly 24,000 credit unions in essentially the same manner as the Federal Reserve System serves the banking industry and the Federal Home Loan Bank System serves the Nation's savings and loan associations.

Joining me in cosponsoring the legislation are Mr. BARRETT, Mrs. SULLIVAN, Mr. REUSS, Mr. ASHLEY, Mr. MOORHEAD, Mr. STEPHENS, Mr. ST GERMAIN, Mr. GONZALEZ, Mr. MINISH, Mr. HANNA, Mr. GETTYS, Mr. ANNUNZIO, Mr. REES, Mr. HANLEY, Mr. BRASCO, and Mr. MITCHELL.

Now that an independent Federal supervisory agency for credit unions has been created by conversion of the Bureau of Federal Credit Unions into the National Credit Union Administration, it is more than ever essential that credit unions of the Nation have facilities similar to those of our other major financial institutions for providing liquidity and other vital services to their membership. Through such an institution, credit unions would have ready access to the Nation's money markets to satisfy their capital needs over and above their assets. A National Credit Union Bank will serve this vital need of the Nation's credit unions. It will give them a flexibility, a means of improving liquidity, and a stability which will be of direct benefit to the flow of credit in our Nation, especially in low-income areas which credit unions primarily serve.

POWERS OF A NATIONAL CREDIT UNION BANK

To improve and stimulate the capability of our Nation's credit unions to provide low-cost consumer loans and to facilitate the flow of credit, the National Credit Union Bank which would be established under the legislation would be empowered to: First, make loans to its member credit unions for liquidity purposes; second, discount notes of its member credit unions; third, provide a national interlending service for its members; fourth, sell its own certificates of indebtedness in the open market to secure additional funds for its operations; fifth, lend assistance in the rehabilitation and stabilization of credit unions needing such help; sixth, help in the orderly and expeditious liquidation of solvent credit unions; and, seventh, cooperate and assist, within its means and authority, credit unions, credit union organizations, the National Credit Union Administration, and various State supervisory and regulatory bodies in the operational improvement and financial stability of credit unions generally.

GOVERNING AUTHORITY OF THE BANK

Under the provisions of the bill I have introduced, a National Credit Union Bank would be established with a principal office in the District of Columbia and with such branch offices throughout the United States as the bank officials may deem necessary and appropriate. The bank would be governed initially by the National Credit Union Board of the National Credit Union Administration plus two ex-officio members—the Secretary of the Treasury and the Administrator of the National Credit Union Administration. This Board would elect a temporary president of the bank from among its members to serve until a president is named by the President of the United States. The interim governing body would establish procedures for the election of a permanent Board of Governors—one from each of the six Federal credit union regions.

The permanent Board of Governors of the proposed National Credit Union Bank would consist of a president to be appointed by the President of the United States, by and with the advice and consent of the Senate to serve at the pleasure of the President of the United States; one elected member from each of the six Federal credit union regions for a 6-year term on a staggered basis; with the Secretary of the Treasury and the Administrator of the National Credit Union Administration as ex-officio members. The Board of Governors would select from its own membership a chairman, a vice chairman and a secretary annually and would be required to meet at least six times a year.

The president of the National Credit Union Bank would be the chief administrator of the bank and would perform all the duties and functions of the bank in accordance with policies of the Board of Governors and subject to their general supervision. The president would have authority to establish a staff, fix compensation for staff members, and to take other administrative and implementing actions necessary for the bank's operation.

CAPILALIZATION AND BORROWING AUTHORITY

Under the bill, the National Credit Union Bank would be capitalized through sale of shares at par value of $100, with an initial stock subscription by a credit union eligible for membership equal to 1 percent of its assets. Newly chartered credit unions making application for membership would pay $25 upon chartering, with a minimum requirement for purchase of one full $100 share by the end of its first year of operation.

Every credit union which is insured by the National Credit Union Share Insurance Fund would be required to subscribe to the bank. Here permit me to explain that Federal share insurance for credit unions, similar to that provided commercial banks under the FDIC, was enacted by the Congress last year and is now in operation. The program insures share accounts up to $20,000 and is mandatory for Federal credit unions and optional for State chartered credit unions.

The bill provides that the Treasury would advance up to $500,000 for the initial organizational and operational expenses of the bank, to be repaid within 1 year from the date of the advance at an interest rate to be determined by the Secretary of the Treasury and the bank. The bank would also be authorized to borrow from the Treasury not to exceed $500,000,000 at any one time at interest rates determined by the Secretary of the Treasury for needs beyond its immediate capabilities. All loans from the Treasury Department would be subject to congressional appropriation processes.

The National Credit Union Bank would be given general powers, comparable to those authorized similar corporate institutions, to carry out its objectives under the terms of my bill. It would be authorized to loan to shareholder credit units, to accept deposits from shareholder members, or to invest in a member credit union's shares, to establish an interlending system among credit unions, to pay dividends, to purchase notes and other receivables from members, and to execute numerous other functions related to its objectives.

OTHER PROVISIONS AND BENEFITS

Other provisions of my bill provide for audits of the bank by the Comptroller General; a full report to the President and Congress after the close of each fiscal year; exemption from taxation by Federal, State, or local governments except for real and tangible personal property. Obligations issued by the bank would be subject to taxation the same as obligations of private corporations. The bill also provides that stock subscriptions to the bank would constitute a part of the regular reserve of Federal credit unions.

One of the major benefits of the National Credit Union Bank, in my opinion, would be its ability to assist and expedite the liquidation of solvent credit unions—credit unions forced to liquidate because of plant or military base closings, loss of field of membership, or similar situations beyond the control of the credit union itself. Through the bank's authority to purchase notes, et cetera, the delay in liquidation often encountered in converting assets into liquid form would be eliminated and the entire process expedited, with shareholders being paid off almost immediately. The Federal share insurance program is unable to do this for a solvent credit union having to liquidate, and four out of five credit unions which liquidate are solvent. Thus, as a complement to the Federal share insurance legislation now in effect, the National Credit Union Bank would serve a valuable function.

NO COST TO THE GOVERNMENT

The record of credit unions in encouraging thrift and in providing low-cost loans to members, based on the need and member's character is an outstanding one. After all, credit unions are simply people who are bound together by a common bond or interest to help one another. Surely for the good that they do, especially for the financially handicapped and deprived, they deserve every legitimate aid that our Federal Government can provide. In this bill, I merely set up and authorize machinery for the credit unions to help themselves. They will be paying the bill for a National Credit Union Bank just as they have paid the bill over the past 16 years for the National Credit Union Administration—formerly the Bureau of Federal Credit Unions—their Federal supervisory agency. And, I might add, they are paying the bill for the Federal share insurance program which was recently enacted. I emphasize that credit union legislation does not cost the taxpayer one cent to implement—the credit unions pay the bill themselves, whether it be their own supervisory agency, share insurance protection, or a National Credit Union Bank.

Mr. Speaker, a National Credit Union Bank is an essential ingredient of a sound, fully rounded financial system for the financial institutions of our Nation which would include credit unions. It will stimulate the flow of credit throughout these cooperative, member-owned and member-controlled financial institutions which primarily serve middle- and low-income people, both in our urban and rural areas. It will permit credit unions to serve those members' credit needs far more effectively and completely than ever before—and at the lowest cost of any credit source. As you know, our Federal credit unions by law may charge a maximum of only 1 percent interest per month on unpaid loan balances—and the majority of State chartered credit unions have similar ceiling limitations.

This is "grassroots" financial legislation—legislation which will increase the availability of credit to people who need it for the essentials of life. It is legislation which will bolster our economy at a level where it will do the most good for the greatest number.

Mr. Speaker, it is not my contention that this bill is a final legislative product, but rather it is a starting point upon which we can build the type of legislation that will serve the needs of credit unions and their 24 million members. I realize that there may be some difference of opinion over certain provisions in this legislation, but I feel that these differences can be worked out because we are starting with a good piece of legislation that needs only some polish to become a great piece of legislation.

H.R. 6936

A bill to create the National Credit Union Bank to encourage the flow of credit to urban and rural areas in order to provide greater access to consumer credit at reasonable interest rates, to amend the Federal Credit Union Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Credit Union Bank Act of 1971".

FINDINGS AND PURPOSE

Sec. 2. The Congress finds that there is an urgent need for consumer credit at reasonable rates. Credit unions have been organized by people to provide a facility to supply needed credit. The relief afforded credit union members has been substantial and the extent of such relief would be enlarged by the establishment of a National Credit Union Bank. It is therefore declared to be the policy of the Congress and the purpose of this Act to improve and stimulate the ability of credit unions to provide low-cost consumer loans by establishing a National Credit Union Bank empowered to make temporary loans for liquidity purposes to its shareholders, discount notes of its shareholders, provide a national service of interlending for credit unions, sell debt securities in the open market, aid in the rehabilitation and stabilization of credit unions, aid in the orderly liquidation of credit unions when necessary, and to cooperate with and assist credit unions, credit union organizations, the National Credit Union Administration, and the various State regulatory bodies for the purpose of improving the general welfare of the people through credit unions.

DEFINITIONS

Sec. 3. As used in this Act—

(1) The term "Bank" means the National Credit Union Bank established under section 4 or any branch thereof.

(2) The term "Board" means the Board of Governors of the National Credit Union Bank.

(3) The term "shareholder" means any credit union shareholder of the National Credit Union Bank.

(4) The term "credit union" means a cooperative association organized for the purpose of promoting thrift among its members and creating a source of credit for provident or productive purposes.

(5) The term "Federal credit union" means a Federal credit union organized in accordance with the provisions of the Federal Credit Union Act.

(6) The term "State credit union" includes any credit union organized under the laws of the States of the United States, the District of Columbia, the several territories including the trust territories and possessions of the United States, the Panama Canal Zone, and the Commonwealth of Puerto Rico and which is not prohibited by the laws under which it is organized to become a shareholder of the Bank in accordance with the requirements of this Act.

(7) The term "insured credit union" means any credit union insured by the Administrator of the National Credit Union Administration.

ESTABLISHMENT OF THE BANK

Sec. 4. There is hereby created a body corporate to be known as the "National Credit Union Bank" which shall exist perpetually until dissolved by Act of Congress and which shall be an agency of the United States Government. The principal office of the Bank shall be located in the District of Columbia but the Bank may establish such district and branch offices throughout the United States as it deems necessary and appropriate.

INTERIM BOARD

Sec. 5. (a) Upon the enactment of this Act and pending the appointment and election of the members of the Board of Directors of the National Credit Union Bank pursuant to section 6, the organization and management of the Bank shall vest in an interim Board consisting of the members of the National Credit Union Board and two ex officio members—the Secretary of the Treasury and the Administrator of the National Credit Union Administration. The interim Board shall elect from its members a temporary Chairman who shall also serve as acting President of the Bank to serve in this capacity until the President of the United States appoints the President of the Bank.

(b) Within three months of the effective date of this Act, the interim Board shall prescribe rules for the receipt of nominations and the election of one member to the permanent Board from each of the Federal credit union regions. To the extent practicable, the National Credit Union Administration and the regional offices shall be utilized for the receipt of nominations and ballots for the elective Board positions.

PERMANENT BOARD

Sec. 6. (a) The management of the Bank shall vest in a Board of Directors consisting of a President of the Bank, the Secretary of the Treasury, the Administrator of the National Credit Union Administration, and one member to be elected from each of the Federal credit union regions, all of whom shall be citizens of the United States. Members of the Board shall be selected as follows:

(1) The President of the United States shall appoint the Secretary of the Treasury and the Administrator of the National Credit Union Administration who shall serve as ex officio members of the Board of Directors.

(2) The President, by and with the advice and consent of the Senate, shall appoint a President of the Bank who shall serve at the pleasure of the President of the United States.

(3) One member of the Board from each of the Federal credit union regions shall be elected by the shareholders of the Bank for a term of six years. Of the elected members first taking office, two shall serve until December 31, 1972, two shall serve until December 31, 1973, and two shall serve until December 31, 1974, as determined by the President of the United States.

(b) The President of the Bank shall be an ex officio member of the Board of Directors and may participate in meetings of the Board, except that he shall not vote except in case of an equal division. The President of the Bank shall be the chief administrative officer of the Bank and shall perform all functions and duties of the Bank, in accordance with the general policies established by, and subject to the general supervision of, the Board. The Board shall appoint such other officers and employees as it deems necessary to carry out the functions of the Bank. Such appointments may be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and persons so appointed may be paid without regard to the provisions of chapter 51 of subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

OPERATION OF THE BOARD

Sec. 7. (a) As soon as practicable after the first members of the Board have been elected as provided in section 6, the members shall meet, subscribe to an oath of office, and organize by electing from among the membership a Chairman, a Vice Chairman, and a Secretary. The Chairman, Vice Chairman, and Secretary shall be elected annually for terms of one year, and shall serve until their respective successors are elected and take office. The Chairman shall preside at all meetings, and the Vice Chairman shall preside in the absence or disability of the Chairman. The Board may, in the absence or disability of both the Chairman and the Vice Chairman, elect any of its members to act as Chairman pro tempore. Five members shall constitute a quorum of the Board for the transaction of business, and the Board may function notwithstanding vacancies if a quorum is present. The Board shall meet at such times and places as it may fix and determine, but shall hold at least six regularly scheduled meetings a year. Special meetings may be held on call of the Chairman or any three members.

(b) Notwithstanding section 6, any member of the Board may at any time be removed from office for cause by the President of the United States, or if cause exists but the President does not act, by the Congress through impeachment proceedings.

(c) Each member of the Board, including the interim Board, shall receive the sum of $100 for each day or part thereof spent in the performance of his official duties; however, such compensation shall not be paid to the Secretary of the Treasury, the Administrator of the National Credit Union Administration, or the President of the Bank. In addition to receiving such compensation, each member of the Board, including the Secretary of the Treasury, the Administrator of the National Credit Union Administration, and the President of the Bank shall be reimbursed for necessary travel, subsistence, and other reasonable expenses actually incurred in the discharge of his duties as such member, without regard to any other laws relating to allowances for such expenses.

(d) The compensation of the President of the Bank shall be established by the Board. In addition, the Board shall prescribe rules for the election of members to the Board from each of the Federal credit union regions.

(e) The Board shall prescribe and publish such regulations and take such other actions as may be necessary and appropriate in carrying out this Act and in effectively exercising the functions expressly and impliedly vested in it under this Act.

INITIAL EXPENSES

Sec. 8. In order to facilitate the formation of the Bank there is authorized to be appropriated, and the Secretary of the

Treasury is authorized to advance, no more than $500,000 to be utilized for the initial organizational and operating expenses of the Bank. This advance shall be at a rate of interest to be determined by the Secretary of the Treasury and shall be repaid within one year from the date of any such advance.

CAPITALIZATION OF THE BANK

SEC. 9. (a) Upon the enactment of this Act, the Board of Directors of the Bank shall open books for subscription to the capital stock of the Bank. The capital stock shall be divided into shares of a par value $100 each. The minimum capital stock shall be issued at par, and stock issued thereafter shall be issued at such price not less than par as may be fixed by the Board of Directors.

(b) The original stock subscription of each credit union eligible to become a shareholder under section 11(a) shall be in an amount equal to 1 per centum of the subscriber's total assets at the close of the month before the month in which it makes application for membership in the Bank, but not less than $100. The Bank shall annually adjust, at the close of the calendar year, in such manner and upon such terms and conditions as the Board of Directors may prescribe, the amount of stock held by each member so that such member shall have invested in the stock of the Bank at least an amount calculated in the manner provided in the preceding sentence (but not less than $100). If the Bank finds that the investment of any member in stock is greater than that required under this subsection, it may, unless prohibited by the Board of Directors, in its discretion and upon application of such member, retire the stock of such member in excess of the amount so required. The Bank may provide for adjustment in the amounts of stock to be issued or retired in order that stock may be issued or retired only in entire shares.

(c) Upon retirement of stock of any member, the Bank shall pay such member for the stock retired an amount equal to the par value of such stock, or, at the election of the Bank, the whole or any part of the payment which would otherwise be so made shall be credited upon the indebtedness of the member to the Bank. In either such event, stock equal in par value to the amount of the payment or credit, or both, as the case may be, shall be canceled.

(d) Stock subscriptions shall be paid for in cash, and shall be paid for at the time of application therefor, or, at the election of the subscriber, in installments, but not less than one-fourth of the total amount payable shall be paid at the time of filing the application, and a further sum of not less than one-fourth of such total shall have been paid at the end of each succeeding four months.

(e) Stock subscribed for shall not be transferred or hypothecated except as provided herein.

NEWLY ORGANIZED CREDIT UNIONS

SEC. 10. (a) Each credit union which is chartered after enactment of this Act and which is accepted for membership in the Bank within one year from the date it is chartered shall pay $25 in cash to be credited to its purchase of stock in the Bank. At the expiration of one year from the date of its charter, the newly organized credit union shall subscribe for stock in the Bank in an amount equal to 1 per centum of its total assets on this date, but in no event shall this amount be less than $100.

(b) The stock subscriptions of the newly organized credit union required at the end of its first full year of operation in accordance with subsection (a) of this section shall be paid for in cash within thirty days of that date or, at the election of the subscriber, in quarterly installments beginning thirty days following its first full year of operations.

(c) For succeeding years, stock subscriptions shall be made in accordance with section 9(b) of this Act.

MEMBERSHIP

SEC. 11. (a) Every credit union insured by the Administrator of the National Credit Union Administration and which is not prohibited by the laws under which it is organized to become a shareholder in the Bank shall apply for membership in the Bank within three months of the effective date of this Act. Any other State credit union or federal credit union not insured by the Administrator of the National Credit Union Administration may apply for membership in the Bank. The Bank shall act on membership and, upon approval, shall require such applicants to subscribe to capital stock of the Bank in an amount equal to 1 per centum of the subscriber's total assets.

(b) Any shareholders, other than an insured credit union, may withdraw from membership in the Bank six months after filing with the Bank written notice of its intention to do so. The President of the Bank may, after a hearing to be held at a place convenient to the principal office of the shareholder, remove any shareholder from membership if the shareholder (1) has failed to comply with any provision of this Act, or regulation of the Board issued pursuant thereto, or (2) is insolvent. In the event of voluntary or involuntary termination of membership in the Bank, the indebtedness of such shareholder to the Bank shall be liquidated and the capital stock in the Bank owned by such shareholder shall be surrendered and canceled. Upon the liquidation of such indebtedness, such shareholder shall be entitled to the return of its collateral, and, upon the surrender and cancellation of such capital stock, the shareholder shall receive a sum equal to its cash paid for subscriptions plus accrued dividends thereon for the capital stock surrendered. Such payment by the Bank shall be made within ninety days from the date a shareholder ceases to be a member of the Bank.

OPERATIONS AND POWERS OF THE BANK

SEC. 12. (a) In order to carry out the purposes of this Act, the Bank is authorized to—

(1) sue and be sued, and complain and defend in its corporate name and through its own counsel;

(2) adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) adopt, amend, and repeal by the Board, such bylaws, rules, and regulations as may be necessary for the conduct of business;

(4) conduct its business, carry on its operations, have offices, and exercise the powers granted by this Act in any State;

(5) lease, purchase, or otherwise acquire, and own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed or any interest therein, wherever situated;

(6) accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in and for the purposes of the Bank;

(7) make arrangements with public or private organizations at the local, regional, State, or national level including credit union organizations and other financing institutions, to act as agents for or otherwise assist the Bank in the conduct of its business;

(8) conduct such examinations of shareholders as the Bank shall deem necessary in connection with carrying out the purposes of this Act;

(9) enter into contracts, and do all things which are necessary or incidental to the proper management of its affairs and the proper conduct of the business, including such incidental powers as are generally granted to corporations.

(b) There is authorized to be appropriated and the Secretary of the Treasury is authorized to advance such sums as may be necessary for the purposes of the Bank, but in no event more than $500,000,000 for any fiscal year. This advance shall be at a rate of interest to be determind by the Secretary of the Treasury and shall be repaid within one year from the date of any such advance.

(c) To obtain indirect participation by private and other public financial sources, the Bank is authorized to issue bonds, debentures, and such other certificates of indebtedness and having such maturities and bearing such interest as the Board may determine. In no event, however, shall the aggregate of such debentures and similar obligations outstanding at any one time exceed twenty times the surplus and paid-in capital of the Bank. The obligations of the Bank issued under this subsection shall be fully and unconditionally guaranteed both as to interest and principal by the United States, and such guarantee shall be expressed on the face thereof.

LOANS

SEC. 13. (a) Any shareholder of the Bank shall be entitled to apply in writing for loans. Such application shall be in a form prescribed by the Bank. The Bank may deny any application or may grant it, upon such conditions and terms as may be prescribed by the Bank.

(b) The Bank is authorized to make loans to its shareholders upon such security as it may prescribe. Such security may include, but not be limited to, obligations of the United States, obligations fully guaranteed by the United States, obligations issued in trust by any agency of the United States on behalf of any agency of the United States, or notes made by the shareholder in the form of loans to its members.

(c) Loans shall be made upon the note or obligation of the shareholder, secured as provided in this section, bearing such rate of interest as the Bank shall determine, and the Bank shall have a lien on and shall hold the stock of such shareholder as further collateral security for all indebtedness of the shareholder to the Bank.

MONETARY OPERATIONS OF BANK

SEC. 14. The Bank shall be authorized to:

(1) purchase notes and other receivables from shareholders on such terms as may be determined by the Bank;

(2) make loans to shareholders on such terms and with such security and rate of interest as may be determined by the Bank;

(3) accept deposits from credit unions on a demand or time basis, or both, and to pay interest thereon at such rates and at such times as may be determined by the Bank;

(4) make deposits in the form of time accounts or demand accounts or both in shareholder credit unions, in such banks, trust companies, mutual savings banks, and savings and loan associations as are insured with respect to such accounts by the United States or any agency or instrumentality thereof;

(5) purchase notes and other receivables from shareholder credit unions on such terms and with such rate of interest as may be determined by the Bank;

(6) develop and enter into agreements with or among credit unions and other financial institutions for the purpose of aiding in the establishment of an efficient interlending system among credit unions and for the purpose of aiding credit unions in establishing concentrated lines of credit with other financial institutions, and to act as a depositor or transmitter of funds for the purpose of carrying out this power;

(7) invest in the shares of a shareholder credit union;

(8) pay dividends on the stock subscriptions of shareholders provided the Bank is adequately reserved and to grant patronage refunds of interest paid on loans from the Bank by shareholders as authorized by the Board of Directors;

(9) arrange for a commitment of insurance

from the Administrator of the National Credit Union Administration of the Bank's loans to and its purchase of notes of liquidating shareholder credit unions to the extent that member accounts of the liquidating shareholders are insured by the National Credit Union Share Insurance Fund.

RESERVES

SEC. 15. The Bank shall at all times have in reserve at least an amount equal to the demand deposits received from its shareholders invested in obligations of the United States, obligations fully guaranteed by the United States, or obligations or participations issued by an agency of the United States in trust for another agency or instrumentality of the United States.

EFFICIENCY

SEC. 16. The Bank and the National Credit Union Administration shall provide for such combined reports, examinations, billings, payments, and other such items as the Bank and the Administration may prescribe for the purpose of eliminating duplication and to simplify the work of shareholders. In addition, the Bank will maximize utilization of reports and examinations of State regulatory agencies and make arrangements with these State agencies to avoid unnecessary expense and work for State credit unions approved for membership in the Bank.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 17. The financial transactions of the Bank shall be audited by the General Accounting Office, which, for this purpose shall have access to all its books, records, and accounts.

ANNUAL REPORT

SEC. 18. Not later than one hundred and twenty days after the close of each fiscal year the Bank shall prepare and submit to the President and to the Congress a full report of its activities during such year.

TAX EXEMPTION

SEC. 19. The Bank, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority, except that (1) any real property and tangible personal property of the Bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any and all obligations issued by the Bank shall be subjected both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

AMENDMENTS TO THE FEDERAL CREDIT UNION ACT

SEC. 20. (a) Section 107 of the Federal Credit Union Act (12 U.S.C. 1757) is amended by adding at the end thereof the following new paragraph:

"(16) Notwithstanding any other provisions of law, a Federal credit union shall have the power to subscribe for stock in the National Credit Union Bank, if otherwise eligible to do so under the terms of this Act, and to exercise such other functions as may be necessary to fully participate as a member of the Bank."

(b) Section 17 of the Federal Credit Union Act (12 U.S.C. 1762) is amended by adding at the end thereof the following: "Stock subscriptions required for participation in the National Credit Union Bank shall constitute a part of the regular reserve otherwise required to be set aside by Federal credit unions in accordance with this section."

(c) Paragraph (6) of section 8 of the Federal Credit Union Act (12 U.S.C. 1757) is amended to read as follows:

"(6) to make loans to its own directors and to members of its own supervisory or credit committee provided that any such loan or aggregate of loans to one director or committee member which exceeds $2500 plus pledged shares, must be approved by the board of directors and to permit directors and members of its own supervisory or credit committee to act as guarantor or endorser of loans to other members, except when such a loan standing alone or when added to any outstanding loan or loans of the guarantor exceeds $2500, approval of the board of directors is required;".

VOTE TO END THE WAR

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, the military Selective Service Act, H.R. 6531, is before the House this week for consideration. Incorporated in this bill is a provision—section 13—which authorizes an average active duty personnel strength for the Army, 1,024,309; the Navy, 616,619; the Marine Corps, 209,846; and the Air Force, 758,635.

It is very clear that our involvement in Southeast Asia is intrinsically related to the manpower levels which are set for our Armed Forces. Hearings held before the House Armed Services Committee—House Armed Services Committee Document 92–2, pages 1050 to 1073—reveal clearly that manpower levels are determined, in part, by U.S. commitments in Southeast Asia. By prohibiting the assignment to Southeast Asia of any of these forces, Congress can end the war.

I and my distinguished colleague from Maryland (Mr. Mitchell), have drafted an amendment to section 13 of the Military Selective Service Act which accomplishes that end—ending the war. It provides that none of the "personal strength" authorized by H.R. 6531, or increased pursuant to the Presidential discretion provided by section 13, shall be used for assignment to South Vietnam, Laos, Cambodia, and North Vietnam, after December 31, 1971.

We must end the war in Southeast Asia. It is clear that a great majority of the American public want withdrawal of U.S. forces from Southeast Asia by no later than December 31 of this year. Our amendment produces that result. Our amendment ends the war. I urge, in the strongest possible terms, its passage. The text of the amendment follows:

On page 20, line, immediately before the period, insert the following: ", but no part of any such active duty personnel strengths, whether or not increased by the President of the United States, may be assigned for use in South Vietnam, Cambodia, Laos, and North Vietnam, and the waters immediately adjacent thereto, after December 31, 1971."

AMENDMENT TO END SENDING DRAFTEES TO INDOCHINA

(Mr. FRASER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FRASER. Mr. Speaker, pursuant to section 119 of the Legislative Reorganization Act of 1970, notice is hereby given that I intend to introduce the following amendment to H.R. 6531 to amend the Military Selective Service Act of 1967:

Page 1, between lines 7 and 8 insert the following:

"(2) Section 4(a) is amended by adding at the end thereof the following new paragraphs:

" 'Except as may hereafter be authorized by law, no person who is inducted after December 31, 1971, for training and service under this title may be required to serve on duty in Indochina. Any change in any regulations or policies relating to military personnel which would have the effect of extending the tour of duty in Indochina of any person (without the express consent of that person to such extension) who was inducted before January 1, 1972, for training and service is prohibited.

" 'The aggregate number of calls for induction which may be made pursuant to section 5 of this title during calendar year 1971 may not exceed the aggregate number of such calls which were made in calendar year 1970.' "

This amendment is sponsored by the following Members:

Charles A. Mosher, Ohio.
F. Bradford Morse, Massachusetts.
Abner J. Mikva, Illinois.
Donald M. Fraser, Minnesota.
Ken Hechler, West Virginia.
Don Edwards, California.
Phillip Burton, California.
Herman Badillo, New York.
Charles Vanik, Ohio.
Sam Gibbons, Florida.
William "Bill" Clay, Missouri.
William R. Anderson, Tennessee.
Frank Thompson, Jr., New Jersey.
William D. Ford, Michigan.
James H. Scheuer, New York.
Patsy Mink, Hawaii.
Thomas M. Rees, California.
Al Ullman, Oregon.
John Conyers, Jr., Michigan.
Margaret M. Heckler, Massachusetts.
Edith Green, Oregon.
Gilbert Gude, Maryland.
Jerome P. Waldie, California.
Lester L. Wolff, New York.
Jonathan B. Bingham, New York.
Henry Helstoski, New Jersey.
Benjamin S. Rosenthal, New York.
William F. Ryan, New York.
Edward P. Boland, Massachusetts.
Michael Harrington, Massachusetts
Seymour Halpern, New York.

THE ABSOLUTE LAST WORD ON THE WASHINGTON POST AND THE SELLING OF THE PENTAGON

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WAGGONNER. One of the old adages in politics which I have, from time to time, seen fit to ignore is the one that states, "never argue with a newspaper because they own the presses."

From time to time, when they have deserved it, I have taken on the Washington Post, for example, and pointed out some of their more obvious foolishnesses. The time has come now to take their side and pat them on the head for doing something right and I am happy to do so.

I refer to the now thoroughly discussed

and thoroughly discredited CBS television program, "The Selling of the Pentagon," in which one of the victims of CBS' editing, maneuvering, and telling half-truths was the distinguished dean of the Louisiana delegation and chairman of the House Armed Services Committee, the Honorable F. EDWARD HÉBERT.

When you find the Washington Post in the same bed with Representative HÉBERT and myself, the millenium cannot be far behind.

For the RECORD then, here is the printed word from the Post as it appeared in this morning's edition:

CBS REPLIES TO EDITORIAL ON PENTAGON DOCUMENTARY

This letter is in response to your editorial of March 26, in which you start by calling the CBS News documentary, "The Selling of the Pentagon," a "highly valuable and informative exposition of a subject about which the American people should know more," and then proceed to examine in some detail the specific editing of that film and general practices of television news editing technique.

The editorial was obviously written by one who has long labored on the editorial page —and not on the news pages.

You conclude that in some measure (not specified) public confidence and credibility are undermined by our editing techniques "innocent or not."

The question of how a news or documentary broadcast is edited is at least as important as you obviously consider it. It is precisely as important as, and possibly no more complicated than, questions pertaining to editing in the print medium (newspapers and news magazines)—the process by which any journalist rejects or accepts, selects and omits, and almost always compresses material available to him. You do not question the right, indeed the professional obligation of your reporters to do this, nor of your editors to continue the process once the reporter has done his job, nor indeed, of your senior editors to impose their professional judgment upon this same piece of work when or if it comes to them.

But you question not only our right to do the same thing, but also the methods by which we edit, and even our motives ("innocent or not"). You do not, in other words, grant us the right to do precisely what you do—and must do if you are journalists as distinguished from transmission belts.

Why?

The key to why you feel this way is spelled out in your editorial: "People who work in the nonelectronic news business know how readily they themselves may distort an event or a remark . . . these dangers are of course multiplied in the production of a televised documentary."

You are saying that good reporting—fair reporting—is a difficult business, with many pitfalls along the way, that television reporting is a more difficult business with more pitfalls. Fair enough.

Then you go on to suggest, indeed recommend, that our rules should be different than your rules, that sound journalistic ethics and the First Amendment are somehow divisible between rights granted to journalists whose work comes out in ink and somewhat lesser rights for journalists whose work comes out electronically. You say we should go out of our way to "preserve intact and in sequence" the response of those we interview. We both "go out of our way" to be fair and accurate, but we both have limitations of space, and we both seek clarity. Except in verbatim transcripts, neither medium preserves intact or in sequence everything it presents. You say at the very least we should indicate that something in the interview has been dropped. If we asked you to do this, you would properly respond that readers know, without a blizzard of asterisks, that material in your paper is edited, that these are not the complete remarks. Our viewers know it, too. And so do those whom we cover.

But most astonishing of all, you propose that we should give the subject of the interview an opportunity to see and approve his revised remarks. Is that now the policy at The Washington Post? Of course not. You know and I know that this strikes at the very core of independent and free journalism. To grant a subject such a right of review is to remove the basic journalistic function of editing from the hands of the journalist and place it—in the case of the documentary in question—in the hands of the Pentagon. I almost wrote—"tell you what, we'll do it if you'll do it." Then I had a second thought: No, we won't do it even if you should do it.

We are all after the same thing: to be fair, to inform the public fairly and honestly. We do not suggest that we—or any journalistic organization—are free from errors, but nothing in the First Amendment suggests that we must be perfect, or that we are not human. And nothing suggests that if our responsibility is larger, our job tougher of our coverage broader there should be some new set of rules for our kind of journalism, as if to say the First Amendment is fine so long as it doesn't count for much. You don't seem to mind if our end of the dinghy sinks, so long as your stays afloat.

Fairness is at the root of all this, and fairness can be and always will be debated.

But I submit that we are as careful about editing, as concerned with what is fair and proper and in balance, as rigorous in our internal screening and editorial control processes as any journalistic organization.

The job of ensuring that fairness, that balance and that sense of responsibility is difficult. It is the subject of our constant review and concern. It is not a question that can be solved by a single statement of policy or staff memorandum. It must be, and it is, the daily concern of our working reporters, editors and management.

We believe, as I have said publicly before, that "The Selling of the Pentagon" was edited fairly and honestly. Long after the useful and valuable debate on this broadcast has subsided and perhaps been forgotten we shall be editing other news broadcasts and other documentaries as fairly and as honestly as we know how, and in accordance with established journalistic practice—just as you shall be so editing.

RICHARD S. SALANT,
President, CBS News.

NEW YORK.

See today's editorial, "Mr. Salant's Letter."

MR. SALANT'S LETTER

In our letters space today we print a response by Richard Salant of CBS News to our recent editorial concerning the dispute between CBS News, the Pentagon, Vice President Agnew, Congressman Hebert, and now—as it seems—the Washington Post. In time the U.N. may have to be called in, but for now we would like, in a unilateral action, to respond to Mr. Salant's complaint. We think it is off the point. And we think this is so because Mr. Salant invests the term "editing" with functions and freedoms well beyond anything we regard as common or acceptable practice. Mr. Salant taxes us with unfairly recommending two sets of standards in these matters, one for the printed press and another for the electronic. But he reads us wrong. We were and are objecting to the fact that *specifically, in relation* to *question-and-answer sequences,* two sets of standards *already* exist—and that what he and others in television appear to regard as simple "editing" seems to us to take an excess of unacknowledged liberties with the direct quotations of the principals involved.

Before we go into these, a word might be of use about the editorial practices (and malpractices) common to us both. When a public official or anyone else issues a statement or responds to a series of questions in an interview, the printed media of course exercise an editorial judgment in deciding which part and how much of that material to quote or paraphrase or ignore. The analogy with TV's time limitations, for us, is the limit on space: deciding which of the half million words of news coming into this paper each day shall be among the 80,000 we have room to print. Thus, "Vice President Agnew said last night . . . Mr. Agnew also said . . ." and so on; it is a formulation basic to both the daily paper and the televised newscast.

That bad and misleading judgments can be made by this newspaper in both our presentation and selection of such news goes without saying—or at least it did until we started doing some public soul-searching about it in this newspaper a good while back. There is, for example, a distorting effect in failing to report that certain statements were not unsolicited assertions but responses to a reporter's question. But that we do not confuse the effort to remedy these defects with a waiving of our First Amendment rights or a yielding up of editorial prerogatives should also be obvious to readers of this newspaper—perhaps tediously so by now. What we have in mind, however, when we talk of the license taken by the electronic media in the name of "editing" is something quite different, something this newspaper does not approve and would not leap to defend if it were caught doing. It is the practice of printing highly rearranged material in a Q-and-A sequence as if it were verbatim text, without indicating to the reader that changes had been made and/or without giving the subject an opportunity to approve revisions in the original exchange.

It is, for instance, presenting as a direct six-sentence quotation from a colonel, a "statement" composed of a first sentence from page 55 of his prepared text, followed by a second sentence from page 36, followed by a third and fourth from page 48, and a fifth from page 73, and a sixth from page 88. That occurred in "The Selling of the Pentagon," and we do not see why Mr. Salant should find it difficult to grant that this type of procedure is 1) not "editing" in any conventional sense and 2) likely to undermine both the broadcasts's credibility and public confidence in that credibility.

The point here is that "The Selling of the Pentagon" presented this statement as if it were one that had actually been made—verbatim—by the Colonel: TV can and does simulate an impression of actuality in the way it conveys such rearranged material. Consider, again from the same documentary, a sequence with Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs. This is how viewers were *shown* Mr. Henkin answering a question:

Roger Mudd: "What about your public displays of military equipment at state fairs and shopping centers? What purpose does that serve?"

Mr. Henkin: "Well, I think it serves the purpose of informing the public about their armed forces. I believe the American public has the right to request information about the armed forces, to have speakers come before them, to ask questions, and to understand the need for our armed forces, why we ask for the funds that we do ask for, how we spend these funds, what are we doing about such problems as drugs—and we do have a drug problem in the armed forces; what are we doing about the racial problem—and we do have a racial problem. I think the public has a valid right to ask us these questions."

This, on the other hand, is how Mr. Henkin *actually* answered the question:

Mr. Henkin: "Well, I think it serves the purpose of informing the public about their armed forces. It also has the ancillary benefit, I would hope, of simulating interest in recruiting as we move or try to move to zero draft calls and increased reliance on volunteers for our armed forces. I think it is very important that the American youth have an opportunity to learn about the armed forces."

The answer Mr. Henkin was *shown* to be giving had been transposed from his answer to another question a couple of pages along in the transcribed interview, and one that came out of a sequence dealing not just with military displays but also with the availability of military speakers. At that point in the interveiw, Roger Mudd asked Mr. Henkin whether the sort of thing he was now talking about—drug problems and racial problems—was "the sort of information that gets passed at state fairs by sergeants who are standing next to rockets." To which Mr. Henkin replied:

Mr. Henkin: "No, I didn't—wouldn't limit that to sergeants standing next to any kind of exhibits. I knew—I thought we were discussing speeches and all."

This is how the sequence was *shown* to have occurred, following on Mr. Henkin's transposed reply to the original question:

Mr. Mudd: "Well, is that the sort of information about the drug problem you have and the racial problem you have and the budget problems you have—is that the sort of information that gets passed out at state fairs by sergeants who are standing next to rockets."

Mr. Henkin: "No, I wouldn't limit that to sergeants standing next to any kind of exhibit. Now, there are those who contend that this is propaganda. I do not agree with this."

The part about discussing "speeches and all" had been omitted; the part about propaganda comes from a few lines above Mr. Henkin's actual answer and was in fact a reference to charges that the Pentagon was using talk of the "increasing Soviet threat" as propaganda to influence the size of the military budget.

Surely, something different from and less cosmic than a challenge to CBS's First Amendment rights is involved in the question of whether or not the subject of such a rearranged interview should not be given a chance to see and approve what he will be demonstrated to have said. And surely this "editing" practice must be conceded—with reason—to have damaging effect on public confidence in what is being shown to have happened—shown to have been said. We agree with Mr. Salant's premise that we are all in the same dinghy. That is why we are so concerned that neither end should sink.

CONGRESSMAN HANSEN OF IDAHO INTRODUCES LEGISLATION TO PROVIDE FOR MORE EFFECTIVE INSPECTION OF IMPORTED MEAT

(Mr. HANSEN of Idaho asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANSEN of Idaho. Mr. Speaker, today I am introducing H.R. 6955 to amend the Federal Meat Inspection Act to provide for more effective inspection standards for imported meat and meat products to prevent the importation into this country of contaminated or unwholesome meat.

It is, of course, axiomatic that inspection standards for meat produced in the United States assure the consumer the highest standards for wholesomeness. Since the publication of "The Jungle," some 60 years ago, the public has been aware of the hazards involved in the consumption of impure meat. And, since the turn of the century, very significant steps on both the Federal and State levels of government have been taken to develop and enforce high standards to insure that only the highest quality of meat will be produced and sold in the United States. Consequently, public confidence in the meat available in the market has increased to the extent that frequently little thought is given to the possibility that such meat might be impure.

Unfortunately, that same confidence is not fully justified when it comes to meat imported from other countries. In hearings conducted last year by the Livestock and Grains Subcommittee of the House Agriculture Committee, it was revealed that of the percentage of meat samples inspected at U.S. docksides during the first half of 1970, no less than 15 percent of the produce was rejected. I believe that it is reasonable to conclude, Mr. Speaker, that of the amounts which were not inspected, a similar percentage would also have been rejected. This figure is startling when we remember that only 1 percent of the meat imported into this country is actually subjected to dockside inspection. Other testimony produced at these hearings confirmed what the mounting evidence indicates—that inspection standards applicable to imported meat fall far short of those needed to assure compliance with U.S. standards of wholesomeness.

Mr. Speaker, other facts speak for themselves. Within the 40 countries that are presently permitted to export meat and meat products into the United States, there are over 1,100 certified plants. For the purpose of inspecting the physical suitability of these plants for their capability of adequately processing meat products to the wholesome standards required by U.S. law, the Department of Agriculture has only 14 veterinarians who serve as foreign review officers. Because of the obvious limitations imposed on this small group, it is estimated that they are able to inspect these 1,100 plants on the average of only once a year. I might add that it is the prevailing practice to give plants advance notice of visits by U.S. inspectors. Obviously, this notice provides an opportunity for the plant to clear up their operation and eliminate any deficiencies in advance of the visit by the inspector.

Under these conditions this qualified, but limited, staff cannot inspect foreign plants as frequently or as thoroughly as the evidence suggests that they should be inspected.

So, Mr. Speaker, as a result of inadequate inspection of the foreign plants by U.S. inspectors, most of whom are based in this country, and as a result of inadequate dockside inspection of the meat when it arrives in the United States, I have been informed of several instances in which impure and unwholesome meat and meat products have been sold to the American consumer through retail outlets.

The purpose of my bill is to correct the glaring deficiencies in the present law. Its purpose is not that of protectionism for the American cattleman. But, if foreign meat processing operations use unwholesome processing techniques, which can allow them to compete unfairly against the American cattle industry in the American market place, while at the same time subjecting the American consumer to health risks, then I believe that the situation should be rectified. Passage of my bill will provide this needed protection to the consumer, and will also help to assure more equitable treatment for domestic producers and processors.

I am pleased that 29 of my colleagues in the House have agreed to cosponsor H.R. 6955. They are Mr. ANDREWS, Republican, of North Dakota; Mr. ASPIN, Democrat, of Wisconsin; Mr. BEVILL, Democrat, of Alabama; Mr. BUCHANAN, Republican, of Alabama; Mr. DANIEL, Democrat, of Virginia; Mr. DENT, Democrat, of Pennsylvania; Mr. EILBERG, Democrat, of Pennsylvania; Mrs. GRASSO, Democrat, of Connecticut; Mr. HALPERN, Republican, of New York; Mr. HATHAWAY, Democrat, of Maine; Mr. HOGAN, Republican, of Maryland; Mr. LLOYD, Republican, of Utah; Mr. MCCLURE, Republican, of Idaho; Mr. MCCOLLISTER, Republican, of Nebraska; Mr. MCDADE, Republican, of Pennsylvania; Mr. MANN, Democrat, of South Carolina; Mr. MAZZOLI, Democrat, of Kentucky; Mr. METCALFE, Democrat, of Illinois; Mr. MINISH, Democrat, of New Jersey; Mr. MINSHALL, Republican, of Ohio; Mr. MORSE, Republican, of Massachusetts; Mr. ROE, Democrat, of New Jersey; Mr. RUNNELS, Democrat, of New Mexico; Mr. SCHERLE, Republican, of Iowa; Mr. SCOTT, Republican, of Virginia; Mr. SHOUP, Republican, of Montana; Mr. SEBELIUS, Republican, of Kansas; Mr. THONE, Republican, of Nebraska; and Mr. WILLIAMS, Republican, of Pennsylvania.

I hope this wide spread support will result in an early and favorable consideration of this important legislation by the House Agriculture Committee and the House itself.

Mr. Speaker, I include as a part of my remarks the text of H.R. 6955.

H.R. 6955

A bill to amend the Federal Meat Inspection Act to provide for more effective inspection of imported meat and meat products to prevent the importation of diseased, contaminated, or otherwise unwholesome meat and meat products

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 20 of the Federal Meat Inspection Act (21 U.S.C. 620) is amended by adding at the end thereof the following new subsections:

"(f) The Secretary shall provide for the inspection at least four times a year, on an unannounced basis, of each plant referred to in subsection (e)(2) of this section.

"(g) The Secretary shall provide for the inspection of at least 2 per centum of each imported lot of fresh or frozen meats. Core sampling techniques shall be used where appropriate in the inspection of such meats.

"(h) The Secretary shall prescribe appropriate inspection procedures to detect contamination from pesticides or other chemicals regardless of whether ingested or absorbed by the animals prior to slaughter or introduced into the meat or meat products subsequent thereto.

"(i) The Commissioner of Customs shall levy on all products entering the United States which are subject to this section, in addition to any tariffs, a charge or charges set by the Secretary of Agriculture at levels which are in his judgment sufficient to defray the probable costs of all examinations and inspections carried out pursuant to this section."

PROPOSED REORGANIZATION OF EXECUTIVE BRANCH

(Mr. HUNT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HUNT. Mr. Speaker, I am eager to speak on behalf of the proposed reorganization of the executive branch. We are all too familiar with the evils of the present system, but we have not taken time in recent years to examine possible solutions. This term I hope we will settle on some form of departmental structure which will better serve the American people.

At present the taxpayers are paying for services not received within an acceptable period of time.

Part of the problem is that the President and his top executive staff lack sufficient time for creative long-range planning because they must arbitrate too many interagency disputes.

As now organized, the several domestic departments are established along conflicting lines of purpose, function, and constituency. These departments cannot effectively carry out the President's policy, if at the same time they are channeling disputes and complaints up to the President's desk for resolution.

In too many cases Federal agencies cannot agree about which one has authority to act in certain situations. For instance, in eliminating swamp, should the Soil Conservation Service in the Department of Agriculture drain the swamp, or should the Bureau of Reclamation in the Department of the Interior fill the swamp? Such questions have a way of floating up through the bureaucracy to the Presidential level before a decision is finally reached. Thus a great deal of time is wasted in Washington offices while conflicts are resolved which have little bearing on the general public interest.

For these reasons I heartily support the President's recommendations to redistribute the activities of domestic policy into four purpose-oriented departments where conflicts and disputes can be amicably determined at the lowest possible levels. Reorganization will improve Government effectiveness at both regional and national levels.

REORGANIZATION NECESSARY

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, clearly the time has come for us to focus on the obvious problems of executive branch organization. The President's proposals deserve close scrutiny as to whether they do in fact represent the most logical and orderly way to restructure the activities and programs now funded.

Any number of ways could be recommended to redistribute the programs operated by the Federal Government into different departments which would be an improvement over the present arrangement. However, we are not looking for piecemeal legislation on departmental reorganization. By examining the entire executive branch structure we will develop a uniform organization plan for all domestic programs, not just tinker with a few agency problems.

The President's Advisory Council on Executive Organization after 2 years of study suggested organizing departments around the major purposes of government. On the basis of existing programs, the Council decided the Government was involved in four broad areas—meeting human needs, protecting natural resources, planning for economic growth, and planning for community development.

Because so many of our present programs function in more than one of these areas it may become an arbitrary matter to decide which ones should be placed in which departments. But examining program purposes rather than present functions should clarify appropriate department locations.

The great need is for orderly management and that can only result from uniting related programs within the same department. Coordinated planning would make each program more effective by removing the duplication of effort now occurring. Responsible officials could shift program effort according to specific needs at specific times to keep them responsive.

This country needs greater coordination, greater performance for the taxpayer's dollar, and reorganizing the Government programs is one obvious way to promise the voters real value.

ADDRESS BY PATRICK E. GORMAN TO 24TH ANNUAL NATIONAL ROOSEVELT DAY DINNER, AMERICANS FOR DEMOCRATIC ACTION

(Mr. BURTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BURTON. Mr. Speaker, on March 11, 1971, I was privileged to attend the Americans for Democratic Action dinner in New York City and to hear an address delivered by Mr. Patrick E. Gorman, one of the great labor leaders of our country, secretary-treasurer of the Amalgamated Meat Cutters and Butcher Workmen of North America, AFL–CIO, who was being honored that evening.

I should like to share his words with my colleagues, who I am sure will find them as timely and thought provoking as I did.

I should also like to add my commendation for this outstanding speech by Pat Gorman and call his remarks to the attention of my good friends of the Butchers Union in the San Francisco area, George Mesure, secretary, Butchers Local 115; Buzz McCaffrey, secretary, Butchers Local 508; and Costa Vennarucci, secretary, Sausage Makers Local 203.

The full text of Mr. Patrick Gorman's remarks follows:

ADDRESS OF PATRICK E. GORMAN TO THE 24TH ANNUAL NATIONAL ROOSEVELT DAY DINNER, AMERICANS FOR DEMOCRATIC ACTION, DELIVERED IN NEW YORK CITY, MARCH 11, 1971

When I was advised that I had been selected for this particular honor, I felt that I was really making some progress in the *real* meaning of democracy in that this group lives and dreams of the kind of democracy our forefathers really intended—liberty-justice *and* democracy.

And frankly, there is not too much of it existing throughout the world at present. We have developed a conglomeration of world animosities so that what is supposed to be liberalism in other ideologies is considered to be intolerance in our own democratic establishments.

There is hardly any group, be it religious, political, philosophical or otherwise, that does not have some remedy for the ills that beset the world. But man with his savage instincts has created an impossible environment in which human understanding can thrive.

Man—a rather small little member of the animal kingdom—is responsible for most of the ills which beset the human race.

The dormant instinct in man is to kill, and all of the past ages still keeps this strange creature the greatest killer on earth. His savage nature has come with him through the disputed millions of years of his existence, and this savagery still generated by selfishness holds him in its grip.

Throughout all ages he has killed his fellow man in warfare. In addition to this, thousands of animal species have become extinct as a result of the killing pleasure of this little two-legged monster. Even our Government, in an effort to stop the slaughter of everything that man sees moving and alive has placed restrictions so that many of the species of which only a comparative handful are left will not be doomed to their total oblivion.

In addition to all this, he is the greatest scavenger on earth. Along with livestock, which he eats from top to bottom, he has made an epicurean delicacy of not only steaks but lately, rattlesnakes and toasted grasshoppers.

Man, while he is killing off everything he sees, including the forests of our Nation; the poisoning of our streams, and the pollution of our air, is proving himself to be the greatest fool of all in that he is now in the process of killing off himself! He has finally reached the most despicable of all his wantonness in that he has arranged legally, through abortion, each year to kill off millions of his unborn children.

He has developed enough atomic bombs to overkill every human being on earth perhaps more than a thousand times.

Our own Nation, we must not forget, was the first to use this terrific atomic destructive power on his own kind. That same power could operate every factory, steel plant, automobile or anything else that moves mechanically. We should not forget that Admiral Rickover took a submarine around the world beneath the ocean's surface *twice* on approximately a tin can full of atomic power.

In the instance stocking of nuclear weapons to kill, we can be sure that someone again will suffer the terrific nightmare to again drop the bomb. There is even some talk about this now in our own Pentagon. Maybe the final curtain for man has arrived. Perhaps in unknowingly arranging for his own extinction his brutal tyranny can be accommodated on himself.

I am sorry I cannot feel that the peoples in other large portions of the world—Russia included—cannot be molded in the thought that the Russians can be our co-partners.

I am sorry that I cannot reconcile myself to feel that the great awakening giant—China,—should not be in the United Nations. If the charter of the United Nations intends to keep the 800 million people of China as outcasts—unfit for membership in the world family of nations, then that charter is a total failure in the field of human understanding.

The Peoples Republic of China not only ought to be admitted as full-fledged members of the United Nations, but we, the people of the United States, should be in the leadership of those promoting her membership in that world body.

Your speaker, after the bombing of Hiroshima and Nagasaki coined a phrase that made him persona non grata with some of the labor leaders of our nation when he said, "Now it is co-existence or no existence!"

Frankly, we cannot boast too much of a democracy. As a matter of fact, our own nation . . . rich as it is . . . is a near mockery of democracy. No one with a conscience can feel satisfied knowing of the terrible slum conditions of our nation in which human beings live—the ghettos . . . the thousands who go to bed hungry every night—the ridiculous food stamp program in which there have been so many abuses . . . the downright seemingly careless attitude of our government in the matter of health or our nation—no hospitals for the poor and not even enough for those who can even pay to enter them.

The still existing intolerance of refusing to admit that *we are* our brothers' keeper, coupled with the snail-like progress that we are making in civil rights, is a contemptible shame on the escutcheon of the richest, and supposedly the most democratic Nation on earth!

Perhaps Edmund Burke suggested the *medicine* for these conditions, if not a cure, when he said, "All that is necessary for the triumph of evil is for enough good men to do nothing!"

I am sorry too that I cannot agree with my friends on the executive council of the AFL–CIO, and develop even a half hawkish attitude that this war should continue. For almost a total decade we have been bogged down in, our senseless, unauthorized wars. The reason allegedly given is to secure for the people of Vietnam the right to self determination. The execution of these announced designs has already cost the American taxpayers more than 154 billion dollars, and almost 50,000 lives of youthful Americans. This is shameful—in fact it is a national disgrace.

Oh yes, it's all right to ride along our beautiful highways and see signs on automobiles which state, "America . . . Love It or Leave It!" Well, the near fifty-thousand youngsters who lost their lives—8,000 miles away, loved America . . . They didn't want to leave it . . . They were forced to leave it and the God of luck was not sufficiently on their side to permit them to come back to their homeland alive.

Is there a solution? Perhaps Saint Francis had it when he prayed.

"Lord, make us the instrument of Thy peace . . . where there is hatred, let us sow love . . . where there is injury, let us pardon . . . where there is doubt, let us have faith . . . where there is despair, give us hope . . . where there is darkness, give us light . . . where there is sadness, give us joy" . . .

Now finally, we should not forget in our attempts to accomplish peace on earth and brotherhood—and the following is my own thinking—"Yesterday is oblivion . . . today is almost gone . . . tomorrow is so short, we must make haste if the human race is to survive!

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. GETTYS (at the request of Mr. ALBERT), for today, on account of illness.

To Mr. KOCH (at the request of Mr. ADDABBO), for Tuesday, March 30 through April 7, 1971, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RYAN, for 30 minutes, today, to revise and extend his remarks and include extraneous material.

Mr. MELCHER, for 1 hour on May 3, and to revise and extend his remarks and include extraneous matter.

Mr. SMITH of Iowa (at the request of Mr. MELCHER), for 1 hour, on May 3, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. LENT) to revise and extend their remarks and include extraneous matter:)

Mr. SEBELIUS, for 60 minutes, on May 3.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. SANDMAN, for 10 minutes, today.

(The following Members (at the request of Mr. DANIEL of Virginia) to revise and extend their remarks and include extraneous matter:)

Mr. MACDONALD of Massachusetts, for 30 minutes, today.

Mr. DIGGS, for 60 minutes, today.

Mr. BRINKLEY, for 15 minutes, today.

Mr. KASTENMEIER, for 10 minutes, today.

Mr. ROONEY of Pennsylvania, for 20 minutes, today.

Mr. MIKVA, for 60 minutes, on April 1.

Mr. CRANE, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LENT) and to revise and extend their remarks:)

Mr. HORTON in two instances.
Mr. DON H. CLAUSEN.
Mr. HOSMER in three instances.
Mr. BROOMFIELD.
Mr. SCHERLE.
Mr. DERWINSKI in two instances.
Mr. MORSE.
Mr. BLACKBURN.
Mr. BOB WILSON.
Mr. SKUBITZ in two instances.
Mr. BROTZMAN.
Mr. FORSYTHE in two instances.
Mr. BAKER.
Mr. WYMAN in two instances.
Mr. LANDGREBE.
Mr. ANDERSON of Illinois.
Mr. THOMSON of Wisconsin.
Mr. RIEGLE.
Mr. SANDMAN in two instances.
Mr. STEIGER of Wisconsin.

(The following Members (at the request of Mr. DANIEL of Virginia) and to include extraneous matter:)

Mr. CHARLES H. WILSON.
Mr. HARRINGTON in two instances.
Mr. DELLUMS in 10 instances.
Mr. EDWARDS of California.
Mr. BADILLO.
Mr. BEGICH.
Mr. MACDONALD of Massachusetts.
Mr. JAMES V. STANTON in three instances.
Mr. DRINAN in two instances.
Mr. WOLFF in two instances.
Mr. RODINO in three instances.
Mr. EVINS of Tennessee in six instances.
Mr. NIX.
Mr. KOCH in three instances.
Mr. HUNGATE in six instances.
Mr. DANIELS of New Jersey.
Mr. BINGHAM in two instances.
Mr. SCHEUER in two instances.
Mr. DOW in two instances.
Mr. HAMILTON.
Mr. BURTON in three instances.
Mr. FUQUA.
Mr. MAHON.
Mr. MONTGOMERY in three instances.
Mr. WALDIE in three instances.
Mr. GIBBONS in two instances.
Mr. EILBERG.
Mr. PURCELL in two instances.
Mr. FLOOD.
Mr. BOGGS.
Mr. BURKE of Massachusetts.
Mr. BRINKLEY in two instances.
Mr. WAGGONNER.
Mr. KARTH.
Mr. DOWNING in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 789. An act to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 55. Joint resolution to provide a temporary extension of certain provisions of law relating to interest rates and cost-of-living stabilization.

ADJOURNMENT

Mr. BRINKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 16 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 31, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXII, executive communications were taken from the Speaker's table and referred as follows:

486. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report

that the appropriation for the Department of the Interior for "Resources management," Bureau of Indian Affairs for fiscal year 1971, has been apportioned on a basis indicating a need for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

487. A letter from the Secretary of Defense, transmitting a draft of proposed legislation to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

488. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting the 23d annual report on the National Industrial Reserve, pursuant to section 12 of Public Law 883, 80th Congress; to the Committee on Armed Services.

489. A letter from the Secretary of the Treasury, transmitting the sixth semiannual report on U.S. purchases and sales of gold and the state of the U.S. gold stock, and on International Monetary Fund discussions on the evaluation of the international monetary system; to the Committee on Banking and Currency.

490. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting a report of Department of Defense procurement from small and other business firms for July–December 1970 pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

491. A letter from the Chairman, Financial Investment Advisory Panel of the National Railroad Passenger Corporation, transmitting a request that the Congress extend the date for submission of the substantive report on the capitalization of the Corporation for an additional 6 months or until November 1, 1971; to the Committee on Interstate and Foreign Commerce.

492. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations to carry out the Fire Research and Safety Act of 1968; to the Committee on Science and Astronautics.

493. A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation to continue for 2 additional years the duty-free status of certain gifts by members of the Armed Forces serving in combat zones; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ICHORD: Committee on Internal Security. H.R. 820. A bill to amend the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950) (Rept. No. 92–94). Referred to the Committee of the Whole House on the State of the Union.

Mr. SEIBERLING: Committee on the Judiciary. H.R. 1534. A bill to amend sections 320 and 321 of the Immigration and Nationality Act (Rept. No. 92–95). Referred to the Committee of the Whole House on the State of the Union.

Mr. EILBERG: Committee on the Judiciary. H.R. 1535. A bill to amend section 312 of the Immigration and Nationality Act (Rept. No. 91–96). Referred to the Committee of the Whole House on the State of the Union.

Mr. RODINO: Committee on the Judiciary. H.R. 1729. A bill giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States; (Rept. No. 92–97). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 6915. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

By Mr. BENNETT (for himself, Mr. Vanik, Mr. Conable, Mr. Schwengel, and Mr. Steele):

H.R. 6916. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. BURKE of Massachusetts (for himself, Mr. Addabbo, Mr. Annunzio, Mr. Biester, Mr. Boland, Mr. Broyhill of Virginia, Mr. Buchanan, Mr. Byrne of Pennsylvania, Mr. Casey of Texas, Mr. Clark, Mr. Cleveland, Mr. Collins of Illinois, Mr. Derwinski, Mr. Donohue, Mr. Dulski, Mr. Eilberg, Mr. Flowers, Mr. William D. Ford, Mr. Fulton of Pennsylvania, Mr. Green of Pennsylvania, Mr. Hagan, Mr. Halpern, Mr. Hansen of Idaho, Mr. Hicks of Washington, and Mrs. Hicks of Massachusetts):

H.R. 6917. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. Kluczynski, Mr. Long of Louisiana, Mr. McCloskey, Mr. McCollister, Mr. Mikva, Mr. Morse, Mr. O'Neill, Mr. Rhodes, Mr. Rosenthal, Mr. Roy, Mr. Roybal, Mr. St Germain, Mr. Steele, Mr. Thone, Mr. Watts, Mr. Charles H. Wilson, and Mr. Wolff):

H.R. 6918. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. CARNEY:

H.R. 6919. A bill to amend the Internal Revenue Code of 1954 to provide an income tax deduction for the performance by an individual of volunteer services for a Federal, State, or local governmental agency; to the Committee on Ways and Means.

By Mr. EDWARDS of California:

H.R. 6920. A bill to amend section 312(1) of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. EILBERG:

H.R. 6921. A bill to authorize the Secretary of Transportation to carry out a special program of transportation research and development utilizing the unique experience and manpower of the airframe and defense industries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FORSYTHE:

H.R. 6922. A bill to limit the authority of States to impose income taxes on residents of other States; to the Committee on the Judiciary.

H.R. 6923. A bill to amend the Internal Revenue Code of 1954 to restore to individuals who have attained the age of 65 the right to deduct all expenses for their medical care, and for other purposes; to the Committee on Ways and Means.

H.R. 6924. A bill to amend title II of the Social Security Act to provide for automatic annual cost-of-living increases in benefits thereunder, and to increase the amount of outside income which a beneficiary may have without losing any of his benefits; to the Committee on Ways and Means.

H.R. 6925. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 6926. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FULTON of Tennessee:

H.R. 6927. A bill to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recording, and for other purposes; to the Committee on the Judiciary.

H.R. 6928. A bill to amend section 103 of the Internal Revenue Code of 1954 to increase the small issue exemption from the industrial development bond provision from $5 million to $10 million; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 6929. A bill to prohibit the use of inter facilities, including the mails, for the transportation of certain materials to minors; to the Committee on the Judiciary.

H.R. 6930. A bill to exclude from the mails certain material offered for sale to minors, to protect the public from the offensive intrusion into their homes of sexually oriented mail matter, and to limit court review of criminal actions involving obscenity, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 6931. A bill to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to improve the protection of the right of privacy by defining obscene mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GRAY:

H.R. 6932. A bill to amend section 321 of title 23, United States Code, relating to the National Highway Institute; to the Committee on Public Works.

By Mr. KASTENMEIER:

H.R. 6933. A bill to amend the Atomic Energy Act of 1954 to make it clear that, in its agreement with a State for the control of radiation hazards from nuclear byproduct materials or other nuclear materials, the Atomic Energy Commission shall permit such State to impose standards which are more restrictive than its own standards for the regulation of such materials; to the Joint Committee on Atomic Energy.

By Mr. LATTA:

H.R. 6934. A bill to amend article 52 of the Uniform Code of Military Justice to require the concurrence of all members of a court-martial to convict any person of violating a punitive article under such code; to the Committee on Armed Services.

By Mr. MINSHALL:

H.R. 6935. A bill to amend the Communications Act of 1934 to provide for more responsible news and public affairs programing; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN (for himself, Mr. Barrett, Mrs. Sullivan, Mr. Reuss, Mr. Ashley, Mr. Moorhead, Mr. Stephens, Mr. St Germain, Mr. Gonzalez, Mr. Minish, Mr. Hanna, Mr. Gettys, Mr. Annunzio, Mr. Rees, Mr. Hanley, Mr. Brasco, and Mr. Mitchell):

H.R. 6936. A bill to create the National Credit Union Bank to encourage the flow of credit to urban and rural areas in order to provide greater access to consumer credit at reasonable interest rates, to amend the Federal Credit Union Act, and for other purposes; to the Committee on Banking and Currency.

By Mr. PEPPER:

H.R. 6937. A bill to authorize the payment by the United States of all the financial obligations under existing Federal-State welfare programs under the Social Security Act and waiving matching payments from the respective States for the fiscal year beginning on July 1, 1971 and to replace said programs with a national plan of income to enable the aged, blind, or severely disabled persons and families with children to attain a standard of living sufficient to provide for basic human needs, to provide incentives for employment and training to improve the capacity of employment of such persons and family members, and otherwise to improve their living conditions, and for other purposes; to the Committee on Ways and Means.

H.R. 6938. A bill to establish a system for sharing of certain Federal revenues with the States; to the Committee on Ways and Means.

By Mr. PREYER of North Carolina:

H.R. 6939. A bill to amend the Railroad Retirement Act of 1937 to provide a 10 percent increase in annuities; to the Committee on Interstate and Foreign Commerce.

By Mr. RAILSBACK:

H.R. 6940. A bill to make rules respecting military hostilities in the absence of a declaration of war; to the Committee on Foreign Affairs.

By Mr. SCHMITZ:

H.R. 6941. A bill to designate as "American Heritage Day" the legal public holiday celebrated on the third Monday in February; to the Committee on the Judiciary.

By Mr. JAMES V. STANTON (for himself, Mr. Ashley, Mr. Begich, Mr. Biaggi, Mr. Burke of Massachusetts, Mr. Chappell, Mrs. Chisholm, Mr. Cleveland, Mr. Collins of Illinois, Mr. Cordova Mr. Danielson, Mr. Diggs, Mr. Fish, Mr. Fulton of Pennsylvania, Mr. Gallagher, Mr. Halpern, Mrs. Hansen of Washington, Mr. Hansen of Idaho, Mr. Harrington, Mr. Hastings, Mr. King, Mr. Kuykendall, Mr. Mathis of Georgia, Mr. Matsunaga, and Mr. Mikva):

H.R. 6942. A bill to provide maternity benefits for pregnant wives of certain former servicemen; to the Committee on Armed Services.

By Mr. JAMES V. STANTON (for himself, Mr. Mosher, Mr. Moss, Mr. Pepper, Mr. Randall, Mr. Riegle, Mr. Roncalio, Mr. Ryan, Mr. Sarbanes, Mr. J. William Stanton, Mr. Stratton, Mr. Terry, Mr. Whalen, Mr. Wiggins, and Mr. Wolff):

H.R. 6943. A bill to provide maternity benefits for pregnant wives of certain former servicemen; to the Committee on Armed Services.

By Mrs. SULLIVAN:

H.R. 6944. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. THOMPSON of Georgia:

H.R. 6945. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

By Mr. WHITEHURST:

H.R. 6946. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 6947. A bill to remove the defense of limitation of liability as one of the defenses of the United States in the court proceedings arising out of the collision of the U.S.S. *Yancey* with the Chesapeake Bay Bridge-Tunnel; to the Committee on the Judiciary.

H.R. 6948. A bill to amend title 5, United States Code, to provide that the aggregate amount of reduction in retired or retirement pay incurred by a retired officer of the uniformed services by reason of Government civilian employment shall be paid to him as part of his retired or retirement pay after termination of such employment, to liberalize the monetary factor in the reduction formula applicable to that pay during such employment, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 6949. A bill to amend section 401(c) of the Internal Revenue Code of 1954 with respect to certain service performed by ministers; to the Committee on Ways and Means.

By Mr. WIGGINS:

H.R. 6950 A bill to amend the Legislative Reorganization Act of 1970 to authorize the Clerk of the House to make voluntary payroll deductions, authorized by the Committee on House Administration of the House of Representatives, and for other purposes; to the Committee on Rules.

By Mr. YATRON:

H.R. 6951. A bill to amend the Railroad Retirement Act of 1937 to provide a 10-percent increase in annuities; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of Virginia:

H.R. 6952. A bill to amend title 5, United States Code, to provide that the civil service retirement annuity of an employee retiring after the effective date of a cost-of-living annuity increase but eligible for retirement on that effective date shall not be less than his annuity if he had retired on that effective date, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CELLER:

H.R. 6953. A bill to create the Office of Administrative Assistant to the Chief Justice of the United States; to the Committee on the Judiciary.

By Mr. GRAY (for himself, Mr. Blatnik, Mr. Broyhill of Virginia, Mr. Jones of Alabama, Mr. Kluczynski, Mr. Wright, Mr. Roberts, Mr. Kee, Mr. Howard, Mr. Anderson of California, Mr. Collins of Illinois, Mr. Rangel, Mrs. Abzug, Mr. Harsha, Mr. Cleveland, Mr. Schwengel, Mr. Mizell, and Mr. Baker):

H.R. 6954. A bill to amend section 8 of the Public Buildings Act of 1959 to require the preparation of a proposal for a convention center-sports arena to be located within the District of Columbia; to the Committee on Public Works.

By Mr. HANSEN of Idaho (for himself, Mr. Andrews of North Dakota, Mr. Aspin, Mr. Bevill, Mr. Buchanan, Mr. Daniel of Virginia, Mr. Dent, Mr. Eilberg, Mrs. Grasso, Mr. Halpern, Mr. Hathaway, Mr. Hogan, Mr. Lloyd, Mr. McClure, Mr. McCollister, Mr. McDade, Mr. Mann, Mr. Mazzoli, Mr. Metcalfe, Mr. Minish, Mr. Minshall, Mr. Morse, Mr. Roe, Mr. Runnels, Mr. Scherle, and Mr. Scott):

H.R. 6955. A bill to amend the Federal Meat Inspection Act to provide for more effective inspection of imported meat and meat products to prevent the importation of diseased, contaminated, or otherwise unwholesome meat and meat products; to the Committee on Agriculture.

By Mr. HANSEN of Idaho (for himself, Mr. Shoup, Mr. Sebelius, Mr. Thorne, and Mr. Williams):

H.R. 6956. A bill to amend the Federal Meat Inspection Act to provide for more effective inspection of imported meat and meat products to prevent the importation of diseased, contaminated, or otherwise unwholesome meat and meat products; to the Committee on Agriculture.

By Mr. HANSEN of Idaho (for himself and Mr. McClure):

H.R. 6957. A bill to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HAYS:

H.R. 6958. A bill to amend title II of the Social Security Act to provide a minimum primary benefit of $100 a month under the old-age, survivors, and disability insurance program; to the Committee on Ways and Means.

By Mr. HOLIFIELD (by request):

H.R. 6959. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Natural Resources, and for other purposes; to the Committee on Government Operations.

H.R. 6960. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Economic Affairs, and for other purposes; to the Committee on Government Operations.

H.R. 6961. A bill to promote more effective management of the executive branch by reorganizing and consolidating certain related functions of the Government in a new Department of Human Resources, and for other purposes; to the Committee on Government Operations.

H.R. 6962. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Community Development, and for other purposes; to the Committee on Government Operations.

By Mrs. DWYER (for herself, Mr. Horton, Mr. Erlenborn, Mr. Wydler, and Mr. Brown of Ohio):

H.R. 6963. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Natural Resources, and for other purposes; to the Committee on Government Operations.

H.R. 6964. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Community Development, and for other purposes; to the Committee on Government Operations.

H.R. 6965. A bill to promote more effective management of certain related functions of the executive branch by recognizing and consolidating those functions in a new Department of Economic Affairs, and for other purposes; to the Committee on Government Operations.

H.R. 6966. A bill to promote more effective management of the executive branch by reorganizing and consolidating certain related functions of the Government in a new Departmnet of Human Resources, and for other purposes; to the Committee on Government Operations.

By Mr. HOWARD:

H.R. 6967. A bill to authorize the Secretary of Transportation to carry out a special program of transportation research and development utilizing the unique experience and manpower of the airframe and defense industries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HUNGATE:

H.R. 6968. A bill to amend the Uniform Commercial Code of the District of Columbia to make a warehouseman's lien for charges and expenses in relation to household goods stored with him effective against all persons if the depositor of the goods was the legal possessor; to the Committee on the District of Columbia.

By Mr. McCLORY:

H.R. 6969. A bill to amend the definition of period of war for purposes of chapter II of title 38 of the United States Code; to the Committee on Veterans' Affairs.

By Mr. MACDONALD of Massachusetts:

H.R. 6970. A bill to amend the Federal Power Act to establish procedures designed to balance energy needs and protection of the environment in planning and authorizing the construction of bulk electric power facilities; to the Committee on Interstate and Foreign Commerce.

By Mr. MACDONALD of Massachusetts (by request):

H.R. 6971. A bill to secure bulk power supplies adequate to satisfy the mounting demands of the people of the United States; to the Committee on Interstate and Foreign Commerce.

H.R. 6972. A bill to secure bulk power supplies adequate to satisfy the mounting demands of the people of the United States, consistent with environmental protection; to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN:

H.R. 6973. A bill to amend the Internal Revenue Code of 1954 to restore the investment tax credit for investments not in excess of $25,000 of investment in each taxable year; to the Committee on Ways and Means.

By Mr. MELCHER (for himself, Mr. Abourezk, Mr. Dulski, Mr. Duncan, Mr. Edwards of California, Mr. Foley, Mr. Fraser, Mr. Hammerschmidt, Mr. Hansen of Idaho, Mr. Kee, Mr. Link, Mr. McClure, Mr. McCormack, Mr. Runnels, Mr. Smith of Iowa, Mr. Ullman, Mr. Zwach, Mr. Roush, and Mrs. Grasso):

H.R. 6974. A bill to amend the Rail Passenger Service Act of 1970 to provide that all passenger train discontinuances must be in accordance with the provisions of section 13a of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

By Mr. MIKVA:

H.R. 6975. A bill to help prevent pollution which is caused by litter composed of soft drink, beer, and alcohol containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter, by imposing a tax on such containers (subject to refund in certain cases) when they are filled and sold on a no-deposit, no-return basis; to the Committee on Ways and Means.

By Mr. MORSE (for himself, Mr. Boland, Mr. Burke of Massachusetts, Mr. Conte, Mr. Donohue, Mr. Drinan, Mr. Harrington, Mrs. Heckler of Massachusetts, Mrs. Hicks of Massachusetts, Mr. Keith, Mr. Macdonald of Massachusetts, and Mr. O'Neill):

H.R. 6976. A bill to amend the State Technical Services Act of 1965 to make municipal governments eligible for technical services under the act, to extend the act through fiscal year 1974, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PETTIS:

H.R. 6977. A bill to amend the National Flood Insurance Act of 1968 to provide protection thereunder against losses resulting from earthquakes and earthslides; to the Committee on Banking and Currency.

H.R. 6978. A bill to prohibit assaults on State law enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

H.R. 6979. A bill to amend title 38 of the United States Code so as to provide that public or private retirement, annuity, or endowment payments (including monthly social security insurance benefits) shall not be included in computing annual income for the purpose of determining eligibility for a pension under chapter 15 of that title; to the Committee on Veterans' Affairs.

By Mr. QUILLEN:

H.R. 6980. A bill to amend title 37, United States Code, to provide an incentive plan for participation in the Ready Reserve; to the Committee on Armed Services.

H.R. 6981. A bill to amend chapter 67 of title 10, United States Code, to provide an annuity for the dependents of persons who perform the service required under chapter 67 of title 10, United States Code, and die before being granted retired pay; to the Committee on Armed Services.

H.R. 6982. A bill to amend title 10 of the United States Code so as to permit members of the Reserve and the National Guard to receive retired pay at age 55 for non-Regular service under chapter 67 of that title; to the Committee on Armed Services.

H.R. 6983. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RYAN (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Begich, Mr. Biaggi, Mr. Bingham, Mr. Brasco, Mr. Burton, Mr. Cleveland, Mr. Conyers, Mr. Dellums, Mr. Dow, Mr. Edwards of California, Mrs. Grasso, Mr. Halpern, Mr. Harrington, Mr. Hathaway, Mr. Hechler of West Virginia, and Mr. Helstoski):

H.R. 6984. A bill making an appropriation to carry out the provisions of the Noise Pollution and Abatement Act of 1970 (title IV of the Clean Air Act Amendments of 1970. Public Law 91–604) for the year ending June 30, 1971; to the Committee on Appropriations.

By Mr. RYAN (for himself, Mrs. Hicks of Massachusetts, Mr. Kastenmeier, Mr. Koch, Mr. Leggett, Mr. Matsunaga, Mr. Mikva, Mr. Mitchell, Mr. Moorhead, Mr. Pepper, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Roe, Mr. Rosenthal, Mr. Roybal, Mr. Scheuer, Mr. Seiberling, Mr. Veysey, and Mr. Wolff):

H.R. 6985. A bill making an appropriation to carry out the provisions of the Noise Pollution and Abatement Act of 1970 (title IV of the Clean Air Act Amendments of 1970, Public Law 91–604) for the year ending June 30, 1971; to the Committee on Appropriations.

By Mr. RYAN (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Begich, Mr. Biaggi, Mr. Bingham, Mr. Brasco, Mr. Burton, Mr. Cleveland, Mr. Conyers, Mr. Dellums, Mr. Dow, Mr. Edwards of California, Mrs. Grasso, Mr. Halpern, Mr. Harrington, Mr. Hathaway, Mr. Hechler of West Virginia, and Mr. Helstoski):

H.R. 6986.—A bill to amend the Noise Pollution and Abatement Act of 1970; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN (for himself, Mrs. Hicks of Massachusetts, Mr. Kastenmeier, Mr. Koch, Mr. Leggett, Mr. Matsunaga, Mr. Mikva, Mr. Mitchell, Mr. Moorhead, Mr. Pepper, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Roe, Mr. Rosenthal, Mr. Roybal, Mr. Scheuer, Mr. Seiberling, Mr. Veysey, and Mr. Wolff):

H.R. 6987. A bill to amend the Noise Pollution and Abatement Act of 1970; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Begich, Mr. Biaggi, Mr. Bingham, Mr. Brasco, Mr. Burton, Mr. Cleveland, Mr. Conyers, Mr. Dellums, Mr. Dow, Mr. Edwards of California, Mrs. Grasso, Mr. Halpern, Mr. Harrington, Mr. Hechler of West Virginia, and Mr. Helstoski):

H.R. 6988. A bill to require the disclosure of the operational noise level of machinery distributed in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN (for himself, Mrs. Hicks of Massachusetts, Mr. Kastenmeier, Mr. Koch, Mr. Leggett, Mr. Mikva, Mr. Mitchell, Mr. Moorhead, Mr. Pepper, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Roe, Mr. Rosenthal, Mr. Roybal, Mr. Scheuer, Mr. Seiberling, and Mr. Veysey):

H.R. 6989. A bill to require the disclosure of the operational noise level of machinery distributed in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Begich, Mr. Biaggi, Mr. Bingham, Mr. Brasco, Mr. Burton, Mr. Cleveland, Mr. Conyers, Mr. Dellums, Mr. Dow, Mr. Edwards of California, Mrs. Grasso, Mr. Halpern, Mr. Harrington, and Mr. Hechler of West Virginia):

H.R. 6990. A bill to amend the Occupational Safety and Health Act of 1970 to require the adoption of standards which will provide effective protection to workers against the deleterious effects of excessive noise; to the Committee on Education and Labor.

By Mr. RYAN (for himself, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Kastenmeier, Mr. Koch, Mr. Leggett, Mr. Mikva, Mr. Mitchell, Mr. Moorhead, Mr. Pepper, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Roe, Mr. Rosenthal, Mr. Roybal, Mr. Scheuer, Mr. Seiberling, and Mr. Wolff):

H.R. 6991. A bill to amend the Occupational Safety and Health Act of 1970 to require the adoption of standards which will provide effective protection to workers against the deleterious effects of excessive noise; to the Committee on Education and Labor.

By Mr. SANDMAN (for himself, Mr. Gerald R. Ford, Mr. Kemp, Mr. Mathias of California, and Mr. Mizell):

H.R. 6992. A bill to amend the Communications Act of 1934 so as to provide for the regulation of the broadcasting of certain major sporting events in the public interest; to the Committee on Interstate and Foreign Commerce.

By Mr. SAYLOR (for himself, Mr. Aspinall, Mr. Hosmer, Mr. Skubitz, Mr. Kyl, Mr. McClure, Mr. Don H. Clausen, Mr. Ruppe, Mr. Camp, Mr. Lujan, Mr. Lloyd, Mr. Dellenback, Mr. Sebelius, Mr. McKevitt, Mr. Terry, and Mr. Córdova):

H.R. 6993. A bill to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior; to the Committee on Interior and Insular Affairs.

By Mr. STEELE:

H.R. 6994. A bill to amend the Truth in Lending Act to prohibit the use of unfounded or veiled threats to aid in collection and to require that statements under open end credit plans be mailed in time to permit payment prior to the imposition of finance charges; to the Committee on Banking and Currency.

By Mr. TIERNAN:

H.R. 6995. A bill to amend the Internal Revenue Code of 1954 to provide a deduction for amounts expended by State, regional, city, county, and town policemen for meals which they are required to eat while on duty; to the Committee on Ways and Means.

By Mr. VANIK:

H.R. 6996. A bill to amend title 17 of the United States Code; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois:

H.J. Res. 520. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week"; to the Committee on the Judiciary.

By Mr. FRASER:

H.J. Res. 521. Joint resolution to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission; to the Committee on Foreign Affairs.

By Mr. HARRINGTON:

H.J. Res. 522. Joint resolution proposing an amendment to the Constitution of the United States declaring that every person has an inalienable right to a decent environment; to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.J. Res. 523. Joint resolution establishing the Federal Committee on Nuclear Development; to the Joint Committee on Atomic Energy.

By Mr. RAILSBACK:

H.J. Res. 524. Joint resolution declaring it the sense of Congress that all American servicemen be withdrawn from Indochina at the earliest practicable date; to the Committee on Foreign Affairs.

By Mr. SKUBITZ:

H.J. Res. 525. Joint resolution amending title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools and the improvement of existing medical schools affiliated with the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. BENNETT:

H. Con. Res. 244. Concurrent resolution; Joint Committee on Impoundment of Funds; to the Committee on Rules.

By Mr. RODINO (for himself, Mr. Eilberg, Mr. Edwards of California, Mr. Annunzio, Mr. Koch, Mr. Keating, Mr. Drinan, Mr. Mikva, Mr. Gude, Mr. Ryan, Mr. Sarbanes, Mr. Wiggins, and Mr. Clark):

H. Con. Res. 245. Concurrent resolution requesting the President of the United States of America to take immediate and determined steps to encourage and persuade the Soviet Union to permit persons of the Jewish faith who express the desire to emigrate to a country of their choice; to the Committee on Foreign Affairs.

By Mr. SEIBERLING (for himself, Mr. Leggett, Mr. Ryan, Mrs. Grasso, Mr. Metcalfe, Mr. Rees, Mr. Roncalio, Mr. Edwards of California, Mr. Halpern, Mr. Addabbo, Mr. Burton, Mr. Matsunaga, and Mr. Scheuer):

H. Con. Res. 246. Concurrent resolution expressing the sense of the Congress with respect to U.S. policy in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. BROTZMAN (for himself, Mr. Morgan, Mr. Ware, Mr. Brasco, Mr. Vander Jagt, Mr. Pickle, Mr. Brinkley, and Mr. Keating):

H. Res. 352. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. COLLIER:

H. Res. 353. Resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

94. By the SPEAKER: Memorial of the Legislature of the State of South Dakota, relative to the agricultural economy of the Nation; to the Committee on Agriculture.

95. Also, memorial of the Legislature of the State of Delaware, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

96. Also, memorial of the Legislature of the State of Hawaii, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

97. Also, memorial of the Legislature of the State of Oklahoma, relative to the continuation of the Federal highway trust fund; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Massachusetts:

H.R. 6997. A bill for the relief of Patrick Hugh McDonnell; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 6998. A bill for the relief of Salman M. Hilmy; to the Committee on the Judiciary.

By Mr. GARMATZ:

H.R. 6999. A bill for the relief of Michele S. Gusto; to the Committee on the Judiciary.

By Mr. HALEY:

H.R. 7000. A bill for the relief of Stephen Lance Pender, Patricia Jenifer Pender, and Denese Gene Pender; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 7001. A bill for the relief of Loucas Arvanitis; to the Committee on the Judiciary.

H.R. 7002. A bill for the relief of Paul Disclafani; to the Committee on the Judiciary.

H.R. 7003. A bill for the relief of Alfio Lagalia; to the Committee on the Judiciary.

H.R. 7004. A bill for the relief of Giuseppe Rocco; to the Committee on the Judiciary.

By Mr. LENT:

H.R. 7005. A bill for the relief of Mauro Zaino, his wife, Maria Zaino, and their daughter, Carmela Zaino; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 7006. A bill for the relief of Rokurota Nakajima; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 7007. A bill for the relief of Maria La Valle Arrigo; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 7008. A bill for the relief of Carmelo Genna; to the Committee on the Judiciary.

By Mr. PATMAN:

H.R. 7009. A bill for the relief of Col. John H. Awtry; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 7010. A bill for the relief of Abik Ben Drore, his wife, Shulamit Ben Drore, and their minor children, Eytan Ben Drore, Ami Ben Drore, and Edi Ben Drore; to the Committee on the Judiciary.

By Mr. PIKE:

H.R. 7011. A bill for the relief of Adriano Botelho Moniz; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 7012. A bill for the relief of Murray Swartz; to the Committee on the Judiciary.

H.R. 7013. A bill to provide for the free entry of certain cotton bags for Hamilton Specialties, Inc., of Brooklyn, N.Y.; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 7014. A bill for the relief of Antonio Praticante; to the Committee on the Judiciary.

By Mr. TIERNAN:

H.R. 7015. A bill for the relief of Antonio Gerardi; to the Committee on the Judiciary.

By Mr. RANDALL:

H.J. Res. 526. Joint resolution authorizing the President to award the Medal of Honor to Harry S Truman; to the Committee on Armed Services.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

54. The SPEAKER presented a petition of Henry Stoner, York, Pa., relative to the centennial of the Congressional Record, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

GLOBAL UNIONISM: FORERUNNER OF INTERNATIONAL MINIMUM WAGE?

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. PUCINSKI. Mr. Speaker, in 1961 I addressed this House on the subject of an international minimum wage—its feasibility and desirability for the future.

Since that time I have noted with great interest the increasingly international growth of companies. This expansion has, in most cases, brought significant economic benefits to the workers who are recruited to labor in these large corporations.

The workers themselves are now beginning to organize on a multinational basis. Perhaps it will not be too long before the protection of an international minimum wage law is a reality for men and women the world over.

The Christian Science Monitor discusssed this intriguing possibility in a news story on Saturday, March 27. I trust my colleagues will find it as thought provoking a comment on our possible future as I.

Mr. Speaker, the article follows:

HEATH HEARS WORKERS' VIEWS: GLOBAL UNIONISM FLEXES MUSCLES

(By John Allan May)

LONDON.—Trade unions now are taking their first steps toward confronting multinational companies with the need to negotiate multinational agreements with multinational unions.

In Britain the first steps took leaders of the International Metalworkers Federation to No. 10 Downing Street.

Leonard Woodcock, president of the United Auto Workers of America, Hugh Scanlon, leader of Britain's engineering unions, and Jack Jones of Britain's transport workers all talked for an hour with Prime Minister Edward Health and his Employment Minister Robert Carr.

Mr. Jones had organized the meeting. His aim was mainly to put what he called "the workingman's view" to Mr. Heath about the "threats" made by Henry Ford recently to divert new investment away from Britain.

FORD "BLUFF" SEEN

This view, he declared, is that Mr. Ford's words were largely bluff; that productivity in the Ford plants in Britain is as high as on the Continent in Europe, but the pay lower; and that in general the way to encourage investment is not through action on wages at all but through a government policy to foster rapid economic growth.

The discussion on this, Downing Street sources say, was relaxed and pleasant.

Mr. Heath's view, of course, is taken from a different angle. Economic growth cannot be taken out of a briefcase in the Cabinet room and "given" to the country by any government, he insists. It is more the product of high productivity. This is a result of high investment, which in turn requires reasonably uninterrupted production flows and adequate profitability.

Messrs. Scanlon and Jones both also took the opportunity to urge upon Mr. Heath their unwavering view that the causes of industrial disputes cannot be removed by legislation but only by the voluntary improvement of voluntary agreements.

PROTEST STRIKES FOSTERED

Their unions are the most active of all in promoting protest strikes against the Industrial Relations bill.

It can be taken for granted that Messrs. Heath and Carr in their turn did not waver in their determination to build a legal infrastructure to underpin such voluntary agreements.

Everyone listened with interest to Mr. Woodcock's account of American legislation and of the developing in the United States of long-term agreements between his union and the giant auto corporations.

But the truly significant thing about the meeting with Mr. Woodcock's assertion to Mr. Heath that national governments like Britain's must themselves take greater control over the operation of international companies like Ford.

This echoed the theme of the International Metalworkers conference here, where Trades Union Congress general secretary Vic Feather declared that if governments do not control the giant multinational companies the companies will soon control the governments.

Britain, he charged, is traveling down that road very rapidly.

CORPORATE THREAT DEPICTED

But, he added, government control of global corporations is necessary everywhere to avoid a world dominated by "corporate oligopolies which exploit everybody and everything that gets in their way—workers, consumers, national governments, economically developed countries, and less-developed countries."

Mr. Scanlon filled out the picture. His union is concerned in the eight-weeks strike at Ford plants here for "parity" with car workers in the English Midlands. The claim is extremely difficult to negotiate—if only for the reason that the methods of payments in the various companies concerned are totally different.

The next stage, however, Mr. Scanlon warned, will be a parity claim on an international scale at Ford plants in Europe.

CONCERTED STRATEGY URGED

He called, amid applause, for a concerted strategy transcending national frontiers to enable unions to stand up to multinational giants, making it impossible for them to switch production from one country to another, and to get similar pay, vacation, pension, and other benefits.

The Left wing's picture of industry as a sort of prehistoric jungle with terrible corporate tyrannosaurs with tiny brains rampaging around crushing everything they do not devour, including their employees, may seem dreadfully old-fashioned and unrealistic.

Differences in union structures and marked disparities between national rates of productivity and investment may also seriously impede unions in their efforts to internationalise themselves.

Nevertheless the feeling here is that in 10 years multinational negotiations on multinational agreements may well be an everyday experience for the giant multinational corporations.

However difficult it may be, the process of effectively internationalizing the trade union movement has begun.

KOREA, TAIWAN DESERVE INDIVIDUAL TREATMENT ON TEXTILE TRADE DILEMMA

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. HANNA. Mr. Speaker, while we can take some encouragement from the Japanese announcement disclosing voluntary curbs on textile importation into the United States, there is considerable concern that such action may be contingent upon similar curbs by Korea and Taiwan. If such is the case, it would prove a most unfortunate turn in the direction of this policy.

In the consideration of a coherent policy on textile trade, it is necessary to consider individually each of the countries involved. It is unreasonable to expect Korea and Taiwan to conform to standards that Japan can unilaterally absorb. Japan is at the same time the largest exporter, as well as the wealthiest, of the three nations.

For example, during 1970 Japan exported to the United States more than 1,152,000,000 equivalent square yards of textile materials. This was almost five times as much as Korea exported to the United States. It also represents more than 2½ times the Taiwanese exports.

Looking at the gross national product of each of these three nations, one cannot help but be alarmed at the possibility that Korea and the Republic of China might be forced to curtail their trade upon the same set of ground rules Japan is willing to abide by. Japan's GNP in 1969 was almost 4,000 percent larger than Korea's or Taiwan's.

1969 GNP

Japan	$160, 400, 000, 000
Korea	6, 620, 000, 000
Taiwan	4, 620, 000, 000

The economic strength of Korea and Taiwan vis-a-vis Japan clearly points to the reality that the former must have separate treatment in any agreement on textile trade policy. For both of these nations, the textile industry makes up a considerable portion of its hard income. In 1969, for example, textiles represented 29 percent of Taiwan's total exports and 37.9 percent of Korea's.

Since textiles make up a vital part of these two nations' hard currency exchange, it certainly is to the advantage of the United States to insure a relatively liberal access to the American market. Without such access, Korea and Taiwan would be considerably disadvantaged in earning hard exchange, thereby lessening their ability to repay loans to the United States, as well as to development banks, which loans the United States has helped underwrite.

I am hopeful that the administration will take a more enlightened position in regard to the voluntary curbs on textile exports that Japan is now pursuing. But

I would caution the administration, the Congress, and Japan not to insist that Korea and China be subject to the same standards. Rather, I would urge that our policy toward these two countries be based upon their particular individual circumstances.

I call the attention of my colleagues to an article that appeared in the March 21 edition of the Free China Weekly.

I include the article as follows:

DISAGREEMENT WITH JAPAN'S FORMULA: ROC WON'T CUT TEXTILE EXPORTS TO U.S.

The Republic of China will not impose voluntary restrictions on the export of textiles to the United States, according to economic officials and textile manufacturers.

On March 8, the Japanese Textile Federation proposed voluntary restrictions on its woolen and synthetic textile exports to the United States on condition that textile manufacturers in the Republic of China, Korea and Hongkong take similar action.

Textile officials in free China voiced opposition to the proposal. They stressed that self-limitation on textile exports would seriously damage Taiwan's textile industry.

They pointed out that textiles have been and will continue to be a principal industry in this country, unlike the situation in Japan. Self-restrictions on textiles will greatly hamper the development of the industry and adversely affect the socio-economic structure of this country, they asserted.

Textile exports have been occupying an important position in this country's overall export trade, the officials said.

In 1970, they pointed out, Taiwan's textile exports amounted to US$470 million, representing 30 per cent of the nation's total exports in that year. In 1969, Taiwan exported US$294 million in textiles, or 29 per cent of the total exports.

The figure showed a sharp increase in textile exports compared with 1959 when Taiwan exported only US$12 million of textiles.

The United States, which bought US$150 million worth of textiles from Taiwan in 1970, is the largest market for Taiwan's textile products. Textile exports to the United States are expected to reach US$200 million this year.

Statistics show that the total industrial population of Taiwan in 1970 was 836,580, among whom were 168,118 persons employed by the textile industry.

Textile officials said the Chinese government and textile makers are deeply concerned over the outcome of the U.S. government's decision on the Japanese proposal.

It is believed that the United States will start a series of talks with the Republic of China, Korea and Hongkong as soon as the question of Japan's textile exports to the United States is settled.

Government officials and textile manufacturers are gathering information on the textile industry and its relationship with the nation's economic development as a basis for future negotiations with the United States.

AUTOMOBILE SAFETY

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. HUNGATE. Mr. Speaker, in view of the questioning in some circles as to the desirability of the legislation Congress passed regarding automobile safety, I think the following article published in connection with the most recent recall of 220,000 Pintos will be of interest:

PREVIOUS AUTO RECALLS

DETROIT.—The largest single automobile recall was announced Feb. 26, 1969, when General Motors called back almost 5 million 1965-through-1969-model cars and trucks because of possible throttle and exhaust problems.

Other large recalls include some 1.8 million Chevrolets ordered back in 1966 for installation of a "splash shield" to protect the throttle linkage from road slush which could cause the accelerator to stick.

In 1967, Chevrolet recalled 1.1 million standard-size Chevrolets to replace steering idler arm assemblies.

In 1969, GM ordered back 1.1 million cars and trucks to correct possible brake defects.

In November, 1967, Ford announced the recall of 745,000 Mustang, Falcon, Fairlanes and Thunderbird cars for inspection and correction of possible defects involving steering system and other components.

About 293,000 of the 1968-model Volkswagens have been recalled for possible defects.

Since the Auto Safety Act went into effect Sept. 9, 1966, a total of 15,626,501 vehicles have been recalled, according to the National Highway Traffic Safety Administration. Of these, 13,823,593 were domestic and 1,802,908 imported models.

LIEUTENANT CALLEY TRIAL IS NATIONAL TRAGEDY

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. FUQUA. Mr. Speaker. The stresses and strains of the war in Vietnam where our servicemen never know the identity of the enemy has caused problems far beyond any ever known by our Nation's Armed Forces.

Children have been used to hurl explosives. Women in peasant dress have been used to set up explosive bobby traps that have taken the lives of American men.

The trial of Lt. William Calley has profoundly shocked this Nation. Here was a young man—from Florida—who was an average high school student and individual. I know some of the people who knew him then.

He is no hardened killer nor criminal, only the product of our time. While I have not had access to all of the data which has been presented at his court marital—I am very much concerned about what this trial will do to other men in our military service.

Lieutenant Calley now has access to the courts and it behooves all of us to see that his every legal right is protected. This is a much deeper problem than Lieutenant Calley or any of the others who have been so accused.

It is a matter which reaches right at the heart of the American people, for a young man has been convicted for an alleged massacre in an area where American men have been killed daily by an enemy. It is a tragedy of our time and should not be taken lightly.

The overwhelming majority of the people who I have talked with disagree with the decision which has been rendered. I believe that Congress owes it to the American people to look closely at the circumstances which allow such incidents to occur. We will be dealing with this for a long time to come.

But one thing is for certain—under no circumstances should the death penalty be imposed. This would really be a mockery of our time.

The American people have forgotten Private Slovak who was executed in World War II. That trial was a serious mistake, but should Lieutenant Calley be so sentenced, the burden of guilt will be upon our system of justice and the conscience of the American people.

SIX EXECUTIONS IN THE SOVIET UNION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. RARICK, Mr. Speaker, earlier this month, the news media carried a brief announcement that the Soviets had executed six of their citizens.

Missing from the announcement were the bold headlines from the front page, editorials of condemnation and interpretative analysis, or other appeals to harness world public opinion to intervene. Commutation or moderation efforts were impossible because the first announcement was after the sentences had been carried out.

Not even the anticapital punishment people have protested; neither has the United Nations, the World Council of Churches nor the Pope issued a statement. Possibly these international keepers of conscience feel that the people of the world are not interested in Soviet executions if they merely involve Ukrainians and Christians.

The Communists have used their experiment well to prove to the enslaved minorities in Russia that they cannot bid for freedom as the Russian Jews are doing—for all that was necessary was to announce that the executed were "Fascist collaborators." Even Tass would encounter difficulty in selling their oppressed Jews as Nazi sympathizers.

The execution announcement by Tass is an insult to civilized intelligence. Tass would have us believe that there was a trial in Russia which lasted 1½ months and involved 300 witnesses; yet, there was never any news concerning the charges, the trial nor the verdict and sentencing until after the execution had been carried out. Little wonder that the Soviets do not want Americans as observers of justice in Russia.

The Soviet experiment hinged on whether they could stifle sympathy and compassion by branding these Ukrainians as Fascist sympathizers who had collaborated with the Nazis in World War II 30 years ago, but who up to now had been able to live in Russia unmolested. Or can the executions be a new socialist euthanasia pogrom to work slave labor until they are aged and no longer valuable to the state; then to accuse them of being Fascist and collaborators; and to give them peace, Soviet style, by execution? This is mellowing—as the free press would lead Americans to believe?

I suggest that this is but another move by the Communist Party bosses to strike fear into the discontented Ukrainians in a move to discredit them and disorganize their efforts for a Ukrainian war of national liberation in the Soviet Union.

My Ukrainian resolution, House Concurrent Resolution 64, urging that the deprivation of human rights in the Ukraine be placed on the U.N. agenda, is more urgent now than ever before if we are to prevent wholesale Ukrainian executions, approaching genocide, behind the propaganda veneer of exterminating fascists.

I include several newsclippings and my bill, as follows:

[From America, Mar. 18, 1971]

FORMER POLICEMEN SHOT IN UKRAINE

KIEV.—In the city of Vilniansk, Zaporoshe province, a trial was conducted for one and a half months with approximately 300 witnesses called to testify against six older persons arrested and accused of "Fascist collaboration." Five of the accused were of Ukrainian descent and one was of German ancestry.

The accused: M. Donets, I. Bak, M. Shyl, W. Lychobaba and D. Neidorf, were sentenced to death by shooting. They were treated as "traitors who during the war willingly joined the services of the punitive organs of Hitler." After 30 years of living in the Soviet Union, they were accused of "participating in the shooting of prisoners, murdering women and the aged, and assisting the fascists in transporting people to Germany."

The world press carried the UPI news agency release, including the Washington "Sunday Star" in its March 7th edition, of the execution of "6 Ukrainians in Ukraine," from information provided by the Tass news agency in the USSR. However, the free press fails to inquire why, with 300 witnesses, were the accused brought to trial almost 30 years later. It is presumed that the USSR is planning to strike fear into indocile Ukrainians.

[From the Washington Evening Star, Mar. 7, 1971]

UKRAINIANS DOOMED FOR WW II CRIMES

MOSCOW (UPI).—The Soviet news agency Tass said yesterday six Ukrainians have been sentenced to a firing squad for collaborating with the Nazis in World War II.

All are former policemen who "participated in the shooting of prisoners of war, killed women and old men and helped the Fascists drive Soviet people to Germany (for slave labor)," Tass said.

H. CON. RES. 64

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President, acting through the United States Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of human rights violations in the Soviet-occupied Ukraine on the agenda of the United Nations Organization.

WEAKNESSES IN OUR PRESENT WELFARE SYSTEM AND IN THE PLANNED REFORMS OF H.R. 1

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. WALDIE. Mr. Speaker, the Diablo Valley League of Women Voters has been among those leagues who have been studying welfare reform. Mrs. Frederick Kovar, president of the Diablo Valley League has recently written me the position of the group on this issue. She points out fundamental weaknesses in both the present welfare system and the planned reforms of House Resolution 1. Her comments are astute and worthy of the consideration of my colleagues in the House.

Her comments follow:

LEAGUE OF WOMEN VOTERS,
OF DIABLO VALLEY,
Walnut Creek, Calif., March 20, 1971.

Hon JEROME R. WALDIE,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN WALDIE: The League of Women Voters of the United States Statement of Position on Welfare Reform, January 29, 1971 represents a consensus of studies made by more than 900 Leagues and views which prevail in all sections of the country.

The League position differs from the welfare reform provisions of H.R. 1, now in the House Ways and Means Committee, in several ways.

First, we agree that the working poor should be included. Second, the League feels that coverage should be extended to *all* low income people based on need.

In Contra Costa County there are many, many people applying for aid who are truly needy, but ineligible for help. If they are not over 65 years of age, disabled, or do not have children, they "fall through the cracks" of categorical aid, and can only be helped by *very limited* county assistance. As one worker in the Social Welfare Department puts it, "It seems we turn away more than we are able to help."

Benefit levels need to be sufficient to provide decent, adequate standards for food, clothing and shelter. The proposed $1600 income floor is considerably below the federal government's own official poverty level, which *barely* meets standards of decency in emergency periods, and falls short of them for long periods. Even with food stamp and medical allowances, the income of non-working families relying solely on the $1600, would not meet the poverty level.

We could not support provisions which would continue the present inequities in assistance levels between states. We support a system in which the federal government bears a *major* responsibility for providing income assistance to meet basic needs, with standards adjusted for regional differences. Some state supplementation will be necessary until such a federal assistance level is reached.

With regard to work registration requirements, the League recognizes the value of registration as a necessary means to obtain training and employment, but opposes any registration requirement which can be used punitively to keep needy people from receiving assistance during training, or until they are employed, or to demean individual dignity.

The League feels strongly that if registration for work is a "must" price to be paid for bill passage, we want *legal protections* and *monitoring systems*, including separating administration of assistance payments and registration requirements.

Finally, as regards job training and employment requirements, the League prefers that the link between job programs and assistance should be positive: we approve of counseling, *realistic* training for actual jobs, financial incentives—such as the right to keep a larger portion of earned income without penalty. Tough job requirements without *increased* job opportunities (including public service jobs), and improved training programs lead to "forced labor" in dead-end jobs, lacking incentive or opportunity for advancement out of poverty.

Mr. Waldie, we cannot stress enough the League feeling that the work requirement, if necessary to passage of a welfare reform bill, *must* be tied in with increased opportunity for jobs. Without such opportunity, the requirement is an empty one, consuming many agency man-hours, tax-payer dollars, as well as time and inconvenience to job-seekers, who know at the outset that there *really* is *no job* at the end of the line. Disillusionment and anger are on the upswing as a result of the *continued* lack of opportunity for those whose unemployment rate is alarmingly high even in periods of relatively high employment.

We would welcome a response from you with comments on the League position, and on what you foresee as the greatest obstacles in Congress for achieving genuine reform.

We look forward to an opportunity to discuss welfare reform with you when you are in the district.

Sincerely yours,
MRS. FREDERICK R. KOVAR,
President.

THE SHORT END OF THE STICK

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. KOCH. Mr. Speaker, last month the Congress voted down all appropriations for the SST.

The March 28 Sunday New York Times had a story on this historic turnaround headlined: "The Public Cast the Deciding Vote." The people became involved in the issue and learned enough of the facts to care about its outcome and to speak forcefully on it.

The SST has been stopped, but the key issue is still alive. What kind of transportation systems will the Government support? Will it continue to put most of its money in highways and projects like the SST—or will it at long last get down to the simple but necessary task of meeting the great backlog of our mass transit needs. This question, like the SST, can be answered by the public if the commuter and straphanger care enough and demand that safe, comfortable, and inexpensive mass transit must come first, not last, in this Nation's transportation priorities.

Last year the Congress enacted a 5-year $3.1 billion mass transit bill to help the cities move ahead in developing comprehensive transportation systems. The Congress approved $600 million for mass transit this year. And as little as this is, particularly when compared to the $4.5 billion spent on highways annually, the President has refused to spend more than $400 million—a cutback of $200 million in the first year of this vitally needed new program.

On March 25, I was joined by 70 Congressmen in writing to the President urging that the $200 million cutback be restored. This cutback in funds is critical to New York City because the MTA has an $800 million request for new subway lines pending in the Department of Transportation. The lines waiting for construction and their costs are:

Queens-63d Street line, $154 million.

Queens super-express bypass, $89 million.

Northeast Queens line, $158 million.

Southeast Queens line, $122 million.

Second Avenue subway, $396 million.

Utica Avenue line, $131 million.

Nostrand extension, $90 million.

Lower East Side Loop, $10 million.

Jamaica Avenue subway, $15 million.

New York City cannot hope to be granted its total $800 million this year even if the $200 million cutback is restored. But, we can expect even less if the President keeps giving mass transit the short end of the stick.

Mr. Speaker, I will be conducting a mass transit survey in my district during the congressional recess. I would like to bring to my colleagues' attention the questions I will be asking people who ride on New York City's subways. At a later date I will report on the responses I receive. The questions I am asking and that are relevant in many cities are:

1. Where do you live?

( ) Bronx
( ) Brooklyn
( ) Manhattan
( ) Queens
( ) Staten Island
( ) Outside the city

2. Are you using subways and buses more often since the cab fare increase?

( ) Yes
( ) No

3. Before the cab fare increase how often did you use cabs per week?

( ) Never
( ) Once
( ) Twice
( ) Daily

4. For what reasons did you use cabs?

( ) Commuting to and from work
( ) When working late
( ) When carrying packages
( ) In bad weather
( ) When going out for an evening
( ) Other

5. In the evening, do you take a cab instead of a subway because you fear for your safety?

( ) Yes
( ) No

6. What bothers you most about the subways you ride?

( ) High fares
( ) Dirty cars and stations
( ) Overcrowding
( ) Breakdowns and delays
( ) Noise
( ) Unsafe conditions
( ) Inadequate passenger information
( ) Other

NATIONALISM AND THE U.S.S.R.

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. DERWINSKI. Mr. Speaker, it is common knowledge that most of our people, in officialdom as well as in our private society, have little or no appreciation of the steadily growing forces of nationalism in the Soviet Union. Indeed, many are not even aware of the numerous nations that are held captive in this imperial compound. It is thus encouraging and comforting that the younger generation is grasping the fundamental truths concerning this imperial complex. The article by Royal M. Wharton, a graduate student in Russian area studies at Georgetown University, on the subject of "Nationalism and the U.S.S.R." amply shows this. The article appeared in America, published in Philadelphia, in its February 11 issue. As submitted here, I urge every Member to read it for its pertinent aspects of current U.S.-U.S.S.R. relations.

I include the article as follows:

NATIONALISM AND THE U.S.S.R.

(By Royal M. Wharton)

It was interesting to note in a recent issue of "International Affairs" (Nov. 1970, Moscow) an article on "U.S. Anti-Communism" written by A. Borisov. Mr. Borisov, writing in the unintentionally humorous style which characterizes most Soviet political literature, lashed out against Dr. Lev E. Dobriansky, Professor of Economics at Georgetown University and Chairman of the Captive Nations Committee. In his words, the "emigrant reactionaries," led by Dr. Dobriansky, "having lost touch with reality," still cling to the hope "that capitalism would be restored in the socialist states."

The article was revealing however, in that after a full twelve years since the unanimous passing by Congress of the Captive Nations Resolution which Dr. Dobriansky has authored, the Soviets still feel compelled to continue their attack on the idea which he had set forth. One can only wonder if the Kremlin sees in the captive nations idea a challenge which might ultimately destroy its total power over the peoples who have been incorporated into the area designated as the USSR.

Dr. Dobriansky convincingly argues in his book, *The Vulnerable Russians*, that the Soviet Union is not a nation state, but rather a primary empire which has forcibly annexed to itself fourteen separate nations, each having a distinctive history, culture and language. The profound weakness of this empire, according to Dr. Dobriansky, is "the immense latent power of genuine patriotic nationalism, both within and outside the Soviet Union."

According to Mr. Borisov, "the author of this vindictive scrawl (i.e., *The Vulnerable Russians*) literally falls over himself, attempting to prove that the Soviet Union is 'vulnerable in the national respect.' " Quoting Brezhnev, he writes, "the unity of the Soviet peoples, who have learned the power of friendship, brotherhood and all-around cooperation through their own historical experience, is unshakable."

This, the latest of a series of attacks on the captive nations idea, reflects a continuing insecurity felt by the Kremlin leaders. New Force has been given to Dr. Dobriansky's views following the recent publishing of Andrei Amalrik's essay, "Will the Soviet Union Survive Until 1984?" Amalrik, like Dr. Dobriansky, believes that the forces of nationalism within the USSR itself will be the ultimate cause of the Soviet Union's disintegration.

Amalrik similarly sees the USSR as an imperialistic state with expansionist drives and further agrees that any consideration of Marxist ideology is irrelevant to an understanding of the nature of the Russian empire. As Amalrik observes, "Just as the adoption of Christianity postponed the fall of the Roman Empire but did not prevent its inevitable end, so Marxist doctrine has delayed the breakup of the Russian Empire—the Third Rome—but it does not possess the power to prevent it."

While Amalrik's view is passive—that the nationalist aspirations will disrupt the Soviet Union following a protracted war with Red China—Dr. Dobriansky takes a more active stance. To him, the Russian empire can collapse in a state of cold war, and the cause of freedom demands that the U.S. through psycho-political means, nurture these aspirations and show that it identifies with their desires for independence. It is because of this active element that Dr. Dobriansky and the Captive Nations Committee present a threat to the Soviet Union, much greater than the passive hopes of Amalrik.

For anyone who sees the growing Soviet military strength around the world as a threat to our very existence, who feels that the Soviet Union from its inception has been attempting actively to subvert our society, and who believes that those forced to live under the total system called communism are robbed of their very humanity, would do best to examine Dr. Dobriansky's ideas on captive nations, ideas which seem to so frighten the Moscow rulers.

Mr. Borisov sees those who feel this way as the "miserable rock bottom of anti-communism in the United States." And he counsels that only through a policy of peaceful co-existence, and "not the organization of provocations and anti-Soviet slander &—meets the interests of world peace." Mr. Borisov's virulence vividly betrays the fear with which the Soviet Union views the forces of nationalism within itself. Perhaps his intense scorn will also act as a catalyst to our awareness of this strategic weapon.

NATIONAL SECURITY, ECONOMICS, AND THE ALASKAN PIPELINE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. ASPIN. Mr. Speaker, today I am placing in the RECORD a statement which I believe, incisively, objectively, and thoroughly analyzes many of the economic aspects of the proposed Trans-Alaskan pipeline. This statement, prepared by Drs. Charles J. Cicchetti and John V. Krutilla of Resources for the Future, is not a political tract but a dispassionate economic analysis of many of the economic bases and assumptions behind the argument for the pipeline. The statement, filed with the Interior Department on March 5, is one of the most interesting and revealing I have yet seen on the proposed pipeline. I urge that those of my colleagues who are interested in the pipeline issue to carefully read this statement.

One note: The authors of the statement wish me to make it clear that their statement is not a product of Resources for the Future, which does not as an organization issue reports or statements. Rather, it is a statement of Drs. Cicchetti and Krutilla, who happen to work for Resources for the Future.

Their statement follows:

Prepared Statement by Charles J. Cicchetti and John V. Krutilla on the Trans-Alaska Pipeline Environmental Impact Report Filed With the Department of the Interior on March 5, 1971

1. INTRODUCTION

In June of 1968, a major oil field discovery on the North Slope of Alaska was announced.[1] One proposal for transporting this oil to world markets is to build a pipeline from Prudhoe Bay to the port city of Valdez on Prince William Sound. The proposed pipeline would be 789 miles long and in order to construct the proposed pipeline, a 373 mile parallel road must be built along the northern-most portion of the proposed pipeline. Since 641 miles of the proposed pipeline (81%) and 365 miles of the construction road (98%) would transverse lands owned and managed by the Federal government, present law[2] requires the filing of an Environmental Impact Statement 102(2) (C) with the Council on Environmental Quality to evaluate the expected benefits and costs (including expected and probable environmental costs) that would result from the granting of a permit to transverse public lands.

The purpose of this paper is twofold. First, some of the limitations inherent in the present guidelines[3] for preparing environmental impact statements will be discussed. Second, this will be illustrated by discussing the environmental impact statement prepared for the proposed Trans-Alaska pipeline[4] and considering the economics of the proposed pipeline in meeting the proposed objectives.

2. QUALITATIVE VERSUS QUANTITATIVE EVALUATION

In the current "Guidelines" several factors are stipulated for inclusion in an environmental impact statement:

(i) The probable impact of the proposed action on the environment including impact on ecological systems such as wildlife, fish and marine life. Both primary and secondary significant consequences. . . .

(ii) Any probable adverse environmental effect which cannot be avoided. . . .

(iii) Alternatives to the proposed action (section 102(2)(d) of the Act requires the responsible agency to "study, develop and describe appropriate alternatives to recommend courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources"). A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects.

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity . . . each generation is trustee of the environment for succeeding generations.

(v) Any irreversible and irretrievable commitments of resources. . . .

(vi) Where appropriate, a discussion of problems and objections raised by other Federal agencies and state and local entities in the review process and the disposition of the issues involved. . . .[5]

One problem inherent in the above set of stipulations is that no guidance is provided as to how the various factors should be quantified. Accordingly, a qualitative discussion of the environmental impact of a proposed Federal action, rather than quantification of environmental benefits and costs is likely.

If an informed decision is to be made between several alternatives it is useful to qualify the benefits and costs of each alternative in some common unit, for example, real dollars appropriately discounted to reflect various time dimensions of the alternative courses of action or non-action. As a first approximation, an attempt to measure environmental effects in physical units, such as: acres of land affected, the amount of streams polluted, the number of fish and wildlife endangered, an estimate of the probability of uncertain environmental events, etc., should be made. In addition, efforts should be made to develop damage or benefit functions (or values) measured in common units to facilitate the decision-making process.

Often when the decision is reduced to a choice between development or preservation the quantification of the choices into some common unit is very difficult. A large part of the problem results from the lack of any market information on the value of an environmental resource. Since natural resources such as the whooping crane, the Grand Canyon, The Everglades, etc., are owned by all in common, rights to enjoy their very existence now and into the future or to receive benefits by visiting these resources, are not sold. Accordingly, since a market does not generally form for these common property resources prices or market values can not be measured in the usual manner.

It can not be emphasized enough that low prices or the complete lack of them tells us little about the value a consumer places on the commodity. For example, a thirsty man may be willing to pay a great deal for a glass of water, but the price of this water in many locations will be very close to zero. Value is not measured by price in this case and in most cases when environmental common property resources are included.

In order to use the logic of economics and the analytical tool of benefit cost analysis a strategy has been suggested in other writings by the present authors.[6] The technique is very straightforward. The net benefits of development properly discounted over the useful life of the development are estimated. Second, those benefits and costs of preservation, which can be quantified are estimated and a net benefit estimate for this quantifiable portion is determined. A comparison of the present value of the net benefits of development and the present value of the net benefits of preservation is then made. If development is a better alternative when compared to the quantified portion of the preservation benefits, the difference is determined. If this difference compared to the unqualified environmental benefits of preservation (or to say the same thing, the environmental costs of development) is considered small by society, preservation is preferred. If the two are about equal the choices are socially indifferent, in that society gets equal benefit from either preservation or development. If development benefits are still considered large compared to the physical units, e.g., number of wildlife affected, then development should be approved. These techniques will be used in the benefit-cost calculations undertaken in this paper below.

3. THE TRANSALASKA PIPELINE

For illustrative purposes the above generalizations might be crystalized by considering the environmental impact statement prepared in conjunction with the proposed permit to build a pipeline across public lands in the state of Alaska. In this statement some environmental costs such as: the acres of pipeline, acres of construction roads, acres of storage facilities, acres of gravel pits excavated, acres of pump stations, etc., were quantified in physical units. At the same time other environmental effects were discussed in a qualitative manner. For example, possible effects of heating permafrost, oil leaks, air and water pollution, the effect of the pipeline on wildlife, fish and vegetation, possible disruption of the pipeline through earthquakes and the possible severe environmental effects of such pipeline breaks were discussed without any indication of their quantitative significance.

The last item above gives some insight into the manner in which the environmental impact statement for the proposed Alaska pipeline takes environmental effects into account. In the draft report it is pointed out that the lower ⅔ of the proposed pipeline is expected to be subject to be probable earthquakes of 7.0 or greater on the Richter scale. It is also pointed out that the storage facilities for the terminal port will be located on 802 acres in the Chugach National Forest near the former site of the port city of Valdez, where the most severe recorded earthquake in North America (8.5 on the Richter Scale) occurred in 1964. The report does not discuss the possible environmental consequences of such probabilistic occurrences, which might cause pipeline breaks and a concomitant spilling of heated oil on to the Alaskan landscape.

A generally recognized measurement of value or net benefits of a particular Federal project is any saving in *real* resources as compared with the most economic alternative that would yield comparable results. For example, the net benefits of a Federal hydro-electric power project are measured by savings (if any) in real costs between the most economic alternative and the hydro power project.

In the Trans-Alaska pipeline environmental impact statement alternatives to the proposed pipeline are considered as required by section 7(iii) in the "Guidelines." Several observations can be made about the discussion of alternatives in the Trans-Alaska pipeline environmental impact statement. First, only alternatives to transporting the oil from the North Slope are generally considered. These alternatives are presented in Table 1.

TABLE 1

"Alternatives to the Trans-Alaska Pipeline Considered by the Department of Interior in its Environmental Impact Statement"

(1) A discussion of alternative pipeline routes

(a) Mackenzie Valley in Canada

(i) through the Arctic National Wildlife Range

(ii) to the south of the range

(iii) to the north of the range

(b) via National Petroleum Reserve No. 4 to the Chuckchi Sea or the Bering Sea

(c) modify proposed pipeline (shifts to tens to hundreds of miles)

(d) change the terminus from Valdez to either Whittier, Seward or Anchorage.

(2) Cold-oil versus a heated-oil pipeline.

(3) Alternative transport modes:

(a) ice-breaking tankers

(b) submarine tankers

(c) railroad

(d) highway, tramway, monorail

(e) airborne vehicles.

(4) Other liquid fuel sources (shale and coal are raised briefly but rejected because they will not be available until after 1980 in sufficient quantity).

(5) Imports from the Middle East (these are rejected because the Arab world is politically unstable and benefits are derived from

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Footnotes at end of article.

the pipeline because it reduces the U.S. dependence upon Middle Eastern oil thus providing national security and balance of payments benefits).

Second, these alternatives are not discussed in either financial or real resource cost terms. Instead inherent difficulties or delays, for example the time required to reach an international agreement between Canada and the United States for either a Northwest Passage Tanker or a Trans-Canadian Pipeline alternative, are discussed and then such difficulties are used to eliminate each alternative. Other alternatives are rejected verbally because it is argued that they would be either more costly, would have similar or perhaps greater environmental costs, or greater technical delays. Since alternatives to the proposed action are not quantified, it is not possible to measure resource savings which the proposed pipeline would produce and thus measure the net benefits of this proposal. This point will be considered in more detail in the following section of the paper.

The general conclusion in the Trans-Alaska pipeline environmental impact statement is that there are no alternative actions that do not also have similar or greater difficulties associated with them. Accordingly, the Department of the Interior Environmental Impact Statement implicitly concludes that the pipeline does not have an economically feasible alternative.

By eliminating further consideration of alternatives to the proposed action the problem is reduced by the authors of the environmental impact draft statement to a comparison of the environmental damages and anticipated positive net benefits of development.

These benefits include: (1) National Security, measured as the percentage reduction of United States dependence on Eastern Hemisphere sources of crude oil with and without the proposed pipeline; (2) Balance of Payment savings, if crude oil is produced domestically rather than imported; and, (3) Economic Development of the State of Alaska, measured by increased taxes, employment, etc. The most striking difference between this section of the report and the previous sections is that these benefits are expressed in quantitative terms. Furthermore, on the basis of these quantitative benefit estimates, the report concludes that notwithstanding recognized environmental damages of unestimated magnitude, the national security balance of payment and Alaskan development benefits are greater and thus justify the granting of a permit to build a pipeline across public lands in the state of Alaska. In the following section, a critique of the estimates used to measure these three benefits, followed by a broader consideration of alternatives will be undertaken.

4. AN EVALUATION OF THE TRANS-ALASKA PIPELINE BENEFIT ESTIMATION PROCEDURES

A. "Gross national security benefits"

The national security benefit as calculated in the Trans-Alaska Pipeline environmental impact statement is based on the fact that the production of 2 million barrels of crude oil per day transported through the proposed pipe line would reduce United States dependence on Eastern Hemisphere sources of supply by this amount in 1980.[7] In Table 2, estimates of 1980 domestic demand (22 million barrels per day) and non-North Slope (lower 48) domestic supply (11.9 million barrels per day are shown. Since the proposed pipeline would reduce dependence on Eastern Hemispheric sources from approximately 23% (5,000/22,000) in 1980 without the pipeline to approximately 14% (3,000/22,000) with the pipeline, this becomes a measure of national security benefits which is given very considerable weight by the authors of the environmental impact statement. It is pointed out in the report that a "key" assumption in the calculation is that domestic crude oil demand will grow at 4% per year.

Analysis of the validity and significance of this assumed rate of growth of demand for crude oil along with the assumption that "lower 48" gross additions to domestic crude oil producing capacity should be based on 1967–1969 data, will be undertaken below.

TABLE 2 [8].—FORECASTS OF FUTURE DEMAND AND SUPPLY FROM THE TRANS-ALASKA PIPELINE ENVIRONMENTAL IMPACT STATEMENT

	Thousands of barrels daily	
	1970	1980 [1]
Domestic demand	14,860	22,000
Exports	240	300
Total demand	15,100	22,300
Less process gain	−370	−550
Stock reduction	−20	
Required petroleum supplies	14,710	21,750
U.S. oil production (less North Slope):		
Crude oil	9,600	9,900
Natural gas liquids	1,680	2,000
Total	11,280	11,900
Required from other sources	3,430	9,850

SUPPLEMENTARY SUPPLY BY SOURCE

[Thousands of barrels daily]

	1970	1980	
		Without N.S.	With N.S.
Alaska North Slope			2,000
North American	700	1,600	1,600
South American	2,200	3,250	3,250
Eastern hemisphere	530	5,000	3,000
Total	3,430	9,850	9,850

[1] Assumed rate of growth is 4 percent per year.

Several recent estimates of rates of change in domestic crude oil demand have been made. In August of 1970 the Bureau of Mines [9] revised earlier estimate made in July of 1968 and forecasted a rate of change from 1969 to 1980 of 28,419 trillion BTU's to 37,266 trillion BTU's or an annual rate of growth of 2.5%. In recent hearings before the House Interior and Insular Affairs Committee [10] several government and industry witnesses made forecasts of future domestic crude oil demand. These estimates and their source appear in Table 3.

TABLE 3.—RATES OF GROWTH IN DOMESTIC CRUDE OIL DEMAND AS ESTIMATED BY WITNESSES IN OIL IMPORT CONTROL HEARINGS, MARCH–APRIL 1970

Source	Base period consumption	1980 consumption	Implied annual rate (percent)
Hollis M. Dole, Assistant Secretary of Mineral Resources, U.S. Department of Interior	[1] 14.9	[2] 19.3	2.6
H.B. Harkins, national vice president, American Association of Oil Drilling Contractors	[3] 217	[4] 280	2.34
Brice O'Brien, general counsel, National Coal Association	[5] 28.3	[6] 38.5	3.12
John E. Swearingen, chairman of the board, Standard Oil Co. (Indiana)	[1] 14.9	[2] 20.2	3.05

[1] Million barrels per day (1970).
[2] Million barrels per day.
[3] Billion gallons (1969).
[4] Billion gallons.
[5] Quadrillion B.t.u.'s (1970).
[6] Quadrillion B.t.u.'s.

Earlier forecasts placed most estimates of 1980 Domestic crude oil demand at current U.S. prices between 16 and 18 million barrels per day with later estimates closer to 18 million barrels per day, as shown in Table 4.[11]

TABLE 4.—U.S. ENERGY AND PETROLEUM REQUIREMENTS FOR 1980 [1]

[Reprinted from: The Economy, Energy and the Environment, Joint Economic Committee, Sept. 1, 1970, p. 27]

Source	Date	Total energy quadrillion B.t.u.	Oil		Gas	
			Million barrels per day	Percent total	Trillion cubic feet	Percent of total
National Fuels and Energy Study Group [2]	1962	82.0	16.7	41	21.2	28
Department of Interior	1965	85.9	17.5	40	25.6	31
Pan American Petroleum Corp. [2]	1966	87.0	18.6	43	28.0	33
American Gas Association [2]	1966				27.2	
Stanford Research Institute [2]	1967	92.0	18.2	39	27.9	31
The Gas Industry Committee	1967				28.6	
First National City Bank of New York [2]	1967	87.2	17.2	38	23.6	28
The Petroleum Industry Research Foundation	1968	92.0	18.0	39	28.0	31
Texas Eastern Transmission Corp	1968	97.8	18.9	41	30.8	33
Humble Oil & Refining Co	1968	97.3	18.2	37	29.8	32
Department of Interior (current survey)	1968	88.1	18.2	41	24.6	29

[1] Explanation provided by the Department of the Interior included: "Energy projection claims the attention of many in government and industry alike. Shown below are extracts from 10 recent studies by various sources giving estimates of the 1980 requirements of the United States for oil, gas, and total energy. Totals arrived at in this survey are shown as the last item for purposes of comparison. Although not directly comparable because of differing assumptions used, the estimates do provide a useful guide to current opinion on the energy outlook."

[2] Oil and gas consumption obtained by converting B.t.u. to barrels and cubic feet at the rate of 5,400,000 B.t.u. per barrel and 1,035 B.t.u. per cubic foot.

Source: "United States Petroleum Through 1980," U.S. Department of the Interior, 1969, p. 5.

Footnotes at end of article.

On the supply side of the ledger, the authors of the environmental impact statement assume that proven annual additions to gross productive capacity will continue based upon observed 1967–1969 rates. Several authors[12] have suggested that these data should not be used as a measure of future supply or production levels, since the amount of proven reserves added to the total is highly correlated to expected future demand. These data are more indicative of the industries' inventory position than the future production position. Accordingly, if a comparison of "lower 48" production with and without the North Slope oil coming to the "lower 48" market were to be made, then production in the "lower 48" would be expected to be greater without North Slope oil than with North Slope oil.

To see the effect of this objection the data in Table 5[13] show the annual additions to gross productive capacity in the "lower 48." An average based upon the last 5 years would be 15% greater than the 1967–1969 average used and an average based upon all 6 years would be 8% greater than the 3 years used by the authors of the environmental impact statement. One reason for the sharp decline in 1969 and to a lesser extent the decline in 1968 is that the discovery of oil reserves in Alaska (North Slope) was announced in June of 1968, which probably affected the addition to proven reserves in the "lower 48." However, if one is analyzing the effect on domestic production when Alaskan North Slope oil is not expected to be produced, it is a mistake to use these last two years.

TABLE 5

Annual additions to gross productive capacity in the "lower 48"

[Thousands of barrels]

1964	2,664,700
1965	3,048,100
1966	2,963,900
1967	2,962,100
1968	2,454,600
1969	2,120,000

To account for this difficulty, industry and government estimates of future "lower 48" oil production in 1980 as reported in Appendix D of the Cabinet Task Force Oil Import Control[14] may be used to determine a more realistic estimate of "lower 48" production without North Slope oil supplying this same market. To be conservative, since some of the more recent daily production estimates may include some North Slope production, the full 2 million barrels per day throughput of the pipeline are subtracted from the average industry forecast for 1980 and the Interior Department 1980 domestic production forecast. In Table 5a the data show that "lower 48" domestic production in 1980 would be 12.3 million barrels per day, if recent industry and Department of Interior projections are used and North Slope oil subtracted at the full daily throughput of the proposed pipeline. This supply projection is some 400,000 barrels per day greater than the estimate utilized by the authors of the impact statement for both the with and without pipeline cases and if not a precise estimate of the effect of North Slope development on "lower 48" production, it nonetheless indicates the direction of the adjustment that should be made when such comparisons are made between two mutually exclusive alternatives.

TABLE 5a[15]

Industry and Interior Department forecasts of 1980 production

[Million barrels per day]

A. Average industry estimate:

Crude 11.9 MMb/d-2.0 MMb/d=	9.9
Natural gas liquids	1.6
Condensate (some portion of this may be included in crude but the Alaska pipeline total is also questionable in some estimates)	.8
Total	12.3

B. U.S. Department of Interior estimate (table D–2, p. 229):

Crude (12.7 MMb/d-2MMb/d) =	10.7
Natural gas liquids	1.6
Total	12.3

Footnotes at end of article.

To illustrate the significance of these objections for estimates of gross national security benefits made by the authors of the impact study, we will consider a low and high estimate of 1980 domestic demand and supply which were made by the U.S. Department of Interior in 1968 and 1970 respectively (and which also fall in the mid and upper range of forecasts reported in Tables 3 and 4). These are shown in Table 6. Shown along with these are the 1980 estimates assumed in the absence of the pipeline used by the authors of the environmental impact statement (shown in Table 2 above).

TABLE 6.—"A COMPARISON OF DOCUMENTED INTERIOR FORECASTS WITH THE 'KEY' ASSUMPTIONS USED IN THE ENVIRONMENTAL IMPACT STATEMENT"

	Thousands of barrels per day—		
	1980 (low Interior figures)	1980 (high Interior figures)	1980 (Environmental Impact Statement)
Domestic demand	18,200	19,300	22,000
Exports	300	300	300
Total demand	18,500	19,600	22,300
Less process gain	−500	−550	−550
Required petroleum supplies	17,950	19,050	21,750
U.S. oil production (less North Slope)	10,700	10,700	9,900
Natural gas liquids	1,600	1,600	2,000
Total	12,300	12,300	11,900
Required other sources	5,650	6,750	9,850
North American imports	−1,600	−1,600	−1,600
South American imports	−3,250	−3,250	−3,250
Other sources	800	1,900	5,000
Percent of total demand	4	10	22

When the above documented projections are utilized, the percentage of oil imports from the Middle East either remain about the same as the 1970 figure of 4% on the low side, or run to 10% on the high side. Both estimates are well below the 22% dependence calculated by the authors of the environmental impact statement. It should be further noted that both estimates are lower than the 1980 "with" pipeline estimate utilized in the environmental impact statement (14%). Increases in demand beyond additional lower 48 domestic production are met by some increased imports from North and South America in all three cases. Accordingly, the size of the national security benefits estimated in the impact statement is due more to inappropriate data than to reality.

B. Additional national security issues

Additional national security alternatives are discussed in Appendix A of this paper and include a consideration of:

1. A Shut-in Reserve Capacity
2. Additions to Domestic Capacity
   a. Permanent New Technology
   b. Ending Market Prorationing
3. Emergency Plans
   a. Accelerated Productive Capacity
   b. Rationing Private Automobile Fuels

Possible sources of domestic crude oil supplies to meet both additional capacity and emergency contingencies are summarized in Table 7.

TABLE 7

Alternative sources to meet domestic crude oil demands[16]

(million barrels per day)

1. Coal-Shale conversion 1980	1.0
2. Ending Prorationing (present)	1.7
3. Elk Hills (NPR1)	0.2
Additions to capacity [a]	2.9
1. Accelerated productive capacity (3 years) (U.S.)	.8 to 1
2. Accelerated productive capacity (3 years—Canada) [b]	.8 to 1
3. Additional capacity in Venezuela	.4 to .8
4. Non-Arab additional capacity (Iran):	
1 year	1.4
2 years	2.5
3 years	3.6
5. Rationing at 90% demand during emergency	1.5 to 1.8
Total emergency [c]	6.5
Grand total	9.4

[a] Note: Additions from ending prorationing may already be included in industry supply forecasts used previously to estimate need and national security dependence.

[b] Note the U.S. imports Canadian Oil, but Canada also imports oil from the unrestricted world market. Accordingly, during world emergencies Canadian domestic demands may use up this accelerated capacity.

[c] Averages are used for all categories and 2.5 million barrels per day used for Iran.

A major concern given by the authors of the environmental impact statement for acting immediately on the proposed pipeline is related to a presumed urgency in the current world due to Eastern Hemisphere uncertainties and possible Middle East conflicts. The authors of the environmental impact statement conclude that this urgency means action should begin at once in spite of admitted and unresolved environmental costs, uncertain environmental and engineering problems and irreversible decisions. Such a decision would foreclose future options (including construction of a pipeline or preserving the area as national wilderness area) to make the most informed judgment concerning the best development and preservation plans for the State of Alaska and the Arctic resources. Such flexibility has economic value. Accordingly, without claiming precise measurement for the 9.4 million barrels per day versus the 2 million barrels per day from the proposed pipeline, the imminent urgency and need for immediate action does not seem to be supported by a review of the alternatives, which are summarized in Table 7.

C. Economic development of Alaska benefits

There are two types of economic development benefits considered by the authors of the Trans-Alaska environmental impact statement. First, additional use of construction roads, air fields and positive spillovers to the Alaska economy are considered qualitatively, while probable environmental damages (negative spillovers) from these other uses are generally ignored. Second, the authors of the environmental impact statement estimate the State will earn revenues of $125 million per year in 1975 and $250 million per year by 1980 from the oil production, if the pipeline is built. In addition recent lease sales are reported to have brought the State $900 million.

The benefits which *may* accrue from economic development are the result of converting an immobilized form of capital, i.e., the oil pool, into active capital yielding an annual return for the State. If the State invests these proceeds to extend and expand its infrastructure, the likely increase in economic activity would constitute an element of economic growth for the State. If foreign oil is imported, even if produced by United States firms abroad, the royalty payments will go to the host country instead, and will be available for promoting economic development there in lieu of Alaska or elsewhere in the United States. Accordingly, if North Slope oil were produced instead of importing foreign oil some economic benefits should be counted.

In Appendix B is presented an upper bound estimate of possible economic development benefits. We assume that all revenues accruing to the State are invested (not used, for example, to reduce State taxes or otherwise used for consumption purposes) and yield an eight percent per year return in perpetuity. The present value of this eight percent in perpetuity is slightly more than $2.8 billion, which if annualized and divided by average annual production (500,000 barrels per day during 1975–80 and 2,000,000 barrels per day over 1980–2000) would give a cost offset, or developmental benefit of 31 cents per barrel. If some of the oil revenues were used to reduce taxes in Alaska or used for consumption expenditures, the benefit, or cost offset, would be reduced proportionally. For this reason the 31 cent per barrel estimate is an upper bound and may in fact substantially overstate economic development benefits.

D. Balance-of-payment benefits

In the environmental impact statement, balance of payment benefits from producing North Slope oil instead of importing oil are estimated to be $470 million to $680 million per year in 1980. These values are equivalent to stating that between 65¢ and 94¢ spent on every barrel of oil imported by the United States never returns to the United States. The Cabinet Task Force[17] estimates that local expenditures associated with every barrel of oil exported to the United States amount to approximately 10¢ and that producing country taxes amount to 95¢. Therefore, estimate of non-return flows of 65¢ to 94¢ per barrel are very unrealistic the longer the view of international dollar flows that is taken. The lower estimate of dollar outflows used in the environmental impact statement implies that for every $1.05 spent abroad to produce oil for U.S. consumers that 65¢ will not return to this country, while the higher estimate implies that 94¢ will not return to the United States.

Several points should be raised about these estimates. Most oil producing countries rely heavily on import from third party or other countries. These countries in turn buy goods from the United States, as well as other countries who also buy from the United States. Accordingly, measuring two country exchange positions in the short run is fallacious. In our total transactions with all other countries even including various foreign aid and loan programs, the Cabinet Task Force estimated more than 95 cents on every $1.00 spent abroad returns to the United States. If we take out expenditures abroad for strategic objectives (non-trade items) our trade position actually provides a net favorable balance of payments. Accordingly, if any credit is to be made, overlooking that in the long run we shall doubtlessly achieve a balance, only about 5 cents per barrel imported should be considered as a balance of payment benefit rather than the 65 and 94 cents per barrel used by the authors of the impact statement.

If multilateral transactions are taken into account when measuring balance of payments advantages of North Slope oil, an estimated 5¢ per barrel times the 730 million barrels of oil per year will give something like $36.5 million rather than the estimates of $470 million to $680 million used by the environmental impact study.

E. SUMMARY

Our examination of the environmental impact study impels us to conclude that the authors of the study confused their role in the undertaking. Rather than conducting a systematic, quantitative evaluation of *environmental costs*, the intended objective of the enterprise, they launched instead into an enthusiastic *advocacy of its benefits*. That they were able to show benefits as readily and in such magnitudes as they did relates both to their systematic failure to consider the entire range of alternatives and their reliance on gross magnitudes, i.e., identification of benefits without offsetting by the associated costs. We have illustrated that their estimates of the dependence on North Slope oil for national defense results from the use of data which bias results in that direction, while ignoring numerous sources of information which would permit a closer estimate of the desired quantities. The huge estimate of balance of payments benefit is a case in point. The environmental impact study's authors selected a figure more than an order of magnitude high. The only estimate which enjoys the possibility of realism is the economic development benefit. While it is impossible to evaluate the economic development prospects without knowing what use will be made of the oil receipts, only by very extreme assumptions regarding investment of all receipts will the estimated economic development benefit approximate the estimate utilized by the authors of the environmental impact statement.

Having critiqued the environment impact study, we propose to illustrate in Part II the mode of analysis which is essential to a systematic evaluation of the pipeline. We make no claims that the analysis is definitive. That is not our responsibility. What we hope to do is to use what documentary evidence is available and illustrate the way in which relevant data can be employed to answer relevant questitons which need to be asked were benefits and costs to have firm foundation in established modes of analysis.

PART II—BENEFIT-COST ANALYSIS FOR THE PROPOSED TRANS-ALASKA PIPELINE AND SEVERAL ALTERNATIVES

1. INTRODUCTION

The spirit in which this section is undertaken is to recommend an evaluation or analytical technique which will permit a more systematic consideration of alternatives to the proposed pipeline. Several types of alternatives will be considered, these will be representative of (1) alternate routes, (2) alternate modes, (3) non-development of the North Slope alternative, and (4) changing institutions and legal entities. The data used are to be regarded as more illustrative than definitive; however, we have consistently chosen data from government publications in 1970, based upon 1969 data, which reflect a relatively stable period in "spot" tanker prices. The reason for selecting this stable period is that it is probably more representative of a long run equilibrium period than 1970 which saw Libyan embargoes, a Syrian pipeline shutdown, continued closure of the Suez Canal and a united negotiating front by the Oil Petroleum Exporting Countries (OPEC). At this writing the Libyan embargo has ended, Syria's intransigence seems to be softening, and an OPEC agreement has been reached. Accordingly, the short run instability caused by changing tanker routes and increased transportation costs will probably settle out during the early 1970's.

We have attempted to indicate how changing royalty payments to OPEC countries would affect the results in the cases when the alternative we consider would involve the flows of oil into the "lower 48" from OPEC countries. However, we do not claim to have quantified this effect precisely. Since the importance of what follows is the method rather than the numbers themselves any concern over the possibility of our having understated some or overstated other values can be readily taken into account in this framework. Perhaps the facility of such adjustments is the method's principal strength.

2. Net benefits of the pipeline

We will define net benefits of any alternative as the difference between the market price per barrel and net cost per barrel. We have discounted all costs to a base year of operation and put them on an annual per barrel basis. Accordingly, aggregate annual net benefits or costs may be determined by multiplying the per barrel figure by the estimated number of barrels produced in any given year. To estimate the net benefits of the proposed pipeline to Valdez, coupled with a tanker to Los Angeles, we use a price per barrel of crude oil in Los Angeles of $3.35 as used in the Cabinet Task Force report.[18]

Net resource costs per barrel are estimated by several methods in Appendices B and C. We define a resource cost as the payments made by the oil companies to draw oil from Alaskan pools and thus reduce the value of the sub-surface resource stock. Since this payment could be converted into productive physical and human capital by the State, we define net resource costs to the national economy as this resource payment minus the economic development benefits. If per barrel resource costs are estimated for the entire period of production assumed to be 1975 to 1980 at 500,000 to 2,000,000 barrels per day and from 1980 to 2000 at 2,000,000 barrels per day (the proposed throughput of the *presently* proposed Trans-Alaska Pipeline), then resource costs are estimated to be $.56 per barrel. If the full production period beginning in 1980 is taken as the base point resource costs are estimated to be $.61 per barrel. We use an average of $.59 per barrel from which we subtract possible economic development benefits of $.31 per barrel and estimate the net resource costs of depleting the stock of oil on the North Slope to be $.28 per barrel in all cases below.

Production costs are estimated by taking a simple average of the estimates shown in Table 8. An estimate of $.25 per barrel will be used in all cases below. Estimates of transportation costs are reported in Appendix E of the Cabinet Task Force Report and we generally accept them unless indicated otherwise. See Table 9. Uncertain costs such as environmental damages, increases in royalty payments to OPEC countries, quality adjustments, etc., are shown by symbols which we will discuss qualitatively in the text below, and will attempt to quantify where possible.

TABLE 8

Estimated well head costs for North Slope oil fields[19]

Source: Well head costs:
M. A. Adelman,[a] 18–26¢.
Charles Norman,[b] 23.5–27¢.
Staff Working Paper,[c] 36¢ (include 8¢ royalty to state).

[a] M. A. Adelman, "Significance of Shifts in World Oil Supplies," paper presented at the 20th Alaska Science Conference, University of Alaska, Fairbanks August 1969.

[b] Charles Norman, "Economic Analysis of Prudhoe Bay Oil Field, Alaska," M.A. thesis in Economics, Massachusetts Institute of Technology, July 1969.

[c] See *Gas and Oil Journal*, November 24, 1969.

Footnotes at end of article.

TABLE 9.—TRANSPORTATION COSTS FOR NORTH SLOPE OIL[20]

Destination and mode	Cost per barrel		
	pipeline	+tanker	=total
Los Angeles, pipeline to Valdez, then tanker	$0.60	$0.35	$.95
Seattle, pipeline to Valdez then tanker	.60	.21	.81
Chicago[1], pipeline to Inuvik Edmonton, Chicago	1.08	to 1.21	1.15
New York, tanker to New York		1.00	1.00
New York, pipeline continued from Chicago	1.40	to 1.50	1.45

[1] Note these costs are estimated to be as high as $1.25 in appendix D of the Oil Import Question. . . .

We summarize in Table 10 benefits and costs of the proposed route, including expected environmental costs represented by X. Such damages would be expected normally during construction and operation, as well as during potential environmental catastrophes such as earthquakes, tanker spills and irreversible options foregone by present and future populations, who might choose a natural wilderness area if the market could reflect their preferences. The usefulness of the X measure is not so much for comparing with the other costs and benefits for a given alternative but as a means of comparing various alternatives, which might have very different environmental costs or benefits associated with them.

TABLE 10.—*Net benefits per barrel of North Slope oil via pipeline and tanker to Los Angeles*

Benfiets—$3.35—(Revenue)

Costs (Present Value and Annualized):

Net resource cost[a]	$0.28
Production cost[b]	.25
Pipeline cost[c]	.60
Tanker from Valdez[c]	.35
Environmental Cost—(present value per barrel)	X
Costs per barrel+X	1.48

Net benefits=$3.35—1.48—X=$1.87—X.

[a] See Appendices B and C for an estimate of resource cost of $0.59 per barrel and an economic development benefit from converting unmobilized capital to productive capital of $0.31 for a net resource cost of $0.28 per barrel.

[b] Straight average from Table 8 after removing taxes.

[c] See Appendix E, *The Oil Import Question*. . . .

3. Net benefits of a Trans-Canadian pipeline

At the present time the Canadian government is considering the construction of a natural gas pipeline from the Canadian Arctic through Inuvik down to Edmonton. A natural gas and/or crude oil connection from the North Slope would be possible and the mid-west and east coast U.S. markets could be supplied with North Slope oil. In Table 11 are shown the benefits based on a New York price of $6.90 per barrel, and net resource, production and pipeline costs taken from the Cabinet Task Force from whence corresponding data on the Trans-Alaska were taken.[21]

TABLE 11

Net value of North Slope oil via pipeline across Canada to New York

Benefits—$3.90—(revenue)

Costs (Present Value and Annualized):

Net Resource Cost		$0.28
Production		.25
Pipeline to Inuvik[a]		.20
Pipelne to Edmonton[a]		.50
Pipeline to Chicago[b] (1980 .51 (present) existing pipeline in place for 1,500 miles		.38
	$1.99 (present)	1.86

Environmental Cost (present value per barrel), Y, Y

Net benefits—$3.90−$1.86−Y=$2.04−Y
$3.90−$1.99−Y=$1.91−Y

[a] See pipeline estimates in Appendix E, "Transportation Costs."

[b] See actual costs shown in Appendix E, "Transportation Costs."

When either present pipeline or the 1980 estimated pipeline costs are used, the net benefits from the Trans-Canadian pipeline exceed the net benefits of the Trans-Alaska pipeline ($1.91 and $2.04 versus $1.87) if environmental costs are ignored (X and Y).

Since the Canadian route would follow the natural terrain by closely following the Mackenzie Valley rather than to cut across various rivers, valleys and mountains as does the Trans-Alaska pipeline, this component of Y (TCP environmental cost) is probably less than a similar component for X (TAP environmental cost). The Canadian route also avoids the region's major seismic disturbances that make up the lower ⅔ of the Alaskan route and does not require the loading of tankers, possible spills, and collisions of such tankers along the coast of both countries. These components of Y are therefore less than similar components of X. If the Canadian route were to be built it would be possible for the oil pipeline to take a similar route, perhaps even enclosed within gas pipeline to reduce possible leaks. Were this to be done, natural gas as well as oil from the entire Arctic region could be brought to the "lower 48" and Canadian consumers with only one access right-of-way. This is in contrast to multiple routes and concomitantly multiple possible disruptions to the wilderness of both countries. For the reasons above, Y would probably be lower than X.

Since the Trans-Alaska right-of-way would not involve Canada, any resource savings from the avoidance of possible delays caused by international agreements might serve to decrease X relative Y and tend to favor the Alaskan route for this component of costs. However, Canadian concern over possible spills off its west coast from tankers transporting oil from Valdez to the lower 48 may also require international negotiation. On balance Y is probably significantly lower than X when all factors are considered, and since the measured net economic benefits also favor this Canadian route, serious consideration of this route should be given very high priority.

4. Net benefits of the Northwest Passage to the eastern coast of the United States

A second type of alternative is not to construct any pipeline but instead to continue research and development of a tanker route through the Northwest Passage. Such a route would, however, require an international resolution between the U.S. and Canada, since Canada has unilateraly extended its Arctic territorial limits to 12 miles. In Table 12 the benefits and several cost estimates for the Northwest Passage alternatives are shown. On average these are superior alternatives for the measured economic benefits ($2.01 and $1.96 versus $1.87). Possible environmental catastrophies represented by V, V' and V'' should be compared with environmental damage of the proposed Alaska pipeline (X) before an irreversible decision one way or the other is made concerning these two alternatives.

TABLE 12.—NET VALUE OF NORTH SLOPE OIL VIA NORTHWEST PASSAGE TO NEW YORK

[Benefits $3.90 (revenue)

Costs	Submarine	Ice breaker	
		High	Low
Resource costs	$.28	$.28	$.28
Production costs	.25	.25	.25
Transportation costs[1] (including) loading in Prudhoe Bay submarine tanker in transit transfer at Godthaab, Greenland	1.36		
Transportation cost[1] ice breaker U.S. flag and loading cost:			
High estimate		1.82	
Low estimate[2]			1.00
Environmental cost	V	V'	V''
Total cost	1.89 +V	2.35 +V'	1.53 +V''
Net benefits	2.01–V	1.55–V' average 1.96–V'	2.37–V''

[1] See "Oi' Import Controls ," testimony of John M. Houchin, Phillips Petroleum, p. 747.

[2] See "The Oil Import Question," appendix E, p. 248.

5. The Preservation alternative: North Slope production postponed and foreign imports used to meet domestic demand

At the present time domestically-owned companies could produce greater quantities of oil from wells located in foreign countries and transport them via tankers to the United States. In the case of Venezuela[22] recent per barrel royalty payments (resource costs) and production costs are in the $.98 and $.35 per barrel range. Corresponding costs for Persian Gulf States[23] would amount to approximately $.82 and $.10 per barrel. Since royalty payments would be paid to foreign governments no economic development benefits to the United States would be realized, therefore, no benefits offset the resource costs in the benefit-cost analysis.

Transportation costs are presently estimated to be $.23 per barrel from Venezuela to New York and $.74 per barrel from the Persian Gulf to New York.[24] These costs are expected to fall to $.16 and $.45 per barrel by 1980, with expected increases in tanker capacity and improvements in technology. If foreign oil is imported, an additional cost of 5 cents per barrel, as discussed in Part I might be used to show the balance of payment cost of importing foreign oil.

The most persistent argument against importing oil from foreign countries is based on national security considerations. The threat of politically motivated stoppage of oil deliveries is given often as the reason for encouraging domestic production of petroleum. A possible alternative, however, is an oil storage program to meet emergencies which might arise under such circumstances. With this alternative in mind, an annual cost per barrel for an oil storage program was estimated by the Cabinet Task Force.[25] The assumptions are that (1) oil is purchased in the unrestricted world market at $2.00 per barrel, (2) steel tanks are built for $2.50 per barrel with a salvage value equivalent to $.30 per barrel, (3) land is rented or purchased at a price equivalent to $.25 per barrel, and (4) annual operation, maintenance and evaporation costs are $.12 per barrel. The annual per barrel cost for various program lives and discount rates are shown in Table 13. An interest cost of 8% and program life of 25 years (consistent with estimates used in the analyses above) results in $.53 per barrel storage cost.

Footnotes at end of article.

APPENDIX J

TABLE 13.—OIL IMPORT QUESTION

TABLE J-2.—TOTAL ANNUAL COST OF OIL STORAGE—STEEL TANKS[1]

[Dollars per barrel of storage]

Program life[2]	Discount rate 5 percent	8 percent	10 percent
10 years	0.54	0.65	0.73
15 years	.46	.58	.66
20 years	.42	.55	.63
25 years	.40	.53	.62

[1] Oil=$2.00 per barrel; tankage=$2.50 per barrel; salvage value=$0.30 (12 percent of the cost of tankage); land=$0.25; other annual costs (management, repair, maintenance, and evaporation loss)=$0.12.

[2] For these purposes, it is assumed that the physical tank life is equal to or greater than the program life.

A somewhat less costly salt dome storage program was also investigated by the Cabinet Task Force.[26] Assuming that (1) oil could be purchased at $2.00 per barrel, (2) capital and land costs would be $1.02 per barrel, (3) annual operation and maintenance would be $.01 per barrel and (4) oil losses would amount to 5 percent, the annual cost per barrel for various program lives and discount rates are shown in Table 14. At an interest rate of 8 percent and 25 year program life, the annual cost per barrel would be $.27. In 1966 the Department of the Interior had estimated on-shore storage capacity equal to about 650 million barrels or 89 percent of the annual throughput of the proposed Trans-Alaska pipeline.[27] If such storage capacity were used first, since this is a lower cost storage alternative, to be supplemented by steel tank storage in an amount to equal a year's throughput of the Trans-Alaskan pipeline, the national security objective could be met at an annual cost of $.31 per barrel.

APPENDIX J

TABLE 14.—OIL IMPORT QUESTION

TABLE J-3.—TOTAL ANNUAL COST OF OIL STORAGE—SALT DOMES[1]

[Dollars per barrel of storage]

Program life	Discount rate 5 percent	8 percent	10 percent	12 percent
10 years	0.25	0.33	0.39	0.45
15 years	.22	.29	.36	.41
20 years	.20	.28	.34	.40
25 years	.19	.27	.33	.39

[1] Oil=$2.00 per barrel; capital cost, including land=$1.02; administration and maintenance=$0.01; oil loss=5 percent.

A summary of the benefits and costs of such storage alternatives are shown in Table 15. When only the readily measured benefits and costs are calculated, all four of the storage program cases show slightly higher net benefits than does the Trans-Alaska pipeline case ($1.87). Some uncertainty is introduced in costs of the import-storage program by virtue of possible OPEC price increases and quality adjustment factors for differences in sulfur content and specific gravity of the oil. Possible benefits of the program are time and resource savings during national emergencies from having crude oil stored near the prime market areas. An additional advantage is that dispersed storage facilities are a more secure source of supply than a relatively unprotected pipeline or tankers on the high seas. If the environmental damages of the proposed pipeline (X) are expected to be large, very serious consideration should be given to the import-storage alternative, while research and development achieve an environmentally safe transportation plan.

Footnotes at end of article.

TABLE 15.—NET VALUE OF IMPORTED SOURCE OF SUPPLY FOR THE NEW YORK MARKET, WITH NATIONAL SECURITY, BALANCE OF PAYMENTS AND ECONOMIC DEVELOPMENT OFFSETS

	Venezuela Present	1980	Persian Gulf Present	1980
Costs:				
Resource costs[1]	$0.98	$0.98	$0.82	$0.82
Production costs[2]	.35	.35	.10	.12
Transportation costs[3]	.23	.16	.74	.45
National security costs[4]	.31	.31	.31	.31
Balance of payment costs[5]	.05	.05	.05	.05
Subtotal, costs	1.92	1.85	2.02	1.75
OPEC resource cost increase and or quality adjustment factor	Ƶ	Ƶ	Ƶ′	Ƶ′
Net benefits	1.98Ƶ	2.05Ƶ	1.88Ƶ′	2.15Ƶ′
Benefits (revenue)	3.90			

[1] See p. 113, Mikesel, "Foreign Investment in the Petroleum and Mineral Industries."

[2] See M. A. Adelman, forthcoming, "Resources for the Future" study.

[3] See Appendix E, "The Oil Import Question."

[4] National security costs per barrel (8% for 25 years):

Salt tank ($0.89)	$0.27 per barrel
Steel tank ($0.11)	.53 per barrel
Total	.31 per barrel

[5] See text, part I, Sec. D, pp. 18, 19.

6. An import for export programs: changing institutions to maximize profits

In recent testimony before the House Interior and Insular Affairs Subcommittee on Mines and Minerals.[28] John M. Houchin, President of Phillips Petroleum, proposed a two-tier price system or an "import for export" program. Under one variant of this program, North Slope oil would be exported to Japan and for each barrel exported an additional barrel of Venezuelan or Persian Gulf oil would be allowed to be imported to the eastern U.S. market. Since the U.S. would be producing an equivalent amount as the increased imports, it is averred that national security and balance of payment costs would be negligible.

The benefits and costs of this program are shown for two cases in Table 16. A direct all tanker route would be superior to a combination pipeline-tanker alternative for the measured benefit and cost portion (the $3.21 net benefit per barrel is greater than $2.87). A comparison of the relative environmental costs from possible tanker spills in the Bering Sea (W) versus possible pipeline breaks overland (X) should also be made before either alternative is chosen. A major saving from this proposal results from the fact that oil companies would not be shipping oil between two U.S. ports. Accordingly, the restrictions of the Jones Act would not apply, thus non-U.S. flag ships with lower unit costs could be utilized.

TABLE 16.—NET VALUE OF NORTH SLOPE OIL TO JAPAN AND AN IMPORT FOR EXPORT PROGRAM FOR EITHER VENEZUELA OR PERSIAN GULF STATES

(1) Assume price of oil in Japan is $2 per barrel of crude.
(2) New York price is $3.90.

Revenues to U.S. producing companies per barrel of North Slope oil matched by a barrel of oil produced by U.S. companies in foreign countries.

Benefits (Rev. Japan)	$2.00
(Rev. New York)	3.90
Costs	5.90

	To Japan North Slope Tanker	Pipeline	To New York Imports (averages) Venezuela	Persian Gulf
Net resource cost	$0.28	$0.28	$0.98	$0.82
Production costs	.25	.25	.35	.11
Tanker cost[1]	.66	[2] .40	.20	.54
Pipeline to Valdez	0	.60	0	0
Net, National Security	0	0	0	0
Net, Balance of Payments	0	0	0	0
Environmental cost	W	X	0	0
Total costs	1.19 +W	1.53 +X	1.53	1.47

Average $1.50 of Venezuela and Persian Gulf+Ƶ=(Ƶ+Ƶ′)/2.

Net benefits of tanker through Bering Sea carried in non-U.S. flagships matched by an increase in imports to the Eastern part of the United States also carried in non-U.S. flagships.

Net benefits=$5.90−($1.19+W)−($1.50+Ƶ)
=$3.21−Ƶ−Z

Net benefits of similar program with the pipeline alternative

Net benefits=$5.90−($1.53+X)−($1.50+Ƶ)
=$2.87−X−Ƶ

[1] See p. 747, "Oil Import Controls." Transportation costs of $0.86 are estimated for a Japan for Venezuela crude alternative, this can be broken to $0.66 per barrel for the North Slope to Japan route and $0.20 per barrel for the Venezuelan to New York route. Similarly a Japan for Persian Gulf estimate of $1.20 can be broken down to $0.54 per barrel for the Persian Gulf to New York and $0.66 for the North Slope to Japan route.

[2] The estimate of transportation costs from Valdez to Japan are no more than an informed ballpark estimate.

The restrictions in the present Oil Import Quota system are also used to enhance the profitability of this case since low cost Alaskan oil would be sold competitively in the unrestricted world market, while imported oil, produced by U.S. firms would be sold in the protected U.S. market at a much higher price. Such a two-tier pricing system applied to Japanese manufactured goods exported to the United States, however, has come to light as a violation of international agreements. Moreover, there may be raised a question of propriety in that the advantages of low cost (exclusive of costs of environmental damage) Alaskan oil would not be shared with the American petroleum consumers, whereas the costs of environmental damages would not be shared by Japanese petroleum consumers. This proposal, therefore, would seem to merit the most careful scrutiny, not only in terms of the relative benefits and costs of the transport means, but in terms also of the equity in the international distribution of the benefits and costs, when potential massive environmental damages may be involved.

7. Additional potential costs of distribution from initial port of entry

In the previous discussion we have assumed that oil flows would travel the route of maximum profitability. Therefore a Trans-Alaska pipeline was used to supply the New York market area. On the other hand, it is conceivable that the inflow of 2 million barrels of oil per day may affect the market price or represent an oversupply which must be transshipped to other markets at additional costs. To take account of this fact we address two principal cases relevant to our alternatives discussed above.

Case 1

If the Alaskan pipeline were built and the oil brought in from Valdez to Los Angeles we might expect an oversupply in the west coast market relative to the markets east of the Mississippi. To redistribute the excess supplies to eastern markets would involve the construction of a pipeline across northern United States at a per barrel cost to Chicago of $.60 and to New York of an additional $.25.

Case 2

If the Trans-Canada pipeline involving shipments to the east coast resulted in a relative oversupply in the east coast markets, the potential throughput might be diverted at Edmonton to Seattle using an existing pipeline operating at a cost of $.40 per barrel. Moreover, if North Slope oil, moved to New York, displaced present Venezuelan imports, these could be diverted to the Gulf Coast for transshipment to Los Angeles via a southern U.S. pipeline built for that purpose at an estimated per barrel cost of $.50.

Economist Herbert Winokar has suggested that oversupply on the west coast (Case 1) would be likely in 1980 were the Trans-Alaska pipeline to be built.[29] Accordingly, the measurable portion of the Trans-Alaska pipeline costs should be increased by an appropriate transshipment cost. Quite apart from the greater possibility of excess supply in west coast markets, the Trans-Alaska pipeline would be inferior to alternatives making deliveries to the east coast since the additional costs of transshipment for the former of $.60 to $.85 per barrel compare unfavorably with the $.40 to $.50 per barrel for the latter.

SUMMARY AND CONCLUSIONS

In Part I we undertook a critical review of the proposed Trans-Alaskan pipeline environmental impact study and concluded the analysis was both inadequately done and biased in results. In Part II we have presented the kind of analysis which should be undertaken in reviewing the alternatives to the Trans-Alaskan pipeline. In this we have considered not only alternative routes, modes and destinations for North Slope oil, but also alternative sources of oil to meet essentially the same objectives as North Slope oil and the Trans-Alaskan pipeline. Below we rank the various alternatives in ascending order of their economic value.

North Slope oil, alternative routes, modes, and delivery points	Net benefits	Net benefits less environmental or other unmeasured costs
Trans-Alaskan pipeline to Los Angeles	$1.87	X
Trans-Canadian pipeline to New York	1.91–2.04	Y
Northwest Passage to New York	1.96–2.01	V
Alternative sources:		
Venezuelan oil to New York	1.98–2.05	Z
Persian Gulf oil to New York	1.88–2.15	Z′
Export of North Slope oil to Japan, import of Venezuelan oil to United States:		
Trans-Alaskan pipeline and tanker	2.87	X and $\bar{Z}$
Direct tanker from North Slope to Japan	3.21	W and $\bar{Z}$

Based on the published information available from governmental documents, we concluded that the Trans-Alaskan pipeline to Valdez with transshipment by tanker to the West Coast markets was the least attractive economically when benefits and costs exclusive of environmental damages (our unknown designated by X) were considered. Both the Trans-Canadian pipeline and the Northwest Passage Tanker alternative modes would provide larger net benefits exclusive of the unevaluated environment damages (Y). On balance, it appears that the environmental damages one would anticipate also would be less for the Trans-Canadian or Northwest Passage routes, than those one would anticipate from the Trans-Alaskan pipeline alternative.

When alternative sources of supply are considered, with domestic storage to meet emergency conditions, we find that the storage program alternative will provide for as economical a source of oil for the United States as the North Slope source without comparable risk of environmental damage. On the other hand, there may be some added cost (Z′) due to price uncertainties.

The most attractive alternative for the oil producers would be the use of North Slope oil for export at world market prices to Japan, while importing a similar amount from Venezuela, selling same at the support price in the United States. Since the beneficiaries of the low cost North Slope oil would be Japanese consumers, while the environmental costs would be borne by the United States, there is an issue of propriety and equity associated with this alternative which does not arise in any of the other alternatives.

FOOTNOTES

[1] See Adelman, M.A. "The Alaska North Slope Discoveries and World Petroleum Supplies and Costs" in *Change in Alaska*, ed. George W. Rogers. College, Alaska: University of Alaska Press, 1970.

[2] See: *The National Environmental Policy Act of 1969.*

[3] See: "Revision of Guidelines on Statements of Proposed Federal Actions Affecting the Environment," Council on Environmental Quality, January 23, 1971. Henceforth to be indicated by "Guidelines" (Interim released on April 30, 1970).

[4] See: "Draft Environmental Impact Statement for the Trans-Alaska Pipeline Section 102(2)(C) of the National Environmental Policy Act of 1969," prepared by: Department of Interior, January 1971.

[5] *Op cit.*, "Revision of Guidelines. . . ."

[6] See, Krutilla, J.V., Cicchetti, C.J., Freeman, A.M., and Russell, C.S., "Observations on the Economics of Irreplaceable Assets," in *Environmental Quality Analysis; Theory and Method in the Social Sciences*, eds. Allen V. Kneese and Blair T. Bower, Baltimore: Johns Hopkins Press, forthcoming.

[7] Note, that it is estimated that the pipeline would transport 500,000 barrels per day in 1975 and that the throughput in 1985 would be 3 million barrels per day. This latter value is not considered in the present evaluation since it exceeds the capacity of the present proposal by 50% and would require additional construction and therefore an additional environmental impact statement.

[8] *Op. cit.*, "Draft Environmental Impact Statement. . . ."

[9] *An Energy Model of the United States*, IC8384, Bureau of Mines, July 1968, figures revised August, 1970.

[10] *Oil Import Controls.* Hearings Sub-Committee on Mines and Minerals, House Interior and Insular Affairs House of Representatives, March–April 1970.

[11] *The Economy, Energy and the Environment*, Joint Economic Committee, September 1, 1970, p. 27.

[12] See (1) Landsberg, H. H. and Schurr, S. H., *Energy in the United States*, New York: Random House, 1968; (2) Netschert, Bruce C., *The Future Supply of Oil and Gas*, Baltimore: Johns Hopkins Press, 1958; (3) Lovejoy, W. F. and Homan, P. T., *Methods of Estimating Reserves of Crude Oil, Natural Gas and Natural Gas Liquids*, Baltimore: Johns Hopkins Press, 1965.

[13] Additions to gross productive capacity are found in Volume 24, May 1970 joint report of the American Gas Association, American Petroleum Institute and Canadian Petroleum Association, entitled: *Reserves in Crude Oil, Natural Gas Liquids, and Natural Gas in the United States and Canada and United States Productive Capacity as of December 31, 1969.* See Table II, p. 28.

[14] *The Oil Import Question*, The Cabinet Task Force on Oil Import Controls, February 1970.

[15] *Ibid.*, Appendix D, "The Future Supply of Petroleum in the United States."

[16] *Ibid.*, Appendix J, "Alternative Security Measures."

[17] *Ibid.*, Appendix H, "Additional Oil Imports and the United States Balance of Payments."

[18] *Ibid.*, *The Oil Import Question*, Footnote 1, p. 19.

[19] *Ibid.*, Appendix D.

[20] *Ibid.*, Appendices D, E, and F.

[21] *Ibid.*, *The Oil Import Question*, Footnote 1, p. 19 and Appendix E, "Transportation Costs."

[22] See Mikesell, R.F., et al. *Foreign Investment in the Petroleum and Mineral Industries*, especially G.G. Edwards, "Foreign Petroleum Companies and the State in Venezuela," Baltimore: The Johns Hopkins Press, 1971. See Adelman, M.A., *The World Petroleum Market: 1946–1969*, forthcoming, Resources for the Future.

[23] *Ibid.*, Mikesell. et al. and Adelman.

[24] See, Appendix E, "Transportation Costs," *The Oil Import Question.*

[25] *Ibid.*, Appendix J, "Alternative Security Measures."

[26] *Ibid*, Appendix J.

[27] Bureau of Mines, "Salt Domes in Texas, Louisiana, Mississippi, Alabama and Offshore Tidelands: A Survey, 1966" (IC8313). See also Appendix J, *ibid.*

[28] *Oil Import Controls.* Hearings before the Sub-Committee on Mines and Minerals, House Interior and Insular Affairs Committee, March-April 1970.

[29] Winokar, Herbert. Statement of February 16, 1971, concerning the Draft Environmental Impact Statement at the Department of Commerce Auditorium, Washington, D.C.

APPENDIX A—NATIONAL SECURITY ALTERNATIVES AND THEIR RESPECTIVE COSTS

1. SHUT-IN RESERVE CAPACITY

In a recent paper Mead and Sorensen[1] estimate the costs of a shut-in policy at Elk Hills Petroleum Reserve (Naval Petroleum No. 1) to be 8.4c per barrel. They use a 6% opportunity cost of immobilized capital and the 8.4c per barrel cost is broken down to 7.3c in interest, .3c administration and .8c opportunity cost of a standby overcapacity pipeline. It is estimated that the output from NPR1 could reach 350,000 barrels per day efficiently during an emergency. The Federal government presently is involved in protective production in NPR1 to a small extent and more so on NPR2 and NPR3. If a shut-in policy were to be meaningful the three areas should be made fully shut-in, therefore costs would increase. In addition, NPR4 offers little national security benefits at the moment since it is located in Alaska and no large scale transportation links exist. The relatively low cost of a shut-in policy may make it the preferred national security program if oil import quotas are removed. The Federal government could then conserve our domestic capacity now held by private owners for national defense and emergency situations. This alternative would probably be the least social cost case but would probably not be feasible with the existing institutions in the U.S.

2. ADDITIONS TO DOMESTIC CAPACITY

A. Permanent new technology

At present domestic prices the production of oil from shale is possible at a subsidy of 75c per barrel or less and at world prices between $1.35 and $2.10 per barrel[2] with subsidies to coal conversion processes approximately 25% more at present. By 1980 under current domestic prices no subsidy would be required to justify shale to oil conversion on a financial basis. At world prices of $1.65 a subsidy of $1.00 would be required. (See Table A–1.) Additional capacity from shale and coal is therefore technically feasible.

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[1] See, Mead W. and P. Sorensen "The National Defense Petroleum Reserve Alternative to Oil Import Quotas," paper presented at the Western Economic Association Meetings, Davis, California, August 27–28, 1970.

[2] See Appendix J, "Alternative Security Measures."

TABLE A-1.—APPENDIX J, OIL IMPORT QUESTION

TABLE J-6.—SUBSIDY COST PER BARREL OF SHALE OIL IN 1930[1]

	Case I[2]	Case II[3]
Price=$3.08[4]	$0.00–$0.27	$0.00–$0.07
Price= 2.00	.70– 1.35	.55– 1.15
Price= 1.65[5]	1.05– 1.70	.90– 1.40

[1] Assumes a Government subsidy equal to the differences between the market price and the cost of production (including a 12-percent return on investment). Base costs are taken from table J–4 and include a resource charge of $0.38–$0.40 per barrel.

[2] 600,000 barrels of 1st-generation technology; 400,000 barrels of improved 1st-generation technology.

[3] 400,000 barrels of 1st-generation technology; 600,000 barrels of improved 1st-generation technology.

[4] Estimated current price equivalent in western Colorado for shale. The Interior Department estimated in June 1968 that the value of shale oil in western Colorado was $3.08. Since then the price of domestic crudes has risen, and the value should now be somewhat higher. Standard Oil Co. (New Jersey), however, continued to use the $3,08 value for shale (submission No. 125–D, p. 39), and for lack of better information we have followed its practice.

[5] Estimated world price equivalent in 1980 for shale oil in western Colorado. Estimated world price equivalent in 1980 for shale oil in western Colorado. Assumes the price of 30 Louisiana crude would be $2.19 per barrel in the Midwest. From this a quality debit of $0.29 and a transportation charge of $0.25 have been subtracted.

B. Ending State prorationing of oil markets

At the present time state production restrictions and the present oil import quota system result in a privately-owned excess of 1.7 million barrels per day,[3] by adding the reserves from Elk Hills (.2 million barrels per day) discussed above, the present full market capacity would nearly equal the projected 2 million barrels per day from the North Slope. Most industry sources feel this privately-held excess capacity will be reduced in the future, and William Murray, President of the Texas Independent Producers and Royalty Owners Association claims that prorationing has already ended *de facto* in Texas and would therefore not be available.

3. EMERGENCY PLANS

A. Accelerated productive capacity

In periods of emergency oil may be removed faster than engineering efficiency would justify. The Cabinet Task Force estimate this additional capacity during an emergency period to be between 800,000 and 1 million barrels per day by the end of the first and a similar amount in the second year but then declining. Canadian production could similarly be increased, but a probable investment in pipelines would be required.[4] Similarly, Venezuela production could be increased between 400,000 and 800,000 barrels per day with new drilling cost.[5]

The increase of productive capacity during an extended emergency would equal more than 2 million barrels per day for a year from these sources. During such an emergency alternatives could be pursued, such as shale and coal conversion, or construction of a pipeline from the North Slope. It is incorrect, however, to plan on the worst, when there are fallback measures which provide sufficient lead time to avoid irreversible decisions and foreclose the available options at the expense of high environmental costs.

If emergencies came from sources other than Arabian Middle East disruptions the very great excess capacity (50 percent or more) in the Middle East could be utilized. Iran and other non-Arab eastern hemisphere nations could supply as much as 1.4 million barrels per day in one year, 2.5 million barrels per day in two years and 3.6 million barrels per day (primarily Iran) in three years, if the Arab countries would interrupt supplies to the United States.[6]

B. Rationing private automobile petroleum

The Cabinet Task Force[7] reports that during an emergency a tolerable rationing of automobile gasoline could reduce domestic consumption by 9% to 16% depending upon the severity of the crisis. A 10% reduction in 1980 would be 1.85 million barrels per day almost as much as the Alaskan pipeline throughput. This would be an alternative method at relatively low cost (only administrative costs) to meet "essential" demand during emergency periods and therefore reduce the urgency for constructing a pipeline.

A related development to the use of petroleum for automobiles is the 1970 Clean Air Act, which places stringent restrictions on the internal combustion engine by 1975. The effect of this legislation is unclear but three probable effects would reduce the consumption or use of petroleum in automobiles, these are:

(1) smaller internal combustion engines.

(2) more efficient internal combustion engines.

(3) non-gasoline-powered engines.

If any of these developments occur, the result would be a drop in estimated future demand after 1975.

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[3] See, The Oil Import Question, p. 51, *op. cit.*

[4] Canadian oil may not be available to the U.S. during an emergency since Canada is both an exporter to the U.S. and an importer in the unrestricted world market. Accordingly, emergencies may cut Canadian imports and therefore reduce the ability of Canada to increase exports to the U.S. during emergencies.

[5] See, *The Oil Import Question*, p. 52, *op. cit.*

[6] *Ibid.*, p. 53.

[7] *Ibid.*, p. 53.

Appendix B

"Resource Cost to the Company"

A. Lease Sales

Assume: $900×10^6 leases were purchased in 1970, that the discount rate is 8%, and that there will be a production lag time of 10 years before full production begins (1980).

$$\begin{array}{r} \$900\times10^{6} \\ \times(1.08)^{10}=\$2.159 \\ \hline \$1.94\times10^{9} \end{array}$$

Lease sales plus interest during interim returns forgone.

Factor to annualize costs for the 20 year full capacity productive life $= \dfrac{i}{1-\left(\frac{1}{(1+i)^{n}}\right)^{n}}$

for $i=8\%$
$n=20$

The factor to annualize lease costs=.1019

$$\begin{array}{r} \$1.94\times10^{9} \\ \times.1019 \\ \hline \$1.97\times10^{8} \end{array}$$

Annual cost to repay lease sale over full capacity production life $1.97×10^8

per barrel annual equivalent of cost

$$\frac{\$1.97\times10^{8}\text{ per year}}{730\times10^{6}\text{ barrels per year}}=\$.27\text{ per barrel}$$

B. Taxes

Annual direct tax, high estimate

$$\frac{\$250\times10^{6}\text{ per year}^{1}}{730\times10^{6}\text{ barrels per year}}=\$.34\text{ per barrel}$$

Total resource costs per barrel=$.61

This method overestimates resource cost by spreading all costs over the full production period of 1980 to 2000 and applies this rate to the 1975 to 1980 period. An alternative calculation which errs on the low side could be calculated as follows:

"Alternative Costing Method under Partial Production in 1975 at 500,000 Barrels per Day and Annual Taxes of $150×10^6."

A′. Lease Sales

$$\begin{array}{r} \$900\times10^{6}\text{ (lease sales)} \\ \times(1.08)^{5}=1.469 \\ \hline \$1.32\times10^{9} \end{array}$$

annualize costs at 8% for 25 years

$$\begin{array}{r} \$1.32\times10^{9} \\ \times.0937 \\ \hline \$1.23\times10^{8} \end{array}$$

expected annual number of barrels 1975 to 1980

$$\begin{array}{r} 182.5\times10^{6}\text{ barrels per year 1975} \\ 730\times10^{6}\text{ barrels per year 1980} \\ 2\,\overline{)\,912.5\times10^{6}} \\ 456.3\times10^{6}\text{ barrels per year (average)} \\ \text{(1975 to 1980)} \end{array}$$

1980 to 2000 730×10^6 barrels per year

$$\begin{aligned} \text{Overall average 1975 to 2000} &= .20(456.3\times10^{6})+.80(730\times10^{6}) \\ &= 91.2\times10^{6} \quad 584\times10^{6} \\ &= 675\times10^{6}\text{ barrels per year} \end{aligned}$$

$$\frac{1.23\times10^{8}}{675\times10^{6}}=\$.183\text{ per barrel}$$

B′. Taxes

$$\begin{aligned} \text{Tax per barrel 1975} &= \$125\times10^{6}\div182.5\times10^{6}\text{ barrels} \\ &= \$.685\text{ per barrel} \\ \text{Tax per barrel 1980} &= \$250\times10^{6}\div730\times10^{6}\text{ barrels} \\ &= \$.342\text{ per barrel} \end{aligned}$$

Average tax per barrel 1975 to 1980

$$\begin{array}{r} .685 \\ .342 \\ 2\,\overline{)\,\$1.027} \\ \$.51\text{ per barrel} \end{array}$$

Weighted average tax per barrel 1975 to 2000

$$\begin{array}{r} .2\times\$.51=\$.102 \\ .8\times\$.342=\;.274 \\ \hline \$.376\text{ per barrel} \end{array}$$

Cost under alternative

$$\begin{array}{l} \$.183\text{ per barrel} \\ \$.376\text{ per barrel} \\ \hline \$.559=\$.56\text{ per barrel} \end{array}$$

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[1] See page 186, Environmental Impact Statement, January 1971

Note this method does not discount future annual taxes but lumps them together to compute straight arithmetic averages. Accordingly it underestimates real costs, an average of the two methods will therefore be used to balance out the two averages.

$$\begin{array}{rl} \therefore \$.56 & \text{per barrel} \\ +.61 & \text{per barrel} \\ \hline 2\,|\,1.17 & \\ \hline \$.585 & \text{per barrel or } \$.59 \text{ per barrel resource cost} \end{array}$$

This last calculation is an average of the two methods used to calculate economic development offset benefits and will therefore be used for purposes of comparison.

Appendix C

"Economic Development Benefits"

A. Lease Sale

$$\$900\times10^6$$

Assume the $\$900\times10^6$ is fully recovered in 2000 after the state invests the revenue from the lease sale into productive investments which yield a net return of 8% and which recovers the initial investment after 30 years:

$$\begin{array}{r} \$900\times10^6 \\ \times(1.08)^{-30}=.0994 \\ \hline \$89.5\times10^6 \end{array}$$

Present value of net returns on fully recovered investment of \$900,000,000 in perpetuity from year 31 on.

Present value of lease sales assuming the state invests all converted capital into a physical investment which yields 8% per year in perpetuity:

$$\begin{array}{r} \$900\times10^6 \\ +89.5\times10^6 \\ \hline \$989.5\times10^6 \end{array}$$

B. Taxes (Annual)

Annual payment of $\$250\times10^6$
Assume production life from 1980 to 2000
Present value to 1970

Value of annuity for 20 years $=\dfrac{(1+i)^n-1}{i}$

and $i=8\%$ is 45.76
Present value discounted by $(1+i)^m$
Where $m=30$ years and $i=8\%$ is 10.063
Present value in 1970 of $\$250\times10^6$ each year for the period 1980 to 2000 at 8% becomes

$$\$250\times10^6\times4.55=\$1.14\times10^9$$

Present value in 1970 for average of $\$125\times10^6$ and $\$250\times10^6$ for 5 years between 1975 and 1980

Average per year

$$\begin{array}{r} \$125\times10^6 \\ 250\times10^6 \\ \hline \dfrac{\$375\times10^6}{2}=\$187.5\times10^6 \end{array}$$

Annuity for 5 years discounted over 10 years at 8% becomes

$$5.867=\frac{(1+.08)^5-1}{.08}$$

$$2.159=(1+i)^m=(1.08)^{10}$$

$$\frac{5.867}{2.159}=2.72$$

$$2.72\times\$187.5\times10^6=\$510\times10^6$$

Total present value of two annuity streams

$$\begin{array}{r} \$1,140\times10^6 \\ +510\times10^6 \\ \hline \$1,650\times10^6=\$1.65\times10^9 \end{array}$$

Present value of net returns on fully recovered (after 30 years) investment of $\$1.65\times10^9$ in perpetuity

Present value of net returns in present from year 31 into future

$$\frac{(1+i)^t}{(1+i)^{t+30}}=\frac{\begin{array}{r}\$1,650\times10^6\\ \times(1+i)^{-30}\end{array}}{164\times10^6}=(1.08)^{-30}=.0994$$

Total present value to perpetuity of annual oil revenues anticipated by the State

$$\begin{array}{r} \$1,650\times10^6 \\ \$164\times10^6 \\ \hline \$1,814\times10^9 \end{array}$$

Total present value of all payments to the State in perpetuity for oil stock reduction from the North Slope

$$\begin{array}{r} \$989.5\times10^6 \\ 1,814.0\times10^6 \\ \hline \$2,803.5\times10^6 \end{array}$$

Annual economic development benefits to the state if all revenues are invested in projects with a social rate of return of 8% converted to an equivalent 30 year annual or levelized basis

$$\frac{\text{at } 8\% \text{ per year}}{\$226\times10^6}$$

$$\frac{\$226\times10^6 \text{ per year}}{730\times10^6 \text{ per barrel}}=\$.31$$

Net resource costs=costs to the company for purchase offset by economic development benefits from buying oil from internal U.S. sources

$$\$.59-\$.31=\$.28 \text{ per barrel.}$$

WHAT HAS HOFSTRA DONE FOR YOU LATELY?

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. LENT. Mr. Speaker, the recent report by the Carnegie Commission on Higher Education that two-thirds of the Nation's 2,340 colleges are in financial difficulty or headed for it, underscores the need to restore public confidence in higher education. In addition to the obvious need for greater stability and efficiency in internal operations, restored confidence will require convincing evidence of the relevancy of higher education—that the public can understand and support.

The problem is especially acute for the private colleges. Serving as they do but 29 percent of the college and university students—versus the 71 percent enrolled in public colleges—their need to communicate their "distinctive" contributions has never been more critical.

Unfortunately, universities, public or private, are not generally known for excessive initiative in communications. Which is precisely why I single out a recent communication from a young university in my area—Hofstra University—that imaginatively and factually dramatizes its unique contributions to the community it serves. This private 32-year-old university is one of a half dozen major public and private institutions serving the two counties of Long Island, Nassau and Suffolk.

In a full-page report, which appeared February 25, 1971, in the local newspaper, Newsday, sponsored by its board of trustees, the university, under a provocative headline, "What Has Hofstra Done for You Lately?" described in detail its diversified community services over and above the traditional functions of a university; namely, education.

I include the text of this unusual report in the CONGRESSIONAL RECORD. It will stand as one answer to the perennial question, How relevant can or should a university be to its community?

WHAT HAS HOFSTRA DONE FOR YOU LATELY? WE ARE GLAD YOU ASKED

As a relatively young institution, Hofstra has already established itself as a vital and active participant in community affairs. The degree of our community involvement is not limited by the traditional functions of a university. We are willing and able to take calculated risks, to experiment and to innovate. Call it youthful exuberance, esprit de corps or simply interest in the community around us. We're doing things, and we'd like you to join us in our continuing effort to make our community a better place to live, to work, to learn and progress. What have we at Hofstra done in and for our community lately? Let's look at the record for 1970.

In the field of education, Hofstra served 8,000 of your children last year, equal to 67% of our 13,000-man student body. We also invested \$1.8 million to support these young people with scholarship and achievement grants.

Last year alone, Hofstra turned out 1,200 certified teachers, graduates of the Island's only professionally accredited School of Education, as well as 400 graduates of the only accredited School of Business in the two counties.

We enrolled the first 78 lawyers-to-be in New York State's first new Law School in 47 years.

We opened a Store Front Law Office, staffed by our law school faculty and students, to provide legal aid for those in need.

The Hofstra Bureau of Educational Studies and Services gave 60 courses for 900 students; it created master plans, and conducted training programs, personnel searches and school administrative programs for 12 Long Island school systems.

Our Reading Center helped over 1,300 students from 120 Long Island communities, some in workshops, others in conferences held in 28 different towns and villages on the Island.

Our Speech and Hearing Center tutored 4,371 Long Islanders, most of them young people.

Our Psychological Evaluation Center during 1970 held over 200 specialized training sessions and tested 275 children ages 2 to 17.

Economically speaking, last year 88% or $22.5 million of our annual budget went back into the economies of Nassau and Suffolk counties.

Over the past six years more than $30 million has been invested in capital building, most of it going to local suppliers and contractors.

Cultural activities incldue the Hofstra Pro Arte Symphony concerts which in '70 played to a total audience of more than 10,000. In six years over 75,000 have listened to this symphony, the first professional orchestra sponsored by a university in the U.S.

Last year Hofstra drama students, enrolled in the Island's only professionally accredited drama program, presented the 21st Annual Shakespeare Festival. It played host to 4,500 high school students from 120 schools on the Island, and to 10,000 adults.

The Hofstra Band and Chorus entertained over 15,000 Long Island students, while our professional string quartet entertained another 2,700 neighbors.

Hofstra's Emily Lowe Gallery featured nine unique art exhibitions attended by more than 18,000.

Athletics: Hofstra's Astroturf playing field, unique to the metropolitan area, was used 75% of the time last year, by community organizations for activities from band concerts to high school and Little League football.

How do you measure service? By the many things we've enumerated? By the spontaneous acts of people? Is it best represented by the 400 students who last year gave their free time to tutor youngsters? Or the 50 students who worked as Big Brothers? Or the 700 fraternity members who gathered 7,500 toys to make Christmas brighter for 5,000 children in 15 communities? Or is it the dozen dedicated Black students who created, and served as faculty, for the Afro-American Summer Experience program for 249 minority school-age youths last summer . . . one of 22 Hofstra programs for minority groups.

We think it's all of these things last year that helped make Hofstra more, much more than just another university.

A GREEN MEDALLION FOR MRS. KNAUER

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 30, 1971

Mr. METCALF. Mr. President, Mrs. Virginia H. Knauer, Special Assistant to the President for Consumer Affairs, addressed the public utility buyers' group of the National Association of Purchasing Managers in Atlanta on March 9. Mrs. Knauer commended those utilities which have discontinued advertising which promotes greater use of fuel. She suggested that large expenditures for advertising be diverted to research. She found merit in the proposed restructuring of rates which now penalize low-income users while encouraging large volume users to consume even more of a precious commodity which is in short supply.

Mrs. Knauer said:

> We must examine present systems of operation to determine whether they are responsive to tomorrow's needs. If they are not, then we must exchange them, for systems exist to serve men; man does not exist to serve institutions.

Mr. President, I commend Mrs. Knauer for a forthright talk on an important issue and ask unanimous consent that it be printed in the RECORD. We should strike a Green Medallion Award for her.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE CONSUMER'S STAKE IN THE FUTURE OF ENERGY

(By Virginia H. Knauer)

(NOTE.—This text is the basis of Mrs. Knauer's oral remarks. It should be used with the understanding that some material may be omitted or added during presentation.)

Ladies and gentlemen, it is indeed a pleasure to speak before the 40th Annual Conference of the Public Utility Buyers' Group. I am informed that the purchasing agents represented here spend approximately $10 billion a year in obtaining equipment, goods and services for the electric utility industry. As the men who order the goods for the future, you are most intimately concerned with what happens tomorrow in the areas of lead time, reliability of equipment, growth factors, and rate structures.

Consumers, too, have a vital stake not only in what happens in these specific categories, but other energy areas as well, and so I can think of no better topic upon which to base my remarks than how the future of energy may affect the consumer. This issue should be of equal importance to utility management.

As Tofler has indicated in his stimulating work, *"Future Shock"* those best able to cope with tomorrow will be those who use the present to live and work in the future.

I know that this audience understands Tofler's point. You and your colleagues are now placing orders and planning generating and transmission facilities that may not be used for another five or six years from now.

But just as you must be concerned with the mechanical act of purchasing goods, you must also be cognizant of the present various philosophical and legal debates which will shape our way of living and hence the manner in which we consume electricity.

Ten years ago, for instance, the sight of smoke pouring out of chimneys was a sign of advancement, once a community could be proud of because the smoke was a symbol of industrial progress. Today, that same sight might have an exact opposite effect on a viewer because the smoke could contain an unacceptable amount of sulfur dioxide.

In short, ten years ago the environment and ecology were not national issues; now they are, and all purchasing decisions must be made with these two key factors uppermost in mind.

Let us then examine some of the interrelated issues concerning the power supplier and the power user.

Perhaps the first question which should be examined both for the short and long term is the adequacy of supply.

In his book, "Energy of the Future" P. C. Putnam says that from the time man was able to kindle his first campfire to 1850, he used 10 Q of fuel, Q being defined as 10 to 18th power BTU, or the equivalent of about 38 million tons of coal.

Between 1850 and 1950, man used 4 Q, Putnam states. But, based on accelerated use of fossils fuels, man will want 100 Q between 1950 and 2050, but only 27 Q of fossil fuel are left, he believes.

Tofler notes the fantastic surge in energy consumption in this century, and, quoting from studies undertaken by Dr. Homi Bhadha, the late Indian atomic scientist, sees a continual acceleration in the use of energy.

The problem of future energy supply was examined by the Wall Street Journal in an article entitled "Will the Earth Reach an Energy Ceiling?" written by John G. Welles, head of the Industrial Economics Division of the University of Denver Research Institute.

Welles poses the following question: "Will the United States have to limit the level of its production and use of its energy at some future date? The answer is surrounded by many unknowns, but the question should be the object of more attention than it is receiving. Its implications are so far reaching to the future of the nation that, if an investigation shows an energy ceiling may be reached within the next century, it is not too early to begin preparing for it now."

I am well aware that some of these prognostications are disputed. Carl Bagge, the new President of the National Coal Association, states that there are enough known coal recoverable reserves to last the nation another 1,000 years. Too, some of our energy supply concerns may be resolved if some of the current problems in fast breeder technology are solved.

Still, there are at least a few industry men who question the long term impact on fuel reserves if increasingly higher rates of growth continue. It is quite obvious that our fossil fuel reserves are of a finite and not infinite character.

And though there may be honest arguments about the long term supply of energy resources, there can be no question about the present, somewhat precarious, state of energy supply.

This audience, I am sure, is well aware of some of the recent brownouts and blackouts which have occurred. While for the most part they have been relegated to the New York area, the New England states, and the P-J-M System, the Federal Power Commission just a few weeks ago in a preliminary report warned the nation that some areas of the country may experience power supply shortages this coming summer as a result of inadequate installed capacity to meet summer loads. In fact, only one region in the United States, the west, had what the Federal Power Commission considered to be an adequate reserve margin of 20 percent or more.

Along with the problem of a tight power supply facing both residential and corporate consumers is the problem of rates. On the first of this month, the FPC announced that between June 2 and December 31, 1970, 176 electric utilities in 27 states reported rate increases totaling $362 million.

I believe all of these matters, the question of the present tight supply, the uncertainty of long term fuel reserves, and rising rate costs, pose many questions to consumers and the utility industry. In recent years, an increasing number of questions have been raised regarding the concentration of fuel supplies which has taken place through the acquisition of coal companies by gas-oil companies.

Perhaps the first question should be whether utilities should continue to follow policies which have the effect of promoting greater uses of electricity.

I am well aware that a number of utilities have not only discontinued advertising which promotes greater use of fuel, but have actually advised consumers how to conserve energy. I believe these steps are in the right direction.

As you will recall, last November, I issued a statement which informed consumers how they could conserve energy. The National Bureau of Standards and my office followed up that release with a booklet called "7 Ways to Reduce Fuel Consumption in Household Heating . . . through energy conservation", which elaborated on my earlier suggestions. Owens-Corning Fiberglas Corporation reprinted 20,000 copies of our "7 Ways" booklet in its own campaign to urge fuel conservation.

Nonetheless, according to the FPC, privately-owned electric utilities in 1969 spent $304.8 million for advertising and promotional activities, and another $18.9 million for institutional ads. If 1970 figures are anywhere near that sum, then I think we may question whether too much is still being spent on promoting new energy uses.

The large expenditures for advertising raise other problems. What would the effect be on consumer rates if these advertising expenditures were diverted to research which has the potential of cutting operational costs by developing new generating and transmission techniques?

I am well aware of the argument that utilities must promote the use of facilities during off-season loads for more economical use of equipment. But is promotion the sole answer to more efficient uses of energy equipment? Is promotion adding to higher peak loads?

According to a statement made in December of 1969 by E. O. George, President of the Detroit Edison Company, and Chairman of the Edison Electric Institute's Research Division Executive Committee, the EEI is supporting research and development projects of close to $48 million. And, as you know, EEI members serve over 97 percent of all electric customers served by privately-owned utilities.

In other words, for the 1969 period, advertising and promotional expenditures of $323.7 million spent by privately-owned utilities were almost seven times as much as spent for R&D by EEI. Published FTC figures show that about ¼ of one per cent of total gross revenues of privately-owned utilities have been used for research. In essence, paltry sums are being allocated to an area which would pay handsome dividends if sufficient financing were instigated.

As but one example, experts at the Federal Power Commission have estimated that the best fossil fuel generators achieve about 39 percent of efficiency, while the average efficiency rate is about 32.5 percent. In other words, in the conversion from fossil fuel to electricity anywhere from 60 to 67 percent of the fuel's potential is lost. Though some experts believe we have reached the peak in the efficiency of present generating systems, a number of advanced forms of generation hold out the promise of improved fuel efficiency.

The question is whether the utility industry is going to commit more research, development and demonstration funds into this area so that we may adequately preserve our precious fuels and use them more efficiently in the future. Can the utility industry afford the luxury of depending upon generating manufacturers to develop methods of generation which may not be in the manufacturer's best interests? Can in fact manufacturers afford the necessary research and development?

Adequate research can help in other areas also. Bruce Mansfield, President of the EEI and President of Ohio Edison, has said that poor quality workmanship and late equipment deliveries are two of several major obstacles to getting major generating units in operation on time.

Indeed, during the extensive brownouts and load shedding which occurred last September in the eastern part of the United States, there were eight generating plants with a total of five million kilowatts which were not available for use because of malfunctioning equipment. Indeed the problem of reliability of new generating equipment is so serious that four utilities and over nine insurance companies are suing one of the two major domestic manufacturers of generating equipment for the basic reason that generating equipment allegedly did not work the way the utilities expected it to work.

It would appear again that an increase in funds allocated toward research and development for better quality control and manufacturing procedures might resolve a number of problems of both the consumer who is not getting electricity and the corporate consumer who is unable to produce it.

The question is whether the utilities will continue to rely mainly on the two main domestic manufacturers for research into these two key areas or will the utilities attempt to support more research by themselves. Are electric utilities going to continue to spend seven times as much to tell people what a great job they are doing than the amount for research which could enable them to do a better job? I know what Thomas Edison's answer would be.

Still on the topic of methods to promote greater usage of electricity, David Freeman, Director of the Energy Policy Staff of the Office of Science and Technology, has suggested a re-examination of promotional rate structures which provide lower cost per kilowatt hour to the heaviest users of electricity.

Mr. Freeman, in a talk before the National Association of Regulatory Commissioners, asked whether in view of the present tight power situation, we should continue to keep our foot on the promotional rate pedal to accelerate more growth.

Mr. Freeman argues persuasively for the consideration of a rate structure which would make volume users bear the brunt of rate increases. He sees this approach as providing a great incentive to conserve energy.

He also takes note of a socio-economic problem which we all should consider. Mr. Freeman says, and I quote:

"The low-income citizen who cannot afford air conditioning, who doesn't have a large house and who uses electricity only for lighting, cooking, and perhaps hot water heating, is not the person responsible for our power shortages. He uses about 250 kwh per month. In fact, the average use per residential customer in most big cities is less than 300 kwh per month. The cash outlays this low-income consumer makes for energy is a significant item in his budget. If rates for electricity increase by 50 percent in the next five years—which I believe is a real possibility—and the increases are added equally to all rate blocks, it could well impose a real hardship on low income consumers. And since their use of electricity is small and for basic necessities, there is little scope for reducing the volume.

"On the other hand, redesigning rates and requiring the larger volume users to absorb the coming rate increases would alleviate the hardship on small consumers and provide real incentives to achieve greater efficiencies. And after all, it is the volume users whose growth is a primary cause of the increased costs for which the increases are needed."

I understand, of course, that what Mr. Freeman is suggesting is very controversial. Employed on a national scale, a system of charging volume users more per unit of electricity would result in a significant change in present rate systems.

True, on a strict cost basis there is reason for higher rates to small volume users. Yet, I believe there is a great deal of merit in Mr. Freeman's suggestion. What does the concept of justice dictate—that all users of electricity bear an equal portion of rate increases or that those mainly responsible for the growth bear the major brunt of rate increases? If a new aluminum plant requires a new generating facility which adds substantially to total generation costs, should all users pay for these increases?

Secondly, should rate increases in the near future rise by 50 percent, as Mr. Freeman suggests, what will happen to those who cannot afford the cost of this basic necessity of life? Are they to go without hot water, without light, without cooking facilities while suburbia glitters? Will the bill collector be pounding on the door? Will another unbearable burden be placed upon inner city residents?

Third, and finally, do present rate structures encourage conservation of energy or do they encourage waste?

Thus far, I have not touched on another controversial problem which concerns us all and has had an effect on power supplies. That, of course, is the concern over environment, the concern over where utility facilities will be constructed, and concern over air and water pollution.

I know that in some areas conflicts between utilities and conservation groups have resulted in lengthy delays for the construction of generating or transmission facilities.

I believe the President's environmental proposals, if enacted by the Congress, will provide us with the means to settle these disputes within a reasonable period of time.

The President has recommended legislation which provides that each state or region may establish a decision-making body which will review alternatives to assure that optimum sites for power plants and large transmission lines are selected, and will assure, prior to construction, that adequate environmental protection features will be employed. The bill also requires open long-range planning.

The legislation would require that proposed power plant sites and general locations of transmission line routes be disclosed at least five years prior to construction and that public hearings on the plant sites be held at that time. Detailed applications for construction of power plants and transmission lines must be filed at least two years in advance and a public hearing held in which all interested persons can participate.

In short, the bill would provide the public with an early voice in the planning process, but it would also allow facilities to be built at approved locations and with proper safeguards.

The President has also recommended legislative proposals to cope with the problem of sulfur oxides which, according to the Council on Environmental Quality, are responsible for one half of the total damages from air pollution. At present, power plants account for 20 million tons of the sulfur oxides or 55 percent of the nation's total.

If uncontrolled, sulfur oxides emissions will almost quadruple, to about 126 million tons by the year 2000, with power generation accounting for an increasing percentage of the emissions.

The President has recommended that an emission charge be placed on sulfur emissions, and that the funds generated by this charge be used by the Federal government to develop the technology to reduce such emission and develop clean energy supplies.

I hope that you will support these proposals and that you give consideration to these other matters which I have discussed with you today.

I started out my talk by noting that this audience has a vital stake in the future of energy. So do consumers.

We must examine present systems of operation to determine whether they are responsive of tomorrow's needs. If they are not, then we must change them, for systems exist to serve men; man does not exist to serve institutions.

THE GENEVA PROTOCOL

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 30, 1971

Mr. GRAVEL. Mr. President, on March 4, the Federation of American Scientists released a statement calling the proposed administration "understandings" on chemical weapons to the Geneva protocol "Highly questionable legally, absurd politically, repugnant morally, and foolish strategically." Their statement, approved by the FAS Executive Committee, and by its Committee on Chemical and Biological Weapons, chaired by Dr. John T. Edsall, professor of biochemistry at Harvard, made a persuasive case for all four of those charges—I ask unanimous consent that it be printed in the RECORD so that Senators can judge for themselves.

The statement argued that the war is the explanation for these "understandings." It advised the Senate to "wait a few more years for the war to end—rather—than to risk unraveling the carefully built attitudes of mankind that are embodied in the protocol prohibition of chemical and biological warfare."

Indeed, concerning the controversy over the legitimacy of the understandings, I do not see how the Foreign Relations Committee could be persuaded to report out a treaty whose meaning would be unclear to the Senate that was supposed to ratify it. But I do not believe that the treaty should disappear for another 46 years. Instead, during any period of delay in its ratification, continuing steps should be taken by the executive branch to ascertain the opinion of the cosignatories to our understandings, and/or to ascertain the opinion of the World Court. This will provide, in good time, a record upon which Senators will be able to determine whether they can or cannot support these "understandings."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

GENEVA PROTOCOL: BETTER TO DEFER IT'S RATIFICATION, IF NECESSARY, THAN TO APPROVE ADMINISTRATION "UNDERSTANDINGS"

We applaud the wise initiative of the President in totally renouncing biological weapons and in sending the Geneva Protocol to the Senate for advice and consent. The Administration advocates the ratification of this treaty which we also support. But in sending the Protocol to the Senate, the Administration has expressed its understanding that the treaty does not prohibit the use in war of irritant chemicals, such as tear gas, and anti-plant chemicals, known also as herbicides. There is no reason to believe that such an understanding would have been adopted by the Administration were the United States not using these chemicals in Vietnam. As an understanding, this point of view is highly questionable legally, absurd politically, repugnant morally, and foolish strategically. We urge the Senate to ratify the Protocol only if the Administration will cease to use irritant and anti-plant chemicals in war, and will abandon these two reservations.

How questionable the Administration interpretation is legally is seen in history. Gas warfare began in World War I with French, German, and Russian use of irritant gases: tear gas, nausea gas, and the blistering mustard gas. It was to prevent a repetition of just this sort of thing that led to the relevant provisions of the 1919 Treaty of Versailles; of the 1922 Washington Treaty on Submarines and Noxious Gases; and of the Geneva Protocol itself. There is no positive evidence whatsoever that a majority or significant minority of the signatories of any of these treaties meant to permit, in war, tear gases, or nausea gases, or *any* other irritant gases. No one doubts that these provisions prohibit, for example, the non-lethal mustard gas.

While tear gases were not mentioned in these treaties except as "other gases" no Nation on the League of Nations Preparatory Commission except the United States expressed any doubts that they were covered. Ten of these sixteen states explicitly agreed that they were. And all parties to World War II *acted* as if they were, indeed, covered.

We can also argue that, when the Protocol was drafted, the herbicides in use, mainly arsenic compounds, were considered to be dangerous to animal life as well, and hence were meant to be covered by the treaty under the phrase "analogous liquids". In any case, although little attention was directed to them at the time, there can be little doubt that they violate the spirit of the Geneva Protocol's general effort to ban chemical and biological warfare. And there is no doubt that the vast majority of the international community prefer this interpretation, as reflected in a December 16, 1969 U.N. resolution adopted 80 to 3 with 36 abstentions. Only Australia and Portugal agreed with us. No other state has ever ratified the Geneva Protocol with a reservation on chemical weapons of any kind.

In the face of these world-wide attitudes, it would be politically absurd to take an understanding that could not, and would not, be supported by other nations or international bodies. Any nation, or the U.N. General Assembly, could take this matter to the World Court where we would likely find our understanding disavowed. Would we like to have our uses of chemicals in Vietnam debated publicly and skeptically in an International Court?

The Executive Branch understandings are morally repugnant because they are simply efforts to justify use of offensive chemical warfare in Vietnam. The *six million* pounds we used in 1969, of CS—a tear and nausea producing gas—were not necessary to separate civilians and enemy forces; these are not often found together in combat situations. Since its introduction CS has been used instead in a wide variety of offensive military operations: assault against point and area targets, flushing of caves and structures, use in conjunction with antipersonnel artillery and air strikes, suppression of small arms fire around helicopter landing zones, and so on. Most of these uses are simply adjuncts to offensive weapons in which, for example, the CS flushes out enemy forces which are then shot or killed with fragmentation grenades, air strikes, etc. *This is neither more nor less than the lethal use of non-lethal gas.*

Like tear gas, herbicides could be used for innocuous purposes: defoliation of friendly base perimeters, or ambush sites. But, in fact, most of the herbicides have been used in what has been called "ecocide." Half of Vietnam's Mangrove forests have been destroyed, a sizable fraction of its merchantable hardwood forests have been severely damaged, and crop destruction has covered land capable of feeding approximately 600,000 people per year. This has taken place in food scarce areas where it cannot be assured that crops destroyed are "intended solely for consumption by the (enemy) armed forces" as required by U.S. Army Doctrine. In such areas, it is women, especially child-bearing women, and children who suffer most from crop shortages—not the able-bodied soldiers that can supply themselves, commandeer food, or leave the area. Indiscriminate destruction of crops has figured in Nuremberg war-crimes trials. Why should it be protected by a U.S. understanding of the Geneva Protocol?

Finally, it would be foolish and short-sighted strategically for the strongest nation in the world to encourage a kind of warfare that lends itself to poorer nations. If CS and herbicides had never been invented, the course of the war in Vietnam would not have been seriously affected. Neither weapon is of more than marginal value in the general context of the war and of the enemy's ability to cope with our chemical tactics. But if the use of chemicals in Vietnam should lead to a breakdown in international attitudes toward chemical warfare, who knows what future lethal chemicals might be used against America or its forces. General Pershing noted in 1922 that the Washington Treaty should prohibit *all* gases because of the difficulty of enforcing partial bans; he is still right today.

The Federation condemns the use of chemical warfare in Vietnam. But over and above that it would be senseless for the American Government to adopt "understandings" that protect these uses simply because the Protocol is being sent to the Senate during the Vietnamese War. We have waited more than 40 years to ratify this treaty. It should be ratified without exceptions. If necessary, it would be better to wait a few more years for the war to end than to risk unravelling the carefully built attitudes of mankind that are embodied in the Protocol prohibition of chemical and biological warfare.

MAJORITY LEADER, HALE BOGGS, SPEAKS ON THE PROBLEM OF FINANCING THE GOVERNMENT

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. FLOOD. Mr. Speaker, on St. Patrick's Day, the distinguished majority leader paid a visit to Wilkes Barre, Pa. In an address that evening, he had some perceptive things to say about government and the problem of financing it. Mr. BOGGS' address resulted in two editorials on WBRE–TV. I am inserting these editorials in the CONGRESSIONAL RECORD and calling them to the attention of my colleagues:

REAL FEDERAL SHARING

MARCH 18, 1971.

When he visited Wilkes Barre this week, Congressman Hale Boggs of Louisiana offered to save Pennsylvania alone nearly 8-million dollars. The Majority Leader of the United States House of Representatives announced he had introduced legislation Wednesday which would enable the federal Internal Revenue Service to collect state and local income taxes on behalf of those governments.

Congressman Boggs said the IRS, which collects the federal income tax, could collect state and local income taxes cheaper and more effectively than can state and local agencies. He said the collection cost for the IRS is the lowest of any agency in the world—four thousandths of one percent. Further, he said its effectiveness is such that by comparison, state and local governments miss collect 2-billion dollars a year. The IRS could collect these state and local taxes, according to him, merely by adding several lines to the present federal income tax reporting form.

The Majority Leader's comments are especially significant in view of last weekend's announcement by the Pennsylvania Department of Revenue. Secretary Kane said the Department was creating a new bureau to collect Pennsylvania's income tax—a bureau of 1-thousand political patronage workers costing about 8-million dollars to operate in the first year. Applying the figures of Congressman Boggs, the IRS could do that job alone for about 32-thousand dollars. The savings to Pennsylvania would be about 7-million, 970-thousand dollars and a whole bureau of patronage.

Congressman Boggs revealed his move as an example of the kinds of federal programs he proposes as alternatives to the President's revenue-sharing plan. We think Congressman Boggs performed a great service to the people of this State. Anything which produces this kind of economy in government is federal sharing that makes sense.

New Federalism

March 16, 1971.

Several weeks ago it was estimated that collection of the state income tax would require an additional 200 employees in the Department of Revenue and cost about 2-million dollars a year. That forecast vanished over the weekend when Secretary Kane announced creation of a new Bureau with 1-thousand political patronage workers and an estimated cost in the first year of 8-million dollars.

We propose instead that it is both possible and highly logical to have the state income tax and even the local wage taxes collected by the federal Internal Revenue Service. The IRS already deals with all of the basic information, computing and reporting required for collection of these taxes. It has the personnel and experience necessary for the job, and with only modest additions could perform this function for State and local governments. The local governments could save much of what now is paid private collection agencies, and the State government would be relieved of the certain cost of an expanded bureaucracy.

We realize such a move would be an innovation. Not one, to our knowledge, of the 43 states imposing the income tax use the federal service. All have their own bureaus. The politics of patronage is deeply ingrained, but it also is extraordinarily expensive. We think the taxpayer cannot afford the luxury of patronage of government surrendered to finance political organizations.

We submit that a new federalism which would effect true economy ought to begin with a sharing, not of revenue but of intergovernmental services, and that this kind of expanded function by the Internal Revenue Service is the place to start.

A MINNESOTA BUSINESSMAN'S CONCERN FOR OUR ENVIRONMENT

HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 30, 1971

Mr. HUMPHREY. Mr. President, as the present Congress focuses attention on the sources of environmental pollution, it is instructive for us to take note of important statements and actions by concerned representatives of American industry. In this regard, I bring to the attention of Senators selections from a recent address by Mr. George Barrie, president of Faberge, Inc., cosmetic and fragrance manufacturers, whose main plant is located in St. Paul, Minn. Pollution control operations are an integral part of this modern, highly mechanized facility, and Mr. Barrie himself has long been active in promoting environmental protection programs.

In remarks to executives of the company's facilities located in seven States, Mr. Barrie stated that "the cosmetic industry has a great stake in the environmental protection movement in our country." He noted the early efforts of ecologists over a decade ago, before "environment" became a popular issue, to warn the American people of the progressive destruction of the beauty and life-sustaining resources of this great land. And it was with commendable insight that he pinpointed movements within our society which can turn the appeals of a few into the cry of many. For example, he saw in the "Flower Children" the sounding of "a muffled bell—for environmental protection by advocating their posture as nature's children. What started as antiwar attitudes has given way to cries for clean air and serious endorsements for ecological concern and protection."

He concluded, however, that the essential action to improve our environment can only succeed through a concerted effort by the people of our Nation:

> If two hundred million Americans would begin to police themselves and the areas they inhabit, a major stride will be made towards the quality of life we all so ardently desire. Gone would be the soft drink and beer cans from our streets and woodlands, the crumpled newspapers, the overflowing trash and garbage cans, abandoned automobiles, and the assorted eco-pornography that bruise the senses of all thinking people.

I believe industrialists like George Barrie speak well for America in demanding the exercise of self-responsibility for meeting the crisis of our environment. He stated:

> At Faberge, we are deeply concerned with youth for they are tomorrow's electorate in addition to being our potential customers. Whatever they have inherited in our cities and the suburbs and farmlands, forests, waterways . . . we have bequeathed to them. Let it not be said that we gave them a permanently spoiled environment. . . . More than good business, for all forms of industry, it is responsible citizenship that initiates pride in the American environment. Faberge will continue to support the efforts of . . . all the nation's governmental leaders in this single greatest challenge to our life, liberty, and pursuit of happiness.

Mr. President, I am greatly impressed by this statement of personal and corporate commitment. It offers a solid foundation for hope that the beauty and richness of our natural resources in Minnesota and the entire United States of America can be preserved for future generations.

MAKING JOB SAFETY A REALITY

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. DANIELS of New Jersey. Mr. Speaker, April 28 is a day that will realize the intensive efforts of Congress, the labor movement, and responsible business leaders to provide a safe and healthful working environment for 53 million American workers. On that day, the Occupational Safety and Health Act passed in the 91st Congress, will become effective.

In order to prepare for fullest implementation of the provisions of the act, labor unions have already begun informing their local members on their duties and rights under the new law.

Following is the text of a February 24 radio interview with George Taylor, an economist with the AFL–CIO who discussed the law's implications:

Labor News Conference

Unions are gearing up to use the federal job-safety law enacted last year "intelligently and vigorously" to safeguard the lives, limbs and health of workers, an AFL–CIO safety expert declared today in a network radio interview.

George Taylor, executive secretary of the AFL–CIO Standing Committee on Safety and Occupational Health, urged the Nixon Administration to show "more tangible evidence of firm intent . . . to take this program forward in high gear" than they have since it was signed into law last December. Taylor stressed that the effective date of the new law is only two months off, but key officials and panels responsible for shaping health and safety standards and enforcing them still haven't been named.

"The Administration is weighing this program . . . against the internal budgetary decisions" they have already made for other programs, he said. He added that "on the basis of our examination of the budget and our knowledge of what's needed . . . the authorization received by the Department of Labor is not enough" to establish and sustain the kind of program that is needed.

Questioned by reporters on Labor News Conference, a network radio interview produced by the AFL–CIO and broadcast Tuesday at 9:35 p.m. (EST), on the Mutual Broadcasting System, Taylor turned aside the suggestion that the Labor Department "will be flooded with complaints" from workers of in-plant violations of the law "that will swamp the whole operation." Such worry, he said, is based on the invalid assumption that "our people are going to act irresponsibly."

He said the labor movement recognizes and accepts its responsibility to help workers and in-plant safety committees understand the law so that they "can use it on a day-to-day basis in the plant."

The Occupational Health and Safety Act "is going to be made or broken at the plant level," Taylor declared. If workers, employers and government carry out their respective responsibilities under the Act, there is no need to fear it will bog down, he said.

Reporters questioning Taylor on Labor News Conference were Sam Sharkey, labor specialist for the Newhouse Newspapers, and Robert Barr, congressional correspondent for the Fairchild Publications.

Implementing Job Safety

(Guest: George Taylor, an economist in the AFL-CIO's Department of Research and executive secretary of the AFL-CIO Standing Committee on Safety and Occupational Health.)

(Reporters: Sam Sharkey, labor specialist for the Newhouse Newspapers, Robert Barr, congressional correspondent for the Fairchild Publications.)

(Moderator: Frank Harden.)

Mutual Announcer. The following time is presented as a public service by this station and the Mutual Broadcasting System.

Harden. LABOR NEWS CONFERENCE. Welcome to another edition of LABOR NEWS CONFERENCE, a public affairs program brought to you by the AFL-CIO. LABOR NEWS CONFERENCE brings together leading AFL-CIO representatives and ranking members of the press. Today's guest is George Taylor, an economist in the AFL-CIO's Department of Research and executive secretary of the AFL-CIO Standing Committee on Safety and Occupational Health.

Shortly before Congress adjourned last year, a long-sought federal job health and safety law was approved and signed by the President. Here to question Mr. Taylor about the Occupational Health and Safety Act of 1970, the protections against job-related injuries and deaths it provides and how they will be implemented, are Sam Sharkey, labor specialist for the Newhouse Newspapers, and Robert Barr, congressional correspondent for the Fairchild Publications. Your moderator, Frank Harden.

And now, Mr. Sharkey, I believe you have the first question?

SHARKEY. Mr. Taylor, you recently won a landmark bill on Occupational Health and Safety. A two part question: What's in it, specifically, and what are your objections to it—why are you dissatisfied with parts of it?

TAYLOR. Well, the bill provides for a federal-state program to protect the health and safety of workers in about 4 million workplaces in the country—a total of some 55 to 60 million workers.

The Secretary of Labor will be responsible for developing and promulgating occupational health and safety standards and enforcing them.

Various training programs will also be his responsibility.

State relationships will be his responsibility.

The responsibility of the Secretary of Health, Education and Welfare, by way of the newly-created Institute for Occupational Health, will be for various types of research, labelling hazardous materials, monitoring hazardous substances in plants, and developing the basis on which occupational health standards can be promulgated by the Secretary.

In answer to the second part of your question, I would say that we are generally satisfied with the bill. It provides for the first time, a very sizeable list of protections and rights for the worker which no occupational safety and health legislation ever conceived before in this country has contained. We are very happy about this, and we intend to use it intelligently and vigorously.

On the other hand, we will just have to adopt a wait-and-see attitude on some of the provisions of the bill. As the program opens up and develops, there may be need for amendments.

On the other hand, it may be that the amendments will not be significant.

We don't know yet.

BARR. Mr. Taylor, you said you've got a landmark bill here. Well, the President signed this into law last December 29; it is supposed to become effective April 28; but so far, we have no action by the White House. An Assistant Secretary of Labor is to be named. A commission is to be named. There is some money in the budget. But, are you satisfied that they are proceeding fast enough?

TAYLOR. No, we're never satisfied on that.

We feel that this Administration is weighing this program as well as other programs, against the internal budgetary decisions they have made, in terms of their overall programs. We believe that as a result, the budget authorization, which has been received by the Department of Labor to carry out this bill, is not enough, on the basis of our examination of the budget and our knowledge of what's needed in the program.

With respect to the appointments of the various officials who will operate this program, they are moving slowly. We still don't have an Assistant Secretary for Occupational Safety and Health.

We don't have the three-man enforcement panel.

We don't have the National Advisory Committee on Occupational Safety and Health.

The Secretary of HEW has not named the director of the Institute, nor the assistant director.

A hundred and twenty days can pass very rapidly. We hope to see more tangible evidence firm intent by the Administration, to take this program forward in high gear, than we have seen so far.

SHARKEY. Well, Mr. Taylor, you said that you think that part of this delay is budgetary or financial. Do you have any reason to believe that they are deliberately delaying this program for political reasons?

TAYLOR. We have no reason to assume that there is any conspiracy in this.

We only assume that we have access to the Secretary—business management has better access to the Secretary. All during the course of the legislative history, it was made plain to us, by the Secretary, that in choosing a position between organized labor and its desire for a strong bill, and business and its desire for a weaker bill. Secretary Hodgson made his choice, up until the last minute.

So, we feel that if we can go in and see Secretary Hodgson about our problems in connection with the bill, business management has already been in there.

SHARKEY. Mr. Taylor among the elements of the bill is a new provision for in-plant inspection at the request of workers. How is this really going to operate? The Labor Department, as I understand it, is quite worried that they will be flooded with complaints that will swamp the whole operation.

TAYLOR. Well, Mr. Sharkey, I don't believe that this is a real fear.

As you pointed out, the bill does provide that workers have the right to ask for a special inspection, if they feel that something is wrong in the plant, either from the standpoint of an occupational safety hazard or a health hazard, and to write the Secretary, setting forth the specifics of their request. The Secretary may, as soon as practicable, send an inspector in.

Now, I think the worry of the Secretary and the Administration is not real, but assumes that our people are going to act irresponsibly.

Now, of course, it is our responsibility to help everybody who works on safety committees in plants to be able to send in a proper letter, setting forth, not fancied, but real situations about which they believe, on the basis of their ability to diagnose them, something should be done by way of inspection.

If we carry out our respective responsibilities here, they don't have a thing to worry about.

SHARKEY. Have you done anything in that line so far? Are you sending out guidelines?

TAYLOR. We are in the process of doing that right now.

We want to get everything possible out to the workers before this bill becomes effective, so that they will be able to use their rights and responsibilities intelligently and responsibly.

SHARKEY. A related question, Mr. Taylor; in that respect, the workers who filed the complaints—won't they be subject to repression by management for kicking up dust?

TAYLOR. It's quite possible, Mr. Sharkey, that this might happen, although there is a provision—a non-discrimination provision—in the bill, whereby if this does happen, a worker can take the matter up with the Secretary, have a hearing and if the record shows that discrimination actually occurred, he can be reinstated to his job—he won't lose any seniority, and he also can get some monetary damages.

BARR. On that same point, Mr. Taylor, isn't is true that the law allows a worker to complain on a confidential basis—that they'll keep his name a secret, if he files a complaint?

TAYLOR. That is true, Mr. Barr—that's in the Act.

BARR. On another matter, the law allows Mr. Hodgson, as Secretary of Labor to begin this program with what people call "industry concensus standards." Could you explain what an "industry concensus standard" is?

TAYLOR. Well, the term in the bill is "national concensus standard," Mr. Barr.

These are standards, privately produced by organizations that for the most part, represent business management. The principal private concensus standard producing organization is the American National Standards Institute.

However, I might add that organized labor is quite well represented on the various committees that comprise this board that work on particular standards.

The main problem in the concensus standard is concensus itself.

In order to get agreement that a standard should be adopted by this group, generally speaking, you have to compromise. Sometimes, a compromise results in a weaker standard than what is needed.

However, you have to start with something, and in this country, the standard-producing organizations have been chiefly private in this field. There are a large number of standards, which are perfectly okay, that the Secretary has incorporated into the Walsh-Healey Act. Most of them are ANSI standards—American National Standards Institute standards.

Several hundred are what are known as "threshold value limitations standards," which are for dust, fumes, noise, gasses and chemicals of various types. These are produced by the American Association of Industrial Hygienists.

When this Act comes into effect on the 28th of April the Secretary is obliged, for a period of two years to take such standards as these—either the concensus standard or the federal standard that is now in operation—and make them interim standards. At the end of the two year period, another section of the bill takes over and the Secretary may either appoint an advisory committee to develop the standard or modify the standard, or do it himself, or take a recommended standard from the Institute for Occupational Safety and Health from HEW and work that through the standard-making process.

So, I don't think we have to worry, if he administers the bill really well, about the private standards-producing community dominating the standard-production under this law.

SHARKEY. Mr. Taylor, you pointed out that the Administration has lagged in setting up forces to implement this bill. What has organized labor been doing from its side to help its participation?

TAYLOR. We're now in the process of developing materials and organizing meetings whereby everyone—right down to the plant level—will know what this bill is—what it contains—in an understandable way so that they can use it on a day-to-day basis in the plant.

This bill is going to be made or broken at the plant level.

Every one of our workers—particularly those on safety committees—is going to have to know how to operate under this bill.

Some of them—some safety committees we have in unions—are very very sophisticated. Others must be taught. This is going to be a big job.

It's the responsibility of our organization, and we intend to undertake it fully.

SHARKEY. Well, since there has been this rising toll of injuries and deaths in industry, do you think that your message is really getting through to the workers.

TAYLOR. A few years ago, I would have said no; today, I would say yes—during the last two years, particularly.

We were pushing very hard for this bill. The industrial unions, and some of the craft unions, have had so much trouble in their plants, and so many new situations arising—where they know people are getting sick, but they can't pin it down—can't get a causal relationship between the exposure and the sickness.

Concern has been rising. As a result of the debate on this bill in the last year and one-half, as well as the activities of many of our unions in supporting this bill, they've really gotten on it.

Barr. Mr. Taylor, a two part question; during most of the debate on this bill in Congress, the figure 80 million was thrown around—that it could effectively cover 80 million workers. Then the figure changed, and my memory is that about 55 million workers would be covered by this law. Part one, how many workers will it cover, and, in what industry would you expect to see the law used first—construction, railroads, what?

Taylor. Well, Mr. Barr, the figure 80 million, of course, would mean that this bill covered all workers in all industries and would supercede all existing federal laws that already cover certain groups.

However, the bill provides for exemptions from other acts—federal acts that cover groups of workers—like coal miners—the Coal Mine Safety Act is exempted; the Construction Safety Act is exempted; the Metalic and Non-metalic Mine Safety Act coverage is not included in this bill. The Atomic Energy Commission's agreement on radioactive materials regulations is not covered; the Railroad Safety Act is not covered; the Airline Safety Act is not covered.

So, this brings it down to a total, according to the Department of Labor—to the last figure you mentioned—approximately 60 million people in 4 million establishments.

Barr. Well, again this is a federal law, but we already have on the law books, in various states, some work safety laws, which may or may not be adequate. Could you explain how this law will interact with the state laws? Will it pre-empt those states—just how will this work?

Taylor. The law provides that if a state wishes to assume the enforcement responsibility, which otherwise would be federal, that it prepare a plan, which it submits to the Secretary of Labor.

The plan must meet a considerable number of criteria set forth in the bill. The plan must also include adequate budgetary and manpower—trained manpower—provisions—be a law which meets the criteria of the coverage of workers, etc.

After the plan is submitted the state may also ask that no federal inspectors be sent into the state during the time that the Secretary is considering the plan.

The Secretary also is able to give us up to 90 percent grants, to prepare the plan and get the program ready for operation, assuming that he accepts it and approves it.

If the plan is accepted, the Secretary monitors it as far as the operations under the plan he has approved. If he finds a failure to meet what the state plan purportedly was supposed to meet, in order to qualify, he may withdraw it—he has a pull-back authority. If the state is dissatisfied with this withdrawal, it can take the issue to the federal courts, and argue against withdrawal. This is something like the provisions in the Social Security Act, relating to the withdrawal of federal funds.

Sharkey. This is a stiffer law than we've ever had before. The Coal Mine Safety Act has been strengthened. One of the problems they've been having there is a lack of inspectors. Where on earth are we going to get enough inspectors to implement this on a nationwide basis? It seems to me to call for a rather enormous force.

Taylor. My understanding is that the Department of Labor is trying to get about 150 inspectors immediately.

As you probably know, the number of Walsh-Healey inspectors to cover several hundred thousand contractors, with about 29 million workers, totals about 37. And, you can imagine when the last plant would be inspected on that basis.

The problem is two-fold; numbers and skilled inspectors. This program can stand or fall on the quality of inspectors. You have both the problem of getting qualifications set forth in the civil service requirements for this Act, which weigh, appropriately, both experience and education.

Some of our people will be qualified to be inspectors, assuming that they give equivalent weight to experience and education.

Sharkey. By "our people", you mean union members?

Taylor. Yes, union members.

There will probably be a large number of union members who will apply for inspectors jobs. Many of them will have the skills—with a little training—to qualify for the jobs. I expect that many of our union members will apply. My understanding is that these announcements—official job announcements—will be very soon.

Sharkey. Don't you think that the small numbers of inspectors you've cited would lead to considerable disappointment in labor? Hopes are high now. If you spread those guys that thin, it still isn't going to be a very effective job, is it?

Taylor. Mr. Sharkey, President Meany, back as far as 1968, warned all workers not to expect miracles as soon as the bill became effective.

There are too many plants—not enough inspectors. We're going to have to be sort of "unofficial enforcers" of this Act, if we are to use it effectively during the period that the manpower is being built up.

Sharkey. By "unofficial," do you mean working with plant management?

Taylor. Working with plant management, yes—working for workers and using the provisions and rights that are set forth in this law, in a way that will protect the worker, in case he can't get an inspector out there. We're going to have to protect our own workers under the provisions that are sort of a "workers Bill of Rights" in the Act.

Barr. Mr. Taylor, many union contracts now contain provisions involving health and safety matters. Will this new federal safety law mean that such matters no longer have to be part of the collective bargaining process?

Taylor. Not necessarily, I think that the collective bargaining process would be, in effect—a good contract, with good safety and occupational health clauses, and a good union-management safety committee—would be, in effect, almost as good as having an inspector in the plant, if both sides carried out the terms of the bargain.

I think collective bargaining could be a very significant factor in strengthening this law.

Barr. Mr. Taylor, could you give us your uneducated guess on who might be the Assistant Secretary of Labor that will handle this program?

Taylor. Well, we're not privy to the innerworkings of the Nixon Administration. We have no in-put, as far as our own people are concerned.

We would undoubtedly exercise, to the full extent of our ability, a veto over someone we thought, on the basis of their previous record, would not be fit for the job, as we have attempted to do in other instances.

Right now, a large number of names are being discussed.

But the Administration—Secretary Hodgson—speaking for the Administration—has informed us that they expect an appointment very soon.

Sharkey. One final question on the inspectors; when airline hijacking was at its peak, the federal government put through a crash-program to train air marshals. Do you expect anything like that for this law—for implementing this law.

Taylor. We have very strongly urged the Secretary to use the provisions of this law to train our people.

There are provisions for training. We would like to see at least a thousand of our workers go through a good training course, on both safety and on occupational health, and go back to their plants, able to deal effectively—and in a fairly sophisticated manner—with the problems that they have.

Sharkey. Is there enough money in the budget to provide for them?

Taylor. We don't know—yet.

Harden. Thank you, gentlemen. Today's Labor News Conference guest was George Taylor, an economist in the AFL–CIO's Department of Research and executive secretary of the AFL–CIO Standing Committee on Safety and Occupational Health. Representing the press were Robert Barr, congressional correspondent for the Fairchild Publications, and Sam Sharkey, labor specialist for the Newhouse Newspapers. This is your moderator, Frank Harden, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL–CIO, produced in cooperation with the Mutual Broadcasting System.

Mutual Announcer. The preceding program time was presented as a public service by this station and the Mutual Broadcasting System. The opinions expressed are solely those of the participants.

INTERVIEW WITH HALE BOGGS, HOUSE MAJORITY LEADER

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. EILBERG. Mr. Speaker, in the March 22 issue of U.S. News & World Report, there appeared a thought-provoking dialog between the editors and the majority leader, Mr. Boggs.

Mr. Boggs made some telling points about this institution and the role it must play during these times of economic adversity and social stress. I am inserting the article in the Record and calling it to the attention of my colleagues:

Interview With Hale Boggs, House Majority Leader

A top man in the Democratic leadership gives a vigorous reply to charges leveled against Congress. In an interview with this magazine's editors, Mr. Boggs tells how the legislative process really works, what causes some delays:

Q. Mr. Boggs, public-opinion polls indicate that the American people have a rather low image of Congress. How do you account for that?

A. Congress is a great, broad institution. When you shoot at the Congress, it's kind of a scatter shot—you're shooting at 535 members, and that's very easy to do.

I have noted how these "images" change over the years. The 89th Congress is one example. I have hanging in my office 50 pens that President Johnson used to sign such measures as medicare, medicaid, federal aid to education, and so on. That Congress was described by some people as "rubber stamp."

A later Congress, which moved more slowly, was called by some commentators a "do-nothing Congress."

The truth is that Congress has an enormous amount of work to do. It now has to consider each year a budget of at least 225 billion dollars. It has to take a close look at all of the problems of our country both at home and abroad. These tasks require all of our energies.

Q. What do you say in reply to contentions that Congress operates inefficiently?

A. For one thing, too little attention has been given to events that occurred late in the last session of Congress and early in this session.

The 91st Congress, last year, passed a very comprehenive reform bill which is only now beginning to have its impact. Both the Republican conference and the Democratic caucus—at meetings prior to the convening of the 92nd Congress—adopted rules that should greatly expedite our work.

One of the problems that we have had—and I don't say this in any critical fashion—is that we in the House pass appropriation bills and then the Senate doesn't act on them until late in the session. We hope to have all this year's appropriation bills out by the end of June.

Q. Then you don't agree with charges that Congress is just not able, under the present system, to deal adequately with the nation's problems—

A. No, I certainly don't agree with that.

Of course, when you look at Congress today compared with earlier years, the job is so much more demanding. Ten years ago, we didn't have to worry about an argument over the SST, for instance. Twenty years ago, no one thought that environment would be one of the great issues confronting Congress. Twenty years ago, no one dreamed of a space program, or of intercontinental ballistic missiles and nuclear submarines and spaceships.

In times past, no one dreamed of cities absolutely jampacked full of people who had migrated from other parts of the country without any skills or training or education. No one dreamed of the millions and millions of automobiles jamming and packing the streets of every community in the country. No one dreamed of the decline of railroads and the rise of aviation.

These are all problems we are confronted with now. They are difficult problems. There are no easy solutions. And Congress works on these things all day long—every day.

If you could sit in some of the closed sessions of committees and see how these members are working and seeking information, your respect for Congress would increase considerably.

Q. Does this heavy work load mean that members can't digest it all—and that there is increasing reliance on experts in various fields who are called in to help them digest the great mass of legislation?

A. The answer is both yes and no. The average member of Congress must, by the nature of the problems, become a specialist in some areas. In these areas—take defense appropriations as an example—an enormous amount of knowledge is developed from year to year.

But of course there are many subjects in which we must depend upon experts on the congressional staffs, or from outside. As an example, the House will soon debate the SST. Here we must rely on experts to help us reach our conclusions.

Q. What is being done to simplify some of the extremely complicated aspects of your work load?

A. In the Reform Act, we have provided for much better staff work. We have also provided for the first time—and I think this is quite significant—for computer companies to come in and make a complete study of the legislative processes. They are doing that now. Where the computers can help us we propose to employ them.

Q. Would computers help in dealing with the budget?

A. That's a case where the computers can be of enormous help to us.

DELAYS IN WHITE HOUSE PROPOSALS

Q. There has been criticism from some lawmakers in the last few years that the White House delays too long in sending up its legislative proposals. Is that still true?

A. I'll tell you, its worse than you have described. They not only have not sent up their proposals, but oftentimes they don't know where they stand themselves. A presidential message comes up as a kind of essay. But then it seems to take forever for the concrete legislative recommendations to arrive.

Q. Mr. Boggs, do you think it's good or bad for the country to have divided Government—in this case a Republican White House and a Democratic-controlled Congress?

A. It has been demonstrated that our Government functions quite well when so divided.

Some people confuse our system with the British system—the parliamentary system. A divided Government is impossible in England because, unless the Government party controls the Parliament, the Government falls. Moreover, ministers in the Government of Great Britain must also be Members of Parliament.

But here we have three coequal branches of Government. A Congress controlled by a different party from the White House functioned quite well when Harry Truman was President—the Republicans controlled the Congress.

In President Eisenhower's Administrations there were only two years when the Republicans were in control of Congress. And Mr. Nixon, of course, has not had a Republican Congress at all.

Q. Does this division sometimes lead to stalemate and bottling of legislation?

A. That may be true in certain legislative proposals. But some people have become so accustomed to the idea that the Administration is the innovative force in legislation that they forget that Congress has that power. In this Congress, I think you will see a great many constructive measures—and they will be measures produced by the Congress.

Q. What are some of those measures?

A. To give you some examples—the comprehensive manpower-retraining program, a broadened public-works program, a comprehensive Social Security bill, welfare reform, consumer-protection legislation, legislation to aid the hardcore cities. These are all in the immediate offing, plus, of course, all the measures that have to be reauthorized, plus the appropriations.

Q. What are some of the areas of conflict with the Administration?

A. The no-strings-attached revenue-sharing plan is a Nixon proposal that the Democratic leadership opposes. We have alternative programs. Some of them being considered are welfare reform, an urban bank for long-term, low-interest loans and direct grants to the hard-core cities. Urban mass transit—reduced by almost 100 million dollars in the Nixon budget—is another point of conflict. The Administration's proposed reductions in such fields as elementary and secondary education, the model-cities program, public Housing and environmental assistance to both urban and rural areas—all of these are bound to be matters of conflict.

Q. Going back to the question of divided Government: Does Congress operate more effectively when the same party holds power in both the legislative and executive branches?

A. I would say that where the White House and the Congress are in the same hands, obviously there is closer liaison—obviously the executive branch under those circumstances has closer contact with the congressional leadership.

But, when you look at the record, President Eisenhower didn't have much trouble with the Democratic leaders of Congress—Lyndon Johnson in the Senate and Sam Rayburn in the House.

As for our present leadership in Congress: I remember some years ago when the Republicans talked about being the "loyal opposition." Well, I don't envisage my function as being the loyal opposition. My function is to move the legislative programs ahead, to co-operate with the President, to disagree with him when I think he's wrong.

Opposition for opposition's sake is obstructionism, and we are not obstructionists.

However, to answer the question about effectiveness, I would say yes, Congress is more effective when the same party is in control of both the White House and the Congress.

SOME PRESIDENTIAL "MISTAKES"

Q. What are some of the difficulties in the President's relations with Congress?

A. I think the President made a mistake when he went around the country last year making very partisan speeches against some members of Congress. And I think that when he issued statements in November about how terrible Congress was, he made a mistake.

Apparently he has changed direction. He is saying nice things about Congress now.

Q. What effect is the 1972 presidential election going to have on legislation this year?

A. I think the main impact is that the Democratic leadership will continue to put forward alternative programs.

Q. Has there been a gradual tendency to shift more and more power from Congress to the President?

A. I must answer in two parts—domestically and in foreign affairs.

In my judgment, Congress today, particularly in domestic matters, is stronger than it has been at any time since I have been here—almost 30 years. In the 91st Congress, the significant bills bore the stamp of Congress—they were congressionally initiated.

In the field of foreign affairs, the President's power obviously has increased, because he is the only man who has the power to push the button to incinerate the earth. And, of course, that is the ultimate power.

But in day-to-day operations, the influence of the House has grown enormously even in foreign affairs. The House Ways and Means Committee has tremendous power because of its constitutional mandate to originate tax measures. The Senate Foreign Relations Committee, which must approve so many actions in foreign policy, performs an equally powerful function.

So my answer to your question is:

In the domestic area, Congress is stronger than it has ever been. In foreign relations, of course, the President has enormous power, but the influence of the House has grown.

FEDERAL CIVILIAN EMPLOYMENT, FEBRUARY 1971

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. MAHON. Mr. Speaker, I include a release highlighting the February 1971 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, FEBRUARY 1971

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of February was 2,871,774 as compared with 2,867,250 in the preceding month of January. This was a net increase of 4,524.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of February totaled 2,834,073. This was a net increase of 4,436 as compared with employment reported in the preceding month of January. Employment by months in fiscal 1971, which began July 1, 1970, follows:

Month	Executive branch	Increase	Decrease
July 1970	2,942,517		−1,595
August	2,901,856		−40,661
September	2,851,875		−49,981
October	2,838,664		−13,211
November	2,843,411	+4,747	
December	2,838,320		−5,091
January 1971	2,829,637		−8,683
February	2,834,073	+4,436	

Total employment in civilian agencies of the Executive Branch for the month of February was 1,687,193, an increase of 7,379 as compared with the January total of 1,679,814. Total civilian employment in the military agencies in February was 1,146,880, as decrease of 2,943 as compared with 1,149,823 in January.

The civilian agency of the Executive Branch reporting the largest increase during February was Treasury Department with 6,694. This increase was largely seasonal.

In the Department of Defense the largest decreases in civilian employment were reported by the Army with 1,332 and Navy with 1,240.

Total Executive Branch employment inside the United States in February was 2,628,597, an increase of 6,347 as compared with January. Total employment outside the United States in February was 205,476, a decrease of 1,911 as compared with January.

The total of 2,834,073 civilian employees of the Executive Branch reported for the month of February 1971 includes 2,520,889 full time employees in permanent positions. This represents a decrease of 151 in such employment from the preceding month of January. (See Table 2 of accompanying report).

The Executive Branch employment total of 2,834,073 includes some foreign nationals employed abroad, but in addition there were 100,120 foreign nationals working for U.S. agencies overseas during February who were not counted in the usual personnel reports. The number in January was 100,059.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in the month of February totaled 30,296, a decrease of 68 as compared with the preceding month of January. Employment in the Judicial Branch in the month of February totaled 7,405, an increase of 156 as compared with January.

DISADVANTAGED PERSONS

The total of 2,871,774 reported by the Committee for February includes 20,154 disadvantaged persons employed under federal opportunity programs, an increase of 297 over the preceding month of January. (See Table.)

In addition, Mr. Speaker, I would like to include a tabulation, excerpted from the joint committee report, on personnel employed full time in permanent positions by executive branch agencies during February 1971, showing comparisons with June 1969, June 1970, and the budget estimates for June 1971:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1969	June 1970	February 1971	Estimated June 30, 1971 [1]
Agriculture	83,425	82,912	82,685	85,600
Commerce	25,364	25,427	27,769	28,400
Defense:				
Civil functions	31,214	30,297	29,709	30,900
Military functions	1,225,877	1,129,642	1,082,111	1,079,500
Health, Education, and Welfare	102,941	102,297	104,194	105,300
Housing and Urban Development	14,307	14,661	14,972	16,000
Interior	58,156	59,349	56,338	58,000
Justice	35,106	38,013	39,960	43,600
Labor	9,723	10,217	10,662	11,600
Post Office	562,381	565,618	567,854	585,200
State	24,658	23,618	23,166	23,600
Agency for International Development	15,753	14,846	13,763	14,000
Transportation	60,386	63,879	66,754	69,600
Treasury	79,982	86,020	88,822	93,500
Atomic Energy Commission	7,047	7,033	6,936	7,000
Civil Service Commission	4,970	5,214	5,259	5,500
Environmental Protection Agency [2]			4,718	6,700
General Services Administration	36,176	36,400	36,685	39,900
National Aeronautics and Space Administration	31,733	31,223	29,644	29,900
Office of Economic Opportunity	2,856	2,387	2,407	2,500
Panama Canal	14,731	14,635	14,343	14,800
Selective Service System	6,584	6,665	6,690	6,500
Small Business Administration	4,099	4,015	3,977	4,100
Tennessee Valley Authority	11,987	12,657	13,364	13,300
U.S. Information Agency	10,500	9,989	9,824	9,900
Veterans' Administration	147,606	148,497	149,969	154,400
All other agencies	26,200	27,420	27,762	29,700
Contingencies				5,000
Subtotal	2,633,762	2,552,571	2,520,337	2,574,000
Public Service Careers			552	[3] 4,900
Total	2,633,762	2,552,571	2,520,889	2,578,900

[1] Source: As projected in 1972 budget document; figures rounded to nearest hundred.

[2] Established as of Dec. 2, 1970, by transfer of functions and personnel from Interior, HEW Agriculture, Federal Radiation Council and Atomic Energy Commission.

[3] Source: Civil Service Commission estimate of persons in "entry" component for whom ceiling relief has been granted.

THE ACTION CORPS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, I want to commend the administration on its proposal to merge the various volunteer agencies of the Federal Government into a new Action Corps. I think it is in keeping with this administration's policy to return power to the people that it should be seeking new ways to expand and more fully utilize volunteer efforts in local problem solving. I recall that in his inaugural address President Nixon said:

> We are approaching the limits of what Government alone can do. Our greatest need is to reach beyond Government to enlist the legions of the concerned and committed. . . . To match the magnitude of our tasks, we need the energies of our people enlisted not only in grand enterprises, but, more importantly, in those small, splendid efforts that make headlines in the neighborhood newspaper instead of the national journal.

Mr. Speaker, I think the creation of Action Corps to give unity and direction to our Federal volunteer programs is just one more indication of how central this administration considers voluntarism to be to the success of the New Federalism. You will recall that prior to this move, the President had established a Cabinet Committee on Voluntary Action headed by HUD Secretary Romney, and an Office of Voluntary Action as the service arm of that committee. And he also established a privately funded, nonprofit National Center for Voluntary Action to mobilize and integrate the efforts of government, voluntary groups, and individual volunteers.

Now, to give further impetus to our national program for Voluntary Action, the President has sent down Executive Reorganization Plan No. 1 of 1971, to bring under one roof several volunteer components now scattered throughout the Federal Government. The logic for this is compelling. The Action Corps will give new unity and direction to our national program for Voluntary Action, and will administratively centralize the important recruiting, training, and placement elements of the various volunteer programs. It will make it much easier to plug the right people into the right jobs and thereby improve the chances for the success of these programs.

The programs to be merged under this reorganization plan include Volunteers in Service to America—VISTA—and the auxiliary and special volunteer programs from the Office of Economic Opportunity; foster grandparents and the retired senior volunteer program—RSVP—from Health. Education, and Welfare; and the Service Corps of Retired Executives—SCORE— and the Active Corps of Executives—ACE—from the Small Business Administration. And, once the reorganization plan has been approved, Action Corps would be delegated the principal responsibility for the Peace Corps. In this regard, I should mention that the new Action Corps will be headed by the current Peace Corps Director, Joe Blatchford, who has made a tremendous mark for himself by shaping the new directions at Peace Corps.

Once the reorganization plan has been approved, separate legislation will be sent to the Hill to include the Teacher Corps, now in the Office of Education, in Action Corps.

Mr. Speaker, it is my understanding that there are already those who have criticized the proposed merger as being a cover for gutting the poverty program. Nothing could be further from the truth. As Joe Blatchford pointed out in the press briefing last week, VISTA's poverty efforts, "will not only be maintained, but expanded." These critics also seem to overlook the fact that the President has asked for an additional $20 million for new program thrusts, over and above the combined budgets of the components. This can hardly be termed "funeral expenses" for the poverty program.

Mr. Speaker, when the Frenchman, Alexis de Tocqueville, visited this country nearly a century and a half ago, he was impressed by the way in which our countrymen banded together in voluntary associations to get things done. In his book, "Democracy in America," he warned against allowing the Government to replace the role of these voluntary associations, because of the threat this would pose to the morals and intelligence of a democratic people. And he concluded with these words:

> Among the laws that rule human societies, there is one which seems to be more precise and clear than all the others. If men are to remain civilized or to become so, the art of associating together must grow and improve in the same ratio in which the equality of conditions is increased.

Mr. Speaker, I think it is essential in this democratic country that we heed those words well, for the quality of life and the human condition does depend upon how well we can work together as a people to solve our problems. And crucial to the success of this experiment we call America are the voluntary efforts of groups and individuals. I think the proposed Action Corps can play a catalytic role in mobilizing those voluntary efforts and I, therefore, give it my enthusiastic endorsement.

Finally, Mr. Speaker, on a related matter, I want to mention the fact that I am today introducing a House joint resolution to designate the week beginning May 30, 1971, as "National Peace Corps Week," in recognition of the decade of service some 45,000 Americans have given to the developing countries of this world. The Peace Corps has been a living symbol of the voluntary way in America and our willingness to serve others as well as ourselves.

At this point in the Record, Mr. Speaker, I include the proposed Action Corps budget for fiscal year 1972, and an article from the March 25 New York Times on the proposed merger:

Action Corps Budget: Fiscal 1972

Component:	*Amount*
Peace Corps	$71,200,000
VISTA (OEO)	33,100,000
Teacher Corps (OE)	37,435,000
Foster Grandparents (HEW)	7,500,000
RSVP (HEW)	5,000,000
SCORE & ACE (SBA)	1,800,000
Office of Volunteer Action (HUD)	295,000
Action Corps: "New Program Thrusts"	20,000,000
Total Action Corps budget	176,340,000

[From the New York Times, Mar. 25, 1971]

NIXON WOULD MERGE NINE SERVICE PROJECTS

(By Jack Rosenthal)

Washington, March 24—After weeks of internal infighting, President Nixon unveiled today a general plan for merging the Peace Corps, VISTA and seven other voluntary service programs.

The merger would centralize management of 15,000 full-time and 10,000 part-time volunteers, young and old, foreign and domestic. The new agency's budget of $176.3-million equals the combined budgets of the nine present agencies plus $20-million for innovation.

If Congress concurs in the plan, the core of the new agency would be established by July 1, with other components to follow.

In a special message sent to Congress, Mr. Nixon today called for still larger future efforts. "America must enlist the ideals, the energy, the experience and the skills of its people on a larger scale than it ever has in the past," he said.

SOME UNCERTAINTIES

The twice-delayed Presidential message did not offer answers to a series of issues that arose during the extended internal Administration debate over the merger.

Uncertainty extended even to the name of the new agency. Formally, it is labeled "Action," but officials today insisted that it would be called the "Action Corps."

They also were uncertain whether the names VISTA and Peace Corps would continue to be used for components of the agency.

The President first offered the merger idea in a Jan. 14 speech at the University of Nebraska Two distinct controversies quickly developed.

One was over the future of VISTA—Volunteers in Service to America, some 4,000 young people engaged in urban and rural antipoverty work. An outline of the merger plan that way recently circulated by the White House called for dissolution of VISTA into several new corps only partly related to poverty work.

This intent was denied today at a White House press briefing by Joseph Blatchford, the Peace Corps director, whom President Nixon has designated to head Action.

VISTA's present poverty efforts, he said, would "not only [be] maintained, but expanded." He said he foresaw "many, many more volunteers" working in the same areas of concern as both the Peace Corps and VISTA.

The second controversy was over inclusion of the Teacher Corps in the new agency. Officials of the Office of Education, where the Teacher Corps is now located, resisted Mr. Blatchford's conclusion that the corps should be transferred.

As had been expected, Mr. Nixon proposed today what one official described as "a subtle compromise." The Teacher Corps will not be included in the first phase of the reorganization plan.

Rather, Mr. Nixon said, transfer of the Teacher Corps will be proposed in legislation if Congress concurs in the first phase of reorganization.

A reorganization plan takes effect automatically unless either house of Congress objects within 60 legislative days. Such plans customarily are successful. There is no such limit on consideration of legislation, which requires affirmative action by both houses.

CONTROVERSY FORESEEN

Congressional experts said today they foresaw little difficulty for the reorganization plan, which Mr. Nixon sent to Congress with his message today. But the outlook for the later Teacher Corps bill, they said, is for substantial controversy.

"The reorganization plan is not an issue most people care enough to oppose the President on," one staff member said. "But as for the Teacher Corps, well, at a minimum, there are some very strong supporters who will vigorously oppose the legislation."

Mr. Nixon's reorganization plan would consolidate these six present volunteer agencies:

VISTA and a small special program, with a combined budget of $33.1-million from the Office of Economic Opportunity.

Foster Grandparents, with a $7.5-million budget, and the Retired Senior Volunteer Program ($5-million), from the Department of Health, Education, and Welfare.

The Service Corps of Retired Executives and the Active Corps of Executives, with a combined budget of $1.8-million, from the Small Business Administration.

When the reorganization plan goes into effect, the President said, he will transfer the Peace Corps, whose budget is $71.2-million, and the small Office of Voluntary Action, to Action.

The third phase of the Action merger would be submission of the legislation to transfer the Teacher Corps, whose budget is $33.4-million.

EXPLANATION GIVEN

Administration officials gave two explanations for following the legislative, rather than a reorganization, course with the Teacher Corps.

Mr. Blatchford said at today's briefing that the President felt it was better to let Congress debate the question more fully. Richard P. Nathan of the Office of Management and Budget added that the Administration also wished to propose some amendments to the basic Teacher Corps legislation.

In his message, Mr. Nixon briefly traced the rapid enlargement of Government volunteer programs in recent years. Their proliferation, he said, was "perhaps inevitable," but he added:

"The foundation for a greatly expanded Government contribution to volunteer services already exists. Now we must consolidate that foundation in order to build on it."

TENNESSEE GENERAL ASSEMBLY ADOPTS RESOLUTION TO HONOR J. EDGAR HOOVER

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. BAKER. Mr. Speaker, I have been distressed from time to time over the carping criticism directed to J. Edgar Hoover, Director of the Federal Bureau of Investigation. It was refreshing, therefore, to note the action taken by the General Assembly of the State of Tennessee this month in the adoption of House Joint Resolution No. 64 to honor this dedicated public servant. I commend the authors of this resolution, and likewise, Gov. Winfield Dunn for signing it.

I am sure many of my colleagues will agree with the language of this joint resolution. I am pleased to place a copy of it in the Record so they can take note of the tribute the State of Tennessee has paid to J. Edgar Hoover.

The resolution follows:

HOUSE JOINT RESOLUTION NO. 64

Whereas, J. Edgar Hoover has served this country well in law enforcement and fighting subversion; and

Whereas, There are all too few men today willing to stand up and be counted as loyal Americans dedicated to the principles of freedom; and

Whereas, Mr. Hoover as director of the Federal Bureau of Investigation has been a bulwark of solidity for the United States of America; and

Whereas, Mr. Hoover has always answered the call of duty immediately; and

Whereas, The forces of the radical left have sought to discredit Mr. Hoover with false and misleading statements; now, therefore,

Be it resolved by the House of Representatives of the Eighty-Seventh General Assembly of the State of Tennessee, the Senate concurring, That the General Assembly expresses its deep appreciation for the years of untiring service J. Edgar Hoover has rendered to the United States and wish him well and Godspeed in the days ahead.

Be it further resolved, That we express our full confidence in his ability, integrity and leadership.

Be it further resolved, That copies of this Resolution be sent Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation; President Richard M. Nixon; Attorney General John Mitchell; and all eleven members of the Tennessee Congressional delegation.

PROPOSAL TO ESTABLISH A STANDING COMMITTEE ON THE ENVIRONMENT

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. BROTZMAN. Mr. Speaker, I am today reintroducing my proposal to establish a standing Committee on the Environment in the House of Representatives. Joining me today are seven of my distinguished colleagues: the gentleman from Pennsylvania (Mr. WARE); the gentleman from New York (Mr. BRASCO); the gentleman from Michigan (Mr. VANDER JAGT); the gentleman from Pennsylvania (Mr. MORGAN); the gentleman from Texas (Mr. PICKLE); the gentleman from Georgia (Mr. BRINKLEY); and the gentleman from Ohio (Mr. KEATING). This brings to 182 the number of Members offering identical resolutions.

The fact that over 40 percent of the Members of this body have seen fit to sponsor resolutions to create a standing Committee on the Environment indicates that this is an idea whose time has come. Both political parties in the House are represented in substantial numbers, and all aspects of the philosophical spectrum are evident.

No other single step, Mr. Speaker, could do more to bring this body into the forefront of the crusade to upgrade our physical environment than to establish the standing committee I advocate. For many years I have contended that Congress should be innovative, and that it should not merely react in the fight to preserve our earth, its waters, and its atmosphere.

I believe that so long as we treat the complex and interrelated environmental degradation problems piecemeal, through committees whose primary responsibilities lie elsewhere, we are destined only to react. We are destined to be behind the problems instead of ahead of them. In the past, we could get away with reaction. Nature has been forgiving in terms of healing the wounds inflicted upon her ecological balances by man and his technology.

In the past the axiom that time heals all wounds has been, in the main, quite true. However, we are now in an era when time—or, if you prefer, nature—simply cannot heal all of the wounds. Time definitely is not on mankind's side, and accordingly the very highest of priorities must be assigned to environmental quality by the Federal Government; and particularly the Congress.

It is for this reason that I first proposed a single, action-oriented, standing Committee on the Environment in April of 1969. In the nearly 2 years since that date, the expressions of support from my colleagues in the House have been gratifying. Members from each of our 21 existing standing committees have cosponsored the bill as have a number of committee chairmen and ranking Republicans.

Particularly gratifying has been the support from Members who serve on the committees which currently have jurisdiction over some of the environmental legislation considered by Congress. These, of course, are the Members who most keenly recognize the inadequacy of our current approach. They see fragmented efforts to solve interrelated problems, and they recognize the advantages which would accrue to the Nation if one standing committee had jurisdiction over air pollution, water pollution, herbicide and pesticide problems, solid waste disposal, acoustical problems, and weather modification.

Mr. Speaker, there has been a great deal of interest in proposals to establish a Joint Committee on Environment and Technology. Such a proposal, despite being passed by both bodies in the 91st Congress, did not become a reality due to irreconciled differences on the part of conferees. While I supported the joint committee proposal on the floor of the House, I consider it to be only a half step, because the joint committee would possess few actual powers. It would not be a primary committee assignment. Instead it would be an additional chore to be added to the already busy schedules of senior Members. Its functions would be primarily advisory, and it would lack the power to draft and report bills to the floors of the House and Senate.

Mr. Speaker, I again call on the Rules Committee to hold hearings and favorably report a resolution to establish a standing Committee on the Environment. By so acting, this body will be in a position to fulfill an obligation which I believe transcends all others; leaving the earth, its atmosphere and waters in better condition than we found them. No generation in the history of civilized man has been able to do this. We should not waste our opportunity to be the first.

INTEREST RATES AND COST-OF-LIVING STABILIZATION

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, yesterday a very well-considered amendment to the temporary extension of certain provisions of law relating to interest rates and cost-of-living stabilization was defeated. I regret the action of this House in this instance because I feel the amendment would have gone a considerable distance toward rectifying the present situation wherein the President can and has acted in an arbitrary manner singling out one special trade and union for punitive action in the name of combating inflation and changing the course of this Nation's dismal economic performance. The amendment offered by Mr. REUSS would have indicated Congress' real intent in granting authority to the President to stabilize costs of living by insisting that it would be used on a basis sufficiently broad to facilitate substantial cost-of-living stabilization. It would have had the result of forcing the President to move on the whole economic front with a broad range of measures, with a well-thought-out program which would take into consideration all the interlocking economic relationships and repercussions which his decisions would have. To date, we have witnessed an extraordinary performance by the White House in response to growing pressure that something be done to curb inflation. Rather than use the broad authority granted to him by Congress last session and renewed this session, the President elected to move in a manner which singled out one group, albeit an important trade group, for public denunciation and punishment. The construction trade industry was made a scapegoat to cover up the fact that this administration does not have a developed, coherent, well-thought-out approach to the economic problems this Nation faces.

In the name of correcting the serious economic disorders presided over by this administration, the suspension of the Davis-Bacon Act had the curious effect of contributing in many instances to the very inflation the administration argued it was combating. The effect of the suspension was to require local communities and States across the country to reopen bids and renegotiate contracts which had not as yet, been signed. In almost every instance it increased costs to the taxpayers of this country, either on the local or Federal level. In some cases, funds were held up because approval was denied which would have been spent in areas of high unemployment. Again, we witness the curious manner in which the hasty, ill-conceived suspension of Davis-Bacon boomeranged on its creators. Many Congressmen in this House could rise to document numerous cases where funds have been held up for close to 2 months now in areas which are in desperate need of more work and more Government spending. In other words, without too much effort, a well-documented case could be made to show that the suspension of Davis-Bacon, and nothing more these past 2 months, has actually in instance after instance added to the Nation's inflationary pressures and the same time contributed to growing unemployment, or, what is the same, did nothing to prevent it.

Gentlemen, I am afraid that the Nation's economic structure is too delicate and too finely interwoven to allow any administration to act precipitously, attacking one sector without regard to the repercussions of such hasty action throughout the economy. While zeroing in on the construction trades might have made good political sense and gone over well with groups this administration is beholden to from the last election, it has become crystal clear that political debts were repaid at great cost to our economy.

Yesterday, the administration finally admitted the hopelessness of the situation and back-tracked to the extent of lifting its earlier suspension of the Davis-Bacon Act. Is it too much to hope that it has realized the error of its ways and will hesitate before acting so precipitously again? Its position was patently untenable and in such circumstances, the best thing is to admit defeat. That does not, however, diminish the force of my admonition today, that even if the amendment was defeated yesterday the administration had best take heed and learn from the painful experience of the last 2 months and in the future treat the economy as a whole which is greater than the sum of its parts.

I cannot leave the subject of the Davis-Bacon suspension without drawing the attention of the members to the fact that the administration found in this device yet another method of going against the intentions of Congress and delaying the disbursement of appropriated funds. When all is said and done, the only thing the administration was able to accomplish successfully these last two months with the suspension of Davis-Bacon was to prevent the disbursement of further millions, in addition to those which were already being held up by the various departments through orders of the Office of Budget and Management. Again, it would seem to give the lie to the administration's concern about growing unemployment about which we heard so much in the recent SST debate.

ALASKA LEGISLATURE RESOLUTIONS ON THE PIPELINE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. BEGICH. Mr. Speaker, one of the most important issues facing Alaska today is the proposed construction of the trans-Alaska pipeline. For sometime now, the Nation has heard arguments for and against the proposed construction of the pipeline. Much study and testimony has already been made on this issue and many people have had the opportunity to express their points of view.

Because of the importance of this resolution of this issue to the State of Alaska, the State legislature has passed two resolutions that I believe merits the attention of my colleagues. I submit them for inclusion in the RECORD:

SENATE CONCURRENT RESOLUTION No. 19

Current resolution relating to the environmental impact hearings in Anchorage

Be it resolved by the Legislature of the State of Alaska:

Whereas the United States Department of the Interior is holding hearings in Anchorage, February 24 and 25 on the environmental impact of the proposed North Slope pipeline; and

Whereas the Legislature wishes to express its appreciation to the Department of the Interior for conducting these hearings in Alaska, thereby presenting Alaskans the opportunity to be heard on this subject vital to the future of the state; and

Whereas the Legislature desires to have the State of Alaska participate to the maximum extent in the proper and timely resolution of this important question; and

Whereas, because of the importance of this hearing, both Houses of the Legislature have recessed to allow their members to attend this hearing;

Be it resolved that the First Session of the Seventh State Legislature commends the Department of the Interior for the hearings held in Alaska and welcomes the many federal officials to our great state; and be it

Further resolved that, because the Legislature as well as all other Alaskans desires to have the pipeline issue resolved at the earliest possible time, officials of the Department of the Interior are respectfully requested to inform the Alaska State Legislature and the Governor if there are any steps or action of any kind that may be taken by the state to bring the pipeline issue to a proper, yet timely, resolution.

Copies of this resolution shall be sent to the Honorable Rogers C. B. Morton, Secretary, Department of the Interior; the Honorable Henry M. Jackson, U.S. Senator and Chairman of the Senate Interior and Insular Affairs Committee; the Honorable Wayne N. Aspinall, U.S. Representative and Chairman of the House Interior and Insular Affairs Committee; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

HOUSE RESOLUTION No. 4

Resolution relating to the issuance of a permit for the trans-Alaska pipeline

Be it resolved by the House of Representatives:

Whereas at the recent hearings held under the auspices of the Department of the Interior in Washington, D.C. and Anchorage regarding the proposed trans-Alaska pipeline, Alaska's Governor has made clear the states' position—the pipeline must be built in order that the state be enabled to take care of its human needs; and

Whereas the Governor has made it known the state's position is that the pipeline can be built with minimal environmental change; and

Whereas he has pointed out to the hearings panel that the state is doing and will do everything necessary to ensure adequate and strictly enforced environmental protection programs; and

Whereas the state is moving forward in a positive manner to ensure the ultimate protection of our great land by considering such safeguards as the creation of a geologic-geophysical division in the Department of Natural Resources, creation of a Department of Environmental Conservation, establishment of a joint federal-state commission on land-use planning, the establishment of reserves to protect Alaska's critical habitat zones, strict enforcement of ballast discharge laws, state monitoring of the pipeline construction, and strong measures regarding the safe navigation of our waters by the oil tankers; and

Whereas the testimony taken as a whole at the Washington and Anchorage hearings clearly indicates the correctness of the Governor's position that the Prudhoe Bay to Valdez route is not only the most feasible route for the pipeline but that it can be constructed without environmental degradation to any appreciable degree; and

Whereas by far the majority of Alaskans who testified at these hearings desired to have the pipeline built and viewed it as an economic necessity;

Be it resolved by the Alaska House of Representatives that it supports the clear and concise position of the state, as presented by Governor Egan at the recent Interior hearings; and be it

Further resolved that the House of Representatives urgently requests the Department of the Interior to issue the pipeline permit in the most expeditious manner possible after a review of the testimony from the impact report hearings.

Copies of this resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable Rogers C. B. Morton, Secretary of the Department of the Interior; the Honorable Henry M. Jackson, U.S. Senator and Chairman of the Senate Interior and Insular Affairs Committee; the Honorable Wayne N. Aspinall, U.S. Representative and Chairman of the House Interior and Insular Affairs Committee; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

IN DEFENSE OF THE LOCAL AFFILIATES

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. HÉBERT. Mr. Speaker, on March 17, three representatives of the Columbia Broadcasting System participated in a program called "All About TV" over station WNYC–TV in New York. The show was hosted by Steven Scheuer.

The CBS spokesmen were Morley Safer, Peter Davis, and Perry Wolff. In a press release issued March 22, I pointed out some inaccurate statements made by Davis, who produced the discredited documentary "The Selling of the Pentagon."

Davis said on the program that no representation had been made to anyone on Capitol Hill that CBS was doing a prisoner-of-war documentary. CBS representatives had talked with my office numerous times and indicated they wanted a film clip of me and Maj. James Rowe, a former POW, for a special on prisoners of war.

Knowing of my interest in the plight of the POW and his family, my press secretary, Lou Gehrig Burnett, cooperated fully with them and with my permission sent CBS the film clip.

I will discuss this in complete detail later in the Record, but the fact is that Davis said other Congressmen had been called for a clip of them with Major Rowe and that these Congressmen knew what CBS was doing—a documentary on Pentagon public relations.

In the press release of March 22, I included five memorandums from congressional offices which show that they were told by CBS that the network was doing a documentary on prisoners of war.

However, that is not my main concern here. I just wanted to point out that what I am about to relate was said on that same program called "All About TV."

I feel compelled to come to the defense of the CBS affiliate in New Orleans, which is WWL–TV. Certain comments were made on the program about local stations that I feel do not apply to the New Orleans station.

I quote verbatim from the transcript of the program:

Scheuer. One of the most interesting issues that was raised on the program (The Selling of the Pentagon) is the question which Mudd put to Daniel Henkin. And he asked—he said the whole question of a government having film crews in the field on any kind of story raises the question of putting the government in the position of deciding which stories to be covered. Is that valid, asked Mudd. Henkin's reply said, I don't believe it is any more valid than putting our news releases to what we in our trade call the 'hard print side of the picture.' I don't think, said Henkin, that there's any great difference between putting out a printed news release to use in newspapers than making film available for television networks. Now if the networks disagree with that they have yet to communicate with me that disagreement. And Mudd's answer is, but in the case of a press release, the AP men or the Cincinnati Inquirer man can take your press release and dump it or rewrite it or add to it. But in the case of a film clip it's there to use or not to use. Isn't there a difference? Is there a difference, Morley? What's your reaction to that?

Safer. Well, I think there is a difference. I think one of the tragedies of broadcasting is—and its not just broadcasting—it's journalism at the local level. That the Pentagon knows the stuff it puts out, either on film or in printed version, is not going to be picked up and repeated word for word by the AP, or picked up and run frame for frame by CBS, NBC, or ABC. But their audience is way out there and they publish it word for word, frame by frame, as it's put out.

Another Voice. On the local level.

Safer. It's a very cheap time filler for all those munificent station managers out there. It not only gives them programming for nothing, or fills newspaper space for nothing, it makes their relationship with the Pentagon very handy. I'm sure a lot of the editors get free trips to Washington, as we saw in . . .

Another Voice. Or points beyond.

Safer. Or points beyond. Vietnam. They used to run them out to Vietnam. I don't know if they do anymore. And they would swallow the story put out by the Pentagon whole.

These comments by Mr. Safer appear to be a blanket indictment of journalism at the local level. The thoughts expressed by him on this program again indicates the desire of centralization of control by CBS so it can feed the people what CBS wants them to know and deny the public what it should know.

I resent these remarks by Mr. Safer which are a direct attack on the integrity of our local stations. I must point out that WWL–TV, the CBS affiliate in New Orleans, has for many years sponsored without charge a half-hour each Sunday morning called "Congressional Report," in which the two U.S. Senators from Louisiana and the two Congressmen from the New Orleans area each have 15 minutes of air time twice a month.

WWL assumes full financial responsibility for the program and allows the Senators and Congressmen to institute their own format. WWL in no way censors or intimidates the participants in this program. It is one of the finest public-service programs in the country.

Similarly, a number of years ago, WDSU–TV, the NBC affiliate in New Orleans, had a program called Dateline Washington, in which the station assumed all financial liabilities and even supplied an individual producer.

This program, like the WWL program, was a public service presentation. The first producer for the WDSU presentation was Ann Corrick, who later became the only woman president of the Radio-TV Correspondents Association.

During her regime as producer, Dateline Washington was presented the Sylvania Award for public service.

She was succeeded by John Corporan, now vice president and general manager of WTOP here in Washington. Mr. Corporan, in his present capacity, has demonstrated repeatedly by his expressions and actions that he believes both sides of an issue should be aired.

It was WTOP which first offered me the opportunity to reply to the discredited program The Selling of the Pentagon.

The ABC affiliate in New Orleans, WVUE–TV, and the local newspapers have always done a fine job of handling the news.

Therefore, I could not let Mr. Safer get by with this all-encompassing indictment of local journalism, because it does not hold true in New Orleans.

DAVID ROCKEFELLER: A DAY AT THE BANK

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. BOGGS. Mr. Speaker, the Chase Manhattan Bank is a leader in the banking industry and in the effort to bring private capital and enterprise to bear on the many problems confronting our country. Much of this is attributable to the energy and dedication of its chairman, David Rockefeller. Mr. Rockefeller was the subject of a profile in the New York Post of February 20, 1971. I am inserting it in the Record and calling it to the attention of my colleagues:

Man in the News: David Rockefeller—A Day at the Bank

(By Roberta Brandes Gratz)

He is the Rockefeller few really know, no matter how often they hear about him. The banker Rockefeller, head of Chase. The Governor's brother—and, by many accounts, the one with the most far-reaching influence.

David Rockefeller is the youngest of the five brothers and one sister, the most educated (Lincoln School, Harvard, London School of Economics and the University of Chicago, where he received his Ph. D. in economics) and the only brother to have wholeheartedly followed his grandfather, the first John D. Rockefeller, into the competitive world of business and finance. (The second John D. Rockefeller, David's father, devoted himself to the family philanthropies.)

In looks he most resembles Nelson. The nose is a little longer and thinner, the face rounder, the mouth when he's talking remains tighter. But the smile, the manner of speech, the intonations are similar.

But David Rockefeller is never as relaxed in his public role as his Albany brother, who appears to relish each moment. Considerably less aggressive and occasionally even ill-at-ease, he sometimes gives the impression he lack the self-confidence which Nelson has to spare.

Yet whenever anyone draws a list up of the 10 most powerful people in the country, David Rockefeller's name is bound to be on it—more often than Nelson's.

Down through the years he's been mentioned as a mayoralty prospect. Is anything like that possible? "I do think having two brothers as politicians [there's also Winthrop, twice Governor of Arkansas] may be enough for one family," he says.

Only one position ever came close to enticing him into government service. President Kennedy was reported to have considered offering him the job of Treasury Secretary. Says David Rockefeller: "In a sense that position has appeal but I have to admit that I have an awfully good job. That sounds so silly, but really there is a certain freedom I have and really it's a sort of platform from which one can do many things."

One not only can, one does and when he speaks, people listen.

Few men can go before an audience as David Rockefeller did this week at the annual Regional Plan Assn. dinner, propose the formation of two new national agencies to deal with new-town development and core-city rehabilitation, knowing full well that it would be on the front pages of the morning newspapers and taken seriously on all levels of government.

For 25 years, he says, he's concerned himself with urban problems and for this concern, the Regional Plan Assn. this week gave him its annual distinguished service award.

But for all his public activities the image persists of David Rockefeller, the proto-typical banker—remote, cold, calculating and stiff. It is not an image displayed to the closest observer, and it is one which Rockefeller seems to find amusing.

"Needless to say I don't think of myself as either remote or impersonal," he says laughing. "But then I suppose the fact is inevitable that anyone you hear about and don't know seems remote and mysterious.

"I suppose that bankers are thought of traditionally as being distant, cold, unhuman, what I think is a wrong image but nevertheless they have it and it's not easy to change that."

Perhaps that is why Rockefeller—who has never been very talkative about his private self in public—recently allowed himself to be persuaded to let this reporter accompany him through a day's routine. It was a routine that included a session with NYU representatives seeking a large contribution from the Chase Manhattan Foundation, meetings with groups of company executives, with Treasury Under Secretary Paul Volcker, with newly appointed Treasury Secretary John Connally and, at day's end, a meeting at the Brook Club—an exclusive men's club—of the Bilderberg Conference, a little-known group that Rockefeller helped organize seven years ago at which leaders of the Atlantic Community meet informally and off the record to discuss common problems.

In this office, he listens carefully as the NYU people appeal to his concern with urban problems, flatteringly recall his past generosity, inform him of the good-size commitments other banks have made and show him assorted promotional publications—the photography and lay-out of which impress Rockefeller, who has a similar assortment of publications about the bank that he likes to present to visitors.

Rockefeller walks the few blocks to U.S. Trust at 45 Wall St. where he is to meet with Connally, and gets momentarily lost in the maze that is the financial district. He is amused and embarrassed. Returning afterward to his 60-story building's two-acre plaza, he points with pride to the site where will stand in two years a 40-foot sculpture by Jean Dubuffet. It will be the largest outdoor sculpture in New York.

At 55, the father of four sons and two daughters, grandfather of one boy, Rockefeller dresses in conservative but well-tailored custom-made suits, colored shirts and colorfully patterned ties, which are a little wider these days as his sideburns are a little longer. He is a non-smoking social drinker, wine and food enthusiast, polka contest winner (31 years ago with his wife-to-be Peggy McGrath), beetle collector, linguist (fluent French, German, Spanish), sailor, golfer, enjoyer of picnics and all in all a man of varied interests.

He mostly enjoys a "friendly, quiet evening at home," only occasionally still goes dancing but, he notes, "I must admit that I haven't gotten to where I can do rock 'n roll."

He averages a 16-hour day packed full with high-powered appointments but occasionally makes his own phone calls, takes time out for personal problems of staff members and is easily accessible if an urgent matter arises with any of his nonbanking involvements.

He is close to his brothers and of their relationship, he says: "On the whole it's been a very good one. Our interests are very different and our temperaments and methods of approaching problems are very different. I think probably that Nelson, Winthrop and I tend to be the three that would be more outgoing, the other three (John, Laurence and his sister, Abby Mauze) somewhat more reserved, if you have to make that distinction."

Where his brother Nelson has been accused of arrogance, David Rockefeller, perhaps, may be accused of overzealous minimizing of his own influence.

"Power is a very intangible thing," he says, " I have to say it is surprising to me that people feel it because in a sense I don't know why they feel it because it isn't as though as chairman of the bank I could . . . obviously within the bank and within limits I have very considerable authority but in terms of things outside the bank this is not true. I have no legal or economic authority. It is more a question of persuasion and human rapport."

In the financial community, his voice, whether heard publicly or privately, is one of the most respected. As board chairman of Chase, he has a financial power base that is the second largest in the country and world (the largest is the Bank of America) with assets of $25 billion and investments in almost every corner of the globe.

After two years in non-combat Army duty overseas, he joined the bank in 1945 at the urging of then Chase chairman Winthrop Aldrich, Rockefeller's uncle. Groomed for executive position, he became president in 1961 and chairman in 1969.

He shares the Rockefeller predilection for monumental building projects, the "edifice complex" as it has been called. David Rockefeller, first and foremost, has his Chase Manhattan Plaza which opened 10 years ago. The first major office building put up in the area in 25 years, it pretty much started the whole financial district renewal.

Rockefeller initiated the idea of the World Trade Center through his chairmanship of the Downtown-Lower Manhattan Assn. which he organized. He also founded Morningside Heights Inc. to spur renewal of the upper Manhattan neighborhood. The projects have brought him both sharp criticism and high praise.

Both Morningside Heights and the World Trade Center have spurred outcries that they mean the destruction of the small businesses and residences that comprise a community. The Trade Center has brought additional charges that it will create monumental traffic jams and, by competing with commercial office space, cheat the city tax base.

How sensitive are you, he was asked, to the arguments against bigness—the impersonal kind of projects that engulf an area. Rockefeller reacts coolly to the indictment:

"I just don't see how you can avoid a certain amount of that. I don't think you will get things done without governmental and other action."

His office is huge, with modern furniture to complement the building's architecture. Push-button opague-glass sliding doors insure maximum privacy.

The office interior is a clear reflection of Rockefeller's passion for art and variety of taste. It is a melange of 19th and 20th century paintings (Cezanne, Signac, Rothke, Wyeth) African artifacts, Oriental treasures, and Greek vases. Most of the works are owned by him personally, the rest from the bank's collection of some 1,600 works—valued conservatively at $2.5 million—that has been selected over 10 years by a committee headed by Rockefeller.

"My interest in primitive and Oriental art stem from my family upbringing," Rockefeller says. "My mother was tremendously interested in art in general and in primitive and Oriental art in particular."

He is director of the Business Committee for the Arts and Board Chairman of the Museum of Modern Art as was the Governor before him. It is the museum his mother helped found and which his family has generously supported. The Museum, Rockefeller University and the Council on Foreign Relations are the three outside involvements that interest him most.

His own collection bridges the 19th and 20th centuries with the largest concentration in Impressionists and post-Impressionists. His wife is responsible for all the framing and deciding to which of their four residences (New York City, Pocantico, Maine, West Indies) each work will go.

While he credits his mother, Abby Aldrich Rockefeller, with so much of his art interest, he says: "Even in college I took art courses and always enjoyed going to museums and visiting beautiful, historical monuments."

"Nelson is probably more oriented toward sculpture and I toward painting and he's more interested in the very contemporary. It just happened to start that way. Another thing that my wife and I have always been interested in is porcelain and furniture. Nelson more recently is getting into that area. Actually I think we're coming closer together. He's been going farther back and I've been coming farther forward."

Adventures in "sailing, camping and pack trips" are the kind of shared family activities he enjoys, as he did over New Year's when the family vacationed in their West Indies home. "We had four of the six children with us which these days is doing rather well," he says smiling.

Is there a Rockefeller generation gap?

"I think we've had our share of it. On the other hand our eldest son is almost 30 and I think if anything the gap is narrowing. (He laughs). Who is moving toward whom is more difficult to say.

"Our generation had equally great differences with our parents but tended to express them less openly and less frankly and what we have today is probably better. This wasn't considered the thing to do in our day and if we had differences we expressed them with considerable diffidence.

"Our children are a very lively and independent lot ranging from 18 to 29. And we have one daughter (Abby) who's been interested in Women's Lib. I certainly share the feeling that women ought to be treated fairly, given the same opportunities as men and paid for the same work but I confess that I'm left behind with some of the things the more extreme Women's Lib people ask."

As for the challenges of his children, he adds with good humor: I'm sure it's kept both my wife and myself younger, maybe turned our hair gray but certainly kept us younger in spirit."

PRESIDENT NIXON DELIVERS KEYNOTE ADDRESS AT THE NATIONAL CONFERENCE ON THE JUDICIARY

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. DOWNING. Mr. Speaker, President Nixon recently visited my district to deliver the keynote address at the National Conference on the Judiciary which was being held in Williamsburg.

No more appropriate locale could have been suggested for such a conference because it was in Williamsburg in 1779 that the first college level school of law in the Western World was established. That chair of law and police, as it was styled in 18th century America was filled by George Wythe, the father of American jurisprudence. His early students at the school included a young Continental Army officer from Virginia named John Marshall.

The school was founded by Gov. Thomas Jefferson himself, an earlier student of George Wythe.

The President's fine address included his endorsement of the concept of a National Center for State Courts.

President Nixon's speech was highly stimulating to all who heard it and I include it in the RECORD in order that all of the Members might benefit from reading it:

TEXT OF AN ADDRESS BY THE PRESIDENT, NATIONAL CONFERENCE ON THE JUDICIARY, WILLIAMSBURG, VA.

As one who has practiced law; as one who deeply believes in the rule of law; and as one who now holds the responsibility for faithful execution of the laws of the United States, I am honored to give the opening address to this National Conference on the Judiciary.

It is fitting that you come together here in Williamsburg. Like this place, your meeting is historic. Never in the history of this Nation has there been such a gathering of distinguished men of the judicial systems of our

States. I salute you all for your willingness to come to grips with the need for court reform and modernization. And I would like to salute especially the man who has been the driving force for court reform; a man whose zeal for reshaping the judicial system to the need of the times carries on the great tradition begun by Chief Justice John Marshall—the Chief Justice of the United States, Warren Burger.

I recall that when I took my bar examination in New York City a few years ago, I dwelt at some length on the wisdom of the separation of powers. My presence here today indicates in no way an erosion of that concept; as a matter of fact, I have come under precedents established by George Washington and John Adams who both spoke out for the need for judicial reform. And President Lincoln, in his first annual message to the Congress, made an observation that is strikingly current—that, in his words, "the country generally has outgrown our present judiciary system."

There is also a Lincoln story—an authentic one—that illustrates the relationship of the judicial and executive branches. When Confederate forces were advancing on Washington, President Lincoln went to observe the battle at Fort Stevens. It was his only exposure to actual gunfire during the Civil War—and he climbed up on a parapet, against the advice of the military commander, to see what was going on. When, not five feet from the President, a man was felled by a bullet, a young Union captain shouted at the President: "Get down, you fool!" Lincoln climbed down and said gratefully to the captain: "I'm glad you know how to talk to a civilian."

The name of the young man who shouted "Get down, you fool!" was Oliver Wendell Holmes, who went on to make history in the law. From that day to this, there has never been a more honest and heartfelt remark made to the head of the executive branch by a member of the judicial branch—though a lot of judges over the years must have felt the same way.

Let me address you today in more temperate words, but in the same spirit of candor.

The purpose of this conference is "to improve the process of justice." We all know how urgent the need is for that improvement at both the State and Federal level. Interminable delays in civil cases; unconscionable delays in criminal cases; inconsistent and unfair bail impositions; a steadily growing backlog of work that threatens to make the delays worse tomorrow than they are today—all this concerns everyone who wants to see justice done.

Overcrowded penal institutions; unremitting pressure on judges and prosecutors to process cases by plea bargaining, without the safeguards recently set forth by the American Bar Association; the clogging of court calendars with inappropriate or relatively unimportant matters—all this sends everyone in the system of justice home at night feeling as if they have been trying to brush back a flood with a broom.

Many hardworking, dedicated judges, lawyers, penologists and law enforcement officials are coming to this conclusion: A system of criminal justice that can guarantee neither a speedy trial nor a safe community cannot excuse its failure by pointing to an elaborate system of safeguards for the accused. Justice dictates not only that the innocent man go free, but that the guilty be punished for his crimes.

When the average citizen comes into court as a party or a witness, and he sees that court bogged down and unable to function effectively, he wonders how this was permitted to happen. Who is to blame? Members of the bench and the bar are not alone responsible for the congestion of justice.

The Nation has turned increasingly to the courts to cure deep-seated ills of our society—and the courts have responded; as a result, they have burdens unknown to the legal system a generation ago. In addition, the courts had to bear the brunt of the rise in crime—almost 150% higher in one decade, an explosion unparalleled in our history.

And now we see the courts being turned to, as they should be, to enter still more fields—from offenses against the environment to new facets of consumer protection and a fresh concern for small claimants. We know, too, that the court system has added to its own workload by enlarging the rights of the accused, providing more counsel in order to protect basic liberties.

Our courts are overloaded for the best of reasons: because our society found the courts willing—and partially able—to assume the burden of its gravest problems. Throughout a tumultuous generation, our system of justice has helped America improve herself; there is an urgent need now for America to help the courts improve our system of justice.

But if we limit ourselves to calling for more judges, more police, more lawyers operating in the same system, we will produce more backlogs, more delays, more litigation, more jails and more criminals. "More of the same" is not the answer. What is needed now is genuine reform—the kind of change that requires imagination and daring, that demands a focus on ultimate goals.

The ultimate goal of changing the process of justice is not to put more people in jail or merely to provide a faster flow of litigation—it is to resolve conflict speedily but fairly, to reverse the trend toward crime and violence, to reinstill a respect for law in all our people.

The watchword of my own administration has been reform. As we have undertaken it in many fields, this is what we have found. "Reform" as an abstraction is something that everybody is for, but reform as a specific is something that a lot of people are against.

A good example of this can be found in the law: Everyone is for a "speedy trial" as a constitutional principle, but there is a good deal of resistance to a speedy trial in practice.

The founders of this nation wrote these words into the Bill of Rights: "the accused shall enjoy the right to a speedy and public trial." The word "speedy" was nowhere modified or watered down. We have to assume they meant exactly what they said—a speedy trial.

It is not an impossible goal. In criminal cases in Great Britain today, most accused persons are brought to trial within 60 days after arrest. Most appeals are decided within three months after they are filed.

But here in the United States, this is what we see: In case after case, the delay between arrest and trial is far too long. In New York and Philadelphia the delay is over five months; in the State of Ohio, over six months; in Chicago, an accused man waits six to nine months before his case comes up.

In case after case, the appeal process is misused—to obstruct rather than advance the cause of justice. Throughout the State systems, the average time it takes to process an appeal is estimated to be as long as 18 months. The greater the delay in commencing a trial, or retrial resulting from an appeal, the greater the likelihood that witnesses will be unavailable and other evidence difficult to preserve and present. This means the failure of the process of justice.

The law's delay creates bail problems, as well as overcrowded jails; it forces judges to accept pleas of guilty to lesser offenses just to process the caseload—to "give away the courthouse for the sake of the calendar." Without proper safeguard, this can turn a court of justice into a mill of injustice.

In his perceptive message on "The State of the Federal Judiciary," Chief Justice Burger makes the point that speedier trials would be a deterrent to crime. I am certain that this holds true in the courts of all jurisdictions.

Justice delayed is not only justice denied—it is also justice circumvented, justice mocked, and the system of justice undermined.

What can be done to break the logjam of justice today, to ensure the right to a speedy trial—and to enhance respect for law? We have to find ways to clear the courts of the endless stream of "victimless crimes" that get in the way of serious consideration of serious crimes. There are more important matters for highly skilled judges and prosecutors than minor traffic offenses, loitering and drunkeness.

We should open our eyes—as the medical profession is doing—to the use of paraprofessionals in the law. Working under the supervision of trained attorneys, "parajudges" could deal with many of the essentially administrative matters of the law, freeing the judge to do what only he can do: to judge. The development of the new office of magistrates in the Federal System is a step in the right direction. In addition, we should take advantage of many technical advances, such as electronic information retrieval, to expedite the result in both new and traditional areas of the law.

But new efficiencies alone, important as they are, are not enough to reinstill respect in our system of justice. A courtroom must be a place where a fair balance must be struck between the rights of society and the rights of the individual.

We all know how the drama of a courtroom often lends itself to exploitation, and, whether it is deliberate or inadvertent, such exploitation is something we must all be alert to prevent. All too often, the right of the accused to a fair trial is eroded by prejudicial publicity. We must never forget that a primary purpose underlying the defendant's right to a speedy and public trial is to prevent star-chamber proceedings, and not to put on an exciting show or to satisfy public curiosity at the expense of the defendant.

In this regard, I strongly agree with the Chief Justice's view that the filming of judicial proceedings, or the introduction of live television to the courtroom, would be a mistake. The solemn business of justice cannot be subject to the command of "lights, camera, action."

The white light of publicity can be a cruel glare, often damaging to the innocent bystander thrust into it, and doubly damaging to the innocent victims of violence. Here again a balance must be struck: The right of a free press must be weighed carefully against an individual's right to privacy.

Sometimes, however, the shoe is on the other foot: Society must be protected from the exploitation of the courts by publicity-seekers. Neither the rights of society nor the rights of the individual are being protected when a court tolerates anyone's abuse of the judicial process. When a court becomes a stage, or the center ring of a circus, it ceases to be a court. The vast majority of Americans are grateful to those judges who insist on order in their courts and who will not be bullied or stampeded by those who hold in contempt all this nation's judicial system stands for.

The reasons for safeguarding the dignity of the courtroom and clearing away the underbrush that delays the process of justice go far beyond questions of taste and tradition. They go to the central issue confronting American justice today.

How can we answer the need for more, and more effective, access to the courts for the resolution of large and small controversies, and the protection of individual and community interests? The right to representation by counsel and the prompt disposition of cases—advocacy and adjudication—are fundamental rights that must be assured to all our citizens.

In a society that cherishes change; in a society that enshrines diversity in its constitution; in a system of justice that pits one adversary against another to find the truth—there will always be conflict. Taken to the street, conflict is a destructive force; taken to the courts, conflict can be a creative force.

What can be done to make certain that civil conflict is resolved in the peaceful arena of the courtroom, and criminal charges lead to justice for both the accused and the community? The charge to all of us is clear.

We must make it possible for judges to spend more time judging, by giving them professional help for administrative tasks. We must change the criminal court system, and provide the manpower—in terms of court staffs, prosecutors, and defense counsel—to bring about speedier trials and appeals.

We must ensure the fundamental civil right of every American—the right to be secure in his home and on the streets. We must make it possible for the civil litigant to get a hearing on his case in the same year he files it.

We must make it possible for each community to train its police to carry out their duties, using the most modern methods of detection and crime prevention. We must make it possible for the convicted criminal to receive constructive training while in confinement, instead of what he receives now—an advanced course in crime.

The time has come to repudiate once and for all the idea that prisons are warehouses for human rubbish; our correctional systems must be changed to make them places that will correct and educate. And, of special concern to this conference, we must strengthen the State court systems to enable them to fulfill their historic role as the tribunals of justice nearest and most responsive to the people.

The Federal Government has been treating the process of justice as a matter of the highest priority. In the budget for the coming year, the Law Enforcement Assistance Administration will be enabled to vigorously expand its aid to State and local governments. Close to one half billion dollars a year will now go to strengthen local efforts to reform court procedures, police methods and correctional action and other related needs. In my new special revenue sharing proposal, law enforcement is an area that receives increased attention and greater funding—in a way that permits States and localities to determine their own priorities.

The District of Columbia, the only American city under direct Federal supervision, now has legislation and funding which reorganizes its court system, provides enough judges to bring accused persons to trial promptly, and protects the public against habitual offenders. We hope this new reform legislation may serve as an example to other communities throughout the Nation.

And today I am endorsing the concept of a suggestion that I understand Chief Justice Burger will make to you tomorrow: the establishment of a National Center for State Courts.

This will make it possible for State courts to conduct research into problems of procedure, administration and training for State and local judges and their administrative personnel; it could serve as a clearinghouse for the exchange of information about State court problems and reforms. A Federal Judicial Center along these lines already exists for the Federal court system and has proven its worth; the time is overdue for State courts to have such a facility available. I will look to the conferees here in Williamsburg to assist in making recommendations as to how best to create such a center, and what will be needed for its initial funding.

The executive branch will continue to help in every way, but the primary impetus for reforming and improving the judicial process should come from within the system itself. Your presence here is evidence of your deep concern; my presence here bears witness to the concern of all the American people regardless of party, occupation, race or economic condition, for the overhaul of a system of justice that has been neglected too long.

I began my remarks by referring to an episode involving Justice Oliver Wendell Holmes. There is another remark of Holmes not very well known, that reveals an insight it would be well for us to have today.

Judge Learned Hand told of the day that he drove Justice Holmes to a Supreme Court session in a horsedrawn carriage. As he dropped the Justice off in front of the Capitol, Learned Hand said, "Well, sir, goodbye. Do justice!" Mr. Justice Holmes turned and said, most severely, "That is not my job. My job is to play the game according to the rules."

The point of that remark, and the reason that Learned Hand repeated it after he had reached the pinnacle of respect in our profession, was this: Every judge, every attorney, every policeman wants to "do justice." But the only way that can be accomplished, the only way justice can truly be done in any society, is for each member of that society to subject himself to the rule of law—neither to set himself above the law in the name of justice, nor to set himself outside the law in the name of justice.

We shall become a genuinely just society only by "playing the game according to the rules," and when the rules become outdated or are shown to be unfair, by lawfully and peaceably changing those rules.

The genius of our system, the life force of the American Way, is our ability to hold fast to the rules that we know to be right and to change the rules that we see to be wrong. In that regard, we would all do well to remember our constitutional roles: for the legislatures, to set forth the rules; for the judiciary, to interpret them; for the executive, to carry them out.

The American Revolution did not end two centuries ago; it is a living process. It must contsantly be reexamined and reformed. At one and the same time, it is as unchanging as the spirit of laws and as changing as the needs of our people.

We live in a time when headlines are made by those few who want to tear down our institutions, by those who say they defy the law. But we also live in a time when history is made by those who are willing to reform and rebuild our institutions—and that can only be accomplished by those who respect the law.

"CASTRO," RAILROADING THROUGH THE OLD 92D—CHAPTER 1

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 30, 1971

Mr. METCALF. Mr. President, I believe Members of Congress and the public should be aware of the concerted and expensive lobbying campaign that has been launched by major conglomerate corporations. The program is called ASTRO. Its goal—a multibillion dollar subsidy during the seventies.

ASTRO derives from America's Sound Transportation Review Organization, which was created by the Association of American Railroads. The acronym, ASTRO, conjures up visions of space-age transportation and astronauts such as Wally Schirra, who along with our former colleague, George Smathers, is one of the main ASTRO spokesmen. The name evokes memories of the astrodomes on passenger trains such as the North Coast Limited, that great train now to be abandoned if the Railpax decision last week is not reversed, a decision reached despite railroad management's prior solemn assurance that the Limited and its companion Mainstreeter would be continued "until the public abandons them."

A number of the ASTRO corporations are conglomerates in which transportation is secondary or tertiary to real estate, lumber, mining, or other lucrative business, none of which is described in ASTRO materials. So, I should begin a report on this massively deceptive lobbying campaign by renaming it properly—"CASTRO," Conglomerate America's Slick Transportation rip-off.

Mr. President, CASTRO is mounting a national grassroots campaign designed to obtain legislative approval of its costly proposals. Recently there came into my possession the CASTRO kit for senior executive representatives. This CASTRO kit details the lobbying plan, names some of the regional and state coordinators, tells how to get the news media, local civic organizations and legislators—us—to do what CASTRO wants done. The CASTRO kit is similar to Project Action, the power companies' massive national program against the Rural Electrification Administration and consumer-owned power systems during the Eisenhower Administration, which I put in the CONGRESSIONAL RECORD on January 8, 1964. I shall put the CASTRO kit in the RECORD at the conclusion of these remarks. First, let me give you the flavor of the materials.

The CASTRO materials emphasize throughout that their objective is political action, including appropriations to overcome past deficiencies, tax credits, tax exemption, rapid tax write-offs, loan guarantees, low-interest loans, authority for automatic rate increases and even more freedom to abandon service.

CASTRO raises the specter, as the alternative to its $36 billion package, of "nationalization—a dangerous proposition at best—which has been estimated to cost as much as $60 billion for the initial acquisition alone." CASTRO neglects to state that it picked its $60 billion figure out of the rarified air of the Harvard Business School. Two Harvard students, doing a paper last year for their MBA degree, estimated market value of railroad land, track and structures, added replacement cost for depreciated value of rolling stock and guessed at the worth of mineral and air rights. Their $60 billion contrasts sharply with the $21 billion estimate, by the National Association of Railroad Passengers, as the amount for which the Government could obtain the railroads free and clear.

It is important to note that the vastly inflated figure of $60 billion has been cranked into a national publicity program at a time when the Interstate Commerce Commission is considering Docket 271, the railroad rate base case. You can be sure that the ICC will be inundated by CASTRO data, while the paying public has no experts to present the counter arguments.

The theme for the CASTRO program, entitled "Countdown for America's Railroads," sets forth the battle plan. CASTRO "will communicate with national organizations and government bodies to obtain support for policies that will assist the industry." In phase one, Astronaut Schirra has already told us on McCann-Erickson's television and radio ads how water, food, and newspapers would go the way of the passenger pigeon—I almost said passenger train—if it were not for the railroads, which "will always deliver the goods" despite regulation and taxes.

Then according to CASTRO:

> Beginning in 1971, the communications program will accent specific legislative solutions—some have already been introduced—and request support from the general public, rail employees, shippers, national organizations and others for positive congressional action.

The action program includes operation of a national speakers bureau:

> Made up of Senator Smathers, other ASTRO personnel, AAR executives and top industry representatives, national advertising, newspaper articles, radio and TV appearances and other public forums, plus work through shippers, suppliers, labor unions, women's groups and the financial community.

Basic tools, provided by ASTRO headquarters, include brochures, speeches, radio and television interview scripts, press kits, charts to accompany speeches and slide presentations. There is a national coordinator, coordinating with the area coordinators, who in turn appoint State chairmen and vice chairmen, who establish the organization within their States, reporting up the chain of command any trouble spots that may need special attention. The materials which follow will include the names and affiliations of the various area and State coordinators. This list may help Members determine which CASTRO man is responsible for keeping him or her from becoming a trouble spot.

The State chairmen and vice chairmen select district chairmen—perhaps only four or five or possibly twice that number. CASTRO permits some local autonomy but cautions that "it's better to have too many district chairmen than too few."

The State leaders establish a State speakers bureau, pass up the chain of command the requests for materials:

> Keep the area coordinates informed constantly of the situation in each State and coordinate media contacts with all railroads having a public relations department of PR personnel operating within the State.

All in all, CASTRO's big brothers blanket more of the States than Railpax covers. Only three States—Hawaii, Vermont, and New Hampshire—are without a State or area coordinator; 44 have State coordinators as well as being included in one of the area jurisdictions.

CASTRO's workers are admonished to be especially careful in selection of speakers at the State level. District request for speakers forms are filed in triplicate to the State chairman by the district chairman, who makes contacts with various organizations and secures an invitation for a speaker.

If the State chairman determines one of the big engines should be brought in from the national speakers bureau, he consults the area coordinator, who in turn gets in touch with ASTRO executive director Richard E. Briggs here in the Washington dispatch center.

Actually the selection of the speaker is probably not so important, because "the State chairman will provide the speakers with a complete set of pattern speeches, together with charts to accompany them," or slide presentation sets if prefered. Freedom of choice does enter in—the State chairman permits the assigned speaker to select "which speech he intends to use"—so that the topic can be made a part of the press release to be transmitted to the district chairmen.

Mr. President, the ASTRO kit sheds further light on the services for which professional fees are paid by railroad and utility companies, a subject raised increasingly in rate and service hearings. District chairmen are urged to go through:

> The State railroad association representative or the local counsel or one of the roads in their approaches to local government officials. And in working through local counsel they should request—the—state chairman to contact the law department of that railroad for the assignment of the individual to be responsible.

The district chairmen are further advised to "secure news stories, columns and editorials presenting the railroads' situation," using the press kits, the "suggested interviews of different lengths" and the radio tapes being designed for distribution to local stations. The busy district chairmen, who are to submit weekly reports, with press clips attached, also line up speakers for "Rotary, Kiwanis, Civitan, Jaycees, PTA groups, professional organizations, church groups and women's organizations." The district chairmen are cautioned to:

> Not overlook the significance of support from such organizations as state and local chambers of commerce, even though they may not provide speaking occasions.

The CASTRO kit also outlines procedures by which railroads will call meetings of their employees to go over this massive political action program and enlist their help on particular assignments, especially the writing of letters to Congress.

> Any weak spots . . . where reaction from the public may not be favorable to the railroads' position are to be reported promptly to the State chairman. And if a situation is particularly unfavorable he should get on the telephone so that immediate steps can be taken to correct such situations.

Mr. President, I hope the phones jingle in the offices of all those State chairman. I frankly doubt that they will. The media will likely carry more CASTRO ads than exposes. The Congress, I fear, will lumber along, responding again to a powerful and well-organized lobby. Perhaps the Interstate Commerce Commission will express sympathy for the idea that it should determine CASTRO's cost and exclude it from railroad operating expenses—if the Commission only had more time and money.

I would hope, however, that the Congress would abstain from any action on CASTRO proposals until after it has ascertained CASTRO's cost to date and the manner in which the costs have been reported to the ICC and State regulatory commissions. I would hope, too, that action on CASTRO proposals be deferred until after Congress has considered emergency legislation introduced as a consequence of Railpax' recent actions, and measures such as S. 608, the Transportation Consumers' Information and Counsel Act of 1971. Neither the Congress nor the Commission presently has the information and expert counsel needed to suit rail transportation to public needs. The Congress is now on a course which will make it a party to a worse boondoggle than the Penn Central fiasco.

I shall, in the near future, suggest some alternatives to the CASTRO 10-year plan for a multibillion dollar subsidy.

Mr. President, I ask unanimous consent to insert at this point in the RECORD the CASTRO kit to which I have referred along with an editorial from the January 1971, issue of Burlington Northern News and the "Watching Washington" column, by Reid Beddow, which appeared in March 8 Railway Age.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CASTRO KIT

ASTRO LEGISLATIVE PROPOSALS

1. The Federal government should exempt rail transportation from state and local property taxation and reimburse the states for the revenue loss.

2. Permissible types of state taxes should not, as a matter of Federal law, discriminate against railroads.

3. The Congress should require that the states devote 10 percent of Federal highway trust funds to grade crossing projects. It should also remove present restrictions which confine funds to the Federal aid highways.

4. Uniform Federal safety standards governing grade crossings should be promulgated.

5. Railroads seeking to increase work on roadbed should have access to funds from a newly-created Federal transportation fund.

6. Government guaranteed loans should be made available to expedite improvements on roadway and structures.

7. Congress should allow the railroads to amortize the costs of grading and tunnel bores over a reasonable period.

8. Rapid tax amortization should be allowed as an incentive for modernization of basic plant.

9. Railroads should qualify for Federal assistance following natural disasters on terms no less favorable than those for other modes.

10. The Federal government should guarantee loans made by railroads and railroad-owned car lines to acquire new freight cars and locomotives.

11. To provide an immediate increase in the level of cars now in short supply and to insure added motive power, the Federal government should loan 20 percent of the capital needed for such purposes. The government should also help offset the cost of borrowings to obtain such additional equipment by assuming interest charges in excess of 4 percent.

12. As a long-range program to assure an

adequate supply of general purpose cars, the Congress should create a Federally chartered non-profit corporation acquire cars under government guaranteed loans.

13. Investment tax credits should be restored for acquisitions of freight cars and locomotives.

14. The Congress should create a new agency to regulate all modes of transportation under a broad mandate of equality.

15. Railroads should be permitted to lower prices on particular commodities where the reductions would improve their earnings.

16. Until railroads can earn a reasonable rate of return, they should be authorized automatic annual increases in the general level of rates to meet higher wage and material costs.

17. Such increases should not be subject to state regulation.

18. All transportation rates should be a matter of public record, except for certain movement of farm products.

19. Selective removal of minimum rate control should be allowed on an experimental basis to determine whether a general movement to deregulation is warranted.

20. Accompanying a program of internal reform, the law should permit appeals from the ICC directly to Courts of Appeal with further review by the Supreme Court as a matter of discretion.

21. There should be a definite time limit within which appeals can be taken from orders of the ICC.

22. Federal policies should remove absolute bars to intermodal transportation companies and permit controlled experimentation concerning the benefits of common ownership.

23. Abandonment should be permitted on any line which fails to meet its avoidable costs.

24. Abandonments applied for should become effective within six months unless the regulatory agency denies the application within that time.

25. Reformed procedures should be adopted to eliminate unnecessary delays in merger proceedings.

26. The degree of Federal participation depends on whether the passenger service in question is commutation, corridor or long-haul. The governing principle, however, is that railroads should be relieved of continuing and severe losses on unprofitable service required in the public interest.

I: INTRODUCTION TO ASTRO

The history of American railroading is a history of problems.

But it's a history of accomplishment as well—of challenges met, of obstacles overcome.

In the early days, the railroad pioneers battled a hostile environment, Indians and other formidable handicaps. They were determined to triumph, because their nation needed railroads, and they knew it.

Today, railroading again faces a challenge—perhaps its greatest. Today's challenge is not as easy to identify and to meet as floods or rough terrain. But the need to triumph is just as great as it was a century ago, because our nation still needs railroads.

It was for the purpose of surveying the dimensions of transportation difficulties—and focusing upon likely solutions—that the Board of Diretcors of the Association of American Railroads created America's Sound Transportation Review Organization—ASTRO.

ASTRO looked at the railroad industry and found it in deep trouble.

In the opening pages of the ASTRO report, there was presented a portrait of an industry beset on every side—by poor earnings, by rising costs, by subsidized competition and by unfair regulations.

This portrait was framed in the irony of forecasts that show a growing—not lessening—need for railroad service in the future of America.

And, grimly, there was cited a real possibility that, when America most needs high-quality and low-cost rail service, her railroads may not be able to provide it.

To avert such a consequence, the ASTRO report put forward a series of bold proposals aimed at creating an economic and regulatory climate in which the railroads can continue to serve the country by competing for transportation business on equal terms.

Recommended were updated laws and regulatory procedures that would free railroads from restraints of the past; financial help on rights-of-way and equipment, recognizing that railroads can no longer perform their essential job without support such as their competitors have received; expanded federal research, and a rational approach to passenger service.

While many of the proposals, such as regulatory changes, would have no significant "price tag," ASTRO concedes that its program, as a whole, would cost money.

But it would not be as costly as the alternatives:

Not as costly as steadily deteriorating rail service at precisely the time when the nation needs to use all its transportation facilities to the fullest.

And not as costly as nationalization—a dangerous proposition at best—which has been estimated to cost as much as $60 billion for the initial acquisition alone. Nor would it be anywhere near as costly as the present levels of government spending on other transportation facilities.

It's obvious that railroad management and railroad labor have an enormous stake in a financially sound rail system. It's our bread and butter.

But, in a real sense, the state of the rail system has a direct relationship to the bread and butter of the nation at large. The railroads cannot be permitted to fail.

The ASTRO proposals show a way to keep them whole.

It's important to remember that the ASTRO program is "not rooted in the private interests at stake," to quote from the report. It's aimed not at favoritism but at fairness—and more freedom—for the railroads.

When we urge civic groups—or any part of the public—to support the ASTRO proposals, we are urging them to support justice and to allow us to do business like any other business. More importantly, we are urging them to act in the public's own best interests.

Most of the recommendations are directed to Congress—because Congress is the only institution that can implement them. But the ASTRO message cannot be structured only toward convincing Congress of the justness of our cause.

For Congress doesn't operate in a vacuum. It's responsive to expressions of public will. Therefore, implementation of the ASTRO program will depend on developing a legislative program and generating both public and organizational support for that program.

II: THEME

The theme for the ASTRO program will be: countdown for America's railroads.

III: ASTRO: ITS OVERALL FUNCTIONS AND ORGANIZATION

After the ASTRO Report was approved by the AAR Board of Directors, the ASTRO organization was assigned the responsibility of implementing that report. ASTRO, which has its offices in the American Railroads Building in Washington, will provide three general functions in this effort:

(1) *Legislative Activities*—After consultation with the industry, ASTRO will develop policies and coordinate legislative efforts to effect legislation consistent with the recommendations of the ASTRO Report. The main thrust of this effort will occur in 1971. For the balance of 1970, these activities will be limited to pending bills and any new legislation introduced relating to freight car supply;

(2) *Policy Activities*—ASTRO will undertake continuing evaluation of legislative proposals related to the railroad industry and will communicate with national organizations and government bodies to obtain support for policies that will assist the industry; and

(3) *Communications Program*—Prior to the introduction of major legislation in 1971, ASTRO will initiate both national and local communications programs to disseminate the basic points of the ASTRO Report—that the railroads are vital to the welfare of the American economy today, that they will become more essential tomorrow, and that, in order to provide the low cost, efficient rail service which the public will need in the coming decade, the railroads must have help, since their resources are now grossly inadequate for both present and future demands. And the ASTRO communications program will be designed to emphasize that, given (1) up-to-date regulation that stimulates management innovation and allows railroads to operate like other businesses, (2) balanced government promotional policies and (3) reform in internal practices of management and labor, the railroads can do the job the nation requires.

Beginning in 1971, the communications program will accent specific legislative solutions and request support from the general public, rail employes, shippers, national organizations and others for positive Congressional action.

The ASTRO organization is headed by former Senator George A. Smathers. Richard E. Briggs is the Executive Director and will coordinate the various staff functions of ASTRO.

The ASTRO organization is comprised of the following personnel:

George A. Smathers, General Counsel, Richard E. Briggs, Executive Director, J. C. B. Ehringhaus, Legislative Counsel, Donald T. Martin, National Coordinator, Richard E. Keefer, Jr., Policy Analyst.

The AAR's Public Relations, Legislative and Economics-Finance Departments will work closely with the ASTRO organization, providing materials, counsel and manpower in a coordinated effort to implement the ASTRO recommendations. Other AAR departments will also be involved in the ASTRO program from time to time.

V. THE PLAN FOR THE COMMUNICATIONS PROGRAM

The twin objectives of the communications program are:

To inform the general public and create, in the public mind, an awareness of and sympathy for the acuteness of railroad problems.

To encourage Congress to enact legislation that will give the industry the ability to solve its problems.

Because the accomplishment of the second objective depends upon achieving the first, the campaign will have two phases.

Phase I will be primarily educational—especially aimed, in other words, at the first objective.

Phase II will be the time for action.

Phase I should pave the way for crystalizing public understanding into active "grass-roots" support for specific legislation during Phase II—support that would manifest itself in letters to Congressmen, resolutions by civic clubs and local governmental bodies, newspaper editorial support and the like.

The national communications program will include the following functions:

1. Operation of a national speakers bureau. This would be made up of Senator Smathers, other ASTRO personnel, AAR executives and top industry representatives.

2. National advertising in support of the

ASTRO program. (See Appendix A for TV and radio scripts and the Fall schedule.)

3. Arrange for newspaper articles, radio and TV appearances and other public forums for railroad personnel to talk about ASTRO.

4. Contacts with national organizations such as shippers, suppliers, labor unions, women's groups and the financial community.

VI: THE "GRASS-ROOTS" COMMUNICATIONS PROGRAM

To accomplish the objectives of the program, an organization must be established to work at the local level throughout the nation. This program will be directed by the National Coordinator.

Briefly, the nation has been divided into working areas that usually cover several states. Area Coordinators from various railroads have been designated to coordinate activities within the states assigned.

In each state under his jurisdiction, the Area Coordinator will appoint a State Chairman and Vice Chairman, who will report directly to him. In the few instances where only one state comprises the area, the Coordinator may choose also to serve as the State Chairman.

A Speakers Bureau will be set up in each state under the direction of the State Chairman, who will arrange for members of the bureau to fill suitable speaking engagements in the state.

Geographical districts will be established in each state, and the State Chairman and Vice Chairman will name a District Chairman for each. District Chairmen will be responsible especially for contacts with news media, civic clubs, shippers and local government.

Basic tools will be provided by ASTRO headquarters. These will include brochures, speeches, radio and television interview scripts, press kits, charts to accompany speeches and slide presentations. The effective use of this material will be a vital part of their responsibilities. A summary of the materials and the dates they will become available are listed in Appendix B.

In order to get the ASTRO program moving quickly, the entire organization should be completed by October 15.

Since individual railroads have the best channels of communication with their employees, these chemicals will be used for this purpose (as described in Section XVII).

VIII: DUTIES AND RESPONSIBILITIES—NATIONAL COORDINATOR

The National Coordinator shall be responsible for directing the state and local communications program for ASTRO.

In the execution of this duty he will:

1. Coordinate all activities with the Area Coordinators.

2. Assist in establishing the organization for this program.

3. Evaluate the effectiveness of the organization at all levels and aid the various elements of the organization whenever needed.

4. Constantly keep the ASTRO staff advised of the progress the organization is making toward the achievement of its stated goals.

IX: DUTIES AND RESPONSIBILITIES—AREA COORDINATOR

The Area Coordinator will be responsible for all of the activities in the states assigned to him. He is expected to:

1. Appoint a State Chairman and Vice Chairman for each state. The selections can be made from his own or another railroad. Although there will be instances in which other types of personnel can better fill these jobs, in most cases the State Chairman and Vice Chairman probably will be members of the traffic or operating departments (one from each), since the local organizations that are set up will be composed primarily of personnel from the traffic and operating departments.

2. Assist the State Chairman and Vice Chairman in the establishment of organizations within their states. This will include making necessary contacts with the various railroads operating within a state to assure that the most qualified individuals, regardless of railroad, are available to carry out all activities required.

3. Monitor the volume of materials used by the State Chairmen in the execution of their responsibilities. Orders for materials from the National Coordinator will be made by the State Chairman with a copy to the Area Coordinator.

4. Maintain close liaison with the State Chairmen. Reports submitted by the State Chairmen also will assist him in evaluating the activities of the organization and, at the same time, will provide him with the knowledge of any trouble spots that may need special attention.

5. Work in close coordination with the National Coordinator in Washington, keep-his area and calling on him for any assistance needed. Reporting procedures for this purpose are discussed in Section XVI of this manual.

X: AREA COORDINATORS AND STATES ASSIGNED TO THEM

States and area coordinator

East

Connecticut, New York, Pennsylvania, Rhode Island: William A. Lashley, Vice President, Public Relations and Advertising, Penn Central Company, Six Penn Center Plaza, Philadelphia, Pennsylvania 19104, (215) 594-3112.

Delaware, Indiana, Maryland, Michigan, Ohio: Howard Skidmore, Vice President, Chesapeake and Ohio Railway, Baltimore and Ohio Railroad, Terminal Tower, Cleveland, Ohio 44101, (216) 861-2200.

New Jersey: George W. Eastland, Manager of Public Relations, Erie Lackawanna Railway, Erie Lackawanna Terminal Building, Hoboken, New Jersey 07030, (201) 659-2000.

Maine, Massachusetts: Richard Sprague, Vice President—Public Relations, Bangor & Aroostook Railroad, 84 Harlow Street, Bangor, Maine 04401, (207) 945-5611.

Virginia, West Virginia: Peyton B. Winfree, Director of Public Relations and Advertising, Norfolk and Western Railway, Roanoke, Virginia 24011, (703) 344-1451.

South

Alabama, Georgia: William F. Geeslin, Assistant Vice President—Public Relations, Southern Railway System, Southern Railway Building, Washington, D.C. 20013, (202) 628-4460.

Arkansas, Louisiana, Texas: Harry E. Hammer, Assistant to President—Public Relations, Missouri Pacific Railroad, Texas and Pacific Railway, Missouri Pacific Building, St. Louis, Missouri 63103, (314) 622-2201.

Kentucky, Tennessee: Woodson Knight, Public Relations Director, Louisville & Nashville Railroad, 908 West Broadway, Louisville, Kentucky 4021, (502) 587-1121.

Florida, North Carolina, South Carolina: W. Edward Rachels, Manager of Public Relations, Seaboard Coast Line Railroad, P.O. Box 1620, 3600 Broad Street, Richmond, Virginia 23213, (703) 359-6911.

Illinois, Mississippi: Clifford G. Massoth, Director, Public Relations and Advertising, Illinois Central Railroad, 135 East Eleventh Place, Chicago, Illinois 60605, (312) WA 2-4811.

West

Kansas, New Mexico, Oklahoma: William C. Burk, Manager of Public Relations, Atchison, Topeka & Santa Fe Railway, 80 East Jackson Boulevard, Chicago, Illinois 60604, (312) 427-4900.

South Dakota: Chester C. Dilley, Director, Public Relations and Advertising, Chicago, Milwaukee, St. Paul and Pacific Railroad, 824 Union Station, Chicago, Illinois 60606, (312) 325-7600.

Wisconsin: Frank V. Koval, Director of Public Relations, Chicago & North Western Railway, 400 West Madison Street, Chicago, Illinois 60606, (312) 332-2121.

Colorado: Alexis McKinney, Director of Public Relations, Denver and Rio Grande Western Railroad, 1531 Stout Street, P.O. Box 5482, Denver, Colorado 80217, (303) 222-5533.

Iowa: James G. Pate, Director of Public Relations, Chicago, Rock Island and Pacific Railroad, La Salle Street Station, Chicago, Illinois 60605, (312) 922-3200.

Missouri: Martin M. Pomphrey, Assistant to President, St. Louis-San Francisco Railway, Frisco Building, St. Louis, Missouri 63101, (314) CH 1-7800.

Minnesota, Montana, North Dakota, Washington: A. M. Rung, Vice President, Public Relations and Advertising, Burlington Northern Inc., 176 East Fifth Street, St. Paul, Minnesota 55101, (612) 224-5588.

Idaho, Nebraska, Oregon, Utah, Wyoming: Edwin C. Schafer, General Director of Public Relations, Union Pacific Railroad, 1416 Dodge Street, Omaha, Nebraska 68102, (402) 281-5822.

Arizona, California, Nevada: James G. Shea, General Public Relations Manager, Southern Pacific Transportation Company, One Market Street, San Francisco, California 94105, (415) DO 2-1212.

XI: DUTIES AND RESPONSIBILITIES—STATE CHAIRMAN AND VICE CHAIRMAN

The State Chairman and Vice Chairman, to best fulfill their duties in the organization they will head, should:

1. Select District Chairmen throughout the state. Enough districts should be set up to adequately cover the state. In some cases this may mean only four or five. In others it could mean many times that number. It's better to have too many than too few. Here, again, efforts should be made to obtain employes from other railroads for some districts.

2. As soon as possible, call a meeting of all District Chairmen to outline the plans and procedures of the program so that each District Chairman can select his own personnel necessary to fulfill the responsibilities of his position. This should be done so that the organization in each state is complete by October 15.

3. Call upon the Area Coordinator to assist in those areas where there are multiple railroads and where the use of personnel from several railroads is desirable for the District Chairmanships.

4. Establish a State Speakers Bureau, securing personnel from all railroads operating within the state. Care should be exercised to insure that the best qualified persons are assigned to represent the industry as speakers. (Section XIV of this manual spells out in more detail how the State Speakers Bureaus should be set up and operated.)

5. Order materials requested by the District Chairmen from the National Coordinator and supervise the use of these materials by the District Chairmen. A separate order should be sent in for each District Chairman, and a copy of all orders should be sent to the Area Coordinator. The materials ordered will be mailed direct to the District Chairmen. Available materials are listed in Appendix B. Sample order forms are included in Appendix C.

6. Maintain close coordination with the District Chairmen.

7. Keep the Area Coordinators informed constantly of the situation in each state. This will be done by the normal reporting procedures outlined in Section XVI of this manual. However, if emergency situations arise, immediate contact should be made with the Area Coordinator.

8. Coordinate media contacts with all railroads having a public relations department or PR personnel operating within the state.

9. Maintain liaison with the state railroad association representative. (A list of the rep-

resentatives of each state is contained in Section XIII.) This liaison will be more important in accomplishing the objectives under Phase II than it will be under Phase I. However, this contact should be made as soon as possible to obtain advice on the emphasis and coverage which state activities should have as well as the assistance which the state railroad association representative can provide.

In the absence of the Chairman, the Vice Chairman will assume all of his duties and responsibilities.

XII: STATE CHAIRMAN AND VICE CHAIRMAN

Names and addresses of the State Chairmen and Vice Chairmen will be sent you for inclusion in the manual as soon as they are appointed.

XIII: STATE RAILROAD ASSOCIATION REPRESENTATIVES

Alabama

Anderson, Walter M., Jr., Secy. and Treas., Alabama RR. Assn., Box 21, First Ntl. Bank Bldg., Montgomery, AL 36101, (205) 262–1925.

Alaska

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Arkansas

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California

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Colorado

Witherall, Richard F., Director, Colorado RR. Assn., 702 Majestic Building, Denver, CO 80202, (303) 534–4663.

Florida

Fokes, W. Robert, Special Representative, Florida RR. Assn., P.O. Box 1169, Tallahassee, FL 32302, (904) 224–1812.

Georgia

Parmer, Hershel W., Asst. to President, Louisville & Nashville, 1800 First Ntl. Bank Bldg., Atlanta, GA 30303, (404) 523–6685.

Bryan, W. B. (Bill), Asst. to President, Seaboard Coast Line, Rm. 644 Piedmont-Cain Bldg., 148 Cain Street, N. E., Atlanta, GA 30303, (404) 521–1333.

Idaho

Grayson, Sam A., Special Representative, Union Pacific RR., 611 Idaho Building, Boise, ID 83702, (208) 343–1771.

Illinois

Smiley, Thomas W., Executive Director, Illinois R.R. Assn., Rm. 801, 135 E. 11th Place, Chicago, IL 60605, (312) 427–1919.

Loop Office, Suite 1709, 12 So. Mich. Blvd., Chicago, IL 60603—726–9523.

During Illinois State, Legislative Session: House Clerks Office, State Capitol, Springfield, IL 62702, (217) 525–6010.

Indiana

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Iowa

Hicklin, M. F., Executive Director, Iowa Railways Association, 507 Bankers Trust Bldg., Des Moines, IA 50309, (515) 244–1888.

Kansas

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Kentucky

Renfroe, W. W., Exec. Dir. & Gen. Coun., Kentucky RR. Assn., 101 East High Street, Lexington, Ky. 40507, (606) 255–7255.

Louisiana

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Maine

Houston, William M., VP & Gen. Coun., Bangor & Aroostook RR., 84 Harlow Street, Bangor, ME 04401, (207) 945–5611.

Maryland

Van Horn, Charles R., Asst. Vice President, C&O-B&O Railroad, 402 Transportation Bldg., Washington, D.C. 20006, (202) ST 3–8124.

Massachusetts

Milano, James E., Attorney, Boston & Maine Railroad Corp., 150 Causeway Street, Boston, MA 02114, (617) CA 7–6000, Ext. 586.

Michigan

Wyatt, George H., Chm. & Gen. Coun., Michigan RRs. Assn., 314 M. C. Terminal, Detroit, MI 48216, (313) 825–7000.

Minnesota

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Mississippi

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Missouri

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Montana

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Nebraska

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Nevada

Soderblom, Carl A., Legislative Repr., SouPac-WnPac, One E. First St., Rm. 803, Reno, NV 89501, (702) 329–2492.

New Jersey

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New Mexico

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New York

Condello, Victor, Vice Chm. & Gen. Coun., New York RR. Assn., Rm. 1537, 466 Lexington Ave., New York, NY 10017, (212) 532–2225.

North Carolina

Swindell, Russell A., Executive Director, N.C. RR. Assn., P.O. Box 2635, Raleigh, NC 27602, (919) 828–0389.

Ohio

Gill, Joseph S., Counsel, Ohio RR Assn., 16 East Broad Street, Columbus, OH 43215, (614) 224–4010.

Oklahoma

Welch, Don, Jr., General Counsel, Oklahoma Rys. Comm., Madill, OK 73446, (405) 795–3388.

Oregon

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Pennsylvania

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Rhode Island

Athy, James A., Asst. to VP–New England, Penn Central, 492 South Station, Boston, MA 02210, (617) 482–7800.

South Carolina

Sims, Lana H., Director, S. C. RR. Assn., 1006 Security-Federal Bldg., Columbia, SC 29201, (803) 256–0646.

South Dakota

Richardson, Lloyd C., Jr., Chairman, S. D. RRs. Assn., Rm. 3, Milwaukee Sta Bldg., Aberdeen, SD 57401, (605) 225–6310.

Tennessee

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Texas

Caven, Walter, General Counsel, Texas RR. Assn., P.O. Box 1767, Austin, TX 78767, (512) GR 8–9389.

Utah

Allen, Arthur A., Jr., General Counsel, Utah RR. Assn., 1007 Kearns Building, Salt Lake City, UT 84101 (801) 322–1121.

Virginia

Waldrop, Emory F., Jr., Asst. VP, SCL, P. O. Box 1620, 3600 W. Broad St., Richmond, VA 23213, (703) 359–6911, Ext. 438, 347–0935.

Washington

Greenwood, Dale, Executive Director, Washington RR. Assn., 302 Hoge Building, Seattle, WA 98104, (206) 623–8714.

West Virginia

Parrish, George F., Executive Secretary, W. Va. RR. Assn., 1106 Security Bldg., Box 7, Charleston, WV 25321, (304) 342–1323.

Wisconsin

Ostby, Byron C., Executive Director, Wisconsin RR. Assn., 25 West Main Street, Madison, WI 53703, (608) 257–0411.

Wyoming

Evans, Harry D., Special Repr., Burlington Northern Inc., Burlington Depot, Casper, WY 82601, (307) 237–2766.

XIV: STATE SPEAKERS BUREAU

Each State Chairman is responsible for the establishment of a State Speakers Bureau to operate within his state.

The selection of speakers should be made with the objective of obtaining the most qualified persons capable of presenting the railroads' problems before the various organizations. To do this, he should call upon the Area Coordinator to assist him, if necessary, in contacts with other railroads. In any event, careful selection of personnel to fill the assignments as speakers is extremely important to the success of this program.

Sufficient photographs and biographical sketches of all speakers should be secured and maintained on file in the State Chairman's office.

As the District Chairman makes contacts with various organizations and secures an invitation for a speaker, he should send the form titled "Request for Speakers" in triplicate to the State Chairman. (A copy of this form is included in Appendix C.)

Upon receipt of a request for a speaker, the State Chairman should evaluate the importance of the organization extending the invitation.

If the State Chairman determines it is sufficiently important for a representative of the National Speakers Bureau, he should consult the Area Coordinator who, if it's determined to request a national speaker, will contact the Executive Director of ASTRO in Washington to fill the engagement.

If the assignment of a speaker is to be made from the state's own Speakers Bureau, the State Chairman should complete Part II of the request form and return it to the District Chairman, sending a copy of the form to the speaker himself. The third copy of the form should be retained in the State Chairman's office. The making of an assignment, of course, must follow a personal contact with the speaker to make certain of his availability.

The State Chairman will provide the necessary press release, as well as a biographical sketch and photograph, to the District Chairman so that maximum coverage can be obtained through the media of all speaking engagements.

The State Chairman will provide the speakers with a complete set of pattern speeches, together with charts to accompany them. He also will have slide presentation sets available, if this type of presentation is preferred. These will be supplied by national headquarters. Each speech will also have pattern releases that can be individually adapted for press coverage on the speech as well as advance news items.

The State Chairman should determine from the assigned speaker which speech he intends to use so that the topic can be made a part of the press release to be transmitted to the District Chairman.

All the materials for the Speakers Bureau are listed in Appendix B.

XV: DUTIES AND RESPONSIBILITIES—DISTRICT CHAIRMAN

Each District Chairman will be responsible for contacting the news media, civic clubs, shippers and local government.

In carrying out these responsibilities, he should secure necessary additional personnel from all railroads operating in his district to insure adequate contacts with all such segments of the public. In the assignment of personnel to contact the local government, he may determine the best contact would be the state railroad association representative or the local counsel of one of the roads. If the latter is the case, he should request his State Chairman to contact the law department of that railroad for the assignment of the individual to be responsible.

His assignment of personnel should be made on the basis of selecting the best qualified individuals from among all railroads serving the district to accomplish the following functions:

1. *Media contacts*—Contacts with newspapers, radio and television should be made to secure news stories, columns and editorials presenting the railroads' situation and emphasizing the need for solutions to their problems. Press kits to assist him in these contacts will be supplied by the State Chairman. In contacting the broadcast media, he should attempt to obtain appearances, either live or taped, providing opportunities to present the railroads' story. In making these contacts, he should keep in mind that the television or radio stations expressing an interest may have programs of sufficient importance to justify the use of the National or State Speakers Bureau. In that event, he should consult with his State Chairman so that an appropriate industry spokesman may be assigned. Suggested interviews of different lengths will be included in the press material. Also being designed are radio tapes for distribution to local stations.

2. *Civic contacts*—Speaking engagements should be sought for presenting this story to all possible groups. Suggested speeches, including charts and slide presentations, will be made available by the State Chairman to assist him to carry out this function. A separate section on the handling of speakers before various organizations is included in this manual. Typical of the organization that should be contacted for speaking occasions are: Rotary, Kiwanis, Civitan, Jaycees, PTA groups, professional organizations, church groups and women's organizations, including railway business women's associations. Pamphlets will be provided for distribution to members of these organizations when presentations are made. Those responsible for contacts of this type should not overlook the significance of support from such organizations as state and local chambers of commerce, even though they may not provide speaking occasions.

3. *Shippers*—The initial goal is to bring home to shippers and receivers the condition of the railroad industry and to present to them copies of the pamphlet outlining the problems and general solutions.

4. *Local Government*—Mayors, councilmen and county commissioners should be informed of the problems confronting the railroads and of the need for legislation to remove the handicaps under which they must now operate.

It will be noted that the responsibility of the District Chairman for contacting the various "publics" mentioned above is aimed during Phase I at merely advising them of the conditions under which the railroads now operate. The material and supplies to be used in these contacts will not ask for any more than understanding and support. Under Phase II, the contacts should be designed to secure the following:

1. Editorials in favor of definite legislation.
2. Resolutions from organizations where speeches are made.
3. Letters to Congressmen endorsing this legislation from as many shippers and individuals as possible.

The District Chairman will keep in close touch with the State Chairman, rendering weekly reports on activities in each district in accordance with the reporting procedures listed in the manual.

All materials for the use of the District Chairman are described in Appendix B. They should be ordered through the State Chairman.

XVI: REPORTING

Reports covering activities in his district should be submitted by each District Chairman so as to reach the State Chairman by Monday of each week. (A copy of the report form is included in Appendix C for this purpose. These forms will be supplied through the State Chairman.)

The report form is designed to give the State Chairman information on activities which have been carried on in each District Chairman's area. The District Chairman, in making his report, should also advise the State Chairman of any weak spots in his area where reaction from the public may not be favorable to the railroads' position. In some cases, where the situation is particularly unfavorable, the District Chairman should contact the State Chairman by telephone so that immediate steps can be taken to correct such situations.

The District Chairman should promptly furnish to the State Chairman all pertinent newspaper and magazine clippings and all broadcast transcripts. These should be attached to his weekly report.

Upon receipt of the District Chairman's report by the State Chairman, the latter should consolidate such reports, making his own analysis of the conditions that exist in his state, and then forward this report—with clippings and transcripts—by Tuesday of the same week directly to the Area Coordinator, with a copy to the National Coordinator in Washington. (This will expedite reporting and also reduce the amount of work in the reporting procedure.)

The Area Coordinators should analyze the results of contacts made in the areas under their jurisdiction and make a situation report to the National Coordinator in Washington every two weeks. He should forward the clippings and transcripts he has received with this report. In the event the Area Coordinator runs into special problems between reporting periods, he should make immediate contact with the National Coordinator, who will render whatever assistance may be needed. Close coordination between the Area Coordinators and the National Coordinator should be maintained.

XVII: EMPLOYEE CONTACTS OF INDIVIDUAL RAILROADS

Among the most important groups to the success of the overall program are the employes of the individual railroads. These contacts have not been assigned to the State Chairman or District Chairman since individual railroads can best do the job.

The use of company publications and bulletins can be extremely helpful, not only to inform employes of the program, but also to secure their assistance in carrying out campaign functions.

The AAR Public Relations Department is also developing a pamphlet for employes which will be made available in quantity to individual railroads for mailing to their employes' homes.

It also would be highly desirable for each railroad to call meetings of its employes for the purpose of outlining the objectives of ASTRO and enlisting their help on particular assignments, especially under Phase II, the letter-writing phase.

APPENDIX A

Advertising

To provide a bridge between the AAR's established advertising program and a special campaign planned for next year to deal directly with ASTRO objectives, television and radio spots have been used this fall. They will continue through December. The commercial messages, concentrated in sports and high-quality news and dramatic programs, stress the essentiality of railroad services and the need for freedom and equality in transportation.

The schedule:

Television

October 6, First Tuesday (NBC), 9:00–11:00 PM.

October 10, NCAA Football (ABC), Texas vs. Oklahoma, 4:00–7:00 PM.

October 14, Nightly News (NBC) 6:30–7:00 PM.

October 17, Wide World of Sports (ABC), 1:30–3:30 PM.

October 23, High Chaparral (NBC), 7:30–8:30 P.M.

October 24, NCAA Football (ABC), Regional game, Various.

October 31, NCAA Football (ABC), Regional game, Various.

November 5, Nightly News (NBC), 6:30–7:00 PM.

November 7, NCAA Football (ABC), Regional game, Various.

November 11, The Men from Shiloh (NBC), 7:30–9:00 PM.

November 21, NCAA Football (ABC), U.C.L.A. vs. Southern California, 8:00–11:00 PM.

November 24, Tuesday Night at the Movies (NBC), 9:00–11:00 PM.

November 27, NBA Basketball (ABC), 2:30–4:30 PM.

December 1, First Tuesday (NBC), 9:00–11:00 PM.

December 5, NCAA Football (ABC), Regional game, Various.

December 23, The Men from Shiloh (NBC), 7:30–9:00 PM.

December 25, NBA Basketball (ABC), 2:30–4:30 PM.

December 26, Wide World of Sports (ABC), 5:00–6:30 PM.

December 30, Four-In-One (NBC), 10:00–11:00 PM.

December 31, Nightly News (NBC), 6:30–7:00 PM.

(Note: All times shown are Eastern Standard Time.)

Radio

The railroads will be a participating sponsor of NBC's popular *News on the Hour*, Monday through Friday. There will be a total of 90 announcements during the 10-week period, October 5–December 11.

(Scripts of these television and radio commercials follow.)

SCHIRRA, V. O.: This glass of water is brought to you by . . . America's railroads. This, and a billion others like it every day. Without railroads, pouring a glass of pure water might become a luxury for most Americans. Without railroads to haul the chemicals to purification plants, a drink of water could be very scarce, and very expensive. We can't do without railroads.

* And if railroads are just allowed to do business like any other business—with up-to-date regulations and fair taxation * then they'll always deliver the goods. And then nobody . . . Will ever get . . . Too *thirsty.*

America's railroads. Who needs them? You do. We all do.

SCHIRRA (VO): America's Railroads. Who need them?

The man who has a special on cantaloupes this week.

The man who builds a house you can buy . . . without going to the poorhouse.

The lady who prices her glassware so it doesn't break *you.*

All the business you do business with.

Where would most of them be without railroads to deliver the goods at the lowest cost?

Out of business. America without railroads? We can't afford that. But, if railroads are just allowed to do business like any other business—with up-to-date regulations and fair taxation—then they'll always deliver the goods.

SCHIRRA (VO): America's Railroads Who needs them? You do. We all do.

SCHIRRA: What would happen if . . . there were no more railroads? You might not even be able to read about it. Because a lot of newspapers could be no more.

Without railroads to move it from the mills, paper wouldn't be so cheap any more. We'd all read less. And write less. It could even mean . . . fewer school books and . . . no ticker tape parades. Paper might be so scarce we could use it for money.

America without railroads? We can't afford that. But, if railroads are just allowed to do business like any other business—with up-to-date regulations and fair taxation—then they'll always deliver the goods.

SCHIRRA (VO): America's Railroads Who needs them? You do. We all do.

ANNCR: Speaking for America's Rail- . . . Wally Schirra.

SCHIRRA: A glass of clean, fresh water.

SCHIRRA: We take it for granted sometimes. Just as . . . we take America's railroads for granted sometimes. But did *you* know . . . it's the railroads that help keep America from going thirsty? Because it's the railroads that haul most of the chemicals to water purification plants.

Without railroads, a drink of pure water could be very scarce, and very expensive. We can't do without our railroads.

If railroads are just allowed to do business like any other business—with up-to-date regulations and fair taxation—then they'll always deliver the goods.

And then nobody . . . will ever get . . . *too* thirsty.

America's railroads. Who needs them? You do. We all do.

ANNCR: Wally Schirra has been brought to you by the Association of American Railroads.

ANNCR: Speaking for America's Railroads . . . Wally Schirra.

SCHIRRA: Take a piece of paper . . . write something on it . . . then tear it up and throw it away.

That's one reason paper is worth so much to us: It's so cheap. But if there were no *railroads* to move it from the mills . . . paper *wouldn't* be so cheap any more. And that could mean fewer newspapers and school books . . . shorter love letters . . . *no more* ticker tape parades. Paper might be so scarce, we could use it for money. America *without* railroads? We can't afford that. But, if railroads are just allowed to do business like any other business—with up-to-date regulations and fair taxation—then they'll always deliver the goods.

America's Railroads. Who needs them? You do.

We all do.

ANNCR: Wally Schirra was brought to you by the Association of American Railroads.

ANNCR: For America's Railroads . . . Wally Shirra.

SCHIRRA: Did you know that . . . it's the *railroads* who haul most of the chemicals to water purification plants. *Without* railroads, a drink of pure water could be very scarce and very expensive, and America could be a very thirsty place. But if railroads are just allowed to do business like any other business . . . with up-to-date regulations (and fair taxation) . . . then they'll always deliver the goods . . . America's railroads. Who needs them? You do. We all do.

ANNCR: Brought to you by the Association of American Railroads.

ANNCR: For America's Railroads . . . Wally Schirra.

SCHIRRA: All the businesses you do business with. Where would most of them be without railroads to deliver the goods at the lowest cost? *Out* of business. America without railroads? We can't afford that. But, with up-to-date regulations and fair taxation, the railroads will always deliver the goods. America's Railroads. Who needs them? You do. We all do.

ANNCR: Brought to you by the Association of American Railroads.

ANNOUNCER. For America's Railroads . . . Wally Schirra.

SCHIRRA. Take a piece of paper then tear it up and throw it away. That's one reason paper is worth so much to us: It's so cheap. But if there were no railroads to move it from mills . . . paper wouldn't be so cheap anymore. We can't afford that. With up-to-date regulations and fair taxation, the railroads will always deliver the goods. America's Railroads. Who needs them? You do. We all do.

ANNOUNCER. Brought to you by the Association of American Railroads.

APPENDIX B

Astro materials for communications program

Now available are: *Press Kits* . . . including a summary of the ASTRO report and these background articles:

1. Who Needs Them?
2. A Future of Staggering Proportions
3. Trouble With a Capital "T"
4. Creative Involvement
5. Needed: An Even Hand
6. Realism About Passenger Trains
7. Another Need: Teamwork
8. The Worst Solution
9. Stop, Look and Require It

Speech Text . . . for use before civic clubs and other general audiences. Other texts for special groups will be available by October 1.

Operations Manual . . . for distribution to all who are actively participating in the campaign.

Report Forms . . . samples of forms to be used for activity reports, for requesting assignment of speakers and for requesting materials are included in the Operations Manual. Additional copies may be secured from ASTRO headquarters.

Radio Scripts . . . suggested for use when interviews can be arranged on local stations. Separate scripts are available for 2, 5 or 10 minutes.

To be available by October 1 are:

Pamphlets . . . the first of a series will be designed for the general public. It will be in Q. and A. form. Another—written especially for shippers—will be available by October 15.

News Releases . . . suggested articles for the press that can be used in advance of an ASTRO speaker's appearance before a local club and as coverage of the speech.

To be available by October 25 are:

Slides . . . a 15-minute presentation with accompanying script.

Radio Tapes . . . brief comments by national spokesmen for ASTRO suitable for use on local newscasts.

Charts . . . poster-size visuals suitable for display at meetings.

To be available near the end of the year is:

Pamphlet . . . designed for employe distribution.

APPENDIX C

District Chairman's contact report

For Week Ended (Place).
From: (District Chairman).
To: (State Chairman).
Number of contacts—Total:
General Reaction:
No. of Very Favorable.
No. of Favorable.
No. of Unfavorable.
No. of None.
Number of speeches made:
Total Audience.
General Reaction:
No. of Very Favorable.
No. of Favorable.
No. of Unfavorable.
No. of None.
Number of news media contacts:
Newspaper Interviews.
Radio Appearances.
Television Appearances.
General Reaction:
No. of Very Favorable.
No. of Favorable.
No. of Unfavorable.
No. of None.
Remarks:

Request for speaker (in triplicate)

To: State Chairman: (state).
From: District Chairman: (name), (place).
To Speak To: (Name of Organization), (city), (number of organization).
Date, Time, Place.
Remarks:
To: District Chairman: (name), (place).
From: State Chairman: (state).
Assigned Speaker: (name), (title), (railroad).
Remarks:

Request for Materials, ASTRO Communication Program

To State Chairman—
Please ship the following materials: titles. quantity.
To: name, title, address.
Date: (of request), signature.
cc: (area coordinator), address.
Received: date.
Short Ordered:

COUNTDOWN—FOR AMERICA'S RAILROADS

Time is ticking away in a grim countdown for America's railroads.

They're in deep trouble.

Every American has a pocketbook interest in the "railroad problem" because transportation is an element in the price of just about everything we use or consume—and railroads are the backbone of our transportation system.

They move more ton-miles of intercity freight each year than trucks, barges and airplanes combined.

And the load's getting bigger all the time. The railroad volume increased 33 percent in the last decade. It's expected to show even faster growth in the next—partly under the influence of environmental concerns. For railroads can help solve such critical problems as urban congestion, air pollution and land utilization, even while expanding their capacity.

So there's no question about the nation's Space Age need for railroads.

But national transportation policy has not kept pace with the times. And the railroads have been the principal victims.

They're still shackled by policies, laws and regulations imposed under a concept that began when railroads had a virtual transportation monopoly. They continue to be hamstrung in their efforts to compete—even though the monopoly situation hasn't existed for almost half a century.

In addition, billions in public funds have long been lavished on facilities used by trucks and buses, airlines and barges, while railroads have paid their own way.

Many railroads have now exhausted their financial resources in an extended struggle to keep pace with progress—and stay in business.

But the situation is not hopeless.

The costly course of nationalization can be avoided—if prompt and bold action is taken.

Laws and regulations must be overhauled. The railroads must be brought "into the family" as part of a balanced national transportation system—based on fair and equal treatment of all modes.

A comprehensive program to achieve this end has been proposed by America's Sound Transportation Review Organization. ASTRO was created by the Associatior of American Railroads to make a thorough study of present transportation conditions and future needs. Its report calls for creative federal involvement in railroad problems on a basis similar to that which has long benefited other forms of transportation.

To provide the facts you'll need to reach your own conclusion about the course our nation should follow, here are the answers to many questions about the ASTRO program and its alternative—nationalization of the railroads.

Q. *What is the most critical railroad problems?*

A. Simply put; it's the fact that the industry is rapidly losing its ability to find the money it needs for modernization and growth.

Q. *What does this need amount to?*

A. ASTRO assessed the industry's capital requirements through 1980 at $3.6 billion. This is what's needed for modernization and improvement of services. Given the chance that ASTRO proposes, a reviving railroad industry could handle about three-fourths of this.

Q. *What would the $36 billion be used for?*

A. Part of this money is required on some railroads to overcome past deficiencies. The bulk of it is to keep pace with present and future needs. About half—$18.6 billion—is needed for expansion of the freight car fleet. Another $6 billion should go for new locomotives and the modernizing of others. Rail and tie installations will require $5.8 billion. And other needed capital expenditures are estimated at $6 billion.

Q. *Why can't the railroads borrow the money they need?*

A. Some can, but interest costs are double what they were 10 years ago. Others can't because of their currently depressed financial conditions.

Q. *What kind of "federal involvement" is proposed?*

A. ASTRO suggested a number of ways in which the government could help. Most don't involve outlays of money at all. Some call for loan guarantees, others for loans and advances requiring repayment. And many concern only changes in regulatory approach and tax policies.

Q. What are some of the specific proposals?

A. It's recommended that the government guarantee loans to buy new equipment; provide low interest loans for those types of freight cars which are in short supply; restore tax credits on new equipment purchases, and create a non-profit corporation to acquire a "free running" fleet of general purpose freight cars to relieve shortages.

Q. Isn't any public money involved, other than for loans and advances?

A. Yes. But it's a mere drop in the bucket compared to government expenditures on facilities benefiting other modes—like highways, airways and waterways. It's proposed that a single transportation trust fund be established, with the railroads contributing through a user tax. From this fund, ASTRO suggests the railroads receive $400 million a year for maintenance-of-way and plant improvements—a proposal that seems justified in light of the publicly financed "ways" used by competitors. It's also suggested that the government provide $100 million a year for cooperative research in both the passenger and freight fields. This would amount to just 12 percent of its transportation research and development funds. The federal government will spend $290 million in the next 12 months alone on the supersonic transport.

Q. Would a single transportation trust fund be in the public interest?

A. A fund of this type would assure that tax money is spent where it will accomplish the most in solving overall transportation problems. Where rail transportation can be used to ease highway congestion, it becomes a good investment for the motorist—and the general public.

Q. Why does ASTRO suggest using more highway money for grade crossings?

A. Grade crossing safety has long been recognized by federal authorities as essentially a highway problem. States are authorized to spend 10 percent of their trust fund money for crossing separations or protective devices. Most spend only a fraction of available funds for this purpose. ASTRO simply proposes that full use of the available money be required and that part of it be used where most of the hazardous crossings are—on state and local roads.

Q. What kind of regulatory changes are asked?

A. Mostly they're designed to give shippers and the public the benefit of truly competitive transportation—to let railroads operate more like other businesses do. It's recommended that they be given more freedom to eliminate losing freight services; that they be permitted to lower rates on certain commodities to attract new business that would increase their earnings; that state rate regulations be eliminated as an undue burden on interstate commerce; that bars to the development of intermodal transportation companies be removed; that selective removal of minimum rate controls be tried on an experimental basis to see if such controls are really needed, and that a single authority be created to regulate all forms of transportation with an even hand.

Q. If the ASTRO program is adopted, will it lead to lower freight rates?

A. It should on selected commodities. But a lot of factors—not the least of them being inflation—enter into this question. Most other businesses can increase prices at will when inflation hits. The railroads, too, must be able to adapt to changing economic conditions. ASTRO suggested that a general rate increase of up to 6 percent be permitted each year without government interference—until the railroads achieve an adequate rate of return on their investment.

Q. *What does ASTRO propose concerning passenger service?*

A. It broke this down into three different categories—commuter, corridor and other intercity service. It proposed partnerships between government and industry to operate and improve needed commuter services. It recommended further experiments in corridor service with greater federal assistance. And it endorsed a plan to put all intercity passenger train operations under a single corporation.

Q. *If such a corporation takes over passenger service, why not freight as well?*

A. Passenger service can be taken over and improved at much less cost to the public. The railroads themselves will provide the operating facilities—and a large part of the initial financing. The corporation, operating under a completely new set of government ground rules, would be able to tailor passenger services to the public need—and willingness to pay. Government operation of freight service, on the other hand, would necessitate a complete takeover of the railroads—at a tremendous cost.

Q. *Since land grants helped build the railroads why can't the government just take the land back?*

A. Only 10 percent of the national railway network was built with the help of either federal or state land grants. Where these grants were involved, and in other rare instances where aid was extended to the railroads, repayment was made—usually many times over. Thus most railroad facilities were brought and paid for and are privately owned. Through the years, they've been subject to heavy taxes.

Q. *Haven't railroads complained about state and local taxes?*

A. They've been glad to pay their share of school and other governmental costs as long as they could. The big complaint has been over the fact they've often been taxed at higher rates—deliberately discriminatory—than other property owners. ASTRO suggests federal tax-sharing with state and local governments to reimburse them for eliminating present property taxes on railroad operating facilities.

Q. Wouldn't nationalization solve most of the railroad problems?

A. It hasn't elsewhere. On the contrary, Luis Armand of France—perhaps the most noted transportation authority in Europe—has said: "Government takeover is pointless. It solves no problems. It merely transfers responsibility for them. Europe's experience shows how badly this can work out in all too many cases." We've had an example of this in our own country. Under government control during World War I, the cost of railroad operations to U.S. taxpayers was $2 million a day, and plant and quality of service deteriorated badly.

Q. Why do other countries have nationalized railroads?

A. In most cases they were taken over in times of distress because railroads were recognized as essential. Once made, the choice can't readily be undone despite high costs to taxpayers.

Q. Don't the nationalized lines provide beter service than U.S. railroads?

A. Comparisons are difficult because of differing circumstances. In our vast land, railroads are freight-oriented, providing twice the ton-miles of service as the national systems of Japan and Western Europe combined. Their railroads—operating in much smaller and more densely populated areas—emphasize passenger service. The bulk of their traffic would correspond to commuter or "corridor" service in this country. The average trip length is 22 to 25 miles in most countries.

Q. How do nationalized lines fare financially?

A. They operate at an average 20 percent deficit in Europe and Japan. A similar deficit by the American railroads would amount to more than $2 billion a year. The taxpayers would have to pay it.

Q. Are other transport modes nationalized in other countries?

A. In most countries, the airlines are nationalized. Motor carriers are in some. Where they aren't, their operations often are restricted in various ways to make sure they don't divert too much traffic from the railroads.

Q. What would it cost the government to take over U.S. railroads?

A. Estimates run as high as $60 billion—based on the market value of property, facilities and equipment. If payment were made in government bonds, interest would add billions of dollars to the cost. And there'd still be the need for capital improvements costing billions more.

Q. What would ASTRO's proposals cost the government?

A. It's anticipated that—in time—the government would recover its investment through taxes resulting from business gains by the revitalized railroad industry. What's needed is a helping hand—not a handout. The railroads can regain their financial health with a reasonable amount of government help during their present crisis and long-range policies that treat all forms of transportation alike.

OUR CONCLUSION

If railroads are to keep pace with the times and achieve their full potential in service to the nation, they must be brought into the transportation system and treated as equal partners.

On this basis they can remain in private hands. They can be modernized and improved—largely at their own expense—and continue as a great national asset.

Nationalization would convert this asset into a public liability. The nation simply can't afford to let that happen.

The switch is in your hands. And time is running out.

SUGGESTED SCRIPTS FOR RADIO INTERVIEWS: 2, 5 AND 10 MINUTES

Suggested Radio Interview Time: 2 Minutes

ANNOUNCER: One of the important problems facing our nation today concerns railroads. A special study group known as America's Sound Transportation Review Organization—ASTRO—recently recommended "creative federal involvement" to help railroads solve their problems. Here to discuss this subject with us is Mr. ——— of (railroad). Mr. ———, exactly what is meant by "creative federal involvement"?

RAILROAD SPOKESMAN: I'd say it means involvement that is positive and helpful. Up to now, most federal involvement in railroad problems has been in a negative or repressive way.

ANNOUNCER: Doesn't it also mean financial help from the government?

RAILROADER: That's part of it, of course. But it's only a small part. The amount of direct aid the railroads need is just a drop in the bucket compared to what the government spends every year on facilities used by our competitors. What the railroads need is a helping hand—not a handout.

ANNOUNCER: What kind of a "helping hand" is proposed?

RAILROADER: ASTRO suggested a program of loan guarantees and government loans requiring repayment. This would help the railroads get the cash they need to modernize facilities, buy new equipment and improve services. Changes in regulatory policies also are suggested to enable the railroads to compete with other forms of transportation on a fair and equal basis. That's something they can't do now.

ANNOUNCER: And why should the government help the railroads?

RAILROADER: I can think of three good reasons—right off the bat:

One—Because railroads are essential to the national economy and the low-cost service they provide affects the pocketbooks of all of us.

Two—Because outdated government policies, laws and regulations are largely responsible for the condition many of our railroads are in today.

And three—As a matter of simple fairness. Other modes already are benefiting from enormous expenditures of public money every year. This fact alone places the railroads in an extremely unfair competitive position.

The railroads are going to have to be brought "into the family" as equal partners in our national transportation complex if they're to survive as part of our free enterprise system. That's all they're really asking.

ANNOUNCER: Thank you Mr. ——— for your comments on the railroad situation—and what needs to be done about it.

Suggested radio interview

Time: 5 minutes

ANNOUNCER: A special study group known as America's Sound Transportation Review Organization—ASTRO—recently completed a year-long study of national transportation problems and future needs, particularly concerning railroads.

On the basis of this study, ASTRO prepared a prospectus for the railroad industry. It summarized railroad problems. And it spelled out a comprehensive program of "creative federal involvement" which it considered necessary to help the railroads solve their problems.

Here to discuss this with us is Mr. ——— of (railroad).

First, Mr. ———: Is there really a need for railroads in this day and age?

RAILROAD SPOKESMAN: There certainly is. Our urban areas need them to solve such critical problems as traffic congestion, land utilization and air pollution. And the whole country needs them because they're a basic factor in our national economy. Railroads handle more ton miles of intercity freight than trucks, barges and airplanes combined. And the load's getting bigger all the time.

ANNOUNCER: If business is that good, then why can't the railroads pay their own way. Why do they need help?

RAILROADER: They've always paid their own way—up to now. And they could continue to hold their own in fair and equal competition. The trouble is, many railroads have been crippled trying to stay in business against competitors that use facilities built and maintained by the government—at public expense.

ANNOUNCER: You're talking about highways, waterways, airports and such?

RAILROADER: That's right. The railroads not only pay their own way, but they're also shackled by policies, laws and regulations imposed when railroads had a virtual transportation monopoly. They continue to be hamstrung by these regulations, even though the monopoly situation hasn't existed for more than 50 years.

ANNOUNCER: If that's the case, then what should be done to correct it?

RAILROADER: The laws and regulations obviously have to be brought up to date. ASTRO—the organization which made the study you referred to—proposed the creation of a single authority to regulate all forms of transportation on a basis of equality. It also recommended a single transportation trust fund—with the railroads contributing through a new user charge.

ANNOUNCER. Would a single fund of this type be in the public interest—or just railroads' interest?

RAILROADER. A fund of this kind is absolutely essential to the development of a balanced transportation system, and we've got to have that if this country is to solve its current problems and meet future needs for moving more and more people and goods.

Where rail transportation can be used to ease highway congestion, it becomes an investment for the motorist that is just as much in his interest—and the general public's—as it is in the railroads' interest.

ANNOUNCER. Specifically, what do the railroads need money for?

RAILROADER. Well, let's remember that the expenditures railroads have been able to make in the recent past have been minimal. So not only must these past deficiencies be overcome but the railroads must regain their ability to invest in the future. Money's needed to upgrade roadbeds. To replace rails and ties. To modernize operating facilities. And to buy thousands of new freight cars and locomotives. Funds also are needed for a forward-looking research and development program.

ANNOUNCER. Approximately how much money are we talking about?

RAILROADER. ASTRO assessed the industry's capital needs at $36 billion over the next 11 years.

ANNOUNCER. And is the government expected to provide all that money?

RAILROADER. Not by any means. In fact the railroads, themselves, are expected to provide at least three-fourths of it.

ASTRO proposed a number of ways the government can help that don't involve cash outlays at all. Some call for loan guarantees. Others for low-interest government loans. And others concern changes in tax policies.

ANNOUNCER. Once the railroads start getting help from the government, would there ever be an end to it?

RAILROADER. Some of the financial aid proposals made by ASTRO are only start-up programs. With this help, the railroads should be able to get back on their feet. They could then remain viable under government policies freeing them to compete with other modes on a fair and equal basis. In time, the government should actually recover its investment through the greater taxes a revitalized railroad industry would pay. What the railroads now need is a helping hand—not a handout.

ANNOUNCER. Now, one final subject, Mr. ———:

What does ASTRO propose concerning passenger service?

RAILROADER. It broke this down into three different categories—commuter, corridor and other intercity service.

It proposed partnerships between government and industry to operate and improve needed commuter services.

It recommended further experiments in corridor service with greater federal assistance. And it endorsed a plan now before Congress to put all intercity passenger train operations under a single corporation.

ANNOUNCER. How would such a corporation operate?

RAILROADER. The railroads would provide the operating facilities and a large part of the starting capital. The corporation would operate under a completely new set of government ground rules. It would be free to tailor passenger services to the public need—and willingness to pay. On this basis, it should have a chance for success.

ANNOUNCER. Thank you, Mr. ———.

Suggested radio interview

Time: 10 minutes

ANNOUNCER. A growing transportation crisis is one of the serious problems confronting our nation today.

A group known as America's Sound Transportation Review Organization—ASTRO—recently completed a year-long study of this problem and the nation's future transportation needs.

The study was primarily concerned with railroads—the historic backbone of our transportation system which some believe to be an anachronism in the Space Age.

ASTRO had some definite recommendations to make as a result of its findings.

Here to discuss this subject with us is Mr. ——— of ——— (railroad). Mr. ———, do you agree that railroads are a thing of the past?

RAILROAD SPOKESMAN. Certainly not. ASTRO found that the railroads still are a national necessity. And the need for them is actually growing. It also found that many railroads are in deep trouble and must have help if they're to survive.

It proposed a comprehensive program of what is called "creative federal involvement" to help the railroads solve their problems.

ANNOUNCER: Mr. ———, what is the most critical single problem facing the railroads?

RAILROADER: Basically, it's the fact that the industry is rapidly losing its ability to find the money it needs for growth.

ANNOUNCER: Then the "federal involvement" we're talking about primarily concerns money. Is that right?

RAILROADER: Not exactly. What the railroads really need is a helping hand—not a handout.

ANNOUNCER: What, specifically, do you mean by a "helping hand"?

RAILROADER: Well, ASTRO suggested a program that's largely designed to help the railroads help themselves. It involves loan guarantees and low-interest government loans to prime the pump for funds the railroads need to modernize facilities and improve service. That should enable them to attract new business and increase their income.

Then, changes in regulatory policies also are needed to enable the railroads to compete with other forms of transportation on a fair and equal basis. That's something they can't do now.

ANNOUNCER: Why not?

RAILROADER: As far as regulations are concerned, they generally stem from government policies or laws that go back to the days when railroads had a virtual transportation monopoly. That hasn't been true for almost 50 years, of course, but still some of the restrictions are punitive and discriminatory.

On top of that, railroads have to build, maintain and pay taxes on their own rights-of-way while their competitors use facilities built and maintained by the government—at public expense. That, alone, puts the railroads at a great disadvantage.

ANNOUNCER: How much help do the railroads need—in dollars and cents?

RAILROADER: ASTRO assessed their capital needs through 1980 at about 36 billion dollars. That's for things like upgrading roadbeds and modernizing structures. For purchasing and rebuilding locomotives. And for acquiring thousands of new freight cars of all types.

ANNOUNCER: Is the government expected to provide all of this 36 billion dollars?

RAILROADER: Not by any means. The railroads themselves can provide about three-fourths of it—if their position is improved in line with the ASTRO proposals.

ANNOUNCER: Hasn't a figure of about 700 million dollars a year been used for this kind of government help?

RAILROADER: That's about right—until the railroads get back on their feet.

ANNOUNCER: Wouldn't government aid of that kind be the first step toward nationalizing the railroads?

RAILROADER: Not at all. Government has spent billions of dollars on facilities used by other forms of transportation without nationalizing them. So why should it nationalize the railroads?

This year alone government transportation budgets—for highways, airways and waterways—run to about 23 billion dollars. By comparison, the railroads need a mere drop in the bucket.

There have been times in the past when the government has helped the railroads. And in every instance the debt has been repaid—with interest.

ANNOUNCER: Getting away from money again—what kind of regulatory changes does ASTRO propose?

RAILROADER: Frankly, they're rather technical. But, for example, it's proposed to ease minimum rate regulations to give shippers and the public the benefit of true competitive transportation. ASTRO also recommends the elimination of barriers to the development of commonly owned, total transportation companies—such as they have in Canada.

ANNOUNCER: How would "total transportation companies" differ from what we have now?

RAILROADER: Under this kind of setup, a single company could offer rail, barge, truck and air service. That's needed if we're ever to achieve the ultimate in transportation efficiency and economy.

ANNOUNCER: I believe there were a couple of really basic proposals about the government's treatment of the transportation industry. What are they?

RAILROADER: Yes, there were. For one thing, ASTRO recommended the creation of a single authority to regulate all forms of transportation on a basis of equality.

It also proposed establishment of a single transportation trust fund. The railroads would contribute to this through user charges.

ANNOUNCER: Do you think a fund like that would be in the public interest?

RAILROADER: It's absolutely essential to the development of the kind of balanced national transportation system we've got to have—if we're to solve current problems and meet future needs.

Where rail transportation can be used to ease highway congestion, contribute to better land utilization or help curb air pollution—it's certainly in the public interest.

ANNOUNCER: ASTRO also suggested using a certain amount of highway money for grade crossings. How can you justify that?

RAILROADER: Federal authorities have long recognized grade crossing safety as essentially a highway problem. So they've already justified it.

The states are presently authorized to spend up to 10 percent of their allotments from the highway trust fund for crossing projects. But few of them spend that much. ASTRO simply proposed that full usage be required.

ANNOUNCER: What does ASTRO propose concerning passenger service?

RAILROADER: It broke this down into three different categories—commuter, corridor and other intercity service.

It proposed partnerships between government and industry to operate and improve needed commuter services. It recommended further experiments in corridor service with greater federal assistance. And it endorsed a plan now before Congress to put all intercity passenger train operations under a single corporation.

ANNOUNCER: How would such a corporation operate?

RAILROADER: The railroads would provide the operating facilities and a large part of the initial financing.

The corporation would function under a completely new set of government ground rules and would be free to tailor passenger services to the public need—and willingness to pay. The railroads have never been allowed to do that.

ANNOUNCER: If a government-sponsored corporation takes over passenger service, why not freight service as well?

RAILROADER: Passenger service can be taken over, improved and operated at a relatively small cost to the public. Government operation of freight service, on the other hand, would involve a complete takeover of the railroads. In other words—nationalization.

ANNOUNCER: Wouldn't nationalization solve most of the railroad problems?

RAILROADER: It hasn't elsewhere. It merely transfers the problems from private hands to the government—at very high cost to the taxpayers.

ANNOUNCER: Don't the nationalized lines in other countries provide better service than our railroads?

RAILROADER: Not really. But comparisons are difficult because of differing circumstances. In our huge country, railroads are freight-oriented. They provide twice the ton-miles of freight service as the national systems of Japan and Western Europe combined.

Their railroads—operating in much smaller and more densely populated areas—emphasize passenger service. But the bulk of their traffic would correspond to commuter or "corridor" travel in this country.

ANNOUNCER: How do the nationalized lines fare financially?

RAILROADER: They operate at an average deficit of 20 percent in the countries we're talking about. A similar deficit here would amount to more than 2 billion dollars a year. And, of course, the taxpayers would have to pay it.

ANNOUNCER: If the government should take over the railroads, how much would it cost?

RAILROADER: Estimates of the initial cost alone run to about 60 billion dollars. That's based on the current market value of railroad property, facilities and equipment. Courts have held that a fair market value is the standard that should be used where condemnation proceedings precede a government takeover of private property.

If government bonds were used to pay for the railroads, it would add additional billions to the cost in the form of interest. And there'd still be the need for billions more for capital improvements.

ANNOUNCER: Since land grants built the railroads originally, why can't the government just take the land back?

RAILROADER: Only 10 percent of our national railway system was built with the help of either federal or state land grants. Where these grants were involved, the government was repaid—ten times over—through reduced rates on government traffic over a period of about 90 years.

Most of this property was sold by the railroads at an average price of $2.81 an acre—to encourage settlement. The railroads have paid heavy taxes for years on the property they retained—including their operating rights-of-way.

ANNOUNCER: I believe state and local taxes have been a sore point with railroads for years. Is that true?

RAILROADER: Railroads have never complained about paying their share of school and other government costs—as long as they could afford it. The big complaint has been over the fact that they've often been taxed at much higher rates than other property owners.

ASTRO suggests federal tax-sharing with state and local governments to reimburse them for eliminating present property taxes on railroad operating facilities—since other transport modes aren't similarly taxed.

ANNOUNCER: Now, one final question, Mr. ———: Once the railroads start getting help from the government, would there ever be an end to it? Or would it go on forever?

RAILROADER: The direct financial aid proposals made by ASTRO cover only an 11-year period. During that time the railroads should be able to get back on their feet. They could then remain viable under government policies freeing them to compete with other modes on a fair and equal basis.

In time, the government should actually recover its investment through the greater taxes a revitalized railroad industry would pay.

ANNOUNCER: Thank you, Mr. ———, for a most enlightening discussion of railroad problems and what should be done to resolve them.

[From the Burlington Northern News, January, 1971]

$36 BILLION NEEDED THROUGH 1980: RAILWAYS 'SOUNDING THE ALARM' FOR FEDERAL ACTION

A comprehensive "grass roots" effort currently is being conducted by BN and the rest of the rail industry to "sound the alarm" and tell the public about America's Sound Transportation Review Organization (ASTRO).

"It's time for Congress to act," says Anthony Kane, BN's vice president, Law department. Congress must act because time is ticking away a grim countdown for the majority of America's railways.

National transportation policy has not kept pace with the times. And railways have been the principal victims. Railways still are shackled by policies, laws, and regulations imposed under a concept that began when they had a virtual transportation monopoly. We continue to be hamstrung in efforts to compete—even though the monopoly situation hasn't existed for almost a half-century.

In addition, billions in public funds have long been lavished on facilities used by trucks and buses, airlines, and barges while railways have paid their own way.

Many railways have now exhausted their financial resources in an extended struggle to keep pace with progress—and stay in business.

But the situation is not hopeless.

"ASTRO recognizes these problems and has long-term solutions," Kane says. "It's been 14 years since our country has had any comprehensive rail legislation passed by Congress, so new transportation policies are long overdue."

Among the ASTRO proposals is a request for $36 billion for capital improvements through 1980.

"Railways can no longer function without substantial Federal assistance," Kane says. Many railways currently are operating in deficit conditions. The Penn Central bankruptcy and the failure of the Central of New Jersey and Reading railroads are prime examples of the economic starvation experienced by railways.

Other transportation modes also are facing severe financial problems despite their benefiting from Federal subsidies and less government regulations than railways.

In asking for Federal funds, railways basically are requesting to be treated equally with all other forms of transportation.

"We want our fair share from Uncle (Sam)," Kane says emphatically.

Many Burlington Northernites are taking part in the grass roots program of carrying the ASTRO story to the general public. State and district chairmen have been appointed to give the ASTRO message via speeches, slide and film presentations, and television appearances.

To give employees a better idea of the problems facing the industry and what ASTRO is all about, BN News provides the following answers to some important questions:

Q. What is the most critical railway problem?

A. Simply put, it's the fact that the industry is rapidly losing its ability to find the money it needs for modernization and growth.

Q. How much money is needed?

A. ASTRO assessed the industry's capital requirements through 1980 at $36 billion. This is what's needed for modernization and improvement of service.

Q. What would the $36 billion be used for?

A. Part of this money is required on some railways to overcome past deficiencies. The bulk of it is to keep pace with present and future needs. About half—$18.6 billion—is needed for expansion of the freight car fleet. Another $6 billion should go for new locomotives and the modernization of others. Rail and tie installations will require $5.8 billion. Other needed capital expenditures are estimated at $6 billion.

Q. Why can't railways borrow the money they need?

A. Some can, but interest costs are double what they were 10 years ago. Other railways can't because of their currently depressed financial conditions.

Q. What can government do to help?

A. ASTRO suggested a number of ways, most of which don't involve outlays of money. Some call for loan guarantees, others for loans and advances requiring repayment. And many concern only changes in regulatory approach and tax policies.

Q. What are some of the specific proposals?

A. It's recommended that the government guarantee loans to buy new equipment; provide low interest loans for those types of freight cars which are in short supply; restore tax credits on new equipment purchases; and create a nonprofit corporation to acquire a "free-running" fleet of general purpose freight cars to relieve shortages. It's proposed that a single transportation trust fund be established with the railways contributing through a user tax. From this fund, ASTRO suggests the railways receive $400 million a year for maintenance-of-way and plant improvements—a proposal that seems justified in light of the publicly-financed "ways" used by competitors. It's also suggested that the government provide $100 million per year for cooperative research. This would amount to just 12 percent of its transportation research and development funds. It's interesting to note that the Federal government is contemplating spending approximately $290 million on the SST (supersonic air transport), an unnecessary and uneconomic monument to pollution and technological chauvinism.

Q. What kind of regulatory changes are the railways asking?

A. Mostly they're designed to give shippers and the public the benefit of truly competitive transportation—to let the railways operate more like other businesses do. It's recommended that we be given more freedom to eliminate losing freight services; that we be permitted to lower rates on certain commodities to attract new business that would increase earnings; that state rate regulations be eliminated as an undue burden on interstate commerce; that barriers to the development of intermodal transportation companies be removed; that selective removal of minimum rate controls be tried on an experimental basis to see if such controls are really needed; and that a single authority be created to regulate all forms of transportation with an even hand.

Q. Railways are forever talking about spiraling labor costs. Where do railways rank in terms of employee compensation?

A. The average American rail worker was compensated to the tune of $10,583 last year, according to the U.S. Department of Commerce. That placed him on a higher income level than employees in other transportation industries as well as those in communications and utilities, manufacturing, and mining. Last year, Class I railways paid $6,164,000,000 in employee wages, payroll taxes, and health and welfare benefits. Although rail workers rank first in wages and supplemental payments, the ratio of employee compensation to corporate sales is 52 percent, compared to only 25 percent for communications and utilities employees, and 26 percent for manufacturing employees. The ratio for other modes of transportation is 47 percent. What this all means is that although the railway industry is the most generous in terms of compensation, it currently is in a position where it is least able to afford the cost of maintaining that status.

Q. Wouldn't nationalization solve most of the railroad problems?

A. Because of the very high cost of nationalization, in the neighborhood of $60 billion to buy out the railways, that course of action is unlikely. In addition, nationalization would result in a tremendous tax loss. Last year, railways paid Federal, state, and local taxes in excess of a billion dollars. The tremendous investment to nationalize railways provides no assurance of improved operations—and certainly not of profitable operations. Japan's well publicized railroads operate at a deficit of 20 percent. The same is true of nationalized railroads in western Europe. A similar deficit by American railways would amount to more than $2 billion per year. U.S. taxpayers would have to foot the bill.

Q. What would ASTRO's proposals cost the government?

A. It's anticipated that—in time—the government would recover its investment through taxes resulting from business gains by the revitalized railway industry. What's needed is a helping hand—not a handout. The railways can regain their financial health with a reasonable amount of government help during the present crisis and long-range policies that treat all forms of transportation alike.

[From the Railway Age, Mar. 8, 1971]

WATCHING WASHINGTON

By March 30 Congress must decide whether to continue funding the supersonic transport plane. A vote up or down for SST will clear the way for Senate Commerce Committee consideration of ASTRO, so ASTRO General Counsel George Smathers already is polishing his lead-off testimony.

Meanwhile, the first ASTRO legislation has been introduced—H.R. 28, to provide for 50-year amortization of railroad grading and tunnel bores. The bill's sponsor is Rep. Wilbur Mills (D-Ark.), chairman of the House Ways and Means Committee, to which the measure has been assigned.

At the AAR, meanwhile, the staff of ASTRO is expanding: D. Michael Murray, former Norfolk & Western lawyer and onetime assistant Postmaster General, has been appointed legislative affairs counsel; Tom White of AAR's news service has signed on as a writer, and Seaboard Coast Line Assistant Vice President Emory F. Waldrop, Jr., is director of legislative affairs, a new title. Waldrop will serve under AAR Legislative Affairs Vice President Patrick H. Mathews. Mathews and Waldrop, of course, handle many matters besides ASTRO, but Waldrop's appointment does mean there will be another hand at the oars.

OTHER SIGNS AND PORTENTS

Ready for introduction in Congress is an alternative proposal to car-equipment bills drawn up by both the NIT League and the AAR.

The alternative, vastly more ambitious, was drawn up by four railroad brotherhoods, the United Mine Workers, two shippers described as "very large" but not otherwise identified, and electric power interests.

The two earlier bills would (1) create a modest, quasipublic National Freight Car Corporation with non-dividend stockholders and no direct Federal expenditure required and (2) provide a plan whereby individual railroads might qualify for government insurance of $3 billion of equipment trust certificates.

The labor alternative seemingly combines the objectives but would simply establish a government-owned corporation, "Fastcorp," (for Fast Freight Systems), which would be eligible to acquire up to $3 billion in car and motive-power equipment through government-guaranteed loans.

Although both proposed corporations would initially raise revenues ($10 million to $30 million) through a 50-cent per diem surcharge on use of equipment, to be cut off after a certain date, Fastcorp would receive

$20 million in direct U.S. aid for start-up costs.

Fastcorp would be run by a 13-man board composed of the secretaries of the Treasury and Transportation, the chairman of the ICC, four railroad officers, and representatives of shippers, labor, public, consumer, financial and state regulatory interests.

REALISM ABOUT PASSENGER TRAINS

It's becoming increasingly clear that certain types of rail passenger service may be required in the public interest.

Alone of all modes of transportation, railroads can move large numbers of people swiftly and efficiently—without adding to the problems of pollution and congestion.

But the fact is that, even where rail service attracts substantial patronage, it seldom pays its way.

For America's railroads, passenger trains have been a losing proposition since the end of World War II.

And this happened despite the fact that they spent more than $1 billion in the ten years after the war on new passenger equipment and millions more on advertising. Service was of the highest quality.

But traffic constantly declined, resulting in losses that are now running at a level above $200 million a year on an out-of-pocket basis alone.

Partly because of this, U.S. railroads are now experiencing a financial crisis.

As a recent study of rail industry problems by America's Sound Transportation Review Organization (ASTRO) found: "Railroads should be relieved of continuing and severe losses on unprofitable service required in the public interest."

Three main types of passenger service were identified by ASTRO—commuter, corridor and long-haul. And, "since each of the three types of service is different, the solution must be different in each case," the ASTRO report said.

By far the most necessary service, ASTRO added, is commutation.

The "economic and social costs" of eliminating commuter service "are simply too great" for the communities to bear.

But ASTRO also pointed out that forcing a railroad to operate necessary, but unprofitable, commuter service "at its sole risk" could easily jeopardize its financial health. This was described as "particularly critical in the East, where the large commuting carriers have grave financial problems."

ASTRO called for adoption of joint federal-state assistance programs to insure that needed commuter service continues.

"Regional planning commissions should be encouraged to develop concrete programs to place the responsibility for continuing commutation service under public sponsorship," the report said. "Federal funds should be appropriated for planning efforts as well as for the acquisition of equipment and the upgrading, where necessary, of fixed plant."

Turning to service in densely populated corridors of up to 300 miles, ASTRO said: "This is clearly an area for further experimentation rather than preconceptions. If corridors are to be preserved, cooperation will be required among federal and local agencies and the railroad industry."

Pointing out that the popularity of the Metroliners between Washington and New York "suggests the existence of a definite market," ASTRO added that the "profitability of such service is not yet known, nor has it been determined whether significant markets for high-speed rail service exist in other, less densely populated areas."

Because "their limited financial resources prevent them from being able to fund the experiments," it was recommended that railroads should receive reimbursement for any operating deficits incurred.

Regarding long-haul service—trips of over 300 miles—ASTRO noted that "the service has been in an irreversible decline for years."

It recommended that a new, federally chartered public corporation be established as "the overdue vehicle for rationalizing the intercity rail passenger structure."

By doing this, its report explained, "a rail passenger network can be preserved where patronage and potential so warrant. At the same time, operating contracts with railroads serving points within the network can relieve these roads of the heavy losses they are now incurring."

Thus railroads could be relieved of their "largest single burden" and the hundreds of millions of dollars lost in passenger service could be used by the industry to meet growing demands for the transportation of freight.

At the same time, passengers could hope for a better deal, with money becoming available from government sources to continue and improve passenger services.

WHO NEEDS THEM?

America lives by its transportation system.

Food must move from the farms to the cities. Coal must move from the mines to the power companies and steel mills. Steel must move from the mills to factories. And finished products must move from factories to consumers.

Without the smooth functioning of its transportation system, American commerce would soon cease. Millions would be thrown out of work.

America needs all of its transportation.

But there is one mode it depends on above all others—the railroads.

Transportation Secretary John A. Volpe underscored this recently when he said: "No other modes of transportation singly or in combination could conceivably fulfill the role of the railroads."

It has been estimated that, even with 30 days' preparation in the event of a nationwide rail shutdown, the other modes would be able to absorb only a small fraction of the railroads' freight business.

The railroads move a fleet of 1.8 million freight cars, with a carrying capacity of 118 million tons.

In 1969, they hauled 780 billion ton-miles of freight—or nearly 4,000 ton-miles for every man, woman and child in the country.

Thus, the railroads were responsible for transporting about 41 percent of the country's intercity tonnage—nearly twice as much as any other mode.

As important—and revealing—as these statistics are, they don't show the country's true dependence on railroads.

For ordinary necessities like water, electricity, paper, canned and frozen foods and bread, we depend on the railroads.

It's no exaggeration to say that your next glass of pure water may be brought to you by train—for it's the railroads that move most of the chemicals used in water purification.

In a sense, electricity, too, is brought by the railroads. They move hundreds of millions of tons of coal every year—coal that's used to provide electric lights to 80 million Americans.

And for food—that, too, is probably brought to you by train. Almost all the canned and frozen foods moves by railroad, and so does much of the wheat needed for bread. Almost half of our meat and dairy products comes by train as well.

Besides these necessities, railroads deliver something else to America—jobs, and a lot of them.

Not alone for the nearly 600,000 people who work on the railroads.

But also for thousands of employes in allied industries.

And the jobs of millions of others depend on efficient distribution of their products by railroads.

These include miners—more of whose coal, metallic ores and other minerals move by rail than by any other mode.

And cotton producers—who depend on trains to move over 73 percent of their crop to textile mills.

As recently found by America's Sound Transportation Review Organization (ASTRO), railroads move:

71 percent of household appliances.

76 percent of automobiles and automobile parts.

78 percent of lumber and wood.

40 percent of furniture.

63 percent of chemicals.

and 68 percent of primary metal products.

Railroads are also an essential component of the national defense system, moving nearly 40 percent of the Defense Department's freight—one third of which its impossible to transport any other way.

America's railroads. Who needs them? You do. We all do.

A FUTURE OF STAGGERING PROPORTIONS

America's dependence on its railroads is great. And it will grow.

By 1980, according to a recent study by America's Sound Transportation Review Organization (ASTRO), railroads will have to move about 46 percent more freight than they do now—their total then exceeding an incredible one trillion ton-miles annually.

And railroads may once again become a prime mover of people.

As ASTRO put it: "Our cities are in the throes of air and highway congestion; access to the metropolitan cores is already difficult and, in peak periods, nigh impossible. Air pollution has reached intolerably dangerous levels."

There is one mode of transportation, however, that can move more goods and more people more efficiently without contributing substantially to the problems of pollution and congestion. That mode is the steel wheel on the steel rail.

But U.S. railroads aren't now in a position to meet this challenge fully. Capital improvement programs have lagged behind needs in recent years, leading to inadequate supplies of equipment and deferral of work on roadway and structures.

To make up for these past deficiencies and to meet the requirements of the future, ASTRO found that America's railroads must invest a "staggering" $36 billion by 1980.

The entire net investment of the industry today is only $27.7 billion.

ASTRO found that about half the new investment—$18.6 billion—should go toward a 24 percent expansion of the railroad freight car fleet by 1980. This would increase Class I railroad ownership from the current 1.4 million cars to 1.8 million.

Although the railroads were able to move 34 percent more revenue ton-miles of freight with a fleet that dropped from 1.7 million cars to 1.4 million during the last 10 years, ASTRO said expansion is now necessary because "it is improbable that the railroads can duplicate the gain of 50 percent in freight car utilization" obtained during the 1960s.

ASTRO also recommended that the private freight car fleet, which currently numbers over 300,000 cars, be increased at the rate of 2 percent a year. Private cars include those owned by shippers and leasing companies.

Just as they must add freight cars, ASTRO reported, the railroads also will need to acquire new locomotives—nearly 22,000 by 1980, at a cost of $6 billion.

And rail and tie replacements and other roadway needs are estimated to require another $11.9 billion.

Noting that certain types of freight movements are already restricted because of the "low rate of rail and tie insertions in the past," ASTRO said that new rail installations should be at a level three times that of the past decade and new tie installations should be at a level 50 percent greater than in the period from 1959 through 1968.

"To increase the efficiency of the freight car fleet and to improve the reliability and quality of service," ASTRO also called for extensive programs of yard modernization, communications and computer expansion and intermodal transfer facility construction.

But, this report continued, the difficulty is the railroad industry "is rapidly losing its ability to find the money it needs for growth."

TROUBLE WITH A CAPITAL "T"

America's railroads are in deep trouble—financial trouble that is rapidly becoming deeper.

Four of them are now in bankruptcy—including the biggest of all, Penn Central.

Together, these four railroads operate more than 10 percent of the total rail mileage in the United States. They account for more than 15 percent of the industry's revenues. And they employ more than 15 percent of its workers.

At the same time, other railroads—though not in bankruptcy—find their operations threatened by continued poor financial results. On most lines, increased revenues are being outpaced by increased expenses.

Twenty-two major railroads were in the red during the first six months of 1970.

And of the nation's 71 Class I railroads, 38 showed poorer financial results than during the first half of 1969.

As an industry, the railroads reported only $74 million in net income for the first half of 1970—down 71 percent from the $259 million reported during the same period last year.

In terms of rate of return (operating income as a percentage of net investment), the industry hit a rock-bottom 1.88 percent for the 12 months ended June 30.

That's one of the lowest levels recorded since the depression years of the 1930s and comes at a time when the railroads are paying anywhere from 9 to 11 percent interest on money needed to finance improvements.

Another indication of the industry's financial trouble can be seen in its net working capital position.

At the end of last year, the railroads had net working capital of $56 million, compared with a deficit of more than $320 million as of June 30, 1970.

They must find the means not only of financing about $1.5 billion in capital improvements, but also of paying off the $679 million in long-term debt that will come due before June 30, 1971.

Ironically, the railroads' crisis has arisen at a time of record-breaking business and growing demand for rail services.

In 1969, railroads moved a record of 780 billion ton-miles of freight and received a record $11.5 billion in operating revenues.

And both traffic and revenues have continued to show increases in 1970.

It was in the fall of 1969 that the Association of American Railroads established a group called America's Sound Transportation Review Organization (ASTRO) to study the nation's transportation problems and future needs.

While ASTRO concluded that railroads are in no position to solve their own problems in a way the future will require, its report laid out a saving course of action for the nation to follow. Principally, it was a call for "creative involvement" of the federal government.

CREATIVE INVOLVEMENT

The ability of America's railroads to carry their share of the nation's future transportation load centers on a question of money.

Can they find the money needed for new equipment and facilities?

The recently released report of America's Sound Transportation Review Organization (ASTRO) puts the industry's capital needs at $36 billion between now and 1980.

The money can be found, ASTRO said, if the federal government undertakes a program of "creative involvement" in the railroad industry. But that doesn't mean solving the whole problem with federal funds, although a limited amount of such assistance is recommended. What's needed, ASTRO concluded, is equal treatment of the railroads as part of a balanced transportation system—with the scales also requiring regulatory and tax reforms.

The cost is now fixed in the report but it has been estimated at less than $700 million a year—far less than the $23 billion all levels of government currently spend each year on other forms of transportation.

What's more, the outlay could be expected to come back to the government eventually through the higher taxes that a healthy railroad industry would pay.

The money would be used to help railroads modernize their plant, augment their supply of freight cars and locomotives and benefit from research.

The ASTRO recommendations for financial help fall into three categories. One of these involves rights-of-way and structures.

Only the railroads, of all forms of transportation, are required to pay the entire cost of constructing and maintaining the "ways" they use and at the same time pay taxes on them.

To put railroads on the same footing as other modes, ASTRO urged Congress to:

Establish a single transportation trust fund, from which railroad needs for road modernization would not be expected to exceed $400 million a year under present conditions. The railroads will be expected to make an appropriate contribution to the fund.

Guarantee up to $400 million annually in loans for similar improvements to rights-of-way. This would involve no government expenditure, unless a railroad defaulted.

Eliminate state and local property taxes on railroad property used for transportation since there are none on competitors' facilities. ASTRO also recommended tax-sharing with state and local governments to provide reimbursement for an estimated $230 million annually they receive from these taxes on a non-discriminatory basis.

Another major set of proposals concerns equipment. To help railroads step up their acquisitions, ASTRO made four recommendations:

Government guarantees of loans for equipment purchases. No government expenditure would be involved unless a railroad defaulted.

Government advancement of the 20 percent down payment required for the most advantageous financing and reimbursement to the railroads for interest payments above 4 percent. This is estimated to amount to about $60 million annually.

Creation of a non-profit corporation to acquire a "free-running" fleet of general purpose unassigned freight cars. Financing would come from railroads.

Reinstitution of the investment tax credit on railroad equipment.

The third major area of federal involvement urged by ASTRO is in the field of research.

ASTRO noted that "practically all the railroads' competitors are the beneficiaries of huge government expenditures for research, development, testing and engineering programs."

The Federal Railroad Administration, however, receives less than 4 percent of the government's transport research funds.

Recommended was a federal research program that would gradually build up to $100 million annually over the next ten years. It would cover all aspects of freight and passenger service.

With this kind of creative federal involvement, ASTRO expressed confidence that the railroad industry can regain its financial health, increase its expenditures for capital improvements and meet the demands of the future. This, it said, is the alternative to nationalization.

NEEDED: AN EVEN HAND

There's an industry in this country that can't readily raise its prices—even when this is necessary to cover expenses.

And, it can't freely lower prices either—even when this would allow it to meet competition and gain new business.

Nor can it easily begin new services that would allow it to make money.

Or automatically drop old services that cause it to lose money.

In fact, there's very little this industry can do—without government permission.

This industry is the railroads.

The rails—faced with severe government restrictions on their operations, while their competitors receive far more financial assistance with considerably less regulation—are finding it difficult to keep pace with the present and grow for the future.

This was the conclusion of America's Sound Transportation Review Organization (ASTRO), which recently studied current transportation problems and future needs.

A new look in regulation was among its recommendations.

It would free railroads from restraints of the past—when the railroads were a virtual monopoly—and, at the same time, treat all forms of transportation with an even hand.

Existing regulations attempt to treat each mode separately and not as part of a balanced transportation system, ASTRO's report pointed out.

As a result, one product may be regulated when moved by rail, regulated when moved by common carrier truck, unregulated when moved by contract truck, unregulated when moved by barge and regulated when moved by airplane.

To end this confusion and imbalance, ASTRO recommended that the existing separate regulatory agencies be abolished and a single new agency be established—one that would regulate all modes fairly and efficiently.

And, instead of prohibiting the establishment of single transportation companies combining rail, motor, water and air services, laws and regulations should permit them, ASTRO said.

It also urged greater rate-making freedom for railroads—to permit them to lower rates to any level increasing earnings and, while their financial crisis continues, to institute an automatic rate increase of up to 6 percent annually.

Also in the area of rates, ASTRO recommended that regulation of minimum rates be eliminated on a selective, experimental basis, to see if it is really needed; that state rate regulation be abolished, because it constitutes "an undue burden on interstate commerce," and that rates on all commodities, except for certain agricultural products, be published by all modes. Presently only railroads have to do this.

Other recommendations include a speedup of the procedure for abandonment of little-used branch lines that don't meet avoidable costs and expeditious handling of merger proposals so that full savings can be realized.

Any program of financial help for the railroads, ASTRO said, "will only be a short-lived palliative without a change in the deep-stated irrationalities of the present legal and regulatory structure governing all of transportation."

ANOTHER NEED: TEAMWORK

The progress of any industry depends upon its people—both labor and management.

Certainly it's recognized that the railroad industry must work within itself for improvements.

And any program to attack the problems of the railroads must have the support of both management and labor if it is to become a reality.

Thus it is significant that both labor and management are joining in support of the wide-ranging proposals made in the recently released report of America's Sound Transportation Review Organization (ASTRO).

Support came from management through unanimous adoption of the ASTRO report by the Board of Directors of the Association of American Railroads—the organization which represents all of the country's major roads.

Agreements in principle with the ASTRO report came from railway labor leaders at a July meeting with management officials in Chicago.

Said George E. Leighty, chairman of the Cooperating Railway Labor Organization and head of the labor team at the meeting: "We're glad to be able to lend our support to the Astro recommendations, which we feel represent a giant stride toward solving many of the problems of mutual concern to both labor and management."

In addition to Mr. Leighty, labor officials present at the meeting included Charles Luna, president of the United Transportation Union; C. L. Dennis, president of the Brotherhood of Railway, Airline and Steamship Clerks; Harold C. Crotty, president of the Brotherhood of Maintenance of Way Employes, and James Yost, president of the Railway Employes Department, AFL–CIO.

The common interest which management and labor share was recognized in the ASTRO report. It called on both sides to show "statesmanship" in their mutual dealings.

"Over half of every railroad dollar earned goes into labor costs," the ASTRO report said. "For that reason, no real solution to the railroad problem can be devised without labor-management teamwork."

But the report noted that, even with wage increases and improved benefits, there has been little change over the past 15 years in the proportion of rail revenues required for labor costs.

ASTRO also declared that the railroad industry must itself do more toward eliminating its own disagreements and disputes.

"The railroads have suffered greatly from their inability to agree on basic matters . . . in such elemental areas as car ownership, rates and divisions," the report added.

Recommended was creation of arbitration machinery for intra-industry disputes as "a necessary first step" that "should be exploited at every possible opportunity."

ASTRO also urged the industry to make greater efforts at improving its services, noting that "reliability and speed of service are competitive tools just as important as price in the movement of many products."

The report also called on the industry to improve its marketing research, noting that railroads not only must "constantly adapt to the changing service needs of their present customers, but they must also mold transportation products which meet the needs of many shippers who do not now use the rails."

"Railroad managers cannot expect Federal relief, however fair and necessary in the public interest, without adopting those basic changes in direction which result from a thorough self-assessment," ASTRO said.

"Admittedly, the chilling effects of a negative environment have heavily deterred management enterprise and the fullest measure of self-help cannot alone resolve present problems. Nevertheless, the industry must reckon with its own shortcomings."

THE WORST SOLUTION

With America's railroads in financial trouble, nationalization is one way of going.

But, according to a recent report by America's Sound Transportation Review Organization (ASTRO), it "would be the worst of all solutions."

In fact, said ASTRO, "it would be the most costly, the most disruptive and the least efficacious program possible."

The report cited non-industry sources that have put the cost of nationalization "as high as $60 billion merely to acquire privately owned railroad facilities.

And, it was added, this would leave "untouched the great capital needs of the industry," which ASTRO put at $36 billion between now and 1980.

Then, too, that could be just the beginning, based on experience here and abroad.

The United States has gone that route.

In World War I, the government took over the railroads.

They lost about $2 million a day.

In World War II, railroads remained in private hands. With the same basic system as in World War I—but with fewer locomotives and cars—railroads hauled more than twice the freight load, handled 95 percent of all organized military traffic in the United States, served both the freight and passenger needs of the civilian population—and paid the government more than $3 million a day in taxes.

In foreign countries, nationalization—the usual route—has taught a similar lesson.

Luis Armand of France, perhaps the most noted transportation authority in Europe, has said:

"Government takeover is pointless. It solves no problems. It merely transfers responsibility for them. Europe's experience showed how badly this can work out in all too many cases."

The national railroads of Western Europe and Japan operate at an average 20 percent deficit—despite the fact that frequently they receive interest-free financing and pay no taxes.

The Japanese Tokaido line between Tokyo and Osaka is often cited as an example of an efficient nationalized operation.

It's true that the Tokaido line—which runs through one of the most densely populated regions in the world—showed a $96 million operating profit in 1968.

But overall the 12,000-mile Japanese National Railway system lost $373.3 million, with only 10 of 244 lines recording a profit.

Other large deficits are annually recorded by nationalized systems in France, West Germany and Italy, among others.

And in Great Britain it took some unusual bookkeeping to come up with black ink in 1969.

First the British wrote off $3 billion in capital debt—reducing annual fixed charges by hundreds of millions of dollars.

Then the government paid a subsidy of more than $158 million for continued operation of uneconomic services.

After all that, they recorded a $36 million "profit."

Canada also provides a good illustration of the results of nationalization.

Two nationwide rail systems exist side-by-side—the privately owned Canadian Pacific and the government-owned Canadian National.

In 1969, Canadian Pacific recorded a profit of $35 million. Canadian National—because it has been required to operate many uneconomic operations—recorded a $24.6 million deficit.

Canada has drawn the obvious conclusion. Through the Transportation Act of 1967, it is giving both rail systems more freedom to manage their own affairs.

The law gives them broad authority to set rates without through regulatory procedures and to abandon lines and services that are uneconomical. Where these are required by the public interest, the railroads are compensated for their losses by the government.

There's another reason that foreign experiences are valuable. Where railroads are nationalized, the tendency is to nationalize or greatly restrict competing modes as well.

In most countries, the airlines also are nationalized. Competing private carriers are either prohibited or controlled.

Motor carriers also can be operated by the government, as in the case of South Africa.

And even when they aren't, as in Britain, frequently they are restricted in their operations to make sure they don't divert too much traffic from the railroads.

These restrictions may include limiting the number of trucking companies in the field, the number of trucks a single company may operate and the operating radius of trucks and buses to specified distances from home base.

So, as ASTRO concluded, nationalization is no panacea. But time is running out on the alternative—balanced treatment of the nation's transportation facilities in a realistic statutory and regulatory atmosphere.

It's a "Countdown for America's Railroads."

STOP, LOOK AND REQUIRE IT

The familiar admonition—Stop, Look and Listen—is not enough to remove tragedy from the places where highways and railways cross.

Needed as well, it would seem, is money.

Last year grade crossing accidents caused nearly 1,500 deaths and resulted in injuries to an additional 3,700 persons.

The problem is caused primarily by motorists who fail to exercise sufficient care, the Interstate Commerce Commission has found.

The answer is improved grade crossing protection, and the ICC concluded that the cost of installing and maintaining separations and protective devices is a public responsibility that "should be financed with public funds the same as highway traffic devices."

A more recent report by America's Sound Transportation Review Organization (ASTRO) noted there are now about 30,000 grade crossings that "call for immediate improvement."

Implementation of such a program could reduce the accident rate at these crossings by 50 percent, ASTRO estimated.

The real tragedy, it added, is that much more money is available to combat the problem than is being spent.

More than $530 million a year may be used from highway trust funds on projects for which the federal contribution can range between 90 and 100 percent, but it's not now required that this be spent. In fact, from 1963 through 1967, ASTRO reported, less than $85 million a year was actually used on this basis.

In addition, about $77 million a year in other federal money—available on a matching-fund basis for highway projects—was used, but ASTRO pointed out:

"Taking these sources together, government spent less than one-third of the permissible expenditures that could have been made with almost total federal support."

As a result, it was recommended that states be required to spend, for grade crossing projects, 10 percent of the highway trust funds allocated to them.

ASTRO also cited another limitation of existing programs. Only crossings on federal-aid highways qualify.

"This results in less than 45,000 of the 225,000 public crossings at grade in the nation being eligible for federal help," ASTRO said.

"Since few crossings on non-federal roads have protective devices, 85 percent of those crossings which should be immediately protected are ineligible for federal highway aid."

ASTRO thus urged that federal funds "be made generally available" to all types of highways where grade crossing protection is needed.

It also proposed establishment of federal standards for handling grade crossing safety projects across the country.

COUNTDOWN FOR AMERICA'S RAILROADS

America has arrived at a crossroads where a hard choice must be made about its transportation system.

You might say we're well into a "Countdown for America's Railroads."

Railroads can look back on a glorious past and forward to a promising future. It's the present that's killing us.

And this is ironic, indeed.

More and more observers—in and out of the transportation business—now see railroads as the answer to serious problems confronting the nation. Problems like:

Pollution—of which railroads do far less than other modes.

Congestion—which railroads can relieve better than highways.

And growth—which railroads alone can efficiently accommodate by moving the massive volumes of freight that an expanding economy and population will generate.

Prospects for the railroad industry have never been so great—nor its financial position so precarious.

Every known standard for testing the health of an industry points to a chronic and spreading illness among the railroads. In 1969, one-third of them lost money.

There's no question about it: America's railroads are in very deep trouble.

For years, it's been assumed the railroads could take care of themselves.

And for a long time they did.

They took care of themselves in the face of rising labor and material costs. In the face of expanding government help for the competition. In the face of discriminatory taxes. In the face of rate regulation that kept the profit margin thin. And in the face of policies that forced the continuation of uneconomic services.

But the years have taken their toll and brought the industry low.

Even as the need for them grows, railroads are losing their ability to build for the future. If a business can't earn money above and beyond its current expenses, it has no resources to invest in future growth, to repay debt or to attract new money. That's the central crisis in the railroad industry today.

Industry-wide return on investment was 2.4 percent in 1969—the lowest of all U.S. industries. And the down-trend has continued.

This is particularly critical at a time when railroads need new equipment, inproved roadbeds, new rail and ties—all the things that are basic to their operations.

In short, they need to modernize—for greater capacity and improved performance.

Because of a lack of money, improvement and maintenance programs have fallen badly behind. This means deficient service, lost business—a vicious cycle.

And the cycle continues. It is not merely a localized crisis—involving one region or one railroad. And, because of the interrelation of railroads in the nationwide movement of traffic, the crippling of any major railroad affects all railroads.

The health and growth of our economy depends on the smooth functioning of this network. Railroads now carry 41 percent of all intercity freight traffic. Their volume has increased 40 percent in the last decade, and it is expected to grow another 35 percent in the next 10 years.

By 1980, more than $36 billion must be spent on plant and equipment. That's more than the present net investment.

But how can an impoverished industry spend $36 billion it hasn't got?

Essential improvement programs are clearly beyond the means of today's railroads under existing circumstances. And yet, the question is not whether we will continue to have a rail network. The question is what kind.

The federal government can nationalize railroads or allow them to operate privately. Either way, money will be needed to buy equipment and improve operating facilities.

That's the grim but realistic conclusion reached by a study group created in 1969 by the Association of American Railroads.

The group was called America's Sound Transportation Review Organization. By the strangest of coincidences, the first letters of that title spell out ASTRO—which ties in nicely with an effort to move transportation policy into the space age.

This group—headed up by former United States Senator George A. Smathers—was asked to take a close and objective look at current transportation problems and future needs.

The problems obviously were not unknown within the railroad industry, but when they suddenly made headlines—including bankruptcy declarations in late June—ASTRO released its report in a hurry. Even so, it was a solid and thoughtful index of railroad ills and suggested remedies.

The ASTRO team did its homework. They talked with people—all kinds of people. They dug into the facts and the figures. And, of course, they read all the reports—numerous and voluminous—of previous studies. This new report is more than words. It's a call for action—action that offers an alternative to nationalization.

Simple fairness is one cornerstone of the ASTRO recommendations.

Take rights-of-way, for example.

Trucks operate on a highway system paid for and maintained by federal and state governments at a cost of hundreds of billions of dollars. User charges are paid, but not enough to offset all the costs.

Airlines benefit from government investment in an array of airway and airport facilities, provided at a cost of $21.6 billion. They, too, pay user charges. But, again, the full cost is not recovered.

Water carriers do even better. Total public investment in the nation's waterways comes to $14.6 billion. The barge lines pay no user charges.

This is said without rancor but simply to reflect the facts of life in this transportation business.

In contrast, the railroads acquired and developed their own rights-of-way. And they now maintain them—at a cost of about $1.3 billion annually.

Let's remember that the often-cited land grants some railroads received in the last century were a factor in only one of every 10 miles of track in the nation. Furthermore, a Congressional committee long ago reported repayment had been made for these lands many times over.

So it's clear that, because of differences in government treatment, only the railroads bear the full cost of doing business in the transportation field.

To place all models on a more even footing where rights-of-way are concerned, the ASTRO report makes a number of recommendations.

One of these calls for eliminating the burden of discriminatory state and local property taxes on railroad property used in transportation. The justification for this is that our competitors don't pay similar taxes. But, recognizing that railroad property tax payments have been an important source of school and other local government financing, ASTRO suggests federal tax-sharing with state and local governments to reimburse them for the nondiscriminatory part of their losses.

Discrimination does enter into this. Through the years, in some localities, railroads have been deliberately taxed at higher levels than other property. The United States Senate has passed a bill to stop this, and its final enactment will be helpful—but not enough to generate needed changes in the railroads' fixed plant.

Another major ASTRO proposal would merge the present highway trust fund into a general surface transportation fund.

This idea is not without controversy. But it seems absolutely essential—if really significant steps are to be taken toward restoring balance in transportation and toward solving transportation problems. It simply means that the tax dollars involved can be spent where they will do the most public good.

And the railroads would contribute to the new fund—through a user tax. From it, they would be authorized to receive $400 million a year—less than 5 percent of the highway expenditures by all levels of government in 1970.

Funds made available to railroads would have to be used for improvement or replacement of right-of-way and structures—over and above what they've been doing.

In addition, it's proposed that the federal government guarantee up to $400 million annually in private loans for similar purposes.

ASTRO also urges assistance for railroads in acquiring locomotives and cars they're unable to provide on their own.

Briefly, it recommends that the government guarantee low-interest loans to buy new equipment; advance money for down payments on rolling stock and offset excessive borrowing costs—at least for the next five years; restore tax credits on new equipment purchases, and create a non-profit corporation to acquire a "free-running" fleet of general purpose freight cars to relieve shortages.

These are among the dollars-and-cents proposals of the ASTRO program.

It does cost money.

But it's still a bargain, as we shall see—even adding in $100 million a year for research that would cover both freight and passenger service.

That, it's true, would be quite a jump in federal spending for rail research. But it would still be very little when stacked against the vast sums railroad competitors have been receiving for research, development, testing and engineering.

For example, the federal government is putting up $290 million for next year's work on developing the supersonic transport. A Congressional committee has estimated that total federal costs for this one project will reach $1.3 billion—even though few significant public benefits appear likely to result.

But even if the railroads are given the financial means and the technological ways to modernize, success will not be assured without bold action on another front.

The philosophy under which railroads are still regulated evolved during the last century—when railroads, indeed, were a powerful near-monopoly. They're obviously no longer that. But the regulatory philosophy remains the same.

The problems of railroads are compounded by the fact that their competitors are not equally handicapped. Much of their barge and truck competition is not regulated at all.

In fact, a good deal of the regulation which railroads oppose seems to be little more than a mechanism to protect other modes from the realities of free competition.

So the first thing government could do to help the railroads in this area is to forget about the 1800s. This is the 1970s, and it's time to set the railroads free.

Railroads need the freedom to make day-to-day decisions and act upon them quickly—not six months—or years—later, when the opportunity to benefit may have been lost.

Railroads need the freedom to combine with other modes to provide the best possible "mix" of service to shippers. Transportation is intermodal; transportation companies should be, too.

Rate freedom should be encouraged—both up and down—to allow railroads to meet changing competitive and cost conditions.

These aims could best be realized by the creation of a single agency to regulate all modes with equality.

The ASTRO study, let me emphasize, did not overlook the segment of railroad operations that has been the most consistently controversial in the present era—passenger service.

It is now time for realism and fairness to govern the policies that affect this.

As a means of alleviating automobile and, in some cases, airway congestion, the rail mode can be a valuable instrument in present and future transportation planning.

But, make no mistake about it, the railroads can no longer absorb the severe losses of passenger operations. To impose large-scale deficits on them on the ground that they have obligations as "common carriers" uses a label to conceal an unfairness which could not otherwise be defended.

Railroaders aren't blind to the public interest. They recognize the need—to cite an example—for commuter operations in metropolitan areas. They see the advantages of high-speed, medium-distance service in densely populated corridors. And they realize that there are some people who like to ride long-distance passenger trains.

But railroaders aren't blind to the figures they see in their accounting books either. They know—as does just about everyone else—that commuter operations usually lose money. And that the initial investment required for high-speed corridor service is beyond their means. And that the number of people who want to ride a long-distance train at any given time is seldom large enough to make it pay.

Since each of these three types of service is different, the solution must be different in each case.

So ASTRO suggests that state and regional commissions develop concrete programs for placing essential, but unprofitable commuter service under public sponsorship.

It believes the market for "corridor" service must be more extensively explored—with the federal government financing the research as well as the cost of preserving service pending further study.

And it supports the concept of a federally chartered corporation to run intercity passenger trains found to be in the public interest.

Up to now, we've been concerned with proposals of ASTRO that are directed outward—to government, mainly. This is because, whatever the cause of some of the problems, government is seen as the only source of meaningful solutions.

But it would be a bit silly—and not very persuasive—to say that all railroad problems come from forces beyond the control of railroad management.

When ASTRO looked inward—upon railroads and their employes—it found a number of areas where there are things to be done. For example, it's realized that railroads must improve their record for working together on internal problems, using arbitration machinery where necessary to iron out industry disputes.

Railroad labor also has a stake in all this. Over one-half of every railroad dollar goes to labor costs. Thus, the ASTRO report notes, there's an urgent need to achieve better utilization of manpower and to realize the benefits that can result from technological advances.

To be sure, it's unlikely that all railroaders agree on what's most important among the various recommendations contained in this report.

But the industry—including large segments of railroad labor—is very much united in support of the principles involved.

This unity—which may well be unprecedented in the history of the industry—should testify to the seriousness of the situation.

It's reasonable to ask how much these remedies—that consttiute an alternative to nationalization—will cost.

One good answer would be: Not much—not in comparison with the cost of nationalization.

Another might be: A drop in the bucket—compared with expenditures on other forms of transportation.

And a third: Nothing at all—because a railroad industry, with restored health, would pay more than enough in taxes to offset the outlays proposed.

A more precise answer depends on how you figure it. Even if all of ASTRO's recommendations for financial aid to the railroads were eventually to be adopted, the total would contribute only about $700 million a year toward the railroads' capital requirements.

This even takes into account money that would be required to replace state and local revenue losses.

But how much would nationalization cost?

That, too, is a question without an easy answer—unless one is satisfied with words like "tremendous" or "exhorbitant."

It could cost as much as $60 billion just to transfer ownership. And that would still leave unmet the industry's need for capital improvements.

Neither does it allow anything for potential—almost certain—operating losses.

A New York brokerage firm, in its 1969 review of the railroad industry, observed that railroad service can deteriorate rapidly and costs skyrocket "once the discipline of private ownership is removed."

And we know that, under government control during World War I, the cost of railroad operations to U.S. taxpayers was $2 million a day, while plant and service deteriorated badly.

Speaking of service may well remind you to ask about other countries where nationalization is the rule.

Well, comparisons are difficult because of differing circumstances. In our vast land, railroads are freight-oriented. They provide twice the ton-miles of service as the national systems of Japan and Western Europe combined. Those railroads—operating in much smaller and more densely populated areas—emphasize passenger service. The bulk of their traffic would correspond to commuter travel in this country.

And they operate at an average deficit of 20 percent. A similar deficit in this country would amount to more than $2 billion a year.

By every possible yardstick—the cost of acquisition, the effect on customers and competitors, the experience of foreign nationalization—it is clear that a government takeover of U.S. railroads would be no favor to the American taxpayers and economy.

Transportation, in America, is a vast and essential complex. It involves highways, country roads and city streets . . . airways and airports . . . canals and rivers . . . even pipelines . . . and, of course, railroads.

It moves not only people but also ever-increasing volumes of goods and materials.

Each part of the complex must carry its own weight—doing that part of the job it can do best. Since transportation is an element in the price of just about everything we buy or use, this kind of efficiency is vital.

Railroads handle the biggest share of the load—more ton-miles of intercity freight each year than trucks, barges and airplanes combined.

If railroads are to keep pace with the times and achieve their full potential in service to the nation, they must be brought into the transportation system as "part of the family."

Given fair and equal treatment with other modes, railroads can remain in private hands. They can be modernized and improved—largely at their own expense—and continue as a great national asset.

Nationalization would convert this asset into a public liability. The nation simply can't afford that.

America's railroads. Who needs them? You do. We all do.

And they need you.

THE FEDERAL JUDICIARY—50 YEARS OF PROGRESS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. HUNGATE. Mr. Speaker, knowing of your and our colleague's interest in the judicial branch of our Government, I wish to invite attention to a very illuminating article entitled "The Federal Judiciary—50 Years of Progress," written by the Honorable Tom C. Clark, which appeared in the fall 1970 issue of the Federal Bar Journal. That issue commemorates the 50th anniversary of the Federal Bar Association.

The author of that article, as we all know, served with great distinction as an Associate Justice of the U.S. Supreme Court, after having been a member of the President's Cabinet as Attorney General of the United States. The American Bar Association conferred its Gold Medal on this learned governmental official and jurist in 1962.

Inasmuch as I have the honor of being the president of the Capitol Hill Chapter of the Federal Bar Association, I take particular pride in the fact that former Justice Clark was the national president of the Federal Bar Association from 1944 to 1945.

The Federal Bar Association, established in Washington in 1920, is an association of members of the Federal judiciary and of lawyers who are or have been in the employ of the U.S. Government in legal capacities. The association has chapters throughout the United States and in several European cities.

The objects of the Federal Bar Association are:

> To advance the science of jurisprudence; to promote the administration of justice; to uphold a high standard for the Federal Judiciary, attorneys representing the Government of the United States, and attorneys appearing before courts, departments and agencies of the United States; to encourage cordial and friendly relations among the members of the legal profession; and to promote the welfare of attorneys employed by the Government of the United States.

Because of the importance of the article I referred to, I am inserting it in the RECORD:

THE FEDERAL JUDICIARY—50 YEARS OF PROGRESS

(By Tom C. Clark)

As the Federal Bar Association celebrates its 50th year, it brings home to the minds of us old-timers its many accomplishments. As an active member for thirty-two years I am proud of its record. It has been my good fortune to see the Association grow from a small group of a few hundred government lawyers to a distinguished association of thousands of members. But in my first few years as a member I learned from my work in the Association that in a fight strength counts more than size. The Federal Bar proved to be a fighter back in the early forties when it was the first bar association to integrate its membership. It had the courage and the will to fight for the right. Another reason for its phenomenal success is that it always looked to the opportunities offered by a difficult problem rather than the roadblocks that stood in the way of its solution. At times this led to the building of castles in the air, but the Federal Bar always put foundations under them. Although, of course, it could not overcome the inevitable, the Association did not permit the inevitable to overcome it. The one lesson it taught its members was that the grandest life was the one that was spent for something that would outlast life itself. These are the things that make up its greatness. These are the reasons why every member always walks as if he had a flower in his lapel buttonhole or a corsage on her dress. On this golden anniversary we dedicate ourselves to a continuance of these principles.

When the Federal Bar Association was founded, the uncertainty of the times was often tagged as "the winter of our discontent," a phrase that Shakespeare used in *Richard III* to describe the savage period of civil war in England. Now—fifty years later—we are disturbed by the disruption and violence that recurringly erupts in our communities; of the galloping crime rate, the disrespect and distrust of constituted authority and the permissiveness of our society. As lawyers and judges, we are especially disturbed by the increasing disrespect, disorder and turbulence that has recently marked the sessions of our courts. If the rules of decorum and the orderly procedure of the judicial process is permitted to be disrupted at the whim of a litigant or his counsel, then our free society will come to a sad and disappointing end. Likewise, the brutal and bizarre effort to free a defendant on trial in a California court points up the sad state of security in our courtrooms which resulted in the bloody toll of four dead, including the judge and the defendant himself.

No clearer picture of the State of the Judiciary has been painted than that of our distinguished fellow FBAer, Chief Justice Burger, in his monumental address to the nation last month. Speaking of the federal courts he pointed out that they operate in a supermarket age like a cracker barrel grocery store with the methods and equipment of 1900. And he pointed to the sad commentary that one C–5A military plane cost almost twice as much money as the entire expense of the federal court system for a whole year. Still the country continues to build C–5A's by the dozen, but fails to properly staff the courts and afford its judges minimum protection from marauders. Only a few weeks ago while in the trial of a case in the United States District Court in San Francisco, a man in the rear of my courtroom arose and in loud voice screamed blasphemy at the witness on the stand and ran from the courtroom. The jury was disturbed as was the counsel in the case, but there was no bailiff or marshal in the courtroom and by the time I had dispatched the Clerk to fetch the intruder, he had disappeared. During the three weeks I have been on trial no bailiff or marshal has been assigned to my court. The clerk acts as crier, bailiff, clerk, law clerk, secretary and shepherd for the jury.

It is true that the courts are, as the Chief Justice said, reeling under the impact of a rising population, new statutory offenses and causes of actions as well as a tremendous increase in case filings. And, as he further said, procedural methods are archaic and must be drastically changed. Since his effective statement of the situation and his strong voice for improvement, I am more encouraged than ever before that we will overcome these difficulties. But it cannot be done without the help that he has so forcefully outlined and requested. And that is where you come in. The Federal Bar must put its strong shoulder to the judicial wheels.

This is not to say that the courts—both state and federal—have not made great progress in the last fifty years, especially during the last decade. Indeed, the Chief Justice himself has contributed greatly to these improvements for over a score of years. Let me mention only two programs. The first, which he chaired when he became Chief Justice, is the greatest advance in criminal law in this century—the ABA Standards for Criminal Justice. He had worked diligently on them for over five years. The other, founded only last year, is the Institute for Court Management. It should give to the courts what they have long needed, i.e., capably trained administrators. The news media has failed to give these and other projects sufficient notice for the public to be aware of them. And the politicians have been so busy deriding the courts that they have not had time to give much assistance. The Congress did create the Law Enforcement Assistance Administration (LEAA) and we are hopeful that this year it will focus on court problems, as it has in the past on the constabulary, and give us a lift. This would afford opportunity for extending the existing programs, such as the organic reorganization of the state courts systems and procedures in the federal District Courts and the Courts of Appeals; the standardization of paper work and filing systems; the improvement of the procedures and techniques incident to trial; the expedition of trials and appeals of criminal cases; the education and training of judges and their staffs; and the complete overhaul of our corrections system. All of these projects have been in progress for many years—especially during the last decade—but the funds have all come from private financing and are wholly inadequate. The only exception is the Federal Judicial Center, and its appropriation, over its three years of existence, has run under a million dollars. Let us outline in short form some of the major accomplishments.

The first dates back to the time of the founding of the Federal Bar Association. It is the Conference of Senior Circuit Judges organized in 1922 by Chief Justice Taft. It brought the Senior Judges of the Circuit into conference and gave opportunity to exchange ideas and improve procedures. Indeed, the Federal Bar worked with the Conference in this regard and one of its accomplishments was the creation of additional circuits and the adoption of the *certiorari* system presently in use by the Supreme Court of the United States. This Conference developed into the Judicial Conference of the United States. In 1937 it sponsored the first compilation of federal civil rules, which became effective in 1938 as the Federal Rules of Civil Procedure. A few years later it secured the adoption of the first Federal Rules of Criminal Procedure. In the meanwhile at its instance the Congress created the Administrative Office of the United States Courts in 1939. All of these things were momentous steps in the right direction.

Men of vision—such as Arthur Vanderbilt, John J. Parker and Orie L. Phillips—began the extension of those improvements to the state courts. During the American Bar Association presidency of Vanderbilt, the Section of Judicial Administration published a series of monographs on judicial administration. Judge Parker began sponsoring them among the states. Vanderbilt organized the Institute of Judicial Administration at New York University where he was once Dean. Thereafter he edited and the Institute published the Minimum Standards of Judicial Administration, the only recognized work in the field. New Jersey, Vanderbilt's state, adopted a new Constitution in 1948 which streamlined its judicial structure and encompassed the standards previously developed by the Section. The Institute of Judicial Administration has been one of the most potent forces in judicial modernization, having established the first school for judges over fourteen years ago.

Two other organizations have been very active in their respective fields. The American Judicature Society was organized in 1913 as a progressive movement to secure the adoption of the recommendations Roscoe Pound made in his famous speech on the present public dissatisfaction with the courts back in 1906. It founded a semimonthly legal publication originally known as the *American Judicature Society Journal* and now called *Judicature*. This magazine has had a tremendous influence on court improvement. And no association has done more in the field of organic court structure; selection, tenure and compensation of judges; and judicial discipline and removal than the American Judicature Society. Today, almost half of the states have a unified court structure, thanks to its efforts, and the nonpolitical selection of judges in over one-third of the states is largely due to it. Likewise, in recent years, it has been the catalyst in the adoption of procedures for the discipline and removal of judges for cause and for disability. The second agency is that of the National Council on Crime and Delinquency. It has taken the lead in the area of corrections. Considering its financing problems, this group has worked wonders in sentencing, parole and probation and related problems.

The American Bar Association has also been active, especially during the past decade, through its Section of Judicial Administration. At the beginning of the sixties, it sponsored the Joint Committee for the Effective Administration of Justice, a group of some twenty national organizations working in the field of judicial administration. It was funded by the Kellogg Foundation and conducted seminars for the judges of all the state courts of general jurisdiction. After three years of work the Committee organized the National College of State Trial Judges at the University of Colorado, likewise financed by Kellogg. Its first session was held in 1964 and accommodated one hundred judges from all of the states for a month of training. The next year the Fleischmann Foundation awarded a three million dollar, ten-year grant to the College, but terms of the Fleischmann Foundation trust require that all recipients of grants be based in Nevada, so the National College was moved to the University of Nevada. Fleischmann has since granted a million dollar additional fund for a building for the College on the University of Nevada campus. The College has enlarged its activity to two thirty-day sessions each year with some 150 judges in attendance at each. In addition, 20 three-day seminars are yearly conducted in various parts of the country. The College is now being organized into a national state court center that will service the judiciaries of all the states.

In addition, the last decade has seen the development of the National Conference of State Trial Judges, the Appellate Judges' Conference, the National Conference of Special Court Judges, and the North American Judges Association. These groups are carrying on intensive programs in their respective fields. The North American group only this year, in association with the Judicature Society, organized the American Academy of Judicial Education and held its first twelve-day training session last month. The National Conference of Special Court Judges also began a series of three-day conferences for its members. And the Institute for Court Management is presently conducting its first six-month session in Colorado. There, thirty carefully selected students are receiving intensive training in court management.

Still another outgrowth of the Joint Committee is the Conference of Metropolitan Court Judges which deals with special problems of the heavy docket courts in the urban communities. Through this Conference the problems of congestion receive special attention and new techniques are being developed to solve them.

Returning to the federal system, the establishment of the Federal Judicial Center was announced in late 1967 and started functioning in 1968. It was conceived by Chief Justice Warren and was promoted by the Judicial Conference of the United States. In the Congress, it was sponsored by Senator Joseph Tydings and Chairman Emanuel Celler. The Federal Bar Association took an active part in its organization. Indeed a number of persons in attendance here can take pride in its creation and present accomplishment. No one has been more dedicated and diligent on behalf of the Center than Miss Alice O'Donnell, who likewise has been active in the Federal Bar. And Miss Betty Baker, a former member of the Association staff, has been most helpful to the Center. Without these two stalwart supporters, neither the Federal Bar nor the Center would be where they are today.

The Center is less than three years old. Still it has induced more improvements in the federal judiciary than any agency in its history. During this short period the heavy dockets of six of the metropolitan courts have been switched from a central to an individual calendar; two United States Courts of Appeals carrying the heaviest dockets have inaugurated screening processes; a model United States District Court paperwork form and procedure system has been perfected and is now being tested; an official Judge's Bench Book has been circulated; a data processing mechanism for metropolitan courts is being organized and a continuing program of education for judges, magistrates, clerks, probation officers and referees in bankruptcy is in operation. There are hundreds of other accomplishments. Time will not permit attention to all of them, but I must mention one other. It is the reduction of backlogs and the accelerated disposition of cases, both civil and criminal. I am happy to say that we are making progress. A good example is the District Court for the District of Columbia. Recently, their entire criminal calendar was divided among nine judges who, during a three-month test period, disposed of 725 cases, leaving a backlog of 1,277 cases (of which 320 were cases involving fugitives or those mentally committed). Dispositions were over twice as high as filings and the result was a reduction of 40.9 percent of the backlog.

There is also a side benefit from the Center's accomplishment. It is a movement in the states to try out these new procedures. In both New York and Illinois, experiments are now being conducted in the state courts leading to a change in procedures. Indeed, in the Civil Court of the City of New York, tremendous progress has been made in recent months. This movement will soon spread to California, Texas and other states.

In an address before the Federal Bar Association at San Francisco on April 25, 1968, Mr. Justice Burke of the Supreme Court of California asked "Why . . . should not a National State Courts Center be organized for the states along the lines that the Federal Judicial Center serves in the federal system?" This sparked conversations that have now led to Resolutions by the various Judges Conferences requesting the establishment of such a Center. It would have offices in Reno and Chicago as well as in Washington, D.C., thus affording close proximity to all of the states and affording it access and cooperation with all organizations operating in the field of judicial administration. Its function would be to serve the states in a manner similar to that of the Federal Judicial Center in the federal area. In addition, the two Centers would cooperate in operations of mutual interest such as state prisoner habeas corpus applications in federal courts, etc.

It would be most helpful if the Federal Bar Association would offer its cooperation in this endeavor. If you and others join in the effort the prediction of Mr. Justice Burke will come true—that it will be but a short time until we have these two national judicial centers jointly attacking our seemingly endless common problems to achieve the goal of rendering effective justice in both federal and state courts and in every state in the Union. Until that goal is reached, our work will remain unfinished.

Let us hasten; lest it be too late. I seem to feel death plucking at my ear and whispering, "Hurry. I am coming." Let us remember life is not a goblet to be emptied, but a measure to be filled. I know that together ours will be filled to overflowing!

MATERNITY CARE FOR WIVES OF SERVICEMEN

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. JAMES V. STANTON. Mr. Speaker, the bill I have introduced today would provide maternity care for the wives of servicemen who are pregnant when their husbands are discharged.

This legislation fills a need that has left many former servicemen deeply in debt, often while they are still looking for a job. Under my bill, a couple would pay only $25 for complete maternity care at the hospital of their choice. The Federal Government would pay the balance, approximately $14 million annually.

This bill has the bipartisan support of 38 Congressmen, including many legislative leaders. About 13,000 of the 900,000 servicemen discharged each year have wives who would qualify for these benefits, according to the Department of Defense.

Under present laws, once a man leaves the service, there is no way he can get immediate maternity benefits. Veterans hospitals are usually too crowded to handle maternity patients. Private health insurance will not cover a woman who is already pregnant.

As a result, an ex-serviceman faces a hospital bill of $800 or more at a time when he can least afford it. I believe the men who fought for our country deserve better than this.

I introduced this bill after receiving a letter from the father of a Parma, Ohio, GI. Thomas M. Burke, 3995 W. 146th Street, Cleveland, wrote that his son, Steve, could not get insurance with maternity coverage when he was discharged from the Army 3 months ago.

Steve was still looking for a job when he was told the hospital would not reserve a room for his wife without a $500 deposit. When a baby girl was born to the couple last Saturday, Steve said:

> I just hope Congress passes Mr. Stanton's bill so other guys won't have to go through the headaches I had.

PLIGHT OF JEWISH CITIZENS OF THE SOVIET UNION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. RODINO. Mr. Speaker, I am introducing today a resolution to bring to the attention of the American public the horrifying plight of Jewish people in the Soviet Union.

The increasing number of anti-Semitic practices by Soviet officials has generated great dismay and outrage in this Nation and should be the concern of all people in the free world. It is a well-known fact that Soviet Jews have been subjected to religious, educational, and employment discrimination and have been severely restricted in their cultural endeavors by the Soviet Government, which thereby violates the Soviet Union's own code of behavior relative to nationality groups. Therefore, it is the moral responsibility of this Nation to exert diplomatic pressures on the Soviet Union in an effort to persuade them to cease their educational, religious, employment and cultural persecution of Soviet Jewry.

In an attempt to acquire a human existence, free from totalitarian oppression, many of the 3.5 million Jews living in Russia have applied for visas to emigrate from the Soviet Union. Their actions, however, have been met with various forms of invidious conduct, ranging from outright denial of their applications to imprisonment.

It is, therefore, the purpose of this resolution to express the concern of this Nation about the grim future facing Russian Jews, by making it the sense of Congress that the President, through the proper diplomatic channels, shall encourage and attempt to persuade the Soviet Union to permit persons of the Jewish faith to migrate to countries where they would be accepted and welcomed in the name of humanity and decency.

Earlier this month, 27 nations attending the World Conference on Soviet Jewry in Brussels heard testimony to the effect that instances of anti-Semitism in the Soviet Union were greatly increasing. Jewish citizens of Russia are continuously being harrassed in the exercise of their religious and cultural freedoms, which are guaranteed to them under Russian law. In addition, despite the conservative estimate that 300,000 Jews would depart from Russia if they were so permitted, the Soviet authorities reluctantly allow only 2,000 to emigrate annually.

Recently, however, as a result of adverse world opinion concerning these harsh limitations on the number of Jewish emigrants, Moscow, albeit unwillingly, allowed 800 Jews to leave the country. This demonstrates that Moscow is not totally immune to world pressures and emphasizes the need for passage of this resolution as a means of expressing United States public outrage at the mistreatment of Jews in Russia.

The United States, from its very inception, has strictly adhered to the principle that freedom of access or movement is a fundamental human right. Since this right is the cornerstone of liberty, it is essential to a free human existence. Likewise, freedom from religious persecution represents not only a constitutional principle of our democratic society, but a basic humanitarian doctrine which should be observed by all nations, regardless of their structure. These two fundamental freedoms, which are basic to our system of government, are often taken for granted by many Americans. As a result, many of the people of the free world have remained indifferent and unconcerned about the problems of Jews in Russia. We, as a nation that cherishes the free exercise of basic human rights, can no longer remain apathetic with respect to the serious problems confronting Russian Jews. We must not allow ourselves to be stirred only occasionally by thoughts of 6 million Jews executed in Nazi concentration camps or by newspaper accounts of 689 U.S. citizens arrested in peaceful protest against Soviet actions.

As Americans, and not as members of a particular creed, racial or ethnic group, we must do all in our power to preserve man's basic rights and should publicly condemn any attempt by totalitarian governments to curtail these rights.

It is for this reason that I have introduced this legislation. By requesting the President to exert diplomatic pressure on the Soviet Union to permit Jews to emigrate from the U.S.S.R. to Israel or other countries willing to receive them, we will have taken a determined step forward in freeing the second largest Jewish community in the world from the scourge of Soviet oppression.

CLERGYMEN AND CONGRESSMEN MEET TO PLAN GRASSROOTS CAMPAIGN AGAINST CONTINUED U.S. INVOLVEMENT IN SOUTHEAST ASIA

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. DOW. Mr. Speaker, across the Nation there is a frustration which is growing like a cancerous sore. The people are confused and concerned about national policies which dictate an expansion of a senseless war while ignoring domestic issues.

When I first came to Congress in 1965, I was one of seven who opposed the U.S. involvement in Southeast Asia. That opposition is spreading rapidly.

Now we need an increased effort at the grassroots level. As Members of Congress we should take a lead in bringing our convictions to the people. We should restore leadership to this body.

This morning the gentleman from Tennessee (Mr. ANDERSON) helped to organized a joint breakfast for Congressmen and clergymen opposed to the war. We hope this will be the start of similar meetings across the country to bring together a concerted effort.

At the conclusion of this morning's meeting the following resolution was adopted:

> Considering the many reasons why the United States should withdraw from Vietnam, and especially the moral reason, this joint gathering of clergymen and Congressmen advocates U.S. military withdrawal from Vietnam before December 31, 1971. We offer ourselves to go into the countryside carrying our convictions on this critical subject to the American people.

One of the highlights of the breakfast meeting at the Church of the Reformation on East Capitol Street near the Capitol Building was a report by the Reverend William A. Banfield, elected head of the Presbyterian Church of the United States, who lead a 50-member delegation of clergymen and laymen to Paris last week.

Reverend Banfield met with all the delegations to the Paris peace talks and returned with definite recommendations. I would like to share his remarks with my colleagues and ask that each of you study them carefully:

REMARKS BY THE REVEREND WILLIAM A. BANFIELD

We are a group of 50 United States church men and women from nine denominations and two interdenominational groups, and from twenty states and the District of Columbia. We went to Paris to listen and learn. We brought only our concerns and questions, no petitions or proposals.

We were in Paris as members of the Christian community, not as professional negotiators. While many in our group have expertise in international affairs, that which binds us together as a group is not professional competence in such matters but certain religious and moral commitments. We share a loyalty to the God of justice, judgment, and mercy who demands that we love all our neighbors; commitment to our nation and concern for its integrity; anguish over what the war in Indochina is doing to our neighbors, our nation, and ourselves. Moreover, we share responsibility for all our nation has done and is doing: We are involved in the killing of every man, woman and child. Finally, we share a firm determination to do all we can to stop the killing, work for peace and minister to the suffering.

In Paris we had lengthy conversations with leaders of the official delegations to the Paris Conference on Vietnam from the four parties involved—the United States, the Republic of Vietnam (South Vietnam), the Democratic Republic of Vietnam (North Vietnam), and the Provisional Revolutionary Government of South Vietnam (PRG). We also had conversations with Vietnamese Catholic priests, Buddhist monks, and former government officials as well as with representatives of the Sihanouk government, French scholars and journalists, and other parties. We want to convey to our fellow Americans some of our convictions formed or intensified as a result of our conversations.

FIVE CONVICTIONS

1. *The brutal war in Indochina must be stopped now.* Millions have been killed or wounded. Millions more have been uprooted. Homes, fields, and forests have been destroyed. Societal structures have been undermined. A whole generation has known nothing but war. People have suffered enough! From all groups with whom we talked—regardless of their political stance—came the same agonizing cry: "Stop the killing!" This cry must be heeded.

2. *No acceptable military solution to this conflict — including "Vietnamization" — is possible.* Each side firmly believes that its cause is just. Thus, despite war-weariness, each side is prepared to fight as long as necessary. "Vietnamization"—the provision of arms for Asians to kill other Asians—will not resolve the political conflict that underlies the war. Moreover, "changing the color of the corpses" is morally repugnant to us. If this brutal conflict, which began more than a quarter of a century ago, is not resolved through political negotiations, it could continue indefinitely.

3. *Attitudes and methods of negotiation must change if a political solution is to be possible.* Just as each side to the conflict believes that its cause is just and the others unjust, so each side in the negotiations feels that its offer is reasonable and the other's unreasonable. Moreover, the very style of the negotiation talks—with no chairman, no mediator, no exchange of notes, and no private meetings—severely limits the possibility of genuine dialogue. It is our feeling that because the United States is the only party who at the present time is willing to talk to all delegations, it should give the peace talks a much higher priority, and authorize its delegation to take initiative in facilitating negotiations.

4. *A pledge by the United States to withdraw all of its troops from Indochina by a certain date would be a highly significant contribution to the negotiations.* Both the date and manner of withdrawal ought to be negotiated. We have concluded that the basic concern of the PRG, North Vietnam, and many other Vietnamese with whom we talked is that the U.S. military forces agree to leave their land. Our government has already contributed hundreds of thousands of men and billions of dollars over a ten-year period in fulfillment of whatever commitment it may have made to the Saigon government. The demand that our government now declare its intention to withdraw does not seem to be unreasonable.

5. *The only way to secure the release of prisoners of war is through a political settlement.* The only way to secure that political settlement is to pledge to withdraw U.S. forces. The PRG and North Vietnam have expressed their willingness to discuss the release of all prisoners as soon as the United States sets a date for the withdrawal of U.S. forces. While the opposing parties to the negotiations have strong reasons based on history to doubt the veracity of each other, the historical precedent on the release of prisoners is clear. Within thirty days after the signing of the armistice between the French and the "Viet Minh" in 1954, the French soldiers held by the Viet Minh forces were released. We share with many others a profound concern for the prisoners being held by al lsides in the war and for their families. It is our firm conviction that the President's intention to leave a U.S. military force in Vietnam so long as U.S. prisoners are held is inevitably self-defeating.

APPEALS FOR ACTION

In light of our moral commitments and these convictions, we make these appeals:

1. We appeal to the President and to the Congress to declare immediately their *pledge* to withdraw *unconditionally* all U.S. military forces from Indochina in the immediate future.

2. We appeal to the President to add credibility to this *pledge* and to bring a major part of the killing to an end by directing all United States air, naval and ground forces in Indochina not to drop bombs or to fire

weapons except in response to direct attack.

3. We appeal to our government to initiate immediately at the Paris Conference negotiations on the timetable for the pledged withdrawal of all United States military forces.

4. We appeal to all of our fellow church men and women to join us in calling on the President and the Congress to take these steps immediately.

Tomorrow, Mr. Speaker, the caucus of Democratic Members of the House is scheduled to meet and vote on a resolution giving our support to a "sense of Congress" resolution to withdraw all American troops from Vietnam by the end of this year.

While I and many others would prefer an early deadline, this is one that has gathering support. Such a pledge would move the Paris negotiations off dead center.

The fact that this resolution is being seriously considered for action on the floor is strong evidence that the American people generally believe we have more important problems to solve at home than we have in Southeast Asia.

Once again, I would like to say that I and many of our colleagues here are ready and willing to go out and meet with the people at the grassroots level and I would strongly urge other Members to do so. Such action would be a step in restoring the faith and trust of the people in our legislative branch.

SHORTAGE OF MEDICAL FACILITIES

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. SKUBITZ. Mr. Speaker, we are rapidly approaching a crisis in medical education in the United States. School facilities to educate and train future doctors are totally inadequate. Hundreds of dedicated young men and women, anxious to become physicians and alleviate the sufferings of a large part of our population that requires more and more care, are denied the opportunity to attend medical schools of their choice, or indeed any medical schools in this country.

In my own State of Kansas, sharp restrictions on enrollment in the State university medical school have deprived a substantial number of Kansas young people of an advanced professional education. Indeed, it is a sad commentary on this great and rich Nation that scores of young people have found it necessary to go to foreign countries to gain a medical education. For example, in a medical college in Mexico, more than 80 percent of the medical students are from the United States. I regard this as deplorable.

I am, therefore, today introducing a joint resolution which would require the Veterans' Administration to establish a pilot program to assist in the establishment of new State medical schools. In so doing I am joining the distinguished chairman of the Committee on Veterans' Affairs, who proposed an identical bill a few days ago. It is an honor to follow the gentleman from Texas. I sincerely hope that his committee will promptly move our resolution forward to enactment.

PROPOSED AMENDMENT TO H.R. 6531

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. GIBBONS. Mr. Speaker, in accordance with clause 6 of rule XXIII of the Rules of the House of Representatives as amended by the Legislative Reorganization Act of 1970, I am inserting at this point in the CONGRESSIONAL RECORD an amendment to H.R. 6531, the Military Selective Service Act Amendments of 1971. It is my understanding that under this rule, I will be entitled to 5 minutes in which to explain my amendment even if the Committee of the Whole agrees to a limitation on debate time.

The text of the amendment follows:

AMENDMENT TO H.R. 6531, AS REPORTED
OFFERED BY MR. GIBBONS

Page 11, between lines 22 and 23, insert the following:

"(25) By adding immediately before section 17 the following new section:

" 'SEC. 16a. No person who is inducted after June 30, 1971, for training and service under this title may be used in combat or deployed to a combat zone outside the United States unless at least one of the following shall have occurred:

" '(1) The President has declared that an armed attack has been made upon the United States.

" '(2) The President has declared that an armed attack on the United States is so imminent that full mobilization of the armed forces is required.

" '(3) The Congress by concurrent resolution authorizes such use and deployment of persons inducted under this title and directs that a full mobilization of the armed forces be effected.

" '(4) The President has requested that Congress declare war, but the authority to so use and deploy inducted personnel pursuant to this clause shall expire at the close of the 30th day after such request was made if the Congress has not declared war on or before such 30th day.

" '(5) The Congress has declared war.

" (6) Such person consents to such use and deployment in such written form as shall be prescribed by the Secretary of the military department concerned.' "

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

HOUSE OF REPRESENTATIVES—*Wednesday, March 31, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Acquaint now thyself with God, and be at peace: Thereby good shall come unto thee.—Job 22: 21.

Eternal Father, without whom we can do nothing wisely and with whom we can do all things worthily, unite these leaders of our people in the true way to achieve justice in our Nation and peace in our world.

During these Lenten days we renew our prayer for our President, our Speaker, these men and women who represent our Nation, and all who work with them. May Thy providence watch over them, Thy spirit sustain them, and Thy wisdom guide them that with a high integrity of purpose they may meet the difficult demands of these troubled times.

Help each one of us to live this day without sin, and may Thy mercy be upon us as we trust in Thee. In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT

Mr. NATCHER. Mr. Speaker, on behalf of the gentleman from Pennsylvania (Mr. FLOOD) I ask unanimous consent that the Committee on Appropriations have until midnight tonight to file a privileged report on the appropriation bill for the Office of Education and related agencies for the fiscal year ending June 30, 1972.

Mr. JONAS reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. FASCELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 36]

Alexander
Andrews, N. Dak.
Arends
Ashley
Bergland
Biaggi
Blanton
Carey
Carter
Casey, Tex.
Chamberlain
Chisholm
Clark
Clay
Collins, Ill.
Conyers
Corbett
Corman
Coughlin
Dent
Dorn
Drinan
Edwards, La.
Evans, Colo.
Flood
Foley
Ford, William D.
Fountain
Fraser
Gallagher
Gaydos
Gettys
Giaimo
Goldwater
Green, Pa.
Hagan
Hall
Hicks, Wash.
Hogan
Jarman
Johnson, Pa.
Jones, Ala.
Koch
Kuykendall
Long, La.
Long, Md.
Lujan
McClure
McCulloch
Macdonald, Mass.
Mathias, Calif.
Minshall
Morgan
Murphy, N.Y.
Pelly
Peyser
Pickle
Poage
Podell
Rangel
Rees
Reid, N.Y.
Riegle
Rodino
Rooney, Pa.
Rosenthal
Roush
Shriver
Sikes
Stafford
Staggers
Taylor
Terry
Van Deerlin
Vanik
Wilson, Bob
Young, Tex.

The SPEAKER. On this rollcall 375 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APRIL 4, 1971, MARKS FINAL DAY OF YEAR-LONG CELEBRATION OF 300TH ANNIVERSARY OF THE FIRST SETTLEMENT IN SOUTH CAROLINA

(Mr. McMILLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McMILLAN. Mr. Speaker, Sunday, April 4, 1971, will mark the final day of the year-long celebration of the 300th anniversary of the first permanent settlement in South Carolina. This commemoration of our State's 300 years of history has reached into every area of South Carolina's past and to every phase of its present life. The year has provided the people of our State with a rare moment, one in which we have paused in our busy modern lives to look back and appreciate the heritage we have—to take stock of our present status and to prepare us to enter into our fourth century with courage and conviction.

South Carolina's Festival of History has told of a struggle—the struggle to conquer a wilderness, the struggle of men to be free and in charge of their own destiny, the struggle to recover from the devastations of war and the successful effort to reenter the mainstream of American political and economic life.

The tricentennial year has also afforded a forward look as well as a study of the past. It has been presented in a three-dimensional view of South Carolina—past, present, and future. It has been educational, inspirational, and enjoyable. It has also served to spearhead the beginning of our State's move into an expanded program of tourism in which millions of visitors who now pass through the State will find it worthwhile to stop and spend some time getting to know us.

The important accomplishment, however, has been that the people of South Carolina themselves have acquired a new awareness of our State and our heritage and have had the special pleasure and privilege of acquainting our friends from the other States and nations with South Carolina, its history and its people.

RESOLUTION IMPOSING MORATORIUM ON REPLACEMENT TROOPS TO VIETNAM

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, on February 2 of this year I introduced House Joint Resolution 258 calling upon the President to impose a moratorium on sending any replacement troops to Vietnam. As our troops are rotated back home at the conclusion of their 1-year tour of duty, they would not be replaced and in 1 year there would be no U.S. troops left in Vietnam. Remaining units would be consolidated as they are under our present reduction program.

I am pleased to note that we are now moving in that direction. On May 1 of this year, we will have remaining in Vietnam 284,000 American troops, assuming that we continue to reduce our Armed Forces in Vietnam at the present schedule. If, indeed, the President does announce his new reduction schedule, as he is expected to do next Wednesday, and announces a reduction at the rate of 16,500 a month, then our troops would be out of Vietnam by October 1972.

If the President should go to a 20,000-a-month reduction, as we hope he will, we will have all of our troops out of Vietnam by July 1972. But we actually would stop sending American troops to Vietnam by August of this year, because our normal monthly rotation rate will exceed the 20,000 reduction per month, hopefully to be ordered by the President.

EXTENSION OF SELECTIVE SERVICE

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CONABLE. Mr. Speaker, I am supporting a 2-year extension of the Selective Service Act at this time and I urge my colleagues to do the same.

I understand the feeling held in Congress that we have a mandate to move to all-volunteer armed services as expeditiously as is possible in the national interest. It has been my conclusion that to accomplish this in 1 year's time, circumstances being what they presently are, would be costly for the country not only in the short term, but also in terms of the irreversible pattern it would create for meeting our future military manpower needs. I have some personal misgivings about an all-volunteer service under the best of circumstances; but in terms of what will be necessary to achieve an all-volunteer service coincident with the scaling down of the war in Vietnam and present morale conditions in the armed services, the need for caution is all the more apparent.

I hope, as do many of my colleagues voting to extend the draft for 2 years, that we will achieve a point of no draft calls long before the 2 years are up. This hoped-for result is dependent upon many things beyond the scope of this law. I have reluctantly concluded the realistic course is to extend the draft for 2 years. I urge my colleagues to be realistic, since the alternatives are the engendering of false hopes and possible damage to the balanced relationship we must have between our military and civilian components.

RETIREMENT OF BARNET NOVER AND NAOMI NOVER

(Mr. BROTZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROTZMAN. Mr. Speaker, today marks the end of an era in Washington journalism. Barnet Nover is retiring as Washington bureau chief for the Denver Post, and simultaneously his wife, Naomi, is retiring as a Denver Post reporter.

Barney Nover's daily newspaper career spans more than 50 years. Following his graduation from Cornell University in 1919, he joined the staff of the Buffalo, N.Y., Evening News, rising to the post of associate editor before joining the staff of the Washington Post in 1936. In 11 years with the Washington Post, Barney covered the political and foreign affairs beats, and held the title of associate editor. He became chief of the Denver Post's Washington bureau in 1947 and has served in that capacity until today.

The Novers were married in 1934, and Naomi subsequently became half of a rarity in American journalism—a husband-wife reporting team. In recent years they have covered some of the biggest stories in Washington and other points on the world political scene.

In past years Barney Nover was one of those few journalists who become Presidential confidants. I can also report that he goes out of his way to assist new Congressmen. When I arrived on the Capital scene in 1963, Barney and Naomi gave generously of their time in helping me find my way during those first difficult months of my career in Congress. I will always be grateful.

Knowing the Novers as I do, I expect that this good counsel will not end with their official retirement. I also expect to see their bylines in the future, because no doubt their expertise will be valuable to the journalistic fraternity for years to come.

PROPOSED AMENDMENT TO MILITARY SELECTIVE SERVICE ACT

(Mr. BROYHILL of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROYHILL of North Carolina. Mr. Speaker, during debate and under the 5-minute rule on consideration of H.R. 6531, I intended to offer the following amendment.

On Page 6, after line 4, insert the following:

"(16) Section 6(o) is amended to read: 'Except during the period of a war or a national emergency declared by Congress, no person may be inducted for training and service under this title unless he volunteers for such induction—

"'(1) if the father or a brother or a sister of such person was killed in action or died in line of duty while serving in the Armed Forces of the United States or subsequently died or is totally disabled as a result of injuries received or disease incurred during such service, or

"'(2) during any period of time in which the father or a brother or a sister of such person is in a captured or missing status as a result of such service.'"

Mr. Speaker, the purpose of this amendment is self-explanatory. It would prohibit the involuntary inductment into the armed services, any person whose father, brother, or sister has been killed in action, died, or is totally disabled as a result of injuries received during service, or is a prisoner or war or is missing in action. I urge its adoption.

AMENDING THE MILITARY SELECTIVE SERVICE ACT OF 1967

Mr. HÉBERT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6531), to amend the Military Selective Service Act of 1967, to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 6531, with Mr. Boland in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Before the Committee rose on yesterday, it was agreed that the first section ending on line 22, page 11, of the bill would be considered as read and open to amendment at any point.

AMENDMENT OFFERED BY MRS. ABZUG

Mrs. ABZUG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Abzug:

Page 1, strike out line 3 and all that follows thereafter down through line 22 on page 11 and insert the following: "That effective January 1, 1972, the Military Selective Service Act of 1967 is repealed and the President shall take such action as may be necessary before such date to insure an orderly winding up of the affairs of the Selective Service System."

The CHAIRMAN. The gentlewoman from New York is recognized for 5 minutes in support of her amendment.

Mrs. ABZUG. Mr. Chairman, I have offered this amendment to the Military Selective Service Act because I am unalterably opposed to military conscription. I believe it should be dismantled. I believe that the draft in this country not only violates the concepts of the American tradition of freedom and creates a system of involuntary servitude, but also I believe the draft has made possible the escalation and the continuation of the war in Indochina without the consent of the American people or, in fact, the Congress of the United States.

I believe that we can take no more important step toward ending this wretched war and withdrawing our troops from Indochina before the end of this year than by ending and repealing the entire Military Selective Service Act now presently on the books.

I share with millions of my fellow Americans a very deep distress at the strife and discord the draft has produced in this country during the time it has been in effect in peacetime. Until recently the draft was conscripting thousands of young men, men too young even to vote. The draft is still exploiting the labor of all young men, especially those who are politically and economically least powerful.

Many of my constituents are in this group. Many constituents of other Members are in this group.

Many are poor, many are Puerto Rican, many are black. We have all witnessed the increased alienation of the young people as conscription has forced them to choose between going to fight in Vietnam in an illegal war or fleeing the country or seeking jail as an expression of conscientious objection, or turning on to drugs, as the Army reports more than 50 percent of our young people have done.

What about the prisoners of war that we are all so concerned about? We continue to draft young men and make killers of them, and then we wonder about what we are going to do about those who are captured in this senseless and insane war in Indochina.

I object to any and all draft laws. I believe peacetime conscription has taken away the power of this body over U.S. foreign policy. I believe it has weakened the control of this House over the foreign policy of our country. It has provided the manpower for large-scale military interventions overseas without either the consent of this body or the consent of the people.

The existence of an unlimited supply of conscripts has encouraged the Government to resort to military solutions. It has prevented consideration of any constructive foreign policies in this country. The Vietnamese war in its entirety might have been avoided had Congress been required to approve reinstatement of the draft for the specific purpose of furnishing fighting men for Vietnam instead of being called upon to approve an ambiguous and now repealed Gulf of Tonkin resolution.

I believe the power to draft and to conscript has been a key element in enabling administrations, Democratic or Republican, unilaterally to commit this Nation to war, even when that involvement has proved to be against the desires of 70 percent of the American people and dangerous to the national interest and to the economy of this country.

I believe the key role which the draft plays in making possible the continuation of this immoral and unpopular war in Indochina is on the line by the very introduction of this bill here today, which continues to give the President unlimited power to continue to induct young men into a war which the American people have rejected, which rejection the President has not heeded, and which war this body must act now to reject. This body must act to reject the war not only by voting to repeal the draft, but it must also act to go further and to reject the war by insisting that all troops be withdrawn from Indochina by the end of this year and by withholding all appropriations for such troops and for the purposes of that war.

The repeal of the draft today is merely a first step in ending the ignominious war in Indochina. I believe those of us who wish to restore to Congress its rightful role of having something to say about the matter of war and peace must take this first initial step. We must defeat this bill and support the amendment to repeal the Selective Service Act.

Mr. MITCHELL. Mr. Chairman, will the gentlewoman yield?

Mrs. ABZUG. I yield to the gentleman from Maryland.

Mr. MITCHELL. Mr. Chairman, I rise to support fully the statement being made by the Congresswoman from New York. Yesterday on the floor of this House, I spoke out against the continuation of the draft. I used language that some of my colleagues termed intemperate and unkind. My only regret is that I did not use stronger language against those who would continue this pernicious and venal draft system which, as the Congresswoman so aptly describes, is the mechanism by means of which we feed young men into Southeast Asia to be brutalized and slaughtered.

The CHAIRMAN. The time of the gentlewoman from New York has expired.

(On request of Mr. Mitchell, and by unanimous consent, Mrs. Abzug was allowed to proceed for 2 additional minutes.)

Mr. MITCHELL. Mr. Chairman, if the gentlewoman will yield further, as I was saying, I agree with the gentlewoman's apt description that the Selective Service System is the mechanism by means of which we send more young men into Southeast Asia to be brutalized and maimed and mutilated and slaughtered.

I heard a great deal of talk on the floor yesterday morning about the Calley case, I submit to the Members that when they vote to further extend the draft—and it will be extended, I fear—Members should just remember they are creating the possibility for 10,000 more Calleys and 10,000 more Americans to be killed.

Mr. Chairman, I thank the gentlewoman for yielding.

Mr. GUBSER. Mr. Chairman, I rise in opposition to the amendment.

I should like to take just a few seconds to commend the gentlewoman from New York for what I know is a very sincere motivation. I am sure she intends this as one device which will render war as something that will not happen again. I certainly share her desire for that objective and that goal; but I respectfully suggest that the matter has been oversimplified, that when one thoroughly explores what this amendment would do the exact opposite of what she seeks may be the end result.

Repeal of the draft act would not only repeal the induction authority provided by the law for the President to maintain manpower strength in the armed services but also would destroy the existing system of registration and classification established over the past 40 years.

Here is what that would do: It would shrink the base of military power available to this Nation. I believe that is what the gentlewoman intends. But when we shrink the base of military power available to this Nation do we necessarily make war less likely?

One historian or one famous person whose name I do not recall once said that with complete and total disarmament the decisive weapon of world war III could be a thing as simple as a dagger. That statement brings into focus a human reality; that is, men, so long as they are human, will some way find a means to disagree and a means to express that disagreement in war.

I wish it were not true, but it is true and history bears me out. So when we shrink the base of military power we do not shrink man's desire to make war or the fact that he will be evil enough to do it.

Here is what we do when we shrink the base of manpower, through the gentlewoman's amendment: We increase reliance for prevention of war upon the most horrible weapons mankind has ever conceived, nuclear weaponry. The obvious result is if we do not have the manpower and we do not have standby registration facilities with which to fight a conventional war, and we are in danger, then we increase the likelihood of nuclear warfare. That is a direction we should not follow in this country. We should be going in the opposite direction.

I respectfully suggest that the gentlewoman's amendment takes us in that direction. It should be defeated.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment.

I shall not take 5 minutes, Mr. Chairman, because the gentleman from California has adequately explained what the situation is.

I, too, share the gentleman's views in commending the gentlewoman from New York. She is a very serious person in this presentation, and I know her to be very sincere and very serious. I also commend her for making the situation crystal clear. Instead of nibbling away at the power of induction, without realizing what is actually going on, she faces the issue foursquare. She does not say, "Let us do away with the induction power of the Selective Service Act," or the Draft Act, as it is called; but she says, "Let us do away with the Draft Act, the entire act."

What does this mean? This means, if the amendment were to be adopted, we would have absolutely no machinery, no mechanism in the Government to induct or to acquire or to maintain any necessary manpower pool in the defense of this country for the security of this country.

The whole basic issue is the defense of America, the security of America. The only way to secure the defense of the country is by manpower, by strength, by the ability to repel the enemy. The only way to repel the enemy is to have sufficient manpower. Now, in these times the only way to get sufficient manpower is by the mechanism of the draft, as obnoxious as it may be to most of us.

I wish we did not need it.

I wish we had an all-volunteer army and that patriotism in this country would be such that the people would rally to the flag and defend their country when it needs defense more than at any other time in its history. I would like to see this. But I am also a realist. We do not have it, and those of us who feel the responsibility of furnishing the necessary means to defend and secure our country have to resort to whatever means we have available.

Mrs. ABZUG. Mr. Chairman, will the chairman yield?

Mr. HÉBERT. I am delighted to yield to the gentlewoman.

Mrs. ABZUG. I would like to comment on what the Chairman said and what the gentleman from California said with regard to the fact that if we are proposing to repeal the draft our country is left defenseless. First of all, with respect to the comment made by the gentleman from California, I believe all of us would welcome the day when we could find a way of settling international disputes through peaceful means and when we could have complete disarmament under the jurisdiction of a universal public authority. In this nuclear age the idea that a nation or civilization itself will be able to survive the ever spiraling arms race is becoming something most tenuous. Settling disputes through the use of armies and through nuclear threats has failed us so completely that we must look forward to other alternatives in the future.

Mr. Chairman, with respect to your statement about what would happen in the event that we did away with the Selective Service System, there have been alternatives proposed here which are transitions to the stage that we should be approaching the final stage which I believe would be most healthy for this Nation and for the world, namely, complete disarmament under a public international authority such as the United Nations.

We have to recognize that any changes that may be proposed, even the changes involved in the bill before us, require a certain amount of adjustment. That adjustment can take place through the powers that the President has. If we were to repeal the authority for the Selective Service System, appropriate steps could be taken with existing Presidential power to dismantle the system.

I do not think that is a valid argument, Mr. Chairman.

Mr. HÉBERT. I thank you for your observation, and may I say that I, too, share your desire for Utopia and for everybody being in love with everybody else and I hope for the elimination of evil from the world. But unfortunately we do not live in that atmosphere now and we never will. There has been no new argument advanced on this floor today that has not been advanced before and which has not been rejected before.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. Yes I am glad to yield to the gentleman.

Mr. MITCHELL. In listening to your statement, you indicated that a realistic appraisal of the situation would suggest there would not be a whole host of people rallying to the defense of this Nation if we did not have a selective service system. I question in my mind whether that system, with all of its inequities and venalities, has not, indeed, contributed to that very climate which you abhor.

Mr. HÉBERT. I deny the statement as a fact, stating that inequities exist as a uniform proposition. There are some inequities that exist, but I think the Draft Act has been used by some individuals as a vicious and venal piece of propaganda in an attempt to divide this country.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. ABZUG).

The question was taken; and on a division (demanded by Mrs. ABZUG) there were—ayes 11, noes 73.

Mrs. ABZUG. Mr. Chairman, I demand tellers.

Tellers were refused.

TELLER VOTE WITH CLERKS REFUSED

Mrs. ABZUG. Mr. Chairman, I demand tellers with clerks.

The CHAIRMAN. A demand for tellers with clerks is not in order since tellers were not ordered.

So the amendment was rejected.

Mrs. ABZUG. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred and ten Members are present, a quorum.

AMENDMENT OFFERED BY MR. BRINKLEY

Mr. BRINKLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BRINKLEY: On page 7, after the period in line 8, insert the following:

"The local board and/or its staff shall perform their official duties only within the county or political subdivision corresponding thereto in which the local board is established."

Mr. BRINKLEY. Mr. Chairman, I propose to offer a second amendment after this one which deals with intercounty Selective Service Board consolidation involving up to five counties per board. I offered this same amendment in the committee and it was not carried in the committee.

Mr. Chairman, the current amendment under consideration was not offered in the committee because I felt that it came under the consolidation provision. However, it does not and this instant amendment is designed to prevent the administrative procedures which are currently being conducted relating to draft boards.

First, let me commend the Director of the Selective Service, the Honorable Curtis Tarr. I think he is a very able man and I certainly commend him for trying to make the Selective Service System work better and to do the very best he can in a responsible and responsive manner.

He proposes, and is in the process of implementing with the States, and in conjunction with the States, a device whereby several counties together may pool their talent in one of those counties administratively; that is, clerically, to better handle draft board cases.

It is my feeling that this does not necessarily mean better handling. I feel that even though a clerk of a draft board is a part-time worker as opposed to being a full-time worker, that she may better serve her people locally in the county where she lives, where the young man lives, by handling everything in the same county where the draft board itself is located.

The thrust of the amendment is that it would require the office of the clerk of the draft board to be within the county served; it would require the records of the draft board to stay within the county so that intercounty records would not be pooled together.

This simply would not allow consolidation, called collocation, of administrative records or administrative personnel. It would allow local boards to be truly local instead of intercounty. I think that a county is synonymous with local, and where a draft board goes across county lines, this no longer would be the case.

Mr. Chairman, I would be delighted to respond to any questions.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. BRINKLEY. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, I ask the gentleman from Georgia if there are any cases today where there are some of the smaller counties that combine with adjoining counties, and that combine clerks and one draft board? Are there any cases of that kind?

Mr. BRINKLEY. Yes, at least it is proposed for the State of Georgia, since we have 159 counties.

Mr. MYERS. I am aware of that. I mean existing today, have there been any smaller counties that, because of the size of the county and because of cost factors, that single draft boards are not feasible? Have any of them already been consolidated through their own desires?

Mr. BRINKLEY. Not that I know of, except that in the committee I believe the gentleman from Texas (Mr. FISHER), indicated that there may be some boards in Texas which were consolidated under the authority already given to the President.

Mr. MYERS. That are already consolidated today?

Mr. BRINKLEY. Yes, that is right.

Mr. MYERS. Previous to Selective Service Director Tarr's latest development?

Mr. BRINKLEY. Yes.

Mr. MYERS. How would this amendment change this condition today?

Mr. BRINKLEY. It would acquire an affirmative adjustment.

Mr. MYERS. It would have to go back to the original counties?

Mr. BRINKLEY. Yes; if the board consolidation authority is also deleted.

Mr. MYERS. What your amendment then says is that when a man signs up in his county at the draft board, the clerk of that office must stay in the county of his residence?

Mr. BRINKLEY. That is true.

Mr. MYERS. And not in a county not of his residence, the clerk and the draft board both must also stay in the county?

Mr. BRINKLEY. There would be no intercounty pooling of personnel or records in one central point. I think the maximum presently allowable is five counties. This amendment would require it to be limited to one political subdivison; namely, one county.

Mr. MYERS. This amendment would require them to remain within the same county?

Mr. BRINKLEY. Right.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BRINKLEY. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, then the amendment offered by the gentleman from Georgia would not maintain the local draft board as such; it would merely mean administrative procedures by which a clerk would be maintained, and the records maintained in the county, but it would not maintain in each county a local draft board; is that correct?

Mr. BRINKLEY. That is correct as far as this amendment goes, but the second amendment which I shall offer after this one goes to that very point. That is the very thing which the second amendment would eliminate; namely, the present authority given the President to consolidate local boards. That authority should also be deleted because I do feel that this is a hand-and-glove type of situation, but this amendment does not go to the present authority which the President has to consolidate draft boards.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HÉBERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I specifically asked to strike the last word so as to indicate that I am not speaking against the amendment. I merely bring to the attention of the House the situation as it prevails.

The gentleman from Georgia (Mr. BRINKLEY) is a very valuable member of our committee, and this particular matter of concern of the gentleman was discussed in the committee, and it was also indicated that the intention of the Selective Service was to collocate the boards.

We did not go along with the gentleman in his concern. He did not offer his amendment in committee, nor did it get a vote, and I just wanted to put that before us, since the gentleman from Georgia has now offered his amendment.

Mr. DELLUMS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to ask the gentleman from Georgia, the author of the amendment, a particular question.

The question I raise is this: Does your amendment make an effort toward fair and equitable representation of black and other racial minorities on the local boards, where they have not been provided with any representation at all?

Mr. BRINKLEY. No; it does not address itself to that.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman.

Mr. PIKE. I would like to say to the gentleman from California that he has raised a question which has been of great interest to me for a long time. Four years ago when we renewed the draft bill, I offered an amendment which said roughly this, that to the extent practicable, draft boards shall accurately represent the ethnic and sociological background of the district which they serve.

I think the word "economic" was in there also.

The amendment at that time was defeated. But I am happy to be able to say to the gentleman that in this bill brought before you this year, there is a provision to that effect in the bill and you will find it written up in our report. This is one of the changes which is in the bill this year, which in my opinion should do something to make draft boards more equitable.

Mr. RYAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I should like to comment on the question raised by the gentleman from California (Mr. DELLUMS) and the statement by the gentleman from New York (Mr. PIKE).

I have introduced for some time legislation—H.R. 1567 in this 92d Congress—which would require local draft boards to reflect the ethnic and economic nature of the areas served by the draft boards. When I testified before the Committee on Armed Services on March 4 regarding the draft, much of the discussion centered on the composition of local selective service boards. I was pleased that committee members were sympathetic to my views. My distinguished colleague from New York (Mr. PIKE) was especially concerned, and I know that his efforts were most helpful in persuading the committee to adopt language dealing with this issue.

I am happy to note the bill itself does provide on page 7 at lines 16 to 19—

> To the extent practicable, the members of a local draft board shall accurately represent the economic and sociological background of the population which they serve.

That is clause 19 of section 1 which amends section 10(b)(3) of the Military Selective Services Act of 1967, as amended

I would assume that that language certainly includes ethnic background. Would the gentleman from New York (Mr. PIKE) like to clarify that one point?

Mr. PIKE. Frankly, I do not think they could represent the sociological background without representing the ethnic background.

Mr. RYAN. I agree and I hope the legislative history is clear.

Mr. Chairman, I would like to commend the committee for having included this provision. In spite of the fact that there is much in the bill with which I disagree, I do think that, when the committee has made an attempt to correct an inequity, it should be commended. In this case the committee has made an attempt to correct this inequity. As long as the draft exists, and I hope that our actions this week will end it, at the very least those individuals who pass upon a young man's draft status should be representative of his community. So I am pleased that the substance of my bill, H.R. 1567, has been incorporated in the bill before us.

Mr. GUBSER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I shall not consume the 5 minutes, but I merely want to emphasize one point for the benefit of the membership as they assess this amendment.

In the first place, we should remember that the bill before us grants absolutely no new authority with respect to consolidation to the Director of Selective Service.

The language of the bill does not include anything to that effect.

I think what is taking place here is confusion between consolidation and collocation. What is being undertaken by the Director of Selective Service administratively is collocation, and this merely means using together two or more boards. In all instances, boards being collocated remain autonomous bodies and separate in identity, authority, jurisdiction, and responsibility. The only thing that the collocated boards will share are the clerical personnel and the physical facilities. The authority of the board remains separate and the membership of the board will not change. They will still handle the cases of young men from their own communities and they will still bring to bear their personal knowledge of the special needs of the local community in the classification of the area registrants. The special bond between the registrant and his local board in his community will not be broken.

So as we vote on this, remember that there is no new granted authority in this bill to the Director of Selective Service and we are only placing an interpretation upon what he is doing administratively, and I emphasize that he is not consolidating draft boards but he is merely collocating them for the purpose of saving some of the taxpayer's money.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I am happy to yield to the gentleman from Indiana.

Mr. MYERS. The gentleman spoke about Director Tarr's administrative action in collocation of Selective Service offices. What is the purpose of this collocation?

Mr. GUBSER. To save money. If the gentleman will permit, I will use my own County of Santa Clara as an example. The principal city of that county is San Jose. It is centrally located. Public transportation is available. We have three draft boards housed in the same area. We were evicted last week, but nevertheless they had been housed in the same building, and they are able to employ some of the same clerical personnel. The action results in fantastic savings of money, but it does not deprive the registrant of being represented by someone from his own community.

Mr. BRAY. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I am happy to yield to the gentleman from Indiana.

Mr. BRAY. Have you made a study to determine whether the boards would be in the same cities? I believe one of the questions being raised here points to this situation. Let us say there are five different cities. Would they have the draft boards in one building in one of those cities? Could that situation exist, in your opinion?

Mr. GUBSER. I think that the Director of Selective Service intends that the physical facilities where the clerical forces are and the files are kept could be collocated, but this would not prevent a draft board from holding its meetings in an individual community.

Mr. MYERS. Mr. Chairman, will the gentleman yield further to me?

Mr. GUBSER. I yield to the gentleman from Indiana.

Mr. MYERS. The gentleman has spoken about his home county. Let me speak about my home county. It is a small county of about 18,000 population. The draft board and Selective Service office is located in the county courthouse. It pays no rent, has no costs other than wages and telephone. That office now would be transferred 50 miles away, making it necessary for some young men to drive 80 miles to be registered. What savings would there be in a case like that? True, they will have to hire the same clerk or another clerk. She will have to move to another city. There will be absolutely no savings whatsoever. Quite to the contrary, the young men going to sign up would have to drive as far as 80 or 90 miles. Is there any saving in that situation?

Mr. GUBSER. The gentleman may be totally correct with respect to his own local situation, but it does not follow that the Director of Selective Service will act in the same manner in every situation.

Mr. MYERS. If the gentleman will yield further, it seems to me the amendment offered by the gentleman from Georgia, which I am going to support, does not really say that in your home county you cannot consolidate the five boards into one; does it? I think you could accomplish that in your county and probably should.

Mr. GUBSER. No. There are too many people. There are individual communities. I am quite confident that will not take place.

Mr. MYERS. The gentleman's amendment would not prohibit anything within the same county to accomplish savings?

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from California speaks of fantastic savings. Would the gentleman put an estimate on the fantastic savings that would be accomplished by diminishing, through consolidations, the autonomy of the local draft boards?

Mr. GUBSER. I would answer the gentleman thusly—and the gentleman has been here longer than I have, and he has seen the trend that this Congress has followed so far as squandering the taxpayers' money—and I would say that 25 cents would be fantastic.

Mr. GROSS. Twenty-five cents would be fantastic?

Mr. GUBSER. Any savings.

Mr. GROSS. That is what I thought: That you were not quite sure of your ground in the matter of fantastic savings. I am told by another Member of Congress that Mr. Tarr, Director of Selective Service, was on Capitol Hill Monday morning, and he is reported to have said that contemplated consolidations throughout the country would result in a savings of a million dollars. That is nationwide. I do not discount a million dollars, but I do not see anything fantastic about that in the administration of a nationwide draft program.

I want to say to the gentleman that I support continuation of the Selective Service Act, and you can consolidate in the cities all you want to consolidate. But do not go out into the rural areas of America and attempt to consolidate all of the draft boards. I want to see local, county administration in Iowa. Under the draft law we are not dealing in tractors and combines. We are dealing in human beings, and, perhaps, in human life itself.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. GUBSER. I think a million dollars is worth saving. I think the gentleman would agree with that.

Mr. GROSS. Certainly I agree.

Mr. GUBSER. But I think the gentleman has erred in stating that the local autonomy will be surrendered. They will have the same local autonomy as always. The only thing is that where one local draft board is open only a few hours a day, several will be combined, and that will be open all day, and it will save some clerical cost and combine the clerical duties into fulltime jobs.

Mr. GROSS. The gentleman from Indiana states that in some instances young men would be compelled to drive 100 miles to register for the draft.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, when we have accomplished this combining, and when we have a fulltime secretary or clerk in that office and we make her move to another city and she is open fulltime in another city, when there is no rent paid in the first location—and this happens in about 12 of my 15 counties—I do not know what savings there will be. If there is, let us agree right now to cut $1 million off the appropriations. If it will save $1 million, let us do that right now.

Mr. GROSS. If we are merely going to transfer and load the expense on the families of the young men being drafted, I cannot agree there is any saving.

Mr. MYERS. That is what I think. I am going to support the amendment offered by the gentleman from Georgia.

Mr. GROSS. So am I.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. BRINKLEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BRINKLEY

Mr. BRINKLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BRINKLEY:

Beginning at page 7, line 24, and continuing through page 8, line 11, strike the following:

": *Provided*, That an intercounty local board consisting of at least one member from each component county or corresponding subdivision may be established for an area not exceeding five counties or political subdivisions corresponding thereto within a State or comparable jurisdiction when the President determines, after considering the public interest involved and the recommendation of the Governor or comparable executive official or officials, that the establishment of such local board area will result in a more efficient and economical operation. Any such intercounty local board shall have within its area the same power and jurisdiction as a local board has in its area."

and substitute therefor on page 7, line 24, a period after the numbers 1972.

On page 8, line 20, strike the following:

", and each intercounty local board shall have at least one member from each county or political subdivision corresponding thereto included within the intercounty local board area."

and insert a period after the portion of the word "tion" on page 8, line 20.

Mr. BRINKLEY. Mr. Chairman, this is a companion amendment to the one just voted upon. The one we just voted upon was defined as a collocation amendment, which we feel is one administrative step toward this consolidation authority which we think is present under existing law, which enables the President under said existing law to establish intercounty boards using up to five counties together. We believe that that would be an anomaly, that the local board would not be truly local if there would be five counties in a centralized location, which would not be consistent with the best interests of the young men involved.

We think anything so intimate and anything so important as the draft should be passed upon by people who are truly local. We submit that the intercounty arrangement is not that local and the authority to utilize more than one county in formulating intercounty draft boards should be deleted. My amendment would accomplish this.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. BRINKLEY. I yield to the gentleman from Louisiana.

Mr. HÉBERT. Mr. Chairman, as I understand it, this is merely a conforming amendment to the one just passed.

Mr. BRINKLEY. The chairman is correct. The goal of both amendments is the same.

Mr. Chairman, I ask for favorable consideration of this amendment.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. BRINKLEY. I yield to the gentleman from Florida.

Mr. FUQUA. Mr. Chairman, I commend my distinguished colleague and friend, the gentleman from Georgia, for offering these amendments, because I think the gentleman has been getting at the heart of the problem developing throughout the country in the last few weeks, which is the preservation of the autonomy of local draft boards.

Mr. Chairman, I commend the gentleman from Georgia.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. BRINKLEY. I yield to the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, I also commend the gentleman from Georgia (Mr. BRINKLEY).

The efforts of the gentleman from Georgia will be appreciated by people throughout every State who will be saved from having to drive for miles and miles to distant cities to register for the draft. I support him in his efforts and hope that a majority of the Congress will, also.

Mr. BRAY. Mr. Chairman, will the gentleman yield?

Mr. BRINKLEY. I yield to the gentleman from Indiana.

Mr. BRAY. We agree to accept the amendment.

Mr. BRINKLEY. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BRINKLEY. I yield to the gentleman from Iowa.

Mr. GROSS. I, too, wish to commend the gentleman for the amendments he has offered to this bill.

Mr. BRINKLEY. I thank the gentleman from Iowa.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. BRINKLEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BYRNE OF PENNSYLVANIA

Mr. BYRNE of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BYRNE of Pennsylvania: On page 4, strike lines 5 through 8.

Mr. BYRNE of Pennsylvania. Mr. Chairman, the subject of my amendment is a draft exemption for seminarians and divinity students.

The present law is that section 6(g) of the Selective Service Act exempts from the draft "regular or duly ordained ministers of religion and students preparing for the ministry under the direction of recognized churches or religious organizations."

H.R. 6531, Section (11) of the committee reported bill would amend section 6 (g) of the above act by striking that part of the section relating to divinity students.

My plea to the Members of the House is to reject the administration recommendation and retain section 6(g) of the act without amendment.

The rationale is that the Selective Service System has not justified the need for termination of the exemption for divinity students or seminarians. No Protestant, Catholic, or Jewish church organizations were consulted by Selective Service relative to the effect the recommendation would have on the securing and training of young men for service in the ministry in their respective denominations. This matter is of extreme importance for meeting the military and nonmilitary religious needs of the Nation.

My suggested amendment is to strike lines 5 through 8 on page 4.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. BYRNE of Pennsylvania. I yield to the gentleman from New York.

Mr. WOLFF. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Pennsylvania (Mr. BYRNE) to restore the existing statutory exemption for divinity students.

In my judgment, any action by the Government to draft divinity students would constitute an interference of Government into spiritual ground and would, in a sense, violate our traditional separation of church and state. I would oppose such a step because I feel it would be most unwise.

Both historically and constitutionally, ministers and divinity students have been exempted from the military draft. This exemption has applied since the inception of the Selective Service System, including the period during World War II; the Supreme Court approved the draft exemption of ministers as recently as March 8, 1971, in its opinion in Gillette against United States.

Repeal of the draft exemption for divinity students would create administrative difficulties for local draft boards. Some divinity students become ministers at the beginning of their training or when they take religious vows, and would thus continue to be exempt, while others who belong to different denominations could be drafted while students. The Government might, through enactment of this provision, be setting standards in religious education. This would constitute a violation of the separation of church and state. In addition, training of many students—who may begin their religious study at the age of 14 or 15—might be interrupted, with detrimental effects on the student's determination to fulfill his theological program.

It would also be an inefficient use of manpower to induct those who intend to serve in the ministry, especially at a time when major denominations are experiencing a lack of clergymen to serve their religious and educational needs. Meanwhile, the chaplaincy needs of the Armed Forces have always been filled voluntarily by the ordained graduates of the Nation's theological seminaries. If the divinity student exemption were repealed, it is hardly likely that a young man who had been drafted to serve in the Armed Forces would, after ordination, volunteer to serve an additional 2- or 3-year term as a chaplain. Thus there might well be a shortage of spiritual leaders in both civilian and military life.

In view of the fact that it seems both unnecessary and unwise to alter our traditional policy of exempting divinity students from the draft, I urge adoption of the Byrne amendment.

Mr. BYRNE of Pennsylvania. I thank the gentleman.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. BYRNE of Pennsylvania. I yield to the gentleman from Illinois.

Mr. MIKVA. Mr. Chairman, I commend the gentleman for his amendment. I rise in support of it.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. BYRNE of Pennsylvania. I yield to the gentleman from California.

Mr. GUBSER. The gentleman offered this amendment in the committee. I was one of those who supported him, and I should like for him to know I remain of the same opinion.

Mr. BYRNE of Pennsylvania. I thank the gentleman.

Mr. BRAY. Mr. Chairman, I rise in opposition to the amendment.

I am well aware that there is a great deal of interest in and sympathy for this amendment. Quite frankly, considering the background of the entire matter, I would normally approve it myself. No one has a higher regard for gentlemen of the "cloth" than I, but that is not the issue in this amendment.

What are the facts?

The Commission on Chaplains in the Armed Forces has recommended elimination of the divinity school exemptions. The Commission on Chaplains is a policy group that makes recommendations to the Department of Defense on the recruitment and retention of chaplains. The Commission represents 41 religious denominations. Opinion in the religious community is somewhat divided on this issue. It would appear that the Commission that speaks for the majority of denominations supports the committee position on elimination of divinity student exemptions.

The Congress could not continue exemptions for divinity students as an aid to religion as that would be a violation of the first amendment to the Constitution. Thus, if divinity students are given an exemption, it would have to be justified on the same basis that college deferments were justified. The present manpower pool is so large and the draft calls so relatively small that student deferments can no longer be justified as necessary in the national interest. The same is true of divinity students. It should be understood that ministers of religion continue to be exempt. The provision in the committee bill, which was requested by the President, applies only to students of theology.

It was testified in the committee's hearings that many students stay in college as a means of gaining a draft deferment. While the percentage is undoubtedly small, there are some who enter theology schools as a draft haven. If student deferments are eliminated but divinity exemptions are not eliminated, the theology schools would be the only remaining draft haven and a great number of draft evaders would be seeking entry in such schools.

If the divinity student wants to claim he is a conscientious objector, unquestionably it would be granted. Then he would serve, if this legislation goes through as it is written, 2 years doing worthwhile service for his fellowman, such as in a hospital or mental institution.

I do not believe that performing such work would keep a person from later making a good minister. It might make him a better minister. For that reason I do oppose this amendment.

Mr. PIKE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Indiana.

This amendment came up twice in the committee. Frankly, it is a very easy amendment to vote for. We called it the "pearly gates amendment" in the committee. Those who favor it are obviously going up, and those who do not favor it obviously, when their time comes, are going down.

I think that chairman asked me to speak in opposition to it because I am so far committed already that I have almost nothing to lose.

Mr. Chairman, I have never claimed to be any great expert in morality, but what I think we are doing here is not good and it does not make much sense.

First of all, as the gentleman from Indiana said, the Association of Chaplains did pass a resolution on this. This is a general commission of chaplains consisting of Armed Forces personnel. Their language was that they "urged that seminarians and seminary enrollees be subject equally with others for the risk of selection for military service," and they "request their member denominations to give attention to the issues posed by the present 4–D exemption for certain seminarians and enrollees."

Well, what are some of these issues? The whole thrust of this bill and everything we try to do with this bill is to make it apply to people equally. We are after justice and we are after equality. Of course, divinity school students are worthy, but so are biologists and so are chemists and so are physicists, and environmentalists and teachers, and almost anything you want to name. Once we start going into the loophole business and opening the door for a loophole for anybody, no matter how worthy they may be, then the physicists are going to say, "Well, exempt me, too," and the teachers will say, "Well, exempt me, too." What we are going to have, instead of a bill which strives for justice for everybody—and that is what this bill does—would be a bill which asks for justice for everybody plus a little bit of privilege for a few people. I am afraid that that privilege will grow and grow and grow.

I recognize the motivation of those who support this amendment and recognize their sincerity, but I simply say, let us take the position that we are going to be equal to everybody regardless of what their occupation is.

Mr. Chairman, I have a letter from a clergyman in my own district who is not of my own faith. I would like to read the closing words of it.

> In particular I should like to see the 4–D exemption ended. Why we ministers and ministerial students should be exempt from being called to military service has always been a question that has bothered me, unless it came from some attachment to a primitive past and an unusual reverence for "Holy men." Indeed the whole message of Christianity is that God became man in order to share our trials and endure our life. Why then we should ever have exempted the clergy from a very real segment of life is as immoral as it is theologically unsound.

I do not know whether it is immoral or not. I do know that we have a bill here which is just and fair to everybody, and I would simply like to keep it that way.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from Illinois.

Mr. MIKVA. Do I understand the gentleman from New York to suggest that the chaplains' society was in favor of the termination of this exemption; is that correct?

Mr. PIKE. Yes; and I have the language of their resolution right here.

Mr. MIKVA. Mr. Chairman, if the gentleman will yield further, is it not also correct that before one can become a chaplain one must be a graduate of a seminary?

Mr. PIKE. Yes.

Mr. MIKVA. Well, it seems to me that the chaplains are very anxious to preserve their monopolistic position and I do not see where that is an entirely Christian or Jewish approach.

Mr. PIKE. By and large the draft will apply at the undergraduate level. Most of the people who are going to become chaplains or become a clergyman are going to divinity schools at a higher level. They could already have passed their exposure to the draft by the time this takes place.

I would further say that I do not think that our churches are going to get the kind of moral leadership that they really want if their people lack enough commitment to serve for 2 years and then go on into the religious field.

Mr. MIKVA. As I understand the gentleman, one of the ministers in the gentleman's district wrote to the gentleman and suggested that the entire exemption, not only for seminarians, but for regularly ordained ministers be covered by the draft.

Mr. PIKE. That is what he suggested. However, the committee did not go that far. The committee did take a compromise position and in my opinion the compromise should be sustained.

Mr. MIKVA. Then, would it be fair to say that it is comparative morality that is being advocated.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr Chairman, with this one exception, I strongly support the legislation that has been recommended by the Committee on Armed Services. I think the 2-year term is sound. I think the other provisions in the legislation—the added pay, and so forth, are necessary for a wide variety of reasons. But I do feel that this amendment has more reason for support than opposition.

Therefore, I feel constrained to speak on its behalf despite the recommendations of the majority of the Committee on Armed Services.

I fully support the idea that we need more religious leaders in all faiths throughout the United States. It is my information that most religions, if not all, are having a very difficult time recruiting an adequate number of students for their various training schools. In addition I am told by sources that I think are accurate that despite what has been said by some, several of the major religions in our country have not been able to fill their quotas in the Chaplain Corps of the Armed Forces. I am told that particularly in recent years, during the Vietnam conflict, that the Roman Catholic Church has not been able to supply its quota or share of chaplains to the military services.

I am told that those who believe in the Jewish faith have been unable to fully implement and meet the quotas that they had for the armed services.

Therefore, in my judgment, both because we want a greater supply of religious leaders in our own overall civilian society and because we need more religious leaders in all denominations in the armed services, it seems to me that we ought to support the Byrne amendment.

There are some other somewhat technical reasons why I think this amendment should be approved and why the committee's recommendation should be defeated. I am informed that in the Jewish faith the young person at the age of 12 or 13 starts his training. If the committee's position is sustained, in effect what you are doing is taking a young Jewish student out of his training to become a religious leader and putting him into the military service after he has made that basic decision. I am told that in some cases in Roman Catholic orders there is somewhat the same circumstances.

If that is true then I do not think the Congress should then break up the training where they have already made a specific religious commitment. Therefore in my judgment and for the reasons stated, Mr. Chairman, I hope that the amendment offered by the gentleman from Pennsylvania (Mr. Byrne) prevails.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from New York.

Mr. PIKE. Mr. Chairman, I think the statement the gentleman made is wholly accurate insofar as it addresses the problem which the various faiths are having in attracting ministers or clergymen. However, this is a problem which really does not have much to do with the draft, because we have had this exemption, and we have had this problem during the period of this exemption, and it would seem to me that it is a poor solution to the moral leadership problem in America in achieving a solution by making our moral leaders exempt from what all other Americans are subject to.

Mr. GERALD R. FORD. My response to that would be very simple. I think it is unfortunate they have not been able to recruit in the various theological schools the necessary number of religious leaders or those who seek training for religious leadership, but if we eliminate this provision in existing law as the committee has recommended, I think you complicate the recruiting problem.

I do not think we should roadblock their recruiting efforts. Therefore I believe we should support the amendment offered by the gentleman from Pennsylvania (Mr. Byrne).

Mr. ICHORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and members of the Committee, I had not intended to speak out on this matter in the Committee of the Whole because I did speak at length during the general debate at page 8639 of the Record.

Mr. Chairman and members of the committee, I believe that the granting of an absolute exemption for divinity students is one of the greatest mistakes this Congress has ever made. I disagree very strongly with the gentleman from Michigan (Mr. Ford). Exemptions for divinity students are not only inconsistent and unjustifiable—and I do not see how you can possibly justify phasing out undergraduate deferments and then proceed to give a certain class of students an absolute exemption. I also believe that the exemptions actually hurt the cause of organized religion because there are people, admittedly very few, but there are people who are in divinity schools because of this absolute exemption, not for the purpose of advancing the cause of the Supreme Being, but for the purpose of avoiding military service.

Personally, I would say to the members of the Committee that in view of the fact that you are phasing out and eliminating undergraduate deferments I believe that the amendment offered by the gentleman from Pennsylvania (Mr. Byrne) is not only undesirable, but I seriously question the constitutionality of the absolute exemption.

Mr. ADAMS. Mr. Chairman, would the gentleman yield for a question?

Mr. ICHORD. I will yield in just a few minutes after I make my point.

If this amendment is constitutional since you are phasing out all other undergraduate deferments, and not violative of either the first or the 14th amendments to the Constitution, it could only be justified on the ground that it is in the interest of the national security, and this, I would say to the gentleman from Michigan, cannot be true. It cannot be serving the national security interests because divinity schools are now graduating more ministers than the minority requires.

Members of the Committee, this amendment was offered in the Committee on Armed Services. It was fully debated. It was voted down by a vote of 24 to 7, almost 4 to 1, in the Committee on Armed Services.

This matter was considered by the Commission on Chaplains representing all denominations. They voted for the elimination of divinity student exemptions because they are basically unfair and basically inequitable, by a vote of 3 to 1.

I hope the Members of this House do not succumb to the pressure exerted by a few in the ministry, admittedly sincere, to grant what I consider this unconstitutional exemption.

Mr. ADAMS. Mr. Chairman, will the gentleman yield for a question?

Mr. ICHORD. I yield to the gentleman.

Mr. ADAMS. My question is this. I am a little confused. I understand now that our draft is operating on the 18- and 19½-year-olds or it will prospectively. Therefore, who would this amendment affect? Would not the persons in divinity school already have been through the lottery and thus it should have been determined whether or not they are to be drafted before they ever arrived at the divinity school. I just do not quite understand who would be effected by this change?

Mr. ICHORD. I will say this to the gentleman—this would continue the law as it presently is and give an absolute exemption in the case of divinity students.

Now we are phasing out college deferments. We are eliminating college deferments unless they were enrolled in school prior to April 1970.

Mr. ADAMS. This then would just apply to those who are already in divinity school or a rabbinical school, or in the priesthood?

Mr. ICHORD. If I understood the gentleman from Pennsylvania correctly, it would apply prospectively to everyone entering a divinity school from now on, as being an absolute exemption.

Mr. ADAMS. If the students enter at age 18 or 19—I thought they would be undergraduates and already subject to the draft—in other words my question is—I do not see where it applies. It seems to me everybody has already been drafted or exempted from the draft before they get to the divinity school under the system that you are now applying.

Mr. ICHORD. No, not necessarily. That would depend on the calls, I would say to the gentleman from Washington, and if we reach the zero draft, you possibly will not have any calls of college students at all.

Mr. ADAMS. In other words, draft calls are still going out to people who are in graduate schools; is that correct?

Mr. ICHORD. That is right.

Mr. STRATTON. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I would like to respond to the gentleman from Washington (Mr. Adams) if I could have the gentleman's attention.

The gentleman from Washington raised the point as to whether these people had not already been handled by the draft before they ever got to divinity school. The minority leader answered this point a moment ago, but perhaps the gentleman did not get it.

The basic reason for the Byrne amendment—and incidentally, there is nothing unusual in this amendment. It simply retains the language in the law as it is now—the basic reason for the Byrne amendment is that in the Catholic religion today those who are going to a seminary in general begin their training at the beginning of their college year rather than going to a civilian college first and then going on to the seminary.

Second, in many of the versions of the Jewish religion, as the gentleman from Michigan (Mr. Gerald R. Ford) said a while ago, young men are committed to a religious career in some cases as early as 14 or 15 years of age.

So the very point of this amendment is that it merely extends an exemption which is already included in this bill, the exemption extended to ordain ministers of religion.

The gentleman from New York (Mr. Pike) said this was a bill that was going to provide complete equality. But the fact of the matter is that in this bill we are retaining exemptions for ministers of religion. And I would say to the gentleman from Missouri (Mr. Ichord) that the constitutionality of that ministerial exemption was upheld in the Gillette case by the U.S. Supreme Court on March 8 of this year.

So what we are doing in the Byrne amendment is saying that we are also going to provide a special exemption to those who are ordained ministers of religion, then we ought also to extend that same kind of exemption to those who have also begun the ministerial process in their own particular religion at the beginning of the college year, or in some cases even before.

Now this process does raise a question, and I am sure this is what the gentleman from Washington had in mind. That is that in the Protestant denominations students ordinarily do not go to divinity school until after they have graduated from college.

Traditionally in the draft law—and this is in the law now and it is the section that the amendment of the gentleman from Pennsylvania would simply retain—in order that we not be placed in the impossible position of aiding one religion as against another, there has been established over the years a procedure where those who intend to become ministers in the Protestant religion can signify their interest in attending a divinity school in advance, at the time that they are in college, and then if they are accepted by an established Protestant denomination as a candidate for the ministry, the divinity student exemption would extend to them.

It is only with regard to students in this category that there would be any question raised at all of somebody trying to cheat under the divinity student arrangement. Maybe there are some cheaters. I do not believe that we can eliminate them completely in any system. But in order to protect those religions which do begin the process of their ministerial education at the age of 18, 15, or even 14, I think the Byrne amendment is a sound one.

I understood the point—I wanted to know when you were declared to be a divinity student.

Mr. ADAMS. I did not realize that there was a large group of people in the Roman Catholic seminaries or in the rabbinical schools that entered those schools at the age of 16, 17 or 18. My understanding was that the basic decision on the question of entering divinity school is made by nearly all religions at the end of the college level. I intend to support this Byrne amendment but I would like to have the gentleman tell me how many people are involved. I have been disturbed about the provision the gentlemen mentions which would allow an undergraduate to obtain a deferment by simply declaring "I am going into divinity school." I want to protect the legitimate students and so I will vote for the amendment.

Mr. STRATTON. If the gentleman will yield so that I might answer his question, I do not have the actual figures. Perhaps the gentleman from Pennsylvania does. But I met yesterday with leading members of all three denominations, and I can tell you it is a very sizable number. In fact, I think it represents virtually all seminarians in the Catholic faith, and apparently it represents a very substantial percentage in the Jewish religion. Let me just say, with respect to Protestant divinity students, that they do not get this exemption simply by saying they intend to go on to divinity school. To qualify they have to be accepted by a recognized school and endorsed by their own religions faith.

Mr. PODELL. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from New York, if he has the information.

Mr. PODELL. I can speak for those who enter into the rabbinate. A child who studies for the rabbinate usually begins his education at an age below the 13- or 12-year-old level. Most begin their education in the elementary schools, graduate into the high school level, and then go to college; then, of course, the college is the divinity school level. I would say that 95 percent of the students who apply for the rabbinate begin most likely at the age of 7 or 8, certainly no later than the age of 11 or 12.

Mr. STRATTON. I thank the gentleman. That certainly supports my information.

Mr. J. WILLIAM STANTON. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Ohio.

Mr. J. WILLIAM STANTON. I thank the gentleman for yielding. I wish to associate myself with the gentleman's remarks in support of the amendment. I have in my congressional district the largest seminary in the State of Ohio, Borremo, a combined high school and seminary, which furnishes Catholic priests. We also have the largest rabbinical school. I certainly compliment the gentleman for pointing out the ages of these students who go from high school into college, which is a continuous process for both schools. They are located side by side. I strongly support the amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEGGETT. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from California is recognized.

Mr. LEGGETT. I support the Byrne so-called pearly gates amendment, regardless of why the Chaplain Corps would support its repeal. We have long recognized in our country and in the whole world that we have two kinds of people, men of the cloth and men of the sword. I think it is fundamentally unrealistic to expect to take young seminarians and impress them into service and expect that they are going to do the kind of job that we would expect of people who are not hampered with an excessive amount of religion.

I know if I were serving in Vietnam or any such place and I was firing a gun, I would feel very uneasy if my colleague to my right or to my left were mumbling prayers instead of aiming through the crosshairs.

I know the gentleman from Missouri, of course, has objected to this exemption on the basis that perhaps some folks have fraudulently taken advantage of deferment. Well, the main fraudulent loophole, of course, is still there, and that is the ordained minister—believe it or not, I am an ordained minister of some group who sent me rather facetiously a certificate—

I am sure that anybody who wants to get out of the draft can get one of those certificates, so the loophole is still there.

Mr. ICHORD. Mr. Chairman, will the gentleman yield, since he mentioned my name?

Mr. LEGGETT. I did not mention the gentleman's name, and I will not yield at this time.

Mr. Chairman, I think we have to keep in mind that this exemption was not provided to build up the divinity schools. The schools, of course, do have enough people, because we have provided the deferment. There is no assurance that the size of the schools will be adequate in the future if the deferment is repealed. But I think the reason for the deferment is because these young students are fundamentally different, and it is fundamentally unfair to take a young seminarian, after he has served in the seminary since, perhaps, his 14th or 15th birthday, and interrupt that after 3 or 4 years, and place him into service and force him into the realities of life, and hope that maybe he will go back into the seminary. I think we have to keep this in mind, that people of the cloth who are deferred eventually find their way back into the military service—that is, in the Chaplain Corps, and I think that is the proper place where these people should serve, not at the side of a rifle butt.

In the rationale provided for this repeal in this legislation, providing for repeal of the deferment provided by the Selective Service Director, they say any divinity school students, of course, will qualify as conscientious objectors. I intend to offer an amendment shortly relating to conscientious objectors, but I would point out there are many young men of the cloth who believe in God who are not fundamentally opposed to all wars. To presume that everybody who believes in God is opposed to all wars, I think, presumes there is an immorality to the things we tolerate here in the Congress that probably is not in line with the facts.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from California (Mr. BURTON).

Mr. BURTON. Mr. Chairman, I commend my distinguished colleague, the gentleman from California (Mr. LEGGETT), for his position. I hope our point of view prevails in this matter and that we continue the deferment of divinity students as we have in the past.

Mr. ICHORD. Mr. Chairman, is the gentleman declining to yield to me?

Mr. LEGGETT. No; I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, I would like to point out that the case referred to by the gentleman from New York upheld ministerial exemptions on the ground that they did not violate the first amendment dealing with the establishment of religion. I raised the question under the 14th amendment, the equal protection clause, exempting one class of college students and not exempting the others. I would further point out to the members of the Committee that this amendment was voted down 24 to 7 in the full committee.

I realize it is hard to fight, as the gentleman well refers to this, a pearly gates amendment, but I do intend to ask for a division vote.

Mr. BUCHANAN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, at a time when the whole thrust of the legislation before us is allegedly to prepare the way for the possible move toward a voluntary army, we are asked to set a historic precedent in beginning the forced conscription of divinity students with the passage of this legislation.

My distinguished friend, the gentleman from Missouri has indicated or questioned the constitutionality of this continuing exemption, and yet the Supreme Court ruled specifically on it in 1917 in *Arver* v. *U.S.* 245 U.S. 159, and there was a second case this year—*Gillette* v. *U.S.*, docket No. 85—which was earlier mentioned by the distinguished gentleman from New York, in which approval of this exemption was also indicated by that body.

I would challenge this great committee to cite a single instance in American history when there has been a problem of insufficient chaplains for the military services. From the time of Washington's Continental Army, when two Baptist ministers were the first to volunteer to become chaplains for the Continental Army, we have never had a shortage of ministers to do the work of the ministers for the military, but we are here asked to take the young people of the Jewish faith and of the Catholic faith and, yes, in some instances, of the Protestant fellowships whose lives have been set aside for God's service, and who have begun their training, and conscript them into the military service or force them to state conscientious objection—which many may not be able to do in good conscience—in order to have some other kind of forced service which still diverts them from their calling for preparation for the ministry.

Gentlemen, I understand the standing of the church in our time.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I am glad to yield to the gentleman from Ohio.

Mr. BROWN of Ohio. That is one of the problems which concerns me: the increasingly secular nature of the church in the present day. Since I know the gentleman is an ordained minister and that he has a distinguished military record in the armed services and is also an active Member of this body, I wonder if the gentleman would give me, for my clarification, his thinking about whether the increasing secularization of the church has any bearing on the problem?

Mr. BUCHANAN. I would say I believe had the church been the church, had the church fulfilled its unique spiritual role in the society, and had the ministers been about their business, as ought to have been the case, this legislation with these provisions never would have been before this body.

I do think the increasing secularization of the church is one of the reasons why Members of this body would consider the amendments here considered today.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I gladly yield to the distinguished dean of the House.

Mr. CELLER. Of course, this amendment only concerns seminarians and not ministers. Does the gentleman know that in every draft act passed by this Congress ever since the Revolutionary War seminarians were not subject to the draft except in the Civil War? It is rather strange that in the South they also exempted seminarians. So on only one occasion, as it were, have we drafted the seminarians, and that was in the Civil War. Is the gentleman aware of that?

Mr. BUCHANAN. I was not aware of this single exception. Perhaps in the South we were standing in need of prayer more greatly than were the forces of the Union. Or it may mean that the Yankees simply were not religious enough.

Mr. CELLER. Very well spoken. But does the gentleman believe if we are going to draft seminarians we will dry up the source of supply for the ministry?

Mr. BUCHANAN. The distinguished dean of the House is exactly correct. I do agree, sir.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I gladly yield to the gentleman from New York.

Mr. HORTON. I commend my colleague for the statement he has made and indicate my support for the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania (Mr. BYRNE) which would retain the provisions in present law for the exemption of divinity students.

I recognize that the President, together with Congress, has made great strides in eliminating the most glaring inequities of the draft which existed 2 years ago. The institution of the lottery, whereby no registrant has more than 1 full year of eligibility or uncertainty has measurably reduced the onus of the draft. The purpose of committee provisions in H.R. 6531 dealing with student and divinity student deferments are, I am certain, sincere attempts to continue the trend of making the selection more even handed and equitable.

However, I think some very serious questions can be raised about the benefits of taking the step that is contemplated to remove the statutory exemption for divinity students. First of all, it has been documented that the chaplaincies of our armed services are presently successfully filled by volunteers. It is certainly questionable whether ordained ministers of all faiths would be as willing to volunteer for chaplaincy service after serving 2 years of conscripted service prior to their divinity training.

Second, I am informed that in both the Catholic and Jewish religions, and possibly in others, the continuity of training is an extremely important element in the preparation for the priesthood and the rabbinate.

Some divinity students become ministers at the beginning of their training or when they take religious vows and thus, would be exempt, while others who belong to different denominations and religions would be drafted while they are students. By enacting this provision, the Government would be setting standards in religious education which is a strict violation of the "separation" clause of our Constitution.

Some students of divinity begin their training at age 14 or 15, to study for 10 years in a most intensive program. It presupposes an intense commitment, devout spirituality, and unconditional willingness to serve the Lord. A 2-year interruption and exposure to a most secular atmosphere may be detrimental to a student's determination to fulfill his theological program.

Mr. Chairman, the questions this provision raises with respect to Government interference with long-established modes of religious training for divinity service, with respect to the excellent record of voluntary service in the chaplaincy, and with respect to probable discrimination in favor of students who would be exempt by virtue of the fact that they are ordained as ministers at the start of their training, are good reasons for retaining the present language of section 6(g) of the act in full, and thus, for supporting the Byrne amendment.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I am glad to yield to the gentleman from California.

Mr. DELLUMS. I think the statement the gentleman made with respect to moral and the religious issues was very eloquent. I should like for him to comment on this subject. I have heard that one of the arguments to sustain the committee's recommendation is that the religious students are protected by the conscientious objector section in this bill. It seems to me on the basis of Supreme Court rulings recently on religious, ethical, and moral questions, raised as the basis for conscientious objection, we can assume that most of the students of religion, or many students of religion, will in fact be conscientious objectors.

If we are concerned about saving the taxpayers money, why should we send all these people through the process of being administratively adjudicated as conscientious objectors by passing this section of the bill? This expensive approach can be circumvented by passing the amendment. Would you please comment.

Mr. BUCHANAN. I believe there is merit in what the gentleman has suggested. Divinity students would be conscientious objectors in many instances. I would also say, and underline, the forced term of service required of conscientious objectors would divert these young men from their religious training for a period of 2 or 3 years.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from New York.

Mr. BIAGGI. I rise in support of the amendment and I commend my colleague's comments in connection with it.

I have consistently expressed my support for the concept of an all-volunteer army and have cosponsored legislation to that effect. The Gates Commission clearly sets forth the reasons and the necessity for moving to an all-volunteer Armed Force.

The present bill perpetuates the draft with all its inequities. There can be no justification for continuing this excessive burden on a small segment of our population any longer.

The pay increase provisions are very good in that they will go a long way toward attracting volunteers who have otherwise balked at joining the services because of the less-than-poverty wages paid.

However, the provisions extending the draft for 2 years and eliminating college and divinity student deferments are not acceptable.

I firmly believe we can end the draft this year—June 30, 1971. The present plans call for drafting only about 160,000 men this year. So far the Army has called for 60,000 inductees in the first 3 months.

If the draft were ended in June, the Army would have roughly 9 months from now to attract the few thousand extra volunteers it needs. It is already engaged in a $10 million advertising campaign to encourage volunteers and certainly the pay increase will help attract even more men.

In the event that the effort to end the draft now should fail, under no circumstances should divinity students be drafted. Frankly, these men have a far tougher job ahead of them.

We are experiencing in this country today a rapid decay of our moral fiber. People are turning away from religion in increasing numbers. Young people are turning to drugs and the occult for their metaphysical experiences.

The people on the front lines in preventing this decay are the priests, ministers, and rabbis of our various religious faiths. They are dedicated to the work of saving the spiritual lives of others and protecting the moral fiber of the Nation.

Certainly their work is as important to the national interest as the physical defense of the Nation. Our enemy, especially the Communists, depend on destruction of the moral fiber from within for success. Destroy belief in God and you destroy belief in the present form of government.

The only time in this country's history that divinity students were drafted was during the Civil War and that was only by the Union Army. To draft them now would be to dry up the source of spiritual leaders. For those who are concerned that this deferment may be a refuge from military service, I suggest they examine the record which clearly shows there is a substantial reduction in the number of divinity students during wartime rather than an increase as some baseless charges have suggested.

I strongly urge my colleagues to restore draft exemptions to divinity students.

Beyond that the question of eliminating all student deferments is questionable. Its effect will only be on a limited number of students. If the draft is extended for only 2 more years at most—as seems likely—then only three or possibly two classes will be affected. Again, such a narrow application of a change is discriminatory on its face. I urge my colleagues to reject this provision of the bill also.

Mr. Chairman, I would like to reiterate my support of the all-volunteer armed force concept. This body authorized good money for a blue ribbon commission to study the possibilities of such a concept. General Gates and his colleagues on the Commission have emphatically stated that an all-volunteer army is not only obtainable but desirable.

Elimination of the draft authority extension provisions of the measure before us today will bring about these results. Any fears of lessened national security are completely unfounded. Extension of draft registration authority along with the right to reinstate the draft by congressional action provides this country with the emergency protection it needs.

Let us remove here and now this glaring inequity in our laws. The volunteer army has been a part of this Nation's peacetime history from the founding days of the Republic. Let us not abandon yet another worthwhile tradition of our forefathers.

Mr. CAREY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would hope we would not be cataloged as saints or sinners, no matter how we may vote on this amendment. I do note, in connection with the comments of my colleague from New York (Mr. PIKE), the Gates Commission was the basis for the recent study of the draft. If it be the "Pearly Gates amendment" we are voting on here, then I think we have reached a new high today. However, I am not here to speak either as a saint or a sinner. You can choose the category that I fall in just as well as I can. I am talking from my own military experience, which is as long and as productive as my congressional experience.

Most of my early military career was in the recruitment and training of men in the infantry in order to prepare them for combat. I cannot advocate by any stretch of the imagination that we should take some of the 17,000 young men who have vowed that they are going to devote their entire lives to almighty God, to our Creator, and suggest that they are proper subjects for recruitment. I do not think they will make the kind of soldiers that you will look for in the interests of the national security of our country. Why? Because they will be distracted by eternity and not think in time. If you do not think in time in the infantry, you get to eternity very fast. This is a very real problem in this and in all of the aims that we have in order to try to get to that kind of national security that we can live with and which will still not divide our country.

In order to do this, by and large, we must seek to have career soldiers who come in not only for the enlistment period or the conscription period, which is a dead loss to the Army, because you do not make a good soldier in 1 or 2 years. It must be for a longer period of time. These men will at best serve for the minimal limited period of time in order to satisfy the draft regulations and then they will go back to divinity school. So what do you hope to achieve by this? Not one thing. It is a wasteful program with regard to recruitment for our military service.

Second, I find that the amendment comes a little late. We have had the "God is dead" period—that we went through a couple of years back. It is past us now. The young people are opting for all kinds of religious exercises today. We need them to do it. As the minority leader said, we need to respond to the call for moral leadership which we properly should place within the realm of the church. The bad part of this amendment is that the Defense Department did not seek to recommend it. The hearings are explicit on that. The Draft Director did, but he is not the most experienced man in this field. He is only around for 1 year. The Department of Defense did not seek it, either. Third, there has not been one word of consultation with any representative of a major faith with regard to how it would affect the church in this country. If you do not think that they deserve such consultation, then for goodness sake abolish the first amendment entirely. We were talking about the Gillette case that the gentleman from Missouri mentioned about the establishment decision. We never went into the question of the other part of the first amendment which denies to us as a Congress any right to prohibit the free exercise of religion. I think the most evident and completely apparent exercise of religion is when a man says, "I am going to devote my entire life to the service of my Creator." This would be a prohibition on that exercise.

I think we ought to look at this in terms of what is needed in this country and what our people expect. The separation of church and state is the basic concept with regard to religion and state which has kept this country from anticlericalism or antistatism. We have operated for nearly 200 years on that basis, where the church is secure on its ground and the state is immune from the church on its ground. Let us not breach that law by moving into the church and screening those divinity students who say they want to devote their lives to God.

If, as the gentleman from Missouri said, there are those in the seminaries using that as a means of escaping proper obligations to state, then that decision and that screening should take place by the constituted authorities in those seminaries and those entrusted to do it. If there is a need for discourse and dialog with them to uncover such an isolated case, then it can be done administratively, but to pass a law which takes out of the hands of the church or the state its recruitment from its ranks of soldiers in the service of our Creator and then say, no, the state comes first, would be against the whole theory of separation here in this country, and I believe it would be very bad indeed to do that.

In World War II a chaplain said, in the thick of battle, "Praise the Lord and Pass the Ammunition."

Today, in the thick of this conflict I urge "Praise the Lord and Pass the Byrnes Amendment."

Mr. PODELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall not take all of my time. However, I would like to speak on one or two phases of the amendment now pending before use.

I think it is significant that in the history of our country, since revolutionary days, the law of the land has been as it presently is and that is it provides for the exemption of divinity students with the one exception as pointed out by the dean of the New York delegation during the Civil War when the North had a slight lapse.

I think it is worthy to comment upon the remarks of the gentleman from Missouri (Mr. ICHORD) about those people who abuse it. Certainly, we can all agree that people do abuse the privilege. However, shall we close all of our colleges in this country because there are those who will not study or shall we close the halls of this Congress because there are a few, perhaps, who do not attend its sessions. I think not.

Mr. Chairman, I think we should look into the overall importance of these young men who seek to perform a religious purpose in life for themselves. I submit, Mr. Chairman, I do not think that in today's times when we can look across the avenue here and watch and see nothing but pornographic movie houses. When we get in our mail pornographic literature. I wonder, Mr. Chairman, whether now is the time to destroy religious expansion, but in the alternative whether in some way this Congress should not encourage religious endeavors. We should show to the country as a whole that we are not curtailing the rights of young people who desire to pursue such a high calling. I think it would be a mistake on our part to do otherwise.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. PODELL. I yield to the gentleman from Missouri.

Mr. ICHORD. The gentleman from New York (Mr. CAREY) indicated that the bill as drawn would make all seminarians subject to the draft.

I would like to ask the gentleman from New York (Mr. PODELL)——

Mr. PODELL. I would like to respond to the gentleman from Missouri if I could hear the gentleman's question.

Mr. ICHORD. The gentleman from New York (Mr. CAREY) indicated that the bill as drawn would make seminarians immediately subject to the draft.

Does not the gentleman from New York (Mr. PODELL) agree that if the divinity students were enrolled prior to April 30, 1970, they would continue to have their draft deferment just as other college students that are already enrolled have?

Mr. PODELL. I would like to point out to the gentleman that the enrollment of divinity students differs in various religions. As I indicated before in response to a question, one who aspires to become a rabbi usually does so between the age of 7 and 12 years old. Otherwise, very few can then follow such a career therafter. I see no reason at this time to now bring about a new restriction on religion at a time when a little religion would help us an awful lot.

Mr. ICHORD. Mr. Chairman, if the gentleman will yield further, I would point out to the gentleman from New York, and I read from the committee report:

> The Administration has informed the committee that it intends to allow continued deferments of those divinity students who were enrolled prior to January 27, 1971.

So this bill would only affect those enrolled after January 27, 1971.

But I would further say to the gentleman from New York that I do not intend to ask for a recorded vote on this matter. I do intend to ask for a division, because I want to see what the difference in the vote is in the Armed Services Committee and the vote in the Committee of the Whole House on the State of the Union when the pressure gets on.

Mr. PODELL. I thank the gentleman.

I would like to further point out, in the remaining time I have allotted to me, the fact that there is no clearcut distinction as to when a youngster embarks upon a religious career such as there would be in the legal profession when a person finally graduates from college and then embarks upon such a law career.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. PODELL. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I rise in support of the amendment. I think it is timely, necessary, and for the good of the country.

The legislation and amendments under consideration by the House today are of deep concern to every American family. Our responsibility, as Members of Congress, is to insure that this legislation will be as equitable and as truly representative of the needs of the people as possible.

Therefore, I am wholeheartedly in favor of this amendment to continue the historic exemption from selective service of divinity students. I had intended to introduce this amendment myself, so strongly do I feel about its merits, and I am pleased indeed to support my colleague on the Armed Services Committee, the gentleman from Pennsylvania (Mr. BYRNE), in his efforts to secure passage of this language.

It has been a tradition in our Nation that young men intent on a career in theology and the ministry should be exempt from the draft. This exemption should and must continue. As of June 30, 1970, these young men represented only 109,000 of the draft-age men in our country. This is a small percentage of the total draft pool and yet these young men serve such a large portion of our population.

We are a nation of 206 million people with multiple talents and multiple problems. Too often our younger generation has been characterized by a lack of faith and personal commitment to man's need for spirituality in his life. Too many of our young people today are lost, unwilling or unable to accept the enormous complexities of our technical society.

They—and we—need ministers and priests and rabbis. Each of us needs their special gifts of healing and faith.

I join with my colleagues today in vigorously supporting the continued exemption of divinity students from selective service.

Mr. PODELL. Mr. Chairman, I am amazed at the attempts by my colleagues to eliminate the draft-exempt status of divinity students. Surely, Mr. Chairman, it is ludicrous to draft these young men who have chosen the clergy as their vocation. At a time when our Nation exhibits signs of moral bankruptcy, a dearth of moral leadership and a vacuum of moral virtues, we in this body are further robbing our Nation of what is needed most; men who will train to become the spiritual leaders of the country.

Is there any greater dedication to the well-being and the strength of a nation than the devotion of a higher calling? These men should be allowed to continue their religious learnings and attain ordination in the clergy. Then, and only then, could they serve their country in the best capacity, and even, Mr. Chairman, the Armed Forces if they so wished. Perhaps if the Armed Forces had more religiously oriented leaders, it would be more highly regarded.

At the same time, Mr. Chairman, I am calling for the retention of deferments for our college students. This would not mean that students would then be exempt from the draft, for I know all too well that this is one of the most glaring inequities of the current system.

Unfortunately, age and academic qualifications have been misused by people seeking to avoid the draft, and this is patently unfair. Higher education should not be used in this manner.

Yet, if we continue to talk about the

best use of our natural resources, we must include our human resources under that subject. One of our most important resources is a well-educated population. And I believe that the Armed Forces would certainly benefit by the presence of well-educated individuals.

Mr. HÉBERT. Mr. Chairman, I do not intend to ask for a limitation of debate. I would just like to get the feeling of the committee on the length of the debate, and possibly we can do this if we could see how many more Members are desirous of speaking on this amendment—because I do believe we have debated the matter quite fully.

Thank you. Apparently there are just about four or five more Members who desire to be heard.

Mr. PEPPER. Mr. Chairman, I rise in support of the amendment, and I move to strike the requisite number of words.

Mr. Chairman, I feel that a very important decision is to be made by this House in voting upon this amendment. I regard the issue here today as not manpower, it is not personnel, it is not Army and military needs, it is whether or not a principle which has been upheld by this Congress since the inception of the draft shall be abandoned, to give a statutory exemption to people who have dedicated their lives to the ministry of God.

In its report on the pending bill the able Committee on Armed Services, page 13, says that—

> To achieve true equal treatment of students, divinity school exemptions should be eliminated along with all other undergraduate deferments.

Does this House mean to go on record as saying that we do not make a distinction between a young man who is devoting himself to a religious ministry with hardly any financial remuneration in prospect, to a life of dedicated and sacrificial service, is not in a different category from a young man who goes into college or graduate school with the idea of making a fortune, or of acquiring fame or achieving some other desirable objective in life?

Further, the committee says in its report, page 14:

> The draft calls are so small in relation to the large draft pool that elimination of these exemptions should not have a serious impact upon theological schools' enrollments.

So there are not many men involved, and we are not going to get many whom we would not otherwise get. By this removal of the exemptions for seminarians we are not satisfying any military need for manpower. Furthermore, the committee says that all those who are in divinity schools on January 27 of 1971 continue to enjoy the statutory exemption.

Well, if nothing would be gained by it, why do we want to show to America that we are indifferent toward the preservation of the clergy, which is the very epitome and the image of the religious, moral, and ethical life of this country? What, then, is the necessity for removing the exemption by law of these divinity students that is proposed by this bill? What is the need? Why should this House abandon a principle that we have so long observed, and so faithfully adhered to?

This is a time, Mr. Chairman, as you and my colleagues well know, when immorality, the breaking up of the home, the lack of parental discipline leading to growing crime on the part of the youth in America, which commits over half of the crime in this country is prevalent to a shocking degree over the land. And now for the House of Representatives to say that we do not attach any particular significance to a young man who has dedicated his life to the ministry of a particular faith, to which he adheres is to weaken the religious and spiritual fabric of our country and at a time when the need is so desperate that it be strengthened.

Mr. CONYERS. Mr. Chairman, will the distinguished gentleman yield?

Mr. PEPPER. I yield to the able gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I want to go on record as joining with each and every one of the arguments the gentleman from Florida (Mr. PEPPER) has outlined in opposition to this bill as it presently exists.

As the gentleman from Florida knows, I oppose any draft law, period.

But if we have to have one, I wish someone would kindly explain to you why this amendment should not be added to this bill.

I completely concur with the gentleman from Florida.

Mr. PEPPER. I thank the able gentleman.

Mr. Chairman, I have just one further thought.

This bill says that the President can exempt these divinity students, but that this House does not care enough about it—we do not feel deeply enough about it—to take a stand on the matter ourselves in the House of Representatives as to whether divinity students should enjoy statutory exemption or not.

Mr. Chairman, can it strengthen the religious, moral, and ethical forces of this country in the troubled times for this House to indicate that attitude of relative indifference to a matter so important to the preservation of all that is most valuable in American life? Of course not.

I hope the Byrne amendment will be adopted.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman.

Mr. ANDERSON of Illinois. Mr. Chairman, I should like to associate myself with the very eloquent statement just made by the gentleman from Florida (Mr. PEPPER).

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania (Mr. BYRNE).

On the question of manpower, the figures that have been given to me indicate that if we were to take all available seminarians, it would represent only three-tenths of 1 percent of the total manpower pool now available to the Selective Service System.

So we are not going to be making, as the gentleman said, any significant contribution to the manpower resources of our country.

Mr. Chairman, there is one other point I would make in reply to the gentleman from Missouri. I have a communication from the general director of the National Association of Evangelicals. He says that even though their seminaries are running almost full student capacity, they are always short of trained pastors, and that there are some denominations that have more than 5 percent of their pulpits empty at the present time. He also points out that the Lutheran Church and the Missouri Synod has 400 churches without pastors today.

So I think the statement made earlier that our seminaries are graduating more men than are needed by the ministries simply will not stand the test of these facts.

Mr. Chairman, I hope the gentleman's amendment is adopted.

Mr. PEPPER. Mr. Chairman, I urge the support of this amendment.

Mr. GUBSER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think we could bring this to a head rather quickly if one simple question were to be asked. I have already stated as one of the senior Members on the Republican side that I supported this amendment. I think it would be very useful if we were to ascertain how the chairman of the committee, the gentleman from Louisiana, voted and I respectfully yield to the gentleman to answer that question.

Mr. HÉBERT. Mr. Chairman, the chairman of the committee is delighted to answer the gentleman's question.

I would also make the observation that the chairman has remained loyal with respect to the wishes of his committee and follows what the committee has voted out.

As I said, the chairman, with the gentleman from California in committee, were in a minority. But the gentleman then accepted the committee's vote and if called upon, I shall continue my conscientious vote and vote for the amendment.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman.

Mr. ICHORD. The chairman is one of the new fearless seven.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman.

Mr. PIKE. Mr. Chairman, I think I have never seen a more delightful parliamentary ploy than the gentleman just made here.

At this opportunity I want to commend our chairman for his vigor, eloquence, and enthusiasm in fighting for the bill which came out of his committee.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Lousiana.

Mr. HÉBERT. Mr. Chairman, I thank the gentleman from California.

I might say to my friend from New York now whom I charged with the responsibility of leading the committee fight on their amendment that I did not interrupt him with the knowledge as to whether he was going upstairs or downstairs. He indicated it was downstairs—and my comment is I know my Members.

Mr. McKEVITT. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman.

Mr. McKEVITT. Mr. Chairman, the statement "In God We Trust" has been a reflection of this Nation's religious heritage, a heritage that speaks well of our country.

In my opinion, Mr. Chairman, to now deny divinity students draft deferments would be a step away from our religious heritage. It could well mean that many young men now studying for the ministry, the priesthood, or now engaged in rabbinical studies would never return to their seminaries after military service. In fact, it has been estimated that, if draft deferments for divinity students are ended, it will mean that as high as 80 percent of such students will be purged from their studies. The result would be obvious: It would be a major blow to the Judeo-Christian heritage and leadership that has served this Nation so well in the past.

All of us are aware of the declining numbers of young men entering divinity studies. This means there are now fewer young men who are presenting themselves for a life of service to the religious and moral needs of the American people. This commitment is a serious one and one which the Nation needs.

In my opinion, Mr. Chairman, an end to such deferments would also have far-reaching consequences on our military. It would mean that our Armed Forces would eventually be deprived of an adequate Chaplain Corps. It would mean that our servicemen would eventually find it much more difficult to seek spiritual aid and moral comfort.

I am well aware of those who question the value of maintaining chaplains for the Armed Forces. I do not agree; I do not raise these questions. I doubt that the great majority of those American families with sons and loved ones in the service raise such questions. Only a small number of men are affected by such deferments. Of these men, the conscientious objector probably is the exception rather than the rule. The great majority of the men studying for the ministry, the priesthood, and to be rabbis are desirous of serving their Nation and many of them, no doubt, will give it valued service as chaplains.

Mr. Chairman, another effect of ending such deferments would be an end to the service divinity students now perform; service which helps the entire Nation. Social work is an important part of divinity studies. We need look no further than any area of need in our communities to find that divinity students are making valuable contributions, not only in religious training but in the prisons, in homes for the retarded, and in other areas where the less fortunate are found.

To end such deferments would be a disservice to our Nation—a blow at the very moral fiber of our country—and a partial turning away from our heritage which dictates that "In God We Trust."

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman.

Mr. MAZZOLI. Mr. Chairman, I would like to take this moment to associate myself with the gentleman's remarks and with the remarks made by the distinguished gentleman from Florida who preceded him to the microphone in their comments about the need to retain exemptions now presently granted to divinity and seminary students.

I think it would be very pointless and shortsighted of us not to follow the very dramatic and eloquent words of the gentleman from Florida and the gentleman from California. This exemption should be retained.

Mr. Chairman, I also should like to mention one brief fact. We are looking today to a shorter extension of the draft and perhaps the nonextension of the draft. Certainly all of us look forward to the time in the not-too-distant future when the draft will not be a factor in our life, and therefore this divinity exemption would be in keeping with the idea of an eventual end to the draft.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in support of the amendment before us to restore draft deferments for students preparing for the ministry.

To delete this provision, in my judgment, would represent a departure from congressional precedent that would, in effect, infringe on the rights and responsibilities of religious bodies as guaranteed by the Constitution.

Congress, even during the most critical years of World War II, recognized the special role of the minister and the student preparing for the ministry and exempted them from the draft. I believe it would be extremely unwise, untimely and unwarranted for Congress now, at a time of lesser national emergency, to depart from its wartime recognition of these traditional values.

To eliminate this provision at this time would certainly have an adverse effect on the free flow of needed and qualified ordained and regular ministers into established pastoral fields, into the military Chaplain's Corps, and into positions of leadership in the church and the synagogue.

Thus, Mr. Chairman, I shall support the amendment offered by the gentleman and I urge my colleagues to do likewise.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. HAYS. Mr. Chairman, I rise in support of the Byrne amendment. I want to say to the members of the committee that I have voted for the draft in whatever shape it came up ever since I have been here, but I do not think I am going to vote for it this time. The main reason I am not is, because there is nothing equitable about the way it is being run.

In my home county the draft consists of a miserable, middle-aged, frustrated woman, who is the clerk of the board who says who is going to go, and she rubberstamps the names of the members on it. If anybody for any reason asks for a deferment, she arrogantly says, "I'm going to get you, Buster, come hell or high water." And she does.

I have taken this matter up with the draft people, under General Hershey and others, and they have had an in-house investigation, a whitewash. In fact, the last fellow who investigated it was a colonel, and when she got done with him, he cleared her and some time later went into his garage and committed sucide

I have no hesitation in naming names. It is the Belmont County, Ohio, Draft Board. And I am not going to let this old gal make me commit suicide. But she sure has got me to the point of voting against the draft.

Mr. BOLAND. Mr. Chairman, I rise in support of the Byrne amendment. The policy of granting draft exemptions to divinity students—an uninterrupted tradition throughout the history of the Selective Service Act—would be thoughtlessly abandoned if the legislation now before us is not amended. Plainly, Mr. Speaker, such exemptions are more than justified. The Supreme Court itself, in ruling March 8, 1971, on Gilette against the United States, made remarks widely interpreted as sanction for these exemptions.

Even outside a legal context, the exemptions appear warranted. Let us consider, just briefly, what would happen should the Congress flatly prohibit the exemptions. Some divinity students are ordained as ministers at the very beginning of training. Others, conversely, must wait until their training is completed. Quite obviously, Mr. Chairman, this means that some divinity students would be exempt from the draft and others highly vulnerable to it. Is this fair? Indeed, is it anything even remotely or tenuously approaching fairness?

Many divinity students, to cite just one further example, begin their training very early in life—sometimes at the age of 14 or 15. Such rigorous training, often spanning a decade or more, demands a student's uniform and uninterrupted attention. An abrupt hiatus into the Armed Forces could only damage a student's chances of successfully completing his studies.

Again, Mr. Chairman, I urge adoption of the Byrne amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. Byrne).

The question was taken; and on a division (demanded by Mr. Ichord) there were—ayes 114, noes 29.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. LEGGETT

Mr. LEGGETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Leggett:

On Page 4 of the bill, lines 16 and 17, strike out the words "religious training and belief" and insert the following [convictions or beliefs gained through training, study, contemplation, or other activity].

On lines 17 and 18, strike out the words "participation in war in any form" and insert the following [any participation in any form of war].

On lines 18, 19 and 20, strike out the words "the term religious training and beliefs does not include essentially political, sociological or philosophical views or a merely personal moral code" and insert the following [convictions and beliefs include views which are found in traditional religious principles and views which are based on a deep, sincere, and meaningful belief of an ethical and moral origin and content which occupy, in the life of its possessor, a place parallel to that of the beliefs of a traditional religious person and imposes a compelling duty of conscience about what is right or wrong and what should not be done. 'Convictions and beliefs' do not include views based solely on considerations of policy, pragmatism, or expediency regardless of how deeply held.]

Mr. LEGGETT. Mr. Chairman, this amendment may be the only amendment we have on the conscientious objector section. What I have offered is merely a restatement, prepared by the counsel for the office of the Director of Selective Service, of what the existing draft law practice is in the United States today. As we know, the Congress has legislated in this field, and the courts have interpreted our language, and we have legislated again, and the courts have interpreted our language again, and the last time the court interpreted the language was in the rather important case of Elliott Ashton Welsh II, versus the United States. They were interpreting language we have in the law today, that is in the committee bill, that says:

> The term "religious training and beliefs" does not include essentially political, sociological, or philosophical views or a merely personal moral code . . .

That language, as it has been interpreted, was really strained by the Court in the Welsh case to come up with the conclusions they did, but they came up with the conclusions by a 5-to-4 decision, and it is good law. What they really mean is that one does not have to be tied to an established religious order in order to claim the conscientious objector status. One cannot have just a prevailing feeling that one does not like the Vietnam war or the Korean war, but one has to have a basic philosophic conviction, however acquired, that is so deeply held that it totally motivates one's whole philosophy of life and obliterates one's participating in war in any form.

Just to restate a little bit, of course, what we are doing in the Welsh case as distinguished from the language that is used in interpreting existing law, the Court says:

> What is necessary under Seeger for a registrant's conscientious objection to all war to be "religious" within the meaning of section 6(j) is that this opposition to war stem from the registrant's moral, ethical, or religious beliefs about what is right and wrong and that these beliefs be held with the strength of traditional religious convictions.

They go on to say:

> If an individual deeply and sincerely holds beliefs which are purely ethical or moral in source and content but which nevertheless impose upon him a duty of conscience to refrain from participating in any war at any time, those beliefs certainly occupy in the life of that individual "a place parallel to that filled by . . . God" in traditionally religious persons. Because his beliefs function as a religion in his life, such an individual is as much entitled to a "religious" conscientious objector exemption under section 6(j) as is someone who derives his conscientious opposition to war from traditional religious convictions.

They go on to say:

> Those whose beliefs are not deeply held and those whose objection to war does not rest at all upon moral, ethical, or religious principle, but instead rests solely upon considerations of policy, pragmatism, or expediency—

The words we use in my amendment—then the deferment does not apply.

Then the Court concludes:

> On the basis of these beliefs and the conclusion of the Court of Appeals—

That Welsh held the beliefs—

> With the strength of more traditional religious convictions . . . we think Welsh was clearly entitled to a conscientious objector exemption. That section exempts from military service all those whose consciences, spurred by deeply held moral, ethical, or religious beliefs, would give them no rest or peace if they allowed themselves to become a part of an instrument of war.

I know it has been said that the court may change, that this is only a 5-to-4 decision, that we should not confound an existing interpretation of the Supreme Court.

I say that this is the Congress of the United States, this is the place where we make the laws. We certainly ought to conform the laws to the existing draft law practice in the United States, and we should not have any trepidation about doing that.

I believe that we will be enacting in this bill today, if we take the chairman's amendment, which is in the bill, a new acid test on the manner of classification; that is, if one wants to serve alternative service for 3 years then what we say in this bill is "we want the draft boards to more liberally grant this exemption status."

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. LEGGETT was allowed to proceed for 1 additional minute.)

Mr. LEGGETT. I believe if the draft boards are going to go into more liberally granting this status they ought to have the same kind of honest test that good, bright draft lawyers are using in defending their claimants in U.S. courts today. Let us give the draft boards the same benefit of a claim and statement as to the status of law as the bright lawyers have in fighting this matter on a continuous basis in court.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Am I correct in saying that the gentleman is simply restating into the present law the specific holding and the language in the Welsh case? And am I further correct in saying that in doing this he is perhaps clarifying the role and the job of the local draft board in applying the law of the land?

Mr. LEGGETT. I thank the gentleman for his remarks. That is exactly what we are doing.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Indiana.

Mr. DENNIS. I should like to say to the gentleman that I have an amendment I intend to present here on the subject of the conscientious objector, which I regard as an amendment to protect his legitimate rights, with respect to this additional year of civilian service which the committee has put in the bill.

I do not quite see why the amendment of the gentleman from California is required in view of the fact that the present law, although cast in the language of religious belief in the statute—which, frankly, I think is what Congress had in mind and what I would be for—has been interpreted by the court to mean what the gentleman is saying. So why should we say it again?

The CHAIRMAN. The time of the gentleman from California has again expired.

(By unanimous consent, Mr. LEGGETT was allowed to proceed for an additional 30 seconds.)

Mr. LEGGETT. Really the Court has expanded on the interpretation of the Congress.

We are not making any effort in this bill to put in concrete what perhaps may have been originally intended in 1967 when we amended this bill.

I say we have to either fish or cut bait. Either we have to reaffirm that religious training is what we mean, tied to an established religion, or we have to go ahead and put in concrete what the existing draft law practice is in the United States today.

If we want to avoid litigation and to avoid ad infinitum contests, giving benefits to expensive lawyers and forcing kids to court rather than allowing draft boards to do their job, then I say support this amendment.

Mr. BRAY. Mr. Chairman, I rise in opposition to the amendment.

The committee went into this matter very thoroughly. Defining a conscientious objector is not easy. The Supreme Court has been working at it for some time, and finally has clarified the matter. At least, the committee almost unanimously agreed with it.

It is not a matter that is easy to debate on the floor, as to the technical wording of defining a conscientious objector.

Let me read what is in the committee report.

> The Committee, in retaining the existing language defining a conscientious objector, recognized that this language has been subjected to the most intense legal scrutiny by the United States Supreme Court.
>
> A majority of the Supreme Court has ruled on the adequacy of the present language of the law. The interpretation by the Supreme Court has resulted in guidelines outlined by the Selective Service System and the various components of the Department of Justice and the Federal Court system to establish workable concepts in implementing this complex provision of the law.

I am well aware that at this time it would be impossible for either proponents or opponents of the amendment to go into the wording of a complex matter such as this. I for one, being a member of the Quaker faith, on religious grounds myself, have always been in favor of the rights of a conscientious objector. I have defended the rights of the conscientious objector in the committee and on the floor. While I might not agree with exactly every word in the present definition, I certainly say that you are opening up a Pandora's box by trying to work out another rule as to what is a conscientious objector.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. BRAY. Yes. I am glad to yield to the gentleman.

Mr. LEGGETT. How will we be opening up a Pandora's box if we give back to the Supreme Court their interpretation of our prior language virtually verbatim as prepared by the chief counsel of the Office of Selective Service?

Mr. BRAY. I do not think that is quite the situation. I was in the committee at all times when this matter was discussed, and I have studied court rulings on the matter. I do not recall how many votes there were against the wording in the bill. There were only one or two, I think. But we did determine this wording. I think we are all trying to reach roughly the same results here. The committee went into the matter in depth. The various counsel on the Committee on Armed Services—and I will say they are very capable men—knowing what the committee wanted, did draft this definition according to the majority ruling of the Supreme Court. I realize at times it is very proper to try to determine what is correct on the floor with relation to a bill, but I realize also that at this time it would be very difficult to try to arrive at another definition of conscientious objectors. I am against opening up a Pandora's box here.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, suplementing what the gentleman from Indiana (Mr. BRAY) said and commenting on what the gentleman from California who offered the amendment said in explaining this amendment, let me say that this amendment was probably discussed more thoroughly than any other amendment before the committee. It was voted down by a resounding voice vote. I believe it was 36 to 3 on the amendment that was adopted.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. Yes. I am glad to yield to the gentleman.

Mr. LEGGETT. The divinity amendment was likewise resoundingly defeated, was it not?

Mr. HÉBERT. Where? In the committee?

Mr. LEGGETT. The "Pearly Gates amendment" was likewise resoundingly defeated in the committee, was it not?

Mr. HÉBERT. Yes, but not by such a wide margin. I said this was the widest margin of all, which shows the unanimity of opinion against it in the committee, which was perhaps the most unanimous of any, with just perhaps a few exceptions. This was practically a unanimous vote.

Mr. HUNT. Mr. Chairman, will the gentleman yield to me?

Mr. HÉBERT. Yes. I yield to the gentleman.

Mr. HUNT. Mr. Chairman, I rise in support of my chairman in opposing this amendment.

I do not know how proper it is to refer to an amendment which refers to deferring divinity students as a "Pearly Gates amendment."

I have had numerous calls today indicating that I was in favor of removing the divinity student deferment. I do not know who spread the rumor, but someone did. Nothing could be further from the truth. I support the divinity student deferment most emphatically. I received a call from as far away as Savannah, Ga.; they now know of my feelings.

I say that if any amendment is superfluous it is the last one offered by the gentleman from California. We need it like we need a hole in our head.

Mr. HÉBERT. I pointed out the fact that the Counsel for the Selective Service System urged that there be no change made in the language defining a conscientious objector. The committee observed this advice. Therefore, Mr. Chairman, I oppose the amendment and ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LEGGETT).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HARRINGTON

Mr. HARRINGTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRINGTON. On page 11, strike out lines 21 and 22.

Mr. HARRINGTON. Mr. Chairman, I offer an amendment to H.R. 6531 providing that the President's authority to induct expire on June 30, 1971.

For 23 years Congress has imposed a system of military conscription on the people of this country. The draft has been traditionally justified solely on the basis of necessity. The system has become so established in our society that some persons—including some Members of Congress—now even question the advisability of ending it.

Mr. Chairman, I suggest it is time to cut through the accumulated inertia and speculative myths and return to the people of this country their birthright of personal freedom.

More than 30 years ago, as Congress debated the first peacetime conscription bill in the Nation's history, Congressman Jerry Voorhis warned:

> Believe me, gentlemen, it is going to be difficult to ever repeal such a measure once you get it established, for you will have made of your military establishment one of the greatest economic factors in your whole country. You will have vested the greatest power in the Executive and the Army that the Congress has ever granted in all American history.

Conscription does not constrain militarism or prevent the emergency of a professional army. A broad and sweeping power, it enables a President to turn peaceful free men into unwilling instruments of war. It enables him to raise and commit unlimited numbers of men to foreign wars without the approval of Congress—a direct affront to this branch's constitutional power to declare war.

Under the present law, the draft provides an unlimited source of cheap manpower to prolong a disastrous war even in the face of overwhelming public opposition.

Rather than impede the professional army, the draft provides the manpower to sustain its lowest ranks. Only 12 percent of servicemen today are draftees, yet 88 percent of infantry riflemen in Vietnam are conscripts. Two-thirds of American casualties last year were draftees.

The draft is a form of involuntary servitude. It deprives a small group of men of basic civil liberties in order to reduce the cost of the Military Establishment for the general taxpayer. It is alien to fundamental American principles and is the cause of widespread bitterness and alienation. The Selective Service System forces young men to make a decision which for many has no satisfactory alternative: they must choose induction to fight a war they feel is wrong, imprisonment, emigration, or evasion by deceit. A lottery does not answer many questions. Is it really fair that the accident of a birthday sends one man to involuntary servitude or war and another to college or a well-paying job?

An end to the induction authority this June will not lead to a significant reduction in force levels. Today only 360,000 of the 2.85 million men in uniform are draftees, and the administration budget makes clear that force levels are scheduled to drop by approximately that number of men over the next 15 months, to a level of 2.5 million. Such a reduction in force levels will insure an easy transition.

Stopping the draft induction authority as of July 1 is also consistent with the administration's timetable for deescalating the war in Southeast Asia. Because of the timelag for training, this action would not affect the flow of recruits to Vietnam until December, several months after the time Secretary of Defense Laird has said the U.S. ground combat role will end.

If Congress does not end the draft, the Defense Department will not have sufficient incentive to attract volunteers. The Pentagon's claim that the draft is "necessary" has gone unchallenged too long. William Pitt said:

> Necessity is the plea for every infringement of human freedom. It is the argument of tyrants; it is the creed of slaves.

Mr. Chairman, without the clear and present danger of a national emergency, such a system has no place in the life of this country.

Such a system should be ended as quickly as possible.

I, therefore, move the adoption of my amendment to provide that the President's authority to induct expire on June 30, 1971.

Mr. LATTA. Mr. Chairman I rise in opposition to the amendment.

(By unanimous consent, Mr. LATTA was allowed to speak out of order.)

UNIFORM CODE OF MILITARY JUSTICE NEEDS REVISION

Mr. LATTA. Mr. Chairman, in view of the fact that a court-martial has just sentenced Lieutenant Calley to life imprisonment, I think it is high time that we take a look at the Uniform Code of Military Justice.

Mr. Chairman, in 1950 the Congress established a Uniform Code of Military Justice. Enactment of this code was prompted by the desire to meet serious objections and criticisms lodged against court-martial procedures during and following World War II.

The Uniform Code of Military Justice established a complete judicial system for U.S. servicemen. Under its provisions, military courts are required to function under the same basic concepts as those which apply to our Federal and State courts. The Calley court-martial has, however, revealed a shocking difference between these two systems of justice. These differences appear in article 52, which provides that a man in uniform may be convicted of a criminal offense by less than a unanimous verdict of the members of the court-martial, except where the death penalty is mandatory. Under the provisions of this article, a man can be convicted and imprisoned for life by less than a unanimous decision of a six-member court-martial. In fact, he can be so convicted by the concurrence of three-fourths of the members present at the time the vote is taken. For lesser offenses he may be convicted by the concurrence of two-thirds of the members present at the time the vote is taken. By the use of the words, "present at the time the vote is taken" throughout this article means that a conviction can take place without the presence of all six members of the court-martial, which further reduces the number necessary to convict. Such a section is repugnant to me as I believe a man's rights should be enhanced rather than reduced when he dons the uniform of his country. As a civilian, he is entitled to a trial by 12 jurors and a unanimous verdict of all the jurors is required for his conviction.

Mr. Chairman, I feel that this Congress should waste no time in amending article 52 of the Uniform Code of Military Justice to require a unanimous concurrence of all members of a court-martial in order to convict for any offense. I have, therefore, introduced legislation to so amend article 52 and I would hope that the Committee on Armed Services would give it an early hearing.

Mr. HÉBERT. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment offered by the gentleman from Massachusetts (Mr. HARRINGTON).

Mr. Chairman, in connection with this amendment there is little need and no useful purpose to be served by going into detail at this time because I think the House is very knowledgeable about what the amendment does. The House expressed its opinion this morning about voting down the amendment of the gentlewoman from New York which was even a little more extensive while this is more limited by just cutting off the right to induct on July 1, 1971.

Other observations were made by the gentleman from Massachusetts which I will be very happy to discuss at the time if it is brought to the floor of the House.

Mr. Chairman, at this time I think the House knows exactly what the situation is.

Mr. NELSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, my purpose for taking this time is to ask for some information. The first question I have is concerned with the occupational deferment section of the bill. It is my understanding that the committee bill does not repeal the President's authority to provide by rules and regulations for the deferment of persons in the practice of medicine, whose service is found to be necessary for the maintenance of "the national health, safety, or interest." Am I right in this assumption?

Mr. HÉBERT. I will say to the gentleman from Minnesota, because of his strong interest in this matter and calling it to the attention of the committee previously before today that the matter is now getting attention and by the proper sources at the White House and in the Department of Defense. We have every assurance, I believe, that the matter will be worked out in a manner which will be equitable.

Mr. NELSEN. I thank the gentleman.

Mr. Chairman, yesterday in general debate, I referred to the most recent physician draft and the manner in which it is being conducted. A number of towns in my congressional district are about to be adversely affected by this physicians draft, and I understand that the Selective Service is preparing a directive authorizing State directors to give some recognition to the needs of local communities for physicians' services. I have been given the indication that this directive would provide only for postponement of induction of a physician in those cases where it would result in a certified community hardship. I have not yet seen a draft of the Selective Service directive, but I would like some indication from the committee as to whether the mere postponement in a case such as this would be in accordance with congressional intent or whether it might be possible that the Selective Service should rather provide for deferment as authorized in the act itself.

Mr. HÉBERT. Mr. Chairman, I will say to the gentleman from Minnesota that if it is not taken care of—my telephone is always there and the gentleman can call me.

Mr. NELSEN. I thank the gentleman very much.

Mr. SEIBERLING. Mr. Chairman, I move to strike out the last word and rise in support of the amendment offered by the gentleman from Massachusetts (Mr. HARRINGTON).

Mr. Chairman, last Saturday in my district I sponsored an all-day session of hearings on the question of the draft. We had about 500 people altogether attending those hearings and there was coverage by all of the local media.

A total of 206 people testified or submitted statements. Of those, 156 were opposed to the draft and 49 were in favor of it. One favored a national service system.

Mr. Chairman, I held these hearings because I was deeply troubled about what to do about this very serious question and I wanted to get a feeling of how the people in my district felt.

I might say that the statements were extremely well prepared and well thought out by people on both sides of the question. The people in my district expressed great gratitude for the opportunity to express themselves through a Member of Congress. Mr. Chairman, I commend to all of my colleagues more of this sort of thing.

I have, after some further soul searching, come to a conclusion on this, and that is why I speak in support of the amendment offered by the gentleman from Massachusetts. The case of Lieutenant Calley should serve as a warning to us all. We were all shocked by the excesses committed by the German Government during and immediately before the Second World War, in which I served as a member of the U.S. Armed Forces. But that was not just the product of the Nazis. It was the product of an historical process that went on for several hundred years. It was the natural result of the militarization of a great nation.

We should ask ourselves, in the context of the My Lai situation and the Calley trial whether we, too, as a nation are in the process of becoming Prussianized.

We are the beneficiaries of the report of the Gates Commission, one of the most distinguished panels assembled in our time. The members of that Commission unanimously recommended the ending of the draft in peacetime and the establishment of an all-volunteer army. The President has supported an all-volunteer army. So the question, as far as these distinguished Americans are concerned is not whether, but when, to institute an all-volunteer army.

I can think of no more appropriate time than to do it at the end of the expiration of the present authority for induction. I do not support the Vietnam war. I cannot support anything that is going to help the indefinite continuation of the war. And, since it appears that no definite date is about to be set by this Congress in this particular session as to the termination of the war, I can only cast my vote for making it more difficult to carry on that war. Accordingly, I am going to support the amendment proposed by the gentleman from Massachusetts and urge my fellow Members of the House to do likewise.

Mr. BRAY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Indiana, a member of the committee, is recognized.

Mr. BRAY. Mr. Chairman, I think it is time that we should say something good about our country, instead of trying to say that America is a warlike, a militaristic, and a no-good country. I love this country of mine and I have served it. It is the greatest country on the face of the earth, and I am proud to be an American. I have not agreed with everything my country has done.

I also want a volunteer army. That is what we are working toward. The committee considered and raised the pay higher than it was even requested to do. Every method is being pursued to see if we cannot have an all-volunteer army. But to attempt to destroy and to make our great country, America, impotent, as if we were the only evil country in the world, and the Vietcong, Russia, Red China, and North Korea were all lovely people, simply goes against my grain as an American.

I want to work out a bill here that will give every chance for our country to have an all-volunteer army. I do not want to surrender America merely because I do not like the Calley case, and I do not like the Calley case. There are many procedures that will now be taken in order to protect Calley.

We have made great progress and we are making great progress toward honorably getting out of the war. We have many problems in our country but we can solve those problems and to become an even greater America. But we cannot accomplish this by making America weak. To surrender now would be unthinkable. It would be a terrible thing for America to end the draft on the first of July without an opportunity to make this proposal of a volunteer army work.

Sure, a lot of people will agree that it is a grand idea to stop the draft to make our country helpless. Anyone who believes that America can survive without defense is naive. No one hates war worse than I, and I have seen it at its worst, but I am proud of my America and I certainly will do nothing to destroy it. I do not have much use for those who are not proud of our country.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. BRAY. I yield to the gentleman from Vermont.

Mr. STAFFORD. Mr. Chairman, is it not so, if I may ask the distinguished gentleman from Indiana a question, the gentleman referred to the Gates Commission, and was it not true that the Gates Commission report was made a year before?

Mr. BRAY. It certainly was. As far as getting people to stop the draft, I could get a group of people from my district to come and sell everything America is for, and it would be easy, but I would certainly lose my self-respect.

Mr. DRINAN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. HARRINGTON).

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I would simply like to state that we are all lovers of our country, or we would not be here in this House, and I reject the implication that the very sincere, high-minded, and distinguished people who came and testified at the hearings from my district were a group of ragtags who just came to testify against the draft. As I stated, one-fourth of them testified in favor of the draft, and they included several commanders of the American Legion and Veterans of Foreign Wars.

I certainly yield to no one in love of my country. I simply ask us to recall the fate of other great nations who went down to a totalitarian catastrophe because they failed to foresee the results of a militaritaristic policy that was continued for several generations. It is time to ask ourselves whether we, too, have started down that trail.

Mr. DRINAN. Mr. Chairman, I rise on behalf of the Harrington amendment to end the draft as of June 30 of this year.

Mr. Chairman, in all the years of American history prior to 1940, we had compulsory military training for only 5 years in all those decades. Starting in 1941 we had something entirely novel and untraditional, and, if I may say, un-American in American life. We had the draft and compulsory military training in peace and in wartime. With 15 months' exception, we have had something foreign in American life ever since 1941. I think 1971 is the time to end it, and we should end it this June.

I think military conscription has changed the character of American life. We have become involved in things which I hope we admit are contrary to our deepest convictions; that of peacekeeper of the entire earth. I came to the Congress because I saw how compulsory military training was changing the character and eroding the values of our people.

I see in all the record of the hearings—and I have read everything about the draft for the last several years, and not just all the hearings—no reason why we should have 2,600,000 men under arms—and that is the ceiling in this new bill. There is not one bit of evidence given for that. If we cannot support that figure we cannot support the draft. I have read everything about the Gates Commission report. After all, he was Secretary of Defense, and he had distinguished people on that committee. Are we just offhandedly going to reject that committee today? Father Hesburgh, president of Notre Dame, was on that commission.

I have seen the respect we have for the seminarians and the divinity students. We do not want to get them involved in war, but everybody else we want to get involved in war. I know everybody is against war and we hope this war phases out. But we have the essential question that so long as we have the draft, we are preparing for war and not for peace.

I think it should be a matter of record our churches are against this draft, just as our churches were in favor of continuing exemptions for seminarians. The Roman Catholic Church bishops, 200 of them, stated in a very firm and unprecedented affirmation that they are against the draft we have today. The time has come to eliminate the draft. The Council of Churches and many Jewish bodies have said the same thing.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from Louisiana.

Mr. HÉBERT. Mr. Chairman, I asked the gentleman to yield for a correction of a statement the gentleman made. He said:

> There is no evidence in the record to support the manpower ceiling.

There are more than 46 pages of justification in the printed hearings.

Mr. DRINAN. I am sorry. The gentleman is correct. There is, however, nothing to prove that is absolutely the essential minimum we need.

Mr. HÉBERT. But there are 46 pages.

Mr. DRINAN. But nothing probative to me.

Mr. HÉBERT. It is available.

Mr. DRINAN. I have read every bit of it, sir, but it is not probative; it does not prove itself to me.

Mr. HÉBERT. But there is this material.

Mr. DRINAN. Yes, sir.

Mr. HÉBERT. That is all I want to know.

Mr. DRINAN. I believe, finally, we should note that the bill Members are asked to vote for today by the committee goes against the wishes of the churches, if that is relevant here, and apparently it was a few moments ago.

Furthermore, this bill does not provide for selective conscientious objection. All of the churches have advocated such provision. The Vatican Council solemnly declared that this is an inalienable right of humanity.

Today, it seems to me, another Tonkin resolution is coming before us.

If there is a vote to perpetuate the draft, it is something which is all against American tradition. It goes against the vast majority of the religious bodies that have spoken on this matter.

I say with fear, but with the hope that I am wrong, that it will be another self-inflicted wound on this House.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

(On request of Mr. GERALD R. FORD, and by unanimous consent, Mr. DRINAN was allowed to proceed for 2 additional minutes.)

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Does the gentleman from Massachusetts imply that all churches were against the draft prior to the time of World War II, when the Nation was faced with the crisis of Hitler, Mussolini, et cetera?

Mr. DRINAN. No, sir; I say to the distinguished gentleman from Michigan. No, I do not mean that at all. I mean that now in the hearings just conducted, in the hearings last year, virtually all or the vast majority of religious bodies were against it.

For the first time in American history the Roman Catholic bishops, all 200, testified that the draft should be eliminated now.

I raise the religious issue because presumably it is relevant in connection with the seminarians.

Mr. GERALD R. FORD. I just wanted

to be sure, because I was not certain whether the gentleman had made a condemnation of the draft in 1940 and 1941.

Mr. DRINAN. No, sir.

Mr. GERALD R. FORD. He was not implying that religious leaders were against the draft at that time of crisis in our American history?

Mr. DRINAN. No, sir.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from California.

Mr. GUBSER. I noted the gentleman quoted the Gates Commission report in support of his position in favor of the Harrington amendment. I do not believe the gentleman means to imply that the Gates Commission in any way endorsed the sense of the Harrington amendment.

Mr. DRINAN. Certainly the spirit if not the actual wording.

Mr. GUBSER. I believe the Gates Commission rather clearly states that the draft should be continued for 1 year, and of course that is inconsistent with the Harrington amendment.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

(On request of Mr. LONG of Maryland, and by unanimous consent, Mr. DRINAN was allowed to proceed for 1 additional minute.)

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I am a little puzzled by the force of the gentleman's comments. I can understand that the gentleman is against war, and against the war in Vietnam. But I am a little puzzled as to just how he feels, once we are in a war, and a shooting war, that the draft is somehow un-American.

My son fought in Vietnam. He volunteered to go there. Is the force of the gentleman's argument that somehow it is more American for most of the young men in this country to throw the whole burden of defending the country on a few volunteers like my son?

Mr. DRINAN. No, sir. I say that this is allegedly peacetime and during all of American history we have not had this vast standing army in peacetime. I raise the basic question on which this draft extension is premised; namely, that we need a vast standing army of at least 2.6 million.

Mr. LONG of Maryland. Is it not a legalism to call this peacetime?

Mr. DRINAN. I said alleged peacetime. I said, however, sir, history will support the conclusion that if we have the draft, if men are available by conscription, then we will have more wars than if we did not have the draft.

Mr. CARTER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SCHMITZ. Will the gentleman yield to me?

Mr. CARTER. For what purpose?

Mr. SCHMITZ. To make a comment.

Mr. CARTER. I have a prepared statement which I wish to make. I will yield for a unanimous-consent request.

Mr. SCHMITZ. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. SCHMITZ. I just wish to say something as a point of clarification while it is fresh in my mind.

I just made a phone call to the U.S. Catholic Conference to check on whether the Catholic bishops have ever come out unanimously against this bill which we are dealing with. Mr. William Ryan, of the Office of Information, tells me that they never made a stand on this bill we are dealing with.

Mr. CARTER. Mr. Chairman, I address you today as a combat veteran of World War II.

Mr. Chairman, today we consider legislation which will instill out Armed Forces with a new vigor. If passed, our military services will be able to regain that image of honor they held for so long. It is our hope that through increases in pay and in benefits and through an improved system of recruiting, our military will be able to attract sufficient volunteers to eliminate the need for the draft, yet maintain our national security both here and throughout the world.

In order to insure that these measures will encourage higher levels of volunteers than now exist, the legislation we consider provides for a 2-year extension of the draft authority.

Mr. Chairman, I strongly favor the move to an all-volunteer army. But I question whether sufficient volunteers can be recruited in 1 year. In spite of the position taken by the Gates Commission, it is my understanding that most military experts believe an all-volunteer army cannot be achieved in 1 year.

I submit that we must have a 2-year extension of the draft to insure that we have a sufficient number of men in our services to provide for the protection of our national security.

With the incentives provided in H.R. 6531, the needed number of volunteers could well be reached before July of 1973. We may find that unprecedented numbers of volunteers are drawn into military service. The legislation we consider today has not excluded this possibility. If, before the 2-year induction authority expires, it becomes obvious that military manpower needs are met through volunteers alone, the President may terminate induction.

It is obvious that President Nixon is committed to ending the draft as soon as possible. I believe that he will do so when it becomes evident that there are sufficient volunteers so that an end to the draft will not jeopardize our national security.

At the present time, it is far too risky to count on our hope for an all-volunteer army. With the national security of our Nation at stake, it would be unwise to build our military strength on dreams of the future. Unlike the foolish man of the Biblical parable, we must build our house on the rocks, not on the sand. Then we as a nation will be able to withstand whatever storm befalls us.

We must be sure that we will always have an army of sufficient strength to preserve, protect, and defend the greatest country in the world.

Mr. ADAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, many of us have been demanding a change in the manner of selecting American military personnel for a number of years. On April 21, 1967, in a speech in Seattle, I suggested that we should create a military system to meet the requirements of America in the 1970's and not continue through inertia the system which produced the American Armed Forces for World War II.

From a limited beginning of 29 who voted against extension on June 20, 1967, we have arrived today at an historic moment when it is recognized that modern American foreign policy is not based on confrontation with the Axis Powers of World War II between huge standing armies but instead must be direct toward the problems of a nuclear balance of terror and the continual threat of limited military actions. We must also provide for situation where a limited number of troops may be necessary to protect the Nation and American lives when endangered without resort to nuclear exchange.

A STANDBY DRAFT AND A COMBINATION ARMY

In my 1967 speech I suggested the creation of a combination army. I suggested a volunteer combat force of well paid individuals supported by a force of trained Reserves and noncombatant drafted individuals. I suggested this because of my opposition to the continued use of draftees to fight in executive wars when there has been no legislative action to declare war or at least a state of national emergency.

At that time I suggested that we have a ready combat force of no more than 100,000 volunteers with a supporting force of 600,000 men. We could pay privates and other noncommissioned officers as much as $5,000 for the pay grade E–1, $12,000 for Pfc's and $19,000 for E–8, and still not spend any more on military manpower than we do now. This is because we would not experience the amount of turnover, training costs, and immense waste of time that is involved in maintaining a conscripted standing army of over 2½ million which serves for only 2 years. Since that time the Gates Commission has stated that even a 2½ million man Army can be maintained by volunteers. I believe this is the next step we should take. The pay raises here start that process.

AMERICAN FOREIGN POLICY AND THE MILITARY FORCES

At the time of the Cambodian intervention a number of lawyers in Seattle prepared for me an excellent brief which analyzed every American foreign military operation from Tripoli in 1801 to the Vietnam war to indicate the Cambodian invasion was not authorized. These operations fall into five categories:

First. Cases where there has been a formal Congressional declaration of war—for example, World War II.

Second. Cases where there has been a specific congressional resolution allowing the employment of force, although not rising to a formal declaration of war—numerous examples, such as the American-Mexican hostilities in 1914–17, the Tonkin resolution with respect to the Vietnamese conflict, and so forth.

Third. Cases where there has been a broad international sanction for the action pursuant to more general treaty commitments approved by the Senate—for example, Korean action under the United Nations, Dominican Republic action sanctioned by the OAS.

Fourth. Cases where, absent of any of the preceding three justifications, there has been an immediate threat to the lives of American civilians or to American property—chiefly, but not exclusively, minor actions, with numerous examples going back to the early 19th century.

Fifth. Cases where, absent of any of the preceding four justifications there has been a subsequent official recognition by this country that the conditions were not ones which would justify the intervention.

This constitutional analysis of the executive power clearly shows the difference between Executive action using the military as an instrument or American foreign policy and the legislative power moving the Nation into a full-scale activity by either a declaration of war—World War II—or a declaration of a national emergency—Korea. Congress has not exercised its legislative powers and this has produced the recent extension of Executive power in making military actions.

The tragedy in Vietnam has been made worse at home because it has been controlled solely by the executive branch. This has violated all of the constitutional and historical precedents which provide for a division between the Executive powers to conduct a foreign policy and act as Commander in Chief, and the legislative powers to declare a national emergency or to declare war. This misuse of power has badly distorted the whole American governmental and political fabric because we have in effect moved into a war under Executive powers. Any time that we have spent $115 billion, suffered 53,771 casualties, and been engaged in continuous and violent combat for over 5 years, we have a war. In no way can this be considered presidential conduct of foreign policy or simply a Commander in Chief acting to protect troops in the field.

The use of the draft to support this kind of activity rather than the use of volunteer troops or regular Army and Navy units with their reserve components has caused this country immense anguish and brought us to the very difficult state of affairs we face today.

If the Nation had made the basic decision through either the declaration of a national emergency or a declaration of war, then the whole Nation would have in effect gone to war. Then our presidents would have taken proper steps to prevent the inflation which exists today by instituting controls and reforming the draft. The old fashioned type draft which exempted the rich, those in college and everyone else who had the resources to make a sustained effort to avoid it would have been corrected. Then the claim could have legitimately been made that those who opposed the war were opposing the Nation. In the present Vietnam crisis the Nation has never officially gone to a state of war. Political dialog about the Vietnam war is a legitimate debate because the question is whether the Executive is carrying out a proper foreign policy, and the Nation is not at war through a congressional declaration.

PROPER MILITARY PAY

I shall support the concept being developed in this debate today that we should have the pay levels necessary to obtain the limited force of volunteers needed to conduct traditional executive constitutional powers. This combat force to protect American lives or engage in the very limited action I have previously defined should be well paid and composed solely of volunteers. As to the limits on size, I would suggest a maximum of 100,000 men.

DURATION OF THE DRAFT

The present draft should not be extended for more than a very limited period of time necessary to shift to a new system, while we examine the creation of the new force concept of volunteers, reserves, and a public service system which involves both military and nonmilitary service. I shall support the position that in any executive action involving American military force that volunteers should be used first. If it is necessary for a limited period of time to utilize additional manpower, this should come from the reserves, who after all had volunteered for service and are paid to be in reserve status.

Though I am not satisfied with the system, I think we should continue the draft at this time to provide support for combat troops and to provide a group of prospective volunteers until we can develop the Gates Commission system. I also support the concept that there should be an alternative of nonmilitary service so that those who are philosophically opposed to any war may have an option if they are selected in the lottery.

I support the effort of Congressman BINGHAM to amend this bill by including a provision for the National Service Corps Act, of which I am a cosponsor. The bill would partially utilize the concept of a volunteer army while maintaining the flexibility necessary to meet manpower requirements in a defense emergency through the provision of a standby lottery system. In addition, young persons who want to serve their country, but not through the armed services, can volunteer for civilian service and work for a given period of time in a variety of fields, including education, medical care, and Government service.

We must spend some time determining the effects of the new system on the armed services. By limiting the extension of this system we can determine what the effect will be on the number of men who volunteer as compared to those who are willing to be in the noncombatant military forces and can continue correcting the inequities of the system. For this reason I shall support a 1-year-limit amendment. We can then determine how many men will exercise the option of nonmilitary service. This should also provide for the creation of a Reserve force of military personnel for the defense of the Nation which would not consist solely of professional soldiers and would also make a group available to assist with domestic disasters.

I also question seriously whether the National Guard is a proper method of maintaining such an Army Reserve, and I think the Congress and the various State governments should look toward the implementation of the recommendations of the Gates Commission. We need to determine whether the country should have one military Reserve rather than a Federal military Reserve plus a number of State National Guards which vary both in standards and training.

CONCLUSION

The parts of this bill which provide for an increase in military pay and limit the draft, I shall support. I am hopeful that this is the beginning in Congress of our recommendations that America is moving toward a correction of our military manpower system to meet the demands of a modern America.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I shall be glad to yield to the gentleman from Michigan.

Mr. CONYERS. I appreciate the remarks of my friend and colleague from Washington. Unfortunately, I am not as certain about where we have come from to where we are now. I do not think we have come anywhere as long as 73 percent of the American people are telling us to end the war. We are not even political enough to follow our citizens' directions.

I do not think we have come very far when all we can do is sit around here and talk about the fact that we should not enter into any more undeclared wars, when even high school students can read the Constitution as it refers to our responsibilities.

I am hoping that the gentleman will join me in not only supporting the Harrington amendment, but voting to end this pernicious draft system in America, because the Gates Commission, the Republican leadership, and military experts alike have all told us that the logic for extending the Selective Service System no longer exists.

So, I join the gentleman in his remarks, but with a good deal less optimism than he.

Mr. BENNETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is indeed a difficult thing for me to be here at this particular moment, but in searching my conscience I have decided that I should speak.

In the committee I spoke for ending the draft, not for ending the Selective Service System, but for ending the call-up, and I think I should repeat that at this point.

My main reason for taking this position is that I think it is entirely too easy in 1971 to go to war. I think if we have learned anything in the last decade that is what we have learned; so I think we ought to make sense about this.

I am here and now just trying to express what is on my conscience. I believe that when we go to war we ought to have the President clear it with the Congress.

I think we did have a declaration of war in the Bay of Tonkin resolution. That is no longer so, because we have passed, and the President has signed a law repealing that resolution.

I have asked repeatedly in the committee hearings what the time schedule might be for merely removing ourselves from South Vietnam, since we no longer have a declaration of war there, and whether it was necessary for us to stay there in the strength we now are; and I got very inconclusive replies to these questions when I asked both General Westmoreland and Secretary of Defense Laird, I did not get, in fact, any firm answer to my question whether we are not now fighting a war there which is an undeclared war since we have repealed the Gulf of Tonkin resolution.

So I am here not because it is very pleasant to be here, because it is not, but because my conscience tells me that our country would be better off if we ended the callups under the draft; because we can always go back to a callup since the President can ask us for a draft callup at any time he feels it necessary. So it is my intention not only to vote for the amendment that is before us right now, which would end the callup, as I understand it—though not the draft system—but if that fails, I plan also to support the amendment for limiting for 1 year the callup provisions.

I realize I have not made a very exciting speech here, but I felt that after almost 20 years of service on the Armed Services Committee, I should today speak my conscience on this question, that I should speak from my own heart, and that I should say that, in spite of the fact that it is painful to say it, I think we ought to end the callup under the draft system at the present time. I do not think our national security will be imperiled by approving this amendment.

Mr. KEITH. Mr. Chairman, I move to strike the requisite number of words.

(By unanimous consent, Mr. Keith was allowed to proceed for 5 additional minutes.)

The CHAIRMAN. The gentleman from Massachusetts is recognized for 10 minutes.

Mr. KEITH. Mr. Chairman, like the gentleman who preceded me in the well of the House, I too am speaking from my heart and from my conscience. I have some questions that are in my mind, questions that existed at the time of the Tonkin Gulf resolution: but then I did not have the self-assurance to take the floor and ask them.

I recall on that day, standing here and saying to the gentleman from Michigan, Gerry Ford, "You know, we may not be able to win this. It is not going to look good in the eyes of the world. We are going to extend our supply lines. It is going to cause inflation, and we may not be able to win it."

And Gerry said, in effect, "Hastings, you may be right as to most of the things you say, but we certainly can win it."

And as time went on, the certain victory became more illusive. And now, we must look more carefully at the future implications of this step we are considering today than we did on getting into Vietnam. We must look further, and more carefully, down the road than when we considered committing ourselves to the Gulf of Tonkin resolution. We must look much further down this road of decision than we did then—by a long way.

My colleague from Massachusetts who offered this amendment wonders what kind of life style would we have in America? I ask what kind of life style would we have as a nation in the international community? And what kind of life style would the world have if, as a consequence, we had to back away from our commitments in Southeast Asia, or in the Middle East, or in NATO?

That is what we must consider—and contemplate—if we do not have the armed force to back up our foreign policy. Before cutting back on our Armed Forces, and thus perhaps not be able to fulfill our commitments, I would prefer to see us first consider a cut back on these commitments.

To be specific,—what I am trying to find out is just how carefully has this amendment been thought out. So I ask the author of this amendment—what about those who are currently serving under the draft? Would they come home at once?

Mr. HARRINGTON. They would not be affected at all. As I understand the language of the amendment, it would be prospective in application and would not beyond June 30 of this year.

Those who are already affected would be affected as other people are, by laws existing at the time.

Mr. KEITH. Mr. Chairman, does the gentleman think that this is fair—leaving others to serve in Vietnam?

Mr. HARRINGTON. Much of our existence is not fair.

Mr. KEITH. Of course. I agree absolutely that much about our society is not fair. But, it is a heck of a lot more fair than it would be to those depending on us in the Middle East if we were not able to back up our diplomacy with a creditible military force.

You know, we have been winning these confrontations in years past because we have been stronger than they. Gradually I am told, as we cut back on our military strength, we are going to have to back down on certain commitments, because we may not have the strength. We will not have the strength if we do not have men on the ground in uniform and with the equipment that they need.

Mr. HARRINGTON. Mr. Chairman, will the gentleman yield for a question?

Mr. KEITH. I would like to finish some of my questions if I may, and that is the reason I have asked permission to proceed for an additional 5 minutes.

What kind of life style would we enjoy if we brought these boys home? You made reference to them in your introductory remarks. What would it be like in the rest of the country and in the rest of the world? Is it entirely equitable for us to shift the burden of defense from all segments of our society to those at the lowest economic levels?

Mr. HARRINGTON. Mr. Chairman, will the gentleman yield?

Mr. KEITH. I yield to the gentleman.

Mr. HARRINGTON. Mr. Chairman, it is my feeling that what we might see is a degree more of confidence on the part of elements in our society which I think have found themselves with a President and a quiescent Congress for a 10-year period involving a substantial portion of our younger population against their will in a situation which we have not formally acted upon.

My hope is that we do not really, necessarily have to look back to this, but that we will look forward from this experience.

The Secretary of Defense in his testimony before us stated that he hoped to end our combat role in Vietnam this summer and that we have a draft call substantially less than it was in the course of the last calendar year.

What I expect from this really is not a dramatic transformation of our way of life gradually coming out, but a recognition of the kind of damage that has been done by the unwillingness of the Congress to assume its responsibility in a basic way to control the situation in the future and to benefit by the past mistakes. It is not an anticipation that we can right all wrongs, but it is a desire to go forward from this point and if there is a need to do something again in these areas of Southeast Asia that we will be able and responsible for acting that situation repeats itself again.

That is what I hope for and I hope the gentleman will help in that direction.

Mr. KEITH. We are living, it seems to me, not soley in an American society but in a world society. Are conflicts with the rest of the countries on this globe what we really want?

When I went over to Southeast Asia with the select committee—I went to Singapore and to Indonesia—I found great confidence in the Nixon doctrine. They felt we meant what we said. We have made commitments. We have in effect a common law marriage with South Vietnam. We have told the rest of the world we would support South Vietnam. Our President said so. If we back away from that commitment, to what court can the injured parties go for a proper resettlement?

Mr. CARTER. Mr. Chairman, will the distinguished gentleman yield?

Mr. KEITH. I am glad to yield to the gentleman from Kentucky.

Mr. CARTER. Who was it who first sent combat troops into South Vietnam?

Mr. KEITH. The combat troops were sent, I believe, by the President.

Mr. CARTER. It was at his request?

Mr. KEITH. He added to the advisers 10,000 troops that were used in combat.

Mr. CARTER. It was eventually 17,000, was it not?

Mr. KEITH. Yes.

Mr. CARTER. How many were added under President Johnson? Up to 540,000 or better?

Mr. KEITH. Yes.

Mr. CARTER. Has that number not been scaled down by over 200,000 at the present time?

Mr. KEITH. The gentleman is correct.

Mr. CARTER. Then should we not give the President credit for having done that?

Mr. KEITH. I think we should.

Mr. CARTER. Is it not true, to go a little further, at the present time our military position, outside of Vietnam, is low, and that this situation, not merely in Vietnam, but this present position requires a continuation of the draft and improvement of our military situation in the world? Does the gentleman agree?

Mr. KEITH. Certainly. I would like the House to know that the gentleman just asking me these questions has been a "dove" since the day this whole thing started. But he does believe in our living up to our commitments, and he is unique among us for the foresight that he has shown. I am glad to have his support of the President's position in this matter.

Mr. CARTER. Will the gentleman yield further?

Mr. KEITH. I yield to the gentleman from Kentucky.

Mr. CARTER. I believe in a strong America. I do not feel it was wise for us ever to have gone into South Vietnam. But now we are getting out. Let us have a little patience, provide a little time so the President or the administration can accomplish this withdrawal in a wise manner. In the meantime let us not be defeated. We have the strongest country in the world, and we should all decide to preserve, protect, and defend it. I thank the distinguished gentleman for yielding.

Mr. KEITH. I have some other questions which I would like to propound. If we were to withdraw precipitously from Southeast Asia and substantially lessen our presence in NATO which would certainly be the result of this amendment, what would happen to the Southeast Asians who have opposed communism for the last 10 years with our support and our promise of further support?

Mr. HARRINGTON. If the distinguished gentleman will yield so that I might answer the question, my response would be that we are backing out of Southeast Asia now, if we can call the anounced withdrawal rates—done for the sake of domestic and political considerations—a backing out.

I would like further to observe in relation to the measure suggested this afternoon that we should address ourselves to the ending of the draft alone. I do not think I could be accused of advocating disarmament or backing out of our responsibility in world alliances. Ending the draft really has no bearing on these matters. We have a very small percentage of people in our Armed Forces today who are draftees, and we might very well consider whether we could not get by with a less sizable Armed Force than we have at the present time and yet continue to meet our commitments.

I do not think that in trying to equate these things we are turning our backs on our allies in Southeast Asia or avoiding responsibility, for it does not do justice to the tone of the debate, nor does it necessarily go to the very question we have before us.

Mr. KEITH. I wish to make one final observation. We should be in a position to lessen our military commitments before we lessen our capability to meet them, and we should resolve the problems of Southeast Asia and the Middle East and of NATO before we lessen our Armed Forces capability to respond to these situations that confront us.

Mr. FISHER. Mr. Chairman, I move to strike the requisite number of words.

The **CHAIRMAN.** The gentleman from Texas is recognized.

Mr. FISHER. I rise in opposition to the pending amendment.

Mr. Chairman, the Committee on Armed Services, after many weeks of intensive study, drawing upon all sources of reliable information from the Department of Defense and other sources, concluded that the minimum period of time for which the draft must be extended is for 2 years. That was based upon the manpower requirements to meet our reduced force levels, provide the people that will be required in the immediate future. This amendment, Mr. Chairman, offered at this time, under present circumstances, amounts to nothing less than a move toward unilateral disarmament. Airplanes, tanks, guns, submarines, ships, and other weapons—many of which are highly sophisticated—are useless unless we have trained manpower to use them. It is just that simple. And there is no reason to believe that these minimum manpower requirements in the immediate future can be met by voluntary enlistments.

If this Congress should make the mistake of taking this move toward unilateral disarmament at a time when the Soviet Union is accelerating its warmaking capability, it would be interpreted as an indication that we are weak and as an indication that America does not have the resolve, and that the prevailing sentiment in this country is yielding to this relatively small minority voice that keeps calling for reduced expenditure, for reduced manpower, and for reduced capability to defend this country and to provide the very minimum requirements to meet our commitments and to present to the world the sort of defense structure that would be realistic in this age of peril.

I would hope that a 2-year period will promptly be accepted. I feel confident it will. We approve the bill and reported it here, and it is tied in with added incentives to induce more people to volunteer. Hopefully within another 2 years, and that is the minimum time we can get a reading and tell much about it, more volunteers will be attracted. If we adopt this kind of amendment, the present incentives for volunteers will be greatly reduced, and we will be much weaker in America, and we will give a much greater invitation to our potential enemies to proceed with the acceleration of their warmaking capabilities.

It is imperative that we retain this standby draft authority. If and when volunteers increase, the draft calls will be automatically less and less. But that is something to be determined in the future. As the matter now stands, we are dealing with an amendment which in effect calls for a unilateral disarmament movement. Make no mistake about that.

If our freedom is to be preserved, if our potential enemies are to be discouraged, we must maintain our strength. It provides the best, and the only, insurance for peace and security in this troubled world in which we find ourselves.

Mr. LONG of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I must say I find myself a little puzzled at what the supporters of this amendment are trying to achieve by it. I gather they feel that somehow if we could cut out the draft, in a few months we can bring the war to an end by cutting off the supply of manpower. If that is the purpose, it is putting the cart before the horse. There are far more effective, and forthright ways for Congress to end the war than by ending the draft.

As a matter of fact, I, myself, have a resolution in, to withdraw from Vietnam by the end of this year. We can simply order the withdrawal or we can cut off the money.

Cutting out the draft, it seems to me, raises a great many practical and moral complications. In the first place, by getting out of Vietnam, we still do not take ourselves out of all the situations in which men may be involved in shooting. As long as we have Armed Forces, it is possible for our men to be fighting and for our men to get killed.

What happens if we end the draft as a means of stopping the war or getting out of a war? What we are saying really is that the great mass of young people in this country, and particularly the children of the upper middle class, are going to put the burden of defending the country—of getting killed on that small number of gung-ho, patriotic kids who, have volunteered to fight for their country. I submit that is morally wrong. Even if it were possible and practical to raise the number of men or to raise the number of quality men that we need by a volunteer force, I think it would be immoral to defend this country in shooting wars, where men are getting killed, entirely by relying on a small number of patriotic young men who are willing to fight and die.

That goes particularly for the withdrawal stages of the Vietnam war, because until we have gotten the last man out of Vietnam, by declaring draft men for reinforecement, we are diminuting the chances of survival for the ever smallest number of young men who are there.

I do not see, to use the words of the gentleman from Massachusetts, anything American about that.

Mr. PUCINSKI. Mr. Chairman, I move to strike the requisite number of words.

I have taken this time to ask the distinguished chairman of the committee a number of questions that will relate to three amendments to be submitted here, I presume, in rapid order: The amendment before us now, to end the draft; an amendment to bar the sending of any selectees to combat without an official declaration of war; and then the final amendment, to continue the draft for only 1 year instead of 2 years.

It seems to me, Mr. Chairman, that we are all now agreed, from the President on down, the time has come to disengage in Vietnam. We have given our ally, the South Vietnamese, the time that country needed to develop its own defense capability and we now have it on authority of the South Vietnamese and our own military command that indeed their defense capability is very impressive. They have 1.2 million men in uniform, fully armed and fully trained.

I make no apologies for being one of the strongest defenders of Vietnam for 6 years in the well of this House. I make no apologies for that. We had a right to be there. We had a responsibility to be there. We gave that country the time she needed to develop her own defense capability.

Now we are all agreed the time has come and our mission has been completed. We have lost 53,771 American soldiers and suffered 294,000 casualties as of the first of this month, and we have disrupted the lives of 2,855,000 young Americans who saw service in Vietnam in the last 6 or 7 years.

Now I want to ask a question, Mr. Chairman. We are now reducing our forces in Vietnam at the rate of 12,500 a month. According to figures supplied to me by the Pentagon, on May 1 of this year, 1971, we will have remaining in Vietnam 284,000 American troops.

We are told that next Wednesday the President will announce a new withdrawal policy, since his present policy of 12,500 a month reduction expires on May 1. That was his target a number of months ago. That target date is now being reached. Now the President, next Wednesday, is going to announce to the country and the world a new troop reduction schedule.

There are those who say he is going to announce a reduction schedule of 16,500 a month, and there are those who say he is going to announce a reduction schedule of 20,000 a month.

Let us assume that we should take the lower figure. Obviously he is going to increase the present 12,500 per month reduction rate. So if on May 1 we have 284,000 and the President announces a 16,500 per month reduction policy, our troops in Vietnam will be reduced by 16,500 during May. But, since we have a policy of rotating our soldiers back home after 12 months service, a total of 24,000 of our boys in Vietnam will be eligible to come home during the month of May. We will thus have to send to Vietnam 7,500 new soldiers in May. We arrive at this figure by subtracting the 16,500 who will not be replaced from the 24,000 being rotated and come up with 7,500 new troops needed in Vietnam.

The following month, in June, we will have, under the President's proposed 16,500 reduction policy, remaining in Vietnam only 267,500 soldiers, of whom 22,300 will be eligible for rotation back home, so we will have to send during the month of June only 5,800 new fresh troops.

In July we will have 251,000 troops left under the 16,500 reduction policy.

But since 20,922 will be eligible for rotation, we will have to send to Vietnam 4,422 to maintain our strength. In August, we will have 234,000 left in Vietnam of whom 19,554 will be eligible for rotation. So we will have to send 3,044 to Vietnam. By October of this year we will reach parity when our monthly troop reduction almost equals our monthly rotation. We will have 201,000 troops left in Vietnam of whom 16,791 will be eligible for rotation, so we will have to send only 291 fresh troops that month. But in November, the number of boys eligible for rotation back home under our 12-month rotation policy will actually exceed the 16,500 rotation, and we will need no soldiers to send to Vietnam. Thereafter the monthly rotation policy will exceed substantially the 16,500 scheduled monthly reduction until October of 1972, when there will be no troops left in Vietnam, unless the President is forced to alter his reduction policy, which I doubt he will.

If we were to take 20,000 as a monthly reduction policy, the requirement of sending new replacement troops would end by July of this year. At the 20,000 per month reduction rate, we would have all of our troops out of Vietnam by July of 1972.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HÉBERT. Mr. Chairman, I ask unanimous consent that the gentleman be allowed as much time as he needs to state his question.

Mr. PUCINSKI. Mr. Chairman, I ask unanimous consent that I be allowed to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PUCINSKI. Now, what I want to know is, under these figures for our troop strength as of May 1, 1971, supplied by the Pentagon, and under the proposed reduction policy, we find that by August of this year, we will not be sending any new troops to Vietnam and will continue reducing our troops and troop involvement until, by June of 1972, there will be no American troops left in Vietnam. Why, then, is the draft necessary? We now have 284,000 troops in Vietnam. We have 168,000 troops in Okinawa, the Philippines, Formosa, Japan, and Korea and somewhere around a quarter of a million troops in the European theater.

Mr. Chairman, I do not ask this question facetiously. These are statistics supplied by the Pentagon. I believe the gentleman from Massachusetts raised a perfectly valid question, and I believe those who have spoken in support of his resolution or for continuing the draft for only 1 year or the one limiting the shipment of soldiers to combat without a declaration of war are questions properly raised because the figures would not seem to support the continuation of the draft. I would like the chairman to explain that. My mind is open in this proposal and I am anxious for the chairman to provide the answer.

Mr. HÉBERT. If I am allowed enough time by unanimous consent, I will try.

Mr. PUCINSKI. All right.

Mr. HÉBERT. I will start off by saying to the gentleman that when you were in arithmetic I followed you. As you got into algebra and calculus you left me.

The people on the Committee on Armed Services can engage in simple arithmetic. I said I was with you while you were doing simple arithmetic, but when you got to calculus you left me entirely.

Mr. PUCINSKI. There is no calculus in this.

Mr. HÉBERT. Of course, we are both being facetious.

As a matter of fact, if I answered all of your questions, I would have to go into classified material, so I cannot answer you now.

Mr. PUCINSKI. It is not classified material. We know and I put in the RECORD the statements which appeared in the press where the Pentagon said that we would have 284,000 soldiers left in 1971 and the President is expected to announce a 16,500 reduction policy or a 20,000 reduction policy. We know and we can predict on the basis of these two figures, without any military secrets being divulged, what will be the monthly reduction of forces in Vietnam. Let us not hide behind this military secrecy thing. The documents are not marked "Top secret" and I think we ought to have the facts here and now as to what effect our withdrawal from Vietnam will have on our manpower needs and the draft.

Mr. STRATTON. Mr. Chairman, will the gentleman yield to me?

Mr. PUCINSKI. I will yield to the chairman or you, either one.

Mr. STRATTON. If the gentleman would refer to page 8638 of the CONGRESSIONAL RECORD, in my remarks of yesterday I went into this point exactly.

The Defense Department in testimony before us indicated that if you removed the incentive of the draft, and that goes for those who volunteer for the Navy, Air Force, or the Army, as a hard core of 270,000 volunteers, what we need are 607,000 men to meet our present commitments, including the reduction of troops in Vietnam during 1971, and we need 458,000 in fiscal year 1972. We have to have the draft in order to make up the difference between 270,000, 607,000, and 458,000.

Mr. PUCINSKI. If the President announces a reduction policy of 20,000 troops, no American troops would be going to Vietnam after August of this year. If he announces a policy of 16,500, there will be none going there after October of this year.

So, why cannot the volunteer forces take care of our remaining military needs.

Mr. Chairman, it is high time that we brought those troops back from Europe, it is high time that we brought them back from Vietnam, and it is high time that we brought them back from Korea.

I put into the RECORD yesterday the dollar total of this entire program. It will cost us $14.5 billion in Vietnam in 1971. It costs us another $14 billion to keep troops in other parts of the world.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the chairman of the committee.

Mr. HÉBERT. I want to make the observation at this time that the gentleman from New York (Mr. Stratton) I think is my calculus expert, and I called upon him to make a rapid calculation of the questions posed by the gentleman from Illinois, and the gentleman from New York gave the gentleman a perfect answer, which I am sure the gentleman understands.

Mr. PUCINSKI. However, the gentleman from Louisiana will have to admit that the figures, as to the number of troops remaining in Vietnam on May 1, are correct because they are supplied by the Pentagon. So far as our needs in Vietnam are concerned, I believe my projections are also correct, so I renew my request for an explanation on continuing the draft. Now I personally believe we will have to continue it for a while, but the gentleman will have to agree we have a right to ask these questions.

Mr. HÉBERT. I am sure the Pentagon cannot impose its will upon the House and I suggest that we proceed with a vote on the amendment now pending before the Committee.

Mr. PUCINSKI. Mr. Chairman, when the Committee rises, I shall ask unanimous consent that a table I have prepared on the projected U.S. troop withdrawal from Vietnam be placed in the Record at this point. The table shows the reduction in our forces if President Nixon orders a 16,500 per month reduction, or a 20,000 per month reduction. When our monthly reduction exceeds our normal rotation of American troops who have completed their 12-month tour in Vietnam, we will not have to send any replacements. This table shows to complete withdrawal of troops by 1972. I am sure the end of sending troops to Vietnam will spur voluntary enlistments in our armed forces, especially now that we propose to double the salary.

The table will follow at this point:

PROJECTED SCHEDULE OF U.S. TROOP WITHDRAWAL FROM SOUTH VIETNAM

Troops in South Vietnam	Reduction at rate of 20,000 per month	Normally due for rotation	Additional troops needed in Vietnam to replace rotation	Reduction at rate of 16,500 per month	Normally due for rotation.	Additional troops needed to replace
May 1, 1971	284,000	24,000	4,000	284,000	24,000	7,500
June	264,000	22,000	2,000	267,500	22,300	5,800
July	244,000	20,333	333	251,000	20,922	4,422
August	224,000	18,666	0	234,500	19,544	3,044
September	204,000	17,000	0	218,000	18,200	1,700
October	184,000	15,300	0	201,500	16,791	291
November	164,000	13,600	0	185,000	15,422	0
December	144,000	12,000	0	168,500	14,000	0
Jan. 1, 1972	124,000	10,300	0	152,000	12,600	0
February	104,000	9,600	0	135,500	11,300	0
March	84,000	7,000	0	119,000	9,900	0
April	64,000	5,333	0	102,500	8,500	0
May	44,000	3,600	0	86,000	7,100	0
June	24,000	2,000	0	69,500	5,800	0
July	0	0	0	53,000	4,400	0
August	0	0	0	36,500	3,000	0
September	0	0	0	20,000	1,600	0
October	0	0	0	3,500	300	0

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the gentleman from Illinois has been treated, it seems to me from listening to this debate, rather summarily.

There have been references to calculus calculations. However, the gentleman from Illinois has read straightforward a hypothetical situation. The gentleman has raised the ultimate question of why do we need the draft. He comes to the floor not as one who has always opposed the draft or who has always opposed the war. It would seem to me that the Committee could answer the gentleman's question a little bit more carefully than has been done. Please be assured that it will not affect my decision one way or the other because I am voting against the draft as soon as I can. However, I think the gentleman has raised a question that deserves the respectful attention of this Committee.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. Yes, I yield to the gentleman from Illinois.

Mr. PUCINSKI. I think it is important to point out to the House not only that the needs are questionable, but we have a right to seriously challenge the estimates of the Department of Defense as to what will be the rate of voluntary enlistments when we are doubling the pay as contained in this bill.

The last experience we had with a volunteer Army was in 1949 when the draft was suspended and we were in a high cycle of employment. There were no real great promotions made at that time. However, today we are spending $22 million of the taxpayers' money to promote enlistments in the armed services. Everyone has seen the stories and the advertisements on the networks.

Mr. Chairman, I say we have a right to challenge the accuracy of the projections made by the Department of Defense as to the manpower needs and as to how those needs can be met by voluntary enlistments.

Mr. CONYERS. I do not believe anything that the gentleman from Illinois has said or any information he asks for bears being labeled "top secret." I do not believe that there is any question of classification that prevents us from examining these facts.

On the other hand, I do believe that just as doctors may bury their mistakes, generals label theirs "top secret."

Mr. PUCINSKI. I shall put this table into the Record today. So, there is no question about its being top secret. This is a matter of simple arithmetic based upon figures publicly provided by the Department of Defense.

Mr. HÉBERT. I want to say to the gentleman that the top secret classification expression was being used facetiously.

Mr. CONYERS. Does the gentleman now state to the House that his earlier reference to "top secret classification" was a humorous reference and was not intended to be taken seriously?

Mr. HÉBERT. I say to you that it was being used facetiously, and I would also say that evidently the gentleman's sense of humor and my sense of humor are slightly different.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I believe that the chairman said that his reference to calculus was facetious, but I do not believe he treated as facetious the statement when I asked for clarification of the need, the manpower needs in Vietnam, the chairman responded that this was a top secret. I submit it is no more a top secret than the words on a billboard because this is information and statistics, and they are issued by the Pentagon.

Mr. CONYERS. The gentleman is absolutely correct. I do not think that this humor or facetiousness with reference to top-secret classifications, or whether we are using calculus when it is simple arithmetic that is involved, is either helpful or humorous to any Member of this House. We are debating a bill which could send thousands of American youngsters to their death.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(On request of Mr. Hébert and by unanimous consent, Mr. Conyers was allowed to proceed for 2 additional minutes.)

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. Mr. Chairman, I did not ask for any additional time.

Mr. HÉBERT. But since I have secured additional time for the gentleman, will the gentleman yield to me?

Mr. CONYERS. Yes, I will yield to the chairman with pleasure.

Mr. HÉBERT. I would just like to make this statement, that apparently the gentleman's statistics and sense of humor, and mine, are somewhat different, and they apply differently.

Mr. CONYERS. Apparently that is true, and I am glad we have corrected it on the floor and in the Record.

Mr. HÉBERT. I am certainly glad to see that the gentleman can laugh sometimes, because I live a very happy life myself, and I laugh all the time.

If the gentleman will yield further, the arguments being advanced by the gentleman from Illinois (Mr. Pucinski) and the gentleman from Michigan (Mr. Conyers) are all answered in the report and in the printed hearings and they are all thoroughly discussed. If anyone has the time to read it, it is there. That is why I thought the gentleman was kidding when he was asking me questions on things that are already answered in the report. I thought he was just being facetious and funny, and I was trying to out-funny him.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

I support the amendment offered by the distinguished gentleman from Massachusetts (Mr. HARRINGTON). Already there have been some very eloquent remarks for this amendment, and I would like to make a few comments myself. Hopefully, they will not be repetitious.

First of all, I respectfully reject any notion that persons in this House and elsewhere who advocate peace in Southeast Asia and an end to the draft are in some way unpatriotic. I would think that time would tell that those persons who are for upholding the Constitution are the true patriots in this country.

Our involvement in Indochina is illegal. I think time will tell that advocates of peace in Indochina and throughout the world are in fact the true patriots.

Today in debate we heard allusions to the Second World War. For all intents and purposes, that war was the war in which everyone went out to end all wars, but for all practical purposes war is still waging—in Southeast Asia, and in other parts of the world.

If we are to end the insanity and the absurdity of war, it seems to me that this Nation has to be willing to take some bold, creative, and courageous steps in order to achieve the necessary credibility of a nation concerned and preoccupied with peace.

One of those steps is to end the draft.

I think it a fundamental contradiction in this country to say to a young 9-year-old boy on an elementary school playground that we are ordering him to stop fighting, and then 10 years later to give him an M-16 rifle and tell him to go kill—and overkill—in a country he probably does not understand. That is a contradiction.

Maybe if we were voting on a bill this afternoon to draft only persons over 30, then this whole entire discussion would be academic, and I think we would defeat the bill.

But young people in this country today share a growing concern about our real inability to come to grips with war—with minikill, overkill, and megakill. For them, war is absurd, a ridiculous folly.

Today we heard many statements which alluded to our preoccupation with competition with major powers. I only hope those very same gentlemen are as concerned with the problems of the 15 million hungry, the 50 million poor, the millions unemployed, and the up to 25 to 30 percent of the American people who are functionally illiterate.

But when we talk about competition—when it deals with war and military expenditures—if there is in fact need to declare war, then I say let this body, as the body of the people, declare it, and take whatever political consequences that may come.

That is the ultimate test of political leadership.

If there is in fact need for a draft, then draft. But we are in no declared war. The young people of today believe—know—that conscription is a key part of their lives. We started out assuming and stating that we would only use conscription in a state of emergency. Yet this body has never taken on its constitutional responsibility to declare a war.

Perhaps if we understand young people today and if everyone of us in this Chamber will face the votes of 18- and 19- and 20-year-olds in 1972, we are going to have to answer the question—why give them a weapon and tell them to go and kill when the only hope of the young people today is to end the folly of war.

I urge all of you to support the amendment offered by the distinguished gentleman from Massachusetts.

Mr. MATSUNAGA. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. HARRINGTON). His amendment would remove the most divisive force in our country today.

We should end the draft because of what it is doing to the youth of our country today. An estimated 40,000 young men have fled this country to Canada, to Switzerland and to other countries to avoid the draft. We are in effect making criminals of these young Americans. Yet, if we were to end the draft and create an all-volunteer army instead, I would venture to say that a considerable number of those who have fled from this country to avoid the draft would even volunteer to serve this country.

Some of my colleagues may be laughing, but you might be surprised if you only spoke to those who have fled this country and who have returned.

In talking with them, you will find that it is the compulsory nature of the draft which they dislike most—it goes contrary to the basic idea of individual freedom for which this country stands. Because the basic freedom of the individual is violated by the draft, we need to end the draft.

I was one of those who spearheaded the move for an all-volunteer army. I am sorry the Committee on Armed Services decided against it, but I must commend the committee for having come out with the bill they did come out with. I feel that within a year's time because of the salary schedule the committee has adopted, we might arrive at a zero draft. I do hope the House will adopt the salary schedule recommended by the committee and reject any attempts to reduce it. We will approach closer—yes, much closer to an all-volunteer army.

I will say this too, that if we adopt the committee's salary schedule, we will probably end the draft within a year. It may be somewhat surprising to note that more than 2 million of our 2.7 million in the services today are pure volunteers who volunteered although they were in no danger of the draft. It is even more surprising to note that these more than 2 million had volunteered on the present pay scale under which recruits are paid only $134 per month. The new salary schedule will boost this monthly salary to $268, or a 100 percent increase. We hope that by such a salary increase we will be able so induce more young men to volunteer for service, so that we will have a de facto volunteer army.

Mr. Chairman, the most immediate reason for ending the draft this year is to end the divisiveness that conscription has inflicted on the American people. Lives of thousands of young men have been distorted, disrupted, and tragically ended, because of the draft. Only by ending conscription can we hope to reestablish the sense of national unity that has made America a truly great Nation.

Mr. Chairman, I urge the House to approve the Harrington amendment.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from New York.

Mr. STRATTON. I appreciate the gentleman's yielding to me. He was, of course, a very eloquent advocate of the all-volunteer army before our committee, and he offered a bill which the committee virtually incorporated into our recommendations. In view of that fact, that the committee has gone so far even beyond the recommendations of the Nixon administration as to a volunteer army, in view of the fact that we virtually accepted the gentleman's recommendations, would not the gentleman, as a realist, somebody who has had some experience with the military, at least concede that we ought to have some time in which to see whether this volunteer proposal, and doing it by these increases in pay, will actually work, rather than cutting off all the machinery by the end of June, at a time when we are trying to bring our men safely home from Vietnam, and when we are trying to deter further aggression in the Middle East? Is that not a reasonable proposal?

Mr. MATSUNAGA. As I stated earlier, I commend the chairman and members of the committee for having brought out the bill that they did. It is a good bill in many respects. I feel I can support it if it is improved; and the Harrington amendment will improve it. Let me commit myself here and now that I will support the bill if the Harrington amendment is accepted.

Mr. STRATTON. Would the gentleman not think that a proposal as sweeping as this and as far reaching as this ought to have a little time to be tried? Does the gentleman want to create chaos in the Armed Forces even before we have an opportunity to put this program into effect?

Mr. MATSUNAGA. As the gentleman well knows from reading the amendment offered by the gentleman from Massachusetts, it merely limits the power of the President to draft. The act itself will continue in effect so that if it happens that the President would need his draft powers to meet a national emergency the Congress could expeditiously grant him that power, and the Congress has proven capable of acting expeditiously in emergencies. What I am saying now is that because of the salary schedule which the committee has reported out, even if the draft is ended, I see no danger of having to be without an army. We will have an adequate number of volunteers under the remaining provisions of the bill.

Mr. GUBSER. Mr. Chairman, I move to strike the requisite number of words.

May I invite the attention of the gentleman from Illinois (Mr. PUCINSKI) to what I am about to say. I would like, with the permission of the gentleman from Illinois (Mr. PUCINSKI) to clarify the argument he just presented in the well of the House, to make very sure that I understand the thrust of his argument. Is this it, that because at a time in the future withdrawals from Southeast Asia will equal the rotation, it will not be necessary to send any new men to Southeast Asia, and, therefore, the draft need not be continued?

Mr. PUCINSKI. Assuming that we continue our 1-year rotation, a policy which I would hope would never change, because that is what keeps the morale of our troops up, since each soldier can predict to the day when he will come home, and assuming the President does not alter either the present reduction policy of 12,500, but instead increases it, as we have reason to believe he will, to 16,500 or 20,000 a month, the calculations show that at the rate of a 20,000-a-month reduction, we would not send any new American soldiers to Vietnam by August of this year, and assuming that the President chose a 16,500 group, then we would not send any new troops to Vietnam after October of this year, because the reduction would exceed the 16,500-a-month reduction level or the 20,000 a month.

Mr. GUBSER. I understand, and for purposes of argument, let me accept the gentleman's premise, but I would like to pursue the thrust of his argument one step further. What does that prove?

Mr. PUCINSKI. That proves that while we remained in Vietnam for the last 5 years and during that time we had 585,000 troops which we had to replace every 12 months, we had to have a draft, but as our manpower needs in Vietnam diminish by the President's action, we may not need to draft young people to take care of the normal needs of the noncombat requirements.

Mr. GUBSER. Is this a fair paraphrase of the gentleman's argument: That because of the figures the gentleman has cited, and which for purposes of argument I have accepted, we do not need a draft?

Mr. PUCINSKI. I raised that question with the chairman of the committee in light of my figures, and if he has an answer it may alter my position on this argument.

Mr. GUBSER. I thank the gentleman very much. I think the gentleman's thought, intriguing and interesting as it is, is based upon a fallacious premise, and that premise is that when a man is rotated out of Southeast Asia, he immediately goes back into the military pool that the armed services have—in other words, the force level. Many of these men get discharged at the end of their 2 years, and they must be replaced if we are going to keep ourselves up at that force level. That is what we have to look at, and not just in Southeast Asia.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, that question was asked by Mr. Slatinshek, the committee counsel, involving exactly the kind of considerations raised by the gentleman from Illinois. He asked it of General Westmoreland, and the answer appears on page 1088 of the hearings:

> Mr. SLATINSHEK. What would your reaction be to a restriction in the law which would permit the induction authority to continue to satisfy the Army's national security and defense requirements with the proviso that draftees could not be sent overseas in the absence of a declaration of a new national emergency?
>
> General WESTMORELAND. We could not live with that in the foreseeable future. Our studies indicate that we could not support our commitments in Southeast Asia on a voluntary basis until we got down to a force of about [Deleted.]

Mr. GUBSER. Mr. Chairman, I thank the gentleman. He is making my point. We simply must look at the total national manpower levels. They are going down. In June 30, 1968, they were 3.6 million; on June 30, 1969, they were 3,294,000; and the projection for June 30, 1972, is a reduction to 2.5 million men.

The President will have, by June 30, 1972, reduced the armed strength of this Nation by more than one million men. It is going to go down to 2.5 million.

Now the question, is, even assuming we are out of Vietnam entirely—and I hope and pray we are—where do we get those 2.5 million men? All right. In 1948, the President of the United States came to this Congress and said that it was impossible by voluntary means to get more than 1,348,000, although we needed 2,000,000, so we passed the draft law. We could not get the men on a voluntary basis.

Admittedly, this bill has inducements for a career in the military service that were not present at that time, but the fact is that we do not know whether those inducements are going to produce 2.5 million men, and we must keep the draft as a standby. When we talk about 2 years versus 1 year or 2 years versus 6 months, it is pointless; because when we get the 2.5 million men, there will not be any draft. If we do not get them, we have got to have the draft.

Mr. WAGGONNER. Mr. Chairman, I rise in opposition to the Harrington amendment.

Mr. Chairman, it seems we never learn anything from history. We are prone to want to repeat our mistakes.

He has not been gone so long that many of the Members would have forgotten him, but I had a telephone conversation just a few moments ago with our former Speaker, John McCormack. I called him as I do about once a week simply to visit with him and express my concern for him and my fondness for him and to inquire about Mrs. McCormack.

I talked with him a few moments ago, and he asked me what we were doing on the floor. I said:

> Well, Mr. Speaker, it seems we have an argument between two people from Massachusetts, Mr. HARRINGTON and Mr. KEITH, and it seems that they are not only on different sides of the aisle with regard to party affiliation but also on different sides of the present issue, because Mr. HARRINGTON has offered an amendment for our consideration that would terminate as of June 30 the draft law.

He told me a story. Think about it. He painted a picture for me with words that have significance, an answer to the question we ought to be concerned about. The old gentleman's memory is still good and his mind is still sharp.

He said it was August 12, 1941, and this House of Representatives was in session debating a 1-year extension of the draft law. As he recounted the story to me, it seems that every argument for not extending the draft law then was advanced on that occasion that is being advanced today not to extend the draft law. But, as was the case with another matter in the Democratic caucus this morning, by a vote of 101 to 100 the draft law then by a margin of only one vote was extended, with the all-out effort of the then Speaker, Speaker Rayburn, and the then majority leader John McCormack. There was a vote of 203 to 202. Thank God for one vote on that occasion and for their leadership.

Well, time moves in a hurry and the calendar does not even give one much time from August 12, 1941 until December 7, 1941. Memory and history might not be too good about that extension of the draft law, but most of the Members ought to be able to remember December 7, 1941. Japan did the unexpected. Germany had an ally. We were in trouble and we were not prepared.

You who want to terminate the draft right now tell me where this country would have been December 8, 1941 if we had not extended the draft. Why? It was just to be prepared, just to be ready, just for the possibility that we might need it. And need it we did.

Then the Atlantic Ocean was our first line of defense. Is it there now? Not as a first line of defense. We had time, because we had the machinery to do something about mustering our manpower, mobilizing our forces.

Would we have time today, when we do not have the Atlantic Ocean there as our defense? How could we properly respond to a nuclear attack if manpower was not immediately available?

How many of you people who advocate termination of the draft, as of June 30, have Boy Scouts in your families today? Show me your hands. Do none of you have Boy Scouts in your families? You have sons who are Boy Scouts?

Do not then, if you do, go home and tell your sons tonight to be prepared to honor the Scout motto, when you are not willing to prepare the Nation. That is what I want to tell you. That is my message for you. Do not go home to tell your son he ought to be prepared when you are not willing to prepare the world to be lived in, to set the example.

Why extend the draft? Because this country cannot afford to take the chance. We have proved we were right in 1941. Until we know what is going to happen to the voluntary army, and I say sincerely I hope it does work, let us not immobilize this country. Consider, if you will, the potential for danger in the Middle East. This potential must be reckoned with.

This is the reason why we ought to vote down the Harrington amendment. This is the reason why we ought to vote down the proposal which will come here a little bit later asking for just a 1-year extension.

How many of you people are willing, in an election year, to stand up here and advance these arguments all over again? Do you really believe the merit of the issue would prevail, or would we simply be making campaign speeches? What would you do to the national security of this country?

I am asking you: Let us not play politics with it. Let us not do anything like that. Let us see if the voluntary proposal can be made to work. Let us vote down the Harrington amendment and let us vote up this 2-year proposal from the committee.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I am happy to yield to the gentleman from Illinois.

Mr. PUCINSKI. The gentleman surely must be aware of the fact that the destruction of this country of ours can come from without as well as from within.

Mr. WAGGONNER. I am not so much concerned about without as within.

Mr. PUCINSKI. The gentleman should look at what the draft has done to the 3 million men involved in Vietnam. He had better be prepared to ask himself how he will be prepared to defend this country externally as well as internally.

Mr. WAGGONNER. Let me answer that question. I will meet you whenever and wherever it needs defending, if you will meet me.

Mr. HUNGATE. Mr. Chairman, I rise in support of the Harrington amendment.

I commend the gentleman from Massachusetts (Mr. HARRINGTON) on the effort and the leadership he has shown here.

Many of us, I suppose, wonder what might have happened in 1941 if things had gone differently, but I do not think we can live in 1941 perpetually.

I came into this well in 1965 and 1966. I was new, as many of you are here now. You are bringing quite a bit of fresh air in, which is always welcome. I was very concerned about expanding the war in Vietnam in a vote on an appropriation bill then. It was made quite clear that unless you voted for this appropriation Hitler would be marching down the street again.

Well, times have changed, but we have not moved the scenery. I actually held my nose on that vote, as I believe some of you here might, because I thought I had better follow the leadership. I was a pretty new Congressman then. I could not believe that we were doing the right thing, and, lo and behold, we were not, in my judgment.

The burden of proof, I think, is on the people who want to extend the draft. Is it not? Is it on Mr. HARRINGTON? We have hit him pretty good here. We have backed him all around the room. If you want involuntary servitude, the burden is on you and not on him. I am not satisfied that burden has been met, either.

As I understand his proposal, we could still come back and draft people. We hear prophecies of Armageddon if we do what he suggests? What has gone on in the past 20 years under the present system? What kind of an endorsement is that? I think it is worthwhile to try another tack. If we can look at the proposal he gives us, then the President might have an opportunity to come down to Congress next week and say, "I would like to go to Laos and I would like to have the troops for that." Maybe it would be Cambodia. Maybe yet another. You name it. I am not acquainted with all of the countries in that part of the world, although I am learning.

I think we must commend the gentleman, and I hope we can find some way to regain some of our independent posture here. We talk a lot about the role that the House should play in making foreign policy. Well, here is your chance. If they want to send troops over, let them come here and ask you about it and do not just give them a blank check to do it.

Next we hear the argument that if we bring troops home, you have to draft troops here to send over there so that you can keep bringing them home. It sounds to me a little like the guy who had quit drinking, but he still had to keep buying whisky. I just do not understand it.

Mr. LEGGETT. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. HARRINGTON).

Mr. Chairman, I think this amendment, while it might appear to be a little bit radical in form and terminate the draft a little bit more prematurely than perhaps the gentleman from Chicago's statistics will allow, still I think this country has to take a very careful look at the war in Vietnam. We have lost over 50,000 men. We have 350,000 wounded and a lot of them in hospitals who will be there for the next 50 or 60 years. We will be spending for the next 50 or 60 years $250 billion to pay pensions and support for these people. Who can say that this effort that we have made has not been virtually totally in vain.

The President said last week:

> Let us not judge the Laotian incursion prematurely, the jury is not back yet.

I tend to think when the facts came out last week, which were not denied by the White House, that 22,000 South Vietnamese went into Laos and 9,775 came out either dead or wounded, I tend to think that the jury came back and the result was catastrophic. And, I think that the jury report is that Vietnamization is under very, very suspect credibility.

Now, considering that and considering the fact that over the past years wherever I go, in Europe or in the South, in southern schools or northern schools, I find these kids with a little beard, with a long haircut, how many boys has my daughter brought home with long haircuts? The long haircut is not limited only to the colleges and to the high schools but is a common practice in grammar school. My little boy who is 12 years old has his hair a little bit long.

Mr. Chairman, what they are doing is that they are joining in a rebellion, a rebellion against our generation, our group that has voted for this Draft Act. It was extended in 1967 and I participated in that, and now we are doing it again just for 2 years. In other words, let us make a little neat determination for 2 years and let us cut our losses, but we want to get out in due course.

Mr. Chairman, with all due respect for General Westmoreland and the Joint Chiefs and the management of our military—and, certainly, let us not discredit anyone, let us not reflect upon the honor of anyone, but I think we have got to withdraw.

Mr. Chairman, the gentleman from Chicago (Mr. PUCINSKI) is right. I think we have got to withdraw from NATO very substantially. We have 3,000 bases around the world. The Soviets do not have any bases anywhere except in the Baltic and in Egypt. The Red Chinese do not have any of their troops any place in the world.

I think we have made a lot of very serious mistakes. I think what we have got to do is to turn this country upside down and shake it and come up with some new priorities, not just mass transit, but a lot of things.

We have $80 billion that we will be asked to appropriate for our military forces this year. I think it is really not too offbeat to suggest that we look to a voluntary force. We have got a good bill. We are providing the money to a voluntary force.

What did the President of the United States say last year when he talked about this voluntary army suggestion? He said:

> This Congress has both the power and the opportunity to take an historic action. As I stated in last year's message, with an end to the draft we will demonstrate to the world the responsiveness of our system of government—and we will also demonstrate our continuing commitment to the principle of ensuring for the individual the greatest possible measure of freedom.
>
> I urge the 92nd Congress to seize this opportunity, and make the bold decisions necessary to achieve this goal.

Mr. Chairman, the President thought he was going to add $950 million to increase military compensation. We are breaking the bank in this bill because we passed in the committee the largest single increase that has ever been passed in any committee since I've been in Congress and that is an increase of $1.7 billion in pay raises for a total increase of $2.6 billion in order to move to an all-voluntary service.

I think it is time to pull the plug on the Joint Chiefs, to terminate what they call and what they like, cozy relationships, with lots of military personnel and lots of hardware around the world.

Mr. THOMPSON of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Constitution places upon us the burden of providing for the common defense. We are now talking about the common defense of this country. We are not talking only about Vietnam, but, of course, what has occurred from Vietnam in the Calley trial, and the sentence has just been announced as life imprisonment, does affect the concept of an all-volunteer Army.

I have in my hand 49 Western Union telegrams from people in my district expressing dismay at the verdict and at the treatment of Lieutenant Calley. The telephone calls I have had from people in my district in effect say this:

> I am not going to let my son without a draft go into the Army.

Mr. Chairman, we do have the responsibility of providing for the common defense. Many say that an all-volunteer Army will work. I would like to submit to you that most of you who are in favor of an all-volunteer Army are in favor of it because you believe that the son of someone else will be the one that will volunteer and that your son will not have to serve.

Certainly I have no desire to force anyone into service. I myself was drafted during World War II, and served 3 years during that time, and I went back in 1950 for approximately 3 more years of service, but I know this, Mr. Chairman, that if this amendment carries, and if the all-volunteer concept does not work out, then we will jeopardize the security of this country if there is no draft.

Others say, "Well, what was our involvement in Vietnam worth?"

Well, to the South Vietnamese, whose lives may have been saved, or who may be able to determine their own form of government, I say it is worth countless dollars.

They may also say, "What was our involvement during World War II worth?"

Well, to the people of England and France and to the Jew whose life was saved because of our actions, it is countless. You cannot count the value.

So, Mr. Chairman, I simply urge the committee today not to adopt this amendment. If an all-volunteer army can work, and if the incentives which we are hoping to pass are indeed incentives, so as to solicit these people into our armed services, then we will know, but if not we can still fall back on the draft should this not prevail.

So again, Mr. Chairman, I urge the defeat of the amendment.

Mr. BRAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am afraid at this time we are losing sight of the importance of a strong defense, and thinking only of Vietnam, which the Calley verdict is bound to impress on our minds. But the draft we are talking about is simply the symptom of what has happened. We have made commitments all over the world, and frankly it is only recently that we have tried to get rid of a lot of those commitments. The strength of our armed services, and the draft that provides that strength is to provide the strength to carry out these commitments.

It is interesting that those who are the strongest for making commitments all over the world are the ones who scream the loudest when we ask for the strength to try to carry out those commitments.

As a matter of fact, Mr. Chairman, I am rather an isolationist, and have been for a long time. There have been many situations in the world that we would like to see changed, but I do not and never have supported the philosophy that the United States should by force attempt to right all of the world's problems. There are many right here in this body that have, even today and for some time, expressed the thought that we ought to go in and settle certain problems in Africa. Whenever you go in and take sides in controversies through the world for good against evil, or what we may think is good or evil, then you arouse the other side, the evil side, as you would call it, and they attack you.

We can merely defend the coasts of America, and let all the rest of our commitments go down the drain, or we can keep an effective army and in the future try to use some commonsense on assuming commitments. Regardless of Vietnam, we should keep a strong defense until we do get rid of some of these commitments we have been making all over the world.

I hope the same people today who want to destroy our defenses will also be as interested in the prevention of making commitments in the future.

Mr. BELCHER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am not a member of the Committee on Armed Services. I am not an expert on whether or not a volunteer army will work. But I want to just reminisce for about 2 minutes. This draft which came out in 1941 has been referred today. I was the administrative assistant to Ross Rizley from Oklahoma who was in the House at that time. He voted against the extension of the draft. I had a lot of arguments with him, but anyway he went ahead and voted against the extension of the draft.

In the next campaign they put out a quarter of a million sheets against Ross Rizley. It showed Hitler and Mussolini sitting right up there—and Ross Rizley speaking against the draft down here. Hitler said to Mussolini, "That's our boy."

That is exactly what we ran against all during that time.

Many times since then I have thanked God the Republicans were not able to stop the draft. I pray today that the Democrats are not going to be able to stop this draft.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. HARRINGTON).

TELLER VOTE WITH CLERKS

Mr. HARRINGTON. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. HARRINGTON. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. HARRINGTON, HÉBERT, BRAY, and LEGGETT.

The Committee divided, and the tellers reported that there were—ayes 62, noes 330, not voting 40, as follows:

[Recorded Teller Vote No. 37]

AYES—62

Abourezk
Abzug
Anderson, Calif.
Badillo
Begich
Bennett
Bingham
Boland
Burton
Carey, N.Y.
Celler
Chisholm
Conyers
Crane
Dellums
Diggs
Dow
Drinan
Edwards, Calif.
Fraser
Fulton, Pa.
Fulton, Tenn.
Gibbons
Goldwater
Halpern
Harrington
Hawkins
Hays
Hechler, W. Va.
Helstoski
Hungate
Jacobs
Kastenmeier
Leggett
McClory
McDonald, Mich.
Matsunaga
Melcher
Metcalfe
Mikva
Mink
Mitchell
Morse
Mosher
Moss
O'Konski
Rangel
Rees
Reuss
Roncalio
Rosenthal
Roybal
Ryan
Sarbanes
Scheuer
Schwengel
Seiberling
Stokes
Vanik
Waldie
Wilson, Charles H.
Yates

NOES—330

Abbitt
Abernethy
Adams
Addabbo
Albert
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Archer
Ashbrook
Ashley
Aspin
Aspinall
Baker
Baring
Belcher
Bell
Bergland
Betts
Bevill
Biaggi
Biester
Blackburn
Blatnik
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Corman
Cotter
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
duPont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fuqua
Gallagher
Garmatz
Gaydos
Giaimo
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harvey
Hastings
Hathaway
Hébert
Heckler, Mass.
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hunt
Hutchinson
Ichord
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Minshall
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reid, N.Y.
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Roe
Rogers

Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Rousselot
Roy
Runnels
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Ware
Watts
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Zablocki
Zion
Zwach

NOT VOTING—40

Anderson, Tenn.
Annunzio
Arends
Barrett
Blanton
Boggs
Byrne, Pa.
Clark
Clay
Collins, Ill.
Corbett
Denholm
Dowdy
Edwards, La.
Evins, Tenn.
Flynt
Ford, William D.
Galifianakis
Gettys
Green, Pa.
Hall
Harsha
Jarman
Jones, Ala.
Koch
Landrum
Long, La.
McClure
McCulloch
Meeds
Poage
Riegle
Rodino
Roush
Smith, Iowa
Steed
Thompson, N.J.
Whalley
Wyatt
Young, Tex.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WHALEN

Mr. WHALEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHALEN:

On page 11, line 22, after the word "thereof" strike "July 1, 1973" and insert "July 1, 1972".

Mr. WHALEN. Mr. Chairman, if it is in order I should like to address a question to the distinguished chairman of the committee (Mr. HÉBERT).

Mr. Chairman, I think you have been extremely fair during committee consideration of the amendments that were presented, and you have certainly bent over backwards in allowing unlimited time on the amendments we have considered today.

The amendment I am about to discuss is somewhat similar to the one we have just debated. While there are obviously some basic differences. I believe that some of the arguments might be redundant. Therefore, it is my suggestion, Mr. Chairman—and I make it as a suggestion, not a motion—that perhaps we can terminate debate on this amendment by 6 o'clock.

Mr. HÉBERT. I will say to the gentleman from Ohio that the chairman is perfectly willing to do that and thinks it is a very fine suggestion. I appreciate it.

As the chairman stated at the beginning, I will not initiate any such move. However, I will make this observation: If any one of the membership is so disposed to move, I will support the motion. I think that would greatly expedite the matter.

However, I would prefer, as I say, to let someone like the gentleman in the well make that motion.

Mr. WHALEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto terminate at 6 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. HUNT. Mr. Chairman, I object.

Mr. WHALEN. Mr. Chairman, I move that all debate on this amendment and all amendments thereto terminate at 6 o'clock.

The CHAIRMAN. The question is on the motion.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio, Mr. WHALEN, in support of his amendment.

Mr. WHALEN. Thank you very much.

Mr. Chairman and members of the committee, in discussing my amendment I am going to touch on three points. First, I shall explain very briefly what the amendment does. Second, I shall endeavor to explain the rationale underlying this amendment. Third, I will advance three arguments in support of this amendment.

First, what does this amendment do, specifically?

H.R. 6531 which presently is before us calls for the extension of induction authority from its present termination date, July 1, 1971, to July 1, 1973.

My amendment simply would reduce that extension of the induction authority by 1 year, from July 1, 1973, to July 1, 1972.

Second, what is the amendment's rationale? Why has this amendment been introduced?

When I first arrived in this body in 1967 several of my colleagues and I became interested in the all-volunteer military concept, so much so in fact that with the help of our staff we sat down and we wrote a book entitled, "How to End the Draft: The Case for an All-Volunteer Army."

I might point out that this book did not reach the best seller list. I understand that the company today may be out of business.

But, Mr. Chairman, we were very delighted, when in 1968 former Vice President Nixon, as the Presidential candidate of the Republican Party, came out and endorsed the concept of an all-volunteer military service.

We were even more delighted when he continued to pursue this approach after he was elected President in 1968.

As you know, of course, President Nixon appointed a commission known as the Gates Commission which took the position that an all-voluntary military service was possible and would be attainable within a year, if pay were increased sufficiently.

The original bill that we had before the House Armed Services Committee, while it was a step in the direction of an all-volunteer military service, certainly would not have accomplished that goal.

Thus, many of us supported as a substitute, H.R. 4450 which was introduced by 92 of our colleagues and which provided for the pay scale contained in the Gates report.

Nevertheless, we were concerned about this particular substitute since it was silent on section 17(c). That section deals with induction authority, and had the substitute been adopted, that induction authority would have terminated on June 30, 1971. We did feel this was too soon and would not have enabled the President and the Department of Defense to attain their goal of an all-volunteer service.

Later on in committee consideration, an amendment was adopted which compressed the pay scales which were advocated for fiscal years 1972 and 1973. This simply means, then, that the bill now before us calls for pay increases in the military service of $2,687 million.

I think the committee action provides the Department of Defense the tools with which to achieve its goal of an all-volunteer service. But in my opinion there were still certain elements lacking in the bill before us. Therefore, I submitted during committee consideration an amendment which called for the extension of the induction authority for 1 year instead of two. The amendment was defeated. I now submit the amendment at this time.

Third, What are the arguments in favor of 1 year additional induction authority instead of 2?

First of all, we have to recognize that the House is really not on record in favor of an all-volunteer military service because the bill presently before us extends induction authority to July 1, 1973, which goes into the 93d Congress. By adopting my amendment, the House will go on record as favoring an all-volunteer military service.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman from California.

Mr. ROUSSELOT. I rise in support of the amendment offered by the gentleman from Ohio, Mr. WHALEN, because I believe it gives an added dimension to this legislation which we are considering today and moves more responsibly and decisively to an all-volunteer armed force. My reasons for supporting this amendment are as follows:

First. Senator Robert Taft declared, three decades ago, when discussing compulsory draft legislation:

> The draft is absolutely opposed to the principles of individual liberty which have always been considered a part of American democracy.

On October 17, 1968, President Nixon stated,

> I feel this way: a system of compulsory service that arbitrarily selects some and not others simply cannot be squared with our whole concept of liberty, justice and equality under the law. Its only justification is compelling necessity. The longer it goes on, the more troublesome are the questions it raises.

Both of these leaders, from the past and from the present, have spoken in a responsible and correct way, and I believe that this amendment insures that move toward a system of all-voluntary military in a responsible and most expeditious manner.

Second. The Gates Commission, headed by former Secretary Thomas Gates, in its report, stated that in their opinion it would take approximately 1 year to convert to and properly implement an all-volunteer military. On the basis of those who served on the Gates Commission—such men as former Commander Alfred Gruenther, Lauris Norstad, and former Congressman Thomas Curtis, ranking Republican on the Joint Economic Committee for many years—the overwhelming evidence favors the concept of the ability of the Army to accomplish this job within this time frame.

Third. The Constitution of the United States clearly delegates to the Congress of the United States, in article 1, section 8, that the Congress shall have power to raise and support armies, to provide and maintain a navy, and to make rules for the government and regulation of the land and naval forces. Under that clearly delegated responsibility, I believe that it is imperative that the Congress review annually the responsibility of draft authority, and that it not be left just to the President of the United States alone to make this determination.

Fourth. Our country has been engaged for too long in a war that is undeclared and, in my opinion, unconstitutional; therefore, I do not feel that we have the right to impose a compulsory draft system upon the young people of the country when we have not fully assumed our responsibility to either vote "yea" or "nay" on a declaration of war.

To claim that the U.S. Army is incapable, or so rigid, that it cannot adequately recruit for an all-voluntary force within a year's time, I feel improperly discredits the ability and capability of the management of the U.S. Army, both civilian and military.

This legislation gives the Army the adequate tools that it needs for a proper recruitment effort and I strongly urge the support of this amendment now being offered.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. Chairman, today we are considering a bill with tremendous import. H.R. 6531 contains provisions which will dramatically reduce the many inequities and burdens borne by those men who are serving their country.

Most important of all are the provisions which increase the rates of pay for enlisted men. The Gates Commission had recommended these increases as essential for attracting an increased number of enlistments, and thereby achieving an all-volunteer army.

Now that the pay increases are before us—and are universally approved—I should like to call upon my respected colleagues to consider that portion of H.R. 6531 which deals with an extension of the induction authority.

Why, with all the major priorities for an all-volunteer army written into this bill, should we at the same time extend the draft?

Why not end the draft at the same time as we are setting up the mechanism for an all-volunteer army?

The war in Indochina is being brought to a very low level of U.S. involvement. President Nixon has vowed a new strategy of realistic deterrence and a political foreign affairs doctrine that places the burden of self-defense on our allies, rather than on us. There is no real anticipation of dramatically increased military manpower needs.

I, therefore, urge my colleagues to vote for the Harrington amendment to eliminate the further extension of the draft from this measure.

Should this attempt to end the draft this year fail, I would, therefore, urge support of the Whalen amendment to provide for a minimal extension of a year. This would provide a transition period to insure that the all-volunteer army would work, and to complete windup operations in Vietnam. It is certainly a lesser evil, for those of us who oppose the draft, than the 2-year extension written into H.R. 6531.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. WHALEN. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes in order to complete the explanation.

The CHAIRMAN. The Chair would advise the gentleman that the time has been fixed.

Mr. HARVEY. Mr. Chairman, I ask unanimous consent that I may be permitted to yield my time to the gentleman from Ohio (Mr. WHALEN).

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. SAYLOR. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Chair recognizes the gentleman from Michigan (Mr. HARVEY).

Mr. HARVEY. Mr. Chairman, I wholeheartedly support the 1-year limitation included in the Whalen amendment. It provides a transition period to a volunteer army and is thereby responsible. It will give incentive to those in the Pentagon to utilize all the forces at their command to get volunteers. Probably most important it is a good faith response to our young people and demonstrates that we do not want to vote more time than necessary to build a volunteer force. Finally, Mr. Chairman, I think it would be a good idea to take another look in a year's time to see how well the volunteer army has progressed. I urge support for the Whalen amendment and a 1-year only extension of the draft.

Mr. WHALEN. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. I yield to the gentleman from Ohio.

Mr. WHALEN. Mr. Chairman, continuing my comments, then: The second reason I would urge an adoption of this particular amendment is that it does provide an incentive lacking in the present bill. By setting a time certain, namely, July 1, 1972, by which the Department of Defense would achieve an all-voluntary military service, the amendment establishes an objective, or a target date.

Third, and perhaps most importantly, the amendment puts pressure on the proper authorities to attain this goal, to reach the date established by Congress, July 1, 1972.

So what we would do then, if we pass this amendment, would simply be to attain a goal which many of us cherish, namely, an all-volunteer military service, and at the same time fulfill commitments many of us, including the President of the United States, have made to our constituents, that we will have an all-volunteer military service.

Mr. Chairman, I thank the gentleman for yielding.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. JAMES V. STANTON).

Mr. JAMES V. STANTON. Mr. Chairman, I take the well of the House for the first time in my congressional career today because I think the subject matter that is before this House is extremely important not only to this House, but to the country at large.

I disagree with those who believe that we should not go on record as extending the draft for only 1 year. I think this Congress ought to face the test a year from now, when we will be facing the electorate, as to the question of whether the draft should be continued for 1 year from that date forward.

That will be the test of the moral courage of the House of Representatives, the courage of this House to determine a year from now whether they can make the decision when they face the electorate of this country, and indicate whether they want to continue the draft in the United States of America. That is the test.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, let me say at the outset that the action that has been taken by the House Committee on Armed Services, coupled with the action taken by the Nixon administration, makes it possible for us even to be here talking about a volunteer army. I believe the Whalen amendment ought to be adopted, with all due respect to the House Committee on Armed Services, and the recommendations made by Secretary Laird and Secretary Kelly.

The reason is a simple one in my judgment: The reason relates to whether or not this Congress is willing to go on record fully, clearly, and without equivocation, in support of the volunteer army concept. The 1-year extension, in my judgment, is the only effective way of doing it, to make it possible to insure that the pressure is put on the Department of Defense, and on all branches of the armed services, so that they will make the changes that are absolutely necessary, coupled with the pay increase authorizations that are in this bill.

Mr. Chairman, as one of the authors of H.R. 4450, the legislation implementing the recommendations of the Gates Commission, I support the compensation portions of the committee bill. As my colleagues will note on page 27 of the committee report, the first-term serviceman under the committee bill, makes out as well, if not better, as he does in the Gates legislation.

It is this very similarity between the committee bill and the recommendations of the Gates Commission which prompts me to support limiting the extension of the induction authority to 1 year. The 1-year extension, in fact, is the only action which is consistent with the Gates Commission concept of sustaining our national defense capability while moving as rapidly as possible toward an end to the draft.

As you will recall, the Gates Commission recommended enactment of the pay raises on July 1, 1970, 12 months before they said the draft would be terminated. In the appendix to their report, this policy was made even more explicit:

> Military pay is assumed to be raised in FY 1971, a full year before ending the draft.

In other words, the Commission provided for a "transitional year" in which the pay and benefits package would become fully effective. Accordingly, if we act now on the pay raises, we shall be able to reach a "zero draft" within a year. Actually, implementation of the increases before May 1 will give us a 2-months headstart on the Commission's timetable, and will come during the peak recruiting months of May and June.

In asking that the draft extension be limited to 1 year, I well recall the remarks of the distinguished chairman when he opened the draft hearings. He said:

> In our present situation, I think the only way to get an all-volunteer Army is to draft it.

The chairman's remarks are in complete accord with the intention of the Gates Commission to use the induction authority during the transitional year to prevent any shortfalls.

Most importantly, I firmly believe the 1-year extension will aid the administration in its attempt to achieve an all-volunteer force.

Finally, I would like to emphasize that regardless of the volunteer force, this body should consider the draft law on a yearly basis. None of us would accept a hardware procurement system that was not subject to annual review—yet somehow we have grown accustomed to long-term authorizations of a manpower procurement system that is inefficient, inequitable, and divisive.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Florida (Mr. Gibbons).

Mr. GIBBONS. Mr. Chairman, I am going to support the Whalen amendment, but if it fails I propose to offer another amendment tomorrow.

I would like to call the attention of the House to that amendment. It is on page 8785 of the Congressional Record of yesterday.

This amendment of mine is a serious amendment which attempts to fix the manner in which draftees are used, because I think that is a very serious question. It would prohibit the President from using draftees or deploying them to a combat area unless the President had declared that an armed attack had been committed against the United States, or unless the President had declared an armed attack was imminent against the United States and he was going to mobilize the Armed Forces of this country; or that the Congress by a concurrent resolution had authorized the deployment of those troops to a combat area; or that the President had requested the Congress to declare war, but that the Congress had not done so, and he could use them then during the 30-day period; or that Congress had declared war; or that the draftee grants his consent to such deployment.

I think perhaps we are going to have to continue the draft, but for it to receive my vote it is going to have to be modified as I propose in my amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Leggett).

Mr. LEGGETT. Mr. Chairman, I voted to terminate induction authority forthwith in the Harrington amendment.

Mr. Chairman, I will also vote for the Whelan amendment to extend the draft only for a year. If that fails, I am going to support the committee bill.

I do think the President has indicated if he got all the pay he wanted, we could terminate the draft in about 2 years. We are giving him all the pay right now. We are not waiting for 2 years.

I tend to think that if the President thinks we can move to a volunteer force that we ought to have a little faith in that statement.

I think we can build a lot of unity in the country and show the kids that we really want to give them a little optimism and give them a little say and get them out of this rat race and show them that we do have some respect for some of their opinions.

I think we ought to support the Whelan amendment and take the risks, whatever they might be.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Fish).

Mr. FISH. Mr. Chairman, in the past session of Congress and again this year, I have joined in introducing legislation calling for the creation of an all-volunteer army. In both instances this legislation was based upon the report of the Gates Commission, named by President Nixon to make a study of the feasibility of switching the basis of our military manpower requirements from the present draft-supported system to an all-volunteer army.

The theme of that report was that the establishment of such an all-volunteer service could be achieved. It was the opinion of the Commission that this could be done without impairing this Nation's ability to meet existing and anticipated troop-level requirements. The Commission stated, as their studied belief, that such an all-volunteer army would not only be adequate to defend our country, but would be strong enough to repel any sudden surprise attack.

As we consider this proposed draft extension legislation, I believe we all must bear in mind that the draft, along with the Army, Navy, and Air Force are not ends in themselves. They exist only to defend this Nation. If we can achieve this defense need without the individual and social upset caused by the present draft system, then there is not only no longer a reason for its existence, but a social duty on our part to end it.

One of the key recommendations of the Gates Commission in achieving the end of the draft was to increase pay incentives for volunteers. I believe the members of the House Armed Services Committee deserve high praise for adopting in broad outline these pay incentive goals which the Commission felt necessary to realize an all-volunteer army.

Chronically underfunded and understaffed, the recruiting service of our Army has for years sat in the chimney corner as a poor stepsister of the draft. But during the past few months, more funds have been spent on recruiting, and for the first time in years I understand the number of Army recruiters is up to authorized strength.

Join then, this heightened recruitment activity of the Army, and the increase pay incentives contained in this bill, and I believe it is clear we are definitely on the road toward an all-volunteer army. The question then no longer is whether we will end the draft, but when and how.

Thirty years ago a national legislative battle was fought on this floor over extending the then relatively new draft. Draft extension at that time carried by a very narrow margin. My father, a leading noninterventionist and at that time the ranking Republican member of the House Foreign Affairs Committee was a leader in the fight against the proposed draft extension.

Those who at that time opposed extension of the draft saw such an extension as another step toward war. They feared an enlargement of the warmaking powers of the Executive. That debate was at a time when no American Armed Forces were engaged in hostilities anywhere in the world. Opposition to the draft was clearly an expression of no confidence in the policies of the administration then in power.

But those arguments of 30 years ago do not hold today. The present administration has reversed the course of years of U.S. deepening involvement in Vietnam. It has served notice that U.S. military strength around the world will be trimmed to more modest proportions. It is irrevocably committed to U.S. troop withdrawal from Southeast Asia and its commitment is underscored by results. One-quarter of a million servicemen have already been withdrawn from Vietnam within the last 2 years, and every indication is that this withdrawal process will be accelerated in the months ahead.

The present administration is on record as favoring the end of the draft. It is committed to working toward an all-volunteer army. The legislation before us today testifies to this commitment. These are policies and directions I favor and have confidence in.

The main question I have with this proposed draft extension legislation is, therefore, not its aim, but the time limit involved. It is clear we cannot simply abandon the draft in the vague hope that the goal of an all-volunteer army can be met. There must be a period of transition—a phasing out of one while we build the other. In this I feel the committee is absolutely correct. I for one have no desire to dismantle our defense system, but a desire only to change its manpower recruitment methods.

Need we, therefore, make this a 2-year extension? Considering the Defense Department's heightened recruitment activity, backed with increased pay incentives, 64 percent of which will go to the critical area of men with less than 2 years' service, would it not be possible to achieve these goals in 12 months rather than 2 years? I feel it is.

Mr. Chairman, I believe that Congress, by supporting a 1-year extension of the draft, will demonstrate its strong backing of the all-volunteer service. In effect Congress will be saying to the Defense Department, "Now is the time to get on with the job of building the Army with willing recruits, rather than unwilling draftees."

For, if there is one truth about men in general, it is that they tend to take the course of least resistance. This truism, I believe, will hold for our Defense Department, as it does to all other men. Give them 10 years to make a switch from the relatively easy draft system to the more complex recruitment system, and I am sure it will take the full 10 years. If we give them 2 years, then you may be assured, 2 years it will take.

But give them 1 year, and there seems a strong likelihood that as the war in Southeast Asia winds down, removing both the high induction needs and the present antimilitary attitudes motivating many of our young, we can achieve an all-volunteer army by increased recruitment in 1 rather than 2 years.

Mr. Chairman, for all these reasons I urge the adoption of the amendment calling for a 1-year extension of the draft. Adoption of this amendment will give clear expression of congressional support for a volunteer army recognizing the practical difficulties of an immediate transition from a draft-supported to a volunteer-supported manpower base.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Chairman, I rise in support of the Whalen amendment.

In yesterday's CONGRESSIONAL RECORD, March 30, 1971, at page 8654 I inserted my remarks at that point which indicated my support of the extension for 1 year only of the power to induct young men into the military services.

I would like to base my brief remarks today on the idea that a 1-year extension of the draft means that every year the executive branch has to come to the legislative branch and ask for permission to implement its military manpower plans.

This, in my opinion, is fully in accord with the principle of the co-equality of the legislative branch of Government and the important duty the Congress has in the tripartite system of American government. We, as the Congress, should be willing to consider the question of the draft, and all such complex and emotional issues as they arise. This is our role and our function.

If at the end of one year there is no further need for the draft, we can then terminate it. If there is a need for continuing the draft, it can then be extended.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Chairman, the gentleman from Ohio banks a great deal upon the infallibility of the Gates commission. It is a fine commission. It did a great job. But it is not infallible.

At page 994 of the hearings, Mr. Slatinshek, of our committee, questioned Dr. Oi, the expert of the Gates commission. Dr. Oi admitted in the record that there would be shortfalls in the immediate years ahead based upon their concept of an all-volunteer military service. In other words, an all-volunteer service would only be possible in 1 year if required force levels were revised downward.

Mr. Chairman, a selective service bill is not the proper vehicle for setting a force level. A selective service bill is only the mechanism for reaching a force level determined in other legislation. It is possible to amend an appropriation bill limiting forces to a certain level. There are other means which can be utilized. We should not take the roundabout route of limiting the mechanism by which we attain a force level.

Much has been said about limiting the draft extension to 1 year so that it will exert pressure against the Defense Department to make the volunteer concept work. What kind of pressure do they mean? Can the Defense Department go beyond the salary schedule established in this bill? Can it bring family housing up to adequate numbers within a single year? What can an administration do beyond what this bill authorizes it to do? The answer is nothing—nothing except to reduce force levels to meet what volunteer enlistments produce.

I repeat, Mr. Chairman, the exact opposite of bringing pressure to bear in favor of a volunteer army will be the result. You will be shooting the volunteer service down before it is even launched.

We want an all-volunteer military service. This bill launches us in that direction. I urge you, do not launch it as you would a crippled duck.

Almost 50 percent of all-voluntary enlistments today are draft motivated. If you take the draft away in 1 year voluntary enlistments will go down and we will probably not achieve the necessary force level by voluntary enlistments and this time next year we will be reconsidering the draft question. You will have shot the volunteer army down even before it had an opportunity to fly.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. HUNT yielded his time to Mr. GUBSER.)

Mr. GUBSER. I thank the gentleman. To repeat, most voluntary enlistments today are draft motivated. So at the very beginning of an all-volunteer military service, which we all want, you are going to take away that motivation and you are going to lessen the chances for having success within a year. You will be shooting it down. You will have launched a crippled duck.

DOD witnesses have testified before the Committee on Armed Services that limiting the induction authority to 1 year will adversely affect the ability of the Departments to maintain manpower strengths without increased draft calls.

For example, General Westmoreland stated:

> If the draft were extended for only one year, I think this would have a very adverse effect, because I think the young men of the country would get the impression that following this one year extension there would be no draft. There would be no pressure then brought to bear on the young men to join the military services.

Stated another way, existing pressures of the draft have motivated more than half of the so-called volunteers to enter military service. Any indication that this pressure would be eliminated will undoubtedly reduce voluntary manpower accessions and require increased draft calls. This would result in exactly the opposite of what we are trying to accomplish.

If the proposed pay increases are capable of attracting sufficient volunteers into the military departments to maintain manpower strengths, the question of extension of the induction authority becomes moot since the draft is utilized only after the military has been unable to meet manpower requirements through voluntary sources.

The President recommended the 2-year extension after the most searching study. If he can get to zero draft calls before the end of July 1, 1973, under the committee bill he is free to do so. Obviously he will do so if he possibly can since it would be the most politically attractive thing to do.

The committee made an equally searching inquiry and their vote against the 1-year extension was 30 to 9.

In order for the zero draft call of the President to work, three things are required: the large increases in compensation the committee voted; the substantial deployment of U.S. forces in Vietnam; and various improvements in military life, which the Pentagon has commenced. It will take more than a year to complete all of these actions and to be able to make a solid judgment on how they are working.

The failure to provide the President with this induction authority extension for 2 years presumes that the Congress would act expeditiously, only 6 months after the 1-year extension had been in effect. A period of 6 months is hardly sufficient time to establish whether or not the voluntary system and new incentives will provide the manpower required. You cannot revamp an entire system in 6 months.

Let us presume that we do have a 2-year extension and we do attract enough volunteers and we do get zero draft calls in 1 year. You will have achieved your objective. In the meantime, you have protected the security of this Nation with a standby Selective Service.

We can end the draft in a year if the all-volunteer concept works. If it does not work, what kind of position are we going to be in with respect to our worldwide commitments?

Setting a target date is not at all important. The important objective must be to make the volunteer concept work so that in 1 year we will have zero draft calls. You cannot do that, I submit, by launching a crippled duck here today. That is exactly what the Whalen amendment will make of the volunteer concept.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. HICKS).

Mr. HICKS of Washington. Mr. Chairman, I supported the amendment of the gentleman from Ohio (Mr. WHALEN) in the committee, and I support it now, for a little different reason. I supported it on the basis that we ought to have to consider this problem every year. The Defense Department ought to have to come before the Armed Services Committee and this House each year and justify the number of people they will need. I doubt seriously whether the draft will end in a year. It might end in 5 or 6 years. But we ought to give the volunteer army an opportunity to work. If it does not, they still should have to come before us, and as they justify any other item, they ought to come before us to justify the manpower they want year after year after year, and we ought to consider their needs, find out why they want the number of men they request, and let them have it if it is justified, and not let them have it if it is not justified. That is my reason for supporting the amendment to extend the draft authority for 1 year.

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr. HICKS of Washington. I yield to the gentleman from California.

Mr. HANNA. Does the gentleman hear anybody suggest that we ought to have anything but a volunteer army in peacetime?

Mr. HICKS of Washington. No, I have not.

Mr. HANNA. In the thrust of the many positions that we have heard on the floor, is not the move to come to more of a peacetime position between now and the end of this Congress?

Mr. HICKS of Washington. I believe it is.

Mr. HANNA. Is it not clear and demonstrable that we should not have a draft for a peacetime Army?

The CHAIRMAN. The time of the gentleman from Washington has expired.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. NEDZI).

Mr. NEDZI. Mr. Chairman, I rise in support of the Whalen amendment. But first I want to join in the accolades bestowed upon the chairman of the Armed Services Committee. Having worked closely with him for the past 8 years, I am most pleased that he has retained his warm sense of humor, his forthrightness, and his fairness. We of the loyal opposition know that he has the votes and he knows he has the votes. Nevertheless, proceedings within the Armed Services Committee have been conducted as never before resulting in more productive hearings with an opportunity for all viewpoints to be heard. The gentleman from Louisiana has my appreciation and deserves the respect of all Members of the House for the manner in which he has presided.

As a result, we have before us legislation which is the most far-reaching revision of the Selective Service Act since the inception of selective service. I am especially pleased that we finally have the opportunity to vote on the issue of student deferments. It has long been my contention that 90 percent of what is wrong with the draft lies in the inequities and frustrations created by the deferment of students. We have further provided for a national call of selectees; we have changed the laws with regard to the statute of limitations on the failure to register; we have tampered with the conscientious objector provisions of the law; we have provided for the greatest pay raise in the history of our Armed Forces; we have altered the provisions regarding nonresident aliens; we have established force levels; we have made other changes.

Moreover, the new Director of Selective Service, Dr. Curtis Tarr, who has been most impressive in the exercise of his responsibilities, has instituted numerous changes in the operations of the Selective Service. All of these changes, legislative and administrative, are being made at a time when our Nation is tormented by an involvement in a war beyond anything we have ever experienced, at a time when domestically we are involved in problems of student unrest, racial conflict, economic turmoil, unemployment, and inflation. In essence, these are volatile and rapidly changing times. At this time, it is impossible to predict the impact of these changes on the system. They may be salutary—they may be inappropriate. A year's experience will undoubtedly focus on additional problems which should be addressed. Congresss owes it to the citizenry to monitor as closely as possible the operations and performance of the Selective Service System. During periods of such profuse and profound uncertainty, it seems to me an abdication of responsibility to extend the draft for more than 1 year.

To those who would argue that a 1-year extension will complicate military planning, I can only respond by stating that the situation will be no different than it has been for the past year. I have heard no expression of concern that any problems were created for our planners. Why then the necessity for a 2-year extension?

A year from now we will be far more knowledgeable on the effects of our actions and we can continue what I consider to be the generally constructive efforts toward designing an equitable program for securing essential military manpower.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, I favor a volunteer army. I support the committee bill as, on balance, being a substantial step in that direction. I reluctantly oppose the Whalen amendment, as being neither practical nor prudent under existing circumstances.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Michigan (Mr. CEDERBERG).

Mr. CEDERBERG. Mr. Chairman, I think there is one thing that has not been pointed out. I serve on the Military Construction Subcommittee. We are trying to do something on family housing, which is critical to a volunteer army which we are all after. We have planned a strong increase in the program, but a year from now we cannot possibly have that family housing in place, so if we extend for only 1 year, we will not have any idea as to whether a young man who may have a family is going to be interested in volunteering and making a career out of the service.

This is why we should make it a 2-year extension, and by the end of that time, we will have a better idea. I am afraid a year from now everybody will throw up their hands and say the idea of the volunteer army has failed, and we will probably increase the draft rather than have it drop back then as we would like to have it.

The CHAIRMAN. The Chair recognizes the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Chairman, the remarks made by some of my colleagues here would seem to indicate that the draft is in keeping with American tradition. In fact, the very opposite is true. In our history of 195 years we went without the draft for 160 years. In the 139 armed conflicts in which this Nation has engaged, we resorted to the draft in only five instances.

I was amazed to hear a few minutes ago the remark made by one of my colleagues that the military dictatorships in the world we see today constitute the best argument against a volunteer force. The fact is that Greece and Argentina, both of which have conscriptive forces, fell to military dictatorships in recent years, whereas Canada and Great Britain, both with all volunteer forces, have never had to deal with problems of a military coup.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio (Mr. WHALEN), which would have the effect of extending the draft for only 1 year, instead of for 2 years, as the committee bill provides.

I support the gentleman's amendment for the same reasons that I supported the earlier effort to end the draft this year: That is, that the draft is an unwarranted infringement on the personal liberty of our citizens, that it is inherently inequitable, and that it is a major source of division and friction in our country.

Moreover, there is no doubt that a 1-year extension of the draft, coupled with the pay raises in H.R. 6531, would permit the armed services to attract enough volunteers to meet even the high manpower requirements set forth by the Pentagon for 1972 and beyond.

What the committee has done, insofar as the compensation provisions of H.R. 6531 are concerned, is to combine the pay raises which the administration had in mind for this coming fiscal year and the following one. After a two-step pay raise, the administration felt, an entirely voluntary armed force would be feasible, and no further draft would be necessary.

But since 2 years of pay raises as envisioned by the administration have been combined into one by the committee for an immediate raise in fiscal 1972, the administration's request for a 2-year draft extension is no longer necessary.

One year is sufficient. The manpower experts of the Gates Commission projected—and the Defense Department has not successfully refuted this projection—that 1 year after their projected pay raises were enacted, the draft would no longer be necessary.

Mr. Chairman, that is a compelling argument for the pending amendment. If a 2-year extension of the draft is not imperative, then it is imperative not to extend the draft for 2 years.

Almost 100 Members of the House have sponsored a bill, either my own bill or a similar one, to bring about an all-volunteer armed force as soon as practicable. Mr. Chairman, such a force is practicable with a 1-year extension of the draft and I urge my cosponsors and all of my colleagues to support the pending Whalen amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. BIESTER).

Mr. BIESTER. Mr. Chairman, I rise in support of the Whalen amendment, and I urge its adoption.

A 1-year extension of the draft is an expression of commitment on the part of the House to the existence of an all-volunteer military force. Further, Mr. Chairman, when this Congress or any Congress imposes the human tax which the draft really is, that Congress should be required to justify to itself the real necessity for the imposition of that human tax, and force itself to review the need for such a human tax each and every year the draft may be imposed.

Mr. WHALEN. Mr. Chairman, will the gentleman yield?

Mr. BIESTER. I yield to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Chairman, I thank the gentleman for yielding.

I would like to respond with four comments to the presentation made by the gentleman from California (Mr. GUBSER). First, with respect to the Gates Commission, we should recognize this was composed of outstanding citizens who studied many long hours. It came up with a finding that within 1 year it would be possible to have an all-volunteer service if adequate pay were provided.

Second, Dr. Oi's name and his testimony was mentioned by Mr. Gubser. It is very significant to note that Dr. Oi, in his presentation, mentioned that with an all-volunteer force we can get by with fewer military personnel than with the draft.

Third, I believe we have to recognize it is not possible to have an all-volunteer service without a statement of policy, without some kind of pressure, without an objective. My amendment would do that.

Fourth, we should remember that in terms of military personnel we are moving in two directions. We have the tools now, with the increased pay provided by this bill to attract volunteers at the same time while the President is reducing our forces.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I rise in opposition to the amendment. Quite frankly, Mr. Chairman, I offered in the committee an amendment to extend the Draft Act for 4 years. My amendment was soundly defeated. The gentleman from Ohio (Mr. WHALEN) offered his amendment. It was soundly defeated in the committee by a vote of 30 to 9.

After hearing the testimony, it seems to me the 2-year extension is really a good compromise, and I hope this committee will support this compromise of 2 years.

I might say that under the bill before us there are benefits, to attract the volunteers. If the volunteers come in then we will not have to call up the draftees.

Under the present act and also under the bill before us the Director has authority not to call any draftees if they are not needed. In 1970 in 2 months the Director of Selective Service did not call up any draftees.

Therefore, under this bill there is a built-in volunteer concept.

I urge you to defeat the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I have supported the committee which deals with military affairs and the administration in each instance that I recall since coming to the House, and yet I am going to vote in favor of this amendment. I am going to do it because the people I represent—I believe the people throughout the country—are fed up with the conflict in Vietnam. They want it terminated at the earliest possible day.

I should like to take a second look at the draft law 1 year from now. I may well vote in favor of extending it for another year at that time, but circumstances can change. I would hope that they will change for the better between now and next year.

I do urge that this amendment be approved by the House.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, I am opposed to the draft as long as this Nation continues its involvement in Southeast Asia. After that issue is removed from this controversy, we should review the need for our military manpower needs.

In my judgment, the draft and the huge manpower pool which it generated have been substantially responsible for our deep and tragic involvement in Southeast Asia. If we are to get out, the termination of the draft becomes an integral and important step. I cannot support a draft which provides 14 percent of the strength of our Armed Forces and produces 33 percent of our casualties.

I will vote for a 1-year extension of the draft because it improves the 2-year proposal which might otherwise become law.

My basic objection to any extension of the draft will remain until we remove ourselves from Southeast Asia.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. KEATING).

Mr. KEATING. Mr. Chairman, I rise in support of the Whalen amendment.

(By unanimous consent, Mr. KEATING yielded the remainder of his time to Mr. STEIGER of Wisconsin.)

Mr. STEIGER of Wisconsin. Mr. Chairman, there are two points I would make very briefly.

One is I believe it ought to be understood by those who are concerned about the rate of volunteers, the latest analysis I have seen from the Department of Defense shows that 57.2 percent of those now going into the armed services are true volunteers who would not be forced to volunteer because their draft numbers are above the cutoff limit.

Second, again to get back to a point I tried to make earlier, let me quote from Secretary Kelley. At the time he testified before the distinguished committee he said in opposing the customary 4-year extension:

> The early attainment of (a) zero draft calls for maximum pressure on those of us who are responsible for implementation . . . and the administration should be obliged to report periodically to Congress on progress towards its attainment.

Given the pressure of competing programs, I submit that a 2-year extension would promote a "wait until next year" attitude, rather than the "maximum pressure" which Mr. Kelley has called for. The 1-year extension, however, provides a real incentive to establish a volunteer force—and it would leave Congress the option to extend the draft another year should unexpected circumstances warrant such action to maintain national security.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. CEDERBERG).

(By unanimous consent, Mr. CEDERBERG and Mr. FINDLEY yielded their time to Mr. GERALD R. FORD.)

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. ASPIN).

Mr. ASPIN. Mr. Chairman, those people who supported a volunteer army are supporting this amendment, but others are, too. Those who support putting pressure on the administration to wind down the war more quickly are supporting it. Those who support the idea that Congress should review the draft more frequently are supporting it.

I would like to emphasize one other point.

The draft, of course, can be extended again, and it might be extended next year if we so desire, but we are living in a world of great uncertainty. The war is hopefully being wound down. We have a new look in the Army, and the pay is being increased. This year, in this kind of a transition period, in a world of uncertainty, something as important as the draft should be examined yearly.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. ZWACH).

Mr. ZWACH. Mr. Chairman, I have listened carefully. I have heard nothing that would indicate anything would be lost by limiting this to a 1-year extension.

Mr. Chairman, I rise in support of the amendment.

In fact, I think there is much to be gained by it. I think it will put added incentive upon the military and upon the administration and upon the Congress to try to bring this draft to an end. In fact, it is my hope that we, this Congress, not another Congress, will be able to bring this draft to an end.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, the principal point that needs to be restressed is that by a 1-year extension we do not foreclose the possibility of a further extension of the draft if it seems to be required for our national security. We are extending it by our votes in the next day or so, I presume, and yet the fact that it had to be extended was not seen as a great calamity even though it came in the year 1971. So to have the question of the draft come up again in 1972 will in no way undermine the security of this country nor threaten our legitimate commitments.

I am not particularly enthusiastic about a volunteer army, but I do not want to see the draft law extended until it is just and humane. Although I think the committee improved it this time, there are still serious problems existing.

I hope we can look at it again in a year and see how the world looks then and see if we are out of Vietnam and then make a judgment as to what the security requirements of our country will be.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, I support the Whalen amendment for a 1-year extension of the draft.

If we could have provided the same kind of authority like pay increases that is contained in this act last Congress so that the 1-year transition had been July 1, 1970, to July 1, 1971, we could have gone to an all voluntary military next fiscal year, but that is not the case. We need some time, but I think the military needs the pressure of only a 1-year extension.

I believe if we do find out by, say, March or April of next year that there needs to be a further extension, we can take action at that time. But it is my belief, from reading the Gates task force study, that a 1-year extension is adequate and that we can have a volunteer service operating without resorting to the draft by July 1, 1972.

Mr. Chairman, I commend the Committee on Armed Services for increasing the pay so that we can have more of an assurance that a voluntary military will be sufficiently operative.

I think we have reached the time to eliminate the draft and I think this is truly the American approach under which we have operated throughout most of our history. I think the country is ready for the Congress to suspend the draft by the middle of next year.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, as Mr. WHALEN said a moment ago when he introduced his amendment, the important thing is that what we are now considering is really the Harrington amendment all over again in somewhat different form. And I think the same arguments apply against it as applied against the Harrington amendment.

Mr. Chairman, we have gone a long step in the committee bill to get a volunteer army underway. But we have got to be allowed some time for these changes to take effect without at the same time risking our national security by abruptly terminating our existing procedures for recruiting the military manpower we need.

Now, Mr. Chairman, there is a good deal of plausibility to a 1-year extension. It sounds like a meaningful compromise. But let us not kid ourselves. Under the present bill the volunteer army will go into effect on the 1st of July. If we adopt the Whelan amendment, then by next January we are going to have to begin to decide whether that volunteer Army has worked. Mr. Chairman, six months will just not be enough time. Not only that, Mr. Chairman, but we will be acting and deciding in an election year, and an election year, let us not forget, in which the 18-year-olds will be voting for the first time.

How much chance does anyone think there will be of getting another extension of the draft under those circumstances, even if the facts demonstrate overwhelmingly that we will need it for another year because the volunteer concept has not yet caught on?

So I am convinced the only wise thing to do is to provide in this bill the same kind of a 2-year extension that we have had so often in the past. This will provide us with a reasonable opportunity to test out the volunteer army theory, and then when the time comes to make our appraisal as to whether it has worked or not without being under the pressures and the heavy demands of an election year.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, the gentleman from California (Mr. GUBSER) predicated his argument in favor of a 2-year extension of the draft, in part, upon our commitments abroad.

Mr. Chairman, the facts of life are not only committed around the world, but we are badly overcommitted.

The cold, hard facts of life are that it is not within the capacity of the people of the United States of America to police and bankroll the world. The sooner we realize this, the sooner we will get on our way to solving the real problems that confront us here at home.

Mr. Chairman, there is no reason at this time—no sound reason—for extending the draft for 2 years. There is absolutely no reason why we cannot review the situation next year.

I support the Whalen amendment for a 1-year extension and urge its adoption.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. BRAY).

Mr. BRAY. Mr. Chairman, there has been some mention as to remarks which were made by Secretary Kelley in his testimony before our committee. I am certain that no one intentionally misrepresented it, but allow me to read from page 44 of the hearings—and I am quoting exactly what Secretary Kelley said:

> To extend the draft for 1 year only would mislead our nation, and particularly our young people. It is exceedingly improbable that, given the present national security environment, the conversion from conscription to all-volunteer could be accomplished by July 1, 1972. A brief look at requirements for new enlisted personnel in fiscal year 1972 shows why.

Mr. Chairman, I did want to set the record straight as to exactly what Secretary Kelley said as to the matter of an all-volunteer Army. We certainly desire that.

I envision an all-volunteer army as one where the draft quota reaches zero. That is an all-volunteer army. That is our objective, and what we should be working for. I hope that time can be reached in 6 months, and it might be. I will say this: that a 2-year draft extension will be much nearer to realizing the objective.

I would hope that time could be reached in as little as 6 months. It may be that we can, but I must say in all candor and honesty that it does not seem likely, given our very real security requirements and the time necessary to make the prospect of an all-volunteer army attractive to the point where voluntary enlistments would enable us to meet those requirements.

I will say this: a 2-year draft extension will put us nearer to the goal of an all-volunteer army. We will always know that the draft is there, if we need it; draft calls can always be reduced to allow for increased enlistments, if these do come about.

We must have room to maneuver in this matter. A 2-year extension will give us that room, where a 6-month extension or a 1-year extension will not. Because, we will then know that the draft is still there if we need it, while we are reaching for an all-volunteer army rather than in 6 months, and a year extension, would be.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Chairman, I supported the amendment offered by the gentleman from Ohio (Mr. WHALEN), in the committee, and I support it today. Four years ago we extended the draft for 4 years, and an effort was made to extend it for only 2 years, and every single argument that has been made against a 1-year extension today was made against a 2-year extension 4 years ago.

There is no reason on earth we should not be called upon to look at this next year, which does not mean that you might not have to extend it further, whether the all-volunteer army is working or not. I happen to think we will have to extend the draft next year. But, since we require the Department of Defense to rejustify their need for tanks, planes, and ships every single year, I frankly refuse to accept the proposition that a human being deserves less consideration than a tank does, or a plane does, or a ship does. I think, if we cannot stand up to the 18-year-old vote on this issue next year, then this issue ought to be defeated.

I strongly support the Whalen amendment, and I hope it passes.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Chairman, I have long been committed to and strongly favor an all-volunteer military force. I believe that circumstances are developing that would permit us to achieve that result. I think it is desirable. I think that it is practicable. This legislation helps significantly in achieving that result. This legislation, plus the reduction of our military commitment in Southeast Asia, this legislation with the new ceiling of 2½ million in the Armed Forces, this legislation with the extra pay incentive, will bring to us the ultimate objective which, in my opinion, is an all-volunteer military force.

Now, I do not quote this gentleman very often in debate, but I am impressed with what the gentleman from California (Mr. LEGGETT) said on page 67 in the committee report, so let me read it to you.

> On the other hand, by a very strong majority of the Committee, we accepted the entire pay package and basic allowance for quarters incentives originally tentatively suggested by the Administration for 1973. . . .
>
> In taking this action, the Committee has gone at least 80 percent of the way toward the stimulation of a volunteer force or zero draft calls. . . .

Let me make this observation, if I might:

For the life of me I do not understand why the people who want an all-volunteer army do not accept the best of two worlds, which is the committee's recommendation. They have the extra pay and fringe benefits, they have the lower troop ceiling, they have a reduction in our commitment in Vietnam. If we stay with the committee, and all of these things fit together, as I hope they will, at the end of 1 year you have what you want, which is an all-volunteer military and zero draft calls. And you have also some insurance if a crisis arises at some later date. I do not think we ought to gamble with the possibility of a crisis by weakening our military. Supposing we have a crisis in the Middle East, and we are at the tail end of this legislation with a 1-year extension?

Obviously, we will not be as strong as we ought to be to meet that kind of challenge.

But if you have a 2-year extension and you have achieved your volunteer army, you have the strength to meet that challenge. In addition, you will have acquired the capability in that 1 year of time to achieve what you want, which is an all-volunteer military organization. So you would have the best of two worlds.

If you have a 1-year extension, in effect, what you actually have is only a 6-month extension, because it does not go into effect until July 1 and Congress about a year from now will have to face up to the reality of what you are going to do about it in the future. So it will be a period of limbo. It just does not make sense to go to a 1-year extension when you can have the best of two worlds. With a 2-year extension, you can get a volunteer army, as I hope we will, and you have that insurance—the protection against a crisis which might arise anywhere in the world whether it is in Western Europe or in the Middle East or in Southeast Asia. We ought to have that insurance. We ought to protect ourselves against that kind of contingency which we all hope will not take place.

I believe the committee's recommendation is sound and that a 1-year extension is a serious gamble against the security of the United States.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. HÉBERT).

Mr. HÉBERT. Mr. Chairman, again I must say that there is but little more that can be added to the debate in which we have been engaged. Some of it has been redundant. But we come back to the same proposition.

Referring to what the distinguished gentleman from Michigan has just said—are we going to gamble with the future? We do not know what the two bodies of the Congress will do in a situation projected so far into the future. I can well understand those who say that they would prefer a 1-year extension. But the real key is, and the committee has always maintained, and I personally have maintained, that we do need an extension of the draft. That was spelled out here by an overwhelming vote less than an hour ago. This body determined that we do need an extension of the draft. Now the question resolves itself to how long we are going to extend the draft. Are we going to extend it for 1 year or for 2 years? In this context, for the benefit of those who want an all-volunteer army, you will get the volunteer army when we reach zero draft. So reversing the argument, or reversing the contention of those who say, "Let us take it for a year and then come back," I say: Take it for 2 years and you will have your volunteer army if you can accomplish it within 1 year. When you hit zero draft, then you have a volunteer army.

We could end the draft immediately if we had the volunteers.

I would remind all my friends concerning the review of strength: The existing law does not change and will not be changed by any action taken in this bill. We do review every year the needs, and the averages, and the strength ceiling of our military—we have to authorize it. This is the time we can do that.

Again I would suggest this. If we do have the 2-year extension and there is some flaw in the law, which may be, we could just as easily introduce the proper remedial legislation to correct that flaw much easier than we can enact an entirely new induction authority.

The committee has gone into this thing so deeply and thoroughly. The committee has ventilated this entire problem and the vote was 30 to 9 against the 1-year proposition and in favor of the 2-year proposition which again I point out to you has been asked for by the administration and the President himself. It has been asked for by the Secretary of Defense and the Department of Defense. It has been asked for by the Joint Chiefs of Staff and the Chairman of the Joint Chiefs of Staff and other military advisers. It has been asked for by Mr. Kelley who is Assistant Secretary of Defense for Manpower. The committee has advocated it and I do hope that you will express your confidence here by extending the draft for 2 years instead of 1 year, because you have already made the decision to extend the draft.

Mr. Chairman, I urge the rejection of the Whelan amendment.

Mr. RANDALL. Mr. Chairman, I intend to support H.R. 6531 as it was reported from the committee on which I am a member.

Before explaining the reasons on which I predicate my support, I want to restate my approval and praise on the manner in which the hearings on this bill were conducted by the chairman of the full committee, the gentleman from Louisiana (Mr. HÉBERT). Moreover, I want to compliment him on the manner in which he has handled the bill on the floor. Only late in the afternoon today when it was suggested there be a motion to limit debate the chairman of the committee replied that someone else would have to make the motion. He meant by this so far as he was concerned there would be free, untrammeled, and unlimited debate of every provision of H.R. 6531.

Now, Mr. Chairman, no one Member of this House can deny that there is any completely equitable manner in which 2 years of a young man's life must be devoted to service in the interest of his country's security. That is true no matter how compelling the reason or how noble the cause.

On the other hand our unpopular engagement in Southeast Asia has provided the means for many well-meaning persons to further cloud the considerations of Selective Service. But when all is said and done there remains a minimum need for manpower to afford an adequate national defense. This is the responsibility for all free Americans and even if the process may not be popular or may not be completely equitable it is incumbent that the needs of manpower must be filled if we are to have national security and thereby survive as a nation.

There were lengthy deliberations on H.R. 6531 in committee by the fifteen to twenty substantive changes that were made in the Selective Service Act. We considered the Gates Commission for an all-volunteer Army. Along with most members of the committee I could not be convinced this plan would satisfy the manpower needs of the armed services. Accordingly we did extend the draft for 2 years. We phased out undergraduate student deferments. We authorized the President to institute a uniform national call system. The bill we reported provides for a 3-year period of alternative service for conscientious objectors but it also provides the last year of the 3 years should be in lieu of the 6 years reserve duty for those who are drafted for 2 years. This seems to me to be eminently fair and not at all punitive. The doctors draft was continued and we provided special pay for doctors, dentists, and veterinarians and for the first time special pay for optometrists.

The record will show I opposed the so-called Harrington amendment which would terminate induction on June 30, 1971. This of course was moving with too great of haste. Someone facetiously said, perhaps with some merit if we are going to terminate the draft in 3 months we just as well go ahead and make the new law retroactive and discharge those who had been inducted since January 1. This is because the gentleman by his amendment proposes to stop induction at the end of 3 months and we are now just at the end of the 3d month in this calendar year.

Mr. Chairman, I oppose the so-called Whalen amendment to suspend inductions after June 30, 1972. If we are really interested in trying to attain a volunteer army then we should give this bill a chance to see if it will work.

I support the amendment which would prohibit the consolidation of local draft boards. We should continue these so each draftee can be given a fair hearing.

Now, Mr. Chairman, I may find it impossible to be present during all the deliberations on some of the recorded teller votes on amendments which will be offered concerning pay proposals. I submit the committee has been fair. We have increased military pay by a total of $2.7 billion annually. No one can say that the committee acted to put any kind of a roadblock of any kind toward the attainment of a zero draft. I am not sure by what exact percentage we have increased military pay but I know now that the lowest grade will receive $268 a month the day he enters military service. I hope that this incentive will produce enough military manpower. Maybe it will not. It should be given a fair trial but certainly any less pay would result in fewer volunteers.

Mr. Chairman, the concern which I entertain is that if we increase military pay by the amount which we will by this bill and then it does not result in a sufficient incentive for enough volunteers to meet our manpower needs, then we can really be in deep and serious trouble. Why do I say this? Because there are so many in this country who want a volunteer army but also want to cut the overall defense budget. If we add $2.7 billion to our defense budget and it fails to produce a volunteer army then when we face an unforeseen national emergency and have no alternative but to draft numbers of our young men to meet our manpower needs there is virtually no way to go back to the old military pay scale that we have had in other national emergencies. Then with an emergency and with pay scales that will be approved by this legislation the total overall cost could be staggering.

But, Mr. Chairman, I intend to support H.R. 6531 to provide the opportunity to see if enough volunteers come forward with the new pay scale we have provided in this measure.

Mr. PRICE of Illinois. Mr. Chairman, I want to focus on one particular aspect of this bill, the section dealing with increased pay for our military personnel. As you know, the House Armed Services Committee voted a 2-year $2.68 billion increase in military compensation effective immediately as compared to the administration's recommendation of phasing the increase over a 2-year period.

As a sponsor in committee of the amendment to have the immediate 2-year increase, I am especially pleased that we have an opportunity today to rectify two of the most glaring defects in the military pay system, the lack of decent standards of living for our enlisted men and the lack of incentive for our junior officers, our future military leaders, provided they remain in the service.

Presently, enlisted personnel in the E–1 grade, the lowest pay grade, with less than 2 years service receive in basic pay $143.70 per month or $3,245.88 annually if you include basic pay, subsistence, quarters, and Federal tax advantage. Even so, this works out to be less than the $1.60 Federal minimum wage for a 40-hour week for a year. Surely, our enlisted men deserve a better break than this.

Another way to look at this same problem is to consider the cost of 2 years of service to the individual. The Gates Commission study projected that the enlistee receives approximately 52 percent of what his civilian counterpart earns annually in private or public employment. This means, at the present time, the enlistee pays a tax in kind of approximately 48 percent. This in inequitable and must be corrected.

The bill as finally adopted by the committee means that the basic pay for enlistees and other enlisted personnel with ayes 197, noes 200, not voting 35, as creased by an average of 68.6 percent over current rates; in fact for the two lowest pay grades of E–1 and E–2 the bill with the amendment I offered in committee provides a basic pay increase of approximately 100 percent.

I would like to illustrate how the present bill compares with the Gates Commission recommendation embodied in H.R. 4450 which the committee considered also.

DISPOSABLE INCOME [1]

COMMITTEE BILL—H.R. 6531 COMPARISON WITH H.R. 4450—GATES COMMISSION

Pay grade and longevity	H.R. 6531	H.R. 4450
Married personnel: [2]		
O–2, under 2	$8,800	$8,940
O–1, under 2	7,614	8,034
E–5, under 2	6,100	5,780
E–4, under 2	5,737	5,364
E–3, under 2	5,344	4,847
E–2, under 2	5,050	4,693
E–1, under 2	4,760	4,512
Married personnel: [3]		
O–2, under 2	8,923	9,064
O–1, under 2	7,732	8,157
E–5, under 2	6,204	5,888
E–4, under 2	5,841	5,468
E–3, under 2	5,446	5,318
E–2, under 2	5,151	5,164
E–1, under 2	4,857	4,980
Single personnel:		
O–2, under 2	8,058	8,379
O–1, under 2	6,946	7,507
E–5, under 2	5,309	5,201
E–4, under 2	5,035	4,845
E–3, under 2	4,795	4,703
E–2, under 2	4,566	4,558
E–1, under 2	4,227	4,386

[1] Disposable income represents actual cash received after deduction of FICA and Federal income tax on basic pay.

[2] With 1 dependent.

[3] With 2 dependents.

Mr. Chairman, if we are to achieve a voluntary force through zero draft as the administration seeks we must give the President the tools he states he needs to achieve these goals. I am hopeful that the Committee's amendment will provide the wherewithal.

Mr. HORTON. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio (Mr. WHALEN). As you know, I testified at length during the Armed Services Committee hearings early this month on the voluntary military manpower procurement bill which I cosponsored. During the questioning which developed after my formal testimony, I felt very deeply that the members of the committee were sincerely committed to taking steps which could lead our Nation toward the goal of a volunteer army—a goal which President Nixon, the Department of Defense, the Gates Commission and millions of Americans, young and old, have held high among the priority reforms facing this Congress.

As coauthor of a book "How To End the Draft, the Case for an All-Volunteer Army," in 1967 with Mr. WHALEN and others in the Congress, I have been cognizant of the barriers to action on this concept to a greater degree than many Americans. I must say that the very substantial steps taken by the Armed Services Committee in reporting out H.R. 6531 have shown me the first real light of day, the first positive legislative sign that the Congress means business where a volunteer military is concerned.

I must begin by commending the members of the Armed Services Committee, as well as Selective Service Director Tarr and Assistant Secretary of Defense Roger Kelley for their leadership and foresight in fostering and supporting the pay raise provisions and other enlightened provisions of this bill.

I must also say that many Americans who are understandably anxious for progress in ending the draft, have overlooked the significance of the fact that this bill seeks an extension of induction authority for 2 years, not for the customary 4-year period. I think one of the most divisive forces among the young people of this country since 1967 has been the fact that despite significant administrative and some legislative reforms in the mechanisms of the draft, the 4-year extension of induction authority which was enacted in 1967 left no opportunity for a thorough review of our military manpower procurement policies until 1971.

I am proud to be able to say with some certainty that 1971 will not come and go without a major response from Congress to the need for revamping our priorities and our goals where military manpower is concerned. As a strong believer in our ability to attract an adequate force through voluntary enlistment, except perhaps during a very serious international emergency, I think that the pay provisions of this bill, which finally recognize the entitlement of our soldiers, sailors, airmen, and marines to at least minimum wages, and to compensation more closely equivalent to civilian scales, will yield much larger numbers of enlistees from all walks of life.

Of course, I realize, as I pointed out in my testimony, and as is pointed out in our book and the Gates Commission report, that more than pay increases will be required to bring enlistments up to needed levels. Many internal reforms in the military services themselves are needed. Reforms that will offer greater training opportunities, greater challenge and utilization of the skills which volunteers have when they enter service, and most of all, reforms that will eliminate some of the "Mickey Mouse" which constantly badgers men in the lower ranks. I believe that if our servicemen are paid as men, and treated as men, they will serve, and willingly serve as men who stand in defense of their free nation.

It is these noneconomic reforms, Mr. Chairman, which will determine in the next several months the success or failure of the voluntary military concept. If these reforms come slowly or not at all, we will hear sounds from the Defense Department about the unworkability of a volunteer army. Those who oppose, as we all should, a merely mercenary armed force will rub their hands together with glee at the fact that the volunteer concept has not materialized.

I think that by enacting the basic provisions of H.R. 6531, Congress will have done its part in giving the volunteer military concept a chance to become a reality. But we cannot legislate morale and motivation to serve with money alone. We must recognize that to a very major extent, the success of our ability to reduce draft calls to zero will depend on reforms in the military which must go hand in hand with the provisions of this bill.

Mr. Chairman, this is the reason that I favor a 1-year extension of induction authority rather than a 2-year extension as provided in the language of the committee bill.

Since so much is riding on what the military itself can accomplish in the next 12 months to build up recruits, and because we are investing over $2 billion in this program, I believe Congress should reserve to itself the right to oversee the progress of the military manpower procurement program 12 months from now. I believe that a 1-year extension will provide the induction authority that is needed to maintain our force levels and our defense flexibility.

It is common knowledge that every other aspect of defense policy is religiously scrutinized by Congress each and every fiscal year. Military construction projects are authorized and funds appropriated annually. Weapon systems procurement is very closely watched, and is subject to change by congressional action on a yearly basis. Now that we have the President, the Defense Secretary, and a large portion of the Congress committed to a reduction of draft calls, and concerned about the undemocratic and undesirable aspects of a conscripted military force, I believe that manpower procurement should also be subject to yearly review. In this way, the military will know that their progress in making reforms, and in moving toward a volunteer concept will be very closely reviewed 1 year from now. A 1-year extension is an effective way to communicate to the executive branch that Congress has placed a high priority indeed on reducing draft calls to zero.

In advocating a 1-year rather than a 2-year extension, Mr. Chairman, I think certain misconceptions should be cleared up, if possible, before they are exaggerated. First, I do not favor a 1-year extension because of the opportunity it will offer for a referendum on the use of troops in Vietnam in 1972. I think that if the President comes back to us next year with a progress report on enlistments, and indicates that induction authority will be necessary for a further period, his request will be fully and fairly considered and acted upon in light of national security interests.

I do not think that a 1-year extension should be supported as any kind of an opportunity to tie the President's hands—nor do I think it will tie the President's hands—any more than they are tied by annual congressional review of military equipment procurement programs.

A number of persons have commented that a 1-year extension will serve as an inducement for registrants who may be drafted in the coming year to use legal and other extended delay tactics to postpone their induction beyond the period inductions are authorized under the extension. I think it would be a very serious mistake for anyone to adopt the view that if only a 1-year extension is passed, the likelihood is that the draft will end at the close of the 1 year. Certainly the continuation of registration and classification procedures, and the ability of the President to call on Congress to reinstitute induction authority for a further period, or during any emergency should indicate clearly that a 1-year extension does not mean an abandonment of the draft any more than a 2-year extension would imply that. The committee has not advocated and I do not advocate the institution of a volunteer military by ending the draft first and then gambling on the numbers of volunteers we can attract. The stated purpose is to responsibly build up the level of recruits through pay and other reforms, and gradually reduce draft calls to zero—all the time maintaining a force essential to our defense.

For reasons I have already stated, I think that a 1-year extension will add to and not detract from our flexibility. In my view, it is a responsible way to build in necessary oversight and review authority for the Congress over the very crucial subject of military manpower procurement. If this amendment is adopted, as I hope it will be, it should be viewed by the Congress, by the Executive and by the people in just that light.

It is in this context, Mr. Chairman, that I strongly urge the adoption of the gentleman's amendment.

Mr. EDWARDS of California. Mr. Chairman, the issue of whether or not to abolish the draft is a moot point. The President and most Members of Congress all along the political spectrum agree that the draft is inequitable, un-American, and outmoded. The issue now in question is when to abolish the draft. The bill before us asks for an extension of the President's authority to induct men into the Army until June of 1973.

No better authority than the President's own Commission, the Gates Commission has recommended that such Presidential authority be ended in June of this year. It further recommends that improved pay and conditions of service would attract a sufficient number of volunteers each year to maintain a stable force level of 2.5 million men. To maintain that volunteer force level, 325,000 men would have to enlist each year from the total of 1.5 million men who will anually turn 19 and who will also meet the military's enlistment requirements. In its report, the Commission noted that 250,000 "true volunteers" have already been enlisting annually within recent years despite the war and an entry pay roughly 60 percent lower than they could earn in civilian life. The Commission proposed a $2.7 billion basic pay increase to attract the remaining 75,000 men into the Armed Forces each year. And there is even some question as to the validity of maintaining a force as large as 2.6 million which the bill recommends. Representative HARRINGTON maintains in his views on the committee report that there is no evidence to prove that such a large force is necessary. If this is the case, then it should be even easier to maintain an adequate armed force through the volunteer system.

There are some who say it is too dangerous to begin the transition to an all-volunteer army while so many of our troops are still in Vietnam. However, there is no better time than the present.

Mr. SCHWENGEL. Mr. Chairman, the debate underway on the extension of the Selective Service Act certainly is a discussion of one of the most significant issues to face us in the Congress this year.

It was my hope, shared by many other Members, that this year would see the enactment of meaningful draft reform. That is why I am so keenly disappointed with the legislation which has been brought to the floor of the House. It cannot be described as true reform.

My position on the subject of draft reform stems from two basic concerns which I, opposed to some of my colleagues, believe to be very closely tied.

First, it is my belief, the rights of the individual to be basic to the philosophy of which this Nation was founded, and it is my intent to do my best to promote and protect those rights. My second wish is to protect and further our national security, both internally and internationally. To some, these beliefs may seem contradictory, but let me remind you that this country is unique in that it is based on the rights of the individual to control his destiny. I realize that no individual has absolute freedom, but I do feel strongly that whatever protects the rights of individuals also protects the basic security of our Nation. It is because of these strong feelings that I have come to the conclusion that it is impossible to revise our present Selective Service System in such a way as to achieve the extent of freedom and reform which we must have. It is for this reason, that I cosponsored H.R. 4450, the Military Voluntary Manpower Procurement Act of 1971. Careful and judicious study was not accorded this legislation. That it may be costly is undisputed. However, I am firmly convinced that the cost in terms of individual rights is far too great under our present draft laws. It is my deep conviction that H.R. 4450 should have been reported. New legislation should have been prepared to deal with military power procurement in the event of major wars. This legislation could have carefully specified that components of the various reserve organizations are to be fully utilized before any draft calls are issued. It should be noted that the bill which the House will consider will substantially increase the pay of Armed Forces personnel, bringing it almost to levels needed for an all-volunteer army. Having taken this action on the pay question, the committee should have completed its work and given the all-volunteer army proposal its approval. The present committee bill to extend the draft simply is not adequate and fails to meet the issues head on. I cannot support it.

There is one provision of H.R. 6531 that is of particular concern to me. It extends from 2 to 3 years the length of alternative civilian service time for conscientious objectors. This is a punitive provision and I strongly support efforts to delete it from the bill.

On October 18, 1968, President Nixon, while a candidate for the Presidency, said about the draft:

> I feel this way: a system of compulsory service that arbitrarily selects some and not others simply cannot be squared with our whole concept of liberty, justice, and equality under the law . . . The only way to stop the inequities is to stop using the system.

President Nixon's statement concisely states the case against the draft. The all-volunteer army proposals have not been seriously considered in committee. Unless the bill, H.R. 6531, to extend the draft is drastically amended on the floor of the House during this debate, I will vote no.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. WHALEN. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. WHALEN, Mr. HÉBERT, Mr. BRAY, and Mr. LEGGETT.

The Committee divided.

The CHAIRMAN. The Chair votes "aye" and sends his ballot to the tellers to be counted.

The tellers reported that there were—ayes 197, noes 200, not voting 35, as follows:

[Recorded Teller Vote No. 38]

AYES—197

Abourezk
Abzug
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Archer
Ashley
Aspin
Badillo
Begich
Bennett
Bergland
Biaggi
Biester
Bingham
Blanton
Blatnik
Boland
Bolling
Brademas
Brasco
Broomfield
Brown, Mich.
Burke, Mass.
Burton
Caffery
Carney
Celler
Clausen, Don H.
Cleveland
Collins, Tex.
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Daniels, N.J.
Danielson
Dellenback
Dellums
Denholm
Dent
Diggs
Donohue
Dow
Drinan
Dulski
Duncan
duPont
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Fascell
Fish
Flynt
Foley
Ford, William D.
Forsythe
Fraser
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gaydos
Giaimo
Gibbons
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Griffiths
Gross
Grover
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Horton
Howard
Hungate
Hutchinson
Jacobs
Karth
Kastenmeier
Keating
Kyros
Leggett
Link
Lloyd
Long, Md.
McClory
McCloskey
McCormack
McDade
McDonald, Mich.
McKay
McKinney
Madden
Mathis, Ga.
Matsunaga
Mazzoli
Melcher
Metcalfe
Mikva
Miller, Ohio
Minish
Mink
Mitchell
Monagan
Moorhead
Morse
Mosher
Moss
Murphy, Ill.
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Neill
Perkins
Pettis
Pike
Podell
Pryor, Ark.
Pucinski
Quie
Rangel
Rees
Reid, N.Y.
Reuss
Robison, N.Y.
Roe
Roncalio
Rooney, Pa.
Rosenthal
Rousselot
Roy
Roybal
Ruppe
Ryan
St Germain
Sandman
Sarbanes
Scheuer
Schneebeli
Schwengel
Scott
Seiberling
Shipley
Smith, Iowa
Snyder
Stafford
Stanton, J. William
Stanton, James V.
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Stuckey
Symington
Thompson, N.J.
Thone
Tiernan
Udall
Van Deerlin
Vander Jagt
Waldie
Whalen
Widnall
Wilson, Charles H.
Wolff
Wydler
Yates
Yatron
Zwach

NOES—200

Abbitt
Abernethy
Alexander
Anderson, Ill.
Andrews, Ala.
Ashbrook
Aspinall
Baker
Baring
Belcher
Bell
Betts
Bevill
Blackburn
Bow
Bray
Brinkley
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clawson, Del
Collier
Colmer
Conable
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dennis
Derwinski
Devine
Dickinson
Dingell
Dorn
Downing
Edmondson
Edwards, Ala.
Erlenborn
Eshleman
Evins, Tenn.
Findley
Fisher
Flood
Flowers
Ford, Gerald R.
Fountain
Frelinghuysen
Fuqua
Gallagher
Goodling
Griffin
Gubser
Hagan
Haley
Hansen, Idaho
Hansen, Wash.
Hébert
Henderson
Hillis
Hogan
Holifield
Hosmer
Hull
Hunt
Ichord
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Kee
Keith
Kemp
King
Kluczynski
Kyl
Landgrebe
Latta
Lennon
Lent
Lujan
McCollister
McEwen
McFall
McKevitt
Macdonald, Mass.
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mayne
Michel
Miller, Calif.
Mills
Minshall
Mizell
Mollohan
Montgomery
Morgan
Murphy, N.Y.
Myers
Natcher
Nichols
O'Konski
Passman
Patman
Patten
Pelly
Pepper
Peyser
Pickle
Pirnie
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Purcell
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Rogers
Rooney, N.Y.
Rostenkowski
Runnels
Ruth
Satterfield
Saylor
Scherle
Schmitz
Sebelius
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Spence
Springer
Staggers
Steed
Stephens
Stratton
Stubblefield
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Veysey
Vigorito
Waggonner
Wampler
Ware
Watts
Whalley
White
Whitehurst
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wylie
Wyman
Young, Fla.
Zablocki
Zion

NOT VOTING—35

Annunzio
Arends
Barrett
Boggs
Byrne, Pa.
Carey, N.Y.
Clark
Clay
Collins, Ill.
Corbett
Dowdy
Edwards, La.
Garmatz
Gettys
Green, Pa.
Hall
Harsha
Jarman
Koch
Kuykendall
Landrum
Long, La.
McClure
McCulloch
McMillan
Meeds
Poage
Riegle
Rodino
Roush
Ullman
Vanik
Whitten
Wyatt
Young, Tex.

So the amendment was rejected.

Mr. HÉBERT. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BOLAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes, had come to no resolution thereon.

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORTS

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries.

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns tonight it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, may I ask what is the request of the gentleman?

Mr. O'NEILL. Mr. Speaker, I asked unanimous consent that when the House adjourns tonight it meet at 11 o'clock tomorrow morning.

Mr. GROSS. Further reserving the right to object, is this the beginning of the T and T Club for this session of Congress and our boys will be back on Tuesday?

Mr. O'NEILL. We are hoping that there will be no T and T Club. I am sure you are aware of the fact that the leadership on both sides of the aisle have agreed after we come back and we have enough reports from the committees it is anticipated we will work 5 days 1 week and 4 days the next week. That is as soon as we have enough legislation reported by the various committees.

Mr. GROSS. But what is the necessity for coming in at 11 o'clock tomorrow?

Mr. O'NEILL. There is a great possibility that if this bill is not completed by tomorrow, we may meet on Friday.

Mr. GROSS. That would be bad to meet on Friday?

Mr. O'NEILL. Well, we have informed the membership, I am sure you are aware, that the plans are when we have full reports from the committees and sufficient work, we are going into a 5-day week and a 4-day week on successive weeks, and we have more or less implied to the Congress that we would get through on Thursday until such time as after the vacation, anyway.

Mr. GROSS. But what happens to committee meetings on tomorrow morning and the completion of committee work which provides for the orderly process of getting bills to the floor of the House?

Mr. O'NEILL. All I can say with respect to that is that the leadership has spoken to the leadership on both sides of the aisle and they are in agreement.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AMENDMENT TO BE OFFERED BY MR. MIKVA TO H.R. 6531

(Mr. MIKVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIKVA. Mr. Speaker, I have requested this time in connection with an amendment which I shall offer on tomorrow to H.R. 6531.

Mr. Speaker, I desire to inform the House that I will offer the following amendment on tomorrow to that bill:

On page 19, line 23, after the figure "758,635," insert the following:

Provided, however, that on June 30, 1972, the total active duty personnel strength for all the services shall not exceed 2,350,000.

FOURTH ANNUAL REPORT OF THE UNITED STATES-JAPAN COOPERATIVE MEDICAL SCIENCE PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-77)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

I am pleased to send to the Congress the fourth annual report of the United States-Japan Cooperative Medical Science Program.

This joint research effort in the medical sciences, undertaken in 1965 following a meeting between the Prime Minister of Japan and the President of the United States, remains focused upon widespread diseases of great concern in Asian nations: cholera, leprosy, malnutrition, parasitic diseases, tuberculosis, and certain viral diseases.

During 1970 the Cooperative Medical Science Program completed its fifth year of productive and successful biomedical research activity. A continuing review and careful selection of specific scientific objectives has been built into the Program's management to insure that they will continue to relate to disease problems in Asia.

It is obvious that the attack against these diseases is important to mankind not only in Asia, but in most regions of the world. In addition to this past year's medical research achievements, which are summarized within the enclosed report, this Program takes on additional significance because of the close cooperation between scientists in two leading nations, Japan and the United States. I look forward to strengthening further the valuable and productive relationships provided by this kind of cooperative international endeavor for the benefit of our fellow man, wherever he may chance or choose to live.

RICHARD NIXON.

THE WHITE HOUSE, *March 31, 1971.*

ANNUAL REPORT ON RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-27)

The SPEAKER laid before the House the following message from the President of the United States; which was read and together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed with illustrations:

To the Congress of the United States:

I hereby transmit to you the Annual Report of the Railroad Retirement Board for fiscal year 1970.

During that year retirement and survivor benefits under the Railroad Retirement Act totaled $1.6 billion and were paid to one million beneficiaries. Railroad unemployment and sickness insurance benefits amounted to $93 million and were paid to 170,000 claimants.

Legislation enacted during March 1970 provided for the establishment of the supplemental railroad retirement annuity program on a permanent basis with adequate financing. In August 1970, after the end of the fiscal year, legislation was enacted providing for 15-percent increases in railroad retirement annuities on a temporary basis pending a study of the railroad retirement system and its financing by a commission especially created for that purpose.

RICHARD NIXON.

THE WHITE HOUSE, *March 31, 1971.*

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES COMMUNICATIONS SATELLITE ACT (H. DOC. NO. 92-78)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed with illustrations:

To the Congress of the United States:

In 1970 the activities and accomplishments of the United States under the Communications Satellite Act of 1962 enhanced the peaceful use of outer space and fostered the spirit of international cooperation. The International Telecommunications Satellite Consortium has made significant progress in the establishment of a global satellite communications system and I take this opportunity to reaffirm the commitment of the United States to support the Consortium in this worthwhile commercial enterprise.

It is my pleasure to report to Congress, as required by section 404(a) of the Communications Satellite Act, on these activities and accomplishments.

RICHARD NIXON.

THE WHITE HOUSE, *March 31, 1970.*

THE LATE MADISON FAY BOYCE

(Mr. HOLIFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLIFIELD. Mr. Speaker, Madison Fay Boyce was born April 29, 1913. He was 57 years old. He died of a heart attack while riding to work in a car driven by a neighbor, Mr. Temes, at 9:30 a.m. on March 30, 1971.

Madison served in the Navy during World War II and was honorably discharged on April 6, 1946.

Before he enlisted in the Navy, he worked as an accountant for a railroad in Vermont, the State where he was born, and after the war he worked in the Veterans' Administration. He started to work in the bill clerk's office at the House of Representatives in a low position on September 1, 1950. He rose to the position of chief bill clerk and was serving in that capacity when he died. He was a loyal and diligent employee and was popular with his fellow employees and all the congressional Members who knew him. He served under the direction of the Parliamentarian of the House, the Honorable Lewis Deschler.

Madison married Margaret Holifield Wyche on January 9, 1950. His remaining relatives are one son, Madison L., and one daughter, Patricia. He is survived by one brother, Floyd, and his mother, O'Dessa Rogers Boyce.

In addition to his wife, Margaret, he is survived by a stepdaughter, Marwilda, and her daughter, Jeanine.

He was a member of the Kenneth H. Nash post No. 8 of the American Legion, the Loyal Order of Moose Lodge No. 1836, Suitland, Md. He was a charter member of the Benevolent Protective Order of Elks Lodge 2382, Front Royal, Va. He was a member of the First United Methodist Church in Pompano, Fla.

Madison's wife, Margaret, retired after 28 years of civilian service for the Department of the Army on January 11, 1970. The Boyces purchased a home for their retirement in Pompano Beach, Fla., and Madison had given notice of his retirement as of May 31, 1971.

Madison had a severe heart attack in April 1968. After 5 months of hospitalization and rest, he returned to his work as bill clerk.

The work in the bill clerk's office is important and demands meticulous attention. Every one of the many thousands of bills must be processed individually. Particularly does the work load increase in the first few months of a new Congress.

In the 91st Congress 23,575 bills and resolutions were introduced. The employees of this office work extra long hours during those months and the tension is high because each bill introduced must be carefully scrutinized for typographical and grammatical errors. There is little doubt that the tension and long hours of work contributed to Madison's last and fatal heart attack.

Some might say that a person should retire immediately after a severe heart attack, but such a statement is debatable. People do have heart attacks and they do live active and useful lives after severe heart attacks. Who can look into the future and make a decision to retire or continue working. The mystery of the diagnosis of heart condition remains unsolved. Its fatal results are visited alike on rich and poor, on those who can afford retirement and those who must continue working in order that they and their families may survive.

When we consider the tremendous number of deaths caused by heart diseases and cancer, the two great killers of our time, it should cause us more concern than it does.

When we consider the Federal expenditures in other fields, much of which seems necessary for our national survival in a dangerous and threatening world, we cannot help but wonder—my God in heaven—is it impossible for man to solve the problems between nations in order that we turn the billions we now spend in perfecting the machines of death toward the search for life. May God grant men throughout the world the will and the wisdom to solve the problem of war between nations so that we can turn our funds and our great scientific talents to the solution of those ills which beset mankind and which prematurely consigns millions to an untimely end of their life on earth.

Madison Fay Boyce, a faithful servant of the House, a dedicated patriot, a good husband and father, my sister's husband and a friend to all who knew him, is just one more casualty in the list of millions who have died because we do not understand the problem of heart disease.

We extend our love and sympathy to his family and those who loved him.

Friends may call to pay their respects to Mrs. Boyce and members of her family at Joseph Gawler's Sons, 5130 Wisconsin Avenue at Harrison Street NW., Wednesday, 7 to 9 p.m. and Thursday, 2 to 4 p.m. Services will be held at the same address Thursday, April 1, at 8 p.m. Interment will be made at Forest Lawn Cemetery, Pompano Beach, Fla.

LT. WILLIAM CALLEY

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FULTON of Tennessee. Mr. Speaker, Lt. William Calley has been tried, convicted, and is to be sentenced by a jury of his military peers for the crime of multiple murder.

I know not his guilt or innocence, for I know not the thoughts of his mind during those terrible minutes and hours in that little Vietnamese village on March 16, 1968.

However, I do feel that if he is guilty, then so is each of us in one way or the other. He alone should not suffer the penalties of an alleged moral wrong.

Lieutenant Calley's conviction and sentence will be appealed through the highest military tribunals and may well rest ultimately before the U.S. Supreme Court. This man's fate, in turn, may well be determined by the President of the United States, who has the power to commute and, or, pardon in cases of this nature.

Mr. Speaker, this is a small, dangerous world in which we live. Because of this, we must continually strive for truth and understanding. All too often we fail to recognize the truth and all too often we lack understanding.

For over a decade we, this Nation, have been engaged in a war in a foreign land, a war that has taken the God-given lives of almost 50,000 American men, perhaps hundreds of thousands of Vietnamese, both combatants and noncombatants. It is a war that has maimed over 250,000 of the God-given bodies of our men and countless numbers of our allies as well as enemies.

The blood of the cruel war lies on foreign soil, but the casualties are not limited to those who bravely served. Here at home, there are hundreds of thousands of minds being tortured as a result of this continuing conflict. There are the minds of the young and the old. There are the minds of the wives, parents, sons, daughters, and sweethearts of those who serve and have served; those who have returned scarred emotionally and physically; those who are prisoners of the enemy or missing; and those who have died.

Each of us shares this concern and certainly our Government officials, both appointed and elected, have a particular concern and responsibility.

Over and over again the question arises, "Why are we involved in Vietnam?" Over and over again the reasons are given, but less and less today do they seem to satisfy the ever-searching minds of a citizenry that has the heritage of a Nation founded and dedicated to the principles of enlightenment, truth, and understanding.

Somewhere, it appears we have let truth elude us, and because of this, understanding has escaped us.

This is a tragedy and Lieutenant Calley is a victim of this tragedy just as are those 22 Vietnamese civilians of whose murder he has been found guilty.

If this young man is guilty, then there is no gainsaying the fact. And yet, if he is guilty, then he is guilty of a crime that the average individual, were he given 10 lifetimes, in all probability never would have an opportunity to commit. If the guilt is his, it is not and cannot be his alone. It is a guilt which we all share, not because we willed these circumstances, but because we are human beings and therefore fallible.

I believe that Lieutenant Calley is entitled to every consideration and the benefit of every doubt in the days that lie ahead. He has been found guilty by his peers, but his conviction and the responsibility for it lie on my own conscience and in my own heart.

A PLEA TO RELEASE THE "PRISONERS OF WAR" IN THIS COUNTRY

(Mr. METCALFE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous material.)

Mr. METCALFE. Mr. Speaker, I had the occasion today here in my Washington office, as I have had on a number of instances back home in my Chicago office, to meet with a particular group of earnestly dedicated civic-minded constituents of the First District of Illinois on a subject that could possibly be enlightening to some of us, but surely of significant interest to all of us. I would therefore like to share with my colleagues the appeal for help that was presented to me.

As it should be, there is great national concern for our prisoners of war in Southeast Asia and men missing in action, and I personally share that concern. The group that visited with me today expressed their concern about the plight of these men and the anguish being experienced by relatives and friends directly affected.

The appeal of the group that came to visit me today, however, was in behalf of another kind of "prisoner of war"; to wit, a monumental number of servicemen in this country who have been awarded with less than honorable discharges from our Armed Forces and are hereafter sentenced to life punishment as a result of unfair disciplinary procedures that offer little or no hope of rehabilitation or recovery. The designation imposes a continuing penalty upon the serviceman returned to society under the stated conditions. It imposes an equivalent penalty upon society that must suffer the consequences that inevitably result from the inherent frustrations.

I say that this is a matter of interest to all of us because if not by reason of humanity or compassion, it would have to be by reason of fact that a consequential penalty has been imposed upon society in this particular frame of reference. I refer not to warranted bad or dishonorable discharges.

I have been impressed that there is an unbelievably large number of servicemen roaming the streets who are stigmatized by discharges under conditions less than honorable who have thereby been rendered helplessly incapable of adjustment and rehabilitation.

It has been indicated to me that an overwhelming majority of the men who are saddled with this undeserved type of discharge are men who have served in combat zones in Vietnam and after having rendered valiant service have been returned to society with proverbial millstones around their necks for the rest of their lives. It is for this reason that I have chosen to describe them to you as another kind of prisoner of war. As a matter of enlightened self interest, America is going to have to do something about the resulting situation.

Men who are discharged in the several categories under less than honorable conditions lose all of their veterans benefits and are handicapped in such a way as to be incapable of making a constructive contribution to society. Not only does he lose all veterans benefits, this is consequently true of his dependents and beneficiaries.

These losses, if I may remind us, significantly include loss of the opportunity for further education, and/or vocational rehabilitation under the GI Bill of Rights, Federal Civil Service preference, reemployment rights, GI Insurance, GI loans for homes, farms, and business, medical benefits, and the loss of bonuses that some States provide to veterans for time spent in Vietnam. He loses all these aids designed to help the returning soldier to more easily adjust to civilian life.

In addition to all these disadvantages, it is difficult if not impossible for a serviceman so categorized to find a job. And although it is alarming to assume that many of such men ultimately resort to a life of crime in order to survive, it has been indicated to me that there is evidence to substantiate that this is a valid assumption.

The visitors in my office today were official representatives of an organization based in my district in Chicago, called Concerned Veterans From Vietnam. This is a veterans service organization that is working in connection with other programs concentrating on finding jobs for veterans.

The commander of the organization, Barry P. Wright, and the organization's veterans affairs adviser, accompanied by three other members of the organization presented their appeal. Their team is here on a week-long lobbying campaign to get the Defense Department to end such administrative discharges and to grant amnesty for those now out of service who have been so afflicted; the commander, a Vietnam veteran himself, stated that there are more than 1,800 former servicemen in such classification. He said:

> We would like to see mobile review teams established to go to the major cities throughout the country to hold hearings on preannounced dates to review such cases. These former servicemen cannot afford the expense of coming to Washington to the Review Board and providing for their own legal counsel.
>
> Existing veterans organizations have not been able to provide adequate legal services for men discharged under less than honorable conditions. And in addition, it is difficult to establish the atmosphere of trust, confidence, and mutual understanding with organizations that are primarily geared to the interests of those with honorable discharges.

Commander Barry pointed out that "too many of the men who have this type of discharge are black men," and added:

> The possibility of a Black revolution in the United States depends greatly on whether or not all America will help to train and find jobs for our thousands of jobless veterans in the next decade. There will be over 1,000,000 Vietnam veterans returning looking for jobs. In referring to a Labor Department report showing that veterans applying for employment hit nearly two million in the last fiscal year, and that during that period over 430,000 Vietnam veterans filed claims for unemployment compensation. He pointed out that many of these men are Blacks—permanently stigmatized due to their undeserved "less than honorable" discharge classification that relegate them as a result to the status of public aid recipents.

He continued in his appeal, saying that:

> These men are going to have to be restored to a status in society that will permit them to function as responsible citizens or there's going to be a lot of trouble! They are the best trained killers in the world! These returning young men are not going to tolerate too long the kind of inherent abuse that awaits them, segregation and discrimination in particular, or status quo conditions that existed before they went into the military service.

Mr. Speaker, I am calling particular attention to this visit of these concerned constituents because America has a vested interest in their cause. America has a vested interest in any effort to channel the kind of explosive energies that Vietnam veterans will bring with them from the present war. The representatives of this organization will be here for the next several days to buttonhole Members of Congress and Pentagon officials to plead the cause of loyal American servicemen who wear a millstone around their neck as proverbial prisoners of war here in America, resulting from undeserved discharges under conditions less than honorable that prevent them from getting jobs and making the expected readjustment to civilian life. I believe those of us who are genuinely concerned will appreciate hearing about this worthy cause and will lend every possible support.

This situation can be remedied administratively by the Department of Defense. Commander Wright informs me that the Defense Department has not fulfilled a promise of 8 months ago to send a review team to Chicago to study the organization's voluminous files on less than honorable discharges. It is my hope that concerned Members of this body will contact the Department of Defense urging that all pertinent administrative action in this matter be taken without further delay.

HARRY WALKER ELECTED PRESIDENT OF STUDENT BODY OF THE UNIVERSITY OF SOUTH CAROLINA

(Mr. NIX asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NIX. Mr. Speaker, it is with a great deal of satisfaction that I arise to call the attention of the House to what will seem to many a most extraordinary event—the election last week of a young black man as the president of the student body of the University of South Carolina.

I am personally gratified, as a native of South Carolina, by this encouraging indication of the changing attitudes in the State of my birth. Although I was born not far from the University of South Carolina—in Orangeburg—there was no chance that I would be able to attend the university. Indeed, the first black student was admitted to the University of South Carolina less than 10 years ago—in 1963.

Today, the university still has only 400 black students in a student body of 15,000—although black citizens constitute one-third of the State's population. Nevertheless, this predominantly white student body has chosen a black student to head its student government by an overwhelming vote.

This 21-year-old political science student, Harry Walker of Greenville, S.C., received more than 2,000 of the 3,900 votes cast to win without a runoff—a first for the university's student presidential elections. His nearest competitor in the field of four candidates received 807 votes.

Harry Walker's election is not, however, as extraordinary as it may seem. The young people of the Nation are not as hung up on race as their parents. They are more open, readier to accept other people for what they are rather than what they may look like. They are our hope for the future.

We hear concern expressed about the youth revolution as if it were destroying the fabric of our society. I do not believe it is. Our young people are overthrowing some of our ancient prejudices and mores; but they are putting together what it is most important that we put together—people.

This was Harry Walker's campaign theme: "Let's Put It All Together."

I had the privilege of meeting this fine young man here in Washington yesterday, and I was very impressed by his sincerity and his confidence in the youth of South Carolina. He said:

If I can do no more than instill a sense of unity on the campus, this will be more important than anything else. This is the main thing we are after.

And the student body responded.

I am sure my colleagues from South Carolina are proud of the young men and women at their university. And I am too.

ANOTHER MEASLES EPIDEMIC—YET NO ACTION BY HEW

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROGERS. Mr. Speaker, 2 years ago we were talking of eliminating measles in the United States. We had, at that time, developed an effective vaccine and had in progress a program of immunization which had sharply reduced this disease to a level of near extinction.

But now, just 2 years after arriving on the brink of eliminating measles, we find that in many areas of the United States there are epidemics of measles and indeed we are now seeing an increase of more than 200 percent over the epidemiological year of 1970.

We have on good authority that there are between 16,000 and 20,000 cases per week of the common measles. Statistically, we see that from this figure there will result between 16 and 20 cases of encephalitis per week, one child will be mentally retarded each day of the week and there will be two deaths per week.

The picture in the areas of other such communicable diseases as polio and diphtheria are just as grim. Last year there were 28 cases of polio. This year we may have as many as 100. Diphtheria is up about 200 percent over last year. In Texas alone there have been 61 cases since the President signed the Communicable Disease Act into law last year.

As the sponsor of this act, I am concerned over the lack of enthusiasm which the administration and the Department of Health, Education, and Welfare have shown over the plight of young people susceptible to these diseases which can maim and kill.

There are very few ills which man has found a preventive cure for. Measles, polio, and diphtheria are three. Yet the President has not asked for any funds to implement the Communicable Disease Act for fiscal 1972 in spite of the fact that the Congress authorized $90 million. This lack of compassion is heightened by the fact that the administration last year failed to fund the program as the Congress had authorized.

For the fiscal year 1971, the Congress passed legislation calling for $75 million, but after HEW testified that it did not recommend this funding, we saw the authorized figure of $75 million reduced to a mere $2 million. As yet, even this figure has not been released by the Office of Management and Budget.

I would at this time like to insert in the Record an article from the March 19, 1971, issue of the Medical World News concerning the very imminent problem of an epidemic in America.

I would add that I feel it very unusual for an administration which has gone on record as recognizing a health crisis should balk at implementing a program which could surely curtail a very real crisis in the area of communicable disease.

The article follows:

Epidemics Ahead?

MEASLES IS OUT OF CONTROL AND IMMUNIZATION LEVELS LOW IN POLIO AND DIPHTHERIA, EXPERT WARNS

Seven-plus years after the Vaccination Assistance Act started the U.S. on a national program to eradicate polio, diphtheria, rubeola and other communicable diseases, the immunization goal may be slipping beyond grasp. Experts who a few years ago were talking confidently of eradication are now pinning their hopes on better control methods—and crossing their fingers at that.

Large segments of the population remain unimmunized, jeopardizing the herd immunity goal. Either epidemics of eradicable disease have occurred—diphtheria is a case in point (MWN, June 26, '70)—or else there have been threats of an epidemic, as with polio.

Worst of all is measles, says Dr. John J. Witte, chief of the immunization branch of the Center for Disease Control in Atlanta. Speaking at the Eighth Annual Immunization Conference in Kansas City, Dr. Witte said: "Today, measles is out of control."

Measles incidence fell dramatically after mass immunization campaigns were launched in 1966. Cases numbered 62,000 in the 1966–1967 epidemiologic year (roughly October to October) and kept falling. Yet in the winter of 1969, 16,000 were hit by the disease as compared with 7,500 the previous winter. And for the 1970–1971 year, the total may reach 70,000 cases, far above 1969–1970's total of 44,701. In some areas, the rise has been manifold (see pages following page 54 in most MWN editions). Between last October and this January 11,299 cases turned up—46% over the same period last year and 176% over the 1968–1969 figures. Says Dr. Witte: "We're back where we started five years ago. I'm ashamed of the way we've neglected measles."

Since measles encephalitis occurs in about one case per thousand measles cases, and permanent diability occurs in about one out of three encephalitis cases, this epidemic year could see 2,500 children condemned to handicaps ranging from mental retardation—requiring permanent institutional care—to learning disabilities. The failure is not in the vaccine but in delivering it to the needy, says Dr. Witte. Asked Dr. William Schaffner II, assistant professor of medicine at Vanderbilt University, "How good is the vaccine?" Answering his own question, he said, "It's no damn good in the vial."

Turning to diphtheria, Dr. Witte noted that last year's 500 cases are double the 241 reported in 1969 and the highest incidence in the past eight years. There were outbreaks in six states. And, warned Dr. Witte, "unless we improve our preschool vaccination efforts, we can expect epidemics of polio again." He added: "The time for complacency has run out. We must face up to some difficult professional challenges. We need to find the funds to purchase vaccines, the personnel to plan and administer programs, the methods to get at hard-to-reach groups."

The experts noted that DPT vaccine costs 3 cents a dose and every health department should be able to afford the cost. And another warning: "Prior to the diphtheria epidemic in San Antonio, Tex., immunization levels of schoolchildren and preschoolers there didn't differ significantly from national averages from urban areas. What happened in San Antonio could have occurred in a score of other cities."

And polio immunization levels are declining, too. In 1966, 79% of children aged one to four were adequately immunized. Last year, the figure was less than 66%. Dr. Witte is particularly worried about poverty areas of cities. "Some are ripe for a polio epidemic," he declared.

"This 66% figure may represent the national average, but let's not forget that there are pockets of susceptible individuals around the country where levels are much lower."

MERCHANT MARINE ACT OF 1970

(Mr. WHITEHURST asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WHITEHURST. Mr. Speaker, one of the major achievements in the area of commerce occurred last year when the House passed, and the President signed into law, H.R. 15424 (Public Law 91–469), the Merchant Marine Act of 1970.

This new law signaled the revitalization of our national maritime program, which had been floundering for over 10 years. If the Government had continued with the old maritime programs, we would have seen our 223 flag vessels, those contemporary cargo vessels involved in foreign trade, drop to 203 by 1908. We would also have seen an estimated loss of 10,000 seafaring jobs by that time.

However, under this new program we can expect the number of U.S.-flag vessels involved in foreign trade to have increased to 344 by the end of that time. Mr. Speaker, I am sure this is a goal all of us want to see achieved.

Yesterday the House granted rules on two pieces of legislation that are vital to the success of this program: H.R. 5352 and H.R. 4724. The first bill requests an $80,000,000 increase in authorized appropriations. This bill is the result of an Executive communication, No. 334 of February 25 of this year, by the Secretary of Commerce requesting funds for the operating-differential subsidy program for fiscal year 1971, for obligations incurred. The amount of $39,700,000 would be expended for the quarterly payment of 100 percent wage subsidy and 90 percent for all other subsidies. This was authorized in Public Law 91–469. The remainder of the funds, $40,300,000, would go toward payment of debts under the subsidy program dating as far back as 1962.

The second bill, H.R. 4724, is the maritime authorization bill of 1972. This legislation authorizes second-year appropriations for the administration's maritime program of $507,650,000. These funds are to be disbursed as follows:

First. Acquisition, construction, and reconstruction of vessels—$229 687,000;

Second. Operation subsidies—$239,145,000;

Third. Research and development—$25,000,000;

Fourth. Reserve fleet expenses, such as the fleet in the James River—$318,000;

Fifth. Merchant Marine Academy—$7,300,000;

Sixth. State marine schools—$2,200,000.

Mr. Speaker, these are extremely important pieces of legislation, and I certainly hope that the House gives them rapid and favorable consideration.

FEED GRAIN PAYMENTS TO PRODUCERS OF SUGAR BEETS

(Mr. MAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MAYNE. Mr. Speaker, yesterday the Rules Committee, by the very narrow margin of 7 to 6, voted to report H.R. 5981, a bill which will authorize feed grain payments to producers of sugar beets. Heretofore, our farm commodity programs have been used to encourage farmers already producing a certain crop to cut back on their production in order to avoid ruinous surpluses. But under this unwise bill, the Federal Government would for the first time pay farmers not to produce crops which they were not producing in the first place. Sugar beet farmers who have never grown corn will be paid not to grow corn. I respectfully invite all Members to read the minority views signed by eight members of the Agriculture Committee, the letter to all Members sent by Congressmen MILLER, KYL, FINDLEY, and myself on March 27 and the articles which appeared in the Washington Post on March 29 and 31. I include these items at this point in the RECORD:

AUTHORIZING FEED GRAIN BASES IN LIEU OF SUGAR BEET PROPORTIONATE SHARES

REPORT

The Committee on Agriculture, to whom was referred the bill (H.R. 5981) to authorize the Secretary of Agriculture to establish feed grain bases wheat domestic allotments, and upland cotton base acreage allotments for certain growers of sugar beets, having considered the same, reports favorably thereon with amendments and recommends that the bill do pass.

The amendments are as follows:

On page 1, line 6, after the word "bases" strike out the comma and the remainder of the line and such portion of line 7 through the word "allotments";

On page 1, line 10, strike out the words "on or after January 1, 1970," and substitute the words "after December 31, 1969,";

On page 2, line 2, strike out the period after the word "beets" and insert the following: "*: Provided*, That no feed grain base shall be established for any number of acres in excess of the number of acres which were planted to sugar beets during the 1959–60 feed grain base period.";

On page 2, line 2, strike out the comma after the word "base" and the remainder of the line and all of line 3; and

Amend the title to read as follows: "To authorize the Secretary of Agriculture to establish feed grain bases for certain growers of sugar beets."

Purpose

For several years sugar beet factories operating at Chaska, Minn., West Jordan, Utah, and Hardin, Mont., have provided facilities for the processing of sugar beets grown in these respective areas. However, due to no fault of the beet growers, these plants have ceased to operate, leaving the growers of sugar beets without a market for their product.

The Department of Agriculture has estimated that no more than 60,000 acres will be involved, but the acreage could be less than this amount. The Department states there are approximately 30,000 acres of sugar beets grown for processing at the Chaska, Minn., plant; 17,700 acres of harvested beets at the Hardin, Mont., plant; and some 13,000 acres grown for processing at the West Jordan, Utah, plant. However, the Department feels that some 9,000 of the 13,000 acres that are processed at West Jordan will be processed at another sugar beet factory, leaving a balance of only 4,000 acres that would have no processing plant available.

The committee does not feel that this legislation will adversely affect the feed grain program. For 1971 there are approximately 113.4 million feed grain base acres in the Nation. Thus the maximum 60,000 acres involved in this legislation represent only a small fraction of the national base.

The following table shows State and National feed grain bases for 1971:

National feed grain bases, 1971

State:	*All farms*
Alabama	2, 179, 816
Arizona	193, 668
Arkansas	590, 342
California	445, 878
Colorado	1, 689, 378
Connecticut	30, 232
Delaware	161, 939
Florida	680, 424
Georgia	3, 082, 358
Idaho	81, 493
Illinois	10, 901, 836
Indiana	5, 648, 229
Iowa	13, 581, 123
Kansas	8, 658, 280
Kentucky	1, 990, 746
Louisiana	497, 232
Maine	9, 194
Maryland	518, 674
Massachusetts	20, 318
Michigan	2, 183, 103
Minnesota	7, 471, 995
Mississippi	1, 453, 732
Missouri	5, 529, 148
Montana	136, 827
Nebraska	9, 480, 477
Nevada	5, 429
New Hampshire	9, 009
New Jersey	153, 755
New Mexico	702, 331
New York	698, 176
North Carolina	2, 173, 856
North Dakota	1, 515, 632
Ohio	3, 891, 946
Oklahoma	2, 159, 245
Oregon	51, 897
Pennsylvania	1, 278, 237
Rhode Island	3, 251
South Carolina	997, 026
South Dakota	5, 102, 258
Tennessee	1, 688, 137
Texas	11, 564, 384
Utah	50, 312
Vermont	46, 370
Virginia	787, 866
Washington	92, 822
West Virginia	106, 831
Wisconsin	3, 028, 546
Wyoming	72, 642
Total	113, 396, 400

Source: USDA, ASCS, March 18, 1971.

Need for the legislation

In order to provide sugar beet growers in Montana, Minnesota, Utah, and Wyoming the opportunity to grow an alternative commodity and continue their farming operation, it is important that H.R. 5981, as amended, be passed. Without this bill it is believed that the sugar beet producers would suffer extreme hardship because of the loss of their sugar beet market.

The bill would authorize the Secretary of Agriculture to establish feed grain bases for sugar beet producers who formerly processed their beets at a processing plant which has ceased operations after December 31, 1969. It would further provide that the establishment of such feed grain base be conditional upon the production of the commodity on the base. In establishing these feed grain bases the Secretary would be precluded from awarding any farm a feed grain base larger than the number of acres on that farm devoted to sugar beets in 1959–60. It also is the intent of the committee that there be no dual benefits awarded to eligible farmers. It is expected that such a farm would not continue sugar beet production with respect to the number of acres for which he receives a feed grain base under this legislation.

The feed grain base acreage established under the bill would remain in effect for subsequent years. This would mean, of course, that the State and National totals would be increased by the amount of the new bases. Subject to the terms and conditions determined appropriate by the Secretary under this legislation, all other provisions of the existing feed grain program, such as for example, payment limitations, the allocation of new farm bases, and history, set-aside, and planting requirements would remain in effect.

Committee amendments

The bill (H.R. 5981) as introduced would have authorized the Secretary of Agriculture "to establish feed grain bases, wheat domestic allotments, and upland cotton base acreage allotments for the purposes of the Agricultural Act of 1970 with respect to producers of sugar beets who formerly processed their sugar beets at a processing plant which has ceased operations on or after January 1, 1970."

However, in the case of wheat, to the extent these farms were granted new wheat allotments, the Department stated they would be forced to overissue wheat marketing certificates. For the following years, since the total amount of certificates issued is specifically set by law, the new allotment acres would have to be taken into account and the "old" wheat allotment farms would receive a reduction in wheat allotments and lose marketing certificates.

In the case of cotton, the allotment formula set forth in the legislation would require that farms granted allotments under this bill share in the allotment in subsequent years, thereby reducing the allotment and set-aside payment on old cotton farms to the extent new farm allotments were issued. As cotton cannot be grown in the areas affected by this bill, it is not at issue.

In view of the situation regarding wheat and cotton, the Department recommended that these two commodities be stricken from the bill. The committee, accordingly, has followed the recommendations of the Department.

The committee adopted another amendment supported by the Department to limit the size of farm feed grain bases allocated under this legislation to the number of acres planted to sugar beets in 1959–60.

The committee also adopted technical amendments in regard to the effective date for eligibility and revision of the bill's title.

Cost

Pursuant to clause 7 of rule XIII of the Rules of the House of Representatives, the cost of this legislation for the current and next 5 fiscal years is as follows:

The Department testified that if new feed grain bases are established for 60,000 acres formerly in sugar beets, the additional set-aside payments on this new base acreage would amount to approximately $700,000 maximum in fiscal year 1972. Of the 60,000 acres established, 12,000 acres could be set aside at a cost of approximately $58 per acre per year.

The committee concurs in the Department's estimate for fiscal year 1972 and does not anticipate any additional costs beyond $700,000 annually during any of the subsequent 4 fiscal years 1973–76. No specific 5-year cost estimate was submitted by the Department.

Hearings

Hearings were held by the Subcommittee on Livestock and Grains on March 11 and 17, 1971, and this bill was favorably reported to the full committee on March 17, 1971 by a vote of 11 yeas and 2 nays. The full committee ordered H.R. 5981 reported to the House on March 22, 1971, by a 17 to 5 division vote.

Departmental position

The position of the Department of Agriculture is set out in the following letters, dated March 17, 1971, by Clarence D. Palmby, Assistant Secretary of Agriculture, and March 19, 1971, by Carroll G. Brunthaver, Acting Administrator, ASCS:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., March 17, 1971.
Hon. W. R. POAGE,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR MR. CHAIRMAN: This is in reply to your request of March 11 for a report on H.R. 5981, a bill to authorize the Secretary of Agriculture to establish feed grain bases, wheat domestic allotments, and upland cotton base acreage allotments for certain growers of sugar beets.

The Department favors the enactment of this legislation with amendments.

This bill would authorize the Secretary of Agriculture to establish feed grain bases, wheat domestic allotments, and upland cotton base acreage allotments for producers of sugar beets who formerly processed their sugar beets at a processing plant which has ceased operations on or after January 1, 1970. It would further provide that the establishment of such feed grain base, wheat allotment, or cotton allotment be conditional upon the production of the commodity on the base or allotment.

Current legislation authorizes the withholding of some base acreage and allotment in reserve for new farms. However, for the 1971 feed grain, wheat, or cotton program there is not sufficient reserve acreage in the affected States to provide the increases that could be required to implement H.R. 5981. Hence, any new base acreage or allotments assigned to farms under this bill would represent an increase beyond the allotment or base already announced for 1971.

In the case of feed grains any new farm base acreages established would stay in effect for subsequent years. Hence, the State and National totals would be increased by the amount of the new bases. In the case of wheat in the 1971 program, to the extent that these farms were granted new wheat allotments, we would be forced to overissue wheat marketing certificates. However, for subsequent years, since the total amount of certificates issued is specifically set by law the new allotment acres would have to be taken into account and the "old" wheat allotment farms would receive a reduction in wheat allotment and hence marketing certificates. Similarly, in the case of cotton, the allotment formula prescribed in the legislation would require that farms granted allotments under this bill share in the allotment in subsequent years, thereby reducing the allotment and set-aside payment on "old" cotton farms to the extent that new farm allotments are issued under the authority in this bill. The Department, therefore, recommends the deletion of the wheat and cotton provisions of this bill.

Information presently available to the Department indicates that 60,000 to 75,000 acres of land devoted to sugar beets in 1970 might be affected by the provisions in this bill.

If new feed grain bases are established for 60,000 acres formerly in sugar beets, the additional set-aside payments on this new base acreage would amount to approximately $700,000 in fiscal year 1972. Of the 60,000 acres established, 12,000 acres would be diverted at a cost of $58 per acre.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,
CLARENCE D. PALMBY,
Assistant Secretary.

U.S. DEPARTMENT OF AGRICULTURE,
AGRICULTURAL STABILIZATION AND
CONSERVATION SERVICE,
Washington, D.C., March 19, 1971.
Hon. WILEY MAYNE,
U.S. House of Representatives.

DEAR MR. MAYNE: This is in response to your request for the Department's opinion on your proposed amendment to H.R. 5981. The amendment provides "that no feed grain base shall be established for any acres which were not planted to sugar beets during the 1959–60 feed grain base period."

The Department supports this amendment as it can be implemented on a farmer certification basis.

Sincerely,
CARROLL G. BRUNTHAVER,
Acting Administrator.

MINORITY VIEWS ON H.R. 5981

We oppose H.R. 5981 because it conflicts with basic purposes of the Agricultural Act of 1970.

This bill would give the Secretary of Agriculture authority to create additional feed grain base acres for allocation to sugar beet farmers who no longer have a market for sugar beets in their area. This is special legislation designed to give preferential treatment to a privileged few.

A central purpose of the Agricultural Act of 1970 and its predecessors has been to aid farmers who voluntarily agree to idle a portion of their land in order to avoid disastrous surpluses. It has never previously been the intent of Congress to pay farmers not to produce crops which they had not been producing prior to passage of the legislation. Clearly this will be the result if H.R. 5981 becomes law.

The bill gives no relief whatever to those most entitled to it, the many thousands of established feed grain producers who have long been denied fair and adequate feed grain bases under existing legislation. Their difficulties go back to the Feed Grain Act of 1961 which arbitrarily allocated a feed grain base to every farm equal to the average acreage devoted to corn and grain sorghums on that farm during the crops years of 1959 and 1960. Farmers would receive loans and direct payments if they voluntarily agreed to divert from production a portion of their feed grain base. The larger the feed grain base, the larger the direct payment.

Ever since its adoption in 1961, the 1959–60 historic base period has unfairly discriminated against producers caught with an abnormally small acreage of feed grain during that period. Special victims have been those farmers who were following recommended conservation parctices by rotating corn or sorghum acres to close cover crops during the years 1959–60. Feed grain producers whose only offense was that they tried to cooperate with Government recommended soil and water conservation programs have been unfairly penalized ever since. Saddled with smaller feed grain bases than neighbors who happened to have many acres in feed grains in 1959–60, these farmers have been denied participation in the program to the extent to which they were fairly entitled throughout 10 years of administration of the 1961 and 1965 acts. It is too early to know whether the corrective mechanism which the 1970 act provides for upward adjustment of such bases will actually be administered to end these inequities, which we must therefore assume will continue. If H.R. 5981 becomes law, feed grain farmers hurt by too rigid application of the base period will not only receive smaller payments than their grain producing neighbors, but may also receive smaller feed grain payments than sugar beet farmers being invited into the feed grain program by this special relief measure.

Information was developed at the hearing before the Livestock and Grain Subcommittee that thousands of feed grain farmers have been waiting in line many years for the assignment of additional base acres. It was estimated, for example, that from 7,000 to 10,000 Iowa farmers annually file individual appeals for more base acres with county ASCS offices in that State alone. These appeals have been largely unavailing because the Department has heretofore refused to increase the size of the national feed grain base. H.R. 5981 will subject such applicants in every feed grain-producing State to further inequity and discrimination by moving a newly created special class of sugar beet producers to the head of the line in which many of them have been waiting for 10 long years.

The sugar beet farmers for whom this program is designed do not need congressional approval to plant corn or other feed grains. They may presently devote their entire farms to feed grain production if they so desire. The sole purpose of H.R. 5981 is to make them eligible for direct payments and loan benefit provisions under the feed grain program. Beet farmers who previously were not producing corn will now be allocated feed grain bases and paid not to produce corn. We resist this unwarranted twisting of the purpose and function of the feed grain program.

We point also to the increased cost which H.R. 5981 will add to the program. The Associate Administrator of the Agricultural Stabilization and Conservation Service testified that the additional payments on the new base acreage created by this legislation will cost the Government approximately $700,000 in fiscal year 1972. There is no assurance this will not increase substantially if additional sugar beet processing plants cease operations in the future.

It is an unwieldy distortion of the feed grain program established by the 1970 act to make it the vehicle for the relief of the sugar beet producers who will benefit from this bill. This is true a fortiori when the Sugar Act of 1948 is available and can readily be adapted to render them more appropriate assistance. The Sugar Act already provides that when there is a natural disaster, eligible growers will receive "abandonment" or "deficiency" payments to compensate them for their loss or reduction of sugar beet production.

Thus, it would be more logical to examine the possibility of extending to the victims of an economic disaster (such as the closing of a sugar beet processing facility) the same or similar benefits that are now conferred in the event of natural disaster.

In brief it makes no sense to use appropriations intended for the feed grain program for the relief of the relatively small number of beet producers who will come within the provisions of H.R. 5981. It would be just as logical to use appropriations from the wool program, the cotton program, the wheat program, or the space program for that purpose.

What possible commonsense can there be in conferring payments on a select few farmers for not growing (i.e. setting aside) corn upon acreage where no corn has ever been grown?

This most certainly is a mischievous precedent that will haunt the farm program and the Congress for years to come.

Charles M. Teague.
George A. Goodling.
Clarence E. Miller.
Robert B. Mathias.
Wiley Mayne.
Robert D. Price.
Paul Findley.
John Kyl.

Washington, D.C.,
March 27, 1971.

Re H.R. 5981, feed grain bases for sugarbeets.

Dear Colleague: The above bill scheduled for floor action on Monday (subject to a rule being granted) unfairly discriminates against feed grain farmers. It diverts funds intended for proper administration of the feed grain program to beet sugar producers, paying them not to grow corn upon acres where no corn has ever been grown. Relief for beet producers should be accomplished by amending the Sugar Act and not by raiding the feed grain program.

For many years, thousands of feed grain farmers have been trying unsuccessfully to enlarge their base acres in every grain producing state. Their applications have been denied because the Department of Agriculture has heretofore refused to increase the national base. H.R. 5981 would increase the national feed grain base but give the additional base acres created not to lifelong feed grain farmers, but to producers of sugar beets. This makes a mockery of the feed grain program and establishes a precedent which jeopardizes its very existence. It would be just as logical to use appropriations from the wool program, the cotton program, or even the space program for this purpose.

The beet farmers involved are already free to start planting corn or sorghum on beet acres without restriction and need no further legislative authority to do so. But Congress should not thru H.R. 5981 authorize their being paid not to plant crops which they have not previously grown.

We urge you to read the minority views of 8 members of the Agriculture Committee and to be on the floor when the bill is reached possibly as early as Monday.

Clarence Miller.
John Kyl.
Wiley Mayne.
Paul Findley.

[From the Washington Post, Mar. 29, 1971]

Grain Subsidy Is Sought for Beet Growers

(By George Lardner Jr.)

The House Agriculture Committee is seeking quick passage of legislation that would give feed-grain subsidies of $700,000 a year to sugar beet growers who have never grown feed grains.

A similar bill was whisked through the Senate Thursday on voice vote. Critics call it a blatant special-interest measure "designed to give preferential treatment to a privileged few."

The proposal, endorsed by the Agriculture Department, would provide government relief for sugar beet growers left without markets when processing plants in Hardin, Mont.; Chaska, Minn., and West Jordan, Utah, were shut down.

In reporting out the bill Thursday, a House Agriculture Committee majority defended the subsidies as justified since the processing plants were closed "due to no fault of the beet growers." The bill would affect an estimated 60,000 acres.

Eight committee members submitted a minority report attacking the measure as "a mischievous precedent that will haunt the farm program and the Congress for years to come."

The payments would be made to the sugar beet growers for not growing feed grains, such as corn, on their old sugar-beet acreage.

"It has never previously been the intent of Congress to pay farmers not to produce crops which they had not been producing prior to the passage of the legislation," the minority protested. "It would be just as logical to use appropriations from the wool program, the cotton program, the wheat program or the space program . . ."

In fact, as originally proposed by Reps. John Melcher (D-Mont.) and John M. Zwach (R–Minn.), the House bill would have given the sugar beet growers a crack at cotton and wheat subsidies as well. The Senate-passed bill gives them a choice of not growing feed grains or not growing wheat.

The House Agriculture Committee, however, decided to limit the measure to feed grain subsidies. "Cotton," the committee observed, "cannot be grown in the areas affected by the bill" and in the case of wheat, it said, old wheat farms would have to take a cut in their allotments.

Corn-belt congressmen such as Rep. Wiley Mayne (R–Iowa), one of the dissenters, contend that there is similarly no excuse for dipping into the feed grain program. The minority maintains that any relief ought to be sought under the sugar program, which Congress is expected to revise later this year.

The bill is scheduled to go before the House Rules Committee this morning with floor action scheduled later in the day unless opponents can win a delay.

[From the Washington Post, Mar. 31, 1971]

Beet Aid Passed by Rules Unit

(By George Lardner, Jr.)

A controversial bill opening up feed-grain subsidies to sugar beet growers squeaked through the House Rules Committee yesterday by a vote of 7 to 6.

The measure was cleared for forthcoming floor debate after stiff opposition at a two-hour hearing. Several members voiced doubt that it would survive. Rep. Delbert Latta (R-Ohio) said he feared it would heap "criticism and ridicule" on the government's entire farm program.

Sponsored by Reps. John Melcher (D-Mont.) and John M. Zwach (R-Minn.), the bill would provide an estimated maximum of $700,000 a year for about 300 sugar beet growers in Montana, Wyoming, Utah and Minnesota who were left without a market when nearby processing plants were shut down.

The farmers would have to start growing corn on portions of their old sugar beet acreage, but the subsidies would be paid them for not growing corn on other sections of the land. Many of them have never grown corn anyway.

In defense of the bill, Rep. Thomas Foley (D-Wash.) said it was "designed admittedly to take care of an emergency situation." The growers face an April 9 deadline for signing up under the feed grain program.

"In other words, it's a food stamp program for the producers," Rep. Ray J. Madden (D-Ind.) said disapprovingly. "They're not in much more trouble than some of these people thrown out of work on account of unemployment."

Rep. Dave Martin (R-Neb.) said he considered the bill unfair to feed grain producers who have been trying unsuccessfully for years to get bigger acreage allotments for themselves.

Zwach, a corn farmer himself, maintained that the relief measure would have little impact on the huge feed grain program, but Corn Belt congressmen such as Iowa Republicans Wiley Mayne and John Kyl denounced it.

"If sugar beets can raid the feed grain program, why not other crops?" Mayne said. "This bill gives (the growers) federal payments for not doing something they weren't doing in the first place."

FATE OF AMERICAN PRISONERS NOW BEING HELD BY THE NORTH VIETNAMESE AND THE VIETCONG

(Mr. ABBITT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABBITT. Mr. Speaker, there is a growing concern in this country over the status and eventual fate of the American prisoners now being held by the North Vietnamese and the Vietcong. As of today, some American men have been held as prisoners of war for 7 years and 5 days. This is an intolerable situation, not only for the men and their families but for the Nation as a whole.

Public opinion in the United States is constantly showing its concern over these men and their families; they are in our thoughts and our prayers; but the question persists—how long can this go on? Are not these men and their families paying a much higher price than the rest of us who are growing weary of the Vietnam war? Are not they being used by the enemy as pawns in a political game?

I devoutly hope that everything possible will be done to return these men to their families just as soon as possible. In the meantime, I feel that our Government should impress upon the enemy in the strongest terms possible that we expect the prisoners to be treated in a manner in accord with the Geneva Convention. The uncertainty with which these Americans have been confronted for so many years should be cleared up without further delay.

SERVICE-CONNECTED DEATH PRESUMPTIONS FOR CERTAIN VETERANS

(Mr. HAMMERSCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, I am today introducing a bill which would provide statutory presumption of service-connected death for all war veterans who die after 20 or more years consecutive rating as totally disabled for service-connected reasons.

The bill would authorize the Administrator of Veterans' Affairs, to make payments of dependency and indemnity compensation to the dependents of a veteran who had been rated permanently and totally disabled from a service-connected disability and who dies of any condition other than misconduct.

Under current law, death compensation or DIC is provided to a veteran's dependents if he dies in service. It is also provided where a death is the result of a service-connected disability or where the service-connected disability materially contributed to the cause of death. No consideration is given in these determinations to the fact that severe chronic disabilities materially shorten life expectancy. Nor is consideration given to the fact that a veteran rated permanently and totally disabled for many years places a severe economic factor on his dependents due to his reduced earning capacity.

The approval of this bill will eliminate these inequities.

The content of the bill follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 410(a) of title 38, United States Code, is amended to read as follows:

"(a) When any veteran dies after December 31, 1956, from service-connected or compensable disability, or was in receipt of or entitled to receive compensation at time of death for a service-connected disability permanently and totally disabling for twenty or more years, the Administrator shall pay dependency and indemnity compensation to his widow, children, and parents. The standards and criteria for determining whether or not a disability is service-connected shall be those applicable under chapter 11 of this title."

LETTER TO THE PRESIDENT ON BEHALF OF OUR COUNTRY AND LIEUTENANT CALLEY

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, chaotic emotions and feelings continue to run high in my Capital City District.

There have been public demonstrations to dramatize mounting public sentiment against the Lieutenant Calley conviction. Local draft boards have been implored to resign. Veteran groups are organizing to fight for Calley's freedom.

My district office phones have been jammed for 2 days and enraged constituents even call me long distance at my home to express their personal resentment.

The people in my district are not buying Lieutenant Calley's verdict. They do not want arguments—they want action. They want Calley exonerated. They want him free.

I have written the President of the United States imploring him to use his office to grant an Executive pardon as soon as possible.

I ask that the text of my letter to President Nixon and the noble and unselfish statement of Lieutenant Calley—symbol of the American soldier in combat—to his convictors, which in my opinion exemplifies the highest military tradition and honor—placing country above self—follow.

March 31, 1971.

Hon. Richard M. Nixon,
President of the United States of America,
The White House, Washington, D.C.

Dear Mr. President: I feel it is my responsibility to report to you that without exception every one of the many constituents from the Sixth District of Louisiana contacting me are outraged at the conviction of Lieutenant Calley. They are most vocal and adamant in demanding his immediate freedom.

I implore you to exercise the authority of your office as Commander in Chief of the U.S. military forces to relieve the chaotic state by granting an immediate executive pardon to Lieutenant Calley.

The feeling of my constituents seems consistent—they are not interested in facts, figures, arguments, or rhetoric. They understand only that a dedicated young American Army officer has been convicted of murder growing out of combat operations in wartime. And they want him free!

Mr. President, my people have enough POWs in North Vietnam. They are not going to accept Lieutenant Calley being held as a POW in the United States.

Mr. President, you and you alone have the power to stop this national indignation. Your prompt and early action in this matter is absolutely necessary to restore public confidence in their leader, save any spark of patriotism, and to halt the further demoralization of our military forces.

Very truly yours,

John R. Rarick,
Member of Congress.

Calley Plea: "I Had to Value the Lives of My Troops"

(Ft. Benning, Ga., March 30.—Following is the text of the statement by Lt. William L. Calley, Jr., to the court-martial jury considering his sentence for murder at Mylai.)

Let me know if you can't hear me, sir. Your honor, court members, I asked Judge Latimer and my other attorneys not to go on in mitigation in this case.

There's a lot of things, that really aren't appropriate and I don't think it matters what type of individual I am.

And I'm not going to stand here and plead for my life and my freedom.

But I would like you to ask—ask you to consider the thousand more lives that are going to be lost in Southeast Asia, the thousands more to be imprisoned not only here in the United States but in North Vietnam and in hospitals all over the world as amputees.

I've never known a soldier, nor did I ever myself, ever wantonly kill a human being in my entire life.

If I have committed a crime, the only crime that I have committed is in judgment of my values. Apparently I valued my troops' lives more than I did that of the enemy—when my troops were getting massacred and mauled by an enemy I couldn't see, I couldn't feel and I couldn't touch—that nobody in the military system ever described as anything other than as communism.

They didn't give it a race. They didn't give it a sex. They didn't give it an age. They never let me believe it was just a philosophy in a man's mind. That was my enemy out there.

And when it came between me and that enemy, I had to value the lives of my troops and I feel that is the only crime I have committed.

Yesterday, you stripped me of all my honor: Please, by your actions that you take here today, don't strip future soldiers of their honor. I beg of you.

NATIONAL FUTURE HOMEMAKERS OF AMERICA WEEK

The SPEAKER pro tempore (Mr. Matsunaga). Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, I feel it appropriate to recognize today an organization of young people who believe that social change is best achieved through constructive personal involvement in community action.

It is with this positive attitude that 600,000 young people have designated March 28 through April 3 as National Future Homemakers of America Week. The president of FHA has expressed a desire to make this week "a showcase for what 600,000 teenagers are doing to find solutions to some of the problems confronting today's society in preparation for a better future." These young people have chosen "FHA Cares" as the theme for their national week of observance. FHA's record confirms that assertion.

FHA is justly proud of the part its 12,054 local chapters have played in community tutoring programs for underprivileged children, especially children of migrant workers, nutrition education projects, consumer services, and in the general enhancement of homemaking education.

A number of FHA members have written me letters recently urging me to support continued funding for the consumer and homemaking education sections of the vocational education amendments to Public Law 90–576.

The adequate funding of homemaking education is important to these young people, and, as one FHA member points out:

> In a time when the dollar buys less, it would seem that our decision-makers would make every effort to educate our youth to the wise use of this commodity.

I think this statement typifies the attitude of responsible concern that guides this organization.

I feel fortunate that this organization has 75,000 members in the State of Texas and 1,500 members in San Antonio, and hope that I will someday have the opportunity to personally assist them in one of their community action endeavors.

FHA's view that the strengthening of our basic social unit—the family—in turn strengthens and enriches American society is a concept that has lately lost its much-deserved prominence. We are lucky to have a national organization dedicated to perpetuating that concept.

SOCIAL SECURITY INCREASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Burke) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, before another week goes by, I want to remind the House that it still has in social security a matter of unfinished business before it. With the signing into law of the 10-percent social security increase on March 17, this House did not finish its business or fulfill its obligations to the senior citizens of this Nation. This group still looks to us to finish our business. By giving an individual in his old age $70 a month to live on, this Government has hardly gone far enough in its responsibility to the elderly. Much as I disliked delaying immediate action on the social security increase, I must confess I was reluctant to go along with the amendment to the debt increase earlier this month providing for the 10 percent social security increase because I was afraid that it would be regarded as the culmination of a long struggle and Members would begin to turn their attention to other pressing matters, feeling that they had taken care of the needs of the elderly. If the past is anything to go by, we might expect that it will be at least another session or another Congress before something further is done to increase the benefits under the social security system. The fact of the matter is that when the base payments are as low as they are, a 10-percent increase does not that measureably improve the lot of the recipients. Ten percent of $64 a month is still only $6.40—or $70 total to live on. There is still a need for further action by this Congress this session in social security. There are still opportunities for this Congress to do something further in this area.

With this aim in mind, I am announcing today, therefore, that I plan to reintroduce H.R. 1239 in the near future and am currently putting together a "Dear Colleague" letter wherein I will solicit the support of each and every Member for H.R. 1239.

What would H.R. 1239 accomplish? It would do something significant by providing a 50-percent across-the-board increase in benefits and at the same time would raise the amount of outside earnings which a beneficiary may have without suffering deductions from his benefits. In other words, H.R. 1239 would raise the benefits 50 percent and permit outside earnings to reach $3,000. While I confess even this does not go far enough, at least it would be a significant improvement in the lot of the social security recipient. It would also contribute to an improvement in the economy in this current period of deep recession. What better way can the Federal Government increase public expenditure than by directing needed money to this neglected group in our society? The day is long past when a senior citizen or anyone in our society could live on $70 minimum a month. It is time to be realistic where our senior citizens are concerned. It is time to look realistically at subsistence level estimates of the Department of Labor.

One of the best features of my bill is that this will not lead to a material increase in the social security tax because my plan calls for a redistribution of the costs of this increase. I propose that instead of the cost being split 50–50 between employer-employee that the Government step in and take over one-third of the cost out of general revenue, leaving employers and employees with one-third each. Why do I bring Federal funds into the picture. Because I am convinced that the social security system is actually defraying costs which would otherwise have to be met out of general revenue. It is relieving the burdens of old-age assistance and aid to the disabled, expenses which were not originally intended to be born fully by the trust fund. In providing for the Federal Government to assume one-third of the cost of this increase, I am simply asking the Government to pay its fair share.

In closing, I simply want to repeat that our work is not finished as far as the elderly are concerned. Much remains to be done. The 10-percent increase just passed is but a first step in the right direction. Now it is time for us to really get down to serious business and face up to what it really costs to get along today.

LT. WILLIAM CALLEY CONVICTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, as I understand it, Lieutenant Calley has been convicted by a military jury of premeditated murder of 22 persons in My Lai, mostly women and children. No one, Mr. Speaker, can condone the international killing of women and children. But, there must be something wrong with a system of justice which allows one man to stand trial because he is a career officer, and at the same time allow others, who perhaps participated in the same incident, to go free because they just happen to have been discharged before the indictment. There must be something wrong with a system that allows Lieutenant Calley's superior officers to avoid prosecution. If one is guilty of following orders, then those who gave the orders must be equally guilty. What is a soldier to do in the future when he disagrees with an order? Should he ignore it at his peril or should he carry it out and risk prosecution?

The Calley case will go down in history as the prime example of an attempt to find a scapegoat.

The trial will also be historical in that it will no doubt bring about a much needed revision of the law.

In the meantime, because Lieutenant Calley was a product of the system, because others with him will never be tried, and because his superior officers are apparently not to be held responsible, I believe Lieutenant Calley should be freed.

AMERICA'S GREAT ACCOMPLISHMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. There have been 17 modern Olympic games since 1896. The United States has won the competition 14 times.

RELEASE OF VIETNAMESE PRISONERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, today 60 of my colleagues are joining me in introducing a resolution calling for the unconditional release of 1,600 North Vietnamese prisoners of war held in South Vietnam, equaling the number of Americans now listed as missing in action or held prisoner.

Those to be repatriated should be selected at random without regard to age or physical condition. All should be released simultaneously from the same location on the demilitarized zone at the conclusion of a ceremony during which officials of allied governments would issue a supply of rations to each prisoner released and make an appropriate public appeal to Hanoi, the National Liberation Front, and the Pathet Lao for similar humane treatment of American prisoners. The POW's would then be permitted to proceed on foot toward North Vietnam. All procedures would be planned and carried out under the supervision of the International Red Cross.

The occasion would unquestionably capture the imagination of the world. The ceremony and release would receive widespread attention through television, radio, and press coverage. For the first time, the world would be able to comprehend the number of U.S. persons now missing in action in Vietnam as well as the enormity of Hanoi's violation of the Geneva Convention on prisoners of war. Each enemy POW released would recognize, as would the entire world, that his newly gained freedom symbolized the uncertain fate of one American presently held prisoner or missing in action.

This humanitarian gesture at the DMZ would dramatize as no other way possibly could the treatment of POW's by the allies as contrasted with that of the North Vietnamese, the Vietcong, and the Pathet Lao.

This proposal has recently gained the enthusiastic support of Col. Frank Borman, President Nixon's Special Representative for Prisoners of War. Testifying before the National Security Policy Subcommittee of the House Foreign Affairs Committee, Colonel Borman called it "a most significant proposal," and said he would "urge that this be accomplished with the maximum haste." Colonel Borman added:

> I think that the time has come to act on this proposal.

Another witness, Col. Norris Overly, who was held prisoner by the North Vietnamese, called the proposal a "tremendous idea" and told the subcommittee, "our only real weapon is world opinion."

The only risk involved is the possibility that the repatriated men might soon be back under arms against us. That, of course, is the same risk which President Nixon wisely undertook when he offered to release all of the prisoners held by the allies if the enemy would release those in their custody. Obviously, such risk in the proposal embodied in this resolution would be much smaller, and also less than the risk surrounding the valiant attempt on November 21, 1970, to rescue American prisoners held near Hanoi.

Against this modest risk can be measured these possibilities for gain:

First. The release might cause Hanoi to respond in kind. If Hanoi should release a few, we could wisely release some more.

Second. At the very minimum the release would stir world opinion—all to our advantage. The release would show, as could nothing else, the gulf in human compassion between us and the enemy.

It would show the contrast in treatment of POW's.

Third. The release would focus worldwide attention directly on the enemy's illegal and unconscionable treatment of POW's, an issue which evidently causes them their greatest difficulty in international relations, and which, according to Colonel Overly, has prompted Hanoi to release some information about those missing and permit some flow of mail.

Fourth. The released men might return home as ambassadors of goodwill. The reports they would make might help to correct propaganda-bred misapprehensions. Even if returned to arms, which seems most unlikely, they could hardly be unaffected by the humanitarian treatment they had received.

Fifth. It would do much to inspire the American people at a moment when inspiration is greatly needed. The release undoubtedly would be without precedent, the most compassionate act ever committed by any nation, large or small, in time of war. The impact of this vast drama—1,600 men turned free and returned to their homeland and their families—would touch every American's deepest emotions, not to mention its impact abroad.

Since the first American pilot was captured in August of 1964, no issue has so stirred American public sentiment as has the undetermined fate of our POW's. The unmerciful anguish to families and loved ones which this causes is an outrage to all humanity. Many do not know whether their husbands or son is alive, yet each clings to the tiny thread of hope that he will one day be returned safely.

Just how elusive and frustrating this hope can be was recently demonstrated when the North Vietnamese released a film clip containing the pictures of over 60 prisoners of war. It has not been possible to positively identify at least 20 of the Americans pictured, yet 800 separate American families have identified one of the 20 photographs as being of their loved one. Such inhuman disregard for the sensibilities of these families can only be described as sadism.

Short of outright release, nothing would be more welcome to the families of those men who are listed as missing in action than a confirmation of their status as either prisoner, dead or unknown. It would end the agonizing uncertainty which now plagues their everyday existence.

There is a growing, gnawing doubt and pessimism on the part of most Americans, a doubt which serves only to harden public attitudes toward those who are daily accused of violating international law and of mistreating prisoners of war. The proposal we are making today would lift the spirits and hopes of men held captive, their families—in fact, all people of compassion. It would reaffirm in an effective, dramatic way our country's willingness to assume risk in order to promote the safety and freedom of our men in captivity.

Text of resolution and list of cosponsors follows:

H. Con. Res. 247

Whereas, 1,600 American servicemen are held prisoners-of-war, or are missing in action in Indochina; and

Whereas, North Vietnam, the National Liberation Front and the Pathet Lao continue to violate the standards set forth in the Geneva Convention which require humane, decent treatment of prisoners-of-war; and

Whereas, every opportunity should be pursued which will focus attention on the plight of these American servicemen and the anguish suffered by their families and friends, and bring to bear against North Vietnam the force of world opinion in behalf of humane policies; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), that,

It is the sense of the Congress that allied authorities should:

(1) Arrange the immediate unconditional release of 1,600 North Vietnamese prisoners-of-war now held in South Vietnam, equaling the number of Americans now listed as missing in action or imprisoned in Southeast Asia.

(2) Effect the release of all such prisoners simultaneously from the same location on the demilitarized zone at the conclusion of a ceremony during which officials of allied governments would issue a supply of rations to each prisoner released and make an appropriate public appeal to North Vietnamese, National Liberation Front, and Pathet Lao leaders for similar humane treatment of prisoners they hold. Prisoners would then be permitted to proceed on foot toward North Vietnam.

(3) Plan and carry out all procedures under the close supervision of the International Red Cross, and take special precautions to prohibit forced repatriation.

LIST OF COSPONSORS

John B. Anderson (R–Ill), Mark Andrews (R–ND), Bill Archer (R–Tex), Walter S. Baring (D–Nev), Mario Biaggi (D–NY), Jonathan B. Bingham (D–NY), William S. Broomfield (R–Mich), John Buchanan (R–Ala), James A. Burke (D–Mass), Bill Chappell, Jr. (R–Fla).

James C. Cleveland (R–NH), R. Lawrence Coughlin (R–Pa), John W. Davis (D–Ga), John Dellenback (R–Oreg), Thaddeus Dulski (D–NY), Florence Dwyer (R–NJ), Don Edwards (D–Calif), Dante B. Fascell (D–Fla), Paul Findley (R–Ill), Edwin B. Forsythe (R–NJ).

L. H. Fountain (D–NC), Bill Frenzel (R–Minn), James G. Fulton (R–Pa), Edward A. Garmatz (D–Md), Ella T. Grasso (D–Conn), Charles H. Griffin (D–Miss), Charles S. Gubser (R–Calif), Seymour Halpern (R–NY), Ken Hechler (D–WVa), Craig Hosmer (D–Calif).

Jack F. Kemp (R–NY), Peter N. Kyros (D–Me), Sherman P. Lloyd (R–Utah), James A. McClure (R–Idaho), Spark M. Matsunaga (D–Hawaii), Wiley Mayne (R–Iowa), Patsy T. Mink (D–Hawaii), Wilmer Mizell (R–NC), F. Bradford Morse (R–Mass), John T. Myers (R–Ind).

Robert N. C. Nix (D–Pa), Richard H. Poff (R–Va), Charlotte T. Reid (R–Ill), J. Kenneth Robinson (R–Va), Howard W. Robison (R–NY), Robert A. Roe (D–NJ), Fred B. Rooney (D–Pa), Philip E. Ruppe (R–Mich), James H. Scheuer (D–NY), William A. Steiger (R–Wis).

Charles M. Teague (R–Calif), John H. Terry (R–NY), Vernon W. Thomson (R–Wis), Charles Thone (R–Nebr), Joseph P. Vigorito (D–Pa), Lawrence G. Williams (R–Pa), Larry Winn, Jr. (R–Kans), Wendell Wyatt (R–Oreg), John Wydler (R–NY), Clement J. Zablocki (D–Wis).

FEDERAL FIREFIGHTER'S RETIREMENT LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 10 minutes.

Mr. HOGAN. Mr. Speaker, today I am introducing legislation to extend to Federal firefighters the same preferential retirement treatment now accorded Federal law enforcement personnel under the hazardous duty provisions of the civil service retirement system. This legislation is similar to that which the Congress approved late in the 91st Congress but which was vetoed by President Nixon.

Under my bill, Federal firefighters, for the first time, would be eligible for full retirement after attaining age 50 with 20 years of service. The annuity would be computed at the rate of 2 percent of the employee's high 3-year average salary multiplied by his total years of service.

The same criteria used to justify preferential treatment to law enforcement personnel will, under this legislation, be applied to Federal firefighters, as it should be. Firefighting requires a staff of active, vigorous, and physically capable men. We also need this legislation to provide an incentive to encourage younger men to enter and remain in Federal service, and older men to leave it at an early age.

The occupation of firefighting is one of the most hazardous in the world. The fact that the firefighters' fatality rate is 275 percent greater than the rate for the overall work force certainly substantiates this statement.

Federal firefighters are required daily to handle chemicals and radioactive materials. Nuclear materials are becoming commonplace at numerous Federal installations and in the event of a nuclear accident, the Federal firefighter is the first one called upon to respond.

Firefighters perform their duties during emergency situations, all times of the day and night, exposed to extreme heat and cold. This type of duty is often heavy, performed in extreme high temperatures. Noted physicians say that this is a burden on the cardiovascular system. The pulse rate increases and the stroke volume of the heart decreases.

Federal firemen also perform much of their duties in the extreme cold. Authorities, in their research, have found that this may produce persistent hypertension. A firefighter is exposed to carbon dioxide and other poisonous gases, which unquestionably do damage to the heart and vascular system.

At a nearby Federal installation, in a 5-year period, 10 percent of the firefighting force was lost because of heart ailments—the average age of these men was only 44 years.

I have in my district a number of military installations. One is the Naval Ordnance Laboratory at Indian Head, Md. I do not know of any place in the world more hazardous than that facility, where they make propellants, rockets, and torpedoes, and the firefighters there have an unbelievably difficult and hazardous job.

I urge my colleagues on the Subcommittee on Retirement, Health Benefits, and Insurance to join me in seeking prompt action on this measure.

PROPOSAL THAT LT. WILLIAM CALLEY BE INVITED TO ADDRESS JOINT SESSION OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 30 minutes.

Mr. FUQUA. Mr. Speaker, today I propose that an American citizen be invited to address a joint session of Congress.

Today, I propose that Army Lt. William Calley be invited to speak to the American people to tell them his side of the story.

Today, I propose that an American soldier—just an average guy in civilian life—be allowed to speak to the men and women of all 50 States to let them know that we are all his codefendants.

Today, I introduce a House concurrent resolution.

It seems appropriate at this season of the year that Lieutenant Calley's trial come to an end. For we can be like Pontius Pilate and wash our hands and say that "This is none of my affair." It has been done before.

Today, there is a far greater issue than the trial of Lt. William Calley, for this is but another chapter in a continuing story where a scapegoat is sought—and in this case it is Lt. William Calley.

Let me remind you of a ship named the *Pueblo*. It seems to me that a great many people have forgotten that story. We hush that one up.

After the men of this ship were sent into a battle zone, ill-protected and almost completely defenseless—they were captured. They suffered indignities at the hands of the enemy. These men suffered physical pain wearing the uniform of the United States.

And what was their reward? They were to be tried.

Well, the American people rose up as one at this indignity. That service involved—the Department of Defense—was unable to slaughter a scapegoat.

But they were successful in halting the career of a dedicated Navy officer—and to the end of time the story of Captain Bucher and his crew will be a blot on the history of the United States.

Lieutenant Calley is a man who volunteered—he was sent to an Army school to learn to kill. War is never a pleasant little interlude like a football game, to be trite, it is pure unmitigated hell.

One visit to a service hospital or a VA hospital will expose you to human suffering you can never imagine. The injuries which these men suffered in the service of their Nation will be with them to the end of their days, but we seem to be more interested in washing our hands of any affair that is unpleasant.

Lieutenant Calley has been tried under the Uniform Code of Military Justice. That code was passed by the Congress.

I think it is time that somebody stood up here and said we are his accusers, let us invite this American serviceman here to tell his story.

The television cameras roll as the astronauts or the President address the Congress. Newsmen and dignitaries fall all over themselves to be seen and heard at these pleasant events.

Well, I can assure you of one thing.

If a young man who is a citizen of this Nation is invited here to tell you to your face, and through that medium of the American people, he can look into the faces of a vast majority of the people of this Nation and tell them that he has been stripped of his honor.

He can say in his own words what he feels. It seems to me that this would be a perfectly legitimate function of the Congress, for maybe the laws relating to military justice are somewhat less perfect than many would have us to believe.

It is not a question of My Lai or any other area. It is not a question of the *Pueblo* or the men that suffered there.

This is a question of the morale of our servicemen and the fiber of our Nation. If we do not accept as a people the problems as well as the tributes, then this Nation has sunk to a low point.

It is a great thing to be here and congratulate ourselves on the success of a flight to the moon.

But I wonder how many will join me in being willing to sit and listen to a young man who might have been sentenced to death.

And he got life imprisonment—a fate which might be far worse.

He said at the conclusion of his trial that he did not plead for his life or his freedom, but he did plead for the men who are still over in that hellhole—defending your liberty and my liberty.

Is this the America we were taught to love?

Drafted and urged to enlist, a young Florida boy was taught to kill. Sent to a land where he could not know the enemy, where his fellow servicemen have been killed and maimed by women and children, by an enemy that is unseen, he does not even have the knowledge that his Nation is behind him.

I have never understood limited warfare. War is no game. The killing and slaughter of young Americans is no laughing matter, it is not a romantic adventure—it is terror and sorrow, suffering and anguish.

Think of the anguish of the wives and children of men who are imprisoned—never knowing whether they are married or widowed—children with a father or half-orphan.

While William Calley volunteered and we sent him into this abyss, another fellow that goes by the name of Muhammed Ali walks around with a few million dollars in his pockets from a sporting event.

The scenario in Vietnam is no sporting event.

Calley had friends who were killed. He knew a horror and an agony that those comfortable in their little corners cannot know.

Go ahead and wash your hands of this affair.

Go ahead and say it is none of my affair.

And there will be other Calleys and other *Pueblo's*.

Since we have been so prone to bring those with pleasant achievements among our midst, let us bring in this young Army officer. It will not take much of the time of the people of this Nation.

But it might help us to understand the horror that is being inflicted on young Americans in a war which was not declared and which goes on without the Nation making any resolve or sacrifice to win.

Let others do the suffering as long as it does not affect my little corner of the world, seems to be said.

And it will continue to be somebody's brother, somebody's son, who will be brought home in a flag-covered coffin.

Today, I propose that Lt. William Calley be invited to address a joint session of Congress. A great many platitudes might end at that point.

A young American citizen might have a chance to tell his side of the story—and maybe there will be some people who might have a new understanding.

I do not plead for his life or his freedom.

But I do plead that he be given the opportunity to speak to the American people.

H. CON. RES. 250

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the facts and circumstances surrounding the events at My Lai and the subsequent conviction of Lieutenant William Calley for participation therein, raise issues in the minds of American citizens which transcend the interests of military justice, and require that Lieutenant Calley be given an opportunity to address the Nation on the floor of the Congress convened in joint session.

REVENUE-SHARING PROPOSAL

The SPEAKER pro tempore. (Mr. MATSUNAGA). Under previous order of the House, the gentleman from Pennsylvania Mr. FLOOD), is recognized for 20 minutes.

Mr. FLOOD. Mr. Speaker, I take great pleasure in inserting into the RECORD the remarks of Gov. Milton J. Shapp, which were delivered before the National Press Club on today:

REMARKS OF GOV. MILTON J. SHAPP

With frequent regularity, the nation's Governors journey to Washington—individually or in groups—to meet with the President, confer with Cabinet officials, to lobby in Congress and address the National Press Club.

Often, the Governor's are followed by—or preceded by—the Mayors of the nation's cities.

Invariably, the message is the same: the states and cities of America are in desperate financial shape and the federal government must bail them out with some form of revenue sharing.

Usually, the dialogue turns out to be a debate without particulars. Some Governors and Mayors support the concept of revenue sharing in principle. Others support the Nixon plan whatever that may be. Some are for other forms of federal help. Others are for the proposals of this or that Senator. The general theme though is consistent. The cities and states lack the broad tax base, must live within balanced budgets and thus are unable to finance their expanding needs.

Against this background of growing national debate, I am happy, if somewhat apprehensive, to be here today to address the National Press Club as the Democratic Governor of the nation's third largest state.

I say I am apprehensive because I am sure you are sitting there expecting to hear the same old pitch for revenue sharing in the same old way with minor modifications here and there.

Well, I've decided not to make the same old pitch because I don't happen to agree with it. The Nixon proposals simply do not apply to the problems of 1971 let alone for 1972 and successive years.

I built a successful business by making decisions based upon need and logic. I don't believe we can solve our governmental problems by continuing to make our decisions on the basis of politics.

Now don't misunderstand me. As Governor of Pennsylvania I would be glad to be the beneficiary of a windfall called revenue sharing.

Call it the Nixon Plan, the Muskie Plan, the Governor's Plan, the Mayors' Plan, or anyone else's plan, I'll take the money. Pennsylvania needs it.

Last month, in Pennsylvania, we enacted a new tax package featuring for the first time an income tax based on line 50 of the federal tax return. Coupled with some basic reforms and additional business taxes, that package will, for the first time in many years, place Pennsylvania on a solid financial basis. This is quite a step forward considering the fact that on March 1st we ran out of money; that we were on the brink of insolvency, facing a debt, projected until June or 1972, of $1.55 billion.

Nonetheless, even with the passage of new taxes and the economies that we are introducing into the operations of government, we will barely meet our obligations for present programs in fiscal '71–72, to say nothing about the need to finance many new programs of vital public need.

Take, for example, mass transportation in Pennsylvania. The Southeastern Pennsylvania Transportation Authority (SEPTA) which services Philadelphia and the surrounding counties, is in serious financial trouble. To modernize SEPTA and place it on a solid financial footing, between 800 million and a billion dollars will be needed over the next five years.

That money can't come from Philadelphia, nor can it come from the state. Only last week, the Federal Reserve Bank of Philadelphia warned that Philadelphia faces "fiscal chaos" in the 1970s. The report projected cumulative deficits for this one city alone totaling $1.325 billion over the next five years.

The Federal Reserve report also made clear that the projected amount of $54 million which Philadelphia would receive annually would still leave a deficit of over one billion dollars in five years merely to continue to finance existing programs even if President Nixon's revenue sharing program was enacted.

The Nixon proposal is nothing more than a red herring to obscure the real problems our nation faces and to give the illusion that the administration is concerned about the people's problems. Also, what is happening today is that public officials, focusing so strongly on the abstract concept of revenue sharing, have failed to perceive the vital inter-relationship of fiscal policy with economic and social policy.

You have often heard Governors, Mayors and Congressmen say that money alone will not solve our problems.

But too often that statement is accompanied by a single preoccupation with getting money alone.

I hope that we can stimulate a broader debate throughout the nation, one which would place equal priority on the need for economic growth and the demand for social progress.

Perhaps no other issue of modern times illustrates the three-fold problem of fiscal necessity, economic growth and social progress better than the welfare system.

During the next fiscal year, the welfare rolls in Pennsylvania are expected to exceed 900,000 cases.

In New York State, Governor Rockefeller announced last week a proposal to place a one-year residency requirement on welfare recipients, justifying his claim on the statement that his state faces an unusually serious situation under the terms of the Supreme Court residency ruling.

And in California, Governor Reagan has flatly and simply called for the elimination of three-quarters of a million people from the welfare rolls at a projected saving of $700 million.

Each response has been in terms of money. Neither Rockefeller nor Reagan has spoken in terms of people.

I have proposed that the federal government take over the operation of the entire welfare system. I believe that the machinery of public assistance, designed to meet the crisis of the 1930's Depression, simply no longer applies to the problems of the seventies.

The rise in the welfare caseload represents a fiscal crisis of grave magnitude that can not be handled by the states. The soaring caseload not only reflects uncontrollable state costs due to federal laws and court decisions regarding eligibility for welfare, but it is also indicative of a stagnant national economy.

It points up our social failure to provide meaningful programs of education, job training, and employment, for all our citizens, of wasting so much of our precious national resources in a senseless war instead of taking care of our people's real needs.

Therefore, I propose that government, on every level, begin to think in terms of a three-cornered solution to our problems. One is the generation of new sources of revenue for our cities and states, which should include some block grant revenue sharing funds combined with a federal takeover of the welfare program.

A second is the need for positive federal action to stimulate economic growth.

Third, an expansion of programs for social progress.

My thoughts regarding the need for federal takeover of the welfare systems were presented to the Joint Economic Committee on January 22nd. I shall not expand on this concept here except to illustrate that under Nixon's revenue sharing proposals, Pennsylvania's state government would receive $123 million next year but welfare costs alone will increase over $150 million. And that we would presently save almost $700 million if Washington took this load over. Many of our problems are caused by high unemployment.

Ten years ago, when John Kennedy became President, the economy faced the same type of stagnation which we are witnessing today—high unemployment, slow growth and sluggish production.

The Kennedy Administration demonstrated that the tools of the federal government could be used in a constructive manner to stimulate the economy. Public works, Manpower Retraining, Area Redevelopment, Aid to Education, new incentives for housing and stepped up urban assistance all were put to work to prime the economy.

Some of these programs in their particulars, would not necessarily be the ones we need today. But surely the federal government must adopt the principle of putting its vast resources to work for the cause of economic growth.

As Leon Keyserling recently pointed out, "unless reasonably full employment and production are restored within a reasonable time, all of the economic and social problems with which the states and localities are wrestling will be further aggravated to a degree which cannot be compensated for by revenue sharing." A program for revenue sharing would be but a part, and minor part at that, of the entire program needed by our federal government. There is urgent need to develop a long-range economic and social budget for the United States, properly quantifying broad production and employment targets.

I understand the President says he is now a Disciple of Keynes. He has presented his own version of deficit spending in the guise of a full employment budget. He claims that he is now prepared to use the tools of the federal government to get us out of the recessionary spiral we are in.

But once again, we see evidence that his words are not consistent with his actions.

Why, is the administration holding back on billions of dollars already appropriated for eduation and urban programs and mandated from the highway trust fund?

Last weekend at the Democratic Governors' Conference in St. Loius, I said that while Nixon talks a good game about revenue sharing he was following instead a policy of revenue snaring.

I don't believe, we will see this unimaginative administration use the tools at its command with any sort of determination. I think we will see more words, fewer deeds and a lot of expressed hope that somehow the economy will improve itself. I might add this is a philosophy followed by all Republican administrations since 1924—all of which have evolved in deep recession or depression.

If we are going to stimulate the economy the administration must have to *believe it can* be stimulated. And it seems to be the peculiar failing of the present Administration that it has no faith in the potential of human ingenuity applying the tools of government to generate true prosperity.

Finally, as a third point, I want to talk briefly about the question of social progress.

Where will we be, as a nation, with all the revenue at our disposal unless we use it wisely for the benefit of all our people?

What good, indeed, will economic growth be unless it benefits not only the few at the top but the millions at the bottom?

The nation is quieter today than it has been.

But perhaps our misery has simply gone underground.

The poor are not always visible.

And the angry are not always shouting.

Sometimes both poverty and anger are transformed into quiet despair and invisible frustration.

Whatever the present mood, the fact is that America still has not lived up to its commitment to equal rights for all Americans, regardless of race, creed, or color.

Nor have we been sufficiently innovative in devising new approaches to learning for millions of people at the bottom of the ladder whose livelihood depends upon manual employment and other forms of low paying jobs, many of whom languish on welfare because they lack the skills and knowledge to hold jobs in our modern society.

A lot of jobs are disappearing because of the sluggish economy and because of automation.

In their place are other jobs but these require skills and training which still are not available to or earmarked for those most in need.

Is it any wonder that the welfare rolls increase when unemployment is so high and unemployability is so obvious?

During the recent crisis in Pennsylvania, we faced the possibility of laying off about five hundred people in custodial jobs in our Department of Property and Supplies. The move was intended to effect some economies. The plan was almost approved when the Secretary of Property and Supplies said to me: "Governor, you know what's going to happen when you lay those people off? They'll all be on welfare." I decided to use the same number of dollars to keep these people employed and our buildings clean. This incident points up clearly the predicament we are in.

Either we provide relevant training that leads to meaningful employment or else we continue to witness the continued rise in the welfare rolls.

For a brief period during the sixties, it seemed as if the nation had finally captured the commitment to social progress.

But I believe it has been lost and must be regained if this nation is to survive.

And behind the national problem, of course, lies the international situation. Let's face it. We shall not succeed here in America until we end, once and for all, our involvement in Indo China. And we shall not succeed, even then, unless we transfer some of the huge defense budget into meaningful revenue sharing programs.

These, then, are the priorities as I see them and I would like to close this discussion with a brief statement of my own position on the specific question of revenue sharing so that you will have, on the record, the position of the Governor of Pennsylvania.

A month ago, when the National Governors' Conference met here in Washington, I made a four-point proposal for adoption which included the following items:

1. FULL FEDERALIZATION OF WELFARE PROGRAMS

The present costs of public assistance are uncontrollable by the states. These are mainly federally-established programs, but in those states seeking to provide a minimum standard of health and decency to people on welfare, the states alone or the states and their local governments together now bear the lion's share of the load.

During 1971, the Federal Government should assume all costs for welfare that exceed 90% of each state's costs for 1970.

Next, each year between 1972 and 1976, the Federal Government should assume an additional 20% of this welfare burden. Thus by 1976, the Federal Government would be paying 100% of all welfare costs for each state.

2. STATE AND CITY DRAWING RIGHTS

States and cities should be able to obtain in advance from the Federal Treasury or the Federal Reserve, under a program of special Federal Drawing Rights, monies that are due them under Federal grant formulas in any given fiscal year. This, in effect, will provide a fiscal shock absorber for state and local governments to permit better fiscal planning of their finances, and to prevent chaos when they run out of money. Most cities and states, unlike the Federal government, cannot resort to deficit financing, even in case of dire emergency.

3. FEDERALLY GUARANTEED LOANS FOR STATES AND CITIES

Our states and cities today pay higher than prime interest rates because the lenders look upon states and cities as increasingly poorer risks. Yet, our states and cities must borrow billions upon billions over the next decade.

A Federal agency should be established to fully guarantee loans made by our cities and states. This would lower the interest rate on such borrowing and save many millions of dollars for state and local taxpayers. Such a guarantee plan for our steamship lines already exists under the Federal Maritime Act. Certainly our states and cities are at least equally worthy of support.

4. REVENUE SHARING

The President's formula for general revenue sharing is inadequate. In calling for the reclassification of categorical grants into bloc grants, it is nothing more than a case of scrambling the same egg twice. Its distribution has little to do with per capita income or need, and its reward for "state and local fiscal effort" tends to reinforce the current regressive real estate and sales taxes.

I recommend a formula with incentives to encourage:

(a) states to adopt graduated income taxes;

(b) procedures for allocation of shared revenues to local governments to encourage consolidation of inefficient units.

I also recommend that general revenue sharing be a four-year authorization with annual appropriations rather than a permanent appropriation as a percentage of the personal income tax base as proposed by the President.

I am not calling for revenue sharing by itself or for federalization of welfare programs by itself. I am saying that the states and the cities need both in order to accomplish the needed fiscal relief. And we need both immediately.

If these four points were adopted into law, they would do much to place our states and cities on a more adequate financial base, provide incentives for reform and reorganization of our state and local governments, provide a more equitable distribution of Federal funds than either revenue sharing or federalization of welfare alone, and continue a federal-state-local partnership which has been creative and productive in many instances during the past 40 years.

America's economy can be stimulated. America's cities can be turned into thriving communities. And our states can be made to fulfill their constitutional duties to their citizens.

Our people can be assisted in their quest to live enriched lives.

We have the capital, we have the resources, we have the most innovative people in the world. We can resolve our problems if we utilize all our great advantages in a logical and constructive way.

But, we cannot improve our lot if the Administration continues to hack out programs for public relations or political purposes and ballyhoos these concoctions as the salvation of the nation.

I place the Nixon proposal for revenue sharing in this category. It is not based upon realism. It won't make a dent in solving our fiscal problems.

Welfare takeover is a much more meaningful program. Federal assumption of welfare costs would relieve the states of enormous sums in their budgets so they in turn could relieve the cities of a larger share of educational costs.

But neither revenue sharing nor welfare takeover will solve our nation's fiscal problems. We desperately need major programs to stimulate the economy, programs that will offer real opportunities for our people to live more fruitful lives.

Until we take meaningful steps in this direction everything else we do constitutes nothing more than a holding action.

RETIREMENT OF GEN. JAMES HILLIARD POLK, JR.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Georgia (Mr. FLYNT) is recognized for 10 minutes.

Mr. FLYNT. Mr. Speaker, this afternoon, March 31, 1971, Gen. James Hilliard Polk, Jr., Commander-in-Chief, U.S. Army Europe and Seventh U.S. Army, also Commander Central Army Group NATO, retired from active duty. Jimmy Polk is one of the outstanding soldiers of this generation. He retires after 37 years 10 months as an officer in the U.S. Army and in addition to that spent 4 years as a cadet at the U.S. Military Academy. It might be more accurate to say that he has been a part of the U.S. Army ever since he was born. He was born on an Army post—Camp McGraw, Batangas, Philippine Islands, December 31, 1911, of Army parents. He has literally been in the Army ever since.

Since August 1961 with the exception of 9 months as Assistant Chief of Staff for Force Development, Headquarters, U.S. Army, he has served in command positions of great responsibility in U.S. Army Europe. I know of no one who has served longer or with greater distinction in USAEUR than he has. During this service, because of the unique requirements of seven of his last eight assignments, he has been a soldier-diplomat. His first assignment which required exceptional ability in military-diplomatic assignments started when he served as Assistant Chief of Staff G3, Land Forces, Central Europe, beginning in July 1957. From that time until his retirement with the exception of 9 months duty as ACSFOR, he has been involved in major international assignments.

General Polk's retirement in one sense marks the end of an era. It is very likely that he is the last senior army commander to have served in the horse cavalry which has produced its full share of senior commanders. Many of its officers and men continue to wear the crossed sabers even though they subsequently served with armored cavalry, armory, or air cavalry.

He entered the U.S. Military Academy in the summer of 1929, graduated in June 1933 and was commissioned second lieutenant of cavalry assigned to the 8th Cavalry Regiment. Between his graduation and December 7, 1941, he served as a cavalry unit officer, a student at the cavalry school and as instructor, U.S. Military Academy. After graduating from the command and general staff school he was assigned to the 6th Cavalry Recon Squadron and from then until the end of World War II he served consecutively as executive officer, 106th Cavalry Group Mechanized, commanding officer, 6th Cavalry Group Mechanized, and commanding officer, 3d Cavalry Group Mechanized, all in the European theater of operations.

During his service in the European theater of operations both he and his regiment were frequently cited for bold and aggressive action. General Polk was three times decorated for gallantry, once by Gen. George S. Patton, Jr. During this period his regiment was authorized its own patch by the commanding general, 3d U.S. Army and General Polk still wears this patch on his right shoulder.

After brief occupation duty in Germany at the end of World War II, he returned to the United States and became Chief of Tactics at the Ground General School, Fort Riley, Kans., and later attended the Armed Forces Staff College. In 1948, he was ordered to Tokyo, Japan, and served in the G2 section of the U.S. Far East Command for the next 3 years.

Early in the Korean war, General Polk became Assistant Chief of Staff, G2 of the X Corps and participated in three campaigns. In August 1951, he returned to attend the National War College and was later assigned as an instructor at the Army War College at Carlisle Barracks, Pa. He was then made Chief of Staff of the 3d Armored Division at

Fort Knox, Ky., and participated in the gyroscope movement of the division to West Germany. In July 1956 he was promoted to brigadier general and served as assistant division commander for 1 year.

Following this tour, General Polk's career began to broaden into the field of soldier-diplomat assignments. For 2 years he served as Assistant Chief of Staff for Plans and Operations, Land Forces Central Europe, at NATO Headquarters at Fontainbleau, France.

In July 1959, he returned to the United States and became the director of the policy planning staff in the Office of the Assistant Secretary of Defense for International Security Affairs.

In June 1961 he was promoted to major general and ordered back to West Germany to command the 4th Armored Division. He became U.S. Commander, Berlin, on January 2, 1963.

General Polk became Commanding General of V Corps U.S. Army on September 1, 1964, and was promoted to lieutenant general on September 4, 1964. After 18 months as Commanding General V Corps and 9 months as ACSFOR he returned to U.S. Army Europe as Deputy Commander in Chief USAREUR and Commanding General 7th Army.

In June 1967 he was designated Commander in Chief U.S. Army Europe and 7th U.S. Army in which capacity he served until he relinquished command on March 20, 1971.

He was promoted to general officer rank July 31, 1956, and served for nearly 15 years as a general officer, of which nearly 4 were in the grade of general.

General Polk's citations and decorations include the Distinguished Service Medal, the Silver Star with one oak leaf cluster, the Legion of Merit with two oak leaf clusters, the Bronze Star Medal, the Legion of Honor—Commander—the Croix de Guerre—with Palm Decoration, the Grand Cross with star and sash, the American Campaign Medal, the Europe Africa Middle East Campaign Medal, the American Defense Service Medal, the World War II Victory Medal, the Army of Occupation Medal—with clasp for Germany and Japan—the Korean Service Medal, the Air Medal, the Republic of Korea Presidential United Citation, the United National Service Medal, and the American Forces Expeditionary Medal.

He is married to the former Josephine Leavell and they are the parents of two children, Mrs. Josephine Polk Schwartz of El Paso, Tex., and James Hilliard Polk, III of New York City. Following his retirement, General and Mrs. Polk will reside in Washington, D.C.

Mr. Speaker, I take great pleasure in congratulating General Polk on his retirement and I express my appreciation to him for the distinguished service which he has rendered to his country in both war and peace.

THE CALLEY TRIAL—A CALL UPON THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Georgia (Mr. DAVIS) is recognized for 15 minutes.

Mr. DAVIS of Georgia. Mr. Speaker, we have all been shocked by the Calley trial.

There can be no excuse, no justification, for the barbarity at My Lai. We must not, however, look for solace in the victimization of one of our own.

I, myself, have committed actions which resulted in enemy deaths.

I do not labor under any delusion of the morality of these actions, but I do persevere in my belief that men in times of war are necessarily motivated by a different set of values.

What I consider to be the most dreadful aspect of the entire My Lai incident is the fact that one individual has been singled out as the scapegoat so that society may be expurgated from responsibility for the My Lai incident.

It is my belief that Lieutenant Calley carried out his duty as he saw it in My Lai. Many others, including myself, have faced the same issue which must have been foremost in his mind on that day.

I now stand with Lieutenant Calley, having shared the dilemma of deciding between the morality of civilization and duty to a particular authority.

As a lawyer, former prosecutor, and former judge, I firmly believe that the judicial process ought to be completely removed from the realm of political influence. The fundamental injustice, however, of singling out one human being in an attempt to purge the conscience of a nation, makes me feel compelled to speak my mind in this anguish.

I wish that I could free Lieutenant Calley.

However, in the absence of having that authority myself, I do now call upon the President of the United States to relieve this loyal officer of any deprivation of honor, liberty, or property.

HISTORIC SPRINGFIELD PLANTATION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Mississippi (Mr. GRIFFIN) is recognized for 15 minutes.

Mr. GRIFFIN. Mr. Speaker, I am today introducing legislation to authorize the National Park Service to acquire historically rich Springfield Plantation and to incorporate it in the Natchez Trace Parkway.

As you know, the Natchez Trace was a Post Road in the early 1800's over the prehistoric Indian trails running from Natchez, Miss. to Nashville, Tenn. The earliest settlers of the Southwest moved down the Trace. It was, also, down the Natchez Trace that Gen. Andrew Jackson marched his troops to meet the British at the Battle of New Orleans during the War of 1812.

It was near this historic path that Thomas Marston Green, Jr., completed his home, Springfield, in 1790. Green and his father, Thomas Marston Green, Sr., were among the most influential voices in the movement to free Natchez and all of Spanish west Florida from Spanish rule. These efforts culminated in the formation of the Mississippi Territory in 1798. Thomas Green, Jr., was the second man ever to serve Mississippi as a Representative to Congress becoming a Territorial Delegate to Congress in 1802.

It was at Springfield, as tradition has it, that Aaron Burr was held for a time pending his preliminary hearing on the charge of treason in the winter of 1806–07.

Tradition also has it that Springfield was the site of the famous and controversial marriage of Andrew Jackson to Rachel Robards in 1791; a marriage reportedly performed by Thomas Marston Green, Sr.

Mr. Speaker, Springfield is rich in history of the early period of the territory and of the early growth of our Nation. It is a genuine and unique piece of the American saga. It is, indeed, worthy of preservation and would be a prized addition to the beautiful Natchez Trace Parkway at any price. It will be especially valuable now as the present owner, Mr. James H. Williams of St. Louis, Mo., has offered to donate the house and 15 acres of adjoining land to the Park Service.

My bill, Mr. Speaker, will authorize the National Park Service to accept this donation and to acquire other land by purchase, or other means, which is necessary for proper use and administration of the area. I urge the consideration of every Member of this worthy and valuable project.

THE NEED FOR WAGE AND PRICE ECONOMIC DISCIPLINE—NOW

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California (Mr. MCFALL) is recognized for 15 minutes.

Mr. MCFALL. Mr. Speaker, there is an old saying that when a state of imbalance exists long enough, it becomes the new state of balance. This principle is sharply illustrated by our national economy, which has been in a state of imbalance so long now that there is real danger of accepting high unemployment, low productivity, and inflated prices as the national state of balance. Unless we perceive clearly what is happening and describe it accurately, the imbalance will persist and, indeed, become more acute.

So let us dismiss rhetoric and political hyperbole and state the case accurately: We are in a state of emergency.

The fact that we have been living in an emergency condition for more than 2 years does not make it any less an emergency. And it would be tragic if we failed to assess the seriousness of the situation because we have gradually become accustomed to the rising prices and increased unemployment.

A noted economist, Gardiner C. Means, has said:

> An economy which is running well should have neither inflation nor serious unemployment. Those who suggest that a 2 or 3 percent annual rise in prices is acceptable are simply not looking for a well-running economy. Likewise, those who accept 3.4 percent unemployment as anything except an interim goal are accepting a badly running economy. They are saying that, rather than interfere with the abuse of market power,

> they are satisfied that there should continuously be more than 2½ million workers looking for work and unable to find it; that the country should aim to throw away some $20 billion of potential production a year, and that the burden of avoiding inflation should be placed on those least able to bear it.

Mr. Speaker, the current administration has accepted as a necessary evil new levels of unemployment—far in excess of the 3.4 percent it inherited when it took office. Each new level—4½ percent, 5 percent, 5½ percent, 6 percent—was accepted as an inevitable price to pay in the fight against inflation, and now we have the sorry statistics of 5½ million unemployed, many of them over a long period of time.

When 5½ million Americans are unemployed, we are in a national emergency, and we must act accordingly.

This Congress would be callous, indeed, if it did not take steps to alleviate the plight of the jobless and the many thousands of Americans who have to meet increased prices with reduced incomes. It is not enough for us to criticize from the sidelines the President's economic "game plan" or his failure to call the signals clearly and decisively on wage and price increases that accelerate inflation.

We have a responsibility to act, as the representatives of the people, to meet the current emergency and to restore balance to our crippled economy.

Our long-range goal must be to eliminate unemployment without producing inflation. Our short-term goal must be a rapid expansion of our artificially restricted economy in order to make an immediate and drastic reduction in unemployment.

To that end, I have sponsored the accelerated public works bill, in which 150 of my colleagues have joined as cosponsors. Hearings have been held and Chairman Blatnik's Public Works Committee has reported out the House bill, and in the Senate hearings have been held on the companion bill introduced by Senator Jennings Randolph. I am hopeful of early passage of this measure to provide Federal funds for necessary public works projects in areas of substantial unemployment. This would give a quick boost to the economy and stimulate production, while providing thousands of jobs where they are needed most.

But this is only a beginning.

We must act, too, to slow down the inflationary spiral that has been advancing at a rate of 5 percent per year.

It is not useful at this stage to fix blame for the failure to halt inflation or to point out the futility of inflation alerts after the fact. What is essential now is a concerted bipartisan effort to reverse the trend.

I am convinced that the first step must be a system of wage-price guidelines. Therefore, my colleague, John Monagan, of Connecticut, and I have joined in the introduction of the Monagan-McFall wage-price guidelines bill, H.R. 2502 to establish a temporary Emergency Guidance Board to facilitate economic recovery with minimum inflation by establishing price and wage guidelines and encouraging voluntary adherence to these guidelines.

This proposal is made in the belief that all Americans want to do their share in combating the menance of inflation, and they will welcome guidelines that are established on a fair, nondiscriminatory basis.

The construction workers—who have suffered disproportionately the effects of unemployment and underemployment—were understandably disturbed last month when the President announced his decision to suspend the provisions of the Davis-Bacon Act in Federal contracts, a move which he justified as necessary in fighting inflation. Fortunately, he has seen fit to rescind that decision. In his announcement from San Clemente this week, he outlined a new plan for controlling wage increases in the construction trades, while reinstating the applicable provisions of the Davis-Bacon Act. Certainly it is far more reasonable and equitable to adopt wage guidelines than to undercut the prevailing wage scale. But is it wise and is it fair to single out one group to bear the burden of the battle against spiraling prices? Administration spokesmen say the President has no plans to take similar action to stabilize wages in other industries—nor has he announced any plan to stabilize prices in industries that supply the construction field.

The President talks of accepting "the discipline of a free society" and the "discipline of a full employment budget." Americans do not reject the discipline of a free economy—as long as it is imposed evenly, on all sectors. But it is repugnant to our sense of fairness to see the construction trades made the sacrificial goat. And it is equally repugnant to see the steel industry singled out as the villain in price increases. If one group is to be disciplined, all should be disciplined, in a just and democratic manner.

We do not need scapegoats or villains. We do not need the recriminations of inflation alerts that have all the effects of locking the barn door after the horse is stolen.

What we need is prevention—not recrimination.

In this legislation, we are proposing preventive measures in the fight against inflation through a system of guidelines for price and wage changes, to be established and administered by an impartial board of five members, in consultation with leaders of business, labor, and consumers.

This is emergency legislation, designed to meet an immediate and temporary need. The life of the proposed Emergency Guidance Board would be limited to 18 months, subject to extension to 30 months, if needed, by a concurrent resolution of Congress.

I am glad to note that this measure already has gained a number of cosponsors, and it is my hope that the Members from both sides of the aisle who joined in sponsoring the accelerated public works bill will also join in this effort to meet the economic emergency head on with meaningful legislation.

This proposal is now pending before the Committee on Banking and Currency. I hope that the distinguished chairman of that committee, the Honorable Wright Patman, will accord it the same high priority that Chairman Blatnik gave to the accelerated public works bill. Both are emergency measures, both designed for immediate and maximum impact on the recession-inflation that has kept the Nation in a jittery state of imbalance over the past 2 years.

FIFTY-ONE BOEING 747'S NOW MILLION-MILERS, FLIGHT HOURS PASS 200,000

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, I take pride in announcing further accomplishments of the Boeing 747 jumbo jet. While these first aircraft have only been in service a little over 1 year their utilization sets news records almost daily.

As of March 18, 51 Boeing 747's have logged 1 million miles or more in flight. Of these, 21 have flown more than 1.5 million miles.

Total flight time logged by the 109 superjets delivered was 201,765 hours. The high-time airplane had 4,093 hours in its logbook. In all, 81 of the 747's in airline operation have logged more than 1,000 flight hours.

For the week ending March 18, average mechanical schedule reliability, the percentage of flights which departed on time or were not delayed more than 15 minutes for mechanical reasons was 95 percent.

Boeing 747's first entered commercial service January 21, 1970, and by mid-March of this year had carried 8.5 million passengers on 39,500 revenue flights. Average utilization has been 8.6 hours per airplane per day since first delivery.

RECLAMATION PROJECTS ONE STEP CLOSER

(Mr. RONCALIO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, I am happy to recognize the groundwork accomplished in the Appropriations Committee and the testimony before the committee justifying the next step in the construction of the China Meadows Dam of the Lyman project and a $500,000 appropriation for rehabilitation and repair work necessary on the Riverton project.

These are excellent reclamation projects that make the best use of the water. Each has a favorable cost-benefit ratio. These projects not only benefit Wyoming but the whole country. I am happy they are one step closer to reality with testimony now being presented by Commissioner Ellis Armstrong, Bureau of Reclamation, and other Interior Department officials before the Subcommittee on Public Works of the House Appropriations Committee.

I would like to record here my sincere hope that these appropriations will be approved. I will present detailed testimony to the committee in due course and welcome the interest and support of all my colleagues who share my concern for the development and growth of rural America.

THE RIGHTS OF THE NATIVES OF ALASKA

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, I rise today to bring before the House an issue of historic importance for all citizens of this country, but especially for the original Americans—the native peoples. All of us know something of the history of the original Americans. In school we read stories about taming the Great West—Government soldiers were always portrayed as heroes bearing the banner of civilization. With the passing years we have come to look on events differently. The U.S. record, while better than that of most nations' dealings with their native peoples, certainly could have been improved upon. The American Indians were pushed farther and farther West treaties were negotiated, broken, and renegotiated, reservations were established.

Through the Indian Claims Commission, Congress has provided the machinery for reexamining the taking of lands formerly occupied by most native Americans. But to this day one of the largest of all Indian land rights issues remains unresolved. I refer to the rights of the natives of Alaska who have occupied and used the lands of the State for a period extending far back beyond the time Europeans first knew there was an Alaska.

Many years ago—probably thousands of years ago—aboriginal people migrated into what is now Alaska. They faced a cruel and harsh land of extreme temperatures and sparse animal and plant life. Through basic human ingenuity and ability they conquered the elements, made those lands livable, and established their homes. In order to do so these people had to roam widely over the lands hunting for the occasional caribou and fishing for the salmon.

These living patterns have continued to this day. At the present time approximately 60,000 descendents of the original inhabitants of Alaska still live on those lands. These people—composed of Indians, Eskimos, and Aleuts—have, by virtue of their historic use and occupancy of the lands, a legal claim to substantial portions of the State of Alaska.

When the United States "purchased" Alaska from Russia in 1867, it did not compensate the original Alaskans, nor in any way extinguish their legal title to these lands. To this day our Government has never extinguished that title.

Resolution of the land rights of the Alaska Natives has been repeatedly postponed by the Congress. The time has now come for a just and final resolution of those rights. Until the Congress acts to confirm the Natives' title in part of their land and compensate them for taking the rest of their lands, it will be impossible for any development to proceed in the State of Alaska. The claims of the Alaska Natives hang as an overriding cloud on the title to virtually every acre of land in that State.

In order to achieve a just and equitable settlement of these rights, the Alaska Natives have organized themselves and prepared a settlement proposal. The Alaska Federation of Natives—AFN—is the spokesman for the various groups of Alaska Natives on this issue. Their proposal has been developed over the course of several years of consideration and negotiation. I am today introducing that proposal for the consideration of the House. Twenty-four other Members of this body have joined as cosponsors.

The basic elements of the bill are simple enough. It calls for an extinguishment of all Native land claims. In return, the Natives would receive, first, 60 million acres—approximately 16 percent of their actual land claims; second, $500 million over 9 years; and third, a perpetual 2 percent overriding royalty on gross revenues derived from future natural resource development on Federal and State lands in Alaska.

As important as the financial terms are, the structure and standards for distributing the settlement proceeds. The Natives of Alaska are organized on a regional basis. They have come to recognize 12 distinct regions based on historical factors of heritage, language, subsistence use patterns, and geography. The 12 regions are the actual political structure of the Alaska Natives. Under my bill this structure would be recognized by the creation of 12 regional corporations, each controlled and managed by the Natives themselves. Since the bill is basically a settlement of land rights, each region would receive title to a part of the 6 million acres proportional to the size of the region. In order to provide initial capital for organization, each region would receive $8 million. Thereafter, funds would be distributed to the regional corporations in proportion to the population residing in that region. These provisions, designed by the Natives themselves, give meaning and substance to past declarations that our Government will pursue a policy of self-determination for native peoples.

Mr. Speaker, I am proud to sponsor this legislation. Enactment of this bill would mean that the final chapter in the history of our Government's dealings with the landrights of original Americans would be written with justice and honor. The Congress has an opportunity to insure that past wrongs are in part righted by what we do in this session. While the details of this issue are complex, the principles are simple. Congress is dealing with valid property right in an enormous amount of land. We can and must deal with those rights fairly. This bill represents such a fair deal. I commend it to the attention of my colleagues and urge its prompt consideration and approval by the appropriate committees, the House, the Senate, and the President.

THE SELLING OF THE PENTAGON

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MICHEL. Mr. Speaker, with each passing day the evidence grows in support of the view that the CBS television network laid a gigantic egg with its recent documentary, "The Selling of the Pentagon." Both the Washington Post and the Washington Evening Star have questioned the network's judgment and objectivity in putting the documentary together.

One segment of the film included mention of the Caterpillar Tractor Co. whose world headquarters is located in my home town of Peoria, Ill. The impression given was that Caterpillar had arranged for a briefing of community leaders by members of the military in order to curry favor with the Pentagon in order to secure defense contracts. Nothing could be more ridiculous. Sales for Caterpillar during 1970 totaled more than $2 billion—that is billion—dollars and less than 3 percent of that total consisted of defense contracts.

An article appearing in the March 20, 1971, edition of Barron's brings out some interesting and thought-provoking points regarding the present and past activities of the CBS network and I would urge my colleagues to set aside a few minutes to read the article carefully. I include the article in the RECORD at this point:

BROADCAST LICENSE: CBS HAS FORFEITED ACCESS TO THE NATION'S AIRWAVES

We cannot help but admire a man who defends his principles and sticks to his guns. Last Tuesday evening Richard S. Salant, president of the News Division of the Columbia Broadcasting System, gave a nationwide television audience a demonstration of doggedness which in other circumstances, might well have commanded our respect. Under fierce attack from Congress and the White House for airing the controversial documentary, "The Selling of the Pentagon," Mr. Salant refused to give an inch. Perhaps with an eye on the clock—the 11–12 p.m. slot, while not exactly prime time, is still too valuable to waste—the CBS executive took no more than a moment or so to rebut "only a few" of the critics' charges; however, he assured his viewers, "We have an answer for every one. . . ." Then, boldly switching to the offensive, the head of CBS News asserted: "We are proud of 'The Selling of the Pentagon.' . . . We are confident that when passions die down, it will be recognized as a vital contribution to the people's right to know." Lesser media of communications may occasionally run a correction or retraction; The Washington Post, not long ago, printed an extraordinary confession of error. CBS News, which is made of sterner stuff, stands defiantly on the record.

Quite a record it is, too. As to "The Selling of the Pentagon," Mr. Salant addressed himself to merely two of the many points of criticism raised. Regarding the rest, the chief critics—including the Vice President of the United States, senior editor of Air Force magazine and a non-partisan citizens' organization known as Accuracy in Media (AIM), which plans to lodge a complaint with the National Association of Broadcasters—make a compelling, and thus far uncontroverted, case. In particular, CBS stands accused of various misstatements, including the amount spent by the Pentagon on public affairs, and the true identity of those responsible for a certain military briefing (not, as alleged, Peoria's Caterpillar Tractor Co., "which did $39 million of business with the Defense Department last year," but the local Association of Commerce). Far worse were the omissions and distortions, including two episodes in which tapes were clipped and reassembled to convey false impressions of what the speakers said. Specific lapses aside, even the untutored eye could scarcely fail to detect, in a so-called documentary, pervasive malice and editorial bias.

On the CBS television network—which includes five wholly owned stations and 198 affiliates—slanted (or, in view of his authority and tenure, perhaps the word should be Salanted) journalism has long been the name of the game. As in "The Selling of the Pentagon," moreover, the thrust has tended to be violently against what most of the country would regard as its basic interests, institutions and values. In a prize-winning "documentary," key sequences of which subsequently proved false, CBS News professed to uncover "Hunger in America"; contrariwise, in an equally distorted report from Cuba, the television camera found, in effect, that Cubans under Castro never had it so good. Not content merely to cover (albeit in its own fashion) the news, CBS time and again has sought to make news. Shortly after NBC scooped the competition by airing an LSD-stimulated interview with Dr. Timothy Leary, WBBM–TV, CBS outlet in Chicago, participated in a headline-making, and illegal, pot party, which became the object of an investigation by the Federal Communications Commission. In a similar, if far more brazen, exploit—on which both Vice President Agnew and Mr. Salant touched last week—CBS sought to stage, and to film, an invasion of Haiti. One picture supposedly is worth a thousand words. High time the U.S. got the picture.

As last Tuesday's performance suggests, it isn't pretty. Among other sins of omission and commission, CBS News failed to mention that it was paid to produce one of the films at which it scoffed. In depicting a press conference, during which the briefing officer, replying to 34 questions, gave three no-comment answers, the camera focused on the latter. Statements made on tape by two Pentagon spokesmen, a Marine colonel and the Assistant Secretary of Defense for Public Affairs, were cut up, transposed and pieced together again in a way that made both of them seem unresponsive and foolish. Rep. Edward Hebert (not Herbert, as the caption later had it), chairman of the House Armed Services Committee, turned up on the screen with this gracious—and, despite Mr. Salant's subsequent remarks, wholly misleading—introduction: "Using sympathetic Congressmen, the Pentagon tries to counter what it regards as the antimilitary tilt of network reporting (Ed. note: where would it ever get such an idea?). War heroes are made available for taped home district TV reports from pro-Pentagon politicians."

All this is reprehensible enough. Far worse—in a format presumably dedicated to fact—are the extremist opinions which it was used to convey. Here is a disillusioned and slightly incoherent ex-Air Force officer: "I feel that the military information arm is so vast, has been able to become so pervasive by the variety and the amounts and the way and the sheer numbers it's able to present its viewpoint to the American people, I think this attitude it was able to develop allowed Vietnam to happen. . . ." Here is CBS-News' own dispassionate Roger Mudd: "On this broadcast we have seen violence made glamorous, expensive weapons advertised as if they were automobiles, biased opinions presented as straight facts. Defending the country not just with arms but also with ideology, Pentagon propaganda insists on America's role as the cop on every beat in the world."

Anyone—even CBS, though it won't concede as much—can make mistakes. What the record shows, however, is a pattern of distortion and slanted reporting stretching back over the years. In 1963, so a revealing article and exchange of letters in The New York Times Magazine has disclosed, President Kennedy gave an exclusive interview to Walter Cronkite of CBS News on such literally inflammatory issues as the Buddhists in South Vietnam and the allegedly repressive government of Ngo Dinh Diem. In the editing process, the footage shrank from 30 minutes to 12, and, according to Pierre Salinger, then White House press secretary, "the result was a partial distortion of JFK's opinion of President Diem. In the actual interview . . . President Kennedy spoke of his respect and sympathy for the problems of President Diem. When the film was shown to the public, only the unfavorable Presidential remarks remained, and JFK's praise of Diem had been deleted. The impression was left that JFK had no confidence at all in Diem, and when he and his brother, Ngo Dinh Nhu, were later shot to death in a military coup, there were persistent charges from Madame Nhu and others that the President's statements had given aid and comfort to Diem's enemies. JFK was deeply hurt by the accusations."

Prior to the Republican convention the following year, CBS News struck again. According to Senator Barry Goldwater (R., Ariz.), Daniel Schorr, then serving as correspondent abroad, "took it upon himself to put out a news report to portray the idea that I was trying to forge links with far-rightist, neo-fascist groups in Germany . . . Schorr dealt heavily in false facts which neither he nor CBS newsmen in this country made any attempt to check with my office." So it has gone year by year. In 1968, after a storm of protest, a Special Subcommittee of the Committee on Interstate and Foreign Commerce investigated television coverage of the Democratic national convention in Chicago. In viewing the video tape of the CBS coverage, the Congressional probers noted a passage in which Walter Cronkite cried that the police "were severely manhandling a minister." According to the Committee Report: "The accompanying action shows police merely attempting to get a man dressed in clerical garb into a patrol wagon, using what the investigators felt was reasonable force to overcome the man's resistance." The Report concluded, in part: "In an attempt to give an overall impression, it might be said that the coverage presented over the air does, in retrospect, seem to present a one-sided picture which in large measure exonerates the demonstrators and protestors and indicts the city government of Chicago and, to a lesser degree, the Democratic Party."

The long reel of distortion continues to unwind. In her nationally syndicated column, Alice Widener, frequent contributor to Barron's, has chronicled some of the gamier episodes. In the fall of 1969, Frank Kearns, CBS correspondent in Rome, broadcast a report on alleged Italian opinion in the criminal case against the man who hi-jacked a commercial airliner from San Francisco. Mr. Kearns chose to quote the views of a single editor, that of the Communist newspaper "Unita," who described the hi-jacker a "Robin Hood . . . who made a fool of the repressive and hated FBI." Again, on "Face the Nation," CBS devoted a half-hour of Sunday time to Tom Hayden, revolutionist of the so-called New Left. Mrs. Widener wrote: "He was permitted by reporter Martin Agronsky of CBS, and two other reporters, to get away with intellectual murder. . . . Thus it came about that at the end of the program, the arrogant co-founder of the anarchic Students for a Democratic Society made an unchallenged statement about 'the poverty around the world that the United States is responsible for.'" Abbie Hoffman, convicted of inciting to riot in Chicago, appeared on the Merv Griffin show wearing a shirt made from the American flag (on the air, CBS thoughtfully blipped it out.) Small wonder that Desmond Smith of CBS once told TV Guide: "There's been a great deal of manipulation from the left. The left and SDS have been getting a great deal of play. Americans are starting to feel they're not getting the whole story."

Since then the credibility gap, notably with respect to so-called documentaries, has widened beyond belief. Webster's Seventh New Collegiate Dictionary defines documentary as follows:—"adj. (1) contained or certified in writing; (2) relating to, or employing, documentation in literature or art; broadly, factual, objective." The noun, of course, posseses the same qualities. Neither word belongs in the CBS lexicon. In the famous charade on "Hunger in America," the narrator's off-screen voice said: "Hunger is easy to recognize when it looks like this. This baby is dying of starvation. He was an American. Now he is dead." Heart-rending, but untrue. The baby was born prematurely, and, according to an FCC report, died of "septicemia due to meningitis and peritonitis. . . . There was no evidence to show that either the mother or father was suffering from malnutrition. . . ." Far less attention than it warrants has been paid the outrageous report on Cuba last September, which, by actual count of Accuracy in Media, contained 10 major doubtful statements, including: "For Cuba's poor, things are a good deal better than they used to be . . . the Cuban poor man doesn't want to leave. . . . Schools are free, everyone must go. There is a quite equality of the races now in Cuba. . . ."

So ran the script. However, as AIM pointed out in a letter to CBS News, real life refuses to follow it. On the contrary, the organization cited specific examples of working-class Cubans who risked their lives to flee the Castro regime. One, a Negro bricklayer, was quoted in The New York Times as saying: "Not only is there not enough to eat, but they make you spend extra hours in the fields after a 54-hour work week." As to schooling, AIM pointed out that on January 5, 1969, Castro admitted that 400,000 school-age children were not in school. Brotherhood of man? AIM quoted Erneldo Oliva, an Afro-Cuban and one of the first Castro appointees, to the effect that even under Batista, "whom we rejoiced to see go," Negroes were judges, Senators and high officials. Today only one black man holds an important post. An American Negro, who defected to Castro for five years, returned in 1968 saying that he would rather live in an American jail than remain. Citing the list of inaccuracies, AIM solicited comment from Richard S. Salant, head of CBS News, which was duly forthcoming (and, with the rest of the correspondence, put into the Record). Nine times out of 10, the criticism went unanswered.

Last Tuesday Mr. Salant took a stab at answering criticism of CBS' role in "financing a secret and illegal invasion of Haiti." Here, word, for word, is his rebuttal. "We did not finance the planned invasion. We did nothing illegal. No significant amount of money even inadvertently found its way to persons involved in the invasion plan. The Department of Justice found no unlawful activities on the part of CBS News. And John Davitt, Chief of the Criminal Division of the U.S. Department of Justice, said, quote: "CBS advised us of the facts, advised the Bureau of Customs that they were there, and that they were filming these episodes.' At one point the Treasury Department asked us not to withdraw from the project. But the short answer to the Vice President is that he is attacking a journalistic investigation that never became a broadcast about an invasion that never took place."

For a short answer, not bad. But let's take a longer look at "Project Nassau," as CBS called it and it is known in the Report of the Special Subcommittee on Investigations of the House Committee on Interstate and Foreign Commerce. Let's note at once that the executive producer, Perry Wolff, served in the same capacity on "The Selling of the Pentagon." Let's also dispose of Mr. Salant. If CBS News did not "finance the proposed invasion," it did, according to the House Report, provide funds for the leasing of a 67-foot schooner which was to be utilized by the invasion force, reimburse expenses for the transportation of weapons to be used by the conspirators, make payments to the leader of the conspiracy "with full knowledge of his identity and his criminal intentions." "Significant," of course, is what lawyers call a word of art; while exact figures were never forthcoming from CBS, the House Report states that "Project Nassau" cost more than $200,000. CBS cooperation with the government was grudging, and, the Report indicates, evoked at official instance (a CBS cameraman blew the whistle to the authorities).

But let the Subcommittee speak for itself. "The implications of what has been learned are disquieting. To the average viewer, unsophisticated in the intricacies of television production, a network news documentary typically represents a scrupulously objective reporting of actual events shown as they actually transpired. If 'Project Nassau' is any indication, this is not always true. During the preparation of this news documentary, CBS employes and consultants intermingled and interacted with personages actively engaged in breaking the law. Large sums of money were made available to these individuals with no safeguards as to the manner in which these funds would be put to use. Events were set up and staged solely for the purpose of being filmed by the CBS camera. An individual who was retained as a consultant, and later an employe, of CBS, was allowed to or instructed to appear in the actual filming and to provide narration for it. . . .

"The CBS News organization, or at least the individuals charged with the immediate supervision of the project, displayed a shocking indifference to the real possibility that their organization and funds were being made use of to further illegal activities. The control exercised of CBS Management in New York over the activities of the producer in the field seems to have been practically nonexistent . . . Had the decision . . . not to proceed with the documentary been founded on a recognition of any of the deficiencies indicated above, the only remaining question would be why the decision was so long in coming. But, under the circumstances, the rationale for the decision is itself far from reassuring. Rather than responding to any taint of artificiality or fraud in the considerable volume of film which had been prepared, the decision was apparently made on the basis that the project was journalistically unsatisfactory in view of the unfinished nature of the enterprise."

The law requires, television quiz shows and commercials to be honest. Unfortunately, however, the public enjoys no similar protection against "documentaries," a credibility gap which the Subcommittee hopes to bridge. We would like to offer a proposal or two of our own. Believe it or not, Frank Stanton, president of the Columbia Broadcasting System Inc., serves as Chairman of the U.S. Advisory Commission on Information. Unlike Vice President Agnew, who backed away from the idea, we suggest that he be asked to resign. Moreover, to judge by the record cited above (which has exhausted our space, but barely scratched the surface), CBS television stations stand wide open to challenge on their license renewals, and we urge concerned, public-spirited citizens—as well as the FCC—to respond. CBS, in our view, has forfeited its access to the nation's airwaves. The time has come to turn it off.

TELEGRAM TO FORMER PRESIDENT JOHNSON REGARDING THE CALLEY TRIAL

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, along with the majority of the American public, I was shocked by the decision in the trial of Lt. William Calley, Jr. That sentiment is widespread and growing. One indicator is the amount of mail, telegrams, and telephone calls I have already received from the citizens in my own congressional district vehemently opposed to the trial decision.

I have not only registered my objections to President Nixon in a telegram, but also have sent a wire to former President Lyndon B. Johnson, asking him to lend his enormous prestige to this injustice in this grave hour.

The substance of my telegram follows:

MARCH 31, 1971.

Hon. LYNDON B. JOHNSON,
LBJ Ranch,
Johnson City, Tex.

DEAR MR. PRESIDENT: As a Congressman from the "loyal opposition" who supported your leadership as Commander-in-Chief from 1963 to 1969, I beg you to throw the weight of your enormous prestige into the battle to save a man unjustly singled-out, accused and convicted for carrying out the foreign commitments of the United States Government.

Lieutenant Calley's life, the honor of the United States Army, the future effectiveness of the American military mission, and history's judgement of your national leadership in a time of crisis are at stake. The Lieutenant was the instrument of a necessary and agreed upon war policy. He was only one of 534,000 men in combat in Southeast Asia in 1968.

Not having the courage to oppose you as President and Commander-in-Chief, congressional fainthearts, their advancemen in the "fourth estate," and the American apologists for communism have combined to use the Calley trial to further their own selfish or anti-American ambitions. With the Lieutenant's conviction, you, myself, every man who has ever faced the horrors of combat in defense of his nation's policy, and the overwhelming majority of the American public stand "convicted" of being right in opposing communism's world wide war against all free people.

The greatest shame of the Calley trial is that the United States Army did not have the guts to withstand the planned, distorted and malicious pressure to find a "scapegoat" for the war. The trial shall be long remembered as the time when the Army forgot its primary mission—"to close with and destroy the enemy"—but became conscious of its television ratings and "public image."

Mr. President, I know your goals in the prosecution of the war were necessary and honorable; I know you to be a peace-loving man and never lightly sent men into combat; I know for a fact that you abhor the tragedies of war as much if not more than any man; and I also know that you would not be part of condemming a man, government, or nation for the proper fulfillment of a necessary national duty.

On behalf of hundreds of my Congressional District who have protested the Calley trial and decision; on behalf of the millions of men who have worn the uniform of the United State Army; on behalf of men in the future who will be called upon to defend our country because the enemies of freedom will not give up their design of world subjugation; on behalf of the parents and families of those lost defending our policy and our nation's honor; on behalf of all these Mr. President, I beg you to speak out now to help save Lieutenant Calley, the Army, and our nation's honor in this grave hour.

Sincerely,

JOHN P. SAYLOR,
Member of Congress.

STRIPPERS MINE ON

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, there follows an article in the March 28, 1971, Washington Post, written by Robert Cassidy:

UPHILL BATTLES RAGE, STRIPPERS MINE ON

(By Robert Cassidy)

HAZARD, KY.—Paul Ashley, president of the Appalachian Group to Save the Land and People (AGSLP), halted the tour beside a tiny stream known locally as Young's Fork, a tributary of the Kentucky River. A dozen or so members of the Louisville Audubon Society gathered round as he dipped a test tube in the slow-running water. When Ashley added a few drops from another vial, the water turned red.

"That's a sign of acidity," said Ashley, a former coal miner who is now a schoolteacher and conservationist. Placing the water in a measuring device and holding it up to the sunlight, Ashley showed the group that the water had an acid factor of 4.0. Good drinking water, he said, should measure slightly more than 7. "Nothing can live in that," he said, pointing to the stream.

The Audubon Society members had come to the coal country of Eastern Kentucky for one specific purpose: to study strip mining firsthand.

In graphic terms, they saw what strip mining does to a formerly natural area. They saw the red-brown silt that clogged streams—runoff from a strip mine operation run by the Kentucky Oak Mining Co. several miles outside of Hazard. They saw the "highwalls," sheer escarpments 100 feet high, left when the strippers cut the sides of the mountain to get at the coal. They saw the coal operators' feeble attempts to reclaim the land by planting a few scraggly pine trees on a hillside with a 60 degree sope. They saw roads torn up by overloaded coal trucks.

For many of the Audubon visitors, most from Louisville and Lexington, the trip to Hazard was like a voyage to some uncharted wilderness. Most Blue Grass Kentuckians never visit the coal counties, except as curiosity seekers. One Louisville housewife said, "Everybody should come down here at least once, just to see what it is like." Another visitor, appalled by the rape of the land, commented. "They should have sent the astronauts here. They didn't have to send them 240,000 miles to see a barren part of the universe."

A few years ago, it would have been fair to say that Hazard was as far away as the moon in that man's mind. With the increasing awareness of the environment, the public acceptance of the ecological theory that "Everything affects everything else," strip mining has again become a critical issue in Kentucky and in the nation.

Evidence of this trend can be seen in the following:

West Virginia outlawed strip mining in 22 counties this month.

A half dozen bills are in the congressional hopper, including one by the Nixon administration and another that would ban strip mining completely in six months. Chances are good for a congressional hearing on the subject.

The Tennessee Valley Authority (TVA), the nation's largest consumer of strip mined coal (about 15 million tons a year), has been sued by three conservation groups for allegedly violating the 1969 National Environmental Policy Act (NEPA) by agreeing to purchase strip mined coal without considering the environmental impact.

Technically speaking, strip mining is only one type of surface mining, which also includes such methods as open-pit mining of copper. Strip mining involves using mammoth earth-moving machinery to remove the soil, rocks, and vegetation (called the "overburden") covering the coal. Then the coal is removed. One such machine in use in Illinois is 20 stories tall and can gobble up 210 tons of earth in one bite.

The other method used for surface mining coal is augering, which involves boring into a coal seam with giant screws, often as large as 7 feet in diameter. Many a coal operator uses both stripping and augering, as well as deep or underground mining, to get the maximum yield from his seam.

The magnitude of the problem can best be grasped by looking at the statistics. Surface mining accounted for 36 per cent of the estimated 590 million tons of coal mined in the U.S. in 1970. In Kentucky, 50 million—42 per cent—of the 120 million tons produced in 1970 were stripped or augered. It has been estimated that 25,000 men are employed in coal surface mining, including 20,000 of the 90,000 members of the United Mine Workers of America (UMWA).

By 1965, 1.3 million acres had been upset by strip mining, and another 480,000 acres have been added since then, according to the U.S. Bureau of Mines. The Interior Department estimates that by 1980, 5 million acres—an area roughly the size of the State of New Jersey—will have been torn up by strip mining and augering. Although 22 states have surface mining laws, the bureau estimates that only 56,000 acres have been reclaimed thus far—and nearly half of these by nature.

Another measure of the impact on the environment is the fact that a normal forest hillside loses about one ton of soil per acre every year, but a strip mine spoil bank—the pile of "overburden" material—loses 400 tons of soil per acre every year.

Two reasons have been given for the sudden increase in the use of surface-mined coal. First, the energy crisis has put a tremendous burden on coal burning power plants. In the early 1960s, energy planners placed their bets on atomic power as the solution to America's energy needs. But conservationists, mostly in the suburban Northeast, have been surprisingly successful in stopping construction of atomic power plants. It is not stretching the facts to say that the battle against the Long Island Lighting Company's proposed atom-powered plant in Shoreham, N.Y., has increased the demand for strip-mined coal from places like Hazard.

The second major factor was the 1969 Coal Mine Health and Safety Act. This landmark law, though poorly administered has scared the daylights out of most smalltime "dog hole" operators. The tough safety regulations require expensive equipment, and the small operators would rather invest their cash in strip-mining equipment. Under Kentucky law, investing in heavy equipment is especially lucrative since there is no sales tax on equipment purchased to "expand" a coal mining operation.

Nationally the legislative battles over strip mining present a mixed picture, with those favoring its total abolition facing an uphill fight.

In West Virginia, for example, the crusade for abolition was taken up by John D. Rockefeller IV, the 33-year-old secretary of state and a Democartic gubernatorial prospect for 1972.

Rockefeller found himself in a tight political situation before the legislative session opened last January. He could have remained neutral, or he could have come out for partial control: for limiting the areas where coal could be stripped, or for prohibiting stripping on certain steep slopes only.

After much fact-finding and soul-searching, he decided that abolition was the only answer. He supported state Sen. Si Galperin's bill to that effect.

The legislative session is history now. Galperin's bill was replaced by a compromise passed in the last half hour of the session. The new law bans strip mining only in those counties where such mining has not begun. It is still permitted in 33 counties, most of them in the rich coal lands of Southern West Virginia.

Apparently, Rockefeller and his allies were unable to overcome the coal operators' claims that abolition would ruin the state's economy. Rockefeller's counter argument was that the necessary skills were easily transferable to other industries, especially highway building.

When he made his statement at a public hearing at the state capital in Charleston, the audience was hostile. It was learned later that the West Virginia Surface Mining Assn. had packed the meeting with supporters brought in by chartered buses.

The West Virginia case points up the difficulty of trying to legislate a national problem on a state-by-state basis. Many in West Virginia felt that it was unfair to ask their state to make economic sacrifices while others permitted stripping. The burden has now been put on Congress to make national standards.

In the Senate, Democrats Gaylord Nelson of Wisconsin and Henry Jackson of Washington have introduced bills. The House has bills from Republican John Saylor of Pennsylvania and Democrats Lloyd Meeds of Washington and Ken Hechler of West Virginia. And there is the administration's bill, the Mined Area Protection Act of 1971, which covers not only coal but all surface mining.

Of these, Hechler's is the toughest. It would end stripping in six months, not the two years that the administration would give the states to write regulations. It provides for stiffer fines, and for citizen class action suits against alleged violators. It includes all federal lands and Indian lands; the administration bill does not. It places authority in a regulatory agency, the Environmental Protection Agency (EPA), rather than an administrative one, the Interior Department, where the administration would place it. (Hechler has had a running battle with Interior for the last year over the administration of the Coal Mine Health and Safety Act. He was instrumental in getting Under Secretary Fred J. Russell fired.)

Hechler's bill declares that "The public has a right to enjoy a safe and healthy human environment" protected by government; the administration bill has no such declaration.

It is too early to tell what Congress will do. Some compromise may be worked out, if hearings are held. Strip mining bills have been offered in the past, but have not even been debated. The coal lobby will use any means necessary to fight national control of stripping.

This process may already have begun. In the recently concluded West Virginia legislative session, Rep. Hechler—the miner's friend and the coal operator's foe—was probably redistricted out of a job.

THE STRIPMINING OF AMERICA

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, in the February 1971, issue of the Sierra Club Bulletin, Mr. Wayne Davis, professor of zoology at the University of Kentucky, gives an excellent analysis of the present crisis situation we are in with regards to strip mining of coal.

His description of the deplorable aftermath of the strip miners in Kentucky reflect what is also true of so many other areas of the United States. His stand against the strip mining of coal in the United States is well supported within his article which I present below for the information and use of my colleagues:

THE STRIPMINING OF AMERICA

(By Wayne Davis)

Kentucky is being destroyed by stripmining. Not slowly and surely, but rapidly and at an ever accelerating rate. And the disease that affects Kentucky soon may spread to more than half our other states.

Most Sierrans are aware of the problem of acid mine drainage. Sulfur impurities in coal, when excavated and exposed to the air, invite invasion by bacteria which manufacture sulfuric acid. The result is streams with a pH so low that nothing survives but bacteria. The damage is permanent; some sickly red streams run dead a hundred years after mining operations have ceased, with little prospect of improvement in sight.

The extent of the problem is enormous. Keith O. Schwab, of the Federal Water Quality Administration in Cincinnati, has data showing 12,000 miles of degraded streams from mine acid drainage in the Appalachian states. "We can ill afford to lose more streams to mining pollution," he said, "but this is exactly what is happening."

Acid mine drainage has been with us as long as we have been mining coal. It comes from deep mines and surface mines. It has long been accepted by most local people as a price they must pay for an economy which removes the coal and burns it up as quickly as possible. Progress means removing the wealth, destroying it, and leaving the land and streams permanently impoverished.

Acid mine drainage, considered one of the most vicious of industry by-products, is trivial however compared to the massive onrush of destruction caused by the incredibly rapid move to surface mining.

In surface mining heavy machinery removes the soil, including trees, grass and everything else on the surface, to expose the coal seam beneath. In the steep hill country of Eastern Kentucky, this means pushing massive amounts of spoil down the mountainside. Even the largest trees are broken and pushed over. The magnitude of the devastation is difficult to imagine for anyone who has not seen it. Man's ever accelerating technology, now rushing forward faster than the speed of thought, has designed machinery which will move 100 cubic yards of dirt with a single bite. Such shovels, standing as high as a 12 story building, are used around the clock, as is the smaller equipment at many of the mountain stripping sites. With profits running as high as 50 percent annual return on the dollar invested and the minimum price of Eastern Kentucky coal having doubled over a 6 month period last year, the rush is on while the getting is good. Western Sierrans who watched the timber barons' frenzied efforts to cut as many big trees as they could before Congress established a national park will understand the rape of Kentucky. As stripping grows and as people become more informed, the opposition forces encompass an ever larger segment of the public.

When rain falls upon a strip mine site massive quantities of mud wash into the streams. A study by the U.S. Forest Service in Kentucky showed streams carried as much as 46,000 ppm of suspended sediment, compared to a maximum of 150 ppm in adjacent forested watersheds. Stream bed burdens of as much as 66,500 cubic feet of sediment per square mile of watershed were observed in the stripped areas. In addition to the stream beds the woodland flood plains were also made a muddy mess from silt. Subsequent rains not only brought down more silt but moved part of the previous loads on downstream, affecting more of our watercourses.

Bethlehem Steel Corporation has mined the high quality low sulfur coal needed for processing steel from deep mines in Eastern Kentucky for many years without arousing the displeasure of conservationists. However, their decision in 1969 to strip 40,000 acres in several counties changed them from an acceptable responsible corporation into the number one target and rallying point for the anti-stripping forces. Stripmining not only puts permanent scars on the mountainsides, but it also kills the streams, which are public property.

Silt kills streams by destroying the nature of the bed. Many aquatic invertebrates upon which fish feed live beneath stones in the gravel-covered bottom of a stream. A fine load of silt from the clay-banks above glues down the stones, making them inaccessible and preventing the free movement of oxygen-carrying water among the gravel and beneath the stones.

The effect upon spawning of fish is similar. Most species of game fish lay eggs in the gravel of the stream bottom. If a fine layer of silt washes off the strip mine spoils and covers the eggs, they are deprived of sufficient oxygen for development and fail to hatch. Thus the stripminers rob the public of a valued resource.

Although land destruction occurs, acid mine drainage and silt are the best known effects of stripmining, a less known but equally dangerous factor may be the raising of the mineral ion concentration of the water effecting its usability by man and his industries. The U.S. Public Health Service sets standards for drinking water quality and the various industries have their own tolerance levels depending upon the purpose of the water they use.

The U.S. Forest Service has done studies on the effects of stripmining on water quality in Eastern Kentucky. In a report they point out that although the U.S. Public Health Service's Maximum Permissible Level for sulfates in water is 250 ppm, on severely disturbed watersheds in Eastern Kentucky they found concentrations ranging up to 2100 ppm. Whereas the tolerance level for manganese is 0.05 ppm., concentrations of up to 74 ppm were found, and for iron, whose recommended maximum level is 0.3 ppm, concentrations ranged up to 88 ppm.

Why the tremendous increase in stripmining activity? Many reasons have coalesced to result in today's frenzy.

The use of electrical power, pushed along by Madison Avenue's request that we live better electrically, have been growing at 7 percent per year, a rate which doubles consumption every 10 years. Coal is a major energy source for power generators.

Even with nuclear reactor power generators increasing at a rate that doubles their numbers every 2.4 years, with this rate expected to continue at least through 1980, the demand for power is increasing so fast that coal powered generators also are being built.

The scarcity of natural gas, which caused gas companies in the East to deny service to many new industrial customers in 1970, and the ever increasing dependency of this country on foreign oil sources, has increased the interest in coal, one resource which is still in abundant supply.

The new mine safety law has helped push operators out of deep mining into the stripmining business. Stripping produces three times as much coal per man as an underground operation and requires less machinery and investment. It is safer for the workers and more profitable to the operators. The result has been that the strip mine has risen from 29 percent of the production 10 years ago to 36 percent today. In the steep Appalachian hills of 9 states strip mine benches now extend for 20,000 miles. Since only 4.6 billion of the estimated 108 billion tons of strippable coal have been harvested, one can see what the future holds.

As the acceleration of stripmining proceeds, attempts to regulate it are frustrated. Although Kentucky has a fairly good mining reclamation law and some honest, conscientious people in the Division of Reclamation, law enforcement has broken down. An employee of the Division told me that during the summer of 1970 permits were issued to over 100 new operators. Since anyone who can borrow enough to get a bulldozer into operation can go into business and get rich now, there is a flood of new people into stripmining. The enforcement officer said that some of these inexperienced operators could not operate within the law even if trying to do so and spills of spoil onto public highways and into the streams are the result.

The business is so lucrative that an operator has been quoted as saying that if we will leave him alone for just two years he doesn't care if we outlaw stripmining, for by that time he would be rich enough to retire.

Operators are getting rich and selling out to the big corporations. The giants of oil and steel, smelling the killing at hand, have been rushing into the fray like a pack of sharks to a bleeding swimmer. The major stripmining operations are subsidiaries of such corporations as Gulf Oil, Humble Oil, U.S. Steel and Bethlehem Steel. TVA is also heavily involved.

If you think coal mining is only a problem for Kentucky and such well known coal states as West Virginia, Pennsylvania and Illinois, you are in for a surprise. A total of 26 states have strippable reserves of coal. We easterners will not even be in the running when the big time arrives, because the states with the largest reserves of strippable coal are North Dakota, Montana and Wyoming. If we draw a line from Pennsylvania to the coal-laden northwestern tip of Georgia, every state west of the line except Wisconsin, Minnesota and Hawaii has some coal deposits. With the industry's trend toward building power plants where the coal is, the destruction of parts of your state may be even now on the shallow horizon.

Stripmining as a big business has moved into Ohio. Ben A. Franklin of the New York Times reports that 5 billion tons of low grade fuel, long considered too marginal for mass mining, lie near the surface in Ohio, and the boom is on from Cincinnati to the east-central border to recover it. In 346,000 acre Belmont County alone 200,000 acres have been sold, leased or optioned to the strippers. Two giant electric shovels, each 12 stories high, scoop up farms, barns, silos, churches and roads to uncover the coal, piling the rubble into strip mine spoil banks. Franklin quotes Ohio Congressman Wayne Hays, whose home is in Belmont County, as saying "They're turning this beautiful place into a desert," but Ford Sampson, head of the Ohio Coal Association, is credited with the line, "Are we going to cut off the electric power because some guy has a sentimental feeling about an acre of coal?"

Perhaps a better example of what we are up against is illustrated by the opinion of James D. Riley, a vice president of Consolidation Coal Company, who spoke to the American Mining Congress in Pittsburgh in 1969. To the thunderous applause of the assembled strip miners, Mr. Riley declared that the conservationists who demand a better job of land reclamation are "stupid idiots, socialists and commies who don't know what they are talking about. I think it is our bounden duty to knock them down and subject them to the ridicule they deserve."

What can be done? First we must insist that Americans take their heads out of the sand and recognize the fact that power demand cannot continue to rise as it has been. Nothing—whether the power demand, the production of coal, the number of people, the number of cars, or the gross national product—can continue indefinitely to rise at an exponential rate in a finite world. The sooner we face reality on this the sooner we can begin to attack the problems.

So the next time the power tycoons tell you they must double power capacity by 1980 you should reply, "Nonsense—long before 1980 we must plan and put into practice a program to level off power consumption at something like present levels or less."

Second we must have federal regulations of mining practices. Any local efforts to regulate this or any other industry encounter the standard and somewhat justified reply that regulation would put them at a disadvantage with their competitors in other states.

Dr. Robert Kuehne says that in Kentucky we could not have designed a better system to ruin the maximum number of streams in a shorter period. Instead of mining watersheds that are already destroyed until all the coal is gone, the economic system assures that we skip around in such a way as to kill all our streams in the coal country.

The Committee on Resources and Man of the National Academy of Sciences-National Research Council has pointed out that the culmination of oil production in this country is now at hand and the culmination of natural gas will arrive at the end of this decade. We are now dependent upon foreign sources for 20 percent of our oil supplies, and by the end of this decade this is expected to rise to 40–45 percent. Although coal reserves are much greater, we should not continue to treat them as the common enemy to be destroyed with all speed by the system found to be so effective in getting rid of our oil and gas.

We simply cannot afford to continue the present pattern of exploitation of the fossil fuels.

A FAIR MINIMUM FAMILY INCOME

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I am pleased today to be able to introduce what I believe to be historic legislation for the benefit of our senior citizens, the blind and disabled, and the needy families throughout our land.

What I propose is relatively simple: that we recognize the minimum family budgets calculated by our U.S. Department of Labor and use these budgets as a basis for establishing the principle of a "fair minimum family income" for the poor, the aged, the blind, and the severely disabled.

The cost of what I propose in its initial years is within the sums discussed for full Federal assumption of welfare and medicaid costs on the basis of the legislation passed by the House last year. The cost would rise over a 5-year period as we seek to establish the fair minimum income level. But I think we eventually are going to pay this cost because the American conscience will not tolerate indefinitely the neglect of the Nation's poor—when we have the resources to give them decent standards of living.

My legislation proposes benefits based upon the different needs of families of different sizes. It would begin by assuring an aged, blind, or severely disabled individual an income of $1,800 a year, or $150 a month, and raise that over a 5-year period to $2,300 a year.

A needy couple—which would include millions of senior citizens—would be guaranteed an income of $3,100 a year in the fiscal year beginning July 1, 1972, and would raise this income guarantee to $3,600 a year over a 5-year period. My bill provides for a cost of living factor which would keep these income guarantees from being destroyed by inflation —the level would rise with the cost of living during the 5-year transition period.

In the case of needy families, the annual income guarantee would rise from $2,950 for a parent and one child in the first year of the program to a guarantee of $5,600 a year for a family of six or more persons. These levels would rise in 5 years to $3,550 a year for a two-person family and to $8,600 for a family of six or more persons.

These may seem like large figures when compared to what we have been paying in our welfare programs. The figures we often read on welfare payments are not strictly comparable, however. The publicized current figure seldom include nonwelfare income, food stamps, and other family support.

The program I propose offers a guarantee of a fair minimum family income and would provide for the payment from the Federal Treasury of the difference between what the needy person receives in earnings, social security benefits, food stamps and other income. It is designed to bridge the gap—often a large one—between what the least fortunate individuals and families receive income and what they need for a minimally decent standard of living.

I might point out that the fair minimum family budget which I have chosen for this legislation is the lowest of three budgets calculated regularly by the Bureau of Labor statistics. It is below what the Bureau considers to be a "decent" family budget and even below the "intermediate" budget which is rated below the decent living standard.

My legislation provides initially for the Federal Government to assume the full cost of the existing welfare and the full cost of the medicaid program. This would relieve a great financial burden of the States and make possible a simplified national welfare system. This system would be more efficiently administered, would include work incentives, and would reduce many of the indignities and abuses of the present State-Federal system.

I do not propose this as a substitute for revenue sharing, however. I have supported revenue sharing in previous Congresses and I have reintroduced today my legislation, amended to provide for approximately $2 billion in shared revenue in fiscal 1972, based upon one-half of 1 percent of the taxable personal income.

It is my belief that the need for revenue sharing is greatest at the local government level. The ad valorem tax on property is wholly inadequate for local revenue needs and the limited areas of local governments make other local revenue measures, such as municipal income taxes, difficult to impose and collect with any sense of equity. I have proposed, therefore, that 75 percent of shared Federal revenue be passed on to the local governments according to federally approved plans developed by the Governor of each State and based on population, population density, per capita income and other factors reflecting need.

At the point, Mr. Speaker, I include the text, first of my welfare reform proposal:

H.R. —

An act to authorize the payment by the United States of all the financial obligations under existing Federal-State welfare programs under the Social Security Act and waiving matching payments from the respective States for the fiscal year beginning on July 1, 1971, and to replace said programs with a national plan of income to enable the aged, blind, or severely disabled persons and families with children to attain a standard of living sufficient to provide for basic human needs, to provide incentives for employment and training to improve the capacity of employment of such persons and family members, and otherwise to improve their living conditions, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That this Act may be cited as the "National Fair Minimum Income Act of 1971."

TRANSITIONAL PROVISION

SEC. 101. Notwithstanding any other provision of law, for the purpose of providing the payment by the United States of the total cost of the Federal-State programs during the fiscal year beginning on July 1, 1971, provided for in titles I, IV, X, XI, XIV, XVI, XIX and 707, part B, title IV relating to child welfare services and section 410 relating to the authorization to locate missing parents of children, thereby waiving any and all matching payments, if any, by the respective States required thereunder, there is hereby authorized to be appropriated for said fiscal year a sum sufficient to carry on the purposes of this section.

TITLE IV ESTABLISHMENT OF NATIONAL FAIR MINIMUM INCOME PLAN

SEC. 102. Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended by adding after part C the following new parts:

"PART D—FAMILY ASSISTANCE PLAN

"APPROPRIATIONS

"PART D—NATIONAL FAIR MINIMUM INCOME PLAN

"APPROPRIATIONS

"SEC. 441. For the purpose of providing a national fair minimum annual income plan throughout the Nation and to provide for the basic human needs of aged, blind, or severely disabled persons, couples, and families with children, in a manner which will strengthen their lives, encourage work training and self-support, and enhance personal welfare and dignity, there is authorized to be appropriated for the fiscal year beginning on July 1, 1972, and for each fiscal year thereafter a sum sufficient to carry out the purpose of this part.

"ELIGIBILITY FOR AND AMOUNT OF NATIONAL FAIR MINIMUM BENEFITS

"Eligibility

"SEC. 442. (a) Each aged, blind, or severely disabled person, couple or family (as defined in section 445)—

"(c) whose income in a base year, other than income excluded under section 443(b) is less than the national fair minimum income standard applicable to said base year, as provided in section 443(e) and

"(2) whose resources, other than resources excluded pursuant to section 444(b), are less than $2,500 in the case of an aged, blind, or severely disabled person, and are less than $5,000 in the case of a couple or of a family, shall in accordance with and subject to the other provisions of this part, be paid the benefits provided in section 442(b) herein.

"Amount of Benefits

"(b) The benefits payable for a payment quarter to each person, couple, or family eligible therefor under section 442(a) and (d) of this part shall be a sum equal to one-fourth of the difference between the income in the base year of such person, couple, or family, other than income excluded under section 443(b) of this part, and the national fair minimum income standard applicable to such person, couple, or family for such base year; *Provided, however,* that such benefits shall be computed and paid to the nearest dollar and that the minimum benefits payable shall not be less than $15 for any payment quarter (as defined in section 445(n) of this part), notwithstanding any other provision herein.

"(c) In addition to the benefits provided for in section 442(b) of this part, there shall be paid to each person, couple, or family eligible under section 442(a) of this part, a benefit equal to 50 cents for each dollar of earned income in a base year, as defined in section 443(a)(1), not to exceed a total of $2,800 in each year in excess of the national fair minimum income standard applicable to such person, couple, or family.

"Period for Determination of Benefits

"(d)(1) Eligibility for and benefits under this part shall be determined by the Secretary for each payment quarter on the basis of income in the base year other than income excluded under section 443(b), and the national fair minimum income standard applicable to said base year, on the basis of the Secretary's estimate of the income for such quarter, after taking into account such income in the base year. Eligibility for and the benefits hereunder for any payment quarter shall be redetermined at such time or times as may be provided by the Secretary and such redeterminations shall be effective prospectively for such quarter.

"(2) The Secretary shall by regulation prescribe the cases in which and the extent to which the amount of benefits for any payment quarter shall be reduced by reason of the time elapsing since the beginning of such quarter and before the date of filing the application for the benefit.

"(3) The Secretary may, in accordance with regulations promulgated by him, prescribe the cases in which and the extent to which income received in one period (or expenses incurred in one period in earning income) shall, for the purposes of determining eligibility for the amount of benefits, be considered or received (or incurred) in another period or periods.

"Special Limits on Gross Income

"(d) The Secretary may, in accordance with regulations promulgated by him, prescribe the circumstances under which the gross income from a trade or business (including farming) will be considered sufficiently large to make an aged, blind, or severely disabled person, couple, or family ineligible for such benefits provided in section 5 of this part.

"National fair minimum income standards

"(e)(1) For purposes of this part, national fair minimum income standards for an aged, blind, or severely disabled person, couple, or a family of a given size shall be the amounts shown in the following table, adjusted as provided in paragraph (2) of this subsection:

Person, couple or family size	National fair minimum annual income standard for fiscal year beginning July 1, in—					
	1972	1973	1974	1975	1976	1977 [1]
Aged, blind, or severely disabled person	$1,800	$1,900	$2,000	$2,100	$2,200	$2,300
Couple	3,100	3,200	3,300	3,400	3,500	3,600
Family of:						
2 persons	2,950	3,050	3,150	3,250	3,350	3,550
3 persons	3,300	3,650	4,100	4,450	4,800	5,100
4 persons	4,150	4,550	4,950	5,350	5,750	6,250
5 persons	5,000	5,400	5,800	6,200	6,600	7,150
6 or more	5,600	6,200	6,800	7,400	7,800	8,600

[1] And thereafter.

"(2) Between April 1 and June 30 of each calendar year, beginning with 1973, the Secretary (A) shall adjust the national fair minimum annual income standard for each such person, couple, or family by size in the table in paragraph (1) by increasing such amount by the percentage by which the average level of the price index for each year ending on March 31 exceeds the average level of the price index for the year ending on March 31, 1972, and (B) shall promulgate the amounts so adjusted as the national fair minimum annual income standards applicable under this part which shall be conclusive for purposes of this part for the fiscal year beginning July 1 next succeeding such promulgation, *provided, however,* that such adjustment shall be made and promulgated to the nearest fifty dollars.

"(3) As used in this subsection, the term 'price index'" means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"Puerto Rico, the Virgin Islands, and Guam

"(f) For special provisions applicable to Puerto Rico, the Virgin Islands, and Guam, see section 1108(e) of the Social Security Act, as amended.

"INCOME

"Meaning of Income

"Sec. 443(a). For purposes of this part, income means both earned income and unearned income; and

"(1) earned income means only—

"(A) remuneration for services performed as an employee (defined in section 210(j) of the Social Security Act), other than remuneration to which section 209(b), (c), (d), (f), or (k), or section 211, therein, would apply; and

"(B) net earnings from self-employment, as defined in section 211 in said act (without the application of the second and third sentences following clause (C) of subsection (a) (9)), including earnings for services described in paragraphs (4), (5), and (6) of subsection (c); and

"(2) unearned income means all other income, including—

"(A) any payments received as an annuity, pension, retirement, or disability benefit, including veteran's or workmen's compensation and old-age, survivors, and disability insurance, railroad retirement, and unemployment benefit;

"(B) prizes and award;

"(C) the proceeds of any life insurance policy;

"(D) gifts (cash or otherwise), support and alimony payments, and inheritances; and

"(E) rents, dividends, interest, and royalties.

"Exclusions From Income

"(b) In determining the income of a family there shall be excluded—

"(1) subject to limitations (as to amount or otherwise) prescribed by the Secretary, the earned income of each child in the family who is, as determined by the Secretary under regulations, a student regularly attending a school, college, or university, or a course of vocational or technical training designed to prepare him for gainful employment;

"(2) (A) the total unearned income of an aged, blind, or severely disabled person, couple, or of all members of a family in a calendar quarter which, as determined in accordance with criteria prescribed by the Secretary, is received too infrequently or irregularly to be included, if such income so received does not exceed $30 in such quarter and (B) the total earned income of an aged, blind, or disabled person, couple, or of all members of a family in a calendar quarter which, as determined in accordance with such criteria, is received too infrequently or irregularly to be included, if such income so received does not exceed $30 in such quarter;

"(3) an amount of earned income of a member of the family equal to all, or such part (and according to such schedule) as the Secretary may prescribe, of the cost incurred by such member for child care which the Secretary deems necessary to securing or continuing in manpower training, vocational rehabilitation, employment, or self-employment;

"(4) any costs (whether in the form of insurance premiums or otherwise) incurred for medical care or for any other type of remedial care recognized under Federal, State, or local government law, including costs under part E of this title, except as provided in section 452(a)(10);

"(5) any assistance (except food stamps and veterans' pensions) which is based on need and furnished by any State or political subdivision of a State or any Federal agency, or by any private charitable agency or organization (as determined by the Secretary);

"(6) allowances under section 432(a) of the Social Security Act;

"(7) any portion of a scholarship or fellowship received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution; and

"(8) home produce of an aged, blind, or severely disabled person, couple, or a member or members of a family utilized for his or their home consumption.

"RESOURCES

"Exclusions From Resources

"SEC. 44. (a) In determining the resources of an aged, blind, or severely disabled person, couple, or family there shall be excluded—

"(1) the home, household goods, and personal effects; and

"(2) other property which, as determined in accordance with and subject to limitations in regulations of the Secretary, is so essential to such person's, couple's, or family's means of self-support as to warrant its exclusion.

"Disposition of Resources

"(b) The Secretary shall prescribe regulations applicable to the period or periods of time within which, and the manner in which, various kinds of property must be disposed of in order not to be included in determining a family's eligibility for benefits under this part. Any portion of the benefits paid for any such period shall be conditioned upon such disposal; and any benefits so paid shall (at the time of the disposal) be considered overpayments to the extent they would not have been paid had the disposal occurred at the beginning of the period for which such benefits were paid.

"DEFINITIONS

"Composition of Family

"SEC. 445. (a) Two or more individuals—

"(1) who are related by blood, marriage, or adoption,

"(2) who are living in a place of residence maintained by one or more of them as his or their own home,

"(3) who are residents of the United States, and

"(4) at least one of whom is a child who (A) is not married to another of such individuals and (B) is in the care of or dependent upon another of such individuals, shall be regarded as a family for purposes of this part and parts A, C, and E. A parent (of a child living in a place of residence referred to in paragraph (2)), or a spouse of such a parent, who is determined by the Secretary to be temporarily absent from such place of residence for the purpose of engaging in or seeking employment or self-employment (including military service) shall nevertheless be considered (for purposes of paragraph (2)) to be living in such place of residence.

"Definition of Child

"(b) For purposes of this part and parts C and E the term 'child' means an individual who is (1) under the age of eighteen, or (2) under the age of twenty-one and (as determined by the Secretary under regulations) a student regularly attending a school, college, or university, or a course of vocational or technical training designed to prepare him for gainful employment.

"DEFINITION OF MEMBER

"(c) 'Member' shall include father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, niece or any other individual who is related to another individual by blood, marriage, or adoption, as provided by appropriate State law.

"Income and Resources of Noncontributing Adult

"(d) For purposes of determining elegibility for and the amount of benefits payable under this part there shall be excluded the income and resources of any individual, other than a parent of a child (or a spouse of a parent), which, as determined in accordance with criteria prescribed by the Secretary, is not available to the other member of the couple or other members of the family; and for such purposes such individual—

"(1) in the case of a child, shall be regarded as a member of the family for purposes of determining the family's eligibility for such benefits but not for purposes of determining the amount of such benefits, and

"(2) in any other case, shall not be considered a member of the couple or of the family for any purpose.

"Aged, Blind, and Severely Disabled Recipients of Benefits

"(e) If an aged, blind, or disabled person or couple is receiving benefits under this part, then for the period for which such benefits are received, such person or couple shall not be regarded as a member of a family for purposes of determining eligibility for and the amount of benefits under this part.

Definition of Aged Persons

"(f) 'Aged person' means an individual who is sixty-five years of age or over

Definition of Blind Person

"(g) 'Blind person' means an individual who is blind as determined in accordance with criteria prescribed by the Secretary.

Definition of Severely Disabled Person

"(h) 'Severely disabled person' means an individual, 18 years of age or older under a severe disability, as determined in accordance with criteria prescribed by the Secretary.

Definition of Couple

"(i) 'Couple' means any two individuals who are aged, blind, or severely disabled, or any combinaiton thereof, who are related by blood, marriage or adoption, who are living in a place of residence maintained by one or both of them as his, her, or their own homes, and who are residents of the United States.

"Exclusion from Definitions of Aged, Blind, Severely Disabled Person and Couple

"(j) The terms 'aged person', 'blind person' 'severely disabled person' and 'couple' shall exclude any individual who is an inmate of a public institution (except as a patient in a medical institution).

"Definition of National Fair Minimum Income Standard

"(k) 'national fair minimum income standard' means the amount of annual income in a base year determined by the Secretary in accordance with the provisions of this part to enable an aged, blind, severely disabled person or a couple or family to attain a standard of living sufficient to provide for basic human needs.

"(1) 'benefits' means the money payments payable under this part on or after July 1, 1972, to eligible persons, couples, or families. 'Benefits' also include money payments which are not included within the meaning of such term under the preceding sentence, but which would be so included except that they are made on behalf of any such persons, or couple, or family to another individual who (as determined in accordance with standards prescribed by the Secretary) is interested in or concerned with the welfare of such person, couple, or family; the secretary shall provide for

"(1) determination by him that such person, or a member or members of a couple, or of a family, has, by reason of his physical or mental condition, such inability to manage funds that making payments to him would be contrary to his welfare and, therefore, it is necessary to provide such assistance through payments described in this sentence;

"(2) making such payments only in cases in which such payments will, under the rules otherwise applicable under this part for determining the amount of benefits to be paid (and in conjunction with other income and resources), meet all the basic human needs of the person, couple, or family to whom such payments are made;

"(3) undertaking and continuing special efforts to protect the welfare of such person, couple, or family and to improve, to the extent possible, capacity for self-care and to manage funds;

"(4) periodic review by the Secretary under paragraph (1) of this subsection to ascertain whether conditions justifying such determination still exist, with provision for termination of such payments if they do not and for seeking judicial appointment of a guardian or other legal representative, as described in section 1311 of this title, if and when it appears that such action will best serve the interests of such person, couple or family; and

"(5) opportunity for a fair hearing before the Secretary on the determination referred to in paragraph (1) of this subsection for any person, couple, or family with respect to who it is made.

"Definition of Quarter

"(m) 'quarter' means a calendar quarter ending on March 31, June 30, September 30 or December 31.

"Definition of Payment Quarter

"(n) 'payment quarter' means a quarter with respect to which (or with respect to any part thereof) a claim for benefits is made under this part.

"Definition of Base Year

"(o) 'base year' means a period of four consecutive quarters immediately preceding the completed quarter immediately prior to a payment quarter.

"Definition of Month

"(p) 'month' means a calendar month.

"Definitions of United States

"(q) 'United States,' when used in a geographical sense, means, except when otherwise provided, the fifty states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

"Definition of State

"(r) 'State,' except where otherwise provided, means each of the fifty states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands and Guam.

"PAYMENTS AND PROCEDURES

"SEC. 446. (a) (1) Benefits shall be paid at such time or times and in such installments as the Secretary determines will best effectuate the purposes of this part.

"(2) Payment of benefits under this part may be made to the aged, blind, or severely disabled person, or to any one or more members of the couple or of the family, or, if the Secretary deems it appropriate, to any person, other than such person, member or members of the couple, or of the family, who is interested in or concerned with the welfare of such person, couple, or family, in accordance with such regulations of the Secretary.

"(3) Whenever the Secretary has reason to believe that any payments of benefits to families made with respect to a child are not being or may not be used in the best interests of the child, he may provide for such counseling and guidance services with respect to the use of such payments and the management of other funds by the member of the family receiving such payments as he deems advisable in order to assure use of such payments in the best interests of such child, and may provide for advising such relative that continued failure to so use such payments will result in substitution therefore for payments as provided in the second sentence of section 445(1) of this title, or in seeking appointment of a guardian or legal representative as provided in section 1311 of this title, or in the imposition of criminal or civil penalties authorized under State law if it is determined by a court of competent jurisdiction that such member is not using or has not used for the benefit of the child any such payments made for that purpose; and the provision of such services or advice by the Secretary or the taking of the action specified in such advice shall not prevent such payments with respect to such child from being considered benefits under this part.

"Overpayments and Underpayments

"(b) Whenever the Secretary finds that more or less than the correct amount of benefits has been paid with respect to any aged, blind, or severely disabled person, or couple, or family, proper adjustment or recovery shall, subject to the succeeding provisions of this subsection, be made by appropriate adjustments in future payments with respect to such person, couple, or family, or by recovery from or payment to such person or to any one or more members of such couple or of such family. The Secretary shall make such provision as he finds appropriate in the case of payment of more than the correct amount of benefits with respect to an aged, blind, or severely disabled person, or couple, or family, with a view to avoid penalizing such person, or members of a couple, or of a family who were without fault in connection with the overpayment, if adjustment or recovery on account of such overpayment in such case would defeat the purposes of this part, or be against equity or good conscience, or (because of the small amount involved) impede efficient or effective administration of this part.

"EARNINGS AND REVIEW

"(c) (1) The Secretary shall provide reasonable notice and opportunity for a hearing to any individual who is or claims to be an aged, blind, or severely disabled person, or a member of a couple or of a family and is in disagreement with any determination under this part with respect to eligibility of such person, couple, or family for benefits, the number of members of the family, or the amount of benefits, if such individual requests a hearing on the matter in disagreement within thirty days after notice of such determination is received. Until a determination is made on the basis of such hearing or upon disposition of the matter through default, withdrawal of the request by the individual, or revision of the initial determination by the Secretary, any amounts which are payable (or would be payable but for the matter in disagreement) to any individual who has been determined to be such person or a member of such couple or family shall continue to be paid; but any amounts so paid for periods prior to such determination or disposition shall be considered overpayments to the extent they would not have been paid had such determination or disposition occurred at the same time as the Secretary's initial determination on the matter in disagreement.

"(2) Determination on the basis of such hearing shall be made within ninety days after the individual requests the hearing as provided in paragraph (1).

"(3) The final determination of the Secretary after a hearing under paragraph (1) shall be subject to judicial review as provided in section 205(g) of the Social Security Act to the same extent as the Secretary's final determinations under section 205; except that the determination of the Secretary after such hearing as to any fact shall be final and conclusive and not subject to review by any court.

"Procedures; Prohibition of Assignments

"(d) (1) The provisions of sections 206 and 207 and subsections (a), (d), (e), and (f) of section 205 of the Social Security Act shall apply with respect to this Act to the same extent as they apply in the case of title II of said Act.

"(d) (2) The benefits paid under this part or medical assistance under part E shall not be subject to any tax under any Federal, state or local government law otherwise imposed on any aged, blind, or severely disabled person, member of a couple or of a family, or members of a couple or family.

"Applications and Furnishing of Information

"(e) (1) The Secretary shall prescribe regulations applicable to aged, blind, or severely disabled persons, couples, families, or members thereof with respect to the filing of applications, the furnishing of other data and material, and the reporting of events and changes in circumstances, as may be necessary to determine eligibility for an amount of family assistance benefits under this part.

"(2) In order to encourage prompt reporting of events and changes in circumstances relevant to eligibility for or amount of payments under this part, and more accurate estimates of expected income or expenses by such persons, couples, family, or members of such couples or families for purposes of such eligibility and amount of benefits, the Secretary may prescribe the cases in which and the extent to which—

"(A) failure to so report or delay in so reporting, or

"(B) inaccuracy of information which is furnished by such persons, couples, or members and on which the estimates of income or expenses for such purposes are based,

will result in treatment as overpayments of all or any portion of payments of such benefits for the period involved.

"Furnishing of Information by Other Agencies

"(f) The head of any Federal agency shall provide such information as the Secretary needs for purposes of determining eligibility for or amount of benefits under this part, or verifying other information with respect thereto.

"REGISTRATION AND REFERRAL OF FAMILY MEMBERS FOR MANPOWER SERVICES, TRAINING AND EMPLOYMENT

"SEC. 447. (a) Every individual who is a member of a family found to be eligible for benefits under this part, other than a member to whom the Secretary finds paragraph (1), (2), (3), (4), or (5) of subsection (b) applies, shall register for manpower services, training, and employment with the local public employment office of the State as provided by regulations of the Secretary of Labor. If and for so long as any such member is found by the Secretary of Health, Education, and Welfare to have failed to so register, he shall not be regarded as a member of a family but his income which would otherwise be counted under this part as income shall be so counted; except that if such member is the only member of the family other than a child, such member shall be regarded as a member for purposes of determination of the family's eligibility for benefits under this part, but not (except for counting his income) for purposes of determination of the amount of such benefits. No part of the benefits under this part may be paid to such member during the period for which the preceding sentence is applicable to him; and the Secretary may, if he deems it appropriate, provide for payment of such benefits during such period to any person, other than a member of such family, who is interested in or concerned with the welfare of such family.

"(b) A member of a family eligible under this part shall not be required to register pursuant to subsection (a) if the Secretary determines that such member is—

"(1) unable to engage in work or training by reason of illness, incapacity, or advanced age;

"(2) a mother or other relative of a child under the age of six who is caring for such child;

"(3) the mother or other female caretaker of a child, if the father or another adult male relative is in the home and not excluded by paragraph (1), (2), (4), or (5) of this subsection (unless the second sentence of subsection (a), or section 448(a), is applicable to him);

"(4) a child who is under the age of sixteen or meets the requirements of section 445(b)(2); or

"(5) one whose presence in the home on a substantially continuous basis is required because of the illness or incapacity of another member of the household. A person or such member who would, but for the preceding sentence, be required to register pursuant to subsection (a), may, if he wishes, register as provided in such subsection.

"(c) The Secretary shall make provision for the furnishing of child care services in applicable cases and for so long as he deems appropriate in the case of (1) members of families registered pursuant to subsection (a) who are, pursuant to such registration, participating in manpower services, training, or employment, and (2) members of families referred pursuant to subsection (d) who are, pursuant to such referral, participating in vocational rehabilitation.

"(d) In the case of an aged, blind, or severely disabled person, or member of a couple, or of any member of a family receiving benefits under this part who is not required to register pursuant to subsection (a) because of such person's or member's incapacity, the Secretary may, within his discretion, make provision for referral of such person or such member to the appropriate State agency administering or supervising the administration of the State plan for vocational rehabilitation services approved under the Vocational Rehabilitation Act, and (except in such cases involving permanent incapacity as the Secretary may determine) for a review not less often than quarterly of such person's or such member's incapacity and his need for and utilization of the rehabilitation services made available to him under such plan. If and for so long as such person or such member is found by the Secretary to have refused without good cause to accept rehabilitation services available to him under such plan, he shall be treated as an individual to whom subsection (a) is applicable by reason of refusal to accept or participate in employment or training.

"DENIAL OF BENEFITS IN CASE OF REFUSAL OF MANPOWER SERVICES, TRAINING, OR EMPLOYMENT

"SEC. 448. (a) For purposes of determining eligibility for and amount of benefits under this part, a member of a family who has registered as required under section 447(a) shall not be regarded as a member of a family, but this income which would otherwise be counted as income of the family under this part shall be so counted, if and for so long as he has been found by the Secretary of Labor, after reasonable notice and opportunity for hearing (which shall be held in the same manner and subject to the same conditions as a hearing under section 446(c) (1) and (2)), to have refused without good cause to participate or continue to participate in manpower services, training, or employment, or to have refused without good cause to accept employment in which he is able to engage which is offered through the public employment offices of the State, or is otherwise offered by an employer if the offer of such employer is determined by the Secretary of Labor, after notification by such employer or otherwise, to be a bona fide offer of employment; except that if such member of a family is the only member of the family other than a child, such member shall be regarded as a member of the family for purposes of determination of the family's eligibility for benefits, but not (except for counting his income) for the purposes of determination of the amount of its benefits. No part of the benefits of any such family may be paid to such member during the period for which the preceding sentence is applicable to him; and the Secretary may, if he deems it appropriate, provided for payment of such benefits during such period to any person, other than a member of such family, who is interested in or concerned with the welfare of the family.

"(b) No family shall be denied benefits under this part, or have benefits under this part reduced, because a member of such family is (or would, but for subsection (a), be) a member of such family refuses work under any of the following conditions:

"(1) if the position offered is vacant due directly to a strike, lockout, or other labor, dispute;

"(2) if the wages, hours, or other terms or conditions of the work offered are contrary to or less than those prescribed by Federal, State, or local law or are substantially less favorable to such member than those prevailing for similar work in the locality;

"(3) if, as a condition of being employed, such member would be required to join a company union or to resign from or refrain from joining any bona fide labor organization; or

"(4) Such member has the demonstrated capacity, through other available training or employment opportunities, of securing work that would better enable him to achieve self-sufficiency.

"TRANSFER OF FUNDS FOR ON-THE-JOB TRAINING PROGRAMS

"SEC. 449. The Secretary shall, pursuant to and to the extent provided by agreement with the Secretary of Labor, pay to the Secretary of Labor amounts which he estimates would be paid as benefits under this part to individuals participating in public or private employer compensated on-the-job training under a program of the Secretary of Labor if they were not participating in such training. Such amounts shall be available to pay the costs of such programs.

"PART E—MEDICAL AND OTHER ASSISTANCE FOR AGED, BLIND, OR SEVERELY DISABLED PERSONS, COUPLES, AND FAMILIES

"APPROPRIATIONS

"SEC. 451. For the purpose of enabling the Secretary on and after July 1, 1972, to furnish medical assistance on behalf of aged, blind, or severely disabled persons, couples, or families, who are eligible under Part D of this Title, and whose income (including benefits under Part D of this Title) and resources are insufficient to meet the costs of necessary services, medical care, including rehabilitation and other services to help such persons and members of such couples or of such families attain or retain capability for independence or self-care, there is hereby authorized to be appropriated a sum sufficient to carry out the purposes of this part.

"PROGRAM PROVISIONS

"SEC. 452(a) To carry out the purposes of section 451, the Secretary shall provide, under such regulations as he may promulgate,

"(1) for granting an opportunity for a fair hearing and review under section 446(c) to any individual whose claim for medical assistance under this part is denied or is not acted upon with reasonable promptness;

"(2) for utilization of medical and other professional personnel as are found necessary for the proper and efficient administration of this part, and for the training and effective use of paid subprofessional staff with particular emphasis on the full-time or part-time employment of recipients of benefits under Part D of this title and other persons of low income, as community service aides, in the administration of this part and for the use of nonpaid or partially paid volunteers in a social service volunteer program in providing medical care and services to applicants and recipients and assisting any advisory committee established by the Secretary under this part;

"(3) safeguards which restrict the use of or the disclosure of information concerning applicants and recipients to purposes directly connected with the administration of this part;

"(4) that all individuals wishing to make application for medical assistance under this part shall have opportunity to do so, and that medical care and services shall be furnished with reasonable promptness to all eligible individuals;

"(5) establishing and maintain standards for private or public institutions in which recipients of medical assistance under this part may receive medical care and services.

"(6) medical care and services equal in amount, duration, and scope to all persons, couples or families eligible for benefits under part D, whose circumstances and conditions are about the same except that the making available of services described in section 453(b)(4) or (14) of this part to individuals meeting the age requirement prescribed therein shall not, by reason of this paragraph (6), require the making available of any such care and services, or the making available of such care and services of the same amount, duration, and scope, to individuals of any other ages, and further that the making available of supplementary medical insurance benefits under part B of title XVIII of the Social Security Act to individuals eligible therefor, of the cost of the deductibles, cost sharing, or similar charges under such part B for individuals eligible for benefits under such part, shall not, by reason of this paragraph (6), require the making available of any such benefits, or the making available of medical care and services of the same amount, duration, and scope, to any other individuals;

"(7) (A) for entering into cooperative agreements with State and local government agencies responsible for the administration of health services, vocational rehabilitation services, or other services provided for in this part, leading to maximum utilization of such services in the administration of this part; and

"(B) to the extent prescribed by the Secretary, for agreements with any agency, institution, or organization, receiving payments for part or all of the cost of plans or projects under the Maternal and Child Health and Crippled Children's Services Act of 1935 as amended (42 U.S. sec. 701 ff)

"(i) providing for utilizing such agency, institution, or organization in furnishing medical care and services which are avialable under such plan or project under said Act, and

"(ii) making such provision as may be appropriate for reimbursing such agency, institution, or organization for the cost of such medical care and services furnished any individual for which payment would otherwise be made with respect to him under this part;

"(8) that, in determining whether an individual is blind or severely disabled, there shall be an examination by a physician skilled therein, or in determining blindness by an optometrist, whichever such individual may select in the case of blindness;

"(9) that no enrollment fee, premium, deduction, cost sharing, or similar charge will be imposed on any recipient of medical assistance under this part;

"(10) in the case of eligible individuals 65 years of age or other who are covered by either or both of the insurance programs established by title XVIII of the Social Security Act, whether under this part, all or any deductible, cost sharing, or similar charge imposed with respect to such individual under the insurance program established by said title XVIII is not made the portion thereof which is met shall be determined on a basis reasonably related (as determined in accordance with standards approved by the Secretary) and included in this part to the individual's, couple's, or family's income or income and resources as the case may be;

"(11) for the taking into account, except to the extent prescribed by the Secretary, the costs (whether in the form of insurance premiums or otherwise) incurred for medical care or for any other type of remedial care recognized and paid for under State law or any Federal law which are substantially the same as those provided for under this Act, in order to prevent double payment for the same medical and other services;

"(12) that no lien may be imposed against the property of any individual prior to his death on account of medical assistance under this part paid or to be paid on his behalf under this part (except pursuant to a judgment of a court on account of costs incorrectly paid on behalf of such individual), and that there shall be no adjustment or recovery (except, in the case of an individual who was 65 years of age or over when he received such assistance, from his estate, and then only after the death of his surviving spouse, if any, and only at a time when he has no surviving child who is under 21 or is blind or severely disabled) of medical assistance correctly paid on behalf of such individual under this part;

"(13) such safeguards as may be necessary to assure that eligibility for medical assistance, medical care and services under this part will be determined, and such assistance, care, and services be provided, in a manner consistent with simplicity of administration and the best interests of the recipient;

"(14) in cases of medical care and services on behalf of aged persons who are patients in institutions for mental diseases—

"(A) for having in effect such agreements or other arrangements with State or local government authorities concerned with mental diseases, and, where appropriate, with such institutions, as may be necessary for carrying out this part, including arrangements for joint planning and for development of alternate methods of care, arrangements providing assurance of immediate readmittance to institutions where needed for individuals under alternate plans of care, and arrangements providing for access to patients and facilities, for furnishing information, and for making reports;

"(B) provide for an individual plan for each such patient to assure that the institutional care provided to him is in his best interests, including, to that end, assurances that there will be initial and periodic review of his medical and other needs, that he will be given appropriate medical care and services within the institution, and that there will be a periodical determination of his need for continued treatment in the institution;

"(C) provide for the development of alternate plans of care, making maximum utilization of available resources, for recipients 65 years of age or older who would otherwise need care in such institutions, including appropriate medical care and services which are appropriate for such patients to help them attain or retain capability for self-support or self-care, or likely to prevent or reduce their dependency, as may be prescribed by the Secretary; and

"(D) methods of determining the reasonable cost of institutional care for such patients;

"(15) in cases of medical assistance in behalf of aged persons who are patients in public institutions for mental diseases, develop and implement comprehensive mental health program, including provision for utilization of community mental health centers, nursing home, and other alternatives to medical care and services in public institutions for mental diseases.

"(16) descriptions of—

"(A) the kinds and numbers of professional medical personnel and supporting staff that will be used in the administration of this part and of the responsibilities they will have,

"(B) the standards, for private or public institutions in which recipients of medical assistance under this party may receive medical care or services, that will be utilized,

"(C) the cooperative arrangements with State and local government health agencies and State and local government vocational rehabilitation agencies entered into with a view to maximum utilization of and coordination of the provision of medical care and services with the services administered or supervised by such agencies, and

"(D) other standards and methods to assure that medical or remedial care and services provided to recipients of medical assistance are of high quality;

"(17) that any individual eligible for medical assistance (including drugs) may obtain such assistance from any institution, agency, community pharmacy, or person, qualified to perform the service or services required (including an organization which provides such services, or arranges for their availability, on a prepayment basis), who undertakes to provide him such services;

"(18) Effective July 1, 1972, for consultative services by health agencies and other appropriate agencies of the State and local governments, to hospitals, nursing homes, home health agencies, clinics, laboratories, and such other institutions as the Secretary may specify in order to assist them—

"(A) to qualify for payments under this part,

"(B) to establish and maintain such fiscal records as may be necessary for the proper and efficient administration of this part, and

"(C) to provide information needed to determine payments due under this part on account of medical care and services furnished to individuals:

"(19) effective July 1, 1972,

"(A) for the taking of all reasonable measures to ascertain the legal liability of third parties to pay for medical care and services available under this part and arising out of injury, disease, or disability,

"(B) that where the Secretary knows that a third party has such a legal liability he will treat such legal liability as a resource of the individual on whose behalf the medical care and services are made available,

"(C) that in any case where such a legal liability is found to exist after medical assistance has been made available on behalf of the individual, the Secretary will seek reimbursement for such assistance to the extent of such legal liability;

"(20) effective July 1, 1972—

"(A) for a regular program of medical review (including medical evaluation of each patient's need for skilled nursing home care) or (in the case of individuals who are eligible therefor under this part) need for care in a mental hospital, a written plan of care, and, where applicable, a plan of rehabilitation prior to admission to a skilled nursing home;

"(B) for periodic inspections to be made in all skilled nursing homes and mental institutions within each State by one or more medical review teams (composed of physicians and other appropriate health and social service personnel) of (i) the care being provided in such nursing homes (and mental institutions) to persons receiving assistance under this part, (ii) with respect to each of the patients receiving such care, the adequacy of the services available in particular nursing homes (or institutions) to meet the current health needs and promote the maximum physical well-being of patients receiving care in such homes (or institutions), (iii) the necessity and desirability of the continued placement of such patients in such nursing homes (or institutions), and (iv) the feasibility of meeting their health care needs through alternative institutional or noninstitutional services; and

"(C) for the making by such team or teams of full and complete reports of the findings resulting from such inspections together with any recommendations to the Secretary;

"(21) for agreements with every person or institution providing medical care and services under this part under which such person or institution agrees—

"(A) to keep such records as are necessary fully to disclose the extent of the services provided to individuals receiving medical assistance under this part, and

"(B) to furnish the Secretary with such information, regarding any payments claimed by such person or institution for providing medical care or services under this part, as the Secretary may from time to time request:

"(22) any skilled nursing home receiving payments under this part must—

"(A) supply to the licensing agency under this part full and complete information as to the identity (i) of each person having (directly or indirectly) an ownership interest of 10 per centum or more in such nursing home, (ii) in case a nursing home is organized as a corporation, of each officer and director of the corporation, and (iii) in case a nursing home is organized as a partnership, of each partner; and promptly report any changes which would affect the current accuracy of the information so required to be supplied;

"(B) have and maintain an organized nursing service for its patients, which is under the direction of a professional registered nurse who is employed full time by such nursing home, and which is composed of sufficient nursing and auxiliary personnel to provide adequate and properly supervised nursing services for such patients during all hours of each day and all days of each week;

"(C) make satisfactory arrangements for professional planning and supervision of menus and meal service for patients for whom special diets or dietary restrictions are medically prescribed;

"(D) have satisfactory policies and procedures relating to the maintenance of medical records on each patient of the nursing home, dispensing and administering of drugs and biologicals, and assuring that each patient is under the care of a physician and that adequate provision is made for medical attention to any patient during emergencies;

"(E) have arrangements with one or more general hospitals under which such hospital or hospitals will provide needed diagnostic and other services to patients of such nursing home, and under which such hospital or hospitals agree to timely acceptance, as patients thereof, of acutely ill patients of such nursing home who are in need of hospital care; except that the Secretary may waive this requirement wholly or in part with respect to any nursing home meeting all the other requirements and which, by reason of remote location or other good and sufficient reason, is unable to effect such an arrangement with a hospital; and

"(F) from July 1, 1972, such provisions of the Life Safety Code of the National Fire Protection Association (21st Edition, 1967) as are applicable to nursing homes; except that the Secretary may waive in accordance with regulations of the Secretary, for such periods as he deems appropriate, specific provisions of such code which, if rigidly applied, would result in unreasonable hardship upon a nursing home, but only if the Secretary makes a determination (and keeps a written record setting forth the basis of such determination) that such waiver will not adversely affect the health and safety of the patients of such skilled nursing home; and except that the requirements set forth in the proceeding provisions of this subclause (i) shall not apply in any State if the Secretary finds that in such State there is in effect a fire and safety code, imposed by State law, which adequately protects patients in nursing homes; and (ii) meet conditions relating to environment and sanitation applicable to extended care facilities under subchapter XVIII of this chapter; except that the Secretary may waive in accordance with regulations of the Secretary, for such periods as he deems appropriate, any requirement imposed by the proceeding provisions of this subclause (ii) if the Secretary finds that such requirement, if rigidly applied, would result in unreasonable hardship upon a nursing home, but only if the Secretary makes a determination (and keeps a written record setting forth the basis of such determination) that such waiver will not adversely affect the health and safety of the patients of such nursing home;

"(23) for the licensing of administrators of nursing homes as provided in section 454(c) of this part;

"(24) such methods and procedures relating to the utilization of, and the payments for, medical care and services available under this part as may be necessary to safeguard against unnecessary utilization of such care and services and to assure that payments (including payments for any drugs provided under this part) are not in excess of reasonable charges consistent with efficiency, economy, and quality of such care and services.

"DEFINITIONS

"Definition of Medical Assistance

"SEC. 453. (a) For purposes of this part—'medical assistance' means payment of part or all of the cost of the following medical care and services (if provided in or after the third month before the month in which the recipient makes application therefor) for aged, blind, or severely disabled persons, or members of couples, or members of families, who are eligible for, or are receiving benefits under part D of this title, and whose income, resources as set forth in 442(a) of said part D, and such benefits are insufficient to meet all of such costs—

"(1) inpatient hospital services (other than services in an institution for tuberculosis or mental diseases);

"(2) outpatient hospital services;

"(3) other laboratory and X-ray services;

"(4) (A) skilled nursing home services (other than services in an institution for tuberculosis or mental diseases) for individuals 21 years of age or older (B) effective July 1, 1972, such early and periodic screening and diagnosis of individuals who are eligible under this part and are under the age of 21 to ascertain their physical or mental defects, and such health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby, as may be provided in regulations of the Secretary;

"(5) physicians' services, whether furnished in the office, the patient's home, a hospital, or a skilled nursing home, or elsewhere;

"(6) medical care, or any other type of remedial care recognized by the Secretary, furnished by licensed practitioners within the scope of their practice as defined by State law;

"(7) home health care services;

"(8) private duty nursing services;

"(9) clinic services;

"(10) dental services;

"(11) physical therapy and related services;

"(12) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select;

"(13) other diagnostic, screening, preventive, and rehabilitative services;

"(14) inpatient hospital services and skilled nursing home services for individuals 65 years of age or over in an institution for tuberculosis or mental diseases; and

"(15) any other medical care, including institutional services in intermediate care facilities (other than a public nonmedical facility), and any other type of remedial care recognized, and specified by the Secretary; except that such term does not include—

"(A) any such payments with respect to care of services for any individual who is an inmate of a public institution (except as a patient in a medical institution); or

"(B) any such payments with respect to care or services for any individual who has not attained 65 years of age and who is a patient in an institution for tuberculosis or mental diseases.

"Inclusion of Osteopaths and Their Services in Definitions of Physician, Medical Care and Services, and Hospitalization

"(b) 'physician' and 'medical care and services' and 'hospitalization' include osteopathic practitioners or the services of osteopathic practitioners and hospitals within the scope of their practice as defined by State law.

"Definition of Medical Care and Services

"(c) 'medical care and services' means those set forth in subsection 453(a)(1) through (15).

"Other Definitions

"(d) The definitions in section 445 of part D shall be applicable to this part.

"Licensing of Administrators of Nursing Homes

"SEC. 454. (a) For purposes of section 452 (a)(23) of this part, every nursing home must operate under the supervision of an administrator licensed in the manner provided in this subsection.

"(1) Licensing of nursing home administrators shall be carried out by the agency of the State responsible for licensing under the healing arts licensing act of the State, or, in the absence of such act or such an agency, or when the Secretary finds such agency is not properly carrying out the functions and duties in the next paragraph,

"(2) It shall be the function and duty of such agency or board to—

"(A) develop, impose, and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to insure that nursing home administrators will be individuals who are of good character and are otherwise suitable and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators;

"(B) develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;

"(C) issue licenses to individuals determined, after the application of such techniques, to meet such standards, and revoke or suspend licenses previously issued by the board in any case where the individual holding any such license is determined substantially to have failed to conform to the requirements of such standards;

"(D) establish and carry out procedures designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards;

"(E) receive, investigate, and take appropriate action with respect to, any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards; and

"(F) conduct a continuing study and investigation of nursing homes and administrators of nursing homes within the State with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed as such.

"(3) Such agency or board shall have the power to grant any waiver for a period which ends after being in effect for two years or June 30, 1974, whichever is the earlier, with respect to any individual who during all of the calendar year immediately preceding the year in which such waiver is granted has served as a nursing home administrator, of any of the standards developed, imposed, and enforced by such agency or board pursuant to subparagraph (2)(A) of this subsection other than such standards as relate to good character and suitability if—

"(a) If there is provided in the State (during all of the period for which waiver is in effect), a program of training and instruction designed to enable all individuals, with respect to whom any such waiver is granted, to attain the qualifications necessary in order to meet such standards.

Authorization of appropriations; limitation of grants

"(b) There are hereby authorized to be appropriated for fiscal year 1972 and the two succeeding fiscal years such sums as may be necessary to enable the Secretary to make grants to States for the purpose of assisting them in instituting and conducting programs of training and instruction of the type referred to in paragraph (a)(3) of section 454.

"(c) The National Advisory Council on Nursing Home Administration appointed pursuant to the Social Security Act (42 U.S.C. 1396g(f)(1)) shall cease to exist as of December 31, 1972, notwithstanding any other provision of law.

"(d) As used in this section, the term—

"(1) 'nursing home' means any institution or facility defined as such for licensing purposes under State law, or, if State law does not employ the term nursing home or if there is no such State law, the equivalent term or terms as determined by the Secretary; and

"(2) "nursing home administrator" means any individual who is charged with the general administration of a nursing home whether or not such individual has an ownership interest in such home and whether or not his functions and duties are shared with one or more other individuals.

"Observance of Religious Beliefs

"SEC. 455. Nothing in this part shall be construed to compel any person to undergo any medical screening, examination, diagnosis, or treatment or to accept any other health care or services provided under this part for any purpose (other than for the purpose of discovering and preventing the spread of infection or contagious disease or for the purpose of protecting environmental health), if such person objects (or, in case such person is a child, his parent or guardian objects) thereto on religious grounds.

"Advisory Council on Medical Assistance; creation; composition; appointment of members; Chairman; representative activities and interests; majority representation of consumers; terms of office; special advisory professional or technical committees; compensation and travel expenses; meetings

"SEC. 456. For the purpose of advising the Secretary on matters of general policy in the administration of this part (including the relationship of this part and title XVIII of the Social Security Act) and making recommendations for improvements in such administration, there is hereby created a Medical Assistance Advisory Council which shall consist of twenty-one persons, not otherwise in the employ of the United States, appointed by the Secretary without regard to the provisions of title 5 governing appointments to the competitive service. The Secretary shall from time to time appoint one of the members to serve as Chairman. The members shall include representatives of State and local agencies and nongovernmental organizations and groups concerned with health, and of consumers of health services, and a majority of the membership of the Advisory Council shall consist of representatives of consumers of health services. Each member shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, five at the end of the first year, five at the end of the second year, five at the end of the third year, and six at the end of the fourth year after the date of appointment. A member shall not be eligible to serve continuously for more than two terms. The Secretary may, at the request of the Council or otherwise, appoint such special advisory professional or technical committees as may be useful in carrying out this subchapter. Members of the Advisory Council and members of any such advisory or technical committee, while attending meetings or conferences thereof or otherwise serving on business of the Advisory Council or of such committee, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including travel time, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons in the Government service employed intermittently. The Advisory Council shall meet as frequently as the Secretary deems necessary. Upon request of five or more members, it shall be the duty of the Secretary to call a meeting of the Advisory Council: *Provided, however,* That the members of said Council who are serving their terms on June 30, 1971, and whose terms do not expire on that day, under the provisions of the Social Security Act prior to amendment by the National Fair Minimum Income Act of 1971, shall serve out their terms under such section which expires after June 30, 1971.

"PART F—ADMINISTRATION

"Agreements with States and Local Governments

"SEC. 461. (a) The Secretary may also enter into an agreement with any State or local government under which such State or local government will make, on behalf of the Secretary, the benefit payments provided for under part D or payments for medical care and services under part E with respect to all or specified persons, couples, or families in the State or in the local government jurisdiction who are eligible for such benefits or medical assistance or will perform such other functions in connection with the administration of part D or part E as may be agreed upon. The cost of carrying out any such agreement shall be paid to the State or local government by the Secretary in advance or by way of reimbursement and in such installments as may be agreed upon.

"PENALTIES FOR FRAUD

"SEC. 462. The provisions of section 208 of the Social Security Act, other than paragraph (a), shall apply with respect to benefits under part D, medical assistance under part E and allowances under part C, of this title, to the same extent as they apply to payments under title II.

"REPORT, EVALUATION, RESEARCH AND DEMONSTRATIONS, AND TRAINING AND TECHNICAL ASSISTANCE

"SEC. 463. (a) The Secretary shall make an annual report to the President and the Congress on the operation and administration of parts D and E, including an evaluation thereof in carrying out the purposes of such parts and recommendations with respect thereto. The Secretary is authorized to conduct evaluations directly or by grants or contracts of the programs authorized by such parts.

"(b) The Secretary is authorized to conduct, directly or by grants or contracts, research into or demonstrations of ways of better providing financial assistance to aged, blind, severely disabled persons, couples, and families or of better carrying out the purposes of parts D and E, and in so doing to waive any requirements or limitations in such parts with respect to eligibility for or amount of benefits or medical assistance for such persons or couples or members of couples or of families, or groups thereof as he deems appropriate.

"(c) The Secretary is authorized to provide such technical assistance to States or local governments and to provide, directly or through grants or contracts, for such training of personnel of States or local governments, as he deems appropriate to assist them in more efficiently and effectively carrying out their agreements under this part and parts D and E.

"(d) In addition to funds otherwise available therefor, such portion of any appropriation to carry out part D or E as the Secretary may determine, but not in excess of $20,000,000 in any fiscal year, shall be available to him to carry out this section.

"OBLIGATION OF DESERTING PARENTS

"SEC. 464. In any case where an individual has deserted or abandoned his spouse or his child or children and such spouse or any such child (during the period of such desertion or abandonment) is a member of a family receiving benefits under part D or medical assistance payments under part E, such individual shall be obligated to the United States in an amount equal to—

"(1) the total amount of the benefits paid to such family or medical assistance to such family during such period with respect to such spouse and child or children, reduced by

"(2) any amount actually paid by such individual to or for the support and maintenance of such spouse and child or children during such period, if and to the extent that such amount is excluded in determining the amount of such benefits or medical assistance;

except that in any case where an order for the support and maintenance of such spouse or any such child has been issued by a court of competent jurisdiction, the obligation of such individual under this subsection (with respect to which spouse or child) for any period shall not exceed the amount specified in such order less any amount actually paid by such individual (to or for the support and maintenance of such spouse or child) during such period. The amount due the United States under such obligation shall be collected (to the extent that the claim of the United States therefor is not otherwise satisfied), in such manner as may be specified by the Secretary, from any amounts otherwise due him or becoming due him at any time from any officer or agency of the United States or under any Federal program. Amounts collected under the preceding sentence shall be deposited in the Treasury as miscellaneous receipts.

"TREATMENT OF BENEFITS UNDER PART D AS INCOME FOR FOOD STAMP PURPOSES

"SEC. 465. Benefits paid under part D of this title shall be taken into consideration for the purpose of determining the entitlement of any household to purchase food stamps, and the cost thereof, under the food stamp program conducted under the Food Stamp Act of 1964."

MANPOWER SERVICES, TRAINING, EMPLOYMENT, CHILD CARE, AND SUPPORTIVE SERVICES PROGRAMS

SEC. 103. Part C of title IV of the Social Security Act (42 U.S.C. 630 et seq.) is amended to read as follows:

"PART C—MANPOWER SERVICES, TRAINING, EMPLOYMENT, CHILD CARE, AND SUPPORTIVE SERVICES PROGRAMS FOR RECIPIENTS OF BENEFITS UNDER PART D

"PURPOSE

"SEC. 430. The purpose of this part is to authorize provision, for individuals who are members of a family receiving benefits under part D, of manpower services, training, employment, child care, and related supportive services necessary to train aged, blind, severely disabled persons, couples or such members of families, prepare them for employment, and otherwise assist them in securing and retaining regular employment and having the opportunity for advancement in employment, to the end that such persons, couples or families will be restored to self-supporting, independent, and useful roles in their communities.

"OPERATION OF MANPOWER SERVICES, TRAINING, AND EMPLOYMENT PROGRAMS

"SEC. 431. (a) The Secretary of Labor shall, for each person registered pursuant to part D, in accordance with priorities prescribed by him, develop or assure the development of an employability plan describing the manpower services, training, and employment which the Secretary of Labor determines each person needs in order to enable him to become self-supporting and secure and retain employment and opportunities for advancement.

"(b) The Secretary of Labor shall, in accordance with the provisions of this part, establish and assure the provision of manpower services, training, and employment programs in each State for persons registered pursuant to part D.

"(c) The Secretary of Labor shall, through such programs, provide or assure the provision of manpower services, training, and employment and opportunities necessary to prepare such persons for and place them in regular employment, including—

"(1) any of such services, training, employment, and opportunities which the Secretary of Labor is authorized to provide under any other Act;

"(2) counseling, testing, coaching, program orientation, institutional and on-the-job training, work experience, upgrading, job development, job placement, and follow up services required to assist in securing and retaining employment and opportunities for advancement;

"(3) relocation assistance (including grants, loans, and the furnishing of such services as will aid an involuntarily unemployed person, or member of a couple or of a family receiving benefits under part D who desires to relocate to do so in an area where there is assurance of regular suitable employment, offered through the public employment offices of the State in such area, which will lead to the earning of income sufficient to make such person, couple, or family; and

"(4) special work projects.

"(d) (1) For purposes of subsection (c) (4), a 'special work project' is a project (meeting the requirements of this subsection) which consists of the performance of work in the public interest through grants to or contracts with public or nonprofit private agencies or organizations.

"(2) No wage rates provided under any special work project shall be lower than the applicable minimum wage for the particular work concerned.

"(3) Before entering into any special work project under a program established as provided in subsection (b), the Secretary of Labor shall have reasonable assurances that—

"(A) appropriate standards for the health, safety, and other conditions applicable to the performance of work and training on such project are established and will be maintained,

"(B) such project will not result in the displacement of employed workers,

"(C) with respect to such project the conditions of work, training, education, and employment are reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant,

"(D) appropriate workmen's compensation protection is provided to all participants, and

"(E) such project will improve the employability of the participants.

"(4) With respect to individuals who are participants in special work projects under programs established as provided in subsection (b), the Secretary of Labor shall periodically (at least once every six months) review the employment record of each such individual while on the special work project and on the basis of such record and such other information as he may acquire determine whether it would be feasible to place such individual in regular employment or in on-the-job, institutional, or other training.

"ALLOWANCES FOR INDIVIDUALS UNDERGOING TRAINING

"SEC. 432. (a) (1) The Secretary of Labor shall pay to each person, or member of a couple or of a family receiving benefits under part D and is participating in manpower training under this part an incentive allowance of $30 per month. If one or more members of a couple or of a family are receiving training for which training allowances are payable under section 203 of the Manpower Development and Training Act and meet the other requirements under such section (except subsection (l) (1) thereof) for the receipt of allowances which would be in excess of the sum of the benefits under part D payable with respect to such month to the couple or to the family, the total of the incentive allowances per month under this section for such members shall be equal to the greater of (1) the amount of such excess or, if lower, the amount of the excess of the training allowances which would be payable under such section 203 as in effect on March 1, 1970, over the sum of such benefit, and (2) $30 for each such member.

"(2) The Secretary of Labor shall, in accordance with regulations, also pay, to any such person, or member of a couple or of a family participating in manpower training under this part, allowances for transportation and other costs to him which are necessary to and directly related to his participation in training.

"(3) The Secretary of Labor shall by regulation provide for such smaller allowances under this subsection as he deems appropriate for individuals in Puerto Rico, the Virgin Islands, and Guam.

"(b) Allowances under this section shall be in lieu of allowances provided for participants in manpower training programs under any other Act.

"(c) Subsection (a) shall not apply to any person or member of a couple, or of a family who is receiving benefits under Part D and who is participating in a program of the Secretary of Labor providing public or private employer compensated on-the-job training.

"UTILIZATION OF OTHER PROGRAMS

"SEC. 433. In providing the manpower training and employment services and opportunities required by this part the Secretary of Labor, to the maximum extent feasible, shall assure that such services and opportunities are provided in such manner, through such means, and using all authority available to him under any other Act (and subject to all duties and responsibilities thereunder) as will further the establishment of an integrated and comprehensive manpower training program involving all sectors of the economy and all levels of government and as will make maximum use of existing manpower and manpower related programs and agencies. To such end the Secretary of Labor may use the funds appropriated to him under this part to provide the programs required by this part through such other Act, to the same extent and under the same conditions as if appropriated under such other Act and in making use of the programs of other Federal, State, or local agencies, public or private, the Secretary may reimburse such agencies for services rendered to persons under this part to the extent such services and opportunities are not otherwise available on a nonreimbursable basis.

"RULES AND REGULATIONS

"SEC. 434. The Secretary of Labor may issue such rules and regulations as he finds necessary to carry out his responsibilities under this part.

"APPROPRIATIONS; NONFEDERAL SHARE

"SEC. 435. (a) There is authorized to be appropriated to the Secretary of Labor for each fiscal year a sum sufficient for carrying out the purposes of this part (other than sections 436 and 437), including payment of not to exceed 90 per centum of the cost of manpower services, training, and employment and opportunities provided for individuals registered pursuant to section 447. The Secretary of Labor shall establish criteria to achieve an equitable apportionment among the States of Federal expenditures for carrying out the programs authorized by section 431. In developing these criteria the Secretary of Labor shall consider the number of registrations under section 447 and other relevant factors.

"(b) If a non-Federal contribution of 10 per centum of the cost specified in subsection (a) is not made in any State (as required by section 402(a) (13)), the Secretary of Health, Education, and Welfare may withhold any action under section 404 on account thereof and if he does so he shall instead, after reasonable notice and opportunity for hearing to the appropriate State agency or agencies, withhold any payments to be made to the State under section 403(a) until the amount so withheld (including any amounts contributed by the State pursuant to the requirement in section 402(a) (13)) equals 10 per centum of such costs. Such withholding shall remain in effect until such time as the Secretary of Labor has assurances from the State that such 10 per centum will be contributed as required by section 402(a) (13). Amounts so withheld shall be deemed to have been paid to the State under such sections and shall be paid by the Secretary of Health, Education, and Welfare to the Secretary of Labor.

"CHILD CARE

"SEC. 436. (a) (1) For the purpose of assuring that members of families receiving benefits under part D will not be prevented from participating in training or employment by the unavailability of appropriate child care, there are authorized to be appropriated for each fiscal year such sums as may be necessary to enable the Secretary of Health, Education, and Welfare to make grants to any public or nonprofit private agency or organization, and contracts with any public or private agency or organization, for part or all of the cost of projects for the provision of child care, including necessary transportation and alteration, remodeling, and renovation of facilities, which may be necessary or appropriate in order to better enable a member (of a family) who has been registered pursuant to part D to undertake or continue manpower training or employment under this part, or to enable an individual who has been referred pursuant to section 447 (d) to participate in vocational rehabilitation, or to enable a member of a family which is or has been (within such period of time as the Secretary may prescribe) eligible for benefits under such part D to undertake or continue manpower training or employment under this part; or to better enable an individual who is receiving assistance to needy families with dependent children, or whose needs are taken into account in determining the need of any one claiming or receiving such assistance under state welfare programs to participate in manpower training or employment.

"(2) Such grants or contracts for the provision of child care in any area may be made directly, or through grants to any public or nonprofit private agency which is designated by the appropriate elected or appointed official or officials in such area and which demonstrate a capacity to work effectively with the manpower agency in such area (including provision for the stationing of personnel with the manpower team in appropriate cases). To the extent appropriate, such care for children attending school which is provided on a group or institutional basis shall be provided through arrangements with the appropriate local educational agency.

"(3) Such projects shall provide for various types of child care needed in the light of the different circumstances and needs of the children involved.

"(b) Such sums shall also be available to enable the Secretary of Health, Education, and Welfare to make grants to any public or nonprofit private agency or organization, for evaluation, training of personnel, technical assistance, or research or demonstration projects to determine more effective methods of providing any such care.

"(c) The Secretary of Health, Education, and Welfare may provide, in any case in which a family is able to pay for part or all of the cost of child care provided under a project assisted under this section, for payment by the family of such fees for the care as may be reasonable in the light of such ability.

"SUPPORTIVE SERVICES

"SEC. 437. (a) No payments shall be made to any State under title V, or part A or B of this title, with respect to expenditures for any calendar quarter beginning on or after the date part D becomes effective with respect to such State, unless it has in effect an agreement with the Secretary of Health, Education, and Welfare under which it will provide health, vocational rehabilitation, counseling, social, and other supportive services which the Secretary under regulations determines to be necessary to permit an individual who has been registered pursuant to part D to undertake or continue manpower training and employment under this part.

"(b) Services under such an agreement shall be provided in close cooperation with manpower training and employment services provided under this part.

"(c) The Secretary of Health, Education, and Welfare shall from time to time, in such installments and on such conditions as he deems appropriate, pay to any State with which he has an agreement pursuant to subsection (a) up to 90 per centum of the cost of such State of carrying out such agreement. There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this section.

"ADVANCE FUNDING

"SEC. 438. (a) For the purpose of affording adequate notice of funding available under this part, appropriations for grants, contracts, or other payments with respect to individuals registered pursuant to section 447 are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

"(b) In order to effect a transition to the advance funding method of timing appropriation action, subsection (a) shall apply notwithstanding that its initial application will result in enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

"EVALUATION AND RESEARCH; REPORTS TO CONGRESS

"SEC. 439. (a)(1) The Secretary shall (jointly with the Secretary of Health, Education, and Welfare) provide for the continuing evaluation of the manpower training and employment programs provided under this part, including their effectiveness in achieving stated goals and their impact on other related programs. The Secretary may conduct research regarding, and demonstrations of, ways to improve the effectiveness of the manpower training and employment programs so provided and may also conduct demonstrations of improved training techniques for upgrading the skills of the working poor. The Secretary may, for these purposes, contract for independent evaluations of and research regarding such programs or individual projects under such programs, and establish a data collection, processing, and retrieval system.

"(2) There are authorized to be appropriated such sums, not exceeding $15,000,000 for any fiscal year, as may be necessary to carry out paragraph (1).

"(b) On or before September 1 following each fiscal year in which part D is effective with respect to any State—

"(1) the Secretary shall report to the Congress on the manpower training and employment programs provided under this part in such fiscal year, and

"(2) the Secretary of Health, Education, and Welfare shall report to the Congress on the child care and supportive services provided under this part in such fiscal year."

CONFORMING AMENDMENTS RELATING TO SERVICES FOR NEEDY FAMILIES WITH CHILDREN

SEC. 104. (a) Section 401 of the Social Security Act (42 U.S.C. 601) is amended—

(1) by striking out "financial assistance and" in the first sentence; and

(2) by striking out "aid and" in the second sentence.

(b)(1) Subsection (a) of section 402 of such Act (42 U.S.C. 602) is amended—

(A) by striking out "aid and" in the matter preceding clause (1);

(B) by inserting, before "provide" at the beginning of clause (1), "except to the extent permitted by the Secretary,";

(C) by striking out clause (4);

(D)(i) by striking out "recipients and other persons" in clause (5)(B) and inserting in lieu thereof "persons", and

(ii) by striking out "providing services to applicants and recipients" in such clause and inserting in lieu thereof "providing services under the plan";

(E) by striking out clauses (7) and (8);

(F) by striking out "aid to families with dependent children" in clause (9) and inserting in lieu thereof "the plan";

(G) by striking out clauses (10), (11), and (12);

(H)(i) by striking out "section 406(d)" in clause (14) and inserting in lieu thereof "section 405(c)",

(ii) by striking out "for each child and relative who receives aid to families with dependent children, and each appropriate individual (living in the same home as a relative and child receiving such aid whose needs are taken into account in making the determination under clause (7))" in such clause and inserting in lieu thereof "for each member of a family receiving assistance to needy families with children, each appropriate individual (living in the same home as such family) whose needs would be taken into account in determining the need of any such member under the State plan (approved under this part) as in effect prior to the enactment of part D, and each individual who would have been eligible to receive aid to families with dependent children under such plan", and

(iii) by striking out "such child, relative, and individual" each place it appears in such clause and inserting in lieu thereof "such member or individual";

(I) by striking out clause (15) and inserting in lieu thereof the following: "(15)(A) provide for the development of a program, for appropriate members of such families and such other individuals, for preventing or reducing the incidence of births out of wedlock and otherwise strengthening family life, and for implementing such program by assuring that in all appropriate cases family planning services are offered to them, but acceptance of family planning services provided under the plan shall be voluntary on the part of such members and individuals and shall not be a prerequisite to eligibility for or the receipt of any other service under the plan; and (B) to the extent that services provided under this clause or clause (8) are furnished by the staff of the State agency or the local agency administering the State plan in each of the political subdivisions of the State, for the establishment of a single organizational unit in such State or local agency, as the case may be, responsible for the furnishing of such services;"

(J) by striking out "aid" in clause (16) and inserting in lieu thereof "assistance to needy families with children";

(K)(i) by striking out "aid to families with dependent children" in clause (17(A)(i) and inserting in lieu thereof "assistance to needy families with children",

(ii) by striking out "aid" in clause (17)(A)(ii) and inserting in lieu thereof "assistance", and

(iii) by striking out "and" at the end of clause (i), and adding after clause (ii) the following new clause:

"(iii) in the case of any parent (of a child referred to in clause (ii)) receiving such assistance who has been deserted or abandoned by his or her spouse, to secure support for such parent from such spouse (or from any other person legally liable for such support), utilizing any reciprocal arrangements adopted with other States to obtain or enforce courts orders for support, and";

(L) by striking out "clause (17)(A)" in clause (18) and inserting in lieu thereof "clause (11)(A)";

(M) by striking out clause (19) and inserting in lieu thereof the following: "(19) provide for arrangements to assure that there will be made a non-Federal contribution to the cost of manpower services, training, and employment and opportunities provided for individuals registered pursuant to section 447, in cash or kind, equal to 10 per centum of such cost;";

(N) by striking out "aid to families with dependent children in the form of foster care in accordance with section 408" in clause (20) and inserting in lieu thereof "payments for foster care in accordance with section 406";

(O)(i) by striking out "of each parent of a dependent child or children with respect to whom aid is being provided under the State plan" in clause (21)(A) and inserting in lieu thereof "of each person who is the parent of a child or children with respect to whom assistance to needy families with children or foster care is being provided or is the spouse of the parent of such a child or children",

(ii) by striking out "such child or children" in clause (21)(A)(i) and inserting in lieu thereof "such child or children or such parent",

(iii) by striking out "such parent" each place it appears in clause (21)(B) and inserting in lieu thereof "such person", and

(iv) by striking out "section 410;" in clause (21)(C) and inserting in lieu thereof "section 408; and";

(P)(i) by striking out "a parent" each place it appears in clause (22) and inserting in lieu thereof "a person",

(ii) by striking out "a child or children of such parent" each place it appears in such clause and inserting in lieu thereof "the spouse or a child or children of such person",

(iii) by striking out "against such parent" in such clause and inserting in lieu thereof "against such person", and

(iv) by striking out "aid is being provided under the plan of such other State" each place it appears in such clause and inserting in lieu thereof "assistance to needy families with children or foster care payments are being provided in such other State"; and

(Q) by striking out "; and (23)" and all that follows and inserting in lieu thereof a period.

(2) Clauses (5), (6), (9), (13), (14), (15), (16), (17), (18), (19), (20), (21), and (22) of section 402(a) of such Act, as amended by paragraph (1) of this subsection, are redesignated as clauses (4) through (16), respectively.

(c) Section 402(b) of such Act is amended to read as follows:

"(b) The Secretary shall approve any plan which fulfills the conditions specified in subsection (a), except that he shall not approve any plan which imposes, as a condition of eligibility for services under it, any residence requirement which denies services or foster care payments with respect to any individual residing in the State."

(d) Section 402 of such Act is further amended by striking out subsection (c).

(c)(1) Subsection (a) of section 403 of such Act (42 U.S.C. 603) is amended—

(A) by striking out "aid and services" and inserting in lieu thereof "services" in the matter preceding paragraph (1);

(B) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) an amount equal to the sum of the following proportions of the total amounts expended during such quarter as payments for foster care in accordance with section 406—

"(A) five-sixths of such expenditures, not counting so much of any expenditures with respect to any month as exceeds the product of $18 multiplied by the number of children receiving such foster care in such month; plus

"(B) the Federal percentage of the amount by which such expenditures exceed the maximum which may be counted under subparagraph (A), not counting so much of any expenditures with respect to any month as exceeds the product of $100 multiplied by the number of children receiving such foster care for such month;";

(C) by striking out paragraph (2);

(D) (i) by striking out "in the case of any State," in the matter preceding subparagraph (A) in paragraph (3),

(ii) by striking out "or relative who is receiving aid under the plan, or to any other individual (living in the same home as such relative and child) whose needs are taken into account in making the determination under clause (7) of such section" in clause (i) of subparagraph (A) of such paragraph and inserting in lieu thereof "receiving foster care or any member of a family receiving assistance to needy families with children or to any other individual (living in the same home as such family) whose needs would be taken into account in determining the need of any such member under the State plan approved under this part as in effect prior to the enactment of part D",

(iii) by striking out "chlid or relative who is applying for aid to families with dependent children or" in clause (ii) of subparagraph (A) of such paragraph and inserting in lieu thereof "member of a family",

(iv) by striking out "likely to become an applicant for or recipient of such aid" in clause (ii) of subparagraph (A) of such paragraph and inserting in lieu thereof "likely to become eligible to receive such assistance", and

(v) by striking out "(14) and (15)" each place it appears in subparagraph (A) of such paragraph and inserting in lieu thereof "(8) and (9)";

(E) by striking out all that follows "permitted" in the last sentence of such paragraph and inserting in lieu thereof "by the Secretary; and";

(F) by striking out "in the case of any State," in the matter preceding subparagraph (A) in paragraph (5);

(G) by striking out "section 406(e)" each place it appears in paragraph (5) and inserting in lieu thereof "section 405(d)"; and

(II) by striking out the sentences following paragraph (5).

(2) Paragraphs (3) and (5) of section 403 (a) of such Act, as amended by paragraph (1) of this subsection, are redesignated as paragraphs (2) and (3), respectively.

(f) Section 403(b) of such Act is amended—

(1) by striking out "(B) records showing the number of dependent children in the State, and (C)" in paragraph (1) and inserting in lieu thereof "and (B)"; and

(2) by striking out "(A)" in paragraph (2), and by striking out ", and (B)" and all that follows in such paragraph and inserting in lieu thereof a period.

(g) Section 404 of such Act (42 U.S.C. 604) is amended—

(1) by striking out "(a) In the case of any State plan for aid and services" and inserting in lieu thereof "In the case of any State plan for services"; and

(2) by striking out subsection (b).

(h) Section 405 of such Act (42 U.S.C. 605) is repealed.

(i) Section 406 of such Act (42 U.S.C. 606) is redesignated as section 405, and as so redesignated is amended—

(1) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) The term 'child' means a child as defined in section 445(b).

"(b) The term 'needy families with children' means families who are receiving benefits under part D and who would be eligible to receive aid to families with dependent children, under a State plan (approved under this part) as in effect prior to the enactment of part D, if the State plan had continued in effect and if it included assistance to dependent children of unemployed fathers pursuant to section 407 as it was in effect prior to such enactment; and 'assistance to needy families with children' means benefits under such part D, paid to such families.";

(2) by striking out subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively;

(3) (A) by striking out "living with any of the relatives specified in subsection (a) (1) in a place of residence maintained by one or more of such relatives as his or their own home" in paragraph (1) of subsection (d) as so redesignated and inserting in lieu thereof "a member of a family (as defined in section 445(a))", and

(B) by striking out "because such child or relative refused" and inserting in lieu thereof "because such child or another member of such family refused".

(j) Section 407 of such Act (42 U.S.C. 607) is repealed.

(k) Section 408 of such Act (42 U.S.C. 608) is redesignated as section 406, and as so redesignated is amended—

(1) by striking out everything (including the heading) which precedes paragraph (1) of subsection (b) and inserting in lieu thereof the following:

"FOSTER CARE

"Sec. 406. For purposes of this part—

"(a) 'foster care' shall include only foster care which is provided in behalf of a child (1) who would, except for his removal from the home of a family as a result of a judicial determination to the effect that continuation therein would be contrary to his welfare, be a member of such family receiving assistance to needy families with children, (2) whose placement and care are the responsibility of (A) the State or local agency administering the State plan approved under section 402, or (B) any other public agency with whom the State agency administering or supervising the administration of such State plan has made an agreement which is still in effect and which includes provision for assuring development of a plan, satisfactory to such State agency, for such child as provided in paragraph (c)(1) and such other provisions as may be necessary to assure accomplishment of the objectives of the State plan approved under section 402, (3) who has been placed in a foster family home or child-care institution as a result of such determination, and (4) who (A) received assistance to needy families with children in or for the month in which court proceedings leading to such determination were initiated, or (B) would have received such assistance to needy families with children in or for such month if application had been made therefor, or (C) in the case of a child who had been a member of a family (as defined in section 445(a)) within six months prior to the month in which such proceedings were initiated, would have received such assistance in or for such month if in such month he had been a member of (and removed from the home of) such a family and application had been made therefor;

"(b) 'foster care' shall, however, include the care described in paragraph (a) only if it is provided—";

(2) (A) by striking out "'aid to families with dependent children'" in subsection (b)(2) and inserting in lieu thereof "foster care",

(B) by striking out "such foster care" in such subsection and inserting in lieu thereof "foster care", and

(C) by striking out the period at the end of such subsection and inserting in lieu thereof "; and";

(3) by striking out subsection (c) and redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively;

(4) by striking out "paragraph (f)(2)" and "section 403(a)(3)" in subsection (c) (as so redesignated) and inserting in lieu thereof "paragraph (e)(2)" and "section 403 (a)(2)" respectively;

(5) by striking out "aid" in subsection (d) (as so redesignated) and inserting in lieu thereof "services";

(6) by striking out "relative specified in section 406(a)" in subsection (e)(1) (as so redesignated) and inserting in lieu thereof "family (as defined in section 445(a))"; and

(7) by striking out "522" and "part 3 of title V" in subsection (e)(2) (as so redesignated) and inserting in lieu thereof "422" and "part B of this title", respectively.

(l)(1) Section 409 of such Act (42 U.S.C. 609) is repealed.

(m) Section 410 of such Act (42 U.S.C. 610) is redesignated as section 407; and subsection (a) of such section (as so redesignated) is amended by striking out "section 402(a)(21)" and inserting in lieu thereof "section 402(a)(15)".

(n)(1) Section 422(a)(1)(A) of such Act is amended by striking out "section 402(a) (15)" and inserting in lieu thereof "section 402(a)(9)".

(2) Section 422(a)(1)(B) of such Act is amended by striking out "provided for dependent children" and inserting in lieu thereof "provided with respect to needy families with children".

(o) References in any law, regulation, State plan, or other document to any provision of part A of title IV of the Social Security Act which is redesignated by this section shall (from and after the effective date of the amendments made by this Act) be considered to be references to such provision as so redesignated.

CHANGES IN HEADINGS

Sec. 104. (a) The heading of title IV of the Social Security Act (42 U.S.C. 601, et seq.) is amended to read as follows:

"TITLE IV—NATIONAL FAIR MINIMUM INCOME PLAN AND MEDICAL ASSISTANCE FOR AGED, BLIND, SEVERELY DISABLED PERSONS, FOR COUPLES AND FOR FAMILIES WITH CHILDREN, WORK INCENTIVE PROGRAMS, AND GRANTS TO STATES FOR FAMILY AND CHILD WELFARE SERVICES."

(b) The heading of part A of such title IV is amended to read as follows:

"Part A—Services to Needy Families With Children"

TITLE II—MISCELLANEOUS CONFORMING AMENDMENTS

"REPEAL OF TITLES I, X, XIV, XVI, AND XIX AND OTHER INCONSISTENT PROVISIONS OF THE SOCIAL SECURITY ACT

"Sec. 201. Titles I, X, XIV, XVI, and XIX of the Social Security Act (42 U.S.C. 301, et seq., 120, et seq., 1351, et seq., 1381, et seq.) and such other provisions of such Act which are inconsistent or in conflict with the provisions of this Act are hereby repealed.

ADDITIONAL DISREGARDING OF INCOME OF OASDI RECIPIENTS IN DETERMINING BENEFITS TO THE AGED, BLIND, AND DISABLED PERSONS, COUPLES, AND FAMILIES

Sec. 202. Section 1007 of the Social Security Amendments of 1969 is amended by striking out "and before July 1970".

TRANSITION PROVISION RELATING TO OVERPAYMENTS AND UNDERPAYMENTS

Sec. 203. In the case of any State which has a State plan approved under title I, X, XIV, XVI or XIX of the Social Security Act as in effect prior to the enactment of this section, any overpayment or underpayment which the Secretary determined was made to such State under section 3, 1003, 1403, 1603, or 1903 of such Act with respect to a period before July 1, 1971, and with respect to which adjustment has not already been made under subsection (b) of such section 3, 1003, 1403, 1603, or 1903, shall for purposes of parts A and B of title IV, as amended by this Act, be considered an overpayment or underpayment (as the case may be) under such parts as herein amended.

AMENDMENT OF SECTION 228(D)

SEC. 204. Section 228(d)(1) of the Social Security Act is amended by striking out "I, X, XIV, XVI or XIX," and by striking out "part A" and inserting in lieu thereof "receives payments with respect to such month pursuant to part D".

AMENDMENTS TO TITLE XI

SEC. 205. Title XI of the Social Security Act is amended—

(1) by striking out "I,", "X,", "XIV,", "XVI,", and "XIX," in section 1101(a)(1);

(2) by striking out "I,X,XIV,XVI and XIX" in section 1106(C)(1)(A);

(3) (A) by striking out "titles I,X,XIV, and XVI" in section 1108(a).

(B) by striking out "section 402(a)(19)" in section 1108(b) and inserting in lieu thereof "part A of title IV";

(4) by striking out the text of section 1109 and inserting in lieu thereof the following:

"SEC. 1109. Any amount which is disregarded (or set aside for future needs) in determining eligibility for an amount of costs for services for any individual under a State plan approved under part A of title IV shall not be taken into consideration in determining the eligibility for and amount of aid or assistance for any other individual under any other part of said title."

(5) (A) by striking out "title I, X, XIV, and XVI of this Act, and" in section 1111, and

(B) by striking out "part A" in such section and inserting in lieu thereof "part D";

(6) (A) by striking out "title I, X, XIV, XVI, XIX of this Act" in the matter preceding clause (a) in section 1115.

(B) by striking out "of section 2, 402, 1002, 1402, 1602, or 1902," in clause (a) of such section and inserting in lieu thereof "of or pursuant to section 402," and

(C) by striking out "3, 403, 1003, 1403, 1603, or 1903," in clause (b) of such section and inserting in lieu thereof "403,";

(7) (A) by striking out "title I, X, XIV, XVI, or XIX of this Act," in subsections (a) (1), (b), and (d) of section 1116, and

(B) by striking out "4, 404, 1004, 1404, 1604, or 1904," in subsection (a)(3) of such section and inserting in lieu thereof "404,";

(8) by repealing section 1118;

(9) (A) by striking out "titles I, X, XIV, or XVI," in section 1119,

(B) by striking out "part A" in such section and inserting in lieu thereof "services under a State plan approved under part A," and

(C) by striking out "3(a), 403(a), 1003(a), 1403(a), or 1603(a)" in such section and inserting in lieu thereof "403(a)"; and

(10) by striking out section 1121.

AMENDMENTS TO TITLE XVIII

SEC. 206. Title XVIII of the Social Security Act is amended by striking out section 1843.

TITLE III—GENERAL

EFFECTIVE DATE

SEC. 301. The amendments and repeals made by this Act shall become effective, and section 9 of the Act of April 19, 1950 (25 U.S.C. 639), is repealed effective, on July 1, 1971; except that section 436 of the Social Security Act, as amended by this Act, shall be effective upon the enactment of this Act.

SPECIAL PROVISIONS FOR PUERTO RICO, THE VIRGIN ISLANDS, AND GUAM

SEC. 302. Section 1108 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(e) (1) In applying the provisions of sections 442 (a), (b), (c), and (e), and 443(b) (2) and (6)—

"(1) With respect to Puerto Rico, the Virgin Islands, or Guam, the amounts to be used shall bear the same relation to the amounts specified in said sections as the per capita incomes of Puerto Rico, the Virgin Islands, and Guam, respectively, bear to the per capita income of that one of the fifty States which has the lowest per capital income; except that in no case may the amounts so used exceed such amounts specified and such amounts shall be rounded to the nearest dollar or fifty dollars, as the case may be.

"(2) (A) The amounts to be used under such sections in Puerto Rico, the Virgin Islands, and Guam shall be promulgated by the Secretary between April 1 and June 30 of each year, on the basis of the average per capita income of each State and of the United States for the most recent calendar year for which satisfactory data are available from the Department of Commerce. Such promulgation shall be effective for each fiscal year beginning July 1 next succeeding such promulgation.

"(B) The term 'United States', for purposes of subparagraph (A) only, means the fifty States and the District of Columbia.

"(3) If the amounts which would otherwise be promulgated for any fiscal year for any of the three States referred to in paragraph (1) would be lower than the amounts promulgated for such State for the immediately preceding period, the amounts for such fiscal year shall be increased to the extent of the difference; and the amounts so increased shall be the amounts promulgated for such year."

MEANING OF SECRETARY AND FISCAL YEAR

SEC. 303. As used in this Act and in the amendments made by this Act, the term "Secretary" means, unless the context otherwise requires, the Secretary of Health, Education, and Welfare; and the term "fiscal year" means a period beginning with any July and ending with the close of the following June 30.

YOUTH SPEAKS OUT

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the youth leaders of today are speaking out in moving words of their concerns, their fears, and their hopes. We need today to open our ears to what youth is saying. First, so they will feel that we are willing to listen, and second, so that we can evaluate what they say and that which we believe to be good, support and help them to achieve. One of the brilliant, young leaders of Florida is Michael Abrams, president of the Young Democrats Clubs of Florida. He spoke on March 9, 1971, before one of the valued forums of Florida, the Tiger Bay Club of Miami, and what he said I think we should hear and consider. I include, Mr. Speaker, the address of Michael Abrams before the Tiger Bay Club on March 9 in the RECORD following my remarks:

REMARKS BY MICHAEL ABRAMS

Gentlemen, it is a great pleasure for me to speak before Tiger Bay again. The last time I spoke here was two years ago when I was president of student government; and if I had known then what I know now about Tiger Bay, I probably would have been more nervous than I was at the time.

Two years ago I spoke about student unrest, and demonstrations over the war, the plight of the ghetto and the need for university reform. Now in 1971, although the killing in Viet Nam still goes on and the other problems still exist, student demonstrations are few and far between, and youth involvement in the political process has diminished considerably. Cynicism has replaced hope, and I contend this type of atmosphere is very dangerous for the country. It robs the country of youthful imagination and can very well lead us to a sterility of thought comparable to the silent generation of the 1950's. This cynicism of politics transcends all age groups. I think and hope this alienated feeling among youth is a temporary one that has arisen for several reasons:

1. The failure of the Youth Movement of 1968 to make any impact on the determination of the nominee at Chicago.
2. The duplicity of our actions in South East Asia.
3. The wholesale slaughter of students at such places as Kent State and Jackson State.
4. The intimidation of legitimate dissent by Spiro Agnew and the political right.

These are the obstacles we are trying to overcome in the Young Democrats. In this regard, we are receiving some help from the new members of the Cabinet. Secretary Stone and Attorney General Shevin's directives to register 18-year-olds have helped us overcome the obstinacies of many of the supervisors of elections in the State. Treasurer O'Malley is visiting the campuses of the State and making himself readily available to young people. This attitude shows young people that there is a willingness on the part of some of our officeholders to hear their views. We need more of our Democrats to bring government to the people.

On a more local level, the Young Democrats more than ever before have been issue-oriented and involved in some of the social problems of the State. As you probably know, we led the fight here in Dade County for the mobile homeowners to receive leases from the park owners. Employing a tactic of college students, we had the mobile homeowners picketing some of the parks and now they have been given leases where they weren't previously. In St. Peterburg, we raised over one thousand dollars worth of supplies for a medical clinic serving the black area. This type of activity has broadened our appeal immensely.

The Young Democrats also have some specific concerns that involve the legislative areas. We feel, as Ramsey Clark does, that certain laws that affect individual responsibility must be changed. For instance, we would favor a no-fault divorce law and legalized abortion. Abortion should be a matter between the doctor and a woman, and I don't believe any of us can make a moral judgment on it for somebody else.

We would also favor complete reform of the marijuana laws. Richard Rundell's Drug Research Foundation estimates that over 52,000 college students in Florida have tried marijuana and I dare say, a sizeable portion of our nonstudent population have also tried it. In addition, there is not any conclusive medical evidence that marijuana is harmful. It is just unrealistic to make usage of marijuana a felony. I think it's time to rid ourselves of our biases and face the truth about this matter.

We also agree with speaker Pettigrew that Florida should have a presidential preference primary in the early part of 1972. The fact that the legislature has not yet voted to put the corporate tax on the ballot before 1972, shows disregard on the part of some legislators of the mandate Governor Askew received in November.

There are three bills in the House that affect the treasurer's office. One calls for the Department of Insurance to be transferred to the Department of Business Regulation (FLEECE), the second would establish a six member insurance commission (Singleton), and the third transfers financial responsibility to the Department of Highway Safety

(Singleton and Gustafson). The young Democrats of Florida have publically come out against any division of the department and have stated that we favor no-fault insurance. Once again, we feel any contrary action would deny the mandate the treasurer received in November, and we think the best chance the public has for insurance reform is keeping the jurisdiction under an elected official who must be responsible to the people in order to stay in office.

Finally, I would like to spend a few moments on a subject that threatens all of us every day, and that is violence in our society. Sometimes, I think that we have accepted violence as a way of life in this country or at best, all we can do is scream about law and order. It seems to me there are three kinds of violence:

1. Physical violence: The violence one individual, or group, or nation physically imposes on another.

2. Institutional violence: The violence caused by the indifference of our institutions to the needs of the people and

3. Rhetorical violence: Violence caused by inflammatory rhetoric or derogatory labels.

I believe that institutional violence and rhetorical violence have been the direct cause of much of the physical violence in our society.

If we can deal with these two types of violence realistically, then the rate of violence in our society would diminish drastically.

Let's examine some forms of institutional violence today, for example, the plight of the migrant workers, the poor rural whites and the blacks in the urban ghettos are living proof that our institutions are not being responsive enough. After all, what can a man who goes to bed hungry and fears being bitten by rats in his sleep think? How long can he be expected to cheer the American flag? How long will he look to his own Nation with respect and love. And how long will it be before he is driven to commit an act of violence? The answer is not very long. It's really a question of priorities. For, as long as winning the war in Vietnam or going to the moon is more important than meeting the human needs of our people, the violence at home is going to continue to go on and on and on.

Now, about rhetorical violence. I think politicians are the most guilty party of this. In the 1970 elections we saw constant examples of politicians playing on the prejudices and fears of people—attacks on the youth, minority groups and the press. This type of leadership only adds to the divisiveness and hate in the country. We saw this continual negativism on the part of the Republicans here in Florida, to the point where they were even trying to pit north Floridians against south Floridians. It almost borders a form of insanity. We rejected it in Florida in 1970 and I hope the country rejects it in 1972.

Sometime or another, I suppose we are all guilty of using words that connotate division . . . words like red-neck, hippie, war monger, draft dodger, establishment, and drop-out. Even the word "hard hat" has become a symbol of political ideology.

It used to be political scientists talked about a political spectrum and could identify people ideologically by describing them as conservative, liberal, moderately conservative, middle-of-the-road, et cetera.

But these once merely descriptive terms have become inflammatory labels, now we tend to label people as ultraliberal or radiclib or ultra conservative.

More and more . . . we no longer have a respectable political spectrum . . . we are increasingly arriving at a polarization of inflammatory labels.

If we can all make an effort at being more tolerant, the hate will decrease and the violence with it. If we can do this and if our institutions become more responsive . . . then Carl Sandberg will be right when he said:

"I see America, not in the setting sun of a black night of despair ahead of us. I see America in the crimson light of a rising sun, fresh from the burning, creative hand of God. I see great days ahead, great days possible to men and women of will and vision."

CRIME AND CRIMINAL JUSTICE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, a few days ago before the Democratic national policy committee, Mr. James F. Ahern, former police commissioner of New Haven, Conn., and one of the outstanding authorities on crime in the Nation, delivered a very able and comprehensive address on the problem of crime in the country. I commend Mr. Ahern's excellent address to my colleagues. Mr. Speaker, it appears following my comments in the RECORD:

STATEMENT OF JAMES F. AHERN

Mr. Chairman, members of the Policy Council, I am pleased to have the opportunity to discuss the important issues of crime and criminal justice with you. Law and order and crime in the streets have been major partisan issues in the United States in recent years. Now, however, irrational public passion about crime appears to have decreased somewhat. This Committee's drawing on professionals in this area seems to reflect a more thoughtful effort to deal with the problems of crime than has been shown by other political groups in the past. With this new attitude, it should be possible to show the public that a patchwork of repression and pork barrel is not an effective solution to the problems of crime and the criminal justice system. Today also, a realistic possibility for the opposition party is to put forward affirmative alternatives sufficiently specific and cogent to demonstrate existing fuzzy thinking and political expediency.

The problem of crime as most people understand it actually incorporates three separate problems: street crime, drugs, and organized crime. As well as combining these different areas into one nebulous topic, much discussion of this field has also included campus unrest, civil disorders and the fair treatment of suspected offenders. The result becomes a confusing swirl of divergent though related issues. If the Democratic Party wants to put forward a platform that deals realistically with the problems of crime, it must analyze street crime, drugs and organized crime separately.

Street crime is a national issue because it affects the majority of Americans. Although the victims of this kind of crime are relatively few, the fear of it in both urban and suburban life is pervasive. Even though organized crime, white collar crime, and other criminal activity ultimately hurt people to a greater extent, it is direct physical and emotional involvement the average individual fears.

Violent street crimes are committed by a small proportion of the criminal population. Muggings, robberies and rapes are typically the offenses of alienated young men. Relatively few in number, and derived from the urban poor, these young men often have problems with unemployment, drugs and racial or ethnic discrimination. Without the support of a responsive educational system, or positive community or peer groups, city teenagers often fall into this antisocial pattern of crime. The inadequacies of the criminal justice system and the absence of successful rehabilitation forces these young people into recidivism and an ongoing career of street crime.

Besides dealing with the fear of potential victims and with the social and psychological problems of youthful offenders, a successful attack on street crime must include improved techniques of apprehension and deterrence. Existing measures have involved principally intensified patrol by uniformed police officers. However, this approach is largely ineffectual since protection is limited to the area in which the police officer is actually present and it remains easy for the offender to avoid the police. Occasional experiments with more sophisticated techniques have not been widely adopted.

The failure to promote new methods of apprehension is typical of present approaches to street crime. The principal federal effort in this area consists of channeling large dollar amounts to local police departments. However, the municipal police departments lack the expertise and initiative to make meaningful use of these new resources. Police chiefs have often found it easier to invest federal funds in helicopters and radio voice scramblers than in programs involving substantial changes in methods of operation. Washington has done little to reverse this trend.

In addition to this mostly wasted financial assistance to local police departments, the principal proposal from Washington to deal with street crime has been preventive detention. Many other observers have indicated the fundamental threat to civil liberties posed by this practice. I wish to add that it seems unlikely to do very much to decrease the occurence of street crime. A more adequate approach to the problem of crimes committed by persons awaiting trial would be to upgrade the efficiency and integrity of the criminal courts. The provision of speedy trials, as provided by our constitution, would have a far greater effect than would preventive detention.

No program will significantly alter the recidivist profile of street crime offenders until we have done something to halt the revolving door system of justice dispensed today in our courts. Until we can truly promise our citizens a fair trial we will continue to alienate and, ultimately, further criminalize them. I suggest that anyone who wishes to see first hand how inhumane and brutal our court system can be spend a day in any municipal court in the United States. Justice cannot be delivered at four cases a minute.

The changes required are very basic ones. The plea bargaining process must be removed from the back rooms of our courthouses and displayed to the public where they can observe its practice and insure that it is not only the well-connected that escape without punishment. Full-time prosecutors must be provided whose loyalty would be to the cause of justice rather than their private practice. Full-time defense attorneys must be provided those defendants who cannot afford private counsel. Courts must remain in session more often and for longer hours. And the selection process for judges and prosecutors must be removed from the political spoils system. Only with changes such as these will the court system begin to function in a manner that would restore respect for the courts and for the law in the citizens of our country.

Other proposals to cope with street crime must lessen in our citizens the fear of violent attack. One approach to this task stresses more effective city planning, such as improved street lighting and the mixture of residential and commercial areas. Another approach would be to institute a program of compensation for victims of serious crime. Such a program would be particularly appropriate since so many of the people attacked on the streets are elderly or poor and cannot absorb the loss of property, medical costs or time away from work that so often results.

Any significant strategy for dealing with violent street crime must include the upgrading of our juvenile justice system. From their enlightened origins several decades ago, the juvenile courts and detention facilities have deteriorated to the point where they promote rather than combat juvenile delinquency. If the juvenile delinquent is to be helped, greatly augmented and coordinated services must be available. Full time psychiatrists and psychologists must be provided our juvenile courts. Social and medical agencies must be funded at a level that would permit them to expand both their staffs and the hours that they work. Police departments must be encouraged, and LEAA funding is one method to do so, to staff their youth divisions with case workers as well as police officers. Unless the police and juvenile court can offer the teenage offender meaningful alternatives to the street or reformatory, he is likely to continue and escalate his criminal career. I am convinced that unless we develop such alternatives, the frustrations facing much of our youth will continue to erupt into street crime.

A fourth component in a national program to cope with street crime must be the encouragement of new policies on the part of local police. Mere financial support, as provided under the Safe Streets Act of 1968, has proved inadequate. The Federal Government must take the initiative in fostering new ideas and promoting those programs which have proved successful in the more experimental police departments.

A major step in this direction would be the creation of a national institute of police standards. The institute would direct federally supported experimentation in law enforcement and draft and distribute a set of voluntary standards in such areas as police recruitment, training, operating procedures, organizational design, conduct and ethics. Such a professional organization is needed to provide leadership and guidance to the thousands of police departments in the country. Through the institute's leadership, great operational improvements could be accomplished.

One cannot discuss street crime without facing the problem of drug abuse that has came to permeate American life. Hundreds of thousands of Americans are now addicted to heroin. Literally millions more are affected by the crimes addicts commit.

Measured against the extent of the drug problem today, and the degree of public concern about it, Federal effects in the drug area have been grossly inadequate and disjointed. The one major Federal initiative in the drug area, Project Intercept, sought to halt the flow of a drug, marijuana, for which no harmful medical effects have yet been proved. And it sought to do so through extraordinary customs search procedures at the Mexican border. It is difficult to understand, with the serious heroin problem facing this Nation, why the Federal Government chose to concentrate its effects on marijuana.

Beyond Project Intercept, recent Federal efforts at combatting drug trafficking have been largely confined to legal gimmickery. No-knock searches, for example, constitute a serious erosion of civil liberties without any substantial benefit in obtaining evidence in drug cases. Many searches in drug cases have always been conducted without a warning knock or with only the most perfunctory one. The new law seems far more likely to invade our privacy than to further the fight against drugs. In much the same way, the stiffer penalties for drug selling recently enacted by Congress are unlikely to have much significance so long as drug dealers are rarely apprehended.

By contrast, Federal support for research and treatment in the drug area has always been limited. At a time when LEAA funds are often being squandered, money for medical programs concerned with drugs has remained very scarce.

In order to move beyond the present ineffectual Federal role in dealing with the drug crisis, I would suggest a four pronged attack on the problem.

First, all Federal activity in the narcotics area must be coordinated. At present, each Federal agency pursues its own frequently contradictory objectives from its own perspectives with communication often occurring only, if at all, at the Cabinet level. A single Federal agency should be created to asume responsibility for all the various drug programs now scattered throughout the Federal bureacracy. Only by this means could a coherent national policy on drugs be developed and implemented.

Second, the Federal Government should mount a massive basic medical research program into the causes, cure and rehabilitation of narcotics addicts. While a medical cure will not solve the problems that influenced the addict to retreat into a life of drugs, it will be a powerful tool in aiding the addict and in diminishing the societal harm he inflicts. If we were able to solve the polio problem in the 1950's, and if we can today talk about a major national effort to develop a cure for cancer, surely it is time to begin a similar campaign to develop a cure for narcotics addiction. The resources are available in the medical centers of this country, it is up to us to provide them with the funds necessary to use those resources.

Third, until a cure for narcotics addiction is found, the Federal Government must intensify its support of current rehabilitative efforts such as methadone maintenance, Synanon and Daytop Village. There is no excuse for forcing an addict to walk the streets, and steal to support his habit, because there is no space for him in a rehabilitation program.

Fourth, Federal law enforcement agencies must undertake an intensive effort to stop the flow of narcotics into this country. All the available evidence indicates that the illegal entry of heroin into this country is heavily concentrated in the port of New York. If Federal law enforcement agencies can find the manpower for project Intercept, or could overnight create an entire police force to prevent airline skyjackings, surely they should be able to assemble an adequate task force to saturate the port of New York.

The link between narcotics marketing and organized crime has long been clear. The importation and wholesale distribution of drugs is only one of many ways in which organized crime has penetrated the fabric of American life. Organized criminal groups also operate extensive vice networks and dominate many seemingly legitimate businesses and labor unions. And often they conduct their business with near impunity shielded by corrupt public officials and by public apathy.

As in other areas of the crime problem, recent Federal action has been based more on gimmicks than on substantial enforcement efforts. I speak, of course, of wiretapping. While wiretapping is an effective method of eroding our constitutional liberties and harassing political radicals, it has proved of little utility against organized crime. The knowledgeable organized criminal can easily avoid incriminating use of tapped telephones. Moreover, the extraordinary cost involved in monitoring telephone conversations diverts economic resources from the basic enforcement efforts against organized crime.

The most useful Federal effort against organized crime in recent years has been the task forces created by former Attorney General Ramsey Clark. The task forces represent a coordinated approach by a number of law enforcement agencies and have had some success in exposing and prosecuting leading organized criminal figures and their accomplices in high public office. The Federal Government must add to these strike forces State and local law enforcement agencies before they will be able to realize their potential in combatting organized crime.

The problem of organized crime cannot be separated from that of political and governmental corruption. The recently successful investigation in Newark, New Jersey is a good indication of how intimately connected are organized crime and politics. And Newark is unique in this country only because its corruption and organized criminal activity was publicly uncovered. I believe that the problem has become so serious that it is time to create a separate agency within the department of justice whose sole function would be the exposure and prosecution of this intertwined net of organized crime and corruption. When the citizens of this country lose faith in the honesty and integrity of their leaders, and the ability of their law enforcement agencies to halt overt criminal activity, the continued viability of our country faces a serious threat.

By focusing on the three key issues of street crime, drugs and organized crime, the Democratic party would be able to move beyond the appeal to fear and anger that has dominated political discussion of crime in recent years. In view of the critical need to begin to grapple with the real problems in this field, I hope the party will seize the opportunity.

A TIME CERTAIN

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the war in Southeast Asia has already exacted too heavy a toll of American lives. It has created conditions of national discord of great virulence, and it is costing billions of dollars that could be applied effectively to other and more humane purposes.

We have had some temporary declines in our casualty lists, but our total losses continue to mount and the determination that this war should not go on interminably must be expressed and the Congress must make its position clear.

The facts revealed in the Mylai case underscore the brutalizing effects of warfare. They should motivate all of us to work, not only to conclude this particular war, but also to make every effort to bring about international arms reduction and to reach accords which will limit the possibility of future wars.

I supported the position of the majority of the Democratic caucus, including the Dent amendment which strengthened the Bolling substitute. Although not mandating an immediate end to the war or a cutting off of appropriations at this moment, nevertheless the caucus has agreed that the Congress should work toward a termination of the war within a specific period of time.

Its actual language is—

> That the House of Representatives should work to end the United States military involvement in Indochina and to bring about the release of all prisoners during the 92nd Congress.

This does mark a change in public congressional positions on the war and I supported this action because I believe that it is incumbent upon Members of Congress to express the growing national revulsion against the war and the overwhelming desire of our people to have it terminated.

This revulsion was evidenced in a recent public opinion poll which I conducted in my district. In the priority ranking of national problems the war in Vietnam ranked second only to that of critical inflation and unemployment. Of 5,777 who responded, 1,716 identified the Vietnam conflict as the Nation's principal problem. Of 8,700 responses to the question: Do you favor immediate unilateral withdrawal of American troops from Vietnam?—4,352 said yes and 4,130 said no. Thus to this extreme statement of position there was an evenly divided answer representing a significant change in favor of withdrawal since my last poll.

I have supported this resolution after serious deliberation and in the knowledge that any reference to a specific date is highly controversial. However, there is no controversy over the fact that every American wants our servicemen returned and our prisoners of war released without delay and it is this objective to which the caucus has sought to give effect.

FRANK JAMES WAS QUIET AND STUDIOUS

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, one of our constituents, Elizabeth Rogers Jones, of Independence, Mo., is a long-time friend for whom I have the highest respect and great affection.

It has recently come to my attention that she is the winner of the Missouri Press Women's writing contest. It should be remembered that the Missouri Press Women are affiliated with the National Press Women, Inc.

In a recent letter from the contest chairman, Jane Byrd, Mrs. Jones was advised that she had placed second among the authors of feature stories in newspapers of 100,000 or more circulation. There will be a presentation of awards at the spring meeting of the Missouri Press Women in Columbia. For those of my colleagues who may not be fully advised, Columbia, Mo., is the home of the University of Missouri and the seat of its world famous University of Missouri School of Journalism.

Mrs. Jones deserves the warmest congratulations from her fellow members of the Missouri Press Women and the members of the National Federation of Press Women.

The winning feature story is centered around the life of Frank James, brother of the quick tempered Jesse James and one of the associates of the Youngers who were participants in a kind of guerrilla warfare which was waged in western Missouri during the years of the War Between the States. These guerrillas were pro-Confederate and famous or infamous, were known as Bushwackers.

Betty Jones, in my opinion, does a scholarly job of describing Frank James as a kind of bookworm who could recite from memory passages from Shakespeare. We must remember that this same man who carried books in his saddlebag. He was a man who had the capability at the same time to disrupt the enemy's communications and to capture Union supplies. This same Frank James, who could quote from Macbeth, was a man who served as one of Capt. Charles Quantrill's own guerrilla recruits. Every one of these men all under 25 years old were dead shots and mounted on splendid fast horses.

The winning feature story is so well written, so interesting, and so informative that when it came to my attention I thought it should be shared with my colleagues in the House and to become a part of the CONGRESSIONAL RECORD in order that it would be preserved in our archives.

It is my privilege to now read for the RECORD the winning feature story as it appeared in the Kansas City Times, a newspaper in Kansas City, Mo.

FRANK JAMES WAS QUIET AND STUDIOUS

(By Elizabeth R. Jones)

Baird Liggett of Blue Springs, 80 years old and active, remembers seeing Frank James, the Shakespeare-quoting bandit, at a picnic and reunion on the Judge S. L. Luttrell farm back in the 1890s when he was ten years old.

"The clearing had been cut between a grove of large oaks," he said, "and a platform built for the town fathers, leading citizens and Confederate veterans to sit on. They were waiting for the festivities to begin when Frank James slipped up on the platform and poured water into a glass for the speaker, a close friend of his. It was a hot day in August."

As Baird Liggett talked, these men, famous or infamous, rode across the pages of Eastern Jackson County history once again.

"I remember the day well," Liggett went on. "Frank James was a medium-sized, thin, handsome and slightly stooped man and well dressed. Being just a kid, I was afraid of him. He had a large head with a more prominent high forehead than most people. To me it seemed to slope back."

BOOK WORM

All his life Frank was quiet and studious, not quick-tempered like his brother Jesse. He had a scanty education but was a "book worm" and carried in his saddle bags his favorite books. No matter where he was, in a Rebel camp, a well-supplied, hidden Bushwhackers cave or in a pro-Southern friend's home he studied the classics and read Ingersoll.

Capt. Harrison Trowe, in his history, "Guerrilla Warfare in the Missouri and Kansas Border, 1861 to 1865," relates that Frank could recite by memory almost all of Shakespeare's "Richard the Second"—his favorite.

"You see how I know about the Jamses and the Bushwhackers," Liggett explained, my great uncles, James and John Little, were Bushwhackers and rode with the James boys, Cole Younger and Quantrill. They married my grandfather's sisters, the Liggett girls, and I learned from them the daring exploits of the pro-Confederate armed resistance to the Union troops stationed in Missouri, and Kansas Jayhawker's raids across the border.

Because of the strong feelings of Southern sympathizers against what they called the "hated abolitionist" in Kansas the entire state of Missouri was almost thrown into anarchy.

The border warfare began in earnest in 1861. Capt. Charles Quantrill and his young guerrilla recruits (all under 25) were dead shots and were mounted on splendid horses. They began to retaliate against the tactics of the Union Kansas leaders—Montgomery, Lane and Jennson—partly for protection and partly for revenge.

Frank James fought under the black flag of Quantrill and under the Rebel flag of Gen. Jo Shelby.

Some Bushwhackers were spies for the Confederacy. Others were farmers who fought for the South between planting and harvesting and protected and fed their comrades.

As an armed force, not more than 250 at a time, the Bushwhackers hid behind patches of hazel bushes, thick undergrowth and culverts along the roadsides where unsuspecting Union cavalrymen and marching soldiers traveled. They harassed and disrupted the enemies communications, looting and capturing Union supplies and then disappeared like vapor on their fast horses into the tall, heavy timber nearby.

At the beginning of the Civil War, Frank "joined up" with Gen. Sterling Price's Confederate army. He was 18 years old. The Jameses owned no slaves but were hotheaded Kentucky secessionists, especially Zerelda James Samuels, the James boys' mother.

In the battle of Wilson creek in South Missouri, Frank had his first encounter with the enemy. He was captured and brought back and imprisoned in the Liberty jail. Due to the pleading of his mother and promises from Frank never to take up arms again against the federal government, he was released. He had had enough of organized fighting. He didn't like it and soon afterward in 1862 joined Quantrill.

In June 1863, a squad of Union soldiers dismounted at the James' home at Kearney, Mo., and demanded that his stepfather, Dr. Reuben Samuels, tell them where Frank was hiding.

The doctor refused to give them the information they came for. In a rage they attempted to hang him. But his wife cut the rope just in time to save his life. As the Unionists were leaving the place, they came upon Jesse, 15, plowing corn. They dismounted again and began to question him about his older brother. Jesse gave them only contemptuous answers. The soldiers beat him with a rope until his back was a bloody mass of welts. That day Jesse made up his mind to join his brother Frank and fight with Quantrill.

JUST A COWARD

"Frank James had a score to finish with the federals, and so did Jimmy Little after his brother Johnny was killed by them," Liggett went on. "It chilled my blood to see Frank at close range. I guess I'm just a coward," he laughed. "My Bushwhacking relatives used up all the bravery in the family. Grandpa Liggett came from Illinois and bought a 600-acre farm near here. He protected his brothers-in-law, partly out of fear and partly because he liked them, and after the war he got into politics and was elected county marshal.

"My Great-Uncle Jimmy said to me, 'Son, never tell about us as long as I live,' and I never did. He was so resentful over the death of Johnny that he killed easy after that. One day in a skirmish with the Union soldiers near Heifner railroad crossing, Uncle Jimmy shot a federal cavalryman off his horse. He called back to the Rebs who were following on fast horses, 'Shoot him again!' They thought the soldier was already dead and did not shoot. In the fury of the battle the soldier escaped and crawled to safety. Jimmy shouted, 'I'll never take another prisoner!' and he lived to prove it."

Liggett continued: "The code of the Bushwhackers was if their enemy was killed in battle his possessions belonged to them, and they expected the same treatment.

"One day a band of Bushwhackers and Jimmy Little came upon a lone federal cavalryman watering his horse in the middle of the creek. 'Let him alone, Jimmy,' his companions said, 'we want to ask him some questions and find out where the feds are hiding.' But the only question Little asked was 'How much do you want for your horse?'

"The federalist shouted, 'You'll have to take him over my dead body!' The reply made Jimmy mad and he shot the soldier right above the ear, with one shot. Lifeless, he toppled into the shallow water.

"After the war, Jimmy Little went to Kentucky and his family never heard from him again.

"Jim Hopkin's—another Bushwhacker in these parts—aunt told me many times this story," Liggett said. "The woods were full of Bushwhackers and many were farmers. Hopkins' little daughter, Nancy, about 12 years old was walking home along the road near East Fork creek one day when she recognized Frank and Jesse James riding their magnificent horses toward her. Panic-stricken, she tried to escape unnoticed by cautiously working her way up the side of the bank. The two riders, seeing her, stopped their horses, Jesse asked, "Who is the little girl?' Frank replied, 'Why, that's Nancy, Jim Hopkins' little girl.' Then Jesse said, 'Little girl, come down and don't be afraid of us. This road belongs to you as well as anyone else.'

Liggett bent over in his chair and laughed and rubbed his forehead in a familiar gesture. Ruth, his wife, for over 50 years, sat nearby and smiled at him, listening attentively.

"I tell you if you can't laugh at things, life isn't worth livin'," he said.

Mrs. Liggett smiled in agreement. Both look unusually young for their age and have a delightful sense of humor.

COLE YOUNGER

"I also saw Cole Younger, on Maple avenue in Independence when I was 12 years old," Liggett said. "He and Frank were good friends but not with Jesse."

At the Northfield, Minn., bank robbery, 1876, by the Younger-James band, all the bandits were killed or captured except Frank and Jesse.

A quarrel ensued between Cole and Jesse when he wanted Cole to leave his brother Bob who was badly wounded. Cole refused and he and his brothers were captured and Cole served 25 years in the state penitentiary.

"Cole as well as Frank during Bushwhacking days had their horses trained to take their rider into battle from a walk to a full run with both reins held in his teeth, a gun in each hand, cocked and ready to fire. It was a 2-gun business to be a Bushwhacker. It was also an unwritten Bushwhacker law to respect each other's guns," Liggett emphasized.

The bank robbery at Northfield, Minn., spelled doom for the Jameses and Youngers.

Frank was tired of running and wanted a peaceful life with his beloved wife, Annie, and son, Robert.

After Jesse was murdered by Bob Ford, 1882, Frank was afraid he would be ambushed for the $10,000 reward hanging over his head.

Frank James surrendered to Gov. Thomas Crittenden in Jefferson City on October 5, 1883. He presented his two six-shooters to the governor and said, "You're the first man to touch my guns. My life is in your hands."

Frank was acquitted on February 21, 1885.

In September, 1897, he went to the battlefield at Centralia, Mo., to pay homage to his dead comrades. A reporter from the Herald newspaper was there asking him questions about his Bushwhacking days. He quoted from Macbeth, "Never shake thy gory locks at me; thou canst say I did it."

EMPLOYMENT OF THE HANDICAPPED: COMMUNITY ATTITUDES

(Mr. ALBERT, at the request of Mr. JAMES V. STANTON, was granted permission to extend his remarks in the body of the RECORD and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, each year the Governors Committee on Employment of the Handicapped of the State of Oklahoma sponsors an "Ability Counts" essay contest in which high school juniors and seniors are invited to submit essays on employment of the handicapped. This year, I am very proud to report, the winner of the State contest is Miss Sydnee Thompson, a 17-year-old high school senior from my hometown of McAlester, Okla. She has written an outstanding essay on community attitudes in our hometown of McAlester. Her teacher, Miss Mabel Aston, her principal, Dr. Finas Sandlin, and all our fellow townspeople are extremely proud of Sydnee.

Under the unanimous consent request, I include at this point in the RECORD her winning essay titled "Employment of the Handicapped: Community Attitudes."

EMPLOYMENT OF THE HANDICAPPED: COMMUNITY ATTITUDES

(By Miss Sydree Thompson)

"Happiness does not come from doing easy work, but from the after-glow of satisfaction that comes after the achievement of a difficult task which has demanded our best."[1] These are the words of a local citizen, Chairman of the Mayor's Committee on Employment of the Handicapped, a man whose efforts I could not appreciate until I had learned what an excellent job he and others like him are doing.

McAlester has always been home. I assumed I knew my city rather well. This study, however, has re-educated me as to the value of my community. I am proud to have learned about he exceptional spirit and attitude here. I have found outstanding examples of the American dream—that opportunity to make of one's self just as much as his capabilities allow. I also discovered that Oklahoma ranks third in jobs filled by handicapped workers. Many communities contribute in making this achievement possible, but McAlester can take pride in its part in accomplishing this high standard.

The core of McAlester's efforts to aid the handicapped worker is the Mayor's Committee, organized in January, 1968. The objective of this committee is to increase employment of the handicapped, in order to make them useful, tax-paying instead of tax-consuming, citizens. I found that they have, indeed, achieved their goal.

In January, 1969, the Naval Ammunition Depot, active in hiring the handicapped, and full of success stories such as that of Robert Burris, a blind computer programmer, was presented the *first* Disabled American Veterans National Employer's Award. In March, 1969, the Governor's Committee on Employment of the Handicapped presented eight awards state-wide. McAlester, the first city to receive more than one award, received three.

Both local newspapers have received awards for support involving employment of the handicapped. Both radio stations and the Cable TV Company have helped with announcements and posters.

Other firms active in employment of handicapped include: First National Bank, McHoma Lodge, Krebs Concrete Service, McAlester News-Capital, Day & Night Grocery, Ward's Service Stations, Oklahoma State Penitentiary, and the County Health Department.

Pittsburg County has a disabled veteran serving as a deputy sheriff and another as an employee of the Department of Public Safety. Our Court Clerk, disabled in World War II, has been in office since 1951. Despite his handicap, the citizens of Pittsburg County have given him their vote of confidence every two years since that time. He has truly proved that "Ability Counts"!

Other helping hands include the Work Incentive Program, Vocational Rehabilitation Office, and State Employment Office. I found these to be especially dedicated in placing the handicapped in positions where they can help others and themselves. These services are not unique to McAlester; they can be found all across Oklahoma. What is unique is the *extra* time and attention given here. In 1969, our Mayor nominated the Manager of the local Employment Service for the Employer of the Year Award. He emphasized that in placing the handicapped, the Manager conducts campaigns by personally and tirelessly conferring with employers in their behalf. Four handicapped veterans serve on the staff of our Employment Service. Last year, three hundred and ninety-two veterans obtained employment. In the words of our local DAV Commander, ***"They go out of their way to help."***[2]

My discovery of our attitude toward the handicapped has caused me to re-assess my community *and* myself. I have seen the value of contributing to the rehabilitation of a human being. The enthusiasm I have found everywhere has sparked my personal ambition. In learning of the things being done, new doors seem to have opened as to what can be done.

What truly makes a person "handicapped" is placing him in a particular niche and saying, "This is all you can do; stay here." Too often, if there are limits, *we* place them.

To quote our Chairman again, "These handicapped citizens and others who may be disabled in any way do not want sympathy; they do not want to be made objects of pity and charity. Their role in life, like ours, is to be useful."[3] These quotes, at the beginning and conclusion of this report, excellently summarize the attitudes of my community toward employment of the handicapped. I can take pride in my city's efforts to help these men and women attain a more useful and rewarding life. All that they ask is a chance, and I am proud to say that in *McAlester, Oklahoma,* they are being given that chance!

FOOTNOTES

[1] Quote from a letter addressed to a prospective member of the Mayor's Committee on Employment of the Handicapped, written by Earl R. Dunn, Chairman.

[2] Quote from a statement made by Harold Gray, local Commander of the DAV.

[3] Quote from a letter addressed to the author, Sydnee Thompson, written by Earl R. Dunn, Chairman, Mayor's Committee on Employment of the Handicapped.

SOURCES OF INFORMATION

1. Mr. Bob Baggett, Station KTMC, McAlester, Oklahoma.
2. Mr. Jack Dale, Court Clerk, McAlester, Oklahoma.
3. Mr. Al Dickens, Manager, Employment Service, McAlester, Oklahoma.
4. Mr. Earl R. Dunn, Chairman, Mayor's Committee on Employment of the Handicapped, McAlester, Oklahoma.
5. Mr. Harold Gray, Commander, DAV, McAlester, Oklahoma.
6. Handicapped veterans of McAlester, Oklahoma, including: Mr. Joe Palmer, Mr. J. C. Harvey, Mr. Tom Ford, Mr. Dan Tedrick, Mr. David Gardner, Mr. Bill Votaw, Mr. Joe Tannehill, Mr. Ed Whitney, Mr. Bob Lake, and Mr. Wayne Holloway.
7. McAlester Cable TV Company.
8. Mayor Harry W. Owens, McAlester, Oklahoma.
9. Mr. Francis Stipe, Editor, *McAlester Democrat.*
10. Mr. Fred Turner, Editor, *McAlester News-Capital.*
11. Vocational Rehabilitation Office, Mr. Clyde Petete, Manager, McAlester, Oklahoma.
12. WIN Program, Mr. Lloyd W. Burris, Director, McAlester, Oklahoma.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Price of Texas (at the request of Mr. Gerald R. Ford), for today through April 9, on account of official business as a member of the House Committee on Science and Astronautics.

Mr. Arends (at the request of Mr. Gerald R. Ford), for today and balance of week, on account of death in family.

Mr. Randall, for April 1 and 2, on account of official business in home district.

Mr. Fountain (at the request of Mr. Waggonner), for today from 12 noon until 2 p.m. Wednesday, March 31, on account of official business.

Mr. Gettys (at the request of Mr. Stephens), for today, on account of personal illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Gonzalez for 15 minutes today.

Mr. Randall, for 30 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. Burke of Massachusetts, for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. Goldwater) to revise and extend their remarks and include extraneous material:)

Mr. Edwards of Alabama for 5 minutes today.

Mr. Miller of Ohio for 5 minutes today.

Mr. Findley for 5 minutes today.

Mr. Hagan for 10 minutes today.

Mr. Bell of California for 20 minutes today.

Mr. Zwach for 1 hour May 3.

(The following Members (at the request of Mr. James V. Stanton) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Fuqua for 30 minutes today.

Mr. Flood for 20 minutes today.

Mr. Flynt for 10 minutes today.

Mr. Davis of Georgia for 15 minutes today.

Mr. Griffin for 10 minutes today.

Mr. McFall for 15 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the Record, or to revise and extend remarks was granted to:

Mr. Price of Illinois, to extend his remarks today on the Selective Service Act amendments, and to include a table.

Mr. Gray, and to include extraneous material.

Mr. McMillan.

Mr. Don H. Clausen.

Mr. Goldwater to revise and extend remarks made in Committee of the Whole to follow Mr. Whalen.

Mr. Pucinski, and to include a table during general debate today on H.R. 6531.

Mr. Randall in two instances and to include extraneous matter.

Mr. Randall to revise and extend remarks in Committee of the Whole on H.R. 6531 prior to a recorded teller vote on the Whalen amendment.

(The following Members (at the request of Mr. Goldwater) and to include extraneous material:)

Mr. Broyhill of Virginia in three instances.

Mr. Blackburn in two instances.

Mr. Nelsen in two instances.

Mr. Steiger of Wisconsin in two instances.

Mr. Duncan in two instances.

Mr. Wyman in two instances.

Mr. Frey in two instances.

Mr. Shoup.

Mr. Hosmer in two instances.

Mr. Scherle.

Mr. Zion in two instances.

Mr. Brotzman.

Mr. Horton.

Mr. Schmitz in three instances.

Mr. Baker.

Mr. Findley.

Mr. Nelsen.

Mr. Carter.

Mr. Hunt in two instances.

Mr. Zwach.

Mr. McKinney.

Mr. Bow in two instances.

Mr. Skubitz in two instances.

Mr. Kemp in two instances.

Mr. Sandman.

(The following Members (at the request of Mr. James V. Stanton) and to include extraneous matter:)

Mr. Corman.

Mr. Rosenthal in five instances.

Mr. Drinan.

Mr. Rostenkowski.

Mr. Rogers in five instances.

Mr. Carney in two instances.

Mr. Eilberg.

Mr. Rodino in two instances.

Mr. Foley.

Mr. Preyer of North Carolina in two instances.

Mr. Long of Maryland.

Mr. Dulski in six instances.

Mr. Mann in 10 instances.

Mr. Evins of Tennessee in two instances.

Mr. Alexander in five instances.

Mr. Rees.

Mr. Gibbons in two instances.

Mr. Abbitt.

Mr. Vanik in two instances.

Mr. Kluczynski in two instances.

Mr. Fountain in two instances.

Mr. Karth in two instances.

Mr. Brasco.

Mr. Gallagher in two instances.

Mr. Anderson of Tennessee in two instances.

Mr. Minish.

Mr. Green of Pennsylvania in three instances.

Mr. Hathaway in two instances.

Mr. Roberts in two instances.

Mr. Scheuer in two instances.

Mr. Thompson of New Jersey in two instances.

Mr. Jacobs.

Mr. Gonzalez in two instances.

Mr. Moorhead in two instances.

Mr. Harrington.

Mr. Satterfield in two instances.

Mr. James V. Stanton in two instances.

Mr. Ryan in three instances.

Mr. Hagan in two instances.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5432. An act to provide an extension of the interest equalization tax, and for other purposes.

ADJOURNMENT

Mr. JAMES V. STANTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, April 1, 1971, at 11 o'clock a.m.

REPORT OF EXPENDITURES OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS INCURRED IN TRAVEL OUTSIDE THE UNITED STATES DURING 1970 AS REQUIRED BY THE MUTUAL SECURITY ACT OF 1954, AS AMENDED BY PUBLIC LAW 86-472 AND BY PUBLIC LAW 86-628

Mr. HAYS. Mr. Speaker, section 502(b) of the Mutual Security Act of 1954, as amended by section 401(a) of Public Law 86-472, approved May 14, 1960, and section 105 of Public Law 86-628, approved July 12, 1960, require the reporting of expenses incurred in connection with travel, including both foreign currencies expended and dollar expenditures made from appropriated funds.

The required reports for travel during 1970 are submitted herewith:

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 127, 1ST SESS., 91ST CONG., BY THE COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

		Date			Per diem rate		Total amount per diem		Transportation[1]		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Poage, W. R.:												
Upper Volta	CFA franc	11/6	11/7	1	13,800	50.00	5,312	19.31			5,312	19.31
Niger	CFA franc	11/7	11/7	1	13,800	50.00	3,000	10.91			3,000	10.91
Chad	CFA franc	11/7	11/8	1	13,800	50.00	11,000	40.00			11,000	40.00
Central African Republic	CFA franc	11/8	11/9	1	13,800	50.00	9,464	34.17			9,464	34.17
Uganda	Schilling	11/9	11/11	2	700	100.00	400	57.14			400	57.14
Malawi	Pound	11/11	11/11	1	20.8	50.00	1.2.3	2.85			1.2.3	2.85
Mauritius	Rupee	11/11	11/12	1	276	50.00	44.28	8.01			44.28	8.01
South Africa	Ran	11/13	11/17	5	178.57	250.00	90	126.00			90	126.00
Congo	Zair	11/17	11/18	1	24.5	50.00	22.85	46.68			22.85	46.68
Liberia	Dollar	11/18	11/19	1	50.00	50.00	20.00	20.00			20.00	20.00
Mauritania	Franc	11/19	11/19	1	13,800	50.00	3,943	14.28			3,943	14.28
Surinam	Guilder	11/20	11/21	1	92	50.00	64.35	35.00			64.35	35.00
Total						850.00		414.35				414.35
Abernethy, Thos. G.:												
Upper Volta	CFA franc	11/6	11/7	1	13,800	50.00	5,312	19.31			5,312	19.31
Niger	CFA franc	11/7	11/7	1	13,800	50.00	3,000	10.91			3,000	10.91
Chad	CFA franc	11/7	11/8	1	13,800	50.00	11,000	40.00			11,000	40.00
Central African Republic	CFA franc	11/8	11/9	1	13,800	50.00	9,464	34.17			9,464	34.17
Uganda	Schilling	11/9	11/11	2	700	100.00	400	57.14			400	57.14
Malawi	Pound	11/11	11/11	1	20.8	50.00	1.2.3	2.85			1.2.3	2.85
Mauritius	Rupee	11/11	11/12	1	276	50.00	44.28	8.01			44.28	8.01
South Africa	Ran	11/13	11/17	5	178.57	250.00	90	126.00			90	126.00
Congo	Zair	11/17	11/18	1	24.5	50.00	22.85	46.68			22.85	46.68
Liberia	Dollar	11/18	11/19	1	50.00	50.00	20.00	20.00			20.00	20.00
Mauritania	Franc	11/19	11/19	1	13,800	50.00	3,943	14.28			3,943	14.28
Surinam	Guilder	11/20	11/21	1	92	50.00	64.35	35.00			64.35	35.00
Total						850.00		414.35				414.35
de la Garza, Eligio:												
Upper Volta	CFA franc	11/6	11/7	1	13,800	50.00	5,312	19.31			5,312	19.31
Niger	CFA franc	11/7	11/7	1	13,800	50.00	3,000	10.91			3,000	10.91
Chad	CFA franc	11/7	11/8	1	13,800	50.00	11,000	40.00			11,000	40.00
Central African Republic	CFA franc	11/8	11/9	1	13,800	50.00	9,464	34.17			9,464	34.17
Uganda	Schilling	11/9	11/11	2	700	100.00	400	57.14			400	57.14
Malawi	Pound	11/11	11/11	1	20.8	50.00	1.2.3	2.85			1.2.3	2.85
Mauritius	Rupee	11/11	11/12	1	276	50.00	44.28	8.01			44.28	8.01
South Africa	Ran	11/13	11/17	5	178.57	250.00	90	126.00			90	126.00
Congo	Zair	11/17	11/18	1	24.5	50.00	22.85	46.68			22.85	46.68
Liberia	Dollar	11/18	11/19	1	50.00	50.00	20.00	20.00			20.00	20.00
Mauritania	Franc	11/19	11/19	1	13,800	50.00	3,943	14.28			3,943	14.28
Surinam	Guilder	11/20	11/21	1	92	50.00	64.35	35.00			64.35	35.00
Total						850.00		414.35				414.35
Goodling, George:												
Upper Volta	CFA franc	11/6	11/7	1	13,800	50.00	5,312	19.31			5,312	19.31
Niger	CFA franc	11/7	11/7	1	13,800	50.00	3,000	10.91			3,000	10.91
Chad	CFA franc	11/7	11/8	1	13,800	50.00	11,000	40.00			11,000	40.00
Central African Republic	CFA franc	11/8	11/9	1	13,800	50.00	9,464	34.17			9,464	34.17
Uganda	Schilling	11/9	11/11	2	700	100.00	400	57.14			400	57.14
Malawi	Pound	11/11	11/11	1	20.8	50.00	1.2.3	2.85			1.2.3	2.85
Mauritius	Rupee	11/11	11/12	1	276	50.00	44.28	8.01			44.28	8.01
South Africa	Ran	11/13	11/17	5	178.57	250.00	90	126.00			90	126.00
Congo	Zair	11/17	11/18	1	24.5	50.00	22.85	46.68			22.85	46.68
Liberia	Dollar	11/18	11/19	1	50.00	50.00	20.00	20.00			20.00	20.00
Mauritania	Franc	11/19	11/19	1	13,800	50.00	3,943	14.28			3,943	14.28
Surinam	Guilder	11/20	11/21	1	92	50.00	64.35	35.00			64.35	35.00
Total						850.00		414.35				414.35
Mayne, Wiley:												
Upper Volta	CFA franc	11/6	11/7	1	13,800	50.00	5,312	19.31			5,312	19.31
Niger	CFA franc	11/7	11/7	1	13,800	50.00	3,000	10.91			3,000	10.91
Chad	CFA franc	11/7	11/8	1	13,800	50.00	11,000	40.00			11,000	40.00
Central African Republic	CFA franc	11/8	11/9	1	13,800	50.00	9,464	34.17			9,464	34.17
Uganda	Schilling	11/9	11/11	2	700	100.00	400	57.14			400	57.14
Malawi	Pound	11/11	11/11	1	20.8	50.00	1.2.3	2.85			1.2.3	2.85
Mauritius	Rupee	11/11	11/12	1	276	50.00	44.28	8.01			44.28	8.01
Malagasy Republic	CFA franc	11/12	11/15	3	414	150.00	414	150.00		[2] 126.60		276.60
Mozambique	Escudo	11/15	11/16	1	14.62	50.00	14.62	50.00		[2] 24.60		74.60
South Africa	Ran	11/16	11/17	1	35.7	50.00	18	25.20			18	25.20
Congo	Zair	11/17	11/18	1	24.5	50.00	22.85	46.68			22.85	46.68
Liberia	Dollar	11/18	11/19	1	50.00	50.00	20.00	20.00			20.00	20.00
Mauritania	CFA franc	11/19	11/19	1	13,800	50.00	3,943	14.28			3,943	14.28
Surinam	Guilder	11/20	11/21	1	92	50.00	64.35	35.00			64.35	35.00
Total						850.00		513.35		151.20		664.55

See footnotes at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 127, 1ST SESS., 91ST CONG., BY THE COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970—Continued

		Date			Per diem rate		Total amount per diem		Transportation[1]		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Knebel, John:												
Upper Volta	CFA franc	11/6	11/7	1	13,800	50.00	5,312	19.31			5,312	19.31
Niger	CFA franc	11/7	11/7	1	13,800	50.00	3,000	10.91			3,000	10.91
Chad	CFA franc	11/7	11/8	1	13,800	50.00	11,000	40.00			11,000	40.00
Central African Republic	CFA franc	11/8	11/9	1	13,800	50.00	9,464	34.17			9,464	34.17
Uganda	Schilling	11/9	11/11	2	700	100.00	400	57.14			400	57.14
Malawi	Pound	11/11	11/11	1	20.8	50.00	1.2.3	2.85			1.2.3	2.85
Mauritius	Rupees	11/11	11/12	1	276	50.00	44.28	8.01			44.28	8.01
South Africa	Ran	11/13	11/17	5	178.57	250.00	90	126.00			90	126.00
Congo	Zair	11/17	11/18	1	24.5	50.00	22.85	46.68			22.85	46.68
Liberia	Dollar	11/18	11/19	1	50.00	50.00	20.00	20.00			20.00	20.00
Mauritania	CFA franc	11/19	11/19	1	13,800	50.00	3,943	14.28			3,943	14.28
Surinam	Guilder	11/20	11/21	1	92	50.00	64.35	35.00			64.35	35.00
Total						850.00		414.35				414.35
Blake, Chas. E.:												
Upper Volta	CFA franc	11/6	11/7	1	13,800	50.00	5,312	19.31			5,312	19.31
Niger	CFA franc	11/7	11/7	1	13,800	50.00	3,000	10.91			3,000	10.91
Chad	CFA franc	11/7	11/8	1	13,800	50.00	11,000	40.00			11,000	40,00
Central African Republic	CFA franc	11/8	11/9	1	13,800	50.00	9,464	34.17			9,464	34.17
Uganda	Schilling	11/9	11/11	2	700	100,00	400	57.14			400	57.14
Malawi	Pound	11/11	11/11	1	20.8	50.00	1.2.3	2.85			1.2.3	2.85
Mauritius	Rupee	11/11	11/12	1	276	50.00	44.28	8.01			44.28	8.01
South Africa	Ran	11/13	11/17	5	178.57	250.00	90	126.00			90	126.00
Congo	Zair	11/17	11/18	1	24.5	50.00	22.85	46.68			22.85	46.68
Liberia	Dollar	11/18	11/19	1	50.00	50.00	20.00	20.00			20.00	20.00
Mauritania	CFA franc	11/19	11/19	1	13,800	50.00	3,943	14.28			3,943	14.38
Surinam	Guilder	11/20	11/21	1	92	50.00	64.35	35.00			64.35	35.00
Total						850.00		414.35				414.35
McKneally, M.:												
Hong Kong	HK dollar	1/2	1/3	1	274.00	50.00	109.00	19.99	101.55	16.74	110.55	36.73
Japan	Yen	1/4	1/6	3	54,000	150.00	54,000	150.00			54,000	150.00
India	Rupee	1/7	1/7	1	375	50.00	184.00	24.21			184.00	24.21
Lebanon	Pound	1/8	1/9	2	325	100.00	325	100.00			325	100.00
France	Franc	1/10	1/13	3	834	150.00	834	150.00			834	150.00
Total						500.00		[3] 444.20		16.74		[3] 460.94
Grand total, Committee on Agriculture, 1970								3,443.65		167.94		3,611.59

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[1] Transportation provided by Military Airlift Command, USAF.

[2] Ticket receipt attached.

[3] Reflects $50 refunded by Congressman McKneally by check to U.S. Treasury.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, FOR TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1970

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
MASTER COMPILATION												
Agriculture Subcommittee	Dollar							429.00		1,280.80		1,709.80
Defense Subcommittee	Dollar							2,158.95		9,954.55		12,113.50
Foreign Operations Subcommittee	Dollar							1,311.00		4,684.88		5,995.88
Independent Offices-HUD Subcommittee.	Dollar							336.00		589.00		925.00
State, Justice, Commerce and Judiciary Subcommittee.	Dollar							842.00		1,376.60		2,218.60
Transportation Subcommittee	Dollar											
Surveys and investigations staff	Dollar							12,201.00		23,374.40		35,575.40
Total								17,277.95		41,260.23		58,538.18

GEORGE H. MAHON,
Chairman, Committee on Appropriations.

COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON AGRICULTURE

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Odin Langen:												
United States	Dollar	4/26	4/28	2½		35.00		87.50				87.50
Australia	Dollar	4/29	5/5	6½		31.00		201.50				201.50
United States	Dollar	5/5	5/9	4		35.00		140.00				140.00
Transportation	Dollar									1,280.80		1,280.80
Total								429.00		1,280.80		1,709.80

COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON DEFENSE

Name and country	Name of currency	Date: Arrival	Date: Departure	Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Hon. John O. Marsh, Jr.:												
Vietnam	Dollar	1/4	1/12	9								(1)
Laos	Dollar	1/12	1/13	1								(1)
Vietnam	Dollar	1/13	1/15	2								(1)
Hon. John J. Rhodes:												
Vietnam	Dollar	3/26	4/2	8				58.96				58.96
Thailand	Dollar	4/3	4/4	2				28.26				28.26
Japan	Dollar	4/5	4/6	2				88.23				88.23
Transportation	Dollar									1,882.50		1,882.50
Subtotal								175.45		1,882.50		2,057.95
Hon. Joseph P. Addabbo:												
Germany	Dollar	8/22	8/24	3		30.00		90.00				90.00
Belgium	Dollar	8/25	8/25	1		34.00		34.00				34.00
United Kingdom	Dollar	8/26	8/28	3		36.00		108.00				108.00
Transportation	Dollar									[2]820.00		820.00
Subtotal								232.00		820.00		1,052.00
Mr. Austin G. Smith:												
United States	Dollar	8/21	8/21	½		35.00		17.50				17.50
Germany	Dollar	8/22	8/24	3		30.00		90.00				90.00
Belgium	Dollar	8/25	8/25	1		34.00		34.00				34.00
United Kingdom	Dollar	8/26	8/28	3		36.00		108.00				108.00
United States	Dollar	8/29	8/30	2		35.00		70.00				70.00
Transportation	Dollar									[2]870.00		870.00
Subtotal								319.50		870.00		1,189.50
Hon. William E. Minshall:												
United States	Dollar	9/1	9/1	1		35.00		35.00				35.00
Korea	Dollar	9/3	9/5	3		28.00		84.00				84.00
United States	Dollar	9/6	9/6	1		35.00		35.00				35.00
Transportation	Dollar									1,587.20		1,587.20
Subtotal								154.00		1,587.20		1,741.20
Mr. Robert B. Foster:												
United States	Dollar	10/24	10/26	3				105.00				105.00
Thailand	Dollar	10/28	10/31	3¾				67.50				67.50
South Vietman	Dollar	10/31	11/5	5				130.00				130.00
Hong Kong	Dollar	11/5	11/8	3				78.00				78.00
Okinawa	Dollar	11/8	11/9	1¼				12.50				12.50
Japan	Dollar	11/9	11/11	2				42.00				42.00
United States	Dollar	11/11	11/11	1				35.00				35.00
Transportation	Dollar									1,898.15		1,898.15
Subtotal								470.00		1,898.15		2,368.15
Mr. Gary C. Michalak:												
United States	Dollar	10/24	10/26	3				105.00				105.00
Thailand	Dollar	10/28	10/31	3¾				67.50				67.50
South Vietnam	Dollar	10/31	11/5	5				130.00				130.00
Hong Kong	Dollar	11/5	11/8	3				78.00				78.00
Okinawa	Dollar	11/8	11/9	1¼				12.50				12.50
Japan	Dollar	11/9	11/11	2				42.00				42.00
United States	Dollar	11/11	11/11	1				35.00				35.00
Transportation	Dollar									1,898.15		1,898.15
Subtotal								470.00		1,898.15		2,368.15
Hon. Joseph P. Addabbo:												
Italy	Dollar	11/5	11/12	8		31.00		248.00				248.00
Germany	Dollar	11/13	11/15	3		30.00		90.00				90.00
Transportation	Dollar									998.55		998.55
Subtotal								338.00		998.55		1,336.55
Total								2,158.95		9,954.55		12,113.50

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[1] No per diem claimed; Government transportation provided via Military Airlift Command aircraft.

[2] Transportation partially furnished by Government-owned aircraft and vehicles.

COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON FOREIGN OPERATIONS

Name and country	Name of currency	Date: Arrival	Date: Departure	Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Hon. Otto E. Passman:												
United States	Dollar	10/22	10/26	2		35.00		70.00				70.00
Switzerland	Dollar	10/27	11/1	6		34.00		204.00				204.00
Thailand	Dollar	11/2	11/4	2		28.00		56.00				56.00
Hong Kong	Dollar	11/4	11/9	6		36.00		216.00				216.00
Taiwan	Dollar	11/9	11/11	2		32.00		64.00				64.00
Korea	Dollar	11/11	11/12	1		28.00		28.00				28.00
United States	Dollar	11/13		1		35.00		35.00				35.00
Transportation	Dollar									2,479.03		2,479.03
Subtotal								673.00		2,479.03		3,152.03

COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON FOREIGN OPERATIONS—Continued

		Date			Per diem rate		Total amount per diem		Trannsportation[1]		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mr. Donald E. Richbourg:												
United States	Dollar		10/26	1		35.00		35.00				35.00
Switzerland	Dollar	10/27	11/1	6		34.00		204.00				204.00
Thailand	Dollar	11/2	11/4	2		28.00		56.00				56.00
Hong Kong	Dollar	11/4	11/9	6		36.00		216.00				216.00
Taiwan	Dollar	11/9	11/11	2		32.00		64.00				64.00
Korea	Dollar	11/11	11/12	1		28.00		28.00				28.00
United States	Dollar	11/13		1		35.00		35.00				35.00
Transportation	Dollar									2,205.85		2,205.85
Subtotal								638.00		2,205.85		2,843.85
Total								1,311.00		4,684.88		5,995.88

COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON INDEPENDENT OFFICES—HUD

		Date			Per diem rate		Total amount per diem		Transportation[1]		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Joseph M. McDade:												
France	Dollar	11/6	11/9	3		38.00		114.00				114.00
Austria	Dollar	11/9	11/14	5		30.00		150.00				150.00
England	Dollar	11/14	11/16	2		36.00		72.00				72.00
Transportation	Dollar									589.00		589.00
Total								336.00		589.00		925.00

COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON STATE, JUSTICE, COMMERCE, AND JUDICIARY

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Frank T. Bow:												
Germany	Dollar	6/19	6/22	4		30.00		120.00				120.00
Switzerland	Dollar	6/22	6/26	4		30.00		120.00				120.00
Transportation	Dollar									860.60		860.60
Subtotal								240.00		860.60		1,100.60
Hon. John J. Rooney:												
Jamaica	Dollar	11/7	11/11	5		33.00		165.00				165.00
Puerto Rico	Dollar	11/12	11/15	4		34.00		136.00				136.00
Transportation	Dollar									258.00		258.00
Subtotal								301.00		258.00		559.00
Mr. Jay B. Howe:												
Jamaica	Dollar	11/7	11/11	5		33.00		165.00				165.00
Puerto Rico	Dollar	11/12	11/15	4		34.00		136.00				136.00
Transportation	Dollar									258.00		258.00
Subtotal								301.00		258.00		559.00
Total								842.00		1,376.60		2,218.60

COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON TRANSPORTATION

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Sidney R. Yates:												
France	Dollar	2/5	2/9	4								(1)
Israel	Dollar	2/9	2/15	7								(1)
Total												(1)

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[1] No per diem or transportation expenses claimed; Congressman traveled at own expense.

COMMITTEE ON APPROPRIATIONS, SURVEYS AND INVESTIGATIONS STAFF

Name and country	Name of currency	Date		Total days	Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Cornelius R. Anderson:												
Japan	Dollar	5/14	5/25	10		31.00		310.00		54.00		364.00
Korea	Dollar	5/25	5/26	1		28.00		28.00				28.00
Japan	Dollar	5/26	5/27	1		31.00		31.00				31.00
Okinawa	Dollar	5/27	5/29	2		26.00		52.00				52.00
Hong Kong	Dollar	5/29	6/1	3		30.00		90.00				90.00
Thailand	Dollar	6/1	6/3	2		28.00		56.00				56.00
Philippines	Dollar	6/3	6/7	4		30.00		120.00				120.00
Round trip transportation	Dollar									2,047.70		2,047.70
Germany	Dollar	9/12	9/28	16		30.00		480.00				480.00
England	Dollar	9/28	10/3	5		36.00		180.00		26.40		206.40
Round trip transportation	Dollar									889.00		889.00
Subtotal								1,347.00		3,017.10		4,364.10
Andrew P. Bosko:												
Germany	Dollar	1/3	1/17	14¼		30.00		427.50				427.50
Belgium	Dollar	1/17	1/21	3¾		32.00		120.00				120.00
England	Dollar	1/21	1/25	3		33.00		99.00				99.00
				1¼		30.00		37.50				37.50
Round-trip transportation	Dollar									934.00		934.00
Subtotal								684.00		934.00		1,618.00
Donald A. Brummitt:												
Germany	Dollar	1/3	1/17	14¼		30.00		427.50		19.50		447.00
Belgium	Dollar	1/17	1/21	3¾		32.00		120.00				120.00
England	Dollar	1/21	1/25	4¼		33.00		140.25				140.25
Round trip transportation	Dollar									882.00		882.00
Subtotal								687.75		901.50		1,589.25
Paul K. Funkhouser:												
Japan	Dollar	5/14	5/25	10		31.00		310.00		54.00		364.00
Korea	Dollar	5/25	5/26	1		28.00		28.00				28.00
Japan	Dollar	5/26	5/27	1		31.00		31.00				31.00
Okinawa	Dollar	5/27	5/29	2		26.00		52.00				52.00
Hong Kong	Dollar	5/29	6/1	3		30.00		90.00				90.00
Thailand	Dollar	6/1	6/3	2		28.00		56.00				56.00
Philippines	Dollar	6/3	6/7	4		30.00		120.00				120.00
Round trip transportation	Dollar									2,047.70		2,047.70
Germany	Dollar	9/12	9/28	16		30.00		480.00				480.00
England	Dollar	9/28	10/3	5		36.00		180.00		26.40		206.40
Round trip transportation	Dollar									889.00		889.00
Subtotal								1,347.00		3,017.10		4,364.10
John G. Goedtel:												
Japan	Dollar	5/14	5/25	10		31.00		310.00				310.00
Korea	Dollar	5/25	5/26	1		28.00		28.00				28.00
Japan	Dollar	5/26	5/27	1		31.00		31.00				31.00
Okinawa	Dollar	5/27	5/29	2		26.00		52.00				52.00
Hong Kong	Dollar	5/29	6/1	3		30.00		90.00				90.00
Thailand	Dollar	6/1	6/3	2		28.00		56.00				56.00
Philippines	Dollar	6/3	6/7	4		30.00		120.00				120.00
Round trip transportation	Dollar									2,047.70		2,047.70
Germany	Dollar	9/12	9/28	16		30.00		480.00				480.00
England	Dollar	9/28	10/3	5		36.00		180.00				180.00
Round trip transportation	Dollar									889.00		889.00
Subtotal								1,347.00		2,936.70		4,283.70
Leroy R. Kirkpatrick:												
Germany	Dollar	1/3	1/17	14¼		30.00		427.50		19.50		447.00
Belgium	Dollar	1/17	1/21	3¾		32.00		120.00				120.00
England	Dollar	1/21	1/25	4¼		33.00		140.25				140.25
Round trip transportation	Dollar									882.00		882.00
Subtotal								687.75		901.50		1,589.25
E. Huyett Magee:												
Germany	Dollar	1/3	1/17	14¼		30.00		427.50				427.50
Belgium	Dollar	1/17	1/21	3¾		32.00		120.00				120.00
England	Dollar	1/21	1/25	3		33.00		99.00				99.00
England	Dollar			1¼		30.00		37.50				37.50
Round trip transportation	Dollar									973.00		973.00
Subtotal								684.00		973.00		1,657.00
Joseph E. Michalski:												
Japan	Dollar	5/14	5/25	10		31.00		310.00		54.00		364.00
Korea	Dollar	5/25	5/26	1		28.00		28.00				28.00
Japan	Dollar	5/26	5/27	1		31.00		31.00				31.00
Okinawa	Dollar	5/27	5/29	2		26.00		52.00				52.00
Hong Kong	Dollar	5/29	6/1	3		30.00		90.00				90.00
Thailand	Dollar	6/1	6/3	2		28.00		56.00				56.00
Philippines	Dollar	6/3	6/7	4		30.00		120.00				120.00
Round trip transportation	Dollar									2,047.70		2,047.70
Germany	Dollar	9/12	9/28	16		30.00		480.0				480.00
England	Dollar	9/28	10/3	5		36.00		180.00		26.40		206.40
Round trip transportation	Dollar									889.00		889.00
Subtotal								1,347.00		3,017.10		4,364.10

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation [1]		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Paul J. Mohr:												
Germany	Dollar	1/3	1/17	14¼		30.00		427.50		19.50		447.00
Belgium	Dollar	1/17	1/21	3¾		32.00		120.00				120.00
England	Dollar	1/21	1/25	4¼		33.00		140.25				140.25
Round trip transportation	Dollar									882.00		882.00
Japan	Dollar	5/14	5/25	10		31.00		310.00				310.00
Korea	Dollar	5/25	5/26	1		28.00		28.00				28.00
Japan	Dollar	5/26	5/27	1		31.00		31.00				31.00
Okinawa	Dollar	5/27	5/29	2		26.00		52.00				52.00
Hong Kong	Dollar	5/29	6/1	3		30.00		90.00				90.00
Thailand	Dollar	6/1	6/1	2		28.00		56.00				56.00
Philippines	Dollar	6/3	6/7	4		30.00		120.00				120.00
Round trip transportation	Dollar									2,047.70		2,047.70
Germany	Dollar	9/12	9/28	16		30.00		480.00				480.00
England	Dollar	9/28	10/3	5		36.00		180.00				180.00
Round trip transportation	Dollar									889.00		889.00
Subtotal								2,034.75		3,838.20		5,872.95
John A. Taylor:												
Germany	Dollar	1/3	1/17	14¼		30.00		427.50		19.50		447.00
Belgium	Dollar	1/17	1/21	3¾		32.00		120.00				120.00
England	Dollar	1/21	1/25	4¼		33.00		140.25				140.25
Round-trip transportation	Dollar									882.00		882.00
Subtotal								687.75		901.50		1,589.25
H. Branch Wood:												
Japan	Dollar	5/14	5/25	10		31.00		310.00				310.00
Korea	Dollar	5/25	5/26	1		28.00		28.00				28.00
Japan	Dollar	5/26	5/27	1		31.00		31.00				31.00
Okinawa	Dollar	5/27	5/29	2		26.00		52.00				52.00
Hong Kong	Dollar	5/29	6/1	3		30.00		90.00				90.00
Thailand	Dollar	6/1	6/3	2		28.00		56.00				56.00
Philippines	Dollar	6/3	6/7	4		30.00		120.00				120.00
Round trip transportation	Dollar									2,047.70		2,047.70
Germany	Dollar	9/12	9/28	16		30.00		480.00				480.00
England	Dollar	9/28	10/3	5		36.00		180.00				180.00
Round trip transportation	Dollar									889.00		889.00
Subtotal								1,347.00		2,936.70		4,283.70
Grand total								12,201.00		23,374.40		35,575.40

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 105, 2D SESS., 91ST CONG., COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1970

Name and country	Name o currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
MASTER COMPILATION												
Subcommittee on Supplemental Service Benefits								1,167.68		7,708.00		8,875.68
Subcommittee to Western Europe and Middle East								2,119.54		4,194.00		6,313.54
Subcommittee to Western Europe								2,266.00		1,856.80		4,122.80
Subcommittee on My Lai Incident								3,814.68		11,000.70		14,815.38
Subcommittee on Antisubmarine Warfare								1,353.03		11,639.95		12,992.98
Subcommittee to Western Europe								2,247.60		7,825.11		10,072.71
Full Committee								918.21		1,401.00		2,319.21
Grand total								13,886.74		45,625.56		59,512.30

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	24,684.07
Appropriated funds:	
Government department:	
Air Force	24,134.23
Navy	10,694.00
Total	59,512.30

F. EDWARD HÉBERT,
Chairman, Committee on Armed Services.

Mar. 15 1971

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 105, 2D SESS., 91ST CONG., SUBCOMMITTEE ON SUPPLEMENTAL SERVICE BENEFITS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1970

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. James A. Byrne:												
Thailand	Baht	1/13	1/14	2	1,041.25	50.00	2,082.50	100.00			2,082.50	100.00
Vietnam	Piaster	1/15	1/17	3	5,900	50.00	13,500	114.40			13,500	114.40
Hong Kong	HK dollar	1/18	1/19	2	302.50	50.00	516.00	85.45			516.00	85.45
Transportation (commercial aircraft).	D. mark								6,940.94	1,880.94	6,940.94	1,880.94
Subtotal								299.85		1,880.94		2,180.79
Hon. Charles W. Wilson:												
Thailand	Baht	1/13	1/15	3	1,041.25	50.00	3,123.75	150.00			3,123.75	150.00
Vietnam	Piaster	1/16	1/16	1	5,900	50.00	5,900	50.00			5,900	50.00
Hong Kong	HK dollar	1/17	1/19	3	302.50	50.00	907.50	150.00			907.50	150.00
Transportation (commercial aircraft).	N. guilder								7,097.07	1,998.07	7,097.07	1,998.07
Subtotal								350.00		1,998.07		2,348.07
Hon. William G. Bray:												
Thailand	Baht	1/13	1/14	2	1,041.25	50.00	1,280.88	61.51			1,280.88	61.51
Vietnam	Piaster	1/15	1/17	3	5,900	50.00	8,640	73.22			8,640	73.22
Hong Kong	HK dollar	1/18	1/19	2	302.50	50.00	377.50	62.35			377.50	62.35
Transportation (commercial aircraft).	N. guilder								7,066.40	1,961.80	7,066.40	1,961.80
Subtotal								197.08		1,961.80		2,158.88
Mr. John J. Ford:												
Thailand	Baht	1/13	1/14	2	1,041,25	50.00	2,082.50	100.00			2,082.50	100.00
Vietnam	Piaster	1/15	1/17	3	5,900	50.00	14,250	120.75			14,250	120.75
Hong Kong	HK dollar	1/18	1/19	2	302.50	50.00	605.00	100.00			605.00	100.00
Transportation (commercial aircraft).	D. mark								6,889.95	1,867,19	6,889.95	1,867.19
Subtotal								320.75		1,867.19		2,187.94
Total								1,167.68		7,708.00		8,875.68

RECAPITULATION

	Amount
Foreign currency (U.S. dollars equivalent)	8,875.68

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 105, 2D SESS., 91ST CONG., SUBCOMMITTEE ON WESTERN EUROPE AND MIDDLE EAST, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1970

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Bill Nichols:												
Spain:	Peseta	1/3	1/5	3	3,480	50.00	10,215	146.76			10,215	146.76
Italy	Lira	1/5	1/7	2	31,450	50.00	56,540	89.89			56,540	89.89
Turkey	Lira	1/7	1/10	2	450	50.00	900	100.00			900	100.00
Iran	Rial	1/10	1/13	3	3,812	50.00	11,437	150.00			11,437	150.00
Transportation:												
(Military aircraft)	U.S. dollar									803.00		803.00
(Commercial aircraft)	U.S. dollar									421.00		421.00
Subtotal								486.65		1,224.00		1,710.65
Hon. Robert H. Mollohan:												
Spain	Peseta	1/3	1/5	3	3,480	50.00	10,440	150.00			10,440	150.00
Italy	Lira	1/5	1/7	2	31,450	50.00	28,600	45.47			28,600	45.47
Turkey	Lira	1/7	1/10	2	450	50.00	900	100.00			900	100.00
Iran	Rial	1/10	1/13	3	3,812	50.00	11,437	150.00			11,437	150.00
Spain	Peseta	1/13	1/17	4	3,480	50.00	10,327	148.38			10,327	148.38
Transportation (military aircraft).	U.S. dollar									873.00		873.00
Subtotal								593.85		873.00		1,466.85
Hon. W. C. Daniel:												
Spain	Peseta	1/3	1/5	3	3,480	50.00	8,644	124.20			8,644	124.20
Italy	Lira	1/5	1/7	2	31,450	50.00	28,336	45.05			28,336	45.05
Turkey	Lira	1/7	1/10	2	450	50.00	900	100.00			900	100.00
Iran	Rial	1/10	1/13	3	3,812	50.00	11,437	150.00			11,437	150.00
Transportation:												
(Miltary aircraft)	U.S. dollar									803.00		803.00
(Commercial aircraft)	U.S. dollar									421.00		421.00
Subtotal								419.25		1,224.00		1,643.25
Mr. William H. Cook:												
Spain	Peseta	1/3	1/5	2	3,480	50.00	10,440	150.00			10,440	150.00
Italy	Lira	1/5	1/7	2	31,450	50.00	62,900	100.00			62,900	100.00
Turkey	Lira	1/7	1/10	2	450	50.00	900	100.00			900	100.00
Iran	Rial	1/10	1/13	3	3,812	50.00	11,437	150.00			11,437	150.00
Spain	Peseta	1/13	1/17	4	3,480	50.00	8,337	119.79			8,337	119.79
Transportation (military aircraft).	U.S. dollar									873.00		873.00
Subtotal								619.79		873.00		1,492.79
Total								2,119.54		4,194.00		6,313.54

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	2,119.54
Appropriated funds:	
Government department: Air Force	4,194.00
Total	6,313.54

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 105, 2D SESS., 91ST CONG., SUBCOMMITTEE ON WESTERN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1970

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Philip J. Philbin:												
Germany	D. mark	3/30	4/3	5	184	50.00	918	250.00			918	250.00
Italy	Lira	4/3	4/4	1	31,450	50.00	31,450	50.00			31,450	50.00
Spain	Peseta	4/4	4/7	3	3,490	50.00	10,470	150.00			10,470	150.00
England	B. pound	4/7	4/11	4	20.15.5	50.00	82.19.0	200.00	7.0.0	16.80	89.19.0	216.80
Transportation (military aircraft).	U.S. dollar									460.00		460.00
Subtotal								650.00		476.80		1,126.80
Hon. G. Elliott Hagan:												
Germany	D. mark	3/30	4/3	5	184	50.00	918	250.00			918	250.00
Italy	Lira	4/3	4/4	1	31,450	50.00	31,450	50.00			31,450	50.00
Spain	Peseta	4/4	4/7	3	3,490	50.00	10,470	150.00			10,470	150.00
England	B. pound	4/7	4/11	4	20.15.5	50.00	47.19.0	116.00			47.19.0	116.00
Transportation (military aircraft).	U.S. dollar									460.00		460.00
Subtotal								566.00		460.00		1,026.00
Hon. Charles W. Whalen:												
Germany	D. mark	3/30	4/3	5	184	50.00	918	250.00			918	250.00
Italy	Lira	4/3	4/4	1	31,450	50.00	31,450	50.00			31,450	50.00
Spain	Peseta	4/5	4/5	1	3,490	50.00	3,490	50.00			3,490	50.00
England	B. pound	4/5	4/6	1	20.15.5	50.00	20.15.5	50.00			20.15.5	50.00
Transportation (military aircraft).	U.S. dollar									460.00		460.00
Subtotal								400.00		460.00		860.00
Mr. Ralph Marshall:												
Germany	D. mark	3/30	4/3	5	184	50.00	918	250.00			918	250.00
Italy	Lira	4/3	4/4	1	31,450	50.00	31,450	50.00			31,450	50.00
Spain	Peseta	4/4	4/7	3	3,490	50.00	10,470	150.00			10,470	150.00
England	B. pound	4/7	4/11	4	20.15.5	50.00	82.19.0	200.00			82.19.0	200.00
Transportation (military aircraft).	U.S. dollar									460.00		460.00
Subtotal								650.00		460.00		1,110.00
Total								2,266.00		1,856.80		4,122.80

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	2,282.80
Appropriated funds:	
Government department—Air Force	1,840.00
Total	4,122.80

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 105, 2D SESS., 91ST CONG., COMMITTEE ON ARMED SERVICES (MY LAI INCIDENT SUBCOMMITTEE), HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1970

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Samuel S. Stratton:												
Vietnam	Piaster	5/11	5/14	3	5,900	50.00	15,020	127.28			15,020	127.28
Taiwan	NT dollar	5/14	5/15	1	2,000	50.00	1,550	38.75			1,550	38.75
Hong Kong	HK dollar	5/15	5/18	3	301.50	50.00	900.20	149.28	[1] 1,021.50	[1] 168.90	1,921.70	318.18
Japan	Yen	5/18	5/20	2	18,000	50.00	28,698	79.71	[1] 127,133	[1] 353.16	155,831	432.87
Transportation (military transportation from United States and return).	U.S. dollar									1,140.88		1,140.88
Subtotal								395.02		1,662.94		2,057.96
Hon. Charles S. Gubser:												
Vietnam	Piaster	5/11	5/14	3	5,900	50.00	17,000	144.06			17,000	144.06
Taiwan	NT dollar	5/14	5/15	1	2,000	50.00	2,000	50.00			2,000	50.00
Hong Kong	HK dollar	5/15	5/18	3	301.50	50.00	904.50	150.00			904.50	150.00
Japan	Yen	5/18	5/20	2	18,000	50.00	36,000	100.00			36,000	100.00
Transportation (Military transportation from United States and return)	U.S. dollar									1,140.88		1,140.88
Subtotal								444.06		1,140.88		1,584.94
Hon. William Dickinson:												
Vietnam	Piaster	5/11	5/14	3	5,900	50,00	17,400	147.46			17,400	147.46
Taiwan	NT dollar	5/14	5/15	1	2,000	50.00	2,000	50.00			2,000	50.00
Hong Kong	HK dollar	5/15	5/18	3	301.50	50.00	904.50	150.00			904.50	150.00
Japan	Yen	5/18	5/20	2	18,000	50.00	36,000	100.00			36,000	100.00
Transportation (military transportation from United States and return).	U.S. dollar									1,140.88		1,140.88
Subtotal								447.46		1,140.88		1,588.34

Footnotes at end of table.

REPORT OF EXPENDITURE OF FOREGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 105, 2D SESS., 91ST CONG., COMMITTEE ON ARMED SERVICES (MY LAI INCIDENT SUBCOMMITTEE), HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1970—Continued

		Date			Per diem rate		Total amount per diem		Transportation[1]		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Charles A. Halleck:												
Vietnam	Piaster	5/11	5/14	3	5,900	50.00	17,000	144.06			17,000	144.08
Taiwan	NT dollar	5/14	5/15	1	2,000	50.00	2,000	50.00			2,000	50.06
Hong Kong	HK dollar	5/15	5/18	3	301.50	50.00	904.50	150.00			904.50	150.00
Japan	Yen	5/18	5/20	2	18,000	50.00	36,000	100.00			36,000	100.00
Transportation (military transportation from United States and return).	U.S. dollar									1,140.88		1,140.80
Subtotal								444.06		1,140.88		1,584.94
Rear Adm. Allan S. Chrisman:												
Vietnam	Piaster	5/11	5/14	3	5,900	50.00	17,470	148.06			17,470	148.06
Taiwan	NT dollar	5/14	5/15	1	2,000	50.00	1,750	43.75			1,750	43.75
Hong Kong	HK dollar	5/15	5/18	3	301.50	50.00	904.50	150.00			904.50	150.00
Japan	Yen	5/18	5/20	2	18,000	50.00	36,000	100.00			36,000	100.00
Transportation (military transportation from United States and return).	U.S. dollar									1,140.88		1,140.88
Subtotal								441.81		1,140.88		1,582.69
Mr. Frank Slatinshek:												
Vietnam	Piaster	5/11	5/14	3	5,900	50.00	17,380	147.29			17,380	147.29
Taiwan	NT dollar	5/14	5/15	1	2,000	50.00	2,000	50.00			2,000	50.00
Hong Kong	HK dollar	5/15	5/18	3	301.50	50.00	904.50	150.00			904.50	150.00
Japan	Yen	5/18	5/18	0								
Transportation:												
(Military transportation from United States (1-way).	U.S. dollar									558.80		558.80
(Commercial transportation Tokyo to Washington, D.C.)	Yen								285,408	792.80	285,408	792.80
Subtotal								347.29		1,351.60		1,698.89
Mr. John Reddan:												
Vietnam	Piaster	5/11	5/14	3	5,900	50.00	17,485	148.27			17,485	148.27
Taiwan	NT dollar	5/14	5/15	1	2,000	50.00	1,700	42.50			1,700	42.50
Hong Kong	HK dollar	5/15	5/18	3	301.50	50.00	904.50	150.00			904.50	150.00
Japan	Yen	5/18	5/20	2	18,000	50.00	36,000	100.00			36,000	100.00
Transportation (military transportation from United States and return).	U.S. Dollar									1,140.88		1,140.88
Subtotal								440.77		1,140.88		1,581.65
Mr. John F. Lally:												
Vietnam	Piaster	5/11	5/14	3	5,900	50.00	17,000	144.06			17,000	144.06
Taiwan	NT dollar	5/14	5/15	1	2,000	50.00	1,940	48.50			1,940	48.50
Hong Kong	HK dollar	5/15	5/18	3	301.50	50.00	904.50	150.00			904.50	150.00
Japan	Yen	5/18	5/20	2	18,000	50.00	36,000	100.00			36,000	100.00
Transportation (military transportation from United States and return).	U.S. dollar									1,140.88		1,140.88
Subtotal								442.56		1,140.88		1,583.44
Mr. Raymond Lushin:												
Vietnam	Piaster	5/11	5/14	3	5,900	50.00	13,580	115.08			13,580	115.08
Taiwan	NT dollar	5/14	5/15	1	2,000	50.00	1,863	46.57			1,863	46.57
Hong Kong	HK dollar	5/15	5/18	3	301.50	50.00	904.50	150.00			904.50	150.00
Japan	Yen	5/18	5/20	2	18,000	50.00	36,000	100.00			36,000	100.00
Transportation (military transportation from United States and return).	U.S. dollar									1,140.88		1,140.88
Subtotal								411.65		1,140.88		1,552.53
Total								3,814.68		11,000.70		14,815.38

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[1] Cost of local transportation for entire group charged to Mr. Stratton as acting chairman of subcommittee.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	5,129.54
Appropriated funds:	
Government department:	
	9,685.84
Total	14,815.38

SAMUEL S. STRATTON,

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 105, 2D SESS., 91ST CONG., SUBCOMMITTEE ON ANTISUBMARINE WARFARE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Samuel S. Stratton:												
Italy	Lira	9/1	9/2	1	31,450	50.00	9,850	15.65			9,850	15.65
Israel	I. pound	9/2	9/4	2	175	50.00	290	82.85	108.60	31.09	398.60	113.94
Great Britain	B. pound	9/4	9/5	1	20.17.0	50.00	20.17.0	50.00			20.17.0	50.00
Transportation (military aircraft)	U.S. dollar									1,422.00		1,422.00
Subtotal								148.50		1,453.09		1,601.59
Hon. Robert L. Leggett:												
Italy	Lira	9/1	9/2	1	31,450	50.00	28,450	45.25			28,450	45.25
Israel	I. pound	9/2	9/4	2	175	50.00	350	100.00	108.60	31.09	458.60	131.09
Great Britain	B. pound	9/4	9/5	1	20.17.0	50.00	20.17.0	50.00			20.17.0	50.00
Transportation (military aircraft)	U.S. dollar									1,422.00		1,422.00
Subtotal								195.25		1,453.09		1,648.34
Hon. Floyd V. Hicks:												
Italy	Lira	9/1	9/2	1	31,450	50.00	10,950	17.40			10,950	17.40
Israel	I. pound	9/2	9/4	2	175	50.00	260	74.25	108.60	31.09	368.60	105.34
Great Britain	B. pound	9/4	9/5	1	20.17.0	50.00	20.17.0	50.00			20.17.0	50.00
Transportation (military aircraft).	U.S. dollar									1,422.00		1,422.00
Subtotal								141.65		1,453.09		1,594.74
Hon. Bob Wilson:												
Israel	I. pound	9/2	9/4	2	175	50.00	240	68.57	108.60	31.09	348.60	99.66
Great Britain	B. pound	9/4	9/10	7	20.17.0	50.00	104.3.4	250.00			104.3.4	250.00
Transportation (commercial aircraft).	D. mark								5,218.57	1,437.23	5,218.57	1,437.23
Subtotal								318.57		1,468.32		1,786.89
Hon. Robert T. Stafford:												
Italy	Lira	9/1	9/2	1	31,450	50.00	9,920	15.80			9,920	15.80
Israel	I. pound	9/2	9/4	2	175	50.00	247	70.55	108.60	31.09	355.60	101.64
Great Britain	B. pound	9/4	9/5	1	20.17.0	50.00	20.17.0	50.00			20.17.0	50.00
Transportation (military aircraft).	U.S. dollar									1,422.00		1,422.00
Subtotal								136.35		1,453.09		1,589.44
Hon. G. William Whitehurst:												
Italy	Lira	9/1	9/2	1	31,450	50.00	11,450	18.20			11,450	18.20
Israel	I. pound	9/2	9/4	2	175	50.00	185	52.85	108.60	31.09	293.60	83.94
Great Britain	B. pound	9/4	9/5	1	20.17.0	50.00	20.17.0	50.00			20.17.0	50.00
Transportation (military aircraft).	U.S. dollar									1,422.00		1,422.00
Subtotal								121.05		1,453.09		1,574.14
Rear Adm. Allan S. Chrisman, U.S. Navy, retired:												
Italy	Lira	9/1	9/2	1	31,450	50.00	21,650	34.36			21,650	34.36
Israel	I. pound	9/2	9/4	2	175	50.00	185	52.85	108.60	31.09	293.60	83.74
Great Britain	B. pound	9/4	9/5	1	20.17.0	50.00	20.17.0	50.00			20.17.0	50.00
Transportation (military aircraft).	U.S. dollar									1,422.00		1,422.00
Subtotal								137.21		1,453.09		1,590.30
Mr. George Norris:												
Italy	Lira	9/1	9/2	1	31,450	50.00	5,850	9.30			5,850	9.30
Israel	I. pound	9/2	9/4	2	175	50.00	330	95.15	108.60	31.09	438.60	126.24
Great Britain	B. pound	9/4	9/5	1	20.17.0	50.00	20.17.0	50.00			20.17.0	50.00
Transportation (military aircraft).	U.S. dollar									1,422.00		1,422.00
Subtotal								154.45		1,453.09		1,607.54
Total								1,353.03		11,639.95		12,992.98

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	3,038.98
Appropriated funds:	
Government department:	
Navy	9,954.00
Total	12,992.98

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 105, 2D SESS., 91ST CONG., SUBCOMMITTEE TO WESTERN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Charles H. Wilson:												
Ireland	I. pound	9/4	9/7	3	20.17.0	50.00	62.12.70	150.00			62.12.70	150.00
England	B. pound	9/7	9/11	5	20.17.0	50.00	104.3.4	250.00			104.3.4	250.00
Spain	Peseta	9/11	9/13	2	3,480	50.00	6,960	100.00			6,960	100.00
Transportation (military aircraft)	U.S. dollar									1,690.63		1,690.63
Subtotal								500.00		1,690.63		2,190.63
Hon. Richard C. White:												
Ireland	I. pound	9/4	9/7	3	20.17.0	50.00	62.12.70	150.00			62.12.70	150.00
England	B. pound	9/7	9/11	5	20.17.0	50.00	104.3.4	250.00			104.3.4	250.00
Spain	Peseta	9/11	9/13	2	3,480	50.00	6,960	100.00			6,960	100.00
Transportation (military aircraft)	U.S. dollar									1,690.63		1,690.63
Subtotal								500.00		1,690.63		2,190.63
Hon. W. C. Daniel:												
Ireland	I. pound	9/4	9/7	3	20.17.0	50.00	61.12.70	147.60			61.12.70	147.60
England	B. pound	9/7	9/8	1	20.17.0	50.00	20.17.0	50.00	17.0.0	41.65	37.1.0	91.65
Franc	Franc	9/8	9/9	1	276	50.00	276	50.00	166	30.07	442	80.07
England [1]	B. pound	9/10	9/10	1								
Transportation (military aircraft)	U.S. dollar									990.87		990.87
Subtotal								247.60		1,062.59		1,310.19
Mr. Earl Morgan:												
Ireland	I. pound	9/4	9/7	3	20.17.0	50.00	62.12.70	150.00			62.12.70	150.00
England	B. pound	9/7	9/11	5	20.17.0	50.00	104.3.4	250.00			104.3.4	250.00
Spain	Peseta	9/11	9/13	2	3,480	50.00	6,960	100.00			6,960	100.00
Transportation (military aircraft)	U.S. dollar									1,690.63		1,690.63
Subtotal								500.00		1,690.63		2,190.63
Mr. James F. Shumate:												
Ireland	I. pound	9/4	9/7	3	20.17.0	50.00	62.12.70	150.00			62.12.70	150.00
England	B. pound	9/7	9/11	5	20.17.0	50.00	104.3.4	250.00			104.3.4	250.00
Spain	Peseta	9/11	9/13	2	3,480	50.00	6,960	100.00			6,960	100.00
Transportation (military aircraft)	U.S. dollar									1,690.63		1,690.63
Subtotal								500.00		1,690.63		2,190.63
Grand total								2,247.60		7,825.11		10,072.7

[1] No counterpart drawn.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	2 319.32
Appropriated funds:	
Government department:	
Air Force	7,753.39
Total	10,072.71

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 105, 2D SESS., 91ST CONG., COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S .dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. L. Mendel Rivers:												
England	B. pound	9/7	9/11	5	20.17.0	50.00	104.3.4	250.00			104.3.4	250.00
Transportation (private aircraft)												
Subtotal								250.00				250.00
Hon. Samuel S. Stratton:												
Ireland	I. pounds	1/24	1/26	2	20.16.2	50.00	31.09.0	67.01			31.09.0	67.01
England [1]	B. pound	1/26	1/27	2	20.16.2	50.00	39.22.4	92.00			39.22.4	92.00
England [1]	B. pound	1/27	2/6	9								
Germany	D. mark	2/6	2/9	4	184	50.00	128	34.65			128	34.65
Transportation:												
Commercial aircraft	U.S. dollar									244.00		244.00
Military aircraft	U.S. dollar									496.00		496.00
Subtotal								193.66		740.00		933.66

Footnotes at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 105, 2D SESS., 91ST CONG., COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970—Continued

Name and country	Name of currency	Date		Total days	Per diem rate		Total amount per diem		Transportation[1]		Total	
		Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
John R. Blandford:												
Spain	Peseta	12/12	12/15	3	3,480.00	50.00	6,440.00	92.55			6,440.00	92.55
Portugal	Escudo	12/15	12/17	3	1,427.00	50.00	3,760.80	132.00			3,760.80	132.00
Italy[1]	Lira	12/17	12/18	1								
Germany	D. mark	12/19	1/4/71	17	181.50	50.00	907.50	250.00			907.50	250.00
Transportation (military aircraft).	U.S. dollar									661.00		661.00
Subtotal								474.55		661.00		1,135.55
Grand total								918.21		1,401.00		2,319.21

[1] No counterpart drawn.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	918.21
Appropriated funds:	
Government Department:	
Navy	740.00
Air Force	661.00
Total	2,319.21

EDWARD F. HÉBERT,
Chairman, Committee on Armed Services.

Mar. 15, 1971.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 152, 2D SESS., 91ST CONG., COMMITTEE ON BANKING AND CURRENCY HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1970

Name and country	Name of currency	Date		Total days	Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Thomas L. Ashley:												
Japan	Yen	4/4	4/6	3	18,000	50.00	54,000	150.00			54,000	150.00
Korea	Won	4/7	4/11	5	15,275	50.00	76,375	250.00			76,375	250.00
Japan	Yen	4/12	4/13	2	18,000	50.00	36,000	100.00			36,000	100.00
							[1] 12,000	[1] 48.13				
Hon. Garry Brown:												
Uruguay	Peso	4/17	4/23	7	12,462	50.00	75,237	301.87			75,237	301.87
Brazil	Cruzeiro	4/24	4/26	3	223.00	50.00	669.00	150.00			669.00	150.00
Denmark	D. krone	9/21	9/25	5	375.00	50.00	1,875	250.00	4,317.50	575.82	6,192.50	825.82
Germany	D. mark								3,304.98	910.21	3,304.98	910.21
Mr. Orman S. Fink:												
Japan	Yen	4/4	4/6	3	18,000	50.00	54,000	150.00			54,000	150.00
							[1] 15,250	[1] 50.20				
Korea	Won	4/7	4/10	4	15,275	50.00	61,125	199.80			66,125	199.80
Japan	Yen	4/11	4/13	3	18,000	50.00	54,000	150.00			54,000	150.00
Belgium	B. franc	9/17	9/20	4	250	50.00	10,000	200.00	3,600	72.26	13,600	272.26
							[1] 375	[1] 50.00				
Denmark	D. krone	9/21	9/25	5	375	50.00	1,875	250.00			1,875	250.00
							[1] 3,480	[1] 50.00				
Spain	Peseta	9/26	9/27	2	3,480	50.00	6,960	100.00			6,960	100.00
Mr. Benet Gellman:												
United Kingdom	B. pound	9/17	9/20	4	20.16.8	50.00	83.6.8	200.00			83.6.8	200.00
							[1] 490	[1] 65.35				
Denmark	D. krone	9/21	9/26	5	375.00	50.00	1,760	234.65			1,760	234.65
Germany	D. mark								2,137.44	588.66	2,137.44	588.66
							[1] 3,300	[1] 13.24				
Hon. Tom Gettys:												
Uruguay	Peso	4/17	4/23	7	12,462.42	50.00	83,937	336.76			83,937	336.76
Brazil	Cruzeiro	4/24	4/26	3	223.00	50.00	669.00	150.00			669.00	150.00
Hon. Seymour Halpern:												
Japan	Yen	4/4	4/6	3	18,000	50.00	54,000	150.00			54,000	150.00
Korea	Won	4/7	4/11	5	15,275	50.00	76,375	250.00			76,375	250.00
Japan	Yen	4/12	4/13	2	18,000	50.00	36,000	100.00			36,000	100.00
Hon. Richard T. Hanna:												
Japan	Yen	4/5	4/6	2	18,000	50.00	36,000	100.00	25,506	70.85	61,506	170.85
Korea	Won	4/7	4/10	4	15,275	50.00	61,100	200.00	273,278	899.45	61,000	1,099.45
Japan	Yen	4/11	4/13	3	18,000	50.00	54,000	150.00			54,000	150.00
Hon. Albert W. Johnson:												
Japan	Yen	4/4	4/6	3	18,000	50.00	54,000	150.00			54,000	150.00
Korea	Won	4/7	4/11	5	15,275	50.00	76,375	250.00			76,375	250.00
Japan	Yen	4/12	4/13	2	18,000	50.00	36,000	100.00			36,000	100.00
Denmark	Krone	9/19	9/24	6	375	50.00	2,250	300.00	4,730	630.83	6,980	930.83
Spain	Peseta	9/25	9/27	3	3,480	50.00	10,440	150.00			10,440	150.00
Germany	Deutsche mark								1,625.04	447.55	1,625.04	447.55
Hon. Chester L. Mize:												
Denmark	Deutsche krone	9/19	9/24	6	375	50.00	2,250	300.00	5,060	674.85	7,310	974.85
Germany	Deutsche mark								3,239.10	892.07	3,239.10	892.07

Footnotes at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 152, 2D SESS., 91ST CONG., COMMITTEE ON BANKING AND CURRENCY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1970—Continued

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Paul Nelson:												
Japan	Yen	4/4	4/6	3	18,000	50.00	54,000	150.00			54,000	150.00
Korea	Won	4/7	4/11	5	15,275	50.00	76,375	250.00			76,375	250.00
Japan	Yen	4/12	4/14	3	18,000	50.00	54,000	150.00			54,000	150.00
Belgium	B. franc	9/17	9/20	4	2,500	50.00	10,000	200.00			10,000	200.00
							[1] 750	[1] 100.00				
Denmark	D. krone	9/21	9/24	4	375	50.00	1,500	200.00			1,500	200.00
Spain	Peseta	9/25	9/27	3	3,480	50.00	10,440	150.00			10,440	150.00
							[1] 11,650	[1] 46.73				
Graham T. Northup:												
Uruguay	Peso	4/17	4/23	7	12,462	50.00	75,587	303.27			75,587	303.27
Brazil	Cruzeiro	4/24	4/26	3	223	50.00	669.00	150.00			669.00	150.00
Hon. Wright Patman:												
Belgium	B. franc	9/17	9/20	4	2,500	50.00	10,000	200.00			10,000	200.00
							[2] 750	[2] 100.00				
Denmark	D. krone	9/21	9/24	4	375	50.00	1,500	200.00	[3] 4,152.50	[3] 553.81	4,152.50	753.81
Spain	Peseta	9/25	9/27	3	3,480	50.00	10,440	150.00			10,440	150.00
Hon. J. William Stanton:												
Uruguay	Peso	4/17	4/23	7	12,462	50.00	87,237	350.00			87,237	350.00
							[1] 40.00	[1] 9.15				
Brazil	Cruzeiro	4/24	4/26	3	223	50.00	629.00	140.85			629.00	140.85
Hon. Robert G. Stephens, Jr.:												
Uruguay	Peso	4/17	4/23	7	12,462	50.00	87,237	350.00			87,237	350.00
Brazil	Cruzeiro	4/24	4/26	3	223	50.00	669	150.00			669	150.00
Hon. William B. Widnall:												
Belgium	B. franc	9/17	9/20	4	2,500	50.00	10,000	200.00			10,000	200.00
Denmark	D. krone	9/21	9/25	5	375	50.00	1,875	250.00	4,592.50	612.50	6,467.50	862.50
Spain	Peseta	9/26	9/27	2	3,480	50.00	6,960	100.00			6,960	100.00
Hon. Benjamin B. Blackburn:												
Nicaragua	Córdoba	1/25	1/30	6	350	50.00	2,100	300.00			2,100	300.00
Guatemala	Quetzal	1/31	2/3	4	50	50.00	200	200.00	300	300.00	500	500.00
Japan	Yen	4/4	4/6	3	18,000	50.00	54,000	150.00			54,000	150.00
Korea	Won	4/7	4/11	5	15,275	50.00	76,375	250.00			76,375	250.00
Japan	Yen	4/12	4/13	2	18,000	50.00	36,000	100.00			36,000	100.00
Germany	D. mark				184.00	50.00			1,230.80	333.92	1,230.80	333.92

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[1] Refund.

[2] Refund ($7.68 to Embassy; $92.32 to State Department).

[3] Local transportation used by group attending meeting for which I signed as dean of the group.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	18,279.98

WRIGHT PATMAN,
Chairman, Committee on Banking and Currency.

Mar. 18, 1971.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 347 AND H. RES. 572 OF 1ST SESS. AND H. RES. 1033 OF 2D SESS., 91ST CONG., COMMITTEE ON EDUCATION AND LABOR (FULL COMMITTEE), HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. John H. Dent:												
Switzerland	S. franc	6/18	6/24	7	215.50	50.00	1,508.50	350.00	1,497	346.69	3,005.50	696.69
Denmark	Kroner	6/25	6/26	2	375	50.00	750	100.00	94.15	12.54	844.15	112.54
United Kingdom	Pound	6/27	6/28	2	20.56.1	50.00	41.12.3	100.00			41.12.3	100.00
Germany [2]	Deutsche mark								3,367.20	925.31	3,367.20	[1] 925.31
Hon. Dominick V. Daniels:												
Switzerland	S. franc	6/18	6/23	6	215.50	50.00	1,508.50	350.00			1,508.50	[3] 350.00
Total								300.00				
Germany [2]	Marks								3,228.12	887.09	3,228.12	887.09
Denmark	Krone	6/24	6/25	2	375	50.00	750	100.00			750	[4] 100.00
Total								0				
United Kingdom	Pound	6/25	6/26	2	20.9.4	50.00	41.12.3	100.00			41.12.3	[4] 100.00
Total								0				
Hon. William H. Ayres:												
Switzerland	Swiss francs	6/4	6/9	6	215.50	50.00	1,293	300.00			1,293.00	300.00
Local transportation									1,920.00	446.72	1,920.00	446.72
Germany [2]	Marks								3,228.12	887.09	3,228.12	887.09
Hon. John M. Ashbrook:												
Switzerland	S. francs	6/1	6/15	14	215.50	50.00	3,018.75	700.00	3,168.00	737.09	6,186.75	1,437.09
Germany [2]	Marks								3,228.12	887.09	3,228.12	887.09
Hon. John N. Erlenborn:												
Switzerland	S. francs	6/13	6/23	10	215.50	50.00	2,155	500.00			2,155	500.00
Local transportation									2,189.60	507.09	2,189.60	507.09
Germany [5]	Marks								3,531.90	970.57	3,531.90	970.57
Denmark	Krone	6/23	6/25	2	325	50.00	750	100.00			750	100.00
United Kingdom	Pounds	6/26	6/29	3	20.9.4	50.00	62.8.3	150.00			62.8.3	150.00
Local transportation									4.13.6	11.22	4.13.6	11.22

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[1] $50 (U.S. dollars) refunded.

[2] Round trip air fare.

[3] $50 of per diem amount returned by personal check.

[4] $100 of per diem amount returned by personal check.

[5] Round trip fare.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$9,168.50

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 572, 1ST SESS., 91ST CONG., COMMITTEE ON EDUCATION AND LABOR (SELECT SUBCOMMITTEE ON EDUCATION), HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. equivalent or U.S. currency	Foreign currency	U.S. equivalent or U.S. currency	Foreign currency	U.S. equivalent or U.S. currency
Hon. John Brademas:												
Israel	Pounds	1/14	1/25	12	175	50.00	2,100	600.00	[1]7,092.84	[1]2,026.58	9,192.84	2,626.53
Netherlands [2]	Florin								3,142.65	872.47	3,142.65	872.47
Hon. James H. Scheuer:												
Israel	Pounds	1/13	1/23	10	175	50.00	1,750	500.00			1,750.00	500.00
Netherlands [2]	Florin								3,199.23	887.98	3,199.23	887.98
Hon. Lloyd Meeds:												
Israel	Pounds	1/10	1/25	15	175	50.00	2,100	600.00			2,100.00	600.00
Netherlands [2]	Florin								2,587.85	718.44	2,587.85	718.44
Hon. Orval Hansen:												
Israel	Pounds	1/12	1/20	9	175	50.00	1,575	450.00			1,575.00	450.00
Netherlands [2]	Florin								3,660.95	1,016.37	3,660.95	1,016.37
Charles W. Radcliffe:												
Israel	Pounds	1/13	1/25	13	175	50.00	2,275	650.00			2,275.00	650.00
Netherlands [2]	Florin								3,124.40	867.41	3,124.40	867.41
Jack G. Duncan:												
Israel	Pounds	1/13	1/25	13	175	50.00	2,275	650.00			2,275.00	650.00
Germany [2]	Marks											
Netherlands	Florin								3,191.52	864.91	3,191.52	864.91
Jack Schuster:												
Israel	Pounds	1/13	1/27	15	175	50.00	2,625	750.00			2,625.00	750.00
Netherlands [2]	Florin								2,387.10	662.72	2,387.10	662.72
Robert Andringa:												
Israel	Pound	1/13	1/25	13	175	50.00	2,275	650.00			2,275.00	650.00
Germany	Mark								3,191.52	864.91	3,191.52	864.91

[1] Includes local transportation for all members on trip.

[2] Round trip air fare.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$13,631.74

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 572, 1ST SESS., 91ST CONG., COMMITTEE ON EDUCATION AND LABOR (GENERAL SUBCOMMITTEE ON LABOR), HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1970

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation [1]		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Augustus F. Hawkins:												
Philippines	Peso	1/8	1/10	3	196	50.00	587.80	150.00	[1]60.13	[1]15.34	647.93	165.34
Thailand	Baht	1/10	1/14	4	1,041.25	50.00	4,165	200.00			4,165	200.00
Hong Kong	Dollars	1/14	1/18	4	302.50	50.00	1,210	200.00	[1]75.05	[1]12.37	1,285.05	212.37
Taiwan	Dollars	1/18	1/19	1					[1]429.44	[1]10.74	429.44	10.74
Japan	Yen	1/19	1/24	6	18,000	50.00	108,000	300.00	[1]69,127	[1]192.02	177,127	492.02
Germany (round-trip air fare)	Marks								6,889.95	1,867.20	6,889.95	1,867.20
Sweden	Kroner	8/15	8/18	4	258.75	50.00	1,035	200.00	[1]619.58	[1]119.68	1,654.58	319.68
Denmark	Kroner	8/18	8/23	5	375	50.00	1,875	250.00	[1]400.38	53.42	2,275.38	303.42
Denmark (air fare)	Kroner								139.20	18.56	139.20	18.56
Norway	Kroner	8/23	8/25	2	356.62	50.00	713.25	100.00	2,385	334.13	3,098.25	434.13
Germany (round-trip air fare)	Marks								3,547.27	976.94	3,547.27	976.94
Panama Canal Zone	Dollar	11/5	11/7	2								
Costa Rica	Colon	11/7	11/10	3	331	50.00	1,655	250.00	[1]1,131.08	[1]170.86	2,786.08	420.86
Costa Rica	Colon	11/7	11/10	3							[2]779.25	[2]117.71
Costa Rica	Colon	11/7	11/10	3			(460.67)	(69.59)			(460.67)	(69.59)
Mexico	Peso	11/10	11/14	5	624.50	50.00	3,122.50	250.00	[1]1,850	[1]148.12	4,972.50	398.12
Mexico	Peso	11/10	11/14	5							[1]138.00	[2]11,052
Phillip Burton:												
Philippines	Peso	1/8	1/11	4	196	50.00	783.80	200.00	[1]60.13	[1]15.34	843.93	215.34
Thailand	Baht	1/11	1/14	3	1,041.25	50.00	3,123.75	150.00			3,123.75	150.00
Hong Kong	Dollar	1/14	1/18	4	302.50	50.00	1,210	200.00	[1]75.05	12.37	1,285.05	212.37
Taiwan	Dollar	1/18	1/19	1					[1]429.44	10.74	429.44	10.74
Japan	Yen	1/19	1/24	6	18,000	50.00	108,000	300.00	[1]69,127	[1]192.02	1,771.27	492.02
Germany (round-trip air fare)	Marks								6,390.36	1,731.80	6,390.36	1,731.80
Sweden	Kroner	8/15	8/18	4	258.75	50.00	1,035	200.00	[1]619.58	[1]119.68	1,654.58	319.68
Demark	Kroner	8/18	8/23	5	375	50.00	1,875	250.00	[1]400.37	[1]53.39	2,275.37	303.39
Germany (round-trip air fare)	Marks								3,547.27	976.94	3,547.27	976.94
William Clay:												
Philippines	Peso	1/8	1/10	3	196	50.00	587.80	150.00	[1]60.13	[1]15.34	647.93	165.34
Thailand	Baht	1/10	1/14	4	1,041.25	50.00	4,165	200.00			4,165	200.00
Hong Kong	Dollar	1/14	1/18	4	302.50	50.00	1,210	200.00	[1]75.05	[1]12.37	1,285.05	212.37
Taiwan	Dollar	1/18	1/19	1					[1]429.44	[1]10.74	429.44	10.74
Japan	Yen	1/19	1/24	6	18,000	50.00	108,000	300.00	[1]69,127	[1]192.02	177,127	492.02
Germany (round-trip air fare)	Marks								6,889.95	1,867.20	6,889.95	1,867.20
Panama Canal Zone	Dollar	11/5	11/7	2								
Costa Rica	Colón	11/7	11/10	3	331	50.00	1,655	250.00	[1]1,131.08	[1]170.86	2,786.08	420.86
Costa Rica	Colón	11/7	11/10	3	331	50.00	(460.67)	(69.59)			(460.67)	(69.59)
Mexico	Peso	11/10	11/14	5	624.50	50.00	3,122.50	250.00	[1]1,850	[1]148.12	4,972.50	398.12
Louis Stokes:												
Panama Canal Zone	Dollar	11/5	11/7	2								
Costa Rica	Colón	11/7	11/10	3	331	50.00	1,655	250.00	[1]1,131.08	[1]170.86	2,786.08	420.86
Costa Rica	Colón	11/7	11/10	3			(460.67)	(69.59)			(460.67)	(69.59)
Mexico	Peso	11/10	11/14	5	624.50	50.00	3,122.50	250.00	[1]1,850	[1]148.12	4,972.50	398.12
William D. Ford:												
Philippines	Peso	1/8	1/11	4	196	50.00	783.80	200.00	[1]60.13	[1]15.34	647.93	215.34
Thailand	Baht	1/11	1/14	3	1,041.25	50.00	3,123.75	150.00			3,123.75	150.00
Taiwan	Dollar	1/14	1/16	2	2,000	50.00	4,000	100.00			4,000	100.00
Okinawa	Dollar	1/16	1/17	1								
Korea	Won	1/17	1/19	2	15,165	50.00	30,330	100.00			30,330	100.00
Japan	Yen	1/19	1/21	3	18,000	50.00	54,000	150.00	[1]3,690	[1]10.25	57,690	160.25
Germany (round-trip air fare)	Deutsche Mark								7,124.19	1,930.67	7,124.19	1,930.67

Footnotes at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 572, 1ST SESS., 91ST CONG., COMMITTEE ON EDUCATION AND LABOR (GENERAL SUBCOMMITTEE ON LABOR), HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1970—Continued

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
John N. Erlenborn:												
Philippines	Peso	1/8	1/10	3	196	50.00	587.80	150.00	[1] 60.13	[1] 15.34	647.93	165.34
Thailand	Baht	1/10	1/14	4	1,041.25	50.00	4,165	200.00			4,165	200.00
Hong Kong	Dollar	1/14	1/18	4	302.50	50.00	1,210	200.00	75.05	12.37	1,285.05	212.37
Taiwan	Dollar	1/18	1/19	1					[1] 429.44	[1] 10.74	429.44	10.74
Japan	Yen	1/19	1/24	6	18,000	50.00	108,000	300.00	[1] 69,127	[1] 192.02	177,127	492.02
Germany (round-trip air fare)	Marks								6,889.95	1,867.20	6,889.95	1,867.20
Panama Canal Zone	Dollar	11/5	11/7	2								
Costa Rica	Colon	11/7	11/10	3	331	50.00	1,655	250.00	[1] 1,131.08	170.86	2,786.08	420.86
Costa Rica	Colon						(460.67)	(69.59)			(460.67)	(69.59)
Mexico	Peso	11/10	11/14	5	624.50	50.00	3,122.50	250.00	[1] 1,850	[1] 148.12	4,972.50	398.12
William Scherle:												
Panama Canal Zone	Dollar	11/5	11/7	2								
Costa Rica	Colón	11/7	11/10	3	331	50.00	1,655	250.00	[1] 1,131.08	[1] 170.86	2,786.08	420.86
Costa Rica	Colón						(460.67)	(69.59)			(460.67)	(69.59)
Mexico	Peso	11/10	11/14	5	624.50	50.00	3,122.50	250.00	[1] 1,850	[1] 148.12	4,972.50	398.12
Marvin Esch:												
Philippines	Peso	1/8	1/10	3	196	50.00	783.80	200.00	[1] 60.13	[1] 15.34	843.93	215.34
Philippines	Peso						(201)	(51.28)			(201.00)	(51.28)
Thailand	Baht	1/10	1/13	3	1,041.25	50.00	3,123.75	150.00			3,123.75	150.00
Vietnam	Piaster	1/13	1/15	2								
Hong Kong	Dollar	1/15	1/18	3	302.50	50.00	907.50	150.00	[1] 75.05	[1] 12.37	982.55	162.37
Taiwan	Dollar	1/18	1/19	1					[1] 429.44	[1] 10.74	429.44	10.74
Japan	Yen	1/19	1/24	6	18,000	50.00	144,000	400.00	[1] 69,127	[1] 192.02	213,127	592.02
Germany (round-trip air fare)	Mark								6,889.95	1,867.20	6,889.95	1,867.20
Panama Canal Zone	Dollar	11/5	11/7	2								
Costa Rica	Colón	11/7	11/10	3	331	50.00	1,655	250.00	[1] 1,131.08	[1] 170.86	2,786.08	420.86
Costa Rica	Colón						(460.67)	(69.59)			(460.67)	(69.59)
Mexico	Peso	11/10	11/14	5	624.50	50.00	3,122.50	250.00	[1] 1,850	[1] 148.12	4,972.50	398.12
Adrienne Fields:												
Philippines	Peso	1/8	1/10	3	196	50.00	587.80	150.00	[1] 60.13	[1] 15.34	647.93	165.34
Thailand	Baht	1/10	1/14	4	1,041.25	50.00	4,165	200.00			4,165	200.00
Hong Kong	Dollar	1/14	1/18	4	302.50	50.00	1,210	200.00	[1] 75.05	[1] 12.37	1,285.05	212.37
Taiwan	Dollar	1/18	1/19	1					[1] 429.44	[1] 10.74	429.44	10.74
Japan	Yen	1/19	1/24	6	18,000	50.00	108,000	300.00	[1] 69,127	[1] 192.02	177,127	492.02
Germany (round-trip air fare)	Marks								6,889.95	1,867.20	6,889.95	1,867.20
Sweden	Kroner	8/15	8/18	4	258.75	50.00	1,035	200.00	[1] 619.58	[1] 119.68	1,654.58	319.68
Denmark	Kroner	8/18	8/23	5	375	50.00	1,875	250.00	[1] 400.37	[1] 53.39	2,275.37	303.39
Norway	Kroner	8/23	8/25	2	356.62	50.00	713.25	100.00	[1] 330	[1] 46.23	1,043.25	146.23
Germany (round-trip air fare)	Mark								3,806.04	1,048.20	3,806.04	1,048.20
Germany (round-trip air fare)	Mark									(71.26)		(71.26)
Mary McAndrew:												
Panama Canal Zone	Dollar	11/5	11/7	2								
Costa Rica	Colon	11/7	11/10	3	331	50.00	1,655	250.00	1,131.08	170.86	2,786.08	420.86
Costa Rica	Colon						(460.67)	(69.59)			(460.67)	(69.59)
Mexico	Peso	11/10	11/14	5	624.50	50.00	3,122.50	250.00	[1] 1,850	[1] 148.12	4,972.50	398.12
Michael Bernstein:												
Philippines	Peso	1/8	1/10	3	196	50.00	587.80	150.00	60.13	15.34	647.93	165.34
Thailand	Baht	1/10	1/14	4	1,041.25	50.00	4,165	200.00			4,165	200.00
Hong Kong	Dollar	1/14	1/18	4	302.50	50.00	1,210	200.00	[1] 75.05	[1] 12.37	1,285.05	212.37
Taiwan	Dollar	1/18	1/19	1					[1] 429.44	[1] 10.74	429.44	10.74
Japan	Yen	1/19	1/24	6	18,000	50.00	108,000	300.00	69,127	192.02	177,127	492.02
Germany (round-trip air fare)	Mark								6,889.95	1,867.20	6,889.95	1,867.20
Denmark	Kroner	8/18	8/23	5	375	50.00	1,875	250.00	[1] 400.37	[1] 53.39	2,275.37	303.39
Norway	Kroner	8/23	8/25	2	356.62	50.00	713.25	100.00	330	46.23	1,043.25	146.23
Germany (round-trip air fare)	Mark								3,239.10	892.07	3,239.10	892.07
Martin LaVor:												
Philippines	Peso	1/8	1/10	3	196	50.00	587.80	150.00	[1] 60.13	[1] 15.34	647.93	165.34
Thailand	Baht	1/10	1/14	4	1,041.25	50.00	4,165	200.00			4,165	200.00
Hong Kong	Dollar	1/14	1/18	4	302.50	50.00	1,210	200.00	[1] 75.05	[1] 12.37	1,285.05	212.37
Taiwan	Dollar	1/18	1/19	1					[1] 429.44	[1] 10.74	429.44	10.74
Japan	Yen	1/19	1/24	6	18,000	50.00	108,000	300,000	[1] 69,127	[1] 192.02	177,127	492.02
Germany (round-trip air fare)	Mark								6,889.95	1,867.20	6,889.95	1,867.20
Panama Canal Zone	Dollar	11/5	11/7	2								
Costa Rica	Colones	11/7	11/10	3	331	50.00	1,655	250.00	[1] 1,131.08	[1] 170.86	2,786.08	420.86
Costa Rica	Colones						(460.67)	(69.59)			(460.67)	(69.59)
Mexico	Peso	11/10	11/14	5	624.50	50.00	3,122.50	250.00	[1] 1,850	[1] 148.12	4,972.50	398.12
Ernest Mannino:												
Philippines	Peso	1/8	1/11	4	196	50.00	783.80	200.00	[1] 60.13	[1] 15.34	647.93	215.34
Thailand	Baht	1/11	1/14	3	1,041.25	50.00	3,123.75	150.00			3,123.75	150.00
Taiwan	Dollar	1/14	1/16	2	2,000	50.00	4,000	100.00			4,000	100.00
Okinawa	Dollar	1/16	1/17	1								
Korea	Won	1/17	1/19	2	15,165	50.00	30,330	100.00			30,330	100.00
Japan	Yen	1/19	1/21	3	18,000	50.00	54,000	150.00	[1] 3,690	[1] 10.25	57,690	160.25
Germany (round-trip air fare)	Mark								6,889.95	1,867.20	6,889.95	1,867.20
Ronald A. Downing:												
Philippines	Peso	1/8	1/11	4	196	50.00	783.80	200.00	[1] 60.13	[1] 15.34	647.93	215.34
Thailand	Baht	1/11	1/14	3	1,041.25	50.00	3,123.75	150.00			3,123.75	150.00
Taiwan	Dollar	1/14	1/16	2	2,000	50.00	4,000	100.00			4,000	100.00
Okinawa	Dollar	1/16	1/17	1								
Korea	Won	1/17	1/19	2	15,165	50.00	30,330	100.00			30,330	100.00
Japan	Yen	1/19	1/21	3	18,000	50.00	54,000	150.00	[1] 3,690	[1] 10.25	57,690	160.25
Germany (round-trip air fare)	Mark								6,889.95	1,867.20	6,889.95	1,867.20
John O. Amos:												
Philippines	Peso	1/8	1/10	3	196	50.00	587.80	150.00	[1] 60.13	[1] 15.34	647.93	165.34
Thailand	Baht	1/10	1/14	4	1,041.25	50.00	4,165	200.00			4,165	200.00
Hong Kong	Dollar	1/14	1/18	4	302.50	50.00	1,210	200.00	[1] 75.05	[1] 12.37	1,285.05	212.37
Taiwan	Dollar	1/18	1/19	1					[1] 429.44	[1] 10.74	429.44	10.74
Japan	Yen	1/19	1/24	6	18,000	50.00	108,000	300.00	[1] 69,127	[1] 192.02	177,127	492.02
Germany (round-trip air fare)	Marks								6,889.95	1,867.20	6,889.95	1,867.20
David J. Smith:												
Philippines	Peso	1/8	1/11	4	196	50.00	783.80	200.00	[1] 60.13	[1] 15.34	647.93	215.34
Thailand	Baht	1/11	1/14	3	1,041.25	50.00	3,123.75	150.00			3,123.75	150.00
Taiwan	Dollar	1/14	1/16	2	2,000	50.00	4,000	100.00			4,000	100.00
Okinawa	Dollar	1/16	1/17	1								
Korea	Won	1/17	1/19	2	15,165	50.00	30,330	100.00			30,330	100.00
Japan	Yen	1/19	1/21	3	18,000	50.00	54,000	150.00	[1] 3,690	[1] 10.25	57,690	160.25
Germany (round-trip air fare)	Deutsche mark								6,889.95	1,867.20	6,889.95	1,867.20

See footnotes at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 572, 1ST SESS., 91ST CONG., COMMITTEE ON EDUCATION AND LABOR (GENERAL SUBCOMMITTEE ON LABOR), HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1970—Continued

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Robert E. Vagley:												
Philippines	Peso	1/8	1/11	4	196	50.00	783.80	200.00	[1]60.13	[1]15.34	647.93	215.34
Thailand	Baht	1/11	1/14	3	1,041.25	50.00	3,123.75	150.00			3,123.75	150.00
Hong Kong	Dollar	1/14	1/18	4	302.50	50.00	1,210	200.00	[1]75.05	[1]12.37	1,285.05	212.37
Taiwan	Dollar	1/18	1/19	1					[1]429.44	[1]10.74	429.44	10.74
Japan	Yen	1/19	1/24	6	18,000	50.00	108,000	300.00	[1]69,127	[1]192.02	177,127	492.02
Germany (round-trip air fare)	Deutsche mark								6,889.95	1,867.20	6,889.95	1,867.20
Panama Canal Zone	Dollar	11/5	11/7	1								
Costa Rica	Colon	11/7	11/10	3	331	50.00	1,655	250.00	[1]1,131.08	170.86	2,786.08	420.86
Costa Rica	Colon						(460.67)	(69.59)			(460.67)	(69.59)
Mexico	Peso	11/10	11/14	5	624.50	50.00	3,122.50	250.00	[1]1,850	[1]148.12	4,972.50	398.12

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[1] Pro rata share of local transportation.

[2] Miscellaneous expenses incurred by subcommittee, but charged to Congressman Hawkins, as acting chairman, for bookkeeping purposes.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$53,388.59
Total	76,188.83

CARL D. PERKINS,
Chairman, Committee on Education and Labor.

Mar. 19, 1971.

REPORT OF EXPENDTITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 143, 2d SESS., 91ST CONG., COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1970

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. E. Ross Adair: Mexico	Peso	11/27	12/3	6	624.5	50.00	3,747	300.00			3,747	300.00
Melvin O. Benson:												
Egypt, United Arab Republic	Egyptian pound	1/15	1/18	3	27,777	50.00	83.33	150.00			83.33	150.00
Lebanon	Lebanese pound	1/18	1/20	2	163	50.00	326	100.00	27	8.28	353	108.28
Greece	Drachma	1/20	1/23	3	1,500	50.00	4,500	150.00			4,500	150.00
Israel	Israeli pound	1/23	1/28	5	175	50.00	875	250.00	166.20	47.50	1,041.20	297.50
Rome	Lire	1/28	1,30	2	31,350	50.00	62,700	100.00			62,700	100.00
Transportation	Egyptian pound								645.310	1,161.47	645.310	1,161.47
France	Franc	3/29	3/30	1	277	50.00	277	50.00			277	50.00
Morocco	F. franc	3/30	3/31	1	277	50.00	277	50.00			277	50.00
Guinea	F. franc	3/31	4/3	3	277	50.00	831	150.00			831	150.00
Guinea	G. franc								2,503	10.15	2,503	10.15
Sierra Leone	F. franc	4/3	4/4	1	277	50.00	277	50.00			277	50.00
Ivory Coast	F. franc	4/4	4/6	2	277	50.00	554	100.00			554	100.00
Mali	F. franc	4/6	4/8	2	277	50.00	554	100.00			554	100.00
Upper Volta	F. franc	4/8	4/9	1	277	50.00	277	50.00			277	50.00
Niger	F. franc	4/9	4/11	2	277	50.00	554	100.00			554	100.00
Cameroon	F. franc	4/11	4/14	3	277	50.00	831	150.00			831	150.00
Cameroon	C. franc								49,450	178.52	49,450	178.52
Chad	F. franc	4/14	4/15	1	277	50.00	277	50.00			277	50.00
Congo	F. franc	4/15	4/18	3	277	50.00	831	150.00			831	150.00
Burundi	F. franc	4/18	4/19	1	277	50.00	277	50.00			277	50.00
Rwanda	F. franc	4/19	4/21	2	277	50.00	554	100.00			554	100.00
Rwanda	R. franc								10,300	103.50	10,300	103.50
Uganda	F. franc	4/21	4/23	2	277	50.00	554	100.00			554	100.00
United Kingdom	Pound	4/23	4/27	5	20.14.9	50.00	103.12.6	250.00			103.12.6	250.00
Transportation	N. Ghana cedis								2,516.54	2,467.20	2,516.54	2,467.20
Bahrain	B.dinar	8/30	9/1	2	23.750	50.00	47.5	100.00			47.5	100.00
Saudi Arabia	S. rial	9/1	9/4	3	225.50	50.00	675	150.00			675	150.00
Egypt	E. pound	9/4	9/6	2	27.777	50.00	55.55	100.00			55.55	100.00
Lebanon	L. pound	9/6	9/8	2	183	50.00	326	100.00	58	17.82	384	117.82
Israel	L. pound	9/8	9/11	3	175	50.00	525	150.00	174.6	49.91	699.65	199.91
France	Franc	9/11	9/12	2	276	50.00	552	100.00			552	100.00
Transportation	Israeli pound								5,763.10	1,646.60	5,763.10	1,646.60
John J. Brady, Jr.:												
Belgium	Franc	1/12	1/14	3	250	50.00	7,500	150.00	898	17.91	8,398	167.91
West Germany	Deutsche mark	1/14	1/17	3	185	50.00	555	150.00			555	150.00
Italy	Lire	1/17	1/20	3	31,350	50.00	94,050	150.00			94,050	150.00
Greece	Drachma	1/20	1/23	3	1,500	50.00	4,500	150.00			4,500	150.00
France	Franc	1/23	1/25	2	277.7	50.00	555.5	100.00			555.5	100.00
England	Pound	1/25	1/29	4	20.14.9	50.00	82.19.0	200.00			82.19.0	200.00
Transportation	Dutch florin								4,354.45	1,208.90	4,354.45	1,208.90
Belgium	Franc	5/3	5/5	2	2,500	50.00	5,000	100.00			5,000	100.00
West Germany	Deutsche mark	5/5	5/14	9	181.5	50.00	1,633.50	450.00			1,633.50	450.00
Italy	Lire	5/14	5/19	5	31,450	50.00	157,250	250.00			157,250	250.00
Spain	Peseta	5/19	5/21	2	3,490	50.00	6,980	100.00			6,980	100.00
England	Pound	5/21	5/24		20.14.9	50.00	82.19.0	200.00			82.19.0	200.00
Transportation	Dutch florin								3,073.30	848.04	3,073.30	848.04
Hon. William S. Broomfield:												
England	Pound	7/2	7/5	4	20.16.9	50.00	83.7.0	200.00	75.6.6	180.77	158.13.6	380.77
Switzerland	Franc	7/6	7/11	6	215.5	50.00	1,293	300.00	1,364	315.89	2,657	615.89
France	Franc	7/12	7/14	3	286	50.00	828	150.00	1,377.44	249.54	2,205.44	399.54
Transportation	Deutsche mark								2,320.44	637.66	2,320.44	637.66
Hon. John Buchanan:												
Egypt	E. pound	9/3	9/6	3	27.77	50.00	53,330	96.00			53,330	96.00
Lebanon	L. pound	9/6	9/8	2	163	50.00	326	100.00			326	100.00
Israel	I. pound	9/8	9/11	3	175	50.00	525	150.00	174.6	49.90	699.6	199.90
France	Franc	9/11	9/12	2	276	50.00	552	100.00			552	100.00
Transportation	Israeli pound								5,047.84	1,442.24	5,047.84	1,442.24

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 143, 2d SESS., 91ST CONG., COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1970—Continued

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. J. Herbert Burke:												
Japan	Yen	1/9	1/12	3	18,000	50.00	54,000	150.00			54,000	150.00
Hong Kong	H.K. dollar	1/12	1/14	3	302.50	50.00	907.50	150.00			907.50	150.00
Taiwan	Yuan	1/15	1/17	2	2,000	50.00	4,000	100.00			4,000	100.00
Philippines	Peso	1/17	1/19	3	195.95	50.00	587.85	150.00			587.85	150.00
India	Rupee	1/20	1/23	4	380	50.00	1,520	200.00	6.0	.79	1,526	200.79
Pakistan	Rupee	1/24	1/27	4	240	50.00	960	200.00	66.75	13.91	1,026.75	213.91
United Kingdom	Pound	1/28	1/31	3	20.15.8	50.00	62.7.0	150.00	17.17.9	42.93	80.4.9	192.93
Transportation	Deutsche mark								8,134.71	2,204.56	8,134.71	2,204.56
Harry C. Cromer:												
Hong Kong	H.K. dollar	3/23	3/25	3	301.50	50.00	904.50	150.00			904.50	150.00
Vietnam	Piaster	3/25	4/10	16	5,900.0	50.00	45,500	385.50			45,500	385.50
Transportation	Deutsche mark								6,820.41	1,849.85	6,820.41	1,849.85
Peru	Soles	8/6	8/14	9	2,169	50.00	21,690	500.00	5,400	124.48	27,090	624.48
Panama	Soles	8/14	8/15	1								
Transportation	Deutsche mark								2,719.38	748.93	2,719.38	748,93
Italy	Lire	10/29	11/3	5	31,250	50.00	156,250	250.00			156,250	250.00
Switzerland	Franc	11/3	11/6	4	216.25	50.00	865	200.00			865	200.00
Austria	Schilling	11/6	11/11	4	1,287.50	50,00	5,150	200.00	1,298.70	50.47	6,448.70	250.47
France	Franc	11/11	11/14	4	276	50.00	1,104	200.00	375.36	68.04	1,479.36	268.04
Transportation	Deutsche mark								3,640.13	1,002.51	3,640.13	1,002.51
Hon. John C, Culver:												
Venezuela	Bolivar	2/2	2/7	6	224.25	50.00	1,345.50	300.00	49.35	11.00	1,394.85	311.00
Trinidad	TT dollar	2/7	2/10	3	100	50.00	300	150.00	25.40	12.71	325.40	162.71
Barbados	EC dollar	2/10	2/16	6	99.7	50.00	598.20	300.00			598.20	300.00
Transportation	Deutsche mark								1,588.44	430.47	1,588.44	430.47
Switzerland	Franc	4/17	4/20	3	214.5	50.00	644.45	150.00			644.45	150.00
France	Franc	4/20	4/22	3	276.5	50.00	829.50	150.00			829.50	150.00
Transportation	Deutsche mark								3,228.12	875.54	3,228.12	875.54
Marian Czarnecki:												
Brazil	Cruzeiros	1/13	1/17	4	216	50.00	864.0	200.00			864	200.00
Transportation	Du. florin								3,036.80	843.09	3,036.80	843.09
Venezuela	Bolivar	2/2	2/8	7	224.25	50.00	1,504.75	335.51			1,504.75	335.51
Transportation	Deutsche mark								1,588.44	430.47	1,588.44	430.47
United Kingdom	Pound	4/13	4/14	1	20.14.7	50.00	20.14.7	50.00	3.0.0	7.20	23.14.7	57.20
Switzerland	Franc	4/14	4/21	8	215	50.00	1,720.0	400.00	270	62.82	1,990	462.82
Transportation	Deutsche mark								3,228.12	875.54	3,228.12	875.54
Peru	Soles	8/6	8/15	10	2,169	50.00	21,690	500.00	5,400	124.48	27,090	624.48
Transportation	Deutsche mark								2,719.38	748.93	2,719.38	748.93
Italy	Lire	10/29	11/3	5	31,250	50.00	156,250	250.00			156,250	250.00
Switzerland	Franc	11/3	11/6	4	216.25	50.00	865.0	200.00			865	200.00
Austria	Shilling	11/6	11/11	4	1,287.50	50.00	5,150.0	200.00	1,298.70	50.47	6,448.70	250.47
France	Franc	11/11	11/14	4	276	50.00	1,104.0	200.00			1,104	200.00
Transportation	Deutsche mark								3,640.12	1,002.51	3,640.12	1,002.51
Hon. Edward J. Derwinski:												
Egypt, United Arab Republic	E. pound	1/15	1/18	3	27,777	50.00	83,330	150.00			83.330	150.00
Lebanon	L. pound	1/18	1/20	2	163	50.00	326	100.00	27	8.28	353	108.28
Greece	Drachma	1/20	1/23	3	1,500	50.00	4,500	150.00	662	22.07	5,162	172.07
Israel	I. pound	1/23	1/25	2	175	50.00	350	100.00	166.20	47.48	516.20	147.48
Transportation	Egyptian pound								645,308	1,161.46	645,308	1,161.46
Hon. Charles C. Diggs, Jr.:												
France	F. franc	3/29	3/30	1	277	50.00	277	50.00			277	50.00
Morocco	F. franc	3/30	3/31	1	277	50.00	277	50.00			277	50.00
Guinea	F. franc	3/31	4/3	3	277	50.00	831	150.00			831	150.00
Guinea	G. franc								2,503	10.15	2,503	10.15
Sierra Leone	F. franc	4/3	4/4	1	277	50.00	277	50.00			277	50.00
Ivory Coast	F. franc	4/4	4/6	2	277	50.00	554	100.00			554	100.00
Mali	F. franc	4/6	4/8	2	277	50.00	554	100.00			554	100.00
Upper Volta	F. franc	4/8	4/9	1	277	50.00	277	50.00			277	50.00
Niger	F. franc	4/9	4/11	2	277	50.00	554	100.00			554	100.00
Cameroon	F. franc	4/11	4/14	3	277	50.00	831	150.00			831	150.00
Cameroon	C. franc								49,450	178.52	49,450	178.52
Chad	F. franc	4/14	4/15	1	277	50.00	277	50.00			277	50.00
Congo (K)	C. zaires	4/15	4/17	2	25	50.00	50	100.00	31.50	63.00	81.50	163.00
Congo (K)	F. franc	4/17	4/18	1	277	50.00	277	50.00			277	50.00
Burundi	F. franc	4/18	4/19	1	277	50.00	277	50.00			277	50.00
Burundi	Bu. franc								48,195	557.75	48,195	557.75
Rwanda	F. franc	4/19	4/21	2	277	50.00	554	100.00			554	100.00
Rwanda	Rw. franc								10,300	103.50	10,300	103.50
Uganda	F. franc	4/21	4/23	2	277	50.00	208	37.75			208	37.75
Uganda	U. shilling				354.45	50.00	63.90	9.59			63.90	9.59
Kenya	K. shilling	4/23	4/24	1	354	50.00	184	26.17			184	26.17
Germany	Deutsche mark	4/24	4/26	3	183	50.00	549	150.00			549	150.00
Transportation	Deutsche mark								2.524.39	2,474.89	2,524.39	2,474.89
Hon. Leonard Farbstein:												
Belgium	B. franc	1/12	1/14	2	2,500	50.00	5,000	100.00	898	17.91	5,898	117.91
Germany	Deutsche mark	1/14	1/17	3	181.5	50.00	544.5	150.00			544.5	150.00
Italy	Lire	1/17	1/20	3	31,350	50.00	94,050	150.00	71,150	113.12	165,200	263.12
Greece	Drachma	1/20	1/23	3	1,500	50.00	4,500	150.00			4,500	150.00
France	Franc	1/23	1/25	2	277.7	50.00	555.5	100.00			555.5	100.00
United Kingdom	Pound	1/25	1/27	3	20.14.9	50.00	62.12.0	150.00	50.4.6	120.53	112.16.6	270.53
Transportation	Du. florin								4,266.85	1,184.58	4,266.85	1,184.58
Hon. Dante B. Fascell:												
Brazil	New cruzeiro	1/13	1/17	4	216	50.0)	864	200.00			864	200.00
Transportation	Dutch florin								3,036.80	843.09	3,036.80	843.09
Switzerland	Franc	4/17	4/21	5	215	50.00	1,075	250.00	402.50	93.65	1,476.95	343.65
Transportation	Deutsche mark								3,228.12	875.54	3,228.12	875.54
Mexico	Peso	11/29	12/5						4,025	322.26	4,025	322.26
Transportation	Deutsche mark								940.17	259.00	940.17	259.00
Hon. Paul Findley:												
Peru	Soles	1/11	1/13	2	2,160	50.00	4,320	100.00			4,320	100.00
Colombia	Peso	1/13	1/15	3	893	50.00	2,679	150.00			2,679	150.00
Transportation	Dutch florin								2,701	749.86	2,701	749.86
Germany	Deutsche mark	2/5	2/8	3	184	50.00	552	150.00			552	150.00
France	Franc	2/8	2/9	2	277	50.00	554	100.00			554	100.00

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATE FUNDS, TRAVEL AUTHORIZED BY H. RES. 143, 2d SESS., 91ST CONG., COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1970—Continued

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. L. H. Fountain:												
Bahrain	B. dinar	8/30	9/1	2	23.750	50.00	47.500	100.00			47,500	100.00
Saudi Arabia	S. riyal	9/1	9/4	3	225	50.00	675	150.00			675	150.00
Egypt, United Arab Republic	E. pound	9/4	9/6	2	27.777	50.00	55.55	100.00	19.800	35.64	75.28	135.64
Lebanon	L. pound	9/6	9/8	2	183	50.00	326	100.00	58	17.80	384	117.80
Israel	I. pound	9/8	9/11	3	175	50.00	525	150.00	174.6	49.90	699.65	199.90
France	Franc	9/11	9/12	2	276	50.00	552	100.00			552	100.00
Transportation	Israeli pound								5,763.10	1,646.60	5,763.10	1,646.60
Hon. Peter H. B. Frelinghuysen:												
Egypt, United Arab Republic	E. pound	1/15	1/18	3	27.777	50.00	83.330	150.00	13.250	23.85	96.580	173.85
Lebanon	L. pound	1/18	1/20	2	163	50.00	326	100.00	27	8.28	353	108.28
Greece	Drachma	1/20	1/23	3	1,500	50.00	4,500	150.00			4,500	150.00
Israel	I. pound	1/23	1/28	5	175	50.00	875	250.00	166.20	47.48	1,041.20	297.48
Italy	Lire	1/28	2/1	4	31,350	50.00	125,400	200.00			125,400	200.00
Spain	Peseta	2/1	2/3	2	3,495	50.00	6,990	100.00			6,990	100.00
Transportation	E. pound								645.310	1,161.47	645.310	1,161.47
Mexico	Peso	11/29	12/4	4	624.50	50.00	2,498	200.00	2,625	210.17	5,123	410.17
Transportation	Deutsche mark								1,196.82	329.52	1,196.82	329.52
Hon. Cornelius E. Gallagher:												
Hong Kong	H.K. dollar	1/7	1/9	2	302.7	50.00	2,119	350.00	69.90	11.52	2,188	361.52
Hong Kong	H.K. dollar	1/11	1/16	5								
Vietnam	Piastre	1/9	1/11	2	5,900	50.00	11,800	100.00			11,800	100.00
Philippines	Peso	1/16	1/18	3	195.95	50.00	587.85	150.00			587.85	150.00
Switzerland	Franc	1/19	1/24	6	215.5	50.00	1,293	300.00	444.30	102.87	1,737.30	402.87
Transportation	Deutsche mark								8,352.82	2,262.22	8,352.82	2,262.22
Japan	Yen	7/20	7/21	2	18,000	50.00	36,000	100.00			36,000	100.00
Korea	Won	7/21	7/31	10	15,550	50.00	46,650	150.00			46,650	150.00
Transportation	Deutsche mark								6,208.82	1,706.19	6,208.82	1,706.19
Spain	Peseta	11/6	11/7	2	3,480	50.00	6,960	100.00			6,960	100.00
United Kingdom	Pound	11/8	11/20	13	20.16.7	50.00	270.16.6	650.00			270.16.6	650.00
Transportation	Deutsche mark								3,151.26	867.64	3,151.26	867.64
Peter B. Johnson:												
Vietnam	Piaster	2/11	2/17	7	5,900	50.00	31,038.7	263.04			31,038.7	263.04
Israel	Pound	2/18	2/20	3	175	50.00	487.03	139.15			487.03	139.15
France	Franc	2/20	2/24	4	277	50.00	845	152.53			845	152.53
Transportation	Dutch florin								7,493.08	2,080.25	7,493.08	2,080.25
Hon. Abraham Kazen, Jr.:												
Mexico	Peso	11/27	12/4	8	624.50	50.00	1,496	120.00	4,075.00	326.26	5,571	446.26
Transportation	Deutsche mark								656.30	180.80	656.30	180.80
Hon. Sherman P. Lloyd:												
Egypt, U.A.R.	E. pound	1/15	1/18	3	27.777	50.00	72.86	131.28			72.86	131.28
Lebanon	L. pound	1/18	1/20	2	163	50.00	326	100.00	27	8.28	353	108.28
Greece	Drachma	1/20	1/23	3	1,500	50.00	4,500	150.00			4,500	150.00
Israel	I. pound	1/23	1/28	5	175	50.00	875	250.00	166.20	47.48	1,041.20	297.48
Italy	Lire	1/28	2/1	4	31,350	50.00	125,400	200.00			125,400	200.00
Transportation	Egyptian pound								645.307	1,161.46	645.307	1,161.46
Hon. William S. Mailliard:												
Bermuda	B. pound	2/20	2/24	5	50.00	50.00	250.00	250.00			250	250.00
Transportation	U.S. dollar									182.00		182.00
Germany	D-mark	4/20	4/21	1	183.00	50.00	183.00	50.00			183.00	50.00
France	Franc	4/21	4/22	2	276.50	50.00	553.00	100.00			553.00	100.00
Transportation	D-mark								3,850.60	1,044.37	3,850.60	1,044.37
Mexico	Peso	11/27	12/4	6	624.5	50.00	3,747.00	300.00	3,300	264.21	7,047	564.21
Hon. F. Bradford Morse:												
Vietnam	Piaster	2/11	2/17	7	5,900	50.00	28,169	238.72			28.169	238.72
Israel	Pound	2/18	2/20	3	175.0	50.00	455	130.00	247	70.57	702.0	200.57
France	Franc	2/20	2/24	4	277.0	50.00	914.1	165.00			914.1	165.00
Transportation	Du.florin								7,493.09	2,080.26	7,493.09	2,080.26
Franklin J. Schupp:												
Japan	Yen	1/9	1/12	3	18,000	50.00	54,000	150.00			54,000	150.00
Hong Kong	H.K. dollar	1/12	1/14	3	302.50	50.00	907.50	150.00			907.50	150.00
Taiwan	Yuan	1/15	1/17	2	2.000	50.00	4,000	100.00			4,000	100.00
Philippines	Peso	1/17	1/19	3	195.90	50.00	587.85	150.00			587.85	150.00
India	Rupee	1/20	1/23	4	380	50.00	1,520	200.00	6.00	.79	1,526.00	200.79
Pakistan	Rupee	1/24	1/27	4	240	50.00	960	200.00	76.75	15.99	1,036.75	215.99
United Kingdom	Pound	1/28	1/31	3	20.15.8	50.00	62.7.0	150.00	17.17.10	42.93	80.4.10	192.93
Transportation	D-mark								8148.64	2208.31	8,148.64	2,208.31
John H. Sullivan:												
Brazil	N. cruzeiros	1/8	1/10	3	216	50.00	594	137.50			594	137.50
Peru	Soles	1/10	1/13	3	2160	50.00	6,480	150.00			6,480	150.00
Colombia	Peso	1/13	1/15	2	893	50.00	1786	100.00			1786	100.00
Panama	U.S. Dollars	1/15	1/18	3		28.00		14.40				14.40
Transportation	D-mark								3218.78	872.30	3,218.78	872.30
Japan	Yen	10/20	10/22	3	18,000	50.00						
Japan	Yen	10/24	10/26	2	18,000	50.00	90,000	250.00	22,776	63.27	112,776	313.27
Korea	Won	10/22	10/24	2	15,638.5	50.00	31,277	100.00			31,277	100.00
Taiwan	NT Dollars	10/28	10/31	4	2,000	50.00	8,000	200.00			8,000	200.00
Indonesia	Rupiah	10/31	11/4	3	19,050	50.00	57,150	150.00			57,150	150.00
Thailand	Baht	11/4	11/8	4	1041.25	50.00	4,165	200.00			4,165	200.00
Philippines	Peso	11/8	11/10	2	324	50.00	648	100.00			648	100.00
Transportation	D-mark								7,790.68	2,145.60	7,790.68	2,145.60
Hon. Vernon W. Thomson:												
Bermuda	B. pound	2/20	2/24	5	50.00	50.00	250.00	250.00			250.00	250.00
Transportation	U.S. Dollars									182.00		182.00
Hon. J. Irving Whalley:												
New Zealand	NZ $	1/1	1/9	8	44.29	50.00	354.32	400.00			354.32	400.00
Transportation	D-mark								6,132.33	1,661.88	6,132.33	1,661.88
Vietnam	Piaster	3/28	4/2	5	5,900	50.00	26,900	227.97			26,900	227.97
Thailand	Baht	4/2	4/4	2	1,041.25	50.00	1,662.50	79.83			1,662.50	79.83
Japan	Yen	4/5	4/8	4	18,000	50.00	72,000	200.00	45,030	125.08	117,030	325.08
Transportation	D-mark								6,889.95	1,868.71	6,889.95	1,868.71

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Lester L. Wolff:												
Japan	Yen	1/9	1/12	3	18,000	50.00	54,000	150.00	23,690	65.81	77,690	215.81
Hong Kong	H.K. $	1/12	1/14	3	302.50	50.00	907.50	150.00	46.70	7.69	954.20	157.69
Philippines	Peso	1/15	1/19	5	195.95	50.00	979.75	250.00			979.75	250.00
India	Rupee	1/20	1/23	4	380.0	50.00	1,520	200.00	12.00	1.58	1,532	201.58
Pakistan	Rupee	1/24	1/29	6	240	50.00	1,440	300.00	116.75	24.32	1,556.75	324.32
Iran	Real	1/30	1/31	2	3,812.5	50.00	7,625.0	100.00			7,624.0	100.00
United Kingdom	Pound	2/1	2/2	2	20.15.9	50.00	41.10.6	100.00	17.17.9	42.93	59.8.3	142.93
Transportation	D-mark								8,162.17	2,211.98	8,162.17	2,211.98
Korea	Won	12/12	12/15	3	15,738.55	50.00	31,477	100.00			31,477	100.00
Taiwan	NT $	12/15	12/17	2	2,000	50.00	4,000	100.00			4,000	100.00
Thailand	Baht	12/17	12/18	2	1,041.25	50.00	2,082.50	100.00			2,082.50	100.00
Vietnam	Piaster	12/18	12/19	1	13,750	50.00	13,750	50.00			13,750	50.00
Hong Kong	H.K. Dollar	12/20	12/22	2	303.0	50.00	606.0	100.00	42.95	7.04	648.95	107.04
Japan	Yen	12/22	12/23	2	18,000	50.00	36,000	100.00			36,000	100.00
Transportation	Deutsche Mark								7,260.88	1,962.40	7,260.88	1,962.40
Hon. Clement J. Zablocki:												
Brazil	N. Cruzeiro	1/8	1/10	3	216	50.00	594	137.50	419.25	98.42	1,013.25	235.92
Peru	Soles	1/10	1/13	3	2,160	50.00	6,480	150.00	1,800	41.67	8,280	191.67
Colombia	Peso	1/13	1/15	2	893	50.00	1,786	100.00			1,786	100.00
Panama	U.S. Dollar	1/15	1/18	3		28.00		14.40				14.40
Transportation	Deutsche Mark								3,218.79	872.30	3,218.79	872.30
Hon. James G. Fulton:												
Brazil	N. Cruzeiro	1/9	1/10	2	216	50.00	378	86.80			378	86.80
Peru	Soles	1/10	1/13	3	2,160	50.00	6,480	150.00			6,480	150.00
Colombia	Peso	1/13	1/15	2	893	50.00	1,786	100.00			1,786	100.00
Transportation	Du. florin								3,131.70	869.43	3,131.70	869.43
Total								29,028.64		62,749.66		91,778.30

RECAPITULATION

	Amount
Foreign currency (U.S. Dollar equivalent)	$91,385.50
Appropriated funds:	
H. Res. 883	28.80
Government Department:	
Defense	364.00
Total	91,778.30

THOMAS E. MORGAN,
Chairman, Committee on Foreign Affairs.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 752, 2D SESS., 91ST CONG., COMMITTEE ON GOVERNMENT OPERATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S currency
MASTER RECAPITULATION												
Executive and Legislative Reorganization Subcommittee, Hon. John A. Blatnik, chairman								400.00		1,035.96		1,435.96
Foreign Operations and Government Information Subcommittee, Hon. John E. Moss, chairman								10,250.00		18,220.07		28,270.07
Special Studies Subcommittee, Hon. John S. Monagan, chairman								500.00		753.00		1,253.00
Total								11,150.00		20,009.03		30,959.03

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 752, 2D SESS., 91ST CONG., COMMITTEE ON GOVERNMENT OPERATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1970

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
EXECUTIVE AND LEGISLATIVE REORGANIZATION SUBCOMMITTEE, HON. JOHN A. BLATNIK, CHAIRMAN												
Hon. John A. Blatnik: Yugoslavia	Dinar	5/6	5/14	8	625.00	50.00	5,000.00	400.00			5,000.00	400.00
Round trip air transportation furnished by Department of State.									3,819.58	1,035.96	3,819.58	1,035.96
Subtotal								400.00		1,035.96		1,435.96
Total								400.00		1,035.96		1,435.96
FOREIGN OPERATIONS AND GOVERNMENT INFORMATION SUBCOMMITTEE, HON. JOHN E. MOSS, CHAIRMAN												
Hon. John E. Moss:												
Hong Kong	Dollar	2/12	2/15	2	302.00	50.00	604.00	100.00	561.65	92.56	1,165.65	192.56
Vietnam	Piaster	2/15	2/18	3	5,900.00	50.00	17,700.00	150.00			17,700.00	150.00
Singapore	Dollar	2/18	2/19	1	150.00	50.00	150.00	50.00	101.50	33.50	251.50	83.50
Indonesia	Rupiah	2/19	2/24	6	19,250.00	50.00	15,500.00	300.00	38,950.00	101.17	44,450.00	401.17
Thailand	Baht	2/21	2/27	4	1,041.25	50.00	4,165.00	200.00			4,165.00	200.00
Hong Kong	Dollar	2/27	3/2	3	302.00	50.00	906.00	150.00			906.00	150.00
Taipei	Dollar	3/2	3/4	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Round trip air transportation furnished by Department of State.										2,061.60		2,061.60
Subtotal								1,050.00		2,288.83		3,338.83

See footnotes at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES 143, 2D SESS., 91ST CONG., COMMITTEE ON GOVERNMENT OPERATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1970—Continued

Name and country	Name of currency	Date		Total days	Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Vincent J. Augliere:												
Japan	Yen	2/9	2/12	4	180.00	50.00	72,000.00	200.00			72,000.00	200.00
Hong Kong	Dollar	2/12	2/15	2	302.00	50.00	604.00	100.00	34.00	5.60	638.00	105.60
Vietnam	Piaster	2/15	2/18	3	5,900.00	50.00	17,700.00	150.00			17,700.00	150.00
Singapore	Dollar	2/18	2/19	1	150.00	50.00	150.00	50.00			150.00	50.00
Indonesia	Rupiah	2/19	2/24	5	19,250.00	50.00	962.50	250.00			115,500.00	250.00
Thailand	Baht	2/24	2/27	4	1,041.25	50.00	4,165.00	200.00			4,165.00	200.00
Hong Kong	Dollar	2/27	3/2	3	302.00	50.00	906.00	150.00			906.00	150.00
Taipei	Dollar	3/2	3/4	2	2,000.00	50.00	4,000.00	100.00		17.48	4,000.00	117.48
Round trip air transportation furnished by Department of State										2,061.60		2,061.60
Accra, Ghana	Ghanian cedi	11/3	11/6	3	1.02	50.00	153.00	150.00			153.00	150.00
Nigeria	Pound	11/6	11/8	2	17.57.5½	50.00	35.15.3	100.00			35.15.3	100.00
Kinshasa, Congo	Zair	11/8	11/11	3	0.4897	50.00	73.50.0	150.00			73.50.0	150.00
Kenya	Shilling	11/11	11/21	11	356	50.00	3,921.50	550.00			3,921.50	550.00
Italy	Lira	11/21	11/24	3	31,150	50.00	93,450	150.00			93,450	150.00
Round trip air transportation furnished by Department of State, U.S. dollar refund, Washington, D.C. ($50.00) [1]										1,796.40		1,796.40
Subtotal								2,300.00		3,881.08		6,181.08
Norman G. Cornish:												
Ghana	Cedi	11/3	11/6	3	1.02	50.00	153.00	150.00			153.00	150.00
Nigeria	Pound	11/6	11/8	2	17.57.5½	50.00	35.15.3	100.00			35.15.3	100.00
Kinshasa, Congo	Zair	11/8	11/11	3	0.4897	50.00	73.50.0	150.00			73.50.0	150.00
Kenya	Shilling	11/11	11/13	2	356	50.00	713.00	100.00			713.00	100.00
Addis Ababa, Ethiopia	E. dollar	11/13	11/16	3	124.06250	50.00	372.19	150.00			372.19	150.00
Kenya	Shilling	11/16	11/20	4	356	50.00	1,426	200.00			1,426	200.00
Kenya	Shilling	11/20	11/21	1	356	50.00	356	50.00			356	50.00
Italy	Lira	11/21	11/24	3	31,150	50.00	93,450	150.00			93,450	150.00
Round trip air transportation furnished by Department of State.										1,796.40		1,796.40
Subtotal								1,050.00		1,796.40		2,846.40
Jack Matteson:												
Japan	Yen	2/9	2/12	4	18,000.00	50.00	72,000.00	200.00			72,000.00	200.00
Hong Kong	Dollar	2/12	2/15	2	302.00	50.00	604.00	100.00	34.00	5.60	638.00	105.60
Vietnam	Piaster	2/15	2/18	3	5.900.00	50.00	17,700.00	150.00			17,700.00	150.00
Singapore	Dollar	2/18	2/19	1	150.00	50.00	150.00	50.00			150.00	100.00
Indonesia	Rupiah	2/19	2/24	6	19,250.00	50.00	115,500.00	300.00			115,500.00	300.00
Thailand	Baht	2/24	2/27	4	1,041.25	50.00	4,165.00	200.00			4,165.00	200.00
Hong Kong	Dollar	2/27	3/2	3	302.00	50.00	906.00	150.00			906.00	150.00
Taipei	Dollar	3/2	3/4	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Round trip air transportation furnished by Department of State, U.S. dollar refund, Washington, D.C. ($50.00).[1]										2,061.60		2,061.60
Subtotal								1,250.00		2,067.00		3,317.20
James L. Nelligan:												
Japan	Yen	2/9	2/12	4	18,000.00	50.00	72,000.00	200.00			72,000.00	200.00
Hong Kong	Dollar	2/12	2/15	2	302.00	50.00	604.00	100.00	34.00	5.60	634.00	105.60
Vietnam	Piaster	2/15	2/18	3	5,900.00	50.00	17,700.00	150.00			17,700.00	150.00
Singapore	Dollar	2/18	2/19	1	150.00	50.00	150.00	50.00			150.00	50.00
Indonesia	Rupiah	2/19	2/24	6	19,250.00	50.00	115,500.00	300.00			115,500.00	300.00
Thailand	Baht	2/24	2/27	4	1,041.25	50.00	4,165.00	200.00			4,165.00	200.00
Hong Kong	Dollar	2/27	3/2	3	302.00	50.00	906.00	150.00			906.00	150.00
Taipei	Dollar	3/2	3/4	2	2,000.00	50.00	4,000.00	100.00	11.02	3.04	4,011.02	103.04
Round trip air transportation furnished by Department of State, U.S. dollar refund, Washington, D.C. ($50.00).[1]										2,061.60		2,061.60
Subtotal								1,250.00		2,070.24		3,320.24
William L. Brannon, Jr.:												
Hong Kong	Dollar	2/12	2/15	2	302.00	50.00	604.00	100.00	34.00	5.60	638.00	105.60
Vietnam	Piaster	2/15	2/18	3	5,900.00	50.00	17,700.00	150.00			17,700.00	150.00
Singapore	Dollar	2/18	2/19	1	150.00	50.00	150.00	50.00			150.00	50.00
Indonesia	Rupiah	2/19	2/24	6	19,250.00	50.00	115,500.00	300.00			115,500.00	300.00
Thailand	Baht	2/24	2/27	4	1,041.25	50.00	4,165.00	200.00			4,165.00	200.00
Hong Kong	Dollar	2/27	3/2	3	302.00	50.00	906.00	150.00			906.00	150.00
Taipei	Yuan	3/2	3/4	2	2,000.00	50.00	4,000.00	100.00		117.30	4,000.00	217.30
Round trip air transportation furnished by Department of State.										2,061.60		2,061.60
Subtotal								1,050.00		2,184.50		3,234.50
Dale E. Moser:												
Ghana	Cedi	11/3	11/6	3	1.02	50.00	153.00	150.00			153.00	150.00
Nigeria	Pound	11/6	11/8	2	17.57.5½	50.00	35.15.3	100.00			35.15.3	100.00
Congo	Zair	11/8	11/11	3	0.4897	50.00	73.50.1	150.00			73.50.0	150.00
Kenya	Shilling	11/11	11/13	2	356	50.00	713	100.00			713	100.00
Ethiopia	E. dollar	11/13	11/16	3	124.06250	50.00	372.19	150.00			372.19	150.00
Kenya	Shilling	11/16	11/21	5	356	50.00	1,782	250.00			1,782	250.00
Italy	Lira	11/21	11/24	3	31,150	50.00	93,450	150.00			93,450	150.00
Round trip air transportation by Department of State										1,796,40		1,796.40
Subtotal								1,050.00		1,796.40		2,846.40

See footnotes at end of table.

Name and country	Name of currency	Date		Total days	Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Wendell H. Thiers:												
Japan	Yen	2/9	2/12	4	18,000.00	50.00	72,000.00	200.00			72,000.00	200.00
Hong Kong	Dollar	2/12	2/15	2	302.00	50.00	604.00	100.00	34.00	5.60	608.00	105.60
Vietnam	Piaster	2/15	2/18	3	5,900.00	50.00	17,700.00	150.00			17,700.00	150.00
Singapore	Dollar	2/18	2/19	1	150.00	50.00	150.00	50.00			150.00	50.00
Indonesia	Rupiah	2/19	2/24	6	19,250.00	50.00	115,500.00	300.00			115,500.00	300.00
Thailand	Baht	2/24	2/27	4	1,041.25	50.00	4,165.00	200.00			4,165.00	200.00
Hong Kong	Dollar	2/27	3/2	3	302.00	50.00	906.00	150.00			906.00	150.00
Taipei	Dollar	3/2	3/4	2	2,000.00	50.00	4,000.00	100.00		68.22	4,000.00	168.22
Round trip air transportation furnished by Department of State, U.S. dollar refund, Washington, D.C. (50.00).[1]										2,061.60		2,061.60
Subtotal								1,250.00		2,135.42		3,385.42
Total								10,250.00		18,220.07		28,470.07
Less amount refunded												200.00
Total												28,270.07

SPECIAL STUDIES SUBCOMMITTEE, HON. JOHN S. MONAGAN, CHAIRMAN

Name and country	Name of currency	Arrival	Departure	Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Charles P. Witter:												
Great Britain	Pound	11/13	11/26	10	20.16.08	50.00	208.06.06	500.00			208.06.06	500.00
Round trip air transportation furnished by Department of State.										753.00		753.00
Subtotal								500.00		753.00		1,253.00

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[1] Amount refunded.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$30,959.03

CHET HOLIFIELD,
Chairman, Committee on Government Operations.

Feb. 18, 1971.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1970

Name and country	Name of currency	Date		Total days	Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Lucien N. Nedzi:												
Netherlands	Guilders								668.50	185.85	668.50	185.85
Sweden	S. Krona	10/8	10/9	2	259	50.00	518	100.00			518.00	100.00
Total								100.00		185.85		285.85

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$285.85

WAYNE L. HAYS,
Chairman, Committee on House Administration.

Mar. 17, 1971.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 21, 1ST SESS., 91ST CONG., COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

Name and country	Name of currency	Date		Total days	Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. John N. Camp:												
New Zealand to Antarctica	NZ dollars	1/1	1/10	8	44.29	50.00	354.32	400.00			354.32	400.00
	Netherlands guilder.								6,115.57	1,697.83	6,115.57	1,697.83
Hon. James G. O'Hara:												
New Zealand to Antarctica	NZ dollars	1/1	1/10	8	44.29	50.00	354.32	400.00			354.32	400.00
	Netherlands guilder.								5,904.60	1,639.26	5,904.60	1,639.26
	Deutsche Mark								200.93	54.60	200.93	54.60
Hon. John S. Wold:												
New Zealand to Antarctica	NZ dollars	1/1	1/10	8	44.29	50.00	354.32	400.00			354.32	400.00
	Netherlands guilder.								5,939.28	1,648.88	5,939.28	1,648.88
	Deutsche Mark								530.33	144.90	530.33	144.90
Hon. Manuel J. Lujan:												
Venezuela	Bolivar	2/3	2/6	3	223.50	50.00	670.50	149.50			670.50	149.50
	Deutsche mark								1,884.90	510.76	1,884.90	510.76

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 21, 1ST SESS., 91ST CONG., COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970—Continued

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Ed Edmondson:												
United Kingdom	Pound	11/6	11/14	8	20. 18. 00	50. 00	166. 13. 2	400. 00	6. 0. 0	14. 33	171. 13. 2	414. 33
Switzerland	Franc	11/14	11/17	3	215. 50	50. 00	646. 50	150. 00	580. 00	134. 92	1, 226. 50	284. 92
	Deutsche mark								3, 788. 10	1, 043. 27	3, 788. 10	1, 043. 27
Hon. James A. McClure:												
New Zealand to Antarctica	Pound	1/1	1/10	8	44. 29	50. 00	354. 32	400. 00			354. 32	400. 00
Netherlands	Guilder								6, 115. 58	1, 697. 83	6, 115. 58	1, 697. 83
United Kingdom	Pound	11/11	11/15	4	20. 18. 00	50. 00	83. 6. 9	200. 00	71. 12. 6	171. 11	154. 9. 3	371. 11
Switzerland	Franc	11/15	11/21	6	215. 50	50. 00	1, 293. 00	300. 00	1, 082. 58	251. 82	2, 375. 58	551. 82
	Deutsche mark								2, 804. 29	772. 32	2, 804. 29	772. 32
Hon. Joe Skubitz:												
United Kingdom	Pound	11/8	11/11	4	20. 18. 0	50. 00	83. 6. 6	200. 00	31. 10. 1	75. 26	114. 16. 7	275. 26
France	Franc	11/11	11/14	3	276	50. 00	828	150. 00	186. 10	38. 74	1, 014. 10	188. 74
Switzerland	Franc	11/14	11/21	7	215. 50	50. 00	1, 508. 50	350. 00	1, 082. 58	251. 82	2, 591. 08	601. 82
Spain	Peseta	11/21	11/23	2	3, 480	50. 00	6, 960	100. 00			6, 960	100. 00
Portugal	Escudo	11/23	11/26	3	1, 427. 3	50. 00	4, 281. 40	150. 00			4, 281. 40	150. 00
	Deutsche mark								3, 568. 50	982. 79	3, 568. 50	982. 79
Hon. James Kee:												
New Zealand to Antarctica	Pound New Zealand (dollar).	12/10	12/18	4	44. 29	50. 00	177. 84	200. 00			177. 84	200. 0
William L. Shafer:												
United Kingdom	Pound	11/8	11/11	4	20. 18. 0	50. 00	83. 6. 6	200. 00	32. 17. 7	78. 74	116. 14. 1	278. 74
France	Franc	11/11	11/14	3	276	50. 00	828. 00	150. 00	186. 10	38. 74	1, 014. 10	188. 74
Switzerland	S Franc	11/14	11/21	7	215. 50	50. 00	1, 508. 50	350. 00	1, 082. 58	251. 82	2, 591. 08	601. 82
Spain	Peseta	11/21	11/23	2	3, 480	50. 00	6, 960	100. 00			6, 960	100. 00
Portugal	Escudo	11/23	11/26	3	1, 427. 13	50. 00	4, 281. 40	150. 00			4, 281. 40	150. 00
	Deutsche Mark								3, 246. 13	894. 00	3, 246. 13	894. 00
Lewis A. Sigler:												
New Zealand to Antarctica	NZ Dollar	1/1	1/10	8	44. 29	50. 00	354. 32	400. 00			354. 32	400. 00
	Deutsche Mark								6, 132. 33	1, 661. 88	6, 132. 33	1, 661. 88
Lee McElvain:												
New Zealand to Antarctica	NZ Dollar	12/10	12/18	4	44. 29	50. 00	177. 84	200. 00			177. 84	200. 00
Total								5, 499. 50		14, 055. 62		19, 555. 12

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$19, 555. 12

WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs.

Mar. 19, 1971.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 116, 2D SESS., 91ST CONG., COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1970

		Date			Per diem rate		Total amount per diem		Transportation[1]		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Brock Adams:												
Japan	Yen	11/11	11/15	5	18, 000	50. 00	90, 000	250. 00	51, 608	143. 36	141, 608	393. 36
Transportation	Deutsche mark								5, 094. 46	1, 403. 05	5, 094. 46	1, 403. 05
Subtotal							190, 000	250. 00		1, 546. 41		1, 796. 41
Less refund								19. 44			7, 000	19. 44
Total								230. 56				1, 776. 97
William P. Adams:												
Japan	Yen	11/11	11/15	5	18, 000	50. 00	90, 000	250. 00	12, 100	33. 61	102, 100	283. 61
Transportation	Deutsche mark								5, 635. 22	1, 551. 97	5, 635. 22	1, 551. 97
Subtotal								250. 00		1, 585. 58		1, 835. 58
Less refund								19. 44				19. 44
Total								230. 56				1, 816, 14
James Harvey:												
Uruguay	Peso	4/18	4/24	7	12, 462	50. 00	87, 237	350. 00			87, 237	350. 00
Less refund								—48. 13			12, 000	—48. 13
Brazil	Cruzeiro	4/25	4/26	2	223	50. 00	446	100. 00			446	100. 00
Total								401. 87				401. 87
Donald Brotzman:												
United Kingdom	Pound	3/27	3/31	5		50. 00	103. 15	250. 00			103. 15	250. 00
France	S franc	4/1	4/3	3	277	50. 00	831	150. 00			831	150. 00
Switzerland	S franc	4/4	4/5	2	215. 50	50. 00	431	100. 00	396. 20	92. 18	827	192. 18
Transportation	Deutsche mark								1, 961. 76	532. 07	1, 961. 76	532. 07
Subtotal								500. 00		624. 25		1, 124. 25
James Hastings:												
Hong Kong	Hong Kong dollar	6/26	6/28	2	301	50. 00	602	100. 00			602	100. 00
Vietnam	Piastre	6/28	7/2	4	5, 900	50. 00	23, 600	200. 00			23, 600	200. 00
Cambodia	Riel	7/2	7/3	1	2, 744	50. 00	2, 744	50. 00			2, 744	50. 00
Thailand	Baht	7/3	7/4	2	1, 041. 25	50. 00	2, 082. 50	100. 00			2, 082. 50	100. 00
Australia	A dollar	7/5	7/7	3	44. 33	50. 00	133. 95	150. 00			133. 95	150. 00
Transportation	Deutsche mark								7, 175. 06	1, 971. 71	7, 175. 06	1, 971. 71
Subtotal								600. 00		1, 971. 71		2, 571. 71

Name and country	Name of currency	Date		Total days	Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Torbert Macdonald:												
Haiti	Gourde	3/27	4/5	10	250	50.00	2,500	500.00			2,500	500.00
Transportation	Deutsche mark								1,229.76	333.54	1,229.76	333.54
Haiti	Gourde	11/6	11/13	7	250	50.00	1,750	350.00			1,750	350.00
Dominican Republic	Peso	11/13	11/20	7	50	50.00	350	350.00			350	350.00
Transportation	Deutsche mark								1,587.67	437.25	1,587.67	437.25
Subtotal								1,200.00		770.79		1,970.79
Ray Blanton:												
Japan	Yen	3/21	3/22	1	18,000	50.00	18,000	50.00	6,660	18.50	24,660	68.50
Thailand	Baht	3/22	3/24	3	1,041.25	50.00	3,123.75	150.00			3,123.75	150.00
Vietnam	Piastre	3/25	3/27	3	5,900	50.00	17,700	150.00			17,700	150.00
Transportation	Deutsche mark								6,889.95	1,868.71	6,889.95	1,868.71
Subtotal								350.00		1,887.21		2,237.21
William L, Springer:												
France	Franc	11/11	11/12	1	276	50.00	191	35.12	Refund	(14.88)	191	35.12
Switzerland	S Franc	11/12	11/13	2	215.50	50.00	431	100.00	550	127.94	981	227.94
Transportation	Deutsche mark									885.00	3,214	885.00
Subtotal								135.12		1,012.94		1,148.06
Peter N. Kyros:												
Japan	Yen	3/21	3/22	1	18,000	50.00	18,000	50.00	6,660	18.50	24,660	68.50
Thailand	Baht	2/22	3/24	3	1,041.25	50.00	3,123.75	150.00			3,123.75	150.00
Vietnam	Piastre	3/25	3/27	3	5,900	50.00	17,700	150.00			17,700	150.00
Transportation	Deutsche mark								6,889.95	1,868.71	6,889.95	1,868.71
Subtotal								350.00		1,887.21		2,237.21
W. S. Stuckey:												
Mexico	Peso	1/3	1/7	5	624.50	50.00	3,122.50	250.00			3,122.50	250.00
Venezuela		1/8	1/10	2		50.00						
Brazil	Cruzeiro	1/10	1/17	7	216	50.00	1,512	350.00			1,512	350.00
Trinidad	TT dollar	1/17	1/18	1	50	50.00	100	50.00	17.50	8.76	117.50	58.76
Transportation	Deutsche mark								3,811.52	1,032.93	3,811.52	1,032.93
Subtotal								650.00		1,041.69		1,691.69
Fletcher Thompson:												
Mexico	Peso	1/2	1/7	6	624.50	50.00	3,747	300.00			3,747	300.00
Venezuela		1/8	1/10	2		50.00						
Brazil	Cruzeiro	1/10	1/17	7	216	50.00	1,512	350.00			1,512	350.00
Trinidad	TT dollar	1/17	1/18	1	50	50.00	100	50.00			100	50.00
Transportation	Deutsche mark								2,777.02	752.58		752.58
Subtotal								700.00		752.58		1,452.58
Michael Taylor:												
Mexico	Peso	1/3	1/7	5	624.50	50.00	3,122.50	250.00			3,122.50	250.00
Venezuela	Bolivar	1/8	1/10	2		50.00	448.50	100.00			448.50	100.00
Brazil	Cruzeiro	1/10	1/17	7	216	50.00	1,512	350.00			1,512	350.00
Trinidad	TT dollar	1/17	1/18	1	50	50.00	100	50.00			100	50.00
Transportation									3,811.52	1,032.93	3,811.52	1,032.93
Subtotal								750.00		1,032.93		1,782.93
Total								6,098.11		14,113.30		20,211.41

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$20,211.41

HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce.

Mar. 19, 1971.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 93, 2D SESS., 91ST CONG., COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1970

Name and country	Name of currency	Date		Total days	Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Donald G. Benn:												
Spain	Peseta	11/16	11/21	6	3,480	50.00	20,880	300.00	6,486	93.19	27,366	393.19
Switzerland	S. franc	11/21	11/28	7	215.50	50.00	1,508.50	350.00			1,508.50	350.00
Ireland	Pound	11/30	12/3	3	20.17.10	50.00	62.13.6	150.00			62.13.6	150.00
United Kingdom	B. pound	11/28	11/30	2	20.15.8	50.00	41.13.4	100.00			41.13.4	100.00
Germany	D. mark								1,072.00	268.00	1,072.00	268.00
Total								900.00		361.19		1,261.19
Hon. Emanuel Celler:												
Japan	Yen	8/17 8/28	8/23 8/30	10	18,000	50.00	180,000	500.00	73,299	203.61	253,299	703.61
Hong Kong, B.C.C	HK dollar	8/24	8/27	4	302.50	50.00	1,210	200.00	55.20	9.13	1,265.20	209.13
Germany	D. mark								7,302.68	1,825.67	7,302.68	1,825.67
Total								700.00		2,038.41		2,738.41

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 93, 2D SESS., 91ST CONG., COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970—Continued

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Frances F. Christy:												
Japan	Yen	8/17 8/28	8/23 8/30	10	18,000	50.00	180,000	500.00	73,299	203.61	253,2.9	703.61
Hong Kong	HK dollars	8/24	8/27	4	302.50	50.00	1,210	200.00			1,210	200.00
Germany	D. mark								7,302.68	1,825.67	7,302.68	1,825.67
Total								700.00		2,029.28		2,729.28
Garner J. Cline:												
France	Franc	5/30	6/3	5	276	50.00	1,380	250.00	383.13	69.40	1,763.13	319.40
Switzerland	S. franc	5/25	5/29	5	215.39	50.00	1,077.50	250.00	67.00	15.59	1,144.50	265.59
Germany	D. mark								3,606.56	978.18	3,606.56	978.18
Total								500.00		1,063.17		1,563.17
Garner J. Cline:												
Peru	Sol	11/5	11/9	4	2,169	50.00	8,676	200.00	2,761.70	63.66	11,437.70	263.66
Chile	Escudo	11/9	11/11	2	716.50	50.00	1,433	100.00			1,433	100.00
Argentina	Peso	11/11	11/14	3	200	50.00	600	150.00			600	150.00
Brazil	Cruzeiro	11/14	11/18	4	239	50.00	956	200.00			956	200.00
Switzerland	S. franc	11/18	11/26	9	215.39	50.00	1,938.50	450.00	196.75	45.77	2,135.25	495.77
France	Franc	11/30	12/2	2	276	50.00	552	100.00	296.80	54.16	848	154.16
Italy	Lira	11/26	11/30	4	31,150	50.00	124,600	200.00			124,600	200.00
Denmark	Krone	12/2	12/5	3	375	50.00	1,125	150.00	263.62	35.16	1,388.62	185.16
Germany	D. mark								6,100.12	1,680.01	6,100.12	1,680.01
Total								1,550.00		1,878.76		3,428.76
Hon. R. Lawrence Coughlin:												
Israel	Pound	11/10	11/12	2	175	50.00	350	100.00			350	100.00
Germany									889.38	244.94	889.38	244.94
Total								100.00		244.94		344.94
Hon. David W. Dennis:												
Switzerland	S. Franc	11/22	11/28	6	215.50	50.00	646.50	150.00	1,944	452.20	2,590.50	602.20
Ireland	Pound	11/30	12/3	4	20.17.10	50.00	62.13.6	150.00			62.13.6	150.00
Germany	D. mark								1,972.74	543.16	1,972.74	543.16
Total								300.00		995.36		1,295.36
Bess E. Dick:												
Japan	Yen	8/17	8/23	10	18,000	50.00	180,000	500.00	73,299	203.61	253,299	703.61
Hong Kong	HK dollar	8/24	8/27	4	302.50	50.00	1,210	200.00			1,210	200.00
Germany	D. mark								7,302.68	1,825.67	7,302.68	1,825.67
Total								700.00		2,029.28		2,729.28
Hon. Don Edwards:												
France	Franc	5/22	5/24	3	276	50.00	828	150.00			828	150.00
Switzerland	S. franc	5/25	5/26	2	215.50	50.00	431	100.00	398.35	92.68	829.35	192.68
United Kingdom	Pound	5/27	5/31	5	20.15.0	50.00	103.15.0	250.00	6.3.4	14.80	109.18.4	264.80
Germany	D. mark								3,228.12	887.09	2,228.12	887.09
Total								500.00		994.57		1,494.57
Hon. Edwin W. Edwards:												
Hong Kong, B.C.C	HK dollar	11/4	11/9	5	303	50.00	1,515.00	250.00			1,515	250.00
Thailand	Baht	11/2	11/4	2	1,041.25	50.00	2,082.50	100.00			2,082.50	100.00
Switzerland	S. franc	10/27	11/1	6	215	50.00	1,287.50	300.00			1,287.50	300.00
Korea	Won	11/11	11/12	1	15,674	50.00	15,674	50.00			15,674	50.00
Taiwan	NT dollar	11/9	11/11	2	2,225	50.00	4,450	100.00			4,450	100.00
Germany	D. mark								7,525.59	2,072.32	7,524.59	2,072.32
Total								800.00		2,072.32		2,872.32
Hon. Joshua Eilberg:												
Peru	Sol	11/5	11/9	4	2,169	50.00	8,676	200.00	3,461.70	79.80	12,137.70	279.80
Chile	Excudo	11/9	11/11	2	716.50	50.00	1,433	100.00			1,433	100.00
Argentina	Peso	11/11	11/14	3	200	50.00	600	150.00			600	150.00
Brazil	Cruzeiro	11/14	11/17	3	239	50.00	717	150.00			717	150.00
Germany									3,464.92	954.26	3,464.92	954.26
Total								600.00		1,034.06		1,634.06
Hon. Michael A. Feighan:												
Netherlands	Guilder	9/25	10/3	9	179.50	50.00	1,615.50	450.00			1,615.50	450.00
Belgium	Franc	10/3	10/6	3	2,500	50.00	7,500	150.00			7,500	150.00
Total								600.00				600.00
Hon. Walter Flowers:												
Greece	Drachma	4/1	4/6	5	1,500	50.00	7,500	250.00			7,500	250.00
United Kingdom	B. pound	3/26	4/1	7	20.15.0	50.00	145.5.0	350.00	34.5.6	82.56	179.10.6	432.56
Germany	D. mark								3,049.94	827.21	3,049.94	827.21
Total								600.00		909.77		1,509.77
Hon. Walter Flowers:												
Australia	Australian dollar.	7/5	7/7	2	44.37	50.00	9.30	100.00			89.30	100.00
Cambodia	Riel	7/3	7/3	1	2,744	50.00	2,744	50.00			2,744	50.00
Hong Kong, B.C.C	HK dollar	6/26	6/28	2	301	50.00	602	100.00			602	100.00
Thailand	Baht	7/2	7/4	2	1,041.25	50.00	2,082.50	100.00			2,082.50	100.00
Vietnam	Piaster	6/28	7/2	4	5,900	50.00	23,600.00	200.00			23,600.00	200.00
Germany	D. mark								7,267.84	1,997.26	77,267.84	1,997.26
Total								550.00		1,997.26		2,547.26

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Clark MacGregor												
Germany	D. mark	5/21	5/26	5		50.00	907.50	250.00	3,370.86	914.26	4,278.36	1,164.26
France	Franc	5/28	5/30	2	276	50.00	552	100.00			552	100.00
Switzerland	S. Franc	5/26	5/28	3	215.50	50.00	646.50	150.00	659	153.32	1,305.50	303.32
Total								500.00		1,067.58		1,567.58
Hon. James R. Mann:												
Australia	A. dollar	7/5	7/7	2	44.33	50.00	89.30	100.00	2.00	2.24	91.30	102.24
Cambodia	Riel	7/3	7/3	1	2,744	50.00	2,744	50.00			2,744	50.00
Hong Kong, B.C.C	H.K. dollar	6/26	6/28	2	301	50.00	602	100.00	228.70	37.81	830.70	137.81
Thailand	Baht	7/2	7/4	2	1,041.25	50.00	2,082.50	100.00			2,082.50	100.00
Vietnam	Piaster	6/28	7/2	4	5,900	50.00	23,600	200.00			23,600	200.00
Germany	D. mark								7,175.07	1,971.71	7,175.07	1,971.71
Total								550.00		2,011.76		2,561.76
Hon. Abner J. Mikva:												
Israel	Pound	8/14	8/23	9	175	50.00	1,575	450.00	901.60	257.60	2,476.60	707.60
Greece	Drachma	8/23	8/28	6	1,500	50.00	9,000	300.00	1,088	36.27	10,088	336.27
Germany	D. mark								2,404.62	662.25	2,404.62	662.25
Total								750.00		956.12		1,706.12
Hon. Peter W. Rodino, Jr.:												
Switzerland	S. franc	5/25	5/29	5	215.50	50.00	1,077.50	250.00	842.00	195.91	1,919.50	445.91
Germany	D. mark								3,528	882.00	3,528	882.00
Total								250.00		1,077.91		1,327.91
Hon. Jerome R. Waldie:												
Japan	Yen	11/28	11/29	2	18,000	50.00	7,695	18.60			7,695	18.60
Korea	Won	11/29	12/3	4	15,700	50.00	59,113	187.64			59,113	187.64
Hong Kong, B.C.C	H.K. dollar	12/3	12/5	2	303	50.00	606	100.00			606	100.00
Taiwan	N.T. dollar	12/5	12/7	2	2,000	50.00	4,000	100.00			4,000	100.00
Germany	D. mark								6,572.78	1,809.69	6,572.78	1,809.69
Total								406.24		1,809.69		2,215.93
Hon. Chas. E. Wiggins:												
Japan	Yen	8/17	8/23	7	18,000	50.00	126,000	350.00	38,826	107.85	164,826	457.85
Germany	D. mark								6,255	1,563.75	6,255	1,563.75
Total								350.00		1,671.66		2,021.60
Hon. Charles E. Wiggins:												
Japan	Yen	11/28	11/29	2	18,000	50.00	7,695	18.60	6,850	19.03	14,545	37.63
Korea	Won	11/29	12/3	4	15,700	50.00	59,113	187.64			59,113	187.64
Hong Kong, B.C.C	H.K. dollar	12/3	12/5	2	303	50.00	606.00	100.00	48.30	7.92	654.30	107.92
Taiwan	N.T. dollar	12/5	12/7	2	2,000	50.00	4,000	100.00			4,000	100.00
Germany	D. mark								6,572.77	1,809.68	6,572.77	1,809.68
Total								406.24		1,836.63		2,242.87
Grand total								12,312.48		28,079.66		40,392.14

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	40,392.14

EMANUEL CELLER,
Chairman, Committee on the Judiciary.

March 19, 1970.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 131, 1ST SESS., 91ST CONG., COMMITTEE ON MERCHANT MARINE AND FISHERIES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ralph E. Casey:												
Switzerland	Franc	10/15	10/28	14	216	50.00	3,024	700.00			3,024	700.00
	Franc								2,157	391.09	2,157	391.09
Frank M. Clark:												
Hong Kong	Dollar	3/27	3/28	2	301	50.00	602	100.00			602	100.00
Hong Kong	Dollar	4/3	4/5	3	301	50.00	903	150.00	152	25.19	1,055	175.19
Japan	Yen	4/5	4/8	4	18,000	50.00	72,000	200.00	32,880	91.33	104,000	291.33
Thailand	Baht	3/28	3/31	3	1,041	50.00	3,123	150.00			3,123	150.00
Vietnam	Piaster	3/31	4/3	3	5,900	50.00	17,700	150.00			17,700	150.00
	Deutsche Mark								6,889	1,868.71	6,889	1,868.71
Michael A. Feighan:												
Poland	Zloty	9/1	9/2	2	3,450	50.00	6,200	95.38			6,200	95.38
U.S.S.R	Ruble	9/2	9/7	6	45	50.00	205	227.78	8.80	9.78	213.80	237.56
Norway	Krone	8/23	8/24	2	356.84	50.00	713.75	100.00	189.20	26.51	902.95	126.51
Finland	Markka	8/25	8/27	3	207.96	50.00	383.70	92.31			383.70	92.31
Sweden	Krona	8/28	8/31	4	844	50.00	1,034	200.00	594.22	114.38	1,628	314.38
United Kingdom	Pound	9/13	9/17	5	20,8	50.00	104.3	250.00	2.18	6.96	106.3	256.96
Denmark	Krone	9/8	9/9	2	375	50,00	750	100.00	601.17	80.18	1,351	180.18
Germany	Deutsche Mark	9/10	9/12	3	181,50	50.00	544.50	150.00	2,889	795.70	3,433	945.70
	Franc								2,932	531.61	2,932	531.61

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 131, 1ST SESS., 91ST CONG., COMMITTEE ON MERCHANT MARINE AND FISHERIES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970—Continued

Name and country	Name of currency	Date		Total days	Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Robert W. Goehring:												
Hong Kong	HK dollar	3/27	3/28	2	301	50.00	602	100.00			602	100.00
Hong Kong	HK dollar	4/3	4/5	3	301	50.00	903	150.00			903	150.00
Japan	Yen	4/5	4/8	4	18,000	50.00	72,000	200.00	13,060	36.28	85,060	236.28
Thailand	Baht	3/28	3/31	3	1,041	50.00	3,123	150.00			3,123	150.00
Vietnam	Piaster	3/31	4/3	3	5,900	50.00	17,700	150.00			17,700	150.00
	Deutsche Mark								6,889	1,868.71	6,889	1,868.71
Halert C Shepheard:												
United Kingdom	Pound	2/22	2/28	7	20.7	50.00	145.2	350.00	96.1	230.50	241.3	580.50
United Kingdom	Pound	9/5	9/11	7	20.7	50.00	145.2	350.00	116	277.20	261.2	627.20
	Deutsche mark								2,920	792.16	2,920	792.16
	Deutsche mark								2,931	807.40	2,931	807.40
Total						1,050.00		4,115.47				12,069.16

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$12,069.16

EDWARD A. GARMATZ
Chairman, Committee on Merchant Marine and Fisheries.

Mar. 20, 1971.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 269, 2D SESS., 91ST CONG., COMMITTEE ON POST OFFICE AND CIVIL SERVICE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1970

Name and country	Name of currency	Date		Total days	Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. T. J. Dulski:												
Switzerland	S. franc	10/1	10/5	5	116.64	27.00	583.20	135.00			583.20	135.00
Transportation—round trip	D. mark								3,151.90	868.07	3,151.90	868.07
Total						27.00		135.00		868.07		1,003.07

RECAPITULATION

Foreign currency (U.S. dollar equivalent)	1,003.07

THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service.

March 1971.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 192, 1ST SESS., 91ST CONG., COMMITTEE ON SCIENCE AND ASTRONAUTICS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

Name and country	Name of currency	Date		Total days	Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Geo. P. Miller:												
New Zealand	NZ dollar	1/1	1/4	4	44.29	50.00	177.16	200.00			177.16	200.00
New Zealand	NZ dollar	1/6	1/9	4	44.29	50.00	177.16	200.00			177.16	200.00
Netherlands	Guilder								[1]6,115.57	1,697.83	6,115.57	1,697.83
Ireland	Pound	9/4	9/6	3	21	50.00	63.00	150.00	38.7	91.70	101.7	241.70
United Kingdom	Pound	9/7	9/11	5	21	50.00	104.3	250.00	73	174.27	177.3	424.27
Spain	Peseta	9/11	9/13	3	3,480	50.00	10,440	150.00	2,500	41.00	129.40	191.00
										[2]1,690.63		1,690.63
Total												4,645.43
R. P. Hines:												
Ireland	Pound	9/4	9/6	3	21	50.00	63	150.00	38.7	91.70	101.7	241.70
United Kingdom	Pound	9/7	9/11	5	21	50.00	104.3	250.00	73	174.27	177.3	424.27
Spain	Peseta	9/11	9/13	3	3,480	50.00	10,440	150.00	2,500	41.00	12,940	191.00
										[2]1,690.63		1,690.63
Total												2,547.60
K. G. Nichols:												
Ireland	Pound	9/4	9/6	3	21	50.00	63	150.00	38.7	91.70	101.7	241.70
United Kingdom	Pound	9/7	9/11	5	21	50.00	104.3	250.00	73	174.27	177.3	424.27
Spain	Peseta	9/11	9/13	3	3,480	50.00	10,440	150.00	2,500	41.00	12,940	191.00
										[2]1,690.63		1,690.63
Total												2,547.60
R. J. Maglione:												
Ireland	Pound	9/4	9/6	3	21	50.00	63	150.00	38.7	91.70	101.7	241.70
United Kingdom	Pound	9/7	9/11	5	21	50.00	104.3	250.00	73	174.27	177.3	424.27
Spain	Peseta	9/11	9/13	3	3,480	50.00	10,440	150.00	2,500	41.00	12,940	191.00
										[2]1,690.63		1,690.63
Total												2,547.60
J. J. Gibbons:												
Ireland	Pound	9/4	9/6	3	21	50.00	63	150.00	38.7	91.70	101.7	241.70
United Kingdom	Pound	9/7	9/11	5	21	50.00	104.3	250.00	73	174.27	177.3	424.27
Spain	Peseta	9/11	9/13	3	3,480	50.00	10,440	150.00	2,500	41.00	12,940	191.00
										[2]1,690.93		1,690.93
Total												2,547.60

Name and country	Name of currency	Date		Total days	Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
E. A. Nesmith:												
Ireland	Pound	9/1	9/4	4	21	50.00	83.10	200.00	38.7	91.70	121.8	291.70
United Kingdom	Pound	9/5	9/9	5	21	50.00	104.3	250.00	73	174.27	177.3	424.27
Spain	Peseta	9/10	9/13	4	3,480	50.00	13,920	200.00	2,500	41.00	164.20	241.00
Germany	D. mark								[1] 1,911.6	526.47	1,911.6	526.47
Total												1,483.44
Paul Van Gilder:												
Ireland	Pound	9/1	9/4	4	21	50.00	83.10	200.00	38.7	91.70	121.8	291.70
United Kingdom	B. pound	9/5	9/9	5	21	50.00	104.3	250.00	73	174.24	177.3	424.27
Spain	Peseta	9/10	9/13	4	3,480	50.00	13,920	200.00	2,500	41.00	16,420	241.00
Germany	D. mark								[1] 1,911.6	526.47	1,911.6	526.47
Total												1,483.44
Robert Price:												
Ireland	Pound	9/4	9/6	3	21	50.00	63	150.00	38.7	91.70	101.7	241.70
France	Franc	9/7	9/9	3	276	50.00	828	150.00	166	30.00	994	180.00
United Kingdom	B. pound	9/9	9/10	1	21	50.00	21	50.00			21	50.00
France	Franc	9/10	9/11	1	276	50.00	276	50.00			276	50.00
Spain	Peseta	9/11	9/13	3	3,480	50.00	6,960	100.00	2,500	41.00	9,460	141.00
										[2] 1,416.71		1,416.71
Total												2,079.41
F. R. Hammill:												
Germany	D. mark	7/6	7/9	4	181.5	50.00	726	200.00	502.75	138.16	1,228.7	338.16
France	Franc	7/10	7/12	3	275	50.00	830.00	150.00			830	150.00
United Kingdom	Pound	7/13	7/17	5	21	50.00	104.5	250.00	3.3	7.62	107.8	257.62
Netherlands	Guilder	7/18	7/20	3	180	50.00	540.00	150.00			540	150.00
Germany	D. mark								[1] 3,239.1	890.11	3,239.1	890.11
Total												1,785.89
W. H. Boone:												
Germany	D. mark	7/6	7/9	4	181.5	50.00	726	200.00	502.75	138.16	1,228.7	338.16
France	Franc	7/10	7/12	3	275	50.00	830.00	150.00			830	150.00
United Kingdom	B. pound	7/13	7/17	5	21	50.00	104.5	250.00	3.3	7.62	107.8	257.62
Netherlands	Guilder	7/18	7/20	3	180	50.00	540.00	150.00			540	150.00
Germany	D. mark								[1] 3,239.1	890.11	3,239.1	890.11
Total												1,785.89
P. B. Yeager:												
France	Franc	2/1	2/4	4	275	50.00	1,110	200.00			1,110	200.00
Belgium	B. franc	2/4	2/6	3	2,500	50.00	6,000	121.50			6,000	121.50
United Kingdom	B. pound	2/7	2/11	5	21	50.00	88.7	214.30			88.7	214.30
Germany	D. mark								[1] 1,815.3	491.97	1,815.3	491.97
Total												1,027.77
J. E. Karth:												
Italy	Lira	9/20	9/24	4	31,450	50.00	125,800	200.00	19,262	3,060	50,712	230.62
Switzerland	S. franc	9/25	9/26	2	215	50.00	430	100.00			430	100.00
Spain	Peseta	9/27	9/28	2	3,480	50.00	6,960	100.00			6,960	100.00
Germany	D. mark										3,797.8	1,045.96
Total												1,476.56
W. G. Wells:												
Italy	Lira	9/20	9/24	4	31,450	50.00	125,800	200.00	19,262	30.60	50,712	230.60
Switzerland	S. franc	9/25	9/26	2	215	50.00	430	100.00			430	100.00
Spain	Peseta	9/27	9/28	2	3,480	50.00	6,960	100.00			6,960	100.00
Germany	D. mark										[1] 3,797.8	1,045.96
Total												1,476.56
Jas. G. Fulton: Canada	Dollar	2/8	2/10	3	53.00	50.00	101.90	94.91	135.00	128.00	236.90	222.91
Chas. A. Mosher: Canada	Dollar	2/8	2/10	3	53.00	50.00	101.90	94.91	135.00	128.00	236.90	222.91
Jas. Symington: Canada	Dollar	2/8	2/10	3	53.00	50.00	101.90	94.91	135.00	128.00	236.90	222.91
J. T. Ratchford: Canada	Dollar	2/8	2/10	3	53.00	50.00	94.72	91.00			229.72	219.00
Barry M. Goldwater, Jr.:												
United Kingdom	Pound	3/24	3/26	3	21	50.00	41.10	100.00			41.10	100.00
France	Franc	3/27	3/28	2	277	50.00	554	100.00			554	100.00
Italy	Lira	3/29	3/31	3	31,450	50.00	94,350	150.00			94,350	150.00
Total												350.00
Louis Frey:												
Hong Kong	Dollar	6/27	6/28	2	301	50.00	602	100.00			602	100.00
Thailand	Baht	7/2	7/3	2	1,041.2	50.00	2,082.5	100.00			2,082.5	100.00
Australia	Dollar	7/5	7/7	3	44.65	50.00	133.95	150.00	21.80	24.46	155.75	174.46
Germany	Mark								[1] 7,175	1,971.71	7,175	1,971.71
Total												2,346.17
Jerry L. Pettis:												
New Zealand	Dollar	1/1	1/4	4	44.29	50.00	177.16	200.00			177.16	200.00
New Zealand	Dollar	1/6	1/9	4	44.29	50.00	177.16				177.16	200.00
Netherlands	Guilder								[1] 6,115.57	1,697.83	6,115.57	1,697.83
Total												2,097.83
Stafford Beer: United Kingdom	Pound								[3] 332.10	794.94	332.10	794.94
F. Garcia-Roel: Mexico	Peso								[3] 2,450.29	196.18	2,450.29	196.18
Sloan Stancescu: Rumania	Lev								[3] 19,571	1,098.28	195.71	1,098.28
Osmo Wiio: Finland	Markka								[3] 4,208	1,004.54	4,208	1,004.54

[1] Cost of overseas transportation.

[2] Cost of transportation furnished by Department of the Air Force.

[3] Special consultants to committee as per authority of House Administration Committee, November 25, 1970.

Mar. 18, 1971.

GEORGE P. MILLER,
Chairman, Committee on Science and Astronautics.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 47, 2D SESS., 91ST CONG., COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. G. V. Montgomery:												
Vietnam	Piaster	12/19	12/20	2	13,750	50.00	27,500	100.00			27,500	100.00
Laos	Kip	12/21	12/22	2	25,175	50.00	42,750	85.07			42,750	85.07
Thailand	Baht	12/22	12/23	1	1,041.25	50.00	821	39.42			821	39.42
Vietnam	Piaster	12/24	12/26	3	13,750	50.00	41,250	150.00			41,250	150.00
Germany (transportation)	Deutsch mark								7,519.29	2,071.43	7,159.29	2,071.43
Subtotal								374.49		2,071.43		2,445.92
Hon. Margaret M. Heckler:												
Japan	Yen	4/11	4/15	4	18,000	50.00	72,000	200.00	18,442	51.23	90,442	251.23
Hong Kong	HK Dollar	4/15	4/17	2	301.00	50.00	602.00	100.00	99.90	16.52	701.90	116.52
Vietnam	Piaster	4/17	4/19	2	5,900	50.00	11,800	100.00			11,800	100.00
Laos	Kip	4/19	4/20	2	25,000	50.00	25,000	50.00			25,000	50.00
Germany (transportation)	Deutsch mark								6,805.52	1,805.52	6,805.52	1,805.52
Appropriated funds (Department of Navy).	Dollar											202.59
Subtotal								450.00		1,873.27		2,525.86
Wm. H. Long, Maj., USMC:												
Japan	Yen	4/11	4/15	4	18,000	50.00	72,000	200.00			72,000	200.00
Hong Kong	HK Dollar	4/15	4/17	2	301.00	50.00	602.00	100.00			602.00	100.00
S. Vietnam	Piaster	4/17	4/19	2	5,900	50.00	11,800	100.00			11,800	100.00
Laos	Kip	4/19	4/20	2	25,000	50.00	15,000	30.00			15,000	30.00
Germany (transportation)	Deutsche mark								6,819.15	1,829.41	6,819.15	1,829.41
Subtotal								430.00		1,829.41		2,259.41
Total								1,254.49		5,774.11		7,231.19

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$7,028.60
Appropriated funds:	
Government Department:	
Department of Navy	202.59
Total	7,231.19

OLIN E. TEAGUE,
Chairman, Committee on Veterans' Affairs.

Mar. 23, 1971.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, U.S. GROUP, INTERPARLIAMENTARY UNION, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

		Lodging		Meals		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Edward J. Derwinski:											
France	Franc	304.75	55.00	54.00	9.75					358.75	64.75
Monaco	Franc	770.00	140.05	274.35	49.38			74.40	13.50	1,118.75	202.93
Monaco	U.S. dollar				79.00		465.00				544.00
Tunisia	Dinar							15.000	28.57	15,000	28.57
Netherlands	FL	1,191.00	330.84	449.05	124.73			1,651.30	460.05	3,291.35	915.62
Netherlands	U.S. dollar		49.33		26.67		55.60				131.60
Belgium	BF	2,239.00	44.78	1,055.00	21.10			6,180.00	123.50	9,747.00	189.38
Germany	Deutsche mark					942.20	256.00			942.20	256.00
Michael Feighan:											
Poland	Zloty	1,226.00	18.86	321.00	4.94			180.00	2.77	1,727.00	26.57
Romania	Lei	480.00	26.88	56.70	2.94					536.70	29.82
Netherlands	FL	855.00	237.50	430.65	119.61					1,285.65	357.11
Belgium	BF	1,120.00	22.40	2,895.00	57.90					4,015.00	80.30
E. Ross Adair:											
France	Franc	189.75	34.25	32.20	5.80					221.95	40.05
Monaco	Franc	700.00	126.00	391.70	70.70			45.80	8.45	1,137.50	205.15
Tunisia	Dinar							26,250.00	50.00	26,250.00	50.00
Jackson E. Betts:											
Poland	Zloty	1,044.00	160.06	104.50	1.61			158.00	2.43	1,306.50	164.10
Romania	Lei	480.00	26.88	49.00	2.52					529.00	29.40
Netherlands	Guilders	855.00	237.50	169.80	47.19			6.50	1.81	1,031.00	286.50
Belgium	Franc	2,240.00	44.80	1,128.00	22.56					3,368.00	67.36
Emilio Q. Daddario:											
France	Franc	189.75	34.25	32.20	5.80					221.95	40.05
Monaco	Franc	800.00	145.50	705.30	127.66			108.20	19.58	1,630.50	292.74
Robert McClory:											
Monaco	Franc	700.00	127.30	255.75	46.95			83.60	14.65	1,039.35	188.90
Monaco	U.S. dollar				99.10						99.10
Tunisia	Dinar							1,000	2.00	1,000	2.00
Poland	Zloty	1,226.00	18.86					183.00	2.81	1,409.00	21.67
Romania	Lei	480.00	26.88	19.50	.87					499.50	27.75
Netherlands	Guilder	855.00	237.50	40.55	11.30					895.55	248.80
Netherlands	U.S. dollar				67.02						67.02
Belgium	Franc	2,240.00	44.80	381.00	7.65					2,621.00	52.45
F. Bradford Morse:											
Monaco	Franc	61.00	11.12	9.00	1.63					70.00	12.75
Netherlands	Guilder	577.00	160.28	218.25	60.63	7,493.09	2,080.26	871.50	242.97	9,159.84	2,544.14
Belgium	Franc	1,514.05	30.28	1,298.00	25.96			8,768.00	175.36	11,580.00	231.60
Germany	Deutsche mark					3,109.39	856.35			3,109.39	856.35
Lucien N. Nedzi:											
Poland	Zloty	1,226.00	18.86	8.80	.29			183.00	2.82	1,427.80	21.97
Romania	Lei	480.00	26.88	46.00	2.37					526.00	29.25
Netherlands	Guilder	855.00	237.50	1,384.15	385.55					2,239.15	623.05
Belgium	Franc	1,120.00	22.40	4,261.00	85.22			450.00	9.00	5,831.00	116.62

Name and country	Name of currency	Lodging: Foreign currency	Lodging: U.S. dollar equivalent or U.S. currency	Meals: Foreign currency	Meals: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Miscellaneous: Foreign currency	Miscellaneous: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Alexander Pirnie:											
France	Franc	189.75	34.25	22.00	3.95			2.50	.50	214.25	38.70
Monaco	Franc	490.00	89.10	363.00	65.85			58.00	10.55	911.00	165.50
Tunisia	Dinar							12,000	22.86	12,000	22.86
Poland	Zloty	1,090.00	16.77	450.90	6.93					1,540.90	23.70
Romania	Lei	480.00	26.88	12.00	.47					492.00	27.35
Netherlands	Guilder	485.00	148.61	291.50	80.98			263.50	73.55	1,040.00	303.14
Total			3,013.15		1,732.58		3,713.21		1,267.73		9,726.67

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$4,683.69
Appropriated funds: Other 22 U.S.C. 276	5,042.98
Total	9,726.67

Mar. 16, 1971.

JOHN SPARKMAN, Chairman

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY A COMMITTEE, HOUSE DELEGATION, CANADA-UNITED STATES INTERPARLIAMENTARY GROUP EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

Name	Country	Name of currency	Lodging: Foreign currency	Lodging: U.S. dollar equivalent or U.S. currency	Meals: Foreign currency	Meals: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Miscellaneous: Foreign currency	Miscellaneous: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Hon. Mark Andrews	United States	Dollar		66.96								66.96
Hon. C. E. Gallagher, Chairman of Delegation.	do	do		108.96		9.75				3.05		121.76
Hon. Frank Horton	do	do		66.96		10.42				3.20		80.58
Hon. Harold T. Johnson	do	do		64.88		5.93				.30		71.11
Hon. Abraham Kazen, Jr.	do	do		66.96								66.96
Hon. William S. Mailliard	do	do		66.96		8.00				1.50		76.46
Hon. Thomas E. Morgan	do	do		66.96								66.96
Hon. Claude Pepper	do	do		66.96		4.49				4.05		75.50
Hon. J. J. Pickle	do	do		66.96		2.60				.50		70.06
Hon. William J. Randall	do	do		38.65		3.65						42.30
Hon. Henry P. Smith III	do	do		66.96		16.18						83.14
Hon. Robert T. Stafford	do	do		66.96		5.78				4.38		77.12
Balance forward				815.13		66.80				16.98		898.91
Albert C. F. Westphal	United States	Dollar		56.50		2.03				.30		58.83
Mary Louise O'Brien	do	do		48.20		5.60				1.20		55.00
Delegation expenses	do	do								9,346.26		9,346.26
Total				919.83		74.43				9,364.74		10,359.00

RECAPITULATION

	Amount
Appropriated funds: Public Law 86-42	$10,359.00

CORNELIUS E. GALLAGHER,
Chairman, House Delegation, Canada-United States Interparliamentary Group.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE HOUSE OF REPRESENTATIVES DELEGATION, MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

Name	Country	Name of currency	Lodging: Foreign currency	Lodging: U.S. dollar equivalent or U.S. currency	Meals: Foreign currency	Meals: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Miscellaneous: Foreign currency	Miscellaneous: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Hon. Eligio de la Garza	United States	Dollar		154.08		31.45				0.18		185.71
Hon. Sherman P. Lloyd	do	do		131.61		29.50				.54		161.65
Hon. Charles E. Wiggins	do	do		154.08		15.16				5.41		174.65
Hon. Abraham Kazen, Jr	do	do		163.71		28.53				.36		192.60
Hon. Manuel Lujan, Jr	do	do		163.71		10.50				1.96		176.17
Albert C. F. Westphal	do	do		154.08		14.62				.36		169.06
Helen L. Hashagen	do	do		109.14		10.18				2.53		121.85
Delegation expenses												14,377.01
Total				1,030.41		139.94				11.34		15,558.70

CAPITULATION

	Amount
Appropriated funds: Other Public Law 86-420	$15,558.70

ROBERT N. C. NIX,
Chairman, House of Representatives Delegation, Mexican-United States Interparliamentary Group.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 551, 1ST SESS., 88TH CONG., HOUSE DELEGATION TO NORTH ATLANTIC ASSEMBLY, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1970

Name and country	Name of currency	Date		Total days	Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Frank Annunzio:												
Netherlands	Guilder	11/5	11/10	6	179.5	50.00	1,077	300.00			1,077	300.00
Italy	Lira	11/11	11/13	3	31,150	50.00	93,450	150.00			93,450	150.00
Great Britain	Pound	11/14	11/18	5	20.10.0	50.00	104.3.3	250.00			104.3.3	250.00
Hon. Jack B. Brooks:												
Belgium	Belgium franc	6/30	7/1	2	2,500	50.00	5,000	100.00			5,000.00	100.00
Belgium	Deutsche mark								3,081.72	846.86	3,081.72	846.86
Great Britain	Pound	7/2	7/3	2	20.10.0	50.00	41.13.0	100.00	18.0.0	43.20	59.3	143.20
Netherlands	Guilder	11/5	11/10	6	179.5	50.00	1,077	300.00			1,077	300.00
Netherlands	Guilder								1,543.50	429.11	1,543.50	429.11
Great Britain	Pound	11/11	11/12	2	20.10.0	50.00	41.13.3	100.00			41.13.3	100.00
Great Britain	Pound								25.17.6	61.81	25.17.6	61.81
Hon. Phillip Burton:												
Netherlands	Guilder	11/5	11/10	6	179.5	50.00	1,077	300.00			1,077	300.00
Italy	Lira	11/11	11/13	3	31,150	50.00	93,450	150.00			93,450	150.00
Great Britain	Pound	11/14	11/15	2	20.10.0	50.00	41.0.0	100.00	31.18.0	76.20	72.18.0	176.20
Hon. Frank M. Clark:												
Belgium	Franc	6/28	7/6	9	2,500	50.00	22,500	450.00			22,500	450.00
Belgium	Deutsche mark									846.86	3,081.72	846.86
Netherlands	Guilder	11/5	11/10	6	179.5	50.00	1,077	300.00			1,077	300.00
Italy	Lira	11/11	11/13	3	31,150	50.00	93,450	150.00			93,450	150.00
Great Britain	Pound	11/14	11/18	5	20.10.0	50.00	104.3.3	250.00			104.3.3	250.00
Hon. Samuel L. Devine:												
Netherlands	Guilder	11/5	11/10	6	179.5	50.00	1,077	300.00			1,077	300.00
Italy	Lira	11/11	11/13	3	31,150	50.00	93,450	150.00			93,450	150.00
Great Britain	Pound	11/14	11/18	5	20.10.0	50.00	104.3.3	250.00			104.3.3	250.00
Hon. Paul Findley:												
Great Britain	Pound	6/25	6/27	3	20.10.0	50.00	62.8.3	150.00	77.17.3	186.86	140.5.6	336.86
Belgium	Belgium franc	6/28	7/1	4	2,500	50.00	10,000	200.00	685	13.80	10,685	213.80
France	Franc	7/2	7/5	4	276	50.00	1,104	200.00			1,104.00	200.00
Italy	Lira	7/6	7/7	2	31,150	50.00	62,300	100.00	54,050	85.93	116,350	185.93
Germany	Mark	7/8	7/9	2	181.50	50.00	363.00	100.00	3,606.56	991.09	3,788.06	1,091.09
Netherlands	Guilder	11/5	11/10	6	179.5	50.00	1,077	300.00			1,077	300.00
Italy	Lira	11/11	11/13	3	31,150	50.00	93,450	150.00			93,450	150.00
Great Britain	Pound	11/14	11/15	2	20.10.0	50.00	41.0.0	100.00	15.19.0	38.28	56.19.0	138.28
Hon. Sam Gibbons:												
Netherlands	Guilder	11/5	11/10	6	179.5	50.00	1,077	300.00			1,077	300.00
Italy	Lira	11/11	11/13	3	31,150	50.00	93,450	150.00			93,450	150.00
Ireland	Pound	11/14	11/15	2	20.10.0	50.00	41.0.0	100.00			41.0.0	100.00
Hon. Wayne L. Hays:												
France	Franc	2/5	2/8	4	277	50.00	1,108.00	200.00			1,108.00	200.00
Italy	Lira	2/9	2/11	3	31,450	50.00	94,350	150.00			94,350	150.00
Belgium	Belgium franc	5/18	5/20	3	2,500	50.00	7,500	150.00			7,500	150.00
Great Britain	Pound	5/21	5/22	2	20.10.0	50.00	41.0.0	100.00			41.0.0	100.00
Great Britain	Pound	6/27	6/28	2	20.10.0	50.00	41.0.0	100.00			41.0.0	100.00
Belgium	Belgium Franc	6/29	7/2	4	2,500	50.00	10,000	200.00			10,000	200.00
Great Britain	Pound	7/3	7/4	2	20.10.0	50.00	41.0.0	100.00			41.0.0	100.00
Netherlands	Guilder	11/5	11/10	6	179.5	50.00	1,077	300.00			1,077	300.00
Italy	Lira	11/11	11/13	3	31,150	50.00	93,450	150.00			93,450	150.00
Great Britain	Pound	11/14	11/18	5	20.10.0	50.00	104.3.3	250.00			104.3.3	250.00
Hon. William T. Murphy:												
Netherlands	Guilder	11/5	11/10	6	179.50	50.00	1,077	300.00			1,077	300.00
Italy	Lira	11/11	11/13	3	31,150	50.00	93,450	150.00			93,450	150.00
United Kingdom	Pound	11/14	11/18	5	20.16.8	50.00	104.3.3	250.00			104.3.3	250.00
Hon. Bertram Podell:												
Netherlands	Guilder	11/5	11/10	6	179.5	50.00	1,077	300.00			1,077	300.00
Italy	Lira	11/11	11/13	3	31,150	50.00	93,450	150.00			93,450	150.00
Great Britain	Pound	11/14	11/18	5	20.10.0	50.00	104.3.3	250.00			104.3.3	250.00
Hon. Albert H. Quie:												
Netherlands	Guilder	11/5	11/10	6	179.5	50.00	1,077	300.00			1,077	300.00
Italy	Lira	11/11	11/13	3	31,150	50.00	93,450	150.00			93,450	150.00
Ireland	Pound	11/14	11/15	2	20.10.0	50.00	31.13.4	76.05			31.13.4	76.05
Hon. L. Mendel Rivers:												
Belgium	Belgium franc	6/28	7/1	4	2,500.00	50.00	10,000	200.00			10,000	200.00
Great Britain	Pound	7/2	7/3	2	20.10.0	50.00	41.13.3	100.00	80.10	193.18	122.3.3	293.18
Netherlands	Guilder	11/5	11/10	6	179.5	50.00	1,077	300.00			1,077	300.00
Italy	Lira	11/11	11/13	3	31,150	50.00	93,450	150.00			93,450	150.00
Great Britain	Pound	11/17	11/18	2	20.10.0	50.00	41.13.3	100.00			41.13.3	100.00
Hon. Peter W. Rodino, Jr.:												
Netherlands	Guilder	11/5	11/10	6	179.5	50.00	1,077	300.00	290.50	80.76	1,367.50	380.76
Italy	Lira	11/11	11/13	3	31,150	50.00	93,450	150.00			93,450	150.00
Great Britain	Pound	11/14	11/18	5	20.10.0	50.00	104.3.3	250.00			104.3.3	250.00
Hon. Vernon W. Thomson:												
Netherlands	Guilder	11/5	11/10	6	179.5	50.00	1,077	300.00			1,077	300.00
Italy	Lira	11/11	11/13	3	31,150	50.00	93,450	150.00			93,450	150.00
Great Britain	Pound	11/14	11/18	5	20.10.0	50.00	104.3.3	250.00			104.3.3	250.00
Hon. J. Irving Whalley:												
Netherlands	Guilder	11/5	11/10	6	179.5	50.00	1,077	300.00			1,077	300.00
Italy	Lira	11/11	11/13	3	31,150	50.00	93,450	150.00			93,450	150.00
Great Britain	Pound	11/14	11/15	2	20.10.0	50.00	41.0.0	100.00	31.18.0	76.21	72.18.0	176.21
Phil Billings:												
Netherlands	Guilder	11/5	11/9	5	179.5	50.00	897.5	250.00			897.5	250.00
Italy	Lira	11/10	11/13	4	31,150	50.00	124,600	200.00			124,600	200.00
Great Britain	Pound	11/14	11/18	5	20.10.0	50.00	104.3.3	250.00			104.3.3	250.00
Boyd Crawford:												
Netherlands	Guilder	11/5	11/10	6	179.5	50.00	1,077	300.00			1,077	300.00
Italy	Lira	11/11	11/13	3	31,150	50.00	93,450	150.00			93,450	150.00
Great Britain	Pound	11/14	11/18	5	20.10.0	50.00	104.3.3	250.00			104.3.3	250.00
Delegation expenses, including office rental, telephone, transportation and official representation:												
Netherlands												11,192.47
Italy												3,191.19
France												200.00
Turkey												66.67
United Kingdom												5,285.08
Total								13,376.05		3,970.15		37,281.61

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$37,281.61

WAYNE L. HAYS,
Chairman, House Delegation to North Atlantic Assembly.

Mar. 19, 1971.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 976, 2D SESS., 91ST CONG., SELECT COMMITTEE ON U.S. INVOLVEMENT IN SOUTHEAST ASIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1970

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Adair, E. Ross:												
Vietnam	Piaster	6/21	7/2	10	5,900	50.00	52,300	443.22			52,300	443.22
Laos	Kip	6/25	6/26	1	25,000	50.00	18,045	36.09			18,045	36.09
Cambodia	Riel	6/26	6/27	1	2,744	50.00						
Anderson, Burnett: Vietnam	Piaster	6/21	7/2	12	5,900	50.00	69,200	586.44			69,200	586.44
Anderson, Wm. R.:												
Vietnam	Piaster	6/21	7/2	10	5,900	50.00	58,830	498.56			58,830	498.56
Laos	Kip	6/25	6/26	1	25,000	50.00	23,140	46.28			23,140	46.28
Cambodia	Riel	6/26	6/27	1	2,744	50.00	2,744	50.00			2,744	50.00
Bryant, C. C.: Vietnam	Piaster	6/21	7/2	12	5,900	50.00	68,700	582.20			68,700	582.20
Clancy, Donald D.:												
Vietnam	Piaster	6/21	7/2	10	5,900	50.00	53,400	452.54			53,400	452.54
Thailand	Baht	6/25	6/26	1	1,041.25	50.00	797.75	38.30			797.75	38.30
Cambodia	Riel	6/26	6/27	1	2,744	50.00	101	2.32			101	2.32
Clemandot, Andre: Vietnam	Piaster	6/21	7/2	12	5,900	50.00	55,800	472.88			55,800	472.88
Hamilton, Lee H.:												
Vietnam	Piaster	6/21	6/27	5	5,900	50.00	29,500	250.00			29,500	250.00
Thailand	Baht	6/25	6/26	1	1,041.25	50.00	709.87	34.08			709.87	34.08
Japan	Yen	6/27	7/1	3	18,000	50.00	54,000	150.00			54,000	150.00
Hansen, Orval:												
Vietnam	Piaster	6/21	7/2	7	5,900	50.00	41,300	350.00			41,300	350.00
Thailand	Baht	6/25	6/26	1	1,041.25	50.00	1,026.25	49.28	4,080	195.97	5,106.25	245.25
Indonesia	Rupiah	6/26	6/28	3	19,050	50.00	44,912.66	117.95	45,448	118.05	90,360.66	236.00
Malaysia	M. dollar	6/28	6/29	1	150	50.00	150	50.00			150	50.00
Harkin, Thomas R.: Vietnam	Piaster	6/21	7/2	12	5,900	50.00	70,800	600.00			70,800	600.00
Hawkins, A. F.:												
Vietnam	Piaster	6/21	7/2	10.	5,900	50.00	59,000	500.00			59,000	500.00
Thailand	Baht	6/25	6/26	1	1,041.25	50.00	951.25	45.68			951.25	45.68
Cambodia	Riel	6/26	6/27	1	2,744	50.00	2,640	48.12			2,640	48.12
Keith, Hastings:												
Vietnam	Piaster	6/21	7/2	7	5,900	50.00	15,300	229.66	41,807.50	354.30	57,107.50	583.96
Thailand	Baht	6/25	6/26	1	1,041.25	50.00	624.75	30.00			624.75	30.00
Indonesia	Rupiah	6/26	6/28	3	19,050	50.00	31,387.33	67.95			31,387.33	67.95
Malaysia	M. dollar	6/28	6/29	1	150	50.00	131	44.50			131	44.50
Lester, Kenneth D.: Vietnam	Piaster	6/21	7/2	12	5,900	50.00	70,800	600.00			70,800	600.00
Marshall, D. S.:												
Vietnam	Piaster	6/21	7/2	7	5,900	50.00	41,300	350.00	41,807.50	354.30	83,107.50	704.30
Thailand	Baht	6/25	6/26	1	1,041.25	50.00	1,041.25	50.00			1,041.25	50.00
Indonesia	Rupiah	6/26	6/28	3	19,050	50.00	44,812.67	117.95	2,500	6.49	47,312.67	124.44
Malaysia	M. dollar	6/28	6/29	1	150	50.00	150	50.00	30	9.85	150	59.85
R. H. Mollohan:												
Vietnam	Piaster	6/21	7/2	10	5,900	50.00	59,000	500.00			59,000	500.00
Thailand	Baht	6/25	6/26	1	1,041.25	50.00	671	32.22			671	32.22
Cambodia	Riel	6/26	6/27	1	2,744	50.00	1,870	34.23			1,870	34.23
G. V. Montgomery:												
Vietnam	Piaster	6/21	7/2	10	5,900	50.00	55,570	470.93			55,570	470.93
Laos	Kip	6/25	6/26	1	25,000	50.00	9,760	19.52			9,760	19.52
Cambodia	Riel	6/26	6/27	1	2,744	50.00	616	11.22	9,563	172.52	10,179	183.74
John H. Napier:												
Vietnam	Piaster	6/21	7/2	10	5,900	50.00	51,000	432.20			51,000	432.20
Laos	Kip	6/25	6/26	1	25,000	50.00	25,000	50.00			25,000	50.00
Cambodia	Riel	6/26	6/27	1	2,744	50.00	2,730	49.75			2,730	49.75
H. W. Robison:												
Vietnam	Piaster	6/21	7/2	10	5,900	50.00	53,130	450.25			53,130	450.25
Thailand	Baht	6/25	6/26	1	1,041.25	50.00	738.25	35.45			738.25	35.45
Cambodia	Riel	6/26	6/27	1	2,744	50.00	100	2.30			100	2.30
Neal Smith:												
Vietnam	Piaster	6/21	7/2	10	5,900	50.00	44,300	375.42			44,300	375.42
Thailand	Baht	6/25	6/26	1	1,041.25	50.00	541.25	25.98			541.25	25.98
Cambodia	Riel	6/26	6/27	1	2,744	50.00	1,640	30.08			1,640	30.08
Albert Watson:												
Vietnam	Piaster	6/21	7/2	10	5,900	50.00	59,000	500.00			59,000	500.00
Thailand	Baht	6/25	6/26	1	1,041.25	50.00	981.25	47.12			981.25	47.12
Cambodia	Riel	6/26	6/27	1	2,744	50.00	2,135	39.01			2,135	39.01
A. C. F. Westphal:												
Vietnam	Piaster	6/21	7/2	10	5,900	50.00	55,360	469.15			55,360	469.15
Thailand	Baht	6/25	6/26	1	1,041.25	50.00	1,041.25	50.00			1,041.25	50.00
Cambodia	Riel	6/26	6/27	1	2,744	50.00	2,541	46.34			2,541	46.34
Total								10,615.17		1,211.48		11,826.65

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	11,826.65
Appropriated funds:	
H. Res. 1071	3,897.03
Total	15,723.68

G. V. MONTGOMERY,
Chairman, Select Committee on U.S. Involvement in Southeast Asia.

Mar. 20, 1971.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

494. A letter from the Assistant Secretary of the Air Force (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to repeal sections 3692, 6023, 6025, and 8692 of title 10, United States Code, with respect to pilot rating requirements for members of the Army, Navy, Marine Corps, and Air Force; and to insert a new section 2003 of the same title; to the Committee on Armed Services.

495. A letter from the U.S. Commissioner of Education, transmitting a report on the Federal Government's role in education and an assessment of the status of education in the United States, pursuant to section 412 of Public Law 91–230, as amended; to the Committee on Education and Labor.

496. A letter from the Chairman, National Advisory Council on the Education of Disadvantaged Children, transmitting the 1971 annual report of the Council, pursuant to section 134(c) of Public Law 91–230; to the Committee on Education and Labor.

497. A letter from the Secretary of Commerce, transmitting the final report on Federal participation in HemisFair '68, San Antonio, Tex., pursuant to section 4 of Public Law 89–685; to the Committee on Foreign Affairs.

498. A letter from the Sercetary of the Interior, transmitting a copy of a proposed amendment to a concession contract for the continued operation of a motion picture, lecture, and photographic studio for the public on the south rim of Grand Canyon National Park, Ariz., for an additional period of 1 year ending December 31, 1971, pursuant to 67 Stat. 271 and 70 Stat. 543; to

the Committee on Interior and Insular Affairs.

499. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of the study of national health insurance proposals, pursuant to Public Law 91-515; to the Committee on Interstate and Foreign Commerce.

500. A letter from the Secretary of Transportation, transmitting an interim report on an aviation cost allocation study, pursuant to section 209(b) of the Airport and Airway Development Act of 1970; to the Committee on Interstate and Foreign Commerce.

501. A letter from the Chairman, Civil Aeronautics Board, transmitting the annual report of the Board for fiscal year 1970; to the Committee on Interstate and Foreign Commerce.

502. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting a report for fiscal year 1970 on extraordinary contractual actions to facilitate the national defense, pursuant to section 4(a) of Public Law 85-804; to the Committee on the Judiciary.

503. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to require loadlines on U.S. vessels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

504. A letter from the Administrator of General Services, transmitting a prospectus which revises the authorized Federal Law Enforcement Training Center at Beltsville, Md.; to the Committee on Public Works.

Received From the Comptroller General

505. A letter from the Comptroller General of the United States, transmitting a report on the examination of financial reports of the Tennessee Valley Authority for fiscal year 1970, pursuant to 31 U.S.C. 841 (H. Doc. No. 92-76); to the Committee on Government Operations and ordered to be printed.

506. A letter from the Comptroller General of the United States, transmitting a report on the need for the Department of Defense to remove more low-cost, low-usage items from inventories; to the Committee on Government Operations.

507. A letter from the Comptroller General of the United States, transmitting a report that postage due and handling costs for processing mail with insufficient postage are not being recovered by the Post Office Department; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. S. 789. An act to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; with an amendment (Rept. No. 92-98). Referred to the Committee of the Whole House on the State of the Union.

Mr. FLOOD: Committee on Appropriations. H.R. 7016. A bill making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes; (Rept. No. 92-99). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. House Resolution 354. Resolution providing for the consideration of H.R. 4724. A bill to authorize appropriations for certain maritime programs of the Department of Commerce (Rept. No. 92-199). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 355. Resolution providing for the consideration of H.R. 5352. A bill to amend the act to authorize appropriations for the fiscal year 1971 for certain maritime programs of the Department of Commerce (Rept. No. 92-101). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 356. Resolution providing for the consideration of H.R. 5981. A bill to authorize the Secretary of Agriculture to establish feed grain bases, wheat domestic allotments, and upland cotton base acreage allotments for certain growers of sugar beets (Rept. No. 92-102). Referred to the House Calendar.

Mr. O'NEILL: Committee on Rules. House Resolution 333. Resolution to authorize additional investigative authority to the Committee on Education and Labor; with amendment (Reput. No. 92-103). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FLOOD:

H.R. 7016. A bill making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes.

By Mr. BELL:

H.R. 7017. A bill to authorize the Secretary of Transportation to carry out a special program of transportation research and development utilizing the special experience and manpower of the aerospace and defense industries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BIAGGI:

H.R. 7018. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 7019. A bill to amend the Internal Revenue Code of 1954 to provide that pensions paid to retired law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

H.R. 7020. A bill to amend the Internal Revenue Code of 1954 to provide a deduction for amounts expended by State, regional, city, county, and town policemen for meals which they are required to eat while on duty; to the Committee on Ways and Means.

By Mr. BLATNIK:

H.R. 7021. A bill to designate the Kettle River, in the State of Minnesota, as a component of the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

By Mr. BRASCO:

H.R. 7022. A bill to amend the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

By Mr. CLARK:

H.R. 7023. A bill to amend the Merchant Marine Act, 1936, as amended, by inserting a new title X to authorize aid in developing, constructing, and operating privately owned nuclear-powered merchant ships; to the Committee on Merchant Marine and Fisheries.

By Mr. COLLINS of Texas (for himself, Mr. Crane, and Mr. Dowdy):

H.R. 7024. A bill to amend the United Nations Participation Act of 1945 to prevent the imposition thereunder of any prohibition on the importation into the United States of any strategic and critical material from any free world country for so long as the importation of like material from any Communist country is not prohibited by law; to the Committee on Foreign Affairs.

By Mr. CONABLE:

H.R. 7025. A bill to amend the Internal Revenue Code of 1954 to permit affiliated banks to contribute in their fiduciary capacities to a common trust fund maintained by one of the affiliated banks for the benefit of the entire group; to the Committee on Ways and Means.

H.R. 7026. A bill to amend section 214 of the Internal Revenue Code of 1954, relating to expenses for care of certain dependents; to the Committee on Ways and Means.

By Mr. DULSKI (for himself, Mr. Corbett, Mr. Waldie, and Mr. Scott):

H.R. 7027. A bill to liberalize eligibility for cost-of-living increases in civil service retirement annuities; to the Committee on Post Office and Civil Service.

By Mr. FULTON of Tennessee:

H.R. 7028. A bill to make possible appropriate, economical, and accessible learning opportunities for all adults, both for their individual fulfillment and for the social and economic well-being of the Nation; to the Committee on Education and Labor.

H.R. 7029. A bill to amend title II of the Social Security Act, and the Internal Revenue Code of 1954, to provide that wages paid by an employer to a former employee's survivors or estate after the year of such employee's death shall not constitute covered remuneration for benefit or tax purposes; to the Committee on Ways and Means.

By Mr. GIAIMO:

H.R. 7030. A bill to establish a National Cancer Authority and to authorize international programs and joint ventures in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. GOODLING:

H.R. 7031. A bill prohibiting the issuance of Federal food stamps to strikers; to the Committee on Agriculture.

By Mr. GRIFFIN:

H.R. 7032. A bill to provide for the addition of certain lands to the Natchez Trace Parkway in Mississippi, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HANSEN of Idaho:

H.R. 7033. A bill to authorize the Secretary of Agriculture to establish a volunteers in the national forests program, and for other purposes; to the Committee on Agriculture.

By Mrs. HICKS of Massachusetts:

H.R. 7034. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. ICHORD:

H.R. 7035. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971-72; to the Committee on Agriculture.

By Mr. KOCH (for himself, Mr. Anderson of Illinois, Mr. Baring, Mr. Burton, Mr. Casey of Texas, Mr. Chappell, Mr. Clark, Mr. Corman, Mr. Eilberg, Mr. Evins of Tennessee, Mr. Gibbons, Mr. Hays, Mr. Hechler of West Virginia, Mrs. Hicks of Massachusetts, Mr. McCloskey, Mr. Mailliard, Mr. Matsunaga, Mr. Moss, Mr. Pike, Mr. Price of Illinois, Mr. Roe, Mr. Roncalio, Mr. Roy, and Mr. Sandman):

H.R. 7036. A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

By Mr. KOCH (for himself, Mr. Culver, Mr. Sarbanes, Mr. Thompson of New Jersey, and Mr. Udall):

H.R. 7037. A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

By Mr. KOCH (for himself, Mr. Anderson of Illinois, Mr. Biaggi, Mr. Brasco, Mr. Broomfield, Mr. Forsythe, Mr. Hechler of West Virginia, Mr. Lent, Mr. Morse, Mr. O'Neill, Mr. Roe, Mr. Vanik, Mr. Whalen, and Mr. Winn):

H.R. 7038. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

By Mr. MEEDS (for himself, Mrs. Hansen of Washington, Mr. Abourezk, Mrs. Abzug, Mr. Adams, Mr. Aspin, Mr. Begich, Mr. Burton, Mr. Dellums, Mr. Edwards of California, Mr. William D. Ford, Mr. Fraser, Mr. Halpern, Mr. Harrington, Mr. Hathaway, Mr. Howard, Mr. Kastenmeier, Mr. Mikva, Mrs. Mink, Mr. Mitchell, Mr. Morse, Mr. Nix, Mr. Pelly, Mr. Rodino, and Mr. Symington):

H.R. 7039. A bill to provide for the settlement of certain land claims of Alaska natives, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MORSE:

H.R. 7040. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

By Mr. NELSEN:

H.R. 7041. A bill to amend the Interstate Commerce Act, with respect to recovery of a reasonable attorney's fee in case of successful maintenance of an action for recovery of damages sustained in transportation of property; to the Committee on Interstate and Foreign Commerce.

By Mr. ROONEY of Pennsylvania:

H.R. 7042. A bill to amend the Federal Property and Administrative Services Act of 1949 to provide that the procurement of certain transportation and public utility services shall be in accordance with all applicable Federal and State laws and regulations governing carriers and public utilities; to the Committee on Government Operations.

H.R. 7043. A bill to amend the Interstate Commerce Act to expedite the making of amendments to the uniform standards for evidencing the lawfulness of interstate operations of motor carriers; to the Committee on Interstate and Foreign Commerce.

H.R. 7044. A bill to amend the Interstate Commerce Act to require carriers by railroad to exhaust certain State remedies prior to petitioning the Interstate Commerce Commission for relief in intrastate rate cases; to the Committee on Interstate and Foreign Commerce.

H.R. 7045. A bill to strengthen Federal-State cooperation to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7046. A bill to amend the Natural Gas Pipeline Safety Act of 1968 to clarify Congressional intent as to the appropriateness of the judicial fixing of penalties for certain safety violations, and to modify the grant-in-aid program to State agencies participating in safety regulations under the act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7047. A bill to amend section 410 of the Communications Act of 1934 to permit the Federal Communications Commission to pay the expenses of certain State officials serving in joint hearings with the Commission; to the Committee on Interstate and Foreign Commerce.

H.R. 7048. A bill to amend the Communications Act of 1934, as amended, to establish a Federal-State joint board to recommend uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of New York:

H.R. 7049. A bill to provide for the payment of Veterans' Administration benefits where a child has been properly and legally adopted; to the Committee on Veterans' Affairs.

By Mr. STEELE:

H.R. 7050. A bill to eliminate racketeering in the sale and distribution of cigarettes and to assist State and local governments in the enforcement of cigarette taxes; to the Committee on Ways and Means.

By Mr. WYATT:

H.R. 7051. A bill to repeal chapter 44 of title 18 of the United States Code (relating to firearms), and for other purposes; to the Committee on the Judiciary.

By Mr. BLATNIK (for himself and Mr. Harsha):

H.R. 7052. A bill to amend the act of March 3, 1905, to extend the authority of the Secretary of the Army over transporting and dumping materials in certain waters, and for other purposes; to the Committee on Public Works.

By Mr. COTTER:

H.R. 7053. A bill to amend the Federal Corrupt Practices Act, 1925, to require more stringent reporting of campaign contributions and expenditures in elections for Senator and Representative; to the Committee on House Administration.

By Mr. DAVIS of Georgia (for himself, Mr. McDade, and Mr. Roy):

H.R. 7054. A bill to authorize the National Science Foundation to conduct research, educational, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. DORN:

H.R. 7055. A bill to amend title 38 of the United States Code to provide a monthly clothing allowance to certain veterans who, because of a service-connected disability, regularly wear a prosthetic appliance or appliances which causes exceptional wear or tear of clothing; to the Committee on Veterans' Affairs.

By Mr. FREY:

H.R. 7056. A bill to amend the Internal Revenue Code of 1954 to allow an income tax deduction for depreciation on capital expenditures incurred in connecting residential sewerlines to municipal sewage systems; to the Committee on Ways and Means.

By Mr. GREEN of Pennsylvania:

H.R. 7057. A bill to amend the Tariff Schedules of the United States to repeal the special tariff treatment accorded to articles assembled abroad with components produced in the United States; to the Committee on Ways and Means.

By Mr. HALPERN:

H.R. 7058. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HAMMERSCHMIDT:

H.R. 7059. A bill to amend section 410(a) of title 38, United States Code, to provide a statutory presumption of service-connected death of any veteran who has been rated totally disabled by reason of service-connected disability for 20 or more years; to the Committee on Veterans' Affairs.

By Mr. HOGAN:

H.R. 7060. A bill to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations; to the Committee on Post Office and Civil Service.

By Mr. McMILLAN:

H.R. 7061. A bill to amend the Fire and Casualty Act and the Motor Vehicle Safety Responsibility Act of the District of Columbia; to the Committee on the District of Columbia.

By Mr. NELSEN:

H.R. 7062. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. PODELL (for himself, Mr. McClure, and Mr. Alexander):

H.R. 7063. A bill to amend the Legislative Reorganization Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

By Mr. PUCINSKI:

H.R. 7064. A bill to amend title 38, United States Code, so as to provide mustering-out payments for certain members discharged from the Armed Forces after August 5, 1964; to the Committee on Veterans' Affairs.

By Mr. ROE:

H.R. 7065. A bill to provide for the development of a uniform system of quality grades for consumer food products; to the Committee on Agriculture.

H.R. 7066. A bill to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption as food; to the Committee on Interstate and Foreign Commerce.

H.R. 7067. A bill to require that certain processed or packaged consumer products be labeled with certain information, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7068. A bill to require that certain drugs and pharmaceuticals be prominently labeled as to the date beyond which potency or efficacy becomes diminished; to the Committee on Interstate and Foreign Commerce.

H.R. 7069. A bill to require that durable consumer products be labeled as to durability and performance life; to the Committee on Interstate and Foreign Commerce.

H.R. 7070. A bill to require that certain short shelf-life durable products be prominently labeled as to the date beyond which performance life becomes diminished; to the Committee on Interstate and Foreign Commerce.

H.R. 7071. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to prohibit the mailing of unsolicited samples of cigarettes; to the Committee on Post Office and Civil Service.

By Mr. STAGGERS (for himself, Mr. Springer, Mr. Jarman, Mr. Dingell, and Mr. Pickle):

H.R. 7072. A bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. VEYSEY:

H.R. 7073. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 7074. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 7075. A bill to amend section 8 of the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

H.R. 7076. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

By Mr. WHITEHURST:

H.R. 7077. A bill to amend the Horse Protection Act of 1970 (Public Law 91-540); to the Committee on Interstate and Foreign Commerce.

By Mr. FISH:

H.J. Res. 527. Joint resolution to authorize and direct the President to proclaim September 12 to 19, 1971 to be "American Field Service Week"; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.J. Res. 528. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week"; to the Committee on the Judiciary.

By Mrs. GREEN of Oregon:

H.J. Res. 529. Joint resolution to place the question of approval of dimethyl sulfoxide (DMSO) for human use as a prescription drug before the National Academy of Sciences; to the Committee on Interstate and Foreign Commerce.

By Mr. MAILLIARD:

H.J. Res. 530. Joint resolution declaring it the sense of Congress that all American servicemen be withdrawn from Indochina at the earliest practicable date; to the Committee on Foreign Affairs.

By Mr. FINDLEY (for himself, Mr. Anderson of Illinois, Mr. Andrews of North Dakota, Mr. Archer, Mr. Baring, Mr. Biaggi, Mr. Burke of Massachusetts, Mr. Chappell, Mr. Cleveland, Mr. Coughlin, Mr. Dellenback, Mr. Dulski, Mrs. Dwyer, Mr. Edwards of California, Mr. Forsythe, Mr. Frenzel, Mr. Garmatz, Mrs. Grasso, Mr. Griffin, Mr. Gubser, Mr. Hechler of West Virginia, Mr. Hosmer, Mr. Kemp, Mr. McClure, and Mr. Matsunaga):

H. Con. Res. 247. Concurrent resolution proposing unconditional large-scale repatriation of enemy prisoners of war; to the Committee on Foreign Affairs.

By Mr. FINDLEY (for himself, Mr. Kyros, Mr. Mayne, Mrs. Mink, Mr. Mizell, Mr. Myers, Mr. Poff, Mrs. Reid of Illinois, Mr. Robinson of Virginia, Mr. Robison of New York, Mr. Roe, Mr. Rooney of Pennsylvania, Mr. Ruppe, Mr. Scheuer, Mr. Steiger of Wisconsin, Mr. Teague of California, Mr. Terry, Mr. Thone, Mr. Vigorito, Mr. Williams, Mr. Winn, Mr. Wyatt, and Mr. Wydler):

H. Con. Res. 248. Concurrent resolution proposing unconditional large-scale repatriation of enemy prisoners of war; to the Committee on Foreign Affairs.

By Mr. FINDLEY (for himself, Mr. Zablocki, Mr. Broomfield, Mr. Fountain, Mr. Morse, Mr. Fascell, Mr. Thomson of Wisconsin, Mr. Nix, Mr. Fulton of Pennsylvania, Mr. Bingham, Mr. Buchanan, Mr. Davis of Georgia, Mr. Lloyd, and Mr. Halpern):

H. Con. Res. 249. Concurrent resolution proposing unconditional large-scale repatriation of enemy prisoners of war; to the Committee on Foreign Affairs.

By Mr. FUQUA:

H. Con. Res. 250. Concurrent resolution urging that Lt. William Calley be invited to address a joint session of Congress; to the Committee on Rules.

By Mr. GIAIMO:

H. Res. 357. Resolution creating a select committee of the House to conduct a full and complete investigation of all aspects of the energy resources of the United States; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

98. By the SPEAKER. Memorial of the Legislature of the Commonwealth of Massachusetts, relative to the mistreatment of American prisoners of war; to the Committee on Foreign Affairs.

99. Also, memorial of the Legislature of the State of Idaho, relative to a payment in lieu of taxes to the State of Idaho and its local units of government; to the Committee on Interior and Insular Affairs.

100. Also, memorial of the Legislature of South Dakota, relative to the manner in which the Census Bureau records college students; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRASCO:

H.R. 7078. A bill for the relief of Herman James Young and Mrs. Norma Brenda Young; to the Committee on the Judiciary.

By Mr. DELANEY (by request):

H.R. 7079. A bill for the relief of Sergio Farina, Maria Farina, Sergio Giovanni Farina, Gino A. Farina, Maria L. Farina, and Blanca Farina; to the Committee on the Judiciary.

By Mr. FOLEY:

H.R. 7080. A bill for the relief of Trinidad Trevino-Perez; to the Committee on the Judiciary.

By Mrs. GRASSO:

H.R. 7081. A bill for the relief of Jadwiga Sobon; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts:

H.R. 7082. A bill for the relief of Pietro Ratta; to the Committee on the Judiciary.

By Mrs. HICKS of Massachusetts:

H.R. 7083. A bill for the relief of Beatrice Dascil Aquino; to the Committee on the Judiciary.

By Mr. MOORHEAD:

H.R. 7084. A bill for the relief of Evelyn and Francesco Mujemulta; to the Committee on the Judiciary.

By Mr. SHRIVER:

H.R. 7085. A bill for the relief of Eugene M. Sims, Sr.; to the Committee on the Judiciary.

By Mr. VANIK:

H.R. 7086. A bill for the relief of Lyuba Bershadskaja; to the Committee on the Judiciary.

By Mr. THOMPSON of Georgia:

H. Res. 358. Resolution to authorize the pardon of Lieutenant Calley; to the Committee on Armed Services.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

55. The SPEAKER presented a petition of Leoncio Monell, Culebra, P.R., et al., relative to the establishment of a committee of "Citizen-Sons of Culebra," which was referred to the Committee on Interior and Insular Affairs.

EXTENSIONS OF REMARKS

MORE DOUBTS ABOUT F-14 AND F-15 DEVELOPMENT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. BINGHAM. Mr. Speaker, in December 1970. I noted the bad news that the F-14 had crashed on only its second test flight. Yesterday's Washington Post reports growing doubt about the F-14 and F-15 stemming from the crash and other factors. The Post report, by Michael Getler, is further evidence for the need to bring the F-14 and F-15 programs under the "fly before you buy" policy that has been endorsed for future systems by the House Appropriations Committee and the Department of Defense.

The Post article, "'Twin' Navy, Air Force Planes Questioned," follows:

"TWIN" NAVY, AF PLANES QUESTIONED

(By Michael Getler)

A confidential study by aeronautical experts is raising doubts in Congress about Pentagon plans to spend some $15 billion over the next several years to mass-produce two separate fighter planes whose fighting qualities are judged to be roughly the same.

The investigators, according to well informed sources, found little difference in performance between the Navy's carrier-based F-14 and the Air Force's F-15.

Each service wants to buy roughly 700 planes, with the F-15 costing just below $10 million each and the F-14 with a Navy-estimated price of $11.5 million each. That is about three to four times as expensive, respectively, as the current F-14 Phantom, which both services now use and which the new planes are meant to replace.

The study also reportedly points out that the United States may in fact be gambling with its air superiority over the Soviet Union's fighters by putting all its money into two admittedly good—but expensive and roughly similar—aircraft.

The argument is that because of the high price, the military may not be able to buy as many planes as are really needed (the U.S. eventually bought more than 4,000 Phantoms) and may also be neglecting other types of fighters.

Capitol Hill sources say the study suggests it might be worth considering a shift of one of these projects to a cheaper, lighter-weight plane that could be bought in large quantities to help tackle the thousands of light, maneuverable Mig-21 class fighters already in Communist inventories and other similar fighters to follow.

The F-14 and F-15 are designed to counter the latest and most sophisticated Soviet fighters which are only now entering service.

Or, according to Hill sources, the investigators suggest that more attention might be given to a fighter even more advanced than the F-14 or F-15 that could take on Soviet air threats of the 1980s still on Kremlin drawing boards and unknown to U.S. intelligence.

The just-completed fighter study was ordered last fall by Rep. George H. Mahon (D-Tex.), who is chairman of the House Appropriations Committee.

Mahon's aides said the chairman then "was concerned over the apparent similarity between the two aircraft."

Capitol Hill sources say results of the study, which was undertaken by a four-man team headed by an aeronautical expert on loan from NASA, generally confirmed Mahon's suspicions.

NAVY'S F-14 FAVORED

The study was aimed at developing facts, rather than making recommendations. But congressional sources who have seen the document say that it favors the Navy F-14 if a choice had to be made between the two planes.

The reasoning is that the swing-wing F-14 can fly from aircraft carriers or airfields while the F-15 can only operate from land bases. Also test versions of the F-14 are already built, while the F-15 will not make its first flight until mid-1972 and would be less costly to stop.

However, it has been learned from administration and congressional sources that the Navy and the F-14's manufacturer, Grumman Aerospace Corp., have run into serious money problems on the plane and that a "significant" increase in the already agreed upon price is expected as well as a delay in the schedule.

Deputy Defense Secretary David Packard provided a public hint of this prospect in an unclassified version of his testimony before Congress on March 18.

Packard pointed out that the contract for the F-14, which crashed on its second test flight, was prepared before the Nixon administration took office.

Congressional staffers say that crash, in which three separate hydraulic control systems failed almost simultaneously, has eroded confidence in the F-14 among some influential lawmakers. The failures occurred in titanium hydraulic lines, a feature of the F-14 design which was specifically criticized in a report last summer by the defense committee of the 115-member bipartisan, Member of Congress for Peace Thru Law.

The F-14's problems, coupled with the Mahon study—copies of which were sent last week to Packard as well as Navy and Air Force officials—has set the stage for what could become the first tough test of their two top priority Pentagon programs in Congress.

On Capitol Hill, those who have seen the study regard it as the most professional challenge against the two aircraft.

But, within the services and especially the Air Force, the two fighters are viewed as having critical differences that would imperil American pilots forced into accepting the wrong plane.

Outside the Pentagon, some weapons experts say the Mahon study has hinted at the right course, namely one plane of the F-14/F-15 class rather than two, but is leaning in favor of the wrong airplane. These sources believe the F-15 is a much better all-around fighter.

WOULD INCREASE TOTAL

There is also a small group of Air Force officers and defense officials who privately favor the idea of perhaps buying fewer than 700 F-15s and putting some of the money instead into a plane costing and weighing about half as much. This would add to the total number of fighters that could be sent into an air battle.

Some defense officials say it still is not clear whether the edge in aerial combat belongs to the side with the best planes or the most planes.

Starting up a completely new small fighter project would add to the overall cost, but some officers believe the new international fighter—Northop's F-5-21—already being developed for the Military Assistance Program might fill the bill.

Efforts to get a light-weight fighter into the Air Force inventory of hotter and more sophisticated jets have been attempted unsuccessfully in the past.

Finally, hanging over this expensive and critical question is the ghost of the TFX, or F-111, perhaps the classic example of an attempt to force two services to buy one plane. It met with disaster for both the military and the taxpayer.

On all sides of the argument, there is general agreement that both the F-15 and F-14, assuming troubles are solved, will mark a big improvement over the F-4, which was designed in the early 1950s.

Both are twin-engine jets which will eventually use the same engine now in development for the F-15 The early model of the F-14 will use the engines developed for the F-111.

Both planes are big, but the Navy's swing-wing design and equipment needed for carrier landings will make it at least 12,000 pounds heavier than the Air Force plane. The F-15 is also estimated by the Pentagon to cost almost 20 per cent less than its Navy counterpart.

The differences in the planes are accounted for by differences in their respective missions.

While both are meant to shoot down enemy fighters, the Air Force plane is aimed primarily at winning the close-in dogfight battles with enemy fighters. Thus, Air Force officials argue, they cannot accept the reduced maneuverability which would be forced upon their pilots by having to use the heavier Navy plane.

Air Force officials are said to have already challenged the validity of the Mahon study group data, which reportedly suggests that both planes are about equally maneuverable.

By forcing a higher-priced plane on them, the Air Force also argues it will be able to buy even fewer planes than if it bought the F-15.

The Navy mission, on the other hand, involves both shooting down enemy bombers that might try and attack the fleet as long a distance from the fleet as possible, and accompanying Navy carrier-based strike planes on missions to ward off enemy interceptors.

This requires generally a bigger, longer-range airplanes than the Air Force says it needs.

Congressional sources admit that the chances of halting one or the other project are very slim. Nor are they yet convinced that it would be a very good idea to do so.

But, they say, the costs are so enormous and the military stakes with the Soviet Union are so great that another mistake would be disastrous.

DAV'S GOLDEN ANNIVERSARY YEAR

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. LONG of Maryland. Mr. Speaker, I join my colleagues in saluting the Disabled American Veterans in their golden anniversary year.

The Maryland Department of the Disabled American Veterans, commanded by Mr. Walter D. Hyle, Jr., has 30 chapters and 5,000 members. Six of these chapters, with more than 525 members, are located in my district—Harford County and the major portion of Baltimore County. In fact, Commander Hyle and most of the other department officers live in my district—including first junior vice commander, Robert G. Wilson; third junior vice commander, John Braun; Chaplain Howard F. Doner; and the junior past department commander, John A. Andrews.

The national service officer program is one of the many services this organization provides Maryland's veterans. The DAV maintains a representative at the Baltimore Veterans' Administration office to provide veterans with assistance in applying for benefits. Another important service is performed by their five-man Hospital Commission, which sponsors trips and assists patients at the VA hospitals at Fort Howard in my district, and at Loch Raven and Perry Point. I know how much these activities are appreciated by Maryland veterans and their families.

We owe a debt of gratitude to our disabled veterans. The DAV's 1971 legislative program to provide disability benefits commensurate with the high cost of living, increased appropriations for VA hospitals, and the aid and attendance allowance for totally disabled veterans confined to nursing homes will have our careful consideration.

Finally, I want to commend the DAV for their efforts toward securing better treatment for our prisoners of war in Southeast Asia.

I know their next 50 years of service to our disabled veterans will be equally productive.

INTRODUCES BILLS TO HELP SOLVE ENVIRONMENTAL PROBLEMS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. WOLFF. Mr. Speaker, I introduced last Thursday, March 25, two bills which would help solve two of our major environmental problems.

The first bill, which is a simple amendment to the Solid Waste Disposal Act, would do much to encourage local governments to adopt recycling programs in lieu of traditional solid waste disposal systems. To accomplish this, my amendment would provide for Federal funding of up to 90 percent of the cost of resource recovery or recycling systems assisted under the grant system established by the Solid Waste Disposal Act. Federal funding for traditional solid waste disposal systems, which can be up to 75 percent under existing legislation, would be reduced to a maximum of 50 percent. This change in the Federal share of financing for resource recovery and solid waste disposal systems would not result in an increase in Federal expenditures for such projects, but merely in a reallocation of Federal funds.

There can be no argument against the fact that America today is choking on her own refuse. Last year, it was estimated that we Americans discard about 1 ton per person per year of refuse; New York City alone must collect and dispose

22,000 tons of solid waste every day. Clearly, we must find ways to reuse the bulk of this refuse—for we are rapidly running out of sites suitable for sanitary landfill and other methods of disposing of bulk waste. Recycling, or resource recovery, systems are also vital if we are to reclaim a major portion of this "waste" through reuse of paper, glass, aluminum, and other valuable metals. In my judgment, recycled materials are one of the greatest natural resources we have to draw upon—they constitute perhaps the greatest mine in the world, and use of recycled paper would save thousands of trees each year. I am confident that the bill I am introducing today will give communities added incentive to install the needed recycling systems.

I am also introducing today a revised version of a bill I sponsored last year, to authorize the Corps of Engineers—and any other Federal department with similar authority—to reject applications and deny licenses upon the recommendation of the Interior Department, the Environmental Protection Agency, or State agencies involved in protection of wildlife resources. Hopefully, this will solve the problems encountered by the Corps and other Federal agencies when they are forced to choose between Interior Department recommendations and other pressures, and provide us with the assurances we need regarding complete attention to environmental matters.

I urge prompt action on both these measures.

PROPOSED AMENDMENT TO H.R. 6531

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. GIBBONS. Mr. Speaker, in accordance with clause 6 of rule XXIII of the Rules of the House of Representatives as amended by the Legislative Reorganization Act of 1970, I am inserting at this point in the CONGRESSIONAL RECORD an amendment to H.R. 6531, the Military Selective Service Act Amendments of 1971. It is my understanding that under this rule, I will be entitled to 5 minutes in which to explain my amendment even if the Committee of the Whole agrees to a limitation on debate time.

The text of the amendment follows:

AMENDMENT TO H.R. 6531, AS REPORTED, OFFERED BY MR. GIBBONS

Page 1, between lines 7 and 8, insert the following:

(2) Section 4(a) is amended by adding at the end thereof the following new paragraph:

"No person inducted after June 30, 1971, for training and service under this title may be used in combat or deployed to a combat zone outside the United States unless at least one of the following shall have occurred:

"(1) The President has declared that an armed attack has been made upon the United States.

"(2) The President has declared that an armed attack on the United States is so imminent that full mobilization of the armed forces is required.

"(3) The Congress by concurrent resolution authorizes such use and deployment of persons inducted under this title and directs that a full mobilization of the armed forces be effected.

"(4) The President has requested that Congress declare war, but the authority to so use and deploy inducted personnel pursuant to this clause shall expire at the close of the 30th day after such request was made if the Congress has not declared war on or before such 30th day.

"(5) The Congress has declared war.

"(6) Such person consents to such use and deployment in such written form as shall be prescribed by the Secretary of the Military department concerned."

JUSTICE DOUGLAS WRITES AGAIN

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. WYMAN. Mr. Speaker, in assessing the increasingly difficult question of whether the usefulness of Associate Justice William O. Douglas on the U.S. Supreme Court is ending, it may be helpful to review the latest of a long list of publications by the Justice, entitled "International Dissent: Six Steps Toward World Peace." Many citizens feel that Judges on courts of final appeal ought to refrain from taking positions of controversial issues that may come to them on a later day for adjudication.

Whether from the draft to pornography to pollution or what-have-you—and now international dissent—there are few issues that can come to our court of last resort in the United States on which the position of Justice Douglas has not in one way or another been recorded by his own hand. This means that in ever-increasing numbers of cases he must disqualify himself leaving the court further polarized which is unfortunate.

I commend a careful reading of the following study of Justice Douglas' new book by the able columnist, Allan Brownfeld, appearing in the March 18, 1971, issue of Roll Call, the magazine of Capitol Hill:

JUSTICE DOUGLAS' NEW BOOK

(By Allan C. Brownfeld)

Now that the effort to impeach him seems to have failed, or at least to have been temporarily shelved, Supreme Court Justice William O. Douglas has seen fit to resume his political activities. He has done this in the form of a short book entitled International Dissent: Six Steps Toward World Peace.

The new volume makes the reader wonder why Justice Douglas has for so long been hailed as a "brilliant" and "independent" thinker, since the proposals he makes are neither novel nor realistic. We have heard them all before, they have been tried before, at other historical periods, and they have failed miserably before.

What, then, does Mr. Douglas tell us is the path to peace? His first proposition goes like this: "The most important step toward world peace is to propose an end to all military alliances, indicating our willingness to return to George Washington's original proposition that the United States should have no military alliances . . . SEATO and NATO and CENTO should be liquidated as military agencies; and the United States should withdraw all its military from both Southeast Asia and Western Europe."

One normal response to such a suggestion is: wouldn't the Soviet Union and Communist China take advantage of such an American isolationism to expand their own sphere of power? But Justice Douglas does not view this even as a remote possibility because, in his worldview, it is we, the United States, who are responsible for the Cold War, not world Communism.

He goes to some extreme to make this sound plausible. He states, for example, that ". . . the United States pact with West Germany is, in reality, an alliance against Russia." He overlooks the fact that the Soviet Union has violated its agreements made at Yalta and Potsdam with regard to holding free elections in East Germany and elsewhere in Eastern Europe. He does not mention that, in clear violation of international law, the Communists built the Berlin Wall, preventing free access to East Berlin and locking the East Germans into a rigid totalitarian society as so many cattle. Somehow his sympathies seem with those who are oppressing people while all the time he maintains that he has an affinity for the oppressed. The Cold War, he declares, was somehow the work of Harry Truman.

His second proposition is that "All colonies should be made free and all protectorates abolished." He states that ". . . the United States has been the voice defending the status quo . . . Russia was . . . the great protagonist for ending colonialism."

Yes, these words from a Justice of the United States Supreme Court. The United States defeated Germany and Japan in World War II. Did it colonize those countries? No, instead, it helped to restore them at great cost so that today they are among the most prosperous and most free countries in the world. The Soviet Union, on the other hand, has never removed its occupation forces from Eastern Europe. When the Hungarians revolted for their freedom, the Soviet Union marched in an army. The same happened in 1968 in Czechoslovakia. But somehow, according to Justice Douglas' view of what "colonialism" is, this does not count.

Proposition three is that "We should recognize China; she must also be in the United Nations." Justice Douglas does not explain how Peking, which the United Nations condemned for aggression in Korea, can join an organization such as the U.N., whose members must be "peace-loving." Since its aggression in Korea, China has invaded India, committed genocide in Tibet, and aided guerrilla warfare in Vietnam, Thailand and elsewhere. It presently trains Palestinian guerrillas as well as African terrorist organizations. It has shown no evidence whatever of desiring peace or accommodation.

Justice Douglas manages an end run around these facts by once again reversing history. In Korea, it was not the Chinese who were the aggressors, it was the United States and the United Nations. The Justice says this quite openly: "When the United Nations armies appeared near the Yalu River, where the electric power stations for Manchuria are located, Peking moved into action. MacArthur was thrusting a dagger at China's heart and China—whom we still call the 'aggressor'—responded in a counter-military action . . ."

It is clear so far: Harry Truman started the Cold War, NATO represents a threat to the Soviet Union, the United States is a colonialist power, Communist China has never committed aggression and only wants recognition from us. Given all of this, the way to "peace" is simple: end all alliances, recognize Communist China, withdraw American troops, and permit the Communization of the world. Justice Douglas may be quite a man with words, but this prescription resembles what we always used to call surrender a lot more than it resembles what was ever referred to as peace.

The remaining three propositions relate to international law and the relinquishing of national sovereignty to an international body. Given the concept that Communism has no aggressive intentions in the world and that all of us are united on certain human and legal principles, an international rule of law concept makes sense. But how, for example, would you agree to an international concept of this kind with Hitler, whose goal was the destruction of all "inferior races." You could only do it by first agreeing to eliminate the "inferior races" and then unite in a legal system to which all could adhere.

Justice Douglas' answer is that "A world regime founded on law would have to accommodate these competing schools of thought." He states that such a rule of law "could not presume to regulate civil disorder, say in Hungary, that sought to establish a freer society." The reason is that Mr. Douglas assigns all of Eastern Europe to Russia's sphere of influence and shows no concern whatever for the quality of life lived by the people in such societies.

He evades this by saying that "The two systems seem to be converging," yet he provides no evidence that Communism is really any different than it ever was. The Soviet Union remains a vast prison from which escape is very difficult. The Jews who now clamor for free exit from Communism argue eloquently against Justice Douglas' "convergence" theory. And what of the new Communist coalition government in Chile? We were told it would be different, yet it has recently banned the showing of the movie, "The Confession," and free speech appears to be coming to an end. Justice Douglas says that Communism is changing, but we cannot take this from him on faith when the available evidence argues otherwise.

Justice Douglas' proposals are, of course, simply the isolationism we practiced with such disastrous effects in the nineteen thirties, permitting Hitler to march across half of Europe before deciding that such aggression was, in the long run, a threat not only to us but to civilization itself.

What is striking, however, is his lack of compassion for the tyranny which men, women, and children today suffer under in Communist societies. He seems willing to overlook the human suffering which tyranny produces in order to condemn his own country as the world's villain. Perhaps only those who have had their freedom taken from them can appreciate its value.

A LETTER CONCERNING OUR POW'S AND OUR PERSONNEL MISSING IN ACTION

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. PURCELL. Mr. Speaker, last week was declared a National Week of Concern for U.S. prisoners of war and personnel missing in action. I received a letter last week which begs far more than a week of concern. The letter itself represents the crying need for every bit of the efforts and suggestions made during that week to be focused at once on getting something done.

I am taking some steps on my own to see what can be done about the request this letter contains. In the meantime, Mr. Speaker, I am asking that it be inserted in the RECORD. I commend it to the personal attention of every Member of Congress.

I include the letter as follows:

RICHARDSON, TEX.

DEAR CONGRESSMAN PURCELL: My husband, Lt. Col. L. W. Whitford is missing in action, Southeast Asia since Nov. 2, 1969. He was downed in Laos.

The wives of men who are missing have been allowed to write once a month, 7 lines, form letter. This was not a plan mapped out by the North Vietnamese. These letters are sent through regular mail channels.

Monday I received a letter that I had written my husband Dec. 2, 1970. It had been opened, pictures taken and glued back. Wednesday, March 17, 1971 I received another one back, it had been opened but the pictures of my children were taped together.

The North Vietnamese have never issued an official list of prisoners that they hold—I have no proof that my husband isn't held in a prison somewhere in Southeast Asia.

To date this is the worst thing that has been done by our "foes." I understand that many other families are having mail returned—where do they stop with their "mental torture"?

I resent their returning the letters, I despise the act of opening my letters and feel that it warrants attention.

Congressman Purcell, please help us, it would seem there is nowhere to turn. Rest assured that I will not let my husband be forgotten, neglected.

Sincerely,

JO WHITFORD
Mrs. L. W. Whitford, Jr.

BYELORUSSIAN INDEPENDENCE DAY

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. FORSYTHE. Mr. Speaker, today the people of Byelorussia celebrate the 53d anniversary of the proclamation of independence of their tiny nation.

I am pleased to join with my colleagues in paying tribute to these brave people whose brief period of freedom was ended by the Bolshevik forces of the Soviet Union.

Today, the Byelorussian people live under a Communist regime imposed by the Soviet Union. Yet they still seek restoration of the independence which was snatched from them.

In 1864, before Kastus Kalinouski, beloved by the Byelorussian people, died on the gallows for his treason, he spoke these words:

> Know ye that ye will never be happy if the Muscovites rule over ye.

These courageous people, since the beginning of the 13th century, have struggled to preserve their national identity.

Byelorussian history is marked by numerous border wars and bloody uprising against would-be conquerers.

But each time, gallant patriots sacrificed their lives for their ideals, demonstrating their dedication to freedom and to their right to national independence.

Despite the depredations that the people of Byelorussia have faced; despite the violations of their heritage, they continue to retain faith in their identity and in their democratic ideals.

Those of us who can celebrate Byelorussian Independence Day, do so with profound admiration for those who cannot.

SUPPORT FOR CONTINUED DEFERMENTS FOR DIVINITY STUDENTS OF ALL FAITHS

HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. SANDMAN. Mr. Speaker, it has come to my attention this morning that there are only two nations in the world, according to the best information available to me, that do not exempt divinity students from their respective draft systems.

These nations are the Union of Soviet Socialists Republics and Communist China.

Though I favor elimination of the draft in favor of an all-voluntary military system as soon as this is feasible, in the meantime, I will continue to support this Nation's historic role of granting deferments for divinity students of all faiths.

Mr. Speaker, the New Jersey Legislature approved a joint resolution urging Congress to continue the exemption extended to divinity students. The resolution was sponsored in the State senate by Milton A. Waldor of Essex County and in the State assembly by John F. Brown of Ocean County.

I am pleased to offer this resolution to be printed in the RECORD as evidence of my State's concern over this matter.

RESOLUTIONS OF THE ASSEMBLY OF THE SENATE OF NEW JERSEY, MARCH 29, 1971

Whereas legislation currently pending before the Congress of the United States to continue the Selective Service System has been introduced therein in a form which deletes the traditional and historic exemption now and hitherto uniformly extended to divinity students of all faiths;

And, whereas at the time of no immediate national emergency, and when national policy is to reduce, rather than expand, the manpower requirements of the armed forces, there appears to be no compelling need for the United States Government to withdraw an historic exemption by which it has heretofore expressed its recognition of the vital and beneficial service performed for this nation by the clergy of all faiths in the pursuit of their high calling;

And, whereas an amendment to the aforesaid legislation which would continue this exemption has been offered and is pending before the Congress;

Now, Therefore, be it resolved by the Senate of the State of New Jersey: That the Congress of the United States is hereby respectfully memorialized to take the necessary measures to amend the pending Selective Service Bill so as to continue the exemption now hitherto extended to divinity students of all faiths;

And, Be it further resolved, that the members of Congress elected from this State are urged to take all steps within their power to secure such action by the Congress;

And, Be it further resolved, that duly authenticated copies of this Resolution, signed by the President and attested by the Secretary be transmitted to the Vice-President of the United States and the Speaker of the United States House of Representatives and to each of the members of Congress elected from this State.

Whereas legislation currently pending before the Congress of the United States to continue the Selective Service System has been introduced therein in a form which deletes the traditional and historic exemption now and hitherto uniformly extended to divinity students of all faiths;

And, Whereas at a time of no immediate national emergency, and when national policy is to reduce, rather than expand, the manpower requirements of the armed forces, there appears to be no compelling need for the United States Government to withdraw an historic exemption by which it has heretofore expressed its recognition of the vital and beneficial service performed for this nation by the clergy of all faiths in the pursuit of their high calling;

And, Whereas an amendment to the aforesaid legislation which would continue this exemption has been offered and is pending before the Congress;

Now, Therefore, be it resolved by the General Assembly of the State of New Jersey: That the Congress of the United States is hereby respectfully memorialized to take the necessary measures to amend the pending Selective Service Bill so as to continue the exemption now hitherto extended to divinity students of all faiths;

And, Be it further resolved, that the members of Congress elected from this State are urged to take all steps within their power to secure such action by the Congress;

And, Be it further resolved, that duly authenticated copies of this Resolution, signed by the Speaker and attested by the Clerk be transmitted to the Vice-President of the United States and the Speaker of the United States House of Representatives and to each of the Members of Congress elected from this State.

SUPPORT FOR H.R. 6050

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. MONTGOMERY. Mr. Speaker, recently I introduced legislation which would authorize the payment of reduced annuities to the survivors of members of the National Guard and Reserve who die before reaching age 60 and have had 20 years of creditable service. I would like to commend to my colleagues the following letter which points up the necessity for the Congress to take affirmative action on H.R. 6050. The letter is from Maj. Gen. R. M. Cram, adjutant general of the Vermont National Guard.

I include the letter as follows:

STATE OF VERMONT,
OFFICE OF THE ADJUTANT GENERAL,
Camp Johnson, Winooski, March 25, 1971.

Hon. G. V. MONTGOMERY,
House of Representatives, 1529 Longworth House Office Building, Washington, D.C.

DEAR MR. MONTGOMERY: On behalf of all Vermont National Guardsmen, may I express deep appreciation for your action in introducing H.R. 6050, a bill to provide an annuity for widows or other dependents of Guardsmen or Reservists who qualify for Reserve Retirement with 20 or more years of service, but who die before reaching age 60.

The need for legislation such as this was brought home to Vermonters forcefully and tragically in September of 1966 when Major General Francis W. Billado, the Adjutant General of Vermont, died at the age of 59 years and 6 months. He had served in the Guard and Reserve for nearly four decades and, yet, his widow received no benefits upon his death.

Sincerely yours,
R. M. CRAM, *Major General,*
The Adjutant General.

TRIBUTE TO JOSEPH W. BARTUNEK

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. JAMES V. STANTON. Mr. Speaker, Joseph W. Bartunek, chairman of the Cuyahoga County Democratic Party, was recently honored as the Outstanding Alumnus of 1971 of the Cleveland State University Cleveland-Marshall Law Alumni Association annual award luncheon in Cleveland.

It was an unusually sincere, bipartisan tribute to a man who has contributed so much to the Greater Cleveland community. It is rare that a man so young accomplishes so much in so little time.

I include the material as follows:

JOSEPH W. BARTUNEK

On the day he graduated from college in 1948, Joseph W. Bartunek filed as a Democratic candidate for the Ohio Senate and at the age of 25, was the youngest state senator ever elected.

This was the start of a continuing career of public and community service which has included service as a judge of probate court and in a wide variety of civic organizations in Greater Cleveland.

During his fourteen years with the Ohio Senate, from 1949 to 1958 and from 1961 to 1964, he was minority leader from 1951 to 1958 and was clerk of the senate in 1959 and 1960. While serving in the Legislature, he was a strong backer of the bill which created The Cleveland State University and later was instrumental in the merger of Cleveland-Marshall Law School and Cleveland State in 1969.

He was a judge of the Cuyahoga County Probate Court from 1964 until his resignation in 1970, when he became chairman of the Cuyahoga County Democratic party.

Now in his second term on the board of trustees of The Cleveland State University, he has been chairman since June, 1970.

Mr. Bartunek was born on February 16, 1924 and is a lifetime resident of Cuyahoga County. He is a graduate of Shaker Heights High School and holds a B.S. degree in Psychology from Adelbert College of Western Reserve University.

He received his LL.B. degree from Cleveland-Marshall Law School in 1955 and was admitted to the practice of law that year. His professional memberships include the Cleveland, Cuyahoga, Ohio, and American Bar Associations; the American Judicature Society and the Ohio Association of Probate Judges.

In addition to his term as a probate judge and as a legislator, the public service career of Mr. Bartunek includes membership in the Cuyahoga County Charter Commission and acting as chairman of the Citizens Advisory Committee for Alternative Form of County Government.

As an active participant in the civic affairs of Greater Cleveland, he has served on the board of trustees of St. Luke's Hospital, Greater Cleveland Hospital Association, Catholic Charities Corporation, Cleveland Community Chest, Greater Cleveland Growth Association, Cleveland Zoological Society, Hudson Association, and the Legal Aid Society. Other major civic activities include the Mental Health Act Task Force, Cleveland Mental Health Association, and the Citizens League.

Member of the Alpha Delta Phi Fraternity, he also served as international president of Delta Theta Phi.

Married to the former Pauline Evans, he and his wife are the parents of four children, two sons and two daughters.

MISGIVINGS ABOUT THE CONCEPT OF FEDERAL REVENUE SHARING

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. SCHERLE. Mr. Speaker, following is a recent letter to the editor of the Hamburg Reporter, written by a distinguished citizen of Iowa, Mr. Dwight Fellows, Superintendent of Schools for Mills and Fremont Counties. In it, he expresses the misgivings which some of the more thoughtful among our electorate feel about the concept of Federal revenue sharing. Mr. Fellows' reservations about the proposal deserve a public hearing in our deliberations on this important issue.

I include the letter as follows:

The general public should be amazed that at least a few of our Congressmen, or Governors, or State Legislators, or business men have not questioned the TAX or ECONOMIC consequences of the proposed Federal Revenue Sharing Program. They all know that the Federal Government is hundreds of billions of dollars in debt. They all know that the Federal budgetary plans are to continue to go further in debt at the rate of from ten to twenty billion dollars per year. They all know that the Federal Government has no money or credit except that which it gets from the people. However, the people of the United States have been brain-washed with the idea that "If it comes from the Federal Government, it doesn't cost anything".

Two financial items the Federal Government has to share with the people are higher Federal Taxes or higher Federal Debt. Even though some of the money may be given back to the local area, wouldn't it be much more sensible to raise the money at the state and local level and keep 100c of each $1.00 at home with local control, rather than send each tax $1.00 to Washington and get back 75c with Federal Control? We criticize the Federal Government for financial irresponsibility when it continues to increase taxes and the national debt. Yet, we continue to demand more and more money and services from the Federal Government. Where has our local sense of responsibility gone? We plead for states' rights and local control, yet we want the Federal Government to pay our bills for us.

Every informed person knows it costs more when the Federal Government does things for us than it does if we do them at the local level. The Federal Government has a tremendous financial responsibility in taking care of national responsibilities without having to be the financial nurse maid to every state, city, county and hamlet in the United States. Over spending and too much debt is the Achilles Heel of individuals, corporations, states, and the Federal Government. Let us consider what the alternatives are before we plunge into Federal Revenue Sharing. Some of them are: Financial irresponsibility at the state, city and local level; Depreciation of the value of the dollar through more federal debt; Loss of state and local control; More and more inflation; Risk of Federal financial insolvency, etc.

Is the Congress of the United States really and sincerely concerned with the financial welfare of the nation when they advocate federal revenue sharing, or do they put political expediency ahead of national financial solvency and national welfare?

The main reason why states and cities are in bad financial condition is due to excessive spending. If the Federal Government bails them out every time they over spend, it will encourage them to continue to over spend. If a state or city over spends the people of that state or city should be required to pay their own debts or they will cease to have any sense of financial responsibility. They incurred the debt, they received the benefit, they should pay the bill. Why should the people of Iowa or any other state be taxed by the Federal Government to pay for free garbage hauling for the residents of the big cities in the east? If they want this or any other local service they should pay for it at the local level.

We should consider these and many many other points before we make up our minds concerning Federal Revenue Sharing and then contact our political leaders and let them know how we feel about the issue. Federal Revenue Sharing could easily develop into a FINANCIAL CATASTROPHE rather than a bonanza.

Dwight Fellows,
County Superintendent of Schools,
Mills and Fremont Counties.

THE FEASIBILITY OF ENDING THE DRAFT IN 1971

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. HARRINGTON. Mr. Speaker, tomorrow, when we consider amendments to H.R. 6531, extending the draft, I intend to offer an amendment that will permit the President's induction authority to expire on June 30, 1971. Many people have expressed doubts about the feasibility of ending the draft in 1971. Particularly in view of the very substantial pay increases approved by the Armed Services Committee. I believe that an end to compulsory service would not have a negative impact upon our national security. The National Council To Repeal the Draft has just prepared a paper that cogently argues the hardheaded practicality of ending the draft this year. I hope that my colleagues may read this before the vote.

I also wish to bring to the attention of the House the response to the proposed changes in the law regarding conscientious objection in H.R. 6531 that was approved today by the board of directors of the National Interreligious Service Board for Conscientious Objectors. The statement points out the punitive and dangerously disruptive aspects of the suggested new C.O. provisions, such as the 3-year work requirement and the restriction of the definition of alternated service to exclude service in private organizations such as churches and private hospitals. This latter provision would be sure to penalize many conscientious religious objectors who could not in good conscience work for Government organizations because of the traditions of their churches.

I intend to vote for an amendment that will preserve the present law and delete the C.O. provisions contained in the bill.

Conscientious Objector Service
of the National Interreligious
Service Board for Conscientious Objectors,
Washington, D.C.

A Response to the Proposed Amendment of Section 6(j), H.R. 6531

First, and underlying all other considerations, we are opposed to the extension of the induction authority, and urge repeal of the Selective Service Act.

If a draft exists, we are committed to the fullest recognition of individual conscience within such a system. The recognition of individual conscience is seriously limited by the new section 6(j) in the following ways:

(1) The definition of alternate service as "employment with agencies in government or public institutions which have difficulty finding eligible and qualified individuals to perform essential work" is unduly limiting. It would channel conscientious objectors from much meaningful work with private and nonprofit religious and service agencies into government service which may or may not be as significant. Furthermore, the requirement to work for government or public agencies would violate the consciences of many conservative religious objectors who could not conscientiously work in such agencies because of the traditions of their churches.

(2) Having as sole criterion for job assignment "difficulty" in filling "essential" jobs would effectively force conscientious objectors into jobs which could well be unrelated to any significant service, especially in a time of high unemployment.

(3) Giving the President discretionary power to determine "satisfactory" performance of a registrant while on civilian work can only serve to make the employer an agent of the government for the determination of sincerity. Personality clashes and other normal employment incompatibilities could become reasons for dismissal and a possible order for induction.

(4) Broad discretionary powers vested in the President to develop a program "which is in truth alternate civilian work" by identifying and assessing "total national deficiencies in certain specific areas of employment" could effectively place conscientious objectors in a forced work program at the discretion of the government. Individual conscience, differences in temperament, skills and abilities would not be recognized. Such a program could clearly be a pilot project for compulsory national service in which coercion could replace voluntarism and the draft could become universal. Government could channel workers into occupations rather than allowing them a free choice.

(5) Three years of alternative service instead of two (in existence for the past twenty years) can be interpreted as a discriminatory and punitive measure designed to limit the number of sincere men making claims as conscientious objectors. There is no evidence to indicate that years of service prove sincerity. Rather than limit the number of conscientious objectors, this may lead more into some form of non-cooperation.

The above changes—all of which seriously circumscribe the right and practice of conscience under law—would have one basic effect: large numbers of conscientious objectors who previously complied with the law and regulations would find themselves unable in good conscience to cooperate. This proposal would almost certainly complicate greatly the administration of the Selective Service System and further overload the courts. Thousands of responsible and sincere objectors would needlessly end up in prison.

For these reasons we believe it would be far wiser to retain the present section 6(j), despite its shortcomings.

The National Interreligious Service
Board for Conscientious Objectors,
William T. Snyder,
Chairman, Executive Secretary, Mennonite Central Committee.
Herman Will, Jr.,
Vice Chairman, Division of World Peace, Board of Christian Social Concerns, United Methodist Church.
Girven H. Culley,
Treasurer, American Baptist Home Mission Society.
E. J. Clelland,
Recording Secretary, Christ's Sanctified Holy Church.

As passed by the Board of Directors, March 30, 1971.

ON CREDIBILITY GAPS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the Record, I include the following editorial by Joseph Alsop from the Washington Post of March 26, 1971:

On Credibility Gaps

(By Joseph Alsop)

Week by week, it is being increasingly said that President Nixon is suffering from a "credibility gap." This silly but fashionable phrase is meant to imply that nobody believes the President, because he does not tell the country the truth.

It would be ludicrous to deny that the President does not exercise the politician's privilege of being mealy-mouthed about some things that could be stated far more starkly. But it really is time to point out that the President has usually been decidedly forthright and accurate about great matters.

Or at least he has been rather more accurate than the people in politics, in the media, and even within the government, who go on and on about this "credibility gap." To begin with the government itself, some very strange results have been produced in these last years by bureaucratic rivalries, by ideological slants, and above all, by the desire of a good many permanent officials to follow the currently fashionable herd.

In tangible terms, these results have mainly taken the form of grossly misleading estimates of problems of very great importance. The fact-gathering apparatus is not at fault. The problem lies in what is done with the facts, once they are gathered.

Thus from 1966 to 1969, it was officially estimated that the Vietcong were able to deploy no less than 300,000 guerrillas of one sort or another. A misuse of facts produced this figure.

Then more facts, too strong to ignore, caused the figure to implode, as it were. In one swift shrinkage, it was reduced to an outside total of 60,000 Vietcong guerrillas. An admitted error by a factor of five is rather considerable, one must add.

Yet it is hardly more considerable than the equally important error that was made about Cambodia's enormous logistical importance of Hanoi—which was only revealed by the President's Cambodian venture. And no one has done any Indian rain dances about these well known governmental errors, precisely because they were errors on the currently modish side!

If you turn to the politicians, you find another interesting study in the Senate Foreign Relations Committee's inquiry into the American activities in Laos. The inquiry produced great "revelations" of subsidized Meo guerrillas, of Americans out of uniform who aid the Laotian people to defend their country, and of other wicked activities.

There are two things to be said about these "revelations." Sen. Stuart Symington of Missouri and of the Foreign Relations Committee has been a member of the watchdog committee of the Central Intelligence Agency for a very long time. All the facts "revealed" by his committee's inquiry had either been known to Sen. Symington, or had been very easily accessible to him long before the so-called "revelations" began.

By the same token, all the facts of any significance were equally well known to scores of newspapermen, both in the field and here in Washington. It may have been desirable to place the facts before a larger public. But it was a perfect conspiracy of hypocrisy to pretend that the U.S. government's activities in Laos had been successfully and purposely concealed from anyone, including newspapermen.

If one must be bluntly honest about it, moreover, there is another conspiracy of hypocrisy about the record of the media in recent years, on certain very critical occasions. It has already been pointed out in this space that both the Tet offensive and the President's Cambodian venture were grossly misrepresented when these two great events were covering the front pages.

Some of the chief culprits have admitted in print—but hardly on the front pages—that Tet was in fact a perfect disaster for Hanoi, instead of the precise opposite as first reported. It has been admitted, too, that the Cambodian venture has just about ended the war in the lower half of South Vietnam. But no one has boldly admitted that, in consequence, earlier judgments of President Nixon's decision at least deserve qualification.

The thing does not end there, either. One of the major news agencies has rather flatly predicted the imminent fall of Phnom Penh so often that this reporter has lost count. At least four times, these wholly erroneous predictions have again covered the front pages. But no one, so far as is known, has even murmured, "So sorry!"

As to the television coverage of the Laos campaign, if the Battle of the Bulge had been similarly covered by television, the natural tendency would have been to ask Adolf Hitler for the best terms he was willing to offer. So the question arises, just what is credibility, and who has a gap?

COMMITTEE ON PUBLIC WORKS COMMENDED FOR ITS PROMPT ATTENTION TO H.R. 4403

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. THOMSON of Wisconsin. Mr. Speaker, the Committee on Public Works is to be commended for its prompt attention to H.R. 4403, the accelerated public works bill. I am also pleased that the committee incorporated several amendments which I suggested to broaden coverage of the bill to include areas designated by the Secretary of Commerce as "redevelopment areas" or "economic development centers," or by the Secretary of Labor as having suffered "substantial unemployment." Prompt floor approval of this measure would benefit many locally depressed areas.

LEGISLATION TO BAN NATIONWIDE TV AND RADIO BLACKOUTS OF MAJOR SPORTING EVENTS

HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. SANDMAN. Mr. Speaker, it is my pleasure to introduce with four initial cosponsors this afternoon legislation to ban nationwide TV and radio blackouts of major sporting events.

I can think of no more appropriate cosponsors than my four distinguished colleagues, Mr. Ford, Mr. Mathias, Mr. Kemp, and Mr. Mizell.

The distinguished minority leader was a fine athlete at his university. The gentleman from California (Mr. Mathias) carried this Nation's excellence in track and field events in the Olympic games with honor and distinction.

My colleague from New York (Mr. Kemp) was one of the best and most respected quarterbacks in professional football and the legends of "Vinegar Bend," the gentleman from North Carolina (Mr. Mizell) as an outstanding pitcher will always be remembered by fans of baseball.

This legislation, the drafting of which I announced here on March 10 shortly after the Joe Frazier-Muhammad Ali heavyweight championship fight, has not been written in haste and is most certainly not a "shotgun" approach to the most sensitive and important issue of the availability of sporting events to the general public of the Nation.

Instead, this bill acts to insure that the general public will have the opportunity to witness major sporting events on all types of electronic media.

The problem, as demonstrated most vividly by the handling of the Frazier-Ali broadcast arrangements, is that it is now possible for promoters to impose nationwide blackouts of events of national interest by simply refusing to grant broadcast rights to entire types of media, such as television, and radio.

In the case of the fight, of course, the promoters simply cashed in on the high national interest by awarding presentation rights to a cable or closed circuit TV system to the exclusion of free TV, free radio, and the other types of media.

There is no question that this approach was a financial success for the promoters and others involved. But it was a major catastrophe for the great bulk of the sports fans of the Nation, some 200 million people who, for whatever reason, were simply "blacked out" from witnessing the bout, perhaps the greatest sporting event of the century.

Mr. Speaker, there is no need for me to dwell on the fact that Congress and the courts have been extremely lenient with professional sports on the basis that they are not merely businesses, but that they are also worthy forms of public entertainment and diversion of our citizens from their normal concerns.

In fact, professional sports are currently receiving favored treatment as businesses in that they are exempted from the various antitrust laws of the Nation. I therefore think that it is only right that these privileged businesses consider their responsibility to the public; namely, to allow the greatest possible number of fans to witness the final championship events.

Mr. Speaker, the day is fast approaching when the financial attractiveness of nationwide blackouts by way of exclusive closed-circuit arrangements could force promoters of other such great events as the Super Bowl or the World Series to limit spectators on the basis of dollars only.

Congress must act now to spell out and protect the public's right to witness major sporting events via the various electronic media. The bill I am introducing today does this and the text of the bill follows in the Record.

H.R. 6992

A bill to amend the Communications Act of 1934 so as to provide for the regulation of the broadcasting of certain major sporting events in the public interest.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part I of title III of the Communications Act of 1934 is amended by adding at the end thereof the following new section:

"ACCESS BY BROADCAST AND OTHER MEDIA TO MAJOR SPORTING EVENTS

"Sec. 331. (a) No person may present a major sporting event to the public by means of any type of electronic medium unless a permit has been issued with respect to such event under subsection (b) by the Commission.

"(b) The Commission shall issue a permit with respect to a major sporting event if and only if—

"(1) application is made for such permit in such manner as the Commission may prescribe, and

"(2) the applicant satisfies the Commission that—

"(A) in the case of each type of electronic medium, a reasonable number of persons capable of presenting such event to the public throughout the United States by means of such type of medium have been (or will be) afforded an opportunity to bid to obtain the rights to present such event to the public by means of such type of medium,

"(B) the highest responsible bidder for the rights each type of electronic medium has been (or will be) awarded the rights to present such event throughout the United States by means of such type of medium, and

"(C) any person to whom such rights are awarded will in fact present such event throughout the United States by means of such type of medium.

Any permit issued under this subsection shall be subject to such terms and conditions as the Commission may prescribe in order to carry out the purposes of this section.

"(c) For purposes of this section—

"(1) The term 'type of electronic medium' meant each of the following types of media (as defined in regulations of the Commission):

"(A) Television (other than subscription, closed circuit, and cable television).

"(B) Subscription television.

"(C) Radio.

"(D) Closed circuit television.

"(E) Cable television.

"(F) Any other communications medium the inclusion of which under this paragraph the Commission determines is necessary to carry out this section.

"(2) The term 'major sports event' means any event which regulations of the Commission provide is the final national or international championship event in professional boxing, football, basketball, baseball, or hockey."

SEC. 2. Section 503 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(c) Any person who presents a major sports event in violation of section 331 or in violation of the terms of any permit issued under such section shall (in addition to any other penalty to which he is subject) forfeit to the United States a sum of money not in excess of the gross receipts realized with respect to such event by such person."

This morning Mr. Speaker, my four distinguished cosponsors and I held a press conference here in the Capitol to explain the intended impact of this legislation. In response to questions then and for the background information of all Members, I am listing some of the major points of the legislation, both in what it will accomplish and in what it will not do.

The major thrust of the bill is to break up the possibility of any future nationwide blackout of major sporting events on any of the various types of media.

Traditional and justifiable local blackouts are not affected. These will continue to be allowed to exist to encourage attendance.

The bill only concerns itself with professional sports, namely boxing, football, basketball, baseball, and hockey, though the sponsors are considering proposals to extend the provisions to major amateur events such as the Olympics, the Rose Bowl and various NCAA and AAU championships.

No "type of electronic medium" will be prevented from seeking to present the major events to their viewers, listeners or subscribers. Television is a type of electronic medium, just as radio is a different type. The FCC is empowered to designate these categories of media.

The various "types of electronic medium" will not be bidding against each other for presentation rights. A promoter may not award presentation rights, for example, to radio to the exclusion of television and other systems.

Within each "type of electronic medium" however, the various private networks or stations will bid for presentation rights. Promoters are required to accept the highest bid or bids within each "type of electronic medium." Proof that this procedure is followed is a prerequisite for issuance of an FCC permit.

Naturally, if there are no bids for presentation rights in a type of medium, promoters have fulfilled their obligation to simply give each media the opportunity to secure the presentation rights. The sponsors of the bill feel that if the various media realize that there is a sufficient public interest in a sports event, they will bid for the rights to broadcast it.

The requirement that promoters secure an FCC permit will create no hardship. The procedure will be simple enough and will involve advertising for bids, accepting them on a specific date, then awarding contracts to the successful bidder in each media, all subject to prompt FCC approval if it is satisfied the interests of the public are served.

Mr. Speaker, the need for this legislation is clear. The time to act is now before this trend toward discrimination against all but the affluent to witness major sporting events gets out of hand.

And of the various proposals we have heard such as abolishing closed circuit systems or limiting broadcast seasons, I believe this permit system is the most reasonable, acceptable and effective tool at hand.

FUNDS APPROPRIATED BY CONGRESS AND IMPOUNDED AND FROZEN BY BUREAU OF BUDGET SHOULD BE RELEASED IN THE PUBLIC INTEREST

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. EVINS of Tennessee. Mr. Speaker, as you know, the Office of Management and Budget—a beefed-up version of the former Bureau of the Budget—has withheld, frozen, and impounded funds totaling more than $12 billion appropriated by the Congress last year for worthwhile, vital and needed programs and projects.

The OMB has by its freeze orders virtually stopped many programs authorized and funded by the Congress. This action represents an arrogant assumption of power and substitutes OMB judgment and priorities for the judgment and priorities set by the Congress.

In this connection I want to again urge the President to look into this matter fully and carefully and effect the release of funds in accordance with the intent, mandate and direction of the Congress.

On the two Appropriations Subcommittees on which I serve—the Independent Offices-Housing-Space Science and the Public Works-Atomic Energy Commission Subcommittees—we have found that the OMB has withheld substantial funds.

Some $1 billion 325 million has been withheld from the HUD appropriations bill—shortchanging the urban renewal program by $200 million—the water and sewer grant program by $200 million—the model cities program by $727 million—and $193 million from the public housing program.

In the Subcommittee on Public Works Appropriations, OMB has impounded funds totaling $91,700,000 for 145 public works projects throughout the Nation. Delay on these projects means substantial increased costs in materials and labor—and losses by delayed benefits.

Every day in my office we receive letters from citizens throughout the Nation who are reporting the impact of this arbitrary action by officials of the Bureau of the Budget.

This wholesale impoundment of funds must be stopped.

In this connection I place in the RECORD herewith an editorial from the Nashville Tennessean pointing out that rather than applying pressure for pet projects for special interests, the time has come to move forward in the public interest with programs and appropriations passed by the Congress and signed into law by the President.

The editorial follows:

MR. EVINS MAKES A VALID POINT

Rep. Joe L. Evins of Tennessee's Fourth District has accused the Nixon administration of "flagrant abuses of executive power" and the "usurpation" of the powers of Congress in freezing more than $11 billion appropriated by Congress last year.

Among the frozen items are $91.7 million for 145 public works programs and $45.6 million for 107 Army Corps of Engineers projects. Some of these are Tennessee projects which are vital to the economic growth of this region and reduction of the unemployment rolls.

"The OMB (Office of Management and the Budget) is arrogating power vested in the Congress by the Constitution by disregarding priorities set by the Congress and substituting its own priorities . . ." the Tennessee congressman said in a statement prepared for delivery to a Senate subcommittee on separation of powers.

Mr. Evins is justified in his charges. The President—apparently in a peeve at Congress—has been refusing to spend appropriations above what he requested. This, in the view of Mr. Evins, amounts to an item veto in violation of the Constitution.

While he has been freezing funds appropriated by Congress for needed public works projects to benefit many average people, the President has been putting great pressure on Congress to approve funds for his special projects—like the supersonic transport plane—for the benefit of a few wealthy people.

PRESIDENT IMPLEMENTS CONSTRUCTIVE RURAL DEVELOPMENT PROGRAMS—FINALLY

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. CULVER. Mr. Speaker, after waiting for 2 years for the President to implement constructive rural development programs, we have finally heard from him. However, I fear that the administration's rural community development program was an afterthought—forced upon him after rural America recognized that they had been taken for granted and consequently gave his administration a vote of "no confidence" last November.

The President's proposals consist of what he terms "new" funds for the future. What rural America has needed is not promises of "new" moneys at some later date, promises premised on the possible enactment of revenue sharing, but release of the hundreds of millions of dollars he has frozen, and signing of the bills he has vetoed. During the last 2 years, he has slashed out the heartland of rural America's budget by—

Freezing $56 million of the $100 million Congress appropriated for rural water and sewer grants;

Freezing $68 million of the $98 million Congress appropriated for rural water and sewer loans;

Cutting the 502 rural housing insured loan program from $1.4 billion to $946 million—and only restoring the funds after strong congressional pressure was applied;

Cutting the REAP agricultural conservation program by $44.5 million, almost a quarter of the $195.5 million appropriated by Congress;

Vetoing the $18 billion Housing and Urban Development Act of 1970;

Vetoing the $4.42 billion Education Act of 1970;

Vetoing the $2.79 billion Hill-Burton hospital construction program;

Cutting out the school milk program; and

Vetoing the family medical practice bill.

This money—much better than any promised funds—could have helped the 7,300 rural communities that, over the past 3 years, had their loan and grant applications returned because the Farmers Home Administration could not assist them in the immediate future because of lack of funds. This new-found money could still help fund some of the 129 pending applications, totaling $31 million in loans and $6 million in grants, for sewer and water systems in my own State of Iowa.

The problems of rural development are now, not tomorrow. If the President has new-found money, he should release existing rural development funds and stop tantalizing rural America with the promises of new funds as a basis for politically sugar-coating the concept of revenue sharing.

The President's package of rural community development with capital letters is only a portion of what is needed for sustained, substantial rural community development. Funds for Government programs, whether through grants or revenue sharing, can never take the place of a sound agriculture program, adequate housing and employment, and ample business development. And it is in these latter areas that the last 2 years' policies have been most disastrous.

The administration became the first since World War II not to send Congress a farm message. Last year it opposed a farm bill supported by all major farm organizations. And this year, seeing that parity had dropped to its lowest level since the depression, achieved "prosperity" by changing the way you compute parity so that the country can now be told that parity stands at a healthy 91 percent when it is really only 68 percent.

More hocus-pocus. When Iowa's unemployment is the worst in 13 years, when rural education and medical assistance lag far behind national norms, when farmers must struggle from one crisis to the next, we do not need new mathematical models for parity nor sleight of hand with rural development funds. What we do need is the release of funds that Congress had appropriated to provide rural Americans their fair share of assistance and to begin at once the imperative task of revitalizing rural America.

I include the following tables:

IOWA—1ST CONGRESSIONAL DISTRICT, WATER AND WASTE DISPOSAL APPLICATIONS ON HAND, FARMERS HOME ADMINISTRATION, FEB. 22, 1971

Name of applicant	County	Type of project	Funds	
			Loan	Grant
Libertyville	Jefferson	Water	$100,000	
Hillsboro	Henry	do	90,000	$22,000
Milton	Van Buren	Sewer	220,000	56,000
West Point	Lee	Water	200,000	120,000
Letts	Louisa	Sewer	191,000	125,000
Parnell	Iowa	do	80,000	30,000
Libertyville	Jefferson	do	103,000	65,800
Nichols	Muscatine	do	99,000	70,000
Birmingham	Van Buren	Sewer	$30,000	
Columbia City	Louisa	do	110,000	$65,000
Bonaparte	Van Buren	do	180,000	90,000
North Liberty	Johnson	Water	120,000	60,000
West Liberty	Muscatine	do	100,000	
Do	do	Sewer	165,000	
Wellman	Washington	do	220,000	
Buffalo	Scott	Water	260,000	100,000

IOWA—2D CONGRESSIONAL DISTRICT, WATER AND WASTE DISPOSAL APPLICATIONS ON HAND, FARMERS HOME ADMINISTRATION, FEB. 22, 1971

Wadena	Fayette	Sewer	$101,000	$46,800
Goose Lake	Clinton	do	58,000	30,000
Prairieburg	Linn	do	75,000	25,000
Aurora	Buchanan	do	76,000	25,000
St. Olaf	Clayton	do	100,000	75,000
Greeley	Delaware	Sewer	$100,000	$55,000
Aurora	Buchanan	Water	60,000	
Stanley	do	Sewer	80,000	70,000
Dyersville	Dubuque	Water	390,000	
Celmar	Clinton	Sewer	278,000	120,000

IOWA—3D CONGRESSIONAL DISTRICT WATER AND WASTE DISPOSAL APPLICATIONS ON HAND, FARMERS HOME ADMINISTRATION, FEB. 22, 1971

Marble Rock	Floyd	Sewer	$170,000	$39,000
Coulter	Franklin	do	90,000	55,000
Bassett	Chickasaw	do	70,000	30,000
Beaman	Grundy	do	83,000	49,600
Holland	do	do	105,000	55,000
Frederika	Bremer	do	75,400	42,300
Chester	Howard	do	90,000	70,000
Leland	Winnebago	Water	60,000	45,000
Rake	Winnebago	Water	$140,000	$32,000
Plymouth	Gerro Gordo	do	170,000	100,000
Ventura	do	do	160,000	
Woolstock	Wright	Sewer	120,000	80,000
Garner	Hancock	Water	365,000	
Raymond	Black Hawk	Sewer	240,000	160,000
Geneva	Franklin	do	94,000	60,000
Rudd	Floyd	do	234,000	100,000

IOWA—4TH CONGRESSIONAL DISTRICT, WATER AND WASTE DISPOSAL APPLICATIONS ON HAND, FARMERS HOME ADMINISTRATION, FEB. 22, 1971

Deep River	Poweshiek	Water	$100,000	
Drakesville	Davis	do	28,000	$10,000
Numa	Appanoose	do	80,000	70,000
Williamson	Lucas	do	55,000	35,000
Van Wert	Decatur	Sewer	90,000	55,000
Clutier	Tama	do	130,000	94,000
Van Wert	Decatur	Water	90,000	78,000
Promise City	Wayne	do	95,000	55,000
Lineville	do	Sewer	150,000	114,000
Seymour	do	do	200,000	65,000
Melrose	Monroe	Water	70,000	50,000
Afton	Union	do	100,000	50,000
Walford	Benton	Sewer	90,000	45,000
Woodburn	Clarke	Water	140,000	40,000
Hartford	Warren	Sewer	140,000	60,000
Ollie	Keokuk	do	100,000	80,000
Otley Public Utilities	Marion	Water	90,000	70,000
Elberon	Tama	Sewer	110,000	95,000
Hamilton	Marion	Water	47,000	28,000
Derby	Lucas	do	66,000	27,000
Decatur City	Decatur	Water	$100,000	$50,000
Dallas	Marion	do	130,000	60,000
Kelleronton	Ringgold	Sewer	90,000	30,000
Agency City	Wapello	do	112,000	70,000
Urbana	Benton	do	180,000	80,000
Blakesburg	Wapello	do	130,000	95,000
Kent	Union	Water	50,000	30,000
Exline	Appanoose	do	90,000	70,000
Killduff Development Corp	Jasper	do	50,000	40,000
Davis City	Decatur	Sewer	144,000	96,000
Grand River	do	Water	75,000	75,000
Monroe County Rural Water Association.	Monroe	do	500,000	
Wayne County Rural Water Association.	Wayne	do	1,800,000	
Appanoose County Water Association.	Appanoose	do	950,000	
Town and County Water District	Ringgold	do	300,000	
Lucas County Rural Water Association.	Lucas	do	1,500,000	

IOWA—5TH CONGRESSIONAL DISTRICT, WATER AND WASTE DISPOSAL APPLICATIONS ON HAND, FARMERS HOME ADMINISTRATION, FEB. 22, 1971

Callender	Webster	Sewer	$190,000	$60,000
Vincent	do	do	96,000	72,000
McCallsburg	Story	do	110,000	50,000
Dayton	Webster	do	40,000	20,000
Clarke	do	do	70,000	45,000
Harcourt	Webster	Sewer	$138,000	$92,000
Barnum	do	do	76,000	50,000
Gilbert	Story	Water	240,000	50,000
Moingona	Boone	do	30,000	30,000

IOWA—6TH CONGRESSIONAL DISTRICT, WATER AND WASTE DISPOSAL APPLICATIONS ON HAND, FARMERS HOME ADMINISTRATION, FEB. 22, 1971

Name of applicant	County	Type of project	Funds	
			Loan	Grant
Paton	Greene	Sewer	$170,000	$70,000
Rock Rapids	Lyon	Water	100,000	
Mallard	Palo Alto	Sewer	190,000	90,000
Brunsville	Plymouth	Water	45,000	
Oto	Woodbury	Sewer	89,000	56,000
Wallingford	Emmet	do	87,000	54,000
Archer	O'Brien	Water	26,000	
Okoboji	Dickinson	do	150,000	
Rural Water System No. 2	Lyon and Sioux	do	1,260,000	
Wesley	Kossuth	Sewer	170,000	85,000
Cherokee County Rural Water System No. 1.	Cherokee	Water	$1,330,000	
Fostoria	Clay	Sewer	110,000	$70,000
Salix	Woodburg	do	110,000	70,000
Osceola County Rural Water Association.	Osceola	Water	2,250,000	
Fenton	Kossuth	Sewer	117,000	77,000
Calumet	O'Brien	do	55,000	28,000
Smithland	Woodbury	do	110,000	80,000

IOWA—7TH CONGRESSIONAL DISTRICT, WATER AND WASTE DISPOSAL APPLICATIONS ON HAND, FARMERS HOME ADMINISTRATION, FEB. 22, 1971

Shambaugh	Page	Water	$60,000	$49,000
Yorktown	do	do	50,000	25,000
Pacific Junction	Mills	do	100,000	60,000
St. Charles	Madison	Sewer	119,000	51,000
Kirkman	Shelby	Water	50,000	20,000
Conway	Taylor	do	40,000	28,000
Bridgewater	Adair	Sewer	100,000	70,000
Kimballton	Audmubon	do	83,000	37,900
Pisgah	Harrison	do	140,000	40,000
Adair County Water Corp	Adair	Water	4,600,000	
Tennant	Shelby	do	24,000	20,000
Do	do	Sewer	51,900	20,000
Braddyville	Page	do	61,000	30,000
Halbur	do	do	115,000	10,000
Arcadia	Carroll	Sewer	$127,000	$60,000
Portsmouth	Shelty	do	55,000	26,000
Knierim	Calhoun	Water	50,000	40,000
Minburn	Dallas	do	10,000	
Twin Lakes Utilities and Pollution Control.	Calhoun	Water and Sewer.	350,000	250,000
Blencoe	Monona	Water	40,000	
Bayard	Guthrie	Sewer	320,000	140,000
Imogene	Fremont	Water	40,000	40,000
De Sota	Dallas	do	100,000	
Dexter	do	do	200,000	50,000
West Central Rural Water Association.	Carroll, Crawford, and Shelby.	do	1,800,000	

	Loans	Grants
1st	$2,268,000	$803,800
2d	1,318,000	446,800
3d	2,266,400	917,900
4th	9,172,000	1,817,000
5th	990,000	469,000
6th	6,369,000	680,000
7th	8,685,900	1,066,900
Total	31,069,300	6,201,400

SOUTH DAKOTA RESOLUTIONS

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. ABOUREZK. Mr. Speaker, the South Dakota State Legislature has recently passed a resolution asking that the shrine of democracy at Mount Rushmore be declared a primary Western focal point for the celebration of our Nation's 200th birthday. I believe that Mount Rushmore is uniquely suited to symbolize what the West has meant to this country. Its setting in the Black Hills of South Dakota is typically Western, and its memorial to four great Presidents has meaning for all Americans. I, therefore, feel that the following resolution passed by the South Dakota State Legislature should receive serious consideration:

CONCURRENT RESOLUTION NO. 9

A concurrent resolution, Inviting the American Revolution Bicentennial Commission to include in its primary focal points for the observance of the 200th anniversary of this nation's founding, the Shrine of Democracy at Mt. Rushmore

Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

Whereas, at Mt. Rushmore the nation's dedication to the principles of our founding fathers is carved out of granite in the form of the faces of the drafter of the Declaration of Independence, Thomas Jefferson; our first president, George Washington; Abraham Lincoln who preserved the nation; and Theodore Roosevelt who is identified with the opening of the west; and

Whereas, this National Memorial links in a most direct way the western part of the United States with this nation's founding heritage; and

Whereas, during our nation's Bicentennial it is desired that all in our country experience a re-kindling of a sense of pride and history in our national origins and traditions; and

Whereas, the Shrine of Democracy has, over the years, come to symbolize such a spirit to millions who have visited this National Memorial; and

Whereas, the formal dedication of Mt. Rushmore as one of the primary focal points of the Bicentennial observance will encourage others to share with their fellow Americans this inspiring experience; and

Whereas, at the present time there has been no formal designation of a western point as one of primary settings for the Bicentennial; and

Whereas, Mt. Rushmore is located amidst the scenic and unspoiled splendor of the Black Hills National Forest; and

Whereas, the communities in the Black Hills area are experienced in providing the necessary services to the visiting public;

Now, therefore, be it resolved, by the Senate of the Forty-sixth Legislature of the state of South Dakota, the House of Representatives concurring therein, that we invite the American Revolution Bicentennial Commission to schedule as the primary western focal point for the 200th anniversary of the founding of our nation the Mt. Rushmore National Memorial; and

Be it further resolved, that the Secretary of the Senate of the state of South Dakota be directed to transmit copies of this resolution to the American Revolution Bicentennial Commission, to the members of the South Dakota congressional delegation, and to the President of the United States.

Despite the pleasurable anticipation with which we look forward to the 1976 bicentennial celebration, there is a blot on the future of South Dakota and all other agricultural States. The South Dakota Legislature, at the same time that it called for a Mount Rushmore celebration, called attention to this fact in another resolution. This resolution points out that the agricultural economy of the United States is in serious difficulties. This problem can be dealt with only by immediate action on the part of the President and Congress to create a program to revitalize our agricultural economy. This must be done now, before it is too late. I ask you to listen to the voice of South Dakotans speaking through their State legislature asking for your help:

CONCURRENT RESOLUTION NO. 10

A concurrent resolution, memorializing the President and the Congress of the United States to initiate and implement action to revitalize the agricultural economy of our nation

Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

Whereas, the agricultural economy of the United States is in a period of serious instability because of almost total inaction and lack of concern by the government of the United States; and

Whereas, the number of those people involved in producing the foods for America are so small compared to those people who are benefiting from this productivity that the agricultural problems are subordinated to those of greater political numbers; and

Whereas, the President and the Congress of the United States have the joint responsibility to establish a complete agricultural program for the general welfare of this nation and the world; and

Whereas, the time for action by the President and the Congress of the United States is the present if serious consequences and unnecessary suffering are to be avoided:

Now, therefore, be it resolved, by the Senate of the Forty-sixth Legislature of the State of South Dakota, the House of Representatives concurring therein, that the Congress of the United States initiate and the President of the United States implement without delay the necessary programs to revitalize the agricultural economy of our nation; and

Be it further resolved, that copies of this Concurrent Resolution be transmitted by the Secretary of the Senate of the State of South Dakota to the office of the President of the United States, the Speaker of the House of Representatives of the United States, the Secretary of the Senate of the United States, the chairman of the Committee on Agriculture of the United States House of Representatives, the chairman of the Committee on Agriculture and Forestry of the Senate of the United States and the members of the Congressional delegation of the State of South Dakota.

THE PRESIDENT'S DOMESTIC PROGRAM: OLD WINE IN NEW BOTTLES, BY LEON H. KEYSERLING

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. SCHEUER. Mr. Speaker, the National Housing Conference held its 40th Annual Conference on March 7 and 8 here in Washington. Prior to joining this House, I sat on the Board of Directors of NHC for a good many years. It was a rewarding and fruitful association with an institution dedicated to the public interest.

As Senator JOHN SPARKMAN said on the floor of the Senate this last March 11:

> The National Housing Conference is one of the most outstanding and effective public interest organizations for housing in our nation. Founded in 1931, it was the earliest organized national group in support of Federal assistance for the elimination of slums and the provision for decent housing for all of our people. Over the years, it has been a consistent and forceful promoter of the public interest in housing and urban development programs.

This tribute from the chairman of the Senate Committee on Banking, Housing and Urban Affairs, clearly illustrates the esteem with which this association is held as an active advocate for the best concerns of citizens.

On March 7, Leon K. Keyserling addressed this convention. Former chairman of the Council of Economic Affairs, a consulting economist and attorney here in Washington, and president of the Conference on Economic Progress, he stands as one of the foremost figures on the national economic spectrum. I highly recommend to my colleagues the reading of Mr. Keyserling's address which follows:

THE PRESIDENT'S DOMESTIC PROGRAM: OLD WINE IN NEW BOTTLES

(Address of Leon H. Keyserling)

My Friends: I detect in this audience many of my co-workers over many years, and some for almost four decades. I also congratulate all of you here tonight, because you have zealously retained your position as the most responsible guardians of the most mistreated step-child of American economic and social performance. This step-child, of course, is housing—the activity supposed to improve the living conditions of the American people, and to help rescue our urban areas from frightful deterioration and impending bankruptcy.

Housing has indeed been like Cinderella before her sudden change into a princess. The big difference is that the cinder girl was not promised very much long in advance of her transformation, while housing has received one glittering promise after another, from the highest authorities on down, but the transformation is not yet.

Before getting into this in detail, I want to talk mainly about the general economy, its recent performance, the current outlook, and the reckless promises, also from the highest authorities, to bring about a change for the better. This is very pertinent to housing. Excessive unemployment, massive poverty, and economic stagnation and recession make the housing task insurmountable. Although housing is relatively neglected even when the economy is doing well, it gets hit the hardest when the economy is in the dumps. It is the prime victim of the mistaken national economic policies, first designed deliberately to get the economy into the dumps, and now groping blindly to get it out of the dumps. Thus, it is axiomatic that straightening out the national economy and national economic policies is the first and foremost aspect of the task of straightening out housing.

During the past five years, the size of our unmet domestic priorities and the size of our international burdens have challenged our nation and our people, as seldom before, to utilize fully our unrivaled productive powers. But during this five-year period, our real average annual economic growth rate has been cut to about half of what it was during the immediately preceding six years. It has been cut to far less than half of our growth potentials. Full-time unemployment, in ratio to the civilian labor force, has risen by 66 percent since December, 1969. During the five years as a whole, we have forfeited, through excessive idleness of manpower, plant, and other productive resources, almost 550 billion dollars of total national production, measured in 1969 dollars, and endured almost 6 million man-years of excessive unemployment. This has brought civil and social strife and disorder, in part because of the extreme deprivation suffered by many, and in part because of the divisive quarrels among those who have competing priorities in a stunted economy unable to serve them all.

If all of this had happened by mere accident or negligence, we should have been sorry; but because it has happened through positive national economic policies, we should be ashamed. These policies have been deliberately adopted to reduce inflation by creating vast idleness of plant and manpower. Ever since earlier efforts of the same sort were made in the mid-1950's, I have persistently pointed out that the so-called "trade-off" of causing more unemployment in order to achieve greater price stability was not only unconscionable, but was also a figment of the imagination. I do not have time here today to state the theoretical reasons why this is true; suffice it to say that it has been proved true beyond the shadow of a doubt. The average annual rise in consumer prices during the most recent five-year period was 4.6 percent, compared with less than one third of this during the six previous years of moderately high economic growth and great reduction in unemployment. And with insignificant exceptions, prices have moved upward more rapidly when the economy has moved downward more rapidly.

Turning to the current economic situation and the outlook, the President now tells us that his fiscal 1972 Budget, sent to the Congress early in calendar 1971, represents a shift from a restrictive to a vigorously expansionary economic policy. This claim, accompanied by all the gadgetry of "revenue sharing" and "government reorganization" and "giving the Government back to the people," is a great tour de force in the art of politics. But it has no semblance to reality.

On the spending side, the President's Budget for fiscal 1972, trended six months beyond the end of that fiscal year, implies 239.9 billion dollars of actual Federal spending in calendar 1972, measured in fiscal 1972 dollars.

This would increase calendar 1972 Federal spending above estimated calendar 1971 Federal spending by almost exactly the same amount as the actual average annual increase in such spending during the immediately preceding four years or so, which were claimed to represent a severely restrained Federal spending policy in the misguided and ill-fated battle against inflation. So the President has made no appreciable change in Federal Budget policy on the spending side. He is merely maintainng an established trend which has proved far too restrictive on both economic and social grounds, and been highly inflationary for this very reason.

The President also says that he is deliberately developing a large deficit in the fiscal 1972 Federal Budget, in order to expand the economy. The deficit that he estimates for fiscal 1972 is consistent with a deficit of about 12 billion dollars in calendar 1972. But a deficit of at least this size was forecast by most competent economists even before the President announced his alleged change in policy; and a clear majority now forecast that this deficit will be closer to 20 billion than 12 billion in calendar 1972, because of the grossly inadequate economic growth which will result from the President's grossly inadequate program. Thus, on the deficit side, the President has done nothing new; he has merely attempted to make the worse appear the better cause by hailing loudly the prospect of a deficit which is occurring, not through a constructive attempt to stimulate the economy, but rather by continuing to neglect it.

Taken as a whole, the President's skillfully packaged program is nothing more nor less than the pouring of old wine into new bottles, with much hulla-ba-loo.

The President's various estimates, reasonably projected, impart that his program would lift total national production, measured in fiscal 1972 dollars, to about 1142.7 billion dollars for calendar 1972, and reduce full-time unemployment to about 4.2 percent by the end of that year. But most independent and objective analysis, with which I agree, indicates that total national production for calendar 1972 will fall about 24.2 billion dollars below the President's target, with full-time unemployment of 4.8–5.0 percent by the end of that year.

Even more important are the differences between these likely results of the President's program and appropriate goals for the economy, which are much higher than the President's targets. His program is likely to result in total national production for calendar 1972 about 54.6 billion dollars below an 1173.1 billion goal for that year, representing adequate movement toward full production. And the likely result of 4.8–5.0 percent unemployment at the end of that year, under the President's program, contrasts with an appropriate goal of 3.7 percent and the further goal of getting down to 3.0 percent, or full employment, early in calendar 1973.

Now, just how far does the President's proposed Budget for fiscal 1972 fall short of that required to meet the employment and production goals I have just set forth? First of all, the President's implied expenditure program for calendar 1972, consistent with the President's Budget for fiscal 1972, is 27.4 billion dollars below the 267.3 billion which would be appropriate in terms of achieving economic restoration at the desirable pace which I have indicated. This higher level of spending might result in a Federal deficit of about 30 billion dollars in calendar 1972, contrasted with the 20 billion likely to result from the President's program. But this difference of about 10 billion dollars would be a very wise investment to yield an estimated difference of 54.6 billion in total national production in calendar 1972. Moreover, the President's program involves the likelihood of a huge deficit in the Federal Budget, not only in calendar 1972, but also for many years thereafter, in consequence of deficient economic performance. But a deficit consistent with adequate progress toward economic restoration in calendar 1972 offers the prospect of a balanced Budget within a few years.

The adverse impact of the President's inadequate Budget upon our economic and social performance is intensified by the distorted composition of the Budget in terms of our national priorities—a distortion not masked by the small and misguided proposal for "revenue sharing."

For calendar 1972, the President's Budget, consistently carried forward, imports spending for all domestic programs about 9.2 billion dollars below the needed amount. His proposed spending for public assistance imports about 10 billion below the needed amount. His proposed spending for health comes to about 0.8 billion below the needed amount. His proposed spending for manpower imports about one billion below the needed amount. And his proposed spending for housing and community development, importing about 4.7 billion dollars, is about 7 billion below the needed amount of 11.7 billion. All of these needed amounts for calendar 1972 are those estimated by me, and not far from those estimated by some others, in the course of long studies of what kind of Federal Budget would do most for the economy and the people, and therefore be best for the Federal Budget itself in the long run.

One reason why total domestic spending imported for calendar 1972 from the President's fiscal 1972 Budget comes to only about 9 billion dollars below the needed total, despite the fact that the deficiencies which I have just stated come to far more than 9 billion, is that his Budget contains far too much spending for other purposes, and I am not talking about national defense. His Budget imports about 20 billion dollars for Federal spending in calendar 1972 for interest payments on the national debt. This is more than 8 billion above what the interest payments would have been on a debt of the same size, if interest rates had stayed where they ought to be. In addition, if unsound monetary and fiscal policies had not contributed so much to economic stagnation and recession, the Federal debt now would have been much lower than it actually is, or at least enormously less in ratio to total national production. The program which I advocate would reduce this ratio from 38.3 percent estimated for calendar 1972 to 21.4 percent in calendar 1980.

What I have just said indicates that fiscal policy has not been the only culprit, in the processes of economic default and social neglect. The prevalent policy of tight money and rising interest rates has stunted economic growth; increased unemployment; fed the fat and starved the lean; done incredible damage to housing and to many programs in the public sector; and, during 1952–1970, transferred an estimated 407 billion dollars in excessive interest rates from those who need income supplementation most to those who need it least.

For calendar 1970 alone, the excessive interest costs in the Federal Budget are estimated at 8.2 billion dollars, contrasted with programs in the fiscal 1972 Budget which come to only about 6.3 billion for education, and about 4.5 billion for housing and community development. Also, housing and community development outlays almost three times as high as those proposed in the fiscal 1972 Budget could be financed, if only the excess interest payments in the Federal Budget were being used instead for housing and community development. The calendar 1970 cost of excessive interest rates in the Federal Budget come to about two-thirds of the total Federal spending that would be required annually, by way of income supplementation, to lift out of the poverty cellar all American families who now live in poverty.

We are told that interest rates are now coming down. Some of them have come down substantially, but only in response to damage to the economy which far exceeds the benefits of the lower interest rates. And if the prevalent monetary philosophy continues, it is as sure as nightfall that these interest rates will go up again, when the economy at long last begins to expand significantly, and when we rekindle the upside-down fight against inflation.

I will not undertake here to review the whole record of interest-rate performance to date. But let us say that the official average interest rate on home financing has thus far come down from 8½ percent to 7¼ percent, not taking account of the undercover extra charges which make the absolute rates far higher than those I have just stated, and may make the reduction far less than I have just stated. An interest rate of 7¼ percent, especially when coupled with other rising housing costs, makes it impossible to do any substantial amount of building of homes for 35 percent or more of the population, and practically none for those living in slum housing. When the effective interest rate was only about 4¼ percent, everybody who knew anything about the subject recognized that an interest rate very much lower than this was essential to rehouse slum dwellers, or to help revitalize our urban areas. An effort in this direction was embodied in the General Housing Act of 1949, but due to the resistance of encrusted Federal agencies, and the failure of legislative implementation, this effort died aborning.

There are many other aspects of error in current national economic thinking and policy. The farm parity ratio has fallen to the lowest level since 1934. The income disparities of average farm families mount year by year, as do their deficiencies in public services and housing, while these families continue to be driven into the cities, where they swell the relief rolls and add to the intolerable burdens of urban governments. The wage earner continues to be pilloried as a main factor in the raging inflation, when in fact the real take-home pay of workers in manufacturing has declined during the past two years. Total wage payments today fall tremendously short of those needed for adequate expansion of consumtpion as the dominant factor in the restoration of full employment and full production.

I could add to the list. But let us now turn specifically to housing—remembering always that the housing problem cannot be met, except in the context of a healthy general economy, and the reconstruction of national economic and social policies toward this end.

Some of us preen ourselves upon the fact that "housing is looking up," in that total private housing starts, nonfarm and farm, rose at seasonally adjusted annual rates from 1.06 million in January 1970 to 1.70 million in January 1971. But much more perspective is in order. From January to December 1969, the drop in total private housing starts was about 34 percent, or the most catastrophic decline for any major industry since the Great Depression. The annual rate in January 1971 does not look so encouraging, when compared with more than 1.91 million, two full decades ago in 1950, in a nation and economy which has advanced so enormously during these two decades in population, incomes, and business activity. During 1959-1970 inclusive, the average annual rate of total private housing starts was only 1.42 million, when the need was at least 1.8 million a year.

Vacancy ratios are now critically low in most of our largest cities; overcrowding is outrageous; costs of occupancy soar; one sixth or more of a nation still live in urban and rural slums; the slums are choking our urban areas; and we all continue to talk about the housing problem, and to hold housing meetings and conventions.

Moreover, it is crystal clear that the current rate of homebuilding is so predominantly concentrated upon the upper half of the market that "saturation" and decline will again set in, even if interest rates and national economic conditions and policies did not remain so unfavorable.

To achieve, during the decade ahead, a rate of considerably more than 2 million new homes a year—which we need—about 300 thousand a year, contrasted with a record in recent years of less than one seventh of this number on the average, should be built for those who require public housing or its equivalent. The more than 1.7 million remainder per year need to be divided, approximately equally, between conventionally financed housing and new types of housing, at very low interest rates, with large Government assistance in one form or another.

Compared with the need for a total increase in civilian employment of more than 20 percent over the next decade, the employment increase in contract construction needs to be close to 40 percent. Investment in residential structures, which declined from 34.7 percent of total fixed investment in 1961 to 22.4 percent in 1970, needs to be lifted to 34.0 percent by 1980, and most of this increase is needed long before then. Compared with an average annual real growth of investment in nonfarm residential construction of only about 0.5 percent during the past decade, this rate needs to be lifted to more than 11 percent during the decade ahead to achieve balanced economic growth, full employment, meaningful urban renewal, social amelioration, and elimination of social and civil tensions. In short, this type of investment needs to grow, in real terms, at an annual rate more than twice as fast as the total U.S. economy during the decade ahead.

Viewing the inexorable technology displacement of workers in mass production industries and agriculture, an adequate volume of housing investment and complementary community development can solve almost half of the total problem of excessive unemployment which is bound to arise if the prevalent national economic policies are not drastically revised.

The steps which need to be taken, to restore the economy and to lift housing to its rightful place in the totality of nationwide endeavor, follow naturally from what I have thus far said.

First, action under the Employment Act of 1946 must be rescued from a long residence in limbo. This means that the *Economic Report* of the President should contain a long-range—at least five year—quantitative economic and social budget for the nation, setting forth goals responsive to our needs and potentials;

Second, there should be no "trade-off" of full employment, full production, and the priorities of our needs. A reasonably full economy has turned out to be the less inflationary in the long run, and a stagnant or recessionary economy fans inflation;

Third, by calendar 1972, the Federal Budget should be running at an annual rate more than 37 billion dollars higher than the fiscal 1972 Budget proposed by the President, and more than 27 billion dollars higher than the translation of the President's Budget into its implications for calendar 1972. Vast priority rearrangements within the Budget are essential;

Fourth, we ought, for the time being, to put an end to all talk about Federal tax reductions in general. During the past decade, we have indulged in a veritable orgy of tax reduction, which has provided unconscionable bonanzas for some, and seriously impaired the progressive nature of the Federal tax structure. Tax reduction, and especially this sort of tax reduction, has been discredited as an effective weapon for sustained economic growth, and has added greatly to inflationary forces; it totally ignores priority needs;

Fifth, we must get to work at once, as I have already stated, to vindicate the promise to build more than 2 million new homes a year, with about one seventh of these public housing or its equivalent, and the balance about equally divided between conventionally financed private housing and new quasi-private programs for lower middle-income groups, with very low interest rates and other forms of Federal assistance;

Sixth, in calendar 1972, the Federal Government ought to be spending about 11.7 billion dollars for housing and community development, compared with about 4.5 billion in the President's fiscal 1972 Budget, which implies about 4.7 billion for calendar 1972;

Seventh, we need complete abandonment of the step-child attitude of national policy toward housing and community development. In the most recent year for which data are available, 45.7 percent of the value of all depreciation and depletion allowances granted by the Federal Government went to manufacturing, and only 5.8 percent went to real estate, including housing and related community improvements. Tax legislation in 1969 went even beyond this, and in the name of reform imposed punitive treatment upon housing and related real estate investment, even while the evidence had become overwhelming that housing was the weakest major sector of the economy. During 1964–1969, only 2.9 percent of net Federal subsidy expenditures went to housing and related community improvements, while 47.7 percent went to agriculture, and 19.4 percent to air transport and maritime. The President's allocation to housing and community development in his fiscal 1972 Budget comes to only about 0.40 percent of the total national production implied in that Budget, while his allocation to national defense, space technology, and all international comes to 7.56 percent, or about nineteen times as much;

Eighth, the prevalent monetary policy, which in my view has been nothing less than a public crime, should be scrapped by legislative action. It has already wrought havoc; its perpetuation would be tragic. The Federal Reserve Board should be brought under the meaningful control of the President and the Congress. The Board should be required to expand the money supply at a rate consistent with appropriate goals for economic growth. It should undertake far more selective monetary and credit controls, taking account of national priorities and the goals of the Federal Government, as defined by Congressional and Executive action; and

Ninth, even before achieving any or all of the above measures, the Congress should legislate a ceiling of 3 to 4 percent on private and public loans for housing and related community improvements. This will hurt for a while, and produce many squawks. But in the longer run, the downward movement of one interest rate after another will be highly beneficial to all except the usurious, while the jacking up of one interest rate after another has been like playing Russian roulette with our economy and our people. The size of recent reductions in interest rates, especially for housing, has been a mere bagatelle compared to the need, and the prevalent monetary policy offers no assurance that interest rates will continue their decline; they might well rise again.

Those of you here today have a big task ahead. In my view, you have spent too much of your energy and resources, albeit understandably, in rearguard battles against reaction, or in fighting for the better choice among small and inadequate gains. Returning to the original purpose and crusading spirit of this organization in its early days, you need to be on the front lines of the educational and political effort to reawaken the Government, the nation, and the people, and to move forward with what F. D. R. in his last message called "a strong and active faith." Obstacles no greater than those we overcame in 1937 and 1949 can be overcome again in the early 1970's, if we will let our minds be bold.

As I have just referred to political effort, I owe it to you to explain just what I mean. In a Democracy, public policy is determined by political action, as it should be. But too often, political action consists of becoming more interested in parties and personalities than in programs and causes. To be sure, it is both practical and right that the responsible citizen should take political sides. But this has too often resulted in standing by our side *because* it is our side, and castigating the other side *because* it is not. This has imposed a very heavy toll upon programs and causes, because the Opposition shrugs off criticism of its programs as being political in a narrow sense, and our side, when in charge, feels that it has been given *carte blanche* to do as it pleases without fear of rebuke from its side.

I have not criticized the current Administration in this talk, nor elsewhere, because I am not on its side in a political sense. I have criticized it only where I believe its policies to be against the public interest, and I have not hesitated to criticize equally on the same grounds those previous national administrations of my political party. I did not start to attack tight money and rising interest rates in 1969; I started in 1952, and I have never stopped. I do not think that the abandonment and betrayal of what a nationwide housing program should be commenced in 1969. With moderate variations, this has been going on since the end of World War II, under both Democratic and Republican Administrations.

It is perhaps natural that a majority of the membership of an organization such as this one gravitate toward a particular political party. But this organization would swerve from its traditions and its true course, if it ever permitted narrow political preferences to district it from that brand of political action which is the highest duty of the citizen. This is to demand that all candidates and incumbents, all parties and all administrations, act in the interests of the nation and the people, receive praise when they do, and condemnation when they do not.

The NHC convention with a benediction delivered by Rev. Msgr. Lawrence J. Corcoran, secretary of the National Conference of Catholic Charities.

BENEDICTION—NATIONAL HOUSING CONFERENCE BANQUET

(Rev. Msgr. Lawrence J. Corcoran, secretary, National Conference of Catholic Charities, Washington, D.C.)

O God, the Creator of all things and the Architect of the Universe, we ask your inspiration, guidance and assistance for all here present. You have brought the world into being and endowed it with great resources. You have created man, endowed him with deep intelligence, and charged him with the completion and perfecting of the world around him.

All of us gathered here are dedicated to this work of building up and perfecting of this world—its neighborhoods, its communities and its environment. We are engaged, O Lord, in Your work, in that portion which you have given to man, and left to his ingenuity and his labor.

We renew our devotion to this task, O Lord, and ask your blessings on our efforts. Grant us an awareness of the high purpose of our work, help us to recognize Your design and thus to mould our energies and our directions in conformity to Your Divine Law. Sustain us in our deliberations and our labor, so that our handiwork will be a beautiful reflection of Your own creative activity.

Above all, enable us to reflect this same Divine beauty in our daily lives, so that these too will be built into Your image and respond to the noble dignity which You have bestowed upon us. Amen.

HOW CONFIDENTIAL IS THE CENSUS?

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. CHARLES H. WILSON. Mr. Speaker for over 2 years I have had the honor of being chairman of the Subcommittee on Census and Statistics of the House Post Office and Civil Service Committee. During these 2 years my subcommittee has investigated in depth the methodoligy and procedures utilized by the Census Bureau in conducting the 1970 Census. The Subcommittee on Census and Statistics concluded its oversight of the 1970 census procedures by evaluating the accuracy of the census. Our comments and recommendations on the census can be found in House Report No. 91–1777, "Report on Accuracy of the 1970 Census Enumeration." I recommend, Mr. Speaker, that the Members of Congress take time to review our report as it discusses in a concise manner one of the most important undertakings of our Federal Government—the decennial census.

During our subcommittee hearings on the census we, of course, investigated the confidentiality system instituted by the Bureau of the Census. After the most intense review of the Census Bureau's confidentiality system ever conducted by a congressional committee, we concluded that the only improvement necessary was to further strengthen the Census Bureau's administrative procedures for confidentiality by writing them into law. Our subcommittee, therefore, drafted H.R. 12884 which passed the House of Representatives on September 25, 1969. This legislation would:

First, eliminate the requirement that the census must include questions on unemployment and housing, thus directing the enumeration of a census of population only—though authorization is provided for the inclusion of unemployment and housing and other census information as deemed necessary;

Second, provide to the committees of the Congress having legislative jurisdiction over the Bureau of the Census, the final authority for the approval, rejection, or revision of the proposed decennial census questions;

Third, direct the Secretary to submit the proposed census questions to the appropriate committees of Congress for review and approval 3 years before the census date;

Fourth, eliminate all jail sentence penalty provisions, whether for individuals or organizations, and whether for refusal to answer census questionnaires or for willfully falsifying the information being provided;

Fifth, incorporate into law present administrative procedures for guaranteeing confidentiality of census information as well as strengthening these procedures;

Sixth, increase the fine from $1,000 to $5,000 and the jail sentence from 2 to 5 years for any employee of the Census Bureau who divulges confidential information;

Seventh, provide the Secretary of Commerce with specific authority for conducting special census for States and local communities;

Eighth, encourage the greater use of sampling techniques; and

Ninth, direct the Secretary to prevent duplication of effort by using existing information instead of conducting direct inquiries.

Unfortunately, the other body did not act on H.R. 12884. However, I am hopeful that similar legislation will become law during this Congress.

Because my subcommittee has devoted so much time and energy in overseeing the activities of the Census Bureau, I was very interested in an article that appeared in the Washington Post on March 28, 1971, entitled "The Census: Data Bank Airtight Against Snoopers." I feel that this article serves as an excellent historical review of the efforts of the Bureau of the Census to guarantee the confidentiality of the data it is charged to collect and compile by our Government. However, it is unfortunate that the words "data bank" appear in the title of this excellent article, as the subcommittee does not consider the activities of the Census Bureau as having much relevance to the popular conception of data banks as expressed in recent congressional hearings.

Mr. Speaker, I include "The Census: Data Bank Airtight Against Snoopers" in the RECORD:

EVEN THE GOVERNMENT IS TURNED AWAY: THE CENSUS: DATA BANK AIRTIGHT AGAINST SNOOPERS

(By William Chapman)

It happens rarely now, but on occasion FBI agents show up at the U.S. Census Bureau seeking information on suspects they're tracking. So, occasionally, do immigration authorities, narcotics agents and military security men.

From outside government come lawyers searching for heirs to estates and genealogy-tracers looking for ancestors.

All are politely but firmly fended off by one of the few government agenices so pledged to secrecy that it won't share its personal information even with other parts of the bureaucracy.

"As far as we're concerned," says one census security man, "the individual is just a statistic and we want to keep it that way."

The government's biggest collector of information, the Census Bureau is backed up by a special public law preventing disclosure of personal data. It has a string of court decisions and administrative rulings protecting its confidentiality. It even has a special computer which "edits" the output of other computers to make sure that gross statistical data does not emerge in detail small enough to pinpoint individuals.

"We've had evidence of information leaking everywhere but from the Census," says Rep. Cornelius Gallagher (D.-N.J.), who headed a House subcommittee investigating agencies which collect private information.

"They really are tight. We never found one example of a break. I wish I could say that of the other agencies."

"I can't recall even any hints that the Census information was leaking out in any form," observes Rep. Jackson Betts (R.-Ohio), a persistent critic of the type of questions census-takers ask—such as how many people use a particular shower or bath.

Even the wide-ranging investigation of government snooping and dossier-keeping by Sen. Sam Ervin (D.-N.C.) made only a quick pass at the Census Bureau, deciding early that the risks of disclosure there were minor.

There are possible loopholes in the Census apparatus, but its penchant for privacy contrasts sharply with recent disclosures of how other government-collected personal information is bandied about among many government agencies.

Social Security information, for example, is given on claims of national security to the FBI, the Secret Service, the Immigration and Naturalization Service, the Internal Revenue Service. It is also passed on to state welfare agencies.

Federal tax returns, by law, can be pored over by FBI, Narcotics, Customs, and Secret Service agents, certain congressional investigating committees, and state income-tax collection agencies. Cases of unauthorized disclosure are not uncommon.

By contrast, the Census Bureau for years has rigidly opposed such dissemination of individual files. Its classic test came during the old War Department's campaign to imprison Japanese-Americans on the West Coast during World War II. Census refused a demand to turn over names and addresses, although it did furnish statistical data used by the military to select neighborhoods where Japanese-Americans lived.

Immigration authorities once came seeking addresses of persons sought for deportation. The Justic Department finally decided Census was legally prohibited from turning over the information. Similarly, the Labor Department was refused names and addresses it wanted for a survey of all working women in Rochester, N.Y.

Once, the Federal Trade Commission seemed to have broken through the wall when it won a Supreme Court ruling that it could subpoena a corporation's copy of a business questionnaire it had filled out for the Census Bureau. The Bureau promptly got Congress to plug the hole with a new law.

GROUND RULES

Such efforts to reach Census personal data are now rare. "Occasionally, an FBI agent will come in and ask for help in locating someone," says one Census official. "But it's always a case of him not knowing the ground rules we play by."

Conrad Taueber, associate director of the Bureau, says there never has been a formal request from top-ranking FBI officials. Others say an agent comes around only once every six or seven years.

There have been cases of suspected leaks by Census employes, but never one with enough substance to warrant prosecution, Taueber says.

Every employee takes what is called the "census oath," an unusual pledge not to disclose information under penalty of two years in jail and a $1,000 fine. No one ever has been prosecuted.

There are, however, a number of theoretical loopholes in the confidentiality system. A census enumerator could peddle information on a citizen's living habits, income, health, employment record, child-bearing plans, education and the like—the results of either the decennial census or the many special surveys the bureau performs. Such deliberate leaks would be hard to pin down and prosecute.

Furthermore, anyone willing to risk forgery charges could get minor information such as birth date or places of past residence by filing an application under someone else's name with the Census Bureau's personal census service branch in Pittsburgh, Kansas. Behind guarded doors, records are kept on microfilm there for citizens who need to prove their age and birth date in obtaining passports or becoming eligible for Social Security. More than 2,000 requests a day pour into the Pittsburgh branch. Only the individual or his legally authorized representative can obtain the information.

Confidentiality of census data is enhanced further because it is available in individual form only in the earliest stages of the gathering process. Questionnaires are photographed onto microfilm in the Jeffersonville, Ind., branch, held for up to a year, and then destroyed either by shredding or by dissolution in a paper mill's chemical vats. The person's address is dropped off during the microfilming stage.

At the Census headquarters in Suitland, Md., the information is transferred from microfilm to magnetic tape to be used in the computers which piece together such information as population counts, income levels, education and housing characteristics. In the process the individual names are dropped, so that in the computer stage there is no way to track back on the individual who supplied the original information.

GUARDED DOORS

All the tapes are behind guarded doors. They are kept on reels in a vault-like library instead of being stored permanently in the computers. Thus, it takes a guard's authority to release a particular reel, another confidentiality checkpoint.

What comes out of the computers is gross statistical information from which no personal data could be extracted. It can tell, for example, how many blacks live in a census tract in southeast Washington, but not who they are individually.

As an extra precaution, a special computer "edits" the tapes before they are released to eliminate any small-detail data which might give away the characteristics of an individual person or company. For example, if there were only one steel factory in Johnson County, Illinois, it productions, earning, and costs could show up separately on a business census of Illinois and provide valuable information for a competitor.

The editing computer blacks out such small-scale statistics and the information would appear only as part of the gross data on steel companies in the entire state.

Census material identifying individuals gets out of the bureau's hands in only one instance—a special series of health surveys taken for the Public Health Service's National Center for Health Statistics. The center wants the names and addresses of respondents for re-surveying later as a way of keeping track of health characteristics over a period of years.

The center's employees are bound by the same non-disclosure oath as the Census employers and the original questionnaires wind up in the federal records center in Atlanta. They are stored in sealed boxes and are released only on the authority of a health statistics official in Washington.

No one—not even the FBI—can see them, according to Carlton Brown, director of the records center in Atlanta.

BYELORUSSIAN INDEPENDENCE DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. RODINO. Mr. Speaker, March 25 marked the 53d anniversary of the proclamation of independence of the Byelorussian National Republic. Sadly, this freedom was shortlived, though the undaunted spirit of this brave people has never ceased in the quest for liberty.

On the occasion of this anniversary I want to affirm my commitment to the cause of self-determination for the Byelorussian people and for men everywhere who seek a fundamental right to effect their own destiny.

THE MIDDLE EAST

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. BROOMFIELD. Mr. Speaker, it has long been my belief that any settlement of the Arab-Israel conflict must be political, founded upon clear and binding agreements between rival parties confident of their own security. There can be no military resolution of the Middle East crisis.

This does not mean, however, that military considerations must have no role in a final agreement. On the contrary, if future warfare is to be avoided, both sides must rest assured that their military interests have not been compromised in the course of negotiation. A final compact between Israel and the Arab nations must depend on the confidence of both parties that their national security is as much as guaranteed.

What the precise elements of a secure peace actually are has been the major question behind the recent United States-Israel discussions. Secretary Rogers contends that geography is of little importance to security and that the Israelis should rely upon "the political arrangement" and world power guarantees. Mrs. Meir, on the other hand, argues that defensible borders, requiring territory beyond the pre-1967 boundaries, are essential to any Israeli notion of military stability.

Mrs. Meir has the weight of history on her side. In 1967 President Nasser provoked the 6-day war by closing the Straits of Tiran from the Egyptian position on Sharm El Sheikh. He knew that Israel could not stand idly by as her oil supply was cut off from the countries of Asia and Africa.

Today, Israel is well aware of the possibility that this type of reasoning could once again come to the fore of Egyptian military policy. From her recent experience she can only regard geography as inextricably tied to security in the Middle East.

Secretary Rogers may, in fact, be correct in his appraisal of the situation. It just may turn out that history was wrong and that territory does not actually determine security. But as long as his appraisal remains in doubt, it cannot be the basis for Israeli policy. That policy, I have said, must be founded on confidence; there can be little confidence in a proposal as open to question as that offered by Secretary Rogers.

His proposal would, of course, rely upon American guarantees of the political arrangement; a seemingly sensible and imaginative approach. But again, history does not bear this reasoning out. In 1957 President Eisenhower promised that the United States would not permit Egypt to close the Suez Canal to Israeli shipping. When Egypt did, however, in 1959, Washington's answer was "leave it to the U.N." Similarly, a U.N. force could not insure the peace in 1967, vacating Sharm El Sheikh upon Egyptian demand. And, no matter how firm American guarantees are now, there is no certainty future U.S. administrations will maintain them with the same determination.

What seems obvious from history is that world power guarantees can only supplement, not replace, a political agreement based on defensible borders. By their very existence they provide evidence that something is lacking in the final settlement, that somehow stability has not been insured. So doing, they raise once more the specter of a major power conflict over the Middle East.

My point is this: Assuming that a stable peace can be negotiated by Israel and Egypt, we may find a U.S. or U.N. peacekeeping force unnecessary. Our goal should be real mutual security, not an artificial and surely tenuous set of paper contracts enforced by disinterested and, perhaps, uninterested third parties.

Secretary Rogers' recent efforts have been of great importance. By his persistence alone he has breathed new life into the Jarring talks. By his innovative and thoughtful proposals he has presented a whole new ground for discussion; numerous elements of his offerings will be the subjects of eventual negotiation and compromise.

More important than either of these, he has reaffirmed the Nixon doctrine with respect to Israel: Israel must be allowed to stand on her own two feet, not subject to U.S. pressure and not bound to an imposed settlement.

This last factor is critical. An imposed peace cannot instill confidence in either party; it works, rather, to renew doubts of national security, to require military buildup, and to prepare the way for new confrontations. Secretary Rogers should be complimented for his insistence upon the principle of Israeli independence.

At the same time, both parties in the Near East must be commended for their own willingness to compromise: the Egyptians for their formal recognition of the need for bargaining talks, the Israelis for their readiness to negotiate a partial pullback from presently occupied territory, as stated by Foreign Minister Eban. This new flexibility has been the key to continuing peace in the area.

That peace must still be our main concern. While the Israelis and the Egyptians bargain, every effort must be made to extend and strengthen the voluntary cease-fire that now exists. A mutual agreement to reopen the Suez Canal to the shipping of all nations would be a perfect move in this direction. Such an agreement would cut back military forces on both sides of the canal, thereby decreasing the chance of renewed shooting.

Peace is correctly our sole objective in the Middle East. But in our desire to see a formal resolution to the conflict, the United States must not rush Israel into an agreement that would compromise her security. That would only provide a temporary peace, likely to be disrupted by the most minor changes in the balance of power. What we should work for is a lasting settlement that will increase the confidence of both parties in their own security. That confidence remains essential to Middle Eastern stability.

POVERTY IN THE ARMED FORCES

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, during general debate on H.R. 6531 I included excerpts from material relating to the problems of poverty in the Armed Forces. I want to include the full text of these articles for the benefit of my colleagues as we consider the bill reported by the Committee on Armed Services:

AIRMAN IS FIRST CLASS . . . EXCEPT ON PAYDAY

(By Paul Merz)

Less than two years ago, Burl Oliver was a happy young college graduate with a bright future in teaching ahead of him. Working on a master's degree, his first job offer was for a starting salary of $7,400.

Today, to the Portland youth, that modest wage would be a fortune beyond belief.

For instead of teaching in Oregon, he is supporting himself and his young wife in Sacramento on a regular job that pays $41.75 a week. The Olivers, legally poor by government standards, live in a federal low-income apartment complex in Folsom with others like themselves.

She attends American River College, while he supplements their tiny income by moonlighting as a short-order cook at $1.60 an hour.

A few months ago, even this wasn't enough: The Olivers swallowed their pride and began reporting to the Sacramento County Welfare Department for food stamps.

Ironically, Oliver's job is one that might cause many to feel he deserves better treatment, whatever their view on the welfare issue:

He is an Airman First Class at Mather Air Force Base.

Not so ironically, his plight is far from unique among the more than 12,000 military men and women in Sacramento.

For of that number, at least 2,000 are among "the forgotten poor" of the country—young airmen and privates, many married and with children, who eke out an existence in their country's uniform at incomes well below the federally established poverty level.

In an era of escalating outcry over welfare abuse, it may be strange to note that none of them is eligible for welfare benefits.

Friday, the Air Training Command (ATC), of which Mather is a part, published a survey showing that young airmen with families in 1971 "generally are forced to live in substandard housing, have no funds for leisure, and are forced to eat below their desired standards."

The survey, result of a census conducted by the ATC chaplain's office, concluded that there is "no doubt that the younger airmen's financial plight affects their morale, family life and job performance. Many must live on an income that is officially below the poverty level. Many are eligible for food stamps and other welfare benefits."

In the Capital City alone, a survey conducted by The Sacramento Union showed, there are 1,882 young enlisted men in military pay grades E1, E2 and E3—recruits, airmen, and airmen and privates first class—who fall into the subpoverty category, earning from $143.70 to $180.90 per month for their first two years.

Maj. Gen. William W. Veal, commander of the Sacramento Air Materiel Area at McClellan, said recently his base's statistics showed "a startling number of young airmen in the food stamp program for survival's sake."

A recent unofficial estimate showed the figure to be nearly 1,400 at McClellan alone, though welfare department officials Friday said they believed the number is considerably lower. No breakdown of food stamp recipients is made by occupation, they said.

Mrs. Dorothy Conrad, director of the Sacramento Red Cross service to military families program, which consumes about 40 per cent of the Red Cross budget, said that "we've referred almost every family we see in the lower ranks for food stamps."

But for other welfare programs, Oliver and those who share his plight are apparently out in the cold.

"Most of them don't qualify," explained Richard Winsor, assistant director of the county welfare department.

"It doesn't really matter what their income level is. We consider the military man a 'fully employed person.' You're dealing with an intact family with the father fully employed—and to qualify for aid, they have to meet a deprivation requirement, either through the absence of the father or the unemployment of the father."

Many persons familiar with poverty and its problems—among them local military officials; Robert Tyler, executive director of the Sacramento City-County Human Relations Commission; officers of the Sacramento Area Economic Opportunity Council; the United Crusade and the Red Cross—agree that the plight of the young airman does, indeed, exist.

But few offered solutions. A federal pay raise last Jan. 1 increased the "starting salary" of young military men from $133.20 to $143.70 a month, but it is doubtful they rushed out to buy yachts.

Last year, the local Red Cross urged the government to provide adequate housing or housing allowances—but since then, said Mrs. Conrad, "food has gone up so much more too. There've been slight increases in their income, but really not enough to take care of it."

Donald Bell, executive director of the Sacramento Red Cross, explained that "there's nothing more detrimental to a serviceman and his family than this constant financial trouble trying to make ends meet."

His group, which makes thousands of dollars in loans to the men each year, also writes many of them off at the end of each year: "Most people are proud. They don't like outright grants. Most of them would rather try to repay—but often they can't.

According to the ATC survey, published in Mather's base newspaper, "Wing Tips," there is more than financial hurt involved.

"The married lower-three-grade airmen," it said, "all agree that their pay and allowances are insufficient. Many airmen from middle class homes now find themselves living under poverty conditons.

"Many of the airmen feel that their status is lowly and demeaning. To many who come from middle class homes it is very difficult to adjust to the lower living conditions. Most reason that their wives are entitled to better conditions than they are able to provide."

It cited the case of one airman from Mather who contended the Air Force is "guilty of discrimination in its treatment of airmen, when compared to officers."

The unidentified airman cited not only the vast pay differences—whose vastness, with each succeeding across-the-board pay raise, somehow does not filter down to his level—but also such things as "double standards" between airmen and officers to obtain a loan at the base credit union.

The base, in an accompanying story, denied the "double standard" charge, but explained that while the credit union's limit for a signature loan is $700 to a first-term airman, the same limit is $2,500 for officers and senior NCO's.

Summing up the case for Sacramento's "forgotten poor" in uniform, Airman 1. C. Burl Oliver and his wife provide an illustration of the dilemma.

Oliver, as an E3 with less than two years service, makes $180.90 a month in base pay. In addition, he and his wife receive $45.60 for rations, $60 for housing (even the FHA low-income apartment complex in Folsom costs $110 a month), and $4.50 a month for clothing.

It comes to a total of $291 per month, a figure low enough to exempt him from income tax payments. He pays Social Security, however. Should he stay in the Air Force long enough to achieve higher rank (and more money) he will be eligible for on-base housing (which is less expensive).

But Burl Oliver is not likely to stay in uniform when his four years are up.

Like many other first-termers, he shrugs at the non-cash side "benefits" of service—hospital facilities, base commissary food which is about 30 per cent less expensive than down town markets, and lower rates at such Base Exchange services as barbers, cleaners, dry goods, appliances, clothing and television repair.

"A lot of people point out the additional benefits we receive," he explained, "but that varies on an individual basis. I feel they compensate a little, but nowhere near as much as some people feel they do . . ."

Now 24, he is embarrassed that he and his family must be in the food stamp program as they live from payday to payday every two weeks.

Oliver, like others surveyed by the Air Force, is quietly frustrated by his plight. Money, he said, would not be his primary reason for re-enlisting—but it will certainly be a factor.

"I'm just not cut out for the Air Force," he explained quietly.

"I'm in a position that I can't do anything about. It wasn't my fault.

"I'm sure there are a lot of other guys in the same position. All we can do is hope things will be rectified one of these days . . ."

POVERTY IN THE ARMY

(By David N. Saunders)

(NOTE.—This article is based in part on the author's experience and observations when he was an Army social work officer in an Army Community Service Center. He is now a doctoral student at Bryn Mawr College.)

Poverty among United States Army families—so the Army contends—stems primarily from the personal negligence of the soldier. This position conforms to popular attitudes that poor people are in some way morally and psychologically defective. Yet the fact is that the social fabric of the Army contributes to poverty, and no agency of the United States government has done more to create it.

Contrary to popular belief, there is poverty among both career and non-career Army families. In the spring of 1969 it was estimated that 6 to 8 percent (30,000–40,000) of all Army families were poor and that an additional 40,000–50,000 subsisted on marginal incomes. While the percentage of Army families classified as "poor" was less than the United States average of 10.7 percent (7:27), national figures include groups—the aged, disabled, families without male heads of household—that are not represented in the Army. The existence of indigency within a social system that exercises pervasive control over its members is particularly inexcusable, for such a system possesses the power to alleviate the condition.

This paper will attempt to demonstrate that poverty exists in the Army and that this indigency is caused not so much by the personal negligence of the soldier and his family as by a selective service system that inducts married men with or without children, an antiquated and inadequate military compensation system that encourages irresponsible behavior, and the inability or unwillingness of the Army to discharge most soldiers whose families are poor.[1]

THE MARRIED SOLDIER

The upsurge of poverty in the Army is primarily due to the influx of married men. The old saying that "if the Army wanted you to have a wife, it would have issued you one" is no longer appropriate. Between May 1966 and February 1969 the number of enlisted men with wives rose by 150,000 to a total of 516,000; the increase resulted both from the growth of the Army and from the fact that there was a higher percentage of married personnel (10*a*;8; 10*e*;6). In February 1969, about 39 percent of all enlisted men were married, a gain of 4 percent since May 1966. Although Regular Army personnel—volunteers who enlist for three or more years—are more likely to be married than are other personnel—primarily draftees—the difference was smaller than would be anticipated—45 percent versus 29 percent (10*a*:8; 10*e*:4,6). Contrary to expectation, one of every two married enlisted men and one of every three married enlisted men with children were low-ranking soldiers (10*e*:6,8). The 85,000 potentially poor lower-ranking enlisted men with children included between 30,000 and 40,000 who earned less than the Census Bureau's 1968 estimate of poverty income, $3,553 for a family of four, give or take $500–$600 per dependent (2). A breakdown of the percentage and number of these lower-ranking enlisted Army families with children is shown in Table 1 (10*e*:4,6,8).

TABLE 1.—FAMILY AND POVERTY STATUS OF LOWER-RANKING ENLISTED MEMBERS OF THE U.S. ARMY, BY RANK, 1968

		Marital status			Poverty status[1]	
Rank	Total	Single	Married without children	Married with children	Below poverty level	Near poverty level
Total	900, 854	656, 446	158, 891	85, 517	35, 500	3, 700
Private (recruit)	199, 719	156, 636	30, 762	12, 321	12, 300	
Private (nonrecruit)	128, 615	99, 389	18, 866	10, 360	10, 000	
Private 1st class	200, 189	145, 140	36, 223	18, 826	10, 800	
Corporal or specialist 4	372, 331	255, 281	73, 040	40, 010	2, 400	3, 700

[1] The approximate number of poor families was estimated by calculating the total number of families in a particular pay grade, adjusting for families of nonrecruit privates 1st class and corporals with more than 2 years of active service, and comparing their base pay and quarters allowance, with or without subsistence, to poverty income.

Despite the increasing size of families—nearly 24,000 of these 85,000 families had two or more children, and 7,000 had three or more (10*e*:8)—dependents' allowances in 1969 were still limited to $30 a month for the first child, $15 for the second, and nothing thereafter. While the number of lower-ranking families with children increased by 12,350 or 17 percent between August 1967 and February 1969, the presence in August 1967 of 73,000 potentially poor families (10*b*) gives credence to the speculation that poverty may be endemic to the Army community (10*a*:8, 10*b*:8, 10*c*:8; 13*d*:8).

FAMILY HARDSHIP

Because they do not qualify for either government quarters, travel, or moving expenses, dependents of lower-ranking enlisted personnel must reside apart from their sponsors in the civilian community, where access to military facilities and services is restricted. This separation usually reduces family income by eliminating the soldiers' monthly subsistence allowance, although soldiers in combat zones do draw an additional $65 a month in combat pay.

Lower-ranking Army families residing apart from the family head have a variety of ways of adapting to these separations. The traditional arrangement, for the wife to live with relatives or parents, is not always satisfactory, for relatives or parents may not want to assist the family or may not have the financial resources to do so. The problems of maintaining separate residence will be most acute among members of low-income or minority families whose relatives live in the urban ghetto. Such families, whose husbands also stand a high chance of being drafted, will not have access to the personal, family, and financial resources enjoyed by middle-class families. Without family assistance the lower-ranking family may be forced to live with friends or perhaps rent an apartment through use of funds received from employment, welfare, or the husband's part-time job. For example, during her husband's absence the twenty-one-year-old wife and four-month-old daughter of a private first class shared a small apartment in Newark with the wife's mother and her mother's five other children to conserve her monthly allotment of $130. The apartment was overcrowded. When the local health department ordered her evicted, the Army wife was referred to a military agency specializing in family and financial problems. Financial exigencies necessitated a referral to a public welfare agency, which provided supplementary assistance in this not uncommon situation.

Poverty among lower-ranking enlisted families is not, however, restricted to families living apart from their sponsors. At one large Army training center in New Jersey nearly fifty of the 2,147 assigned families with children earned less than poverty income and one hundred met income eligibility requirements for the state's work-incentive program for underemployed fathers.[2]

New Jersey's experience with military personnel on public welfare is perhaps a harbinger of what may occur elsewhere if President Nixon's work-incentive plan is approved. Under the New Jersey program a family of four, with 1968 poverty income of $3,553, can receive supplementation up to $5,640 annually ($470 a month), provided the head of the household is employed and earns less than $300 a month. Since certain deductibles—income tax, social security, and fifty dollars in work expenses—will be disregarded in determining eligibility, families earning above a poverty income can qualify for supplementation (3). In the spring of 1969 almost all families with children headed by privates and privates first class met welfare income requirements in New Jersey, as did some large families headed by corporals and sergeants. Since grants are calculated by deducting the first thirty dollars in earned income, plus one-third of any additional earnings, those Army families who apply, meet eligibility requirements, and are accepted receive at least $100 a month. In the first six months of 1969 the family of a private with two children would have received more from the public assistance agency than from the Army. In the county in which the training center is situated, a dozen Army families were receiving public assistance in February 1969.[3]

Although New Jersey has not used settlement laws to restrict applications to AFDC and underemployed programs, it has resorted to an even more tenuous subterfuge, the legal status of military reservations, to deny public welfare benefits to the residents of the military community. The state contends that, because these installations belong to the federal government, the inhabitants do not reside in New Jersey. Military dependents living off federal enclaves are treated as any other families. Similar reasoning has barred aid under other federally funded categorical assistance programs to military personnel living on military installations, despite administrative requirements of the Department of Health, Education, and Welfare, that services within states be available to "all in need thereof." When public assistance is available, military families will utilize it. For example, in March 1969 New York City had 329 military families receiving public assistance (1).

Married soldiers who have committed a variety of disciplinary offenses, particularly absence without leave, constitute another group of poor families. When returned to military control these soldiers are either incarcerated, fined, or reduced in rank. Since family separation, exacerbated by financial difficulties, often leads to absence without leave among married soldiers, military punishment, with its attending loss of pay and allowances, only compounds family problems. Officers who dispense military justice often appear unsympathetic or insensitive to the problems that fines and reductions in rank impose on families.

A final group of potentially indigent families consists of unusually large families of middle-ranking career enlisted personnel. In February 1969 there were 45,921 Army enlisted families with four or more children * * *. While no Army-wide statistical data are available on larger families, nearly three percent of all the enlisted families with children assigned to one training center had six or more children, and a few families had eight or more.[4] Large families face a variety of problems in the Army. Since most installations lack sufficient quarters for them, many rather than rent expensive or inadequate civilian housing, will crowd themselves into existing government housing. At one training center one sergeant and his nine children lived for almost a year in a three-bedroom house. Reassignment of the soldier also imposes considerable hardship, particularly when the husband is sent on an unaccompanied assignment and the family must locate in the civilian community.

Restricted access to public welfare and other social welfare services, caused by restrictive eligibility practices and legal subterfuges, has had a deleterious effect on the Army family. The increasing induction of married soldiers has generated greater demands for services, demands that the Army is unable to fill. Army families are becoming more dependent on the civilian community and the venerable motto, "The Army takes care of its own," is no longer relevant.

THE CAUSES OF POVERTY IN THE ARMY

The compensation system. The inadequacy of the soldier's pay is, more than any other single factor, the cause of poverty in the Army. The total income of lower-ranking married soldiers with children rarely exceeds $5,000 annually.[5] Hence these families are in the lowest eighth of all United States families (5). These 85,000 families, who in February 1969 comprised 30 percent of all Army enlisted families with children, earned less than $5,500–$6,000 set by the United States Bureau of Labor Statistics as necessary for a family of four to maintain a low standard of living that still permits a sense of "self respect and social participation."[6]

Had the military set out to develop a complicated pay system whose purpose was to confuse the soldier and the general public, the present system could be considered a resounding success. For pay purposes Army personnel are separated into three distinct groups—lower-ranking noncareer enlisted, and officers. Pay scales for lower-ranking noncareer personnel appear to have been developed with the bachelor in mind, although a large percentage of these soldiers are now married. While the income of the lower-ranking soldier is at best parsimonious, the career enlisted man fares somewhat better, and with in-kind benefits most career soldiers with four or fewer children can adequately support their families. The existence of in-kind benefits does, however, limit disposable income and leaves only a small margin for financial error, so that the budget of even a prudent Army family can be seriously strained by a sudden unanticipated expense, such as a child's dental care, which a comparable civilian family can more easily absorb. The vicissitudes of military life, with its constant moves, create added financial hardships for already tightly budgeted families.

Many in the Army have believed that lower-ranking enlisted men will, if left to themselves, squander their pay. This suspicion has led to the development of a relatively restrictive pay system that gears monetary rewards to specific needs and contingencies and limits the soldier's control over his finances. All enlisted men receive base pay, with increments based on rank and years of service, plus a small monthly clothing allowance (provided they have served six months). A few qualify for proficiency, travel, rations, subsistence, combat, foreign, separation, and other special pays under certain circumstances. Families of lower-ranking enlisted married personnel receive a mandatory monthly quarters allowance directly from the Army. This allowance ranges from $100.60 for a soldier with one dependent, e.g., wife, to $145.00 for a soldier with three dependents. The allowance includes a $40.00 forced contribution from the enlisted man. No additional funds are provided for noncareer soldiers with more than three dependents (8: chap. 3, p. 17). One rationale for the forced family allowance, which was in existence for all enlisted men until 1963 (11*a*: para. 37E), is that the married lower-ranking enlisted man may not be capable of managing his finances responsibly. This is reminiscent of the arguments used to justify vendor payments in public welfare. Like the welfare recipient, the soldier eventually becomes dependent on the system (4).

If the saying that "you will never get rich in the Army" was true during World Wars I and II, it is certainly true today. During fiscal year 1969 the monthly base pay for the noncareer soldier varied from $102 for a private to $251 for a corporal with less than four years of service. The income of privates and privates first class with less than two years of service and two dependents, when stationed away from their families, varies between $2,300 and $2,800 a year. However, their families generally receive only the quarters allowance plus whatever else the husband can send home. The soldier who resides with his family and does not eat his meals with his company is entitled to an additional $475 annually. As the 6 and 12 percent pay increases of July 1968 and July

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Footnotes at end of article.

1969 were limited to base pay, they were of dubious value and simply froze existing inequities. In any case they were all wiped out by an annual inflation of over 5 percent.

Passing mention should be made of nonmonetary benefits, like post exchanges, medical care, commissaries, and income-tax advantages for which Army families qualify. Since many lower-ranking Army families are located in civilian communities away from their sponsors and military installations, access to many benefits is restricted, and, with limited disposable income, opportunities to realize sizable savings are lacking. In the opinion of this writer, the presumed advantages of these benefits, particularly for the low-ranking noncareerist, are exaggerated.

The procedures used to pay soldiers also affect the financial stability of the Army family. The finance system operates through a centralized center in Indianapolis, which pays allotments, maintains central pay records, and handles special pay problems. The center is supplemented by local finance offices responsible for routine disbursements. In contrast to the Navy, Air Force, federal government, and most industries, which pay their employees either biweekly or twice monthly, the Army still pays once a month in cash or check. Cash seems to retain some kind of intrinsic appeal to the soldier. Like the $20 gold piece, it provides a visible, immediate reward while obscuring the overall inadequacy of the compensation.

A soldier may authorize the finance center to deduct a portion of his pay, called an allotment, which is sent to a specific recipient. A continuing problem with the allotment is erroneous overpayment, which occurs when the soldier draws his total pay in cash, yet continues to have an allotment deducted by the finance center. Such an overpayment may continue for months unknown to the soldier. When the error is discovered the overpayment must be repaid within six months.

Soldiers anticipating a permanent change in station may also borrow against future earnings, with repayments prorated over a period of six months. These loans, known as advanced pays, are intended to defray unanticipated moving expenses. The ease with which they can be obtained often encourages financial overextension that only increases future repayment obligations. A soldier on leave or in transit may also receive casual or partial pays during the month if he is carrying his pay records or possesses a special pay card. These differ from the prorated advance pays in that they must be repaid immediately after the soldier reaches his permanent duty station, even if their deduction leaves him penniless.

The multitude of pays and allowances has, more often than not, thoroughly confused the soldier and his family. Worse still, cash payments intensify money-management problems by encouraging pay-day spending and credit purchases. Advanced pays may appear an easy answer to a soldier facing a change of station, but their attractiveness diminishes when repayment begins and income is curtailed.

The complexity of the pay system often causes a number of clerical errors traceable to either the soldier or his personnel or finance unit, errors that, because of the impenetrability and unresponsiveness of the finance center, are often difficult to correct. The finance center has only three telephone lines available to provide general pay information to all Army installations in the United States, and it takes two or three months to change allotments or correct mistakes. The unresponsiveness of the finance system may impose considerable hardship on the Army wife with a pay problem if she resides apart from her husband in the civilian community.

The draft. By forcing increasing numbers of married men into the Army, the selective service system has been responsible for much of the poverty in the Army. In July 1965 married men without children lost their special draft classification and were subsequently inducted as if they were bachelors.[7] The induction of married men often causes considerable family and career disruption, not least among those who learned that their wives were pregnant too late to stop their induction. Students who received college deferments after July 1967[8] were not eligible for deferments when they became fathers. These former students could request hardship deferments from their local boards, but the presence of children was not in itself sufficient reason for deferment. While most local boards still defer fathers who have never had student deferments, even this latter group is not always immune from the long arm of the draft. The demographic composition of a selective service district and the number of deferments it grants can deplete the local manpower pool and force induction of normally exempt fathers. Some men with children are also drafted as delinquent when out of ignorance, indifference, or procrastination they fail to comply with draft-registration procedures. Responsibility for the hardships imposed on families is often dismissed by glibly saying that it "was the soldier's fault" or that "he knew he might be drafted so he should not have gotten married or had children," a line of reasoning that does little to alleviate financial deprivation and that conveniently ignores the social consequences of the draft. In the opinion of this writer, many boards are either unsympathetic to or unaware of the hardships induction imposes on men with children.

The draft's haphazard and sometimes arbitrary use of delays and deferments results in the increased draft vulnerability of certain groups, particularly the young low-income white man who lives in a rural area and has not gone to college and the Negro, wherever he lives (6). These are the very groups that often lack the personal, family, and financial resources to provide adequately for their families after induction.

Hardship discharge policy. A standard Army response to questions about poor families is that the usual family that suffers from financial deprivation may be discharged under existing regulations. This is easier said than done, however, and the administrative difficulties associated with obtaining such discharges often reduce their efficacy. If the soldier has sufficient opportunity to work on the application, understands the requirements, receives the necessary guidance, collects the required documentation, and correctly completes the application, then and only then can his request be submitted for approval. While the Army regulation covering hardship discharges (11*b*: chap. 6, para. 4) is permissive and gives commanders of major Army installations considerable latitude, many commanders seem reluctant to exercise their authority. Intermediate commanders, through whose hands applications must pass, often disapprove them or further delay the process by returning them for additional information. It takes an expert to navigate this bureaucratic Charybdis, and it is not surprising that many soldiers fail. Although the Army discharged 2,187 men for hardship reasons during the first half of fiscal year 1969, averaging between 350 and 400 discharges per month, some discharges were granted for other than financial reasons or to soldiers who were bachelors. That draftees, who account for a minority of all enlisted men, receive almost half of all the hardship discharges suggests that selective service does not initially screen out many persons with family problems.

If the applicant was drafted or is serving his initial enlistment, the Army usually forwards his request to the selective service headquarters in his home state, which furnishes a statement about "whether the circumstances presented in the application would result in deferment on the undue and genuine hardship to the individual dependents if he were being considered for induction" (11*b*: chap 6, para. 4).[9] Commanders are not required to follow selective service recommendations, but may place considerable weight upon them. There appears to be a pervasive belief, both in and out of the Army, that all men should serve in the Armed Forces. This may account, along with certain manpower problems, for the reluctance of the Army to liberalize the hardship-discharge regulations and to discharge more men whose families suffer financial privation as a result of military service.

WHAT CAN BE DONE

What can be done to alleviate the problem of poverty in the Army? The first step in the Army's own war against poverty must be a public admission that poverty exists among many Army families, and that this poverty springs primarily from institutional rather than individual sources. This is a difficult mission for the Army. As a conservative and perhaps even reactionary institution, it seems firmly committed to the traditional values of self-reliance and rugged individualism, and often seems intolerant of soldiers who cannot make their own way.

An often-used Army defense for inaction, that the Army has little or no control over appropriations, levels of compensation, or selective service, is simply not true. If the Army evidenced the same commitment for eradicating poverty that it shows for some of its weapons systems, most poverty could be speedily eliminated.

The low priority given poverty is aptly demonstrated by the official policy toward food stamps. In 1968, Fort Sam Houston in San Antonio, Texas, requested permission for its commissary to accept food stamps, in the hope that the stamps would assist indigent active-duty personnel, families of retired personnel, and eligible widows. The Defense Department disapproved the application on the contention that, since food stamp benefits were neither uniform nor available in all areas, their use would discriminate against some military personnel, and by combining two forms of subsidization would increase completion with local retail food stores (9:17). The number of potentially eligible families was thought small, although San Antonio has a number of retired personnel and eligible widows living on fixed income. Similar requests had been killed in 1966 and 1967. Underlying the Defense Department's refusal there was apparently a feeling that the military services could and should take care of their own, a dubious assumption in view of past responses and the magnitude of the problem. The concern seemed to be that the use of food stamps by military families might create a public impression that the Armed Services were not providing adequate compensation, which may well be the truth.

Recent pay increases will not significantly affect the number of poor families in the Army, for during a period of inflation changes in the definition of poverty income invariably accompany increasing wage levels. The 1969 poverty income for a nonfarm family of four should, for example, be nearly $3,700, up from $3,335 in 1966.[10]

For the first time in many years, there appears to be considerable national and congressional sentiment for modifying the draft. Poverty in the Army could be significantly reduced if men with families were deferred or exempted. The Army has more than a passing interest in removing draft inequities,

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Footnotes at end of article.

since it is heir to much of the antagonism generated by the present inequitable system. And like all government agencies, the Army is ultimately dependent on the good will of the general public, exercised through Congress, for its continued prosperity.

The compensation system must be modified to provide higher rates of compensation in a less complicated manner. Although budgetary problems will probably preclude significant revamping of the compensation system in the near future, the financial situation of many lower-ranking enlisted families could be improved by upward adjustment of quarters allowances. The last change in quarters allowances was in October 1967, and revision is overdue. Attempts must also be made to improve the internal operation of the Army finance system to make it more accessible and responsive to the needs of the recipients.

The availability of hardship discharges for soldiers whose families suffer financial deprivation could be improved by placing greater emphasis on financial hardship in the applicable Army regulations and by earlier identification of such families. The pervasive attitude that early discharges are execrable must be modified if more hardship discharges are to be granted.

In today's society the Army can neither cope with all the social welfare problems within its community nor provide the range of services necessary to alleviate them. As needs have changed, the Army community has become more dependent on the states for social welfare services. It can no longer take care of its own. Restrictive state and local eligibility practices, particularly evident in the South, disqualify many Army families with social welfare needs. The mobility of the Army family gives the Army a particular interest in the elimination of archaic legal settlement requirements and other legal barriers. Despite several court decisions relating to the eligibility of servicemen for social welfare services,[11] no legal precedent has been established. The Army should encourage litigation to determine whether Army personnel can legally be denied social welfare services.

Like their civilian counterparts, the Army poor must be viewed not as moral defectives, but as individuals trapped within a system they can barely understand, much less control. Poverty, in or out of the Army, is a part of our social fabric. It cannot be eradicated through vague references to personal initiative or rugged individualism. Hope for the future lies in the Army's ability to acknowledge the existence of poverty within its community and to decide whether it will honor the commander's historic commitment to the welfare of his troops.

FOOTNOTES

[1] All pay computations were made before July 1969. Though the conclusions apply specifically to the Army, many are applicable to the other military services as well.

[2] Data from results of Questionnaire on Family Housing, Department of Defense Form 1376, compiled in February 1969 by the directorate of housing at a large Army training center in New Jersey show the number of children and rank of soldier for each family assigned to the installation.

[3] *Burlington County Times,* 22 February 1968.

[4] Six hundred out of 2,100 families had six children or more. See footnote 2.

[5] Estimates were made from base pay, quarters allowance, and subsistence, on the basis of 1969 pay schedules. The validity of making direct comparison between Army and civilian pay can be questioned since Army pay does not include a variety of in-kind nonmonetary fringe benefits.

[6] *New York Times,* 17 March 1969, p. 1.

[7] U.S. Selective Service System, *Selective Service Regulations* (August 1965), sec. 1631.7, para. 4.

[8] *Ibid.* (July 1967), sec. 1622.30, para. A.

[9] Many states consistently respond negatively to enquiries.

[10] *New York Times,* 16 August 1969, p. 17.

[11] *Burlington County* v. *Lloyd W. McCorkle,* 237 A.2d 640 (Superior Court, New Jersey, 1968); *County of Arapahoe* v. *Donohoe,* 356 P. 2d 267 (Supreme Court, Colorado 1960); *In re Kernon,* 247 App. Div. 665, 288 N.Y. Supp. 329; affirmed 272 N.Y. 569, 4 N.E. 2d 737 (1936). See also *George Washington Law Review* 12 (1943–44): 80–92.

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WE ARE FOR HOOVER

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. LANDGREBE. Mr. Speaker, in recent months we have heard some of the most shameful and vitriolic attacks in recent experience aimed at one of our most noble and dedicated Americans, J. Edgar Hoover, the illustrious Director of the Federal Bureau of Investigation.

Because of his dedication to the survival of America and his exposure of the menace of communism to our national survival, Mr. Hoover has become fair game for the new left elements and their apologists. Certain loyal but gullible political figures have swallowed the leftist propaganda and participated in the smear campaign, which has not hurt Mr. Hoover's image but has certainly tarnished the images of his detractors.

An editorial on this smear campaign, printed February 18 in the Indianapolis News, was recently brought to my attention. Since it expresses the truth about this controversy so well, I insert it in the RECORD to share it with my colleagues and the Nation:

WE ARE FOR HOOVER

The American left is off once more on one of its periodic attacks against J. Edgar Hoover, director of the FBI.

As part of his early-starting campaign for president, Sen. George McGovern, D-S.D., has expressed the view that Hoover should be censured by Congress and dismissed as head of the bureau. Considering McGovern's presidential record to date, this is probably not a great source of anxiety to the FBI Director. The total onslaught from the left, however, is considerable, and needs an answer.

Part of that answer is supplied by the inconsistencies of the attacker's themselves. Some of Hoover's critics assert that he is too old for the job, implying that he is not sufficently energetic. Others contend that his department is an instrument, zealous repression, suggesting Hoover is far more energetic than he ought to be. These arguments, inconsistent with each other, are also inconsistent with the facts.

On the matter of age, it is interesting to observe that the critics who raise this point are perfectly content with an aging Supreme Court Justice like William O. Douglas, or a septuagenarian diplomat like Averell Harriman—men who have worked on a far broader stage than Hoover with a far more erratic record of performance. The real objection to Hoover obviously is not his age, but the fact that he has stood firm in the American government for reasonable safeguards against Marxist subversion, criminal anarchy, and revolutionary agitation.

A fair summary of Hoover's record would disclose that his is one of the most efficient and fairest departments of the Federal government. That it has been run with a notable regard for the letter of the law and the rights of the individual. And that it has avoided the characteristic governmental sin of empire-building. Harry and Benaro Overstreet, noted liberal authors have praised the agency for its work as did former U.S. Atty. Gen. Ramsey Clark—more recently turned critic of the FBI.

And Morris Ernst, counsel to the American Civil Liberties Union, some years ago concluded after a searching inquiry into the FBI's performance that "a real smear campaign has been carried on against Hoover's work. The FBI is unique . . . It has a magnificent record of respect for individual freedom." That judgment, rendered in 1959, seems equally sound today.

MYTHS AND FABLES COME TRUE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. WALDIE. Mr. Speaker, the controversial peripheral canal project has been the source of much speculation and emotion-laden rhetoric in past years.

The proponents of the project repeatedly assure us all that the only reason for the need of construction of the canal is to ensure the survival of the fishery of the San Francisco Bay-delta system.

Yet there are no major conservation groups in support of it—rather the reverse is true—the proponents of the project are those who would buy State project water to develop presently arid areas.

This is but one example of the "myths

and fables" inherent with the peripheral canal controversy.

Mr. Speaker, recently the Antioch Ledger published an editorial on this very subject. I believe it merits the attention of the Members of the Congress.

The editorial follows:

MYTHS AND FABLES COME TRUE

The myths and fables about the State Water Project and the proposed peripheral canal, as arguments by detractors of those projects and referred to by state and federal proponents, have a remarkable tendency to become fact.

Norman Livermore, state resources secretary, recently denied ever having heard of plans to delay construction of the peripheral canal. He inferred that critics of the projects made up that story, although his boss, William R. Gianelli, made the announcement himself in January.

This week, to drive the point home, we suppose, Gianelli again stated that construction of the canal would be delayed "until 1974" or possibly even later.

So sure was Livermore that such a possibility did not exist that he claimed the state was ready to "go it alone" in building the canal, meaning that federal funds (which could be denied) were not needed.

Gianelli, in his remarks this week before a joint meeting of Assembly and Senate water committees, made no such suggestion.

It will be recalled that the State Fish and Game people were opposed to the peripheral canal before some arm twisting was done on the state level to gain that agency's "approval" on the grounds that it would benefit both fish and wildlife in the Delta.

Now the U.S. Department of the Interior, in the form of Ellis Armstrong, commissioner of the Bureau of Reclamation, has attempted to shoot down peripheral canal critics with "facts" as opposed to "myths."

These are myths, according to Armstrong:

"The peripheral canal will deplete Delta outflows by approximately 80 per cent, cutting off the only fresh water sustaining the estuary. The reason for the canal is to provide more water to Southern California subdividers. The natural state of the Delta is to be destroyed to send water to Los Angeles, which will draw more people to that area. It is in the interests of Los Angeles area residents that the peripheral canal not be built, so that the resulting water shortage will ward off possible new residents in the area, thereby halting deterioration of the Southern California environment."

Armstrong completely ignores the fact that the peripheral canal will divert Sacramento River water in the upper Delta, where quality is high; that the standards he and state officials consider adequate protection for Delta water quality are unacceptable to most Delta residents and to conservation groups such as the Sierra Club; that "commitments" to Southern California are not sacred and can be changed; and, finally, that alternate methods of meeting Southern California water needs can be developed.

But then he was speaking before the American Society of civil Engineers, who need the jobs, and perhaps his remarks were for their consumption only.

We cannot believe all our fears are based on "myths."

INFLATION

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. JAMES V. STANTON. Mr. Speaker, the growing concern about wage and price controls and inflation was the subject of a most useful poll recently conducted by the Cleveland Press.

I call this survey to the attention of my colleagues because I feel it offers an accurate reflection of the attitudes and opinions of average consumers, people forced to pinch pennies and stretch dollars to catch up with runaway inflation.

The poll showed that Greater Clevelanders feel inflation is running wild by a margin of 8 to 1. The results also indicated that the administration's efforts to control skyrocketing prices have so far had little effect on the average consumer. People are willing to go along with some wage and price controls to curb inflation, but nothing as drastic as rationing, the poll showed.

The poll appeared in the Press of March 12, 1971, as follows:

MOST SAY INFLATION IS RUNNING WILD

(By Dick McLaughlin)

Inflation has galloped out of control, unchecked by the light reins the Government has used to try to harness it.

That's the opinion of Press readers by a ratio of about 8 to 1. The minority who said inflation is not out of control added: "Not yet."

By a proportion of about 3 to 1 they are willing to go along with price ceilings, total or partial, to stifle inflation.

And by 2 to 1 they are willing to subject themselves to wage controls, although some say this should apply only to certain fields of work while others insist that no one should be excepted.

Almost unanimously Press readers are against resorting to rationing to attack inflation, many citing the hoarding, chiseling and other evils this might lead to.

There was no clear-cut opinion as to whether, if price-wage controls were invoked, they should be rolled back to the levels of last May, as has been proposed in some congressional hearings, or whether they should be pegged as of the moment.

A slight majority was against a roll-back, saying, "It's to late now", or, "It wouldn't make any difference." Some favored a rollback in prices but not in wages.

No matter what opinions those interviewed expressed, all demonstrated one thing overpoweringly . . .

Inflation—the burdens and hardships it imposes on everyone and the dangers it presents to the United States—is a worry foremost in the minds of everyone.

INFLATION—OUT OF HAND?

"No, not yet," said John B. Abbott, 3321 W. 98th St., who has his own heat regulator service business.

"Prices are completely out of hand and should be balanced with the dollars available," Mrs. Jewel Gholston contradicated. She has a coiffure shop at 4098 Lee Rd.

"Prices on the rampage are hurting poor people," said Wayne Harper, 4400 Central Ave., who is retired, a widower, and blind.

"Inflation is getting out of hand," said Mrs. J. E. Schwalb, 3259 Elsmere Rd., Shaker Heights. "For instance, I just ordered some curtains and they are costing four times as much as when I bought some five years ago.

"My husband works hard every day and is completely pooped when he gets home," said Mrs. Horace Nation, 2608 Barber Ave. "Yet it all seems worthless. We are continually losing the battle against inflation."

"We cut down on our buying and our social life because we can't keep up with the spiraling prices," said Mrs. Keith Wallace, 55 E. Cottage Dr., Chagrin Falls.

"The things they (the Government) have tried so far haven't done much good," said Paul H. Motz, 2383 N. Park Blvd., Shaker Heights.

CLAMP ON THE LID?

"Do I believe Government should pass laws to control its own inflation? No," said attorney Gordon T. Canning.

"I'm not in favor of wage-price controls," said Thomas E. Weil, of 2891 Paxton Rd., Shaker Heights, a steel products firm executive. "History will show that every time such controls have been tried wages and prices have soared to pre-control levels as soon as the restraints were removed."

"I'm in favor of trying wage-price controls on a temporary basis to see if it would help the situation," said George A. Keller of Keller's House of Travel in the Hanna Bldg. "As things stand workers able to get wage increases have to turn right around and pay higher prices. Far worse off are people on fixed incomes."

"Absolutely. It was proven during the Truman administration that price and wage controls curb inflation," said Eli Rukasin, a Cleveland Heights drug store operator.

"If they'd bring prices of food and the cost of living back then I'd be willing to put wages back too," said John Ruckner, 3529 E. 114th St., a foundry worker.

"Oh, I don't think wages should have ceilings on them, but prices, yes," said Mrs. John W. Wanenmacher, 11820 Edgewater Dr., Lakewood.

"If they are going to impose ceilings they ought to do it with every kind of industry—not just the construction industry," said Mrs. James W. Butler, 2814 Brookdale Ave.

"I've been in favor of wage and price control for some time. It may be too late for that now, but you don't control inflation by scarce money and other methods they have tried," said Loren Cook, Berea business owner.

"I'm against wage and price controls—at least for now," said Jerome Dollar, 19200 Roseland Ave., Euclid. "If you freeze, you have to freeze across the board and I'm afraid that over the long run this might hurt more people than it would help."

ROLL THINGS BACK?

"I'd go along with rollbacks as long as prices are rolled back along with wages," said Robert Engler, 22, of 4707 W. 211th St. Fairview Park, six months out of the Army.

"I don't see how it can be accomplished," said Mrs. Love X. Fuggs, 1531 E. 118th St., and barber Reginald Hubbard 12311 Superior Ave., thought a rollback to last May's wage-price levels would be good—"when prices were more stable and things weren't so rough."

"No, we can't go into the past. We should hold the ceiling where it is now," said a West Side grandfather, but a Heights businessman said, "Roll back the manufacturer's price but keep wages where they are."

RATIONING—AN OGRE

"I was a teen-ager during World War II and, believe me, rationing was no fun," said Mrs. Grace Bopp, 1548 Wood Ave., Cleveland Heights.

"There is no need for rationing," said a Rocky River accountant, but Mrs. Mary Kintz, 75, of 3600 W. 130th St., said, "I'll go along with anything that brings things down."

"Rationing would serve only to control the spending power of certain higher income groups," said Charles Perry, 2131 Fairhill Rd., an insurance counselor.

"Rationing would only cause hoarding and a black market in an economy of plenty," said William Seawright, 7508 Cedar Ave., a builder.

"Why rationing?" asked Hyman Burke, food market operator at 1004 E. 123d St. "There's no shortage I know of. Rationing would insure black market operations."

OTHER COMMENTS

"I think controlling inflation is a matter of the individual," said Mrs. Charles A. McQuister, 1586 Elmwood Ave., Lakewood. "We have to tighten up all we can at home."

"A complete withdrawal from Vietnam might curb spending," said Mrs. Eleanor Horsey, 21961 Bruce Ave., Euclid, and William Hamilton, 1265 E. 105th St., was more emphatic: "Get out of that war in Vietnam—this would take care of a whole lot of problems."

"Cut down on foolish expenditures such as welfare, which has gotten out of line; city government, which is out of line, and war, which is out of line," said Norbert Fischer, 518 Lake Forest Dr., Bay Village.

"It's the unions that are doing it. Business itself is keeping things in good line," said David L. Tadych of Avon Lake.

"I'm really only concerned about pollution," said a Garfield Heights housewife.

CALLEY DEFENSE NOT NEW

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. RIEGLE. Mr. Speaker, in this morning's Washington Post, there appeared an excellent article written by Stanley Karnow concerning the U.S. involvement in Indochina and the responsibility for crimes committed "in the name of obedience." Discussing a very interesting study conducted nearly a decade ago by Stanley Milgram, a Yale psychologist, the article points out that Americans cannot label the Nazis as the only "war criminals." A copy of the article follows:

CALLEY DEFENSE NOT NEW

(By Stanley Karnow)

Nearly a decade ago a Yale psychologist by the name of Stanley Milgram conducted a study that was remarkably prescient. He demonstrated in the laboratory what Lt. William Calley and his unit would later dramatize at Mylai—that man's behavior is almost invariably dominated by authority rather than by his own sense of morality.

This suggests that the real guilt for the slaughter of civilians in Indochina, whether in Mylai incidents or through B–52 raids, lies less with those who obey than with those who issue orders. Moreover, the guilt is shared by a nation that closes its eyes to atrocities, as the United States has for years.

The Milgram study, borne out as it has been by the realities of Indochina, also suggests that Americans cannot plausibly brand the Nazis as a singular breed of "war criminals" when they have shown themselves to be equally disdainful of human life.

In his original experiment, described as a "study of destructive obedience," Milgram assembled a group of schoolteachers, salesmen, engineers and other "average" Americans. Their task was to put a series of questions to students, and administer electric shocks ranging up to 450 volts to those who failed to answer correctly.

The shocks were fake. But this was unknown to the '"examiners," since the student victims were instructed to stimulate extreme pain.

While many perspired, trembled, stuttered and groaned, none of the 40 examiners stopped short of administering 300 volts to his victim—and only 14 refused to go all the way up to 450 volts even though, at that level, the victims were supposed to be suffering extreme shock.

Had he anticipated Indochina at the time of his experiment, Milgram might have pondered on the degree to which a group of average Americans willing to torture their fellow citizens would go if instructed to punish gooks." Mylai has, of course, since provided him with an answer.

Looking back at his study against the perspective of the U.S. experience in Indochina, Milgram submits that Americans are now beginning to realize the hollowness of their claim to ethical purity. "If we now recoil at our own conduct," he says, "it is because we perceive that we are just as capable as the Nazis of committing crimes in the name of obedience."

Comparing Calley to Eichmann, Milgram explains that neither was a ruthless man but "functionaries" performing their duty rather than displaying personal hostility towards the innocent people they killed. Moreover, each employed euphemisms to justify his actions as constructive.

Eichmann, in Nazi rhetoric, was engaged in eliminating Jewish "vermin" in order to achieve the final solution. In GI jargon, Calley was destroying "gooks" in order to "waste the enemy" as part of a "search-and-clear" operation.

In addition, Milgram points out, both denied at their respective trials that they were responsible. Each insisted that he had been acting under orders. In short, they asserted, they were merely cogs in a larger machine.

To be sure, there are parallels between Calley and Eichmann that do not meet. The American officer and his men were operating in the heat of a battlefield, while the Nazi was working within the context of a coldly scientific system dedicated to the extermination of a selected segment of the human race.

But if Calley's resemblance to Eichmann has no limitations, there is nevertheless a similarity between the mechanical impersonality of the gas chamber and the dispassionate technology of the B-52 silently dropping its bombs from 30,000 feet on so-called "free-fire" zones.

And there is also a similarity between the B-52 bombardiers pushing buttons on their control panels and the "grunts," like Calley, squeezing the triggers of their machine guns at Mylai and other villages. They are all simply obeying orders.

"When you think of the long and gloomy history of man," wrote C.P. Snow, "you will find more hideous crimes have been committed in the name of obedience than have ever been committed in the name of rebellion."

In the long and gloomy history of the U.S. involvement in Indochina, it might be added, the responsibility for crimes committed "in the name of obedience" must certainly go higher than Calley.

JOHN I. MacGREGOR OF NEWARK, CALIF.

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. EDWARDS of California. Mr. Speaker, on May 8 the citizens of Newark, Calif., will honor one of their most outstanding public servants upon his retirement after 34 years of devoted service to the young people of his community. The gentleman is John I. "Jack" MacGregor, superintendent of the Newark Unified School District. At the end of this school year, Mr. MacGregor will have completed 36 years of service to California schoolchildren, all but 2 of those years as a teacher and administrator in Newark schools. In that time, the school district grew from one elementary school to a unified district with some 9,500 students. Throughout this period of explosive growth, with all its attendant stresses and strains, Mr. MacGregor has provided that steady leadership and constancy of purpose in the community which represents the highest form of service. The fruits of his service will be found in the character of the young lives he has influenced and in the pride and solidarity of the community he has so faithfully served.

FUTURE HOMEMAKERS CELEBRATE "NATIONAL FHA WEEK"

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 29, 1971

Mr. BUCHANAN. Mr. Speaker, it is a pleasure to add my congratulations to the Future Homemakers of America as they celebrate "National FHA Week," during the period March 28 through April 3, 1971. Through membership in Future Homemakers of America hundreds of thousands of our Nation's young people have received invaluable guidance toward becoming responsible and capable adults.

FHA is an integral part of home economic education in our Nation's schools and its membership is open to all students who are taking or have taken a home economics course. Certainly few would question the vital importance to our Nation's families of knowledgeable and talented homemakers. The FHA's work in promoting the satisfactions and skills of homemaking is particularly important, furthermore, when considered in the context of today's environment. Many of us have observed and read with concern the weakening in the structure and fabric of family life in the rapid pace of today's hectic world and with the increased mobility of its people. The many young members of Future Homemakers of America who are learning and striving toward the highly commendable purposes of this organization give great hope, in my judgment, for stemming this trend.

The principles and aspirations which this fine organization instills in its members, moreover, extend far beyond the home and homemaking. The FHA's purposes and activities also include helping its young members to become responsible members of their communities with an awareness of their role in making our great democracy work.

At this point, I would like to call the attention of my colleagues in the House to the "Purposes of the Future Homemakers of America," as adopted at its 1970 national meeting:

First. To promote the joys and satisfactions of homemaking.

Second. To strengthen the function of the family as a basic unit of society.

Third. To encourage democracy through cooperative action in the home and community.

Fourth. To become aware of the multiple roles of men and women in today's society.

Fifth. To improve national and international relations.

Sixth. To provide opportunities for decisionmaking and for assuming responsibility.

Seventh. To involve youth with adults in individual and group activities.

Eighth. To develop interest in home economics, home economics careers, and related occupations.

Since its organization in 1945, the Future Homemakers of America has grown to a current membership of approximately 600,000 in 12,000 chapters in the United States, Puerto Rico, the Virgin Islands, and American schools overseas. This incorporated, nonprofit organization is sponsored by the U.S. Office of Education, with the American Home Economics Association acting as a cosponsor. Twelve youth officers, elected yearly, make up the FHA's national executive council and adult representatives in home economics education serve on a national advisory board. The individual chapters are advised by home economics teachers.

I am proud of the FHA and equally proud of the fine work and aspirations of its members. It is indeed a privilege to salute them during "National FHA Week."

VIETNAM POLICY

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. JAMES V. STANTON. Mr. Speaker, under leave to extend my remarks in the Record, I include the following statement prepared for delivery before the Democratic caucus March 31, 1971:

VIETNAM POLICY: REMARKS PREPARED FOR DELIVERY BEFORE THE DEMOCRATIC CAUCUS, MARCH 31, 1971

For over five years now, this nation has been deeply involved in the Vietnam struggle, and during this time, a great deal of heated debate over our presence there—similar to what we are seeing today before this Caucus—has taken place. Unfortunately, this debate has often been characterized by great emotionalism, and intolerance toward the views of the opposing side. These tendencies have, I believe, obscured some of the true issues at stake, and so before I state my views on this vital question, I would ask that our deliberations and decisions be marked by reason and a calm look at the facts, rather than simple slogans and overblown rhetoric.

It may be, in a sense, contradictory to ask that reason be the basis of consideration of a matter that involves human beings slaughtering one another; the burning of homes, schools, and churches; and the devastation of a small country. War, with the almost incomprehensible amount of waste that accompanies it, is the most telling evidence of the savagery that is still a part of man. However, I would also remind you that the violence, venomous hatred, and flaming self-righteousness which characterizes war has also in recent years characterized many of those who profess to be for peace, and against war. Thus irrationality is not the province of any single cause in the political arena. But man is also capable of reasonable thought, and I believe it is important that we try to use some of this reason in judging our country's policies in Indochina. I have sought to do this, and from my deliberations I have concluded that we should bring this war to an end as soon as we possibly can.

In evaluating this Governmental policy or any other, we must attempt to weigh the expected benefits of that policy against all of the costs which are incurred through its use. After we have placed a value on each of these factors, we ought to have some idea as to whether the course of action in question is worthy of being continued.

About the price we have paid for our involvement in Indochina there can be little doubt. 45,000 American youth have died as a result of this war, and 150,000 have suffered some form of serious wound. This alone would be a tremendous price to pay for any objective, but there is in addition the great financial costs of our Vietnam involvement. By latest estimates, the Government has spent over $100 billion in executing this war effort. In considering this expenditure of manpower and money, it would be appropriate if we thought also of the many alternate uses to which this wealth might have been applied. How much better off would this country be if these men had been permitted to live full and productive lives, and how much closer would we be to solving the great problems of crime, diseases, malnutrition, and ignorance, if this amount of money was spent for these purposes?

The psychological effect of this war upon the American people is also very much apparent. Many of our citizens, old as well as young, are beginning to feel a sense of despair about the ability of the people to influence the affairs of their Government. They see so much opposition to the war, and yet the war continues. And the House of Representatives, that body which is supposed to be closest to the people, has not yet held hearings on the Vietnam war, and has taken few, if any, direct votes on it. Because of this alienation brought on by the war, the health of our democracy has been severely endangered.

In contrast to what we are spending to prosecute the Vietnam war effort, the benefits we can expect should the present policies be continued seem meager and elusive. Some have said that we must continue the fight in order to save face, and in order to make our losses of the past worthwhile. Statements such as these, far from telling us what the inherent value in this goal is, are rather based on the assumption that such a value does exist.

What can we expect to gain through the present policies? The nations of the world, first of all, would be assured that the U.S. still considers the numerous bilateral and multilateral commitments it has made in the past quarter century to be valid. But such a condition exists, they would realize, only because American foreign policy is so inflexible that even altogether new needs and world conditions do not cause any change in it. Another result might be that the leftist and often anti-Western guerrilla movements which are active in many underdeveloped nations of the world would be somewhat discouraged. Both the demands of American security, and the cause of world peace, we are told, require that these movements be stopped in Vietnam, and wherever else they might exist. In view of the almost insurmountable difficulties encountered by the U.S. in Vietnam, however, it seems unlikely that these forces have been undermined to any large degree. This argument is invalidated even further by the fact that we are doing little to aid the crumbling pro-Western governments of Cambodia and Laos, even though a logical extension of the rationale behind our Vietnam policies would require an uncompromising defense of them. Others might view the factors which favor a continuation of our Vietnam policies to be quite different, for this is a subjective matter. But no matter what these factors are conceived to be, we must always keep in mind the necessity to weigh these against the terrible losses we have incurred through our Vietnam involvement.

Few policy objectives are prized so highly that an expenditure of the magnitude which we have made in Vietnam could be justified. I certainly cannot perceive any useful end that would be served by a continuation of the killing and suffering. Therefore, I ask that we call a halt to this war, and withdraw our troops as soon as we possibly can. Such a course is not an easy one, nor is it one without danger. All major policy changes carry with them some hazards. But an end to this war can also mark the start of a new foreign policy for the United States, one which will recognize the true responsibilities of the U.S. as a world power, as well as the limits of those responsibilities. Let Congress take the lead in the historic re-direction of policy, and let the first step be taken today, by this Caucus, through the adoption of this Vietnam Disengagement Resolution.

DODO, MIDSHIPMAN FIRST CLASS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. HORTON. Mr. Speaker, the life of a young man preparing for military service is one of stiff discipline and hard-nosed training. Often, there is little out of the ordinary to help him through the rigid day-to-day routine.

So it is understandable, then, that a small mongrel dog named Dodo came to mean so much to the midshipmen at the U.S. Naval Academy and that his death last week has left the brigade with an irreplaceable sense of loss.

Dodo wandered forlorn and alone into the Naval Academy yard one rainy night 5 summers ago. Since that time, he became the friend, constant companion, and unofficial mascot of the brigade of midshipmen.

To the middie, often far from home and family and under great pressure for scholastic and military perfection, this small fluffy dog was a trusted friend. With Dodo, a middie could unabashedly share his troubles and his hopes, take a "solitary" walk, find a joyous welcome after a long day.

Or, in the midst of a formation, with its dignity and precision and its intense competition and tension, seeing Dodo scampering alongside—or even leading them—lifted the spirits of the midshipmen taking part and made the occasion much easier.

Dodo was a free spirit—he belonged not to one midshipman, but to the entire brigade. In the 5 years since Dodo's arrival at the Naval Academy, he was a part of the lives of thousands of young men. There are graduates of the Academy, now stationed throughout the world, who have their private memories of Dodo and what he meant to them.

And almost anyone who visited the Naval Academy in those years will, I venture to say, recall Dodo. He usually turned up at every imaginable place and hardly missed a school event.

In the year and a half I have been attending activities at the Naval Academy, I, too, came to expect to see Dodo there—whether at a chapel service or a football game. I recall that last May I took my entire staff to one of the Academy's dress parades where the midshipmen, in their dress uniforms, marched in precise step for top honors. Leading them was Dodo.

The impact of his presence was poignantly made clear to me by his absence at the Academy last weekend when I visited there. It was different without Dodo. It was than that I realized that I, too, had come to care for the little brown and black dog as much as the midshipmen had.

Associated Press reporter John Woodfield in an article in the Saturday, March 27, edition of the Washington Star captured the impact of Dodo's life in those 5 years at the Academy.

Because Dodo meant so much to so many, I would like to share this story with you:

DODO—MONGREL MASCOT—IS DEAD AND MIDDIES MOURN

(By John Woodfield)

ANNAPOLIS—Dodo is dead.

The tiny black and brown mongrel dog, who wandered dripping wet out of a summer storm one night five years ago and straight into the hearts of the U.S. Naval Academy's 4,000-man brigade, was discovered ill in the academy yard and died shortly after being rushed to the veterinarian.

His past was murky and his ancestors unknown, but Dodo fast became a legend in his own time, outranking Tecumseh and the famed Navy goat in academy tradition, mournful midshipmen said.

Although he was never accorded recognition by academy officials—and in truth it must be said he would have nothing to do with them, either—he was that tiny touch of home to new recruits and a symbol of independence-once-known to upper classmen.

He never spent two consecutive nights in the same room, fastidiously avoiding favoritism. And the disdain with which he held commissioned officers brought secret delight to the hearts of his human roommates.

Wherever the brigade went, Dodo was there.

He slept in Bancroft Hall, ate in the mess hall, trotted happily alongside the midshipmen at parades, including the fabled June Week color parade, regularly attended classes and in 1967 he was granted all the privileges of an upper classman.

It was not unusual to see plebes (freshmen) snap to attention when he sauntered into one of their rooms, and various plebes were assigned to keep a log of his activities each year.

A sample entry reads: "Midshipman Dog was seen returning from Catholic chapel this morning. A glow of humility was noted in his eyes and he was obviously in penance to atone for missing morning meal yesterday. He decided to anticipate this morning's formation and arrived 17 minutes early."

Dodo became the official brigade mascot—although still ignored by the administration—at a pep rally preceding the Navy-Syracuse football game several years ago. He was presented with a Navy blanket with the gold "N" on top and gold letters reading "Bite Army" on either side.

And he made every Navy football game, be it home or away. The brigade saw to that.

Academy officials, who persistently refused to admit that Dodo had replaced the Navy goat in the heart and eyes of the brigade, continued to emphasize before each Navy away game that the small brown and black mongrel would not be accorded official transportation.

"But," admitted one high ranking officer shortly before last fall's Army-Navy game at Philadelphia, "I know that just as sure as the sun comes up tomorrow, that dog will be there if the Middies have to smuggle him up."

He was.

THE VULNERABLE RUSSIANS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. DERWINSKI. Mr. Speaker, in the recent winter issue of Golden Sphinx, the publication of the National Counter Intelligence Corps Assn., appeared an illuminating review of the book titled, "The Vulnerable Russians." The book was authored by Dr. Lev E. Dobriansky, of Georgetown University, and has been received extensively in this country and abroad. It was my privilege to furnish the introduction to this work which, as anticipated, has been sharply criticized in publications in the Red Empire. The review, written by Vera A. Dowhan, emphasized numerous points that should be borne in mind as we pursue our relations with imperialist Moscow. I commend it and the work itself to the reading of our Members and citizenry:

THE VULNERABLE RUSSIANS

(By Lev E. Dobriansky, Pageant Press, Inc., New York, N.Y., 1967, 455 pp., $7.95. (Review by Vera A. Dowhan))

"Know Your Enemy" could well be the subtitle of this timely work. For throughout, whether dealing on the national or international sphere, The Vulnerable Russians is a constant and sober imperio-colonialism.

The author loses no time in taking grips with reality. He cogently links the present with the past and his impervious confidence and authority unmasks Russia, the last colonial empire in a modern world, with alarming frankness, revealing not only her strength, weaknesses and vulnerabilities, but also her course of action.

For those with stunted viewpoints that foolishly insist that Russia and the Soviet Union are a single and like entity, Dr. Dobriansky introduces many, for the first time perhaps, to the captive non-Russian nations in the USSR. With expertise, he defeats completely the erroneous concepts of the Soviet Union as a "nation-state," a monolith," a "polyglot society," the captive nations as "minority groups" in the USSR, "the Soviets," "Russian USSR," etc. He exposes Russia as the real threat to the United States and this country's national security. With marked precision, Dr. Dobriansky discloses Russia's stronghold on the USSR, her "theoretic humanism" toward the 123 million captive non-Russian peoples in the USSR, militarily conquered and forcibly, incorporated into the empire. He discloses why our fear should not be the Red satellite states, with their cacophony of leaders, but rather Moscow, for should Moscow collapse her satrapies could not survive for long.

Much of The Vulnerable Russians is appropriately devoted to the captive nations, and their cultural, social, linguistic and religious differences are given broad exposure. It was Dr. Dobriansky who authored the Captive Nations Week Resolution passed by Congress in 1959. The resolution, now Public Law 86–90, calls upon the President to issue a proclamation each year during the third week in July and invites the people of the United States to observe the Week with suitable ceremonies and activities until such time as all nations once again enjoy freedom and independence.

The resolution rocked Moscow, and the ramifications of it and the Captive Nations Week movement have been especially hostile on the part of the Kremlin rulers. When it was passed in 1959, with his typical rhetorical finesse, Khrushchev said, "This resolution stinks."

We have entered a new decade and with it, we have gone from an era of confrontation to an era of negotiation. How different it will be, only time will tell. Surely we cannot afford to be out of step with the times. But if history repeats itself and must be lived to be understood, you have to know what happened in the years gone by. And the history of Russian expansionism has, indeed, repeated itself.

What does Dr. Dobrianski think would help the mitigating problem? He feels that for the immediate future, at least, an outstanding service could be rendered our nation and the free world by the creation of a Freedom Commission for concentrated cold war education for which, he says, political and psychological import cannot be exaggerated. Another, a special house committee on the captive nations in the House of Representatives. H. Res. 211 was submitted in 1961 for the formation of such a committee. Although several hearings have been conducted in the House Rules Committee with solid arguments in favor of it and no opposition to it, nevertheless, behind the scenes forces have been hard at work to defeat and stall the proposal. And a "first" in this or any decade since U.S. recognition of the Soviet Union, he says, would be a full-scale review of U.S. policy toward the USSR.

The consequences of this last point would have a twofold result. On the one hand, it would show whether the Russians really are sincere in their peace efforts and willing to relinquish their colonies, or whether they are the imperialists history has heretofore proven them to be, and secondly, whether our policy-makers are truly interested in the cause of freedom and independence for nations now under the yoke of Russian communism, or just not willing or are afraid to dismember the last existing imperio-colonialist empire in a modern world.

Dr. Dobriansky enjoys the well deserved reputation of being one of our foremost experts on Russia and the Soviet Union, and his many publications in these areas read like a Russian anthology.

MILK PRICES

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. SKUBITZ. Mr. Speaker, I introduce, for appropriate reference, a bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–72.

Mr. Speaker, a very substantial number of my constituents and others in the State of Kansas have written me requesting that the Congress do something about milk prices. For many, the situation has become critical. It is part and parcel of our overall farm policy that ignores the realities and has brought about deep dissatisfaction throughout our agricultural areas. It is, Mr. Speaker, in my judgment a short-sighted and unwise policy.

In introducing this legislation, I am joining a group of my colleagues who earlier this month proposed an identical bill, H.R. 6188. I trust that the distinguished chairman of the Committee on Agriculture, the gentleman from Texas (Mr. POAGE), will, in his usual effective manner, push this legislation through to enactment.

OUR QUESTIONABLE ACTIONS IN LATIN AMERICA

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. BADILLO. Mr. Speaker, over the past several months several incidents have occurred which raise some very serious questions regarding the efficacy and direction of the policies being pursued by the present administration in Latin America.

Foremost among these has been the ill-conceived and poorly handled actions vis-a-vis the new government in Chile. The United States is already greatly mistrusted in many sectors in Latin America and the attitude displayed toward the freely elected Allende government has not contributed to improving this situation.

Recently Mr. Ralph A. Dungan, former U.S. Ambassador to Chile, has written a well-balanced and highly perceptive article regarding the questionable role of the U.S. military in the development and execution of U.S. Latin American policy and its relation to the Chilean fiasco. As he correctly notes, a highly embarassing situation could have been easily avoided and this incident illustrates "a weakness in the manner in which we conduct our foreign affairs."

Mr. Speaker, I highly commend Ambassador Dungan's article to our colleagues' attention and urge that they give his thesis full and careful consideration. Our basic disagreement over the philosophy underlying the current regime in Chile should be no excuse for not maintaining cordial and meaningful relations with this sister republic and I believe that what Mr. Dungan says is of critical importance in this period of heightened international tensions. I am pleased to insert his article for inclusion in the RECORD:

[From the Washington Post, March 27, 1971]

CARRIER'S VISIT TO CHILE CANCELLED: FORAY BY THE ENTERPRISE INTO DIPLOMATIC AFFAIRS

(By Ralph A. Dungan)

Although a "24-hour story," the recent furor over whether the U.S. aircraft carrier Enterprise should make a port call at Valparaiso, Chile, raises two issues, neither having to do with the merits of the port call itself. Both, however, illuminate continuing basic defects in U.S. policy toward Latin America.

How did the question of the port call arise anyway and how did it come about that socialist President Allende, despite his strong anti-U.S. military views, extended the invitation which was subsequently rebuffed by the Unted States?

The embarrassing and avoidable mixup in Chile occurred because the U.S. Navy like its sister services still conducts a quasi-independent foreign policy complete with resident representatives to foreign navies and periodic state visits by its highest rankng officer. These visits, carefully planned as much as two years in advance, are marked by luxuriously equipped aircraft rivaling Air Force One for the admiral, his consort and not inconsiderable retinue. In addition to top military leaders, these visits usually include calls on presidents, prime ministers, and other principal political leaders.

When the Chief of Naval Operations recently visited with Chilean President Allende, he apparently mentioned the desire of the U.S. Navy to have the Enterprise visit Valparaiso. Allende, who has been publicly trying to maintain a proper and friendly stance toward the United States while steadily pushing ahead with policies and actions which we don't like, agreed to the visit and announced his decision on Chilean national television.

One serious question which the whole episode raises is why it is necessary for the highest ranking U.S. military leaders to trot around the world on a more or less regular schedule like the enforcers of a 20th century imperium. The question is doubly serious at this point in history when so many Latin American countries are ruled by unconstitutional and, in some cases, severely repressive military governments. A visit by any high ranking U.S. military personage who seeks audience with major military and political leaders in every country he visits can scarcely be considered a neutral or low-profile posture. It certainly isn't seen that way by Latin American leaders especially since no high level civilian political leader from this administration has visited South America. At best, given the present political circumstances on the continent, such a visit suggests to Latin American military leaders that some elements in the U.S. government are tolerant if not sympathetic on unconstitutional military regimes.

Despite some laudable efforts by this administration—at least in Latin America—to de-emphasize the U.S. military presence and heavy influence on foreign policy, it is clear we have some way to go. The episode demonstrates once again the inability or reluctance of the State Department to exercise effective control over the persistent forays of the U.S. military into political affairs.

The second and equally disturbing aspect of the Enterprise affair is that it confirms again the perverse capacity of the United States in relatively small and unimportant decisions to subvert its own stated policies—in this case a policy of benign neutrality toward the Socialist-Communist coalition government of Chile.

One element of the U.S. government arranged the visit of the aircraft carrier and obtained a widely publicized Chilean presidential invitation. The State Department apparently scuttled the whole plan, with subsequent White House affirmation. It matters little whether the carrier visit or the tour of the CNO was a good idea. (Neither was in my opinion.) But the decision not to permit the visit of the Enterprise was a clear public affront to President Allende and the Chilean government.

Coupled with a whole series of actions starting with failure to send a high level delegation to the inauguration of the democraticaly elected president, the behind-the-scenes opposition to the appointment of a Chilean to a high U.N. post, the not-so-private hostility of the U.S. Ambassador to the present government, and the warning to the Chilean government implicit in President Nixon's "State of the World" report—all these suggest anything but benign neutrality.

One does not have to be an advocate of the present Chilean government or its policies to believe that the United States should avoid petty acts of this sort, which feed unfounded speculation, thereby poisoning the atmosphere in which major issues between the two countries will have to be resolved.

The Chilean case seems to illustrate a weakness in the manner in which we conduct our foreign affairs. However sound a stated policy may be, the sum total of actions taken by a multi-agency foreign affairs establishment really constitute our foreign policy.

Reflecting—as these actions often do—agency and ideological bias, ineptness, lack of coordination, political naivite and worse, it is little wonder that blunders like the Enterprise affair occur. To permit the mistakes evident in the Enterprise affair is to foredoom the working out of a *modus vivendi* with a politically undefined regime so that the interests of both countries can be served.

SEEKS DECENT HOME FOR EVERY FAMILY

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. BLACKBURN. Mr. Speaker, the Congress, throughout the years, has demonstrated its concern with the problem of adequate housing for the American people. With the passage of the Housing and Urban Development Act of 1968, the Congress established certain goals with respect to the creation of new and adequate housing to meet the needs of our entire population. Specifically, this act called for a decent home and a suitable living environment for every American family.

During the early months of 1969, a large number of new housing starts occurred. At that time, we found ourselves faced with what, for many of us, was a very rapid and unexplainable increase in raw timber prices.

The House Committee on Banking and Currency, of which I am a member, met to conduct hearings in an effort to determine a reason for the sudden rise in the cost of timber and to further determine the effect the rise would have on the housing industry which is vitally dependent upon timber and timber products. As a result of these hearings we learned that there were a number of factors which together caused the rapid rise in timber prices during the last few months of 1968 and the early months of 1969. Among the reasons cited were extreme weather conditions which prevented normal logging operations, a shortage of boxcars which prevented the shipment of raw timber in the East, a longshoremen's strike which prevented the loading and shipping of timber by sea from the west coast to the east coast, and the sale of timber abroad, particularly to the Japanese.

As a result of the Banking and Currency Committee hearings, the cooperation of the rail industry in providing boxcars for the transshipment of raw timber to the east coast, and the end of the longshoremen's strike, we saw a decrease in the price of timber which was more compatible with the needs of the American public.

For a number of months during the years 1969 and 1970, the administration was engaged in an effort to reduce the precipitous price increases which were ravaging our economy. The combination of fiscal policy and monetary stringency to combat inflation reduced housing starts throughout the country. Because of this reduction in housing starts, the price of timber dropped and stabilized at levels which generally would be considered acceptable.

In recent months we have seen a reversal of fiscal policy as inflationary pressures have eased. Monetary policy has been loosened and interest rates have fallen. Fiscal policy of Government likewise has been revised so that additional funds are now available for all purposes in our economy including the housing market. Housing starts have increased almost as an inverse concomitant as interest rates have declined. We find, however, that timber prices once again have begun a rapid and sickening rise.

For example, on December 31 of 1970, Douglas-fir plywood was selling at $66 per 1,000 feet. In March of 1971, this same product is selling at $90 per 1,000 feet. A rise of 38 percent over a period of less than 3 months certainly would give anyone engaged in the housing market cause to stop and reflect on future housing starts.

Of course, we must recognize that the law of supply and demand which applies throughout all of our economy likewise applies to the timber market. Although the demand has increased rapidly, the small, independent logging operator has not returned to his normal logging operations as rapidly as we would like—supply has not kept up with demand. However, many of us fear that there may be other forces at work to cause this increase in timber and timber product prices.

As timber futures recently have begun to be traded on the Chicago Mercantile Exchange, they have been placed into a more speculative market. Whether this speculation is causing an adverse or, possibly, a beneficial effect upon timber and timber product prices is something that we are not equipped to evaluate at the present time. However, there is every indication that buying and selling in timber futures will continue to grow in the next few years. For example, trading in plywood futures totaled 25,008 contracts last month. This is the largest volume of trading in this area since timber futures were allowed on the futures market in December of 1969. Another comparison is that in February of 1970, there were only 1,434 contracts negotiated on the futures market. Buyers on the futures market say that the reason for the increase in the purchase of lumber futures at the present is that there are high expectations that we are going to enter a housing boom shortly and that large profits could easily be made in timber futures.

One effect of the rapid fluctuations of timber prices in recent weeks has been the lack of confidence with which contractors and builders can quote prices on future contracts. The Wall Street Journal on Tuesday, March 16 of this year, stated:

> Dealers overwhelmingly report that they are unable to obtain firm price commitments from their suppliers for deliveries as little as sixty days in advance.

Mr. Speaker, the critical need for additional housing in America is too well recognized to need debate or repetition in statement. The relationship between the supply of adequate housing and the supply of timber at stable prices and adequate quantities is also a subject which does not need debate.

Events in recent months have indicated that adequate timber supplies at stable prices are presently endangered in the current market. I would urge the members of my committee, the House Committee on Banking and Currency, to commence hearings at an early and appropriate date in an effort to determine what action, if any, can be taken by the Congress in an effort to assure timber supplies at reasonable prices. We should determine if the fluctuations in prices of timber products are due to natural forces of weather or other forces beyond the control of man, or we should determine if the fluctuations are due to the manipulations in the market which are subject to the control of man. In any event, Congress cannot permit this question to remain unexplored.

FUTURE FOREST FORECASTS

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. DON H. CLAUSEN. Mr. Speaker, many of us have seen frequent references to the Nation's housing needs for the future, and to our commitment to construct 26 million new housing units in the next decade. Naturally such commendable goals raise many questions as to the availability of materials to meet the need.

Will there be enough trees in the future to supply our Nation's homebuilders with lumber and plywood?

Can we grow enough of these trees to prevent further inroads on our remaining natural gas and oil supplies, which are the raw material for plastic substitutes?

And what is being done to supply the future raw material for pencils, photographic film, concrete forming, acetate fibers, bathroom tissues and the habitat for deer, eagles, elk, the pileated woodpecker, and spawning fish?

These have become important questions.

We know that old timber dies in its normal cycle, with vast stands of present "old growth" timber barely 150 years old and already rotting. We also know that man currently is harvesting only part of this timber as it matures.

We also know man has been harvesting for hundreds of years on some of today's finest European forests. And we know that today, in the United States, insects and disease still "harvest" more timber, most of it overage, than does man.

Just recently Mr. Rae Johnson, Western Timberlands manager, Georgia-Pacific Corp., Portland, Oreg., retired after a lifetime devoted to forestry.

Some have described Rae as a "modern Paul Bunyan" whose overwhelming desire to grow more and better trees has earned him a place in forest history—and in the hearts of the professional foresters following in his footsteps.

I would like to call my colleagues' attention to the following article which appeared in Growth magazine, the house organ for Georgia-Pacific Corp., on the occasion of Rae's retirement. This story I find encouraging and full of answers to those important questions about the future of our forest for both recreation and the products we need as individuals:

RETIRING FORESTER SHOWS RAPID REGROWTH AND FORECASTS EVEN MORE STARTLING THINGS TO COME

"You can't possibly predict anything like what's going to happen in forestry in the next 50 years," according to Rae L. Johnson, who has just retired as Manager, Western Timberlands Georgia Pacific Corp. after a distinguished career as a woods executive.

"Fantastic things are coming in forestry . . . predict anything you like and the chances are that you won't have gone far enough," Johnson continued.

Pressed for a look into his woodlands crystal ball, Johnson said, "I believe the use of the forests for production of vitally-needed fiber products will be increasingly important. This will increase the price of timber. The demand will far exceed the supply and the price will continue to go up."

LEARN FROM EUROPE

The hope that the United States "will take a good look at the forests of Europe, in which it has been proved that timber harvest and recreation are compatible," was expressed by Johnson. The Black Forest of Germany is one example.

Continuing on this theme of utilization, Johnson said, "he feels the wise use of forest land is to harvest the timber when it is ready . . . but the rest of the time enjoy the scenery."

Predicting that a shorter harvest cycle will be the general rule in the Douglas fir regions, Johnson envisioned this type of "regular and forever use of the woodlands: cut the timber one year; the next, plant trees; then for two or three years protect and nurture the seedlings. The rest of the time this new crop provides scenery and even improves the air we breathe by producing oxygen."

"I never could understand those folks who shed gallons of tears about the temporary roughness of a clearcut area," said Johnson . . . "why don't they look someplace else where there are huge vistas of green trees and beautiful scenery."

"Those people who cry about clearcuts wouldn't hold their picnics in a recently harvested cornfield, yet that is exactly what they often try to do," he added as an example.

There are many "marvelously scenic" areas in the Douglas fir region where the timber has been harvested and new growth has rapidly followed, Johnson pointed out. He recalled that in the Coos Bay, Oregon, area where Douglas Welch is Chief Forester, "there used to be old snag patches that were given up for lost and now they are beautiful and healthy forests."

FOURTEEN YEARS, 35 FEET

Johnson is credited with pioneering for Georgia-Pacific the now common practice of clear-cutting Douglas fir, then starting a new crop of trees by aerial seeding. He recalls vividly the controversy that surrounded the "pioneering tract," an entire section of land in the G-P Toledo, Oregon, holdings. A request was made to the Oregon State Forester for a permit to clearcut this section, to be followed by aerial seeding or hand planting with seedlings. After considerable verbal negotiation, this was granted. Johnson recalls he heard several references in the timber industry to "G-P being a cut-and-get-out outfit." "Well," says Johnson, "we haven't cut out yet and we haven't gotten out yet." And in this section of Toledo timber . . . Johnson can point to trees more than 35 feet high in the area logged just 15 years ago, "and I believe this tract will be ready to harvest at age 35."

Johnson spoke admiringly of the late Owen R. Cheatham, Founder of the Georgia-Pacific Corporation. "Mr. Cheatham," says Johnson, "was the best forester of his day." He said, "G-P started in the timber business from scratch, without any inhibitions whatsoever, and by leading in complete utilization and complete reforestation, it revolutionized the entire industry."

SEED TREES ARE EXPENSIVE

Johnson has made a continuing study of reforestation through the years. He feels the practice of leaving seed trees for reforesting Douglas fir is wasteful and expensive. "The timber you leave is vulnerable to fire and insects and it is worth thousands of dollars per acre" . . . leaving isolated seed trees "is the most expensive and least efficient method ever devised to reforest an area." But the way G-P (and most of the rest of the industry) does it now, is quite different. As Johnson explains it, "First, you get the crop. Then it costs about 10 cents a thousand board feet (of the harvested crop) to reforest. What can you do so cheaply and get a better return on your money?"

Now, as Johnson is (he says) hanging up his "cork" boots, the industry is on the threshold of better methods of reforestation. One of these that has great promise is reviewed on pages 2 and 3 in this issue.

KEEP LANDS IN PRODUCTION

"If the land owners keep the land in production, it will take care of the ecology," Johnson believes.

This 65-year-old forester was born at Clipper, Washintgon, where his father worked for a shingle mill. A year later the family moved to Mt. Vernon, Washington.

His first woods job came when he was seven and in grade school. He and his brother were hired to watch the nearby logging railroad track and put out small fires started by the steam locomotive. "Each of us got $2.50 for the summer's work," he recalls. The next summer his mother cooked in the logging camp and the two boys were helpers. "We got a 100 percent pay raise, $5 for each of us for the summer." Johnson's first career ambition was to be a pharmacist, then a chemical engineer. But he needed summer work, joined the Weyerhaeuser woods crew in 1927 as a chairman on a survey gang. He then decided to be a logging engineer.

Someone told him, "If you're going to be a logging engineer, you first should learn something about logging." He did and continued to advance, meanwhile completing his engineering training and reaching the post of Chief Forest Engineer at Weyerhaeuser's Longview, Washington, operations in 1942. He shifted to a Canadian company in 1950 as Woods Manager for four years. On January 1, 1954, he went to Springfield, Oregon, in charge of timberlands for the Springfield Plywood Corporation. Washington Veneer Company owned a majority interest in Springfield Plywood and some years earlier, G–P had acquired that interest. With the acquisition of the Booth-Kelly Lumber Company, the two operations were merged into the Georgia-Pacific Springfield Division. In 1955 Johnson moved to Portland, Oregon, as Assistant to Vice President-Timber Operations.

Johnson says he plans to continue to live in the Portland area and "do what comes naturally." This includes operation of his own 90-acre Tree Farm on the Toutle River in Washington, where he has been harvesting timber regularly during the 24 years he has owned it. This tract was first cut in 1905. The trees on it now, Johnson says, "are just like money in the bank." Johnson plans to actively pursue his hobby of wood carving "if I can get the raw material . . . and I think I can." He also will keep in touch with the industry, as a few weeks ago he was reelected Treasurer of the Pacific Logging Congress, a major industry organization.

INDIANA'S TIME TURMOIL BROUGHT TO LIGHT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following article from the New York Times which outlines Indiana's time turmoil.

Although the geography may be a bit amiss, the article does present the problem and the need for a solution. It reads as follows:

[From the New York Times, Mar. 29, 1971]

INDIANA SPLIT BY "ISLANDS OF TIME"

WASHINGTON, March 28.—In northwest Indiana, they tell a story about a man from Hammond who was contemplating a bus trip to Chicago, a distance of about 10 miles.

"What time does this bus leave?" he asked the driver.

"Seven o'clock," was the reply.

"And what time does the bus arrive?" he asked.

"Eight-fifteen," the driver said.

"Never mind," said the man, turning away. "I can get there faster walking."

The trip really takes only 15 minutes, but unless Congress passes emergency legislation before the last Sunday in April, when most of the country goes on daylight saving time, such apocryphal incidents will become a maddening reality for a million residents of Indiana.

TWO TIME POCKETS

The worried Indianians, who last week sent representatives to petition a Senate Commerce subcommittee for swift action are the unintended victims of a quirk in the Uniform Time Act, a 1966 law that was supposed to simplify national time standards.

About four-fifths of the state's population lies in the Eastern time zone, but two small pockets, in the northwest and southwest corners of the state, are in the Central zone.

The meandering boundary line is not the work of some perverse Government bureaucrat. The residents of the two pockets wanted them drawn that way, since each area shares the economic and cultural life of a large city also in the Central zone—the northwest corner with Chicago, the southwest with Louisville, Ky.

In years past, when Chicago and Louisville advanced their clocks an hour to observe Central daylight time, Indiana residents living in the Central zone did the same. But last month the Indiana legislature voted, at the behest of the Eastern zone residents, to exempt the state from daylight saving, and now the Indianians in the western corners must remain on Central standard time while their big-city neighbors move an hour ahead.

There is a bill before the Senate, introduced by two Indiana Democrats, Birch Bayh and Vance Hartke, that would resolve the problem by amending the Uniform Time Act to permit states split by time zones to exempt one zone from daylight time while allowing residents in the other, if they desire, to advance their clocks.

The desire was evident last week when business and civil officials from the "islands of time" told the subcommittee of the "intolerable" problems that would arise unless the bill were passed.

One witness, Martin L. Leich, a radio station executive from Evansville, in the southwest corner of the state, pointed out that the checkerboard time pattern would affect travelers passing through Indiana, as well as residents.

HOW IT WOULD WORK

A person moving from East to West, Mr. Leich said, would have to set his watch back an hour as he passed from Ohio, on Eastern daylight time, into eastern Indiana, which would be on Eastern standard time. As he moved into one of the two pockets, both on Central standard time, he would have to set his watch back still another hour.

Then, when he entered Illinois, which would be on Central daylight time, he would have to advance his watch an hour.

"This is not the sort of uniformity that the Federal Uniform Time Act was supposed to promote," Mr. Leich said.

The Senate bill, and an identical one in the House, are described as "certain to pass" well before the advent of daylight saving time.

The subcommittee also heard testimony on another bill, introduced by Senator Marlow W. Cook, Republican of Kentucky, that would shorten the period of daylight saving time from six months to three. The bill would move the beginning of daylight saving, now the last Sunday in April, to the last Sunday before Memorial Day.

Daylight time would end the day after Labor Day, instead of the last Sunday in October, as it does now.

Support for Senator Cook's bill came chiefly from the Kentucky Farm Bureau Federation, which pointed out that during daylight time harvesting must often be delayed until noon, when the late-rising sun has finally burned dew off the fields.

Another witness, Mrs. Susan Spoonamore, the president of the Kentucky Congress of Parent-Teacher Associations, told the subcommittee that during the late spring and early fall, schoolchildren must leave their houses in darkness and are often in the classroom before the sun rises. She said that the hazard was especially great for rural children, who were forced to walk along country roads in the dark.

WORKERS AWAITING PRESIDENTIAL AID ON TARIFFS

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. HARRINGTON. Mr. Speaker, last week I spoke about the on and off quality of Presidential leadership which has put national trade policy in a vacuum, which has vitiated any positive movements to aid the pockets of serious dislocation resulting from imports and unfair foreign competition.

Today I wish to carry this concern with Presidential delay and inaction right to the homes of approximately 3,700 workers.

These are shoe workers who have won from the U.S. Tariff Commission a tie vote on their petitions for adjustment assistance.

They have been through the inevitable bureaucratic redtape and filed petitions with the Government for aid. They have waited the statutory period while the Tariff Commission deliberated to see whether as a result in major part of concessions granted under trade agreements, shoes were being imported in such quantities to cause or threaten to cause unemployment. They have come close to winning their case since the President himself last year, in petitions paralleling these, voted with the affirmative side and initiated adjustment assistance programs.

But what has happened this year? Nothing.

For 2 months since February 8 when the Tariff Commission split 2–2, 2,400 workers from Massachusetts, New Hampshire, Maine, and Illinois have waited for Presidential action.

For another month, since March 8, 400 workers from Brooklyn, N.Y., and Illinois, have also waited for Presidential action.

Now, yesterday, the Tariff Commission split once more in the same way that they have on each occasion since last June. Three more petitions, all from Massachusetts, involving an additional 750 to 1,000 workers have been forwarded to the President for his action, or inaction.

I urge the President to act immediately.

Frankly I do not understand the paralysis which has beset the Presidential offices.

The delay affects unemployed, many of whom are elderly. No precedent is involved in acting favorably on these petitions. No broad trade policy is established or undone. What the President does by voting in the affirmative is to make it possible for these nearly 4,000 workers to receive extended unemployment benefits and retraining aid, if it is locally available. In point of fact, these benefits are neither quantitatively nor qualitatively adequate, but they are what is available under existing legislative and administrative authority. They should be fully used.

In 1969, President Nixon called upon Congress to enact "significant improvements in the means by which U.S. industry, firms, and workers can receive assistance from their government to meet injury truly caused by imports."

The President then recognized that freer trade can "cause hardship for parts of the community."

It is hard to understand that this same President has by his inaction delayed even the existing benefits available to workers.

PUBLIC BE DAMNED: ATTITUDE BY POSTAL SERVICE POINTED OUT IN ST. PAUL DISPATCH EDITORIAL

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. KARTH. Mr. Speaker, if the events of the past several weeks are of any indication, I believe I am on the road to discovering a truism. And that is, if private corporations are generally unresponsive to the public; then public corporations with a monopoly guaranteed by Congress are totally unresponsive.

The public corporation I speak of is the U.S. Postal Service and under its new status as a corporation it is finding new "delights" to inflict upon the public above and beyond its habitual inefficiency.

These new delights include, and my list is far from inclusive, highhandedness, secrecy, disregard for Federal law, and a general disregard for the public as well as elected State, local, and Federal officials.

I believe the following editorial well sums up the present situation. I would additionally note that I was first made aware of the Postal Services designs on Fort Snelling land by several concerned citizens nearly 2 months ago. I immediately launched a series of inquiries with the Postal Service and after 3 weeks of repeated inquiries by myself and my staff the Postal Service would neither confirm nor deny the reports.

Finally, in response to a routine inquiry to the General Services Administration, I discovered that the Postal Service did indeed covet 68 acres at Fort Snelling.

I concluded then and I firmly believe now that the Postal Service hoped to perform their land grab covertly before the public or its elected representatives could protest.

I immediately protested the highhanded and secretive route used by the Postal Service, and quickly my good friend and colleague from Minnesota, Representative DONALD FRASER, pointed out that the Postal Service was flaunting Federal environmental law and policy.

Soon the protest was joined by Minnesota's Gov. Wendell Anderson, the Minnesota Historical Society, Representative WILLIAM FRENZEL, whose district includes the land the Service wants to grab, the two Senators from Minnesota, WALTER F. MONDALE and HUBERT HUMPHREY, and many private citizens.

Despite this bipartisan opposition and serious concern with both the land grab and the manner in which the Postal Service has conducted itself, the Service seems to remain arrogantly determined to stick unaltered to its present course. It will be interesting to see whether this "public-be-damned" attitude continues. If it does, now is the time Congress should know about it and further do something about it. As the following from the March 25 edition of the St. Paul Dispatch suggests:

> The entire Congress should be made aware of the attitude of Postal Service officials.

I am taking the privilege of so informing Congress now:

PUBLIC BE DAMNED

An unexpected and unwanted by-product seems to have been produced during the process of converting the U.S. Post Office Department to the U.S. Postal Service. The new corporation has emerged from the conversion process with a "public-be-damned" attitude that is not at all in keeping with what Congress had in mind.

The Postal Service's disregard for the public has been vividly displayed in the controversy over the future of the Fort Snelling polo field and parade ground. The Postal Service has been caught trying to quietly push through a proposal to build a large bulk mail handling facility there and postal officials have resisted a great deal of public pressure against the proposal.

Rep. Joseph Karth of St. Paul noted the attitude after the Minnesota congressional delegation made a concerted effort to get the Postal Service to abandon its plans. "There was little evidence that they wanted to be conciliatory or that they were willing to listen to our objections," Karth said. "Their attitude was considerably different than it was prior to the time they became a corporation."

The Postal Service did not notify any Minnesota lawmakers of the plan to locate the bulk mail facility at Fort Snelling, nor did it consult with either the Metropolitan Council, which has performed land use studies of the area, or the Environmental Protection Agency, which is supposed to study the environmental impact of such a facility before it is built. The Postal Service finally asked the Environmental Protection Agency for a study after Rep. Donald Fraser of Minneapolis pointed out this requirement under federal law.

The area in question has considerable historical significance, is ideally suited to park land and is adjacent to the existing Fort Snelling State Park. Minnesota officials have sought to obtain the land for park purposes for many years.

There are a number of other potential bulk mail handling facility sites around the Twin Cities that would not meet any local opposition. Postal officials indicated little willingness to consider any of the alternates in their meeting with the Minnesota congressional delegation.

The new corporate Postal Service was set up to improve the mail service, not to thumb its nose at the public. It is still a tax-supported public body and, as such, should be responsive to the wishes of citizens as expressed by their elected representatives in Congress. The entire Congress should be made aware of the attitude of Postal Service officials. If corrective measures are needed, they should be taken before the Postal Service grows into a monolithic monster that does not respond to any outside authority.

WELCOME TO THE NATION'S CAPITAL

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. O'NEILL. Mr. Speaker, I would like to bring to the attention of my colleagues a statement, which appeared in the Washington Post on March 17, of the Irish American Club of Washington, D.C.

The recent troubles in Northern Ireland disturb us all very greatly, and I hope that my colleagues will give consideration to the position of this organization.

The statement follows:

WELCOME TO THE NATION'S CAPITAL, HON. JOHN LYNCH, PRIME MINISTER OF IRELAND

The members of the Irish American Club of Washington, D.C., wish you a most enjoyable visit and pray that your discussions with President Nixon prove fruitful. We hope that you will call to the President's attention the following injustices being perpetrated on your fellow countrymen by the British subsidized puppet "government" of "Northern Ireland."

(a) The rampant discrimination practiced by that "government," which systematically denies housing and employment to the Catholic population and thereby forces an extremely high percentage of its youth to emigrate. For example, the current unemployment rate in the ghetto of Ballymurphy, Belfast has now reached the staggering rate of 44 percent among the male population while the emigration rate among the Catholic male population of Dungannon, County Tyrone is 47 percent in the 18–28-year age bracket.

(b) The total denial of equal justice under law to minority citizens. Under the "Special Powers Act," innocent people are subject to arrest and imprisonment for up to 10 years without the benefit of a trial or, for that matter, without any formal charges being made against them.

(c) The blatant use of gerrymandering tactics to contemptously manipulate constituency boundaries in a manner which will assure a Unionist majority. The most glaring example of these methods is the city of Derry, where a Unionist minority of 32 percent elects 12 Members to the City Council while the Catholic majority of 68 percent can only elect 8 Members to that body. Historically, the Province of Ulster consists of nine counties. Of these nine, five and a half are predominantly Catholic and three and a half Protestant. If all five and a half Catholic counties had been detached from Ulster, what remains would not have justified the existence of a separate government in Belfast. So the border was devised assigning the Counties of Donegal, Monaghan, and Cavan to the Republic of Ireland while retaining Fermanagh, Tyrone and South Down for rule by the government of "Northern Ireland," which, under these circumstances, would always have an artificial Protestant majority. If there was ever a case of gerrymandering, surely this is it.

It is sad that Britain has not learned from her experience in Cyprus, India, Nigeria, and every other Colony which ever flew the Union Jack. It is tragic that she should insist on maintaining a "paper" government in Ulster which in the long run has not got a snowball's chance in Hell.

It is imperative that you, Mr. Prime Minister, seek the full support of President Nixon and the enormous influence of his Office to help achieve the following objectives:

(1) The immediate withdrawal from the six counties of all British troops, whose very presence there only serves to increase tensions with the resultant senseless loss of lives on all sides;

(2) The establishment of a neutral United Nations peace keeping force which your Government has already endorsed;

(3) The holding of a free and open plebiscite in a true democratic fashion by the people of all Ireland, under United Nations supervision, to exercise their right of National Self-Determination.

We believe that the above proposals are a basic pre-requisite to the creation of a just and lasting peace among all the people of Ireland, North and South, Catholic & Protestant.

Respectfully,

JAMES D. HAGAN,
Chairman, Political Action Committee,
Irish American Club of Washington, D.C.

A PROFOUND COMMENTARY ON PROBLEMS OF TODAY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. DERWINSKI. Mr. Speaker, the Calumet Index, a publication serving the far South Side of Chicago, in its Wednesday, March 24 edition, carried a very profound article by Rev. Harry D. Pierson, a black clergyman.

This article by the Reverend Mr. Pierson is stimulated by the complications he faces as an active clergyman working to stabilize a residential community and to provide the leadership which a man of the cloth is expected to bring to his congregation and the community in which he lives:

A PROFOUND COMMENTARY ON PROBLEMS OF TODAY

Black leadership, and we refer to Chicago Black self-elected spokesmen for our race; should start thinking in terms of the angry distorted, and disoriented youth. It is their philosophy and ideology that is motivating our youth today. This anger is costly, neighborhoods are deteriorating, thousands of dollars worth of damages are inflicted upon schools weekly. Each week the board of education must replace broken windows.

About 99% of our schools that are located in our Black neighborhoods have the marking of the gangs written all over them. Not to mention the genocide among the youth, and the black-board, jungle-like atmosphere that is present in the class rooms. I have not read, nor have I heard any of the Black leaders who say "they are my spokesmen," speak out against these criminal acts against our institutions of public education. I have not heard them speak out against the violence or condone street gangs, or against Black crimes, against Black people, by Black people.

In fact, I haven't heard anything that would give our youth hope for a brighter and a well meaning future. All I've heard is demands of revolt, and hatred of the "White" man and his system. It is the only system that an American Black man knows, I think it is a rather nice one, considering the freedom that one could achieve in other countries it is second to heaven.

I am shocked to hear these "Black leaders" proclaim that they are for the freedom and dignity of the Black man and other minorities. They are speaking in terms of an armed revolution, a sure way to genocide and loss of previous gains in freedoms and equality. It is also shocking to hear the "Black leaders" say: "What is happening to the Black youth of today? have they all gone crazy?"

It is remarkably unbelievable, and in a way, sad to see that they do not recognize the creation of their own work. It is the ideology that came into being after the death of Dr. Martin Luther King. This ideology advocates Black racism instead of true Black pride of the achievements of Black Americans in the building of the country. It advocates Black racism, and spits in the face of Whites and other minorities that struggled along with Dr. King to bring into being first class citizenship for the Black man. There is no emphasis on respect for the schools, the teachers, but yet education is the key to survival: it can conquer bias, racial discrimination, and bring our people out of the webs of ignorance.

It is also the possible way toward brotherly love and concern for all Black people, as well as for other races in order that we may all live in peace and harmony. People of all races are going to have to find solutions to these social problems that confront us. But Black leadership must begin to strive to bring the youth back to a sensible summit before we can go forward. Until they do this, we, the Black people, will continue in this atmosphere of confusion, and chaotic merry-go-round.

It advocates the three-hundred year old grudge of "the White suppression of Black people." It is a grudge that should remain in the past, for the White race of today is not responsible for what occurred three hundred years ago. But Black leadership is responsible for sowing the seeds of hate, and using this grudge as an excuse to illustrate and justify this false, deceptive philosophy of hate.

No wonder we are caught up in the cross fire of confusion and disunity. Black leaders have remained silent on the issues; their silence has been interpreted as consent, and that the criminal acts that are committed are justified. Just because one happens to be Black, and has suffered under bondage in the past, also has had injustices inflicted upon him, this does not give him the authority to commit criminal acts upon his fellow man, nor does it give him the right to demand more than what is expected. What I consider the most reasonable is decent housing, a safe community, free from criminal elements of extortion of home owners, merchants and children on their way to school, and equal job opportunities, providing one is qualified to perform the functions of that job.

Preserve the good appearance of our neighborhoods by not writing gang names on the buildings and walls. Compete with the situation of bias and bigotry instead of forming our own concept which solves nothing, but makes the problems even greater. We can compete by getting the most of our education from the schools we vandalize and mark up; we can compete by taking a realistic attitude of learning instead of ruining.

No, being Black does not give one the license to defy the system, to commit crimes against Black people in the guise of "Brother" to kill White policemen, etc. This ideology that is advocated is going to cause major grave violent occurrences of bloodshed, and this blood will be that of the innocent Black youth who have been programmed violent by our so called "Black leaders." Their minds have been distorted from the realities of truth, all because civil rights movements have ceased to become a cause for the freedom and dignity of the Black minority. Leaders see it as a job, an income.

Liberal whites who are conscience stricken donate thousands of dollars daily to these leaders who are teaching the Black youth that the White man is their enemy. Yet when I try and get them to help me with a church and a community center in which they can receive the correct guidance, I cannot get one red cent toward this project. The Stone Foundation sent me a book on how to raise funds, I was aghast: here is a foundation that is spending thousands of dollars to bail out the gang members from jail, but yet they couldn't give our church a loan to start our project of keeping them out of jail in the first place. I can see a lost and confused generation of young Blacks going to slaughter because Black leadership valued the dollar more than they did the morals and dignity of our Black youth. Our schools are institutions of life, education is the key toward solving most of the problems that confront us in this present day society.

There is at the present, demonstrations against principals because they are White in the Chicago public school system, why is this so? Yes, Black leadership has really done a good job of disorienting the minds of the youth.

In conclusion, I would like to make these observations very clear: Black leadership is concealing from the youth of today, the key to life. I venture to say, that they don't want them to think for themselves; they wish to keep the puppet strings on their minds so that they can be controlled. I am a Black clergyman, my vows to God are sacred, I am sincere in my vocation, and dedicated to my fellow man. I see terrible injustices of deception being inflicted upon the Black youth of today. In all fairness to my conscience I can no longer remain silent, nor can other men of the cloth continue to do so. I appeal to them, I ask them to join me in this gesture of endeavor of righting the wrongs, for God sees neither White nor Black. I believe, like times of old, the church must come forward and not merely suggest, but do, become active in this challenge that calls for united efforts of all churches.

There is coming a time in the very near future of "an awakening," and the realization of the damage done will be seen, felt and experienced by all, Black and White alike. The Black leader of today has grown fat and rich from the exploitation of the minds of uninformed Black adults, and our youth, some will regret their deeds, others will not. For like Judas who betrayed Christ for thirty pieces of silver, Black leadership has betrayed the Black youth.

STUDY ON LAW ENFORCEMENT REVENUE SHARING

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. GREEN of Pennsylvania. Mr. Speaker, I am submitting for the RECORD the conference of mayors league of cities study on "Law Enforcement Revenue Sharing." This report is part of a systematic study of the entire Nixon administration's budgetary obligation for cities.

The general conclusion of this study is that—

> Federal controls over states and protections for cities which Congress approved in the original act and in its 1970 amendments are seriously weakened.

I recommend this study to my colleagues:

LAW ENFORCEMENT REVENUE SHARING ACT OF 1971

One of the major causes of the increase in crime has been a serious shortage of funds for criminal justice at both the state and local levels. Recognizing these facts, Congress passed the Safe Streets Act of 1968. This Act provided, for the first time, large-scale federal aid to state and local law enforcement and criminal justice systems.

Because the Safe Streets Act, in making block grants to states, is already a form of revenue sharing, President Nixon has chosen the law enforcement area for his first specific revenue sharing proposal. On March 2, President Nixon submitted to Congress the "Law Enforcement Revenue Sharing Act of 1971," a complete copy of which is included at the end of this analysis. The new proposal takes the form of a series of key amendments to the current Safe Streets Act. Some of these changes will improve the ability of cities to participate in Safe Streets Act programs. Other changes, however, are cause for grave concern in that they seriously weaken some important protections for cities in the current law.

The basic changes proposed can be summarized as follows:

1. Special revenue sharing payments replace block action grants to the states according to population.
2. State and local matching requirements are abolished both for the new special revenue sharing payments and for discretionary funds, which are available as direct grants to cities and states. In addition, the special revenue sharing payments may provide the local share of costs for grants for planning and corrections facilities.
3. LEAA is stripped of its authority to approve comprehensive state plans as a condition precedent to awarding states their block action grants. Instead, LEAA may merely review and comment upon each State plan. LEAA is also required to perform a fiscal and programmatic audit one year after each state has been funded, to be assured of state compliance with various statutory provisions, including those designed to protect cities. Thus, states no longer have to demonstrate that they will pass through adequate assistance to cities or that they will concentrate adequate assistance on high crime areas before they receive federal funds. Also, states now have much greater control over all substantive content of their comprehensive plans.
4. Provisions requiring grant recipients to show that they will assume full cost of aided programs after the assistance runs out and that they will maintain their levels of expenditure for criminal justice are dropped.
5. States are relieved of the requirement that they must make technical assistance available to local communities.

The new proposal does leave a series of important LEAA programs essentially unchanged. These include:

The planning grant program. (Part B).

The corrections program (Part E).

The discretionary grant program (with the exception that all state and local match requirements are dropped).

The National Institute research program.

The Academic Assistance Program.

The statistics program.

The LEAA sponsored technical assistance program.

To the extent that these programs benefit cities, their retention is positive. However it should also be noted that the new proposal does nothing to increase direct grants to cities or to relieve cities of the heavy burden of red tape they must now overcome to receive funds from states, and in these respects it is seriously lacking.

During 1970, Congress passed a series of badly needed amendments to the Safe Streets Act. These amendments benefitted cities significantly by requiring states to give greater regard to city needs and improving city participation in both the planning and action grant programs.

Key amendments retained by the new plan include:

—improved requirements for local representation on state and regional planning councils.

—the requirement that planning money be made directly available to major cities and counties.

A provision promoting the use of action funds to establish comprehensive criminal justice planning capacities in major cities and counties.

Liberalization of the limitation on support for salaries of law enforcement personnel.

Many cities have already taken positive steps to benefit from these amendments, and have thus far received excellent cooperation from many LEAA officials in doing so. These amendments are of great help to the cities, and to the extent that the new proposal retains them, NLC and USCM supports it.

NLC and USCM also support elimination of local matching requirements for special revenue sharing payments and for discretionary grants. This 100% federal funding will be of great help to financially hard pressed cities, particularly since it would eliminate a requirement that part of the local match be in cash beginning with fiscal year 1973.

However, the section of the proposal which strips LEAA of its responsibility to approve comprehensive state plans prior to federal funding cannot be supported. Under the new plan, LEAA would have only two duties relating to states:

1. Review, comment and make non-binding recommendations on state plans; and
2. Perform fiscal and programmatic audits one year after states receive their revenue sharing payments to determine if statutory directives have been met.

Thus, federal controls over states and protections for cities which Congress approved in the original act and in its 1970 amendments are seriously weakened. We are particularly concerned about several key provisions in this respect:

Presently, states must pass-through 75% of their block grants to localities, and beginning July 1, 1972, the percentage of its annual block grant each state allocates to its localities must equal the local share of total state and local criminal justice expenditures.

States must adequately take into account the needs and requests of local units of government in distributing funds.

States must provide an adequate share of assistance to areas with both high crime incidence and high law enforcement activity.

All of these crucial provisions would be monitored by LEAA only retroactively. That being the case, if any of them were improperly administered by the states, there appears to be no effective recourse for local governments. This apparent lack of effective recourse for the cities is particularly troubling for several reasons:

The above provisions, while extremely important, are not precise in nature, and thus there is an obvious possibility that states may interpret them unfairly, to the detriment of the cities.

The 100% federal funding will give states a stronger inducement to retain as much activity money as possible for themselves.

LEAA's central and regional staffs have always been very heavily burdened, and they are not staffed for a major post-audit operation.

FOR THE DISADVANTAGED THERE IS A MESSAGE IN VETOES

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. NIX. Mr. Speaker, I have been deeply concerned by the pattern of Presidential vetoes which, in the last

Congress, has indicated a total lack of regard for the disadvantaged in our society. It seems to be that too little attention has been paid to the evidence of these vetoes, perhaps on the theory that this is only what one would expect of a Republican administration.

But I do not think the explanation is so simple. It is not simple partisanship which has produced these vetoes; it is a deeper-seated prejudice against the disadvantaged and a narrow concept of the American economy, and society which, I believe, has produced these strange inconsistences and inconstancies.

I expressed my concern and puzzlement in a letter which I handed to President Nixon when I visited him last week with a group of colleagues. I wish to submit for the Record my letter and my comments on these vetoes:

Congress of the United States,
House of Representatives,
Washington, D.C., March 25, 1971.

Hon. Richard M. Nixon,
President of the United States,
The White House.

Dear Mr. President: I have been around Washington long enough to realize that the true test of an Administration's attitude is to be found not by what a President proposes but by what he chooses to veto.

Reflecting on the disturbing collection of Presidential vetoes in the last Congress—nearly all of which touched on some aspect of Federal assistance to the disadvantaged—I believe it fair to question just where the heart of this Administration lies. Even more important a question is what we can expect in the future?

It does not seem to me that the vetoes reflect an especially keen sensitivity to economic trends or to the extraordinary hardships brought about by unemployment to the lives of millions of Americans, black and white.

It seems to me that the Administration at times has been its own worst critic when choosing to launch unprecedented campaigns for such items as a $1.49 billion appropriation for ABM development but being unable to come up with the $200 million necessary to initiate public service employment for men and women desperately in need of work.

I believe that everyone here today might well consider that the dissatisfaction with present domestic policies as they effect the underprivileged, the unskilled and the discriminated, is sorely aggravated by the chasm that exists between Administration rhetoric and Administration performance.

I have myself on more than one occasion warmly applauded a statement by you or by one of your Cabinet officers to the effect that the Administration was "irrevocably committed" to minimizing this or that domestic problem or social injustice. Unfortunately and even needlessly, such eloquently phrased objectives were often dashed by a subsequent contradictory act.

To be specific, consider the eleven veto messages you sent back to the 91st Congress. Of those messages, two were private claim bills of no great public import. Nine most definitely were.

Nine of those vetoes were measures relating to job training, public service employment, election reform, hospital construction and modernization, education, water and sewer grants, urban renewal, wage comparability and family medicine.

Taken as a whole, those vetoes displayed an astonishing insensitivity to and lack of appreciation for the problems of the disadvantaged to get an education, to find employment, to receive adequate medical care and in general to enjoy the rich and rewarding life to which so many millions of Americans have become accustomed.

Those vetoes evidence a willingness to exploit the needs of the disadvantaged in a cynical and callous manner—a willingness to veto today and propose tomorrow much of the same when it suits some tactical or political purpose.

Beginning with the first of your vetoes, Mr. President—the rejection of the fiscal 1970 appropriation bill for the Departments of Labor and of Health, Education, and Welfare—I have set forth in the attached list some of the salient points which contribute to my personal inability to credit this Administration with a sincere and consistent approach to meet the needs of black Americans and the needs of all Americans for better educational opportunities, a decent place to live and employment paying an adequate wage.

Sincerely,

Robert N. C. Nix,
Member of Congress.

Veto List

Veto of Appropriations for the Departments of Labor, and Health, Education and Welfare and Related Agencies for the Fiscal Year Ending June 30, 1970. Vetoed January 26, 1970. Compromise approved March 5, 1970. P.L. 91–204.

In your veto message, Mr. President, you stressed your feeling that an increase of 34 percent in appropriations for vocational education and Title I funds for educationally deprived children was "too large," especially in an inflationary period. You did not note that total Federal assistance for elementary and secondary education had declined in fiscal 1969 from the previous year; so what we were talking about was an increase of 34 percent over a two-year period, not a one year increase. But assuming inflation, rather than a lack of concern, was the real issue in the veto, how can we account for the proposals you have offered for fiscal 1972, at a time when we are suffering from high unemployment and economic depression?

Your budget recommendation for vocational education, while an increase of nearly $60 million from $322 million to $382 million, is nevertheless far below the $609 million authorized by the Congress for this program and even further below what we really need to provide adequate job and vocational training for our young people.

But what I simply cannot understand is your recommendation of *no increase* in funds for the program for educationally deprived children. I cannot understand why, if increases in this program should be limited in an inflationary period as you stated in your veto message, there is not some evidence that you would seize the opportunity offered by a period of economic slack to make a significant increase in this program. Instead, you recommend $1.5 billion—the same dollar figure which was appropriated in fiscal 1971, and in view of the 9 percent increase in educational costs, an actual decline in Federal support—a sum less than half the $3.6 billion authorized by the Congress for this vital educational program for deprived children. I cannot understand why, if a 34 percent increase is too much in an inflationary year, an actual decrease in Federal support is warranted when the economy is lagging far below its potential.

Veto of Appropriations Authorizing $2.79 billion through fiscal 1973 for the Hill-Burton Hospital Construction Program. Vetoed June 22, 1971. Overridden: 279–98 roll call vote in the House; 76–19 vote in the Senate.

Mr. President, the burden of your objection to this legislation was that it continued and expanded the program of hospital construction and modernization grants which has played an important part in the improvement of the health and medical services enjoyed by the American people over the last quarter of a century. I could not understand why you insisted at a time when interest rates were the highest in our history that we shift abruptly from this successful grant program to one of Federal guarantees and subsidies for private construction and modernization loans.

Veto of Appropriations for the Independent Offices and Department of Housing and Urban Development. Vetoed August 11, 1970. Compromise approved December 17, 1970. P.L. 91–556.

I am no less mystified, Mr. President, by your veto of the Department of Housing and Urban Development appropriation on the grounds that the Congress included $541 million more than you requested, and especially $350 million above the amount you asked for sewer and water grants. While you emphasized the inflationary potential of the Congressional action in raising your budget request from $150 million to $500 million for sewer and water assistance, the national economy actually had already entered a recessionary period.

Now, however, you come forward with a double mystery in recommended level of funding for sewer and water needs. You suggest that the existing categorical grant program for sewer treatment facilities be thrown into one of your special revenue sharing packages. At the same time you have proposed a new categorical program under the Environmental Protection Agency to fund to the tune of $2 billion a year. This is a program four times as large as the one you vetoed and it is to take effect when the economy is moving upward rather then when it was moving toward a recession. Surely sewer facilities are not four times as important or four times as non-inflationary when administered by an anti-pollution agency rather than by an urban development agency.

Veto of the Appropriation for the Office of Education. Vetoed August 11, 1970. Overridden in the House August 13, and in the Senate August 18.

In contrast to your veto of the HEW appropriation bill for fiscal 1970, your veto of the Office of Education appropriation for 1971 did not emphasize objections to individual programs. The overridding theme was the need to hold down Federal spending to cool an inflationary economy. The question, you said, was "not one of cutting the present level of school funds. It is not even one of whether to increase school funds. It simply is a question of how *much* they are to be increased—and for what purpose."

It is my understanding that the primary responsibility for determining "for what purpose" is the legislative function assigned by the Constitution to the Congress. Therefore, I make no apology for joining with more than two-thirds of my colleagues in rejecting the Executive's right to determine "for what purpose" Federal funds should be spent in the area of education.

I raise what I think is a most important consideration for future judgment of veto recommendations within your Administration. In August of 1970, at the time when you were persuaded to strike down the Office of Education appropriation on the grounds that it was inflationary and expansionary, the national economy was in the second month of the current recession.

The leading economic indicators had been forecasting this recession for months but the popular concern was still with runaway boom and inflation. It would appear that a willingness to react to the popular assessment of the problem, rather than an expert assessment of the actual economic situation, lay behind this veto and the equally inexplicable veto of the appropriations bill for the Independent Offices and Department of Housing and Urban Development.

Veto of amendment to the Communications Act of 1934 for the purpose of limiting political campaign broadcast spending by candidates for all Federal and gubernatorial elected offices. Vetoed October 12, 1970. Sustained by Senate, November 23, 1970.

The stated objection to this bill was that it unfairly imposed a limitation on candidate expenditures for television without imposing similar limitations on expenditures for other media. The veto was coupled with a promise to recommend more comprehensive legislation to prevent those with great wealth or the ability to tap great wealth from subverting our basic democratic electoral processes.

The real attitude of the Administration toward the vital reform of excessive campaign expenditures is apparent in its failure to recommend such legislation or to even respond to a Senate Committee's request for Administration views until the last minute. It was only a few days ago, when the Committee in the Senate had completed hearings and started to mark up an elections reform bill, that the Justice Department finally asked to be heard.

Veto of the Employment and Manpower Act of 1970 (with related provisions for Public Service Employment). Vetoed December 17, 1970.

The justification for this veto, in addition to the familiar cry of inflation was that it purportedly lacked any linkages with training programs or with efforts to move temporary public service employees into permanent or "real" jobs. In the first instance, this simply is not true.

The legislation had a great many provisions for such linkages and for regular and continuing efforts to move public service employees into non-subsidized employment. In the second place, after vetoing a proposal to create 300,000 public service jobs as part of the Employment and Manpower Act, you have now recommended the creation of 200,000 public service jobs as a part of your Family Assistance Program. The difference seems to be that your public service jobs would be fully divorced from job training programs and there would be 100,000 fewer of them—unless local communities choose to use part of your proposed special revenue sharing funds for manpower to create additional temporary public service jobs.

In this latter case it is not clear, at least to me, how it reconciles the objections in your veto to what you termed inadequately mandated linkages with real jobs and your stated wish to give local communities greater freedom to disregard Federal guidelines through special revenue sharing. I hope that your submission of a manpower plan tied to revenue sharing will not obscure the need of the cities for immediate emergency employment relief. Your veto of last year eliminated the opportunity of hundreds of thousands of Americans to find meaningful employment.

Veto of Assistance for Professional and Technical Training in the Field of Family Medicine. Pocket-vetoed December 26, 1970.

Since by employing a pocket-veto you never really said "no" to this bill, there is no veto message explaining formally your objections. Presumably, it represents an effort by the Executive to prevent the Legislative Branch from establishing another categorical program. But I note that this objection to a categorical program to encourage medical schools to pay greater attention to the practice of family medicine did not prevent this Administration from recommending an entirely new $100 million annual categorical program to encourage states to pay more attention to the need for statewide zoning and land use programs.

Veto of Legislation Establishing a Procedure for Fixing and Adjusting Pay Rates for Federal (blue collar) Employees Paid at Prevailing Wage Rates for Comparable Work in Private Industry. Vetoed January 1, 1971.

This legislation was intended to bring order out of the chaotic situation which prevails in the Federal Government's procedures for fixing the rates to pay of 765,000 employees working under the so-called prevailing rate system.

Inflation, again, was sounded in the swinging of the veto ax. Nine days later, the Treasury Department announced a liberalization of depreciation guidelines to stimulate the depressed economy. To business, it was a $2.7 billion windfall.

I cannot see why it is inflationary to give Federal blue collar workers $130 million more a year to spend to boost a sagging economy and not inflationary to give businessmen $2.7 billion more to spend.

Veto of Legislation to Include Federal Firefighters Within the Provisions for Retirement of Government Employees Engaged in Hazardous Occupations. Pocket-vetoed January 4, 1971.

This was a measure to attract and keep young men in the Federal Fire Service and reduce the loss of trained personnel to municipal and county fire departments which pay higher salaries, require less hours and provide better retirement benefits. Civil Service Commission arguments that Federal firefighters already receive higher pay and benefits was unconvincing to the Committees which studied the matter and determined more hazard pay benefits were in order.

THE OEO HAS GOT TO GO

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. RARICK. Mr. Speaker, the mounting number of instances of misuse of taxpayers' money in programs administered by the Office of Economic Opportunity makes it increasingly more apparent that the gigantic hoax known as the war on poverty is supplying the funds to enlist, train, maintain, and even defend legally the collectivist radicals assidously laboring to undermine and destroy our great country.

Henry Winston, Communist Party official, stated after returning to the United States from a briefing in Moscow:

> Today the Economic Opportunity Act has already become the basis for organizing in the slums and ghetto communities and it offers the point of departure for helping to rally the rank and file millions to a mass movement.

Writing in the Review of the News magazine, Mr. Wallis W. Wood, in an informative firsthand, on-the-spot account describes the appalling condition wrought in Des Moines, Iowa, as a result of the gross misuse of taxpayers' money not only by OEO but also by HEW and HUD.

The officials of OEO provide pressure from above through taxpayers' funds to the war on poverty terrorists in the streets including their legal defenders thereby allowing them to bring pressure from below for still more Federal funds.

Yet, with full knowledge of these alarming facts, the Nixon administration, for its new American revolution, has asked Congress for a 2-year extension of the Office of Economic Opportunity.

If we are ever to have peace on the domestic scene, the OEO has got to go.

I insert Mr. Wallis W. Wood's article entitled "Something Is Radically Wrong in Des Moines," as appearing in the American News Analyst of March 22, 1971, and a news clipping:

[From the American News Analyst, Mar. 22, 1971]

Sometimes Is Radically Wrong in Des Moines

(By Wallis Wood)

Locking onto the approach to the Des Moines Metropolitan Airport, today's modern jets begin their descent over the Mississippi River, where it bisects the cities of Davenport-Bettendorf and Rock Island-Moline. Passing over the fields and farms of eastern Iowa a visitor is well aware that he is in the heartland of America. There below are the golden fields, the white farm houses and great barns, the gray windmills, and the handsome silver-domed silos from which the sun's rays reflect upward. Seeing this a visitor has no doubt that in those fields and barns and homes below there lives and works a people still close to their Creator and to the good earth He has blessed.

A visitor coming from the asphalt expanses of the Eastern Seaboard looks at the rolling hills of central Iowa, with their alternating fields of wheat and corn, their hooved version of beef and bacon standing fatly against rich pasture, and is convinced that he has entered a peaceful land where the tensions and anarchy and crime of the urban East are as foreign as the voodoo cults of Haiti.

Reaching Des Moines, such a visitor is in for an ugly surprise.

On October 10, 1968, the Jewett Lumber Company at 615 East Walnut Street on the outskirts of Des Moines was hit by revolutionary arsonists and, before the fire was brought under control, more than $500,000 worth of property was destroyed. On April 30, 1969, at least four Molotov cocktails were hurled by urban guerrillas into the Statewide Construction Company at 1544 East University Avenue. On May 13, 1970, a dynamite bomb containing more than fifty pounds of explosives rocked the headquarters of the Des Moines Police Department on Court Avenue, doing an estimated $250,000 in damage. On June 13, 1970, the Chamber of Commerce Building at 800 High Street was shaken by yet another bomb, this time causing damage amounting to more than $150,000.

In fact, during the last two years there have been more than two hundred such successful bombings in Iowa, mostly in Des Moines. Another two hundred were threatened or aborted by luck and alert police work.

Damage in Des Moines, Iowa's capital and most populous city, has already reached $2.5 million. Miraculously no one has yet been killed by the terrorists, but they are still trying. And, the frequency and severity of the terror strikes is escalating. Clearly, some kind of war is being waged in Des Moines.

Our assignment from *The Review Of The News* was to travel to Iowa to try to discover who is responsible for the continuing wave of terrorist attacks there, how the insurrectionists are being financed, and what is being done to stop them. The answers we uncovered proved to be part of a pattern being repeated in cities and towns from Maine to California.

THE OPEN REVOLUTION

So serious has the problem of urban warfare become—and so few of the terrorists have been arrested—that apathy is turning to anger in Des Moines. Not only are citizens not safe on the streets at night, but many have begun to feel they aren't even safe in their homes and places of business. Obviously something must be done.

But who is responsible?

The Des Moines police would like to ask that question of Charles Knox, age twenty-six. For at least four years Mr. Knox has been a professional revolutionary—most of that time, curiously enough, while on the government payroll. He has operated as "Minister of Education" for the local Black Panther Party, though the Des Moines chapter now uses another name after a dispute with national headquarters and his current title is not used outside of revolutionary circles.

Knox's arrest record over the past two years includes charges of assault and battery, possession of narcotics, unlawful assembly, arson, resisting arrest, and disrupting a public meeting. His apartment at 1416 University Avenue has been raided twice by the local police on the basis of information supplied to police intelligence concerning illegal caches of dynamite and blasting caps. Both times police discovered enough rifles and ammunition to start a small war; pamphlets and flyers detailing the manufacture of Molotov cocktails and providing instructions for the sabotage of civil communications and utilities; and, enough hard-core Communist literature to open a library in Moscow.

Claiming that none of this was illegal, Judge Harry Perkins of the Polk County District Court promptly ordered the police to return to Mr. Knox and his associates the rifles and pistols, the gas mask, the 500 rounds of ammunition, and everything else seized in the raids. The Judge stopped just short of requiring the police to apologize publicly.

So the Marx, Lenin, Castro, and Guevara posters continue to stare out from the windows at 1416 University Avenue, while a Communist flag waves below them. And Charles Knox knows that the best defense is a good offense. On the afternoon of October 2, 1970, only a few hours after the last police raid, he and Pantherette Mary Rhem distributed a handbill in the black community calling on all "brothers and sisters" to "Organize To Change the World!" The flyer proclaimed:

"Again the Fascist authorities of Des Moines unjustifiably harassed the Black Revolutionary Communist Youth by ransacking our apartment while they were not at home. . . . These degenerates broke out windows, kicked in doors and held 3 sisters by gunpoint as hostages while they searched the apartments. . . .

"We Communists are not afraid to express our political views and to wage struggle against facism. Our Politics Are The Politics Of Liberation (Marxism-Leninism-Mao-Tse-Tung Thought). Our Struggle Is The People's Struggle. . . .

"We further feel that the fascist attempts to intimidate us have failed for we intend to continue to disseminate Communist Literature (Mao Tse-Tung Thought), support the Revolutionary Struggles of the World against Imperialism, and display our "Red Flag" supporting Red China and praising those whose "Blood" has been dripped for Freedom. Dare to Struggle—Dare To Win!! Advance Peoples Struggle!"

A week passed without demonstrations, renewed agitation, or a single bombing. On Friday, October ninth, the people of Des Moines found out why. Lawrence Scales, Director of a federally funded project of the Iowa Children's and Family Services program, announced that Communist Charles Knox had just been hired by the agency at a salary of $7,000 per year to be a "counselor" for juvenile delinquents. Scales told reporters that Knox, admitted head of the Black Revolutionary Communist Youth organization, had impressed him (and these are Mr. Scales' exact words) with his "ability in working with black youth."

The program under which Knox was hired is officially known as the Model City Juvenile Treatment Project. The $225,270 in tax money to finance it is channeled through the Des Moines Model City agency ($63,270), the U.S. Department of Health, Education and Welfare ($92,000), and the Law Enforcement Assistance Administration of the Justice Department ($70,000).

The Model City staff had hired Iowa Children's and Family Services, a private organization supported by United Way, to run the project in which Comrade Knox would operate. John Wolfe, a "senior planner" for the Model City program, explained that "we are trying to bring alienated individuals into the mainstream of our projects. A person shouldn't be shut out because his political views disagree with the majority." Knox was recommended for the position by the Concentrated Employment Program, another federally funded Model City project for which Comrade Knox had worked earlier in the year.[1]

Understandably, the hiring of Charles Knox became a subject of some controversy in Des Moines. Two members of the City Council—Republican Robert Scott and Democrat Jack Woods—were the first to act. They demanded that Knox be fired and said that if Model Cities or the Iowa Children's and Family Services (I.C.F.S.) took no action, the Council would.

Later that same Friday afternoon the Executive Committee of the Greater Des Moines United Way voted to suspend I.C.F.S. from further aid. The United Way, a local united charities fund-raising operation, declared that I.C.F.S. had violated its agreement by not even informing the agency that it had accepted the delinquency project. No doubt the concern of United Way was heightened by the fact that the scandal over Charles Knox erupted just as it was in the midst of a public canvass to raise $2,726,000 for the coming year.

On Saturday, October tenth, the I.C.F.S. Board of Directors met to consider the squabble. Board President Lynn Vorbrich, who also serves as Chairman of the Des Moines Human Relations Commission, subsequently announced that Communist revolutionary Charles Knox would *not* be dismissed from the federal dole. According to Vorbrich, Knox had promised that he would not use his new position to recruit "marching, stomping Marxists." Moreover, the Human Relations specialist proclaimed, Comrade Knox "has a good relationship with kids, he doesn't like to see them in jail, and he's not going to counsel them to go out and rob a gas station." Right, Mr. Vorbrich, nothing *that* petty!

Director Scales of I.C.F.S. was more direct. If the City Council did not approve of his program and hiring practices, he declared, "they can cancel the contract." The next Monday, five members of the City Council took Scales at his word and said they would vote on Thursday to suspend the City's contract with the Iowa Children's and Family Services program.

Less than forty-eight hours later, as one might expect, the Iowa Civil Liberties Union leapt to the defense of Comrade Knox. And, later that same evening, the Citizens Board of the federally funded Model City in Des Moines passed a resolution reaffirming its "support and confidence in the judgment of the Iowa Children's and Family Services in conducting the program we have put into their hands." The Board asked the City Council to "reconsider the entire matter," then blasted the Council for "interfering or attempting to control the hiring practices of any Model City operating agency, particularly when such action relates to charging an individual on unfounded rumors and personal reasons."

At the same time, John C. Neubauer, Director of the Accounting Aid Society (another tax-supported agency helping the "under-privileged" in the Model City area), praised Charles Knox for his "positive contributions" to Des Moines and his "constructive social efforts." You know, things like flying the Red flag and decorating his street-wide window with a giant picture of Mao Tse-tung! Knox was the "desirable choice" for the job, Neubauer declared, and criticized the City Council for "trying to destroy" this outstanding young man.

Meanwhile, to make the situation perfectly clear, Comrade Knox was telling anyone who would listen that his Communist handbill of October second "explains my political philosophy in full." Questioned in more detail about the "people's struggle," Knox would shrug and reply, "Read what Mao said about that." And what is he trying to accomplish in Des Moines? "My job is to spread revolution," he explained.

As a result, and to no one's great surprise, the Des Moines City Council voted on Thursday to break its contract with I.C.F.S. The resolution was approved unanimously. And so avowed Communist organizer Charles Knox, who had never reported for his job as a counselor for juvenile delinquents, found both the job and the program no longer existed. The villain had been found, and fired.

Would the citizens of Des Moines, so slow to become aroused, now relax? Would the complex of projects and programs financed by more than a dozen federal agencies be subject to close scrutiny, or would they continue to go unquestioned?

On Friday, October sixteenth, the Des Moines Tribune did its best to prevent further inquiry. The Tribune is owned by Cowles Communications. Other Cowles enterprises in Des Moines include the Des Moines Register and KRNT radio and television. Board Chairman John Cowles and Board President Gardner Cowles are both members of the secret and powerful Council of Foreign Relations, the New York-based organization described by such authorities as Dan Smoot as being so powerful that it is literally an 'invisible government of the United States." The political radicalism of the Cowles brothers is known to Americans in other sections of the country through the pages of Look magazine. Their slick propaganda is, however, especially effective in Iowa since their two newspapers are by far the largest dailies in the state.

In an editorial entitled "Overreacting to Knox Hiring," the Cowles' Tribune used its most solemn tone to proclaim:

"The hiring of former VISTA worker, former Black Panther leader and current Black Revolutionary Communist Youth leader Charles Knox to a $7,000 Model Cities program job helping delinquent youth is threatening to cause many in Des Moines to 'lose their cool.'

"As we said earlier, we believe the hiring of Knox showed a lapse in judgment by Lawrence Scales, the director of Iowa Children's and Family Services (I.C.F.S.) which was to conduct the delinquent youth program. . . .

"It would be a sad irony if the furor over what one person might do to this worthwhile program led to the entire program being junked."

In the opinion of professional investigators in Des Moines, it would be an even greater irony if the recent furor prevented the entire "poverty" effort there from being junked. For if ever a program seemed designed to disrupt and destroy orderly government and the peace of a community, the tax-supported, government-directed War on Poverty in Des Moines fits that description. Consider some of the specifics.

THE UNDERGROUND REVOLUTION

On July 22, 1970, Attorney General Richard C. Turner of Iowa testified before the Subcommittee on Investigations of the Senate Committee on Government Operations concerning the recent bombings in Des Moines. After describing the explosions at the Police Headquarters and the Chamber of Commerce Building, as well as dynamite attacks on the Police Department in Ames, Iowa, and on the Science Building at Drake University in Des Moines, Attorney General Turner had this to say:

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[1] Knox was said to have been one of sixteen persons recommended by C.F.P. for the counseling job. When we pressed, no one at either agency could "remember" the names of the other fifteen nominees!

"The identities of the central figures who have planned and perpetrated these bombings and fires are known. They are known through the sworn testimony of witnesses before grand juries and trial juries. They are known as the result of statements made out of court by persons who are unwilling to testify. They are known by circumstantial evidence satisfactory to the common sense of the most skeptical layman.

"Yet, only two individuals responsible for any of the bombings and fires since 1966 have been convicted and sentenced to prison. Three others have been tried and found guilty by juries, but they have not been sentenced."[2]

There are many reasons for the failures to convict. Fear and terrorism play no small part. And Des Moines police have been handcuffed by the restrictive court decisions which have thwarted police work nationwide. As Des Moines Police Chief Wendell F. Nichols told me, "Anyone who denies that Supreme Court decisions have made our work much more difficult is simply not informed—or is not telling the truth."

But, despite such difficulties, there is much that is known and can be divulged.

On the evening of May 5, 1970, the officers of the Quick Supply Company in North Des Moines were burglarized. More than 1,000 pounds of dynamite and blasting caps were stolen from the depot. Sworn testimony has been taken in secret by a Grand Jury in Des Moines concerning the theft and subsequent use of these explosives. One witness testified under oath how Charles Knox, assisted by other black revolutionaries from Des Moines, planned the robbery, drove to the supply depot, cut through a chain-link fence, and then hauled the dynamite away in a truck belonging to the local Office of Economic Opportunity.

Police subsequently recovered three boxes of dynamite and one box of blasting caps. They were easily identifiable as coming from the Quick Supply Company because the stolen dynamite was of an unusually large size—2.5 inches in diameter—and of a kind used exclusively in quarry mining. No other supply depot in the Midwest has reported the theft or non-industrial sale of such explosives.

On June 21, 1970, an anonymous caller suggested that police investigate an area near a Des Moines overpass. Officers called to the scene discovered a metal toolbox behind a girder. One of the policemen released the cover of the toolbox. Inside were two sticks of the odd-sized quarry dynamite, wired together and connected to the lid with an electrical detonator. Metal contacts had been placed on the ends of a clothespin, with a small piece of wood inserted between them. A cord connected the wood to the handle so that when it was lifted the piece of wood would be removed, contact would be made, and a policeman would be killed and a bridge bombed. The officer was saved when a splinter of the wood remained in place and prevented the circuit from being completed.

An officer in Omaha, Nebraska, was not so fortunate. On August 23, 1970, he was killed in an explosion of a similar bomb made of that quarry dynamite. One arrest has been made in the Omaha case—David Rice, an O.E.O. employee who has boasted of his Black Panther connections in Omaha and Des Moines. Rice is a self-proclaimed revolutionary who had been under investigation nine months before the killing for his support of a "liberation school." Yet, he was kept on the O.E.O. payroll despite repeated warnings from concerned Congressmen and angry citizens. David Rice is now under indictment for conspiracy to commit murder.

The Communist revolutionaries are not above trying to make hay—or rubble—on their own side of the street, either. On April 26, 1969, a dynamite blast leveled the Black Panther headquarters at 1207 Eleventh Street in Des Moines. The Panthers—led by Charles Knox—immediately began to shout to the Cowles media about fascist oppression and intimidation, and even accused the Des Moines police of setting the bomb.

Who lit the charge?

The Black Panthers did, in an effort to achieve publicity and national attention.

Police intelligence is sure of the facts. It has a tape recording of a conversation at a Trotskyite convention in Minneapolis between two Des Moines Panthers boasting about this coup. Intelligence also knows the names of the participants. Unfortunately, the man who actually planted the bomb, James W. Lawson, is not now available to testify. He was killed several months ago in Milwaukee, when a bomb he was building went off prematurely.

THE SUBSIDIZED REVOLUTION

Earlier this year a grocery store in Des Moines became the target of radical agitation. Owned by an immigrant couple from Poland, the Geiger Food Fair at 1307 Forest Avenue has been in business for over thirty years. The Geigers have always been proud to operate a clean store with friendly service, and they often extend credit to regular customers who are temporarily short of cash.

Nevertheless, in March of 1970, a handful of black extremists declared that the Geiger Food Fair must be closed. Supported by Great Opportunity, Inc., a local O.E.O. affiliate, a line of demonstrators, clenched fists raised high in the Communist salute, blocked the store's entrance. The Geigers' customers, mostly Negroes, were advised to shop elsewhere. An O.E.O. van was parked nearby, ready to drive them to another market. Customers who refused to be intimidated were pushed and shoved as they tried to cross the picket line. A few days later a gang of some twenty thugs entered the store, knocked cans and packages from the shelves, poured charcoal starter-fluid over the mess, dropped a match, and left.

The Geigers are still in business. But their windows have been bricked over and the store appears to be under siege. Long-time residents of the area told me that the whole neighborhood feels equally threatened. They wonder why the federal government is financing the terrorists in their streets.

Earlier in the shabby history of the O.E.O. in Des Moines, Greater Opportunity, Inc. (G.O.), actually approved a formal grant of $1,541 to the Communist Black Panthers to finance an African Festival and Cultural Center. The money was first requested by the Panthers in the spring of 1968, but approval was slowed by the usual bureaucratic delays. Finally, G.O. Director Donald McKenzie, N.A.A.C.P. leader John Estes, Assistant City Attorney Gary Swanson, and several other influential citizens of Des Moines—including Monsignor Paul Connelly of Catholic Charities, the Reverened Frank Kroll of the United Church of Christ, and Robert Manheimmer of the Mayor's Task Force—issued an appeal for the money to be granted. McKenzie's letter said in part: "There is growing belief that the Black Panther Party is a positive dynamic force in this community, and should be assisted in doing their thing."

The very evening that the G.O. executive committee met to approve the grant, some twenty Panthers stormed into the meeting and announced that they didn't want the money after all. When order was finally restored, the motion to authorize the funds was rescinded. Two days later the G.O. Board of Directors reversed its own executive committee and allotted the funds anyway.

By this time the Panthers had decided they weren't going to get the money, didn't want it, and anyway they had changed their minds about an African Festival and Cultural Center and were instead raising money to pay bail bonds! And, yes, an O.E.O. program has also been established to assist these revolutionaries when they get caught. In fact, the Legal Aid Society in Des Moines even used part of an O.E.O. grant to bring suit against the Des Moines Police Department!

More recently, the Accounting Aid Society in Des Moines decided to use a $75,000 grant from O.E.O., and $50,000 from other federal agencies, to launch a "consumer education program" in that Iowa city. From Washington came a recommendation to hire for the project one Max Wiener, an "expert" from Philadelphia. Wiener is a former reporter for the Communist Party newspaper, the *Daily Worker*, who was once convicted of election fraud while trying to get Communists on the ballot. This "consumer expert" declared bankruptcy himself in 1965, so he could hardly be in this "business" for any reason other than to express his radicalism.

Wiener claims that he has not been a member of the Communist Party for years. Even so, his consultations on "consumer education" in Des Moines revolved around demonstrations, boycotts, and picketing of "unfriendly" merchants. Wiener is no longer in Des Moines, and the O.E.O. isn't telling how much he was paid for his advice.

Another O.E.O. employee who is the subject of some concern is Mr. James "Big Jim" Thompson, a former policeman who is described euphemistically as having resigned "under a cloud." Thompson, who is such a good manager that he was able to so stretch his policeman's pay as to be able to afford luxury automobiles and a palatial home, was about to be asked some pointed questions by the Narcotics and Vice Divisions of the Des Moines Police Department when he decided that department from the Force was the better part of valor. Now he receives federal funds as an O.E.O. coordinator in Des Moines.

You will be glad to know that at least one of the charges against O.E.O. was subsequently shown to be false Clive De Patten, a former Panther and admitted revolutonary from Des Moines, had told investigators for the House Internal Security Committee that he was employed by the O.E.O. Careful checking established that he was not; the federal funds which revolutionary De Patten was receiving came through the Concentrated Employment Program, which *used* to be funded by the O.E.O. but was subsequently subsidized by the U.S. Department of Labor—to the tune of $1.6 million a year.

De Patten's confusion about where his paycheck comes from is understandable when you realize that there are at least eighteen separate antipoverty agencies at work in Des Moines and, as we have already seen, in many cases poverty projects receive funds from two, three, four, or even more different federal bureaus. Under such circumstances, which group is in charge? No one seems to know. In fact, it is virtually impossible to determine for certain which federal agency is paying for what, who approved the project, or who is responsible for supervising it.

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[2] One of those who has been indicted but never convicted on arson and bombing charges is Mrs. Joeanna Cheatom. The "Mrs." is honorary; she was born a Cheatom. The mother of four illegitimate children and leader of the militant Mothers for Dignity and Justice, which is tied to the radical Welfare Rights Organization seeking more aid to mothers of dependent children, Mrs. Cheatom budgets her aid so well she was able to use it to finance a trip to England. Joeanna has joined Charles Knox on a breakfast program for needy children at the O.E.O.-G.O. center on Forest Avenue, where youngsters receive both nutrition and an "education" every morning. The food is donated by area merchants; the propaganda by Communist Charles Knox.

One official who tried to penetrate this bureaucratic maze is Iowa State Auditor Lloyd Smith, who has earned a reputation as one of the most diligent and effective administrators in the State. Smith uncovered enough about the "War on Poverty" in Des Moines to conclude that such agencies had become little more than "havens for radicals." And, since his office is responsible for investigating the use of tax funds in Iowa, he began an investigation of those eighteen federally subsidized anti-poverty groups.

Auditor Smith did not get very far, however, before he was informed that the State of Iowa has no right to check on federally funded programs in Iowa. "We are," he was told again and again, "responsible only to Washington." In fact, Smith has even been refused the *names* of Iowa citizens employed by the "War on Poverty" forces. One hardly has to wonder why!

Representative William Scherle, whose Seventh Congressional District abuts Des Moines on the East and Omaha on the West, has also had some angry words to say on this subject. Congressman Scherle is a member of the House Internal Security Committee, which has been investigating the ease with which such Communist revolutionaries as the Black Panthers have been able to acquire federal funds for their radical purposes. Although he was in the final days of his campaign for reelection when I visited in Iowa, Mr. Scherle considered the situation so serious that he agreed to take much of a morning out of his busy schedule to discuss this subject with us.

I asked Congressman Scherle just how serious the problem of radicals and revolutionaries on the government payroll has become. "The situation is ***unbelievable,*** he replied. "It runs rampant throughout the country. It almost appears that the poverty agencies are seeking out the worst sort of militants!"

The Congressman identified three main problems turned up by the House Committee on which he serves. The first, he said, is the laxity in hiring practices. William Scherle cites Robert Tysong, Iowa's O.E.O. Director, as being among those who have taken a "soft line on hiring radicals." And the fact is, he said, that "the hiring of militants and revolutionaries is a common problem throughout the country."

A second difficulty is the multiple funding of so many programs. Congressman Scherle explained:

"I never realized before that it was causing such a problem. You take a particular project or program, and have it funded by O.E.O., by H.E.W., by H.U.D., and the Department of Justice; there is no way of knowing who has jurisdiction. They all contribute funds but nobody takes any final responsibility. And the agencies and regional heads are afraid to speak up, because they don't want to step on someone else's toes. So they do nothing."

The third major problem outlined by the Iowa Congressman was the irresponsibility of many of the officials involved. "At the worst, they feel immune to any type of investigation, any type of direction. This is typical throughout the whole anti-poverty program," he said. But not every official is arrogant; some are merely indifferent: "They have little or no interest in the people or the programs. They are just interested in protecting and expanding their own bureaucracy."

Have these problems become more, or less, serious during the past two or three years? William Scherle is emphatic: "There is no question about it; they are *much* more serious. More militants, more radicals, more undesirable characters have found a haven in the anti-poverty programs. The entire 'War on Poverty' has been racked with corruption, embezzlement, and lack of benefits."

What is Congressman Scherle's solution? He is a direct man, and he puts it simply: "The entire O.E.O. ought to be dismantled and junked!" Lest that recommendation sound extreme, the thoughtful Iowa Representative added that he is *not* recommending the abandonment of all federal efforts to help the under-privileged. But the O.E.O. and its allies in the "War on Poverty" have such an unsavory history, he believes, that "these agencies can no longer attract the sincere poor. The very people who need and deserve the help the most will not participate."

I was not surprised to find that many of Des Moines' citizens, both black and white, share Congressman Scherle's opinion. A number of them, however, are reluctant to be quoted for publication. One who is not is Pastor Ezell Wiggins, a Negro minister whose voice echoes with the wrath of Isaiah when he describes what the federal government is doing to Des Moines:

"In the past two years, these programs have not done hardly anything constructive. How are the leaders for these projects picked anyway? I know as well as anybody that Charles Knox has no business being a counselor for juveniles. He is an avowed, self-styled Communist. There shouldn't be any argument about him. He should never have been hired! He should never have been approached! But he's not the only one like that; there are plenty of others."

I asked Pastor Wiggins how other members of the Negro community feel about the situation. Too many people seem too willing to be "spokesmen for every Negro," he replied. "I'm not one of them." But, he added, I can tell you that "probably ninety percent or more of the Negro people I know do not agree with what has been happening. Yes, they feel they should receive some help, some assistance, so long as these programs have been legislated. But putting some of these radicals in charge is doing harm, not good."

As far as "rehabilitating dissident elements," or "drawing them into the mainstream" in Des Moines, Pastor Wiggins made more sense than any of the scores of federal bureaucrats with whom I have spoken. Here are his exact words:

"If you're going to wash a hog, you've got to take him out of the hog pen. You can't get in the mud puddle with him and expect to get him clean. You both just get covered with filth. The people who plan these programs should have more sense! But, instead, the government seems to be employing criminals to work against the government!"

Before I left, Pastor Wiggins said that if I was going to quote him I should add this final statement: "Tell your readers that Pastor Wiggins believes in America, and he believes in liberty. But he thinks rioters and trouble-makers don't get the punishment they deserve. In fact, some of them are arrested and back on the streets before the police have time to file a report!"

I could only shake my head in mute sympathy, and agreed to raise the matter during my interview with Police Chief Nichols the following morning.

THE WAR ON POLICE

The federal "experts" who control the purse strings to the taxpayers' funds have a two-part solution to the problems of law enforcement. The first is to turn existing police officers into "sensitive," college-trained sociologists. The second is to get the criminals off the streets by putting them on the public payroll. Together, the two stratagems form a vise that can crush effective administration of justice. Both are well underway in Des Moines.

At least two federally funded programs, the Concentrated Employment Program and the Model Cities Police Cadet Project, have helped solve the financial worries of various dissidents, militants, and lawbreakers in Des Moines by seeing that they receive a government check every week. For example, Dennis Ashby is paid nearly $7,000 a year through the Des Moines Police Department, ostensibly to help recruit young Negroes for police work. Since Ashby's criminal record includes charges of burglary, larceny, parole violation, intoxication, and armed robbery, one might be understandably skeptical of the caliber of recruits which federal money is paying him to attract.

But Mr. Ashby is ambitious. This summer he asked the Des Moines Urban Affairs Bureau to give him $29,000 to organize a "crime prevention bureau" in the black community. Several members of that Bureau had the audacity to question him about his proposal. How would the money be spent, they wondered. And what would his "crime prevention bureau" actually *do* to prevent crime? Tongue-tied and sullen, Ashby stamped out of the meeting. Chairman Watson W. Powell Jr. then came to Ashby's defense, explaining that he thought he could come up with about $20,000 in additional federal funds to finance the proposal. And it wouldn't cost Des Moines a cent!

It is curious to me that the argument that federal funds are harvested from trees somewhere along the Potomac continues to be offered by urban bureaucrats who would presumably find themselves embarrassed by the canard that a city might be saved by the tooth fairy or a pot of gold at the end of a rainbow. Yet, they persist in their odd delusions. Des Moines City Manager Tom Chenoweth, for example, supported the Police Cadet Program with this argument: "I think it deserves a try, particularly since no local funds are involved." Of course *all* of the funds were local—once. And for every three dollars of the taxpayers' earnings that flow into Washington, only one dollar trickles back as "free" federal money.

Most of this business is howling madness. One project financed by the Law Enforcement Assistance Administration was funded to pay for the hiring of a dozen youngsters to "walk the beat" with police officers in potential trouble spots. But when the Des Moines Police Department abandoned such foot patrols, and substituted patrol cars instead, the federal program went right on rolling. Today, twelve checks are still drawn each week to pay the "walkees" in an abandoned program. A policeman delivers them to a Des Moines market in the black community.

Sometimes, however, even the poverty wizards go too far. Such as when Communist Charles Knox was hired two years ago by the O.E.O. as a Careers Program trainee—to work in the *records* section of the Police Department. Chief Nichols thought this was a bit much, and fired him. Comrade Knox promptly filed a complaint with the Human Relations Commission, accusing the Police Department of discrimination!

When I spoke with him recently, Police Chief Wendell E. Nichols still seemed upset about programs under which the Police Department must pay the salaries of radicals, revolutionaries, and just plain old-fashioned crooks. It is galling, he declared, to have them "openly tell us—while taking our money—that we are nothing but a bunch of '* * * pigs.'" Not that the Chief is against rehabilitation, he insists. It is just that he thinks some demonstration of a sincere change of heart should be a prerequisite to putting a criminal on the federal payroll.

Not every criminal can be given a government salary, of course. So tax-supported projects have also been established to see that lawbreakers spend as little time behind bars as possible. The National Council on

Crime and Delinquency, for example, operates a "pre-trial release" program that gets around such headaches as bail bonds. One effect of this relentless concern for the criminal, Chief Nichols told me, is that a tremendous number of criminals are arrested two, three, or more times—while waiting trial on a first charge. "On the average day," Wendell Nichols reports, "one-half the serious crimes in Des Moines will be committed by people who should be in jail. Some days the figure is as high as seventy percent!"

What about the federal O.E.O.? I asked the Chief.

"As far as I'm concerned," he replied, "it has done absolutely nothing to make the problems of law enforcement in Des Moines any easier. Nor have the persons connected with O.E.O. contributed one single iota to the peace of this community."

As we have already seen, Chief Nichols was putting it mildly.

WHAT CAN BE DONE?

Our investigations in Des Moines were necessarily limited. Lacking official status and extended time, we succeeded in doing little more than scratching the surface. Still, we have presented here only a small part of what we uncovered. Much remains unsaid. Things like how the revolutionaries have succeeded in capturing much of the Welfare operation in Des Moines; details on the massive corruption and irregularities in the multimillion-dollar Model City program; the direct tie-in between the Communist revolutionaries and more traditional criminal activity; and, a study of the "sensitivity training" program which is being promoted for top city officials and community leaders.

An exhaustive treatment of all of these issues would require a book, not a magazine article. Nor should it be necessary. Certainly we have presented enough of the facts to justify the demand for a calm, deliberate, and *detailed* investigation, by a responsible and impartial authority, of the entire "anti-poverty" operation in Des Moines. It is definitely *not* enough to entrust the politicians and bureaucrats who are on the receiving end of such funds to maintain the proper checks and balances.

Mayor Thomas Urban, who is so committed to the Left that he served as a sponsor of the Vietniks' Great Plains Moratorium, and who officially welcomed the Communist-riddled Vietnam Moratorium Committee to Des Moines, has dismissed the current concern over the poverty programs as an election-eve move to "discredit" the O.E.O. "I hope they are as interested in these programs subsequent to the election," Mayor Urban proclaimed. If the people of Des Moines really care about what is happening to their city the Mayor will get his wish.

Incumbent Governor Robert D. Ray of Iowa has been in the unenviable position of denying both that he has any knowledge about the wrongdoing in the anti-poverty programs, and that he has any control over these programs even if they are thoroughly corrupt. This despite the fact that his own appointee, Robert Tysong, serves as State Director of the O.E.O. And, despite the fact that local, state, and federal officials have all reported that on numerous occasions they have brought a variety of these abuses to the Governor's attention. Director Tysong, a close personal friend of the Governor, may be handicapped by a lack of familiarity with the local programs; in just ten months he has taken at least twenty-one trips out of the state.

But the solution to such incredible abuses of responsibility, authority, and public trust must, ultimately, rest with the people of Des Moines—and the people of every other city in the United States where our tax money is being used to finance crime and revolution. For a war *is* being waged, and the productive wage earners of America are the target. Unless federal financing of this revolutionary turmoil is halted, there will soon be no noncombatants or innocent bystanders in this struggle. All will be victims.

[From the Washington Post, Mar. 9, 1971]

Nixon, in Switch, Requests 2-Year Extension of OEO

(By Spencer Rich)

The Nixon Administration, in a surprise move, asked Congress yesterday for a flat two-year extension of Office of Economic Opportunity.

But OEO officials contended the request doesn't signal any reversal of previously announced plans to shift all of OEO's action programs to other agencies and to change the central OEO office into a research agency.

They said the two-year extension is designed simply to keep the poverty war alive until Congress acts on the OEO reorganization proposals, portions of which have not yet been formulated in detail.

In a letter to the House and Senate Labor committees, which will consider the poverty program's fate, OEO Director Frank Carlucci said, "Pending congressional action on the President's proposals (for reorganization), we believe it would be inadvisable to consider any substantial revision of the Economic Opportunity Act, and accordingly, no amendments are incorporated in the proposed bill other than" a two-year extension.

Jacob K. Javits (R-N.Y.), senior Republican on the Senate Labor Committee, had previously introduced a two-year extension measure of his own and has been urging the administration to agree.

The fate of the poverty program has become a key issue between the administration and many Northern Democratic and Republican liberals.

President Nixon, in statements over the past two years, has indicated he wants to break away from the OEO all the action programs created by the Johnson administration and leave OEO as a research agency. Many liberals contend this would undermine the government's antipoverty effort.

Current programs expire June 30, and according to various administration bills or statements, the administration planned the following actions on programs now under OEO:

Abolish all the existing special manpower training programs now under OEO—Job Corps, Neighborhood Youth Corps, Operations Mainstream and the Opportunities Industralization Centers—and let the states and cities provide manpower training with funds from the President's proposed $2 billion special revenue-sharing program for manpower.

Transfer OEO Legal Services to a new quasipublic corporation of as yet unspecified powers. Many liberals favor the corporation but say they fear the administration may seek to give it only limited powers to help the poor.

After Jan. 1, 1973, shift jurisdiction over the Community Action Program elsewhere (probably to the Housing and Urban Development Department) and let the cities fund the Community Action units with money from urban revenue-sharing.

An OEO spokesman said none of these proposals is being abandoned, but it is recognized they'll take time to get enacted by Congress, so a two-year extension is desirable.

The House Labor Committee will open hearings on the two-year plan Monday. The two-year authorization sets no specific dollar ceilings on appropriations.

PROBLEMS FACING BROADCASTERS

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. MIZELL. Mr. Speaker, at this time, for the benefit of my colleagues, I would like to insert in the Record the text of a speech delivered February 17, 1971, at Wake Forest University by Mr. Harold Essex, president and treasurer of Triangle Broadcasting Corp., and general manager of WSJS television and radio in Winston-Salem, N.C.

Mr. Essex, an eminent broadcaster for the past 40 years, addressed himself to the problems facing broadcasters of today—problems including the ban on cigarette advertising, proposed limits on political campaign spending, and other subjects as well.

His remarks, I believe, will be of interest to all of my colleagues, and I now submit the text of that timely address for their consideration:

Problems Facing Broadcasting

(By Harold Essex)

I was delighted when Dr. Burroughs extended an invitation to me to come out and talk to you this afternoon. His suggestion was that I discuss some of the problems and trends in broadcasting today, and offer any thoughts that I might have on solutions to these problems. We broadcasters have plenty of problems. The only difficulty I had in preparing for this visit with you this afternoon was deciding on just which ones to address myself to.

The title I have given to my remarks here today is "Is The Honeymoon Over?" The dictionary describes the word "honeymoon" as meaning a period of harmony. So let's examine some of the problems that bug the broadcaster today, after which I'll let you make up your own mind about the end of the honeymoon for broadcasting, particularly television. The problems I'm going to outline will not be necessarily in their order of importance . . . the individual broadcaster must rank them in that order in accordance with his own situations.

And that leads me into an observation to set the stage. The average broadcaster is a rugged individualist. Many of our problems down through the years would not have become major problems if we, the broadcasters, could have gotten together and presented a solid front. But it just doesn't work that way. One of the major problems that broadcasters faced recently, and probably one of the most critical problems in broadcasting's history, was that of cigarette advertising. Congress finally stepped in and resolved that one when we couldn't resolve it ourselves.

I will always believe that broadcasting didn't have to lose cigarette advertising, but we fought among ourselves for so long over the problem, without agreeing to a solution, that we lost the whole ball game. Right now a group of radio stations are involved in an after-the-fact action—court action to determine whether the law passed by Congress prohibiting the advertising of cigarettes over the air is constitutional, because of its discriminatory nature. The law prohibits the advertising of cigarettes in one medium, broadcasting, leaving other media free to carry all the cigarette advertising the manufacturers want to run.

I'm not attempting here to make a case for cigarette smoking. I certainly agree that cigarette smoking is not beneficial to health, but for my satisfaction it has yet to be proven that cigarette smoking is as dangerous to health as it has been made out to be by some people. I think the jury is still out on that one. Meantime, the broadcasting industry has been nicked by congressional action for annual advertising revenues in the neighborhood of 250 million dollars.

But the cigarette issue is water over the dam and broadcasting can now forget about it, unless by some miracle the legal action that has been instituted should succeed. I happen to believe that it will not.

Now let's move on to other problem areas that are as yet unresolved. I have said that I believe the law banning cigarette advertising is unconstitutional because of its discriminatory nature. I believe that the same thing applies to a law that was passed last fall by the Congress, setting a limit on political campaign spending in broadcasting, and requiring that broadcasters give political candidates the privilege of a favorable advertising rate, not available to other advertisers, while not setting forth any restrictions for other media, also to be discriminatory.

Fortunately, President Nixon agreed, and vetoed the bill. But that's only the first round. Already a number of bills to control political spending have been introduced in the new Congress and there are others to come. Broadcasters agree, almost to a man, that there should be some control over campaign spending by political candidates. But we don't think it right that we should bear the brunt of the control, leaving other media free to accept every dollar that's offered to them by the politicians.

Coupled with most of the bills being offered in the proposal to modify Section 315 of the Communications Act which now requires that a broadcaster, if he allows a candidate for a particular office to use his broadcast facilities, he must then provide equal time for all other candidates for that same office. Various proposals are being made for modification of Section 315, but the main thrust is in the presidential and vice presidential areas. As the law stands today, should the broadcaster provide time for candidates for President and Vice President of the major political parties during a presidential campaign, he must provide equal time for every candidate for President and Vice President in that particular campaign. This means that the air would be choked with all those splinter party candidates, and "no party" candidates who would come out of the woodwork demanding to be heard. Such a list might include the candidate of the Prohibition Party, The Vegetarian Party, the Socialist Party, and dozens of kook organizations that would grasp this opportunity to spout their kooky philosophies to the nation. The networks and the majority of the broadcasting stations in this country would be glad to provide time for meaningful candidates to present their views to the voters, and without charge, if Congress modifies Section 315 of the Communications Act. But as the law stands today, the broadcaster is prevented from doing that. Any law that is passed by Congress in an effort to control political campaign spending should contain provision for modification and modernization of Section 315, and it should not discriminate against any one medium. There's plenty to be said on the political campaign spending problem but there are other problems to cover here today, so let's move along to some of the others.

Within the past year the Federal Communications Commission has increased fees charged to broadcasters by more than 1000% over the application filing fees in effect since 1964. The total amount to be collected from all industries regulated by the Federal Communications Commission, including broadcasting, telephone, two-way business radio, etc., represents a 600% increase. Numerous new charges include an annual fee, a large fee for new stations and changes in existing stations, and a 2% "sales tax" on the sale price of stations. The Federal Communications Commission's appropriation from Congress this year is in the neighborhood of 25 million dollars, and the Commission proposes to recover the full amount of its appropriation by this fee system. Broadcasters are in agreement that some reasonable fee system is probably in order. But for the Commission to attempt to recover its entire appropriation through the fee route does not seem proper. The Commission engages in many activities which are intended for the benefit of the genral public and yet it now seeks to require the licensees of *some* of its regulated industries to pay the full cost of maintaining the entire agency. Of its 25 million dollar annual appropriation the Commission estimates it will collect 9½ million dollars from broadcasters, which is more than one-third of its entire budget to handle all the business of communication with which the Federal Communications Commission is concerned. Another aspect of this fee system that bothers the broadcasters is the possibility that the Federal Communications Commision could, on its own volition, enlarge its agency, increase its annual expenditures, and increase the fees charged to broadcasters to pay for this increased activity. No other regulatory agency of the government, acting under the authority that is claimed by the FCC, has proposed to collect fees to recover the full amount of its appropriation. Unless some general limit is placed upon the authority of federal agencies, we can envision progressively higher fees as the result of increasing appropriations for bigger bureaucracies. Congressional guidance in the charging of fees by the FCC is urgently needed. Authority to agencies of the government to levy fees should be a limited one, and no new fee schedule should go into effect until the Congress has ample time to review it. As the situation stands now, the Commission seems to literally have a blank check.

A couple of examples here will show you what this means in dollars. The fee schedule now in effect would require an applicant for a new VHF television station in the Winston-Salem/Greensboro/High Point area, or in any of the 50 top markets in the United States, to pay $5,000 down with his application and then, if his application is granted, he would pay a grant fee of another $45,000. In other words, he would pay $50,000 for a piece of paper, which in effect we would call a hunting license. That figure scales on down for applicants for stations in smaller markets. Such a fee schedule also applies in the case of applications and grants for AM and FM broadcast stations. For example, a station like our WSPS-AM would require a fee of $400 to be paid with the application for a grant and an additional $3,600 to be paid upon receiving the grant. So much for grant fees, which are one-time only fees. But now comes the *annual* fee that a station must pay. AM and FM radio stations must pay an annual fee to the Federal Communications Commission equal to 24 times the station's highest single one-minute announcement rate. Again, to give you an example in dollars and cents, currently we pay an annual fee to the Federal Communications Commission of $672 for our AM radio station, and another $336 annual fee for our FM station, or a total of $1,008 annually for our radio stations. The annual fee paid for television is an amount equal to 12 times the station's highest 30-second announcement rate. In our case that rate is $200, so simple arithmetic shows you that we have to pay $2,400 a year to the FCC as a fee for our television station. And we have no assurance that next year the fee may not be increased to meet increased costs of operating the Federal Communications Commission.

Now these dollar figures that I've given you are those that apply to our operations here in Winston-Salem. But when you consider broadcast stations, television and radio, in the large metropolitan areas, where advertising rates are considerably more than what we charge here, you can see that it runs into quite a bit of money. Just one example, to give you an idea: WNBC-TV, the National Broadcasting Company's television station in New York City, has a rate of $6,000 for a 30-second announcement. Quick arithmetic shows you that WNBC-TV must pay an annual fee of $72,000.

Incidentally, Dr. Burroughs, since you do not have a rate card for WFDD, there seems to be no reason for your paying an annual fee. Also, the rule seems to provide that there is no fee to be paid by stations like WFDD on applications. So don't sell anything on WFDD, or it might cost you more than you make.

In some quarters this new fee system of the FCC is considered to be a tax, and the question has been raised as to whether an agency of the federal government can levy a tax. This seems to be the prerogative of Congress only, and this is being investigated.

Again, I have spent considerable time on one subject, so let's hurry along.

Another item that proposes to hit at the broadcaster's pocketbook is the proposal made in a bill introduced in the last Congress—the Copyright Revision Bill—that record companies and performers be paid a special fee by broadcast stations in *addition* to the present fees paid to the American Society of Composers, Authors and Publishers, to Broadcast Music, Inc., and to a third music licensing organization known as SESAC. This bill died when the 91st Congress ended, but it is expected that this or a similar bill will be part of any new copyright legislation introduced this year.

This is a pretty silly piece of legislation, strictly a grab for an additional piece of the broadcaster's dollar. The performers are already well paid for making records on a royalty basis by the manufacturers and the manufacturers certainly make a profit on the sale of the records. Beyond that, I wonder what the sales of records would be if there were no broadcasters to give these recordings exposure over the air to the public? Again to give you an example, our stations, radio and television, already pay approximately $5,000 a month in royalties to the three music licensing organizations that I have just mentioned. The attempt to get this type of bill passed seems to me to be an attempt to bite a big piece out of the hand that feeds the performers and record makers.

While we're on the subject of copyright, the 91st Congress, in its Senate Judiciary Committee, considered at length a copyright law revision bill but it was not reported out. This is something that is needed badly because the present copyright law dates back many years, and the present state of the art in broadcasting plus the advent of CATV makes the current law somewhat archaic. We're hopeful for some modernization of it, but the broadcaster is going to have to be very watchful that he doesn't get clobbered in the process.

I mentioned CATV. That, of course, is community antenna television. This is a subject that could take up all the time allotted to us here this afternoon so I won't go into it except to say that many broadcasters are concerned about CATV and what they believe is a threat posed by it to free over-the-air broadcasting. I don't happen to share that feeling in its entirety. I think CATV and over-the-air broadcasting can live together if the Federal Communications Commission is reasonable in the rules it will adopt in the near future for the regulation of CATV. However, some of the proposals, if adopted, would cause such a radical change in the existing structure of broadcasting that the American public would quite likely receive broadcast service inferior to that which is available to it today. Because of the complexity and enormity of this problem it is imperative that the appropriate congressional committees examine at length this regulatory plan of the FCC and determine what communications policy would best serve the American public.

Ownership of broadcast properties also is in jeopardy today. The FCC has issued proposed rules which, if adopted, would drastically restructure the broadcasting industry. The FCC contemplates regulations which would limit ownership in a market to one television station, or one radio station, or one newspaper. The broadcasting industry firmly believes that such a basic change in the traditional ownership patterns should be accomplished only by congressional authorization after demonstration that such action would be in the public interest. I believe the "one-to-a-market" rule, if enacted, would result in a loss of service to the public.

Freedom of expression and access to the broadcast media is a subject that is of much concern today. In today's atmosphere of turmoil and social conflict there is a growing threat to freedom of expression on radio and television. Stations, as well as networks, are under verbal attack because of alleged imbalance in presentation of news and public affairs. Such attacks come from liberals as well as from conservatives, Democrats as well as Republicans, "hawks" as well as "doves". The Federal Communications Commission is dangerously expanding the so-called "Fairness Doctrine" to control more and more who shall have access to the media. The Commission is in fact substituting its judgment for that of the broadcast licensee to prescribe what issues must be broadcast and what spokesman must be granted access. Broadcasters must exercise the highest possible degree of responsibility and must strive for fairness in presenting all significant points of view on controversial issues. But broadcasters must look to Congress to prevent the federal agency from assuming the power to make program judgments. I don't want, and you don't want, government control of broadcast programming.

There are those in this country today who are working hard, every day, to bring about radical social change in our country. And they know that the broadcast media, if they can control it, will speed the day of their take-over. They must not be allowed to prevail. Broadcasting must be kept free so that it may speak for all the people and not just for the pressure groups that want to destroy the free enterprise system and impose upon these United States a way of life that you and I would find unbearable.

But now I've worked myself up into an evangelistic state. That's not too much out of place on a Baptist campus, I admit. There are more problems to cover, but we'll leave them for another time and another place, and use any remaining time to kick around some of the subjects that I have covered here this afternoon.

In closing, let me make one thing quite clear. I have talked to you this afternoon about some—not all—of the problems that face the broadcaster today. Put them all together and it could be quite a discouraging situation. But we, the broadcasters, are not discouraged. The easy way out would be to get out of broadcasting and find something that you think would be less frustrating. But where in the world would you find a profession that is any more challenging, more interesting day by day, and more enjoyable overall? I've been in broadcasting for more than 40 years and I'd be the most unhappy guy you ever saw in any other type of business. I love it, and I recommend broadcasting or one of its allied fields for your consideration when you start looking for your place in the business world. I can't give you many guarantees, but I can give you one . . . you won't be be bored to death because there's never a dull moment in broadcasting.

Thank you, Dr. Burroughs, for the opportunity to be here this afternoon.

IN INTRODUCING A BILL TO PROVIDE TAX INCENTIVE FOR HOMEOWNER TO CONNECT WITH PUBLIC SEWERS

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. FREY. Mr. Speaker, today I am introducing a bill to induce homeowners to abandon private septic systems and connect to public sewers. The taxpayer will be given an income tax deduction: any capitol expenditure incurred to connect a sewage line from the residence of the taxpayer to a municipal sewage system shall be considered to have been a capitol expenditure incurred with respect to property held for the production of income. At the present time, an assesment of sewer project costs is deemed simply a property improvement and, therefore, not admissible as an income for deductible items.

With the large amount of sewage plant construction taking place due to the increase in appropriations for such projects and the increased availability of State and local bond issues, there is a need to make it less expensive for the individual homeowner to connect to a public sewer line.

In many rural areas, homeowners cannot afford the expense of switching from a septic tank to a sewer line. In the State of Florida, for example, the average cost varies from $750 to $1,200. Moreover, health reasons make it mandatory that public sewer systems replace septic systems in the developing urban areas. The density of septic tank usage in these areas is polluting surface water and the septic tank runoff is polluting lakes and streams.

A corporation is, at present, allowed to deduct the cost of connecting to a sewage line. An individual homeowner should receive the same treatment. The construction of sewage facilities should be considered a general public improvement because of the general benefit of pollution control and elimination of hazards to public health.

The situation in Florida is becoming quite acute. Because of County Health Departments recommending that public sewage systems replace septic tanks, the State legislature recently passed a constitutional amendment to pledge the State's full faith and credit for local bond issues and also allow the State to issue bonds to construct sewage facilities. South Florida alone needs $1.5 billion in sewage works.

The legislation I am intrdoucing today will provide both an inducement and relief for homeowners to connect with public sewage lines and, thereby, abate the pollution caused by over-reliance on septic tanks.

HASSLE OVER FROZEN FUNDS MAY NIP REVENUE SHARING

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. EVINS or Tennessee. Mr. Speaker, the reaction throughout the country against the arbitrary and excessive impoundment of funds appropriated by the Congress by the Bureau of the Budget continues to mount.

In this connection the Nashville Tennessean in a perceptive editorial points out that by withholding funds, the budget bureaucrats may be jeopardizing the administration's chances for approval of some revenue sharing plan by the Congress.

Because of the interest of my colleagues and the American people in this most important subject, I insert the editorial in the RECORD:

HASSLE OVER FROZEN FUNDS MAY NIP REVENUE SHARING

President Nixon has blocked the spending of $23.2 billion appropriated by Congress last year for aid to cities, rural development, transportation and public works.

At the same time, the President has been increasing the pressure on Congress to pass his "revenue sharing" proposal which Mr. Nixon says is intended to return federal money to the states to help the cities, fund rural development, or be used for any other purposes the states desire.

It is no wonder that congressional leaders are beginning to accuse the President of hypocrisy in paying lip service to the needs of states and cities and withholding the federal money already appropriated for these purposes.

The frozen appropriations include funds for such things as environmental protection, $11 million; health services, $72 million; education, $31 million; basic water and sewer facilities, $200 million; farm credit, $260 million; agricultural conservation, $46 million, rural electrification, $25 million, and many other such items which are of basic concern to people living both in the cities and on the farms.

Mr. Nixon has said he is for helping the cities, that he is for rural development and environmental protection and many of the other purposes for which Congress has appropriated funds. But when he refuses to spend the money that is available for these services, his actions speak louder than his words. It appears that the President is less interested in seeing that the people get the services than he is in seeing who gets the credit.

Mr. Nixon has been trying to convince Congress that his revenue sharing plan is the ideal way to put federal money into the service of the people. But the President may now have made a tactical error. The hassle over the frozen funds is giving Congress an opportunity to see what it is like to appropriate money with no say as to how—or when—it is spent.

Some congressmen seem to feel that Mr. Nixon wants revenue sharing so that he can take credit from the voters for federal money spent by the states and local governments. They see Congress reduced to the role of handing out tax dollars to be spent by others.

Many congressmen fear that money which should go to combat pollution, improve living conditions in the cities, or buy milk for hungry children in the schools could end up paying for electronic devices and patrol cars for the local police.

This would be contrary to Congress' jealously-guarded tradition of appropriating public funds for specific purposes and taking credit itself from the voters.

President Nixon may be able to convince a majority of Congress that it should willingly give up this political advantage. But he has not improved his chances by freezing $23 billion in appropriations intended for spending in virtually every congressional district in the nation.

ARGUMENTS AGAINST ABORTION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 30, 1971

Mr. HOGAN. Mr. Speaker, arguments against abortion are varied, but on examining them closely, one thing remains constant. That fetus which is to be so casually disposed of is not some extraneous part of the body, but a human being with the right to life.

In a recent WTOP editorial reply, Mr. Thomas O'Herron, an attorney and a member of the U.S. Foreign Service, elaborates quite ably on this theme. I urge my colleagues to consider his rebuttal:

EDITORIAL

(A recent WTOP Editorial called on the Maryland Legislature to relax that state's abortion laws. Such decisions, said the editorial, should be left basically to the woman and her physician. Here with a reply is *Thomas O'Herron,* an attorney and a member of the U.S. Foreign Service.)

The view that the question of abortion is one which should be decided between a pregnant women and her doctor would be a sound one if a fetus were a tonsil or an appendix, but it is not. The fetus is not an organ; it is not part of its mother and should not be subject to disposal at her wish alone.

Within a few weeks of conception, the fetus is recognizable as a child. Its genetic composition is unique in history and can never be repeated. Its nervous system, its circulatory system, its disgestive system, and even its fingernails are well formed and need only time and protection to mature.

This fetus is one of us—he is a member of the human family. Because he cannot defend himself, society must defend him. And because this fetus *is* a human being, there is no pressing social problem or no degree of personal inconvenience which can justify his destruction. If history has taught us anything, it is that no society can function if it permits some of its members to decide which of the others shall live.

Those who would support easy abortion should see one performed. The act itself is hideous and repugnant to everything decent men value. In the early weeks of pregnancy, the fetus is destroyed by being sucked through a tube inserted into the womb; later he is scalded to death by a salt solution injected into the sac in which he dwells: in advanced pregnancies, he is removed by Caesarian section and left to struggle for breath until he dies.

Each of us lives briefly and but once, and we should treat each human life with the respect that its uniqueness demands. To do so is to dignify the human family; to treat human life as expendable if it is inconvenient is to demean all of us.

A RESOLUTION URGING THE RETENTION OF THE DEPARTMENT OF AGRICULTURE AS A SEPARATE ENTITY

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. SCHERLE. Mr. Speaker, the Iowa State Legislature is now completing action on a resolution passed by the Iowa House of Representatives which urges the U.S. Congress to retain the Department of Agriculture as a separate, independent entity with Cabinet status. This resolution was occasioned by the proposed departmental reorganization plan espoused by the administration.

The Iowa State Legislature recognizes the importance of agriculture to Iowa's economy and believes that the interests of its constituents are best served by a Cabinet post dedicated entirely to agriculture. The people of Iowa fear that the dissolution of the Department of Agriculture, and the resultant fragmentation of its responsibilities among agencies devoted to other interests besides agriculture, will deprive them of adequate representation in Washington. The agricultural sector of our economy has fallen upon hard times. Now, more than ever before, the agribusiness community needs a strong voice in the councils of government.

Representatives of rural areas in Congress should give careful consideration to the wishes of their constituents in their deliberations on this important issue. With your permission, therefore, Mr. Speaker, I will insert the text of the Iowa State House of Representatives concurrent resolution in the CONGRESSIONAL RECORD, as follows:

HOUSE CONCURRENT RESOLUTION 11

Whereas, the President has recommended sweeping governmental reorganization at the federal level; and

Whereas, the midwest virtually stakes its entire future on the agricultural industry in the production of corn, beans, livestock and produce; and is in fact the "bread basket" of the nation; and

Whereas, a majority of Iowa Senators and Congressmen have expressed their concern for the future of the Department of Agriculture under the aforesaid plan of governmental reorganization, *Now Therefore,*

Be It Resolved by the House, the Senate Concurring, That the General Assembly of the State of Iowa urges the Congress of the United States to retain the Department of Agriculture as an entity of cabinet status and that duties and responsibilities of the Secretary of Agriculture and his department be redefined and clarified with emphasis on local and regional control of crop production. acreage allotments, conservation practices and controls of environmental pollution; and

Be It Further Resolved, That copies of this resolution be transmitted to the President of the United States, President of the United States Senate, Speaker of the United States House of Representatives and to each member of the Iowa delegation to the Congress of the United States.

AN OVERWHELMING SENSE OF DISGUST

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. BRASCO. Mr. Speaker, there has been much debate recently over the setting of a deadline by the Congress for ending American participation in the Indochina war. Various dates have been proposed. I support the principle of setting such a time limit for a variety of reasons.

Yet I should like to set forth several factors that figure significantly in my consideration that perhaps have not been as widely publicized as some others.

I am aware of the overwhelming opinion of most Americans on this; they want out of our involvement there as fast as possible. There are those who take a strictly moral stand, and those who occupy a strictly pragmatic position. There is merit in all such arguments, especially in light of the fact that this administration has compounded disaster there by widening the war, with obvious cataclysmic consequences. It was bad enough to see the botch in South Vietnam. The sight of the so-called elite military units of the Saigon government fleeing in headlong, panicky route out of Laos adds disgrace to defeat and failure. I believe that the Disengagement Act of 1971, calling for our removal from involvement in that ongoing tragedy by the end of 1971 is necessary.

My first premise is that the Government of South Vietnam and its entire infrastructure is riddled with corruption, opportunism and a feeling that America is their permanent Santa Claus. This is the underlying supposition of practically all considerations on all levels of the Government of South Vietnam. Once we understand and accept this, then a host of other actions become instantly clear, even to the most casual observer.

We are not regarded as liberators by the people and authorities of South Vietnam, as we have been in other wars and other places. We are not even regarded as faithful allies. Instead, America is regarded as a massive sow, with myriad teats, all of which drip money rather than milk. Winning the war, morality, honesty, and a host of other altruistic considerations are adjourned by the South Vietnamese authorities in their scramble for a place at one of these financial faucets. Proof of this widespread destructive attitude is massive, damning and increasingly obvious. For this reason, we must place these so-called allies of ours on notice that they will shortly have to swim on their own. The gravy train is leaving town in short order.

After 10 years of involvement, American boys are still subject to a draft in order to be sent to fight in South Vietnam and other places in Indochina. The South Vietnamese have, as of this date and to my knowledge, not instituted an effective similar system in order to defend themselves. It is simple for South Vietnamese to evade whatever passes for mandatory military service. Why not? It is much easier to have some American youngster do his fighting and dying for him.

The black market in South Vietnam is a raving continuous scandal that is enough to cause any reasonably honest person to turn in revulsion from the spectacle. No move is in permanent terms by the Saigon government to even put a crimp in this traffic, which is all in American goods. U.S. service personnel are being deprived of items so they can be sold on the black market. Who profits from this? One guess. Swiss bank accounts and Riviera villas await a good many of our so-called allies after the final debacle.

The happenings in U.S. service clubs and PX's which have been recently revealed further degrade our position in Indochina and cast a shameful stain on the escutcheon of our Nation.

Mr. Speaker, in every case, when we have sought to obtain some redress of one or another of the existing imbalances, we are brought up short by the inescapable logic of the South Vietnamese. We are guests and they are hosts. We must abide by their house rules, even if it means that it is done at our complete expense.

This has even extended to the murder of American service personnel by high-ranking South Vietnamese officers. I am sure every Member of this body remembers the cold-blooded murder of two U.S. Military Policemen and the fact that their killer went free. Again this Nation swallowed what was thrust down its throat and smiled.

On March 19, last week, a member of the National Assembly of South Vietnam was arrested on charges of smuggling 9 pounds . . . 9 pounds . . . of heroin into his own country. This was the second such case in a week involving one of their legislators. Twenty pounds of heroin were involved in the previous case. There has been a subsequent suggestion by government legislative leaders that he probably will not be brought to trial until after his term expires in October.

Last September, an assemblyman, also a strong supporter of President Thieu, was stopped in a random customs search as he was leaving for Hong Kong. He was carrying a suitcase containing 1 million piasters, or $35,000 in American money. He has yet to appear in court on any charge.

Let us bear in mind the fact that last year 1,100,000 Americans were discharged from military service. Most of these young men are returning from Southeast Asia. Many are arriving back in the United States with hard drug habits. There is a growing heroin traffic in South Vietnam. Practically all hard drugs are being sold to American service personnel. The South Vietnamese Government is obviously smiling benevolently on perpetrators of this massive atrocity against us, especially in light of the fact that members of the government and its closest allies are obviously participating in and profiting from it.

This is pure heroin. Such a habit, once acquired, costs $5 daily in Asia. The same serviceman, returning here, finds it will cost him upwards of $100 daily to maintain that habit here at home. This, then, is the gift we are being given by our so-called allies. And most of those GI's who do not come back with heroin habits have at least acquired something of an acquaintance with marihuana, also courtesy of our friendly allies in Saigon.

Our Veterans' Administration is not equipped to handle the situation I have described. Upon discovering that a returning GI has a drug habit, he is more often than not given a less than honorable discharge by the military. As a direct result of the consequences of such a discharge, he is instantly ineligible for VA treatment. Now how many millions did we pour into South Vietnam today?

Troops are being brought home without testing them for such drug habits. It is imperative that we set up such detection programs. It is further imperative that we serve instant notice upon the Thieu regime that a major, effective, permanent crackdown must be made on the drug traffic there. All Veterans' Administration facilities here must begin to make available detoxification and rehabilitation programs. Dishonorable discharges on these grounds should be reviewed by the Department of Defense. GI's whose sole crime is drug addiction should not be given this type of discharge indiscriminately. They should be entitled to honorable discharges upon cure. The Department of Defense has an obligation to allocate funds for existing drug facilities such as Odyssey House, Phoenix House program, Samaritan Halfway Society, and similar programs to augment VA hospitals. These are minimum moves that can and should be implemented immediately instead of printing more slick manuals on how to combat drug addiction.

Mr. Speaker, the list of evils being perpetrated by the Saigon government upon America and her soldiers is, I believe, worse and longer than the dangers of combat we face against the Communists.

Random perusal of the news reveal one more atrocity after another. The Deputy Speaker of the South Vietnamese National Assembly was recently picked up in Thailand on a charge of gold smuggling. He was caught at the Bangkok airport with 3.3 pounds of gold bars in his possession. The Thais released him after intervention by the Saigon Embassy on the scene. He is identified with the Thieu regime in the South Vietnamese Assembly.

Rather than go on ad infinitum, let me simply state that I am gripped with an overwhelming sense of disgust. After 10 years of bloodshed by this country and expenditure of more than $100 billion, all we have to show for it is the rout in Laos and the actions of such degraded people. Is this what America is fighting for? Is this the regime that has been touted as the democracy of Vietnam?

Our cities are dying. We are choking on air and water pollution. We are drowning in our own trash. Our jobless number close to 6 million of our people. Our graveyards and hospitals fill with young men. Hatred fills the air of our land. Yet the agony of Vietnam grows.

It is time to serve notice upon the Saigon regime that we are through propping it up with American bayonets. We are finished with providing them with American goods to peddle on their black market. We are full up to here with drug addicts they are creating among our boys. If they want democracy, they are going to have to fight for it on their own.

I feel the Thieu regime is never going to do this until we pick a date, enact a law embodying it as a withdrawal time and accelerate our withdrawals accordingly. Then they will perhaps begin to do what we have been doing for them up till now—fight.

In conclusion, Mr. Speaker, I would like to include for the record a statement released by Lt. William L. Calley, the latest victim of the tragedy in Indochina, following the "guilty" verdict which was returned at his court-martial. He speaks more eloquently than I of the need for disengagement.

> I hope My Lai isn't a tragedy but an eye-opener, even for people who say war is hell. My Lai has happened in every war. It's not an isolated incident, even in Vietnam. The thing that makes My Lai so unique is it was a small tragedy in a small place, but for once, man was able to see all the hells of war all at once. I can't say I am proud of ever being in My Lai, or ever participating in war. But I will be extremely proud if My Lai shows the world what war is and that the world needs to do something about stopping wars.
>
> Many people say war is hell who have never experienced it, but it is more than hell for those people tied up in it . . .
>
> I am hopeful that My Lai will bring the meaning of war to the surface not only to our nation but to all nations.

THE ATTORNEY'S FEE BILL

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. NELSEN. Mr. Speaker, I have today introduced legislation which I feel will encourage carriers of freight not only to take preventive measures, but will also encourage them to make more prompt settlement of legitimate claims for loss or damage to property shipped in interstate commerce.

The bill which I have introduced is identical to the one which passed the Senate during the last session of Congress. It provides:

> That the court, in its discretion, may allow a reasonable attorney's fee to the plaintiff in any successful action, to be taxed and collected as part of the suit; but no such fees shall be allowed to the plaintiff except on a showing that the plaintiff has filed a claim with the carrier or carriers against whom the action has been brought, and that such claim has not been paid within ninety days after receipt of the claim by the carrier or its agent.

Present procedures for securing payment of claims no longer seem adequate. Today, in many cases it is necessary for the claimant to seek relief in the courts. In some instances the cost of litigation prevents shippers from seeking the relief to which they are entitled. The bill I am introducing would put the claimant in a more equal bargaining position with carriers in the settlement of losses sustained in the transportation of property.

It seems to me it is unfortunate that this bill has been designated during the last several Congresses as an attorney's fee bill. Actually, it is designed to encourage carriers to accelerate settlement of shippers' legitimate loss and damage claims.

It is my hope that this and any other pending proposals will be the subject of complete and thorough hearings by the Interstate and Foreign Commerce Committee so that the whole question of claims can be better understood and handled in an equitable fashion by all those concerned.

LIEUTENANT CALLEY

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. DUNCAN. Mr. Speaker, we have used a young man as a scapegoat for a war which he himself disliked. In fact, Lieutenant Calley said he was not for war and prayed for peace. Yet he was dedicated to his assignment and carried out the orders of his superiors; he showed concern for the young American soldiers whose safety rested in his hands.

We have used this young man as a scapegoat to appease critics of the war. He is being punished for doing the job he was trained for. Lieutenant Calley is no hardened criminal—a young man of average intelligence dedicated to his assignment.

Most of you know, particularly those who have been to Vietnam, that the stresses and strains of this war, where our servicemen never know the identity of the enemy, have caused problems.

Children have been used to hurl explosives. Women in peasant dress have been used to set up explosive boobytraps that have taken the lives of American men.

The conviction of this young man destroys much hope for this country. It has angered and saddened the American people. It has killed incentive for our young men to volunteer in service for this country. It has hindered us in our efforts for peace in Indochina. It has hurt each of us in countless ways, and I say that we cannot stand by and let Lieutenant Calley be a sacrificial lamb. He already has suffered unduly.

Mr. Speaker, I insert the contents of a telegram I have this day sent to President Nixon, requesting that he give serious consideration to the granting of a pardon for Lieutenant Calley.

The telegram reads as follows:

MARCH 31, 1971.

The PRESIDENT,
The White House,
Washington, D.C.:

I respectfully request that serious consideration be given to granting a pardon to Lieutenant William Calley. He is being made a scapegoat for the appeasement of critics of the war. Under the stress and strain of war he did a job that we trained him to do.

JOHN J. DUNCAN,
Member of Congress.

MANDATORY RETIREMENT OF JUDGES

HON. RAY ROBERTS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. ROBERTS. Mr. Speaker, for some time now I have been a strong advocate of mandatory retirement of judges. In fact, I have introduced legislation to that effect. There are many reasons why I seek such a measure.

In a recent speech before the National Conference on the Judiciary, Chief Justice Robert S. Calvert of the Supreme Court of Texas outlined his reasons for favoring mandatory retirement. Chief Justice Calvert is one of the most distinguished and respected men on the bench in Texas as well as the entire Nation. I value his thoughtful and knowledgeable comments on this question, and I would like to share them with my colleagues:

AN ADDRESS BY CHIEF JUSTICE ROBERT S. CALVERT, SUPREME COURT OF TEXAS

MANDATORY RETIREMENT OF JUDGES

I consider it a signal honor to have been invited to address the distinguished delegates to this conference. I do not regard the invitation as a personal tribute; I have done nothing to earn it. Rather, I prefer to assume that the invitation came to me as Chairman of the National Conference of State Chief Justices, and as a recognition of that organization as an integral and important segment of this nation's judicial system, a system which, though far from perfect, stands stalwartly between the tyranny of government toward its citizenry and of man toward his fellow man.

Ours is a judicial system in which the the highest court in the land can place its protective arm around "shuffling" Sam Thompson in Louisville, Kentucky, and say to the police of that city, "You cannot take a man's freedom because he was irritating you by patting his foot or shuffling on a dance floor; and more than that you cannot add a fine because he protested his arrest through argument."

It is a system in which a young man, hounded from a blossoming career and even from a means of livelihood, by self-appointed and self-annointed guardians of every individual's patriotism and censors of his innermost impulses, could receive $3,500,000 in compensation from a jury, and later could describe his first day in court in these inspiring words:

"I saw the judge, the jury, the bailiffs, the court reporter, the lawyers and the spectators, and I was overwhelmed by the realization that a single citizen who felt an injustice done him could bring all of these people together. Even if the verdict went against me, I would feel that I had won."

It is a system which through its highest court has demonstrated within the last ten days a sense of compassion for the poor and a determination that they shall not be made to suffer unnecessarily merely because of their poverty.

Those of us who serve on state courts are proud to be a part of this system. But the convening of this Conference on the Judiciary, and our presence here, is evidence that we still have problems to solve and reforms to execute, and that mere indulgence in self-praise, with eyes closed to our deficiencies, will not suffice. I ask your patience, then, as I speak briefly of one needed reform which I have not found on the conference agenda, which I have not found discussed in the Selected Readings prepared by the American Judicature Society, and which has rated only passing mention in the pamphlets sent us—I speak of mandatory retirement of judges.

Parenthetically, I never think of retirement without recalling my conversation with a Texas Supreme Court staff member upon the occasion of his retirement. A few years ago the official Reporter for the Court came to see me around September 1st and said: "I thought I should come and tell you that I plan to retire on October 1st. I am 86 years old, have been with the Court for 69 years, and I don't want to stay here too long like I have seen some of these judges do!"

One of our Texas newspapers published an article, on February 15th last, commenting on the report on state judicial systems made by a Congressional Advisory Commission on Intergovernmental Relations. The article stated that, "[t]he commission recommended that compulsory retirement of state or local judges, now in effect in 22 states, be made a nationwide practice, setting retirement at age 70." The article quoted the report as stating that "[o]nce the most eminent judge is selected, there is no guarantee that he will remain competent. He will age, may become tired and grow out-of-touch." I agree absolutely; and I can think of no sound reason for limiting the suggested reform to state and local judges. I suggest in all charity and with the utmost respect for the many able Federal judges of my acquaintance that there is no sound basis for concluding that state judges age, become tired and grow out-of-touch, but that Federal judges do not. Moreover, a totally unselfish approach to improvement of our judicial system should impel those of us who are judges to lead the movement for mandatory retirement in both branches of the system.

The Commission report, in indicating that only 22 states now require mandatory retirement of judges, does not square with the statistical summary of state court systems prepared by the Council of State Governments in 1970. The latter report shows that 40 of the 50 states have mandatory retirement requirements at ages of from 70 to 75. Some, like Arkansas, California, Minnesota, New Mexico, Tennessee and Texas achieve compulsory retirement at age 70 through denial or diminution of retirement benefits if a judge remains on the bench after that age. Let me tell you briefly of our experience in Texas.

With lawyers and judges playing leading roles, we amended our Constitution in 1965 to provide, among other things, for automatic mandatory retirement of appellate and general jurisdiction trial judges at age 75, with power in the Legislature to reduce the age to 70. With some of us in the judiciary again taking the lead, our Legislature was induced in 1967 to provide an added retirement benefit of 10% of current salary for those judges who retired at or before age 70. A grandfather clause extended the benefit to those in office and over 70 who retired at the end of their current terms. On January 2d of this year, just four years later, the oldest justice of the Supreme Court was 65, the oldest judge of the Court of Criminal Appeals, the court of last resort in criminal cases, was 63, only two of 42 intermediate appellate court judges were 70 or over and only three of 238 judges of courts at the District Court level were 70 or over. In sum, only 5 of 294 appellate and major trial court judges were 70 or over; and, to my personal knowledge, at least three of the five, and perhaps all five, are holding over under the grandfather clause. We have thus achieved a younger, more physically vigorous and mentally alert judiciary while providing a pool of retired judges who can be called into service with their consent at any time.

The Federal judiciary is one of the last bastions for employment of the aged. There seems to be some sort of pervading fear which makes it more or less untouchable and deters those who should speak out forthrightly. The Consensus of the National Conference on Judicial Selection and Court Administration, held in Chicago in 1959, states apologetically that "[a]utomatic retirement at age 70 is desirable." The Recommendations of the 27th American Assembly on the Courts, the Public and the Law Explosion, speaking only of state courts, concluded only that "[t]rial judges should be subject to mandatory retirement by age 70 . . ." Why only "trial judges"?

Business and educational institutions have long since adopted mandatory retirement and limited service programs. The general facts about these programs are too well known for me to bore you with them. Just last week the new Speaker of the House of Representatives of the United States Congress confirmed his earlier statement of his determination to retire by age 70. There is no sound reason for believing that judges are a master race of people or that appellate judges are immunized against the ravages of age which may beset trial judges.

The state judicial systems have blazed the way for the Federal judiciary. There are no abler judges in the Federal judiciary than Traynor of California, Williamson of Maine, and many other state judges who have accepted retirement at age 70; and, yet, the only mandatory retirement requirement of the Federal system coming to my knowledge is the one which requires Chief Judges to step down from those administrative positions at age 70. Statistics developed at a congressional hearing last year disclosed that 10% of Federal district and court of appeals judges were over 70 years of age and eligible for retirement.

In 1966, I clipped an article from the American Bar Journal written by Hon. J. Earl Major, Senior Judge for The United Court of Appeals for the Seventh Circuit, entitled, "Why Not Mandatory Retirement for Federal Judges?" I clipped the article because I thought much of what Judge Major said about retirement of Federal judges applied also to state judges, and at the time I was involved in a campaign for mandatory retirement of Texas state judges. But what Judge Major said in January, 1966 is just as cogent and compelling five years later. He said that "advocacy of compulsory retirement is not the high road to popularity," and I agree; and that he had "never heard a valid reason why a judge should not voluntarily retire when eligible," although he had heard many self-interest excuses.

It seems to me there are four main reasons for the reluctance of judges to retire. I would rate them in this order: The judge (1) has developed no subsidiary interests and hasn't the faintest idea what he will do to occupy his time if he retires; (2) has a secret feeling that he is the indispensable man and that no successor could possibly fill his shoes; (3) wants to keep some sort of a strangle hold on the social standing his position offers him and his wife and the favors and honors which are tendered to his position rather than to him personally; and (4) isn't wanted at home by his wife because through the years she has developed her own 8 to 5 routine program and she doesn't want it interrupted. I well remember when I first was brought face to face with the reason last mentioned. One of our Texas Supreme Court judges had obviously become senile and could no longer even remember what he had done on the previous day. Our veiled suggestions to him that he should retire did not register and went unheeded. Finally, the judge's closest friend on the court called on his wife with the suggestion that she should induce him to retire. She replied: "What, and have him here under my feet all day! Not on your life!" Considering the lack of merit in the enumerated reasons, a cynical critic would be inclined to paraphrase the statement of a famous World War II General by observing that, unless required by law, "Old judges rarely retire; they just lean more and more on their law clerks."

I repeat what I said earlier: We as judges should take the lead in seeking mandatory retirement provisions for judges, state and Federal, trial and appellate. It is not a sufficient excuse to say that a constitutional amendment would be necessary before mandatory retirement at age 70 could be required of United States Supreme Court Justices, or even of other Federal judges. If you have the slightest doubt that consent to such an amendment would be forthcoming, just ask Congress to submit it and watch its speedy ratification by the states.

Now, I am too long experienced in government and politics to suppose that at the end of this program anyone is going to be trampled to death in the stampede of judges hurrying to seek legislative or constitutional mandate for the retirement of all judges, state and Federal, trial and appellate, at age 70; but a changing society is demanding something better than we have had, and we had better start listening with an attentive ear. We had better rap with those demanding major judicial reform and do our thing! And a very important part of our thing, in my opinion, is the capacity to realize when we should step down and entrust this great judicial system to younger men and the good judgment to do it!

SPECIAL CAMPAIGN CARRIED ON BY THE AMERICAN DAIRY CO. TO FREE OUR PRISONERS OF WAR

HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. ZION. Mr. Speaker, I was very pleased to learn that a special campaign is being carried on by the American Dairy Co., who has plants in Evansville, Huntingburg, and Washington, Indiana, and in Morganfield, Ky., and Robinson, Ill. This campaign is to encourage persons to write Hanoi for release of our American prisoners of war.

Approximately a half million milk cartons are having panels imprinted on them urging people to write President Tom Duc Thang, Democratic Republic of Vietnam, Hanoi, North Vietnam. The same message has been printed on large posters to be displayed in area grocery stores. The cartons and posters include the following suggested message:

Your Excellency:

I am disturbed about the condition of American prisoners of war held in your country. I ask you in the name of humanity to return these men to their families. They are of no military value—and to link their fate with war aims is flagrant contradiction of the spirit of the Geneva Convention, which you signed in 1957.

I commend Mr. Carl Hottenstein, president of the American Dairy Co., for his efforts in behalf of our prisoners of war. If more private individuals and private industries would assume a role of leadership in their communities in the battle to help our POW's, Hanoi could not continue to close its ears to our pleas.

WE NEED MORE SPIRIT LIKE THAT AT FOURTEEN HOLY HELPERS SCHOOL

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. KEMP. Mr. Speaker, I have spent a lot of time with the youth in my district and I plan to continue to expand this area of communication. So much of what we will consider this year is also uppermost in their thoughts. So much of what we will consider is critical to their future plans.

The issue before us this week—the Selective Service—has brought up the question of the objectivity and even the loyalty of our youth today. I know they will meet their responsibilities to this Nation and I welcome their views, regardless of their diversity.

On more than one occasion I have been thrilled by the pronouncements of the youth in my district. I had the great pleasure to speak at the Fourteen Holy Helpers School in West Seneca and was presented with a statement reflecting a philosophy and attitude toward our flag. I could tell from the response of the students to the statement by young Joe Florea that all those at Fourteen Holy Helpers School—administration, sisters, teachers, parents, and students alike, believe in our country, its flag, and are working to restore the type of spirit that can make America even greater.

I take pleasure in calling this to the attention of my colleagues. The statement follows:

WHAT THE AMERICAN FLAG MEANS TO ME

I never really stopped to think about the American Flag before. I guess I have always taken it for granted. But, as I consider it now, just what does it mean to me?

It means I should stand when I hear "The Star Spangled Banner". Why? Well, the national anthem represents the land in which I live. My country, all of it, belongs to me. I can go anywhere, live anywhere, study, worship, believe as I choose, because I am free.

The American Flag reminds me of this freedom. It represents people,—all kinds of people; all colors of people; all sizes of people; and I am people too! The Flag makes me think of how many people dreamed, and planned, fought, and died so that I can live as I do today. It reminds me of our government, and the great leaders we have and have had.

It makes me think of an uncle I never knew as a person, only as a picture on the wall, who died in Korea for that Flag.

I see our Flag every day in every classroom in my school. Sometimes I wonder, as we say the Pledge of Allegiance each morning, how many people really understand what it means. It means that we pledge ourselves to this great country, to support this republic as one nation, under God.

Respect for our Flag has decreased greatly in recent years.

We see flagpoles all over the neighborhood; but what is a flagpole without our Flag! People today should know and care about all that had to be done to make our country the world power that our Flag flies proudly over today.

REVENUE SHARING A SUCCESS IN WISCONSIN

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, for the information of my colleagues, I am including with my remarks material from the Milwaukee County executive in support of Federal revenue sharing.

In the "Wisconsin Plan," recognized for its excellence and its efficient, economical utilization of funds, State revenues are used to reduce local property tax burdens. Federal revenues can be applied in exactly the same fashion. Federal funds could credit the Congress with providing money, and also promote local fiscal responsibility.

The material follows:

MILWAUKEE, WIS.,
March 3, 1971.

Hon. WILLIAM A. STEIGER,
Representative in Congress,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN STEIGER: The concept of Federal revenue sharing has been debated since 1958. Numerous legislators, organizations, and private individuals have offered variations on the subject and still no action has been taken by Congress.

The attached resolution adopted by the Milwaukee County Board of Supervisors is one more variation and, hopefully, overcomes the objections that plague all others. This plan is unique in that it already has been tested in the Wisconsin political arena and was successfully implemented after passage. It can succeed elsewhere.

Also attached is an article by Mr. James R. Morgan, former Commissioner of Taxation for Wisconsin, explaining how State revenues are used to reduce local property tax burdens. Federal revenues can be applied in exactly the same fashion and serve also to justly credit the Congress with providing money, along with promoting local fiscal responsibility.

Also included is a sample property tax bill showing how the Federally shared revenue will affect each individual taxpaying citizen.

The "Wisconsin Plan" will distribute revenue directly to an overburdened local citizenry.

Milwaukee County will attempt to provide you with any further information you may require in your study of this proposal.

With kindest personal regards, I remain,

Very truly yours

JOHN L. DOYNE,
County Executive.

RESOLUTION

(Item 16): A resolution authorizing the finance committee to evaluate the alternate system for reviewing sharing as such by the Nixon administration and to make a recommendation, by recommending adoption of the following resolution:

Whereas, the Congress of the United States is currently considering a multitude of revenue sharing proposals; and

Whereas, it is apparent that all of these bills have encountered two objections which serve to impede adoption, namely

(1) the inadvisability of having one unit of government; responsible for raising tax revenues that other units can dispose of at their pleasure; and

(2) although the congressman has the onus of raising the revenue, he gets no credit for any programs that this money supports; and

Whereas, Wisconsin has a modified program of revenue sharing which disburses a specific amount of State monies as determined by the legislature to all municipal governments having a property tax rate in excess of 14 mills on a proportionate basis for the purpose of local property tax relief; and

Whereas, the exact amount of this relief appears as a State tax credit on every property bill thus giving due credit to the funding source; and

Whereas, this approach to revenue sharing serves to negate the criticism cited in 1 and 2 above, since the revenue is shared directly with the taxpayer; and

Whereas, property tax relief of this magnitude will serve as a direct spur to the construction of housing by reducing a major shelter expense item; now, therefore,

Be it resolved, That the Milwaukee County Board of Supervisors hereby declares its support of a Federal revenue sharing program having a 100 percent pass through to be used solely for the purpose of a local proportionate property tax reduction; and

Be it further resolved, That the full extent of this relief for each taxpayer be shown as a Federal tax credit on every local property tax bill; and

Be it further resolved, That the County Clerk is hereby directed to send copies of this resolution to the entire Wisconsin Congressional delegation, members of the State Assembly and Senate, Senator Russell B. Long, Chairman, Senate Finance Committee, Congressman Wilbur D. Mills, Chairman, House Ways and Means Committee, International City Managers Association, National League of Cities, U.S. Conference of Mayors, National Conference of Governors, and Chief Executives of all Milwaukee County municipalities, and to the National Association of Counties.

Fiscal note: Adoption of this resolution will not result in an increase or decrease of funds.

WISCONSIN TAXATION

(By James R. Morgan)

PROPERTY TAX RELIEF IN WISCONSIN

In 1961 when the legislature enacted Wisconsin's selective sales and use tax law, it also provided two kinds of state payments for property tax relief.

Each February 15th a sum sufficient appropriation (an estimated $40 million in 1966) is made to allow the property taxpayer a 55% credit (60% in 1967) against the property tax levies on merchants' and manufacturers' inventories and livestock. Each March 1, a $53 million appropriation provides a credit for taxpayers against the levies on all real property and the remaining personal property not subject to the 55% personal property tax credit.

General property tax credit

The $53 million appropriation for general property tax credit is first used to finance a tax credit to utilities, railroads, telephone companies and electrical cooperatives. The utility allocation is determined as follows:

1. Average the three preceding years tax payments by all utilities to determine the average utility tax payment.
2. Average the three preceding years total tax levy (state, local, school and county), special assessments, occupational taxes, forest crop taxes, woodland tax and the taxes paid by utilities to determine the average property tax.
3. Determine the percentage that the average utility tax is of the average of all property taxes.
4. Apply that percenatge to the $53 million appropriation to determine the amount available for utility property tax.
5. Divide the amount for utility property tax relief among utilities in the same ratio that the individual utility's tax is to the total utility taxes.

The amount of utility tax relief is then subtracted from the $53 million and the remainder is available for general property tax relief.

This tax credit is given only to taxpayers in tax districts (cities, villages and towns) that have an "average computed full value tax rate" in excess of 14 mills ($14 per $1,000 of full value).

The general property tax credit for each tax district is determined as follows:

1. Add the levies of the tax district (state, local, county and school taxes, special assessments, occupational, forest crop and woodland taxes) to determine the total levy in each of the three preceding years.
2. Divide the total levy of each year by the full value of property in the tax district of such year to determine the computed full value rate.
3. Average the computed full value rates for three preceding years to determine the average computed full value rate.
4. The average computed full value rate minus 14 mills is the mill rate over 14 mills.
5. Multiply the full value of property (less personal property receiving special relief) by the mill rate over 14 mills to determine the total levy over 14 mills.
6. Add the levies over 14 mills of each tax district to determine the total levy over 14 mills statewide.
7. Determine each tax district's percent of levy over 14 mills by dividing the tax districts levy over 14 mill by the total state levy 14 mills.
8. Apply that percentage to the state appropriation for general property tax relief to determine the dollar amount for the tax district.
9. Divide the dollar amount for the tax district by the total assessed value in the tax district to determine the tax credit rate.
10. The tax credit rate multiplied by the taxpayer's assessment determines the credit on taxpayer's bill.

The table below gives the detail of the general property tax relief program since its inception:

HISTORY OF PROPERTY TAX RELIEF

State's fiscal year	State appropriation	Utility tax relief	General tax relief	Tax bills receiving credit
1962 to 1963	$55,000,000	$4,624,621	$50,375,379	1962 payable 1963.
1963 to 1964	55,000,000	4,531,970	50,468,030	1963 payable 1964.
1964 to 1965	49,850,000	4,141,626	45,708,374	1964 payable 1965.
1965 to 1966	53,000,000	4,433,715	48,566,285	1965 payable 1966.
1966 to 1967	53,000,000			

Personal property tax relief

This special credit applies to the local tax levies on merchants' stock in trade, manufacturers' materials and finished products (including goods in process) and livestock. The following amounts have been paid or it is estimated, will be paid by the state:

[Amount paid the following year]

May 1, 1962 assessment, 50%	$30,043,918
May 1, 1963 assessment, 50%	31,560,889
May 1, 1964 assessment, 50%	33,072,075
May 1, 1965 assessment, 55% (estimated)	40,000,000
May 1, 1966 assessment, 60%	----------

Each taxpayer receives a credit on his tax bill based on the applicable percent for personal property tax relief, unless the tax district assesses personal property at a higher ratio to full value than other property.

Both tax relief methods still require the local tax district to go through the regular assessment and tax levying procedure. The tax credits actually appear on the taxpayer's bill and the money is paid directly to the tax district as reimbursement for the credit.

JAMES R. MORGAN,
Commissioner of Taxation.

GOVERNMENT REORGANIZATION

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. SHOUP. Mr. Speaker, restructuring of the Government's executive branch will undoubtedly prove one of the most progressive pieces of legislation undertaken by Congress in this decade. The effects of restructuring will be felt not in one program alone, in only one Federal department or in just a few States, but rather in every neighborhood across this great land. It is the taxpayers supporting this Government who will reap the benefits of a reorganized system.

Because local residents best understand local needs, they should make the decisions concerning local Federal spending. Sending such questions to Washington is not only unnecessary, causing great delays, but it also interferes with other work Washington officials are particularly qualified to undertake.

As the President pointed out in his message to Congress, a great many people are today disillusioned with Government, its goals, and its methods. The best way to restore confidence in our Government is to move ahead in a straight path toward our stated objectives. Government should function in the best interests of its people, not in defiance of those interests.

Who knows local interests better than the people themselves? Is it the President? Washington bureaucrats? Of course not.

Local residents having weathered a few storms, know local flooding problems, they understand sewage disposal needs, as well as highway construction, urban renewal, and crop development needs. Sound advice from Washington professionals would naturally be welcome as part of the decisionmaking process, but why not let the actual power rest with the people involved?

I believe, with the President, that returning more power to the people on the basis of his reorganization plan will restore faith in Government, improve communications between people and the bureaucracy and to a very great extent, speed Government operations by removing the small decisions which now clutter the desks of Washington bureaucrats.

AN ANGRY MAN

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. BLACKBURN. Mr. Speaker, recently, there has been much discussion with respect to television's slanting of the news and biased reporting. WCBS of New York City, a direct affiliate of the Columbia Broadcasting Co., last week issued an editorial regarding a controversy between Senator EDMUND MUSKIE and the Republican National Committee. I believe that the editorial is self-explanatory in showing its prejudiced direction.

AN ANGRY MAN

What would we do without the Republican National Committee to set the record straight?

For years now, most people have thought Senator Muskie was a quiet, reserved fellow—rather cool, very taciturn, a typical down-Easter. But that is not, it seems, the way the Republican National Committee sees him. In a recent article from the Committee's newsletter entitled "Is Muskie Cool Enough to be President?" the Maine Democrat is pictured as a lip-curling, fist-shaking, fire-breather. Underlining words in the story that seem to underline his black nature, the Committee points out (cut to text) his "surliness," his "tantrums," his "waspish temper." It describes his "towering rage," his "short fuse ready to explode," his "malevolence" that "boils and fumes."

Well we are not sure we can agree with the newsletter's description—after all, the Senator has kept those rages, if he has them, pretty well hidden during his many years as a public official. But we can agree with a quote from the Talmud that accompanies the story: it says, "When a man gets angry, he falls into error."

That might have applied to an unsuccessful candidate for governor several years ago, who snarled at the press, "You're not going to have Dick Nixon to kick around anymore." Or it might have applied to our President when he labeled some antiwar demonstrators as "bums," when he judged Charles Manson guilty before the jury did, or when he accused the Senate opponents of Judge Harrold Carswell of "vicious tactics," and "malicious character assassination." Yes, anger is something the Republican National Committee has seen before.

Come to think of it, maybe the Committee, knowing the power of an angry candidate, is nervous about seeing it develop in others. After all, if election year 1972 rolls around and such emotional issues as the War, the urban crisis, the state of the economy, and divisions within the country are no more resolved than they are today, then a presidential contender—such as Senator Edmund Muskie—might have legitimate excuses to get angry.

Definitely, this is a partisan political controversy and WCBS was improperly exercising its privilege as a news reporting station in issuing this editorial. If this group is as unbiased as it claims to be, they would leave it up to the Democrat Digest to respond.

In the March 29, 1971, edition of Barron's, a weekly newspaper, there is a lengthy article showing several instances in which CBS has slanted and purposely edited news in order to give a false impression. For the information of my colleagues, I am hereby inserting this article in the RECORD:

BROADCAST LICENSE: CBS HAS FORFEITED ACCESS TO THE NATION'S AIRWAVES

We cannot help but admire a man who defends his principles and sticks to his guns. Last Tuesday evening Richard S. Salant, president of the News Division of the Columbia Broadcasting System, gave a nationwide television audience a demonstration of doggedness which, in other circumstances, might well have commanded our respect. Under fierce attack from Congress and the White House for airing the controversial documentary, "The Selling of the Pentagon," Mr. Salant refused to give an inch. Perhaps with an eye on the clock—the 11–12 p.m. slot, while not exactly prime time, is still too valuable to waste—the CBS executive took no more than a moment or so to rebut "only a few" of the critics' charges; however, he assured his viewers, "We have an answer for every one. . . ." Then, boldly switching to the offensive, the head of CBS News asserted: "We are proud of 'The Selling of the Pentagon.' . . . We are confident that when passions die down, it will be recognized as a vital contribution to the people's right to know." Lesser media of communications may occasionally run a correction or retraction; The Washington Post, not long ago, printed an extraordinary confession of error. CBS News, which is made of sterner stuff, stands definitely on the record.

Quite a record it is, too. As to "The Selling of the Pentagon," Mr. Salant addressed himself to merely two of the many points of criticism raised. Regarding the rest, the chief critics—including the Vice President of the United States, senior editor of Air Force magazine and a non-partisan citizens' organization known as Accuracy in Media (AIM), which plans to lodge a complaint with the National Association of Broadcasters—make a compelling, and thus far uncontroverted, case. In particular, CBS stands accused of various misstatements, including the amount spent by the Pentagon on public affairs, and the true identity of those responsible for a certain military briefing (not, as alleged, Peoria's Caterpillar Tractor Co., "which did $39 million of business with the Defense Department last year," but the local Assocation of Commerce). Far worse were the omissions and distortions, including two episodes in which tapes were clipped and reassembled to convey false impressions of what the speakers said. Specific lapses aside, even the untutored eye could scarcely fail to detect, in a so-called documentary, pervasive malice and editorial bias.

On the CBS television network—which includes five wholly owned stations and 198 affiliates—slanted (or, in view of his authority and tenure, perhaps the word should be Salanted) journalism has long been the name of the game. As in "The Selling of the Pentagon," moreover, the thrust has tended to be violently against what most of the country would regard as its basic interests, institutions and values. In a prize-winning "documentary," key sequences of which subsequently proved false, CBS News professed to uncover "Hunger in America"; contrariwise, in an equally distorted report from Cuba, the television camera found, in effect, that Cubans under Castro never had it so good. Not content merely to cover (albeit in its own fashion) the news, CBS time and again has sought to make news. Shortly after

NBC scooped the competition by airing an LSD-stimulated interview with Dr. Timothy Leary, WBBM–TV CBS outlet in Chicago, participated in a headline-making, and illegal, pot party, which became the object of an investigation by the Federal Communications Commission. In a similar, if far more brazen, exploit—on which both Vice President Agnew and Mr. Salant touched last week—CBS sought to stage, and to film, an invasion of Haiti. One picture supposedly is worth a thousand words. High time the U.S. got the picture.

As last Tuesday's performance suggests, it isn't pretty. Among other sins of omission and commission, CBS News failed to mention that it was paid to produce one of the films at which it scoffed. In depicting a press conference, during which the briefing officer, replying to 34 questions, gave three no-comment answers, the camera focused on the latter. Statements made on tape by two Pentagon spokesmen, a Marine colonel and the Assistant Secretary of Defense for Public Affairs, were cut up, transposed and pieced together again in a way that made both of them seem unresponsive and foolish. Rep. Edward Hébert (not Herbert, as the caption later had it), chairman of the House Armed Services Committee, turned up on the screen with this gracious—and, despite Mr. Salant's subsequent remarks, wholly misleading—introduction: "Using sympathetic Congressmen, the Pentagon tries to counter what it regards as the anti-military tilt of network reporting (Ed. note: where would it ever get such an idea?). War heroes are made available for taped home district TV reports from pro-Pentagon politicians."

All this is reprehensible enough. Far worse—in a format presumably dedicated to fact—are the extremist opinions which it was used to convey. Here is a disillusioned and slightly incoherent ex-Air Force officer: "I feel that the military information arm is so vast, has been able to become so pervasive by the variety and the amounts and the way and the sheer numbers it's able to present its viewpoint to the American people, I think this attitude it was able to develop, allowed Vietnam to happen. . . ." Here is CBS-News' own dispassionate Roger Mudd: "On this broadcast we have seen violence made glamorous, expensive weapons advertised as if they were automobiles, biased opinions presented as straight facts. Defending the country not just with arms but also with ideology, Pentagon propaganda insists on America's role as the cop on every beat in the world."

Anyone—even CBS, though it won't concede as much—can make mistakes. What the record shows, however, is a pattern of distortion and slanted reporting stretching back over the years. In 1963, so a revealing article and exchange of letters in The New York Times Magazine has disclosed, President Kennedy gave an exclusive interview to Walter Cronkite of CBS News on such literally inflammatory issues as the Buddhists in South Vietnam and the allegedly repressive government of Ngo Dinh Diem. In the editing process, the footage shrank from 30 minutes to 12, and, according to Pierre Salinger, then White House press secretary, "the result was a partial distortion of JFK's opinion of President Diem. In the actual interview . . . President Kennedy spoke of his respect and sympathy for the problems of President Diem. When the film was shown to the public, only the unfavorable Presidential remarks remained, and JFK's praise of Diem had been deleted. The impression was left that JFK had no confidence at all in Diem, and when he and his brother, Ngo Dinh Nhu, were later shot to death in a military coup, there were persistent charges from Madame Nhu and others that the President's statements had given aid and comfort to Diem's enemies. JFK was deeply hurt by the accusations."

Prior to the Republican convention the following year, CBS News struck again. According to Senator Barry Goldwater (R., Ariz.), Daniel Schorr, then serving as correspondent abroad, "took it upon himself to put out a news report to portray the idea that I was trying to forge links with far-rightist, neo-fascist groups in Germany . . . Schorr dealt heavily in false facts which neither he nor CBS newsmen in this country made any attempt to check with my office." So it has gone year by year. In 1968, after a storm of protest, a Special Subcommittee of the Committee on Interstate and Foreign Commerce investigated television coverage of the Democratic national convention in Chicago. In viewing the video tape of the CBS coverage, the Congressional probers noted a passage in which Walter Cronkite cried that the police "were severely manhandling a minister." According to the Committee Report: "The accompanying action shows police merely attempting to get a man dressed in clerical garb into a patrol wagon, using what the investigators felt was reasonable force to overcome the man's resistance." The Report concluded, in part: "In an attempt to give an overall impression, it might be said that the coverage presented over the air does, in retrospect, seem to present a one-sided picture which in large measure exonerates the demonstrators and protestors and indicts the city government of Chicago and, to a lesser degree, the Democratic Party."

The long reel of distortion continues to unwind. In her nationally syndicated column, Alice Widener, frequent contributor to Barron's, has chronicled some of the gamier episodes. In the fall of 1969, Frank Kearns, CBS correspondent in Rome, broadcast a report on alleged Italian opinion in the criminal case against the man who hijacked a commercial airliner from San Francisco. Mr. Kearns chose to quote the views of a single editor, that of the Communist newspaper "Unita," who described the hijacker a "Robin Hood . . . who made a fool of the repressive and hated FBI." Again, on "Face the Nation," CBS devoted a half-hour of Sunday time to Tom Hayden, revolutionist of the so-called New Left. Mrs. Widener wrote: "He was permitted by reporter Martin Agronsky of CBS, and two other reporters, to get away with intellectual murder. . . . Thus it came about that at the end of the program the arrogant co-founder of the anarchic Students for a Democratic Society made an unchallenged statement about 'the poverty around the world that the United States is responsible for.'" Abbie Hoffman, convicted of inciting to riot in Chicago, appeared on the Merv Griffin show wearing a shirt made from the American flag (on the air, CBS thoughtfully blipped it out.) Small wonder that Desmond Smith of CBS once told TV Guide: "There's been a great deal of manipulation from the left. The left and SDS have been getting a great deal of play. Americans are starting to feel they're not getting the whole story."

Since then the credibility gap, notably with respect to so-called documentaries, has widened beyond belief. Webster's Seventh New Collegiate Dictionary defines documentary as follows:— "adj. (1) contained or certified in writing; (2) relating to, or employing, documentation in literature or art; broadly, FACTUAL, OBJECTIVE." The noun, of course, possesses the same qualities. Neither word belongs in the CBS lexicon. In the famous charade on "Hunger in America," the narrator's off-screen voice said "Hunger is easy to recognize when it looks like this. This baby is dying of starvation. He was an American. Now he is dead." Heartrending, but untrue. The baby was born prematurely, and, according to an FCC report, died of "septicemia due to meningitis and peritonitis . . . There was no evidence to show that either the mother or father was suffering from malnutrition. . . ." Far less attention than it warrants has been paid the outrageous report on Cuba last September, which, by actual count of Accuracy in Media, contained 10 major doubtful statements, including: "For Cuba's poor, things are a good deal better than they used to be . . . the Cuban poor man doesn't want to leave . . . Schools are free, everyone must go. There is a quiet equality of the races now in Cuba. . . ."

So ran the script. However, as AIM pointed out in a letter to CBS News, real life refuses to follow it. On the contrary, the organization cited specific examples of working-class Cubans who risked their lives to flee the Castro regime. One, a Negro bricklayer, was quoted in The New York Times as saying: "Not only is there not enough to eat, but they make you spend extra hours in the fields after a 54-hour work week." As to schooling, AIM pointed out that on January 5, 1969, Castro admitted that 400,000 school-age children were not in school. Brotherhood of man? AIM quoted Erneldo Oliva, an Afro-Cuban and one of the first Castro appointees, to the effect that even under Batista, "whom we rejoiced to see go," Negroes were judges, Senators and high officials. Today only one black man holds an important post. An American Negro, who defected to Castro for five years, returned in 1968 saying that he would rather live in an American jail than remain. Citing the list of inaccuracies, AIM solicited comment from Richard S. Salant, head of CBS News, which was duly forthcoming (and, with the rest of the correspondence, put into the Record). Nine times out of 10, the criticism went unanswered.

Last Tuesday Mr. Salant took a stab at answering criticism of CBS' role in "financing a secret and illegal invasion of Haiti." Here, word, for word, is his rebuttal. "We did not finance the planned invasion. We did nothing illegal. No significant amount of money even inadvertently found its way to persons involved in the invasion plan. The Department of Justice found no unlawful activities on the part of CBS News. And John Davitt, Chief of the Criminal Division of the U.S. Department of Justice, said, quote: 'CBS advised us of the facts, advised the Bureau of Customs that they were there, and that they were filming these episodes.' At one point the Treasury Department asked us not to withdraw from the project. But the short answer to the Vice President is that he is attacking a journalistic investigation that never became a broadcast about an invasion that never took place."

For a short answer, not bad. But let's take a longer look at "Project Nassau," as CBS called it and it is known in the Report of the Special Subcommittee on Investigations of the House Committee on Interstate and Foreign Commerce. Let's note at once that the executive producer, Perry Wolff, served in the same capacity on "The Selling of the Pentagon." Let's also dispose of Mr. Salant. If CBS News did not "finance the proposed invasion," it did, according to the House Report, provide funds for the leasing of a 67-foot schooner which was to be utilized by the invasion force, reimburse expenses for the transportation of weapons to be used by the conspirators, make payments to the leader of the conspiracy "with full knowledge of his identity and his criminal intentions." "Significant," of course, is what lawyers call a word of art; while exact figures were never forthcoming from CBS, the House Report states that "Project Nassau" cost more than $200,000. CBS cooperation with the government was grudging, and, the Report indicates, evoked at official instance (a CBS cameraman blew the whistle to the authorities).

But let the Subcommittee speak for itself. "The implications of what has been learned are disquieting. To the average viewer, un-

> sophisticated in the intricacies of television production, a network news documentary typically represents a scrupulously objective reporting of actual events shown as they actually transpired. If 'Project Nassau' is any indication, this is not always true. During the preparation of this news documentary, CBS employes and consultants intermingled and interacted with personages actively engaged in breaking the law. Large sums of money were made available to these individuals with no safeguards as to the manner in which these funds would be put to use. Events were set up and staged solely for the purposes of being filmed by the CBS camera. An individual who was retained as a consultant, and later an employe, of CBS, was allowed to or instructed to appear in the actual filming and to provide narration for it. . . .
>
> "The CBS News organization, or at least the individuals charged with the immediate supervision of the project, displayed a shocking indifference to the real possibility that their organization and funds were being made use of to further illegal activities. The control exercised by CBS Management in New York over the activities of the producer in the field seems to have been practically nonexistent. . . . Had the decision . . . not to proceed with the documentary been founded on a recognition of any of the deficiencies indicated above, the only remaining question would be why the decision was so long in coming. But, under the circumstances, the rationale for the decision is itself far from reassuring. Rather than responding to any taint of artificiality or fraud in the considerable volume of film which had been prepared, the decision was apparently made on the basis that the project was journalistically unsatisfactory in view of the unfinished nature of the enterprise."
>
> The law requires television quiz shows and commercials to be honest. Unfortunately, however, the public enjoys no similar protection against documentaries," a credibility gap which the Subcommittee hopes to bridge. We would like to offer a proposal or two of our own. Believe it or not, Frank Stanton, president of the Columbia Broadcasting System Inc., serves as Chairman of the U.S. Advisory Commission on Information. Unlike Vice President Agnew, who backed away from the idea, we suggest that he be asked to resign. Moreover, to judge by the record cited above (which has exhausted our space, but barely scratched the surface), CBS television stations stand wide open to challenge on their license renewals, and we urge concerned, public-spirited citizens—as well as the FCC—to respond. CBS, in our view, has forfeited its access to the nation's airwaves. The time has come to turn it off.

Mr. Speaker, television has become one of the most important forms of communication for information on the events of the day. Because the strength of our democratic system is based on a well-informed population, I greatly fear the consequences of activities such as those of CBS News. Furthermore, I am afraid that television news will suffer a serious credibility gap if these unwise and unfair techniques continue.

MOST DANGEROUS GARBAGE—NUCLEAR WASTE

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. CARNEY. Mr. Speaker, A subject of hearings before the Joint Committee on Atomic Energy, mentioned in an article which appeared in Newsweek, regarding a repository for radioactive wastes, prompted a letter from a concerned constituent, Mr. Raymond F. Gallagher, of Youngstown, Ohio. I am pleased to insert this letter in the RECORD:

> DEAR MR. CARNEY: This is in reference to an article that appeared in Newsweek magazine on March 29, 1971. It deals with nuclear waste and a planned repository in Lyons, Kansas. As busy as you must be, take the time to read it. This waste is described as the "most dangerous garbage in the knowledge of mankind," and for years has been of great concern to the Atomic Energy Commission. As the article states, "hundreds of millions of dollars have been spent just in studying the problem." Rep. Chet Holifield says: "The experts tell us this is the safest place in the world to put these wastes," (Lyons, Kansas), and he does not feel satisfied with the experts' opinion.
>
> I have no scientific background, but I have often wondered about this very problem. If there is no safe place in this world to dispose of this waste, why not dispose of it elsewhere, for that matter, why not send it back where it came from—to the sun. Could it be that such a solution has been overlooked?
>
> It would be costly, but in the long run, maybe cheaper and safer. The expense could be shared by private industry as well as the government. Other countries are concerned with the same problem, and just might be interested in a joint effort to rid the world of a material so dangerous to humans.
>
> I'm sure that some of our high priced engineers who are presently out of work, would be glad to design a rocket that could accommodate these lethal cylinders. If we can send a rocket around our solar system, I'm sure that we could dispose of this waste in an area of space that is radioactive. This may be impossible and pure science fiction thinking. You may know something about this matter already, but I thought it would be worth a few minutes of my time. Since you are closer to people who would know, why not ask?
>
> Sincerely,
>
> RAYMOND F. GALLAGHER.

QUESTIONS RAISED BY THE CALLEY VERDICT

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. BAKER. Mr. Speaker, based upon the telephone calls and telegrams I have received since the decision to convict Lieutenant Calley was announced, I know that sentiment is running high in Tennessee's Third District in favor of a different verdict and sentence for this soldier.

Some messages I have received have been most provocative in their application to the broader context of responsibility for individual acts in time of war. I offer the text of one of the telegrams I received as a case in point. It reads:

> Are we also going to court martial Harry S. Truman, the bomber crews who dropped bombs on Hiroshima and Nagasaki, and all the bomber crews who dropped bombs on cities on the continent in Worlds War I and II? Let us not forget Korea also.

Does not this suggest that when it comes to placing blame in anything as complex as a defense policy and a military operation implementing that policy, there is difficulty singling out any one individual?

Lieutenant Calley may have been the wrong man in the wrong place at the wrong time—there but for the grace of God goes any young officer now serving his country in combat. They are all prone to errors of human judgment, just as are their superiors.

I wish I knew where to place the blame so corrective action could be taken to avoid any duplication of the Mylai incident in the future. As I have stated publicly, "If our whole military system is at fault, we must change it. In any event, we must not allow scapegoats to shoulder responsibilities along the way, rather than place the burden where it should legitimately rest."

Until someone makes the decision we all seek, my constituents and other concerned Americans are going to pose questions of this kind, and all of them deserve consideration.

LIEUTENANT CALLEY

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. SCHEUER. Mr. Speaker, Lieutenant Calley has been convicted and sentenced to life imprisonment at hard labor. Under military law, he could be paroled after 7 years.

However, several other participants in the Mylai incident are still facing trial before military courts martial, and Lieutenant Calley's lawyers will appeal his case. Therefore, it is not advisable for public officials to comment in detail on his case in order to avoid interference with the continuing legal processing of the Mylai charges.

If the courts do uphold Lieutenant Calley's conviction and sentence, that decision will not mean that he is solely responsible for the Mylai massacre. It is my hope that the President, as Commander in Chief of the Armed Forces, will take this into account when he is called upon to consider granting Executive clemency.

It is clear that Lieutenant Calley was participating as a lower echelon officer in a plan of attack that had been ordered and approved all the way up the chain of military command in Vietnam. The involvement and responsibility of these men cannot be shrugged off. Our military machine in Vietnam has consciously employed a war policy that employs wanton destruction and brutality in its day-to-day operation. Lieutenant Calley was simply following through on a policy his superiors and his experience had taught him was right, leading to the total destruction of that tiny hamlet and its civilian occupants.

More people than Lieutenant Calley are implicated by this tragedy in Vietnam. There must be a congressional investigation to determine the extent of the responsibility for Mylai and any other incidents of its type. We cannot allow the burden of our misadventures in Vietnam to fall so heavily on the shoulders of just one man.

THE CYPRUS QUESTION—A BRIEF ANALYSIS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. PUCINSKI. Mr. Speaker, early in April 1955, the question of justice for the people of Cyprus became a reality. At that time, the Cypriot Greeks defied the British authorities who had occupied the island since World War II, staged a revolt on behalf of self-determination, and proclaimed Cyprus an independent Republic.

One of my constituents, Mr. Ernest J. Vardalas, chairman of the Justice for Cyprus Committee in Chicago, has written an analysis of the causes for this revolt and its effects on the Cypriot people and the people of the world over the last 16 years.

I bring Mr. Vardalas' timely report to you on the eve of the anniversary date of the revolution in order that my colleagues may share his depth of understanding of this question.

Mr. Speaker, Mr. Vardalas' analysis follows:

THE CYPRUS QUESTION—A BRIEF ANALYSIS

(By Ernest J. Vardalas)

That little known but sunny island paradise tucked away at the eastern end of the Mediterranean Sea called Cyprus, and the less understood controversy surrounding it, became the object of headline news recently after a short period of relative calm and obscurity.

Why is this picturesque and charming home of the mythological goddess of love and beauty, Aphrodite, in contention once more?

What are the basic causes and effects underlying the externally created problem that Cyprus has come to be known for the past fifteen turbulent years?

With other far-a-way places like Vietnam, Laos, Cambodia, and the Middle East vying for public attention and concern, the average American knows very little about Cyprus and tends to be even less concerned about events there, although the island, because of its proximity to the Middle East, could play an increasingly more important role in the future as the war of attrition between Israel and the Arab states shapes into a new confrontation between the super powers in this part of the World. Indeed, it is this maneuvering by forces serving the interests of foreign powers that have contributed to the creation of the Cyprus "problem."

The island of Cyprus, the third largest in the Mediterranean, with an area of 3,572 square miles, has a population today of just over 600,000. Of this, 80% are Greeks and 18% Turks. Descendents of the old Ottoman army of occupation who chose to remain in Cyprus rather than return to Turkey when the island passed into British hands, the Turks are dispersed over all parts of the island and had, during the past one-hundred years, lived side by side with the Greeks peacefully and amicably. There are no compact geographical Turkish areas. And being predominantly of an agricultural economy the proportion of land ownership between Greeks and Turks is, by area: 82.9% Greek, 17.1% Turkish, and by value: 86.8% Greek, 13.2% Turkish.

Colonized by ancient Greek sea farers and traders more than 3500 years ago, Cyprus has retained its Hellenic character, language, religion, culture and traditions throughout its long history despite war, invasion and harsh alien rule by such foreign aggressors as the Assyrians, Persians, Egyptians, Romans, Franks, Venetians, Turks, and Britons, who for various periods of time detached the isle from Greece, subjugated the Greek Cypriots, and exploited its land and its people for the benefit of the colonial power.

The last colonial power, Britain, repeatedly reneged on its promises to grant the people of Cyprus self determination, and following the rejection of many peaceful appeals made to London after World War II by Cypriot leaders to grant the Cypriots the right of plebescite so that they would be permitted to decide their own future and guide their own destiny, just as other British colonial peoples were granted this right, the people of Cyprus in frustration, desperation and anger took up arms to achieve the freedom that was being denied them.

So on April 1, 1955 the Greek Cypriots began their protracted guerrilla type warfare against the British colonial forces on the island and the Turkish Cypriot mercenaries whom the British hired to aid them defend their crumbling colonial empire in Cyprus. This British use of Turkish mercenaries against the people of Cyprus brought in another foreign power into the picture, Turkey, who although renounced all rights to Cyprus under the Treaty of Lusanne of 1923, was now presented with an opportunity to regain a foothold in Cyprus once more under the pretext of "protecting" the small Turkish Cypriot minority, most of which did not ask for protection and did not participate in the Greek Cypriot liberation movement.

Four years of fierce and bloody struggle, which witnessed the legendary bravery and sacrifices of the Greek civil populace against the superior British armed forces and their mercenaries culminated in political compromise granting limited national independence to the people of Cyprus without achievement of their age-old hope and aspiration for Enosis (Union) with their motherland Greece.

THE ESTABLISHMENT OF THE REPUBLIC

Cyprus was proclaimed an independent state on August 16, 1960, on the basis of an Agreement concluded in Zurich in February, 1959, between the Greek and Turkish Governments and adopted by the British Government.

When Archbishop Makarios was invited to London in February, 1959, for the purpose of signing the Agreements on behalf of the Greek Cypriots, he expressed great misgivings and raised a number of objections to several provisions of the Agreements. His efforts, however, to bring about at least certain changes were of no avail.

In the circumstances, the only alternatives open to him were either to sign the Agreements as they stood or reject them entirely. The second alternative would have meant to indefinite postponement of independence and continued strife. For all practical purposes, therefore, there was no choice but to sign the Agreements.

The Constitution of the Republic of Cyprus, stemming from the Zurich and London Agreements, was put into force without being approved either by the people of Cyprus directly or in the Constituent Assembly by representatives duly elected for the purpose. Thus, the Constitution did not emanate from the free will of the people, but was, in fact, imposed on them.

At the same time as the Constitution was approved by non-Cypriot powers, other treaties entangling and strangling Cyprus independence was also imposed upon the people of Cyprus by these non-Cypriot powers such as granting Britain, Turkey and Greece to retain military bases and station troops on the island without the consent of the Cypriots themselves.

THE CONSTITUTION AND WHY IT WAS WORKABLE

The most glaring example of injustice and inequity was the Constitution imposed upon the people of Cyprus.

The Cyprus Constitution proved unworkable, not only because certain provisions were impossible to apply or difficult to implement, but because the whole underlying concept was wrong, being based on the principle of "separation" between Greek and Turk. The result of the "separation," which runs right through the Constitution and all its organs, prevented the smooth functioning of the State. Nothing could have been better designed to foster conflict, frustration and bitterness.

The people of Cyprus, in spite of the overwhelming predominance of the Greeks, were considered as constituting two communities, the Greek and the Turkish, and, disregarding their great numerical disparity, were placed on the same level as far as the exercise of political power was concerned. The Turkish minority was given such extensive rights as to be in a position to paralyze the State, to thwart the will of the majority and to block progress.

With a view to helping remove some of the obstacles in the way of the smooth functioning and development of Cyprus, President Makarios called upon the Turkish Cypriots on November 30th, 1963 to come, sit down and reason together and submitted specific proposals for amending the Constitution. He also notified the Turkish government of his proposals, but before the Turkish Cypriots had commented on these proposals, the Turkish government rejected the talks and the proposals outright.

EVENTS SINCE DECEMBER 1963

The separatist concept of the foreign imposed Constitution and the other treaties such as the Treaty of Guarantee and Alliance (which do not guarantee Cyprus' independence nor ally it equally with its neighbors) prevented the smooth functioning of the State and encouraged interference by Turkey in the internal affairs of Cyprus.

Following Turkey's out-of-hand rejection of the Archbishop's call and proposals, armed Turkish Cypriots aided by the regular Turkish army contingent on the island fanned out occupying several large areas scattered in widely separated parts of Cyprus for the purpose of providing landing areas for a possible Turkish invasion aimed at partitioning the island by force.

After December, 1963, Turkey, sometimes on the pretext of her purported right under the Treaty of Guarantee and sometimes on other pretexts, repeatedly threatened armed intervention in Cyprus and on several occasions committed aggression by land, sea and air. In August, 1964, Turkish jets indiscriminately attacked Cyprus villages and towns in the northwestern part of the island, killing and maiming unarmed civilians, including women, and children, with napalm incendiaries, bombs and machine gunning.

In pursuance of their aim to create compact Turkish areas in furtherance of the ultimate object of separation of the Island, the Turkish leadership moved Turks from their homes and villages into "Turkish enclaves" and for years prevented them from moving outside such areas. The Turks have, since then, prevented the Greeks from entering such areas, even though the Turks themselves are completely free to move, and do in fact move all over the Island.

RECOURSE TO THE UNITED NATIONS AND MEDIATION EFFORTS

The Cyprus Government, under the pressure of Turkish threats about an imminent invasion of the Island, took the matter to the United Nations since the Cyprus question is primarily a question of application of universally accepted principles provided under the U.N. Charter.

The United Nations repeatedly dealt with the Cyprus issue, both in the Security Council and in the General Assembly. Under a Security Council Resolution in March, 1964, a Peace Force was sent to the Island (originally for three months, but following repeated extensions, it is still in the Island) to help restore normality. A Mediator, Dr. Galo Plaza of Ecuador, was appointed by the Secretary General to study the question and make recommendations as to its solution. His report to the Secretary General was submitted in March 1965.

In his report, the Mediator stated that the problem of Cyprus cannot be resolved by attempting to restore the situation which existed before December, 1963, but that a new solution must be found which must be consistent with the provisions of the United Nations Charter. In particular, he recommended, the solution must be capable of satisfying the wishes of the majority of the population and at the same time of providing for the adequate protection of the legitimate rights of all the people.

Attempts were made from time to time to take the initiative and the problem away from the United Nations. The position of the Cyprus Government is that Cyprus, being a member of the United Nations, regards that body and none other as the proper forum for the discussion and solution of the Island's problems.

During the various phases in the history of the Cyprus question, The Turks put forward differently worded positions in regard to the solution of the problem. Whatever the various formulas, however, there ran through them all the theme of division of the Island. This was sought by proposals for direct partition or for "federation" envisaging removal of populations and setting up of two distinct administrations. Recent proposals have been for "regional administration."

The disastrous effects of federation or any form of division that might be applied to the Island were underlined by many authorities on the subject and by objective observers. It should also be noted that there is no precedent in existence where populations in a unitary state have been moved for the purpose of creating separate areas in order to apply a federal system. Where federal systems have been introduced there had already been in existence separate territorial entities which were brought under a federal system for the purpose of creating a single State. As far as is known, the opposite process of using "federation" as a means of division has never been applied.

The argument is sometimes used that the Turks of Cyprus must be treated differently from other minorities because their language, religion, customs, and national aspirations are different from those of the Greeks of Cyprus. This of course is not a valid argument since those differences are the very characteristics of a minority in any country. Nor is the existence of a minority in close proximity with the country from which it derives its ethnic origin a peculiar phenonenon of Cyprus, creating rights to special political privileges.

The Turks say that they seek division in Cyprus in order to create conditions under which Greeks and Turks may live in peace in the Island. But far from bringing about peace, such a solution, by keeping the two elements of the population separated instead of bringing them together, would, for many reasons, including, administrative difficulties, be a source of constant friction between them which might develop into antagonism and fanaticism and be a source of perennial trouble.

The impartial observer can reach no other conclusion than that any form of separation would not be practicable in the case of Cyprus and that, were it to be applied, it could only lead to incalculable distress for both Greeks and Turks and for their economic and social stagnation.

The idea of federation in Cyprus was examined as long ago as 1956 when the Island was still a British Colony by no less an eminent constitutional expert than Lord Radcliffe who, in his "Constitutional Proposals for Cyprus," came to the definite conclusion that federation for Cyprus was out of the question for the simple reason that there were not the prerequisites for such a form of Government.

The United Nations Mediator, Dr. Galo Plaza, was also categorical about it. In his report he stressed:

"To my mind, the objections raised (against federation) also on economic, social and moral grounds are in themselves serious obstacles to the proposition. It seem to require a compulsory movement of the people—concerned—many thousands on both sides—contrary to all enlighted principles of the present time, including those set forth in the Universal Declaration of Human Rights."

Dr. Plaza further says:

"It is essential to be clear what this proposal implies. To refer to it simply as "federation" is to oversimplify the matter. What is involved is not merely to establish a federal form of government, but also to secure the geographical separation of the two communities. The establishment of a federal regime requires a territorial basis and this basis does not exist. In an earlier part of this report I explained that the island-wide intermingling in normal times of the Greek-Cypriot and Turkish-Cypriot populations. The events since December, 1963, have not basically altered this characteristic; even the enclaves where numbers of Turkish Cypriots concentrated following the troubles are widely scattered over the Island, while thousands of other Turkish Cypriots have remained in mixed villages."

Since June, 1968, following recommendations by the U.N. Secretary General, talks have been going on between the Greek Cypriots and the Turkish Cypriots to find a solution to the Cyprus problem.

The holding of such talks have become possible thanks mainly to the normalization measures taken by President Makarios' Government over two years ago and despite the security dangers involved, lifted all restrictions and abolished all check points. Thus, the Turkish Cypriots are completely free to circulate all over the Island. Unfortunately, however, the Turks still prevent Greek Cypriots from entering areas which the Turkish leadership claims to be under its control. This attitude of the Turkish Cypriots is not calculated to contribute to the normalization of the situation.

The Cyprus Government has all along advocated co-existence of the Greeks and Turks of Cyprus and unity in all aspects of the functioning of the State. To this end, its proposals aim at:

(a) creating a unitary State with a Constitution adopted by the people of Cyprus in a universally accepted manner, based on democratic principles and the principles of the United Nations Charter and eliminating the factors of separation and division and outside interference;

(b) ensuring that all citizens of the Republic should enjoy equal rights irrespective of race, community or religion, human rights for all citizens being incorporated in the Constitution;

(c) Ensuring autonomy to the Turkish Cypriots with regard to matters pertaining to education, culture, religion, and personal status.

The Turkish Cypriots also talk of a unitary state, but as repeatedly underlined by official statements from Ankara, they seek "regional autonomy" under the heading of "local government."

It has emerged during the talks that there are points on which the differences are not so great, whereas in others the divergence of views is more substantial.

As President Makarios has stated, the Greek Cypriots have displayed a spirit of goodwill and will continue the talks in the same spirit. They have submitted constructive proposals in the hope of finding a peaceful and workable solution. They have even made several concessions. But, there are limits and a line beyond which they cannot retreat. The Greek Cypriots will in no case accept a solution creating a kind of state within a state and, generally, a solution running counter to the concept of a unitary state.

GENOCIDE TREATY THREAT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. RARICK. Mr. Speaker, the Senate subcommittee's action in approving the Genocide Convention for a Senate vote can lay groundwork for some thought-provoking possibilities of prosecutions—especially since the subcommittee rejected an amendment that U.S. citizens could not be extradicted to another country to stand trial for alleged acts of genocide.

Such legal protections of the individual as ex post facto and statutes of limitations have been known to be ignored under international law where political ideologies are involved. Since we in the House do not get a vote, we can but hope that our colleagues in the Senate will awaken to a fuller understanding of the Pandora's box they may be opening if the treaty is passed.

For example, who would be ready to have former President Harry S. Truman extradicted to Japan to be tried for genocide for having given orders to drop atomic bombs on that country?

How many World War II bomber pilots might the Germans like to try for leveling their cities?

In fact, had we been under the Genocide Treaty before the Calley trial, it is quite possible Lieutenant Calley would have been tried in North Vietnam or in Russia. And, as far as that goes, President Nixon should certainly understand that under the Genocide Treaty, he might be made to stand trial in North Vietnam or somewhere in the Middle East for some of his orders. And even Henry Kissinger and officials in the State Department should be concerned as accomplices.

Think of the trials that may result from Operation Keelhaul in which authorities, either British, American, or both, made a deal with the Russians to forcefully repatriate citizens of captive nations back to Russia following World War II where they were promptly given peace and justice—many by execution.

As far as past actions or the time

interval, it seems to make little difference to some of our Communist friends; for earlier in the month six Ukranians were executed for what was said to be Fascist collaboration 30 years ago during World War II.

This is the second term that I have proposed H.R. 391, a bill to prohibit the deprivation of constitutionally secured rights to U.S. citizens under color of any statute, treaty, order, rule or regulation implementing decisions of the United Nations. I think that the need for such civil rights legislation is more pressing today than ever before in view of the threat posed by the Genocide Convention. Especially is this true considering the concerted move by internationalists to develop their theory that treaty law supersedes the U.S. Constitution and could nullify the Bill of Rights.

I include a newsclipping and the text of H.R. 391 at this point in the RECORD:

[From the Washington Post, Mar. 31, 1971]

GENOCIDE BAN APPROVED, 10 TO 4, BY SENATE UNIT

The international convention against genocide won 10-to-4 approval from the Senate Foreign Relations Committee yesterday, but faces an uncertain future when it reaches the Senate floor.

Critics of the 1948 treaty—already ratified by 75 nations—have charged that it diminishes U.S. sovereignty, might be used as the basis for accusing U.S. officials of committing genocide against Negroes, American Indians and Alaskan natives, or could force extradition of U.S. citizens to stand trial in foreign countries.

Fear that the treaty may be used to raise genocide charges against U.S. forces in Vietnam appears to be one important element of the extradition dispute.

If the extradition issue can be solved, the treaty would have an excellent chance of passage. Committee Chairman J. W. Fulbright (D-Ark.) said he hoped that objections still remaining to the treaty—which was first sent to the Senate by then President Truman in 1949—could be cleared up in the implementing legislation now being drafted.

Before approving the treaty, the committee rejected, 7 to 6, a proposed reservation by Sen. John Sherman Cooper (R-Ky.). It would have provided that U.S. citizens couldn't be extradited to another country to stand trial for alleged acts of genocide unless the Secretary of State determined the citizen would be guaranteed all the constitutional rights of an accused under U.S. laws.

Sen. Jacob K. Javits (R-N.Y.) explained that the proposed implementing legislation will spell out that U.S. courts could exercise jurisdiction in such genocide cases, even where the alleged crime had been committed outside the United States.

The treaty has long been opposed by the American Bar Association, which narrowly reaffirmed its position late last year.

The most outspoken opponent in the Senate is Sam J. Ervin Jr. (D-N.C.), who has said he agrees with the ABA that the treaty is "full of holes" and would really do nothing to prevent genocide. Ervin has charged the treaty would lay U.S. citizens open to foreign or domestic prosecution for ill-defined crimes with ill-defined legal safeguards, and would widen the jurisdiction of the International Court over the United States.

The treaty defines genocide as acts intended to destroy, in whole or part, a national, religious, ethnic or racial group. It makes genocide committed by rulers, officials or individuals whether in wartime or peacetime an international crime, and provides that persons shall be tried in the state where such acts were allegedly committed.

The treaty was adopted by the U.N. General Assembly Dec. 9, 1948, by a 55-to-0 vote, transmitted to the Senate by President Truman in 1949 but has never been sent to the floor. President Nixon asked the Senate on Feb. 19, 1970 to approve it. The committee reported it last year, but too late for action.

The decision on when to bring it to the Senate floor for a vote rests with Majority Leader Mike Mansfield (D-Mont.), who probably would withhold it if he thought it would be subject to a filibuster or would fail to obtain the needed two-thirds vote. The Foreign Relations Committee approved it yesterday with several "understandings" and "interpretations" designed to clarify specific points and meet some of the objections.

In yesterday's 10–4 vote, Fulbright, and Javits voted yes, along with Frank Church (D-Idaho), Stuart Symington (D-Mo.), Claiborne Pell (D-R.I.), William B. Spong (D-Va.), Gale McGee (D-Wyo.), Edmund S. Muskie (D-Maine), Clifford Case (R-N.J.) and Hugh Scott (R-Pa.). Opposing it were Cooper, John J. Sparkman (D-Ala.), George D. Aiken (R-Vt.), and James B. Pearson (R-Kan.).

On the 7-to-6 vote, Fulbright, Church, Pell, Muskie, Javits, McGee and Scott voted to kill Cooper's proposal, while Sparkman, Spong, Aiken, Case and Pearson supported Cooper.

The committee took no action on the 1925 Geneva Protocol barring poison gas and germ warfare. This treaty is in controversy because the administration insists that approval won't bar it from continuing to use tear gas and herbicides in Vietnam.

H.R. 391

A bill to amend section 242 of title 18, United States Code, to prohibit deprivation of rights under color of any statute, treaty, order, rule, or regulation implementing decisions of the United Nations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 242 of title 18, United States Code, is amended to read as follows:

"§ 242. Deprivation of rights under color of law

"Whoever, under color of any law, statute, treaty, ordinance, regulations, or custom (including any order, rule, or regulation issued by the President to apply measures which the Security Council or General Assembly has decided, or may decide, pursuant to chapter 41, or any other chapter, of the Charter of the United Nations, are to be employed to give effect to its decisions or resolutions under such charter, or otherwise), willfully subjects any inhabitant of any State, district, Commonwealth, territory, or possession of the United States to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, shall be fined not more than $10,000 or imprisoned not more than ten years, or both."

GENERAL PRACTITIONERS NEEDED IN THE COMMUNITIES

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. ZWACH. Mr. Speaker, I am very deeply concerned about the shortage of general practice medical doctors in countryside America. I have introduced legislation providing for financial assistance for students planning on going into general practice and for medical schools to provide more training in this field.

While the total number of doctors of medicine shows a steady increase from year to year, the number in general practice shows a sharp decline and the number of specialists shows a corresponding increase.

The specialists locate in the large population centers so it is very obvious that there is a shortage of medical doctors in the countryside.

My concern in this area was considerably deepened this week when I received a number of letters and telephone calls from our Minnesota Sixth Congressional District about general practitioners being drafted into the armed services.

Mr. Speaker, there are vast areas in our congressional district where we have no doctor at all. There are other areas where one doctor must spread his services over six to eight communities in a day and night struggle.

The welfare, the very lives, of our countryside residents is dependent upon the accessibility of a medical doctor.

I urge that directives be issued to all local selective service boards requesting them to balance the health needs of the local communities with the needs of the Armed Forces before calling our medical doctors up for service in the Armed Forces.

NATIVE CLAIMS, YES—PIPELINE, NO

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. HARRINGTON. Mr. Speaker, today I am joining a group of concerned House colleagues in sponsoring legislation to settle the Alaskan native land claims.

Congressional attention to this matter has been shabby. The lack of congressional action to resolve this question speaks of a gross insensitivity which too often characterizes the House and Senate.

The bill which I am cosponsoring would resolve the native claims question by providing Alaskan natives with 60 million acres of land and $500 million with a 2 percent overriding royalty on income from future mineral development in Alaska.

I cosponsor this bill wholeheartedly. It may be the most critical civil rights proposal which will face the 92d Congress. But I wish to set forth one corollary reservation, I am sincerely hopeful that speedy settlement of this question will not hasten approval of the hot-oil pipeline across Alaska.

I view the settlement question totally apart from the pipeline proposal to which I am opposed at the present time and urge the House to deal expeditiously and justly with the claims of the Alaskan natives.

CONGRESSIONAL NEWSLETTER

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. KOCH. Mr. Speaker, this week I am mailing to my constituents my first newsletter of this Congress. In it I report some of my major activities since I issued my last newsletter in October 1970. Among the issues I have discussed are the welfare hotel crisis in New York City and its relationship to the efforts of many of us in the Congress to secure full Federal assumption of the welfare burden; the drug crisis, and the Federal privacy bill I have introduced to respond to the threat to individual liberty posed by Government collection activities.

I would like at this time to insert in the RECORD the full text of my newsletter. It follows:

CONGRESSMAN EDWARD I. KOCH REPORTS FROM WASHINGTON

DEAR CONSTITUENT AND FELLOW NEW YORKER: Last year, with other Members of Congress of the New York City delegation I made two tours of Harlem and the South Bronx to see the drug traffic on the streets and to visit two adolescent centers maintained by Odyssey House.

Talking with teenagers in one of the adolescent centers was so meaningful for me that I suggested to Dr. Judianne Densen-Gerber, founder of Odyssey House, that we bring the children to Washington and invite all of the Members of Congress to a breakfast where they could talk with the children and recognize that the Federal government has not faced up to this problem with adequate legislation and funding.

The breakfast was held on March 10 and more than 100 Members of the House and Senate attended. The representation was bipartisan and I sensed the occasion made clear to the Members that a greater effort to get adequate funding must be undertaken.

Last year the Congress authorized $43 million in new funds for drug treatment and education programs under the Comprehensive Drug Act for Fiscal Year 1971. But, the Congress failed miserably in appropriating funds to meet this authorization—only $6.5 million was appropriated. For Fiscal Year 1972, the Drug Act has authorized $102 million—but this will be only empty rhetoric if the cash is not appropriated.

Recently I visited Fort Bragg in North Carolina which has one of the few military drug treatment facilities. I was told that in a survey done of the 82d Airborne Division, 3% of the men were found to be "confirmed opiate users." It is well known that some men coming back from Vietnam are drug addicts—and yet even identifiable addicts are being discharged when their two year term is up. While the Army surely would not return to the community men afflicted with contagious TB, it knowingly discharges active heroin addicts. I have recommended that such persons must be committed to either a Veterans Administration Hospital for treatment or placed under the care of some civilian rehabilitation center.

There is a regulation in New York City that requires welfare recipients who are identified addicts to receive treatment. But, this regulation in the majority of cases is ignored. There are now at least 15,000 addicts on welfare and the number is increasing every month. Similarly convicts who are identified as heroin addicts upon incarceration should be treated while in prison; if prisoners do not receive rehabilitative treatment in jail—as is usually the case today—I have recommended that upon release, they be required to undergo treatment.

It will take millions of dollars to operate comprehensive treatment programs but the Congress must find the funds. The total of drug addiction is a tragedy not only for the youth whose life is crippled but for all of us whose homes are robbed and lives threatened by drug addicts not receiving treatment.

GOVERNMENT FILES AND CITIZENS' RIGHTS

The revelations in December of Army surveillance of public officials in Illinois emphasized the need for the Congress to scrutinize the information collection activities of the Federal government. It is well known that the government gathers tremendous amounts of information on individuals and that cross referencing and retrieval is being made more efficient each year. This collection of data, which for many individuals covers personal aspects of one's life, cannot help but post a threat to personal privacy and individual liberty. The time has come for the Congress to develop some safeguards to defend the public against the improper intrusion of computer technology.

I have reintroduced my bill (H.R. 854) to give the average citizen the means to resist the advance of a "dossier dictatorship" and to protect himself against malicious and false information in government files.

My bill would require all government agencies maintaining records on an individual to:

(1) notify the individual that such records exist.

(2) notify him of all transfers of such information.

(3) disclose information from such records only with the consent of the individual or when legally required.

(4) maintain a record of all persons given access to such records.

(5) permit the individual to inspect his records, make copies of them and supplement them.

Exceptions to this requirement would be made in instances of national security and when information is temporarily withheld for the purposes of criminal prosecution.

My bill now has 97 House co-sponsors and has been introduced on the Senate side by Senator Birch Bayh of Indiana. I also have introduced a similar bill to open the files of the House Internal Security Committee.

On February 23rd Senator Ervin's Judiciary Subcommittee on Constitutional Rights commenced hearings entitled "Computers, Data Banks and the Bill of Rights." I was the second witness before the Committee. I presented my bill to the Senators and urged that in addition to giving persons access to their government files, its implementation would necessarily reveal patterns of government operations which are detrimental to individual liberties. Furthermore, it would deter government agencies from compiling dossiers containing dubious and speculative information, as well as information that is of such a personal nature that it infringes on an individual's privacy.

WELFARE HOTELS

The administrative structure and the laws governing our present welfare system are in shambles. The system is not working, and there is no better illustration of this fact than the "welfare hotel mess" here in New York City.

Late last fall I discovered that the City was paying enormous rents, ranging up to $800 per week, to quarter welfare families in hotels used as emergency housing. Some of these families were placed in these hotels after their homes were destroyed by fire and the Department of Social Services would not approve apartments they had found because the rent was too high. For example, one family with whom I spoke paid $1600 per month to the Broadway Central Hotel because the Department of Social Services said they could not legally pay a $200 per month rental for the apartment they had found.

My office researched this problem and found that there is no legal limitation on the allowable rent for a welfare family's home. The Administration then conceded that the ceiling was in fact an administratively set guideline that could be waived in individual cases or completely altered to adjust more realistically to the present situation.

The taxpayers have every right to be outraged by this mismanagement of public funds; we are all in a sense victims of this policy. But the most tragic victims are the welfare children.

During the past several months, I have personally visited a number of the welfare hotels and spoken with the families. In some cases, the hotels themselves are filthy, dilapidated and dangerous; many children are out of school and roam the halls; it is not uncommon for 6, 7, 8 or more members of a family to be in one room. Four children died in accidents in these hotels within a one month period.

On January 16th of this year, I joined with Manhattan Borough President Percy Sutton to hold a joint Federal-State-Municipal hearing on welfare hotels. Legislators from all levels of government heard extensive testimony from governmental officials responsible for Social Service Programs and concerned citizens in an effort to find specific legislative and administrative remedies for this situation. My conclusion based on the testimony given is that the City could do far more to provide real emergency service for those families in need at far more reasonable costs.

On January 24th, the Mayor reacting to the public furor aroused by the continued revelations of this wasteful welfare hotel policy, and reacting particularly to the fact that one such family was placed in the post Waldorf-Astoria, announced that the City would curb the use of hotels for housing families.

The next day I wrote to the Mayor to reiterate proposals I had made that would immediately make thousands of habitable apartments available not only for welfare families but for the middle class as well. These proposals include imposing a vacant apartment tax on all rental units intentionally withheld from the housing market for 90 days and allowing the City to compel the leasing of vacant apartments that have been withheld for six months.

It is obvious that the City cannot afford to continue supporting such a large and ever increasing welfare budget. Full federal assumption of welfare costs represents the only long term solution and I am cosponsoring such legislation in the Congress. It becomes increasingly difficult, however, to persuade other legislators of the need for this reform when they see the City of New York squander so much money in such a wasteful fashion that embitters tax payers and welfare recipients alike.

NEW COMMITTEE ASSIGNMENT

I have a new Committee assignment. I am now a member of the Banking and Currency Committee. That Committee has jurisdiction over mass transit.

Since coming to Congress in 1969, mass transit has been one of my primary concerns. Two years ago I introduced a bill to create a $10 billion mass transit trust fund to do for mass transit what the Highway Trust Fund has done for highways. As a result of the support for my bill we were able to pass legislation in the 91st Congress which provided $3.1 billion for mass transit—far too little but much more than ever before.

This year I have introduced a Single Transportation Trust Fund bill which would place all of the moneys now collected for highways and airports into a single trust fund to help each locality provide a transportation system that best suits its particular needs.

I am also the original sponsor of legislation that would provide Federal subsidies for mass transit systems which are finding it difficult to maintain proper service because of operating deficits. Surely this is true in New York where the Transit Authority is faced with a $100 million deficit and we all are faced with the having to pay higher fares. I will be leading the fight on my Committee for operating subsidies.

My Committee also has jurisdiction over housing. Though every level of government bears part of the blame for our housing crisis, it is clear that the Congress and the President are the main culprits. They have refused to appropriate and spend the needed moneys that my Committee has authorized each year pursuant to the 1968 Housing and Urban Development Act. I will do whatever I can while working on the Committee to press for Congressional and Administration action—it's time they stop promising and start building.

MARIHUANA COMMISSION

On January 30th the President announced his nine appointments to the Presidential Commission on Marihuana and Drug Abuse—whose establishing legislation I first introduced in April 1969 and which subsequently was passed by Congress last fall.

The Commission's "blue ribbon" report will be particularly helpful in giving guidance to states like New York which are now considering changes in their drug laws.

MURRAY HILL TENANTS

On January 2nd, the Uniform Relocation and Land Acquisition Policies Act became law. It provides a uniform program of relocation payments and displacement housing for tenants. Most important to me was the special section entitled, "Displacement by a Specific Program"—the program being the prospective construction of a post office on the government's Murray Hill property in our district.

I took an active part in the drafting of this new law because shortly after being elected to Congress in 1968, I was asked to help a group of Murray Hill tenants who were then being threatened with eviction to make way for the postal facility's construction—and most important, they were not going to receive any relocation assistance.

We were successful in getting the construction plans suspended and eviction stopped, giving the Congress time to legislate. The special section I secured gives Murray Hill tenants suffering hardship from displacement:

Up to $500 in moving assistance.

A sum of up to $1000 a year for four years that is needed for the displaced person to rent a dwelling that is decent and safe.

Both of these categories of assistance are included in the general provisions of the law. However, had the special section for Murray Hill tenants not been included, all those tenants who moved onto the property after its acquisition in 1963 would have been excluded from the rental assistance benefits.

The Uniform Relocation Act establishes a single relocation policy for all federal programs and fills the gaps—such as in the Murray Hill case—in which no assistance has been given.

HELPING PRE-KINDERGARTEN TEACHERS

The wheels of the federal bureaucracy move slowly and so too often its regulations become out of date. One such case I found last year was the Department of HEW's refusal to give National Defense Student Loan cancellation benefits to Head Start and other pre-kindergarten teachers in New York's elementary schools.

The law allows up to 50% cancellation of a NDEA loan of the borrowing student, if he or she goes into teaching. For three years pre-kindergarten classes have been included in many of New York's elementary schools with certified teachers conducting their classes. But these teachers were being denied cancellation benefits under HEW's old regulations.

After arguing for several months that pre-kindergarten education now occupies an essential place in elementary education, I was successful in obtaining the Department's agreement to extend cancellation benefits to teachers of the public schools' pre-kindergarten classes. The Department even ruled that these benefits would be retroactive and would extend to teachers in private schools meeting state standards.

This established a new policy for the nation—one which hopefully will give increased status to pre-kindergarten teaching and encourage more young people to enter this important new field of education.

TRAVELING OFFICE

My store front office at 1491 Second Avenue (78th Street) is no longer operating. Instead I have established a traveling office that takes me to different areas of the Congressional District to meet with constituents every Friday.

Every month I will be at a new location. My schedule for the next two months follows:

April: Greenwich House, 27 Barrow Street, 9 a.m. to 10 a.m.

May: Stephen Wise Free Synagogue, 30 West 68th St., 9 a.m. to 10 a.m.

Your comments on this newsletter and any proposals you might have on any subject are of interest to me. Please write to me c/o House of Representatives, Washington, D.C. 20515.

If you need assistance, call my New York City office at 26 Federal Plaza on 264-1066 between 9 a.m. and 5:00 p.m. on weekdays.

Included in the newsletter are three photographs. The captions on these photographs read as follows:

In the past several months I have made a number of visits to jails in the City. On January 18th I went to the Kew Gardens jail in Queens. Accompanying me was Corrections Commissioner George McGrath.

At the Broadway Central Hotel in January.

Community leader Shanley Egeth and I met with the Murray Hill tenants to tell them about the special benefits in the new law and to help in their application for relocation assistance.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

BATES MANUFACTURING CLOSES ITS HILL DIVISION

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. HATHAWAY. Mr. Speaker, a great deal has been said lately about the depressed state of the American economy. In New England, the textile and shoe industries face especially difficult problems—problems generated by a sluggish economy and heightened by the ever-increasing flow of foreign textile apparel, and footwear imports which are threatening to make two of the region's most vital industries extinct.

In the New England textile industry, there have been 45 mill closings in the last 2½ years which have affected 10,563 employees. Conditions have been equally alarming in other sections of the country. In the Middle Atlantic States, for example, 24 mills employing 1,887 workers have been forced to close their doors since the start of 1969. And in the South, there have been 45 mill closings affecting 12,416 workers during the same period. Total mills closed in these eastern sections of the country in the past 27 months: 114. Total employees forced to seek other work: 24,866.

The most recent of all these textile-plant closings, I am sorry to say, occurred just this morning in Lewiston, Maine, at the Hill Division of Bates Manufacturing, Inc. Regarding this regrettable action, I call my colleagues' attention to the statement issued by a Bates executive, Mr. H. L. Gosselin.

MR. GOSSELIN'S STATEMENT

Operations at the Hill Division of the Bates Mfg., Inc., will, by a decision made today, be permanently terminated effective immediately.

Much as we regret having to make this decision, it is necessitated by the flood of uncontrolled foreign imports which have destroyed almost all the markets for Hill goods and have made operations at that plant unprofitable.

Some of the machinery at Hill will be transferred to the Bates Division in Lewiston and to the Edwards Division in Augusta.

A considerable number of the 575 Hill employees affected have already been provided employment at our two other divisions. More will be given opportunities as job openings occur.

Bates will cooperate with City and State officials in endeavors to utilize the space at the Hill Division to provide the community with job opportunities.

We regret the necessity of closing Hill, but mills such as Hill simply cannot compete with the uncontrolled flow of imported textiles coming into this country. In fact, this year imports were the highest on record.

We commend and express our appreciation to the Members of the Maine Congressional Delegation for their continued efforts to obtain remedial action and we urge once again immediate enactment of textile quota legislation which is the relief we have been seeking for over 15 years.

We want to emphasize that the closing of Hill is due entirely to conditions caused by imports. It is no reflection upon the nearly 600 employees and supervisors of the plant and local union officials whose cooperation and efforts throughout the years have been excellent.

Mr. Speaker, I know many of the Hill Division employees, and I know that they cannot find any solace in the kind of rhetoric which promises an upturn in the American economy. For months there have been promises of a brighter economic picture, but the layoffs have continued and the families of many thousands of American workers face an uncertain future.

I believe that this Congress has a responsibility to the American public to provide an impetus to our economy. As a sound beginning, I would suggest, as I have on numerous past occasions, that Congress provide relief for our textile and footwear industries from unfair, low-cost foreign competition. In my judgment, viable shoe and textile import quota legislation is long overdue. We need look no further than Mr. Gosselin's statement and the disturbing statistics enumerated above for the stark evidence of this great need. I sincerely believe that such legislation can and will help stop what now clearly appears to be the slow death of two of this country's most important, most vital, and most responsible industries.

SENATOR RIBICOFF'S STATEMENT ON THE LATE L. MENDEL RIVERS DISTASTEFUL

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. McMILLAN. Mr. Speaker, I was in South Carolina at the time Senator Abraham Ribicoff made a statement concerning the late Honorable L. Mendel Rivers. I believe I was as close to Congressman Rivers as any living man during his last years here in Washington and it was very distasteful to read in the press an account of the statement made by Senator Ribicoff.

Never in my life have I ever made a statement concerning any person when it was impossible for him to defend himself. It seems to me that Senator Ribicoff could have made his statement before the passing of my good friend, the late Congressman Rivers. I, of course, can see no reason for any Senator, or in fact, for any person, to make a statement of this nature after a person has passed away as it proves nothing.

I realize nothing I could say will change this statement concerning the late Mendel Rivers; however, I want Senator Ribicoff and the readers of the Congressional Record to know that I consider Senator Ribicoff's statement to be very distasteful, ungentlemanly, and could be interpreted as cowardly.

It is very seldom that we hear of any Member of Congress making a statement concerning anyone who has passed on to his forever resting place and I hope this will be the last such incidence on Capitol Hill.

WHY WE CANNOT WIN THE WAR

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. HUNT. Mr. Speaker, I feel it is again timely to draw attention to the so-called humanists who detest the killing in Vietnam so vehemently that their conduct may well be recorded in history as being responsible for prolonging the killing, and denounced as the reason why we did not win the war. The latest move toward the objective of peace-at-any-price via a total and unconditional withdrawal of American troops is the compulsion of the anti-Nixon, anti-Vietnam would-be leaders to insure that the Laos invasion by South Vietnam forces will be labeled a failure. Led by none other than the habitual soothsayer of doom in the other body—whose real gripe may be that he does not have the power of the President—the proclamation is reported in today's papers that the military objectives, outlined in still-classified testimony by top administration officials last month, were not realized in Laos. The only possible purposes to be served by this doubt-casting publicity are to embarrass the true leaders of both the United States and South Vietnam and to award yet another propaganda victory to the enemy, in the hope, perhaps, that the United States will just give up and go home.

I believe the following editorial, appearing in the Paterson News of March 20, 1971, is one that everyone should read carefully in light of the condemnations of the President over the Laos venture and the renewed vigor of some politicians in proposing legislation that would tell the enemy that the United States would be out of Vietnam by a specified date:

WHY WE CAN'T WIN THE WAR

Chalk up a major political victory for the peace-at-any price leaders of this country in what is being described as the rout of the South Vietnamese. If the South Vietnamese are driven out of Laos, and thereafter from Cambodia, these gleeful politicians and would-be presidents will not want to appear to gloat, but they will proceed ponderously to condemn and berate President Nixon for having committed a grave blunder which they will point out is further evidence of the urgent need for the United States to withdraw from Indo-China.

They will, however, ignore the fact that their constant and raucous attacks on the South Vietnamese rulers, their alleged graft and corruption, the impropriety of further involvement of American forces in the war, the insistence that we pull out finally and for all time, have continued to give new strength, courage and purpose to the enemy in North Vietnam and their allies the Viet Cong, to whom they were virtually saying "Keep fighting and you won't have to lick us, we'll soon be running away."

Isn't it apparent even to these rabid anti-Nixonites that they have given renewed strength and confidence in victory to the enemy which includes the Soviet and Red China all of whom are now entitled to feel that the whole war will fold up if they just continue to hold out, keep fighting and ignore the peace conferences in Paris. To them, it is patent that the United Staes is a house divided—that they forced Lyndon Johnson out of the presidency and will do the same to Richard M. Nixon whom they despise as an implacable enemy.

All these political maneuverings are not in themselves the grievous malaise which afflicts this country. It is the shocking undermining of our troops in the war front; of our military leaders, of all our hopes of rescuing the South Vietnamese to whose aid we first went back in the days of President Kennedy, through the terms of President Johnson and now Richard Nixon.

America can no longer proclaim its unanimity against a common enemy. A small band of bedraggled and bearded way-out youths can start a demonstration at a meeting at which the President is a speaker and command worldwide attention, with the headlines shrieking "Rebellion Against the President." And these demonstrators will be hailed as heroic American youths by the political spouters who hope to ride to the White House on the vapid oratory of men who certainly do not hate their country but are yet serving the cause of the enemy.

LEGISLATION TO REPEAL CERTAIN SECTIONS OF TARIFF SCHEDULES

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. GREEN of Pennsylvania. Mr. Speaker, I am today introducing legislation to repeal section 806.30 and 807 of the U.S. Tariff Schedules. While I have already introduced legislation to repeal section 807, I feel it is now necessary to cover both provisions in the new bill since both provisions are being abused. These provisions permit the export of American goods overseas for the purpose of assembly and fabrication. They have become the vehicle for pirating away jobs of American workers in the textile, electronic, and electrical equipment fields.

Under the provisions of the law, goods are returned to this country with the American product duty free and only the labor costs in any foreign manufactured item subject to duty.

From 1966 to 1969, imports under these items rose from $953 million to $1.8 billion. Through 1970, I am certain that the volume was even higher. Unfortunately, the computer at the Census Bureau fails to report the figures for January 1970, and no one in the administration has seen fit to calculate total imports for the year 1970.

What is more, these items were the subject of a Tariff Commission's report issued in September 1970. To date, the administration has not commented on the impact of these items on the economy, although both the Ways and Means Committee of the House and the Senate Finance Committee have urged them on several occasions to do so.

I am hopeful that these items will be acted upon because I believe that they are rooted in this Nation's international trade problems.

LEGISLATION TO CURB PORNOGRAPHY

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. GIBBONS. Mr. Speaker, last year Congress made a major contribution to the peace of mind of the citizens of this country when it enacted as part of the Postal Reorganization Act provisions which strengthen our ability to protect the privacy of our homes from unwanted sexually oriented materials. These new provisions, as you know, permit a person at any time to notify the Postmaster General that he does not want to receive, and if he has children under 19, that they do not wish to receive, any sexually oriented advertisements in the mails. The Postal Service is keeping a current list of such persons, and mailers are prohibited from sending or causing to be sent any sexually oriented advertisement to any person whose name has been on the list for more than 30 days, title 39, United States Code, sections 3010, 3011.

Congress thus extended the protection provided by the 1967 law permitting a householder to notify the Postmaster General that he has received pandering advertisements" and does not wish to receive further mail from the particular sender, title 39, United States Code, section 3008.

With these two weapons a citizen may take steps to halt or prevent sexually oriented mailings from entering his home. While I applaud the enactment of these laws, I believe that all of the burden should not rest on the citizen to take affirmative action. More of the burden should fall to the mailers to eliminate objectionable material from their mailings, particularly to children.

For this reason I am cosponsoring two bills which should accomplish what I believe are the dominant concerns of the majority of the people of this country on this subject—the protection of minors from exposure to sexually oriented material and the application of community standards to the question of obscenity.

H.R. 6930 would prohibit the sending through the mails to minors of certain sexually oriented material harmful to them. If the matter described in the bill as harmful to minors were deposited in the mails for delivery to a residence in which a minor resides, it would have to be sealed completely in an envelope or wrapper personally addressed to an adult residing at that residence or it would be presumed to have been intended for delivery to a minor—and in violation of the law.

Other provisions of H.R. 6930 would make jury decisions on the issue of the obscenity of questioned material binding on Federal appellate courts. This bill would not only result in obscenity rulings more in keeping with particular community views but would also relieve the burden of appellate review of so many decisions on the question of obscenity.

H.R. 6929, the other bill I am cosponsoring, would prohibit the use of interstate facilities, including the mails, for the transportation to minors of sexually oriented matter harmful to minors.

Violators of these provisions would be subject to a heavy fine or imprisonment.

Last session Congress considered a number of bills to regulate obscenity and pornography. Two of these bills were passed by this House but were never taken up by the Senate. Interest in further measures to regulate pornography and obscenity continues and the need has not vanished.

Early action on these bills will hopefully serve to aid their enactment and will be appreciated by citizens throughout the country who depend upon us to aid them in the struggle against inundation by offensive matter. Perhaps more importantly, enactment of these bills will be a step toward protection of our individual right of privacy—a right which seems in greater peril daily.

ALEXANDRIA CITY COUNCIL OPPOSES DISTRICT OF COLUMBIA COMMUTER TAX

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, referring to the prospects of a request by the District of Columbia government to the Congress to impose the so-called commuter tax on the citizens of Virginia and Maryland who work in the Federal City, I should like the House to take note of a resolution proclaimed by the city of Alexandria, Va. The resolution follows:

RESOLUTION NO. 13

Whereas, officials of the government of the District of Columbia have proposed that a "reciprocal income tax" be levied on the commuters and other non-residents who earn their living in the District of Columbia; and

Whereas, this reciprocal income tax would adversely affect 280,000 suburban residents; and

Whereas, the revenue needs of the City of Alexandria are as acute as those facing the District of Columbia; and

Whereas, while the District Government would obtain 51.6 million dollars in additional revenue under this arrangement, the State of Virginia would lose 17 million dollars; and

Whereas, this loss of revenue could reduce the State of Virginia's ability to provide local and State services to its citizens in such vital areas as education, health and welfare; and

Whereas, such a tax is unfair since the District of Columbia now receives direct financial support from the Federal government; and

Whereas, residents of Virginia already pay sales and other taxes on purchases made in the District of Columbia; and

Whereas, residents of Virginia and all other American taxpayers already rightfully support the District of Columbia through Federal taxes; and

Whereas, the City Council of the City of Alexandria recognizes that the District of Columbia, like most American cities, is in desperate need of additional revenues to meet the pressing and legitimate needs of its citizens; and

Whereas, the primary responsibility for the plight of the District of Columbia rests with the United States Congress; and

Whereas, the unique character of the District of Columbia as a federal city, governed in most major respects by the Congress of the United States, mandates that its revenue needs be met, to the extent that they cannot be met locally, by the taxpayers of the United States as a whole and not by taxpayers of Maryland and Virginia.

Now, therefore, be it resolved by the City Council of the City of Alexandria, Virginia:

1. That the City Council of the City of Alexandria on behalf of its citizens, joins other jurisdictions in Virginia and Maryland in urging the House District Committee to oppose the District Government's reciprocal income tax.

2. That the City Council of the City of Alexandria on behalf of its citizens urges its representatives in Congress and the members of its delegation to the Virginia General Assembly to join in opposing this commuter tax plan and, in lieu thereof, to support a higher federal payment, or other appropriate relief, to meet the pressing revenue needs of the District of Columbia.

3. That copies of this resolution be forwarded immediately to the Chairman of the House District Committee, Senator Byrd, Senator Spong, Representative Broyhill, and the members of our delegation to the Virginia General Assembly.

REVENUE SHARING WOULD BE DEFICIT SHARING

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. JACOBS. Mr. Speaker, the portions of the WTOP editorial aired on March 24th and 25th are also applicable to the concept of so-called revenue sharing, which, if reality were to be recognized, would be deficit sharing.

In any case, the lesson of responsibile government is here in these words from WTOP:

> The internal upheaval now underway in the United Givers Fund could be the best thing that ever happened to it.
>
> Two fundamental things are being challenged: The organizational structure of the UGF family, and the ways in which the huge charity money-pie is being sliced.
>
> For many years, the organization has been fractured. *Collections* have been handled by the UGF office and *disbursements* have been done by the Health and Welfare Council. They are entirely separate bodies, and there has been rivalry and confusion.
>
> *One* agency would be better. At the very least, the UGF then would be directly accountable to the people from whom it collects for the ways in which its collections are used. . . .
>
> In our opinion, the allocation priorities—viewed overall—need some substantial reordering. The great annual outpouring of this community's gifts is not finding its way well enough into the places of greatest need. . . .
>
> Exactly what the new priorities should be is something to be hammered out by the community at large. A plausible first step toward doing that is to seek the early union of the UGF and the HWC organizations.

FACTS ARE STUBBORN THINGS

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. BOW. Mr. Speaker, in response to criticisms by the distinguished majority leader of the other body and some of his colleagues, the Interstate Commerce Commission on March 17 provided the Congress with a series of responses in pamphlet form to the criticisms made of that Commission. I have read with considerable interest the Traffic World editorial of March 29 entitled "Facts Are Stubborn Things, ICC Says." This well-reasoned editorial response to ICC's defense is worth reading and I include it in the RECORD of today:

FACTS ARE STUBBORN THINGS, ICC SAYS

Having read the Interstate Commerce Commission's eight "summary statements on major problem areas" and its letters (identically worded) transmitting those statements to the chairmen of the Senate and House committees in Congress that have ICC-regulated transportation matters in their jurisdiction, we run into the question, "What will the critics of the Commission say about those statements?"

One answer that seems probable to us is that the critics—at least those among them who are axe-grinders or are prejudiced against the ICC—will say that in each of the "summary" booklets the Commission has stated its own side of the case but has not told "the whole story." For instance, one or another of those critics might say, the Commission says nothing about its having muffed the ball in Docket Umpty-ump, where it paid little attention to the weight of the preponderant evidence and came up with an arbitrary decision, one that subjected the losers in the case to undue hardships that it took years of litigation to correct.

Well, it can't be denied that mistakes have been made occasionally by this and every other regulatory commission in the federal government. But we have never heard of any proof or serious claim that a mistake in an ICC decision was not an honest one.

The Commission has now given the members of Congress a long-needed and well-presented assortment of statements defending its actions or policies with respect to eight principal subjects or areas of regulation, as to which attackers of the ICC have done most of their viewing-with-alarm. Recorded in these eight pamphlets are the problems faced, the actions taken and the administrative difficulties (including legal limitations of its authority) encountered by the Commission in the exercise of its regulatory functions with respect to: (1) Passenger service and discontinuance; (2) small shipments; (3) household goods transportation; (4) freight car shortages; (5) mergers; (6) diversification and conglomerates; (7) rate increases, and (8) budgetary support.

Smallest of the pamphlets (the page size of each is 5 inches by 9 inches) is the one titled "Budgetary Support"; it could well have been titled "Inadequacy of Budgetary Support." It shows that if the size of the Commission's average employment figure bore the same percentage relationship today to the total annual revenues of the ICC-regulated carriers that it bore in 1939, the Commission would now have more than 14,100 employees, instead of only 1,662. (The ICC-regulated carriers' revenue total in 1939 was $5,650,300,000 and the ICC employment average in that year was 2,567. The fiscal year 1971 revenue total of the ICC-regulated carriers is estimated to be $31,800,000,000 and the ICC employment average, excluding about 430 employed in functions transferred to the Department of Transportation, is 1,733.)

Appropriately, the Commission addresses to the Congress this question: "Is it realistic to expect the Commission to perform at the level of standards at which the public, the Congress, the Administration and this Commission would like to see today's surface transportation problem regulated, with a staff considerably smaller than we had in the 1930s?"

Largest of the "summary" pamphlets (28 pages) is the one titled "Passenger Service and Discontinuances." In this presentation of its views the Commission voices doubts that the taxpayers will approve large expenditures for preservation of the conventional passenger train for intercity service, in view of a showing that, although commuter operations are well patronized and generally recognized as being necessary to the public well-being, only one-half of one per cent of the intercity travel is by rail. The Commission sees a prospect, however, that "in dense population corridors . . . superspeed passenger trains could be feasible and profitable."

Such a system, primed with public funds, the ICC says, "might well be combined with an austere, conventional, but comfortable service reaching into other sections of the country, to meet the reasonable needs of the foreseeable future. A promise of more than that would be at odds with reality. 'Facts are stubborn things.' "

Those last four words were written something like 250 years ago by a character yclept Alain Rene Le Sage, according to our volume of Bartlett's "Familiar Quotations."

A point emphasized repeatedly, as it should be, in the Commission's summary statements is that Congress has failed, year after year, to do anything very significant toward remedying the deficiencies of law and financial resources that are largely responsible for the Commission's troubles and for its exposure to attacks by people unfamiliar with its problems.

With regard to freight car shortages, however, the Commission makes these comments that we don't believe have been uttered by this agency before and that probably should have been made long ago:

". . . The hard truth is that a grave question exists whether this Commission or any government body ever could or ever will be able to fully solve the freight car shortage by informal persuasion, power or force.

"More laws and/or more 'jawboning' will only be as fingers in the dike. Concrete remedies are the only things now that, in our opinion, will really give material relief to the current situation and for the increasing need in the years immediately ahead."

The Commission chides the shippers for ineffective utilization of the freight cars and chides the railroads also for the same reason. On the latter score, it notes that "today, a typical freight car moves about one-tenth of the time" and "nearly half of its potentially productive time is spent lying idle in an empty condition."

We endorse the Commission's statement in its letter of transmittal of its summary statements that most critics of the ICC have been prone to criticize situations without giving much consideration to basic causes or important contributing factors. It pleases us to see this agency making an energetic and well-planned effort to defend itself. There may be disagreement among its friends as to the Commission's suggestion that all its legislative recommendations to Congress should be given priority consideration, but we, for our part, certainly concur in its assertion that the regulatory agency "must have resources, personnel and facilities commensurate with the magnitude and importance of the Congressional mandates imposed upon it."

MR. PRESIDENT, THE JURY IS IN

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. REES. Mr. Speaker, I would like to place in the RECORD a sermon by the Rev. George F. Regas, rector of the Pasadena, Calif., All Saints Episcopal Church, concerning our involvement in Vietnam.

I find this sermon to be moving and very timely, and I am sure that Members of Congress will benefit by its message. It follows:

MR. PRESIDENT, THE JURY IS IN

In a nationwide televised press conference March 4, President Nixon addressed himself to the extension of the Indochina war into Laos and Cambodia by South Vietnamese troops and American air power and called on the American people to stand behind him "while the jury is still out." He asked the people "not to harken to the drumbeat of television commentary which takes a pessimistic view of the war."

I respectfully say that the President is wrong. The jury is not still out. They rendered their verdict long ago and a majority of the country is pessimistic and conscience-sick about the Indochina war.

The jury has spoken in almost every corner of the globe and called the Vietnam war a colossal misadventure. Gunnar Myrdal, in his monumental study of Southeast Asia, "Asian Drama," points out that we got into Vietnam originally because we sensed that communism would fill the power vacuum left by French withdrawal, and that we believed we could show the Vietnamese a better way than communism. We claimed to be the defenders of freedom, honoring our commitment to support a free nation against aggression from within and without. That is a generous interpretation of our initial involvement.

But now, as we look at what our presence has in fact accomplished over this last decade, as we consider—

The bombed-out and devastated villages.

The millions of refugees (nearly one-third of the population of Vietnam, Laos and Cambodia),

The staggering number of civilian casualties,

The use of vicious and undiscriminating antipersonnel weapons,

The devastation of crops and fields,

The political corruption and America's part in sustaining a regime the people would never support,

The forfeiture of political freedom for dissenting views in South Vietnam, looking at the monstrous results, many of us find it impossible to justify this kind of suffering and destruction in the name of democratic principles. Are the Vietnamese really better off dead than Red? And who made Americans the gods that should decide their fate?

Oh, the physical destruction and suffering of Vietnam! But there is also the death of the spirit and the erosion of conscience in this land of ours. Something has happened to America because of Vietnam, and our basic decency as a people can no longer be taken for granted.

Mr. President, the jury is in. The cost is too great; the suffering among the peoples of three of the poorest nations in the world and the continued loss of American lives can't possibly be justified.

Many experts from every part of the political spectrum admit we should not be in that war. Right, left, centrist; many agree. It isn't a partisan jury, sir.

Yet the war goes on. Death continues to reign and we are given assurance that an expansion of the war is really a deescalation and a way to hasten the withdrawal of our troops. Seeing what we've done to Vietnam looking straight at that ravaged land, we say bombing of Cambodia and Laos is necessary to protect freedom and safeguard Southeast Asia from communism.

The jury is in! We won't listen to the same phony rhetoric America has heard for a decade from its leaders at every stage of this country's long, misguided plunge into the Southeast Asia morass. The contradiction between what is being said and what is being done has reached the point of sustained insult to the intelligence of the American people.

Surely the jury is in! Vietnam is a colossal mistake and a tragic commentary on America's belief in sacredness of every person in the sight of God and his right to self-determination.

Mr. President, if we are silent, it is not because we are waiting for the jury's return. It is only because the scandal of Vietnam no longer scandalizes us. We've heard the body-count so frequently, watched the television's reports of the suffering so long, and allowed the political rhetoric to mesmerize us that now we are numbed, anesthetized and silent.

And that is not a mark of patriotism but of spiritual death—moral decay. How devastatingly cogent are those words of Jesus: "What does it profit a man if he gains the whole world and loses his own soul?"

I saw a poster recently that seared my conscience:

"Dear Mom and Dad; Your silence is killing me. (In Vietnam, at home, on campus.)"

In profound love for my country and with respect for my President—I say we must protest the war!

In the name of all that is holy, all that is honorable, all that is decent, all that is noble, we must say, "Stop the war now!" No longer will we concur with a continuation of such massive violence. We must find ways to speak, for the Christian church could make a stunning contribution to the world if it could say the right words.

Pastor Martin Niemoller's confession carries warning for us all:

"In Germany, the Nazis came for the Communists, and I didn't speak up because I was not a Communist. Then they came for the Jews and I did not speak up because I was not a Jew. Then they came for the trade unionists and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics and I was a Protestant so I didn't speak up. Then they came for me . . . By that time there was no one to speak up for anyone."

This parish must speak up and protest the war—our very soul depends on it. We are not at liberty to stick with safe and manageable subjects while the world convulses with violence and slaughter. And if the unity of this parish depends upon silence in the face of an extension of the war then it is a church whose unity is spurious to begin with. Our oneness lies in a faithful obedience to the Jesus of love and mercy, not in a tacit agreement to keep everyone on board while waiting for a conflict-free consensus before raising our voice.

I ask you now to center your mind and heart on four aspects of my protest:

1—The war has ravaged Vietnam mercilessly and eroded the conscience of America.

It isn't necessary to visit Indochina to appreciate the horror of the war. The bare statistics will suffice. The tonnage of bombardment is now approaching three times the total bombs used by the American military in all theaters in World War II.

53,544 American soldiers dead.

120,563 Saigon government soldiers dead.

1697,342 N.L.F. and North Vietnam soldiers dead.

South Vietnamese casualties estimated at over 1 million; North Vietnamese as probably more.

In Cambodia, after only a few months of war, there are an estimated 1 million refugees out of a population of 6 million.

I won't go on into the endless horrors and atrocities caused by both sides. If only each of you would read just one book on the Vietnam war—any book—and realize all of this suffering comes from a war which the majority of Americans feel is a tragic error for our country.

And I grieve for all of us who have been brutalized and numbed by this war. I have found reading the news reports of Lt. Calley's trial for his part in the My Lai massacre a staggering experience.

"I was ordered to go in there and destroy the enemy. That was my job that day . . . I did not sit down and think in terms of men, women and children. They were all classified the same, and that was the classification that we dealt with—just as enemy soldiers.

"I felt then, and I still do, that I acted as I was directed and I carried out the orders . . .

"Our job was to destroy everyone and everything in the villages . . .

"I never sat down to analyze it; men, women and children. They were enemy and just people . . ."

I grieve for Lt. Calley because of what this war has done to his humanity. How could he say he never thought about it; just followed orders? I grieve for what war has done to us all. In Calley's painful story, it is war that stands revealed as the true monster. What that war is doing to many William Calleys growing up in America is immeasurable.

In Houston, on Oct. 27, 1967, Capt. Eddie Rickenbacker said that ". . . peace demonstrators are a bunch of bums. The U.S. should bomb the ports, dams and population of North Vietnam. That's what airplanes are for. You're not fighting human beings over there—you're fighting two-legged animals. The people are just slaves. That's all war is for is to kill and win, to destroy, to defeat the population of your enemy."

Surely, the words of Jesus shout to America: What does it profit a nation if it gains the whole world for democracy and loses its own soul? God have mercy on us for what the war is doing to the soul of a nation; for in many ways it is inflicting its dehumanizing shrapnel into all of our hearts.

The blind distortion of national priorities has produced deep estrangement and polarization in American society. How can we accept passively a society that now spends nearly 70% of its tax dollars on wars and their aftermath and the preparation for future wars? A committee report to Congress estimated the cost of the Vietnam war, if it ended in 1970, would be $350 billion. And the poor, hungry and oppressed around the globe cry out for a chance to live.

One should understand why some of our citizens are so morally outraged at such a gross distortion of priorities. The case of the Berrigan brothers is an example. I know both Berrigan brothers personally and yet I am uncertain of their guilt in Hoover's conspiracy charges. We must await the trial.

However, their actions of pouring homemade napalm on draft records at Catonsville, though grotesque to some and unacceptable to others, did one thing. Robert McAfee Brown of Stanford University says it dramatized, in unforgettable fashion, the grotesque moral priorities that have been erected in America and what has happened to the collective conscience of our nation: We are outraged when paper is burned at draft boards, and we are not outraged when children are burned in the villages of Vietnam.

That statement is oversimplified, but it can't be dismissed without it tearing at your conscience.

Yet in spite of all this, Mr. Nixon says he will place no restraints on further bombing, except to rule out the use of nuclear weapons; that we will not be defeated in Indochina; and that he wouldn't speculate on whether South Vietnamese would invade North Vietnam on their own!

The verdict is in! Will you remain silent?

2—If the church attempts to follow Jesus, it will raise its voice in moral outrage.

I am fully aware that I could be wrong in urging this parish to protest the war. I speak to you humbly acknowledging how often I have failed in my own discipleship.

There are no easy solutions and there are no neat black and white distinctions on the morality of war. If we make the mistake of thinking there is all black on one side of the issue and all white on the other, we will be wrong nine out of 10 times. I intend to reach out and put my arms around all who strongly disagree with this sermon, for we can live together in Christian love.

Yet we cannot allow this to immobilize us. The integrity of the church's message depends on raising our voice against a war no one wants being allowed to destroy our soul.

The Christian faith says the jury is in. We don't need to see how the devastation of Laos and Cambodia is going to affect the war; we believe that life is sacred everywhere. Everyone bears in his body the image of his membership in the human family and the image of the living God. How many Vietnamese is one American worth? One, five, forty, a thousand?

The Vietnam war is a sin against the human family; its dehumanization has left its scar on us all that will remain for years. The brutality of Indochina is reflected by the callousness in the streets of America. When life is cheap anywhere, it is cheap everywhere.

If this parish remains silent in the face of all that continues to brutalize us, what is there, then, to validate our Christian way of life?

When the great author, Albert Camus, was asked to address a Roman Catholic order, he told them bluntly that they were not practicing what they preached. Listen to him!

"What the world expects of Christians is that Christians should speak out, loud and clear, and that they should voice their condemnation in such a way that never a doubt, never the slightest doubt, could rise in the heart of the simplest man . . . that they should get away from abstraction and confront the blood-stained face history has taken on today."

3—What can America do if it is not to lose its soul?

First, America must repent. I think Sen. Fulbright was wrong when he said the great society of America has become a sick society. Eric Fromm says that this is another way of excusing ourselves since sickness is something that happens to one involuntarily and for which one cannot be held accountable. Fromm asserts that American society is not sick but immoral. Our sickness is really sin. I believe he is right.

What is called for isn't guilt but repentence. So long as we try to justify the horrors perpetrated in Indochina, so long as we continue to talk about saving face and keeping our honor, so long as we figure the cost of the war is a little too much and perhaps it was a mistake to get in so deep—the soul of the nation will continue to be eroded and within the grip of death.

There is one way left that leads to new life—repentance. The word of God judges this nation; and it can bring healing, too. What a rebirth could come to the greatest, most powerful nation in the history of the world if she said: "I was wrong! God have mercy!" The death of pride would be the rebirth of integrity.

Second, we should protect the lives of our soldiers but we must come home immediately. Let the President set a clear timetable of withdrawal. We will leave Southeast Asia and if the Thieu-Ky regime can't stand on its own, then let it fall. Integrity won't allow us to keep the Thieu-Ky government in power through American guns and dollars.

We know that government is corrupt and ruthlessly suppresses political dissent. When the political oppression of South Vietnam was mentioned recently, the response of one of our ambassadors was, "We do not condone it."

Billions of American dollars put that government in power and sustain it. If we came home the Vietnamese themselves might find a way to bring peace to that tragic land.

Third, we must pay the price for peace. Everyone wants peace—but so seldom have we been willing to use the great reservoirs of this nation for healing. "And nation shall not lift up sword against nation, neither shall they learn war any more." To have that vision and pay the cost of its fulfillment—what a great moment that would be in the history of civilization.

4—The church should mobilize its resources to end the war.

In a recent "Peanuts" cartoon, the setting is a baseball game. Charley Brown is about to pitch when his teammate, Lucy, suggests that he aim to hit the batter. Charlie reacts violently: "It wouldn't be *right* . . ."

There follows a long discussion with all Charlie's teammates joining in. Everything under the sun comes into the debate: "What about the children's crusade? Was that moral? What about those awful movie ads you see nowadays? Define morality . . ." Finally, in despair, Charlie Brown says, "We never win any ball games, but we sure have some interesting discussions!"

We've talked enough. I call upon this great parish of All Saints to take a step larger than we ever thought we would. I ask for a massive mobilization of the parish by establishing a "Peace Operation Center."

The protests of young radicals have made their mark but fallen short of any major reformation of the war system. My hope is to radicalize the Establishment—myself included—and take middle America and give its goodwill and desire to build a world of peace clearer focus and more effective power.

America is searching its conscience; the church is struggling for its soul, the integrity of its message and the courage of its convictions. We must not back away from this challenge.

This parish is small against the magnitude of the problem; yet I believe profoundly in the power of just a few who have caught the vision of a peaceful world.

I am confident that there are thousands of in Pasadena and Los Angeles today willing to contribute their lives to the healing of the world. One of the high marks of the '60s was the response given to the Peace Corps.

The late President Kennedy proposed a corps organized to bring light and knowledge to the underdeveloped nations of the world. Hardly had the announcement of the Peace Corps come from the lips of President Kennedy than there were four times the number of volunteers as could be sent.

Find all the faults you wish with the Peace Corps; but it still means this: Americans have a hunger to do something with hope and heart and love in it, something more than animal. We shall seek to provide the channel.

BURKHARDT EARNS MEDALS IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. LONG of Maryland. Mr. Speaker, a fine young man from Maryland, Sp4c. William R. Burkhardt, was recently decorated for his Vietnam service. I would like to congratulate him and to share his outstanding record with my colleagues by including the following article in the RECORD:

BURKHARDT EARNS MEDALS IN VIETNAM

Spec 4 William R. Burkhardt of Edgewood has recently been awarded the Bronze Star Medal and the Army Commendation Medal.

He is the son of Mr. and Mrs. John C. Burkhardt.

The Army Commendation Medal was presented for service from Sept. 12, 1970 to Jan. 6, 1971 for his "achievements, professionalism and devotion to duty" while serving as chief clerk for the Office of the Surgeon in Vietnam.

The Bronze Star Medal was presented for "outstandingly meritorious service in connection with military operations against a hostile force in the Republic of Vietnam" from June, 1970 to Feb., 1971.

ANNUITY SYSTEM CHANGE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. DULSKI. Mr. Speaker, the Civil Service Commission has proposed legislation to remove an inequity with respect to cost-of-living adjustments in civil service retirement annuities.

Accompanying the request from Chairman Hampton of the Commission was a draft of proposed legislation. I am introducing this legislation today, with the ranking minority member of our committee, the gentleman from Pennsylvania (Mr. CORBETT), as well as the chairman, the gentleman from California (Mr. WALDIE), and the ranking minority member, the gentleman from Virginia (Mr. SCOTT), of the Retirement Subcommittee as cosponsors.

The legislation proposes to alleviate the administrative bottleneck on civil service retirements which occurs each time the cost-of-living procedure is invoked.

Whereas normally there are some 5,000 civil servants who apply for retirement each month, I am told that when a cost-of-living factor occurs the number of retirements may increase to as many as 25,000 at one time as employees seek to benefit from the cost-of-living annuity increase.

A related example is the situation that faces the Board of Education for the District of Columbia on May 31, when a large number of teachers are taking their retirement under a procedure similar to that in the Federal Retirement Act.

The retiring teachers will be going off the regular payroll 2 weeks before the end of the school year, requiring the school system to make arrangements for rehiring these same teachers as substitutes in order for them to complete the school year with their classes.

The Civil Service Commission's proposal provides that a person who retires after the effective date of the cost-of-living increase in annuities shall receive no less an annuity than if he had retired prior to the cost-of-living change.

For the information of the Members, I am including with my remarks the text of the letter to the Speaker from Chairman Hampton requesting the legislation:

MARCH 25, 1971.

Hon. CARL ALBERT,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: The Commission submits for the consideration of the Congress, and recommends favorable action on, the attached legislative proposal which provides that the immediate (not deferred) Civil Service Retirement annuity of an employee or Member of Congress retiring after the effective date of a cost-of-living annuity increase shall not be less than his annuity would have been if he had retired and had been eligible for annuity on the effective date. Similarly, the proposal provides that the annuity of an employee's or Member's widow(er) commencing after the effective date of a cost-of-living annuity increase shall not be less than it would have been if it had commenced on the effective date.

Whether an employee's annuity will be greater computed on the basis of (1) service and salary up to the effective date of the most recent cost-of-living increase, plus that percentage increase or (2) all service and salary up to the date of actual separation, without a cost-of-living increase, depends on factors which vary with the individual. Assuming a normal pattern of past and future salary increases, and a 5 percent cost-of-living increase, an employee would need 3–10 additional months' service, depending on his total years of service, for his annuity without the cost-of-living increase to equal the amount he could get if he had retired on the effective date of the cost-of-living increase. Under the proposal, an employee would in all cases receive the larger annuity.

The present cost-of-living adjustment provision, found in 5 U.S.C. 8340, provides that an employee must retire and his annuity must commence on or before the effective date of a cost-of-living annuity increase in order to have it applied in the computation of his annuity. The reasons for the proposed change are:

(1) The present provision produces the anomaly of an employee who retires soon after the effective date of an increase receiving less annuity than an employee, with the same service beginning date and high three-year average salary, who retires on or before the effective date, even though the employee who retires after the effective date has more service. A similar anomaly exists in computing a survivor's annuity because the survivor of an employee who dies on or before the effective date of a cost-of-living increase receives the increase, but the survivor of an employee who dies after the effective date does not receive it.

(2) We are concerned about the way the large number of retirements triggered by cost-of-living adjustments affects the administration of the Civil Service Retirement System. The present cost-of-living adjustment provision "bunches" retirements immediately before the effective date of every cost-of-living annuity increase by accelerating the retirements of employees who had been planning to leave within six months or so after that date. The last such increase, effective August 1, 1970, for example, produced about 19,000 retirements in addition to the 5,000 or less that occur in a normal month. Despite the Commission's plans to cope with such a peak load, work is disrupted and annuity payments are seriously delayed when so many retirements that would otherwise have been evenly spaced over a period of several months occur at the same time.

(3) Agencies throughout the Government are also adversely affected because an inordinate number of employees decide to retire immediately before the cost-of-living an-

nuity increase. Many of these people, if they are willing, must be reemployed as annuitants to complete the projects on which they were working.

Enactment of the draft bill would (1) eliminate the anomaly between annuities that commence on or just before the effective date of a cost-of-living increase and those that commence shortly after that date; (2) moderate the peaking of retirements immediately before cost-of-living increases become effective, with an estimated savings of $250,000 in administrative expenses now charged against the Civil Service Retirement and Disability Fund for processing the peak workload that accompanies each cost-of-living adjustment; and, (3) reduce the disruption in the work of agencies throughout the Government caused by many employees suddenly retiring at the same time, with many leaving work projects incomplete.

To the extent that employees delayed retirement by a few months, they would (1) pay contributions to the Fund for a longer period, and (2) not receive any annuity for those months—a combination necessarily resulting in more money in the Fund. On the other hand, to the extent that employees who would have retired after the effective date of the cost-of-living increase anyway receive a higher annuity than they would have received if they had retired on the effective date, more money would be paid out of the Fund.

The additional annuity benefits which would be provided by the draft bill for each cost-of-living annuity increase authorized on or after its enactment would increase the unfunded liability of the Civil Service Retirement and Disability Fund. Assuming, for example, that the draft bill is enacted and that then a 5 percent cost-of-living annuity increase is effective June 1, 1971, the unfunded liability of the Fund would be increased by $9.2 million. The annual interest on this $9.2 million would be $300,000.

Under 5 U.S.C. 8348(g), the Secretary of the Treasury, before closing the accounts each fiscal year, would have to credit to the Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated, the following percentages of all interest on the unfunded liability existing at the start of each fiscal year: 10 percent for 1971; 20 percent for 1972; 30 percent for 1973; 40 percent for 1974; 50 percent for 1975; 60 percent for 1976; 70 percent for 1977; 80 percent for 1978; 90 percent for 1979; and 100 percent for 1980 and for each fiscal year thereafter. No payment would be required for fiscal year 1971, since the liability would be incurred after the start of that year. The Secretary of the Treasury would, at the end of fiscal year 1972, have to pay into the Fund 20 percent of the $300,000 annual interest resulting from the assumed June 1, 1971 cost-of-living increase, plus, at the end of each subsequent fiscal year through 1980, the above-mentioned graduated percentages of the annual interest, so that the full $300,000 annual interest amount would be paid at the end of fiscal year 1980 and each fiscal year thereafter.

Each additional cost-of-living annuity increase authorized subsequent to fiscal year 1971 would have a cumulative effect on the retirement Fund's unfunded liability and the annual interest thereon. If, for example, there is one cost-of-living annuity increase of 5 percent in each fiscal year 1971 through 1980, the unfunded liability would be increased by a little over $92 million, and the annual cumulative interest payment due the Fund from the Secretary of the Treasury at the end of fiscal year 1981 would be a little over $3 million.

The Office of Manageemnt and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this draft bill to Congress.

A similar letter is being sent to the President of the Senate.

By direction of the Commission:

Sincerely yours,

ROBERT HAMPTON,
Chairman.

MOUNT CARMEL MEDICAL CENTER AT PITTSBURG, KANS.

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. SKUBITZ. Mr. Speaker, on last Sunday, March 29, more than 5,000 Kansas people gathered in the relatively small city of Pittsburg, Kans., to witness and participate in the dedication of a new hospital and health facility, the Mount Carmel Medical Center.

It was a proud moment for me, and even more momentous for the dedicated Sisters of the St. Joseph Order whose unselfish devotion and perseverance helped make this sorely needed facility a reality.

It was a good deal more than a half-century ago when a few of the good sisters came to Pittsburg, a small coal mining town, which was desperately in need of nursing and other medical attention. The miners and their families were ministered to without regard to their race or religious affiliation, and very often without regard to the ability to pay. The old institution, built brick by brick through small contributions was a haven for the injured and the afflicted and I well remember as a small boy the affection and respect in which it and its nursing sisters were held by every resident of Pittsburg.

Last week, the new building was formally dedicated, replacing the old structure which had long outworn its usefulness. That new building and all that it represents is the fulfillment of the dreams, the hopes, and the hard work of Sister de Paul, the administrator of the old facility and now the administrator of the new center. Working closely with her superior, Mother Joachim, Mother General of the Sisters of St. Joseph at Wichita, these two ladies made the new Mount Carmel a reality, a working institution that will serve the people of Pittsburg and the surrounding area.

Present for the dedicatory ceremonies were the Governor of Kansas and a number of other dignitaries, including the Bishop of Wichita, the Most Reverend David M. Maloney, D.D. who made the dedicatory address. I insert the program for the dedication, listing the participants, and the text of the dedicatory address by Bishop Maloney be printed as part of my remarks in the CONGRESSIONAL RECORD.

DEDICATION OF MT. CARMEL MEDICAL CENTER

Invocation: Reverend Leo Metcko, Chaplin; Mt. Carmel Medical Center.

National Anthem: Lakeside Junior High School Band; Paul Cox, Director.

Daniel Scott Muller Memorial: Raising of the Flag, Pershing Rifle Color Guard; Reading of Inscription, Lieutenant Colonel James E. Weber.

Blessing of the Building: Most Reverend Bishop David M. Maloney, D.D., Bishop of Wichita.

Master of Ceremonies: Edward T. McNally; President, McNally Pittsburg Mfg. Corp.

Official Greetings: The Honorable Frank DeGasperi; Mayor, City of Pittsburg.

Acknowledgments: The Honorable Joe Skubitz, U.S. Congressman; The Honorable Robert Docking, Governor, State of Kansas; Frank Gentry, Executive Director, Kansas Hospital Association; Mother Jachim, Mother General, Sisters of St. Joseph, Wichita, Kansas; George E. Nettels, Jr., Chairman, Board of Trustees, Mt. Carmel Medical Center; D. H. Wood, M.D., Chief of Staff, Mt. Carmel Medical Center; Robert W. Royer, Principal Member, Hewitt & Royer, Architects, Kansas City, Missouri; Archie W. Smith, Vice President, Universal Construction Co., Kansas City, Missouri; Mrs. D. D. Latty, President, Mt. Carmel Guild; Sister de Paul, Administrator; Mt. Carmel Medical Center; Richard Swanson.

Guest Speaker: Most Reverend Bishop David M. Maloney, D.D.

Benediction: The Reverend Donald Lehmann, President, Ministerial Alliance.

Cutting of Ribbon: Governor Robert Docking.

ADDRESS BY BISHOP DAVID M. MALONEY, D.D.

My dear Fathers, Sisters, Doctors, Nurses, and our honored guests and friends, Governor Docking, Congressman Skubitz:

It would seem fitting on this occasion of the Dedication of this new Mt. Carmel Medical Center to offer our congratulations to all who have had part in making it a reality. I believe that all here will agree with me that our congratulations should go first to the Sisters. It is their dedicated work which has made the continuance of medical care in Mt. Carmel Hospital a community reality, as it is a community service, in this Pittsburg area for the many years past. In expressing our congratulations to them, I also express our thanks for the service they and their Sisters in Religion have given to the people of this region and to the Church in Pittsburg. We extend our congratulations also to the doctors and nurses and medical personnel, as well as to all of the men and women who serve this Mt. Carmel Medical Center and the hospital for the realization of hopes that have been cherished for several years now. The accomplishment of plans to erect this Center will make it possible for all of you to serve the Pittsburg area in your profession and vocation with greater effectiveness. We congratulate you. I think, too, that we should offer congratulations to all of the people of the area, particularly to the devoted men and women who have given their time, their encouragement, and their contributions to the realization of this Center. To all of you together, as a community, I offer my congratulations and the assurance of my prayers that God will bless what you have achieved, and that the curing guidance of His Holy Spirit will remain with all who work in this medical center in the years ahead.

It seems fitting as we dedicate Mt. Carmel Medical Center that we direct our thoughts for a moment to a few ideas (obviously we cannot cover all ideas that would be relevant), to a few ideas concerning the care of the sick in such a Catholic Center.

I think the first of such ideas would be to consider for a few moments the Christian attitude toward the fact of suffering. It is the glory and nobility of the medical profession in all of its aspects that it serves the suffering. And, we must recognize in all frankness that suffering has always been, and it now remains, a mystery to the human mind. There will be many times when those of you who serve the sick stand baffled before this mystery, and your powerlessness in encountering it. Thank God for the advances that have been made in medicine, in the care of the sick. They have done much to alleviate distress. But we do remain, always, with the fact of suffering. And we remain also with the fact that it is a mystery.

We should not think, however, that it is a mystery without purpose. Part of the heritage Christianity received from the Old Testament is the wonderful Book of Job. It is the purpose of that Book to lead men to meditate upon the mystery of suffering as seen in the perspective of an infinitely powerful, and an infinitely good Creator. The inspiration to be found in that Book remains a source of spiritual treasure for all who approach it prayerfully.

It is in the life and person of Jesus Christ, however, that we find the most effective teaching about suffering. Mind you, even seen in the light of Christ, suffering remains a mystery. But it is by no means a mystery without purpose, if we reflect that it was precisely through suffering that Christ was to enter into His glory. He, Himself, took pains to explain that to the two disciples who met Him on the road and walked with Him to the town of Emmaus. We can read about it in the 25th Chapter of St. Luke's Gospel. St. Paul, the Apostle, throws further light upon the Christian attitude toward suffering. He recalls to us the fact that Christ suffered and thus achieved our salvation. And he promises us a share in the glory and rewards of Christ. But he tells us, too, quite plainly, that if we are to share in those rewards, we must be ready to share in Christ's suffering. (cf. Rom. 8:17) Seen in its relation to Christ, as a Christian must see it, we can understand then that suffering, while it is a mystery, is not without purpose. And we find that purpose in the example of Christ our Master rather than in any detailed explanation. It is part of those things we take on faith because our hope is in Christ.

It seems pertinent, to remark today on the dignity of the medical profession, and also upon the dignity of the men and women you serve in that profession. Those of you who are engaged in the care of the sick as religious Sisters know that in your service of those who suffer, you serve Christ best. To all of you, I would urge that you cherish the realization of the value of profession, the vocation in life you have chosen to follow. It has a glorious and a noble history. Men and women like you through the centuries have brought solace and comfort to their fellow men in the times when it is most needed. You in your lives continue to do that very thing. Therefore, I say to you, cherish a certain holy pride, a justified pride in your profession, in what you do in life. There must inevitably be for you times of discouragement, as there are for all men. Your work must encounter difficulties and failures, as does the work of all men. Your high hopes, the things that you would like to do and to achieve, will in part at least elude you. But remember this happens to all men. In no way does it diminish the value of your contribution to your fellow men. And that realization, coupled with the results of your work that you will see so often in the lives of your fellow men, should make your life rich and rewarding.

If I may suggest one thought, it would be this. Never forget that you work with the help of God. Your efforts to serve life and to eliminate pain are based upon the pervading providential work of Almighty God. The healing that you effect is, as you would be the first to say, very much dependent upon the operation of those laws which God the Creator has put into the world and specifically into that wonderful thing which we call the human body. I would prefer to say the human person. I think, again, that most of you will agree with me that it is a mistake, particularly in medicine, to see man as anything but a united *person*, having in himself *matter* and *spirit*—matter and spirit so closely interacting in man's life that they cannot be separated. It is the whole man that you serve. And you serve him best by recognizing his spiritual reality.

That leads me to the third consideration I would offer today. It is this. Always remember the human dignity of the men and women you serve. You will see such persons often at their very weakest, at those times in life when they are at their worst, by human standards. You will see them in the times when their dignity is least apparent. It is then that you must remember they are human persons, endowed by their Creator with that dignity which our age is coming more and more to value. Recognize in them, in whatever condition you find them, their basic human personality. Remember they are your equals before God your Creator. Remember that in serving them with such respect, you contribute to the service of mankind in the best traditions of the medical profession. This is true whether you are a doctor, nurse or assisting personnel.

We must all of us remember that such human dignity, the inviolability of the human person, comes from God. It exists prior to and independent of any civil government. It cannot be affected by, nor taken away by, any form of human government. When civil powers try to do that, to alienate the dignity of the individual, we call it, and we are right in calling it, tyranny.

It is no news to you, of course, when I recall that much of the ethics of the medical profession are drawn from and based upon that fundamental fact. The human person is inviolable. Serve him with a constant realization of that truth.

It is then with deep respect for the work that you do, and with great gratitude to the Sisters of St. Joseph, that I assure you of my pleasure in being with you today and that I offer you my congratulations and the promise of my prayers.

May God bless you.

A DOLLARS-AND-CENTS OBJECTION TO THE GENERAL REVENUE SHARING PROGRAM

HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. SANDMAN. Mr. Speaker, my objections to the general revenue sharing program of the administration are not based on philosophical or frivolous reasons. Rather, my opposition is based strictly on dollars and cents.

Some simple arithmetic proves this proposal is a bad deal for my district and for my State of New Jersey.

I calculate it will cost the taxpayers of my district almost $10 million in income taxes to pay for the $6 million my four counties and 44 municipalities are supposed to get back, according to Treasury projections.

The difference of $3,744,217.58 between what taxpayers will have to pay for what their local governments get back gets lost somewhere in the Federal aid pipeline.

You do not have to be too bright to figure out this is a bad deal, any way you look at it.

My figures are based on the fact that New Jersey taxpayers currently pay $1.62 for every dollar the State gets back from Uncle Sam in various grants-in-aid programs.

Twenty-one other States, all in the northern area of the Nation, will be similarly "shortchanged" under the administration's $5 billion general revenue plan.

Another fact, on which my figuring was based, is that though it seems fashionable to say this program will be financed with new money somehow disconnected from taxation, the truth is this $5 billion program will sooner or later have to be paid for by the taxpayers.

To merely say there will be no increase in taxation to pay for Federal programs such as this because we're asked to "pay for" it by increasing the national debt is ridiculous.

Mr. Speaker, a large portion of my four-county district in southern New Jersey is designated as economically depressed by the Government. Unemployment runs as high as 17 percent in one area of seasonal employment.

Yet these sections are the ones hit hardest by this unfair money-changing scheme.

To make matters even worse under this general sharing plan, taxpayers in my district would have to pay an additional $10,185,209 in income taxes as their share of what the State government would receive in shared general revenues.

For this, presuming the State actually passes through the money it receives to the people in the form of benefits and services, the people of my district would benefit in an estimated dollar amount of only $6,291,219. Again, the difference of $3 million gets lost somewhere along the line.

When I revealed last month that to get the $154 million in Federal revenues to be shared with the State, counties, and municipalities it would cost the taxpayers of New Jersey some $250 million, some eyebrows were raised in my State.

Even some of the State, county, and municipal officials who had been drooling over the prospects of this financial windfall are now beginning to realize that the taxpayers who elect them and me will be the ones to suffer under this scheme.

And though it is politically more desirable for Uncle Sam to do the dirty work of collecting increased taxes, many of these officials in New Jersey now know that, armed with the facts, the voters will not be fooled by this deception.

To further bring the point home, once I discovered the $100 million discrepancy on the State level and the $3.7 million in lost funds on my district level, I calculated what taxpayers in each of the 44 municipalities and four counties in my district will have to pay for what they get back. This information has been provided to county officials, mayors, and the New Jersey media.

Tomorrow, Mr. Speaker, I will insert in the RECORD a detailed breakdown of the allocation of the Federal tax burden by State. As prepared by the respected Tax Foundation, Inc., this data gives not only a percentage figure on the relative tax burdens of the 50 States and the District of Columbia, but it also shows the tax burden for each dollar of Federal aid received by each State.

In all honesty and fairness, each of my

distinguished colleagues should, I feel, reveal to your constituents what the tax bill would be if general revenue sharing is enacted.

It is true that only a half-dozen States will be seriously shortchanged by these calculations, but these are the States where the greatest need for increased State and municipal revenues exists.

I recognize the necessity, under our Federal system, for the more populated, industrialized States such as New Jersey to pay into the Federal Treasury more than we get back thereby, in effect, subsidizing the other 30 States.

But this "Federal aid pipeline" should be limited to specific Federal programs of national importance such as defense, research, welfare and the like.

When it comes to direct aid to State and local governments, Mr. Speaker, I draw the line and say the distribution formula should correlate more closely with what the States and localities pay into the Treasury.

For the RECORD, I insert the breakdown of the burden to taxpayers in the four counties and 44 municipalities in my district for what they would receive under the general revenue sharing plan.

A COMPARISON OF THE COST TO TAXPAYERS IN MUNICIPALITIES OF THE 2D DISTRICT (NEW JERSEY) OF GENERAL REVENUE SHARING

[Prepared by U.S. Representative Charles W. Sandman, Jr. (R-N.J.) Apr. 1, 1971]

	Shared revenue [1]	Burden to taxpayers [2]
I. Atlantic County municipalities:		
Absecon City	$58,207	$94,295.34
Atlantic City	1,406,361	2,278,304.82
Brigantine City	90,895	147,249.90
Buena Borough	17,923	29,035.26
Buena Vista Township	11,095	17,973.90
Egg Harbor City	39,260	63,601.20
Egg Harbor Township	47,795	77,427.90
Galloway Township	37,005	51,848.10
Hamilton Township	44,039	71,343.18
Hammonton City	99,772	161,630.64
Linwood City	65,632	106,323.84
Margate City	163,441	264,774.42
Mullica Township	10,412	16,867.44
Northfield City	66,742	108,122.04
Pleasantville	104,722	169,649.64
Somers Point	62,645	101,484.90
Ventnor City	56,927	92,221.74
Subtotal	2,382,873	3,852,154.26
II. Cape May County municipalities:		
Cape May City	62,645	101,484.90
Lower Township	26,202	42,447.24
Middle Township	49,502	80,193.24
North Wildwood	26,458	42,861.96
Ocean City	353,852	573,240.24
Wildwood City	224,806	364,185.72
Wildwood Crest Borough	66,571	107,845.02
Woodbine Borough	$5,036	$8,158.32
Upper Township	6,401	10,369.62
Subtotal	821,473	1,330,786.26
III. Cumberland County municipalities:		
Bridgeton City	114,451	185,410.62
Commercial Township	6,230	10,092.60
Fairfield Township	6,828	11,061.36
Hopewell Township	5,206	8,433.72
Lawrence Township	11,607	18,803.34
Maurice River Township	8,705	14,102.10
Millville	275,588	446,452.56
Upper Deerfield Township	10,242	16,592.04
Vineland City	467,365	757,131.30
Subtotal	906,222	1,468,079.64
IV. Salem County municipalities:		
Oldmans Township	4,267	6,912.54
Penns Grove City	19,630	31,800.60
Pilesgrove Township	6,401	10,369.62
Pittsgrove Township	20,654	33,459.48
Salem City	60,341	97,752.42
Upper Penns Neck Township	35,931	58,208.22
Upper Pittsgrove Township	5,121	8,296.02
Woodstown City	53,854	87,243.48
Subtotal	299,399	485,026.38

[1] Amount municipalities would receive from Federal Government. Source: U.S. Treasury Department.

[2] Amount taxpayers in municipalities would be assessed on income taxes to pay for shared revenues to their municipality.

THE COST TO TAXPAYERS IN THE 2D CONGRESSIONAL DISTRICT (NEW JERSEY) OF GENERAL REVENUE SHARING

[Prepared by U.S. Representative Charles W. Sandman, Jr. (R-N.J.), Apr. 1, 1971]

	Shared revenue [1]	Burden to taxpayers [2]
I. District summary:		
A. Total 4 county governments	$1,640,284	$2,657,422.04
B. Total 44 municipalities	4,408,967	7,136,046.54
C. Subtotal	6,049,251	9,793,468.58
		−6,049,251.00
D. Total lost in Federal pipeline		3,744,217.58
II. Atlantic County summary:		
A. County government	689,610	1,117,168.20
B. Total to 17 municipalities	2,382,873	3,852,154.26
C. Subtotal	3,072,483	4,969,322.46
		−3,072,483.00
D. Total lost in Federal pipeline		1,896,739.46
III. Cape May County summary:		
A. County government	346,085	560,657.70
B. Total to 9 municipalities	821,473	1,330,786.26
C. Subtotal	$1,167,558	$1,891,443.96
		−1,167,558.00
D. Total lost in Federal pipeline		723,885.96
IV. Cumberland County summary:		
A. County government	375,957	609,050.34
B. Total to 9 municipalities	906,222	1,468,079.64
C. Subtotal	1,282,179	2,077,129.98
		−1,282,179.00
D. Total lost in Federal pipeline		794,950.98
V. Salem County summary:		
A. County government	228,732	370,545.84
B. Total to 9 municipalities	299,399	485,026.38
C. Subtotal	528,131	855,572.22
		−528,131.00
D. Total lost in Federal pipeline		327,441.22

[1] Figures for fiscal year 1972 provided the Department of the Treasury.

[2] Based on current $1.62 average taxation from New Jersey required to secure each $1 in Federal grants-in-aid.

ELWOOD L. BEAN RETIRING; EXPERT ON WATER PURIFICATION

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. EILBERG. Mr. Speaker, the man who converted Philadelphia's notorious "chlorine cocktails" into good-tasting water some 25 years ago is retiring this week after 30 years of service.

Elwood L. Bean, a nationally recognized authority on water purification who has been chief of water treatment since 1953, will be honored at a farewell dinner Wednesday, March 31, at 6:15 p.m. in the Philadelphia Engineers' Club, 1317 Spruce Street. Many public officials and engineers will attend.

Bean, who is 70, has been responsible for operation of the city's water treatment plants, as well as for research on water quality. He supervised 250 sanitary engineers, chemists, and plant operators.

Bean has long been recognized as an expert on water treatment and water quality. For the past 10 years, he has been chairman of a committee set up by the American Water Works Association to establish quality goals for potable water. The goals developed by this committee have been adopted by thousands of water utilities, and this has led to an upgrading of water quality in many communities.

Water Commissioner Samuel S. Baxter said that Bean's knowledge has been invaluable to Philadelphia. He said:

> He turned water treatment here into an advanced science. Much of the improvement in Philadelphia's water in the past 15 years can be traced to Mr. Bean's expert knowledge and counsel.

In the 1940's, Bean headed a small study committee which drew up criteria for the new water treatment plants that Philadelphia subsequently built. These plants are among the most modern in the country.

Bean came to Philadelphia in 1940 with much experience behind him. For 10 years he had been in charge of water purification at Providence, R.I., and he managed several water plants for New England Water, Light & Power Associates.

In Philadelphia he faced a serious challenge. The city's water was evil smelling, bad tasting, and bacteriologically unsatisfactory. One of Bean's first acts, when he was made principal assistant in charge of laboratories in 1947, was to correct the chlorine dosage and to use carbon for the first time to reduce tastes and odors. Other chemicals were subsequently added, and the new treatment plants eventually gave him the tools he needed to upgrade the city's water.

Bean has been active outside his job. He has written more than 40 technical articles, which have been published in engineering magazines or presented to engineering societies. He is also the co-author of a book, "Water Purification Control," published in 1966.

The U.S. Public Health Service and the Federal Water Quality Administration named him to national advisory committees on water standards, and he has also advised the National Sanitation Foundation on treatment equipment for small water utilities. Much of his voluntary service, however, has been with the American Water Works Association.

A member of the American Society of Civil Engineers and the Water Pollution Control Federation, Bean is a registered professional engineer in both Pennsylvania and Rhode Island.

His education has been extensive. He studied engineering and business for 4 years at Brown University, 1926–30, and later took engineering courses at St. Joseph's College, Drexel, and Princeton University. He completed courses in public administration at Fels Institute of Local and State Government.

Bean lives at 3249 Disston Street. He has a son and daughter-in-law and two grandchildren, who live in Hawaii.

ILO COMMISSION OF INQUIRY INVESTIGATES ALLEGED VIOLATIONS OF ILO CONVENTIONS BY GREECE

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. THOMPSON of New Jersey. Mr. Speaker, in view of the growing interest in the operations of the International Labor Organization, I would like to draw attention to the recent report of an ILO Commission of Inquiry investigating alleged violations of ILO conventions by Greece. This case has been of interest to many Americans, including members of the AFL–CIO as well as Members of this House, who have raised questions regarding the capacity of the U.N. system to implement its standards, particularly those standards of the ILO embodied in the International Labor Code.

During the 1968 session of the International Labor Conference a group of workers filed complaints alleging that Greece was not securing effective observance of two ILO conventions which it had ratified—convention No. 87 on freedom of association and the right to organize, and convention No. 98 on the right to organize and collective bargaining.

Acting on the complaints the ILO governing body in March 1969, appointed a three-man Commission of Inquiry, which held four sessions in Geneva between July 1969, and October 1970. The commission had originally intended to visit Greece in the course of its investigation, but when the Greek Government withdrew its cooperation in the inquiry, objecting on procedural grounds to the calling of a particular witness, this was abandoned. The commission has recommended that "as soon as the Government of Greece is satisfied that freedom of association is fully restored—it should invite the ILO to send to Greece a fact-finding commission or similar body which will be able to complete the task which this commission has had to leave undone."

The three members of the commission were:

Lord Devlin, United Kingdom: Privy Councillor, High Court Judge in the Queen's Bench Division, 1948–60; Lord Justice of Appeal, 1960–61; Lord of Appeal in Ordinary, House of Lords and Judicial Committee of the Privy Council, 1961; Judge of the Administrative Tribunal of the ILO, chairman of the commission.

Jacques Ducoux, France: Councillor of State; member of Factfinding and Conciliation Commission of Freedom of Association which examined the trade union situation in Greece in 1966.

M. K. Vellodi, India: former Prime Minister of the State of Hyderabad; former Secretary of State and Secretary of the Ministry of Defense of India; and former Ambassador of India to Switzerland.

FINDINGS AND CONCLUSIONS: GOVERNMENT ACTIONS

The commission's findings are divided into two categories; the first concerning actions taken by the government following the coup d'etat of April 21, 1967, which the government contended were temporary measures justified by the existence of a state of emergency, and the second relating to legislative decrees promulgated in May 1969 which were intended to form a permanent part of the law of Greece relating to trade union matters.

The commission found no evidence that a state of emergency existed in Greece in 1967 or that there were exceptional circumstances such as would justify temporary noncompliance with ILO conventions. Temporary measures, which included dissolution of trade unions and confiscation of assets, detention, arrest, interrogation, and dismissal of trade union officers, general interference in trade union matters, and the control over establishment of new unions, were found to constitute breaches of convention No. 87.

Provisions of legislative decrees Nos. 185 and 186 dealing with requirements for holding trade union office, the limitation of remuneration of trade union officers, qualifications for collective bargaining, and the financing of trade unions were found to constitute breaches of conventions Nos. 87 and 98.

DISSOLUTION

The evidence presented to the committee established that approximately 250 workers' organizations had been dissolved by administrative authority. The government, while contending that the organizations were Communist controlled, offered no evidence of the extent of political activity in any one of the organizations. The commission concluded that on this basis there could be no finding that any of the dissolved organizations had allowed its proper objects to be perverted to such an extent that it could no longer be regarded as an organization "for furthering and defending the interests of workers" within the meaning of article 10 of convention No. 87. The commission, therefore, concluded that the government acted in breach of article 4 of convention No. 87 which provides that "Workers' and employers' organizations shall not be liable to be dissolved or suspended by administrative authority."

DETENTION, ARREST, INTERROGATION AND DISMISSAL OF TRADE UNION OFFICERS

The commission determined that article 3 of convention No. 87 which provides that "Workers' and employers' organizations shall have the right to draw up their constitution and rules to elect their representatives in full freedom to organize their administration and activities and to formulate their programs," and that "The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof," prohibited public authorities from depriving trade union officers of their freedom in order to put an end to their trade union activity. The commission was presented with proof that 122 trade union officers had been in detention for more than 23 years and that in the majority of cases the detained persons had been afforded no opportunity to present a defense. While the commission was not of the opinion that it could go so far as to conclude that a presumption of innocence drawn from these detentions without initiation of any court proceedings constituted a breach of convention No. 87, the commission did conclude that the proof of government interference in the functioning of trade unions was so conclusive in other respects as to put the burden of proof on the government to explain the circumstances in which military orders of dismissal and replacement of union officials were made. In the absence of any such explanation the commission felt justified in infering that widespread dismissal of trade union leaders was not confined to Communists or politically active trade unionists and that such removals from office constituted a breach of article 3 of convention No. 87.

GENERAL INTERFERENCE BY THE AUTHORITIES IN TRADE UNION MATTERS

The commission determined that adequate evidence existed to establish that between April 1967 and the end of 1968 police presence at trade union meetings restricted and impeded the free discussion of legitimate trade union matters. The commission also found that the resignations of trade union officers whom the authorities wished removed were forced and that lists of candidates for office were checked by the authorities in order to approve or remove names of individuals. These actions were found to constitute an infringement of article 3 of convention No. 87.

ESTABLISHMENT OF NEW UNIONS

The commission found that in the months following the revolution a new union, especially one intended to replace a dissolved union, could not be established without previous authorization and control by the military authorities. The commission concluded that interference of this nature contravened both article 2 which provides that "Workers and employers without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization," and article 3 of convention No. 87.

LEGISLATIVE DECREES

In its examination of legislative decrees Nos. 185 and 186 the commission considered to what extent, if any, legislative provisions went beyond the legitimate protection of the public interest and interests of trade union members against indiscriminate or wrongful use of authority by trade union leaders.

REQUIREMENTS FOR HOLDING TRADE UNION OFFICE

The commission found that the provision of legislative decree No. 185 requiring that to be elected to a trade union office a candidate must have worked for a total of 600 days and not less than 50 days in each of the 6 years prior to the date of elections imposed a requirement running counter to article 3 of convention No. 87 establishing that workers' organizations shall have the right to elect their representatives in full freedom.

REMUNERATION OF TRADE UNION OFFICERS

Section 10 of legislative decree No. 185 limited the remuneration which trade unions might pay to members of their executive committees, their staff and legal advisers. The commission found no evidence of abuse in payment of salaries which might have justified such a provision. The commission accepted the argument that such limitations might prevent unions from freely engaging staff and legal advisers and might be detrimental to the efficient running of the trade union organizations. The commission concluded that the limitations on remuneration constituted an infringement of article 3 of convention No. 87 which provides that public authorities shall refrain from any interference which would restrict or impede the lawful exercise of right to organize union activities.

COLLECTIVE BARGAINING

The commission found that the membership requirements imposed by legislative decree No. 186 which must be met before any trade union could enter into negotiations on a collective agreement had the practical effect of reducing substantially the number of organizations capable of concluding collective agreements. The commission further found that the requirement relating to absolute independence and the activities developed by a union was vague and afforded no precise criteria for objective implementation.

The commission concluded that these provisions were not in harmony with article 3 of convention No. 87 and article 4 of convention No. 98 which provides that "measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilization of machinery for voluntary negotiation between employers or employers' organizations and workers' organizations, with a view to the regulation of terms and conditions of employment by means of collective agreements," as they restricted the right of trade unions to organize their activities and could have an effect contrary to promoting voluntary collective bargaining.

FINANCING OF TRADE UNIONS

The Commission found that provisions of legislative decree No. 186 concerning a system of financing for trade unions through a workers' fund constituted State control which interfered with the kind of financial independence necessary for the enjoyment of the guarantees laid down in convention No. 87.

RECOMMENDATIONS

In accordance with article 28 of the ILO constitution the Commission was required to make such recommendations as it might consider proper regarding the steps which should be taken to meet the complaint.

The Commission made general observations on freedom of association in Greece, as it found it to be and as it hoped it would develop in the future. The Commission made detailed recommendations putting forward proposals for improvements in those provisions contained in the legislative decrees which it found to be contrary both to the spirit and to the letter of conventions Nos. 87 and 98.

The specific recommendations called for:

Repeal of the present requirements for holding trade union office, and those concerning pay of union officials, staff, and legal advisers;

Review of legislation on strikes to make it more flexible, with the assistance of ILO exports, if the Government so desires;

Extensive recasting of provisions concerning collective bargaining, including the definition of trade unions qualified to negotiate, again with the possible assistance of ILO experts;

Reform of the system of financing trade unions;

Regular reports by the Government of Greece on action taken to give effect to the Commission's recommendations; and

Invitation by Greece of an ILO fact-finding group when the government considers that freedom of association is fully restored in spirit as well as in letter.

THE REPLY OF THE GREEK GOVERNMENT

On January 14, 1971, the Greek Minister of Labor, on behalf of his Government, addressed a letter to the director-general of the ILO accepting the findings of the ILO Commission of Inquiry and confirming in detail a previous preliminary statement of the representative of the Greek Government to the ILO governing body.

The Minister of Labor's letter stated:

> In accordance with the provisions of Article 29, paragraph 2, of the ILO Constitution, I have the honour to inform you of the Greek Government's views on the recommendations contained in the report of the Commission of Inquiry appointed under Article 26 of the Constitution of the ILO to examine the complaints concerning the observance by Greece of the Freedom of Association and Protection of the Right to Organise Convention (No. 87) and of the Right to Organise and Collective Bargaining Convention (No. 98).
>
> I wish first to recall the statement made by the Greek Government representative to the ILO Governing Body (181st Session, sitting of 18 November 1970), which set out the Greek Government's views on the matter, and, with respect to each of the Commission's recommendations, to state the following:
>
> "1. Repeal of Section 9 of Legislative Decree No. 185/1969 (Requirements for the holding of trade union office): The Government of Greece has already decided that the Ministry of Labour shall prepare a draft legislative decree concerning occupational associations, which will contain special provisions on the matter, in accordance with the terms of the above-mentioned statement of the Greek Government representative to the ILO Governing Body.
>
> "2. Repeal of Section 10 of Legislative Decree No. 185/1969 (Remuneration of trade union officers, staff, etc.): Following the statement made to the ILO Governing Body, action has been initiated to settle the matter by legislation with a view to repealing the above-mentioned section.
>
> "3. Amendment of the Provisions of Sections 3, 4 and 5 of Legislative Decree No. 185/1969 (Right to strike): Despite the statement in the Commission's Report (paragraph 275) to the effect that the provisions of Legislative Decree No. 185 which concern the right to strike do not constitute a violation of Convention No. 87, the Greek Government has no objection to making these provisions more flexible.
>
> "4. Amendment of the Provisions of Legislative Decree No. 186/1969 concerning Collective Bargaining: The study of this matter has been completed and the Greek Government has included in its work programme for 1971 the reform of the legislation on collective bargaining with a view to eliminating any contradictions between the provisions of the national legislation and those of international Conventions.
>
> "5. Financing of Trade Unions: The Greek Government accepts the Commission's view that, despite the improvement introduced by section 10 of Legislative Decree No. 185/1969, the system that has been applied for the past thirty years is not entirely appropriate and will take the necessary steps to settle the matter from the legislative point of view.
>
> "6. Information concerning the Application of Section 6 of Legislative Decree No. 185/1969 (Dissolution of trade unions—dismissal of trade union officers for action against the State, etc.): The Government will provide the ILO with information concerning the application of Section 6 of Legislative Decree No. 185/1969, in accordance with Article 22 of the ILO Constitution.
>
> "Lastly, I would again point out that

the Greek Government considers that the communication of this additional information finally disposes of the matters raised by the Commission of Inquiry. It will continue to provide to the ILO, in reports submitted under Article 22 of the ILO Constitution, necessary information on the steps taken to bring its national legislation into fuller conformity with the provisions of Conventions Nos. 87 and 98, as suggested in the Commission's report (paragraph 279, p. 57).

"I have the honour to be, etc.

"P. S. Manalopoulos,
"Minister of Labour."

SUBSEQUENT ACTIVITY

At its most recent session concluding March 5, 1971, the ILO governing body decided to continue to keep under review the efforts of the Greek Government to implement the recommendations of the Commission of Inquiry.

This case is another example of the durability of the constitutional machinery of the ILO—machinery available for the supervision of the application of conventions and recommendations adopted by the organization. In this regard, this House can note with deep satisfaction that former Chief Justice Earl Warren has recently been appointed by the ILO to its committee of outside experts responsible for a key role in this constitutional process of the ILO. This 19-member committee—known as the Committee of Experts on the Application of Conventions and Recommendations—meets every year to examine the reports which member states are required to submit to the ILO on their implementation of the international social and human rights standards developed by the organization during its 50 years existence.

This committee of experts is composed of outstanding personalities serving in their independent capacities. Its members, who come from many parts of the world, include a number of other Chief Justices, past and present, as well as a former prime minister and former ministers of foreign affairs, labor, and justice. Chief Justice Warren's contribution to this committee will be of great benefit to the workers of the world.

THE PRESIDENT AND THE HEALTH SECURITY ACT OF 1971

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. CORMAN. Mr. Speaker, health care is beyond all doubt the most important domestic issue on the American scene today. As one of the prime sponsors of the Health Security Act of 1971, I am completely convinced that the system of national health insurance provided for in this legislation is the only way we can overcome the critical health crisis that presently exists, and fulfill the Nation's avowed commitment to the fundamental principle that health care should not be a matter of privilege, but a matter of right for every American of every age.

The American labor movement has long been in the forefront of the fight for this right. It is the principle for which the late Walter Reuther formed the Committee of One Hundred for National Health Insurance. It is the principle on which the UAW and the AFL–CIO, with the support of all organized labor, developed the Health Security Act of 1971.

Without the strong role organized labor has played in this effort, we would not be in the position we are today—on the threshold of turning this country around from the inadequate and costly health care system now privileged only to that portion of our population who can afford to pay its high costs, to a system of the best possible quality of comprehensive care for every American and at a cost he can afford.

Since the health care issue has in the last year or so become "an idea whose time has come," a number of alternative proposals has surfaced to do something about the failing health services in America. This year, Congress has received President Nixon's proposal for a National Health Insurance Partnership. Since it is the President's plan, it must perforce lend itself to careful study and consideration.

The AFL–CIO, which played a vital role in the development of the Health Security Act of 1971, recently undertook to examine the President's proposal. Their director of social security, Mr. Bert Seidman, earlier this month participated in a Labor News Conference, presented as a public service by the Mutual Broadcasting System. Important questions were asked and answered about the President's partnership plan as opposed to the Health Security Act.

Mr. Speaker, the importance of health care makes it imperative that we in the Congress learn as much as possible about all alternative plans presented to us, especially about the administration proposal. Therefore, I wish to insert here in the Record the transcript of the Labor News Conference, as well as the digest of the program prepared as an AFL–CIO news release. The program tells us a great deal:

AFL–CIO Labor News Conference

March 17, 1971.

The Administration's medical and health care plan is like a "jigsaw puzzle" that can't be put together, "because so many pieces have been swept under the rug," organized labor's top social insurance expert declared today.

AFL–CIO Director of Social Security Bert Seidman stressed that the Nixon plan provides neither the "incentives or controls" needed to encourage a better organized and more efficient medical care delivery system and to hold down costs. The result, he said, would be a "big bite" out of the "ordinary family's income," while the system would fall short of providing the kind of comprehensive, quality care that Americans need.

The union spokesman called for passage of the National Health Security bill now pending before both the Senate and the House of Representatives, which "would cover a larger percentage of the costs of medical care than any other proposal that has been made" and protect all Americans, regardless of the nature of their employment. Seidman appeared on the Labor News Conference, an AFL–CIO produced public affairs interview broadcast Tuesday at 9:35 p.m. (EST), on the Mutual Broadcasting System, and heard in Washington, D.C. over WAVA-FM.

Pointing out that the Administration's plan would deny coverage to part-time employees, domestic workers and agricultural workers, Seidman warned that there would be a very real danger that a great many "low-income people . . . who have a desperate need for medical care" would be left unprotected. He added that even those workers covered by the Administration's plan would have such heavy "out-of-pocket costs" that they would not be able to get the kind of "across-the-board, quality care" that they need.

Seidman said that the National Health Security bill, which has bi-partisan sponsorship in Congress and is the "number-one legislative objective of the AFL–CIO," stands a good chance of enactment in the current Congress. He predicted, "if the Congress does not respond to the needs of the American people for across-the-board, quality medical care," it will be "the most important issue" in the 1972 campaign.

Reporters questioning Seidman were Judith Randal, medical writer for the Washington Evening Star, and Jerome Brazda, editor of Washington Report on Medicine and Health.

March 16, 1971.

Labor News Conference

Subject: National Health Security.

Guest: Bert Seidman, director of the AFL–CIO's Department of Social Security.

Reporters: Judith Randal, medical and science writer for the Washington Evening Star; Jerome Brazda, editor of Washington Report on Medicine and Health.

Moderator: Frank Harden.

Mutual Announcer. The following time is presented as a public service by this station and the Mutual Broadcasting System.

Harden. LABOR NEWS CONFERENCE. Welcome to another edition of LABOR NEWS CONFERENCE, a public affairs program brought to you by the AFL–CIO. LABOR NEWS CONFERENCE brings together leading AFL–CIO representatives and ranking members of the press. Today's guest is Bert Seidman, director of the AFL–CIO's Department of Social Security.

The American labor movement has long fought for the guarantee that Americans of every age and circumstance shall have all of the very best health and medical services and treatment that they need. The AFL–CIO firmly believes that a system of comprehensive national health insurance is the surest way to achieve that goal. In the view of the AFL–CIO, the National Health Security bill now pending in both the Senate and the House of Representatives is the only truly comprehnsive program to assure quality health care for all Americans. Here to question Mr. Bert Seidman about the National Health Security bill, how it differs from other proposals, and prospects for enactment of such a program in the 92nd Congress, are Judith Randal, medical and science writer for the Washington Evening Star, and Jerome Brazda, editor of Washington Report on Medicine and Health. Your moderator, Frank Harden.

And now, Miss Randal, I believe you have the first question?

Randal. Mr. Seidman, the chief alternative at the moment, to the Health Security bill is the Administration's package of health reform proposals. What, in your opinion, is wrong with them, from the standpoint of the average working American?

Seidman. From the standpoint of the average American worker, Miss Randal, the difficulty with the Administration's proposals is that they are not going to provide adequate health care, are going to require the worker and his family to pay far too much for health care, and there will not be proper incentives or controls in the program.

If I had to sum it up, I would say that the Nixon Administration's proposals are like a jigsaw puzzle—a jigsaw puzzle that you can't put together, because so many pieces have been swept under the rug.

Brazda. Then, what is right about it?

Seidman. Well, a couple of elements of the Nixon proposal are worthwhile.

The most important are, first of all, emphasis on expanding what are called "health maintenance organizations," which are what we have called, for a long time, "prepaid group practice plans."

Of course, the labor movement has been for this a long time, and we welcome the fact that President Nixon now recognizes that health maintenance organizations can make an important contribution to improving medical care. But, on the other hand, the President's proposal does not really provide the resources that are necessary to expand the health maintenance organizations to any appreciable extent.

There are one or two other aspects that are pretty good, from our point of view.

One is, it would eliminate the premium that older people have to pay under Medicare. This is also something that we have advocated for a long time.

Both of these provisions are much more adequately dealt with in the Health Security bill.

Brazda. Mr. Seidman, it seems inescapable that national health insurance is going to be a major subject before Congress this year. And, of course, there is your proposal and the Administration's proposal. There are some others, too, which are being advanced by various Congressmen. The American Medical Association bill, for instance, has more than one hundred sponsors in Congress. I wonder if you could briefly go over the other major plans—the AMA's, the insurance industry's, the American Hospital Association's—and tell us what your feelings are about these, whether you think there is anything useful, or whether you think they should be totally disregarded?

Seidman. Well, Mr. Brazda, I think that the two major proposals before the Congress are the Health Security bill, which is S. 3 in the Senate and H.R. 22 in the House of Representatives, and the Nixon proposals which, at the present time, have not yet been introduced as bills.

These are the two major proposals.

There are other proposals. There is the proposal of the American Medical Association to provide tax credits for people to go out and buy private insurance.

There is the proposal of the insurance companies themselves, which, as you might expect, also involves the purchase of private health insurance, and in many respects, is similar to the proposals of the President.

There is a very interesting, but rather complicated, proposal of the American Hospital Association, which would rely on something called a "health care corporation," which would provide medical care to people.

But, I think the two main proposals are the Health Security bill, which the AFL-CIO is supporting, and the Administration's proposal.

Randal. To get back to the Administration's proposal, Mr. Seidman, you say that one of its chief disadvantages is it would be too expensive for the average person or average family. Could you make that specific—give us some examples?

Seidman. Yes, I can Miss Randal.

I've tried to estimate what it might cost an average four-person family in a year under the Administration proposals—and I'm now referring to what they call the National Health Insurance Standards Program, which is a program that would require employers to provide private health insurance for their employees.

The employees would, however, have to pay 35% of the premium costs. In addition, they would have to pay for their medical expenses—out-of-pocket—or doctor's bills. For example, $100 for each of the first three members of their families—up to $300 per family—25% of all medical expenses up to $5,000, and the cost of the first two days of hospitalization.

Now, I have added all of these up. I'm not going to give the separate figures—but, if you had an ordinary family of four people, and they had a ten-day hospitalization during the year—for one member of that family—I figure that the total expenditure for that family—during that year—out of their pockets—not covered by this program—could run to $1800.

You can see what a bite that would be out of the ordinary family's income.

Randal. I notice too that the Nixon plan depends upon private insurance plans to get the mechanism rolling, and that they have also proposed that the insurance industry be regulated on a federal basis. Do you think this is a practical possibility?

Seidman. I don't think it is a practical possibility at all.

Private insurance companies have a long record of being completely unconcerned with the money being spent, through them, by workers and their families, and others, for medical care.

They have paid no attention to the costs. They have paid no attention to the quality.

Now, I don't know what kind of regulation the Administration has in mind, because it hasn't spelled anything out.

There are two thousand companies in this country that are providing medical insurance of one kind or another.

There are literally hundreds of thousands of employers.

I really don't understand what kind of regulation the Administration has in mind. But, I don't see how it could possibly be effective.

Therefore, one of the real disadvantages of the Administration's proposal—in addition to the fact that it would leave so much of the cost of medical care completely uncovered—is that it would be very ineffective in controlling the costs of medical care, or in providing incentives for higher quality medical care.

Brazda. Mr. Seidman, wouldn't your bill actually eliminate the existing health insurance industry?

Seidman. I don't think it would eliminate the health insurance industry. Some parts of medical care are not covered by even the Health Security bill.

The Health Security bill would cover a larger percentage of the costs of medical care than any other proposal that has been made. It would cover 71% of the family's health expenditures. There would be no deductibles—no co-insurance—as there is in all the other proposals.

But, it would not, for example, in the early stages, cover the adult dental care.

It would not cover certain types of long-term care in nursing homes, beyond a certain limit.

It would cover prescription drugs, only under certain circumstances.

All of those types of medical costs could be covered by private insurance.

Private insurance could play another role as the fiscal agent of groups of doctors, if they wanted a private insurance company to do that.

But, private insurance companies would not, under the Health Security bill, be carriers of medical insurance. That is, they would not provide insurance the way they do at the present time, nor would they be the agents of the government, as they are under Medicare.

Brazda. Your idea, actually, in getting rid of insurance carrier concept that now exists in Medicare is to eliminate one middle-man, is it not?

Seidman. It is to eliminate a middle-man, who has been very, very ineffective, from the point of view of the consumers of medical care.

Randal. I think everyone agrees, where health care is concerned, that one of the problems is that we have poor distribution of facilities and personnel—actual shortages, in some cases. How does the Kennedy proposal—the Health Security bill, as you call it—compare with the Nixon proposals on tooling up to take care of the unmet needs?

Seidman. The Health Security bill is aimed at two principal objectives.

In the first place, Miss Randal, as we have been saying, it would finance a very large part of the total health care expenditures of American families.

Secondly, and equally important, it is aimed at expanding and improving the resources—and the manpower and facilities—need to provide the medical care that it would help to finance. The major way of doing that is through a feature of the bill called the Health Resources Development Fund, which would be a fund set up for the purpose of supplementing other programs involved in expanding the training of health manpower, improving health care resources, encouraging innovation in the organization and delivery of medical care, development of prepaid group practice plans, and other types of improvement and expansion of the health care delivery system.

Brazda. Mr. Seidman, let's go back to that family you cited a minute ago which ran up the big bill under the Nixon Administration's plan with a ten-day hospitalization. How would they fare under your program?

Seidman. Well, under our program—in the first place—they would pay nothing toward the premium cost, except that they would pay what they are now paying for Medicare.

That is, they would pay the 1% of wages that the average worker is now paying for Medicare, and that would go for this program.

There would be no deductibles. In other words, if they went to the doctor, the bill would be paid by the program, not by the individual. The same would be true if he went into a hospital.

There would not be the $100 per person deductible—up to $300 per family.

There would not be the 25% of medical expenses—up to $5000.

There would not be the first two days of hospitalization to pay for.

In addition to all this, the program would cover a larger proportion of total health care expenditures of the family.

So, the family we are talking about, instead of paying the kind of money that we are talking about here, would be paying far less. I haven't done the exact figures for the same family, but I would say, in the neighborhood of perhaps $200 or $300, instead of the $1800 that we are talking about here.

Brazda. Then, who is going to pay the difference—someone has to?

Seidman. That is correct, the program would be financed by the payment, as I have already indicated, of 1% of the worker's wage.

The employer would pay 3½% of the worker's wage.

Self-employed people, and people earning income other than employment-type income, would also pay into the program.

Fifty percent of the costs would be met from general revenues—that is, from the regular resources of the federal government.

Brazda. Where do you think that money would come from, Mr. Seidman?

Seidman. It would come from our general

tax-stream, and, since we have a tax system, at the federal level, which is closest to the principle of ability-to-pay, the program would be financed in the most equitable way that we can have, under our present tax system.

Of course, the AFL–CIO is for making the federal tax system more equitable, but it is more equitable than any other taxes that we have.

RANDAL. Mr. Seidman, the AFL–CIO has helped promote other public issues with dollars, and staff, and resources. Are you planning to do the same with the Health Security bill? If so, when do you plan to begin, and, what kind of resources do you hope to devote to it?

SEIDMAN. Well, the AFL–CIO has already begun a drive—an all-out drive—for enactment of the National Health Security bill.

As long ago as last Labor Day, AFL–CIO President Meany said that national health security would be the number-one legislative objective of the AFL–CIO. Our Executive Council, just last month, reiterated that.

The AFL–CIO will be publicizing this program all over the country—through meetings, through publications, through the labor press—which goes to the millions of members of organized labor and their families—through appearances and speaking before all types of community organizations, many of which are very much concerned with health care problems.

In short, we will be conducting an all-out drive for achievement of national health security at the earliest possible date.

RANDAL. Another question—not from the worker's point of view. The small businessman who has a marginal profit is going to find this harder to pay for than the company that has many thousands of employees. For this reason, he might decide that if he hired part-time help, instead of full-time help, he might avoid paying this cost. Do you see this as a danger?

SEIDMAN. I think this is a danger, Miss Randal, under the Nixon Administration's proposal.

Everyone in the country would be covered for medical care under the National Health Security bill, and there would be no such danger under that proposal—people would be entitled to the health services, regardless of the kind of employment they had, or indeed, if they had any employment.

But, under the Nixon Administration's proposal, employers of part-time help, of domestic workers, of agricultural workers, I believe, would be exempt from coverage.

I really don't know how those people would get medical care at all, under the Nixon Administration's proposal, although, they are, generally speaking, low-income people, and have a desperate need for medical care.

RANDAL. Wouldn't they be entitled to medical care under either the Family Health Insurance plan proposed by the Administration or Medicaid—or, not in all cases?

SEIDMAN. They might be entitled to care under these programs, but, under the Family Health Insurance plan, for example, if a four-person family had an income of more than $3,000, they would have to begin paying for whatever would be provided.

Besides, it wouldn't cover across-the-board medical expenses.

I doubt very much that those families could afford to pay for the medical care that they would have to pay for under the so-called Family Health Insurance program.

Medicaid has been a very inadequate program. If the Family Health Insurance program were to cover the families—the poor families—Medicaid would then cover, as I understand it, under the Nixon Administration's proposal, the elderly, the disabled, and the blind. Those people certainly have been having a very difficult time getting their needs met under Medicaid.

I see no reason that that situation would improve.

BRAZDA. Mr. Seidman, we have a new Congress this year. National health insurance is rapidly becoming a major domestic political issue. Next year, we have a presidential election. What is your feeling about the possible timing of passage of legislation? Do you think it will come during this Congress? If so, this year or next year?

SEIDMAN. Mr. Brazda, I have no crystal ball, but the AFL–CIO sees no reason why the Congress should not be able to enact the National Health Security bill in this Congress.

I don't know if they will enact it during the year 1971, but we have every reason to think—and we are very optimistic—that the National Health Security bill will be enacted in this Congress.

If the Congress does not respond to the needs of the American people for across-the-board, quality medical care during this Congress, there is no doubt in my mind that this will be one of the most important—if not the most important—issue in the 1972 presidential campaign.

I should mention that several of the Democratic candidates—those who are mentioned as Democratic candidates—for President, have already announced that they are co-sponsors of the National Health Security program.

RANDAL. If only parts of the proposal are passed, which of any of the proposals made do you think are most likely to be enacted into law?

SEIDMAN. It is very difficult to answer your question, but, I would say that the Congress would be very derelict, if it only passed only a piece-meal type of bill.

We need a comprehensive, national health care program, which could be provided only by the National Health Security bill.

HARDEN. Thank you, Miss Randal, and thank you, gentlemen. Today's LABOR NEWS CONFERENCE guest was Bert Seidman, director of the AFL–CIO's Department of Social Security. Representing the press were Jerome Brazda, editor of Washington Report on Medicine and Health, and Judith Randal, medical and science writer for the Washington Evening Star. This is your moderator, Frank Harden, inviting you to listen again next week. LABOR NEWS CONFERENCE is a public affairs production of the AFL-CIO, produced in cooperation with the Mutual Broadcasting System.

MUTUAL ANNOUNCER. The preceding program time was presented as a public service by this station and the Mutual Broadcasting System. The opinions expressed are solely those of the participants.

DR. MICHAEL DE BAKEY SPEAKS ON MEDICAL RESEARCH

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. PREYER of North Carolina. Mr. Speaker, some weeks ago the most distinguished heart surgeon in our country, Dr. Michael DeBakey, appeared as a guest on the Dick Cavett Show and had several things to say about medical research which I would like to share with my colleagues in the House. In the discussion which I am placing in the RECORD today, Dr. DeBakey points out how little we are doing in the United States in medical research. Indeed, he suggests that we are actually going backwards—doing less than we were in 1966. It would appear from his comments that the widely advertised $100 million for cancer research in the new budget may be a cruel delusion because they are funds which are not new, but come at the expense of important research in other fields. The following is a transcript of that portion of the show in which Dr. DeBakey discussed these matters. The Kaye who is also a participant in the discussion is Danny Kaye, also a guest that evening:

DR. MICHAEL DEBAKEY SPEAKS ON MEDICAL RESEARCH

CAVETT. Dr. DeBakey, I wanted to ask you if—how encouraged you are about the fact that the state of the union message included a hundred—hundred million dollar appropriation or a suggested hundred million dollar appropriation anyway, for cancer research? Is this a step in the right direction?

DEBAKEY. Yes, of course it is. Unfortunately, when I—after I looked at the 1972 President's budget for medical research, I was not so encouraged because it's pretty much taken out of the hide of the rest of the program so that all the other programs are going to suffer even more and I think it's most unfortunate that in stating that he's—that the President stating that this administration was going to give a hundred million dollars for cancer research without saying that the research in the other fields—take heart, for example—would suffer because of this is, in a sense, to mislead the public into believing that they're going to do much more for medical research and I think this is most unfortunate. (Applause) You know, the thing that astounds me is the lack of appreciation on the part of the administration, not only this administration but others in the past as well, of the importance of health to our people. Now as far as each individual is concerned, health becomes an extremely important thing only when you lose it, you know. As long as you've got it you assume—you take it for granted but when you lose it then it becomes extremely important and there's nothing of greater importance. If you've got cancer it doesn't make any difference what else is going on in the world; cancer is the most important thing to you. If you've had a heart attack the heart is the most important thing to you, you see? Now the only answers that we can get to solve these problems is gonna come from research. Everything that—every advance that we have made today that we think is an advance in taking care—in doing better—and we've done a great deal better, there's no question about that, in meeting many of the problems, we've wiped out many diseases—comes from research. Every single one of them. So that the one thing you can be sure of: you're not going to get the answer to heart disease without research. You don't know when you'll get it *with* research. And yet, to show you the priorities that we put upon research, particularly as far as our Federal dollar is concerned, we give $400 per capita in this country, for every individual in this country $400 goes for defense. Forty dollars goes for highways. Ninety cents goes for heart research. Doesn't that astound you?

CAVETT. It's appalling. And you hear of labs closing. . . .

DEBAKEY. That's right, that's right. And we're doing more—I mean we're doing the amount of research in terms of the funding for medical research in this country today of our Federal dollar—after all, this is the taxpayer's dollar, it's the public and the taxpayer that's puttin' this money out—we're doing less research, on account of the money that's being given, today than was done in 1966.

CAVETT. So it's going backwards.

DEBAKEY. We're going backwards. And the President's budget for '72 will provide less research than for all other things except the cancer, if the hundred million dollars goes into cancer, for everything else will be less than it was last year.

Cavett. Are you saying then, or am I reading this between the lines, that this is more of a political move than it was one that benefits people?

DeBakey. Well, I'm not trying to interpret anything. I'm trying to explain it to the public. I think it's important for the public to understand it.

Cavett. It's such an appalling fact. Have you discussed it with the President?

DeBakey. No, I have not discussed it with him. I'd be glad to tell him what I think about it. (Laughter) Maybe he'll listen to this show and hear it. (Applause)

Cavett. Would he take a phone call from you? He ought to.

DeBakey. I don't know.

Cavett. Why don't you try within the next 48 hours and let us know what happened?

Kaye. Then he can get back on the show again. (Laughter)

Cavett. I'd think that he would be most interested in this.

DeBakey. Well, I hope he will and I hope that he understands this. The thing that I'm—I don't really know whether he understands it himself what he's doing, you know. (Applause)

Cavett. What would be the reason for that?

DeBakey. Well, I think the reason would be that he hasn't been given the information. After all, the President of the United States can't know everything about everything. He has to depend upon his people, you know. Now I don't know whether his people—I mean, his assistants and so on, are giving him the information and now here's—he said in the state of the union message that he was going to have an inflationary—I mean an expansion budget which, of course, simply means that we're going to have a deficit spending so he's going to do just what's been done before, he's gonna go back to deficit spending in order to expand the budget by $20-billion. Well, why not expand health research? Why can't we get a part of that expansion? Why can't the people benefit from this?

Cavett. I'd say the Pentagon advisers are more persuasive than the medical advisers.

DeBakey. Well, I agree. Maybe I'm wrong but I happen to believe that health should have a higher priority than it has and if you see the sick people that I see every day you'd feel just as strongly as I feel about it because I see people with the loss of health every day and they don't have any constituency, they don't have anybody voting for them for more health.

Cavett. What can the individual do?

DeBakey. Well, I think lots of individuals *are* doing things about it, you see, and this is what's important and I think it's important that more and more people—and the thing that's very encouraging to me is to see more young people involved and interested in this and it's very encouraging.

VETERANS' ADMINISTRATION HOSPITALS

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. GRAY. Mr. Speaker, we are all prone to take for granted the tremendous amount of time and energy given by our paid and volunteer workers in our Veterans' Administration hospitals throughout the country. For those who have borne the battle it would be a lonely period of recovery if it were not for our volunteer workers who visit the hospitals and help the permanent staff of workers to bring comfort and meet the needs of our sick and disabled veterans.

I am privileged to have the Marion, Ill., Veterans' Administration Hospital in my congressional district. At a recent ceremony in the hospital, 42 active volunteers in the Veterans' Administration Volunteer Service were honored. The ceremony was held in celebration of the 25th anniversary of the Volunteer Service on March 28. The outstanding hospital director, Mr. L. M. Frazier, Jr., Dr. C. J. Roska, chief of staff, Mr. T. E. Proffer, chief of the medical administration service, Mr. Pat A. Faragon, chief, pharmacy service, Mrs. Edna L. Wood, chief, nursing service, Mrs. Ida M. Welborn, chief, dietetic service, and Mr. Lee D. Jaeger, coordinator, PM & R service, presented awards to the following volunteers for their outstanding service from 100 hours to 10,000 hours.

Mr. Speaker, 25 years of service to veteran patients is a long time to be patriotic. I believe these constituents should be honored by the Congress, therefore, under leave previously granted me, I hereby submit the names, hours worked, and the organizations they represent for printing in the Record:

CERTIFICATE OF APPRECIATION, 100 HOURS

(Lee D. Jaeger, Coordinator, PM&R Service)

Mrs. Birdie Abrams, Masonic Service.
Mrs. Genevieve Boner, American Legion Auxiliary.
Mrs. Mary Burgess, American Legion Auxiliary.
Mrs. Viola Cox, DAV Auxiliary.
Sister Mary Danielle, N.C.C.S.
Mr. David East, V.F.W.
Mrs. Dania Edwards, American Legion Auxiliary
Mr. Everett Geurin, Masonic Service.
Mrs. Louise Gillespie, Non-Affiliated.
Mr. Clarence Hawkins, D.A.V.
Miss Jo Ann Marlow, N.C.C.S.
Mrs. Syble Nielsen, Daughters American Revolution.
Mr. J. T. Stanford, American Legion.

CERTIFICATE OF MERIT, 300 HOURS

(Mrs. Ida M. Welborn, Chief, Dietetic Service)

Mrs. Birdie Abrams, Masonic Service.
Mr. David East, V.F.W.
Mrs. Olga English, American War Mothers.
Mr. Arthur Enis, Masonic Service.
Mrs. Faye Fox, Masonic Service.
Mr. John Hausser, Masonic Service.
Mrs. Laura Homer, Veterans, W.W.I Aux.
Mr. Charles Oldani, N.C.C.S.
Mrs. Jessie Oldani, American War Mothers.
Mrs. Eula Russell, Veterans, W.W.I Aux.

CERTIFICATE OF OUTSTANDING SERVICE, 500 HOURS

(Mrs. Edna L. Wood, Chief, Nursing Service)

Mrs. Birdie Abrams, Masonic Service.
Mrs. Eva Boyce, American Legion Auxiliary.
Mrs. Netta Coriasco, N.C.C.S.
Mr. David East, V.F.W.
Mrs. Olga English, American War Mothers
Mr. John Gualdoni, N.C.C.S.
Mrs. Edna McGhee, American Red Cross.
Mr. Charles Oldani, N.C.C.S.
Mrs. Cecyle Pike, Masonic Service.
Mrs Ella Sims, Veterans, W.W.I. Aux.

CERTIFICATE OF DEVOTION TO VOLUNTEER DUTY, 1000 HOURS

(Pat A. Faragon, Chief, Pharmacy Service)

Mrs. Ernie Fichtel, American Red Cross.
Mr. John Gualdoni, N.C.C.S.
Mrs. Dorothy Kingery, V.F.W. Auxiliary.
Mrs. Donna Thompson, American Red Cross.

BRONZE PIN, 1750 HOURS

(T. E. Proffer, Chief, Medical Adm. Service)

Mrs. Lena Archione, N.C.C.S.
Mr. Charles Baumler, American Legion.

SILVER PIN, 2500 HOURS

(C. J. Roska, M.D., Chief of Staff)

Mrs. Florence Clem, American Red Cross.
Mrs. Helen Jackson, V.F.W. Auxiliary.

SILVER BOWL (HONOR AWARD), 10,000 HOURS

(L. M. Frazier, Jr., Hospital Director)

Mrs. Myrtle Walker, V.F.W. Auxiliary.

NATION'S WHEATGROWERS

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. FOLEY. Mr. Speaker, I commend to your attention in a speech made this morning at the annual breakfast of the Nation's wheatgrowers by Mr. Eugene Moos, president of the National Association of Wheat Growers.

Mr. Moos is a well-known and respected wheatgrower from Edwall, Wash., which is in the Fifth Congressional District, which I represent. He has been in a leadership position in agricultural activities for a number of years, serving as president of the Washington Association of Wheat Growers, as well as the national association, and he is the former president of Western Wheat Associates.

It is a great honor to have Mr. Moos as a resident of the Fifth District. His timely remarks give a candid and realistic appraisal of the situation which the Nation's wheatgrowers face today.

I include the speech as follows:

CONGRESSIONAL BREAKFAST SPEECH EUGENE MOOS, PRESIDENT NATIONAL ASSOCIATION OF WHEAT GROWERS

Secretary Hardin, Senator Bellmon, distinguished Members of Congress, representatives of Government, wheat growers and friends. It is my pleasure this morning to welcome each of you and also to express our appreciation that you would take time out from your busy schedules to be with us. Since NAWG is the legislative action body of the wheat growers, I wish to confine my remarks to current and pending legislation.

As the outset, NAWG would like to say thank you to each member of Congress present for your individual as well as collective effort in passing new farm legislation during the last session of Congress. I am sure that the Agriculture Act of 1970 did not meet all of your individual desires any more than it met all of the expectations of the NAWG, but given the time and the circumstances, the new Set-Aside farm program was the best farm program legislation available.

I make a point of the new Set-Aside program being the best legislation available given time and circumstances because somewhat like the International Grains Arrangement of 1967, this new Agricultural Act has to fit a set of circumstances somewhat different than those circumstances envisaged while the legislation was being formed. What I am referring to of course is that the new set-aside program was designed as a market oriented program to maximize production efficiency as a means of improving producer income over the long term. However, before this income improving theory had a chance to function, the corn blight of 1970 tightened supplies of feed grains, drove all grain prices up and except for those producers directly affected by the blight—improved producer income. So in effect we now have a stronger grain prices and improved producer income in the grain producing areas from a marketing situation which in many ways is exactly opposite of what was envisaged under the set-aside program.

Mind you that I am not complaining about this, but I am concerned how we get from this short supply market situation to a longer supply situation without some severe market adjustment accompanied by a drop in producer income. If we can go from this one market situation to the other market situation necessary to expand markets without a significant price adjustment—fine, but if we can't—then everyone of us in this room has a problem and we should be giving it some thought.

Wheat growers are very happy with the improved prices but I doubt that very many really understand the marketing factors which created these higher prices. A great many of them only think in terms that finally a little better relationship is being restored between the cost of production and the selling price of a bushel of wheat. Finally a little light is beginning to shine through the dark cloud of cost-price squeeze hanging over their heads. Additionally, higher market prices mean to producers that they are a little less dependent on direct government payments as a means of staying in business. I say all of this just to point it out that it is going to be very difficult for producers to understand the need for going back to lower prices regardless of the situation.

With this concern in mind, NAWG just has to be alarmed at the ever increasing production flexibility being permitted under the set-aside program. This does not mean we are opposed to the principle of better farm management through program flexibility, but right or wrong, producers look to government to limit production in order to assure proper supply-demand balance.

NAWG appreciates the need of adequate supplies of grain to off-set the threat of potential corn blight damage this year, however, at the same time we have to be concerned about the threat of over production. It would be ironic indeed if this fall we had to mount a campaign to persuade producers not to utilize all the program flexibility available in order to protect their income levels. Ironic or not, if that is what the situation calls for—that is what we will try to do.

Turning to some of the legislative proposals being considered by the Congress this year, NAWG would like to make the following recommendations:

(1) Agricultural Labor Legislation—NAWG urges every effort be made by the House and Senate Agricultural Committees, working in close harmony with farm organizations, to draft and enact realistic and practical farm labor legislation. No one in agriculture is anxious for labor legislation to be imposed upon agriculture but that does not mean such legislation is not imminent. It simply means if agricultural interests do not respond, agricultural labor legislation will originate in the Labor Committee and will be influenced accordingly.

(2) Rail Transportation Legislation—Wheat producers have become increasingly aware of the fact that transportation costs are an integral factor in the farm-gate price they receive. The producer's cash price represents the terminal price minus the cost of moving his product to market. It's easy to see that increases in freight rates mean a consequent increase in the costs that the grower must absorb. Farmers want the railroads to have rates which cover the cost of transportation and provide a reasonable profit, but they don't want to be exploited. We cannot doubt the need of railroads for increased revenues, but more money is not the panacea for the carriers' problems. Rates have increased more than 30% in less than four years, still it is difficult to find evidence that rail operations have improved—on the contrary, service has declined and severe shortages of boxcars continue. We must have solutions to these problems.

(3) Environmental Protection Legislation—NAWG respects the need for regulation of the use of certain farm chemicals and pesticides hazardous to the environment. NAWG recommends that Congress only limit and regulate the use of those agricultural chemicals which have been clearly documented as being a threat to the environment.

(4) International Wheat Treaty—NAWG urges that the United States Senate ratify the wheat treaty recently negotiated in Geneva. This new treaty, while somewhat limited in scope, does provide a stabilizing influence to the world's wheat market while at the same time assuring United States wheat interests a fully competitive opportunity.

(5) Government Reorganization—Although the specifics of the President's recommendation concerning government reorganization are as yet not clearly understood by NAWG, I would have to say that even the most open-minded among NAWG find little comfort in such a recommendation. I suspect that NAWG will be very happy to let the members of the House and Senate Agricultural Committees speak for NAWG on this issue.

(6) Special Revenue Sharing for Agricultural Development—Here again NAWG does not want to prejudge a Presidential recommendation until more of the details are understood. There are some in NAWG who will need to be persuaded that State and Local Government can impartially appropriate federal funds to all agricultural interests.

Thank you.

CULLIGAN, INC.'S, UNIQUE "VISIT U.S.A." PROJECT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. CRANE. Mr. Speaker, recently Culligan, Inc., which is located in the 13th District of Illinois, cooperated with the U.S. Travel Service in a unique and successful project which brought 824 people from 34 foreign countries to the United States, not only for an international company conference, but also for a better look at America.

The "Visit U.S.A." project, which was 5 years in the making, was organized to reward sales agents and employees for top performance and to enable employees to be on hand for the opening of Culligan's international headquarters in Northbrook, Ill.

Culligan went to great lengths to make the visit productive and pleasant for its overseas personnel. As each visitor arrived at his hotel room, he was handed instructions and itineraries printed in his native language. For the tour of the new plant, a special illustrated guide was published describing each stop in four languages. All hotel, plant, and bus tour signs were duplicated in four languages, and simultaneous translation equipment was rented for the convention sessions.

Apparently, the effort paid off. The trip incentive was credited with increasing overseas sales by 20 to 30 percent. By visiting home headquarters, employees had a chance to really see how the company operated, to visit its large research center and to meet corporate officers. The company became real to them for the first time.

The Culligan employees stayed in this country 11 days and toured five cities. They visited in the homes of Chicago area families, went to a party where they learned about square dancing and the Charleston, and sampled a Texas-style barbecue. They got a glimpse of diverse aspects of American life, including a suburban New Jersey shopping mall and Chicago's underground street network.

Culligan's efforts in setting up the tour drew the following comment from Secretary of Commerce Maurice Stans, who oversees the U.S. Travel Service:

> Hopefully, Culligan's outstanding efforts in organizing a foreign employee incentive and vacation tour will provide an example to other multi-national companies with overseas branches, subsidiaries or affiliates.

I would like to join him in commending Culligan for this unique effort in not only building good employee relations, but in creating some much-needed good will for America.

A "VISIT USA" TOUR BOOSTS SALES, MORALE

Begg is a "Culligan man." Not the type that goes around installing deionizers; the executive type that's always getting involved with special projects.

Two years ago, Begg—who is an executive assistant at Culligan SA a wholly-owned Culligan subsidiary in Diegem, Belgium—was handed just such a special project: plan and organize a VISIT USA tour for employees who wanted to attend the grand opening of the company's new International Headquarters in Northbrook, Ill., in 1970.

The project soon snowballed. The VISIT USA invitation was broadened to include employees at other Culligan plants in Europe. Then it was extended to the company's foreign licensed distributors, dealers and sales reps as well.

Distributors started organizing contests for their sales representatives, promising a trip to the grand opening—and Culligan's 1970 world convention in Chicago—to the winner.

Begg found himself putting together an 11-day, five-city incentive and vacation travel package for Culligan customers, sales agents—AND employees.

At first, "the complexity of this venture . . . freightened me a little bit," Begg confided to Roger P. Biver, Deputy Director of the United States Travel Service's Paris-region office. But "after learning that several other companies have organized similar trips, I saw a great challenge ahead of me".

That challenge included months of planning. Hundreds of contingencies had to be considered and prepared for.

So many company staff members became involved in the planning both in Europe and stateside, that employees jestingly referred to their employer as, "the Culligan Convention Company."

But, today, company officials are convinced that all of the time and preparation that went into the tour, the grand opening and the three-day convention—including Begg's dual "trial run"—were well worth the effort.

Culligan President Harold Werhane sees the sales incentive portion of the travel program alone as "a way to increase sales, build a distribution network, stimulate greater effort by salesmen, secure new prospects and customers, introduce new products and achieve many other business goal . . ."

After the incentive program was announced to the Culligan distributive force, the firm's overseas sales rose an estimated 20 to 30 percent, acording to one company spokesman.

There were other visible—but less tangible—results:

Chicago Mayor Richard J. Daley proclaimed November 1–7 "Culligan International Water Week".

The company's foreign employees and distributors had a chance to meet corporate officers and become familiar with the U.S. headquarters—including its giant research and development center. "The company became real to them," says a public relations man. "Not just a vague abstraction."

For many Culligan employees and dealers, the United States became real, too. Several tour participants visited with Chicago area "Americans At Home" families. Everyone attended a party and learned about square dancing, the Charleston, Dixieland, rock, barbershop quartet singing, Texas barbecues, hot dogs, hamburgers, beer, pop corn and potato chips. As a group, they saw typical U.S. tourist attractions—and others not so typical: the enclosed, temperature-controlled Cherry Hill (N.J.) Shopping Center near Philadelphia; Harlem and Chicago's underground street network.

The idea for Culligan's combination world conference/headquarters opening/sales incentive and vacation tour took root five years ago when the company began planning the new headquarters.

Shortly before, a group of 40 Culligan stateside dealers and their wives had flown to Belgium for the opening of the firm's new Diegem plant near Brussels. Today, company officials credit the dealers who made that trip with planting the seed for last Fall's program.

"When the Belgian people heard about the new plant in the U.S., there was no stopping them," says Culligan's Director of International Operations, Don Hintz.

"Nearly every employee in the Diegem factory was interested in seeing our opening and some of the U.S. to boot. Most of the people who wanted to come probably wouldn't have had another opportunity. So we started investigating to see what would be involved in bringing our factory employees over."

Initially, the company decided to sponsor—but not underwrite—a charter flight to the states. Despite evidence of strong employee interest, Culligan executives figured they would have less than a full planeload of participants.

That's when someone came up with the idea of inviting Culligan distributors and dealers who belonged to the World Water Society, an affinity group dedicated to water quality improvement.

No one threw cold water on the suggestion, so the firm announced its VISIT USA program to eligible distributors in Europe, the Middle East and Africa. That was the beginning of the sales incentive part of the program.

Meanwhile, the company established a payroll deduction plan for employees not involved in the incentive program to help them set aside the estimated $460 trip cost.

At the company's 1969 European convention in Athens—about a year before the 1970 opening and the world convention were scheduled to occur—Culligan began promoting the VISIT USA tour.

The firm's European house organ, Hey, Culligan Man News, published in three languages, came out with a picture of the new International Headquarters building on the cover.

Sample itineraries for Culligan people departing from Italy, Switzerland, Belgium and France were distributed to delegates. So were United States Travel Service-supplied tour folders on Washington, Philadelphia, New York, Chicago and Niagara Falls.

In a few weeks, enough people had signed up to fill three Boeing 707s. Eventually, a fourth jet was added.

Tour planners found that langauge problems would be enormous. The Pan Am jet departing from Brussels was to carry passengers of 25 different nationalities, for example.

Under one plan developed to cope with the language situation, each visitor was to be handed two envelopes when he arrived at the Conrad Hilton Hotel in Chicago—one was to contain a key to his hotel room and all instructions translated into his language, the other, convention-related information such as schedules, programs and special bus directions.

All hotel, plant and bus tour signs had to be translated and prepared in four languages. An illustrated, quadrilingual plant guide explaining each station on an 18-stop Culligan International Headquarters tour had to be written and printed.

Simultaneous translation equipment had to be rented so the convention proceedings and sales presentations could be communicated to participants who didn't speak English. Special interpreters had to be hired.

"Details are so important," says Culligan Merchandising Manager Bill Gallup, who served as General Chairman for the Convention. "They can kill you if you don't plan. It is the forgotten hours of preparation that make affairs like a world conference come off."

When the combination Visit USA tour, grand opening and conference finally did come off last Oct. 29–November 8, 832 Culligan employees, licensed distributors, dealers, salesmen, engineers, architects—even plumbers—from 34 foreign countries, participated.

(More than 1,500 Culligan dealers and key personnel and their wives from the U.S. and Canada, and more than 100 American Culligan employees, also attended the convention and headquarters dedication).

Nearly everyone was pleased with the result.

Said Secretary of Commerce Maurice H. Stans: "Hopefully, Culligan's outstanding efforts in organizing a foreign employee incentive and vacation tour will provide an example to other multinational companies with overseas branches, subsidiaries or affiliates."

GEORGE MEANY DELIVERS ADDRESS BEFORE SHEET METAL WORKERS ASSOCIATION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. BIAGGI. Mr. Speaker, Mr. George Meany, president of the AFL–CIO, in an address delivered at a testimonial dinner honoring Edward F. Carlough, president emeritus of the Sheet Metal Workers International Association on March 12, 1971, eloquently paid tribute to an outstanding trade unionist, and at the same time gave a penetrating analysis of the economics practiced by this administration. His remarks have special relevance to the problems facing the construction industry and the pressures being applied to provide palliatives that seem to be of questionable value.

Mr. Speaker, Edward F. Carlough and George Meany are products of my home borough, the Bronx, in New York City. And while it is called the Borough of Universities, it also provides an atmosphere that gives its natives an exceptionally pragmatic and incisive view of the world. Mr. Meany epitomizes such adroitness and I offer his remarks for the Record today.

The address by Mr. Meany follows:

Address by AFL–CIO President George Meany

I am delighted to come here this evening to pay tribute to an old friend. Two or three nights ago I was sitting watching the late, late show on television and there was an old picture on. I had seen it before but I was interested—I kept watching it. And every once in a while as I was watching, I kept thinking of Eddie Carlough. I kept looking at the picture and said, "why does this picture remind me of Ed Carlough?"

None of the characters in there were like Ed Carlough. Then suddenly it came to me. It wasn't the content of the picture, it was the title. It was known as "The Quiet Man."

Well, Eddie and I are old friends. We came from the Bronx. If you don't know where it is, it is up this way. When I was a kid, it was known as the borough of the drunks, but it was still quite a nice place.

I am delighted to come here to pay tribute to an outstanding leader of the American trade union movement at the local level and at the international level. To me he represents the finest type of trade union leader, who recognizes that the business of a trade union is to advance the interest of its members with a sense of responsibility to the industry of which it is a part and to the community in which it resides.

I am delighted to pay tribute to him as a fellow construction worker. I am a construction worker and I share with Eddie Carlough a sense of pride in the contributions that the construction workers of this country have made to the American way of life over the last 80 years.

The construction trades unions have been a major factor in the development of the American trade union movement and they have been a major factor in protecting the interests of all American workers in war and in peace.

So it is somewhat odd to see today that the construction workers are the target of a vicious campaign of misrepresentation on the part of some people who, in an effort to distract attention from their own failures, are holding construction workers responsible for all of the nation's troubles.

We are told by some Administration apologists and by some of the eggheads and spokesmen for the new left that we in the construction industry are responsible for inflation, for unemployment, for high interest rates and any other economic evil that you can think of.

Well, there is no question, ladies and gentlemen, that this country is in trouble—unemployment at the highest level in many, many years, for all areas and for all occupations—not just the guys in overalls but the professional men, the scientists, the technicians are also the victims of unemployment. We see our great American cities deteriorating into great American slums. As far as I am concerned, there is no question where the blame rests.

So let us look at the facts. Let's look at the record. Let's discard rhetoric and baloney.

January, 1969, when President Nixon was inaugurated, was the 95th month, according to official records, of continuing economic expansion in this country. This long period of economic growth got underway in March of 1961 and was still continuing eight years later, in January of 1969, when Richard Nixon was inaugurated.

By January, 1969, the number of unemployed in this country was down to 2.7 million or 3.4 percent of the labor force. This was still not a perfect record, but it was the lowest unemployment rate in 16 years.

Then came a new Administration with new ideas. Then came the so-called Nixon "game plan", the brainchild of Dr. Arthur Burns, an extraordinary economist, an egghead of unusual brilliance, who, for eight years had been the most severe critic of the economic policies of the Kennedy-Johnson Administrations. With the election of Nixon, his big moment had come.

Well, the plan, as put forth by Dr. Burns and President Nixon, the product of this great brain, was to slow down the economy, to restrict the money supply, to tighten up on credit, to curb inflation, to bring down prices. And this was going to be done without increasing unemployment.

And let me repeat that again—without increasing unemployment.

They even put it in writing. President Nixon wrote a letter to me in February of 1969 in which he spelled out the plan and very specifically said that this plan was going to be put into effect without causing more unemployment.

Well, what happened? Let's take a look at the record again.

Very quickly, in 1969, housing starts dropped from a yearly rate of 1.7 million in January of 1969 to 1.2 million starts in April of 1970. And by August, 1969, industrial production began to decline and by December of 1969, after more than eight years of national economic expansion, the total national economy was declining.

It took the Nixon Administration policies only a few months to turn the national economy around, after eight years of general economic advances, to a situation where we were in a general recession.

Interest rates shot up to the highest level in 100 years, causing a tremendous burden on small business and a tremendous blockade insofar as housing was concerned.

Government construction projects were postponed. And what about unemployment? By the end of 1969, 2.9 million were unemployed, 3.6 percent of the labor force. In 1970 more of the same and by January of 1971, the unemployed totaled 4.9 million—2,200,000 more than when Nixon took office on January 20, 1969.

And what about inflation? What about the prices? According to official government figures, they went from 4½ percent raise in 1968 to 6 percent in 1971.

All in all, this record—the Nixon-Burns "game plan" for the country's economy—after two years, was a miserable and complete failure.

So now we have a "new game plan." We are going to psych the economy toward prosperity by the middle of 1972. Well, of course, 1972 is important. That is when we elect a new President.

And we are presented now with what can be called mini-expansion measures, pie-in-the-sky revenue sharing plus a barrage of optimistic rhetoric.

And what about the architect of this prolonged recession with its increasing unemployment, combined with the steady rise in living costs? What does Dr. Burns have to say now from his new ivory tower as chairman of the Federal Reserve Board? It is rather odd—if he had turned in this performance in private industry, he would have been fired. If he had turned it in for the Soviet Union, he would have been sent to Siberia. But, here, under the Nixon Administration, he is kicked upstairs to the chairmanship of the Federal Reserve Board where he might possibly do us more harm than he did before.

What has he got to say in the face of this record of miserable failure? Does he explain what happened? Does he say mea culpa, mea maxima culpa, I am sorry? Oh no. He doesn't even say, "Sorry about that." He doesn't even talk about 1969 and 1970. He wastes no time on the past. He is a man for the future.

So he has a "new game plan." He has new ideas for the future. He knows how he can solve our problems and he has found a very convenient whipping boy in the process. And who would the whipping boy be? Surely you can guess. Organized labor, the favorite whipping boy for kept eggheads of big business from time to time over the years.

Let's take a look at the good doctor's suggestions for the good of the nation revealed in his recent speeches and statements.

In a speech in California in January he came up with these ideas for the nation's good: oh, nothing about the economy, nothing about the monetary and fiscal policies that failed. Number one, he said, repeal the Davis-Bacon law. Well, the Davis-Bacon law is predicated on a very sound principle that has been established in practically all of the states of this union—the principle that public money, the people's money, should be spent in a way to uphold decent wages and not depress wages. That's the principle in back of it. So he proposes we repeal it.

Secondly, he said that compulsory arbitration is the answer to the problems that confront us in important industries. So that means an end of the American free system because when you get to the point where government compels you to work for the private profit of some other private individual, then you have got to the point where free America is no more.

But this is what the good Dr. proposes.

And then he says amend the minimum wage law. We find, you know, in our unemployment figures that unemployment bears more heavily in certain areas and in certain portions of our population than in others. In other words, teenage unemployment is always higher, it seems, than the normal figure. Kids coming into the market have difficulty getting jobs. Negro unemployment is always higher.

But the good doctor has a cure for that. He said, let us amend the minimum wage law so that employers can hire teenage labor at a cheaper figure than the minimum wage law requires. This would take care of the teenage unemployment problem. What the hell it would do to their fathers who are getting the minimum wage, I don't know. And what this would do, if this same principle was applied to unemployment in the ghettoes and unemployment for the blacks, I don't know.

And then, of course, he had something for business. A tax incentive. Give them a tax break. Let them write off the cost of new equipment and get a tax break from the federal government. And then the other day, testifying before the Senate Banking Committee, he said that the time had come—here is his cure for our problems—the time had come for Congress to take away some of organized labor's powers and stop subsidizing strikes.

He thinks it is a terrible thing that in some states hungry strikers are given food stamps. He thinks this is awful. And, in some states, they even pay them unemployment insurance. When you look at it, anyone who gets unemployment insurance, worked to put that money in the fund in order to draw that unemployment insurance. That unemployment insurance money does not belong to the state and it doesn't belong to the employer. It belongs to the fellows who work hour by hour.

So the good doctor wants to take that away and he wants to take us back into the last century when industry's answer to the aspirations of workers for a decent wage and a decent standard was the starvation method—starve them out. And he stated to the committee that labor had become so powerful that members of the unions suffer from the union policies.

Well, I don't know about that one. I kind of think the members of a union kind of like the union policies. I have seen many places in this world and I don't know of any place where workers have a better share of the wealth that they helped to produce than they have here in the United States or America. When we drive on the outskirts of our great cities you see every house—the workers' homes—with a television antenna. When you drive up to the great factories, you see acres and acres of parking space filled with workers' cars, and realize that the workers in America share in the good things of life to a greater extent than workers do in any part of the world.

And then this gentleman, who never met a payroll in his life and who never worked with his hands for wages in his life, is telling Congress that unions are too powerful.

And then he went on to say, and get this one, I am sure you will understand this one—he said the apprentice system is medieval, it is archaic, it should be done away with. You know what that means? It names that he has adopted the idea of George Romney that what we need in this country is half-baked mechanics. That we need mechanics who are qualified to work on homes, on small houses, but not qualified as full fledged mechanics and, of course, they are not qualified for full-fledged mechanics wages. This is an idea that Romney had a year or so ago when he told us that he could train building trades mechanics to work on new homes and houses in a period of six months. They wouldn't be full-fledged mechanics, of course. So, I told him at the time, "well, you go in the black community and you tell the black boys that you have some ideas for half-baked mechanics at half-baked wages and see how you make out."

But, as far as I am concerned, as a building trades mechanic, as one who served an apprenticeship, as one who went to school at night while I worked as a helper right here in this city, I am here to tell Dr. Burns and George Romney that the building trades unions, if I know anything about it, are not going to give up their standards of skill in apprenticeship.

And then Dr. Burns told the Senate committee that the high cost of homes in this country can be attributed to labor alone. He said nothing about the inflated costs of land. He said nothing about the interest rate on homes which have doubled in ten years. He said nothing about the inflated cost of material. He said nothing about the fees, the point system and so on, that are charged to home buyers by the banking and real estate interests. No, the only matter that he was interested in was the wages of construction workers.

Well, I am not going to bore you with figures, but I am going to give you one figure that is significant. In 1959, according to a survey of the National Association of Home Builders, which represent home builders in every segment of this country, 33 percent of the purchase price of a house represented labor on the job. Ten years later, the price of the house was up because everything was up. Insofar as the purchase price was concerned, 18 percent represented on-site labor. So this means that while the cost of housing has gone up, the cost of labor on housing, despite all this talk of high wages, has not gone up anywhere near what the cost of land, the cost of material and the cost of hiring the money has gone up.

I am sure we are going to hear a great deal of this sort of thing in the days and weeks ahead, not only from Dr. Burns, but from other Administration apologists who want to turn peoples' minds away, and their attention away, from the failures of this Administration. This is the purpose, this is as old as human history—when something goes wrong, it is your responsibility to point to something that is wrong somewhere off in the distance. This goes back to the decadent days of the Romans when the people were crying for justice and they stood up in the Roman Senate and they said, "Carthage must be destroyed." They wanted to distract attention from their own ills and their own evils. So this is true here.

The Nixon Administration is not defending the Nixon "game plan" of January, 1969 but they have given us a lot of rhetoric, a lot of stuff about revenue sharing, about how they are going to take care of the problems of the cities. All they are giving us are speeches, nothing of substance.

So, we are going to be the target and this is not new. Organized labor has been the whipping boy before. We have been around quite a few years. We have been shot at before. And I am sure we will survive and continue to do our job long after our critics have been gone and forgotten.

Organized labor's answer to this barrage of criticism will be to continue to serve the great mass of the American people whose mass purchasing power must be the basis for this nation's economic health, if it is to be healthy. We will continue to play our part in maintaining and enhancing the social and economic welfare of the American people—all of them—right down to the lowest rungs of the economic ladder.

And we, too, look forward to 1972. And we realize that it is an election year. And we realize it is an opportunity presented to us to make the political arm of the AFL–CIO, COPE, much more effective than it ever was before.

And in November of 1972, we will answer Dr. Burns and those who feel that the nation's future lies in a crackdown on labor.

And construction workers will play their part in this activity of the organized trade union movement.

And I am sure the Sheet Metal Workers, under the leadership of Edward J. Carlough, will play their part, just as they did under the leadership of Edward F. Carlough and they will effectively do their job as part of the American trade union movement.

So, again, I am delighted to come here, delighted to pay tribute to an old friend and to say to Eddie and Florence, many, many long years of happiness and health.

ELECTRIC POWER TO FIGHT POLLUTION

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. HOSMER. Mr. Speaker, how simple life would be if this Nation could simultaneously solve its electric power shortage and environmental problems by abolishing electric toothbrushes, can openers, and clothes dryers.

All power, they say, pollutes. Therefore, it is axiomatic that reductions in the consumption of power will reduce pollution while simultaneously eliminating the need for more generating capacity.

How perfectly obvious—but how perfectly wrong.

Man's only real hope for overcoming many forms of pollution lies in that misunderstood weapon—electricity. To cut back on the production of power would only cripple our chances of cleaning up our air, water, and industrial waste.

One of the most eloquent cases I have ever heard for this argument was made by the much honored chairman of the Atomic Energy Commission, Dr. Glenn T. Seaborg, earlier this week before the National Press Club.

Dr. Seaborg's talk did not receive wide attention despite the distinguished audience. Perhaps it is because reason is less a news story than hysteria.

But I want to bring to the attention of my colleagues this lucid explanation of why a cutback in electric power would do more grievous harm to the environment than power generation. His words are worthy of our attention.

An excerpt from his talk follows:

It is unfortunate that often those people who are so rightfully concerned with the environment have this one-sided outlook regarding the use of energy. They have been conditioned, because of man's abusive use of some energy, to believe that an energy-intensive society such as we have today in our advanced nations must inevitably "self-destruct." A limited view of history has hypnotized them into seeing energy only in terms of a means of ruthlessly extracting resources from nature, using them foolishly (and often unjustly) and then dumping them back into nature in amounts and places where she cannot handle them. The immediate reaction to all this is simply—stop it! Reduce the production of power. Return to the use of less power-intensive products. Use less power to produce fewer products to cause less pollution and we will all be better off. This is some of the reasoning offered.

But while there is always much to be said in favor of belt-tightening and improving efficiency, offering that approach as a panacea is unrealistic and unimaginative. And while we should not use the possibility of abundant energy as an excuse to try to support runaway population growth or ludicrous per capita consumption, neither should we believe that a power growth moratorium holds the solution to these social and economic problems. Changes in rational goals, public attitudes and private life styles may reduce the rate of growth of our energy consumption but those who believe we can reduce our total energy consumption fail to take into account three things:

We are going to have a significant increase in population over the next few decades even if we are successful in our population control effort.

The basic physical needs—and hence basic energy demands—of that population will be enormous because we are in the midst of a social revolution that will inevitably raise the standard of living for the world's underprivileged peoples.

Vast amounts of energy—energy-intensive industries—hold the key to saving, not destroying, the environment as we grow to meet the human demands ahead.

My first two points, I believe, are self-evident. My third one needs some elaboration. The basis for my claim is that, properly used, energy can create materials that substitute for the massive consumption of "natural" materials; that with new technologies—and intelligent, far-sighted planning—it can do so with less impact on less land, and that it can be used to conserve vast quantities of natural resources while allowing us to return to nature a minimum of waste in its most acceptable form. Much of this last claim has to do, of course, with recycle.

As you may know, we are now into the beginning of what might be called a "Recycle Revolution." Industry, government, the scientific community and the people are all in favor of this revolution. And I believe it may be the most significant step man has taken since he initiated the Age of Steam. But recycling involves far more than composting your leftovers, stacking your newspapers or returning your empty bottles and cans. If you have read about any of the new and proposed recycle plants lately you will realize that these are large technical facilities requiring considerable amounts of power. The same is true of our municipal sewage treatment plants and waterworks and the same holds for most pollution abatement facilities in the new and growing business of environmental control. It is simply a law of physics that to change the form and location of matter you must use energy.

Perhaps you also have heard the argument of one of today's outspoken ecologists that many of the "synthetic" products we use today are environmentally undesirable because they require a large consumption of energy to produce. Hence, he reasons we should return to the use of the natural product in place of its synthetic substitute. For example, it is stated that synthetic textiles demand a huge expenditure of industrial power while cotton is made by the natural energy of the sun. Therefore, why not return to the use only of cotton shirts and dresses? The point seems reasonable until you pursue it further, calculating the additional land area required to produce cotton equivalent to today's synthetic textiles, projecting the future demand on an all-cotton economy, and adding to this the environmental impact of all the fertilizer, the pesticides and the power of harvesting and processing machinery that would be required to sustain such a cotton agriculture. And you would have to consider that power unless you sought to eliminate the environmental effect of these mechanical labor-savers by going back to the days of "Uncle Tom's Cabin." I for one am not inclined to get us into such a "cotton-pickin" situation.

Of course we can still have a viable cotton industry coexisting with our synthetic textiles which are essential today and can be produced with a minimum of harmful impact on our environment at a cost most people would be willing to pay. The difference is that this latter approach requires a positive outlook, some imagination and the desire to put science and technology to work more creatively.

Among the other modern industries that some ecologists have criticized as being energy-intensive are cement, aluminum and plastics. But the extra energy used to produce these materials must be considered in terms of its trade-off for other environmental demands. For example, all these materials replace wood in a variety of ways. If we were to declare a moratorium on their use and return to using only their "natural substitute," think what an additional demand this would make on the forests we prize today as natural preserves and recreational land! There are numerous other examples. And I can cite many different ways that the elimination of energy-intensive applications would be more environmentally damaging and socially expensive in terms of today's demands.

This is not a defense of the desecration that has been caused by the abusive and thoughtless use of abundant energy. No one denies that this has taken place and we can still see it taking place now even as we are beginning to fight against it. But the problem today is that we are "hooked" on this historical hindsight in which we cannot—or refuse to—see that new, less destructive and more creative ways of generating and using large amounts of energy are possible, among them nuclear power. It is for this reason that dedicated workers in the nuclear field are doubly disturbed when their technology is attacked by some proclaimed environmentalists. We in the nuclear community feel that we are pragmatic environmentalists—that we are working with a source of energy that can be the least harmful to the environment from a power generation standpoint, while providing the abundant power needed to solve the environmental and social problems of our time.

Let me explain why we believe this.

We must face the fact that to a growing extent electricity is the lifeblood of our modern civilization. Without it, in both our urban and rural areas, very little moves or works. I do not believe I have to elaborate on this, as we have had some startling real-life demonstrations of this in recent years.

In spite of the fact that we may be able, to some degree, to improve our efficiency in generating electricity and reduce our waste in using it, it would be unrealistic and perhaps even dangerous not to accept the projection that over the next 30 years our electricity demand will grow six-fold. In several densely populated areas of the country electric utilities already face a continuous touch-and-go situation in meeting local power demands. The reason for this projected growth, contrary to a popular notion, is not that we are merely adding numerous new electric-powered frills at home. These electric gadgets draw a negligible amount of power. In recent years it has been the growing use of air-conditioning that has accounted for the largest single increase in the residential use of electricity, as well as more families being able to afford the major electric facilities that are essential today.

A large portion of the additional electric power requirements that we will see in the future will be caused by a shift from other energy sources to the use of electricity to fulfill basic needs such as heating and cooling, industrial processing and transportation. And in most cases the shift will be away from energy sources far less desirable from an environmental standpoint. Abundant, economic electricity also can help industry and transportation introduce systems that are inherently less polluting—such as the electric steel furnace which serves the additional environmental function of making the recycle of automobile scrap more economic. We must also recognize that it is much easier to exercise environmental controls over a centralized source of power such as an electric generating station than over a million individual fires whether they are in homes, industrial plants or auto engines.

To meet our future power demands there is no doubt that a great number of large central station steam-generating plants will have to be built and operated. We can explore and develop other possibilities to some extent. In certain areas of the country we may be able to harness enough geothermal heat to meet some local and regional power demands. At a few coastal points we may be able to make some limited use of tidal power. And there may be some places where we could reliably collect and concentrate enough solar energy for local domestic applications.

But to believe that it is feasible, technically, economically or environmentally, to develop these energy sources to supply most of the huge additional electric generating capacity required across our country in the years ahead is sheer folly. We are still going to have to depend on the heat from fuels to supply by far the largest portion of our needed power.

DISTINGUISHED CLERGYMEN SPEAK FOR PEACE

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. ANDERSON of Tennessee. Mr. Speaker, on Tuesday a number of our colleagues met at breakfast with a large number of distinguished clergymen of various faiths. Most of the clergymen are of the Washington area; however, a few were from out of town. Among the group were several who had just returned from extensive informal talks with all four sides at the Paris Peace Conference and with various scholars in Paris.

This was not a typical prayer breakfast. Rather, it was a strong effort to highlight the moral and other issues relating to our Nation's military involvement in Indochina.

Mr. Speaker, I believe our colleagues would like to share in access to the very meaningful and excellent dialog which occurred at the breakfast. I am fortunate to have the texts of two of the distinguished speakers, Dr. Herbert Meza of the Church of the Pilgrims (Presbyterian), 22d and P Streets NW., Washing, D.C., and the Reverend William A. Benfield, the moderator of the Presbyterian Church in the United States and pastor of the First Presbyterian Church of Charleston, W. Va.

Under unanimous consent, I request that their exceptionally timely and meaningful remarks be printed in the RECORD.

I include the article, as follows:

REMARKS OF DR. HERBERT MEZA

It is my responsibility, along with Congressman Anderson, to give you a very brief sketch of how this breakfast has come about.

Two factors lie behind it. The first has to do with a malaise of powerlessness that has overtaken society. With so many wanting peace, why is it we are not any nearer to it? With so many consequences, despair, alienation, so much dissatisfaction, why can't we extricate ourselves from this madness? Why have the constitutional safeguards not been functioning? Why has Congress been ineffective? Why are we all, including the President, so powerless to do anything about it?

I maintain that something has happened to the very nature of government. Forces have been set loose that do not respond to the traditional agencies of correction. Impersonal forces have been let loose and our priorities and our national will seem powerless to effect them. Our society no longer seems under control. Running its separate course, we have all been reduced to helpless spectators.

Eugene Burdick describes this phenomenon in his book, Fail-Safe. The two forces man has created, science and the state, have become impersonal monsters that no longer respond to human initiative. They toy with us as the Olympian gods toyed with the Greeks.

It is the same affirmation Simone Weil made about France. "Society," she said, "is dominated by a vast machine in which men are continually being caught up and which nobody knows how to control."

Our own system of checks and balances is prey to the disease. James Madison designed it in such a way that it simply won't move without vigorous leadership. But in Madison's time he had brilliant and courageous contemporaries and it never occurred to him that the time might come when leadership would be neutralized or lacking.

We are suffering from what the Bible calls "principalities and powers that rule this earth," and it gathers momentum in the absence of restraining leadership.

The second factor which has contributed to this breakfast, and hopefully others to follow, here and around the nation, is the factor of morality. The dimensions of this war's morality have not been fully explored. Should we not face them? There are representatives of the church, with privilege credentials, in the circles of government, who have not raised the proper questions, who indeed obscure the moral dilemma by lending their prestige to the state. An ecclesiastical curtain has been placed around this government and the voice of the church has not been truly heard.

It is our hope that together (congressmen and clergymen) we might explore these dimensions with the hope that we could provide American democracy with a fresh example of vigor and righteousness which would truly serve the cause of mankind and exalt the nation.

REMARKS OF REV. WILLIAM A. BENFIELD

Distinguished members of Congress, fellow clergymen, and guests, I am privileged to report to you on the recent Church Leaders Consultation on Vietnam.

Fifty of us, church men and women, from nine denominations and two interdenominational groups and from 20 states and the District of Columbia, spent the recent week of March 20–27, in lengthy conversations with the official delegations to the Paris Conference on Vietnam, the delegations of the United States, the Republic of Vietnam, the Democratic Republic of Vietnam, and the Provisional Revolutionary Government of South Vietnam. We talked with Ambassador Bruce, Ambassador Lam, Ambassador Thuy, and Madam Binh, as well as other members of the four delegations. Additionally, we had conversations with Vietnamese Catholic priests, Buddhist Monks, former officials and representatives of the Sihanouk government, French scholars and others.

We did not go to Paris as negotiators but we did go as people who are committed to our nation and concerned for its integrity; as people who share a loyalty to the God of justice, judgment, and mercy, God who demands that we love all our neighbors; and as people who anguish over what the war in Indochina is doing to our neighbors, our nation, and to us. We took no petitions or proposals. We went to listen and learn, that we could be more effective workers in helping to resolve the moral crises of the hour.

Within this context of purpose and after days of consultation, we 50 church men and women agreed unanimously on five convictions.

First, it is our conviction that the brutal war in Indochina must be stopped now. Millions have been killed or wounded. Homes, fields, and forests have been destroyed. A whole generation has known no peace, only devastation and death. Thich Nhat Hanh, the brilliant author of "Lotus in a Sea of Fire," put it in tragic vividness when in his poem, "Condemnation," he wrote:

Yesterday six Viet Cong came through my
village;
Because of this my village was destroyed,
completely destroyed;

Every soul was killed.
I feel I am like that bird which dies for the sake of its mate
Dripping blood from its broken beak, and crying out;
Beware! Turn around to face your real enemies—
Ambition, violence, hatred, greed.
Men cannot be our enemies—even men called "Vietcong!"
If we kill men, what brothers will we have left?
With whom shall we live then?

Secondly, it is our conviction that no acceptable military solution to this conflict, including "Vietnamization," is possible. Each side firmly believes its cause is just and is determined to fight as long as necessary. Vietnamization, with its provision of arms for Asians to kill other Asians, will not resolve the political conflict underlying the war. Moreover, "changing the color of the corpses" is morally repugant to us.

Third, it is our conviction that attitudes and methods of negotiation must change if a political solution is to be possible. Just as each side to the conflict believes that its cause is just and the other's unjust, so each side in the negotiations feels that its offer is reasonable and the other's unreasonable. Moreover, the very style of the negotiation talks, with no chairman, no mediator, no exchange of notes, and no private meetings, severely limits the possibility of genuine dialogue. It is our feeling that because the United States is the only party at the present time willing to talk to all delegations, it should give the peace talks a much higher priority and authorize its delegation to take creative initiative in facilitating negotiations.

Fourth, it is our conviction that a pledge by the United States to withdraw all of its troops from Indochina by a certain date would be a highly significant contribution to the negotiations. Both the date and manner of withdrawal ought to be negotiated.

Furthermore, it is our fifth conviction that the only way to secure the release of prisoners of war is though a political settlement and that the only way to secure that political settlement is to pledge to withdraw U.S. forces. We share with many others a deep concern for the prisoners being held by all sides and for their families and it is our firm conviction that the Pesident's intention to leave a U.S. military force in Vietnam so long as U.S. prisoners are held is inevitably self-defeating.

There come those times in the life of a nation when it is called to express itself in unusual greatness of character. On some occasions in the past we have failed to respond, which has been to our shame. On other occasions we have acted with great moral courage. Such a call to greatness is now at hand and we can no longer accommodate ourselves to platforms of expediency.

We are the most powerful nation in the world. We are the richest nation in the world. But what is the role of the strong to be? If we want to continue to spend billions of dollars to be used in killing and suffering in Indochina, if we want to continue to neglect serious humanitarian needs at home and abroad, there is no better way than to continue on our present course of action. But now, in the midst of war-weariness, when cries grow louder every week, here at home, in Southeast Asia, and elsewhere—"stop the killing, stop the killing," we have the opportunity to assume a moral leadership that could affect international relations and provide a way to peace with almost unprecedented action.

In my own tradition the church does not dictate to the state nor does it ignore the state, but rather the church seeks to be the moral conscience of the state. As Christians, we are not to be observers of history, rather we are called to change history. In days gone by, the church has not adequately exercised its prophetic voice concerning the insanity that is Vietnam. And many of us fear that the voice of religion heard in the White House has too often cried peace, peace, when there is no peace, and has witnessed to a comfortable God of the Nation who pleases us, rather than to the Lord of all Nations whom we must please. The church can no longer remain on the balcony of aloofness. It must get on the road of involvement which leads to peace.

In the light of such commitment and in this hour of crisis, we make these appeals:

1. We appeal to the President and to the Congress to declare immediately their pledge to withdraw unconditionally all U.S. military forces from Indochina in the immediate future.

2. We appeal to the President to add credibility to this pledge and to bring a major part of the killing to an end by directing all United States air, naval and ground forces in Indochina not to drop bombs or to fire weapons except in response to direct attack.

3. We appeal to our government to initiate immediately at the Paris Conference, negotiations on the timetable for the pledged withdrawal of all United States military forces.

4. We appeal to all of our fellow church men and women to join us in calling on the President and the Congress to take these steps immediately.

GROWERS PROMOTE WORLDWIDE SALES OF AMERICAN RAW COTTON

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. DORN. Mr. Speaker, the National Cotton Council is truly one of the Nation's leading agricultural and business organizations. This group has been in the forefront in promoting worldwide sales of American raw cotton and has been a leader in every major effort to bolster the American cotton producing industry.

On March 19, 1971, Hon. C. R. Sayre, president of the NCC, delivered a splendid address before the Carolina Cotton Warehouse Association at Charleston, S.C.

Dr. Sayre very effectively called attention to the fact that farmers and ginners and other raw cotton people have a stake in curbing the flood of cheap, low-wage textile imports. Dr. Sayre pointed out that if textile producers are driven out of business in this country, the American cotton farmer will have lost his largest and most dependable market.

Following are excerpts from Dr. Sayre's outstanding address at Charleston:

> Let's just think for a moment about some of the things we must do. In my judgment restraints on textile imports demand an all-out effort by the Council and the whole industry this year.
>
> Frankly, I don't believe that farmers and ginners and other raw cotton people fully understand their stake in bringing textile imports under reasonable control. All too often they tend to look at these imports as a mill problem.
>
> Gentlemen, I submit to you that if textile imports take over and dominate our domestic market, the big losers will be the farmers and others who make their living from raw cotton. If we don't win on this issue, we can quickly and irretrievably lose our chance to build a larger and stronger cotton industry.
>
> The domestic market is by far the biggest and most dependable we have. One reason it is dependable is that we are protected by a raw cotton quota of only 30,000 bales of upland cotton. In our domestic market, we don't have to compete against the growers of Mexico or Brazil. We know that American cotton is being used in the American market. And if that market grows, we have a wonderful chance to see our domestic consumption go up—particularly with the added effort we're putting into domestic market development.
>
> But the growth in the domestic market can soon be cut off and the trend turned downward if imports continue to accelerate the way they've been doing for the last decade. Just 10 years ago, in 1961, total textile imports (including those made of cotton, man-made fibers, and wool) were equal to only about three-quarters of a million bales of raw cotton. The current level is about 2.6 million bales—or a rise of almost two million bale equivalents for the decade. Imports of cotton textiles amount to about a million bale equivalents—most, about 80 percent, made out of foreign-grown cotton.
>
> At this time we still have some mild, voluntary agreements which tend to restrain the expansion in cotton textile imports. But the foreign mills are getting around these agreements by flooding our domestic market with goods made of blends and synthetics, which obviously compete with cotton.
>
> Clearly, the whole domestic textile market in which we compete is under attack. It has already been badly disrupted. Its growth has been stunted. It will certainly start shrinking if import acceleration continues.
>
> What we must understand is that this is a bigger threat to raw cotton people than to the mills. We stand to lose a very substantial part of our biggest and best market, and we can't afford it. The mills do have an alternative. It's not what they want, but they may be driven to it. They can always join the foreign competition. They can start shifting their investments to foreign countries where they can obtain low-cost labor and where they can buy cotton or any other fiber from whomever they please. Naturally, they would be planning to ship their textiles to the United States; and you can imagine what that would do to our domestic market.
>
> So the Council has attached a top and urgent priority to resolving the textile import problem this year. We are putting together a grassroots campaign to support our Washington operations. You will be hearing more about this soon. It calls for a maximum effort from producers, ginners, and all others in our industry. We must handle this import problem if we are to hold and increase our momentum. If we all join hands, I'm confident we can get this job done.
>
> We must recognize that our opponents, especially the Japanese, have used every tactic at their disposal to delay action and confuse and divide the American people. Every time there seemed to be some progress in the Congress, the Japanese have put forward some new proposal or changed the tempo of negotiations, which has led people to believe that they were serious about reaching an agreement. But nothing has been accomplished. The proposal in March 1971 by the Japanese Textile Federation to limit unilaterally its textile exports to the U.S. is obviously another tactical move that is totally unacceptable. The proposal has a single upper limit for all textiles, with no limits at all on individual categories. This would permit the Japanese to concentrate their exports in items that are especially strong in this country, like cotton denims and jeans,

put domestic producers out of business, and then move on to something else. This unilateral "restraint" would not take effect unless and until other leading exporting countries also agreed to do the same thing, and meanwhile the base period for these "restraints" moves forward and the base gets larger and larger. This proposal would undercut the LTA on cotton textiles, which, incidentally Japan is no longer a party to; would not include yarn; would not have the force of an international agreement; and would last only three years. Obviously, this would be a step backward instead of forward.

TRANSITION PERIOD ON CHINA POLICY

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. HANNA. Mr. Speaker, and Members of the House, it seems clear from presentations in Congress and the media that U.S. policy toward Communist China, and therefore toward free China, is being pressed into an unfortunate and dangerous adversary position. This position is causing extensive polarization around the question of the recognition of Red China and her acceptance into the United Nations.

What all this sudden furor of rhetoric fails to make clear, or even to recognize, is the importance of formulating a position that is based on an understanding of existing conditions in Asia. This is a transition period between old and new policy. The fact that we are in a transition period must be recognized above all else while we are formulating policy. Not to recognize the reality of the transitory environment we are now in could cause a serious error in our ultimate decision.

Let me clarify my use of the term, "transition period." No sensible or informed person would take the position that our policy should remain static and based upon the conditions which prevailed in the 1945–60 period. Unquestionably, there is abroad in Asia changes of such significance and facts of such operative dominance that some adjustment, some reorientation and reexpression of policy are and will be mandated. But one cannot leap from infancy to adulthood without some period of transition. Given the illusory nature of the assessments of mainland China's positions and conditions, it is clear that dynamic change there is still occurring. We must not unilaterally offer concessions on our relations with mainland China before knowing what we will be dealing with and thereupon foreclosing on important options and alternatives.

Although world opinion might consider the actions already taken by the United States far short of those suggested by certain elements in and out of Congress, an honest judgment would have to place the ball in China's court. Now the burden truly is on the Peking government to make some meaningful and constructive response to concessions and invitations already extended by our Government. I make this point independent of and completely outside of considerations relative to the treaties we have entered into with free China and other surrounding lands. Also, I do not weigh the possible development of questionable attitudes on the part of other Southeast Asian countries surrounding U.S. liability. I speak solely of the long-term diplomatic, economic, and moral interests of the United States in that great area of the Pacific. We must not be impatient. We must not accelerate our position so far ahead of Peking's responses that we lose the benefit of the give and take which must be forthcoming if we continue to insist upon response before advancing further terms.

We face and must consider the realities of Asian timing and the intricacies of their political action and counteraction. Our experience in Asia should have taught us this lesson. We are not served by those who, by oversimplification, create a polarization of our position which destroys our flexibility and steals from us the benefits of the transitional period we are now in. We must fully exploit this period by encouraging and demanding responses and counterproposals from the other bargaining party.

I do not believe and have never espoused that our country should turn over its foreign policy to any other country or to that country's concerns. I would take that position whether or not the country involved were Israel, Vietnam, or free China. This is not to say that our own selfish but defensible interests, although shortsightedly interpreted as being in consort with the interest of some smaller nation, might not provide a sounder, more defensible posture for the long-term benefit of our country.

In short, Mr. Speaker and Members of the House, I am quite disturbed that the sudden smoke from arguments for wider recognition of Red China obscure the ground we have prepared for our transition. This is a time which calls not for haste, but for extensive and patient negotiations with Red China. We should encourage that nation to respond constructively to those initiatives already presented by our country. An American rush can only result in an American rout in Southeast Asia. Patience, persistence, pressure—these qualities will bring meaningful progress.

AN INSPIRING EXAMPLE OF COURAGE AND PATIENCE

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. CARTER. Mr. Speaker, there has come to my notice from Hon. Maurice H. Thatcher, who in his early life lived in Butler County, Ky., and who served later in this body as a Member from the Louisville district, a heart-moving story appearing in the March 18, 1971, issue of the Green River Republican.

This old and greatly esteemed periodical has an interesting article, written by Mary Jefferies, descriptive of the 10-year-old son of Mr. and Mrs. Truman Annis, who live on a farm close to Logansport in that county. The author tells with dramatic power of the suffering which resulted when a few years before the little boy was run down by an automobile while riding his bicycle on the highway.

The injuries received by him have been of the gravest character, paralyzing him, and destroying his sight. The care given him by his parents has been of the most solicitous and constant character, consuming their modest means, but being finally rewarded by a gleam of recovery on the part of the suffering child.

The latter has become an historic case in medical circles and his brave and courageous attitude have been inspirational in humanitarian circles. I am deeply interested in the case, not only because of its medical aspects, but also because the example thus presented appeals strongly to humanitarian reactions common to the human race.

This extension is made only for the purpose of citing medical and inspirational effects thus shown. Relatives and friends of the little sufferer are giving needed aid to the parents.

There may be other like cases here and there in varying forms which occasionally appear, but I doubt whether any other case is more extreme in its results than that of this little boy who seems to have been robbed of everything but courage and patience.

The article in question is now made with leave accorded, a part hereof taken from the columns of the indicated publication of which Silas Barrow is the editor.

Butler County years ago was part of the old "Bloody Third" district, including some of my present congressional counties, and Dr. W. Godfrey Hunter served in the Congress from that historic district.

Here is the story:

10-YEAR-OLD JEFFREY ANNIS SEEMS TO IMPROVE WITH "PATTERNING" THERAPY

(By Mary Jeffries)

Little Jeffrey Annis of Logansport was 10 years old on November 9 last year.

He doesn't ride a Butler County school bus, nor does he play basketball, plan Cub Scout projects, or do any of the things most ten year old boys do.

His days are spent learning "reflexive crawling" and undergoing other therapeutic measures called "patterning" that are designed to help healthy cells in his brain take over the duties of damaged brain tissue.

Jeff suffered severe brain damage when he was struck by a car while riding his bicycle on Highway 403, just a short distance from his home. The accident occurred around 5 p.m., March 6, 1967—his mother's birthday. Jeff's parents are Mr. and Mrs. Truman Annis of Logansport. He has an older brother, Paul, and one sister, Rita, who is a registered nurse.

Jeff's world is the family living room. It has been transformed into an efficient hospital therapy unit. Unlike so many rehabilitation centers, Jeff's room is a wonderful happy place where visitors are welcome. After a visit to Jeff's world, one leaves with a warm feeling and the words: love, faith, and courage, are remembered—along with a mental picture of a little boy with a big smile.

The tragic circumstances of that snowy afternoon in March may be half forgotten by

Butler Countians, but the accident has completely changed the lives of the Annis family. Naturally, there has been sorrow and despair in the course of the last four years, but also, there has emerged an unfaltering faith and a brand of courage that is an inspiration to friends and neighbors.

There were no broken bones when Jeff was thrown from his bike and only a minor cut on his wrist, but his head struck the hard surface blacktop, causing severe brain injury. He was rushed to a Bowling Green hospital and underwent emergency surgery to relieve intercranial pressure. The hours of waiting outside the operating room were an eternity for the Annis family . . . and this was just the beginning.

When word came, it was not favorable. Neurosurgeons gave little hope of recovery. Damage to the brain center was massive, leaving Jeff paralyzed and blind. There was nothing to do but wait.

The family waited . . . and prayed. There seemed to be no hope. A local physician, Dr. Richard Wan, sought consultations with specialists all over the United States. No leads were left unexplored, even though hospital costs mounted steadily. Meanwhile, as Jeff lingered between life and death, other problems arose. Pneumonia set in and doctors believed that he could not survive in his weakened condition.

The Annis family did not give up. They haunted the corridors near Jeff's room waiting and hoping for some improvement. Kindly hospital officials looked the other way when Truman Annis slept in the prayer room. After the crisis came, staff members could only say that Jeff had survived. There was no change in the original diagnosis.

A severe kidney infection followed. Just as his parents' hopes dimmed, little Jeff rallied . . . only to be racked by convulsions from the brain damage. Part of the brain which regulates body temperature had been affected and Jeff was plunged into the third crisis in less than a month.

During this heartbreaking period, the family waited for brief moments with Jeff. Even though his physical needs were taken care of by trained personnel, his father, Truman Annis, never left the hospital. When permitted, he was always at his son's bedside. There were times when Jeff, unconscious in a twilight world, would smile . . . and a father's faith was born.

The first three months were spent in the recovery room where specialized care kept him alive. Intravenous feedings and a respirator became a part of his everyday life. Later, a stomach tube provided nourishment for his little body, and his kidneys functioned with the help of an indwelling catheter.

While Jeff was being transferred to a private room, a nurse noticed that his lungs expanded without the aid of a respirator. When this was confirmed, he was given regular periods of "free breathing" and the use of the respirator was discontinued. Since private nursing care was needed, financial arrangements were made even though the small insurance policy that Annis held had dwindled. Hospitalization for Jeff lasted nearly five months and then he was transferred to Lakeview Nursing Home.

The world of medical terminology and hospital procedures is little known to a farming man, but Jeff's father made it his business to learn all he could about the devices used to sustain his son's life. He began a determined search for knowledge concerning treatment and care used in similar cases. Letters that requested information on the subject were sent to medical centers throughout the world. Annis made countless trips to neighboring states to talk with parents of children with similar problems.

Jeff was taken to the Kentuckian Center in Louisville for examination and treatment. Doctors in the metropolitan area became interested in Jeff, and later visited him at the nursing home. Jeff was treated for muscle atrophy, a condition brought on by the months of inactivity due to paralysis.

Twenty-four hour nursing care was still required for Jeff when his parents took him home November 3, 1967, so Truman Annis learned to provide this. The living room was transformed into a hospital unit.

Wanda Baker of Logansport came daily to help out. A local chiropractor and family friend, Dr. Mirko Radovich, continued the treatment advised in Louisville. It was during one of these muscle therapy sessions that Jeff made his first audible sound since the accident. When Dr. Radovich shared the good news with the Annis family, it was a happy day for everyone.

The following months did not hold many happy days. Jeff fought an unending battle with infection, each new crisis seeming to weaken him even more. Work on the farm was neglected while the family took turns with Jeff's nursing care. Doctor bills and drug costs steadily increased, so Truman Annis and his son Paul worked harder to make ends meet.

A second bout with pneumonia weakened Jeff and sent him back to the hospital in December, 1969. This time he stayed only five days, but the medical expenses soared. Barbara Moore of Logansport came to help out with Jeff's care. Even with the insurance settlement, the family savings dwindled because of the financial burden. But Jeff still smiled, and his father's faith grew stronger.

Friends offered help, but there seemed little they could do except pray. Annis is sure that prayers are answered, because soon the stomach tube was removed and Jeff learned to swallow liquid feedings with the aid of an asepto syringe.

Spring 1970 came and a new crop of corn and soybeans was planted. Truman Annis and Paul worked the farm in shifts so that one of them would always be able to care for Jeff.

It was about this time that an article appeared in a weekly news magazine (Grit) that told of work being done with brain injured children by a famed neurologist, Dr. Eugene Spitz. of Philadelphia. Annis made an appointment with Dr. Spitz's clinic and accompanied Jeff there on April 20. In Philadelphia, brain wave tests were given and studied. Mr. Annis was told, "It would be a shame not to give Jeff the benefit of patterning therapy." A chance meeting with a man from West Virginia gave Annis another ray of hope. He learned there was a facility for this treatment in Nashville, Tennessee, less than a hundred miles from his Butler County home.

Truman and Laverne Annis traveled to Nashville and visited the Institute for Neurological Development of 895 Murfreesboro Road. They learned of the work being done there with brain injured children and arranged to bring Jeff for examination and evaluation. After Jeff's first trip to Nashville, it became evident that the long trip by ambulance combined with the manual exercise treatments—were too exhausting to continue.

Don Griffin, director of the institute, told Annis of a new machine designed to do the work of manual patterning. Annis contacted Corban Company, Inc. of Staunton, Va. and arranged to have the machine shipped to his home in Logansport. Although production of the machine is limited (only 250 have been made). It was installed in the Annis home in July. Griffin drove up from Nashville to assist with the installation and stayed over until Annis could operate the machine efficiently. The cost of the unit alone was $1200.00.

The strange looking apparatus is an assemblage of belts, pulleys, shafts, sprockets, bearings, and steel cable combined with an electric motor. It is kept ready at all times to exercise every joint in Jeff's body. There is a pivot for each body joint. These move separately, but in perfect rhythm when the machine is in operation. If one part of Jeff's body becomes spastic and unmovable, the corresponding portion of the equipment will disengage from the motor drive and stop. When he is able to move again, the machine automatically goes back in the proper sequence.

Jeff's time on the patterning machine was limited at first. Sore muscles and bruised knees were factors that had to be considered. Use of the eleven feet long slide had to be discontinued, but other therapeutic procedures have been added. Jeff has grown stronger since patterning therapy began and, in many ways, he lets the family know he is ready for the treatment to begin.

Three people are required to do the patterning exercises and at least two are needed to assist in the follow up steps. Annis is on hand for each session. He receives help from other members of the family and from Mrs. Jean Jones, who comes in each day.

Jeff's day begins at 6 a.m. and he spends five minutes on the machine. His joints are moved by the apparatus in the same motions other children use in crawling. This is repeated every two hours, five times a day. Music from a record player accompanies each session. Popular tunes are his favorites. He breathes in a plastic bag (under strict supervision) once every hour. This helps his lungs expand and is part of treatment. His hands are brushed briskly six times a day and a can of frozen orange juice is rubbed over his palms. A vibrator connected to his bed is turned on six times a day after each treatment. Auditory stimulation is given with a loud air horn at regular intervals throughout the day. He reacts much the same way any child would. When four big spotlights are turned on, he shuts his eyes.

There is marked improvement in Jeff's condition. His general health is much better, as indicated by a greater resistance to infection. He is still given liquid feedings every two hours, but is now able to eat pureed or baby food and occasionally drinks a soft drink. Jeff tries very hard to communicate with his family and will hold up his left arm proudly when his brother Paul says: "Show us your muscle."

He loves company and is pleased when visitors notice the toy rabbit he holds in his hand. Oh, yes!—Jeff still smiles. And now, Truman Annis smiles, too.

GOVERNOR SHAPP APPEARANCE AT PRESS CLUB BIG SUCCESS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. MOORHEAD. Mr. Speaker, I was fortunate today to be in attendance when the Governor of my State of Pennsylvania, Milton Shapp, addressed the National Press Club.

The audience was composed largely of men who have put many years in the Washington mill. They have heard speeches and rhetoric day in and day out. They are old hands at listening, and conversely, old hands at picking the phonies from the genuine item.

On the basis of their response to Governor Shapp, today, I would say they spent a delightful hour with the real thing.

Governor Shapp talked about the fiscal problems that our State is experiencing and offered his own idea for the Federal Government alleviating the State worry load.

He proposed that the Federal Government do three things: First, generate new revenue for the States and cities, including block grants and a Federal takeover of the welfare program; second, a strong Federal action to stimulate economic growth, and third, an expansion of Federal programs for social progress.

I include in the RECORD the remarks of Governor Shapp and salute him on an excellent and forthright speech:

REMARKS OF GOVERNOR MILTON J. SHAPP AT THE NATIONAL PRESS CLUB, 1 P.M., WEDNESDAY, MARCH 31, 1971

With frequent regularity, the nation's Governors journey to Washington—individually or in groups—to meet with the President, confer with Cabinet officials, to lobby in Congress and address the National Press Club.

Often, the Governors are followed by—or preceded by—the Mayors of the nation's cities.

Invariably, the message is the same: the states and cities of America are in desperate financial shape and the federal government must bail them out with some form of revenue sharing.

Usually, the dialogue turns out to be a debate without particulars. Some Governors and Mayors support the concept of revenue sharing in principle. Others support the Nixon plan whatever that may be. Some are for other forms of federal help. Others are for the proposals of this or that Senator. The general theme though is consistent. The cities and states lack the broad tax base, must live within balanced budgets and thus are unable to finance their expanding needs.

Against this background of growing national debate, I am happy, if somewhat apprehensive, to be here today to address the National Press Club as the Democratic Governor of the nation's third largest state.

I say I am apprehensive because I am sure you are sitting there expecting to hear the same old pitch for revenue sharing in the same old way with minor modifications here and there.

Well, I've decided not to make the same old pitch because I don't happen to agree with it. The Nixon proposals simply do not apply to the problems of 1971 let alone for 1972 and successive years.

I build a successful business by making decisions based upon need and logic. I don't believe we can solve our governmental problems by continuing to make our decisions on the basis of politics.

Now don't misunderstand me. As Governor of Pennsylvania I would be glad to be the beneficiary of a windfall called revenue sharing.

Call it the Nixon Plan, the Muskie Plan, the Governor's Plan, the Mayors' Plan, or anyone else's plan, I'll take the money. Pennsylvania needs it.

Last month, in Pennsylvania, we enacted a new tax package featuring for the first time one income tax based on line 50 of the federal tax return. Coupled with some basic reforms and additional business taxes, that package will, for the first time in many years, place Pennsylvania on a solid financial basis. This is quite a step forward considering the fact that on March 1st we ran out of money; that we were on the brink of insolvency, facing a debt, projected until June of 1972, of $1.55 billion.

Nonetheless, even with the passage of new taxes and the economies that we are introducing into the operations of government, we will barely meet our obligations for present programs in fiscal '71–'72, to say nothing about the need to finance many new programs of vital public need.

Take, for example, mass transportation in Pennsylvania. The Southeastern Pennsylvania Transportation Authority (SEPTA) which services Philadelphia and the surrounding counties, is in serious financial trouble. To modernize SEPTA and place it on a solid financial footing, between $800 million and a billion dollars will be needed over the next five years.

That money can't come from Philadelphia, nor can it come from the state. Only last week, the Federal Reserve Bank of Philadelphia warned that Philadelphia faces "fiscal chaos" in the 1970s. The report projected cumulative deficits for this one city alone totaling $1.325 billion over the next five years.

The Federal Reserve report also made clear that projected amount of $54 million which Philadelphia would receive annually would still leave a deficit of over one billion dollars in five years merely to continue to finance existing programs even if President Nixon's revenue sharing program was enacted.

The Nixon proposal is nothing more than a red herring to obscure the real problems our nation faces and to give the illusion that the administration is concerned about the people's problems. Also, what is happening today is that public officials, focusing so strongly on the abstract concept of revenue sharing, have failed to perceive the vital inter-relationship of fiscal policy with economic and social policy.

You have often heard Governors, Mayors and Congressmen say that money alone will not solve our problems.

But too often that statement is accompanied by a single preoccupation with getting money alone.

I hope that we can stimulate a broader debate throughout the nation, one which would place equal priority on the need for economic growth and the demand for social progress.

Perhaps no other issue of modern times illustrates the three-fold problem of fiscal necessity, economic growth and social progress better than the welfare system.

During the next fiscal year, the welfare rolls in Pennsylvania are expected to exceed 900,000 cases.

In New York State, Governor Rockefeller announced last week a proposal to place a one-year residency requirement on welfare recipients, justifying his claim on the statement that his state faces an unusually serious situation under the terms of the Supreme Court residency ruling.

And in California, Governor Reagan has flatly and simply called for the elimination of three-quarters of a million people from the welfare rolls at a projected saving of $700 million.

Each response has been in terms of money.

Neither Rockefeller nor Reagan has spoken in terms of people.

I have proposed that the federal government take over the operation of the entire welfare system. I believe that the machinery of public assistance, designed to meet the crisis of the 1930's Depression, simply no longer applies to the problems of the seventies.

The rise in the welfare caseload represents a fiscal crisis of grave magnitude that cannot be handled by the states. The soaring caseload not only reflects uncontrollable state costs due to federal laws and court decisions regarding eligiblity for welfare, but it is also indicative of a stagnant national economy.

It points up our social failure to provide meaningful programs of education, job training, and employment, for all our citizens, of wasting so much of our precious national resources in a senseless war instead of taking care of our people's real needs.

Therefore, I propose that government, on every level, begin to think in terms of a three-cornered solution to our problems. One is the generation of new sources of revenue for our cities and states, which should include some block grant revenue sharing funds combined with a federal takeover of the welfare program.

A second is the need for positive federal action to stimulate economic growth.

Third, an expansion of programs for social progress.

My thoughts regarding the need for federal takeover of the welfare systems were presented to the Joint Economic Committee on January 22nd. I shall not expand on this concept here except to illustrate that under Nixon's revenue sharing proposals, Pennsylvania's state government would receive $123 million next year but welfare costs alone will increase over $150 million. And that we would presently save almost $700 million if Washington took this load over. Many of our problems are caused by high unemployment.

Ten years ago, when John Kennedy became President, the economy faced the same type of stagnation which we are witnessing today—high unemployment, slow growth and sluggish production.

The Kennedy Administration demonstrated that the tools of the federal government could be used in a constructive manner to stimulate the economy. Public works, Manpower Retraining, Area Redevelopment, Aid to Education, new incentives for housing and stepped up urban assistance all were put to work to prime the economy.

Some of these programs in their particulars, would not necessarily be the ones we need today. But surely the federal government must adopt the principle of putting its vast resources to work for the cause of economic growth.

As Leon Keyserling recently pointed out, "unless reasonably full employment and production are restored within a reasonable time, all of the economic and social problems with which the states and localities are wrestling will be further aggravated to a degree which cannot be compensated for by revenue sharing." A program for revenue sharing would be but a part, and minor part at that, of the entire program needed by our federal government. There is urgent need to develop a long-range economic and social budget for the United States, properly quantifying broad production and employment targets.

I understand the President says he is now a Disciple of Keynes. He has presented his own version of deficit spending in the guise of a full employment budget. He claims that he is now prepared to use the tools of the federal government to get us out of the recessionary spiral we are in.

But once again, we see evidence that his words are not consistent with his actions.

Why is the administrtation holding back on billions of dollars already appropriated for education and urban programs and mandated from the highway trust fund?

Last weekend at the Democratic Governor's Conference in St. Louis, I said that while Nixon talks a good game about revenue sharing he was following instead a policy of revenue snaring.

I don't believe, we will see this unimaginative administration use the tools at its command with any sort of determination. I think we will see more words, fewer deeds and a lot of expressed hope that somehow the economy will improve itself. I might add this is a philosophy followed by all Republican administrations since 1924—all of which have evolved in deep recession or depression.

If we are going to stimulate the economy the administration must have to *believe it can* be stimulated. And it seems to be the peculiar failing of the present Administration that it has no faith in the potential of human ingenuity applying the tools of government to generate true prosperity.

Finally, as a third point, I want to talk briefly about the question of special progress.

Where will we be, as a nation, with all the revenue at our disposal unless we use it wisely for the benefit of all our people?

What good, indeed, will economic growth be unless it benefits not only the few at the top but the millions at the bottom?

The nation is quieter today than it has been.

But perhaps our misery has simply gone underground.

The poor are not always visible.

And the angry are not always shouting.

Sometimes both poverty and anger are transformed into quiet despair and invisible frustration.

Whatever the present mood, the fact is that America still has not lived up to its commitment to equal rights for all Americans, regardless of race, creed, or color.

Nor have we been sufficiently innovative in devising new approaches to learning for millions of people at the bottom of the ladder whose livelihood depends upon manual employment and other forms of low paying jobs, many of whom languish on welfare because they lack the skills and knowledge to hold jobs in our modern society.

A lot of jobs are disappearing because of the sluggish economy and because of automation.

In their place are other jobs but these require skills and training which still are not available to or earmarked for those most in need.

Is it any wonder that the welfare rolls increase when unemployment is so high and unemployability is so obvious?

During the recent crisis in Pennsylvania, we faced the possibiliy of laying off about five hundred people in custodial jobs in our Department of Property and Supplies. The move was intended to effect some economies. The plan was almost approved when the Secretary of Property and Supplies said to me: "Governor, you know what's going to happen when you lay those people off? They'll all be on welfare." I decided to use the same number of dollars to keep these people employed and our buildings clean. This incident points up clearly the predicament we are in.

Either we provide relevant training that leads to meaningful employment else we continue to witness the continued rise in the welfare rolls.

For a brief period during the sixties, it seemed as if the nation had finally captured the commitment to social progress.

But I believe it has been lost and must be regained if this nation is to survive.

And behind the national problem, of course, lies the international situation. Let's face it. We shall not succeed here in America until we end, once and for all, our involvement in Indo China. And we shall not succeed, even then, unless we transfer some of the huge defense budget into meaningful revenue sharing programs.

These, then, are the priorities as I see them and I would like to close this discussion with a brief statement of my own position on the specific question of revenue sharing so that you will have, on the record, the position of the Governor of Pennsylvania.

A month ago, when the National Governors' Conference met here in Washington, I made a four-point proposal for adoption which included the following items:

1. *Full federalization of welfare programs.*—The present costs of public assistance are uncontrollable by the states. These are mainly federally-established programs, but in those states seeking to provide a minimum standard of health and decency to people on welfare, the states alone or the states and their local governments together now bear the lion's share of the load.

During 1971, the Federal Government should assume all costs for welfare that exceed 90% of each state's costs for 1970.

Next, each year between 1972 and 1976, the Federal Government should assume an additional 20% of this welfare burden. Thus by 1976, the Federal Government would be paying 100% of all welfare costs for each state.

2. *State and city drawing rights.*—States and cities should be able to obtain in advance from the Federal Treasury or the Federal Reserve, under a program of special Federal Drawing Rights, monies that are due them under Federal grant formulas in any given fiscal year. This, in effect, will provide a fiscal shock absorber for state and local governments to permit better fiscal planning of their finances, and to prevent chaos when they run out of money. Most cities and states, unlike the Federal Government, cannot resort to deficit financing, even in case of dire emergency.

3. *Federally guaranteed loans for States and cities.*—Our states and cities today pay higher than prime interest rates because the lenders look upon states and cities as increasingly poorer risks. Yet, our states and cities must borrow billions upon billions over the next decade.

A Federal agency should be established to fully guarantee loans made by our cities and states. This would lower the interest rate on such borrowing and save many millions of dollars for state and local taxpayers. Such a guarantee plan for our steamship lines already exists under the Federal Maritime Act. Certainly our states and cities are at least equally worthy of support.

4. *Revenue sharing.*—The President's formula for general revenue sharing is inadequate. In calling for the reclassification of categorical grants into bloc grants, it is nothing more than a case of scrambling the same egg twice. Its distribution has little to do with per capita income or need, and its reward for "state and local fiscal effort" tends to reinforce the current regressive real estate and sales taxes.

I recommend a formula with incentives to encourage:

(a) states to adopt graduated income taxes;

(b) procedures for allocation of shared revenues to local governments to encourage consolidation of inefficient units.

I also recommend that general revenue sharing be a four-year authorization with annual appropriations rather than a permanent appropriation as a percentage of the personal income tax base as proposed by the President.

I am not calling for revenue sharing by itself or for federalization of welfare programs by itself. I am saying that the states and the cities need both in order to accomplish the needed fiscal relief. And we need both immediately.

If these four points were adopted into law, they would do much to place our states and cities on a more adequate financial base, provide incentives for reform and reorganization of our state and local governments, provide a more equitable distribution of Federal funds than either revenue sharing or federalization of welfare alone, and continue a federal-state-local partnership which has been creative and productive in many instances during the past 40 years.

America's economy can be stimulated. America's cities can be turned into thriving communities. And our states can be made to fulfill their constitutional duties to their citizens.

Our people can be assisted in their quest to live enriched lives.

We have the capital, we have the resources, we have the most innovative people in the world. We can resolve our problems if we utilize all our great advantages in a logical and constructive way.

But, we cannot improve our lot if the Administration continues to hack out programs for public relations or political purposes and ballyhoos these concoctions as the salvation of the nation.

I place the Nixon proposal for revenue sharing in this category. It is not based upon realism. It won't make a dent in solving our fiscal problems.

Welfare takeover is a much more meaningful program. Federal assumption of welfare costs would relieve the states of enormous sums in their budgets so they in turn could relieve the cities of a larger share of educational costs.

But neither revenue sharing nor welfare takeover will solve our nation's fiscal problems. We desperately need major programs to stimulate the economy, programs that will offer real opportunities for our people to live more fruitful lives.

Until we take meaningful steps in this direction everything else we do constitutes nothing more than a holding action.

THE NAVAL AIR RESERVE 2–2–12–3 PROGRAM

HON. DAVID E. SATTERFIELD III

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. SATTERFIELD. Mr. Speaker, Capt. Sigmund Bajak, USNR, has written an informative article published in the January issue of U.S. Naval Institute Proceedings, about the Naval Air Reserve 2–2–12–3 program which represents an important change in the Naval Air Reserve's combat readiness capability and which provides an excellent example in justification of the single force concept for the Navy.

Captain Bajak is no stranger to the Naval Air Reserve. He served as a carrier-based fighter pilot in World War II; he served again during the Korean war and upon a second recall to service from the Inactive Reserve served as commanding officer of VS 837, an air antisubmarine squadron. He is an active Reservist serving as a member of CNAResTra Flag Training and Staff Component and as chief staff officer for Air Reserve Staff R–1. He holds a bachelor's degree from Miami University—Ohio—and a master's degree from Yale University. He has been with the National Broadcasting Co. for the past 15 years and now serves as director of newsfilm, NBC News.

Because this article constitutes an excellent explanation of the 2–2–12–3 concept and because I believe it may have a bearing upon future legislation which the House will consider, I include it as a part of these remarks at this point in the RECORD:

TWO–TWO–TWELVE–THREE, THE BRANDNEW BALL GAME

(By Capt. Sigmund Bajak, U.S. Naval Reserve)

The 2–2–12–3 Program—two attack carrier wings, two carrier ASW groups, 12 patrol squadrons, and three transport squadrons—entails a dramatic reorganization of the entire Naval Air Reserve.

After World War II, the Naval Air Reserve became primarily a holding organization designed to maintain skills of its tremendous bank of trained pilots, ground officers, and enlisted men. The challenge of the Korean call-up and the response indicated some weaknesses of the holding philosophy and improvements were made. A Ready Reserve was created by the Armed Forces Reserve Act of 1952, thus changing the Naval Air Reserve to a training organization. In 1955, the Reserve Forces Act provided a means by which the Ready Reserve would have adequate enlisted manpower through a special enlistment program commonly referred to as the "two by six" enlistment, i.e., two years of active duty plus four years at home in the Naval Reserve, or a total of six years. In 1958, the Selected Air Reserve Program was authorized to ensure the training of reservists to meet the requirements for immediate mobilization. This action tended to bring the Naval Air Reserve in closer contact with the Fleet. Reservists began to participate in Fleet activities such as Submarine Launched Assault Missile Exercises (SLAMEX).

Eighteen Naval Air Reserve antisubmarine warfare squadrons were called to active duty in the Berlin call-up of reservists in 1961. The abilities and dedication of the squadron personnel were outstanding, but discrepancies were apparent. For example, over a hundred aircraft service changes had to be made by the called-up squadrons on their S-2 Trackers to update them for active service. Immediately following their release from this call-up, after a year of active duty, many reservists helped provide support to the Fleet during the Cuban missile crisis. Naval Reserve planners again evaluated the performance of Naval Air Reserve units during these two crises, and again changes were made in the Naval Air Reserve organization and call-up procedures. Because of budget limitations and the war in Southeast Asia, little could be done to upgrade the hardware.

Beginning in 1965, the Naval Air Reserve provided airlift support to our forces in Vietnam using old C-54 and C-118 aircraft, but it was not until January 1968 that the Naval Air Reserve faced its next real challenge—the *Pueblo* call-up. The problems encountered in that call-up proved conclusively that the Naval Air Reserve did not have sufficient and proper hardware or training and support equipment to attain and maintain the required readiness for early deployment with the Fleet. Again, the changes which followed the call-up were organizational, involving primarily the realignment of personnel. Priority hardware squadrons were formed and placed under the operational control of the Commander, Naval Air Reserve Force, a second and new hat for the Chief of Naval Air Reserve Training. Neither additional or new hardware, nor training and support equipment were forthcoming owing to the demands of Southeast Asia operations.

In the fall of 1969, the General Accounting Office, guardian of the tax dollar and watchdog for the Congress, concluded two years of in-depth study of the Naval Air Reserve. The GAO reported:

> Our review of certain Naval Air Reserve units at four Naval Air Stations disclosed serious logistics problems which have had an adverse effect on their readiness posture. In our opinion, these problems keep the Reserve Components from achieving their primary purpose; that is, to provide trained units and qualified persons available for active duty in the armed forces in time of war or national emergency. We concluded that it would be difficult for the Reserve to mobilize fleet operational squadrons for an emergency.

The GAO report also stated that 37 of the 39 squadrons in the Naval Air Reserve, within the Joint Chiefs of Staff readiness reporting system (C-rating system), were in unsatisfactory readiness status. This meant that 37 of the hardware squadrons were not combat ready while the other two were only marginally combat ready. There was no rebuttal to the GAO report. The Navy acknowledged a lack of hardware and site-support equipment for the Naval Air Reserve with which to match sophisticated aircraft equipped with highly complex black boxes and systems. The Navy also knew that the Naval Air Reserve Command needed more than 44 million dollars to purchase and maintain training devices. Worse, Navy planners were aware that there was more than $200 million of identifiable military construction deficiencies at Naval Air Reserve Training activities which a $25 million annual military construction budget could never correct.

Organizational changes could no longer be used to make improvements in the Naval Air Reserve. The patriotic spirit and the dedication of members of the Naval Air Reserve had been stretched to the point reminiscent of the early days of the Naval Reserve.

The pattern of challenge, response, evaluation, and attempted improvement could no longer be applied. A dramatic change was needed in the Naval Air Reserve. If the change did not come, the Naval Air Reserve faced extinction in the 1970s.

In the late months of 1969, the Chief of Naval Operations, faced with the proposed loss of one attack carrier and her air wing, suggested that the Navy keep the carrier and decommission two air wings resulting in a force of 15 CVAs and 13 wings. The intent was to make up the difference between carriers and wings by using Marine Corps squadrons on board the carriers and concentrating the released hardware and support equipment into a single air wing of the Naval Air Reserve Force. The assets would be transferred directly from active duty to Naval Air Reserve squadrons. This was a substantial departure from previous Navy practices because it completely integrated the Naval Air Reserve Force squadrons into the Fleet. Thus began the 2-2-12-3 plan for the Naval Air Reserve Force of the 1970s.

The two attack carrier air wings, two carrier antisubmarine warfare groups, 12 patrol squadrons, and three transport squadrons (2-2-12-3) are a part of the tactical (flying) portion of the Naval Air Reserve for the 1970s. Many refer to it as the *new* Naval Air Reserve Force. It is new because it has been totally reorganized and restructured. It is a force because it has been removed from the training phase to a hardware squadron concept duplicating that in the Fleet. ComNavAiResFor reports directly to the Chief of Naval Operations. He is the only two-star air commander with forces who reports directly to the CNO. As CNaResTra, responsible for the training and support of his non-tactical units, he reports to the Chief of Naval Air Training, who in turn reports to the CNO.

The organization of the Reserve air wings and groups is similar to that of comparable units in the Fleet. Each wing or group is commanded by an air wing or group commander, an officer in the regular Navy who has been screened and selected for bonus command. The Reserve squadrons are commanded by a member of the Selected Air Reserve in the grade of commander. These commanding officers are supported on a daily basis by a complement of active duty reservists, commonly referred to as "Tars," who serve to train and administer the Naval Reserve. The organization calls for the four wing and group commanders of the carrier type aircraft to report directly to the Commander, Naval Air Reserve Force. The patrol VP and transport VR squadron organizations will be similarly designed to reflect active fleet structural make up.

Several assumptions were made in developing the 2-2-12-3 Program. These were: (1) that there would be space available at fleet air stations, (2) that the assets from the decommissioned active wing would be forthcoming, (3) that adequate support equipment and supply priorities would be provided the squadrons, (4) that required Fleet services would be available for training, and (5) that Fleet aircraft use and maintenance manning factors were also valid for the new Naval Air Reserve Force.

The objectives (based on these assumptions) were to provide the Naval Air Reserve Force with the same opportunity to achieve and maintain readiness of its squadrons as provided the Fleet. In addition, planning provided for the squadrons to use Fleet facilities, services, and other assistance.

One of the Reserve carrier air wings is located on the West Coast and the other on the East Coast. Each wing consists of a total of three attack and two fighter squadrons with appropriate detachments flying a total of 85 deployable aircraft. This organization corrects another deficiency pointed out by the GAO report which stated, "Naval Reserve fleet operational squadrons were not compatible for integration with the active forces."

The two Reserve antisubmarine warfare groups are located one on each coast. Each group has two helicopter HS and three VS squadrons, plus some detachments, for a total of 45 deployable aircraft. The 12 patrol squadrons are made up of 11 P-2 Neptune squadrons flying 132 deployable aircraft, and one P-3 squadron flying nine deployable Orions. The three transport squadrons will fly a total of about 30 aircraft and will be divided into a number of training units. For the first time in the Naval Air Reserve, the squadron organization will parallel that of the regular Navy. No longer will there be many small training units distributed over several locations which, on mobilization day, would form one regular size squadron. Instead, a complete squadron will be located at one specified location.

While the concept of the new Naval Air Reserve Force appears to have the general support of naval air reservists, the forced base closures that occurred during the early stages of implementing the reorganization have confused the entire reorganization picture to a significant extent. The closures of the naval air stations at Los Alamitos, Twin Cities, Olathe, Seattle, and New York were based on the necessity to reduce overall Department of Defense expenditures. As stated by Secretary Melvin R. Laird at the time they were announced, the overall reductions "were posed by the Congress and agreed to by the President." The base closures were actions forced upon the naval establishment as part of an overall defense cutback, and had absolutely nothing to do with the 2-2-12-3 Program. As it turned out, unwelcomed as the closures were, they forced the transfer of some Naval Air Reserve squadrons to Fleet air stations, thus immediately testing the assumptions of the 2-2-12-3 Program—with good results.

A closer inspection of the validity of these assumptions will be helpful. First, it was assumed that space would be available at Fleet air stations and this is proving to be true, though it has required Fleet units, already in cramped quarters, to move over. Reserve air squadrons moved into space at naval air stations located at Quonset Point, Patuxent River, Miramar, Whidbey Island, and North Island. Future plans call for units of the Naval Air Reserve to move into Fleet spaces at Point Mugu and Imperial Beach by the summer of 1971.

The second assumption for the 2-2-12-3 was that assets would be forthcoming from decommissioned squadrons. F-8K Crusaders, A-4C/L Skyhawks, E-1B Tracers, RF-8 Photo Crusaders, KA-3 Skywarrior refuelers, and P-3 Orions, all deployable, are becoming available to the new Naval Air Reserve Force. In addition, the Navy has provided a number of F-4 Phantoms so that the Naval Air Reserve Force could begin training in that aircraft.

The third assumption, that support equipment would be provided, has become fact at Fleet sites and supply priorities for the Naval Air Reserve Force have been upgraded. Fourthly, the assumed adequacy of Fleet services has also became a reality. The Reserve HS detachment operating at its new home base at NAS Quonset Point in mid-April 1970 reported that the availability of Fleet services was the best ever encountered. The benefits of a Fleet training environment, more plentiful support personnel and equipment, and easy access to training sites were also evident.

The fifth assumption concerning validity of Fleet aircraft use and maintenance factors for the new Naval Air Reserve Force will not be known until the squadrons have had more experience. Further empirical adjustments of the maintenance work load to aircraft use will be made as experience is gained, and no serious problems are anticipated.

While the assumptions of the 2–2–12–3 appear to be valid, there is concern among the critics of the reorganization that the objectives of the program, to duplicate the organization and manning levels of the Fleet through increased participation by members of the Naval Air Reserve, will not be met. The critics point out that one of the major disadvantages of the 2–2–12–3 is the need for the reservists to travel longer distances to the training site. There may be justified concern that the Naval Air Reserve will suffer large personnel losses because of the refusal of reservists to travel to faraway training locations.

There are also fears that ultimately all of the naval air stations in mid-America will be closed and the Navy will no longer be represented except in cities on the coasts. Further, there is apprehension that the estimated 20,000 non-flying members of the Naval Air Reserve will begin dwindling in number in the years to come and that in the 1980s this number might be drastically reduced, thus depriving the Navy and the country of trained personnel required for rapid Fleet expansion.

Action is being taken to solve the travel problem which was recognized early in the planning of the 2–2–12–3 program. The Navy is trying to procure medium size jet transports and station them at NAS Alameda. One of their primary missions will be airlifting Reserve personnel to training sites. NARTU Lakehurst plans to charter buses to transport reservists from New York City to that air station. Further, the Navy has begun a program of chartering commercial jets to airlift patrol squadron personnel performing their annual active duty for training at Rota, Spain. In the future, the P–2 aircraft will remain at Rota and the Reserve air squadrons will perform back-to-back periods of active duty for training. Much training time will be saved with the new mode of jet travel available to these reservists.

Reservists from the Midwest have voiced fears about the elimination of naval air from the heartland of America. Top Navy leaders were quick to point out that the Naval Air Reserve will continue to train in the Midwest. Olathe is expected to have about 800 nonflying drilling air reservists and Minneapolis about 1,000. The Naval Air Reserve training detachments at these locations are part of the vital non-flying portion of the Naval Air Reserve organization under the leadership, management, and support of the naval air stations at Glenview, Detroit, Dallas, and Memphis.

The Navy can provide the resources, leadership, and management for the new Naval Air Reserve Force and the non-flying members of the Naval Air Reserve for a more active role in the Navy when needed. The early followers of Trubee Davidson's 1916 Yale Unit paid for their own gas and oil to become proficient in naval aircraft in case their country needed them for service. In 1969—after 50 years in existence—it was clear that, in spite of the many organizational improvements made over the years, the Naval Air Reserve was not well equipped or combat ready. In 1970 and 1971, the Navy is implementing the 2–2–12–3 to have available on a moment's notice a well-equipped combat-ready Naval Air Reserve Force to deploy and fly side-by-side with the active duty squadrons. The Navy is confident that dedicated reservists will continue their tradition of loyal service despite personal inconveniences—especially now when their country and their Navy have a need for them to continue to be ready in the truest sense of the word.

WARS SHOULD BE WON

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. SCHMITZ. Mr. Speaker, the following address was delivered by Maj. Gen. Thomas A. Lane, U.S. Army (retired) at the 50th Annual Convention of the Military Order of the World Wars held October 22, 1970.

Particular attention should be called to General Lane's comments concerning our involvement in Vietnam.

The United States, instead of recognizing that peace could be preserved only by a decisive and punishing repulse of every aggression, accommodated the communist tactic. It submitted to the endless war of attrition, granting to the enemy an immunity from defeat which spelled our own defeat. There could be no other outcome to such warfare.

This, to my mind, is the key to the entire question of the current war. The enemy could only achieve victory by protracting the conflict and wearing the United States out while the United States could only win, and can still win, by shortening the war. We have the capability to shorten this war, to bring it to a quick end, by pursuing military activity designed to decisively eliminate the enemy's capability to go on fighting. To pin our hopes on diplomacy, when war itself is based on diplomatic failure, and deny our military the freedom of action which it needs to defeat the enemy has resulted in dire harm not only to the American soldiers, South Vietnamese forces, South Vietnamese civilians, and for that matter all the young North Vietnamese sent south to die by the Communist rulers, but also to our own Nation.

I highly recommend this article which appeared in the World Wars Officer Review of November–December 1970. The speech follows:

WARS SHOULD BE WON!

AN ADDRESS TO 50TH ANNUAL CONVENTION MILITARY ORDER OF THE WORLD WARS

(By Maj. Gen. Thomas A. Lane, USA (Ret))

Admiral Dyer, Colonel Rockwell, Ladies and Gentlemen:

I count it a special privilege to address this honorable body on your 50th Anniversary and to commend your devotion to the purposes of the Preamble. You are doing a vital work in preserving the standards of patriotic service and self-sacrifice on which this nation was built. These standards are today under attack not only by our enemies but by uncomprehending fellow-citizens.

I have not come merely to praise you but also to point out the larger task which is at hand and which so urgently demands our deepest concern. We are called to new exertions of heart and mind to stem and reverse the course of weakness and surrender on which this country is embarked. I ask this assembly of veterans: How can you approve a policy of accepting defeat at the hands of North Vietnam?

It may seem strange to veterans that I have undertaken to speak today about the military responsibility in war. Most of us were taught that diplomats start wars and soldiers end them. That truth, like many others, is today obscured by massive propaganda. We live in an age when error is exalted in the honeyed phrases of the peacemaker. We are now told that diplomats will end the war—by negotiation. We have been told this ad nauseam, for the past decade, while the war in Vietnam has continued to rage. It is time to identify the false claims of peace politics for the impostor which they are. Diplomats cannot negotiate the peace until the armed forces have first won the victory.

Let me first define clearly where we stand today. Clausewitz said that in war the first and most important of all strategic questions is to decide the kind of war you are in. If you do that correctly, all your energies will be directed toward resolution of the conflict. If you misjudge the question, all your energies will be misdirected and you may lose the war.

This is our great failure. We have refused to admit to ourselves that we are engaged in an epic war with the communist powers. This war has now continued for 52 years. The communist powers now command one-third of the world's people and are on the offensive. With our unwitting help, they have made the most rapid conquests in the history of the world.

What is an epic war? You are familiar with epic wars of history: between Greece and Troy, Rome and Carthage, Byzantium and the Ottoman Empire. These were conflicts of civilizations. They continued over generations or centuries, with interludes of "peace." On one side there was an expanding, conquering civilization; on the other a peace-loving, contented civilization. Always the conquering civilization prevailed. In this world, if you can't fight, you can't be free.

You did not read of the Trojans mounting expeditions to cross the seas and conquer Greece. No, it was the Greeks who crossed the seas to conquer Troy. The Greeks prevailed. That is why we have a Greek heritage, not a Trojan heritage, in our civilization.

So too, the citizens of Carthage gave their sons and daughters as hostages to Rome for good behavior; but the Romans destroyed Carthage.

Byzantium, Eastern Rome, which endured for a thousand years after the barbarians sacked Rome, finally fell to the Ottoman Turks. The Turks, starting as an obscure tribe in Anatolia, attacked the Empire and seized territory. The Byzantine rulers said: "It is better to make peace than to continue the war. We shall let them have the territory." Then the Turks renewed the attack and the process was repeated. The Ottoman Turks continued the attack for two centuries before Byzantium fell in 1453. In all the time, the rulers of Byzantium never understood the kind of war they were in.

The people of Byzantium were very like Americans today. They were Christian, mercantile, rich and peace-loving. They wanted only to hold what they had—and they lost everything. The leaders were killed, their wealth was seized, their women were sold into slavery and their children were trained as Janissaries to fight for the Sultan.

Our epic war too is a clash of civilizations. The enemy is dedicated not merely to political conquest but to the destruction of our whole moral order. He will destroy our culture, our conceptions of truth and of freedom. He will make us slaves of the communist tyranny. This is an epic struggle not of people or territory but of good and evil. Communism is the tyranny of Satan.

This nature of the communist regime in Russia was early and correctly judged by the United States Government. In 1920, Secretary of State Bainbridge Colby wrote: "In the view of this government, there cannot be any common ground on which it can stand with a power whose conceptions of international relations are so entirely alien to its own, so utterly repugnant to its moral sense." Through Democratic and Republican administrations the United States maintained that principled position until 1933. Those were years of foreign and domestic tranquillity for the United States.

Then President Franklin D. Roosevelt decided that the era of confrontation was over and the era of negotiation should begin. He recognized the Soviet Government. Stalin undertook to cease subversive activities against the United States, but he never did. That was just one of the many promises he never kept. He knew the Americans would observe the agreement even though he did not.

Never at any time in these 52 years has the Soviet Union deviated from its war against the United States. Even when we were allies during World War II, Stalin regarded us as his mortal enemy. He cultivated every advantage which could further his continuing war against us.

The sometimes acclaimed moderation of Soviet policy exists only in the wishful thinking of American diplomats. There is not a word uttered by Lenin which Brezhnev does not fully endorse. There is not an action which Lenin could take today which Brezhnev is not taking. Soviet power and subversion are vastly more threatening today than they ever were under Stalin.

Our leaders refuse to address themselves to the war we are in. They see in the tactical maneuvering of Soviet diplomacy a change of policy where none exists. They think the conqueror can be appeased by the good-will of the victim. They pretend, after all the failures of five decades, that peace can be negotiated. They live in a world divorced from reality.

The wars in Korea and Vietnam are episodes in this continuing epic struggle. Because the communist leaders commanded inferior military resources, they could not strike for a quick victory. They could only wage wars of subversion and attrition to weaken the United States and to seize territory in marginal areas as conquest became possible. Protracted war became the instrument of conquest because it frustrated the free world desire for peace.

The United States, instead of recognizing that peace could be preserved only by a decisive and punishing repulse of every aggression, accommodated the communist tactic. It submitted to the endless war of attrition, granting to the enemy an immunity from defeat which spelled our own defeat. There could be no other outcome to such warfare.

In Korea and in Vietnam, the decisive factor was the sanctuary from our arms which American Presidents gave to the enemy. Red China could enter the war in Korea with assurance that its base in Manchuria would be inviolate. That is why Red China entered the war.

North Vietnam was granted sanctuary in Laos and Cambodia for its attack on South Vietnam. That gift of American Presidents made the defense of South Vietnam impossible. We sent half a million Americans to South Vietnam but we never expelled the aggressors from the country. We couldn't under this handicap imposed by our Presidents.

Why have our Presidents refused to repel the communist aggression? Why have they refused to defeat the enemy? Are they afraid that Red China would enter the war?

The question for any leader committing his country to war is this: "What happens to my country if I enter this war?" If Red intelligence informs Mao that if he enters the war, the United States will not bomb Red China because advisers will persuade the President such action would cause world war, Mao will be free to intervene. The cost to his country is only in the men committed to action.

But Mao knows that if he enters the war, he becomes a belligerent, subject to attack. If Red intelligence informs him that the United States would then bomb Red China and probably support the return of Chiang Kai-shek to the mainland, there is nothing in Vietnam which could induce Mao to so risk his regime.

This is precisely what happened in Korea. Mao did not enter the war until he received assurances that President Truman would not bomb Manchuria. We gave the enemy the advantage he required to wage war against us.

The irrationality of our fears was illustrated in the Cambodia operation. In sixty days, we defeated the North Vietnamese, destroyed their bases and secured the friendly government of Lon Nol. Red China did not intervene. In consequence of ending the sanctuary, the war in the southern provinces of South Vietnam is virtually ended.

In the northern provinces of South Vietnam the war continues, with the enemy operating from his sanctuary in Laos. We still have 400 men killed in action each week, just as we did when Lyndon Johnson was President. But whereas we and South Vietnam each then suffered about 200 killed each week, we now bear 50 and they bear 350. We have transferred the burden to our small ally, but we have not reduced it. Is this the way the United States now wages war?

The war continues only because the enemy still has sanctuary in Laos. South Vietnam has the military forces to smash the enemy formations and bases in Laos. It is restrained by the United States.

Why does President Nixon compel South Vietnam to submit to this continuing toll of enemy aggression instead of allowing it to defeat the enemy and end the war? President Diem wanted to do that job and end that attack on his country in 1961, but President Kennedy refused to allow it. A decade of killing has been the consequence. What power holds our Presidents enthralled in such disastrous error?

With President Kennedy, it was the siren of peace. He thought he could settle the war by negotiation, without fighting. Instead of supporting the defenses of our allies, he assumed the management of the war. He strove vainly for peace. He made this an American war, terribly mismanaged. President Diem could have won the war without U.S. forces if he had been allowed to do so.

This is the record of the diplomatic management of war. We have wasted the lives of our youth and the substance of our people in futile conflict. We have subjected our ally to the devastation of a perpetual battlefield. We have enhanced the prestige and power of the enemy. We have undermined the morale and confidence of our own people.

Through the years, our military leaders have acquiesced in this diplomatic mismanagement of war. No senior officer has gone to the President and said: "I refuse to waste the lives of my fighting men in this senseless slaughter without purpose. Mr. President, if you insist on such war, I must ask for retirement. I shall carry this issue to the people and oppose your war policy." That is why it is time to speak about the military responsibility in war. Do we who know the devastating consequences of error in war remain silent while our political leaders destroy the country?

We know the influences of custom and example which deter senior officers on active duty from such forceful address to the Commander-in-Chief. The compulsion to support even a policy destructive of the Constitution is very great.

But those of us who are veterans bear no such restraint. We are citizens experienced in war. We know beyond any question of doubt that it is destructive of our national interest to fight as we have fought and to withdraw as we are withdrawing, in Vietnam. Why have our veterans been silent as Presidents have followed a war policy so disastrous to our country? The silence of veterans is the one factor which has made this suicidal policy politically feasible.

I asked a past commander of the American Legion how that organization could condone such disastrous war policy. He said that the Legion always supports the President. Will it support a President who leads the country to destruction, I asked?

Why are veterans silent about policies on which they are presumably our best informed citizens? American labor does not accept presidential dictation about labor policy. Civil rights leaders do not accept presidential dictation about civil rights policy. American pacifists do not accept presidential dictation about war. All these elements of our society believe they have an obligation to guide policy in fields of their competence and interest.

That is the nature of our society. According to our Declaration of Independence, we the people have created government to serve us. The President is our servant, not our Emperor. It is our duty to guide him.

Who has a better right to speak up for sound war policy than the veterans of our country? You know the reality of war and of sacrifice. Your buddies have given their lives to preserve our civilization. Why then do veterans stand mute while militant radicals use political power to intimidate the President?

The posture of our veterans' organizations in support of the President, is a renunciation of their patriotic duty. It enables the President to accede to the pressures of militant radicals while retaining veteran support. If you really want to support your President, you must become a force for sound policy in public affairs. You must demand a policy of strength consonant with our power and responsibilities. You must oppose and condemn policies which entrap us in no-win wars, even when these policies are proposed by Presidents. You must insist that we *never* give sanctuary to an enemy aggressorn

It is no exaggeration to assert that the tragic toll of war in Korea and in Vietnam reflects the failure of our veterans to speak up for our fighting men. No President could have submitted to these wars of attrition against the open opposition of our veterans.

I call on The Military Order of the World Wars to accept its full obligation of service to our country. Renounce the policy of silent submission to presidential decisions. Tell the President that his peace policy is a costly delusion. Demand that he support our allies in Southeast Asia in defeating forthwith the North Vietnamese aggressors and driving them back to their home bases. By your example, you can set a new standard of veterans' service to our country.

I said in opening this talk that I came to summon you to new and greater endeavors. What could be more compelling today than your duty to guide our people out of the morass of two decades of phony peacemaking into an era of sound war policy—and peace?

LIEUTENANT CALLEY: JUSTICE UNSERVED

HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. ZION. Mr. Speaker, the conviction of Lt. William L. Calley, Jr., on charges of murdering 22 civilians at the obscure hamlet of Mylai has not served the cause of military justice or the higher standards of justice that should be applied to an American soldier fighting an enemy in the field.

I know nothing of Calley the man, nor of Calley the officer commanding men at the Quangngai Province hamlet on March 16, 1968. I cannot say what sort of officer he was in the course of his duties and I cannot say whether he was fit to serve as an officer in the U.S. Army in the first place. The point to note is that the Army so chose him to serve in this capacity, and in so doing, accepted any human limitation he brought to his job. When our Nation accepted William Calley's service, it accepted responsibility for his actions in the field and his interpretation and response to the orders of his superiors.

Another man leading the fatal raid into Mylai might have interpreted his orders in a different manner. Or he might not have reacted differently. It is futile speculation to dwell on "what might have been." It remains a fact that Lieutenant Calley was entrusted with this particular mission, having been commissioned an officer "by act of Congress" and entrusted by his superiors with a command responsibility in a combat zone. If Calley was not fit for this command, it was for the Army, not Calley, to so determine. If an American officer is not fit for command, either psychologically, mentally, or physically for the rigors of command, his unfitness is the responsibility of the organization that trains him and orders him into a combat situation.

I do not know if Lieutenant Calley behaved "improperly" at Mylai. I do not know we must define "improperly" in reference to a particular standard. A higher morality will someday pass judgment on the actions of Lieutenant Calley at that wretched jungle hamlet. But that eventual judgment is not and should not be the concern of the American people or of military judicial tribunals. Lieutenant Calley was a man interpreting the orders of his superior officers in accord with his own judgment. Calley, under our military system, was not only permitted discretionary authority to intrepret the means of executing the orders of his superiors but, as an officer, he was required to exercise that authority.

I believe the old and traditional mores of warfare do not apply to the situation in Southeast Asia. Vietnam is like no other war in our history. The enemy does not appear before our troops arrayed in a particular uniform or marching under the banner of his Nation. Rather, he moves stealthily in the jungle shadows, arrayed like every other human figure in the countryside, wearing the "black pajamas" which defy distinction between friend and foe.

Battle lines in the traditional sense do not exist in this war. The enemy may, at any given time, be before you, behind you, around you, facing you, or fighting for the moment beside you disguised as a friend. When combat troops enter a Vietnamese village they encounter the blank faces of villagers who may represent truly innocent villagers or may be highly trained North Vietnamese or NLF "regulars." What prior experience or training can prepare an American soldier to differentiate between friend and enemy? I know of none. Time and time again, American GI's have made a fatal error in judgment when confronted with the smiling countenance of an old man, a young woman, or even a child in one of these nameless villages, and has paid for his error with his life.

Lieutenant Calley lived, moved, and commanded in such a world. He had been the witness to the awful slaughter of fellow officers and men. He knew that behind each native visage could lurk the mind and the deadly intent of the enemy. Calley received definite orders to "secure" Mylai and he exercised his authority to interpret those orders, "securing" Mylai in the most positive manner open to him. He was "hired" by his superior officers, by Congress and by the American people to do just that. Will he now stand alone, the sole figure to shoulder the burden of his action? I hope not, for justice demands another course. Calley's action may not have been the action of another man in similiar circumstances but it was Calley's decision and we gave him the authority to so decide. His guilt must be the collective guilt of command, no more and no less, and he must not be called upon to pay the penalty of a free individual alone responsible for his actions.

I believe the American people, as evidenced by their immediate expressions to their representatives in this Congress, acutely feel that an injustice has been done to Lt. William Calley. Few of my colleagues will fail to feel the full weight of this opinion. Though unskilled in the law, the average American carries an inbred, strong sense of justice which has been outraged by the conviction of this soldier. We had better heed this voice because it accurately defines much of what is wrong in Vietnam and in our Nation today.

GOVERNOR GILLIGAN CALLS FOR KEY MEETING ON RAILPAX

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. KEMP. Mr. Speaker, I take pleasure in reading a telegram I just received from Henry W. Eckmart, Chairman, Public Utilities Commission of Ohio:

COLUMBUS, OHIO, *March 31, 1971.*

Hon. JACK F. KEMP,
House Office Building,
Washington, D.C.:

I have been requested by Governor John J. Gilligan to convene a meeting of the responsible State authorities in regard to rail passenger service. We are particularly interested in the New York to Chicago route via Buffalo, Erie, Cleveland, Toledo, South Bend, and Gary. We are also interested in service from Detroit to Toledo. I have therefore made arrangements for a meeting on April 2, 1971, at 10 a.m. at the Hollenden House Hotel, East Sixth and Superior, in Cleveland, Ohio. I would like to invite you to attend this meeting to explore the various possibilities and opportunities for obtaining this service.

I am inviting Representatives of New York, Pennsylvania, Michigan, Indiana, Illinois. These States have 146 Representatives in the U.S. Congress, which is almost exactly one-third of the membership. I would certainly like for you to attend our meeting if at all possible. We will hope to have an evaluation of the situation after that meeting.

Mr. Speaker, I am delighted we are making progress. Next week I will introduce a joint resolution authorizing additional appropriations to the Secretary of Transportation for the purpose of providing additional intercity rail passenger service around the Nation and for the purpose of research and development in the field of high-speed ground transportation. I will ask for cosponsors and anyone that wants to call my office today can get on the bill. I will follow up with a letter this week with more detail on my bill.

With cooperation at the Federal and State levels I believe we can revive a sick railroad system, and I look forward to a productive session in Cleveland.

JUDICIAL-SOFTHEADEDNESS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. HUNT. Mr. Speaker, the epitome of judicial-softheadedness is now a matter of record in the decision of a three-judge Federal court in New York that recently ruled the United States cannot refuse entry to an alien on the grounds that he preaches the violent and forcible overthrow of the Government.

The Court of Appeals for the Second Circuit might proclaim that it has struck another blow for "freedom" under the guise of the first amendment rights, but it would have to do so tongue in cheek. The American people, I dare say, are getting more than a bit short of patience as they can literally observe the continuing deterioration of their rights and freedoms because a certain segment of the judiciary preaches from its ivory tower that individual freedom can now be taken to include the "freedom" to further the goal of the forcible overthrow of the Government by an alien. To declare that this alien's pronouncements of anarchistic doctrines are harmless academic exercises, as the three-judge court majority has in effect done, is to distort reality for the sake of adding another pillar of matchsticks under the amorphous first amendment rights.

I had thought, and still feel, that the State Department officials were a little fuzzy in their nonpolicy with respect to the admission of undesirables of the likes of Bernadette Devlin, but when the State Department concurs in the exclusion of an alien such as occurred in the New York case, then I take note that such individual is more than an idle threat to the best interests of our country.

District Judge John R. Bartels must be given everlasting credit for his vigorous, but futile, dissenting opinion in the New York case in which he admonished the majority by declaring that:

> In the hierarchy of priorities, the imperative of national security in dealing with *aliens* must prevail over limited restrictions upon First Amendment rights . . . (T)he loss of thousands of lives and the expenditure of billions of dollars attest to the fact that the Federal Government has reached the judgment that the continuing worldwide growth of the Communist movement as practiced in its tyrannical form is inimical to the best interests of this nation." Amen!

It is quite evident that a not insubstantial portion of the judiciary refutes this judgment of the Federal Government, expressed through the Nation's elected representatives, and would stretch the first amendment to the point of making "expression" absolute by any means short of pulling the trigger once the gun is aimed at our head. It must be comforting to other aliens who might be bent on speeding our demise to know that the doors to our country has been opened to them by the Court of Appeals for the Second Circuit. I certainly trust that the Government will appeal the decision to the U.S. Supreme Court where there are signs that sound judgments may be replacing the blind idealism of recent years.

U.S. TROOP WITHDRAWAL FROM GERMANY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. RARICK. Mr. Speaker, in explaining why I held serious conscientious reservations as to voting favorably for H.R. 2476 to extend the draft when it expires on June 30, 1971—see CONGRESSIONAL RECORD of March 12, 1971, pages 6328–6329—I pointed out that I could find no moral, ethical, or legal justification for drafting men for military service in an army of occupation 27 years after cessation of armed hostilities. In such prolonged service, the men are reduced to the role of mercenaries, performing at best the mission of serving as political pawns, or honorary hostages, to pacify foreign diplomacy.

A good example illustrating the use of American servicemen as political pawns almost 3 decades after the end of World War II, is West Germany, where approximately 215,000 American troops are stationed today.

It is reasonable and proper for the inquiring American taxpayer to ask just why we must continue to draft American men to be stationed in Germany. Is it that Germany is a hostile nation? Balance of payments? Or other reasons? In a provocative article, Dr. Austin J. App suggests a logical answer to this question and points out the utter fruitlessness of the involvement of American forces in Germany, as well as the hypocritical position of the United Nations regarding self-determination and human rights for the German people.

It appears that now is an appropriate time for withdrawing our troops from Germany.

I insert Dr. App's article as published in Truth Forum of March 1971:

[From Truth Forum, March 1971]

WHY U.S. TROOPS ARE NEEDED IN GERMANY

(By Austin J. App, Ph. D.)

Most Americans would like to see American soldiers come home from wherever they are stationed on foreign soil. Naturally they are more and more critical, too, about U.S. troops in Germany. In the Morgenthau era of 1944–49, the cry was, "Keep Germany occupied forever." But now the cry is increasingly, "Why do we have to protect the Germans now? Let them do it themselves."

Neither the government nor the news media ever explain to the man in the street, why the Germans cannot defend themselves; why we must keep our troops there, not only to protect what's left of Germany, but what's left of free Europe. But in U.S. News & World Report, February 8, 1971, the "Foreign Affairs Expert" Herman Kahn, in an interview entitled, "Why U.S. Must Stay in Asia," incidentally gave an illuminating comment on why our troops are still in Germany. Herman Kahn is the director of the Hudson Institute, author of *The Emerging Japanese Superstate—Challenge and Response,* and co-author of *Can We Win in Vietnam?* When he was asked why we Americans should have to bear so much of the current burden of the defense of Europe, he answered that it is because the victors "want to keep Germany non-nuclear." He said:

"That makes Europe difficult to defend. The moment you make Germany nuclear the defense of Europe gets relatively easy even without us."

What he here said was really what historians and strategists have often said, and what the Huns and Turks experienced—that Germany is the defense of Europe against Asia—or there is no defense!

In that statement Herman Kahn was also probably the first "expert" to tell the American people U.S. troops must stay in Europe because the victors still do not allow Germany to defend itself. They are ready to use her as cannonfodder, but not to invent and employ the modern weapons which her enemies developed largely out of the researches of her scientists! Herman Kahn did not add the corollary that a nation who other nations forbid to arm effectively is not really independent but is in effect a satellite of the nations which control her defense!

GERMANY MUST REMAIN NONNUCLEAR SO THAT HALF OF HER LANDS ARE SURE TO BE LOST FOREVER

When Dr. Kahn was asked why it is so important to keep Germany non-nuclear, he said what Americans have never so far been encouraged to realize. He said that if Germany gets strong it is likely to want to change its borders. Asked "Why?", he gave a forthright answer that should make any American ashamed to expect Germany to recognize the Oder-Neisse boundary and that should make any German who is prepared to recognize it feel like a traitor. Here is what Herman Kahn, Director of the Hudson Institute, from 1948–61 Director of the Roosevelt Library at Hyde Park replied:

"Everybody else is reasonably satisfied (regarding boundaries) except for the Germans, who have a real problem.

"Imagine that New England in the United States were occupied by Russians and Poles. That's a comparable situation. Prussia, Pomerania, Silesia, and Bradenburg—the center of German history—are occupied by Russia and Poland. Almost half the cities you read about in German history now have Russan and Polish names. And the rest of Germany is divided, with almost a third of it still held down by a foreign army of occupation."

This paragraph expresses the frightful bankruptcy of America's two crusades in Europe for self-determination. And now Anglo-American governments, instead of at least demanding the liberation of this one-half of Germany from Soviet Russia and Poland, and insisting that its expelled native populations get their homes and homeland back, instead make sure that what is left of Germany remains too impotent to demand self-determination and justice herself! While they moralize about human rights and self-determination in the UN, they make sure that, where these should urgently be applied, in Germany, they are effectively denied. Then they express a pharasaic fear that what is left of Germany might submit itself to Soviet Russia in return for reunification and territorial justice!

LIMITING THE POWER OF THE FEDERAL COURTS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. SCHMITZ. Mr. Speaker, for many years the Federal courts have been at war with our Constitution—and what is worse, waging that war in the name of the Constitution.

In case after case, legal precedents that have stood as long as our Republic have been overthrown, State and Federal laws struck down, convicted criminals freed, and practices such as prayer and Bible reading in public schools, which had been followed for decades or centuries, suddenly declared illegal.

It is absurd to claim the Constitution as a warrant for this kind of upheaval. The men who drafted our Constitution were hardly so totally misunderstood until the Warren court appeared on the scene. Rather, what we have witnessed is the all but open substitution of the personal desires and beliefs of Federal judges for the clear language of the Constitution and the laws.

To most Americans it has seemed that there was no remedy for this abuse of power. Federal judges are appointed for life. Impeachment, even if possible, could only remove objectionable judges one by one. Constitutional amendments, in addition to being very difficult and usually slow to pass, could only overturn one decision at a time, and would be subject to the same sort of "reinterpretation" that the Federal judges had been giving to earlier laws and Constitutional provisions.

But there is a remedy. The framers of our Constitution never intended that the Federal courts should be a law unto themselves. They wrote into the Constitution itself a specific and very important limit to the power of the courts. Article III, section 2 of the Constitution provides as follows:

> In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, *with such exceptions and under such regulations as the Congress shall make.*

This particular provision of the Constitution applies not only to the Supreme Court but to all Federal courts, since they are established under the same authority that prescribes the jurisdiction of the Supreme Court. That authority is a vote of Congress. Congress has, therefore, the power to specify the kinds of cases which may be heard in Federal courts, and the kinds which may not be heard there.

On March 22 I introduced H.R. 6501 in the House of Representatives. This bill would take entirely out of the Federal courts all cases in the following categories: first, welfare eligibility; second, drug abuse; third, pornography and obscenity; fourth, abortion; fifth, prayer and Bible reading in public schools; sixth, challenges to criminal convictions in State courts on the basis of pretrial procedures by State law enforcement officers. These are the six areas in which the Federal courts have most drastically abused and exceeded their rightful authority in recent years.

The effect of my bill would be to transfer all cases in these areas to State courts. While many State judges have also abused and exceeded their authority, at least in California we have a remedy at the polls: any judge can be voted out of office when his term expires. Whatever the fate of this particular bill, my hope is that it will stimulate my colleagues in Congress to let Federal judges know in no uncertain terms that their power is not unlimited, that they are not unreachable by an aroused public opinion.

REORGANIZATION OF THE EXECUTIVE BRANCH

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. BLACKBURN. Mr. Speaker, I admire today the President's courage to attempt what almost everyone in Washington is saying cannot possibly be done. He has just submitted a message proposing that we totally reorganize the executive branch of the Government, freeing it from antiquated forms and practices. He asks that we look at Government purposes and tomorrow's needs rather than at outdated methods of organization.

Is he asking the impossible? Is he asking us to ignore political realities? I think not. We are the ones who determine political realities. There will be pressures from opposing interest groups on all points, of that there is no doubt. But we must in our own minds decide what best represents our constituency interests. We do not represent isolated interests, but the American people.

How are the American people served by Government today? Not very well. And that ought to be our primary concern. In the next 30 years there will be 50 percent more Americans than there are today—an additional 100 million people.

Can Government, as organized today, properly deal with the work represented by such an increase? Of course not. And the only body with power in this country to change the system is right here.

I appreciate the research done by the administration in preparing the fine reorganization proposals for four new departments handling domestic affairs. I feel certain that contrary to Thomas Jefferson's claim, the lawyers within this Congress will be able to do business with one another and begin resolving the organization quagmire of Government.

THOUGHTLESS CRUELTY

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. CARNEY. Mr. Speaker, on November 10, 1950, Pope Pius XII issued the following pronouncement:

> The animal world, as all creation, is a manifestation of God's power, His wisdom, His goodness, and as such deserves man's respect and consideration. Any reckless desire to kill off animals, all unnecessary harshness and callous cruelty towards them are to be condemned. Such conduct, moreover, is baneful to a healthy human sentiment and only tends to brutalize it.

I was reminded of this declaration while reading a letter received from a constituent, M. V. Neale, of Youngstown, Ohio. Miss Neale's concern is to be commended. I am pleased to insert her letter in the RECORD:

> DEAR CONGRESSMAN CARNEY: I wish you could introduce a Bill to stop the use of the steel jaw trap, which is used widely by hunters. They are killing off our wildlife in a slow, cruel way. The poor animals, beavers, otters, rabbits, etc., caught in these vicious traps try to chew off a leg or paw to get free of the agonizing pain and usually bleed to death—unless the hunter returns to finish it off, which is seldom. They put out these traps for anything that comes along. Last year in Youngstown, a beautiful collie dog was missing for three weeks and she finally limped home with her front paw still in the trap—nearly severed. Her foot had to be amputated and she had lost 25 pounds. She belonged to Brenda DeLuga of 4464 Lanterman Rd. They never knew who set the trap or how their dog got free of it, to be able to drag herself home.
>
> I like what Albert Schweitzer said about this, "There slowly grew up in me an unshakable conviction that we have no right to inflict suffering and death on another living creature unless there is some unavoidable necessity for it."
>
> I never had a fur coat. I could not, in good conscience wear anything that came from the suffering of animals. So you see why I hope you or someone will introduce a bill to outlaw the steel jaw trap.
>
> Sincerely yours,
>
> M. V. NEALE.

CALLEY VERDICT

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. HOGAN. Mr. Speaker, as most Americans, I was shocked by the severity of the verdict in the Calley trial, and I am deeply concerned over the deleterious effect this decision might have on the morale of our fighting men.

War is an ugly, vicious, and insane type of activity, but sometimes necessary to preserve freedom. People are killed in war. A pilot who drops bombs on targets may and probably does kill innocent women and children. Should he be brought to trial? Obviously not.

It is unfair, as far as I am concerned, to judge a soldier in the cool tranquility of the domestic scene for actions he performed under the intense maddening pressure of death of fellow soldiers, ambush, booby traps, and exploding shells. Obviously we can never condone atrocities, but we should view this from the perspective of the soldier on the ground of enemy territory, not back here in the United States.

I have been to Vietnam and I have talked to our fighting men. I have witnessed the unbelievable tension under which they fight a war that they did not cause, performing duties they did not initiate. I have been told of mothers advancing toward American soldiers with an infant in her arms boobytrapped with explosives to kill the soldiers when she gets close enough.

I have been told of other incidents: American soldiers who make friends with little children and give them candy and play games with them are blown into eternity when the same children release the trigger on a hand grenade when in the midst of these soldiers.

We do a disservice to our men to measure them by the same standards we measure civilians in a domestic atmosphere. The Vietcong use women and children as fighters in Vietnam and do not afford their lives the same kind of respect as Americans do.

Does the Calley trial now mean that an American fighting man must stand defenselessly and allow such a person to kill him and his companions? The incident at Mylai is unfortunate from every point of view and I abhor atrocities as much as anyone, but I cannot banish from my thoughts the feeling that Lieutenant Calley has been made a scapegoat to expiate the collective guilt we all feel over the atrocities.

I have written to President Nixon urging him to grant clemency to Lieutenant Calley.

NELSEN URGES EQUITABLE TAXATION OF SINGLES

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. NELSEN. Mr. Speaker, since the passage of the Tax Amendments of 1948, married couples have been able to take advantage of a provision in our laws which allows them to file a joint return. Because of the graduated income tax, this usually results in a significantly lower total tax bill. At this time, a single individual who has a dependent cannot take advantage of this income-splitting provision.

Our society is changing and there are a growing number of people who put off marriage until later or who have lost their spouse, and yet who must support a child or other dependent. It is unjust for our Government to discriminate against these individuals, and for this reason, I am introducing today a bill which would extend to single persons the income-splitting provision.

The effort to make our taxes equitable will probably never end but this particular bill will clear up one of the most obvious inequities in our tax laws today.

For the reference of the Members, I include the text of my bill in the RECORD at this time.

H.R. —

A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1 of the Internal Revenue Code of 1954 (relating to rates of tax on individuals) is amended—

(1) by striking out subsections (b) and (c);

(2) by redesignating subsection (d) as (b); and

(3) by striking out so much of subsection (a) as precedes the table therein and inserting in lieu thereof the following:

"(a) GENERAL RULE.—There is hereby imposed on the taxable income of every individual, other than an individual to whom subsection (b) applies, a tax determined in accordance with the following table:".

(b) Section 2 of such Code (relating to definitions and special rules) is amended—

(1) by striking out subsections (a) and (b); and

(2) by redesignating subsections (c), (d), and (e) as subsections (a), (b), and (c), respectively.

(c) Sections 511(b)(1) and 641 of such Code are each amended by striking out "section 1(d)" and inserting in lieu thereof "section 1(b)".

(d) Section 6015(a)(1) of such Code is amended to read as follows:

"(1) the gross income for the taxable year can reasonably be expected to exceed $10,000 ($5,000, in the case of an individual subject to the tax imposed by section 1(b) for the taxable year); or".

(e) The amendents made by this section shall apply to taxable years beginning after December 31, 1971.

SEC. 2. The Secretary of the Treasury or his delegate shall prescribe and publish tables reflecting the amendments made by this Act which shall apply, in lieu of the tables set forth in section 3402 of the Internal Revenue Code of 1954 (relating to wage withholding), with respect to wages paid after December 31, 1971.

ANALYSIS OF THE UNITED NATIONS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, a thoughtful analysis of the United Nations appeared in the Washington Post of March 30. As part of my remarks I will include the article by Robert Estabrook.

President Nixon has reiterated his commitment to the United Nations, and by his appointment of our former colleague, the Honorable George Bush, he has brought to the U.N. an effective and articulate spokesman.

I commend the Estabrook article to the attention of my colleagues.

[From the Washington Post, Mar. 30, 1971]

A REPORTER'S PERSPECTIVE ON LEAVING AFTER 4½ YEARS—THE U.N. IS STILL THE WORLD'S FOREMOST FACE-SAVER

(By Robert H. Estabrook)

UNITED NATIONS.—Four and one-half years at the United Nations ought to endow a correspondent with a little perspective beyond the immediate impression that he has been trapped in a revolving door. Nothing would be easier than to yield to impatience over the hypocrisy, the gooey platitudes and the endless torrent of words. Nevertheless, I leave the U.N. still believing that it is indispensable—although in a different sense from what I once thought.

The U.N. is often judged by the wrong criteria, thanks in part to the lingering effects of the "one-world" delusion. It is blamed for not producing miracles, and it receives inadequate credit for its genuine accomplishments.

People who are looking for crisp, clearcut solutions from the international organization are unlikely to find them. They are not in the nature of a body that must somehow merge the often competing interests, jealousies and pretensions of 127 different member-countries. The light-hearted motto I once saw above an editor's desk, "Eschew Obfuscation!", would not find much response at the U.N. Much of the time the only remedies that are possible are fuzzy solutions.

But the distinctive contribution of the United Nations in the political sphere is to provide the means and cover for nations to get together when they do want to find diplomatic solutions—and to serve as a combination insulator and safety valve in dangerous situations until negotiation is practicable. The U.N. is the world's foremost face-saver.

It also, to mix the metaphor further, is the best available bridge between races, ideologies and stages of economic development. It affords the best coordinating mechanism for efforts to preserve the environment, ranging from pollution abatement to controlled exploitation of the seabed. And, just possibly, it may provide a way for Communist China to be knitted into the family of nations.

The U.N. is sometimes denigrated for its inability to produce ready remedies for sharp differences between the United States and the Soviet Union—as, for example, over Vietnam. But such criticism is unfair. The United Nations charter provides no very satisfactory recourse for disagreements between the superpowers.

Actually, the impotence of the U.N. over Vietnam stems largely from the fact that neither the Soviet Union nor France has wanted to have the issue discussed in the Security Council. And this in turn has reflected the fact that another interested party, mainland China, is not a participant.

Incidentally, Soviet tactics at the U.N. are often quite different from what they are in bilateral relations when Moscow is cultivating the appearance of good relations. Here, despite occasional cooperation with the U.S. on such items as peacekeeping and disarmament, the Soviets leave no doubt that the cold war is still on and the United States is public enemy number one.

In the Middle East, the U.N. did not prevent a war in 1967, and has not produced a settlement now. It is easy to blame the institution and its top officials for the withdrawal of the U.N. emergency force on the eve of the 1967 conflict at the demand of Egyptian President Nasser.

What sometimes is not taken adequately into account is the tenuous situation of UNEF in the first place because Israel never permitted the international force to operate on its side of the border. This fact contributed to the debacle when Egyptian forces overran U.N. positions and India and Yugoslavia announced that they would withdraw their contingents.

An extremely dedicated man, Gunnar Jarring, has given several years of what ought to be the golden time of his personal and professional life trying to elicit an agreement between Israel and Egypt. That he has not yet succeeded is hardly news; the relevant question is how much worse the situation might have been but for the catalytic efforts and Job-like patience of this 63-year-old Swedish diplomat.

Accomplishments through the U.N. are often less dramatic than the failures. But when there has been a will to avoid major confrontations, U.N. machinery has often provided a way, as in the peacekeeping efforts going back to Kashmir. Discussion in the U.N. has sometimes defused explosive issues, such as the Pueblo case. Arrangements worked out through U.N. bodies have helped crystallize action to deal with international dangers, such as the hijacking menace.

Some 80 per cent of the expenditures through the United Nations system go for economic and social projects. The U.N. Development Program presided over the almost legendary Paul Hoffman is among the most effective multilateral economic efforts. The U.N. Childrens Fund under another talented American, Henry R. Labouisse, has made an important impact in distressed areas with relatively little money. Other working programs in population control, food, health and disaster relief all attest to U.N. efforts to strengthen the common bonds of humanity.

Yet undeniably the U.N. has gone through a bad path in the last few years. The seeming decline of interest in the United States is a phenomenon repeated in other large countries. At least some of the American disillusionment stems from the disappearance of the so-called automatic majority in the Security Council and General Assembly.

Once the U.S. pretty much had its way. It retains the veto in the Security Council (and the fact that the U.S. cast its first veto last year on a bad resolution about Rhodesia seemed to me a good thing because it thereby abandoned a phony claim to superior virtue). But in the Assembly on some issues it has difficulty mustering a "blocking third." Communist China is surely coming in soon, whether or not the U.S. likes it.

Apart from such considerations, however, the 127-member General Assembly has sometimes behaved with blatant irresponsibility. There is very little correlation between the oratorical fervor in the Assembly and the distribution of real power in the world. Some of the newer Afro-Asian members, keenly attuned to colonial and racial issues, echo Communist charges about U.S. "imperialism."

Yet when all the criticisms are in, the Assembly does provide an immensely important forum in which aggrieved nations can speak out on issues or apartheid and development. To the extent to which the rich nations are susceptible to kualms of conscience, the Assembly helps focus on hope rather than mere frustration and despair. Efforts are under way, also, to rationalize the Assembly's procedures.

There is less reason for dissatisfaction with the 15-member Security Council—although because of Soviet interference it has seldom given Israel a fair shake. From sterile confrontations, the Council has turned increasingly to behind-the-scenes efforts to compose differences before it votes. This sometimes results in what appears to be ridiculously mealy-mouthed resolutions. But sometimes it also prevents open breaks. The addition of Japan and Italy to the Council this year has given it added weight of big-power responsibility.

For whatever reason, the Nixon administration severely aggravated the problem of declining interest in the U.N. by its low-profile policy which prevailed until early this year. The tendency to use the U.N. only on tangential matters combined with hyper-secrecy to encourage public boredom.

Now the new American ambassador, George Bush, is working hard to reverse this pattern on the quite supportable thesis that as the United States mission takes on more importance, interest in the United Nations also increases. Bush has already won respect. But the long-range success of his efforts will depend precisely upon the degree to which he can keep President Nixon interested—and can demonstrate that he speaks for the President.

Important reasons that the United States needs to maintain and expand this interest are coalescing during 1971. Not only are major decisions imminent on issues ranging from China to the environment, but Secretary General U Thant has made clear that he wants to retire at the end of the year. Many principal executives, a number of them Americans, are expected to retire with Thant.

A key part of the effort to harmonize relationships with China, and to reconcile other divided countries, will take place in the United Nations. Thus the selection of a Secretary General for the next five years will have a strong bearing on the degree of stability the U.N. is able to maintain during what is bound to be a turbulent period.

Beyond this, the selection of a new Secretary General and his major colleagues offers an opportunity to shake up procedures, infuse new blood, gain control of the burgeoning bureaucracy and perhaps to reinstill the sense of dedication that falls victim to the torpor of an institution becoming set in its ways. It may be the last practical chance to overhaul the machinery for another decade.

On all of these accounts, an alert, active and expanded American interest in the United Nations is crucial. The United States must be prepared to assert itself or watch its influence diminish by default.

HOUSE OF REPRESENTATIVES—*Thursday, April 1, 1971*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Be of one mind, live in peace and the God of love and peace shall be with you.—II Corinthians 13:11.

Almighty God, our Father, in this quiet moment of prayer do Thou bless us with an experience of Thy power, changing our doubt to faith, our darkness to light, and our weakness to strength. Grant that when we become troubled in spirit and discouraged in heart we may look up and becoming conscious of Thy presence find relief from our fears and release from our frustrations.

In our relationship to one another, help us to be more understanding, more tolerant, more friendly and in so doing add a bit to the harmony needed in our land. May we so live our own lives that others, seeing us, may be persuaded to do good to those about them.

In the spirit of Him who made goodness live, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

CORRECTION OF VOTE

The SPEAKER. The Chair would like to make a statement.

The recorded teller vote on the Whalen amendment—roll No. 38—at page 8824 of the RECORD for March 31 shows that the amendment was defeated by a vote of 198 to 200. That is correct.

However, the gentleman from Oklahoma (Mr. ALBERT), is recorded as having voted in the affirmative. That is not correct. I voted in the negative, deposited a "No" card in the proper box, and the official roll made up from those cards by the tally clerk so shows my vote. The Government Printing Office is responsible for the error.

In addition, the official roll shows the gentleman from Louisiana (Mr. LONG), as "not voting." The Chair knows this to be a fact, for he has ascertained that Mr. LONG was in his home State on yesterday and did not vote. The CONGRESSIONAL RECORD shows Mr. LONG as also voting in the affirmative.

The Chair asks unanimous consent that the permanent RECORD be corrected to show that on the recorded teller vote—roll No. 38—the gentleman from Oklahoma (Mr. ALBERT), voted "No" and that the gentleman from Louisiana (Mr. LONG) did not vote.

Mr. GROSS. Mr. Speaker, reserving the right to object—and, of course, I will not object—I was in hopes that the teller vote taken yesterday would be the first in this session, so far as I know that would not be subject to correction well after the vote was taken. I think I am correct in saying that in every teller vote of record thus far taken in this session there has been a change.

I would hope that some system can be worked out whereby we would know, at the end of the teller vote and after there is opportunity for Members to change their votes on the floor of the House, that we would have an accurate vote printed in the CONGRESSIONAL RECORD. These errors can lead to serious consequences one of these days on a close vote.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. The Chair would like to make a further statement. The tellers' record was correct, and the clerk's record was correct. The error was made in the Printing Office, and, of course, we did not get the RECORD at the time to correct it yesterday.

Mr. GROSS. Mr. Speaker, whatever the reason, we did not have this difficulty on teller votes under the old system. I say again that I hope this can be corrected.

The SPEAKER. Without objection, the RECORD will be corrected.

There was no objection.

THE FIRST ANNUAL CENTRAL NEW YORK MAPLE FESTIVAL

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, last weekend, I spent some of the most pleasant time in recent years attending the first annual Central New York Maple Festival at Marathon, N.Y. The festival, which drew over 7,000 people, was the product of 10 years of planning and organizing. While it was definitely a community project, a large share of the credit for the festival must go to Walter Grunfeld, the enterprising and dynamic editor and publisher of the independent newspapers of Marathon and Tully.

Mr. Speaker, I think one of the reasons the festival was such a success, and one of the reasons why I am taking time today to mention it here in the House, is that in the hurly-burly of modern America we seldom take time out of our hectic lives to reflect on the virtues of a simpler day gone by, and the festival afforded just such an opportunity. Set in the beautiful countryside of central New York, the maple festival was a galaxy of Americana. There were homemade pies and homemade handicrafts, and most of all homemade maple sirup. It might sound corny to some, but to me it was a most enjoyable experience—and it was educational. There were displays depicting the colorful history of central New York; and there were social events designed to provide a carefree get-out-of-your-rut atmosphere; but most of all, Mr. Speaker, there was a community spirit which is so desperately lacking in many of our towns and cities across the country today.

I want to salute all of those interested citizens who put the festival together and encourage them to continue their efforts.

PERSONAL ANNOUNCEMENT

Mr. DULSKI. Mr. Speaker, on Monday I missed two recorded votes. Had I been present and voting, I would have voted "yea" on rollcall No. 32 and I would have voted "yea" on recorded teller vote No. 34.

LIEUTENANT CALLEY HONORED BY LOUISIANA'S SIXTH DISTRICT

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, over the past 3 years I have presented a bronze medal and a certificate for courageous and dedicated service to all returning Vietnam veterans of my district or their survivors if killed in action.

I have now been advised that my district veterans committee has unanimously voted that they feel Lt. William Calley should be given an award of recognition so that he is made aware that his courage, honesty, and dedication are appreciated by the grateful citizens of my district.

So, to you in absentia, Lt. William L. Calley, Jr., I present this medal and certificate of honor. The medal bears a large U.S. flag and is inscribed:

> For heroism and service against Communism—for God and Constitution.

On the reverse of the medal is a map of Louisiana superimposed with the crossed flags of the Confederacy and the West Florida Republic and inscribed:

> On behalf of the grateful citizens of the Sixth Congressional District—presented by John R. Rarick, M.C.—Louisiana.

My sincere congratulations. The medal and certificate shall be mailed you forthwith.

I insert the text of the award certificate at this point, followed by my letter to the Commanding General of Fort Benning, Ga., asking for delivery of the award to Lieutenant Calley:

UNITED STATES OF AMERICA

To all whom these presents shall come, Greetings:

Be it known that Lt. William L. Calley, Jr., in recognition of courageous and dedicated service in the Armed Forces of the United States of America in defense of Liberty under God is presented this award in appreciation by a grateful citizenry.

JOHN R. RARICK,
Member of Congress.

APRIL 1, 1971.

Re Lt. William L. Calley, Jr.
Maj. Gen. ORWIN C. TALBOTT,
Commanding General,
Fort Benning, Ga.

DEAR GENERAL TALBOTT: I am enclosing a bronze medal and certificate of appreciation from the people of my Congressional District to Lt. Calley, which was presented to him in absentia this morning in the chamber of the House of Representatives in Washington, D. C.

I would greatly appreciate, sir, if you would arrange to have this medal and certificate delivered to Lt. Calley on behalf of my Congressional District and myself, and acknowledge to me that Lt. Calley has received this award.

With every sincere best wish, I am,

Very truly yours,
JOHN R. RARICK,
Member of Congress.

CALL OF THE HOUSE

Mr. BROOMFIELD. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 39]

Anderson, Tenn.
Arends
Ashley
Baker
Baring
Boggs
Celler
Chisholm
Clark
Clay
Collins, Ill.
Colmer
Corbett
Corman
Crane
Davis, Ga.
Dellums
Dent
Dowdy
Edwards, Calif.
Edwards, La.
Evins, Tenn.
Ford, William D.
Gallagher
Gaydos
Gettys
Giaimo
Green, Pa.
Gubser
Harsha
Holifield
Jarman
Johnson, Pa.
Koch
Kuykendall
Landgrebe
Long, La.
McClure
McCulloch
McEwen
McFall
Meeds
Metcalfe
Passman
Poage
Price, Tex.
Randall
Rangel
Rhodes
Rodino
Rooney, N.Y.
Sandman
Scheuer
Shipley
Skubitz
Stokes
Wiggins
Wyatt
Young, Tex.
Zion

The SPEAKER. On this rollcall, 372 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AMENDING TOBACCO MARKETING QUOTA PROVISIONS OF AGRICULTURAL ADJUSTMENT ACT OF 1938, AS AMENDED

Mr. ABBITT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 789) to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", is amended by adding immediately following section 318 a new section 319 to read as follows:

"FARM POUNDAGE QUOTAS FOR BURLEY TOBACCO

"SEC. 319. (a) Notwithstanding any other provision of law, the Secretary shall, within thirty days following the enactment of this section, proclaim national marketing quotas for the three marketing years beginning October 1, 1971, as provided in this section.

"Within thirty days following such proclamation, the Secretary shall conduct a referendum of the farmers engaged in the production of the 1970 crop of burley tobacco to determine whether they favor or oppose the establishment of farm marketing quotas on a poundage basis as provided in this section for the three marketing years beginning October 1, 1971. If the Secretary determines that two-thirds or more of the farmers voting in such referendum approve marketing quotas as provided in this section shall be in effect for those three marketing years. If marketing quotas on a poundage basis are not approved by at least two-thirds of the farmers voting in such referendum, no marketing quotas or price support for burley tobacco shall be in effect for the marketing year beginning October 1, 1971. Thereafter, the provisions of section 312 of the Act shall apply: *Provided,* That national marketing quotas for burley tobacco for any marketing year subsequent to the marketing year beginning October 1, 1971, shall be proclaimed as provided in this section.

"(b) The Secretary shall determine and announce, not later than the February 1 preceding the second and third marketing years of any three-year period for which marketing quotas on a poundage basis are in effect under this section, the amount of the national marketing quota for each of such years. If marketing quotas have been made effective on a poundage basis under this section, the Secretary shall, not later than February 1 of the last year of three consecutive marketing years for which marketing quotas are in effect under this section, proclaim national marketing quotas for burley tobacco for the next three succeeding marketing years as provided in this section. Within thirty days following such proclamation, the Secretary shall conduct a referendum in accordance with section 312(c) of the Act. If the Secretary determines that more than one-third of the farmers voting oppose the national marketing quotas, he shall announce the results and no marketing quotas or price support shall be in effect for such kind of tobacco for the first marketing year of such three-year period. Thereafter, the provisions of section 312 of the Act shall apply: *Provided,* That the national marketing quota and farm marketing quotas shall be determined as provided in this section. Notice of the farm marketing quota which will be in effect for his farm for the first marketing year covered by any referendum under this section shall insofar as practicable be mailed to the farm operator in sufficient time to be received prior to the referendum.

"(c) The national marketing quota determined under this section for burley tobacco for any marketing year shall be the amount produced in the United States which the Secretary estimates will be utilized in the United States and will be exported during such marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 10 per centum of such estimated utilization and exports. For each marketing year for which marketing quotas are in effect under this section, the Secretary in his discretion may establish a reserve (hereinafter referred to as the 'national reserve') from the national marketing quota in an amount not in excess of 1 per centum of the national marketing quota to be available for making corrections and adjusting inequities in farm marketing quotas, and for establishing marketing quotas for new farms (i.e., farms for which farm marketing quotas are not otherwise established).

"(d) When a national marketing quota is first proclaimed under this section, the Secretary shall through local committees determine a farm yield for each farm for which a burley tobacco acreage allotment was established for the marketing year beginning October 1, 1970. Such yield shall be determined by averaging the yield per acre for the four highest years of the five consecutive years beginning with the 1966 crop year: *Provided,* That if burley tobacco was produced on the farm in fewer than five of such years, the farm yield shall be the simple average of the yields obtained in the years during such period that burley tobacco was produced on the farm: *Provided further,* That if no burley tobacco was produced on the farm but the farm was considered as having planted burley tobacco during the immediately preceding five years, the farm yield will be appraised on the basis of the yields established for similar farms in the area on which burley tobacco was produced during such five-year period: *And provided further,* That the farm yield established for any farm shall not exceed three thousand five hundred pounds per acre.

"(e) A preliminary farm marketing quota shall be determined for each farm for which a burley tobacco acreage allotment was established for the marketing year beginning October 1, 1970, by multiplying the farm yield determined under subsection (d) of this section by the farm acreage allotment (prior to any reduction for violation of regulations issued pursuant to the Act) established for such farm for the marketing year beginning October 1, 1970. For each farm for which such a preliminary farm marketing quota is determined, a farm marketing quota for the first year shall be determined by multiplying the preliminary farm marketing quota by a national factor obtained by dividing the national marketing quota determined under subsection (c) of this section (less the national reserve) by the sum of all preliminary farm marketing quotas as determined under this subsection: *Provided,* That such national factor shall not be less than 95 per centum.

"The farm marketing quota for each succeeding year shall be determined by multiplying the previous year's farm marketing quota by a national factor obtained by dividing the national marketing quota determined under subsection (c) of this section (less the national reserve) by the sum of the farm marketing quotas for the immediately preceding year for all farms for which burley tobacco marketing quotas will be determined for such succeeding marketing year: *Provided,* That such factor for the marketing year beginning October 1, 1972, shall not be less than 95 per centum: *Provided further,* That such factor for the marketing year beginning October 1, 1973, shall not be less than 92½ per centum: *And provided further,* That such factor for any subsequent year shall not be less than 90 per centum: *And provided further,* That in the case of any farm having an acreage allotment of .50 acres or less for the marketing year beginning October 1, 1970, the farm marketing quota shall not be less than 95 per centum of the farm marketing quota established under this section for the previous year. The farm marketing quota so computed for any farm for any year shall be increased by the number of pounds by which marketings from the farm during the immediately preceding year were less than the farm marketing quota (after adjustments): *Provided,* That any such increase shall not exceed the amount of the farm marketing quota (including leased pounds) for the immediately preceding marketing year prior to any increase for undermarketings or decrease for overmarketings. The farm marketing quota so computed for each farm for any year shall be reduced by the number of pounds by which marketings from the farm during the immediately preceding year exceeded the farm marketing quota (after adjustments): *Provided,* That if on account of excess marketings in the preceding year the farm marketing quota is reduced to zero pounds without reflecting the entire reduction required, the additional reduction required shall be made in subsequent marketing years.

"The farm marketing quota for a new farm shall be the number of pounds determined by the county committee with approval of the State committee to be fair and reasonable for the farm on the basis of the past burley tobacco experience of the farm operator; the land, labor, and equipment available for the production of burley tobacco; crop rotation practices, and the soil and other physical factors affecting the production of burley tobacco: *Provided,* That the farm marketing quota for any such new farm shall not exceed 50 per centum of the average of the farm marketing quotas for similar farms for which farm marketing quotas are otherwise established: *Provided further,* That the number of pounds allocated to all new farms shall not exceed that portion of the national reserve provided by the Secretary for establishing quotas for new farms.

"(f) When a poundage program is in effect under this section, the farm marketing quota next established for any farm shall be reduced by the amount of burley tobacco produced on any farm (1) which is marketed as having been produced on a different farm; (2) for which proof of disposition is not furnished as required by the Secretary; and (3) as to which any producer on the farm files, or aids or acquiesces in the filing of, any false report with respect to the production or marketings of tobacco: *Provided,* That if the Secretary through the local committee finds that no person connected with such farm caused, aided, or acquiesced in any such irregularity, the next established farm marketing quota shall not be reduced under this subsection. The reductions required under this subsection shall be in addition to any other adjustments made pursuant to this section.

"(g) When a poundage program is in effect under this section, farm marketing quotas (after adjustments) for burley tobacco may be transferred to other farms in the same county under the terms and conditions contained in section 316 of the Act: *Provided,* That such transfers shall be on a pound for pound basis: *Provided further,* That any adjustment for undermarketings or overmarketings shall be attributed to the farm to which transferred: *And provided further,* That not more than five thousand pounds may be transferred to any farm under this section.

"(h) Effective with marketing year beginning October 1, 1976, no marketing quota, other than a new farm marketing quota, shall be established for a farm on which no burley tobacco was planted or considered planted in any of the five years immediately preceding the year for which farm marketing quotas are being established.

"(i) When marketing quotas under this section are in effect, provisions with respect to penalties for the marketing of excess tobacco and the provisions contained in section 314 of the Act shall apply, except that:

"(1) No penalty on excess tobacco shall be due or collected until 110 per centum of the farm marketing quota (after adjustments) for a farm has been marketed, but with respect to each pound of tobacco marketed in excess of such percentage the full penalty rate shall be due, payable, and collected at the time of marketing in each pound of tobacco marketed, and any tobacco marketed in excess of 100 per centum of the farm marketing quota (after adjustments) will require a reduction in subsequent farm marketing quotas in accordance with section 319(e): *Provided,* That if the Secretary in his discretion, determines it is desirable to encourage additional marketings of any grades of burley tobacco during any marketing year to insure traditional market patterns to meet the normal demands of export and domestic markets, he may authorize the marketing of such grades without the payment of penality or deduction from subsequent quotas to the extent of 5 per centum of the farm marketing quota for the farm on which the tobacco was produced, and such marketings shall be eligible for price support.

"(2) The provisions with respect to penalties contained in the third sentence of section 314(a) shall be revised to read: 'If any producer falsely identifies or fails to account for the disposition of any tobacco, the Secretary, in lieu of assessing and collecting penalties based on actual marketings of excess tobacco, may elect to assess a penalty computed by multiplying the full penalty rate by an amount of tobacco equal to 25 per centum of the farm marketing quota (after adjustments) and the penalty in respect thereof shall be paid and remitted by the producer.'

"(3) The provisions contained in the fourth sentence of section 314(a) shall not be applicable. For the first year a marketing quota program established under the provisions of this section is in effect, the farm marketing quota determined under the provisions of section 319(e) shall receive a temporary upward adjustment equal to the amount of carryover penalty-free burley tobacco for the farm. For subsequent years, the provisions of section 319(e) shall apply.

"(j) The Secretary shall prescribe such regulations as he considers necessary for carrying out the provisions of this section."

SEC. 2. Section 378 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding subsection (f) to read as follows:

"(f) In applying the provisions of this section to a farm for which a tobacco marketing quota has been determined under section 319 of this Act, the words 'allotment' and 'acreage', wherever they appear, shall be construed to mean 'marketing quota' and 'poundage', respectively, as required."

SEC. 3. Clause (c) of section 106 of the Agricultural Act of 1949, as amended, is amended to read as follows: "(c) If acreage - poundage or poundage farm marketing quotas are in effect under section 317 or 319 of the Agricultural Adjustment Act of 1938, as amended, (1) price support shall not be made available on tobacco marketed in excess of 110 per centum of the marketing quota (after adjustments) for the farm on which such tobacco was produced, and (2) for the purpose of price support eligibility, tobacco carried over from one marketing year to another shall, when marketed, be considered tobacco of the then current crop."

AMENDMENT OFFERED BY MR. ABBITT

Mr. ABBITT. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ABBITT: Strike out all after the enacting clause of S. 789 and insert in lieu thereof the following:

That the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", is amended by adding immediately following section 318 a new section 319 to read as follows:

"FARM POUNDAGE QUOTAS FOR BURLEY TOBACCO

"SEC. 319 (a) Notwithstanding any other provision of law, the Secretary shall, within thirty days following the enactment of this section, proclaim national marketing quotas for burley tobacco for the three marketing years beginning October 1, 1971, and determine and announce the amount of the marketing quota for burley tobacco for the marketing year beginning October 1, 1971, as provided in this section.

"Within thirty days following such proclamation, the Secretary shall conduct a referendum of the farmers engaged in the production of the 1970 crop of burley tobacco to determine whether they favor or oppose the establishment of farm marketing quotas on a poundage basis as provided in this section for the three marketing years beginning October 1, 1971. If the Secretary determines that two-thirds or more of the farmers voting in such referendum approve marketing quotas on a poundage basis, marketing quotas as provided in this section shall be in effect for those three marketing years. If marketing quotas on a poundage basis are not approved by at least two-thirds of the farmers voting in such referendum, no marketing quotas or price support for burley tobacco shall be in effect for the marketing year beginning October 1, 1971. Thereafter, the provisions of section 312 of the Act shall apply: *Provided,* That national marketing quotas for burley tobacco for any marketing year subsequent to the marketing year beginning October 1, 1971, shall be proclaimed as provided in this section.

"(b) The Secretary shall determine and announce, not later than the February 1 preceding the second and third marketing years of any three-year period for which marketing quotas on a poundage basis are in effect under this section, the amount of the national marketing quota for each of such years. If marketing quotas have been made effective on a poundage basis under this section, the Secretary shall, not later than February 1 of the last year of three consecutive marketing years for which marketing quotas are in effect under this section, proclaim national marketing quotas for burley tobacco for the next three succeeding marketing years as provided in this section. Within thirty days following such proclamation, the Secretary shall conduct a referendum in accordance with section 312(c) of the Act. If the Secretary determines that more than one-third of the farmers voting oppose the national marketing quotas, he shall announce the results and no marketing quotas or price support shall be in effect for such kind of tobacco for the first marketing year of such three-year period. Thereafter, the provisions of section 312 of the Act shall apply: *Provided,* That the national marketing quota and farm marketing quotas shall be determined as provided in this section. Notice of the farm marketing quota which will be in effect for his farm for the first marketing year covered by any referendum under this section shall, insofar as practicable, be mailed to the farm operator in sufficient time to be received prior to the referendum.

"(c) The national marketing quota determined under this section for burley tobacco for any marketing year shall be the amount produced in the United States which the Secretary estimates will be utilized in the United States and will be exported during such marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 5 per centum of such estimated utilization and exports. For each marketing year for which marketing quotas are in effect under this section, the Secretary in his discretion may establish a reserve (hereinafter referred to as the 'national reserve') from the national marketing quota in an amount not in excess of 1 per centum of the national marketing quota to be available for making corrections and adjusting inequities in farm marketing quotas, and for establishing marketing quotas for new farms (that is, farms for which farm marketing quotas are not otherwise established).

"(d) When a national marketing quota is first proclaimed under this section, the Secretary shall through local committees determine a farm yield for each farm for which a burley tobacco acreage allotment was established for the marketing year beginning October 1, 1970. Such yield shall be determined by averaging the yield per acre for the four highest years of the five consecutive years beginning with the 1966 crop year: *Provided,* That if burley tobacco was produced on the farm in fewer than five of such years, the farm yield shall be the simple average of the yields obtained in the years during such period that burley tobacco was produced on the farm: *Provided further,* That if no burley tobacco was produced on the farm but the farm was considered as having planted burley tobacco during the immediately preceding five years, the farm yield will be appraised on the basis of the yields established for similar farms in the area on which burley tobacco was produced during such five-year period: *And provided further,* That the farm yield established for any farm shall not exceed three thousand five hundred pounds per acre.

"(e) A preliminary farm marketing quota shall be determined for each farm for which a burley tobacco acreage allotment was established for the marketing year beginning October 1, 1970, by multiplying the farm yield determined under subsection (d) of this section by the farm acreage allotment (prior to any reduction for violation of regulations issued pursuant to the Act) established for such farm for the marketing year beginning October 1, 1970. For each farm for which such a preliminary farm marketing quota is determined, a farm marketing quota for the first year shall be determined by multiplying the preliminary farm marketing quota by a national factor obtained by dividing the national marketing quota determined under subsection (c) of this section (less the national reserve) by the sum of all preliminary farm marketing quotas as determined under this subsection: *Provided,* That such national factor shall not be less than 95 per centum.

"The farm marketing quota for each succeeding year shall be determined by multiplying the previous year's farm marketing quota by a national factor obtained by dividing the national marketing quota determined under section (c) of this section (less the national reserve) by the sum of the farm marketing quotas for the immediately preceding year for all farms for which burley tobacco marketing quotas will be determined for such succeeding marketing year: *Provided,* That such national factor shall not be less than 95 per centum: *Provided further,* That for the marketing years beginning October 1, 1972 and October 1, 1973, the farm marketing quota for any farm shall not be less than the smaller of (1) one-half acre times the farm yield times one-half the sum of the figure one and the national factor for the current year, or (2) the farm marketing quota for the immediately preceding marketing year times one-half the sum of the figure one and the national factor for the current year. The farm marketing quota so computed for any farm for any year shall be increased by the number of pounds by which marketings from the farm during the immediately preceding year were less than the farm marketing quota (after adjustments): *Provided,* That any such increase shall not exceed the amount of the farm marketing quota (including leased pounds) for the immediately preceding marketing year prior to any increase for undermarketings or decrease for overmarketings. The farm marketing quota so computed for each farm for any year shall be reduced by the number of pounds by which marketing from the farm during the immediately preceding year exceeded the farm marketing quota (after adjustments): *Provided,* That if, on account of excess marketings in the preceding year, the farm marketing quota is reduced to zero pounds without reflecting the entire reduction required, the additional reduction required shall be made in subsequent marketing years.

"The farm marketing quota for a new farm shall be the number of pounds determined by the county committee with approval of the State committee to be fair and reasonable for the farm on the basis of the past burley tobacco experience of the farm operator; the land, labor, and equipment available for the production of burley tobacco; crop rotation practices, and the soil and other physical factors affecting the production of burley tobacco: *Provided,* That the farm marketing quota for any such new farm shall not exceed 50 per centum of the average of the farm marketing quotas for similar farms for which farm marketing quotas are otherwise established: *Provided further,* That the number of pounds allocated to all new farms shall not exceed that portion of the national reserve provided by the Secretary for establishing quotas for new farms.

"(f) When a poundage program is in effect under this section, the farm marketing quota next established for any farm shall be reduced by the amount of burley tobacco produced on any farm (1) which is marketed as having been produced on a different farm; (2) for which proof of disposition is not furnished as required by the Secretary; and (3) as to which any producer on the farm files, or aids or acquiesces in the filing of, any false report with respect to the production or marketings of tobacco: *Provided,* That if the Secretary through the local committee finds that no person connected with such farm caused, aided, or acquiesced in any such irregularity, the next established farm marketing quota shall not be reduced under this subsection. The reductions required under this subsection shall be in addition to any other adjustments made pursuant to this section.

"(g) When a poundage program is in effect under this section, farm marketing quotas (after adjustments) for burley tobacco may be leased and transferred to other farms in the same county under the terms and conditions contained in section 318 of the Act: *Provided,* That such leases and transfers shall be on a pound for pound basis: *Provided further,* That any adjustment for undermarketings or overmarketings shall be attributed to the farm to which leased and transferred: *Provided further,* That not more than fifteen thousand pounds may be leased and transferred to any farm under this section: *And provided further,* That the marketing quota determined for any farm subsequent to such lease and transfer shall not exceed an amount determined by multiplying the farm yield established under subsection (d) of this section by 50 per centum of the acreage of cropland in the farm.

"(h) Effective with the marketing year beginning October 1, 1976, no marketing quota, other than a new farm marketing quota, shall be established for a farm on which no burley tobacco was planted or considered planted in any of the five years immediately preceding the year for which farm marketing quotas are being established.

"(i) When marketing quotas under this section are in effect, provisions with respect to penalties for the marketing of excess tobacco and the other provisions contained in section 314 of the Act shall apply, except that:

"(1) No penalty on excess tobacco shall be due or collected until 110 per centum of the farm marketing quota (after adjustments) for a farm has been marketed, but with respect to each pound of tobacco marketed in excess of such percentage the full penalty rate shall be due, payable, and collected at the time of marketing on each pound of tobacco marketed, and any tobacco marketed in excess of 100 per centum of the farm marketing quota (after adjustments) will require a reduction in subsequent farm marketing quotas in accordance with section 319(e): *Provided,* That if the Secretary, in his discretion, determines it is desirable to encourage additional marketings of any grades of burley tobacco during any marketing year to insure traditional market patterns to meet the normal demands of export and domestic markets, he may authorize the marketing of such grades without the payment of penalty or deduction from subsequent quotas to the extent of 5 per centum of the farm marketing quota for the farm on which the tobacco was produced, and such marketings shall be eligible for price support.

"(2) The provisions with respect to penalties contained in the third sentence of section 314(a) shall be revised to read: 'If any producer falsely identifies or fails to account for the disposition of any tobacco, the Secretary, in lieu of assessing and collecting penalties based on actual marketings of excess tobacco, may elect to assess a penalty computed by multiplying the full penalty rate by an amount of tobacco equal to 25 per centum of the farm marketing quota (after adjustments) and the penalty in respect thereof shall be paid and remitted by the producer.'.

"(3) The provisions contained in the fourth sentence of section 314(a) shall not be applicable. For the first year a marketing quota program established under the provisions of this section is in effect, the farm marketing quota determined under the provisions of section 319(e) shall receive a temporary upward adjustment equal to the amount of carryover penalty-free burley tobacco for the farm. For subsequent years, the provisions of section 319(c) shall apply.

"(j) The Secretary shall prescribe such regulations as he considers necessary for carrying out the provisions of this section."

SEC. 2. Section 378 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding subsection (f) to read as follows:

"(f) In applying the provisions of this section to a farm for which a tobacco marketing quota has been determined under section 319 of this Act, the words 'allotment' and 'acreage', wherever they appear, shall be construed to mean 'marketing quota' and 'poundage', respectively, as required."

SEC. 3. Clause (c) of section 106 of the Agricultural Act of 1949, as amended, is amended to read as follows:

"(c) If acreage poundage or poundage farm marketing quotas are in effect under section 317 or 319 of the Agricultural Adjustment Act of 1938, as amended, (1) price support shall not be made available on tobacco marketed in excess of 110 per centum of the marketing quota (after adjustments) for the farm on which such tobacco was produced, and (2) for the purpose of price-support eligibility, tobacco carried over from one marketing year to another shall, when marketed, be considered tobacco of the then current crop."

SEC. 4. Any action taken by the Secretary pursuant to section 312 of the Act (7 U.S.C. 1312) for burley tobacco for any of the three marketing years beginning October 1, 1971, prior to the enactment of this section, shall be of no effect.

Mr. ABBITT (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The amendment was agreed to.

Mr. ABBITT. Mr. Speaker, this legislation is needed to provide a more effective production adjustment program for burley tobacco.

Burley tobacco allotments were established for 282,115 farms in 14 States in 1970. The total acreage allotted was 230,947 acres, an average of 82 one-hundredths of an acre per farm. Farmers received $405 million for the 1970 burley crop.

The present acreage allotment program was for many years effective in maintaining burley tobacco supplies in line with demand, with favorable prices to growers and with minimum costs to the Government for price supports. However, in recent years sharp increases in per acre yields, and decreased domestic usage have combined to build up a surplus which has resulted in excessive amounts accumulating under Government loan.

During the 1969–70 marketing year, domestic use of burley tobacco totaled 506 million pounds—down 10 million pounds from the previous year, and 40 million pounds below the level prevailing 2 years earlier. This decline in domestic usage occurred despite an increase in cigarette production, the principal use for burley tobacco.

During the 5 years, 1956–60, burley tobacco yields averaged 1,620 pounds per acre. In 1963, yields first reached a ton per acre, and they have continued to increase—reaching an average of 2,537 pounds per acre during the past 2 years. Research indicates that further increases in per acre yields are readily obtainable.

Increases in per acre yields require reductions in farm acreage allotments, which in turn stimulate further increases in per acre yields. Caught in this spiral, each farmer must compete with others in a hectic race to maintain his share of the market.

The bill provides a more effective production adjustment program by establishing farm marketing quotas in pounds rather than in acres. This will eliminate the incentive for increased per acre yields and enable farmers to concentrate their efforts on improving the quality of their tobacco instead of obtaining maximum production from their allotted acreages.

Under the bill, farm marketing quotas will be based on the average of each farm's four highest yields during the past 5 years, multiplied by the farm's 1970 acreage allotment. Farm marketing quotas regardless of size, will be adjusted uniformly to bring supplies into line with demand. Thus, the bill provides equitable treatment for all burley tobacco growers regardless of the size of their operations. Under present legislation, farm acreage allotments of one-half acre or less cannot be reduced, regardless of how much per acre yields increase or usage decreases. In 1970, about 60 percent of all burley tobacco farm acreage allotments were in this protected category.

Farm marketing quotas would be based on the average of each farm's four highest yields during the 5 years, 1966–70, multiplied by the farm's 1970 acreage allotment. Farm marketing quotas, regardless of size, would be adjusted uniformly to equal the national marketing quotas—less a reserve of no more than 1 percent for correcting errors, adjusting inequities and for establishing quotas for new farms.

The national marketing quota would be the amount of burley tobacco produced in the United States which the Secretary determines will be utilized and exported during the marketing year, adjusted upward or downward as the Secretary determines is desirable to maintain an adequate supply or for an orderly reduction of supplies to the reserve supply level.

The bill provides that farm marketing quotas for the first year shall not be reduced by more than 5 percent below an amount determined by multiplying the farm's average yield by the 1970 acreage allotment. Thereafter, the amount of the national marketing quota for any year cannot be less than 95 percent of estimated utilization and exports.

If marketings from a farm are less than the farm's poundage quota, the difference—up to 100 percent—is added to that farm's quota for the following year. Marketings from a farm may exceed the farm's quota by 10 percent without penalty and with price support, but any marketings in excess of a farm's quota would be deducted from that farm's quota for the following year. The bill provides for the lease of burley tobacco farm marketing quotas and transfers to other farms in the same county. The bill limits the amount that can be transferred to any farm to 15,000 pounds.

Mr. MIZELL. Mr. Speaker, I rise today in support of the proposed legislation dealing with burley tobacco marketing quotas, and with the leasing and transfer of those quotas from one farm to another within the same county.

Under this legislation, the marketing quotas on burley tobacco would be based on poundage rather than acreage, as has been the practice in the past.

The new quota system provides that the allowable farm yield will be established by averaging each burley farm's yield per acre for the four highest production years of the period 1966–70, with no farm yield to exceed 3,500 pounds.

This base change was made necessary because heavily increased per acre yield under the old acreage allotment system, coupled with decreased domestic usage, have resulted in excessive amounts of burley tobacco. This increase in per acre yield has been the result of improved tobacco production technology.

I also support the provision authorizing the lease and transfer of burley tobacco quotas from one farm to others within the same county. I believe this practice will insure that our burley producers operate in the most efficient and economical way.

This bill also provides for a 1971 quota reduction of 5 percent for all burley growers. This reduction was believed necessary because of the excessive amounts of burley tobacco already in supply, as I mentioned earlier.

But I am happy to see that the measure includes an amendment quite similar to one which I introduced in the Committee on Agriculture, providing that those burley growers producing on one-half acre or less will have their quotas reduced by only half as much as other growers in 1972 and 1973.

I believe this provision will be especially beneficial to the small-operation burley growers in the fifth district of North Carolina, which I am proud to represent. These men need and deserve a measure of protection during this 3-year transition period, and it was in their interest, since so many of the burley growers in my area are minimum producers, that I asked to have this protective measure included.

The quota system established by this

bill should provide a more effective production adjustment program for all burley growers.

The national marketing quota, according to the legislation, is the amount of burley tobacco used domestically or exported during a marketing year, with this amount adjusted by the Secretary of Agriculture "to maintain an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level."

The bill must be submitted to burley growers by the Secretary of Agriculture for a referendum to determine whether they favor or oppose the new base system, and a two-thirds majority is required for passage of the referendum.

I believe that we have here a bill that burley growers can support, and a bill that is fair to all parties concerned. I urge my colleagues to join me in voting for its passage.

LT. WILLIAM L. CALLEY, JR.

(Mr. MANN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MANN. Mr. Speaker, on March 16, 1968, when Lt. William L. Calley, Jr., was fighting for his country in Vietnam, which indisputably he was, one Cassius Clay, alias Muhammad Ali, was walking the streets of America, having refused to so serve his country. Today, William Calley stands convicted of murder, and Muhammad Ali still walks the streets of America, a couple of million dollars richer by virtue of his failure to serve. True, he stands convicted of refusing to submit to induction, but today, almost 4 years after his conviction on June 20, 1967, he still walks the streets of America. I wonder if our system of administration of justice will be as kind to Lieutenant Calley.

Some weeks ago I inquired of the Attorney General as to the causes of the delays in the disposition of the case of Ali. Although the reply that I received lacked some in detail, I felt that my colleagues and the American people would be interested in this summary of the inefficiency of our present criminal justice appeals system. I quote the response from the Attorney General's office, dated March 15, 1971, and signed by Robert C. Mardian, Assistant Attorney General:

DEPARTMENT OF JUSTICE,
Washington, D.C., March 15, 1971.

HON. JAMES R. MANN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: This is in response to your letter of February 10, 1971, to the Attorney General, requesting information regarding the disposition of the Cassius Clay draft evasion case.

I am sure that you will understand that every person convicted of a violation of a Federal criminal law has the right to take an appeal from his conviction to the appropriate Circuit Court of Appeals. If the conviction is affirmed by that Court, the defendant then has the right to petition the Supreme Court for a further hearing. The usual practice of the Court in such instances is to release the defendant from custody on bail pending the final disposition of his case or until otherwise ordered. Meanwhile, unless specifically prohibited by the Court, the defendant may engage in any lawful activity he wishes.

Cassius Clay was convicted in the District Court for the Southern District of Texas for refusing to submit to induction into the Armed Forces of the United States, and he received the maximum sentence of imprisonment for five years and a fine of $10,000. He took an appeal to the Court of Appeals for the Fifth Circuit and that Court affirmed the conviction.

Clay thereafter filed a petition requesting the Supreme Court to review the case. The Court granted a writ of certiorari, vacated the judgment of conviction and remanded the case to the District Court for a determination as to whether evidence secured by illegal eavesdropping was used against him at his trial.

The District Court subsequently ruled that no such evidence was used against him and on July 6, 1970, the Circuit Court of Appeals affirmed the conviction for the second time. Clay thereupon petitioned the Supreme Court to review this latest judgment of the Court of Appeals. On January 11, 1971, the Supreme Court announced that it will hear arguments on Clay's contention that he should have been classified as a conscientious objector to participation in war. A final decision in this case is, therefore, not expected for several months.

Whether any particular man should be issued a license to box is a matter that is solely within the purview of the various local authorities. The Federal Government has no jurisdiction in that regard.

Sincerely,

ROBERT C. MARDIAN,
Assistant Attorney General.

AMERICAN PRISONERS OF WAR IN NORTH VIETNAM

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, in effect the United States has said we will not withdraw all our forces from Vietnam until the Communists agree to release all American prisoners.

And the Communists have said they will not release all Americna prisoners until the United States agrees to withdraw all its forces.

It appears that neither side is quite hearing the other.

Thus this resolution:

H.J. RES. 319

Whereas the President of the United States on March 4th, 1971 stated that his policy is that; "as long as there are American POW's in North Viet Nam we will have to maintain a residual force in South Viet Nam. That is the least we can negotiate for."

Whereas Mme. Nguyen Thi Binh, Chief delegate of the Provisional Revolutionary Government of the Republic of South Viet Nam stated on September 17, 1970 that the policy of her government is "In case the United States Government declares it will withdraw from South Viet Nam all its troops and those of the other foreign countries in the US camp, and the parties will engage at once in discussion, on—

"The question of ensuring safety for the total withdrawal from South Viet Nam of US troops and those of the other foreign countries in the US camp.

"The question of releasing captured military men."

Resolved that the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indo-China, the United States shall withdraw all its Armed Forces from Viet Nam within sixty days following the signing of the agreement; provided that the agreement shall contain guarantee by the Democratic Republic of Viet Nam and the National Liberation Front of safe conduct out of Viet Nam for all American prisoners and all American Armed Forces simultaneously.

GENERAL LEAVE TO EXTEND

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 6531.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AMENDING THE MILITARY SELECTIVE SERVICE ACT OF 1967

Mr. HÉBERT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The motion was agreed to.

IN COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 6531, with Mr. BOLAND in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the committee rose on yesterday the first section, ending on line 22, page 11, of the bill was open to amendment at any point.

Are there further amendments to the section?

Mr. HÉBERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise at this moment to attempt to clarify the situation and to give the Members complete knowledge of exactly what the situation is as it relates to the bill and how long we are going to be here.

As of now we have disposed of all committee amendments by members of the committee to section 1. There are now pending about 14 other amendments at the desk, as I understand it. We have three other sections to read. As each section comes up, I shall ask unanimous consent that the sections be considered as having been read in full and open to amendment at any point. Of course, then the amendments will be offered.

As to the length of time we are here today, or the rest of this week, that depends entirely on the membership and its desires.

At the outset of the discussion of this bill I said that I would rather not initiate any move to curtail debate. That still holds. I will not initiate such a move. So the time you remain here is entirely in your hands. If you cooperate and do not make unnecessary demands on votes that have an obvious outcome, we can get along much better and faster. If you do not want to do that, and want to ask for these rollcalls and record votes, it is entirely within your discretion and within your right.

What I am saying to each member of the Committee of the Whole is I will cooperate to the fullest extent to get you out of here as quickly as we can. It is entirely up to you as to whether we get out today or next Tuesday, but I am ready to stay here in a 24-hour session in order to get the bill out. It is all in your hands, and you are running the show.

AMENDMENT OFFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LONG of Maryland:

Page 6, lines 1 and 2, strike out "until the end of the term, or academic year in the case of his last academic year," and insert "until the end of such academic year,".

Mr. LONG of Maryland. Mr. Chairman, forcing a young man to enter the armed services after completing the first semester of the academic year, or only one section of a trimester academic year could cause hardship. Some colleges require a student to take two semesters of a course—such as beginning French or Latin at Catholic University here in Washington—in sequence in order to get credit for the course. Presently, American University has 433 independent study courses, which run for two semesters. One must take both semesters to receive credit. Dean Cain of the Catholic University College of Arts and Sciences told my office yesterday that many of their honors programs—in English, for example—are two semester programs. The student gets an incomplete at the end of the first semester. When he finishes his honors project, sometime in the spring, he receives a grade for both semesters. At Washington College, Chestertown, Md., the course catalog states on page 69:

A hyphen between the number indicates that credit is not allowed for one semester without the other.

This is distinguished from a comma course:

A comma between the numbers indicates that credit may be allowed for either semester without the other.

Breaking up a year's academic program also creates a psychological hardship. A year is an important unit—a milestone. When a student has completed a year's work, he is more encouraged to complete his education than he would be if he had just completed the first semester of his freshman year, for example, and had to enter the service.

Forcing a young man to enter the service after one semester also causes financial hardships. Here are some examples:

The Connecticut College—New London, Conn. (went coed last year) bulletin of April 1970, states:

The College operates on an annual budget which provides for yearly commitments in advance to teaching staff and to others whose services are essential to the operations of the College. For this reason no deductions or refunds from its fixed charges can be made for withdrawal or dismissal with one exception. (Serious illness).

At the University of Tennessee, housing contracts are for the year, September-June, unless special arrangements are made in advance. The contract contains terms for cancellation in midyear, not specified in catalog.

At Georgetown University, it is understood that students applying will reside on campus for the entire year. No refund will be made for move out of dormitory during a semester. Only if a suitable substitute is provided by the renter will the mid-year move be considered. Payments are made on a semester-by-semester basis.

Mr. Chairman, I would hope very much that the Committee could accept this amendment and that the House would agree to this amendment.

Mr. PIKE. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Maryland has 2 minutes remaining.

Mr. LONG of Maryland. I would be glad to yield to the gentleman.

Mr. PIKE. I had rather take it on my own time.

Mr. LONG of Maryland. I would hope that the gentleman would make a point and that I would be given the opportunity to answer it.

Mr. PIKE. I am not sure we can complete this in 2 minutes. Therefore, I would prefer to wait until my time.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I shall be glad to yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Maryland.

It so happens that one of the two amendments I intended to offer here is identical to that of the gentleman in the well. I certainly approve of and support his amendment.

I would like to say that I have had a little experience with this subject in the past because my father happened to be the president of a small church-related college.

In those days the problem was more acute because there were fewer students and there were higher draft calls. But it is still a major problem to a student who is trying to finish his college, as the gentleman has observed, to be able to complete a college year and, also, as we will hear before we are through here, a great many of our colleges and institutions of learning are in serious financial difficulties.

If a large percentage of our student bodies are drafted the non-tax-supported colleges may have some real difficulty in this country. I think this is a forward-looking and constructive amendment, and I commend the gentleman for offering it.

Mr. LONG of Maryland. I thank the gentleman for his comments.

Mr. WALDIE. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from California.

Mr. WALDIE. I really do not understand why a student is in any more preferential a position to be deferred from the inequities of the draft than a nonstudent. Every single disability that the gentleman relates to a student exists in particular for the nonstudent because the nonstudent normally is not as privileged an individual in our society.

Therefore, to protect the universities by protecting their income by not drafting their products makes no sense at all to me. As a matter of fact, the entire draft makes no sense to me. We ought to quit trying to make it palatable to those who possess political and economic power and simply discard it completely.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

(By unanimous consent, Mr. LONG of Maryland was allowed to proceed for 1 additional minute.)

Mr. LONG of Maryland. Mr. Chairman let me say that the gentleman from California may be right. If that is so, then we should not have a provision in here for any kind of a deferment, even for the balance of a semester. I am pointing out that if you are going to have a provision in here for deferring people for the balance of a semester it makes more sense for the balance of the year.

Mr. WALDIE. If the gentleman will yield further, I agree with the gentleman that we should not have that either.

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. PIKE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the committee has considered the various aspects of student deferrals. We have considered it very carefully and long, and as a result we are going to oppose any alleviation of the student deferment proposals in the bill. We are comparing here the convenience of some students against the lives of some draftees. We are trying to measure what my friend, the gentleman from Maryland (Mr. LONG) called the psychological hardships of some students against the very real and immediate hardships and the absolute disruption of a life of all draftees.

We talk about the financial hardships of these students. What about the financial hardship of the young men who could not get into the college in the first place? These are the people we have to be concerned about.

We are trying to make a just law, and we are trying to make it apply equally to all of our citizens. To the extent that people who are wealthier and smarter can go to college and avoid the war, the law is unjust. We are trying to remove this injustice. We made a mistake in this 4 years ago. We have come to recognize the mistake. We are doing everything that we can to rationally make this law apply to all of our people. There is no vested right in anybody, whether he is a wealthy, bright person, or not, to be exempt from a war while a war is going on. We are trying to remove privilege—privilege based on wealth, privilege based on wisdom, privilege based on anything. And this, to the extent possible, we have done and are doing.

Mr. LONG of Maryland. Mr. Chairman will the gentleman yield?

Mr. PIKE. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I thank the gentleman for yielding. I could not agree more with the gentleman. I supported the draft, and I made a speech here yesterday—which I hoped would be eloquent—pointing out that we should not have your system of military manpower which bears solely on the patriotic and the poor. Nevertheless, the gentleman and the committee have already supported the semester deferral idea, and I am trying to make it make some more sense.

Once you have established the principle that you are going to give deferment for the balance of a semester, then you are going to create inequities for some students compared with others, and for some colleges.

Mr. PIKE. I simply disagree with the gentleman. I think it does make sense if a man is called to let him complete the semester he is in. The law we have reported out does that. If he is a senior we let him complete his senior year because I think the disruption involved in that is in rational balance against the injustices of the student deferment operation.

But to try to stretch it out further than that in any capacity, I would be wholly opposed to, and I hope the House will reject any effort to stretch it out any further by granting more privilege to those who are privileged already.

Mr. BRAY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to address a question to the gentleman from New York (Mr. PIKE).

Does not the President in this legislation have the right to change the term to semester or to academic year?

Mr. PIKE. No, I think not. These minimums are imposed by law. I believe the President has said that he will allow a student to finish the semester if he is a freshman, sophomore, or junior.

The gentleman from Indiana is correct that the discretion still rests with the President of the United States to grant a longer delay.

What we have done is to remove in the legislation the prohibition that was in there before against abolishing student deferments.

Mr. BRAY. That is my recollection.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield for a question.

Mr. BRAY. I yield to the gentleman.

Mr. PUCINSKI. Would it not be true that many students around the country who have paid their tuition for a full year, will not have their tuition refunded if they are drafted? As I understand the amendment before the House would extend the deferment for the entire first year instead of only for the first semester.

I can imagine the tremendous burden and injustice that will be created for students who in good faith have paid their tuition for a whole year, that is for the freshman year, and then being called in for active duty at the completion of their first semester, they cannot get their tuition back for the second half of the first year. We have had a number of occasions where we have talked to universities about this and the universities have said that they cannot refund them the money simply because they have budgeted it or scheduled it or spent it or committed it and all the other things. That is why, would not the gentleman agree, no violence will be done to equity if we let a student complete his first year instead of the first semester. The student is still going into the service. He is not getting a deferment or anything—he is still going into the service.

Mr. BRAY. In other words, I believe, the discretion is still there.

Mr. PUCINSKI. No, no. As a matter of record—perhaps the chairman of the committee might want to make the legislative history here, if the gentleman is correct, that the discretion is there, then obviously we do not need the amendment.

But I am under the impression that the law provides—the proposed legislation here would defer a student to the completion of his present semester even though he is enrolled and has paid his tuition for a full year.

Mr. BRAY. I do not have the entire text of the original Draft Act before me, but I yield to the chairman of the committee, the gentleman from Louisiana (Mr. HÉBERT).

Mr. HÉBERT. Mr. Chairman, I will try to clear this up.

As the law has been written and submitted, and it is in the committee bill, this makes it for the semester. The right or the discretion as to an extension beyond that is vested in the President. It does not prohibit it.

Mr. PUCINSKI. That is for all students.

Mr. HÉBERT. That is right, all students.

Mr. PUCINSKI. The President may choose to let a freshman complete his full year.

Mr. HÉBERT. He may, yes, and that is why we say that the amendment is not necessary.

Mr. BRAY. That is my understanding of the matter.

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. CONYERS. Mr. Chairman, this amendment, in my judgment, exemplifies the folly of this whole bill. It proposes that college students be given preferential deferment from induction until the end of an academic year because they might have to take an "incomplete" as a grade or suffer what has been referred to as "psychological hardship" if they are subjected to the Selective Service System. This preferential treatment is also urgently argued because colleges, sorely pressed for funds, might lose some of their student body if the draft is fully operative on all young men. Of course, these arguments are not valid. These arguments ignore the basic inequity inherent in the mere suggestion that there be deferments for college students.

Let me acquaint my colleagues with the situation which prevails in the First Congressional District of Michigan. An extraordinarily high percentage of the black male graduates are almost immediately inducted into the armed services. They never get an opportunity to attend an institution of higher learning and obviously will not be able to avail themselves of any college exemption. Even among those who are academically suited for college experience, most are unable to afford the opportunity. And of the few who get to college most may only attend for a year or two because their economic status and other factors simply do not permit them to stay in school. It seems to me that to have such little concern for these young men and so much for those who are fortunate enough to get to college is to even compound the great inequality of opportunity which already exists.

Mr. LONG of Maryland. Mr. Chairman, will the genleman yield?

Mr. CONYERS. So I want to say to the gentleman from Maryland before I yield to him that this amendment epitomizes everything that is wrong with this entire act.

Mr. LONG of Maryland. I believe the gentleman from Michigan is opposed to the draft in any form, is that correct?

Mr. CONYERS. That is correct.

Mr. LONG of Maryland. You would like to get rid of it, and it is possible that by making it so irritating——

Mr. CONYERS. No, that is not my position. I do not yield to you any further. I think we recognize that, even as most young college men and women realize, that there is nothing unfair about eliminating the deferment provision. I hope the amendment will be defeated.

I yield back the balance of my time.

Mr. PEYSER. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. PEYSER. I would like to speak briefly in support of the amendment offered by the gentleman from Maryland. I think we have a very important factor here dealing with finance as well as with the young men's lives in the draft. In the first place, there is legislation that is pending today in the Education Committee that would make college education available financially for everybody who is qualified in this country.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. Let me finish my point, and then I shall yield.

What we are really talking about here is the ability of many, many people, working people, black and white, who are struggling to send their children to college, and when they reach the point of being able to send their children to college and they qualify academically and get them into their freshman year, and then they are drafted at the end of the first semester, they will go into the service and lose the benefit of the money that they have paid in for the education of these young men and women who have not completed a full school year. If they had they could return from the draft and pick up their education in a meaningful way. I think this would be a great disservice we would be rendering to all people, and particularly the people who are in the poor and low-middle-income classes who have struggled to send their kids to school.

The other factor is that the U.S. Government will be putting its money on these young people today, and we will be letting the money go right down the drain if we pull them out at the end of their first freshman semester.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding. I do not know how long the gentleman has been listening to legislative approaches that have emanated from this and other governmental bodies which promises to improve the quality of education in America. Most of these proposals never crystalize. Surely the gentleman realizes that if one is drafted and gives up his life while in military service in Vietnam, educational benefits are quite beside the point. Does the gentleman appreciate that coming out of schools that are inferior, as they are in most inner-city areas, you cannot even get into a university program without going back for extensive preparatory education?

Mr. PEYSER. I fully appreciate what the gentleman is saying. However, I do not think it has anything to do with the question. I think we are determined in this Congress today, in the education area, to provide higher education for everyone qualified. But that has nothing to do with the economic struggle of people to send their children who are academically qualified to college.

We are talking about guaranteeing a complete school year. That is all I am arguing. Lets have the people and the Government, get their money's worth from this.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, the gentleman from New York has made an excellent point against the implication of the gentleman from Michigan that somehow people who go to college are wealthy or well off. That is far from true. The great mass of young people who go to college are middle income or poor. In many cases parents have saved for years, and if we take the students before the end of the academic year, the couple of thousand dollars they have invested goes down the drain, because the student cannot finish the year.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, I would like to say the gentleman is making a very valid point. I think on whatever basis we decide this amendment, we ought to decide it on its merits, not on some demagogic basis of rich or poor. The time when only the children of rich people went to college is long past. The truth of the matter is that today there are scholarships and other assistance available to a student with ability, be he white or black, so he can go to college these days. I think this should be decided on its merits. If a student is not tied down by dependents of his own, he can get a great deal of help to enable him to go to school. That is absolutely true. This ought to be decided on the basis of its merits alone, and not on the basis of whether a student is black or white or rich or poor.

Mr. PEYSER. There is nothing in this amendment or in my personal thoughts which has anything to do with the race question. It has to do with people who have struggled to get their kids into school.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I thank the gentleman for yielding.

I would like to say I support the amendment offered by the gentleman from Maryland. I have an amendment to propose later on having to do with student deferments and the effective day of the procedure proposed in this procedure. The gentleman's attitude is consistent.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the committee has come reluctantly to the conclusion that this kind of amendment would serve no useful purpose, though admittedly it is appealing. Of course, for those who are opposed to the draft, there can be no argument, so I do not think we ought to concern ourselves with that kind of approach. But the approach of the committee has been that if we do have to continue the draft, then we ought to make the draft as equitable and as fair as possible.

As the gentleman from New York (Mr. PIKE) indicated a moment ago, the one remaining major source of inequity was the college deferment. If we are going to put everybody on a similar basis, then we have to eliminate the college deferment. Now what the amendment of the gentleman from Maryland would do would be to back up the elimination of the college deferment by anywhere from 3 to 6 months. And with the possibility now that the draft might be extended for only 1 year, which means in turn that we might have to be acting on this matter again within another 6 months, a 6-month delay in induction might well mean the difference between whether a particular individual is going to have to serve or not going to serve. In fact, if the gentleman's amendment carries, then it would be possible for this applicant, after a further delay of 6 months, to go to the draft board or to the courts and extend that delay still further by various appeal procedures.

It seems to me, if we are going to make the draft really equitable, then we must put those who are lucky enough to be able to go to college on the same footing with those who are not so fortunate.

Let me make another point, Mr. Chairman. We are told that some students will lose money. But as a matter of fact, I believe the overwhelming majority of colleges require their students to pay by the semester. That is the way I know I have been paying for my children for some time, and I think most of us have to pay for our youngsters on the basis of semesters and not academic years.

As a matter of fact, the term "academic year" itself is a very imprecise term. Some colleges are on a 3-semester year, and some are on a 4-semester year. Nobody knows exactly what the term "acedemic year" represents, but the semester is something which is very clearly understood.

Let me make just one more point, with regard to the possibility that students may be drafted while they are in the process of completing an academic year.

Well, this is precisely the reason why the committee put into the legislation a national call. Our young people will know what their lottery numbers are well before they enter a particular academic semester. They will have a pretty good opportunity to know whether they are going to be called in the draft before the semester begins. The only doubt, heretofore, was whether draft calls would be based on the same lottery numbers in various parts of the country, or whether different lottery numbers would apply in different draft boards. But that was why we put the national call into this bill: it makes it clear that the same lottery numbers will apply across the Nation.

So, Mr. Chairman, let us not provide some special haven in this amendment, however small, and much as it may appeal to those who are, for one reason or another, able to go to college. But the result would still be a lesser impact from the draft on those who are attending college, and that is what we are seeking in this bill to eliminate.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I am glad to yield to the gentleman from Maryland.

Mr. LONG of Maryland. I believe the gentleman has turned his point around. Actually, the year is the most readily understandable and convenient unit of education—far more so than a semester or trimester, which may vary greatly.

The gentleman said the colleges are on a semester basis. I agree that a number of them are. But I cited a wealth of documentation showing that many of them are on a year basis, and the gentleman has not refuted any of that documentation, nor has he come up with any of his own.

Either the student loses a lot or the college loses a lot, because every college I know is in desperate financial shape.

Mr. STRATTON. The fact of the matter is that students do pay by the semester. That is the reason why we put this particular stipulation into the law.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Iowa.

Mr. GROSS. Is there provision in this bill for deferment of farm youths who are needed to plant and harvest crops?

Mr. STRATTON. There is no deferment in here for any occupation, because the occupational deferment has been eliminated by the President's action last year, as the gentleman knows. The only deferments that will still be possible under this bill will be those for hardship. If the young man is in a position where his absence from a farm will create a severe financial hardship for his family, that deferment can still be granted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland, Mr. Long.

The question was taken; and on a division (demanded by Mr. Long of Maryland) there were—ayes 37, noes 70.

Mr. LONG of Maryland. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. DENNIS

Mr. DENNIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dennis: On page 5, line 3: Strike out the word "three" in said line and substitute therefor the word "two".

On page 5, line 4: insert a "period" after the word "service" in said line and strike out the balance of line 4.

On page 5, line 5: Strike out the words "the reserve obligation required of military inductees" where they appear in line 5.

On page 5, line 15: Strike out all of said line after the "semicolon" which follows the word "title" in said line 15—words to be stricken being words "or who after he has reported". Strike out all of lines 16, 17, 18, 19, and 20 on said page 5. Renumber lines and pages accordingly.

The CHAIRMAN. The gentleman from Indiana (Mr. Dennis) is recognized for 5 minutes in support of his amendment.

Mr. DENNIS. Mr. Chairman, as I have said previously, I support this bill. I offer here an amendment to the bill which, in my judgment and in submission to the committee, is in full line with American constitutional precepts, American principles, American history, and all the past history of our American laws respecting the draft.

For many years, Mr. Chairman, America's military conscription laws, in accordance with our constitutional principles, have provided for the recognition of the special situation of the man who for religious reasons was conscientiously opposed to participation in war in any form. All of our most recent conscription laws have recognized that principle by exempting that man from combatant service and, further, if his conscience required that he not serve in noncombatant service, the laws have uniformly required for many years that he take civilian service in some type of civil occupation important to the Nation as an alternative service.

Now, during all of these years he has been required to serve 2 years in that alternative service just as the man who bore arms was required to serve 2 years as a draftee.

The committee bill increases the term of civilian service to 3 years. My amendment would put it back where it has always been, at 2 years.

The committee bill does one other thing. It creates a new section which is not in the present law and has never been in the law so far as I know, which provides that if a man, a conscientious objector, is assigned to civilian public service and fails to perform in a satisfactory manner, whatever that may mean, he may then be drafted into the Armed Forces. My amendment would strike out that section. The effect of the amendment would be to put the law on conscientious objectors back where it is now and where it has always been.

It is very difficult for me to understand, Mr. Chairman, why in presenting this bill, which I think is generally a forward-looking and enlightened draft bill, the Committee on Armed Services found it necessary, after all the years of service under the old law with reasonable satisfaction, to insert these provisions against, I might say, a certain group of our American citizens.

I understand it is argued that the extra year of civilian service is to be equated with the Reserve obligations of a draftee, but this is the first time in 20 years that this matter has arisen or has been thought by the Committee on Armed Services to be of any importance whatsoever.

Moreover, I have in my hand a letter addressed to Mr. William Steiger, the gentleman from Wisconsin, from Theodore C. Marrs, the Deputy Assistant Secretary for Reserve Affairs, in which he quotes an Army or Defense directive which says:

> Effective immediately, Reservists with a remaining military obligation, who have completed two or more years of active military service, will not be involuntarily assigned to Ready Reserve units for drill purposes unless, after diligent recruitment effort, it is determined that a vacancy cannot otherwise be filled. In no event shall a man who has served in Vietnam be involuntarily assigned.

So, as a matter of fact they are not now ordinarily requiring additional active service of people who have really served 2 years in the Armed Forces as draftees.

Mr. Chairman, it seems to me that the entire new provision for putting in the armed services a man serving in civilian service and who has not performed satisfactorily is even more objectional than the other provision because there is no standard in the statute to define "satisfactorily."

The opportunities for abuse are obvious. You are, moreover placing a man in the Army who is by definition exempt because he has been found by his draft board to be a conscientious objector.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

(By unanimous consent, Mr. Dennis was allowed to proceed for 2 additional minutes.)

Mr. DENNIS. The constitutionality of this provision which assigns a conscientious objector to the armed services is certainly doubtful, to say the least. On the other side of the coin I cannot imagine any way you could get a more inefficient, unwilling, and unsatisfactory soldier.

Moreover, I think too much of the military service to feel that it ought to be used as a punitive instrument.

Mr. Chairman, if the committee will permit me just a brief moment of personal reference, I happen to come from a Quaker background. I never joined the meeting and I am not and never have been a conscientious objector. I served in the Army. I was proud to wear the uniform. But I know these people who are legitimate conscientious objectors, and that is what we are dealing with here under the statute because these men have been so classified and so found by their draft board.

I can tell the members of the committee, because I grew up with these men, their conscience is different from ours, they listen to the beat of a different drum, but they are just as conscientious, just as courageous, just as honest and decent as anyone else.

I think it is a mistake for this committee, and I have the greatest respect for it and for its members, to bring in a punitive provision of this kind, to single out a decent group of Americans and make a gratuitous and unnecessary assault upon their beliefs.

Mr. Chairman, all I am asking the committee to do is to be fair, be honest, be decent, and go back to the law which we have had for 20 years or more.

Mr. BRAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment, and in fact I deeply regret that I have to oppose an amendment offered by my very close friend and Hoosier colleague, the gentleman from Indiana (Mr. Dennis).

Mr. Chairman, it happens that both of us are Quakers. It happens that neither of us have chosen to be conscientious objectors. I have the highest regard and deepest sympathy for the true conscientious objector, and there are many of them. Being a Quaker of many generations, I am well acquainted with them. Time after time in the Armed Services Committee in the last 18 years I have defended them and also on the floor of this House.

The amendment which has been offered by the gentleman from Indiana (Mr. Dennis) strikes at two factors rather unrelated. One is the 3 years. Now, if a conscientious objector chooses to wear the uniform but not participate in combat operations, he is treated exactly as any other soldier, and as a conscientious objector he has that right. That is exactly the way it should be.

Some conscientious objectors even refuse to wear the uniform. They have that right, but under this legislation, however, if this conscientious objector who even refuses to wear the uniform, and instead is given work such as in a hospital. Then if he refuses to do that work, he must enter the service. Why should this provision be removed from this legislation?

I believe that a sincere conscientious objector—and there are plenty of them—would be happy to perform this service. But I believe a man who is a conscientious objector and wants to do his part, or a little more, will welcome this provision.

One of the finest gentlemen I have ever known, he is a member of my church—meeting, as we call it, of Friends, at the end of World War I, after he had already served as a conscientious objector, he wanted to work for nothing, and for 2 years he did so, helping to rebuild France, because he did not want to take life easier, just because he was a conscientious objector, because he believed in that, and therefore he wanted to do more for mankind.

The person who chooses not to be shot, at, who does not even want to wear a uniform, and is a conscientious objector, then does not have a reserve obligation when he finishes his 3 years. I believe this is fair. I believe that those who are deeply sincere conscientious objectors would agree with me. But to me it is the idea of allowing a man who claims to be a conscientious objector to take certain work such as working in a hospital or some other kind of honest work, and then who reneges on that and quits, to get out of the war by claiming he was a conscientious objector. That is the type of man who is a disgrace to the status of conscientious objectors. That is something I want to defend—the rights of conscientious objectors. You cannot do that by allowing these dissenters, or whatever you want to call them, who claim this right of a conscientious objector, but who then do not do the job. As long as they do the job, and an honest job, then the right of a conscientious objector is respected, otherwise it fails.

Those who are not sincere and who claim to be conscientious objectors and who do not do the job, who desert in a little while, I think the very least you can do is to put them in the Army.

Mr. KEITH. Mr. Chairman, will the gentleman yield?

Mr. BRAY. I yield to the gentleman from Massachusetts.

Mr. KEITH. I might say to the gentleman from Indiana that I for one would not want any irresponsible, insincere individual in any outfit of mine. I would not want to serve with him or alongside him. I agree with the gentleman as to the average honest conscientious objector, and I have the greatest respect for those I know. However, it seems to me that the position taken by the gentleman from Indiana is probably the best and some of the strongest evidence that I have heard in support of this amendment.

The gentleman said, in effect, that those conscientious objectors who do a poor job in their private employment should automatically be inducted into the Army. If they goof off as conscientious objectors they will probably goof off in the service. I say it would be bad personnel practice to make or permit such a transfer.

Mr. BRAY. If a man that was not sincere in his claims to being a conscientious objector, and who quits his work—who refuses to honestly work in a hospital, or whatever job he is to do, who leaves his job and gets drunk and deserts his job; what would you want to do with him?

Mr. KEITH. I would recommend that he be tried for drunkenness.

Mr. BRAY. That could be one thing to do.

Mr. KEITH. But I certainly would not want him in my outfit.

Mr. BRAY. All right, but, listen to this: Just as soon as he got in the Army he discloses that he was not sincere, but turns out to be a bum, you could take care of him in the Army.

Mr. KEITH. He would be nothing but trouble and a troublemaker.

Mr. BRAY. Are you going to turn every troublemaker loose and never ask them to perform their duty? That would encourage men to renege on their job.

Mr. KEITH. You do not want him in your outfit. You get a man with a service record showing that kind of conduct, and you well know that he will pass from outfit to outfit, just the way he wants to, and never serve as he should.

Mr. BRAY. I have had some men serve in my outfit who were like that, and whom I would just as soon not have had in my outfit, but I did not allow them to get by with it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HÉBERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to say to my friend, the gentleman from Indiana (Mr. DENNIS), that I do highly respect him for his motives, and I understand the reasoning that prompts him to offer this amendment. But at no time, certainly, in my own mind, and as an initiator of this project, did I ever have anything more than the greatest respect and admiration for the Quaker group. To me they are some of the most wonderful people I have ever known, along with the Mennonites and others, who all work together and who are people with strong moral convictions.

Instead of being punitive against these individuals, the purpose of what we have done here, or what we have attempted to do, is to recognize their beliefs and to give them a choice so that they can be given an opportunity to serve in their own way as other Americans serve in other ways.

But the gentleman states that it is because of those who have abused this right that this amendment has been offered.

Now the gentleman has asked—why after 20 years? That is a very simple question to answer. It is not hard at all. If the law was being administered and interpreted as we intended it to be administered for 20 years and if the Supreme Court had not opened up the flood gates to let every conceivable type of individual hide behind the cloak of immunity of being a conscientious objector, we would not be here with this legislation today.

The reason we are here today is because of the change and what the Supreme Court has said where it has removed that exact protection of 20 years which the Quakers, Mennonites, and these fine organizations had prior to this time.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman.

Mr. DENNIS. I would like to ask the distinguished chairman, for whom I have the greatest respect and regard, whether he thinks it is fair and equitable to place more severe restrictions in the law—upon the Quakers and upon the Mennonites, than have ever been in existence before because the Supreme Court has handed down a decision with which the gentleman disagrees and the effect of which is to broaden to some degree the definition of "conscientious objector." That is what the gentleman is doing here.

Mr. HÉBERT. No, I disagree with the gentleman. I am sure that these individual groups would not claim that there is anything punitive in what we are trying to do. We are not subjecting them to fulfill any duty that we are not calling upon other Americans to perform in the interest of their country.

I was very much impressed with the repetitious use of the word "American" in the opening presentation by the gentleman. I think what we are doing is the American way—to give everybody an equal opportunity to give this country the service which they should give to their country in order to protect the way of life that is guaranteed to them by their country.

In this particular instance, the 3 years replaces the 4-year Reserve obligation. The extra 1 year removes the 4 years of Reserve obligation that the other individual who is drafted has to observe.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman.

Mr. STEIGER of Wisconsin. Mr. Chairman, was this amendment cleared with the Selective Service or did they take a position on the question of the 3 years?

Mr. HÉBERT. We asked them in the hearings at the time.

In the opening remarks which I made to the committee when we started the hearings, I outlined the conscientious-objector situation and I said I intended to try to do something about it because I did not want us to return to the sieve that we are in at the moment because of this court decision and the refuge that these people find in the conscientious objector situation. However, it came through, through the general discussion in committee, with the language we have in this bill.

In specific response to the gentleman's question, the Director of Selective Service was asked if they had any objection, and they wished no objection to the 3-year period.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield.

Mr. HÉBERT. I yield to the gentleman.

Mr. LEGGETT. Mr. Chairman, as I understand the intent of the chairman and the committee, this amendment was to clear some of the confusion in granting the status of conscientious objectors. While the gentleman's amendment would make it more onerous as to the 3-year service requirement, I believe he also said in committee that considering a claimant would be exposed to a 3-year service requirement, you would hope that the draft boards would more liberally grant that status and classification. With that representation, I supported the gentleman's amendment in committee.

While a lot of people can say that the section is punitive, and so forth, and it, of course, can be interpreted that way, I think it can also be interpreted as being in fact a liberalizing amendment.

Mr. HÉBERT. Of course, it depends upon the interpretation and any individual can read anything he wants to and give it any interpretation he wants to give it. That is what we find in debating most of these issues. Instead of addressing ourselves—and I include myself as being one of the guilty parties, as to what the actual language is, we tend to move ourselves toward interpreting what we want to believe, and then we make that interpretation as a statement of fact. But as the author and the architect, if you wish to call it that, of this particular thing, I can assure the gentleman that there was not one moment's thought in my mind to make this punitive. The only thought I had and the only intention I had was to address ourselves, and properly so, to the conscientious objector situation and problem that exists in this country which has become a disgrace and it is our duty to try to correct it.

Mr. Chairman, I hope the amendment is defeated.

Mr. BENNETT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Florida is recognized.

Mr. BENNETT. Mr. Chairman, everything on this has been very well discussed here, and there is perhaps not a great deal I can add to the discussion. There is one thing that I do think should be added. I do not think anybody on the committee at any time felt that the brotherhood that you referred to, or similar brotherhoods, bona fide followers of Jesus Christ or other truly religious groups, have in any way been doing anything improper in any past actions. Actually the problem arose here as a result of the Supreme Court's langauge, which by opening the door to people who had no religious basis for their plea has also opened the door for some who do not deserve the exemption at all even under the court decision. That is the problem that we are trying to address in the legislation before us today.

No Member has ever said that there was anyone among the Quakers or any other religious group who is violating the law. I believe that this fact should be made crystal-clear. There was never any criticism of these religious groups. But there were people who were escaping an obligation to the country without any conscientious basis for doing so at all.

So in arriving at proper language, it was provided that this third year would be a year to offset the escaped Reserve service for those who actually have been getting off scot-free for a number of years without any real basis of conscientious objection. That Reserve obligation is not an academic thing. If you have a son who has a Reserve obligation, you know that something hangs over his head with regard to marriage, business opportunity, and many other things in his life. So it is.

Furthermore, I wish to emphasize that anybody in these religious groups who wants to can get in noncombatant activity for just 2 years. Most of them in bona fide religious-oriented groups I understand actually take that course. So obviously it is not designed to be a penalty on anybody.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Indiana.

Mr. DENNIS. I thank the gentleman. I would like to say that I fully realize that there was no intention on the part of anyone to offend any particular church, and I did not mean to make any such implication. But I would like to point out that as a result of the colloquy here, it is very clear that this was not requested by the military. It was not requested by the Selective Service. It was something brought up by this committee. It was done because primarily of a Supreme Court decision with which the committee disagrees, and which I am not particularly in favor of myself.

But you are doing it to all conscientious objectors because you do not like the Supreme Court's decision.

Mr. BENNETT. Before my time expires, I would like to get in another word.

The provision would place the authority in the Congress of the United States where it belongs, where there are Representatives who are elected every 2 years, Members who represent the masses of people in this country. We are not appointed for life and we do not serve 6-year terms. We represent the average person in this country, and I think we should take every step we can to reassert our responsibility in Congress to represent the people of America as we should.

Therefore, I think it is quite proper that when the Supreme Court makes decisions that are contrary to our beliefs, that this committee should come forth with a recommendation of this nature, not in conflict with those court decisions in this case but in the nature of making the laws we have enacted less subject to evasion and abuse.

Mr. GUBSER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized.

Mr. GUBSER. Mr. Chairman, I have been listening with interest to the colloquy that has been taking place. I think the gentleman from Indiana is inadvertently pursuing a line of argument which leads to a road that he does not want to travel. I am reminded that the very first article in our Constitution creates the legislative branch, and the very first word in that article is capitalized. It is the word "All." All legislative power is vested in the Congress of the United States. The legislative branch is mentioned even ahead of the executive branch. So I do not believe the gentleman really wants to argue that the legislative committees of the Congress should enact only that legislation which is recommended by the executive branch. That is absolutely contrary to the spirit of our Constitution.

I just do not believe the gentleman wants to pursue the line of argument which violates that spirit.

It is true that this amendment was not offered originally by the Selective Service System or any of the Department of Defense people, and it is also true the gentleman's amendment did not emanate from either of those two groups. We are here working our will as a legislative branch of the Government.

Before I conclude and yield to the gentleman, I think we should emphasize one point. The status of conscientious objector, the right to be a conscientious objector, is not a constitutional right. It is not granted to anybody by the Constitution of the United States. It is a right which is granted through legislative action, and the legislative body which grants that right also has the right to attach conditions to that right. That is what is happening here. In the true spirit of constitutional government the legislative branch, the first branch created by the Constitution, which has all legislative power, is working its will.

Our committee considered this at great length. After that great consideration—and I think probably more time was spent on this than on any other section of the bill, a whole day as I remember it—we came up with this piece of legislation, thinking it was fair and equitable, and a proper condition on the right which is granted to conscientious objectors through legislative action.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, I thank the gentleman for yielding.

I will just say that, of course, I am not quarreling with the legislative committee's power to legislate. I am merely making the suggestion that after they have lived with the law for 20 years or so without legislating, then it would have seemed there would have been more reason for what they have done if the military departments concerned had come to them and requested a change—which obviously did not take place.

The thing which we really are doing here, of course, in nine cases out of 10, as the letter from the Assistant Secretary shows, is requiring a man who is a conscientious objector to serve a year or more than the fellow who looks at it the other way, a thing which we have never done before, and which nobody has asked us to do as far as I know.

Mr. FRASER. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, when I first learned about this change to 3 years of duty, I had understood, as the gentleman from California had understood, that this was, perhaps, opening the way to a liberalization of the opportunity for persons to claim the status of conscientious objector and that this might lead to a more humane and just administration of the draft law.

It appears from the colloquy on the

floor that this is not the case. It appears from the colluquy that this 3d year of duty is being imposed by the committee for two reasons. One is that they do not like the decision of the U.S. Supreme Court. As I understand that decision—and I am not an expert on it—it simply attempted to interpret the constitution as it applied to the existing statutory language. I would hope we would always give some heed to court decisions which seek to implement a very fundamental right in our Constitution, a provision to be found in our Bill of Rights.

A second reason for this 3d year seems to be there is some concern about the situation which has developed with conscientious objectors. For myself, had we proposed to go to 3 years of service and said that the U.S. Government will quit inquiring into the validity of a person's personal beliefs and we would take a person's declaration at face value, and then he would serve the 3 years, I would have thought that was not a bad provision, because then the 3d year might be considered to test the sincerity of a person's beliefs, and I would prefer to test them that way rather than to have the Government investigating into a person's private moral judgments or religious values. But that is not the way the provision is written.

I wish this bill had a selective conscientious objector provision. This country is devouring its young. Our young people are the ones who feel most strongly that the war we are currently engaged in is not only a bad war but also is immoral and unjust.

Mr. CONYERS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Ninety-one Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 40]

Abernethy
Addabbo
Anderson, Tenn.
Archer
Arends
Ashley
Blanton
Boggs
Bow
Byrnes, Wis.
Chamberlain
Chappell
Clark
Clay
Collins, Ill.
Colmer
Corbett
Corman
Dickinson
Diggs
Dingell
Edwards, Ala.
Edwards, La.
Esch
Evins, Tenn.
Fisher
Gallagher
Garmatz
Gettys
Giaimo
Green, Oreg.
Green, Pa.
Halpern
Harsha
Heckler, Mass.
Jarman
Johnson, Pa.
Jones, Ala.
Karth
Koch
Long, La.
McClure
McCulloch
McMillan
Meeds
Metcalfe
Miller, Calif.
Minshall
O'Hara
Pettis
Poage
Price, Tex.
Randall
Rangel
Reid, N.Y.
Rodino
Ruppe
Scheuer
Shipley
Sisk
Skubitz
Teague, Tex.
Tiernan
Wilson, Charles H.
Wyatt

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 6531, and finding itself without a quorum, he had directed the roll to be called, when 368 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentleman from Minnesota (Mr. FRASER) had the floor. The gentleman from Minnesota has 3 minutes remaining.

Mr. FRASER. Mr. Chairman, before the quorum call, I was speaking in support of the Dennis amendment which removes the additional one year to be served by those who are in the status of a conscientious objector. I hope this amendment will pass.

I think the colloquy on the floor before the quorum call clearly indicates that there has been no case made for suddenly changing the rules, not in the middle of the stream, but hopefully close to the other side of the stream, close to the time when the United States is disengaging itself from the most distasteful and disliked war in the history of the United States.

The burden of this war has fallen most strongly on those who feel most strongly that this war is wrong. I am sure many young people have claimed conscientious objector status because they have come to believe that the use of force as they have seen it in their young lives, as we have applied it in Vietnam, is wrong and immoral, and they cannot conceive of going to war to fight if that is the pattern of war and the kind of fighting the United States expects of its young people.

I do not see why we seek them out and seek to punish them for claiming a status traditionally provided by the laws of this country to those with sincere moral or religious beliefs, to accord them the right not to have to fight if that is what their beliefs tell them is right.

I urge that this amendment be adopted and that we put the law back as it has been for so many years.

Mr. KEITH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, for the benefit of those who have just joined us on the floor, I would like to point out that in advancing an argument for this present form of the bill, my colleague, the gentleman from Indiana, Mr. BRAY, said if a man should get drunk, what do we do with him? He asked "Why should he not go into the service?" I said he could have charges preferred against him and very possibly go to jail. Certainly we do not want to use the service, which I consider an honorable profession, as a depository for the possible fakers who flunk out of the conscientious objector ranks. We breed nothing but trouble for the unit to which such a poor risk is assigned. I think it would be a real mistake.

The bill, as it comes to the floor, provides that when somebody fails to perform satisfactorily under the terms prescribed, he "shall be inducted." The bill apparently does away with the draft board, which, it seems to me, should properly have this jurisdiction. It should not be automatic. It is just a way of saying that if somebody flunks out as a conscientious objector, he would make a good soldier. That, Mr. Chairman, is what I think we are saying. And that, I think, is not what we want to say—that is not what we want to happen in our fine Armed Forces.

Mr. BRAY. Mr. Chairman, will the gentleman yield?

Mr. KEITH. I yield to the gentleman from Indiana.

Mr. BRAY. Mr. Chairman, since the gentleman has chosen to use my name, I wonder if the gentleman will answer a question?

When I spoke under the 5-minute rule earlier, the matter at issue was as follows: The gentleman well knows that this amendment has two entirely unrelated matters in the amendment.

The matter being spoken of was that if a person claimed to be a conscientious objector and was given that right and was not even caused to wear a uniform, to do some worthwhile service, then if he refused to do that service—there were many different ideas; the man might simply not do it—he would not be brought into the service.

I certainly trust the gentleman from Massachusetts does not believe the conscientious objector should be degraded to the point where, if it turns out the man is not a conscientious objector but is simply lying to get out of the service, he should be allowed to do so. I do not believe the gentleman would go that far and open Pandora's box in such a manner.

That is all that is involved here. Let us say that he deserts the job after 1 week. Should he go free? Or should he be taken into the Army and if he is a good soldier, fine, but if he violates the law be treated accordingly?

I certainly cannot agree with the gentleman's argument. I asked to be heard when the gentleman did take time and mentioned my name. I hope I have made myself clear.

Mr. KEITH. I mentioned the gentleman's name, because he had offered the argument. I have the greatest respect for him as a legislator and as a soldier. But once again I do not believe he has anticipated the kind of response his command would have if they got a "goof-off" conscientious objector as one of the troops in the command. If he were to be sent to the draft board, they would take all factors into consideration. But this amendment appears to automatically put him into the service. Then we would find the service filled up with troublemakers.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. KEITH. I am happy to yield to the gentleman from New York.

Mr. STRATTON. I appreciate the point the gentleman from Massachusetts is making. Of course it is a very good one. But I do not believe the gentleman understands the situation to which this amendment specifically is addressed.

In the first place, there are two kinds of service for conscientious objectors. One is noncombatant service. This is the kind of thing Lew Ayres did in World War II. The fellow who conscientiously objects to shooting somebody else may be willing to serve in a noncombatant capacity. If he is he will serve for only 2 years.

There are others who object to that kind of noncombatant service in uniform. They may conscientiously object to being shot at. In that case the proviso is for 3 years of service, as has already been indicated.

The difficulty has been in the past that when an individual was assigned to some kind of civilian service there has been no policing of it. There has been no follow-up. He might go out and work for a couple of months in some public welfare agency and then disappear. The individual draft boards have been the ones which have been responsible for seeing that he carries out that service, but they just do not have the facilities to do the job.

We have put in this amendment a requirement that the Selective Service Director himself shall carry through on this system and shall determine whether these people are carrying out their service.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. STRATTON. Mr. Chairman, I move to strike out the requisite number of words.

In further response to the very good point the gentleman from Massachusetts has raised, I believe, as I have said, that we have to make sure that people who are assigned to these civilian duties actually carry them out.

The second problem has been that the Supreme Court, as the gentleman knows, recently has ruled that one does not have to be a religious believer in order to qualify as a conscientious objector. This of course makes the question of sincerity even more important. Is the fellow really a conscientious objector, or has he just become a conscientious objector when he got his induction notice?

As the gentleman from Louisiana pointed out a moment ago, the only real test under the recent Supreme Court decision is sincerity. If the fellow carries out the civilian assignment faithfully, then that demonstrates his sincerity. If he fails to perform the assigned job, then there is some question as to whether he really was sincere, and whether he really was entitled to a conscientious objector deferment, and for that reason the deferment is removed and he has to go into the service.

It is certainly not a case of our putting drunks into the service, as the gentleman suggests. It is simply that the requirement for conscientious objection under the law is sincerity. That sincerity would seem to be lacking when a person who has been deferred from military service does not perform even the menial task of a civilian character, which has been given to him in lieu of combat military service.

Mr. KEITH. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I will be glad to yield to the gentleman.

Mr. KEITH. I do not doubt the sincerity of your views any more than you doubt the sincerity of the amendment that has been offered. But as a former CO of a company and having a son-in-law in the service now, I think you are really going to downgrade the military profession by automatically assigning people to it who have done poor jobs as conscientious objectors. I do not see any reference in the bill to any option on the part of the Selective Service to review a case. The bill states that he "shall be inducted" if he fails to perform satisfactorily. So if he does not do a good job, for instance, in a hospital, does that mean he will do a good job in the Army? I do not believe it does.

Mr. STRATTON. Well, the alternative is to let the boy do nothing and to let the one who has been deferred go out and goof off for 3 years. Certainly the gentleman does not want us to assign one young man to do nothing for 3 years and then require another to go to Vietnam and face combat.

Mr. KEITH. That, of course, is not my wish. I would hope, just the same, that the delinquent individual's conscience would trouble him and he would not have any peace and quiet. I do reiterate that I do not want to burden the Army or the Navy with such a character.

Mr. STEIGER of Wisconsin. Will the gentleman yield?

Mr. STRATTON. Yes. I yield to the gentleman.

Mr. STEIGER of Wisconsin. You indicated that there has been a problem because local draft boards have been unable to maintain any kind of cognizance with regard to those who are CO's and who are working in a civilian capacity. I must admit I found nothing in the record, in the hearings—or at least I am not aware of anything—that this is in fact a problem.

Mr. STRATTON. Oh, it is indeed a problem. Dr. Carr indicated this to us. The existing procedure is for the individual draft boards to be responsible for following up on these C.O. assignments to poorhouses, hospitals, and other civilian service. He was perfectly willing to take over this responsibility because he recognized that it is not being properly carried out at the present time.

Mr. STEIGER of Wisconsin. If the gentleman will yield further, it does not answer the question as to the degree to which this is a problem today.

Mr. STRATTON. It is a serious enough problem in my judgment if just one person claims a conscientious objector status and then gets away with 2 or 3 years of doing nothing at all. Certainly, it seems to me, if somebody is going to claim that special status, we ought to make sure that he carries out the civilian assignment given to him as an alternative to combat military duties which are assigned to other inductees.

Mr. BUCHANAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to continue the colloquy with the gentleman from New York (Mr. STRATTON), if possible, because I want to nail down the intent of the committee on the matter of the 3-year requirement.

I understand, in the judgment of the committee, they want to create equity, since a person inducted into the military, including a person who is a conscientious objector, would be subject to 2 years of active service and up to 4 years in the Inactive Reserve. Is that correct?

Mr. STRATTON. The person who is inducted into the service has the obligation of 2 years in active duty and 4 years in the Reserve, and frequently many of these do not realize that they have the obligation when they are called up for training in the summertime, and they write to their Congressmen to try to get out of it.

Mr. BUCHANAN. This would include the conscientious objector who went the military route, would it not?

Mr. STRATTON. No, it would not. If he goes on active duty in a noncombatant capacity, I believe the answer is "Yes."

Mr. BUCHANAN. All right, now, is a conscientious objector who goes into the military service, has he not additionally been subjected to the risk of military service such as if he goes into the Medical Corps, although he is not required to bear arms?

Mr. STRATTON. That is absolutely correct. Certainly, as I have mentioned previously, Lew Ayres who served in the South Pacific was decorated upon a couple of occasions because he risked his life. However, he conscientiously objected to shooting anyone else but not being shot at.

Mr. BUCHANAN. This being the case, I certainly can see the equity of requiring the 3 years of those who do not wear the uniform. However, I am concerned about the intent of the committee when you say "shall be inducted," if a man shall not show up. If he is a pseudo-conscientious objector and does not show up to work in his assigned civilian job you induct him into the service, but is he inducted to serve in a noncombatant capacity, retaining the rights of a conscientious objector, or is it the intent of the committee that he shall be inducted to serve in any capacity including combat?

Mr. STRATTON. Mr. Chairman, if the gentleman will yield further, the intent of the committee is that he would be inducted under the normal procedure and not as a noncombatant.

I refer the gentleman from Alabama to the top of page 15 of the committee report wherein the language requires that in the event the individual registrant fails to "satisfactorily" perform his assigned work responsibilities he will then, under regular procedures, be inducted into the Armed Forces to honor his military obligation.

Mr. BUCHANAN. Now, I am concerned about this "performing satisfactorily." I would hate to see some honest Quaker or Mennonite who did not live up to the requirements of the will of some petty bureaucrat live under the constant threat of induction into the armed services in, perhaps, a fighting capacity unless he pleased the bureaucrat under whom he is working.

What is the intent of the committee in this regard?

Mr. STRATTON. Mr. Chairman, if the gentleman will yield further, certainly the intent of the committee is to give this a reasonable interpretation. Again, I invite the attention of the gentleman from Alabama to the fact that the draft program is to be handled by a Presidential regulation conducted by the Director of the Selective Service System, and I think Dr. Tarr will make certain that "satisfactory service" is interpreted in a reasonable way.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Missouri.

Mr. ICHORD. I would further say, adding to the remarks of the gentleman from New York, that satisfactory work is a question of fact which, of course, could be adjudicated even, perhaps, by the courts. Merely failing to show up for work would not necessarily result in his induction, if there was good and ample reason for his failure to show up.

Mr. BUCHANAN. I thank the gentleman.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I shall be glad to yield to the gentleman from New York.

Mr. SMITH of New York. I would like to direct a question to the gentleman from New York (Mr. STRATTON). If a person is subject to alternative service and refuses to perform that alternative service is he liable for criminal prosecution under the law?

Mr. STRATTON. That is right; that is correct. This penalty is provided under the law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. DENNIS).

The question was taken; and on a division (demanded by Mr. DENNIS) there were—ayes 46, noes 66.

TELLER VOTE WITH CLERKS

Mr. DENNIS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. DENNIS. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. DENNIS, HÉBERT, BRAY, and BENNETT.

The Committee again divided.

The CHAIRMAN. The Chair votes "no" and sends his ballot to the tellers to be counted.

The tellers reported that there were—ayes 132, noes 242, not voting 58, as follows:

[Recorded Teller Vote No. 41]

AYES—132

Abourezk
Abzug
Adams
Addabbo
Anderson, Ill.
Aspin
Badillo
Begich
Biester
Bingham
Brademas
Broomfield
Buchanan
Burton
Carey, N.Y.
Cederberg
Celler
Chisholm
Clausen, Don H.
Cleveland
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Dellenback
Dellums
Dennis
Diggs
Dow
Drinan
Dulski
duPont
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Esch
Eshelman
Evans, Colo.
Findley
Fish
Foley
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton, Tenn.
Gallagher
Gonzalez
Grasso
Gude
Halpern
Hansen, Idaho
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hillis
Hosmer
Howard
Jacobs
Jonas
Kastenmeier
Keith
Kyl
Link
McCormack
McDade
McKinney
Macdonald, Mass.
Matsunaga
Mazzoli
Mikva
Minish
Mink
Minshall
Mitchell
Morse
Mosher
Moss
Murphy, Ill.
Nelsen
Obey
O'Hara
O'Neill
Patten
Peyser
Podell
Poff
Powell
Quie
Rees
Reid, N.Y.
Reuss
Riegle
Robison, N.Y.
Roe
Roncalio
Rosenthal
Roush
Roy
Roybal
Ryan
St Germain
Scheuer
Schneebeli
Schwengel
Sebelius
Seiberling
Shriver
Steiger, Wis.
Stokes
Udall
Ullman
Van Deerlin
Vanik
Waldie
Ware
Whalen
Widnall
Wiggins
Wolff
Yates
Zwach

NOES—242

Abbitt
Abernethy
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Aspinall
Baker
Baring
Barrett
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Blackburn
Blatnik
Boland
Bolling
Bow
Brasco
Bray
Brinkley
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Byron
Cabell
Caffery
Camp
Carney
Carter
Casey, Tex.
Chamberlain
Chappell
Clancy
Clawson, Del
Collier
Collins, Tex.
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Denholm
Derwinski
Devine
Dickinson
Donohue
Dorn
Dowdy
Downing
Duncan
Edmondson
Edwards, Ala.
Erlenborn
Evins, Tenn.
Fascell
Flood
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Fountain
Frey
Fuqua
Galifianakis
Garmatz
Gaydos
Gibbons
Goldwater
Goodling
Gray
Griffin
Griffiths
Gross
Grover
Gubser
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Harvey
Hastings
Hays
Hébert
Henderson
Hicks, Wash.
Hogan
Holifield
Horton
Hull
Hungate
Hunt
Hutchinson
Ichord
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kee
Kemp
King
Kluczynski
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McCollister
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
Madden
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Melcher
Miller, Calif.
Miller, Ohio
Mills
Mizell
Monagan
Montgomery
Moorhead
Morgan
Myers
Natcher
Nedzi
Nichols
Nix
O'Konski
Passman
Patman
Pelly
Pepper
Perkins
Pickle
Pike
Pirnie
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quillen
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Rogers
Rooney, N.Y.
Rostenkowski
Rousselot
Runnels
Ruppe
Ruth
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schmitz
Scott
Shoup
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Watts
Whalley
White
Whitehurst
Whitten
Williams
Wilson, Bob
Winn
Wright
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion

NOT VOTING—58

Archer
Arends
Ashbrook
Ashley
Belcher
Blanton
Boggs
Brooks
Brown, Mich.
Burleson, Tex.
Byrne, Pa.
Byrnes, Wis.
Clark
Clay
Collins, Ill.
Colmer
Corbett
Dent
Dingell
Edwards, La.
Fisher
Fulton, Pa.
Gettys
Giaimo
Green, Oreg.
Green, Pa.
Hanna
Hansen, Wash.
Harsha
Jarman
Johnson, Pa.
Karth
Koch
Long, La.
McClure
McCulloch
McMillan
Meeds
Metcalfe
Michel
Mollohan
Murphy, N.Y.
Pettis
Poage
Price, Tex.
Railsback
Randall
Rangel
Rodino
Rooney, Pa.
Shipley
Skubitz
Staggers
Teague, Tex.
Thompson, N.J.
Tiernan
Wilson, Charles H.
Wyatt
Yatron

So the amendment was rejected.

Mr. FLYNT. Mr. Chairman, I move to strike out the last word.

(Mr. FLYNT asked and was given permission to revise and extend his remarks.)

Mr. FLYNT. Mr. Chairman, when the reading clerk calls the roll on final passage, I shall vote against H.R. 6531, the bill to extend the Selective Service Act for 2 years.

Heretofore, I have supported the Selective Service Act and every extension which has come up since I have been in Congress. I shall continue to support the principle of military service to maintain a strong national defense but I will not today or hereafter vote for a draft bill to start or to continue an undeclared war, including the Indochina war.

It is wrong to continue to compound a 6-to-10-year mistake of drafting young Americans to send them halfway around the world, 10,000 miles from home, to kill and be killed in an undeclared war which we apparently do not have the national fortitude and courage to either win or stop.

I consider this bill today the only head-to-head vote that we have ever had or will have to express our support of or opposition to continuing the Vietnam war. I know that the term "Vietnam war" is not contained in the language of H.R. 6531 but I believe that this is the nearest thing to a vote that we will have in the 92d Congress to vote in support of or opposition to an indefinite continuation of the war in Indochina.

Mr. Chairman, the time has come for us to take a realistic approach to and a hard new look at what the Indochina war is doing to our country and to our people. Our people are more divided than at any time in the last 100 years. I believe the Vietnam war is the reason.

Many Americans like myself and my constituents have supported it because it has been the official position of our country and we have been taught to support our country. I am convinced that a majority of the American people—possible 75 percent or more—oppose the Indochina war even though most of them have not spoken out publicly against it before now.

I am voting against this bill today because I believe it is the only vote I will ever have in the 92d Congress on the issue of the Indochina war. If this bill is defeated and if the Selective Service Act expires on June 30, 1971, it will enable the President to carry out his announced intention of withdrawing the troops from Vietnam without sending new troops over to replace them.

I do not attempt to speak for anyone but myself but in the past when I have voted to extend the Selective Service Act, by that vote I never intended to send young Americans halfway around the world to fight an undeclared war which has used the manpower of over 3,000,000 American soldiers, marines, sailors, and airmen in combat zones. Through March 20, 1971, 54,004 American servicemen have been killed. This figure does not include those killed in the violent attack on an American artillery position last Saturday night.

This war has lasted longer than U.S. participation in World Wars I and II combined.

Never in my life, certainly never since I have been in Congress, have I been confronted with a decision as difficult as my decision to vote against this bill. My conscience will not let me vote to continue to conscript young Americans to fight a war which most Americans do not want and a war which the U.S. Government apparently lacks the courage to either win or stop.

For many years the people of the Sixth District of Georgia cried out almost with one voice: "Win the war in Vietnam."

Then that one voice was changed to: "Win the war in Vietnam or get out."

Today the people of the Sixth District of Georgia have become convinced that the United States is not going to win the war in Indochina and they have now changed that one voice to say: "Get out of Indochina."

The only way I know to get out of Indochina is to stop the drafting of young Americans to fight there and that is my purpose in voting "no" on H.R. 6531.

I reserve the right in the future to vote for a Selective Service Act in order to maintain a position of national defense and national security but I shall not vote for this bill today because I cannot vote to continue to fight an undeclared war in Indochina which our Government has the capacity to win but lacks the will to do so.

Mr. Chairman, this decision has not been reached hastily but is the result of soul-searching thought on my part to arrive at a personal judgment as to the best course for our Nation in this critical point in its history.

My personal decision process on this matter began with the preparation of a letter to the President—President Johnson—on July 18, 1966, and continued with a second letter to the President—President Nixon—on April 17, 1969, in which I warned of the dire consequences to our country of proceeding with an undeclared war with a no-win policy.

I include these letters in the RECORD at this point:

WASHINGTON, D.C., *July 18, 1966*.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Today I have requested an appointment for a brief conference with you to fulfill a commitment which I have made during the past week to many Georgians. These Georgians are devoted to this country and support it and its foreign policy.

This support would be 10 times as strong for an announced policy of victory in Vietnam, to include the destruction of both the will and the ability of the Vietcong and the Government of North Vietnam to wage the war of aggression against South Vietnam and the American Armed Forces committed there.

These Georgians, including my two sons, are willing to make any sacrifice, including the supreme sacrifice if necessary, to insure a victory and to fulfill the honorable commitment heretofore made by the Government of the United States. We are not willing, however, to commit ourselves to a possible 30-year land war on the continent of Asia unless there is an announced determination to destroy the will and ability of the enemy to wage war.

The United States and our people have the capability, the courage, and the determination required to force North Vietnam and the Vietcong to stop their war of aggression and beg to come to the conference table.

I respectfully call upon you to use this Nation's power, courage, and intelligence to terminate this war with dispatch, honor, and victory.

I respectfully call upon you to issue an absolute ultimatum to the Government of North Vietnam, through such channels as you deem appropriate, that it must not under any circumstances treat captured airmen and other military personnel as war criminals for the purpose of trial and punishment.

I had hoped that I might present this to you in person, and I have requested such a conference with you through Mr. W. Marvin Watson, special assistant to the President.

With great respect and high esteem, I am
Sincerely yours,
JOHN J. FLYNT, Jr.,
Member of Congress.

WASHINGTON, D.C., *April 17, 1969*.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: During the Easter recess, nearly everyone with whom I spoke asked my impression of your first three months as President, and of your administration generally.

You would be pleased with what I said publicly and privately. In both prepared remarks and in response to questions, I spoke in very high terms of you as a man of great ability, strong character and great integrity. I praised your Cabinet appointments. I expressed my intention to do my part to make your administration a success and to strengthen our country. I believe my constituents feel the same way.

The overriding issue in the minds of nearly everyone is the Viet Nam war and its conduct. With great respect, Mr. President, a significant factor in your election was the faith that the American people had that you would change the old policy, abandon the idea of appeasement, and either terminate the war by a military victory, or denounce the old policy as a tragic mistake and withdraw unilaterally, if necessary.

The people with whom I talked were *appalled* that the Secretary of State, my good friend Bill Rogers, reportedly told the Senate Foreign Relations Committee that the policy of this administration was not to achieve a military victory.

They feel and I feel that this statement by the chief architect of American foreign policy (next to yourself) was tantamount to a victory for Ho Chi Minh, North Viet Nam and the National Liberation Front. If that is our policy there is no reason for our enemies to come to terms at any negotiating table. When the belligerents are as unevenly matched as the United States and North Viet Nam, a failure for us to prevail militarily is a complete military *and* political victory for our enemy.

War should be avoided at all costs, save cowardice, but once we are committed to war there is *no* alternative than to apply every available means to bring it to a swift and decisive end. War's very object is victory—not prolonged indecision.

There seem to be among your advisers those who fear what China will do and recommend to you a course of action which would appease Red China. Those who so advise you are blind to every clear lesson of history.

The seizure of the Pueblo in 1968 and the shooting down of an American unarmed reconnaissance aircraft on 15 April 1969 would never have taken place except for the apparently indefensible position we take in Viet Nam. All other nations, friend and foe alike, are now looking on us as a gutless paper tiger instead of a world leader.

If this policy continues, we will be subjected to an interminable series of humiliations which include acts of piracy and acts of war.

One of my British friends recently asked me why we were so concerned about the spread of communism in Southeast Asia when we were oblivious to a total Communist take-over 90 miles from the United States mainland. I could not answer.

Mr. President, there may be reassuring facts to which I do not have access. If there are, arrange for these facts to be made available to me. I shall keep inviolate their classified status, but I need such facts in order to give some kind of assurance to the people whom I represent.

I feel that the Paris negotiations are a farce at best and a fraud at worst. They seem to be doing nothing but prolonging the Viet Nam war. This country cannot survive a prolonged war in Southeast Asia or a resumption of the Korean War, and we are perilously close to having to engage in both simultaneously.

Mr. President, I shall support your decision to achieve a military victory or to withdraw. I can no longer support a continuation of the present no-win policy.

This letter is not being written to serve as a springboard for a public statement. It is written because I think the future of our country demands that I write it to you.

I believe that I am entitled to a reply from you because I need some answers for questions which my constituents ask me.

With great respect and high esteem, I am
Sincerely yours,
JOHN J. FLYNT, Jr.,
Member of Congress.

Since June 1966 my friends and constituents have asked me: "What have you done about the Vietnam war and what are you going to do either win it or stop it?"

I have replied that I have done all I could.

I have explained to them that this is an undeclared presidential war and that I have expressed my views and transmitted their views to the President.

My views and theirs have been ignored and now that I have an opportunity to cast a vote which I believe expresses those views, I hereby cast it and vote "no."

Mr. LANDRUM. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to my colleague from Georgia (Mr. LANDRUM).

Mr. LANDRUM. Mr. Chairman, I want to express my hearty approval of the statement made by my friend the gentleman from Georgia, JOHN FLYNT.

From long discussions with him over the past several months I know the decision he has reached and the announcement he has made here of his position on the vote has been an agonizing one to reach. In these discussions I have reached the same decision and it likewise has been a difficult one for me. But, I am convinced not only for the reasons announced by the distinguished gentleman in the well but moreover for the reason that I believe we have needed for a long time to retrieve from the Executive the power to commit a drafted army to combat without a declaration of war from Congress.

I believe that until we do retrieve that power we are not going to have any new direction of a foreign policy that this Nation must have if we are to restore ourselves to a leading position in the free world.

I want to congratulate again my friend from Georgia for taking the time, for the effort he has made to reach this decision and for the time he has given me in the long discussions we have had in arriving at a decision to, for the first time in our careers, oppose extension of the draft.

AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

AMENDMENT OFFERED BY MR. BINGHAM

On page 1, strike out line 3 and all that follows thereafter down through line 22 on page 11 and insert the following:

TITLE I—NATIONAL SERVICE ACT

Sec. 101. This title may be cited as the "National Service Act".

POLICY AND INTENT OF CONGRESS

Sec. 102. The Congress finds that—

(1) the defense of the United States requires that a substantial portion of the young men in the United States must serve, at some time, in the Armed Forces of the United States;

(2) the manpower requirements of the Armed Services are unlikely to be met entirely by voluntary enlistments, and that ongoing provisions for conscription are necessary;

(3) the present Universal Military Service and Training Act, both in conception and administration, works grave and unnecessary inequities on the lives of the young men required to serve under it;

(4) there are many areas of nationally valuable work to which the market economy and Government programs presently supply inadequate amounts of manpower;

(5) young men of draftable age have both the ability to serve effectively in these areas and an idealistic desire to serve their country through participation in them; and

(6) a system of national service which provides an opportunity to effectively utilize these high aspirations and to accomplish these vital tasks, and at the same time provide for the military needs of the United States, is in the greatest national interest.

Therefore, it is the policy and intent of Congress in enacting the National Service Act—

(1) to fulfill military manpower needs by establishing procedures for the selection of men into the Armed Forces of the United States by means of a random lottery;

(2) to provide a free choice for young men between serving their country in a civilian or a military capacity, and to provide within the civilian category a variety of choices;

(3) to encourage civilian service registrants to become employed in areas of social need and to work within these areas in ways which do not interfere with the existing market and labor structure of those areas; and

(4) to create a selection process for the military which eliminates the inequities in the present selective service system.

NATIONAL SERVICE AGENCY

Sec. 103. (a) There is hereby established in the executive branch of the Government an agency to be known as the National Service Agency, and a Director of National Service who shall be the head thereof (hereafter referred to in this title as the "Director").

(b) The National Service Agency shall include a national headquarters, such regional headquarters as shall be established by the President, and such local placement centers as shall be provided by the President.

(c) The Director and three Deputy Directors shall be appointed by the President by and with advice and consent of the Senate and shall serve at the pleasure of the President. No person on active duty with the military forces of the United States shall be considered eligible for appointment as Director, Deputy Director, or any other office or position within the National Service Agency.

(d) Except as otherwise provided in this title, the Director shall appoint, and fix, in accordance with the provisions of chapter 51 and suchapter 111 of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, the basic pay of such officers, agents, and employees as he deems necessary to carry out this title.

(e) The Director is authorized, subject to the availability of funds appropriated for such purposes, to procure such space, personnel, and other material necessary to carry out the provisions of this title.

(f) Within the National Service Agency there shall be established three divisions, each headed by a Deputy Director appointed under subsection (c). These divisions are—

(1) the Civilian Service Division which shall be responsible for the operation and administration of the civilian service as established by this title;

(2) the Military Lottery Division which shall be responsible for the operation and administration of the system for the fulfillment of military needs as provided for in section 110 of this title;

(3) the Registration and Placement Division, which shall be responsible for operation and administration of all local placement centers as established in section 113 (b) of this title.

The Deputy Director in charge of Registration and Placement shall also be responsible for the appointment, within each regional center as authorized in section 103(b) of this Act, of a Regional Registration and Placement Administrator.

(g) Each Regional Registration and Placement Administrator shall appoint a civilian board for his region, none of whose members shall be employees of the National Service Agency, to handle claims as provided for in sections 106(a)(4), 106(b)(2), and 107(b), and shall appoint such hearing examiners who shall hear testimony, make findings of fact and conclusions of law and arrive at a decision as to the merits of any registrant's claim. A registrant shall have the right to appeal any such decision to the regional board as provided in section 107.

SELECTION OF QUALIFIED OCCUPATIONS

Sec. 104. (a) With the assistance of such advisory committees as the Director may establish, the Director shall from time to time promulgate regulations establishing specific occupational categories in which civilian service registrants may serve.

(b) An occupation shall be deemed suitable under subsection (a) of this section if—

(1) the occupation is of substantial social benefit to the community, Nation, or foreign nations wherein the registrants are to perform their service;

(2) Federal participation in the occupational area is constitutionally permissible under the First Amendment to the United States Constitution;

(3) participation of registrants in the occupation will not interfere unreasonably with the availability and the terms of employments of nonregistrant employees;

(4) registrants are able to meet the physical, mental, and educational qualifications that the occupation requires; and

(5) the occupation is in other respect suitable to the goals of this title.

(c) Suitable occupations shall include but not be limited to jobs in the employ of—

(1) State, Federal, and local government agencies;

(2) Public, private, and parochial schools;

(3) Nonprofit hospitals;

(4) Law enforcement agencies;

(5) Penal and probation systems; and

(6) Private, nonprofit organizations whose principal purpose is social service.

Suitable occupations shall not include jobs in the employ of—

(1) profitmaking business organizations;

(2) labor unions;

(3) partisan political organizations;

(4) organizations engaged in religious functions;

(5) domestic or personal service companies or organizations; and

(6) commercial farms.

(d) (1) Any action for the issuance, amendment, or repeal of any regulation promulgated by the Director under subsections (a) and (b) of this section shall be initiated by a proposal made (A) by the Director on his own initiative, or (B) by petition of any interested person, showing reasonable grounds therefor, filed with the Director. The Director shall publish such proposal and shall afford all interested persons an opportunity to present their views thereon, orally or in writing. As soon as practicable thereafter, the Director shall by order act upon such proposal and shall make such order public. Except as provided in paragraph 2 of this subsection, the order shall become effective at such time as may be specified therein, but not prior to the day following the last day on which objections may be filed under such paragraph.

(2) On or before the thirtieth day after the date on which an order entered under paragraph (1) of this subsection is made public, any person claiming that he will be adversely affected by such order if placed in effect may file objections thereto with the Director specifying with particularity the provisions of the order deemed objectionable, stating the grounds therefor, and requesting a public hearing upon such objections. Until final action upon such objections is taken by the Director under paragraph (3) of this subsection, the filing of such objections shall operate to stay the effectiveness of those provisions of the order to which the objections are made. As soon as practicable after the time for filing objections has expired the Director shall publish a notice in the Federal Register specifying those parts of the order which have been stayed by the filing of objections and, if no objections have been filed, stating that fact.

(3) As soon as practicable after such request for a public hearing, the Director, after due notice, shall hold such a public hearing for the purpose of receiving evidence relevant and material to the issues raised by such objections. At the hearing, any interested person may be heard in person or by representative. As soon as practicable after completion of the hearing, the Director shall by order act upon such objections and make such order public. Such order shall be based only on substantial evidence of record at such hearing and shall set forth, as part of the order, detailed findings of fact on which the order is based. The Director shall specify in the order the date on which it shall take effect, except that it shall not be made to take effect prior to the ninetieth day after its publication unless the Director finds that emergency conditions exist necessitating an earlier effective date, in which event the Director shall specify in the order its findings as to such conditions.

(e) (1) Any person who will be adversely affected by such order if placed in effect may at any time prior to the ninetieth day after such order is issued file a petition with the United States court of appeals for the circuit wherein such person resides or has his principal place of business, for a judicial review of such order. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Director or any officer designated by it for that purpose. The Director thereupon shall file in the court the record of the proceedings on which the Director based its order.

(2) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Director, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Director, and to be adduced upon the hearing, in such manner and upon such terms and conditions as the court may deem proper. The Director may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence.

(3) Upon the filing of the petition referred to in paragraph (1) of this subsection, the court shall have jurisdiction to affirm the order, or to set it aside in whole or in part, temporarily or permanently. If the order of the Director refuses to issue, amend, or repeal a regulation and such order is not in accordance with law, the court shall by its judgment order the Director to take action with respect to such regulation, in accordance with law. The findings of the Director as to the facts, if supported by substantial evidence, shall be conclusive.

(4) The judgment of the court affirming or setting aside, in whole or in part, any such order of the Director shall be final, subject to review by the Supreme Court of the United States by writ of certiorari.

(5) The remedies provided for in this subsection shall be in addition to and not in substitution for any other remedies provided by law.

(f) The Director shall from time to time solicit information from all public and private employers who are authorized pursuant to subsections (b) and (c) of this section to participate in the civilian service program on—

(1) what types of jobs, whether existing or newly created for civilian service registrants, each employer would propose to have filled by registrants within the employer's organization;

(2) how many of each type of job the employer believes he could usefully fill;

(3) what effect civilian service registrants would have on his emploment, and particularly hiring, practices; and

(4) what physical, mental, and educational qualifications the employer would require for civilian service registrants filling these jobs.

(g) The Director shall certify specific jobs as qualified for employment suitable for Civilian Service Corps employment according to the regulations promulgated by the Commission under subsections (a), (b), (c), and (d) of this section. The Director shall appoint hearing officers who shall hold hearings on the written request of any employer or registrant adversely affected by a decision of the Director as to the suitability of a specific job as Civilian Service Corps employment. The registrant or employer may appeal the decision of a hearing examiner to the appropriate regional board, as provided in section 113 (f), within thrity days of receiving notice thereof. The decision of the regional board may be reviewed by the Director at the request of the registrant or employer. The decision of the Director shall be final.

(h) The Director shall regularly compile lists on a national basis of job opportunities which qualify within the occupational categories which are currently available, so that registrants shall have information on job opportunities throughout the Nation. These lists shall be available to registrants at local placement centers.

REGISTRATION

SEC. 105. (a) Except as otherwise provided in this title it shall be the duty of every male citizen of the United States to present himself for and submit to registration as the local placement center which serves the area in which he resides within ten days after the seventeenth anniversary of his birth; except that all persons heretofore registered under the Military Selective Service Act of 1967 or prior corresponding provisions of law shall be deemed to have satisfied the registration requirements of this paragraph.

(b) Each local placement center shall, at the time of registration, provide each registrant with detailed information on the nature and scope of the operations of the National Service Agency as provided to each placement center by the Office of the National Director. This information shall include but is not limited to a description of the operation of the military lottery, of enlistment opportunities in the Armed Forces, a list of general occupational categories established by the National Commission pursuant to section 104, and a detailed list of the actual qualified civilian service jobs available in the geographical area.

(c) Each local placement center shall maintain a staff of counselors who shall interview registrants and explain the details of the operations of the national service system.

(d) Each local placement center shall cause each registrant to complete, or where necessary shall complete for each registrant, such forms as may be required by regulations implementing this title, and such information shall be forwarded to the Director. All information contained in these records pertaining to registrants shall be disclosed only to authorized employees of the National Service Agency and to the individual registrant.

EXEMPTIONS AND DEFERMENTS

SEC. 106. (a) The following persons are exempt from participation in the military lottery:

(1) Personnel of the Army, Navy, Air Force, Marine Corps, and Coast Guard; cadets and midshipmen of the United States Military Academy, United States Naval Academy, United States Air Force Academy, and United States Coast Guard Academy; students enrolled in officer procurement programs at military colleges whose curriculum is approved by the Secretary of Defense; members of Reserve components of the Armed Forces and the Coast Guard; persons who served honorably on active duty in the Armed Forces at any time prior to the date of enactment of this Act; members of organized units of the federally recognized National Guard, the federally recognized Air National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, or the Coast Guard Reserve, so long as they continue to be such members and satisfactorily participate in scheduled drills and training periods as prescribed by the Secretary of Defense.

(2) Persons found physically, mentally, or morally unfit on a permanent basis, by standards to be prescribed by the President for any national service, either military or civilian, under this title.

(3) Persons who are not citizens of the United States. Any person who becomes a citizen of the United States after attaining the seventeenth anniversary of his birth and before attaining the twenty-fifth anniversary of his birth shall be registered and treated in all respects as if he had attained the seventeenth anniversary of his birth on the date of his naturalization, except that his liability for service under this title shall not extend beyond the thirtieth anniversary of his birth.

(4) (A) During any period other than the period of a war declared by Congress, persons who, by reason of training and belief, are conscientiously opposed to any participation in the national service system established by this title.

(B) During the period of a war declared by Congress, persons who by reason of training and belief, are conscientiously opposed to participation in war in any form.

(C) In order to establish conscientious opposition under subparagraph (A), a registrant must prove by a clear preponderance of the evidence that service in general in a military and civilian capacity would be a violation of his most profound convictions. In order to establish conscientious objection under subparagraph (B), a registrant must prove by a clear preponderance of the evidence that participation in war in any form would be a violation of his most profound convictions. Whether an individual meets the requirements of this paragraph shall be determined pursuant to the procedure as provided in section 107.

(b) (1) The following persons shall be deferred, under regulations prescribed by the President, from participation in the military lottery:

(A) Persons satisfactorily pursuing a full-time course of instruction at a high school or similar institution of learning shall be deferred until graduation or until the end of the sixth academic year spent following completion of grade eight or the equivalent grade levels thereof.

(B) Persons found physically, mentally, or morally unfit on a temporary basis, under standards to be prescribed by the President, for any national service, military or civilian, under this title, shall be deferred for such time as that condition of unfitness shall continue.

(3) Any person granted a hardship deferment by the civilian board in their region pursuant to paragraph (2) below.

(2) A registrant may present, in writing, a claim of hardship pursuant to the procedure provided in section 107 at any time before or during a registrant's participation in the national service. Upon examination of the registrant's claim of hardship, a civilian board may—

(A) reject the claim as a whole;

(B) determine that the subsistence allowance of a civilian service registrant as provided for in section 13(b) shall be increased to provide for members of the registrant's family who are substantially dependent upon him for financial support, such increase not to exceed $4,000 per year maximum; or

(C) determine that the civilian service registrant be placed in a civilian service job if one is reasonably available which will enable him to reside with those members of his family who are substantially dependent upon him for personal services or for other forms of personal assistance; or

(D) upon a finding of hardship and a finding that subparagraphs (B) and (C) are insufficient either alone or applied together to provide adequately for members of the registrant's family who are substantially dependent upon him determine that the registrant be granted a hardship deferment from national service for as long as necessary; except that upon the twenty-fifth anniversary of his birth, a registrant deferred under this paragraph shall be deemed to have participated in the military lottery and not to have been selected during his period of liability.

CLASSIFICATION; RIGHT TO APPEAL CLASSIFICATION

SEC. 107. (a) Each registrant shall be classified according to regulations promulgated by the Director by the local placement center where he is registered on the basis of information supplied by the registrant to the local placement center. Whenever a registrant's status changes so that he believes that he is entitled to a classification different from that which has been previously assigned him, he shall apply to the local placement center by alleging in writing the facts which he believes entitled him to a different classification.

(b) A registrant may appeal his classification by notifying the civilian board appointed by the Regional Registration and Placement Administrator of that region pursuant to section 103(g) on or before the thirtieth day after receiving notice of any classification by the local placement center. The civilian board shall refer all appeals to a hearing examiner as provided for in section 103(g) to hear testimony, make findings of fact and conclusions of law, and arrive at a decision as to the merits of the registrant's claim. The hearing shall be held as close to the area in which the registrant resides as is practicable.

(c) The registrant may appeal the decision of the hearing examiner to his civilian board within thirty days of receiving notice thereof. The civilian board shall review the whole record and affirm the hearing examiner's decision only if supported by reliable, probative, and substantial evidence. At its discretion, the board may hear further testimony.

(d) Decisions of the civilian boards may be appealed by the registrant to the Director whose standard of review shall be the same as that of the civilian boards, described in subsection (c) of this section.

(e) A registrant who appeals his classification shall be entitled to appeal and to have the right to counsel at all stages of the appeal process. The National Service Agency shall, at its own expense, provide a lawyer for those unable to afford counsel. The hearing examiner shall determine whether the registrant is capable of paying all, some, or none of the cost of counsel. His decision shall be subject to appeal.

ELECTION OF SERVICE OPTION

SEC. 108. (a) Unless exempted as provided in section 106 of this title, each registrant (including those with deferments) on or before ten days prior to his attaining the age of eighteen years shall notify in writing his local placement center of his election to enlist in the Armed Forces, to participate in the military lottery, or to participate in the civilian service program.

(b) Any registrant who elects to enlist in the Armed Forces may have his entry into active service postponed by the Director if the Director finds that a program of education or training proposed to be undertaken by the registrant would enhance his potential contribution to the mission of the Armed Forces, but a postponement granted hereunder shall end at the close of the forty-eighth month after the month in which granted (which may not be before or include the month in which the registrant graduates from high school or similar institution of learning), or at the time the registrant successfully completes or otherwise ceases to engage in such education or training, whichever first occurs.

(c) (1) Any individual who elects to enlist in the Armed Forces pursuant to section 108(a) and who postpones his service pursuant to section 108(b) may, upon request to and approval of the Director, transfer to the civilian service program.

(2) Any individual who elects to participate in the civilian service program pursuant to section 108(a) and who postpones his service pursuant to section 111(a) may, upon request to and approval of the Director, transfer to the Armed Forces.

(d) Upon receipt of the forms provided for the section 105(d) above, the local placement center shall immediately cause the names and registration number of each registrant selecting the military lottery option to be sent to the Deputy Director in charge of the Military Lottery Division. Only those registrants who have selected the military lottery under section 108(a) or those who have been placed in the military lottery as provided in section 118(b) of this title shall be processed as provided in section 110 of this title.

LENGTH OF SERVICE

SEC. 109. (a) Each person selected through the military lottery for service with the Armed Forces of the United States shall serve in active training and service for a period of twenty-four consecutive months, unless sooner released, transferred, or discharged in accordance with procedures established by the Secretary of Defense.

(b) Each person electing participation in the civilian service shall serve in active training and service for that period of time which the Director shall deem appropriate for the particular occupational category into which that person has been placed; except that no person shall be required to participate in active service in the civilian service for less than the period served by those participating in the military lottery or for more than forty-eight consecutive months.

OPERATION OF THE MILITARY LOTTERY

SEC. 110. (a) The Director of the National Service Agency shall establish under this title procedures for the selection of men into the Armed Forces of the United States by means of a random lottery of those individuals who have elected under the provisions of section 108(a) to participate in the military lottery.

(b) The lottery shall proceed by means of random selection. The random selection method will use three hundred and sixty-six days to represent the birthdays (month and day only) of all registrants who have elected to be placed in the lottery pool. On a date to be selected by the Director of the National Service Agency once each year the lottery shall be conducted selecting in a random manner each day of the year for every man who has since the last such lottery been placed in the lottery pool. On the same date, a supplemental drawing will be conducted to determine alphabetically the random selecting sequence by initial letter in surname among registrants who have the same birthday.

(c) The Secretary of Defense shall periodically notify the Director of the National Service Agency and the Deputy Director in charge of the military lottery of the number of registrants required to fill the manpower needs of the Armed Forces of the United States. The Director shall issue orders to report for induction to that number of individuals in the order that their birthdates and names were selected in the military lottery. Each registrant shall remain in the lottery pool for a period of twelve months following the date of the lottery selection for which he is eligible.

(d) A registrant who has received an order to report for induction but who has been granted a deferment under section 106(b) or under a procedure established by the Armed Forces, shall have his induction order stayed indefinitely but shall have his deferment reviewed each year thereafter until the twenty-fifth anniversary of his birth by the board which originally granted his deferment. If it is determined that the registrant can no longer qualify for a deferment, the induction shall be reactivated. When the registrant reaches the twenty-fifth anniversary of his birth, his induction order shall be permanently canceled.

(e) Any registrant who is discharged from the civilian service program pursuant to the provisions of section 118(b) of this Act shall have his name and birthdate placed in the random selection which next occurs following the date of his discharge from the civilian service program and shall remain eligible for a period of twelve months thereafter.

CIVILIAN SERVICE JOBS

SEC. 111. (a) It shall be the duty of each registrant who has elected to serve in the civilian service within six months of his election of civilian service or within six months after his deferment under section 106(b) has expired, whichever is later, either—

(1) to locate and become employed as a full-time employee in a job which has qualified for participation in the civilian service either upon previous application of the employer or upon application of the registrant, as provided in section 104; or

(2) if unable to become employed under (1), to join the Civilian Service Corps provided for in section 112; except that a registrant may not elect to enroll in the Civilian Service Corps until two months after his election or the expiration of his deferment, whichever is later;

except that a registrant may have his duty to comply with paragraph (1) or (2) suspended by the Director if the Director finds that a program of education or training proposed to be undertaken by the registrant would enhance his potential contribution to the mission of the Civilian Service Division, but a suspension granted hereunder shall end at the close of the forty-eighth month after the month in which granted (which may not be before or include the month in which the registrant graduates from high school or similar institution of learning), or at the time the registrant successfully completes or otherwise ceases to engage in such education or training, whichever first occurs.

(b) It shall be the duty of each registrant who has selected a job or a program pursuant to subsection (a) above to remain satisfactorily employed or enrolled for a period of time determined by the Director for the the particular occupational category or program in which the registrant is employed or enrolled as provided in section 109(b).

(c) Public non-Federal and private employers who have employed civilian service registrants shall have the authority at all times to accept, reject, conditionally accept, or dismiss any individual civilian service registrant; except that if it shall be determined by the civilian service that any registrant was rejected or dismissed because of race, color, creed, or national origin, then the Director is authorized to declare under procedures provided in section 104 that the public or private employer be disqualified from inclusion on the official list of civilian service jobs. The employer shall be authorized to reapply for qualification under procedures provided in section 104.

(d) When any civilian service registrant withdraws or is dismissed from a civilian service job, and it is determined by a hearing, as provided for in section 119, that the registrant is to continue in the civilian service, then the registrant shall report to the local placement center nearest to his current place of residence, within ten days of the termination of the hearing, in order to be assigned to a new job or Federal program for the duration of his time obligation.

CIVILIAN SERVICE CORPS

SEC. 112. (a) There is hereby established a Civilian Service Corps which shall be under the direction of the Corps Administrator who shall be appointed by the Director. The Corps Administrator shall be under the immediate supervision of the Deputy Director of the Civilian Service Division. The Civilian Service Corps shall train and employ registrants who elected civilian service and who, having not found employment in a job which qualified for the civilian service, joined or were deemed to have joined the Civilian Service Corps.

(b) In order to operate the Civilian Service Corps, the Director is authorized—

(1) to establish any or all new facilities, including new construction necessary for the operation of the Corps;

(2) to establish necessary provisions for housing of the registrants enrolled in the Corps;

(3) to provide whatever is necessary to insure for the proper medical care of the registrants enrolled in the Corps, including but not limited to the utilization of armed services medical facilities;

(4) To request and utilize the services of any or all—

(A) departments of the Federal Government;

(B) agencies, departments, or units of regional, State, county, municipal, or town governments; and

(C) trade organizations, charitable organizations, educational institutions, any other private or public organization or group or any person or group of persons.

(5) to establish within the Corps programs for registrants who come from deprived backgrounds, which programs shall be essentially educational and training in scope and designed to enable the registrants to enter productive employment for the remainder of their civilian service and thereafter.

ADDITIONAL AUTHORITY OF THE DIRECTOR

SEC. 113. In addition to the authority granted in section 112, the Director is authorized—

(a) to delegate any authority vested in him under this title and to provide for the subdelegation of any authority;

(b) to establish a procedure for compensating all volunteers. Such procedure shall provide that non-Federal employers of volunteers must pay to the Federal Government the same wage paid by the employer to nonvolunteers performing the same or similar work or the minimum wage, whichever is greater, and that the Federal Government will compensate all volunteers at a rate equal to a subsistance allowance based on the cost of living in the geographical areas in which the volunteers work;

(c) to establish procedures to protect all volunteers from discrimination by any employer because of race, color, creed, or national origin;

(d) to utilize, when necessary, the services of all departments of the Federal Government; and

(e) to establish such regional review boards as may be necessary to hear appeals as provided for in sections 104(g) and 107(c).

(f) to prescribe such rules and regulations necessary to carry out the provisions of this title.

APPLICATION OF PROVISIONS OF FEDERAL LAW—REGISTRANTS NOT FEDERAL EMPLOYEES; FEDERAL EMPLOYMENT LAWS INAPPLICABLE

SEC. 114. (a) Except as otherwise specifically provided in this title, a registrant in the civilian service program shall not be deemed to be a Federal employee and shall not be subject to the provisions of laws relating to hours of work, rates of compensation, leave, unemployment compensation and Federal employee benefits.

(b) Registrants in the civilian service program shall be deemed to be employees of the United States for the purposes of the Internal Revenue Code of 1954 and of title V of the Social Security Act (42 U.S.C. 401 et seq.), and any service performed by an individual as a registrant shall be deemed for such purposes to be performed in the employ of the United States.

(c) (1) Registrants in the civilian service program shall for the purposes of the administration of the Federal Employee's Compensation Act, be deemed to be civil employees of the United States within the meaning of the term "employee" as defined in section 790 of title 5 and the provisions thereof shall apply except as hereinafter provided.

(2) For the purposes of this subsection:

(A) The term "performance of duty" in the Federal Employees' Compensation Act shall not include any act of a registrant—

(i) while on authorized leave; or

(ii) while absent from his assigned post of duty, except while participating in an authorized activity.

(B) In computing compensation benefits for disability or death under the Federal Employees' Compensation Act, the monthly pay actually paid by the employer shall be used.

(C) Compensation for disability shall not begin to accrue until the day following the date on which the enrollment of the injured registrant is terminated.

POLITICAL DISCRIMINATION AND ACTIVITY—INQUIRIES CONCERNING POLITICAL AFFILIATION AND BELIEF

SEC. 115. No discrimination shall be exercised, threatened, or promised by any person in the executive branch of the Federal Government against or in favor of any registrant in, or any applicant for enrollment in, the civilian service program because of his political affiliation, beliefs, or activities.

REPORTS BY EMPLOYERS

SEC. 116. Each employer (whether public or private) of civilian service registrant shall submit a report to the Director, in such form and manner as the Director shall require, whenever a registrant leaves or is removed from his employ. Except in cases of the normal expiration of a registrant's obligated service, such report shall state in detail the circumstances of, and reasons for, such termination.

CATEGORIES OF REMOVALS FROM JOB; EFFECT

SEC. 117. Each civilian service registrant shall possess the same rights of employment security against his employer as are enjoyed against such employer by other employees of similar rank and length of service. Any registrant who is removed from a job because of its abolition, or for any other reason not reflecting negatively on his performance, shall not be considered to have violated his obligation with the service; shall be considered to have been withdrawn without prejudice; and shall be eligible for transfer to new jobs within the service for which he is qualified. If a registrant removed for any other reason (hereinafter referred to "for cause"), he shall be liable to disciplinary action by the National Service Agency.

ADVERSE ACTIONS BY THE DIRECTOR

SEC. 118. (a) Adverse action against a civilian service registrant shall be begun by the Director only upon the basis of a special report from the registrant's employer supporting the registrants removal from his job for cause or announcing the registrant's unauthorized departure from his job.

(b) Adverse actions against a registrant may include the imposition of such disciplinary sanctions, up to and including dismissal from the civilian service with loss of any benefits which would accrue as a result of completion of service, as the Director or his authorized representative shall deem necessary. A registrant who is dismissed from the civilian service as the result of an adverse action shall be deemed to have elected to participate in the next military lottery whose date of drawing, as provided in section 110 (b), is after the date of dismissal; except that any such registrant who has completed at least half of his required length of service in the civilian service before his dismissal, and has been selected by the lottery, shall be required to serve only one year in the military.

(c) A registrant may be dismissed from the civilian service only under circumstances involving willful disobedience, insubordinate conduct, conviction of a felony or highly unsatisfactory performance.

(d) Sanctions imposed by the Director against a registrant for misconduct shall not impair any rights of action, public or private, criminal or civil, accruing to any other party against such volunteer by reason of his misconduct.

(e) The Director shall establish procedures for the administrative release of registrants from the civilian service for reasons of health or hardship, where the documented basis in fact for the claim would be at least sufficient to confer an exemption from the obligation to serve. Action leading to such a release may be initiated either by the registrant concerned or by the civilian service. A registrant so released shall remain eligible for all benefits normally accruing to those who have successfully completed their service.

ADVERSE ACTIONS—PROCEDURES

SEC. 119. (a) The Director shall establish and impose administrative sanctions, up to and including dismissal from the civilian service by adverse action, to punish any registrant who fails to fulfill his obligation. He shall promulgate a code of sanctions consistent with the provisions of this Act, by regulation.

(b) There shall be created in the National Service Agency a Legal Corps. All members of the Legal Corps shall be members of the bar of at least one State. Members of the Legal Corps shall preside over each and every disciplinary hearing and each and every appeal therefrom. The Legal Corps shall be divided into a Hearing Division and an Appeals Division.

(c) The Director shall establish procedure for conducting a full and impartial hearing in any case where adverse action against a volunteer is contemplated or has been taken by the National Service Agency. Such a hearing shall be held at the request of the registrant; no registrant shall be dismissed from the civilian service without such a hearing. One member of the Hearing Division of the Legal Corps shall preside over each such hearing, and shall interpret the law and the facts in reaching a verdict and in imposing or upholding such sanctions as are found warranted.

(d) Any registrant whose punishment is imposed or sustained at a hearing held under section 119(c) of this Title may take an appeal in writing to the Appeals Division of the Legal Corps within ten days of the announcement of the hearing judgment. The Appeals Division shall consider all appeals expeditiously. At its discretion, it shall hold an appeal hearing which may make fresh inquiry into both the facts and the law of the case. Such a hearing shall be presided over by three members of the Appeals Division.

(e) The Director shall promulgate rules governing all disciplinary hearings. Such rules shall provide for the right of the registrant to be advised by counsel, to confront any adverse witnesses, and to compel the attendance of witnesses. If a registrant facing a disciplinary hearing or an appeal therefrom desires representation by legal counsel but is unable to pay for it, the civilian service shall provide him with the services of an attorney who has been admitted to the bar of at least one State and is not employed by the civilian service, at no cost to the registrant.

(f) Any resident who has abandoned or been dismissed from any employment shall have the right to a hearing in order to establish that his service has been satisfactory for completion of his obligation within the terms of section 122 of this title.

JUDICIAL REVIEW

SEC. 120. (a) A person suffering legal wrong because of action by the National Service Agency is entitled to judicial review.

Such review shall be within the original jurisdiction of the district courts of the United States by writ of mandamus as provided in section 1361 of title 28, United States Code.

(b) There shall be no judicial review of actions by the National Service Agency or any officer or agent thereof until all administrative remedies provided in this title have been exhausted and Agency action is final.

(c) To the extent necessary to decision and where presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning and applicability of the terms of an Agency action. The reviewing court shall—

(1) compel action unlawfully withheld or unreasonably delayed;

(2) hold unlawful and set aside actions, findings, and conclusions found to be—

(A) arbitrary, capricious, an abuse of discretion, or not otherwise in accordance with law;

(B) contrary to constitutional right, power, privilege, or immunity;

(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

(D) without observance of procedure required by law; and

(E) unsupported by substantial evidence in the case when taken as a whole and based on the entire record.

COMPUTATION OF TIME OF SERVICE

SEC. 121. All the time spent by a registrant from the time of his initial entry into the civilian service shall count toward satisfaction of his obligation except—

(1) time spent in legal detention or incarceration; and

(2) time spent unemployed after voluntary abandonment of a job or dismissal from work for cause: *Provided, however,* That if disciplinary proceedings are instituted by the civilian service as a result of such abandonment or dismissal and the registrant is acquitted of fault, all the time spent unemployed after such abandonment or dismissal shall be counted toward satisfaction of his obligation.

ORDER OF CALL IN EVENT OF WAR

SEC. 122. Notwithstanding any other provision of this title, for the duration of any period of war declared by Congress, all persons subject to this title shall be liable for training and service in the Armed Forces and shall be inducted, unless exempt or deferred, for such training and service in the following order:

(1) Volunteers and delinquents,

(2) Persons in the military lottery pool under section 110 of this title,

(3) Persons in civilian service under this title, those with least service therein first,

(4) Persons under age twenty-six who were not inducted for training and service during their twelve-month period of prime eligibility in the military lottery pool; and

(5) Persons who have completed civilian service under this title.

MISCELLANEOUS AMENDMENTS

SEC. 123. (a) Section 5315 of title 5, United States Code, is amended by striking out

"(70) Director of Selective Service."

and inserting in lieu thereof

"(70) Director of National Service."

(b) Section 5316 of such title 5 is amended by adding at the end thereof the following:

"(128) Deputy Diretcors, National Service Agency (3)."

ADMINISTRATIVE PROVISIONS

SEC. 124. So much of the positions, personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available in connection with the functions, powers, and duties exercised by the Selective Service System immediately before the effective date of this title as the Director of the Bureau of the Budget shall determine shall be transferred to the Director of National Service. The transfer of personnel pursuant to this section shall be made without reduction in compensation for one year after such transfer.

PENALTY

SEC. 125. Whoever knowingly violates any provision of this title or any rule or regulation issued under this title shall be imprisoned for not more than two years.

REPEALER

SEC. 126. The Military Selective Service Act of 1967 (50 U.S.C. App. 451 et seq.) is hereby repealed.

SAVING CLAUSE

SEC. 127. This title does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SEVERABILITY

SEC. 128. If a part of this title is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this title is invalid in one or more of its applications, that part remains in effect in all valid applications that are severable from the invalid applications.

APPROPRIATIONS

SEC. 129. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

EFFECTIVE DATE

SEC. 130. (a) This title shall take effect ninety days after the Director of National Service first takes office, or on such prior date after enactment of this title as the President shall prescribe and publish in the Federal Register.

(b) The Director of National Service and the Deputy Directors of the National Service Agency may (notwithstanding subsection (a)) be appointed in the manner provided for in this title, at any time after the date of enactment of this title. Such officers shall be compensated from the date they first take office, at the rates provided for in this title. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Agency pursuant to this title.

TITLE II—MILITARY PAY AND ACTIVE DUTY STRENGTHS

Page 20, line 4, strike out "Sections 4–11 of this Act" and insert "Section 203–210 of this title".

Redesignate sections 2 through 14 as sections 201 through 213, respectively.

Mr. BINGHAM (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD, since the text of the amendment appears in the RECORD at page 8655 and following.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BINGHAM. Mr. Chairman, it is my intention at a later stage to propose two ameliorating amendments to section 1, but before doing that I wish to offer to this Committee of the Whole the opportunity to vote up or down a proposal for a total overhaul of the draft system. This is a proposal which I made originally last year and which has attracted very substantial support in this House and around the country. This is incorporated in what we have called the National Service Act. It presents a middle course between the all-volunteer Army and the continuation of the Selective Service system as we have known it.

I apologize to the members of the committee for presenting an amendment which is so voluminous. However, the text of it does appear at pages 8655 and following of the RECORD.

The essential element of our National Service plan is to offer young men at age 18 three alternatives: they can sign up and enlist for military service; they can enlist for some civilian service of an approved character; or they can take their chances on being drafted under a lottery system.

This plan avoids many of the grave faults of the present draft system. It would get away entirely from the difficult problem of determining CO status, because any man who felt deeply that he was opposed to serving in the Armed Forces or opposed to the war in Vietnam could undertake to perform civilian service. It would also eliminate the inequities of the deferment system, because if he signed up for either military service or for civilian service, he would be entitled to deferment for further training of a vocational character or for further education.

Mr. Chairman, I am very proud of the support that this bill has attracted from my colleagues. It has been cosponsored by Messrs. ADAMS, ADDABBO, BERGLAND, BYRON, CAREY, Mrs. CHISHOLM, Messrs. DINGELL, FULTON of Pennsylvania, HALPERN, HARRINGTON, HATHAWAY, HAYS, LEGGETT, MEEDS, PODELL, REES, ROYBAL, THOMPSON of New Jersey, TIERNAN, and UDALL.

It has also been endorsed by several distinguished publications, including the Evening Star in Washington, the New York Times, and the New York Post.

The Gallup poll made a public survey as to the support for the basic idea of this bill and reported 71 percent of the American people were in support of it.

I believe the supporters of this plan are entitled to have this major overhaul of the draft voted up or down, especially in the light of the fact that yesterday the all-volunteer approach was rejected. Our plan would eliminate most of the inequities of the present system. It would be a workable system and would, in addition, as many commentators have pointed out, provide this country with a substantial reservoir of civilian labor for purposes that are badly needed. It is contemplated, for example, under this proposal that a National Conservation Corps would be established similar to the CCC of the 1930's to carry out useful projects. Many other useful activities could be carried out under this program if approved by the agency set up to administer it.

For a full discussion of the evolution and of details of the proposal, I would refer the Members to my article in the New Republic of January 16, 1971, which was reprinted in the RECORD at page 1834.

I urge adoption of the amendment.

Mr. HÉBERT. Mr. Chairman, I move to strike the last word.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and members of the Committee, the distinguished gentleman from New York has given much thought and much study to his proposal which undoubtedly deserves consideration.

It is unfortunate that the gentleman was invited to appear before the committee when we were discussing the legislation, but he did not appear. Therefore, we did not discuss it.

I do not think at this time of day there is time during which to discuss an amendment which has this many pages to it on the floor of the House.

Mr. BINGHAM. Mr. Chairman, would the distinguished chairman of the Committee on Armed Services yield?

Mr. HÉBERT. Yes, I am glad to yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding.

It is true that I was invited to appear before the committee. However, I was out of the country at the time. I did request that the hearings be extended so that I would have an opportunity to appear before the committee after my return. That seemed to be impossible, but I did submit a statement in support of the amendment.

Mr. HÉBERT. That is correct and the gentleman knows that he was welcome to do that and to appear before the committee at the time we did have the hearings and we certainly would have welcomed him, because I am sure the amount of discussion on an amendment of this magnitude would have taken quite a length of time.

Mr. Chairman, there is also the question about the constitutionality of the proposed amendment. I shall not go into detail on that but shall put that in the RECORD during the course of these remarks under the unanimous-consent request which I previously obtained for all Members to revise and extend their remarks and to include extraneous matter:

I am not familiar with the gentleman's amendment in full detail. I had no opportunity to discuss it in the committee and neither did the other members of the committee.

Therefore, Mr. Chairman, I oppose the amendment and ask for a vote on it.

THE LIBRARY OF CONGRESS,
Washington, D.C., March 3, 1971.

To: House Armed Services Committee,
Attention: Mr. Slatinshek.
From: American Law Division.
Subject: Constitutionality of Universal Compulsory Non-Military Service.

A system of national service compelling all males within set age limits to perform service in either the military or an alternative civilian force would raise serious constitutional problems. It is highly questionable whether power exists in Congress to conscript men for other than military service. It is also possible that any such system would be held to constitute "involuntary servitude" within the meaning of the Thirteenth Amendment.

In determining whether Congress has the power to institute universal conscription for civilian work, the starting point must be a recognition that Congress has no powers not delegated to it by the Constitution. In the words of Chief Justice Marshall, "(t)his government is acknowledged by all to be one of enumerated powers." *McCulloch* v. *Maryland,* 17 U.S. (4 Wheat.) 316, 405 (1819). The Tenth Amendment also reflects the principle:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The argument that Congress has been delegated power to conscript civilian labor might rely upon interpretation of the power to raise armies, and the power to regulate interstate commerce, or upon interpretation of the "general welfare" clause. Of these powers, only the power to raise armies merits serious consideration.

The "general welfare" clause appears in Article I, sec. 8, cl. 1 under the power to tax and spend, and is not itself a grant of power. The power delegated is to "lay and collect Taxes, Duties, Imports, and Excises," and the words "provide for the common Defense and general Welfare" describe the permissible purposes for which Congress may tax and spend.

"The clause, in short, is not an independent grant of power, but a qualification of the taxing power. *Constitution of the United States, Analysis and Interpretation*, p. 145."

Thus expenditure of tax money to hire persons to work in a "domestic Peace Corps" could arguably be spending "to provide . . . for the general Welfare," and be within the power delegated. Nothing in the power to tax and spend, however, suggests a power to institute compulsory servitude.

The power to regulate interstate commerce is mentioned only because the projects for which labor might be conscripted under a system of universal civilian service might be more related to interstate commerce than to military affairs. There is no precedent, however, which would suggest that the power to regulate commerce comprehends the power to conscript labor.

The power of Congress to compel military service derives from clause 12 of Article I, sec. 8:

"To raise and support Armies, but not Appropriation of Money to that Use shall be for a longer Term than two years."

Although secondary definitions of "army" include "(a) body of persons organized for the advancement of a cause; as, the Salvation *Army,*" and "(a) great number; vast multitude; host; array," it would probably not be seriously contended that anything other than the primary definition was intended in clause 12: "(a) large organized body of men, armed for war and designed for land service." *Webster's New International Dictionary,* 2d ed., Unabridged (1953). Proponents of compulsory civilian service are thus left with the argument that such a system is somehow "necessary and proper" in order to raise an army.

"Let the end be legitimate, let it be within the scope of the Constitution, and all means which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional. *McCulloch,* supra, p. 421."

The "necessary and proper" clause interpreted in *McCulloch* appears in Article I, sec. 8, cl. 18:

"To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

"The Constitutional power of Congress to raise and support armies and to make all laws necessary and proper to that end is broad and sweeping. (citations omitted). The power of Congress to classify and conscript manpower for military service is 'beyond question.' (citations omitted). *United States* v. *O'Brien,* 391 U.S. 367, 377 (1968)."

The "necessary and proper" reasoning is also used to uphold compulsory civilian service as an *alternative* to military service for those qualifying as conscientious objectors. One of the many cases so holding is *Howze* v. *United States,* 272 F. 2d 146, 148 (9th Cir., 1959):

"Compulsory civilian labor does not stand alone, but is the alternative to compulsory military service. It is not a punishment, but is instead a means of preserving discipline and morale in the armed forces. The power of Congress to raise armies, and to take effective measures to preserve their efficiency, is not limited by either the Thirteenth Amendment, or the absence of military emergency."

Although a system which would conscript all young men for service in either the military or a civilian work force might describe the latter as "alternative" service, there would be a major difference in degree between such a system and the current system providing for "alternative" service for conscientious objectors. Under the present system young men who may qualify for a conscientious objector classification (1–O or 1–A–O) are well advised to so indicate when they register at age 18, and draft boards sometimes consider the claim at that time. However, those qualifying for a 1–O or 1–A–O may not be ordered to report for civilian service before they would have been ordered to report for induction if classified 1–A; 32 C.F.R. 1623.2 requires that registrants be given the "lowest" classifications except 1–A as lower than 1–A–O and 1–O.

Thus the present system operates in such a way that the number of men called to report for civilian service is determined by the number required for military service as well as the number qualifying as conscientious objectors. Even during the Vietnam "war" military requirements have been such that many men are not called for service during their years of eligibility. The contemplated universal service system would take these men regardless of military requirements, and, under circumstances falling short of all-out conventional war, the civilian labor force would probably be several times the size of the military force.

Whether the power to "raise and support Armies" and the power derived therefrom to preserve "discipline and morale" of military personnel can be extended to cover such a system is highly questionable. While it may be true for some persons that "misery loves company," and there may be some relation between universal civilian service and the discipline and morale of those whom the universal service system would place in the military forces, it is the power to raise and support Armies which is the "legitimate end," and not the power to bolster morale. The larger the conscripted civilian labor force becomes in relation to the conscripted military force, the more difficult it becomes to derive the power to create such a system from the power to "raise and support Armies."

Chief Justice Marshall's opinion in *McCulloch, supra,* made plain that the "necessary and proper" clause leaves to Congress wide latitude to choose means to accomplish its legitimate ends, and that means "appropriate" to an end are to be upheld unless prohibited by other clauses of the Constitution. In such situations, courts are not to "inquire into the degree of . . . necessity." Marshall's opinion did mention the possibility, however, of a situation in which "Congress, under the pretext of executing its powers, [might] pass laws for the accomplishment of objects not entrusted to the government." Then "it would be the painful duty of this tribunal, should a case requiring such a decision come before it, to say that such an act was not the law of the land." (p. 423). It is possible that the Court might find that its "painful duty" required it to hold that the system of universal conscription resulting in a high ratio of civilian to military service was beyond the power of Congress to enact on the "pretext" of an exercise of its military power.

It might be argued that a system of universal service conscripting all males for service in either military or civilian work would not be significantly different from the present system of "selective" service, at one time intended to establish a system of deferments and exemptions which would "channel" young men into occupations deemed by Congress to be "in the national interest." In some ways the two systems are similar; however universal service devoted in large proportion to civilian service may be a "prohibited" means of achieving the legitimate end of raising an army if it might otherwise be considered an "appropriate" means.

As mentioned above, the Thirteenth Amendment, which forbids the existence anywhere within the United States of "slavery" and "involuntary servitude," has been held not to bar assignment of conscientious objectors to civilian work. The purpose of the Amendment, applicable to both "public and private service," *Robertson* v. *Baldwin*, 165 U.S. 275, 282 (1897), has been described by the Court as follows:

"The undoubted aim of the Thirteenth Amendment . . . was not merely to end slavery but to maintain a system of completely free and voluntary labor throughout the United States. Forced labor in some special circumstances may be consistent with the general basic system of free labor. For example, forced labor has been sustained as a means of punishing crime, and there are duties such as work on highways which society may compel. But in general the defense against oppressive hours, pay, working conditions, or treatment is the right to change employers. *Pollock* v. *Williams*, 322 U.S. 4, 17–18 (1944)."

Those "channeled" into teaching, agricultural work, work in defense plants, college study, divinity school, and other activities thought to be in the national interest, were never deprived of the "right to change employers," and in fact had a fairly broad range of activities from which to choose.

A system conscripting every young man for civilian or military service probably could not maintain this "right to change employers." Then too, while conscription of a relatively small number of men for alternative service as conscientious objectors detracts only to a minor extent from "a system of completely free and voluntary labor throughout the United States," a system of universal conscription would be inconsistent with this "general basic system of free labor."

There remains the reference in *Pollock*, *supra*, to "duties such as work on highways which society may compel." Whether duties other than military service so massive in the aggregate as to be inconsistent with "the general basic system of free labor" fall within this exception has not been decided.

The reference to the power of government to compel work on highways is from *Butler* v. *Perry*, 240 U.S. 328 (1916), which upheld the power of a state to compel able-bodied men to work on the public roads of their county for 6 days of the year, or hire a substitute, or instead pay a tax. The opinion of the Court considered the work requirement in the context of a Thirteenth Amendment challenge and upheld the "conscription" without reliance on the alternatives provided by the statute. Citing Blackstone's *Commentaries* and the fact that twenty-seven states in 1889 provided for conscription on the public roads, the Court concluded that "to require work on the public roads has never been regarded as a deprivation of either liberty or property" (p. 333), and that the Thirteenth Amendment was not intended to change that understanding.

While *Butler* v. *Perry* has not been overruled, and as indicated, was cited with approval by the Court as recently as 1944, there are several limitations to its holding. First and foremost, it should be noted that *Butler* v. *Perry* upheld "conscription" by a state and not to the federal government. States retain broad police powers not delegated to the federal government. Absent a degelation of power to Congress to conscript civilian labor, any power to conscript still existing under the *Butler* v. *Perry* rationale would reside in the states. The Tenth Amendment, *supra*, controls such a situation. Another possible limitation to *Butler* v. *Perry* is the duration of the conscription upheld. Whether conscription for two year's civilian labor would be considered to fall within the principles of duties which society may compel," or would be distinguished in degree from the requirement of six day's service per year is not clear. Finally, the power of conscription might be limited by due process considerations derived from the *Robel, Aptheker*, and *Shelton* cases discussed below: unless Congress could show a strong need to conscript rather than tax, conscription might be held to be an invalid invasion of personal liberty.

State courts have twice upheld forced labor under situations thought to be exigent. A Delaware statute passed during World War I, justified as a war measure in aid of the federal government and in exercise of the police power required all males between 18 and 55, and not in the armed forces or other public employ, to find a "useful or lawful occupation." Those unemployed could be assigned work by a "Council of Defense." The state court, declining comment on what might constitute involuntary servitude in peacetime, upheld the act because of the importance during the war of increasing production, and because of an assumed weakened capacity of the state's police forces to handle vagrants. *State* v. *McClure*, 7 Boyce (Del.) 265, 105 A. 2d 712 (1919).

A Massachusetts city ordinance passed during the Depression conditioned receipt of family assistance by those otherwise unemployed on performing work for the public works department, and was likewise upheld under a Thirteenth Amendment challenge. *Commonwealth* v. *Pouliot*, 292 Mass. 229, 198 N.E. 256 (1935).

"In a period of Depression like the present, it is reasonable to require one in the position of the defendant to work under the conditions shown . . . to meet his obligations to his family. *Id.*, p. 257."

Because these two decisions emphasize the near-emergency conditions under which the laws were enacted, it is unlikely that the rationale could be expanded to apply to peacetime universal conscription. Also, of course, the cases dealt with state police power and not federal power.

In a case in which the legitimate legislative concern of protecting national security impinged upon personal freedoms, Chief Justice Warren, quoting from Chief Justice Marshall's opinion in *McCulloch* v. *Maryland*, *supra*, concluded that "the Constitution requires that the conflict between congressional power and individual rights be accommodated by legislation drawn more narrowly to avoid the conflict," *United States* v. *Robel*, 389 U.S. 258, 268 n. 20 (1967). Although *Robel* involved First Amendment freedoms, it relied in part upon *Aptheker* v. *Secretary of State*, 378 U.S. 500, 509 (1964), which held that protection of the right to travel, derived from the "liberty" concept of the Fifth Amendment's due process clause, necessitated a more narrowly drawn statute. Furthermore, the "right to hold specific *private* employment and to follow a chosen profession free from unreasonable governmental interference comes within the 'liberty' and 'property' concepts of the Fifth Amendment, *Green* v. *McElroy*, 360 U.S. 474, 492 (1959) (emphasis added), as well as the Thirteenth Amendment's right to be free from involuntary servitude, *Pollock, supra*. *Shelton* v. *Tucker*, 364 U.S. 479, 488 (1960), though it involved a state law, also stands for the principle that legitimate legislative purposes 'cannot be pursued by means that broadly stifle fundamental personal liberties when their end can be more narrowly achieved.' "

In view of the available alternatives to universal conscription for both civilian and military service—a volunteer army, continuation of a military draft with or without "channeling," and of course taxation and spending to support labor hired for civilian programs—universal conscription might be held to be an unconstitutional means to achieve the legitimate end of raising a military army.

GEORGE COSTELLO,
Legislative Attorney.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BINGHAM).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HORTON

Mr. HORTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

AMENDMENT OFFERED BY MR. HORTON

On page 4, between lines 4 and 5 insert the following:

"(11) Section 6(f) is amended by inserting "(1) immediately before 'The Vice President' and by adding at the end thereof the following new paragraph:

" '(2) Police officers and firemen of the States, territories, possessions, and the District of Columbia, and the subdivisions of the States, shall, while employed in such positions on a regular full-time basis, or while pursuing a course of education or training in law enforcement or firefighting conducted by the United States or by a State, territory, possession, or the District of Columbia, or a subdivision of a State, be deferred from training and service under this title in the Armed Forces of the United States.' "

Mr. HORTON. Mr. Chairman, at the outset I think it is appropriate to commend the gentleman from Louisiana, the chairman of this committee, for, first, expeditiously taking up the matter of the extension of the Selective Service Act; and, second, for the manner in which he conducted the hearings and also the manner in which he has conducted the floor work here the last 2 days and today before the House of Representatives.

I want to commend the gentleman and the members of the committee for the fine manner in which they have handled this legislation. I also want to indicate my support of the legislation. I have long been a supporter of the all-volunteer service concept. I think major efforts have been made in this bill to provide that first step which I think is so important at this time.

Mr. Chairman, my amendment provides for a statutory draft exemption for police officers and firemen and trainees for these positions.

The text of my amendment follows:

Page 4, between lines 4 and 5 insert the following:

"(II) Section 6(f) is amended by inserting '(1)' immediately before 'The Vice President' and by adding at the end thereof the following new paragraph:

" '(2) Police officers and firemen of the States, territories, possessions, and the

District of Columbia, and the subdivisions of the States, shall, while employed in such positions on a regular full-time basis, or while pursuing a course of education or training in law enforcement or firefighting conducted by the United States or by a State, territory, possession, or the District of Columbia, or a subdivision of a State, be deferred from training and service under this title in the Armed Forces of the United States.' "

Last year, Mr. Chairman, the President of the United States, under power vested in him, ended all occupational deferments as part of his commendable effort to make the selective service process a more equitable one.

While I am in full agreement with the basic premise behind this move, there is one instance in which I believe it is self-defeating from a national defense standpoint to refuse deferments on an occupational basis. I am referring to selective service policies affecting the police officers and firemen who make up our first line of defense against crime, natural disaster, domestic violence, and other disruptions at home.

Mr. Chairman, I am not a newcomer to this issue. Spurred on by knowledge of recruitment and force-level problems of several police and fire departments across the Nation, I have sought through legislation and through administrative channels to reverse the policy against granting a draft deferment to policemen and firemen. I am offering this amendment because I think the House should have an opportunity to consider and to act on this single area where our priorities for defense internationally and domestically collide head-on.

Police and firemen are different than any other occupational category in their entitlement to deferments. Unlike persons with sensitive or vital technical skills and others who have sought categorical deferment in the past, these men face dangers and conditions that are quite similar to those faced by men in the Armed Forces. I do not have to point to statistics of police and firemen killed or injured in the line of duty to make the point that there is a great deal and a great danger of personal sacrifice involved in crime fighting and firefighting.

The fact is that the rate of domestic crime, bombings, and other disruptions and threats to the safety of our citizenry is growing faster than the level of real international threats to our security. Yet, despite the economic slump we are facing, many police and fire bureaus across the country are still unable to maintain force levels adequate to do their jobs.

The problem is particularly acute for small police forces, but is also chronic with many medium- and large-sized cities.

The idea behind this amendment is not to provide a draft deferment so that young men will flock into our Nation's police and fire bureaus as havens from the draft. On the contrary, most police forces and many fire bureaus maintain very high physical and moral standards for applicants. This factor, in addition to the rigors and risks involved in police and fire work would mean that these occupations would not be a comfortable haven from violence or from service in the Armed Forces.

The problem this amendment seeks to solve is the significant number of men who are selected for police and fire work, and who are trained for this work, only to be taken off the job of domestic defense by the draft. In my home city of Rochester, N.Y., some of the best young men who are recruited and trained for the police department, or as sheriff's deputies are plucked from their law-enforcement careers by the selective service. This is particularly true for those who come to these occupations from schooling beyond high school, whose draft eligibility falls after the normal age of prime draft eligibility of 19 to 20 years. In other words, those policemen and firemen most likely to be drafted from duty are those who come to these careers with some advanced schooling. Those seeking these careers directly out of high school are usually drafted, if they are going to be, before they can get into law enforcement or firefighting jobs. So that those who are best equipped and best trained are those most often lost to the draft.

Another argument that is offered against granting police and fire deferments is that some of the best police officers are those who come into police work from experience in the military. I do not dispute this, nor do law-enforcement executives dispute this fact. Military training and service is very often excellent training and discipline for a career of service in these domestic fields. But the plain fact is that not enough veterans have come forward for these jobs, police bureaus have not always been able to fill their ranks with enough qualified men with military backgrounds. They still must be able to recruit qualified and highly motivated nonveterans for police and fire work.

Mr. Chairman, where the alternative to military service is service in our police and fire bureaus, and in county sheriff's departments and State police and highway patrols, I feel that national policy must make this alternative service possible in every case. Under present policy which refuses police and fire deferments, we are imposing the judgment that in every case military service has a higher priority than the fight against crime and disaster in our cities and towns. FBI figures just released last week show that the crime rate is still climbing many times faster than our population growth rate. We need capable people in great numbers to restore safety and security to our constituents in their homes and in the streets of our communities.

Thus, I urge my colleagues to support my amendment to provide a statutory draft deferment for those pursuing full-time work or training in the law-enforcement and firefighting fields.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I thank my colleague, the gentleman from New York, for yielding, and I commend the gentleman heartily for introducing this amendment.

Mr. Chairman, I rise in support of the amendment offered by my colleague from New York (Mr. HORTON) which would give full-time policemen, firemen, and men in training for these positions, deferments from the military draft.

This Nation has been faced with a serious shortage of qualified policemen and firemen at a time when crime is on the rapid increase. Moreover, the risk to life and limb for both policemen and firemen is far greater today than it ever was.

In fact, in the month of February alone, 17 police officers were killed and 120 were seriously injured in assaults with weapons. Since July 1, 1970, 68 policemen have sacrificed their lives to protect our citizens and over 1,200 were wounded.

In New York City, frankly, there is a greater percentage of deaths among the 32,000 police officers working there than among a comparable group of 32,000 draftees on the front lines in Southeast Asia.

This alone would justify the increase; however, if we are going to fight the war against crime effectively we will need qualified men in sufficient numbers.

This very worthwhile amendment will provide a legitimate aid to police departments in recruiting new officers. At a time of national concern over the increased amount of crime and the lack of personal safety, the job of the policeman and fireman are certainly within the scope of national defense. And, to be sure, the risks involved in these jobs are just as real as those experienced by a combat soldier.

Our cities have been called the battlegrounds for the urban guerrilla. Let us help give our police departments the men and wherewithal to fight that menace to our very society that attacks from within.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I am glad to yield to the gentleman.

Mr. GUDE. Mr. Chairman, I commend the gentleman for his amendment to exempt policemen and firemen from the draft, and I urge that it be adopted.

I believe the exemption could serve as an aid to recruitment of personnel for two of the community's most important and most dangerous jobs. Our police and firemen are on the front lines every day, protecting people and property from injury and destruction. I think it is fair that such a vital and hazardous duty should qualify as a legitimate substitute for service in the Armed Forces.

An adequate level of police and fire protection is essential to the security of the community and the reduction of crime. The achievement of the full authorized strength of Washington's police force has contributed greatly to slowing the rate of crime. But the process of recruiting the needed manpower has been costly and slow. The amendment of the gentleman from New York is an equitable and effective means of speeding up the recruitment process and meeting an urgent national need.

Mr. HORTON. I thank the gentleman.

Mr. LEGGETT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think that the points of the gentleman from New York in support of deferment for some policemen and firemen are perhaps well taken, but I think we are forgetting the discretion that the President of the United States currently has with regard to this.

The present law, which we are not affecting by this legislation, provides:

> The President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of any or all categories of persons whose employment in industry, agriculture, or other occupations or employment, or whose continued service in an Office (other than an Office described in subsection (f)) under the United States or any State, territory, or possession, or the District of Columbia, or whose activity in graduate study, research, or medical, dental, veterinary, optometric, osteopathic, scientific, pharmaceutical, chiropractic, chiropodical, or other endeavors is found to be necessary to the maintenance of the national health, safety, or interest.

So the President of the United States currently has this power.

If you will recall, the President in a speech last year and in a speech the year before last, said that these deferments for occupational reasons had been grossly overworked. He said that what we need is to move to zero draft calls, but that in the meantime we need to equitablize the law as it now stands.

The President has instructed the Selective Service director to move away from allowing all of these occupational deferments. That is exactly what they are doing now, within the discretion of the President.

If we move ahead with legislation to limit that discretion, I think we are going to be creating new additional loopholes that perhaps may be helping New York City and a few other cities from time to time, but we are not going to do anything in the national interest and we are going to be confounding this bill.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman.

Mr. PIKE. I would simply say that I would have a little difficulty in explaining this particular amendment in my hometown. The firemen in my hometown happen to be volunteer firemen and not full-time firemen. They are only firemen when there is a fire. To say that they are not exempt, but that full-time firemen are exempt would not go very well where I live. So I would have to oppose this for that reason, even if I did not agree with all of the other reasons.

Mr. LEGGETT. I thank the gentleman for his remarks.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HORTON).

The amendment was rejected.

AMENDMENT OFFERED BY MR. WOLFF

Mr. WOLFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. WOLFF: On page 10, line 13, after "registrant." insert the following new language:
>
> "Any person who has any claim or question with respect to his registration, examination, classification, selection, assignment, or induction under this Act shall be entitled to retain and to be accompanied, represented, and advised by counsel before the local board or separate panel thereof and at every stage of the appeal proceedings therefrom. Every person who is required to register under this Act shall be informed of his right to counsel at the time of his registration, at the time he is classified or reclassified, and at the time he is inducted. Upon request by the registrant or his attorney, the local board shall furnish in writing, at least five days prior to the personal appearance of the registrant before the local board, the reasons why his requested classification has been rejected."

Mr. WOLFF. Mr. Chairman, my amendment would add new language to section 10(b)(3) of the Military Selective Service Act to extend to every registrant under the act the right to legal counsel.

The effect of the amendment would be to insure that every young man classified or processed under the act would have the right to be accompanied by a lawyer before his local board and at every stage of any appeal proceedings therefrom. In addition, the amendment would require the Selective Service System to inform every person required to register under the act of his right to counsel at each stage of his processing—at the time of his registration, at the time he is classified or reclassified, and at the time he is inducted. Upon request by the registrant or his attorney, the local board would be required to furnish in writing, at least five days before the personal appearance of the registrant before the board, the reasons why his requested classification had been rejected.

Essentially, this amendment incorporates the language of a bill I sponsored last year with the distinguished gentleman from Texas (Mr. ECKHARDT) and a number of our colleagues. In my judgment, one of the most serious flaws in our current draft system is the lack of assurance that registrants will be informed of their rights, and that they will have sufficient information to exercise them. Because of the lack of legal sophistication of many draftees, they may be unaware of the appeal processes which are open to them. Even if they are informed of those rights, they may be unable to argue their own cases successfully before the board because they have insufficient knowledge of precedents and other factors which might influence the board's decision. Availability of legal counsel during proceedings before the board, and the possibility of being represented by counsel before the board, would do much to improve the registrant's status.

It is true that, as the Selective Service System pointed out in comments on our bill (H.R. 11934) last year, the functions fulfilled by local and appeal boards are essentially administrative ones. The Selective Service System, therefore, felt that the right to counsel, which would be appropriate in judicial or quasi-judicial proceedings, would not be appropriate during the classification and appeal process. However, it seems to me that the principles of due process should be applied even during administrative proceedings, especially when a young man's future, or even his life, may be at stake. Knowledge of one's standing before the decisionmaking body, knowledge of one's rights, and the right to counsel are elements inherent in due process. They should, therefore, be available to registrants under our Selective Service System.

The legal and administrative definitions which now surround the questions of the draft, conscientious objection, medical qualification, and academic standing have become so complicated that no layman could hope to keep track of all the factors involved. Legal counsel must be available to registrants if the basic requirements of due process are to be met, and I, therefore, urge the adoption of my amendment.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore (Mr. CAREY). The gentleman from Louisiana is recognized.

Mr. HÉBERT. I must say that I do agree with the gentleman. This is a very simple amendment. It would simply foul the whole thing up. The Selective Service Administration, Dr. Tarr, and everyone who administers the act, in talking this over, have said that it would be absolutely impossible to administer the act under the conditions proposed. It would make an adversary proceeding out of the entire system. It would be a judicial procedure instead of an administrative procedure. There was testimony before the committee on the subject and the committee rejected the amendment.

Mr. WOLFF. Mr. Chairman, will the gentleman yield for a question?

Mr. HÉBERT. I yield to the gentleman from New York.

Mr. WOLFF. Before every board of the Federal Government a man is permitted to appear with counsel. Why is it that the Selective Service Board is excepted from this type of procedure?

Mr. HÉBERT. Under the Selective Service System an individual has the right to demand his personal appearance before the Board. This is not an adversary proceeding. It is an administrative proceeding. In the event the registrant does not get the action for which he pleads, he then can certainly have the advice of counsel filed by himself on his own volition. So he is not denied the right of advice.

But the presence of counsel would make this an adversary procedure, a judicial procedure, impossible to administer in accordance with the Selective Service Act. I am following exactly what we have been told in connection with this subject.

So, Mr. Chairman, I oppose the amendment and ask for a vote.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. WOLFF).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FRASER

Mr. FRASER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

AMENDMENT OFFERED BY MR. FRASER

On page 1, between lines 7 and 8 insert the following:

"(2) Section 4(a) is amended by adding at the end thereof the following new paragraphs:

"'Except as may hereafter be authorized by law, no person who is inducted after December 31, 1971, for training and service under this title may be required to serve on duty in Indochina. Any change in any regulations or policies relating to military personnel which would have the effect of extending the tour of duty in Indochina of any person (without the express consent of that person to such extension) who was inducted before January 1, 1972, for training and service is prohibited.

"'The aggregate number of calls for induction which may be made pursuant to section 5 of this title during calendar year 1971 such calls which were made in calendar year 1970.'"

Mr. FRASER. Mr. Chairman, this amendment is offered by me and a number of others who have indicated an intention or desire to cosponsor it. They include:

Charles A. Mosher, Ohio.
F. Bradford Morse, Massachusetts.
Abner J. Mikva, Illinois.
Donald M. Fraser, Minnesota.
Ken Hechler, West Virginia.
Don Edwards, California.
Phillip Burton, California.
Herman Badillo, New York.
Charles Vanik, Ohio.
Sam Gibbons, Florida.
William (Bill) Clay, Missouri.
William R. Anderson, Tennessee.
Frank Thompson, Jr., New Jersey.
William D. Ford, Michigan.
James H. Scheuer, New York.
Patsy Mink, Hawaii.
Thomas M. Rees, California.
Al Ullman, Oregon.
John Conyers, Jr., Michigan.
Margaret M. Heckler, Massachusetts.
Edith Green, Oregon.
Gilbert Gude, Maryland.
Jerome P. Waldie, California.
Lester L. Wolff, New York.
Jonathan B. Bingham, New York.
Henry Helstoski, New Jersey.
Benjamin S. Rosenthal, New York.
William F. Ryan, New York.
Edward P. Boland, Massachusetts.
Michael Harrington, Massachusetts.
Seymour Halpern, New York.

What does this amendment do? What it does is to end mandatory service in Indochina by persons inducted after the end of this year. It says that persons inducted after December 31, 1971, cannot be required to serve in Indochina.

In order to protect against any evasion of this limitation, we are providing that the Pentagon may not issue more calls in 1971 than they did in 1970, so that they cannot balloon the manpower requirements between now and the end of this year.

It also provides that there cannot be any changes in existing regulations governing tours of duty which have the effect of involuntarily requiring extension of service in Vietnam so as to throw the burden on those already serving.

What is the effect of this amendment? I think that it should be considered a tapering-off amendment. The manpower in Vietnam for 1971 has already been drafted and has been trained. The manpower that will serve in Vietnam in 1972 has been almost all drafted and is in the process of being trained, because there is about a 6-month leadtime between the time of induction and the time of service. So when we say people drafted after December 1971, of this year may not be required to serve in Vietnam, we are talking about manpower that would be serving the latter part of 1972 and into 1973.

Note that we are talking about a requirement of service in Indochina. We are not prohibiting persons who enlist from serving in Vietnam, nor persons who are drafted from serving in Vietnam if they are agreeable to it, even if they are drafted after the end of this year, and we are not disturbing the draft itself. The draft will continue unimpeded to provide manpower for Europe and for the rest of the military force structure of the United States, and even for Vietnam if we are still there—and I surely hope we are not—but at least it will say that draftees need not serve in Vietnam if they are drafted after the first of the year. The man must consent. It must be a voluntary agreement to serve there.

We have 306,500 men in Vietnam now. The President has projected by May 1 of this year it will be down to 284,000. We are probably going to hear next week, on April 7, the Presidential announcement that the rate of withdrawal from Vietnam will go to at least 15,000 a month. What that means is that by January 1 of next year, we will be down to 164,000 men, and if they continue at the same rate by the end of next year we will be down to 14,000 men in Vietnam.

The fact of the matter is that if the President decides to get out of Vietnam in 1972, we really do not need to send over any replacements at all. All we have to do, as the tours of duty come to completion, is to bring the men back home, and there is a gradual tapering down of the manpower requirements, so that by the end of 1972, we will be out of Vietnam. So the practical effect of this amendment is very small indeed.

What it will do is act as a signal for the administration that we are determined to disengage from Vietnam. But it also leaves the draft intact to service the other force level requirements of the U.S. military.

We need to bring an end to this cruel choice we have put upon the young people of this country. They really believe this war is wrong. They believe it is immoral. Now, under the Supreme Court decision, we have said, "If you do not believe that all wars are wrong or that you are not prepared to fight in any war, then you either go to Vietnam or you go to jail or you go to Canada or you go into hiding."

The CHAIRMAN pro tempore (Mr. Carey of New York). The time of the gentleman from Minnesota has expired.

(On request of Mr. Pike, and by unanimous consent, Mr. Fraser was allowed to proceed for 2 additional minutes.)

Mr. FRASER. Mr. Chairman, if my amendment is accepted the draft will continue as is for 9 months and then, and only then, will we say to those inducted after that time they no longer may be compelled to go into the Indochina theater.

Mr. PIKE. Mr. Chairman, will the gentleman yield for a question?

Mr. FRASER. I am glad to yield to the gentleman from New York.

Mr. PIKE. I believe I would personally support the amendment, and I guarantee I am not speaking for the committee, but I should like to ask a question.

Would it prevent a draftee from being sent to Korea? That is question No. 1.

Mr. FRASER. It would not.

Mr. PIKE. What would then prevent our sending a whole battalion of draftees to Korea and then transfering the battalion already in Korea to Vietnam.

Mr. FRASER. There would be no reason why that could not be done, nor would there be any reason why we could not send draftees to Europe and bring contingents from Europe, if we are still in Indochina, to serve in Indochina.

What we are doing is saying that from the end of this year on no young person can be compelled to go to Indochina against his choice. We are saying to the administration, "Wind down this war." This gives them all the latitude they need. At least we would bring an end to the way we seem to have of devouring our young with unconscionable choices, which is wreaking havoc with the young people of America.

I urge support of this amendment.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment.

I shall not use the entire time. I suggest in this particular instance, while I respect the presentation of the gentleman from Michigan and his objectivity, this statement that this would have no particular damage I cannot accept as being accurate. I use as the authority for making that statement the statement by the military themselves.

The Joint Chiefs of Staff came before our committee. This very subject was discussed. It was discussed with the gentlemen in charge of that responsibility in the military, and they were asked specifically the question on the amendment the gentleman from Minnesota offered, and they said they could not live with it, that it would destroy our ability to meet our commitment in Indo-China.

Therefore, I certainly do oppose the amendment and very vigorously, because I rely on the expertise of those in charge of that responsibility.

I ask for a vote.

Mr. RYAN. Mr. Chairman, I rise in support of the amendment.

I am very pleased to join my colleague from Minnesota (Mr. Fraser) in presenting this amendment to the House. I have long advocated that draftees, who do not consent, not be required to serve in the undeclared war in Southeast Asia. Draftees have borne a disproportionate burden in that war.

In 1969, when the 1969 amendments to the Military Selective Service Act of 1967 were before the House, I offered a similar amendment.

I testified before the Armed Services Committee this year in support of legislation which I have introduced which would prevent the sending of nonconsenting draftees to Vietnam (H.R. 1564). I do not believe that a draftee should be sent to risk his life in the Vietnam war as long as Congress has not declared war.

It is clear—in cold, hard statistical terms—that draftees have borne an undue burden in this tragic, undeclared war. As I said when I appeared before the House Armed Services Committee this year:

> (T)hrough March, 1970, 13,097 draftees had been killed in Vietnam as a result of enemy action. Another 1,545 had died from other causes. An Army study . . . showed that, for the course of the war, for an Army draftee, the chance of being killed was 2.44 percent, and the chance of being wounded was 10.54 percent—or a total of 12.98 percent. For a nondraftee enlisted man, the chance of being killed was 1.58 percent and of being wounded 6.84 percent, or a total of 8.42 percent. Thus, a draftee has about a 54 percent greater chance of being killed or wounded than did his Regular Army counterpart. (Hearings, p. 679.)

The glaring fact is that draftees have borne a very major—and disproportionate—burden of this war.

And it is clear that this should not be so. As I said on October 30, 1969, when I offered an amendment similar to the one being offered today—which was at that time ruled nongermane:

> The Constitution states that Congress alone has the power to declare war. Young men being drafted today theoretically are being called to serve in peacetime, because there has been no declaration of war, but peacetime does not exist. So young men are being drafted and sent to risk their lives in Vietnam in a military action which is undeclared by the Congress.

And that war still has not been declared, yet the killing and destruction still go on.

Although this amendment will not bring the war to an end, it will hasten that day. As has been pointed out, authority will still continue until December 31 to use inductees in Vietnam. And volunteers will not be exempt from service there.

I would prefer to end the assignment of draftees immediately. But I hope the House will support this amendment so that young men will no longer be drafted to fight against their will in a war which this country now has repudiated.

Of course, the only answer to the agony is to end the war.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. RYAN. I am happy to yield to the gentleman.

Mr. GUDE. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this amendment, directing that draftees inducted after December 31 of this year will not be required to serve in Indochina. The amendment has been offered by Members from both sides of the aisle as a reasonable means to encourage the winding down of the war. Its effect would be to limit American involvement in Indochina to a level than can be sustained by volunteers.

Steady progress has been made by the Nixon administration in reducing the combat role of American servicemen in Indochina. I believe that Congress, with the power to raise and support armies, should accelerate the achievement of this policy. The amendment would not accomplish complete withdrawal of American forces by the end of this year, a policy many of us favor, but it would bring us closer to that goal. Adoption of the amendment could improve the morale of both volunteers and draftees in the Armed Forces, and would demonstrate to a war-weary people that we hear what they are saying.

Mr. BRAY. Mr. Chairman, I rise to oppose the amendment.

I am certainly very interested in ending this war rapidly, and I frankly think everyone in this body feels the same way about it, but I do not believe that the author of this amendment has thought about the problem involved in having two classes of soldiers. I think that such a situation would only make it more difficult to stop the war in an honorable matter.

I have been trying to envision what it would be like to have one type of soldier that could go to Vietnam and another type that could not go to Vietnam. I think it would open up a Pandora's box and defeat the very purpose we are trying to accomplish here.

I do not question the sincerity of this amendment. It sounds very good on the surface, but I am satisfied that it would not work. I, for one, trust in the sincerity of the President and our Chiefs of Staff in wanting to get this war over with as fast as they can. They are today doing a job that three years ago would have seemed impossible. I am proud of the job that is being done by them. I want to encourage them. I do not want by any vote or action of mine to place any impediment in the way of this progress.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. BRAY. Yes. I yield to the gentleman.

Mr. BINGHAM. I thank the gentleman.

With regard to the practicality of administering this amendment, is it not true under the procedures followed in the armed services today that there are certain categories of personnel who are not sent Vietnam? I have reference to those who are the surviving sons of a family who have other brothers who were killed in Vietnam. Does not that procedure indicate that it would be practical to make distinctions of this kind?

Mr. BRAY. That is the situation, and many times it has been necessary to call the attention of the commander in charge to that fact.

I have written quite a few letters, touching upon this subject advising the serviceman as to his rights, but this regulation involves but few and doesn't present the problem that they amended would present.

Mr. Chairman, I am not questioning the sincerity of the people supporting this amendment. I am saying it will not work and I can see nothing it would gain.

Mr. VANIK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the amendment to restrict the use of troops in Vietnam.

Mr. Chairman, the continuation of the draft is under serious attack today because of our Vietnam involvement. The continuation of the draft is under serious attack, because a disproportionately large number on the draftees became casualties in Vietnam. The fact of the matter is that the draft produces 14 percent of the manpower in Southeast Asia while draftees constituted 33 percent of the casualties in Vietnam.

It seems to me, Mr. Chairman, that whatever remains to be done in Vietnam should be and could be better done with our better trained professionals.

Mr. CARNEY. Mr. Chairman, will my distinguished colleague yield to me at that point?

Mr. VANIK. I am happy to yield to my colleague from Ohio.

Mr. CARNEY. Mr. Chairman, this is the first public speech that I have made before the House except to acknowledge that I was here. I do it with trepidation. I do it with just a little bit of apprehension.

Mr. Chairman, I was one who was described as a hawk for a long time.

Last night in my office I got a call from a family which had lost a boy in Vietnam. Since I have been here in the Congress, since last November 16, this has happened on four separate occasions. It just so happens that everyone of the four from my district who called me happened to be personal friends.

I stated before that I was a former hawk, but the one tragic thing about this war is that we have not leveled with the American people. Why, I do not know. I do not know why America is involved in Vietnam. They tell me and from what I read in the papers that we are in Vietnam to guarantee the South Vietnamese people the right to vote and the right of self-determination. Still, Mr. Chairman, there are people who feel that the American Negroes and the American Indians do not have the right to vote and do not have self-determination.

If we are for freedom for these people, let us be for freedom for our own people. If there is something behind this thing, we should tell the American people. This is not a declared war.

I happen to remember the patriotism of pre-World War II. I was one who tried to enlist but was turned down because of physical disability. Six of my brothers served in World War II. I have one brother who is and has been in a veterans' hospital since World War II.

Mr. Chairman, the Carneys do not take a back seat to anyone when it comes to patriotism.

This war is useless. The people of America want a change.

I voted yesterday in the Democratic caucus against setting a specific date for ending our involvement in Vietnam. I must admit that I am a little mixed up, and I think there are a lot of Members who are mixed up. However, the only way we can get out of Southeast Asia is either to declare war, so that everyone goes, and get it over with, or else get out without delay. This is the only way to do it.

Mr. Chairman, I am going to vote for this amendment.

Mrs. CHISHOLM. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Minnesota (Mr. FRASER).

Mr. Chairman, I have been listening carefully to the debate for the past 2 days, although I have not actively participated in any of the debate here because I had reached that point where I really did not feel that it was anything but utter futility in terms of the fact that over 73 percent of the American people are asking their Representatives, the persons who vote their hopes and aspirations, to do something about the de-escalation of the war in Vietnam that has drained us of the cream of the crop of our young men in this Nation.

I stand before you this afternoon to ask you to really support this amendment that has been offered by the gentleman from Minnesota (Mr. FRASER) because I am one of the few persons I believe who, as a Member of the House of Representatives, can truly speak in behalf of many of the mothers and many of the women in this country who are continually calling me and talking to me about what can we do about the war? What can we do to make the Members take another good look at this war? What can we do to influence men and women toward this end?

I have to tell them that, after all, there are only a few women Members in the U.S. Congress, and that as they know most gentlemen do not really believe that women have anything to say as to what to do about war.

But I believe that the time has come that we have got to recognize that we have right now in the United States of America the greatest upheaval, confusion, and misdirection in terms of how we are leading the American people that has ever occurred in this country. We have come to that point in our society when people are not speaking with people, when the young are going against the old, when parents are not speaking with their children, when the blacks are against the whites, and when everyone is just completely confused. I think that those of us who have been elected to the highest offices in this land have the responsibility to say, "Yes, it is true that, although this is the greatest nation that possibly has ever matured on earth, we must get out of this war in Vietnam." If we do not, I think we must forever realize, as the gentleman said, that we are opening a Pandora's box.

I think that in the history of this country we have seen that for the most part the young men of this country have never refused to commit themselves to the defense of this land, but they are now saying that this is an unjust war. This is a war that has never been declared officially by the body designated to do so by the Constitution. It is not because our young people are being unfaithful and are not relating to or coming out in support of their country. I know that when the time comes that it is desirable and necessary to do so, and this has been indicated all over America, that the young people of this country love this country and will defend it. But this is a war now that has actually at this point caused the steady decline and deterioration of this country.

I beg of you to please support the amendment offered by the gentleman from Minnesota (Mr. FRASER) because I at least feel that it will bring some kind of peace and tranquility and hope to the mothers of America who do not know where to turn.

The CHAIRMAN pro tempore (Mr. CAREY). The question is on the amendment offered by the gentleman from Minnesota (Mr. FRASER).

The question was taken, and the Chairman pro tempore announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. FRASER. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. FRASER. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. FRASER, HÉBERT, BRAY, and BENNETT.

The Committee divided.

The CHAIRMAN. The Chair votes "aye" and sends his ballot to the tellers to be counted.

The tellers reported that there were—ayes 122, noes 260, not voting 50, as follows:

[Recorded Teller Vote No. 42]

AYES—122

Abourezk
Abzug
Addabbo
Alexander
Anderson, Calif.
Anderson, Tenn.
Aspin
Badillo
Begich
Bergland
Biester
Bingham
Blatnik
Brasco
Brown, Mich.
Burke, Mass.
Burton
Carey, N.Y.
Carney
Celler
Chisholm
Conyers
Cotter
Coughlin
Culver
Danielson
de la Garza
Dellums
Diggs
Donohue
Dow
Drinan
Edwards, Calif.
Eilberg
Esch
Fascell
Ford, William D.
Fraser
Fulton, Pa.
Fulton, Tenn.
Gaydos
Gibbons
Grasso
Green, Oreg.
Grover
Gude
Halpern
Hanna
Harrington
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Wash.
Howard
Hungate
Jacobs
Karth
Kastenmeier
Kluczynski
Leggett
Lent
Link
McCloskey
McDonald, Mich.
Mailliard
Mathis, Ga.
Matsunaga
Mazzoli
Mikva
Minish
Mink
Mitchell
Moorhead
Morse
Mosher
Moss
Nedzi
Nix
Obey
O'Konski
O'Neill
Patten
Perkins
Pike
Podell
Preyer, N.C.
Pryor, Ark.
Pucinski
Quie
Rees
Reid, N.Y.
Reuss
Riegle
Roncalio
Rosenthal
Roush
Roy
Roybal
Ryan
Sarbanes
Scheuer
Seiberling
Smith, Iowa
Snyder
Stanton, J. William
Stanton, James V.
Stokes
Stuckey
Thompson, N.J.
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waldie
Whalen
Wydler
Yates

NOES—260

Abbitt
Abernethy
Albert
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Ashbrook
Aspinall
Baker
Baring
Barrett
Belcher
Bell
Bennett
Betts
Bevill
Biaggi
Blackburn
Blanton
Boland
Bolling
Brademas
Bray
Brinkley
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byron
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Conte
Corman
Crane
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Denholm
Dennis
Derwinski
Devine
Dickinson
Dingell
Dorn
Dowdy
Downing
Dulski
Duncan
du Pont
Dwyer
Edmondson
Edwards, Ala.
Erlenborn
Eshleman
Evans, Colo.
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fuqua
Galifianakis
Gallagher
Garmatz
Goldwater
Gonzalez
Goodling
Griffin
Griffiths
Gross
Gubser
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Hastings
Hays
Hébert
Henderson
Hicks, Mass.
Hillis
Hogan
Holifield
Horton
Hosmer
Hull
Hunt
Hutchinson
Ichord
Johnson, Calif.
Jonas
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kee
Keith
Kemp
King
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Lennon
Lloyd
Long, Md.
Lujan
McClory
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Mahon
Mann
Martin
Mathias, Calif.
Mayne
Melcher
Michel
Miller, Calif.
Miller, Ohio
Mills
Minshall
Mizell
Mollohan
Monagan
Montgomery
Morgan
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
O'Hara
Passman
Patman
Pelly
Pepper
Pettis
Peyser
Pickle
Pirnie
Poff
Powell
Price, Ill.
Purcell
Quillen
Railsback
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Roe
Rogers
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Rousselot
Runnels
Ruth
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Sebelius
Shoup
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, N.Y.
Spence
Springer
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Thone
Van Deerlin
Veysey
Waggonner
Wampler
Ware
Watts
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—50

Adams
Arends
Ashley
Boggs
Bow
Brooks
Byrnes, Wis.
Chamberlain
Clay
Collins, Ill.
Colmer
Corbett
Dent
Eckhardt
Edwards, La.
Evins, Tenn.
Gettys
Giaimo
Gray
Green, Pa.
Harsha
Jarman
Johnson, Pa.
Jones, Ala.
Koch
Landrum
Long, La.
McClure
McCulloch
Madden
Meeds
Metcalfe
Murphy, Ill.
Poage
Price, Tex.
Randall
Rangel
Rodino
Ruppe
St Germain
Sandman
Scott
Shipley
Skubitz
Stafford
Staggers
Sullivan
Terry
Widnall
Wolff
Wyatt

So the amendment was rejected.

AMENDMENT OFFERED BY MR. BROYHILL OF NORTH CAROLINA

Mr. BROYHILL of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROYHILL of North Carolina: On page 6, after line 4, insert the following:

"(16) Section 6(o) is amended to read: 'Except during the period of a war or a national emergency declared by Congress, no person may be inducted for training and service under this title unless he volunteers for such induction—

" '(1) if the father or a brother or a sister of such person was killed in action or died in line of duty while serving in the armed forces of the United States or subsequently died or is totally disable as a result of injuries received or disease incurred during such service, or

" '(2) during any period of time in which the father or a brother or a sister of such person is in a captured or missing status as a result of such service.' "

Mr. BROYHILL of North Carolina. Mr. Chairman, I offer an amendment to prohibit the induction of any person if a member of his immediate family has died or is totally disabled or is captured or missing in action, as a result of military service.

This amendment would expand the present draft exemption for sole-surviving sons, who are defined by law as the only remaining sons in families which have lost members in military service. Under my proposal, any son who has lost a father, brother, or sister in military service, as a result of service-connected causes, would be exempt from involuntary induction. He would not have to be the only remaining son in the family to have this exemption.

I know that all of the Members in this House have been personally acquainted with many families who have suffered the loss of a son or father in Vietnam. There is no way the Government can adequately compensate any family for such a sacrifice. But it is my sincere feeling that we should not ask a family to undergo the possibility that such a tragedy may occur more than once. I do not think we can say that the loss of a son is less because there are others remaining in the family. This, in effect, is what we are saying in the sole-surviving son exemption.

At the present time, the Department of Defense has a regulation which provides that a serviceman may, upon his request, be deferred from combat duty if there has been a death in his immediate family resulting from service in Vietnam. However, this policy is not written into the law, and it is more limited in scope than my proposal. This amendment would entirely exempt such young men from any involuntary military service and would include those who have lost fathers in World War II or Korea, as well.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of North Carolina. I am delighted to yield to the minority leader.

Mr. GERALD R. FORD. Would the gentleman compare the existing regulation with the intent of his particular amendment?

Mr. BROYHILL of North Carolina. The existing regulation says that a serviceman, when he is in the service, who has been inducted involuntarily, may be deferred from service in Vietnam if he so requests and some member of his family has died as a result of service. My amendment would say that that person would not be subject to involuntary induction whatsoever. Unless he volunteered for service he would not be required to serve.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

(By unanimous consent. Mr. HAYS was allowed to speak out of order.)

A QUOTATION FROM CONGRESSMAN RIEGLE

Mr. HAYS. Mr. Chairman, I believe the Members will be interested in this. I have in my hands a thermofax from the Harvard Law Record of March 18 in which one of our colleagues, the gentleman from Michigan, (Mr. RIEGLE), is quoted as saying most Congressmen are dumb and uninformed.

Now, there is a picture of Mr. RIEGLE here, and also one of Gloria Steinem, and I am glad they have them labeled, because otherwise I could not tell one from the other, from the hair.

RIEGLE says:

> To top it off, most Congressmen aren't very smart but this fact merely means that incumbents are easy to defeat with an aggressive candidate.

He goes on to say that he did it at a cost of only $85,000.

I am going to introduce a bill next week, probably on Tuesday, which will cut him down by $50,000 or so on the top limits.

I do not have to defend this body. I have been here a long time, and I have been all over the world before I came here and since I have been here, and I have met kings, queens, prime ministers, generals, privates, authors, actors, farmers, merchants, and any other occupation you care to mention, and some of the smartest people I have ever met are right in this Chamber.

I believe it might be interesting to note that in the 22 years and some months I have been here the only Member I have ever seen referred to in Time magazine as a "potato head" was the gentleman from Michigan (Mr. RIEGLE).

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment.

I certainly do understand and commend the gentleman for offering this amendment, because it is a most compassionate one in which I share. I have a very personal reason for saying I share it, because during World War II it was my privilege to be the individual who initiated the policy of not drafting or taking into the service a sole surviving son.

However, we must recognize the fact that the duty is not of a family to the nation for its defense and security, but the duty is that of the individual.

While I commend the gentleman and share his compassionate attitude, we simply could not accept that amendment at this time because of the effect it would have and the unwieldyness of making these determinations. Therefore I oppose the amendment and ask for a vote.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I support the amendment because apparently, unlike a number of Members in this body, I have had parents come to me to ask that something be done to prevent them from being in the position of losing another son in the service in the war in Vietnam.

I want to ask the distinguished chairman of the committee a question since he introduced the sole surviving son provision earlier. Does not the same logic apply to the sole surviving amendment as would apply to this amendment?

Mr. HÉBERT. No; because in this particular instance you could have a family of six or seven. For example, if he is in line of duty and is riding in an automobile and would be killed riding in that automobile, then they could not take anybody else in the family. So it does not apply the same way as a sole surviving son.

I would say what motivated me at that time was the death of the five Sullivans, which was a great tragedy where five brothers all in the same place were lost.

Mr. CONYERS. Perhaps I do not understand the amendment offered by the gentleman from North Carolina. I thought his amendment would preclude other sons from going into service if one had already been killed in the service of his country.

Mr. HÉBERT. That is what I understand to be true. No. Wait a minute. Excuse me. I want to get that language again.

Mr. CONYERS. Would the gentleman who introduced the amendment clarify it, please?

Mr. BROYHILL of North Carolina. Will the gentleman yield?

Mr. CONYERS. Yes. I yield to the gentleman.

Mr. BROYHILL of North Carolina. The amendment says if a person is killed in action or dies in line of duty.

Mr. HÉBERT. That is it. It could be an automobile accident while he is riding from one place to another in line of duty.

Mr. CONYERS. You mean in the service?

Mr. HÉBERT. That is correct.

Mr. CONYERS. In other words, the distinguished chairman of the committee is drawing a distinction on how a serviceman is killed?

Mr. HÉBERT. That is correct.

Mr. CONYERS. Do I understand you to mean that, if he is killed in Vietnam by an automobile accident, that is different from being killed in the front lines?

Mr. HÉBERT. No. The gentleman is misinterpreting what I said. He could be killed, according to the language as I read it, while he is in line of duty going from the Pentagon or to the Pentagon in line of duty. Let us say he leaves your office with a message and drives back to the Pentagon and is killed on the way back. Then nobody in his family could be drafted.

Mr. CONYERS. Would that not suggest, Mr. Chairman, that in the case of a family which loses a son in the service of their country that the loss of that life is just as great to them whether it is lost at the Pentagon or in the front lines of Vietnam or Cambodia?

The loss of a life is a loss of a life.

Mr. HÉBERT. That is correct. The loss of a man's life represents the most precious thing he has. I agree with the gentleman. However, let us carry it further and say that anyone who loses a life or dies in a family, that no one in that family can be inducted into the service.

Mr. CONYERS. That hypothetical instance is absurd. No one has proposed that; it is not even implied in this amendment. I think we ought to appreciate the fact that the burden of service falls disproportionately upon the poor in this country and it is they and their families who have to share this very tragic possibility.

So, Mr. Chairman, I commend the gentleman from North Carolina (Mr. BROYHILL) who has introduced this amendment.

There are others who were prepared to offer this kind of amendment. I for one think of those parents who have been in my district office and I am going to support it completely.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT I yield to the gentleman from Florida.

Mr. PEPPER. I would like to ask the distinguished chairman of the committee this question: Do we not have a vast draft reservoir of manpower so that if this amendment were adopted it would not actually impede the Army in acquiring the necessary personnel?

Mr. HÉBERT. I do not thing it would, but the whole problem is broader than that. When you go into the problem of dealing with these emotional issues and the plea such as the appeal that was made by the gentleman from Michigan (Mr. CONYERS) the facts become obscured. Who can deny these tragic things? I am reading the language of the amendment and I am not going beyond it.

Mr. PEPPER. But, what I am asking the chairman is——

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. HOWARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall not use the full 5 minutes. I have one concern that I would like to clear up as to the effect of this amendment and what its effect would be on the present law. For instance, if there is in a family two sons both of whom are on active duty in the military service and one son is killed in combat, this amendment, if adopted, means that we will not draft anyone else in the family, but will the other son, be automatically discharged from the service?

Mr. BROYHILL of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from North Carolina.

Mr. BROYHILL of North Carolina. The gentleman, of course, is correct insofar as the language of this amendment is concerned. But I am sure, should this amendment be adopted, that this could be handled by administrative regulation.

Mr. HOWARD. I thank the gentleman and I support his amendment.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from New York.

Mr. PIKE. I would simply say to the gentleman from New Jersey that under existing policy in a hypothetical case which you present, the surviving son would be entitled to a discharge.

Mr. HOWARD. I thank the gentleman.

Mr. VIGORITO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

I congratulate the gentleman from North Carolina for offering this amendment. I had one very similar to the one which the gentleman has offered but broader in scope. However, I would be very happy to see his amendment adopted.

Mr. Chairman, we have over 55 million families in the United States. In the last 5 years 1.5 million young men have been drafted. They tell us that there is and has been a disproportionate number of draftees from these families who have been killed.

Mr. Chairman, only a few months ago a mother came into my office crying about her first son who was killed in Vietnam. I recall that when he graduated from college I congratulated him, and a couple of months later when he received a commission in the Army I congratulated him. However, 60 days later I had to write and send my condolences to this mother because her son was killed. Then, she comes in crying because son No. 2 was going to be drafted and son No. 3 is about ready to be registered for the draft.

I think we have a heartless society and a heartless Congress if we permit the second and third sons being drafted after one son has already laid down his life. It reminds me of the closing days of Napoleon, when one deputy got up and said:

> We are not doing enough for Napoleon.

Another deputy got up and said:

> I dare you, monsieur, to say we have not done enough for Napoleon. One million Frenchmen lie buried across Europe and North Africa, and you say we have not done enough for Napoleon.

It is the same case now, when a son lays down his life and we say "You have not done enough."

You, Mr. Chairman, and I know there are millions of students, millions of young men who are avoiding the draft one way or another, and we want to put the burden on 1½ million families out of 55 million families.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. VIGORITO. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I want to associate my remarks with those of the gentleman in the well. The gentleman from Pennsylvania (Mr. VIGORITO) has made a brilliant statement, and I support it strongly.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. VIGORITO. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. VIGORITO) for yielding to me. I also would like to associate myself with the remarks made by the gentleman. I commend the gentleman for his statement and wholeheartedly support it and the amendment of the gentleman from North Carolina (Mr. BROYHILL).

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. BROYHILL).

The question was taken; and on a division (demaded by Mr. HÉBERT) there were—ayes 130, noes 41.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. GONZALEZ: On page 1, between lines 7 and 8 insert:
>
> "(2) Section 4 is amended by inserting at the end of subsection (a) the new paragraph: 'Except during the period of a war declared by Congress, no person inducted for training and service in the Armed Forces under this title shall be required, without his express consent, to serve in any area of armed conflict outside the United States and its territories in which the Armed Forces of the United States are engaged.' "
>
> Amend the succeeding paragraphs in the bill accordingly.

Mr. GONZALEZ. Mr. Chairman, I believe this amendment confronts a central issue that has faced the American people since the Korean conflict, and I have felt this way since then and long before I ever dreamed I would be in Congress.

Mr. Chairman, this amendment is in the form of a bill that I have been introducing for some 5 years. I have heard the debate off and on here for the past 48 or 50 hours and my thinking is the same as it was in 1967 when we had the extension of the draft law at that time, and which, incidentally, I voted against, and I was one of the nine Members who did that.

The reason for that is I think the American people and, therefore, the Congress have never faced the central issue that is really at the heart of the matter since World War II and specifically since Korea. That is that a war by Presidential fiat is a Presidential war or wars that are undeclared, and where Congress has not specifically addressed itself to that kind of war, it has also provided an unrestricted reservoir of manpower by allowing the President to draw on, and by the use of the draft, drawing on this unlimited manpower.

I do not know of any case of any country, especially in recent history, that has done this. You will recall that the French could not use conscripts in Vietnam for the simple reason that the French Parliament prohibited the use of French conscripts anywhere but in French territories, so they used mercenaries and the volunteers.

Mr. Chairman, I do not think the British Empire at any time, so far as I can establish, has used conscripts to defend India or any part of its empire.

In fact, I am doing nothing more by this amendment than to restore to this Congress its fundamental and constitutional duty—and also the language and the wording, that those of you who were here at the time will recall, was included in the first peacetime draft in 1940. There is nothing new, novel, or radical about it.

Mr. Chairman, I offer an amendment that would prohibit the use of draftees in undeclared wars.

This amendment would provide the same reservation of power that Congress insisted on when it enacted the first peacetime draft. Under that law, no conscript could be sent overseas without the consent of Congress.

A reservation of the power to commit draftees is not unusual; in fact, conscription laws in Western countries have in the past more often than not prohibited the use of draftees in undeclared wars.

I believe that we have a responsibility to reserve to Congress the right to say when a draftee should be committed to combat.

In the first place the Constitution places on Congress the responsibility to say when war exists. If a war is to exist, and if our citizens are to be drafted to fight it, then Congress must exercise its responsibility to declare that war exists.

It is the duty of Congress to say when our national interests are threatened to the extent that we must resort to war.

It is the duty of Congress to declare why we are at war, and what our aims in war are to be.

The founders of this Republic gave us this power because they believed—as I believe—that if a nation is to go to war, it must be committed to war only by the representatives of the people—and that is Congress.

Our forefathers wisely foresaw that if Congress did not have the power to declare war, the Executive could at any time involve this country in unwanted wars—wars that could divide and disrupt the country, wars that the people would not support, wars that Congress never wanted.

The writers of the first peacetime draft wanted to be certain that there would be no U.S. participation in war without Congress first declaring war to exist.

That is why the first peacetime draft provided that no conscript could be sent overseas unless Congress declared war.

My amendment restores to Congress powers that are conferred on us by the Constitution—powers that we cannot ignore or fail to exercise without subverting the very foundations of the Republic.

My amendment would end or clarify Presidential wars.

In Korea, and now in Vietnam, we unwisely allowed men to be conscripted and sent to war without Congress ever having acted to declare war.

The people soon became divided, and it was not long before politicians started calling it Truman's war. And it was not long before political witch hunts began.

Then we had Vietnam, and again we allowed men to be drafted and sent into combat without declaring war. And that became known as Johnson's war. And now Nixon's war. And it was not long before the country was beset by deep and tragic divisions that are with us yet.

When will we learn?

When will we learn the folly of Presidential wars? How long does it take us to realize the wisdom of our forefathers?

When will we learn that only Congress can commit this country to war, and that if we fail in that responsibility, the result can only be division, confusion, and invitation to chaos?

I propose that we learn now what the writers of the first peacetime draft already knew.

I propose that we reassert our powers under the Constitution.

There will be those who claim that my amendment would require that we declare war in Vietnam. Maybe that is so, but even if it is so, it would be better for us now to do our duty than to never have done it at all. For if we were to have to set national objectives, if we were to have to say why we are there, at least the people would know that Congress has acted. And if we could not say, if we could not define what the commitment is and why—then we have no business in Vietnam in the first place.

Mr. Chairman, there are Members here who voted for the first peacetime draft, and they insisted on retaining in Congress the right to say when a draftee would be asked to go to war. They wanted that power for Congress, not the President. They were wise.

I ask that we repeat the wisdom Congress showed in the past—I ask that we not send draftees into war unless Congress gives the people the reason why.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

The gentleman from Texas used the British as an example of a nation that does not conscript. Small wonder. We have been fighting their wars for them in modern time. What makes the British a great example? They are presently engaged in a war in Ireland. I suspect we will be fighting that war for them if it is not settled soon.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. GONZALEZ. I am afraid that if what the gentleman has said comes to pass, we will have to depend upon the "TIP" O'NEILL's and other Members of Congress to restore this provision that I have referred to in the amendment.

Mr. GROSS. I say again that I find nothing startling or sensational about the fact that the British do not conscript. I say again we have been fighting their wars for them. It will be remembered that Britain used mercenaries in an attempt to defeat us in our struggle for independence.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment I shall be very brief.

The amendment offered by the gentleman from Texas is even more restrictive than the amendment offered by the gentleman from Minnesota, which was rejected by this House by over 100 votes just a few minutes ago. The amendment that is offered by the gentleman from Texas would not allow a unit that had one draftee in it to be landed in any area in defense of Americans who are overseas in any place. It is in conflict with any possible military action, and it is certainly much more restrictive.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. GONZALEZ).

The amendment was rejected.

AMENDMENT OFFERED BY MR. MIKVA

Mr. MIKVA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MIKVA: On page 11, strike out lines 12 through 20, inclusive.

Mr. MIKVA. Mr. Chairman, this is a "merely" amendment. It would merely restore the statute of limitations in the draft law to what it was prior to this bill.

I am here to bespeak some very unpopular people, people who fail to register under the draft law. But I do not think people who fail to register under the draft law ought to be treated more harshly than those people who fail to file their income tax returns, those who commit burglaries, or those who commit a vast host of other Federal crimes, all of which are subject to a 5-year statute of limitations.

Under the committee proposal which you are being asked to vote upon, the statute of limitations for failing to register for the draft will be 13 years, from age 18 until 5 years past the individual's 26th birthday, or age 31.

The specific reason for this change is that the U.S. Supreme Court in a decision known as Toussie against United States held that the present draft law is subject to a 5-year statute of limitations.

Let me make clear that there is no constitutional question involved here. This is a question of what Congress thinks is a fair period during which a person who fails to register ought to be subject to criminal prosecution. I merely suggest to you that I do not think we ought to treat failure to register for the draft that much more harshly than we do this vast host of crimes under title 18 of the United States Code.

On April 15, we will all have an obligation to file a Federal income tax return. If you do not file it, you still will have an obligation to file it on April 16, April 17, April 18, and ad infinitum, to 5 years and some days after April 15, 1971. However, if you have not been indicted or prosecuted during that period, with certain exceptions, you may no longer be prosecuted. Under this provision, if you fail to register on that mature 18th birthday, you remain subject to prosecution until age 31. I think that is a punitive provision.

Let me also make clear that nothing in my amendment would limit the person's continuing obligation for the draft through age 26 like anybody else. I am not suggesting that they should get any bootstrap benefits by failing to register.

I am simply suggesting we ought not say that 18-year-olds who fail to register for the draft are so much more heinous in their behavior than are people who commit robbery and other crimes.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Chairman, does not this situation seem to be differentiated from the income tax evader, because in this instance, the violators many times have gone to foreign countries just to evade responsibility of the draft, and they could remain there 5 years or more and then come back?

Mr. MIKVA. With all due deference, the statute of limitations clearly spells out that where someone has left the country to avoid prosecution, the statute of limitations is tolled, so the statute would not start to run until he returns to the country. That is not affected by my amendment.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Missouri.

Mr. ICHORD. On the face of the matter, it appears there is an inequity in between one who fails to register for the draft and one who fails to file his income tax return. As I understand the gentleman in the well, if a person fails to file an income tax return, there is a 5-year statute of limitations.

Mr. MIKVA. That is correct.

Mr. ICHORD. Could not the gentleman better cure the inequity by introducing a bill—and I would support the gentleman—to propose a remedy that the statute not run until after the crime of not filing an income tax return is discovered.

Mr. MIKVA. Some people do not like statutes of limitations. Prosecutors never do. Statute of limitations is always hanging over his head; but statutes of limitations are well known in criminal law. We have them for almost every crime except murder. The reasons for having a statute are just as persuasive in draft law as in income tax or other laws about which my colleague and I agree there ought to be prosecution.

This points out very clearly that we are saying that 18-year-olds who do not register are somehow worse than other criminals who do not file income tax returns or who rob banks or commit other crimes against persons or property—that somehow those who fail to register must be hounded 8 years longer than everybody else.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Louisiana.

Mr. HÉBERT. I would like to address a question to the gentleman. As the gentleman knows, I am not a lawyer.

Mr. MIKVA. The gentleman has fooled many of us.

Mr. HÉBERT. Mr. Chairman, in the area of income tax, the gentleman has made the statement that if a man fails to file the tax return, he is guilty. That is only a misdemeanor.

Mr. MIKVA. No; it is a felony.

Mr. HÉBERT. A felony. Now the statute of limitations—does that run against fraud in income tax?

Mr. MIKVA. When discovered. May I also say it runs against fraud when discovered under the Draft Act.

Mr. HÉBERT. If it is discovered, it will be because the man does not show up, but in the other case, if it does not run against fraud in income tax law, a lot of my friends went to the penitentiary illegally in Louisiana a few years ago.

Mr. MIKVA. We are talking about the complete crime that is committed when the person fails to register for the draft. It is committed when he fails to register within 5 days after his 18th birthday. A normal statute of limitations would ordinarily allow 5 years for prosecution, but this bill extends it to 13 years.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Texas.

Mr. ECKHARDT. Do I understand correctly that when a charge is filed against a man and an indictment is returned before the expiration of the period of limitations that the accused may leave the country for 20 years, but may nevertheless be tried when he returns?

Mr. MIKVA. That is correct.

Mr. BRAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not believe this matter is properly understood. If a youth became eligible to register at the age of 18, is that after 26 it is no longer necessary to register. The court held—and I am not saying incorrectly so—in the Toussie case that the statute of limitations began to run 5 days after the young man reached the age of 18. That means 5 days after he reaches the age of 23 he will be in the clear.

Such a law would encourage youth to violate the law. He would think "If I can dodge this until I am 23 years old I will be home free."

It is not similar to a felony, such as if a bank is held up or a drunk driver hits someone. It is at that time apparent that a crime has been committed. The youths could dodge and evade the registering.

Such a law would encourage a youth to try to get by by failing to register and encourage him to become a criminal. I can see no unfair hardship placed upon this man, by this legislation which only makes it more difficult for him to illegally dodge the draft.

I for one would not want to encourage anyone to try to dodge his responsibility by using the statute of limitations so that another young man would have to serve because another evades his responsibility to serve.

I cannot see how anyone is damaged. I want that to be on his conscience until he is 31 years old, if he deliberately violates the law.

What we are doing encourages people to violate the law if they can get by with it. I certainly want no part of it.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. BRAY. I yield to the gentleman from Illinois.

Mr. MIKVA. The gentleman is not suggesting that the man at the age of 23 is free of his obligation to register. Of course, that continues until his 26th birthday.

Mr. BRAY. The criminal penalty is gone.

Mr. MIKVA. Only for the failure to register at age 18, just like the penalty for failing to file an income tax. But that does not encourage people not to file.

Mr. BRAY. I would say that if he knew he could get by for 5 years and did not get caught it would encourage more people to violate the income tax law.

Mr. MIKVA. I suggest that is the law.

Mr. BRAY. Let us not make it easier for a draft evader to get by.

Mr. ECKHARDT. Mr. Chairman, I rise in favor of the amendment.

Mr. Chairman, the error in the reasoning in the argument, I must say on both sides, is the assumption that the person has violated the draft act or that the man has failed to file his income tax and is a criminal because he is charged.

The reason for the statute of limitations is not to let a man go free if he can escape being detected for 5 years. It is not a moratorium after 5 years of guilt. It is a rule of procedure that rests upon the proposition that the prosecuting authority should try a man to determine whether he is guilty within a given period of time. If the prosecuting authorities do not do so, the defense witnesses may no longer be available, and there may not be the tests of credibility available to those who are charged with the offense promptly after it occurred.

A man is entitled to be promptly tried when accused of crime and he is also entitled to be promptly charged.

Now, there is no way in the world a man can negate responsibility under a charge by merely fleeing the country. The most extreme case was a draft case that has come to my attention in which a man was alleged to have avoided the draft in the First World War, and was promptly charged with having avoided the draft, but the case was not tried until after the Second World War, and he was convicted.

This is the way that this matter can be handled. All that the limitations provision in the amendment of the gentleman from Illinois (Mr. MIKVA) requires is that the prosecuting authority promptly file charges in order that the facts may be brought out to determine whether the person is guilty or innocent.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the distinguished gentleman from Michigan.

Mr. CONYERS. The gentleman from Texas, an eminent member of the bar in his home State and several others as well, is absolutely correct.

I think many of the Members are confused because they do not recognize that the limitations period is tolled whenever the charge is discovered, so that a 5-year period of limitation would not automatically free anybody 5 years beyond his 18th birthday. The gentleman's excellent legal explanation makes it clear that this amendment will not allow those who do not register for the draft to escape or easily evade prosecution.

Mr. ECKHARDT. I thank the gentleman from Michigan, a very capable member of the Committee on the Judiciary.

I agree entirely with him and also point out that the man accused of evading the draft may not be guilty of it. The point is, if there is any kind of an offense in which a person may be innocent and yet convicted after a long period of time, it is more likely than in other cases to be based upon the contention that he failed to register for the draft, because the persons who are administering the draft are frequently laymen and deal with thousands of cases. The question is not whether he should get by after 5 years without conviction when he is guilty. The question is was he guilty and did he have a fair process available to him at the time when he could get the witnesses that support his having registered.

Mr. CONYERS. Does not this amendment return us to the present state of the law as it exists?

Mr. ECKHARDT. The present state of the law as it exists and the same law that permitted a man to be convicted after the Second World War who was guilty of draft evasion in the First because he was promptly charged.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois, Mr. MIKVA.

The question was taken; and on a division (demanded by Mr. MIKVA) there were—ayes 36, noes 85.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. M'KINNEY

Mr. McKINNEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MCKINNEY: On page five, line 7, strike out "or public institutions" and insert "public institutions or such private non-profit institutions as may be approved by the Director of Selective Service."

Mr. McKINNEY. Mr. Chairman, this is a very simple amendment, a very short one, but I feel a very important one.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. McKINNEY. I shall be glad to yield to the distinguished chairman of the Committee on Armed Services.

Mr. HÉBERT. I would like to state to the gentleman that we accept his amendment, but I am sure the gentleman would like to further explain it.

Mr. McKINNEY. I thank the distinguished chairman.

This simply allows conscientious objectors to work in our private hospitals and institutions.

Mr. Chairman, I offer this amendment today in the interests of those private nonprofit organizations which serve us so well.

This amendment would extend to those young men who are qualified as conscientious objectors the opportunity to serve their enlistment time not only in the Federal sector, but in those private institutions which have been approved by the Director of the Selective Service System.

While I applaud the Armed Services' Committee's efforts to standardize the administration of alternate civilian service, I feel that H.R. 6531, by limiting acceptable service to Government and public institutions, does a grave disservice to those private nonprofit institutions which rely on the services preformed by such young men.

Mr. Chairman, we all know how financially hard pressed some of our deserving private hospitals are today. Allowing these young men to serve in these institutions would ease the load they are carrying.

If we require a conscientious objector to serve our Nation in a social service capacity, why then should we eliminate those hospitals and orphanages which so ably serve the American people but which do not fall within the category of government or public institution as defined in this bill.

Furthermore, there are those religious communities, such as Mennonites and Quakers, whose beliefs do not allow them to participate in war and yet who, nevertheless, provide vital services to their fellow Americans.

It most certainly would be a shame to restrict the worthwhile services these communities provide.

Today I speak not only on their behalf, but on the behalf of our struggling and deserving private, nonprofit institutions.

Mr. HÉBERT. The amendment is very well explained and is acceptable to this side.

Mr. BRAY. Mr. Chairman, will the gentleman yield?

Mr. McKINNEY. Yes, I yield to the gentleman from Indiana.

Mr. BRAY. And, what they do is under the supervision of the Director of the Selective Service?

Mr. McKINNEY. It is, sir.

Mr. BRAY. We have no objection to the amendment on this side.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. McKINNEY. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I would like to associate myself with this amendment. I had intended to submit a similar amendment. I am delighted that the committee has decided to accept it. If it were not accepted there would be grievous interference with private hospitals and such organizations as the Mennonites whom I understand communicated with the chairman about the proposed amendment.

Mr. Chairman, I am happy to be associated with the amendment.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. McKINNEY. I yield to the gentleman from California.

Mr. SISK. Mr. Chairman, I certainly support the amendment. However, I would like to clarify one thing. Is there any language contained in the amendment in connection with this situation that would preclude the use of these people in overseas operations or installations, let us say, operated by the Mennonites to which the gentleman from New York just referred?

In other words, if the gentleman's amendment is adopted, as I understand it, they would be permitted then to work for such an organization either in this country or overseas; is that correct or is it not?

Mr. McKINNEY. If in the view of the Director of the Selective Service it was for the good of America and its common cause, they would be allowed to do so, yes.

Mr. SISK. Mr. Chairman, if the gentleman will yield further, I simply as a matter of record would like to be sure that that was established because questions have arisen about their use of facilities in connection with a private nonprofit organization, because it is my understanding that the Mennonites do have people today in Vietnam doing certain kinds of work and they would be permitted, subject to the approval of the Director of Selective Service, to do so?

Mr. McKINNEY. They would be, subject to his approval. For instance, in the case of the medical ship HOPE that the director would allow conscientious objectors to work on it, if he considered it for the national interest.

Mr. SISK. The only point I wanted to get clarification on is that they would not be precluded from being sent overseas for a similar purpose by a private or nonprofit organization in the same manner that they might be used in this country?

Mr. McKINNEY. I would assume that the gentleman is right.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. McKINNEY. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. As I understand the gentleman's amendment, it restores the existing law as it is today?

Mr. McKINNEY. Not quite. It restores the intent of the existing law, but it specifically says that the director of the Selective Service will say or determine what organizations would be considered allowable under this amendment.

Mr. GERALD R. FORD. Mr. Chairman, if the gentleman will yield further, it gives greater flexibility to the director of the Selective Service?

Mr. McKINNEY. It gives greater selectivity and more fairness, because now present, individual local draft boards are doing it under their control, and there are different standards.

Mr. GERALD R. FORD. But under your amendment it would be up to the director of the Selective Service to determine?

Mr. McKINNEY. That is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. McKinney).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

AMENDMENT OFFERED BY MR. BINGHAM

Page 4, line 9, strike out the period and insert the following: "; except that any deferment which was granted to an individual under such section 6(h)(1) (as in effect before the effective date of this paragraph (12)) before such effective date and not terminated as of the day before such effective date shall continue until such individual completes the requirements for his baccalaureate degree, fails to pursue satisfactorily a full-time course of instruction, or attains the 24th anniversary of the date of his birth, whichever first occurs."

Mr. BINGHAM. Mr. Chairman, this amendment has to do, not with the question of college deferments as such, but with the question of the effective date of the provisions contained in the committee bill. The present bill authorizes the President to discontinue college deferments. The President has announced, and the director of Selective Service has announced, that if given that authority he will make that effective as of April 1970. In other words, he will not interfere with those who are in college today who were in college in April of 1970, that is, he will not draft those who are sophomores, juniors, or seniors, but he will draft those who are freshmen.

The purpose of my amendment is to delete this ex post facto effect of the committee bill, and to provide that any young man who is in college today, be he freshman or upper classman would be allowed to finish his course.

It seems to me that any other provision is retroactive in its effect. A young man who entered college last fall and received a deferment at that time on the understanding that the then law would permit him to continue and complete his college education, would now be cut down in midstream. It seems to me that that is changing rules in the middle of the game.

If the young man had known that he might be drafted he might have decided to go through with his service before going to college, and not have his college career interrupted.

In short, therefore, the purpose of this amendment is to remove the retroactive feature of the provisions eliminating the college deferments, and provide that the provisions of the bill would become effective only as of the effective date of the act.

Mr. PIKE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and members of the committee, this is an even larger extension of the draft exemption for college students than that which was offered by the gentleman from Maryland (Mr. Long), a while back, and which was defeated rather decisively. There is not anything retroactive in the operation of the law. The President put the people on notice when he said this was what he was going to do on April 23, 1970, but if we pass this law as it is written the operation of the law will still be prospective. Anybody who is in college can finish the semester he is in. Anybody who is in the senior year can finish the senior year.

As we have said before, and as we have agreed before, there is not any vested right to privilege because you are wealthy enough or bright enough to go to college. All this will do is to reinstate the college deferments which we have taken out. It does carry out in its language, when it talks about "failing to pursue satisfactorily a full-time course of instruction," the very worst feature in the law, and that is the poor guy who is trying to work his way through college, who cannot afford to go through college, who cannot get a scholarship and who is trying to work his way through college, because he has not got enough money to go through college on his own, and who is trying to pursue a full-time job, and it takes him 5 years to get through college instead of 4 years—this guy is not following a full-time course of instruction, and he is going to get drafted under the present law, and under the amendment offered by the gentleman from New York (Mr. Bingham), he is going to get drafted.

We are seeking to eliminate the privilege of the rich and the people who can manage to go to college. We are trying to treat all Americans equally.

We rejected this proposition earlier, in a less onerous form, and I hope it is rejected now.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield to the gentleman.

Mr. BINGHAM. All I am trying to suggest that the law should not be changed with respect to those who entered college last fall.

I would ask the gentleman in his judgment how many of those who entered college last fall were aware of what the President said in April?

Mr. PIKE. I do not know how many of them were aware, and frankly I do not care how many were aware. What I do care about is the fact that you are trying to defend the proposition that those who are wise enough and wealthy enough to go to college should be able to stay in college, and those who cannot do that should go to war. This is what we were trying to get rid of in the committee. The committee has approved of that and that is what we ought to do.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield further?

Mr. PIKE. I yield to the gentleman.

Mr. BINGHAM. The gentleman did make the point that those who entered college last fall were on notice about what the President had said in April. I am not trying to change the effect of the proposition that the gentleman stands for, but only the effective date.

Mr. PIKE. What you are trying to do and the effect of it is to relieve everybody who is in college from the draft and what we are trying to do is to treat all Americans equally whether they can afford to go to college or not.

Mr. Chairman, I ask that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Bingham).

The amendment was rejected.

AMENDMENT OFFERED BY MR. GIBBONS

Mr. GIBBONS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gibbons:

Page 11, between lines 22 and 23, insert the following:

(25) By adding immediately before section 17 the following new section:

"Sec. 16a. No person who is inducted after June 30, 1971, for training and service under this title may be used in combat or deployed to a combat zone outside the United States unless at least one of the following shall have occurred:

"(1) The President has declared that an armed attack has been made upon the United States.

"(2) The President has declared that an armed attack on the United States is so imminent that full mobilization of the armed forces is required.

"(3) The Congress by concurrent resolution authorizes such use and deployment of persons inducted under this title and directs that a full mobilization of the armed forces be effected.

"(4) The President has requested that Congress declare war, but the authority to so use and deploy inducted personnel pursuant to this clause shall expire at the close of the 30th day after such request was made if the Congress has not declared war on or before such 30th day.

"(5) The Congress has declared war.

"(6) Such person consents to such use and deployment in such written form as shall be prescribed by the Secretary of the military department concerned."

Mr. GIBBONS. Mr. Chairman, I have long worried about how and in what manner this country goes to war.

It is a problem that has haunted this country since its inception. Years ago it was thought wise to divide the power by which this country goes to war. But recent years this power has devolved exclusively in the hands of the President and exclusively in the hands of the military.

I think it is unwise. I think it is time to change it, and this is a prudent method of making that change.

Mr. Chairman, I am not a dreamer. I know we have to have an army and that it has to be a good army and one that is capable of defending this country and one that can do the job that the future perhaps is going to call upon it to do.

But, Mr. Chairman, I do not want to get into any more of these careless, brushfire wars that we have drifted into. That is what I seek to do by the amendment that I have offered at this time.

How have we drifted into these wars? Of all the NATO partners, of all 15 countries in the North Atlantic Treaty Organization, the United States of America has the longest and the harshest method of raising a manpower pool of any of those 15 allies. All of Europe, all of North and South America, is ready to let us carry the burden if we are foolish enough to carry it alone. Canada does not have a draft. Ireland does not have a draft. Little Luxemburg does not have a draft. The United Kingdom does not have a draft. Every one of our NATO partners has less of a draft service time than we do. We have been able to deploy our vast manpower resources, which are less resources than the people of Europe have all around the world, and they have gotten into trouble.

I do not think we should continue to do that. I think the Congress should prudently look at how our manpower commitments are made. That is what my amendment seeks to do.

I am not tying the hands of the President to defend this country. I think I am untying his hands so that he can defend us against the things that are real, against every imagined threat that comes along.

I say in my amendment that the President of the United States can use draftees in combat if the President has declared that an armed attack has been begun upon the United States—no if's, and's or buts. All he has to do is to stand up in the White House and say that an armed attack has been started against the United States, and he can use the draftees in any way he wants to.

Or the President can declare that an armed attack against the United States is so imminent that the full mobilization of our Armed Forces is required and then the President can deploy these draftees in any way he wishes.

The reason for putting the provision in the amendment relating to the mobilization of the rest of the Armed Forces is that it will make the President stop and think. I think it will make the planners in the Pentagon stop and think. They would say to themselves: Are we going to have that manpower draft pool such as we relied upon in Vietnam, or are we going to have to mobilize the other Armed Forces that are in being in this country for this particular action? If that restriction is in the law, our planning will be more realistic, our decision-making will be more realistic before we plunge into another brushfire war.

I say in the third exception for the use of draftees in the amendment that the Congress has by concurrent resolution authorized this deployment and use of draftees, because I can foresee the time when perhaps Congress will want to go ahead and do that.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. EVANS of Colorado, and by unanimous consent, Mr. GIBBONS was allowed to proceed for 5 additional minutes.)

Mr. GIBBONS. Mr. Chairman, I do not seek to tie the hands of the President.

I say in the fourth exception as to the use of this manpower pool that if the President has requested the Congress to declare war and we have not—and after that request is made, if we have not declared war within 30 days—then up to the 30 days after his request to the Congress he can use the draftees. Any war this Congress cannot agree to in 30 days is one that we ought not to be fighting anyway.

Then my fifth exception is that if the Congress has declared war—and I am not sure we will ever get to that stage again—but if the Congress ever declares war, then certainly there should be no restriction upon the use of draftees.

I say in my sixth exception that if the draftee himself insists upon being used in such an operation, then who are we in Congress to say it should not happen?

So this is a wise and prudent position for a responsible hawk to take, one that will insure that before this country goes to war again, there will be a national commitment to win that war, and not just to go in and throw away the 50,000 lives that we have so far used up in this Vietnam conflict.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to raise this question. As I understand the amendment, it has some similarities to the so-called Javits proposal, which would prohibit the President from engaging in hostilities for longer than 30 days without specific approval by the Congress. Am I correct on that point?

Mr. GIBBONS. Yes, it does have that.

Mr. FINDLEY. Would it be imposing too much on the gentleman's time to ask him to read the amendment again?

Mr. Chairman, I ask unanimous consent that the Clerk may read the amendment again.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk re-read the amendment.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Chairman, I would like to call to the gentleman's attention a hypothetical question, which is probably more realistic than hypothetical. We presently have troops deployed near Berlin, in West Germany and in Berlin itself. The objective is not only to make our presence known there, but also to withstand any attack on the part of any enemy force. Under the gentleman's amendment no draftee could be sent into this area, because no draftee could respond to an attack on the part of any potential enemy.

Mr. GIBBONS. We only have 6,000 men in Berlin. If we cannot get 6,000 volunteers, maybe we ought to reexamine what we are doing there. The gentleman asked about Berlin. If we cannot find 6,000 volunteers in this country to go there, I think we are in bad shape.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Chairman, what would be the effect of the amendment suggested by the gentleman on a situation such as the one that might have developed during the Cuban missile crisis, or in the Dominican Republic, where the President ordered in several thousand troops quickly? What would happen in those cases under the gentleman's amendment?

Mr. GIBBONS. In Cuba if the Congress had declared war or if Congress had enacted a joint resolution—and I think it would have been a mistake not to have done either one of those if we had sought to invade Cuba—in fact, I think we would have ended up in the same kind of mess we have in Vietnam. We had no commitment when we went into Vietnam. We just kind of slid in there sideways and never had the courage and the determination to get out or get in and win. I think we ought to get in and win or never again ask our Armed Forces to undertake a no win-no end war.

Mr. COLLIER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, while I subscribe to the fundamental purpose of the pending amendment, it occurs to me that before we adopt this restrictive type of proposal, we had better look at our treaty obligations, I trust my colleagues are aware that today we are committed to the common defense of no less than 40 nations of the world as the result of some seven treaties ratified, of course, by the Senate of the United States.

Under this amendment we face involvement in foreign conflicts whether we use drafted forces or not. What is really needed is an overdue orderly reappraisal of our international commitments. Some of these, as we all know, are obsolete because of world changes since the time they were ratified. Others were to some degree highly questionable at the time.

We sit today as members of a legislative body that has absolutely no voice whatsoever by reason of the Constitution of the United States, to ratify or not to ratify, as the case may be, the commitments with which we are saddled with today.

I have long felt that in the process of making change perhaps we ought to propose a constitutional amendment which would require that international treaties be ratified by the House of Representatives as well as the U.S. Senate, because if we are going to be militarily committed by reason of these treaties it seems to me we ought to not have to accept the responsibility unless we have a voice in the commitments.

I very sincerely feel that in addition to the type of reevaluation of these commitments which is needed, that I believe is long overdue, I should like for some of my colleagues to join me in trying to pass a resolution calling for a constitutional amendment so that international treaties, or at least those which commit us militarily, would be ratified by the House of Representatives as well as by the U.S. Senate.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I am delighted to yield to the gentleman from Florida.

Mr. GIBBONS. I appreciate the gentleman yielding, and I believe he has brought up a very fine point.

I would say, though, that none of the treaties we have entered into—not even the NATO Treaty—requires us to go to war except by constitutional processes, which I would interpret to mean through some declaration of war or through some joint resolution considered by this body. The war-making powers of the United States are vested in the Congress of the United States and not in the President of the United States. Even our NATO

Treaty does not require us to go to war should one of our fellow signatories be attacked.

Mr. COLLIER. I do not disagree with my good friend from Florida. I merely say that so long as we have the situation which exists today, so long as we have existing treaties, they can become a means by which we will commit military forces whether draftees or volunteers. It does not excuse the fact that the reappraisal of these, and perhaps some of the other actions I have suggested, are long overdue.

If we have learned nothing else from the quagmire in which we slipped in Southeast Asia we should, it seems to me, take a meaningful lesson from our experience.

Mr. COLLIER. I yield to the gentleman from New York.

Mr. CAREY of New York. I thank the gentleman for yielding in order that I may address a question to the author of the amendment.

I would address this question to our colleague from Florida (Mr. GIBBONS) for whom I have the highest respect—by the way, not only as a Member of this body but also as one who possesses one of the most distinguished war records of any Member serving with us, as an outstanding paratrooper landing before D-Day in Normandy—who I know fully adheres to the concept of adequate national security. I have concern because of some questions raised here today. If there were a spot situation, say, in which the President felt he had to make a show of force, as President Eisenhower did in Lebanon, or as was done in Cuba, or as was wisely or unwisely done in Santo Domingo, is it not true the operation of this amendment would not affect that, in that we have forces of the Air Force, Navy, the Marine Corps, and other Armed Forces under the Department of the Army, who are volunteers, enlisted, and do not come within the operation of this title? The gentleman is only talking about conscription through this act of Congress.

Mr. GIBBONS. The gentleman is absolutely correct.

Mr. EVANS of Colorado. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take my full 5 minutes in commenting on the proposal made by the gentleman from Florida, but there is an aspect of his amendment that does bother me a great deal. I would like to have him address himself to this problem.

Let us assume these circumstances after the date of June 30, 1971, which is the date of his amendment. Let us assume the circumstances are that we have one man who was facing the draft and, not wanting to be drafted, volunteered and is serving in the Army. Alongside of him there is another man who wanted to take a chance, took it and lost, was drafted, and is serving beside the man who volunteered in order to avoid the draft.

Under these assumed circumstances, a problem exists and it is this: The situation would be that, if none of the circumstances listed in your amendment came to happen we would be penalizing the man who volunteered by requiring him to serve in a combat area and allowing the man who waited to be drafted to avoid service. I feel that is what would happen under the language you have in your amendment.

Mr. GIBBONS. Will the gentleman yield?

Mr. EVANS of Colorado. I yield to the gentleman.

Mr. GIBBONS. My purpose is not to make it easier to go to war. My purpose is to make it so that it will require more prudent action on the part of our military planners and military leaders in making the types of decisions that must be made in order to go to war.

Frankly, it has been too easy for us to go to war. That is why we are in the mess we are in today. I am not by this amendment trying to make it easier. I am trying to make it more prudent and more reasonable and more wise to go to war. As far as rewarding and punishing anybody is concerned, we ought to look at the facts. The facts are these, and they are black and terrible: about 80 percent of the combat forces in the infantry in Vietnam today are not volunteers. Do you know where most of the volunteers are? Most of the volunteers are sitting in some relatively soft job somewhere because the Army will practically promise you that you will never get shot at if you will just volunteer for 3 years. But if you get drafted for 2 years, brother, you are going to end up in Vietnam. About 80 percent of the infantry combat forces in Vietnam are draftees.

What a disgrace it is to this country of 200 million people and more when we have to call 200,000 draftees in order to man defenses in Vietnam. We have an Armed Force of 3 million men—3 million men under arms, but we must rely on those 200,000 draftees to do most of the fighting.

You know, this present draft is just hypocrisy. That is all it is. It is just a way of getting a lot of manpower to fight a very unpopular war. I think we probably ought to have the draft but not one that has been misused as this one has. I think we have to be careful in how we use these people and that when we do use them we back them up. I believe we should not go into a war half-heartedly. We must intend to give them the best arms, weapons, and training and the backing of every American in this country.

I do not believe in asking a man to put his life on a line when we just sit here and conduct business as usual, profit as usual, and promise people if you will just volunteer, you will get an assignment that is relatively safe. That is how the system operates today.

Mr. EVANS of Colorado. I thank the gentleman from Florida for his answer.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Colorado. I yield to the gentleman from California.

Mr. GUBSER. The gentleman has asked a very pertinent question of the gentleman from Florida which I do not believe was answered. I would like to put the same point in a different manner.

Here we have one volunteer and one draftee, both of them responsible to the same Commander in Chief, both of them subject to the same Uniform Code of Military Justice, both of them wearing the same uniform, both of them required to adhere to the same rules and regulations. One can be ordered into combat in Vietnam and the other, by law, the draftee, could not be ordered into Vietnam.

Could not the person who is a volunteer with good reason go into court and successfully plead a case that he is being denied equal treatment under the law, as he would be? Would not the Supreme Court uphold him?

The CHAIRMAN. The time of the genleman from Colorado has expired.

Mr. GUBSER. Mr. Chairman, I move to strike the requisite number of words.

May I rephrase my question to the gentleman from Florida?

Under the law one would be required to go to Vietnam and under a different law one could be kept from going to Vietnam. One is being denied equal treatment under the law.

Mr. GIBBONS. Mr. Chairman, if the gentleman will yield, both of them could go to Vietnam if we passed a concurrent resolution or if the President said the country was under attack or the President said that the country was about to be attacked and he ordered the mobilization of the National Guard and the Reserves and that is perhaps what we should have done when we got involved in this mess in Vietnam.

Mr. GUBSER. However, the gentleman will agree, if his amendment——

Mr. GIBBONS. No; I will not agree.

Mr. GUBSER. One man under the law would be required to go to Vietnam and another man under the law would not be required to go, but they would both be in the same Army, have the same Commander in Chief, and that would be unequal treatment?

Mr. GIBBONS. Mr. Chairman, if the gentleman will yield further, I can tell the gentleman that that has not happened.

Mr. GUBSER. I would seriously question the gentleman's statement to the effect that volunteers do not do their share. Most of these Regular Army personnel have served two hitches in Vietnam, and I challenge the statistics of the gentleman from Florida.

Mr. GIBBONS. Has the gentleman from California looked at the casualty figures? They will show that the casualties among the draftees on a percentage basis have been twice as high, although they represent less than one-half of the forces over there. It is the draftee that is fighting in combat over there, and I am surprised that the gentleman from California does not know it.

Mr. GUBSER. The gentleman does not mean to cast slurs upon the thousands of regular Army people who have given their lives over there?

Mr. GIBBONS. No; I do not. I feel very sorry for them.

Mr. GUBSER. I am glad to hear the gentleman say that.

Mr. GIBBONS. But I do not think we should ever go into war with the kind of piecemeal, half-hearted effort that we have had in Vietnam. That is the kind of situation that this amendment is designed to prevent.

Mr. GUBSER. I think this colloquy has clearly proven my point, if the gentleman's amendment is adopted, we would be enacting unequal treatment under the law, and you know what the courts have said about that.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RHODES. Mr. Chairman, I move to strike the requisite number of words.

(By unanimous consent, Mr. Rhodes was allowed to speak out of order.)

NAVY TO NAME NUCLEAR SUBMARINE FOR THE LATE REPRESENTATIVE LIPSCOMB

Mr. RHODES. Mr. Chairman, one of the most beloved Members of this Congress in all time was the late Glenard P. Lipscomb, a Congressman from the State of California. Glen was elected to the 83d Congress with many of the Members who are in this Chamber at this time.

Secretary of the Navy John H. Chafee announced today the new nuclear-powered turbine electric drive submarine—SSN 685—will be named in honor of the late Congressman Glenard P. Lipscomb.

Congressman Lipscomb was born in Jackson, Mich., but lived most of his life in Los Angeles, Calif. After serving 6 years in the California State Assembly he was elected to Congress from California's 24th District in 1953. He was serving his ninth consecutive term in the House at the time of his death in February 1970.

In 1958 Congressman Lipscomb was named to the House Committee on Appropriations. As a member of that committee he was the ranking minority member on the Department of Defense Subcommittee. At the time of his death he was also a member of the U.S. Naval Academy Board of Visitors.

Congressman Lipscomb was a strong proponent of a nuclear-powered Navy including submarines, frigates, and aircraft carriers. He strongly advocated the construction of all-nuclear-powered carrier task forces as a necessary means of countering the rapidly expanding Soviet naval threat. As a member of the Defense Appropriations Subcommittee, he initiated appropriations measures for the present nuclear frigate building program. The first of this series of nuclear frigates, U.S.S. *California*—DLGN 36—is presently under construction at the Newport News Shipbuilding and Dry Dock Co., Newport News, Va., and is scheduled for launching later this year.

The U.S.S. *Glenard P. Lipscomb*—SSN 685—will be constructed at the General Dynamics Corp., Electric Boat Division, Groton, Conn. The keel is scheduled to be laid June 5, 1971.

This ship is one of a new kind of nuclear-propelled attack submarines featuring a turbine electric drive and other advanced silencing techniques for much quieter operation than present submarines. The *Lipscomb* will be a new design nuclear attack submarine which will provide the Navy with experience in submarine silencing techniques.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I am pleased to yield to the gentleman from California (Mr. Rousselot) who now represents the district that Congressman Leonard P. Lipscomb represented.

Mr. ROUSSELOT. Mr. Chairman, I wish to join with my colleague, the gentleman from Arizona (Mr. Rhodes) and the other Members of the House in further tribute to our former colleague, who served so quietly and so positively on the Committee on Appropriations. Mr. Lipscomb always worked to make sure that our country remained strong in its national defense. I think this is a high tribute to our former colleague, and his efforts in the defense of this country, and that this attack submarine is now being placed in service under the name of Glen Lipscomb, and that it is also an honor to his family.

So again, Mr. Chairman, I join with my colleague and this Congress in paying tribute to a very fine gentleman, the late Glenard P. Lipscomb.

Mr. RHODES. Mr. Chairman, I thank the gentleman.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I would like the record to show that the amendment offered by the gentleman from Florida (Mr. Gibbons) containing six very specific exceptions, make this the most cogent of a number of amendments that have developed in this discussion, and that have come to the attention of the Members during the debate on the Selective Service Act.

I completely support and endorse this amendment, and urge its adoption.

Mr. Chairman, I yield back the balance of my time.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the debate on the amendment offered by the gentleman from Florida (Mr. Gibbons), has drifted away from the precise language that the gentleman has offered. I am sure that was not the intention of the gentleman, although he is a skillful debater and knows how to fuzz up the issues, but I would like to point out to the Members——

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. Mr. Chairman, that was intended as a compliment, of course.

Mr. GIBBONS. I thank the gentleman. I appreciate that.

Mr. DERWINSKI. I would like to point out that the basic thrust of the amendment offered by the gentleman from Florida (Mr. Gibbons) is that there could not be any use of draftees overseas unless in the process full mobilization of the armed forces are required and ordered.

Now, let us pause for a moment and remember that all through history full mobilization by any country has been a prelude to war-like activity. Rather than help maintain an atmosphere of world peace, if our President were ever saddled with this language and, in his judgment, had to recommend full mobilization, this would certainly be misinterpreted. We would need a hot line to every country in the world, not just one hot line to Moscow to cool off rumors in the light of the confusion that could be produced by this amendment.

I would also like to observe to the gentleman from Florida, whom I also know is one of the great historians of this body, that misunderstandings can easily develop. When the Congo received its freedom and immediately broke into total disarray, one of the problems was that the Belgian officers, in the process of ending colonial rule, sent their wives home to Belgium. It was to them a practical thing to do.

But to the natives of the Congo, sending their wives away was historically the first step in a warlike attack on a neighboring tribe. They presumed that the act of the Belgians in sending their wives home was the prelude to a military attack on the tribes of the Congo. As a result, you had violence where you should have had a peaceful transfer of government.

The gentleman's amendment sounds reasonable, but it would create such tremendous complications for our President, not just in Southeast Asia but in the Mediterranean as well, that it would defeat the very purpose, that he hopes for, which is an atmosphere for lasting peace.

I would suggest, since the debate did wander considerably afar from the point that we would keep in mind the full and very adverse impact inherent in this amendment and that it be rejected.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman.

Mr. GUBSER. The gentleman from Florida said a moment ago that the volunteers were in the post exchanges and that draftees constituted over two-thirds of the casualties.

I have looked up the figures that have been given to us which are in the hearings.

The figures show that up to December 31 of last year there was a total of 26,132 Army enlisted killed in action up to December 31. A total of 14,324 were draftees, which is slightly over 50 percent. But 12,178 enlisted Marines were casualties—and all of those were volunteers.

So let us start tabulating these figures. We have then the total number of volunteers who were killed in action up to December 31 of 23,986 as contrasted to 14,324 draftees. That comes out roughly two-thirds—but only exactly the opposite of the conclusion drawn by the gentleman from Florida.

I will point out further that these figures do not include any officer personnel whatsoever. They do not include the Navy fliers and the Air Force fliers who were shot down and killed. They are all career people. The officers are substantially all volunteers.

So the gentleman has probably given the approximately correct figures, but he has gotten them reversed. So if two-thirds is the correct figure, it is two-thirds of the volunteers who have been killed and one-third of draftees.

Mr. DERWINSKI. Mr. Chairman, I reiterate the point I made earlier that this debate has wandered a bit away from the point of the amendment.

It is, I am sure, well intended, but it is a most impractical amendment. It would restrict the flexility of our Armed Forces in their role of defense of the free world.

Mr. CAREY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise at this time to speak to the intent of the gentleman from Florida (Mr. GIBBONS) in this amendment.

Since this war has developed stage by stage, I have heard speakers come to this well over and over again—be they hawk or dove—and state that we have to restore and reassume the powers of the Congress under the Constitution.

We know what those powers are. They are explicit—to raise and maintain armies for the defense of our country.

Unfortunately, by a series of grave errors, I think of judgment, the Presidents, going back over the last several Presidents of both parties, have felt free to commit American troops in pursuit of any expedition that they felt was proper in the defense of our country.

They may have been right—but one day they may be wrong. What are we here for if not to be consulted by the President in terms of the raising of those armies and their commitments?

We do that now and we do respond to the Commander in Chief in a most responsible way by making available in terms of funding such authorizations and appropriations as he needs to maintain an adequate strike force or strategic weapon or Air Force or Navy or Marine Corps and all of the troop strength that is necessary that he has asked of us.

But when we are asked to conscript, that is total mobilization. The enemy does not have to be convinced by some additional overt act that we mean business. Is the gentleman from Illinois (Mr. DERWINSKI) of the opinion that the enemy does not know what is going on in every corner of the world day and night? The enemy knew more about what was going on in the Laotian campaign than anyone in Congress did. The only way anyone in Congress could find out about what was happening in Laos was to hear the Hanoi news releases when we heard them from other nations.

There are no secrets in this game. The enemy will not be driven to the ramparts any sooner because the President of the United States comes to Congress and asks for troop strength.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. CAREY of New York. I yield to the gentleman from Illinois.

Mr. DERWINSKI. This is the very problem that I tried to point out in relation to the amendment which the gentleman is supporting. A mobilization step would be totally misunderstood. This amendment is inherently chaotic. We should be concerned with completely restricting the practical flexibility that the Commander in Chief should have.

Mr. CAREY of New York. The practical flexibility which the gentleman suggests is to send American troops into combat and get them killed rather than to have the President come before Congress. I think it would be far safer and a more responsible operation to require him to come to Congress than to enable him to send troops abroad. The enemy would not be moving to a strike any faster if he were to come to Congress than if he sends troops into combat. By what logic do we support that reasoning?

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield further?

Mr. CAREY of New York. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Has there been any case since the beginning of World War II in which any nation has been the aggressor in an armed conflict and has declared war? Did the Reds declare war in Korea or against South Vietnam?

Mr. CAREY of New York. No; the reason being that all of the nations have felt they were secure and were content to let the United States make war, to let the United States expend their troops, let the United States defend the borders of the countries around the world. They did not have to declare war, because in the undeclared wars around the globe the United States has been using American troops, whether the Congress liked it or not, and we may continue to do so until we wind up fighting on the moon, unless Congress says, "You cannot have any more expeditions into foreign countries or take part in other insurgencies unless you come to Congress and justify your proposed action."

We can close the doors of the Chamber, bring the President in here, and listen to what he proposes. He can tell us whether he needs additional troops or not. I would like to have as much to say about our incursion into the next country as Mr. Kissinger evidently does.

The amendment would restore to Congress our constitutional powers. It is a safeguard against unwise use of our troops.

I disagree with my friend from California (Mr. GUBSER) that the amendment would deny equal protection under law. As it is now, who will say we are giving the equal protection of law to our men in the Armed Forces? In fact, once you are in the armed services, the only law under which you operate is the law of command. I want to bring the law back into the hands of Congress where it belongs. The amendment would restore that power to this body. I believe it is time that we had the President come to Congress to justify his proposed use of troops before they are committed and before we begin getting any more body counts without vote counts.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. CAREY of New York. I yield to my colleague from New York.

Mr. PIKE. Let us assume that at the time of the Gulf of Tonkin resolution we had wanted to declare war. Against whom would we have declared war?

Mr. CAREY of New York. That is a very good question. I wonder if the President had come to us with a request for a declaration of war if we would not have felt it unwise and unwarranted to do what the Gulf of Tonkin resolution caused us to do. That was one of the greatest mistakes of all time. If the President had come before us we might have asked a question or two about the Gulf of Tonkin resolution. If I had known about the Gulf of Tonkin resolution what I do now, I would not have voted for it, because the Gulf of Tonkin resolution took us more deeply into this mess.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. DENNIS. Mr. Chairman, I have some sympathy with what the gentleman from Florida is trying to accomplish, but it seems to me that his amendment, and a number of other amendments which have been offered here, more than anything else, possibly, point up the need for a volunteer force. It seems to me that a soldier pretty much has to be a soldier, an army has to be pretty much an army, and I rather doubt whether you can really run an army with two different classes of soldiers, some of whom are liable to certain duties and others of whom are liable to other duties.

The thing is, we have a basic feeling in this country—and I share it—that you should not have to be a soldier and do all these things a soldier has to do except in the case of a national emergency. What we need to do, it seems to me, is to get back to where we used to be, where the fellow who does these things is a soldier, he intends to be a soldier, he expects to be a soldier and he expects to do the duty of a soldier.

That is where we need the volunteer force, and that is why we ought to get there, but until we do get there, I very much doubt whether we can have an armed force with soldiers of two different classes included. I think that is the trouble with the gentleman's amendment.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, the gentleman makes a very good point, but at the same time I would like to say the gentleman from Florida (Mr. GIBBONS) is dealing with a very important subject matter that has been neglected in past years and presents several excellent ideas. We should legislate in this field. The gentleman may recall that last year the House passed a bill requiring a prompt and detailed report by the President whenever military forces are sent to foreign territory for whatever purpose. Unfortunately the Senate did not take it up. It came too late in the last session of Congress, but the House committee has already scheduled hearings on this same subject matter. The Senate hearings are already underway. I am sure this Congress will see legislation in this field. War powers constitute a highly technical area where words must be weighed carefully. While I respect Mr. GIBBONS for this initiative, I think it would be far better if the legislative issue were handled through the regular hearing process rather than in such restrictive circumstances in connection with the draft law.

Mr. DENNIS. I may say I voted for the gentleman's resolution, which goes considerably less far than the amendment proposed by the gentleman from Florida but does legislate on the subject.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Florida.

Mr. GIBBONS. Mr. Chairman, I think the gentleman recognizes the important part of this amendment. My amendment does not go as far as the volunteer army, because I seriously doubt we can ever recruit the men we need by voluntary processes. I think that is a paradox we are always going to face. I do not think we can build the kind of strength we must have, particularly the strength in reserve and ready to fight, by the kind of volunteer proposals I have heard. So mine is really something in between that, which would let us work through a transition and find out whether we could do it by volunteer forces. If we cannot do it by volunteer forces, by what this bill provides in increases in pay and everything else, I do not think we can ever do it. But I do not want to see my country laid prostrate and not have real honest-to-God manpower it can call on in an honest emergency.

What I tried to do in my amendment was to outline the kinds of realistic emergencies this country might face in the time we were experimenting with a volunteer army.

I think the gentleman points out something important. We need to make a transition. This amendment provides that transition. It keeps our feet flat on the ground as far as realism while we go ahead with our well-meaning efforts to try to provide volunteers.

But I do not intend to support this draft act that was proposed here today unless the amendment such as I have proposed is adopted.

Mr. HÉBERT. Mr. Chairman, I rise merely to point out that this ground has been fought over and over and over. It has been discussed inside out and outside in, and upside down and downside up practically the whole day, and it has been rejected on two other occasions, and now we have the same thing with a different kind of approach, but it all amounts to the same kind of objective, that this House voted down by almost a 2-to-1 vote a short time ago, so I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. GIBBONS).

TELLER VOTE WITH CLERKS

Mr. GIBBONS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. GIBBONS. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered, and the Chairman appointed as tellers Messrs. GIBBONS, HÉBERT, MIKVA, and BRAY.

The Committee divided, and the tellers reported that there were—ayes 97, noes 279, not voting 56, as follows:

[Recorded Teller Vote No. 43]

AYES—97

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Badillo
Begich
Bennett
Bergland
Bingham
Blatnik
Boland
Brasco
Burke, Mass.
Burton
Byrne, Pa.
Carey, N.Y.
Carney
Celler
Chisholm
Conte
Conyers
Culver
Denholm
Diggs
Donohue
Dow
Drinan
Dulski
Edwards, Calif.
Esch
Fascell
Fraser
Gaydos
Gibbons
Gonzalez
Grasso
Green, Oreg.
Gude
Halpern
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Helstoski
Howard
Hungate
Jacobs
Karth
Kastenmeier
Leggett
Link
McCloskey
McDonald, Mich.
Macdonald, Mass.
Madden
Mazzoli
Mikva
Mink
Mitchell
Moorhead
Mosher
Moss
Nix
Obey
Podell
Pryor, Ark.
Pucinski
Rees
Reid, N.Y.
Reuss
Riegle
Roe
Roncalio
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Seiberling
Staggers
Stokes
Thompson, N.J.
Tiernan
Udall
Ullman
Vanik
Waldie
Whalen
Yates
Yatron

NOES—279

Abbitt
Abernethy
Albert
Alexander
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Ashbrook
Aspin
Aspinall
Baker
Barrett
Belcher
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Bolling
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byron
Cabell
Caffery
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Corman
Cotter
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan
duPont
Dwyer
Eckhardt
Edmondson
Erlenborn
Eshleman
Evans, Colo.
Findley
Fish
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Fulton, Pa.
Galifianakis
Gallagher
Goldwater
Goodling
Gray
Griffin
Griffiths
Gross
Grover
Gubser
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harvey
Hastings
Hays
Hébert
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Hull
Hunt
Hutchinson
Ichord
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kee
Kemp
King
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Lennon
Lent
Lloyd
Lujan
McClory
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKevitt
McKinney
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morse
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poff
Powell
Preyer, N.C.
Price, Ill.
Purcell
Quie
Quillen
Railsback
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rooney, N.Y.
Rostenkowski
Rousselot
Runnels
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Van Deerlin
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Ware
Watts
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Wright
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—56

Anderson, Ill.
Arends
Ashley
Baring
Bell
Boggs
Bow
Brown, Ohio
Byrnes, Wis.
Camp
Chappell
Clay
Collins, Ill.
Colmer
Corbett
de la Garza
Dellums
Dent
Dingell
Edwards, Ala.
Edwards, La.
Eilberg
Evins, Tenn.
Flowers
Ford, William D.
Frey
Fulton, Tenn.
Fuqua
Garmatz
Gettys
Giaimo
Green, Pa.
Hanna
Harsha
Heckler, Mass.
Jarman
Johnson, Pa.
Keith
Koch
Landrum
Long, La.
Long, Md.
McClure
McCulloch
McMillan
Meeds
Melcher
Metcalfe
Minshall
Poage
Price, Tex.
Randall
Rangel
Rodino
Shipley
Skubitz
Winn
Wolff
Wyatt

So the amendment was rejected.

Mr. HAYS. I move to strike the requisite number of words.

(By unanimous consent, Mr. HAYS was allowed to proceed out of order.)

PRESIDENT NIXON ORDERS IMMEDIATE RELEASE FROM IMPRISONMENT OF LT. WILLIAM L. CALLEY PENDING COMPLETION OF FULL REVIEW OF HIS COURTS-MARTIAL CONVICTION

Mr. HAYS. Mr. Chairman, I want to read something that I think every Member will be interested in that was just on the wire.

It is dated San Clemente, Calif., Associated Press:

> President Nixon today ordered the immediate release from imprisonment of Lt. William L. Calley, Jr., pending the completion of a full review of his court martial conviction on murder charges.
>
> Under Nixon's action, Calley was to return to his personal quarters at Fort Benning, Ga., where he lived during the court martial proceedings.
>
> Press Secretary Ronald Ziegler said Nixon felt personally that Calley should not be confined to the Fort Benning stockade or transferred to the military prison at Leavenworth, Kans., until the decision by his jury has run the entire review gamut, including possible appeals.

Mr. Chairman, I want to applaud President Nixon's actions. I served in the House with him, and I know he has very sensitive political antennas, and he felt the heat in a hurry. The White House ordered the courts-martial, and I think it was correct that the White House did something to mitigate it. You can be sure of one thing—the last appeal will not be heard until long after election day 1972.

AMENDMENT OFFERED BY MR. CARNEY

Mr. CARNEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. CARNEY: On page 11, line 22, after the word "thereof" strike out "July 1, 1973" and insert "December 31, 1972".

Mr. CARNEY. Mr. Chairman, I do not intend to take over 2 minutes. I think the complete subject matter of my amendment has been well discussed. It is a new approach to a subject upon which there have been two votes. Yesterday the gentleman from Massachusetts (Mr. HARRINGTON) offered a 6-month termination of the draft. I thought that was too short. I voted against it.

The gentleman from Ohio (Mr. WHALEN) introduced a 12-month extension of the draft which was defeated by a vote of 198 to 200.

This is merely the same subject matter that would make an 18-month extension of the draft. I think it is consistent with the position my party took yesterday in caucus, which is to try everything humanly possible to get out of Vietnam and end this war sometime during this session of the Congress.

I would yield to the gentleman from Louisiana (Mr. HÉBERT), the chairman of the Committee on Armed Services, if he desires to speak in opposition to this amendment—and I think he will. However, after he answers I do not think that there is any need for further debate. It is not a new subject matter. At the proper time I will ask that we have a teller vote with clerks on this amendment.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. CARNEY. I yield to the gentleman from Louisiana.

Mr. HÉBERT. Mr. Chairman, I agree with that statement just made by the gentleman from Ohio, and I cetrainly have no intention of debating this since we have already debated this a number of times, and it is merely repetitious, and it is merely bringing us back to the same subject we have debated.

I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. CARNEY).

TELLER VOTE WITH CLERKS

Mr. CARNEY. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. CARNEY. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. CARNEY, Mr. HÉBERT, Mr. BRAY, and Mr. GIBBONS.

The Committee divided, and the tellers reported that there were—ayes 170, noes 200, answered present 1, not voting 61, as follows:

[Record Teller Vote No. 44]

AYES—170

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Andrews, N. Dak.
Aspin
Begich
Bennett
Bergland
Biaggi
Biester
Bingham
Blanton
Blatnik
Boland
Bolling
Brademas
Brasco
Broomfield
Brown, Mich.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Caffery
Carey, N.Y.
Carney
Celler
Cleveland
Collier
Collins, Tex.
Conte
Conyers
Cotter
Coughlin
Crane
Culver
Danielson
Denholm
Dingell
Donohue
Dow
Drinan
Dulski
Duncan
duPont
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Fascell
Fish
Foley
Ford, William D.
Forsythe
Fraser
Frenzel
Galifianakis
Gaydos
Gibbons
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Gross
Grover
Gude
Halpern
Hamilton
Hanley
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Howard
Hungate
Hutchinson
Karth
Kastenmeier
Kazen
Keating
Kyros
Latta
Leggett
Link
Lloyd
McClory
McCloskey
McCormack
McDade
McDonald, Mich.
McKay
McKinney
Madden
Matsunaga
Mazzoli
Melcher
Mikva
Miller, Ohio
Minish
Mink
Mitchell
Moorhead
Morse
Mosher
Moss
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Pettis
Pickle
Pike
Podell
Pryor, Ark.
Pucinski
Quie
Rees
Reid, N.Y.
Reuss
Riegle
Robison, N.Y.
Roe
Roncalio
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sarbanes
Scheuer
Schwengel
Seiberling
Smith, Iowa
Snyder
Stafford
Staggers
Steele
Steiger, Wis.
Stokes
Symington
Thompson, N.J.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Waldie
Yates
Yatron
Zwach

NOES—200

Abbitt
Abernethy
Alexander
Andrews, Ala.
Annunzio
Archer
Ashbrook
Aspinall
Baker
Barrett
Belcher
Betts
Bevill
Blackburn
Bray
Brinkley
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byron
Cabell
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Conable
Corman
Daniel, Va.
Daniels, N.J.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dorn
Downing
Erlenborn
Eshleman
Findley
Fisher
Flood
Flynt
Ford, Gerald R.
Fountain
Frelinghuysen
Fulton, Pa.
Gallagher
Goodling
Griffin
Griffiths
Gubser
Hagan
Haley
Hall
Hammerschmidt
Hansen, Idaho
Hébert
Henderson
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Hull
Hunt
Ichord
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kee
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Landgrebe
Lennon
Lent
McCollister
McEwen
McFall
McKevitt
McMillan
Macdonald, Mass.
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Miller, Calif.
Mills
Mizell
Mollohan
Monagan
Montgomery
Morgan
Murphy, N.Y.
Myers
Nelsen
O'Konski
Passman
Patman
Pelly
Pepper
Perkins
Peyser
Pirnie
Poff
Powell
Preyer, N.C.
Price, Ill.
Purcell
Quillen
Railsback
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Rogers
Rooney, N.Y.
Rostenkowski
Runnels
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shoup
Shriver
Sikes
Sisk
Smith, Calif.
Smith, N.Y.
Spence
Springer
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Veysey
Vigorito
Waggonner
Wampler
Ware
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Wright
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion

ANSWERED PRESENT—1

Rousselot

NOT VOTING—61

Anderson, Ill.
Anderson, Tenn.
Arends
Ashley
Badillo
Baring
Bell
Boggs
Bow
Byrnes, Wis.
Camp
Clay
Collins, Ill.
Colmer
Corbett
Davis, Ga.
Dellums
Dent
Diggs
Dowdy
Edwards, Ala.
Edwards, La.
Evins, Tenn.
Flowers
Frey
Fulton, Tenn.
Fuqua
Garmatz
Gettys
Giaimo
Green, Pa.
Hanna
Harsha
Hawkins
Jacobs
Jarman
Johnson, Pa.
Koch
Landrum
Long, La.
Long, Md.
Lujan
McClure
McCulloch
Meeds
Metcalfe
Minshall
Nichols
Patten
Poage
Price, Tex.
Randall
Rangel
Rodino
Shipley
Skubitz
Slack
Widnall
Winn
Wolff
Wyatt

Mr. ROUSSELOT. Mr. Chairman, I vote "present."

So the amendment was rejected.

The CHAIRMAN. Are there any further amendments to section 1?

There being no further amendments to section 1, the Clerk will read.

The Clerk read as follows:

SEC. 2. Section 1 of the Act of August 3, 1950, chapter 537, as amended (10 U.S.C. 3201 note), is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

SEC. 3. Section 9 of the Act of June 27, 1957, Public Law 85–62, as amended (81 Stat. 105), is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that the section be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. PIKE. Mr. Chairman, is that not section 2?

The CHAIRMAN. The Chair will inform the gentleman from New York that section 2 has been read, and section 3 is now open to amendment at any point.

Are there any amendments to section 3?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 4. Sections 302 and 303 of title 37, United States Code, are each amended by striking out "July 1, 1971" whenever that date appears and inserting in place thereof "July 1, 1973".

SEC. 5. Section 203(a) of title 37, United States Code, is amended to read as follows:

"(a) The rates of monthly basic pay for members of the uniformed services within each pay grade are set forth in the following tables:

"COMMISSIONED OFFICERS

"Pay grade	Years of service computed under sec. 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-10[1]	$2,111.40	$2,185.80	$2,185.80	$2,185.80	$2,185.80	$2,269.50	$2,269.50	$2,443.50	$2,443.50	$2,618.40	$2,618.40	$2,793.30	$2,739.30	$2,967.60	$2,967.60
O-9	1,871.40	1,920.60	1,961.70	1,961.70	1,961.70	2,011.20	2,011.20	2,094.60	2,094.60	2,269.50	2,269.50	2,443.50	2,443.50	2,618.40	2,618.40
O-8	1,695.00	1,745.70	1,787.40	1,787.40	1,787.40	1,920.60	1,920.60	2,011.20	2,011.20	2,094.60	2,185.80	2,269.50	2,361.00	2,361.00	2,361.00
O-7	1,408.20	1,504.20	1,504.20	1,504.20	1,571.10	1,571.10	1,662.60	1,662.60	1,745.70	1,920.60	2,052.60	2,052.60	2,052.60	2,052.60	2,052.60
O-6	1,043.70	1,147.20	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,263.30	1,463.10	1,537.80	1,571.10	1,662.60	1,803.30	1,803.30
O-5	834.60	980.70	1,047.90	1,047.90	1,047.90	1,047.90	1,080.30	1,137.90	1,213.80	1,304.70	1,379.70	1,421.10	1,471.20	1,471.20	1,471.20
O-4	704.10	856.50	914.40	914.40	930.60	972.30	1,038.30	1,097.10	1,147.20	1,197.00	1,230.30	1,230.30	1,230.30	1,230.30	1,230.30
O-3[2]	654.30	731.10	781.20	864.90	906.00	938.70	989.10	1,038.30	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80
O-2[2]	570.30	622.80	748.20	773.10	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30
O-1[2]	495.00	515.40	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80

"[1] While service as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $3,000 regardless of cumulative years of service computed under sec. 205 of this title.

"[2] Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members.

"COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS" ACTIVE SERVICE AS ENLISTED MEMBERS

"Pay grade	Years of service computed under section 205											
	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-3	$846.90	$906.00	$938.10	$989.10	$1,038.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30
O-2	773.10	789.30	814.20	856.50	889.80	914.40	914.40	914.40	914.40	914.40	914.40	914.40
O-1	622.80	665.10	690.00	714.60	739.80	773.10	773.10	773.10	773.10	773.10	773.10	773.10

"WARRANT OFFICERS

"Pay grade	Years of service computed under section 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
W-4	$666.30	$714.60	$714.60	$731.10	$764.40	$798.00	$831.00	$889.80	$930.60	$963.90	$989.10	$1,022.10	$1,056.10	$1,137.90	$1,137.90
W-3	605.70	657.00	657.00	665.10	673.20	722.40	764.40	789.30	814.20	838.80	864.90	897.90	930.60	963.90	963.90
W-2	530.40	573.60	573.60	590.40	622.80	657.00	681.90	706.50	731.10	756.60	781.20	806.10	838.80	838.80	838.80
W-1	441.90	507.00	507.00	549.00	573.60	598.50	622.80	648.30	637.20	698.10	722.40	748.20	748.20	748.20	748.20

"ENLISTED MEMBERS

"Pay grade	Years of service computed under section 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
E-9[1]							$756.90	$774.30	$792.00	$809.70	$827.70	$843.90	$888.60	$975.00	$975.00
E-8						$635.10	652.80	670.20	687.90	705.30	722.10	740.10	783.60	870.90	870.90
E-7	$443.40	$478.50	$496.20	$513.60	$531.30	548.10	565.50	583.50	609.60	626.70	644.10	652.80	696.60	783.60	783.60
E-6	382.80	417.90	435.00	453.00	470.40	487.50	505.20	531.30	548.10	565.50	574.50	574.50	574.50	574.50	574.50
E-5	336.30	366.00	383.70	400.50	426.60	444.00	461.70	478.50	487.50	487.50	487.50	487.50	487.50	487.50	487.50
E-4	323.40	341.40	361.20	389.40	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00
E-3	311.10	328.20	341.10	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60
E-2	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10
E-1	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50

"[1] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is $1,098.30 regardless of cumulative years of service computed under section 205 of this title."

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that section 5 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. PIKE. Mr. Chairman, I move to strike the last word.

I said earlier in the debate that I was going to offer an amendment—in fact, I have three amendments at the Clerk's desk—pertaining to section 5. The substance of those amendments was to reduce the pay raise provisions in this bill to those which had been recommended by the administration.

I have decided I am not going to offer those amendments. We have treated very lightly the fiscal responsibility area in this bill. The President asked for pay raises totaling a little less than $1 billion. The committee provided pay raises of $2.7 billion. We are in this bill authorizing pay raises $1.7 billion above the President's budget. I believe we ought to take note of the fact. It is $1.7 billion.

There are an awful lot of people who want a volunteer army, and the pay raises will help to achieve the volunteer army, we hope. There are an awful lot of other people who want to cut the amount of our national resources we allocate each year to national defense, and to spend them in other areas.

What we are doing here certainly is not changing our national priorities. It may be helping to achieve a volunteer army but it is not helping to change our national priorities.

I happen to believe that even with these pay raises we are not going to achieve a volunteer army.

The reason why I am not going to offer my amendment at this time is that the mood of this House, the nature of this bill as it leaves this Chamber, is different from what it was when we started this debate 3 days ago. By only two votes we rejected an amendment to limit the draft to only 1 year.

I happen to believe that with that showing of strength for a reconsideration of this bill next year, this bill is going to be reconsidered next year. I happen to believe that somewhere along the legislative line—perhaps in the other body, which has shown itself to feel a little different from what we have on military matters in the past—the term of this extension is going to be cut down. So I believe we are going to get another look at this.

Something else has happened in this country in the past few days. There was a court-martial verdict and a sentence in Georgia which has created a very substantial outcry not only in your districts but also in my district. I believe the net result of that is going to make it a little tougher to get volunteers in our military. I believe it is going to make it so much harder, harder that we are going to need every bit of the money that is in this bill in order to even aproach a volunteer army. For that reason I am not going to do that which I said I was going to do.

I do want to call everybody's attention to the fact that when we are accused, we in the Congress are accused of having added X billions of dollars to the President's budget, this is one of the places where it was done. This was perhaps the principal place where it was done.

Mr. Chairman, if somebody else wants

to offer the amendments, they are at the Clerk's desk, but I am not going to.

The CHARIMAN. Are there any further amendments to section 5?

Mr. SNYDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I voted for the extension of the draft in 1963 and again in 1967.

There is no question but that we must maintain an adequate military force to defend our country and I can and will support legislative efforts to do this. But Mr. Chairman, I cannot in good conscious vote to send American boys to fight a "no win" war for a government that then allows the American boys to be tried for discharging that obligation.

During the amendment process on this bill, I supported the amendment to limit the extension to 1 year. That extension, with the increased pay schedule, included in the bill would have been in conformance with the Gates Commission recommendation for transition to a volunteer army. That amendment lost by two votes. Had it been adopted, I would have reluctantly voted for the bill. No vote has caused me more "soul searching" than this one.

Mr. Chairman, I may be wrong but I sincerely believe I am doing right.

(Mr. SNYDER asked and was given permission to revise and extend his remarks.)

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 6. Chapter 5 of title 37, United States Code, is amended by inserting the following new section and a corresponding item in the analysis:

"§ 302a. Special pay: optometrists

"(a) In addition to any other basic pay, special pay, incentive pay, or allowances to which he is entitled, each of the following officers is entitled to special pay at the rates set forth in subsection (b) of this section—

"(1) a commissioned officer—

"(A) of the Regular Army or the Regular Navy who is designated as an optometry officer;

"(B) of the Regular Air Force who is designated as an optometry officer; or

"(C) who is an optometry officer of the Regular Corps of the Public Health Service; who was on active duty on the effective date of this section; who retired before that date and was ordered to active duty after that date and before July 1, 1973; or who was designated as such an officer after the effective date of this section and before July 1, 1973:

"(2) a commissioned officer—

"(A) of a reserve component of the Army or Navy who is designated as an optometry officer;

"(B) of a reserve component of the Air Force who is designated as an optometry officer; or

"(C) who is an optometry officer of the Reserve Corps of the Public Health Service; who after the effective date of this section and before July 1, 1973, is ordered to active duty for a period of at least one year; and

(3) a general officer of the Army or the Air Force appointed, from any of the categories named in clause (1) or (2), in the Army, the Air Force, or the National Guard, as the case may be, who was on active duty on the effective date of this section; who was retired before that date and was ordered to active duty after that date and before July 1, 1973; or who, after the effective date of this section, was appointed from any of those categories.

"(b) The amount of special pay to which an officer covered by subsection (a) of this section is entitled is—

"(A) $50 a month for each month of active duty, if he is in pay grade O–1, O–2, or O–3;

"(B) $150 a month for each month of active duty if he is in pay grade O–4 or O–5; or

"(C) $200 a month for each month of active duty if he is above pay grade O–5.

"(c) The amounts set forth in subsection (a) of this section may not be included in computing the amount of an increase in pay authorized by any other provision of this title or in computing retired pay or severance pay."

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that section 6 be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. Are there any amendments to section 6? If not, the Clerk will read.

The Clerk read as follows:

Sec. 7. (a) Section 402 of title 37, United States Code, is amended as follows:

(1) The first sentence of subsection (b) is amended to read: "An enlisted member is entitled to a basic allowance for subsistence of one of the following types—

"(1) when rations in kind are not available; and

"(2) when permission to mess separately is granted.".

(2) The fourth sentence of subsection (b) is stricken.

(3) Subsection (d) is amended to read:

"(d) The basic allowance for subsistence for members of the uniformed services is as follows—

Officers	$48.00 a month.
Enlisted members authorized to mess separately	$48.00 a month.
Enlisted members when rations in kind are not available	3.45 a day.".

(4) Subsection (e) is amended to read:

"(e) Under regulations prescribed by the Secretary of Defense, an enlisted member who is granted permission to mess separately, and whose duties require him to buy at least one meal in a messing facility of the United States, shall be charged for each such meal not more than the pro rata share prescribed for that meal of $1.60.".

(b) Section 403(a) of title 37, United States Code, is amended to read as follows:

"(a) Except as otherwise provided by this section or by another law, a member of a uniformed service who is entitled to basic pay is entitled to a basic allowance for quarters at the following rates according to the pay grade in which he is assigned or distributed for basic pay purposes:

"Pay grade	Without dependents	With dependents
0–10	$271.20	$339.00
0–9	271.20	339.00
0–8	271.20	339.10
0–7	271.20	339.00
0–6	249.30	303.90
0–5	233.40	281.10
0–4	210.30	253.50
0–3	186.30	230.10
0–2	163.20	206.70
0–1	128.10	166.50
W–4	202.80	244.50
W–3	182.70	225.60
W–2	161.40	204.30
W–1	145.80	189.30
E–9	153.90	216.90
E–8	143.70	202.50
E–7	123.30	189.90
E–6	112.80	176.40
E–5	109.20	163.20
E–4 (over 4 years' service)	96.00	143.10
E–4 (4 years' or less service)	45.00	45.00
E–3	45.00	45.00
E–2	45.00	45.00
E–1	45.00	45.00

A member in pay grade E–4 (less than 4 years' service), E–3, E–2, or E–1 is considered at all times to be without dependents.".

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that section 7 be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. Are there any amendments to section 7? If not, the Clerk will read.

The Clerk read as follows:

Sec. 8. Chapter 7 of title 37, United States Code, is amended by inserting the following new section and a corresponding item in the analysis:

"§ 428. Allowance for recruiting expenses

"In addition to other pay or allowances authorized by law, and under uniform regulations prescribed by the Secretaries concerned, a member who is assigned to recruiting duties for his armed force may be reimbursed for actual and necessary expenses incurred in connection with those duties.".

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that section 8 be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. Are there any amendments to Section 8? If not, the Clerk will read.

The Clerk read as follows:

Sec. 9. Section 3 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2203) is amended to read as follows:

"Sec. 3. For the duration of this Act, section 403(a) of title 37, United States Code, is amended by striking out that part of the table which prescribes monthly basic allowances for quarters for enlisted members in pay grades E–1, E–2, E–3, and E–4 (four years' or less service) and inserting in place thereof the following table:

"Pay grade	Without dependents	With dependents
"E–4 (4 years' or less service)	$96.00	$143.10
E–3	85.20	120.00
E–2	75.00	105.00
E–1	70.20	105.00."

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that section 9 be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. Are there any amendments to section 9? If not, the Clerk will read.

The Clerk read as follows:

Sec. 10. Section 4 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2204) is amended by inserting immediately before ": *Provided further*" the following: "; or (7) for the calendar months in which such member serves on active duty for training (including full-time duty performed by members of the Army or Air National Guard for which they receive pay from the United States in accordance with section 204 of title

37, United States Code) if that training is for a period of 30 days or more.".

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that section 10 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. Are there any amendments to section 10? If not, the Clerk will read.

The Clerk read as follows:

SEC. 11. Section 7 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2207) is amended by striking out "to enlisted members on active duty for training under section 262 of the Armed Forces Reserve Act of 1952, as amended (50 U.S.C. 1013), or any other enlistment program that requires an initial period of active duty for training.".

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that section 11 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. Are there any amendmetns to section 11? If not, the Clerk will read.

The Clerk read as follows:

SEC. 12. Section 16 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2216) is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that section 12 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. Are there any amendments to section 12? If not, the Clerk will read.

The Clerk read as follows:

SEC. 13. For the fiscal year beginning July 1, 1971, and ending June 30, 1972, each of the following armed forces is authorized an average active duty personnel strength as follows:

(1) the Army, 1,024,309;
(2) the Navy, 616,619;
(3) the Marine Corps, 209,846; and
(4) the Air Force, 758,635;

except when the President of the United States determines that the application of these ceilings will seriously jeopardize the national security interests of the United States and informs the Congress of the basis for such determination.

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that section 13 to considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. Are there any amendments to section 13?

AMENDMENT OFFERED BY MR. MIKVA

Mr. MIKVA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MIKVA: On page 19, line 23, after the figure "758,635"—insert the following:

"Provided, however, that on June 30, 1972, the total active duty personnel strength for all the services shall not exceed 2,350,000."

Mr. MIKVA. Mr. Chairman, this amendment is offered on behalf of my colleagues, the gentlemen from Washington (Mr. FOLEY and Mr. HICKS) and myself. I would like to continue the record of success which I started in the last session of Congress. I offered a similar amendment to the Military Manpower Act which was overwhelmingly defeated; however, the military then went on to cut the manpower forces well beyond what I suggested in my amendment.

I would like to continue that record of success.

Mr. Chairman, I think we are talking at this point about the heart of the problem—the size of our military forces. I am still not sure how the force levels found their way into this bill, even though I have read and reread the report several times. However, I would like to share with you a few lines from this report.

First of all, I would like to tell you that the committee accepted the manpower requests that were asked for by the Department of Defense: The manpower levels set forth in section 13 are troop for troop what the Department of Defense asked for. The committee then, with commendable candor—and I commend the chairman of the Committee on Armed Services and the members thereof for such candor—went on to acknowledge:

> However, the committee believes that inevitably in an organization the size of the Department of Defense there is adequate room for effecting greater efficiencies in the utilization of military personnel. Therefore, the committee urges the Department of Defense and the individual services to continue to explore the possibility of substituting the use of civilian manpower wherever practicable, as well as attempting to achieve overall reductions in the manpower requirements.

Mr. Chairman, I am suggesting that this Committee, the Committee of the Whole House on the State of the Union, has that responsibility under the Constitution, and up until a few years ago, by tradition as well. Because it is up to the Congress of the United States to raise the armies of the United States, we are the ones who are supposed to set meaningful force levels.

Let me knock down a few strawmen before they get set up too high.

First of all, if an emergency arises, I call your attention to the last proviso of section 13—which I do not change in any manner, shape or form—which allows the President of the United States to exceed the force levels in the bill. He can do this unilaterally, simply by informing us of the basis for such a determination. Thus there is no emergency that can arise whereby the President as Commander in Chief would not be free to exceed the force levels of this bill.

What these force levels are designed to do is to tell the Department of Defense that Congress thinks these are sufficient Americans to be in the military services.

I suggest to you that a force level cut, which is at the least the minimum of the force level cut that the military department on its own created in the last biennium, is the very least that Congress owes to the country if Congress is to carry out its obligations.

Let me expand for a moment, if I may. To those few fiscal conservatives who are left in this era of full employment budgets, let me remind you that for every soldier we put in uniform, for every person that is set forth in section 13, we are talking about $20,000. I suggest to the Members of the House that if you would like to save $3 billion—$3 billion—vote for this amendment which will reduce the force levels by an additional 150,000 over what the military themselves have suggested that the forces should be cut to.

Let me appeal to those of you who think we may be spread in too many places. I will not read all of the places because 15 minutes would not be enough time to tell you all the places where we have troops. But you know that there are more than a few too many places, and more than a few too large numbers.

Mr. Chairman, 150,000 is a token cut for some of those adventuresome places in the far-flung military empire where our military forces are now present.

Let me appeal to those of you who really want to help make the President keep his promise to get us out of Vietnam. A 150,000 force cut is far below the savings in manpower that will be achieved if the President gets us out of Vietnam at the rate he is proposing.

What I am appealing to my colleagues in Congress to do is to exercise their responsibility under the Constitution: set meaningful force levels. If the Pentagon comes in and says "We need 2.5 million," the least we ought to do is to say, "On general principles we can cut that an additional 5 percent." And the advantages to the freedom in this country and the advantages to the military services and the advantages to the solvency of this country would be outstanding.

I urge my colleagues to support this amendment, not because it will end the war, not because it will destroy the military, but because it will put Congress back where it belongs; in charge of the force levels of this country.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment, and I do so with a strong and burning desire to help my dear friend, the gentleman from Illinois (Mr. MIKVA), keep his record straight and have an overwhelming defeat of his amendment.

This force level has been recommended by the Commander in Chief, the President of the United States himself, who is responsible for the force levels, the Defense Department, which placed 46 pages in the record in justification of the force levels, by the Joint Chiefs of Staff, and the arguments have been available.

We do not tell the Defense Department, "You must reach this ceiling," it can be reduced if it is so desired. It is a ceiling, and not a demand.

This might help to answer the question as to why we are trying to include in the bill all of the elements relating to our defense manpower requirements, to bring all of these elements in focus in one bill so that we can debate it and dispose of it as intelligentally and as expeditiously as we can. That is what we are trying to.

Therefore, I urge defeat of the amendment, in order to accommodate my friend, the gentleman from Illinois (Mr. MIKVA), and I would ask for a vote.

Mr. DOW. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to say a brief word about the concept involved in cutting back the numbers in our Armed Forces. The average strength of the American military is now about 3.3 million. The strength of the Chinese military force according to the latest figures, is 2,761,000. As great as their numbers are, they have a lesser number of military than we have.

The Russian military forces are less also than our figures; they are 3,220,000.

I would hope that nobody plans an infantry war against the Russian and Chinese manpower.

Let me say that there are two kinds of war that we should contemplate in the future. One of them is a nuclear war, and in that kind of war there will be no need for numbers in the Army. Grandma will be in the trenches. Grandma is in the trenches today, with poised projectiles only a half hour away from her, and everybody else right now. So we do not need numbers to fight a nuclear war.

Now, turning to the other kind of war, an infantry war, it seems to me that we should have learned from Vietnam to fight no more brush fires. We should end the concept of a Pax Americana and close some of the hundreds of bases that we have. They are only provocative of more Vietnams.

So I see no need whatsoever for large numbers of men, greater than either the Chinese or the Russians now muster. It should not be hard to strike a balance between the diminished enlistments under a volunteer system and our true manpower needs under a concept of restraint in our numbers of men, in our numbers of bases, in our outlays of defense dollars, and in our posture generally.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MIKVA).

The amendment was rejected.

AMENDMENT OFFERED BY MR. RYAN

Mr. RYAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RYAN: On page 20, line 3, immediately before the period, insert the following: ", but no part of any such active duty personnel strengths, whether or not increased by the President of the United States, may be assigned for use in South Vietnam, Cambodia, Laos, and North Vietnam, and the waters immediately adjacent thereto, after December 31, 1971."

Mr. RYAN. Mr. Chairman, this amendment, may I remind the members of the caucus, has a very simple objective—to end the war in Vietnam. It offers us a clear-cut opportunity to vote "yes" or "no" on this dead end war.

I offer it on behalf of the gentleman from Maryland (Mr. MITCHELL), myself and some 21 other colleagues who have joined us in sponsoring the amendment.

The 21 Members joining in sponsoring this amendment which I am offering for myself and Mr. MITCHELL are: Mrs. ABZUG, Mr. ASPIN, Mr. BADILLO, Mr. BERGLAND, Mr. BURTON, Mr. CLAY, Mr. CONYERS, Mr. COLLINS of Illinois, Mr. EDWARDS of California, Mr. ECKHARDT, Mr. FRASER, Mr. HALPERN, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. MIKVA, Mr. RANGEL, Mr. REUSS, Mr. RIEGLE, Mr. ROSENTHAL, Mr. VANIK, and Mr. WALDIE.

Section 13 of H.R. 6531, the bill before us, sets the "average active duty personnel strength" for the Army, the Navy, the Marine Corps, and the Air Force.

These strengths are determined, as the hearings show at pages 1050 et seq., by how many troops are needed where, and for what purpose.

Clearly, were it not for the war in Southeast Asia, the levels of strength set by section 13 would be much lower.

Our amendment prevents the assignment or the use of any part of these average active duty personnel strength levels in South Vietnam, Cambodia, Laos, North Vietnam, and the waters immediately adjacent thereto, after December 31, 1971—whether or not the strength levels are increased by the President.

In other words, this amendment would bring about the end of our military involvement in Vietnam by December 31.

There is no need for me to recite statistics of the loss of lives. Some 53,000 Americans have died. Hundreds of thousands of Vietnamese, Cambodians and Laotians have died. There are millions of refugees throughout Southeast Asia. It is clear that the devastation and the killing must cease. That is what this amendment will do.

Whether or not one may agree with the policy of the administration—and everyone knows I do not agree with the policy of the administration—is it not time for all of us to say, "Enough?" Is it not time for us to listen to that 73 percent of the American people who have said that they want withdrawal from Vietnam by December 31? Is it not time that 73 percent of the Members of the House of Representaitves respond to that sentiment which prevails throughout the country?

The hapless people of Southeast Asia want an end to this war which has devastated their land, slain their people. Let us, for the sake of humanity, finally cease.

Some of you say, "But the President is withdrawing troops." And I say, what of the reign of terror unleashed by United States bombers?

Some of you say, "But the President has a plan for ending the war." I say, tell that to the 1 million Cambodian refugees. Tell that to the villagers of Laos. Tell that to the hapless South Vietnamese troops served up to death and maiming in Laos.

Some of you say, "But what of the prisoners of war?" I say, set a withdrawal date, and then negotiations for their release will be feasible. We simply cannot bomb the North Vietnamese into releasing them.

Some of you say, "But what of the American lives lost? Are we to say they died in vain?" I say, no, they did not die in vain, for they have taught all mankind the tragedy of war, and they have brought us to the point of compassion where we can say, let us end it.

We can vote to end the war. Let us do so today.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. RYAN. I yield to the gentleman.

Mr. BURTON. Mr. Chairman, I would like to praise our distinguished colleague, the gentleman from New York (Mr. RYAN) for giving us all an opportunity, hopefully, to vote on the record in support of this most important amendment.

Mr. RYAN. I thank the gentleman from California.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. RYAN. I yield to the distinguished gentleman from Maryland, Mr. MITCHELL, a cosponsor of the amendment.

Mr. MITCHELL. I thank the gentleman very much for yielding. I would like to assure the Members that whatever food they have at home will keep and whatever booze is waiting for them will not evaporate. We have a little bit of time left. We have charged up the hill on the left and we have charged up the hill on the right. We have vented our spleen. We have argued. We have become intemperate. I have. Now we face the very, very critical decision as to whether or not this body is going to stand and make its decision to end the war.

All of the talk that I have heard on the floor has been, "Let us support the President in getting out of Vietnam." This amendment does it. All the talk that I have heard has been, "Let us support the President in his policies of Vietnamization." This amendment does it. All the talk that I have heard has been: "Let us unify this country in terms of being responsive to that 70-plus percent of America that says: 'No more war in Southeast Asia.' " This amendment becomes a mechanism by means of which that unity can be achieved. I urge support of the amendment.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HÉBERT. Mr. Chairman, to the surprise of no one, I rise in opposition to the amendment. The committee opposes this amendment as it has previously opposed amendments along these same lines throughout the debate. I ask that the amendment be rejected.

Mr. CEDERBERG. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. CEDERBERG. Mr. Chairman, I will not take the full 5 minutes, but I cannot let the opportunity go by without saying that 30 years ago, on April Fool's Day, I was drafted. Since I have served in the Congress we have had to carry on the draft ever since. After the time I was drafted I went to Europe as an infantry officer. My son was born while I was there. He was drafted and served his 2 years in the service. This has been the history of our country, tragically.

We would all like to end the draft, get down to zero draft as quickly as possible. I do not know of anyone who wants to carry on the draft. That is why I commend the Armed Services Committee for the work that they have done here, which is designed to try to bring about, as quickly as possible, a zero draft call.

I only hope that conditions around the world will continue to improve and that our presence will never be needed to the extent that it has in the past and that an all-volunteer Army will become practical. But I think my experience is not unique. Many in this chamber have been through the same thing. But it is a fact of life that we have gone through generation after generation. Hopefully, we are going to go towards the end of this draft.

I hope that this legislation is a step in that direction.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I make no apologies for my support of a volunteer military service to be authorized immediately following the expiration of the existing Selective Service Act on June 30, 1971, or as soon as the new system can be established.

More than a year ago, the President's Commission on an all-volunteer armed force recommended unanimously that such a volunteer military service was both feasible and desirable.

While the present bill provides for a volunteer military service after a 2-year extension of the Selective Service System, this action will be subject to review in the next Congress—with the possibility that the present system may again be extended.

Mr. Chairman, it is not my purpose to review all of the findings and recommentations of the prestigious Gates Commission. It should be sufficient to point out that the 15-member Commission, headed by former Secretary of Defense—Thomas S. Gates, Jr.—was composed of persons of both military and non-military backgrounds representing both political parties—all of whom are as vitally interested as I and the other Members of this body in providing the maximum of national security for our country.

Mr. Chairman, there are many reasons why I support the establishment of an all-volunteer military force at the earliest possible date. First among these reasons is to serve notice on our military leaders that we do not support the deployment of American ground forces in the farflung sections of the world. When I have visited American military bases in such areas as the Philippines, Thailand, Japan, Taiwan, South Korea, Great Britain, West Germany—and elsewhere—the question keeps recurring to me: "Why are we maintaining these expansive military bases peopled by American ground troops in these friendly countries so remote from our own shores?"

Mr. Chairman, is it true that the people of these nations are unable to defend themselves with their own manpower—even if we supply the arms and materials for their defense?

Second, while the local economy may enjoy the benefits of the American dollars which are expended in maintaining such military bases, substantial hostility toward Americans develops in these host countries as a result of our military presence there. It is for this reason that we frequently try to maintain a low profile in such host countries in order to avoid becoming even more unpopular.

Mr. Chairman, it seems appropriate to recall what occurred in mainland China prior to the successful takeover by the pro-Communist forces—resulting in the fall of the Chiang Kai-shek regime.

For several years our Armed Forces had been stationed on the mainland as a part of our involvement in the Pacific war against the Japanese. After the war, this joint U.S. Military Advisory Group—JUSMAG—lingered on in ostensible support of Chiang Kai-shek. To accommodate these forces, Chinese citizens were expelled from their homes to provide housing for U.S. military personnel. I might add, Mr. Chairman, that before American forces were established in their new Chinese homes, substantial improvements—which might be termed "ostentatious"—had to be made in order to allow American soldiers to live in a manner to which they had become accustomed. Furthermore, I need not expand upon the disenchantment among Chinese citizens who were, because of their circumstances, forced to walk or to ride bicycles to the same offices to which American soldiers were being chauffered.

Mr. Chairman, I do not propose to extend this analogy any further, and I am not unaware of the adverse economic situation of our enlisted soldiers and their families who are forced to live off post in West Germany. This latter situation only serves to add emphasis to my strong conviction that we are indeed overextended in many parts of the world.

Mr. Chairman, is it suggested that a major conflict, which would indeed jeopardize our security on this continent, to be fought elsewhere with American ground troops? This seems to me quite unlikely in this era of sophisticated nuclear weaponry.

Mr. Chairman, I, like all others, have had occasion to visit firsthand with military leaders and to examine authentic literature which describes some military attitudes toward the deployment of American ground forces. The virtual indifference to human life which is implied in some high-level military attitudes is another reason I feel that the draft system should not be extended to satisfy the whim of those militarists who would summarily order the deployment of thousands—and I repeat thousands—of American boys to undertake a single operation in a remote, neutral nation.

Mr. Chairman, I agree precisely with the view expressed by the President in his recent state of the world message when he declared:

> In the era of American predominance we resorted to American prescriptions as well as resources. In the new era, our friends are revitalized and increasingly self-reliant while the American domestic consensus has been strained by 25 years of global responsibilities.

Mr. Chairman, I know that there are many who will misunderstand my attitude and my votes today. Others will find it difficult to interpret the lineups of votes on the amendments as well as on the final action on this measure. It is for that reason that I address these remarks to my colleagues and assert with all sincerity my conviction that the Selective Service System should be permitted to expire and that a volunteer military service—which most members claim they espouse—should take over at the earliest possible date.

Mr. BURKE of Florida. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Florida.

Mr. BURKE of Florida. Mr. Chairman, I was not a Member of the Congress in 1940, but I remember well, all the propaganda that floated about to the effect that our Army could beat any nation that had the audacity to threaten us without the draft of our youth. Yes, I remember it, because I was one of those subject to the draft, but even then I did not fall for the nonsense that was being peddled that the draft was unnecessary or that we could preserve our security by a volunteer Army.

Why must we continue to follow the path of self destruction? Are we more secure today than we were in 1938 or 1940? I think not. While we blindly move along the path which might well—and which I feel—we will surely regret, the Soviet Union and the Sino-Communists rattle the swords of war. The Soviet Union is fast overtaking us in nuclear weapons and in conventional military might. Their navy is a threat to all the free world—in the Atlantic, the Caribbean and in the Indian Ocean. It is not a token fleet, it is a powerful naval threat and it is but an arm of the Soviet's overall military might. The waves from its ships lap our very shores.

Why must we delude ourselves with the idealist belief that all is well in the world and that it is a world of brotherly love. I wish this was true but unfortunately it is not.

The path to world peace is not by weakness—but through strength. Our military strength has been our salvation and our willingness to accept this fact has made our country great.

To be sure, disagreement exists as to the extent we should go to arm ourselves, or should I say to defend ourselves? In the past years prior to World War II we could afford some degree of laxity, because after all, we were separated from Asia by the Pacific and from Europe by the Atlantic. But it appears now we have even forgotten Pearl Harbor. Remember Pearl Harbor—when a sneak attack almost wiped out what most Americans in December 1941 thought was the most powerful Navy in the world? It could not happen to us—but it did.

In the past we held the trump card to prevent another World War. We, and we alone had the atomic bomb. However, this is no longer true today and the ability to make nuclear weapons is now the prerogative of almost every major nation in the world. The Soviet Union, the Red Chinese, England, and France have missiles while Israel, Germany, and Japan certainly have the knowhow.

Mr. Chairman, I want world peace. As I said, I was one subject to the draft in 1941 and I served in World War II. I want an end to the war in Vietnam. We all do, but with the world situation as it is, this is not the time to cave in to emotion. I feel it is my duty to vote for the extension of the draft, because you see, I remember Pearl Harbor . . . and vigilence and preparedness will forever be the cost of our freedom.

If I felt that our involvement in the Vietnam war was the sole criteria upon which my vote depended then perhaps I could vote against the extension of the draft. I do not condone the fact that we are fighting a nondeclared, no-win war in Vietnam. Neither I nor President Nixon was not the one that escalated this unpopular and divisive war. But I truly believe the President will extricate us from it. As I said, however, it is the uncertainty of the world conditions that makes me cautious and concerned about the future of our country.

I wish we could see the day when we would not be the rumble and the rattle of the armament of unfriendly nations from across the sea, but regrettably today is not that day.

Mr. RONCALIO. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Wyoming.

Mr. RONCALIO. Mr. Chairman, I would like to begin my remarks by expressing pride at being a member of this body, and being a witness and participant in the historic, and the heart-felt debate today. At the heart of this debate is a sense of destiny and new directions for this Nation.

As my distinguished friend and colleague, Mr. MATSUNAGA, and others, have said, the historical perspective on the draft is well worth noting. In the 195 years of national history, some 160 years were free of conscription. In some 139 armed conflicts, the draft has only been resorted to in five instances. America was settled by pioneers who came from central Europe to escape conscription, as odious a duty 100 years ago in Europe's wars of pillage and plunder, as it has become today.

I believe these points are relevant. First, it dispels the notion that universal military conscription is an American tradition and that a volunteer army is an alien, even an undemocratic concept.

Second, it dismisses the argument that those favoring an abolition of the draft are propounding risky or untested principle.

I believe the Congress earnestly desires to fulfill its constitutional obligation to raise and support armies. I believe the Congress wants that Army to be efficient, well-equipped and fully supported by the appropriations of Congress and the spirit of the defense personnel. What we are really debating is the role of the draft in achieving this goal.

In a number of speeches in this body, I have expressed concern about the mood of the Nation. There is a crisis of confidence today, a sense of national limbo, a temper of frustration and helplessness, and, above all, a serious and heart-rending divisiveness.

I believe one of the ingredients in this divisiveness is the draft. It has divided this body and it has reached into every home in America.

When a sense of alienation and disunity plagues this land, the burdens of office are manifest, for the Nation is looking to this House, as well as to the White House, for leadership and for decisive action.

In significant respects, this harkens back to the mood of the early 1930's, when a nation immobilized by fear sought reassurance and responsive action. At that time, Franklin Roosevelt said he would try one approach, and if that did not work, he would try another. But, he said, the important thing was to keep trying.

The psychological effect of that philosophy was instrumental in the recovery from the depression. It was the effect on the spirit and morale of the public that I cite as a valuable lesson today. The public believed it could recover from the depression, and that was as important as any, or all, of the specific programs inaugurated.

Today, there is a thirst for hope and for inspiration and there is a cry for action. We must act as much to reassure and to respond to this despair as to make a judgment on one issue.

A status-quo, stand-pat approach will simply not be acceptable to the American public. I believe the House recognized this mood in rejecting funding for the supersonic transport plane; I hope it will again respond by offering a way to remove the divisiveness caused by the draft.

I am not trying to simplify this issue. The intensity and thoughtfulness of the debate on this issue give ample evidence of the complex proposition we face.

I am going to take the positive approach that my vote supports a voluntary army and the kind of incentives to draw capable and dedicated career men. I am going to tell the people of Wyoming I voted against extending the draft because I want to restore a sense of honor, pride, dignity, and self-respect to the Armed Forces and to reverse the demoralization and despair which the draft has engendered.

I am going to say that this vote corresponds with the wishes of the President and corresponds to the wishes of the Gates Commission.

Above all, I am going to stress that, as our colleague BARRY GOLDWATER has put it, the Congress should abolish the draft at the same time it establishes the mechanism for an all-volunteer army.

At the same time, I would stress that ending the draft is in no way going to limit the ability of this Nation to respond to a need for manpower. This House could, in a day, restore the draft if an emergency required that action. But, because the request would provide for a congressional review, the House would be restoring to the legislative branch its constitutional voice in the raising of an army and the direction of foreign policy.

So, at the same time that I support the freedom of young men to have a choice about military service, I am supporting the freedom of this House to participate in the formation and implementation of foreign policy. I believe the public expects this most responsive branch of Government to reassert that constitutional responsibility.

When I cast my vote against extension of the draft, I am in no way implying that national service is to be exclusively identified with military service. I believe a far more desirable association would be a program of national service which provides for volunteers number of vital fields. If young persons would prefer to make a contribution to this Nation by serving in a hospital, a national forest, a poverty program or community action, I believe this should have the same respect and recognition as military service.

The idealism, dedication, and social conscience of the young American ought to have an outlet in a wide-range of volunteer service, and I welcome any advancement of that goal. The fundamental principle is the freedom of a young person, man or woman, to choose how he will serve. I earnestly hope that the young persons who have told me of their desires in this regard will react to abolition of the draft by selecting a role of public service compatible with their abilities and interests.

I am voting against ending the draft because I want to contribute to the common goal of strengthening the Armies of the Republic, even as we provide young Americans with a choice about national service. Given a choice, I believe they will respond enthusiastically and energetically.

I vote as well to register support for the reordering of national priorities. We must broaden our vision of American greatness to include victories at home, victories against the familiar enemies of ignorance, poverty, prejudice, hunger, hatred, energy crises, and problems of environment.

Mr. LEGGETT previously quoted the President, and I would insert those sentences again:

> The Congress has both the power and the opportunity to take an historic action. As I stated in last year's message, with an end to the draft we will demonstrate to the world the responsiveness of our system of government—and we will also demonstrate our continuing commitment to the principle of insuring for the individual the greatest possible measure of freedom.

I share that sense of opportunity and destiny, and I believe a vote to abolish the draft will not only reconsecrate this Nation to the principle of freedom, but bind us together once more in the pursuit of service to the Nation on the many, many fields of action so urgently calling for attention here at home.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RYAN).

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. RYAN. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> SEC. 14. Sections 4–11 of this Act are effective on the first day of the first month after enactment.

AMENDMENT OFFERED BY MR. RARICK

Mr. RARICK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. RARICK: On page 20, add new section to be numbered SEC. 15 and reads as follows:
>
> "SEC. 15. Notwithstanding any other provision of law, and except in instances involving other United States military personnel or allied military personnel, no member of the Armed Forces of the United States, including those inducted into the services under the provisions of the Selective Service Act, shall be indicted for murder as a result of combat action."

Mr. RARICK. Mr. Chairman, I offer this amendment in all sincerity as I feel it is necessary to give some degree of protection to the young men who serve our country in uniform, and who would be drafted under this bill we are considering today, as well as to give assurances to their mothers and their loved ones.

We are being asked to extend the draft another 2 years, to draft young men and to have their young minds and bodies trained in the art of warfare—and that means killing; for if a man will not kill, no army will want him.

I dedicate this amendment to Lieutenant Calley, presently one of our U.S. prisoners of war in a U.S. Army POW camp. As a soldier in the last war, our men were permitted to win, I suffered with Lieutenant Calley over every word of his statement given to his convictors before he was sentenced to life at hard labor, when he said:

> And I am not going to stand here and plead for my life and my freedom. But I would like you to ask—ask you to consider the thousand more lives that are going to be lost. . . . I valued my troops' lives more than I did that of the enemy.

His statement—putting country above self—most certainly must be considered as that of a true soldier and a great American. It should touch everyone who wonders where our country is heading and how all of this will stop.

Lieutenant Calley's appeal is a plea for help for the other young men and future soldiers who in combat will face similar incidents under battlefield pressure just as he did. How will they react? Lieutenant Calley's statement indicates he is uncertain. Are we in the safety of this Chamber more qualified to judge them? I say not.

But we can help the fighting men of the future battles by passing this amendment, so there will never be another American soldier indicted for premeditated murder arising from combat.

How can any Member, fresh with the recollection of the Lieutenant Calley outrage, vote for this bill to extend the draft without exerting every effort to protect our fighting men, including the draftees who would be conscripted under this Act and who will be called upon as our agents to do our dirty work?

I do not want another mother to call me and sobbingly ask how I can vote to extend the draft to take her son, train him to kill, and then send him overseas; and if he kills instead of getting killed, to bring him back to our country in disgrace and try him for murder—as was done to Lieutenant Calley.

I am sure each Member has received similar calls from outraged parents. What are the Members telling the mothers and fathers and the veterans? That there is nothing we can do, that it it all up to the President? Well, I submit to the Members there is something we can do. We most certainly can join in support of this amendment, and we will be telling the President and the military brass and the mothers and dads that, while we want a strong country and we want a militarily prepared nation, we will never let another combat man be disgraced by such unconscionable shenanigans as being indicted on a charge of premeditated murder. Other lesser charges and criminal actions—yes—but never the charge of premeditated murder.

What soldier who ever pointed a weapon at a human target did not intend to kill? What is war, if not premeditated murder?

I urge the Members to support this amendment. I think it is a good amendment. I think it is necessary to perfect the draft extension for the benefit of our fighting men and to preserve patriotism in our country.

Mr. HÉBERT. Mr. Chairman, I rise at this time in opposition to the amendment.

Of course, I realize the dedication of my good friend and colleague, the gentleman from Louisiana. I know how deeply he feels.

Mr. Chairman, the amendment the gentleman offered, of course, is not germane. It is subject to a point of order, and I am sure if I had made the point of order, it would have been sustained.

It is an amendment to the military code of justice. It belongs there and not here.

I did not raise the point of order because of courtesy and understanding of the gentleman's intention. However, obviously this is a matter which should not be brought into the debate at this time. Therefore I oppose the amendment and ask for an immediate vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. RARICK).

The amendment was rejected.

Mrs. ABZUG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are about to vote on a draft bill which is going to continue the senseless killing in this country and and the senseless killing of millions of people across this world in Southeast Asia.

There are voices here that have tried to appeal, that have tried to cajole, and have begged that we end this miserable killing and end this draft.

There are some voices that have not been heard and I, as a woman, as a Representative of the women in my district and throughout this country, want to bring some of these voices into this Chamber. Voices of mothers writing to me by the thousands with respect to this draft before we vote of its renewal—the renewal of the source of killing and endless war.

I want you to listen to this, Mr. Chairman, before you vote to perpetuate the killing and vote to perpetuate the war in this country and in this world.

These are letters from women all over the country. They are going to continue to be collected throughout the country through Mother's Day. They will be presented to you and they will be presented to the President of the United States and to the generals at the Pentagon.

I will read to you the text of some of these letters which have been sent to me with pictures of the sons and children of these women.

This is what this letter says:

> DEAR MR. PRESIDENT: Perhaps you'll be surprised to hear from us because, up to now, most of us have been rather quiet.
>
> We're housewives, you see; more than that, we're mothers. And while students have been organizing protests, while businessmen and lawyers have gone to see their Congressmen, while draft resisters have left for Canada or for jail, while a war-induced inflation has spiralled into a crushing burden on our whole nation, by and large, we've done what women have always been expected to do . . . We've stayed home, done our work, cared for our children, kept quiet . . . and above all, *we've paid.*
>
> For a war we never wanted, for a war we never declared, *we've paid.* Each time prices went up again, each time some new tax was levied on our family incomes, each time our children's medical, social or educational needs remained unmet because our country was too busy with war to provide for them, *we've paid.*
>
> But those payments, difficult as they were to make, were nothing in comparison to the ultimate price some of us have had to pay—OUR SONS.
>
> And what have we bought with all that we've paid?
>
> We bought "bombing a village in order to save it."
>
> We bought body counts, surgical strikes, and domino theories, the "enclave idea" and the "bloodbath" threat.
>
> We bought "protective reaction"—"defoliation" — neutralization" — "pacification" — "escalation".
>
> We even bought "Vietnamization" for a while, Mr. President.
>
> Yes, that's what we've bought—words and more words, all of them accepted with the trust that somehow they'd lead to "the light at the end of the tunnel".
>
> And what was the cost? Unnumbered millions of Indochinese dead, injured and homeless; nearly 60,000 American boys who are never coming back, another 300,000 who have come back with bleeding and broken bodies, and the thousands upon thousands more who have come back with minds and spirits so mutilated by what they have seen and endured that they will never be completely healed—*that* was the cost.
>
> And now we're being asked to buy the idea that you can end the war in Vietnam by expanding it into all the rest of Indochina! . . . that as long as our sons are killed

> in the air, not on the ground, maybe it won't hurt quite so much . . . that a "reduced" casualty rate is somehow an acceptable substitute for peace.
>
> Which brings us to the reason for this letter, Mr. President. We think the time has come to let you know we're not buying this war any more.
>
> Because we know that the price for more war will be what it's always been . . . more sons.
>
> And we're not going to pay any longer.
>
> All of us have sons, Mr. President—some already draft age, some nearly old enough to go, and some who won't make good war fodder for several years yet.
>
> *We're sending you their pictures. Mr. President, because we think a good long look at the price that's being asked may help you to understand why we're going to boycott the product we've been sold for so many years.*
>
> What's more, we think there are millions of other American women who feel pretty much the same way. If enough of them decide that mothers have paid enough, that they just will not buy this war any more, we suspect that you, too, Mr. President, may come to see that the price is high—too high.
>
> Peace.

The fact is, Mr. Chairman, that there are thousands of letters and thousands of pictures. The fact is, gentlemen, that these women are 55 percent of the population who are presently examining their own rights in the political, social, and economic arenas of our country. The fact is that they are being organized and are organizing the full potential of their political power. The fact is, Mr. Chairman, before you vote, that they and their sons particularly those who are 18 to 21 years of age—have a particularly powerful weapon against this Congress of the United States, against the illegal acts of this Congress and against the illegal acts of the President. And that is their vote. We have insured the right of these young men to vote. We know the women's potential political power, and I urge you to consider very carefully before you proceed with your vote to continue the killing, your vote to continue the drafting of young men—I urge you to consider the full power of this combined group; 73 percent of the people have been trying to get through to you, and these women and the young people will lead them against you unless you vote against this draft bill which is before you today.

Mr. RYAN. Mr. Chairman, I move to strike the last word.

Mr. RYAN. Mr. Chairman, I oppose the Military Selective Service Act amendments, H.R. 6531. If the draft is to be continued, then concededly there are worthwhile provisions in this bill—as I said earlier in the debate. The provision regarding revision of the composition of local draft boards, so local draft boards will represent the economic, sociological, and ethnic nature of the area served, as provided in my bill, H.R. 1567, is important. So, too, is the greatly increased pay scale, which moves toward rectifying the shocking pay conditions which force some of our men in uniform, and their families, to live in actual poverty. However, what the bill does is to perpetuate the draft—one of the most divisive aspects of our national life. It does not, as I have advocated and have sponsored in terms of legislation, create a volunteer army.

My opposition to the bill before us is premised on several grounds—some of which extend beyond the technical limits of this bill, and some of which are premised on flaws in the bill itself.

First, forced conscription should not be used to create an army of men serving involuntarily unless a national emergency exists—which it does not now. And, I would note here, as an aside—albeit a very important one—that contrary to popular belief, conscription is not a deep-rooted component of the American tradition. From 1776 to 1940, the draft was used only in wartime or as an emergency expedient—for a total of less than 5 years. It is only since World War II that the draft has become a virtual way of life.

Yet, this is a way of life which need not be. The advisory commission on an all-volunteer armed force, known as the Gates Commission, has reported fully and completely on the feasibility and advisability of creating an all-volunteer army. Its conclusions were that such an army is in fact both feasible and advisable. I concur, and so expressed myself when I appeared before the House Armed Services Committee this year to testify on behalf of the Voluntary Military Manpower Procurement Act of 1971, of which I am a sponsor. During the course of my testimony, I quoted from the Gates Commission report, and I think this quotation bears repeating, for it very cogently summarizes the reasons why we should abandon the draft, and replace a conscripted army with a volunteer army:

> However necessary conscription may have been in World War II, it has revealed many disadvantages in the past generation. It has been a costly, inequitable, and divisive procedure for recruiting men for the armed forces. It has imposed heavy burdens on a small minority of young men while easing slightly the tax burden on the rest of us. It has introduced needless uncertainty into the lives of all our young men. It has burdened draft boards with painful decisions about who shall be compelled to serve and who shall be deferred. It has weakened the political fabric of our society and impaired the delicate web of shared values that alone enables a free society to exist.

Unfortunately, amendments offered yesterday, which would have abolished the draft system and which would have repealed the 2-year extension of the President's induction authority authorized by the bill before us, were defeated. Also, unfortunately, the Whalen amendment limiting the extension of the draft to 1 year was narrowly defeated.

The most immediate and urgent reason for voting against the bill before us is that is perpetuates the draft system which is being used to provide the manpower for an undeclared war. Putting aside for the moment the Vietnam war—although, in reality, one can never put its horror and its brooding presence blighting this Nation and the peoples of Southeast Asia aside—I want to dwell for a moment upon the general issue of war and congressional responsibility.

The Constitution places the responsibility to declare war upon the Congress. It also places upon the Congess the responsibility to raise and support armies. Inevitably, in determining how many men are to be provided for the armed services—a determination made in section 13 of this bill, which authorizes average active duty personnel strengths—and how they are to be supplied—a determination made by this bill's maintaining the draft system—we must look to the purposes for which the armed services are to be used. Today, they are being used to fight an undeclared war. It is that undeclared war which is the linchpin, the underlying warrant, for this legislation to extend the draft for 2 more years.

Thus, I do not believe that we can in good conscience authorize the draft if we do not first face our prime responsibility of assessing the war. Yet this has not been done. The war has been little debated. It has never been declared. Until it is—and I would make every possible effort to insure that it is not—I will oppose the draft system which provides the men to sustain the war. Were the supply of inductees foreclosed to the Pentagon, the war would be that much closer to an end. Instead, this bill proposes to continue that supply of men. And thereby, it proposes, in effect, to maintain the war.

In addition, putting aside the ultimate abuses of the draft, and the ultimate uses to which draftees—who have borne a disproportionate burden of this war in terms of deaths and casualties, as I pointed out earlier in the debate—have been put, there are other objectionable features of the bill.

One of the most egregious of these features is that concerning conscientious objectors. The bill extends the period of required alternate civilian service from 2 years to 3. It further provides that any conscientious objector who does not satisfactorily perform his assigned civilian work may be immediately inducted into the Armed Forces to fulfill his 2-year military obligation. Unfortunately, the Dennis amendment, which would have corrected this, failed.

The problems raised by the draft and by the war in Vietnam are the most basic to our national life. These problems are not rectified by the bill before us. At best, they are somewhat ameliorated by higher pay levels. But, at worst, they are sustained. Young men will still be drafted. They will still be sent to fight in an undeclared war in Southeast Asia. They will still die, and they will still kill.

By defeating this bill, we will hasten the termination of the Vietnam war. Until the war is ended, the alienation of our young people, the misallocation of our resources, and our festering domestic crisis will continue. Let us being to repair the torn fabric of our society and give the people of America hope that Congress will indeed respond to their desire for peace.

Mr. SEIBERLING. Mr. Chairman, I move to strike the last word.

I will not take 5 minutes of this Chamber's time, but I feel compelled to speak because of some statements of the gentleman from Louisiana (Mr. RARICK).

I was appalled to hear a Member of this House characterize the pathetic, the tragic figure of Lieutenant Calley as a great American.

I spent 4 years in the service of this country, in the U.S. Army, in World War II, 3 years of it overseas. I received four military decorations in addition to service ribbons, battle stars, and so forth. I fought against the most evil tyranny of our time, a tyranny that was judicially verified, tried and convicted at a court that we set up at Nuremburg and that established in international law what has been the domestic law of this country for 200 years.

I simply want the RECORD to show that despite the tragedy and despite the pathos of Lieutenant Calley's conviction, this House did not sit silent when he who committed acts which brought great dishonor on this country was described as a great American.

I am sure I reflect the feelings of other Members when I record my protest.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join in the sentiments expressed by our colleague from Ohio.

In my judgment, one of the finest things that the Armed Forces did was to see that a proper court of justice was established and a proper trial was held.

I do not think I want to comment on the final outcome until the appeals have been exhausted, but I am glad that the Army is undertaking to redeem its honor. I think it is essential for the integrity of this Nation.

Mr. LENT. Mr. Chairman, the matter that is before us today is one of those issues that defy description in terms of right and wrong. It is a thorny issue: in our consideration of it we must weigh, on the one hand, the immediate and future military needs of our Nation; and on the other the concept that no man should be subject to coercion by his government. It has been determined by the Committee on Armed Services after extensive hearings, that present conditions make it impossible to fully satisfy both demands. We should rather strive for the best of several admittedly imperfect alternatives.

I should like to indicate that I wholeheartedly support the concept of a volunteer army, and I believe that we are right in making that kind of service our goal. But I accept the committee's determination that to rely on volunteers immediately would be a risky move at best: we have no way of knowing that we could maintain adequate military strength if we were to end the draft this summer.

The President, who has also expressed support for a volunteer military force, requested a 2-year extension of the draft with the intention that that period be used to prepare our Armed Forces more adequately for conversion to a volunteer force. That is the position that the Committee on Armed Services has endorsed. And the legislation before us incorporates some of the necessary preparatory steps: it provides increases in military pay costing $2.6 billion; it allows for alternative forms of service for conscientious objectors; it reforms qualifications for service on draft boards to make them more responsive to the concerns of American youth; it gives the President the means to eliminate deferments for certain young men.

These steps, together with the enactment of the draft lottery and the policy of 1-year vulnerability, make the draft a far more equitable system today than it was just a few years ago. Moreover, the 68-percent pay raise for enlisted men in their first 2 years of service and substantial improvements in living allowances for all personnel will do much to enable us to recruit volunteers.

I believe that the enactment of this legislation before us will permit us to meet the obligations of our national defense while phasing out the draft system. It is my hope that by the end of the 2-year period we will have a draft call of zero, and a military force of well-trained, well-paid, well-motivated volunteers on whom our Nation ran depend.

Mr. McCLOSKEY. Mr. Chairman, I would like to state several reasons in support of continuing the present draft law pending further study.

By way of preliminary comment, I believe that the arguments over the continuation of the draft are distorted by reason of the current unpopularity of our Vietnam war policy. It is understandable that young men asked to kill a people whom they do not hate, in a cause in which they do not believe, might focus their hostility against the law which requires their service. I suspect, however, that the young men of deep sensitivity who have gone to Sweden and Canada or sought conscientious objector status, or willingly undergone jail sentences, would be the same men who, 30 years ago, memorized eye charts and traveled to Canada to enlist in Canadian forces rather than wait for American involvement in the war against Nazi Germany. In brief, I believe that it is the Vietnam war policy which causes today's protest against mandatory military service, not a sudden abandonment of the principle that a young man should serve his country for a short time during his youth.

It may be that I am biased in this regard, but it has always seemed to me that the privileges and freedoms of being an American citizen justify 2 years of service in times of war or threat to the national security.

Aside from these comments, I would like to suggest several specific reasons why the draft should be continued.

First, I have seen no persuasive evidence that reasonable young men will volunteer for combat infantry service despite substantial increases in pay and benefits.

Assuming an end to American participation in the Vietnam war this year, there will still be a peacetime need, in the foreseeable future, for a combat-ready, highly mobile, conventional infantry force. It may be 16, 10, or only six infantry divisions, but whatever number of divisions is required, each man in each rifle company is going to have to be trained to a point of readiness and physical fitness which will permit him to go into combat on 24 hours' notice or less.

We no longer have the privilege of a year's preparation of an American expeditionary force, as in World Wars I and II. Combat readiness in the 1970's requires readiness to do battle instantly and this capability constitutes the sole reason for having a conventional army.

To be ready to survive in combat, and to do a creditable job as a combat infantryman, an individual should have not less than 90 days, and preferably six months, of hard sustained training which includes arduous physical ordeals as well as a good share of the miserable weather conditions which usually characterize the areas where combat infantrymen are sent into battle.

This means that a potential combat soldier should be running 20 miles a day, climbing a 50-foot rope perhaps five times a day, and living a good part of his life either wet, cold and miserable, or dehydrated, hot and miserable.

Troop leaders owe their men this kind of training if they are to have a chance of survival when the shooting starts. Some members of this committee may remember the difficulties encountered by American infantrymen living the soft life of PX's and garrison duty in 1950 just prior to the Korean conflict. I believe it is fair to say that some American infantry units were butchered in the early days of the Korean war partly because of a paternal desire on the part of peacetime commanders to make Army life as comfortable as possible for themselves and their troops.

Comfort has no place in a combat infantry unit, particularly during training in peacetime.

This being so, what reasonable young man is going to give up a life of drinking beer with his friends, enjoying drive-in movies with his girl, and sleeping late on weekends in order to volunteer for the hard and rigorous life of running 20 miles a day, standing watch half the night crawling through jungles, and generally being miserable?

There may be such reasonable young men in America today, but I haven't met any recently. There may be reasonable young men who will volunteer to see the world in the Navy or Air Force, but I have yet to hear of any of the 18- and 19-year-old friends of my children, or the 18- and 19-year-old sons of my friends who are volunteering for the Infantry these days. Occasionally I hear of a young man who has volunteered for the Army or Marines, but on reviewing his situation, it generally turns out that he volunteered for the more arduous branch of service only because he was subject to the draft in the first place and wanted to test himself against the more difficult challenge as long as he was giving up 2 years of his life to the service.

If reasonable men will not volunteer for combat infantry duty in peacetime, I suspect there is little benefit in seeking to attract unreasonable men to volunteer. There are men who love to kill, but it seems to me the Nation is far safer when its army is made up of reluctant citizen-soldiers than by men who take pride in being professional killers.

I have always thought it to be one of the great sources of strength of America that so many of our citizens have shared a brief exposure to the military services. This has resulted in a common awareness in the civilian population that military leadership is not infallible. An ex-private or second lieutenant is probably more skeptical than most as to whether admirals and generals are capable of error in their recommendations as to where and when wars should be fought.

Our whole national concept and heritage that the civil authority should control the military benefits, it seems to me, by having the civilian leadership of the country knowledgeable about the military.

It would thus be a tragic error, in my opinion, to professionalize the lower ranks of the combat units, and thus lose the continuing benefits of cross-pollenization and communication between the civilian and military communities. In this era of ever-increasing specialization, we may badly need full civilian understanding of the military and vice versa. I have never seen a first-class military combat unit that did not benefit by an influx of inquiring, challenging reservists, nor have I seen a civilian organization which did not benefit by the wisdom and experience of those privileged to serve in combat or rigorous military duty.

In conclusion, I would like to suggest that congressional creation of an all-professional Army at this particular period in our history may do further damage to one of our basic national concepts —that an individual should be proud to serve his country.

The basic thrust of the all-volunteer Army proposal, as I understand it, is to alleviate the discontent over the draft, and particularly the inherent inequities which have surrounded a draft where only one-fourth of the eligible young men may be called upon to serve.

Granted that these inequities exist, I doubt that the Nation is strengthened by hiring mercenaries to perform the more arduous services necessary to the maintenance of our liberties. If the goals of our country are worth fighting for, then we should not feel uncomfortable in asking our young people to participate in the fighting. If our goals in Vietnam are not worth fighting for, then I would suggest that we end our involvement in that particular war rather than abandon the concept of national military service as a minor obligation, well worth the privileges of American citizenship which it protects.

"Duty, honor, country" remain the words which underlie the strength of our Nation's armed services. Those who urge an end to the draft seem to suggest that there be an end to "duty" on the part of American citizens.

I suggest that the real problem today lies in attempting to equate "honor" with our present policies in Vietnam.

If Americans believe that national goals can be pursued with honor, I doubt that a forceful argument can be made that we should abandon the concept of duty to serve one's country.

Mr. HALL. Mr. Chairman, for some time now, the Committee on the Armed Services has involved itself in lengthy and thought-provoking hearings relating to extending the Military Selective Service Act.

It has been the task of the committee to determine which one of a number of recommendations to lay before this body:

First. Permit the draft to expire on July 1, 1971;

Second. Extend the induction authority—with certain modifications—for a period of 2 years, as requested by the President;

Third. Extend the induction authority for only 1 year; or

Fourth. Extend the authority to induct for a period of 4 years, which has been the time frame in the past.

These recommendations are totally different in content, yet in theory, they are all designed to accomplish the same end—"zero" draft calls, leading to the establishment of an all-volunteer military force.

It would be one thing to view the conflicting proposals on their respective merits, in a subjective, clinical way. However, the emotion generated by the Vietnam conflict was reflected not only in the statements of the many individuals who testified—almost 100—but in the attitude of the members of the committee as well. Yet, in the cold hard light of fact, such emergencies as the Vietnam war, go to the very heart of the matter; and probably serve as the one overriding reason why the Military Selective Service Act should remain on the books, and not be permitted to expire.

The decision arrived at by the Committee on the Armed Services was not unanimous, as a reading of the report will indicate. Nor will the vote by this body on final passage of H.R. 6531 be unanimous; on like legislation, it never has been. But, let me say that the differing opinions voiced in the hearings has been traditional and welcome, and gives lie to the oft-heard criticism that the Committee on the Armed Services presents a closed mind to outside voices.

Let me add at this point, in my own mind, I can in no way rationalize that a vote in favor of extending the induction authority can be construed as a vote for or against the Vietnam war. Especially, in view of the fact that recent draft calls have been markedly reduced. Testimony before the committee revealed that draft calls in the calendar year just ended are approximately one half the number inducted in calendar year 1968. Coupled with the fact that American troops are continually being withdrawn from Southeast Asia, it makes it quite obvious that draft calls will continue to be reduced.

For what it is worth, let me further state that I have often raised the question: Why draft men to deal with an emergency, when for years we have been recruiting and maintaining—at considerable expenses—men and equipment in the Ready Reserve and National Guard? Is that not their primary function, to serve, and be the first to be deployed when the need arises? I seem to recall that such a procedure was followed during the Korean conflict. It is why we bear the expense of training and equipment, and indeed, the use of the draft in lieu thereof is one of the documented errors of Robert Strange McNamara's judgment, I submitted to the Congress years ago.

On this basis, it would have been easy enough for me to vote against the 2-year extension. However, it is my contention, that while we find ourselves in such a swift flowing stream, now is not the time to change horses. I have been gratified to learn that many of my colleagues on the committee are of like mind, and are also willing to go along with the 2-year extension in lieu of past actions. This, to my way of thinking, would be the minimum amount of time required to implement the concept of an all-volunteer military force. It gives the Department of Defense and the Commander in Chief all they ask.

Prior to entering the Congress in 1960, I served as chief of personnel in the Office of the Surgeon General, Army. I know of the problems of recruiting and maintaining personnel, especially in the field of medicine. In the past, I have participated in writing draft acts, and I know of the problems involved. With this as a background, I was able to concur in the committee decision to grant extension of the authority to make special calls for the induction of persons in medical, dental, and allied specialists categories, and to grant the President authority to order reserves in those categories to active duty for not more than 2 years. The health and well-being of the men and women who serve in the Armed Forces is no less important than those in civilian life. This bill eliminates the extra 10 years of being "on call" to the selective service of such scarce and critically trained personnel.

I felt compelled to support the President's request for the elimination of student deferments. If we are to use the draft and lottery, that is the only equitable way, and along the same path, we should deny privileged deferments to divinity students. Here again, we are confronted with "what is fair for one, is fair for all". Maybe it is time for us to openly admit that in reality, the draft is not fair; it is nothing more or less than an obligation.

While I strongly support the premise that those who serve in the military should have comparability in pay—of prime importance when attempting to attract recruits for an all-volunteer force—I found it difficult to agree that draftees, those men who are "pressed" into service, should be paid the same as those who have already served 2 years or more. Such a decision appears to remove incentives for extended service.

Finally, I would like to address myself to clause 14, section 1, of the bill which amends the section regarding conscientious objectors.

I think it is fair to test the "courage of the convictions" of those who object to military service on grounds of conscience. The language that requires 3 years of alternate civilian service in lieu of induction is reasonable enough, I think, when one considers that the alternative can involve hazardous duty.

Mr. Chairman, we have heard and will continue to hear many references to the Gates report, and the apparent rejection of that report by the Committee on Armed Services. I do not view our actions as a total out-of-hand rejection; rather, I see it as an action, taken by skeptical individuals, who are experienced in the ways of the military and the attitudes of the American people toward the military, who are nonetheless willing to be proved wrong, but reluctant to hold the President's "feet to the fire," and not give him adequate time to implement his plan. We have recommended pay increases, and 2 years to get on with the job.

Mr. Chairman, I come from the "Show Me" State of Missouri. The President has set June 30, 1973, as the target date for zero draft calls. I, for one, am willing to give him the opportunity to show me that he can do it. I urge my colleagues to look with favor on H.R. 6531.

Mr. KARTH. Mr. Chairman, the question of the extension of the draft or its abolition and the establishment of a voluntary Army is one that has important arguments on both sides of the question. While on one hand the idea of a professional all-volunteer Army seems foreign to American ideals, the question of infringement on individual rights is equal cause for consideration. Likewise, the question of whether the Army will end up being maintained by only the poor is one with many ramifications. Equally or perhaps more important than those just mentioned reasons is the question of our continued involvement in the Vietnam war. With our involvement ended the number of recruits needed should drop substantially. Thus, the important question is our continued involvement in the war.

Now, there is a great temptation to put aside the questions I have mentioned by approving a 2- or 3-year extension of the draft. We thereby shove the problem under the rug.

It seems strange that a governmental policy that so drastically affects the lives of so many of our young people is dodged, while we concern ourselves so easily with yearly debates over every provision in the national budget.

Now I am not downgrading this vital budgetary function that Congress performs—it is an important one that provides our Government and our people with a sense of direction. But while we seem willing to discuss the details of dollars and cents every year for the entire budget, we are negligent in avoiding the question of young people's lives—and our continued participation in a shooting war that goes to the heart of the question before us.

Now whether an annual debate on the question of the draft or an all-volunteer Army is necessary is a complex question. But I submit at this point that legislation affecting thousands of lives and careers is as important as legislation affecting billions of dollars.

There are other highly important reasons for my support of a 1- not a 2- or 3-year extension. Under the present circumstances it is difficult to debate unemotionally the large questions of a draft versus an all-volunteer Army. It is difficult logically and cooly to debate those principles with the constant threat of the war in Indochina hanging over our heads. It is my hope that at the end of a year such a cloud would not hang over the debate as it does today and we may find the issue much easier to decide then.

As it is now, I am afraid that some of the most enthusiastic supporters of an all-volunteer army are basing their support on opposition to the war. Such a question is far too important to be decided on the basis of how one feels about the war. Rather the question of the United States establishing an all-volunteer Army should be decided upon its own merits, not where you stand on the war.

All the same if we are to commit ourselves as a country to a policy of disengagement from that war, and at the same time approve a 2- or 3-year extension of the draft we would saddle ourselves with a system and a procedure that could be hopelessly unnecessary.

There also is substance to the argument that a 2- or 3-year extension of the draft is a blank check to further foreign policy adventurism. A 1-year extension provides Congress with an annual and effective check on a runaway foreign policy. We have so often complained of being powerless in foreign policy matters, and yet we seem willing to legislate away one aspect of that power by extending the draft for more than 1 year.

In conclusion, I can support a 1-year extension of the draft for the reasons I have stated—that of the necessity for Congress to review and debate action that affects thousands of lives more than three or four times a decade. Because circumstances and conditions change rapidly we should do so annually. A 2- or 3-year extension robs us of the vital flexibility we need.

Without the 1-year amendment I cannot support this bill.

Mr. EDWARDS of California. Mr. Chairman, the issue of whether or not to abolish the draft is a moot point. The President and most Members of Congress all along the political spectrum agree that the draft is inequitable, un-American, and outmoded. The issue now in question is when to abolish the draft. The bill before us asks for an extension of the President's authority to induct men into the Army until June of 1973.

No better authority than the President's own Commission, the Gates Commission has recommended that such Presidential authority be ended in June of this year. It further recommends that improved pay and conditions of service would attract a sufficient number of volunteers each year to maintain a stable force level of 2.5 million men. To maintain that volunteer force level, 325,000 men would have to enlist each year from the total of 1.5 million men who will annually turn 19 and who will also meet the military's enlistment requirements. In its report, the Commission noted that 250,000 "true volunteers" have already been enlisting annually within recent years despite the war and an entry pay roughtly 60 percent lower than they could earn in civilian life. The Commission proposed a $2.7 billion basic pay increase to attract the remaining 75,000 men into the Armed Forces each year. And there is even some question as to the validity of maintaining a force as large as 2.6 million which the bill recommends. Representative HARRINGTON maintains in his views on the committee report that there is no evidence to prove that such a large force is necessary. If this is the case, then it should be even easier to maintain an adequate armed force through the volunteer system.

There are some who say it is too dangerous to begin the transition to an all-volunteer army while so many of our troops are still in Vietnam. However, there is no better time than the present for the President to prove that he is serious when he says he is winding down the war. If we are in truth ending this war, then there is no further need for draftees. More than 1.5 million men have been drafted since 1965 and these draftees have supplied 70 percent of the hard-core combat skills for Army operations in Southeast Asia. Army draftees have been killed in Vietnam at nearly double the rate of enlisted men—well over 15,000 since the war began. If we are ending this war, then let us do so properly and end the draft which has supported it—now.

Mr. FINDLEY. Mr. Chairman, the vote yesterday which rejected by 200 to 198 an amendment to reduce to only 1 year the extension of the draft law has deep significance which, hopefully, will be noted by those in executive authority in this Government.

It reflected the broad public discontent with military conscription. To me, it is a clear signal that—barring some unexpected new large-scale involvement of our military forces—the draft law will not be extended when the 2-year term approved yesterday expires.

The administration should take this signal as a plain warning. The executive branch will not be able to rely upon draft authority to provide military manpower after July 1, 1973. It must make substantial adjustments in our overseas military presence, especially in Europe. I find it difficult to believe that voluntary enlistments will provide enough manpower to keep our troops in Europe at the present level of nearly five divisions.

For nearly 3 years I have been trying to persuade the administration to negotiate a reduction in troops in Europe. There is no magic in five divisions. It is only part of what would be needed to resist a determined attack. About 10 years ago former President Eisenhower said one division in Europe would be adequate as a symbol, that is to say, an earnest of U.S. commitment under the NATO treaty.

The important consideration is not the precise level of our troop presence at any given time, but the assurance that the United States will maintain a presence in Europe through the foreseeable future. It is more important to the alliance that our Government give assurance that it will be a part of the alliance structure, say, 5 years from now than to have five divisions in Europe next year. Continuity is much more important than numbers.

I have been urging the negotiation of a 5-year compact under which the United States would agree to keep a minimum of two divisions in Europe throughout the 5 years in exchange for similar agreements on minimum force levels by other NATO powers. An understanding of this sort would enable the United States to reduce its presence to a level that, I believe, could be sustained without a draft law and without adversely affecting the credibility of alliance deterrent.

If, instead, the administration fights a losing battle for draft extension and for the maintenance of five divisions in Europe, the alliance credibility may indeed suffer a devastating blow. If force reduction comes about unilaterally by force of internal domestic circumstances as opposed to negotiations with our allies, Germany, and other nations may conclude the reduction is the beginning of the end of NATO. In other words, the reduction should be negotiated, not forced.

Military leaders, I believe, can give a valid justification for maintaining a minimum of five divisions. They can make a good case for even more. But military leaders cannot control political events. Yesterday's vote shows clearly the determination of the American people to effect an early end to the draft.

Our military leaders should accept the decision and cooperate with civilian leaders in working out with our allies an agreement on force levels that can be sustained indefinitely without the draft. Otherwise we may soon find ourselves with no NATO, as well as no draft.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise today to present my thoughts on H.R. 6531, a bill to make certain extensions to the existing Selective Service System, to abolish certain deferments and to make certain increases in the pay of members of the armed services.

First, I fully support the goal of this administration for an all volunteer Army, Navy, Marine Corps, and Air Force. I think the idea should be tried for the sole reason of the economies and efficiencies that are bound to result from such a stable system. Moreover, I support it on the basis that I do not believe it is a good national policy to draft young men into the armed services in times of peace if it can at all be avoided. Furthermore, I believe the Defense Department should put a higher priority on the use of Reserve and National Guard forces in any future national emergency and less reliance on the draft.

I also support the volunteer Army concept because it has been the traditional method for backing up national policy in times of peace.

I share the feeling of many people in our country that reckless use of the power to draft could conceivably lead to reckless national policy. In this regard I do not refer to this Nation's involvement in the Vietnam war and our past use of the draft there. Every Member of this body has been fully cognizant of the broad, vital implications of the actions of the two previous administrations to use the Selective Service System in Vietnam. Many have questioned their failure to place a higher priority on the use of our Reserves and National Guard forces rather than the draft in this war.

Mr. Chairman, without raising the spector of a Communist soldier behind every tree and under every rock, I should like to remind the Members that we stand alone today in the free world as a bulwark against further aggressive expansion on the part of Russia and China. During the last decade we, lest we choose to forget yesterday, have seen the movement of these forces into Cuba, 90 miles off our shore; the virtual occupation of the ancient land of Egypt; the movement into Southeast Asia; and the brutal suppression of Czechoslovakia and other once free states of Central Europe who have attempted to free themselves from communistic slavery. For these reasons this Nation cannot denude its armed services to the point it cannot defend itself. I do not subscribe to the theory of minimum half-hearted defenses. Defense must do what our oath implies "to defend this Nation against all enemies both foreign and domestic." I believe this Nation could become involved in future situations where all our power and resources might be required on an urgent basis.

I do not possess a crystal ball nor does any man and for that reason a future draft might be required. Such a requirement, though I dream of peace, might come sooner than we think. For that reason I will not support any move to abolish the draft. I believe it is necessary to keep standby authority ready at a moments notice should it be required in the defense of our country—the world of modern man moves at too fast a pace to wait to restructure this system.

I see no sense in changing the time honored deferment system that has been in effect more or less since the outset of World War II. In time of war our armed services and our industrial system have always needed trained men in arts other than the simple art of pulling a trigger. It will do this Nation no good to abolish deferments or will the Nation suffer any lasting, critical ills by keeping them. I shall vote to sustain the student deferment system in the present law.

I fully support the provisions of this bill that would increase the pay of members of our armed services. This has long been overdue, with or without the draft question. I only question whether we will find it enough to entice sufficient members to volunteer into the armed services to permit a zero draft call.

Mr. Chairman, I want to conclude my thoughts on this subject by bringing what I consider a very grave condition before this body that directly relates to the matter under debate. I speak of the trial concluded yesterday at Fort Benning, Ga., for alleged crimes committed at My Lai.

My thought would question yet another vital ingredient to the legislation before us, that of the declining morale of our Armed Forces and the future effects of these trials on them. It also bears on the confidence our Nation has on our Armed Forces. Yesterday, I sent this letter to our President. It requires drastic action on the President's part. I urge your consideration of this action and your support. My letter reads as follows:

MARCH 31, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I implore you as Commander-in-Chief of the Armed Services to end the public crucifixion of our defense establishment. Only you can restore confidence to our people, our Armed Forces, and our friends around the world in what was once a source of national pride and respect. Only you can return our men to their loved ones without a sense of shame.

Need we publicly, before the eyes of our enemies, foreign and domestic, disembowel our soldiers, our sailors, and our airmen in order to find a trace of guilt or dishonor for this war? Already some elements of our guiltless press are slyly suggesting a leap from the My Lai trials to some form of an inquisition to try "each of Lt. Calley's superiors in turn until the White House is reached and the President of the United States is placed in the dock."

Mr. President, I think it is time you reminded your political adversaries of their full responsibilities for Vietnam and more important their responsibilities for the future of our Nation. I should think that the American people should also know that the consequences of this blood-letting to establish who is or is not guilty for the death of civilians, if they were in fact non-combatants, could most probably destroy forever the Nation's confidence in our Armed Forces. To me, if this purge is allowed to be continued, we as a Nation have already reached a point of no return. Furthermore, I have serious doubts that we shall ever again be able to raise for any future conflict an Army, Navy, or Air Force from volunteers or by way of a draft which shall again have the full confidence of our people.

I know not whether Lt. Calley is guilty as found by the court at Fort Benning. I know not whether others are also guilty for the My Lai incident. I know not whether there has been a cover-up. I do know that there are those who desire to use this trial to infer some guilt for Vietnam for pure political gain. Others seek publicity for publicity's sake.

I do not believe crimes should go unpunished whether committed in the course of war or in the course of everyday life.

I believe that the mishandling and the publicity this case has received from the beginning has now gotten completely out of hand. I believe that there are those who would consciously or unconsciously lead or allow the American people to involve themselves in some mad, lemming-like dash to the sea to wash themselves free of a wild hallucinating guilt feeling. The anxiety of our people demands immediate, drastic corrective action. The future sanity and existence of our Nation is at stake.

I therefore urgently recommend that you, Mr. President, as Commander-in-Chief set aside the provisions of the Manual for Court Martial for military review of the Calley case and all other cases involved in the so-called My Lai incident and as President of the United States direct the Solicitor General of the United States to refer this entire case to the federal courts for adjudication as a matter of the highest priority of this Nation.

With highest regards, I am
Sincerely,
JOEL T. BROYHILL,
Member of Congress.

Mr. McDONALD of Michigan. Mr. Chairman, the Selective Service Act will expire this July 1. May it rest in peace.

Today we are debating the merits and pitfalls of a bill which would provide substantial increases for officers and enlisted men in the service, and extend the draft for 2 years.

I approve the pay increase, but I cannot support another extension of the draft. And cannot help but wonder what ever happened to the concept of an all-volunteer Army?

Almost 18 months ago I submitted to the administration my plan for a National Service Academy which could have facilitated the development of an all-volunteers Army. I felt then, as now, that an all-volunteer Army need not, and should not, be a mercenary force.

It is my conviction that the use of incentives other than higher pay for combat duty or higher wages in general must be used if we are to maintain an efficient, strong defense capability with something other than paid killers.

In my plan, education would be the main attraction. Large numbers of people could move into and out of the armed services, offering their time as payment back to the Government for educational benefits and on-the-job training they had received.

They would take with them into the armed services technical skills which would make them more efficient, and while in service receive further training in their chosen field enabling them to be significant contributors to society upon their discharge.

By encouraging the movement in and out of the service of highly trained personnel, we stand to gain a viable Reserve Force within each community which could be called in time of national emergency.

My plan was offered some time ago. The temper of the times is still calling for the establishment of an all-volunteer Army, but there has been considerable footdragging on the part of the administration in bringing that proposal to the Congress for action. The administration has had ample time since the publication of the Gates report on an all-volunteer armed force to come up with a plan that would serve this Nation through a generation of peace. It has had ample time to facilitate the development of an all-volunteer Army in cooperation with my proposed National Service Academy. But it offers this halfway measure instead.

Now the Congress, 90 days from the expiration of the Selective Service Act, is supposed to welcome this proposal and give its stamp of approval.

My concept of a modern army, one that will meet our needs year after year, is one that is staffed by our young men and women on a voluntary basis—an army that attracts people by providing benefits to them.

The first phase of establishing this new, modern Army, is to develop training programs which are compatible with military and civilian objectives. Combat training need not be the sum substance of training in the military.

There are many areas of operation in the military which are perfectly compatible with similar technologies in Government service or private industry. For example, computer technicians, electronics technicians, draftsmen, physical therapists, dental and medical technicians, X-ray technicians, laboratory technicians, and many others are vital to the operation of the military service and public service.

Under my plan, students would be trained in those vital areas at Government expense, then work off their indebtedness with 2 years of national service in the field of their choice.

What I am suggesting as an aid in the development of an all-volunteer Army, Mr. Chairman, is a little bit of old-fashioned bartering.

For example, a young man whose father has died is interested in engineering. He joins the National Service Academy, and completes his studies as a mechanical engineering technician. Upon graduation, he accepts a 2-year assignment as airman third class in a flight maintenance unit of the Air Force.

In another example, a woman working as a nurse's aide in a city hospital aspires to become a registered nurse. She enters a NSA program at a nearby community college and continues her work on a part-time basis. Upon completing her education, she wins her RN and fulfills her national service obligation by 2 years duty in an Army hospital.

When this young man and woman have completed their responsibility to the Government, they enter the mainstream of economic activity as well-trained and mature workers.

With the training they have received before entering the service, and the experience and additional training while in the service, they are easily absorbed into the civilian community, ready and able to make a contribution to society.

And I reiterate that those who leave the service after their 2 years required duty provide a ready reserve of trained talent in the event of a national emergency.

It saddens me to note that there is little of this imagination in the bill currently before us, and too much emphasis on money to attract young men and women.

This generation of young people living within our borders is no different than previous generations when it comes to protecting this Nation's integrity and sovereignty. But the times have changed. This generation cannot be bought, and will not be threatened. It is intelligent and responsible, and will respond to intelligent and responsible programs.

The pay increase sought for our men and women in the service is a noble gesture, but begs the question of whether we are interested in developing an all-volunteer Army. I think it is time to implement this concept by first, letting the draft die a natural death, and secondly by using education and training as additional incentives toward the creation of an all-volunteer Army.

Mr. RUPPE. Mr. Chairman, today we consider a bill, reported from the House Armed Services Committee, to extend the Selective Service for a period of 2 years. The 92d Congress will consider few matters of equal seriousness. In fact, I expect there will be no piece of legislation that will come before this Congress with the potential of demanding more of our citizens.

The young people of America, millions of them, are watching us in the House of Representatives. To the vast majority of this important segment of our society the draft is feared, rated, and against the grain of the most basic principles of personal freedom and honest democratic practice. They are the ones who are affected by it: And they are the ones who want to know how we are going to respond.

To us, their seniors, this passion and unrest is sometimes hard to understand. We remember when the world was challenged by the dark threat of axis domination and, as a matter of survival, all men had to be made available to respond. Quickly, and under great pressure, we devised a system for rapid expansion of our military services. That Selection Service System was neither equitable nor fair—but it worked. That was all the times could afford.

Then, after the war, we became complacent with the draft simply because it worked and we visualized a new potential threat to world peace looming on the horizon. Year in and year out the same people operated the draft in precisely the same way, and it even became a shade unpatriotic to suggest that there might be something wrong.

Then came the war in Indochina. It became a confusing war that we could not win and could not lose. Tens of thousands of young men were pressed into service and it was demanded that they commit their very lives to a battle they little understood. Millions of lives were disrupted, thousands of lives were lost, and for almost all young men the years between 18 and 25 were years of fear and uncertainty. The rabble rousers among them led riots, bombed buildings and called for revolution. The frightened and the drop outs fled to Canada or Europe. Some stood their ground within the system and took jail sentences rather than submit. The overwhelming majority—bitter or proud, patriotic or simply submissive—faced the draft and took their chances. Few, however, missed the point that there were the clever and the educated who could manipulate the local draft boards and the complicated system deferments and regulations and never see the service. And, of course, there were the less clever or less educated who were almost always drawn in. Support for the Selective Service degenerated to the point that to few was it a matter of patriotism or even pride to be drafted and serve the country—it was, at best, a matter of fact. Yet, through all this passion, disillusionment and bitterness, the unfair draft was continued with little change—year in and year out.

Then, with the election of President Richard M. Nixon, the winds of change began to blow through the machinery of Government. The draft was made more fair. The lottery exchanged blind justice for preferential systems. Vulnerability was reduced from 7 to 1 year and young men could better plan their lives. One after another, discriminatory deferments were eliminated. Then came the freshest breeze of all. President Nixon charged a commission under the leadership of a retired Gen. Thomas Gates to take a hard look at the question of whether the draft could not, in fact, be eliminated and replaced by a volunteer army. The Gates Commission came to its conclusion: Through the implementation of a series of reforms in salary scales, life style, and benefits for men in uniform the military draft could be eliminated in a 12-month period.

Now today, this question of burning importance to millions of young Americans is before us, the 435 Members of the House of Representatives. As debate opens, I want to publicly commend President Nixon, and the House Armed Services Committee for coming together in the creation of a proposal that adopts many of the most forward recommendations of the Gates Commission.

But, the question is no longer in the exclusive jurisdiction of the President and the Armed Services Committee. It is before the full House of Representatives. I believe, in my heart, that we must take one additional step to prove, beyond a doubt, our commitment that the draft will be ended. A 1-year, rather than a 2-year extension, will, in my view, provide the dramatic evidence that we in the House of Representatives are determinated to keep faith with young Americans. The Gates Commission has concluded the volunteer Army can be created in 1 year, and I concur with the Gates Commission. The aim of this Congress should be to make the volunteer Army a reality in 12 months. But even if we are wrong, in 12 months, Congress can evaluate what progress has been made and take a look at the need for a second year of extension. Can we, in all honesty, do any less than each year review a system that asks so much of a segment of our population?

To millions of young Americans, the credibility of Congress as a responsive institution is on the line. Our willingness to extend the draft for only one-half the recommended time will signal the beginning of the end of a long, dark, and troubled night for the youth of America. Perhaps it can signal the beginning of a new faith in our democratic processes and a reconciliation of the generations.

Truly, today is an important day in the life of the 92d Congress.

Mr. LLOYD. Mr. Chairman, for the first time, I depart from the recommendation of the White House and of our Armed Services Committee in the matter of the extension of the draft. Their request is for a draft extension of 2 years beyond June 30, 1971. I support the Whalen amendment which reduces the period of extension to 1 year, resulting in expiration of the draft on June 30, 1972.

I make this departure for several reasons. At the outset, however, I do not agree with those who assert that we should not have to "bite the bullet" on draft legislation in 1972, an election year. If an emergency still confronts us at that time, then I say that we, as Members of the House of Representatives, should face that issue next year in fairness as to our constituents.

I have long been a supporter of the volunteer army and the legislation before us today, by materially increasing the pay scales for those in military service will in itself do much to replace the draft system involving involuntary servitude with a professional volunteer Army. Moreover, if we limit this extension to 1 year, we, as members of the legislative branch, are putting increased pressure upon the executive branch to replace the draft with a volunteer, professional army, and I believe it is unquestionably our responsibility, as members of the legislative branch, to assert this responsibility.

In addition, it is clear that hawks and doves alike, after nearly 6 years of war and military combat operation in Southeast Asia, and in my opinion the great majority of the American people today, are concluding that this country has fulfilled in overflowing measure our treaty obligations in our efforts to maintain freedom for those who desire freedom. The time has come that the Vietnamization program, which we have supported, must succeed to the point where the South Vietnamese can discharge the responsibility to provide for their own national defense.

I urge adoption of the Whalen amendment, to limit extension of the draft to 1 year.

Mr. DERWINSKI. Mr. Chairman, the draft law which we are reviewing today does not expire until June 30, 1971. While I recognize that the other body will certainly take a great deal of time and, in a torturous manner may rework the House bill, I do not believe that good judgment was shown by the Majority Party Leadership in bringing this bill to the floor this week. It is difficult to maintain composure and objectivity with the debate over the Calley case reaching a peak as a result of the decision and sentencing, and with various groups commencing antiwar tactics in the Nation's Capital.

A law as important to individuals and the defense of our country as this bill deserves thoughtful, calm consideration, with emphases on long-term goals and not immediate pressures and emotions. A month from now there will be more evidence of success of the Vietnamization program; the President will have announced further phaseout of U.S. troops; the antiwar performances will have come and gone, and this body would have plenty of time to evaluate such a measure in a far more objective and, therefore, practical method.

Mr. REID of New York. Mr. Chairman, I rise in opposition to extension of the Selective Service Act.

In considering legislation on the floor, Mr. Chairman, one must constantly weigh the pros and cons of a specific bill. While certain sections may constitute meaningful and long overdue reforms, others may be undeservedly punitive or even reactionary. Unfortunately, the moment comes when one must vote for or against the entire package. This is one of the bills which I consider a "mixed bag." It has some meaningful reforms. For instance, I strongly support the bill's inclusion of a major military pay increase, a provision which is long overdue and without which servicemen—especially those of low ranks—have suffered for years. There is no reason why military salary scales should not be in line with those provided for equivalent skills employed by private enterprise.

Second, I commend the committee for reforming certain other inequities in the present Selective Service System. The provisions which abolish local and State quotas and replace them with a uniform national call will do much to provide more equitable treatment; no longer will one's residence determine one's draft status.

In addition, I support the provisions regarding the composition of local draft boards by revising and reforming age qualifications for draft board members and by attempting to compose the boards of members who "accurately represent the economic and sociological background of the population they serve." This is certainly a step forward from the all too often long-entrenched or purely political appointees on the draft boards.

Clearly, the provisions above are progressive and long-needed, and I commend the committee and the administration for their support of them.

However, on balance I cannot lend my full support to this bill. While I voted for 1-year extension of the draft to facilitate a responsible transition of our national security manpower requirements, a 2-year extension would be inconsistent with ending the war.

The draft and the war in Southeast Asia have become inseparable. In 1969, 88 percent of the U.S. infantry riflemen in Vietnam were draftees. More recently, it appears that 70 percent of the men serving in infantry, armor, and artillery are draftees. More than half of the casualties suffered in Southeast Asia are draftees.

I think that the acceptance of 2 more years of induction authority could tragically—and poignantly—condone the continuation of 2 more years of war and 2 more years of Congress' relinquishing its constitutional powers to the Executive. I cannot in good conscience vote to consign any more young men to the unnecessary slaughter that has become Vietnam.

Under existing law, the Selective Service Act of 1967, which is due to expire on June 30 of this year, a man could be drafted on, say, June 29, 1971. Since he is drafted for 2 years, his service obligation would extend through June of 1973. If he spent a year in training in the United States, he could—barring the passage of prohibitive legislation by the Congress or a change in policy by the Executive—be assigned to Vietnam for a 1-year tour of duty beginning in June of 1972 and ending in June of 1973.

What is clear, then, is that if the draft were ended in June of 1971, draftees could still be serving in Southeast Asia in June of 1973. Therefore, in my judgment, existing law gives the Executive ample time to wind down the war and, if the country so decides, move in the direction of a volunteer army. In fact, a failure to extend the draft past this June would not even counter the President's plans, as the following will explain:

The President is presently withdrawing 12,500 troops per month from Vietnam. Next week he is expected to announce a new withdrawal rate, presumably a higher one—perhaps 15,000 per month, 16,500 per month or even 20,000 per month. On May 1, at the present rate, we are expected to have 284,000 troops in Vietnam.

If the President announces a 16,500 troops per month withdrawal policy, our troops will be reduced by 16,500 in May. However, since we have a policy of rotating our men back home after 12 months of service, a total of 24,000 of our boys will be eligible to return from Vietnam in May. Since 24,000 will be rotated, and since 16,500 will not be replaced, we will therefore send 7,500 new troops to Vietnam in May, or the difference between the 24,000 and the 16,500.

The following month, in June, under this rate of withdrawal we would have 267,500 soldiers in Vietnam. The 22,500 will be eligible for rotation home, so we will have to send 5,800 new troops in June.

Following this rate of withdrawal to its logical conclusions, by October of this year our monthly troop reduction will almost equal our monthly rotation. In other words, we will have 201,000 troops in Vietnam in October, of whom 16,791 will be eligible for rotation, so we will have to send only 291 new troops to Vietnam.

Then, in November, the men eligible for rotation will actually exceed the President's 16,500 rotation, and no new troops will be needed to send to Vietnam. Therefore, the monthly rotation policy will exceed the 16,500 reduction until October of 1972, when there will be no troops left in Vietnam, unless the President alters his policy.

My question, then, is: If no new troops will be needed to go to Vietnam after November of 1971, and if under the existing law draftees can be sent to Vietnam for a tour of duty between June of 1972 and June of 1973, why do we need to extend the draft?

There are provisions in this bill which in my judgment are absolutely unfounded. I am deeply concerned over the three-pronged fork which has been stabbed in the back of sincere conscientious objectors. Although, for better or worse, the bill before us has in no way changed the qualifications or definitions of conscientious objectors, it has included punitive and restrictive language dealing with their alternative service.

First of all, the alternative service requirement is extended to 3 years rather than 2, and despite the commendable efforts of Mr. DENNIS to reduce it back to 2 years in present law, it remains at 3.

Second, alternative service is by definition in this bill restricted to work in Government agencies or public institutions "which have difficulty finding eligible and qualified individuals to perform essential work." Such a definition would prohibit the performance of alternative service in, for instance, private hospitals or private schools for the handicapped, and would channel CO's into jobs in the Government that nobody else wants. It is a restrictive and limiting section which would deny valuable services to needy organizations.

Finally, under this section, if any employer declares that a conscientious objector does not perform his work—in which it should be understood the CO had virtually no choice and possibly no talent—"satisfactorily," the CO would automatically be inducted into the armed services. In my mind, this provision raises grave constitutional questions based in regard to religious freedom guaranteed in the first amendment. Second, however, this provision could invite a man to break the law. Those men who have gone through the complicated process of applying for and receiving a CO status are far from likely to accept induction as a penalty for "unsatisfactory" work. Many of them may, therefore, choose to refuse induction, thereby breaking the law.

Aside from these punitive and restrictive limitations on conscientious objectors, I would like to see stronger and clarified language in other portions of the bill. Although I commended the committee for the provision making local draft boards representative of their community, this provision becomes almost meaningless when viewed in context of the clause which follows it:

> No induction shall be declared invalid on that ground . . . the board failed to conform . . . to the community's character.

Clearly, there are no enforcement guidelines here, and the original provision becomes, I fear, insignificant.

The various sections dealing with undergraduate student deferments become veiled with uncertainty. The bill gives the President the authority to eliminate these deferments, and the President has said he will do so. However, the President has said that in addition to not granting new student deferments, he will discontinue all such deferments which were granted after April 23, 1970. In other words, the II–S deferments of those who are presently freshmen in college would be revoked.

Whether one favors or opposes the concept of undergraduate student deferments, I think that we must agree that those who have them now should be permitted to reserve them under the old system—until they complete college or fail to progress adequately toward a college degree. I think it is grossly unfair to expect the men who entered college last fall, with bookbag and student deferment in hand and tuition paid, to divine the future actions of two separate bodies of the Congress, and to have to plan their lives around the uncertainties therein.

This whole student deferment issue is a little like a game. I do not think that the umpire can change the rules in the middle of the game and expect the players to accept them. This is not fair play.

Finally, in balance, while there were many worthwhile improvements in the bill, notably the salary increase, a 2-year extension of the draft is basically inconsistent with the war. Hence, I am constrained to vote against final passage of the bill.

Mr. CEDERBERG. Mr. Chairman, if the question before us was a simple extension of the draft I would not hesitate to have supported a 1-year extension. I do, however, believe that as we proceed to the desired goal of zero draft calls and a volunteer force, a 2-year extension is the wisest course. It is generally agreed that it will take longer than a year to achieve this desired goal.

We are making progress in this legislation in the area of pay for our enlisted personnel. However, pay is not the only necessary incentive.

Adequate family housing is a major factor. Just this week our Military Construction Appropriation Subcommittee is holding hearings on this issue. I commend the Defense Department for the increases proposed in this area. I am confident this will be helpful as we proceed toward an all volunteer force. This increased housing, however, cannot be available in 1 year. My concern is that with a 1-year extension we will expect more progress than can reasonably be achieved. The next year the concern will be that an attempt to achieve an all volunteer force will be failing, which may not reflect an accurate situation.

I simply believe that a 2-year extension is the best way to provide an orderly phase-in of a volunteer force.

Mr. PRICE of Texas. Mr. Chairman, I rise in support of the bill reported out by the distinguished members of the House Armed Services Committee under the very able chairmanship of the gentleman from Louisiana (Mr. HÉBERT). And I want to voice my opposition to any amendment which would limit extending the military draft to only 1 year or less.

At the present time the draft is the only way this Nation can raise the manpower needed for national defense. Sure the draft operates unfairly in some respects. Sure the draft interrupts individuals' lives. But no matter how anyone feels about the draft this Nation simply cannot afford to drop it when it is the only workable system we have. And we dare not run the risk of dismantling it, which would surely happen if the 1-year extension were approved, without having a workable alternative means of meeting the manpower needs of our Armed Forces.

President Nixon, the members of the prestigious Gates Commission, and others have advocated switching to an all-volunteer army. This idea has merit, and it should be explored. And in my mind this is exactly what the Armed Services Committee proposal does.

Under the committee bill the present draft, with some modifications, would continue in force for 2 more years. At the same time military pay, which is abysmally low by any standards, would be increased by approximately $2.7 billion—86 percent of which would go to enlisted men and junior grade officers with less than 2 years of military service.

Taken together, the draft extension and the pay raise provide the means by which the volunteer army concept can be tested. If the increased salaries succeed in attracting enough volunteers to fulfill military manpower needs, then plans for an all-volunteer army can be crystallized further. If, on the other hand, the expected personnel increases are not forthcoming, the draft can maintain needed force levels while other alternatives such as the national service system are being explored.

Mr. STEIGER of Wisconsin. Mr. Chairman, it is with mixed emotions that I shall vote for the Selective Service bill as it now stands. During the debate, I had vigorously supported the effort to limit the draft extension to 1 year, which was defeated by only two votes, 200 to 198. The vote for this amendment, which was designed by its sponsors to put the maximum pressure on the Defense Department to establish a volunteer force in a year's time, is a clear indication of the considerable sentiment in this body for doing away with the unjust and inequitable institution of conscription.

I supported the 1-year proposal as the only form of extension consistent with our constitutional responsibility to raise and support armies. Certainly, none of us would accept a system of hardware authorization which would preclude a review on an annual basis—and we should not accept a system of manpower procurement that is not subject to yearly congressional oversight. Moreover, I had regarded the 1-year extension as a vote of confidence in our democratic process. Some Members suggested we should not debate the draft in an election year, particularly in view of the 18-year-old vote. In my opinion, when we have asked youth to work within the system, we should not deny them the opportunity to influence the system through their right to vote.

I also regret that the House did not accept the Dennis amendment to retain the 2-year term of service for conscientious objectors. As the draftee is only required to serve for 2 years—and is excluded by current practice from involuntary reserve duty—the requirement for an extra year's service by conscientious objectors would seem to be an unnecessary inequity. In addition, the provision in the new legislation allowing for the induction of any CO who does not perform "satisfactory" service, is an arbitrary concentration of power in the hands of the Selective Service director, and is probably an unconstitutional use of the draft as punishment.

On the other hand, the compensation portions of the bill—which passed overwhelmingly—represent the most significant step this body has taken toward the creation of the all-volunteer force. For the first time in the post-World War II era, we have moved to eliminate the tax-in-kind of forced service which has placed an unfair share of the defense burden upon the youth of this Nation.

As one of the authors of the Gates Commission bill, which was cosponsored by 92 of my colleagues, it is most gratifying to see the House act favorably upon legislation implementing the major portions of the Commission's recommendations. As this provision will enable us to end the draft in the near future, I shall vote for the final bill in spite of my reservations on the length of the extension and restrictions on CO's.

By increasing the pay of first-term servicemen, and by a near victory for the 1-year extension, the House has demonstrated its enthusiasm for ending the draft. I would hope that the other body can better our record.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Indiana (Mr. DENNIS) to change from 3 to 2 years the alternate civilian service requirement for conscientious objectors. The committee report justifies increasing the work requirement to 3 years for CO's on the grounds that—

> The last year of this alternate civilian service is to be as a substitute for the reserve obligation required of military inductees.

Mr. Chairman, in checking with the Department of Defense this morning, I was informed that inductees have no active reserve obligations, except in the rare instance that a unit may be called up or an individual's occupational specialty may be urgently required in an activated reserve unit. In other words, except in the case of a national emergency, the chances are overwhelmingly great that an inductee will not be called upon to give any time or service to his unit during the 4-year reserve period. And yet, the committee bill would require conscientious objectors to serve a third-year of active civilian duty. This makes no sense whatsoever in my estimation. If some equity is desirable to offset the inductee's reserve obligation, it would seem more logical to put the CO on inactive civilian reserve duty for his third year. But to require him to actively serve that third year is inequitable when compared to the inductee's reserve obligations. As the committee bill now stands, this inequitable requirement in effect punishes a person for holding longstanding religious or moral objections to war. I, therefore, urge adoption of the Dennis amendment.

Mr. CLEVELAND. Mr. Chairman, as a cosponsor of the Voluntary Military Manpower Procurement Act of 1971—Steiger-Matsunaga bill—I am on record as favoring an all-volunteer army. On February 17, 1971, during a special order on the bill, I commented on the need for an all-volunteer army and an end to the draft as soon as feasible. My remarks appear in the CONGRESSIONAL RECORD for February 17, 1971.

The volunteer army bill of which I was a cosponsor embodied the recommendations of the Gates Commission, which urged substantial pay increases as a feasible method of achieving an entirely voluntary army. The bill now under debate puts into effect such increases. Thus, with these substantial pay increases for military recruits, from an average of $134 a month to $268 a month, not only will our servicemen be paid a fairer wage, but the objectives of an all-volunteer army may well be achieved.

An issue of public concern as we have debated this bill has been the provision extending the draft for 2 more years, from June 30, 1971, to June 30, 1973. Yesterday there were recorded votes on two amendments to this provision. On the first, to let the draft expire on June 30 of this year, I voted "nay." This amendment was defeated, 330 to 62. My reason for this vote was that we should give the volunteer army provisions a reasonable chance to prove themselves.

However, on the second amendment, the Whalen amendment to extend the draft for only 1 year, I voted "yea." This, too, was defeated, by a vote of 200 to 198. I feel it is desirable that we reserve the opportunity to more frequently reevaluate the draft and the implementation of an all-volunteer army. If, next year, there are not enough enlistments, then the burden will be back on Congress to either extend the draft again or to do whatever is necessary to assure an entirely volunteer army.

For the foregoing reasons, I also voted for an 18-month extention of the draft. This, too, was defeated, 200 to 170.

There have been many other significant issues and votes during the 3 days of debate on the floor. For reasons of time, I have confined these remarks to those issues in which my constituents by mail or other contact have expressed most interest.

On final passage of this legislation, I expect to vote in the affirmative as generally it provides real promise to realize an objective I have long supported—a volunteer army.

A VOTE AGAINST THE 2-YEAR EXTENSION OF THE DRAFT

Mr. FASCELL. Mr. Chairman, I shall vote against H.R. 6531, the bill to extend the Selective Service Act for 2 years.

This vote reflects some conclusions which I have arrived at concerning the military draft. But I want to first emphasize what that vote does not reflect.

I do not favor a volunteer army at the present time. In fact, I strongly oppose it for the foreseeable future. The infusion of a large civilian element in the military establishment is not only healthy, but absolutely necessary. It compliments the principle of civilian control of the military, a concept which has its roots in the Constitution of the United States.

Having emphasized this important point, let me explain my reasoning in voting against the 2-year extension of the draft.

First, I see no need for an extension of that length of time. Part of any overhaul of the Selective Service System should include not less than an annual congressional review of the military manpower requirements of this country.

If we are in fact winding down the war—and the Congress has made it clear that it strongly supports a policy of termination of U.S. involvement in Southeast Asia—a 2-year extension of the draft would extend the conscription authority until the middle of 1973. To support such a move would be inconsistent with my vote in the recent Democratic caucus calling for an end to U.S. involvement in Indochina by January 3, 1973, at the latest.

It would appear to be more consistent with the policy of withdrawal if the authority contained in this act were deferred until the 93d Congress. The beginning date of the 93d Congress covers the period of time which both the President and the Congress have indicated would be desirable to terminate the U.S. combat role and bring all forces home.

At that time consideration could be given to the manpower needs of a peacetime army, which the Selective Service Act could accommodate quite easily—without the nagging doubt that the current extension is really one which is necessary to meet and maintain manpower requirements in Vietnam.

That doubt could have also been assuaged by the adoption of the Whalen amendment providing for a 1-year extension of the draft and, accordingly, I supported that amendment. Again, the consideration of an annual congressional review of manpower requirements was an important factor in my affirmative vote.

The arguments for a volunteer army as the basis for the maintenance of our national security are not convincing. I believe that an improved Selective Service System will be necessary for the foreseeable future to maintain the desirable broad civilian base in our military establishment.

But at a time when the war in Indochina continues to be a crucible for U.S. youth, and the total policy of the United States is supposed to be committed to the termination of U.S. involvement, I could not, in good conscience, vote to continue conscription authorization for 2 years.

Finally, Mr. Chairman, my vote against the legislation represents a protest against the continuation of the war in Indochina, substantially manned by draftees. It has been made difficult for us to separate manpower needs to maintain our necessary defense and security posture, and the need to fill manpower commitments in Vietnam.

For that reason, I also supported strongly the amendment offered by our colleague SAM GIBBONS, which would have prohibited sending draftees into combat zones involuntarily after December 31, 1971, except under the following conditions: First, an armed attack against the United States; second, a Presidential declaration that an armed attack is imminent; third, congressional authorization by concurrent resolution; fourth, a Presidential request for a declaration of war; or fifth, a declaration of war by the Congress.

In summary, I am against the extension of the draft for another 2 years not because I favor a volunteer army; but because I want to see an annual review by the Congress of military manpower needs, and because I do not want to see the extension of the draft contribute to the prolonging of the United States presence in Southeast Asia.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes, pursuant to House Resolution 350, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. O'KONSKI

Mr. O'KONSKI. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. O'KONSKI. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. O'KONSKI moves to recommit the bill H.R. 6531 to the Committee on Armed Services.

Mr. HÉBERT. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. HÉBERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 293, nays 99, answered "present" 2, not voting 38, as follows:

[Roll No. 45]

YEAS—293

Abbitt
Abernethy
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Ashbrook
Aspin
Aspinall
Baker
Baring
Belcher
Bennett
Bergland
Betts
Bevill
Biester
Blackburn
Blatnik
Boggs
Boland
Bolling
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byron
Cabell
Caffery
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Conte
Corman
Cotter
Coughlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Wis.
de la Garza
Delaney
Dennis
Devine
Dickinson
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
duPont
Dwyer
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Fish
Fisher
Flood
Ford, Gerald R.
Fountain
Frelinghuysen
Frenzel
Gallagher
Garmatz
Gaydos
Goldwater
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harvey
Hastings
Hathaway
Hébert
Henderson
Hicks, Mass.
Hillis
Hogan
Holifield
Horton
Hosmer
Hull
Hunt
Hutchinson
Ichord
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Leggett
Lennon
Lent
Link
Lloyd
Lujan
McCloskey
McCollister
McDade
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Michel
Miller, Calif.
Miller, Ohio
Mills
Minshall
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Hara
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poff
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Roe
Rogers
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Rousselot
Runnels
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shoup
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Spence
Springer
Stafford
Staggers
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Ware
Watts
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Wright
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—99

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Badillo
Barrett
Begich
Biaggi
Bingham
Blanton
Brasco
Burton
Carey, N.Y.
Celler
Chisholm
Conyers
Crane
Culver
Davis, Ga.
Dellenback
Dellums
Denholm
Derwinski
Diggs
Dow
Drinan
Eckhardt
Edwards, Calif.
Fascell
Flynt
Foley
Ford, William D.
Forsythe
Fraser
Fulton, Pa.
Fulton, Tenn.
Gibbons
Gonzalez
Halpern
Harrington
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Wash.
Howard
Hungate
Jacobs
Karth
Kastenmeier
Landrum
McClory
McCormack
McDonald, Mich.
Macdonald, Mass.
Madden
Matsunaga
Melcher
Mikva
Minish
Mink
Mitchell
Morse
Mosher
Moss
Nix
Obey
Podell
Rarick
Rees
Reid, N.Y.
Reuss
Riegle
Roncalio
Rosenthal
Roush
Roy
Roybal
Ryan
Sarbanes
Scheuer
Schwengel
Seiberling
Snyder
Stanton, James V.
Stokes
Stuckey
Symington
Thompson, N.J.
Udall
Ullman
Van Deerlin
Vanik
Waldie
Wolff
Yates

ANSWERED "PRESENT"—2

O'Konski
Whalen

NOT VOTING 38

Arends
Ashley
Bell
Bow
Byrnes, Wis.
Camp
Clay
Collins, Ill.
Colmer
Corbett
Dent
Edwards, La.
Flowers
Frey
Fuqua
Galifianakis
Gettys
Giaimo
Green, Pa.
Harsha
Jarman
Johnson, Pa.
Koch
Long, La.
Long, Md.
McClure
McCulloch
Meeds
Metcalfe
Poage
Price, Tex.
Randall
Rangel
Rodino
Shipley
Skubitz
Winn
Wyatt

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Arends for, with Mr. O'Konski against.

Mr. Bow for, with Mr. Whalen against.

Mr. Shipley for, with Mr. Rangel against.

Mr. Colmer for, with Mr. Koch against.

Mr. Fuqua for, with Mr. Dent against.

Mr. Metcalfe for, with Mr. Ashley against.

Mr. Flowers for, with Mr. Clay against.

Mr. Long of Maryland for, with Mr. Green of Pennsylvania against.

Until further notice:

Mr. Randall with Mr. Bell.

Mr. Gettys with Mr. Skubitz.

Mr. Giaimo with Mr. Harsha.

Mr. Collins of Illinois with Mr. McCulloch.

Mr. Jarman with Mr. Johnson of Pennsylvania.

Mr. Long of Louisiana with Mr. Byrnes.

Mr. Meeds with Mr. Wyatt.

Mr. Price with Mr. Camp.

Mr. McClure with Mr. Frey.

Mr. Winn with Mr. Corbett.

Mr. WHALEN. Mr. Speaker, I have a live pair with the gentleman from Ohio (Mr. Bow). If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. O'KONSKI. Mr. Speaker, I have a live pair with the gentleman from Illinois (Mr. Arends) who is attending the funeral for his sister. If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL ANNOUNCEMENT

Mr. PETTIS. Mr. Speaker, on rollcall No. 41, a teller vote on the amendment by Mr. Dennis of Indiana, I was necessarily absent due to the fact I was receiving emergency dental treatment. Had I been present I would have voted "nay." I ask that my remarks appear in the Record immediately following the vote on final passage.

The SPEAKER. The gentleman's statement will appear in the Record.

THANKS TO THE MEMBERS OF THE HOUSE AND STAFF

(Mr. HÉBERT asked and was given permission to address the House for 1 minute.)

Mr. HÉBERT. Mr. Speaker, I take this minute to thank the Members of the House for their wonderful cooperation during these last 3 fine days.

They have been trying days, as we all know. We had a minimum amount of useless quorum calls. Members were on the floor. I hope everyone is satisfied that they were allowed to participate in the debate and to continue through.

I particularly want to thank the members of my own committee and the staff, Frank Slatinshek and John Forel. Everyone knows a general could not operate without those stalwart sergeants behind him.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I am glad to yield to the gentleman.

Mr. BOGGS. I should like to compliment my distinguished colleague from Louisiana on the very splendid and competent way he has handled a most difficult bill, the first one he has handled since he has been chairman of the Committee on Armed Services. I am very proud to have him as one of my colleagues.

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I am glad to yield to the gentleman from California.

Mr. GUBSER. Mr. Speaker, as a member of the minority, I want to express our feelings and our very deep feelings that our chairman provided such excellent leadership in this most difficult circumstance.

We all recognize that emotions ran very high here and that a great segment of our population feels very strongly and very sincerely about this problem in one way, and we feel just as strongly. However, I believe it is a tribute to the chairman of this committee that this debate was conducted without rancor. It was a complete debate.

I might say that the hearings were conducted in the same manner. No one was cut off. We have had the most complete hearings that we ever had on a bill. Every point of view was expressed, and the chairman conducted himself as a complete gentleman at all times.

He is a great leader. Speaking for the minority, I want to say we are proud of his leadership, Mr. Speaker.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I am glad to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I appreciate the gentleman yielding to me.

I simply wish to reiterate and reemphasize what has been said by the gentleman from California (Mr. Gubser) concerning the fine performance of the chairman of the committee, Mr. Hébert.

If I might, I would like to compliment those on our side who were thrust into a major role because of the unfortunate passing of the sister of the gentleman from Illinois (Mr. Arends). I think those on our side did an exceptional job under these most unfortunate circumstances.

Mr. HÉBERT. I thank the gentleman from Michigan.

I may point out the fact that we expressed our sentiments to our ranking minority member on the committee, feeling great regret at the passing of a loved one in his family.

But I want to indicate exactly what our committee epitomizes and what we tried to present to this body. On the minority side, while the Members on that side, in the absence of the gentleman from Illinois (Mr. Arends) participated perhaps six or eight of them, in the debate on the floor, we had the same type of participation occurring on the majority side of the aisle.

One of the most significant things of all is that while these Members stood independent of the position of the committee, they at times voted against what the committee had passed, exercising their own judgment and voting their own will, which is as it should be. As a matter of fact, the chairman at one time found himself voting one way and supposedly defending the committee's position on the other hand in another. So he remained silent until he was asked by a gentleman how he stood. It indicates what I am trying to say to you. We do not use the words "Democrat" or "Republican" in our committee but only American.

Again I want to express my deep thanks to the members of the committee and to every Member of the House and especially to the gentleman from Massachusetts (Mr. Boland) who presided so admirably over the Committee of the Whole during these trying 3 days.

And again, Mr. Speaker, I want to go back and thank the two stalwarts of our committee, John Forel and Frank Slatinshek.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I have requested this time in order to inquire of the distinguished majority leader the program for the remainder of this week, if any, and the schedule for the next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, in reply to the first inquiry, this concludes the business for this week.

ADJOURNMENT TO MONDAY NEXT

Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOGGS. Now, in reply to the second question of the distinguished minority leader, the program for next week is as follows:

Monday is Consent Calendar Day.

We have scheduled House Resolution 333 from the Committee on Education and Labor, investigation authority, and H.R. 5981, the feed grain bill, with 2 hours of general debate, under an open rule.

The vote may be taken on Tuesday on this bill, because Monday is the opening of the baseball season and many Members will undoubtedly want to attend the game.

Mr. GERALD R. FORD. If there is a vote on the rule that vote would be held Monday?

Mr. BOGGS. That is right. However, if the rule is voted down, then the bill would not be called up for consideration.

On Tuesday there is scheduled for consideration the Private Calendar.

There is also the Office of Education appropriation bill, H.R. 7016, which is scheduled for Tuesday but general debate only. I make that announcement because we have said to the Illinois delegation, because of the election there, that we shall not have any votes.

On Wednesday we will continue consideration of the Office of Education appropriation bill and we will conclude it on Wednesday.

Also at the close of business on Wednesday, we will begin the Easter recess which will give us time off until Monday, April 19.

Of course, conference reports may be brought up at any time and any further program will be announced later.

Mr. HALL. Mr. Chairman, would the gentleman from Michigan yield to me?

Mr. GERALD R. FORD. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, in spite of the confusion, I would simply like to clarify whether or not we are going to start making commitments to various delegations not to have votes based upon primaries or elections in the various States or municipalities.

We had this out here in the last few years. Now it has reared its ugly head again. It had been the former majority leadership and minority leadership not to make such commitments. Now we will get a double portion of putting off one vote until Tuesday because of the "national sport" on Monday, or at least the unanimous-consent request that we do so and, second, not have a vote on the education bill because of some commitment or agreement with reference to a city election in Illinois. I do not understand this. I think we ought to either have it one way or the other.

Mr. Speaker, if we are going to start a real workweek around this place, we should not have any such commitments. If we are not going to do it, I am going to be constrained to object and see to it that there is a quorum present on those days.

Mr. BOGGS. Mr. Speaker, I have the most profound respect for the gentleman from Missouri (Mr. HALL). I try to accommodate the gentleman, but he is not the majority leader of the House of Representatives.

As much as he would like to be, he just is not the majority leader, it is just that simple.

Mr. HALL. Mr. Speaker, will the gentleman yield again?

Mr. GERALD R. FORD. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, the gentleman from Missouri well knows that he is not the majority leader, nor would he be, but if he were he would know his capabilities.

Be that as it may, what I am asking the leadership is whether or not there will be a vote on the bill entitled H.R. 5981, the Feed Grain Bases. If it is not going to be held on Monday, but is going to be programed on Monday, when will that vote be taken?,

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, I had thought I had made it very clear to the gentleman from Missouri that on Tuesday the only bill that there will not be a vote on would be the appropriation for education. If the feed grain bill goes over until Tuesday, there will most likely be a vote on it on Tuesday.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, reserving the right to object——

The SPEAKER. The gentleman from Iowa reserves the right to object.

Mr. GROSS. Mr. Speaker, let me see if I can get something straight. Is the feed grain bill to come up on Monday?

Mr. BOGGS. The feed grain bill will come up on Monday. I have announced that three times now.

Mr. GROSS. Right.

And there is to be no vote on the feed grain bill on Monday?

Mr. BOGGS. No, I did not say that. I said there will be no vote on the education bill on Tuesday.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I think if the gentleman from Louisiana would read the RECORD back it will be seen that the gentleman did say that whether he is the leader here, or when he steps aside, that there will not be a vote, and obviously it would be put over until Tuesday, and subsequently he said the vote on the education bill would be put over.

Now, I realize it is confusing. I am trying to be as charitable as I can, and I am trying to proceed under the regular order, but I do not think the gentleman from Iowa has yielded to the man who has distinguished himself recently on two occasions but, be that as it may, it is inconsistent, that is, as to when the votes are going to be when the leadership is not here, and you cannot have it both ways.

Mr. BOGGS. Mr. Speaker, if the gentleman will yield, is the gentleman from Iowa propounding an inquiry, and if so, what is the gentleman from Iowa asking?

Mr. GROSS. Mr. Speaker, I still do not know whether there is going to be a vote on Monday or Tuesday on the feed grain bill, or whether we are going to ask unanimous consent to put the bill over or, rather, the vote over, until Tuesday.

Mr. BOGGS. If the gentleman will yield further, may I try to clarify to the gentleman from Missouri and the gentleman from Iowa the situation?

Let me see if I can spell it out.

Mr. GROSS. I wish the gentleman would do that.

Mr. BOGGS. The feed grain bill is scheduled for Monday. We hope to vote on it on Monday.

Mr. GROSS. Fine.

Mr. BOGGS. Is that clear?

Mr. GROSS. That is clear.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

IT IS TIME TO HONOR DR. MARTIN LUTHER KING

(Mr. NIX asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NIX. Mr. Speaker, April 4 will be the third anniversary of the death of Martin Luther King by an assassin's bullet at the age of 39.

The time for this Nation to honor Dr. King is now, as he was honored by the world at large during his life.

His life and his work resulted in the passage of three civil rights bills. His life brought within reach equality for all Americans. His life brought the beginning of the end to what foreign commentators have described as the American dilemma.

For his work he received the Nobel Prize from foreigners. For his work many cities and towns in this Nation honor him and in millions of American homes his picture has an honored place.

On May 1, 1968, I introduced legislation which would have required the issuance of a commemorative stamp honoring Dr. King. I requested the postal service to act on its own in issuing such a stamp. No action was taken.

In the spring of 1969, I introduced the identical bill and requested that the postal service act without congressional legislation. Nothing happened.

In February of this year, I introduced a third bill on this subject. No interest has been shown by the postal service in its terms.

Today, I will introduce four bills containing the names of over 90 Members of Congress as cosponsors of legislation requiring the issuance of a Martin Luther King commemorative stamp. I hope that these bills will encourage the postal service to act on its own. If not, the entire commemorative stamp structure should be examined by Congress and a determination made as to whether the postal service, by congressional agreement, should be left with the discretion to issue such stamps.

The postal service has issued commemorative stamps honoring Stone Mountain, Ga., as a Confederate War Memorial. Vice President AGNEW, during the election campaign of 1970, spoke at the first day dedication ceremony for this stamp.

There have been commemorative stamps honoring Grandma Moses, Walt Disney, Henry Ford, W. C. Handy, the jazz musician; Lucy Stone, the suffragette; and Edgar Lee Masters, the poet.

There was a commemorative stamp honoring the American sheep as well as stamps honoring elephants and prehistoric reptiles.

American football has its own commemorative stamp.

On February 24 a stamped envelope was issued commemorating President Nixon's White House Youth Conference.

Why is it impossible for the postal service and its commemorative stamp committee to issue a stamp in Dr. King's honor? I ask this question along with the 70 Members of Congress who have joined with me today in demanding action either by the postal service or by the Congress itself.

The contrast between the willingness to issue a commemorative stamp honoring Stone Mountain, Ga., and the indifference toward issuing a commemorative stamp honoring Dr. Martin Luther King is startling.

Dr. King was a builder, not a destroyer. The prophecies of doom uttered on the passage of Civil Rights Act by some have been proven empty. His work survives in a stronger Nation and a better country. That, of course, is his memorial.

That does not excuse what I presume is an error of omission on the part of this Government. It is an error that I hope will soon be corrected. These bills are a means of correction. It is not too late for the postal service to act. But, if they do not, the Congress will.

Mr. Speaker, I herewith present for the RECORD the cosponsors of legislation to provide for the issuance of a special postage stamp in commemoration of the life and work of a man of peace, Martin Luther King, which I introduce today:

LIST OF COSPONSORS

James Abourezk of South Dakota.
Bella S. Abzug of New York.
Joseph P. Addabbo of New York.
Glenn M. Anderson of California.
William R. Anderson of Tennessee.
Frank Annunzio of Illinois.
Les Aspin of Wisconsin.
Herman Badillo of New York.
William A. Barrett of Pennsylvania.
Edward G. Biester, Jr. of Pennsylvania.
Jonathan B. Bingham of New York.
Richard Bolling of Missouri.
John Brademas of Indiana.
Frank J. Brasco of New York.
James A. Burke of Massachusetts.
Phillip Burton of California.
James A. Byrne of Pennsylvania.
Charles J. Carney of Ohio.
Shirley Chisholm of New York.
William (Bill) Clay of Missouri.
James C. Cleveland of New Hampshire.
George W. Collins of Illinois.
John Conyers, Jr. of Michigan.
John C. Culver of Iowa.
Dominick V. Daniels of New Jersey.
George E. Danielson of California.
Ronald V. Dellums of California.
John H. Dent of Pennsylvania.
Charles C. Diggs, Jr. of Michigan.
John D. Dingell of Michigan.
John G. Dow of New York.
Robert F. Drinan of Massachusetts.
Florence P. Dwyer of New Jersey.
Don Edwards of California.
Joshua Eilberg of Michigan.
Marvin L. Esch of Michigan.
Daniel J. Flood of Pennsylvania.
William D. Ford of Michigan.
Donald M. Fraser of Minnesota.
Cornelius E. Gallagher of New Jersey.
Henry B. Gonzalez of Texas.
Ella T. Grasso of Connecticut.
William J. Green of Pennsylvania.
Seymour Halpern of New York.
James M. Hanley of New York.
Richard T. Hanna of California.
Augustus F. Hawkins of California.
Ken Hechler of West Virginia.
Henry Helstoski of New Jersey.
Floyd V. Hicks of Washington.
Frank Horton of New York.
Craig Hosmer of California.
Edward I. Koch of New York.
Robert L. Leggett of California.
Paul N. McCloskey, Jr. of California.
John J. McFall of California.
Ray J. Madden of Indiana.
Spark M. Matsunaga of Hawaii.
Lloyd Meeds of Washington.
Ralph H. Metcalfe of Illinois.
Abner J. Mikva of Illinois.
Patsy T. Mink of Hawaii.
Parren J. Mitchell of Maryland.
F. Bradford Morse of Massachusetts.
John E. Moss of California.
Robert N. C. Nix of Pennsylvania.
Claude Pepper of Florida.
Otis G. Pike of New York.
Bertram L. Podell of New York.
Charles B. Rangel of New York.
Ogden R. Reid of New York.
Henry S. Reuss of Wisconsin.
Donald W. Riegle, Jr., of Michigan.
Peter W. Rodino, Jr., of New Jersey.
Robert A. Roe of New Jersey.
Fred B. Rooney of Pennsylvania.
Benjamin S. Rosenthal of New York.
William R. Roy of Kansas.
Philip E. Ruppe of Michigan.
William F. Ryan of New York.
Fernand J. St Germain of Rhode Island.
Paul S. Sarbanes of Maryland.
James H. Scheuer of New York.
John F. Seiberling of Ohio.
B. F. Sisk of California.
Louis Stokes of Ohio.
Robert O. Tiernan of Rhode Island.
Morris K. Udall of Arizona.
Lionel Van Deerlin of California.
Charles A. Vanik of Ohio.
Jerome R. Waldie of California.
Charles W. Whalen, Jr., of Ohio.
Lester L. Wolff of New York.
Edward J. Patten of New Jersey.
George P. Miller of California.
Thomas S. Foley of Washington.
Dante B. Fascell of Florida.

RESOLUTION URGING THE PRESIDENT TO RELEASE PUBLIC WORKS FUNDS

(Mr. HUNGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNGATE. Mr. Speaker, today 44 additional colleagues are joining me in introducing a resolution urging the President to release appropriated public works funds now held by him. This brings the total number of cosponsors to 68, representing 31 different States.

I would like to thank my fellow Members who have joined with me on this resolution and I am sure that their constituents from the many districts and States affected by this Presidential freeze also appreciate their efforts.

LACK OF GOOD FAITH

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROGERS. Mr. Speaker, for the past 4 months Members of the Congress and especially the committees concerned, have been unwinding and tracking down the rationale behind the administration's—HEW's OMB's—attempt to close down 30 public health clinics and eight public health hospitals across the Nation.

I am sure that an overwhelming majority of the Members of Congress agree with me that to close any or all of these facilities would be to the detriment of the public, would be in violation of the law and would be an abridgment of the responsibility which the Federal Government has to merchant seamen, members of the Coast Guard, the various Federal agencies whose personnel use this health service and the members of the military and their families who also use these facilities.

Because of this concern, the Merchant Marine and Fisheries Committee held hearings last year and the subcommittee on Public Health held 4 days of hearings this year.

The issue is not resolved as yet. But one thing which I and members of these committees certainly felt was resolved was that nothing would be done to close any or all of these facilities without first a review by the Congress.

This assurance was given by the Secretary of Health, Education and Welfare himself during hearings on December 30, 1970. I quote from the transcript:

> Members of my staff are prepared to meet with you and discuss your suggestions, concerns and any additional information which you may wish to provide. Before a final decision is made, we will review our findings with the Congress, beneficiary groups and employee organizations.

Yet despite this assurance from Secretary Richardson, I have discovered that the clinic in Buffalo was scheduled to be closed. Officials from HEW met yesterday with clinic officials and post office officials in Buffalo to advise them of the closing.

This is in violation of the understanding which both House committees had and indeed it is in complete contradiction with Secretary Richardson's word that the Congress would be conferred with on such matters.

As of yesterday, the clinic director had been informed of the closing, the postal officials had been told, and the officials of Buffalo General Hospital have been asked to submit figures as to the cost of contracting this service.

The 34 Federal agencies in Buffalo which avail themselves of the services of the clinic would then be on their own to find health service.

The move to close this clinic, which last year had more than 9,000 patient calls, is thinly veiled by an argument that the building in which it is located is being torn down. But in checking with the director, I find that he had made tentative arrangements to move the clinic to a medical complex which is virtually across the street from the Buffalo General Hospital, in anticipation of the razing of the present Federal building.

I have now an even greater concern that HEW and the administration are again proceeding to close or transfer these health facilities without the knowledge of the Congress, as was the case in December of last year.

I have expressed my concern over the handling of this matter to both Dr. Jack Butler, Director of the Federal Health Program Service, and to Dr. Vernon Wilson, Director of the Health and Mental Health Services Administration.

Dr. Wilson has assured me that the Buffalo decision will be stayed and no further actions taken until the Public Health Committee can properly consider this matter along with the other hospitals and clinics.

But again, this is an after-the-fact situation where the Congress has, if you will, discovered covert actions. And only then, has the Department come to the Congress and expressed a desire to communicate.

I think this latest instance severely

undermines the confidence of the Congress in the actions of the Department of Health, Education, and Welfare, and would, I feel, also undermine the confidence in anyone outside of the Government in dealing with the Department of Health, Education, and Welfare.

CRIME CONTROL: A POLICY OF REALISTIC DETERRENCE

The SPEAKER pro tempore (Mr. KEE). Under a previous order of the House, the gentleman from Illinois (Mr. MIKVA) is recognized for 60 minutes.

Mr. MIKVA. Mr. Speaker, we live today in a crisis-oriented society. So many problems of such great moment face us—the war in Indochina, the draft, urban blight, racial injustice, and so on down the line. Perhaps it is because of the number and the magnitude of these critical problems that we seem to become immune to them all and paralyzed into inaction. I want today to draw attention to another in the continuing catalog of pressing crises, one of the most serious maladies our Nation suffers: crime in America.

By now, enough studies have been made, and enough ink spilled that we should begin to do something to reduce crime, rather than just talk about it.

Over the past few months, I have spent some time in jail, talking with the people who probably know most about the causes and prevention of crime—criminals themselves. These prison visits have convinced me that the first and most direct step we could take to reduce crime in our society is to get about the business of reforming the serious structural flaws in our system of criminal justice which actually contributes to crime. The two bills I am introducing today with bipartisan support attack two of the weakest links in our criminal justice system: corrections and criminal trials.

No words of an outsider can express the frustrations and the folly of our noncorrectional system as well as those of the inmates themselves. Let me read to you some of the poignant comments I have received from prisoners in various jails and prisons. Most of these comments were written in response to questionnaires I distributed in the prisons I visited, in which I asked inmates to list the aspects of prison life they found most debilitating.

One inmate, who signed his name "A Bank Robber" wrote the following:

> I believe that a married person should have a chance to visit his family after serving a certain length of time and his record is good. Sir I do hope that you can bring a few things to light. Most guys here are like myself buried alive. I was convicted of bank robbery at the age of 40, given 20 years. Now Sir with the federal that means 20 years. Most guys here have nothing to look forward to, I'm lucky in a sense. As I will be starting my six year in March, I realize I done wrong and must pay for my crime. I'm also lucky that I haven't become bitter. I have no one to blame but myself. What I'm trying to say Sir is the federal keep a person so long that they turn him into a beast or a vegetable. Over 50 years has proven that long sentences doesn't stop crime. They keep you so long that when you do get out you have lost most of your family and your friends have forgot you. Most of the time you are to old to work. One thing they judge a man by his past record and that is very wrong because I believe most of us would like to forget it. But thats what they judge us on. Sir if we live to be a hundred that record will never change, but the person can. Thank you so much for what you trying to do. God Bless you.

A second prisoner stressed the importance of maintaining family ties:

> I would arrange for men to be allowed conjugal visit 3 or 4 times a year because it would help not only in keeping families together but would also cut down on the Homosexual problem which all prisons have and are the cause of many unnecessary killings and stabbings. In case you're wondering I'm probably never getting out again. So what happens has little or no effect on me personally, but there's some here who aren't set in their ways as I am and who could with a little help get out and never return to one of this joints and that is the only reason I've said what I have, in the hope that some of those will get a chance to make it.

This deeply felt need for social contact was also expressed in the following comment by another inmate in a Federal prison:

> That the visits be a little more private than they are now. A little more physical contact within good taste. Maybe even start a program where a man could earn a night out with his wife each month. This system could be placed on the custody level. If a man were given this chance, 99 out of 100 would make double sure he would not violate his trust just so that he could have another chance out with his wife. Most wives are having it pretty hard because all people are human and each person has emotions and feelings and when a person that pains of loneliness they must find someone to accompany them away from their feelings. Many families are broke up because of loneliness and the person who suffers mostly is the inmate because he is locked up. If a man was sentenced to prison as punishment of his crime, he should be allowed to have his rights as a husband and father, and not be punished in the respect of being cut off from his families ties.

Another voiced the importance of rehabilitative programs which give the prisoner a chance to handle trust and responsibility:

> I would then set up program aimed to Social interaction (group therapy, work shops, Human relations labs, etc.) and integrate this into the current vocational training programs, whereas the inmate can develop normal relationships on his job in the community. I would reduce severe sentences to fit the inmates rehabilitative needs (i.e., indeterminate sentences), give him *trust* (specifically, knocking down the walls, fences, electronic doors, etc.) and *Responsibility*, this being his major "hang up" and what got him here in the first place!"

The need for self-dignity, including a chance to earn money to support one's family and self were expressed in the following comment:

> My plea is for the longtimers as I am one myself. I was arrested 8 years ago at the age of 18—sentenced to death at 19—committed and resentenced to life at 21 with a 15 year consecutive sentence at the end. I came to Marion with a bad attitude but the spirit of rehabilitation caught me up. I finished high school, passed the college entrance exam and went to complete a few courses with av. grades. Enrolled in V.T. classes. All of this was done with the expectations (as I was told) that things are changing, which, they were. Now I'm disillusioned. Sure, changes have taken place but they were directed at the youthful offender. Although I was a youthful offender I've since outgrown the title—I'll be 27 this year—so where does that leave me now? It leaves me hoping that I can make a parole in 1988, my first parole hearing—I'll be 44 years old. If you give a man hope in the way of consolation you're going to be rewarded even-stephen. You let a man know that he can spend a few hours with his family in intimate unsupervised surrounding and I tell you you're going to have a model inmate. I think the key to rehabilitaing an adult is through his family. With the youth, it is a matter of money management. Most young dudes have never had much of anything tangible in their lives. They want cars, clothes and good times but they don't know how to save for it or even how to stretch their earnings to where there is enough left to save. A good idea would be to work out a way where an inmate can be paid on paper—the minimum wage. Then have him figure out how his money should be spent. Make him pay for his keep. Anything above living expenses can then be put into savings for his release. This plan would work for adult offenders also with the added bonus of permitting him to help support his family which would relieve some of the taxpayers load. If the courts must give people life sentences, etc., the least the prison system can do is give that same person a chance to prove himself deserving of another chance. Let him help support his family—but with his family, unsupervised at frequent intervals. Let him know that if he screws up all privileges will be denied him until expiration of his sentence. See what kind of prisoners you have then. Thank you for listening to me.

The failure of the parole system to provide assistance in rehabilitating prisoners is exemplified in the following two questionnaire responses:

> The present system fosters and breeds disrespect for law and order and creates bitterness of profound proportions. The U.S. Parole Board as comprised for the past 30 years is the greatest manufacturer of potential killers and professional criminals the United States has ever known, it is made up in its entirety of political charlatans and commands nothing but hatred and disrespect from all prisoners, not just a majority. Because we are convicted men does not necessarily imply we are immature and without intelligence or education, nor does it imply we are bereft of a sense of responsibility. A thorough investigation regarding the causes of why we are here, or why we repeat our errors, is absolutely necessary: As is an honest appraisal of the circumstances as a whole, something we have never received.
>
> "Lack of incentive is the biggest problem with the residents here. We take all the courses (high school, college, etc.), we learn vocational trades to help us obtain gainful employment on the outside, but *no one* is making paroles. Most of the inmates feel that the staff (parole officers, custodial, educational supervisors, etc.) should have a more active part in deciding when we are ready for release. To the parole board we are numbers and a file filled with our past misdeeds. The people who make up the staff have known most of us for years. We older type (30 and over) inmates want a chance. There are men over 30 that are savable, although it seems the Parole Board doesn't want to take a chance with previous offenders. An illustration of what I said, is my own case. I came from a broken home—I have brothers who have never been in trouble and have made a success out of life. I was weak emotionally and couldn't overcome the lack of love in my childhood. My

> brothers could. I continually come to prison at the age of 33 I was emotionally unstable and had the maturity of a 16 or 17 year old boy. I fathered four children, but refused to except the responsibility of their well being. I am now 38 years old—I am a MAN!! I have matured in the last 3 or 4 years—I know where I'm going—I know what I want to do. I'm not bitter, only grateful I will have the chance someday to give my children the kind of life I was denied and the love they need. I will face the parole board in 10 months, but won't be considered for parole because of my bad past record. I am as ready to return to society right now, as I ever will be but I will be told to serve my complete sentence, because I'm a bank robber. I don't need no help, as my sentence just has 3½ more years to run. I can see the end, but there are many men here who deserve a chance, because they have grown up, they are no longer immature and they could become useful citizens, but they'll never have the chance because of their past records. I hope you are sincere in your efforts for prison reform—there are many here who need a friend out there. Thank you for letting me have a say!

One inmate poignantly expresses the inverse relationship between lengthly confinement and rehabilitation:

> I do not have much education, as you can see by my writing, and I don't know if my answers will even be read or considered. I know enough to know that there are a lot of prisoners that would like to straighten up if given a chance, but longer they are kept in prison the further off they get from ever rehabilitation themselves.

Finally, let me read a letter I received from an inmate in a Federal prison who was about to be released and was almost desperate for help:

> At present time I am an inmate at the Federal Prison Camp in Allenwood, Pa. For the past six years I have been imprisoned and my record will show that I am not an incorrigible or recalcitrant prisoner. With all sincerity, I have been trying to rehabilitate myself.
>
> Presently, I have about three months left to serve on my sentence. When I am released from prison I will have no home to return to, no job to report to and very little money with which to start a new life. I have requested to be sent to the Community Treatment Center (Halfway House) so that I could use my last months preparing for the future, but I was told it wasn't needed in my case. One of the reasons given to me by the Bureau of Prisons was that I didn't have Vocation Training. My records will show this claim to be untrue. During my incarceration I have taken courses in Electronic, Electricity and Drafting. I passed all of these courses in good order.
>
> At Lewisburg Penitentiary I was working in the prison industry, learning to be a clothing cutter. Against my will, I was taken from that job and sent to Allenwood, where I am now working as a laborer on the construction crew. At Lewisburg I was receiving an hourly wage whereas I am not receiving any wage at all at Allenwood.
>
> There are only a few courses available to prisoners at Allenwood, such as, truck driving and welding. The work release program is also very limited. I have applied for these opportunities and have been denied them also.
>
> What is a man in my position to do? I do not want to come back to prison, but to put a man out with no place in society and no assistance to start anew is placing the odds heavily against him becoming a useful person to the community.
>
> If the Halfway House were available to me I would have the opportunity to find a job and a place to live while I am serving my last months in prison. While I have been imprisoned I have furthered my education, but only because of self-indulgence. During these past six years I have had a lot of time to think and my main goal has been to leave prison and make something of myself. I knew I would need help, and that is where the Community Treatment Center comes in, but now that I have been denied this opportunity I don't feel my chances are very good at getting a new start.
>
> Sir, after a man has been imprisoned for over six years you can't simply give him $30 and a new suit of clothes and expect him to go out and make a new life for himself. It just can't be done. Before he even returns to the street he has two strikes against him. What kind of jobs are available to a person with a record.
>
> I don't want to be part of some statistics bantered around by bureaucrats. Something has to be done about a situation like mine. There are many people with problems such as mine. That is why I am writing to you and to as many other responsible people as I can. The prison system must be reformed if people like myself are to be expected to become good citizens. People such as yourself are needed badly if this reform is to come about.

As I think these questionnaire responses show, and as anyone can see by visiting and studying prisons and jails today, the weakest link by far in our criminal justice system is corrections. It is incredible how we expend great amounts of money and effort catching criminals, convicting them, and incarcerating them in jails and prisons, and then fail to take the most obvious steps to prevent these people from returning to a life of crime after being released. Nine out of 10 criminals who serve time are eventually released and go right out and commit further crimes. No other institution or business in our society would be permitted to maintain such a high failure rate, and neither should our prisons.

The Correctional Services Improvement Act, which I am introducing today, would encourage the States to take advantage of the most up-to-date learning in the field of criminology and penology. The Federal Government is authorized to construct model correctional institutions for various kinds of offenders, and to turn these facilities over to the States. The driving purpose behind these model facilities is to reduce crime by rehabilitating criminals rather than merely incarcerating them. The emphasis is on small institutions, each designed for no more than 300 inmates. In the case of short-term offenders, community treatment centers are stressed, in the hope that inmates can be prepared to return to society better equipped to lead a stable and productive life than when they went in. Job training, work release, and school release programs are to be provided. More normal social contacts, including conjugal visits and furloughs, could be made available. These centers should also be made available to longer term offenders who have less than a year to serve before parole or release.

It simply makes no sense to isolate a man from his family and society, deprive him of any responsibility and independence for years, and then turn him loose and expect him to adjust back to normal society. By cutting him off from the two strongest forces for stability—his family and a meaningful job by which to support them—we virtually guarantee that he will someday return as a ward of the State.

These model institutions will also be encouraged to provided extensive individual counseling, to help the inmates understand the weaknesses and problems which led them to criminal activity in the first place.

There would also be an increased use of ex-offenders, volunteers, and other nonprofessionals in staffing the institutions. The present staffs of our jails and prisons do a surprisingly good job, considering the poor conditions and inadequate resources with which they must operate. However, it is a fact that full-time personnel in time tend to place greater emphasis on security and administrative convenience than on efforts at individual rehabilitation.

Another provision in the Correctional Services Improvement Act establishes a Federal Prison Review Board. The Board would promulgate Federal standards not only for institutions but for correctional services. Provision is made for public participation in the process by which the Board sets and periodically reviews these standards.

Other portions of the bill deal with coordinating research on new methods of treatment and rehabilitation of offenders, liberalizing parole procedures to cure some of the grievances stressed by prisoners in the comments discussed earlier, increased use of halfway houses to ease the transition into noninstitutional society, and procedures for civil commitment of persons found not guilty by reason of insanity.

This bill is not a panacea, but it is an earnest beginning in an area which holds great promise for reducing the incidence of crime in America.

The second bill I am introducing, the Pretrial Crime Reduction Act, is directed toward the problem of court congestion and pretrial crime. The criminal dockets are so badly congested that it is not unusual for 6 months or a year to go by before a criminal case is finally disposed of. Over 80 percent of all criminal cases are disposed of not by trial but by plea bargaining. Some defendants plead guilty even though they are innocent, because they do not have money for bail and they know they will spend less time in jail serving time on a reduced charge than waiting to be tried and acquitted.

Another result of the unconscionable delays in bringing accused persons to trial is the problem of pretrial crime. The Constitution guarantees the right to bail, and unless there is a clear showing that the accused will not return for trial, he is entitled to be released on bond after being charged. Inevitably this means that some dangerous criminals will be set loose on the community for months while their cases inch up on the court calendars.

The bill I am introducing would cut the likelihood that additional crimes will be committed by persons free on bail awaiting trial by requiring that speedy trials be held in all but the most complex criminal cases—such as tax evasion, antitrust violations, and securities violations. Trials must commence within 120 days after arrest, and in the case of violent crimes, within 60 days. If the prosecution fails to try the case within those time limits, the charges must be dismissed. If the defendant himself, or his attorney, is responsible for the delay, criminal contempt citations may be invoked.

It may appear at first glance that these time limits are unrealistic, and that Congress would just be passing the buck on court reform to the judiciary. This is neither the intent nor the effect of the speedy trial bill. Each judicial circuit would be required to draw up a plan showing how it intends to meet the new time limits in criminal cases. If the problem lies in faulty organization or administration of the courts, this will serve as a prod to see that they put their house in order. If, on the other hand, a circuit demonstrates that it is unable to implement its plan because of lack of resources or manpower, it will be allowed an extension and the Attorney General is directed to submit to Congress the necessary legislation to provide those resources. This places the responsibility back where it belongs: on the Congress and the taxpayers. If we are serious about court reform and crime reduction, we must be willing to pay the price.

Finally, there is still the problem of potential pretrial crime during the 60- or 120-day period between arrest and trial. The speedy trial bill would deal with this in two ways. First, an additional penalty of up to 3 years is established for any crime of violence committed while on release. And second, judges are required to determine whether an accused is presently on parole or probation before releasing him on bail. If he is found to be a parolee or a probationer, the supervising authority is notified of the arrest and is given jurisdiction over any violations of parole or probation.

The time for talk about crime control is past. We must either fish or cut bait. Either we seriously undertake to reduce crime by measures such as I have discussed today, or we may as well not even bother sending criminals to jail, so long as our jails continue to be breeding grounds for crime.

Think of all the money we would save on crime detection, investigation, court trials, prisons, and parole supervision. Unless we make some drastic changes in our system of criminal justice, that money would be more effectively spent providing jobs to the unemployed or treating drug addicts who are likely to turn to crime to feed their habit. We ought to prefer to spend the money providing speedy trials to determine who the criminals are, and rehabilitating those who are guilty, because this offers the best prospect for reducing the level of crime in our society and reducing the chance that all of us will become victims someday.

POLICY IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 20 minutes.

Mr. BELL. Mr. Speaker, Secretary of State William Rogers last week briefed Members of the Senate on U.S. policy in the Middle East and, according to statements of those present, corrected reports that we were exerting pressure on Israel to withdraw from occupied territory in advance of peace negotiations with the Arab nations.

Our State Department apparently continues to believe, however, that the best hope for peace in the Middle East is for Israel to relinquish what she regards as natural and defensible national boundaries in return for border security guaranteed by the United Nations in conjunction with the big powers.

We apparently have offered direct U.S. participation in a U.N. peacekeeping mission to enforce the formal, written boundaries in the Middle East which, hopefully, will result from Israel-Arab peace negotiations.

And we have pledged that there will be no unilateral withdrawal of our troops.

The promise that there will be no unilateral withdrawal of American troops, however, is far from being the equivalent of a unilateral guarantee of protection from the United States.

This has not been a proposal that our State Department has been willing to suggest.

Rather, we seem to be offering to participate in a peacekeeping mission under the auspices of the United Nations.

And there is no nation in the world which has a better reason than Israel to be skeptical of United Nations decisionmaking machinery in a world security crisis.

More often than any of us have a right to expect, Israel has relied on the United Nations and has suffered by doing so.

U.N.-sponsored partition lines in Palestine were rejected by the Arabs shortly after World War II and the shooting war followed.

The conflict in the Middle East in 1956 began for Israel when Egypt blockaded the Straits of Tiran and barred the Suez Canal to Israeli shipping.

And war came again in 1967 when Egypt again defied the United Nations and reestablished the blockade in the Gulf of Aqaba.

Under pressure from Nassar on this occasion a peacekeeping force was simply withdrawn by a United Nations which, at a critical moment, failed to explore every possibility to postpone such withdrawal.

Israel has good reason, after a quarter of a century of experience with international protectors, to believe that her only real security is in her military power and the natural land defenses which she presently enjoys.

And Israel has good reason to reject arguments heard in the world community that it is her intransigence on the question of unconditional withdrawal from these defensible positions which is sustaining the crisis in the Middle East.

For Israel could hardly see withdrawal to the 1967 boundaries as anything but a return to the circumstances which produced the crisis.

The Governments of Egypt and Jordan, after much delay, now offer Israel a peace treaty and recognition as a state in return for her withdrawal from occupied land.

And, of course, Syria still refuses even to discuss a peace treaty with Israel.

Egypt and Jordan insist, however, that the issue of the Arab refugees be settled as part of this peace package.

It is this virtually unsolvable problem which has been one of the root causes of hostilities almost from the beginning.

Moreover, peace treaties and recognition count for little in providing security for Israel if Egypt and Jordan should renege on their promise to assume responsibility for the border attacks and terrorism of the Palestinian guerrillas, especially in view of Syria's continued encouragement of the terrorism.

There is even a question about the present stability of the three governments whose treaties and recognition Israel is asked to pay so high a price to obtain.

Both Egypt and Syria have had basic changes in national leadership within the past year.

Hussein in Jordan managed to put down still another attempt at revolution by Arab extremists only a few months ago.

The Israeli are perfectly aware of the strong public feeling in the United States against any additional overseas military involvement.

They know they have no right to rely on direct American intervention in the event of a military crisis and, in fact, Israel as a sovereign nation refuses to rely on outside assistance for its own defense.

They even have a right to be skeptical about the extent of our commitment, if a U.N. peacekeeping mission in the Middle East is challenged.

There is also thelikelihood, supported by many recent newspaper reports, that our promise to join a U.N. peace force in the Middle East will, of necessity, be balanced off by similar participation of the Soviet Union.

Already there are 15,000 Soviet troops inside Egypt and many of them are using bases closed even to the Egyptians.

Can anyone seriously believe that the presence of Russian troops on three of her borders would contribute to the security of the State of Israel?

Mr. Speaker, I was pleased to hear of the clarification of policy by the State Department last week.

We should not be pressuring Israel to make a premature withdrawal from occupied land.

And I would hope that no such pressure is being attempted.

It is not going to be easy to secure permanent peace in the Middle East.

But I believe it will never be secured if Israel's position at the bargaining table is weakened by well-meaning friends who have more confidence in the United Nations and in Arab declarations of intent than experience would justify.

INJUSTICES SUFFERED BY SOVIET JEWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. BUCHANAN) is recognized for 5 minutes.

Mr. BUCHANAN. Mr. Speaker, I rise to express again what has been repeatedly voiced in this Chamber on a subject which is of very great concern to me and millions of other freedom-loving people throughout the world. I am referring to the continuing repressive policies of the Soviet Union against those within its borders who seek to express their religious beliefs and especially against the Jewish people of that country.

I firmly blieve that this is a matter of appropriate concern to all freedom loving persons who deeply respect and value human rights.

What is being experienced in the Soviet Union is far more than prejudicial attitudes of some citizens toward others; it is the direct reflection of these attitudes through repressive policies and restrictions on the part of the Government toward some of its citizens. These policies and restrictions, furthermore, have cruelly suppressed so many basic human freedoms that in this country are almost taken for granted in their complete acceptance.

Last year I was a member of a special subcommittee conducting hearings in New York on the plight of Jews in the Soviet Union and heard testimony of continued acts of anti-Semitism there. The suppression of Soviet Jews has gone beyond the denial of religious freedom to affect the cultural, economic, educational and economic areas of life. Authorities in the Soviet Union have long suppressed, discouraged, and prevented the free expression of Jewish education and culture, and have deprived Soviet Jews of the opportunity of worshiping freely and in accordance with the traditions of their faith. They are not allowed to learn either Hebrew or the Yiddish language in Soviet schools. Jewish synagogues and schools have been closed. The Jewish theater and the Jewish press are both dead. In Russia today only a few rabbis serve the more than 3 million Jews living there, and in Moscow only three synagogues exist to serve some 500,000 Jews in that city.

Even more unconscionable, however, is the Soviet Union's refusal to let most of these persecuted people emigrate to places where they can live in freedom. This right to emigrate is a precious right recognized by the Universal Declaration of Human Rights, the United Nations Charter, and the International Convention on the Elimination of all Forms of Racial Discrimination—all of which have been ratified by the USSR. The Soviet refusal to recognize this right also flies in the face of a commitment made in 1966 by Premier Aleksei Kosygin to permit Russian families separated by the ravages of war to be reunited with relatives outside Soviet borders. Since that 1966 commitment more than 50,000 applications for family reunions outside of Soviet borders, many of them from Soviet Jews, have not been acted upon. At this time it is estimated that more than 100,000 applications for permission to emigrate are before the Soviet authorities and one of the few fortunate Soviet Jews who have been granted such permission, Mr. Leonid Rigerman, estimates that some 500,000 Soviet Jews would leave the country—many going to Israel—if they were permitted to do so.

Last year we witnessed a tragic acceleration of a flagrant example of Soviet-Jewish persecution in the prosecution of a number of Soviet Jews for various forms of alleged anti-Soviet activity. The entire world was stunned by the prosecution last fall of 11 Soviet citizens—nine of them Jewish—for allegedly planning to hijack an airplane. For this alleged act, the defendants were charged with such serious crimes as high treason, "organizational activity directed to commission of especially dangerous crimes against the state," stealing state property, and anti-Soviet agitation and propaganda. All available evidence, furthermore, can only lead one to the conclusion that these individuals, like others in that country, where entrapped by Soviet officials.

The "show" trial which ensued was a complete mockery of justice resulting in outrageously heavy sentences. The fact that the two death sentences meted out in this trial were commuted to 15-year prison terms—a probable result of the pressure of an outraged world public opinion—does not erase the terrible injustice done to individuals whose only "crime" was apparently their desire to escape persecution and emigrate. In publishing this past weekend a detailed courtroom account of the Leningrad trial just now reaching the West, the Washington Post concluded:

> This Russian-language account makes explicit that the fundamental accusation against the nine Jewish and two non-Jewish defendants was not hijacking, as commonly believed, but attempting to leave the Soviet Union without official permission.

This courtroom account was apparently assembled by friends or relatives of the defendants who were admitted to the courtroom.

This past weekend—March 27—there were reports of another unfortunate incident of anti-Jewish activity in Moscow. Over 30 Jews were arrested for protesting the continuing detention of Jewish defendants in three other cases related to the above Leningrad hijack trial. Among those arrested, 12 were sentenced to 15 days in jail, two were sent to a psychiatric hospital for examination, nine were released, and sentences for the rest varied from 20-ruble fines to 5 days in jail. The sentences, furthermore, were given at administrative hearings that did not include defense counsel.

The protestors were carrying a letter with 213 signatures protesting the detention of Jewish defendants beyond the 9-month maximum prescribed by Soviet law. Among these Jewish defendants—in three cases related to the hijack trial of last December—nine of them are on trial in Leningrad with six of them having been arrested more than 9 months ago. Their trial was adjourned minutes after it opened on January 6 because of a defendant's illness and was never reopened. Four defendants, also arrested more than 9 months ago, are on trial in Riga and their trial has never begun. Nine other defendants are on trial in Kishnev and this trial has not begun either.

In viewing the recent wave of increased Soviet-Jewish repression some observers have expressed an opinion which, in my judgment, is not entirely unfounded. This opinion maintains that the Soviet Union, faced as it is with major economic problems, is attempting to make its Jewish population a scapegoat for the multitude of defects which afflict citizens of the U.S.S.R. The recent wave of attacks on Zionism as an anti-Soviet conspiracy in Soviet media certainly lends support to this thesis.

Speculation as to underlying motives aside, however, Soviet policy toward Russian Jews represents a perfect example of the complete hypocrisy ingrained in so much of Soviet policy. There are laws in the Soviet Union which purportedly guarantee the basic human rights so blatantly being denied there on a daily basis and Soviet officials are continuously proclaiming to the world the justice and humanity of their system of government.

Recently, furthermore, we have seen more and more examples of this hypocrisy as the widespread outcry against their persecution of Jews has prompted Soviet officials to parade Jewish citizens and particularly Jewish leaders into the public eye extolling the justice of the system. There is no doubt in my mind, however, that fear has played a large role in the public allegiance to the Soviet Union of these "spokesmen."

Some weeks ago I was privileged to meet with a young man already referred to, Mr. Leonid Rigerman, who has personally experienced this repression and who battled the Soviet bureaucracy for nearly a year to be allowed to immigrate to the United States. His tale of religious persecution in the Soviet Union is shocking to those of us in this country who often take for granted our freedom of religion.

The tribulations which Leonid Rigerman underwent in obtaining his freedom are also enlightening. The son of a native American mother and a naturalized American father, Mr. Rigerman sought to have himself confirmed an American citizen by the U.S. Department of State. Several times as he attempted to enter our Embassy in Moscow, he was prevented by the Soviet officials from doing so. Once he was arrested and held for 7 days and on a second occasion he and his mother were detained by the Soviet secret police for 4 hours.

As most of us know, Mr. Rigerman's efforts were further complicated by the fact that Soviet officials had claimed his mother's American passport when she and her husband moved to the U.S.S.R. in 1931. The Soviet officials in 1937 informed the United States that Mrs. Rigerman was surrendering her American citizenship. In the following year, therefore, our country determined that she was no longer an American citizen. This action obviously provided yet another stumbling block for the Rigerman's U.S. citizenship and the protection to which a U.S. citizen is entitled.

Late last year, however, our Embassy officials learned that Mrs. Rigerman had not voluntarily submitted her passport, but gave it up under pressure from Soviet officials. It was at this point—November 1970—that I joined a number of my House colleagues in sending a letter to our Secretary of State urgently requesting the confirmation of Leonid Rigerman's U.S. citizenship. Needless to say, we were extremely gratified when the State Department took this requested action in December and greatly relieved that Mr. Rigerman and his mother were allowed to come to this country in February.

When Mr. Rigerman met with some of us in the Congress who had signed the letter on his behalf to Secretary Rogers, we were given a very disquieting firsthand picture of life as a Soviet Jew. He told of restrictions which encompassed not only religious actiivties, but educational and vocational as well.

There are restrictions on the number of Jews who can attend universities, and on the number which can be hired at certain institutions.

Even those who are permitted to attend synagogue often face economic reprisals, Mr. Rigerman said. While his emphasis was mainly on the discrimination against Jews, this accentuated, in my judgment, the basic disregard for human rights which has been continually evidenced by actions of the Soviet Union. While the Soviets officially say that anyone who wants to leave the country can do so, this is not the case according to Mr. Rigerman, and his experiences are a poignant witness to this.

Mr. Speaker, as you know, the Congress has already gone on record with respect to its abhorrence of Soviet persecution of its Jewish citizens. On December 31, 1970, the House of Representatives passed a resolution—House Resolution 1336—expressing—

> Its grave concern over the continued injustices to which the Jewish people in the Union of Soviet Socialist Republics have been subjected by the Government of that nation, as manifested most recently by the cruel and unusual punishment imposed upon Jewish citizens of the Soviet Union for allegedly treasonous acts.

This same resolution called upon the President to convey to the Soviet Government this grave concern and to "urge that Government to provide fair and equitable justice for its Jewish citizens." Earlier last year the U.S. Senate approved a similar resolution.

So long as this persecution exists, however, our efforts on behalf of these persecuted people must continue. In the present Congress, therefore, I have already cosponsored a similar resolution—House Concurrent Resolution 221—which requests:

> President of the United States to manifest our country's position as the guardian of the traditions of liberty and justice for all, the dignity of all mankind, and the freedom of worship, by taking appropriate affirmative action to persuade the Soviet Union to . . . terminate its practice of depriving Soviet Jewry of the opportunity of worshiping . . . to grant to the Jewish minority the same rights of preserving its cultural identity as the Government grants to other Soviet minority groups; and to permit Jewish persons to emigrate freely from the Soviet Union to Israel or to any country of their choice without restriction or limitation.

In this Congress I have also cosponsored legislation which is intended to challenge the Soviet Union to permit those Jews who wish to leave to do so and to show that the United States would welcome them here. This legislation (H.R. 6698) would provide 30,000 special refugee visas for Soviet Jews who are permitted to leave the Soviet Union and who wish to come to this country. We have made such special provisions many times in the past, most recently by providing special legislation which permitted more than 30,000 Hungarian refugees to settle here after the suppression of their 1956 revolution. As we are all also aware, more than 565,000 Cubans have made the United States their home through exemptions from the immigration laws. It is hoped that the enactment of this legislation might encourage other nations to enact similar legislation.

Mr. Speaker, there are those who feel that such legislative action as the above and such expressions of concern as I am now making are mere exercises in futility, unlikely to be of any help to those who are the object of our concern. I do not accept that opinion. The very arrival of the Rigermans in the United States is testimony to the fact that the Soviet Union is sensitive to world public opinion, as was the commutation of the two death penalties arising from last year's so-called hijacking trial. With increased pressure from outside the Soviet Union, furthermore, the number of Jews permitted to leave Russia has increased to a level which, although still tragically restrictive, is unprecedented in the 53-year history of that nation.

I am hopeful that continued pressure by countries such as the United States and many others will bring about at least a partial degree of the freedom to Soviet citizens that we in the United States have enjoyed for so long. I am particularly hopeful that our efforts—limited though they must be—will bring about some relief for the Jewish citizens who are victims of particular discrimination there.

LET JUSTICE BE SERVED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MIZELL) is recognized for 5 minutes.

Mr. MIZELL. Mr. Speaker, I have withheld public comment on the court-martial of Lt. William L. Calley, Jr., pending his final sentencing.

While I have not had access to the testimony presented at his trial, I am greatly concerned that justice, in its truest and broadcast sense, may not have been served in this case.

I am further concerned about the effect this trial will have on millions of American men in military service, men who are a part of the same system that has chosen to punish Lieutenant Calley for fulfilling what he considered to be his duty.

Most Americans are outraged by the circumstances surrounding this court-martial. I find that large numbers of citizens expressing their opposition to this verdict have themselves experienced the pressures and the heat of battle in Vietnam or in other conflicts.

The citizens of my congressional district, and the cause of justice itself, demand that Lieutenant Calley be given every possible consideration in the appeal procedures open to him.

If ever anyone deserved to be heard, up to and including the highest court of appeal, Lieutenant Calley deserves that right.

In a war in which it has been impossible to tell friend from foe, Lieutenant Calley should not be made a scapegoat or a symbol, for he does not bear sole responsibility for the My Lai affair.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OPPOSITION TO RAILPAX DECISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. KEE) is recognized for 15 minutes.

Mr. KEE. Mr. Speaker, decisions have been announced by the National Rail Passenger Corporation concerning alternate routes and intermediate stops on the new nationwide passenger train system. I am disappointed that service will be reduced in a number of areas throughout the country. But I was absolutely astonished to learn that Railpax did not include the Roanoke to Williamson to Cincinnati route in its plan.

I strongly protest this curtailment of passenger service of the Norfolk & Western Railroad. If this decision is allowed to stand area residents of Williamson, W. Va., will be left without passenger service after May 1, 1971. This seems to me to be a blatant disregard by Railpax of its responsibilities to the public interest.

Railpax bases its decision to cut passenger service on the need for economy in the railroads operations. It would appear to me that improved management, elimination of extravagance, curtailment of exorbitant salaries, discontinuance of uneconomical purchases and operation, would yield greater returns than would a curtailment of passenger service.

Mr. Speaker, Railpax is planning to discontinue a service which is vital to thousands of people in my congressional district, as well as other areas, in utter disregard for the convenience and interest of the public and their responsibility to the public.

I strongly oppose their decision and hope that the Congress will take immediate action to rectify this injustice.

This can be accomplished by the passage of H.R. 6974, a bill to amend the Rail Service Act of 1970, to provide that all passenger train discontinuance must be in accordance with the provisions of section 13a of the Interstate Commerce Act. I am happy to report that 17 of my colleagues joined me in cosponsoring this meritorious legislation.

I want to take this opportunity to commend the following editorial to the attention of my colleagues as being representative of the sentiment in my district which opposes the Railpax decisions. The editorial appeared in the Saturday, March 27, 1971, issue of the Williamson Daily News, Williamson, W. Va.

The editorial follows:

DEATH OF A TRAIN

The death of a train!

The obituary of passenger service on the Norfolk and Western Railway, as far as Williamson area residents are concerned, could well be like this:

Born—In the 1890's.

Became Ill—Late 1950's, early 1960's.

Died—March 22, 1971.

Cause of Death—Autos, airplanes, indifference, neglect, Railpax.

Burial—May 1, 1971.

Officiating—The Rev. John Q. Public.

Pallbearers—N&W employes with passes, people too old to drive cars, persons still afraid to fly, drivers who get dizzy going over the mountains toward Bluefield.

While it is true that the N&W has operated only one train daily in and out of Williamson for some time now, the local citizenry knew they could use this mode of transportation if necessary.

Many feel that the top N&W officials were probably smiling from ear to ear when Railpax announced that it would not include the Roanoke to Williamson to Cincinnati route in its plan. The truth of the matter is that the N&W, as well as other railroads, has been trying to get out of the passenger hauling business for a long time.

While it has been a losing proposition money-wise, the N&W, many people felt, owed it to the coal-rich area to continue running passenger trains through this section, since it has made thousands and thousands of dollars over the years hauling our coal to distant markets.

But the railroad officials are business people first, and instead of trying to upgrade their trains to make them more attractive, they let the service dwindle to where most people found it easier to use other transportation.

Many old-timers in the area can remember the golden days when the N&W passenger trains were the center of attraction. Many recall with nostalgia the train runs to Pond Creek, to Matewan, to Beech Creek and to other places.

And how about those excursions to Cincinnati to see the Reds play, and to go to Coney Island and the Zoo. Those were the "good old days."

Many Williamson Wolfpack fans also remember only too well the special trains to Huntington to see the local football team perform against teams in the state's biggest city, or in state championship contests.

Or, how about the troop trains of World War II that came through Williamson by the hundreds. And when the major league baseball teams used to come back from spring training and stop briefly in the heart of the Billion Dollar Coal field.

It used to be a family affair to go to the train station on Sundays to see who was coming in from out of town, or who was heading for points elsewhere.

Many of the congressmen of areas affected will undoubtedly try to do something to revive the "dead" train service in many of the bigger areas of the country, but it is very doubtful if they'll look our way. Of course, we hope something can be done.

Let's face it—the way things now stand railroad passenger service here is dead. It has been dying for a long time, but just like a relative or someone else close, we never realize what it means until the actual death.

Unless the congressmen can get some action, burial time will be May 1, the date set for trains not connected with Railpax, to cease operation. By some strong actions, the time may be delayed, but it may take a miracle to bring the 'ole N&W train back to life.

The eulogy for passenger trains in our area would be brief—you've lived a good life, you've served us well, we're going to miss you. With a little better care and understanding, you might have lived another hundred years or so. If you can't be revived then rest in peace.

AMENDING FAIR LABOR STANDARDS ACT OF 1938

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 30 minutes.

Mr. DENT. Mr. Speaker, today I am introducing a bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate, to extend the coverage of the act, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes.

A summary of the major provisions of the bill follows:

SUMMARY OF PROPOSED CHANGES IN THE FAIR LABOR STANDARDS ACT—"FAIR LABOR STANDARDS AMENDMENT OF 1971"

I. Increase in Minimum Wage:

A. Nonagricultural employees covered before 1971 amendments:	
Jan. 1, 1972	$1.80
Jan. 1, 1973	2.00
B. Agricultural employees:	
Aug. 1, 1971	$1.50
Jan. 1, 1972	1.60
Jan. 1, 1973	1.80
Jan. 1, 1974	2.00
C. New 1971 coverage (public employees):	
Jan. 1, 1972	1.80
Jan. 1, 1973	2.00

D. Hotel, motel, restaurant, and food service employees in Puerto Rico and the Virgin Islands: Same coverage as that applied to corresponding U.S. mainland employees.

II. Extention of Coverage: Minimum wage and overtime coverages are extended to include all public employees.

III. Modifications in Overtime Coverage:

A. Repeal of overtime exemption for transit employees.

B. Treat nursing home overtime coverage as that for hospital employees.

C. Repeal of overtime exemption (partial) for employees of bowling alleys.

D. Repeal of overtime exemption for seasonal industry employees (agricultural processors generally).

E. Repeal of overtime exemption for employees in the fish industry.

F. Repeal of overtime exemption for processing employees in the sugar industry.

IV. Equal Pay for Equal Work: Inclusion of "equal pay for equal work" provision relating to female executive, administrative, and professional employees.

V. Relief for Domestic Institutions and Employees Injured by Increased Imports From Low-Wage Areas: Upon the request of the President, or upon resolution of either House of Congress, or upon application of the representatives of any employer organization in a domestic industry, or upon application of any interested party, or upon his own motion, the Secretary of Labor shall make an investigation to determine whether any product is being imported into the United States which is causing or substantially contributing to serious impairment or threat of impairment to the health, efficiency, and general well-being of any group of workers in the United States or the economic welfare of the community in which any group of workers is employed. Should the Secretary find that an imported product is causing such consequencies, he shall promptly report to the President and publish his findings. Upon receipt of the report, the President may take such action as he deems appropriate, in addition to any customs treatment provided by law.

VI. Requirement of Compliance with the Fair Labor Standards Act by Foreign Manufacturers and Suppliers on Domestic Public Contracts: Any contract to which the United States or any agency or instrumentality thereof, any territory, or the District of Columbia is a party or under which payment is to be made in whole or in part from loans or grants from, or loans insured or guaranteed by, the United States or any agency or instrumentality thereof which exceeds $10,000 for the manufacture or furnishing of materials, supplies, or equipment which is performed outside any State but is for use within a State shall require: First, that all persons employed by the contractor in carrying out the contract be employed on terms and conditions which are not substantially less favorable to his employees than those which would be required under the Fair Labor Standards Act; and second, that the contractor make such reports as are necessary to enable the contracting agency to insure that that contractor complies with the provisions of the contract required herein.

VII. Technical and Conforming Amendments.

This morning I had the pleasure of joining our distinguished Speaker and the distinguished chairman of the Committee on Education and Labor, the gentleman from Kentucky (Mr. PERKINS), in a press conference held to announce introduction of the bill. The Speaker also announced the support of the House Democratic leadership and, in doing so, clearly underscored the importance and urgency of moving forward with the legislation. Chairman PERKINS, in his consistently cooperative way, offered the ability and prestige of his person and position.

The text of the Speaker's statement this morning follows:

STATEMENT OF REP. CARL ALBERT, THE SPEAKER, U.S. HOUSE OF REPRESENTATIVES

I am pleased today to announce the support of the House Democratic leadership for legislation sponsored by Congressman John Dent to raise the minimum wage to $2.00.

Congressional action in this area is overdue. It has been five years since we raised the minimum wage to the prevailing $1.60 an hour. The Consumer Price Index has risen 23 per cent in the meantime and completely wiped out any gains in real earning power. A $1.60 hourly wage is only $3,200 a year—provided the worker is fortunate enough to be on a year-round payroll—and that amount is more than $500 under the current poverty level for a family of four.

It appears that the successful war on poverty of the 1960's has been reversed. The Office of Economic Opportunity a few weeks ago projected the addition of more than one million people to the poverty ranks in 1970—after the number of poor Americans had fallen from 39.5 million to 24.3 million between 1959 and 1969. OEO's statisticians estimate that there would have been a substantial drop in the number of poor instead in 1970 if the unemployment rate could have been held to 1969's 3.5 per cent level.

These are disturbing revelations. As many as 22 million Americans were living just above the poverty line in 1969, and these are the people immediately affected by the economic stagnation we are experiencing today, along with the two-thirds of the nation's poor who live in families headed by an available worker who is either part-time, low-waged, or among the 5 million unemployed. We must—and intend to—take every possible action to eliminate the conditions which keep these people out of the mainstream of American society.

I would expect broad support for legislation that will raise our lower-paid workers to a $4,000-a-year level. We know that families making this little will spend all that they take in, and this additional money will not only enable them to live with more dignity but will be kept in circulation and provide a part of the stimulus we need to revive our sick economy. The people who will benefit from this legislation are those hardest hit by inflation, not its cause.

Minimum-wage legislation fits into a developing pattern of Congressional initiatives to get people back to work, to put a decent wage in their pockets so they can start buying again, and thereby enable industry to gear up to meet the renewed demand. We must stimulate the economy to get the country moving again and most importantly—on the human level—direct our energies toward enabling all Americans to live their lives in dignity, with a productive role and a fair stake in our society for each.

Mr. Speaker, with your support and that of the House Democratic leadership, Chairman PERKINS, and virtually all majority members of the Committee on Education and Labor—who are cosponsors, this bill has been accorded a good beginning. And we will move expeditiously with it. In fact, I would like to announce that my subcommittee—the General Subcommittee on Labor—will begin public hearings on the bill and all other legislation to amend the Fair Labor Standards Act, on April 20. This is during the first week after the Easter recess. We have also scheduled April 22, and additional hearings may be held the following week if necessary. Extensive hearings over a 4-month period were held late last year, and there is no need—and therefore no justification—for having protracted hearings this year. At this time, however, I would like to invite anyone wishing to present views on this bill or related legislation to the subcommittee, to communicate with the staff.

Mr. Speaker, this bill is reasonably comprehensive but it essentially increases the minimum wage rate to $2 per hour.

When we speak of a worker earning the Federal minimum wage, what are we talking about in terms of dollars and cents? The fact is, we are generally talking about a worker earning $1.60 an hour; and working 40 hours a week for 50 weeks. that worker earns the grand and total sum of $3,200 for his year's labor.

There are those who will say an increase in the minimum wage will further contribute to inflation. This is ludicrous. Can anyone seriously suggest this worker—earning $3,200 a year—is contributing to inflation? Surely, his purchases do not even meet his needs. He is not the one creating the demand for high-priced consumer goods we traditionally associate with inflation. He cannot even dream of such luxuries. His wage is even below what we consider to be the "poverty level," and he is able to purchase only the barest of the bare essentials. Instead of contributing to inflation, he is one of its chief victims.

In actual fact, his last minimum wage increase has already been dissipated by inflation. When President Johnson signed the Fair Labor Standards Amendments of 1966 into law, the Federal minimum wage was raised in two steps from $1.25 an hour to $1.60 an hour for most covered workers: to $1.40 per hour effective February 1, 1967, and $1.60 per hour effective February 1, 1968. Workers newly covered by the 1966 law did not reach $1.60 per hour until this past February, and the minimum wage for farmworkers stopped at $1.30 per hour in 1969.

When the Congress was deliberating the last increase in 1966, the Consumer Price Index was 97.2—based upon 1967 as the base period. By the time the increase for most covered workers reached $1.60 in February 1968, the Consumer Price Index was 102.0. But by the time the increase for those workers covered by the 1966 law became effective this February, the index was a staggering 119.4. This represents an increase of nearly 23 percent in the Consumer Price Index since the $1.60 minimum wage was first considered by the Congress.

What we are seeking is an increase to $2 an hour fully effective for most covered workers by 1973, and for all covered workers by 1974. This is an increase of 25 percent above the $1.60 level—over a 3-year period—and hardly enough to merely match recent percentage increases in the Consumer Price Index. We are seeking a minimum wage which will at least permit the minimum wage earner to maintain his relative position in the economy as it was contemplated 5 years ago, sadly impoverished though that position is. Unfortunately, it may turn out—given President Nixon's economic policies—that by the time the proposed increase to $2 an hour becomes fully effective for all covered workers by 1974, future increases in the cost of living will have already consumed even this modest increase. But ours is a reasonable approach and may be adapted to changing needs.

In addition to increasing the minimum wage rate for covered workers, the bill also extends minimum wage and overtime coverage to public employees—Federal, State, and local. There are nearly 8 million public employees in the United States, of which only slightly over 3 million are already covered by the Fair Labor Standards Act. Therefore, nearly 5 million additional public employees will be added to those already protected by the act.

The bill also proposes extensions of coverage under the overtime provisions to transit employees, employees of bowling alleys and nursing homes, seasonal industry—agricultural processing—employees, and employees in the fish and sugar processing industry.

Significant modifications are proposed with respect to the present treatment of minimum wage rates in Puerto Rico and the Virgin Islands. The bill conforms the coverage of hotel, motel, restaurant, and food service employees in the islands to those applicable on the U.S. mainland. For all other island employees now covered by wage orders, the present rate would be increased by 20 cents on January 1, 1972, and by another 20 cents the following January. During the interims and after the last statute increase, industry committees are charged with the responsibility for bringing all employee rates in Puerto Rico and the Virgin Islands to corresponding U.S. mainland levels.

There are other provisions in the bill, including the concept of "equal pay for equal work" as it relates to female executive, administrative, and professional employees. This principle has been vigorously advocated for some time by the distinguished gentlelady from Oregon (Mrs. GREEN) and certainly deserves inclusion in this proposal.

The bill also establishes a procedure for granting relief to domestic institutions and employees injured by increased imports from low-wage areas, and requires compliance with the Fair Labor Standards Act by foreign manufacturers and suppliers on domestic public contracts.

Mr. Speaker, I am attaching a copy of the bill, which I would like to have included in the RECORD following my remarks. I am also attaching a copy of the Fair Labor Standards Act, as it would be amended by the bill. This latter inclusion will be more helpful than the bill in terms of enabling readers to more precisely understand the effect of the legislation on existing law.

The matter referred to follows:

H.R. 7130

A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that Act, to extend its coverage, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,

SHORT TITLE; REFERENCES TO ACT

SECTION 1. (a) This Act may be cited as the "Fair Labor Standards Amendments of 1971".

(b) Whenever in titles I, II, III, and V of this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Fair Labor Standards Act of 1938 (29 U.S.C. 201–219).

TITLE I—INCREASE IN MINIMUM WAGE

NON-AGRICULTURAL EMPLOYEES

SEC. 101. Section 6(a) (29 U.S.C. 206(a)) is amended—

(1) by striking out in the matter preceding paragraph (1) "Every employer" and inserting in lieu thereof "Except as provided in this section, every employer"; and

(2) by striking out paragraph (1) and inserting immediately after "rates:" in the portion preceding such paragraph the following: "Effective January 1, 1972, not less than $1.80 an hour and effective January 1, 1973, not less than $2.00 an hour."

AGRICULTURAL EMPLOYEES

SEC. 102. Paragraph (5) of section 6(a) is amended to read as follows:

"(5) If such employee is employed in agriculture effective August 1, 1971, not less than $1.50 an hour; effective January 1, 1972, not less than $1.60 an hour; effective January 1, 1973, not less than $1.80 an hour; and effective January 1, 1974, not less than $2.00 an hour."

HOTEL, MOTEL, RESTAURANT, AND FOOD SERVICE EMPLOYEES IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 103. Section 5 (29 U.S.C. 205) is amended by adding at the end thereof the following new subsection:

"(e) The provisions of this section and section 8 shall not apply with respect to the minimum wage rate of any employee employed in Puerto Rico or the Virgin Islands (1) by an establishment which is a hotel, motel, or restaurant, or (2) by any other retail or service establishment if such employee is employed primarily in connection with the preparation or offering of food or beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guests of members of clubs. The minimum wage rate of such an employee shall be determined in accordance with sections 6(a), 13, and 14 of this Act."

OTHER EMPLOYEES IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 104. Section 6(c) is amended by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

"(2) In the case of any such employee who is covered by such a wage order and to whom the rate or rates prescribed by subsection (a) would otherwise apply, the following rates shall apply:

"(A) For the period beginning January 1, 1972, the highest rate or rates in effect on or before such date, under any wage order covering such employee, increased by $0.20.

"(B) For the period beginning January 1, 1973, the highest rate or rates (including any increase prescribed by subparagraph (A)) in effect on or before such date, under any wage order covering such employee, increased by $0.20."

TITLE II—EXTENSION OF COVERAGE; REVISION OF EXEMPTIONS

FEDERAL AND STATE EMPLOYEES

SEC. 201. (a) (1) Subsection (d) of section 3 (29 U.S.C. 203) is amended to read as follows:

"(d) 'Employer' includes any person acting directly or indirectly in the interest of an employer in relation to an employee and includes the United States or any State or political subdivision of a State, but does not include any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization."

(2) Subsection (r) of section 3 is amended (A) by striking out "public or private or" in paragraphs (1) and (2), (B) by inserting "or" at the end of paragraph (2), and (C) by inserting after paragraph (2) the following new paragraph:

"(3) as an officer or employee of the United States or of any State or political subdivision of a State,".

(3) Subsection (s) of section 3 is amended (A) by striking out "public or private or" in paragraph (4), and (B) by inserting immediately before the last sentence thereof the following: "such term also includes the United States and any State, or political subdivision of a State, which has officers or employees engaged in commerce or in the production of goods for commerce."

(b) Section 18 (29 U.S.C. 218) is amended by striking out subsection (b) and by striking out "SEC. 18, (a)" and inserting in lieu thereof "SEC. 18.".

FISH EMPLOYEES

SEC. 202. Paragraph (4) of section 13(b) is repealed.

TRANSIT EMPLOYEES

SEC. 203. Paragraph (7) of section 13(b) (29 U.S.C. 213(b)) is repealed.

NURSING HOME EMPLOYEES

SEC. 204. (a) Paragraph (8) of section 13 (b) is amended by striking out "any employee who (A) is employed by an establishment (which is an institution other than a hospital) primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises" and the remainder of that paragraph.

(b) Section 7(j) (29 U.S.C. 207(j)) is amended by inserting after "a hospital" the following: "or an establishment which is an institution (other than a hospital) primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises".

SUGAR EMPLOYEES

SEC. 205. Paragraph (15) of section 13(b) is amended by striking out ", or in the processing of sugar beets, sugarbeet molasses, sugarcane, or maple sap, into sugar (other than refined sugar) or syrup".

BOWLING ESTABLISHMENT EMPLOYEES

SEC. 206. Paragraph (19) of section 13(b) is repealed.

SEASONAL INDUSTRY EMPLOYEES

SEC. 207. Subsections (c) and (d) of section 7 are repealed.

CERTAIN SALESMEN IN AND MANAGERS OF RETAIL OR SERVICE ESTABLISHMENTS

SEC. 208. Section 7 is amended by adding after subsection (b) the following new subsection:

"(c) For a period or periods of not more than seven workweeks in the aggregate in any calendar year, the requirements of subsection (a) of this section shall not apply with respect to the employment of any employee not otherwise exempted from such subsection by subsection (i) or section 13(a)(1)) in a retail or service establishment if—

"(1) such employee is employed in a bona fide sales capacity or as a manager of such establishment;

"(2) such employee's regular rate of pay is not less than twice the wage rate in effect under section 6(a); and

"(3) for employment in such establishment in excess of forty-eight hours in any workweek during such period or periods, such employee receives compensation at a rate not less than one and one-half times the regular rate at which he is employed in such establishment."

EQUAL PAY FOR EQUAL WORK

SEC. 209. The portion of section 13(a) that precedes paragraph (1) is amended by inserting "(other than section 6(d) in the case of paragraph (1) of this subsection)" immediately after "section 6".

TITLE III—RELIEF FOR DOMESTIC INSTITUTIONS AND EMPLOYEES INJURED BY INCREASED IMPORTS FROM LOW-WAGE AREAS

RELIEF FOR DOMESTIC INSTITUTIONS AND EMPLOYEES INJURED BY INCREASED IMPORTS FROM LOW-WAGE AREAS

SEC. 301. (a) Subsection (a) of section 2 (29 U.S.C. 202) is amended to read as follows:

"(a) The Congress finds that the existence, in industries engaged in commerce or in the production of goods for commerce, of labor conditions detrimental to the maintenance of the minimum standard of living necessary for health, efficiency, and general well-being of workers and the unregulated importation of goods produced by industries in foreign nations under such conditions (1) causes commerce and the channels and instrumentalities of commerce to be used to spread and perpetuate such labor conditions among the workers of the several States; (2) burdens commerce and the free flow of goods in commerce; (3) constitutes an unfair method of competition in commerce; (4) leads to labor disputes burdening and obstructing commerce and the free flow of goods in commerce; and (5) interferes with the orderly and fair marketing of goods in commerce."

(b) Section 2 is further amended by adding after subsection (b) the following new subsection:

"(c) It is further declared to be the policy of this Act, through the exercise by Congress of its power to regulate commerce among the several States and with foreign nations, to provide for the regulation of imports of goods in such manner as will correct and as rapidly as possible eliminate any serious impairment or threat of impairment to the health, efficiency, and general well-being of any group of workers in the United States and the economic welfare of the communities in which they are employed from conditions above referred to in the industries providing them employment in which increased imports are a substantially contributing factor."

(c) Section 4 (29 U.S.C. 204) is amended by striking out subsection (e) and inserting in lieu thereof the following:

"(e)(1) Upon the request of the President, or upon resolution of either House of Congress, or upon application of the representative of any employee organization in a domestic industry, or upon application of any interested party, or upon his own motion, the Secretary of Labor shall promptly make an investigation and make a report thereon not later than four months after the application is made to determine whether any product is being imported into the United States under such circumstances, due in whole or in part to the fact that such foreign goods were produced under conditions such as those referred to in subsection (a) of section 2 of this Act which are causing or substantially contributing to serious impairment or threat of impairment to the health, efficiency, and general well-being of any group of workers in the United States or to the economic welfare of the community in which any such group of workers are employed.

"(2) In the course of any such investigation the Secretary or his delegate shall hold hearings, giving reasonable public notice thereof, and shall afford reasonable opportunity for interested parties to be present, to produce evidence, and to be heard at such hearings.

"(3) Should the Secretary find, as a result of the investigation and hearings, that an imported product is or likely will be sold in competition with like or competitive goods produced in the United States under such circumstances, he shall promptly report his finding to that effect to the President. The Secretary shall immediately make public his findings and report to the President, and shall cause a summary thereof to be published in the Federal Register.

"(4) Upon receipt of the report of the Secretary containing a finding that an imported product is or likely will be sold in competition with like or competitive goods produced in the United States under such circumstances, the President may take such action as he deems appropriate to remove such impairment or threat of impairment, in addition to any other customs treatment provided by law.

"(f) In the case of any contract—

"(1) which is for the manufacturing or furnishing of materials, supplies, articles, or equipment,

"(2) which is an amount exceeding $10,000,

"(3) which is to be performed outside any State, but is for goods, supplies, articles, or equipment to be used within a State,

"(4) to which the United States or any agency or instrumentality thereof, any territory, or the District of Columbia is a party or under which payment is to be made in whole or in part from loans or grants from, or loans insured or guaranteed by, the United States or any agency or instrumentality thereof,

such contract shall require (A) all persons employed by the contractor in carrying out the contract to be employed on terms and conditions which are not substantially less favorable to such persons than those which would be required under this Act if the contract were to be performed within a State, and (B) the contractor to make such reports, in such form and containing such information, as may be required to enable the contracting agency (or such other Federal agency as the President may designate) to insure that the contractor complies with provisions of the contract required by this subsection, and to keep such records and afford such access thereto as such agency may find necessary to assure the correctness and verification of such reports."

TITLE IV—AMENDMENT TO WALSH-HEALEY PUBLIC CONTRACTS ACT

AMENDMENT TO WALSH-HEALEY PUBLIC CONTRACTS ACT

SEC. 401. The last sentence of section 9 of the Act entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", approved June 30, 1936 (41 U.S.C. 43), is amended by inserting before the period at the end thereof the following: "or to certain transportation employees of private carriers of property by motor vehicle, as defined by sections 203(a) (17) and 203(c) of part II of the Interstate Commerce Act, where such transportation employees are subject to regulation as to qualifications and hours of service pursuant to sections 6(e) (5) (c) and 6(f) (2) (a) of the Department of Transportation Act of 1966".

TITLE V—TECHNICAL AMENDMENTS

CONFORMING AMENDMENTS

SEC. 501. (a) Section 3(s) (1) is amended by striking out "during the period February 1, 1967" and all that follows down through "and beginning February 1, 1969,".

(b) Section 6(a) is amended—

(1) by inserting before paragraph (2) the following:

"(b) In lieu of the wage rate prescribed by subsection (a), every employer shall pay each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, wages at the following rates:";

(2) in paragraph (2), by striking out "(2) if" and inserting in lieu thereof "(1) If" and by striking out the semicolon at the end and inserting in lieu thereof a period;

(3) in paragraph (3)—

(A) by striking out "(3) if" and inserting in lieu thereof "(2) If",

(B) by striking out "in lieu of the rate or rates provided by this subsection or subsection (b),", and

(C) by striking out "paragraph (1) of this subsection;" and inserting in lieu thereof "subsection (a).";

(4) in paragraph (4)—

(A) by striking out "(4) if" and inserting in lieu thereof "(3) If",

(B) by striking out "paragraph (1) of this subsection" and inserting in lieu thereof "subsection (a)"; and

(C) by striking out "; or" and inserting in lieu thereof a period; and

(5) by redesignating paragraph (5) (as amended by section 102) as paragraph (4).

(c) Subsection (b) of section 6 (as in effect on the date of enactment of this Act) is repealed.

(d) Section 6(e) is amended to read as follows:

"(e) Notwithstanding the provisions of section 13 of this Act (except subsections (a) (1) and (f) thereof), every employer providing any contract services under a contract with the United States or any subcontract thereunder shall pay to each of his employees whose rate of pay is not governed by the Service Contract Act of 1965 (41 U.S.C. 351–357) or to whom subsection (a) of this section is not applicable, wages at rates not less than the rates provided for in such subsection."

(e) Section 7 is amended—

(1) by striking out "(1)" and paragraph (2) in subsection (a);

(2) by redesignating subsections (e), (f), (g), (h), (i), and (j) as subsections (d), (e), (f), (g), (h), and (i), respectively; and

(3) by striking out "subsection (e)" in subsections (f) and (g) (as so redesignated by paragraph (2) of this subsection) and inserting in each such subsection "subsection (d)".

(f) Section 8 is amended by striking out "paragraph (1) of" subsections (a) and (c).

(g) Section 13(b) is amended—

(1) by redesignating paragraphs (5), (6), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), and (18) as paragraphs (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), and (16), respectively;

(2) by striking out "(1)" in paragraph (12) (as so redesignated in paragraph (1) of this subsection); and

(3) by striking out "; or" at the end of paragraph (17) (as so redesignated by paragraph (1) of this subsection) and inserting in lieu thereof a period.

(h) Section 13(e) is amended by striking out "6(a) (3)" each place it occurs and inserting in lieu thereof "6(b) (2)".

(i) Section 16(d) is amended by striking out "6(a) (3)" and inserting in lieu thereof "6(b) (2)".

(j) (1) Section 5341(a) of title 5 of the United States Code is amended by striking out "206a() (1)" and inserting in lieu thereof "206(a)".

(2) Section 303(a) (2) of the Consumer Credit Protection Act (15 U.S.C. 1673(a) (2)) is amended by striking out "6(a) (1)" and inserting in lieu thereof "6(a)".

(3) Section 2(b) (1) of the Service Contract Act of 1965 (41 U.S.C. 351(b) (1)) is amended by striking out "6(a) (1)" and inserting in lieu thereof "6(a)".

(4) Section 610–1(a) of the Economic Opportunity Act of 1964 (42 U.S.C. 2951(a)) is amended by striking out "6(a) (1)" and inserting in lieu thereof "6(a)".

UPDATING AMENDMENTS

SEC. 502. (a) Sections 3(m), 4(b), 4(c), 4(d), 5, 6(b) (1) (as so redesigned by section 501), 7(d) (3) (as so redesigned), 7(b) (3) (as so redesignated), 8(a), 8(b), 8(e), 8(f), 11, 15(a) (1), (15) (a) (2), and 16(c) are each amended by striking out "Administrator" each place it occurs and inserting in lieu thereof "Secretary".

(b) Section 10(b) is amended by striking out "Administrator's" and inserting in lieu thereof "Secretary's".

(c) (1) Sections 3(l) (2) and 12(b) are each amended by striking out "Chief of the Children's Bureau in the Department of Labor" and inserting in lieu thereof "Secretary".

(2) Section 3(l) (2) and the last sentence of section 3(l) are each amended by striking out "Chief of the Children's Bureau" each place it occurs and inserting in lieu thereof "Secretary".

(3) Section 9 is amended by striking out "Administrator, the Chief of the Children's Bureau," and inserting in lieu thereof "Secretary".

(4) Section 11(b) is amended by striking out "and the Chief of the Children's Bureau".

(d) Section 4(a) is amended by striking out "at the rate of $20,000 a year" and inserting in lieu thereof "at the rate prescribed for level V of the Executive Schedule".

(e) Section 4(b) is amended—

(1) by striking out "civil service laws" and inserting in lieu thereof "provisions of title 5 of the United States Code governing appointments in the competitive service"; and

(2) by striking out "Classification Act of 1949, as amended" and inserting in lieu thereof "provisions of such title relating to classification and General Schedule pay rates."

(f) The section heading for such section is amended by striking out "ADMINISTRATOR" and inserting in lieu thereof "ADMINISTRATION."

(g) Section 13(a) (1) is amended by striking out "Administrative Procedure Act" and inserting in lieu thereof "provisions of subchapter II of chapter 5 of title 5 of the United States Code (relating to administrative procedure)."

(h) Section 13(b) (8) (as so redesignated) is amended by striking out "Bureau of the Budget" and inserting in lieu thereof "Office of Management and Budget."

TITLE VI—EFFECTIVE DATE

EFFECTIVE DATE

SEC. 601. (a) The effective date of the amendments made by this Act shall be January 1, 1972.

(b) Notwithstanding subsection (a), the amendment made by section 102 shall take effect August 1, 1971.

(c) On and after the date of the enactment of this Act the Secretary of Labor is authorized to prescribe necessary rules, regulations, and orders with regard to the amendments made by this Act.

FAIR LABOR STANDARDS ACT OF 1938

AN ACT To provide for the establishment of fair labor standards in employments in and affecting interstate commerce, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fair Labor Standards Act of 1938."

FINDING AND DECLARATION OF POLICY

SEC. 2. (a) The Congress finds that the existence, in industries engaged in commerce or in the production of goods for commerce, of labor conditions detrimental to the maintenance of the minimum standard of living necessary for health, efficiency, and general well-being of workers and the unregulated importation of goods produced by industries in foreign nations under such conditions (1) causes commerce and the channels and instrumentalities of commerce to be used to spread and perpetuate such labor conditions among the workers of the several States; (2) burdens commerce and the free flow of goods in commerce; (3) constitutes an unfair method of competition in commerce; (4) leads to labor disputes burdening and obstructing commerce and the free flow of goods in commerce; and (5) interferes with the orderly and fair marketing of goods in commerce.

(b) It is hereby declared to be the policy of this Act, through the exercise by Congress of its power to regulate commerce among the several States and with foreign nations, to correct and as rapidly as practicable to eliminate the conditions above referred to in such industries without substantially curtailing employment or earning power.

(c) It is further declared to be the policy of this Act, through the exercise by Congress of its power to regulate commerce among the several States and with foreign nations, to provide for the regulation of imports of goods in such manner as will correct and as rapidly as possible eliminate any serious impairment or threat of impairment to the health, efficiency, and general well-being of any group of workers in the United States and the economic welfare of the communities in which they are employed from conditions above referred to in the industries providing them employment in which increased imports are a substantially contributing factor.

DEFINITIONS

SEC. 3. As used in this Act—

(a) "Person" means an individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons.

(b) "Commerce" means trade, commerce, transportation, transmission, or communication among the several States or between any State and any place outside thereof.

(c) "State" means any State of the United States or the District of Columbia or any Territory or possession of the United States.

(d) "Employer" includes any person acting directly or indirectly in the interest of an employer in relation to an employee and includes the United States or any State or political subdivision of a State, but does not include any labor organizations (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization.

(e) "Employee' includes any individual employed by an employer, except that such term shall not, for the purposes of section 3(u), include—

(1) any individual employed by an employer engaged in agriculture if such individual is the parent, spouse, child, or other member of the employer's immediate family, or

(2) any individual who is employed by an employer engaged in agriculture if such individual (A) is employed as a hand harvest laborer and is paid on a piece rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece rate basis in the region of employment, (B) commutes daily from his permanent residence to the farm on which he is so employed, and (C) has been employed in agriculture less than thirteen weeks during the preceding calendar year.

(f) "Agriculture" includes farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15(g) of the Agricultural Marketing Act, as amended), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market.

(g) "Employ" includes to suffer or permit to work.

(h) "Industry" means a trade, business, industry, or branch thereof, or group of industries, in which individuals are gainfully employed.

(i) "Goods" means goods (including ships and marine equipment), wares, products, commodities, merchandise, or articles or subjects of commerce of any character, or any part or ingredient thereof, but does not include goods after their delivery into the actual physical possession of the ultimate consumer thereof other than a producer, manufacturer, or processor thereof.

(j) "Produced" means produced, manufactured, mined, handled, or in any other manner worked on in any State; and for the purposes of this Act an employee shall be deemed to have been engaged in the production of goods if such employee was employed in producing, manufacturing, mining, handling, transporting, or in any other manner working on such goods, or in any closely related process or occupation directly essential to the production thereof, in any State.

(k) "Sale" or "sell" includes any sale, exchange, contract to sell, consignment for sale, shipment for sale, or other disposition.

(l) "Oppressive child labor" means a condition of employment under which (1) any employee under the age of sixteen years is employed by an employer (other than a parent or a person standing in place of a parent employing his own child or a child in his custody under the age of sixteen years in an occupation other than manufacturing or mining or an occupation found by the Secretary of Labor to be particularly hazardous for the employment of children between the ages of sixteen and eighteen years or detrimental to their health or well-being) in any occupation, or (2) any employee between the ages of sixteen and eighteen years is employed by an employer in any occupation which the Secretary shall find and by order declare to be particularly hazardous for the employment of children between such ages or detrimental to their health or well-being; but oppressive child labor shall not be deemed to exist by virtue of the employment in any occupation of any person with respect to whom the employer shall have on file an unexpired certificate issued and held pursuant to regulations of the Secretary certifying that such person is above the oppressive child labor age. The Secretary shall provide by regulation or by order that the employment of employees between the ages of fourteen and sixteen years in occupations other than manufacturing and mining shall not be deemed to constitute oppressive child labor if and to the extent that the Secretary determines that such employment is confined to periods which will not interfere with their schooling and to conditions which will not interfere with their health and well-being.

(m) "Wage" paid to any employee includes the reasonable cost, as determined by the Secretary, to the employer of furnishing such employee with board, lodging, or other facilities, if such board, lodging, or other facilities are customarily furnished by such employer to his employees: *Provided*, That the cost of board, lodging, or other facilities shall not be included as a part of the wage paid to any employee to the extent it is excluded therefrom under the terms of a bona fide collective-bargaining agreement applicable to the particular employee: *Provided further*, That the Secretary is authorized to determine the fair value of such board, lodging, or other facilities for defined classes of employees and in defined areas, based on average cost to the employer or to groups of employers similarly situated, or average value to groups of employees, or other appropriate measures of fair value. Such evaluations, where applicable and pertinent, shall be used in lieu of actual measure of cost in determining the wage paid to any employee. In determining the wage of a tipped employee, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, but not by an amount in excess of 50 per centum of the applicable minimum wage rate, except that in the case of an employee who (either himself or acting through his representative) shows to the satisfaction of the Secretary that the actual amount of tips received by him was less than the amount determined by the employer as the amount by which the wage paid him was deemed to be increased under this sentence, the amount paid such employee by his employer shall be deemed to have been increased by such lesser amount.

(n) "Resale" shall not include the sale of goods to be used in residential or farm building construction, repair, or maintenance: *Provided*, That the sale is recognized as a bona fide retail sale in the industry.

(o) Hours Worked.—In determining for the purposes of sections 6 and 7 the hours for which an employe is employed, there shall be excluded any time spent in changing clothes or washing at the beginning or end of each workday which was excluded from measured working time during the week involved by the express terms of or by custom or practice under a bona fide collective-bargaining agreement applicable to the particular employee.

(p) "American vessel" includes any vessel which is documented or numbered under the laws of the United States.

(q) "Secretary" means the Secretary of Labor.

(r) "Enterprise" means the related activities performed (either through unified operation or common control) by any person or persons for a common business purpose, and includes all such activities whether performed in one or more establishments or by one or more corporate or other organizational units including departments of an establishment operated through leasing arrangements, but shall not include the related activities performed for such enterprise by an independent contractor: *Provided*, That, within the meaning of this subsection, a retail or service establishment which is under independent ownership shall not be deemed to be so operated or controlled as to be other than a separate and distinct enterprise by reason of any arrangement, which includes, but is not necessarily limited to, an agreement (1) that it will sell, or sell only, certain goods specified by a particular manufacturer, distributor, or advertiser, or (2) that it will join with other such establishments in the same industry for the purpose of collective purchasing, or (3) that it will have the exclusive right to sell the goods or use the brand name of a manufacturer, distributor, or advertiser within a specified area, or by reason of the fact that it occupies premises leased to it by a person who also leases premises to other retail or service establishments. For purposes of this subsection, the activities performed by any person or persons—

(1) in connection with the operation of a hospital, an institution primarily engaged in the care of the sick, the aged, the mentally ill or defective who reside on the premises of such institution, a school for mentally or physically handicapped or gifted children, an elementary or secondary school, or an institution of higher education (regardless of whether or not such hospital, institution, or school is operated for profit or not for profit), or

(2) in connection with the operation of a street, suburban or interurban electric railway, or local trolley or motorbus carrier, if the rates and services of such railway or carrier are subject to regulation by a State or local agency (regardless of whether or not such railway or carrier is operated for profit or not for profit), or

(3) as an officer or employee of the United States or of any State or political subdivision of a State,

shall be deemed to be activities performed for a business purpose.

(s) "Enterprise engaged in commerce or in the production of goods for commerce" means an enterprise which has employees engaged in commerce or in the production of goods for commerce, including employees handling, selling, or otherwise working on goods that have been moved in or produced for commerce by any person, and which—

(1) is an enterprise whose annual gross volume of sales made or business done is not less than $250,000 (exclusive of excise taxes at the retail level which are separately stated);

(2) is engaged in laundering, cleaning, or repairing clothing or fabrics;

(3) is engaged in the business of construction or reconstruction, or both; or

(4) is engaged in the operation of a hospital, an institution primarily engaged in the

care of the sick, the aged, the mentally ill or defective who reside on the premises of such institution, a school for mentally or physically handicapped or gifted children, an elementary or secondary school, or an institution of higher education (regardless of whether or not such hospital, institution, or school is operated for profit or not for profit).

Such term also includes the United States and any State, or political subdivision of a State, which has officers or employees engaged in commerce or in the production of goods for commerce. Any establishment which has as its only regular employees the owner thereof or the parent, spouse, child, or other member of the immediate family of such owner shall not be considered to be an enterprise engaged in commerce or in the production of goods for commerce or a part of such an enterprise, and the sales of such establishment shall not be included for the purpose of determining the annual gross volume of sales of any enterprise for the purpose of this subsection.

(t) "Tipped employee" means any employee engaged in an occupation in which he customarily and regularly receives more than $20 a month in tips.

(u) "Man-day" means any day during which an employee performs any agricultural labor for not less than one hour.

(v) "Elementary school" means a day or residential school which provides elementary education, as determined under State law.

(w) "Secondary school" means a day or residential school which provides secondary education, as determined under State law.

ADMINISTRATION

SEC. 4. (a) There is hereby created in the Department of Labor a Wage and Hour Division which shall be under the direction of an Administrator, to be known as the Administrator of the Wage and Hour Division (in this Act referred to as the "Administrator"). The Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate prescribed for level V of the Executive Schedule.

(b) The Secretary may, subject to the provisions of title 5 of the United States Code governing appointments in the competitive service, appoint such employees as he deems necessary to carry out his functions and duties under this Act and shall fix their compensation in accordance with the provisions of such title relating to classification and General Schedule pay rates. The Secretary may establish and utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed. Attorneys appointed under this section may appear for and represent the Secretary in any litigation, but all such litigation shall be subject to the direction and control of the Attorney General. In the appointment, selection, classification, and promotion of officers and employees of the Secretary, no political test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be given and made on the basis of merit and efficiency.

(c) The principal office of the Secretary shall be in the District of Columbia, but he or his duly authorized representatives may exercise any or all of his powers in any place.

(d) The Secretary shall submit annually in January a report to the Congress covering his activities for the preceding year and including such information, data, and recommendations for further legislation in connection with the matters covered by this Act as he may find advisable. Such report shall contain an evaluation and appraisal by the Secretary of the minimum wages established by this Act, together with his recommendations to the Congress. In making such evaluation and appraisal, the Secretary shall take into consideration any changes which may have occurred in the cost of living and in productivity and the level of wages in manufacturing, the ability of employers to absorb wage increases, and such other factors as he may deem pertinent.

(e) (1) Upon the request of the President, or upon resolution of either House of Congress, or upon application of the representative of any employee organization in a domestic industry, or upon application of any intersted party, or upon his own motion, the Secretary of Labor shall promptly make an investigation and make a report thereon not later than four months after the application is made to determine whether any product is being imported into the United States under such circumstances, due in whole or in part to the fact that such foreign goods were produced under conditions such as those referred to in subsection (a) of section 2 of this Act which are causing or substantially contributing to serious impairment or threat of impairment to the health, efficiency, and general well-being of any group of workers in the United States or to the economic welfare of the community in which any such group of workers are employed.

(2) In the course of any such investigation the Secretary or his delegate shall hold hearings, giving reasonable public notice thereof, and shall afford reasonable opportunity for interested parties to be present, to produce evidence, and to be heard at such hearings.

(3) Should the Secretary find, as a result of the investigation and hearings, that an imported product is or likely will be sold in competition with like or competitive goods produced in the United States under such circumstances, he shall promptly report his finding to that effect to the President. The Secretary shall immediately make public his findings and report to the President, and shall cause a summary thereof to be published in the Federal Register.

(4) Upon receipt of the report of the Secretary containing a finding that an imported product is or likely will be sold in competition with like or competitive goods produced in the United States under such circumstances, the President may take such action as he deems appropriate to remove such impairment or threat of impairment, in addition to any other customs treatment provided by law.

(f) In the case of any contract—

(1) which is for the manufacturing or furnishing of materials, supplies, articles, or equipment,

(2) which is an amount exceeding $10,000,

(3) which is to be performed outside any State, but is for goods, supplies, articles, or equipment to be used within a State,

(4) to which the United States or any agency or instrumentality thereof, any territory, or the District of Columbia is a party or under which payment is to be made in whole or in part from loans or grants from, or loans insured or guaranteed by, the United States or any agency or instrumentality thereof,

such contract shall require (A) all persons employed by the contractor in carrying out the contract to be employed on terms and conditions which are not substantially less favorable to such persons than those which would be required under this Act if the contract were to be performed within a State, and (B) the contractor to make such reports, in such form and containing such information, as may be required to enable the contracting agency (or such other Federal agency as the President may designate) to insure that the contractor complies with provisions of the contract required by this subsection, and to keep such records and afford such access thereto as such agency may find necessary to assure the correctness and verification of such reports.

SPECIAL INDUSTRY COMMITTEES FOR PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 5. (a) The Secretary shall as soon as practicable appoint a special industry committee to recommend the minimum rate or rates of wages to be paid under section 6 to employees in Puerto Rico or the Virgin Islands, or in Puerto Rico and the Virgin Islands, engaged in commerce or in the production of goods for commerce or employed in any enterprise engaged in commerce or in the production of goods for commerce, or the Secretary may appoint separate industry committees to recommend the minimum rate or rates of wages to be paid under section 6 to employees therein engaged in commerce or in the production of goods for commerce or employed in any enterprise engaged in commerce or in the production of goods for commerce in particular industries. An industry committee appointed under this subsection shall be composed of residents of such island or islands where the employees with respect to whom such committee was appointed are employed and residents of the United States outside of Puerto Rico and the Virgin Islands. In determining the minimum rate or rates of wages to be paid, and in determining classifications, such industry committees shall be subject to the provisions of section 8.

(b) An industry committee shall be appointed by the Secretary without regard to any other provisions of law regarding the appointment and compensation of employees of the United States. It shall include a number of disinterested persons representing the public, one of whom the Secretary shall designate as chairman, a like number of persons representing employees in the industry, and a like number representing employers in the industry. In the appointment of the persons representing each group, the Secretary shall give due regard to the geographical regions in which the industry is carried on.

(c) Two-thirds of the members of an industry committee shall constitute a quorum and the decision of the committee shall require a vote of not less than a majority of all its members. Members of an industry committee shall receive as compensation, for their services a reasonable per diem, which the Secretary shall by rules and regulations prescribe, for each day actually spent in the work of the committee, and shall in addition be reimbursed for their necessary traveling and other expenses. The Secretary shall furnish the committee with adequate legal, stenographic, clerical, and other assistance, and shall by rules and regulations prescribe the procedure to be followed by the committee.

(d) The Secretary shall submit to an industry committee from time to time such data as he may have available on the matters referred to it, and shall cause to be brought before it in connection with such matters any witnesses whom he deems material. An industry committee may summon other witnesses or call upon the Secretary to furnish additional information to aid it in its deliberations.

(e) The provisions of this section and section 8 shall not apply with respect to the minimum wage rate of any employee employed in Puerto Rico or the Virgin Islands (1) by an establishment which is a hotel, motel, or restaurant, or (2) by any other retail or service establishment if such employee is employed primarily in connection with the preparation of offering of food or beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guests of members of clubs. The minimum wage rate of such an employee shall be determined in accordance with sections 6(a), 13, and 14 of this Act.

MINIMUM WAGES

SEC. 6. (a) Except as provided in this section, every employer shall pay to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, wages at the following rates: Effective January 1, 1972, not less than $1.80 an hour and effective January 1, 1973, not less than $2.00 an hour.

(b) In lieu of the wage rate prescribed by subsection (a), every employer shall pay each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, wages at the following rates:

(1) If such employee is a home worker in Puerto Rico or the Virgin Islands, not less than the minimum piece rate prescribed by regulation or order; or, if no such minimum piece rate is in effect, any piece rate adopted by such employer which shall yield, to the proportion or class of employees prescribed by regulation or order, not less than the applicable minimum hourly wage rate. Such minimum piece rates or employer piece rates shall be commensurate with, and shall be paid in lieu of, the minimum hourly wage rate applicable under the provisions of this section. The Secretary, or his authorized representative, shall have power to make such regulations or orders as are necessary or appropriate to carry out any of the provisions of this paragraph, including the power without limiting the generality of the foregoing, to define any operation or occupation which is performed by such home work employees in Puerto Rico or the Virgin Islands; to establish minimum piece rates for any operation or occupation so defined; to prescribe the method and procedure for ascertaining and promulgating minimum piece rates; to prescribe standards for employer piece rates, including the proportion or class of employees who shall receive not less than the minimum hourly wage rate; to define the term "home worker"; and to prescribe the conditions under which employers, agents, contractors, and subcontractors shall cause goods to be produced by home workers.

(2) If such employee is employed in American Samoa, not less than the applicable rate established by the Secretary of Labor in accordance with recommendations of a special industry committee or committees which he shall appoint in the same manner and pursuant to the same provisions as are applicable to the special industry committees provided for Puerto Rico and the Virgin Islands by this Act as amended from time to time. Each such committee shall have the same powers and duties and shall apply the same standards with respect to the application of the provisions of this Act to employees employed in American Samoa as pertain to special industry committees established under section 5 with respect to employees employed in Puerto Rico or the Virgin Islands. The minimum wage rate thus established shall not exceed the rate prescribed in subsection (a).

(3) If such employee is employed as a seaman on an American vessel, not less than the rate which will provide to the employee, for the period covered by the wage payment, wages equal to compensation at the hourly rate prescribed by subsection (a) for all hours during such period when he was actually on duty (including periods aboard ship when the employee was on watch or was, at the direction of a superior officer, performing work or standing by, but not including off-duty periods which are provided pursuant to the employment agreement).

(4) If such employee is employed in agriculture, effective August 1, 1971, not less than $1.50 an hour; effective January 1, 1972, not less than $1.60 an hour; effective January 1, 1973, not less than $1.80 an hour; and effective January 1, 1974, not less than $2 an hour.

(c) (1) The rate or rates provided by subsections (a) and (b) of this section shall be superseded in the case of any employee in Puerto Rico or the Virgin Islands only for so long as and insofar as such employee is covered by a wage order heretofore or hereafter issued by the Secretary pursuant to the recommendations of a special industry committee appointed pursuant to section 5.

(2) In the case of any such employee who is covered by such a wage order and to whom the rate or rates prescribed by subsection (a) would otherwise apply, the following rates shall apply:

(A) For the period beginning January 1, 1972, the highest rate or rates in effect on or before such date, under any wage order covering such employee, increased by $0.20.

(B) For the period beginning January 1, 1973, the highest rate or rates (including any increase prescribed by subparagraph (A)) in effect on or before such date, under any wage order covering such employee, increased by $0.20.

(d) (1) No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex: *Provided*, That an employer who is paying a wage rate differential in violation of this subsection shall not, in order to comply with the provisions of this subsection, reduce the wage rate of any employee.

(2) No labor organization, or its agents, representing employees of an employer having employees subject to any provisions of this section shall cause or attempt to cause such an employer to discriminate against an employee in violation of paragraph (1) of this subsection.

(3) For purposes of administration and enforcement, any amounts owing to any employee which have been withheld in violation of this subsection shall be deemed to be unpaid minimum wages or unpaid overtime compensation under this Act.

(4) As used in this subsection, the term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(e) Notwithstanding the provisions of section 13 of this Act (except subsections (a) (1) and (f) thereof), every employer providing any contract services under a contract with the United States or any subcontract thereunder shall pay to each of his employees whose rate of pay is not governed by the Service Contract Act of 1965 (41 U.S.C. 351–357) or to whom subsection (a) of this section is not applicable, wages at rates not less than the rates provided for in such subsection.

MAXIMUM HOURS

SEC. 7. (a) (c) Except as otherwise provided in this section, no employer shall employ any of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, for a workweek longer than forty hours unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed.

(b) No employer shall be deemed to have violated subsection (a) by employing any employee for a workweek in excess of that specified in such subsection without paying the compensation for overtime employment prescribed therein if such employee is so employed—

(1) in pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that no employee shall be employed more than one thousand and forty hours during any period of twenty-six consecutive weeks, or

(2) in pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board which provides that during a specified period of fifty-two consecutive weeks the employee shall be employed not more than two thousand two hundred and forty hours and shall be guaranteed not less than one thousand eight hundred and forty hours (or not less than forty-six weeks at the normal number of hours worked per week, but not less than thirty hours per week) and not more than two thousand and eighty hours of employment for which he shall receive compensation for all hours guaranteed or worked at rates not less than those applicable under the agreement to the work performed and for all hours in excess of the guaranty which are also in excess of the maximum workweek applicable to such employee under subsection (a) or two thousand and eighty in such period at rates not less than one and one-half times the regular rate at which he is employed; or

(3) by an independently owned and controlled local enterprise (including an enterprise with more than one bulk storage establishment) engaged in the wholesale or bulk distribution of petroleum products if—

(A) the annual gross volume of sales of such enterprise is less than $1,000,000 exclusive of excise taxes,

(B) more than 75 per centum of such enterprise's annual dollar volume of sales is made within the State in which such enterprise is located, and

(C) not more than 25 per centum of the annual dollar volume of sales of such enterprise is to customers who are engaged in the bulk distribution of such products for resale,

and such employee receives compensation for employment in excess of forty hours in any workweek at a rate not less than one and one-half times the minimum wage rate applicable to him under section 6,

and if such employee receives compensation for employment in excess of twelve hours in any workday, or for employment in excess of fifty-six hours in any workweek, as the case may be, at a rate not less than one and one-half times the regular rate at which he is employed.

(c) For a period or periods of not more than seven workweeks in the aggregate in any calendar year, the requirements of subsection (a) of this section shall not apply with respect to the employment of any employee (not otherwise exempted from such subsection by subsection (i) or section 13 (a)(1)) in a retail or service establishment if—

(1) such employee is employed in a bona fide sales capacity or as a manager of such establishment;

(2) such employee's regular rate of pay is not less than twice the wage rate in effect under section 6(a); and

(3) for employment in such establishment in excess of forty-eight hours in any workweek during such period or periods, such employee receives compensation at a rate not less than one and one-half times the regular rate at which he is employed in such establishment.

(d) As used in this section the "regular rate" at which an employee is employed shall be deemed to include all remuneration for employment paid to, or on behalf of, the employee, but shall not be deemed to include—

(1) sums paid as gifts; payments in the nature of gifts made at Christmas time or on other special occasions, as a reward for service, the amounts of which are not measured by or dependent on hours worked, production, or efficiency;

(2) payments made for occasional periods when no work is performed due to vacation, holiday, illness, failure of the employer to provide sufficient work, or other similar cause; reasonable payments for traveling expenses, or other expenses, incurred by an employee in the furtherance of his employer's interests and properly reimbursable by the employer; and other similar payments to an employee which are not made as compensation for his hours of employment;

(3) sums paid in recognition of services performed during a given period if either, (a) both the fact that payment is to be made and the amount of the payment are determined at the sole discretion of the employer at or near the end of the period and not pursuant to any prior contract, agreement, or promise causing the employee to expect such payments regularly; or (b) the payments are made pursuant to a bona fide profit-sharing plan or trust or bona fide thrift or savings plan, meeting the requirements of the Secretary set forth in appropriate regulation which he shall issue, having due regard among other relevant factors, to the extent to which the amounts paid to the employee are determined without regard to hours of work, production, or efficiency; or (c) the payments are talent fees (as such talent fees are defined and delimited by regulations of the Secretary) paid to performers, including announcers, on radio and television programs;

(4) contributions irrevocably made by an employer to a trustee or third person pursuant to a bona fide plan for providing old-age, retirement, life, accident, or health insurance or similar benefits for employees;

(5) extra compensation provided by a premium rate paid for certain hours worked by the employee in any day or workweek because such hours are hours worked in excess of eight in a day or in excess of the maximum workweek applicable to such employee under subsection (a) or in excess of the employee's normal working hours or regular working hours, as the case may be;

(6) extra compensation provided by a premium rate paid for work by the employee on Saturdays, Sundays, holidays, or regular days of rest, or on the sixth or seventh day of the workweek, where such premium rate is not less than one and one-half times the rate established in good faith for like work performed in non-overtime hours on other days; or

(7) extra compensation provided by a premium rate paid to the employee, in pursuance of an applicable employment contract or collective-bargaining agreement, for work outside of the hours established in good faith by the contract or agreement as the basic, normal, or regular workday (not exceeding eight hours) or workweek (not exceeding the maximum workweek applicable to such employee under subsection (a)), where such premium rate is not less than one and one-half times the rate established in good faith by the contract or agreement for like work performed during such workday or workweek.

(e) No employer shall be deemed to have violated subsection (a) by employing any employee for a workweek in excess of the maximum workweek applicable to such employee under subsection (a) if such employee is employed pursuant to a bona fide individual contract, or pursuant to an agreement made as a result of collective bargaining by representatives of employees, if the duties of such employee necessitate irregular hours of work, and the contract or agreement (1) specifies a regular rate of pay of not less than the minimum hourly rate provided in subsection (a) or (b) of section 6 (whichever may be applicable) and compensation at not less than one and one-half times such rate for all hours worked in excess of such maximum workweek, and (2) provides a weekly guaranty of pay for not more than sixty hours based on the rates so specified.

(f) No employer shall be deemed to have violated subsection (a) by employing any employee for a workweek in excess of the maximum workweek applicable to such employee under such subsection if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, the amount paid to the employee for the number of hours worked by him in such workweek in excess of the maximum workweek applicable to such employee under such subsection—

(1) in the case of an employee employed at piece rates, is computed at piece rates not less than one and one-half times the bona fide piece rates applicable to the same work when performed during nonovertime hours; or

(2) in the case of an employee performing two or more kinds of work for which different hourly or piece rates have been established, is computed at rates not less than one and one-half times such bona fide rates applicable to the same work when performed during nonovertime hours; or

(3) is computed at a rate not less than one and one-half times the rate established by such agreement or understanding as the basic rate to be used in computing overtime compensation thereunder: *Provided*, That the rate so established shall be authorized by regulation by the Secretary as being substantially equivalent to the average hourly earnings of the employee, exclusive of overtime premiums, in the particular work over a representative period of time;

and if (i) the employee's average hourly earnings for the workweek exclusive of payments described in paragraphs (1) through (7) of subsection (d) are not less than the minimum hourly rate required by applicable law, and (ii) extra overtime compensation is properly computed and paid on other forms of additional pay required to be included in computing the regular rate.

(g) Extra compensation paid as described in paragraph (5), (6), and (7) of subsection (d) shall be creditable toward overtime compensation payable pursuant to this section.

(h) No employer shall be deemed to have violated subsection (a) by employing any employee of a retail or service establishment for a workweek in excess of the applicable workweek specified therein, if (1) the regular rate of pay of such employee is in excess of one and one-half times the minimum hourly rate applicable to him under section 6, and (2) more than half his compensation for a representative period (not less than one month) represents commissions on goods or services. In determining the proportion of compensation representing commissions, all earnings resulting from the application of a bona fide commission rate shall be deemed commissions on goods or services without regard to whether the computed commissions exceed the draw or guarantee.

(i) No employer engaged in the operation of a hospital or an establishment which is an institution (other than a hospital) primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises shall be deemed to have violated subsection (a) if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, a work period of fourteen consecutive days is accepted in lieu of the workweek of seven consecutive days for purposes of overtime computation and if, for his employment in excess of eight hours in any workday and in excess of eighty hours in such fourteen-day period the employee receives compensation at a rate not less than one and one-half times the regular rate at which he is employed.

WAGE ORDERS IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 8. (a) The policy of this Act with respect to industries or enterprises in Puerto Rico and the Virgin Islands engaged in commerce or in the production of goods for commerce is to reach as rapidly as is economically feasible without substantially curtailing employment the objective of the minimum wage prescribed in section 6(a) in each such industry. The Secretary shall from time to time convene an industry committee or committees, appointed pursuant to section 5, and any such industry committee shall from time to time recommend the minimum rate or rates of wages to be paid under section 6 by employers in Puerto Rico or the Virgin Islands, or in Puerto Rico and the Virgin Islands, engaged in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce in any such industry or classifications therein. Minimum rates of wages established in accordance with this section which are not equal to the minimum wage rate prescribed in paragraph (1) of section 6(a) shall be reviewed by such a committee once during each biennial period, beginning with the biennial period commencing July 1, 1958, except that the Secretary, in his discretion, may order an additional review during any such biennial period.

(b) Upon the convening of any such industry committee, the Secretary shall refer to it the question of the minimum wage rate or rates to be fixed for such industry. The industry committee shall investigate conditions in the industry and the committee, or any authorized subcommittee thereof, shall after due notice hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under this Act. The committee shall recommend to the Secretary the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico or in the Virgin Islands a competitive advantage over any industry in the United States outside of Puerto Rico and the Virgin Islands.

(c) The industry committee shall recommend such reasonable classifications within any industry as it determines to be necessary for the purpose of fixing for each classification within such industry the highest minimum wage rate (not in excess of that prescribed in section 6(a) which (1) will not substantially curtail employment in such classification and (2) will not give a competitive advantage to any group in the industry, and shall recommend for each classification in the industry the highest minimum wage rate at which the committee determines will not substantially curtail employment in such classification. In determining whether such classifications should be made in any industry, in making such classifications, and in determining the minimum wage rates for such classifications, no classifications shall be made, and no minimum wage rate shall be fixed, solely on a regional basis, but the industry committee shall consider among other relevant factors the following:

(1) competitive conditions as affected by transportation, living, and production costs;

(2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and

(3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

No classification shall be made under this section on the basis of age or sex.

(d) The industry committee shall file with the Secretary a report containing its findings of fact and recommendations with respect to the matters referred to it. Upon the filing of such report, the Secretary shall publish such recommendations in the Federal Register and shall provide by order that the recommendations contained in such report shall take effect upon the expiration of 15 days after the date of such publication.

(e) Orders issued under this section shall define the industries and classifications therein to which they are to apply, and shall contain such terms and conditions as the Secretary finds necessary to carry out the purposes of such orders, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage rates established therein.

(f) Due notice of any hearing provided for in this section shall be given by publication in the Federal Register and by such other means as the Secretary deems reasonably calculated to give general notice to interested persons.

ATTENDANCE OF WITNESSES

SEC. 9. For the purpose of any hearing or investigation provided for in this Act, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (U.S.C., 1934 edition, title 15, secs. 49 and 50), are hereby made applicable to the jurisdiction, powers, and duties of the Secretary and the industry committees.

COURT REVIEW

SEC. 10. (a) Any person aggrieved by an order of the Secretary issued under section 8 may obtain a review of such order in the United States Court of Appeals for any circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia, by filing in such court, within 60 days after the entry of such order a written petition praying that the order of the Secretary be modified or set aside in whole or in part. A copy of such petition shall forthwith be transmitted by the clerk of the court to the Secretary, and thereupon the Secretary shall file in the court the record of the industry committee upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have exclusive jurisdiction to affirm, modify, or set aside such order in whole or in part so far as it is applicable to the petitioner. The review by the court shall be limited to questions of law, and findings of fact by such industry committee when supported by substantial evidence shall be conclusive. No objection to the order of the Secretary shall be considered by the court unless such objection shall have been urged before such industry committee or unless there were reasonable grounds for failure so to do. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence may materially affect the result of the proceeding and that there were reasonable grounds for failure to adduce such evidence in the proceedings before such industry committee, the court may order such additional evidence to be taken before an industry committee and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. Such industry committee may modify the initial findings by reason of the additional evidence so taken, and shall file with the court such modified or new findings which if supported by substantial evidence shall be conclusive, and shall also file its recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

(b) The commencement of proceedings under subsection (a) shall not, unless specifically ordered by the court, operate as a stay of the Secretary's order. The court shall not grant any stay of the order unless the person complaining of such order shall file in court an undertaking with a surety or sureties satisfactory to the court for the payment to the employees affected by the order, in the event such order is affirmed, of the amount by which the compensation such employees are entitled to receive under the order exceeds the compensation they actually receive while such stay is in effect.

INVESTIGATIONS, INSPECTIONS, RECORDS, AND HOMEWORK REGULATIONS

SEC. 11. (a) The Secretary or his designated representatives may investigate and gather data regarding the wages, hours, and other conditions and practices of employment in any industry subject to this Act, and may enter and inspect such places and such records (and make such transcriptions thereof), question such employees, and investigate such facts, conditions, practices, or matters as he may deem necessary or appropriate to determine whether any person has violated any provision of this Act, or which may aid in the enforcement of the provisions of this Act. Except as provided in section 12 and in subsection (b) of this section, the Secretary shall utilize the bureaus and divisions of the Department of Labor for all the investigations and inspections necessary under this section. Except as provided in section 12, the Secretary shall bring all actions under section 17 to restrain violations of this Act.

(b) With the consent and cooperation of State agencies charged with the administration of State labor laws, the Secretary may, for the purpose of carrying out his functions and duties under this Act, utilize the services of State and local agencies and their employees and, notwithstanding any other provision of law, may reimburse such State and local agencies and their employees for services rendered for such purposes.

(c) Every employer subject to any provision of this Act or of any order issued under this Act shall make, keep, and preserve such records of the persons employed by him and of the wages, hours, and other conditions and practices of employment maintained by him, and shall preserve such records for such periods of time, and shall make such reports therefrom to the Secretary as he shall prescribe by regulation or order as necessary or appropriate for the enforcement of the provisions of this Act or the regulations or orders thereunder.

(d) The Secretary is authorized to make such regulations and orders regulating, restricting, or prohibiting industrial homework as are necessary or appropriate to prevent the circumvention or evasion of and to safeguard the minimum wage rate prescribed in this Act, and all existing regulations or orders of the Administrator relating to industrial homework are hereby continued in full force and effect.

CHILD LABOR PROVISIONS

SEC. 12. (a) No producer, manufacturer, or dealer shall ship or deliver for shipment in commerce any goods produced in an establishment situated in the United States in or about which within thirty days prior to the removal of such goods therefrom any oppressive child labor has been employed: *Provided*, That any such shipment or delivery for shipment of such goods by a purchaser who acquired them in good faith in reliance on written assurance from the producer, manufacturer, or dealer that the goods were produced in compliance with the requirements of this section, and who acquired such goods for value without notice of any such violation, shall not be deemed prohibited by this subsection: *And provided further*, That a prosecution and conviction of a defendant for the shipment or delivery for shipment of any goods under the conditions herein prohibited shall be a bar to any further prosecution against the same defendant for shipments or deliveries for shipment of any such goods before the beginning of said prosecution.

(b) The Secretary, or any of his authorized representatives, shall make all investigations and inspections under section 11(a) with respect to the employment of minors, and, subject to the direction and control of the Attorney General, shall bring all actions under section 17 to enjoin any act or practice which is unlawful by reason of the existence of oppressive child labor, and shall administer all other provisions of this Act relating to oppressive child labor.

(c) No employer shall employ any oppressive child labor in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce.

EXEMPTIONS

SEC. 13. (a) The provisions of sections 6 (other than section 6(d) in the case of paragraph (1) of this subsection) and 7 shall not apply with respect to—

(1) any employee employed in a bona fide executive, administrative, or professional capacity (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools), or in the capacity of outside salesman (as such terms are defined and delimited from time to time by regulations of the Secretary, subject to the provisions of the provisions of subchapter II of chapter 5 of title 5 of the United States Code (relating to administrative procedure), except that an employee of a retail or service establishment shall not be excluded from the definition of employee employed in a bona fide executive or administrative capacity because of the number of hours in his workweek which he devotes to activities not directly or closely related to the performance of executive or administrative activities, if less than 40 per centum of his hours worked in the workweek are devoted to such activities); or

(2) any employee employed by any retail or service establishment (except an establishment or employee engaged in laundering, cleaning, or repairing clothing or fabrics or an establishment engaged in the operation of a hospital, institution, or school described in section 3(s) (4)), if more than 50 per centum of such establishment's annual dollar volume of sales of goods or services is made within the State in which the establishment is located, and such establishment is not in an enterprise described in section 3(s) or such establishment has an annual dollar volume of sales which is less than $250,000 (exclusive of excise taxes at the retail level which are separately stated). A "retail or service establishment" shall mean an establishment 75 per centum of whose annual dollar volume of sales of goods or services (or of both) is not for resale and is recognized as retail sales or services in the particular industry; or

(3) any employee employed by an establishment which is an amusement or recreational establishment, if (A) it does not operate for more than seven months in any calendar year, or (B) during the preceding calendar year, its average receipts for any six months of such year were not more than 33⅓ per centum of its average receipts for the other six months of such year; or

(4) any employee employed by an establishment which qualifies as an exempt retail establishment under clause (2) of this subsection and is recognized as a retail establishment in the particular industry notwithstanding that such establishment makes or

processes at the retail establishment the goods that it sells: *Provided*, That more than 85 per centum of such establishment's annual dollar volume of sales of goods so made or processed is made within the State in which the establishment is located; or

(5) any employee employed in the catching, taking, propagating, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, or in the first processing, canning or packing such marine products at sea as an incident to, or in conjunction with, such fishing operations, including the going to and returning from work and loading and unloading when performed by any such employee; or

(6) any employee employed in agriculture (A) if such employee is employed by an employer who did not, during any calendar quarter during the preceding calendar year, use more than five hundred man-days of agricultural labor, (B) if such employee is the parent, spouse, child, or other member of his employer's immediate family, (C) if such employee (i) is employed as a hand harvest laborer and is paid on a piece rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece rate basis in the region of employment, (ii) commutes daily from his permanent residence to the farm on which he is so employed, and (iii) has been employed in agriculture less than thirteen weeks during the preceding calendar year, (D) if such employee (other than an employee described in clause (C) of this subsection) (i) is sixteen years of age or under and is employed as a hand harvest laborer, is paid on a piece rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece rate basis in the region of employment, (ii) is employed on the same farm as his parent or person standing in the place of his parent, and (iii) is paid at the same piece rate as employees over age sixteen are paid on the same farm, or (E) if such employee is principally engaged in the range production of livestock; or

(7) any employee to the extent that such employee is exempted by regulations, order, or certificate of the Secretary issued under section 14; or

(8) any employee employed in connection with the publication of any weekly, semiweekly, or daily newspaper with a circulation of less than four thousand the major part of which circulation is within the county where published or counties contiguous thereto; or

(9) any employee employed by an establishment which is a motion picture theater; or

(10) any switchboard operator employed by an independently owned public telephone company which has not more than seven hundred and fifty stations; or

(11) any employee or proprietor in a retail or service establishment which qualifies as an exempt retail or service establishment under clause (2) of this subsection with respect to whom the provisions of sections 6 and 7 would not otherwise apply, engaged in handling telegraphic messages for the public under an agency or contract arrangement with a telegraph company where the telegraph message revenue of such agency does not exceed $500 a month; or

(12) any employee employed as a seaman on a vessel other than an American vessel; or

(13) any employee employed in planting or tending trees, cruising, surveying, or felling timber, or in preparing or transporting logs or other forestry products to the mill, processing plant, railroad, or other transportation terminal, if the number of employees employed by his employer in such forestry or lumbering operations does not exceed eight; or

(14) any agricultural employee employed in the growing and harvesting of shade-grown tobacco who is engaged in the processing (including, but not limited to, drying, curing, fermenting, bulking, rebulking, sorting, grading, aging, and baling) of such tobacco, prior to the stemming process, for use as cigar wrapper tobacco.

(b) The provisions of section 7 shall not apply with respect to—

(1) any employee with respect to whom the Secretary of Transportation has power to establish qualifications and maximum hours of service pursuant to the provisions of section 204 of the Motor Carrier Act, 1935; or

(2) any employee of an employer subject to the provisions of part I of the Interstate Commerce Act; or

(3) any employee of a carrier by air subject to the provisions of title II of the Railway Labor Act; or

(4) any individual employed as an outside buyer of poultry, eggs, cream, or milk, in their raw or natural state; or

(5) any employee employed as a seaman; or

(6) any employee employed by an establishment which is a hotel, motel, or restaurant; or

(7) any employee employed as an announcer, news editor, or chief engineer by a radio or television station the major studio of which is located (A) in a city or town of one hundred thousand population or less, according to the latest available decennial census figures as compiled by the Bureau of the Census, except where such city or town is part of a standard metropolitan statistical area, as defined and designated by the Office of Management and Budget, which has a total population in excess of one hundred thousand, or (B) in a city or town of twenty-five thousand population or less, which is part of such an area but is at least 40 airline miles from the principal city in such area; or

(8) any salesman, partsman, or mechanic primarily engaged in selling or servicing automobiles, trailers, trucks, farm implements, or aircraft if employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles to ultimate purchasers; or

(9) any employee employed as a driver or driver's helper making local deliveries, who is compensated for such employment on the basis of trip rates, or other delivery payment plan, if the Secretary shall find that such plan has the general purpose and effect of reducing hours worked by such employees to, or below, the maximum workweek applicable to them under section 7(a); or

(10) any employee employed in agriculture or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, or operated on a sharecrop basis, and which are used exclusively for supply and storing of water for agricultural purposes; or

(11) any employee with respect to his employment in agriculture by a farmer, notwithstanding other employment of such employee in connection with livestock auction operations in which such farmer is engaged as an adjunct to the raising of livestock, either on his own account or in conjuction with other farmers, if such employee (A) is primarily employed during his workweek in agriculture by such farmer, and (B) is paid for his employment in connection with such livestock auction operations at a wage rate not less than that prescribed by section 6(a); or

(12) any employee employed within the area of production (as defined by the Secretary) by an establishment commonly recognized as a country elevator, including such an establishment which sells products and services used in the operation of a farm, if no more than five employees are employed in the establishment in such operations; or

(13) any employee engaged in ginning of cotton for market, in any place of employment located in a county where cotton is grown in commercial quantities; or

(14) any employee engaged (A) in the transportation and preparation for transportation of fruits or vegetables, whether or not performed by the farmer, from the farm to a place of first processing or first marketing within the same State, or (B) in transportation, whether or not performed by the farmer, between the farm and any point within the same State of persons employed or to be employed in the harvesting of fruits or vegetables; or

(15) any driver employed by an employer engaged in the business of operating taxicabs; or

(16) any employee of a retail or service establishment who is employed primarily in connection with the preparation or offering of food or beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guests of members of clubs.

(c)(1) Except as provided in paragraph (2), the provisions of section 12 relating to child labor shall not apply with respect to any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed.

(2) The provisions of section 12 relating to child labor shall apply to an employee below the age of sixteen employed in agriculture in an occupation that the Secretary of Labor finds and declares to be particularly hazardous for the employment of children below the age of sixteen, except where such employee is employed by his parent or by a person standing in the place of his parent on a farm owned or operated by such parent or person.

(3) The provisions of section 12 relating to child labor shall not apply to any child employed as an actor or performer in motion pictures or theatrical productions, or in radio or television productions.

(d) The provisions of sections 6, 7, and 12 shall not apply with respect to any employee engaged in the delivery of newspapers to the consumer or to any homeworker engaged in the making of wreaths composed principally of natural holly, pine, cedar, or other evergreens (including the harvesting of the evergreens or other forest products used in making such wreaths).

(e) The provisions of section 7 shall not apply with respect to employees for whom the Secretary of Labor is authorized to establish minimum wage rates as provided in section 6(b)(2), except with respect to employees for whom such rates are in effect; and with respect to such employees the Secretary may make rules and regulations providing reasonable limitations and allowing reasonable variations, tolerances, and exemptions to and from any or all of the provisions of section 7 if he shall find, after a public hearing on the matter, and taking into account the factors set forth in section 6(b)(2), that economic conditions warrant such action.

(f) The provisions of sections 6, 7, 11, and 12 shall not apply with respect to any employee whose services during the workweek are performed in a workplace within a foreign country or within territory under the jurisdiction of the United States other than the following: a State of the United States; the District of Columbia; Puerto Rico; the Virgin Islands; Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act (ch. 345, 67 Stat. 462); American Samoa; Guam; Wake Island; Eniwetok Atoll; Kwajalein Atoll; Johnston Island; and the Canal Zone.

LEARNERS, APPRENTICES, STUDENTS, AND HANDICAPPED WORKERS

SEC. 14. (a) The Secretary of Labor, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulations or by orders provide for the employment of learners, of apprentices, and of messengers employed primarily in delivering letters and messages, under special certificates issued pursuant to regulations of the Secretary, at such wages lower than the minimum wage applicable under section 6 and subject to such limitations as to time, number, proportion, and length of service as the Secretary shall prescribe.

(b) The Secretary, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulation or order provide for the employment of full-time students, regardless of age but in compliance with applicable child labor laws, on a part-time basis in retail or service establishments (not to exceed twenty hours in any workweek) or on a part-time or a full-time basis in such establishments during school vacations, under special certificates issued pursuant to regulations of the Secretary, at a wage rate not less than 85 per centum of the minimum wage applicable under section 6, except that the proportion of student hours of employment to total hours of employment of all employees in any establishment may not exceed (1) such proportion for the corresponding month of the twelve-month period preceding May 1, 1961, (2) in the case of a retail or service establishment whose employees (other than employees engaged in commerce or in the production of goods for commerce) are covered by this Act for the first time on or after the effective date of the Fair Labor Standards Amendments of 1966, such proportion for the corresponding month of the twelve-month period immediately prior to such date, or (3) in the case of a retail or service establishment coming into existence after May 1, 1961, or a retail or service establishment for which records of student hours worked are not available, a proportion of student hours of employment to total hours of employment of all employees based on the practice during the twelve-month period preceding May 1, 1961, in (A) similar establishments of the same employer in the same general metropolitan area in which the new establishment is located, (B) similar establishments of the same employer in the same or nearby counties if the new establishment is not in a metropolitan area, or (C) other establishments of the same general character operating in the community or the nearest comparable community. Before the Secretary may issue a certificate under this subsection he must find that such employment will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under this subsection.

(c) The Secretary, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by certificate or order provide for the employment of full-time students, regardless of age but in compliance with applicable child labor laws, on a part-time basis in agriculture (not to exceed twenty hours in any workweek) or on a part-time or a full-time basis in agriculture during school vacations, at a wage rate not less than 85 per centum of the minimum wage applicable under section 6. Before the Secretary may issue a certificate or order under this subsection he must find that such employment will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under this subsection.

(d) (1) Except as otherwise provided in paragraphs (2) and (3) of this subsection, the Secretary of Labor, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulation or order provide for the employment under special certificates of individuals (including individuals employed in agriculture) whose earning or productive capacity is impaired by age or physical or mental deficiency or injury, at wages which are lower than the minimum wage applicable under section 6 of this Act but not less than 50 per centum of such wage and which are commensurate with those paid nonhandicapped workers in industry in the vicinity for essentially the same type, quality, and quantity of work.

(2) The Secretary pursuant to such regulations as he shall prescribe and upon certification of the State agency administering or supervising the administration of vocational rehabilitation services may issue special certificates for the employment of—

(A) handicapped workers engaged in work which is incidental to training or evaluation programs, and

(B) multihandicapped individuals and other individuals whose earning capacity is so severely impaired that they are unable to engage in competitive employment,

at wages which are less than those required by this subsection and which are related to the worker's productivity.

(3) (A) The Secretary may by regulation or order provide employment of handicapped clients in work activities centers under special certificates at wages which are less than the minimums applicable under section 6 of this Act or prescribed by paragraph (1) of this subsection and which constitute equitable compensation for such clients in work activities centers.

(B) For purposes of this section, the term "work activities centers" shall mean centers planned and designed exclusively to provide therapeutic activities for handicapped clients whose physical or mental impairment is so severe as to make their productive capacity inconsequential.

PROHIBITED ACTS

SEC. 15. (a) After the expiration of one hundred and twenty days from the date of enactment of this Act, it shall be unlawful for any person—

(1) to transport, offer for transportation, ship, deliver, or sell in commerce, or to ship, deliver, or sell with knowledge that shipment or delivery or sale thereof in commerce is intended, any goods in the production of which any employee was employed in violation of section 6 or section 7, or in violation of any regulation or order of the Secretary issued under section 14; except that no provision of this Act shall impose any liability upon any common carrier for the transportation in commerce in the regular course of its business of any goods not produced by such common carrier, and no provision of this Act shall excuse any common carrier from its obligation to accept any goods for transportation; and except that any such transportation, offer, shipment, delivery, or sale of such goods by a purchaser who acquired them in good faith in reliance on written assurance from the producer that the goods were produced in compliance with the requirements of the Act, and who acquired such goods for value without notice of any such violation, shall not be deemed unlawful;

(2) to violate any of the provisions of section 6 or section 7, or any of the provisions of any regulation or order of the Secretary issued under section 14;

(3) to discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding, or has served or is about to serve on an industry committee;

(4) to violate any of the provisions of section 12;

(5) to violate any of the provisions of section 11(c) or any regulation or order made or continued in effect under the provisions of section 11(d), or to make any statement, report, or record filed or kept pursuant to the provisions of such section or of any regulation or order thereunder, knowing such statement, report, or record to be false in a material respect.

(b) For the purposes of subsection (a) (1) proof that any employee was employed in any place of employment where goods shipped or sold in commerce were produced, within ninety days prior to the removal of the goods from such place of employment, shall be prima facie evidence that such employee was engaged in the production of such goods.

PENALTIES

SEC. 16. (a) Any person who willfully violates any of the provisions of section 15 shall upon conviction thereof be subject to a fine of not more than $10,000, or to imprisonment for not more than six months, or both. No person shall be imprisoned under this subsection except, for an offense committed after the conviction of such person for a prior offense under this subsection.

(b) Any employer who violates the provisions of section 6 or section 7 of this Act shall be liable to the employee or employees affected in the amount of their unpaid minimum wages, or their unpaid overtime compensation, as the case may be, and in an additional equal amount as liquidated damages. Action to recover such liability may be maintained in any court of competent jurisdiction by any one or more employees for and in behalf of himself or themselves and other employees similarly situated. No employee shall be a party plaintiff to any such action unless he gives his consent in writing to become such a party and such consent is filed in the court in which such action is brought. The court in such action shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action. The right provided by this subsection to bring an action by or on behalf of any employee, and the right of any employee to become a party plaintiff to any such action, shall terminate upon the filing of a complaint by the Secretary of Labor in an action under section 17 in which restraint is sought of any further delay in the payment of unpaid minimum wages, or the amount of unpaid overtime compensation, as the case may be, owing to such employee under section 6 or section 7 of this Act by an employer liable therefor under the provisions of this subsection.

(c) The Secretary is authorized to supervise the payment of the unpaid minimum wages or the unpaid overtime compensation owing to any employee or employees under section 6 or section 7 of this Act, and the agreement of any employee to accept such payment shall upon payment in full constitute a waiver by such employee of any right he may have under subsection (b) of this section to such unpaid minimum wages or unpaid overtime compensation and an additional equal amount as liquidated damages. When a written request is filed by any employee with the Secretary claiming unpaid minimum wages or unpaid overtime compensation under section 6 or section 7 of this Act, the Secretary may bring an action in any court of competent jurisdiction to recover the amount of such claim: *Provided*, That this authority to sue shall not be used by the Secretary in any case involving an issue of law which has not been settled finally by the courts, and in any such case no court shall have jurisdiction over such action or proceeding initiated or brought by the Secretary if it does involve any issue of law not so finally settled. The consent of any employee to the bringing of any such action by the Secretary, unless such action is dismissed without prejudice on motion of the Secretary, shall constitute a waiver by such employee of any right of action he may have under subsection (b) of this section for such unpaid minimum wages or unpaid overtime compensation and an additional equal amount as liquidated damages. Any sums thus recovered by the Secretary on behalf of an employee pursuant to this subsection shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to the employee or employees affected. Any such sums not paid to an employee because of inability to do so within a period of three years shall be covered into the Treasury of the United States as miscellaneous receipts. In determining when an action is commenced by the Secretary under this subsection for the purposes of the statutes of limitations provided in section 6(a) of the Portal-to-Portal Act of 1947, it shall be considered to be commenced in the case of any individual claimant on the date when the complaint is filed if he is specifically named as a party plaintiff in the complaint, or if his name did not so appear, on the subsequent date on which his name is added as a party plaintiff in such action.

(d) In any action or proceeding commenced prior to, on, or after the date of enactment of this subsection, no employer shall be subject to any liability or punishment under this Act or the Portal-to-Portal Act of 1947 on account of his failure to comply with any provision or provisions of such Acts (1) with respect to work heretofore or hereafter performed in a workplace to which the exemption in section 13(f) is applicable, (2) with respect to work performed in Guam, the Canal Zone, or Wake Island before the effective date of this amendment of subsection (d), or (3) with respect to work performed in a possession named in section 6(b)(2) at any time prior to the establishment by the Secretary, as provided therein, of a minimum wage rate applicable to such work.

INJUNCTION PROCEEDINGS

SEC. 17. The district courts, together with the United States District Court for the District of the Canal Zone, the District Court of the Virgin Islands, and the District Court of Guam shall have jurisdiction, for cause shown, to restrain violations of section 15, including in the case of violations of section 15(a)(2) the restraint of any withholding of payment of minimum wages or overtime compensation found by the court to be due to employees under this Act (except sums which employees are barred from recovering, at the time of the commencement of the action to restrain the violations, by virtue of the provisions of section 6 of the Portal-to-Portal Act of 1947).

RELATION TO OTHER LAWS

SEC. 18. No provision of this Act or of any order thereunder shall excuse noncompliance with any Federal or State law or municipal ordinance establishing a minimum wage higher than the minimum wage established under this Act or a maximum workweek lower than the maximum workweek established under this Act, and no provision of this Act relating to the employment of child labor shall justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established under this Act. No provision of this Act shall justify any employer in reducing a wage paid by him which is in excess of the applicable minimum wage under this Act, or justify any employer in increasing hours of employment maintained by him which are shorter than the maximum hours applicable under this Act.

SEPARABILITY OF PROVISIONS

SEC. 19. If any provision of this Act or the application of such provision to any person or circumstances is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

WALSH-HEALEY PUBLIC CONTRACTS ACT

An act to provide for the purchase of supplies and the making of contracts by the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in any contract made and entered into by any executive department, independent establishment, or other agency or instrumentality of the United States, or by the District of Columbia, or by any corporation all the stock of which is beneficially owned by the United States (all the foregoing being hereinafter designated as agencies of the United States), for the manufacture or furnishing of materials, supplies, articles, and equipment in any amount exceeding $10,000, there shall be included the following representations and stipulations:

(a) That the contractor is the manufacturer of or a regular dealer in the materials, supplies, articles, or equipment to be manufactered or used in the performance of the contract;

(b) That all persons employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract will be paid, without subsequent deduction or rebate on any account, not less than the minimum wages as determined by the Secretary of Labor to be the prevailing minimum wages for persons employed on similar work or in the particular or similar industries or groups of industries currently operating in the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under said contract;

(c) That no person employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract shall be permitted to work in excess of eight hours in any one day or in excess of forty hours in any one week;

(d) That no male person under sixteen years of age and no female person under eighteen years of age and no convict labor will be employed by the contractor in the manufacture or production or furnishing of any of the materials, supplies, articles, or equipment included in such contract; and

(e) That no part of such contract will be performed nor will any of the materials, supplies, articles, or equipment to be manufactured or furnished under said contract be manufactured or fabricated in any plants, factories, buildings, or surroundings or under working conditions which are unsanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of said contract. Compliance with the safety, sanitary, and factory inspection laws of the State in which the work or part thereof is to be performed shall be prima-facie evidence of compliance with this subsection.

SEC. 2. That any breach or violation of any of the representations and stipulations in any contract for the purposes set forth in section 1 hereof shall render the party responsible therefor liable to the United States of America for liquidated damages, in addition to damages for any other breach of such contract, the sum of $10 per day for each male person under sixteen years of age or each female person under eighteen years of age, or each convict laborer knowingly employed in the performance of such contract, and a sum equal to the amount of any deductions, rebates, refunds, or underpayment of wages due to any employee engaged in the performance of such contract; and, in addition, the agency of the United States entering into such contract shall have the right to cancel same and to make open-market purchases or enter into other contracts for the completion of the original contract, charging any additional cost to the original contractor. Any sums of money due to the United States of America by reason of any violation of any of the representations and stipulations of said contract set forth in section 1 hereof may be withheld from any amounts due on any such contracts or may be recovered in suits brought in the name of the United States of America by the Attorney General thereof. All sums withheld or recovered as deductions, rebates, refunds, or underpayments of wages shall be held in a special deposit account and shall be paid, on order of the Secretary of Labor, directly to the employees who have been paid less than minimum rates of pay as set forth in such contracts and on whose account such sums were withheld or recovered: *Provided,* That no claims by employees for such payments shall be entertained unless made within one year from the date of actual notice to the contractor of the withholding or recovery of such sums by the United States of America.

SEC. 3. The Comptroller General is authorized and directed to distribute a list to all agencies of the United States containing the names of persons or firms found by the Secretary of Labor to have breached any of the agreements or representations required by this Act. Unless the Secretary of Labor otherwise recommends no contracts shall be awarded to such persons or firms or to any firm, corporation, partnership, or association in which such persons or firms have a controlling interest until three years have elapsed from the date the Secretary of Labor determines such breach to have occurred.

SEC. 4. The Secretary of Labor is hereby authorized and directed to administer the provisions of this Act and to utilize such Federal officers and employees and, with the consent of the State, such State and local officers and employees as he may find necessary to assist in the administration of this Act and to prescribe rules and regulations with respect thereto. The Secretary shall appoint, without regard to the provisions of the civil-service laws but subject to the Classification Act of 1923, an administrative officer, and such attorneys and experts, and shall appoint such other employees with regard to existing laws applicable to the employment and compensation of officers and employees of the United States, as he may from time to time find necessary for the administration of this Act. The Secretary of Labor or his authorized representatives shall have power to make investigations and findings as herein provided, and prosecute any inquiry necessary to his functions in any part of the United States. The Secretary of Labor shall have authority from time to time to make, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of this Act.

SEC. 5. Upon his own motion or on application of any person affected by any ruling of any agency of the United States in relation to any proposal or contract involving any of the provisions of this Act, and on complaint of a breach or violation of any representation or stipulation as herein provided, the Secretary of Labor, or an impartial representative designated by him, shall have the power to hold hearings and to issue orders requiring the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy, failure, or refusal of any person to obey such an order, any District Court of the United States or of any Territory or possession, or the Supreme Court of the District of Columbia, within the jurisdiction of which the inquiry is carried on, or within the jurisdiction of which said person who is guilty of contumacy, failure, or refusal is found, or resides or transacts business, upon the application by the Secretary of Labor or representative designated by him, shall have jurisdiction to issue to such person an order requiring such person to appear before him or representative designated by him, to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof; and shall make findings of fact after notice and hearing, which findings shall be conclusive upon all agencies of the United States, and if supported by the preponderance of the evidence, shall be conclusive in any court of the United States; and the Secretary of Labor or authorized representative shall have the power, and is hereby authorized, to make such decisions, based upon findings of fact, as are deemed to be necessary to enforce the provisions of this Act.

SEC. 6. Upon a written finding by the head of the contracting agency or department that the inclusion in the proposal or contract of the representations or stipulations set forth in section 1 will seriously impair the conduct of Government business, the Secretary of Labor shall make exception in specific cases or otherwise when justice or public interest will be served thereby. Upon the joint recommendation of the contracting agency and the contractor, the Secretary of Labor may modify the terms of an existing contract respecting minimum rates of pay and maximum hours of labor as he may find necessary and proper in the public interest or to prevent injustice and undue hardship. The Secretary of Labor may provide reasonable limitations and may make rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of this Act respecting minimum rates of pay and maximum hours of labor or the extent of the application of this Act to contractors, as hereinbefore described. Whenever the Secretary of Labor shall permit an increase in the maximum hours of labor stipulated in the contract, he shall set a rate of pay for any overtime, which rate shall be not less than one and one-half times the basic hourly rate received by any employee affected.

SEC. 7. Whenever used in this Act, the word "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

SEC. 8. The provisions of this Act shall not be construed to modify or amend title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved May 3, 1933 (commonly known as the Buy American Act), nor shall the provisions of this Act be construed to modify or amend the Act entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes", approved March 3, 1931 (commonly known as the Bacon-Davis Act), as amended from time to time, nor the labor provisions of title II of the National Industrial Recovery Act, approved June 16, 1933, as extended, or of section 7 of the Emergency Relief Appropriation Act, approved April 8, 1935; nor shall the provisions of this Act be construed to modify or amend the Act entitled "An Act to provide for the diversification of employment of Federal prisoners, for their training and schooling in trades and occupations, and for other purposes", approved May 27, 1930, as amended and supplemented by the Act approved June 23, 1934.

SEC. 9. This Act shall not apply to purchases of such materials, supplies, articles, or equipment as may usually be bought in the open market; nor shall this Act apply to perishables, including dairy, livestock and nursery products, or to agricultural or farm products processed for first sale by the original producers; nor to any contracts made by the Secretary of Agriculture for the purchase fo agricultural commodities or the products thereof. Nothing in this Act shall be construed to apply to carriage of freight or personnel by vessel, airplane, bus, truck, express, or railway line where published tariff rates are in effect or to common carriers subject to the Communications Act of 1934 or to certain transportation employees of private carriers of property by motor vehicles, as defined by sections 203(a)(17) and 203(c) of part II of the Interstate Commerce Act, where such transportation employees are subject to regulation as to qualifications and hours of service pursuant to sections 6(e)(5)(c) and 6(f)(2)(a) of the Department of Transportation Act of 1966.

SEPARABILITY CLAUSE

SEC. 10. If any provision of this Act, or the application thereof to any persons or circumstances, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

SEC. 11. This Act shall apply to all contracts entered into pursuant to invitations for bids issued on or after ninety days from the effective date of this Act: *Provided, however,* That the provisions requiring the inclusion of representations with respect to minimum wages shall apply only to purchases or contracts relating to such industries as have been the subject matter of a determination by the Secretary of Labor.

OTHER LAWS AMENDED

SECTION 5314(a) OF TITLE 5 OF THE UNITED STATES CODE

§ 5341. Trades and crafts

(a) The pay of employees excepted from chapter 51 of this title by section 5102(c)(7) of this title shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with the prevailing rates. Subject to section 213(f) of title 29, the rates may not be less than the appropriate rates provided for by section 206(a) of title 29.

SECTION 303(a)(2) OF THE CONSUMER CREDIT PROTECTION ACT

§ 303. Restriction on garnishment

(a) Except as provided in subsection (b) and in section 305, the maximum part of the aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed

(1) 25 per centum of his disposable earnings for that week, or

(2) the amount by which his disposable earnings for that week exceed thirty times the Federal minimum hourly wage prescribed by section 6(a) of the Fair Labor Standards Act of 1938 in effect at the time the earnings are payable,

which ever is less. In the case of earnings for any pay period other than a week, the Secretary of Labor shall by regulation prescribe a multiple of the Federal minimum hourly wage equivalent in effect to that set forth in paragraph (2).

SECTION 2(b)(1) OF THE SERVICE CONTRACT ACT OF 1965

SEC. 2. * * *

* * * * *

(b)(1) No contractor who enters into any contract with the Federal Government the principal purpose of which is to furnish services through the use of service employees as defined herein and no subcontractor thereunder shall pay any of his employees engaged in performing work on such contracts less than the minimum wage specified under section 6(a) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060; 29 U.S.C. 201, et seq.).

SECTION 610-1(a) OF THE ECONOMIC OPPORTUNITY ACT OF 1964

COMPARABILITY OF WAGES

SEC. 610-1. (a) The Director shall take such action as may be necessary to assure that persons employed in carrying out programs financed under part A of title I or title II (except a person compensated as provided in section 602) shall not receive compensation at a rate which is (1) in excess of the average rate of compensation paid in the area where the program is carried out to a substantial number of the persons providing substantially comparable services, or in excess of the average rate of compensation paid to a substantial number of the persons providing substantially comparable services in the area of the person's immediately preceding employment, whichever is higher or (2) less than the minimum wage rate prescribed in section 6(a) of the Fair Labor Standards Act of 1938.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

PEOPLE POWER OVER WAR AMENDMENT

Mr. RARICK. Mr. Speaker, several days ago, members of the Democratic Caucus spent hours debating a resolution to end our involvement in an undeclared war in Southeast Asia. This week we spent days in consideration of a bill to extend the draft; the opposition being that by defeating the bill, we would thereby be forced to disengage from the conflict.

Last week, I had notified all members of my proposal to offer a constitutional amendment to give to the people the sole power to declare war or engage our forces overseas except in the case of an attack on our country or hemisphere.

I was sorely disappointed that so few of my colleagues who have been so outspoken and concerned over the present war and war in general expressed little interest in or concern with averting the involvement of U.S. military forces in future foreign wars. I say this because only two of my fellow colleagues have agreed to cosponsor this constitutional amendment.

In the past we have witnessed State legislatures futilely trying through the passage of State legislation to abide by the wishes of their people in avoiding undeclared wars and in exerting some control over a foreign policy that would allow them. But in all efforts they were unsuccessful because they did not amend the Constitution. This proposed amendment may well serve as a model for State action.

In my opinion, passage by the necessary number of State legislatures of the People Power Over War Constitutional Amendment that I have introduced today is a sure way the American people can have restored to them a voice and a degree of partnership with our Federal Government in avoiding future wars.

Cosponsoring this legislation were Representative ROBERT L. LEGGETT, Democrat, of California, and Representative PARREN J. MITCHELL, Democrat of Maryland. I am most appreciative of their consistency in purpose.

I insert a copy of the People Power Over War Amendment to follow my remarks.

H.J. Res. 535

Joint resolution proposing an amendment to the Constitution of the United States for a referendum on war

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several states within seven years after the date of final passage of this joint resolution:

"Article —

"Section 1. Except in case of attack by armed forces, actual or immediately threatened, upon the United States or its territorial possessions, or by any non-American nation against any country in the Western Hemisphere, the people shall have the sole power by a national referendum to declare war or to engage in warfare overseas.

"Sec. 2. Congress shall have the power to carry out this article by appropriate legislation."

NATURAL GAS ACT AMENDMENTS OF 1971

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Murphy) is recognized for 15 minutes.

Mr. MURPHY of New York. Mr. Speaker, on January 29 of this year, I introduced H.R. 2513, a bill that is urgently needed to correct a situation which has contributed to the existing crisis in natural gas supplies.

In the interest of the gas consumers of the Nation, Congress must act with intelligence and dispatch on this matter.

Realizing that more than 140 million Americans depend on natural gas to heat their homes, to cook their food, to keep the fires of industry burning, and to turn the turbines with which the electric power utilities supply electricity to the Nation, 32 Members of the House have joined with me in reintroducing H.R. 2513.

That there is a supply crisis in natural gas is generally recognized.

In January of this year, one member of the Federal Power Commission told the National Association of Home Builders that interstate gas pipelines have "virtually ruled out new customer attachments this winter." This means that needed construction of new houses and apartments will be retarded, thus aggravating the housing shortage.

Earlier this month another member of the Commission told the Council of Economics of the AIME "that many pipeline companies have found it difficult, in some cases impossible, to maintain their reserve levels. Pipeline deliverability has fallen. Our fourteen-year reserve cushion has receded significantly."

The President's Economic Report to the Congress in February of this year recognized the gas supply crisis.

The ratio of gas reserves to production has shown a drastic decline in recent years. In 1954, when a Supreme Court decision made producers subject to regulation by the Federal Power Commission, proved gas reserves were equivalent to nearly 23 times the year's production. By the end of 1969, the latest year for which complete figures are available, these reserves were down to just 13 times production.

Twenty-five years ago, in 1946, the ratio of reserves to production was 32.5 to 1. In that year, 3.59 times as much new gas was found as was consumed. But by 1968, for the first time in the history of the domestic production industry, more gas was produced than the amount of new supply developed—5.6 trillion cubic feet more. The deficit in 1969 was 12.2 trillion cubic feet.

In 1970, the deficit in the lower 48 States was 10.3 trillion cubic feet. However, reserves for total United States were increased to 290.7 trillion cubic feet by the inclusion of 26 trillion cubic feet of reserves in the Prudhoe Bay reservoir in Alaska. These gas reserves are associated with the tremendous oil reserves of this area and can only be produced along with the oil. Also, there are now no pipeline facilities to bring either oil or gas from the Prudhoe Bay area into the lower 48 States and Government permission to build an oil pipeline to the ice free port of Valdez has not yet been given. Studies for a gas pipeline from Prudhoe Bay through Canada to the lower 48 States are under way but these projects are not only dependent on approval of the United States and Canadian Governments but also upon the availability of the gas reserves which in turn are dependent upon oil production.

The critical fuel supply problem faced by the Nation has resulted from this unprecedented increase in the demand for natural gas. The problem was defined in plain language by Dr. Wilson M. Laird, director of the Interior Department's Office of Oil and Gas, in an address he delivered last October in Denver. Dr. Laird warned:

> The flat, unpleasant, but incontrovertible truth of the matter is that we are short of all kinds of energy, and we are due to remain in this condition for a good number of years to come.

Between 1960 and 1969, gas consumption grew at an average rate of 5.7 percent and it grew by 7 percent in 1970.

The American people are deeply concerned about pollution of the environment. Requirements of State and Federal law relating to air quality will turn the Nation increasingly to the use of this most clean burning of all fuels—natural gas. Its ecological benefits are beyond question.

A recently released survey by the Federal Power Commission showed there were very little uncommitted gas reserves in the contiguous 48 States or in the Outer Continental Shelf. The Commission found as of October 1970, only 4.375 trillion cubic feet of gas reserves were uncommitted (or only 1.6 percent) of a total of 269.9 trillion cubic feet of reserves.

Since consumption of gas is outrunning the discovery and development of new supplies, consumers may rightly wonder if the United States is in danger of running out of gas.

The answer is: Not necessarily.

Despite the present gas supply shortage, the Nation has great potential reserves of this fuel. The U.S. Geological Survey has estimated that our total potential undiscovered gas reserves stand at 2,100 trillion cubic feet, 1,550 trillion cubic feet in the lower 48 States.

But these potential undiscovered reserves are of no use to the consumer unless and until they are found and developed. Their discovery and development are hindered by the elements of uncertainty and delay under which natural gas producers must labor at present.

Mr. Speaker, the legislation I propose, offering validity of contract amendments to the Natural Gas Act, is designed to remove at least some of these elements.

Let me say most emphatically that my proposed amendments do not provide for decontrol of gas prices by the Federal Government. The legislation I offer will not of itself result in higher prices for the gas consumer. It will not relieve the gas producer from regulation by the Federal Power Commission.

What the legislation will do is move toward correction of the situation which has contributed heavily to the fuel shortage that now faces the Nation—and of which the consumer, surely, will be the main victim.

The situation to which I refer is this: Under present Federal law, after a gas producer has contracted to sell gas to an interstate pipeline company, he does not know how much he will be paid for the gas, he does not know how long he will be paid a specific price for his gas, he does not know how much gas he must deliver, and he does not know how long he must make deliveries.

To sum up the matter, his contract terms possess neither validity nor binding effect. Every provision of his contract can be changed by order of the Federal Power Commission. Even prices established by the Commission itself can be, and have been, subsequently reduced.

No group of businessmen can be expected to operate effectively under such conditions. It is hardly surprising that gas producers have lost much of their enthusiasm for the costly and high-risk undertaking of seeking to find and develop new gas reserves. Nor is it surprising that the gas producer who does find new gas reserves would try to avoid the interstate market and would seek to sell them in the intrastate market where his contracts are valid and binding, and are not subject to being rewritten by a Federal agency, usually after delays of many years.

These are the reasons which have contributed to the failure of supplies of natural gas to keep pace with the growing demand.

The legislation which my colleagues and I propose would, in effect, validate a contract between a gas producer and an interstate pipeline company once it has been approved by the Federal Power Commission.

Our bill requires that all new contract between gas producers and interstate pipelines—new contracts being defined as those under which deliveries begin after the effective date of the bill—must be submitted to the Federal Power Commission.

One of three courses will then be open to the Commission.

First, it can approve the contract as drawn, and the contract then becomes valid and binding on all parties concerned and is not subject to further review by the Commission.

Or, the Commission can approve the contract subject to conditions it stipulates, and if the parties to the contract accept those conditions, it will be a binding contract not subject to review except with respect to indefinite pricing clauses and any definite pricing clause disallowed by the Commission.

Or, the Commission can disapprove the contract, which then becomes null and void.

The purpose of these amendments is to give gas producers encouragement to go out and explore for gas to meet the constantly increasing consumer demand. They simply provide that the rules will not be changed after the game has started. They remove delays, confusion, and uncertainty of existing regulation, under which the Federal Power Commission in the past frequently reversed itself, changed the rules, and rewrote longstanding contracts to which producers had in good faith committed their gas for sale.

The regulatory powers of the Commission, designed to protect consumers, are fully safeguarded.

If a contract with an indefinite pricing clause is approved, an increase in price cannot be placed in effect under the clause without review and approval by the Commission at the time it would become effective.

New small producer contracts; that is, contracts for less than 10,000 Mcf of gas per day—are exempted from Commission jurisdiction, with provisions protecting this exemption from abuse. This would greatly lighten the Commission's work load without adversely affecting the control of prices by the Commission.

Existing contracts will remain subject to the Natural Gas Act, as they now are, except that prices which are approved by the Commission are not subject to downward revision.

My bill also establishes new guidelines for the Commission in setting prices. They include consideration of present and future gas supplies and requirements and the rate levels necessary to elicit supplies sufficient to meet the requirements. Other guidelines recognize economic and cost factors indicators and trends, but not cost of service.

Mr. Speaker, that in essence is the effect of the amendments to the National Gas Act that I am placing before the House.

This legislation is urgently needed by the consumers of this country, if they are not to become overly dependent upon unreliable high-cost foreign sources of energy and if the Nation is not to be deprived of the ecological benefits of this clean-burning fuel.

The effect of my bill will be to place regulation of natural gas prices on a rational and responsible basis. It would simply make gas sales contracts valid and binding on all parties concerned once they have Federal Power Commission approval.

This is a public interest bill—a consumer interest measure. I hope it will receive prompt and favorable consideration by the Congress.

LT. WILLIAM CALLEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. STUCKEY) is recognized for 10 minutes.

Mr. STUCKEY. Mr. Speaker, the American people have been tossing and turning in their sleep over the past several nights. We are distressed, indignant, and I believe most of all we are suffering from acute guilty conscience.

Lt. William Calley, an American soldier has been sentenced to life imprisonment. He killed civilians while serving in Vietnam.

I do not condone the killing of civilans, Mr. Speaker, especially women and children. But, the American people and the military establishment must not lose sight of the fact that this war we have been involved in for over 17 years is still considered a civil conflict. It is not a declared war. Our soldiers most often cannot even distinguish the enemy they are supposed to kill from the civilian whose life they must risk their own to protect.

A small child tosses a hand grenade and wipes out the lives of a dozen U.S. soldiers. American newsmen are tortured and killed, it is chalked up as casualties of war but, they are civilians, and without weapons.

Kill or be killed has become an instinct among our fighting men. What goes through the mind of a man when he is fighting half way around the world to prevent the spread of communism?

I have written to the President, Mr. Speaker. My letter will take its place among the hundreds of thousands which I am confident he will receive. My letter respectfully but urgently requests that Mr. Nixon do all in his power, as Commander In Chief of the armed services and take action to prevent the life sentence of William Calley from being on the conscience of the American people.

And, I have done more, Mr. Speaker, I am today introducing a resolution calling on the House Armed Services Committee to conduct a full and thorough investigation into this matter. It is imperative—I repeat, imperative, that a full examination be made and a determination made as to whether Lt. William Calley is just a scapegoat.

And, Mr. Speaker, I believe that we must insist that the Pentagon issue a clear-cut statement as to what is expected of our men in this war that has taken so many thousands of American lives and left other countless thousands maimed for life.

And, finally, Mr. Speaker, as I tried to sleep last night, knowing the action I planned to take as a Member of the House of Representatives and representing the better than 350,000 people in the Eighth District of Georgia—sleep still would not come—and I realized that all this is not enough.

No, Mr. Speaker, I decided that if the American people, if our Government, the establishment cannot support our fighting men, then I can no longer justify drafting them into an impossible situation where it is kill or be killed. But you better watch out because if you kill then you stand the chance that you will be sent up for life when you get home.

So, Mr. Speaker, today I will vote against the extension of the draft. This is my protest for the fighting men in Vietnam. I do not want to send any more of the boys from my district to Vietnam until there is more evidence of support here at home.

The President is bringing home troops. I support him in this. And, if we are not going to fight a war to win—then I say, let us not continue drafting young men to send over there.

ADVOCATING WITHDRAWAL OF ALL GROUND COMBAT FORCES FROM VIETNAM BY END OF 1971

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 20 minutes.

Mr. ST GERMAIN. Mr. Speaker, from the very beginning of the Vietnam war, a fundamental error has confused our policymaking. We have never drawn a clear line on how much money and how much manpower was a reasonable limit in the light of what we could hope to gain there. We assumed that whatever was needed fell within our means.

Even though the goals to be achieved in Vietnam were never crucial to our national security, we uncritically committed ourselves to allocating all the money and manpower necessary to defeat the enemy and keep the Saigon Government in power. We never dreamt that over 50,000 Americans would die there, and that it would swallow up over $120 billion. If we had known at the start what we know now, would we ever have committed ourselves to such a drain on our national resources?

Our purpose in South Vietnam has been to prevent the spread of communism. Yet the Soviet Union must be delighted with our continuing involvement in Southeast Asia. Communists view their world struggle on more than the military level. As each month goes by the Soviet Union sees the United States being hurt economically and politically by the war, losing status in the eyes of world opinion, losing opportunities for solving domestic problems, becoming a divided people, and losing the trust of the American people in the leadership of their Government.

Vietnamese Communism on any analysis must be regarded as nothing more than an indirect and long range threat to our national security. By devoting all our energies there we do nothing to counteract Communist movements in other countries, such as in South America, which could, indeed, have a far greater impact on the United States. We also fail to develop the social and economic model on the domestic scene that would prove the superiority of our

Democratic form of government over Communist rule.

At the very outset a limit should have been placed on the amount of money and number of men that the Vietnam situation warranted. If that had been done, we would never have begun thinking that the opposite of success in Vietnam is defeat. It would simply have been a case of the goals not being worth the price. Obviously by calling upon all our weaponry, nuclear arms if need be, and the total force of all our manpower, a military victory could have been achieved.

But Vietnam has never deserved an all-out effort of American money and manpower. We did think that certain desirable goals could be attained without much cost. We were wrong. The cost has been much heavier than we guessed. The opposite of victory in Vietnam, then, is not defeat. It would be simply lack of success and nothing more—lack of success with the limited resources we are willing to devote to the war. No matter what happens Vietnam will not be an American defeat. But it is an American mistake.

When President Nixon states the issue in terms of victory or defeat, he does us a great disservice. Since the American people do not want to be labeled as having been defeated, such language encourages an unlimited compaign, until military victory is achieved. But if military victory at any price had been worth it to us, we could have been victorious long ago. The alternatives the President presents us are too simplistic and, indeed, dangerous.

The situation must be viewed from a broader perspective. What we were trying to accomplish in Vietnam was worth far less than we have already spent. It is plain commonsense to stop bidding at an auction when the item you are bidding for turns out to be going for a far higher price than you first envisioned. Only fools spend their family rent, food, and clothing money in such a way.

I think it is absolutely essential that we come to our senses and draw a line. The costs are way out of line with the goals. We must make the judgment that other causes both within our country and in other parts of the world better deserve the energy which we have given to Vietnam.

The United States has acted like a doctor in an emergency ward who spends all his time and medicines on one patient while others are suffering and dying around him. The time has come to order the doctor to treat some of the other patients.

Last year I supported the various "end the war" resolutions. It goes without saying that I would like to see us completely out of Vietnam by the end of this year. But there are other views and other voices both in the Congress and in this country. Thus, to gain the support of the majority, I have introduced legislation that sets a limit but is designed to get wider support than the ones proposed so far. My bill is a practical and realistic compromise—the withdrawal of all ground combat troops by December 31, 1971.

If the South Vietnamese Army has already borne the full brunt of the ground fighting in Cambodia and Laos, then they should be able to do the same in their own country by the end of the year. If we could achieve congressional agreement on at least this proposal, then I believe that the end of our involvement in the war will be in sight. Dates for the end of air support and for complete withdrawal will almost certainly follow.

I hope that we have learned something from this war. I hope that we will never again rely on such shoddy intelligence information that got us involved in Vietnam, that depended almost exclusively on the advisers around Diem and gave us a false impression of the popular support for the Saigon Government and numerous misconceptions about the opposition. I hope that never again will Americans be involved in another Mylai incident, in bombing villages in neutral countries as we did in Laos and Cambodia, in destroying the ecology of a country with defoliants and saturation bombing. I hope that we will never again ally ourselves with another government whose practices violate the very ideals we are fighting for by incarcerating political prisoners without trial, muzzling the press, and permitting the torture of prisoners.

I hope we have learned that moral considerations must guide our involvement and conduct in war, and that if they do not, military victory may mean nothing in the end. Finally, I hope we have learned that there are better ways to strengthen and protect the free world than war.

WHAT DO YOU CALL THE PEOPLE WHO SEEK TO CRIPPLE THE NATION'S GOVERNMENT?

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, if enemy agents stormed this city, crippled our national defense capability, halted the business of the Congress, and brought the Government of the United States to its knees, what would you call it?

That is what a band of militants plan to do within the next 2 months. They call it antiwar.

In recent years, that label has been pinned on just about every criminal and radical act in the book. When a campus erupts, buildings burn, police are killed, drug dens flourish, people lie dead, and citizens are terrorized, it is all done in the name of the "antiwar" movement.

Now we are reading detailed press accounts of plans to shut down military bases, block the entrances to Washington, invade Government buildings, harass workers and in general, disrupt the Nation's Capital and the workings of Government. There are some people who seem willing to excuse this behavior because the destruction is to be done at the hands of "antiwar" demonstrators. Let's keep these plans in perspective. The leaders are not "antiwar." Their attitude and their efforts are anti-American, and everyone in America should know it.

Among them there is the National Student Association. In December, 15 leaders of this group went to Hanoi where they signed a "declaration of solidarity" with the Vietcong and North Vietnamese Communists. They also signed a peace treaty calling for the abandonment by the United States of both the South Vietnamese people and our own prisoners of war.

The NSA in February came to terms with the Peoples Coalition for Peace and Justice headed by Rennie Davis and David Dellinger of Chicago Seven notoriety.

The agreement took place at a meeting in Washington attended by leaders of the Communist Party USA, Socialist Workers Party, Young Socialist Alliance, War Registers League, Mayday Movement, and the National Welfare Rights Organization.

To date, about 100 groups and organizations have announced plans to participate in the April and May demonstrations here. They have a right to air their grievances in an orderly and peaceful manner. But I strongly disagree with the premise that the organizers of these demonstrations, with allegiance to philosophies that are enemy to the United States, have a right to come to Washington for the announced purpose of rendering the Government powerless.

These people are not against war. They are for war. Their aim is to destroy the United States by any means including war and violence, and to replace our Government with one of their choosing. For them to openly threaten this city, this Congress, and this Nation in such a manner goes far beyond the right of peaceful assembly and the redress of grievances. Their self-assumed label of "antiwar" demonstrators does not cloak their true motives.

The Federal Government should, as it has in the past, do all in its power to make certain the right of protest is not infringed upon. The police and security forces necessary to assure this right should be made available. These forces also should be given the clear duty to take all necessary steps to protect the Government and people of the United States. In the exercise of that duty they deserve the backing of every American. And the fullest support and cooperation from the Congress and Government officials. They cannot do their work alone. They should not be asked to accept risk and responsibility without a show of appreciation and support from those they protect.

THE LAOTIAN INVASION LOOKS LIKE A MINUS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, from an overall analysis, the military operation conducted by South Vietnam forces in Laos is disappointing. Military professionals call it successful in that an invasion was launched, an objective was reached, enemy supplies were destroyed, heavy casualties were inflicted, and a successful withdrawal was accomplished.

This does not disguise the fact that withdrawal took place weeks earlier than had been intended. The South Vietnam forces had expected to remain in Laos, conduct extensive searches for supplies, and disrupt enemy communications until the monsoon season begins in late April or May. This they failed to do. The operation barely reached its major objective at Tchepone. The troops remained in that area for a limited time only before beginning a retreat to South Vietnam. Tchepone is a major Communist supply area and it was anticipated that a wealth of supplies would be unearthed and destroyed there. Some of this was accomplished. Much more would have been possible had the South Vietnam troops remained there longer. Withdrawal by these forces did not look like an orderly planned withdrawal. Appearances are that they were pushed out of Laos by superior North Vietnam forces. Nevertheless, they fought bravely against much larger forces and they inflicted heavier casualties than they took.

The operation was not a failure. It demonstrated that the South Vietnamese forces have made very substantial progress in developing effective military forces. Such an operation would not have been possible without the support of American ground forces even a few months ago. South Vietnamese are now more confident and they have better leadership. It is to be hoped that failure to accomplish all that was desired in the Laos operation will not have an adverse effect upon morale either among troops or among the Vietnamese population. Let us hope that it does not also sour the American population more.

THE LATE MADISON FAY BOYCE

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the Members of the House have suffered the loss of a good and a long time friend, and the Congress has lost a faithful and dedicated employee. As a personal friend, I deeply regret his passing.

For many years, Madison Fay Boyce was one of those dedicated but unheralded public servants who perform so well in the service of America. Rising to the important position of Chief Bill Clerk of the House, his contributions to the work of the Congress were unique and invaluable.

As one who was privileged to share his friendship, I knew that he was looking forward with great joy to the prospect of a well deserved retirement in Florida next month, and frequently we had discussed his plans for living in my State. Suddenly he has been taken from us, and our sense of loss is very keen. I join with his legion of friends in expressing earnest sympathy to all of his family. The Congress and the Nation share a deep sense of loss at his passing.

STAFFING OF COMMITTEES

(Mr. MITCHELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MITCHELL. Mr. Speaker, during the last few years, this body legislated often to insure equal opportunity in employment. Congress created a Federal agency, the Equal Employment Opportunity Commission, with that specific responsibility, and other Federal departments and agencies established guidelines for themselves in this area. Most Federal contracts with the private sector now contain provisions that fair employment practices will be followed. Congress has made a good beginning of which it can be proud. With energetic Executive enforcement of the law, job discrimination should disappear from the Federal Government, and should be notably reduced in the private sector.

You can imagine my surprise, therefore, to learn recently that congressional committee staffs included almost no blacks as employees.

It is easy to see that blacks are underrepresented in the body of the House itself, and that this disproportion carries over into personal congressional staffs.

Nevertheless, committee staffs are supposed to represent a more ongoing part of the congressional structure, providing service and expertise to their committees and to the House as a whole. Their operations and responsibilities extend beyond the sectarian interests of a particular district. And, consequently, committee staffs should be judged by more demanding standards.

It is difficult to see how the Congress can legislate in favor of Equal Employment Opportunity, and at the same time practice job discrimination itself. Why should we expect the private sector to end unfair employment practices, when the Congress itself does not provide an example of equal employment opportunity. A Washington Post editorial of January 1, 1971, highlights the problem:

> THE PALENESS OF A POLICY
>
> To hear all those fine U.S. government public service messages about the importance and requirements of equal opportunity employment, you might think that Uncle Sam would be right out there at the head of the march, seeing to it that competent, deserving black people are tapped for top policymaking roles. And a casual observer, told by the administration that great strides have been taken in this direction, can immediately notice that not all black people in government are janitors anymore.
>
> But some findings last month by a Washington television program point up dramatically an element of illusion in all this. The staff of "Black News" (WTT–Channel 5) simply went out and made some headcounts. Correspondent Don Alexander found, for example, there were 530 people on the White House staff payroll. Of these, only one special assistant, Mr. Robert Brown, was black. Mr. Brown could name only four other black professionals on the White House staff.
>
> On Capitol Hill, the news team made a floor-by-floor survey that found no more than 80 black professionals, including secretaries. "Only 17 senators' offices have any black staffers at all," Mr. Alexander reported. "There are no black administrative assistants or committee counsels, just 12 legislative assistants and four black special assistants."
>
> In the House, the survey found that only 27 of the 435 congressmen had any black staff members; totals showed two administrative assistants and four legislative assistants. The report came up with no black professionals on House committees except for Education and Labor and Government Operations, where the former chairman, Adam Clayton Powell and William Dawson, were black.
>
> Those blacks who do hold supergrade jobs in the administration told the interviewers candidly that they are not at all pleased with the equal opportunity picture in government today. What's more, they noted, there is not even a significant number of blacks in positions of power to make any policy decisions really affecting the minority.
>
> Given this disturbing picture, it is no small wonder that many black people are somewhat cynical about Uncle Sam's eagerness to give them a fair shake. The phase "black power" may conjure up all sorts of images for white people, but the realities of *black powerlessness* make "equal opportunity" seem to many others to be a put-on.

As you can see, this pattern of unfair job discrimination extends to every sector of the Government. This should not be an excuse, however, for our own inaction.

It is conceivable that other agencies of the Government fail to actively seek blacks to fill professional positions, because they see the lily-white staffs of Congress. Given this state of affairs, how sincere can Congress be?

I want to stress the fact that there are many blacks capable of serving on committee staffs. It is simply a question of Congress failing to energetically seek minority people who would work for committees. This failure is a disservice not only to ourselves, but to the Nation as a whole.

Mr. Speaker, I call upon the Congress to rectify this situation immediately. By example as well as by legislation, this body should lead the fight against job discrimination.

LEGISLATION TO ESTABLISH HEALTH STANDARDS FOR FOOD SERVICE ESTABLISHMENT EMPLOYEES IN THE HOUSE AND SENATE RESTAURANTS AND IN THE DISTRICT OF COLUMBIA

(Mr. HALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HALL. Mr. Speaker, I am today introducing two bills which are designed to protect the health and well-being of Congressmen, Senators, Government employees, visitors to—and citizens of the District of Columbia; by the establishment of health standards for the employees of food establishments in the District.

The first bill was introduced by myself last August, and, was in reaction to the tuberculosis outbreak on Capitol Hill that occurred in the early part of 1970.

This bill, now joined in by my friend from South Carolina, the Honorable JOHN McMILLAN, brings the District Health Code in line with the better codes of other major cities in the Nation.

The District code now contains a law stating that no person afflicted with any communicable disease can work "with food." But no law or regulation requires current congressional food-handling employees or such applicants anywhere in the District of Columbia area to take a physical examination of any sort, let alone annually.

In essence, the "Hallbill" requires that no person can be employed by any food establishment in the District of Columbia unless he meets such health standards prescribed by the District of Columbia Council, in pursuance to the tests outlined in the bill. The bill calls for annual examination which include a tuberculin test, X-ray, of the chest—uncovered—a serological test, and examination of hands, skin, nose, and throat and body orifices—including a culture where appropriate. These standards would provide sufficient protection against further outbreaks of communicable diseases such as tuberculosis, and other common and rarer diseases ordinarily associated with food-handling and preparation.

These requirements would be administratively and budgetarily feasible. Tuberculin tests are not costly. Up to 1957 the District of Columbia required an annual physical examination and health permit requirement, for restaurant workers. The point is, we cannot afford to do without them. The marvel is, that an entire Capitol Hill force has escaped so long.

Tuberculosis is a highly contagious bacterial disease usually associated with poverty, stress, overworked, and social problems. The average active case of tuberculosis will be the source for the infection of 15 persons, before it is detected. The TB victim can begin infecting others well before his own symptoms force him to seek medical advice. Therefore, people constantly in contact with the public, should meet such minimal health requirements as I have outlined above in order to prevent outbreaks similar to that of Capitol Hill.

It may surprise you to know, the District of Columbia ranks fifth in the incidence of active new tuberculosis cases among the more than 50 cities in the Nation with a population of 250,000 or more. New case-rates are nearly three times the national average and the death rate more than triple that of the rest of the Nation, according to H. Michael Cannon, director of District of Columbia's Tuberculosis and Respiratory Disease Association.

Now, Mr. Speaker, my second bill would repeal that section of the District of Columbia code which exempts the House and Senate restaurants for the District health regulations. This proposed legislation is identical to legislation I had prepared last year and Chairman McMillan introduced. It seems ludicrous that restaurants which feed the leaders of our Nation, should be "exempt" from any minimum health standards. The folly of this exemption was clearly witnessed by the death and disease, tuberculosis brought to Capitol Hill last year.

Finally, Mr. Speaker, public apathy is one of the greatest problems now confronting those involved in controlling tuberculosis or any other contagious disease. Given the record of the District of Columbia, I strongly feel that it is time that the Congress set an example for the rest of the Nation in the field of public health. As one of the "doctors in the House," I am sure of it.

DEFEAT OF THE SST

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, there has been a great deal of public discussion about the underlying causes of the defeat of the supersonic transport program, and in the barrage of comment and conjecture about what was right and what was wrong with the program the relatively simple reasons for the defeat have been obscured.

An excellent editorial concerning the defeat of the SST program appeared in the March 25 edition of the Ansonia Evening Sentinel, and I am inserting the article in the Record at this point for the benefit of my colleagues.

Grounding the SST

Major issues seldom are simple, and the issue of the supersonic transport is no exception. Strong arguments can be made both for and against building the SST.

Last week the House of Representatives accepted the arguments of those opposed to the plan and voted 215 to 204 to cut off federal funding on March 30. Rep. John S. Monagan, who represents the Valley, was one of those voting to kill the plane. Yesterday the Senate concurred.

Those favoring the SST had six principal arguments. They contended that:

Someone—either Russia or Britain and France or the United States—is going to build it. Therefore, it should be the U.S.

The U.S. could earn large amounts of foreign exchange through the sale of the SST throughout the world, thereby improving the balance of payments.

Development of the SST would give American science and technology a big boost.

Manufacture of the plane would improve employment in depressed areas and increase the profits of faltering companies.

The challenge of flying commercial aircraft faster than the speed of sound should be met for its own sake.

Speedier flight would benefit American and other travelers.

Opponents of the SST has six main arguments. They contended that:

The giant plane would cause pollution of the upper atmosphere, perhaps diluting the earth's protective blanket of gasses to let more cancer-causing rays reach the surface.

The SST would be unbearably noisy.

The SST would have to be flown over water only because of the noise, thus barring it from the many routes that cross the land.

It would benefit certain airlines and aircraft makers at the expense of the taxpayers in general.

It would fill no real need since people do not really have to fly faster than sound.

The cost of the plane would be out of all proportion to its benefits, especially when large amounts of money should be spent on human needs here on earth.

To us, the question comes down to two points: Is the SST a threat to the environment? And is it worth what it will cost?

The truth is that nobody knows whether the supersonic transport would damage the upper atmosphere—or even how unpleasant its noise would be. This includes the scientists who know more about these fields than anyone else. Until we know more about these things, we would be well advised to go slowly.

But the basic question is whether the benefits of the plane would outweigh its cost. The best answer seems to be that they would not. There is no overwhelming need for such a speedy transport now. There is a need to save the billions of dollars that development of such a plane would represent.

Nor should be we moved by arguments that if the U.S. does not fly the SST, other nations will. The British-French Concorde project is in deep trouble. The Russian supersonic transport can be built only at enormous cost. Even then, the U.S. could exclude it from American airports on grounds of air pollution and noise pollution, making its commercial success impossible.

The Congress dealt the SST a near-mortal blow. The project should be allowed to expire without further efforts at resuscitation.

AMERICA'S GREAT ACCOMPLISHMENTS

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Of the world's 10 largest dams, five are in the United States. No other nation in the top 10 has more than two. The five U.S. dams comprise a total volume of structure of 442.4 million cubic yards.

PROPOSED TERMINATION OF SUGAR QUOTA ALLOCATED TO REPUBLIC OF SOUTH AFRICA

(Mr. DOW asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DOW. Mr. Speaker, today I am introducing legislation to amend the Sugar Act of 1948 to terminate the sugar quota allocated to the Republic of South Africa.

The Sugar Act expires this year and is presently before the Congress for review. Now is the most appropriate time to discuss the policy of continuing support by economic means a government which practices an apartheid policy repugnant to the principles and ideals of all Americans.

My bill simply eliminates the quota presently given to South Africa and redistributes it to the other countries who receive a quota under the act. This approach emphasizes the issue before this country and the Congress: Should we in any way lend economic support to this regime unless it changes its racial policies?

We must also remember that it was U.S. support which absorbed the sugar market previously imported by Great Britain before it stopped trading with South Africa in 1962. The economic benefits to South Africa are substantial, they are worth more than $5 million above the market price.

For many years it has been the policy of the U.S. Government to preserve within the United States the ability to produce a substantial portion of our sugar requirements. In earlier years protection of our domestic producers was provided by a tariff policy, then, in 1934 a quota system which protected the domestic market by quotas for both domestic producers and foreign suppliers was enacted. This quota system was revised in 1937 and further revised in 1948 under the present act. The House Agriculture Committee report on the sugar program of December 31, 1920, states on page 29 that—

> It is unlikely any significant quantity of sugar would be grown in the United States if American producers had to compete on the open world market with sugar produced with cheap tropical labor or under subsidy in other countries.

The committee report highlights the economic fact that the U.S. price is above the world price and, therefore, under the quota, any country trading with us does therefore receive a form of economic aid. A recognition of this view was made by our Government on November 20, 1965, when the quota of Southern Rhodesia was suspended pursuant to the terms of the Sugar Act after a Presidential finding that it would be contrary to the national interest of the United States to continue the sugar quota for Southern Rhodesia.

The other precedent of suspension was the withdrawal of the entire quota for Cuba by President Eisenhower in 1960 in response to the expropriation of American property by the Castro regime.

I believe that the continuation of a quota for South Africa is very much against our national interest. The racial policies of the South African Government have been deplored by our own officials but no governmental act has followed these pronouncements. The treatment by the South African Government of our own citizens is the ground on which to base the withdrawal of the quota. Two of our colleagues, Congressman CHARLES DIGGS and Congressman OGDEN REID, were refused visas to that country as was an American well known to the world of sports, Mr. Arthur Ashe. I have asked the Congressional Research to provide me with a complete list of other U.S. citizens who were denied visas or expelled by the South African Government.

Mr. Speaker, one of the factors considered by the Congress in the apportionment to individual countries of the portion of the market reserved for imports is, according to the House Agriculture Committee print of December 31, 1970, page 48:

> Friendly government to government relations, *including non-discrimination against U.S. citizens in the quota country* and indemnification for property owned by U.S. citizens in cases of expropriation. (Emphasis added.)

I strongly believe that the Government which clearly stands for a policy abhorrent to our own citizens and which has practiced discrimination against our citizens and our Congressmen should not continue to be rewarded with a quota when the Sugar Act is reviewed by the Congress. My amendment would simply extinguish this benefit and redistribute it to other importers:

ROLLCALL VOTE IN THE DEMOCRATIC CAUCUS ON SETTING DATE TO END WAR

(Mrs. ABZUG asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, I rise today to discuss the new practice in the Democratic caucus of denying the public access to the journal of the caucus. While I was not a Member of the 91st or prior Congresses, it is my understanding that the proceedings of the caucus, including the yeas and nays on any question, were made available to the press and the public following Democratic caucuses.

Rule 11 of the Democratic caucus states that—

> The Caucus shall keep a journal of its proceedings, which shall be published after each meeting, and the yeas and nays on any question shall, at the desire of one-fifth of those present, be entered on the journal.

The precedents of the House of Representatives indicate that the intention of this rule to facilitate public access to the journal, and all matters entered thereon. Section 3608—volume VIII, page 954—states—

> Proceedings of the Democratic caucus are recorded in its journal, which is open to inspection by the public.

In 1913, Speaker Champ Clark could proudly proclaim that—

> So far as an open caucus is concerned, the Democratic caucus blazed the way to give publicity to caucus action.

Mr. Speaker, it is indeed ironic that at the very moment the House is recording teller votes, the Democratic caucus is marching backward toward the 19th century in terms of its procedures. It is my view that the Democratic leadership should abandon this new practice of denying the press and the public access to the complete journal of the caucus, including the yeas and nays on any question, as provided in rule 11 of the caucus.

Yesterday, for example, the caucus adopted by one vote, 101 to 100, the Bolling-Dent substitute to the Matsunaga resolution, and thereby contributed to a year-long prolongation of the conflict in Indochina and the needless suffering of all parties to that conflict. The substitute also gives the President a free hand to invade such countries as he may choose all over Indochina. The Matsunaga resolution would have set December 31, 1971, as the deadline for our withdrawal. The American people have a stake in knowing how the vote went. They have a right to know just how their representatives vote in committee, in the caucus, and on the floor, it is a right requiring consistency, not a hit-or-miss application depending on the sensitivity of the issue. And the policy of the leadership should reflect this right. Because of my deep belief in this concept so fundamental to a democracy I override my freshman misgivings and submit for the RECORD the following article which appeared in today's Baltimore Sun:

THE 1973 PULLOUT IS ENDORSED

(By Adam Clymer)

WASHINGTON, March 31.—House Democrats today discarded their hawkish image and called for withdrawal from Indochina by January 3, 1973.

Doves failed by only one vote—101 to 100—to back a pullout deadline of December 31, 1971.

The Democratic caucus resolution called on the House to "work to end the United States military involvement in Indochina and to bring about the release of all prisoners in a time certain during the 92d Congress."

It also urged—in a way Democratic doves denounced as dangerously vague and as a blank check, and Republicans, perhaps some of them whimsically, praised as patriotic—"full support wherever possible" of presidential and congressional efforts "pertinent to these ends."

The vote to approve the resolution was 138 to 62, with 54 Democrats not voting.

The opposition was almost evenly divided among hawks who did not want any deadline, like Representatives F. Edward Hébert (La.) and George H. Mahon (Texas), the chairmen of the Armed Services and Appropriations committees, and doves who insisted on the earlier deadline, like Representatives Bella S. Abzug (N.Y.), Andrew Jacobs, Jr. (Ind.) and Parren J. Mitchell (Md.).

A few minutes earlier, supporters of the final resolution like Representative Carl Albert (Okla.), the Speaker of the House, had only barely got it approved as a substitute for the December 31 resolution. They persuaded hawks like Mr. Hébert that, if the substitute was not approved, the December 31 measure would carry.

Hawks and middle-of-the-roaders formed the 101 votes in the majority to change the December deadline. Two identifiable hawks were in the group of 100 that opposed amending the original resolution and substituting the later date (patterned closely on a resolution passed by Senate Democrats February 22).

The meeting was closed to press, and, despite Rule 11 of the caucus which directs that its journal must be published, officials refused to release the rollcall.

VARIETY OF INTERPRETATIONS

However, an unofficial tally, kept by members, showed two Marylanders, Representatives Edward A. Garmatz (3d) and Goodloe E. Byron (6th) as not voting; two others, Mr. Mitchell and Representative Paul S. Sarbanes (4th) preferring the December 31 deadline; and one, Representative Clarence D. Long (2d), preferring the 1973 version.

The series of votes and the secret nature of the speeches that were made on the various proposals, led to a variety of interpretations.

Most significant, perhaps, were the views of the five members who had introduced the resolution with the December 31 pullout and prisoner-return deadlines. All of them backed the final version, although they had voted against it on the 101-to-100 vote.

"We consider this to be a victory," Representative Spark M. Matsunaga (D., Hawaii) said.

"GULF OF TONKIN"

Another author, Representative Sam Gibbons (D., Fla.) said, "We got what we realistically thought we were going to get," indicating that the 1973 resolution was an agreeable fall-back position.

But Mr. Jacobs, for example, called it a "Gulf of Tonkin" resolution and added, "Any fool knows now" that the President could use the language as an excuse to invade North Vietnam.

Mr. Albert told reporters that, although he has repeatedly opposed any deadline in the past, "I don't think it was either a slap at the President or a vote of confidence." He added that he thought the resolution did not say the United States must be out of Vietnam by the end of this Congress but only that Congress should try to get it out.

The Republicans sought to interpret the resolution in a way helpful to the administration. Representative Gerald R. Ford (R., Mich.), the minority leader, said, "The President will be strengthened by the support of all Americans in the courageous course he is pursuing."

How They Voted on Resolutions

WASHINGTON, March 31.—Below is the vote for substituting a withdrawal deadline of January 3, 1973, for the December 31, 1971, deadline first proposed.

"X" indicates the congressman then voted against the amended resolution. Representative Henry S. Reuss (D., Wis.) voted "present" on the amended resolution.

IN FAVOR (101)

xAbernethy (Miss.), Albert (Okla.), Alexander (Ark.), xAndrews (Ala.), Ashley (Ohio) Aspinall (Colo.), xBaring (Nev.), Bennett (Fla.), xBevill (Ala.), Boggs (La.), Bolling (Mo.), xBrainkley (Ga.), Books (Texas), Burlison (Mo.), xCabell (Texas), Carney (Ohio), Casey (Texas), xChappell (Fla.), Clark (Pa.), xColmer (Miss.), xDaniel (Va.), Daniels (N.J.), Danielson (Calif.), de la Garza (Texas), Denholm (S.D.), Dent (Pa.), Dingell (Mich.), Dorn (S.C.), Dulski (N.Y.), Edmondson (Okla.), Evans (Colo.), and Fascell (Fla).

xFisher (Texas), Flood (Pa.), Flowes (Ala.), xFlynt (Ga.), Foley (Wash.), Fuqua (Fla.), Gaydos (Pa.), Giaimo (Conn.), xGriffin (Miss). Hanley (N.Y.), Hansen (Wash.), Hays (Ohio), xHébert (La.), xHenderson (N.C.), Hicks (Mass.), Ichord (Mo.), Johnson (Calif), Jones (Ala.), Jones (Tenn.), Kazen (Texas), Kee (W. Va.), Landrum (Ga.), xLennon (N.C.), Long (Md.), McCormack (Wash.), McFall (Calif.), McKay (Utah), xMahon (Texas), Mann (S.C.), Mathis (Ga.), and Meeds (Wash.).

Miller (Calif.), Mills (Ark.), Mollohan (W. Va.), Monagan (Conn.), xMontgomery (Miss.), Morgan (Pa.), Murphy (N.Y.), xNichols (Ala.), Nix (Pa.), Pepper (Fla.), Perkins (Ky.), Pickle (Texas), Pike (N.Y.). Price (Ill.), Purcell (Texas), Randall (Mo.), xRarick (La.), Roberts (Texas), Rogers (Fla.), xRunnels (N.M.), xSatterfield (V.), xSikes (Fla.), Sisk (Calif.), Slack (W. Va.), Smith (Iowa), Stanton (Ohio), Steed (Okla.), Stephens (Ga.), xStratton (N.Y.), Stubblefield (Ky.), xTaylor (N.C.), Teague (Texas), xWaggonner (La.), Watts (Ky.), White (Texas), xWhitten (Miss.), Wright (Texas), and Yatron (Pa.).

OPPOSED (100)

xAbourezk (S.D.), xAbzug (N.Y.), Adams (Wash.), Addabbo (N.Y.), xAnderson (Calif.), Anderson (Tenn.), Aspin (Wis.), xBadillo (N.Y.), xBegich (Alaska)), Bergland (Minn.), Bingham (N.Y.), Blatnick (Minn.), Boland (Mass.), Brademas (Ind.). Brasco (N.Y.), Burke (Mass.), xBurleson (Texas), Burton (Calif.), xCarey (N.Y.), xChisholm (N.Y.), xConyers (Mich.), Corman (Calif.), Cotter (Conn.), Culver (Iowa), and xDelaney (N.Y.).

xDellums (Calif.), xDiggs (Mich.), Donohue (Mass.), Dow (N.Y.), Drinan (Mass.), Eckhardt (Texas), xEdwards (Calif.), xEliberg (Pa.), xFord (Mich.), Fulton (Tenn.), Fraser (Minn.), Galifianakis (N.C.), Gibbons (Fla.), Grasso (Conn.), Griffiths (Mich.), Hamilton (Ind.), xHarrington (Mass.), xHathaway (Maine), Hawkins (Calif.), xHechler (W. Va.), Helstoski (N.J.), xHoward (N.J.), xHungate (Mo.), xJacobs (Ind.), Karth (Minn.), xKastenmeier (Wis.), Kyros (Maine), Leggett (Calif.), xLink (N.D.). Madden (Ind.), Matsunaga (Hawaii), and Mazzoli (Ky.).

Melcher (Mont.), Metcalfe (Ill.), Mikva (Ill.), Minish (N.J.), xMink (Hawaii), xMitchell (Md.), Moorhead (Pa.), Moss (Calif.), Murphy (Ill.), Nedzi (Mich.), Obey (Wis.), O'Hara (Mich.), O'Neill (Mass.), xPatten (N.J.), Podell (N.Y.), Preyer (N.C.), Pryor (Ark.), Pucinski (Ill.), xRees (Calif.), Reuss (Wis.), Roe (N.J.), Roncalio (Wyo.), Rooney (Pa.), xRosenthal (N.Y.), Rostenkowski (Ill.), Roy (Kan.), xRoybal (Calif.), xRyan (N.Y.), Sarbanes (Md.), Scheur (N.Y.), Seiberling (Ohio), and Staggers (W. Va.).

xStokes (Ohio), Symington (Mo.), Thompson (N.J.), Tiernan (R.I.), Udall (Ariz.), Ullman (Ore.), Van Deerlin (Calif.), xWaldie (Calif.), xWilson (Calif.), Wolff (N.Y.), and Yates (Ill.).

ABSENT OR NOT VOTING

Abbitt (Va.), Annunzio (Ill.), Barrett (Pa.), Biaggi (N.Y.), Blanton (Tenn.), Byrne (Pa.), Byron (Md.), Caffery (La.), Celler (N.Y.), Clay (Mo.), Collins (Ill.), Davis (Ga.), Dowdy (Texas), Downing (Va.), Edwards (La.), Evins (Tenn.), Fountain (N.C.), Gallagher (N.J.), Garmatz (Md.), Gettys (S.C.), Gonzalez (Texas), Gray (Ill.), Green (Ore.), Green (Pa.), Hagan (Ga.), and Haley (Fla.).

Hanna (Calif.), Hicks (Wash.), Holifield (Calif.), Hull (Mo.), Jarman (Okla.), Jones (N.C.), Kluczynski (Ill.), Koch (N.Y.), Long (La.), McMillan (S.C.), Macdonald (Mass.), Natcher (Ky.), Passman (La.), Patman (Texas), Poage (Texas), Rangel (N.Y.), Rodino (N.J.), Rooney (N.Y.), Roush (Ind.), St Germain (R.I.), Shipley (Ill.), Stuckey (Ga.), Sullivan (Mo.), Vanik (Ohio), Vigortio (Pa.), Young (Texas). and Zablocki (Wis.).

This article should have been issued as a matter of policy by the caucus itself.

WHO IS TO BLAME?

(Mr. HUNT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HUNT. Mr. Speaker, this week a young American soldier-officer was convicted of the willful and premeditated killing of a number of civilians in South Vietnam. This young American was entered into the military service of his country, trained in the expertise of modern warfare and weaponry, physically and mentally hardened to face an enemy of his country, and taught that in combat he must kill or be killed. This young American was selected, commissioned to be a leader of other young American soldiers, and then ordered to duty by his Government to an alien land thousands of miles from his homeland. There, he was left in an environment totally foreign to his upbringing, where the "enemy" is indistinguishable from the "friends," and where his attitude, training, and love of life must have been conditioned by the knowledge of the bitterly divided Nation he left behind.

I do not condone the wanton slaying of innocent civilians anywhere by anyone. But neither do I condone the Government's action of taking the flower of our youth, training them in the art of modern warfare, and ordering them to a combat area where, from the highest echelons, it has been predetermined they will not be permitted to win. So, they must fight in the muck and mire of a foreign land with no hope of eventual victory, where their only hope is that they will sweat out their time and return home—alive.

No, Mr. Speaker, I do not condone wanton slaying nor do I condone a no-win—cannot win—war. It is time to make a major decision—now. I have stood behind our President and his policy of Vietnamization so that we might extricate ourselves from this tragic war carried over from prior administrations while at the same time leaving behind a just and stable peace.

God rest those brave men who did not make it in their struggle to keep alive while fighting, as it were, with one hand tied behind their back. Our fighting men who in the past have been inspired by a history of fighting the winning cause—and we have never before been involved in a war that was lost—cannot be expected by any standard to face battle with honor, offering their very lives, if our leaders and our Nation become resigned to a "no-win" policy that will insure national disgrace and the defeat of our Allies.

GROUNDING OF THE U.S. SUPERSONIC TRANSPORT

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include an editorial.)

Mr. GERALD R. FORD. Mr. Speaker, one fact stands out more starkly than any other in connection with the congressional decision to ground the U.S. supersonic transport.

That fact is that a majority in the Congress for the first time is satisfied to make the United States a second-best nation.

The halting of the SST development marked a turning point for the United States. With that vote, the Congress said it does not matter if the Soviet Union, or England and France, surpass the United States in the production and sale of the commercial aircraft of the future.

The economic arguments against the U.S. SST are reminiscent of the opposition which greeted other great technological developments in American history—the steamboat and the first airplane. Columnist Judd Arnett of the Detroit Free Press also has a commentary on the early days of the automobile. His column follows:

WILL VOTE TO DROP THE SST PROVE ANOTHER BUM GUESS?

(By Judd Arnett)

This is going to be about airplanes, automobiles and bum guesses, all timely subjects in view of recent developments.

It has been inspired by the decision of the United States Senate to terminate appropriations for the development of the Super-Sonic Transport; and by a letter from Frank S. Hedge, vice president of American Motors Corporation. From such acorns, hopefully, do columnists fashion mighty oaks. Anyhow, away we go . . .

On the basis of the Senate's decision reached on Wednesday, one might be excused for assuming that the pattern of commercial aviation in America has been established for a number of years to come.

We will have to be "content," if that is an adequate word, with plowing through the air at a sedate 600-miles-per-hour in the 707, 747 and the various other jetliners already perfected.

Forget about New York-to-London in three hours or Detroit-to-Los Angeles before the ice melts in your first martini. The United States Senate in all of its infinite wisdom has frozen the operations of the aviation industry and that is the way it is going to be.

Right? Well, perhaps, but don't bet on it. For if recent history tells us anything, it is this: That man has consistently underestimated his capacity to perform miracles in the fields of transportation.

Let us turn now to the letter from Frank S. Hedge for a few illustrations, uncovered recently while researchers at American Motors were seeking material for an article.

1908—William C. Durant, in the process of putting General Motors together, predicted to George W. Perkins of J. P. Morgan & Co. that "The time will come when 500,000 automobiles will be manufactured and sold in this country every year."

Mr. Perkins was so incensed by Mr. Durant's "effrontery and stupidity" that he left the room.

1920—John W. Prentiss, another banker, was quoted in "The Spur" in this light: "Much discussion has been heard for a good many years about the saturation point in the automobile business, but no saturation point will probably be seen until there are at least 30,000,000 automobiles in the world."

1920—(This was evidently a vintage year for bum guesses): The Federal Trade Commission's report on fuel led to a general conclusion that the nation's supply of gasoline and oil for motor vehicles would be exhausted in approximately six years.

1921—Leonard P. Ayres, vice president of the Cleveland Trust Co., states: "The theoretical number of possible purchasers of motor vehicles seems to be limited to about 20,000,000.

1921—(This, too, was a vintage year!): The following appeared in the August 9 report of the Babson Statistical Organization:

"The most important question in industry is: 'What is the saturation point with our population of 105 million people?' Under constant conditions, there must be a saturation point. The optimists say 20 million cars; the conservatives say 10 million cars. Our estimate is 12 million, until coal dust or some cheap fuel can be used."

Having considered the prognostications of those sages of the past, one might also be well-advised to remember that the record of government in the control of traffic has been studded with a few clinkers, too. In 1908, for instance, the Texas Legislature ruled as follows:

"(1) On discovery of an approaching team of horses, the motorist must stop off the side of the road and cover his machine with a tarpaulin painted to correspond to the scenery. (2) In case the horse will not go past the scenic tarpaulin, the motorist will take his machine apart as quickly as possibly and hide the parts in the grass. (3) Motorists on a country road at night must send up a red rocket every mile and wait ten minutes for the road to clear—then proceed carefully, blowing his horn and shooting Roman candles."

Such, dear friends, has been the vision of some of those who would either finance or control transportation. The Senate decision notwithstanding, one suspects there will be some changes in the future of aviation, too.

HOUSE CONCURRENT RESOLUTION PAYING TRIBUTE TO THE FIRST ANNUAL NATIONAL EXPLORERS PRESIDENTS' CONGRESS OF THE BOY SCOUTS OF AMERICA

(Mr. ROGERS asked and was given permission to extend his remarks at this point in the Record.)

Mr. ROGERS. Mr. Speaker, I am proud to join with my colleagues Mr. Rodino and Mr. Poff in introducing a concurrent resolution commemorating the first annual National Explorers Presidents' Congress of the Boy Scouts of America. This Congress will take place in Washington, D.C., from June 2 to June 6, and will assemble between 4,500 and 5,000 young leaders of the more than 350,000 young men and women who make up American Scouting. This Washington Congress will provide these young men and women with firsthand experience in the democratic process as they elect their national officers and conduct their business, as well as affording them an opportunity to observe their Federal Government in operation.

Scouting offers many constructive alternatives to our Nation's youth, and gives them a unique opportunity to participate in potential career fields under professional guidance. I salute this group of young Americans as they approach their first national Congress. I ask that the text of the concurrent resolution appear in the Record following my remarks.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Camp of Oklahoma (at the request of Mr. Gerald R. Ford) on account of illness.

Mr. Galifianakis (at the request of Mr. Albert) for today on account of official business.

Mr. Long of Maryland for April 1–19, 1971, on account of Appropriations Committee business.

Mr. Gettys (at the request of Mr. Patten) for today on account of illness.

Mr. Frey of Florida (at the request of Mr. Gerald R. Ford) on account of official business as a member of the House Committee on Science and Astronautics.

Mr. Winn of Kansas (at the request of Mr. Gerald R. Ford) on account of official business as a member of the House Committee on Science and Astronautics.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Lent) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Bell for 20 minutes today.
Mr. Buchanan for 5 minutes today.
Mr. Mizell for 5 minutes today.

(The following Members (at the request of Mr. Begich) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Kee for 15 minutes today.
Mr. Dent for 30 minutes today.
Mr. Rarick for 15 minutes today.
Mr. Murphy of New York for 15 minutes today.
Mr. Stuckey for 10 minutes today.
Mr. St Germain for 20 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Flynt, and to include extraneous material in his remarks made on the Selective Service Act amendments today.

(The following Members (at the request of Mr. Lent) and to include extraneous matter:)

Mr. Derwinski in two instances.
Mr. Scherle.
Mr. Pettis.
Mr. Esch.
Mr. Hillis.
Mr. Wyman in two instances.
Mr. Pelly.
Mr. Fish in two instances.
Mr. Morse.
Mr. Steiger of Wisconsin.
Mr. Hosmer in two instances.
Mr. Snyder.
Mr. Burke of Florida.
Mr. Kemp.
Mr. Lent in two instances.
Mr. Schmitz.
Mr. Saylor in two instances.
Mr. Young in five instances.
Mr. Railsback.
Mr. Broyhill of Virginia in three instances.
Mr. Gude.
Mr. Bob Wilson in three instances.
Mr. Landgrebe in two instances.
Mr. Mizell in three instances.
Mr. Hansen of Idaho.
Mr. Collier in five instances.
Mr. McCloskey.
Mr. Robison of New York.
Mr. Hogan in five instances.

(The following Members (at the request of Mr. Begich) and to include extraneous matter:)

Mr. de la Garza in 10 instances.
Mr. Badillo in two instances.
Mr. Runnels.
Mr. Anderson of California in two instances.
Mrs. Sullivan in two instances.
Mr. Waldie in two instances.
Mr. Bolling in two instances.
Mr. Nix.
Mr. Abbitt in two instances.
Mr. Rodino in three instances.
Mr. Van Deerlin.
Mr. Helstoski.
Mr. Matsunaga.
Mr. O'Hara in two instances.
Mr. Minish in two instances.
Mr. Rarick in four instances.
Mr. Wolff.
Mr. Roe.
Mr. Murphy of New York.
Mr. Fountain in two instances.
Mr. Eilberg in two instances.
Mrs. Hicks of Massachusetts in two instances.
Mr. Karth in two instances.
Mr. Pickle in two instances.
Mr. Gonzalez in two instances.
Mr. Cotter in six instances.
Mr. Long of Maryland.
Mr. Begich in two instances.
Mr. Dorn.
Mr. Collins of Illinois.
Mr. Caffery.
Mr. Byron in three instances.
Mr. Daniels of New Jersey.
Mr. Foley in two instances.
Mr. Monagan.
Mr. Hagan in two instances.
Mr. Roncalio in two instances.
Mr. Hicks of Washington in two instances.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on March 31, 1971, present to the President, for his approval, a bill of the House of the following title:

H.R. 5432. A bill to provide an extension of the interest equalization tax, and for other purposes.

ADJOURNMENT

Mr. BEGICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, April 5, 1971, at 12 o'clock noon.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1970, TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the CONGRESSIONAL RECORD pursuant to section 4(b) of Public Law 85–804:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C.

Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: In compliance with Section 4(a) of Public Law 85–804, the calendar year 1970 report on extraordinary contractual actions to facilitate the national defense is transmitted herewith.

Table I shows that 277 contractual actions were approved with a cost to the Government of $4,158,000, and that 95 actions were disapproved. Included in the number of actions approved are 108 actions for which a potential Government liability cannot be estimated.

Table II lists the actions which have an actual or potential cost to the Government of $50,000 or more. Also included in this list are the 108 actions above for which a potential cost cannot be estimated.

Sincerely,

GLENN V. GIBSON,
Acting Assistant Secretary of Defense (Installations and Logistics.)

TABLE 1.—SUMMARY REPORT OF CONTRACTUAL ACTIONS TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY-DECEMBER 1970

[Dollar amounts in thousands]

Department and type of action	Actions approved			Actions denied	
	Number	Amount requested	Amount approved	Number	Amount
Department of Defense (total)	277	$4,961	$4,158	95	$12,057
Amendments without consideration	7	395	200	12	4,469
Correction of mistakes	118	2,396	1,820	67	6,766
Formalization of informal commitments	17	233	201	8	138
Contingent liabilities	108				
Disposition of property	1			2	
Other	26	1,937	1,937	6	684
Army (total)	69	2,230	1,511	24	6,742
Amendments without consideration	1	236	106	4	1,268
Correction of mistakes	29	1,776	1,219	14	5,418
Formalization of informal commitments	11	218	186	4	56
Contingent liabilities	13			0	
Disposition of property	1			2	
Other (employee compensation clauses ASPR 18-703.2)	14			0	
Navy (total)	106	473	469	7	1,379
Amendments without consideration	5	48	48	4	725
Navy—Continued					
Correction of mistakes	23	$407	$403	2	$7
Formalization of informal commitments	3	14	14		
Contingent liabilities	74				
Other (secretarial authority and residual powers)	1	4	4	1	647
Air Force (total)	40	195	128	38	1,607
Amendments without consideration	1	111	46	2	520
Correction of mistakes	17	84	82	32	1,006
Formalization of informal commitments				3	81
Contingent liabilities	21				
Other (contract modification or termination)	1			1	
Defense Supply Agency (total)	62	2,063	2,050	26	2,329
Amendments without consideration				2	1,956
Correction of mistakes	49	129	116	19	335
Formalization of informal commitments	3	1	1	1	1
Other	10	1,933	1,933	4	37

TABLE II.—LIST OF CONTRACTUAL ACTIONS WITH ACTUAL OR POTENTIAL COST OF $50,000 OR MORE TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY-DECEMBER 1970

Name and location of contractor	Actual or estimated potential cost	Description of product or service	Justification
Amendments without consideration:			
Army: Janke & Co., 38–44 Railroad Ave., Hackensack, N.J.	$106,000	154 type D-5B hydraulic test stands	The company applied for relief on Aug. 25, 1967, stating that defective specifications and Government-caused delay resulted in additional expenses not contemplated by the contract. Notwithstanding its critical financial condition, however, throughout this period of delay Janke continued to produce the test stands under the encouragement and at the insistence of the Government and in apparent reliance on the contracting officer's favorable recommendation for relief.
Correction of mistakes:			
Army:			
Collins Radio Co., 1200 North Alms Rd., Richardson, Tex.	113,188	14 radio terminal sets AN/TRC-132A	A requirement of the contract was for the contractor to submit provisioning data and a vendor list to the procuring officer. Collins Radio Co., submitted their bid with an asterisk by the price stating in a footnote that it did not include the cost of the vendor list. The contract was executed not taking this into consideration. The contractor is being reimbursed to correct a mutual mistake.
Continental Motors Corp., Post Office Box 90, Mobile, Ala.	436,500	Rebuilding of LSD 465-1A engines	On Dec. 6, 1967 Continental was awarded a letter contract for the rebuilding of 3,000 engines with an option for the Government to increase this amount by 100 percent. On Dec. 26, 1967 Continental gave written confirmation that an error had been made in its offer in that the cost of pistions (6 per engine at $24.25 each) had been omitted as a result of a clerical error. On May 9, and 17, 1968, the Government exercised its option and increased the engines to 6,000. The contractor is being granted relief in that the option was exercised with full knowledge of the mistake.
Pope, Evans & Robbins International Ltd., 179 Truong Mihn Giang, Saigon, Republic of Vietnam, FPO San Francisco.	500,000	Transportation services for the Saigon area.	Negotiations were conducted with the contractor based upon 14.4 cents per ton-mile. 2 days before the contract was to be executed the Saigon Support Command advised that a contract written on a ton-mile basis could not be monitored and proposed a trip rate basis instead. A time table was included in the solicitation using an average speed of 13.5 miles per hour. The contract as written did not specify either the 14.4¢ ton/mile rate or the 13.5-mile per hour rate of speed. After several weeks of operation the contractor determined the rate of return was substantially less than the agreed-upon return due to inaccuracies in the travel time chart. The contract as written failed to clearly express the intent of the parties at the time the agreement was entered into.
Navy: Kaman Corp., Bloomfield, Conn	214,000	Aircraft spare parts	To correct a mutual mistake to reimburse the contractor for the cost of reusable containers used in packaging of the space parts.
Other:			
Defense Supply Agency:			
Waller Petroleum Co., Inc., Baltimore, Md. F. L. Roberts & Co., Inc., Springfield Mass. Dahl Oil Co., Inc., Norwich, Conn. National Heat & Power Co., Philadelphia, Pa. Union Oil Co. of Boston, Revere, Mass. A. R. Wright, Co., Portland, Maine.		Residual fuel oil	The Defense Fuel Supply Center awarded 153 contracts for residual fuel oil for delivery to 566 installations. Each contract contains a price escalation provision permitting escalation with the market up to 10 percent above the contract price and each bidder certified that the bid price included no contingencies for price increase. The combination of increased demand, decreased supply and an overloaded transportation system has resulted in higher prices and all but one of the suppliers have exceeded their maximum escalation under the contract. It has been determined that the escalation ceiling be removed from these contracts. The exact amount involved cannot be determined as the contracts are for indefinite quantities but 6 of these actions will involve more than $50,000.

CONTINGENT LIABILITIES

Provisions to indemnify contractors against liabilities on account of claims for death or injury or property damage arising out of nuclear radiation, use of high energy propellants, or other risks not covered by the contractor's insurance program were included in 108 contracts (the potential cost of these liabilities cannot be estimated inasmuch as the liability to the Government, if any, will depend upon the occurrence of an incident as described in the indemnification clause). Items procured are generally those associated with nuclear-powered vessels, nuclear-armed guided missiles, experimental work with nuclear energy, handling of explosives or performance in hazardous areas.]

Name of contractor	Number of contracts		
	Army	Navy	Air Force
Aerojet General Corp			1
Aerojet Solid Propulsion Co			1
Air America, Inc			1
Avco Corp		1	
Bell Aerospace Corp			2
Bendix Corp		1	
Boeing Co			2
Burlington Northern Inc. & Union Pacific Railroad Co	1		
Clinchfield Railroad Co	1		
D.C. Transit System, Inc	1		
General Dynamics Corp		10	2
General Electric Co	1	11	
Hercules, Inc		1	2
Honeywell, Inc		1	1
Hughes Aircraft Co		1	
International Terminal Operating Co	1		
Lockheed Aircraft Corp		16	
Louisville & Nashville RR	1		
Luzon Stevedoring Corp	1		
Martin Marietta Corp			2
Meadowgold Dairies	1		
NUS Corp	1		
Newport News Shipbuilding & Drydock Co		7	
North American Rockwell Corp		10	4
Northrop Corp		1	
Raytheon Co		4	
Seaboard Coastline RR	1		
Southern Railway System	1		
Thiokol Chemical Corp			3
Vitro Corp. of America		1	
WMA Transit Co	1		
Westinghouse Electric Corp		9	
Proposed awards	1		
Total	13	74	21

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

508. A letter from the Director of Science and Education, Department of Agriculture, transmitting a report on activities concerned with laboratory animal welfare, pursuant to 84 Stat. 1560; to the Committee on Agriculture.

509. A letter from the Secretary of the Air Force, transmitting the semiannual report of Department of the Air Force contracts for military construction awarded without formal advertisement, pursuant to section 804 of Public Law 90–110; to the Committee on Armed Services.

510. A letter from the Acting Secretary of the Army, transmitting the semiannual report of Department of the Army contracts for military construction awarded without formal advertisement, pursuant to section 604 of Public Law 91–511; to the Committee on Armed Services.

511. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize additional appropriations during the fiscal year 1971 for research, development, test, and evaluation for the Navy, and for other purposes; to the Committee on Armed Services.

512. A letter from the Secretary of the Interior; transmitting a copy of a proposed amendment to a concession contract for the operation of concession facilities and services within the area administered by the National Capital Parks, for the year ending December 31, 1971, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

513. A letter from the Assistant Secretary of the Interior, transmitting a copy of an application by the Graham Canal Co. and the Curtis Canal Co. for loans and a grant under the Small Reclamation Projects Act, pursuant to section 4(c) of the act; to the Committee on Interior and Insular Affairs.

514. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to remove the statutory ceiling on salaries payable to U.S. magistrates; to the Committee on the Judiciary.

515. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting a draft of proposed legislation to authorize appropriations for the Commission on Civil Rights; to the Committee on the Judiciary.

516. A letter from the Executive Director, American Revolution Bicentennial Commission, transmitting the 1970 Annual Report of the Commission, pursuant to section 7(b) of Public Law 89–491; to the Commission on the Judiciary.

517. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide that the Federal Government shall assume the risks of its fidelity losses; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RODINO: Committee on the Judiciary. H.R. 1795. A bill for the relief of Leonard Alfred Brownrigg; (Rpt. No. 92–104). Referred to the Committee of the Whole House.

Mr. MAYNE: Committee on the Judiciary. H.R. 2070. A bill for the relief of Maria Luigia Di Giorgio; with an amendment (Rept. No. 92–105). Referred to the Committee of the Whole House.

Mr. RYAN: Committee on the Judiciary. H.R. 3929. A bill for the relief of Gheorghe Jucu and Aurelia Jucu; (Rept. No. 92–106). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severaly referred as follows:

By Mr. COTTER:

H.R. 7087. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for adoption fees and related costs incurred in connection with the adoption of a child by the taxpayer; in the Committee on Ways and Means.

By Mr. WILLIAMS (for himself, Mr. Barrett, Mr. Biester, Mr. Byrne of Pennsylvania, Mr. Clark, Mr. Corbett, Mr. Coughlin, Mr. Dent, Mr. Eilberg, Mr. Eshleman, Mr. Flood, Mr. Fulton of Pennsylvania, Mr. Gaydos, Mr. Goodling, Mr. Hunt, Mr. Johnson of Pennsylvania, Mr. McDade, Mr. Morgan, Mr. Nix, Mr. Saylor, Mr. Schneebeli, Mr. Vigorito, Mr. Ware, Mr. Whalley, and Mr. Yatron):

H.R. 7088. A bill to provide for the establishment of the Tinicum Environmental Center in the Commonwealth of Pennsylvania, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DELLENBACK:

H.R. 7089. A bill to amend the act of August 20, 1954, authorizing the Talent division of the Rogue River Basin reclamation project, Oregon (68 Stat. 752), as amended (76 Stat. 677), in order to increase the amount authorized to be appropriated for such work; to the Committee on Interior and Insular Affairs.

H.R. 7090. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. DOW:

H.R. 7091. A bill to amend the Sugar Act of 1948 to terminate the quota for South Africa, and to redistribute said quota among certain nations to the Committee on Agriculture.

By Mr. DOWNING (for himself, Mr. Whitehurst, Mr. Satterfield, Mr. Abbitt, Mr. Daniel of Virginia, Mr. Poff, Mr. Robinson of Virginia, Mr. Scott, Mr. Wampler, Mr. Broyhill of Virginia):

H.R. 7092. A bill to remove the defense of limitation of liability as one of the defenses of the United States in the court proceedings arising out of the collision of the U.S.S. *Yancey* with the Chesapeake Bay Bridge-Tunnel; to the Committee on the Judiciary.

By Mr. EDMONDSON (for himself, Mr. Camp, Mr. Jarman, and Mr. Steed):

H.R.7093. A bill to provide for the disposition of judgment funds of the Osage Tribe of Indians of Oklahoma; to the Committee on Interior and Insular Affairs.

By Mrs. GREEN of Oregon:

H.R.7094. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted without deductions from benefits; to the Committee on Ways and Means.

By Mr. HALL:

H.R. 7095. A bill to provide that the health regulations of the District of Columbia shall extend to the restaurants of the U.S. Senate and the House of Representatives; to the Committee on the District of Columbia.

By Mr. HALL (for himself and Mr. McMillan):

H.R. 7096. A bill to direct the establishment of health standards for employees of food service establishments in the District of Columbia; to the Committee on the District of Columbia.

By Mrs. HICKS of Massachusetts:

H.R. 7097. A bill to amend title 10 of the United States Code to provide that members of the Armed Forces be assigned to duty stations near their homes after serving in combat zones; to the Committee on Armed Services.

H.R. 7098. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

By Mr. HOWARD:

H.R. 7099. A bill to amend the act of March 3, 1905, to extend the authority of the Secretary of the Army over transporting and dumping materials in certain waters, and for other purposes; to the Committee on Public Works.

By Mr. KING:

H.R. 7100. A bill to provide for the regulation of strip coal mining, for the conservation, acquisition, and reclamation of strip coal mining areas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KOCH (for himself, Mr. Bingham and Mrs. Heckler of Massachusetts):

H.R. 7101. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. LONG of Maryland (for himself, Mr. Burton, Mr. Matsunaga, Mr. Steele, Mr. Mazzoli, Mr. Nelsen, and Mr. Roush):

H.R. 7102. A bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

By Mr. MACDONALD of Massachusetts:

H.R. 7103. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in monthly benefits thereunder, with subsequent cost-of-living increases in such benefits and a minimum primary benefit of $100, and to raise to $3,000 a year the amount of outside earnings a beneficiary may have without loss of benefits; to the Committee on Ways and Means.

By Mr. MADDEN:

H.R. 7104. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MIKVA (for himself, Mr. Koch, Mr. Abourezk, Mr. Addabbo, Mr. Anderson, of California, Mr. Ashley, Mr. Begich, Mr. Bell, Mr. Bolling, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Corman, Mr. Dent, Mr. Denholm, Mr. Donohue, Mr. Drinan, and Mr. Edwards of California):

H.R. 7105. A bill to assist in combating crime by reducing the incidence of recidivism, providing improved Federal, State, and local correctional facilities and services, strengthening administration of Federal corrections, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity, and for other purposes; to the Committee on the Judiciary.

By Mr. MIKVA (for himself, Mr. Koch, Mr. Eilberg, Mr. Fraser, Mr. Grover, Mr. Halpern, Mr. Hamilton, Mr. Kyros, Mr. Jacobs, Mr. McCormack, Mr. Mitchell, Mr. Morse, Mr. Nedzi, Mr. Podell, Mr. Rees, Mr. Riegle, Mr. Roncalio, Mr. Rosenthal, Mr. Roy, Mr. St Germain, Mr. Schwengel, Mr. Thompson of New Jersey, Mr. Symington, and Mr. Brademas):

H.R. 7106. A bill to assist in combating crime by reducing the incidence of recidivism, providing improved Federal, State, and local correctional facilities and services, strengthening administration of Federal corrections, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity, and for other purposes; to the Committee on the Judiciary.

By Mr. MIKVA (for himself, Mr. Koch, Mr. Abourezk, Mr. Anderson of California, Mr. Ashley, Mr. Bell, Mr. Biaggi, Mr. Bolling, Mrs. Chisholm, Mr. Clay, Mr. Cleveland, Mr. Corman, Mr. Dent, Mr. Denholm, Mr. Donohue, Mr. Edwards of California, and Mr. Eilberg):

H.R. 7107. A bill to assist in reducing crime by requiring speedy trials in cases of persons charged with violations of Federal criminal laws, to strentghen controls over dangerous defendants released prior to trial, to provide means for effective supervision and control of such defendants, and for other purposes; to the Committee on the Judiciary.

By Mr. MIKVA (for himself, Mr. Koch, Mr. Fraser, Mr. Halpern, Mr. Hamilton, Mr. Harrington, Mr. Kyros, Mr. Jacobs, Mr. McCormack, Mr. Nedzi, Mr. Podell, Mr. Railsback, Mr. Rees, Mr. Riegle, Mr. Roncalio, Mr. Rosenthal, Mr. Roy, Mr. St Germain, Mr. Schwengel, Mr. Thompson of New Jersey, and Mr. Brademas):

H.R. 7108. A bill to assist in reducing crime by requiring speedy trials in cases of persons charged with violations of Federal criminal laws, to strengthen controls over dangerous defendants released prior to trial, to provide means for effective supervision and control of such defendants, and for other purposes; to the Committee on the Judiciary.

By Mr. MILLER of California:

H.R. 7109. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Science and Astronautics.

By Mr. MOSS:

H.R. 7110. A bill to extend the State Technical Services Act of 1965 for 3 additional years; to the Committee on Interstate and Foreign Commerce.

By Mr. NIX (for himself, Mr. Udall, Mr. Waldie, Mr. Daniels of New Jersey, Mr. Brasco, Mr. Hanley, Mr. William D. Ford, Mr. Hosmer, Mr. Bolling, Mr. McCloskey, Mr. Scheuer, Mr. Rosenthal, Mr. Esch, Mr. Horton, Mr. Matsunaga, Mr. Cleveland, Mr. Halpern, Mr. Whalen, Mr. Morse, Mr. Carney, Mr. Wolff, Mrs. Grasso, Mr. Pike, Mr. Hicks of Washington, and Mr. Annunzio):

H.R. 7111. A bill to provide for the issuance of a special postage stamp in commemoration of the life and work of a man of peace, Martin Luther King; to the Committee on Post Office and Civil Service.

By Mr. NIX (for himself Mr. Barrett, Mr. Byrne of Pennsylvania, Mr. Green of Pennsylvania, Mr. Eilberg, Mr. Dent, Mr. Rooney of Pennsylvania, Mr. Dingell, Mr. Edwards of California, Mr. Anderson of Tennessee, Mr. Roe, Mr. Bingham, Mr. Gallagher, Mr. Dow, Mr. Danielson, Mr. Sisk, Mr. Mikva, Mr. Abourezk, Mr. Burke of Massachusetts, Mrs. Abzug, Mr. Pepper, Mr. Brademas, Mr. Meeds, Mr. Madden, and Mr. Tiernan):

H.R. 7112. A bill to provide for the issuance of a special postage stamp in commemoration of the life and work of a man of peace, Martin Luther King; to the Committee on Post Office and Civil Service.

By Mr. NIX (for himself, Mr. Fraser, Mr. Reuss, Mr. Biester, Mr. Helstoski, Mr. Moss, Mr. Drinan, Mr. Ruppe, Mr. Aspin, Mr. Leggett, Mr. Ryan, Mr. Culver, Mr. Vanik, Mr. Addabbo, Mrs. Mink, Mr. Sarbanes, Mr. Biaggi, Mr. Riegle, Mr. Burton, Mrs. Dwyer, Mr. Flood, Mr. Gonzalez, Mr. Hechler of West Virginia, Mr. Koch, and Mr. McFall):

H.R. 7113. A bill to provide for the issuance of a special postage stamp in commemoration of the life and work of a man of peace, Martin Luther King; to the Committee on Post Office and Civil Service.

By Mr. NIX (for himself, Mr. Diggs, Mr. Hawkins, Mr. Conyers, Mrs. Chisholm, Mr. Stokes, Mr. Clay, M. Rangel, Mr. Mitchell, Mr. Badillo, Mr. Metcalfe, Mr. Dellums, and Mr. Collins of Illinois):

H.R. 7114. A bill to provide for the issuance of a special postage stamp in commemoration of the life and work of a man of peace, Martin Luther King; to the Committee on Post Office and Civil Service.

By Mr. NIX (for himself, Mr. Podell, Mr. Reid of New York, Mr. Rodino, Mr. Seiberling, Mr. Kyros, Mr. Coughlin, Mr. Van Deerlin, and Mr. Hanna):

H.R. 7115. A bill to provide for the issuance of a special postage stamp in commemoration of the life and work of a man of peace, Martin Luther King; to the Committee on Post Office and Civil Service.

By Mr. NIX (for himself, Mr. Fascell, Mr. Foley, Mr. Metcalfe, Mr. Miller of California, Mr. Patten, Mr. Roy, and Mr. St Germain):

H.R. 7116. A bill to provide for the issuance of a special postage stamp in commemoration of the life and work of a man of peace, Martin Luther King; to the Committee on Post Office and Civil Service.

By Mr. PELLY (for himself, Mr. Dingell, Mr. Lennon, Mr. Keith, Mr. Leggett, Mr. Biaggi, Mr. Anderson of California, Mr. Forsythe, Mr. Tiernan, and Mr. Blackburn):

H.R. 7117. A bill to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SCHNEEBELI (for himself, Mr. Goodling, Mr. Eshleman and Mr. Yatron):

H.R. 7118. A bill to amend title 32, United States Code, to provide that Army and Air Force National Guard technicians shall not be required to wear the military uniform while performing their duties in a civilian status; to the Committee on Armed Services.

By Mr. SEIBERLING (for himself and Mr. Carney):

H.R. 7119. A bill to amend the Rail Passenger Service Act of 1970 to provide that all passenger train discontinuances must be in accordance with the provisions of section 13a of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHEUER (for himself, Mr. Begich, Mr. Frenzel, Mr. Helstoski, Mr. Perkins, and Mr. Roe):

H.R. 7120. A bill to establish the Office of Drug Abuse Control within the Executive Office of the President; to the Committee on Interstate and Foreign Commerce.

By Mr. SISK:

H.R. 7121. A bill to amend the Federal Food, Drug, and Cosmetic Act to require appropriate identification of imitation dairy products, to modify the identification requirements for oleomargarine or margarine served in public eating places, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WALDIE:

H.R. 7122. A bill to prohibit the importation of harp seal furskins and articles made in whole or part of such furskins; to the Committee on Ways and Means.

By Mr. WHITTEN:

H.R. 7123. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7124. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. WINN:

H.R. 7125. A bill to authorize a White House Conference on Education; to the Committee on Education and Labor.

By Mr. ASHBROOK:

H.R. 7126. A bill to amend section 504(a) of the Labor-Management Reporting and Disclosure Act of 1959 by adding to the list of offenses conviction of which bars the person convicted from holding union office; to the Committee on Education and Labor.

By Mr. ASPIN (for himself, Mr. Veysey, Mr. William D. Ford, Mr. Badillo, Mr. Hull, Mr. Hamilton, Mr. Downing, Mr. Roy, Mr. Montgomery, Mr. Fulton of Pennsylvania, Mr. Morse, Mr. Pucinski, Mr. Dent, Mr. Dorn, Mr. Leggett, Mr. Halpern, Mr. Zwach, Mrs. Abzug, Mr. St Germain, and Mrs. Chisholm):

H.R. 7127. A bill to amend the Communications Act of 1934 to ban sports from closed-circuit television; to the Committee on Interstate and Foreign Commerce.

By Mr. BENNETT:

H.R. 7128. A bill to amend chapter 55 of title 10, United States Code, to provide health benefits for dependents of war veterans who die of a service-connected disability, and of those war veterans whose service-connected condition for disability compensation is rated permanent and total; to the Committee on Armed Services.

By Mrs. CHISHOLM:

H.R. 7129. A bill to amend title II of the Social Security Act to reduce from 20 to 10 years the length of time a divorced woman's marriage to an insured individual must have lasted in order for her to qualify for wife's or widow's benefits on his wage record; to the Committee on Ways and Means.

By Mr. DENT (for himself, Mr. Perkins, Mr. Hawkins, Mr. Burton, Mr. Clay, Mr. Gaydos, Mr. William D. Ford, Mr. Biaggi, Mr. Brademas, Mr. Pucinski, Mrs. Hicks of Massachusetts, Mr. Daniels of New Jersey, Mr. Thompson of New Jersey, Mrs. Green of Oregon, Mrs. Chisholm, Mr. O'Hara, Mr. Scheuer, and Mrs. Grasso):

H.R. 7130. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that act, to extend its coverage, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes; to the Committee on Education and Labor.

By Mr. DUNCAN:

H.R. 7131. A bill to prohibit the use of the name of any of certain deceased servicemen unless consent to so use the name is given by the next of kin of the serviceman; to the Committee on the Judiciary.

By Mr. DUNCAN (for himself and Mr. Kuykendall):

H.R. 7132. A bill to prohibit the use of the name of any of certain deceased servicemen unless consent to so use the name is given by the next of kin of the serviceman; to the Committee on the Judiciary.

By Mr. ESCH:

H.R. 7133. A bill to authorize the Secretary of the Interior to sell certain rights in the State of Michigan; to the Committee on Interior and Insular Affairs.

By Mr. FRASER (for himself, Mr. Frenzel, and Mr. Karth):

H.R. 7134. A bill providing for the conveyance of certain real property to the State of Minnesota for park and recreation purposes; to the Committee on Government Operations.

By Mr. HANLEY:

H.R. 7135. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Great Lakes Basin conservation program; to the Committee on Agriculture.

By Mr. McKAY (for himself and Mr. Lloyd):

H.R. 7136. A bill to establish the Arches National Park in the State of Utah; to the Committee on Interior and Insular Affairs.

H.R. 7137. A bill to revise the boundaries of the Canyonlands National Park in the State of Utah; to the Committee on Interior and Insular Affairs.

By Mr. McMILLAN (for himself, Mr. Foley, Mr. Jones of North Carolina, Mr. Jones of Tennessee, Mr. Mathis of Georgia, Mr. Melcher, Mr. Stubblefield, Mr. Blanton, and Mr. Link):

H.R. 7138. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs and for other purposes; to the Committee on Agriculture.

By Mr. MURPHY of New York (for himself, Mr. Steele, Mr. Addabbo, Mr. Johnson of Pennsylvania, Mrs. Chisholm, Mr. Slack, Mr. Halpern, Mrs. Hicks of Massachusetts, Mr. Myers, Mr. Collins of Illinois, Mr. Thompson of New Jersey, Mr. Helstoski, Mr. Minish, Mr. Brasco, Mr. Carey of New York, Mr. Roe, Mr. Barrett, Mr. Gallagher, Mrs. Reid of Illinois, Mr. Roush, Mr. Mikva, Mr. O'Neill, Mr. Wright, Mr. Byrne of Pennsylvania, and Mr. Roncalio):

H.R. 7139. A bill to amend the Natural Gas Act; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York (for himself, Mr. Kemp, Mr. Archer, Mr. Biaggi, Mr. Hosmer, Mr. James V. Stanton, Mr. Stuckey, Mr. Rostenkowski, Mr. Murphy of Illinois, Mr. Carney, Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mrs. Abzug, Mr. Moss, Mr. Daniels of New Jersey, and Mr. Charles H. Wilson):

H.R. 7140. A bill to amend the Natural Gas Act; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTEN (for himself, Mr. Addabbo, Mr. Brasco, Mr. Buchanan, Mr. Carney, Mr. Carter, Mr. Chappell, Mr. Cleveland, Mr. Derwinski, Mr. Donohue, Mr. Fisher, Mr. Flowers, Mr. Garmatz, Mr. Halpern, Mrs. Hicks of Massachusetts, Mr. Hungate, Mr. Jones of North Carolina, Mr. Kuykendall, Mr. McCollister, Mr. Miller of California, Mr. Moss, Mr. Nix, Mr. Price of Illinois, Mr. Rodino, and Mr. Roe):

H.R. 7141. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

By Mr. PATTEN (for himself, Mr. Roush, Mr. Sisk, Mr. Charles H. Wilson, and Mr. Wolff):

H.R. 7142. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

By Mr. PERKINS:

H.R. 7143. A bill to amend the Higher Education Act of 1965 to extend the Teacher Corps for 5 additional years; to the Committee on Education and Labor.

By Mr. PICKLE (for himself, Mr. Roberts, Mr. Casey of Texas, and Mr. Purcell):

H.R. 7144. A bill to amend the Natural Gas Act; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE:

H.R. 7145. A bill to establish a commission to review U.S. antitrust laws; to the Committee on the Judiciary.

By Mr. ST GERMAIN (for himself and Mr. Pike):

H.R. 7146. A bill to protect the political rights and privacy of individuals and organizations and to define the authority of the Armed Forces to collect, distribute, and store information about civilian political activity; to the Committee on Armed Services.

By Mr. ST GERMAIN:

H.R. 7147. A bill to amend title 23, United States Code, relating to the use of American materials in highway projects; to the Committee on Public Works.

H.R. 7148. A bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes; to the Committee on Ways and Means.

By Mr. SAYLOR:

H.R. 7149. A bill to amend the Age Discrimination in Employment Act of 1967, to extend its protection to governmental employees; to the Committee on Education and Labor.

H.R. 7150. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for employers who employ members of the hard-core unemployed; to the Committee on Ways and Means.

H.R. 7151. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

By Mr. THOMPSON of New Jersey:

H.R. 7152. A bill to amend the Labor Management Relations Act, 1947 to expedite its processes and strengthen its remedies, and for other purposes; to the Committee on Education and Labor.

By Mr. O'HARA:

H.R. 7153. A bill to amend the Labor Management Relations Act, 1947 to expedite its processes and strengthen its remedies, and for other purposes; to the Committee on Education and Labor.

By Mr. WHITEHURST:

H.R. 7154. A bill to amend the act of December 5, 1969 (Public Law 91–135); to the Committee on Merchant Marine and Fisheries.

By Mr. DON H. CLAUSEN:

H.J. Res. 531. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. HAMILTON:

H.J. Res. 532. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week"; to the Committee on the Judiciary.

By Mrs. HANSEN of Washington:

H.J. Res. 533. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week"; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H.J. Res. 534. Joint resolution authorizing the President to proclaim April 14 of each year as "John Hanson Day"; to the Committee on the Judiciary.

By Mr. RARICK (for himself, Mr. Leggett, and Mr. Mitchell):

H.J. Res. 535. Joint resolution proposing an amendment to the Constitution of the United States for a referendum on war; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.J. Res. 536. Joint resolution to authorize the President to issue annually a proclamation designating the first week in June of each year as "National PBX Operators Week"; to the Committee on the Judiciary.

By Mr. DAVIS of Georgia:

H. Con. Res. 251. Concurrent resolution expressing the sense of Congress that the President of the United States shall exercise prompt review in the case of Lt. William Calley; to the Committee on Armed Services.

By Mr. PEPPER (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Anderson of Tennessee, Mr. Badillo, Mr. Biaggi, Mr. Blackburn, Mr. Brasco, Mr. Burton, Mr. Chappell, Mr. Cotter, Mr. Devine, Mr. Dulski, Mr. Eilberg, Mr. Fascell, Mr. Frenzel, Mr. Fulton of Pennsylvania, Mr. Gibbons, Mr. Goldwater, Mr. Halpern, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Holifield, Mr. Kee, and Mr. Kyros):

H. Con. Res. 252. Concurrent resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. PEPPER (for himself, Mr. Madden, Mr. Miller of California, Mr. Minish, Mr. Mitchell, Mr. Morse, Mr. Moss, Mr. Pike, Mr. Podell, Mr. Rees, Mr. Roe, Mr. Rosenthal, Mr. Ryan, Mr. St Germain, Mr. Scheuer, Mr. Sikes, Mr. Sisk, Mr. Smith of Iowa, and Mr. Yatron):

H. Con. Res. 253. Concurrent resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. RODINO (for himself and Mr. Hogan):

H. Con. 254. Concurrent resolution requesting the President of the United States of America to take immediate and determined steps to encourage and persuade the Soviet Union to permit persons of the Jewish faith who express the desire to emigrate to a country of their choice; to the Committee on Foreign Affairs.

By Mr. ROGERS (for himself, Mr. Rodino, and Mr. Poff):

H. Con. Res. 255. Concurrent resolution paying tribute to the first annual National Explorers President's Congress; to the Committee on the Judiciary.

By Mr. ZABLOCKI (for himself, Mr. Fascell, Mr. Lujan, Mr. Pirnie, and Mr. Vanik):

H. Con. Res. 256. Concurrent resolution that the Congress hereby creates an Atlantic Union delegation; to the Committee on Foreign Affairs.

By Mr. HUNGATE (for himself, Mr. Baring, Mr. Begich, Mr. Bevill, Mr. Brademas, Mr. Burke of Massachusetts, Mr. Burton, Mr. Clark, Mr. Clay, Mr. Collins of Illinois, Mr. Corman, Mr. Danielson, Mr. Denholm, Mr. Dent, Mr. Diggs, Mr. Edwards of Louisiana, Mr. Foley, Mr. Fulton of Tennessee, Mr. Garmatz, Mr. Gibbons, and Mr. Hechler of West Virginia):

H. Res. 359. Resolution urging the President to release appropriated public works funds now frozen; to the Committee on Appropriations.

By Mr. HUNGATE (for himself, Mr. Henderson, Mr. Matsunaga, Mr. Macdonald of Massachusetts, Mr. McKay, Mr. Miller of California, Mr. Hicks of Washington, Mr. Link, Mr. Madden, Mrs. Mink, Mr. Mollohan, Mr. Moss, Mr. Pickle, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr. Roncalio, Mr. Roush, Mr. St Germain, Mr. Ryan, Mr. Symington, Mr. Thompson of New Jersey, Mr. Wright, Mr. Harsha, and Mr. Halpern):

H. Res. 360. Resolution urging the President to release appropriated public works funds now frozen; to the Committee on Appropriations.

By Mr. MATHIAS of California:

H. Res. 361. Resolution; "Fair Play" amendment; to the Committee on Rules.

By Mr. TEAGUE of Texas (for himself, Mr. Edwards of California, Mr. Teague of California, and Mr. Danielson):

H. Res. 362. Resolution expressing the sense of the House of Representatives with respect to the prompt replacement of the Veterans' Administration hospital facilities destroyed by the recent California earthquakes; to the Committee on Veterans' Affairs.

By Mr. WYMAN:

H. Res. 363. Resolution creating a select committee of the House to conduct a full and complete investigation of all aspects of the energy resources of the United States; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

101. By the SPEAKER: Memorial of the House of Representatives of the State of Arkansas, relative to the phosphate content of detergents; to the Committee on Interstate and Foreign Commerce.

102. Also memorial of the Legislature of the State of Oregon, relative to increasing the size of the House of Representatives by adding one seat for each of the States of Oregon and Connecticut; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRASCO:

H.R. 7155. A bill for the relief of Salvatore Fiorello; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 7156. A bill for the relief of Carl E. Anderson; to the Committee on the Judiciary.

H.R. 7157. A bill for the relief of Elizabeth J. Nussbaumer; to the Committee on the Judiciary.

By Mr. GREEN of Pennsylvania:

H.R. 7158. A bill for the relief of Whitehouse Paper Co., Elsie Heilveil, and Maurice Heilveil; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 7159. A bill authorizing the President to award the Medal of Honor to Harry S Truman; to the Committee on Armed Services.

H.R. 7160. A bill for the relief of Tito Pasquale Romero; to the Committee on the Judiciary.

By Mr. HATHAWAY:

H.R. 7161. A bill for the relief of Harry A. Condon; to the Committee on Armed Services.

By Mrs. HICKS of Massachusetts:

H.R. 7162. A bill for the relief of Francesco Andreottola; to the Committee on the Judiciary.

H.R. 7163. A bill for the relief of Enrico Carrieri; to the Committee on the Judiciary.

H.R. 7164. A bill for the relief of Salvatore Gaspero; to the Committee on the Judiciary.

H.R. 7165. A bill for the relief of Marcelo F. Gregorio, Beatriz Ozan deGregorio, and Marcelo F. Gregorio; to the Committee on the Judiciary.

H.R. 7166. A bill for the relief of Giovanni Marzullo; to the Committee on the Judiciary.

H.R. 7167. A bill for the relief of Giuseppe Francesco Schichilone; to the Committee on the Judiciary.

By Mr. MACDONALD of Massachusetts:

H.R. 7168. A bill for the relief of Mrs. Giovanna Pucci; to the Committee on the Judiciary.

By Mr. MADDEN:

H.R. 7169. A bill authorizing the President to award the Medal of Honor to Harry S. Truman; to the Committee on Armed Services.

By Mr. QUILLEN:

H.R. 7170. A bill to provide private relief for certain members of the U.S. Navy recalled to active duty from the Fleet Reserve after September 27, 1965; to the Committee on the Judiciary.

SENATE—*Thursday, April 1, 1971*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, as we hush our voices for this moment marking the beginning of a fast-moving day, we open our hearts and minds to Thy pervading presence. Come to us, we pray Thee, as a refining fire to purge our inner lives from envy and resentment, from all guile and prejudice. Pardon and deliver us from tempers and ambitions that make for destruction and defeat, from all lust of power, greed of gain, pride of race and class, or contempt for others, and all willingness to reap advantage from the failures and weaknesses of others. As we pray for ourselves, we pray for the Nation in this time of troubles that it may be cleansed, redeemed, renewed, and qualified to serve Thy purposes among the peoples of the earth. Direct our hearts to the steadfastness of the Man of Nazareth who turned not back from the cross, but in choosing its way and giving Himself upon the cross brought redemption, light, and healing to all who put their trust in Him. In His holy name we pray. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 1, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the order of the Senate of March 30, 1971, a message from the House of Representatives was received on March 31, 1971, announcing that the House had concurred in the amendments of the Senate to H.R. 5432, a bill to provide an extension of the interest equalization tax, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill; and it was signed by the Acting President pro tempore (Mr. METCALF):

H.R. 5432. A bill to provide an extension of the interest equalization tax, and for other purposes.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, March 30, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were comunicated to the Senate by Mr. Leonard, one of his secretaries.

ANNUAL REPORT OF THE UNITED STATES-JAPAN COOPERATIVE MEDICAL SCIENCE PROGRAM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92-77)

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I am pleased to send to the Congress the fourth annual report of the United States-Japan Cooperative Medical Science Program.

This joint research effort in the medical sciences, undertaken in 1965 following a meeting between the Prime Minister of Japan and the President of the United States, remains focused upon widespread diseases of great concern in Asian nations: cholera, leprosy, malnutrition, parasitic diseases, tuberculosis, and certain viral diseases.

During 1970 the Cooperative Medical Science Program completed its fifth year of productive and successful biomedical research activity. A continuing review and careful selection of specific scientific objectives has been built into the Program's management to insure that they will continue to relate to disease problems in Asia.

It is obvious that the attack against these diseases is important to mankind not only in Asia, but in most regions of the world. In addition to this past year's medical research achievements, which are summarized within the enclosed report, this Program takes on additional significance because of the close cooperation between scientists in two leading nations, Japan and the United States. I look forward to strengthening further the valuable and productive relationships provided by this kind of cooperative international endeavor for the benefit of our fellow man, wherever he may chance or choose to live.

RICHARD NIXON.

THE WHITE HOUSE, *March 31, 1971.*

ANNUAL REPORT OF THE RAILROAD RETIREMENT BOARD FOR 1970—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92-27)

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I hereby transmit to you the Annual Report of the Railroad Retirement Board for fiscal year 1970.

During that year retirement and survivor benefits under the Railroad Retirement Act totaled $1.6 billion and were paid to one million beneficiaries. Railroad unemployment and sickness insurance benefits amounted to $93 million and were paid to 170,000 claimants.

Legislation enacted during March 1970 provided for the establishment of the supplemental railroad retirement annuity program on a permanent basis with adequate financing. In August 1970, after the end of the fiscal year, legislation was enacted providing for 15-percent increases in railroad retirement annuities on a temporary basis pending a study of the railroad retirement system and its financing by a commission especially created for that purpose.

RICHARD NIXON.

THE WHITE HOUSE, *March 31, 1971.*

REPORT ON ACTIVITIES AND ACCOMPLISHMENTS OF THE UNITED STATES UNDER THE COMMUNICATIONS SATELLITE ACT—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92-78)

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Commerce:

To the Congress of the United States:

In 1970 the activities and accomplishments of the United States under the Communications Satellite Act of 1962 enhanced the peaceful use of outer space and fostered the spirit of international cooperation. The International Telecommunications Satellite Consortium has made significant progress in the establishment of a global satellite communications system and I take this opportunity to reaffirm the commitment of the United States to support the Consortium in this worthwhile commercial enterprise.

It is my pleasure to report to Congress, as required by section 404(a) of the Communications Satellite Act, on these activities and accomplishments.

RICHARD NIXON.

THE WHITE HOUSE, *March 31, 1971.*

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting nominations was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting sundry nominations, which was referred to the Committee on Foreign Relations.

(For nominations this day received, see the end of Senate proceedings.)

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Montana is recognized.

(The remarks of Mr. Mansfield when he introduced S.J. Res. 77 limiting the President and Vice President to one 6-year term, together, with the remarks of Mr. Aiken, are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

PRESIDENTIAL HOPEFULS

Mr. SCOTT. Mr. President, as the weather changes in Washington and the cherry blossoms come out in all their spendor, so do the presidential hopefuls burgeon and preen themselves.

It is that time of year.

They talk about everything from multimillion-dollar programs to a time certain for halting the war. They think they have a real issue as well as a forum to do their "thing" and vent their anger on a Republican administration that is ending this war, that has cut troop strength practically in half, and that has a timetable to do just that.

Mr. President, I want these candidates to be on notice that, from this point on, our side of the aisle will have Senators at the ready and on the firing line to straighten out the Record and separate fact from fiction. I do not intend to have this Chamber turned into a forum for carrying words to the American people, for example, that American pilots are merciless and irresponsible.

Mr. President, I ask: Where were these same people 6, 7, and 8 years ago, when I was suggesting to then President Johnson, and discussing on television programs with former Senator Lausche of Ohio, that we bomb the sanctuaries, mine the harbors, and knock out the supply trails in order to bring a more rapid end to the war.

Mr. President, I shall repeat that statement in full on April 27 of this year, on its seventh anniversary—April 27, 1964.

Many of these same people, instead, were talking about escalating the war. They were following the party line. They were following the footsteps of their leader and falling right into step.

This war, Mr. President, is not a Republican war. It is not a Democratic war. It is a war where we have paid a dear price for our involvement. I do not intend to say our involvement is right or wrong, but what I do intend to do is make sure that this Senate does not degrade itself to the point of McCarthyisms and tactics of that era which distorted the picture of those times. I have no intention of permitting any Senator in this Chamber to prey on the emotions of the day and grab for the headlines by using snappy, eye-catching language, by being loose with the factual situations. Nor do I intend to allow these statements to go without response.

Mr. President, I sometimes get the feeling that if President Nixon were to announce tomorrow that there was peace in the world, that not a shot was being fired in anger anywhere on earth, we would still hear from the skeptics, questioning whether his statement was a trick.

The other day, Supreme Court Chief Justice Burger and Justice Black said it appeared to them that some judges were rooting for the criminals.

It appears to me, as one of our Nation's major news magazines reported on the war this week, that some are really rooting for the other side. If they are, they are giving comfort to the enemy and crying the same line of Moscow, Peking, and Hanoi.

I do not charge that this happens in this Chamber, but I make the statement that it is happening in the Congress and in the country.

Is this what this Nation is to stand for in future years?

Mr. President, on the Republican side, I have asked our regional whips to take a more active role in Chamber activities. I have asked our people to revive the truth squad concept. I personally will take a firm hand in pointing out the facts and straightening out the errors.

This body must continue as a body of deliberation to advise and consent responsibly and must not become a forum for irresponsible mud slinging.

To those who were the loudest in supporting the war for two administrations and who were the strongest in their advocacy and who now say, "Mea culpa, let us get out and adopt resolutions to bail us out of this war," I say that they are providing a cover for the fact that it is indeed the President who is bailing out the country.

They remind me very strongly of the man who murdered his father and mother and then threw himself on the mercy of the court on the ground that he was an orphan.

ORDER FOR RECOGNITION OF SENATOR STEVENSON AND SENATOR MANSFIELD ON MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer on Monday next and the recognition of the joint leaders, the distinguished Senator from Illinois (Mr. Stevenson) be recognized for not to exceed 15 minutes and that following his remarks, the Senator from Montana, now now speaking, be recognized for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished Senator from Tennessee.

DEFENSE OF PRESIDENT NIXON'S POLICY IN VIETNAM

Mr. BROCK. Mr. President, I wish today to address myself to some bitter realities concerning the tactics and strategy of those who are so violently opposed to President Nixon's plan to end the war in Vietnam. As a freshman Member of this body, I have hesitated to express myself on this subject as often as I would have liked. However, it has become increasingly clear that too few are willing to speak out against a dirty and ugly campaign to discredit the President of the United States and undercut U.S. foreign policy.

I will not here repeat the case to be made for supporting President Nixon's actions in Indochina. The facts are well known. By any reasonable standard and to any reasonable man, it must be clear that the President is ending American participation in that war.

But we are not dealing with altogether reasonable men. To have a legitimate difference with administration policy and to express that difference openly and directly is one thing. Many of our colleagues have done so in a responsible manner here on the floor of the Senate and in other public forums. However, it is quite another case when appeals to end the war are made which are blatantly false, employ the big lie technique, and attempt to raise nonissues which have no basis in fact. In just the past month we have seen these events:

A California antiwar group sends out a mass mailing to Members of Congress which makes the absurd charge that the U.S. Government is perpetuating the war in Vietnam so that American oil companies can develop offshore oil properties in Vietnam. Incredibly this foolishness was swallowed whole by some Members of Congress who stood on the floor to repeat these charges and call for an investigation. What demagogery.

A nationally syndicated columnist writes that during the Laotian operation he was actually rooting for the defeat of allied forces in the belief that this would end the war sooner. A columnist in the Washington Post then picks up this column to disseminate it farther and praises the other man for his position.

The New York Council of Churches first decides to give its "Family of Man" award to Mr. Bob Hope and then withdraws the award on the grounds that, because Bob Hope has entertained American servicemen in Vietnam, giving him the award would somehow put the New York Council of Churches on record in support of our Indochina policy. Understandably, the Soviet newspaper, Izvestia, had high praise for this action. For me, I am aghast at its shallowness.

Common Cause, which bills itself as a high-minded citizens' lobby, takes out full-page ads in major American newspapers which are patently misleading. The ads state:

> Urge your Congressman and your two Senators to join this movement. Tell them that we want all our armed forces and our prisoners of war withdrawn from Indochina no later than December 31st, 1971. They can do it.

Now this is a callous attempt to play on the huge reservoir of sympathy for

American prisoners of war, to use the compassion of the American people in a campaign against the administration's policy. To promise the American public that the Congress can get our prisoners of war out of Indochina by the end of this year is deliberate distortion. It is not Congress which is holding them, but rather the Communist regime in North Vietnam. Mr. John Gardner should be ashamed of this ad campaign. It does nothing more than buttress Communist efforts to use our men as political hostages.

And, finally, we see the amazing spectacle of the North Vietnamese negotiator at the Paris peace talks sending telegrams to American antiwar groups telling them, in effect, to keep up the good work and to intensify their protests against the war.

These are the kinds of efforts we have seen over the past month to discredit the foreign policy of the American Government. That these efforts are going on, and in some cases, have been abetted by Members of the U.S. Congress, is a disgraceful and dangerous condition for this entire Nation.

I urge my colleagues not to underestimate the gravity of this situation. Silence can too often be interpreted as tacit agreement. That is why I call on all our colleagues, and particularly those who have been in the forefront of the peace movement, to reject—explicitly and unequivocally—these recent gutter tactics of the extremist antiwar groups.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. BROCK. I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I compliment my distinguished colleague, the Senator from Tennessee, for placing in focus and in proper perspective some of the issues that ought to be understood clearly by all Americans and ought to be pondered by all thinking persons who yearn for peace, so that they may recognize the fallacy of pursuing the kind of course that has been recommended by some of our colleagues recently.

Mr. President, I join my colleagues today in expressing deep and profound concern over the efforts of self-serving critics, whose irrational words erode the spirit of some Americans. I support President Nixon's strong and effective policies in Indochina.

Despite the unrelenting pressure to disrupt U.S. progress toward disengagement, and the strident rhetoric which urges an unprotected and vulnerable retreat, the President is calmly and carefully moving this Nation out of war. Those with short memories ought to recognize that the traffic is now one way—coming out of Indochina—and that the exit is being accomplished in a manner that can secure something more than temporary peace.

The recent Laotian operations by South Vietnamese infantry have resulted in a shocking display of intemperate criticism and carping directed both at our country and its allies. It has spawned a criticism so irrational and irresponsible as to be an insult to the American tradition of rational thought.

It is unique, Mr. President, to see the enemy suffer as much, or more, than 10 times the casualties of allied forces, only to find that in some quarters this is called a South Vietnamese "retreat." It is unique in the history of war to characterize the disruption of crucial enemy supply lines as a "humiliating rout." It is strange, indeed, to see allied troops face numerical odds against them of two to one and have implications of cowardice fly forth.

The fantasies by the critics of the Laotian operation have been shocking to anyone who has bothered to seek the facts. I am confident the strategic integrity of Lam Son 719 will prove important to the success of U.S. withdrawal, as did the much-criticized Cambodian operation last Spring.

The new isolationists have strived mightily to plant doubt in the minds of Americans. Unfortunately, they have been assisted in this immeasurably by some of the media. Major television network reporting of Lam Son 719 distorted that operation beyond recognition.

The network televised news represented as coverage of what was happening in Laos and Vietnam was the most obvious and blatant example of one-sided and incomplete news coverage I have experienced in my years of public service. In fact, we do not even know how these news reports looked before they went through the network editing rooms in New York.

We have witnessed through the great medium of television a spectacle unsurpassed in modern warfare—the spectacle of television networks attempting, either consciously or unconsciously, to shape and mold U.S. public opinion against U.S. foreign policy.

Wars are not measured in days or weeks. Tactical decisions can be measured only by their long-term effects. But the television network reports concerning Laos appeared to be an attempt to convince the American people that the South Vietnamese incursion was a defeat for allied forces.

The unflagging emphasis on what were termed "stalled" maneuvers, the failure to document fully the length North Vietnamese presence in Laos, and the misleading repetitious chants of "lost helicopters" were examples of an unexplained performance by television networks to interfere with a foreign policy with which they apparently were not in accord.

Many have done their best to report accurately and fairly U.S. actions in Indochina. But some others have been party to a type of journalism unusual by American standards, so slanted as to be alarming. My hope in this matter continues to rest in the wisdom of the American people, who, on this occasion as on others, will not be fooled.

Mr. President, I compliment the distinguished Senator from Pennsylvania and my distinguished colleague from Tennessee for making a very valuable and most important contribution to a better understanding of the issues facing the American public.

Mr. BROCK. I thank the Senator from Wyoming.

I yield to the Senator from Ohio.

Mr. SAXBE. Mr. President, I have not supported the war in Vietnam and I think my election in 1968 was in a great part because of the war in Vietnam. I have not supported the incursions into Laos and Cambodia and at present I have a bill in the Committee on Foreign Relations to forestall an incursion into North Vietnam or the support of such a venture.

However, I am sick and tired of all the war and I think it is one of our greatest mistakes in our history. I have made that point as a persistent critic for over 2 years. One thing that distresses me even more, however, is those who continue to play politics with this unfortunate war. I am also sick and tired of that.

When I came into office, President Nixon promised a schedule of troop withdrawals and he has been living up to that promise. U.S. troop strength has been reduced from 542,000 in January 1969, to 306,500 this month. A further reduction is planned by May of this year. I have complete confidence that the President will live up to that promise, that the withdrawals will be stepped up, and that he will continue to bring troops home in the months ahead.

We must remember that, at this point in our long and involved struggle in Indochina, only the President is in a position to get us out of Vietnam. We must not unnecessarily tie his hands as he continues his planned and phased withdrawal. Nor must we act in any manner that would limit Mr. Nixon's options with regard to the negotiations in Paris.

What I am saying is that, until evidence to the contrary presents itself, we should unite behind the President as he moves with reasonable haste to get us out and keep us out. To follow another course at this juncture is both irresponsible and, I submit, foolhardy.

Mr. President, I have a son in a combat unit in Vietnam. I have closely followed what has happened. At times I felt that others did not feel the urgency I feel and especially those who are the severest critics did not feel the urgency that I feel.

But I feel the President is the only one who can operate and we must give him the freedom to operate. We should not carp at him as long as he lives up to his promise.

I thank the Senator for yielding.

Mr. BROCK. I yield to the junior Senator from Ohio.

Mr. BYRD of West Virginia. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The time allotted to the Senator from Tennessee has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order allotting 15 minutes to the able Senator from Oregon (Mr. PACKWOOD) at this time be vacated and that the distinguished Senator from Illinois may be recognized in substitute therefor.

Mr. SCOTT. Mr. President, reserving the right to object, and I do not object, I would like to request that the time of 3 minutes be allotted to the distinguished Senator from Ohio (Mr. TAFT), 3 minutes to the distinguished Senator from Connecticut (Mr. WEICKER), and 3 minutes to the distinguished Senator from Maryland (Mr. BEALL), if he requests it—

with the consent of the Senator from Illinois that this may be permitted—so that this colloquy may be continued, as I understand the Senator from Illinois will speak on another subject.

It is correct that the Senator from Illinois is speaking on another subject?

Mr. PERCY. The Senator is correct. We will be introducing administration bills.

Mr. MANSFIELD. If that could be accomplished during the period for routine morning business it might be more desirable. It is my understanding that such a period will commence when the time allotted to the Senator from Oregon and the Senator from Connecticut has expired.

I am enjoying this debate very much, but I would suggest if there is to be a further extension of time, it be taken from the time granted to the Senator from Oregon (Mr. Packwood). In that way we would maintain the procedures we are trying to maintain; and in view of the extraordinary situation I am certain that even the Senator from Ohio (Mr. Saxbe), who was one of the quartet of sponsors of these rules, and the Senator from illinois would understand.

Mr. SCOTT. I withdraw my request and rephrase it: Subject to the request of the Senator from Illinois (Mr. Percy), the 15 minutes heretofore allotted to the Senator from Oregon (Mr. Packwood) be divided to provide 5 minutes to the Senator from Ohio (Mr. Taft) and 5 minutes to the Senator from Connecticut (Mr. Weicker).

I understand the Senator from Connecticut has 15 minutes. It would be 5 minutes to the distinguished Senator from Connecticut (Mr. Weicker) and 5 minutes to the distinguished Senator from Maryland (Mr. Beall).

Would the Senator from Illinois accept that suggestion?

Mr. PERCY. If the Senator will yield, someone in my office talked to the Senator from Oregon (Mr. Packwood) yesterday and he indicated he would not be here this morning and that he would yield his 15 minutes to us for our proposals on executive reorganization. The Senator from Michigan (Mr. Griffin) has indicated he would yield to us 10 of his 15 minutes, which would give us 25 minutes. We have six or seven Senators who wish to speak on this matter.

I would like to conform to the rules, but we have important legislation to discuss and it is one of the most sweeping pieces of legislation to be introduced in this session.

Mr. MANSFIELD. I do not wish to preclude the three or four Republican Senators who wish to speak on this most important subject of our position in Indochina. I hope they have the opportunity to continue their colloquy.

Mr. PERCY. Absolutely. I understand they could finish in 5 minutes.

Mr. GRIFFIN. Let me suggest that if the Senator from Illinois would allot the time of the Senator from Oregon (Mr. Packwood) on the basis requested I would yield the Senator the 15 minutes allotted to me thereafter and if the Senator needs more time I could get him an additional 3 minutes.

Mr. BYRD of West Virginia. Mr. President, what is the suggestion?

Mr. GRIFFIN. The junior Senator from Michigan has 15 minutes allotted to him and if the Senator from Illinois allows the colloquy to continue on his time I will make time available to him.

Mr. BYRD of West Virginia. Very well.

Mr. PERCY. I thank the distinguished acting minority leader.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the Senator from Ohio is allotted 5 minutes, the Senator from Maryland 5 minutes, and the Senator from Connecticut 5 minutes.

The Chair recognizes the Senator from Ohio.

Mr. TAFT. Mr. President, I doubt if ever in my memory I talked more on borrowed time than I am doing at the present moment.

Under the leadership of President Nixon, America has continued a responsible and irreversible withdrawal of U.S. combat troops from Vietnam.

We are on the way out, and it is somewhat disappointing and, if it were not so political, almost humorous, to listen to the harping of some of our Democratic colleagues and some others on the national scene about the course we are following. I think they are giving, or at least they are attempting to give, the American people a false idea of what that course truly is. Certainly there is some belief that has grown up that it is politically advantageous to blast the President's Vietnam policies, to try to obscure the fact, perhaps, that it is a consistent policy, that it is being followed day by day, on a straight line basis by the President, in our withdrawal.

One might ask, and many are now asking, where some of these critics were during the Kennedy and Johnson administrations, when the U.S. involvement in Vietnam was first mounted—and mounted to a total of over 500,000 combat troops.

On Tuesday, a leading Democratic candidate stated that he is now sorry he kept silent on the war in the 1960's. I imagine he is sorry, indeed.

Now when we are disengaging from Vietnam, and President Nixon is committed to that course, some of the candidates and prospective candidates previously concerned, including some formerly in the administration of President Johnson, have taken up the antiwar chant. Evidently they believe that that is what the people want to hear, and they have jumped on the bandwagon. I do not believe they are fooling anyone, however. Nor do I believe that after the facts are known, the American people will be fooled with regard to the nature and results of the Laotian operation.

Just in this week's newspapers we have seen a lot of strawmen thrown up with regard to the Laotian operation—questions that may or may not have to do with prospects of our withdrawal as a result of the Laotian operation. I believe that this was an attempt to try to put the entire war in Vietnam today and the entire course of American policy in some false view or attempt to give a false impression of the Laotian operation as something other than what it truly was. In that operation we have reports coming out now, which I think will substantiate that 18 of the 22 battalions of ARVN fought extremely well. They took heavy losses, 1,400 killed and 4,700 wounded. At the same time, it is estimated that the North Vietnamese lost more than 13,000 in killed and many more wounded.

Laos is part of a consistent overall plan to withdraw—and withdraw in good order—American troops from South Vietnam and give the South Vietnamese a chance to go on their own, in a way that will bring about an end to the war more quickly than any other course that could be followed. Certainly the criticism we are hearing today so loudly is not contributing toward that withdrawal. The silence of the critics during the 1960's rings clear today, when we are leaving Vietnam responsibly, thanks to a Republican President and his policy.

Mr. PERCY. Mr. President, I yield to the Senator from Maryland (Mr. Beall).

Mr. BEALL. I thank the Senator for yielding.

Mr. President, I congratulate the Senator from Tennessee for initiating this discussion on a most important subject. I thank the leadership for displaying a degree of footwork that, as a freshman, I observe allows us to continue this discussion at this time.

I received a call this morning from a member of the news media who asked me if I was going to participate today in the discussion of the President's war plans. I answered, "No, I am not participating in the discussion of the President's war plans; I am participating in the discussion of the President's peace plans."

I think we should put this whole matter in its proper perspective, because what it is that the President of the United States seeks is certainly peace, and I am sure all of us in this body join in this desire to attain peace for the people of America, which they have not had since 1964.

We all, I am sure, put things in perspective as a result of our own experience. My experience in the Congress of the United States, goes back to January, 1969, when I was elected to the House. At that time and prior to that time, during the campaign, I do not remember any member of the then administration, or any of the people who are criticizing the President today, coming up with a plan that would have ended American involvement in Southeast Asia.

Two years later, in 1971, we have a plan that will end American involvement in Southeast Asia. We have a plan that will bring home American soldiers. We have a plan that will end American casualties. I think we ought to be congratulating the man who has given us that plan, and I think we ought to be supporting a policy that is going to end American involvement in a horrible war that has cost us so much.

I congratulate President Nixon not only for initiating a program that will bring our involvement to an end in Southeast Asia, but I congratulate him for having the courage to stick to the plan that is going to bring about an honorable peace in that part of the world.

The Cambodian incursion of last year was criticized at the time. Certainly, history will show that it was a most successful operation in allowing us to escalate American withdrawal from Southeast Asia. We are hopeful the Laotian campaign of this year is going to have the same result. In my opinion, no one can justifiably criticize that operation at this time, because enough time has not elapsed to show the beneficial results that will probably occur from that operation.

It seems to me at this very important time, when the end is in sight, and when the weight of the evidence is clearly on the side of the President, that those of us who are interested in bringing peace to Southeast Asia and to the world, should support the President of the United States in his sincere desire to do just that.

I thank the Senator for yielding.

Mr. WEICKER. Mr. President, will the Senator from Illinois yield?

Mr. PERCY. I yield to the Senator from Connecticut.

Mr. WEICKER. Mr. President, this colloquy on our withdrawal from Vietnam has long been overdue. I respect honest differences as among our national leaders. Certainly, in spite of all the pronouncements of nonpartisanship and bipartisanship in foreign affairs, I believe a certain amount of partisanship is a good thing—it keeps everyone trying harder, and, after all, that is what makes our political system great and responsive. But Vietnam has men of supposed leadership stature exhibiting not a quiet, uncompromising dedication to achieving peace, but a hysterical scrambling which only compounds what was enough of a national tragedy when they acceeded to our entry into and escalation of war in Southeast Asia. May I remind these individuals that President Nixon had no part—and I repeat, no part—of that decision, but rather, within weeks of taking office, unilaterally made withdrawal our national policy.

Now I have not always agreed on domestic matters with my administration and, in fact, was held accountable on that very point by some of the Republicans of my State in a primary for the seat I now hold. But I accepted accountability when I exercised the privilege of acting as I thought was best for my constituents.

We also know the President has an accounting for his actions coming up in 1972. But where is the accounting for the loose talkers of 1970? Since they have shown great visibility in their criticism of this President's ways of pursuing peace, I would hope the same degree of visibility would be evident when peace is achieved by this President—not the low profile of amnesia such as politicians acquire whenever they have been wrong, but the high visibility of men who gambled on Vietnam as a political issue and lost.

Since 1968 President Nixon has had my support on Vietnam, not because his was a Republican policy, but rather because his was a policy of withdrawal and peace. No man by his actions—by his actions—has manifested his desire for peace more than Richard Nixon. Do many of us agonize with him on whether his tactics of peace will succeed? Yes. But our agonizing is not for the North Vietnamese, it is for the men left behind in fewer and fewer numbers—for the prisoners of war and for the South Vietnamese who, ready or not, now have the job of defending their Nation. These are not the problems of going to war, they are the risks of getting out of one.

I am committed to seeing that the children of my State will not march off to war—and I mean any war. I repeat that commitment because as fast as I want to get the old young out of Vietnam, I am going to make sure that the new young do not have to march off to three wars in one generation. That is the reason I stand here today to support a President in his acting to create a generation of peace, and it is why tomorrow I will stand here again in support of legislation to assure that the old mistakes of the new critics of this President will not happen again.

APPOINTMENTS BY THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The Chair, on behalf of the Vice President, announces the following appointments: the Senator from Idaho (Mr. CHURCH), and the Senator from New York (Mr. JAVITS) to attend the General Assembly of the Organization of American States, San José, Costa Rica, April 14–24, 1971.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Illinois, is recognized.

(The remarks of Mr. PERCY when he introduced bills to establish a Department of Community Development, a Department of National Resources, and a Department of Economic Affairs, together with the ensuing debate, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The time of the Senator from Illinois has now expired.

At this time, under the previous order, there will now be a period for the transaction of routine morning business not to exceed 30 minutes, with statements therein limited to 3 minutes.

The Senator from Missouri (Mr. SYMINGTON) is recognized.

TROUBLE FOR THE DOLLAR

Mr. SYMINGTON. Mr. President, as far back as the Kennedy administration, some of my colleagues used to ask me, in good humor, "How is Mr. Balance of Payments?" This because of my interest in this vital subject.

No one kids about it any longer.

Mr. President, in this connection, I ask unanimous consent to have printed in the RECORD the lead editorial published in the New York Times today, entitled "Trouble for the Dollar."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 1, 1971]

TROUBLE FOR THE DOLLAR

A new crisis for the dollar may be in the making. Last year the United States ran a $10-billion balance-of-payments deficit in its settlements with foreign governments—the biggest such deficit in American history. This year another big deficit is likely, though probably not as large. These deficits have meant a transfer of far more dollars abroad than foreigners want to hold, but they have not been able to do much about it, because the dollar is an official reserve currency used by this country to settle its foreign accounts.

Despite the huge deficit last year the international monetary scene was relatively quiet because foreign dollar holders were able to earn a high return on their dollars by lending them to United States borrowers. At the height of the liquidity crisis here, interest rates on Eurodollars soared to more than 12 per cent. Lately Eurodollar rates have fallen to just above 5 per cent, but with American banks "awash with liquidity," in the phrase of Federal Reserve Chairman Arthur F. Burns, the demand for Eurodollars in this country has evaporated. In fact, Eurodollars are flowing back to Europe in enormous volume, since European interest rates are above those here.

INDOCHINA—WHEN, IF EVER, WILL WE BEGIN TO CONSIDER OUR OWN SELF-INTERESTS?

Mr. SYMINGTON. Mr. President, in a recent column, by John S. Knight, an objective digest of President Nixon's foreign policy as applied in Laos and Cambodia and South Vietnam precedes the writer's presentation of his own views and comments.

Because Mr. Knight is an able, intelligent independent Republican and one of the most respected newspapermen in the land, his views should be of interest to Senators and other Americans who hold all shades of opinions on Indochina and Vietnamization.

Mr. Knight points out that no one can deny the President the right to emphasize what he considers to be the wisdom of his decisionmaking processes and to present forthright conclusions. By the same taken, those who take issue with the President can be equally sincere and motivated only by their grave concerns for the country they love.

For even as we are warned in the same breath of inflation and the dangers of communism, the rulers in the Kremlin could not have plotted a more destructive course for Americans than the folly of our continued involvement in Indochina.

In the view of Mr. Knight, it is a tragic fact that while this administration is pinning its political faith on American troop withdrawal, present policies insure that some U.S. forces and the might of our air and naval power will be in Indochina for years and years to come:

> In other words, we are getting out while staying in.

In conclusion, this respected, independent Republican newspaper man asks:

When, if ever, will we begin to consider our own self-interest?

Mr. President, I ask unanimous consent that the article by John S. Knight be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Detroit Free Press, Mar. 28, 1971]

JOHN S. KNIGHT'S NOTEBOOK—INVOLVEMENT IN INDOCHINA A RISKY GAMBLE FOR UNITED STATES

I had a nice note from President Nixon the other day in which he advised me to again read "U.S. Foreign Policy for the 1970s," a report made to Congress on Feb. 25.

The section on Laos and Cambodia is of particular interest at this time. Here are a few excerpts which explain the Nixon policy:

"In both countries, Hanoi has two aims. First, and primarily, to use them as infiltration routes, staging bases and sanctuaries for attacks against South Vietnam.

"Secondly, to erode governmental control in order to aid their efforts in South Vietnam and perhaps take over Laos and Cambodia themselves."

To meet these situations, President Nixon made these basic choices for Laos and Cambodia:

"To seek diplomatic settlements for both countries, either as part of an all-Indochina arrangement or separately.

"To provide military support both to Laos and Cambodia and to South Vietnamese defensive operations, without U.S. ground combat involvement."

The President says that, to date, Hanoi has rejected diplomacy and spread the conflict. "The Lao government for many years," he added, "and the Cambodian government this year, have turned to us and others for assistance."

Mr. Nixon rejects charges that South Vietnam is expanding the war. "It is Hanoi which expanded the war two years ago," states the President. "The argument against South Vietnam's defensive actions suggests that Hanoi has the right—without provocation and with complete immunity—to send its forces into Laos and Cambodia, threaten their governments, and prepare to bring its full strength to bear on South Vietnam itself.

"The choice for South Vietnam," Mr. Nixon continues, "is not between limiting and expanding the war. It is between what it is doing in self-defense and passively watching the menace grow along its borders."

The President refers to the "allied sweeps" against communist sanctuaries in Cambodia as a concrete example of these Nixon Doctrine principles:

Assumption of primary responsibility by Cambodia for its own defense.

Help from regional friends.

Our support through military and economic assistance.

"Our aim," said the President, "is to prevent the enemy from building up their capabilities for major offensives . . . to destroy their supplies and disrupt their planning for assaults on allied forces in South Vietnam."

Concerning Laos, the President explained that the U.S. had a military assistance program there six years before he took office and increasing air operations for four of those years. "We believed," he said, "that the U.S. role we inherited remained important . . . to support the Royal Lao government in the North" and because "Vietnamization called for continuing air strikes against the enemy."

The administration's "defensive and supportive policy" was outlined as follows:

No American ground combat forces.

Minimum American presence.

Military assistance for regular and irregular Lao forces when requested by the Lao government.

Reconnaissance flights and air operations to interdict North Vietnamese troops and supplies on the Ho Chi Minh Trail.

Logistic and air support for Lao forces when requested by the government.

Mr. Nixon says, "We do not underestimate the difficulties ahead for Laos and Cambodia. Hanoi has intensified the war on these fronts and its focus is likely to remain there in the coming months." Then the President praised "the Lao government's determination to preserve its independence," and contended that "the Cambodians also have the essential ingredients of success—national unity, maximum self-help and the support of friends."

In closing his section on Laos and Cambodia, the President declared: "I will continue to do what is necessary to protect American men as they leave Vietnam. Throughout I will keep the American people and Congress fully informed."

While giving a negotiated settlement "our highest priority," Mr. Nixon added this: "If the other side leaves us no choice, we will follow the alternate route to peace—namely phasing out our involvement while giving the region's friendly countries the time and means to defend themselves."

I hope my excerpting from these sections of the President's foreign policy book fairly and objectively reflects Mr. Nixon's views, for that has been my purpose.

And, as I said in this space on March 14, "President Nixon's confidence in himself and what he is doing has in no way been impaired by the persistent attacks upon his policies."

But then, Lyndon Johnson was likewise convinced of his own infallibility and unerring judgments on Vietnam.

No one can deny the President's right to emphasize what he considers to be the wisdom of his decision-making processes—and to present forthright conclusions.

It is likewise apparent that those who take issue with the President can be equally sincere and motivated only by their grave concerns for the country they love.

For even as we are warned in the same breath of inflation and the dangers of communism, the rulers in the Kremlin could not have plotted a more destructive course for America than the folly of our continuing involvement in Indochina.

Without undue lint-picking, I think it fair to say that the Laos and Cambodian adventures have been something less than a crowning success. Remember COSVN, the alleged enemy communications center which was our major objective in Cambodia? Well, it was never found.

South Vietnam's forces, supported by our unmatched air power, were to remain in Laos for another month. Yet the fact is that they have been fighting their way out of Laos with heavy losses in men, vehicles and tanks and the communists in hot pursuit. According to the Associated Press, the 45-day campaign in Laos has cost the South Vietnamese nearly 10,000 casualties or almost 50 percent of the total forces committed.

The Pentagon maintains in Operation Stiff Upper Lip that the incursion has been a success. From a tactical point of view, a case can be made for that claim since a partial though temporary disruption of the Ho Chi Minh supply line was achieved.

Yet one must also have some reservations about the ability of South Vietnam's best fighting men to cope with the enemy. James McCartney of the Knight Newspapers asks this extremely pertinent question: "If the South Vietnamese can't fight and win when given sophisticated U.S. equipment plus massive U.S. air support, what's going to happen when we pull out?"

Defense Secretary Melvin R. Laird concedes that the campaign in Laos had been cut short because of the "tremendously vicious and violent reaction of the North Vietnamese." Considering the fate of the French at Dienbienphu, what kind of reaction did the secretary expect?

Is Vietnamization, a program upon which President Nixon has based high hopes, actually working? The answer seems obvious.

Joe McGinnis, correspondent for the Philadelphia Inquirer, whose articles from Indochina have provided a new dimension in coverage of the war, offers this satirical description of President Nixon's supportive policy" in Laos: "Naturally, American ground troops must be sent in to protect the crewmen of helicopters which were shot down in the first place because they were supporting Vietnamese troops who were invading Laos to protect the American troops who were withdrawing from Vietnam."

It is no comfort to read unsupportable estimates of enemy losses as being five times greater than those of the South Vietnamese. If all reports of enemy losses since 1961 had been true, North Vietnam's fighting strength would have long since been decimated.

The tragic fact is that while this administration is pinning its political faith in American troop withdrawal, present policies insure that some U.S. forces and the might of our air and naval power will be in Indochina for years and years to come.

In other words, we are getting out while staying in.

And all at the risk of tempting Red China to take a bigger hand in the Indochina power game whenever conditions appear to favor the communists' self interest.

When, if ever, will we begin to consider our own self-interest?

VIETNAM

Mr. FULBRIGHT. Mr. President, unfortunately, due to limitations of time, I was not able to participate in the colloquy with regard to the recent expedition into Laos.

The current issue of Life magazine, April 2, 1971, has published an extremely perceptive article, in depth, written by John Saar, about the Laotian adventure and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"AN IGNOMINIOUS AND DISORDERLY RETREAT"

(By John Saar)

KHESANH.—The American colonel hunches in the seat helmet cocked into the slipstream, eyes screwed to a lone tank racing along Route 9 some 2,000 feet below. Six weeks ago, with cocky bravura, ARVN troopers rode their tanks and armored carriers west up this road and into Laos without firing a shot.

Now the scene is grimly transformed Giant U.S. M48 tanks, firing their gun barrels red-hot, are running eastward through a fiery gauntlet of mines, rockets and crimson-blossoming mortar bursts in order to keep the road open for the return of the remnants of the sadly battered column. Far below the colonel's command bird, an unarmed Medevac Huey makes a low weaving run and pauses briefly like a bee sipping honey to take on wounded. The command chopper streaks low over a tangled jam of wrecked and burning vehicles, disabled tanks and a downed helicopter. It soars sharply to evade ground fire and veers around the aimed mortar fire as the colonel grunts, "Who says they can't hit a moving target?" over the intercom. The black plumes of "incoming" mark a nearby U.S. artillery base where Americans are endeavoring to cover a withdrawal that has declined to an ignominious and disorderly retreat.

"A rout," says Webster, is "a state of wild confusion or disorderly retreat." Had he seen what I saw in South Vietnam's First Military Region last week. I believe Webster would agree that Operation Lam Son 719 ended in a rout. While no knowledgeable observer accepts the allied statistic of 13,688 NVA killed in Laos without a pinch of skepticism, there is no question that the North Vietnamese sustained much greater losses than ARVN. Yet by all appearances the NVA drove the invading forces out of Laos with their tails between their legs. An informed source places ARVN casualties at 10,000 killed, wounded and missing. That is almost half of the force originally committed, and losses would have been much higher were it not for the cool bravery of U.S. helicopter crewmen who dived with point-blank fire to extract many of the trapped units from NVA encirclement. Troops desperate to escape mobbed many of the rescuing helicopters, forcing crewmen to throw them off bodily. Some Medevac ships came back with unwounded deserters clinging to their skids. (At least two skid-riders fell to their deaths.) Many guns were blown in place, much equipment destroyed and abandoned. Some units were forced to bury their dead in Laos. One sorely pressed ARVN marine unit asked and received permission to abandon its wounded. Troops from the armored column, which lost approximately 100 tanks and carriers, were threatened with death by angry paratroopers when the soldiers drove away leaving their dead and wounded lying in the road.

By the middle of last week, all units had left Laos except a South Vietnamese marine brigade which was reported to be trapped, badly cut up and unlikely to come out with more than half of its men. It was said to have taken 2,000 rounds of incoming in a single 12-hour period. General Creighton Abrams' initial claim that most ARVN units were leaving Laos with heightened morale must be rendered doubtful by the casualty figures now coming in: according to accurate unofficial estimates, the equivalent of no less than 14 ARVN battalions are now inoperative, having sustained casualties of 30% or more. Since the units committed to Laos were regarded as ARVN's best, and since recovery will take between six and 12 months, the damage is very serious.

The disastrous failure of Operation Lam Son 719 is a catechism of Clausewitzian crimes. Faulty intelligence was principally to blame: grossly mistaken reading of NVA counterattack capability and intention, a poor understanding of the sophistication and diffusion of the Ho Chi Minh Trail network. Overconfidence in ARVN strength and overreliance on air power is a conclusion that may fairly be drawn from failure to hold fire bases. Critics also point an accusing finger to the tactical idiocy of an armored strike launched with insufficient secrecy down a single road bounded on both sides by impassable terrain. It is a sad irony that it should be General Abrams, a superb commander with a genuine affection and regard for ARVN, who was the U.S. officer chiefly responsible for committing it to such a debacle. So palpably ill-conceived was Lam Son 719, in fact, that it would be unjust to draw any long-term conclusions on the future of Vietnamization from it.

The helicopter made it all possible and from this helicopter, circling now over the Laotian border, you come to understand the futility of Lam Son 719. On the map, Route 9 is a gutsy little red line slicing decisively through the Ho Chi Minh Trail, an ideal corridor and communications backbone for an invasion. But from the air this dusty track fashioned by the French can be seen for what it is, a frail brown thread meandering westward, yielding with many a jink and detour to the harsh dictates of a jungled wasteland. Steep ridges slashed by innumerable ravines run to mist-shrouded horizons in all directions. The major mistake, incomprehensible in retrospect, was to insert 22,000 South Vietnamese troops into this forbidding and secretive terrain. It might have swallowed ten times their number.

The plan optimistically relied on massive U.S. air power to give ARVN the edge over 25,000 NVA combat troops heavily dug in, familiar with the terrain and protected by tanks, artillery and antiaircraft guns in dangerous concentrations. The vicious rocket fire of the Cobra gunships and the explosive might of B-52 strikes—sounding sometimes like a distant rumbling subway and sometimes like a stream of cannonballs rolling off a bed in the apartment upstairs—was theoretically irresistible. But when the eye can rove the immensity of the area and note how rare are the gray splashes and felled lumber of bomb strikes, you remember what one unimpressed GI said: "It's simple; they just can't bomb everywhere all the time."

The cynical pretension that Lam Son 719 was a South Vietnamese operation shattered into a thousand incredible slivers on its first day. It became obvious that the ARVN forces were performing, under the guidance of the U.S. adviser system, as surrogate American troops. Clothed, fed and armed by Americans, they were also totally dependent on U.S. aircraft for combat movement, resupply and the extraction of their wounded and their dead. Even the zippered olive-drab body bags were stamped "U.S."

Right from the start Lam Son 719 ran briskly into trouble. Bad weather tied down the 600-helicopter armada, and the NVA counterattacked against units in Laos with unexpected ferocity. Supported by tanks and artillery, they overran Ranger 39, an ARVN fire base set up on the north side of Route 9, and registered the first of a long series of costly victories. The invasion's armored spearhead came to a halt, snared and immobilized by mines on Route 9.

THE ARVN WERE REDUCED TO THE ROLE

At this point either of two sound pragmatic decisions might have been made: strong reinforcement and consolidation, or withdrawal. The ARVN high command made neither. Instead, presumably with support from their U.S. advisers, they elected to make a risky helicopter vault deeper into Laos, to the site of the long-destroyed crossroads town of Tchepone. On the evidence of an eyewitness, LIFE Photographer Akihiko Okamura, this feat was important mainly in terms of public relations; the occupying forces were small, stayed only briefly and found nothing of value.

Meanwhile, to the accompaniment of optimistic statements from Washington and Saigon about being "on schedule" and "everything going according to plan," the rest of Lam Son 719 was plunging headlong toward disaster. The gap between the reality of what was happening and the unwillingness to admit setbacks grew so great that one could not help but suspect that the operation had at least as much to do with getting President Thieu reelected in the fall as with military considerations.

Saigon-based newsmen have long accepted that ARVN spokesmen manipulate their own and NVA casualties to produce a favorable kill ratio. Now for Lam Son 719 a helpful colonel advised doubling friendly casualties and halving enemy dead to get a more accurate picture. The operation notably failed to produce photographs or other hard evidence of the claimed high body counts and cache finds.

Arguing that this was "after all" a Vietnamese operation and so "of course" they could give no information, U.S. officers curbed the right of their men to speak to the press. A possible explanation may lie in a comment made to me by a U.S. adviser to the ARVN airborne division. His own records of men wounded added up to almost twice the number the division was admitting.

As the operation evolved—one felt there was more frantic improvisation than adherence to a plan—new tactics appeared, calling for the ARVN units to stay mobile. Although these tactics avoided the punishing fire base sieges and probably saved South Vietnamese lives, they reduced the heavily outnumbered ARVN battalions to the role of live bait. The troops spent their days and nights running and hiding while U.S. air power struck at the pursuing NVA. Saigon spokesmen claimed the tactics were very successful, but some Vietnamese called them "inhuman" and alleged that the U.S. had pressured ARVN into Laos.

Official dispatches described intense activity by ARVN ground troops, but, as one of the very few newsmen to cross the border, LIFE Photographer Okamura cast doubt on the claims after three weeks in Laos. "They were too few," he said, "and the area was too large. They did not kill any NVA or find anything important while I was with them. They were so afraid of giving away their position that they waited five days to call a Medevac for one wounded man." Although the ARVN generals claimed their objectives were achieved, troops never reached the important junction of Muongphine, labeled "Hanoi" on operational maps, and the important Supply Base 604 also went untouched by ground forces. However, Okamura's observations supported the contention that while the ARVN troops lacked the near-fanatical motivation of the NVA, they did perform honorably in extremely testing situations.

Most of the 16,000 Americans involved in the operation were in relatively low-risk support roles, but U.S. helicopter crews flew some of the more dangerous missions of the entire war. Though the helicopter's vulnerability to .51-caliber machine-gun fire came as no surprise, the ability of the bunkered-down NVA gunners to survive air bombardment did. Describing how the three lead ships, including his own, were shot down during the NVA combat assault on Fire Base Lolo, one pilot said, "They put in five hours of air strikes and Cobras on that hillside. Then we went in and it sounded like a million people opened up on us." The severity and accuracy of the antiaircraft fire posed a serious handicap for the ARVN generals, according to the airborne divisional commander's American pilot. "General Dong just hasn't been able to overfly the battle and run his units like he'd like to."

As the operation came slowly and irresistibly to pieces, the uneasy sensation of involvement in an escalating snafu encouraged discord and acrimony. Among those most likely to know what was going on the word was, more and more. "They're getting their ass kicked!" Gradually, as U.S. helicopter missions grew increasingly dangerous, the tone in which the phrase was uttered shifted from sympathy to resentment. I put the question to a group of pilots just back from a bullet-dodging mission in support of "The Little People" (as ARVNs are often called over the radio). The reply came with malicious glee, "They're getting their ass kicked!" The laughter of the rest of the group was unmistakably vindictive. The loss of a fire base prompted more recriminations. U.S. advisers attributed it to the failure of nearby ARVN armor to move to the rescue. The Vietnamese countered by accusing the Americans of withdrawing air support at the crucial moment, in order to carry out a pilot rescue operation.

Abruptly, four whirring specks cross a melancholic expanse of gray sky and drop down into Hamnghi, hilltop base of the crack ARVN 1st Division inside South Vietnam. Their cargoes bring all the rumors and speculation about dark events in Laos into desperate focus. The wounded. One man toppled out and lies still until rushiing colleagues bear him gently to an ambulance. The rest can walk, the stiff-legged stumble of the exhausted wounded, and with their drawn, grimace-set faces, tattered uniforms and filthy dressings, they come painfully toward us like some terrible march of the damned.

Then, in air-tearing fleets of Hueys, the unwounded survivors arrive. The first step back to the soil of South Vietnam is for each man a moment of pure joy—the dazed grins, the helpless laughter, the jubilation of friends celebrating joint survival, with arms flailing round necks and shoulders. It takes no oracular powers to understand that in the past six weeks there men have seen fighting they never expected to survive. Yet they have come back, and despite their long-unwashed griminess and tatterdemalion fatigues, each man has a steel pot and a rifle, and somehow they have the carriage of the tough dependable soldier. They look good and you say so to a watching pilot. "Yeah," he answers, "what there are of them left."

Watching, with the controlled emotion expected of a mean, crew-cut captain in the U.S. Marine Corps, is an adviser to the unit. The book tells you how to lead your men from the front, die if necessary. But what do you say when you're spruce and safe and they have come back from the jaws of hell? "I wish we could have gone with them. We trained them, lived with them. It's kind of like cheating."

Next day there are similar scenes at the airborne headquarters. Only this time the procession of wounded is longer and the faces of the onlookers register growing depression. Several of the battalions are in trouble, and in three hours nearly 100 wounded arrive to take every inch of space in the underground hospital and overflow into two tents. A mortar bomb weighs only eight pounds, but it can claw and maul 20 men worse than a cageful of tigers. Some men have not scores, but seemingly hundreds of perforations. A Huey normally carries a maximum of 15 Vietnamese. A Medevac pilot with more humanity than sense radios in that he has 25 aboard and claims a record. A phalanx of the dead accumulates near the gates. Their bundled rifles and equipment lie nearby and among the helmets is one drilled front and rear with odd precision by a Kalashnikov bullet.

In the emergency operating theater a paratrooper under a local anesthetic watches impassively as a surgeon scissors dead tissue from the thumb he lost in Laos. Relatively speaking he is lucky and he knows it.

The situation of some of the airborne battalions still in Laos deteriorates during the day. A knot of tense and fidgety advisers waits on the edge of the helicopter pad for results of an extraction attempt under fire. The Hueys flail into sight but their cabins are empty. The pilots are shaken and angry and they climb out of their armored seats for a council of war.

"I don't know who the hell is running that, but there's NVA right alongside the landing zone and .51 is hitting inside. Six ships hit, one went down, and one aircraft commander hit in the spine so he can't move his legs. What are they trying to prove?"

"We started taking fire from a klick out . . ."

"That's two of my birds got shot up today. They can stick this flying up their ——. What are they trying to prove?"

Yet the word comes down for another attempt and the grumbling Ghostriders—that is their unit nickname—climb into their cockpits to crank and fly.

Again they are beaten off by fire, and this time one craft lands with a seat lying back and fresh blood pooling on the floor. A warrant officer runs over, takes in the scene and flings his combat cap to the oil-slicked ground in anguish. "The sons a bitches just ain't worth it." The ship is shot up like a target drogue and the door gunner, a good-looking guy with sweat-soaked blond hair plastered to his forehead, is haunted by the hole ripped in the thin metal just above his head. He wanders aimlessly through the crowd of smiling pilots shaking his head. "I can see going out there for GIs, but it's not worth it for these guys. What are they trying to prove?" Tempers are running high and when a curious bunch of Vietnamese paratroopers move over for a closer look at the damaged bird, some of the pilots fend them off with curses and angry shouts. The American advisers see the danger and run over to interpose themselves. Nine out of 11 of the unit's birds were shot up that day, yet the pilots still kept flying. They seemed to do so for personal and unit loyalties, not out of any sense of commitment to the South Vietnamese.

Later that day the Vietnamese doctors, attended by their servants, are dining in some style in their darkened underground mess when a noisy throat-clearing stills the conversation and an awkward American voice speaks from the shadows. "About the two refusals by the Medevac birds today . . . wanted to say that we are going to find out what happened." The adviser excuses himself and talk resumes. There is laughter and normality, but another dividing line has been drawn between allies.

"RUN FOR YOUR LIFE—EVERYTHING'S GOING ACCORDING TO PLAN"

Three weeks ago Khesanh was at its rejuvenated peak with C–130s howling to a shuddering halt on the plateau's midget airstrip every 15 minutes. The old runway, built and fought over in 1968, looked like a World War II flight line with nearly 200 helicopters crammed rotor to rotor under the direction of marshals wearing yellow nylon overblouses. The crews in their olive-drab flight suits lounged on the aluminum runway, smoking, talking over the upcoming combat assault. Then from the far end of the runway came that characteristic sound of 10,000 bottles breaking: "incoming." Up to this moment Khesanh had been a gentle, untroubed logistic base and for a few seconds no one moved. Then that sound again, and the crews dashed for their helicopters. Like a flock of startled crows they fled in every direction to reassemble into beadlike formations in the high, clear air and head for safer places. And Khesanh as an American base began to die again.

The death knell struck last week, when a flurry of mortar shells sent perimeter defenders leaping to their fighting holes for cover. The stage was set for the fierce closing battle of Lam Son 719 which, as if acknowledging the real opponents of the past 10 years, was to pit suicidal North Vietnamese sappers against plain ordinary American GIs.

The sappers came gliding barefoot through the darkness clad in camouflaged shorts and jackets and carrying satchel charges and Chinese grenades in webbing harnesses on their backs. They cut through the wire and were moving behind the defenders when wild shouts woke Delta Troop, 2/17 Cavalry, to the terror and bedlam of "sappers inside the wire." Five of the sappers moved swiftly down the zigzag communication trench, grenading the bunkers as they passed. It was highly trained saboteurs against line grunts, and it would have been no contest, except for a quiet, sandy-haired draftee from South Dakota. They threw two grenades in his bunker. He grabbed them, threw them back. They threw a third grenade, he dived with his flak jacket outstretched to cover the blast and save his bunkermate's life. Although badly wounded in the eye by a splinter, the young soldier than ran outside to empty an M–16 magazine into two of the attackers. Dropping the then-useless rifle, he launched an incredible onslaught on the other sappers with a machete and killed all three. When it was over the sappers had killed three Americans, wounded 10, blown up seven helicopters and two ammunition dumps and left 18 of their own bodies on and around the base. The episode proved once again that the American soldier seems to find it easier to admire his Vietnamese enemy than to like his Vietnamese ally. Said a grunt who helped fight a trapped sapper to a much-punctured standstill, "He sure had a lot of guts."

The next morning all helicopters left Khesanh and the final garbage fires started to burn. As ARVN convoys hurtled past his artillery base, a GI added the postscript to Lam Son 719. "ARVN is making an orderly withdrawal, they say. In other words, they got their ass kicked and they are hightailing it back. It's like us saying, "Pack up and run for your life. Everything's going according to plan.' Because the plan was only made five minutes ago!"

Mr. FULBRIGHT. Mr. President, I wish to remind the Senate that for the past 6 or 7 years, from the reports of reputable reporters of our major news media, whether newspapers or magazines—Time, Life, the Washington Post, and so forth—the evidence has proved them to be far more accurate than the official estimates about nearly all the actions which have taken place in Vietnam or Indochina.

Let me read just three sentences from the article:

> The black plumes of "incoming" mark a nearby U.S. artillery base where Americans are endeavoring to cover a withdrawal that has declined to an ignominious and disorderly retreat.
>
> "A rout," says Webster, is "a state of wild confusion or disorderly retreat." Had he seen what I saw in South Vietnam's First Military Region last week. I believe Webster would agree that Operation Lam Son 719 ended in a rout.

One or two paragraphs further on in the article:

> Faulty intelligence was principally to blame grossly mistaken reading of NVA counterattack capability and intention a poor understanding of the sophistication and diffusion of the Ho Chi Minh Trail network. Overconfidence in ARVN strength and overreliance on air power is a conclusion that may fairly be drawn from failure to hold fire bases.

Mr. President, I only wish to draw attention to this, for the sole purpose of trying to get at the truth.

The truth is always difficult to come by, especially in a period of warfare. We have had this experience before. It is not something new that has developed under this administration. It was quite as difficult in the previous administration as with this. When things do not go well, any bureaucracy, whether military or otherwise, tends to cover up. That is one of the hazards of a democratic system. On the other hand, I do not believe that a democratic system can function without access to the truth. Unless the Senate has access to the truth, we cannot participate and assist the executive branch in developing wise policies, as our Constitution provides.

Let me reiterate, that the greatest hazard, the greatest obstacle to wiser policies in our country is the obstacle that the Executive has put in the way of participation by the Senate in the making of decisions. The Senate has not been given access to important information and has not been consulted. The Senate learns about mistakes long after they have been made. The President, isolated as he necessarily is, under our system, from the political realities of the country. simply does not have the assistance of Congress, and specifically the Senate, in this area. I regret it. But it is doing no service to our country if we try to cover up or to deny and not acknowledge what the facts really are, whether they be in Laos, Vietnam, or anywhere else.

Accordingly, Mr. President, I think this Life article is extremely revealing. It is the latest thing from a man on the scene.

Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the New York Times today entitled "Reports by Saigon on Toll Inflicted on the Enemy in Laos Are Arousing Doubts," written by Alvin Shuster. This article sustains and is consistent with Mr. Saar's article. Also an article entitled "Thieu terms Laos drive Saigon's 'biggest victory'" published in the New York Times today.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THIEU TERMS LAOS DRIVE SAIGON'S "BIGGEST VICTORY"

DONGHA, South Vietnam, March 31.—President Nguyen Van Thieu declared today that his troops' recent thrust into Laos had attained "the biggest victory ever" for the armed forces of South Vietnam.

In a news conference of nearly two hours, held under a blazing sun in a cemetery at the South Vietnamese Army base here, Mr. Thieu insisted that the operation had achieved its objectives of disrupting supply lines, destroying stockpiles of war supplies and preventing any "significant" Communist offensives this year in the northern provinces of South Vietnam.

The news conference was Mr. Thieu's first in more than a year.

HIS TONE IS CONFIDENT

It was clearly called in an effort to offset the widespread belief that the South Vietnamese had been defeated in their 45-day major campaign, that they had been forced to reterat by heavy Communist counter-attacks, that their morale was shaken and that frictions had developed between the American and South Vietnamese commands. The President denied all such assumptions.

"I have learned," he said, "through some articles, through some periodic magazines, from daily magazines, which said that the United States said that the Vietnamese did not commit enough troops, that Vietnamese say that the United States had not provided enough support and that the redeployment of the Vietnamese troops from Laos is a defeat—disorder, disaster. I believe that is not true and is completely wrong."

The whole tone and manner of the President, as he spoke in English to reporters and addressed assembled airborne troops, was one of confidence that whatever the price paid by the South Vietnamese in casualties, the operation was worth it.

"As a general, as a combatant, let me say I am proud of you," he told the airborne forces. "I am proud of your performance. This is the biggest victory ever. You have caused a psychological breakdown to the Communists, you have hurt their morale seriously.

"This year you will achieve more victories. Thanks to these victories, we will be able to shorten the war."

He strolled among the paratroopers and asked one whether he had "ever fought any battle as exciting as this one."

The paratrooper, standing at attention, did not answer. To another, the President asked: "Did you fight well?" The soldier replied: "yes, sir."

STRESSES SAIGON'S ROLE

At his news conference, conducted as he sat on two wooden ammunition boxes in a small grove of pines about seven miles south of the demilitarized zone, Mr. Thieu emphasized that the invasion of Laos was a South Vietnamese operation, taken on Vietnamese initiative, only "supplemented" by United States airpower.

Asked whether there were differences between the American command and himself over the timing of withdrawal, Mr. Thieu said that the decision to end it was a "decision of the Vietnamese and we ended it because we judged the objectives of the operation to have been achieved."

Sources in Washington have reported that President Thieu decided to call off the operation, called Lam Son 719, rather than suffer more casualties, despite suggestions from the American command here that it continue.

Even though the bulk of South Vietnam's forces retreated from Laos, Mr. Thieu said, Lam Som 719 would be kept alive by lightning raids such as one whose start he announced today.

The raid, which military sources said would last about three days, involved United States helicopters and a small South Vietnamese unit. They were said to have gone 14 to 16 miles into Laos.

Mr. Thieu said he had no knowledge of reports from Washington that American air support would continue for such operations only for seven days more.

DEFINES U.S. RESPONSIBILITY

"The United States Government and the United States Army," he said, "only have the responsibility of providing support to all military operations conducted by our own initiative. So, the operation that has taken place this morning is also decided by us. This is a new attack, a new phase."

He also called it a "new-type operation" and said that even after the rainy season began in May, "we will have to continue this new operation if the situation demands."

Asked whether the South Vietnamese intended to invade North Vietnam, Mr. Thieu said that his army "has the capability to attack North Vietnam under some form" whether or not the United States provided air support. The extent of the American support, he said, would determine the type of operation.

"But I believe that, even without United States support, I could still choose a form of attack into North Vietnamese territory."

Mr. Thieu, who answered foreign reporters in English and local reporters in Vietnamese, said he saw no mistakes in the Laos incursion. He did mention "technical difficulties" that left some South Vietnamese troops without sufficient supplies but said that this problem, with American air support, was cleared up in three days.

As for the reports of a hasty retreat, Mr. Thieu said any withdrawal phase was difficult in military strategy. The object, he said, is to surprise the enemy when ready to withdraw. And, he said, "I think the fact that we have achieved our withdrawal very fast is a good thing, and not a bad thing, because the Communists did not have time to react."

Sgt. Nguyen Van Du, one of the paratroopers at Dongha today, saw the battle in different terms.

"The enemy was doped," he said. "I heard they were given 'no fear' medicine that made them fanatical and insensible to our fire. They kept coming in, running in on us, over the dead bodies of their friends."

Asked if he would go back in, he replied with hesitation: "If I am ordered to."

REPORTS BY SAIGON ON TOLL INFLICTED ON ENEMY IN LAOS ARE AROUSING DOUBTS

(By Alvin Shuster)

SAIGON, South Vietnam, March 31.—The campaign against Communist supply lines in Laos is over, but statistical warfare continues to rage, reminiscent of the days when American commanders put the stress on "the body count" to demonstrate success in the Vietnam war.

The figures at issue these days are those provided by the South Vietnamese Government on the invasion of Laos—numbers tacitly accepted by the Americans though some are so obviously exaggerated as to be meaningless. As a South Vietnamese lieutenant acknowledged, "the more political the operation, the higher the chances of exaggeration of what we did to the enemy."

It is an old controversy, now attracting new interest because the Saigon Government and, to a lesser degree, the American command are still providing a heavy dose of numbers to try to cure the public discomfort over the Laos campaign. The list is long, from enemy killed and munitions destroyed to field radios, trucks, antimalaria pills and chickens and ducks captured.

CONSIDERABLE DOUBT RAISED

Considerable doubt was cast on the statistics all during the 45-day campaign. Official briefers talked solemnly of counting bodies in the jungles of Laos, of estimates of explosives used, of heavy engagements where the toll of the enemy ran into thousands, as against a few wounded.

There were several days when the South Vietnamese command reported every detail of a fight, down to the number of rifles captured, and then said, "There is no word yet on our casualties."

In a war without front lines, it has long been a practice to measure progress in numbers, credible or not. The Americans, during the period of heavy ground combat, were the original sinners, as underscored in the trial of First Lieut. William L. Calley Jr., who testified:

"It was very important to tell the people back home we're killing more of the enemy than they were killing us. You just made a body count off the top of your head. Anything went into the body count: V. C. buffalo, pigs, cows. Something was dead. You put it into your body count."

LOWER U.S. CASUALTIES

American commanders say the "body count" period for them is over, largely because the nature of the war has changed. Americans are no longer in massive search-and-destroy operations or big battles and, with the enemy pursuing a protracted war of small units in this country, the engagements involving Americans usually show low casualty figures.

The theory is that the smaller the figure, the more credible it is.

General Michael S. Davison, commander of American forces in the military region surrounding Saigon, who is soon to become Army commander in Europe, said: "I never liked the body count and the stress on kill ratios because I always found they could lead to bad practices. When I decided to come here I decided never to mention kill ratios and body counts to a single subordinate commander."

American and South Vietnamese commanders like to look at figures as benchmarks of progress, nevertheless, because, in their view, the figures help to show what is happening to the enemy.

What happened to the enemy in Laos is still a big mystery. The South Vietnamese claim 13,815 North Vietnamese soldiers killed. The American command, which limits itself to estimates based on aerial observation, put the figure at 4,100. The clear implication, accordingly, is that more than 9,500 were killed by the South Vietnamese themselves, which is difficult for some officers to believe.

SOME "MINUSES" FOR HANOI

"Look at it this way," a doubtful American officer said. "The Vietnamese say they have killed nearly 14,000 Communists in Laos.

"If you figure that at least two are wounded for every soldier killed, that means 42,000 Communists were put out of action. Since there were supposed to be only 30,000 Communists in the area in Laos, they are now minus 12,000."

"Now the command says we killed something like 15,000 trucks along the trail since the dry season began in October," he continued. "They only had about 12,000, so again Hanoi is minus, this time about 2,000 trucks."

"So, if they are minus 9,000 men and 2,000 trucks, it's a wonder they can still keep going on the trail."

The South Vietnamese casualty figures for the troops in Laos are also open to question. Saigon says that 1,163 were killed and 4,299 wounded, with 240 missing, for a total of almost 5,700 or about 25 per cent of the force involved. Some unconfirmed reports circulating in Saigon put the total casualties at 10,000, or about 50 per cent, which the Saigon command absolutely denies.

FEW CHANCES TO CHECK

Because of the nature of the Laotian operation—no Americans allowed in on the ground—few of the statistics gathered by the South Vietnamese could be checked. The Saigon command insists that its men counted the bodies, but officers acknowledge privately that the figures are estimates. The lower American figure is also an estimate, based on reports by pilots of small observation planes and helicopters.

Duplication is unavoidable, with pilots sometimes counting the same bodies the South Vietnamese on the ground locate.

In a sense, the United States command is more interested in the accuracy of casualty figures for the South Vietnamese than for the enemy. As a result, American officers are assessing the figures with the help of American advisers at the scene who tried to count the members of their units as they returned.

An officer engaged in the work said that the South Vietnamese figures were on the low side but did not appear to be near the 10,000 mark. He said that the figures were probably off by a few hundred in each category, implying that the South Vietnamese probably suffered something under seven thousand casualties.

In any event, the South Vietnamese are not particularly interested in statistics, although they recognize the political possibilities of favorable ones.

"Statistics mean very little to us," a South Vietnamese official remarked. "We only started them because the Americans seem to be interested, along with the press."

FIGURE ON MUNITIONS WAS HIGH

The most striking example of statistical warfare during the operation in Laos was the figure provided by the South Vietnamese on the amount of munitions destroyed—176,246 tons, or more than the equivalent load of 10,000 of the largest cargo plane at work in Vietnam.

The American command was surprised by the figure, which jumped more than 160,000 in one week, and asked the South Vietnamese for clarification. The answer came back that it was "a verified amount." The American estimate is 14,000 tons.

At the briefing yesterday a Saigon spokesman insisted that the huge figure was accurate but added, "You should use your own judgment in using it."

The Americans are still not without their own attempts at manipulating the figures. The most frequently cited example was the deliberate leak in Washington of low American casualty figures—figures usually disclosed in Saigon on Thursday afternoons—early in election week last November.

During the incursion in Laos the command provided statistics only for the helicopters shot down and destroyed in Laos, not the much larger number shot down and then brought back to Vietnam. The rationale was that such information would help the enemy determine helicopter strength.

The casualties suffered in the "recovered" aircraft were also not reported daily, although they were included in the weekly figures, so the job of isolating the number of American casualties became almost impossible.

"The statistics still seem to be important in this war because of the limited tangible measurements," a diplomat commented. "The only problem is that they don't show whether you are winning or whether you really disrupted the trail."

The ACTING PRESIDENT pro tempore. The time of the Senator from Arkansas has expired.

Mr. BYRD of West Virginia. Mr. President, if the Chair will recognize me, I shall be glad to yield my 3 minutes to the Senator from Arkansas.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized for 3 minutes.

Mr. FULBRIGHT. I appreciate that. That is very generous of the Senator from West Virginia.

Mr. President, these articles all provide a consistent story from different sources as to how the real situation has developed in South Vietnam and in Laos. I regret it. I regret that the operation has not been successful. The Foreign Relations Committee and other Members of the Senate did not say anything critical of the Laos venture until it was perfectly evident to the blindest person that it was a failure. There is no profit, no benefit, in trying to cover up the situation and not acknowledge it. If we acknowledge it and put our minds to it, I think we in the Senate and the President can develop a sensible way to liquidate the war, one that will be in the interest of our country.

Mr. President, it is sometimes good for Americans to have an idea about what others in the world community, many of them our allies and friends who are very much interested in our welfare and in our success, are saying about our policies and actions. The U.S. Information Service, on a regular basis, prepares summaries of the reaction of news media around the world to current issues. The Laos operation has been given considerable attention in the world press, judging from recent issues of the summaries. In order that readers of the RECORD and the public may see how the world press views the Laos operation in terms of success or failure, I ask that there be printed in the RECORD the pertinent portions of the USIA summaries for March 22, 26, and 29.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

LAOS: REPORTS OF ARVN "RETREAT"

SUMMARY

As foreign information media told the story of the South Vietnamese withdrawal from Laos in extensive reporting, pictures and television film, commentators took widely differing views of the situation.

In most world news centers, the events were interpreted as "a retreat" (British TV and radio). West German TV said it was "more of a flight than a withdrawal." Concern that Vietnamization had suffered a setback was expressed in several countries.

However, a number of influential voices insisted that judgments regarding the outcome of the operation were premature:

The London *Economist* said that if the ARVN forces "come out in reasonably good order," they will have "bought a year, and maybe more, of relative quiescence."

Nationally influential *Die Welt* of Hamburg held today that "the result of the Laos incursion will only show months after the South Vietnamese withdrawal."

Vienna's independent *Die Presse* maintained today that the Laos action "must result in a general increase in U.S. prestige," and that President Nixon has shown himself "again master of the domestic situation and thereby capable of taking the necessary steps toward . . . termination of the American combat role. . ."

North Vietnamese media hailed a "great victory" of the "Lao People's Liberation Army" in southern Laos on Saturday and announced a "glorious feat of arms" in shooting down a B–52 over Vinh Linh last Wednesday.

BRITISH TV, RADIO REPORT A RETREAT

British TV and radio reported over the weekend that a retreat was in progress. They said the South Vietnamese had fought well and that their situation would have been much worse without U.S. air support.

On the last point, a BBC-TV correspondent interviewed a helicopter pilot who said that "without U.S. air support it would have been a total failure." The correspondent added, "While it is true that the South Vietnamese have fought creditably, probably better than ever before, they still rely 100 per cent on the Americans."

In a radio commentary, an editor of the London *Economist* suggested that the Laos operation never was meant as a knockout blow. A member of the BBC foreign staff said on radio that "it now seems clear not only that the operation is being wound up . . . but that it has been far less successful than last year's sortie into Cambodia . . ."

These were headlines today:

"Americans Using Every Plane to Save Laos Retreat from Disaster (Independent *Times* of London)

"Laos Withdrawal is Headlong Retreat"
(Liberal Manchester *Guardian*)

The *Times'* story reported that "full-scale withdrawal of South Vietnamese from Laos was almost complete after the apparent collapse of the 42-day campaign against the Ho Chi Minh trail."

The *Guardian* said that "the South Vietnamese withdrawal from Laos turned into a precipitate retreat" yesterday.

"Impossible to Get Over-All Picture"

The conservative *Daily Telegraph,* which supports U.S. Viet-Nam policy, today carried two articles complaining of lack of clarity in the situation.

Its military correspondent wrote, "It is still impossible to get an over-all picture of the military situation in southern Laos or discern to what extent the retreat of the South Vietnamese has gone according to plan or has been forced upon them.

"What does seem certain is that the effectiveness of the close air support, on which the success of the allied tactics depends, has once again been over-estimated."

The paper's Washington correspondent stated:

"President Nixon is again faced with a credibility gap over the Indochina war. The public is finding it increasingly difficult to square the Administration's claims that 'Vietnamization' is proceeding well with reports and television pictures from the Laos front. . . .

"It is an open secret that only those helicopters so badly shot up as to be write-offs have been admitted lost. The real figure is said to be three times as high. Despite the security blackout before the campaign, the enemy had a shrewd idea—to say the least—of South Vietnamese intentions. *The only people kept in the dark were the American people.*"

"Vietnamization Test Appears To Have Failed"

Yesterday its sister paper, the *Sunday Telegraph,* reported from Washington that "whatever the military truth of the matter in Indochina, it was quite evident that at home, Laos has the capacity to do President Nixon an immense amount of political harm. Far from being another Cambodian triumph, it is beginning to look as disastrous as the Tet offensive, with the saving political grace that this time no American ground troops are directly involved.

"The American public is not impressed by claims that thousands of North Vietnamese are being slaughtered in bombing and helicopter gunship attacks. All they know is that the first real test of the President's Vietnamization policy, the key to withdrawal from Indochina, looks as if it has failed."

Story of Troops Refusing Action

Today's independent-left London *Sun* reported that "battle-weary American troops refused to go into action" yesterday "when their commander ordered them into a Viet Cong ambush zone. . . . The soldiers complained they had no adequate weapons, ammunition or support."

"Two Gains of Laos Operation

The weekly *Economist,* out on Friday, ran an article which maintained that "even if the South Vietnamese come back out of Laos fairly soon—provided they come out in reasonably good order—the operation has had a major effect."

It said the operation would have accomplished two things: "The first is to have demonstrated that the North Vietnamese have been unable to prevent the invading force from coming and sitting in their own backyard. . . .

"The other thing . . . is to have deprived the Communist forces in Cambodia and South Viet-Nam of a substantial proportion of the supplies they were counting on being able to use between now and May 1972. . . . It will have bought a year, and maybe more, of relative quiescence. . ."

Paris TV: "Retreat on Schedule?"

French state-run television's first network last night carried films on the difficulties faced by the South Vietnamese as they pulled back from Laos. A commentary asked:

"A retreat on schedule, or a hurried retreat? Hanoi readily describes the retreat as a rout. A few facts show that things are not easy for the Americans and South Vietnamese. They have only one base left in Laos. When evacuating the next-to-last post, they lost at least 5 helicopters and 15 others were hit by enemy fire.

"Meanwhile, North Vietnamese heavy artillery, which dominates Khesanh, is pounding the principal operational base systematically. . . . It remains to be seen whether Khesanh will not be surrounded. Hanoi asserts: 3,000 soldiers are trapped like rats in Khesanh."

The second TV carried same film, with a comment:

"This looks more and more like the encirclement of Dien Bien Phu."

Today's mass-circulation *France-Soir* front-paged an AP picture of a South Vietnamese soldier clinging to a helicopter landing skid. It was captioned, "South Vietnamese Helter-Skelter in Laos."

Rome TV Reports

Italian television last night reported that the U.S. Air Force "has attacked missile bases in North Viet-Nam, bringing the umpteenth protest" from Hanoi, and that the "South Vietnamese withdrawal from Laos" was being "disturbed by a series of North Vietnamese attacks."

A filmed report discussed the logistical problems in the Laos operation and said:

"Many South Vietnamese units, which in the beginning had some success with their surprise attacks, were subsequently left without material and ammunition."

Three Papers on Vietnamization Outlook

Leading independent-conservative *Il Messaggero* of Rome commented today that "the general retreat in Laos . . . will have many negative repercuissions on the Vietnamization program, on which the gradual U.S. disengagement is based."

Socialist *Avanti* of Rome observed that "the U.S. press is strongly critical of the Laotian operation," and that the South Vietnamese "military rout" demonstrated "the failure of Vietnamization."

Independent-liberal *La Stampa* of Turin argued that "events have shown that without the support of U.S. aircraft the South Vietnamese troops would have been defeated by a better prepared enemy." It continued:

"This bad experience might lead the White House to slow down the Vietnamization program."

West German TV: "More Like a Flight . . ."

Almost every weekend news program on West German TV reported the Laos situation. Film clips and still pictures were accompanied by narrative comments such as "getting worse by the hour . . . bad morale . . . looks more like a flight than a withdrawal . . . Khesanh under heavy attack . . . U.S. Air Force tries to bomb North Vietnamese troops . . . U.S. helicopters fly out wounded and survivors . . . ten bases already abandoned. . . ."

"Success, Failure Not Yet Measurable"

Independent *Die Welt* of Hamburg noted that Hanoi had lost its Cambodian supply routes a year ago and was now "putting up violent resistance" in Laos because it "sees the Ho Chi Minh system endangered." It declared:

"Success and failure in military operations are not measurable in terms of day-today fighting. The result of the Laos incursion will only show months after the South Vietnamese withdrawal."

"Allied Explanations Like Hitler's"

Independent-left *Sueddeutsche Zeitung* of Munich stated on Saturday:

"Washington and Saigon are handling the approaching end of the Laos operation as unskillfully as they handled its beginning. They hand out conflicting releases, some of which recall the phraseology Hitler's propagandists used in their efforts to smoke-screen defeat. . . .

"Politically questionable as it was, the Laos operation initially seemed to meet a military purpose—smashing the Ho system and giving the withdrawing U.S. troops a breathing spell . . . But the price the South Vietnamese army has paid is excessive . . . the South Vietnamese forces will now be even less able than before to wage the war singlehandedly."

Left-center *Frankfurter Rundschau* said on Saturday, "The defeat of the South Vietnamese army in Laos comes close to catastrophe." It called the ARVN forces "hopelessly inferior" to the North Vietnamese forces and "only good enough to maintain military dictatorship in their own country."

Pro-Christian Democratic *Muenchner Merkur* of Munich said the "failure" of the Laos operation "confronts the U.S. President with an extremely difficult situation.

"If he sticks to his withdrawal plan . . . Saigon will fall prey to the Viet Cong sooner or later, and Nixon will lose confidence among his allies and be the first US President to lose a war. If he forgos his withdrawal plans, he will feel the consequences in 1972."

West Berlin: "U.S. Withdrawal Chance Lost"

Independent *Spandauer Volksblatt* of West Berlin quoted White House spokesman Zeigler and General Westmoreland on the situation in Laos, and observed that "there is too much at stake to resent" their "at least trying to cast doubt upon the gravity" of the "catastrophe." It said:

"The dangers are obvious. After their brilliant operations the North Vietnamese will not stop at the Laotian border. Without American protection the demoralized and weakened troops of Saigon will become easy prey. . . .

"The opportunity has been lost for a final withdrawal of the Americans. The South Vietnamese cannot be left in the lurch at the very moment when evidence of their military inability has been placed before the eyes of the world . . ."

Vienna: "Will Raise U.S. Prestige"

Independent *Die Presse* of Vienna maintained today that the Laos action "must result in a general increase in U.S. prestige." It said:

"Regardless of the military successes or setbacks of the Laos intervention, the operation has undoubtedly yielded rich political dividends to President Nixon. It has proved that the President is again master of the domestic situation and thereby capable of taking the necessary steps toward the declared goal—termination of the American combat role—while safeguarding the allies by arming and training them and enhancing their political and economic strength."

Tokyo: "Abandoning Bases"

A weekend commentary on state-financed Japan's NHK-TV reported that "North Viet-Nam has launched fierce counterattacks in Laos since the beginning of last week. . . .

"The South Vietnamese are abandoning advance bases one after another and retreating across the border into South Viet-Nam. . . . It appears that South Viet-Nam has admitted a change of tactics in Laos."

"Explanations Reminiscent of Imperial Bulletins"

Liberal independent *Asahi,* in a Saturday editorial, said Saigon troops were "continuing to pour back out of Laos," and that the "explanations . . . by Saigon and Washington remind us of the official bulletins issued by the Japanese army and navy Imperial Headquarters during the Pacific war. . . .

"To fool the Japanese people, crushing defeats were then characterized as 'shifting positions' and/or 'tactical movements in a new direction'." . . .

The paper argued that "after 40 days of fighting, the Laos operation leads one to the following conclusions:

"1) Any military operation that lacks 'moral justification' is bound to end in failure; 2) the 'Vietnamization' policy is nothing but an illusion, and 3) the war in Viet-Nam cannot be settled by military means alone. . . .

"Contrary to Washington's optimistic statements about Communist China's possible reaction, the leaders in Peking already have hinted openly several times at the possibility of Chinese intervention. . . .

"We are urging a political settlement now, especially because intervention by China could develop into a Sino-American war. . . . But more basically, the main reason that we are asking that the policy of pursuing the war be terminated is because the war essentially is a mistake, both logically and strategically."

New Delhi: "May have bought a little time"

Major Indian papers gave inside play to stories of "heavy South Vietnamese losses" in Laos.

The independent moderate *Statesman* of Calcutta and New Delhi editorialized yesterday that "it may be too early to say the operation has failed, but few can believe that it has had much success.

"Even the most enthusiastic supporters of the Laotian expedition will find it difficult to explain the latest reports from the battlefield in reassuring terms . . .

"The Laotian operation therefore must be judged by what it can achieve in the short run.

"For the time being it may have made South Viet-Nam relatively secure; it may also have bought a little time for the Cambodian government forces. Washington may argue that by keeping North Vietnamese troops busy on fronts outside South Viet-Nam it is paving the way for the promised American withdrawal."

Pakistan: "The licking in Laos"

The influential *Pakistan Times* of Lahore feared that "the licking in Laos . . . may prompt the U.S. to be even more reckless." It warned, "There are limits beyond which even China's self-restraint cannot persist."

Hanoi on Ban Dong "victory" and downed planes

North Vietnamese media hailed a "great victory" by the "Lao People's Liberation Army" in southern Laos on Saturday and announced a "glorious feat of arms" in shooting down a B–52 over Vinh Linh last Wednesday, but betrayed some nervousness in publicizing two Foreign Ministry statements within three days "strongly denouncing and sternly condemning" U.S. air raids over North Viet-Nam.

The most recent statement, issued today and reported by Hanoi radio domestic service, charged that "on March 21 and 22, the U.S. imperialists sent a large number of their aircraft to bomb and strafe many populated areas in Quang Binh and Ha Tinh Provinces and perpetrated numerous crimes against the local people. Heightening their vigilance and combat readiness, the people and armed forces . . . shot down three U.S. jets."

According to another broadcast, that brought Hanoi's tally of downed U.S. aircraft to a grand total of 3,381 as of today.

Regarding ground action, the Vietnamese News Agency (Hanoi) said today:

"Both *Nhan Dan* and *Quan Doi Nhan Dan* today editorially praised as 'a great victory the Lao People's Liberation Army's single battle in the Ban Dong area, southern Laos, on March 20 . . . when it wiped out one paratroop brigade and one task force armored brigade of the Saigon army, destroying or capturing nearly 200 tanks and armored cars, 80 aircraft and dozens of big guns.'"

Peking: "Vietnamization Doomed"

Peking also played the "victories" theme in a *People Daily* article yesterday which said in part:

"The Lao patriotic army and people, having wiped out eight battalions and 20 companies of the enemy troops which had intruded into southern Laos, recently continued their triumphant advance and multiplied their military successes by annihilating a 'crack force' of the Saigon puppet troops, the 1st Regiment of their 1st Infantry Division, putting all its five battalions out of action and killing its commander and deputy commander on the spot. The Chinese people hail this magnificent military success of the Lao patriotic army and people and extend them warm congratulations. . . .

"The failure of the U.S. puppet troops in their invasion of Laos proclaims the bankruptcy of the 'Vietnamization program' long designed by the Nixon Administration. They threw into the battle as the main force the so-called crack troops of the Saigon puppet clique, the 1st Infantry Division, the paratroop division, and the commandos and regarded this invasion as 'a key test of "Vietnamizing" the war.' The annihilation of large numbers of Saigon puppet troops meant . . . a double defeat for the Nixon Administration. The Vietnamization program is doomed to failure. . . ."

POSSIBLE EFFECTS OF LAOS OPERATION

SUMMARY

As the South Vietnamese drive against enemy supply lines in Laos ended, foreign media commentators expressed sharply differing views over the outcome of the operation and its possible effects on the war.

At the same time, news treatment of the situation in Indochina declined markedly in several countries. For example, state-run French TV's first network did not mention Laos yesterday.

The assumed contrast between official assessments of the allied action and the image projected by the information media was discussed in Great Britain, West Germany, Scandinavia, and Japan.

These points emerged in wide-ranging commentaries:

The operation may have prevented the Communists from launching a major attack in Cambodia or South Viet-Nam for a considerable length of time. (Independent *Economist* of London)

"The South Vietnamese have done a respectable job," but they did not achieve their goal. (West German TV)

Conflicting reports have produced a "growing credibility gap." (Copenhagen papers, Japanese TV)

Hanoi media sustained the theme of a "glorious victory of the southern Laos armed forces and people" over "the U.S. aggressors and Saigon puppets."

Peking NCNA cited Western news accounts to deride Mr. Nixon's remarks on Laos during Monday's TV interview.

Moscow radio in a domestic broadcast referred to "the failure of the American-Saigon intervention in southern Laos."

London: "Some Reports Less Apocalyptic Than Editorials"

The influential weekly *Economist* of London, a fairly consistent supporter of U.S. policy in Indochina, had this to say about media treatment of the Laos operation today:

"It is worth noting that some of the reports from Indochina itself . . . have been a good deal less apocalyptic about the withdrawal than some of the editorials written in London and New York. . . .

"A television camera is like a telescope: It shows you things with stunning clarity, but you need to see more than the bit it chooses to show you."

The weekly argued that "there are two things to be set against the evidence of the television cameras.

"The first is that, however they came out, the South Vietnamese did spend between five and six weeks sitting on part of North Viet-Nam's only remaining major supply line to the war in the south. General Giap will not be able to get many supplies through to the south between now and when the rains start. . . .

"If the planners' calculations are anywhere near right, it means that the Communists will not be able to launch a major attack in Cambodia or South Viet-Nam until the monsoon ends . . . and perhaps for quite some time after that, and by then they will find a stronger Cambodian army blocking their way to Saigon. . . .

"The other comment that has to be made is that this sort of operation hardly ever ends the textbook way anyhow."

In a story from Saigon, the weekly said, "The problem remains whether . . . South Viet-Nam . . . will be able to prevent supplies from moving south again in the next dry season. . . . Until then, the success of the present drive will be measured by the time is has bought."

"Disaster, Rout, Debacle"

A sharply different view was taken by the left-oriented, pro-Labor London *Daily Mirror*. The paper stated yesterday:

"President Nixon must stop trying to fool America and the world about the disaster in Laos. He must stop trying to pretend that the American-backed invasion has ended in anything but military rout. . . .

"Mr. Nixon still insists that the policy of withdrawal from Viet-Nam goes on. It would be a tragic blunder if he changed his mind because of the Laos debacle. . . . One day the Americans will have to get out. The lesson of Laos is: the sooner the better."

"Horrendous Decisions" Ahead?

The liberal Manchester *Guardian* held yesterday that the Laos operation has been a test of U.S. Vietnamization policy, and if Mr. Nixon "should be compelled to recognize that . . . the South Vietnamese troops were less effective against the enemy than had been expected . . . he would be faced with a really horrendous decision."

The paper maintained that the President "would either have to slow down and perhaps temporarily halt the withdrawal program or, by continuing it at the present level, not only place the remaining American forces in South Viet-Nam at risk but also the Thieu-Ky regime." It added:

"As far as the bulk of the American people is concerned, the Laos operation almost certainly appears as a failure."

TV: "Casts Serious Doubts on ARVN Ability"

All British TV channels yesterday ran a CBS film report on continuing South Vietnamese withdrawals from Laos.

On Wednesday, BBC–TV's "Twenty-Four Hours" program showed film on the Laos operation and an extract from President Nixon's interview with Howard K. Smith.

A guest commentator on the program contended that the operation "casts serious doubts on the ability of South Vietnamese forces to operate this much on their own outside their own territory." He said the President was "not unnaturally putting the bravest possible face on the matter," and that in view of next year's election, "Nixon would have great political difficulty in reversing the process of withdrawal."

The commentator concluded that the war "is certainly continuing, and in Indochina as a whole the North Vietnamese are on the advance."

West German TV: "ARVN Did Respectable Job"

A commentator on West Germany's first television network said last night:

"An evaluation of the Laos operation can be attempted only with reservations. For five weeks on the very terrain of the Viet Cong, the South Vietnamese have done a respectable job. Films taken of the evacuation leave no doubt that General Thieu's troops have fought a strong enemy in hostile territory . . .

"However, South Viet-Nam did not achieve its goal in this operation—the Ho Chi Minh trail has only been cut in a few places and for a short time. But it took General Giap five weeks to bring in enough troops to fight his sanctuaries free with heavy losses and at the price of freezing the war in all other parts of South Viet-Nam and Cambodia.

"The Laos operation cannot be judged according to the categories of 'victory' or 'defeat' because both sides suffered immense casualties, and because no decision was reached to force one side into accepting a peace. President Thieu now has the basis for his re-election in October, and President Nixon has a useful break for future troop withdrawals from Viet-Nam."

The commentator's analysis, which was introduced as "The Victory of the Press Officers," contained these observations:

"Judgments about the situation in Indochina have become an article of faith. . . . Anyone unable to see an American or South Vietnamese victory in Laos suffers from a liberal syndrome. . . .

"The confrontation of ideological positions in the evaluation of the operation in Laos certainly has its source in the fact that press officers in Saigon and Washington have created a total chaos of information. The tasteless success stories from the Pentagon and the scandalous attempts of the headquarters dilettantes in Saigon to claim the flight was a planned and programmed withdrawal, confirm that the first victim in war is still the truth."

"Achieved a Certain Success"

Another TV commentary last night declared that the Laos operation had "achieved a certain success," but said that "the argument now centers on the question of whether the Vietnamization concept is successful." The commentary referred to *Newsweek* and *Stars and Stripes* reports of "losses," in contrast to the statements by briefing officers of "successful operations."

"Did Not End in Victory . . . Failed Test"

Independent *Stuttgarter Zeitung* declared:

"The Laos operation did not end in victory. It may have been a defeat. The war cannot be won, nor must it be seen as lost, even if one concludes that the Laos operation was a failure."

Right-center *Handelsblatt* of Duesseldorf asserted that "Thieu's army has failed its test."

West Berlin: "ARVN Ability Over-Estimated"

Independent *Tagesspiegel* of Berlin yesterday published the view of its Saigon correspondent that "with the retreat of the Saigon troops from Laos, fear is growing that the allied invasion was a spectacularly wrong decision which threatens to effect the exact opposite of what it was meant to achieve." The correspondent continued:

"A defeat of the magnitude now seen threatens to inflict unbearable losses on the elite of the South Vietnamese army, to shake disastrously the self-confidence which this army gained in the past two years, and to set back Vietnamization by years or even doom it to failure."

He stated that the combat ability of the South Vietnamese had been "credulously over-estimated," while the strength of the enemy had been underestimated. The results of the Laos operation "no longer justify withdrawal of American forces from a military point of view."

Paris: "Failure of Vietnamization"

A by-line writer contended in yesterday's pro-Gaullist *Paris-Jour* that "despite the explanations from the White House and the Pentagon, the American-South Vietnamese setbacks in Laos marks the failure of President Nixon's Vietnamization policy."

Today's moderately conservative *Figaro* of Paris reported that "after precipitating the Saigon troops' retreat from Laos, Hanoi troops are penetrating South Viet-Nam in strength." It also said that "a disagreement between Washington and Saigon" had brought an end to the Laos operation, and that Washington had denounced North Vietnamese military activity in the DMZ.

Yesterday's left-center *Combat* headed a story on an inside page, "Failure in Laos Harms South Vietnamese Morale."

Communist *Humanité* headlined, "Operation in Laos Cost Aggressors 16,200 Men."

Radio: "Thieu Wanted to Spare Troops"

The state-run French radio said today:

"The North Vietnamese are penetrating South Viet-Nam in strength as the evacuation of Khesanh begins. The hurried South Vietnamese retreat from Laos reportedly resulted from a disagreement with Washington. President Thieu wanted to spare his elite troops. He does not want the Americans to depart too quickly and leave him to face the North Vietnamese with a weakened army."

The New York correspondent of commercial Europe One radio reported that "Washington and Saigon no longer agree on Vietnamization at the very moment when Nixon is preparing to announce another withdrawal of American forces. President Thieu considers that the fewer Americans in Viet-Nam, the less are his chances of being re-elected. Nixon on the contrary believes that the fewer Americans, the greater his chances of being re-elected."

Rome TV: Laird, McGovern Statements

Italian television yesterday quoted Secretary Laird as saying the South Vietnamese "have reached their objective—they have upset the Communist logistical lines," and contrasted this with Senator McGovern's description of the Laos operation as "an unbelievable defeat."

Prestigious independent-liberal *La Stampa* of Turin maintained today that the Laos operation had caused "two immediate repercussions in Viet-Nam and the U.S.—the return to Saigon of 22 South Vietnamese battalions which fought better than many Americans expected but not so well as General Abrams hoped," while "in America, according to a Gallup poll, 69 per cent of Americans think the U.S. Government has not told the truth."

"A Sufficient Success"

Yesterday's independent-conservative *La Nazione* of Florence called the operation "not a great, but sufficient success" that "achieved planned objectives."

"A Tragic Adventure"

Socialist *Avanti* of Rome saw "the end of the tragic adventure the U.S. wanted."

Communist *L'Unita* proclaimed "the catastrophic end of the aggression of American imperialists."

Vienna TV: "A Half-Success"

The chief commentator of highly influential Austrian TV, Hugo Portisch, on Wednesday night called the Laos operation "a half-success." He maintained that the South Vietnamese had been unable to cut the Communist supply lines as effectively as they had wanted to, and that their "morale was not too good." He then argued:

"Yet the picture would be incomplete if we failed to look at the Communist side. It is undoubtedly true that the Communists used all their forces to meet this invasion . . . sustained enormous losses. . . and that their war plans for the next few months have certainly been thwarted. Thus, things were very hard for them, too. . . .

"At the peak of the South Vietnamese invasion, Red Chinese Premier Chou En-lai had to fly to Hanoi. . . . There was much uncertainty both on the Chinese and North Vietnamese sides. . . .

"The South Vietnamese have learned that there are limits to what they can do, but the North Vietnamese have perhaps learned the same. And if these conclusions prevail in Hanoi as well as Saigon, this might pave the way to a political settlement in Viet-Nam."

Zurich: "The Present Confidence Gap"

Switzerland's prestigious *Neue Zuercher Zeitung* commented yesterday that President Nixon's ABC interview "made clear that he will not modify his foreign policy course—which, except for nuances, is that of all his predecessors—and that he will seek another term.

"Like Acheson, Dulles and Rusk, Nixon believes that fate has cast the U.S. in the role of guardian of the peace, and that world peace would be endangered by South Viet-Nam's going Communist.

"Nixon is certain that by mid-1972, Viet-Nam will no longer trouble the nation as much as it does now, and that this will enable him to close the present confidence gap."

Stockholm: "Chaos . . . Fiasco . . . Whitewash"

Swedish commentators held that the Laos operation represented a defeat for the ARVN and a setback to U.S. policy. Headlines spoke of "chaos in Laos," "fiasco for Vietnamization," and "a whitewash."

Liberal *Dagens Nyheter* of Stockholm said in a typical commentary:

"Soon President Nixon will be the only one who believes—or says he believes—that the invasion of Laos produced the results Washington had hoped for. As if we were not all witnesses to the total retreat of the Saigon troops, characterized by flight and panic, six weeks earlier than the operation, according to advance plans, was to have ended."

Regarding the President's comment in his TV interview that the Laos operation could only be fairly judged in long-range perspective, the paper said, "For the purpose of practical politics this is a nonsensical argument. If taken seriously it would render any debate impossible."

Helsinki: "Farce . . . fiasco"

Independent *Helsingin Sanomat* contended yesterday that the "conflict" between Mr. Nixon's "applause" for his military policy and "the facts" was changing the Indochina war from "a tragedy into a farce."

Swedish-language *Hufvudstadsblated* of Helsinki said of the President:

"It is evident that he is trying to cover up a fiasco."

Copenhagen: "Credibility gap widens"

Editorials and columns in most Copenhagen papers today criticized the Administration's evaluation of the Laos operation and maintained that "the credibility gap" was, as a result, "growing wider."

Tokyo TV: "Will greatly affect withdrawals"

Japan's state-financed NHK–TV yesterday called the Laos operation "a big blow to the Nixon Administration because of growing distrust of their Government by the American people." It held that "the fact that the Laotian operation ended earlier than expected under strong Communist counterattack . . . will have a great effect on the U.S. troop withdrawal plan."

Commercial TBS–TV spoke of "a 'miscalculation' for President Nixon . . . There is a growing credibility gap in the U.S. as a result of Laos . . . President Nixon is losing popularity . . . He faces a decision of negotiating in Paris or continuing the Vietnamization program. If he chooses Vietnamization, observers in Washington believe this will lead to escalation of the bombing of North Viet-Nam."

Commercial Fuji-TV maintained that "the operation succeeded in destroying part of the Ho Chi Minh trail, but South Viet-Nam suffered heavy troop casualties and the U.S. lost many helicopters . . . The performance of South Vietnamese troops . . . was not as strong as expected. U.S. military leaders probably now realize that a military solution is difficult."

Two Correspondents' Reports

Business-oriented *Sankei* of Tokyo gave big play yesterday to interviews with Saigon and Washington correspondents. The Saigon reporter said:

"Large sections of the Ho Chi Minh trail were destroyed, although the South Vietnamese side appears to have suffered heavy losses."

The Washington correspondent reported:

"There seems to be a split in America between those who believe the Laos operation was a success and those who do not believe the announcements of the U.S. Government. . . . Although the American people believed President Nixon when he stated that the Cambodian operation was a 'big success,' there is an air of doubt towards the President's March 22 TV interview statement calling the Laotian operation praiseworthy."

"Failed in Combat Capability"

Independent-moderate *Yomiuri* of Tokyo concluded today that "South Vietnamese forces failed to demonstrate a ground combat capability in major fighting that measures up to the expectations of the Vietnamization program. . . . The crack troops of the Saigon government were dealt a bitter blow and forced to withdraw earlier than scheduled, in spite of the unprecedented support by the U.S. Air Force. . . . The U.S. will have to start a new, perilous campaign if it wants to withdraw its troops from South Vietnam as scheduled . . ."

Seoul: "Reconsider Vietnamization"

Pro-government and pro-American *Shina Ilbo* of Seoul commented yesterday that the "reality" of the Laos operation was "grim . . . compelling reconsideration of Vietnamization as advocated by the Nixon Doctrine."

Manila: "Damage to U.S. Image"

The *Manila Chronicle,* which is frequently critical of the U.S., said yesterday that "the South Vietnamese and the American allies are getting clobbered disastrously" in Laos and that "almost all reports" indicate that they "are on the brink of an embarrassing psychological and military debacle. . . .

"No matter how one looks at the war, the allied withdrawals and heavy losses can never be equated with victory. It's not only damaging to the South Vietnamese war effort, it is likewise damaging to the American image in Asia, if not in the eyes of the whole world."

Sydney: "Advancing Backwards"

The conservative Sydney *Sun,* in a rare foreign affairs comment yesterday, titled "The Advance From Laos," criticized former Prime Minister Gorton because "his report on the Laos bloodbath makes even President Nixon look like a pessimist.

"It amounts to this—the enemy is retreating forward and our side is advancing backwards."

Hanoi Sustains "Victory" Theme

Hanoi radio domestic service on Wednesday broadcast the full text of a long "special communique of the Supreme Command of the Laotian People's Liberation Army on the glorious victory of the southern Laos armed forces and people in completely defeating the U.S. aggressors' and Saigon puppets' large-scale aggressive operation against southern Laos."

Other North Vietnamese media since then have sustained the "victory" theme, asserting that "the U.S. defeat on Highway 9 is of strategic significance: The American aggressors called for a showdown, and revolutionary forces in the Indochinese countries accepted this challenge, which has ended in a humiliating failure" (Hanoi's *Nhan Dan* yesterday). Reporting the ground attack on Khesanh, *Nhan Dan* today said "shock fighters of the People's Liberation Armed Forces . . . stormed into the base and struck the logistic compound."

U.S. air raids over North Viet-Nam drew further outraged comment, and the Vietnamese News Agency (Hanoi) published today the text of a "special communique" by the "DRV Commission for Investigation of the U.S. Imperialists' War Crimes" which recorded "the most recent war acts taken by the U.S. imperialists against North Viet-Nam."

Peking Derides Nixon Statements

NCNA yesterday carried Peking's first monitored comment on Mr. Nixon's Monday television interview, sharply deriding his statement that ARVN troops "fought in an outstanding manner" and that "the overwhelming majority of the people have greater confidence and higher morale" as a result of the Laos operation (NCNA's quotes). It relied heavily on Western news accounts to refute the President's assessment and said that "even U.S. columnist Alsop, who has always lauded Nixon, had to point out in *Newsweek*'s issue of March 22 that Nixon has crawled farther and farther into a predicament.' "

Meanwhile, NCNA and other Peking media noted the arrival in the capital of a Laotian Patriotic Front delegation which was received by Premier Chou En-lai and met with Prince Sihanouk, and the visit to Peking of a DRV Party delegation headed by First Secretary Le Duan, which also conferred with Chou. Thus, leaders of the "three Indochinese countries" on which Peking has repeatedly said it counts to carry the burden of defeating "U.S.-puppet" aggression in Indochina were again assembled under CPR auspices, this time in the wake of a "glorious victory."

Moscow: "Failure of Intervention"

Two brief reports on Moscow radio domestic service yesterday referred to "the failure of the American-Saigon intervention in southern Laos," asserting that Defense Secretary Laird "was forced to note that the Laotian patriotic forces' stubborn resistance was a deciding factor in the premature end of the operation."

OUTCOME OF THE LAOS OPERATION

SUMMARY

Overseas media over the weekend and today reported that Communist troops were on the move in the demilitarized zone and along the Laotian border, and that they had attacked U.S. bases in South Viet-Nam.

While the bulk of comment to date treated the Laos operation as at least a partial failure, some major commentators continued to suspend judgment or call attention to its accomplishments.

Thus, today's *Times* of London carried its diplomatic correspondent's view that the ARVN troops "did not fight badly," and that "the six-week operation had a fair degree of success in disrupting North Vietnamese supplies."

Italy's prestigious *Corriere della Sera* said it would take "months" to say whether the operation had "widened or narrowed" President Nixon's "remarkable margin of maneuver." Influential *Canberra Times* similarly said that "it will be impossible for some time to establish the extent to which the operation . . . has been successful . . ."

On the other hand, French TV asserted that "at least half" of the ARVN troops "could not be evacuated" from Laos, and Rome TV reported that "in Saigon they say the failure of Operation Laos may cost Thieu his presidency."

Several observers reported division in the U.S. over interpretations of the operation. A writer in the London *Sunday Times* said "a stalemate has now developed, with the official spokesmen insisting that the operation paid off and the news media claiming the opposite."

Peking NCNA gave voluminous coverage to a banquet celebrating "the brilliant victories won by the people of the three Indochinese countries . . ." Moscow TASS asserted that "the American-Saigon invaders suffered a crushing defeat, and not a single one of the military-strategic and political goals they set themselves was reached."

London: "A Fair Degree of Success"

Today's independent *Times* of London carried the view of its diplomatic correspondent that in spite of "sheer bad luck over weather," the ARVN troops in Laos "did not fight badly." He wrote:

"The six-week operation had a fair degree of success in disrupting North Vietnamese supplies. . . . This must have greatly reduced the chance of any successful North Vietnamese attacks in Cambodia or South Viet-Nam for the rest of this year. Much clearly will depend on morale. According to many reports, the South Vietnamese morale will not have been adversely affected.

"The nature of the Laos operation itself—a major raid followed by extrication under attack—was one of the most hazardous in the military textbook."

"Lively Doubts Aroused"

Today's conservative London *Daily Telegraph* reported that "the major Viet-Nam speech" which President Nixon "has promised to deliver next month . . . from the viewpoint of domestic American politics . . . may be one of the most important of his Presidency. Since the controversial Laos campaign began, public confidence in his war leadership had declined sharply in the opinion polls. . . . The Laos operation has now aroused lively doubts. Can Vietnamization be seriously considered successful enough to permit American troop withdrawals at an accelerated pace?"

On Saturday the paper reported from Washington that "President Nixon is going to have a difficult time persuading doubting Americans that the recent American-backed South Vietnamese incursion into Laos was a success. Opposition Democrats are hammering him on it for all they are worth, but his top advisers stoutly maintained yesterday that the operation will prove in time to have paid off."

"Administration-News Media Stalemate"

Writing in the independent-conservative *Sunday Times,* Henry Brandon asserted that the Laos operation "has cost President Nixon dearly in terms of his popularity rating and credibility, at least for the time being. . . .

"But the disgust with the war goes deep, even though no American ground troops were involved in this operation. And nothing has helped revive this distaste more than the sight on TV of South Vietnamese soldiers hanging desperately onto the skids of American helicopters."

Brandon concluded that "a stalemate has now developed, with the official spokesmen insisting that the operation paid off and the news media claiming the opposite."

Paris: "Laos Ended Fiction"

Today's moderately conservative *Figaro* of Paris carried the report of its New York correspondent that in San Clemente President Nixon would "weigh the results—and the lessons—of the South Vietnamese operation in Laos." He continued:

"American reporters in Indochina who saw the South Vietnamese troops after their 'orderly retreat' or 'rout' leave little hope for the standard-bearers of Vietnamization.

"It seems inconceivable that in the political situation in which he finds himself Mr. Nixon can afford not to continue the withdrawal of American troops. But the unfortunate operation in Laos has torn to shreds the fiction that such withdrawal would be possible without endangering Saigon."

"Allies on the Defensive"

French TV on Friday night reported that "the Americans are beginning to dismantle Khesahn. . . . Operation Lam Son 719 has ended. Now is the time for reckoning. . . . The Americans and the South Vietnamese are on the defensive along the Laotian border. . . At least half of the South Vietnamese troops engaged in Laos could not be evacuated. Their losses probably were heavy—from 30 to 60 per cent killed or wounded. . ."

A French correspondent recently returned from Khesanh was asked if he thought Laos had been a true test of Vietnamization. He answered:

"It is up to the Americans to answer that question. President Nixon, for one, declared that Laos constituted neither a defeat nor a victory. The American press considers that the fighting in Laos marked the failure of Vietnamization."

Rome TV: "Ky Speaks of Defeat"

Italian television reported the situation in terms of South Vietnamese politics:

"Thieu maintains that the objectives of the campaign were achieved. . . . Ky speaks openly of a defeat of the ARVN and of a new Dien Bien Phu. This debate is part of the struggle for the Presidency of South Viet-Nam . . ."

A TV correspondent just back from Laos declared that "the withdrawal . . . was dramatic but not a complete rout. . . . In Saigon they say the failure of Operation Laos may cost Thieu his Presidency."

"Still Much Margin for Maneuver"

The New York correspondent of independent-conservative *Corriere della Sera* of Milan reported "a dispute on the Laotian operation: Was it a success or a setback? There is uneasiness in the U.S. because of Laos." He observed:

"President Nixon intends to reverse the present situation, which is characterized by an atmosphere of uncertainty and uneasiness, by his mid-April announcement of further withdrawals of U.S. troops from Viet-Nam. The President still has a remarkable margin of maneuver. . . . Only the events of the months to come can show whether that margin was widened or narrowed by the Laos operation."

Oslo: "Some Favorable Aspects"

Conservative *Aftenposten* of Oslo, Norway's largest daily, said today that although "the latter part of the campaign turned into a rout" for the ARVN forces and "a battlefield triumph" for the Communists, there were still "some favorable aspects. . . .

"Even though the South Vietnamese did not achieve their primary goal—to cut the supply routes along the Ho Chi Minh trail—there can be no doubt that they have succeeded in so severely limiting the flow of material that North Vietnamese plans for operations in Cambodia and South Viet-Nam have been delayed by perhaps as much as a year. . . . This breathing spell can be used to intensify the Vietnamization process. . ."

Canberra: "Extent of Success?"

The influential independent *Canberra Times* stated on Saturday that "it will be impossible for some time to establish the extent to which the operation against the North Vietnamese supply line through Laos has been successful. . . . There can be little doubt about the accuracy of the day-to-day reports that came out of Laos indicating that heavy damage was inflicted on enemy supply routes and that a large amount of material was destroyed.

"What remains unknown is how quickly the North Vietnamese can re-establish the supply lines."

Djakarta: "Dealt Communists a Blow"

Anti-Communist *Nusantara* of Djakarta concluded that the Laos operation "dealt a heavy blow to the ability of the Communist troops to keep up their fighting strength in Cambodia and South Viet-Nam . . . and caused Hanoi to sense a major threat to the mobility of its troops."

Kuala Lumpur: "Some Substance" in Opposing Assessments

The *Sunday Mail* of Kuala Lumpur called the Laos operation "the battlefield collapse of the Nixon Doctrine. . . .

"Mr. Nixon says things are not as bad as they are made out to be; the newspapers and war correspondents say the full magnitude of the disaster has not been told. There is probably some substance in both positions. The only certainty is that the war thunders on."

"Sales Talk Rather Than Analyses"

Earlier, the *Malay Mail* of Kuala Lumpur described Mr. Nixon's statements on the Laos operation as "sales talk rather than sober analysis. . . .

"The campaign hasn't lived up to expectations. Why can't he say so? . . .

"Every government practices some restraint in its public utterances. This has got to be so. But in this case the Americans—and let us state our admiration for that country and its people—are mature enough to be treated with candor.

"Indeed their sophistication is reflected in the growing so-called 'credibility gap' between the White House and public."

Peking: Chou Lauds "Victories of Three Indochinese Peoples"

Peking NCNA gave voluminous coverage on Friday and Saturday to "a grand banquet warmly celebrating the brilliant victories won by the people of the three Indochinese countries in their war against U.S. aggression and for national salvation."

Hosted by Premier Chou En-lai on behalf of the Party Central Committee and the State Council, the banquet honored visiting top leaders from the North Vietnamese Workers' Party and the National Liberation Front, and the Neo Lao Hak Sat, as well as resident Cambodian Prince Norodom Sihanouk to fill out the trilogy.

NCNA said of the occasion:

"At a time when reports of victory are pouring from the front of resistance against U.S. aggression in Indochina and when the Chinese people are celebrating the splendid victories won along Highway 9 and on various other battlefields in Cambodia, Laos and South Viet-Nam, the arrival in Peking of comrade Le Duan, comrade Kaysone Phomvihan, Professor Nguyen Van Hieu and other Vietnamese and Laotian comrades-in-arms in for a get-together with their comrades-in-arms in the great rear area gives great joy and encouragement to the Chinese people."

The wire service carried the full text of Chou's speech, in which he said:

"The great victory won on Highway 9 is of great strategic importance to the over-all situation in the three Indochinese peoples' war against U.S. aggression and for national salvation. It has upset the U.S. imperialist global plan for aggression and frustrated the Nixon Government's vicious scheme of 'Vietnamizing' its war of aggression against Viet-Nam and of the Nixon Doctrine in using the local people to fight the local people and using Asians to fight Asians, thus placing Nixon in an unprecedented dilemma.

"The great victory of this campaign has fully demonstrated the boundless might of the people's war, given the three Indochinese peoples further initiative on the battlefield, and brought about a new situation on the entire battlefront in Indochina."

Chou repeated the now standard formula regarding "all-out support and assistance to the three peoples of Indochina."

Moscow: "A Crushing Defeat"

A Moscow TASS commentary on Friday asserted:

"Another American adventure in Indochina on which Washington pinned such great hopes has ended in failure. The invasion of Laos pursued not only military-strategic but also certain political aims. It was hoped to influence considerably the entire course of military operations in Indochina in favor of the American aggressors and their 'allies.' At the same time, the Laotian operation was supposed to show in action the meaning of the Vietnamization policy evolved on the basis of the Nixon Doctrine. The troops of the Saigon regime were given the role of the direct executors of the American command's plans designed to make Asians fight Asians . . .

"The American-Saigon invaders suffered a crushing defeat, and not a single one of the military-strategic and political goals they set themselves was reached. The operation ended in a panic-driven retreat of the Saigon mercenaries, who met with powerful blows from the patriotic forces. . . .

"Soon after the invasion of Laos started, *The New York Times*, listing the tasks the invaders set themselves, named as one of them the attempt to raise the morale of the Saigon government. At present, the official American propaganda machine prefers to forget that task altogether. . . .

"Wide public circles in America are growing increasingly indignant, and their distrust in the official declarations and forecasts is mounting. It will be very difficult to restore the confidence lost as a result of the Laotian operation, is the conclusion drawn by the *Washington Post*. Even before the catastrophic failure of the intervention in Laos had become evident, seven out of ten Americans did not believe the Government told them the truth about the war in Indochina."

I believe the articles and news reports I have put in the RECORD are the latest and best information available as to what has actually taken place. I think study of these reports is a first step toward the development of a wiser and better policy. We must first acknowledge what has actually happened.

DAVID BEN-GURION TALKS ABOUT ISRAEL AND THE ARABS

Mr. FULBRIGHT. Mr. President, in the April 3 issue of Saturday Review, there is an extremely interesting article by Mr. John McCook Roots, based upon an interview Mr. Roots had with David Ben-Gurion, former Prime Minister of Israel and still one of the most revered, elder statesman of that country. Mr. Ben-Gurion, certainly one of the greatest statemen produced by Israel, has very positive views about the proper policies for Israel to follow, and I believe he exhibits in these views the great maturity and wisdom which he has acquired through his long experience in that troubled part of the world.

Mr. President, I very much commend Mr. Ben-Gurion's views to the Senate. Most of us know him. He has been here many times. He was the real unchallenged leader of Israel during its period of creation in the early days when he was Prime Minister. We in the Senate must take his views most seriously.

Mr. President, I call this article to the attention of my colleagues and the public, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DAVID BEN-GURION TALKS ABOUT ISRAEL AND THE ARABS: "PEACE IS MORE IMPORTANT THAN REAL ESTATE"

(By John McCook Roots)

Amid the imponderables of a Middle East thrown violently out of focus by the death of President Nasser, one towering personality remains—Israel's legendary elder statesman, David Ben-Gurion, father of the Jewish state, for fifteen years its iron-handed first Prime Minister, author of its declaration of independence, creator of its incomparable armed forces, and possibly the closest our age has come to the "philosopher-king" concept immortalized by his favorite author, Plato.

Today, when the question of conquered Arab territories has become a key issue, Ben-Gurion's forthright views on the terms and spirit of the final settlement assume a unique importance. Long enough out of office to see beyond the battle, yet intimately involved with the struggle for survival whose guidelines he originally laid down, the architect of Israel's rebirth as a nation speaks from a wealth of experience possessed by none of the current leaders on either side. Most Arab heads of state were figuratively in knee pants when Ben-Gurion first became a world figure. Most of those in the present Israeli cabinet are his pupils.

Recently I spent an afternoon with this remarkable man at his desert retreat—kibbutz Sde Boker—deep in the Negev. With Nasser's funeral rites in Cairo still a vivid memory, I wanted to know how Nasser's long-time rival envisaged the future of the Middle East. I was also anxious to probe the questing mind that, during early Egyptian air raids, immersed itself in the Greek and Chinese classics, to see if there might be found wisdom to illumine some of the confusions of the world scene.

The omens for peace were not auspicious. Israel's resolute Prime Minister Golda Meir, herself a Ben-Gurion protegee, was still insisting that her country would never re-enter negotiations until the controversial Soviet-Egyptian anti-aircraft missiles had been moved back from the Suez cease-fire zone. Egypt's new President, Colonel Anwar Sadat, now firmly in the saddle, had responded by declaring once more that in that case a fresh round of fighting was inevitable. To Western reporters familiar with the long-embittered fears, frustrations, cynicism, and pent-up fury in both Jerusalem and Cairo, this dismal routine of charge and counter-charge, so happily broken for a few days by Secretary Rogers's summer truce proposal, appeared to offer no hope whatever for the peace both sides longed for so deeply and needed so much.

What did Ben-Gurion think about it all? The stocky figure, encased in a huge, gray turtle-neck sweater against the desert's winter chill, shot upright in his chair. The leonine head, massive atop the sturdy torso and crowned by the familiar aureole of now-thinning white hair, thrust close to mine. The blue eyes blazed as a stabbing forefinger punctuated his fluent, heavily accented English.

"Peace, *real* peace, is now the great necessity for us," he said. "It is worth almost any sacrifice. To get it, we must return to the borders before 1967. If I were still Prime Minister, I would announce that we are prepared to give back all the territory occupied in the Six-Day War except East Jerusalem and the Golan Heights—Jerusalem for history's sake, the Golan for security."

These were startling and controversial views. With the future of his country at stake, and considering the tough public line of his own government, did he really wish to go on record as strongly as this?

"Certainly," he shot back. "I am a realist and see things as they are. When I think of the future of Israel, I only consider the country before the Six-Day War. We must return to 1967. We should give all gains back, except Jerusalem and the Golan, and these we should negotiate about." Then, as if anticipating the obvious query: "Sinai? Sharm el Sheikh? Gaza? The West Bank? Let them go. Peace is more important than real estate. We don't need the territory. With proper irrigation we now have enough land right here in the Negev to care for all the Jews in the world—if they come. And they certainly will not all come. No, we don't require more land.

"As for security, militarily defensible borders, while desirable, cannot by themselves guarantee our future. *Real* peace with our Arab neighbors—mutual trust and friendship—that is the only true security."

Ben-Gurion, who studiously avoids political discussions, smiled at mention of the Gahal hard-liners whose clamor for even more territory than that gained in 1967 led last summer to their rejection of the American peace plan and resignation from the government.

"Of course," he conceded, gesturing toward a picture of Abraham Lincoln on the wall, "these frontiers I have indicated would be, from our point of view, far from ideal. But a bad peace is better than a good war."

Asked if others in his country now felt the same, he replied, "Yes, Many."

Regarding the question of the Arab refugees, Ben-Gurion believes two things: first, that the Jews cannot be allowed to become a minority in their own country; second, that the refugees clearly have rights which have been far too long denied and must be justly and promptly dealt with.

Concerning the first factor, Ben-Gurion recalled how Chaim Weizmann in 1931 lost his position as head of world Zionism "because he said that Jews would not need a majority in Israel." He quickly added, "Hitler changed his mind." As for the second, Ben-Gurion repeated again and again: "Remember, this land belongs to two peoples—the Arabs of Palestine and the Jews of the world." Undoubtedly, in his view, the unequivocal return of Gaza and the West Bank would contribute to a climate of conciliation in which this extremely thorny issue might be resolved.

Still ruddy and fit after nearly three-quarters of a century devoted to the Zionist cause, Israel's former leader has lived quietly at Sde Boker since his retirement from the government in 1963. The death of his wife Paula two years ago was a searing personal loss. But he maintains close touch with events, keeps in trim with a three-mile walk twice a day, and devotes most of his time to work on his memoirs. Only Friday afternoons are available for friends and visitors. Appointments are rigidly controlled through the Tel Aviv office of his one-time aide Defense Minister Moshe Dayan.

The memoirs will be his legacy to the nation he brought into being. The first volume, now complete, covers events to 1933. "But so much happens after that," he quips, "that from then on it may have to be a volume a year!"

The former Prime Minister, long known as the country's leading "hawk," sees no conflict between his present advocacy of territorial withdrawal and his handling of the traumatic Suez crisis of 1956. At that time, in defiance of world opinion, he invaded Sinai, wiped out the hostile fedayeen bases at Gaza, secured the Red Sea outlet by seizing Sharm el Sheikh, and clung to his gains against massive pressure from the United States and the U.N. "If you offer me a choice," he had explained, "between all the ideals in the world, however attractive, and the security of Israel, I would unhesitatingly choose the latter."

Finally, at the last possible moment, after he had made his point and upon receipt of "assurances" from Washington that there would be an easing of the implacable Arab hostility toward his new state, there was a graceful yielding to the inevitable, a general withdrawal order, and an appreciative word from President Eisenhower.

Much of Israel's seeming intransigence today derives from the aftermath of this first withdrawal from conquered Sinai. A senior Foreign Office official in Jerusalem will cite you chapter and verse why Mrs. Meir, then Ben-Gurion's Foreign Minister and chief U.N. spokesman, feels her country was betrayed at that time by the Americans.

"These 'assurances' and 'assumptions' on which our 1956–57 withdrawal was based," he remarks bitterly, "proved meaningless. There was no change in the Arab attitude. Our ships continued to be banned from the canal. The U.N. force at Sharm el Sheikh, it is true, gave us for a while free passage through the gulf. But exactly ten years later U Thant, on Nasser's demand, suddenly pulled his men out, and we had no alternative but to reoccupy Sinai. Then, following the Six-Day War, came the 'Three No's' of the Arab summit at Khartoum—'no recognition of Israel; no negotiation with Israel; no peace with Israel.' "

That position has now changed dramatically. Last spring Secretary Rogers launched his peace initiative. In July President Nasser, confounding the skeptics, accepted the Rogers formula. By so doing, the Egyptian leader executed a spectacular reversal of the Arab position. He disavowed by implication all three "no's," repudiated his own repeated refusal to negotiate while his country was under occupation, risked personal assassination at the hands of the enraged Palestinian commandos, and, at his death in September, left as a legacy to his successors the reluctant but firm Arab acceptance of a permanent Jewish state in the Middle East.

Nasser thus introduced a new factor into the current deadlock. Ever since the three-year-old U.N. resolution stipulating *both* Israeli withdrawal from its 1967 war gains *and* Arab recognition of Israel, the heart of the Middle East problem has been a simple matter of trust. In essence, it has been the problem of achieving simultaneous compliance with the terms of the resolution by antagonists who hate, fear, and deeply distrust each other and who therefore each insist that the other act first.

The late Egyptian President's contribution to resolving this dilemma was what amounted to a declaration of intent: If Israel withdrew, Arab recognition would follow. First stated publicly in May to Professor Roger Fisher of Harvard in a little-noted television interview, the declaration was officially confirmed by Nasser's "yes" to Secretary Rogers in July. On December 23, in a talk with James Reston of *The New York Times*, President Sadat repeated in substance the Nasser formula, and during a *Newsweek* interview in February, Sadat made the offer of a peace treaty explicit.

Israel, however, had not been heard from beyond the references to "safe, secure borders." Official definition of these borders is of course virtually impossible to achieve outside the conference room. Yet the absence of some declaration of intent, coupled with an Israeli occupation of Arab soil already nearly four years old, had fed deep-seated fears in Arab capitals. Speaking on American television in December, the moderate King Hussein of Jordan put the matter briefly: "What are Israel's real aims? They have not said what they will do. Do they plan to expand? Our position is very simply that they can have peace *or* territory, but not both."

Now for the first time Hussein has an indication. Technically, Ben-Gurion's views are unofficial. But they come from Israel's greatest statesman. And they carry a special authority of their own. They mean that the man who as Prime Minister ordered the first withdrawal from Sinai is now willing, despite his earlier disillusionment with the Arab response, to risk withdrawal a second time, believing that in the altered circumstances of today it is an essential prerequisite to peace. What are those altered circumstances?

Undoubtedly the most compelling development has been the shift in the Arab posture brought about by the late Egyptian President before he died. Ben-Gurrion spoke of it with amazement. "We have had to live for so many years," he explained, "under the threat of Nasser's hostility. I think I understood how he felt, and the pressures he was up against. And when he accepted the Rogers plan in July, it came as a complete surprise. I was frankly astounded. Perhaps he finally came to realize that Israel was here to stay. He must have changed his mind. And it takes a really big man, a really courageous man, to do that."

Related to this new factor—that responsible Arab opinion no longer expects to "push Israel into the sea"—is another. It is a dawning consciousness among many Israelis that their nation's long and agonizing fight for political identity has essentially been won, that Israel's physical survival over the short term is not now at issue, and that the chief question today concerns the country's relations with its neighbors, the Arab states, which alone can give it the lasting peace and security it craves. This realization is bound to induce a greater sensitivity to Arab desires regarding the final frontiers. It clearly conditions Ben-Gurion's approach to the settlement.

Then there is Russia. Ben-Gurion, like all Israelis' is greatly concerned about the increased Soviet presence in Egypt. He knows that Russian, unlike America, is a Middle East power—that in a showdown in the Mediterranean America would be at a disadvantage roughly comparable to that of Russia in the Caribbean during the Cuban missile crisis. Hence, the urgency about stopping the war on which this Soviet presence feeds.

Finally, there is his own highly developed sense of timing. At certain crises in Israel's brief history, fateful actions were ordered by Ben-Gurion on the authority, in the last analysis, of his inner conviction that "the moment" had arrived.

Clearly, today, Ben-Gurion senses once more that the hour of fate has struck. "In every conflict, there comes a time when to settle is more important than to get everything you want," he said. "And the time has come to settle. Today, above all else, as Jews and as humans, we must have an end to destruction and bloodshed. We must look to the future. The moment has come for peace, and we must seize it.

"One reason I feel so strongly about the need for bold steps now toward a settlement is that I am certain eventual Arab-Israeli cooperation is inevitable. In fact, an Arab-Israeli alliance. Geography and history make it so. The Arabs of the Middle Ages were the most civilized race in the world. They have much to give us, and I believe we in turn have much to give them.

"History has proved the absurdity of regarding traditional enmities as eternal. Nations which have been at each other's throats today may fall on each other's necks tomorrow. Look at France and Germany. Now, with the pace of change so rapid and radical, Arab-Jewish partnership may come faster than we think, and together we could turn the Middle East into one of the garden spots and great creative centers of the earth."

The former Prime Minister spoke again of President Nasser. He spoke with respect. There was a wistful note as he asked about the funeral in Cairo. "I often felt," he recalled, "that if he and I could have sat down together, we might have settled everything between us. He was by far the greatest of the Arabs. He was the one man, and Egypt the one Arab state, strong enough to make peace." Turning to the window, he spread his hands in a gesture of resignation. "And now he's gone," he said with emotion. "What a pity he had to die."

Ben-Gurion, a voracious reader whose long experience with men and affairs enables him to view Israel's dilemma with more detachment than most, then responded to questions on a broad variety of themes, ending with his favorite—world peace.

'The Middle East is not alone in being desperate for peace. Every nation needs it. We need to finish with wars and armies. Our Jewish prophets said: 'Nation shall not rise against nation, neither shall they learn war anymore.' Not only should we not make war, we should not *learn* war. It's nonsense to kill people. What is achieved? Why do it?

"Those who say that abolishing war is impossible forget that not long ago it was considered impossible to abolish slavery. Now it is slavery, not abolishing it, that is considered impossible. And war is worse than slavery."

PRESIDENT NIXON'S APRIL 7 ANNOUNCEMENT ON TROOP WITHDRAWALS FROM VIETNAM

Mr. SCOTT. Mr. President, the President will speak on April 7 of the further withdrawals of American forces. He has expressed to me the hope that the message will be reassuring to the American people. I believe that it will be .

What we are all pushing for and pointing to is finalization, and that is the American soldier from Vietnam.

I would suggest to Hanoi that now is the time for them to indicate that a release of our prisoners of war can be effected if we can at the same time respond with a schedule which will permit us finally to conclude this sad and tragic circumstance which so strongly affects our national life and, of course, theirs.

I hope that the prisoner of war situation will be seriously considered by Hanoi at this time, because some gesture from them might well be of extreme usefulness toward a solution of this problem.

LT. WILLIAM L. CALLEY, JR.

Mr. ALLEN. Mr. President, the verdict and sentence in the court-martial of Lt. William L. Calley, Jr., has rocked and shocked the Nation.

A wave of sympathy and indignation is gathering momentum—and for reason. For, if there is a fact in this case which has been established beyond any question of doubt, it is that our men on the battlefields of Vietnam and on posts and stations scattered throughout the world must have unquestioned moral support of those of us on the home front for whom these men are serving at the risk of their lives.

Mr. President, just a few moments ago the distinguished present occupant of the Chair, the distinguished junior Senator from Illinois (Mr. STEVENSON) introduced a bill having to do with closed circuit television. In the course of his remarks he spoke of the prizefight between Cassius Clay and Frazier. Just the other day on the floor of the other body the dean of the congressional delegation from my State pointed out the unfairness of a system that would allow one man to refuse to fight for his country and end up sharing a $5 million purse, and which would sentence another man to life imprisonment for fighting for his country. That speech was made in the other body by the distinguished Representative from Alabama, Mr. ANDREWS.

Mr. President, in the past such support has at times been woefully lacking—at other times it must have seemed to members of the Armed Forces that popular home support was entirely lacking.

Now, Mr. President, the Calley verdict has exploded over the heads of members of all our Armed Forces. It has had a shattering and devastating effect upon both civilian and troop morale. The wily, cunning, and cruel enemy could not have accomplished such damage to American morale on the battlefields of Laos and South Vietnam as has been accomplished by this verdict in the Calley case. They could not have accomplished such damage with an onslaught with the full force and fury of all the troops and weapons at their command.

Mr. President, the conviction of Lieutenant Calley cannot but sustain the conviction in the minds of our fighting men that our Government has imposed upon them an unbearable burden. A burden of pondering the legality of orders even in the heat of battle—in the midst of an actual assault upon an enemy-held position.

Who among us cannot but wonder if in following orders combat troops may not later be prosecuted by superior officers for executing orders of superior officers?

The faith of our soldiers in their Government must be restored—the faith of our people in the military must be restored. At stake is the effectiveness of the Army as a military component of the armed services. Otherwise, I fear that our Nation shall be torn asunder.

This is our cause. In support of that I call upon the President for Executive clemency. I call upon the President to order the immediate release of Lieutenant Calley from confinement pending an order of Executive clemency. I call upon President Nixon to act in the spirit of President Lincoln who so often, moved by compassion, interposed his judgment to set aside harsh verdicts and sentences imposed by military courts.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, if the Chair will recognize me——

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD of West Virginia. I yield to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. I thank the distinguished Senator from West Virginia for his courtesy.

Mr. President, in taking this action, I express not only my own views but also, I believe, the views of the vast majority of the people of Alabama, whom I have the honor to represent; and I believe this expresses the views of the vast majority of the people of the entire Nation. The people of Alabama are a patriotic people. We believe in supporting and backing our Armed Forces. The people of Alabama are deeply concerned by the plight of Lieutenant Calley. Some of their sentiments have been expressed to me in a deluge of telegrams, telephone calls, and mail.

Mr. President, I ask unanimous consent that copies of letters and telegrams marked exhibits 1 through 15 be printed in the RECORD as an indication of feelings of Alabamians which, I believe, are shared with a vast majority of the people of our Nation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 through 15.)

Mr. ALLEN. Mr. President, I expressed my sentiments on this subject to the people of Alabama by radio, television, and a release to newspapers. I request unanimous consent that the text of this message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 16.)

Mr. ALLEN. Mr. President, to further illustrate the depth and intensity of feeling of the people of our Nation on this subject, I request unanimous consent that a front page editorial published in the Nashville Banner, Nashville, Tenn., on March 30, 1971, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 17.)

Mr. ALLEN. Mr. President, more is involved than justice for Lieutenant Calley, and I refer to the support of the people of this Nation for the military position of our Nation. This is a most important issue, a most important question, and I believe that this court-martial, while the issues are entirely different, will go down as one of the celebrated courts-martial of history to rank with the Dreyfus case in France in notoriety and in the history of courts-martial.

EXHIBIT 1

GADSDEN, ALA.

Senator JIM ALLEN,
Washington, D.C.:

We the undersigned citizens of this great country of ours with a history second to none and a heritage that we and all our fore fathers can be justly proud, feel that a black day in our history has passed when Lt. Calley was convicted yesterday. We are proud of our great country and our leaders. But we can not condone sending our troops to foreign lands to war and then upon their return put them thru an ordeal such as Lt. Calley has just gone, then sentence them to life in prison or death. We would like you to use the influence of your office to which we helped elect you to, to see that this great injustice is corrected.

Louie Green, Bill Brown, Bill Patterson, Joe Phillips, J. D. Watson, W. E. G. Ady, Jim Smith, J. D. Jennings, Ken Massey, M. Campbell, A. E. Walker, Jerry Mitchell, Barry Holloway, Ralph Taylor, Rex Johnson, Donald Moore, D. S. Tingle, C. T. Amberson, F. R. Fancher, J. R. Horsely, R. L. Hawkins, Don Forman, C. P. Powell, John Bussey.

EXHIBIT 2

JACKSON, ALA.

Senator JAMES B. ALLEN,
Washington, D.C.:

Judge not that you not be judged. Certainly the trial and verdict with respect to Lt. William Calley was a travesty. Think a moment. Was President Harry Truman court-martialed as a result of dropping the atom bomb? Was General Sherman court-martialed as a result of raping Georgia? Were the pilots who bombed Germany court-martialed? Please exert every effort to give this young soldier who was trained to kill the proper place in life.

WAR VETERANS AND INTERESTED CITIZENS OF JACKSON, ALA.

EXHIBIT 3

FLORENCE, ALA.

Re: Lieut. Calley's case.

Senator JAMES B. ALLEN,
U.S. Senate Office Building,
Washington, D.C.:

The time has come for the so-called silent majority to speak out. My heart is heavy today. This boy has indeed taken your place and mine at the bar of justice. If he is guilty then you and I are also for allowing the situation to exist.

MRS. HENRY L. PUTNAM.

EXHIBIT 4

BURROUGHS CORP.,
Birmingham, Ala., March 29, 1971.

Senator JAMES B. ALLEN.
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: I have just heard the news of the conviction of Lt. William Calley by court-martial at Ft. Benning, Ga. and Senator Allen, I am Disgusted.

I don't know Lt. Calley, have never met him, and don't even approve of some of the things he has been saying, but to convict this man as an obvious appeasement to the "get out of everything" element disgusts me.

Quite obviously his actions, what ever they might have been, were known to the Army long before he was brought to trial. If they considered them a necessary part of a necessary war then, how can they now, in good conscience, convict him. This is the same army who now advertises, "We want to join you." Grow your hair long; come and go as you please; if you don't like the order, forget it. I'm glad I was in the Marine Corps. But what really makes this hard for me to swallow is, on the same newscast it was reported on was the report of the Supreme Court of our country today overruling the conviction of a known criminal because of "improper procedures." How anyone can watch Lt. Calley's conviction and not feel that something very wrong is happening in this country?

I respectfully request that you do all within your power to help this man who, wrong as he may have been, was fighting for what I believe in, and in all probability, just the way I would have.

Sincerely Yours,

CHARLES R. POOLE.

EXHIBIT 5

ELKMONT, ALA.

Senator JIM ALLEN.

DEAR SIR: I have just watched the verdict of guilty given to Lieut. Calley on T.V. I would like for you to know how I as a mother of two boys ages fourteen and fifteen feel about this verdict. If this is what happens to our boys who fight and give their lives for our country then I don't want any part of it.

Would you please as a Senator use your influence to see that this injustice is not done. I don't know Lieut. Calley except as a soldier doing a job that some say has to be done. Although I have never understood why our boys have to serve in Vietnam, I think all people know that in war the innocent are killed too. I have spoken to a few boys that have returned from Vietnam. In one case one boys was telling me his buddy was killed because he picked up a small child and was blown to bits. The child had a hand grenade under its shirt. I believe Lieut. Calley deserves your help.

Thanking you in advance.

Sincerely,

MRS. CHARLOTTE BROCK.

EXHIBIT 6

HUNTSVILLE, ALA.,
March 29, 1971.

Senator JAMES ALLEN,
Washington, D.C.

DEAR SENATOR ALLEN: I am writing in protest of the verdict against Lt. Calley for doing his duty in the Army of the United States.

I hope and pray for our future that you can help change this and that it will never happen again to an officer for doing what he was told to do in a war he had not wanted to be in, in the first place. How can we do this to our armed forces? We will kill any feeling of allegiance and duty to our country if we keep this up.

What a joke this must be on us from the Viet Cong side. They must really be laughing at us for dying in vain. I wish you could help this young man. This trial was all wrong. It can only stir up hatred for the Army and for doing a duty that we are forced to do. How can we ever get a voluntary army this way? It is an impossibility to want to serve.

Sincerely yours,

HELEN MACE.

EXHIBIT 7

HUNTSVILLE, ALA.,
March 30, 1971.

Senator JAMES ALLEN,
Senate Building,
Washington, D.C.

DEAR SIR: As a former combat veteran of the Korean conflict, I am outraged at the conviction of Lt. William L. Calley. If Lt. Calley is guilty as charged then I as well as the millions of men that have fought for the American Flag are also guilty. I have always considered the people that have fought and are presently fighting for the American Flag as patriots not criminals.

It is shameful that a man such as Clay the former Heavy Weight Champion of the world refuses to come to the defense of his country, at the time that others are required to, is allowed to go free and unpunished when a young man that is willing to defend his country is convicted of murder, then Senator something is certainly wrong with the system.

I believe that it is high time that we disregard world opinion, a world that for some unknown reason our government feels it must feed and police, and free Lt. Calley. I do not see how the United States government leaders could send any more American servicemen to die in South East Asia, unless we decide to win the war.

Senator, I urge you to demand that the President of the United States, as Commander in Chief of all military services set aside Lt. Calley's outrageous conviction.

Very Truly Yours,

THOMAS A. SHARP.

EXHIBIT 8

MARCH 30, 1971.

Hon. JAMES "JIM" ALLEN,
Member of the Senate,
Washington, D.C.:

As a World War II Marine Corps combat veteran, I respectfully urge you to do everything within the authority and influence of your office to rectify the gross miscarriage of justice in the case of Lt. William Calley.

The integrity of every combat veteran in the history of this nation has just been raped.

Sincerely,

RAYMOND E. BELCHER.

EXHIBIT 9

BIRMINGHAM, ALA.,
March 30, 1971.

President RICHARD NIXON,
President of the United States, Washington, D.C.

DEAR MR. PRESIDENT: I just want to write you this letter to say that I am appalled at the news last night that one of our boys, who was sent to Viet Nam and asked to put his life of the line there, in a battle that goes by few, if any of the rules of war as we have known them in the past, would be brought home and tried and convicted of murder for doing the very thing he was sent there to do.

I have a brother-in-law who is a career officer and has recently completed his second twelve months tour in that far away land where the boys never can tell from one minute to the next who are truly civilians and who are working with the Viet Cong. Even the little children have been known to do harm to our boys, if allowed to catch them off guard.

I am not an anti-war nut and have tried

to support our country and the efforts of our leaders, both at home and abroad; but can this be "American Justice" to do this horrendous thing to one of our own who has done his duty while so many were burning their draft cards, running away from the country, demonstrating and just generally acting like the no accounts that they are?

I don't know Lt. Calley, but I hate to think that this could have been one of my own family, and that this is my own country that is dealing out this kind of "justice"? And I know that this smacks of Injustice and wrong doing in my book, even to try these men in the first place, to say nothing of conviction.

Won't you please do whatever possible to give these men a full pardon and the apologies of their countrymen who have seemingly spit in their faces for protecting our freedom?

An Interested Voter.

Very truly yours,

JUANITA M. INGRAM.

EXHIBIT 10

MARCH 30, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR SIR: This letter will mark the first time I have ever written an elected official, but I felt I had to write regarding the unbelievable verdict in the Lt. Calley court-martial. When I heard that the jury had actually found this man guilty, my first reaction was shocked unbelief. Even though war is horrible and tragic, it has always been my understanding that on the battlefield it is "kill or be killed". I realize this is the law of the jungle, but then, isn't war the most terrible jungle of all?

I have always been immensely proud that I am a citizen of the United States and have always felt very "patriotic", if you will, about our armed forces. But, I cannot understand a military system that will send men to foreign soil to ostensibly protect a people with whose cause we are sympathetic, and then will fail to stand behind our own men when they carry out military orders handed down to them by a higher authority. These men are not in Vietnam for their health, but because they have been sent there.

I admit to being woefully ignorant of the workings of a giant military machine, but I fail to see a great difference between the alleged My Lai "massacre" and the countless bombings by our planes in Vietnam. In all these instances, innocent men, women and children are killed, as has been the case in all wars since the beginning of recorded history. This, so we learn from reading history, is the fruit of war. Tragic, sad, useless, we say, but how much sadder and more tragic if our men in the armed services were forced to defend our ideals and beliefs on our native soil!

In closing, Mr. President, let me say that I am behind you all the way regarding your policies in the Vietnam situation, but if you were ever needed to intervene in the behalf of a defender of our country, the time is now. As it now stands, Lt. Calley will never overcome the effects of having to undergo the ordeal of this court-martial, caused by his merely following orders.

I am afraid one of the effects of this verdict will be that the very vocal anti-war segment of our society will secure a great deal more support than they have previously enjoyed, as if Lt. Calley's court-martial verdict stands, it will be obvious to all that if the men in our armed forces, in the course of their duties, have to kill suspected enemy sympathizers, they do so at the risk of being court-martialed.

Respectfully yours,

MRS. MELBA HAMBERG.

EXHIBIT 11

MENTONE, ALA.,
March 30, 1917.

Senator JIM ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I am writing to urge you to use your influence in the U.S. Congress to make known to the entire United States and to the world that 99% of we Alabamians think the Calley Court Martial was a miscarriage of justice.

I feel that the powers that be are trying to demoralize and undermine the morale of our fighting men. Who knows what our reactions would have been had we been in Lt. Calley's place under the same circumstances?

I am a veteran of World War II, was raised on the farm, had never seen a Japanese prior to Pearl Harbor, but was drafted, taught to hate and kill. And before I even reached the South Pacific and saw a Jap I would have gladly dropped the bomb that would have sunk the whole Japanese islands.

I think we should stand behind our troops instead of handcuffing them and subjecting them to such a spectacle as we have witnessed at Ft. Benning. This undoubtedly will go down in history as the most unpopular decision in the annals of our military courts.

Respectfully,

LELAND M. COX.

EXHIBIT 12

March 29, 1971.

Hon. JAMES B. ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATER: I have just heard the verdict concerning Lt. Calley and I must say that our nation is in a sorry, rotten state when our government takes a youngster, teaches him violence, then convicts him of carrying out what he was taught to do.

I know that I voice the sentiments of the majority of the citizens in our area, and I hope that something can be done to rectify the warped feeling of some of the people that are trying and convicting people such as Lt. Calley.

Sincerely,

JEFF DIGE.

EXHIBIT 13

BIRMINGHAM, ALA.,
March 31, 1971.

DEAR SIR: I would like to take this means to let you know how upset and displeased I am over the verdict in the Lt. Calley Court Martial. I was shocked enough when I first learned that there was a court martial being held, but I felt sure he would be found innocent of the charges against him. But now, to actually learn that he has been convicted and actually faces a prison sentence or maybe death is more than I can bear without speaking out.

I do not doubt that Lt. Calley did in fact kill many people, and perhaps some of them were actually innocent bystanders. But how can anyone, including a court martial board, determine the guilt or innocence of people on the battlefield? How many of our soldiers have been killed by innocent women and children? How should our soldiers determine who the innocent persons are? Perhaps they should ask each person if he is innocent before they fire at him. Of course if this method is used, I doubt if anyone but American Soldiers would ever be killed.

I can't help but wonder why Lt. Calley has been singled out to be court martialed. Do you think he is the only one in Viet Nam who has killed a possibly innocent person? I know I don't and I doubt that you do. How is this guilty verdict going to affect the rest of our servicemen in Viet Nam? How many are going to be killed by "innocent women and children" because they were afraid to shoot first?

If we ever hope to win this war, someone is going to have to die, and I for one don't want it to be our American Soldiers. How can we ask our men to go to another country and fight under the so called rules that have been set up for them. Those rules don't protect anyone but the enemy. I am not opposed to the cause for which we are fighting, but if we are going to continue to play games, then it is time to bring our servicemen home before more are killed needlessly.

We constantly hear about the hope for a volunteer Army. Is this the way we are going to get it. I volunteered one time, but now I don't think I would do it again. If you refuse to fight you can be shot, and if you fight and kill the wrong person you are likely to be court martialed. If Lt. Calley is actually made to serve time in prison, or worse yet executed, then I personally feel all hope for a volunteer army is gone.

I strongly urge you to use your position to do everything possible to help set Lt. Calley free. I sincerely hope that you will be able to help him in some way. Wishing for peace, I am.

Respectfully yours,

R. K. THOMAS, Jr.

EXHIBIT 14

FAIRHOPE, ALA.,
March 30, 1971.

RICHARD M. NIXON,
President of the United States of America,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am worried. Yesterday evening I heard by radio of the conviction of Lt. Calley, of murder in Viet Nam.

I have a son in Viet Nam, sent there by our government in early January. This son has become 21 since he got there, and is now considered a man in our country, but he was drafted, trained to kill, and sent to Viet Nam trained to use Mortar as a mine. There is one purpose in this training, to kill the enemy. This not only is not his own desire but he has undertaken this only because he is trained at home for his whole lifetime that he is to obey the laws of his country, and the draft laws are necessary, we, his parents really believe, both for defending our country and to fulfill our commitments to our allies, and those in need of defense to secure their own freedoms.

Now my real worry, and concern is, (and has been throughout the publicity and trial of Lt. Calley, and this whole Mai Lai incident exposure) what is going to happen to our son when he obeys the orders of superiors, and kills some Vietnamese, who are difficult to identify as enemy or ally?

We have been relieved somewhat of this worry, when upon getting to Viet Nam he was able to type, and work in an office, but he has to stand his turn at guard duty, and this can apply to him then. It is enough a parent needs to constantly be before his God to pray for the son's safe return from the war zone, (and that we are prepared to do willingly for our country, as it defends Viet Nam (South) from the very real world enemy of communism) but to have to *also* be concerned that he has to weigh every action, quick as it has to be in time of battle, and self-defense, whether it would stand up in court martial, and be sure that isn't contrary to some soft-hearted peace-nik, "dove" American's idea of what war is supposed to be like. We know and realize war is hell, and sent from the pits of hell to rush souls to an eternal destiny by the devil himself. Therefore, we deplore the necessity of Christians to partake in it, but we know the Bible teaches us to resist the Devil, and he will flee from you, and at times we believe the part of resistance of the devil and his evil coherts is to actually fight physical battles.

Have I passed on my concern to you for my son effectively enough? I feel you really already feel this concern in a real way, by trying to bring our boys back as soon as possible. I am just trying to put across the message and plea to give them a chance when they get home before our courts, and courts-martial, and that the lower echelon of officers do not have to bear the brunt of national and higher official decision.

We pray for you and our other officials, and are very concerned about the future of our country. To this end we feel a strong resistance, and offensive against communism is the answer. We feel from the information we have, Lt. Calley shows he was also doing his little part in the whole effort to win the war in Viet Nam against Communism.

We are praying for Lt. Calley, and we do hope the pressure of the political issues involved in this long trial will not prevent justice being done to him, and others involved with him in this case.

To make it personal, we are praying for our son up within 40 or 50 miles of the DMZ that he make right decisions, and especially that he be led of the Lord in any decisions he has to make that they will not unnecessarily involve him in future tortuous trials Lt. Calley and his group have had to undergo, and probably still will in the news media and before judge and jurors that can put the rest of their lives in jeopardy physically and emotionally, really worse than undergoing the horrors of war itself.

Sincerely yours,

Mrs. Earl Johnson,

(*Mother of Pfc. David Paul Johnson Stationed at Phy Bai, Viet Nam.*)

Dear Senator Allen: As my representative in the Senate, I am sending to you a copy of the letter I have just written to our President. I am concerned, normally enough for my son in the war zone, but to think he might have to stand trial when he gets back to the U.S.A. makes a real cloud hanging over our heads.

I have been much in favor of the Cambodian and Laotian offensives and I feel these have helped my son's and other servicemen's chances to get safely home.

Sincerely,

Mrs. Earl Johnson.

Exhibit 15

Prattville, Ala.,
March 30, 1971.

Senator Jim Allen.

Dear Mr. Allen: We are very much upset in the way Lt. Calley has been treated in his case. We would like very much for you to do everything in your power to see he is set free, free from all charges.

You have made a wonderful Senator and we will be giving you our assistance next time you run.

Sincerely,

Till Aileen Deasan.

Exhibit 16

Lieutenant Calley

The verdict has shocked and rocked the nation and there is a wave of sympathy and support for Lt. Calley throughout the country and among our armed forces in Southeast Asia.

Calley's conviction may discourage the American GI and cause him to believe his government will not back him in combat situations.

Is a soldier to be safe in carrying out orders from superiors or must he ponder on the legality of the order as he faces death in battle?

Must a soldier face not only the enemy but look over his shoulder constantly to see if he may be prosecuted by his government for carrying out orders?

These are the big questions arising from this unfortunate case, and satisfactory answers were not given in the Calley case.

For this reason I do not believe that the verdict will stand through the several avenues of appeal that are available to Lt. Calley.

Exhibit 17

"Military Justice": Calley Conviction Damnable, Unconscionable Outrage

In ancient days it was customary by way of mass absolution to load a scapegoat with the sins of the people and drive him into the wilderness to perish. Yesterday at Ft. Benning, Ga., the practice was reinaugurated. By court-martial conviction, a lot of charged iniquities—certainly not all of them his own—were put on Army Lt. William L. Calley Jr., and that climax of an outrageous procedure in military jurisprudence shocked no less than the incident of March, 1968, on which it was predicated.

Let it be understood, nobody is condoning brutality as such on anybody's part—on or off the battlefield. But circumstantial fact no less than law belongs in consideration of cases in the extraordinary setting and category involved. Disregard the fact that it was Lt. Calley; it could have been any American son.

Nothing like this in the way of so-called military justice has occurred in U.S. military history.

Under the Constitution, which goes with every citizen wherever the Flag goes, the life of no man can be jeopardized by law without trial by a jury of his peers. That did not occur in the case of William L. Calley Jr.

The fault is in the whole conflict between the system of war and the ethics of peace which, by inference in this case are supposed to prevail together at one and the same time in one and the same place.

The man, in most instances a very young man, is taken from civilian life, trained to kill, sent to some foreign country, furnished arms and means of killing, sent into the field with orders to search, destroy and kill; these are drilled into him, along with the doctrine of treason on refusal to obey orders—and then in this monstrous consequence of that, he is arrested, tried, and convicted for doing exactly what he has been taught to do.

How do we expect soldiers to react?

War is the uncivilized, ruthless, brutal process of destroying the enemy—physically, militarily, economically—before he can destroy you. And the Vietnamese war is such if we ever had one, the longest in our history, and the passions of people normally pacific in all attitudes have been on edge for years. That is true on the home front and no less, certainly, on the war front where American sons have been fighting and dying. To expect boys under those circumstances to react humanely and pacifically on the field of battle—where people are concerned, or otherwise, is ridiculous to the point of complete irrationality. Maybe it shouldn't be that way, but that's the way it is.

Many an American soldier has lost his life as the result of mines, grenades, or other instruments of death planted in village areas or thrown by children below the teen age.

As of now, and rightly so, nobody has suggested court-martial of General Westmoreland, General Abrams—or any other commanding officers, past or present, who have been responsible for command decisions, or however indirectly the conduct of fighting men.

That could be next in the process of self-abnegation—and mass insanity retribution on or off the battlefield. If it is not to happen the drift in such a direction of demoralization and scapegoatism must be halted right where it is. It must be halted in the Ft. Benning case.

The thinking there occasioned by pressurized, appeasement ideas, was the product of the Nuremberg process.

Bear in mind that when we—and our allies in World War II—hit Germany with saturation bombing, destroying Essen, Frankfurt, and hundreds of other cities large or small, with firebombings day and night, and with no regard for civilian populations, nobody held President Roosevelt, General Eisenhower, or General Spaatz or their counterparts in command responsible—and nobody was court-martialed.

Harry S Truman gave the order for dropping the atom bomb on Hiroshima and Nagasaki—the deaths there inflicted almost totally civilian ran into the hundreds of thousands. Neither President Truman, Gen. Curtis LeMay, nor the crews of the two planes were held responsible for what turned out to be wholesale death and almost total destruction.

If we're going to train our military people to kill, and send them into mortal combat, concepts of justice to them must be shaped just as intelligently as the basic premise of justice prevailing, under the same Constitution, in courts of civil law. Who, in this instance, can be sure no perjury is being committed by other witnesses to save their own hides?

If civilized standards are to prevail, it is time to revise our whole system of military justice. If, on the contrary, the present system is continued, with the demonstrated possibilities of monstrous and unconscionable outrage, we'd better move to bring these boys back home instantly and forget about the war in Indochina.

It is unfair to these thousands of American men still over there—and to their parents. It is a disgrace to the Army, to the whole system of military justice, and to this court which perpetrated this outrageous farce in the name of justice.

Regardless of the source of appeal, or the route it takes, the President as Commander-in-Chief should order all proposed courts martial on similar charges to be dropped immediately, and should give Lt. Calley a presidential pardon.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Allen) laid before the Senate the following letters, which were referred as indicated:

Candidates Selected for NROTC College Scholarship Program

A letter from the Chief of Naval Personnel submitting a list of principal and alternate candidates selected for the 1971 NROTC College Scholarship program (with accompanying papers); to the Committee on Armed Services.

Proposed Legislation With Respect to Pilot Rating Requirements for the Armed Services

A letter from the Assistant Secretary of the Air Force submitting proposed legislation with respect to pilot rating requirements for members of the Army, Navy, Marine Corps, and Air Force (with accompanying papers); to the Committee on Armed Services.

Report of Civil Aeronautics Board for 1970

A letter from the Chairman of the Civil Aeronautics Board transmitting, pursuant to law, the annual report of the Board covering the fiscal year 1970 (with accompanying report); to the Committee on Commerce.

Proposed Legislation Regarding Load Lines on U.S. Vessels

A letter from the Secretary of Transportation transmitting proposed legislation to require load lines on U.S. vessels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and for other purposes (with accompanying papers); to the Committee on Commerce.

Aviation Cost Allocation Study Interim Report

A letter from the Secretary of Transportation transmitting, pursuant to law, a progress report entitled "Aviation Cost Allocation Study Interim Report" (with accompanying report); to the Committee on Finance and Committee on Commerce, jointly.

Reports by Comptroller General

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report on the examination of the financial statements of the Tennessee Valley Authority for the fiscal year 1970 (with accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report on the need for the Department of Defense to remove more low-cost low-usage items from inventories (with accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report on postage due and handling costs for processing mail with insufficient postage not being recovered by the Post Office Department (with accompanying report); to the Committee on Government Operations.

Continuation of Concession Contract at Grand Canyon National Park, Ariz.

A letter from the Secretary of the Interior transmitting, pursuant to law, a proposed amendment to the concession contract authorizing the continuation of the operation of a motion picture, lecture, and photographic studio for the public on the South Rim of Grand Canyon National Park, Ariz. (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report on Extraordinary Contractual Actions To Facilitate the National Defense

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, the calendar year 1970 report on extraordinary contractual actions to facilitate the national defense (with an accompanying report); to the Committee on the Judiciary.

Report on the American Revolution Bicentennial Commission

A letter from the Executive Director of the American Revolution Bicentennial Commission transmitting, pursuant to law, a report on the activities of the Commission during the calendar year 1970, including an accounting of funds received and expended (with accompanying report); to the Committee on the Judiciary.

Report of the Office of Education

A letter from the Commissioner of Education transmitting, pursuant to law, the annual report of the Office of Education (with accompanying report); to the Committee on Labor and Public Welfare.

A Study of National Health Insurance Proposals

A letter from the Secretary of Health, Education, and Welfare transmitting, pursuant to law, a report on a study of national health insurance proposals (with accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A concurrent resolution of the general assembly of South Carolina; to the Committee on Finance:

Calendar No. S. 283

A concurrent resolution memorializing the President and the Congress to Take Steps Necessary to Restore Order to International Trade in Textiles and Commending the President for Rejecting the Unsatisfactory Japanese Unilateral Textile Export Restraint Offer

Whereas, the importation of textiles and apparel from foreign nations has seriously undermined the entire economic structure of the State of South Carolina; and

Whereas, thousands of South Carolinians have lost their jobs or are on short time that causes them to earn below average wages; and

Whereas, the revenues of the State Government, County Governments and Municipal Governments of South Carolina are down by millions of dollars causing mandatory cutbacks in all agencies of State Government thereby affecting every citizen of this State; and

Whereas, the foreign competitors who flood our market and force thousands of our citizens completely out of work or onto short time manufacture and market their textiles and apparel under conditions that are illegal in the State of South Carolina and in the United States; and

Whereas, the government of Japan has offered a most unsatisfactory proposal to restrain, unilaterally, its textile-apparel exports to the United States; and

Whereas, the Japanese proposal has been rejected by the President of the United States, by the Governor of South Carolina, by many members of the Congress, including the Senators and Representatives from South Carolina, by the American Textile Manufacturers Institute, by the South Carolina Textile Manufacturers Association, by numerous newspaper editorials and by many others; and

Whereas, the textile markets of the United States are virtually wide open to foreign imports while many of the major exporters to this country tightly protect their own markets against our textile exports; and

Whereas, our government has imposed upon the American industry numerous regulations and cost factors that are not required of our foreign competitors; and

Whereas, the recent Japanese offer is based upon imports at the highest level in history; and

Whereas, the percentage growth rate under the Japanese proposal would be nearly double the percentage growth rate of the American textile industry since World War II; and

Whereas, it would undercut the long-term arrangement on cotton textiles that has been in effect for ten years; and

Whereas, the Japanese plan destroys the vitally important concept of categories and government to government agreements; and

Whereas, the textile industry of South Carolina and the entire nation has invested billions of dollars in recent years in new plants and equipment, making it the most efficient in the world; and

Whereas, the American textile industry pays its employees approximately two dollars an hour more than the industry of Japan, and the gap being even wider between this country and some other Asian Nations; and

Whereas, the Legislature and the people of South Carolina are not willing to see these terribly unfair conditions continue to weaken their most important industry which together with its supply and related industries over the years have been good, responsible corporate citizens; and

Whereas, these unfair conditions largely have been created by a combination of policies of our Federal Government. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the General Assembly of South Carolina respectfully memorializes the President of the United States and the Congress of the United States to do all in their power through legislative and administrative action, to see that order is restored to the chaotic international textile-apparel trade situation.

Be it further resolved that the General Assembly of South Carolina expresses to the President of the United States its appreciation for his forthright statement in which he rejected the recent Japanese proposal and gave his strong support to textile quota legislation (H.R. 20) now pending before the Congress; and also expresses to the members of the South Carolina Congressional Delegation and to other members of the Congress, who continue to work for a solution to this problem, deep appreciation for their dedication to this vital effort.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, to each United States Senator and each member of the House of Representatives of Congress from South Carolina, the Clerk of the United States Senate, the Clerk of the House of Representatives of the United States, the Secretary of Commerce and the Secretary of State of the United States.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the Senate of March 30, 1971, the following report of a committee was received on March 31, 1971:

By Mr. MONDALE, from the Committee on Banking, Housing and Urban Affairs, with an amendment:

S. 581. A bill to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes (Rept. No. 92–51).

REPORTS OF A COMMITTEE

The following report of a committee was submitted:

By Mr. METCALF, from the Committee on Interior and Insular Affairs, without amendment:

S. 484. A bill to authorize and direct the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests, in Montana, and for other purposes (Rept. No. 92–52).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. BENTSEN, from the Committee on Armed Services:

Maj. Gen. Homer I. Lewis, U.S. Air Force Reserve, to be Chief of Air Force Reserve.

By Mr. SCHWEIKER, from the Committee on Armed Services:

Brig. Gen. James Milnor Roberts, Jr., Army of the United States (colonel, U.S. Army Reserve).

Mrs. SMITH. Mr. President, as in executive session, from the Committee on Armed Services I report favorably the nominations of 35 general and flag officers in the Army and Navy. I ask that these names be placed on the Executive Calendar.

In addition, I report favorably 1,102 appointments in the Regular Air Force in the grade of captain and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The nominations, ordered to be placed on the Executive Calendar, are as follows):

IN THE AIR FORCE

Maj. Gen. Homer I. Lewis for appointment as Chief of Air Force Reserve.

IN THE ARMY

Gen. George Robinson Mather, when retired, to general; and

Brig. Gen. James Milnor Roberts, Jr., for appointment as Chief, Army Reserve, and for appointment as major general.

For appointment in the Regular Army of the United States, to the grades indicated, under the provisions of title 10, United States Code, section 3284 and 3307:

To be major general

Maj. Gen. Howard Wilson Penney, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Roderick Wetherill, [redacted], Army of the United States (brigadier general U.S. Army).

Maj. Gen. David Stuart Parker, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Raymond Leroy Shoemaker, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Lloyd Brinkley Ramsey, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. George Philip Seneff, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Edward Harleston deSaussure, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Hugh Franklin Foster, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Andrew Peach Rollins, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. William Robertson Desobry, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. George Lafayette Mabry, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Herron Nichols Maples, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Leo Henry Schweiter, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Edward Bautz, Jr., [redacted], Army of the United States (brigadier general, U.S. Army).

Maj. Gen. George Marion Seignious II, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Richard Logan Irby, [redacted], Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Franklin Milton Davis, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Paul Alfred Feyereisen, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Richard George Ciccolella, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. James Francis Hollingsworth, [redacted] Army of the United States (brigadier general, U.S. Army).

To be major general, Medical Corps

Maj. Gen. Kenneth Dew Orr, [redacted], Army of the United States (brigadier general, Medical Corps, U.S. Army).

Lt. Gen. Hal Bruce Jennings, Jr. [redacted] Army of the United States (brigadier general, Medical Corps, U.S. Army).

JUDGE ADVOCATE GENERAL'S CORPS

Brig. Gen. George Shipley Prugh, Jr., [redacted] Army of the United States (colonel, Judge Advocate General's Corps, U.S. Army), for appointment as The Judge Advocate General, U.S. Army, as major general, Judge Advocate General's Corps, in the Regular Army of the United States, and as major general, Army of the United States, under the provisions of title 10, United States Code, sections 3037, 3442, and 3447.

Brig. Gen. Harold Edward Parker, [redacted] Army of the United States (colonel, Judge Advocate General's Corps, U.S. Army), for appointment as the Assistant Judge Advocate General, as major general, Judge Advocate General's Corps, in the Regular Army of the United States, and as major general, Army of the United States, under the provisions of title 10, United States Code, sections 3037, 3442, and 3447.

IN THE NAVY

The following-named officers of the Naval Reserve for temporary promotion to the grade of rear admiral subject to qualification therefor as provided by law:

Line

John H. Pedersen
Richard Freundlich
Edwin M. Wilson, Jr.
Graham Tahler
George V. Fliflet
Eddie H. Ball

Medical Corps

Ben Eiseman

Supply Corps

Jack F. Pearse
Robert H. Spiro, Jr.

Dental Corps

George J. Coleman

(For nominations ordered to be placed on Secretary's desk, see end of Senate proceedings of March 10, 1971.)

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as indicated:

By Mr. HANSEN:

S. 1429. A bill to impose an additional duty on the importation of articles of any foreign country if such country nationalizes or otherwise seizes property owned by citizens of the United States. Referred to the Committee on Finance.

By Mr. PERCY (for himself, Mr. RIBICOFF, Mr. SCOTT, Mr. GRIFFIN, Mr. JAVITS, Mr. BENNETT, Mr. BROCK, Mr. DOMINICK, Mr. GURNEY, Mr. JORDAN of Idaho, Mr. MATHIAS, Mr. MOSS, Mr. MUNDT, Mr. ROTH, and Mr. SAXBE):

S. 1430. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Community Development, and for other purposes. Referred to the Committee on Government Operations.

By Mr. PERCY (for himself, Mr. RIBICOFF, Mr. SCOTT, Mr. GRIFFIN, Mr. JAVITS, Mr. BENNETT, Mr. BROCK, Mr. DOMINICK, Mr. GURNEY, Mr. JACKSON, Mr. JORDAN of Idaho, Mr. MATHIAS, Mr. MOSS, Mr. MUNDT, Mr. ROTH, and Mr. SAXBE):

S. 1431. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Natural Resources, and for other purposes. Referred to the Committee on Government Operations.

By Mr. PERCY (for himself, Mr. RIBICOFF, Mr. SCOTT, Mr. GRIFFIN, Mr. JAVITS, Mr. BENNETT, Mr. BROCK, Mr. DOMINICK, Mr. JORDAN of Idaho, Mr. GURNEY, Mr. MATHIAS, Mr. MOSS, Mr. MUNDT, Mr. ROTH, and Mr. SAXBE):

S. 1432. A bill to promote more effective management of the executive branch by reorganizing and consolidating certain related functions of the Government in a new Department of Human Resources, and for other purposes. Referred to the Committee on Government Operations.

By Mr. PERCY (for himself, Mr. RIBICOFF, Mr. SCOTT, Mr. GRIFFIN, Mr. JAVITS, Mr. BENNETT, Mr. BROCK, Mr. DOMINICK, Mr. GURNEY, Mr. JORDAN of Idaho, Mr. MATHIAS, Mr. MOSS, Mr. MUNDT, Mr. ROTH, and Mr. SAXBE):

S. 1433. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Economic Affairs, and for other purposes. Referred to the Committee on Government Operations.

By Mr. RIBICOFF:

S. 1434. A bill for the relief of Harold Jacobson. Referred to the Committee on the Judiciary.

By Mr. STEVENSON:

S. 1435. A bill to amend the Communications Act of 1934 to ban sports from closed-circuit television. Referred to the Committee on Commerce.

By Mr. BYRD of West Virginia:

S. 1436. A bill for the relief of Doctor Alfredo R. Soliva. Referred to the Committee on the Judiciary.

By Mr. CANNON (for himself, Mr. MAGNUSON, Mr. PEARSON, and Mr. SPONG):

S. 1437. A bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes. Referred jointly to the Committee on Finance and the Committee on Commerce.

By Mr. ERVIN (for himself, Mr. BAYH, Mr. BENTSEN, Mr. BIBLE, Mr. BROOKE, Mr. BURDICK, Mr. BYRD of Virginia, Mr. CHURCH, Mr. COOK, Mr. DOLE, Mr. DOMINICK, Mr. EAGLETON, Mr. FANNIN, Mr. FONG, Mr. GOLDWATER, Mr. GRAVEL, Mr. GURNEY, Mr. HANSEN, Mr. INOUYE, Mr. HRUSKA, Mr. JORDAN of North Carolina, Mr. JORDAN of Idaho, Mr. MCGEE, Mr. MCINTYRE, Mr. MAGNUSON, Mr. MATHIAS, Mr. METCALF, Mr. MILLER, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. NELSON, Mr. PACKWOOD, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. SCOTT, Mr. SPARKMAN, Mr. SPONG, Mr. STEVENS, Mr. TAFT, Mr. TALMADGE, Mr. THURMOND, Mr. TOWER, Mr. TUNNEY, Mr. WILLIAMS, Mr. HUMPHREY, Mr. MUSKIE, and Mr. HATFIELD):

S. 1438. A bill to protect the civilian employees of the executive branch of the United States Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasion of their privacy. Referred to the Committee on the Judiciary.

By Mr. GURNEY:

S. 1439. A bill to establish a Judiciary Assistance Administration within the Department of Justice, to provide financial assistance to the States in order to encourage reform, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. ALLOTT:

S. 1440. A bill to establish a Federal Judiciary Council. Referred to the Committee on the Judiciary.

By Mr. ALLOTT (for himself and Mr. Dominick):

S. 1441. A bill to designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS (for himself, Mr. Allen, Mr. Gravel, Mr. Hart, Mr. Hartke, Mr. McGovern, Mr. Metcalf, Mr. Pastore, and Mr. Randolph):

S. 1442. A bill to amend the Internal Revenue Code of 1954 to provide that the first $3,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income. Referred to the Committee on Finance.

S. 1443. A bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of nonmarriage of retired employees and Members, and for other purposes;

S. 1444. A bill to increase the contribution by the Federal Government to the costs of employees' health benefits insurance; and

S. 1445. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. CRANSTON (for himself, Mr. Tunney, Mr. Muskie, and Mr. Nelson):

S. 1446. A bill to create marine sanctuaries from leasing pursuant to the Outer Continental Shelf Lands Act in areas off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. CRANSTON (for himself and Mr. Tunney):

S. 1447. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 1448. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 1449. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 1450. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 1451. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes; and

S. 1452. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. JAVITS:

S. 1453. A bill to amend part A of title IV of the Higher Education Act of 1965, relating to educational opportuntiy grants, in order to authorize an increase in the amount of such grants in certain cases and to authorize such grants for students attending institutions of higher education on a less than full-time but at least half-time basis. Referred to the Committee on Labor and Public Welfare.

By Mr. MOSS:

S. 1454. A bill to amend the Federal Cigarette Labeling and Advertising Act to require the Federal Trade Commission to establish acceptable levels of tar and nicotine content of cigarettes. Referred to the Committee on Commerce.

By Mr. CRANSTON:

S. 1455. A bill for the relief of Mateo Rojas Ayala and his wife, Dominga Mayorga Ayala. Referred to the Committee on the Judiciary.

By Mr. HARRIS (for himself and Mr. Bellmon):

S. 1456. A bill to provide for the disposition of judgment funds of the Osage Tribe of Indians in Oklahoma. Referred to the Committee on Interior and Insular Affairs.

By Mr. SPARKMAN (for himself, Mr. Allen, Mr. Allott, Mr. Bayh, Mr. Bellmon, Mr. Bible, Mr. Brock, Mr. Brooke, Mr. Dole, Mr. Griffin, Mr. Gurney, Mr. Harris, Mr. Hart, Mr. Humphrey, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Miller, Mr. Mondale, Mr. Moss, Mr. Pearson, Mr. Pell, Mr. Proxmire, Mr. Randolph, Mr. Scott, Mr. Stevens, Mr. Thurmond, and Mr. Young):

S. 1457. A bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor. Referred to the Committee on the Judiciary.

By Mr. MUSKIE:

S. 1458. A bill to authorize the Secretary of the Interior to study the most feasible and desirable means of protecting certain portions of the tidelands, Outer Continental Shelf, seaward areas, Great Lakes of the United States, and the adjoining shorelines thereof as marine preseves, and for other purposes. Referred to the Committee on Commerce.

S. 1459. A bill to provide for the control and prevention of further pollution by oil discharges from Federal lands off the State of California. Referred to the Committee on Interior and Insular Affairs.

By Mr. MUSKIE (for himself, Mr. Pell, Mr. Ribicoff, Mrs. Smith, Mr. Thurmond, and Mr. Hollings):

S. 1460. A bill to make available to certain organized tribes, bands or groups of Indians residing on Indian reservations established under State law certain benefits, care, or assistance for which federally recongized Indian tribes qualify as recipients. Referred to the Committee on Interior and Insular Affairs.

By Mr. McGOVERN (for himself and Mr. Moss):

S. 1461. A bill to require the furnishing of documentation of claims concerning safety, performance, efficacy, characteristics and comparative price of advertised products and services. Referred to the Committee on Commerce.

By Mr. McGOVERN (for himself and Mr. Burdick):

S. 1462. A bill to provide for the distribution to the Sisseton and Wahpeton Tribes of Sioux Indians of their portion of the funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142 and 359, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. McGOVERN:

S. 1463. A bill to provide for the setting aside of certain lands for the purpose of making available additional food and cover for wildlife. Referred to the Committee on Agriculture and Forestry.

By Mr. INOUYE:

S. 1464. A bill for the relief of Jose Figueredo. Referred to the Committee on the Judiciary; and

S. 1465. A bill to provide increases in annuities paid under the Civil Service Retirement Act, matching wage and salary increases paid to employees, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. INOUYE (for himself and Mr. Fong):

S. 1466. A bill to authorize the Secretary of the Army to grant certain rights-of-way for road improvement and location of public utility lines over a portion of Fort DeRussy, Hawaii. Referred to the Committee on Armed Services.

By Mr. INOUYE:

S. 1467. A bill for the relief of Capt. John H. Beaumont, U.S. Air Force Reserve. Referred to the Committee on the Judiciary.

By Mr. PELL:

S. 1468. A bill to amend the National Labor Relations Act with respect to the terms of members of the National Labor Relations Board. Referred to the Committee on Labor and Public Welfare.

By Mr. PROXMIRE:

S. 1469. A bill to amend chapter 137, title 10, United States Code, to limit, and to provide more effective control over, the use of Government production equipment by private contractors under contracts entered into with the Department of Defense and certain other agencies, and for other purposes. Referred to the Committee on Armed Services.

By Mr. THURMOND:

S. 1470. A bill to amend title 37, United States Code, to provide an incentive plan for participation in the Ready Reserve; and

S. 1471. A bill to amend chapter 67 of title 10, United States Code, to provide an annuity for the dependents of persons who perform the service required under such chapter and die before being granted retired pay. Referred to the Committee on Armed Services.

By Mr. FANNIN (for himself and Mr. Hart):

S. 1472. A bill to extend Letters Patent No. 2,322,210, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. PROUTY:

S. 1473. A bill to amend the Railroad Retirement Act of 1937 to provide a 10 per centum increase in annuities. Referred to the Committee on Labor and Public Welfare.

By Mr. JACKSON (for himself and Mr. Allott) by request:

S. 1474. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. STENNIS:

S. 1475. A bill to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat *Cairo*, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. FANNIN (for himself, Mr. Ervin, Mr. Hansen, Mr. Talmadge, and Mr. Thurmond):

S. 1476. A bill to revise section 801 of the Revenue Act of 1916 to increase the penalty for violation thereof, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 1477. A bill to designate the Kettle River, in the State of Minnesota, as a component of the national wild and scenic rivers system. Referred to the Committee on Interior and Insular Affairs.

By Mr. HART (for Mr. Magnuson) (by request):

S. 1478. A bill to amend the Federal Hazardous Substances Act, as amended, and for other purposes. Referred to the Committee on Commerce.

By Mr. HRUSKA (for himself and Mr. Burdick):

S. 1479. A bill to amend section 375 of title 28, United States Code, relating to annuities of widows of Supreme Court Justices; and

S. 1480. A bill to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices. Referred to the Committee on the Judiciary.

By Mr. MANSFIELD (for himself and Mr. Aiken):

S.J. Res. 77. A joint resolution proposing an amendment to the Constitution of the United States relating to the term of office of President and Vice President of the United States. Referred to the Committee on the Judiciary.

By Mr. BUCKLEY:

S.J. Res. 78. A joint resolution to terminate all foreign economic assistance furnished by the United States to any foreign country which does not take appropriate steps to eliminate the production, processing and export of narcotic drugs, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. HARTKE:

S.J. Res. 79. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women. Referred to the Committee on the Judiciary.

By Mr. RANDOLPH (for himself, Mr. Boggs, Mr. Burdick, Mr. Cranston, Mr. Eagleton, Mr. Fong, Mr. Gurney, Mr. Harris, Mr. Hart, Mr. Hatfield, Mr. Humphrey, Mr. Inouye, Mr. Jordan of North Carolina, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Nelson, Mr. Roth, Mr. Schweiker, Mr. Stevens, Mr. Stevenson, Mr. Tower, and Mr. Tunney):

Senate Joint Resolution 80. A joint resolution expressing the support of the Congress that the United States should convene in 1971 an International Conference on Ocean Dumping. Referred to the Committee on Foreign Relations.

By Mr. WILLIAMS:

Senate Joint Resolution 81. A joint resolution to authorize the President to proclaim the last Friday of April 1971 as "National Arbor Day". Referred to the Committee an the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HANSEN:

S. 1429. A bill to impose an additional duty on the importation of articles of any foreign country if such country nationalizes or otherwise seizes property owned by citizens of the United States. Referred to the Committee on Finance.

AN ADDITIONAL DUTY MAKES GOOD SENSE

Mr. HANSEN. Mr. President, I introduce today a bill to impose an additional duty on the import of articles from foreign countries which expropriate property owned by U.S. citizens and to provide a means whereby these citizens may receive compensation for such expropriated properties.

In submitting this legislation, I urge its prompt consideration by the Senate. Over the past several years, a number of American firms and individuals with substantial investments abroad, especially in Latin American countries, have had their properties nationalized or otherwise expropriated by foreign governments with little or no real compensation. Each day we read dispatches and news articles relating new and more severe schemes, under one guise or another, to take over additional properties belonging to American citizens and corporations. Contracts and agreements are being unilaterally abrogated; property is being seized, assets are being impounded and American firms and citizens have little or no recourse.

Several years ago, the Congress passed an amendment to foreign aid legislation, the so-called Hickenlooper amendment, which authorizes the U.S. Government to cut off all aid and grants to foreign governments which expropriate American property without just compensation. Unfortunately, it has been rarely used. Despite the fact that it has been effective when properly utilized, our State Department has time after time sat idly by and watched American property go down the drain, refusing to invoke the Hickenlooper amendment. Traditionally, our Government has encouraged U.S. corporations and individuals to invest in Latin American countries to aid in their development. Yet, when those investments have been threatened, these Americans find that the backing of their own Government silently slips away.

I believe this bill provides important protection for American firms and, at the same time, embodies a fair and reasonable means for compensating citizens whose property is seized. This bill is similar to one introduced in the House (H.R. 38) by the distinguished Member from Kentucky, Representative John Watts. I have added the provision which would provide for compensation to the aggrieved parties.

The thrust of the bill is to require a doubling of the duty on products of foreign countries which have expropriated American-owned property when those products are imported into the United States. This would, of course, encompass any products, grown, mined, or manufactured, such as bananas, sugar, fish products, minerals—and so forth, copper, zinc, lead, silver or gold—coffee, cocoa, and so forth. Furthermore, the monies raised under this bill would be used to compensate on a proportionate basis all Americans whose property has been expropriated. This will insure that everyone will be paid at a fair percentage of his loss. If and when all involved are fully paid, the monies derived from the double duties shall revert to the general funds.

I am certain that my colleagues will agree that we must act to protect the interest of United States and its citizens and that this is an imminently fair and equitable method of doing so. It is as simple as this. Those countries which treat our citizens properly will have no fears. Those governments which put themselves above the law and valid agreements, should and would pay the penalty.

By Mr. PERCY (for himself, Mr. Ribicoff, Mr. Scott, Mr. Griffin, Mr. Javits, Mr. Bennett, Mr. Brock, Mr. Anderson, Mr. Dominick, Mr. Gurney, Mr. Jordan of Idaho, Mr. Mathias, Mr. Moss, Mr. Mundt, Mr. Roth and Mr. Saxbe):

S. 1430. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Community Development, and for other purposes. Referred to the Committee on Government operations.

By Mr. PERCY (for himself, Mr. Ribicoff, Mr. Scott, Mr. Griffin, Mr. Javits, Mr. Bennett, Mr. Brock, Mr. Anderson, Mr. Dominick, Mr. Gurney, Mr. Jackson, Mr. Jordan of Idaho, Mr. Mathias, Mr. Moss, Mr. Mundt, Mr. Roth, and Mr. Saxbe):

S. 1431. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Natural Resources, and for other purposes. Referred to the Committee on Government Operations.

By Mr. PERCY (for himself, Mr. Ribicoff, Mr. Scott, Mr. Anderson, Mr. Griffin, Mr. Javits, Mr. Bennett, Mr. Brock, Mr. Dominick, Mr. Gurney, Mr. Jordan of Idaho, Mr. Mathias, Mr. Moss, Mr. Mundt, Mr. Roth, and Mr. Saxbe):

S. 1432. A bill to promote more effective management of the executive branch by reorganizing and consolidating certain related functions of the Government in a new Department of Human Resources, and for other purposes. Referred to the Committee on Government Operations.

By Mr. PERCY (for himself, Mr. Ribicoff, Mr. Scott, Mr. Griffin, Mr. Javits, Mr. Bennett, Mr. Brock, Mr. Dominick, Mr. Gurney, Mr. Jordan of Idaho, Mr. Anderson, Mr. Mathias, Mr. Moss, Mr. Mundt, Mr. Roth, and Mr. Saxbe):

S. 1433. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Economic Affairs, and for other purposes. Referred to the Committee on Government Operations.

Mr. PERCY. Mr. President, before proceeding, I ask unanimous consent that Mr. Robert Vastine, minority counsel for the Committee on Government Operations, be permitted to be present on the floor of the Senate during the consideration of this matter today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I take great pleasure in introducing today specific legislative proposals to implement the President's plans to restructure the executive branch.

I am pleased that my distinguished colleague from Connecticut, the Chairman of the Subcommittee on Executive

Reorganization of the Government Operations Committee (Mr. RIBICOFF), is joining me as principal cosponsor of these four landmark bills. We welcome the decision of the chairman of the Government Operations Committee, the senior Senator from Arkansas (Mr. MCCLELLAN), to hold comprehensive hearings on these bills by the full committee.

I particularly wish to mention the cosponsorship of my distinguished colleague, the Senator from New York (Mr. JAVITS), who is ranking member of both the Labor and Public Welfare Committee and the Executive Reorganization Subcommittee of the Government Operations Committee. Senator JAVITS has made the field of human betterment and resources his life work. His expertise and understanding in this field will be especially valuable when we consider the bill creating the Department of Human Resources. I know that the Senator from New York will take a leadership role in this legislation.

I wish to note also the cosponsorship of these four bills by the Senator from Utah (Mr. MOSS), a member of the leadership as Secretary of the Senate Democratic Conference and author of a bill on natural resources, and by the Senator from New Mexico (Mr. ANDERSON), the able Chairman of the Committee on Aeronautical and Space Sciences. The Senator from Washington (Mr. JACKSON), chairman of the Committee on Interior and Insular Affairs and second ranking majority member of the Committee on Government Operations, is cosponsoring the bill for a Department of Natural Resources. Their cosponsorship helps insure that this vital legislation will be regarded as bipartisan in every sense of the term. I also wish to note the cosponsorship of the distinguished Senator from Pennsylvania (Mr. SCOTT), the minority leader; the Senator from Michigan (Mr. GRIFFIN), the assistant minority leader; the Senator from Idaho (Mr. JORDAN), a senior member of the Committee on Interior and Insular Affairs; the Senator from Utah (Mr. BENNETT), ranking member of the Committee on Finance; the Senator from Colorado (Mr. DOMINICK), a senior member of the Committee on Labor and Public Welfare; our esteemed colleague the Senator from Ohio (Mr. SAXBE); and every Republican member of the Government Operations Committee, including Senators MUNDT, GURNEY, MATHIAS, ROTH, and BROCK, whose cosponsorship indicates that this very high priority legislation of the President should be assured of receiving expeditious and thoughtful handling by the Senate.

The need for reorganizing the executive branch has received extensive bipartisan recognition through the years. A succession of Presidential advisory commissions on Government organization, serving at the request of Presidents Roosevelt, Truman, Eisenhower, and Johnson, has recommended governmental reform. President Nixon is to be particularly commended for acting on the recommendation of his council on governmental organization—the Ash Council—in formulating and submitting to Congress these bold proposals.

To many these sweeping plans for altering the structure of Government may seem unnecessary. We have grown accustomed to working with departments and agencies that have seemed almost permanent fixtures of American Government. We have come almost automatically to conceive and legislate new programs, both great and small, within the framework of the existing departments. We frequently add new departments and agencies. Rarely do we eliminate any. As a consequence, we have perhaps been too slow to see that the resulting structures hinder the fulfillment of the very programs created to solve the pressing problems of our society.

This is why we need to rethink our present governmental structure. Our objective is simple: We want to make Government work for people. We want to make sure that Government services are actually delivered, that taxpayers' dollars are spent well and most efficiently, that Government works as swiftly as possible to help people by solving their problems. Behind the dry prose in which these reorganization bills are couched is an overwhelmingly important, vital purpose: To show the American people that their Government can work effectively to solve the urgent problems that we see everywhere around us. If we can achieve this purpose we can answer positively the great question in the minds of so many Americans about the ability of their Government to serve them.

In the weeks ahead, we will be exploring these proposals and alternatives. While I fully accept the theory and the need for a reorganization along the lines proposed in these bills, I want to stress that I do not consider them to be in any sense final. They contain controversial changes. In hearings on the bill we undoubtedly will modify, refine, and attempt to improve these measures.

These bills would create new Departments of Community Development, Natural Resources, Human Resources, and Economic Affairs out of seven existing Departments and five agencies. The theory for the creation of these four new departments stems from the management concept that like functions should be grouped in functionally related organizations:

The Department of Community Development would gather together the broad range of programs to improve the physical, social and economic environment of our communities.

The Department of Natural Resources would improve conservation and management of our natural resources by grouping together Government programs that are now widely dispersed.

The Department of Human Resources would group together programs for the development and well-being of people.

The Department of Economic Affairs would combine Government programs for small and minority business, major programs for farm commodities, intercity transportation, and economic reporting.

Implementation of a reorganization of the executive branch along the lines proposed in these bills will bring several benefits.

One of the most significant is that Government programs will be implemented at levels closer to the people. Under these bills, regional centers will be established in 10 major cities across the country for each of the four new departments. A regional director, responsible to each new Secretary in Washington, will represent each department and expedite action on local problems. This will make it easier for people with problems to get Government help in solving them.

Another benefit is that decisions can be made more immediately at lower levels. Today too many issues reach the Chief Executive's desk for decision. By creating more rational decisionmaking structures, interagency disputes which now escalate to the White House for arbitration will be settled more quickly.

Less costly Government will be another benefit of this legislation. The reorganization of Government activities proposed in these bills will not automatically mean a reduction in Government programs, budgets, or personnel. In the transfers to the new departments, most of the present programs are expected to remain intact. However, merging related programs will enable them to operate more efficiently. As Roy Ash, chairman of the President's Council on Executive Organization, has noted, more logical consolidation of existing programs may eventually lead to a cost saving of at least $5 billion annually.

Mr. President, I have discussed some of the potential benefits of these bills. At the same time, I believe we must face squarely some of the problems they will raise.

One is the issue of size, since the new departments will be very large. But as Roy Ash has written:

> The manageability of an agency is directly related to its own integral structure—the way authorities and responsibilities are distributed within it and the means established for interlinking and controlling these.

Size alone is no detriment of efficiency. We all know many small agencies are inefficient; some larger ones are thought to function well. For example, many small- and medium-sized businesses go bankrupt, while A.T. & T., a company with over 1 million employees and annual sales of $17 billion in 1970 is soundly and efficiently managed.

Another problem is that of the relocation of personnel and agencies from the existing to the new organizational structures. This raises real human and organizational problems that we must seriously consider. No one wants to create needlessly an environment of insecurity and disorganization; this can result in demoralization and it can hurt the functioning of the existing agencies. I would point out, however, what I believe to be a major provision in each bill; that each person transferred under any of the bills cannot be separated or reduced in grade or compensation for 1 year after he is transferred. This provision should provide a strong measure of security to the personnel of reorganized departments. It gives ample time to establish new structures to accommodate existing employees without separation.

More efficient, more responsive, less costly Government operation is a compelling need. I hope that we can respond positively, creatively, energetically, and wisely to satisfying this need.

Mr. President, I take pleasure in sending to the desk four bills that will implement the President's reorganization of the executive branch of the Federal Government, together with certain explanatory materials which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

THE PROPOSED DEPARTMENT OF COMMUNITY DEVELOPMENT

	Fiscal year 1971	
	Employment (full-time, permanent)	Budget outlays (in millions)
From the Department of Housing and Urban Development:		
Housing Production and Mortgage Credit (includes Federal Housing Administration and GNMA)—(excludes college housing program to DHR)	9,177	$439
Housing Management	1,509	816
Community Planning and Management	362	54
Community Development	1,393	1,728
Federal Insurance Administration	64	−4
Open Space Program		72
Subtotal	12,565	3,105
From the Department of Agriculture:		
Rural Electrification Administration	879	547
Certain functions and staff from the Farmers Home Administration:		
Water and waste disposal grants and loans	525	38
Rural housing	4,826	−321
Subtotal	6,230	264
From the Department of Health, Education, and Welfare: Grants for the construction of public libraries	1	12
From the Office of Economic Opportunity:		
Community action programs (including senior opportunities and services)	1,500	400
Special impact programs	37	26
Subtotal	1,537	426
From the Department of Transportation:		
Federal Highway Administration and its programs, except motor carrier safety	4,610	4,778
From NHTSA: Highway safety grants	111	66
Urban Mass Transportation Administration	258	215
Subtotal	4,979	5,059
From the Department of Commerce:		
Economic Development Administration	911	251
Regional Commissions	52	30
Subtotal	963	281
From the Appalachian Regional Commission: Entire Commission	127	275
From the Small Business Administration: Disaster loan program	10	94
From the Office of Emergency Preparedness: Disaster Relief Operating Functions	100	3
General Department Administration	3,465	147
Grand total	29,977	9,666

SUMMARY REPORT, DEPARTMENT OF COMMUNITY DEVELOPMENT

I. GENERAL BACKGROUND

In his State of the Union Address, President Nixon emphasized the need for ". . . A sweeping reorganization of the Executive Branch . . . if Government is to keep up with the times and the needs of the people." Under the leadership of the President's Advisory Council on Executive Organization (Ash Council) a comprehensive plan to revitalize and modernize the current Federal departmental structure was prepared. One of the basic recommendations was to create a new Department dedicated to community development.

The concept of community development encompasses a broad range of governmental and private sector activities which contribute to a sound physical, social, and economic environment for all communities. Progress in community development means:

Effective and responsive governmental institutions;

An adequate supply of housing at reasonable cost;

Access to a range of basic community facilities and services;

A balanced and integrated community transportation system; and

Opportunity for individuals to participate in charting the future development of the community.

To help achieve these objectives the President has proposed the creation of a new Department of Community Development. The new Department will consist of the following major components:

Urban and Rural Development, administering programs to build up capacities of State and local government, to encourage individual participation in community development and to provide basic public facilities.

Community Transportation, administering programs to develop balanced and integrated community transportation systems including both public transit and highways.

Housing, administering programs to produce, manage and maintain adequate housing.

II. THE CASE FOR REORGANIZATION

The Federal Government plays a vital supportive role in community development but current responsibilities are severely fragmented and unresponsive to local needs. In many cases, the ability of State and local government to coordinate and integrate developmental activities at the community level is undermined by the fragmentation.

The Ash Council pointed out, "The present organizational structure encourages fragmentation when comprehensive responses to social and economic problems are needed. Problems are defined to fit within the limits of organizational authority, resulting in piecemeal approaches to their solutions by separate departments and agencies."

This point was clearly illustrated in a recent case in Ohio:

Monroe, Ohio, requested assistance in submitting an application to the Federal Government for sewers in a portion of newly annexed territory.

A State Field Advisor discovered that the community was eligible for grants from the following agencies: The Economic Development Administration, Farmers Home Administration, Department of Housing and Urban Development, and the Ohio Water Development Authority. The location of these agencies is widely scattered: two are located in Columbus, Ohio; one in Huntington, West Virginia; and one in Chicago, Illinois.

The proposed reorganization directly addresses these problems by:

Providing a central point in the Federal system for formulating policy, advising the President on community development problems and needs, and assigning accountability for Federal performance, thereby reducing the need for interagency coordination and resolution of jurisdictional disputes.

Establishing a better balance between rural and urban areas in terms of Federal concern and resource allocations.

Assuring that development of physical aspects of an area are planned within the context of total community needs.

There is no neat dividing line between "urban" and "rural." Small towns and rural areas have many of the same problems as large cities. More over with the passage of time, many smaller communities become urban in character. No longer is there a rationale for splitting the Federal response to the needs of communities based on size alone.

The new Department, by offering a broad range of programs—transportation, housing, and community facilities and services—aimed at total community needs, will move away from the narrow functional orientation which currently exists. A single department will be capable of working with State and local governments from overall planning through execution of key community development activities.

III. MAJOR OBJECTIVES AND FUNCTIONS

The new Department will focus on five major areas in providing Federal support for community development:

1. Strengthen public and private community institutions, including financial and technical assistance to States, areawide agencies and localities to enhance their capacity to coordinate and manage public services, and to plan for growth and development.

2. Encourage and assist citizens, voluntary organizations, and private economic entities to contribute ideas, skills, and resources to solving community problems and meeting community needs.

3. Provide financial and technical assistance to public and private institutions for the planning, financing, construction and maintenance of certain basic community facilities (such as water and sewer facilities, neighborhood facilities, libraries, parks and open space), for the revitalization of deteriorating neighborhoods and for meeting the special needs of rural areas.

4. Support a broad range of activities for the planning, financing, construction, rehabilitation, maintenance and management of housing, pursuant to the national goal of providing decent housing for every American in both urban and rural communities.

5. Support the development of balanced and integrated public transit and highway systems, within and between communities. This includes highway construction grants for communities, interstate highway networks linking communities, highway safety improvements and urban mass transit assistance.

Within the new Department, there are logical groupings of programs. Urban and Rural Development programs fall into three broad areas. One would be assistance to State and local government institutions. This would include programs of grants for planning and management, designed to build the capacity of State and local government to make and carry out policy decisions.

A second grouping would cover assistance for community physical development. This would include such programs as Urban Renewal, water, and sewer, open space, rural electric and telephone facilities and regional economic development programs.

The third group of Urban and Rural Development programs would be those which operate through or are designed to encourage involvement by groups of private citizens, or are aimed at providing specialized assistance for individuals. This would include Model Cities, the Commmunty Action and Special Impact programs and disaster assistance.

The Community Transportation programs logically divide into two groupings. One would be the programs which tend to be local in nature, such as urban mass transit. The other would consist of regional and State-oriented programs such as Federal aid highways.

In Housing, again, there tend to be two logical groupings. In one would be the activities related to production of housing (including mortgage insurance and subsidy contracting). The other set of activities relates to Federal responsivility for assisted housing once it is completed. This would include payment of subsidies and the management and disposition of acquired housing.

IV. ORGANIZATION AND MANAGEMENT OF THE NEW DEPARTMENT

A. Basic Management Structure

The organization of the Department contemplates—(1) strong national level leadership and coordination through line program administrators who head groupings of related functions; and (2) strong local level program leadership and coordination through the decentralization of operations to Regional Directors and the sub-regional organization. Program authority will flow from the Secretary through the program Administrators to the Regional Directors. The overall management team of the Department of Community Development is headed by the Secretary and Deputy Secretary and includes the three major program Administrators, two Under Secretaries, four Assistant Secretaries, and the General Counsel.

B. Field Organization

The field organization has unique importance for the Department of Community Development. To a much greater extent than other Departments, it will work very closely with local and State governmental entities and has a peculiar need to "decentralize." Programs must be coordinated at the State and local levels—and the coordination and implementation of programs must be suited to the particular needs, problems, and opportunities of each community. Cities must be encouraged to create total community development strategies and to fit categorical program assistance for planning, management, development, community services, housing and transportation into these strategies.

C. Management Improvements

Through the reorganization program, the new Department can significantly improve the responsiveness of Federal support for communities and their development efforts. Illustrative of the new opportunities for such improvements are:

Reorientation of evaluation programs: Broader and more comprehensive assessments of the impact of Federal assistance can be undertaken with responsibility for follow-up lodged in a single Department.

Systems analysis can be applied to community development problems which cross present program and organizational lines. For example, the impact of proposed transportation systems on land utilization, housing patterns, and local economic development can be assessed within a single department which is also accountable for Federal performance in each of these areas.

D. Budget and Manpower Data

The new Department will consist of three major program administrations and one smaller administration (for insurance programs) plus general departmental management and support offices. A breakdown of approximate manpower and budget resources by program area based on FY 1971 data is as follows:

Major components	Fiscal year 1971 employment	Fiscal year 1971 outlays (millions)
1. Urban and rural development	5, 897	$3, 530
2. Community transportation	4, 979	5, 059
3. Housing	15, 572	[1]934
4. Federal insurance programs	64	−4
5. General departmental management	3, 465	147
	29, 977	9, 666

[1] Reflects reduction in outlays based on sale of assets.

E. Safeguards for Federal Employees

In accomplishing the reorganization, current plans include provisions to keep disruption to employees to an absolute minimum; utilizing normal turnover to accommodate cut-backs in staff where necessary, and strict avoidance of actions which could adversely affect employees.

Department of Community Development Act

SECTION-BY-SECTION ANALYSIS

Section I. Provides that this Act may be cited as the Department of Community Development Act.

Title I—Declaration of Purpose

Section 101. (a) Sets forth Congressional findings (1) that the general welfare of the nation requires the development, through growth and renewal, of urban and rural communities which provide for all citizens wholesome living environments and responsive, equitable and effective service to their varying needs and (2) that the attainment of sound community development requires the active participation of citizens, private institutions, and local, State and Federal governments to achieve and maintain (A) effective and responsible community government, (B) communication and cooperation between citizens and government, (C) necessary community facilities and services, and (D) an adequate housing supply.

(b) States that it is in the public interest to establish a Department of Community Development to bring together and provide common leadership to those Federal activities that bear most directly on, or importantly affect, the objectives set forth in subsection (a), and to effectively coordinate such Federal activities with related activities of States and local governments, public and private institutions, and individuals.

(c) States that the Department shall, among other things: encourage and assist the development and management of institutions and processes essential to responsible, responsive and effective community government; encourage and assist citizens, private groups and organizations to contribute ideas, skills and resources to solving community problems and meeting community needs; provide assistance in the planning, financing, construction and rehabilitation and maintenance of housing, balanced transportation systems, and other community facilities and services conducive to a safe and wholesome environment for all citizens; assist research, development, management and training activities designed to foster new, better and more economical means of dealing with the housing and other problems of community development and government; and implement disaster assistance and relief on behalf of the Federal Government.

Title II—Establishment of Department

Section 201. Establishes the Department of Community Development, provides for the appointment of a Secretary of Community Development who shall head that Department, and provides that the Secretary shall be compensated at the rate prescribed for offices and positions at Level I of the Executive Schedule.

Section 202. (a) Provides for the appointment of a Deputy Secretary of Community Development (Level II).

(b) Provides for the appointment of two Under Secretaries (Level III).

(c) Provides for the establishment in the Department of an Urban and Rural Development Administration, a Community Transportation Administration and a Housing Administration, each headed by an Administrator (Level III). There would also be in the Community Transportation Administration an Associate Administrator for Highways (Level III). It is also contemplated that the Secretary will establish, under subsection (e) of this section, a Federal Insurance Administration headed by an Administrator (Level IV) appointed by him.

(d) Provides for the appointment of four Assistant Secretaries and a General Counsel (Level IV). Appointments to positions designated in (a) through (d) are to be made by the President by and with the advice and consent of the Senate.

(e) Authorizes the Secretary to appoint not more than fifteen additional officers at Level IV or Level V of the Executive Schedule, as specified by the Secretary. (See Sec. 102(c) of Reorganization Plan No. 2 of 1970 (OMB)).

(f) Provides that officers appointed pursuant to section 202 shall perform such functions as the Secretary may prescribe from time to time.

Section 203. Provides that the Deputy Secretary shall act for and perform the functions of the Secretary during the absence or disability of the Secretary or during a vacancy in the office of the Secretary. In the event of the concurrent absence or disability of the Deputy Secretary or vacancy in the office of Deputy Secretary, an Under Secretary, Administrator, Assistant Secretary, or the General Counsel would be authorized to act for and perform the duties of the Secretary in accordance with such order as the Secretary shall prescribe.

TITLE III—TRANSFERS

Section 301. (a) Transfers to the Secretary of Community Development all of the functions of the Secretary of Housing and Urban Development, the Department of Housing and Urban Development, and all officers and components of that Department except functions under title IV of the Housing Act of 1950 (loans and debt service grants for college housing and related facilities) and except that the Community Development Corporation established by the Housing and Urban Development Act of 1970 would be transferred as a corporate entity and would thereafter be designated the "New Community Development Corporation."

(b) Transfers to the Secretary of Community Development the functions of the Director of the Office of Economic Opportunity with respect to—

(1) Special Impact programs of economic and community development in selected poverty areas under part D of title I of the Economic Opportunity Act of 1964; and

(2) programs under title II of that Act (Community Action Programs) except as they pertain to (A) Indian programs and projects conducted under that title, (B) research pilot or demonstration programs provided for in section 232, and (C) "Special programs" provided for in section 222(a) of that title, other than the Senior Opportunities and Services program, which is transferred to the Secretary.

(c) Transfers to the Secretary of Community Development the functions of the Secretary of Transportaiton, the Department of Transportation, and the officers and components of the Department of Transportation under—

(1) the Urban Mass Transportation Act of 1964 and the Urban Mass Transportation Assistance Act of 1970;

(2) the following laws relating to highways—(A) chapters 1, 2 and 3 of title 23, United States Code and the Federal-Aid Highway Act of 1970, 1968, 1966, 1962, and 1954, (B) the Act of September 26, 1961 (authorizing conveyance to Virginia of all interests of the United States in portions of the Shirley Highway and highways comprising the Pentagon road network), (C) the Highway Revenue Act of 1956 (giving the Secretary of Transportation certain functions with respect to the highway trust fund), (D) the Highway Beautification Act of 1965, (E) the Alaska Omnibus Act (providing for the transfer to the State of Alaska of all properties of the Bureau of Public roads except those that must be retained for additional road pur-

poses), (F) the Joint Resolution of August 28, 1965 (requiring a biennial report to the Congress estimating the future highway needs of the Nation), (G) section 525(c) of the General Bridge Act of 1946 (relating to the resolution of conflicts between States as to the location and planning of interstate bridges), (H) the Act of April 27, 1962 (relating to appointment or reappointment of persons as members of bridge commissions and the review of reports submitted by the bridge commissions), (I) Reorganization Plan No. 7 of 1949 (transferring functions of the Public Roads Administration and the Commissioner of Public Roads), (J) the Act of November 8, 1966 directing the Secretary of Transportation to construct a 12½ mile highway along the U.S.-Mexico border in El Paso, Texas. The highway trust fund now in the Treasury would remain in the Treasury but all functions of the Secretary of Transportation with respect to that fund would be transferred except for those relating to certain vehicle and driver aspects of highway safety under the Highway Safety Act of 1970;

(3) the following laws relating to highway safety: (A) chapter 4 of title 23, United States Code (Federal Highway Administration) insofar as it relates to the design, construction, and maintenance of highways, traffic control devices, identification and surveillance of accident locations, and highway related aspects of pedestrian safety; and (B) title 23, United States Code, section 402 (National Highway Traffic Safety Administration) insofar as it relates to grants for highway safety programs;

(4) the Act of August 1, 1947, to the extent it authorizes the establishment and fixing of compensation for scientific and professional positions related primarily to transportation which require the services of specially qualified personnel;

(5) the following laws and provisions of laws insofar as they relate to the reasonableness of tolls: section 4 of the Act of March 23, 1906, section 503 of the General Bridge Act of 1946, section 17 of the Act of June 10, 1930, the Act of June 27, 1930, and the Act of August 21, 1935. Under these laws the Secretary of Transportation is authorized to review and determine the reasonableness of rates charged by a bridge owner for transit across a bridge over navigable waters.

(d) Transfers to the Secretary of Community Development the functions of the Commissioner of Education under title II of the Library Services and Construction Act.

(e) Transfers to the Secretary of Community Development the following functions of the Secretary of Agriculture, the Department of Agriculture, and the officers and components of the Department of Agriculture—

(1) the functions of the Rural Electrification Administration under the Rural Electrification Act of 1936;

(2) the functions of the Economic Development Division (excluding the Human Resources Branch) of the Economic Research Service; these functions consist of conducting research and service work relating to economic development and community services in rural areas under section 1 of the Act of June 29, 1935 and the Agricultural Marketing Act of 1946;

(3) the functions of the Farmers Home Administration relating to (A) the rural housing programs conducted by that agency under title V of the Housing Act of 1949 and (B) water and waste disposal loans and grants and comprehensive planning grants under section 306 of the Consolidated Farmers Home Administration Act of 1961; and

(4) the functions of the Soil Conservation Service and the Farmers Home Administration relating to resource conservation and development loans to public agencies and local nonprofit organizations under section 32 (e) of title III of the Bankhead Jones Farm Tenant Act.

(f) Transfers to the Secretary of Community Development the functions of the Secretary of Commerce until title I and sections 201, 301(a), (b) and (f) and 403(a)(3) and (4) of the Public Works and Economic Development Act of 1965 insofar as they relate to financial and planning assistance for public works and development facilities.

(g) Transfers to the Secretary of Community Development—

(1) the functions of the Secretary of Commerce under title V of the Public Works and Economic Development Act of 1965 relating to economic development regions and regional commissions and under section 601(a) of that Act (42 U.S.C. 3201) insofar as it relates to coordination of the Federal Cochairmen of the Regional Commissions;

(2) the functions of the Secretary of Transportation under section 513 of the Public Works and Economic Development Act of 1965 relating to the conduct of studies and investigations of needs for regional transportation systems; and

(3) the functions of each Federal Cochairman, or his alternate, of a regional commission established under title V of the Public Works and Economic Development Act of 1965.

(h) Transfers to the Secretary of Community Development the functions of the Federal Cochairman of the Appalachian Regional Commission, or his alternate, under the Appalachian Regional Development Act of 1965 and the functions of the Secretary of Transportation under section 201 of such Act relating to assistance for the Appalachian development highway system.

(i) Transfers to the President the functions of the Director of the Office of Emergency Preparedness under the Disaster Relief Act of 1970. It is anticipated than an over-all coordinator for disaster relief will be designated in the Executive Office of the President, but that the implementation of disaster relief work transferred hereby will be assigned, by Executive Order, to the Secretary of Community Development.

(j) Transfers to the Secretary of Community Development the functions of the Administrator of the Small Business Administration, the Small Business Administration, and all officers and components of that Administration relating to the making of disaster loans with respect to residential property under section 7 of the Small Business Act and under sections 231, 234, 235, 237, 243, and 304 of the Disaster Relief Act of 1970.

Section 302. (a) Provides that any functions vested by chapter 5 of title 5 of the United States Code in hearing examiners which are transferred under the provisions of this Act be vested in the hearing examiners of the Department of Community Development.

(b) Terminates any requirements for consultation or approval between agency heads in cases where the functions of both with respect to the matter involved have been transferred pursuant to this Act to the Secretary of Community Development or any other official.

Section 303. Transfers to the Secretary of Community Development for appropriate allocation the personnel, positions, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds available to or to be made available in connection with the functions transferred to the Secretary by this Act.

Section 304. Provides that, except as provided in section 305, the transfer of nontemporary personnel pursuant to this title shall not cause any such employee to be separated or reduced in grade or compensation for one year after such transfer.

Section 305. Requires persons holding positions compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5 of the United States Code on the effective date of this Act to be compensated at no less than the rate of their previous position if they are appointed in the Department of Community Development to a position having comparable duties without a break in service.

TITLE IV—DEFINITIONS AND ADMINISTRATIVE PROVISIONS

Section 401. (a) Defines "function", "functions", "perform" and "performance" in order to avoid repetitious references to such terms as duties, obligations, powers, authorities, responsibilities, rights, privileges, and activities.

(b) Provides that references in the Act to provisions of law shall be deemed to include, as appropriate, reference to laws as amended now or hereafter (after this legislation is enacted but before it becomes effective).

Section 402. (a) Authorizes the Secretary to prescribe policies, standards, criteria, procedures, rules, and regulations incident to his functions. (See Sec. 203(b)(1) of NASA Act (72 Stat. 426); OEO Act, 42 U.S.C. 2942 (n); Sec. 9(e)(1) DOT Act (80 Stat. 944); Sec. 7(d) of DHUD Act (79 Stat. 667)).

(b) Directs the Secretary to carry out policy planning, to evaluate programs and progress in achieving departmental missions, and other studies to promote efficient and coordinated administration of the Department.

Section 403. (a) Authorizes the Secretary to delegate his functions to officers and employees of the Department and to authorize successive redelegations. (See Sec. 7(d) of DHUD Act (79 Stat. 667); Sec. 9(e) of DOT Act (80 Stat. 944)).

(b) Authorizes the Secretary to establish and modify the internal organization of the Department, but not to discontinue "Administrations" created by section 202(c) of this Act, or any other organizational units or components expressly established by future Acts or Reorganization Plans. (The Secretary of Housing and Urban Development now has similar authority.)

Section 404. Authorizes the Secretary to maintain, establish alter, or discontinue field offices.

Section 405. This is a customary provision authorizing the Secretary, subject to the civil service and classification laws, to select, appoint, employ, and fix the salaries of such offices and employees, including attorneys, as are necessary to the performance of his functions. (See Sec. 7(c) of DHUD Act (79 Stat. 667)).

Section 406. Authorizes the Secretary to obtain the services of experts and consultants at rates not to exceed those prescribed for GS 18 of the General Schedule. (See Sec. 7(e) of the DHUD Act (79 Stat. 667), as amended by Sec. 906 of the Housing and Urban Development Act of 1970 (P.L. 91–609, 84 Stat. 1811)).

Section 407. This is a customary provision authorizing the Secretary to appoint advisory committees to consult with and advise him with respect to the performance of his functions. (See Sec. 7(e) of DHUD Act (79 Stat. 667), as amended by Sec. 905 of P.L. 91–609 (84 Stat. 1810); Sec. 9(o) of DOT Act (80 Stat. 944)).

Section 408. (a) Authorizes the appointment, detail, or assignment of members of the Coast Guard, the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration, and the Commissioned Corps of the Public Health Service to any position in the Department that is not required to be filled by an officer whose appointment is required to be confirmed by the Senate.

(b) Permits members of the Army, Navy, Air Force, and Marine Corps to be detailed for service in the Department under agreements between the Secretary and Secretaries of the Military Departments.

(c) Provides that the status, office, rank, or grade of persons who are appointed, assigned, or detailed to the Department pursuant to this section shall not be adversely affected by service under this section. (See Sec. 9(d)(1) of DOT Act (80 Stat. 944)).

Section 409. Provides that a person who is not a citizen of the United States may be employed as an expert, scientist, technician, or professional person in connection with scientific or technical activites of the Department if the Secretary deems the employment to be in the public interest.

Section 410. Authorizes payment of transportation expenses and per diem to temporary or seasonal employees from the place of their recruitment to the place of their duty and while at the place of such duty. Such expenses would be paid in accordance with chapter 57 of title 5 of the United States Code which relates to similar payments to other Government employees for official travel. (See 7 U.S.C. 2229).

Section 411. Authorizes the Secretary to enter into such contracts and agreements, including grant agreements, with public agencies and private organizations and persons; to make such payments in lump sum or by installments or in advance or by way of reimbursement; and to take such other steps as he may deem necessary or appropriate to perform his functions. (See Sec. 203 (b)(5) of NASA Act (72 Stat. 426)).

Section 412. Authorizes the Secretary to acquire facilities required for the maintenance and operation of laboratories, research, and testing sites and facilities, quarters, and related accommodations for employees and their dependents and such other special purpose real property as the Secretary deems necessary. Such special purpose facilities and real property could be acquired by purchase, lease, condemnation, or otherwise. General purpose facilities and real property could be acquired through the General Services Administration. The title to all property acquired pursuant to this section would be in the United States rather than in the Secretary of the Department. (See Sec. 203(b)(3) of NASA Act (72 Stat. 426)).

Section 413. Would authorize the Secretary (subject to standards in regulations issued by the President) to permit concessionaires to provide services on property under the Secretary's jurisdiction.

Section 414. Authorizes the Secretary to acquire copyrights and patents, interests therein and licenses thereunder if useful in the performance of his functions. (See 10 U.S.C. 2386).

Section 415. Authorizes the Secretary to engage in such basic and applied research and development and to disseminate technological information as he may deem necessary to carry out his functions. (See title V, Housing and Urban Development Act of 1970 (84 Stat. 1784); Sec. 9(q) of DOT Act (80 Stat. 947)).

Section 416. Authorizes the Secretary, in his discretion or at the request of any persons, firms, organizations, or others, public or private, to make special studies concerning matters within his jurisdiction; to prepare from the records of the Department special compilations, lists, bulletins, or reports; to furnish transcripts or copies of those studies, compilations, and other records; to furnish copies of charts, maps, or photographs; and to provide services incident to the conduct of the regular work of the Department. For example, the Department may have a specialized piece of equipment, or persons with specialized knowledge, not available elsewhere and, in appropriate cases, the Secretary would be authorized to make those services available to private persons and to public and private agencies and organizations. This section also authorizes the Secretary to undertake joint projects with nonprofit organizations, research organizations, and public agencies and organizations involving matters of mutual interest and to share the costs thereof. Charges to private persons and organizations under this Act would be determined in accordance with users standards, policies on charges, and procedures prescribed by the Office of Management and Budget and 31 U.S.C. 483a. (See P.L. 91-412—Dept. of Commerce).

Section 417. Authorizes the Secretary to make necessary provisions for the printing and distribution of reports and other documents with respect to matters under his jurisdiction.

Section 418. Authorizes the Secretary to accept, hold, administer, and utilize gifts and bequests. (See Sec. 905(k) of the Housing and Urban Development Act of 1970 (P.L. 91-609, 84 Stat. 1810); Sec. 9(m) of DOT Act (80 Stat. 946)).

Section 419. Authorizes the Secretary to prescribe a seal for the Department. (See Sec. 7(g) of DHUD Act (79 Stat. 667)).

Section 420. Authorizes the establishment of a working capital fund to defray necessary expenses arising out of the maintenance and operation of such common administrative services as the Secretary shall find to be desirable in the interest of economy and efficiency. (See Sec. 9(j) of DOT Act (80 Stat. 945); Sec. 7(f) of DHUD Act (79 Stat. 667)).

Section 421. This is a technical provision. In certain cases authority under a portion of an Act is transferred to the Secretary by this Act while responsibility for other provisions of the same Act will be retained by the transferring agency. This provision is designed to permit the Secretary to exercise supporting or incidential powers given by law to the transferring agency without divesting the transferring agency of authority to exercise those powers with respect to the functions retained by that agency.

Section 422. Is designed to make it clear that authority expressly provided by this Act is in addition to any authority that may have existed prior to the effective date of this Act and is transferred by this Act.

Section 423. Requires an annual report to the Congress on the activities of the Department during the preceding fiscal year, including a statement of goals and an assessment of progress.

Section 424. Authorizes the Secretary, but only when authorized in an appropriation act, to transfer funds from one appropriation to another so long as such transfers do not increase or decrease an appropriation by more than five percent.

Section 425. Authorizes the establishment of service funds for the Office of the Secretary, the Urban and Rural Development Administration, the Community Transportation Administration and the Housing Administration. These funds would be used to defray the initial costs of reimbursable services provided to other departments and agencies or to persons, agencies, or organizations outside the government.

Section 426. Authorizes the appropriation of funds without fiscal year limitation. The amount of such "no year" funds would be prescribed in appropriation acts.

TITLE V—TRANSITIONAL AND CONFORMING PROVISIONS

Section 501. Provides that whenever all of the functions of a department, agency, or other body, or of any component thereof have been transferred, whether by this Act, or by a combination of Acts, Reorganization Plans and Executive Orders, the department, agency, or other body shall lapse. This, in effect, discontinues organization structures when they no longer have functions to perform. This section also provides for the concurrent lapse of all positions in those lapsed organizations which positions were expressly created by statute or reorganization plan or which are Executive Schedule Levels I-V positions. (See Sec. 9(i) of DOT Act (80 Stat. 945)).

Section 502. Repeals the Department of Housing and Urban Development Act except for certain miscellaneous administrative functions enacted last December which are transferred to the Secretary of Community Development.

Section 503. Substitutes the Department of Community Development for the Department of Housing and Urban Development in the definition of "Executive Department" in title 5 of the United States Code.

Section 504. Substitutes the Secretary of Community Development for the Secretary of Housing and Urban Development in section 19(d) of title 3 of the United States Code relating to presidential succession.

Section 505. Substitutes the Secretary of Community Development for the Secretary of Housing and Urban Development in Reorganization Plan 2 of 1970 relating to membership of the Domestic Council.

Section 506. Authorizes the Director of the Office of Management and Budget to make such additional incidental dispositions of functions, personnel, personnel positions, assets, liabilities, contracts, property, records, appropriations, authorizations and other funds as may be necessary to carry out the intent and purpose of the Act. This is a customary provision in Reorganization plans involving interagency transfer of functions.

TITLE VI—SAVINGS PROVISIONS

Section 601. This provision continues the effectiveness of all existing contracts, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges affected by the Act, until such time as they are otherwise modified or replaced by appropriate authority or otherwise expire. This avoids any inadvertent lapsing or impairment of essential directives, documents, and obligations, and will afford the Secretary sufficient time to deal with these matters in an orderly fashion.

Section 602. This is another savings clause that preserves and continues legal proceedings in being on the effective date of the Act. Such proceedings would, in effect, be continued, modified, or terminated as if the Act had never been enacted.

Section 603. This conforming provision states that, with respect to functions transferred by the Act, references in laws (including Reorganization Plans) to other officials in whom the functions were previously vested shall be deemed to be references to the Secretary.

Section 604. This is a technical provision. Some of the functions that are transferred by this Act are functions that are vested in the President but were delegated to a transferring agency. Under the terms of the Act those functions are transferred to the Secretary. This section is designed to preserve for the future the President's authority under present law to modify, terminate, or transfer these delegated functions.

TITLE VII—SEPARABILITY

Section 761. This is a customary separability clause that avoids the invalidation of the whole Act if a single provision is found to be invalid.

TITLE VIII—EFFECTIVE DATE AND INTERIM APPOINTMENTS

Section 801. (a) Provides that the Act shall become effective 120 days after the Secretary takes office, or on such earlier date as the President may prescribe and publish in the *Federal Register*. This will give the President time to select, nominate, and appoint the Secretary, and will allow the Secretary sufficient time to arrange and organize the new Department and prepare such rules, regulations, orders, etc., as may be necessary for a smooth transition.

(b) Authorizes the President, in cases where officers required by this Act to be appointed by and with the advice and consent of the Senate have not entered upon office on the effective date of this Act, to designate any officer whose appointment was required to be made by and with the advice and consent of the Senate and who was such an officer immediately prior to the effective date of the Act to act in such office until the office is filled as provided in this Act. While so acting such persons would receive compensation at the rates provided by this Act for the respective offices in which they act.

THE PROPOSED DEPARTMENT OF NATURAL RESOURCES

	Fiscal year 1971	
	Employment (full-time, permanent)	Budget outlays (in millions)
From the Department of the Interior:		
Bureau of Outdoor Recreation	504	$229
National Park Service	6,935	160
Bureau of Sport Fisheries and Wildlife	3,839	143
Bureau of Land Management	3,678	204
Bureau of Reclamation	9,290	324
Office of Saline Water	144	29
Office of Water Resources Research	42	12
Geological Survey	8,201	110
Bureau of Mines	5,588	208
Power Marketing Agencies	3,332	130
Bureau of Indian Affairs	14,574	393
Office of Territories	368	86
Office of Coal Research	23	17
Office of Oil and Gas	63	1
Office of Minerals and Solid Fuels	7	
Oil Import Administration and Appeals Board	[1]	
Defense Electric Power	6	
Underground Power Transmission Research	2	
Departmental Administration	1,324	9
Subtotal	57,920	2,055
From the Department of Agriculture:		
Forest Service	21,430	612
Soil Conservation Service	14,419	289
Agricultural Research Service (Soil and Water Conservation Division)	1,004	16
Economic Research Service (Natural Resources Economics Division)	160	3
Farmers Home Administration (Watershed loans only)	41	6
Subtotal	37,054	926
From the Department of the Army:		
Corps of Engineers (planning and funding only)	2,500	1,366
From the Atomic Energy Commission:		
Uranium raw materials	124	5
Uranium enrichment	226	165
Civilian nuclear power reaction	0	288
Plowshare (funding and certain planning functions only)	21	9
Subtotal	371	467
From the Water Resources Council: All functions	38	5
From the Department of Transportation: Oil and gas pipeline safety programs	83	3
From the Department of Commerce: National Oceanic and Atmospheric Administration	12,422	267
Departmental Administration: (other than Interior)	320	5
Grand total	110,708	5,094

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[1] Included in OOG.

DEPARTMENT OF NATURAL RESOURCES

SUMMARY

Introduction—The President has proposed establishment of a Department of Natural Resources concerned with our physical environment, including the preservation and balanced use of the Nation's natural resources. This proposal is consonant with the need for consolidation of resource programs recognized in studies over the past fifty years.

The needs of future generations can only be met if effective action is taken now to accommodate the demands of a growing population, increased per capita consumption, and the need for restoring, protecting, and enhancing environmental quality. The challenges facing the Nation are:

To provide sufficient supplies of petroleum and other sources of energy, water, minerals, and timber to support our future economic development;

To maintain and enhance our forests, unique natural resource areas, historic properties, lands, waters, fish and wildlife, beaches, and estuaries so as to meet aesthetic, cultural and recreational needs of the people;

To understand our physical environment and the natural and man-made changes that are taking place so that modifications can be made when advantageous and possible, and, when modifications are not possible, to provide advance hazard warnings;

To manage our resources in a way which will assure ecological balance and thus sustain the basis on which public needs can continue to be fulfilled.

The close relationships among resource uses must be recognized. Forestry practices directly affect water supplies, fish and wildlife, and outdoor recreation. Flood control or water supply projects have similar impacts on other resource values. Mineral development and utilization can, if carelessly done, destroy other resources and result in serious water and air pollution. The need for balance and environmental protection and enhancement is linked directly to every form of natural resource use. These inter-relationships are not recognized under the current organizational structure.

The Department of Natural Resources will bring together natural resource programs which are now scattered throughout several Federal organizations and will provide the essential capabilities required to weigh alternatives and priorities in program planning, establish policies, and operate programs to meet national objectives. The mission of DNR will be to provide leadership for assuring: adequate supplies of natural resources; a better understanding of the earth, atmosphere and the oceans; availability of technology for development and utilization of natural resources; a national energy policy that optimizes use of limited resources; an aesthetically pleasing environment; and adequate outdoor recreational opportunities.

Rationale for DNR—Federal natural resource programs have developed on a piecemeal basis over the years, resulting in programs scattered among agencies with attendant overlaps, inefficiencies and voids. Examples of this scattered array are major water resources development programs in the Departments of the Interior, Agriculture, and Army. Nonmilitary Federal lands are administered by four agencies in the Departments of Agriculture and the Interior, with lands often adjacent to each other and sometimes intermingled. Federal recreation areas are administered by six different agencies in the Departments of the Interior, Agriculture, and Army and by the Tennessee Valley Authority. While creation of the National Oceanic and Atmospheric Administration within Commerce achieved significant consolidation, the related offshore oil, gas, and mineral resource programs are separately managed by Interior. Energy programs are scattered among the Departments of the Interior, Transportation, Army and the Atomic Energy Commission.

Under the existing structure, there are numerous problems:

No single official is responsible for formulating and implementing a unified national policy in such areas as land management, energy resources development or water resources management.

Agencies' programs are sometimes at cross purposes, generating jurisdictional conflicts, wasted effort or lack of vigorous action.

Duplication results in common management functions such as construction, surveys and mapping, and land appraisal and acquisition.

State and local governments, private organizations, and individuals have had to deal with several agencies in addressing common natural resource problems.

Functions—DNR will provide national leadership and establish effective working relationships with private organizations and individuals, State and local governments, and other Federal agencies in order to:

Foster the conservation, management, and utilization of natural resources;

Assure maintenance of the ecological balance necessary to sustain human and unique plant and animal life systems;

Explore and survey the earth, the atmosphere, and the oceans and to assess their physical characteristics;

Conduct scientific research and encourage development of technology to conserve and efficiently utilize natural resources with minimum impact on the environment;

Undertake programs for the optimal development of various energy sources, including research on nuclear power and managing uranium raw materials and enrichment;

Provide physical and economic data, maps, charts, and hazard warnings, and other information regarding the earth, atmosphere and oceans;

Manage Federal public lands and other resources, including national parks, forests, wildlife refuges, fish hatcheries, and minerals;

Preserve irreplaceable park, wilderness, scientific, historic, fish and wildlife, and other biotic resources;

Assist in providing outdoor recreational opportunities;

Plan and undertake programs for the conservation, management, and utilization of land, water, forest, range, mineral, fish and wildlife resources;

Facilitate the development and protection of commercial fisheries;

Foster the health and safety of miners;

Assist in achieving oil and gas pipeline safety; and

Foster development of the potential of Indians, Alaska natives, and territorial peoples.

Organization of DNR—Natural resource programs will be grouped on the basis of common purposes. Following are the primary groups with functions of the existing statutory agencies and programs that would be placed therein.

Land and Recreation Resources—The land component would include the Bureau of Land Management of Interior and the Forest Service, Economics Research Service (Natural Resources Economics), and Agricultural Research Service (Soil and Water Conservation) of Agriculture. The recreation component would include the Bureau of Outdoor Recreation, National Park Service and Bureau of Sport Fisheries and Wildlife of Interior.

Water Resources—This would include the functions of the Water Resources Council, including policy formulation, comprehensive river basin planning, and administration of planning grants to States. Also, included would be the Bureau of Reclamation, Power Marketing Agencies, Office of Saline Water and Office of Water Resources Research of Interior; the Corps of Engineers (civil functions planning, policy and funding) of the Army; and the Soil Conservation Service and Farmers Home Administration (Watershed Loans) of Agriculture.

Energy and Mineral Resources—This would include the existing constituents of Interior, oil and gas pipeline safety of Transportation, and four programs of the Atomic Energy Commission: raw materials management, uranium enrichment, civilian nuclear power development, and Plowshare, R&D and related activities of the latter two nuclear programs would be carried out through the AEC.

Oceanic, Atmospheric, and Earth Sciences—This would include the Geological Survey of Interior and the National Oceanic and Atmospheric Administration of Commerce.

Indian and Territorial Affairs—This would include functions of the Bureau of Indian

Affairs and Office of Territories now vested in Interior.

Management of DNR—Effective management of DNR will be ensued by providing the Secretary with the authority and capabilities to carry out its mission. The Secretary would be vested with the functions of DNR and have authority over its internal organization and appointment of subordinates.

The Secretary would concern himself primarily with the priorities and strategy for his department, its overall performance and be its spokesman to the President, the Congress and the public. He would be assisted by a strong managerial team. The Deputy Secretary would serve as the General Manager and the Secretary's alter-ego and would be responsible for allocating resources, assessing the quality of program performance, and harmonizing the efforts of the line and staff elements. Two Under Secretaries would serve as staff arms in such areas as development of overall policy strategy and plans for implementation, organization, and business management. An Assistant Secretary for Research and Technology would provide staff support in promoting, assessing and coordinating activities in this area.

The programs would be carried out through five Administrations representing broad subdivisions of the Department: Land and Recreation Resources; Water Resources; Energy and Mineral Resources; Oceanic, Atmospheric and Earth Sciences; and Indian and Territorial Affairs. The respective Administrators will be appointed by the President and confirmed by the Senate and will be accountable for the programs under their purview.

Secretarial representation in the field will be provided by Regional Directors who will coordinate related departmental activities within their areas, and evaluate performance.

Current plans ensure that the interests of employees affected by the reorganization are protected. No employee will be separated. No employee will be reduced in classification or compensation for one year after the reorganization.

Budget and Manpower—Total FY '71 outlays for the proposed Department of Natural Resources, based on the President's Budget, would be approximately $5.1 billion. Permanent employment would total approximately 111,000. Distribution by major program components would be approximately:

	1971 outlays (dollars in millions)	Permanent employment
Land recreation resources	1,365	37,600
Water resources	2,160	29,800
Energy and mineral resources	695	6,100
Oceanic, atmospheric and earth sciences	375	20,600
Indians and territorial affairs	480	15,000
Other	15	1,600
Total	5,090	110,700

SECTION-BY-SECTION ANALYSIS

A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new *Department of Natural Resources*, and for other purposes

SHORT TITLE

Section 1 states that the Act may be cited as the "Department of Natural Resources Act."

TITLE I—DECLARATION OF PURPOSE

Section 101 expresses congressional recognition that our natural resources, including energy sources, although abundant, are not unlimited; that their proper conservation, management, and utilization underlies all of the aspirations of the American people now and in the future; and that the Federal Government has a national responsibility to itself practice, and to foster the practice by others of, appropriate resource conservation, management and utilization policies. To best achieve these objectives, and to improve Government operations, the Congress finds that it is necessary to establish a Department of Natural Resources, bringing together those Federal activities which bear most directly on resource policy. The administration of the trust responsibility for, and selected programs to assist, the Indians, Alaska natives, and territorial peoples is also placed in the Department.

TITLE II—ESTABLISHMENT OF DEPARTMENT

Section 201 establishes the Department of Natural Resources under the supervision and direction of a Secretary of Natural Resources, who shall be appointed by the President by and with the advice and consent of the Senate and shall receive compensation at the rate provided for Level I of the Executive Schedule.

Section 202 establishes the top policy offices in the Department and describes the general structure for the internal organization of the Department. There will be a Deputy Secretary, at Level II of the Executive Schedule, and two Under Secretaries at Level III. In addition, there will be five Level III Administrators heading, respectively, a Land and Recreation Resources Administration, a Water Resources Administration, an Energy and Mineral Resources Administration, an Oceanic, Atmospheric, and Earth Sciences Administration, and an Indian and Territorial Affairs Administration. The bill also provides for an Assistant Secretary and a General Counsel at Level IV. All of the foregoing Level II to IV officers will be appointed by the President by and with the advice and consent of the Senate.

Subsection (e) establishes a pool of twenty-five Level IV and V officers to be appointed by the Secretary to assist in the management of the Department. Subsection (f) provides that all of the Level II to V officers will perform such functions as the Secretary shall specify from time to time.

Section 203 provides for the order of succession in the event of the absence or disability of the Secretary or in the event of a vacancy in the Office of the Secretary.

TITLE III—TRANSFERS

Title III effectuates the transfer of the functions under existing law which will be carried out by the new Department of Natural Resources. Section 301 identifies the functions that are transferred and provides that they shall be vested in the Secretary. The remaining sections of title III contain technical provisions relating to these transfers. Under the broad definitions in section 401 and the savings provisions of section 601, the operative term "functions" includes all existing relevant powers, rights, duties, etc., whether created, vested, or assigned by statute, reorganization plan, executive order, delegation, agreement, or otherwise. Section 506 authorizes the Director of the Office of Management and Budget to make additional incidental dispositions of functions as necessary to accomplish the purposes of the Act.

Subsection 301(a) transfers to the Secretary of Natural Resources all of the functions of the Secretary of the Interior, the Department of the Interior, and all officers and components of that Department. The Interior Department operates under the authority of several thousand laws, many of which do not appear in the United States Code. Those that are codified are found principally in title 16 of the United States Code, relating to the national park system, outdoor recreation, fish and wildlife, power marketing, and various other resource programs; title 25, Indians; title 30, mineral lands and mining, including mine health and safety; title 42, pertaining to desalination and water resources research, title 43, public lands, reclamation, and Department of the Interior; and title 48, territories.

Virtually all of the authority under these laws is presently vested in the Secretary of the Interior, pursuant to Reorganization Plan No. 3 of 1950, 64 Stat. 1262, 5 U.S.C.A., App., and as provided in statutes enacted thereafter; and subsection (a) transfers this authority to, and vests it in, the Secretary of Natural Resources. The additional reference in the subsection to all functions of officers and components of that Department similarly transfers to and vests in the Secretary the few remaining miscellaneous authorities that reside expressly or by implication in subordinate officers and components of the Department.

Subsection 301(b) transfers to the Secretary of Natural Resources such of the functions of the Secretary of Commerce, the Department of Commerce, and officers and components of that Department, as relate to or are utilized by the National Oceanic and Atmospheric Administration (NOAA). NOAA was created by Reorganization Plan No. 4 of 1970 (84 Stat. 2090), which brought together the Environmental Science Services Administration and its major elements, the Weather Bureau, Coast and Geodetic Survey, Environmental Data Service, National Environmental Satellite Center and Research Laboratories (Reorganization Plan No. 2 of 1965, 15 U.S.C. Chapter 9, 49 U.S.C. Chapter 20, 33 U.S.C. Chapter 17); the Bureau of Commercial Fisheries, Marine Fish Research Program and Marine Minerals Technology Center, formerly in the Department of Interior (16 U.S.C. *passim*); the National Oceanographic Data Center and National Oceanographic Instrumentation Center, formerly administered by the United States Navy; the National Data Buoy Development Project, formerly of the Coast Guard; the National Sea Grant Program, formerly of the National Science Foundation (33 U.S.C. Chapter 22); and elements of the United States Lake Survey, formerly of the Corps of Engineers. This consolidation of activities and functions was designed to improve man's comprehension and uses of the physical environment and its oceanic life.

Subsection 301(c) transfers to the Secretary of Natural Resources, under paragraph (2), such of the functions of the Secretary of Defense, the Secretary of the Army, the Assistant Secretary of the Army for Civil Works, and the Chief of Engineers and the Corps of Engineers of the Department of the Army, as relate to or are utilized for civil works and regulatory functions, with the proviso that all civil works construction, operation and maintenance, flood and coastal emergencies, and related activities so transferred shall be accomplished through and under the direction of the Secretary of the Army and the supervision of the Chief of Engineers. To the extent they are codified, the laws authorizing these programs are found in title 33 of the United States Code.

The civil works functions of the Corps include the investigation, study, planning, construction, and operation and maintenance of measures for navigation, flood control, fish and wildlife enhancement, hydroelectric power, recreation, municipal and industrial water supply, beach erosion control and beach restoration, and water quality. Included are authorities for comprehensive river basin studies, flood plain information studies, emergency flood and coastal protection, a vast number of individual project authorizations, and continuing authorities to construct small projects without the specific authorization of the Congress.

The bill provides that the construction and operation of civil works, the provision of aid in flood and coastal emergencies, and related activities so transferred would continue to be accomplished through and directed by the Secretary of the Army and the Corps of Engineers. This will assure the continued training and experience of officers of the Army Corps of Engineers in contract administration, construction, and coordination with civilian authorities; preserve the flexibility, efficiency, and responsiveness of the Corps to meet alternating civil and national defense needs; and maintain the capability of the Corps to provide assistance to civilians in emergencies. However, the functions of investigation, study, planning, budgeting and funding, and coordination would be transferred to the Secretary.

The civil regulatory functions of the Corps, which would be transferred to the Secretary, pertain generally to the protection of the navigable waters of the United States. No filling, erection of structures, dredging, diversion of flow, or depositing of refuse in such waters may be done unless permitted by the Secretary, who, in determining whether permission should be granted, considers all matters relating to the general public interest, including navigation, flood control, economic matters, fish and wildlife values, and ecological, esthetic, and environmental values.

Certain study and review functions are vested by law in the Board of Engineers for Rivers and Harbors, the Coastal Engineering Research Center, the Board on Coastal Engineering Research, the Mississippi River Commission, and the California Debris Commission. These functions are also transferred to the Secretary by paragraph (2) of the subsection.

Subsection 301(d) transfers to the Secretary of Natural Resources such of the functions of the Secretary of Agriculture, the Department of Agriculture, and offices and components of that Department, as relate to or are utilized by the Forest Service. Forest Service activity covers three major areas of operation concerned with the country's forest and related range, watershed and other wildland natural resources: (1) management, protection, and development of the National Forests and National Grasslands; (2) cooperation with the States in obtaining better forestry on State and private forest lands; and (3) research needed for (1) and (2) and for forest and range lands generally.

There are numerous laws relating to the Forest Service. Of those which have been codified, the principal statutes appear in title 16 of the United States Code, relating to the three major programs of the Forest Service, and in title 7 of the United States Code, relating to the general authorities of the Department of Agriculture. Reorganization Plan No. 2 of 1953 (67 Stat. 633, 7 U.S.C.A. 2201 note) vested in the Secretary of Agriculture all of the functions of the Service, as well as all of the functions of the other components of the Department of Agriculture transferred under this Act.

Subsection 301(e) transfers to the Secretary of Natural Resources such of the functions of the Secretary of Agriculture, the Department of Agriculture, and officers and components of that Department, as relate to or are utilized by the Soil Conservation Service. Soil Conservation Service activities cover four major areas of operation: (1) the development and carrying out of a national soil and water conservation program (primarily through conservation districts), including the national cooperative soil survey, technical assistance in the development of conservation plans and application of conservation treatments, the conduct of snow surveys to develop stream flow forecasts, and the operation of plant material centers; (2) the development and carrying out of watershed protection and flood prevention projects, including furnishing technical and financial assistance to State and local organizations, and conduct of river basin surveys and investigations in cooperation with other agencies; (3) the administration of the Great Plains Conservation program for the mitigation of wind and water erosion damages in the Great Plains area; and (4) the aiding of local sponsors in developing and carrying out of multicounty resource conservation and development projects.

There are numerous laws relating to the programs of the Soil Conservation Service. Of those which have been codified, the principal statutes appear in title 7 of the United States Code, sections 1010 et seq. (resource conservation and development) and other sections related to the general authorities of the Department of Agriculture; title 16, sections 590 (a) to (f) (soil and water conservation operations), 590(p)(b) (Great Plains conservation), and 1001 et seq. (watershed protection); and title 33, sections 701(a) et seq. (flood prevention).

Subsection 301(f) transfers to the Secretary of Natural Resources such of the functions of the Secretary of Agriculture, the Department of Agriculture, and officers and components of that Department, as relate to or are utilized by the Natural Resource Economics Division of the Economic Research Service. This Division conducts research in the economics of the use, conservation and development of land and water resources. These activities are authorized under various statutes, including primarily 7 U.S.C. 411, 1621 et seq., 1761, 2201, 2202; 42 U.S.C. 1891–1893.

Subsection 301(g) transfers to the Secretary of Natural Resources such of the functions of the Secretary of Agriculture, the Department of Agriculture, and officers and components of that Department, as relate to or are utilized by the Soil and Water Conservation Division of the Agricultural Research Service. This Division conducts research in the conservation of soil and water and the control of certain forest and range insects and diseases. These activities are authorized under various statutes including primarily the Department of Agriculture Organic Act of 1862 (7 U.S.C. 2201) and the Research and Marketing Act of 1946, as amended (7 U.S.C. 427, 427i).

Subsection 301(h) transfers to the Secretary of Natural Resources such of the functions of the Secretary of Transportation, the Department of Transportation, and officers and components of that Department as relate to or are utilized for pipeline safety. The referenced functions consist of all of the authority under the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 et seq.); and such of the authority under sections 831–835 of title 18 of the United States Code as relates to pipeline safety. The latter, originally administered by the Interstate Commerce Commission, was transferred to the Department of Transportation for administration through the Federal Railroad Administration pursuant to subsections 6 (e) and (f) of the Department of Transportation Act (80 Stat. 931, 939, 940).

Subsection 301(i) transfers to the Secretary of Natural Resources all of the functions of the Water Resources Council. The Council was established by and functions under the Water Resources Planning Act (42 U.S.C. 1962 et seq.). Its responsibilities include the coordination of all Federal water resource programs, assessment of water supplies and requirements, establishment of principles, standards and procedures for Federal water and related land resources projects, review of comprehensive regional and river basin plans and the administration of grants to States for comprehensive planning.

Subsection 301(j) transfers certain programs and activities from the Atomic Energy Commission to the Secretary of Natural resources as follows:

(1) The civilian power program. In general, this encompasses the programs to make possible the maximum exploitation for civilian use of the vast energy resources latent in nuclear material. Their objectives apply to nuclear units for central station power plants desalting and dual purpose plants; propulsion and power for civilian maritime uses; attended and unattended earth and undersea power devices; and related fuel reprocessing, waste disposal and environmental systems. They include development of civilian power and test reactors, isotopes, waste and environmental related systems, and associated equipment for general nuclear oriented research; new and advanced technology leading to improvements in fuel utilization, reprocessing and waste disposal, and new concepts and processes; investigations and research into safety of reactor systems and nuclear processes, and establishment of environmental and safety criteria; and fostering and coordinating development and application of civilian nuclear power in cooperative arrangements with industrial, utilities, and other government organizations.

In order to assure that the vital research and development program and related activities can continue to benefit from the closest possible integration with other highly technical AEC programs, activities, and personnel, such work would continue to be accomplished through and directed by AEC and carried out under AEC contracts administered by that agency. However, the functions of planning, budgeting and funding, coordination, assessment of resources and establishment of priorities as related to national energy planning would be transferred to the new Department. It is not intended, by the transfer of any civilian power functions to the Department, to preclude AEC continuance of research and development effort in safety, reactor technology, fuel reprocessing, waste management, or other activities that relate primarily to programs remaining with the Commission.

(2) The raw materials program. This encompasses acquisition and management of uranium ore concentrates; assistance in the development of a viable competitive domestic uranium mining and milling industry; and development and evaluation of information on availability of uranium and thorium for nuclear programs.

(3) The uranium enrichment and related distribution activities constituting part of the Commission's program for the production of special nuclear materials. This encompasses the program for uranium enrichment services to meet the needs for enriched uranium in domestic and foreign peaceful applications of atomic energy, for Department of Defense applications, and for AEC research and development programs. It includes operation and maintenance, and improvement of three existing gaseous diffusion plants (and related feed facilities), together with manufacture of special materials and components; research and development to advance enriching technology; the sale of uranium enriching services, including determination of prices to be charged; and the planning for future needs.

(4) With respect to the Plowshare program, the Department would have funding responsibility for all aspects of the program. The Department's responsibilities would also encompass the identification of programs to be undertaken which would utilize nuclear explosives, such as specific projects for gas stimulation or geothermal enhancement; negotiation and administration of contracts for industrial participation in such projects; and conduct of economic studies anticipating future provision of Plowshare services on a commercial basis. General research and development, device research and development, device technology, explosive effects tests, development of fielding systems, project execution and related activities would remain with AEC, and the Department would budget for and transfer to AEC the necessary in hearing examiners by subchapter II of funds for these activities.

Section 302 provides that functions vested chapter 5 of title 5 of the United States Code will continue to be vested in hearing examiners of the Department of Natural Resources.

Section 303 provides that in any case in which the head of a department or agency is required to consult or obtain the approval of the head of another department or agency as a condition to his performance of a function, and the functions of both with respect to the matter involved have been transferred to the Secretary of Natural Resources, the requirement for such consultation or approval is terminated.

Section 304 provides that personnel, personnel positions, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds relating to functions transferred to the Secretary shall follow those functions and be transferred to the Secretary. Appropriations so transferred will be accounted for in accordance with the provisions of section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c) under which transfers of this type normally are made. To the extent that additional incidental adjustments may be needed to accomplish the intent of the Act, section 506 of the Act authorizes the Director of the Office of Management and Budget to make those adjustments. Personnel positions expressly created by statute or Reorganization Plan, personnel occupying those positions on the effective date of the Act, and personnel authorized to receive compensation at one of the rates prescribed by the Executive Schedule (5 U.S.C. 5312–5316) would not be transferred to the new Department by the Act. Those personnel positions would lapse, as provided in section 501. Persons under the Executive Schedule may be employed by the Department, without loss of pay, under section 306 of the Act.

Section 305 provides that non-temporary personnel, other than personnel entitled to compensation under the Executive Schedule (Level I to V), shall not be separated or reduced in grade or compensation, as a result of the establishment of the new Department, for one year after being transferred to the new Department pursuant to section 304 of the Act. This provision is designed to preclude reductions in force solely as a result of the enactment of this Act for one year after the new Department becomes operational. However, this provision would not preclude the separation or reduction in grade or compensation of any such personnel under the same circumstances that such adverse action could have been taken if this Act had not been enacted—for example, separation for cause or removal from a Schedule C position. (See Sec. 9(h) DOT Act, 80 Stat. 944).

Section 306 provides that persons entitled to compensation under the Executive Schedule (Level I to V) may be employed by the new Department and if that employment is without break in service and if the duties of the new position are comparable to the duties performed immediately preceding the new appointment, such person will be entitled to receive compensation at a rate not less than he received in his previous position for the duration of his service in the new position. (See Sec. 9(h), DOT Act.)

Sections 307, 308 and 309 set forth the specific statutory framework within which the Secretary will carry out the AEC programs and activities to be transferred by this bill. Although many of the authorities and requirements of the Atomic Energy Act would thereby be made applicable to the Secretary, it would not be feasible for both AEC and the Department to duplicate programs or staffs, or, even more important, for responsibility to be diffused, in several sensitive areas. Hence, these sections contemplate that AEC would continue to be responsible for policies, procedures, and requirements relating to the control of Restricted Data; the Department would administer the transferred programs and activities under AEC physical security and classification policies, guides and procedures; and Department employees and other persons engaged in the transferred programs and activities would be required to have appropriate AEC security clearances.

None of AEC's licensing authority and responsibility would be transferred to the Secretary. In the transferred programs and activities, the Department and contractors for its account would be exempt from requirements for AEC licenses, but the Department's standards and procedures for radiological protection of the public health and safety and the safeguarding of the national defense and security would be required to be consistent with those of the Commission governing its own activities, and to be established with the Commission's advice and concurrence.

The Commission would retain its present exclusive authority in the definition of extraordinary nuclear occurrence, source and special nuclear materials, and production and utilization facilities, an authority that is basic to the licensing, indemnification, and weapons programs of the Commission. AEC would also retain the authority with respect to negotiation of international arrangements and agreements for cooperation with foreign countries and organizations; the Secretary would, however, have the authority, consistent with the overall international agreements, to negotiate implementing agreements for distribution of source and special nuclear materials and for reprocessing and toll enrichment of such materials for peaceful uses.

Section 307 lists the specific provisions of the Atomic Energy Act under which the Secretary will administer the transferred programs and activities, with all the powers and duties of the Commission thereunder except as otherwise specified. These provisions include:

1. Chapters 1 and 2 of the Act, stating overall policies and purposes and prescribing definitions, with the determinations as to "extraordinary nuclear occurrence," "production facility," "source material," "special nuclear material," and "utilization facility" retained in the Commission (subsections (a), (b)).

2. Those provisions of chapter 3 ("Organization") that relate to advice from the General Advisory Committee and to liaison with the Department of Defense (subsection (c)). It is intended that with respect to the transferred programs and activities the Department of Defense shall have the same rights and responsibilities vis-a-vis the Secretary as it has in other respects with the Commission.

3. Chapters 4 ("Research") and 5 ("Production"), which provide the principal statutory base for the civilian power, Plowshare, and uranium enrichment programs and activities transferred to the Secretary (subsection (d)). The provisions of section 44 of the Act, relating to disposition of energy produced in Commission operations, will apply to energy produced in Department operation of production or utilization facilities.

4. The provisions of chapter 6 that relate to the acquisition and distribution, as distinguished from the defining or licensing, of special nuclear material (subsection (e)). These include the provisions governing determination of charges and guaranteed purchase prices. The Commission would retain its function under subsection 57b with respect to authorizing persons to directly or indirectly engage in the production of any special nuclear material outside the United States.

5. The provisions of chapter 7 that relate to the reporting, acquisition, and distribution, as distinguished from the defining or licensing, of source material (subsection (f)). The Commission would retain the authority under section 64 to determine whether proposed foreign distributions not undertaken pursuant to an agreement for cooperation will be inimical to the interests of the United States.

6. The provisions of chapter 8 that relate to distribution, as distinguished from the licensing, of byproduct material (subsection (g)). The Commission would retain the authority under subsection 82b to determine whether foreign distributions not undertaken pursuant to an agreement for cooperation will be inimical to the common defense and security.

7. In chapter 9, the authority under subsection 91b(1) relating to delivery under Presidential direction of enriched uranium to the Department of Defense (subsection (h)).

8. In chapter 11, the provisions of section 121 with respect to the effect of Commission actions in conflict with any international arrangement made after enactment of the Atomic Energy Act, and section 122 requiring maximum Commission implementation of any international arrangement made after such enactment, are made applicable to the Department (subsection (i)); the remaining sections of chapter 11 concern the entering into of agreements for cooperation and international arrangements, and no responsibilities or authority thereunder are transferred to the Secretary.

9. In chapter 12, "Control of Information," subsection 144a would apply to the Secretary's implementation of agreements for cooperation; subsection 145b, with respect to security investigations and clearances, would apply to Department employees and others for whom access to Restricted Data is required, but the Commission would retain the security clearance function; and the Department would be subject to the limitation in subsection 146b with respect to controlling or restricting dissemination of information (subsection (j)). No responsibilities or authority under the remaining provisions of chapter 12 relating to policy, classification and declassification of Restricted Data, Department of Defense participation, international cooperation, and restrictions, are transferred to the Secretary.

10. Numerous listed sections and subsections of chapter 14, "General Authority," which have provided the Commission with needed or desirable authority and flexibility, or imposed certain limitations on authority, are made applicable to the transferred programs and activities (subsection (k)). Some of these are general in nature, e.g., advisory boards, subpoena power, appointment and compensation of employees, acquisition and disposition of property, carrying of firearms, issuance of rules and regulations, granting of easements, sale of utility and other services, Presidential contract exemption authority, proscribed contract practices, Comptroller General audit, and payments in lieu of taxes. Others are more directly keyed, though not exclusively so, to the transferred programs and functions. Those include the authority to contract to provide certain processing, fabricating, separating and refining services to licensees and to sell materials to them (subsection 161m of the Act); perform similar services in implementation of agreements for cooperation (subsection 161t); enter into long-term contracts for acquisition of reactor or reactor-related services, or for other materials or services under certain stated conditions (subsection 161u); enter into long-term contracts to produce or enrich special nuclear material for licensees, or in implementation of agreements for cooperation, under certain stated conditions (subsection 161v); enter into long-term power contracts for the Oak Ridge, Paducah and Portsmouth installations (sec. 164); settle claims for damages resulting from detonation, explosion, or radiation produced in a program involving detonation of an explosive device (sec. 167); and enter into agreements of indemnification with certain types of contractors covering risk of public liability for a substantial nuclear incident

(sec. 170). It is intended that the Department's policies and procedures with respect to agreements for indemnification shall be consistent with those followed by the Commission with respect to its contractors. The "no subsidy" requirement of section 169 with respect to Commission-licensed facilities is applicable to the Department. It should also be noted that the statutory committees—the General Advisory Committee, the Military Liaison Committee, and the Advisory Committee on Reactor Safeguards—will be available for consultation by the Department, although the appointment of members and administrative support will remain as heretofore. A continuing close and effective relationship between the Department and the Commission is required and expected on the many matters of mutual concern that will evolve in carrying out their respective functions.

11. In chapter 15, the provisions (secs. 171, 172, 174) relating to just compensation for property acquired, condemnation of real property, and Attorney General approval of title (subsection (*l*)).

12. In chapter 17, "Joint Committee on Atomic Energy," the provisions of section 202 relating to Joint Committee oversight of the Commission and the Commission's responsibility to the Joint Committee (subsection (m)).

13. In chapter 18, "Enforcement," the provisions of sections 229 and 230, relating to trespass upon and photographing, etc., of Commission installations, modified to make them applicable to Department installations used in carrying out the transferred programs and activities (subsection (n)).

14. In chapter 19, "Miscellaneous," the provisions of section 251 with respect to reports to Congress, and section 261 requiring prior legislative authorization for appropriations and waiver of use charges and containing other provisions relating to appropriations (subsection (o)).

Section 308 provides that no AEC license (which would otherwise be required by the Atomic Energy Act) shall be required for the conduct by the Secretary or by persons under contract with and for the account of the Secretary, of the transferred programs and functions, thus paralleling the exemption now existing for AEC and certain contractors with respect to those programs and functions. However, the Secretary is required, with the advice and concurrence of the Commission, to establish standards and procedures for radiological protection of the public health and safety that are consistent with those established by the Commission to govern its own activities. The Secretary is also required, in the conduct of the transferred programs and activities, to establish standards and procedures for the safeguarding of the common defense and security that have the concurrence of the Commission and are consistent with those established by the Commission to govern its own activities. It is intended that the Commission's functions with respect to radiological public health and safety and the common defense and security not be diffused.

Section 309 provides that with respect to the transferred programs and activities the Secretary shall have all the Commission's rights, powers and duties under section 152 of the Atomic Energy Act in the case of inventions useful in the production or utilization of special nuclear material or atomic energy, made in the course of or under any contract, subcontract, or arrangement entered into with or for the benefit of the Secretary, to the same extent as if entered into with or for the benefit of the Commission. The present authority of the Commission with respect to inventions relating to atomic weapons and filing of reports (sec. 151 of the Atomic Energy Act), compulsory patent licensing (sec. 153), and compensation, awards, and royalties will remain with the Commission. It is expected that AEC invention review capabilities will be utilized to the maximum extent and that the patent policies and procedures of the Department with respect to the transferred programs and activities will be established and administered in close coordination with the Commission.

Section 310 provides that the Commissioned Officer Corps of NOAA shall become the Commissioned Officer Corps of the Oceanic, Atmospheric and Earth Sciences Administration of the Department of Natural Resources. This Corps was established by statute in 1917, as a special personnel system in the Coast and Geodetic Survey, to satisfy the need for the close defense relationship and because of the mobile and short-fuse nature of assignments. It has been continued in the Environmental Sciences Services Administration and more recently in the National Oceanic and Atmospheric Administration. The Commissioned Officer Corps is one of the seven branches of the uniformed services of the United States. Officers are available and utilized in a broad range of assignments throughout NOAA. Service aboard NOAA's oceanographic fleet is a common and principal factor in the officer's service. Approximately one-third of service career is spent assigned to such vessels.

The provisions relating to the appointment of Corps officers to policy positions in OAESA are the same as those provided in Reorganization Plan No. 4 of 1970 for appointment to policy positions in NOAA except that the requirement for Presidential appointment to such positions has been omitted in keeping with the provisions of subsection 202(e) of the Act.

TITLE IV—DEFINITIONS AND ADMINISTRATIVE PROVISIONS

Section 401. Subsection (a) defines "function", "functions", "perform" and "performance" in order to avoid repetitious references to such terms as duties, obligations, powers, authorities, responsibilities, rights, privileges, and activities, and the exercise thereof.

Subsection (b) provides that references in the Act to provisions of law shall be deemed to include, as appropriate, reference thereto as now and hereafter amended or supplemented. This avoids repetitious uses of "as amended" or "as supplemented." It also recognizes that statutory authorities subject to transfer under this legislation may be amended or supplemented by other legislation while this legislation is under consideration or after this legislation is enacted but before it becomes effective. This provision would avoid any issue as to whether statutory authorities transferred by this Act are transferred in their amended forms, and will obviate the need for last minute conforming adjustments in this or any other legislation during final stages of the legislative process.

Section 402 authorizes the Secretary to prescribe such policies, standards, criteria, procedures, rules, and regulations as he may deem to be necessary or appropriate to perform functions now or hereafter vested in him. (See sec. 203(b)(1), NASA Act; OEO Act, 42 U.S.C. 2942(n); sec. 9(e), DOT Act, 80 Stat. 944; sec. 7(d), DHUD Act, 79 Stat. 667.)

Section 403. Subsection (a) authorizes the Secretary to delegate any of his functions to such officers and employees of the Department as he may designate and to authorize successive redelegations of those functions. (See sec. 7(d) of DHUD Act, 79 Stat. 667; sec. 9(e) of DOT Act, 80 Stat. 944).

Subsection (b) authorizes the Secretary to establish and modify the internal organization of the department by creating, altering, and discontinuing such organizational units and components as he may, from time to time, deem necessary or appropriate to the performance of any of his functions. However, the Secretary would not be authorized to abolish the "Administrations" created by section 202(c) of the Act, or any other organizational units or components expressly established within the Department by this or any future Act or Reorganization Plan, such as the Commissioned Officer Corps of OAESA established by section 310 of this Act. (This authority is quite similar to that now applicable with respect to the Department of Housing and Urban Development and the Department of Justice. See also sec. 203(b)(8), NASA Act, 72 Stat. 430).

Section 404 authorizes the Secretary to establish, alter, or discontinue and to maintain such State, regional district, local, or other field offices as he may deem necessary or appropriate to the performance of his functions. This will expressly permit the Secretary to design and establish the best field office system he can devise to assure effective expeditions, and responsive implementation of the Department's programs. It would also permit him to alter or discontinue that system and establish another system if experience or changed conditions indicate the advisability of such a change.

Section 405 is a standard provision authorizing the Secretary, subject to the civil service and classification laws, to select, appoint, employ, and fix the salaries of such officers and employees, including attorneys, as are necessary to the performance of his functions. (See sec. 7(c), DHUD Act, 79 Stat. 667).

Section 406 authorizes the Secretary to obtain the services of experts and consultants at rates not to exceed those prescribed for GS-18 of the General Schedule. (See sec. 7(e) of the DHUD Act as amended by sec. 906 of the Housing and Urban Development Act of 1970, P.L. 91-609).

Section 407 is a standard provision authorizing the Secretary to appoint advisory committees to consult with and advise him with respect to the performance of his functions. (See sec. 7(e) of the DHUD Act, as amended by sec. 905, P.L. 91-609; sec. 9(o) of DOT Act, 80 Stat. 944).

Section 408 authorizes the appointment, detail, or assignment of members of the Coast Guard, the Commissioned Officer Corps of OAESA, or the Regular or Reserve Commissioned Corps of the Public Health Service to any position in the Department that is not required to be filled by an officer whose appointment is required to be confirmed by the Senate.

Subsection (b) permits members of the Army, Navy, Air Force, and Marine Corps to be detailed for service in the Department under agreements between the Secretary and Secretaries of the Military Departments.

Subsection (c) provides that the status, office, rank, or grade of persons who are appointed, assigned, or detailed to the Department pursuant to this section shall not be adversely affected by service under this section. (See sec. 9(d)(1), DOT Act, 80 Stat. 944).

Section 409 authorizes payment of transportation expenses and per diem to temporary or seasonal employees from the place of their recruitment to the place of their duty and while at the place of such duty. Such expenses would be paid in accordance with chapter 57 of title 5 of the United States Code which relates to similar payments to other Government employees for official travel. (See 7 U.S.C. 2229).

Section 410 authorizes the Secretary to enter into contracts and agreements, including grant agreements, with public agencies and private organizations and persons. It authorizes payments in lump sum or by installments or in advance or by way of reimbursement. It also authorizes the Secretary to take such steps as he may deem necessary or appropriate to perform his functions. (See sec. 203(b)(5), NASA Act, 72 Stat. 426).

Section 411 authorizes the Secretary to acquire facilities required for the maintenance and operation of laboratories, research, and testing sites and facilities, quarters, and related accommodations for employees and their dependents and such other special purpose real property as the Secretary deems necessary. Such special purpose facilities and real property could be acquired by purchase, lease, condemnation, or otherwise. General purpose facilities and real property could be acquired through the General Services Administration. The title to all property acquired pursuant to this section would be in the United States rather than in the Secretary or the Department (See sec. 203(b)(3), NASA Act, 72 Stat. 426).

Section 412 authorizes the Secretary to provide, construct, or maintain, as necessary and when otherwise unavailable, certain facilities and services for employees and their dependents at remote locations. Included would be emergency medical services and supplies; food and subsistence supplies; messing facilities; audio-visual equipment, accessories, and supplies for recreation and training; living and working quarters and facilities; and transportation for school age dependents to the nearest appropriate educational facilities. Reimbursement would be required for the medical treatment and for services and supplies so furnished to employees and their dependents. Charges for these services, or any other services under this Act to private persons or organizations, would be determined in accordance with uniform policies, standards, and procedures prescribed by the Office of Budget and Management and with 31 U.S.C. 483a and 5 U.S.C. 5911. (See sec 9(*1*), DOT Act, 80 Stat 946, and 15 U.S.C. 1514).

Section 413 would authorize the Secretary to permit concessionaires to provide services on property under the jurisdiction of the Secretary. Concession agreements under this section would have to be in conformity with standards prescribed in regulations issued by the President. (See 16 U.S.C. 20–20g, 580d).

Section 414 authorizes the Secretary to acquire copyrights and patents, interests therein and licenses thereunder, whenever such acquisitions are necessary or appropriate to the performance of his functions. (See 10 U.S.C. 2386).

Section 415 authorizes the Secretary to engage in such basic and applied research and disseminate technology as he may deem necessary to carry out functions entrusted to him. (See title V, Housing and Urban Development Act of 1970, P.L. 91–609; sec. 9(q), DOT Act, 80 Stat. 947).

Section 416 authorizes the Secretary, within his own discretion or at the request of any persons, firms, organizations, or others, public and private, to make special studies concerning matters within his jurisdiction; to prepare from the records of the Department special compilations, lists, bulletins, or reports; to furnish transcripts or copies of those studies, compilations, and other records; to furnish copies of charts, maps, or photographs; and to provide services incident to the conduct of the regular work of the Department. For example, the Department may have a specialized piece of equipment, or persons with specialized knowledge, not available elsewhere and, in appropriate cases, the Secretary would be authorized to make those services available to private persons and to public and private agencies and organizations. This section also authorizes the Secretary to undertake joint projects with nonprofit organizations, research organizations, and public agencies and organizations involving matters of mutual interest and to share the costs thereof. As noted with respect to section 142, charges to private persons and organizations under this Act would be determined in accordance with user standards, charges policies, and procedures prescribed by the Office of Management and Budget and 31 U.S.C. 483a. (See P.L. 91–412—Department of Commerce).

Section 417 authorizes the Secretary to make provisions for the printing and distribution of reports and other documents with respect to matters under his jurisdiction.

Section 418 authorizes the Secretary to accept, hold, administer, and utilize gifts and bequests. (See sec. 905(k) of Housing and Urban Development Act of 1970, P.L. 91–609; sec. 9(m), DOT Act, 80 Stat. 946).

Section 419 authorizes the Secretary to prescribe a seal for the Department. (See sec. 7(g) of DHUD Act, 79 Stat. 667).

Section 420 authorizes the establishment of a working capital fund to defray necessary expenses arising out of the maintenance and operation of such common administrative services as the Secretary shall find to be desirable in the interest of economy and efficiency. (See sec. 9(j), DOT Act, 80 Stat. 945; sec. 7(b), DHUD Act, 79 Stat. 667; and 43 U.S.C. 1467, Interior Department).

Section 421 is a technical provision. In certain cases authority under a portion of an Act is transferred to the Secretary by this Act while responsibility for other provisions of the same Act will be retained by the transferring agency. This provision is designed to permit the Secretary to exercise powers vested by the general provisions of any such Act without divesting the transferring agency of authority to exercise those powers with respect to the functions retained by that agency.

Section 422 is designed to make it clear that authority expressly provided by this Act is in addition to and not in substitution for any authority that may have existed prior to the effective date of this Act and is transferred by this Act.

Section 423 requires an annual report to the Congress on the activities of the Department concerning activities during the preceding fiscal year, a statement of goals, and an assessment of progress.

Section 424 authorizes the Secretary, when authorized in an appropriation act, to transfer funds from one appropriation to another so long as such transfers do not increase or decrease an appropriation by more than five per cent. This does *not* permit such transfers unless they are authorized in an appropriation act.

Section 425 authorizes the establishment of service funds for each Administration. These funds would be used to defray the initial costs of reimbursable services provided to other departments and agencies or to persons, agencies, or organizations outside the government.

Section 426 authorizes the appropriation of funds without fiscal year limitation. The amount of such "no year" funds would be prescribed in appropriation acts.

Section 427 directs the Secretary from time to time to prepare and publish compilations of laws and treaties applicable to the various program areas of the Department as he deems to be in the public interest.

TITLE V—TRANSITIONAL AND CONFORMING PROVISIONS

Section 501 provides that whenever all of the functions of a department, agency, or other body, or of any component thereof have been transferred, whether by this Act, or by a combination of Acts, Reorganization Plans, etc., the department, agency, etc., shall lapse. This, in effect, discontinues organization structures when they no longer have functions to perform. It applies only when all of the functions of the agency or component have been transferred to the Secretary. Thus it would not apply, for example, to the Corps of Engineers, whose military functions and construction and other activities continue; nor would it apply to the Economic Research Service or the Agricultural Research Service, unless the remaining functions of these Department of Agriculture agencies are transferred to another department under the reorganization program. The section also provides that all Executive Schedule offices and positions in a department or agency that lapses under the first sentence of the section shall also lapse.

Section 502 repeals the section of the Flood Control Act of 1970 which established the position of the Assistant Secretary of the Army for Civil Works, as this statutory office is not covered by section 501.

Section 503 substitutes the Department of Natural Resources for the Department of the Interior in the definition of "Executive Department" in title 5 of the United States Code.

Section 504 substitutes the Secretary of Natural Resources for the Secretary of the Interior in section 19(d) of title 3 of the United States Code relating to presidential succession.

Section 505 substitutes the Secretary of Natural Resources for the Secretary of the Interior in Reorganization Plan No. 2 of 1970 relating to membership on the Domestic Council.

Section 506 authorizes the Director of the Office of Management and Budget to make such additional incidental dispositions of functions, positions, personnel positions, assets, liabilities, contracts, property records, appropriations, etc., as may be necessary to carry out the intent and purpose of the Act. This is a standard provision in Reorganization plans involving interagency transfer of functions.

TITLE VI—SAVINGS PROVISIONS

Section 601 is a savings clause that continues the effectiveness of all existing orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges affected by the Act, until such time as they are otherwise modified or replaced by appropriate authority or otherwise expire. This avoids any inadvertent lapsing or impairment of essential Executive orders, directives, documents, and obligations, and will afford the President and the Secretary sufficient time to deal with these matters in an orderly fashion.

Section 602 is another savings clause that preserves and continues legal proceedings in being on the effective date of the Act. Such proceedings would, in effect, be continued, modified, or terminated as if the Act had never been enacted.

Section 603 is a technical provision. It provides that with respect to functions transferred by the Act, references in laws (including Reorganization Plans) to other officials shall be deemed to be a reference to the Secretary.

Section 604 is a technical provision. A number of the functions that are transferred by this Act are functions that are vested in the President but were delegated to a transferring agency on the effective date of this Act. Under the terms of the Act those functions are transferred to the Secretary. This section is designed to assure that those administrative delegations of functions by the President do not take on a statutory character that would impair the President's authority to modify, terminate, or transfer these delegated functions in the future.

TITLE VII—SEPARABILITY

Section 701 is a standard separability clause that avoids the invalidation of the whole Act if a single provision is found to be invalid.

TITLE VIII—EFFECTIVE DATE AND INTERIM APPOINTMENTS

Section 801 provides that the Act shall become effective 120 days after the Secretary is appointed, or on such earlier date as the President may prescribe and publish in the *Federal Register*. This will give the President time to select, nominate, and appoint the Secretary, and will allow the Secretary sufficient time to arrange and organize the new Department and prepare such rules, regulations, orders, etc., as may be necessary for a smooth transition.

THE PROPOSED DEPARTMENT OF HUMAN RESOURCES

	Fiscal year 1971	
	Employment (full-time, permanent)	Budget outlays (in millions)
From the Department of Health, Education, and Welfare:		
Food and Drug Administration	4,551	$82.5
Health Services Mental Health	25,234	1,582.3
Deduct Bureau, Occupational Health and Safety	−514	−13.0
National Institutes of Health	11,244	1,553.5
Environmental Health Service	955	50.4
Social Security Administration	51,652	2,841.1
Office of Education (except public library construction grants, to be in DCD)	2,892	4,470.3
Social and Rehabilitation Services	1,865	10,640.4
Special Institutions	0	67.7
Office of the Secretary	4,505	8.5
(Construction included above)	(500)	(819.0)
Subtotal, Federal funds	102,384	21,323.7
Social Security trust funds	0	43,181.0
Receipts and intergovernmental deducts	0	−2,589.3
Subtotal	102,384	61,915.4
From the Office of Economic Opportunity:		
Alcoholism, family planning, drug rehabilitation	39	34.9
Migrants	47	37.0
Nutrition (phasing out)	22	28.8
Subtotal	108	100.7
From the Department of Labor:		
Manpower Administration	4,595	1,600.9
Employment Service	0	374.5
Women's Bureau	75	1.2
UCFEX	0	319.4
U.I. benefits and administration	0	5,589.9
Overhead	492	8.1
Subtotal	5,162	7,894.0
From the Railroad Retirement Board	1,933	1,906.8
From the Department of Housing and Urban Development: College housing	60	139.3
From the Department of Agriculture:		
Economic Research Service	39	1.0
Agriculture Research Service (Human nutrition and consumer research programs)	225	4.0
Food and Nutrition Service	2,170	2,220.1
Meat and Poultry Inspection	9,200	131.8
Egg Products Inspection	0	0
Overhead	326	5.8
Subtotal	11,960	2,362.7
From the Department of Commerce: flammable fabrics	33	.9
President's Committee on the Handicapped	37	.7
Grand total	121,677	74,320.5

DEPARTMENT OF HUMAN RESOURCES

SUMMARY

Introduction: The President's Departmental Reorganization Program proposes the creation of a Department of Human Resources, which will contain those programs directed at the development and well-being of individuals and families. Included in the Department will be the programs presently administered by the Department of Health, Education, and Welfare, the manpower programs from the Department of Labor; health, drug abuse and migrant programs from the Office of Economic Opportunity; food distribution, inspection and research programs from the Department of Agriculture, and the college housing program from the Department of Housing and Urban Development.

The mission of the new Department will be achieved through a partnership of the Federal Government with State and local governments, public and private institutions and individuals. Its functions will be: assisting in the enhancement of intellectual growth and development; maintaining and improving the skills of individuals through training; maintaining and improving physical and mental health; extending opportunities for participation of all individuals in the Nation's labor force; protecting the quality, purity, and safety of foods, medicines, and other consumer products; assuring basic income security for those withdrawn from the work force, their survivors, and dependents, and for those who cannot provide for themselves; providing basic social services to individuals and families unable to meet basic needs for themselves, and providing for those who have not been able to compete in and participate fully as citizens in a free society.

To accomplish these functions, the Department will make grants, conduct and support research and studies, provide technical assistance and administer direct Federal services.

Problems with Present Organization: The present structure does not permit development of a unified system of programs and services to individuals. Programs are split among several Departments, and often overlap or result in fragmented approaches to problem solving. This has frequently led to confusion on the part of both recipients and State and local officials who must deliver the services.

For examples: A community mobilizes to assist migrant families in overcoming serious health, nutritional educational and social problems. The community seeks Federal aid to supplement its local and State resources. It finds that the Department of Health, Education and Welfare has separately administered health and education programs; that the Office of Economic Opportunity operates a broad migrant service program and finances a migrant Head Start program whose operation has been delegated to Health, Education and Welfare; and the Department of Labor registers migrant crew leaders, provides for guarantees of safety and insurance coverage and arranges an anual sequence of work opportunities.

Present organizations along professional program lines makes it difficult for existing agencies to identify and serve the broad public interest. Past efforts to decentralize program responsibility to the field and to improve responsiveness to local and regional needs have met resistance. In 1967, for example, a Federal agency initiated decentralization of one of the major programs to the field. Positions were transferred to Regional Offices and people hired to fill them. The effort was reversed by an organization of professional interest groups who opposed the decentralization.

One of the most serious problems is that accountability for effective program performance is difficult to establish because authority and responsibility are split between and within Departments. The Concentrated Employment Program (CEP) is an example of this problem:

Under that program, the Department of Labor enters into "prime" contracts with local governments and community action agencies to provide a comprehensive program of manpower services in ghetto areas. These services include institutional training components which are approved and funded separately. The Office of Education approves and funds these projects through State vocational agencies using funds appropriated to the Department of Labor and transferred to Health, Education and Welfare. If the State Vocational agency is unwilling to approve the institutional training, the CEP is left with no capacity to provide an essential training component of its program.

In such a case, program accountability is impossible to establish.

The proposed reorganization will directly address these problems by:

Linking programs with similar objectives, such as training and welfare, education and health, in a single Department.

Providing the new Department with a comprehensive, national purpose which will strengthen the ability of the Government to serve the broad public interest.

Providing strong, department-wide policy and management machinery and a small number of administrative units.

Providing that decision-making affecting states and legal communities will occur in the field, rather than in Washington.

Organization and management of the new Department:

The Department of Human Resources will provide a single, integrated focus for meeting the Federal responsibility to and for individuals. Its programs will be operated through three Administrations, headed by Administrators, appointed by the President, with Senate confirmation, as follows:

Income Security Administration.—Functions of this Administration will be to administer the systems of contributory social insurance authorized under the Social Security Act, and other social insurance programs such as railroad retirements and unemployment insurance. It will also provide benefits for the poor and near-poor through public assistance, food stamp, and medicaid programs and, upon enactment, the Family Assistance and Family Health Insurance plans.

Health Administration.—Functions of this Administration will be to improve the health care delivery system, to develop new means of preventing and curing illness, protect individuals from possible health hazards and insure the adequate provision of health personnel.

Human Development Administration.—This Administration will combine existing education, manpower, and social services programs. Its function will be to insure quality basic education, to aid school systems in achieving desegregation and preventing racial isolation; to improve higher education and insure its accessibility, to provide occupational training, support for apprenticeship, work experience and employment to individuals and services designed to place workers in employment, and to assist States and communities in providing adequate services to individuals and families to overcome problems.

Within the Administrations, support will be provided to permit each Administrator to perform adequate policy planning, evaluation, and management functions for the programs which he will operate.

Management of the new department

Departmental Management functions will be carried out by the Secretary, Deputy Secretary, two Under Secretaries and such additional Assistant Secretaries and staff as the Secretary considers necessary to permit him to manage the Department effectively. The Secretary will concern himself primarily with the priorities and strategy for the Department, with its overall performance and with serving as its spokesman to the President, the Congress and the Public. The Deputy Secretary will assist the Secretary in carrying out his responsibilities and will act in the Secretary's absence. He will concentrate his primary attention on overseeing the operations and management of the Department. All executive management staff will have cross-cutting, department-wide responsibilities assigned to them by the Secretary. Such responsibilities for the Under Secretaries may include policy and managerial and evaluation and field operations. Responsibilities of the Assistant Secretaries may include planning and analysis, congressional relations, fiscal management, and human rights.

Field organization

Regional offices, which conform to the ten standardized Federal regions, will be headed by Regional Directors, appointed by the Secretary. Programs which can reasonably be decentralized for decision-making, such as manpower programs, college housing, and family planning, will be operated under the direction of the Regional Director. In general, these will be grants-in-aid to States, localities and institutions. Policy and program guidance will issue from the Administrators to the Regional Director who will manage their operation through his program staff.

Certain other programs, such as Social Security, will have staff housed in the Regional Offices, but the Regional Director will act in a coordinative capacity with those programs as they have particular impact in his Region. Research programs will be centrally administered by the Headquarters office and the relationship of the Regional Director will be incidental, based entirely on any regional implications which those programs may develop.

Regional Directors will be provided with adequate resources to carry out performance evaluations, planning, management, and to represent the Secretary as the chief Department official in the field.

Budget and manpower

Based on outlays for fiscal year 1971, the new Department would have a 1971 budget of $74.3 billion in budget authority, with 121,679 permanent employees. This includes $50.7 billion in budget authority for the Social Security, Railroad Retirement, and Unemployment Insurance trust funds.

Program continuity

In forming the new Department, consideration has been given to existing organizational units and to individuals presently employed in those units. As the new Department takes form, care will be taken to preserve program continuity and to assure effectiveness in meeting current needs. Savings clauses and hiring policies based on attrition will preserve the rights of those presently employed.

DEPARTMENT OF HUMAN RESOURCES ACT

SECTION-BY-SECTION ANALYSIS

Title I

Declaration of Policy

Section 1. Provides that this Act may be cited as the Department of Human Resources Act.

Section 101(a). Declares that the general welfare of the Nation requires the continuing effort by the Federal Government to promote personal and family well-being of all its citizens. The section also declares that the responsibility for developing the means by which individuals can meet their needs and develop their potential and by which society can meet its common goals is shared by the Federal Government with State and local governments, public and private institutions, and individuals.

Section 101(b). Declares that Congress finds it necessary to establish a Department of Human Resources in order to assure the responsible development and administration of coordinated programs to meet the Federal Government's responsibility set out in the preceding subsection. The Department would bring together those activities of the Federal Government which bear most directly on individual and family well-being.

Section 101(c). Sets forth, in general terms, the functions of the Department.

Title II

Establishment of Department

Section 201. Establishes the Department of Human Resources, provides for the appointment of a Secretary of Human Resources who shall head that Department, and provides that the Secretary shall be compensated at the rate prescribed for offices and positions at Level I of the Executive Schedule.

Section 202(a). Provide for the appointment of a Deputy Secretary of Human Resources (Level II).

Section 202(b). Provides for the appointment of two Under Secretaries (Level III).

Section 202(c). Establishes within the Department three administrations—Health, Human Development, and Income Security—each headed by an administrator (Level III).

Section 202(d). Provides for the appointment of four Assistant Secretaries and a General Counsel (Level IV). Appointments for positions designtaed in (a) through (d) are to be made by the President by and with the advice and consent of the Senate.

Section 202(e). Authorizes the Secretary to appoint not more than 41 additional officers at Level IV or Level V of the Executive Schedule, as specified by the Secretary. (See section 102(c) of Reorganization Plan No. 2 of 1970 (OMB)).

Section 202(f). Provides that officers appointed pursuant to section 202 shall perform such functions as the Secretary may prescribe from time to time.

Section 203. Provide that the Deputy Secretary shall act for and perform the functions of the Secretary during the absence or disability of the Secretary or during a vacancy in the Office of the Secretary. In the event of the concurrent absence or disability of the Deputy Secretary or vacancy in the Office of the Deputy Secretary, an Under Secretary, Administrator, Assistant Secretary, or the General Counsel would be authorized to act for and perform the duties of the Secretary in accordance with such order of succession as the Secretary shall prescribe.

Title III

Transfers

Section 301(a). Transfers all the functions of the Secretary of Health, Education, and Welfare, the Department of Heatlh, Education, and Welfare, or any officer or component of that Department to the Secretary of Human Resources unless such function is specifically excluded from the transfer by another provision of the Act. The exclusions are enumerated in section 302(i).

Section 301(b). Transfers to the Secretary all the functions of the Secretary of Agriculture, the Department of Agriculture, or any officer or component of that Department contained in the enumerated statutes, except the authority to declare certain foods as being in abundance. The functions included under this subsection are those now performed by the Food and Nutrition Service, those food inspection programs performed by the Consumer and Marketing Service, those research functions performed by the Agriculture Research Service relating to consumer and food economics, human nutrition, and human resources, and those functions relating to the distribution and donation of food commodities under the statutes enumerated in paragraph (3).

Section 301(c). Transfers to the Secretary all the functions of the Secretary of Labor, the Department of Labor, or any officer or component of that Department contained in the enumerated statutes and executive orders. The functions included under this subsection are those now performed by the Unemployment Insurance Service, Bureau of Employees Compensation (except those programs regarding Federal employees), the Employees Compensation Appeals Board, the U.S. Training and Employment Service, the Bureau of Apprenticeship and Training, the Job Corps, and the Women's Bureau. The programs under the Bureau of Employees Compensation with respect to Federal employees, as well as functions relating to safety programs involving civilian employees of the Federal government, are transferred to the Civil Service Commission by this subsection.

Section 301(d). Transfers to the Secretary all the functions of the Secretary of Commerce, the Department of Commerce, or any officer or component of that Department required to carry out the provisions of the Flammable Fabrics Act and the Refrigerator Door Latch Safety Program.

Section 301(e). Transfers to the Secretary all the functions of the Secretary of Housing and Urban Development, the Department of Housing and Urban Development, or any officer or component of that Department necessary to carry out the college housing program.

Section 301(f). Transfers to the Secretary all the functions of the Director of the Office of Economic Opportunity or any officer or component of that Office contained in the enumerated statutes. The functions included in this subsection are those necessary to carry out the migrant, emergency food and medical services, drug rehabilitation, health (except experimental health), nutrition, manpower training and development, Head-start and Follow-Through, and familly planning, and alcoholic counselling and recovery programs.

Section 301(g). Transfers to the Secretary all the functions of the Railroad Retirement Board, establishes the Board in the Department and requires that the Secretary carry out the judicial and quasi-judicial functions transferred to the Secretary through the Board.

Section 301(h). Transfers to the Secretary all the functions of the President's Committee on Employment of the Handicapped.

Section 301(i). Excludes from the transfers in subsection (a) of section 301 the functions of the Commissioner of Education regarding grants for the construction of public libraries and the Secretary of Health, Education, and Welfare under the Occupational Safety and Health Act of 1970.

Section 301(j). Transfers functions of the hearing examiners of existing Departments to hearing examiners of the new Department.

Section 302. Terminates the requirement for the Secretary to consult with himself when the functions of two or more officials required to consult have all been transferred to him.

Section 303. Preserves existing trust funds while transferring those functions relating to their administration to the Secretary. Because of the consolidation of two board members (the Secretaries of Health, Education, and Welfare and Labor) into one, the President is authorized to appoint a third member. (The Secretary of the Treasury is the other member.) Authority to appoint a Secretary is also provided because the functions of the present Secretary are transferred to the Secretary by section 301(a).

Section 304. Transfers to the Department the commissioned corps of the Public Health Service and assures that no member's rank, grade, or title will be affected because of the transfer.

Section 305. Provides that personnel, personnel positions, assets, liabilities, contracts, records, and unexpended balances of appropriations, authorizations, allocations, and other funds relating to functions transferred to the Secretary shall follow those functions and be transferred to the Secretary. Appropriations so transferred will be accounted for in accordance with the provisions of section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c) under which transfers of this type normally are made. To the extent that additional incidental adjustments may be needed to accomplish the intent of the Act, section 507 of the Act authorizes the Director of the Office of Management and Budget to make those adjustments. Personnel positions expressly created by statute or Reorganization Plan, personnel occupying those positions on the effective date of the Act, and personnel authorized to receive compensation at one of the rates prescribed by the Executive Schedule (5 U.S.C. 5312–5316) would not be transferred to the new Department by the Act. Those personnel positions lapse. Persons under the Executive Schedule may be employed by the Department, without loss of pay, under section 307 of the Act.

Section 306. Provides that non-temporary personnel, other than personnel entitled to compensation under the Executive Schedule (Level I to V), shall not be separated or reduced in grade or compensation, as a result of the establishment of the new Department, for one year after being transferred to the new Department pursuant to section 305 of the Act. This provision is designed to preclude reductions in force solely as a result of the enactment of this Act for one year after the new Department becomes operational. However, this provision would not preclude the separation or reduction in grade or compensation of any such personnel under the same circumstances that such adverse action could have been taken if this Act had not been enacted—for example, separation for cause of removal from a Schedule C position. (See section 9(h), DOT Act, 80 Stat. 944.)

Section 307. Persons entitled to compensation under the Executive Schedule (Level I to V) may, under section 307, be employed by the new Department and if that employment is without break in service and if the duties of the new position are comparable to the duties performed immediately preceding the new appointment, he will be entitled to receive compensation at a rate not less than he received in his previous position for the duration of his service in the new position. (See section 9(i), DOT Act.)

Title IV

Definitions and Administrative Provisions

Section 401(a). Defines "function", "functions", "perform" and "performance" in order to avoid repetitious references to such terms as duties, obligations, powers, authorities, responsibilities, rights, privileges, and activities, and the exercise thereof.

Section 401(b). Provides that references in the Act to provisions of law shall be deemed to include, as appropriate, reference thereto now and hereafter amended or supplemented. This avoids repetitious uses of "as amended" or "as supplemented." It also recognizes that statutory authorities subject to transfer under this legislation may be amended or supplemented by other legislation while this legislation is under consideration or after this legislation is enacted but before it becomes effective. This provision would avoid any issue as to whether statutory authorities transferred by this Act are transferred in their amended forms, and will obviate the need for last minute conforming adjustments in this or any other legislation during final stages of the legislative process.

Section 402(a). Authorizes the Secretary to prescribe such policies, standards, criteria, procedures, rules, and regulations as he may deem to be necessary or appropriate to peform functions now or hereafter vested in him. (See section 203(b) (1), NASA Act, 72 Stat. 426; OEO Act. 42 U.S.C. 2942(n); section 9(e) (1), 80 Stat. 944, DOT Act; section 7(d), 79 Stat. 667, DHUD Act.)

Section 402(b). Requires the Secretary to evaluate programs and plan policy.

Section 403(a). Authorizes the Secretary to delegate any of his functions to such officers and employees of the Department as he may designate and to authorize successive redelegations of those functions. (See section 7(d) of DHUD Act, 79 Stat. 667; section 9(e) of DOT Act, 80 Stat. 944).

Section 403(b). Authorizes the Secretary to modify the internal organization of the department by creating, altering, renaming, and discontinuing such organizational units and components as he may, from time to time, deem necessary or appropriate to the performance of any of his functions. However, the Secretary would not be authorized to abolish the administrations created by section 202(c) of the Act, the Regular or Reserve Corps expressly transferred by section 304 of the Act, or any other organizational units or components which Congress may expressly establish in, or transfer to, the Department by subsequent legislation or which may be transferred to the Department by a subsequent Reorganization Plan. (This authority is quite similar to that now applicable with respect to the Department of Housing and Urban Development and the Department of Justice.) (See also section 203(b) (8), NASA Act, 72 Stat. 430.)

Section 404. Authorizes the Secretary to establish, alter, or discontinue and to maintain such State, regional, district, local, or other field offices as he may deem necessary or appropriate to the performance of his functions. This will permit the Secretary to design and establish the best field office system he can devise to assure effective, expeditious, and responsive implementation of the Department's programs. It would also permit him to alter or discontinue that system and establish another system if experience or changed conditions indicate the advisibility of such a change.

Section 405. Is a standard provision authorizing the Secretary subject to the Civil service and classification laws, to select, appoint, employ, and fix the salaries of such officers and employees, including attorneys, as are necessary to the performance of his functions. (See section 7(c), DHUD Act, 79 Stat. 667).

Section 406. Authorizes the Secretary to obtain the services of experts and consultants at rates not to exceed those prescribed for GS–18 of the General Schedule. (See section 7(e) of the DHUD Act, 79 Stat. 667, as amended by section 906 of the Housing and Urban Development Act of 1970, P.L. 91–609).

Section 407. Is a standard provision authorizing the Secretary to appoint advisory committees to consult with and advise him with respect to the performance of his functions. (See section 7(e) of the DHUD Act, 79 Stat. 667, as amended by section 905, P.L. 91–609; section 9(o) of the DOT Act, 80 Stat. 944).

Section 408(a). Authorizes the appointment, detail, or assignment of members of the Coast Guard, the commissioned officer corps of the National Oceanic and Atmospheric Administration, and the commissioned corps of the Public Health Service to any position in the Department that is not required to be filled by an officer whose appointment is required to be confirmed by the Senate.

Section 408(b). Permits members of the Army, Navy, Air Force, and Marine Corps to be detailed for service in the Department under agreements between the Secretary and Secretaries of the Military Departments.

Section 408(c). Provides that the status, office, rank, or grade of persons who are appointed, assigned, or detailed to the Department pursuant to this section shall not be adversely affected by service under this section. (See section 9(d) (1), DOT Act, 80 Stat. 944).

Section 409. Authorizes payment of transportation expenses and per diem to temporary or seasonal employees from the place of their recruitment to the place of their duty and while at the place of such duty. Such expenses would be paid in accordance with chapter 57 of title 5 of the United States Code which relates to similar payments to other Government employees for official travel. (See 7 U.S.C. 2229).

Section 410. Authorizes the Secretary to enter into contracts and agreements, including grant agreements, with public agencies and private organizations and persons. It authorizes payments in lump sum or by installments or in advance or by way of reimbursement. It also authorizes the Secretary to take such steps as he may deem necessary or appropriate to perform his functions. (See section 203(b) (5), NASA Act, 72 Stat. 426).

Section 411. Authorizes the Secretary to acquire facilities required for the maintenance and operation of laboratories, research, and testing sites and facilities, quarters, and related accommodations for employees and their dependents and such other special purpose real property as the Secretary deems necessary. Such special purpose facilities and real property could be acquired by purchase, lease, condemnation, or otherwise. General purpose facilities and real property could be acquired through the General Services Administration. The title to all property acquired pursuant to this section would be in the United States rather than in the Secretary of the Department. (See section 203(b) (3), NASA Act, 72 Stat. 426).

Section 412. Authorizes the Secretary to provide, construct, or maintain, as necessary and when otherwise unavailable, certain facilities and services for employees and their dependents at remote locations. Included would be emergency medical services and supplies; food and subsistence supplies; messing facilities; audio-visual equipment, accessories, and supplies for recreation and training; living and working quarters and facilities; and transportation for school age dependents to the nearest appropriate educational facilities. Reimbursement would be required for the medical treatment and for services and supplies so furnished to employees and their dependents. Charges for these services, or any other services under this Act to private persons or organizations would be determined in accordance with uniform policies, standards, and procedures prescribed by the Office of Management and Budget and with 31 U.S.C. 483a. (See section 9(*1*) DOT Act, 80 Stat. 946, and 15 U.S.C. 1514).

Section 413. Authorizes the Secretary to permit concessionaires to provide services on property under the jurisdiction of the Secretary. Concession agreements under this section would have to be in conformity with standards prescribed in regulations issued by the President. (See 16 U.S.C. 580d).

Section 414. Authorizes the Secretary to acquire copyrights and patents, interests therein and licenses thereunder, whenever such acquisitions are necessary or appropriate to the performance of his functions. (See 10 U.S.C. 2386.)

Section 415(a). Authorizes the Secretary to engage in basic and applied research and development and disseminate technology as he may deem necessary to carry out the functions entrusted to him. (See title V, Housing and Urban Development Act of 1970, 84 Stat. 1784; section 9(q), DOT Act, 80 Stat. 947.)

Section 415(b). Authorizes the employment of non-citizens in technical and scientific capacities.

Section 416. Authorizes the Secretary, within his own discretion or at the request of any persons, firms, organizations, or others, public or private, to make special studies concerning matters within his jurisdiction; to prepare from the records of the Department special compilations, lists, bulletins, or reports; to furnish transcripts or copies of those studies, compilations, and other records; to furnish copies of charts, maps, or photographs; and to provide services incident to the conduct of the regular work of the Department. For example, the Department may have a specialized piece of equipment, or persons with specialized knowledge, not available elsewhere and, in appropriate cases, the Secretary would be authorized to make those services available to private persons and to public and private agencies and organizations. This section also authorizes the Secretary to undertake joint projects with public and nonprofit private organizations and agencies involving matters of mutual interest and to share the costs of such projects. As noted with respect to section 412, charges to private persons and organizations under this Act would be determined in accordance with user standards, charges policies, and procedures prescribed by the Office of Management and Budget and 31 U.S.C. 483a. (See P.L. 91-412—Dept. of Commerce.)

Section 417. Authorizes the Secretary to make provisions for the printing and distribution of reports and other documents with respect to matters under his jurisdiction.

Section 418. Authorizes the Secretary to accept, hold, administer, and utilize gifts and bequests. (See section 905(k) of Housing and Urban Development Act of 1970, P.L. 91-609; section 9(m), DOT Act, 80 Stat. 946.)

Section 419. Authorizes the Secretary to prescribe a seal for the Department. (See section 7(g) of DHUD Act, 79 Stat. 667.)

Section 420. Authorizes the establishment of a working capital fund to defray necessary expenses arising out of the maintenance and operation of such common administrative services as the Secretary shall find to be desirable in the interest of economy and efficiency. (See section 9(j), DOT Act, 80 Stat. 945; section 7(f), DHUD Act, 79 Stat. 667, P.L. 89-174).

Section 421. Is a technical provision. In certain cases authority under a portion of an Act is transferred to the Secretary by this Act while responsibility for other provisions of the same Act will be retained by the transferring agency. This provision is designed to permit the Secretary to exercise powers vested by the general provisions of any such Act without divesting the transferring agency of authority to exercise those powers with respect to the functions retained by that agency.

Section 422. Is designed to make clear that authority expressly provided by this Act is in addition to any authority that may have existed prior to the effective date of this Act and is transferred by this Act.

Section 423. Requires an annual report to the Congress on the activities of the Department concerning activities during the preceding fiscal year, a statement of goals and an assessment of progress.

Section 424. Authorizes the Secretary, when authorized in an appropriation Act, to transfer funds from one appropriation to another as long as such transfers do not increase or decrease an appropriation by more than five percent. This does *not* permit such transfers unless they are authorized in an appropriation Act.

Section 425. Authorizes the establishment of service funds for each Administration and for the Office of the Secretary. These funds would be used to defray the initial costs of reimbursable services provided to other departments or agencies or to persons, agencies, or organizations outsde the Government.

Section 426. Authorizes the appropriation of funds without fiscal year limitation. The amount of such "no year" funds would be prescribed in appropriate Acts.

Title V

Transitional and Conforming Provisions

Section 501. Provides that whenever all of the functions of a department, agency, or other body, or of any component thereof, have been transferred, whether by this Act, or by a combination of Acts, Reorganization Plans, etc., the department, agency, etc., shall lapse. This, in effect, discontinues organization structures when they no longer have functions to perform. This section also provides for the concurrent lapse of all positions in those lapsed organizations which positions were expressly created by statute or reorganization plan or which are Executive Schedule Levels I to V positions. (See section 9(i), DOT Act, 80 Stat. 945).

Section 502. Substitutes the Department of Human Resources for the Department of Health, Education, and Welfare in the definition of "Executive Department" in title 5 of the United States Code.

Section 503. Substitutes the Secretary of Human Resources for the Secretary of Health, Education, and Welfare in section 19(d) of title 3 of the United States Code relating to Presidential succession.

Section 504. Substitutes the Secretary of Human Resources for the Secretary of Health, Education, and Welfare in Reorganization Plan No. 2 of 1970 relating to membership on the Domestic Council.

Section 505. Authorizes the Director of the Office of Management and Budget to make such additional incidental dispositions of functions, positions, personnel positions, assets, liabilities, contracts, property, records, appropriations, etc., as may be necessary to carry out the intent and purpose of the Act. This is a standard provision in Reorganization Plans involving interagency transfer of functions.

Title VI

Savings Provisions

Section 601(a). Is a savings clause that continues the effectiveness of all existing contracts, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges affected by the Act until such time as they are otherwise modified or replaced by appropriate authority or otherwise expire. This avoids any inadvertent lapsing or impairment of essential directives, documents, and obligations, and will afford the Secretary sufficient time to deal with these matters in an orderly fashion.

Section 602. Is another savings clause that preserves and continues legal proceedings in being on the effective date of the Act. Such proceedings would, in effect, be continued, modified, or terminated as if the Act had never been enacted.

Section 603. This is a technical provision. It provides that with respect to functions transferred by the Act, references in laws (including Reorganization Plans) to other officials shall be deemed to be a reference to the Secretary.

Section 604. This is a technical provision. A number of the functions that are transferred by this Act are functions that are vested in the President but were delegated to a transferring agency on the effective date of this Act. Under the terms of the Act those functions are transferred to the Secretary. This section is designed to assure that those administrative delegations of functions by the President do not take on a statutory character that would impair the President's authority to modify, terminate, or transfer these delegated functions in the future.

Title VII

Separability

Section 701. Is a standard separability clause that avoids the invalidation of the whole Act if a single provision is found to be invalid.

Title VIII

Effective Date and Interim Appointments

Section 801. Provides that the Act shall become effective 120 days after the Secretary is appointed, or on such earlier date as the President may prescribe and publish in the *Federal Register*. This will give the President time to select, nominate, and appoint the Secretary, and will allow the Secretary sufficient time to arrange and organize the new Department and prepare such rules, regulations, orders, etc., as may be necessary for a smooth transition.

THE PROPOSED DEPARTMENT OF ECONOMIC AFFAIRS

	Fiscal year 1971	
	Employment (full-time, permanent)	Budget outlays (in millions)
From the Department of Commerce:		
Bureau of Domestic Commerce	861	13
Bureau of International Commerce	1,117	28
Office of Business Economics	302	4
Bureau of the Census	3,475	102
Economic Development Administration (except planning and public works)	375	78
Maritime Administration	1,678	434
Office of Minority Business Enterprise	68	2
Patent Office	2,679	55
National Bureau of Standards (except Product Safety)	3,057	44
U.S. Travel Service	77	5
National technical Information Service	365	4
Office of Foreign Direct Investment	118	2
Regional Action Planning Commission (title V) (business development and technical assistance only)	0	0
Office of Telecommunications	248	0
Departmental Management	700	4
Subtotal	15,120	775
From the Department of Labor:		
Bureau of International Labor Affairs	163	3
Labor-Management Services Administration	725	15
Workplace Standard Administration (except Women's Bureau, and Bureau of Employees' Compensation	2,107	38
Bureau of Labor Statistics	1,660	28
Occupational Health and Safety Administration	560	11
Departmental Management	554	4
Subtotal	5,769	99
From the Department of Agriculture:		
Farmers Home Administration: Farm operating loans	2,655	[1] 579
Farmer Cooperative Service	100	2
Commodity Exchange Authority	170	3
Consumer and Marketing Service (except food inspection programs)	5,125	493
Packers and Stockyards Administration	208	4
Economic Research Service	841	14
Foreign Economic Development Service	126	0
Cooperative Extension Service	275	160
Statistical Reporting Service	1,220	18
Agricultural Research Service (except Human Nutrition and Home Economics Research)	13,553	269
Cooperative State Research Service	92	70
National Agricultural Library	190	5
Commodity Credit Corporation	(2)	[3] 3,592
Agricultural Stabilization and Conservation Service	4,037	512
Export Marketing Service	200	703
Federal Crop Insurance Corporation	645	9
Foreign Agricultural Service	735	26
Departmental Management	1,710	21
Subtotal	31,882	6,480
From the Department of Transportation:		
Federal Highway Administration (motor carrier safety program only)	221	3
National Highway Traffic Safety Administration (motor vehicle safety and alcohol safety programs only)	540	44
Federal Railroad Administration	1,130	48
Federal Aviation Administration	54,261	1,355
Coast Guard [4]	[4] 5,825	618
St. Lawrence Seaway	171	4
National Traffic Safety Board	274	6
Office of the Secretary (except SST program to NASA)	1,732	36
Subtotal	64,154	2,114

See footnotes at end of table.

	Fiscal year 1971	
	Employment (full-time, permanent)	Budget outlays (in millions)
From the Small Business Administration: Entire administration (except nonresident loan program)	4, 100	1, 300
From the Federal Mediation and Conciliation Service: Entire service	438	9
From the Department of Health, Education, and Welfare: National Institute for Occupational Health and Safety	514	13
From the National Mediation Board: Nonregulatory functions only	60	1
From NASA: Office of Technology Utilization	40	4
From Smithsonian Institution: Science information exchange	0	1
Grand total[4]	[4] 122, 077	$10, 796

[1] Includes 578 loan level.

[2] In ASCS.

[3] Includes 2,027 loan level.

[4] Plus 39,167 military.

Department of Economic Affairs

SUMMARY

Need and Purpose: Wage earners, businessmen and farmers all make vital contributions to the productivity of our economy. The rapid and efficient movement of people, raw materials and finished goods is equally important to the operation of the economy. All of these productive sectors of the economy share alike in the benefits of a growing and dynamic national economy. A healthy, balanced economy is a fundamental national objective to which all sectors contribute and which serves the interests of all Americans.

There is now no single government Department which has a comprehensive concern with the attainment of this national objective. A healthy and balanced economy in the central purpose of the Department of Economic Affairs.

The Case for Reorganization: Over the years many governmental programs have been established which are focused on various aspects of economic life. These programs are distributed among several departments and agencies, frequently on the basis of their relationship to a particular sector of the economy.

To illustrate, there are farm income maintenance programs administered by the Department of Agriculture, export expansion programs in the Commerce Department, programs to promote labor/management harmony and protect worker interests in the Labor Department. The Department of Transportation administers programs to facilities safe and efficient movement of goods and people. Programs administered by the Small Business Administration build and maintain the viability of small enterprises and those owned by minority and other disadvantaged persons.

The dispersal of these and other programs which relate to the total economy has made it extremely difficult to formulate comprehensive national economic policies and programs which recognize the interrelatedness of all economic sectors. For example, the government has widely scattered the responsibility for assisting U.S. agricultural and industrial firms in their overseas operations among seventeen programs in four executive Departments. The consolidation of these programs in the Department of Economic Affairs will permit a more consistent approach in these international economic activities and result in improved service to U.S. firms.

The fragmentation of related economic programs has constituted a major barrier to the development of common field systems which can provide affected citizens with more convenient access to regional officials who have sufficient authority to respond effectively to their needs. The lack of common field systems for related programs also inhibits consistent policies and adequate coordination at field levels. A prime instance of this problem occurs in regard to business loan programs. The Economic Development Administration (Commerce), the Farmers' Home Administration (Agriculture) and the Small Business Administration all make loans to businesses. Instances have occurred in which loan programs in two or more agencies fail to coordinate loan actions in a given geographic area. As a result, loans have been made to two businesses which compete in the same local market that is too small to support both.

Composition of the Department: The Department of Economic Affairs will provide an organizational framework for overcoming the problems arising from fragmentation of related programs and will permit a more orderly, balanced pursuit of our national economic objectives.

The Department of Economic Affairs will be composed of authorities and programs transferred from the Departments of Agriculture, Commerce, Labor, and Transportation and from the Small Business Administration, and other agencies as follows:

From Agriculture: Programs which relate to farm productivity, farm economy stabilization, and the marketing of agricultural commodities domestically and abroad.

From Commerce: Programs which furnish economic, social and technical information support the development and application of technology, assist minority and other disadvantaged firms, facilitate domestic and foreign marketing of U.S. goods, and foster a strong merchant marine.

From Labor: Programs which promote industrial harmony between labor unions and management, assure the well-being of workers and a safe and healthful work environment, provide labor statistics and analyses, and represent the government in international labor matters.

From Transportation: Programs which promote and facilitate balanced, safe, reliable and efficient national systems for the movement of people and economic goals.

From Small Business Administration: Programs to strengthen small business participation in the economy and to assist minority and other disadvantaged persons to participate as owners and managers.

From other agencies: Federal Mediation and Conciliation Service.

Mediation functions of the National Mediation Board.

Technology transfer programs from National Aeronautics and Space Administration and Smithsonian Institution.

Primary Organization: All of the substantive program authorities assigned to the Department, with a few minor exceptions, will be vested in the Secretary. To facilitate effective management, the programs will be grouped into primary Administrations each charged with a coherent and related set of program responsibilities. Each Administration will assure policy consistency, and provide program direction and coordination to its constituent programs. Each Administration will also provide a point of contact and response for citizen groups concerned with its programs.

The organization plan of the Department contains six strong Administrations (organization chart attached). Four of these would provide policy and program coordination to government programs related to four major economic sectors; Business, Labor, Agriculture and National Transportation. The other two Administrations cross economic sectors to provide concentrated policy and managerical attention respectively to programs for gathering and disseminating social, economic and technical information and for supporting U.S. participation in the world market. The six Administrations of the DEA are identified and briefly described below:

Business Development Administration: This Administration has the broad purpose of assisting business to adjust to the changing economic environment. Special assistance will be extended to minority and other businesses less able to compete. Other programs will facilitate the development and application of technolnogy.

Farms and Agriculture Administration: This Administration will be a central point for government programs which assist in the production and marketing of agricultural produce adequate for domestic and foreign needs. Programs for farm income maintenance and agricultural research and extension services.

Labor Relations and Standards Administration: The Administrator of this component will be a spokesman in government for the interests of labor in the formulation of national economic policy. Programs assigned to this Administration will promote harmony between unions and management and insure that workers share in the benefits of economic growth and productivity. Finally, the Administration will be charged with assuring a safe and healthful work environment.

National Transportation Administration: This Administration will be responsible for governmental programs relating to national transportation systems. Its mission is to help assure safe, convenient, economical, reliable and efficient movement of goods and people via air, surface and water carrier. Inclusion of these programs in the Department will assure that national transportation policy is consistent with overall evonomic policy. Transportation programs which have a predominant influence on communities will be transferred to the Department of Community Development.

Social, Economic and Technical Information Administration: This Administration will serve as a central point for the collection, analysis and dissemination of a wide range of economic, social, demographic and technical data. Services will be designed to provide information in convenience form to assist government, business, agriculture, and labor unions in economic planning and technology utilization.

International Economics Administration: This Administration consolidates policy formulation and management direction to Federal programs which foster effective participation by the U.S. in the world's markets. The programs consolidated in this Administration will include those related to industrial, agricultural and labor interests. The Administration will also promote participation of U.S. private capital and skills in the total international economic development effort.

Departmental Management System: The Department of Economic Affairs requires a carefully designed management system in order that the Secretary can effectively direct the Department and be properly accountable for its performance. To help accomplish this goal, a number of significant management improvements are incorporated in the plan. Among these are:

The capability to react to changing needs by assigning to the Secretary the authority to organize and manage the Department internally.

Extensive decentralization of authority and responsibility to regional offices which places the power to act where the problems are best solved in the interest of the public.

Greater flexibility in the use of resources to accomplish program objectives by giving the Secretary discretion to allocate funds within broad appropriations.

Another essential component of the Secretarys management system will be the support of a strong management team of policy level officials who share his department-wide perspective. This team, including a Deputy Secretary, two Under Secretaries, and the six Administrators will provide the Secretary with strong support in developing and carrying out comprehensive policies and programs to foster a balanced and healthy national economy.

Responsive Field System: A key feature of the Department's management plan is to have a coordinated field system responsive to Secretarial policy guidance and authorized to take final action at the regional level wherever possible.

The Secretary will exercise direct influence and obtain representation at the field level by placing a Regional Director in each of ten Federal regions. These Regional Directors will not exercise direct supervision over the Department's programs in the field. However, they will communicate and interpret policy from the President and the Secretary, help coordinate and evaluate the performance of programs in the field, and respond to the concerns of citizen groups including farm, labor and business leaders as well as State and local officials.

Paralleling this system of Secretarial representation and influence, the Department will move toward a field/headquarters system of program direction which will link the Administrator of each component with his counterpart in the regions.

Summary Budget and Manpower Data: Financial and manpower resources transferred to the Department and assigned to its component Administrations are approximately as follows:

Administration	Fiscal year 1971	
	Program level (in billions)	Employment
Business development	$1.5	$12,000
Farm and agriculture	5.7	28,800
Labor relations and standards	.1	4,500
National transportation	2.5	105,000
Social, economic and technical information	.2	7,900
International economics	.8	2,400
Federal Mediation and Conciliation Service	.01	500
Grand total DEA	$10.8	161,100

TRANSITION PLANNING AND EMPLOYEE PROTECTION

In establishing the new department, it is planned that initially most of the existing organizational units and programs transferred to the Department of Economic Affairs will remain intact to avoid serious disruption of essential functions or services and avoid uncertainty on the part of the public in making contact with units serving their needs. Changes will be made over time to achieve the maximum potential benefits associated with establishing the new department.

The bill to establish the Department provides for protection of the interests of present officers and employees.

More specifically, no employee will be separated because of the reorganization. In addition, the bill to establish the Department includes a provision that no employee will be demoted as a result of the plan for one year after the reorganization becomes effective. All personnel changes will be governed by present law and Civil Service Commission regulations, with full employee protections and appeal rights. The reorganization will improve the range of opportunities for promotion and career development, as more broadly conceived program management and staff positions evolve in the new department.

Department of Economic Affairs Act—Section-by-Section Analysis

TITLE I DECLARATION OF PURPOSE

Section I. Provides that this Act may be cited as the Department of Economic Affairs Act.

Section 101. Declares the purpose of the Act is to establish the Department of Economic Affairs and delineates the mission and objectives of that Department. The mission and objectives of the Department shall be to provide leadership for assuring: full employment with reasonable price stability; effective participation in the world economy; profitable and productive use of economic resources; continuous improvement in America's standard of living; a fair distribution of the benefits of economic growth; and efficient, safe, reliable, and convenient movement of people and economic goods; a stable base to meet national security needs; an adequate supply of food and fiber; a safe and healthful work environment; and increased participation of disadvantaged and small business enterprises.

TITLE II ESTABLISHMENT OF DEPARTMENT

Section 201. Establishes the Department of Economic Affairs, provides for the appointment of a Secretary of Economic Affairs who shall head that Department, and provides that the Secretary shall be compensated at the rate prescribed for offices and positions at Level I of the Executive Schedule.

Section 202. (a) Provides for the appointment of a Deputy Secretary of Economic Affairs (Level II).

(b). Provides for the appointment of two Under Secretaries (Level III).

(c). Provides for the establishment within the Department of a Business Development Administration, a Farms and Agriculture Administration, a National Transportation Systems Administration, a Labor Relations and Standards Administration, a Social, Economic and Technical Information Administration, and an International Economics Administration, each of which is to be headed by an Administrator. Provision is also made for an Associate Administrator for Federal Aviation and an Associate Administrator for Small Business. The Administrators and Associate Administrators are to be appointed by the President with the advice and consent of the Senate at Level III of the Federal Executive Salary Schedule.

(d). Provides for the appointment of five Assistant Secretaries and a General Counsel (Level IV). Appointments for positions designated in (a) through (d) are to be made by the President by and with the advice and consent of the Senate.

(e). Authorizes the Secretary to appoint not more than forty-two additional officers at Level IV or Level V of the Executive Schedule, as specified by the Secretary. (See Sec. 102(c) of Reorganization Plan No. 2 of 1970 (OMB)).

(f). Provides that officers appointed pursuant to Section 202 shall perform such functions as the Secretary may prescribe from time to time.

Section 203. Provides that the Deputy Secretary shall act for and perform the functions of the Secretary during the absence or disability of the Secretary or during a vacancy in the office of the Secretary. In the event of the concurrent absence or disability of the Deputy Secretary or vacancy in the office of Deputy Secretary, an Under Secretary, Administrator, Assistant Secretary, or the General Counsel would be authorized to act for and perform the duties of the Secretary in accordance with such order of succession as the Secretary shall prescribe.

TITLE III TRANSFERS

Section 301. (a). Transfers to the Secretary all of the functions of the Department of Agriculture except those enumerated in subsection (b).

(b). Excepts from the transfer from the Department of Agriculture the Forest Service; the Soil Conservation Service; the Rural Electrification Administration; the Farmers Home Administration, except real estate loans to individuals, operating loans, and emergency loans; the Food and Nutrition Service; the meat, poultry and egg products inspection functions of the Consumer and Marketing Service; research in consumer and food economics and in human nutrition, research into water and land resources, and research relating to economic development.

(c). Transfers the Commodity Credit Corporation to the Department.

(d). Transfers the Federal Crop Insurance Corporation to the Department.

Section 302. (a). Transfers to the Secretary all of the functions of the Department of Labor except those enumerated in subsection (b).

(b). Excepts from the transfer from the Department of Labor the Manpower Administration; the Bureau of Employees' Compensation; the Employee Compensation Appeals Board; the Women's Bureau.

Section 303. (a). Transfers to the Secretary all of the functions of the Department of Commerce except those enumerated in subsection (b).

(b) Excepts from the transfer from the Department of Commerce the National Oceanic and Atmospheric Administration; functions relating to State and community public works and development facilities; safety functions with respect to household refrigerators and flammable fabrics; and certain functions with respect to the regional commissions under the Public Works and Economic Development Act of 1965.

Section 304. (a). Transfers to the Secretary all of the functions of the Department of Transportation except those enumerated in subsections (b) through (h).

(b). Transfers the National Transportation Safety Board to the Department.

(c). Transfers the Coast Guard to the Department.

(d). Retains the power of the President to transfer the Coast Guard to the Navy in time of war.

(e). Transfers the functions of the General Counsel of the Department of Transportation under the Uniform Code of Military Justice to the General Counsel of the Department.

(f). Retains the power of the President to transfer the Federal Aviation functions to the Department of Defense.

(g). Excepts from the transfer from the Department of Transportation the functions relating to highways; urban mass transportation; highway safety; functions relating to reasonableness of tolls; and pipeline safety.

(h). Transfers the development of supersonic aircraft to the National Aeronautics and Space Administration.

Section 305. (a). Transfers to the Secretary all of the functions of the Small Business Administration except those enumerated in subsection (b).

(b). Excepts from the transfer from the Small Business Administration the function of making disaster and economic injury loans on residential property.

Section 306. (a). Transfers to the Secretary the functions of the Federal Mediation and Conciliation Service.

(b). Transfers to the Secretary the functions of the National Institute for Occupational Health and Safety.

(c). Transfers to the Secretary the non-regulatory functions of the National Mediation Board.

(d). Transfers to the Secretary the functions of the Science Information Exchange of the Smithsonian Institution.

(e). Transfers to the Secretary the functions under the rural loan program of the Office of Economic Opportunity.

(f). Transfers to the Secretary the functions of the Technology Utilization Office of the National Aeronautics and Space Administration.

Section 307. (a) Transfers functions of the hearing examiners of the existing Departments to hearing examiners of the new Department.

(b) Terminates requirement that the head of one department or agency obtain approval of the head of another department or agency where the functions of both are transferred to the new department.

Section 308. Provide that personnel, personnel positions, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds relating to functions transferred to the Secretary shall follow those functions and be transferred to the Secretary. Appropriations so transferred will be accounted for in accordance with the provisions of section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c) under which transfers of this type normally are made. To the extent that additional incidental adjustments may be needed to accomplish the intent of the Act, section 507 of the Act authorizes the Director of the Office of Management and Budget to make those adjustments. Personnel positions expressly created by statute or Reorganization Plan, personnel occupying those positions on the effective date of the Act, and personnel authorized to receive compensation at one of the rates prescribed by the Executive Schedule (5 U.S.C. 5312-5316) would not be transferred to the new Department by the Act. Those personnel positions would lapse. Persons under the Executive Schedule may be employed by the Department, without loss of pay, under section 310 of the Act.

Section 309. Provides that non-temporary personnel, other than personnel entitled to compensation under the Executive Schedule (Level I to V), shall not be separated or reduced in grade or compensation, as a result of the establishment of the new Department, for one year after being transferred to the new Department pursuant to section 308 of the Act. This provision is designed to preclude reductions in force solely as a result of the enactment of this Act for one year after the new Department becomes operational. However, this provision would not preclude the separation or reduction in grade or compensation of any such personnel under the same circumstances that such adverse action could have been taken if this Act had not been enacted—for example, separation for cause or removal from a Schedule C position. (See Sec. 9(h), DOT Act, 80 Stat. 944).

Section 310. A person entitled to compensation under the Executive Schedule (Level I to V) may, under section 310, be employed by the new Department and if that employment is without break in servicce and if the duties of the new position are comparable to the duties performed immediately preceding the new appointment, he will be entitled to receive compensation at a rate not less than he received in his previous position for the duration of his service in the new position. (See Sec. 9(i), DOT Act, 80 Stat. 945).

TITLE IV DEFINITIONS AND ADMINISTRATIVE PROVISIONS

Section 401. (a). Defines "function", "functions", "perform" and "performance" in order to avoid repetitious references to such terms as duties, obligations, powers, authorities, responsibilities, rights, privileges, and activities, and the exercise thereof.

(b). Provides that references in the Act to provisions of law shall be deemed to include, as appropriate, reference thereto as now and hereafter amended or supplemented. This avoids repetitious uses of "as amended" or "as supplemented." It also recognizes that statutory authorities subject to transfer under this legislation may be amended or supplemented by other legislation while this legislation is under consideration or after this legislation is enacted but before it becomes effective. This provision would avoid any issue as to whether statutory authorities transferred by this Act are transferred in their amended forms, and will obviate the need for last minute conforming adjustments in this or any other legislation during final stages of the legislative process.

Section 402. (a). Authorizes the Secretary to prescribe such policies, standards, criteria, procedures, rules, and regulations as he may deem to be necessary or appropriate to perform functions now or hereafter vested in him. (See Sec. 203(b) (1), NASA Act, 72 Stat. 426; OEO Act, 42 U.S.C. 2942(n); Sec. 9(e)-(1), 80 Stat. 944, DOT Act, 80 Stat. 944; Sec. 7(d) DHUD Act, 79 Stat. 667).

(b). Directs the Secretary to engage in such policy planning and program evaluation as will promote efficient administration of the Department and assess progress toward the achievement of its mission.

Section 403. (a). Authorizes the Secretary to delegate any of his functions to such officers and employees of the Department as he may designate and to authorize successive redelegations of those functions. (See Sec. 7(d) of DHUD Act, 79 Stat. 667; Sec. 9(e) of DOT Act, 80 Stat. 944).

(b). Authorizes the Secretary to establish and modify the internal organization of the department by creating, altering, renaming and discontinuing such organizational units and components as he may, from time to time, deem necessary or appropriate to the performance of any of his functions. However, the Secretary would not be authorized to abolish the "Administrations" created by section 202(c) of the Act, or any other organizational units or components established in, or transferred to the Department by, this or any future Act or Reorganization Plan. (This authority is quite similar to that now applicable with respect to the Department of Housing and Urban Development and the Department of Justice.) (See also Sec. 203(b) (8), NASA Act, 72 Stat. 430).

Section 404. Authorizes the Secretary to establish, alter, or discontinue and to maintain such State, regional, district, local, or other field offices as he may deem necessary or appropriate to the performance of his functions. This will permit the Secretary to design and establish the best field office system he can devise to assure effective, expeditious, and responsive implementation of the Department's programs. It would also permit him to alter or discontinue that system and establish another system if experience or changed conditions indicate the advisability of such a change.

Section 405. Is a standard provision authorizing the Secretary, subject to the civil service and classification laws, to select, appoint, employ, and fix the salaries of such officers and employees, including attorneys, as are necessary to the performance of his functions. (See Sec. 7(c), DHUD Act, 79 Stat. 667).

Section 406. Authorizes the Secretary to obtain the services of experts and consultants at rates not to exceed those prescribed for GS-18 of the General Schedule. (See Sec. 7(e) of the DHUD Act, 79 Stat. 667, as amended by Sec. 906 of the Housing and Urban Development Act of 1970, P.L. 91-609).

Section 407. Is a standard provision authorizing the Secretary to appoint advisory committees to consult with and advise him with respect to the performance of his functions. (See Sec. 7(e) of the OHUD Act, 79 Stat. 667, as amended by Sec. 905, P.L. 91-609; Sec. 9(o) of DOT Act, 80 Stat. 944.)

Section 408. (a) Authorizes the appointment, detail, or assignment of members of the Coast Guard, the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration, and the commissioned Regular or Reserve Corps of the Public Health Service to any position in the Department that is not required to be filled by an officer whose appointment is required to be confirmed by the Senate.

(b) Permits members of the Army, Navy, Air Force, and Marine Corps to be detailed for service in the Department under agreements between the Secretary and Secretaries of the Military Departments.

(c) Provides that the status, office, rank, or grade of persons who are appointed, assigned, or detailed to the Department pursuant to this section shall not be adversely affected by service under this Section. (See Sec. 9(d) (1), DOT Act, 80 Stat. 944.)

Section 409. Authorizes payment of transportation expenses and per diem to temporary or seasonal employees from the place of their recruitment to the place of their duty and while at the place of such duty. Such expenses would be paid in accordance with chapter 57 of title 5 of the United States Code which relates to similar payments to other Government employees for official travel. (See 7 U.S.C. 2229.)

Section 410. Authorizes the Secretary to enter into contracts and agreements, including grant agreements, with public agencies and private organizations and persons. It authorizes payments in lump sum or by installments or in advance or by way of reimbursement. It also authorizes the Secretary to take such steps as he may deem necessary or appropriate to perform his functions. (See Sec. 203(b) (5), NASA Act, 72 Stat. 426.)

Section 411. Authorizes the Secretary to acquire facilities required for the maintenance and operation of laboratories, research and testing sites and facilities, quarters, and related accommodations for employees and their dependents and such other special purpose real property as the Secretary deems necessary. Such special purpose facilities and real property could be acquired by purchase, lease, condemnation, or otherwise. General purpose facilities and real property could be acquired through the General Services Administration. The title to all property acquired pursuant to this section would be in the United States rather than in the Secretary of the Department (See Sec. 203 (b) (3), NASA Act, 72 Stat. 426).

Section 412. Authorizes the Secretary to provide, construct, or maintain, as necessary and when otherwise unavailable, certain facilites and services for employees and their dependents at remote locations. Included would be emergency medical services and supplies; food and subsistence supplies; messing facilities; audio-visual equipment, accessories, and supplies for recreation and training; living and working quarters and facilities; and transportation for school-age dependents to the nearest appropriate educational facilities. Reimbursement would be required for the medical treatment and for services and supplies so furnished to employees and their dependents. Charges for these services, or any other services under this Act to private persons or organizations would be determined in accordance with uniform policies, standards, and procedures prescribed by the Office of Budget and Management and with 31 U.S.C. 483a. (See Sec. 9(1), DOT Act, 80 Stat. 946, and 15 U.S.C. 1514).

Section 413. Would authorize the Secretary to permit concessionaires to provide services on property under the jurisdiction of the Secretary. Concession agreements under this section would have to be in conformity with standards prescribed in regulations issued by the President. (See 16 U.S.C. 580d).

Section 414. Authorizes the Secretary to acquire copyrights and patents, interests therein and licenses thereunder, whenever such acquisitions are necessary or appropriate to the performance of his functions. (See 10 U.S.C. 2386).

Section 415. Authorizes the Secretary to engage in such basic and applied research and development projects and dissemination of information as he may deem necessary or appropriate. (See Title V, Housing and Urban Development Act of 1970, 84 Stat. 1784; Sec. 9(q), DOT Act, 80 Stat. 947).

Section 416. Authorizes the Secretary, within his own discretion or at the request of any persons, firms, organizations, or others, public or private, to make special studies concerning matters within his jurisdiction; to prepare from the records of the Department special compilations, lists, bulletins, or reports; to furnish transcripts or copies of those studies, compilations, and other records; to furnish copies of charts, maps, or photographs; and to provide services incident to the conduct of the regular work of the department. For example, the Department may have a specialized piece of equipment, or persons with specialized knowledge, not available elsewhere and, in appropriate cases, the Secretary would be authorized to make those services available to private persons and to public and private agencies and organizations. This section also authorized the Secretary to undertake joint projects with nonprofit organizations, research organizations, and public agencies and organizations involving matters of mutual interest and to share the costs thereof. As noted with respect to section 412, charges to private persons and organizations under this Act would be determined in accordance with user standards, charges policies, and procedures prescribed by the Office of Management and Budget and 31 U.S.C. 483a. (See P.L. 91–412—Dept. of Commerce).

Section 417. Authorizes the Secretary to make provisions for the printing and distribution of reports and other documents with respect to matters under his jurisdiction.

Section 418. Authorizes the Secretary to accept, hold, administer, and utilize gifts and bequests. (See Sec. 905(k) of Housing and Urban Development Act of 1970, P.L. 91–609; Sec. 9(m), DOT Act, 80 Stat. 946).

Section 419. Authorizes the Secretary to prescribe a seal for the Department (See Sec. 7(g) of DHUD Act, 79 Stat. 667).

Section 420. Authorizes the establishment of a working capital fund to defray necessary expenses arising out of the maintenance and operation of such common administrative services as the Secretary shall find to be desirable in the interest of economy and efficiency. (See Sec. 9(j), DOT Act, 80 Stat. 945; Sec. 7(f), DHUD Act, 79 Stat. 667).

Section 421. Is a technical provision. In certain cases authority under a portion of an Act is transferred to the Secretary by this Act while responsibility for other provisions of the same Act will be retained by the transferring agency. This provision is designed to permit the Secretary to exercise powers vested by the general provisions of any such Act without divesting the transferring agency of authority to exercise those powers with respect to the functions retained by that agency.

Section 422. Is designed to make it clear that authority expressly provided by this Act is in addition to any authority that may have existed prior to the effective date of this Act and is transferred by this Act.

Section 423. Requires an annual report to the Congress on the activities of the Department concerning activities during the preceding fiscal year.

Section 424. Authorizes the Secretary, when authorized in an appropriation act, to transfer funds from one appropriation to another so long as such transfers do not increase or decrease an appropriation by more than five percent. This does *not* permit such transfers unless they are authorized in an appropriation act.

Section 425. Authorizes the establishment of service funds for each Administration and for the Secretary. These funds would be used to defray the initial costs of reimbursable services provided to other departments and agencies or to persons, agencies, or organizations outside the government.

Section 426. Authorizes the appropriation of funds without fiscal year limitation. The amount of such "no year" funds would be prescribed in appropriation acts.

TITLE V—TRANSITIONAL AND CONFORMING PROVISIONS

Section 501. Provides that whenever all of the functions of a department, agency, or other body, or of any component thereof have been transferred, whether by this Act, or by a combination of Acts, Reorganization Plans, etc., the department, agency, etc., shall lapse. This, in effect, discontinues organization structures when they no longer have functions to perform. This section also provides for the concurrent lapse of all positions in those lapsed organizations which positions were expressly created by statute or reorganization plan or which are Executive Schedule Levels I–V positions. (See Sec. 9(i), DOT Act, 80 Stat. 945).

Section 502. Substitutes the Department of Economic Affairs for the Department of Agriculture and deletes the Departments of Commerce, Labor, and Transportation in the definition of "Executive Department" in Title 5 of the United States Code.

Section 503. Substitutes the Secretary of Economic Affairs for the Secretary of Agriculture and deletes the Secretaries of Commerce, Labor, and Transportation in section 19(d) of Title 3 of the United States Code relating to presidential succession.

Section 504. Substitutes the Secretary of Economic Affairs for the Secretary of Agriculture and deletes the Secretaries of Commerce, Labor, and Transportation in Reorganization Plan 2 of 1970 relating to membership on the Domestic Council.

Section 505. Authorizes the Director of the Office of Management and Budget to make such additional incidental dispositions of functions, positions, personnel positions, assets, liabilities, contracts, property, records, appropriations, etc., as may be necessary to carry out the intent and purpose of the Act. This is a standard provision in Reorganization plans involving inter-agency transfer of functions.

TITLE VI SAVINGS PROVISIONS

Section 601. (a). Is a savings clause that conitnues the effectiveness of all existing contracts, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges affected by the Act, until such time as they are otherwise modified or replaced by appropriate authority or otherwise expire. This avoids any inadvertent lapsing or impairment of essential directives, documents, and obligations, and will afford the Secretary sufficient time to deal with these matters in an orderly fashion.

Section 602. Is another savings clause that preserves and continues legal proceedings in being on the effective date of the Act. Such proceedings would, in effect, be continued, modified, or terminated as if the Act had never been enacted.

Section 603. This is a technical provision. It provides that with respect to functions transferred by the Act, references in laws (including Reorganization Plans) to other officials shall be deemed to be references to the Secretary.

Section 604. This is a technical provision. A number of the functions that are transferred by this Act are functions that are vested in the President but were delegated to a transferring agency on the effective date of this Act. Under the terms of the Act those functions are transferred to the Secretary. This section is designed to assure that those administrative delegations of functions by the President do not take on a statutory character that would impair the President's authority to modify, terminate, or transfer these delegated functions in the future.

TITLE VII SEPARABILITY

Section 701. Is a standard separability clause that avoids the invalidation of the whole Act if a single provision is found to be invalid.

TITLE VIII EFFECTIVE DATE AND INTERIM APPOINTMENTS

Section 801. Provides that the Act shall become effective 120 days after the Secretary is appointed, or on such earlier date as the President may prescribe and publish in the *Federal Register*. This will give the President time to select, nominate, and appoint the Secretary, and will allow the Secretary sufficient time to arrange and organize the new Department and prepare such rules, regulations, orders, etc., as may be necessary for a smooth transition.

Mr. PERCY. Mr. President, I am happy to yield to the distinguished Senator from Connecticut, who is the chairman of the Subcommittee on Executive Reorganization of the Committee on Government Operations and the principal cosponsor of this monumental measure.

Mr. RIBICOFF. One of the great problems we face in the executive branch, in Congress and in the country is that we are so concerned with the day-to-day problems which press upon us that we give too little attention to the overwhelming problems that will confront this Nation in the future. We have an obligation, since we are proposing such a monumental reorganization, to assure that we are setting up a governmental structure that is suited to handle the problems of the future.

I would expect that in the hearings, the Members of Congress and the public will have their own ideas as to reorganization and as to the proper priorities for the country.

Knowing our committee, those of us on it are most anxious not only to cooperate with the President but also to assure that independently, from our own experiences, we will come up with proposals that we believe will move the country forward and accomplish a much more effective and efficient Government.

I look forward to the hearings, but results will not come overnight. When we reorder a government the size of the United States, there are many things to consider.

I look forward to working with the distinguished Senator from Illinois and members of the executive branch and will try to present to this body reorganization legislation that will be meaningful for the future of the Nation.

Mr. President, I am pleased to join the senior Senator from Illinois in cosponsoring legislation to reorganize the seven domestic program departments into four new super-Cabinet posts.

The President deserves great credit for proposing this monumental restructioning of the executive branch. Never before in our history has such a massive reorganization of domestic departments been presented.

I have long believed that the Federal Government needs a drastic overhaul. The present departmental organization has resulted in uncoordinated planning, piecemeal programs, and administrative chaos.

This is a critical time in our Nation's history. In recent years new programs have been oversold to the American people, and then have failed to meet their stated goals. The public has become disillusioned and dissatisfied with Government and lacks confidence that we can solve our social and economic problems.

Therefore, one of our central tasks must be to restore confidence in Government. Reorganization of the executive branch is a vital step in this direction which will allow us to change the way we do things, and to do them better.

These bills should be the subject of full and complete hearings. We will want to examine not only this legislation, but also every reasonable alternative. One of these alternatives, for example, is establishment of a separate Department of Education. On Monday, I will introduce a bill for such a Department which, I believe, deserves serious consideration.

Undoubtedly, the hearings will produce many other constructive suggestions for changes, improvements and substitutes for the President's legislation. We should consider all these ideas with an open mind.

In the next 30 years, our country will face a myraid of difficult problems. By reorganization, we have an opportunity to structure our Government to meet these challenges. ue must ensure that the reorganization bills we adopt will solve the problems of the future, not merely correct the mistakes of the past.

Mr. PERCY. Mr. President, at this time I yield to my distinguished colleague from New York.

Mr. JAVITS. Mr. President, there have been introduced into the Senate today, on behalf of the administration, the four bills which constitute the President's proposed reorganization of the Federal executive branch.

I join as a cosponsor of these bills as ranking minority member of the Executive Reorganization Subcommittee of the Senate Government Operations Committee.

I am very pleased that these bills are not on a take-it-or-leave-it basis. They are not reorganization plans; they are proposed laws. I have no doubt they will be amended. Indeed, I reserve my judgment and the right to introduce amendments, certainly in the area of human resources.

Our people are rightly concerned about the failure of our governmental structures to fit todays needs. Many of the findings of the President's Commission on Executive Reorganization validate and support that concern.

Therefore, I strongly support the general objectives of the Commission which simply and concisely stated is to make our Federal system works more effectively. Related functions of Government should indeed be brought together in order to bring about more effective and efficient management of our Federal programs.

I believe that the President's proposals will generate a constructive and far reaching discussion on the best way to organize the domestic activities of the Federal Government. I therefore intend to reserve judgment on the details of the proposed legislation especially as to Human Resources, and to contribute my own views and amendments on this subject from time to time.

As ranking minority member of the Senate Labor and Public Welfare committee, I have a particular interest in the proposed reorganization of the Department of Health, Education, and Welfare into the Department of Human Resources. My interest and legislative record in this area has long been established. I therefore intend to go over this particular proposal most carefully and reserve the right to propose such amendments as may be proper.

Certainly, the President has been bold and proposed a major plan to make the Federal Government more efficient. It will engender enormous debate. I have joined in cosponsoring these bills as the ranking minority member of the subcommittee because I wish to stimulate this debate and arrive at a conclusion in this matter. The Government very definitely needs reorganization in several areas, and that is the central thrust of these bills.

Mr. PERCY. I now yield to my colleague from Utah.

Mr. MOSS. I thank the Senator from Illinois for yielding, and congratulate him on introducing these measures today.

Mr. President, on the first of March, I reintroduced a bill which I originally presented in the 89th Congress. Its purpose is to establish a Department of Natural Resources and Environment.

Today I am pleased to cosponsor bills sent up by the Nixon administration which have the same worthy objective.

I have chosen to place my name on this legislation even though there are some differences in content from the bill I have introduced. The two major differences are:

First. Under the Moss proposal, the Department of Natural Resources and Environmental includes the components of the Environmental Protection Agency—the Water Quality Office, Solid Waste Office, Air Pollution Control Office, Pesticides Office, and Radiation Office. The administration proposal, on the other hand, retains EPA as constituted under Mr. Nixon's reorganization plan of last year.

Second. The Moss proposal places the Bureau of Indian Affairs and the Office of Territories in the Department of Health, Education, and Welfare; the administration proposal places both in Natural Resources.

And there are several other, less important variations.

But these differences are less significant than the fact that the President's proposal affords us the opportunity to bring about—during this Congress—a major reorganization which I have long sought, and which I believe essential to the conservation and balanced use of our natural resources.

For at least three decades, farsighted Americans have urged taking this step. During these years, we have witnessed amazing changes in our country—changes which have added enormously to our wealth and power. But the quality of the environment has remorselessly deteriorated.

The Congress has responded to this crisis by enacting a long list of resource development and conservation bills. But we have been unwilling to take the giant step necessary to bring about a truly rational organization of the Federal resource agencies.

The need for such organization, and for stronger leadership in this field has been conceded. And there has been a slow evolution of the agency structure in the right direction. The Department of the Interior has evolved into an organization chiefly concerned with management, protection, and administration of natural resources—timber, forage, water, minerals, wildlife, and with the marketing of power and the promotion of outdoor recreation opportunities.

The recent Secretaries—Udall, Hickel, and Morton—have regarded their organization as a resources department. But many resource functions of great magnitude have remained outside Interior. The Secretaries have lacked the authority and the designated responsibility necessary to exercise the required leadership. They have been generals commanding only half of the troops; the other half have been commanded by different officers in other parts of the field.

Our present task, and our opportunity, is to establish the basic organization which has so long been advocated.

While the proposed Department of Natural Resources is but one of four reorganization plans which President Nixon has sent to Capitol Hill. In the administration's view they may all be equal; in mine this one is more equal than the others. The other three may be valuable as a matter of governmental efficiency; this one is a matter of survival. The other three deal with the nuts and bolts of Government; this one deals with the stuff upon which life depends—the God-given natural environment.

We confront one of the most difficult tasks ever faced by a nation: On the one hand we must provide the raw materials—minerals, food, timber, fuels—to assure a desirable rate of economic growth; on the other, we must reverse the tide of environmental deterioration. To state the problem in other words: if we put the brakes on production, we face a sinking standard of living; if we press full steam ahead on production, we may—through pollution—destroy the life giving environment.

Will the technological and political genius of the American people be equal to the task of providing both development and conservation? If not, American society as we have known it will pass into oblivion.

As they become familiar with the details, the American people will wholeheartedly support this reorganization. Certainly those of us who stood for reelection last year know how worried our citizens are over the state of the environment; and every public opinion poll on issues shows pollution high on the list. Our people want the environment cleaned up; some go so far as to advocate closing down major industrial establishments unless their contamination of air and water is virtually eliminated.

The establishment of a Department of Natural Resources and Environment is not, of course, a final answer to this problem. But it is an essential step in the direction we must take.

Passage of legislation of this type will enable one executive department to coordinate, at the levels of Under Secretary and Secretary, the activities of most agencies dealing with natural resources. It will enable the President, the Congress, and an executive department to evaluate effectively the Nation's resource requirements and the investment needed to meet them. It will make possible provision of the data and the management structure on which long-range planning can be based. It will enable us to consider with sufficient leadtime the raw material requirements of our industries.

It will, I believe, put more skill and more energy behind our efforts to control pollution.

It will provide coordinated administration of farflung resource programs. It will make it easier for the States, counties, and cities to carry out their expanding responsibilities in the natural resource field.

One reason we have not taken this step before, I believe, has been our reticence to disturb agencies with long, honorable, and efficient traditions of service; agencies which have, in their separate fields, performed admirably.

But just as our young Nation could not survive as separate colonies linked through the Articles of Confederation, so our scattered resource agencies—linked through coordination acts and interagency committees—are inadequate to the task of conserving the environment of an advanced industrial nation.

The issue is squarely up to us. The President has done his part. As we are fond of pointing out, it is here on Capitol Hill where national policy is made by the representatives of the people. Mr. President, I believe the judgment of history will be harsh indeed should we now fail to give this matter the diligent attention it demands.

Mr. PERCY. I thank my distinguished colleague. I yield now to the Senator from Tennessee.

Mr. BROCK. I thank the Senator for yielding. I take this opportunity to congratulate him for again demonstrating the quality of leadership which has made him an outstanding Member of this body, and to add my voice in support of this action.

Mr. President, the Federal bureaucracy has miserably failed to effectively meet the needs of our rapidly changing society. The President's plan to reorganize the executive branch is the first step toward making this Government of ours receptive and relevant.

The time for reform is now, because the American people are eager to see this federal system work and they are not going to tolerate a Congress that stalls such a basic improvement.

There has not been serious debate on the organization and management of the executive branch in two decades.

Yet, in this time the number of departments has increased from nine to 12 and the number of domestic programs has increased tenfold to nearly 1,400.

Over the years, we have patched together a self-regenerating Frankenstein that blunders along, devouring tax dollars and spitting out programs that compete with other programs.

As an example of this, our campus task force discovered that there are more than 500 programs in a variety of agencies with an impact on youth. Is it any wonder that our young people do not know where to turn?

Is it any wonder they are frustrated. And the frustration of our young people is not all that different from a black in Cleveland or a George Wallace voter in Gary, Ind.

They are all saying that they no longer have a voice—that no one in Government is listening.

And they are right, because as our executive branch has grown in size and complexity, it has lost contact with the people.

Americans have had it with a Federal Government that is of the government, by the government, and for the government.

They are demanding, and justifiably so, a government that is of the people, by the people, and for the people.

I firmly believe that the reorganization plan offered today is the first vital step in reaching this objective.

I thank the Chairman for yielding.

Mr. PERCY. I thank my distinguished colleague, who is a very valued member of the Committee on Government Operations.

I yield to the Senator from Idaho.

Mr. JORDAN of Idaho. Mr. President, I am pleased to join as a cosponsor of the proposed legislation designed to implement President Nixon's bold and far-reaching program to restructure the executive branch of the Government.

For nearly 200 years, the Nation has been creating new agencies and departments, often with scant regard for function, jurisdictional lines, and structural efficiency. We have piled layer upon layer in this topsylike expansion until the Federal Government has mushroomed into a bureaucratic, unmanageable maze.

Westerners realize only too well that we in the public land States have several Federal agency overlords in such vital areas as land and water resources, and frequently we are confronted with conflicting policies emanating from competing agencies and departments, each protectively jealous of its prerogatives and its staked-out domain.

Nearly a score of agencies operate in the field of water resources, and frequently three major, costly planning efforts will be underway in a single drainage basin. This all leads to petty and time-consuming conflicts of agency interest and results in frustration and loss of time and money to taxpayers.

One thing some people do not appreciate is that each time a new agency or new department is created, a large, permanent, and ever-expanding payroll is added to the costs of Government. In his message, President Nixon recommended reducing seven departments to four, and consigning to those compressed four departments some hitherto independent agencies. Think of what this means in the potential for eliminating scores of highly paid Under Secretaries, Assistant Secretaries, Bureau Chiefs, and assistants to all of those high-level functionaries. I would hope we could reduce Federal employment by at least 10 percent and increase Federal efficiency by 50 percent.

We must streamline the Government, increase efficiency, and reduce costs. This is a man-sized challenge President Nixon is giving to the 92d Congress, and I hope Congress rises to meet it in the best traditions of bipartisan government.

Of course, having watched the bureaucratic mayhem and logrolling when attempts have been made in the past to transfer one established agency or to reorganize just one department, I know that a structural reorganization of this scope is sure to result in prodigious efforts to maintain the status quo. Entrenched interests and bureaucracies resist change, even though individuals affected will concede that it is for the good of the program and the country. But after the in-fighting and the nitpicking are over, I believe that all concerned will recognize that these basic proposals make sense and that it is high time to adapt our outmoded, patched-up governmental structure to fit the needs of today.

I am glad that President Nixon is young enough in his thinking and bold enough in his style to propose a revolutionary change of this magnitude in governmental structural organization. He is stamping himself as a courageous activist in the mold of another great Republican leader, Teddy Roosevelt, and I am pleased to enlist in the ranks of those who support his war on the status quo and against the deadening hand of duplicating, overlapping bureaucracy.

Congress must fulfill its legislative role by examining and improving upon the legislation which we introduce today. Congress must not be a rubber stamp, but I hope it will not be an apathetic sponge or a barrier against new ideas.

Mr. PERCY. Mr. President, I am most grateful to the Senator from Idaho, whose judgment is always incisive and helpful, and whose support of these measures will be extremely meaningful, not only to the administration but also to the many cosponsors that this measure has received.

I yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I rise today in support of President Nixon's efforts to recapture the destiny of a governmental system which presently is failing to fulfill its promises. Our Government's organizational maze has created a system which is unresponsive to constituents, to Senators, and Congressmen, and to a lesser degree even to the President of the United States.

The mechanics of our present organization fragment and scatter Federal responsibility to such an extent that most citizens have lost confidence in its ability to govern. Today's Federal bureaucracy reminds me of a good apple tree left untended. As a young tree it promised much but as it grew, additional branches developed in a haphazard fashion. The branches of the Departments of the Interior; Agriculture; Commerce; Labor; Health, Education, and Welfare; Housing and Urban Development; and Transportation grew and sent off bureaus, offices, and divisions in a piecemeal fashion dictated by immediate needs rather than by long-term purposes and goals.

The maze of branches and twigs has grown to such unworkable proportions that a person seeking information about a specific education program must search among nine different Federal departments and 20 independent agencies. It is estimated that as many as 1,500 separate Federal grant programs exist. A good indication of the present confused state of our Government is the fact that we need approximately 850 interagency advisory councils to coordinate similar programs in different agencies, divisions, and bureaus. A matter which is particularly galling to me is that in addition to the numerous interagency councils, we have also created approximately 1,400 public advisory councils, which while generally composed of talented well-meaning people, are largely nonactive and/or ineffective.

As with apple trees, once the bureaucracy reaches a certain size, further growth causes only more branches and twigs while producing smaller apples. All of the additional time, effort, and money are spent on administrative functions. We must stop creating branches for new methods and different approaches to similar subjects because all we are producing is large trees.

President Nixon's governmental reorganization plan realizes that we must be organized according to purposes and goals. If our purpose is to raise apples, we must prune the tree back to a manageable size and cut out all of the unnecessary branches, twigs, and dead wood. Our efforts to produce good apples or responsive Government should be geared to that purpose and not wasted on producing unnecessary organizational twigs and branches.

President Nixon has already prepared the soil for raising good apples. His revenue-sharing bills have not only created the climate for a more responsible, more approachable form of government; he has also set up special revenue-sharing machinery which would consolidate similar programs from different agencies, bureaus, and offices into one broad purpose-oriented delegation of power. To further insure good apples, less branches, and better government, President Nixon moved, in the early months of his administration, to establish common regional boundaries and regional headquarters for certain domestic departments.

President Nixon has presented Congress with a reorganization plan which is not a spur of the moment inspiration, but a plan representing the culmination and consolidation of reorganizational reports prepared under Republican and Democratic administrations since 1937. I urge all of my colleagues to support President Nixon's reorganization plan so we can stop thinking about producing trees and start thinking about raising apples.

Mr. SAXBE. Mr. President, the question of how to reorganize the Government to better meet the needs of the people, has been studied and surveyed by commission and committee for at least 30 years. But these reports and recommendations have been largely ignored and forgotten. Today we are reversing that trend of inaction by introducing legislation to implement President Nixon's proposal for governmental reorganization. I am happy to support this move, and I join Senator PERCY as a cosponsor of these four bills.

The President's proposals, which, of course, do not pretend to be final, do make sense. There has been makeshift tinkering with the governmental machinery to enable it to sputter along. But even good men and seemingly limitless funds cannot make an anachronism purr. It is time for a major overhaul.

As the President pointed out in his reorganization message, we are still using the same basic organization chart that we have used for decades. We have dealt with methods and subjects rather than purposes and goals. Therefore, the President, through these four bills, proposes to reorganize the executive branch around broad and farsighted goals rather than narrow, nearsighted expediencies.

The Department of Natural Resources would bring together myriad environmental responsibilities now scattered through Government. The Department of Community Development would pull together the many-faceted Government effort to improve city life. The Department of Human Resources would consolidate the fragmented governmental attempt to help individuals. The Department of Economic Affairs would eliminate the compartmentalization of activities affecting a closely interlocked economy.

Such reorganization would stimulate interdepartmental coordination and would eliminate the present overlapping and inefficiency. Such a program, that compresses seven departments into four, that shrinks bureaucracy, that slashes redtape, deserves the careful consideration of this body. It is time to streamline and overhaul our tired and worn bureaucratic machine.

Mr. ROTH. Mr. President, it is a great honor for me to join with the senior Senator from Illinois (Mr. PERCY) and other Senators in cosponsoring four bills to carry out the purposes of President Nixon's bold program for the reorganization of the executive branch of the Federal Government.

While it is certainly understood that the bills presented today will be subject to careful review and refinement by the appropriate committees of the Congress, I applaud the President for his imagination and foresight in proposing such a sweeping plan to bring some semblance of order into the structure of the executive branch. As he indicated in his message to the Congress on March 25, 1971, the major cause of the ineffectiveness of Government is not a matter of men or of money; it is principally a matter of machinery.

Here in these four bills the President proposed to do something about the machinery of Government. It is proposed to reorganize the functions of eight great departments of the Federal Government which were organized over the years to respond to a specific area of needs and to realine them into four departments of a more functional nature.

This does not simply involve shuffling desks and people from one building to another, passing out a few new titles, and redrawing the Government organization chart. If that is all that were involved it would not have my support.

What the President's plan does is to restructure the Federal organization in order to make it more responsive to the needs of our people today. It does this by ending the fragmentation of power to act which presently exists, by eliminating the overlapping programs, agencies, and personnel which contributes so greatly to the frustration of our citizens in attempting to deal with their Federal Government, and by simplifying the structure of the programs themselves.

I was made painfully aware of the massive bureaucratic maze which exists in the Federal Government shortly after I began serving in the House of Representatives in 1967. After a very intensive study by my staff and myself, we found that no one, anywhere, knew exactly how many Federal programs there are; we found that there is no central place where people could go to find information on all operating programs; we found, in fact, that we could not even find a definition of the word "program" as it is used to describe Federal Government activities.,

These facts were recognized by President Nixon in his recent message on Government reorganization when he said:

> The programmatic jumble has already reached the point where it is virtually impossible to obtain an accurate count of just how many Federal grant programs exist.

He then went on to indicate that "some estimates go as high as 1,500"; but no one really knows.

My own efforts in this area have convinced me, as the President has no doubt been convinced, that a general restructuring of programs and agencies of the Federal Government is no longer simply desirable, but absolutely essential.

Again I commend the President for his foresight and initiative. As a member of the Government Operations Committee, I look forward to working with the administration and other Members of the Senate in an effort to arrive at acceptable and workable legislation to bring about these necessary reforms.

By Mr. STEVENSON:

S. 1435. A bill to amend the Communications Act of 1934 to ban sports from closed-circuit television. Referred to the Committee on Commerce.

Mr. STEVENSON. Mr. President, I introduce for appropriate reference a bill to amend the Communications Act of 1934 so as to prohibit the closed-circuit TV broadcast of any sports event to a paying audience outside the home, except when the FCC determines that it is not commercially feasible for the event to be broadcast on free TV.

No event in recent memory points up the need for this bill more than the recent championship fight between Joe Frazier and Muhammad Ali. The promoter of the fight said that it was "more than just a famous boxing match—it is one of the great entertainment events in history."

Perhaps it was—for the 19,500 persons who paid up to $150 each to watch the fight live in Madison Square Garden and for the 1½ million viewers who watched the fight in theaters all across the country at prices ranging from $10 to $30.

But for the Nation's 118 million other sports fans, the main event was a quasi-event—something that could be read about the next morning, but which could not be seen while it happened. Invalids missed the fight, as did people who could not afford the price of a ticket. Because the Defense Department refused—rightly in my judgment—to pay the $500,000 demanded by the promoters, our men in Vietnam missed the telecast, too.

The promoter explained why the home TV audience was denied access to the fight with this forthright statement:

> We're in this for the profit, and we're merchandising this fight like a fight has never been merchandised before.

The merchandising effort was a spectacular success; the $20 million gross will undoubtedly leave a handsome profit even after Frazier and Ali receive $2.5 million each for their night's work.

The financial implications of this fight are likely to excite greater activity on the part of sports promoters. It has been predicted that within 5 years the super bowl will be broadcast on closed-circuit TV, with a prospective gross of $48 million. Other major sports events—the world series, the basketball and hockey playoffs, the Kentucky Derby—could likewise disappear from home television screens.

I recognize that this may be very good for the promoters, but the central fact about closed-circuit theater TV is that it is closed. It is not necessary to shut out the public at large to assure fair compensation for those who promote and compete in sports events. Home television offers ample opportunities for financial rewards to those involved and also offers the American people easy access to national sports events.

Closed-circuit theater TV raises other problems: overselling; ticket scalping; and the crowd control problems created when transmission fails at a crucial moment, as it did in Chicago before the Frazier-Ali fight.

Under existing law, the FCC cannot regulate sports promoters or closed-circuit television operations. The profit motive determines the format in which sports events are staged. This bill, introduced in substantially the same form by Representative Aspin in the other body, recognizes the greater interest of the television viewing public. It would prohibit closed-circuit TV coverage of sports events, except when the FCC concludes that broadcasts to home TV viewers are not commercially feasible. The bill would, therefore, effectively encourage free television coverage of sports events for the American public.

Mr. President, I ask unanimous consent that the text of this bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1435

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fair Sports Broadcasting Act."

Sec. 2. Title III of the Communications Act of 1934 is amended by redesignating parts III and IV as parts IV and V, respectively, and by inserting after part II the following new part:

"Part III—Closed-Circuit Television

"RESTRICTION ON SPORTS PRODUCTIONS

"Sec. 371. (a) For purposes of this section, the term 'closed-circuit television production' means any television production which is intended to be viewed principally by an audience outside the home and for which there is an admission charge.

"(b) (1) No person may present any sports event to the public by means of a closed-circuit television production, except when the person proposing to so present such event has applied to the Commission to present such event, and such application has been approved by the Commission in accordance with subsection (2) of this section.

"(2) The Commission may approve an application to present a sports event by means of a closed-circuit television production only if the Commission is satisfied (A) that the rights to broadcast such event have been offered on reasonable terms to an adequate number of television networks or licensees (or their representatives) and (B) because of lack of interest on the part of the public, it is not commercially feasible for the event to be presented to the public by means of a broadcast for which no charge is made to the broadcast audience. Such approval shall be subject to such terms and conditions (including conditions with respect to any admission charge) as the Commission may prescribe in the public interest.

"(d) The Broadcast Bureau of the Commission shall administer the provisions of this section.

"(e) The Commission may prescribe such regulations as may be necessary to carry out this section."

Sec. 2. The amendments made by the first section of this Act shall take effect on the thirtieth day after the date of enactment of this Act.

By Mr. ERVIN (for himself, Mr. Bayh, Mr. Bentsen, Mr. Bible, Mr. Brooke, Mr. Burdick, Mr. Byrd of Virginia, Mr. Church, Mr. Cook, Mr. Dole, Mr. Dominick, Mr. Eagleton, Mr. Fannin, Mr. Fong, Mr. Goldwater, Mr. Gravel, Mr. Gurney, Mr. Hansen, Mr. Inouye, Mr. Hruska, Mr. Jordan of North Carolina, Mr. Jordan of Idaho, Mr. McGee, Mr. McIntyre, Mr. Magnuson, Mr. Mathias, Mr. Metcalf, Mr. Miller, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Nelson, Mr. Packwood, Mr. Pearson, Mr. Percy, Mr. Prouty, Mr. Proxmire, Mr. Randolph, Mr. Scott, Mr. Sparkman, Mr. Spong, Mr. Stevens, Mr. Taft, Mr. Talmadge, Mr. Thurmond, Mr. Tower, Mr. Tunney, Mr. Williams, Mr. Humphrey, Mr. Muskie, and Mr. Hatfield):

S. 1438. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy. Referred to the Committee on the Judiciary.

PROTECTION OF CONSTITUTIONAL RIGHTS OF GOVERNMENT EMPLOYEES—TO PREVENT UNWARRANTED INVASIONS OF THEIR PRIVACY

Mr. ERVIN. Mr. President, on behalf of myself and 50 cosponsors, I introduce, for appropriate reference, a bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy.

The other cosponsors of this proposal are: Senators Bayh, Bentsen, Bible, Brooke, Burdick, Byrd of Virginia, Church, Cook, Dole, Dominick, Eagleton, Fannin, Fong, Goldwater, Gravel, Gurney, Hansen, Hatfield, Hruska, Humphrey, Inouye, Jordan of North Carolina, Jordan of Idaho, McGee, McIntyre, Magnuson, Mathias, Metcalf, Miller, Mondale, Montoya, Moss, Muskie, Nelson, Packwood, Pearson, Percy, Prouty, Proxmire, Randolph, Scott, Sparkman, Spong, Stevens, Taft, Talmadge, Thurmond, Tower, Tunney, and Williams.

This is the third Congress to consider this proposal. It has been twice passed by the Senate, first as S. 1035 in the 90th Congress on September 13, 1967, by approval of 90 Members, and then as S. 782 in the last Congress, on May 19, 1970, by unanimous consent. Each time, despite widespread support from the public, from employees, and from Members of Congress, it has failed in the House Post Office and Civil Service Committee. The bill introduced today is identical to S. 782 as passed by the Senate last year with committee amendments.

The purpose and background of this measure is spelled out in Senate Report No. 873 of the 91st Congress which describes the hearings before the Constitutional Rights Subcommittee on complaints we received about privacy invasions.

The purpose of this bill is to prohibit indiscriminate requirements that employees and applicants for Government employment disclose their race, religion, or national origin; or submit to questioning about their religion, personal relationships or sexual attitudes, through interviews, psychological tests, or polygraphs. It prohibits requirements that employees attend Government-sponsored meetings and lectures or participate in outside activities unrelated to their employment; report on their outside activities or undertakings unrelated to their work; support political candidates, or attend political meetings.

It makes it illegal to coerce an employee to buy bonds or make charitable contributions. It prohibits requirements that he disclose his own personal assets, liabilities, or expenditures, or those of any member of his family, unless, in the case of certain specified employees, such items would tend to show a conflict of interest.

It provides a right to have a counsel or other person present, if the employee wishes, at an interview which may lead to disciplinary proceedings.

It accords the right to a civil action in a Federal court for violation or threatened violation of the act.

Finally, it establishes a Board on Employees' Rights to receive and conduct hearings on complaints of violation of the act, and to determine and administer remedies and penalties.

I and the other sponsors of this measure share the conviction that the early passage of the bill, this time by both the Senate and the House, will demonstrate the truth of Victor Hugo's observation that greater than the tread of mighty armies is an idea whose time has come.

The American people have made it clear that the time has indeed come for congressional action to protect them from governmental interference with their enjoyment of personal privacy and other constitutional rights.

During recent hearings before the Constitutional Rights Subcommittee, we have received reports of well-meaning, but unwarranted surveillance of lawful citizens, of blacklists, of data banks without proper controls, of the misuse of computers and microfilmed records, and other incursions into private lives of people without sufficient cause.

All across our land, private citizens and Government officials alike are awakening to the fact that they must seize control of the information systems and the new technology to assure due process of law. They are realizing that if our society is to remain a free one, they must continuously monitor the exercise of any governmental power which can infringe upon the first amendment rights of all individuals.

Although the privacy of private citizens is receiving increasing legislative attention, the liberties and privacy of citizens who work for Government have generally remained in unique isolation from such concern. More than most Americans, the employees of the Federal Government understand the adverse effects on liberty of some of the trends abroad in our land today. Probably no other group of citizens has been so subject to governmental monitoring, investigation and evaluation of their private lives. They have been analyzed, computerized, criticized, and all too frequently, tyrannized. Some of this data-gathering on employees and applicants is both necessary and desirable, and is pursued in a worthy cause such as determining suitability for employment or for handling national security information or for promoting better personnel management. On the basis of subcommittee studies, however, it is my opinion that a goodly portion of the data-gathering and surveillance goes far beyond the needs of Government and is prompted by the mere curiosity of some Government officials or by the political motives and concerns of whatever administration is in power at the time.

Since they are, in a sense, a captive group, easily identified, and susceptible to economic coercion to surrender their privacy, employees of Government are subjected more than most citizens to Federal management experiments with all of the latest fads in psuedo-scientific instruments and methods for measuring the "total man," for predicting human behavior, and for attempting to manipulate the emotions and the faculties of individuals in order to guide their thought processes.

They are subjected to the changing fashions in follies of supervisors who are bent on achieving some favored personal or management goal through bizarre short cuts or circumvention of established systems for protecting employee rights.

The individual's access to the courts on such matters has been limited, and any administrative remedies have been subject to changing executive orders or agency directives. Employees are confronted with orders that they are not to communicate with Members of Congress and they are restricted in their dealings with personnel officers for resolving their problems.

For all of these reasons, employees do not always enjoy due process, privacy, and other rights equally with all other citizens.

Recently, as the Federal Government has seized larger and larger chunks of the economic sector, citizens who work for it have been subjected to economic coercion to surrender their liberties for purposes which have no reasonable relationship to the needs of Government. These liberties do, however, have a significant relationship to the health of our free society. If over 3 million Federal employees and their families can be forced to surrender them without any recourse to the courts, then they can be surrendered by millions of State and local employees. Since the attitudes and practices of the Federal Government are emulated by private industries and organizations, the injustices and tyrannies against employees ignored by Congress today may spell the destruction of the basic liberties of all citizens tomorrow.

This bill does not begin to cure all of the injustices and petty tyrannies to which employees are subject. Rather, it establishes judicial and administrative remedies for certain violations of first amendment rights of the citizen who may apply for Federal employment or who may work for Government.

It is designed to protect that individual in the enjoyment of his freedom of conscience, of his right to speak or not to speak about certain personal matters; of his right to participate or not to participate in the political, economic, and social life of his community free of pressure from the Civil Service Commission or from his supervisor.

It assures that employees may keep to themselves what they believe or feel about religion, sex, or family relationships or what they do or do not do in their private lives, that is unrelated to their jobs. It assures also that they will never be forced as free citizens to become the unwilling instruments for imposing unauthorized political, social or economic goals of some administration which happens to be in power at the time in Washington.

In an era dominated not only by scientific technology but by the need for rapid and efficient decision making on a grand scale, this proposal is a means of reconciling the needs of Government with the individual's right to retain certain areas of his thoughts, beliefs, words and actions, free of unwarranted governmental interference.

Such legislation has been needed in the past to help protect our liberties. It is needed now. If the present trends in the Federal Government are any indication, it will be more vitally needed in the future.

Although the bill is based primarily on the excesses of previous administrations, there is no guarantee that these practices will not be revived, and there is no evidence that some of them are not continuing.

If history teaches us anything, it teaches us that the events of the past will be repeated. With regard to the practices covered by this proposal, I believe Congress should prevent their reoccurrence by early passage of the bill.

Mr. President, when this bill was first introduced in 1966, I had a conference with the distinguished former chairman of the Committee on Post Office and Civil Service, Senator Monroney. Pursuant to our conversation, he agreed with me that the bill could be appropriately referred to his committee or the Committee on the Judiciary, and the bill was referred by unanimous consent to the Committee on the Judiciary which conducted hearings on the bill. In 1969, I consulted with the present distinguished chairman of the Committee on Post Office and Civil Service, the able Senator from Wyoming (Mr. McGee). He agreed with me that a similar course should be followed on S. 782 at that time and it is my understanding that he continues to hold that view with respect to the current bill.

Therefore, I ask unanimous consent, pursuant to the agreement between Mr. McGee and me, that the bill be referred to the Committee on the Judiciary; and that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1438

A bill to protect the civilian employees of the executive branch of the United States Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. It shall be unlawful for any officer of any executive department or any executive agency of the United States Government, or for any person acting or purporting to act under his authority, to do any of the following things:

(a) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, or any person seeking employment in the executive branch of the United States Government, to disclose his race, religion, or national origin, or the race, religion, or national origin of any of his forebears: *Provided, however*, That nothing contained in this subsection shall be construed to prohibit inquiry concerning the citizenship of any such employee or person if his citizenship is a statutory condition of his obtaining or retaining his employment: *Provided further*, That nothing contained in this subsection shall be construed to prohibit inquiry concerning the national origin *or citizenship* of any such employee *or person or of his forebears*, when such inquiry is deemed necessary or advisable to determine suitability for assignment to activities or undertakings related to the national security within the United States or to activities or undertakings of any nature outside the United States.

(b) To state or intimate, or to attempt to state or intimate, to any civilian employee of the United States serving in the department or agency that any notice will be taken of his attendance or lack of attendance at any assemblage, discussion, or lecture held or called by any officer of the executive branch of the United States Government, or by any person acting or purporting to act under his authority, or by any outside parties or organizations to advise, instruct, or indoctrinate any civilian employee of the United States serving in the department or agency in respect to any matter or subject other than the performance of official duties to which he is or may be assigned in the department or agency, or the development of skills, knowledge, or abilities which qualify him for the performance of such duties: *Provided, however*, That nothing contained in this subsection shall be construed to prohibit taking notice of the participation of a civilian employee in the activities of any professional group or association.

(c) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to participate in any way in any activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned in the department or agency, or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

(d) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to make any report concerning any of his activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned in the department or agency, or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties, or unless there is reason to believe that the civilian employee is engaged in outside activities or employment in conflict with his official duties.

(e) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, or any person applying for employment as a civilian employee in the executive branch of the United States Government, to submit to any interrogation or examination or to take any psychological test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters: *Provided, however*, That nothing contained in this subsection shall be construed to prevent a physician from eliciting such information or authorizing such tests in the diagnosis or treatment of any civilian employee or applicant where such physician deems such information necessary to enable him to determine whether or not such individual is suffering from mental illness: *Provided further, however*, That this determination shall be made in individual cases and not pursuant to general practice or regulation governing the examination of employees or applicants according to grade, agency, or duties: *Provided further, however*, That nothing contained in this subsection shall be construed to prohibit an officer of the department or agency from advising any civilian employee or applicant of a specific charge of sexual misconduct made against that person, and affording him an opportunity to refute the charge.

(f) To require or request, or attempt to require or request, any civilian employee of the United States serving in the department or agency, or any person applying for employment as a civilian employee in the executive branch of the United States Government, to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

(g) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to support by personal endeavor or contribution of money or any other thing of value the nomination or the election of any person or group of persons to public office in the Government of the United States or of any State, district, Commonwealth, territory, or possession of the United States, or to attend any meeting held to promote or support the activities or undertakings of any political party of the United States or of any State, district, Commonwealth, territory, or possession of the United States.

(h) To coerce or attempt to coerce any civilian employee of the United States serving in the department or agency to invest his earnings in bonds or other obligations or securities issued by the United States or any of its departments or agencies, or to make donations to any institution or cause of any kind: *Provided, however*, That nothing contained in this subsection shall be construed to prohibit any officer of any executive department or any executive agency of the United States Government, or any person acting or purporting to act under his authority, from calling meetings and taking any action appropriate to afford any civilian employee of the United States the opportunity voluntarily to invest his earnings in bonds or other obligations or securities issued by the United States or any of its departments or agencies, or voluntarily to make donations to any institution or cause.

(i) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to disclose any items of his property, income, or other assets, source of income, or liabilities, or his personal or domestic expenditures or those of any member of his family or household: *Provided, however*, That this subsection shall not apply to any civilian employee who has authority to make any final determination with respect to the tax or other liability of any person, corporation, or other legal entity to the United States, or claims which require expenditure of moneys of the United States: *Provided further, however*, That nothing contained in this subsection shall prohibit the Department of the Treasury or any other executive department or agency of the United States Government from requiring any civilian employee of the United States to make such reports as may be necessary or appropriate for the determination of his liability for taxes, tariffs, custom duties, or other obligations imposed by law.

(j) To require or request, or to attempt to require or request, any civilian employee of the United States embraced within the terms of the proviso in subsection (i) to disclose any items of his property, income, or other assets, source of income, or liabilities, or his personal or domestic expenditures or those of any member of his family or household other than specific items tending to indicate a conflict of interest in respect to the performance of any of the official duties to which he is or may be assigned.

(k) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, who is under investigation for misconduct, to submit to interrogation which could lead to disciplinary action without the presence of counsel or other person of his choice, if he so requests: Provided, however, That a civilian employee of the United States serving in the Central Intelligence Agency or the National Security Agency may be accompanied only by a person of his choice who serves in the agency in which the employee serves, or by counsel who has been approved by the agency for access to the information involved.

(l) To discharge, discipline, demote, deny promotion to, relocate, reassign, or otherwise discriminate in regard to any term or condition of employment of, any civilian employee of the United States serving in the department or agency, or to threaten to commit any of such acts, by reason of the refusal or failure of such employee to submit to or comply with any requirement, request, or action made unlawful by this Act, or by reason of the exercise by such civilian employee of any right granted or secured by this Act.

SEC. 2. It shall be unlawful for any officer of the United States Civil Service Commission, or for any person acting or purporting to act under his authority, to do any of the following things:

(a) To require or request, or to attempt to require or request, any executive department or any executive agency of the United States Government, or any officer or employee serving in such department or agency, to violate any of the provisions of section 1 of this Act.

(b) To require or request, or to attempt to require or request, any person seeking to establish civil service status or eligibility for employment in the executive branch of the United States Government, or any person applying for employment in the executive branch of the United States Government, or any civilian employee of the United States serving in any department or agency of the United States Government, to submit to any interrogation or examination or to take any psychological test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters: *Provided, however*, That nothing contained in this subsection shall be construed to prevent a physician from eliciting such information or authorizing such tests in the diagnosis or treatment of any civilian employee or applicant where such physician deems such information necessary to enable him to determine whether or not such individual is suffering from mental illness: *Provided further, however,* That this determination shall be made in individual cases and not pursuant to general practice or regulation governing the examination of employees or applicants according to grade, agency, or duties: *Provided further, however,* That nothing contained in this subsection shall be construed to prohibit an officer of the Civil Service Commission from advising any civilian employee or applicant of a specific charge of sexual misconduct made against that person, and affording him an opportunity to refute the charge.

(c) To require or request, or to attempt to require or request, any person seeking to establish civil service status or eligibility for employment in the executive branch of the United States Government, or any person applying for employment in the executive branch of the United States Government, or any civilian employee of the United States serving in any department or agency of the United States Government, to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

SEC. 3. It shall be unlawful for any commissioned officer, as defined in section 101 of title 10, United tSates Code, or any member of the Armed Forces acting or purporting to act under his authority, to require or request, or to attempt to require or request, any civilian employee of the executive branch of the United States Government under his authority or subject to his supervision to perform any of the acts or submit to any of the requirements made unlawful by section 1 of this Act.

SEC. 4. Whenever any officer of any executive department or any executive agency of the United States Government, or any person acting or purporting to act under his authority, or any commissioned officer as defined in section 101 of title 10, United States Code, or any member of the Armed Forces acting or purporting to act under his authority, violates or threatens to violate any of the provisions of section 1, 2, or 3 of this Act, any civilian employee of the United States serving in any department or agency of the United States Government, or any person applying for employment in the executive branch of the United States Government, or any person seeking to establish civil service status or eligibility for employment in the executive branch of the United States Government, affected or aggrieved by the violation or threatened violation, may bring a civil action in his own behalf or in behalf of himself and others similarly situated, against the offending officer or person in the United States district court for the district in which the violation occurs or is threatened, or the district in which the offending officer or person is found, or in the United States District Court for the District of Columbia, to prevent the threatened violation or to obtain redress against the consequences of the violation. The Attorney General shall defend all officers or persons sued under this section who acted pursuant to an order, regulation, or directive, or who, in his opinion, did not willfully violate the provisions of this Act. Such United States district court shall have jurisdiction to try and determine such civil action irrespective of the actuality or amount of pecuniary injury done or threatened, and without regard to whether the aggrieved party shall have exhausted anv administrative remedies that may be provided by law, and to issue such restraining order, interlocutory injunction, permanent injunction, or mandatory injunction, or enter such other judgment or decree as may be necessary or appropriate to prevent the threatened violation, or to afford the plaintiff and others similarly situated complete relief against the consequences of the violation. With the written consent of any person affected or aggrieved by a violation or threatened violation of section 1, 2, or 3 of this Act, any employee organization may bring such action on behalf of such person, or may intervene in such action. For the purposes of this section, employee organizations shall be construed to include any brotherhood, council, federation, organization, union, or professional association made up in whole or in part of civilian employees of the United States and which has as one of its purposes dealing with departments, agencies, commissions, and independent agencies of the United States concerning the condition and terms of employment of such employees.

SEC. 5. (a) There is hereby established a Board on Employees' Rights (hereinafter referred to as the "Board"). The Board shall be composed of three members, appointed by the President, by and with the advice and consent of the Senate. The President shall designate one member as chairman. No more than two members of the Board may be of the same political party. No member of the Board shall be an officer or employee of the United States Government.

(b) The term of office of each member of the Board shall be five years, except that (1) of those members first appointed, one shall serve for five years, one for three years, and one for one year, respectively, from the date of enactment of this Act, and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(c) Members of the Board shall be compensated at the rate of $75 a day for each day spent in the work of the Board, and shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from their usual places of residence, as authorized by section 5703 of title 5, United States Code.

(d) Two members shall constitute a quorum for the transaction of business.

(e) The Board may appoint and fix the compensation of such officers, attorneys, and employees, and make such expenditures, as may be necessary to carry out its functions.

(f) The Board shall make such rules and regulations as shall be necessary and proper to carry out its functions.

(g) The Board shall have the authority and duty to receive and investigate written complaints from or on behalf of any person claiming to be affected or aggrieved by any violation or threatened violation of this Act and to conduct a hearing on each such complaint. Within ten days after the receipt of any such complaint, the Board shall furnish notice of the time, place, and nature of the hearing thereon to all interested parties. The Board shall render its final decision with respect to any complaint within thirty days after the conclusion of its hearing thereon.

(h) Officers or representatives of any Federal employee organization in any degree concerned with employment of the category in which any alleged violation of this Act occurred or is threatened shall be given an opportunity to participate in each hearing conducted under this section, through submission of written data, views, or arguments, and in the discretion of the Board, with opportunity for oral presentation. Government employees called upon by any party or by any Federal employee organization to participate in any phase of any administrative or judicial proceeding under this section shall be free to do so without incurring travel cost or suffering loss in leave or pay; and all such employees shall be free from restraint, coercion, interference, intimidation, or reprisal in or because of their participation. Any periods of time spent by Government employees during such participation shall be held and considered to be Federal employment for all purposes.

(i) Insofar as consistent with the purposes of this section, the provisions of subchapter II of chapter 5 of title 5, United States Code, relating to the furnishing of notice and manner of conducting agency hearings, shall be applicable to hearings conducted by the Board under this section.

(j) If the Board shall determine after hearing that a violation of this Act has not occurred or is not threatened, the Board shall state its determination and notify all interested parties of such determination. Each such determination shall constitute a final decision of the Board for purposes of judicial review.

(k) If the Board shall determine that any violation of this Act has been committed or threatened by any civilian officer or employee of the United States, the Board shall immediately (1) issue and cause to be served on such officer or employee an order requiring such officer or employee to cease and desist from the unlawful act or practice which constitutes a violation, (2) endeavor to eliminate any such unlawful act or practice by informal methods of conference, conciliation, and persuasion, and (3) may—

(A) (i) in the case of the first offense by any civilian officer or employee of the United States, other than any officer appointed by the President, by and with the advice and consent of the Senate, issue an official reprimand against such officer or employee or order the suspension without pay of such officer or employee from the position or office held by him for a period of not to exceed fifteen days, and (ii) in the case of a second or subsequent offense by any such officer or employee, order the suspension without pay of such officer or employee from the position or office held by him for a period of not to exceed thirty days or order the removal of such officer or employee from such position or office; and

(B) in the case of any offense by any officer appointed by the President, by and with the advice and consent of the Senate, transmit a report concerning such violation to the President and the Congress.

(l) If the Board shall determine that any violation of this Act has been committed or threatened by any officer of any of the Armed Forces of the United States, or any person purporting to act under authority conferred by such officer, the Board shall (1) submit a report thereon to the President, the Congress, and the Secretary of the military department concerned, (2) endeavor to eliminate any unlawful act or practice which constitutes such a violation by informal methods of conference, conciliation, and persuasion, and (3) refer its determination and the record in the case to any person authorized to convene general courts-martial under section 822 (article 22) of title 10, United States Code. Thereupon such person shall take immediate steps to dispose of the matter under chapter 47 of title 10, United States Code (Uniform Code of Military Justice.

(m) Any party aggrieved by any final determination or order of the Board may institute, in the district court of the United States for the judicial district wherein the violation or threatened violation of this Act occurred, or in the United States District Court for the District of Columbia, a civil action for the review of such determination or order. In any such action, the court shall have jurisdiction to (1) affirm, modify, or set aside any determination or order made by the Board which is under review, or (2) require the Board to make any determination or order which it is authorized to make under subsection (K), but which it has refused to make. The reviewing court shall set aside any finding, conclusion, determination, or order of the Board as to which complaint is made which is unsupported by substantial evidence on the record considered as a whole.

(n) The Board shall submit, not later than March 31 of each year, to the Senate and House of Representatives, respectively, a report on its activities under this section during the immediately preceding calendar year, including a statement concerning the nature of all complaints filed with it, its determinations and orders resulting from hearings thereon, and the names of all officers or employees of the United States with respect to whom any penalties have been imposed under this section.

(o) There are authorized to be appropriated sums necessary, not in excess of $100,000, to carry out the provisions of this section.

Sec. 6. Nothing contained in this Act shall be construed to prohibit an officer of the Central Intelligence Agency or of the National Security Agency from requesting any civilian employee or applicant to take a polygraph test, or to take a psychological test, designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters, or to provide a personal financial statement, if the Director of the Central Intelligence Agency or his designee or the Director of the National Security Agency or his designee makes a personal finding with regard to each individual to be so tested or examined that such test or information is required to protect the national security.

Sec. 7. No civilian employee of the United States serving in the Central Intelligence Agency or the National Security Agency, and no individual or organization acting in behalf of such employee, shall be permitted to invoke the provisions of sections 4 and 5 without first submitting a written complaint to the agency concerned about the threatened or actual violation of this Act and affording such agency one hundred and twenty days from the date of such complaint to prevent the threatened violation or to redress the actual violation: *Provided, however,* That nothing in this Act shall be construed to affect any existing authority of the Director of Central Intelligence under section 403(c), of title 50, United States Code, and any authorities available to the National Security Agency under section 833 of title 50, United States Code, to terminate the employment of any employee.

Sec. 8. Nothing in this Act shall be construed to affect in any way the authority of the Directors of the Central Intelligence Agency or the National Security Agency to protect or withhold information pursuant to statute or executive order. The personal certification by the Director of the agency that disclosure of any information is inconsistent with the provision of any statute or executive order shall be conclusive and no such information shall be admissible in evidence in any interrogation under section 1(k) or in any civil action under section 4 or in any proceeding or civil action under section 5.

Sec. 9. This Act shall not be applicable to the Federal Bureau of Investigation.

Sec. 10. Nothing contained in sections 4 and 5 shall be construed to prevent establishment of department and agency grievance procedures to enforce this Act, but the existence of such procedures shall not preclude any applicant or employee from pursuing the remedies established by this Act or any other remedies provided by law: *Provided, however,* That if under the procedures established, the employee or applicant has obtained complete protection against threatened violations or complete redress for violations, such action may be pleaded in bar in the United States district court or in proceedings before the Board on Employee Rights: *And provided further,* That if an employee elects to seek a remedy under either section 4 or section 5, he waives his right to proceed by an independent action under the remaining section.

Sec. 11. If any provision of this Act or the application of any provision to any person or circumstance shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected.

By Mr. GURNEY:

S. 1439. A bill to establish a Judiciary Assistance Administration within the Department of Justice, to provide financial assistance to the States in order to encourage court reform, and for other purposes. Referred to the Committee on the Judiciary.

Mr. GURNEY. Mr. President, I am today introducing a bill intended to assist the States in reforming and modernizing their court and judicial systems. The act which I call the National Court Reform Assistance Act, will create within the Department of Justice a Judicial Assistance Administration which will act as a clearinghouse for information, statistical data and studies on improvement of States' judicial machinery, civil and criminal. The Administration would be authorized to carry out a 5-year grant program to the States and localities with substantial sums of money.

If this Nation is ever to come to grips successfully with curbing of crime, we must mount a massive attack on crime. We must assign high priority to the problem. We must make a national commitment. We must put up the necessary money to do the job. I have tried to do this in a bold fashion. The functions of assisting in State court reform now being carried on by the Law Enforcement Assistance Administration would be assigned to the new Judicial Assistance Administration created by this bill.

As it now stands, LEAA plans to spend 10 percent of its budget or roughly $35 million per year on activities specifically related to State court reform and modernization. Those sums in my judgment are woefully inadequate. If we are to achieve meaningful reform, we must assist the States with more realistic sums. For Mr. President, we should make no mistake about it: the State and local court systems in our Nation today are being strained to the breaking point. We have a judicial crisis on our hands.

The common law maxim that "justice delayed is justice denied" is self-evidently true in our country today as it has never been in the past.

There is a growing awareness that our courts, State and Federal, are in a deplorable condition and that condition in the State courts, at least, is approaching crisis proportions. The columns of our legal publications which in happier times were full of comfortable recollections of "famous jurists I have known" and stories of clever cross-examinations by eminent attorneys, now are full of stories of incredible delays, miscarriage of justice. This is, it seems to me, growing lack of confidence by the public in the ability of our courts to administer justice. The operative word is "crisis."

In a special edition of the New York Law Journal for Law Day, May 1, 1970, Mr. Martin Fox said:

> "Crisis", until only recently, was a word rarely used to describe the state of the courts in New York City. When discussing such problems in the courts as overcrowding, inadequate facilities, case backlogs and calendar congestion and insufficient funds, judges, lawyers, and court personnel preferred to describe them as "pressing", "serious", and "of immediate concern", but almost never of "crisis" proportions.
>
> But these synonyms have now been discarded and crisis has joined the vocabulary of the courts. The urgency of these problems, coupled with the need for a full-scale review of their causes designed to produce possible remedies, was underscored in recent weeks by the following actions:
>
> (a) The unprecedented establishment of eleven blue-ribbon committees by Presiding Justice Harold A. Stevens of the Appellate Division, First Department, to study all aspects of the courts in New York and Bronx Counties and to recommend methods for improvements in areas such as public relations, calendars, facilities, financing and removing such cases as prostitution and alcoholism from the Criminal Calendars.
>
> (b) An order from the U.S. Court of Appeals for the Second Circuit asking district attorneys, judges and court officials from throughout the city and adjacent counties to file briefs as to the number of persons in detention for more than three months awaiting trial and the reasons for this. These delays raise "serious questions of the violation of constitutional rights," Chief Judge J. Edward Lumbard said.
>
> (c) A report by the Vera Institute of Justice showing that there were 18 per cent more cases in the Criminal Courts in 1968 than in 1959, while the rate of disposition fell 19 per cent over the same period. There was a backlog of more than a half million cases in the Criminal Courts, according to the report.

When we heave a backlog of more than half a million criminal cases in the courts of New York City, we know something is wrong.

In the August 7, 1970, issue of Life, Mr. Dale Wittner spoke of the logjam in the courts of the city of New York again in crisis terms:

> The criminal courts of troubled urban America are failing. Like once-fearsome scarecrows put out to keep away birds of lawlessness, they are tattered by neglect, familiar and even accommodating to professional hoodlums and incorrigible terrorists of society who walk free for months and years, waiting for trials that never come. To the innocent, the poor, the uneducated, to the victims of crime and witnesses to it, and to honest policeman, many big-city courts are already a sham and a broken promise. So strained, so clogged with humanity have they become that substantial justice is only an occasional, almost accidental, product. A system drafted nearly two centuries ago to protect four million people does not work for 200 million. Until it does again, until swift and equal justice is restored, the prospect for law and order in the streets will not improve.
>
> In every major city, the symptoms are the same. Crime increases at an average rate of 14% a year, more than doubling every six years. Court backlogs of pending cases, which 10 years ago were measured in weeks, now add up to months and years. Harried judges, prosecutors and public defenders are forced to treat each case like a piece of unimportant manufacture on an endless assembly line.

> Prosecutors are haphazard. Justice is the subject of bargaining. The possibility of punishment diminishes—and with it, respect for the law.

Mr. Wittner continues:

> If the criminal courts are in bad shape in almost every city, the place to see the chaos most clearly is New York, the nation's largest city. There, sheer weight of numbers has bowed the system to the breaking point and criminal justice has already lost its cherished precepts: the protection of society, the presumption of innocence, a speedy trial, a careful search for truth. Human beings are suffering—tens of thousands of them. But the true extent of New York's breakdown is seen in a dreadful array of facts:
>
> Felonies—such as murder, armed robbery, aggravated assault, rape and burglary—increased more than threefold during the 1960's while New York City's population remained almost constant. In the same period the regular inmate population of state prisons, where convicted felons must serve their sentence, fell from almost 20,000 to about 14,000.
>
> The city's police force has grown steadily to more than 32,000 men, by far the largest in the nation. Yet the odds in favor of a criminal escaping arrest for a felony remain about four to one.
>
> For those arrested, the chances of avoiding punishment have actually increased: barely one in five is ever brought to court on a felony indictment. The rest are released for lack of evidence or prosecuted for less serious misdemeanors, for which the average sentence is less than four months in a city prison.
>
> For the one criminal in 20 unlucky enough to be indicted, there is still a 10-to-one chance that the charges will be reduced before trial, especially if he is willing to plead guilty.
>
> Thus the appalling arithmetic is that in New York City if you commit a felony, the chances of being arrested, indicted, found guilty on the original charge and then going to prison are a great deal less than one in 200.
>
> In the year ending June 30, 1969, while felony arrests were increasing to a yearly rate of 75,000 only 608 felony trials were completed. For misdemeanors and violations, the figures were almost as bad: 18,000 sentenced to jail out of 450,000 cases.
>
> The Criminal Court began 1969 with a backlog estimated at more than half a million cases. During the year, 20 new judges were added to alleviate congestion. Yet by the start of 1970, the backlog has risen to almost 700,000 cases and was increasing each month. For every three cases brought to court, only two are disposed of. At the current rate, it would take two and a half years to clear the calendars, assuming no new arrests were made.

Mr. President, our system of justice is predicated on the notion of a speedy trial. The right to a speedy trial is promised in the sixth amendment. The right has been federalized by the 14th amendment and is guaranteed in the Constitution and the organic law of all the States. The right is beginning to ring hollow.

The New York Times for January 7, 1971, reported that the first Federal census of the city and county jails of the country showed that 52 percent of the inmates of these jails had not been convicted of any crime: They were awaiting trial. Whether convicted or not, the report said that many of the inmates of these institutions endured less than human conditions.

Four jails which are now in use around the country were built before George Washington's first inaugural; 25 percent of all the local jails around the country are more than 50 years old.

Let me break down the figures: as of March 15, 1970, there were 160,863 persons in local, county, and city jails of whom 7,800 were juveniles.

Of these 160,863 persons, 52 percent, or 83,000 had not been convicted of any crime.

Mr. President, these figures are outrageous. It is truly offensive to our national sense of justice. We have to do something about it and do it quickly. The Law Enforcement Assistance Administration will spend about $100 million in fiscal 1971 to improve these horrendous conditions and even more in fiscal 1972. But we have to act on the causes of this condition more effectively and we have to act now. The biggest contributing factor to this deplorable situation is the backlog in the criminal courts of the States.

On February 20, 1971, Attorney General Mitchell called the administration of criminal justice in the United States "an astonishing tale of neglect." The Attorney General is obviously correct and, in my judgment, the Congress must give the Attorney General the tools to correct this situation, the money commensurate with the need.

In his address before the American Bar Association on August 10, 1970, Chief Justice Burger recalled Dean Roscoe Pound's famous speech to the ABA in 1906:

> He [Dean Pound] said then that the work of the courts in the 20th century could not be carried on with the methods and machinery of the 19th century. If you will read Pound's speech, you will see at once that we did not heed his warning and today in the final third of this century, we are still trying to operate the courts with fundamentally the same basic methods, procedures and machinery he [Pound] said were not good enough in 1900. In the Supermarket Age, we are like a merchant trying to operate a cracker barrel corner grocery store with the methods and equipment of 1900.

Later on in that same address, the Chief Justice gave his views on the reason for this sorry state of affairs:

> The price we are now paying and will pay is partly because judges have been too timid and the bar has been too apathetic to make clear to the public and the Congress the needs of the court. Apathy, more than opposition, has been the enemy, but I believe the days of apathy are past.

The Chief Justice made some interesting comparisons which I think are worthy of noting:

> The changes and improvements we need are long overdue. They will call for a very great effort and they may cost money; but if there are to be higher costs they will still be a small fraction, for example, of the 200 million cost of a C–5A airplane. The entire cost of the Federal Judicial System is 128 million dollars. Military aircraft are obviously essential in this uncertain world, but surely adequate support for the Judicial Branch is also important.
>
> Wall Street experts recently estimated that American citizens and businesses spend more than 2 billion dollars a year on private security and crime control. Aside from the ominous implications of this in a free society, just think what 2 billion dollars could do for public programs to prevent crime and enforce law. That is where such support belongs.
>
> More money and more judges alone is not the real solution. Some of what is wrong is due to the failure to apply the techniques of modern business to the administration or management of the purely mechanical operation of the courts—of modern record keeping, systems planning for handling the movement of cases. Some is also due to antiquated, rigid procedures which not only permit delay, but often encourage it.

The problem of delays, logjams and inefficient administration of justice is not confined to any one State, or any one area or section of our country. It is a universal crisis. It is a truly national problem demanding national solutions, and we must act at once.

There are several tools which the States and local governments should have available to them to fight this crisis. The first is, of course, money. But, over and above that, there are other tools we have it in our power to provide.

We are told constantly that this is the age of computers. Why have computers not been used to handle the paperwork of our courts? The State of Alaska has successfully experimented with computers for speeding the administration of justice. The other States can profit by this example.

We can and should experiment with the use of the parajudge and paraprofessional personnel for the disposition of pretrial motions, in discovery procedures and other procedural matters. If we were to provide for proper appellate review of such dispositions, we would be freeing judges for the work they were hired to do: sit in their trial function.

Mr. President, I ask unanimous consent to have included in the RECORD at the conclusion of my remarks, an article on this subject by the distinguished jurist, Judge Irving R. Kaufman of the U.S. Court of Appeals for the Second Circuit.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

(See exhibit 1.)

Mr. GURNEY. Mr. President, as I see the solution, it is not a question of simply creating more judgeships. We have to provide more meaningful tools—judicial administrators, paraprofessional personnel, computers, and the like.

Mr. President, the delays in the administration of criminal justice which I think we can agree are unconscionable, are inexorably tide up with the civil calendar delays. In most jurisdictions, judges sit on both civil, and criminal cases. Delays in the civil calendars necessarily make for delays on the criminal side. If we are to reform the courts, we must address the problems of the civil cases also. Here again, paraprofessional personnel, the case of sophisticated technology, computers, and so forth and court administrators would, by easing the burdens of civil calendar, improve the administration of the criminal courts.

Mr. President, I am today introducing a bill aimed at addressing some of these gigantic problems. This bill, which I call the Court Reform Assistance Act, would establish within the Department of Justice, a Judicial Assistance Administration for the purpose of providing financial assistance to the States in order to encourage court reform and updating of court procedures in both the civil and criminal fields.

The statement of purpose recognizes that a crisis exists in our State and local courts today, a crisis which threatens to undermine the confidence of the people in the ability of the States and localities to provide for the swift and efficient administration of justice.

The bill authorizes a 5-year program of grants to the States, with 90 percent of the funding to come from the Federal Government and 10 percent from the States themselves. The fund allotments shall be made 50 percent on the basis of population and 50 percent to the States on the basis of need. We can gage this need by calculating the number of untried cases in a given jurisdiction and the number of persons in correctional institutions awaiting trial. If we can funnel funds into the areas most in need of improvement, we can hopefully correct this situation.

The Administrator of the Judicial Assistance Administration would have power to pass on plans submitted by the State to accomplish the purposes of the act. There would be, however, no coercion on the States—the assistance would be granted only if the States themselves wished to avail themselves of the assistance offered by this act. I think it is absolutely essential that this be and remain a voluntary situation for the States.

I hestitated a long time before determining the amounts of money I would include in the authorizations.

A check was made with Federal and State legal authorities, deans of law schools, and other private sources in an attempt to determine how much money would be needed to accomplish the mission of revising, changing, and upgrading our criminal legal procedures and court systems in order to provide an adequate system of criminal justice.

I was amazed to discover that no source could furnish any concrete evidence. Some of the most eminent legal authorities, in fact, expressed embarrassment that they could not furnish some fairly reliable figures on what might be needed to do the job.

However, all contracts made stated emphatically that there was a crisis of enormous proportions in the field of criminal justice and that the whole system has broken down and is in desperate need of drastic overhaul and repair.

One eminent authority expressed the opinion that a sum of $500 million to $1 billion yearly, over and above what is now being spent, would be needed for several years to do the job.

Thus, the sums I have proposed to be authorized would be $100 million for the first fiscal year to get the program started and would increase in the following fashion for succeeding years: $500 million in fiscal year 1973, $600 million in fiscal year 1974, $700 million in fiscal year 1975, and $800 million in fiscal year 1976.

I strongly feel that the sums of the magnitude I have proposed for a Judicial Assistance Administration are necessary in order to ease the crisis which exists in our Nation today. In 1967, the President's Commission of Law Enforcement and the Administration of Justice estimated the cost of crime at $21 billion. In February 1969, Mr. J. Edgar Hoover estimated the cost of crime at $31 billion.

The October 26, 1970, U.S. News & World Report published a study which estimated that the cost of crime in the United States had risen to $51 billion. Most assuredly a substantial investment in improved court methods, procedures, and machinery as I propose would have a salutary effect on reducing the high cost of crime.

Approximately $2 billion a year is presently being spent on our State judicial systems. But it is time to take a long hard look at the courts, when we have a backlog of more than a million cases in the Nation's criminal courts—

When crime continues to increase at an average rate of 14 percent a year, more than doubling every 6 years;

When 52 percent of the inmates in local, county, and city jails have not been convicted of any crime;

When in New York, the Nation's largest city, if a person commits a felony, the chances of his being arrested, indicted found guilty on the original charge and their going to prison are a great deal less than one in 200;

When a substantial percentage of defendants released charged with misdemeanors or felonies are subsequently rearrested on a second charge during the release period;

When in New York City in the year ending June 30, 1969, while felony arrests were increasing to a yearly rate of 75,000, only 608 felony trials were completed.

This is not fulfillment of the promise of equal justice under law. I consider it an indication of the overall problems which the judicial system is encountering today and with which we must come to grips immediately. Judicial reform of enormous proportions is a necessity—an expensive necessity. But, I feel that expenditures made now will save the country money in the long run.

I am aware that other suggestions have been made in this important field. I do not offer my plans as the "be-all, end-all," but rather as a starting point. Mr. President, the tragic neglect that the Attorney General and the Chief Justice have so properly pointed out cannot be allowed to continue. We should set as an ideal, on both the Federal and State levels, the notion that an alleged criminal act should be brought to trial within 3 months of the indictment or presentment which triggers it. It will take a long time to reach this goal, but we must start working on it immediately. My research leads me to believe that the magnitude of this problem does not admit simple solutions, or panaceas, or overnight cures. We have neglected it for too long. But, we must begin to address the problem I think my bill is a start—I welcome improvements in it and additions. I hope it will be tested in the hearing process of the Judiciary Committee. If this measure does not succeed, I hope a better way can be found. But, I am convinced that Congress must assist the States in solving the crisis in the State and local courts of the Nation.

Mr. President, I ask unanimous consent that the bill and several articles be printed in the RECORD at the conclusion of my remarks:

There being no objection, the bill and articles were ordered to be printed in the RECORD, as follows:

S. 1439

A bill to establish a Judicial Assistance Administration within the Department of Justice, to provide financial assistance to the States in order to encourage court reform, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Court Reform Assistance Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds that unconscionable overcrowding and backlogs in calendars of the courts of the States and localities of the United States have resulted in inconvenience and delay in the case of civil actions, and frustration and denial of a speedy trial in criminal cases; that the delay has frustrated the administration of justice in the United States and has tended to bring the courts and the judicial system of the United States into disrepute and contributes to a feeling of distrust and a widespread belief that the States and localities are incapable of providing just and efficient government.

(b) The Congress finds that the primary responsibility for the enforcement of criminal laws and the adjudication of private civil disputes is properly a function of the state and local governments, but that the Federal government has a duty and a responsibility to provide financial, technical and other assistance to the states and local governments to insure the efficient and speedy administration of justice in both civil and criminal matters.

(c) It is the purpose of this Act to establish a Judicial Assistance Administration within the Department of Justice, to encourage court reform, and to provide financial and technical assistance to the States and localities to improve the administration of justice in the state and local courts.

AUTHORIZATION

SEC. 3. (a) There are authorized to be appropriated to carry out the purposes of this Act $100,000,000 for the fiscal year ending June 30, 1972; $500,000,000 for the fiscal year ending June 30, 1973; $600,000,000 for the fiscal year ending June 30, 1974; $700,000,000 for the fiscal year ending June 30, 1975; and $800,000,000 for the fiscal year ending June 30, 1976.

(b) The Attorney General, through the Judicial Assistance Administration, is authorized to make grants to States which have State plans approved under section 5 to pay the Federal share of the costs of carrying out State court reform plans.

ALLOTMENTS

SEC. 4. (a) From the sums appropriated pursuant to the preceding section, the Attorney General shall allot not more than one percentum to the Commonweatlh of Puerto Rico. From the remainder of such sums the Attorney General—

(1) shall allot to each State an amount which bears the same ratio to 50 percent of such remainder as the population of such State bears to the population of all States, and

(2) shall allot to each State an amount which bears the same ratio to 50 percent of such remainder as the number of cases pending in all courts of record in such State and the number of persons confined in correctional institutions awaiting trial in such State bears to the total number of such

cases and persons in all States. For the purposes of this subsection the term "State" does not include the Commonwealth of Puerto Rico.

(b) The portion of any State's allotment under subsection (a) for a fiscal year which the Attorney General determines will not be required for the period such allotment is available, for carrying out the purposes of this Act, shall be available for reallotment from time to time, on such dates during such period as the Attorney General may fix, to other States in proportion to the original allotments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Attorney General estimates such State needs and will be able to use for such period for carrying out such portion of its State plan approved under this Act, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

(c) The number of cases pending in the courts of record, and the number of persons confined in correctional institutions awaiting trial, in a State and in all States, shall be determined by the Attorney General on the basis of the most satisfactory data available to him for each fiscal year.

STATE PLANS

SEC. 5. (a) Any State desiring to receive its allotment of Federal funds under this Act shall submit a State plan consistent with such basic criteria as the Attorney General may establish under section 6. Such plan shall—

(1) provide for the administration of such plan by the principal administrative officer of the judicial system in such State or, if deemed appropriate, by the chief executive of such State, or by an agency designated by him for the purposes of this Act;

(2) set forth a program for court reform designed to overcome overcrowding in the courts of such State and delay in the administration of justice, including but not limited to—

(A) the appointment of special masters for use in discovery procedures, the conduct of pretrial hearings and the consideration of pretrial motions;

(B) the appointment of administrative personnel in the courts having responsibility over the non-judicial activities of the court for which such officer is appointed including administering the personnel system, preparing and supervising the court calendar, preparing the budget, maintaining an accurate accounting system and property control records, and supervising adequate use of data processing; and

(C) the establishment and operation of any procedural reforms designed to afford speedier trials;

(3) provide assurances, that in the case of municipalities within the State, having courts independent of the State court system and confronted with equally severe conditions of overcrowding, the State will make available an appropriate percentage of the funds received under this Act for the purposes set forth in the preceding paragraph;

(4) provide assurances that the State agency will pay from non-Federal sources the remaining costs of such program;

(5) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disposal of and accounting of Federal funds paid to the State (including such funds paid by the State to any agency of a political subdivision of such State) under this Act; and

(6) provide for making such reasonable reports in such form and containing such information as the Attorney General may reasonably require to carry out his functions under this Act and for keeping such records and for affording such access thereto as the Attorney General may find necessary to assure the correctness and verification of such reports.

(b) The Administrator shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

BASIC CRITERIA

SEC. 6. As soon as practicable after the enactment of this Act the Attorney General shall by regulations prescribe basic criteria for the purpose of establishing equitable distribution of funds received under this Act within each State on the basis of a consideration of—

(1) the conditions of overcrowding of the trial courts and appellate courts throughout the State;

(2) the conditions of overcrowding of courts in specific geographic areas within the State; and

(3) the length of time a person charged with an offense must await trial in the appropriate criminal court.

ESTABLISHMENT OF THE JUDICIAL ASSISTANCE ADMINISTRATION

SEC. 7. (a) There is hereby established within the Department of Justice a Judicial Assistance Administration to be headed by an Administrator. The Administrator shall be appointed by the President by and with the advice and consent of the Senate.

(b) The functions of the Attorney General under this Act shall be administered through the Administration.

FUNCTIONS OF THE JUDICIAL ASSISTANCE ADMINISTRATION

SEC. 8. In order to carry out the purpose of this Act, the Administration is authorized to—

(1) make grants to States in accordance with the provisions of this Act; and

(2) conduct or cause to be conducted studies and evaluations of State and local court systems when requested to do so by the States or localities in question; and when so requested, shall make recommendations concerning procedural, organizational or administrative reforms, improvements or changes in such systems; and

(3) serve as a reservoir and clearing house for up-to-date information, techniques and innovations in court management and organization; and

(4) collect, evaluate, publish, and disseminate information and other appropriate material concerning the improvement of judicial administration; and

(5) prepare and submit annually a report to the President for transmittal to Congress on the activities, grants, and programs of the Administration, together with such recommendations as the administrator shall deem appropriate. Provided, however, that nothing contained in this Act shall be construed as authorizing the Administration to control, direct or supervise in any manner or to any extent, the administration or organization of any local or State court, or to conduct or cause to be conducted any study or evaluation of any local or state court without the prior approval of the highest judicial authority of the State in which such study or evaluation is to be conducted.

ADMINISTRATIVE PROVISIONS

SEC. 9. In order to carry out the provisions of this Act, the Attorney General is authorized—

(1) to promulgate such rules and regulations as may be necessary;

(2) to employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(3) appoint one or more advisory committees composed of such private citizens and officials of State and local governments as he deems desirable;

(4) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

(5) without regard to section 529 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

(6) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code; and

(7) request such information data, and reports from any Federal agency as the Attorney General may from time to time require and as may be produced consistent with other law.

(b) Upon request made by the Attorney General each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates and statistics) available to the greatest practicable extent to the Administration in the performance of its functions.

(c) Each member of a committee appointed pursuant to paragraph (3) of subsection (a) of this section shall receive $135 a day, including travel time, for each day he is engaged in the actual performance of his duties as a member of a committee. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

COMPENSATION OF THE ADMINISTRATOR

SEC. 9. Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(94) Administrator, Judicial Assistance Administration.".

PAYMENTS

SEC. 10. (a) Payments under this Act shall be made from a State's allotment to any such State which administers a plan approved under section 5. Such payments shall not exceed 90 per centum of the cost of carrying out such plan. In determining the cost of carrying out a State's plan, there shall be excluded any cost with respect to which payments were received under any other Federal program.

(b) Payments to a State under this Act may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment, and may be made directly to a State or to one or more public agencies designated for this purpose by the State, or to both.

(c) The Comptroller General of the United States or any of his duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grantee under this Act.

WITHHOLDING OF GRANTS

SEC. 11. Whenever the Attorney General, after giving reasonable notice and opportunity for hearing to States receiving a grant under this Act, finds—

(1) that the program or project for which such grant was made has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or project there is failure to comply substantially with any such provision;

the Attorney General shall notify such State of his findings and no further payments may be made to such State by the Attorney General until he is satisfied that such noncompliance has been, or will promptly be, corrected. However, the Attorney General may authorize the continuance of payments with respect to any projects pursuant to this Act which are being carried out by such State and which are not involved in the noncompliance.

DEFINITIONS

SEC. 12. As used in this Act the term—

(1) "Administrator" means the Administrator of the Judicial Assistance Administration;

(2) "Administration" shall mean the Judicial Assistance Administration of the Department of Justice.

(3) "State" includes each of the several states of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

EXHIBIT 1

[From the Judicature magazine, November 1970]

THE JUDICIAL CRISIS, COURT DELAY AND THE PARA-JUDGE

(By Irving R. Kaufman)

Our court system seems almost to be traveling from crisis to crisis, barely negotiating one apparent impasse before another appears. At one moment we were aghast at the antics of some criminal defendants in our previously dignified courtrooms. Then, our attention was sharply diverted, as parties to criminal proceedings sought trial by press rather than by their peers. We had hardly enough time to collect our senses when the judiciary itself came under searching criticism over the state of its ethical standards.

We have had a tendency to look at these three areas—disruptions, trial publicity, and judicial ethics—as though they were totally distinct and completely independent, each with its own causes, and each with its own separate, individualized solution. There is a measure of truth in that position; faithful to the American tradition of pragmatic problem-solving, we have made diligent—and not wholly unsuccessful—efforts to deal with the difficulties as they arise, and to anticipate and resolve similar problems before they strike with full force. To choose one example with which I am intimately familiar, the American Bar Association appointed a Committee on Judicial Standards, and charged it with the responsibility for updating the antiquated Canons of Judicial Ethics. The Committee has circulated a report outlining its preliminary conclusions and has held open hearings on its recommendations at this meeting of the American Bar Association. We have labored long and hard in that task, and we are not yet through. I hope that the new departures we have suggested, such as filing of extra-judicial compensation and requiring compulsory disqualification for any interest, will not divert the public eye from what I view as the primary goal of any set of judicial canons; to maintain the impartiality of the judiciary without sacrificing its independence. Ethical standards, at their best, are intended not to punish the corrupt judge; he will evade their explicit provisos as he would the unwritten precepts on which they are based. Rather, they seek to contribute to a dialogue between the moral sense of a good judge and a perceived level of community standards; in sum, to be a guide, and not a penal code. Only time will tell whether that conception of our work will endure.

Taking a step back from these specific issues, and from what has been done to meet them, it seems to me that behind such disparate problems, and their apparently disparate solutions, lies a common difficulty, and accordingly a need for a common cure.

"CRISIS CONDITIONS"

Early in March, 1969, President Nixon declared May 1 to be "Law Day" for the entire country. In years gone by we would probably have been content on Law Day with noncontroversial and calming newspaper articles entitled "Eminent Jurists I Have Known". This May first, however, we were told in a special issue of the New York *Law Journal* that only the word "crisis" could describe the state of our courts. Indeed, we were treated with one of the most overwhelming outpourings of self-condemnation and criticism that I have ever witnessed. Was there any basis for this sudden change of mood?

I think that now, as we take the overall view, we would have to agree that there was. A few days after Law Day, the New York *Times* carried a story indicating that three-fourths of the staff of the Legal Aid Society's criminal division—who represent 70 to 80 per cent of all criminal defendants—were striking for three days. For more money? No, said the lawyers. They demanded that immediate steps be taken to end "crisis conditions" in the courts. I will not try to overwhelm you with statistics, but I think that a few might help to indicate the magnitude of the problem. In New York City, as of December 31, 1969, the criminal courts had a backlog of over 520,000 non-traffic cases. Excluding 177,000 defendants who could not be located, in itself an indication of the overall problems which the system is encountering and with which the Attorney General has come to grips, that means some 343,000 individuals are in the course of experiencing something like a year's delay from indictment to trial. In terms of jail cases, where the prejudice and harm are the greatest, almost 2,000 defendants had been held from three to twelve months without trial as of December 31, 1969; 202 from one to two years, and eleven for over two years.

FEDERAL PROBLEMS

The federal system fares better, but not by so very much. The Administrative Office report as of June 30, 1969, showed that 40 per cent of all criminal cases in the Second Circuit (this figure represents almost entirely those defendants out on bail), have been pending for over a year; and a substantial portion of those have been pending for over two years. Parenthetically, I am pleased to report that the situation in the Southern District has improved considerably of late, and that the judges there will shift in the fall to an individual calendar system which is expected to accelerate disposition of criminal cases. In the entire federal system, 17 per cent of all criminal cases had been pending for over a year. These are, frankly, only a few statistics pulled at random from a dishearteningly large selection. Magellan circumnavigated the world in three years in a wooden boat; it still takes that long to get a federal civil jury trial in some metropolitan districts. Those who feed on dire predictions have an ample choice for a hearty meal, particularly in view of the underlying increase in the overall level of criminal activity.

The reaction to Law Day, many of us here might rightly say, represents a recognition that what we have been saying for years is true—that justice poorly administered is rarely swift or just—and is relevant today as never before. What I think we sometimes lose sight of, however, is that law in the practical as well as the conceptual sense is a seamless web; that a breakdown in the ordinary processes of criminal justice in New York is not without effect on the public at large or on a conspiracy trial in which the defendants look upon themselves as persecuted political dissidents. For example, when a typical defendant is jailed on a narcotics charge for failure to meet bail, and stays there because of insurmountable crowding of criminal trial dockets, we, and more important, the defendant, often tend to take the system for granted. Political dissidents, however, unfamiliar with the system, have shown a tendency to disrupt trials, or to try their case in the media rather than the courts. Not inured to, or willing to accept, the system as it now operates, they are convinced—wrongly I believe, but convinced nonetheless—that they are the objects of efforts to deprive them of a fair trial. Seeing the system's apparent incapacity to solve its problems in general, they begin to doubt its willingness to correct them in particular.

Other defendants vent their spleen by attacking the probity of the individual judges they encounter, while the public, at a more distant level, sees the system laboring under the strain and also tends at times to blame the character of the judges rather than the system under which they work. They know that despite the high costs of automobile insurance, persons severely injured in accidents wait years for trials; they are outraged to see bailed defendants, who are free overlong without a trial because of court congestion, charged with still other crimes. Some of that frustration inevitably spills over onto the judiciary; it is easy to delude oneself into believing that the problems will disappear if judges abandon all interests outside their courts and work 20 hours a day under ethical standards that would test the probity of a saint.

If you will permit me a rather mechanistic metaphor, the boiler is under pressure because it is too old, antiquated, and small. The breaks in the pipes occur at strange, spectacular, and surprising places far removed from the source of the difficulties. We call in the plumbers (lawyers have been called worse in the past) to repair the breaks as they occur, but what we really need is to go over the whole system and decide what needs replacement, realignment, and rethinking.

ROOT PROBLEMS

Some of these issues—disruption in the court, free press-fair trial, judicial ethics—have yielded to a degree to specific cures. The Supreme Court supplied a quick antidote to trial disruption in *Allen* v. *Illinois*.[1] Yet I think we are all coming to recognize—as the Chief Justice and the IJA have for some time—that we are going to have to go after the root problems. And it has been and continues to be my view that the first one we have to tackle is court delay. The IJA has pioneered several studies in this area, but the need for constructive change is as great as ever. And the need for support is as great as ever. Some experts in the field of judicial administration speak bitterly of those who are profligate in their condemnations of court delays, but who are penurious when it comes to providing the needed funds and facilities in order to afford first class justice to all.

One avenue of attack that I would like to suggest exploring to the fullest extent, and one that I believe has enormous potential, is the expanded use of para-professionals. Let me take just three examples of possible areas where such para-judges could be used. Twelve years ago I suggested in a speech at Stanford that we should make wider use of "special masters" in controlling discovery. I still believe that this is an area where judges could be relieved of many tiresome, limited tasks, and permitted to use their legal skills in the more critical areas for which their training is in demand, such as conducting trials and writing opinions.

Second, we have developed an enormous mass of pre-trial hearings and motions which now take up a major portion of the judge's time. Many of them are purely procedural, and could be handled by a well-trained para-judge, subject, of course to the right to review by a judge at some stage. Third, it is my view that we are encouraging an enormous misallocation of resources when we have judges devoting so much time to the control of court calendars.

I see two basic benefits from greater use of para-professionals in our courts. First, we could at last make a dent in court congestion and delays. Second, we could do it relatively inexpensively. Simply creating more judgeships to cope with increased court business is a long, expensive, frustrating, and often inefficient procedure for reducing court congestion. It has been estimated that it costs about $250,000 to make a single federal judge operational, and continuing yearly expenses for salary, staff, and supporting services run to about $200,000 a year. While it may be somewhat fairer to relate increased judgeships to increased trial days, nonetheless, in 1961 when judicial manpower was increased 26% in the federal district courts, civil dispositions showed only a disappointing 13% rise, while criminal dispositions rose but 5%. We do need more judges. But legislatures, sensitive to public displeasure with rising taxes and higher judicial outlays, are going to balk at the millions required to build new courthouses, create more judgeships, and hire the supporting personnel if we attempt to solve all our problems by simply increasing the number of judges. It is like adding more engineers to a railroad still operating with steam instead of diesel engines.

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[1] 397 U.S. 377 (1970).

There was a time when we could perhaps afford the luxury of having full time judges deal with every minute detail of a judicial proceeding; but that moment is gone. We are in a crisis. We have more litigation, the cases are more complex, and the load continues to grow.

THE TRAINED TECHNICIAN

Other professions—medicine and teaching come quickly to mind—have discovered that applying modern management techniques, breaking tasks down into skill levels, and employing para-professionals or technicians whenever possible, can bring real gains in improving services and maximizing professional skills. It has long been recognized that a heart surgeon should not have to take his patient's temperature during surgery. In the judicial context, if I may be permitted a slight heresy, I find it quite possible that a well trained para-professional will cope with calendar control not merely as well, but perhaps better than a judge, highly trained to apply and interpret the law, but not trained to employ flow charts or systems analysis to eliminate bottlenecks.

There have been some hopeful notes which suggest that we may at last be learning from the successful English experience with Queens Bench standing masters. The Federal Magistrates Act of 1968, which authorized U.S. district judges to draw on magistrates to conduct some pretrial hearings, act as special masters, and try minor offenses, is now moving out of the pilot project stage. Also, New York City last month transferred most traffic and parking offenses from judges to trial examiners. These part time officers, drawn from the local bar, will enable criminal court judges to concentrate upon the disputes that truly merit their skills.

More must be done throughout the nation. I submit that increased use of para-professionals to conduct pre-trial hearings, deal with discovery, assist with motions, calendars and other preliminary matters, all subject to review by a judge in appropriate instances, will go far to free the judge to use his legal skills and training in trying more cases and thus clearing the dockets.

I do not want to be thought of as downgrading the importance of these tasks; my thesis is that unless we impose some rational division of labor on the entire judicial process, we will be unable to resolve our difficulties within the resources that are available. Caught between tighter legislative purse strings and the litigation explosion we cannot simply jog along with a system that has not changed substantially in over a century. With organizations such as the IJA and the new Institute for Court Management enjoying the support of our dedicated and perceptive Chief Justice and the organized bar, it is time to stop talking about modern management techniques and to start applying them. I submit that having the power, we have the duty.

LOGJAM IN OUR COURTS

(By Dael Wittner)

New York. If you commit a serious crime, the odds are 200 to 1 that you will never go to prison on that charge.

Washington. The average delay between a felony arrest and trial is 10 months.

Los Angeles. The caseload is growing 10 times faster than the population.

Dallas. A defense attorney says "Delay is my best weapon. Time will beat any case if you have enough of it."

The criminal courts of troubled urban America are failing. Like once-fearsome scarecrows put out to keep away birds of lawlessness, they are tattered by neglect, familiar and even accommodating to professional hoodlums and incorrigible terrorists of society who walk free for months and years, waiting for trials that never come. To the innocent, the poor, the uneducated, to the victims of crime and witnesses to it, and to honest policemen, many big-city courts are already a sham and a broken promise. So strained, so clogged with humanity have they become that substantial justice is only an occasional, almost accidental, product. A system drafted nearly two centuries ago to protect four million people does not work for 200 million. Until it does again, until swift and equal justice is restored, the prospect for law and order in the streets will not improve.

In every major city the symptoms are the same. Crime increases at an average rate of 14% a year, more than doubling every six years. Court backlogs of pending cases, which 10 years ago were measured in weeks, now add up to months and years. Harried judges, prosecutors and public defenders are forced to treat each case like a piece of unimportant manufacture on an endless assembly line. Prosecutions are haphazard. Justice is the subject of bargaining. The possibility of punishment diminishes—and with it, respect for the law.

If the criminal courts are in bad shape in almost every city, the place to see the chaos most clearly is New York, the nation's largest city. There, sheer weight of numbers has bowed the system to the breaking point and criminal justice has already lost its cherished precepts: the protection of society, the presumption of innocence, a speedy trial, a careful search for truth. Human beings are suffering—tens of thousands of them. But the true extent on New York's breakdown is seen in a dreadful array of facts:

Felonies—such as murder, armed robbery, aggravated assult, rape and burglary—increased more than threefold during the 1960s while New York City's population remained almost constant. In the same period the regular inmate population of state prisons, where convicted felons must serve their sentences, *fell* from almost 20,000 to about 14,000.

The city's police force has grown steadily to more than 32,000 men, by far the largest in the nation. Yet the odds *in favor* of a criminal escaping arrest for a felony remain about four to one. For those arrested, the chances of avoiding punishment have actually increased: barely one in five is ever brought to court on a felony indictment. The rest are released for lack of evidence or prosecuted for less serious misdemeanors, for which the average sentence is less than four months in a city prison.

For the one criminal in 20 unlucky enough to be indicted, there is still a 10-to-one chance that the charges will be reduced before trial, especially if he is willing to plead guilty.

Thus the appalling arithmetic is that in New York City if you commit a felony, the chances of being arrested, indicted, found guilty on the original charge and then going to prison are a great deal less than one in 200.

In the year ending June 30, 1969, while felony arrests were increasing to a yearly rate of 75,000, only 608 felony trials were completed. For misdemeanors and violations, the figures were almost as bad: 18,000 sentenced to jail out of 450,000 cases.

The Criminal Court began 1969 with a backlog estimated at more than half a million cases. During the year, 20 new judges were added to alleviate congestion. Yet by the start of 1970, the backlog had risen to almost 700,000 cases and was increasing each month. For every three cases brought to court, only two are disposed of. At the current rate it would take two and a half years to clear the calendars, assuming no new arrests were made.

Each backlog case represents at least one criminal suspect for whom the court has not had time to reach a verdict. For reasons more often practical than humane, 99% of those defendants are free on bail or pretrial people.

New York City jails have a planned capacity of under 8,000. Yet last week the census of those squalid pens was over 14,000. More than 8,000 of these prisoners had not been convicted of anything at all but were simply awaiting court appearances. A recent sample showed that more than a quarter of these pretrial inmates had been behind bars for more than three months; nearly a thousand had been there for more than six months, and 143 for more than a year. Among them were 546 awaiting trial for murder.

Many defendants, after long detention, hear the charges against them dropped for lack of evidence. Others finally plead guilty and are freed, their sentence being the time they have already served. Thus for many, not only has the presumption of innocence disappeared from the courts, but the sentence is served before the case is even judged.

The criminal justice system is hinged on the theory of a speedy trial. It is from the court's hopeless inability to compel prompt trials, but every other failure of the city's system has followed. Ironically, it is only to the innocent that the Sixth Amendment's promise of a speedy trial means anything. To the guilty, delay is the most effective ally, the surest obstruction to the judgment they fear.

A prosecution is a fragile thing. A case that is strong a month after the arrest may be no case at all by the time it is finally called for trial. Evidence grows stale or is lost. Witnesses die or simply disappear. The memories of police officers and witnesses fade, often just enough to raise the reasonable doubt that requires a jury to acquit rather than convict.

THE PROSECUTOR: TOO MANY CASES, TOO LITTLE TIME

An assistant district attorney, inheriting a case weakened by long delay, must weigh the chances of conviction. When they favor the defendant, he either dismisses the charge altogether to save the state the expense of a futile trial, or he tries to strike a bargain in which the severity of the charge is reduced in return for a plea of guilty. In legal jargon this practice is known as "plea bargaining." It has become such a flagrant part of New York City justice that another metaphor has evolved: "giving the courthouse away." Yet it is the only way, under the current system, that the courts keep moving at all. Thus it has many defenders, including the Chief Justice of the United States (page 26).

With the calendars of many courts regularly listing 70 or 80 cases a day, the average judge is buried under tons of paperwork. He no longer has enough time for listening to testimony and for deciding guilt or innocence. Instead, judges have been relegated by the system to the function of clerks. They are paid $30,000 a year, privileged to wear judicial robes and occupy elevated seats under the words "In God We Trust." But for most of them, a court day consists of overseeing a roll call of cases, adjourning most of them to new dates in other court sections, waiting for defendants, attorneys and witnesses to appear, and occasionally rubber-stamping a bartered guilty plea and sentencing the defendant.

Much of the power once held by the judge has fallen to the prosecutor. Frank Silverstein, 29, graduated from Brooklyn Law School only a year ago. Now, at a salary of $11,000, he is a criminal court assistant to the Bronx District Attorney. To the hundreds of people who each day cross the obscenely scribbed threshold of the Bronx Criminal Courthouse, young Frank Silverstein is the fulcrum of justice; he is the law.

Through his hands—and those of 14 other young lawyers like him—passes virtually every criminal prosecution in a county of 1.5 million people. With each case come human problems that must be answered immediately. A detective who has made an arrest presses Silverstein to decide whether the suspect should be charged with a felony or a misdemeanor. The exasperated victim of an assault and robbery, her testimony still not taken after half a dozen futile, all-day trips to court, wants to drop the charges. Silverstein tries to dissuade her. A youth charged with a penitentiary offense of burglary hopes the prosecutor will accept a guilty plea to petty larceny, a misdemeanor. A woman claims to have been raped and the suspect swears it never happened; Silverstein must decide whether or not there is enough evidence to prosecute the man.

Most of a prosecutor's decisions are made in hurried, whispered conferences with defense attorneys, after only a few seconds of flipping through case papers and police reports. Yet his are the judgments that will alter the lives not only of the defendants but of their families, of the victims, policemen and witnesses.

"The power of this job is incredible," says Silverstein. "It's more than any one man should have. Do you know what it's like to face a defendant in court and know that if he is convicted, or even if he is held in jail for trial because he can't make bail, he is going to lose his job and his family will have to go on welfare? It wouldn't be so bad if you had all day to study the facts. But there you are in court with maybe 30 cases yet to go, and the judge wants to get on to the next one. You have to say something and say it fast."

Of his negotiating power, Silverstein rationalizes that in a case weakened by delay "it's better that a guilty defendant be convicted of *something* without a trial than turned loose by a jury because the evidence has become too weak to get a conviction. Even when you drop charges entirely, you figure that at least you've disposed of a case." And disposition of cases, far more than careful justice, has become the bench mark by which the city's criminal courts are measured.

"In the year I've been here, I've learned to be pretty practical about this business," says Silverstein. "Now I know how the system functions and, even if it is screwed up, as long as I have this job I've got to try to make it work for those people out there." A hitch of his thumb takes in the entire Bronx. "When I get a case, I try to look at it objectively, to figure out what the eventual disposition would be considering all the delays and everything else".

"If I get a burglary, for example, that I think would have to be disposed of as a misdemeanor after a string of adjournments, I figure it's better to get it out of the way at the first or second appearance than have it kicked from one judge to another for maybe a year. So if I've had time to look at the case at all, at the first appearance I'll try to get a discussion going with the defense lawyer—please, don't call it 'giving the courthouse away.' "

NOT "IS HE GUILTY?" BUT "CAN WE MAKE A DEAL?"

The Criminal Court of the City of New York is actually a complex system of 96 judges and six courthouses. Each weekday morning a human tide of some 15,000 persons flows into these courthouses, up foul-smelling staircases to crowded and sunless courtrooms.

From the city jails come the prisoners, shackled one to another, to be sorted, prodded and locked into holding pens. There they wait, as many as 40 of them stuffed into a space 12 feet by 20.

Each morning, too, come the victims of crime, often still wearing dark-stained hospital dressings over their wounds. The witnesses arrive, deprived of their day by a subpoena. So, too, come hundreds of policemen and detectives diverted from their precinct duties, or their days off, to testify.

For most of these people the day will be wasted. It will end without any substantial action on their cases beyond postponement to a new date when they will be told to come back again and wait, with no better chance that anything meaningful will happen the next time.

For judges, prosecutors and Legal Aid defenders, cases appear and disappear in the court system like pop-up ducks in a shooting gallery. The Criminal Court is fractured into "parts"—special-purpose sections to which cases are routed depending on the type and seriousness of the charge and the stage of prosecution. At each appearance a case may come up in a different courtroom, before a different judge, with a new prosecutor and public defender, none of whom has ever seen the case before.

Along with the presumption of guilt, which has replaced the presumption of innocence in New York City courts, goes the presumption that a defendant is entitled to bargain. Every day there are cases in which the first conversation between a defendant and his lawyer is not over the facts of the case but over what kind of deal can be made.

In a Manhattan courtroom recently a young man charged with burglary was offered the opportunity of pleading guilty to the less serious charge of possession of stolen property. His Legal Aid lawyer was all smiles as he turned away from a huddle with the prosecutor to tell the defendant what he assumed would be good news. "But," the defendant blurted, "I didn't do it!"

Time after time cases are postponed when all but one of those necessary to proceed are present. The Criminal Court is powerless to compel the attendance of anyone. A subpoena is backed up by a contempt citation only if it is served by hand. Yet, for lack of personnel, most subpoenas are delivered by mail and legally amount to little more than invitations that can be ignored with impunity.

Even a defendant can avoid prosecution merely by not coming to court. The judge may issue a warrant for his arrest, but hundreds of such bench warrants are issued every day. It is impossible for the handful of policemen assigned to court warrant squads to track down even one tenth of the missing defendants, a fact well known to criminals familiar with the courts.

When the defendant fails to respond to a mailed or telephoned "reminder," the case is often merely filed away, to be revived if he is arrested in another case, but otherwise forgotten.

Turning the delay, confusion and overcrowding of the courts to the advantage of their clients is the business of private defense lawyers. Each year their job becomes easier. Even the least competent of them can easily arrange one case-weakening postponement after another, hoodwinking a different judge with excuses for delay each time a case is called.

A defense attorney recalled, not in the least apologetically, his tactics in one such case:

"I had a client accused of attempted murder. He shot another man several times and the victim nearly died. Over several months I managed to get the case adjourned eight or nine times. Each time the victim and the police officers were in court, but at each appearance I got a new judge and told him I needed more time to prepare. Finally the victim just got fed up, I guess, because he stopped coming to court, and then it was the district attorney who had to ask for adjournments. After the victim failed to show up three times, the charge was finally dismissed."

For all the weeks, months or even years of waiting that may be involved in a single case, the actual trial of a misdemeanor or the preliminary hearing of a felony charge in Criminal Court rarely lasts more than 30 minutes. If all 96 judges could be kept busy eight hours a day listening to testimony, ruling on legal motions and determining guilt or innocence, each could probably dispose of 10 to 20 cases a day, based on a full hearing of the facts. An average of just 15 cases per day per judge would mean the disposition of 1,440 cases—210 more than the court take in on an average day. That could be called progress. But that will not even begin to be possible until the courts' fragmented structure is completely replaced by all-purpose court sections in which cases are assigned to a single judge, a single prosecutor and a single Legal Aid lawyer, all of whom recognize that they are responsible for the case's ultimate disposition. The idea is now being introduced gradually in New York. But as yet it forms too small a part of the total system to have much of an impact. For the rest of the city's court system, and for too many other American cities, relief from chaos is still a long way off.

THE VIEWS OF THE CHIEF JUSTICE

Many people, though not all, will be deterred from serious crimes if they believe that justice is swift and sure. Today no one thinks that it is. If there is a general impression that the administration of justice is not working, one important result is that the deterrent effect of law and punishment is impaired or lost. If people generally—the law-abiding and the lawless alike—think the law is ineffective, two serious consequences occur: decent people experience a suppressed rage, frustration and bitterness, and the others feel they can "get by" with anything.

But if our society comes to the conclusion, as it watches our system of justice work, that we have built up a process that is inadequate or archaic, too cumbersome or complex, or if society feels that we have extended certain of our basic principles too far, there is a remedy.

The people have the right and the ultimate power to change the system. Neither the laws nor the Constitution are too sacred to change and the decisions of judges are not holy writ. The Constitution and the law are tools to serve us, not masters to enslave us. We should not hesitate to make basic changes or discard mechanisms which do not work to the benefit of society.

Do we need to enlarge the court system?

While case loads continue to increase, there is no immediate solution other than to provide more judges and all that goes with them: more courtrooms, courthouses, court reporters and staffs. The legal profession must support legislative programs to this end.

Would it help to "decriminalize" certain minor penal offenses, such as vagrancy, drunkenness, prostitution and gambling?

So long as we insist on full due process in meting out criminal penalties, no workable solution is in sight for handling these so-called "minor crimes." Other civilized societies, especially in northern Europe, deal with this category of crime to a large extent administratively. In England, 95% of all criminal cases are disposed of by justices of the peace.

To take these problems out of our conventional judicial process calls for some basic rethinking—as many legal scholars, judges and lawyers have advocated. But the trend, for better or for worse, is the other way. Supreme Court holdings are gradually converting juvenile courts, for example, into full-blown criminal courts. What the juvenile courts need is not more but fewer trappings of legal procedure and judicial formalism. The system requires breathing room and flexibility in order to survive. On the present course the juvenile system is doomed.

How can the courts be streamlined to make the judge's work day more effective and reduce the confusion and wasted time in court?

The most significant step toward modernization of court administration in the past 30 years was the creation this year by the American Bar Association, with a Ford Foundation grant, of the Institute for Court Management. This Institute, which opened this summer near Aspen, Colorado, is the country's first school for court administrators. It will graduate its first class of 32 court executives in December following six months of extensive training.

Is the elaboration of defendants' rights, as spelled out in landmark Supreme Court decisions of recent years, a factor contributing to the logjam in the courts?

There are many factors and unfortunately this is one. Our whole history as a nation reflects a fear of the power of government and a proper concern for individual liberty. These feelings have led us to place many protections around persons accused of crime. And this has resulted in a system in which it is often very difficult to convict even those who are plainly guilty.

Government exists chiefly to foster the rights and interests of its citizens—to protect their homes and property, their persons and their lives. If a government fails in this basic duty, it is not redeemed by providing even the most perfect system for the protection of the rights of defendants in the criminal courts.

Sometimes two basically good developments in the law combine to produce a result never intended and wholly lacking in social utility. We can now see that two "good" things—bail reform and free defense—interact to discourage a guilty plea because the jailhouse grapevine tells the accused that the thing to do is enter a not guilty plea, to demand release without bond and then to use every possible device to delay the moment of truth, the trial day.

This may mean up to two years' freedom during which witnesses might die, or move, or forget details, while the case drags on and consumes untold time of judges, lawyers and court staffs.

How severely has the growth of plea bargaining compromised justice?

In general, it has not. Plea bargaining is a misunderstood concept. It has been given invidious connotations which range from misleading to false. The American Bar Association Committee of the Criminal Justice Project has cleared the air by promulgating standards for plea discussions. Plea discussions leading to disposition of cases are indispensable to any rational administration of criminal justice.

Is the adversary system of criminal justice abused?

We have glorified and idealized the adversary system with its clash of advocates. But the system as a whole is inefficient and wasteful. Dean Roscoe Pound of Harvard, one of our great legal scholars, as long ago as 1906 viewed the excesses of the adversary system as one of the genuine impediments to a rational administration of justice.

We lawyers and judges sometimes tend to fall in love with techniques and formalism. But as war is too important to be left to generals, so justice is far too important to be left exclusively to the technicians of the law.

When we look at the administration of justice in such enlightened countries as Holland, Denmark, Norway and Sweden, we find some interesting contrasts to the U.S. They have not found is necessary to establish a system which makes a criminal trial so complex or drawn-out as it is in this country. They do not employ our system of 12 jurors. Generally their trials are before three professional judges. They do not consider it necessary to use a device like our Fifth Amendment under which an accused person may not be required to testify. They go swiftly and directly to the question of whether the accused is guilty.

But the swift determination of guilt in northern Europe is followed by a humane and compassionate treatment of the offender. Our system is open to the criticism that it has too much contention and too little concern for the accused once he is found guilty.

In part the terrible price we pay in crime is because we tend, once the drama of the trial is over, to regard all criminals as human rubbish. It would make more sense, from a coldly logical viewpoint, to put all this "rubbish" into a vast incinerator instead of storing it in warehouses for a time only to have most of the subjects come out of prison and return to their old ways.

The experience of other countries suggests two things: that swift determination of guilt and the comprehensive study of each human being involved, including extensive rehabilitation, education and training, may be the way. This, and programs to identify young offenders at a stage early enough to change them, offer the best hope anyone has suggested.

REMARKS OF WARREN E. BURGER, AMERICAN BAR ASSOCIATION, ST. LOUIS, MISSOURI—AUGUST 10, 1970

When President Segal and the Board of Governors of this Association invited me to discuss the problems of the federal courts with you, as leaders of the legal profession, my mind turned at once to one of the great statements on the problems of the administration of justice. That was Dean Roscoe Pound's famous speech to this Association at your meeting 64 years ago. He said then that the work of the courts in the 20th Century could not be carried on with the methods and machinery of the 19th Century. If you will read Pound's speech, you will see at once that we did not heed his warning, and today, in the final third of this century, we are still trying to operate the courts with fundamentally the same basic methods, procedures and machinery he [Pound] said were not good enough in 1906. In the supermarket age we are like a merchant trying to operate a cracker barrel corner grocery store with the methods and equipment of 1900.

I would not be warranted in coming here today if I spent our very limited time reminding you what is good about our courts, or about the splendid and dedicated judges and others, most of whom are overworked to make the system function. I wish the public could know what you have accomplished first, in the support of public defender programs and now more recently in providing free legal services for people long unrepresented in civil matters. My responsibility today, however, is to say to you frankly—even bluntly—what I think is wrong with our judicial machinery and what can and must be done to correct it in order to make the system of justice fulfill its high purpose.

The changes and improvements we need are long overdue. They will call for a very great effort and they may cost money; but if there are to be higher costs they will still be a small fraction, for example, of the 200 million cost of a C–5A airplane. The entire cost of the Federal Judicial System is 128 million dollars. Military aircraft are obviously essential in this uncertain world, but surely adequate support for the Judicial Branch is also important.

Wall Street experts recently estimated that American citizens and businesses spend more than 2 billion dollars a year on private security and crime control. Aside from the ominous implications of this in a free society, just think what 2 billion dollars could do for public programs to prevent crime and enforce law. That is where such support belongs.

More money and more judges alone is not the real solution. Some of what is wrong is due to the failure to apply the techniques of modern business to the administration or management of the purely mechanical operation of the courts—of modern record keeping, systems planning for handling the movement of cases. Some is also due to antiquated, rigid procedures which not only permit delay but often encourage it.

I am confident that if additional costs arise in the process of making needed changes and improvements in the management of the judicial system, Congress will support the Courts. But judges must demonstrate the needs clearly. Congress is harassed with demands for more appropriations for more and more new programs, each of which is labeled a high priority. We must first show that we are making the best possible use of what we already have and it is here that improved methods and skilled management techniques will count. These will cost relatively little in relation to the whole budget.

You know that in this brief report I can do no more than touch highlights and more detailed treatment of these problems must follow. I hope we can provoke debate—and even controversy—to explore and test what I have to say. With increasing urgency every one of my distinguished predecessors from Chief Justices Taft and Hughes to Chief Justice Earl Warren have pressed these matters, but today I place this burden squarely on you, the leaders of the legal profession, in common with all judges. If the 144,000 lawyers you represent in 1,700 state and local bar associations will act promptly, you will prevent a grave deterioration in the work of the federal courts. And you should remember Justice Vanderbilt's warning that these tasks are "not for the shortwinded."

In the federal courts today the problem areas are essentially in large cities. Here we find in the judicial system no more than a reflection of the complexities created by the population shift to large urban centers. The problems exist where the action is.

In Maine, for example, there is only one federal District Judge and literally not enough for him to do. As a result he has, for 15 years or more, accepted assignments to go to courts all over the country where help was desperately needed. Many judges in the less busy districts have done the same. It is in the large centers that both civil and criminal cases are unreasonably delayed and it is there the weaknesses of our judicial machinery show up.

How did this situation come about in the face of numerous additional judgeships added by Congress in the past 30 years?

When we look back, we can see three key factors that are important to our discussion:

First the legal profession—lawyers and judges and Congress, with few exceptions—did not act on Dean Pound's warnings to bring methods, machinery and personnel up to date.

Second, all the problems he warned about have become far more serious by the increase in population from 76 million in 1900 to 205 million in 1970, and with it came the growth of great cities and the increase in the volume of cases.

Third, entirely new kinds of cases have been added because of new laws passed by Congress and decisions of the courts.

In this 20th Century, wars, social upheaval, and the inventiveness of Man have complicated individual lives and society. The automobile, for example, did more than change the courting habits of American youth—it paved the continent with concrete and black top; it created the most mobile society on earth with all its dislocations; it led people from rural areas to crowd the unprepared cities. That same automobile which altered our society also maimed and killed more persons than all the wars combined and brought into the courts thousands of injury and death cases which did not exist in 1900. Today automobile cases are the largest single category of civil cases in the courts.

All this ferment of wars, of increased movement of people, congestion in the cities, and social changes produced dislocations and unrest that contributed to an enormous increase in the rate of crime.

In a free society such as ours these social and economic upheavals tend to wind up on the doorsteps of the courts. Some of this is because of new laws and decisions and some because of a tendency that is unique to America to look to the courts to solve all problems. From time to time Congress adds more judges but the total judicial organization never quite keeps up with the caseload. Two recent statutes alone added thousands of cases relating to commitment of narcotics addicts and the mentally ill. These additions came when civil rights cases, voting cases and prisoner petitions were expanding by the thousands.

Meanwhile criminal cases, once a stable figure in the federal courts, were increasing. The records show that in all federal district courts it now takes twice as long as it did 10 years ago to dispose of criminal cases from indictment to sentence.

To illustrate the changes, consider just a few figures: From 1940 to 1970:

—Personal injury cases multiplied 5 times;

—Petitions from state prisoners seeking federal habeas corpus relief increased from 89 to over 12,000;

—And during this period Congress increased the number of judges by 70% while the total number of cases filed in the federal district courts nearly doubled.

But the increase in volume of cases is not by any means the whole story. Experienced trial judges note that the actual trial of a criminal cases now takes twice as long as it did 10 years ago because of the closer scrutiny we now demand as to such things as confessions, identification witnesses, and evidence seized by the police, before depriving any person of his freedom. These changes represent a deliberate commitment—some by judicial decision, and some by legislation—to values higher than pure efficiency when we are dealing with human liberty.

The impact of all the new factors—and they are many and complex—has been felt in both states and federal courts. A few illustrations as to federal courts may help.

The Criminal Justice Act of 1964 guaranteed a lawyer for criminal defendants—at public expense for the indigent—and along with it appeals at public expense. The Bail Reform Act of 1966 authorized liberal release before trial without the conventional bail bond. Each of these Acts was an improvement on the existing system, but we can now see what was produced by their interaction in a period when crime was increasing at a startling rate. The impact was most noticeable in Washington, D.C., where federal courts handle all felony cases. Defendants, whether guilty or innocent, are human: they love freedom and hate punishment. With a lawyer provided to secure release without the need for a conventional bail bond, most persons indicted (except in capital cases) are released pending trial. We should not be surprised that a defendant on bail exerts a heavy pressure on his court appointed lawyer to postpone the trial as long as possible so as to remain free. These postponements—and sometimes there are a dozen or more—consume the time of judges and court staffs as well as of lawyers. Cases are calendared and reset time after time while witnesses and jurors spend endless hours just waiting.

If trials were promptly held and swiftly completed, and if appeals were heard without delay, this would be less a problem, and debates over preventive detention would probably subside. But these two Acts of Congress came in a period when other forces including decisions of the courts were making trials longer, appeals more frequent and retrials commonplace. We should not be surprised at delay when more and more defendants demand their undoubted Constitutional right to trial by jury because we have provided them with lawyers and other needs at public expense, nor should we be surprised that most convicted persons seek a new trial when the appeal costs them nothing and when failure to take the appeal will cost them freedom. Being human a defendant plays out the line which society has cast him. Lawyers are competitive animals and the American system encourages contention and often rewards delay; no lawyer wants to be called upon to defend the client's charge of incompetence for having failed to exploit all the procedural techniques which we have deliberately made available. Yet the best defense lawyers know that the defendant's best interests may be served in many cases by disposing of the case on a guilty plea without trial.

A new category of case was added when it was decided that claims of state prisoners testing the validity of a state conviction were to be measured by federal constitutional standards. As a result federal district courts were obliged to review over 12,000 state prisoner petitions last year, as compared with 89 in 1940.

There is a solution for the large mass of state prisoner cases in federal courts—12,000 in the current year. If the states will develop adequate post conviction procedures for their own state prisoners, this problem will largely disappear, and eliminate a major source of tension and irritation in State-Federal relations.

But there is another factor. It is an elementary fact, historically and statistically, that the system of courts—the number of judges, prosecutors, and of courtrooms—has been based on the premise that approximately 90% of all defendants will plead guilty leaving only 10%, more or less, to be tried. But that premise may no longer be a reliable yardstick of our needs. Changes in the laws that are part of what we lawyers call the "revolution in criminal justice," which began as far back as the 1930's, have brought this about. Anyone who questions these changes must recognize that until recently criminal law was the neglected stepchild of the Law. The consequence of what might seem on its face a small percentage change in the rate of guilty pleas can be tremendous. A reduction from 90% to 80% in guilty pleas requires the assignment of twice the judicial manpower and facilities—judges, court reporters, bailiffs, clerks, jurors and courtrooms. A reduction to 70% trebles this demand.

This was graphically illustrated in Washington, D.C., where the guilty plea rate dropped to 65%. In 1940 3 or 4 judges were able to handle all serious criminal cases. By 1968 12 judges out of 15 in active service were assigned to the criminal calendar and could barely keep up. Fortunately few other federal districts experienced such a drastic change, but to have this occur in the national Capital, which ought to be a model, was little short of disaster.

There is a widespread public complaint reflected in the news media, in editorials and letters to the editor, that the present system of criminal justice does not deter criminal conduct. That is correct, so far as the crimes which trouble most Americans today. Whatever deterrent effect may have existed in the past has now virtually vanished as to such crimes.

If ever the law is to have genuine deterrent effect on the criminal conduct giving us immediate concern, we must make some drastic changes. The most simple and most obvious remedy is to give the courts the manpower and tools—including the prosecutors and defense lawyers—to try criminal cases within 60 days after indictment and let us see what happens. I predict it would sharply reduce the crime rate.

Efficiency must never be the controlling test of criminal justice but the work of the courts can be efficient without jeopardizing basic safeguards. Indeed the delays in trials are often one of the gravest threats to individual rights. Both the accused and the public are entitled to a prompt trial.

The addition of 61 new federal district judgeships by Congress within recent weeks is the result of efforts which began 5 years ago. Since it takes time to fill these important positions and new judges do not reach peak efficiency at once, their full impact will not be felt for a long time. We see therefore that the additional judges, needed in 1965, were not authorized until 1970. We cannot solve our problems by meeting needs 5 or more years after they arise. The time to plan for 1975 and 1980 needs is now, and I hope this can be accomplished, not simply by adding more judges, but by the more efficient use of judicial manpower and greater productivity through improved methods, machinery, management and trained administrative personnel.

Meanwhile, not a week passes without speeches in Congress and elsewhere and editorials demanding new laws—to control pollution, for example, and new laws allowing class actions by consumers to protect the public from greedy and unscrupulous producers and sellers. No one can quarrel with the needs, nor can we forget that large numbers of people have been without the protection which only lawyers and courts can give.

The difficulty lies in our tendency to meet new and legitimate demands with new laws which are passed without adequate consideration of the consequences in terms of caseloads. This is dramatically illustrated in the current budget of the Office of Economic Opportunity. Congress has granted that program 58 million dollars for legal services. That 58 million is a sound commitment to an underprotected segment of our people whose rights have suffered because they could not afford a lawyer. Few things rankle in the human breast like a sense of injustice. Whether the problem is large or small in the abstract it is very large to the person afflicted. We should applaud Congress for taking that step. But cases cannot always be settled by lawyers and the burden thus falls on the courts. This allowance for Office of Equal Opportunity legal services is almost half of what is allowed for the operation of all the courts in the federal system. Here again we have an example of a sound program developed without adequate planning for its impact on the courts.

What this all adds up to is that for at least 50 years the federal court system has experienced the combination of steadily increasing burdens while suffering deferred maintenance of the total judicial machinery—and added to that, much of the machinery has long been obsolete. The foresight of Congress in creating the Federal Judicial Center for research and study of court problems 2 years ago is one of the few bright spots in the past 30 years.

Now we must make a choice of priorities. When we want to dance we must provide the musicians and the public may well be called upon to pay something more for the federal judicial system to increase its productivity. But neither costs nor the number of judges can be held down if the caseload is steadily enlarged.

To prepare for this report to you, I asked every federal judge for suggestions. The hundreds of replies reflected a note of frustration and even anguish at the daily management and administrative burdens that drained time and energy from their primary duty to dispose of cases. That was the common denominator and the common complaint. Federal judges are today in somewhat the position of members of Congress a generation ago, before the Reorganization Act which gave adequate staffs to the Members and to the important committee work of the Congress.

The business of litigation is highly complex. To assemble all the necessary individuals is not as simple as TV shows depict. It actually involves the very difficult task of bringing together a judge, 25 or more prospective jurors, lawyers, witnesses, court reporters, bailiffs and others, at the same place at the same time without lost motion. The absence or tardiness of a single person will delay the entire process and waste untold time. Countless citizens serving as jurors have been irritated with the inefficiencies of the courts because they find themselves watching TV in the Jurors' Lounge rather than hearing cases in court.

Modern court management calls for careful planning, and definite systems and organization with supervision by trained administrator-managers. We have at least 58 Astronauts capable of flying to the moon, but not that many authentic court administrators to serve all the courts in the state and federal systems. The federal courts need immediately a court executive or administrator for each of the 11 circuits and for every busy federal trial court with more than 6 or 7 judges. We need them to serve as the "traffic managers", in a sense as hospitals have used administrators for 40 years to relieve doctors and nurses of management duties. We are almost half a century behind the medical profession in this respect.

In basic principles, it is indeed essential that we maintain our links with the past and build carefully on those foundations because they are a result of thousands of years of human experience and the evolution of the law. There is great value in stability, predictability and continuity. But the procedures of the law ought to respond more swiftly—as hospitals and doctors, farmers and food distributors have changed their methods. Yet the major procedural change of this Century was the development of the Federal Rules of Civil Procedure a generation ago. Except for those Rules, Thomas Jefferson of Virginia, Alexander Hamilton of New York and John Adams of Massachusetts would need only a quick briefing on modern pleading and the pre-trial procedures in order to step into a federal court today and do very well indeed. We see, therefore, that the judicial processes for resolving cases and controversies have remained essentially static for 200 years. This is not necessarily bad, but when courts are not able to keep up with their work it suggests the need for a hard new look at our procedures.

If the picture I have been painting seems melancholy, I must in fairness touch on a few brighter sides—but sadly there are only a few.

In recent years the ferment stimulated by Roscoe Pound, Vanderbilt of New Jersey, Parker of North Carolina—to name only three now gone—has brought on widespread growth of Judicial Seminars, Institutes and Study Centers that have contributed much. We owe a great debt to my colleague, Justice Tom Clark, who has worked tirelessly on improvements in state and federal courts.

Perhaps one of the most significant developments in a generation is the creation this year—under the leadership of this Association—of the Institute for Court Management at the University of Denver. Here for the first time is a place where court administrators can be trained just as hospital administrators have long been trained in schools of business administration.

Sadly even these bright spots emphasize how painfully slow we are to supply what courts need. The price we are now paying and will pay is partly because judges have been too timid and the bar has been too apathetic to make clear to the public and the Congress the needs of the courts. Apathy, more than opposition, has been the enemy, but I believe the days of apathy are past.

As to the future I can do no more than emphasize that the federal court system is for a limited purpose and lawyers, the Congress and the public must examine carefully each demand they make on that system. People speak glibly of putting all the problems of pollution, of crowded cities, of consumer class actions and others in the federal courts. We should look more to state courts familiar with local conditions and local problems.

Let me list some major steps for the future—steps to begin at once:

1. The friction in relations between state and federal courts presents serious problems in both the review of state prisoner petitions and other cases. I strongly urge that in each state there be created a State-Federal Judicial Council to maintain continuing communication on all joint problems. Such a body could properly include a member of the highest state court, the chief judges of the larger state trial courts and the chief judges of the federal district courts. In some states such bodies have already been created on an informal basis.

2. State and federal judges should continue their cooperation with the appropriate Committees of the American Bar Association to establish standards of conduct of lawyers and judges that will uphold public confidence in the integrity of the system we serve.

3. We should urgently consider a recommendation to Congress to create a Judiciary Council consisting of perhaps 6 members, one-third appointed by each of the three branches of government, to act as a coordinating body whose function it would be to report to the Congress, the President and the Judicial Conference on a wide range of matters affecting the judicial branch. This Council could (a) report to Congress the impact of proposed legislation likely to enlarge federal jurisdiction; (b) analyze and report to Congress on studies made by the Judicial Conference and the Federal Judicial Center as to increase or decrease in case loads of particular federal districts; (c) study existing jurisdiction of federal courts with special attention to proper allocation of judicial functions as between state and federal courts; (d) develop and submit to Congress a proposal for creating temporary judgeships to meet urgent needs as they arise. (Some state legislatures authorize such appointments based on a formula of population and caseloads in order to adjust promptly to population changes in rapidly developing areas.); (e) study whether there is a present need for three-judge District (trial) Courts and whether there is a present need for federal courts to try automobile collision cases simply because of the coincidence that one driver, for example, lives in Kansas City, Kansas, and the other in Kansas City, Missouri.

4. The entire structure of the administration of bankruptcy and receivership matters should be studied to evaluate whether they could be more efficiently administered in some way. (Pending studies on this problem should be pressed to conclusion.)

5. Over the years various statutes and decisions of courts have altered many aspects of criminal procedure. Meanwhile some of the states have experimented with innovations and have developed new procedures to improve justice. Since Congress is now considering an entirely new federal criminal code we should soon undertake a comprehensive re-examination of the structure of criminal procedure to establish adequate guidelines reflecting adjustment both to the new code and judicial holdings.

6. The system of criminal justice must be viewed as a process embracing every phase from crime prevention through the correctional system. We can no longer limit our responsibility to providing defense services for the judicial process, yet continue to be miserly with the needs of correctional institutions and probation and parole services.

7. The whole process of appeals must be re-examined. It is cumbersome and costly and it encourages delay. Some courts, notably the overworked 5th Circuit, have developed procedures to screen out frivolous appeals. Finality at some point is indispensable to any rational—and workable—judicial system.

8. We made a wise choice in guaranteeing a lawyer in every serious criminal case but we must now make certain that lawyers are adequately trained so that the representation is on a high professional basis. It is *professional* representation we promise to give—nothing more—and within accepted standards of conduct. This Association has now provided lawyers for the first time with comprehensive and authoritative standards and it is now up to the courts and the Bar to make sure they are followed.

I have necessarily left some subjects untouched and others undeveloped but I hope I have imparted a sense of urgency on the problems and needs of the courts. I hope also I have made my point that it is not simply a matter of more judges but primarily better management, better methods and trained administrative personnel.

A sense of confidence in the courts is essential to maintain the fabric of ordered liberty for a free people. Three things could destroy that confidence and do incalculable damage to society.

One is that people come to believe that inefficiency and delay will drain even a just judgment of its value.

One is that people who have long been exploited come to believe that courts cannot vindicate their legal rights from fraud and over-reaching in the smaller transactions of daily life.

One is that people come to believe that the Law—in the larger sense—cannot fulfill its primary function to protect them and their families in their homes and on the public streets.

I have great confidence in our basic system and its foundations, in the dedicated judges and others in the judicial system, and in the lawyers of America. Continuity with change is the genius of the American system and both are essential to fulfill the promise of equal justice under law.

I ask your help to see to it that this is done.

[From Look Magazine, Mar. 23, 1971]

JAM-UP—CRISIS IN OUR CRIMINAL COURTS

(By Jack Star)

Chicago's dreary gray-stone Cook County Criminal Court Building at 26th and California, a vestige of the Al Capone era, has changed little—on the outside—in the 29 years since I was a newspaper reporter there. But on the inside, I can quickly detect the strain our courts are under. Tough-looking deputies frisk me for weapons as I enter, while lady deputy sheriffs with high-piled hairdos peer into the purses of women visitors and run their hands over midis. A smuggled gun was used last October by a convicted murderer in a fatal (for him) shootout with police. Leather-jacketed policemen now patrol the courtrooms.

The men and women in the halls look different too. They are mostly black, and the sour smell of trouble hangs over them. "Once we had high-class burglars here—now they're just poor slobs," claims a prosecutor from the old days, presently a judge. The sheer numbers are staggering. "We're working on a treadmill here, we're not changing anything," says Assistant State's Attorney William E. Oplatka, a man I remember from the 1940's. "We have twice as much crime nowadays and just about the same number of people to handle it. We need twice as many courts and twice as many prosecutors."

You wonder if the system isn't foundering. Chief Justice Warren E. Burger of the U.S. Supreme Court has warned the American Bar Association: "If ever the law is to have genuine deterrent effect . . . we must make some drastic changes. The most simple and most obvious remedy is to give the courts the manpower and tools—including the prosecutors and defense lawyers—to try criminal cases within 60 days after indictment and let us see what happens. I predict it would sharply reduce the crime rate. . . . Delays in trials are often one of the gravest threats to individual rights. Both the accused and the public are entitled to a prompt trial."

In Cook County's overburdened civil courts, it can take over five years to get a hearing on a damage suit. And it can sometimes take several years to dispose of a criminal case. Looking through a single day's call for the Criminal Courts in a year-end issue of Chicago's *Daily Law Bulletin*, you can spot one 1967 case, 11 from 1968, 21 from 1969, and many, many from early 1970—and most of these were destined to be postponed again. A number of judges I talk to have 150 or 160 cases waiting.

One judge shows me a list of 104 prisoners who have been in the grim County Jail for up to two years—and this list is incomplete. The jail, built for 1,198 prisoners, now holds 2,000—and 1,700 of them are awaiting trial! The average stay, while waiting, is said to be six months, but most everybody I talk to has been in there longer.

In a casual tour of the jail, I find a 21-year-old black youth who has been locked up on a murder charge since April, 1968. He is in the "hole," an isolation tier where problem cases are kept. His bed is a thin mattress on the hard concrete; he wears pajama bottoms; he is allowed no visitors or commissary privileges. "I might as well be guilty as suffer like this," he says. Perhaps he *is* guilty, along with the 1,700 others awaiting trial, I reflect, but isn't he *presumed* to be innocent? So are the 1,700 others, locked up for months on end, eating coarse food and, for recreation, watching daytime television.

A judge tells me: "The jail is a breeding place for crime and buggery. The men lie around in complete idleness. There are no rehabilitation programs." Last year, there were seven or eight suicides in the jail. Forced homosexuality is not uncommon. Neither are assaults and robberies.

"Many of the prisoners are in jail simply because they can't afford $250 or $500 for bond," a lawyer says. Illinois law requires a prisoner to put up only ten percent of the total bond, but a cash outlay of $500, to a poor man, might as well be $5,000—he just hasn't got it.

It is a matter of debate whether trial delays hurt or help a defendant. Marshall Patner, general counsel for a group of civic gadflies called Businessmen for the Public Interest, points out: "The public defender who actually tries a case does not make active contact with his client until practically on the eve of the trial—sometimes many months after the arrest. It is virtually impossible at that time to begin to investigate a case. Just try in a ghetto where urban renewal has decimated the geography and the population."

A young assistant state's attroney shudders as he tells me: "A case that's been dragging on since 1968 shakes me up. A narcotics undercover man may have made 200 buys. How can he remember two years later even who the defendant is?" For the man in jail, there are other drawbacks. A report of the President's Commission on Law Enforcement and Administration notes: "A defendant in jail cannot help counsel locate witnesses, persuade them to testify, nor restage his story. . . ."

Presiding Judge Joseph A. Power, a proud red-faced man with carefully arranged silver hair, is an old friend of Mayor Richard J. Daley. He believes that men in jail for long periods are there because of their own volition. He says to me: "They'd just as soon be in the county jail if they're guilty as in the state penitentiary, if there are witnesses ready to confront them. Maybe six months later, there will be no witnesses."

Maybe so. Although Illinois has a progressive law requiring that a prisoner be freed if he isn't brought to trial within 120 days (160 if out on bond), the law doesn't really work. It is suspended if the defense asks for a continuance within that period. I telephone the lawyer of a man who has been in jail for two years on a murder charge. He has had over three dozen court continuances. The defense asked for many of them.

"What would you do?" asks the lawyer. "My client is accused of stabbing his fiancee 23 times, then driving to a police station and confessing on a tape recording. "Speaking generally, he adds: "You realize, of course, that most clients of criminal lawyers are very poor. In order for a lawyer to get paid, he has to string out a case for as long as he can. He tells the judge: 'Your honor, I need a continuance for professional reasons.' Everyone knows what 'professional reasons' means. It means the defendant or his family is trying to raise a little money every week. When you get enough money, you go to trial. If you go to trial before the money is raised, you usually get no fee."

There are other reasons for delay. Procrastination is built into the system. For a judge to assemble a jury, defendant, defense counsel, prosecutors and witnesses at the same time and place often seems an impossible Chinese puzzle. "The absence or tardiness of a single person," as Chief Justice Burger says, "will delay the entire process and waste untold time."

I watch Judge Saul A. Epton struggling manfully to keep his courtroom busy. A lawyer walks into the Judge's chambers to demand an immediate bench trial for his client, who is charged with burglary. The two young prosecutors assigned to the courtroom, who have come in to smoke a cigarette, object vehemently. They say they have eight murder cases coming up next. As a matter of fact, they have another 40 or so murders coming up in the 150 cases waiting for them to prosecute. The lawyer is given a trial date, six weeks later, for his burglary charge. He doesn't look happy, but he's lucky to get the date.

Judge Epton is a peppery but considerate man of 60 who heard over 50,000 cases in ten years in Boys' Court before being assigned to Criminal Court. He hates inactivity. At the moment, he is waiting for the defense lawyer to show up so he can finish selection of a murder-trial jury. "We've got eight jurors picked from yesterday and twelve other prospects waiting to be questioned," complains the Judge. "Now we're sitting around, waiting for the lawyer. He called at 9 a.m. to say he was delayed in police court." The lawyer finally shows up at 10:45 a.m. "I wonder what juries must think," says the Judge, "when they see how much time we waste." That afternoon, when the trial is adjourned, the defense lawyer asks for a resumption the next day at 10:45 a.m. He has another date in police court. "Make it 10:30," the Judge says with resignation.

Conscientious judges are hard put to use the dead hours of the day effectively. "My courtroom is empty after lunch a third of the time," complains a judge who doesn't want his name used. The same judge is critical of inefficiency:

"The presiding judge who assigns the cases will send along a prisoner from his court lockup with a slip of paper to my lockup, but he won't send along the defendant's file. The first I know of the matter is a lawyer interrupting a trial in progress, sashaying up and saying: 'May it please the court, may I approach the bench?' I drop everything to tell him and the prisoner to come back the next day when we get the file. This happens day after day after day."

In one of two courtrooms used for preliminary narcotic hearings, I stand beside a harried young judge. For the third time that morning, he sees the same defendant, a prematurely aged black man accused of possession of a hypodermic syringe, brought before the bench. Twice before, he has had to be sent back to the court lockup because his papers had disappeared. Now, he looks as though he's going to cry as the deputies lead him away once again while the search for his papers continues.

One of the biggest time wasters, according to Judge Epton, is jury selection. "Picking a jury," he says, "takes a minimum of two days, and it can go on for months. In one case I had, it took over two weeks to pick a jury—actually more time than to hear the case. There is too much repetition, too much trying to X-ray every juror. That was all right in the days of Clarence Darrow, but nobody expects a Perry Mason today."

I watch as the Judge impatiently takes over the questioning of some prospective jurors in a murder case: "Do you know anybody who is on the police department?" he asks. The rival lawyers had used a half-dozen questions (like "Where does your wife work?") to get the same answer. "If I do the questioning," another judge tells me, "I can have a jury picked in half a day."

A big time waster, according to Judge Kenneth R. Wendt, is the prosecution of cases that should never have been. "From what I've seen in eight years on the criminal bench," he says, "I think the state's attorney should have dropped one-fifth of his cases. He should know he hasn't got a case. Yesterday, the complaining witness, a gas-station attendant, testified he was robbed by a man who wasn't white. And there sat the defendant, whiter than you are! The complainant testified the robber's car was blue, and then the prosecution showed him a photo of a white car, the defendant's. I threw the case out."

Much time wasting, says Judge Wendt, originates early in a case, when a policeman first makes an arrest. "In Narcotics Court, where I sat for seven and a half years, fully half of the police searches were legally faulty," he recalls with some asperity. "In these cases, I feel sorry for both the defendants and society—neither is getting a fair shake."

Cases like these needlessly strain the legal system, a system that I fear is in for even more straining. The vast majority of accused persons plead guilty in the hope of a lighter sentence—"copping a plea" old-timers call it. Today, this process is dignified with the name of plea bargaining, and safeguards have been installed in many places to monitor it. Last year, the Supreme Court approved of the process. Yet the President's Commission on Law Enforcement and Administration of Justice has expressed its concern:

"Few practices in the system of criminal justice create a greater sense of unease and suspicion than the negotiated pleas of guilty. . . . The offense for which guilt is acknowledged and for which the sentence is imposed often appears almost incidental to keeping the business of the courts moving."

There is no question that the courts couldn't function for a day without plea bargaining. Chief Justice Burger says that as many as 90 percent of all criminal cases are settled with guilty pleas. A decline in this number would inundate the courts. According to the Chief Justice, "A reduction from 90% to 80% in guilty pleas requires the assignment of twice the judicial manpower and facilities—judges, court reporters, bailiffs, clerks, jurors and courtrooms. A reduction to 70% trebles this demand."

Increasingly, there is evidence that defendants' rights are being given away by their lawyers just so the courts can function. Michael E. Tigar, a professor at UCLA Law School, writes: "Judges who would not hesitate to condemn a furniture dealer who preyed on the ignorance of his customers and exploited a superior bargaining position will routinely approve the plea bargain that results from negotiations between the state and an uninformed, powerless defendant."

"We have to be careful," admits Assistant State's Attorney Oplatka, who devotes most of his time to plea bargaining. "Some guys," he tells me, "will plead just to get out of here if their case has been around three to four to five months."

Oplatka spends alternate days in two preliminary courts: one that hears "outdoor" violence; and the other, "indoor" violence. He says: "A defendant gets a better break here than upstairs (the Criminal Courts with juries). Like, we give one to four years when you ask for two to three; upstairs, you'd get three to six years."

In his office near the two courtrooms, Oplatka receives a steady stream of lawyers who want to hear what kind of a deal they can make. "Sometimes,' he says, "they've got a good defense and can come up with a motion to suppress the evidence or the" arrest. I don't want to send any cases upstairs that are losers." In the process of bargaining, the state and the defense consider the nature of the crime and the criminal: Is violence involved? If a burglary, was it in a home or business? (A home is taken more seriously.) The record of the accused as a criminal, jobholder and family man. Does he use narcotics? How strong is the state's case?

By plea bargaining at the preliminary level, the prosecutor can reduce the charge and avoid taking cases to the overworked grand jury and higher courts. The number of indictments has actually been declining for several years—from 4,415 in 1968 to 3,784 in 1970. Meanwhile, the number of criminal informations (complaints that permit disposition of a case in the preliminary courts without going to a grand jury) has risen from 995 to 1,510.

At the preliminary hearings, where the judges have to decide if there is probable cause to hold a defendant to the grand jury for indictment, you wonder how a judge manages to keep his cool. Sitting in Branch 24 of the Municipal Division, where about half of all Chicago crimes involving violence or other serious charges are first heard, I listen to Judge Robert J. Sulski preside over 125 cases between 9:30 a.m. and 5:08 p.m., with 40 minutes out for lunch. The courtroom is so crowded, I can hardly hear. The five rows of benches are packed full; the jury box's padded seats have been taken over by sleepy policemen, most of whom have just come off duty from the midnight shift. "Quiet! Quiet in the court!" a clerk barks periodically. For a moment, it is quiet, then the babble gradually resumes. Even though it is cold outside, the old courtroom is sweaty hot from the ancient radiators. Nearby, the courtroom lockup, where the prisoners sometimes wait all day for their call to the bench, is steamy with bodies sprawled on the bare floor.

Eighty percent of the cases here are represented by a young assistant public defender, a chunky, bright young man who not long ago was a policeman. On the average, he spends no more than a minute preparing a defense. "I don't like to waste time talking to the defendant," he confides. "The time is better spent looking through the arrest papers for an obvious fault in the state's case."

The Judge's composure cracks when a young girl junkie, accused of forging checks, is brought before the bench with her boyfriend. Incongruously, she is grinning. "You could go to the penitentiary," the Judge admonishes. "What is there to smile about?" The public defender whispers with the prosecutor. The couple gets four years' probation, with their felony charges reduced to misdemeanors. They are ordered to make restitution and join a drug-abuse program.

A young Puerto Rican woman testifies she was raped when she mistakenly got into the wrong man's car. The man's lawyer implies the whole thing was voluntary. After a careful hearing, longer than usual, the Judge rules there is no probable cause. He is reluctant to send a man to prison for a compulsory minimum of four years. A young prosecutor, having a cigarette a moment later with the Judge in his chambers, disagrees. "If she enjoyed it so much," he asks, "why did she write his license number down afterward?"

A very quiet black man, charged with arson, slumps wearily as a detective testifies that the defendant deliberately set fire to his apartment with a candle. The Judge looks over a psychiatrist's report and postpones the case so that a competency hearing can be held and the man committed to a mental hospital.

The call goes on and on and on. Judge Sulski is doing his best to keep abreast of the stream of cases and cut down the number that must go upstairs. But it seems too much for any one man.

I talk to Presiding Judge Power. He assures me that two more courtrooms will be opened later this year. Winston Moore, the man running the County jail, tells me that within the next couple of years, new additions will reduce jail overcrowding. But neither of these professionals leaves me with any sense of well-being. I rifle through my research notes about courts in other cities. Many are in worse shape than Chicago.

I reflect on the words of former Attorney General Ramsey Clark, in his new book, *Crime in America:* "We cannot panic when trials are long delayed. But we must recognize that the system is not working and its purposes are frustrated."

I go through a Justice Department report revealing that 52 percent of the 160,863 persons being held in city and county jails on a census day last year had not been convicted of any crime. Again, this brings to mind Ramsey Clark's compassionate words: "Over the years we have deprived hundreds of thousands of people, never convicted of any crime, of their liberty because they were poor. The rich, the mobster, the well connected—they all made bail. Only the poor remained in jail, and as a result jobs were lost, families separated, and the best—sometimes only—chance to obtain evidence, find witnesses and prepare a defense was gone."

JAIL CENSUS FINDS 52% NOT CONVICTED—FIRST NATIONAL STUDY OF CITY AND COUNTY FACILITIES IS CRITICAL OF CONDITIONS

(By Jack Rosenthal)

WASHINGTON, Jan. 6.—A pioneering Federal census of city and county jails showed today that 52 per cent of their inmates had not been convicted of a crime and that many inmates, whether convicted or not, endured "less than human conditions."

Four jails still in daily use, including one in Fulton County, N.Y., were built before George Washington's inauguration, the study showed. A quarter of the 97,500 local jail cells in the country are more than 50 years old.

The $140,000 study was made by the Census Bureau for the Law Enforcement Assistance Administration, an arm of the Department of Justice established to aid the local police, courts and corrections systems.

JUDGES PICK JURORS

In New York State, judges were taking over from lawyers the job of selecting jurors under a new procedure to speed up criminal trials.

While state prisons have been receiving increased public attention, the jail census is the first comprehensive study ever of American county and city lockups.

Generally, jails are used for people detained before trial and for those convicted of less serious crimes. Jail sentences, unlike prison sentences, usually do not exceed one year. But there are jails where prisoners have been held for five years or longer.

"Many more wrongdoers pass through our jails than our prisons and yet until this study we didn't even know how many jails there are," Richard W. Velde, associate administrator of the law agency, said.

The jail census, which achieved a 100 per cent response, showed that there were 4,037 jails operated by municipal or county governments in which people were held for more than 48 hours.

As of March 15, 1970, the day of the jail census, 160,863 persons were incarcerated, 7,800 of them juveniles.

The state and Federal prison population is estimated at 350,000.

A full report on the jail census will not be released until spring, but a number of findings are already available. These include the following:

Of the 160,863 prisoners, 83,000 or 52 per cent, had not been convicted of a crime. A total of 35 per cent had been arraigned but were awaiting trial. The remaining 17 per cent were still awaiting arraignment.

Jails in urban areas are, for the most part, "terribly overcrowded," Mr. Velde said, while rural jails are operating far below capacity.

Some 500 jails now in service were built in the nineteenth century and six in the eighteenth century. The oldest are those in Albemarle County, Va., built in 1705, and Cumberland County, Pa., in 1754. The jails in Fulton County, N.Y., and Hagerstown, Md., were erected in 1776.

Although 65,000 people are serving sentences in local jails, 10,000 for a year or more, many jails are ill-equipped to do more than keep them locked up. "Most prisons have at least some correction and education programs," Mr. Velde said. "It is clear that many jails don't have even that."

Of the 3,300 jails in large communities, 85 per cent have no recreational or educational facilities of any kind. About half lack medical facilities. About one-fourth have no facilities for visitors.

Texas has more jails than any other state, with 325, followed by Georgia with 240. The largest jail population is in California, with about 28,000 in 166 jails. New York has the second-largest jail population, 17,399 in 75 jails.

$500-MILLION SLATED

Discussing overcrowding of jails, Mr. Velde said, "There are many cases where inmates—children, mental incompetents and hardened felons—are all lumped together in less than human conditions of overcrowding and filth."

He said that the jail census would provide the basis for enlarged assistance from the law agency for corrections programs. The agency this year will distribute about $500-million to various parts of the criminal justice system.

The agency now expects to devote about $100-million in the next six months to both jails and prisons and "significantly more" in the fiscal year 1972, which begins next July 1, Mr. Velde said.

Total state and local spending on correctional facilities around the country is estimated at $1.5-billion a year.

[From the Washington Post, Feb. 20, 1971]

Mitchell Calls Criminal Justice an "Astonishing Tale of Neglect"

(By Ken W. Clawson)

Calling the American criminal justice system "an astonishing tale of neglect," Attorney General John N. Mitchell yesterday urged national standards and goals to upgrade police agencies, courts and prison systems.

Mitchell said the government would finance the project, which would include participation of local, state and federal officials.

"By pooling the talents of professionals at all levels of government, we can set yardsticks to measure our progress toward a 20th Century criminal justice system," Mitchell said in a speech delivered at the dedication of a courthouse in Pasadena, Calif.

A copy of the speech was made available in Washington.

In the strongest terms since he became Attorney General, Mitchell criticized, especially on the state and local levels, the nation's three-headed criminal justice system:

Police—Most states have little or no basic training for police. Police pay ranges as low as $165 a month, and some police agencies have only the telephone for communication. One unnamed state has only 30 policemen on duty between midnight and 8 a.m.

Courts—In some states, lower court judges and prosecutors are not attorneys. Prosecutor pay is so low in some states that these lawyers spend much of their time in private practice, "with obvious possibilities for conflict of interest."

In two states, the number of days courts are in session are 72 and 76, respectively. One state reported that its justices of the peace "regularly hold court in pool halls."

Prisons—Most state and local prisons and jails have no convict rehabilitation program. One state reported half of those in jail in its largest cities had not been convicted of a crime. In another state, no effort was made to separate the accused from the convicted.

Most prisons and jails are overcrowded and antiquated, a condition characterized by one state as "not only deplorable, but in many cases inhuman."

In one state, Mitchell said, inmates themselves serve as guards, armed with rifles and pistols.

A Justice spokesman said that Mitchell got the facts for his "tale of horrors" from state reports to Justice's Law Enforcement Assistance Administration. The states were not identified, the spokesman said, because it was felt they were being candid and that the overall picture was more important than singling out the states.

Mitchell said that improvements in all three areas must be made, and he cited President Nixon's pledge to make Washington a model community as an example of success in the making.

Through restructuring of the District's court system, bail reform, jail and prison reform, expansion of the police department and other changes, Mitchell said, the backlog of court cases has been reduced and "for the first time in 14 years, crime in the District of Columbia is actually declining."

"Just as the crime wave has been turned back in the nation's capital," he said, "I predict that we can turn it back across the nation."

Mitchell said LEAA would finance and help get rolling an effort to set national performance standards and goals. He characterized LEAA as "a forerunner" in the administration's revenue sharing proposals, pointing out that the agency has $480 million to spend on criminal justice this year.

Despite the fact that there have been several reports of corruption, lack of direction, and mismanagement involving LEAA or state and local agencies, Mitchell characterized LEAA's block-grant approach as "an auspicious beginning as we move into a larger framework of revenue sharing between federal and state and local governments."

[From the New York Times, Jan. 25, 1971]

New Bottleneck Hampers Courts—Appeals Held Up by Delay in Typing Trial Transcripts

(By Fred P. Graham)

Washington, Jan. 24.—In these days of frequent court congestion, it is not too unusual that though more than three years have passed since Hubert Hall Irvin Jr. was convicted of robbing a bank in California and 11 life insurance salesmen were found guilty of conspiracy in South Carolina, their convictions have not been reviewed on appeal.

What is novel is the reason for the long delay. In separate petitions that came before the Supreme Court this month, the appellants explained that court reporters did not get around to typing out their trial transcripts, and thus the appellate courts have had nothing to review.

Chief Justice Warren E. Burger warned in his year-end report about the urgency of resolving the "unsolved problems of prompt completion of trial transcripts from overworked court reporters." The cases of Irvin and the insurance men have demonstrated how this problem of court administration has developed into a knotty constitutional issue.

A CONSTITUTIONAL QUESTION

Irvin fretted for three years behind bars and the insurance men chafed under the loss of their jobs and reputations before they brought the matter to the Supreme Court in the form of a constitutional question: Since they all contend that their convictions are void because of trial errors, haven't they been denied the "speedy trials" guaranteed by the Sixth Amendment?

Within two weeks after Irvin's petition reached the high court, the court reporter finally produced his trial transcript, and earlier this month the justices sent the matter back for review.

The insurance agents' petition for a hearing before the Supreme Court is due to be ruled upon soon. If the Court agrees to hear the case, it will have to decide first whether the "speedy trial" requirement or the due process clause prohibits long delays in deciding appeals, and, if so, whether convictions should be thrown out because of court reporters' delays.

The Supreme Court of South Carolina held that although the insurance men were convicted of conspiring to divert policyholders' dividends on March 29, 1967, the failure to accord them an appeal had not violated their rights because the delay was unavoidable and they have been free in the meantime.

MACHINERY UPSET

The trial transcript bottleneck that has choked the flow of appeals in many courts has provided an ironic example of how recent advances in defendants' rights can upset the delicate machinery of justice.

Until a decade ago, appeals in criminal cases were relatively rare. Then the Supreme Court ruled that poor defendants must be furnished counsel for trials and appeals, as well as free transcripts for their appeals. Courts became quicker to overturn convictions, and defendants were encouraged to appeal.

Between 1960 and 1970, criminal appeals in the Federal system virtually quadrupled—from 2,500 a year to 10,000—while prosecutions remained almost steady at around 30,000. A similar trend occurred in the state courts, where a rising volume of prosecutions made the situation worse.

Roland F. Kirks, director of the administrative office of the United States Courts, called the problem a simple matter of "increasing case loads—and court reporters don't multiply that fast."

"There are probably more Federal courts where there are transcript delays than where there aren't delays," he adds.

The Court of Appeals cited two court typists for contempt for being slow to produce a transcript. Congress authorized United States judges last year to contract with private companies when the courts' reporters fell too far behind.

OFFICIAL PESSIMISTIC

Harold B. Alderson, president of the Alderson Reporting Company, Inc., says that the situation nevertheless is likely to continue to deteriorate because too few reporters are being trained. Most court reporting is now done by stenotypists, who use a phonetic keyboard to make shorthand-like symbols on a paper tape, from which a verbatim account of a trial can be typed.

Agenda for Change

(By Warren E. Burger)

In a period when the burdens on our judicial systems—federal and state—have reached almost a breaking point it is interesting that Chief Justice John C. Bell's 50th anniversary comes at a time when Pennsylvania has taken important steps, in which he has had a large part, to bring its judicial machinery up to the demands made on it. You now have a unified judicial system and you have vested broad new powers in your highest court with a court administrator to carry out the non-judicial managerial functions. You have upgraded and streamlined your courts dealing with minor cases.

Perhaps one of the most significant steps you have taken is to establish a judicial inquiry and review board with power to see to it that judges perform their duties in keeping with the high traditions of the legal profession and the judiciary. The attention of judges everywhere will be focused on how this process evolves. There is a growing body of thought in the profession and among judges that with the vast expansion of courts and growth of judicial power some kind of accommodation must be made between the imperatives of judicial independence and the public interest.

This occasion is an appropriate time, I hope, to discuss just a few modest examples of what we should place on our agenda for change.

Now that the elections are over I trust it will not seem partisan if I quote another distinguished Pennsylvania leader, Senator Hugh Scott. As a classical scholar, the senator rendered in flawless Latin what I will put in English. In speaking of problems of the functioning of Congress he said:

"All things are changing and we are changing with them. . . ."

I would alter this to say, as to the courts, "All things are changing and we . . . Must Change With Them."

I do not mean this in a precisely literal sense but rather that we must be *open* to consider changes to meet new problems and new conditions, as Pennsylvania has just done with sweeping revisions of the judicial articles of its constitution.

In the annals of history, our country is still a very young country and all our claims to preeminence and greatness in many fields of human endeavor cannot hide this fact. It is good that we are in our youth as a nation, because the young can adjust more readily than the old. Our resiliency and flexibility is a great national resource that makes revolution in the violent sense irrelevant and unnecessary. One aspect of our being a young nation accounts for a national attitude—not universal but widespread—that whatever is American is *best* and that probably we invented it. But this is not an attitude of the young people who are asking questions about our system. One of the genuine values of the questioning unrest of our youth is their tendency and eagerness to reexamine what we have been doing as a people and why. Their probing is irritating and even painful, as all probing is, but even as these young people seem to act immaturely it may be that they are probing for the insight Bobby Burns expressed in his prayer that we "see ourselves as others see us."

We are now well into the final third of this century. Thirty years from now our present 205 million people will have grown to 325 million, but our judicial machinery is not even adequate for the burdens now placed on it. Even if our population remained static and our society, our economy, our science and all other development stood still (and of course they will not do so) our judicial machinery will be unequal to the task.

Our dynamism will continue on the curves that have taken us, for example, from *no* automobiles in 1900 to 80 million today, and with them the expansion of uncounted thousands of miles of highways. We had a handful of telephones in 1900 and we now have 100 million or more. In 1900 it took about 175 hours of the speediest travel to go from New York to California and today it takes four hours. In that period we reduced the average work week from 60 to 40 hours but increased the gross national product 300%.

The rate of change may alter but the change will not stop. More likely the pace will increase, and with it enormous stresses will be placed on all our institutions and particularly on the courts.

For lawyers and judges the question is how we will meet the massive problems flowing from this growth and dynamism. The problems are massive, but so is the opportunity for American lawyers and judges if they will reject both despair and complacency and examine our methods and our procedures with critical and inventive and open minds.

As I read history, the societies that survived have been like the animals that survived. They had the capacity to adapt to new conditions and the resiliency to adopt methods and ideas from others. We took our basic legal and judicial structure from England, of course, and it was then and is now fundamentally one of the best, if not the best, ever developed to resolve conflicts among human beings and between individuals and the state.

When we look back, however, we can see that except for embellishments and minor improvements we have the *same basic system* today that was confirmed in the Constitutional Convention in this city of Philadelphia 183 years ago. In its procedural fundamentals it is so much in the same that—as I had occasion to say to the ABA in August—Jefferson, Hamilton and Adams would need only a slight briefing to step into the state or federal courts in Philadelphia, or St. Paul or San Francisco and perform very well indeed.

From past experience I am aware that even an analytical discussion in the field of comparative law—the comparison of our methods and procedures with others—exposes me to the risk that I am advocating some specific changes.

Tonight I advocate nothing except an open-minded and mature willingness to examine our judicial machinery carefully, thoughtfully—and critically to prepare for the onslaught of events of the next 30 years. I am usually inclined to optimism but I will take the risk of saying *flatly* that if we fail to do this we will experience chaos in the courts with enormous and adverse impact on private civil rights and on law enforcement and the security of persons and homes and property, and with all this a loss of confidence in our system.

Let me suggest just a few areas for inquiry in the federal system—and if these points of inquiry are appropriate for state courts as well, so be it. The points I raise are simply items on the agenda for change, not proposals, not specifics, simply agenda items.

AGENDA ITEM NO. 1

When the constitution was written 183 years ago a few hundred yards from where we dine tonight, the framers of Article III contemplated a federal judicial system composed of courts of *limited* and *special* jurisdiction. One aspect illustrates a point I wish to make for this hypothetical agenda. In that day Philadelphia was one of the great ports of the world and the greatest in America. Transport and travel was largely by water. Shipping, shipbuilding, and fishing were the foundations of our economy. In fixing the jurisdiction of the federal courts, jurisdiction over maritime traffic and the hazards and casualties of water transport loomed at least as large as any single phase of the economy of 1970.

The authors of the constitution saw that most litigation relating to this basic industry of water transport would arise either in the coastal waters or in navigable inland waters that would often fall between the jurisdiction of two states. They wisely decided that admiralty jurisdiction would be vested in the federal courts.

Now we come to an interesting aspect well known to the lawyers of Pennsylvania: Cases in admiralty, of course, could involve loss of cargo, of passengers, of vessels or damage to vessels in collisions with one another. Fundamentally there is no difference between ship collisions and automobile collisions except that ships generally involve larger stakes. Yet these wise authors left admiralty litigation in the hands of judges without juries. The maritime experts will respond that this was done because admiralty cases were traditionally tried without a jury. But *WHY?* Traditions do not spring from arid intellectual processes but from reason fertilized by experience and their reason and experience led them to let admiralty cases to judges. Another example is found in the Federal Tort Claims Act of 1947 in which the Congress after much study provided for trial by a federal judge without a jury.

With all their wisdom and foresight in statecraft the men who met here in 1787 could not conceivably anticipate the automobile and its impact on American life and on the courts. When they provided for federal jurisdiction in diversity of citizenship cases they could have had no thought of the mass of personal injury cases that would one day make up the largest single category of civil cases in federal courts.

I submit that if these men had been able to anticipate the automobile and its impact on courts, they would have done one and possibly two things: (a) they would have made personal injury cases an exception to federal diversity jurisdiction, or (b) they would have said that if a ship collision is to be tried by a judge without a jury a simple automobile case could be disposed of in the same way.

Perhaps the time has come to ask whether automobile personal injury cases have any more place in the *federal* courts than overtime parking or speeding on Chestnut Street in Philadelphia.

Many rational experts of the whole field of litigation, more expert than I, go far beyond this modest agenda proposal. They advocate that automobile cases be removed from all courts and juries or at least that they be tried by judges without juries, thus speeding up and reducing the cost of the process. Those who advocate this step can hardly be thought radical or subversive when we remember that 35 years ago England, the mother country of the common law, abolished jury trial for civil cases with a few minor exceptions such as slander and libel cases.

AGENDA ITEM NO. 2

Our constitution guarantees trial by jury in all civil cases in federal courts involving $20 or more. Congress, by increasing the jurisdictional amount to $10,000 has neutralized much of the impact of this dubious provision of the constitution which received little consideration in a convention preoccupied with matters of larger concern in a Philadelphia summer before the advent of air-conditioning.

Until the Supreme Court pronounces a final judgment on what the term "jury" means in federal cases I have no better basis than any other lawyer for an opinion on the subject except as *Williams* v. *Florida*[1] of the 1969 Term may shed light. In that case the Court held that a state is free to use six-member juries in criminal cases. But we need not have a final opinion on the constitutionality of a jury of less than 12, in order to say that the subject is an appropriate *agenda* item for the legal profession if it wishes to keep the courts from a breakdown.

The next budget for the federal courts includes $14 million for jury fees. Ponder a moment on the saving in dollars, the saving in time and the reduced confusion, if we could cut that by 40%, allowing the full 12-member jury for criminal cases, and devote the saving of time, money and lawyers to better use.

While I speak of the jury system let me make it clear that whatever the future may bring with respect to civil litigation juries, and even if we should ultimately follow England as to civil cases, this should not be the pattern for *criminal* cases.

We know that as Englishmen developed the jury system in criminal cases, it was the shield or barrier between the individuals, the king and the king's judges of those early days. American judges, as in England today, are blessed with independence from other branches of government. But the very complexity of modern government and the layers of officials, however necessary, render modern government possibly even more remote from the individual in 1970 than he was centuries ago in England. As a lawyer, my choice would be that we never abandon the jury system for criminal cases, and of course the constitution guarantees this protection.

AGENDA ITEM NO. 3

Another sample agenda item has a relationship to litigation and juries in civil cases. Here again I turn to the British experience which in many respects is influenced more by the methods and procedures of the civil code systems of Europe than are we.

In England, as here, some of the most time-consuming and complex litigation is in the field of business regulation, antitrust and patent cases. England's experience deserves study. In a complex business-economic case they often have two economists or other specialists sit with the judge and join with him as triers of economic issues. In a patent case involving esoteric questions of chemistry or physics or engineering, the lay judges who assist the professional judge are experts in the relevant field. This shortens and simplifies trials, and if the judgment of British judges and barristers can be relied on, the results are far more satisfactory and the process more efficient.

The mere fact that the prolonged trials so common in the United States are virtually unknown in England suggests we ought at least to look more closely at their experience.

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[1] 399 U.S. 78 (1969)

AGENDA ITEM NO. 4

In 1969 we took a very important first step toward bringing modern business management methods into the courts. This was the creation of the Institute of Court Management, largely due to the dynamic leadership of Bernard Segal. That institute will turn out the first formally trained court executives next month. Important as it is, it is only a first step. The problems of court management must remain a high priority on the agenda to make sure that qualified managerial executives are made available and are properly used by the courts for nonjudicial functions, and that they be given the means to bring the administration of justice into the 20th Century.

These few items of an agenda for the future are merely samples, as I said. I leave it to the resourcefulness and innovativeness of our lawyers, law teachers and judges to fill out the agenda and then go to work without delay. It is only by a searching examination of the entire functioning and jurisdiction of the courts that we can have any chance of being ready for the new burdens that lie ahead.

Korzybski in his work *Science and Sanity* describes man as a "time binder" by which he means that unlike animals, man can start where his forebears left off and improve the quality of life. Man, in short, has the capacity to learn and change and build on the experience of the past; he need not simply exist in a mechanical repetition of a life cycle foreordained by nature or by his ancestors. In the methods of the law we have tended to let habit and the comfortable security of the familiar ways impede our search for better judicial methods and processes. There must be stability and continuity but there must also be change in order to survive.

For 16 months, I have had a new and closer look at the problems of justice and at the potentialities of the organized bar to improve the quality of justice. I see a new attitude, a new willingness to change, a deep concern for justice—a new spirit among American lawyers, and I am confident this new spirit and new concern will be equal to the challenge for a generation of change.

[From the New York Times, Mar. 8, 1971]

JUSTICE IS SLOW AND UNSURE IN NATION'S BUSY COURTS

(By Walter Rugaber)

WASHINGTON.—Congestion is strangling the courts in big cities throughout the country and is turning justice into a commodity that Americans regularly find elusive, capricious and uncertain.

Every day the court backlogs leave innocent men in the jails and guilty ones on the streets. Witnesses and victims wait hours for cases that are never called. The claims and causes of the injured remain unheard.

The delays are long and the effects are lasting, not only for the poor, the black and the young, but also for the rich, the white and the old, the businessman, the motorist and the consumer.

There is no count of untried cases, either for the country as a whole or for the majority of states and cities. But an examination of court dockets in a dozen major cities establishes beyond doubt that in almost every instance they are severely bloated and that the consequences are widely felt.

Beyond the routine, wholesale delays, gross overloading cripples the courts in dealing incisively with the broad problem of urban violence that has become a ranking priority at all levels of government.

Consider John McCullough and his wife, Nancy. They have operated a small grocery in Philadelphia for 34 years. They could be anyone in urban America.

They were at City Hall the month before last and last month, and they will be back this month and probably next month, because one night last September two men with a butcher knife robbed their store of $250.

Mrs. McCullough was not very surprised when, after a morning in the big and noisy courtroom, the case was postponed a second time. After all, she said, a previous case required eight appearances and one before that took 16.

The couple stood in the busy hallway and tried to recall how many times they had left their business to go downtown and wait, but finally they gave it up. They were asked why they do it.

"Well, they subpoena us, of course," Mrs. McCullough said, "but we want to show an interest too." Mr. McCullough added, "What else can you do in order to get any satisfaction? You can't take the law into your own hands."

The trouble stems from a great tangle of causes, both inside and outside the judicial process. Most broadly, the administration of justice, with its comfortable inefficiencies and its essential but slow procedures, becomes an easy victim of urban pressure.

The cases and people stack up. In New York, for example, the blame for the jail riots last fall was placed largely on notorious delays that had kept more than 40 per cent of the inmates waiting a year or more to be tried.

Concern over court congestion is extensive and of long standing. Calls for reform have come not only from radical elements but also from established authority—from two Presidents, scores of governmental officials, two Chief Justices and a long list of members of the bar, the bench and various civic organizations.

This week in Williamsburg, Va., legal authorities from all 50 states will gather to discuss the problem. President Nixon is expected to appear there with plans for Federal help in trying to improve the court machinery.

There is no single representative system. But look within the courtrooms of almost any given big city, among the faces and numbers and voices and all the day-to-day reality, and the stress is rather vividly apparent. Philadelphia is an example.

Congestion shows up in numbers. In Philadelphia last year, the Court of Common Pleas faced 91,980 of the more substantial civil and criminal cases and managed to dispose of 67,402 of them by Dec. 31.

The number left over (24,578), is large, but the first and one of the most important things about a backlog is not its size but its quality. And on the criminal side, quality is at least implied by result.

6,828 OF 15,845 FREED

A lot of the people flooding the system wind up looking like lambs. The Common Pleas judges in Philadelphia heard 15,845 criminal cases in 1970, but of that number 6,828 were acquitted outright.

More people were acquitted (the number includes 3,104 cases dismissed without trials) than were found guilty of the crimes with which they were charged (6,178). The rest (2,299) were convicted of lesser offenses.

Hardly anyone thinks this is very satisfactory It is commonly attributed to the greatly increased protection extended to individual defendants over the last several years by the United States Supreme Court.

But whatever the merits or the significance of that trend, the record indicates that between a third and a half of the people pouring into Philadelphia's criminal court will not get convicted of anything.

An angry and frustrated judge, after a particularly questionable case, is said to have shouted at some policemen still in his courtroom: "There are wolves out there, and you keep sending me chipmunks and squirrels!"

There are in Philadelphia and in most other big cities several variations on this theme. There is some feeling, especially among defense lawyers, that the police make cases that are simply flimsy by any standard.

DISSATISFACTION WITH "INPUT"

The police consider this unfair, and they get what could be considered a strong if indirect defense from many observers whose dissatisfaction with the "input" is aimed mainly at the "system" itself.

Some of the more radical reformers argue that cases designed to uphold the community's moral standards have no business in the courts, no matter how carefully prepared and iron-clad the evidence seems.

These reformers say activities that are by themselves nonviolent, such as gambling or getting drunk or reading pornography, could be handled by social agencies, if necessary, and should in any case cease to be illegal.

The idea is discussed fairly widely and openly, but the suggested pruning is far too rigorous for many. No one wants to think of promoting, say, legalized smut in his state legislature. And the "social agencies" already are admittedly inadequate to the task.

A number of judges seem to be asking instead for law enforcement that is a little more discreet. The police could concentrate informally, for example, on the cases most important to the community—more wolves, fewer chipmunks and squirrels.

Robert N. C. Nix Jr, a young black, and aggressive Philadelphian considered one of the tougher judges on the Common Pleas bench, insists "the philosophy behind arrests has to be re-evaluated."

"It's ridiculous to think you are going to be able to make an arrest for every crime that's committed," Judge Nix said. "If that was the case, we'd need hundreds and hundreds of more judges and courtrooms and everything else."

When officials talk about the basic quality of cases coming into the system and the various elements that contribute to overloading the courts, sooner or later most of them cite enforcement of the drug laws.

More people in Philadelphia came before the Court of Common Pleas for drug offenses than for any other cause last year. The judges handled 2,848 of these cases but only 2,613 burglaries, 1,330 robberies and 452 murders.

Nearly half (1,419) of those accused of drug violation were acquitted. Only 1,220 were ruled guilty of the particular crime with which they had been charged, while 209 others were convicted of some lesser offense.

In Philadelphia, cases that once get into the system tend to stay there and, even in instances where the evidence is patently weak, survive all the various preliminary hearings and arraignments.

"Our system has been like a big square," one of the city's assistant district attorneys acknowledged recently. "Everything that comes in at the bottom goes out at the top."

Prosecutors ordinarily assigned to the preliminary stages are the least experienced, it is reported, and lack either the confidence or the authority to knock out the weakest cases early on.

A PROBATION PROGRAM

The district attorney, Arlen Specter, believes some of the difficulty will be relieved by a program of "pre-indictment probation" that he and a state Superior Court Judge, J. Sydney Hoffman, announced earlier this year.

It involves first offenders or people with "minimal" police records. The case against them may be weak, Mr. Specter said, or it may be apparent "the guy's going to get probation anyhow."

If the prosecutor and the court agree that the defendants in such instances pose no risk to the community, they are taken out of the machinery and placed in a probationary status for six months or more.

Those who stay out of trouble during this time have the charges against them dropped. The authorities expect that between 12 per cent and 15 per cent of the city's criminal cases will be handled this way.

There is a similar plan aimed at the load of drug cases. As outlined last month, first offenders caught with small amounts of drugs can receive probation promptly in a lower court if they plead guilty and agree to some form of rehabilitation.

The torrent of legal business is itself an active agent in a backlog. When it strikes the urban court, all the old weaknesses become monstrosities and long-accepted, even basic procedures may begin to seem intolerable.

COMPUTER USE URGED

Creaking administrative machinery is often the first victim. Many observers propose putting the myriad records on computers. Among them is Milton B. Allen, the prosecutor in Baltimore, who says of the present arrangement there:

"By and large, it's handled the way it was a hundred years ago—hand-written dockets, for example. It apparently worked fairly well up to 20 years ago, then the onrush of cases proved too much for the system."

Presumably it was also too much for a 20-year-old youth who, it was reported recently, had been locked away in the Baltimore jail for nearly eight months after all the charges against him were dismissed.

There are widespread demands for more judges and backup personnel. But many authorities in the big city courts believe that expansion by itself is only a partial and short-term solution at best.

In Philadelphia, where the backlog reached a staggering 35,000 cases in 1968, the court turned to the extensive use of computers, an active administrative staff and a general tightening down on courtroom delays.

10,000 CASES TRIMMED

More than 10,000 cases were promptly trimmed from the overload, but it was recently discovered that about half of all the charges that come up for trial on any given day in the city still are postponed.

The authorities believe the record in a number of other big cities is worse. Many elements must come together perfectly to have a trial, they point out, and if just one of them is missing a postponement is mandatory.

A policeman or some other prosecuting witness may fail to appear, frequently because a subpoena has not been issued. Such defects in the prosecution are said to cause 39 per cent of the delays in Philadelphia.

A five-month survey of continuances that could be attributed to something (there was no explanation for many of them) showed that 20 per cent of the continuances occurred because the defense lawyer was unavailable.

"Delay is the essence of any defense," one prosecutor says, and obviously in many instances people facing a jail term hope that the cases against them will dry up or just that they can stay out of the cells a little longer.

There are still other reasons for postponements. The survey in Philadelphia showed that 3 per cent of the trials there are put off simply because the defendants were not produced from jail.

It now requires, according to the most recent figures available, 160 days to move the average criminal defendant in Philadelphia from arrest to disposition. This is down from a 240-day average in September, 1969.

But the pressures remain enormous. Many judges have been switched from the civil to the criminal bench, and it now takes an average of at least four or five years to get a lawsuit settled.

"Justice is being denied almost totally on the civil side of our court," an administrator said. All the smaller cases are being forced to arbitration by panels of lawyers in an attempt to relieve the jam.

It is the man waiting in prison who feels the pressure most acutely. There have been jail riots during the past year not only in New York but also in other cities. The one in Philadelphia occurred last July 4.

About 80 per cent of the 2,592 men and women in the four jails there are just waiting to be tried. That does not take as long as it does for the defendant who is out on bail, but the average still is said to be four months.

The prison superintendent, Edward J. Hendrick, points out that because most of the inmates have been convicted of nothing, they cannot be forced to work or to participate in training programs.

"If we knew their future we could do some planning," he says. "As it is, our efforts are concentrated on moving people back and forth to court every day. . . . I'm candid to admit we're running a human warehouse."

Each day about 150 people are awakened at 6 A.M. to get ready for the one-hour bus ride to City Hall. There they are packed into four extremely small cages on the seventh floor to await a summons to court.

The largest of these cells was estimated by a guard to measure six feet by 14 feet. Inside there are hard narrow benches and balky toilets. There is no drinking water. Roaches scurry over the debris.

The ventilation is so limited that on a single hot day late last summer seven men, including two of the guards, fainted. After a day of this, defendants often returned to jail without even glimpsing a courtroom.

Mr. Hendrick's records show that Ophus Lampkin has been hauled to court 24 times since March, 1970. John L. Sanders has made the trip 19 times since August, 1970. Robert Briscoe has gone to City Hall 44 times since August, 1969.

James Reynolds was arrested on robbery charges Dec. 27, 1969. He cannot post a recently set bond of $5,000. He has been bused to City Hall 19 times and has seen a courtroom once—for a hearing.

Still untried, the 21-year-old black man, who earned $125 a week as a roofer before his arrest, said he was not sure why he had never made it to trial. Like others in the jail, he is bitter.

"A couple of times," he said in a recent interview at Holmesburg prison, "I thought of just not going down there to City Hall. It ain't nothing down there. It ain't worth a dime. That place—it makes me sick."

"We are not giving justice by virtue of the fact that we're not bringing people to trial promptly," D. Donald Jamieson, the court's new president judge, observed. "The first element of due process is a speedy trial."

James Reynolds agreed. "It's very agitating," he added.

National Conference on the Judiciary in Williamsburg, Va.

Mr. Hruska. Mr. President, it is without doubt true that the tone set at the top will determine the course and effectiveness of our current efforts to revitalize our judicial system and restore a respect for law in all Americans.

It was my privilege to accompany President Nixon—along with my colleagues from the great State of Virginia—Mr. Spong and Mr. Byrd—to Williamsburg yesterday and to be present when this tone was firmly established at the National Conference on the Judiciary.

This conference, which is still underway in Williamsburg, brings together judicial personnel of appellate and trial courts, prosecution and defense counsel, crime commission planning officers, bar association representatives, legislators, and others concerned with related fields of administration of justice. They come from all 50 States and from various branches of the Federal court system.

The conference was called under the joint auspices of the Virginia Division of Justice and Crime Prevention, and the Law Enforcement Assistance Administration.

Virginia's Governor Holton performed well as official and personal host throughout the meetings, and in hospitable and gracious manner.

I may say, Mr. President, that all those attending the conference had a rare privilege in hearing our Chief Executive and the Chief Justice state in clear and unequivocal terms the course we must take if we are to restore our judicial system to the high position which it must maintain in a free society such as ours.

The course ahead for reform in the Judiciary was charted eloquently by President Nixon in his address which opened the conference, and by the Chief Justice of the United States, Warren E. Burger, in his address this morning.

With the proper followup, Mr. President, these two statements and this conference can become—as Mr. Burger said so well:

"One of the most important single steps in decades for improvement of the processes of justice."

It is also important to note, in order to place these statements in the proper context, the words of retired Supreme Court Justice Tom C. Clark, who is chairman of the conference. He said the presence of Mr. Nixon as the conference keynoter in itself established Mr. Nixon as the Chief Executive who has gone further than any other in helping the cause of court reform.

The President demonstrated his acute understanding of our Nation's judicial problems. He pointed out that the courts will remain overcrowded until judges are freed of their heavy administrative burdens so that they can spend more time being judges.

He recommended that we search for means to remove from the courts the burden of "victimless crimes" such as traffic and petty offenses, so that more careful and prompt consideration can be given to serious crimes.

He supported the concept of a research and training institution for State and local judges and a national center for State courts—that is a clearinghouse for information on judicial reforms. He also noted, as have our Chief Justice and many of us in this body, that we cannot allow safeguards for the accused to become so elaborate that they jeopardize the effectiveness of the system itself.

I join wholeheartedly with the Chief Justice in the hope, as he stated it, that the Williamsburg conference—

"Will mark the beginning of a closer cooperation between state and federal judges, and closer relationships of both, with local and state bar associations and national groups."

Mr. Burger called such relationships "indispensable to genuine progress."

Attorney General John N. Mitchell expressed similar views. He said:

"It has long been clear that many aspects of the American judicial system desperately need reexamination and reform. As an essential ingredient in this process, searing discussion must take place between concerned members of the bench and bar across the country. The National Conference on the Judiciary should provide an invaluable forum for this purpose."

It is my fervent hope that all of us who are concerned with this problem in the United States will carefully study the profound words of these gentlemen and aggressively seize every opportunity available to translate these broad guidelines into effective action at every level.

I ask unanimous consent that the addresses by the President and Chief Justice Burger be printed in the RECORD.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

TEXT OF AN ADDRESS BY THE PRESIDENT

"As one who has practiced law; as one who deeply believes in the rule of law; and as one who now holds the responsibility for faithful execution of the laws of the United States, I am honored to give the opening address to this National Conference on the Judiciary.

"It is fitting that you come together here in Williamsburg. Like this place, your meeting is historic. Never in the history of this Nation has there been such a gathering of distinguished men of the judicial systems of our States. I salute you all for your willingness to come to grips with the need for court reform and modernization. And I would like to salute especially the man who has been the driving force for court reform; a man whose zeal for reshaping the judicial system to the need of the times carries on the great tradition begun by Chief Justice John Marshall—the Chief Justice of the United States, Warren Burger.

"I recall that when I took my bar examination in New York City a few years ago, I dwelt at some length on the wisdom of the separation of powers. My presence here today indicates in no way an erosion of that concept; as a matter of fact, I have come under precedents established by George Washington and John Adams who both spoke out for the need for judicial reform. And President Lincoln, in his first annual message to the Congress, made an observation that is strikingly current—that, in his words, "the country generally has outgrown our present judiciary system."

"There is also a Lincoln story—an authentic one—that illustrates the relationship of the judicial and executive branches. When Confederate forces were advancing on Washington, President Lincoln went to observe the battle at Fort Stevens. It was his only exposure to actual gunfire during the Civil War—and he climbed up on a parapet, against the advice of the military commander, to see what was going on. When, not five feet from the President, a man was felled by a bullet, a young Union captain shouted at the President: 'Get down, you fool!' Lincoln climbed down and said gratefully to the captain: 'I'm glad you know how to talk to a civilian.' "

"The name of the young man who shouted 'Get down, you fool!' was Oliver Wendell Holmes, who went on to make history in the law. From that day to this, there has never been a more honest and heartfelt remark made to the head of the executive branch by a member of the judicial branch—though a lot of judges over the years must have felt the same way.

"Let me address you today in more temperate words, but in the same spirit of candor.

"The purpose of this conference is 'to improve the process of justice.' We all know how urgent the need is for that improvement at both the State and Federal level. Interminable delays in civil cases; unconscionable delays in criminal cases; inconsistent and unfair bail impositions; a steadily growing backlog of work that threatens to make the delays worse tomorrow than they are today—all this concerns everyone who wants to see justice done.

"Overcrowded penal institutions; unremitting pressure on judges and prosecutors to process cases by plea bargaining, without the safeguards recently set forth by the American Bar Association; the clogging of court calendars with inappropriate or relatively unimportant matters—all this sends everyone in the system of justice home at night feeling as if they have been trying to brush back a flood with a broom.

"Many hardworking, dedicated judges, lawyers, penologists and law enforcement officials are coming to this conclusion: A system of criminal justice that can guarantee neither a speedy trial nor a safe community cannot excuse its failure by pointing to an elaborate system of safeguards for the accused. Justice dictates not only that the innocent man go free, but that the guilty be punished for his crimes.

"When the average citizen comes into court as a party or a witness, and he sees that court bogged down and unable to function effectively, he wonders how this was permitted to happen. Who is to blame? Members of the bench and the bar are not alone responsible for the congestion of justice.

"The Nation has turned increasingly to the courts to cure deep-seated ills of our society—and the courts have responded; as a result, they have burdens unknown to the legal system a generation ago. In addition, the courts had to bear the brunt of the rise in crime—almost 150% higher in one decade, an explosion unparalleled in our history.

"And now we see the courts being turned to, as they should be, to enter still more fields—from offenses against the environment to new facets of consumer protection and a fresh converen for small claimants. We know, too, that the court system has added to its own workload by enlarging the rights of the accused, providing more counsel in order to protect basic liberties.

"Our courts are overloaded for the best of reasons: because our society found the courts willing—and partially able—to assume the burden of its gravest problems. Throughout a tumultuous generation, our system of justice has helped America improve herself; there is an urgent need now for America to help the courts improve our system of justice.

"But if we limit ourselves to calling for more judges, more police, more lawyers operating in the same system, we will produce more backlogs, more delays, more litigation, more jails and more criminals. 'More of the same' is not the answer. What is needed now is genuine reform—the kind of change that requires imagination and daring, that demands a focus on ultimate goals.

"The ultimate goal of changing the process of justice is not to put more people in jail or merely to provide a faster flow of litigation—it is to resolve conflict speedily but fairly, to reverse the trend toward crime and violence, to reinstill a respect for law in all our people.

"The watchword of my own administration has been reform. As we have undertaken it in many fields, this is what we have found. 'Reform' as an abstraction is something that everybody is for, but reform as a specific is something that a lot of people are against.

"A good example of this can be found in the law: Everyone is for a 'speedy trial' as a constitutional principle, but there is a good deal of resistance to a speedy trial in practice.

"The founders of this nation wrote these words into the Bill of Rights: 'the accused shall enjoy the right to a speedy and public trial.' The word 'speedy' was nowhere modified or watered down. We have to assume they meant exactly what they said—a speedy trial.

"It is not an impossible goal. In criminal cases in Great Britain today, most accused persons are brought to trial within 60 days after arrest. Most appeals are decided within three months after they are filed.

"But here in the United States, this is what we see: In case after case, the delay between arrest and trial is far too long. In New York and Philadelphia the delay is over five months; in the state of Ohio, over six months; in Chicago, an accused man waits six to nine months before his case comes up.

"In case after case, the appeal process is misused—to obstruct rather than advance the cause of justice. Throughout the State systems, the average time it takes to process an appeal is estimated to be as long as 18 months. The greater the delay in commencing a trial, or retrial resulting from an appeal, the greater the likelihood that witnesses will be unavailable and other evidence difficult to preserve and present. This means the failure of the process of justice.

"The law's delay creates bail problems, as well as overcrowded jails; it forces judges to accept pleas of guilty to lesser offenses just to process the caseload—to 'give away the courthouse for the sake of the calendar.' Without proper safeguards, this can turn a court of justice into a mill of injustice.

"In his perceptive message on 'The State of the Federal Judiciary,' Chief Justice Burger makes the point that speedier trials would be a deterrent to crime. I am certain that this holds true in the courts of all jurisdictions.

"Justice delayed is not only justice denied—it is also justice circumvented, justice mocked, and the system of justice undermined.

"What can be done to break the logjam of justice today, to ensure the right to a speedy trial—and to enhance respect for law? We have to find ways to clear the courts of the endless stream of 'victimless crimes' that get in the way of serious consideration of serious crimes. There are more important matters for highly skilled judges and prosecutors than minor traffic offenses, loitering and drunkeness.

"We should open our eyes—as the medical profession is doing—to the use of paraprofessionals in the law. Working under the supervision of trained attorneys, 'para-judges' could deal with many of the essentially administrative matters of the law, freeing the judge to do what only he can do: to judge. The development of the new office of magistrates in the Federal System is a step in the right direction. In addition, we should take advantage of many technical advances, such as electronic information retrieval, to expedite the result in both new and traditional areas of the law.

"But new efficiencies alone, important as they are, are not enough to reinstill respect in our system of justice. A courtroom must be a place where a fair balance must be struck between the rights of society and the rights of the individual.

"We all know how the drama of a courtroom often lends itself to exploitation, and, whether it is deliberate or inadvertent, such exploitation is something we must all be alert to prevent. All too often, the right of the accused to a fair trial is eroded by prejudicial publicity. We must never forget that a primary purpose underlying the defendant's right to a speedy and public trial is to prevent star-chamber proceedings, and not to put on an exciting show or to satisfy public curiosity at the expense of the defendant.

"In this regard, I strongly agree with the Chief Justice's view that the filming of judicial proceedings, or the introduction of live television to the courtroom, would be a mistake. The solemn business of justice cannot be subject to the command of 'lights, camera, action.'

"The white light of publicity can be a cruel glare, often damaging to the innocent bystander thrust into it, and doubly damaging to the innocent victims of violence. Here again a balance must be struck: The right of a free press must be weighed carefully against an individual's right to privacy.

"Sometimes, however, the shoe is on the other foot: Society must be protected from the exploitation of the courts by publicity-seekers. Neither the rights of society nor the rights of the individual are being protected when a court tolerates anyone's abuse of the judicial process. When a court becomes a stage, or the center ring of a circus, it ceases to be a court. The vast majority of Americans are grateful to those judges who insist on order in their courts and who will not be bullied or stampeded by those who hold in contempt all this nation's judicial system stands for.

"The reasons for safeguarding the dignity of the courtroom and clearing away the underbrush that delays the process of justice go far beyond questions of taste and tradition. They go to the central issue confronting American justice today.

"How can we answer the need for more, and more effective, access to the courts for the resolution of large and small controversies, and the protection of individual and community interests? The right to representation by counsel and the prompt disposition of cases—advocacy and adjudication—are fundamental rights that must be assured to all our citizens.

"In a society that cherishes change; in a society that enshrines diversity in its constitution; in a system of justice that pits one adversary against another to find the truth—there will always be conflict. Taken to the street, conflict is a destructive force; taken to the courts, conflict can be a creative force.

"What can be done to make certain that civil conflict is resolved in the peaceful arena of the courtroom, and criminal charges lead to justice for both the accused and the community? The charge to all of us is clear.

"We must make it possible for judge to spend more time judging, by giving them professional help for administrative tasks. We must change the criminal court system, and provide the manpower—in terms of court staffs, prosecutors, and defense counsel—to bring about speedier trials and appeals.

"We must ensure the fundamental civil right of every American—the right to be secure in his home and on the streets. We must make it possible for the civil litigant to get a hearing on his case in the same year he files it.

"We must make it possible for each community to train its police to carry out their duties, using the most modern methods of detection and crime prevention. We must make it possible for the convicted criminal to receive constructive training while in confinement, instead of what he receives now—an advanced course in crime.

"The time has come to repudiate once and for all the idea that prisons are warehouses for human rubbish; our correctional systems must be changed to make them places that will correct and educate. And, of special concern to this conference, we must strengthen the State court systems to enable them to fulfill their historic role as the tribunals of justice nearest and most responsive to the people.

"The Federal Government has been treating the process of justice as a matter of the highest priority. In the budget for the coming year, the Law Enforcement Assistance Administration will be enabled to vigorously expand its aid to State and local governments. Close to one half billion dollars a year will now go to strengthen local efforts to reform court procedures, police methods and correctional action and other related needs. In my new special revenue sharing proposal, law enforcement is an area that receives increased attention and greater funding—in a way that permits States and localities to determine their own priorities.

"The District of Columbia, the only American city under direct Federal supervision, now has legislation and funding which reorganizes its court system, provides enough judges to bring accused persons to trial promptly, and protects the public against habitual offenders. We hope that this new reform legislation may serve as an example to other communities throughout the Nation.

"And today I am endorsing the concept of a suggestion that I understand Chief Justice Burger will make to you tomorrow: the establishment of a National Center for State Courts.

"This will make it possible for State courts to conduct research into problems of procedure, administration and training for State and local judges and their administrative personnel; it could serve as a clearinghouse for the exchange of information about State court problems and reforms. A Federal Judicial Center along these lines already exists for the Federal court system and has proven its worth; the time is overdue for State courts to have such a facility available. I will look to the conferees here in Williamsburg to assist in making recommendations as to how best to create such a center, and what will be needed for its initial funding.

"The executive branch will continue to help in every way, but the primary impetus for reforming and improving the judicial process should come from within the system itself. Your presence here is evidence of your deep concern; my presence here bears witness to the concern of all the American people regardless of party, occupation, race or economic condition, for the overhaul of a system of justice that has been neglected too long.

"I began my remarks by referring to an episode involving Justice Oliver Wendell Holmes. There is another remark of Holmes not very well known, that reveals an insight it would be well for us to have today.

"Judge Learned Hand told of the day that he drove Justice Holmes to a Supreme Court session in a horsedrawn carriage. As he dropped the Justice off in front of the Capitol, Learned Hand said, 'Well, sir, goodbye. Do justice!' Mr. Justice Holmes turned and said, most severely. 'That is not my job. My job is to play the game according to the rules.'

'The point of that remark, and the reason that Learned Hand repeated it after he had reached the pinnacle of respect in our profession, was this: Every judge, every attorney, every policeman wants to 'do justice.' But the only way that can be accomplished, the only way justice can truly be done in any society, is for each member of that society to subject himself to the rule of law—neither to set himself above the law in the name of justice, nor to set himself outside the law in the name of justice.

"We shall become a genuinely just society only by "playing the game according to the rules," and when the rules become outdated or are shown to be unfair, by lawfully and peaceably changing those rules.

"The genius of our system, the life force of the American Way, is our ability to hold fast to the rules that we know to be right and to change the rules that we see to be wrong. In that regard, we would all do well to remember our constitutional roles: for the legislatures, to set forth the rules; for the judiciary to interpret them; for the executive, to carry them out.

"The American Revoluion did not end two centuries ago; it is a living process. It must constantly be reexamined and reformed. At one and the same time, it is as unchanging as the spirit of laws and as changing as the needs of our people.

"We live in a time when headlines are made by those few who want to tear down our institutions, by those who say they defy the law. But we also live in a time when history is made by those who are willing to reform and rebuild our institutions—and that can only be accomplished by those who respect the law."

Text of Address by Warren E. Burger

The President's appearance here yesterday and perhaps even more his pledge of support for our efforts makes this conference unique and gives it a dimension it could not have without the support of the Chief Executive of the United States. There is nothing very new about judges and lawyers gathering and agreeing that the courts are in trouble. When the President places the prestige and power of his office behind these efforts we have cause to take heart.

We have here today a cross-section of State and Federal judges and of State and Federal law enforcement authorities, and others seeking to avert an impending crisis in the courts. The only counterpart to this conference in this century was the Attorney General's Conference on Court congestion and delay convened by Attorney General Herbert Brownell more than fifteen years ago.

Fifty years before that conference, Roscoe Pound had warned the legal profession in the strongest terms that we were on the threshold of a crisis. That was in 1906. Periodically we respond and experience some relief but we are soon overwhelmed by a new tide of problems.

Today the American system of criminal justice in every phase—the police function, the prosecution and defense, the courts and the correctional machinery—is suffering from a severe case of deferred maintenance. By and large, this is true at the State, local and Federal levels. The failure of our machinery is now a matter of common knowledge, fully documented by innumerable studies and surveys.

As a consequence of this deferred maintenance we see

First, that the perpetrators of most criminal acts are not detected, arrested and brought to trial;

Second, those who are apprehended and charged are not tried promptly because we allow unconscionable delays that pervert both the right of the defendant and the public to a speedy trial; and

Third, the convicted persons are not punished promptly after conviction because of delay in the appellate process. Finally, even after the end of litigation, those who are sentenced to confinement are not corrected or rehabilitated, and the majority of them return to commit new crimes. The primary responsibility of judges, of course, is for the operation of the judicial machinery but this does not mean we can ignore the police function or the shortcomings of the correctional systems.

At each of these three stages the enforcement, the trial, the correction—the deferred maintenance became apparent when the machinery was forced to carry too heavy a load. This is what happens to any machine whether it is an industrial plant, an automobile or a dishwasher. It can be no comfort to us that this deferred maintenance crisis is shared by others; by cities and in housing, in the field of medical care, in environmental protection, and many other fields. All of these problems are important, but the administration of justice is the adhesive—the very glue—that keeps the parts of an organized society from flying apart. Man can tolerate many shortcomings of his existence, but a civilized society cannot remain so without an adequate system of justice, and by that I mean justice in its broadest sense.

I have said nothing of civil justice—that is the resolution of cases between private citizens or between citizens and government. This, unhappily, is becoming the stepchild of the law as criminal justice once was. Most people with civil claims, particularly those in the middle economic echelons, who cannot afford the heavy costs of litigation and who cannot qualify for public or government-subsidized legal assistance, are forced to stand by in frustration, and often in want, while they watch the passage of time eat up the value of their case. The public has been quiet and patient, sensing on the one hand the need to improve the quality of criminal justice but also experiencing frustration at the inability to vindicate private claims and rights.

We are rapidly approaching the point where this quiet and patient segment of Americans will totally lose patience with the cumbersome system that makes people wait two, three, four or more years to dispose of an ordinary civil claims while they witness flagrant defiance of law by a growing number of law-breakers who jeopardize cities and towns and life and property of law-abiding people, and monopolize the courts in the process. The courts must be enabled to take care of both civil and criminal litigants without prejudice or neglect of either.

This is why we are here today.

This could be the most significant judicial meeting in our time—depending on what will each of us do when we return to the daily tasks we have temporarily laid aside to gather at this conference let me suggest some of the problem areas and then let me venture some thoughts on what we might try to do about them.

There are many areas which we should study and consider, and, indeed, that we must consider but if we try too much at once we may fail in all our endeavors. I am thinking, for example, of substantive problems which cry out for reexamination, including the handling of personal injury claims, which especially clog the State courts; the need to ask questions about other areas of jurisdiction, such as receiverships or insolvent debtors, the adoption of children, land-title registration in some States, and possibly even such things as divorce jurisdiction and child-custody matters. We need a comprehensive reexamination of the whole basis of jurisdiction in order to eliminate whenever possible all matters which may be better administered by others so as to restore the courts to their basic function of dealing with cases and controversies.

We can see in the development of common law institutions many examples of changing jurisdiction and evolution of new remedies. I suggest no specific changes but I trust it will not be regarded as subversive to suggest the need for study and thought on these problems, remembering that subjects once committed to the courts are now the province of the other governmental bodies.

The common law tradition teaches that rights and remedies are never fixed or static but a continuing process of change however slow. For example, working men once had either no rights at all or common law rights based on negligence when they were injured in their work. The deficiencies of the common law remedies inspired lawyers to find other and better ways of dealing with the claims of injured workmen and no one would seriously consider turning the clock back to the old ways. Large area of regulatory activity was once imposed on courts but for the greater part of this century that has been vested in a wide array of administrative and regulatory bodies with limited judicial review.

All of us attending this conference share and are the beneficiaries of the great common law tradition that undergirds American jurisprudence and virtually all aspects of our procedure, both state and federal. As lawyers and judges we can be proud of the great tradition of the common law and even have a pardonable pride in the improvements and developments that American lawyers and judges have added to it. We do not disparage or undermine the common law when we consider change indeed, change is the very essence—the very heart—of the common law concept.

PRIORITIES

The challenges to our systems of justice are colossal and immediate, and we must assign priorities. I would begin by giving priority to methods and machinery, to procedure and techniques, to management and administration of judicial resources even over the much-needed reexamination of substantive legal institutions that are out of date. That reexamination is important but it is inevitably a long range undertaking and it can wait.

I have said before, but I hope it will bear repeating, that with reference to methods and procedure we may be carrying continuity and tradition too far when we see that John Adams, Hamilton or Burr, Jefferson or Marshall, reincarnated, could step into any court today and after a minimal briefing on procedure and updating in certain areas of law, try a case with the best of today's lawyers. Those great lawyers of the 18th and 19th century would need no more than a hurried briefing and a Brooks' Bros. suit. They would not even need a haircut, given the styles of our day.

This is not necessarily bad, and I propose nothing specific on how we should change our methods of resolving conflicts in the courtroom. But I do know this—and so does anyone who has read legal history and read the newspapers in recent years—that John Adams, and his reincarnated colleagues at the bar, would be shocked and bewildered at some of the antics and spectacles witnessed today in the courtrooms of America. They would be as shocked and baffled as are a vast number of contemporary Americans and friends of America all over the world. They would not be able to understand why so many cases take weeks or months to try. No one could explain why the jury selection process, for example, should itself become a major piece of litigation consuming days or weeks. Few people can understand it and the public is beginning to ask some searching questions on the subject.

STATE-FEDERAL COOPERATION

I need not burden this well-informed audience on the subject of the tension and the strains existing between the State and Federal courts in recent years. Because of the existence of those problems and the reasons underlying them I urged last August, at the ABA convention in St. Louis, that the chief justice of each State take the initiative to create an informal *ad hoc* State-Federal judicial council in each State. The purpose, of course, was to have these judges meet together informally to develop cooperation to reduce the tensions that have existed in recent years. I was pleasantly surprised, even astonished, at the speed with which the chief justices responded, for I am now informed that such councils are in actual operation in 32 of the States. Many of these councils have been created by formal order of the State supreme court. I am also informed that once the channels of communication were opened these State and Federal judges found other areas of fruitful cooperation and exchange of ideas. I regard this development of such importance that I wish to express my appreciation to the Conference of State Chief Justices and to Chief Justice Calvert of Texas, its chairman.

In urging the cooperation between the State and Federal judges, and in urging the State judges to call upon the State bar associations and on the American Bar Association, I have no thought whatever that all State court systems or all judges be cast in one mold. Far from this, have an abiding conviction that the strength of our entire system in this country and the essence of true federalism lies in diversity among the States. It will not impair this diversity, I submit, to work together to develop effective post-conviction remedies for example, or common standards of judicial administration, common standards of professional conduct for lawyers, and, indeed, for judges, or the improvement in the method of selection, the tenure, and compensation of judges.

The diversity that has existed in our system and the innovativeness of State judges accounts for many of the great improvements that the Federal system has adopted from the States. One of the most crucial is in the developing area of using trained court administrators or executives in the administration of the courts. The States have been a whole generation ahead of the Federal system in this matter. When we sought to create the Institute of Court Management in 1969 the first step was to call on State court administrators for guidance and advice.

Whatever changes we make, we should never forget that under our federal system, the basic structure of the courts of this country contemplated that State courts would deal with local matters while Federal courts would serve a limited and narrow function, I hope we will never become so bigoted as to think that State judges are any less devoted to the principles of the Federal Constitution than other judges and lawyers.

STANDARDS OF ADMINISTRATION

I do not especially like phrases like "management of judicial resources," or "maximum utilization of judge power." They seem stilted to me as they do to most lawyers and judges. But these phrases are simply "shorthand" and if we accept them as such they become tolerable. The important thing is the concept underlying these "shorthand" terms. Every profession and every area of human activity has had to grapple with the hard realities behind the shorthand. The difference is judges and lawyers have lagged far behind the rest. I do not suggest that justice can ever become automated or that production-line processes are adaptable to courts. Other professions have devised new ways to increase their productivity without loss of quality and we must do so.

In terms of methods, machinery and equipment the flow of papers—and we know the business of courts depends on the flow of papers—most courts have changed very little fundamentally in a hundred years or more. I know of no comprehensive surveys, but spot checks have shown for example that the ancient ledger type of record books, sixteen or eighteen inches wide, twenty-four or twenty-six inches high, and four inches thick are still used in a very large number of courts and these cumbersome books, hazardous to handle, still call for longhand entries concerning cases. I mention this only as one sympton of our tendency to cling to old ways. We know that banks, factories, department stores, hospitals and many government agencies have cast off anachronisms of this kind.

With relatively few exceptions, we still call jurors as in the past. We still herd them into a common room in numbers often double the real need because of obsolete concepts of arranging and managing their use. This process is often complicated by the unregulated arbitrariness of a handful of judges, for example, who demand more jurors than they can possibly use to be allocated each day for their exclusive use. There is almost a total absence of even the most primitive techniques in predicting the need for jurors just as there is a large vacuum in the standards and procedures to coordinate the steps of bringing a case and all of its components—the lawyers, witnesses, experts, jurors and court staff—to the same place at the same time.

Happily, a very distinguished committee of the American Bar Association under the chairmanship of Judge Freedman of the United States Court of Appeals of the third circuit is now launching a comprehensive program of bringing up to date the minimum standards of judicial administration.

Independent of what we do in the courtroom itself, we need careful study to make sure that every case which reaches the courtroom stage is there only after every possibility of settlement has been exhausted. Those parties who impose upon the judicial process and clog its functioning by carrying the cases through jury selection before making a settlement which could have been made earlier should be subject to the risk of a very substantial discretionary cost assessment at the hands of the trial judge who can evaluate these abuses of the system. Someone must remind the bar and the public of the enormous cost of a trial.

COURT EXECUTIVE OFFICERS

As litigation has grown and multiple-judge courts have steadily enlarged, the continued use of the old equipment and old methods has brought about a virtual breakdown in many places and a slowdown everywhere in the efficiency and functioning of courts. The judicial system and all its components have been subjected to the same stresses and strains as hospitals and other enterprises. The difference is that, thirty or forty years ago, doctors and nurses recognized the importance of system and management in order to deliver to the patients adequate medical care this resulted, as I have pointed out on other occasions, in the development of hospital administrators and today there is no hospital of any size in this country without a trained hospital administrator who is the chief executive officer dealing with the management and efficient utilization of all the resources of the institution. Courts and judges have, with few exceptions, not responded in this way. To some extent, imaginative and resourceful judges and courts clerks have moved partially into the vacuum, but the function of a clerk and the function of a court executive are very different, and a court clerk cannot be expected to perform both functions.

From the day I took office, twenty-one months ago, this seemed to me the most pressing need of the courts of this country, and particularly so in my area of responsibility, the Federal courts. The first step I took was to help lay the foundations for a facility to train executives and I requested the American Bar Association to take the leadership in accomplishing this. That association did so with the American judicature society and the institute of judicial administration as co-sponsors, together they created the institute of court management at the University of Denver Law School. That institute has now graduated the first group of trainees with an intensive full-time course over a period of six months including actual field training in the various courts. It will train two additional classes this year. This is not a Federal facility and indeed I expect most of its output will go to State court systems.

In the meantime, the Congress has taken one of the most important steps in a generation in the administration of justice by providing for a court executive in each of the eleven Federal circuits. The court executive will work under the direction of the judicial council of each circuit. I need not say, surely, to an audience including so many chief judges and administrative judges, that this will not only relieve judges to perform their basic judicial functions but it will provide a person who will, in time, be able to develop new methods and new processes, which busy judges could not do in the past.

The function of a court executive is something none of us really knows very much about. There are only a handful of court administrators or executives in this country and up to 1970 they are all self-taught. The few who were in being were, in the State courts and we called upon them to be members of the teaching faculty for the new Court Management Institute. The concept of court executive or court administrator will have its detractors but I predict they will not be heard for very long. The history books tell us how the admirals reacted when General William Mitchell insisted that an airplane could sink a battleship.

The desperate need for court executive officers does not alter the fact that it will require great patience and industrious homework on the part of judges and chief judges to learn to utilize these officers for their courts.

RULEMAKING POWER

A great many of the infirmities in our procedures could be cured if judges had broad rulemaking power and exercised that power. The best example of this was given a generation ago in the Federal Rules of Civil Procedure and later in the Criminal and Appellate Procedure Rules.

For the past 30 years or more State legislatures, like the Congress, have been overwhelmed by a multitude of new problems and it is increasingly difficult to get their attention on mundane subjects like rules of procedure and other internal matters of the courts. In addition, judges, by and large, have been under increasing pressure of their own daily work and have not brought these matters to the attention of legislators.

The rulemaking process as developed in this country beginning 35 years ago is the best solution yet developed for sound procedural change. Since it is a cooperative process involving not only the legislative and judicial branches officially, but lawyers, judges and law professors, it can synthesize the best thinking at every level.

If your state does not provide for rulemaking power comparable to that vested in the Supreme Court of the United States in conjunction with Congress, I urge you to study closely the potential of this mechanism. In Federal habeas corpus review of State cases it could have saved a great deal of confusion in recent years. Flexible rulemaking processes could have promptly developed post-conviction remedy procedures to blunt the impact of the imposition of Federal standards on the States.

SELECTION, TENURE, AND COMPENSATION OF JUDGES

The combined experience of this country for nearly two hundred years now, with elective judges in most of the States holding office for limited terms and Federal judges who are appointed with tenure, affords a basis for a careful reexamination of the whole method of the selection of judges. This is part of the long range problem, but it deserves some mention. The aggregate of two centuries of experience should be sufficient to give us material for a comprehensive reexamination of the methods of selection and the tenure of State judges. In saying this, I, of course, intend no reflection whatever on those State systems having elected judges with limited terms and the many splendid judges in those States.

The fine quality of judicial work of State judges is in spite of, not because of, the method of selection.

The election of judges for limited terms is a subject on which reasonable men can reasonably have different views. Nevertheless the very nature of the judicial function calls for some comprehensive studies directed to the alternative methods developed in the last generation in some States. Those alternatives tend to preserve the virtues of popular choice of judges and at the same time develop a high degree of professionalism, offering an inducement for competent lawyers to make a career of the Bench.

We know that while there are certain patterns common in the fifty States as to the selection and tenure of judges, there is at the same time a wide disparity in their compensation in such States as New York, California, and Illinois, to mention but three of the large States, the compensation of judges of the higher courts is as much as three times the compensation of their counterparts in some other States of the Union.

As lawyers and judges we know that the function of the courts in a small State is essentially the same as the function of the courts in the larger State. The size of the State has no relationship to the nature of the function, the degree of the responsibility, and the degree of the professional competence called for. It is, therefore, an anomaly for a wide disparity to continue. I do not suggest, by any means, that there need be a rigid, uniform standard of compensation or tenure for all the States. All I suggest is that the judges in the small States are performing essentially the same function as that of their brothers in a large State, and the conditions of their service should not vary excessively. It is not a wholesome or healthy thing for the administration of justice to have the highest court of a geographically large and economically powerful State receive two or three times as much as his counterpart a few hundred miles away. If we want quality justice we must pay for it.

A NATIONAL CENTER FOR STATE COURTS

As I range over this rather wide variety of subjects you will notice that in many instances I have been obliged to refer to matters of common or general knowledge or the result of spot checks, or other sources not wholly trustworthy. This suggest strongly the need for some facility that will accumulate and make available all information necessary for comprehensive examination of the problems of the judiciary in the fifty States. Recently a judicial conference developed an accumulation of 500 or more specific problems of courts.

Each of the points I have raised in the list of what seem to me some of the urgent priorities can be more readily treated and with better solutions there is a pooling of ideas and efforts of the States.

For a long time we have talked of the need for a closer exchange and closer cooperation among the States and between the States and the Federal courts on judicial problems. No States without grave problems in the administration of justice. The problems vary chiefly in degree from those States with grave troubles to those on the threshold of disaster in their courts. The valuable work of the National College of Trial Judges is just one example of the value of cooperative enterprise.

We now have in this country a great ferment for court improvement. It is a ferment that has been gaining momentum slowly over a long period of time. More recently, this has taken on a new thrust and force under the leadership of the American Bar Association. The time has come, and I submit that it is here and now at this conference, to make the initial decision and bring into being some kind of national clearinghouse or center to serve all the States and to cooperate with all the agencies seeking to improve justice at every level. The need is great, and the time is now, and I hope this conference will consider creating a working committee to this end—before you adjourn. I know that you will do many important things while you are here, but if you do no more than launch this much-needed service agency for the State courts, your time and attendance here would be justified.

I hope that, having raised this long-discussed subject of a need for a facility to serve as a clearinghouse and service agency for the States, you will not think me unduly presumptuous if I make some specific suggestions for your consideration.

It seems to me obvious that the States should make the final choices and the final decisions. In offering these thoughts, I draw particularly on my experience in the twenty-one months I have been in my present office. I now see the legal profession's strongest voice, the American Bar Association, from a point of view which I never fully appreciated in my years of private practice or even in the period when I was a member of the court of appeals.

The American Bar Association is a force for enormous, almost unlimited, good with respect to every problem in the administration of justice. It is a force that cannot be directed or controlled by any particular group or any selfish interest because it includes approximately 150,000 lawyers and judges and law professors representing 1700 State and local bar associations and other legal groups. Its governing body, the House of Delegates, represents 90% of all the practicing lawyers in this country. I mention these factors because the American Bar Association is essentially a grass-roots institution whose components spring from the 50 States. The facilities and power, the influence and prestige of this association, are literally on the door step of every State capital through the State Bar Association, and that power and influence can be put to work in terms of achieving the objectives I have suggested to you.

My suggestion, therefore, is that in shaping the national organization or center to serve all the States, you consider calling primarily on this great association and its 50 component State associations, along with other groups that specialize in judicial administration. There are additional existing structures representative of all the States and a cross section of the legal profession. I refer now to the American Judicature Society, the institute of judicial administration, the conference of State trial judges, the appellate judge conference, the council of State governments, and the conference of chief justices. I am confident there will be widespread interest in the formation of such a group as this but it will take time to marshal all of the large resources necessary to its accomplishment as a means to an end that we should place high priority on changes in our methods and our machinery. The noblest legal principles will be sterile and meaningless if they cannot be made to work.

In closing, I offer the full cooperation of my own office and the facilities of the Federal Judicial Center and the administrative office of the United States Courts. But bearing in mind my own concepts of federalism I will participate only when and if you ask me to do so.

INTERVIEW WITH CHIEF JUSTICE WARREN E. BURGER

Q. Mr. Chief Justice, a recent Gallup Poll shows that the federal judiciary generally and particularly the Supreme Court have fallen in public esteem. How do you account for that?

A. I would have to say that it is difficult to explain the rise or fall of public acceptance of any institution at any time, including the courts. All the institutions of our society are under attack, and the courts are not excepted. There are many causes.

Some of the attitude, of course, is related to the understanding that people have of what the courts have been doing—for example, in the area of criminal justice. People who don't like what they understand the Court has been doing will have a lowered opinion of the Court, just as other people who may have a different understanding will have a higher opinion of the Court.

Q. Are you saying the public is misinformed about what courts do?

A. No—not quite that. But the public is not well-informed—fully informed—and much of that is probably unavoidable.

Some of it is due to misunderstanding because of the tradition that the Court does not explain its function and its decisions to the public. Unlike other governmental agencies, courts do not undertake to explain through regular news conferences and press releases.

I think probably the public doesn't have a much better understanding of courts at the State level, or the federal courts generally, than it does of the Supreme Court. The Supreme Court's work is simply more in the news. We are at the hub of a great news center, and we deal with newsworthy cases. With rare exceptions, all our decisions are news.

Q. Within two months after you took office in 1969, you made some proposals to the American Bar Association at its convention in Dallas and followed that up this year with a series of proposals and a message on the "state of the federal judiciary" at St. Louis. What were the proposals and what response did you get?

A. I made three very specific proposals to the 1969 ABA meeting in Dallas:

The first, I thought, was the most urgent—namely, the need for introducing more modern methods into the courts in terms of the techniques, machinery and the administration. There was nothing really new in what I said except a definite proposal to create a training institute of some kind to train court manager-executives—something we have not had in the country.

Q. You're not now speaking about judges—

A. No, the administrator-manager. I made the analogy to what hospitals had done 35 or 40 years ago when they found that the senior nurse or a retired doctor or some other individual was no longer adequate to manage a modern hospital: They began to train hospital managers. And many schools of business administration now teach and train people in hospital management. It is a subspecialty of business administration.

Bernard Segal, who was elected president of the American Bar Association in 1969, immediately moved on this suggestion, and within less than six months we had the Institute for Court Management, created by the joint action of the American Bar Association, the Institute of Judicial Administration and the American Judicature Society as cosponsors. They secured substantial private grants. I think they may have received some public money, too.

For reasons I'm sure you're aware of, I insulated myself from having anything to do with the funding of the program, but Mr. Segal and I had a great deal to do with the organization of the school.

This new institute, which is located at the University of Denver law school, will graduate its first 31 people on December 12.

To emphasize the importance I attach to this institute, I have invited them to hold the ceremony for awarding certificates in the East Conference Room in the Supreme Court.

The institute is, of course, a nonprofit organization.

Q. Are these people laymen?

A. Some of them are men in mid-career with law training; all have background in public administration or law. But they've now had six months of full-time, intensive training in classes, in courts and in systems analysis and related management subjects.

The second proposal I made related to the desperate need for a re-examination of our penal systems. I proposed that the American bar do that at every level.

The ABA created a commission which includes laymen—not just lawyers—along with judges and law professors and penologists.

Former Governor Richard Hughes of New Jersey, who was a judge for 15 years before he became Governor, is chairman. It has such distinguished penologists as James Bennett and Myrl Alexander, both former heads of the federal prison system; Richard McGee, former head of the California system in the period of its great expansion, and several other State corrections administrators. It also includes Dr. Karl Menninger; George Meany, of the AFL–CIO; Robert McNamara, former Secretary of Defense, and judges and lawyers.

They have begun the work on a program to apply known and accepted techniques to prisons and penal institutions which have ignored them for years.

Q. Can you point to the principal problems you see?

A. The great shortcoming has been—at the State level particularly—a lack of any meaningful educational system for inmates, many of whom can't even read or write, and then the lack of vocational training and the lack of what we vaguely call "rehabilitation," in terms of psychological testing and counseling to get them ready to make a living on an honest basis.

Two thirds of the people in prisons, roughly—in all penal institutions—are people who have been there before and who will be back again. We simply can't permit this to run that way any more. No other public business is run as badly as our prisons.

Q. Will this group study and make recommendations on lengths of sentences and such things?

A. No. They will deal with correction facilities and correction techniques. They aren't going to do a lot of studying, because most of them have done that all their lives. Bennett, McGee and Alexander have spent 40 years at it. Others on the commission have been dealing with it all their adult lives.

Their objective—we made that very clear when we started it—is to take the known techniques and programs and make use of them.

Q. How do they get this applied?

A. The application will have to be to persuade the States and Congress to do what is necessary: the rebuilding of plants; hiring of training personnel, psychologists, teachers; putting in the personnel and equipment for training people to do a great variety of useful things when the inmate is released.

One proposal I urged them to consider was to offer a prisoner a literal chance to learn his way out of prison.

For example, take a prisoner with a five-to-15-year sentence whose tests show aptitude to be a plumber, stonemason or electrician. This man would have a great incentive to work, study and learn if you could tell him that when he passed his journeyman examinations he would be released on parole—assuming his general prison record was good. This is no guarantee he will be a good citizen, but it goes a long way in that direction.

Some prisons give some vocational training now, but a man in a cage needs incentive, motivation and something to look forward to.

You can look at some prisons now and you'll find they are still teaching people to be pants pressers, for example, or how to make a few simple items—auto tags and things of that kind. Many of the skills that they're teaching are either obsolete or in oversupply. There are just a limited number of people needed to make auto tags, and a limited need for pants pressers.

The objective is to train these people in occupations suited to their aptitudes to give them a motivation to go out and earn a living honestly. Every human being needs to take pride in his own skills.

Q. Isn't this going to cost a lot of money, both federal and State?

A. Oh, yes. This will cost an enormous amount of money.

Q. Can the States afford it?

A. The public is now paying literally billions in hidden taxes in the cost of crime.

President Nixon has announced a program in which the U.S. Government contemplates co-operation with the States—joint action, joint facilites, in some instances—and federal grants to help the State programs.

The problem is enormous. Right in nearby Maryland—and this is typical of many of the States—you have one of the best and some of the worst prisons in the United

States, all in the same State system and within two or three miles of each other.

The institution at Patuxent, which is chiefly for mental defectives, is one of the best to be found anywhere.

Within a few miles there is a State correction institution where the buildings are somewhere between 100 and 150 years old. They have men in cells 6 feet by 8 feet, more or less, in dimension—made for one person a century ago—which now have two inmates. There are virtually no recreational facilities or libraries, and most of the inmates are young men who can be destroyed by idleness and boredom.

Q. Is this the fault of the warden or the superintendent?

A. No—the system. Generally, the most severe critics of the correction systems in this country include the wardens and the administrators of the penal and correction systems.

Q. What was your third proposal?

A. The third proposal was that, particularly with respect to the administration of criminal justice, the law schools were doing an inadequate job of training people for the realities of litigation. This has a relationship to civil litigation as well.

There has long been a debate between law-school faculties and lawyers and judges on this subject. Many professors in the past took the position generally that they were not running trade schools; they're teaching people to think, they're teaching legal theory. That is good, but it is not enough. They must also be trained as to how they should act.

I think most lawyers and most judges who've had to preside over trials have long felt that there were terrible gaps in the training of these recently graduated lawyers in terms of how to conduct themselves in the courtroom and in terms of their attitude toward professional responsibility. And this can best be taught when these students are learning their profession. It is really more important than pure legal learning.

This is essentially what is done in England in the training of a lawyer for litigation under their bifurcated system. It is done in the four Inns of Court. And that's the only place you can become a trial lawyer—a barrister—in England. The colleges of these Inns are managed and run by lawyers and judges, just as medical education in this country is almost entirely in the hands of practicing physicians and surgeons.

Q. Do you think that the English system is a good one?

A. Well, the training system for court work is certainly very, very superior to what we have in this country. But bear in mind that it is directed at a bifurcated profession where they have solicitors, who are generally what we call "office lawyers," and barristers, who are the trial lawyers.

There are only 2,500 barristers in all of England. They have the exclusive right to appear in courts of general jurisdiction.

Q. How could this possibly be applied in this country?

A. It would be very difficult with 50 States and the federal courts.

Going back to my recommendations on legal education: The American Bar Association has created a committee with representatives of the American Bar Association, the American Law Institute and the American Association of Law Schools—so that we have all three branches of the profession represented in three great organizations working on some new approaches to legal education. This is necessarily a long-range affair.

Q. Is this all designed to speed dispensing of justice?

A. It is very definitely aimed not only at speeding it up but making it better quality. I can illustrate that by mentioning that in England they try a case in a fraction of the time it takes to try it in this country.

Q. Why?

A. It's partly because they have no amateurs, no beginners in their courts of general jurisdiction. They're all highly trained professionals who do not engage in any branch of the practice of law except trial practice.

Q. Do they have the volume of criminal cases that exists in this country?

A. They do not—either in relative volume or otherwise—but the difference in population is not enough to explain the difference in the way cases are handled. In the way they dispose of them, there's a great disparity.

Ninety-five to 97 per cent of all criminal cases in England are disposed of—and with finality—in justice-of-the-peace courts and county courts. There is nothing comparable to our long-drawn-out appeals and reviews after the conviction is final. And when there are appeals they are decided within a matter of months, and that is the end of the case.

Q. But in this country can't someone accused of a crime hire a clever lawyer and find a way to prolong appeals that go clear to the Supreme Court?

A. He can certainly keep the litigation going for a very great length of time—years, in many cases. Our system permits this; some critics think our system encourages it.

Q. How do you get at that problem? How can we borrow ideas from the English?

A. First, we must recognize the differences in the two systems—ours with 50 separate State-court systems, plus the federal. Added to that we are a country of diverse people spread over a continent. We are new and young, and England is old, stabilized by tradition with a single central government functioning without a written constitution. Yet they have many problems, too. We could not simply transplant their system to this country even if we wanted to. But we can adopt some of their ideas.

Nevertheless, we must make some fundamental changes in our system if we really want it to work:

No system of justice can function if there is not finality at some reasonable point. No system makes sense if it encourages a long-drawn-out war with society. The re-education or rehabilitation of a man cannot be carried on while he is at war with society in a process of interminable petitions, writs and hearings. It is a bit like trying to have a real peace conference at the beginning of a war.

LIMITING THE RIGHT TO APPEAL—

Q. Does this imply a limitation on the right to appeal?

A. I suppose, when you talk about finality, that must carry with it a limit somewhere—that there is a point at which proceedings of all kinds are terminated. We haven't found that point in our ssytem. We are fumbling and groping because every judge in America knows we must make some changes.

Q. You wouldn't limit a defendant to one appeal, say—

A. No, you can't have rigidity of that kind. The point is to be sure that the accused has a meaningful review or appeal that explore all of the claims that he could possibly have. And when he's had that, then we should be very near the end of it—unless, of course, there is the discovery of some significant new evidence.

Q. In this country, can a defendant appeal on one point, lose that appeal and then appeal on another point?

A. Not quite. The direct-appeal process requires the defendant to raise all his claims at that time. But we have vastly enlarged what are called the "postconviction remedies." The petitions for writs of habeas corpus, which are collateral attacks on the conviction, are an example. They are not yet under reasonable control.

Q. Does all this legal maneuvering contribute to the congestion of criminal cases in the courts?

A. It contributes very heavily. Let me illustrate that with just one example:

Twenty years or so ago, there were virtually no petitions from prisoners in State prisons to the federal courts. An opinion of the Supreme Court in recent years gave the State prisoners that right—the right to habeas corpus review in federal courts. Petitions in that category have grown from less than 100 annually 20 years ago to approximately 12,000 this year—quite a load on the federal courts.

Q. To do that, doesn't the defendant have to raise a constitutional issue?

A. Yes—but we can't always know whether he has raised a valid constitutional issue until it is reviewed by a federal judge. Now, only a fraction of these people ever get relief, but the proceeding is in the court, thereby using the time of the federal court and the whole machinery of the court.

Q. Do you feel that certain types of criminal cases should not get to the federal courts?

A. Well, it would be difficult to say how you would eliminate certain criminal jurisdiction in the federal courts: Those for violation of federal statutes belong in federal jurisdiction.

In the broad sense—and this goes beyond your question—I have a strong feeling that a great many matters traditionally handled in the court systems, both State and federal, should be diverted away from the courts entirely.

Q. In what way?

A. Now I'm going out of my field of sponsibility in my present position, but there is a broad and serious social question—I think you would have to call it—whether such things as divorce, child custody, adoptions, receiverships, various other matters of that kind belong in the courts at all.

There is a curious paradox relating back to your opening question: In spite of what seems to be a lessening of esteem for the courts, there is an attitude that the courts should resolve all problems.

But that is not realistic; courts can serve only a limited function, and it should not be broadened any more than is absolutely necessary.

We should encourage, for example, the use of private arbitration for the settlement of private disputes.

The question of dealing with the chronic alcoholic, the narcotic addict, the serious mental patient—there's a serious question whether they should be dealt with in the judicial framework at all.

Q. How would such things be handled?

A. Well, this is what some very competent people should study carefully. It would be some administrative treatment necessarily, but with limited judicial review. Here we will encounter some constitutional problems.

We can't overlook the fact that 50 years ago, more or less, people with this same objective—a very sensible objective—set up the juvenile courts with the idea that we would insulate young offenders from the traumatic experience of going through the criminal machinery.

But, bit by bit and piece by piece, the courts have added requirements in the juvenile area so that a juvenile now must receive almost the same treatment as the adult, hardened criminal when he's charged with a criminal act. So we've come almost full circle.

Now, how do you deal with these problems nonjudicially without impinging on constitutional rights? I don't have the answer to that. I say simply that it must be studied.

Part of the blame for the virtual elimination of the juvenile-court concept—the benevolent aspect—must rest on the States. They failed to give juvenile courts the staffs and means to carry out the original idea.

NEW IDEAS FOR ACCIDENT CLAIMS—

Q. Would such changes include absolute liability in automobile accidents?

A. There has been a great deal of sentiment in this country for a long time—and it's growing very rapidly—that in one way or another all automobile-accident claims, to use that rough categorization, should be out of the courts entirely—that they should be disposed of in much the same way, so this argument runs, as we handle the claims of an employe who is injured in the course of his employment—the "workmen's compensation" concept. Some of the States are experimenting in this direction. I don't advocate anything at this time, but I advocate strongly that it should be studied, along with other alternatives.

I said in Philadelphia recently that the concept of diversity cases—cases between litigants from different States—has brought into the federal courts the largest single category of its civil litigation: such things as automobile cases and injury cases. I repeat without any hesitation that in the original concepts of federal jurisdiction an automobile case has no more place in the federal courts than speeding on a city street.

Q. Isn't the diversity specified in the Constitution?

A. Yes, but with limitations. Congress has the power to define the jurisdiction of federal courts.

Q. Didn't you propose some time ago that the Chief Justice make an annual state-of-the-courts message to the Congress? What response have you had to that suggestion?

A. Well, that is not quite accurate. I have never proposed this.

It has been proposed at various times since Hughes was Chief Justice. And about 15 years ago, when William P. Rogers, the present Secretary of State, was the Deputy Attorney General, he renewed the proposal that the Chief Justice make a periodic report to the Congress. In a formal and technical sense, we do now. The Administrative Office of the U.S. Courts files a periodic report with the Congress.

Q. Does anybody pay any attention to it?

A. Well, I'm sure the staffs of the Judiciary Committee and the Appropriations Committee have a great interest in those reports—and some of the members as well.

When Mr. Rogers pressed the proposal in 1954, I think he was reaching for something that would get a little more attention than filing with Congress a report as big as a Washington telephone book.

Q. Do you endorse that idea?

A. I've never taken any position on it except to say that I think it could be a useful device to focus attention on the problems of the courts. I hope the report on judicial problems that I made to the ABA last August served some of that function.

Q. Mr. Chief Justice, coming back to the way the courts are functioning today: Many people have the idea that lots of criminals are getting off scot-free because of legal technicalities. Do you agree?

A. Well, I'm not sure how useful it is to try to deal with that, because there is a problem of defining terms.

Sometimes, it is true, an accused person whose guilt is obvious and unquestioned is relieved from any punishment or any conviction because of what news people, in journalistic shorthand, and laymen call "technicalities." This is, to a degree, inescapable.

If a provision of the Constitution or a statute is violated in the collection of evidence against an accused, under our system that evidence is not admissible against him. And if that's the only evidence that the prosecution has, that's the end of the case.

This is a choice which our society has made, but it is a choice that has many critics. Some legal scholars and many judges and lawyers question whether future police misconduct or police mistakes are influenced when courts set free a person who is guilty in fact and this is done solely because of the police conduct. It is difficult to be certain in this sensitive area.

Q. Would it be possible to do something about this?

A. Well, remember Justice Cardozo's statement to the effect that the criminal should not go free because the constable blundered. That's one point of view.

The other point of view—expressed, I believe, by his colleagues Brandies and Holmes—was that enforcement of the law must never employ dirty methods.

Q. Do you think Supreme Court rulings, or those of courts in general, have had anything to do with the rise in crime?

A. This is a matter on which there is a great diversity of opinion. There are two extreme points of view—each of which I think is wrong:

One extreme point of view is that what courts do has nothing whatever to do with crime and crime rates. This argument rests on the proposition that criminals don't read court opinions. I'm quite sure they don't, but if in any given community it becomes the prevailing view that it is "easy to get by," from whatever source that idea comes it's going to have an impact in the sense of negating deterrence.

The other point of view—and I don't subscribe to that one either—is that the Supreme Court is responsible for it all.

The fact is that inevitably the boldings of courts have an impact on the conduct of people. Belief is relevant to action. If something is found to be permitted, then it's more likely to be done.

There are many areas where this is true. It would apply equally if people came to believe that speed laws were not enforced, that driver's licenses were not neeed, or closing hours for liquor stores or bars were not enforced. On a different level, a lax enforcement of the antitrust laws would lead to a great many more violations of those statutes.

All this is what we vaguely call "human nature."

Q. A recent development has been what one could call "antic lawyers" in courtrooms, who turn trials into circuses. Are these lawyers within their legal rights?

A. Well, I would like to broaden the question a bit. The conduct of lawyers—good or bad—is critical to the functioning of any system of justice.

Again, a comparison with the English system is useful. Under their system, with the trial lawyers being trained in the importance of professional responsibility, personal conduct and decorum—manners, if you will—are recognized as the indispensable lubricants to what is essentially a contentious and abrasive process.

The British have no such thing as antics in the courtroom. It simply never happens, because a lawyer—a barrister in England—knows that certain kinds of conduct which are widely practiced and tolerated in this country would lead to swift and severe discipline and possibly disbarment under the British system.

Again, this is because people respond in a deterrent sense whether they're criminals or whether they're doctors or lawyers or bankers—and, I might well add, judges.

Q. Whose responsibility is it to enforce the canons of ethics and professional standards of conduct in the courts?

A. I would say that under our system today it is regarded as the collective responsibility of the legal profession as a whole and of the courts. But it has not been defined in this country in the sense that it has been defined in England, and therefore it tends to fall between two stools. The judges often complain that the bar associations are not doing what they should do, and the bar associations say the judges aren't doing what they ought to do. Both are quite correct.

The responsibility is not clearly enough defined—and it is not placed. We must decide what the ground rules of courtroom conduct ought to be and then fix the enforcement responsibility in one place so that when there is a failure we will know whom to blame.

Bear in mind that all of these problems are immensely more difficult, as I suggested earlier, in a country like ours with 50 State systems admitting lawyers to practice—50 separate sets of courts, each of which is sovereign to a degree.

There is only one court system in England. They simply don't have any trouble of the kind you are discussing. And yet they have advocacy that is as good as any in the world, as zealous and as effective as any that can be found, and better than it is in most places in the world. But it is within strict limits in terms of decorum, manners, conduct.

Q. What about antics on the part of accused persons?

A. In the ultimate sense, the opinion of the Court last year in Illinois against Allen, in which the Court spoke through Mr. Justice Black, has settled the extremes of that problem, vesting very broad power in trial judges, both State and federal, to remove any offending person, any person interfering with the process—remove him from the courtroom even though it be the defendant. Now there is a clear standard to guide courts, and that was perhaps one of the most important opinions of the Court last year.

Q. Earlier you seemed to reject the notion that the Supreme Court was by its decision in any way responsible for the rise in crime and violence—

A. I don't think I said "in any way." It's a factor which enters into the total stream of causation.

Q. Well, the court system in general has been accused of contributing to the rise through lack of speedy trials, lack of significant punishment. Do you agree with this?

A. I do, in part. It's the lack of certainty, and the promptness of the judicial process, and the punishment. Swift and sure trials and reasonable finality would cure a great many evils.

Q. Would you say that delay has been a major contribution to the rise of crime over the last decade? Would you pin it on the court system that closely?

A. I cannot think of any judicial factor more important than delay and uncertainty. It's always difficult to assign priorities in this sort of thing, but I know of none I can think of more important than the absence of the sure knowledge that a criminal act will be followed by a speedy trial and punishment.

And that's why I have said that if we could have every criminal trial ready to be presented within 60 days after the arrest or the charge, I think you'd see a very, very sharp drop in the crime rate. It would surely put an end to the large number of crimes committed by men out on bail waiting six months to 18 months to be brought to trial.

Q. What about all these continuances and delays in criminal proceedings? Who's responsible for that?

A. Well, that responsibility would have to be spread around: judges to some extent, lawyers to some extent, the absence of clearly defined ground rules on all of these things.

Q. Is a typical criminal case in the courts longer now than it was, say, 20 years ago?

A. I think it is definitely longer.

At one time I saw some very reliable figures that indicated that the time for the trial of a criminal case in federal courts had altered in two respects: first, that there is more than double the lapse of time from the charge to the date of the trial, which means the accused—with rare exceptions—is out on the street; and there were also some figures that once the trial starts it takes about twice as long to try a criminal case today as it did 10 years ago.

Q. Why is that?

A. In some cases it is due to decisions of the Supreme Court and, as to some aspects, acts of Congress.

The Bail Reform Act and the Criminal

Justice Act are enactments of the Congress, and we have not yet adjusted to the changes they brought about. Various decisions of the courts require that motions may be made for the suppression of evidence, for the examination of evidence, and a wide range of things which are now available which were once not available. All of these can and are used both properly and improperly by lawyers, and it often contributes to delay even though some of it is essential to conform to the Constitution.

The Criminal Justice Act itself has brought into the courts not only a great many more cases but a great many more lawyers. Many of these lawyers are inadequately trained. An inadequately trained lawyer will take two or three times as long to try a case as a very expert lawyer. Naturally he is unsure and halting, no matter how well motivated.

Q. Could the same thing be true of judges? Do judges differ in their abilities to expedite justice?

A. That's correct. Much has been done on that side in terms of training of new judges in the federal system as soon as they have qualified for office—and then what might be called refresher courses, seminars for judges, which are going on constantly.

Q. Are States doing anything along this line?

A. States have moved in this direction also. The States have a college for trial judges which is a permanent organization sponsored by the American Bar Association and others. Hundreds and hundreds of State trial judges have gone through that school during what the news media call the "judicial vacation." That college has made great improvement in the performance of State judges. Justice Tom Clark was one of the moving forces behind that program.

Q. Can any reforms be made with respect to juries to speed up trials?

A. Systems for handling juries and jurors in a busy courthouse could be enormously improved. In a large court with 15 or 20 judges calling for jurors on a given day, many jurors are needed. When they bring a new jury panel in, they may have 600 or 800 people present. That's a great many people to handle, to get them to the right rooms at the right time without confusion. The systems for doing this are not very good.

The most severe criticism of courts in general and the jury system in particular has come in recent years from laymen who have served on juries:

They're called; they must be there, let us say, at 9 o'clock—and then they spend two thirds of their time for several weeks sitting around waiting for something to do.

The machinery for handling of jurors is not good, but a large part of this is inherent in the jury system. All litigation is inherently a clumsy, time-consuming business.

Q. Would smaller juries help? What is sacrosanct about a 12-man jury?

A. There is nothing really sacrosanct about a 12-man jury at all. No one really knows how the common law settled on a figure of 12 jurors. It is not affirmatively provided in law—not in the federal system except as to criminal cases.

Many States have affirmative statutory provisions for less than 12. Last year the Supreme Court held that fixing the number at six was up to the States. If they wanted to have six-man juries, they could do so. There was no federal constitutional problem involved.

Q. How about unanimous verdicts by juries?

A. That is before the Supreme Court now, so it is an area on which I couldn't comment. We must decide this year in several cases whether a unanimous verdict is constitutionally required.

Q. Mr. Chief Justice, most of the things you have said here seem to indicate a feeling that the real difficulty is in the management, the administrative functioning of the courts. Is that what you are saying?

A. Definitely—and I began to work on that within 24 hours after I took office on June 23, 1969. The next morning I had the first meeting on the problem of court administration, with just three or four people, including one of the distinguished experts in public administration in this country, Dr. George Graham. He was one of the key figures in helping us develop the Institute of Court Management.

Everything I've done since in the way of public utterance on the subject has been directed at this broad problem: better management, on the one hand, and then, alongside that, consideration of some basic changes. I am not advocating any particular changes. I do think it's within my function to say that these things must be looked at.

We cannot blindly cling to methods and forms designed for the seventeenth and eighteenth centuries.

Q. How would smaller juries help?

A. It would help in management, time and cost. Jury fees for next year in the federal budget alone—and that's only a fraction of the total judicial system of the country—are 14 million dollars. I would make a rough guess that the total jury cost in the United States is somewhere near 100 million. Now, if you could cut that in half you would have a very large saving, and that money is desperately needed for other purposes to make improvements.

In a large and busy courthouse then, instead of infusing 800 or 1,000 people into the corridors to be parceled out and handled and brought to the right places where they're needed at the right time, you'd have half that number. This is one very small step that would save a great deal of money and a great deal of time. Whatever time it takes to pick the jury would be, again, half the time that it takes to pick 12 of them.

Q. If Congress were to pass a law and say that henceforth federal criminal cases and civil cases will be determined by a jury of six, would that be the answer?

A. Conceivably it could be done by the rule-making process of the federal courts, where the rule is proposed by the Judicial Conference Committee on Rules, then submitted to the Supreme Court, and, if approved by the Court, it is placed before Congress and becomes law if not rejected within 90 days.

Q. We've had a great growth in the last few years of legal-aid societies, public-defender systems, tax-exempt public-service law firms and things like that. Do you think that that adds to litigation? Is this in the public interest?

A. I would not want to suggest for one moment that anything which adds to litigation is automatically against the public interest or for the public interest. There is more to it than that.

The legal-aid systems began on a private, volunteer basis half a century ago and have been slowly growing. The public-defender system for criminal cases began soon after that time and has had a slower growth, but it has flowered in recent years. And I must confess a conflict in a way, because I have a bias in favor of some of these programs, provided they are conforming to high professional standards.

Neighborhood Legal Services under the Office of Economic Opportunity has 57 million dollars in the federal budget this year for the OEO legal staffs alone. That's almost half of the total amount being spent on all operations of the federal courts. It is not a correct assumption that all of the cases of these Neighborhood Legal Services are going to get into the federal courts—or indeed into any courts.

I would think, on the contrary, such litigation as develops will be channeled into State courts because they will deal with local matters: conflicts between landlords and tenants, rent defaults, the man who buys a TV set that he can't afford on long-term installments with exorbitant interest, other day-to-day things which have gone unattended for a long time, really.

Most of the work of the OEO Legal Services will not get into the courts. It is counseling and advice.

I said at the ABA meeting in St. Louis in August that a sense of confidence in the courts is essential to maintain the fabric of ordered liberty for a free people, and there are three things that could destroy it:

One is that people come to believe that inefficiency and delay will drain even a just judgment of its value. Four, five or six years after you've broken your leg or damaged your automobile is too long a time to wait for a recovery.

Second, if people who have been exploited in the smaller transactions of daily life—home appliances, repairs, finance charges, and the like—come to believe that courts cannot vindicate their legal rights from fraud and overreaching on the part of others.

The third thing I spoke of was a feeling that the system isn't protecting the public from criminal matters.

Let me go back to the second point—and this is important because it enters into the feeling on the part of some people that there is one code of justice for the rich and another one for the poor.

The private practitioner with rent to pay, books to buy and secretaries to hire simply could not afford to take the small case for the man whose wife has been high-pressured into signing a contract for an encyclopedia, the other door-to-door things, or a shingle job on the house—often with unconscionable conditions in the fine print. All of these affairs were too small to engage the attention of a practitioner. He simply couldn't afford to take that case.

This is really, basically, no different from a man who has a ruptured appendix or tuberculosis and can't hire a doctor.

Q. Then the Neighborhood Legal Services program is not really new—

A. It is new as a federally financed program, but not in fundamentals. We've now come to accept the idea that society is going to take care of these problems. We have come to the point where even these private civil rights of people must be vindicated with legal assistance if we want all people to have confidence in our system, believe in it, believe that it will protect them reasonably.

Q. Are you saying that there have been two systems involved: one for the poor, one for the rich?

A. Not two systems in the conscious sense but in the sense that the busy lawyer who has large matters or the lawyer of small means simply could not give attention to a man who, for example, bought a refrigerator worth $200, but the price on the time basis was 5 per cent interest a month and finance charges built it up to maybe $500 to buy this $200 machine.

Q. In other words, it goes to the point of the financial resources of the litigants?

A. That's right. The system has not—I'm speaking now of our system of society and the legal profession—has not had a comprehensive mechanism to take care of it, except that as far back as when I went into the practice, 35 years ago now, our firm contributed time, as many firms did, to the Legal Aid Society. One of us would go up—one of the younger men—and spend a Thursday afternoon or every other Friday afternoon in the Legal Aid, counseling with such people.

This was our contribution. Doctors do it; a great many other people do it. But it has become so big, so vast that it can't be handled on a case-by-case basis. The only way it can be handled is on an organized basis. Congress has decided this is a public responsibility.

PROBLEMS IN LEGAL-AID PROGRAMS—

Q. Why are these programs under so much criticism?

A. Now we're in the transition stage—from the individual lawyer doing this as a service to the society and to his profession, to putting it on a more efficient and highly organized basis, really. That's the objective: to put it on a more efficient basis.

In modern terms, it is a matter of delivery of legal assistance. We're in the transition period, and, like any tooling-up for a new process, whether in a factory or in public administration, it isn't very efficient in the beginning. This program attracts young, idealistic lawyers, and sometimes they have more zeal and adrenalin than judgment and skill. This naturally creates tensions and friction. But that will pass. The program needs idealistic young people, but it needs seasoned and experienced lawyers in the management.

What we as a society have said now is that the "poor"—people who can't afford lawyers—can go to the Neighborhood Legal Services. And if there is some law about his medical aid or his Social Security or whatever and he thinks this is discriminating against his particular problem in some way, legal assistance is now furnished to him to settle his problem and, if necessary, test that out in the courts. And if a court decides that he's right, I have difficulty seeing how we can quarrel with that result.

There is nothing new or revolutionary about testing laws and rights in the courts. Surely it is a more sensible solution than the picket line, a demonstration or a riot.

Q. Doesn't this add to the work load of the courts?

A. Of course, it adds to the work load of all courts—State and federal. But the objective is to try to place every individual in this country on the same basis in terms of the assurance of his rights, both in the sense of private rights as well as in criminal cases.

Q. Before you had completed your first year in office, some of the leading newspapers that cover the Supreme Court closely said that you were already showing more activist tendencies, in the sense of attempting to provide leadership, than any Chief Justice since Taft or Hughes. Would you comment on that?

A. Well, in the first place, I suppose it's better for others to make the judgments about what I'm doing than it is for me to try to do it. The comments you refer to are the oversimplification and shorthand of the media, in large part: What is new must be depicted as somehow different. I do not think it is correct to evaluate what I am trying to do as either more or less than others. It is a matter of different emphasis.

From Taft to Earl Warren, every Chief Justice has urged many programs. What we need for the next generation of change was not the central problem in earlier days, so they did not advocate what I now urge.

The first function of a Justice of the Supreme Court, as with any other judge, is to keep his work up to date in the judging department. That's his primary responsibility.

EXTRA DUTIES OF A CHIEF JUSTICE

Q. How does your position differ from that of the eight other Justices?

A. As Chief Justice, I am only one of nine, with really no different position from any of the others in terms of the judicial function.

However, with respect to other functions, by law Congress made the Chief Justice chairman of the Judicial Conference of the United States, which, as you know, is composed of two representatives from each of the 11 federal circuits and two representatives from the special courts.

Q. What does the Judicial Conference do?

A. That body functions somewhat as a board of directors for the entire federal judicial system—a "general staff" might be another term for it, except that it's a part-time function of all the members.

I might say parenthetically it is becoming an increasing burden for these judges to carry.

In addition, the Chief Justice, by law, is chairman of the Federal Judicial Center, recently set up by Congress primarily as a research arm to study problems of the kind we're discussing here today, and also to carry on training programs for court personnel—judges, court clerks, probation officers, magistrates and others.

The Judicial Conference and the Judicial Center have more than 25 committees dealing with our problems, and I must try to keep informed as to what they are doing and what they ought to be doing.

So I am involved in all of these activities—and increasingly so, I find. These matters take approximately one-third of my working hours.

Q. When did you begin to see your function in this light?

A. I decided immediately on taking office that the time to begin was then and there, and the means was co-operation with the legal profession.

The American Bar Association now has almost 150,000 members in, I think, 1,700 State and local bar associations around the country. It is a grass-roots organization in every sense. The association has done monumental work in improving criminal justice and in other fields.

Q. What percentage of the legal professions is that?

A. I don't know, but it has increased so rapidly that I would say that it must be in the neighborhood of half of all the actively practicing lawyers in the country.

The American Bar Association is not the ultraconservative, dormant, ceremonial organization that it perhaps was 35 or 40 years ago. It is a very dynamic organization, and if it puts its will and its force and its influence behind any particular activity, the odds are it will get done.

Witness the court-administrator program: Have you ever seen lawyers or judges move that fast before?

I made the speech on August 10. I drew a rough blueprint for the program while I was on a vacation in September. We had the first meetings in October, and on Dec. 7, 1969, the final meeting approving the structure, selecting a director and setting up the plan of operations was completed. In May of 1970 the classes of a six months' course opened at the University of Denver.

Q. Are you saying that could not have been done without the American Bar Association?

A. That couldn't have been done—there wasn't a chance of getting that done—without the prestige and the power of the American Bar Association, the American Judicature Society and the Institute of Judicial Administration, as cosponsors. They selected a board of directors, and Herbert Brownell, former Attorney General, was selected chairman of the board. James Webb, former NASA Administrator; John Macy, former Civil Service Chairman, and some other very distinguished lawyers and judges are on the board.

This is the best illustration of how I can be helpful in getting these things done. If I ask the American Bar Association to take on a responsibility, I find that if it is reasonable, if it makes sense to them, they will get the task done. And the ABA can draw many organizations into a collective program, partly because most of the leaders of other lawyer organizations are also leaders of the ABA.

Q. A lot of people are going to be surprised to learn that the Chief Justice is as active as he is in all these other functions. Is this a proper role?

A. I've had a few letters questioning—but very, very few.

Q. How do you answer?

A. Well, usually I answer them and ask: "Who do you suggest will do it? If I don't do it, who will?" Some people have written back and said, in essence: "I now see this, and I was wrong. Thank you very much and keep on going." However, the overwhelming volume of mail is warmly favorable and very encouraging.

Q. When the federal courts have a financial problem—a budgetary problem—do you have direct access to Congress?

A. Not really—except to do it in a formal way in a budget request, which isn't a very eloquent way of arguing your case. It seems to be against tradition for me to appear before the Appropriations Committee to support my requests, and this is probably sound. I doubt the need for a personal appearance in the conventional sense. If we make out a good case in writing, I am confident Congress will co-operate. They are as much interested in justice as judges—and they are much closer to the people.

Q. Do you think, from a technological standpoint, that the Supreme Court machinery has fallen behind the times?

A. Yes, in certain respects, although I would not put it in quite those terms. The equipment—the machinery in the broader sense than hardware—just isn't there. And some of our methods are not adequate for the present volume of cases. We have a need for the kind of modern equipment most government agencies and all successful businesses use.

We have almost nothing but the most primitive basic equipment. At least 25 employes still use manual, non-electric typewriters. We had no efficient, modern copying machine until recently. Justices read thousands of pages of carbon copies of legal memos each year—typed with 10 copies on very thin paper. These memos were called "flimsies" and, of course, were terribly difficult to read. We now have two modern copiers, and no Justice reads a seventh, eighth or ninth carbon copy.

These are small details, but they are important in our daily work. We are working on other improvements.

Q. How much has the work of the Supreme Court changed in recent years?

A. It has changed in volume, chiefly. Just consider these figures: In 1940, in the Supreme Court, there were approximately 1,000 cases filed, and in 1970—30 years later—4,400. The projection for 1975 is 5,629.

We now project 7,182 cases in 1980. Before that—long before that—the work of the Supreme Court of the United States will either break down or it will deteriorate in quality so that its historic role will not be performed adequately.

Q. Do you mean the Court by 1975 will be so inundated by work that the whole system will just stop at the top?

A. No, it won't stop. I think what will happen is we'll keep on going but the quality of the work will progressively deteriorate.

Q. What do you think should be done?

A. The entire jurisdiction of the Supreme Court should be carefully studied.

One example is the volume of three-judge district courts which deal with constitutional claims. Those courts are specially convened and are a mixture of three trial and appellate judges. Direct appeal to the Supreme Court is allowed. These cases are an enormous burden on the Supreme Court. Few cases except in limited emergencies, should ever go directly to the Supreme Court from federal district court. Cases should go through the courts of appeal. This is just one example.

The Supreme Court of the United States cannot perform its constitutional and historic function if it must review over 4,000 cases a year and hear arguments in 150 to 160. Some screening process must take this crushing burden off nine men and spread it over a greater number in other courts.

We can expand and enlarge the other federal courts. We have more than doubled the number of district and circuit judges in recent years, but the Supreme Court probably cannot effectively operate if we increase it to 12 or 18 or 24. So the only solution is to limit the volume of cases.

Q. What about other courts?

A. This matter of modernizing equipment and methodology is the sort of overhaul that's needed all up and down the line. It's true in most of the State systems, too.

Q. Should there be an intermediate review court?

A. I'm not sure what the solution is, but we must do something—and do it very, very soon.

For example, when I tried to find out in the last year how many automobile cases there were in all the State courts in the country, there was no reliable place where that information is gathered. I wanted to find out how many jurors were used in all the State court systems and what the cost was, but there was no place I could find that information.

Q. Do you need a central agency to serve all the States?

A. Yes, definitely—a clearinghouse of information—very important information, available to all courts. We need some kind of national judicial center.

There's no great reason, for example, why there should be an enormous disparity in the salaries of judges of various States, nor in the method of selection and the tenure. And here again, the legal profession can do something about that.

But if we had this central establishment—and I think the American bar will do something on this before too long—we could make many improvements. The Institute of Judicial Administration at New York University has tried to do this task, but it is underfinanced and understaffed and cannot meet all the demands.

STATE JUDGES: UNDERPAID—

Q. Are most State judges still elected?

A. Most of them are. And you can't expect to get first-class supreme-court judges in the States at $16,500 or $20,000 a year except by great personal sacrifice by these men. State judicial salaries range from $16,500 to $40,000. That is an unfair situation.

Q. It sounds as though you agree that some critics are on the right track when they complain that the judicial system in this country is out of date—

A. It's very much out of date. It is literally true that, as to procedure, if you could get John Adams, Alexander Hamilton and Thomas Jefferson and bring them back—you wouldn't even have to give them a haircut—all they would need would be about a two-day briefing over at the Federal Judicial Center, and they could walk into court in Washington, D.C., or St. Paul or San Francisco and try a case.

There is value to continuity, but that's carrying continuity and stability a little bit far. Can you think of where we'd be if hospitals and doctors were still using techniques, drugs and equipment of 30 years ago?

Q. Mr. Chief Justice, do you envision a big expansion in the number of federal courts?

A. I hope not. I would rather see a contraction of jurisdiction.

Some people seemed to think that at St. Louis I believed that pollution cases and consumer cases should be kept out of the federal courts. That isn't what I said at all.

I said if Congress is going to pass new statutes relating to pollution control and new statutes about consumer actions, it had better at the same time think of the impact on the federal courts, try to put some calipers on it and say, "Well, this will take x number of additional judges over the period of the next five years" and start feeding them in, plus additional court reporters—who are harder to find than judges. You don't have much trouble finding judges, but court reporters are almost impossible to find.

What I was pointing to was the relationship: that if you're going to do one, you've got to do the other. We must give the workman his tools.

Beyond that there is indeed a question. Some people glibly assume that all pollution cases and class actions belong in federal courts. That is a simplistic notion on a very complex problem. Some of those cases will involve federal questions properly for federal courts, but many can better be treated in State courts.

Generalizations are not very constructive.

ELECTRONIC RECORDING OF TRIALS—

Q. That raises still another question—the use of electronic recording of trial proceedings as a supplement or substitute for traditional court reporting. What about that?

A. There has been much research and experimentation in that field. But to rely entirely on voice recording dealing with testimony in which every word and nuance may be crucial presents problems: First, the equipment must be improved; second, the operator probably must be a trained court reporter; and, third, lawyers and judges must change their habits of courtroom performance.

For example, the judge, witnesses and lawyers must become mircrophone-conscious, and the starting point will be to put each lawyer in something like the witness box so that he cannot move out of range of the microphone, wandering about the courtroom. These are a few of the problems, but they are all open to solution.

Q. Will it be possible to get lawyers and judges to make these changes?

A. It will take some monumental efforts, but it must be done.

Q. What happens if we just drag along as we have?

A. Well, as with all archaic methods and procedures, it's somewhat like a car that you keep on running and don't repair or put any oil in it and don't buy new tires. Finally, that car just stops. And that's what will happen.

We're breaking down in spots. In New York City, the recent outbreaks of violence in the jails really resulted in part from the fact that the city had a great pile-up of people confined and couldn't get them to trial.

Q. Haven't they had repeated increases in the number of judges in New York?

A. I believe so. This is why the organization-and-system aspect has got to be emphasized. Judges without system and organization—and expert staffs—are a bit like an army with no leaders and no discipline.

Here we have a completely new space science, new in the highest twentieth-century sense—we've trained 58 astronauts in less than 10 years—and yet we think we're doing well because for the first time in our history we're just getting the first formally trained court administrators in this country on Dec. 12, 1970.

I don't mean to say there aren't any good court administrators now. There are, but I think it would be fair to say there are no more than a dozen or so—and they have trained themselves.

Q. Many complaints about the conduct of the Supreme Court have hinged on the extensive summer recesses of the Court. Is that a valid complaint?

A. This is really part of the American folklore. The other day I called the Clerk of the Court and asked him to take a typical week of last summer—any week—and let me see the briefs and petitions filed so that I could see what was assigned to each Justice in any week from the time we recessed on June 30 until the first week of October.

I had made my own guess that it would be the equivalent of a stack of ordinary paperback books about two feet high. I was off the mark. It was nearly three feet high. This is what is sent to every Justice every week. I had estimated the summer filings at 80 cases a week. It turned out to be precisely 99 cases each week.

Q. Just during the so-called vacation?

A. Yes. And those cases must be processed in the sense that, one way or another, each Justice must familiarize himself with each case so that at the conference the first week in October each Justice is ready to vote.

During those summer months, 1,186 cases came in after we stopped hearings—after we went on that "vacation" we read about. Of course, that term "vacation" is used in the legal sense, but now people have come to think of it as playing golf or lying on a beach somewhere.

Q. On what do you base your view that these extra burdens are part of the function of a Chief Justice?

A. It is really as much necessity as it is a matter of choice.

Realistically, if the Chief Justice of the United States doesn't try to bring about progress on these things I've been talking about, they aren't going to be done very fast.

An Attorney General of the United States could get attention, but these are not his problems. He is not the minister of justice, he's an advocate for the Government. Probably, if an Attorney General undertook to deal with these problems, judges might resist his efforts.

The absence of some official who is the counterpart of the Lord Chancellor in England is very sharply in focus for me. The Lord Chancellor in England is the highest judicial officer, but he devotes only a limited time to purely judicial duties. He is also Speaker of the House of Lords and a member of the Prime Minister's Cabinet. Thus, he has access and constant communication with all three branches of government and can keep the executive and legislative branches fully informed on almost a day-to-day basis.

Such an officer is not possible under our concept of separation of powers, and that is why I proposed in St. Louis that Congress create a permanent Federal Judiciary Council appointed one third by Congress, one third by the President and one third by the Judicial Conference of the U.S. This Council, with a small staff, could establish the three-way communication now absent on all problems of the courts on which Congress and the President share responsibility.

One more thing: The office of the Chief Justice desperately needs a high-level administrative deputy or assistant. I devote four to six hours a day on administrative matters apart from my judicial work, and it is not possible—not physically possible—to continue this schedule very long.

Q. Can you give a concrete example of what this Council and this administrative deputy would do?

A. The Council staff would review existing federal jurisdiction, co-operating with congressional staffs, the Attorney General and the Federal Judicial Center, and recommend changes to divert some direct appeals away from the Supreme Court and to the courts of appeal. It would examine all new legislation to make sure resort to federal courts was sound, as a matter of policy. When federal jurisdiction was significantly enlarged, it would measure the projected need for more judges and staffs.

The administrative deputy to the Chief Justice would work closely with this Council, with the Federal Judicial Center and its committees and the Judicial Conference of the U.S. and its committees and with the Administative Office of the United States Courts. In short, he would do what the Chief Justice would do if he had no cases to hear and decide. There are more than 20 standing and special committees the Chief Justice should keep up with. He cannot do it adequately in a 24-hour day, but a highly qualified assistant could do so and keep the Chief Justice informed and take important policy questions to him for decision.

Today, as we sit here in this discussion, a crisis approaching a breakdown is in sight in the Fifth Circuit that embraces all the Gulf States from Texas to Key West, Fla., plus Georgia and South Carolina. Their case load increases 10 per cent to 20 per cent each year, and they simply cannot continue to cope with it. A Federal Judiciary Council of the kind I advocate would have moved on this years ago.

I have been in the courts of almost every country of Europe except Spain, Portugal and the Iron Curtain countries. I've seen something of how they work and how, even though we may think that our system is very much better in many areas, there is much we can learn from some of them.

In England, a patent case, for example, is not tried with a jury. They have not tried civil cases with a jury in England for 35 years, except libel and slander cases.

When they try a patent case, the judge has a great flexibility, and if the case involves new spacecraft problems or chemical engineering or airplanes, the judge will get a physicist or a chemical engineer or an areonautical expert, and they sit on either side of him and they decide the case together. They probably finish the trial in a fraction of the time we would require.

Q. Do the men at the judge's side decide the facts and he decides the law?

A. Essentially that is about the way it works. We don't have that kind of flexibility.

Q. Should a recidivist—a man who is convicted time after time—be automatically sentenced to life imprisonment with no opportunity for parole?

A. This raises two points: the mandatory-sentence problem and the permanent incarceration of the chronic repeater or incurable recidivist—the three or four-time loser, for example.

First, the mandatory sentence is no solution for anything. The mandatory sentences that are written into the statutes are one of the impediments, not one of the assets, to the administration of criminal justice.

The indeterminate sentence is much the better system, and yet the public response to rising crime is often: "Double the sentence." What it does is make it harder sometimes to get a conviction and harder to get the conviction affirmed by an appellate court. So that solution doesn't do it.

We may have to come to something similar to the system used in some Northern European countries where courts decide that a chronic offender is a hazard and he is confined until they think he is safe to rejoin society. This can be a long, long time. Of course, that's easier in a small country operating under a central government.

Q. What kinds of institutions are the incurable offenders confined in?

A. Generally speaking, they have no high-security institutions. They use open prisons, penal farms in which all inmates keep busy. It would be fairly easy to escape, but it isn't very useful to escape from a prison in Holland or Denmark, for example, because the prisoner has almost nowhere to go. With all the stringent passport and travel limitations, he can be picked up very easily. As a result, they have no prisons in the sense that we do.

Q. What about prison personnel?

A. The prison guards in our country pretty generally are poorly trained and poorly paid. They're very often patronage jobs, but almost at the bottom rung of the political ladder. In Northern Europe, men in these jobs are carefully screened, substantially trained and paid well—perhaps proportionately one and a half or two times as well paid as is a guard in a State prison in this country.

Q. Does the European system rehabilitate a convict?

A. It does a much better job than ours does, but it isn't perfect. There is no perfect solution in this business. Anybody who ever thinks there is is deceiving himself. In these older societies they are more philosophical—less impatient than we are. But they are firm with the so-called incurable or incorrigible offenders. They have many centuries of experience; we have only two.

I have visited many prisons here and abroad. If you want a depressing experience, visit a State prison on a Saturday, particularly, when the prisoners' work is over for the week. There are exceptions as to some States.

If any one of you were running the institution, you would see to it that the inmates—mostly young men—had a ball field and volley-ball courts and other exercise facilities. Absolutely nothing in most of these places. These young fellows are just lounging around, sitting, vegetating. Many of them are confined two to a tiny cell that was built to hold one man before the time of the Civil War.

If we set out on a deliberate program to brutalize and dehumanize people and produce more criminals, this would be the way to do it.

Q. Do you think that's typical of our penal institutions?

A. Unfortunately, yes. There are exceptions. California is an example. When Earl Warren was Governor, he completely reformed the whole penal system. But even there the growth of the State and increase in crime are giving them many new problems.

Wisconsin has an excellent system.

Q. Is one of the problems that people will not vote the tax money for prison reform?

A. Yes, but they're paying more without it and don't realize it. It's a hidden tax that is enormous, and the public must be made aware of it. Look, for example, at the growth of private police forces. Financial journals report that costs have now reached a figure of over 2 billion dollars a year for private policing, plant protection, neighborhood patrols and office buildings. This is an indirect cost every person helps pay—and there are many other indirect costs of inadequate correction systems.

Q. Mr. Chief Justice, to return for a moment to the matter of being labeled an "activist" in your nonjudicial affairs, is there a danger that in the public mind this will be associated with your attitude on the bench?

A. That is possible, but as with a pudding the final test will be the taste. Someone must make these problems of the courts known to the public so that intelligent choices can be made. This, to me, is one of the functions of those who carry the responsibility.

I expect—on the basis of many letters—that State chief justices will become more articulate on these problems. Perhaps Governors and the Congress, even though overwhelmed with other problems, will give more thought to the needs of the judicial systems. I am optimistic enough to believe so.

Are Courts Going the Way of the Dinosaur?

(By Edward Allen Tamm)

Many problems facing our courts today have received nationwide attention. The judiciary, however, is confronted with a threat that is potentially much more damaging to its image than the more newsworthy problems: the silent crisis of delay, backlog and inefficiency.

Even casual followers of the news media during the past few months must be aware of the fact that the nation is experiencing a deep crisis of confidence in its judiciary. Charges of serious conflicts of interest, sensationalized trials in which political overtones are exacerbated by disruptive defendants and attorneys, a growing number of controversial decisions, and a series of bitter conflicts over nominations to the Supreme Court have served to create the widespread impression that the courts are falling far short of discharging their duty to provide both justice and the appearance of justice.

The problems have been debated too extensively to merit further discussion here, beyond the observation that some promising efforts to avoid these difficulties in the future are now being made through a variety of professional committees and study groups. This is in itself an interesting phenomenon, however, since it indicates basically that the interest of Bench and Bar is swinging, however slowly, from a longing for a piquant and outdated image to one of strong desire for substantive change bottomed upon objective facts. Far less is being done, however, to meet another threat that is potentially much more damaging to the image of the judiciary and the quality of its work than any of the more newsworthy problems: the silent crisis of delay, backlog and inefficiency. Surely, a court system that is on the verge of collapsing under the weight of its workload denies justice to litigants and to society. Although this may not be a fair description of the present condition of our judicial system, it may soon prove to be a distressingly accurate one.

Obviously, I can lay no claim to originality in decrying the evils of inefficiency in our courts. The literature on this topic is expanding almost as rapidly as the court backlogs, and it is a rare gathering of judges in which someone does not offer at least a few remarks on the delay problem. Calling for administrative renovation of the courts is also a frustrating enterprise because so little happens in response to the repeated cries for reform. Too long has the judiciary met awkward questions concerning its ponderous procedures with unhesitatingly ambiguous answers. In part this is a result, as well as a cause, of the exploding size of court calendars: there is always a brief that must be read, a difficult question of law that must be researched or an opinion that must be written, and the temptation is strong to concentrate on these problems of "substance" while ignoring the seemingly trivial details of paper work and administrative procedures. Unfortunately, the resulting imagery of the judiciary is one of intellectual loftiness which deftly bursts the bubble of its own rhetoric. The ever-growing overburden of cases too often causes a periodic frantic search for unfound shortcuts because judges place devotion to commitment ahead of effectiveness in escaping from a behaviorist trap.

Judges who fall prey to this attitude are committing a serious mistake. It may not be impossible for a court that functions sloppily and haphazardly to produce high quality decisions, but it is certainly much more difficult. It cannot be emphasized enough that inefficient judicial administration is not merely a question of the quantity of cases decided per judge in a given period of time; it is rather an important component of the quality of justice rendered by the courts. A venerable maxim teaches that justice delayed is justice denied, and, beyond this, there is clearly an independent value in fostering a public perception of the courts as efficient, dignified, impartial and responsive institutions. It is past time for us to free ourselves from the lawyer's habit of thinking in tidy, discrete categories and realize that in the judicial process, as in many other areas of human endeavor, form and function are often inextricably entwined. More must be done, however, than a mere chanting of traditional warnings if we are to improve a system that has been condemned by the new left as an outmoded bourgeois ritual. Too much of our procedure and too many of our practices are more deeply entombed in convention and formula than they are bottomed on professional efficiency.

JUDGES MUST LEAD THE ATTACK ON INEFFICIENCY

It is particularly important that judges lead the attack on inefficiency because any realistic hope of reform must be premised on a strong commitment to improvement within the judiciary. Moreover, despite widespread pessimism about our ability to cure the ills of the courts, progress is possible when judges are willing to experiment and support changes. In the United States District Court for the District of Columbia, a simple change in the system for assigning judges to hear criminal cases has proved so successful in expediting the case load that the initial opposition to the plan virtually has disappeared and the new system is being adopted for civil cases. I advocated a change to a similar system twenty years ago when I was a judge on the same district court and was met with a massive outpouring of apathy.

It should not take twenty years to find out whether a new system will work. Problems ignored do not automatically disappear. As befits men officially involved, judges should energetically endeavor to get their bored and indifferent brethren to listen to their pleas for modernization of the judicial process. The pattern of the bland leading the bland has proved its own inefficiency. We judges have a serious obligation to convince ourselves and our black-robed associates that in an atomic age the bow and arrow must be abandoned. If we, as judges, do not actively seek out and support ideas for improvement, we can hardly expect that the rest of the profession will undertake the thankless task of correcting our archaic procedures or that the public will lavish its scarce resources on an institution that manages them so ineptly.

CONSENSUS AS TO QUALITY OF JUDGES IS SCANT

If it is true that the primary responsibility for administrative improvement of the courts must fall on the judges, it also seems obvious that reform efforts should encompass not only a variety of systemic changes but also the less dramatic but equally important problem of finding and creating more effective individual judges. Unfortunately, there has been little systematic thought and less knowledge available on the question of what are the qualifications and characteristics of an outstanding judge. Indeed, the recent controversies concerning Supreme Court nominations indicate that there is scant consensus even as to what professional qualities—let alone attributes of character or personality—a judge should possess.

This is surprising in view of the importance of the selection process. Very little can be done, at least in the federal system, to remove a bad judge once he is appointed. Similarly, life tenure and complete authority to control the course of proceedings in the courtroom are essential supports of an independent judiciary, but they also create a risk that some judges will fall prey to the intoxication of power and perform more as despots than as seekers of justice. Psychology, sociology and the other behavioral sciences should be able to teach us quite a bit about this problem, but on the whole we simply have not been interested in finding out. If we had adequate knowledge about the personal qualities that are needed to discharge judicial duties properly, methods of teaching or developing them probably could be evolved.

As a long-range goal, it seems at least worth considering whether the selection process could be initiated as early as law school, through broad specialization in categories such as advocacy, counseling and adjudication. Certainly there can be no better time than the present to explore the possibilities of innovating an evaluation process which will bring to the bench judges of monumental competence, who will in turn bring to the judicial machinery a combination of compassion, ability for intelligent research, a thirst for reasoned improvement and a desire for carefully thought out reforms.

Every conceivable selection process will undoubtedly bring in at least a few marginally competent people, although some methods, such as popular election, seem calculated to maximize these problems. However, even the best qualified judges can benefit and learn from their colleagues' experience, and in this area our efforts have fallen far short of what is needed. Most judges are essentially untrained in the many arts and skills of adjudication when they first ascend the bench, and they have little opportunity for systematic self-education thereafter. In some degree, this problem is alleviated by the fact that many newly appointed judges have admirable and extensive backgrounds in trial or appellate practice. However, this condition is not an unmixed blessing. To the extent that lengthy trial experience is treated as a prerequisite to judicial appointment, many eminent members of the profession may be excluded from consideration at the outset. Moreover, the change from advocate to judge demands more of a man than merely donning the robe and moving to the other side of the bench. Trial practice is normally specialized and does not provide exposure to the wide range of matters which daily confront a judge. In addition, it is often the best courtroom lawyers who, as judges, will ask questions that are designed more to score argumentative points with one party's attorney than to seek enlightenment on a difficult point of law, or who will, with great conviction, if less clarity, harangue counsel because of irritation at a poorly presented case or a dubious argument.

This, surely, is a tendency that judges should be educated to avoid at all costs. It not only wastes valuable court time, with the result that the attorney must be given extra time for argument or forced to skip over important points, but also creates a substantial risk that observers will believe the court to be hostile to one of the parties or to have prejudged the case. Here, as with so many matters relating to the management of trials and appeals, small differences in tone and emphasis can have a tremendous impact in terms of the dignity and efficiency of the proceedings.

SERIOUS CONSEQUENCES CAN ARISE FROM TRIVIAL OVERSIGHTS

Lest I be accused of straining at gnats, I shall cite several representative incidents that occurred in the District of Columbia Circuit during a recent term of court as illustrations of the serious consequences that can arise from trivial oversights in judicial management. In two criminal cases, difficult problems were presented to the court of appeals relating to the allegedly coercive impact of questions asked by the trial judge in conducting the poll of individual jurors after a guilty verdict was announced. In both cases the record indicated a substantial likelihood that the questions had to be repeated, thus giving the appearance of coercion, simply because faulty acoustics and poor sound equipment made it impossible for judge and jury to hear each other. Similarly, in tape recordings of oral arguments made in the court of appeals, questions asked from the bench were frequently unintelligible because the recording equipment was improperly adjusted and the judges often failed to speak into their microphones. Finally, in another case an appellant found guilty of burglary, assault and taking indecent liberties with a minor won reversal of his conviction and a remand for a lengthy, expensive and unnecessary new trial solely because the trial judge had forgotten to make sure that a court reporter was present during a portion of his instructions to the jury.

In addition to learning the careful habits that avoid the small oversights that can create reversible error, trial and appellate judges can do a number of little things to assist witnesses, attorneys and jurors in discharging their duties more effectively. In my years as a trial judge, I found that study of the physical design and appointments of the courtroom can lead to innovations that make it much easier for participants to hear, see and understand evidence. For example, the simple expedient of having the distances between various points in the courtroom measured and tabulated frequently made it possible to provide material aid to juries in automobile accident cases: a witness's testimony that he was fifty feet from the intersection takes on added significance if the jurors are informed that fifty feet is the distance between the jury box and the opposite wall of the courtroom. This is rather primitive in terms of what ought to be done. The schools, mass media and the business world have undergone a true revolution in techniques of communication and development of visual aids within the past few decades, yet hardly any of our lawyers, judges or courtrooms are equipped to use these tools to assist in the difficult task of reconstructing past events accurately. The rewards of imaginative planning and analytical innovation are priceless even though the demands on a judge's time and ingenuity are high.

In short, there are many techniques and devices that can be employed in the process of hearing cases which, although individually small, can in the aggregate have a tremendous impact on the efficiency of the proceedings. There should be some mechanism by which the benefits of judicial experience and new ideas in nonlegal fields can be easily transmitted to new judges, but, at least in the federal system, there is no adequate process for doing so.

There are several obvious methods by which this need could be met. The Federal Judicial Center has compiled a looseleaf "Bench Book" for district judges which summarizes the points of law that must be covered in various kinds of proceedings. Perhaps a companion volume could be developed containing practical advice and suggestions on how a courtroom should be run. A more valuable approach, however, would be to borrow and expand the concept of the National College of State Trial Judges: the newly appointed judge could be exposed to an intensive program of seminars with experienced colleagues, practice in trying hypothetical cases and observation of actual trials. Another learning device that I found invaluable when I was first appointed to the district court is a brief period of sitting on the bench with an outstanding judge during trials of various kinds of cases. This experience not only enables the newly appointed judge to test his own reactions against the rulings made by a veteran on the bench, but also provides an opportunity to learn on the spot why things are done a certain way. Conceivably, a newcomer's questions could also lead the experienced judge to reevaluate the desirability of some of his habitual practices. This kind of "internship" can be done with virtually no disruption of the proceedings and can avoid the socially costly practice of having the new judge learn his trade by what is literally a process of trial and error.

Many new judges, and perhaps a substantial number of those now serving in our courts, would welcome educational efforts of this nature. Certainly the practicing Bar has perceived the necessity for programs of continuing legal education. The vast majority of recent appointees to the federal Bench are capable, dedicated and eager to do the best possible job in discharging their duties. Yet, for lack of adequate opportunities to learn the skills of adjudication, they are allowed to perpetuate the tradition of committing error repeatedly but gracefully. Too often the actions of inadequately trained judges are guided less by law than by ego and instinct. Primary responsibility for this inefficiency must be assigned to the past and present members of the judiciary.

TOO MANY CHIEF JUDGES LACK INTEREST AND ABILITY

The administrative shortcomings of individual judges constitute a serious problem, but they are at least more excusable than the collective incompetence of the judiciary in managing the flow of work within the various courts. The prevailing administrative irrationality begins with the practice of imposing managerial responsibility on the chief judge, who is the man with the longest tenure on the court. Fortunately, many chief judges in the federal system accept this burden with dedication, if not with joy, and occasionally they bring to the job substantial experience in business or public administration. But it is a matter of pure fortuity to find a chief judge who has a positive genius for court management. Surely no one woulld defend the proposition that sheer longevity assures interest or competence in matters of administration. If anything, the contrary is more likely to be true, yet this seems to be the premise of the present system. Despite the wonderful and durable clichés so frequently uttered, and sometimes believed, at bar association dinners, too many of our chief judges are irredeemably lacking in both interest and ability in the area of basic administrative responsibility. The result is an eschewing of each required decision until a mere problem becomes a crisis. Even the most conventional wisdom will readily point out that forward movement is impossible as long as our feet are embedded in the concrete of an inefficient system of selection of chief judges. Large law firms, which are more concerned about inefficiency because it involves waste of their own money rather than the taxpayers' would be appalled by a rule which required that administrative duties be discharged by the oldest senior partner. Instead, the firms take the much more sensible approach of selecting a managing partner who is interested and skilled in business techniques.

The seniority system would not be so outrageous if the chief judges could draw on an adequate supply of skilled administrators to help manage the flow of business. Unhappily, the realities are grim: even the better clerks' offices have only one or two lawyers and an insufficient number of clerical personnel whose training consists of some familiarization with typing and shorthand. Some relief may be in sight as a result of the imaginative program for court administrators recently established at the University of Denver. This innovative approach to the inefficiency of the courts begins by selecting people with graduate degrees in business administration rather than law. These administrators are then given approximately three weeks of lectures on court problems and are sent out to obtain practical experience in the operation of various courts. Following this apprenticeship, the administrators are reassembled to conduct seminars on the procedures used in different courts and the reasons behind them. Finally, they are sent back to the courts to help restructure operating procedures, with their central task summarized in a single question: "What can we eliminate?"

Although it is still too early to assess the results of this program, the underlying concept seems worthy of high praise. In fact, it might not go far enough in breaking with the hidebound procedures of the past. It would be very interesting to see what would happen if an experienced business efficiency expert or systems analyst were brought into one of our busier courts, provided with only a minimal description of the work being done and then turned loose to study the procedures and make recommendations for change. The results would be eye opening, if not plain shocking, to most of us who have become accustomed to the leisurely pace with which justice is usually administered. In any event, the school for court administrators may have a significant long-range impact on the operation of our courts, if only a sufficient number of qualified people can be recruited, trained and assimilated into positions in which they can apply their *expertise*. The Chief Justice of the United States has said that there are openings for 600 of these trained administrators, and it is obvious that the need for them is immediate and severe. This is a program which deserves the fullest support of the judiciary.

REFORMS ARE NEEDED IN TECHNOLOGICAL AREA

Another area in which a little—but not nearly enough—is being done to drag court administration into the twentieth century is the field of modern information storage and retrieval technology. Four years ago the task force report on the courts prepared by the President's Commission on Law Enforcement and Administration of Justice flatly charged that internal management of the courts is "archaic, inefficient, and wholly out of tune with modern improvements in management and communications". Things are certainly no better today, yet it seems likely that many aspects of the judicial process could be easily adapted to the recent technological advances.

Deciding cases is largely a matter of exchanging, and evaluating information, and, particularly at the appellate level, virtually all of this interchange takes place in the form of "hard copies" of memoranda and draft opinions that are laboriously typed, edited, retyped, xeroxed, mailed or hand-carried, sorted, studied, stored and retrieved in a slow and endless cycle of paper. It doesn't have to be done this way. In the present state of the technology, it should be not only possible but relatively simple to design a judge's chambers in which all hard copies of books, briefs, memoranda, pleadings and other documents relating to all pending cases could be kept in a single desk drawer. All information that was not actually being used would be stored in the vitals of a computer. There it could be revised and updated without useless human repetition of work already completed and retrieved instantaneously for either visual display on a device such as the familiar television screen or for printout as hard copies. The office typewriter, with minor modifications, would be the heart of a modern information system that could extend throughout the country by means of simple connections to the telephone lines. As a result, the dispersed judges of the largest federal circuits could have easier and more rapid communications with each other than we now have in the District of Columbia Circuit, where all judges are located in a single building. Research could be similarly expedited if the basic reference materials were assembled in a central storage facility. All one would need to do is type out the citation on the typewriter terminal, and the needed information would be immediately available. I advocate, of course, a system of automation which would eliminate red tape instead of merely perforating it.

Computerizing and integrating the various existing judicial information systems could also have a number of incidental fringe benefits that would result in substantial savings of time. Statistics on the status of a court's caseload could be compiled and analyzed effortlessly and continuously if, as seems likely, the central computer could be programed to conduct periodic audits of the files to determine what is happening to pending cases and mechanically summarize the results. Lost or misplaced records would be largely a thing of the past, since the master copy would always remain stored in the computer's memory, ready for visual display or reproduction as needed. Centralizing and rationalizing the files into a single system to which all can obtain ready access should also make it easier for the clerk's office to keep track of all documents relating to a particular case. As matters now stand, records, briefs, motions papers, docket cards and other bits of information about a given case are frequently scattered among various functionaries in a clerk's office, with the result that it is often necessary to visit several offices to obtain a complete picture of the controversy. Finally, it should be possible to establish a computerized calendar system that moves cases along toward hearing with a minimum of human effort and intervention, printing standardized notices to the parties at predetermined times and compiling lists of cases that are ready for argument.

TIME-SHARING COMPUTERS REDUCE COSTS

Of course, this is a utopian sketch of what might be done with existing technology if sufficient resources were available, and if the majority of individual judges were committed to experimenting with and adopting new technologies that hold forth a reasonable promise of contributing materially to the improved operation of the courts. The financial obstacle may well be the less serious of these two problems. Great strides have been made recently in the practice of "time sharing", or having many dispersed users rent computer time from a single facility on the basis of need, and there is statutory precedent, at least with respect to the executive agencies, for implementing this kind of sharing among federal entities. Thus, modest trial programs could probably be undertaken without the risk of incurring large capital expenditures if unforeseen problems arose in practice. Moreover, even if the cost is relatively high at the outset, it may well be worth paying if the new technology can substantially increase the effectiveness of our courts. Creation of new judgeships seems to be the principal alternative, and this has proved to be a very costly undertaking which seems to have reached the point of diminishing returns. Experimental computerization programs should be supported actively and should be instituted without further delay. Traditionally, however, suggestions of this dimension are confronted with the sort of reception formerly accorded the Christians in Nero's Rome.

EMPIRICAL STUDIES SHOULD BE ENCOURAGED

In addition to rationalizing our administrative procedures by employing modern techniques of management and communications, we should do well to encourage empirical studies that seek to apply scientific methods of analysis to various aspects of our work product—the judicial decision. One area in which such an inquiry is greatly needed is the general topic of remedies. In civil actions for breach of contract or personal injury, for example, award of money damages may proceed from a variety of premises through innumerable methods of computation to achieve a relatively arbitrary figure. In few, if any, cases do the courts receive any direct feedback as to whether the award has even come close to achieving its intended result. In appellate decisions, remands to the trial court or administrative agency for further proceedings frequently result in useless and repetitive exercises, or in further appellate action because the defects in the original proceedings have not been cured. In these situations the image of the judicial process is that of a Ferris wheel on which the parties are being taken for an expensive ride. Similarly, injunctions are often so vague that the litigants must return to court for clarification, or so stringent that modifications must be made when subsequent events illustrate their harshness. It should be possible to generate some meaningful statistics and generalizations about these problems and to develop workable principles to assist the courts in framing their mandates so that they come closer to achieving that elusive goal of the judicial system—justice.

These general suggestions provide only a few modest beginnings on the task of achieving a true administrative modernization of the courts. Indeed, they are rather conservative in comparison to the changes which are being implemented by other institutions in our society. This is the perspective from which we must view the problems of the courts if the courts are to continue providing meaningful service to the public. In an age of instantaneous and continuous electronic communications, it is inevitable that the quality of one institution will be judged by reference to the productivity and efficiency of other institutions. The courts cannot long remain slow-moving and expensive relics of the past, as cumbersome and oblivious to the demands of a changing environment as were the dinosaurs, without suffering a similar fate. To avoid this destiny today's judges should realize that it is better to live one day as a lion than a hundred years as a sheep. If we do not advance into the twenty-first century geared to meet the accelerated and demanding times that face us, then our judicial system will fail in its basic responsibility of promoting that security of life, liberty and property which is the great end of society and government.

By Mr. ALLOTT:

S. 1440. A bill to establish a Federal Judiciary Council. Referred to the Committee on the Judiciary.

Mr. ALLOTT. Mr. President, I am sending to the desk a bill to establish a Federal Judiciary Council, and I ask unanimous consent to have it printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLOTT. Mr. President, late in the last session of Congress I introduced this same bill. I understood at that time that the Congress would not have the time to act on the measure before the end of the session. But I felt that the problems afflicting our judicial system were so serious, and so rapidly intensifying, that we should get the issue before the Senate as soon as possible.

Subsequent to the introduction of the bill there has been a gratifying public discussion of many of the pertinent issues. For example, recently both the President and the Chief Justice of the U.S. Supreme Court have made excellent contributions to the national discussion of these issues in addresses before the National Conference on the Judiciary at Williamsburg, Va. I direct attention to these addresses, which were printed in the RECORD of March 12.

We face a growing decline of public confidence in our judicial system. The bill I am submitting would establish a Federal Judiciary Council, the purpose of which would be to advise the Congress, the Executive, and the Judicial Conference on the myriad matters affecting the administration of justice in America.

As I said last session, four things are now clear beyond peradventure.

First, the Nation is suffering an unsupportable increase in the incidence of serious crime.

Second, there are limits to what the Federal Government can do about this.

Third, one crucial and insufficiently discussed cause in the rise of crime is the declining effectiveness of our judicial system.

Fourth, the Federal Government can do something about this.

In time, crime flourishes when law enforcement breaks down; a staggering judicial system is both cause and effect of such a breakdown; the Federal Government has a clear responsibility to set its own judicial house in order; the place to begin with this large and vital task is with a coordinating panel of experts who can clarify the dimensions of the problem and the probable path to solution.

The details relevant to the first point have been made abundantly clear in this Chamber during this year. The truth of the second point is implicit in our federal system.

The fourth point speaks not just about possibilities, but duties. It is a duty, mandated by commonsense and the sixth amendment, for us to provide the substance of justice in the courts which are a Federal responsibility.

What are the current problems in this area?

Consider the most recent report of the Administrative Office of the U.S. Courts:

> Case filings in the courts of appeals have increased 14 percent over the preceding year and are now almost 200 percent over the number filed ten years ago.
>
> Civil and criminal actions commenced in the district courts increased by 13 percent over 1969, whereas terminations increased by 11 percent.
>
> The civil case backlog in the district courts is the highest in history—93,207 cases, which is eight percent more than 1969 and 52 percent higher than 1960. The largest increases were in civil rights cases, civil commitments under the Narcotic Addict and Rehabilitation Act, cases under the Securities and Exchange Act and prisoner petitions.
>
> Criminal case filings increased 13 percent over 1969; despite a rise in terminations, the pending caseload was 18 percent higher than the preceding year and 172 percent over the 1960 figure. The largest single increase was in cases under the Federal weapons and firearms laws.
>
> Bankruptcy filings, after showing a decline for two years, rose again in 1970, showing a 5.1 percent increase over 1969. The proportion of business versus nonbusiness bankruptcies remained stable at 8.3 percent and 91.7 percent respectively.
>
> Three hundred and thirty-seven petitions for review of referees' orders were pending in the district courts as of March 31, 1970, and 63 of these have been pending from one to five and a half years; several of these petitions have resulted in having substantial sums of money held up in depository banks for ultimate distribution to creditors.

There is no question that Congress should be interested in the problems experienced by the judiciary. The Constitution confers judicial power in a Supreme Court and in such inferior courts as Congress may from time to time ordain and establish. Congress has a continuing obligation to examine and reform our judicial system. The proposed Federal Judiciary Council will facilitate this examination and reform.

There are powerful reasons why the proposed duties of the Federal Judiciary Council should not be imposed on existing organizations such as the Judicial Conference or the Federal Judicial Center.

The Judicial Conference of the United States is composed of two representatives from each of the 11 Federal circuits and two representatives from the special courts. The Chief Justice serves as Chairman of this Conference. All of the members are active judges and it would be unwise to increase their burdens.

The Federal Judicial Center was created as a research and educational arm of the judicial branch. It also is composed of a majority of either active or retired judges.

The proposed Judiciary Council would be composed of six eminently qualified persons. The Council members are to be appointed by all three branches of the Federal Government. This procedure will guarantee useful communication between the branches.

Clearly, the Council would also be much more than a research institution. It would be responsible for analyzing the impact of proposed legislation. Its analyses would be factual documents concerned only with delineating the affect of particular legislation on the courts. These analyses would enable the Council to recommend legislation to improve court functioning.

Another important aspect of the proposed Council would be the authority to employ a full-time Director and professional staff capable of performing the sort of duties performed by congressional committee staffs.

Reform of the judiciary will require the spending of money. But we will save money by spending money in this area. And we will also receive value that cannot be measured in monetary terms.

It is a rough but reliable rule that you can tell what people value by what they are willing to pay for. A disinterested observer might conclude—mistakenly but understandably—that the thing we Americans value least is justice under law. We have never shown a proper solicitude for the needs of our complex legal system; we have never spent the money necessary to keep our judicial system abreast of the burgeoning demands made upon it. We have not spent money that would enable us to project future demands and to explore imaginative proposals for reform.

The cost of any such program will be very modest indeed. And I cannot think of any expenditure that makes more economic sense. Judging the return on our dollars in terms of the consequent savings in related areas the investment will more than pay for itself in reducing the pressure on law enforcement agencies.

These statistics mean that anticrime efforts have been crippled. Some suspects wait for months before they can receive a trial. When their cases are finally considered, they are often dismissed for lack of evidence, a lack aggravated by pretrial delays. The logjam in the dockets has forced the courts to encourage "plea bargaining" a process by which the court accepts a guilty plea to a lesser charge in return for a lighter sentence.

Since suspects cannot be held in jail for indefinite periods while awaiting trial, persons accused of all but the most vicious crimes are released within hours of their arrest. Thus, burglers, muggers, thieves, and dope peddlers are back on the street for months until their cases are called.

This situation tends to foster disrespect of the criminal justice system among law-abiding citizens. When twice-convicted bank robbers go free immediately after their third hold up; when muggers are tried for petty larceny and given a suspended sentence; when dope pushers are freed the same day they are arrested, it is little wonder that some persons begin to doubt the old adage that "crime does not pay."

In addition, the glut of cases in our courts discourages many citizens from seeking adjudication of their grievances.

Not only do trials take almost twice as long as they did a decade ago, they are tremendously expensive. A person with a small civil claim is discouraged from seeking redress in the courts. The low- and middle-income wage earner has been forced out of the courtroom by monetary pressures.

Only the wealthy can really afford the protracted lawsuits which have become the rule rather than the exception. This is an intolerable and unjust situation. The courts were not established as an exclusive service for wealthy citizens. They must be made available to all Americans. If people cannot use the courts to settle their disputes, they will find ways—at best untidy and at worst unjust—for resolving conflicts. The danger of this is apparent. Therefore, justice must be made available to all.

A legal system in which punishment and arrest do not stand in a relationship of propinquity is a system in which the deterrent value of the threat of punishment will swiftly erode. And a system in which civil disputes cannot be settled in orderly manners in competent judicial institutions is a system which cannot encourage confident and amicable human relations throughout the society.

The economic costs of slow and cumbersome justice—measured just in terms of personal injuries, property loss, and diminished productivity—are staggering. The social costs of crime are more difficult to quantify, but even more deadly to the traditions of civility. That is, crime destroys the possibilities for neighborliness and trust among strangers in public places. It inhibits the free movement of citizens around their communities, and thereby destroys the communitarian values which can make city life a humanizing experience.

One thing is certain. We cannot afford the economic or social costs of an inefficient judicial system.

The first principle of civil society is that the Government shall have a monopoly on force. But if we are to avoid private enterprise in violence, we must guarantee that a wide range of dispute-settling rules and institutions perform a variety of functions with clear efficiency.

In addition, a primary function of civilization has been to tame the spirit and practices of vengeance, and to evolve social arrangements which reinforce whatever may exist in mankind by way of a natural sense of justice. The sine qua non of such a civilizing system of man-made justice is swift and certain administration of procedures the justice of which is widely recognized. A Federal Judiciary Council will make a significant contribution to the improvement of our civilizing system of justice.

I urge thorough hearings, and favorable action on this bill.

Mr. President, when I submitted this bill last session I invited comment from interested persons. As consideration of this problem proceeds, I will be pleased to share the responses with members of the Senate. Today I would like to ask unanimous consent to have printed in the Record at the conclusion of my remarks a letter from Mr. Richard P. Matsch, referee in bankruptcy for the U.S. district court, district of Colorado.

In addition, I request unanimous consent to have printed in the Record a letter from Mr. Wantland L. Sandel, Jr., assistant executive director of the American Bar Foundation.

There being no objection, the letters were ordered to be printed in the Record, as follows:

United States District Court,
District of Colorado,
Bankruptcy Division,
Denver, Colo., December 29, 1970.

Hon. Gordon Allott,
U.S. Senate, New Senate Office Building,
Washington, D.C.

Dear Senator Allott: It was with great interest that I read the newspaper accounts of your bill for the creation of a federal judicial council. Of course I am very much aware of your interest and concern with the administration of justice. Unfortunately there are many who seem callously indifferent to the inadequacies of the judicial system at all levels and to the growing portents of genuine crisis. Your efforts with this legislation growing portents of genuine crisis. Your efforts with this legislation will provide a focus of attention on the need for change and will present an opportunity to collect, evaluate and develop proposals for constructive reform.

I think it is particularly important that you have included appointees from the legislative and executive branches in the council. The implementation of new ideas will require the efforts of all branches of government. For too long a time we have accepted the notion that judges and lawyers are uniquely qualified to determine the methodology of the court system. There is now a growing awareness that the public interest has not always been the controlling criterion. Indeed, it is increasingly apparent that the activities of both bench and bar are inhibited by a considerable inertia and a strong affection for the comfort of traditional practices.

I have learned from experience in my present assignment that non-legal sources have much to offer in the development of administrative techniques. At our request the regional office of the National Archives and Records Service designed a terminal-digit, open-shelf filing system which has saved many personnel hours in this office; the accounting firm of Ernst and Ernst and the Colorado National Bank developed a data processing system for our Chapter XIII cases on a program directed by our Trustee, James Wagner, whose common sense and pragmatic point-of-view have been invaluable; and our Chief Clerk, James Driver proves daily that a law school background is not required for effective court administration. These are only a few parochial illustrations of the significance of a generalized approach.

Effective answers to the problems of delay, inappropriate remedies and judicial isolation require a willingness to examine and to evaluate seemingly radical proposals for institutional change. Chief Justice Burger has set the tone with his addresses such as his Philadelphia speech raising provocative questions about the value of jury trial. You are demonstrating the same spirit of open inquiry.

Like most others in our profession, I have speculated about what could be done and at the risk of being considered "wild eyed" or "revolutionary" I offer you a few thoughts which might have some value in illustrating areas for consideration.

A starting point might be an attempt to articulate the role of the courts in a way more meaningful than the broad definition of judicial power in Article III of the Constitution. What really is the proper judicial function in a tri-partite governmental system? It is apparent to the most casual observer that the due process and equal protection clauses of the fifth and fourteenth amendments have been used to support judicial excursions into broad issues of social policy well beyond the historical boundaries of cases and controversies at law and equity. The ability of the courts to resolve such questions using the restrictive methods of the adversary system is certainly subject to serious question and the effectiveness of the end result in terms of public acceptance is also far from obvious. On the other hand, the more than thirty years of experience with the handling of public interest questions within the framework of the independent administrative agencies is even less satisfactory. The activities of the FPC, ICC, FAA, SEC and other regulatory bodies may be characterized by the same delay, isolation and inappropriate results as the courts.

Congressional action is inhibited by the requirement of generality and by an inability to respond quickly to a particularized need for a remedy. All too frequently committee hearings are dominated by the posturing of self-proclaimed presidential candidates. Perhaps some one will be inventive enough to create a new type of institution which will be structured to do a better job of combining the ideas of representative democracy and particularized problem solving. For example, is it feasible to establish legislative tribunals to consider such needs and to recommend specific and immediate legislative action on such issues. To avoid the mistake of the regulatory agencies, such tribunals would be directly responsible to the Congress and their methods would encompass the kind of independent inquiry which is utilized in European courts operating under civil law systems. Examples of problems suitable for this approach are industry wide strikes, environmental pollution hazards, political redistricting disputes and school integration cases. It may be that these legislative tribunals should be specialized in one or more of such matters and they would not be restricted by any geographical boundaries.

Perhaps it is time to reconsider the assumption of prejudice against the non-resident litigant as the sole predicate for diversity jurisdiction in the Federal court system. Is this realistic in our mobile society and if it is what is the reason for making a distinction in the amount of damages sought? Should such matters as consumer bankruptcy continue to be a part of the Federal judiciary and should divorce, automobile collision claims, probate and traffic violations be handled by the state courts?

A second major concern should be an inquiry into the nature of the judicial process in its traditional functional role. Are the operative assumptions of the adversary system of justice valid? The rules of the game postulate lawyers of equal ability performing their respective roles of prosecution and defense within well defined limitations of professional ethics and common courtesy. Pre-trial discovery under the Federal Rules of Civil Procedure require such representation to be operative in any effective manner. But how often does this fail in practice? How frequently are actions filed for purposes of intimidation or to obtain a nuisance settlement? Such abuses are not uncommon. Two ideas may be corrective of these abuses. One is to tax attorneys' fees at costs where the judge finds that litigation is vexatious and without merit. Such a result applied to all parties including government agencies and legal services for the poor programs would be a significant deterrent to many cases of the type which now crowd the dockets of the Federal courts.

The second suggestion is the adoption of a kind of mediation service as adjunct to the courts and which would be staffed by persons trained in the arts of conciliation and compromise. These people would have a responsibility to bring the parties and their counsel together to attempt settlement of a civil dispute and if that failed, to supervise adequate discovery and the preparation of a pre-trial order for use by the judge in the trial of the case.

The trial process itself needs revision. Such exclusionary rules as the best evidence rule need changing because of modern business practices and the jury's role in civil suits should be reduced. In that regard, it may be noted that the Seventh Amendment preserves the right of trial by jury in suits at common law but much of our civil litigation involves causes which were unknown to the common law and invoke remedies created by legislation. Is there actually a constitutional right to jury trial in such cases as those arising under SEC Rule 10b(5) and civil anti-trust actions? The traditional approach is to exclude from the right to jury trial only those forms of action which are equitable, using the old law and equity dichotomy; but such an approach seems too restrictive. Even where juries are used, a more extensive application of special verdicts upon written interrogatories as authorized by Rule 49 would be helpful to facilitate the jury's function in many cases.

On the criminal side, it is imperative that there be a reconsideration of the privilege against self incrimination. What is the potential for prosecutive interrogations of an accused under the supervision of a magistrate and with the protection of defense counsel to prevent unfair questioning? Such a procedure eliminates the coerced confession which is all that the privilege was designed to prevent. What is the proper role of the courts in determining the future of the convicted criminal? Should we adopt a system of indeterminate sentences? Should the court function be limited to the determination of the objective criminal act and all questions of responsibility and corrective action be referred to another agency operating with less restrictive methods of inquiry? What techniques are available for making a record of the trial to expedite appellate review in criminal cases? What are the possibilities for changing the architectural design of courtrooms to control disruptive defendants?

These are but a few scattered and random observations on a very complex and many faceted subject. It would be pretentious to believe that these thoughts present any basis for actual reform. What is required for that purpose is precisely what you have proposed—a council which can become a clearing house for the input of such ideas and a factory for the development and production of programs to meet a variety of changing needs with responses reflecting the traditional values of individual freedom and collective responsibility in an ordered society.

With best personal regards, I am

Very truly yours,

Richard P. Matsch.

American Bar Foundation,
Chicago, Ill., March 16, 1971.

Hon. Gordon Allott,
U.S. Senate, Committee on Appropriations,
Washington, D.C.

Dear Senator Allott: Thank you for your letter of February 3, 1971 and the enclosed material pertaining to S. 4582.

Your leadership and initiative in addressing yourself to one of the outstanding problems of the American legal system is very much to be commended. The problems of judicial reform in the United States are very large and it takes considerable fortitude to approach them in the positive and constructive way that you are doing.

We share the concerns you express in your floor statement. We are much interested in the method that you are proposing for attacking some of the problems confronting courts and feel that your proposal merits serious attention. While we are as yet unable to provide any useful evaluation of the proposed Federal Judiciary Council, we will continue to study the bill and the remarks in your floor statement. We will want to give the proposal our careful attention in order that any comments we may ultimately make will have the potential of being of value to you.

We appreciate not only your initiative in this matter, but your calling upon the American Bar Foundation.

Very truly yours,

Wantland L. Sandel, Jr.,
Assistant Executive Director.

Exhibit 1

S. 1440

A bill to establish a Federal Judiciary Council

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title 28, United States Code, is amended by inserting immediately after chapter 43 the following new chapter:

"Chapter 44.—FEDERAL JUDICIARY COUNCIL

"Sec.
"651. Federal Judiciary Council.
"652. Duties and powers of the Council.
"653. Director and staff.
"654. Fiscal services.

"§ 651. Federal Judiciary Council

"(a) There is established the Federal Judiciary Council, whose purpose shall be to advise the Congress, the Executive and the Judicial Conference of the United States on matters affecting the administration of the courts of the United States.

"(b) The Council shall be composed of six appointed members, two by the President, one each by the Committees on the Judiciary of the House and Senate, and two by the Judicial Conference of the United States, from among persons familiar with the judicial system of the United States who are eminently qualified to serve as members of the Council. Members of the Council shall serve without compensation, but shall be reimbursed for expenses incurred in the performance of their official duties.

"(c) The term of office of each member shall be four years, except that three of the members first appointed and so designated at the time of appointment by each appointing body shall serve for a term of two years. A member appointed to serve an unexpired term shall serve for the remainder of such term. No member shall serve more than two full terms.

"(d) The Council shall elect a Chairman and a Vice Chairman from among its members. A majority of the Council shall constitute a quorum for the transaction of business. Any vacancy in the Council shall not affect its duties or powers.

"§ 652. Duties and powers of the Council

"(a) It shall be the duty of the Council to report to the Congress from time to time, but not less than once each year, with respect to—

"(1) the impact of proposed legislation on the administration of justice in the courts of the United States;

"(2) the desirability of legislation to modernize court procedures and thereby to ease court congestion;

"(3) the necessity for additional personnel and facilities to handle, in a prompt and efficient manner, the increasing number of judicial proceedings; and

"(4) the appropriate allocation of judicial functions to the Federal courts.

"(b) The Council is authorized—

"(1) to request from any department, agency, or independent instrumentality of the Government any information it deems necessary to perform its duties under this chapter, and each such department, agency, or instrumentality is directed to cooperate with the Council and to furnish such information, to the extent permitted by law, upon request of the Council; and

"(2) to make expenditures and to contract with and compensate government and private agencies and persons for research projects and other services without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), or any other provision of law relating to competitive bidding.

§ 653. Director and staff

"(a) The Council is authorized to appoint and prescribe the duties of the Director of the Council who shall serve at the pleasure of the Council. The Director shall be compensated at a rate equal to that of the Director of the Administrative Office of the United States Courts. The Director shall supervise the staff in the performance of its duties as prescribed by the Council.

"(b)(1) The Director is authorized to appoint and fix the compensation of such additional professional personnel as the Council may deem necessary without regard to the provision of title 5, United States Code, governing appointments in competitive service, or the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates. The compensation of any person appointed under this subsection shall not exceed the annual rate of basic pay of level V of the Executive Schedule under section 5316 of such title, and the salary of a reemployed annuitant under subchapter III of chapter 83 of such title shall be adjusted pursuant to the provisions of section 8344 of such title.

"(2) The Director is authorized to appoint and fix the compensation of such clerical personnel as he may deem necessary subject to the provisions of such title governing appointments in competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of that title, relating to classification and General Schedule pay rates.

"(c) The Director, the professional staff, and the clerical staff of the Council shall be deemed to be officers and employees of the judicial branch of the Government within the meaning of subchapter III of chapter 83, chapter 87, and chapter 89 of title 5, United States Code.

"§ 654. Fiscal services

"The Administrative Office of the United States Courts shall provide accounting, disbursing, auditing, and other fiscal services for the Council."

(b) The table of contents of part III of title 28, United States Code, is amended by inserting after—

"43. United States Commissioners.... 631"
the following new chapter heading:
"44. Federal Judiciary Council...... 651."

By Mr. ALLOTT (for himself and Mr. Dominick):

S. 1441. A bill to designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado. Referred to the Committee on Interior and Insular Affairs.

THE FLAT TOPS WILDERNESS AREA, COLO.

Mr. ALLOTT. Mr. President, I send to the desk for appropriate reference for myself and my colleague (Mr. Dominick), a bill to designate the Flat Tops Wilderness, in the Routt and White River National Forests, in the State of Colorado.

The bill I introduce today is the bill as originally transmitted to the Congress, by the previous administration, and it is the bill recommended by the Forest Service. The total acreage of the proposed Flat Tops Wilderness Area under this bill is 142,230 acres.

It should be brought to the attention of the Senate that there has been substantial disagreement concerning the size of the Flat Tops Wilderness. Proposals range from 102,124 acres to 230,000 acres. These various proposals have been advanced by different levels of government, including State, county, and agencies of the Federal Government, and by citizen groups.

Mr. President, in order that Senators will have a full listing of the various proposals together with a listing of those organizations and groups supporting each proposal, I ask unanimous consent that the section entitled "Public Reaction" of the President's communication relative to the Flat Tops Wilderness Area be printed in the RECORD at this point.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

PUBLIC REACTION

The Forest Service initially proposed the reclassification to Wilderness of 99,713 acres of the Flat Tops Primitive Area, plus 53,532 acres of adjacent National Forest land. Recommended as unsuitable for Wilderness were 2,411 acres of the Primitive Area.

A hearing on the 153,245-acre proposal was held in Glenwood Springs, Colorado, on October 10, 1966. The hearing record was held open for receipt of additional written testimony through November 14, 1966. Eighty-nine oral presentations were made, and over 350 letters were received.

Sentiment was overwhelmingly in favor of adding the Flat Tops Primitive Area to the Wilderness System. A majority of the testimony favored a Wilderness larger than the present Primitive Area.

ANALYSIS OF HEARING RECORD

Testimony in the hearing record overlaps and duplicates considerably because many of the individuals who gave statements are members of groups, organizations, or associations which also testified as organizations. Examples are garden clubs, livestock associations, or the Wilderness Society. The same organizations sometimes also duplicated testimony through National, State, and local chapters. It is also impractical to determine which statements are made by individuals or groups who actually know the area, as contrasted to those who are testifying on principle alone.

The testimony in the hearing record revolved around five major Wilderness proposals:

1. The Forest Service proposal for a Flat Tops Wilderness containing 153,245 acres. This included the original 102,124-acre Primitive Area, less 2,411 acres in Areas 1 to 6 to adjust boundaries to recognizable topographic features, plus 53,532 acres of adjacent forest lands in Areas A to M, considered eminently suitable for Wilderness. (See Map B, Page 14)

2. A proposal by the Colorado Open Space Coordinating Council for an area of 230,000 acres which included: the original Primitive Area, plus the additions proposed by the Forest Service, plus seven additional areas labeled N thru T on Map B on Page 14. Principal justification for recommending these inclusions was to provide a greater variety of landscapes and foreground areas and to provide more accessible wilderness for families.

3. The statement of Governor John A. Love which favored the Forest Service proposal but suggested that South Fork White River be excluded from the Wilderness until the studies and evaluation of the water resources potential of the area are further advanced. If this is not possible, he suggested that the boundary of this area be moved west to the vicinity of the confluence of the South Fork River and Lost Solar Creek.

4. A proposal by the Colorado Game, Fish, and Parks Commission for an area of 192,055 acres which included: the original Primitive Area, plus the additions proposed by the Forest Service plus nine additional areas.

These areas, totalling 38,810 acres, are all inside the areas proposed by COSCC under No. 2 above. Principal justification given for these inclusions was to provide additional choice hunting and fishing areas. This proposal also stipulated that, if the nonconforming uses of a motor boat and a cabin by the Commission for spawn-taking on Trappers Lake (Forest Service Area M) could not be continued under the Wilderness regulations, the boundary should be changed to exclude these uses.

5. Verbal and written testimony by groups and individuals who thought that only the original Primitive Area, without additions, should be classified as Wilderness.

Of the statements by individuals, 28 percent favored the Forest Service proposal, 59 percent favored the COSCC proposal, 1 percent favored the Colorado GF&P proposal, 12 percent favored no enlargement of the Primitive Area.

Of the statements by groups, clubs, and associations, 46 percent favored the Forest Service proposal, 42 percent favored the COSCC proposal, 9 percent favored the Colorado GF&P proposal, 3 percent favored no enlargement of the Primitive Area.

All Federal Department and agency statements favored the Forest Service proposal, except that the Bureau of Reclamation questioned the addition of the South Fork White River, until the investigations of the need of water resources of this area for development of other valuable resources are further advanced.

The statement of the Rio Blanco County Commissioners favors the Forest Service proposal but questions the need to exclude Area 2, Dry Sweetwater and Area 3, Nichols Creek.

The statement of Representative John D. Vanderhoof, who represents Garfield, Eagle, Pitkin, and Rio Blanco Counties in the State Legislature, favored the Forest Service proposal.

Citizen organizations favoring the Forest Service proposal included:

Aiken Ornithological Society of Colorado Springs.
Burns Livestock Association.
City of Glenwood Springs.
Colorado Cattlemen's Association.
Colorado Farm Bureau.
Colorado River Water Conservation District.
Colorado Springs Mineralogical Society.
Glenwood Springs Chamber of Commerce.
Glenwood Springs Kiwanis Club.
Izaak Walton League of America, Colorado Division and Front Range Chapter.
Lions Club of Eagle.
Moffat County Cattle Association.
Rio Blanco Stockgrowers Association.
Rio Blanco Woolgrowers Association.
Routt County Stockgrowers Association.
Skagit Alpine Club.
Western Forestry and Conservation Association.
Western Federation of Vertebrate Zoology.
Yampa Valley Electric Association.
Yellow Jacket Water Conservancy District.

Citizen organizations which generally supported the proposal made by the Colorado Open Space Coordinating Council included:

Sierra Club.
Wilderness Society.
Colorado Federation of Women's Club.
Colorado Mountain Club.
Colorado Whitewater Association.
Defenders of Wildlife.
Federation of Western Outdoor Clubs.
Isaak Walton League of America.
National Audubon Society.
National Parks Association.
Organic Gardening Club of Denver.
Trout Unlimited, Cutthroat Chapter.
Wildlife Management Institute.

Citizens organizations generally favoring the proposal by the Colorado Game, Fish and Parks Department included:

Colorado Wildlife Federation.
Izaak Walton League of America, Grand Valley Chapter.
Trout Unlimited, Ferdinand Hayden Chapter.

Citizen organizations favoring including in the Wilderness System only the Primitive Area included:

Mt. Sopris Tote Gote Club.
Western Wood Products Association.

Citizen organizations favoring exclusion of all part of the South Fork of White River included:

The Fourteen Mile Land Co., Inc.
The Yellow Jacket Water Conservancy District.
The Oil Shale Corporation.
The Colorado Cattlemen's Association.
The Colorado Water Conservation District.

Thirteen percent of the individuals and 32 percent of the groups who favored the Forest Service proposal specifically opposed any area larger than this. Twenty percent of the groups who favored the Forest Service proposal specifically asked that South Fork White River be excluded or modified.

Copies of the hearing record and an analysis of public response are on file in the office of the Chief, Forest Service, Washington, D.C. and the office of the Regional Forester, Building 85, Denver Federal Center, Denver, Colorado. All exhibits presented at the hearing and all letters received as a result of the public notice and prior to November 15, 1966, are also on file in the office of the Regional Forester.

Mr. ALLOTT. Mr. President, due to the wide differences in size of the proposals, efforts were made by individuals in Colorado to attempt to reach agreement between some of the groups and organizations upon one proposal, or at least to pare down the differences. These efforts have apparently met with only partial success. With this in mind, it now appears that it is time for the Congress to evaluate the proposed additions and deletions.

Mr. President, I introduce the Forest Service proposal today for three reasons:

First, it is the only proposal having an official map reference;

Second, the 10-year period allowed to the executive branch to complete the review of all proposed additions to the wilderness system expires in September 1974, and in fairness to the Department of Agriculture the Congress should attempt to move the submitted proposals along; and

Third, perhaps the introduction of legislation will act as a catalyst to achieve and agreement between the various groups and governmental agencies. The dialog that will insure from the introduction of this bill, hopefully will lead to a mutual understanding among them, and ultimately to an agreement. Under our system of government, everyone is entitled to be heard, and if agreement is not possible, the legislative process will provide an opportunity for all to be heard.

It should be clearly understood that my introduction of the Forest Service proposal does not constitute an endorsement. There have been so many proposed changes to the boundary of the original primitive area that it would not only be unwise but even foolhardly for me to endorse any proposal until after the hearings have exposed the facts. Congress will need, and I am confident, will receive the good faith assistance and advice of all interested persons.

Some of the efforts to resolve differences may have borne fruit, and in order to display these efforts, it would be appropriate that certain letters be included in the RECORD.

Mr. President I ask unanimous consent that letters from Mr. Edward P. Conners, president, Colorado Open Space Council, Inc., Mr. Roger P. Hansen, executive director, Rocky Mountain Center on Environment, and Mr. T. W. Ten Eyck, executive director, Department of Natural Resources, State of Colorado, be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF NATURAL RESOURCES,
Denver, Colo., March 5, 1971.

HON. GORDON ALLOTT,
U.S. Senator,
New Senate Building,
Washington, D.C.

DEAR GORDON: I wanted to bring you up-to-date on what we are doing here in an effort to develop a unified position in Colorado on proposed boundaries for the Flat Tops Wilderness Area.

A number of conservation oriented groups together with the Colorado Open Space Council have been working together to develop recommendations which I hope will be forthcoming for your use within the next three weeks. The Game, Fish and Parks Commission has also taken a position. The only area of disagreement is in the southwest quadrate where exclusion from the Wilderness Area had been made for a number of potential reservoir sites for future oil shale development.

A significant portion of the conservationists and the Game, Fish and Parks Commission want the entire area identified as G1 on a map which you will be receiving, to be included in the Wilderness Area and I believe Governor Love is inclined to go along with this boundary also, provided there is a suitable reservoir site for oil shale development down stream of this G1 area.

Information I have received from the Bureau of Reclamation indicates that there is a good dam site (Sweetbriar) which would not be involved in any of these boundary questions and which would provide for a gravity pipeline diverting into the Piceance Basin.

Unfortunately, I will not be able to discuss this possibility with the Governor for another ten days but I did want you to know that we are working on the problem and believe we are near a solution that the majority of the Coloradoans can support (unanimity is hard to come by these days!).

Best personal regards.
Sincerely,

T. W. TEN EYCK,
Executive Director.

COLORADO OPEN SPACE COUNCIL, INC.,
Denever, Colo., March 5, 1971.

HON. GORDON L. ALLOTT,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: We greatly appreciate your continuing interest in the proper establishment of a Flat Tops Wilderness in northwestern Colorado.

As you are aware, in 1968 the Forest Service recommended, through the President, to Congress a 142,000-acre Flat Tops Wilderness. However, the Forest Service proposal was considered totally inadequate by the Colorado Open Space Council and its 30 participating organizations of some 30,000 members. The Wilderness Society and the Division have agreed as to the inadequacies of the Forest Service proposal.

The Colorado Game, Fish and Parks Division originally recommended a 192,000-acre Flat Tops Wilderness, much along the lines of the conservationists' suggestions.

The Forest Service's plan for a 142,000-acre Flat Tops Wilderness would needlessly exclude the entire undeveloped reach of the South Fork of White River. This is Colorado's finest wild river. The Forest Service proposal would also eliminate from wilderness protection nearly 80,000 acres of additional wild lands under the high volcanic escarpment of the Flat Tops. These lower areas contain many small but beautiful lakes and streams that provide a home for the endangered native cutthroat trout. These additional wild lands also supply irreplaceable habitat and calving grounds for a major elk herd. Significantly, they offer superb opportunities for many family groups and others to enjoy an easily accessible and inexpensive weekend wilderness experience. We should be providing more such opportunities, not destroying them.

We wish to emphasize that throughout the past several years there has been *no* disagreement among Colorado conservation organizations as to appropriate boundaries for the Flat Tops Wilderness. However, during the period since the Forest Service field hearing in 1966, we have been attempting to bring industry, State Government, and conservation organizations together in at least a general agreement on the proposed wilderness boundaries. In this regard, we are pleased that matters are moving rapidly now in a favorable direction.

The Colorado Open Space Council has carefully refined its original (1966) wilderness boundary recommendations to exclude nine areas to which the Forest Service objected. COSC also has realigned its recommended boundary on the lower part of the wild South Fork of White River to exclude a small area which Humble Oil Company and Governor John Love had initially suggested be left out of the wilderness. The up-dated boundary recommendations are as indicated on the enclosed map.

Humble Oil has written us that it does *not* object to our proposed boundary, as revised, for a 230,000-acre Wilderness. Moreover, we have met with Mr. Kenneth Balcomb, Counsel, and Mr. Roland Fischer, Chief Engineer, for the Colorado River Water Conservation District in Glenwood Springs, and they are very much in accord with our present revised wilderness boundary.

As a result, we now have a proposal for a magnificent 230,000-acre Flat Tops Wilderness which is supported by the Game, Fish and Parks Commission and Division, and all the conservation organizations in COSC. The Game, Fish and Parks Commission and some conservation groups believe that, in addition, the lower part of the South Fork of White River, the area indicated on the enclosed map as G–1^{w}, should also be included in the wilderness proposal at this time.

Governor Love is now considering whether suitable alternatives exist to allow him to recommend inclusion of the lower part (Area G–1^{w}) of the wild South Fork of White River in the Flat Tops Wilderness. As soon as this determination is made in the very near future, we should be in a position to submit to you joint recommendations for a Flat Tops Wilderness that will adequately serve present and future generations.

We look forward to contacting you again soon, and will appreciate your favorable consideration of the proposal we have worked out.

With very best wishes,

EDWARD P. CONNORS,
President.

ROCKY MOUNTAIN CENTER ON ENVIRONMENT,
Denver, Colo., March 5, 1971.

HON. GORDON ALLOTT,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR GORDON: I have reviewed the letter of March 5 to you from Edward P. Connors, President of the Colorado Open Space Council, relative to a proposed Flat Tops Wilderness in Colorado.

It has been extremely time-consuming and at times frustrating to try to get "all the ducks in a row" on this proposal. In my opinion, the Wilderness Workshop of COSC has exhibited considerable responsibility and patience in carefully considering the desires of *all* parties in this matter. In attempting to accommodate certain needs and interests, they have been criticized by some of their own colleagues.

Irrespective of a written agreement from the Humble Oil Company not to object to an enlarged Flat Tops proposal providing the boundary was adjusted on the west end of the South Fork of the White River to accommodate a possible reservoir for oil shale, and the cooperation of the Colorado River Water Conservation District, some members of the Game, Fish & Parks Commission and some conservationists will still insist on including *all* of the South Fork of the White in the wilderness. For this reason, Governor Love is now seeking other alternative reservoir locations.

All of us would like to include all of this outstanding wild river in a Flat Tops Wilderness if possible. However, some of us are willing to be accommodating on this point in exchange for the inclusion of thousands of acres of other prime wilderness lands. The former Regional Forester, now retired, admitted privately to me that the Forest Service had been "way too conservative" on the Flat Tops wilderness proposal.

We greatly appreciate your patience, your understanding and your support on this matter. Regardless of what pressures may be brought to bear in the future, I feel you should know that the COSC Wilderness Workshop has really tried to exercise responsible environmental statesmanship.

Kindest personal regards,

ROGER P. HANSEN,
Executive Director.

FLAT TOPS WILDERNESS PROPOSAL

ANNEX B—BOUNDARY DESCRIPTION

Beginning on top of Baldy Mountain, a peak in the southwest quarter of Section 18, T. 2 N., R. 87 W., 6th P.M., Routt National Forest, Colorado;

East part of *Area A*, from this peak thence 2.7 miles easterly and south-easterly on the divide between Baldy Creek and Bunker Creek to Pyramid Peak at the head of Baldy Creek;

thence 1.00 mile southeasterly along the divide to the point on the divide where Sheriff Reservoir—Williams Fork trail crosses the divide;

Area O^n, from this point thence 2.50 miles northward along the ridge separating the Bunker Creek-Trout Creek drainages (including the trail) to a point 0.25 mile south of Sheriff Reservoir;

thence east 0.25 mile to the ridge separating Trout Creek and Sand Creek;

thence 5.00 miles southeast along that ridge to Orno Peak;

Area O^s, from this point then 1.50 miles southeast along the divide between West Coal Creek drainage and the Mandall Creek drainage and then 1.50 miles southwest to a point on Mandall Creek 0.25 mile upstream from the Bear River Road;

thence 3.00 miles southwest, 0.25 mile from and generally parallel to the Bear River Road and the Stillwater Reservoir, excluding the reservoir and at the southwest end of the reservoir circling counter-clockwise and proceed 3.00 miles northeast parallel to and 0.25 mile from the reservoir and the road to a point south of the junction of Mandall Creek and Bear River, which point being approximately in the center of Section 19, T. 1 N., R. 86 W.;

thence 1.25 miles south up the ridge to the base of the cliffs of Flat Top Mountain at approximately the 11,000 foot contour line;

thence 3.50 miles southeasterly along the base of the cliffs to a point due east of Dome Peak;

Area P, from this point thence 1.50 miles westerly along the base of the cliffs to the vicinity of BM 10912, which is approximately in the center of the northwest quarter of Section 8, T. 1 S., R. 86 W.;

thence 2.50 miles southerly along the ridge dividing the upper Cabin Creek-North Fork Derby Creek drainages to a point on North Fork Derby Creek where the irrigation ditch in Section 19, T. 1 S., R. 86 W., originates;

thence 2.00 miles southeasterly along North Fork Derby Creek (including North Fork Derby Creek) to the junction North Fork and Middle Fork Derby Creek;

thence 1.75 miles northwesterly parallel to Middle Fork Derby Creek (including the trail and McMillan Lake) to the point where the trail from the south crosses Middle Fork;

thence 1.50 miles south, parallel to and including the north-south trail, to the pass on the ridge between Middle Fork and South Fork Derby Creeks, in the vicinity of Hill 10385 (Glenwood Springs Quadrangle, USGS map);

thence west across the trail and 1.00 mile south, parallel to the trail and excluding the trail, to a point on South Fork Derby Creek which is the point of origin of Lime Basin irrigation ditch;

thence southwesterly up the ridge to a point on the ridge which is 0.60 miles south of Emerald Lake (south end of Area P boundary);

thence 0.40 mile southeasterly across two small drainages on small ridges on a main ridge which runs southwesterly up to "W" Mountain;

thence 0.60 mile southwesterly along this main ridge to the northeast arm of "W" Mountain;

thence 0.50 mile easterly along the rim to the eastern-most point of this arm of "W" Mountain;

thence 0.50 mile southerly on small ridges across a minor drainage between two arms of "W" Mountain to a point on the southeast arm of "W" mountain;

thence 1.60 miles southerly along the rim of the southeast arm of "W" Mountain to the eastern-most point of the mountain which lies almost in the center of Section 30, T. 2 S., R. 86 W., 6th P.M.;

thence 0.90 mile southwesterly in a clockwise direction around the rim of the southeast arm of "W" Mountain to a point overlooking the West Fork Red Dirt Creek, this point being 1.45 miles north-northeast from Horse Lake;

thence 0.50 mile southwesterly across the West Fork Red Dirt Creek on small ridges to a point on the rim of "W" Mountain which is 1.10 miles north of Horse Lake;

thence 2.00 miles southwesterly along the southeast rim of "W" Mountain to a point where the rim intersects the White River National Forest Boundary on the Township Line between T. 2 S., and T. 3 S., R. 87 W., 6th P.M., which point is 0.40 mile west of the Northeast Corner of Section 2, T. 3 S., R. 87 W., 6th P.M.;

thence 0.50 mile west along this Township Line to a point 0.10 mile east of the Northeast Corner of Section 3, T. 3 S., R. 87 W., 6th P.M., where the rim turns northwest from the Township Line;

thence 1.00 mile northwest along the rim to a prominent point facing Turret Creek, which point is 0.60 mile northeast of the Northeast Corner of Section 4, T. 3 S., R. 87 W., 6th P.M.;

thence 1.50 miles westerly down the main ridge from this point to Turret Creek;

Area R, thence 0.75 mile southwesterly down Turret Creek, including the creek, to the aforementioned Township Line;

thence 3.50 miles due west along that Line and a projection of that Line across the main branch of Sweetwater Creek to a point on the main rim overlooking the intersection of Dry Sweetwater Creek and Sweetwater Creek, which point is 2.40 miles west-northwest of the intersection (west end of Area R boundary);

thence 3.00 miles westerly along the rim to a point where the rim turns north on the east side of Buck Creek, this point being 1.50 miles southeast of the confluence of Buck Creek and the South Fork of the White River;

Area S from this point thence 0.25 mile westerly down the slope toward the junction of Buck Creek and Dry Buck Creek to a point 1/6 mile uphill from the unimproved road along Buck Creek;

thence 3.00 miles northerly parallel to and 1/16 mile from that road to the point where that road crosses South Fork White River;

thence 0.75 mile north along the west bank of the North Fork White River to the present boundary of the Primitive Area;

thence 0.25 mile west to a point 1/16 mile west of the end of the road, and then south 0.75 mile parallel to and 1/16 mile from the road to the vicinity of Nichols Creek junction with South Fork White River;

thence 2.00 miles south and 0.75 mile westerly along the east and south bank of South Fork White River to a point 0.25 mile downstream from the Special Use Permit Lodge (Budge's Resort);

Area S^s, from this point thence in a counter-clockwise direction around and 0.25 mile from Budge's Resort to a point ⅛ mile uphill from the resort access road;

thence continue 1.00 mile easterly parallel to and ⅛ mile from the road to a point on the ridge which separates Wagon Wheel and Dry Buck drainages, this point being ⅜ mile south-southeast of the junction of Buck Creek and South Fork White River;

thence 4.00 miles south and southwesterly along this ridge (excluding the rough terrain vehicle trail) to the ridge immediately north of the East Fork of Wagon Wheel Creek;

thence 1.00 mile west down this ridge to the junction of the forks of Wagon Wheel Creek;

thence 1.50 miles southerly up the dominant ridge between Wagon Wheel and Patterson Creeks to a point 0.25 mile from the Ute Trail, this point being approximately in the center of Section 22, T. 3 S., R. 89 W.;

thence 3.50 miles westerly parallel to and 0.25 mile from the Ute Trail (excluding the trail) to a point approximately 0.50 mile south of Limestone BM 11368 where Ute Trail now merges into the Blair Mountain Vehicle Trail;

thence 3.25 miles northerly along the eastern escarpment of Blair Mountain (excluding the route of the proposed Blair Mountain Road) to a point on the escarpment 0.50 mile northwest of Blair Lake where the southern boundary of Area G–1 intersects the escarpment;

Area G—1^e, from this point thence 2.25 miles northwesterly along the escarpment to a point on the escarpment 0.10 mile southwest of Mahaffey Lake, which point being on the north-south line between the center of Section 36 and Section 25, T. 2 S., R. 90 W.;

thence 0.75 mile north to the center of Section 25;

thence 0.75 mile due east to a point due south of the junction of Park Creek and South Fork White River;

thence 0.75 mile north to a point on the escarpment which is 0.50 mile due north of the junction of Park Creek and South Fork White River (north end of Area G—1^e boundary);

thence 1.75 miles west-northwesterly along a rim north of South Fork White River to a point on Lost Solar Creek, which point is 0.60 mile north of the confluence of Lost Solar Creek with South Fork White River;

thence 0.70 mile westerly up an ascending ridge to a point on the rim of the South Fork canyon;

thence 0.70 mile westerly along the rim of the canyon to a point on a drainage divide which is east of the second drainage which flows into the South Fork White River from the north above South Fork Campground;

thence 0.70 mile northwesterly along this drainage divide and across a small drainage to a point 0.10 mile south of Fowler Creek on a ridge, which point is 2.50 miles east-northeasterly from the South Fork Campground;

thence 1.00 mile northerly across Fowler Creek and then following the divide between Fowler Creek and Hill Creek to a prominent point between the two main southern forks of Hill Creek;

thence 3.90 miles northerly along the top of sharp cirque slopes facing into the fork of Hill Creek and then westerly to the prominent point between Hill Creek and Peltier Creek which is 1.60 miles west of Clam Lake;

thence 4.00 miles northerly and northwesterly along the main rim east of Peltier Creek, Ward Creek, White Creek, and Swede Creek to a point on Swede Creek 0.50 mile northeast of Swede Lake;

thence 1.00 mile northeasterly up Swede Creek to the top of the rim overlooking Papoose Basin;

thence 3.30 miles southeasterly and easterly along the rim facing Papoose Basin, Papoose Creek, and Ute Creek to a point where this rim turns south on the west side of Ute Creek;

thence 0.60 mile east-northeasterly from this point on a ridge descending to a point on Ute Creek which is 0.50 mile downstream from the confluence of the two main forks of Ute Creek;

thence 1.00 mile northeast along an ascending ridge to the northern-most prominent point on the rim at the divide between Ute Creek and West Marvine Creek;

thence 2.00 miles southeasterly on the rim facing West Marvine Creek to West Marvine Creek;

thence 1.00 mile northeasterly along the rim east of West Marine Creek to the point on the north end of the rim;

Area T, from this point thence 3.50 miles descending northerly along the ridge between West Marvine and Marvine Creeks to a point 0.50 mile west of Marvine Creek Campground;

thence 0.25 mile northeasterly to the junction of Marvine Creek and East Marvine Creek;

thence 0.50 mile up the south bank of East Marvine Creek, then 0.25 mile northeasterly to the top of the ridge north of East Marvine Creek;

thence 3.50 miles northeasterly along this ridge (including within the wilderness Wild Cow Park) to the western-most point of the escarpment north of Wild Cow Park (east end of Area T boundary);

thence 0.75 mile along the escarpment to the northern-most point of the escarpment;

Area N^{w}, from this point thence 2.00 miles northeasterly down the ridge between Sable Lake and Mirror Lake to a point on the boundary of the patented land adjacent to North Fork White River, said point being approximately in the center of Section 13, T. 1 N., R. 89 W.;

thence southeasterly 3.75 miles along the boundary of the patented land to the point where the southeastern edge of the patented land crosses North Fork White River;

thence 2.00 miles southeasterly along the western bank of the North Fork White River to a point in Section 35, T. 1 N., R. 88 W., where North Fork White River makes an abrupt turn to the northeast;

thence 2.00 miles south-southeasterly, 0.25 mile from and parallel to North Fork White River and access road to the new Forest Service campground in the vicinity of Trappers Lake (south end of Area N^{w} boundary);

thence counter-clockwise around and 0.25 mile from the campground to a point which is 500 feet from the high-water line of Trappers Lake;

thence 1.00 mile northeasterly and southeasterly, clockwise on a line which is 500 feet from the high-water line of Trappers Lake to a point which is 0.25 mile from the outlet of Trappers Lake;

Area N^{e}, from this point thence 7.50 miles northwesterly, 0.25 mile from and parallel to the Trappers Lake Road, to a point 0.25 mile southeast of the bridge across Ripple Creek;

thence 4.00 miles northeasterly, crossing Ripple Creek 0.25 mile upstream from Ripple Creek Campground and ascending the ridge which divides the main forks of Ripple Creek to a point which is on the divide between the North Fork of the White River and the East Fork of the Williams River at the head of the northern-most fork of Blue Mountain Creek, this point being 0.40 mile west-northwest of the southeast corner of Section 28, T. 2 N., R. 88 W.;

Area A, from this point thence 3.10 miles northeasterly down Blue Mountain Creek to its confluence with the East Fork Williams River;

thence 0.50 mile northerly down the East Fork Williams River to the first ridge north of Baldy Creek;

thence 1.00 mile easterly and northeasterly to the top of Baldy Mountain, the point of beginning. (East part of Area A boundary is described at the beginning of Annex B.)

Mr. DOMINICK. Mr. President, I am very pleased to join with Senator ALLOTT in sponsoring this bill to establish a Flat Tops Wilderness Area in the Routt and White River National Forests in Colorado. This legislation would give permanent wilderness protection to one of the most magnificent de facto wilderness areas in Colorado. It would encompass the existing Flat Tops Primitive Area. In addition to the interesting geology of the White River Plateau, the area provides habitat for many species of wildlife. Among them are elk, mule deer, black bear, bighorn sheep, bobcat, coyote, badger, fox, beaver, marten, mink, weasel, snowshoe rabbits, blue grouse, ruffled grouse, white tailed ptarmigan, eagles, hawks, and migratory water fowl. There are more than 30 high mountain lakes in the area, and several excellent trout streams including the South Fork of the White River, which is considered to be one of the best streams in the State for native cutthroat or rainbow trout.

Although nearly everyone in Colorado recognizes the need to preserve this beautiful area, agreement has not yet been reached as to the exact boundaries of the proposed wilderness. The various proposals range from 102,000 acres—the existing primitive area—to 230,000 acres. This bill, which was previously introduced in the 90th Congress, is based on the original recommendation of the Forest Service for inclusion of 142,230 acres.

I want to make it absolutely clear that in sponsoring this bill, I am in no way endorsing the Forest Service's recommendation with regard to the size of the wilderness area. That issue remains unsettled, and my intent here is just to provide a focal point for resolving it so that we can move forward. The acreage issue can be decided after hearings are held by the Interior Committee. Evidence brought out in the hearings may well justify a larger wilderness area than that proposed by the Forest Service. Hearings were held in Colorado in 1966, and no accommodation of the various interests involved has yet been reached. As Senator ALLOTT has suggested, this bill will hopefully act as a catalyst in resolving the differences so that we can move toward making a significant addition to the country's wilderness preservation system.

By Mr. MOSS (for himself, Mr. ALLEN, Mr. GRAVEL, Mr. HART, Mr. HARTKE, Mr. MCGOVERN, Mr. METCALF, Mr. PASTORE, and Mr. RANDOLPH):

S. 1442. A bill to amend the Internal Revenue Code of 1954 to provide that the first $3,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income. Referred to the Committee on Finance.

S. 1443. A bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of nonmarriage of retired employees and Members, and for other purposes;

S. 1444. A bill to increase the contribution by the Federal Government to the costs of employees health benefits insurance; and

S. 1445. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes. Referred to the Committee on Post Office and Civil Service.

Mr. MOSS. Mr. President, no one will challenge me, I am sure, when I say that most people trying to live on retirement income in this country are in financial crisis. Only those who have retired in the last few years, when pension levels have been based on relatively high salaries, have any real chance of stretching their retirement dollar to meet today's living costs. There is no question that many of those who retired 5, 10, or even 15 years ago, when salaries were much lower, are in serious financial trouble.

The Congress has the particular responsibility, I feel, to make sure that our retired civil service employees—our former Government servants who devoted many good years of their lives to Federal programs which benefit all of us—are not being reduced to penury because of persistent inflation. We also have the responsibility to see that inequities in the civil service retirement laws are wiped out, and that annuitants are treated fairly with respect to tax deductions, health benefits, and in other ways.

I am, therefore, introducing today a package of four bills which offer solutions to some of the problems plaguing the Federal Civil Service annuitant and his family. All, with one or two minor adjustments, are a part of the legislative program of NARCE—the National Association of Retired Civil Service Employees. I am pleased to be joined in sponsoring these bills by Senators ALLEN, GRAVEL, HART, HARTKE, MCGOVERN, METCALF, PASTORE, and RANDOLPH.

The first of the bills would provide a general increase for all annuitants who retired prior to October 1969. This would exclude from the increase those who retired after the new formula for computing annuities was put into effect—the high-3-year-formula—and which has resulted in larger annuities for many people. It would also exclude those who have benefited by the pay raises for classified civil service employees in the past 2 years. It would help mostly the low-income retirees who retired in lower pay-scale times.

Of the approximately 997,000 retired Federal employees and their survivors, some 276,000 receive annuities of less than $100 a month, some 515,000 receive less than $200 a month. This means that there are 619,000 annuitants—or more than 60 percent of all annuitants—who are receiving less than $3,000 a year, an accepted poverty level.

The bill would give the greatest percentage—a 13-percent increase—to those in the lowest brackets, with diminished increases as the annuity level rises. Those drawing over $6,000 annually would receive the least. In short, the bill is designed to help all of those retirees who did not benefit by the 1969 liberalization in computation, and to give the greatest increases where they are needed most.

The second bill I am introducing would exempt from gross income for Federal income tax purposes the first $3,000 of a civil service annuity.

This would give to civil service retirees a measure of the tax advantages already granted to social security and railroad retirement beneficiaries, whose maximum retirement pension is free from Federal income tax. The top amount that can be drawn and therefore be tax exempt under the railroad retirement system is about $6,000—under the social security system, a little less than $4,000. So the bill for $3,000 tax exemption for civil service annuitants is a most reasonable one.

The third bill would increase the Government's contribution toward premium costs under the Federal employees health benefits program from the present 40 percent to 50 percent. My colleagues will remember that the 40-percent level was achieved only last session, but was lower than some of us felt it should be. An equal sharing by the Federal Government and the insured Federal worker of health benefit premiums would bring the Federal level more in line with that of private industry.

The final bill would provide restoration of a full annuity when a retiree has been predeceased by the designated survivor and has not remarried.

Again, this is a bill which grows out of legislation enacted in the 91st Congress. In that Congress a bill which I introduced—S. 437—provided that when a spouse who had been designated as a survivor to a civil service annuity dies first, the surviving spouse could designate a second spouse to receive those benefits, provided that marriage had been in effect 2 years at the death of the retiree. The bill likewise provided that if a survivor spouse died, the retiree could begin receiving a full annuity instead of a reduced annuity. The first part of the bill was passed and became public law but the second part of the bill was dropped.

The bill I am introducing today provides that when the survivor has predeceased the retiree, and no other spouse has been acquired to eventually receive the benefits being paid for, the retiree can apply for restoration of full annuity during the period of no marriage. This is most certainly equitable.

Mr. President, the Congress must keep a constant watch on retirement legislation, and continue to evaluate it in terms of changing economic conditions.

Unless we can control inflation, substantially all retirees—even those retiring today, or those retiring in 10 years—will be in trouble a few years hence. We have provided some protection for civil service retirees through the automatic cost-of-living increases triggered by Bureau of Labor Statistics. But let us not forget that if inflation continues at an annual rate of 5 percent, in 15 years a person will need $20,000 to buy what $10,000 buys today. Even if we get inflation down to a 3-percent annual rate, a person will require $15,000 to just stay even.

This spells difficulties for those people who are now at their full earning capacity—who will not retire for years yet—but who must consider that the dollars they are earning now will not provide an adequate base for retirement income unless we can keep our retirement laws and policies current with the times.

Also, since people are living longer, and are on retirement incomes longer, this changes our horizon in planning retirement payments. We must do more to tailor our pattern of living to those of retirement age.

These four bills today are offered as some steps which might be taken to make life more tolerable for some of our present civil service annuitants. I ask unanimous consent that the texts of all bills be printed in the RECORD at the close of my statement.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1442

A bill to amend the Internal Revenue Code of 1954 to provide that the first $3,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by redesignating section 121 as section 122, and by inserting after section 120 the following new section:

"SEC. 121. RETIREMENT ANNUITIES PAID BY THE UNITED STATES OR ANY AGENCY THEREOF

"Gross income does not include the first $3,000 received during any tax year as civil service retirement annuity from the United States or any agency thereof, after the full amount of the annuitant's contribution to the civil service retirement and disability fund has been paid to the annuitant."

SEC. 2. The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 is amended by striking out

"Sec. 121. Cross references to other Acts."

and inserting in lieu thereof:

"Sec. 121. Retirement annuities paid by the United States or any agency thereof under Federal Retirement Acts

"Sec. 122. Cross references to other Acts."

SEC. 3. Section 37(d)(1) of the Internal Revenue Code of 1954 (relating to limitation on retirement income) is amended by striking out "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) under Federal Retirement Acts, or".

SEC. 4. The amendments made by this Act shall apply only with respect to taxable years ending after the date of the enactment of this Act.

S. 1443

A bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of non-marriage of retired employees and Members (and for other purposes)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8339 (i) of title 5, United States Code, is amended by adding at the end thereof the following sentence: "However, such reduction shall be restored to a retired employee or Member during any period of non-marriage which occurs after retirement.".

S. 1444

A bill to increase the contribution by the Federal Government to the costs of employees' health benefits insurance

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That SEC. 2. Section 8906(a) of title 5, United States Code, is amended by striking out "40 percent" and inserting in lieu thereof "50 percent".

SEC. 3. The amendments made by this Act shall become effective at the beginning of the first applicable pay period which commences after December 31, 1971.

S. 1445

A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Each annuity payable from the Civil Service Retirement and Disability Fund, under Chapter 83 of title 5, United States Code (other than the annuity of a surviving child) having a commencing date prior to October 20, 1969, shall be increased in accordance with the following schedule:

If annuity is—		
Greater than—	But not greater than—	The amount of increase is—
0	$3,600	13 percent of the annuity.
$3,600	4,800	$468 plus 9 percent of the excess over $3,600.
4,800	6,000	$57 plus 7 percent of the excess over $4,800.
6,000	----------	$660 plus 5 percent of the excess over $6,000.

(b) Each annuity payable from the Fund to the surviving spouse of an employee or Member whose annuity commenced prior to October 20, 1969, which commenced after October 19, 1969 and prior to the effective date of this Act, shall be increased in accordance with the schedule prescribed in subsection (a) of this section.

(c) Effective from its commencing date, an annuity payable from the Fund to the surviving spouse of an employee or Member whose annuity commenced prior to October 20, 1969, which commences after the effective date of this Act, shall be increased in accordance with the schedule prescribed in subsection (a) of this section.

(d) This Act shall not authorize an increase in an additional annuity purchased at retirement by voluntary contributions.

(e) The monthly installment of annuity after adjustment under this Act shall be fixed at the nearest dollar.

SEC. 2. Subsections (a) and (b) of section 1 of this Act shall become effective on the first day of the second month which begins after the date of enactment of this Act.

By Mr. CRANSTON (for himself, Mr. TUNNEY, Mr. MUSKIE, and Mr. NELSON):

S. 1446. A bill to create marine sanctuaries from leasing pursuant to the Outer Continental Shelf Lands Act in areas off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 1447. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 1448. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 1449. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 1450. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes;

S. 1451. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes; and

S. 1452. A bill to create a marine sanctuary from leasing pursuant to the Outer Continental Shelf Lands Act in an area off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes. Referred to the Committee on Interior and Insular Affairs.

CALIFORNIA MARINE SANCTUARY BILLS

Mr. CRANSTON. Mr. President, I introduce for appropriate reference seven bills which will, if enacted, correct a major inequity in Federal policy toward the environment:

When the Federal Government sold lease P-0241 in the Santa Barbara Channel to Union Oil and its partners, it set the stage for the January 1969 blowout beneath Platform A with the resulting pollution of Santa Barbara's beaches. It is particularly ironic that the Union lease lies directly seaward of the sanctuary created by the State of California to protect these beaches from oil pollution. By its actions in 1968, the Federal Government effectively thwarted the positive steps which California had taken to avoid oil contamination.

Since 1955, the State of California has passed legislation prohibiting oil, gas and other mineral development on seven stretches of California's coastal tidelands. Almost all of southern California is protected—to the degree that Santa Barbara was protected landward of the Union blowout. The largest sanctuary stretches from Newport Beach down the historic coast of Orange and San Diego Counties to the Mexican border. The offshore islands of San Clemente and Santa Catalina were set aside as were the heavily used metropolitan beaches of Los Angeles and the magnificent 16-mile stretch of Santa Barbara beach—where the oil blowout occurred in Federal waters just outside the State sanctuary. The rugged and unspoiled coast of San Luis Obispo County completed the 1955 actions.

In 1963, two additional norther California coastal sites were made sanctuaries: Monterey Bay, which played such a major role in California's early history, as well as the desolate grandeur of the Big Sur shoreline and the wild, redwood lands of Humboldt and Mendocino Counties.

In 1969, after the Santa Barbara blowout and spill, the sanctuary in Monterey Bay was extended northward to the border of Santa Crux County. Today these seven sanctuaries account for almost a fourth of the entire California coastline. They prohibit oil drilling on an estimated half of the tidelands suspected or known to contain oil deposits.

I doubt that many of my colleagues come from States which have prohibited the production of oil on vast stretches of State-controlled tidelands. The only State I know of which is developing a comparable prohibition on drilling in the tidelands is Florida.

By voting to prohibit oil development on portions of its tidelands, California has voted to deny itself the substantial bonuses, rents, and royalties which would flow into the State treasury from such leases.

California has voted to deny itself the State income and property taxes which this oil development would produce.

California has voted to deny itself the jobs which this potentially major industrial development would provide.

Mr. President, no government—Federal, State or local—denies its citizens revenues or jobs unless by its denial it protects and enhances resources and values which are far more important to its citizens. The citizens of California have decided to do all they can do to protect their coastline from the water and beach pollution of inevitable oil spills and the scenic pollution of drilling platforms—because they believe that the preservation of the recreational, economic, scenic and spiritual resource represented by the California coastline is of greater value than the exploration and development of suspected oil reserves.

It may be that my colleagues will disagree with California's decision to create oil-free sanctuaries. It may be that the citizens of other States would give higher priority to oil development over environmental protection.

But that is not the point. California has voted to create these sanctuaries.

I believe the Federal Government should allow the people of California the right to protect their coastal environment from oil pollution.

Oil production on Federal leases on the Outer Continental Shelf would clearly be injurious to California's coastal environment. There are two major environmental objections to offshore drilling: the danger of oil spills and blowouts and the ugliness of the drilling platforms, which are totally incompatible with the mountains, cliffs, beaches, surf and ocean of California's shore.

Oil spills are the constant companions of oil production. President Nixon's Panel on Oil Spills' second report, issued September 1969, contained the following warning:

> If offshore development continues to expand at the present rate and the frequency of accidents remains the same, we can expect to have a major pollution incident every year.

Even a minor mechanical failure, which would cause no damage on land, can have disastrous effects underwater. In December 1969, a seam split on a pipe on Union's platform A. A low pressure leak went unnoticed for two or three days. Finally the slick was sighted by a commercial fish-spotting airplane, and the pipe was repaired. If this leak had occurred on land the only consequence would have been a pool of oil on the ground. But in the Santa Barbara Channel, an oil slick, variously estimated to cover from 13 to 50 square miles, was created. It eventually washed ashore, coating the California beaches with another black film of oil.

Even with the most stringent regulations, accidents will happen. California's coastline is geologically unstable and earthquake prone. The Outer Continental Shelf drops off quite steeply into the Pacific Ocean. Oil production outside the 3-mile limit often will involve drilling at much greater depths than we have done up to this date. To attempt oil production at such depths until there has been substantial improvement in oil production techniques is an unwarranted and unwise gamble with California natural resources.

To allow oil production outside the State sanctuaries is inevitably to condemn the coastline of California to oil pollution, despite the best efforts of the people of California to avoid it.

And when these spills occur we do not have the ability to contain them. President Nixon's Panel on Oil Spills' first report said:

> The United States has neither the technical nor the operational capability to cope satisfactorily with a large-scale petroleum spill in the marine environment. The technology does not exist to prevent virtually all of the oil in a massive spill from being deposited on shore.

In testimony before a Senate Interior Subcommittee in July of 1970, the Secretary of the Interior reconfirmed this lack of technical development in oil capture and constraint techniques.

This same situation prevails with the drilling platforms. President Nixon's panel recommended that oil and gas production be accomplished from totally underwater structures, which would "mitigate many of the storm and navigation hazards and eliminate the esthetic unsightliness of offshore oil structures." But the panel adds that technology for underwater completions in deeper waters has not yet been developed. Here again we do not at present have the techniques to eliminate the environmental pollution which accompanies oil production.

At present, there are no plans I know of to sell oil-gas, or mineral leases in these Federal lands on the California Outer Continental Shelf. Nor have any leases been sold, save in the Santa Barbara Channel.

But once oil is suspected, once the pressure builds for Federal leasing, it may be too late to protect the environment. It is now that we must act if we are to prevent the California coastline from becoming an oil-sodden junkyard.

In the 91st Congress, I introduced S. 3093, the California Marine Sanctuary Act. This bill provided for the automatic creation of Federal oil-free zones seaward of all existing and future State sanctuaries.

But the administration and some

members of the Senate Interior Committee objected to the nature of this proposed response to the State's action, urging that the bill would surrender Federal decisionmaking to the State.

In the first of the bills I introduce today, The California Marine Sanctuary Act of 1971, I have deleted this automatic sanctuary creation provision. Instead the bill describes the six specific existing State sanctuaries and provides for the creation of Federal sanctuaries seaward of only these six tideland areas. In the case of State legislative action creating additional State sanctuaries, my bill simply requires the Secretary of the Interior to report to Congress any recommendations he may have regarding suspension of leasing in adjacent Federal waters. Congress may then take whatever action it deems appropriate.

In making this change, it is my intention to assure the Congress and the administration that adoption of this bill will in no way delegate or diminish Federal authority over these lands.

In response to other criticisms, I have provided first, that no sanctuary be created seaward of areas where the State previously allowed oil production, and second, that the suspension of Federal leasing can be lifted by the President in case of national emergency.

As before, the bill provides for the termination of any Federal sanctuary if the State of California revokes its law prohibiting oil exploration or production.

In July 1970, Secretary Hickel made another objection to S. 3093. He told the Senate Subcommittee on Minerals, Materials, and Fuels that he wanted to "look at each one . . . on an individual basis." He went on to say that he opposed a "blanket decision," and would "look at" a sanctuary "in an area of natural beauty."

Unfortunately, although it might have done so, the administration has not chosen to report its opinions of each specific area of the coastline where a sanctuary has been created by California.

To implement the administration's review of each area, my remaining six bills would each create one of the six sanctuaries proposed in my first bill. Otherwise the six specific sanctuary bills are identical with my first all-inclusive bill.

I should add here that none of the seven bills makes reference to the Santa Barbara Channel sanctuary. My proposal for that area is embodied in S. 373, the Santa Barbara Channel Moratorium and Ecological Preserve Act, which I introduced with Senator TUNNEY in January.

Mr. President, the people of our Nation should have the right to protect their homes, their yards, their neighborhoods from environmental pollution. But most defenses against environmental pollution must be made locally. One of the most important elements of a Federal environmentally enlightened policy must be a willingness and desire by the Federal Government to encourage and implement—not obstruct—local decisions to protect the environment.

Such has not been our Federal policy regarding oil drilling in the California coastline.

The refusal of the Federal Government to honor the State oil-free sanctuary at Santa Barbara is the classic example of the Federal Government's obstructing, if not negating, the struggle of an individual community to keep its environment clean and pleasing.

It is to end this potential for obstruction that I introduce these seven bills.

Mr. President, I ask unanimous consent that the text of the "California Marine Sanctuary Act of 1971" be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1446

A bill to create marine sanctuaries from leasing pursuant to the Outer Continental Shelf Lands Act in areas off the coast of California adjacent to State owned submerged lands in which such State has suspended leasing for mineral purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "California Marine Sanctuary Act of 1971".

SEC. 2. The Congress finds and declares that the shoreline of the State of California, and the lands beneath navigable waters and the Outer Continental Shelf off such shoreline, are rich in a variety of natural, commercial, recreation, and esthetic resources of immediate and potential value to the present and future generations of Americans; that many of these areas are in danger of damage or destruction by commercial and industrial development; and that it is the policy of Congress to preserve, protect, restore, make accessible for the benefit of all the people, and encourage balanced use of selected portions of such areas.

SEC. 3. (a) The Secretary of the Interior shall, effective as of the date of enactment of this Act, suspend all further leasing pursuant to the Outer Continental Shelf Lands Act for the exploration for or extraction of oil, gas, or any other mineral in any portion of the Outer Continental Shelf seaward of each of the areas described in subsection (b) in all of which such State has provided by law that leases will not be issued by such State for the exploration for or extract the production of any oil, gas or other mineral. The Secretary shall determine such seaward portion by extending seaward the boundaries of each such State area in a parallel manner adjusted as determined by the Secretary to conform to lease tract boundaries.

(b) Such areas are as follows:

Area No. 1. The San Diego and Orange County Sanctuary.

Beginning at the point of the intersection of the ordinary highwater mark of the Pacific Ocean with the southern boundary of San Diego County; thence in a generally northerly direction along said ordinary highwater mark to the northerly city limits of the City of Newport Beach, Orange County; thence southerly and westerly three nautical miles to a point in the Pacific Ocean; thence in a generally southerly direction parallel to said ordinary high-water mark to a point in the Pacific three nautical miles west from the point of beginning.

Area No. 2. The Los Angeles County Sanctuary.

Beginning at the point of intersection of the ordinary high-water mark of the Pacific Ocean with the southerly point of Point Fermin; thence in a generally northerly and westerly direction along said ordinary high-water mark to the Ventura county line; thence due south three nautical miles to a point in the Pacific Ocean; thence in a generally easterly and southerly direction parallel to said ordinary high-water mark to a point in the Pacific Ocean three nautical miles due south from the point of beginning; thence due north to the point of beginning.

Area No. 3. The Santa Catalina and San Clemente Islands Sanctuary.

The tide and submerged lands surrounding the Islands of San Clemente and Santa Catalina waterward of the ordinary high-water mark of the Pacific Ocean on such islands to a distance three nautical miles therefrom.

Area No. 4. The San Luis Obispo County Sanctuary.

All those tide and submerged lands being in the County of San Luis Obispo and lying within an area beginning at a point on the ordinary high-water mark of the Pacific Ocean at the center line of the pier at the Pismo Beach State Beach Park; thence southerly along the ordinary high-water mark of the Pacific Ocean to a point 10 statute miles distant in a direct line from said point of beginning; thence on a line due west into the Pacific Ocean a distance of three nautical miles to a point; thence northerly on a line parallel to the ordinary high-water mark of the Pacific Ocean to a point which lies due west a distance of three nautical miles from a point on the ordinary high-water mark of the Pacific Ocean, which point is distant in a direct line one statute mile northerly from the intersection of the ordinary high-water mark of the Pacific Ocean with the center line of the pier in the State Beach Park at Cayucos; thence southerly along the ordinary high-water mark of the Pacific Ocean to the point of beginning.

Area No. 5. The Monterey and Santa Cruz Counties Sanctuary.

All those tide and submerged lands being in the County of Monterey, and lying within an area beginning at the intersection of the ordinary high-water mark of the Pacific Ocean and the west line of Section 32, T. 24 S., R. 6E., M.D.B. & M.; thence northerly and westerly along the ordinary high-water mark of the Pacific Ocean to a point on said ordinary high-water mark one-half mile northerly of the south line of T. 12 S., M.D.B.; thence in a true southwesterly direction to a point in Monterey Bay, said point being three nautical miles from the ordinary high-water mark; thence southerly and easterly on a line parallel to and three nautical miles distant from said ordinary high-water mark of the Pacific Ocean to a point due west from the point of beginning; thence due east to the point of beginning.

Area No. 6. The Humboldt and Mendocino Counties Sanctuary.

All those tide and submerged lands being in the Counties of Humboldt and Mendocino and lying within an area beginning at the intersection of the ordinary high-water mark of the Pacific Ocean and the south line of Township 5 South, Humboldt Base Line; thence northerly and westerly along the ordinary high-water mark of the Pacific Ocean to the intersection of said high-water mark and the north line of Township I North, Humboldt Base Line; thence due west to a point in the Pacific Ocean, said point being three nautical miles from the ordinary high-water mark; thence in a southerly and easterly direction, parallel to and three nautical miles distant from said high-water mark to a point due west from the point of beginning; thence due east to the point of beginning.

Sec. 4. Any suspension of leasing in an area of the continental shelf pursuant to section 3 shall be terminated by the Secretary of the Interior if the State of California revokes the law enacted by such State prohibiting exploration for extraction of oil, gas, or other minerals in the entire area of such State described in section 3(b) which is adjacent to such area of the continental shelf.

SEC. 5. Nothing in this Act shall be deemed—

(1) to authorize the Secretary of the Interior to terminate any lease or to refuse to renew any lease with a right of renewal; or

(2) to prohibit or limit any presently existing power of the Secretary of the Interior to grant rights of way; or

(3) to prohibit any exploration of the Outer Continental Shelf; or

(4) to grant to the State of California any title or jurisdiction over any portion of the Outer Continental Shelf.

SEC. 6. In any case in which the State of California at any time after the date of enactment of this Act suspends or terminates all mineral leasing in any area of lands beneath navigable waters in such State in which no previous production of minerals was allowed, the Secretary of the Interior shall report to the President and the Congress his recommendations with respect to any suspension of mineral leasing in the areas of the Outer Continental Shelf seaward of such State area.

SEC. 7. The President is authorized to terminate any suspension pursuant to section 3 during any national emergency declared after the date of enactment of this Act.

SEC. 8. For the purposes of this Act—

(1) the term "lands beneath navigable waters" has the meaning prescribed in the Submerged Lands Act;

(2) the term "Outer Continental Shelf" has the meaning prescribed in the Outer Continental Shelf Lands Act;

(3) the term "coastline" means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters; and

(4) the term "lease" means any permit, contract or any other form of authorization.

SEC. 9. If any provision of this Act, or any section, subsection, sentence, clause, or circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word to other persons and circumstances is not affected thereby.

By Mr. JAVITS:

S. 1453. A bill to amend part A of title IV of the Higher Education Act of 1965, relating to educational opportunity grants, in order to authorize an increase in the amount of such grants in certain cases and to authorize such grants for students attending institutions of higher education on a less than full time but at least half-time basis. Referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, I introduce for appropriate reference a bill to amend the education opportunity grant program of the Higher Education Act in two respects—

First, extend to part-time students eligibility for education opportunity grants so that those many young people attending college at least half time might have an opportunity to obtain, on a pro-rated basis, the same assistance in obtaining a higher education as that afforded to full-time students. Education opportunity grants are the funds up to $1,000 annually provided needy full-time students to attend college.

Part-time students form a substantial portion of the student body in this Nation today, comprising 1.03 million of the 2.2 million attending junior and community colleges and 1.65 million of the 6.35 million attending 4-year institutions. If it were not for the opportunities of part-time study, many of these young people would be unable to obtain a higher education, due to the fact that family personal circumstances oblige them to work while pursuing their studies. I have an especial personal sympathy for young people who find themselves so constrained because as a student I also found it necessary to work part time while undertaking my law studies at New York University.

Second, increasing the maximum amount authorized for an Education Opportunity grant from $1,000 to $1,200 annually during the second, third, and fourth years for any recipient who ranks in the upper half of his class. This is similar to a provision recognizing academic achievement which was part of the original Higher Education Act in 1965, but which was repealed when Educational Opportunity grants were increased from $800 to $1,000.

I feel that it is most important that the economic status of the individual's family not be the sole determinant of assistance during his college career but that an opportunity be afforded to recognize academic achievement also. This is a key element of non-Federal student-aid programs, both State and private.

Finally, I am pleased to note that the higher education associations, in testimony yesterday before the Senate Education Subcommittee, voiced support to extend the Education Opportunity Grant program to part-time students, as I have proposed. Joining in the testimony were the American Association of Junior Colleges, the American Association of State Colleges and Universities, the American Council on Education, the Association of American Colleges, the Association of American Universities, the National Association of State Universities and Land Grant Colleges and the National Council of Independent Colleges and Universities.

By Mr. MOSS:

S. 1454. A bill to amend the Federal Cigarette Labeling and Advertising Act to require the Federal Trade Commission to establish acceptable levels of tar and nicotine content of cigarettes. Referred to the Committee on Commerce.

CIGARETTE LABELING AND ADVERTISING

Mr. MOSS. Mr. President, I introduce for appropriate reference a bill to amend the Federal Cigarette Labeling and Advertising Act to require the Federal Trade Commission to establish acceptable levels of tar and nicotine content.

Our Nation today is faced with soaring hospital costs; our medical care facilities are coming to the point where they will not be able to care for the growing number of chronically ill people; there are not enough funds to provide intensive care units for emphysema and heart disease patients; millions are being paid from social security funds to aid relatively young and still productive people who are unable to use their skills because they are disabled by chronic respiratory disease and heart conditions.

The best medicine for these diseases is preventative medicine. Prevention cuts down on costs, it cuts down on agony, and it cuts down on disability. Certain diseases are prevented with vaccinations such as German measles, smallpox, and polio. Certain diseases have been eliminated with environmental prevention, such as malaria, typhus, and yellow fever. And where prevention is not available, early detection and treatment are the surest methods of therapy: Pap smears for cervical cancer, chest X-rays for tuberculosis, PKU tests for birth defects, and spirometry for oral cancer.

The bill I introduce today would provide a measure of environmental protection against the ravages of lung cancer, emphysema, and heart disease. We have limits on pollutants; we set tolerances for contaminants in foods; we set flammability standards for fabrics; we limit impurities in medicines, in water, and in air.

Is not it about time we limited the toxic inhalants in cigarettes? I am not proposing a ban on cigarettes. The Volstead Act demonstrated that prohibition cannot work. Human behavior is too difficult to change. I do propose, however, that the harmful constituents of cigarettes be removed in quantities sufficient to reduce the hazards of personal air pollution for the 44.5 million adult smokers in the United States. The least we can do for them is warn them of the hazards of smoking and just as we find it necessary to limit toxic emissions in the name of air pollution, we must limit toxic emissions from cigarettes for the safety of the 44.5 million smokers.

Mr. President, I ask unanimous consent that the text of the bill and the transcript of the Public Broadcasting System's January 19, 1971, program on this topic be placed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Federal Cigarette Labeling and Advertising Act is amended by adding at the end thereof the following new paragraph:

"(7) The term 'incriminated agent' means any constituent element of cigarette mainstream smoke which is present in quantities sufficient to be a health hazard."

SEC. 2. Section 7 of the Federal Cigarette Labeling and Advertising Act is amended by redesignating subsections (b) and (c) thereof as subsections (c) and (d), respectively, and inserting immediately after subsection (a) the following new subsection:

"(b) Not later than 6 months after the date of the enactment of the Public Health Cigarette Amendments of 1971, the Federal Trade Commission shall promulgate standards establishing such maximum acceptable levels of tar, nicotine, and other incriminated agents as the Commission determines may be present in cigarettes in quantities which will not pose an unreasonable health hazard. Such maximum levels may be reduced periodically, but not more often than once during any calendar year, whenever the Commission determines that lower levels are necessary to avoid unreasonable health hazards. Standards established by the Commission under this subsection shall permit cigarettes to contain the least amount of tar, nicotine, and other incriminated agents which is consistent with consumer acceptability. No standard estblished under this subsection shall be consistent with consumer acceptability if cigarettes produced in conformity with such standard would be so unacceptable to a substantial number of cigarette smokers as to create a market for the illicit sale and purchase of significant quantities of cigarettes which fail to meet such standard."

Sec. 3. This Act may be cited as the "Public Health Cigarette Amendments of 1971".

Should the Federal Government Set Limits on the Tar and Nicotine Content of Cigarettes?

(Originated in Washington, D.C. Produced by KCET)

Participants: Advocate Howard Miller (PRO) Professor of Law, University of Southern California.

Frank Moss, Democratic Senator from Utah, Chairman, Consumer Protection Subcommittee of the Senate Commerce Committee.

Ernest L. Wynder, M.D., President, American Health Foundation, New York City, Professor of Public Health, Columbia University.

Advocate William Rusher (CON) Publisher, National Review.

Horace Kornegay, Head, Tobacco Institute, Washington, D.C. Former Congressman from North Carolina.

Mr. James Levy Smoker, New York City.

Sheldon C. Sommers, M.D. Professor of Pathology, Columbia University and University of Southern California. Chairman, Scientific Board for the Council for Tobacco Research.

Moderator: Victor Palmieri.

Origination: House Ways and Means Committee hearing room.

This technical assistance from WGBH; equipment from WETA. Tonight's program is produced by Tom Burrows, KCET, and directed by Al Muir, KCET. Greg Harney, Executive Producer; Peter McGhee, Executive Editor.

Palmieri: Good evening. Tonight THE ADVOCATES is privileged once again to be broadcasting from the Hearing Room of the Ways and Means Committee of the House of Representatives of the Congress of the United States. Each week at this time THE ADVOCATES looks at an important public question. For you, a very important choice. Tonight we discuss a proposal that directly affects more than 45 million Americans. All of us who smoke cigarettes. Our question is this: "Should the Federal government set limits on the tar and nicotine content of cigarettes?" Advocate Howard Miller says "Yes."

Miller: Millions of Americans recognize the danger in smoking cigarettes and would like to quit. But as the common saying goes, it's a terrible habit, but you just can't break it. One of the reasons you just can't break it is because the entire environment—wide-spread cigarette advertising, high tar and nicotine content in cigarettes—simply makes it difficult for the individual to act to break the habit. We propose to change that environment. It has to some measure already been changed by the banning of advertising from television. But of course other advertising will continue. Another very significant factor is the high tar and nicotine content of many cigarettes, which make it difficult for people who want to stop smoking, those cigarettes, and contribute directly to bad health. We propose the Federal government set a limit on that tar and nicotine content to make it easy for those who want to save their health to do so, and to be given a chance for life. With me tonight to support this proposal are the President of the American Health Foundation and a Professor of Public Health at Columbia University, Dr. Ernest Wynder. And the Chairman of the Consumer Protection Subcommittee of the Commerce Committee of the United States Senate, Senator Frank Moss of Utah.

Palmieri. Advocate William Rusher says "No."

Rusher. There are really two questions before us tonight, and I urge you to keep them carefully separated in your mind. One is the question whether cigarettes, and specifically the tar and nicotine in cigarettes, have anything to do with lung cancer or other forms of human illness. As to this, we will show you tonight that the medical evidence is, to put it charitably, very mixed, and extremely inconclusive. But there is also another question up for discussion this evening which is very important that has nothing whatever to do with the medical issue. It is rather a profound moral, and in the highest sense, political question, which is this: If a man or a woman knows that cigarettes may be harmful to his health, and knows exactly how much tar and nicotine they contain, and wants to smoke anyway, whose business is it to tell him that he cannot smoke, and indeed that the American Tobacco Industry cannot even produce the kind of cigarettes he wants to smoke. That is the question. And I predict it is going to be ducked by the other side for the very good reason that there is no valid answer to it. With me tonight to discuss both of these questions are Dr. Sheldon Sommers, Director of Laboratories, Lenox Hill Hospital, New York City; Mr. Horace Kornegay, President of the Tobacco Institute, and Mr. James Levy, smoker.

Palmieri. Thank you both, gentlemen. In 1964, the Surgeon General of the U.S. issued a report warning that cigarete smoking was a hazard to health. Congress reacted by requiring manufacturers to print that warning on each cigarette package. On the last session, Congress passed legislation prohibiting cigarette advertising on radio and television, effective January 2nd of this year. And last week, finally, the Surgeon General called for a ban on smoking in all public places. So the warnings from government continue, but so far, nothing has been done to affect the ingredients of cigarettes which are claimed to be the actual cause of the hazard to health. As a result, some authorities contend that the government should take a further step and set limits on the tar and nicotine content of cigarettes. That's our question tonight: Mr. Miller, why do you support this proposal?

Miller: This of course is more than a case of simply individual choice to smoke. It is in the highest sense a public health problem. And it is a public health problem because the entire environment that has been created by the tobacco industry, through advertising and other pressures, has created the very demand that the industry now claims requires no interference with personal rights. But that cigarettes themselves are a serious and harmful cause of ill health is no longer subject to doubt. Just this month, the Royal College of Physicians in England told us that premature deaths and disabling illness caused by cigarette smoking have now reached epidemic proportions, and present the most challenging of all opportunities for preventive medicine. And that is a public health problem. As study after study has shown, and as the United States Public Health Service reports, cigarette smoking does contribute to illness. Over 700 percent chance of getting lung cancer for those who smoke over those who don't; 103 percent chance of heart disease; 110 percent chance of any kind of cancer; all from publications of the United States Public Health Service. Despite that, cigarette sales have continued to grow, prompted largely, of course, by the extraordinary advertising. With the growth in cigarette sales the lung cancer death rate in the United States, for example, has climbed dramatically. That is just a line on the chart indicating a rate. [Displays chart.] The number of absolute deaths continue to grow. 55,000 absolute deaths in 1968 from lung cancer. Those statistics are widely recognized. Insurance companies, for example, have special non-smoker health policies, recognizing the lower chance of dying at the early age for the non-smoker. So millions recognize the difficulty. Millions wish to stop. And many of those personally come to understand what the danger is far too late.

(Cut to film: Animated cartoon of a man who lights cigarette on a bomb fuse; bomb blows up, followed by:)

Announcer: Some people'll do anything for a cigarette.

Chorus: You get a lot to like with a Marlboro—

Female singer: You can take Salem out of the country, but—

Male: There's no compromise in the tobacco.

Another male: Say, Mister. How about some of those skinny cigarettes.

Operator: At the tone the time will be. 12:05 and 40 seconds. [Tone sounds.]

Another female singer: Winston tastes good, like a cigarette should.

Another male: Camel filters.

Another male: Camel filters aren't for everybody.

Operator: Twelve five, and 50 seconds.

Another male: Come to Marlboro country.

Auctioneer: [Singing] Sold to . . . American.

Tolman: My name is Bill Tolman. I'm sure that some of you are familiar with me as the most unsuccessful prosecuting attorney in the history of the legal profession. When I was a kid, 8 or 9, my dad offered me a thousand dollars and a gold watch if I would get to the age of 21 without smoking a cigarette. And I lost that case before I was 12. Of all the cases in my whole life that I've lost, of all the bets I've lost, of all the chances I've blown, that one I regret the most today. Because today I'm 53 years old; I have a family consisting of 6 kids; and a wife whom I adore. I also have lung cancer. [A lung operation is shown during this talk.] Let me join you in spirit, in prayer, even if I'm gone when you see me speak these words to you. Let me join you in this crusade and let's make this world a world that's cancer free.

(Cut to Studio)

Miller: So long as the tobacco industry continues to dispute the medical evidence of the danger of cigarette smoking, so long as there are people who may believe them and continue to be harmed by it, films like that, and as strong, will have to continue to be shown. To talk to the problems of cigarette smoking and health, I have asked to join us here tonight as our first witness, Dr. Ernest Wynder.

Palmieri: Dr. Wynder; welcome to THE ADVOCATES.

Miller: Dr. Wynder is President of the American Health Foundation. He's also Professor of Public Health at Columbia University. Dr. Wynder, for what diseases is cigarette smoking and tar and nicotine a principal causative factor.

Wynder: Well, first of all, when you refer to causative factor, this doesn't mean that we say it is obligatory cause. Simply, we mean that in the presence of this factor, this disease will occur more commonly, and in the absence, it will occur less commonly. Among the many diseases having been thusly associated and often causatively associated with cigarette smoking are cancer of the lung, cancer of the larynx, cancer of the oral cavity, cancer of the esophagus, cancer of the bladder, emphysema, bronchitis, and also importantly, particularly premature death from heart attacks.

Miller: Is there any real dispute about that evidence and what it proves?

Wynder: Well, there is no dispute among committees that, in this country and in other countries have been asked to review the evidence. You always find an individual that will disagree; jokingly we refer to a society that we call "The Flat Earth Society"; because we believe that there are those who will argue that the earth is flat in spite of the evidence. But the important point is that any medical and scientific committee ever put together to decide on this matter has agreed smoking is injurious to your health.

Miller: Would lowering the tar and nicotine help the problem?

Wynder: This is a very important issue; we published, a few weeks ago, in the Journal of the American Medical Association, data which show that smokers of filter cigarettes, that is, those who have smoked filter cigarettes for more than ten years, have significantly less risk of lung cancer than those that smoked regular cigarettes. I think this is the best evidence up to date that the tar content in our cigarettes relate to lung cancer, and that as you reduce the tar content, you reduce the risk of cancer.

Miller: Is it appropriate to treat this as a public health problem, that is, to impose limits on tar and nicotine for all smokers.

Wynder: Well I believe this is very appropriate as a public health problem, because it is apparently difficult for the individual to give up a habit in spite of the evidence. because we all suffer from the illusion of immortality, and therefore we all believe it cannot happen to us.

Palmieri: Doctor, let's see if [overriding Miller] Mr. Rusher is a member of The Flat Earth Society.

Rusher: Dr. Wynder, in your opinion, which is more dangerous, tar or nicotine?

Wynder: It depends, Mr. Rusher, on the kind of disease you want to get.

Rusher: I am referring to lung cancer.

Wynder: If you refer to lung cancer, the principal causative factor is the tar.

Rusher: Is the tar.

Wynder: Correct.

Rusher: Has the Public Health Service ever repudiated the Surgeon General's 1964 report which says that nicotine in tobacco, and I quote, "probably does not represent a significant health problem?"

Wynder: The Surgeon General's report of 1964 refers to nicotine in relationship to cardiovascular disease; fortunately in science we learn. In the last six years we have learned a great deal, and you will read in the next Surgeon General's report, soon to be issued, that nicotine is an important public health issue—

Rusher: I think—I think you are—

Wynder: —particularly for cardiovascular disease.

Rusher: —perhaps inadvertently, misrepresenting the Surgeon General's report. First, let's take the Advisory Committee Report in 1964, and I quote exactly from it, "There is no acceptable evidence that prolonged exposure to nicotine creates either dangerous functional change of an objective nature, or degenerative disease" Close quote. And then the '64 report itself says, and I quote again, "The chronic toxicity of nicotine, in quantities absorbed from smoking, is very low, and probably does not represent a significant health problem." So you are telling me that this has or has not been repudiated to date, Sir.

Wynder: You will see in a few weeks the new Surgeon General's—

Rusher: Yes.

Wynder: is issued, Mr. Rusher, let me state that fortunately in science we learn and we have learned since 1964. Many studies have since been published that indicate the nicotine level in tobacco smoke plays a vital role in cardiovascular disease.

Rusher: That's what you've learned in science, and we've learned in law, and we knew it before 1964, is that when you tell me about reports that haven't been published yet, and that are going to say what you want them to say, there isn't much I can do about it. But the report on record is that there is no apparent effect from the quantities of nicotine in cigarettes.

Wynder: Let me—

Rusher: That is the report.

Wynder: Let me correct you, Mr. Rusher. If you go into the Surgeon General's Report of '67 and '68, they will also indicate that nicotine is playing a role in—

Rusher: I asked you; I asked you, Doctor, in the beginning whether or not that report had been repudiated; you didn''t tell me it had.

Wynder: Oh, I indicated there were several studies; I just want to bring you up to the very latest.

Rusher: Science has made enormous strides since then, as the saying goes.

Wynder: Indeed it has.

Rusher: Tell me, what level of tar and nicotine do you think should be the legal limit? Take tar. How many milligrams of tar in a cigarette would be the proper legal limit for Senator Moss' bill?

Wynder: At the moment we are not prepared to give you a specific level.

Rusher: Why not. Hasn't science told us what's dangerous, and how much would be safe?

Wynder: The—best figure, Mr. Rusher, would be that would have a hundred percent filter so you'd no smoke at all.

Rusher: I understand that. Do you recommend . . .

Wynder: On the other hand . . .

Rusher: And are you recommending that Senator Moss include that in his bill in that form?

Wynder: On the other hand, I——

Rusher: Would you answer the question. Are you recommending that?

Wynder: I will recommend to Senator Moss that we ought to give all incentive we can to lower the tar and nicotine level of American cigarettes—

Rusher: Now be specific. What level do you recommend; this is a bill that is to be put before the Congress of the United States—how many milligrams of tar should be, according to that bill, allowed in a cigarette. This is a very practical problem, and you're a doctor. Tell us.

Wynder: If I would set an upper limit.

Rusher: Please.

Wynder: At this point.

Rusher: Yes?

Wynder: And that's only an upper limit because there's no lower limit; I would state that a filter cigarette should not contain more than 20 milligrams of tar, and 1.0 milligrams of nicotine.

Rusher: Are you aware that the average, the actual mean of cigarettes in this country contain only 19 milligrams of tar?

Wynder: I am quite aware that the tar and nicotine content of the American cigarette has been significantly reduced in the last 20 years, and the American tobacco industry is to be congratulated for this.

Rusher: You, you would actually set a limit higher than the average one.

Palmieri: Doctor, I'm afraid that I'll have to interrupt.

Rusher: I beg your pardon?

Palmieri: I'm afraid I'll have to interrupt this segment of the program; Dr. Wynder, let me thank you now for appearing on THE ADVOCATES.

Miller: Thank you. There really is no dispute about the effect of cigarette smoking on lung cancer, other items of health, whether you look at tar or nicotine. You'll see a list of organizations, medical organizations and a few others, that have endorsed and agreed the causative connection between cigarette smoking and lung cancer. Of course it is always possible to pick a particular sentence out of a '64 report that relates only the nicotine and ask a question about that. But if you look in the 1967 report, at pages 60 to 61, or the 1968 report at page 30, you will find the statements about the nicotine relationships in cigarettes. There is general agreement. There is no significant dispute. The tobacco industry does itself no credit by continuing to dispute that.

Palmieri: Mr. Miller, we're going to hear now from Mr. Rusher and his case; we'll come back to you for your rebuttal.

Rusher: And Mr. Miller does his case no credit by attempting to turn it into an attack on an American industry in another example of the hate-Business mentality. As I have said earlier, our topic tonight touches not just one, but two, of the most sensitive nerves in our modern American society. Let us take up this medical question first; and it is, Mr. Miller's opinion notwithstanding, by no means a closed issue. We live in the first truly scientific age, when mankind has become able to detect and measure all sorts of invisible danger. Radiation, chemical poisons, and the like. Our general anxieties have tended to fasten on these dangers, and make us fearful of all kinds of lurking scientific terrors, much as more primitive men used to fear the powers and principalities of the air, or things that go boom in the night. We are not really very rational about all this; we stopped drinking low-calorie soft drinks because we would risk cancer of the bladder, if we drank 500 bottles of them a day; and then we go back to high-calorie drinks, that will soon make us overweight and subject to heart attacks in our fifties. And what's more the degrees of harm in various products are hotly debated. Certainly, certainly this is true of cigarettes. There are many doctors who consider them harmful. And there are plenty of others who are not so sure. In the latter category are such men as Dr. Milton Rosenblatt, President of the Medical Board of Doctor's Hospital in New York. He has spent half a lifetime studying the causes of lung cancer. Dr. Theodore Sterling, Professor of Applied Mathematics and Computer Science at Washington University, Saint Louis, an expert in medical statistics. Dr. Sheldon C. Sommers, Director of Laboratories at Lennox Hill Hospital, New York and Clinical Professor of Pathology at Columbia University. Dr. Carl Seltzer, Senior Research Associate of the Harvard University School of Public Health. He has written extensively on the effects of smoking on heart disease. These men will testify that the medical case against cigarettes is by no means subtle. They question the statistics, and the one-sided use of studies by the American Cancer Society and the Public Health Service. They question the myths; for example, the myth that smoking causes the lungs to turn black. And they question the contradictions. Why, for example, is lung cancer predominantly a man's disease, even though smoking by women has increased enormously in the last 40 years. Why does cigar and pipe smoking show little or no relation to these diseases. These are some of the disturbing questions. Let's hear what the experts have to say.

[Cut to Film:]

Rosenblatt: There is no real evidence that lung cancer is caused by cigarettes. As a matter of fact the preponderance of evidence is to the contrary. All we have going, for all the publicity that has prevailed, is a statistical correlation which is very tenuous.

Sterling: The National Center for Health Statistics claimed for instance that there was a relationship between the amount people smoked and the incidence of illness, so that the more you smoked, the more people smoked, the more frequently they were ill, and the longer they were ill, and the more the loss from work. Now, curious enough, when you examine this data, these data, that relationship did not appear, actually. For instance, in general, those individuals who smoked a pack or less had less disease than people who did not smoke at all.

Interviewer: If inconsistencies and contradictions like this existed in this study, why weren't they reported?

Sterling: That's a good question.

Rosenblatt: We have here a group of individuals who in my opinion are out on a limb.

Interviewer: These are the Public Health Service people?

Rosenblatt: Yes, and they cannot come back.

Sommers: Inconclusive evidence piled upon inconclusive evidence convinces some people that something they'd like to believe is true is actually true. But that's not the scientific approach.

Seltzer: As a result of my many years of research and publications, I find no hard support for the contention that cigarette smoking causes heart disease.

Interviewer: Well, what is the real association, then?

Seltzer: Well, many of us feel that it is possible that the statistical association which exists in United States figures may be due to the fact that smokers are different kinds of people than non-smokers.

Sterling: Smoking in general is associated with an individual who eats perhaps a bit too much, drinks perhaps more than average and does less exercise than people do in general.

Interviewer: Why is it that females aren't getting more lung cancer now?

Rosenblatt: Although women have been smoking at least 40 years, and in some instances probably smoking more prodigiously than men, the ratio between males and females with respect to lung cancer is just the same, six to one, which means that it is not the smoking that has been the cause of the lung cancer in the male but rather this is a characteristic of the disease, just like the age at which one acquires lung cancer. Lung cancer occurs in the fifth, sixth, and seventh decades of life, predominantly in the sixties, and it does so in the smoker and in the non-smoker, and it does so whether you start smoking at six or whether you start smoking at 46. This is inherent biologic feature of the disease.

Sommers: Some people have referred to black lungs and claimed it was a problem related to smoking, but in fact the blackness is coal dust and it's in the contaminated air and is not a result of smoking.

Interviewer: Can you tell by looking at the cancerous lung tissue whether it comes from a smoker or non-smoker?

Sommers: No, there isn't any way to identify the habits or in most cases the occupation of an individual with lung cancer, from looking at the tissue.

Interviewer: So you can't tell?

Sommers: There's no way to tell.

Rosenblatt: These diseases are old diseases. To attempt to blame them on our by-products of modern civilization is wrong and those who promulgate this thesis are really misleading the public.

[Cut to studio:]

Rusher: One of the men whom you have just seen on film is with us in Washington tonight to answer further questions about the film, and about the medical aspects of this subject. He is Dr. Sheldon C. Sommers, the Director of Laboratories at Lenox Hill Hospital in New York City.

Palmieri: Thank you. We're glad to have you with us on the Advocates.

Rusher: Dr. Sommers, I might add, is also Clinical Professor of Pathology of the College of Physicians and Surgeons at Columbia University and at the University of Southern California. Dr. Sommers, I believe in addition to your principal position at Lenox Hill, you are also the Research Director of the Council for Tobacco Research, and Chairman of its Scientific Advisory Board. Is that right?

Sommers: Yes, that's correct.

Rusher: Can you tell us what the Council for Tobacco Research is?

Sommers: It's a granting agency; it's between 17 and 18 years old; it has a budget of two and a half million dollars a year, which is provided by all of the major tobacco companies; it provides research grants in the field of smoking and health; anyone interested writes in and if they have a competitive program, then it's funded.

Rusher: Does this mean that you are in the pay of the vested interests of the tobacco industry?

Sommers: Well, when I work outside my office I am paid on a *per diem* basis, the same rate as I am paid by the Veterans' Administration Hospital when I work for them.

Rusher: In this matter of smoking and health, how do we come to be concentrating on tar and nicotine, anyway, as distinguished from other things in tobacco.

Sommers: Well, beginning about 1900, using a tobacco condensate, and "tar" is actually a misnomer, by painting on the skin of mice and rabbits it was possible to produce warts or a benign or sometimes malignant tumors. And this has continued up to the present. But in the last few years, many workers have found no tumors after painting of the skin of animals, and it's probably the wrong tissue to study anyway, and so we've lost it as a biologically useful experimental model. And all of us are looking for a new experimental animal model, usually involving inhalation of cigarette smoke. We hope someday to have an effective experimental model for producing any kind of a positive bioloigical effect from inhaling cigarettes.

Rusher: May I briefly ask—

Palmieri: The feeling is you don't have one now. Let's see what Mr. Miller has to say on cross-examination.

Miller: Dr. Sommers, tell us about the American insurance companies that have non-smoker policies because they believe the data about a different mortality rate. Are those hard-headed businessmen being misled?

Sommers: I'm not expert in the insurance business; I think that they base their rates upon statistics, and statistics are notoriously difficult to assay as regards their accuracy, and—

Miller: Well, since insurance companies of course rely on actuarial statistics all the time, and they have, some of them have decided to issue a lower premium rate for non-smokers. You think that in fact those hard-headed businessmen are just blundering and losing money for their companies.

Sommers: No, I myself, and I'm speaking purely as an individual, regard that as a sales gimmick.

Miller: What about the Royal College of Physicians. Are they also out on a limb along with the Public Health Service. The Royal College has just decided that incidence of disease from cigarette smoking had reached epidemic proportions—What went wrong in the Royal College of Physicians?

Sommers: No, you see, they did no research themselves; they reviewed the literature. And there's a problem in England; for example, smokers, or non-smokers in Australia and New Zealand get lung cancer most notably determined by the number of years they lived in England. Not by their smoking, or by their occupation.

Miller: Let me ask you about—

Sommers: So there seems to be something peculiar about England.

Miller: Yes. There seems to be something peculiar about other things as well. Let me—when the original Surgeon General's Advisory Committee, in 1964, looked at all this evidence, there was a committee—it was not employees of the Public Health Services or the Surgeon General, they were independent experts on the Advisory Committee; the names were in fact submitted to the tobacco industry, is that correct?

Sommers: They were chosen on the basis of never having worked in the field; I know three of them personally; and actually, I helped to rewrite part of the Surgeon General's report.

Miller: And those people heard, those people heard all of the testimony that's been presented tonight; they heard all of the statistical arguments; they heard all the statements we heard on film; they were impartial experts, agreed to by the tobacco industry, and concluded differently and rejected those arguments, didn't they.

Sommers: No, I think you have a problem here, and that is, that as Dr. Wynder pointed out, science marches on, and—

Miller: Precisely.

Sommers:—the statistical, the statistical studies were smokers versus non-smokers. And now they are multi-factorial studies. And the multi-factorial studies indicate a much less striking relationship between any of the diseases and smoking.

Miller: Well that's not—

Palmieri: One more question.

Miller: Tell me about physicians. The Public Health Service reports that the group in the population that has most frequently stopped smoking, and readily advises its patients not to smoke, are doctors. Fewer than 30 percent of doctors now smoke. Is the whole medical profession being taken in by the Surgeon General's report, the Royal College of Physicians, the supplements?

Sommers: No, you see, like others, most physicians get their information second-hand, and the workers in the field are not in agreement, as you suggest. This is a wide open field, and one should keep an open mind about the causes of these very chronic and mysterious diseases. They are our greatest biological—

Miller: But we're dealing with life and death; there comes a time when all minds must be closed. I have no further questions.

Palmieri: Doctor, thank you. Would you continue, Mr. Rusher?

Rusher: Obviously for Mr. Miller the time has come when all minds must be closed. Tonight we have seen the war-drums throbbing against American business, and we have no hesitation in bringing before you a spokesman for the tobacco industry, indeed its principal spokesman, the President of the Tobacco Institute, Mr. Horace Kornegay.

Palmieri: Glad to have you with us, Mr. Kornegay.

Rusher: Mr. Kornegay, if you will forgive the expression, let's get down to the nitty-gritty; how much tar and nicotine is there in an average American cigarette.

Kornegay: Of the one hundred—approximately 120 brands that are marketed and sold in the country today, it will vary from 2 milligrams to 31 milligrams tar, and one tenth of a milligram to 2.2 tenths of a milligram of nicotine.

Rusher: And the average, the bulk of sales; where, where do they rest.

Kornegay: The average, the bulk of sales would rest somewhere in the range from 17 to 21. It's right in the middle range as far as tar is concerned—

Rusher: So that Dr. Wynder's death-defying intention to lower the amount of tar in a cigarette to 20 milligrams and save us all our health wouldn't even affect the majority of American sales of cigarettes, if that's true. Is that correct?

Kornegay: Well, if you set it at 21, it would not affect the majority of sales.

Rusher: Tell me, I assume the amount of these ingredients affects the flavor of the cigarettes.

Kornegay: Assuming above 21.

Rusher: Yes. [Talking over Kornegay.] I assume the amount of these ingredients affects the flavor of the cigarette?

Kornegay: Yes, Sir; I understand that it does.

Rusher: From the industry standpoint, does it matter how much tar and nicotine there is in a cigarette? Is it more expensive to produce one with less?

Kornegay: Well, insofar as I know, the industry is capable of producing one at any level. They're doing it now. Again, as far as I know, the cost would be the same. It's a matter of consumer choice. It's what the consuming public wants.

Rusher: Would the industry mind stating, in all its advertising, the amount of tar and nicotine in its cigarettes?

Kornegay: As a matter of fact, they recently volunteered to put into all of their print advertising the tar and nicotine level of the cigarettes.

Palmieri: Let's have one more question.

Rusher: Let's get a little bolder than Dr. Wynder, and make a limit of, say, 15 milligrams on the tar in cigarettes. What would be the effect.

Kornegay: If you set it at 15, in other words, nothing over 15 could be sold, you'd be eliminating 97 percent of the cigarettes sold in the country today. In other words, 15 and below represents approximately 3 percent of the market.

Rusher: What would people do?

Kornegay: Well, there's no telling what they would do, but I would think they'd probably smoke more. They get less satisfaction, less enjoyment, less flavor out of a low tar and nicotine cigarette—

Rusher: Or turning perhaps to foreign brands?

Palmieri: —Mr. Kornegay; thanks for being on THE ADVOCATES. Mr. Rusher, would you continue.

Miller: No, I'm sorry.

Palmieri: Well, if, if you insist.

Miller: Mr. Kornegay will have to continue for a few more minutes.

Kornegay: —Mr. Rusher—

Miller: As a matter of fact, your, your principal job is continuing for a few more minutes speaking for the tobacco industry. Tell me, Mr., Mr. Kornegay, we've heard some dispute here among scientists. Is there any scientific group in this country, not funded by the tobacco industry, but any independent scientific medical society or group that differs with the conclusion of all the organizations that we've seen, that there is this principal causative relationship between cigarette smoking and serious illness?

Kornegay: I could, could not answer that, Mr. Rusher—

Miller: Miller.

Kornegay: —I'm not familiar with the facts.

Miller: Well, you cannot then, despite what we've heard, you cannot tell us of a single medical or scientific group in this country that disagrees, that has done independent research, aside from the independent researchers, but a group, established group, that disagrees with the conclusions we've heard. From the Surgeon General.

Kornegay: I could, I could not name one, I know that some of them have gone on record in various ways or another, condemning smoking, I know that—

Miller: Which.

Kornegay: —the Inter-Agency Council for Smoking and Health in the country drafted a model resolution, and urged, encouraged and campaigned among the health groups and medical societies to get it passed, and—

Miller: That's right, and—

Kornegay: You know how those things go, so like

Miller: That's right.

Kornegay: —signing a petition.

Miller: —no established group disagrees. Now tell me, do you think teenagers should smoke; do you advise teenagers to smoke?

Kornegay: No, I do not advise teenagers to smoke.

Miller: Well, now, why not?

Kornegay: I just don't advise teenagers to smoke.

Miller: Well tell me, Mr. Kornegay—

Kornegay: I don't advise anybody to smoke.

Miller: Well, but now, let's tell me about teenagers and smoking. If it's not harmful, if we have this dispute about the harm, why shouldn't they smoke.

Kornegay: Well, I haven't said it wasn't harmful; I haven't said it was harmful. I'm saying to you, Sir, that—

Miller: You simply don't know. You're—

Kornegay: —it's a matter—

Miller: —principal spokesmen for the tobacco industry and the best you can say is that you don't know. And you don't want teenagers to smoke.

Kornegay: I'm saying to you, Sir, that the—I didn't say I didn't want to, I said I don't "advise" them to.

Miller: Well do you want them to?

Kornegay: That's a matter—

Miller: Won't it boost your sales?

Kornegay: It's like so many other things in life, Mr. Miller; there're times when you're an adult, when you're developed—

Palmieri: One more question.

Miller: [Overriding Kornegay] Well if we had a representative of the soft-drink industry, then I would ask him, "Do you want teenagers to drink soft drinks?" What do you think he should say?

Kornegay: Well, they ought not to drink too many soft drinks.

Miller: Well what—why do you hesitate on saying they should smoke cigarettes. Why do you respond—

Kornegay: I haven't hesitated. I've been, I've been just as frank with you in saying that I, I have not recommended that teenagers smoke.

Palmieri: [overriding Miller] Well it sounds to me like you may have some teenagers at home. I'd know your problem.

Kornegay: I have some teenagers.

Palmieri: Okay. I'm going to let you go now.

Miller: So do a great many other—

Kornegay: But I just want to say that it's an individual choice, it's a matter for the individual himself—

Miller: And as the spokesman—

Palmieri: Mr. Kornegay, we'll close here.

Kornegay: —man reaches the age of discretion, or a woman, then they're free to do as they please.

Miller: Thank you.

Palmieri: Thank you very much.

Rusher: Obviously it baffles Mr. Miller that anybody should be left a free choice in anything, and we have to go over and over the point again. But we'll do it one more time. This time, with a rather different witness. We have on The Advocates many experts and many famous men, United States Senators, and I respect them all enormously; the hardest of all roles to cast, though, is that of the average man. And I have looked and looked among my own friends and acquaintances, until I have finally found in this respect the man who can be introduced to you simply as from New York City, Mr. James Levy, smoker.

Palmieri: Welcome, Mr. Levy.

Rusher: Mr. Levy, why do you smoke?

Levy: I like it.

Rusher: Don't you think it's bad for you? You've seen all these pictures?

Levy: Yes, sometimes yes, sometimes no. I've heard evidence on both sides; I get a little confused. The principal thing that concerns me is I want to figure out whether it's good or bad; I don't want somebody else to tell me that.

Rusher: Yes, but now don't you worry about it? Don't you worry that you may be getting sicker, or that you will sometime in the future get sick.

Levy: Yes, I worry about it. I worry about my waist, and I worry about the tar on my teeth, and I worry about a lot of things. My point is, I want to do the worrying for myself, that's all.

Rusher: You want to do your own worrying, you don't want Senator Moss to do it for you. It that right?

Levy: Senator Moss, or anybody else——

Rusher: Or anybody else. Right. Now on this——

Palmieri: ——Mr. Miller. I'm going to ask him if he wants to question the——

Rusher: Sorry.

Palmieri: ——our expert on smoking.

Miller: Well, I have a hunch that if Mr. Levy truly were an average man that Mr. Rusher might not . . . Mr. Levy, tell me. Do you want to make your own choices with drugs, also? You want to abolish the Federal Drug Administration, and allow any drug to be sold so you can make your own choice about which drugs are harmful to you or not?

Levy: No, sir.

Mr. Miller: Well then why are drugs different, if we have evidence of the harm of cigarettes.

Levy: I'm talking about smoking for me.

Miller: Well I'm talking about drugs for you. Don't you want the ability to choose your own drugs at the drugstore?

Levy: Not when I am convinced that a particular form of a drug will kill me.

Miller: But you're not convinced until the Federal Drug Administration goes and makes its tests, and says this drug is dangerous. Otherwise you'd have no way of knowing.

Levy: I am personally convinced that particular drugs are deleterious, if that's an average man's word; I am not convinced that smoking is dangerous.

Miller: Well, you're not convinced. You don't know that about—tell me. You know a great deal about the cigarettes and which brands, you've seen the numerous commercials—

Levy: Yes.

Miller: You know what kind—

Levy: I can tell a Marlboro from a Virginia Slim.

Miller: Yes. . . . You know who's come a long way, baby, and all the rest; when did you last have a health examination that indicated that smoking had hurt you.

Levy: I haven't had any that have indicated that smoking has hurt me any.

Miller: Have you, have you checked?

Levy: Yes.

Miller: You checked, and you're convinced that it, that it does not?

Levy: Yeah. I—for some peculiar reason, with my peculiar habits, seem to be all right. I don't know why.

Miller: But it, it—suppose you knew that it hurt you. Suppose you believed this overwhelming amount of organiza—you knew it hurt you. Would you still want to have cigarette companies be able to sell the cigarettes that you could buy that would cause you harm?

Levy: Want me to pretend I haven't been coached? It's a hypothetical question that I'm not prepared to deal with, until the time comes where someone tells me I have a particular problem, which may be related to smoking——

Miller: Well have you gone to a doctor and asked him whether you have a particular problem because of smoking?

Levy: When I go for a checkup. I don't go every two weeks and say, "Do I have a particular problem because I smoke two packs of cigarettes a day?"

Miller: Well, have you consulted with others who might be involved? Mr. Rusher would lead you to think this is a personal choice. Have you consulted with your family and whether they care whether you smoke?

Levy: Yea, I get nudged by my kids a lot.

Miller: Probably because they'd like you around as long as possible.

Levy: Yes.

Miller: Yes. And they would certainly object if you went down to the drugstore and took some harmful drugs, and said I want——

Levy: Yea.

Miller. ——personal right to do that.

Levy: Yea.

Miller: That's right, and if cigarette smoking is harmful, then the government could move in for the same reason, for your child's interests and—

Levy: My children's exposure to the reason that smoking is harmful is what they see on television. Interestingly enough, that's probably where I started smoking.

Miller: Yea. And do you, do you care whether your own children smoke; what do you tell them.

Levy: Yea. Plenty.

Miller: And what do you tell them.

Levy: I do not want them to smoke now, I hope at some point, by the time they are old enough to consider smoking, that the evidence will be so—

Miller: Well why don't you want them to smoke.

Levy: Pardon?

Miller: Why don't you want—

Palmieri: One more question.

Miller: Why don't you want them to smoke?

Levy: Because, to me, as I suggested before, the evidence is not complete. I have one judgment for me; there's another judgment for them.

Miller: Thank you.

Palmieri: All right, Mr. Levy; thanks for being with us.

Rusher: Obviously the difference between the clearly harmful drugs and tobacco and tar and nicotine is that drugs are a social problem, creating a very heavy and considerable penumbra of social effects; if there is anything that the famous consenting adult can do in his own room without bothering anybody at all is smoking, it seems to me, a cigarette. And more power to Mr. Levy if he likes to do it. To help people quit, which is one of Mr. Miller's earlier missionary efforts this evening, we have to cut down the amount of tar and nicotine in cigarettes, but there are already plenty of cigarettes on the market with tar and nicotine much lower than the limit proposed by Dr. Wynder, of Mr. Miller's own witness set. I predicted early in this program that the question of moral choice here, and the right of the individual to make it would be ducked. It has been ducked; I predict it will continue to be. We'll see.

Palmieri: All right, Mr. Rusher; Mr. Miller, he attacks it on the grounds of moral choice, and he attacks the medical evidence.

Miller: And the medical evidence.

Palmieri: Now your chance to rebut.

Miller. Who, who did we see on the screen in medical evidence. Dr. Seltzer, one of the people you saw, is a physical anthropologist, specializing in nutrition. Professor Sterling, who you saw, is a statistician. There were only two doctors who spoke here tonight, Dr. Rosenblatt on film, Dr. Sommers here. Dr. Rosenblatt referred, for example, to the man-woman difference; why is it that the ratio of men is higher than women despite the smoking. These are all questions that have come up before. In 1959, that question was first raised, in an article published by the Journal—in the *Journal of the National Cancer Institute,* it was pointed out simply that women in this country, only .6 percent of them, on the whole, smoke more than one pack a day, while 6.9 percent of the men do. Every one of these things that you've heard has been considered by the Surgeon General of the United States and his Advisory Committee, by the Royal College of Physicians, in supplementary reports, and by others. If the tobacco industry were more candid, and simply said, "Yes, it does cause harm, but let's go to the moral choice," it would be one thing. But they don't say that, and that's why it's a social problem. That's why it's the moral problem. Because the tobacco industry continues to insist that there is no substantial evidence of harm, that there is dispute about the harm; and because by its advertising, the industry continues to advertise to get people to smoke the products and produce the high tar and nicotine products. It is not simply a matter of personal choice. It is millions upon millions of personal choices, created through the very mechanism of the industry advertising. That's why the environment must be changed—a start has been made on the advertising—and that's why the environment of the amount of tar and nicotine must be changed. Because the industry itself, through its pushing of cigarettes, through its high tar and nicotine, has made it a social, and not simply a personal problem. To speak for the appropriateness of Federal regulation in this area as a public health measure, we have asked to join us, Senator Frank Moss of Utah.

Palmieri. Senator, welcome.

Miller. Senator Moss is Chairman of the Consumer Protection Subcommittee of the Commerce Committee of the United States Senate. Senator Moss, if cigarettes were a new product, just being introduced today, would the government allow it?

Moss. Well, it would be examined by the Food and Drug Administration, because of the chemicals involved in tobacco. The chances are that it would not be permitted to be sold openly on the market, but of course tobacco's been with us for generations, and has not come up in that way.

Miller. Has the Congress moved to take other steps in a public way to prevent the harm from cigarettes?

Moss. Oh, yes, indeed, there are many products of which the Congres has determined that there shall be a limitation, and that they shall be controlled in various ways, all the way from air and water standards up to atomic wastes, cyclamates; there are many, many—

Miller. And besides moving on those products, the Congress has also moved specifically on cigarettes, with labeling, and other laws?

Moss. Indeed they have, requiring them to be labeled as to being dangerous, and controlling the circumstances under which they may be marketed and possessed.

Miller. Do you feel that setting the tar and nicotine limits in cigarettes is now an appropriate public health measure for Congress to undertake—would it help the problem?

Moss. Yes, it would. Seems to me that we must move on in the control of the harmful substances that are within tobacco, and tar and nicotine have been identified as the most noted of the harmful substances. Therefore, it would be very proper to place a limit on that, and to encourage the industry to continually reduce both tar and nicotine, and I would favor taxation inducement or other inducements to get them to lower the content in cigarettes.

Miller. You've sat as a Senator on many subcommittees that have heard this evidence, considered it along with the Congress; are you convinced, and do you think the Congress is convinced, that this is a serious health problem, the causative relationship between cigarettes an major illness?

Moss. Oh, I don't think there's a bit of doubt that every organized study that has been made by the medical profession or by any independent group has come to the same conclusion, that the contents of cigarettes, that cigarette smoking is harmful to health. And it's a very major problem in our country, as it is in Britain, with epidemic proportion. The number of days lost from work, the cost of hospitalization, the impairment of the ability of our people, make it a public health problem and therefore, it's incumbent upon the Congress to move in this area to try to protect the public health.

Miller. Thank you, Senator Moss.

Palmieri. Mr. Rusher.

Rusher. Senator Moss, I believe you are the Chairman of the Senate Committee or Subommittee interesting itself in consumer affairs, and on behalf of consumers, is that right?

Moss. That is correct, sir.

Rusher. Surgeon General Stewart in 1969 stated that people, and I quote, "should be able to select or not select low tar and nicotine cigarettes; this is the old idea of 'consumer's choice'." Was he wrong?

Moss. Well, he, he was not wrong in that consumers have, should have a choice so far as the public health is not impaired. Now with the evidence coming in on subsequent reports since the '64 report, indicating that public health is impaired by excessive tar and nicotine in tobacco, therefore, it is proper to set a ceiling, and to induce the production of lower tar and nicotine cigarettes.

Rusher. And in 1969, you yourself said, "If knowing the consequences, they"—meaning the consumers—"continue—choose to continue to smoke, they're entitled to do so." Is that right?

Moss. Yes, I have not advocated that there be any total prohibition.

Rusher. You just want to stop them from smoking cigarettes with tar above a certain level.

Moss. I want to protect them as far as possible in that regard, and to educate them——

Rusher. From themselves.

Moss. From themselves, and to educate them as to what—what will be the results if they do smoke.

Rusher. And if these consumers you protect choose to consume something you don't want them to consume, you'll make a law against it, is that right?

Moss. No, I don't believe in total prohibition, but I believe in giving the maximum degree of protection as we do in labelling, many substances that require labelling warning people against the contents of that bottle.

Rusher. I was about to ask you about precisely that. It is widely known that alcohol is a serious drug and creates a serious social problem; have you, or will you introduce a bill to reduce the alcoholic content of say, beer to 3.2 percent?

Moss. I have no plan to do that; in some places it is done by state law——

Rusher. How about prohibiting wines over 8 or 9 percent alcohol?

Moss. In some states that's done, but there's no Federal law——

Rusher. Whiskey 60 proof?

Moss. There is no Federal law——

Rusher. Well why isn't there. Why don't you pass a bill and make a Federal law.

Moss. If, if I thought it would be effective——

Rusher. These are serious problems.

Moss. If I thought it would be effective, I would be glad to proceed in that area.

Rusher. Why wouldn't it be effective?

Moss. Because, if 60 proof whiskey were sold, I assume that two drinks in place of one would get the person the same as at——

Rusher. How about two cigarettes at 20 milligrams of tar?

Moss. Well, there's just so much time, a fellow can't have to cigarettes in his mouth all the time.

Rusher. Or to drink. How about eliminating sugar altogether, and replacing it with saccharine. I think if one thing is clear medically, it is that sugar and the obesity it causes and the atherosclerosis is one of—probably the principal cause of death in the United States today; how about a bill from you, Senator, to eliminate sugar altogether and replace it with saccharine. Also in soft drinks, gum, ice cream, foods of all sorts.

Moss. Well, if the evidence came in, in a report comparable to that of the Surgeon General, here, on smoking and health

Rusher. Do you doubt the evidence on obesity [overrinding Moss]?

Moss. Please let me finish my question——

Rusher. Sorry.

Moss. ——my answer, please; if a report came in that told me that sugar would have the same effect on the health of the American people as tobacco, then I'd be willing to proceed in that case.

Rusher. Isn't it a perfectly well-known fact in all medical circles that obesity is one of the—probably the greatest causes of ill health in the United States, and that this is caused in large part by sugar and fats, which we're coming to?

Moss. Well, I'm not a doctor, but I know there's a lot of concern.

Rusher. It would be very hard, though, on the sugar beet industry in Utah, wouldn't it, Senator, if it were——

Moss. Yes, sugar cane.

Rusher. How about, how about limiting the cholesterol level in meats, by requiring leaner meats. This by the way has—such as bacon.

Palmieri. Senator, Senator and Mr. Rusher, let me interrupt for just a minute, because when we get to sugar beets and cholesterol, and you're—you're raising questions that I think need to be brought back to focus here. I think you've made, you made an important point, Mr. Rusher, and I don't think it's lost on the Senator. But something has to be bothering the people that are watching this program. That is to say, Mr. Rusher has had distinguished witnesses here, as has had Mr. Miller. Mr. Miller's have pronounced a death sentence on smokers. You apparently agree with that.

Moss. I do.

Palmieri. On the other hand, people here tonight, on the other side, have countervened that medical testimony thoroughly. What really is your position about that, Senator Moss?

Moss. Well I note that the medical evidence that was adduced all came from grants that were made by the tobacco companies to an institute to work on this problem. And of—when Mr. Kornegay was queried on it, he could not think of a single medical group who had come to a conclusion different from that of the Surgeon General on this question of tobacco and health. And it's worldwide, this isn't in the United States alone, it's world wide.

Rusher. May I have a question, Mr. Palmieri.

Palmieri. Mr. Rusher, you certainly may. And I would hope that you could make—meet that point. I think the public wants to know about that.

Rusher. Well I, with due respect, I was going to ask what the Senator planned to do about high-tar cigarettes that come over the border say from Mexico after he has carefully limited the production of such cigarettes in the United States. Are we going to have Camel runners replacing the rum runners of the 1920's? Now come on, this is a practical and a serious problem.

Moss. It is——

Rusher. You know that full well——

Moss. Why certainly it's practical. And I don't see——

Rusher. Well what are you going to do about it.

Moss. Why do you want to make it humorous by talking about camel runners, we——

Rusher. Let's make it just as serious as you want to make it, and——[Both are talking at once.]

Moss. Let me answer your question. Let——

Rusher. No, you answer that one, Senator, I'll ask the questions.

Moss. I will not answer that——

Rusher. You will not——

Moss (continuing). Until I've got a chance to answer your first question.

Moss. Any product——

Rusher. That's it.

Moss (continuing). Coming into this country can be required to conform to any standard that we set in this country. And if we set it——

Rusher. So you're going to have bottleggers——

Moss (continuing). Will you let me answer the question [overriding Palmier]—if we——

Rusher. Please do.

Moss (continuing). For our own tobacco industry, certainly we will set it for all imports.

Rusher. Back to Prohibition. Right?

Moss. No, not right.

Rusher. No, not back to Prohibition?

Moss. Not at all.

Rusher. We're not going to have to have people to prevent cig—we're running cigarettes from New Jersey into New York right now because the price is cheaper in New Jersey. Do you mean you're not going to need Federal protection to keep then from coming in from Mexico and other foreign countries?

Moss. Not at all.

Rusher. Not at all!

Moss. Anything that is imported into this country has to clear customs.

Rusher. That's what you think.

Moss. That—well. It's smuggled if they don't. It's against the law, and it's smuggled if it is not. Now we can—

Rusher. Of course it's smuggled.

Moss. Control our imports, just as we control the imports of many, many products now.

Rusher. Just as you control marihuana.

Palmieri. One question, thirty seconds, Mr. Rusher. Very short answer.

Rusher. If the Federal—if the Federal [they are talking simultaneously]—

Moss. If you're anxious—if you're anxious—to have the marihuana come in, you—

Rusher. Trade Commission has prohibited—

Moss. Prevent that.

Rusher. Our Federal Trade Commission has prohibited low tar and nicotine cigarettes from calling themselves safer than high tar and nicotine cigarettes. Apparently the F.T.C. doesn't share the courage of your convictions, because its ruling is consistent only with the proposition that there is no demonstrable connection between tar and nicotine levels and the safety of cigarettes.

Moss. Well then why has the Tobacco Institute itself agreed that cigarette advertising will contain the information on tar and nicotine—

Rusher. Because it has nothing to hide.

Palmieri. [Speaking at same time as Rusher.] Senator, we're going to leave that answer hanging. I'm sorry to interrupt you, Mr. Rusher; I'm grateful to you, Senator, for appearing on our program. Thank you. Mr. Miller? You have 30 seconds.

Miller. This is a public health problem, because it is more than an individual choice. Because as we've said again and again, no one seriously disputes, its the advertising and pressure of the cigarette industry that's built up its own demand, which it now seeks to justify continued production of high tar and nicotine. They way to move is to move by lowering the tar and nicotine content. That's why you don't abolish it all, because you might have the kind of problems that have been spoken about. You move sensibly. You move in what you can move. You set the tar and nicotine level. There are millions of people in this country who would like to stop smoking, and who because of the pressure and the advertising pressure and others find great difficulty in doing so. They deserve the reasonable help of the Federal government in setting tar and nicotine limits. That's not an invasion of their individual choice; that's a protection for it.

Palmeiri. Thank you, Mr. Miller; Mr. Miller had 50 seconds; Mr. Rusher, you could have 50 seconds.

Rusher. Mr. Miller made a great deal of fuss over the recent report of the Royal College of Physicians and Surgeons, but let me read you part of the comment of the *London Daily Telegraph* concerning that report, and I quote: "All actions should be based on the concept conceded by the Royal College, that the Government is the servant, rather than the master, or the nanny, of its people. It can inform, warn, exhort and set an example. In restricting and prohibiting it should move more cautiously." Senator Moss has no intention of moving more cautiously; if he has his way, the American people are going to conform to standards of personal conduct prescribed by the Federal government whether they like it or not. We are going to be the healthiest people in the lock-step state. As I said at the outset, there is profound moral question here. In a world in which our personal freedoms are being steadily restricted, one more freedom is to be taken away. A freedom, moreover, whose abuse is by no means clearly harmful and which in any case can only harm the abuser. I urge you to strike a blow for the liberty of all men by voting against the Moss proposal. Perhaps you do not smoke. But do not pretend to know for whom this bell tolls; it tolls for me.

Palmieri. Well, ladies and gentlemen, you heard the evidence. And now it's time for you at home to act on tonight's question. What do you think. "Should the Federal government set limits on the tar and nicotine content of cigarettes?" Will you let us know what you think? Will you write us tonight. Every one of your votes is important. Send your vote to The Advocates, Box 1970, Boston 02134. Now we're going to tabulate your views as we do, incidentally, on every program; and we'll make them known to the White House and to every member of the Congress, and to other organizations who are concerned with the same issue.

At the end of December, on the first of two shows devoted to South Africa, The Advocates debated this question: "Should the United States support the policy of grand apartheid?" Of the 2685 viewers across the country who sent us their vote on this issue, 35 percent favored such support; 65 percent opposed it. Now, let's look ahead till next week.

By Mr. HARRIS (for himself and Mr. Bellmon):

S. 1456. A bill to provide for the disposition of judgment funds of the Osage Tribe of Indians in Oklahoma. Referred to the Committee on Interior and Insular Affairs.

OSAGE TRIBE OF INDIANS

Mr. HARRIS. Mr. President, I send to the desk for appropriate reference a bill sponsored by myself and the distinguished junior Senator from Oklahoma (Mr. Bellmon) to provide for the disposition of judgment funds of the Osage Tribe of Indians of Oklahoma. The amount of money involved is $13,250,000; $1 million of the funds will be retained by the tribe to be expended for education programs and other programs beneficial to the Osage Tribe under rules and regulations to be prescribed by the Secretary of the Interior.

Pursuant to the terms of this bill, the money is to be distributed to those persons whose names appear on the roll of the Osage Tribe approved by the Secretary of the Interior on September 24, 1921. The share of a deceased Osage allottee shall be distributed to his heirs of Osage Indian blood. Those persons holding Osage "headrights" will not share in the judgment funds unless it so happens that they are on the roll or unless they happen to be an heir with Osage blood.

Mr. President, on March 23, 1971, the Osage Tribal Council passed a resolution requesting the Oklahoma Congressional Delegation to introduce this legislation. I ask unanimous consent that this resolution, with the provisions of the bill omitted, be printed in the Record at this point.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

RESOLUTION OF THE OSAGE TRIBAL COUNCIL

Whereas,

1. The Indian Claims Commission on September 15, 1970, rendered its final judgment awarding the Osage Nation of Indians $13,250,000 in full settlement of all Osage claims pending before it, identified as Dockets 105, 106, 107, and 108, and

2. Funds to satisfy said judgment were included in the Supplemental Appropriation Act approved January 8, 1971 (84 Stat. 1981), and have been deposited to the credit of the Osage Tribe pending disbursement, and

3. Following appropriation of the funds and upon request of members of the Osage Tribe, the Osage Tribal Council has prepared a distribution bill which it believes expresses the recommendations of a majority of the tribal members: Therefore, be it RESOLVED,

1. That the Osage Tribal Council respectfully requests members of the Oklahoma Congressional Delegation to jointly introduce in the United States Senate and House of Representatives the following proposed bill:

By Mr. SPARKMAN (for himself, Mr. Allen, Mr. Allott, Mr. Bayh, Mr. Bellmon, Mr. Bible, Mr. Brock, Mr. Brooke, Mr. Dole, Mr. Griffin, Mr. Gurney, Mr. Harris, Mr. Hart, Mr. Humphrey, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Miller, Mr. Mondale, Mr. Moss, Mr. Pearson, Mr. Pell, Mr. Proxmire, Mr. Randolph, Mr. Scott, Mr. Stevens, Mr. Thurmond, and Mr. Young):

S. 1457. A bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor. Referred to the Committee on the Judiciary.

TO PROHIBIT SALES BELOW COST

Mr. SPARKMAN. Mr. President, I introduce, for appropriate reference, a bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor.

I have the honor to announce that the bill is cosponsored by the Senator from Alabama (Mr. Allen), the Senator from Colorado (Mr. Allott), the Senator from Indiana (Mr. Bayh), the Senator from Oklahoma (Mr. Bellmon), the Senator from Nevada (Mr. Bible), the Senator from Tennessee (Mr. Brock), the Senator from Massachusetts (Mr. Brooke), the Senator from Kansas (Mr. Dole), the Senator from Michigan (Mr. Griffin), the Senator from Florida (Mr. Gurney), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Minnesota (Mr. Humphrey), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Iowa (Mr. Miller), the Senator from Minnesota (Mr. Mondale), the Senator from Utah (Mr. Moss), the Senator from Kansas (Mr. Pearson), the Senator from Rhode Island (Mr. Pell), the Senator from Wisconsin (Mr. Proxmire), the Senator from West Virginia (Mr. Randolph), the Senator from Pennsylvania (Mr. Scott), the Senator from Alaska (Mr. Stevens), the Senator from South Carolina (Mr. Thurmond), and the Senator from North Dakota (Mr. Young).

This bill, S. 1457, is a successor to S. 1494 of the 91st Congress, but is not identical. It has been considerably changed, in an effort to serve the major purpose of S. 1494 and earlier bills, while meeting some of the objections that have been raised.

The major purpose of this bill, is to give small business concerns a means of protecting themselves against certain types of predatory pricing practices.

Those practices are loss-leader selling and selling below cost for the purpose of eliminating a competitor. These are practices which are against the interests not only of small business but of the consumer. Furthermore, these practices are now illegal under one or a combination of three existing statutes. The purpose of my bill is simply to make sure that the practices, when employed for motives already criminal under existing law, can be enforced directly, through private treble-damage and injunctive relief actions, by the "policemen" most interested in having them enforced: the small businesses that are injured.

EXISTING LAW

The three laws now on the books which can be employed against loss-leader and below-cost selling, under some circumstances, are:

First. Section 2 of the Sherman Act, which outlaws "attempts to monopolize";

Second. Section 2 of the Clayton Act, as amended by the Robinson-Patman Act, which outlaws various forms of price discrimination; and

Third. Section 3 of the Robinson-Patman Act, which outlaws "sales at unreasonably low prices for the purpose of destroying competition or eliminating a competitor."

Infractions of the first of these, section 2 of the Sherman Act, can be attacked by the Justice Department in either a civil or criminal action, or both; by the Federal Trade Commission—which regards all Sherman Act violations as automatic breaches of its own statute, the Federal Trade Commission Act, section 5; and by civil actions brought by private parties injured by the violations.

Infractions of the Clayton Act, section 2, can be attacked by the Justice Department in a civil but not a criminal action, by the Federal Trade Commission, and by injured private parties.

Infractions of section 3 of the Robinson-Patman Act are now subject to attack only by the Justice Department, as crimes.

ROBINSON-PATMAN ACT BACKGROUND

It was not always so. Between 1936, the year the Robinson-Patman Act was passed, and 1958, some 50 private businessmen filed civil actions against those who had injured them by violating the "sales at unreasonably low prices" ban of section 3. While some Federal courts refused to allow the suits, enough others did allow them to make private business, by 1955, the most important enforcers of section 3. Some of the cases are collected in Rowe, "Price Discrimination Under the Robinson-Patman Act," page 469, footnotes 97 and 99.

Then, in 1958, civil enforcement of section 3 came to an end. That year, in the companion case of *Nashville Milk Co.* v. *Carnation Co.*, 355 U.S. 373, and *Safeway Stores, Inc.* v. *Vance*, 355 U.S. 389, the Supreme Court entered 5–4 decisions holding that section 3 of the Robinson-Patman Act was not a part of the antitrust laws and therefore not subject to enforcement by civil actions filed by persons injured in their business by violation of its provisions.

ATTEMPTS TO OVERTURN CASES BY LEGISLATION

The Court's interpretation of congressional intent was a severe blow to this country's small business community, for it is well recognized that private civil actions are the principal vitalizing force of the Nation's policy against monopoly. Three days after the decision came down, I introduced a bill to make section 3, by express enactment, a part of the antitrust laws and thus subject to civil enforcement.

Over the years, that bill and its successors have had much attention but none has made significant progress down the tortuous legislative path to enactment. Those who see themselves as prospective defendants under the proposed new law have had more persuasive power and influence with the Judiciary Committee than those who see themselves as prospective plaintiffs.

In my judgment, this is unfortunate. I think the perils and pitfalls of providing for civil enforcement of the statutory ban on predatory pricing have been vastly overrated and the advantages overlooked.

The difficult situation of small business concerns in industries in which predatory pricing is a way of life continues, meanwhile, unabated, and a dreadful toll has been taken. There are today, for example, only about a tenth as many independent dairies and independent bakers in existence as there were at the end of World War II.

SIMILARITIES AND DIFFERENCES IN BILLS

The bill introduced today resembles S. 1494, 91st Congress, in that both bills have as their main purpose the express authorization of civil actions to be filed by those injured by predatory pricing against those who practice such pricing. Both bills are aimed at the loss leader and below-cost selling. Both bills would allow the plantiff to seek and, if successful, obtain treble damages, injunctive relief, or both. There the similarities end.

S. 1494 would have repealed section 3 of the Robinson-Patman Act and reenacted as a new section 3A of the Clayton Act one provision of section 3: the ban on sales "at unreasonably low prices for the purpose of destroying competition or eliminating a competitor." The new bill does not repeal section 3, and hence leaves alive the little-used criminal sanctions it contains.

S. 1494 used the section 3 language just quoted to describe the prohibited conduct. The new bill uses different and more specific language. It prohibits sales "below cost for the purpose of destroying competition or eliminating a competitor."

A ground for objection to S. 1494 was that the language, "unreasonably low prices," was allegedly too vague. The new bill meets that objection by stating exactly what kind of prices are prohibited, namely, those that are "below cost." The term "below cost" is defined in language borrowed substantially verbatim from the opinion of the Eighth Circuit Court of Appeals in the leading case involving enforcement of section 3 of the Robinson-Patman Act as a criminal statute, *National Dairy Products Corporation* v. *United States,* 350 F. 2d 321, 329, (1965).

As that case makes clear, however, mere proof of sales below cost will not alone suffice to establish liability by a defendant to a plaintiff: there must also be proof of the predatory intent, the "purpose" to destroy competition or eliminate a competitor.

As the law stands now, we have this anomaly: below-cost selling with predatory intent is a Federal crime, for which the offender can be fined or even imprisoned, if the Justice Department elects to prosecute and a court convicts. But the person injured by the crime, the businessman destroyed in his livelihood, is given no remedy. He cannot sue the offender either for damages or injunction. My new bill would end the anomaly. It would give the small businessman the right to sue his predatory competitor, and if he could prove below-cost selling and prove the "purpose" of that pricing was destruction of competition or a competitor, he could obtain an injunction and treble damages. This bill will restore force and meaning to an important part of the Nation's anti-monopoly law.

The forces pushing us toward concentration in industry after industry in our economy are very great. Some of them may be unavoidable; but one such force, the occasional practice of deliberate predatory pricing with the express purpose of destroying competition, is not in that class. It can and should be checked; yet it is not feasible or even, perhaps, desirable for the Justice Department to initiate a criminal prosecution every time the existing law against such pricing is broken. Unleashing the power of private civil enforcement will bring vitality to an important part of our national policy against economic concentration and monopoly power. To that end, this bill is dedicated.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1457

A bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, as amended (38 Stat. 730 et seq.; 15 U.S.C. 12 et seq.), commonly known as the Clayton Act, is amended by inserting therein, immediately after section 3 thereof, the following new section:

"SEC. 3A. It shall be unlawful for any person engaged in commerce to sell, offer to sell or contract to sell goods below cost for the purpose of destroying competition or eliminating a competitor. The term 'cost' as used in this section means fully distributed cost, which includes the cost of producing or acquiring or processing the product, plus the additional allocated delivery, selling and administrative costs involved in doing business."

(b) Sections 11 and 16 of that Act, as amended (15 U.S.C. 21, 26), are amended by striking out the words "sections 2, 3, 7, and 8" wherever they appear therein, and inserting in lieu thereof in each instance the words "sections 2, 3, 3A, 7 and 8".

By Mr. MUSKIE:

S. 1458. A bill to authorize the Secretary of the Interior to study the most feasible and desirable means of protecting certain portions of the tidelands, Outer Continental Shelf, seaward areas, Great Lakes of the United States, and the adjoining shorelines thereof as marine preserves, and for other purposes. Referred to the Committee on Commerce.

MARINE RESOURCE PRESERVATION ACT

Mr. MUSKIE. Mr. President, I am concerned with the anomalous manner in which we Americans are attempting to conserve and protect the Nation's beaches, marshes, tidelands, coastal zones, and ocean resources. We are suffering from a piecemeal approach.

At this moment, we have no way of setting aside portions of the tidelands and the Outer Continental Shelf for research, recreation, and other specific purposes. But oil leaks and spills continue; coastal land sales make banner headlines.

With respect to beaches and wetlands, we seem to be of two opposing minds. In some areas, we put strict limits upon the use of these resources, permitting no development of any kind. In other areas, we allow frank and open exploitation for private ends.

Already we are witnessing the grave consequences of such catch-as-catch-can national policy. If we continue this approach, we will face within a very few years a staggering cost of restoring and reclaiming these national resources.

Last year, as a first step in developing a balanced national policy for the use of our marine resources, I introduced S. 3516, the Marine Resource Preservation Act of 1970. In my opinion, the need for such a bill has not diminished, and I am reintroducing the bill today.

The bill would authorize the Interior Secretary to recommend the best means of designating portions of the tidelands, Outer Continental Shelf, ocean areas, Great Lakes, and adjoining shorelines as marine preserves.

The bill also would direct the Interior Secretary to enter into agreements with State and local governments on regulations concerning the use of areas designated by the Congress as marine preserves.

Mr. President, I believe there is still time for us to preserve these resources for ourselves and for future generations. But I think we must move now; a piecemeal approach can bring only further damage and degradation.

By Mr. MUSKIE:

S. 1459. A bill to provide for the control and prevention of further pollution by oil discharges from Federal lands off the State of California. Referred to the Committee on Interior and Insular Affairs.

SANTA BARBARA CHANNEL PRESERVATION ACT OF 1971

Mr. MUSKIE. Mr. President, more than 2 years have passed since an oil well blew out on platform A of the Union Oil Co. in the Santa Barbara Channel. Today, wells are still leaking in the area; oil still threatens the California coast.

This situation exists because the Congress, in effect, has accepted the judgment of a special Presidential panel which concluded:

> It is less hazardous to proceed with the development of the lease than to attempt to seal the structure with its oil content intact.

The special panel reported its recommendations more than a year ago, but residents of the area, reminded recently by the severe earthquake in Los Angeles, are still seriously concerned about the geologic conditions along the California coast.

And just last week, the U.S. Geological Survey published the draft of an environmental impact statement on exploratory drilling operations in the Santa Barbara Channel. Since 1967, 66 exploratory wells have been drilled on 30 of 72 leases issued to 22 oil companies.

The draft statement says flatly that "production platform drilling is not the subject of this environmental statement." But of what use, then, is an environmental impact statement on exploratory drilling? We need to know, we must know, what the effects of production platform drilling are going to be before not after a major investment in exploratory drilling is made.

We cannot afford to repeat the mistake of the Alaskan North Slope where billions of dollars have been invested in exploration without evaluation of the environmental effects of production and associated transportation of oil. The pressures to accept environmentally unacceptable alternatives is too great if environmental considerations do not precede economic commitments.

Even the language of the draft statement on exploratory drilling is far from reassuring. The draft says:

> The exploration drilling program could result in an unfavorable impact on the aesthetic values of the Santa Barbara Channel only if a drilling accident should result in a major oil spill.
>
> Minor oil pollution has long existed in the channel as the result of many natural oil seeps—

It continues—

> No evidence yet exists of permanent damage to the environment from major oil spills, although extensive short-term damage to beaches and wildlife can occur. . . .

The people of Santa Barbara believe that it may take years to relieve the oil pressure in the channel. I agree with them that the schedule of drilling and pumping of oil in the area should not be determined by the oil companies holding leases there.

For these reasons, Mr. President, I offer for reintroduction in the Senate today a bill providing for the orderly closing out of mineral development of the Outer Continental Shelf lands in the Santa Barbara Channel. The bill would:

First. Require the Interior Secretary to assume control and management of platform A and to take whatever action is necessary to prevent more blowouts and to stop seepage;

Second. Provide for the use of safe devices to reduce oil pressure and to collect oil in the area;

Third. Prohibit all new exploration or drilling for oil in the Outer Continental Shelf lands in the Santa Barbara Channel;

Fourth. Close out permanently in an orderly and safe manner all oil operations in the area; and

Fifth. Provide for the orderly removal of all platforms from the area.

I ask unanimous consent that a statement on this issue by the Los Padres Chapter Executive Committee of the Sierra Club be included following my remarks.

There being no objection, the statement was ordered to be printed in the Record, as follows:

The Los Padres Chapter Executive Committee at a special meeting January 19, 1971 reaffirmed club policy on prohibition of oil development in the entire Santa Barbara channel region. The reaffirmation was in response to proposed new bills in Congress advocating a 38 lease oil-free sanctuary in the channel with a moratorium on development of the remainder of the 70 leases during an escrow period of the type originally proposed by the DuBridge Panel. The Committee rejected this proposal in favor of the clubs original position for a sanctuary to include all 70 leases, the principal recommendation of the bills on the channel in the last session of Congress.

The following policy recommendations are an outgrowth of the Committee's discussion and the club's existing policy on the channel oil problem. The club should consider support of these precepts and actions:

1. Reintroduction of legislation incorporating the cancellation principles of bills introduced last session of Congress. Deserving primary consideration is Senator Muskie's legislation (S. 3516).

2. Refunding of leases, if necessary as to both amount and source of payment based on court settlement.

3. Rejection of the Elk Hills trade as a means of repayment for channel leases. The Elk Hills field and other existing Naval Petroleum Reserves should remain undeveloped as production-ready resources in a National Defense Petroleum Reserve of the type proposed by Walter J. Mead and Philip E. Sorensen in their recent paper "A National Defense Petroleum Reserve Alternative to Oil Import Quotas".

4. Dedication of the channel as a whole in a petroleum reserve for purposes of conservation of oil for wiser uses (chemical and protein products), other than extravagent fuel consumption, and for the protection of the environment until some distant or near-distant future when oil can be removed safely from ocean waters. Such an Oil Conservation Reserve could be part of a national system differing in some ways from a national defense system in that the reserves would not be earmarked necessarily for national defense nor would they necessarily be production-ready. The reserves, however, would function economically along the principles advocated by Mead and Sorensen as an alternative to import quotas.

5. Evaluation of administration proposal to reduce domestic oil production and increase importation of foreign oil (Jack Anderson, "Merry-Go-Round—White House Considers Plan to Import Oil and Cap Wells", *Santa Barbara News Press*, January 24, 1971). According to Anderson: "Crude oil producers with offshore Gulf of Mexico holdings would go ahead with their oil development. But instead of pumping the oil out, they would cap a large percentage of the pipes. In return for each barrel they keep in reserve they would get an extra barrel in quotas to bring in foreign oil.

"Under the quota system, the oil companies are allowed to import cheap foreign oil and sell it at domestic prices. The difference, normally about $1.25 a barrel, is made up by motorists at the pump," Anderson writes.

Variations on the administration proposal should be considered, specifically alternative allocations of the profit bonanzas the proposal would grant to the oil companies. A government tax, for example, might siphon off some of these profits for national and international crash studies on fuel policy and action programs.

6. Investigate the status of national and international fuel policy agencies, studies and programs designed to advance conservation of fuel resources, alternative power sources, consumer restraint in utilization of power, environmental protection in the face of mounting pollution from power sources, and related crucial immediate issues. The club itself, drawing upon the capabilities of its own membership, should form a study team to investigate these issues. The world fuel crisis and the attendant pollution has consumed much of the club's recent energies. References need be made to only a few of the issues: powerlines, (Diablo, Calvert Cliffs), nuclear power plants, oil tanker collisions (S.F. Bay), oil platform accidents (Santa Barbara, Gulf Coast), pipelines (Alaska), oil development in wilderness (Santa Barbara Channel, North Slope), and thermal effects of conventional and nuclear power plants.

7. Development of overall policies on fuel development and consumption that recognizes the complex social, cultural, and technological interrelationship of all aspects of the fuel problem. Oil phased out of the channel possibly increases pressure for production in Alaska. Reduction of import quotas transfers the problem of on and offshore exploitation in the U.S. to the Middle East and other areas of ecological and economic concern and intensifies the pollution threat from tanker and pipeline disaster. An overall policy would include elements on alternative means of transportation, substitution of electronic communication for transportation (the "fourth revolution"—moving ideas instead of bodies), development of new fuel resources, the means of phasing in new energy program, and the paramount problem of population control. The environmental movement must develop its own initiatives in this field, process them through government, and in other ways encourage government and industry to take a stronger hand in the necessary research and development.

By Mr. MUSKIE (for himself, Mr. Pell, Mr. Ribicoff, Mrs. Smith, Mr. Thurmond, and Mr. Hollings):

S. 1460. A bill to make available to certain organized tribes, bands or groups of Indians residing on Indian reservations established under State law certain benefits, care, or assistance for which federally recognized Indian tribes qualify as recipients. Referred to the Committee on Interior and Insular Affairs.

FEDERAL BENEFITS TO INDIANS

Mr. MUSKIE. Mr. President, in the 91st Congress I introduced legislation which would extend Federal benefits to Indian tribes and certain organized bands or groups of Indians residing on Indian reservations established under State law. These benefits include care or assistance for which federally recognized Indian tribes qualify as recipients. On behalf of myself and Senators Hollings, Pell, Ribicoff, Smith and Thurmond, I reintroduce that legislation for appropriate reference today.

Mr. President, this legislation would affect approximately 27,000 Indians living in eight States—Connecticut, Maine, New York, Pennsylvania, Rhode Island, South Carolina, Texas, and Virginia. In New York State alone, about 10,000 of the State's 15,000 Indians live on nine State reservations. Because the governments of these eight States did not cede Indian reservations within their borders to the Federal Government at the time they joined the Union, these State reservations do not fall within Federal responsibility. Thus, as a result of a historic accident, thousands of American Indians residing on State reservations have been denied the benefits of many Federal programs because they were not inhabitants of "federally recognized tribes" within the definition of the Bureau of Indian Affairs.

I have long been aware of this discrimination and have in the past introduced legislation which specifically included State Indian reservations in particular Federal programs, including the Public Works and Economic Development Act of 1965.

Mr. President, more than 100 acts of Congress, rules and regulations authorize aid and assistance to American Indians. Some of these acts confer on the Secretary of the Interior control over Indian property. Consequently, not all of these acts would be beneficial to State reservation Indians. The purpose of my bill is to qualify State reservation Indians, at their option, to participate in Federal Indian aid programs. This approach will insure full independence of State reservation tribes.

The numbers involved here are small, but the needs of these State reservation Indians are urgent and unmet. Like their brothers on Federal reservations, our State Indians have too often had policy imposed from without. They have been encouraged to sever their tribal and cultural ties. They have faced harassment, hostility, and discrimination in the world outside the reservation. Within the reservation they have faced despair and deterioration of the culture they hold dear and which gives them distinction as Americans.

Mr. President, the bill which I introduce today would provide a new approach toward fulfilling the needs of a unique group of Americans. I hope my colleagues will agree with me that it deserves speedy action during this session of Congress.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1460

A bill to make available to certain organized tribes, bands, or groups of Indians residing on Indian reservations established under State law certain benefits, care, or assistance for which federally recognized Indian tribes qualify as recipients

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of all Federal programs and laws providing benefits, care, or assistance, financial or otherwise, to Indian tribes or members thereof, any organized tribe, band, or group of American Indians a majority of the members of which reside on an Indian reservation established under the laws of a State, but which has not heretofore been recognized as an Indian tribe for purposes of such programs or laws, shall, in its discretion, be entitled to receive such benefits, care, and assistance for which federally recognized Indian tribes or members thereof qualify as recipients.

By Mr. McGOVERN (for himself and Mr. MOSS):

S. 1461. A bill to require the furnishing of documentation of claims concerning safety, performance, efficacy, characteristics, and comparative price of advertised products and services. Referred to the Committee on Commerce.

TRUTH IN ADVERTISING ACT OF 1971

Mr. McGOVERN. Mr. President, I introduce today, on behalf of Senator Moss and myself, the Truth in Advertising Act of 1971, a bill designed to give the consumer the means to make his own judgment about the validity of advertising claims.

A recent report indicates that the average consumer may be the target of more than 1,000 advertisements every day. Most of these advertisements contain claims about the quality or performance of the product or service or about its comparative price. The consumer now has no way of judging whether these claims can be substantiated.

This bill would require advertisers to have available for the public full documentation substantiating their claims before they can advertise their products or services. The media would be required to inform the public that such documentation was available from advertisers on request.

The requirements laid down in this bill should not be burdensome, since we should assume that, in general, advertisers are responsible and do not make claims that they cannot support. They are simply asked to make copies of their documentation available upon request, and they are entitled to be repaid by consumers for the costs of reproducing such copies.

The media would be required to perform the public service of informing consumers that they can obtain the supporting evidence without themselves having to bear the burden of actually providing it.

The bill contains authority for the Federal Trade Commission to insure that advertisers and the media comply with the requirements of the law. But there should have to be very little recourse to action by the FTC.

Since advertisers would have to make their documentation available to any person requesting it, it is clear that public disclosure and the scrutiny of a free press would provide the most powerful sanction. It is reasonable to expect that among those requesting documentation would be consumer action groups, the FTC itself, the press and competitors, as well as the individual consumer.

Such individuals and groups would certainly examine the documentation carefully to insure that it fully supported the claims that were made. For that very reason, advertisers would have the incentive to limit their claims only to what could be backed up.

By making sure that all claims are substantiated, we would make a major contribution to the efficient functioning of the free enterprise system. Those advertisers who take great care to make responsible claims would no longer be placed at a disadvantage when they compete with those who are so irresponsible as to make extravagant claims that cannot stand scrutiny.

The consumer should be the big winner. He would come to have confidence in the claims that are made for the goods and services he is asked to purchase.

Most important, he would be given the right to take direct action to protect himself against false claims. This direct action would not represent the traditional class action approach; instead the matter would remain essentially an exchange of information among private parties.

I have long favored legislation which gives the individual the right to participate in procedures designed to serve his interests. The Environmental Protection Act of 1971, which Senator HART and I have introduced, embodies this concept. I am pleased that the present bill carries the idea one step further.

The initial impetus for this legislative approach came from Mr. Ralph Nader, his associate, Mrs. Aileen Cowan and Mr. Warren Braren, a former official of the National Association of Broadcasters Radio and Television Code Authority. Mr. Nader and Mrs. Cowan wrote to scores of corporations asking them to provide information supporting their advertising claims. Very few were willing to do so. Many indicated that the consumer had no right to know. Mrs. Cowan is quoted as saying:

> I was surprised. Here were some of the Nation's largest corporations, supposedly the friend of the public, if you believe their cheery commercials, refusing to back up their ad claims. It's as if two people were having a discussion, but when it suddenly turns serious, one party clams up.

Mr. Nader, Mrs. Cowan, the Consumer Association of the District of Columbia and the Federation of Homemakers petitioned the FTC on December 11, 1971, to make a rule that would require advertisers to place their documentation on file with the FTC before actually advertising.

Among the claims that the FTC petitioners sought to have substantiated were: the assertion that studies of "a major dental clinic" show that Macleans dentifrice gets teeth "whitest"; the claim that "a study of hospital patients showed Excedrin tablets are more effective in the relief of pain than twice as many aspirin"; the statement that Dow's oven cleaner has "33 percent more power"; the General Motors claim that the Toronado's engine gives "worry-free performance thousands of miles longer"; and the advertisement for Armour bacon which says that it "gives you a little more because it shrinks a little less."

A moment's thought indicates just how many advertisements we see every day that contain such claims. Most advertising, it would appear, is based on claims as to the comparative virtue of the product or service in question.

In a case that has just come to light, a CBS television news team questioned the efficacy of a nonphosphate detergent. The detergent producers claimed that the product had been analyzed by 10 independent testing firms and the results supported their claims. But the producer did not turn over those test results to the newsmen, who had their own tests conducted. The results of those independent tests of the product Ecolo-G indicated that it was not as efficient as claimed and that its high alkaline content—far above what the producer admitted—was dangerous. The Food and Drug Administration subsequently ordered the product off the market.

Of course, the FTC is empowered to halt false advertising when it can be proven. Thus, one soup company tried to give the impression that its product was loaded with vegetables by placing glass marbles in the bowl before a commercial was filmed. The FTC ordered a halt to this advertisement. But the company was not required to correct the impression it had made or to avoid similar false claims for other of its products. This bill provides for a form of consumer protection differing from that sought by the FTC petition and that presently afforded by the FTC, because of the direct communication between the consumer and the advertiser.

It is an elementary requirement that in the free enterprise system, competition should be not only free, but fair—most of all to the consumer. That is why this legislation is needed now.

I am pleased that Mr. Nader, Mrs. Cowan, and their associate, Mr. Christian White, together with Mr. Braren, support this proposal. Their endorsement of it demonstrates that its purpose is to aid the American consumer.

Mr. President, I sincerely hope that the Commerce Committee will schedule early hearings on this bill and that it will be adopted by the Congress this year. Many people with whom I have discussed this bill mistakenly thought that the law already required that advertising claims be substantiated. That fact shows that such a requirement is long overdue.

Mr. President, I ask unanimous consent that at the conclusion of my remarks, the full text of the bill be printed together with an article by Colman McCarthy from the Washington Post of November 8, 1970, entitled "Advertising on the Defensive in the Age of Disbelief" and an article by John D. Morris in the New York Times of December 12, 1970, describing the petition to the FTC.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1461

A bill to require the furnishing of documentation of claims concerning safety, performance, efficacy, characteristics, and comparative price of advertised products and services

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Truth in Advertising Act of 1971".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds that informed consumers are essential to the fair and efficient functioning of the free market economy; that the individual has the right to know and ought to be able to obtain for his personal consideration, the documentation advertisers use in support of claims for the products and services he is asked to purchase; and that this information, which frequently is unavailable through the advertising itself, is needed by the individual to make intelligent and informed choices in today's highly competitive and complex marketplace.

(b) It is the purpose of this Act (1) to insure that no advertisement can be disseminated if substantiating documentation is not available to the public and (2) to insure that individuals will be able to exercise their right to know, to protect themselves from unsubstantiated claims and to act directly to promote fairness in advertising.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "advertisement" means all forms of promotion for products and services conveyed through, but not limited to, radio, television, cable television, cinema, newspapers, magazines, billboards, posters, direct mail material, and point of sale display material.

(b) The term "Commission" means the Federal Trade Commission.

(c) The term "commerce" means commerce between any State, or possession of the United States, or the District of Columbia, and any place outside thereof; or between points within the same State, possession, or the District of Columbia, but through any place outside thereof; or within the District of Columbia or any possession of the United States.

(d) The term "documentation" means—

(1) in the case of any advertisement containing claims concerning the safety, performance, efficacy, or characteristics of a product or service including testimonials thereto—

(A) a full and complete description of all material aspects of any pertinent research or other data, including a detailed summary of all tests, in support of or detracting from any claim in the advertisement, including the name and address of any testing organization or agency and its principal officers, the date, duration, procedures, methods and results of any tests, the brand names of products or services tested, and the technical names of any ingredients tested;

(B) when specifically requested by a person, full disclosure of all material research, tests and other data contained in the description and summary referred to in clause (A) of this paragraph. Nothing in this subsection shall require disclosure of the exact product formulation when such a disclosure comprises a trade secret;

(2) in the case of an advertisement with respect to comparative price, a substantial representative listing of prices of products or services sold in the marketing area served by the advertisement which form the basis for the comparison.

(e) The term "person" means an individual, corporation, partnership, association, or any organized group, including local, state or federal government agencies.

(f) The term "principal office" means the headquarters, corporate or otherwise, of the person disseminating the advertising; however, in the case of regional or local advertising, the principal office shall mean an office located within the regional or local marketing area in which the advertising is disseminated.

UNLAWFUL ADVERTISING WITHOUT FURNISHING DOCUMENTATION

SEC. 4. (a) It shall be unlawful for any person to disseminate, or cause to be disseminated, by the United States mails, or in commerce by the use of, but not limited to, radio, television, cable television, cinema, newspapers, magazines, billboards, posters and point of sale display material, any advertisement concerning the safety, performance, efficacy, characteristics or comparative price of any product or service unless documentation is available at the principal office of such person in the United States for public inspection, including the furnishing of copies of such documentation to any person requesting such documentation by mail, telephone or otherwise. The cost of duplication may be charged to the person requesting such copies but in no case shall the charge exceed the actual cost of duplication.

(b) The publisher, radio or television broadcast station, or agency or medium for the dissemination or advertising, except the person making the claims subject to this Act in such advertisement, shall be liable under this section by reason of the dissemination of such advertising—

(1) if he refuses, on the verbal or written request of any person, to furnish the name and address of the person who caused him to disseminate such advertisement.

(2) if he fails to inform publicly his readers, listeners or viewers on a regular basis that documentation for advertising claims is available upon request and that the name and address of the person making the advertising claims subject to this Act, and carried by his publication or broadcast station, is available by contacting his publication or station.

(c) The dissemination or the causing to be disseminated of any advertisement in violation of subsections (a) and (b) shall be an unfair or deceptive act or practice in commerce within the meaning of section 5 of the Federal Trade Commission Act.

ADMINISTRATION

SEC. 5. (a) This Act shall be enforced by the Commission under rules, regulations and procedure provided for in the Federal Trade Commission Act.

(b) The Commission is authorized and directed to prevent any person from violating the provisions of this Act in the same manner, by the same means, and with the same jurisdiction, powers and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act. Any such person violating the provisions of this Act shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act, in the same manner, by the same means, and with the same jurisdiction, powers and duties as though the applicable terms and provisions of such Act were incorporated into and made a part of this Act: *Provided*, That persons excepted by section 5(a)(6) thereof shall not thereby be exempted from Federal Trade Commission enforcement of the provisions of this Act.

(c) The Commission is authorized to prescribe such substantive and procedural rules and regulations as may be necessary or proper in carrying out the provisions of this Act.

EFFECTIVE DATE

SEC. 6. The provisions of this Act shall take effect upon the expiration of 120 days after the date of its enactment; except that subsection 5(c) shall take effect immediately.

[From the New York Times, Dec. 12, 1970]

NADER URGES FTC TO BAN ADS NOT BACKED BY SCIENTIFIC TESTS

(By John D. Morris)

WASHINGTON, Dec. 11.—Ralph Nader and other consumer advocates asked the Federal Trade Commission today to issue a regulation prohibiting advertisers from making assertions that were not "fully and completely substantiated by scientific tests."

Mr. Nader, an associate and two consumer organizations, in a petition filed with the commission, accused advertisers of making "vague claims which give consumers no real understanding" of the performance of their products.

In addition, they contended, advertisers "invoke clinical tests with little scientific basis to substantiate claims and otherwise deliberately mislead and confuse the consumer."

Under the proposed regulation, national advertisers would be required to file with the commission evidence substantiating their statements at the time the advertisements were published or printed. The commission would make the data available to the public.

Other advertisers would have a choice of filing such information with the commission or making it available directly to the public.

ANY REASONABLE DOUBT

The regulation would restrict the advertisement of any product if there was "any reasonable doubt" that it posed a health or safety hazard to users or an environmental health or safety hazard to the general public.

Advertising would be prohibited unless "competent scientific tests show that no such hazards exist."

The petitioners said the regulation would help consumers make intelligent choices of advertised products, enable consumer organizations to obtain information needed to register complaints with the commission and significantly deter false advertising by increasing the possibility of legal action by the commission or by consumer groups.

The petitioners, besides Mr. Nader, were Mrs. Aileen Adams, a staff member at Mr. Nader's Center for the Study of Responsive Law; the Consumer Association of the District of Columbia, with about 200 members, and the Federation of Homemakers, which lists 5,200 members in 46 states.

There was no comment by the commission, but officials noted that in several recent cases it had called on individual advertisers to substantiate their assertions.

Filed with the petition was a sheaf of correspondence that Mr. Nader and Mrs. Adams conducted with 58 companies concerning 68 advertising statements monitored by Mrs. Adams since last December. She said she monitored television "day and night" with a tape recorder, similarly monitored many radio broadcasts and clipped various newspaper and magazine advertisements.

In their letters, addressed to the companies' presidents, Mr. Nader and Mrs. Adams quoted advertisements and asked for test data and other substantiating information.

Only three supplied any data, and the value of the studies covered "was dubious," Mrs. Adams reported. Four other answers, she said, "included cursory descriptions of company tests rather than detailed scientific data."

Sixteen companies failed to reply and seven declined to substantiate their ads, she said. Fifteen "purported to clarify vague and misleading statements in their advertisements," according to Mrs. Adams, while most of the others responded in generalities and with assurances of truthful advertising practices.

Mr. Nader, at a news conference, said the correspondence illustrated that "big business almost systematically refuses to document its wide-ranging claims" while spending hundreds of millions of dollars on advertising "to deceive" and "evoke the weaker instincts" of consumers.

[From the Washington Post, Nov. 8, 1970]

Consumer Resentment—Advertising on the Defensive in the Age of Disbelief

(By Colman McCarthy)

Among those most alarmed at the growing anger and resentment of American consumers, few talk about it as much as the advertising industry. "A lot of advertising is not true, or at least (is) trickily true," said Amelia Bassin, president of Bassinova, Inc., of New York to the Milwaukee Advertising Club recently. "Advertising has completely alienated youths, blacks and now women," she added. Stanley Cohen, the Washington editor of Advertising Age magazine told a meeting of ad men in Denver: "Nine years ago, Newton Minnow was shrugged off when he warned TV was selling our kids short. Those kids are now the teenagers and students who have become such puzzles to their elders. Critics ask—'How much of their contempt for American institutions is a backlash against the crassness projected at them from the TV tube?' "

Perhaps most to the point was ad man Frederick E. Baker who told a meeting of the American Advertising Federation: "Much of the public has lost a good share of confidence in what we do. We are suspect on more counts than one . . . If we think we have been harassed in the past few years by confining laws and stringent regulations, I assure you we have only seen the beginning and a small beginning at that."

These confessions of remorse and alarm come at a time when the advertising industry already throbs with a fiscal headache for which there is no "instant relief." Executives at many large agencies have been stunned with pay cuts—20 per cent for the $40,000-and-up people at McCann-Erikson, for example. The GM strike—no cars, no ads—could cost agencies $60 million. An estimated 40 per cent of the clients of some 16 large agencies pay their bills late.

Perhaps the most ominous threat to the industry is that many consumers are now so skeptical that the honest ads are disbelieved also. It once required a good eye to spot a less-than-candid ad but now in the age of commercial disbelief, the game is easy. Newspapers, where most of the 300 daily ads people get exposed to are seen, often carry news stories in one section that directly refute ad claims in another. Recently, papers across the country told about a colony of laboratory rats on a diet of commercial white bread dying of malnutrition; flip the page and there is an ad touting many kinds of bread as the last word in nutrition. Who can tell which brands are reliable and which are not?

Many ads are true, but are loaded with such bitter irony that it is hard to accept the sincerity of the seller. Union Carbide placed an ad in Time magazine on June 1 that promoted the company's "oxygen walker." To aid people with emphysema and other chronic lung problems, Union Carbide's Linde division had produced a portable liquid oxygen system carried easily over the shoulder. "It's just one of the things our Linde division is doing with air," pumped Union Carbide. Something else the company does with air, however, and not mentioned in the ad, is to spew 28,000 tons of smoke and grit a year (one-third of New York City's total) into a valley in West Virginia that is host to a Union Carbide factory. Citizens have begged the company for years to stop the pollution, but it would not. Thus, who can fail to wonder about a company that sells a breathing machine while continuing to make the air unbreathable?

Many corporations now place "environment awareness" ads. Some only add to the pollution. A recent ad in Time had water flowing by the chemical plant of Potlatch Forest Co.; it "still runs clear," said the ad. A group of students checked, however, and the picture showing the water was found to have been taken 50 miles upstream from the plant. Other ecology ads invite cynicism. A television viewer sees oil firms explaining during prime time how they have gotten the lead out of their gas in the cause of anti-pollution; but only that morning, for example, the same viewer read in the paper that Mobil Oil in Buffalo, N.Y., was fined $10,000 for continuing to pollute the Buffalo River. The state attorney general has asked that the refinery be closed.

The Vice President criticized rock music where in "too many of the lyrics the message of the drug culture is purveyed." Mr. Agnew and his writing ghost should watch more television. Almost $20 million worth of ads for sleeping aid drugs alone ran in 1969, a fact which horrifies Sen. Frank Moss, a consumer ally: "The drug culture finds its fullest flowering in . . . advertising which mounts the message that pills turn rain to sunshine, depression to euphoria."

America is in no danger of committing heresy against its sacred doctrine of maximum production and maximum consumption. But here and there, the gospel is being questioned. Suddenly, the Federal Trade Commission is viewing ads with a skeptical eye.

Procter and Gamble, Colgate-Palmolive and Lever Brothers were accused by the FTC of false advertising. Axion, Biz, Amaze, Tide, XF, Drive and others do not "get all the stains out with enzyme power." The ads deceive, said the FTC. All the stains don't come out as many housewives have known all along.

Hi-C fruit drink, made by the Coca-Cola Co., is under pressure by the FTC to ban the brand name on the ground that nutritionally Hi-C is closer to being low c. The Coke lawyers are fighting.

Wig, wiglet, toupee and hairpiece companies were advised not to advertise their product as "natural hair" if it was made of animal hair or synthetics. Also hair that was bleached or dyed on the original owners dome should not be advertised as "virgin" hair.

Even more helpful to the confused consumer than the occasional ban is FTC's recent idea that a company caught duping the public in one ad should be required to take out another ad admitting it. The idea for "corrective ads" came from Dr. Robert S. McCleery, former head of the FDA's medical advertising bureau. Due to his work, in June 1968, Bristol-Myers Co., took out an ad in Medical Tribune and Medical World News confessing that they had violated FDA restrictions in promoting a drug called dynapen. Recently, law students from George Washington University caught the Campbell Soup Co., playing with the truth. To convey the impression that its soup was so thick that vegetables could be seen at the surface, Campbell put glass marbles in the soup bowls before filming a commercial. The students, after getting the FTC to stop the rigged ad, demanded that the company run a future ad admitting the old one deceived.

The FTC let the Campbell case drop—with an order to rig no more—but the idea of corrective ads has caught on. The commission is now in combat with Hi-C to admit past sins. The fiercer battle, however, is with the Chevron Research Co., a division of Standard Oil of California. Last month the FTC said that a Chevron ad touting the additive F-310 was false and misleading and that the gas "did not in fact reduce air pollution" as claimed. Chevron shot back with full page ads saying F-310 really was fine stuff—based on "15 years of research and hundreds of tests." FTC's charges were "grossly in error and unfounded."

Corporations have been saying that for years about the FTC, but few, if any, have taken on the government so directly and so publicly. As for the consumer, whom should he believe? Gasoline companies have been trumpeting their additives endlessly, so that now when one wants to be taken seriously all the credibility may be used up. Besides, what layman knows what F-310 is?

While the government marches on Madison Avenue, private citizens are forming their own attack. Aileen Cowan, a first-year student at Howard University law school, has long been incensed over what she considers phoney and bogus ads. In a joint effort with Ralph Nader, Mrs. Cowan wrote to some 70 corporations asking them to send the scientific data to back up their ad claims. For example:

The McLean's toothpaste ad that says a major dental clinic claims McLean's gets teeth "whitest."

Warner Lambert Company's inference that Listerine helps in the prevention of colds.

The Ralston-Purina claim that in a test over the leading competitive variety dogs chose the Ralston-Purina food six to one.

Bristol-Myers' claim for Excedrin that a clinical study shows that "two Excedrins work better for the relief of pain than twice as many aspirin tablets."

General Motors' claim that its Toronado car gives "worry-free performance thousands of miles longer."

Few corporations bothered to document their claims for Mrs. Cowan. Some wrote back saying the consumer had no business knowing. "I was surprised," said Mrs. Cowan, who works at the Center for the Study of Responsive Law when not in class. "Here were some of the nation's largest corporations, supposedly the friend of the public if you believe their cheery commercials, refusing to back up their ad claims. It's as if two people were having a discussion, but when it suddenly turns serious, one party clams up."

Aside from a suit against Bristol-Myers for its Excedrin ad, Mrs. Cowan will soon file a legal petition with the FTC to require companies to provide clinical evidence to consumers for their advertising claims.

Other groups—most notably Action for Children's Television (Boston)—are also taking legal action to force the government to control advertising. Perhaps as important as legal changes are shifts in attitude. Jerry Mander, a San Francisco ad man with a restless conscience, wrote to the Wall Street Journal last June to say the unspeakable: "I . . . expect that all automobile advertising will be banned one of these days as well it should be, as automobiles are demonstrably far more dangerous to the health of society than cigarettes are."

Until legal or attitudinal restraints have their effect, suspicion will likely grow about the advertising industry and its massive flow of copy. Sadly, the honest ads will be less and less believed also. Ironically, an industry that has for so many years been wildly accentuating the positive is not forced to live with the negative.

Mr. MOSS. Mr. President, I am pleased to join with the Senator from South Dakota (Mr. McGovern) in cosponsoring the Truth-in-Advertising Act.

The objectives of the consumer movement embody the American ideals of truth and justice. And the Truth-in-Advertising Act which we introduce today, is but a modest proposal to insure the validity of advertising claims.

I look forward to holding hearings on the bill. After all, can there be anyone who will find offensive a requirement to preserve truth in advertising claims? Of necessity, a half-page advertisement or a 30-second television spot announcement cannot contain all of the substantiation for an advertising claim. I have been told that the average consumer views hundreds of advertisements each day, many providing important product information, but others contain confusing and ill-defined characteristics. As a result, there is evidence of an overwhelming number of unsubstantiated claims in advertising, and where there is valid documentation for advertisers' claims, the information is difficult to obtain. This uncomplicated legislation provides the consumer with a straightforward method of evaluating advertising claims.

The Truth-in-Advertising Act would require the carrier of an advertisement to provide the name and address of the offer—or upon request of any individual. Second, advertisers would maintain and make available to individuals the appropriate documentation to substantiate the claims set forth. With this information, many consumers will be able to make more intelligent decisions in selecting products and services. Finally, I might also note that the bill provides important safeguards to both consumers and advertisers by granting the Federal Trade Commission the powers necessary to enforce and prescribe procedural and substantive rules.

The Truth-in-Advertising Act will put meaning back into the adjectives, "stronger," "faster," and countless others, will add significantly to the educating force of advertising, and will restore faith in many American businesses.

By Mr. McGOVERN (for himself and Mr. BURDICK):

S. 1462. A bill to provide for the distribution to the Sisseton and Wahpeton Tribes of Sioux Indians of their portion of the funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142 and 359, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

MISSISSIPPI SIOUX INDIANS

Mr. McGOVERN. Mr. President, on behalf of the junior Senator from the State of North Dakota (Mr. BURDICK) and myself, I send to the desk for appropriate reference a bill to provide for the distribution to the Sisseton and Wahpeton Tribes of Sioux Indians of their portion of the funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142 and 359, and for other purposes.

Similar legislation was passed by both the House of Representatives and the Senate in the 91st Congress, but objections were raised by the House to an amendment made by the Senate. I am hopeful that the bill I introduce today can be enacted into law at an early date so that the rightful beneficiaries may receive these funds.

By Mr. McGOVERN:

S. 1463. A bill to provide for the setting aside of certain lands for the purpose of making available additional food and cover for wildlife. Referred to the Committee on Agriculture and Forestry.

Mr. McGOVERN. Mr. President, I introduce today a bill which would provide incentives for farmers to allocate a portion of their acreage for the preservation of wildlife. The program would compensate participating farmers for planting or diverting 5-acre plots in a cover crop beneficial to wildlife.

Tall, dense vegetation is of utmost importance to ground-nesting birds. This cover should be available during the very early portion of the nesting season and therefore would have to come in the form of residual vegetation and, therefore, improves the value of such cover for nesting; consequently, legumes and cool-season grasses are very important for nesting cover, especially in areas void of residual vegetation. A variety of plant growth including many annual weeds commonly found on retired cultivated land would not only help provide nesting cover but year-round cover as well. It is assumed that only cultivated cropland would be retired in this program.

Under the provisions of my bill, a standard fee of $250 per year for a 5-year contract would be offered. The acreage necessary to qualify for the standard payment of $250 per year would be tied to the productivity of the land. Five years should be the term of the contract and farmers would be allowed only one contract in any one year. Over the life of the program, the farmer would be eligible for additional contracts on new land each year.

Mr. President, I urge my colleagues who care about the preservation of our rapidly dwindling wildlife to give serious attention to this legislation.

By Mr. INOUYE (for himself and Mr. FONG):

S. 1466. A bill to authorize the Secretary of the Army to grant certain rights-of-way for road improvement and location of public utility lines over a portion of Fort DeRussy, Hawaii. Referred to the Committee on Armed Services.

Mr. INOUYE. Mr. President, I wish to introduce today on my own and Senator FONG'S behalf, a bill to authorize the grant of the necessary easement for the widening and improvement of Kalia Road by the city and county of Honolulu through the Fort DeRussy area. While this project is not a military necessity and, therefore, requires legislative authorization, it does have the support of the military. Such widening will do much to relieve the presently congested traffic in the area as well as improving the appearance of Kalia Road.

A similar measure was introduced last year, but no action was taken on it. The city and county of Honolulu has again indicated that it is keenly interested in this project.

I hope the necessary authorization will be expeditiously granted.

By Mr. PROXMIRE:

S. 1469. A bill to amend chapter 137, title 10, United States Code, to limit, and to provide more effective control over, the use of Government production equipment by private contractors under contracts entered into with the Department of Defense and certain other agencies, and for other purposes. Referred to the Committee on Armed Services.

FAIR INDUSTRIAL COMPETITION ACT

Mr. PROXMIRE. Mr. President, in 1970 Government contractors held almost $14 billion in Federal property including special tooling and test equipment, materials, industrial real property, industry plant equipment and other plant equipment. This incredible stockpile has gradually inched upward from about $9.6 billion in 1964, even though the Government has sold a number of its large facilities and the equipment in them to private contractors over this period.

Just about every group or committee in or out of the Government that has examined the program, even the Defense Department itself—the Department owning the lion's share of the property—agrees that it should be curtailed. This judgment applies with particular force to $2.2 billion worth of industrial plant equipment—IPE. This equipment can readily be duplicated by purchases in the private sector. It has been used in far too many instances by Government contractors to perform commercial work completely unrelated to the Government contract. Although a rental is paid when this equipment is used on commercial work, not only does this use represent a misallocation of equipment purchased with tax dollars but it also enables Government contractors to compete unfairly with private concerns not in possession of Government-owned equipment.

In early 1968, the General Accounting Office issued a report on an investigation initiated at my request into the misuse of this Government owned IPE in the hands of private contractors. The report was shocking, to say the least. It found in a random check of 23 contractors that all but one were using Government equipment for commercial work in violation of the laws and regulations covering such use.

Consequently, I introduced legislation in both the 89th and 90th Congresses to halt this appalling misuse of IPE by making it more difficult for private firms to get the equipment initially, imposing stricter controls on its use and making it easier for the Government to dispose of the equipment. Unfortunately, the Senate Armed Services Committee was unable to act on this legislation despite unanimous Government support for the bill as well as a generally favorable reaction by private industry.

Today, I am again introducing legislation to get the Government out of the

IPE business. I would characterize it as a tougher bill than the proposal I authored in the 91st Congress, but I feel that we must get tough in view of continuing abuses by industry as a result of this tax supported lease program.

The bill I am introducing today would go far toward doing away with the $2.2 billion Federal stockpile IPE in private hands by—

Prohibiting outright the future placing of IPE with contractors unless there is a showing that the equipment cannot be acquired practicably in any other way;

Requiring a periodic review of a contractor's circumstances so that the equipment can be removed as soon as the initial reason for using it ceases to exist;

Permitting IPE to be sold by negotiated sale if it is so specialized that a general competitive sale could not be expected to yield a fair market price;

Eliminating current burdensome procedures requiring equipment to be declared surplus and offered to other Government agencies before it can be offered in a competitive public sale;

Insuring that public sale is truly competitive by equalizing any advantage the firm holding the equipment at the time of sale might have through a transportation and installation differential; and

Prohibiting the commercial use of IPE.

Although the prohibition-of-commercial-use clause undoubtedly will give rise to a great deal of controversy, it is an essential part of the bill. This provision is aimed at what has been the most shocking abuse revealed in the equipment leasing program: the extensive use by private companies of Government equipment to compete unfairly with other private firms, typically smaller ones, in work having no relation to the Government's needs although these needs were the reason for leasing the equipment in the first place. There have been countless examples of these abuses in the past several years.

One situation involved a large west coast contractor well able to pay for its own equipment that had obtained an expensive but entirely standard machine tool from the Government and was using it well over 90 percent of the time on commercial work—with DOD approval and at a rental that was only a small fraction of its true value. This tool was identical to tools available for use in hundreds of small firms in this country—small firms that had undertaken the risk and expense of purchasing the tools themselves.

Just recently, I learned that Lockheed is doing a substantial amount of purely commercial work on the L–1011 Airbus in the Air Force plant in Marietta, Ga., with Government-owned equipment leased to Lockheed. The Air Force plant in Marietta is also where the C–5A is being produced. The L–1011, a commercial aircraft, is being manufactured in California.

The rental rates that Lockheed and other lessees have paid are apparently based upon a formula developed by the Office of Emergency Preparedness, which uses a declining percentage of the equipment's acquisition value as it get older. Industry sources tell us the formula bears no relationship to the real value of the equipment. First of all, it applies only on a per-month-when-used basis, which distinguishes it sharply from the risk situation facing a firm that buys the same equipment or rents it from commercial sources. Second, many types of production equipment lose very little value over the time period in which OEP's rental rate would go from 3 to three-fourths percent per month. People in the machine tool business tell me that it is not uncommon in time of high demand for capital equipment for used tools to bring prices at auctions comparable to, or even higher than, new tools of the same type.

Mr. President, what sort of firms benefit most from the current Government IPE program? Are they small struggling firms whose capitalization does not permit them to purchase industrial equipment? Far from it. They are, by and large, some of the biggest corporations in the world. General Electric, General Motors, and AVCO each have over $100 million in IPE. Du Pont holds $47.4 million worth; Lockheed, $75.5 million; Martin Marietta, $68.7 million; North American Rockwell, $71.2 million. These are the giants of American industry. They can compete well enough without this added taxpayer-subsidized advantage.

The answer to this unfair situation is not to develop new rental formulas and thus perpetrate the basic practice that is at fault. No persuasive argument has been made for any level of commercial use. Hopefully, by placing an absolute prohibition on commercial use, my bill will lessen contractor interest in Government-owned equipment, thus hastening a phaseout of this burdensome program.

Mr. President, I ask unanimous consent that the text of the Fair Industrial Competition Act, as well as a table showing the 23 largest company holdings of Government-owned property, prepared by the General Accounting Office, be placed in the Record at this point:

There being no objection, the bill and table were ordered to be printed in the Record, as follows:

S. 1469

A bill to amend chapter 137, title 10, United States Code, to limit, and to provide more effective control over, the use of Government production equipment by private contractors under contracts entered into with the Department of Defense and certain other agencies, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 137, title 10, United States Code, is amended by—

(1) inserting at the end of the chapter analysis thereof, the following new item:

"2315. Government production equipment."; and

(2) adding at the end of that chapter the following new section:

"§ 2315. Government production equipment

"(a) As used in this section—

"(1) 'production equipment' means any tool, machine, or similar item, used or designed for use in the manufacture, production, or furnishing of property or supplies, but does not include special purpose production equipment, special purpose production equipment systems, special tooling equipment, or special test equipment;

"(2) 'special-purpose production equipment' means production equipment—

"(A) which is sufficiently unique in design to be of value normally only to the contractor in possession and for the use in making a particular end-item, and

"(B) which would not be expected to be readily available elsewhere in private industry for future mobilization requirements;

"(3) 'special-purpose production equipment system' means a group or series of pieces of production equipment which includes one or more pieces of special-purpose production equipment and one or more pieces of other supporting equipment which is essential to the operation of the special-purpose components and which could not be removed from the contractor's facilities without unreasonably disrupting the contractors' ability to use the special-purpose components for mobilization purposes;

"(4) 'special tooling equipment' means all jigs, dies, fixtures, molds, patterns, taps, gages, other equipment and manufacturing aids, and replacements thereof, which are of such a specialized nature that, without substantial modification or alteration, their use is limited to the development or production of particular supplies or parts thereof, or the performance of particular services;

"(5) 'special test equipment' means electrical, electronic, hydraulic, pneumatic, mechanical, or other items or assemblies of equipment, which are of such a specialized nature that, without modification or alteration, the use of such items (if they are to be used separately) or assemblies is limited to testing in the development or production of particular supplies or parts thereof, or in the performance of particular services; and

"(6) 'nonprofit organization' means any corporation, foundation, trust, or institution operated for scientific, educational, or medical purposes, not organized for profit, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

"(b) It is the policy of the Congress that maximum reliance will be placed on the use of privately owned production equipment in connection with the performance of purchases and contracts made under this chapter. No agency shall acquire production equipment for the purpose of furnishing it to a contractor by lease or contract, and no agency shall permit such production equipment to remain in the possession of any contractor, for use other than by a nonprofit organization, unless the furnishing thereof is necessary—

"(1) to meet mobilization requirements under a duly authorized mobilization plan;

"(2) to permit the obtaining of supplies or services by that agency from a contractor which has been determined by the Administrator of the Small Business Administration to be a small business organization which is unable to procure such production equipment through the use of its own resources, and no alternate means of obtaining the needed supplies or services is practical; or

"(3) to meet an urgent need for supplies or services which the head of that agency has determined cannot be met by any other practical means.

Determinations under clause (3) of the preceding sentence shall be made in writing. The power to make such determinations shall be delegable only in accordance with regulations promulgated under subsection (c).

"(c) The Secretary of Defense for the Department of Defense, the Administrator of the National Aeronautics and Space Administration for that agency, and the Secretary of Transportation for the Coast Guard shall promulgate uniform regulations for the effective control of all production equipment which is the property of each such department or agency and which is or hereafter may be furnished by such department or agency by any means to a contractor. Such regulations shall include—

"(1) a mandatory system for the periodic review (at least every six months) of the circumstances under which any production equipment was originally furnished in order to determine whether the requirements of subsection (b) of this section are satisfied, and appropriate provisions for the prompt return of such production equipment to the custody of such department or agency when such requirements are found not to be satisfied, except that rights of contractors under contracts entered before the effective date of this section shall not be abrogated by this section;

"(2) a requirement for the maintenance by such contractor of inventory records concerning all production equipment so furnished to it, and records and reports with respect to the nature and the extent of the use of such equipment, such records to be maintained and reports made as prescribed by the regulations; and

"(3) such other requirements as may be determined to be necessary for the effective maintenance and control over all such production equipment so furnished by any such department or agency during the time in which such production equipment is in the custody of any such contractor.

Equipment which is returned to any such department or agency under clause (1) of the preceding sentence, if no longer required to meet the mobilization needs of the United States, shall be promptly disposed of under other law.

"(d) The furnishing of production equipment to any contractor under this section shall be solely for use on contracts, or subcontracts under contracts, with an agency or department of the Government. Any other use of production equipment shall be cause for the immediate removal of such equipment from a contractor's possession.

"(e)(1) Under such regulations as may be prescribed by the Administrator of General Services, the head of an agency may sell to a contractor items of special-purpose production equipment, special-purpose production systems, special tooling equipment, or special test equipment which are owned by the United States and under the control of that agency and which are located at the facility of the contractor.

"(2) Sales under this subsection shall be made at not less than a fair and reasonable price, and in the case of equipment used or planned for use in the development or production of supplies for, or the furnishing of services to, the United States, upon such terms as to assure that for a reasonable period after the sale the property or its replacement will be available, on a priority basis, for the performance of contracts of the United States or subcontracts thereunder.

"(3) Under such regulations as the Administrator of General Services shall prescribe, the proceeds of a sale made under this subsection may be used to pay the cost or expense incurred in connection with that sale. Any remaining balance of the proceeds of such a sale shall be covered into the Treasury as miscellaneous receipts.

"(4) An explanatory statement of the circumstances of each sale made under this subsection of property having an original acquisition value in excess of $25,000 shall be prepared and a copy thereof shall be preserved in the files of the agency making the sale for not less than 5 years.

"(f)(1) Under such regulations as may be prescribed by the Administrator of General Services, the head of an agency by competitive public sale may dispose of items of production equipment which are owned by the United States and are under the control of that agency and which are located at the facility of the contractor.

"(2) Any sale of production equipment under this subsection may be made without prior offering of such production equipment to other departments or agencies. Any such sale of production equipment may be conducted at the site of the contractor in possession, except that to the extent necessary to assure a fair and competitive sale in which the contractor in possession has no advantage, such production equipment (A) shall be removed to other locations for sale, or (B) where removal would be unreasonably expensive, the contractor in possession, if the successful bidder, shall be required to pay to the agency concerned an additional amount which is substantially equal to the average cost which would have been incurred by other bidders for the removal of such production equipment to, and the installation of such production equipment at, sites within the same general geographical area within which the facility of the contractor in possession is located. No such removal or additional payment shall be required if the Government would incur a substantial loss thereby.

"(g) The head of each agency shall transmit to the Congress in January of each year a report of each determination made under clause (3) of the second sentence of subsection (b) involving property having an acquisition cost of $10,000 or more and of each sale of property made for more than $1,000 under subsection (e) during the preceding year.".

SEC. 2. The amendments made by the first section of this Act shall take effect on the first day of the fourth month beginning after the date of enactment of this Act.

25 LARGEST COMPANY HOLDINGS OF GOVERNMENT-OWNED REAL PROPERTY, PLANT EQUIPMENT, AND MATERIAL AS OF JUNE 30, 1970

[In millions]

Name	DOD procurement ranking[1]	Total	Real	Plant equipment: OPE	Plant equipment: IPE	Material
International Telephone and Telegraph Corp	(31)	$1,277.7	$491.5	$695.5	$57.1	$33.6
General Dynamics Corp	(2)	836.6	102.5	42.7	76.0	615.4
General Electric Co	(3)	532.2	82.2	162.3	136.9	150.8
Olin Corp	(28)	452.9	268.7	58.2	14.9	111.1
Lockheed Aircraft Corp	(1)	340.3	108.3	32.0	75.5	124.5
North American Rockwell Corp	(7)	337.4	105.3	47.8	71.2	113.1
Hercules Inc	(45)	324.4	251.0	25.3	7.7	40.4
Martin Marietta Corp	(26)	274.8	64.7	21.2	68.7	120.2
Boeing Co	(12)	269.2	95.3	31.3	38.5	104.1
Day and Zimmerman Inc	(55)	266.7	79.6	18.0	17.7	151.4
Mason & Hanger, Silas Mason Inc	(75)	266.6	81.9	14.9	9.9	159.9
McDonnell Douglas Corp	(5)	252.2	45.1	18.5	51.1	137.5
Ling-Temco-Vought, Inc	(11)	246.4	70.7	70.6	48.2	56.9
Chrysler Corp	(58)	222.6	36.5	12.1	46.6	127.4
RMK-BRJ Construction Co.[2]		217.7	23.1	154.2	1.0	39.4
General Motors Corp	(17)	215.5	28.6	33.1	104.7	49.1
E. I. DuPont de Nemours & Co	(37)	208.7	86.9	18.7	47.4	55.7
Global Associates		202.1	189.9	11.7	.5	
Uniroyal Inc	(48)	199.5	109.9	48.1	14.9	26.6
Tenneco Inc	(27)	193.5				193.5
Sperry Rand Corp	(15)	180.6	40.2	20.1	20.3	100.0
AVCO Corp	(20)	155.9	30.5	13.1	100.2	12.1
Thiokol Chemical Corp	(59)	148.2	58.7	29.7	17.9	41.9
Teledyne Inc	(29)	136.8	25.7	22.7	55.9	32.5
Holston Defense Corp		128.5	89.0	26.4	.7	12.4
Total		7,887.0	2,565.8	1,628.2	1,083.5	2,609.5

[1] Defense Department list of top 100 companies according to net value of military prime contract awards for fiscal year 1970.

[2] Raymond International, Delaware; Morrison-Knudsen, Asia Corp.; Brown and Root Inc.; and J. A. Jones Construction Co.

By Mr. THURMOND:

S. 1470. A bill to amend title 37, United States Code, to provide an incentive plan for participation in the Ready Reserve; and

S. 1471. A bill to amend chapter 67 of title 10, United States Code, to provide an annuity for the dependents of persons who perform the service required under such chapter and die before being granted retired pay. Referred to the Committee on Armed Services.

STRENGTHENING OUR ARMED FORCES

Mr. THURMOND. Mr. President, today I am introducing two bills which will further strengthen our armed services.

The first bill provides bonuses to encourage participation in the Ready Reserve and National Guard. It offers cash inducements for reservists who reenlist for at least 3 years following their first 6 years of Reserve or Guard. It also provides a bonus for a member of the regular forces if he elects to enlist in the Reserves following his 2 years of active duty.

At present, upon reenlistment in the Regular Army, a bonus is given to those who have acquired specific skills while in the Armed Forces. This bonus serves as a realistic incentive for servicemen to remain in the Armed Forces. There is no such bonus offered to reservists, and at present only 1 percent of the enlisted Reserves reenlist after their first tour of duty.

Mr. President, because the retention of high-quality enlisted personnel is of the utmost importance, I believe that unless more definite incentives are provided the Reserves and National Guard, the United States may reach a dangerously low level of personnel strength in these two vital elements of our national defense structure.

This bill would give those qualifying a $1,000 bonus upon reenlistment and $200 at the end of each of the 3 reenlistment years. The present cost of filling a vacancy with a new trainee, on the other hand, is between $2,400 and $4,000. Thus, a reenlistment bonus such as the one proposed would not only create an incentive for Reserve reenlistments, but also effect significant savings to the Government.

Mr. President, the second bill is designed to correct an inequity in both the Reserves and the Regular Army.

As the law now reads, a citizen may join the armed services, elect to take a survivor's annuity under the law, and perform the services required to qualify for retired pay under the law, but if he should die after retiring but before reaching age 60, the retirement pay would not be granted and the survivors would get nothing from the annuity.

A citizen may spend 20 years of his life in the service of his country and still not be assured of the welfare of his family at the time of his death. To date, the Government appears to be hesitant to vest the family of retired servicemen with this much-needed security. As the United States moves toward a peacetime armed service, the Nation must provide more inducements if military personnel strength is to be maintained at even minimum levels. Passage of these bills is important if we are to start making a career in the armed services equivalent to a career in the other sectors of our economy.

Mr. President, I introduce these bills for appropriate reference and ask unanimous consent that they be printed in the Record.

There being no objection, the bills were ordered to be printed in the Record, as follows:

S. 1470

A bill to amend title 37, United States Code, to provide an incentive plan for participation in the Ready Reserve

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 5 of title 37, United States Code, is amended as follows:

(1) By adding the following new item at the end of the chapter analysis:

"310. Special pay: participation in Ready Reserve."

(2) By adding the following new section at the end thereof:

"§ 310. Special pay: participation in Ready Reserve

"(a) An enlisted member of a Reserve component who—

"(1) has completed a total of at least two years of active duty, or a total of at least six years of service, in one or more of the armed services;

"(2) is accepted for enlistment, reenlistment, or extension of enlistment in a Reserve component, in a pay grade above E–2, for a period of at least three years; and

"(3) agrees to remain in the Ready Reserve for a corresponding period and to perform such drills or other duty as may be prescribed;

is entitled to special pay computed under subsection (b).

"(b) The amount of special pay to which a person covered by subsection (a) is entitled is—

"(1) $1,000 upon reenlistment or extension of his enlistment;

"(2) $200 upon completing each year, under that reenlistment or extension of enlistment of satisfactory participation in the program prescribed for his Reserve assignment, as determined by the Secretary concerned.

However, no member is entitled to incentive pay for any year of satisfactory performance that ends after he has completed twenty years of service computed under section 1332 of title 10.

"(c) The special pay authorized by this section is in addition to any other basic pay, special pay, incentive pay, or allowance to which the member concerned is entitled.

"(d) A member who voluntarily, or because of his misconduct, does not complete the first year of service under his reenlistment or extension of enlistment for which he was paid under subsection (b)(1) shall refund that percentage of the amount that the unexpired part of that year bears to the entire year for which the amount was paid.

"(e) This section shall be administered under regulations prescribed by the Secretary of Defense for the uniformed services under his jurisdiction, and by the Secretary of the Treasury for the Coast Guard when the Coast Guard is not operating as a service in the Navy."

S. 1471

A bill to amend Chapter 67 of title 10, United States Code, to provide an annuity for the dependents of persons who perform the service required under such chapter and die before being granted retired pay

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1437 of title 10, United States Code, is amended as follows:

(1) The first sentence of subsection (a) is amended to read as follows:

"(a) Except as provided in subsections (b) and (c) each annuity payable under this chapter accrues as of the first day of the month in which the person upon whose pay the annuity is based dies."

(2) By adding a new subsection (c) to read as follows:

"(c) For the purpose of this chapter, the retired pay of a person who—

"(1) elected an annuity under section 1434 of this title;

"(2) performed the service required to qualify for retired pay under this chapter; and

"(3) died after the effective date of the Act enacting this subsection, and before being granted that retired pay;

shall be computed, and each annuity under this chapter shall accrue, as of the first day of the month following the month in which he would have become sixty years of age if he had lived."

By Mr. PROUTY:

S. 1473. A bill to amend the Railroad Retirement Act of 1937 to provide a 10-percent increase in annuities. Referred to the Committee on Labor and Public Welfare.

Mr. PROUTY. Mr. President, I send to the desk for appropriate reference a bill to provide a benefit increase for those receiving railroad retirement benefits and ask unanimous consent that it be printed in the Record immediately following my remarks.

The PRESIDING OFFICER (Mr. Brock). Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROUTY. Mr. President, last month, after much delay on the part of Congress, we finally passed the 10-percent benefit increase for the 23 million Americans receiving social security benefits. At that time, I was convinced that we did not go far enough. We again avoided facing up to the fact that comprehensive social security legislation is needed now. I am hopeful that all of us in Congress will make every possible effort toward prompt consideration and passage of comprehensive social security legislation.

Such legislation should include a $100 a month minimum benefit, liberalization of the retirement test, a provision to insure that widows receive 100 percent of their deceased spouse's benefit, an updating of the retirement income tax credit, an automatic cost-of-living benefit increase provision, a broadening of coverage under the so-called Prouty amendment, and many other long-overdue reforms. Within the next few weeks I intend to introduce a comprehensive bill designed to bring our social security system and medicare system up to the point where they equitably meet the needs of older Americans.

Today, Mr. President, I am introducing a bill to provide increases in annuities under the Railroad Retirement Act identical to those recently enacted for persons receiving social security benefits. Specifically, Mr. President, there are 637,000 annuitants and dependents and over 308,000 survivors receiving monthly benefits under the Railroad Retirement Act.

Mr. President, the Railroad Retirement Act is older than the Social Security Act itself and vitally affects over 1 million Americans who depend upon its monthly benefits.

Mr. President, we do not deliberately ignore these 1 million Americans. Everyone in this body will agree with me that a similar 10 percent benefit increase should be extended to those individuals. However, time after time we in Congress delay increasing benefits under the railroad retirement system once a social security increase has been enacted.

This week, Mr. President, the Senate Commerce Committee opened hearings concerning the condition of our national railroad industry. During those hearings we all acknowledged that the railroad industry is often a forgotten industry until the crisis of a nationwide strike or bankruptcy is upon us. In all fairness we find that the railroad employee is often the forgotten employee compared to employees in other industries.

Mr. President, I should also like to point out that the bill I am introducing today contains a provision that no recipient of veterans' benefits will lose any benefits as a result of this benefit increase. Too often we provide increases in various pension benefits without taking into consideration that the veteran benefit law has limitations on income from other sources. Over the years I have made an effort to provide a savings clause in every bill that has passed this body.

The bill I introduce today is retroactive to January 1, 1971. I, for one, shall do all in my power to see that it is passed by Congress before many weeks have passed.

EXHIBIT 1

S. 1473

A bill to amend the Railroad Retirement Act of 1937 to provide a 10 per centum increase in annuities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Railroad Retirement Act of 1937 is amended by inserting at the end thereof the following paragraph:

"(4) The annuity computed under paragraphs (1), (2), and (3) of this subsection and that part of subsection (e) of this section which precedes the first proviso shall be increased by 10 per centum."

SEC. 2. (a) Section 2(e) of the Railroad Retirement Act of 1937 is amended—

(1) by striking out "such individual's annuity without regard to section 3(a)(3) of this Act or pension as in effect before 1970" and inserting in lieu thereof "such individual's annuity without regard to section 3(a)(3) or (4) of this Act or pension as in effect before 1971";

(2) by inserting "(before any reduction on account of age)" immediately after the first sentence of the last paragraph; and

(3) by adding at the end thereof the following new paragraph:

"The spouse's annuity computed under other provisions of this section shall (before any reduction on account of age) be increased by 10 per centum. The preceding sentence and the next preceding paragraph shall not operate to increase the annuity to an amount in excess of the maximum amount of a spouse's annuity as provided in the first sentence of this subsection. This paragraph shall be disregarded in the application of the preceding paragraph."

(b) Section 2(i) of such Act is amended by striking out "the last paragraph" and inserting in lieu thereof "the last two paragraphs".

SEC. 3. Section 5 of the Railroad Retirement Act of 1937 is amended by inserting at the end thereof the following subsection:

"(o) The annuity computed under the preceding provisions of this section shall be increased by 10 per centum."

SEC. 4. All pensions under section 6 of the Railroad Retirement Act of 1937, and all annuities under the Railroad Retirement Act of 1935, shall be increased by 10 per centum. All survivor annuities deriving from joint and survivors annuities under the Railroad Retirement Act of 1937 and all widows' and widowers' insurance annuities which are payable in the amount of the spouse's annuity to which the widow or widower was entitled shall, in cases where the employee died in or before the month in which the increases in annuities provided in section 3 of this Act are effective, be increased by 10 per centum. Joint and survivor annuities shall be computed under section 3(a) of the Railroad Retirement Act of 1937 and shall be reduced by the percentage determined in accordance with the election of such annuity.

SEC. 5. All recertifications required by reason of the amendments made by this Act shall be made by the Railroad Retirement Board without application therefor.

SEC. 6. Notwithstanding any other provision of law, in determining the annual income of any person for any year for the purpose of determining eligibility for or the amount of dependency and indemnity compensation under section 415 of title 38, United States Code, or eligibility for or the amount of pension under chapter 15 of title 38, United States Code, or the first sentence of section 9(b) of the Veterans' Pension Act of 1959, there shall not be included in such income the amount of any increase in the annuity or pension payable to such person under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935 resulting from the enactment of this Act if, for the month (or any portion thereof) in which this Act was enacted, or for any month (or any portion of any month) after December 31, 1970, and prior to the month following the month in which this Act is enacted such person is entitled to (1) an annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935, and (2) dependency and indemnity compensation under section 415 of title 38, United States Code, or pension under chapter 15 of title 38, United States Code, or the first sentence of section 9(b) of the Veterans' Pension Act of 1959.

SEC. 7. The provisions of this Act shall be effective with respect to annuities accruing for months after December 1970 and with respect to pensions due in calendar months after January 1971.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 1474. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of the senior Senator from the State of Colorado (Mr. ALLOTT), and myself, I send to the desk for appropriate reference a bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes.

Mr. President, this legislation was drafted by the Department of the Interior as a result of a study made by the Secretary under Public Law 91-308 which authorized him to complete a survey as to the policy to be implemented with regard to entrance and user fees and report his findings to the Senate and House Committees on Interior and Insular Affairs. I ask unanimous consent that the letter from the Secretary of the Interior accompanying the study and draft proposal be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., March 12, 1971.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

GENTLEMEN: Public Law 91-308, enacted July 7, 1970, required the Secretary of the Interior to, ". . . complete a survey as to the policy to be implemented with regard to entrance and user fees and report his findings to the Senate and House Committees on Interior and Insular Affairs." I am pleased to transmit herewith the required report of the Department of the Interior.

The study leading to this report has been coordinated with the agencies involved with the collection of Federal outdoor recreation fees under the provisions of the Land and Water Conservation Fund Act, as amended. The recommended fee program is not that preferred by each agency. However, the recreation programs of the agencies vary in many respects. Thus, no one system can be optimum for all. If the proposed draft legislation is enacted, all agencies administering recreation areas where fees are collected will give their best effort to make the new program a success.

The Department of the Interior recommends that a new $4 annual permit valid only for one individual replace the existing $10 annual motor vehicle entrance permit. The new permit would apply to all forms of entry by the purchaser and would permit use of basic recreation facilities. In addition, there would be daily permits for persons who do not wish to purchase the annual permit. Supplemental fees would also be charged for use of certain higher quality recreation facilities and services. Special permits could also be available to cover types of recreation use not suited to the annual permit or its alternatives and supplements.

The Department recommends that initially fees be collected only at clearly designated areas where collection is found to be economically and administratively feasible. Coordination authority for this Government-wide program should be vested in the President of the United States. The Secretary of the Interior should be delegated authority from the President for guidelines as necessary to assure coordinated administration of the program.

It is believed that revenues will more than double the historical fee collection levels which have averaged about $10 million per year. Revenue collected should continue to be available for the important outdoor recreation programs funded by the Land and Water Conservation Fund.

Important new authorities are needed to make the recommended program a success. The original Land and Water Conservation Fund Act did not provide adequate authority to enforce the regulations, to undertake educational campaigns to inform the public about fee requirements, or to pay sales commissions needed to develop a large system of non-Federal permit sales outlets. These authorities are included in the draft legislation submitted as part of the report transmitted herewith.

Although the recommended program is believed to be administratively feasible, some period of time will be needed to resolve problems resulting from the fact that visitors must become accustomed to individual permits and stricter enforcement policies. Agency personnel will also have to be retrained to administer the new permit system. When fully implemented, the new system will provide additional revenue to the Fund, a desirable element of control over public use, and greater uniformity in fee program administration.

There may be occasions in the administration of the individual annual recreation permit system at heavily-visited National Parks such as Yosemite, Yellowstone, Grand Canyon, Mesa Verde, Glacier, Mount Rainier, and Shenandoah, that it would unduly delay the entrance of vehicles into the parks. These administrative difficulties would arise from trying to verify the ages of each vehicle's passengers; whether they have an individual permit, and if not, whether they wish to buy such a permit, or in lieu thereof, purchase a daily permit. When these delays necessitate traffic backing up unreasonably, as much as 75-100 cars, it is proposed that the collection be suspended at the entrance stations and only spot checks made by rangers at visitor centers, campgrounds and other visitor concentration points within the park.

It is the hope of the Department of the Interior that presentation of its report will result in prompt action to provide new authority for recreation fee collection in accordance with the recommendations contained herein. Early action is most important so that there will be adequate lead time for starting a new program beginning January 1, 1972. Permits, regulations, lists of areas, and other supporting materials all must be prepared, printed, and distributed.

Agencies also need time to plan budget and administrative staff arrangements.

The proposed legislation within this report has been reviewed by the Office of Management and Budget and it advises that enactment would be consistent with the Administration's objectives.

I would be pleased to discuss the report with you at your convenience.

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

By Mr. STENNIS:

S. 1475. A bill to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat *Cairo*, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

THE GUNBOAT "CAIRO"

Mr. STENNIS. Mr. President, for myself and my colleague from Mississippi (Mr. EASTLAND), I introduce a bill to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat *Cairo*.

The delegation from Mississippi introduced an identical bill in the House of Representatives on March 23.

The Union gunboat *Cairo* was sunk by naval torpedoes in the Yazoo River, Miss., during the seige of Vicksburg in 1863. It sank quickly—with its cargo, weapons, equipment, and fittings almost intact. It was covered deeply by silt, and for over a hundred years was preserved with remarkably little deterioration. It was raised during the period 1960 to 1963, with money contributed privately by interested individuals together with county and State funds. It is now at a shipyard at Pascagoula, where intensive care is necessary to prevent deterioration prior to restoration.

The Department of the Interior has looked carefully at the gunboat, and concludes that it is restorable, and would be a very valuable adjunct to the National Military Park at Vicksburg, as a naval museum. It is estimated that visitation to to the *Cairo* would be heavy, and that the income to the Federal Treasury from additional admission fees would be applied toward amortizing the initial investment, as well as covering operating costs.

In 1966, the Mississippi Legislature passed an act providing for an agreement with the National Park Service for the project. Since that time, the legislature has provided funds to cover the cost of preserving the *Cairo* prior to restoration, and the amounts have been substantial.

It had been hoped that the project could be funded under existing broad authorizations, but it is considered prudent to seek specific authorization at this time. No additional lands will be required at the Vicksburg National Military Park for the purpose.

This historic vessel, with its many artifacts, will be a unique exhibit of great historic value. The vast numbers of Americans, from all areas of our country, who visit it in the years to come will have a highly interesting and educational experience in viewing this chapter from our Nation's past.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1475

A bill to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat "Cairo," and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve an object having national significance as part of the history of the Civil War, for the benefit and inspiration of the people of the United States, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall, in such manner as he deems advisable, utilize the authorities contained in the Act of August 21, 1935 (49 Stat. 666) to provide for the restoration, and reconstruction of the gunboat "Cairo," formerly of the Union Navy, sunk in action in the Yazoo River, Mississippi, and for its exhibition at the Vicksburg National Military Park.

SEC. 2. At such time as the restoration and reconstruction of the "Cairo" shall have been completed, and it has been located within the boundaries of the Vicksburg National Military Park, the "Cairo" shall be administered in accordance with all laws, rules, and regulations applicable to such park.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

By Mr. FANNIN (for himself, Mr. ERVIN, Mr. HANSEN, Mr. TALMADGE, and Mr. THURMOND):

S. 1476. A bill to revise section 801 of the Revenue Act of 1916 to increase the penalty for violation thereof, and for other purposes. Referred to the Committee on the Judiciary.

Mr. FANNIN. Mr. President, the accelerated international reconstruction and development of our foreign trading partners has made it mandatory to examine the administration and effectiveness of our protections against international price discrimination.

Today I am introducing legislation that will amend the Antidumping Act of 1916. This neglected statute was copied in part from the Sherman Act and apparently was intended to be a part of the antitrust laws condemning, as it does, price discrimination injurious to competition and providing a criminal sanction as well as civil redress.

My bill would declare that the Antidumping Act of 1916 is one of the antitrust laws as defined in section I of the Clayton Act. Such an amendment would provide both the Government and injured persons with the remedy of injunctive relief, prescribe a statute of limitations to be tolled for injured persons during Government proceedings, and further encourage private enforcement by making available Government judgments and decrees as prima facie evidence in private suits. The criminal sanction copied from the original section I of the Sherman Act is amended to comport with the 1955 amendment of section I of the Sherman Act, which increased the maximum fine to $50,000.

Gathering the necessary evidence in an administrative dumping procedure under the 1921 act appears to be the biggest bottleneck in enforcing that law. In a suit brought under the Antidumping Act of 1916, the Federal Rules of Civil Procedure could greatly facilitate the gathering of evidence. Failure to comply with discovery requests would result in the withholding of imports alleged to be dumped until there is compliance with the court's request.

Mr. President, I would like to discuss some of the problems that make this legislation necessary.

The American economy traditionally has been dedicated to free competition. As the economy has grown, this ideal frequently has been threatened by excesses by those who would abuse this freedom. Congress and courts have found it necessary to limit economic free action, lest freedom strangle the competition it was meant to foster. Thus, our antitrust laws were designed to be an economic guide aimed at preserving competition as a rule of trade. It rests on the premise that the unrestrained interaction of competitive forces will yield the best allocation of our economic resources, the lowest prices, the highest quality and the greatest material progress, while at the same time providing an environment conducive to the preservation of our democratic and social institutions.

Among unfair trade practices which have caused serious inroads in the area of free competition is that of price discrimination. The sale of goods to one customer at a price other than that charged a second. A 1914 House report summarized the predatory aspects of discrimination as follows:

> It has been a most common practice of great and powerful combinations engaged in commerce . . . to lower prices of their commodities . . . in certain communities and sections where they had competition with the intent to destroy and make unprofitable the business of their competitors . . . such a system is manifestly unfair and unjust, not only to competitors who are directly injured thereby, but also to the general public . . .

The problem of predatory price discrimination is, of course, not a purely domestic one. Not only have American producers engaged in such practices, but foreign manufacturers have similarly sought to capture markets in the United States and elsewhere by artificially and temporarily reducing prices in the hopes of driving competitors out of business.

Price discrimination between national markets is usually referred to as "dumping." Thus dumping generally involves sales for export at prices lower than those charged at the same time and under like circumstances to buyers in the domestic market.

Mr. President, during the hearings on

the Trade Act of 1970, the opponents of fair regulatory trade legislation contended that any trade restriction will result in higher prices to the U.S. consumer; however, the opposite results from the planned sale of goods abroad at prices below those charged to domestic buyers. The dumping producer may resort to such practices for any one of a number of reasons. He may seek to acquire a foothold in a foreign market or prevent its loss to competitors, to destroy a competitor or to prevent the establishment of a rival concern. The temporary cheapness of the dumped goods is a small gain for consumers, compared with the extended deleterious effects such dumping may have on domestic producers and on the working force. And once the competition has been driven out, the dumping producer may—and probably will—raise prices to the highest level the traffic will bear to the eventual detriment of consumers as well. This predatory dumping is used as a weapon of commercial warfare, endangering the industry and labor of the importing country.

There have been enacted in the United States a number of measures which provide remedies against dumping. Congress in 1890 passed the Sherman Antitrust Act. This act prohibits, under severe penalties, every contract or combinations in restraint of interstate or foreign commerce, and every monopolizations or attempts to monopolize such commerce. The courts have in a number of instances held the use of unfair methods of competition to be evidence of an intent to establish monopoly or restrain commerce, and as such a violation of the act. It is illegal to sell or offer for sale a commodity in one part of the United States at prices which are lower, after allowance for differences in cost of transportation, grade, quality, or quantity sold, than the prices charged in other parts of the United States, with the intent of thereby establishing a monopoly or destroying or injuring the trade or business of another or preventing another from engaging in the same business. Local price cutting is the parallel in domestic commerce of predatory dumping in foreign commerce.

If the Sherman Act were applicable, it would serve as a remedy against predatory dumping by foreigners in the American market with the intent of injuring American competitors or establishing a monopoly in the American market. However, a Supreme Court decision limited the effectiveness of the Sherman Act in curbing the practice of dumping in this country.

In 1916 the disclosure of unfair methods of competition, and above all the practice of predatory dumping which was widely prevalent in the export trade of foreign countries, led to a widespread demand in the United States for a more effective law.

As a result, the revenue bill of 1916 contained provisions adopted from the Sherman Act. This made it unlawful for any importer commonly and systematically to sell imported articles in the United States at a price substantially less than the actual market value of such articles at the time of exportation to the United States in the principal markets of the country of production or of other foreign countries to which they were commonly exported after adding to such foreign market value the various costs incidental to importation. This applied if such act or acts were done with intent to injure or destroy or prevent the establishment of an industry in the United States, or of restraining competition in such articles in the United States. Violators of these provisions were made subject to fines not exceeding $5,000 or imprisonment not exceeding 1 year, or both. In addition, any person injured by such violation was given the right to sue for and recover threefold the damages sustained. Like the Sherman Act, this provision was erroneously thought to be ineffective, generally, for the lack of means to obtain proof of systematic dumping. Congress then enacted the Antidumping Act of 1921 which provided an administrative dumping remedy. The act confers sufficient authority to the Bureau of Customs to enforce the rules for fair trade practices in the import trade; nevertheless, the administration of the Antidumping Act has been substantially ineffective in checking unfair practices in the pricing of foreign merchandise for export to the United States.

The criminal and civil sanctions of the Antidumping Act of 1916 have rarely been invoked. The bill I am introducing today would transform this statute into a broad and effective deterrent to acts intended to lessen competition in international trade.

The first amendment I have to the Antidumping Act of 1916 is taken from the Clayton Act and provides one of the most important categories of antitrust remedies which stems from the equity powers in civil proceedings. Section 15 of the Clayton Act charges the U.S. district attorneys, under supervision of the Attorney General, with the duty of instituting equity proceedings to prevent and restrain violation of certain antitrust laws. Thus, it is the Attorney General and the U.S. district attorneys who are primarily charged by Congress with the duty of protecting the public interest under these laws. The prime object of civil decrees secured by the Government is the continuing protection of the public by means of contempt proceedings, against a recurrence of antitrust violations.

Mr. President, the next amendment would declare that the Antidumping Act of 1916 is one of the "Antitrust Laws."

Now let us look at one of the benefits of declaring the Antidumping Act of 1916 to be within the framework of the antitrust laws. Antitrust violations are often difficult to prove. This is particularly so for the private litigant, often a small busnessman who is already a financial victim of an economically stronger antitrust violator and unable to bear the burden of litigating the issue of violation. Recognizing the economic burden, as well as the public interest in encouraging private enforcement, Congress enacted section 5 of the Clayton Act to aid private litigants in carrying the burden of proof. Section 5 provides that a final judgment or decree, resulting from any civil or criminal antitrust action instituted by the United States, which affirms that the defendant has violated the antitrust laws, can be used in other actions as proof of those facts necessarily proved in the Government's action. This relieves the private litigant of the task of proving the existence of an antitrust violation; all that he need prove is that the violation caused injury to his business or property.

Private parties have long played a major role in the legislative scheme for the enforcement of the Federal antitrust laws through the statutory authority to bring suits for damages or injunctive relief. Congress, in fact, has earnestly endeavored to instigate such litigation and heighten its impact by awarding victorious plaintiffs judgment in treble the amount of their damages plus additional amounts to cover costs and attorney's fees. The hope, of course, has been that private action, so encouraged and bolstered, would come to represent a potent instrument for achieving compliance with substantive legislation.

Private enforcement seems to represent an instrument which offers considerably more in the way of benefits than of deficiencies. Perhaps most important, by permitting private parties to bring suit, the law's deterrent capacity can be significantly increased. Certainly from the standpoint of surveillance the technique is valuable; in effect it enrolls an additional number of policemen who may be expected to protect their interests assiduously and to demand relief when they have been injured.

In 1955 Congress enacted a 4-year statute of limitations applicable to private antitrust actions. It provides that no antitrust cause of action may be the basis of a suit more than 4 years after it has accrued. The general rule is that a cause of action accrues when injury to the plaintiff occurs. A significant exception to the rules governing the statute of limitations is contained in section 5 of the Clayton Act. It provides that the running of the statute or any private right or action arising under the antitrust laws shall be suspended during the pendency of any civil or criminal governmental action designed to prevent, restrain, or punish violations of the antitrust laws. The suspension of the statute of limitations is not absolute. Rather, the suspension lasts only during the pendency of the Government action and for 1 year thereafter, and any private action must be commenced either within 4 years after the cause of action accrued or during the period of suspension. Thus, by improving the means of enforcing the private remedy in the Antidumping Act of 1916, injured parties will have an effective supplementary enforcement device.

Mr. President, the gathering of evidence in a dumping case under the 1921 act appears to be of the greatest handicaps in checking unfair practices in the pricing of foreign merchandise for export to the United States. The principal problem is a customs policy which allows the foreign manufacturers of imported merchandise subject to investigation under the Antidumping Act to label all information submitted to the Bureau of

Customs in an antidumping proceeding as confidential. This obstacle would be overcome by use of the discovery rules in action under the antitrust acts.

The pretrial discovery mechanism is one of the most significant innovations of the Federal rules of civil procedure. The rules invest the deposition—discovery process with a vital role in preparation for trial. The rules provide for the use of interrogatories which may relate to any manner which appears reasonably calculated to lead to the discovery of admissible evidence.

Further, economic facts relative to the use of competitors may be inquired about in interrogatories. In addition, any party may take the deposition of any person after commencement of action, and a court of equity has the inherent power by the issuance of a subpena duces tecum to compel the production of books and papers necessary to a determination of a matter pending before it. The fact that corporations' records and documents are physically located beyond the confines of the United State does not excuse it from producing them in response to a subpena duces tecum if the corporation has possession of them and if the court has jurisdiction of the corporation.

The Antidumping Act of 1916 is applicable to importing subsidiaries of the foreign parent and, in addition, there can be no doubt of the right of American courts to enforce American law against foreign companies through their subsidiaries carrying on business in the United States.

To enforce the subpena power of American courts which have established jurisdiction over foreign corporations, this bill would provide that the court has the power to enjoin the further importation into the United States until such time as the foreign defendant complies with the discovery order.

Mr. President, this bill would further amend the Antidumping Act of 1916 by adopting a well established Clayton Act standard "in any line of commerce in any section of the country," to further define the term industry with respect to a geographic dimension and to assist in determining what constitutes a product within the appropriate industry.

The phrase "in any line of commerce" or the product market have been defined broadly to assist the courts in establishing the product market. These principles were enunicated by the Supreme Court in the leading case of Brown Shoe:

> The outer boundaries of a product market are determined by the reasonable interchangeability of use or the gross-elasticity of demand between the product itself and substitutes for it. However, within this broad market, well defined submarkets may exist which, in themselves, constitute product markets for antitrust purposes. * * *
>
> The boundaries of such a submarket may be determined by examining such practical indicia as industry or public recognition of the submarket as a separate economic entity, the product's peculiar characteristics and uses, unique production facilities, distinct customers, distinct prices, sensitivity to price changes and specialized vendors.

The phrase, "in any section of the country" would preserve competition within whatever geographic area the goods compete. The courts would examine the impact of dumped sales on the geographical segments of the domestic industry involved. Thus, when dumped imports are not sold nationally, the domestic manufacturer supplying the market area in which such imports are sold would constitute a separate industry.

The Supreme Court in United States against Pabst Brewery Co. stated that identification of a particular geographic area need not be as exact as had previously been thought, and that it may be enough to merely demonstrate that competition may be substantially lessened somewhere in the United States without necessarily having to delineate the section by "metes and bounds as a surveyor would lay off a plot of ground."

Mr. President, some observers have stated that this act is ineffective due to the difficulty of establishing intent and thus proving a criminal violation. The statute does impose the burden of proving intent to injure but the courts should have little difficulty finding requisite intent where the natural and probable consquences of the proscribed act is injury. As the Supreme Court has repeatedly said:

> And as respects statements of various appelles that they did not intend to join a combination or to fix prices, we need only say they they "must be held to have intended the necessary and direct consequences of their acts and cannot be heard to say the contrary." * * *

In *United States* v. *Patten,* 226 U.S. 525, 543, a criminal prosecution under the Sherman Act, the Supreme Court said:

> By purposely engaging in (conduct) which necessarily and directly produces the result which the statute is designed to prevent, they are, in legal contemplation, chargeable with intending that result. * * *

The basic principles referred to above anyone expressing reluctance to invoke should provide an adequate answer to the statute because of intent requirement. Nevertheless, this amendment modified the Revenue Act of 1916 by stating that—

> No person importing or assisting in importing any articles from any foreign country into the United States shall knowingly and purposely import, * * * at a price substantially less than the actual market value * * *.

Mr. President, in the 91st Congress I introduced a bill to improve and speed administrative processes to combat the dumping of foreign-made products on the American market. We still need this legislation, and I will reintroduce that bill in this Congress.

Everyone vitally interested in foreign trade is aware that the Tariff Commission has found that Japanese television manufacturers have been guilty of dumping their sets in the United States. Now we are awaiting a decision on how much extra duty the Japanese manufacturers must pay because of violation of the law.

While I applaud this progress in enforcement of vital fair trade principles, the case also points up the weakness in our law and procedures.

First of all, it took more than three years to get even a preliminary finding on the issue. The Electronic Industries Association filed its complaint in 1967, but it was last September before the Treasury ordered Customs officials to withhold appraisement.

This calls attention to a second flaw in the administrative remedy. The extra duty that will be assessed the Japanese television manufacturers will apply only to sets imported since last August 29.

So we had this situation: Japanese television sets were being dumped in the United States for some period of time before American manufacturers brought their complaint. Then, it took more than 2 years to get a ruling. During all this time, the Japanese were free to continue their unfair and illegal practices without fear of penalties. The penalty period did not start until the Japanese were warned that they might indeed be found guilty of dumping. And then no real penalty is involved. The Japanese manufacturers simply are assessed a duty equal to the difference between the price they are selling the sets for and the minimum price they should have been selling the sets for.

The bill I am proposing today would cast an entirely different light on a case like this.

American manufacturers who felt they were suffering loss of business because of dumping by the Japanese could have gone into court on their own in 1968 or even earlier. They could have sought to have the practice halted quickly and they could have asked treble damages for the loss of business caused by the dumping.

My bill would provide a much more effective and forceful remedy for businessmen who are the victims of dumping.

American manufacturers would not have to wait on the Government. They could go directly into court themselves. They would have a new weapon with which to fight back.

Because of the frustrations they have faced, too many American manufacturers have decided they would "rather join than fight" overseas competitors. They are fleeing abroad rather than standing their own ground. My bill should help stem this exodus—or at least remove some of the justification that American businessmen have for moving their jobs and plants overseas.

Mr. President, a few minutes ago I mentioned the dumping of Japanese television sets. This is only one facet of the problem faced by the American electronics industry, just as the situation in electronics is only a small part of the overall troubles plaguing American industry as a result of unfair foreign trade practices. I would, however, like to cite the electronics industry as an example of what is happening to American manufacturing.

We now have only about 15 manufacturers of television receivers in the United States, compared with a total of about 50 some 15 years ago. Imports of television sets increased from less than 10 percent of American sales in 1966 to more than 21 percent in 1969.

Television manufacturers are very justifiably concerned that the same thing will happen to them that happened to

American radio manufacturers. Imports of radios did not become significant until 1956, yet by 1964 imports accounted for more than 58 percent of the home radios sold in the United States. Now only about 8 percent of the radios sold in America are made in the United States.

A similar situation is occurring in the sale of phonographs. Significant imports began in 1967, reached one-third of the American market within 2 years, and now are running around 40 percent of U.S. phonograph sales.

And in the field of magnetic tape recorders for home use, less than 10 percent are now made in the United States.

This startling progress by the Japanese has not come about simply because of any superior technology or the providing of better products. It has come about because the Japanese Government sanctions, encourages and finances trade practices which are prohibited in the United States and which are contrary to international trade agreements.

Japanese television sets and other products have been sold in the United States at less than fair value because the Japanese Government provides export subsidies and incentives. The Japanese Government also provides import and investment restrictions to protect their home market for Japanese manufacturers.

In other words, the Japanese people themselves have had to pay more for television sets than Americans have had to pay. The Japanese Government effectively prevents American-made television sets from entering the country.

Shortsighted Americans frequently ask:

> What's wrong with this? Why shouldn't Americans benefit from the purchase of low priced Japanese television sets.

The answer, of course, is that the Japanese dumping practice is illegal, will cost Americans thousands of jobs, and will be deleterious to the United States in the long run.

The cutrate pricing is intended only to establish the newer Japanese manufacturers in the market and to kill off American competition. When imports monopolize the market, then the importers set the prices as high as the traffic will bear. Should American industry try to reestablish itself, the importers can drop their prices just long enough to starve out any new threat.

We frequently hear the argument that world trade should be absolutely free and unfettered, that each nation should produce what it produces most efficiently and should purchase from other nations the products which can be manufactured most efficiently in the other nations.

Like all pat theories, this one has to be qualified with a lot of "if, ands, and buts."

Under this theory, all labor intensive items would be imported to the United States. The $1.60 per hour minimum wage is 10 times the going wage in many nations of the world.

Theorists also ignore the fate of jobless Americans.

Even if we should buy this theory, it presupposes that there will not only be free but fair trade internationally.

Through dumping a nation can artificially establish itself as the one which can provide a product the cheapest in another nation. When the nation which practices dumping has the market clearly sewed up, then it can raise prices to a profitable level and moves on to steal the market in another nation.

Dumping this way involves the playing of one market against another. Japanese taxpayers and consumers in effect subsidize the exporting of television sets to the United States; once the American market is captured, the Japanese can raise prices here so that Americans subsidize lower prices in other target markets.

This can go on in industry after industry; and if the Japanese can play the game, so can other sophisticated trading nations.

Eventually, of course, there is an awakening. Consumers who thought that they were beneficiaries of some great gift, find that they are victims of a vicious system. This manipulation of the American economy by powerful foreign sources is causing severe repercussions already, and it will get worse unless action is taken quickly.

If America cannot compete in a highly technical field like the manufacturing of television and other electronics equipment, just what can we compete in? Just what industries are there left for the vast number of Americans?

There are several courses of action that can be taken by the United States.

One approach would be a reevaluation of our international trading agreements.

Another course is the one I am suggesting today. It is a reaffirmation of the principles of free but fair trade. It would give American industry the means to fight back against unfair and illegal trade methods being used by foreign manufacturers.

This bill provides an effective remedy for injured industries. More important, it creates a powerful deterrent to violation of fair trade principles.

Mr. President, I am confident that American industry can compete in its own market and in the world market if the game is fairly played.

I send to the desk for appropriate reference a bill that would give antitrust status to the Antidumping Act of 1916.

By Mr. MONDALE:

S. 1477. A bill to designate the Kettle River, in the State of Minnesota, as a component of the national wild and scenic rivers system. Referred to the Committee on Interior and Insular Affairs.

Mr. MONDALE. Mr. President, the Departments of Agriculture and Interior released on March 29, 1970, and criteria for the selection and recreational rivers to be added to the national wild and scenic rivers system.

The guidelines adopted by the Secretaries of the two Departments supplement policies set forth in the National Wild and Scenic Rivers Act of 1968, Public Law 90-542, to preserve and protect outstanding freeflowing rivers and immediate adjacent lands. The wild rivers guidelines read:

> To provide river-related outdoor recreation opportunities in a closely-adjacent primitive setting. Land access generally is restricted to trails or infrequent roads, and public use and other resource management facilities must harmonize with their surroundings.

As I reviewed these guidelines, I became impressed that the Kettle River, one of Minnesota's fine untouched and beautiful rivers, meets the criteria for the wild rivers classification.

I am, therefore, reintroducing legislation to designate the Kettle River, in the State of Minnesota, as a component of the national wild and scenic rivers system. Community involvement will be sought in considering this legislation. Interested citizens and the surrounding towns should be consulted on the nature of any program affecting the Kettle River.

Congressman BLATNIK introduced a companion bill in the House last May when I first introduced this measure, and he is reintroducing his bill today.

The Kettle River is located in east-central Minnesota. In a State which is becoming increasingly urbanized, the Kettle Basin is roughly 60 to 75 miles from the Twin Cities and about 50 miles from Duluth. It lies between two major metropolitan areas which generate increasing demand for access to water and outdoor recreation—trails, canoeing, and fishing.

Thus, more than half of the population of Minnesota—over 2 million people—could reach this fine wild, scenic, and recreational river by an hour's drive over a good interstate highway.

During the 1960's, the Minnesota Department of Conservation authorized the Kettle as a canoe route. This designation tells much of the potential of the Kettle for river-related outdoor recreational opportunities in a primitive setting.

The Kettle River is a fascinatingly wild and picturesque river. The constantly changing topography and forest cover provide an ever-changing scene. The river has rapids interspaced with long pools, providing a challenge, as well as a chance for relaxation and quiet reflection, to its visitors.

The glacial geology of the area, as reflected in the river, is also a point of interest. Moraines, glacial outwash plains, gorges, kettle holes, and caves exist along the river, primarily the result of glacial activity.

The area is rich in history. Remains of the lumbering activity of the 1850's and 1860's; quarrying at Banning and Sandstone; forest fires and the birth of St. Croix State Park add great historical interest to the river corridor.

Wide varieties of wildlife roam the river corridor. Deer, beavers, muskrats, herons, and hawks all make their homes within the river basin.

Fishing is excellent, especially for walleyes, sturgeon, and small mouth bass. Northern pike, red horse, suckers, and even trout, mainly in the Pine River and Willow River tributaries, are also fished in the river.

The Kettle River has its headwaters in Carlton County and flows in a generally north to south direction, passing through Pine County and into the St. Croix River some 53 miles away. It flows through and over several types of surface and subsurface geology.

The Kettle basin is largely in the central and northern part of Pine County, but headwaters are partly in Carlton County and to a lesser degree in Aitkin and Kanabec Counties. There are some farms, but roughly two-thirds of the basin is forested. Pine County, in 1964, included nearly 2,000 farms, predominantly in the southern part, outside the Kettle basin. Forest industries are important, but there is no national forest.

In addition to the St. Croix State Park near the mouth of the river, Banning State Park, a tract of about 2,700 acres, near Sandstone, was added in 1963. One or more of these parks provide access to the Kettle.

By nature it is an excellent recreation area, not yet overdeveloped. Pine County, in the mid-1960's, contained five hotels, six motels, and 19 resorts. The area is thinly populated and has not begun to reach its recreational potential.

There are 17 homes located along the river's edge, although only five may be seen from the river. Two of the five are old farmsteads while the remainder are homes which have penetrated the wilderness setting. Fourteen bridges and two trestles cross the river.

There are developed access points at miles 21, 33, 40.5, and 47; however, access is also possible at other bridge crossings. There are no developed campsites on the Kettle River.

Approximately 26 miles of the Kettle River are already in public ownership of one form or another. The Gen. C. C. Andrews State Forest abuts on the east side it the river from mile 13 to mile 15.2. The undeveloped Banning State Park abuts both sides of the river from mile 24.2 to mile 30.8. The Sandstone Game Refuge abuts the east side of the river from mile 31.5 to mile 40.5.

Chengwantan State Forest and St. Croix State Park abut the river from mile 42.6 to mile 51. Other stretches of the river are within the municipalities of Kettle River, Rutledge, and Sandstone. Finally, the State and county own small parcels of and on the river which have not been declared parks, game refuges et cetera.

This description can hardly touch upon the actual beauty of the Kettle. It is a truly magnificent river which deserves the protection of the wild rivers system.

By Mr. HART (for Mr. MAGNUSON) (by request):

S. 1478. A bill to amend the Federal Hazardous Substances Act, as amended, and for other purposes. Referred to the Committee on Commerce.

Mr. HART. Mr. President, on behalf of the Senator from Washington (Mr. MAGNUSON) I introduce the Administration's Toxic Substances Control Act of 1971 and ask unanimous consent to insert in the RECORD remarks which he would like to accompany the bill, together with the text of the bill and the extensive communication of transmittal.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

STATEMENT OF SENATOR MAGNUSON

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the Federal Hazardous Substances Act to strengthen federal regulation of toxic chemicals. I ask unanimous consent that the text of the bill and the letter of transmittal be printed in the RECORD at the conclusion of my remarks.

I wish to commend the Administration for sending this proposal to the Congress. By doing so they demonstrate their recognition that further control of toxic substances is necessary to prevent the occurrence of unexpected adverse effects upon man and the environment. Lack of knowledge and control over toxic substances has caused us many problems in the past. Last year the Committee on Commerce, through its Subcommittee on the Environment, followed and investigated closely the disastrous mercury crisis. The Subcommittee learned that had closer scrutiny been given to the uses of mercury many years ago, the current crisis might have been largely avoided. We can only wonder how many other "mercuries" are waiting to be discovered.

Likewise, the current phosphate and NTA problem in detergents is indicative of gaps in our regulatory framework. Control of these substances in our waters must now come from the treatment of wastes or voluntary use restrictions with no direct regulatory control over the substances at the source, i.e., in the manufacture and use of detergents. As most waste treatment facilities are currently incapable of removing substantial quantities of chemicals like phosphates from waste water, it appears that further regulation of these substances is in order.

Mr. President, in sending this bill up, the Administration demonstrates its recognition of the need for what the Senator from Michigan (Mr. HART) and I have called "technology assessment"—a thorough evaluation of second and third order consequences of new technologies prior to their introduction into commercial production. Since the central principle of the Toxic Substances Control Act essentially parallels that of our Commercial Technology Assessment Act, which we plan to reintroduce shortly, there may be some basis for considering these two proposals together in committee. In any case, the Commerce Committee's Subcommittee on the Environment will hold full hearings on the Toxic Substances Control Act in the near future with the hope of reporting the strongest possible legislation. Historically, the Committee has taken the lead in protecting the rights of the consumer and pointing out the dangers of environmental degradation. The provisions of this bill will receive close scrutiny to insure that the final bill is fully adequate to protect the public health and the environment.

S. 1478

A bill the toxic substances control act of 1971

To amend, the Federal Hazardous Substances Act, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That: This Act may be cited as the Toxic Substances Control Act of 1971.

SEC. 2. The Federal Hazardous Substances Act is amended by inserting before Section 1 of such Act the following: "Title I—Hazardous Consumer Products."

SEC. 3. Such Act is further amended by adding after the aforesaid Title I, i.e., after Section 18 of the Act, the following new Title:

"TITLE II—TOXIC SUBSTANCES

"SEC. 201. Policy. Whereas the American people are being exposed to a large number of chemical substances each year; and

Whereas among the many new substances constantly being developed are some which may be a danger to human health or the environment; and

Whereas the effective regulation of interstate commerce in such chemicals necessitates the regulation of transactions in such chemicals in intrastate commerce as well;

Therefore, it is the policy of the United States that new chemical substances should be adequately tested with respect to their safety to man and the environment; and

That adequate authority should exist to restrict the distribution and use of chemicals found to be toxic; and

That such authority over chemicals be exercised in such a manner as not to unduly impede technological innovation while fulfilling the primary purpose of this title to assure that such innovation and commerce does not endanger human health or the environment.

SEC. 202. Definitions.

"(a) 'Administrator' means the Administrator of the Environmental Protection Agency.

"(b) 'Chemical substance' means any organic or inorganic substance of a particular molecular identity or any uncombined chemical radical or element.

"(c) 'Manufacturer' means any person engaged in the production or manufacture of chemical substances for purposes of sale or distribution in commercial quantities, or an importer thereof.

"(d) 'Processor' means any person engaged in the preparation of a chemical substance for distribution or use either in the form in which it is received or as part of another product, as defined by regulations of the Administrator.

"(e) 'Restrict use or distribution' means to prescribe the amount sold to given types of processors, or to limit the type of processor to whom a substance may be sold, or to prescribe the amount which may be utilized by a given type of processor.

"(f) 'Byproduct' means a chemical substance produced as a direct result of the production, manufacture, or processing of some other chemical substance which is subject to the provisions of this title.

"(g) 'Environment' includes water, air, land, all plants and animals living therein, and the interrelationships which exist among these.

"(h) 'Animal' means all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish, and shellfish.

"(i) 'Protect health and the environment' means protection against any injury to man and protection against any substantial adverse effects on environmental values, taking into account the public interest.

"(j) 'District Court of the United States' includes the District Court of Guam, the District Court of the Virgin Islands, the District Court of the Canal Zone, and in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii, which Court shall have jurisdiction over actions arising under this title.

"SEC. 203. Restrictions on use or distribution.

PROPOSAL TO ADOPT RESTRICTIONS

"(a) For any chemical substance produced in commercial quantities, after evaluating all information developed by or otherwise provided to or made available to him, and after referring the matter to a committee in accordance with section 208, the Administrator may publish proposed regulations to:

(1) restrict or prohibit the use or distribution of the chemical substance to the extent necessary to protect health and the environment; and

(2) require that any or all persons engaged in the distribution of the substance so regulated give notification to purchasers of the substance of such restriction in such form or manner as the Administrator deems advisable; and

(3) require such other action as may be necessary to carry out such restrictions including prohibiting or restricting the sale, use, or removal of such substance or product.

OBJECTIONS, NOTICE, HEARING, FINAL ORDER

"(b) (1) On or before the thirtieth day after the day on which the proposed regulations under subsection (a) are made public, any person who will be adversely affected by such regulations if placed in effect may file objections thereto with the Administrator specifying with particularity the provisions of the regulations deemed objectionable, stating the grounds therefor, and requesting a public hearing upon such objections.

(2) After such request for a public hearing, the Administrator, after due notice, shall upon request by a manufacturer or processor, and may, in his discretion, upon request by any other person adversely affected by such order, hold such a public hearing for the purpose of receiving evidence relevant and material to the issues raised by such objections. At the hearing, any interested person may be heard in person or by representative.

(3) As soon as practicable after the date for completion of the filing of objections and comments, and the hearing, if any such hearing has been held, the Administrator shall by order act upon such objections, if any, and make public an order promulgating, modifying, or withdrawing the proposed regulations issued under paragraph (a) (1). Such order shall be based only on the evidence of record and shall set forth, as part of the order, detailed findings of fact on which the order imposing restrictions is based and the relationship of such findings to the restrictions imposed. Such order must be based on the Administrator's finding that such regulations are necessary to protect health and the environment and that the proposed action is necessary to carry out the objectives of this title. In making such a finding the Administrator shall consider all relevant factors including: the effects on human health and the environment of the substance or its byproducts; the benefits to be derived from the use of the substance as compared with the risks; the normal circumstances of use; the degree to which release of the substance or byproducts to the general environment is controlled; and the magnitude of exposure of humans and the environment to the substance or its byproducts. The Administrator shall specify in the order the date on which it shall take effect, except that it shall not be made to take effect prior to the ninetieth day after its publication.

MODIFICATION OR RECESSION

"(c) Manufacturers or processors of a chemical substance affected by final regulations issued pursuant to this section may petition the Administrator for modification or rescission of the regulation. The Administrator may at any time modify or rescind such regulations. Proceedings respecting petitions from manufacturers or processors or respecting modifications or rescissions made by the Administrator shall be held in accordance with the standards and procedures established by this section, except that the Administrator may or may not, in his discretion, provide for a hearing regarding such modifications or rescissions.

JUDICIAL REVIEW

"(d) (1) Any person who will be adversely affected by an order issued under subsection 203 (b) or (c) if placed in effect may at any time prior to the ninetieth day after such order is issued file a petition with the United States court of appeals for the circuit wherein such person resides or has his principal place of business, for a judicial review of such order. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administrator or other officer designated by him for that purpose. The Administrator thereupon shall file in the court the record on which he based his order, as provided in section 2112 of Title 28 of the United States Code.

"(2) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the record before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator and to be adduced upon the hearing, in such manner and upon such terms and conditions as to the court may seem proper. The Administrator may modify his findings as to the facts, or make new findings by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendations, if any, for the modification or setting aside of his original order, with the return of such additional evidence.

"(3) Upon the filing of the petition referred to in subsection (d) (1), the court shall have jurisdiction to affirm the order, or to set it aside in whole or in part, temporarily or permanently. If the order of the Administrator refuses to issue, amend, or repeal a regulation and such order is not in accordance with law the court shall by its judgment order the Administrator to take action, with respect to such regulation, in accordance with law. The findings of the Administrator as to the facts shall be sustained if based upon substantial evidence on the record considered as a whole.

"(4) The judgment of the court affirming or setting aside, in whole or in part, any such order of the Administrator shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 or Title 28 of the United States Code.

"Sec. 204. Imminent hazard.

"(a) An imminent hazard shall be considered to exist when the evidence is sufficient to show that a use or distribution of a chemical substance creates a hazard to human health or the environment (1) that should be corrected immediately to prevent injury to health and (2) that should not be permitted to continue while an administrative hearing or other formal proceeding is being held.

"(b) If the Administrator has reason to believe that an imminent hazard exists he may request the Attorney General to petition an appropriate district court of the United States to restrain the uses or distribution of the chemical substance responsible for the hazard. Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of proceedings pursuant to section 203 of this Act. Such proceedings shall be initiated contemporaneously with the request of the Administrator to take action under this subsection. Such proceedings shall be deemed to be initiated when he has referred the matter to a committee under section 208(c).

"(c) The initiation of any proceedings or actions under section 203 shall not prevent the Administrator from initiating action under this section if he has reason to believe that an imminent hazard exists.

"Sec. 205. Testing.

As soon as practicable after enactment of the title and from time to time thereafter, the Administrator shall, after referral to the Toric Substances Board, for various classes and uses of chemical substances, prescribe by regulation standards for test protocols, and for the results to be achieved therefrom, as are necessary to protect health and the environment. He shall afford opportunity for submission of written comments, and upon request of any affected person, a public hearing with respect to any such proposed regulation, and such regulation shall be based upon substantial evidence of record in such proceeding. He may supplement, modify, or withdraw any such regulation in the same manner. Regulations promulgated pursuant to this section shall be applicable only to chemical substances which are first produced in commercial quantities after the effective date of such regulations. The promulgation of regulations as to a particular chemical substance under this section shall not preclude action with respect to such substance under section 203.

"Sec. 206. Reports.

"(a) The Administrator may by regulation require any or all manufacturers of chemical substances to report to him annually or such more frequent times as the Administrator may reasonably require as to any or all of the following:

(1) The names of any or all substances produced by the manufacturer:

(2) The chemical identity and molecular structure of such substances;

(3) The categories of use of each such substance, insofar as they are known to him:

(4) Reasonable estimates of the amounts of each substance produced for each such category of use; and

(5) A description of the byproducts, if any, resulting from the production of such substance, and, insofar as they are known to him, from the use thereof.

"(b) Whenever the Administrator determines that such action is necessary to accomplish the purposes of this title, he may direct manufacturers of a chemical substance to provide, within a specified period of time not to be less than 30 days, the results of any tests of the health or environmental effects of the substance or its byproducts, which have been performed by or at the instance of the manufacturer or such results as are otherwise known to him, and any or all of the items of information listed in subsection (a).

"(c) Whenever the Administrator determines that such action would be productive and desirable to allow him to carry out his responsibilities and authorities under this title, he may by publishing a notice in the Federal Register invite and afford all interested persons an opportunity to provide in writing information respecting the health or environmental effects of the substance or its byproducts.

"Sec. 207. Relationship to other laws.

"(a) This title shall not apply to—

(1) economic poisons subject to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, and chemical substances used solely in such poisons, provided that if a chemical substance which constitutes such a poison or such an ingredient is or may be used for any purpose which is not regulated by the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, this title shall apply to such other uses.

(2) foods, food additives, drugs, and cosmetics subject to the Federal Food, Drug, and Cosmetic Act, as amended, the Federal Meat Inspection Act, and the Poultry Products Inspection Act, and chemical substances used solely therein, and controlled substances regulated pursuant to the Comprehensive Drug Abuse Prevention and Con-

trol Act of 1970, provided, that if such an item or substance is or may be used for any purpose which is not regulated by such acts this title shall apply to such other uses;

(3) any source material, special nuclear material, or byproduct material as defined in the Atomic Energy Act of 1954, as amended, and regulations issued pursuant thereto by the Atomic Energy Commission.

(4) the authority of the Secretary of the Department of Transportation to establish rules and regulations for the transportation of hazardous materials.

"(b) To the extent that such activities are subject to regulation by other Federal laws, including the Occupational Health and Safety Act of 1970 and Title I of this Act, the Administrator shall not regulate the use or distribution of a new or existing chemical substance on the basis of any possible hazard to employees in their place of employment, or the hazard directly to consumers resulting from household use of marketed products which contain or might contain the substance. If it appears to the Administrator that any such substance may pose a hazard when transported, or when used on or in food or as a drug or cosmetic, or may be a hazard to employees in their place of employment, or may pose a hazard directly to consumers resulting from household use of marketed products which contain or might contain the substance, he shall transmit any data received from manufacturers or processors relevant to such hazards to the Federal department or agency with authority to take legal action if a hazard is found to exist.

"(c) The Administrator shall coordinate actions taken under this Act with actions taken to enforce the Federal Water Pollution Control Act as amended and the Clean Air Act as amended, and shall, where appropriate, use the authorities contained in those Acts to regulate chemical substances.

"(d) The Administrator shall make every effort to maintain close coordination with the Department of Health, Education, and Welfare and other appropriate Federal agencies in administering the provisions of this title.

"(e) This title shall not be construed as superseding or impairing the provisions of any other law or treaty of the United States.

"SEC. 208. Toxic substances board.

"(a) There shall be established in the Environmental Protection Agency a Toxic Substances Board consisting of a reasonable number of scientifically qualified persons. The Administrator shall appoint as the members of the board the persons nominated to him by the National Academy of Sciences. One of the members may be designated at any time by the Director of the National Academy of Sciences to serve as Chairman of the Board.

"(b) The National Academy of Sciences, in consultation with the Board, shall establish, maintain, and publish a continuing list of qualified scientists, including experts in the areas likely to be covered by this title. Such scientists shall be consultants to the Toxic Substances Board.

"(c) Before proposing any regulations under authority of section 203 or 205 the Administrator shall refer his proposed action and the available evidence to a committee drawn from members of the Board and the list of consultants to the Board. The Administrator shall appoint as the members of the committee the consultants nominated to him by the Board. The committee shall report its views, in writing, to the Administrator, within a reasonable time, not to be less than forty-five days, specified by the Administrator. If the committee fails to report within the specified time, the Administrator may proceed to take action under this title. The report of the committee shall be considered as part of the record in any proceeding taken with respect to the Administrator's action.

"(d) The Administrator may, at his discretion, also request the Board to convene a panel to consider other actions proposed to be taken under this Act, including actions proposed to be taken under section 204(b).

"(e) The Administrator is authorized to reimburse the National Academy of Sciences for expenses incurred in carrying out this section.

"SEC. 209. Research.

The Administrator is authorized to conduct such research and monitoring as is necessary to carry out his functions and responsibilities under this title. Such research and monitoring shall not duplicate the efforts of other Federal agencies. To this end, the Administrator is authorized to establish research laboratories, including the acquisition of necessary land, buildings, or facilities, and to make contracts for such research and monitoring.

"SEC. 210. Administrative inspections and warrants.

"(a)(1) For the purpose of inspecting, copying, and verifying the correctness of records, reports, or other documents required to be kept or made under this title and otherwise facilitating the carrying out of his functions under this title, the Administrator is authorized, in accordance with this section, to enter any factory, warehouse, or premises in which chemical substances are manufactured, processed, or held and to conduct administrative inspections thereof, and of the things specified in this section, relevant to those functions.

(2) Such entries and inspections shall be carried out through officers of employees (hereinafter referred to as "inspectors") designated by the Administrator. Any such inspector, upon stating his purpose and presenting to the owner, operator, or agent in charge of such premises (A) appropriate credentials and (B) his administrative inspection warrant or a written notice of his other inspection authority, shall have the right to enter such premises and conduct such inspection at reasonable times.

(3) Except when the owner, operator, or agent in charge of such premises so consents in writing, no inspection authorized by this section shall extend to—

(A) financial data;

(B) sales data other than shipment data;

(C) pricing data;

(D) personnel data, or

(E) research data (other than data relating to the tests described in subsection 206(b)).

"(b) A warrant under this section shall not be required for entries and administrative inspections (including seizures of property)—

(1) with the consent of the owner, operator, or agent in charge of such premises;

(2) in situations presenting imminent danger to health or safety;

(3) in any other exceptional or emergency circumstances where time or opportunity to apply for a warrant is lacking; or

(4) in any other situations where a warrant is not constitutionally required.

"(c) Issuance and execution of administrative inspection warrants shall be as follows:

(1) Any judge of the United States or of a State court of record, or any United States magistrate, may, within his territorial jurisdiction, and upon proper oath or affirmation showing probable cause, issue warrants for the purpose of conducting administrative inspections authorized by this title or regulations thereunder, and seizures of property appropriate to such inspections. For the purposes of this section, the term "probable cause" means a valid public interest in the effective enforcement of this title or regulations thereunder sufficient to justify administrative inspections of the area, premises, building, or contents thereof, in the circumstances specified in the application for the warrant.

(2) A warrant shall issue only upon an affidavit of an officer or employee having knowledge of the facts alleged, sworn to before the judge or magistrate and establishing the grounds for issuing the warrant. If the judge or magistrate is satisfied that grounds for the application exist or that there is probable cause to believe they exist, he shall issue a warrant identifying the area, premises, or building, to be inspected, the purpose of such inspection, and, where appropriate, the type of property to be inspected, if any. The warrant shall identify the items or types of property to be seized, if any. The warrant shall be directed to a person authorized under subsection (a)(2) to execute it. The warrant shall state the grounds for its issuance and the name of the person or persons whose affidavit has been taken in support thereof. It shall command the person to whom it is directed to inspect the area, premises, or building, identified for the purpose specified, and, where appropriate, shall direct the seizure of the property specified. The warrant shall direct that it be served during normal business hours. It shall designate the judge or magistrate to whom it shall be returned.

(3) A warrant issued pursuant to this section must be executed and returned within ten days of its date unless, upon a showing by the United States of a need therefor, the judge or magistrate allows additional time in the warrant. If property is seized pursuant to a warrant, the person executing the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken or shall leave the copy and receipt at the place from which the property was taken. The return of the warrant shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the person making such inventory, and shall be verified by the person executing the warrant. The judge or magistrate, upon request, shall deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

(4) The judge or magistrate who has issued a warrant under this section shall attach to the warrant a copy of the return and all papers filed in connection therewith and shall file them with the clerk of the district court of the United States for the judicial district in which the inspection was made.

"SEC. 211. Exports and imports.

"(a) Notwithstanding any other provision of this title, no substance shall be deemed in violation of this title when intended solely for export to any foreign country except if the Administrator finds that as exported and used the substance, or particular uses of the substance, will produce a significant direct or indirect hazard to human health or the environment in the United States.

"(b) The Secretary of the Treasury shall refuse entry into the United States of any chemical substance or article containing such substance offered for entry if it violates any of the provisions of this title. If a substance or article is refused entry, the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the disposal or storage of any substance or article refused delivery which has not been exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of Treasury may prescribe: *Provided,* That the Secretary of Treasury may deliver to the consignee such substance or article pending examination and decision in the matter on execution of bond for the amount of the full invoice value of such substance or article, together with the duty thereon, and on refusal to return such substance or article for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of said bond: *And provided further,* That all charges for storage, cartage, and labor on substances or articles which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

"(c) The Secretary of the Treasury, in consultation with the Administrator, shall issue regulations for the enforcement of subsection (b) above.

"SEC. 212. Confidentiality.

"(a) The information obtained from any manufacturer or processor shall be confidential to the extent that it comprises matters referred to in section 552(b)(4) of Title 5 of the United States Code.

"(b) The Administrator may at his own initiative or at the request of a manufacturer or processor issue a protective order respecting the confidentiality of information obtained from a manufacturer or processor pursuant to the provisions of this title, as he may deem appropriate to protect the manufacturer or processor from competitive injury.

"(c) Information deemed to be confidential in accordance with the provisions of subsections (a) or (b) may be disclosed to other Federal officers or employees when necessary to accomplish the purposes of this title except that the provisions of section 1905 of Title 18 of the United States Code shall continue to apply, and such information may be disclosed *in camera* when relevant in any administrative or judicial proceeding under this title. In any such proceeding, the administrative body, the Administrator, or the court shall issue such orders as may be appropriate to protect the confidentiality of the materials designated as such by the foregoing provisions.

"SEC. 213. Prohibited acts.

The following acts and the causing thereof are prohibited—

"(a) The failure to comply with any final regulation or order issued by the Administrator pursuant to this title;

"(b) The failure or refusal to provide information or results of tests as required by section 206 of this title;

"(c) The sale, distribution, or importation into the United States of a chemical substance subject to regulations promulgated under section 205 for which the standards applicable thereto required by such regulations have not been met.

"(d) The knowing or willful failure of any person who purchases or receives a substance and who is required to be given notice of restrictions on use or distribution of such substance pursuant to paragraph 203(a)(2), to comply with such restrictions on use or distribution;

"(e) The failure to perform any other action required under this title.

"SEC. 214. Penalties and remedies.

"(a) Any person willfully violating subsections 213(a), (b), (c) or (d) shall on conviction be fined not more than $25,000 or imprisoned for not more than one year or both.

"(b)(1) Any person violating subsections 213(a), (b), (c) or (d) shall be liable to a civil penalty to the United States of a sum which is not more than $25,000 for each day of violation, to be assessed by the Administrator after notice and opportunity for hearing and after he has considered the nature, circumstances, and extent of such violation, the practicability of compliance with the provisions violated and any good faith efforts to comply with such provisions.

(2) Upon failure of the offending party to pay the penalty, the Administrator may request the Attorney General to commence an action in the appropriate district court of the United States for such relief as may be appropriate.

"(c) The Attorney General or his delegate may bring an action in the appropriate district court of the United States for equitable relief to redress a violation by any person of any provision of section 213 of this title, and the district courts of the United States shall have jurisdiction to grant such relief as the equities of the case may require.

"SEC. 215. Environmental prediction and assessment.

The Environmental Protection Agency shall, in cooperation with other Federal agencies, develop the necessary personnel and information resources to predict the introduction of new chemical substances into the environment and assesss the environmental consequences of such introduction.

"SEC. 216. Use of Government facilities.

The Administrator may use, by agreement, the personnel, services, and facilities of other Federal departments, agencies, or instrumentalities, whether on a reimbursable or non-reimbursable basis.

"SEC. 217. Health and environmental data.

The Council on Environmental Quality in consultation with the Administrator, the Secretary of Health, Education, and Welfare, the Secretary of Commerce, and the heads of other appropriate departments or agencies, shall coordinate a study of feasibility of establishing (1) a standard classification system for chemical compounds and related substances, and (2) a standard means for storing and for obtaining rapid access to information respecting such materials.

"SEC. 218. State regulation.

Nothing in this title shall affect the authority of any State or local government to restrict the distribution or use of a chemical substance or impose requirements of tests and test results for a chemical substance except that (1) if the Administrator has published proposed regulations under section 203 with respect to limiting particular uses of a particular substance a State or local government may not thereafter impose restrictions on such uses of such substance other than a total ban on such use or uses; (2) if the Administrator has published proposed regulations under section 205 with respect to tests for particular substances or uses, a State or local government may not impose test protocols or results to be achieved therefrom with respect to such substances and uses for the purposes similar to this title; and (3) if the Administrator has published proposed regulations under section 203 with respect to limiting particular uses of a particular substance or if the Administrator has published proposed regulations under section 205 with respect to tests for particular substances or uses, a State is not preempted from enforcing any restrictions or test protocols and results to be achieved therefrom existing at the time any such proposed regulation was published; provided that if the Administrator issues an order under section 203(b)(3) restricting the use of such substance or withdrawing a proposed regulation restricting a use of such substance, or if the Administrator issues an order under section 205 prescribing tests or withdrawing a proposed regulation for such tests, the State may not enforce any such restrictions, test protocols, or results to be achieved therefrom after the effective date of such order, other than a total ban on such use or uses.

"SEC. 219. Regulations.

The Administrator is authorized to issue such regulations as he may deem appropriate to carry out the purposes of this title and to amend them at any time.

"SEC. 220. Authorization for appropriations.

There is hereby authorized to be appropriated to the Environmental Protection Agency such sums as may be necessary for the purposes and administration of this Act.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., Feb. 10, 1971.
Honorable SPIRO T. AGNEW,
President of the Senate
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith for the consideration of the Congress a draft bill "The Toxic Substances Control Act of 1971." The bill is drafted as a separate title to the Hazardous Substances Act.

The legislative proposal would authorize the Administrator of the Environmental Protection Agency to restrict or prohibit the use or distribution of a chemical substance if necessary to protect health and the environment. The Administrator is also authorized to prescribe standards for tests and results of such tests which must be met before a manufacturer can market a new product. The Administrator is required to consult with an independent board of scientists before proposing action to restrict a substance or before proposing standards for tests.

The provisions of the proposal would provide needed protection to the American public and would greatly aid our efforts to improve environmental quality.

The legislation has been developed in cooperation with the Council on Environmental Quality and other interested agencies.

A similar letter is being sent to the Speaker of the House of Representatives.

The Office of Management and Budget advises that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely yours,
WILLIAM D. RUCKELSHAUS,
Administrator.

By Mr. HRUSKA (for himself and Mr. BURDICK):

S. 1479. A bill to amend section 375 of title 28, United States Code, relating to annuities of widows of Supreme Court Justices; and

S. 1480. A bill to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, for myself and the junior Senator from North Dakota (Mr. BURDICK) who graces the Chair of the Presiding Officer at the present time, I introduce for appropriate reference, two bills to amend title 28, United States Code, regarding annuities for widows of Justices of the Supreme Court of the United States. I ask unanimous consent that at the conclusion of my remarks the text of these bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. HRUSKA. Mr. President, by a quirk in existing law, widows of Supreme Court Justices are required to live on a $5,000 annuity dating back to 1937 and not increased thereafter. During this same time pensions have been provided and upgraded for widows of all Federal judges except members of the highest court in the Nation. It is to correct this situation that these bills are being introduced today.

On January 14, 1937, a private bill was passed creating a pension of $5,000 per annum for the widow of a President of the United States—S. 591, 75th Congress, first session, Private Law No. 1.

In 1954, pensions were created for the widows of Supreme Court Justices payable at the rate of presidential widows; namely, $5,000 per annum—28 U.S.C. 375.

In 1958, by general law, the pensions of presidential widows were increased from $5,000 to $10,000, but the widows of Supreme Court Justices were not included in the increase. As a result, these widows must live on an amount which was determined in 1937.

The first of the two bills being introduced today would make Supreme Court Justices eligible to participate in the contributory survivors' annuity system that has long been available to all other Federal judges.

The survivorship annuity plan presently in existence for Federal judges provides benefits for surviving widows and dependents equivalent to those then provided the survivors of Members of the Congress. The annual contribution required from a judge who elects to bring himself within the purviews of the plan is a sum equal to 3 percent of his salary. This contribution is to fund survivors' benefits only. Retirement is dealt with separately.

It is proposed by this bill that Justices of the Supreme Court shall hereafter become eligible to participate in the survivorship annuity plan under the same terms and conditions as presently prevail for all other judges of the Federal courts. The bill provides that the option to join in the plan shall be available to presently living Justices of the Supreme Court including those who have retired or resigned, for a period of 6 months after the date of enactment. The bill further provides that a Justice who exercises this option shall thereby irrevocably waive the benefits of the present law providing a $5,000 annual pension to widows of Justices.

This bill reflects the view that it is right and proper that Justices of the Supreme Court should have an opportunity to join in a survivorship annuity program for their survivors and to contribute to the cost thereof in the same manner as other judges of the Federal courts and Members of the Congress.

The second bill being introduced today would increase the annuities of widows of Supreme Court Justices from $5,000 to $10,000 per annum, payable monthly.

It should be emphasized that the annuity provided by this measure would be an alternative to, not in addition to, the benefits provided by the contributory survivorship annuity first discussed. If that proposal is enacted into law, it is expected that present and future Supreme Court Justices will elect to participate in the contributory system, thus irrevocably eliminating their widows from the coverage of 28 U.S.C. 375. It is, therefore, anticipated that the benefits of the present bill would, as a practical matter, be limited to the widows of deceased Justices, who are now receiving the $5,000 annuity. As of today, there were five such widows, all over 75 years of age—Mrs. Felix Frankfurter, Mrs. Robert H. Jackson, Mrs. Sherman Minton, Mrs. Wiley Rutledge, and Mrs. Fred M. Vinson.

This bill is designed, in short, simply to raise to at least a subsistence level the pensions paid to the five living women whose husbands served their country as Justices of the U.S. Supreme Court.

A similar bill was introduced by the late Senator Dirksen in 1963—S. 1686, 88th Congress, first session. The statement he made in introducing that bill 8 years ago appears in the CONGRESSIONAL RECORD, volume 109, part 8, page 10444. His words are even more cogent today:

> Mr. DIRKSEN. Mr. President, at times, in the rush of events, those who, because of their age or their situation cannot speak out, are passed by. A case of this type has recently been called to my attention. Nine years ago when we were considering the question of annuities for widows of Supreme Court Justices, we passed a law providing that their annuity should be the same amount as the annuity authorized for the widow of a President of the United States. We did this by incorporating in that law a reference to a statute which had been enacted in 1937 dealing with the annuity of a President's widow.
>
> A few years ago, in 1958, it became apparent to us that an amount of money which might have been adequate for a widow in 1937 was no longer sufficient for her support in 1958, and we therefore provided for an increase in the annuity of a widow of a former President. However, because of a quirk in the law providing for annuities of widows of Supreme Court Justices, which referred by name to the act passed in 1937, these widows were not caught up in the new law which provided for the increase in the annuities to the widows of Presidents. As a result, those fine ladies have been forced to make do on an amount which was determined in 1937 and there is not a one of us who does not know how inadequate such an amount is today.
>
> I have been informed that there is some urgency about this matter because of the circumstances in which several of the widows of Supreme Court Justices now find themselves in their efforts to live in 1963 upon a stipend which was determined in 1937. Therefore, I have introduced a bill to bring these annuities into line with those we provided in 1958, and I hope that this bill will be accorded a most expeditious treatment.

Mr. President, it is time that the survivors of Justices of our highest court be properly provided for and that present injustices be eliminated. It is for this reason that it is hoped that the Judiciary Committee will give these bills prompt and favorable consideration.

EXHIBIT 1

S. 1479

A bill to amend section 375 of title 28, United States Code, relating to annuities of widows of Supreme Court Justices

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 375 of title 28 of the United States Code, as amended, is amended by striking out "in the amount payable to the beneficiary under the Act of January 14, 1937 (50 Stat. 923, chapter 3)," and inserting in lieu thereof: "of ten thousand dollars."

The amendment made by this Act shall take effect with respect to annuity payments made beginning with the first month beginning after the date of enactment of this Act.

EXHIBIT 2

S. 1480

A bill to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, section 375 of title 28, United States Code, as amended, is amended by adding at the end thereof the following new subsection:

"(c) If a justice of the United States gives notice in writing to the Director of the Administrative Office of the United States Courts of his desire to become subject to section 376, the widow of such justice shall be ineligible to receive an annuity under this section."

SEC. 2. Section 376 of title 28, United States Code, as amended, is amended by inserting "justice or" prior to the word "judge" wherever that word appears therein, except in section 376(q).

SEC. 3. A justice of the United States, in regular active service on the date of enactment of this Act, or who resigned or retired prior to the date of enactment of this Act and who on that date is receiving salary under section 371, of title 28, United States Code, as amended, shall be entitled within six months after enactment of this Act to make the election authorized by and to receive the benefits of section 376.

SEC. 4. Section 604(a)(7) of title 28, United States Code, as amended, is amended to read as follows:

"(7) Regulate and pay annuities to widows and surviving dependent children of justices and judges, Directors of the Federal Judicial Center, and Directors of the Administrative Office, and necessary travel and subsistence expenses incurred by judges, court officers and employees, and officers and employees of the Administrative Office, and the Federal Judicial Center, while absent from their official stations on official business."

SEC. 5. (a) Item 376 on the analysis of chapter 17 of title 28, United States Code, is amended to read as follows:

"376. Annuities to widows and surviving dependent children of justices and judges."

(b) The catchline to section 376 of title 28, United States Code, is amended to read as follows:

"§ 376. Annuities to widows and surviving dependent children of justices and judges."

By Mr. MANSFIELD (for himself and Mr. AIKEN):

S.J. Res. 77. A joint resolution proposing an amendment to the Constitution of the United States relating to the term of office of President and Vice President of the United States. Referred to the Committee on the Judiciary.

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Vermont (Mr. AIKEN) and myself, I introduce a joint resolution providing for an amendment to the Constitution of the United States under which the term of the office of the President and Vice President would be limited to one term of 6 years only.

I ask unanimous consent that the joint resolution be appropriately referred and that a copy of the joint resolution be printed in the RECORD.

There being no objection, the joint

resolution was ordered to be printed in the Record, as follows:

S.J. Res. 77

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

ARTICLE —

"Section 1. The term of office of the President and the Vice President of the United States shall be six years. No person shall be eligible for election for more than one term as President or Vice President. A person who has been elected as Vice President for any term shall be eligible for election as President for a later term. A person who has been elected as Vice President for any term, and who during that term has succeeded to the Office of President, shall be eligible for election as President for a later term.

"Sec. 2. This article shall take effect on the first day of February following its ratification, except that this article shall not affect the duration of the term of Office of President and Vice President in which such day occurs.

"Sec. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

Mr. AIKEN. Mr. President, I am pleased to join with Senator Mansfield in proposing an amendment to the Constitution limiting the President and Vice President to one 6-year term.

The one-term limitation has worked well in other countries and, in my opinion, it would prove successful in our country.

I hope this Congress will seriously consider this proposed amendment because it is an indisputable fact that no President can give his best to the Nation or maintain our prestige in the world as long as he is constantly being fired upon by those whose principal purpose is to keep him from being reelected.

This amendment would allow a President to devote himself entirely to the problems of the Nation and it would free him from the millstone of partisan politics.

A single term would allow a President to wear at all times his "Presidential hat" and forget for a while that he also owns a "politician's hat."

It is safe to say that, no matter who holds the Office of President, each wants to be the best President we ever had.

In the past, some have been more successful than others.

With the possible execption of President Eisenhower, each President I have served under—two Republicans and four Democrats—was assailed and harassed not only by members of the opposite party, but also by dissatisfied members of his own party.

At times, I have felt the opposition was warranted and contributed to the welfare of all the people.

In other instances, harassment and embarrassment of the President was purely politically motivated and proved costly to the American people.

The fact remains that under our system of government we have only one President at a time and the manner in which he conducts his office determines to a great degree whether the people of the United States are secure or insecure, prosperous or poor, happy or sad.

There is need for loyal opposition, but it should never become so zealous that it weakens the Office of the President and, therefore, weakens the Nation.

No President can expect to have a successful foreign policy if he does not have bipartisan support on the homefront.

No American President can boldly propose far-reaching domestic changes if he is constantly looking back over his shoulder at the opposition, expecting an attack from the rear.

Because our system of government places such great importance and invests so much prestige in the American Presidency, the Congress should consider steps to make the President's job easier without weakening the constitutional responsibility of the Congress.

This Congress should seriously consider the amendment proposed by Senator Mansfield and myself.

By Mr. BUCKLEY:

S.J. Res. 78. A joint resolution to terminate all foreign economic assistance furnished by the United States to any foreign country which does not take appropriate steps to eliminate the production, processing, and export of narcotic drugs, and for other purposes; referred to the Committee on Foreign Relations.

FOREIGN ASSISTANCE TERMINATION

Mr. BUCKLEY. Mr. President, I introduce legislation which is designed to terminate all foreign economic assistance furnished by the United States to any foreign country which does not take appropriate steps to eliminate the production, processing, and traffic in narcotic drugs which are illegally imported into the United States.

Mr. President, the availability of narcotic drugs in the United States continues undiminished, thus debasing, destroying and, in many tragic instances, killing the youth of our Nation. Within the last 8 years, New York City has lost more lives to drug abuse than the entire State of New York has lost in the Vietnam war. In New York City, 100,000 narcotic addicts spend an average of $35 a day on narcotic drugs, or approximately $1.3 billion a year. It is estimated that 98 percent of narcotic addicts support their habit by turning to crime.

I believe that my legislation strikes at the heart of a critical problem that has entered hundreds of thousands of American homes, and that it will greatly strengthen the efforts of the administration to control the illegal traffic in narcotic drugs.

Mr. President, I ask unanimous consent to have the text of my proposed legislation printed at this point in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 78

Joint Resolution To terminate all foreign economic assistance furnished by the United States to any foreign country which does not take appropriate steps to eliminate the production, processing and export of narcotic drugs, and for other purposes

Whereas large portions of narcotic drugs used illegally in the United States are smuggled into the United States from foreign countries;

Whereas the availability of narcotic drugs in the United States continues undiminished, thus debasing, destroying and, in many instances, killing the youth of our Nation;

Whereas New York City has in the past eight years lost more lives to drug abuse than the entire State of New York has lost to the war in Vietnam;

Whereas in New York City 100,000 narcotic addicts spend an average of $35 a day on narcotic drugs, or approximately $1.3 billion a year;

Whereas there are approximately 200,000 heroin addicts in the United States; and

Whereas ninety-eight percent of narcotic addicts support their drug habit by turning to crime: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That:

1. The President is directed to institute a continuing study of the adequacy of measures being taken by foreign governments to control and eliminate the production, processing, or traffic in narcotic drugs which are illegally imported into the United States.

2. The President shall report to Congress, semi-annually, commencing on August 1, 1971, on the adequacy of such measures, and shall specify which countries have failed to initiate and enforce appropriate measures to control such production, processing, and traffic. Any foreign country which refuses to cooperate with the President in the conducting of such a study, including the refusal to permit United States personnel to conduct inspections within the border of that country and its possessions, shall be conclusively deemed to have failed to take such measures.

3. Subject to the provisions of section 4, below, all further economic assistance furnished by the United States shall be terminated with respect to any foreign country which has failed to enact and enforce such appropriate measures; such termination to take effect no later than ninety days following the President's determination that such country has failed to enact and enforce such measures.

4. If the President determines that such foreign country has thereafter undertaken such measures, or finds that overriding national interests require economic aid to the country, he may ask the Congress to waive the provision of the preceding section, and if Congress concurs, the provision of such section shall not apply to the country, unless the provision of such section would apply further as a result of subsequent reports.

5. The President is authorized to utilize such agencies and facilities of the Federal Government as he may deem appropriate to assist foreign countries in their efforts to eliminate the production, processing and export of such narcotic drugs.

6. The President is authorized to furnish assistance to any foreign country, on such terms and conditions as he determines necessary and subject to the approval of Congress,

(a) to aid growers of crops producing opium in developing alternate crops;

(b) to provide new employment opportunities in recipient country for those persons in that country who become unemployed as the result of the policy of that country in eliminating or controlling the production of crops producing opium; and

(c) to strengthen the capability of the recipient country to enforce its laws with respect to the production, processing and export of narcotic drugs.

7. The President is urged to enter into treaty negotiations with foreign countries for the purpose of developing a systematic and uniform international system of enforcement standards and penalties for the control and elimination of the illegal production, processing and trafficking in narcotic drugs.

8. The President is authorized to seek, through the United Nations or any other international organization, the imposition of economic sanctions against any country which fails to take appropriate measures to eliminate the production, processing and export of narcotic drugs.

9. For the purpose of this Joint Resolution—

(a) "narcotic drugs" has the same meaning as given that term under Section 4731 of the Internal Revenue Code of 1954; and

(b) "foreign economic assistance" is defined as any tangible or intangible item provided by the United States government (by means of gift, loan, sale, credit, guaranty, or any other means) for other than military purposes, under this or any other law to a foreign country, including, but not limited to, any training, service, or technical advice, any item of real, personal, or mixed property, any agricultural commodity, United States dollars, and any currencies owned by the United States government of any foreign country.

By Mr. HARTKE:

S.J. Res. 79. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women. Referred to the Committee on the Judiciary.

Mr. HARTKE. Mr. President, although it has been 50 years since women in this country achieved political equality with men, the time has not yet come for a complete realization of equality between the sexes.

For most of that half century, a constitutional amendment which would guarantee such full equality has been before the Congress. Introduced first in 1923 and revised in 1943, I am today proud and privileged to introduce the Equal Rights Amendment which first received the support of the Senate Judiciary Committee 28 years ago and which last year received the overwhelming support of the House.

The substance of the Equal Rights Amendment is contained in the following sentence—

Equality of Rights under the law shall not be denied or abridged by the United States on account of sex.

Some maintain that such a constitutional amendment is unnecessary and would represent a "constitutional frill." While the 14th amendment has proved an effective tool for combating discrimination against members of certain groups, notably racial minorities, the Supreme Court has not extended this tool to combat sex discrimination.

That there is a need for the equal rights amendment cannot be disputed.

The most indifferent survey of State and Federal laws reveals a dark, insidious pattern of discrimination.

For example: Laws and practices operating to exclude women from State colleges and universities; dual pay schedules for men and women performing the same jobs; State laws placing restrictions on the legal capacity of married women or on their right to establish a legal domicile; State laws which require married women, but not married men, to go through a formal procedure of obtaining court approval before they may engage in independent business; social security and other social benefits legislation which give greater benefits to one sex than to the other, and areas of family law, military law, and labor law in which women are treated as different from men. Each of these instances of discriminating laws and practices can be abolished one by one, but there is no adequate substitute for a constitutional guarantee against prejudice.

Unfair laws do not create discrimination but merely reflect it. Society and, in this case, men, act out their prejudices by enacting discriminatory laws. The discrimination exists before the law and is reflected in the place which women occupy in our society. In industry and in Government, in the home and in the office, women are paid less, hired last, promoted least, and given the least intellectually demanding work. Statistics as well as statutes reveal the same sad discriminatory pattern, and this is so even though women are now a vital part of the economy. Today 31 million American workingwomen represent 38 percent of the U.S. work force. Despite the growing number of workingwomen and the enactment of various legislation such as the Equal Pay Act and the Civil Rights Act relating specifically to sex discrimination in employment, economic discrimination against women is worsening, not improving.

In 1955 the median salary of full-time year-round workers was $2,719 for women and $4,252 for men. Women were thus receiving only 63.9 percent of what their male counterparts received. In 1968, while the median salary for women workers had increased to $4,457, that of men had reached $7,664. In other words, women in 1968 received only 58.2 percent of what their male counterparts earned.

Even in fields traditionally associated with women, such as teaching, the economic bias persists. The National Education Association found that in 1965–66 the median wage of women who were members of college teaching staffs was less than half that of men on all professional levels.

Women suffer from discrimination not only in the money they receive, but also in the jobs they are offered. There is not only a money gap, but also a professional gap. Few women have been allowed to enter the professions. Only 1 percent of Federal judges are women, only 1 percent of engineers are women. Despite greater education for women and more freedom from household tasks, women's job opportunities have declined. In 1940, women constituted 40 percent of the professional and technical work force, but by 1968 they constituted only 30 percent. Once again, we see that the problem is getting worse, not better.

The equal rights amendment which I propose today has often been reported favorably by the Senate Judiciary Committee, most recently in 1964. It has twice passed the Senate, in 1950 and 1953, and last year had the support of 87 Senators. Because of the discussion during the last session, some have suggested that changes be made in the amendment which will assure its passage. I oppose such changes as being unnecessary.

In 1943, the Senate Judiciary Committee voted to change the enforcement clause of the original proposal to provide—

> Congress and the several states shall have the power, within their respective jurisdictions, to enforce this article by appropriate legislation.

The reference to State enforcement was the major change embodied in this revision. In its report, the committee commented on its reasons for opposing the original clause which restricted enforcement to the Federal level—

> (1) It envisioned geographic uniformity throughout the United States.
>
> (2) It tended to impair the right of each of the several states to determine for itself its public policy.
>
> (3) It surrendered to the Federal Government the power to enforce the article within the several states by appropriate legislation notwithstanding its effect upon such local statutes as those governing—
>
> (a) The title transfer, and descent of real estate; (b) community property; (c) domicile; (d) public morals, health and welfare; (e) domestic relations; and (f) police power.

Some have contended that the enforcement clause might be interpreted to require some other constitutional basis for implementation. Commenting on this contention, Prof. Norman Dorsen of New York University School of Law, and an eminent expert in the field of constitutional law, made the following statement last year—

> I do not believe that the Amendment would be so interpreted. The key question is the intent of the Congress that proposes the Amendment. Here there seems little room for dispute. Surely the proponents in the House and Senate do not intend to limit the power of Congress to enforce its guarantees; if they had they could easily have omitted from the Amendment any reference to additional enforcement power in Congress. Indeed, the sponsors of the Amendment have indicated that they wish Congress to act boldly to eliminate discrimination on account of sex. Accordingly, in my opinion it is highly unlikely that the courts will interpret the language quoted above to lessen the enforcement power of the Congress.

A requirement that the amendment be ratified within 7 years and that, if ratified, it not take effect until 2 years from the date of ratification are similarly ill-founded. Only four of the 25 amendments adopted so far have contained a requirement that they be ratified within 7 years, and none of the adopted amendments has included a stipulation that it not take effect until 2 years following ratification.

For 102 years, the 14 amendments has been available, but in those 102 years the Supreme Court has yet to apply it against sex discrimination. In light of these facts, it is time to find a new method to bring about equality between the sexes. The equal rights amendment I am introducing today affords such a method.

Mr. President, I support this amendment and oppose any substitute to it. There can be no substitute for justice. What women want is equality, nothing more, nothing less. The concept of justice is simple, but its achievement is never easy. It takes hard work, long years, persistent attention, and courage in the face of adversity, but justice is never defeated. I urge the Senate to respond unanimously to this longstanding call to justice.

By Mr. RANDOLPH (for himself, Mr. Boggs, Mr. Burdick, Mr. Cranston, Mr. Eagleton, Mr. Fong, Mr. Gurney, Mr. Harris, Mr. Hart, Mr. Hatfield, Mr. Humphrey, Mr. Inouye, Mr. Jordan of North Carolina, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Nelson, Mr. Roth, Mr. Schweiker, Mr. Stevens, Mr. Stevenson, Mr. Tower, and Mr. Tunney):

S.J. Res. 80. A joint resolution expressing the support of the Congress that the United States should convene in 1971 an International Conference on Ocean Dumping. Referred to the Committee on Foreign Relations.

INTERNATIONAL CONFERENCE ON OCEAN DUMPING

Mr. RANDOLPH. Mr. President, in the past the oceans have been regarded as "infinite-sinks" for the disposal of society's wastes. Recent evidence of the degradation of the quality of marine and ocean environments demonstrate the facilities of this past assumption. Intentional and unintentional discharges often produce adverse effects on the marine environment of the entire world.

Emphasis was placed on ocean dumping as an environmental problem in the October 1970, report to the President, prepared by the Council on Environmental Quality.

On February 8, in his program for a better environment, President Nixon proposed legislation governing the dumping or disposal of materials into the oceans, estuaries, or the Great Lakes.

This problem, however, is global in scope. Reliance on routine diplomatic channels for international resolution of this issue is inadequate to meet the challenge. A United Nations' Conference on the Human Environment is planned for June 1972 in Sweden. At that time the United States must be prepared to offer for consideration an international policy governing ocean disposal of materials.

Therefore, I take this opportunity to reintroduce the resolution I introduced on December 8, 1970, expressing the support of the Congress that the United States convene in 1971 an International Conference on Ocean Dumping. Such a gathering could be a valuable preliminary meeting to the United Nations' conference in 1972.

I do not believe we can delay unnecessarily in mobilizing the world's talent and resources in support of this effort to protect the environmental qualities of our world's seas.

By Mr. WILLIAMS:

S.J. Res. 81. A joint resolution to authorize the President to proclaim the last Friday of April 1971 as "National Arbor Day." Referred to the Committee on the Judiciary.

NATIONAL ARBOR DAY

Mr. WILLIAMS. Mr. President, today I introduce, for appropriate reference, a resolution that would authorize the President to proclaim the last Friday in April, 1971, as "National Arbor Day."

When Arbor Day was first originated in 1872 in the State of Nebraska, the purpose was to relieve the problem of a shortage of trees by encouraging each citizen of the State to plant a tree. The project was so successful that other States soon set aside special days for this particular event.

Today, the observing of Arbor Day significantly represents the preserving of our precious gift of nature.

I ask that action be quickly taken on this resolution so that all Americans may observe "National Arbor Day."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 571

At the request of Mr. Pearson, the Senator from New Mexico (Mr. Montoya) and the Senator from Oklahoma (Mr. Harris) were added as cosponsors of S. 571, a bill to amend the Federal Meat Inspection Act relating to the importation of meat and meat products into the United States.

S. 743

At the request of Mr. McGovern, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 743, a bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday.

S. 967

At the request of Mr. Pearson, the Senator from Minnesota (Mr. Mondale) was added as a cosponsor of S. 967, a bill to promote economic opportunity in communities and industries which suffer a reduction in defense-related production and employment caused by shifting patterns of Federal procurement and for other purposes.

S. 983

At the request of Mr. Mansfield, on behalf of Mr. Magnuson, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of S. 983, a bill to protect consumers against unreasonable risk of injury from hazardous products and for other purposes.

S. 1018

Mr. FULBRIGHT. Mr. President, I am pleased to join as a cosponsor of S. 1018, introduced by Senator Church, to amend the Rail Passenger Service Act of 1970 in order to expand the basic rail passenger transportation system.

It is most regrettable that the nationwide rail system announced by the National Railroad Passenger Corporation—Railpax—completely omits the State of Arkansas, as well as certain other States and major cities.

This legislation (S. 1018) would require that the basic system be extended "to provide adequate intercity rail passenger service to a major population area of each of the contiguous 48 States."

I believe this bill would be consistent with the original purpose of the legislation establishing the National Railroad Passenger Corporation which was to bring about improved railroad passenger service for the American people. However, instead of improved and more attractive and practical rail service, Arkansas is to be left with none at all.

One of the obvious needs in this country is to provide the less-populated areas of the country with the amenities and services which would enable us to ease the pressure on our heavily burdened urban areas.

Arkansas is not one of the most populous States; nonetheless, it is growing and the State has a population of about 2 million, ranking 32d among the 50 States in the 1970 census. There is no reason why this large number of people should be penalized and left without a service that could and should be increasingly important in the future. It is true that some of the State's population will have access to service at Memphis, but there will be no trains to or from any Arkansas city as the Railpax system now stands.

Railpax selected a longer, circuitous route between Chicago and Houston rather than a more direct one that would have gone through St. Louis, Little Rock, and Texarkana.

As the Arkansas Industrial Development Commission stated in a resolution on this subject:

> Arkansas industrial growth and the public need requires adequate, dependable passenger services in first-class passenger equipment from and to Arkansas . . .

We have allowed passenger train service in this country to deteriorate and now have an unbalanced transportation network, with an overemphasis on automobile and plane travel. It is important that we begin to restore this balance, and to make rail service available to people in all the States. I would emphasize that the service must be efficient and reliable, such as that in Western Europe and Japan, where the railroads have continually improved and are an integral part of the transportation systems.

As the final report on the Basic National Rail Passenger System states:

> If rail passenger service is to be a viable element in a national transportation system, it must reverse the severe decline in patronage experienced in recent years. Only major improvements in the quality of service can generate increased demand.

The point is that because of the low-quality, unattractive service which has existed in recent years, many people have turned away from the idea of traveling by train, and will, in effect, have to be reeducated as to the advantages of railroad travel.

Mr. President, the Arkansas Gazette in Little Rock has published an excellent editorial on this subject, particularly in regard to the omission of Arkansas from the Railpax system. I would like to quote from the Gazette editorial of March 24, entitled "Railpax's Raw Deal":

> Routes have been announced for the heralded new system of railroad passenger trains and, lo, Arkansas has the distinction of being the only state in the South regarded as so inconsequential as to be left out entirely.
>
> What's more, in the last bit of irony, Arkansas will apparently lose the last passenger train it has, such as it is, once Missouri Pacific decided to join the new National Railroad Passenger System and thus gain the privilege of terminating its last, wretched little Arkansas run between Texarkana and St. Louis.
>
> Now we are perfectly aware that Railpax spokesmen may be able to overwhelm us in Arkansas with good arguments proving that Arkansas really isn't important in the national transportation scheme, but they might as well save their breath. The fact is that Arkansas is getting absolutely nothing out of the vaunted new arrangement which was supposed to breathe new life into railway passenger service. What we have feared all along is that Railpax has been started too cautiously, with too little resources, to be worth much . . .

The Railpax routes were announced at the same time the Senate was considering further Federal funding for the supersonic transport aircraft. As I pointed out at the time, it is ironic that we could even consider pouring out millions of dollars of public funds for development of this luxurious plane when we cannot even provide railroad passenger service for people in Arkansas and many other sections of the country.

Mr. President, Mr. Lewis Mumford is one of our foremost authorities on architecture, urbanization, and transportation. He was perhaps the first to observe—some 20 years ago—what many other wise men have said since:

> If we allow the railroad to disappear, we shall have to reinvent it again.

In an article in the New York Times of March 15, 1971, Mr. Mumford pointed out:

> A balanced transportation system . . . calls for a balance of resources and facilities and opportunities in every other part of the economy. Neither speed nor mass demand offers a criterion of social efficiency. Hence such limited technocratic proposals as that for high-speed trains between already overcrowded and underextended urban centers would only add to the present lack of functional balance and purposeful organization viewed in terms of human need. Variety of choices, facilities and destinations, not speed alone, is the mark of an organic transportation system. And, incidentally, this is an important factor of safety when any part of the system breaks down. Even confirmed air travelers appreciate the railroad in foul weather.

Mr. President, I ask unanimous consent that an earlier article by Mr. Mumford entitled "Bring Back the Railroads," which appeared in the New York Times of October 9, 1970, be printed in the Record. I think that if we are truly to achieve a viable and worthwhile national rail system, we would do well to keep some of Mr. Mumford's suggestions in mind.

Also, Mr. President, I ask that the resolution passed by the Arkansas Industrial Development Commission on February 17, 1971, and a subsequent telegram to me from the AIDC on March 23, be printed in the Record, as well as a telegram from Gov. Dale Bumpers of Arkansas.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Oct. 9, 1970]

BRING BACK THE RAILROADS

(By Lewis Mumford)

Amenia, N.Y.—The problems of transportation are still being discussed in such narrow terms that no adequate solution is possible. As long as we attempt piecemeal measures, aimed merely at retaining an already insufficient train schedule, or providing new equipment for a deliberately neglected suburban service, the rate of deterioration will increase. What is needed is nothing less than a new national policy aimed at overcoming the transportation crisis, which is approaching the disaster point.

Though the immediate occasion for this alarm is a local movement to improve the passenger service of the Penn Central in Dutchess and Columbia Counties, this community effort has significance on a national scale: we are in fact the spearhead of a much wider movement. Our case is important for the same reason that the rising protests against the urban devastation wrought by the National Highway program are important. As citizens, we are calling attention to a disastrous breakdown that our political and industrial leaders seem, even at this late date, to be unaware of. Instead of working to prevent a total breakdown, they are obstinately aggravating it.

As late as 1940, this country had the advantage of as many-sided, flexible balanced transportation system. This system, built originally on canal, river, and ocean transportation, was widened on a continental scale first by railroads, then by airlines between the same major cities. In addition, from 1890 on, it was locally served by a fine network of capillaries, which complemented the main arteries: electric trolleys, motor buses, steamers, ferryboats, motor trucks, and increasingly private motor cars.

What has happened since 1940 can be put briefly. Though the railroads made important technical advances in the 1930's with electrification, diesel locomotives, streamlined trains and longer and faster freight trains, most of the improvements were confined to trans-regional or continental routes, while the necessary local services got a minimum of new equipment.

Now the attempt to make planes and motor cars the exclusive mode of the transportation industry has placed a burden on these facilities that they cannot bear. With no alternative routes and no alternative means of transport available, breakdowns through accidents, bad weather, congestion at terminals and other bottlenecks are not merely chronic but have become increasingly serious.

Meanwhile the cheap, efficient Railway Express Service has been dismantled, though it gave door-to-door service for every kind of shipment, from a handbag to a furniture set.

It is time to recognize that exclusive use of the jet plane for long distance travel, even apart from its environmental depredations, has proved it both a costly and extremely inefficient agent of mass transportation: the theoretic speed between airports does not indicate the actual speed through their remote location, plus delays, pile-ups, and unfavorable weather; and the costs of achieving that speed in the way of human wear and tear, of noise and smog, must now be seriously questioned.

As for the motor car, the private traffic poured into the central business areas daily by the subsidized expressways has proved as inefficient as it is extravagant, since a single railroad line can carry ten times more passengers per hour in ordinary service, than an expressway.

But this is not all. The freedom of movement which even the poorest inhabitant enjoyed in the period before 1940, that is before electric urban trolley lines were abandoned and short distance railroad passenger service was curtailed as unprofitable, no longer exists. Today there is no cheap means of transportation except in the old subway lines of big cities; and in many cases no transportation at all: witness the plight of the poor minorities in many cities, unable for lack of a motor car or a bus service to find work in other areas.

Almost twenty years ago, observing this situation, I said: "If we allow the railroad to disappear, we shall have to reinvent it again"—if only to make the highways safe again and prevent the whole country from being paved with concrete.

But while we await the necessary national and regional programs for recreating a balanced, many-sided transportation system, it is vital that a start in the right direction be made with the existing facilities.

Not merely, then, must our leaders provide a program for regional resettlement; but each minor act of renewal or rehabilitation must be directed to this wider end. Already, industry and even corporate business have begun to move back again into the once purely rural areas everywhere.

To facilitate this change the maintenance of adequate, unified public transportation both by railroad and bus is essential. We are not asking for stopgaps; we are demanding that this local improvement be considered seriously as only a first step toward a large-scale, long-term plan still to be formulated.

RESOLUTION

Whereas, Secretary of Transportation John A. Volpe on January 28 designated a basic system of cities between which intercity rail passenger service will be provided by The National Rail Passenger Corporation (Railpax) when it begins operation May 1, 1971, and

Whereas, Chicago, Illinois and Houston, Texas were designated as "End Points" or "City Pairs" via route from Chicago via GM & O RR to St. Louis, Missouri, thence via Missouri Pacific Railroad thru Little Rock and Texarkana, Arkansas to Houston, Texas as one of the routes that could be operated under above so-called Railpax, and

Whereas, Arkansas industrial growth and the public need requires adequate, dependable passenger service in first-class passenger equipment from and to Arkansas, which the Missouri Pacific Railroad Company could provide by its participation under above Railpax operation and meet the intent of Congress all to the end of developing, coordinating, and preserving a national transportation system by rail, as well as other means, adequate to meet the needs of the commerce of the United States, of the Postal Service, and of the national defense.

Now, therefore, be it resolved, that the Arkansas Industrial Development Commission go on record as favoring aforesaid Railpax route between Chicago and Houston that would also serve intermediate Arkansas points via Missouri Pacific Railroad.

Be it further resolved, that a copy of this resolution be forwarded to Mr D. B. Jenks, President, Missouri Pacific Railroad Company, St. Louis, Missouri, respectfully requesting and urging Missouri Pacific Railroad participation in the aforementioned Railpax operations.

Little Rock, Ark.,
March 23, 1971.

Senator J. William Fulbright,
Senate Office Building,
Washington, D.C.:

Press release yesterday by the Department of Transportation designating Railpax circuitous route between Chicago-Houston via Kansas City, Missouri; Wichita, Kansas, Oklahoma City, Fort Worth, Texas in lieu of the fastest service and short line distance routed between Chicago and Houston via St. Louis, Missouri, Little Rock, Texarkana, was a very keen disappointment to the AIDC and citizens of the state of Arkansas. We will continue our efforts to eventually have Arkansas included in so-called "Railpax" system and we respectfully urge your help and support to that end.

Dan Roebuck,
Executive Director, Arkansas Industrial Development Commission.

Little Rock, Ark.

Senator J. W. Fulbright,
Washington, D.C.:

The following telegram sent today "approved Railpax route by the Department of Transportation includes many circuitous routes between major points such as Chicago, Houston, St. Louis, Dallas, Kansas City, New Orleans completely ignores the state of Arkansas we feel a review is in order because of our needs and particularly of direct service between major points with intermediate service in Arkansas."

Dale Bumpers,
Governor of Arkansas.

S. 1113

At the request of Mr. Baker, the Senator from Florida (Mr. Chiles), the Senator from New Mexico (Mr. Montoya), and the Senator from California (Mr. Tunney) were added as cosponsors of S. 1113, a bill to provide a structure that will provide integrated knowledge and understanding of the ecological, social, and technological problems associated with air pollution and other related problems.

S. 1116

At the request of Mr. Jackson, the Senator from Pennsylvania (Mr. Scott) was added as a cosponsor of S. 1116, a bill to require the protection, management, and control of wild free-roaming horses and burros on public lands.

S. 1234

At the request of Mr. Inouye, the Senator from California (Mr. Tunney) was added as a cosponsor of S. 1234, a bill to establish limits on the assignment of a member of the Armed Forces to a combat zone, and for other purposes.

S. 1228

Mr. ALLOTT. Mr. President, on March 12 I introduced S. 1228 to restore the Golden Eagle program to the Land and Water Conservation Fund Act.

My introductory statement listed Senator Bible as a cosponsor.

However, an apparent typographical error on the bill which was submitted resulted in Senator Bible's name not appearing on the actual bill.

I ask unanimous consent for a star print corrected to show Senator Bible as an original cosponsor.

The PRESIDING OFFICER (Mr. Chiles). Without objection, it is so ordered.

S. 1245

At the request of Mr. Moss, the Senator from Oregon (Mr. Hatfield), the Senator from Alaska (Mr. Gravel), and the Senator from Indiana (Mr. Bayh) were added as cosponsors of S. 1245, a bill relating to the preservation of historical and archeological data.

S. 1290

At the request of Mr. Javits, the Senator from Vermont (Mr. Prouty) and the Senator from Oklahoma (Mr. Bellmon) were added as cosponsors of S. 1290, a bill to extend the Economic Opportunity Act.

S. 1311

At the request of Mr. Pearson, the Senator from Michigan (Mr. Griffin) was added as a cosponsor of S. 1311, a bill to provide certain privileges against disclosure of confidential information and the sources of information obtained by newsmen, known as the "Newsmen's Privilege Act of 1971."

S. 1335

At the request of Mr. Hartke, the Senator from North Carolina (Mr. Jordan) was added as a cosponsor of S. 1335, a bill to amend the Social Security Act to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder.

S. 1374

At the request of Mr. Thurmond, the Senator from Utah (Mr. Bennett), the Senator from Maryland (Mr. Mathias), and the Senator from Alaska (Mr. Stevens) were added as cosponsors of S. 1374, a bill to exempt from taxation certain property of the DAR in the District of Columbia.

S. 1379

At the request of Mr. Jordan of Idaho, the Senator from Alaska (Mr. Stevens), the Senator from Florida (Mr. Gurney), and the Senator from Texas (Mr. Tower) were added as cosponsors of S. 1379, the Volunteers in the Forests bill.

S. 1408

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Maine (Mr. Muskie), I ask unanimous consent that, at the next printing, the names of the following Senators be added as cosponsors of S. 1408, which has been introduced by Senator Muskie, a bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies: Messrs. McGovern, Eagleton, Pell, Nelson, and Mondale.

The PRESIDING OFFICER (Mr. Hruska). Without objection, it is so ordered.

S. 1425

Mr. MOSS. Mr. President, I am happy to join Senators Javits and Hughes in introducing a bill to increase the authorization for the Commission on Marihuana and Drug Abuse from $1 to $4 million. Increasing public concern about the extent of drug use and abuse in America demands a truly authoritative report by this Commission and the additional funds are required if such a report is to be produced.

The Commission recently held its first organizational meeting and Mr. Michael R. Sonnenreich, the executive director, has testified before a House committee:

> It was the general consensus of our opinion that within the present one million dollar appropriation authorization it would be difficult to carry out the various essential tasks necessary for fulfilling the Commission's responsibilities to the President, the Congress, and the people.

Mr. Sonnenreich pointed out that the present authorization would allow for the employment of only seven professional staff members to work for all 13 commissioners. This level of funding would also make it impossible for the Commission to hire a representative sampling of all the social, moral, scientific, and legal professions concerned with this subject.

I am particularly concerned that the Presidential Commission on Marihuana and Drug Abuse be given the resources needed to present a truly commanding report to the public. When I introduced the bill in 1969 to establish such a Presidential Commission, and which was incorporated by the Senate into the Drug Abuse Act of 1970, I emphasized the need to study all the questions, legal, social, and medical, arising out of the growing use of marihuana in this country. Since this is the first body of its kind on a national basis, I believe it essential that the American people receive a report which gives them the same breadth of information on this subject as the 1964 Surgeon General's report gave them on tobacco.

S.J. RES. 29

At the request of Mr. Mansfield, the Senator from Wyoming (Mr. McGee) was added as a cosponsor of S.J. Res. 29, a joint resolution providing for the designation of "National Peace Corps Week"; and

At the request of Mr. Scott, the Senator from Hawaii (Mr. Fong) and the Senator from Massachusetts (Mr. Brooke) were added as cosponsors of Senate Joint Resolution 29.

S.J. RES. 68

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that, at the next printing, the name of the distinguished senior Senator from Delaware (Mr. Boggs) be added as a cosponsor of Senate Joint Resolution 68, a resolution to restore the citizenship of Gen. Robert E. Lee.

The PRESIDING OFFICER (Mr. Hruska). Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 15—SUBMISSION OF A CONCURRENT RESOLUTION ON PRINTING OF CERTAIN HEARINGS

Mr. HRUSKA (for himself and Mr. McClellan), submitted a concurrent resolution (S. Con. Res. 15) that there be printed for the use of the Senate Committee on the Judiciary additional copies of hearings entitled "Reform of the Federal Criminal Laws, Volume I, Report of the National Commission on Reform of Federal Criminal Laws, which reads as follows, and was referred to the Committee on Rules and Administration:

S. Con. Res. 15

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary five thousand additional copies of Part I of the hearings before the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary on February 10, 1971, entitled, "Reform of the

Federal Criminal Laws, Vol. I, Report of the National Commission on Reform of Federal Criminal Laws."

SENATE CONCURRENT RESOLUTION 16—SUBMISSION OF A CONCURRENT RESOLUTION TO PROVIDE FOR THE DESIGNATION OF NATIONAL HALIBUT WEEK

Mr. BYRD of West Virginia. Mr. President, on behalf of the able senior Senator from Washington (Mr. MAGNUSON) I submit for appropriate reference a concurrent resolution. I ask unanimous consent that the text of the Senate concurrent resolution and statement by the distinguished Senator from Washington (Mr. MAGNUSON) on the measure be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred, and the statement will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 16), which reads as follows, was referred to the Committee on the Judiciary:

SENATE CONCURRENT RESOLUTION 16

Resolved by the Senate (the House of Representatives concurring), That the President is authorized and requested to issue a proclamation designating the eight-day period beginning May 16, 1971, and ending May 23, 1971, as "National Halibut Week" and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

STATEMENT OF SENATOR MAGNUSON

Mr. President, I submit for appropriate reference, a concurrent resolution authorizing and requesting the President of the United States to proclaim the time beginning May 16, 1971 and ending May 23, 1971, as "National Halibut Week". In addition, the resolution calls upon the people of the United States to observe such week with appropriate ceremonies and activities.

Mr. President, this will be the seventeenth observance of the special week and also marks the sixteenth anniversary of the founding of the sponsoring organization, the Halibut Fishermen's Wives Association, based in Seattle.

This group deserves such credit for its regular effort, not only during the observance of Halibut Week, but throughout the year toward a better appreciation of this fine fish and fishery.

SENATE RESOLUTION 90—SUBMISSION OF A RESOLUTION RELATING TO THE LEGAL ACCOUNTABILITY OF MEMBERS OF THE ARMED FORCES OF THE UNITED STATES UNDER CERTAIN CONDITIONS

Mr. BELLMON. Mr. President, on August 13, 1970, I submitted a resolution relating to the accountability of combat ground soldiers in situations where civilian casualties occur.

Today I am submitting this same sense of the Senate resolution again, on behalf of myself and the distinguished Senator from North Carolina (Mr. ERVIN).

Mr. President, this resolution is brief, and I ask unanimous consent that it be printed in full in the RECORD at this point, together with my remarks accompanying the submission of this resolution last year.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred; and the resolution and statement will be printed in the RECORD.

The resolution (S. Res. 90), which reads as follows, was referred to the Committee on Armed Services:

Resolved, That it is hereby declared to be the sense of the Senate that whenever civilian casualties occur in connection with any military operation carried out by members of the Armed Forces of the United States pursuant to lawful orders, the law does not hold such United States military personnel individually responsible for such casualties if inflicted incident to direct ground combat with members of an opposing armed force when the United States military personnel were being resisted by hostile fire from such an opposing armed force.

The statement of Mr. BELLMON is as follows:

Mr. President: I am, today, submitting a resolution relating to the accountability of members of the Armed Forces of the United States in combat situations, where they are proceeding under lawful orders. This resolution is the result of a deep feeling of concern which I have, as a result of charges which have been brought against certain members of the American Armed Forces as a result of tragic incidents which have occurred in Southeast Asia.

No reasonable person condones brutality or savagery in either war or peace. Certainly, no reasonable person approves of the injury or death of civilians who are caught up in the path of armed military conflict. Any reasonable person will take precautions, sometimes at personal risk, to avoid such tragic occurrences. As a member of the Marine Corps in World War II, who was involved in intense combat in the Pacific, I have many vivid memories of the plight of civilians. Also, I recall many humanitarian efforts put forth at considerable risk to their own lives by American servicemen to save civilians from harm and to aid those who had been injured by our military action.

Mr. President: I have checked with the Judge Advocate General's office and can find no case during World War II where the American system of justice punished a member of the Armed Services for injuries inflicted on civilians while such member was on a combat assignment and was under fire. The concept of bringing criminal charges against members of the American Armed Services who are performing combat missions under lawful orders, as far as I can determine, is a recent development by our system of military justice. The practice has never been accorded Congressional approval or disapproval and is a serious development so far as the future ability of our armed services to perform their mission is concerned.

For instance, it is not at all uncommon for the pilots or crews of American B-52 bombers to be assigned targets where civilians are known to be present and where civilian injuries and deaths are almost certain to occur. When these bombing attacks are carried out, under order of American Field Commanders, are the pilots of crews of these planes to be criminally charged for the civilian deaths which result from their actions? These bombings take place from thousands of feet in the sky, where the crews are in virtually no personal danger and where they have no personal knowledge of the injury or death to civilians which result from their action.

It is also common for artillery or naval barrages to be ordered in support of American combat operations. On occasions, civilians are injured and killed by such action. When these tragic events occur, are the artillery crews or the commanding officers to be called to account and criminally punished for the civilian injuries and deaths?

Civilian deaths or injuries which occur as a result of bombing strikes, artillery fire, or naval gun fire in South East Asia are impersonal and are inflicted by American servicemen who may face no personal danger during the course of their actions.

The situation as it relates to an American infantryman is considerably different. When infantrymen are ordered into combat zones, their lives are in constant and imminent jeopardy. At any moment they may encounter a booby trap which will inflict mortal injury. At any time their movements may attract small arms, mortar, or artillery fire. In countless cases, apparent non-combatants have taken actions which have caused injury and death to Americans. The Viet Cong are civilians and many members are very young or are women. In fact, it is impossible, under many conditions, to identify friends of foes among the native population.

In spite of the dangers and personal tensions which American infantrymen face in the discharge of their hazardous assignments, members of the Infantry are the only Americans in South Vietnam which have been charged, tried, and sentenced for injury or death of non-combatants.

To me, this policy seems entirely inconsistent and even dangerous to the future ability of this nation to conduct ground military actions where civilians may be involved. Unless our infantrymen can go into battle feeling that their government will support the actions which these men feel are necessary for their own safety, I am of the opinion that the morale of our infantrymen may be totally destroyed.

Mr. President: In my opinion, the policy of this nation toward our ground forces in combat zones must be clarified. This clarification should not and cannot come from military courts of justice in combat zones. This question is of immense importance to the security of our nation and is a proper concern of the United States Senate.

This issue is one which vitally affects the ability of our Nation to provide for its security and to discharge its responsibilities as a leader of the Free World. How long can we expect members of our military services, made up largely of men who were drafted into service, to risk their lives in combat, knowing that actions they take, under orders, may result in long prison sentences?

The question here is whether or not members of the American Armed Services who take action against an enemy while their own lives are in danger should face the ordeal of criminal prosecution.

The Congress provides the funds for the conduct of military operations. I believe it has the responsibility of reviewing rules relating to the administration of justice in connection with these operations.

SENATE RESOLUTION 91—SUBMISSION OF A RESOLUTION CONCERNING THE CONVICTION OF LT. WILLIAM L. CALLEY, JR.

Mr. MOSS. Mr. President, I rise this morning to submit for the Senate's consideration a sense of the Senate resolution relative to the severity of punishment decreed yesterday at Fort Benning, Ga., upon Lt. William L. Calley, Jr., and I ask that the resolution be appropriately referred.

It is my belief, Mr. President, that by finding Lieutenant Calley guilty of the crime of premeditated murder and then sentencing him to life imprisonment at hard labor, the court-martial was insensitive to the more fundamental and far-reaching questions posed by the crime which was committed at Mylai.

I am a former prosecuting attorney, a former judge, and a former judge advocate, Mr. President, and it is not my practice, normally, to comment upon a tribunal's deliberations even when I strongly disagree with their findings. My general reticence was reinforced in this particular case by the fact that there remain several separate layers of appeal available to Lieutenant Calley in the military court system. Therefore, some may disagree with the timing of this resolution, but I feel it necessary to say, today, in this Chamber, "This judgment is too harsh."

I will not take the time of the Senate this morning to expound at great lengths upon the legal and moral overtones of this case—complications which gave rise to the longest court-martial in American military history. But throughout the many months of this painful process of examination of facts and theories, I have wondered periodically about what could possibly constitute a just and fair verdict. The questions of fact were difficult enough to resolve; but how could this court isolate, then examine, then place in perspective the can of worms labeled "moral implications."

Who was responsible for Lieutenant Calley's actions? The lieutenant himself must bear that burden—that much was clear. But who else shared that responsibility with him? The military had taught him whom to hate, how to fight, when to kill, and had outlined a set of rules of battlefield conduct. The Congress acquiesced in the war's conduct almost without complaint for many months and four American Presidents directed our involvement.

This court-martial proceeding has done more to unite opinion in this country than any other event in the history of this war. I have few illusions about the durability of our fleeting agreement. But it is significant that at this juncture in the conduct of our war of intervention in Indochina, those of us who are demanding that an early date be set to complete withdrawal of American troops feel united with those who maintain the desirability of a final "military solution." Never mind that our thought processes vary. This issue has evoked a vast outpouring of indignation which cuts across normal ideological differences. This sentiment is felt and shared by Members of this body, and so I hope my resolution will strike a responsive chord in this Chamber.

I do not feel that Lieutenant Calley can be absolved from all accountability for his actions at Mylai, but can we justify such a severe sentence upon one combat officer—a young man trained and sent to fight an undeclared, unwinnable war? Can this country escape the painful questions of accountability by collectively decreeing, "Rusty Calley is guilty of premeditated murder and must serve his life at hard labor"?

Lieutenant Calley's conviction and sentence must, under military law, be reviewed at higher command levels where the sentence may be reduced or where the findings may be reduced to a lesser offense or set aside. It would be appropriate to correct this overharsh sentence at the lowest command level possible, but the President is the ultimate military reviewing authority.

As the military authorities and the President ponder their actions in this bizarre case, it is appropriate, in my opinion, for the Senate to go on record as recommending leniency in this matter in which we are so intimately involved. Therefore, I urge my colleagues to support this sense of the Senate resolution.

I ask unanimous consent that the full text of my resolution be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 91), which reads as follows, was referred to the Committee on Armed Services:

S. RES. 91

Resolution expressing the sense of the Senate concerning the conviction of Lt. William L. Calley, Jr., by an Army court martial of premeditated murder at Mylai, and his sentence to prison for life at hard labor

Whereas an Army court martial at Fort Benning, Georgia, has found Lt. William L. Calley, Jr., guilty of premeditated murder of 22 Vietnamese people three years ago at a village called Mylai, and sentenced him to life in prison at hard labor;

Whereas the decision to intervene in what has become a bitter and bloody war in Vietnam originally had the support of the majority of the people in the United States, and has been carried forward by four American Presidents;

Whereas the young men who have fought there or are fighting there now are the products of American military training, and of command philosophy and command decisions emanating from levels far above those at which the fighting is done; and

Whereas Lt. Calley cannot be absolved from all moral accountability for his actions, and some appropriate punishment is justified, but the responsibility for acts growing out of a war transcends the deeds of one combat officer: Now, therefore, be it

Resolved, That it is the sense of the Senate that the life sentence of Lt. William L. Calley, Jr., should be reduced to a lesser term of appropriate duration.

SENATE RESOLUTION 92—SUBMISSION OF A RESOLUTION TO PROVIDE A SET OF THE UNITED STATES CODE ANNOTATED FOR EACH SENATOR

Mr. ERVIN submitted a resolution (S. Res. 92) to provide a set of the United States Code annotated for each Senator; which was referred to the Committee on Rules and Administration:

SENATE RESOLUTION 92

Resolved, That (a) subject to subsection (b), the Secretary of the Senate shall procure for and furnish to each Member of the Senate, either one complete set of the current volumes of the United States Code Annotated, and the current pocket parts thereof, published by the West Publishing Company, Saint Paul, Minnesota, and the Edward Thompson Company, Brooklyn, New York, or one complete set of the current volumes of the Federal Code Annotated, and the current pocket parts thereof, published by the Bobbs-Merrill Company, Incorporated, a subsidiary of Howard W. Sams and Company, Incorporated, Indianapolis, Indiana, and New York, New York, as such Member may elect, upon his written application to the Secretary containing his certification that the volumes and pocket parts thereof for which he applies are intended for his personal use exclusively. The complete set of the volumes and pocket parts thereof for which the Member applies shall be furnished on a current basis for the continuous period of his service as Member beginning immediately after his application therefor, irrespective of the number of his terms of office covered by such period of service, and his selection of the set of such volumes and pocket parts may not be changed during such period of service. A Member is entitled to apply for and receive a set of volumes and pocket parts under this authorization after each break in his service as Member.

(b) A Member is not entitled, for the continuous period of his service described in subsection (a), to more than one copy of each of the current volumes, and the current pocket parts thereof, for which he applies under this authorization.

(c) Until otherwise provided by law, there shall be paid out of the contingent fund of the Senate such sums as may be necessary to carry out this authorization.

(d) The Committee on Rules is authorized to prescribe such regulations as may be necessary to carry out this authorization.

SENATE RESOLUTION 93—SUBMISSION OF A RESOLUTION RELATIVE TO EX OFFICIO MEMBERS OF THE COMMITTEE ON APPROPRIATIONS

Mr. PELL (for himself and Mr. JAVITS), submitted a resolution (S. Res. 93) relative to ex officio members of the Committee on Appropriations, which was referred to the Committee on Rules and Administration:

SENATE RESOLUTION 93

Resolved, That paragraph 6(a) of Rule XVI of the Standing Rules of the Senate is amended by adding at the end of the table therein the following:

"Committee on Labor and Public Welfare. For the Department of Labor, the Department of Health, Education, and Welfare, the National Science Foundation, the Office of Economic Opportunity, the National Foundation on the Arts and the Humanities, and health and safety in mines."

SENATE RESOLUTION 94—SUBMISSION OF A RESOLUTION ON ALTERNATE EMPLOYMENT OPPORTUNITIES TO THE SST

Mr. BAYH. Mr. President, for some time now I have been greatly troubled by arguments about the job-creating impact of the SST. With the general employment picture still very weak, I for one would not want to take any action that might further aggravate an already serious problem—and an unemployment rate of nearly 6 percent is, indeed, a serious national problem. I do not believe, however, that by voting to stop the SST the Senate has denied American workers employment opportunities that otherwise would not be available. Currently, there are a number of underfunded public projects, such as urban renewal, urban mass transit, and the construction of waste treatment plants, that are more worthy candidates for Federal tax dollars—more worthy in terms of both employment opportunities and social benefits.

Despite statements by proponents of the plane to the effect that continuing the SST program would produce 150,000 jobs, I have yet to see an adequate explanation of how that figure was arrived at. Only by using the "most favorable case" for every assumption surrounding the SST can we even approximate 150,000 jobs—sometime around 1985, after the production of 500 planes, and then only by using what one leading economist has described as some "dubious and unproven multipliers." Furthermore, many of these jobs are unlikely to be new employment opportunities but the result of displacing workers presently involved in the production of subsonic aircraft.

It seems obvious to me, Mr. President, that a Government investment of $1.3 billion will generate some new jobs—whatever the project. An investment of $1.3 billion in the SST, however, would likely produce less total employment than an equal investment in almost any other project because a substantial portion of the investment is in hardware, not people, and the aerospace industry has an extremely high average wage.

The critical point, both in terms of economic benefits and social costs, is whether we ought to have produced something we do not really need in the hope of creating some additional employment. I think not, particularly since Assistant Secretary of Labor for Manpower, Arnold Weber, has said that—

> The net employment increase from SST production would likely be negligible.

I, too, am deeply concerned about the fate of those workers involved in the present program. When the Federal Government makes a significant change in policy, as in the case of Congress' action on the SST, the Government has a definite moral responsibility to ease the burden on those workers adversely affected by the cancellation and to facilitate their transition into areas where there are employment opportunities. The legislative and executive branches, working in concert, now should consider how future Government contracts and programs can be allocated so as to best ultilize the SST workforce.

Toward that end, Mr. President, I am submitting a sense-of-the Senate resolution expressing the Senate's concern for the fate of the SST workforce and urging the development of programs to provide transitional assistance and for the channeling of Government contracts into affected areas.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 94), which reads as follows, was referred to the Committee on Government Operations:

SENATE RESOLUTION 94

Declaring it to be the sense of the Senate that the Federal Government has a responsibility to those workers affected by the cancellation of the SST

Whereas it was the decision of the Senate to cancel the Federal Government's financial involvement in the development of two prototype SSTs

Whereas the Federal Government, after making a significant and abrupt change in its policy, bears a responsibility for easing the hardships imposed upon those workers presently employed in the SST program

Whereas the Federal Government, in the "Adjustment Assistance" provisions of the Trade Expansion Act of 1962, has established a precedent for compensating American workers who have suffered from governmental policies

Whereas officials of the Model Cities division of the Department of Housing and Urban Development have developed a retraining program to utilize the talents of the growing number of unemployed scientists and engineers

Resolved, That it is the sense of the Senate that in order to evidence its concern for those workers affected by cancellation of the SST program, the legislative and executive branches, working in concert, should immediately consider how future government contracts and programs such as urban mass transit, housing, the construction of waste treatment plants, and other needed public works projects can be allocated so as to utilize the talents of the present SST workforce.

And be it further resolved, that programs be developed to provide adequate transitional assistance to the workers presently employed in the production of the prototypes.

ADDITIONAL COSPONSOR OF RESOLUTIONS

SENATE RESOLUTION 64

At the request of Mr. HARTKE, the Senator from Indiana (Mr. BAYH), the Senator from Tennessee (Mr. BAKER), and the Senator from Nevada (Mr. CANNON) were added as cosponsors of Senate Resolution 64, a resolution to urge the President to take necessary measures to prevent heroin from being imported into the United States.

SENATE RESOLUTION 73

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the names of the distinguished Republican leader (Mr. SCOTT) and the distinguished senior Senator from West Virginia (Mr. RANDOLPH) be added as cosponsors of Senate Resolution 73, amending rule XVI of the Standing Rules of the Senate.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

Mr. BYRD of West Virginia subsequently said: Mr. President, at the request of the distinguished Senator from Wyoming (Mr. HANSEN), I ask unanimous consent that, at the next printing, the name of Senator HANSEN be added as a cosponsor of Senate Resolution 73, to amend Standing Rule XVI of the Senate.

The PRESIDING OFFICER (Mr. HRUSKA). Without objection, it is so ordered.

CONTINUATION OF THE ECONOMIC OPPORTUNITY ACT OF 1964—AMENDMENTS

AMENDMENT NO. 30

Mr. BOGGS submitted an amendment, intended to be proposed by him to the bill (S. 397) to extend for 2 additional years the authorization of appropriations contained in the Economic Opportunity Act of 1964, which was ordered to be printed and referred to the Committee on Labor and Public Welfare.

FEDERAL ELECTION REFORM ACT OF 1971—AMENDMENT

AMENDMENT NO. 31

Mr. FANNIN (for himself and Mr. TOWER), submitted an amendment intended to be proposed by them to the bill (S. 956) to revise the Federal election laws, and for other purposes, which was ordered to be printed and referred to the Committee on Commerce, the Committee on Finance, the Committee on Post Office and Civil Service, and the Committee on Rules and Administration, multiply.

ANNOUNCEMENT OF HEARINGS ON "CHEMICALS AND THE FUTURE OF MAN"

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the RECORD be corrected to show the dates scheduled for hearings on "Chemicals and the Future of Man" to be held by the Subcommittee on Executive Reorganization and Government Research, Committee on Government Operations, to be April 6, 7, 20, 21, 22, 26, 27 and 28. The hearing on April 6 and 7 will be held in room 3302, New Senate Office Building, at 10 a.m. Room number and time for the other dates will be announced at a later time.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. The period for the transaction of routine business has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for 10 minutes, with the same limitation.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALLEY VERDICT

Mr. EASTLAND. Mr. President, the whole country is aroused by the outcome of the Calley trial.

The emotion throughout this Nation is basic. War itself is not triable in a court of justice. Likewise, certain acts committed under the stress of war are hard to make justiciable according to civilian standards.

I shall not debate the guilt or innocence or the facts upon which the verdict was based. Let me point out, however, that the incident occurred in wartime and in the dirtiest of all type wars. Such incidents have happened throughout history and all nations have been guilty.

In the cruel circumstances which face men in Vietnam we must be practical. Shall we send an attorney into battle with every platoon leader and an international lawyer along on every bombing mission?

Mr. President, we should face reality. Clearly, executive clemency is called for in this instance. It should be forthcoming immediately to calm the emotions of the country and maintain America's confidence in her Armed Forces.

CHINA REPORT

Mr. DOMINICK. Mr. President, as a member of the Steering Committee of the Committee of One Million Against the Admission of Communist China to the United Nations, I was particularly moved by an article in the January-February edition of the committee magazine, "China Report." The story describes the flight of a young couple from Red China by hiking and finally braving the treacherous currents of Deep Bay in an attempt to swim to Hong Kong. At a time when there is much discussion about recognition of the Communist Chinese Government and its admission to the United Nations, this brief account of the attempts of the young people of that land to escape Communist rule is worthy of attention.

At a time when Americans are being accused by the know-nothings of inflicting death and casualties on alleged innocent North Vietnamese, it is worth while to see how other humans react to Communist rule and the extreme levels they are willing to take to escape from such domination.

A recent article in the Washington News reports on the activities of groups in favor of a one China policy—a Red China policy—and apparently those people either do not know the oppressions from which the Chinese are fleeing or are unmoved by it.

I would hope that this article concerning Lao Ping-hsin and Poon Yuen-ching's despair and attempted escape may awake these groups to the real facts of life on the mainland.

That article reads, in part:

Hong Kong authorities counted 280 such swimmers who arrived safely in a four-week period from mid-October to mid-November, plus 72 bodies of those who did not make it, and it is estimated that for every one who manages to survive the ordeal, ten from the mainland fail. Failure may involve being shot by Peking's patrols, being captured and sent off to prison camps for ten or twenty years (if they are lucky) or drowning.

Mr. President, I ask unanimous consent that the article from "China Report," from which I have just read, and an article from the Washington Daily News of March 30, 1971, be inserted in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

Lao Ping-hsin could stand it no more. He had been forced to leave school and had been herded off to a rural commune in mainland China's Kwangtung Province as one of the horde of students in Red China pressed into slave labor in the wake of Mao Tse-tung catastrophic "cultural revolution."

What was more, for three years Lao had been in love with Poon Yuen-ching—another of the Communist commune's involuntary student laborers. But under Peking's oppressive rules he would have to wait three more years until she was 25 and he was 30 in order to marry. One of the few ways in which young lovers may find a few moments occasionally to converse beyond the hearing of spies and Peking's Liberation Army patrols is to go swimming. Lao had been a good swimmer in school and now he patiently taught Yuen-ching the art of mastering currents, winds and undertows. In the process, the two decided that for their love to reach the fulfillment of marriage, they must first escape to freedom and find a new life beyond the clutches of tyrants.

By early November, they considered themselves proficient as swimmers although Lao was not in good health after the long, demanding hours of hard labor in the commune's prison-like environment. By careful planning, the two of them slipped out of the village on November 9, 1970, without attracting the attention of guards and became—at the moment—"non-people" under the Chinese Communist system.

Anyone who runs away from a commune is deprived of all further rights to food rations, appeals for leniency and anything short of execution or—at best—long years of imprisonment in concentration camps in the remote and often forbidding regions of the Chinese hinterland.

Ping-hsin and Yuen-ching hid by day and threaded their way by night through the countryside—much of it over tortuous terrain through copses of thorn bushes, around rocks and often on hands and knees through paddy fields.

To reach the coast took nine days but their spirits were lifted as they reached Mount Tangsu overlooking the South China Sea. They hastened down the mountain after dark to a point along Deep Bay where the distance to Hong Kong's "New Territories" is only four miles but across waters known for brutally strong tides that carry many swimmers far out to sea. The Bay is heavily patrolled along the shore and by Communist boats riding its surface in constant search for defectors.

Lao and Miss Poon slipped into the shallows, suffering the immediate agonies of scraping feet and legs on rock crags and oyster bars, then managed to reach the deeper, swift-flowing current undetected and began the long swim to freedom. After two hours, Lao's strength ebbed and he said he could go no further. He urged Yuen-ching to go on alone toward the Lau Fau Shan light in the "New Territories" which is the beacon of hope to those seeking escape from Red China across Deep Bay.

Instead, she held his head above the waves and pulled him through the dark waters across the frequent reefs. Five hours after their swim began, Yuen-ching was spotted by a Hong Kong patrol boat but when they were pulled aboard the craft, Ping-hsin was already dead.

The lacerations of her feet and legs were so severe, Miss Poon had to be hospitalized and could not attend the funeral but she fulfilled a promise to her departed lover. They had vowed that if they reached their goal they would feast on oranges and meat dumplings and Yuen-ching arranged for two oranges and a bowl of the dumplings to be placed at the altar during the funeral service.

This account of love and courage is significant by itself but, even more so, because it is anything but unique. The youth of Red China have been carrying out a mass exodus in a search for freedom for the past six months. Hundreds of such fugitives from the communes of Communism are said to be hiding in the Kwangtung hills this winter awaiting more favorable tides in the spring.

Hong Kong authorities counted 280 such swimmers who arrived safely in a four-week period from mid-October to mid-November, plus 72 bodies of those who did not make it, and it is estimated that for every one who manages to survive the ordeal, ten from the mainland fail. Failure may involve being shot by Peking's patrols, being captured and sent off to prison camps for ten or twenty years (if they are lucky) or drowning.

Successful swimmers have told British newsmen that Chinese Communist militiamen and soldiers frequently shoot to destroy the rubber inner-tubes and balloons which many swimmers use to support their weary arms in the water. In many documented instances, those picked up by Communist patrol boats are bound, hands and feet, and then dropped back into Deep Bay to be dragged to their death over the oyster bars.

In the single month of November, 1970, more Chinese are believed to have attempted the escape by swimming to Hong Kong than all of the East Germans who have ever attempted to scale or penetrate the Berlin Wall since it was erected.

While the world's diplomats impatiently seek to recognize Mao's China, the young people of Red China "have come over a way that with tears has been watered" treading a "path through the blood of the slaughtered" to get away from Peking's Communist "paradise."

[From the Washington Daily News,
Mar. 30, 1971]

ONE-CHINA POLICY LOBBY FORMS

(By R. H. Shackford)

One of the U.S. government's recent chief "China watchers" heads a new citizens committee advocating a "one-China policy"—the seating of Communist China in the United Nations as "the sole legitimate representative of China."

The chairman of the committee, which calls itself Citizens to Change U.S. China Policy, is Allen S. Whiting, now professor of political science at the University of Michigan.

From 1962 to 1966, Mr. Whiting was director of the China-watching section of the State Department's Bureau of Intelligence and Research. And from 1966 to 1968 he was U.S. deputy consul general in Hong Kong, seat of the major U.S. China-watching operation.

PLANS OFFICE HERE

The committee, created last week, will set up a office here in May. It endorses resolutions introduced recently in Congress by Sens. George S. McGovern, D-S.D., and Mike Gravel, D-Alaska, each proposing a "one-China policy." It opposes a resolution by Sen. Jacob K. Javits, R-N.Y., that aims at a "two-China" or "one-China, one-Taiwan policy."

In announcing formation of the committee—a rival to the old pro-Chiang Kai-shek Committee of One Million—Mr. Whiting said:

"Denial of China's seat (in the United Nations) to the government of 750 million people on the mainland of China is immoral, illegal and impolitic, while our trade embargo only serves to islote American businessmen from the China market."

FIVE-POINT PROGRAM

The committee's five-point program calls upon the United States to:

End all trade embargoes and other discriminatory regulations which distinguish China from other communist states.

Recognize that the future of Taiwan cannot properly be decided by the United States, or by the imposition of force by any party.

Withdraw all U.S. military bases and personnel from Taiwan and terminate assistance, direct and indirect, to the military establishment of the Republic of China (Taiwan).

Acknowledge that Communist China is the sole legitimate representative of China in the United Nations and in all other international organizations.

Seek to establish economic, social, cultural and diplomatic relations with Red China on the basis of the principles of equality, mutual respect, and nonintervention in each other's affairs.

Mr. Whiting said the committee's program does not call for renunciation of the American-Taiwan mutual assistance treaty "at this time."

SENATE HEARINGS

Formation of the committee comes on the eve of hearings by the Senate Foreign Relations Committee on the China question. Also near is an administration decision on a new U.S. policy on the China issue at the United Nations.

In addition to Mr. Whiting, the committee's board of directors includes three other former government officials—James C. Thomson, now a Harvard professor and former China watcher for both the State Department and White House ruling the Kennedy-Johnson administrations; John Fincher, now at Johns Hopkins, who was a China specialist as a foreign service officer in Hong Kong and Japan; O. Edmund Clubb, an old China hand on the mainland before the communists took over and who is now retired.

THE LIEUTENANT CALLEY CASE

Mr. TAFT. Mr. President, I would like to make a couple of remarks regarding the Calley case.

One cannot help but feel extremely sorry for the man and for his family, even though the court action taken to date is subject to further extensive review.

The difficulties of the problem relate to the insurgency type of war, its inevitable involvement of civilians, and direct participation by our U.S. forces in the fighting in such a war. These factors should surely be considered in any judgment on the conduct of the military men involved, and every doubt should be resolved in their favor where a question is raised.

Even so, it would appear that principles of law and justice, as well as good military conduct, require a predetermined military code of behavior for men in the military as to others in the military, as to friendly civilians, as to neutrals, as to enemy civilians, and as to enemy military. Such standards must be interpreted, however, to relate the rules of conduct required to the circumstances and pressures, mental and otherwise, of the particular situation.

I would point out in the Calley case that the action to date comprises only a jury verdict or finding of fact as to what Lieutenant Calley did and what his state of mind was. These jury decisions are subject to review as to being properly based upon the evidence submitted, and the courts must apply the principles of law to test any conviction.

Certain similarities to the Nuremberg and Japanese war crimes' trials have been inferred and should be examined. Important differences are apparent. This was not a trial, by the victors of the vanquished, but rather an examination by the military of the conduct of one of its own men. The military code applied was not an ex post facto set of rules as in the war crimes' trial. Nor was this trial one of political figures responsible for overall determination of national policy.

Having said this, I feel that great difficulty still remains in judging the conduct of a man under military orders to determine whether or not he exceeded those orders and violated the military code of justice, and, if so, in determining what should properly be the punishment.

Hopefully, a careful review will determine these questions with justice and wisdom in the Calley case.

THE CONVICTION OF LIEUTENANT CALLEY

Mr. JAVITS. Mr. President, if all other Members of the Senate have completed their statements, I would just like to make a statement for the RECORD that I issued on the conviction of Lieutenant Calley, which apparently has developed a considerable amount of questioning here on the floor. I wish not to have my own statement just issued, but, if the debate is going to take place here on the subject, to have my views on record.

The court-martial conviction of Lieutenant Calley for the events of Mylai raises even broader questions. First, it is tragic, indeed, that our effort in Vietnam—which began in such highmindedness—should be marred in the world's consciousness by the barbarism which occurred at Mylai. Second, the conviction of Lieutenant Calley cannot be regarded as a condemnation of the conduct of our fighting men in Vietnam; rather, it should be regarded as a declaration of the national conscience that brutality against unarmed civilians by any U.S. troops will not be permitted, regardless of provocation. It is certainly incumbent upon the Army to bring to trial all those who share in any responsibility for what the jury found to be so horrendous a crime. The best way to avoid further brutalization of our soldiers, which seems to be associated with guerrilla wars like Vietnam, is to end that war and thus to end what it is doing to our young fighting men like Lieutenant Calley.

I do wish to express, at the same time, the fact that the Army itself has taken a historic position in going forward with the trial and in the nature of the jury. I believe it is typical in our country that, having proceeded according to law, justice will ultimately be done.

I appreciate the feelings of many of my colleagues, but I make this statement only because I think we ought to raise our sights. In the final analysis, I do not think it will be found that any injustice has been done to Lieutenant Calley in the way it finally works out. I do believe we need to learn from it that we simply have got to get out of Vietnam and, second, that this is a historic break with the past. Rather than hurt the morale of American troops, my feeling is we are helping them immeasurably in the knowledge that, regardless of where they serve, our Army and the U.S. Government are capable of this kind of self-examination and self-determination.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, how much time remains in the period for the transaction of routine morning business?

The PRESIDING OFFICER. One minute.

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA TOMORROW

Mr. BYRD of West Virginia. I ask unanimous consent that tomorrow, immediately following the recognition of the majority leader and the minority leader under the standing order, the distinguished senior Senator from Virginia (Mr. BYRD) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR JOINT REFERENCE OF A BILL

Mr. BYRD of West Virginia. I ask unanimous consent that S. 1437, a bill to amend the Airport and Airway Development and Revenue Act of 1970, be jointly referred to the Committee on Finance and the Committee on Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CHANGE OF REFERENCE—S. 967 AND S. 1911

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Government Operations be discharged from its present consideration of S. 967 and S. 1191, bills designed to promote transition from a wartime to peacetime economy and that these bills be re-referred to the Committee on Commerce, with the proviso that if either bill is reported to the Senate it shall be referred to the Committee on Government Operations for a period of 45 days.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RAILPAX

Mr. MANSFIELD. Mr. President, in connection with the announced Railpax plan and the discussions being had on it in the Senate, I ask unanimous consent to have printed in the Record an excellent editorial published in the Missoulian of Friday, March 26, 1971.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Railpax: Fight Back

In the days since the Railpax decision was announced Monday some of the facts have been sent out to back the decision, but not many.

Broadcast news on Monday night, for example, had the curious item that Missoula was bypassed partly because a stop here would require an hour's switching in the freight yard, which would tack 30 minutes onto the train's running time. Switching? Freight yard? How's that?

A day later, in a publicity packet which naturally arrived after the announcement, a little light was shed. A southern route Railpax-run train would have used the Milwaukee Road tracks between Missoula and Spokane, it said.

No reason why was given. Would the freight yard switching have been within the Milwaukee Road yards, or would the train have had to switch from Burlington Northern tracks across the river to the Milwaukee Road tracks? No answers were provided to that.

No answers were given about why the BN tracks between Missoula and Spokane weren't evidently, thought to be adequate, although those tracks carry Missoula's present passenger trains. The Milwaukee Road tracks between Missoula and Spokane are 29 miles shorter. But is cutting 29 miles really more efficient if it causes a 60-minute delay? No answers were given for that either.

Southern Montana was cut from service and northern Montana was included, said the publicity, because the south has much better air and road transportation while the northern points "have little other transportation available to them" than the railroad. That's true, and evidently offset the value that the southern route has much the greater population and potential ridership.

What all this boils down to is this:

1. Railpax is interested solely in connecting major population centers and in running trains between them as rapidly as possible.

2. Providing passenger train service to people living outside major population centers is a matter of no consequence to Railpax, unless the people happen to live along the route. If Seattle didn't exist, Montana would have no passenger train service at all, north or south.

3. At no point were the people being left high and dry—and their needs—consulted or considered.

What still baffles us is the economics of this thing. Speaking in Missoula on May 29, 1968, the then-president of the Northern Pacific (and now head of the Burlington Northern), Louis W. Menk, said the Mainstreeter lost $2.1 million during 1967, the NP lost $5.8 million in its total passenger operations.

Look at that figure $2.1 million. It is, when one considers the vast payments the U.S. government makes on transportation, purely peanuts.

It costs about $1 million to build one mile of interstate highway.

Assuming that the Mainstreeter's losses have gone up since then, it still would make economic sense to have the federal government pick up the losses, and perhaps spend more money to promote and upgrade passenger train service, than it would to utterly abolish ALL passenger train service and then turn around and have to dump millions more into highways and airports to take care of the rising needs there.

If Railpax means the abolition of our passenger train service, the result will be the loss of service PLUS greater expense in terms of the money we will have to spend.

Railpax, however, does not necessarily mean loss of all passenger train service on May 1. The Burlington Northern does not HAVE to quit southern Montana service. The BN can keep operating passenger trains here if it wants. It has made clear it doesn't want to, but the fact is that it can if it so decided.

We commend to the attention of the state and local governments through which the BN travels the matter of taxes. If the BN decides to terminate its trains, it obviously will be cutting the services it provides.

There is no reason the communities adversely affected could not, then, reconsider any past tax favoritism they have shown the BN in appreciation of the services the BN has rendered.

In short, get tough. The public stands to get gypped by all this, and there is no reason it shouldn't fight back furiously with every weapon it has. Taxes are about the best weapon a local community has to fight with.

BROADCAST JOURNALISM BY CBS

Mr. SCOTT. Mr. President, the Washington Post's lead editorial on Tuesday, March 30, and the letter to the Post editor by CBS News President Richard S. Salent make interesting reading.

I urge Senators to read both items, since much has been said, written, aired, and defended on the subject of broadcast journalism by CBS.

I ask unanimous consent, that the editorial and the letter to the editor be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

CBS Replies to Editorial on Pentagon Documentary

This letter is in response to your editorial of March 26, in which you start by calling the CBS News documentary, "The Selling of the Pentagon," a "highly valuable and informative exposition of a subject about which the American people should know more," and then proceed to examine in some detail the specific editing of that film and general practices of television news editing technique.

The editorial was obviously written by one who has long labored on the editorial page—and not on the news pages.

You conclude that in some measure (not specified) public confidence and credibility are undermined by our editing techniques "innocent or not."

The question of how a news or documentary broadcast is edited is at least as important as you obviously consider it. It is precisely as important as, and possibly no more complicated than, questions pertaining to editing in the print medium (newspapers and news magazines)—the process by which any journalist rejects or accepts, selects and omits, and almost always compresses material available to him. You do not question the right, indeed the professional obligation of your reporters to do this, nor of your editors to continue the process once the reporter has done his job, nor indeed, of your senior editors to impose their professional judgment upon this same piece of work when or if it comes to them.

But you question not only our right to do the same thing, but also the methods by which we edit, and even our motives ("innocent or not"). You do not, in other words, grant us the right to do precisely what you do—and must do if you are journalists as distinguished from transmission belts.

Why?

The key to why you feel this way is spelled out in your editorial: "People who work in the nonelectronic news business know how readily they themselves may distort an event or a remark . . . these dangers are of course multiplied in the production of a televised documentary."

You are saying that good reporting—fair reporting—is a difficult business, with many pitfalls along the way, that television reporting is a more difficult business with more pitfalls. Fair enough.

Then you go on to suggest, indeed recommend, that our rules should be different than your rules, that sound journalistic ethics and the First Amendment are somehow divisible between rights granted to journalists whose work comes out in ink and somewhat lesser rights for journalists whose work comes out electronically. You say we should go out of our way to "preserve intact and in sequence" the response of those we interview. We both "go out of our way" to be fair and accurate, but we both have limitations of space, and we both seek clarity. Except in verbatim transcripts, neither medium preserves intact or in sequence everything it presents. You say at the very least we should indicate that something in the interview has been dropped. If we asked you to do this, you would properly respond that readers know, without a blizzard of asterisks, that material in your paper is edited, that these are not the complete remarks. Our viewers know it, too. And so do those whom we cover.

But most astonishing of all, you propose that we should give the subject of the interview an opportunity to see and approve his revised remarks. Is that now the policy at The Washington Post? Of course not. You know and I know that this strikes at the very core of independent and free journalism. To grant a subject such a right of review is to remove the basic journalistic function of editing from the hands of the journalist and place it—in the case of the documentary in question—in the hands of the Pentagon. I almost wrote—"tell you what, we'll do it if you'll do it." Then I had a second thought: No, we won't do it even if you should do it.

We are all after the same thing: to be fair, to inform the public fairly and honestly. We do not suggest that we—or any journalistic organization—are free from errors. but nothing in the First Amendment suggests that we must be perfect, or that we are not human. And nothing suggests that if our responsibility is larger, our job tougher or our coverage broader there should be some new set of rules for our kind of journalism, as if to say the First Amendment is fine so long as it doesn't count for much. You don't seem to mind if our end of the dinghy sinks, so long as yours stays afloat.

Fairness is at the root of all this, and fairness can be and always will be debated.

But I submit that we are as careful about editing, as concerned with what is fair and proper and in balance, as rigorous in our internal screening and editorial control processes as any journalistic organization.

The job of ensuring that fairness, that balance and that sense of responsibility is difficult. It is the subject of our constant review and concern. It is not a question that can be solved by a single statement of policy or staff memorandum. It must be, and it is, the daily concern of our working reporters, editors and management.

We believe, as I have said publicly before, that "The Selling of the Pentagon" was edited fairly and honestly. Long after the useful and valuable debate on this broadcast has subsided and perhaps been forgotten we shall be editing other news broadcasts and other documentaries as fairly and as honestly as we know how, and in accordance with established journalistic practice—just as you shall be so editing.

RICHARD S. SALANT,
President, CBS News.

MR. SALANT'S LETTER

In our letters space today we print a response by Richard Salant of CBS News to our recent editorial concerning the dispute between CBS News, the Pentagon, Vice President Agnew, Congressman Hebert, and now—as it seems—The Washington Post. In time the U.N. may have to be called in, but for now we would like, in a unilateral action, to respond to Mr. Salant's complaint. We think it is off the point. And we think this is so because Mr. Salant invests the term "editing" with functions and freedoms well beyond anything we regard as common or acceptable practice. Mr. Salant taxes us with unfairly recommending two sets of standards in these matters, one for the printed press and another for the electronic. But he reads us wrong. We were and are objecting to the fact that *specifically, in relation to question-and-answer sequences,* two sets of standards *already* exist—and that what he and others in television appear to regard as simple "editing" seems to us to take an excess of unacknowledged liberties with the direct quotations of the principals involved.

Before we go into these, a word might be of use about the editorial practices (and malpractices) common to us both. When a public official or anyone else issues a statement or responds to a series of questions in an interview, the printed media of course exercise an editorial judgment in deciding which part and how much of that material to quote or paraphrase or ignore. The analogy with TV's time limitations, for us, is the limit on space: deciding which of the half million words of news coming into this paper each day shall be among the 80,000 we have room to print. Thus, "Vice President Agnew said last night . . . Mr. Agnew also said . . ." and so on; it is a formulation basic to both the daily paper and the televised newscast.

That bad and misleading judgments can be made by this newspaper in both our presentation and selection of such news goes without saying—or at least it did until we started doing some public soul-searching about it in this newspaper a good while back. There is, for example, a distorting effect in failing to report that certain statements were not unsolicited assertions but responses to a reporter's question. But that we do not confuse the effort to remedy these defects with a waiving of our First Amendment rights or a yielding up of editorial prerogatives should also be obvious to readers of this newspaper—perhaps tediously so by now. What we have in mind, however, when we talk of the license taken by the electronic media in the name of "editing" is something quite different, something this newspaper does not approve and would not leap to defend if it were caught doing. It is the practice of printing highly rearranged material in a Q-and-A sequence as if it were verbatim text, without indicating to the reader that changes had been made and/or without giving the subject an opportunity to approve revisions in the original exchange.

It is, for instance, presenting as a direct six-sentence quotation from a colonel, a "statement" composed of a first sentence from page 55 of his prepared text, followed by a second sentence from page 36, followed by a third and fourth from page 48, and a fifth from page 73, and a sixth from page 88. That occurred in "The Selling of the Pentagon," and we do not see why Mr. Salant should find it difficult to grant that this type of procedure is 1) not "editing" in any conventional sense and 2) likely to undermine both the broadcast's credibility and public confidence in that credibility.

The point here is that "The Selling of the Pentagon" presented this statement as if it were one that had actually been made—verbatim—by the Colonel: TV can and does simulate an impression of actuality in the way it conveys such rearranged material. Consider, again from the same documentary, a sequence with Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs. This is how viewers were *shown* Mr. Henkin answering a question:

"Roger Mudd: What about your public displays of military equipment at state fairs and shopping centers? What purpose does that serve?

"Mr. Henkin: Well, I think it serves the purpose of informing the public about their armed forces. I believe the American public has the right to request information about the armed forces, to have speakers come before them, to ask questions, and to understand the need for our armed forces, why we ask for the funds that we do ask for, how we spend these funds, what are we doing about such problems as drugs—and we do have a drug problem in the armed forces; what are we doing about the racial problem—and we do have a racial problem. I think the public has a valid right to ask us these questions."

This, on the other hand, is how Mr. Henkin *actually* answered the question:

"Mr. Henkin: Well, I think it serves the purpose of informing the public about their armed forces. It also has the ancillary benefit. I would hope, of simulating interest in recruiting as we move or try to move to zero draft calls and increased reliance on volunteers for our armed forces. I think it is very important that the American youth have an opportunity to learn about the armed forces."

The answer Mr. Henkin was *shown* to be giving had been transposed from his answer to another question a couple of pages along in the transcribed interview, and one that came out of a sequence dealing not just with military displays but also with the availability of military speakers. At that point in the interview, Roger Mudd asked Mr. Henkin whether the sort of thing he was now talking about—drug problems and racial problems—was "the sort of information that gets passed at state fairs by sergeants who are standing next to rockets." To which Mr. Henkin replied:

"Mr. Henkin: No, I didn't—wouldn't limit that to sergeants standing next to any kind of exhibits. I knew—I thought we were discussing speeches and all."

This is how the sequence was *shown* to have occurred, following on Mr. Henkin's transposed reply to the original question:

"Mr. Mudd: Well, is that the sort of information about the drug problem you have and the racial problem you have and the budget problems you have—is that the sort of information that gets passed out at state fairs by sergeants who are standing next to rockets.

"Mr. Henkin: No, I wouldn't limit that to sergeants standing next to any kind of exhibit. Now, there are those who contend that this is propaganda. I do not agree with this."

The part about discussing "speeches and all" had been omitted; the part about propaganda comes from a few lines above Mr. Henkin's actual answer and was in fact a reference to charges that the Pentagon was using talk of the "increasing Soviet threat" as propaganda to influence the size of the military budget.

Surely, something different from and less cosmic than a challenge to CBS's First Amendment rights is involved in the question of whether or not the subject of such a rearranged interview should not be given a chance to see and approve what he will be demonstrated to have said. And surely this "editing" practice must be conceded—with reason—to have damaging effect on public confidence in what is being shown to have happened—shown to have been said. We agree with Mr. Salant's premise that we are all in the same dinghy. That is why we are so concerned that neither end should sink.

MONTANA VERSUS SIBERIA

Mr. MANSFIELD. Mr. President, there has been a lot of loose talk in the papers recently which in effect equates the State of Montana with Siberia. The implications in these press stories are without substance and entirely unwarranted. Apart from a few superficial—very superficial—climatic similarities, there is no basis for comparison.

The whole business began when an agent of the Federal Bureau of Investigation became involved in an unfortunate situation in his agency. He was offered the choice of premature termination of service or assignment in Butte, Mont. He elected the former alternative over the latter. His unhappy—and from my viewpoint misguided—choice was reportedly made on the basis of a general opinion that Butte is the "purgatory" for FBI agents not in good standing. Whatever the situation involving this particular agent, the published reports on the reason for his resignation have caused reverberations up and down the Rocky Mountain States.

In Boulder, Colo., the students at the University of Colorado rose up and declared in an article in their campus newspaper, the Colorado Daily, that people ought to send shipments of warm clothing to FBI agents who had been "exiled" to Butte. The article, which was subsequently reprinted in the Montana Standard, urged public appeals to the United Nations, to the President, to Congress and to the Governor of Montana seeking relief and assistance for the "political prisoners." The Coloradans counseled words of encouragement to the exiles and said that "with any luck they should be free by the time spring arrives in Butte next August."

Before any extreme remedies are invoked, Mr. President, it should be noted that there are two sides to this story, as there are to most. The other side of this one comes to me in the form of a letter from Leonard E. Pratt, a lamp salesman who says he was "exiled" to Butte some time ago by the General Electric

Co. Mr. Pratt writes that he lives outside of town on a little, 20-acre ranch that he picked up for less than $25,000. In his spare time, he says he is forced to play golf at the new million dollar public country club, camp in Yellowstone Park, fish in various blue-ribbon trout streams, hunt big game in the fall, and ski on uncrowded slopes in the winter for half the price that prevails in other parts of the country. Mr. Pratt reports that he does find time to work and that his business is good; it has to be, he says, because his boss is always threatening to banish him to New York, Los Angeles, or even Washington, D.C.

Mr. Pratt's testimony prompts us, Mr. President, to see Butte, Mont., in better perspective.

Mr. President, I have had some hesitation about placing such material as Mr. Pratt's letter in the Record because I realize that it may well lead to a massive lineup of FBI agents and other Federal employees wishing to apply for exile to Montana. On reflection, and in fairness to my State and to the prospective exiles, I could do no less than to make this information a matter of public record. Persons wishing to explore the possibility of exile are invited to contact any Member of the Montana congressional delegation. I assure them that their applications will not be treated with utmost confidence, but I promise that they will receive a warm welcome as soon as they set foot in the Treasure State—the land of the bitterroot and flathead, the big horn and the blackfoot. They might even feel that they have come home at last.

I ask unanimous consent to have printed in the Record an article published in the Montana Standard, March 17, 1971, and a letter from Leonard E. Pratt.

There being no objection, the items were ordered to be printed in the Record, as follows:

FREE THE FBI IN BUTTE

According to an article in the Boulder Daily Camera Jan. 19, an agent of the FBI was fired for writing a letter critical of its director, J. Edgar Hoover. The agent could have avoided this fate had he chosen to accept a transfer to Butte, Mont., which was described as "a purgatory for agents who have incurred Hoover's displeasure."

Now I think we have reached rock bottom when FBI agents are held as political prisoners in Butte, Mont., on the whim of J. Edgar Hoover. How can we possibly condemn the Russians for exiling writers to Siberia when American police are being shipped to a climate, environment and topography which is even worse?

To end this outrage I advocate the following:

Write your congressman. Remind him that the United States has signed the Geneva Convention, and that American captives in Butte, Mont., have the same rights as American captives in Hanoi, North Vietnam.

Write the President of the United States. Ask him what federal law authorizes an exile policy. Ask him to bring the boys home from Butte and Saigon.

Write the Secretary General of the United Nations and request an observer group be sent to Montana. Ask him to arrange safe passage and immunity from arrest for all FBI agents who wish to leave that state.

Write the governor of Montana and ask him how many tractors or how much strip mining equipment he will take in exchange for the FBI agents.

Don't bother to write J. Edgar Hoover directly. Since he will be reading all mail in the first four categories there is no point in burdening him down with any more work.

In the interim before public pressure leads to reform write directly to the FBI agents in Butte, Mont., and tell them you sympathize with their plight. Send warm clothes and old copies of the Colorado Daily. Newspapers make excellent insulation and are greatly appreciated at 40 below zero. Once last winter it got to 40 below zero in Butte, Mont. . . .

When you write tell the FBI men we have not forgotten them. Tell them to keep stiff upper lip and that with any luck they should be free by the time spring arrives in Butte next August.

BUTTE, MONT.

Due to the recent adverse publicity of J. Edgar Hoover, "banning" a FBI agent to Butte, Montana, as a disciplinary action: I thought you might be interested in knowing what it is like to be banned to Butte, Montana as a G.E. employee.

I admit that old Butte is not much to look at, but the new homes and business are as up to date and modern as any town of its size. I don't have the opportunity to live in Butte, but I am inclined to like the wide open spaces so I live on a little ranch 26 miles from Butte. I have a nice home, horses, dogs, cats, and 20 acres for my five kids to run on, all for under $25,000. Since my home is not located in Butte I am considered a non-resident by the new $1,000,000 plus country club, and it cost me $50.00 to join and $9.00 a month to play golf on the best 18 hole golf course in the state.

When I am not golfing in the summer I can be camping around Yellowstone or Glacier Park on the weekends or along any of the many blue ribbon trout streams such as the Gallitan, Madison, or Big Hole Rivers.

When fall rolls around I am "banned" to hunting deer, elk and moose, by jeep, horseback or backpacking. If the big game hunting is a little slow I might have to take up my shotgun and bird dog and take off to the pheasant and duck hunting grounds less than a hundred miles away.

But what about those cold snowy winters you hear so much about in Montana? They are snowy all right and there are a lot of disappointed skiers and snowmobilers if it isn't. It is real hard on a fellow to have to ski from November to April on beautiful, well equipped, uncrowded ski slopes, for only $5 a day in tow fees. You may wonder if a fellow has any time to work with all of the recreation available. Well these Montanan's have been good to me up here and I have finished either first or second in sales in my district for the last three years. My boss's threat each year is, "If you don't do good this year I am going to have to ban you to New York, Washington D.C., Cleveland, or Los Angeles."

LEONARD E. PRATT,
General Electric Lamp Sales Dept.

THE VERDICT IN THE CALLEY COURT-MARTIAL

Mr. TALMADGE. Mr. President, in all my years in the Senate, I do not recall such an intense expression of public outrage as that produced by the verdict in the court-martial of Lieutenant Calley at Fort Benning, Ga.

My offices in Washington and Atlanta have been literally deluged by telegrams and telephone calls from all over Georgia. I know of no better way to describe their attitude than extreme outrage. In just the past 2 days, I have received 600 telegrams, almost the same number of telephone calls, and now letters are beginning to pour in.

I plan to forward these communications, after I have answered them, to the White House to let the President know of the outpouring of outrage from Georgians that is being expressed about the Calley case.

I understand that other Senators also are receiving many hundreds of protests, and, in my judgment, I believe the President should know how deeply Americans are concerned about this matter.

RAILPAX

Mr. JORDAN of Idaho. Mr. President, on May 1 of this year the State of Idaho will be left with virtually no rail passenger service. It is my understanding that the Union Pacific Railroad Co. has joined the Railpax system and intends to cease operations on both the east-west route through Southern Idaho and the north-south route from Butte, Mont., to Salt Lake City, Utah.

This termination of rail passenger service will be a severe blow to the economic and social well-being of the people of my State. Despite the decline in the quality of service on the trains in recent years, many people have relied upon them for transportation. The all weather capability of the railroads is of particular importance to Idaho because of the severe winter weather which we sometimes have. After May 1, Idahoans will no longer be able to rely upon the trains, however, as an alternate means of transportation in inclement weather.

The city of Portland route from Portland to Chicago via Boise has been of great economic and social value to the citizens of Idaho as well as to other east-west travelers. This route generally parallels the Oregon Trail which opened up the Pacific Northwest to settlement in the last century. It has been of importance as a rail route in more recent years.

The Salt Lake City-Butte line has also been valuable to the people of my State. In denying a petition for discontinuance of service by Union Pacific last year, the Interstate Commerce Commission stated that the trains on this line "provide the last remaining direct rail passenger service between Butte and Ogden and the last direct through rail passenger service between Butte and Salt Lake City traversing an area which, though sparsely populated, has evidenced a marked degree of reliance on rail transportation primarily because of the peculiarities of its terrain and climatic conditions."

Members of the Idaho congressional delegation had prevailed upon the ICC to deny the petition to discontinue service between Butte and Salt Lake City on the ground that legislation was then pending to set up a National Rail Passenger Corporation. It was hoped that Railpax, if enacted, would continue this vital service.

Unfortunately, the Secretary of Transportation did not designate either the east-west route or the north-south route as a part of the basic national rail passenger system. With the exception of a stop at Sandpoint, Idaho, in the northernmost part of the State, therefore, Idahoans will not have access to rail transportation.

In response to this dire situation my colleague from Idaho (Mr. Church) introduced S. 1018 on February 26, 1971. Enactment of this legislation would carry out the intent of Congress, as outlined in the Rail Passenger Service Act, that the need for expeditious intercity rail passenger service within and between "all regions of the continental United States" be taken into account in designating the Railpax System. It would require that the System be expanded to provide adequate intercity rail passenger service to a major population area of each of the contiguous 48 States which did not have any large population area provided with intercity rail passenger service by the Basic System as already designated.

I am hopeful that Congress will act quickly on this legislation so that rail passenger service in Idaho will not become a thing of the past.

Mr. President, I ask unanimous consent to have printed in the Record a memorial from the Idaho State Legislature urging rail service for Idaho.

There being no objection, the items were ordered to be printed in the Record, as follows:

Senate Joint Memorial No. 106 by State Affairs Committee

A JOINT MEMORIAL TO THE HONORABLE PRESIDENT OF THE UNITED STATES, THE SECRETARY OF TRANSPORTATION, PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES AND THE SENATORS AND REPRESENTATIVES REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES

We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the First Regular Session of the Forty-first Idaho Legislature, do hereby respectfully represent that:

Whereas, the people of the state of Idaho are separated and sometimes isolated by the mountainous terrain and severe climatic conditions and depend upon the passenger rail system as a vital link for communication and transportation within the borders of the state and among the neighboring states; and

Whereas, loss of passenger rail service within Idaho, and between Idaho and her neighbors would have a harsh impact upon the Idaho employee and upon the economic health of Idaho in general; and

Whereas, the state of Idaho, which includes various sites of growing tourist and recreational attraction, depends upon a convenient transportation system for the continued expansion of these recreational resources; and

Whereas, the final plan for the basic national rail passenger system, which has been presented, fails to provide a single point of service to the state of Idaho and her citizens, and therefore does not recognize the needs of people located within the area stretching from the Wyoming border on the east to the Oregon and Washington borders on the west, and from Utah and Nevada on the south to Montana and Canada on the north.

Now, therefore, be it resolved by the First Regular Session of the Forty-first Idaho Legislature, the Senate and the House of Representatives concurring, that we most respectfully urge the Congress of the United States to take the action necessary to insure that the people of the state of Idaho may participate in and benefit from the basic national rail passenger system and shall not suffer disadvantage therefrom by including the southern Idaho east-west and north-south routes under the system.

Be it further resolved that the Secretary of the Senate be, and he is hereby authorized and directed to forward copies of this Memorial to the President of the United States, the Secretary of Transportation, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and the Senators and Representatives representing this state in the Congress of the United States.

I hereby certify that this is a true and correct copy of Senate Joint Memorial No. 106 that was passed by the Forty-first Legislative session of the State of Idaho.

Attest:

Arthur Wilson,
Secretary of the Senate.

MISSOURI PRISONERS OF WAR DAY

Mr. SYMINGTON. Mr. President, during the week of March 21 Americans came together in a National Week of Concern for Prisoners of War/Missing in Action. As said at that time, the concern of Americans for the treatment accorded prisoners of war in North Vietnam would not stop when that week came to a close. It will continue until our Nation succeeds in obtaining the release of our American servicemen.

In that connection, I call to the attention of the Senate that the Governor of the State of Missouri has designated April 28 as Prisoners of War Day in Missouri and urged all citizens to reaffirm their support of these valiant men.

I ask unanimous consent that the Governor's proclamation be printed in the Record.

There being no objection, the proclamation was ordered to be printed in the Record, as follows:

State of Missouri

Whereas, the National P.O.W. Day Committee has designated April 28, 1971, as a national day of support for our American Prisoners of War in the hands of the North Vietnamese; and

Whereas, this amounts to a call for humane treatment of these prisoners of war if not for their direct release; and

Whereas, we must show more concern for the plight of American prisoners of war:

Now, therefore, I, Warren E. Hearnes, Governor of the State of Missouri, do hereby proclaim April 28, 1971, as

PRISONERS OF WAR DAY

in Missouri, and urge all citizens to reaffirm their support of these valiant men.

In testimony whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, this 2nd day of March, 1971.

Warren E. Hearnes,
Governor.

Attest:

James Kirkpatrick,
Secretary of State.

THE STATUS OF FORESTRY KNOWLEDGE

Mr. PACKWOOD. Mr. President, last week in Gainesville, Fla., the 15th congress of the International Union of Forestry Research Organizations met and reviewed in depth the status of forestry knowledge and the need for additional research. On Tuesday, March 23, Mr. Edward Cliff, Chief of the U.S. Forest Service, shared some of the findings of the IUFRO meeting with those attending the annual Society of Foresters meeting in Washington.

Chief Cliff went into some detail in discussing the information contained in some of the papers presented at the IUFRO meeting, I believe the information should be made available to Senators who are interested in what is going on in forestry research on the international scale.

Mr. President, I ask unanimous consent that the text of Chief Cliff's speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Earth Resources and Research for Protection, Management and Use of Forests [1]

It is fortuitous that this meeting of the Washington Section of the Society of American Foresters follows the fifteenth Congress of the International Union of Forestry Research Organizations (IUFRO). Last week in Gainesville, Florida, 681 leading scientists in forestry and related fields from 59 countries plumbed the depths and charted the outermost boundaries of forestry knowledge I decided to use the 12 plenary session papers as the basis for this keynote address.

How many times we heard it said of a person who lacks vision that he can not see the forest for the trees? The forester has prided himself for his vision of the forest as a complex system of living things and their related environment. But now we find that even this view of the forest may be too restricted.

The purpose of our meeting today is to ask this group of foresters to step back a bit further than they normally do in their day-to-day work and take a look at the world's resources. When I say step back I mean not just short steps, but as far as one must step to view the world as a whole. Socrates, about 500 B.C., suggested "that man must rise above this earth to the top of the atmosphere and beyond for only thus will he fully understand the world in which he lives." From the vantage points of space, we can see earth resources not in the sense of individual trees or forests or vegetation, but rather in the sense of an interrelated whole.

What are the earth resources brought into focus by this view? Earth is made up of the land masses, the water bodies, the envelope of air surrounding the planet, and the minerals, oil and gas lying within the crust.

Besides its physical resources, earth has biological resources, the many forms of plant and animal life that occupy the biosphere. Earth's resources also include those modified by man: his habitations, his transportation systems, and his impacts on the biological and physical attributes of the earth.

Modern society, which is steadily increasing in density, mobility, and complexity, has generated major problems in the utilization of earth's resources. Perhaps the principal element of the world's social equation is man's efforts and effectiveness in understanding his environment and in utilizing natural resources to satisfy his needs and desires. Too often in the past, man has used natural resources without understanding the place of these resources in the total environment and the impact of his actions upon this environment. From the new perspective of earth resources we, as foresters, should take a hard look to see how forestry can best contribute to the material needs of mankind and to the enhancement of environmental quality.

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[1] Keynote address by Edward P. Cliff, Chief, Forest Service, to the Society of American Foresters, Washington, D.C. Section, March 23, 1971.

My address today could be taken directly from the keynote address to the IUFRO Congress. Dr. E. Martin Worthington, in his "Forestry Research and the Environment of Man," talked directly toward a better understanding of earth resources. Dr. Worthington, who is scientific director of the International Biological Program (IBP), truly has a perspective on the world's resources.

Dr. Worthington looks at forestry as having basically two different and contrasting values: One is protection, and the other is production. Both are interpreted very broadly. Under protection he includes concern for soil, water supplies, amenities, sport, wildlife, ecosystems, rare species, and gene pools. Production is also broad, but by no means is it limited to timber. It includes the great variety of forest products, animal as well as plant, and there are aesthetic and amenity products.

As we consider earth resources, the IBP, like other international scientific programs, has a close relation to nearly all resources. One of IBP's greatest contributions is the attention that it has drawn to changes, both natural and manmade, taking place in the environment. Many of these affect Forestry and Forestry Research. For not only do forests cover almost one-third of the surface of the continents, but they influence the other two-thirds and the atmosphere as well. Dr. Worthington stresses that the quality of our future decisions depends upon learning more about how natural systems operate and the impacts of alternative systems for development and exploitation on them. For example, only through a full ecosystem and analysis can we appreciate the effects of air pollution.

The effects of air pollutants do not stop after they have been registered upon the sensitive membranes of humans or upon the susceptible tissues of plants or animals. Rather, the pollutants are deposited in the ecosystem and can have other significant effects. The soil itself may be seriously polluted, such as by the increasing acidity resulting from sulphur brought down from the atmosphere by rain. The acidity alone may not be the problem, for the sulphur may destroy nitrogen fixing bacteria that are essential for plant growth.

The "implication of remote sensors for forestry research practice" was told by Professor Hildebrandt of Germany and R C. Heller, a Forest Service scientist working at Berkeley, California. They point out that first aerial photos were taken for forestry purposes in Germany and Canada more than 50 years ago. Since that time we have developed a complex system of using black and white photography from aircraft for purposes of mapping, forest inventory, and forest management. Entirely new forestry applications now are available in areas of mapping, inventory, protection, engineering, soils, wildlife, and range management.

Remote sensing gives us a chance to inventory and understand the resources of earth in a way that was not possible a few decades ago. Rapid advances in research have improved this tool to the point where machines "see" things that man himself cannot see with his limited visual abilities.

Heat sensors detect and map the location of forest fires, geothermal areas, and individual grazing animals. Side-looking radar divests the land of its cloak of vegetation and exposes every ridge and rill. Cameras with unique films and filters show that sick trees have higher temperatures than their healthy neighbors.

Intensive culture of forests is the topic of discussion in most of the developed countries in the world. To achieve the rapid growth of selected genetic varieties, foresters may apply a full array of intensive management practices: fertilization, frequent intermediate cuttings, continuous cropping, and a high degree of mechanization. Effects of these practices on insect and disease populations are often unknown or poorly understood.

Dr. Keith R. Shea, a Forest Service scientist at Corvallis, Oregon, showed how intensive cultural practices can influence the susceptibility of forests to destructive insets and diseases. If we thought we had troubles with insects and diseases before intensive forestry, our troubles will be multiplied under intensive forest culture. To keep up with these pests, we will need improved ways for predicting, diagnosing, detecting, and evaluating pest outbreaks. Safer pesticides and more effective methods of application must be developed. But, for long-run controls on these destructive agents, we will need to give more attention to the breeding of the resistant varieties, to the development of biological controls through parasites and predators. Most important, we need to develop cultural practices that keep pests in check. One interesting sidelight of the recent progress in disease research has been the development of varieties that are either highly resistant or highly susceptible to pollutants. The susceptible varieties will serve as excellent monitors for the presence and abundance of pollutants, whereas the resistant varieties can be used to create forest stands where pollution now precludes their growth and development.

The industrial age was followed in the early part of this century by the age of technology. The explosive growth of man's activities and technologies led to the present era of concern, the earth age. Such a process of dynamic change was brought home to me by a paper on "Changes in Goals of Forestry Management in the Industrial Age." This paper by Professor Hauser of Switzerland outlined the modification and changes that industry and technology have brought to our living space and environmental conjunctions. Under the pressures of accelerating demand, forests have been utilized, exploited, and even completely destroyed. We in the United States have been concerned about protecting forest landscapes for only a decade or so. In Europe this concern for the appearance of forests has been prevalent for more than two hundred years. Virtually all of our forest protection laws were enacted during the lifetime of people within this room. In Europe the first protective measures, those against avalanches in Alpine countries, date back to the Middle Ages. While we are proud of our strides toward multiple use and sustained yield in the last three decades, foresters in Europe had attained laws with respect to the general welfare and recreational functions of the forest before this century.

However, in the older countries of Europe, as in this country, new problems are posed by the rapid developments of technology and industry and the concentration and mobility of human population. Under these conditions the protective and welfare functions of the forests appear under new light. Environmental forestry, a term given to this concept, gets away from the concept of forests as merely productive entities and moves toward the concept of the forests as a environment for the use, enjoyment, and protection of man, his activities, and his enjoyment of life.

I was surprised to learn from a talk presented by Professor Tamm of Sweden of the great progress in recent years in building mathematical models for forest stands that expressed their growth and development in quantitative physiological terms. The state of the art is such that models have been developed which describe the important processes in tree activity over limited periods of time. Of course, the big goal has not yet been obtained. That is to develop a model that satisfactorily integrates the action of all climatic, edaphic, and biotic factors on a forest tree in its natural environment.

One major thrust of the International Biological Program has been to develop such models that show how forests function. IBP also is collecting information on the productivity of terrestrial ecosystems. From this worldwide effort, we should be able to compare the productivities of forests in a number of different ecological conditions with an aim toward manipulating their productivity for a number of outputs. Our scientists are looking more and more at the way forests respond to uses other than wood production. They are beginning to understand how forests should be arranged and managed for recreational purposes or for wildlife production and visibility. Where human impact is heavy, they are studying the ways forests withstand human wearing and air pollution.

Professor Wareing, of the University College of Wales in the United Kingdom, presented a most interesting analysis of the factors that affect the yield in the individual tree. As you might expect, the key to tree productivity is the rate of dry matter production. It is most influenced by these five factors:

(1) Photosynthetic rate, (2) development of the crown, (3) growth habit, (4) duration of the growing period, and (5) the decline in growth rate with aging. Significant differences with respect to all of these factors occur among species, among provenances, and among individual trees.

This, of course, is the reason that certain species, races, or varieties have unusually high productivity. When our physiologists and tree breeders know how these things fit together, they will be able to produce for us tree varieties that literally jump out of the ground and produce extraordinary yields of high-quality products. The impact of such research on forestry over the next 30 years will be of the same magnitude as the impact that crop breeding has had on agriculture since the 1920's.

The earth forests are great consumers, storehouses, and producers of energy. These energy relationships are the basis for the influence of forest environment. Professor Baumgartner, of the Meteorological Institute of Forestry at Munich, Germany, has created a model that shows how the sources of power are related to production and transpiration within forest stands. The simple fact that evaporation of 1 gram of water requires 600 calories can be related to the water exchanges of trees, water balance of river systems, and the influence of trees on climate.

Forests are characterized by relatively low surface temperatures in summer and relatively high surface temperatures in winter. Thus, they are heat sinks which absorb the heat of summer and heat sources to help ameliorate the severe climate of winter. Forests also surpass all other land surfaces in aerodynamic roughness. That is, they produce more turbulence and vertical mixing of the air that flows through and over them than does any other natural surface. The result is that forests can have a major role in cleaning the air of pollutants and in dampening the transmission of undesirable noise.

Having recently seen mechanized timber harvesting in the South, I was surprised to hear Dr. Silversides, of the Department of Fisheries and Forestry in Canada, comment that "Agriculture is at least 140 years ahead of silviculture in terms of mechanization." Of course, he was relating to the fact that in highly developed countries even the most difficult crops such as tomatoes, lettuce, or cherries now are harvested by mechanical devices. He went on to say, "Those crops, the harvesting of which cannot be mechanized, will cease to be of economic importance." Accepting the general truth of these statements, we can see that forestry operations must be mechanized if the forest resources of the earth are to produce commensurately with other resources. Only in the last few decades have we seen significant advances in mechanization of logging. Skyline logging systems, balloon logging, mechanical harvesters, all are developments that will have to be repeated and improved upon if the harvesting of forests is to remain an economic venture in the light of constantly increasing costs and scarcity of labor.

Another theme that emerged from the IUFRO Congress is the need for better information, more rapid retrieval of information, and information of value to many disciplines. "Information systems in forestry" was the subject of a thought-provoking paper by Dr. Schrader of the Center for Documentation at Reinbek, Germany. He stressed the possibilities of applying computers for storage and retrieval of the information contained in forestry literature. The flood of technical information in forestry is overwhelming those who must assimilate and use it in decision-making processes. Unfortunately, systems for handling and retrieving information are lagging far behind the systems for generating information. Here is an area where forestry must change its priorities.

Forestry must give more emphasis to finding ways to retrieve and use the information that has already been generated. One of the first steps in solving the informational problem is to develop a common language.

To this end, the Multilingual Forestry Terminology Project has directed its efforts, and the first outcome is the recently released English Forestry Terminology. This book, now available from the Society of American Foresters, gives English terms and their definitions and equivalents in usage throughout the English-speaking world.

It is rather amusing to learn that when the British speak of "beating up," they are not speaking of an aggressive act to another human, rather they are talking about replanting. Extension of this terminology project to other languages and expansion to include more terms are keys to developing a common language. The impact of this new terminology may be substantial changes in the vocabulary of foresters and scientists to provide for simple, common meaning in language.

In closing, I return to Dr. Worthington. He left his audience at Gainesville with three points that I would like to generalize for you in the context of our topic today:

1. Think out clearly the objectives before embarking on any project that involves a major resource, for the project is apt to become more and more expensive in money and manpower. In other words, we must ask the right question at the beginning in order to obtain the right answer most efficiently.

2. Consider the forest as a whole—its vegetation, its fauna, its soil, its water regimes—as an ecosystem of energy flow and biological productivity, of which mankind is a part.

3. Focus new attention on changes in the forest environment, both natural and manmade, monitored to assess these effects and to determine their influence in order to develop a partnership between man and nature that considers all of earth's resources.

THE TWO-PARTY SYSTEM

Mr. ERVIN. Mr. President, our system of government has worked in part because of what we call, for a lack of a better name, the two-party system. The two-party system has worked in a practical manner because of loyalty of countless thousands of people throughout the country to the political party of their choice.

Augustus Vernon Peeler, a lifelong resident of my county in North Carolina, was one of those numerous Americans who have made the two-party system work. When he passed away a short time ago, my hometown newspaper, the Morganton News Herald, carried an editorial commenting on his long time service to the Democratic Party at the precinct level. This editorial is entitled "Passing of Political Era" and is worthy of preservation as a fine memorial to one of the thousands of Americans throughout our land who have made the two-party system work and thus made our system of government function properly.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PASSING OF POLITICAL ERA

Augustus Vernon Peeler is dead, and with him passed an era in Burke County politics.

Gus Peeler held a place that was unique in that politics was more than just a hobby with him. It was almost a way of life. It happened that he was a Democrat, but he has had his counterparts in the Republican camp in the past. But they and other Democrats of like nature are either dead or removed from the active scene by age.

Gus Peeler was a resident of Lower Fork Township (residing on Route 1, Connelly Springs), and his precinct was Lower Fork No. 2. His political interest must have developed at an early age, for he has been Democratic precinct chairman for as far back as the current generation of officeholders and candidates can remember.

His unique quality was that he was one of those rare precinct chairmen who could deliver their precinct for a given candidate. In big city circles he might have been called "ward boss". If Gus Peeler became sold on a candidate, particularly in a nominating primary, then that candidate would receive an almost unanimous vote at the precinct.

Stories about him abound. One tells how a supporter for a candidate for a major state office convinced "Mr. Gus" that this man was the right one, but because there was another able candidate in the race he advised him to allow the other man to make a fair showing in his precinct. That night the votes were counted. Candidate No. 1 received over 200 votes and his opponent, who was due to get a "fair showing," received 2.

Gus Peeler wasn't after the money that's spent on political campaigns. The impression is that he was probably less demanding of cash to oil up his precinct machinery than most other workers.

His role as old-fashioned precinct chairman didn't hinge on money. His party's forces in his precinct were gently disciplined when necessary, and they didn't consider that theirs were "controlled votes." He bought their vote but it was bought by friendship, persuasion and personal favors which in these parts are called "accommodations." People voted the way Mr. Peeler wanted them to because they liked him and appreciated what he as a friend had done for them, including never deliberately leading them astray in the way they cast their vote. They liked him and trusted him.

When ill health disabled him some time ago, friends installed for him a telephone—a luxury he had never before enjoyed—so that he could still keep in touch with the outside world. And they quietly raised funds to help him defray what for him were heavy medical expenses, including a continuing supply of essential oxygen. These were other ways in which friendship was expressed.

The name of this unassuming man was perpetuated when a road in his township was named the Gus Peeler Road and it is so marked.

Gus Peeler served for years as registrar or judge of elections held in his precinct and he knew the electorate, both Democrats and Republicans. One election night he telephoned his precinct returns to The News Herald office five minutes or more before the polls were scheduled to close. The surprised tabulator asked, "Mr. Gus, does your clock say 6:30? Is it time to close the polls?" His reply: "It's about that time, and everybody down here who's going to vote has already voted." Both sides had trained their followers to vote before the last minute, and by agreement, knowing that all the votes were in, election officials had counted the ballots. It was the first precinct to report that night—before the polls were legally closed.

In this day of growing political sophistication, the sun has set on the era of the chairman or leader or boss who can deliver the vote of his precinct. Most voters try to avoid like the plague having it appear that theirs are controlled votes. Even if they are influenced by friendship or favors or just downright neighborliness, they refuse to admit it, preferring instead to display an I'll-make-up-my-own-mind attitude. Usually that's accompanied by a vote-for-the-man-and-not-the-party stance that is often the theme of the minority party, which, in Burke County, can change in the matter of a few years.

All of this raises a serious question as to the effect of the so-called enlightened new day for the electorate on the two-party system. It must be credited to the Gus Peelers of both sides that the two-party system became strong. It has been acclaimed as the best of the political systems to be found, preferable to the multiplicity of splinter groups found in some countries where candidates can be elected without getting anything near a majority of the votes.

Gus Peeler and his kind of both parties contributed to the strength that comes from having a hard and substantial core of voters who can be depended on to unite to give substance to the support a party nominee can expect. The independent voter—an important figure in the political picture—has always been free to vote for the candidates of his choice in his own party or the other party or he may choose to be unaligned. The floating or independent voters have held the balance of power in any election, tipping the scales between the two parties with their built-in, almost-automatic support accounted for by Gus Peeler and his counterparts, who fueled the party machinery for the two-party system.

With the passing of the paternalistic, friendly and befriending precinct chairman (or boss or leader) and the growing reluctance of many people to be identified as a "party member," a weakening of the two-party system seems inevitable. Add to that the tendency of candidates to run not as party nominees but as individuals campaigning on their own, seeking to build a personal image through advertising (including histrionics through the medium of electronics). A further minimizing of party roles thus seems to be taking place which weakens the two-party system still more.

The two-party system is worth saving because the alternative is unthinkable. And while thoughtful students of political history are looking around for ways to save it, let the affiliated and unaffiliated remember the solid contribution which the Gus Peelers of both parties made to their day and age through the promotion of "party regularity."

IMPROVEMENT OF HIGHER EDUCATION PROGRAMS

Mr. PACKWOOD. Mr. President, the Senate Labor and Public Welfare Committee will soon be taking up legislation to amend our higher education programs, and I am looking forward to this opportunity with great anticipation. As our college students face more and more difficult financial problems, and as institutions of higher education attempt to solve their multifaceted problems, we shall be called upon to provide better answers than we have had in the past and with improved mechanisms for assisting institutions of higher education and students seeking postsecondary education.

The American Association of State Colleges and Universities and the National Association of State Universities and Land Grant Colleges have recently issued a joint statement entitled "Recommendations for National Action Affecting Higher Education." This statement sets forth the policy recommendations of these two distinguished associations. Their recommendations range from student assistance, institutional assistance, institutional responsibility, research, and diversification of postsecondary educational opportunity.

In view of our upcoming debate on higher education amendments, I believe all Senators will find these recommendations very instructive. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the recommendations were ordered to be printed in the RECORD, as follows:

RECOMMENDATIONS FOR NATIONAL ACTION AFFECTING HIGHER EDUCATION

INTRODUCTION

The higher education system in America today faces a financial crisis which must be acknowledged and met. In the last decade, student enrollments have increased at an unprecedented rate. Research and training programs have been expanded to meet national needs. The physical and human resources of colleges and universities have been burdened to meet these new and heavy commitments. At the same time, costs have risen sharply while economic decline has reduced the capability of public and private support for higher education to meet them. Most of our institutions would face grave problems if they were simply to maintain the present level of operations.

But the present level of operations is not good enough. There are young people—perhaps a million of them in a college generation—who would not get post-secondary education at that level of operations. They are precluded from further education by poverty. We share the determination of the President and other Americans that these young people should *not* be barred from equal educational opportunity simply by lack of money. We support Federal assistance programs which will provide opportunity for them. At the same time, it would be irresponsible for us not to say bluntly that there must be buildings to house them and teachers to teach them if they are to be educated further. Every additional student who goes to college brings additional cost with him. Very few institutions charge tuition high enough to cover the cost of instruction, not to mention essential construction costs. Success in meeting the national goal of larger enrollments could mean financial disaster for the higher education system.

It is time to face frankly the fact that it is not possible to provide equal educational opportunity to American young people without paying the cost—not just the tuition and maintenance cost to the students but also the cost of educating them. We urge the Congress and the Executive to recognize the inseparable relationship of these costs by assisting all institutions, public and private, to do the education job, while they maintain vital programs to aid students.

I. STUDENT ASSISTANCE

We commend the President of the United States for the commitment he made, in his education message to Congress early in 1970, to use the resources of the Federal government to make sure that no young person who can benefit from post-secondary education will be denied the opporunity. We share that commitment without reservation. Our role in national life, as public institutions of higher education, has been to provide education free or at low tuition to as many students as possible. Our society is very far, however, from extending the opportunity of further education to all young people who need and want it. The realization of that goal will require a commitment of national resources far beyond anything the government has so far been willing to make.

But there are good programs in law now which should be extended and improved.

For the *low-income student*, a substantial package of assistance can be put together by:

Maintaining the National Defense Education Act student loan program to insure access to low-interest loans for needy students.

Maintaining the integrity of the Educational Opportunity Grants program. Young people from very low-income families often are intimidated by the prospect of a heavy debt burden. Outright grants are indispensable.

Maintaining the work-study program, with the Federal level of contributions established at 90 per cent as a minimum.

For the *middle-income student*, the *Guaranteed Student Loan program* should be maintained with an adequate flow of funds for legitimate educational needs. We accept the assurances of the Administration and the banking community that this will require a secondary-market arrangement of some kind, so we support the establishment of the *National Student Loan Association.*

We are disturbed by the continuing trend of the Administration to eliminate grants and direct loans from Federal programs in favor of guaranteed loans from the private market, perhaps with interest subsidies. Our institutions do not need the Federal guarantee, while many private institutions find interest so high and repayment periods so short they cannot profit from the guarantee. We understand why interest subsidies are preferred to grants or direct loans: they reflect a smaller expenditure *in the budget for a particular year*. But inasmuch as they increase arithmetically each year, they not only cost more in the long run but also represent an ever-expanding element of inflexibility in the budget, threatening all social programs and providing the government with a dangerous stake in inflation.

We oppose:

Tax credits for tuition and fees.

A general Federal scholarship plan.

Proposals such as the *contingent loan repayment plan or any other based on the philosophy that students should pay an increasing proportion of the cost of higher education by long-term borrowing.* The inevitable result of any such scheme is tuition increases to the point of the full cost of instruction, with a repudiation by society of its own responsibility for and gain from the expansion of human resources through higher education.

II. INSTITUTIONAL AID

A commitment to educating massive numbers of new students is meaningless if it does not include the responsibility to provide the housing, classrooms, laboratories, and faculty necessary to do the job. Colleges and universities have absorbed an additional 1.5 million students since 1965. The instructions in NASULGC had to turn away nearly 90,000 qualified students in the Fall of 1970. Many AASCU institutions have had the same experience. Therefore, it is unrealistic to assume that existing facilities and teaching resources could take care of an additional million students, say, in five years. It is true that there are vacancies in private institutions, but not approaching the numbers mentioned here.

Sooner or later, the Federal government will have to undertake an adequate program of institutional aid. A model for such assistance is the land-grant teaching assistance program which provides unfettered money for institutions designated as land-grant colleges. Unfortunately, both the Executive and the Congress moved in the wrong direction in 1970—the President's budget eliminated the funds for this program; Congress restored them but at an amount below the authorization for the first time in more than a half century. What is needed is to expand the concept of operational aid to *all* institutions, public and private, not eliminate the small step that has been taken in the right direction.

Our institutions have commended and strongly supported the efforts of Representatives George P. Miller and Emilio Q. Daddario to pass their National Institutional Grants program bill (H.R. 11542, 91st Congress), which was overwhelmingly approved by the House Committee on Science and Astronautics in 1970. We commend Representative Albert Quie and Senator Peter Dominick for introducing identical institutional aid bills in their respective houses in the 91st Congress (H.R. 1622, S. 3817) and we strongly support these measures as well.

We will support any bill with a reasonable formula for institutional aid, relying on further legislation to correct inequities as experience reveals them.

There are categorical programs which are broad enough to furnish a kind of institutional aid. Among these we recommend:

Funding of both the undergraduate and graduate academic facilities grants programs and expansion of the loan program to authorized levels.

Expansion of the College Housing Loan Program as a supplement to, but not a substitute for, the direct loan program.

Continuation and expansion of aid to de-

veloping colleges, particularly as the program aids institutions with heavy enrollments of students from minority groups.

III. RESEARCH

Research is one of the requisite functions of a university. It adds to the basic knowledge which helps to make a nation strong and the life of its people safe and satisfying. The Federal government has played a huge role in the research efforts of our institutions, which have responded and will continue to respond to national needs. But serious dislocations occur when universities commit their own resources to Federal programs which then are phased out, leaving universities to support staff and facilities as best they can. Feast-or-famine practices in appropriations encourage new ventures, then destroy long-established and highly productive programs.

We believe the Federal government must bring stability to its research, training, and developmental assistance programs with a slow but dependable expansion in funding, in real dollars.

In regard to specific programs, we recommend:

Prompt action to restore the deep reductions made last year in *long-established fellowship programs* (such as those of Title IV of the National Defense Education Act) and to provide adequate funding for new programs (such as those of the Education Professions Development Act).

Expanded support for basic research, which is fundamental to the nation's progress.

Elimination of cost-sharing requirements, and implementation of the policy of *full reimbursement of indirect costs.*

Continuation and expansion of short-term institutional development grants, initiated by the National Science Foundation and the U.S. Public Health Service.

Increased support of the National Foundation for the Arts and Humanities, with emphisis on support of institutional programs while continuing individual grants.

Emphasis in the health fields on adequate funding of existing programs which are now of a comprehensive nature.

Strengthening and broadening the computer facilities programs, with stress on cooperative arrangements among institutions.

IV. ACADEMIC RESPONSIBILITIES

The two Associations are firmly committed to the maintenance of freedom of inquiry, study, and expression in the academic community. Maintenance of these freedoms, and the ability to respond to the many legitimate requests for change in institutional programs and arrangements to meet the needs of the time, are threatened by destructive resort to force and violence.

It is the responsibility of the academic community and, where necessary, of local civil authorities to deal with disruptive activities if they occur and to assess penalties appropriate to the offense. College and university administrators are the managers of their respective academic enterprises and should be allowed and expected to run them responsibility. *Federal legislation imposing severe and mandatory penalties on those who happen to be recipients of Federal financial assistance will further neither our own ability to discharge our responsibilities nor the objectives of its sponsors.* We believe that this is understood by both the Executive and Congress and we are grateful that both have, in the main, exercised restraint in the face of provocations to intervene. We, in our turn, who have the most to lose, have improved our capability to deal with disruption, which was a new dimension for us, and to bring students to bear more constructively in the lives of our institutions.

But a new element has been added in the form of criminal terrorism. *We are not responsible for terrorism and we cannot deal with it when it occurs on campus, any more than urban courthouses are bombed or policemen murdered.* This is a problem for the whole society and its government, and especially for the law-enforcing agencies of government. *We will give them our full cooperation and support.*

In regard to specific policies directed at academic life, we recommend:

The Establishment of the National Foundation for Higher Education, which was recommended by the President, *to support innovative, and exemplary programs to improve the quality of higher education.* We do not believe it should be an operating agency, nor do we thing its project grants should replace existing programs.

The inclusion of all institutions which offer post-secondary and technical programs in Federal programs aimed at strengthening these areas. Awards of grants should be determined solely by an institution's capabilities in meeting a program's objectives. Funds in these programs should not be diverted to objectives of strengthening different types of institutions, however instrinsically worthy these objectives may be.

Legislation to authorize *special assistance to cover the institutional cost of the ROTC program,* whose primary purpose is to produce regular and reserve officers for the Armed Services.

V. EXTENDING THE RESOURCES OF HIGHER EDUCATION BEYOND THE CAMPUS

The institutions which are members of our two Associations have never believed that relatively young students on finite campuses were our sole concern. Far from it. We have been leaders for more than a century in extending the range of educational offerings from the strictly classical to professions which had to be invented, in the process expanding enormously the productive capability of our people. Through problem-solving extension programs we have created a variety of instructional arrangements which we have taken to people of all ages with differing needs wherever they lived in our respective states. We have played a strong role in taking American expertise to peoples of other nations all over the world.

We recognize that the need for the mobility and adaptability of public higher education is more crucial now than ever before. There are disadvantaged students who need to be taught close to home, successful adults who need continuing education in order to cope with a rapidly changing world, urban problems to be identified and solved. We want to meet the challenges posed by these needs.

A. Extension and Continuing Education.

We recommend:

Substantially increased funding for the *Community Services and Continuing Education Act* (Title I of the Higher Education Act) and of other Federal programs designed to enable colleges and universities to offer their resources in the service of society as a whole. These include the Public Broadcasting Act, Regional Medical Programs Act, Law Enforcement Educational Assistance Act, Smith-Lever Act (Cooperative Extension Service), and various programs of the Department of Housing and Urban Development.

B. Natural Resources and Environment.

We support:

Federal programs designed to *improve the quality of the natural environment and insure wise use of our natural resources.* We urge greater involvement of colleges and universities in educational and research programs in this area.

We recommend:

Full funding of Titles I and II of the *Water Resources Research Act.*

Continuing emphasis, in administration of the *Sea Grant Colleges and Program Act,* on the importance of broad, flexible institutional awards.

Greater *coordination among Federal agencies* responsible for air and water pollution programs.

C. International Programs.

We recommend:

The exertion of leadership and support by the Administration and the Congress to assure a *truly international dimension* in American higher education, and maximum effective participation by colleges and universities in *international educational and cultural exchange and in technical assistance.*

Action to *clarify the roles* of various Federal agencies in international programs.

Provision of *funding for such program* on a continuing, predictable basis..

D. Manpower Programs.

We recommend:

Passage by the Congress of *comprehensive manpower legislation* now before it with appropriations capable of implementing the objectives of the legislation.

In education programs, *more attention to the imbalance in available manpower* in different disciplines and freeing funds to retain and upgrade educational personnel to respond to real national needs.

The devotion by the Administration of support for the expansion of programs in all phases of *allied health services* to encourage more people to enter these professions.

THE PRISONER-OF-WAR ISSUE

Mr. FULBRIGHT. Mr. President, the administration's most recent statements on the prisoner-of-war issue have not received the attention which they deserve. In recent weeks both the President and the Secretary of Defense have said that American troops will remain in Vietnam as long as American prisoners remain in North Vietnam. This formulation, of course, raises a critical question: Would the administration set a definite withdrawal date if this would bring about the release of the prisoners? This is a question which the families of some prisoners are now asking themselves as evidenced by a recent column written by Stephen S. Rosenfeld and published in the Washington Post. I ask unanimous consent that Mr. Rosenfeld's column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

"I Was Bitter Inside"—Nixon's POW Policy Contested by Wives

(By Stephen S. Rosenfeld)

The wives of five POWs who worshipped at the White House last Sunday said the President told them, "This is one thing we can't deviate on. As long as we have prisoners there, we'll have men there." Obviously, Mr. Nixon was trying to assure doubting wives, and other worriers in the Pentagon and elsewhere, that in pursuing troop withdrawals he is not breaking faith with the 1500-odd Americans counted as prisoners or MIAs (missing in action) in the various parts of Indochina; not abandoning them.

At the same time, it is of human interest, and perhaps of political importance, that some POW wives now formulate the problem in a very different way from the President. They say, in effect: As long as we have men there, we'll have prisoners there. They conclude that the United States should withdraw all its forces from Vietnam, if only to bring their husbands home.

Many Americans might agree that Mr. Nixon should set a timetable and leave Vietnam—and not only to retrieve POWs. But the President insists he will consider complete withdrawal only "as part of a settlement." Sympathetic as he is to the suffering of prisoners and their families, he has nonetheless steadily rejected the Hanoi-Vietcong offer to open "discussions leading to release" of POWs as soon as the United States says when it will leave. Instead, he has termed the POW issue "humanitarian" and sought to avoid paying any political price for return of the men.

That his policy is now challenged openly by some POW wives and, according to them, questioned quietly by others, is a sobering index of the impact of the war. For it has been an American tradition that families of military men—certainly families of career men, who are numerous among the POWs—accept without public complaint or political argument the duty assigned the men. In this case, the duty assigned to hundreds of Americans is to sit in captivity and thereby to project Mr. Nixon's determination to get the kind of political settlement he wants in South Vietnam. It is not so surprising, considering the internal divisions on the war and the hardships imposed on the POWs wives, that some of them no longer go along.

The particular vehicle which has carried them into the political arena is the "proportional repatriation" proposal launched by Representatives Leggett and Riegle. They would have the United States set a withdrawal date and negotiate a step-by-step agreement: total withdrawal for total prisoner release. Politically, the key divergence from official policy is that this proposal does not demand—as a quid pro quo for withdrawal—that the other side accept a South Vietnamese political arrangement approved by the United States. Humanely, the key divergence is that it offers hope for the return of the prisoners.

Mrs. James Mulligan of Virginia Beach, whose Navy pilot husband was shot down five years ago and she has six sons, appeared with six other wives to endorse "proportional repatriation" when it was unveiled here last month. Later she stirred the National League of Families of American Prisoners and Missing in Southeast Asia into circulating the proposal to its members.

(The League is currently polling its members on political questions for the first time, its board chairman, Carol North of Wellfleet, Mass., reported this week. She said that the group's need to stay non-political to protect its tax-exempt status, and its further need to maintain unity—"we reflect the divisions in the country"—had kept it from pronouncing on political questions.)

Mrs. Mulligan, speaking in a telephone interview, explained her own new political activity this way: "This conflict has been political since the Tonkin Gulf resolution. It's a war run by politicians, not military men. President Nixon is trying to justify the loss of 44,000 lives. I wish him well but I doubt he can do it. The American soldier is not receiving from his government the loyalty he gives to his government. I don't feel the Leggett proposal is the answer but it's a vehicle to show the administration and Congress how mistaken is the view that the families are in accord with the administration.

In December, 1969, said Mrs. Mulligan, she went with a wives' group to the White House: "I faced the President. I told him my husband had been interned four-five years. 'You must do something,' I said. I was shocked to find myself asking my government for help. I don't want to be used any more: not by Hanoi, not by the liaison committee (the anti-war group Hanoi has used as a mail funnel), not by my own government. We live in a very political country, and that is what I am going to do."

Mrs. James McDaniel of Greensboro, N.C., wife of an Air Force navigator shot down in 1966 and mother of two, also endorsed "proportional repatriation." She said, "I don't see what the President is doing. I want him to come out and tell me. Does he think those men are expendable? If he's playing politics and waiting until '72, then I'm really fed up.

"You say you're not going into politics. We tried to separate politics from humanitarianism. We said 'write Hanoi, write Hanoi'—it's helped make people more aware. But Hanoi owes them nothing, only not to be cruel to them. Our government has the responsibility, and we've got to put pressure on it. I'm not superhuman. My husband's not superhuman. I kept quiet so long, I was bitter inside."

How many of the wives these women speak for won't be known until the League completes its survey. But they are not the only group which wants the President to set a withdrawal timetable. The Gallup poll reported last week it has asked its national sample if it would support a congressional proposal to bring home all U.S. troops by the end of 1971, and 73 percent—up from 55 per cent last September—said yes.

SENATOR HATFIELD'S STATEMENT ON THE UNITED NATIONS

Mr. PEARSON. Mr. President, last December, the distinguished senior Senator from Oregon (Mr. HATFIELD) submitted a statement as testimony before the President's Commission on the United Nations. It was a very broad review of U.N. activity during its 25 years of existence. I think it would be to the advantage of all Senators to note this statement. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY BEFORE THE PRESIDENT'S COMMISSION ON THE UNITED NATIONS BY SENATOR MARK O. HATFIELD

Mr. Chairman, I think it particularly appropriate to have a review of the role of the United Nations on its silver anniversary. And I appreciate the opportunity to submit testimony to your Commission.

During the last quarter-century the peoples of the world have become increasingly aware of their interdependence. It is important for us to recognize that this interdependence extends to the United States—our policies are greatly determined by Moscow and Peking and their policies greatly determined by Washington. For we are all members of a truly world community, and this should be constantly kept in mind. If we could wave a magic wand and compress the world's 3 billion people into a small town of 1,000 people, 57 would be citizens of the United States—the remainder of the world would be represented by 943. About 329 in the town would be classified as Christians, and 641 would not be so classified. About 67 would be Protestants and some 176 would be Roman Catholics. At least 13 towns-people would be practicing Communists and 354 others would be in Communist-controlled countries. White people would total 315, with 685 non-white.

The 57 United States citizens would have an average life expectancy of 70.5 years—the other 943 would have a life expectancy of 57 years. The 57 United States citizens would have 15 times as many possessions per person as the rest of the people and produce 14% of the town's food supply while eating 20% above the maximum food requirements. Inasmuch as most of the 943 non-United States citizens in the town would be hungry, the disparity in the food supply might understandably lead to some ill feeling among the townspeople. The lowest income group among the 57 United States citizens would be much better off than the average of the rest of the town. One-half of the 1,000 people would never have heard of Jesus Christ and what He taught. On the other hand, more than one-half would be hearing about Karl Marx, Lenin, Stalin, and Khrushchev. It is with this perspective that I think we should look at and evaluate the United Nations.

Twenty-five years ago in the aftermath of World War II and in the face of the unknown prospects of the Cold War and the nuclear age, the United Nations was created. Its purpose was to help build world peace which entailed a two-fold role: first, the prevention of war and, second, the peaceful settlement of disputes after they had begun. The United Nations has done a highly commendable job in helping eradicate some of the basic causes of human misery—and war, consequently—through such agencies as the United Nations International Children's Emergency Fund (UNICEF), the United Nations Educational, Scientific, and Cultural Organization (UNESCO), the Commission on Narcotic Drugs, the United Nations Special Fund, the Economic Commission for Europe (ECE), the Economic Commission for Latin America (ECLA), and Economic Commission for Africa (ECA), the Economic Social Council, and numerous conferences and other commissions and agencies. I firmly support their continued efforts.

There have been, however, events occurring and situations created that were unforeseen at the inception of the United Nations which have reached global proportions and which the United Nations can and should help confront. For instance, as early as 1961, Iran had suggested an International Volunteer Service Corps. The organization would be analogous to the United Peace Corps, but it would be international in its membership and in its perspective. I am pleased to note there have been significant steps within the United Nations to make the International Volunteer Service Corps a reality, and that it is with the support of the United States.

The environment has become an issue of world concern, pollution not being the exclusive problem of the technologically developed countries. The United Nations has rightfully focused its attention on this issue and has planned a Conference on Problems of the Human Environment to be held in Stockholm, Sweden in 1972. Yet, it is important that we and the other countries of the world do as much as possible to cope with this problem within our own countries and on an international basis, not merely waiting to see what comes out of the 1972 conference.

World opinion plays a major role in shaping foreign policy. This is true, I believe, irrespective of the form of government of a particular country. The United Nations has been a forum in which world opinion can be expressed but there have been evidences that even this function could be facilitated—without transgressing the internal policies of the respective countries involved. Through the United Nations, the International Court of Justice should be given authority to try cases even where one of the parties refuses to participate in the proceedings or to adhere to the Court's findings. This would not make the Court's decision binding, but it would still have a significant effect on world opinion and help focus that opinion on specific issues.

Crucial to solving any conflict is engaging the parties to a dispute, or potential dispute, in a dialogue. There are, however, numerous groups which do not have representation in the United Nations. To be consistent with the founding principles of this world body, the goal of universal membership should be stressed as greatly as possible. Furthermore, as the Commission to Study the Organization of Peace has suggested, all independent states with a population over 1 million should be eligible for membership. And all independent states with a population below

1 million should be eligible for associate membership with more limited rights and obligations. Special effort should be made to bring into the United Nations both parts of divided states, such as Germany, Korea, and Vietnam.

If the United Nations is to be effective, it needs to have accurate and up-to-date information. In 1971, the International Telecommunication Union (ITU) World Administrative Radio Conference will be held. This group is responsible for the allocation of frequency bands for satellite broadcasting, and consequently, will be of great import to the future of the international relations. Instantaneous contact throughout the world is needed in order to maintain peace, and this cannot be accomplished by using any system based, as now, on terrestrial shortwave radio. It is of the utmost importance that the United Nations improve its communications network by working through the ITU Conference not only for the primary purpose of helping abate conflict but for the benefits that can be gained from satellite use for navigation, Earth survey, meteorology, and other scientific and educational purposes. The United Nations Development Program, in conjunction with the World Bank have already expressed an interest in this area, and it must be noted that a multi-national focus of this communication network should be stressed rather than have one or two nations or ideological groups in control. The United Nations should have access to satellite broadcasting and television channels so that it would insure that United Nations discussions and actions would be known to all peoples of the world without interference from any government. UNESCO and other specialized agencies should aid in the transmittal of international, cultural, and artistic events through satellite communication as well.

Perhaps the most obvious area of need within the United Nations is its lack of machinery for peaceful settlement of disputes. The resolution of disputes such as those occurring in the Middle East, Cyprus and the Congo have all been of an ad hoc nature. The Security Council is now meeting on a monthly basis to discuss world problems rather than only in times of crisis and is a good step, but more needs to be done. The General Assembly's Peace Keeping Committee has been meeting for nearly two years and should, hopefully, come forth this year with concrete proposals. Our experience in the Middle East and the problems such United Nations efforts as the United Nations Relief and Works Agency (UNRWA) has confronted exemplify the need for improved peace keeping mechanisms. UNRWA has done an admirable job, but because of the short-sided, if not blind, policies of various countries, not least of all the United States, the Middle East with two traditionally peaceful and peace-loving peoples have become a quagmire of tragedy and despair. The role of UNRWA should be fully supported to meet its present budget deficits and the United Nations should press for compliance with its earlier resolutions, particularly of November 22, 1967.

Vital to the continued functioning of the United Nations, let alone any increase in its potency, is its budgetary needs. The more that the United Nations can be depended upon to maintain international security the less we will tend to look upon ourselves as the world's policemen—and the less it will cost us in human lives and money. Consequently, the United States should devote at least 1% of its Gross National Product to foreign aid, particularly focusing on the United Nations and other multi-national efforts. Today, the United States is giving the United Nations less than it spends in three days in Vietnam. On a per capita basis the annual cost for each United States citizen for the United Nations is $1.22, in contrast to the $83.25 each of us is spending for Vietnam, or the 64c out of every $1.00 in our budget that goes to paying for past, present and future wars.

Our challenge is no longer the control of our environment, but the control of ourselves. It is with each of us as human beings and in our ability to deal with one another that the hopes for peace in the world rest. It may seem initially ironic, but with the growing interdependence between individuals, peoples and nations, there is proportionate increase in the need for individual responsibility toward ourselves and each other. We are beginning to realize that world peace is only possible through shared responsibility—between nations and individuals—and that only through actions consistent with this realization will peace be more than a pipedream.

POWER AND PUBLIC RESPONSIBILITY

Mr. METCALF. Mr. President, the distinguished Senator from South Dakota (Mr. McGovern) recently addressed the Midwest Electric Consumers Association. He discussed some of the fundamental problems of our national energy supply system, including environmental disputes, the withholding of natural gas from markets, inadequate research expenditures by utilities which instead invest heavily in advertising and sales promotion, and the failure to build a sorely needed national grid system. He urged revision of the Department of the Interior's leasing policy, Federal exploration for natural gas reserves and a hard look at the basic organization of our entire power supply system.

Senator McGovern's forceful and thoughtful presentation points up methods of asserting responsible leadership in an area where both government and industry have faltered.

I ask unanimous consent that his speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Power and Public Responsibility

(By Senator George McGovern)

Events of this past summer should leave no one unconvinced that this country is facing an energy crisis of drastic proportions.

The most obvious evidence was supplied by more than 50 major blackouts in which electricity was cut off from consumers, and by hundreds of brownouts in which voltage was cut back.

But those troublesome events properly focused new attention on the entire energy industry and on its capacity to meet the exploding power needs of the American people.

We found that major private electric utilities have reserve generating capacity of 10 percent and less, instead of the desired 20 percent.

We found that there is a shortage, either genuine or manufactured by the industry, in deliveries of natural gas to customers.

We found that oil for fuel is available in sharply reduced quantities, and at ridiculously increased prices.

We found that more coal is being consumed than is being extracted from mines, and that prices are escalating sharply.

We found that electric utilities appear unable to provide added generating facilities to meet consumer demands without intolerable additions to environmental pollution.

The United States has a trillion dollar economy. Our technology is unparalleled. We have huge reserves of coal and lignite and enormous untapped reservoirs oil and gas. We have, despite its imperfections, attained the best energy distribution system any place on the globe.

But we have nevertheless blundered into a power and fuel emergency which threatens to damage each American citizen.

The consumer has accepted blackouts with good humor, and brownouts with surprising good grace. He will be less patient when the freezeouts begin. Yet they and other painful consequences are on their way unless government and industry supply inspired leadership to efforts to meet the power needs of both today and decades hence.

The crisis is recognized almost universally. There are apparently still some dimmed eyes, else how explain this summer's fifth straight House vote against the Dickey-Lincoln School Project for the Northeast, on the same day that Capitol corridors were darkened because of power shortages all along the Eastern seaboard. But most responsible observers now see the difficulty.

There is, however, no unanimity in explanations why the crisis has developed.

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With the physical comfort and well-being of all of its citizens at stake; with the health of the entire economy dependent upon reliable supplies of energy at reasonable cost, it is almost impossible to believe that there isn't a Federal agency that can provide a logical and credible explanation for the development of the present emergency. Nonetheless, that appears to be the case.

You will recall that this past summer the Secretary of the Interior appointed an Industry Advisory Committee to provide him with information on the national energy situation—after an expected 18 months of study. Not even the White House saw that as a reassuring answer to a national emergency, so a Cabinet level team was appointed.

Meanwhile, private industry spokesmen have developed their own rationales, largely self-serving.

The electric utilities blame the conservationists, the manufacturers, organized labor, and the various regulatory agencies.

The coal companies place the principal blame upon the electric utilities for ordering nuclear fueled generating plants. They fault the railroads for shortages of hopper-bottom cars, and they fault the Congress for what they regard as excessively restrictive mine health and safety legislation and pollution controls.

Natural gas suppliers, with remarkable unanimity, place the responsibility on the Federal Power Commission. Natural gas would be available for everyone, they suggest, if only rates were higher.

The oil companies attribute the shortage of residual fuel oils to political disturbances in the Middle East, to tanker shortages, and to higher than anticipated demand. They are particularly fond of noting the interruption of the Trans-Arabian pipeline in Syria.

These pleadings may have mixed merit. It is at least as instructive to look elsewhere, for more disinterested analysis.

It is intriguing to note, for example, that the acute energy emergency has developed just at the time when oil and gas companies have been acquiring coal companies, thus depleting interfuel competition from that source. Only two of the ten largest coal companies are now independently owned, and the other eight produce 42 percent of the industry's present production. Simultaneously, oil companies have acquired vast uranium holdings, producing 14 percent of the domestic uranium in 1969 and controlling 45 percent of the known reserves on January first of this year.

Where natural gas is concerned, we have evidence of seriously questionable tactics by producers. *Business Week* reported on August first, and I quote:

"The major oil companies, which control most of the natural gas supplies in the U.S. have made it clear that they are not interested in increasing gas production until it becomes more profitable than other investments they can make, but that could mean a 60 percent increase in present ceiling prices that producers can charge for natural gas."

In short, the shortage of gas is a holdout for higher prices.

Certainly any analysis of the roots of today's grim picture must include some attention to the fragmented and confused voice of government, particularly as it has influenced the growth of new energy sources.

In 1963 Jersey Central Power and Light released the economic analysis which led to that company's decision to go atomic at Oyster Creek. Spokesmen for the Atomic Energy Commission had, for years, been offering confident projections that coal would lose the electric power market to nuclear generation in just a few years. Without a similar public voice speaking for and promoting fossil fuels, investments in new coal mines and coal transport equipment were sharply curtailed.

Now, with the breeder-reactor still acting as the most successful moving target in human experience—staying twenty years away regardless of the passage of time—we find that we have ignored fossil fuels at our peril.

Research priorities reflect a similar pattern. Except for the civilian power reactor program which is primarily Federally financed, the electric utilities, the manufacturers and government agencies have all been niggardly in the financial support devoted to discovery of new concepts and techniques.

Joseph Swidler, former chairman of the Federal Power Commission and now head of New York's Public Service Commission, testified before a Senate Subcommittee recently that:

"The amounts that the utilities spend on research are negligible, and this is understandable because of the nature of the industry. It is broken up into 3,000, over 3,000, separate institutions or entities in four different segments. They do not have laboratories or research facilities of their own.

"The manufacturers are interested primarily in research with an early commercial payout, and the government thus far has stined in its research in the energy field. Research, as you know, is one of the first things to be cut in any budget crunch."

Senator Lee Metcalf, who is rightfully regarded as the leading Congressional expert in the utility field, drew this explicit picture last January:

"The 212 major electric utilities account for one-eighth of all the investment in this country. They took in $19.4 billion in 1968. They netted 15.4 cents on the dollar, after paying all expenses, including taxes and interest. Yet, almost one-fourth—51 companies to be exact—did not, according to their own reports, spend a cent on research and development in 1968, either within the company or through support of research and development by others."

Senator Metcalf reported further that on the average, investor-owned utilities spent just slightly more than 2 mills per revenue dollar on research and development in 1968. They spent eight times as much on advertising and other sales expenses.

That is the private utilities. During the 1970 fiscal year the Federal government spent roughly $367 million dollars on research in the energy field. But 84 percent of the total went for atomic energy, leaving just a tiny balance for research on the fuels which will continue to be the prime energy source for at least the next two decades and beyond.

III

It is not my purpose here to attempt a complete tabulation of the reasons for the current crisis. I do submit, however, that our first order of business in the short term must be to ascertain all the facts and to make certain the inconveniences, discomforts and economic penalties suffered by the American consumer are held to a minimum. We must be especially determined to see that the consumer is not forced to pay the bill for management's mistakes, and to assure that we are not film-flammed into changing the rules of the game by unjustfiied producers' strikes.

We need to know much more, for example, about the maneuverings and negotiations between the Administration and the oil companies, which led to the decision to continue the oil quota system during and in spite of this emergency and in spite of the recommendations of the Cabinet level group. That single decision, according to Senator Phil Hart, will cost the American consumer some 7 billion dollars a year.

If the President has entertained illusions that the big energy companies are going to deal fairly, equitably and responsibly with the consuming public during the current period of shortages, he ought to read the "Inflation Alerts" prepared by his own Council of Economic Advisors. Fuel oil prices increased at an annual rate of 48 percent during the first half of 1970, and bituminous coal prices went up 56 percent during the same priod. Now the second report tells us that the price of residual fuel oil has risen 25 percent more in three months. Bituminous coal rose 10 percent in a single 30 day period.

Normal market pressures have not been allowed to prevail, says the Council, because of "dircet actions to curtail production." Meanwhile we read news reports every day about public and private agencies that cannot secure fuels for purposes that are vital to the public health and safety.

Hopefully it is still possible for firm and prompt Presidential action to minimize the short term adverse effects of a crisis that should have received executive attention and action long before the problem became so desperate.

While we deal with the present crisis on an emergency basis, however, we should devote equal attention to programs that will safeguard the nation's energy supply in the longer term, and that will do so in ways which are consistent with our interest in keeping an attracitve and wholesome environment.

IV

It is an enormous undertaking.

Since 1965, overall energy consumption in the United States has grown at a rate of five percent each year. Electric power consumption is up to a 9 percent growth rate nationwide. Output must be doubled every ten years. Right now we simply do not know how that goal can be accomplished in the foreseeable future, at least not without rendering many parts of this country virtually uninhabitable.

The most prudent and responsible first step would be the adoption of Senator Jennings Randolph's important bill, S. 4092, to establish a Commission on Fuels and Energy. I have been impressed by this organization's testimony on behalf of that legislation. I agree with you that the Commission represents a splendid opportunity to identify, in the words of the bill:

"Those programs and policies which are most likely to insure, through maximum use of indigenous resources, that the nation's rapidly expanding requirements for low-cost energy will be met, and in a manner consistent with the need to safeguard and improve the quality of our environment."

I would hope and expect that such a Commission would address itself to the complicated and critical questions of energy and environment with a full willingness to question old institutions and to explore new and potentially better techniques.

V

Along with the Commission, there are a number of specific policy decisions which deserve the earliest possible attention.

It is a travesty that this nation has no national grid system to interlink power-short areas with potential sources of surplus supply elsewhere. The issue was highlighted last summer when Basin Electric Power Cooperative in North Dakota offered power to Consolidated Edison, which did not have enough power to meet consumer demands in New York. Con Ed had to reject the offer because the interconnections were too small to handle the load. The same thing happened during the 1965 New York blackout, when a sizeable block of power offered by the Tennessee Valley Authority could not get through.

References to the national grid were dropped in Administration circles shortly after Secretary Hickel endorsed it last summer. With his departure, we are left with no commitment at all. We need to get moving now on this essential project.

VI

As I have suggested earlier, we also need desperately to expand research on means to employ fossel fuels more cleanly and efficiently. At this moment, for example, we should be placing especially high priority on MHD, or Magneto-Hydrodynamics. MHD can use lower grade coals than are feasible in conventional thermal plants. It is a means of using fossil fuels much more efficiently. It uses less water and pollutes less. Considering its promise, the $400,000 requested by the President for MHD research was grossly inadequate. So is the $600,000 supplied by the Congress. We need to support this work at the highest level at which funds can be effectively used.

Similarly, we should be doing more about fuel cells, super conductors, underground transmission, and the conversion of lignite and coal to gas and petroleum products.

And we should be both supporting elsewhere and demanding from the industry maximum research efforts to develop the best possible techniques for pollution abatement and control. If the American people are someday forced to choose between adequate energy supplies and a healthy environment, it will not be because the two cannot coexist. They will have been let down by government and held up by industry.

I have no way to judge whether the dollar amounts we have devoted to research on atomic power generation are too high or too low. I do know, however, that the present five to one advantage it has over fossil fuel research is unconscionable. It should be remedied in short order.

VII

Where the availability and costs of fuels are concerned we should be moving on at least three fronts.

First, although I would defer to Senator Phil Hart's conclusions, based on his investigations in the Antitrust and Monopoly Subcommittee, it seems to me that the Justice Department's Antitrust and Monopoly Division should have the trend toward concentration of fuels ownership under constant and intensive scrutiny. There are few areas where monopoly control has greater potential for damaging the public interest. I welcome the current investigations by the Federal Trade Commission.

Second, while the country struggles with a claimed gas shortage, huge deposits on Federal lands and submerger lands under Federal control await exploration and development.

Initially, the Department of Interior's leasing policy should be reviewed and revised. Certainly gas bearing land should be leased on a schedule based on the Nation's energy needs, and not on the Treasury's demands for cash to fill budgetary objectives. And we should make certain those policies make participation by smaller companies both feasible and attractive.

Beyond this, I believe we have reached the time, and we surely have accumulated the reasons, to plan for *Federal* exploration of those deposits, both to increase supplies and to test the companies' contention that prices are too low. The yardstick of public ownership and control has been immensely valuable in the electric utility field. We need a yardstick in the natural gas industry as well.

Third, any discussion of future energy supplies, particularly for the western half of the country, must heed the tremendous concentrations of lignite and sub-bituminous coal concentrated in the High Plains States.

Almost a third of the nation's coal reserves are located in Montana and Wyoming. With the extensive lignite reserves of the two Dakotas, nearly two-thirds of our reserves of low sulphur coal are found in the western states.

In January of this year, former Interior Assistant Secretary Ken Holum, a citizen of my state, released his study concluding that electric power produced at mine-mouth generating stations on those coal fields could be economically attractive in Chicago, St. Louis, Dallas, Seattle and Portland. A report released more recently by the Missouri Basin Systems Group comes to essentially the same conclusion.

While they have been acquiring coal companies, the major oil companies and their coal subsidiaries have begun an aggressive campaign of coal land leasing in Montana and Wyoming. It is coupled with an equally aggressive effort to acquire water rights on or near the coal fields.

Senator Metcalf, after questioning Assistant Interior Secretary James Smith, learned this summer that all of the available water from Big Horn reservoir has been placed under contract. Secretary Smith justified that and other commitments in the following terms:

"The size of such investment, which only a few large companies are capable of underwriting, may precipitate charges that those interests are monopolizing the water. However, in view of the several energy companies already holding option contracts and in the light of the potential water supplies that can be developed in the Upper Missouri Basin, we believe that this is not likely. Rather, the problem is more apt to be one of *capital accumulation essential to full utilization of the latent coal resources in your state."* (emphasis added)

Secretary Smith is correct up to a point. Development of those resources will require large amounts of capital.

But he is dead wrong in concluding so quickly that this alone justifies delivery of these resources into the hands of wealthy and powerful private energy companies. Since 1902 and the creation of the Bureau of Reclamation, this country has operated under the premise that water is a public resource to be developed with public funds for the benefit of the consuming public. The worsening energy crisis should reinforce that philosophy, not retard it. The consuming public deserves more from Federal executives than the almost automatic commitment of public resources—coal and water under public lands under Federal control—to private companies, mainly because those companies are already so rich and powerful that they can generate large amounts of capital.

If the challenge is capital accumulation, we should be considering the potential advantages of separating generation and transmission from distribution and establishing generation as a public task. TVA has served its area well. Do we need a similar organization to develop these coal fields in a manner that will satisfy the national needs for electric power, gas and liquid petroleum products? Are there alternatives that might serve the public interest as well? Secretary Smith's letter suggests that the Nixon Administration hasn't even recognized that the opportunity exists.

VIII

Finally, it is time we took a hard look at the basic organization of our entire power supply system.

Years ago, Leland Olds, a distinguished former Chairman of the Federal Power Commission, advanced what he came to call the "giant power concept."

Olds correctly identified the rapid emergence of "economies of scale." He was committed, as well, to what we call the "pluralistic electric system."

The essence of his proposal was that generation and transmission should be separated from distribution in the electric power industry. Under his concept, separate generation and transmission organizations would provide bulk electric power to local utilities that would continue to be responsible for distribution and marketing.

The idea has never received thorough and objective evaluation. Private electric utility management has rejected it out of hand, as they seem to reject all new ideas.

But today it is more attractive than ever before.

The National Power Survey included among its findings a conclusion that we can expect great savings from integrated planning, construction and operation of generation and transmission facilities on a regional basis. Subsequent experience, however, has suggested that there is little hope that such arrangements can be made under existing patterns of ownership and control. It could be accomplished, almost by definition, through the giant power concept.

These economies of scale also apply to pollution control techniques. Again by definition, a number of small plants will create more total pollution than a few large ones, at any given level of anti-pollution technology. And large enterprise can incorporate the latest technology at the lowest cost per unit of power.

The giant power concept would be a decisive step toward the national power grid which we need so badly. By definition here, too, it would establish regional grids covering the entire country. From that point it would be a short step to interconnection of regions, allowing transmission of surplus power to any part of the country which might experience temporary shortages.

Further, the concept would facilitate meaningful regulation and control in the public interest. It would place generation and transmission under Federal regulation, while leaving distribution largely under the jurisdiction of the several states.

Since atomic power is efficient only in large plants, it would advance in a practical way our interest in using that alternative source of energy as our reserves of fossil fuels go down.

For all of these reasons, I believe the pioneering and farsighted concept of Leland Olds should be well on its way toward incorporation into national power policy.

We have some encouraging signs that it is. A recent report for the New England Regional Commission, which includes the governors of Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island and a Federal appointee, the best hope of meeting the region's power needs for the next twenty years would be creation of a single bulk power supply agency with full responsibility for power development—including the sole authority to construct all area generating and transmission facilities and the right to acquire all existing plants and lines. George Cabot Lodge of the Harvard School of Business, has reached a similar conclusion for the Northeast, identifying a new regional power agency as the potential answer to that area's bulk power supply problems.

In the early Thirties, when existing institutions had failed, a new application of cooperative principles, initiated by an imaginative and concerned national administration, led to the electrification of rural America. The rural electric program is one of the country's great success stories. Significantly, where REA cooperatives have been permitted to develop their own sources of supply, bulk power supplies are adequate.

Existing institutions—primarily the investor-owned utilities upon whom we must depend for 85 percent of this nation's power supply—are failing again. They are failing not only to offer the opportunity that abundant, low-cost energy can bring; they are failing as well to meet even the minimum requirements that are essential to public health, safety and convenience.

It is time we asserted the same kind of leadership we saw in the 1930's this time for consumers in all parts of the country.

I recognize that such proposals can be expected to bring screams of outrage from private energy companies. While they have been less than dependable in supplying power, they can always be counted upon to protest loudly against proposals which might interfere with their conception of "free enterprise."

In response, let me quote briefly from a speech by the late Dr. Paul J. Raver, then superintendent of Seattle's Department of Lighting, before the 1960 conference of the American Public Power Association. He pointed out that:

"The electric business is public business—because the power industry itself is public business, whether it is owned and operated by a public agency or a private agency."

Why is this so?

It is so because electricity is essential to public health, life and economic survival and because this commodity is sold under monopoly conditions. When these two factors, necessity and monopoly, are predominant, we have a 'business affected with a public interest' and the business itself is public and not private.

At bottom, I suspect that a goodly portion of energy predicament today has grown out of our inability to recognize that basic fact, and out of the failure of public policy to reflect it.

Henceforth we need a new definition of values in the energy field.

We may well determine that it is in the public interest to retain the involvement of private capital, private management, and the profit motive in our energy system.

But whatever our conclusion on that score, we must never permit it to overrule the purposes of this immensely important "public business"—to make energy available to the American people in the amounts they need, at the lowest possible cost, in the cleanest possible way, and with the greatest possible assurances of reliable service.

From now on we can afford to let no secondary interest deter from those transcendent goals.

ASSESSMENT OF THE SOUTH VIETNAMESE OPERATIONS IN LAOS

Mr. ALLOTT. Mr. President, the Christian Science Monitor of Tuesday, March 30, contains a sensitive and revealing article relevant to our assessment of the South Vietnamese operations in Laos.

The author of the article, Mr. Daniel Southerland, has talked with some of the real veterans of the South Vietnamese army.

Mr. President, so that all Senators can profit from this article, I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

"Worse Than Dien Bien Phu"

(By Daniel Southerland)

Dong Ha, Vietnam.—In a run-down cafe sat three men in camouflage uniforms with red berets stuck in their pockets. They must have been among the most experienced of the men who fought in Laos.

The three paratroopers, all in their late 30's, first fought together with the French at Dien Bien Phu 17 years ago. They were captured there by the Viet Minh and later released. They have seen the worst of the war over the past two decades, and such experience is sobering. Unlike some of the younger paratroopers who were now celebrating their return from Laos with wild abandon, these three veterans sat quietly discussing their Laos experience over a meal of rice and bits of beef at a fly-covered table. They had returned to Vietnam just the day before, after fighting their way out of fire-support base A Loui.

The three saw that the Americans sitting near them were newsmen and invited the two Americans to share their meal with them. They wanted to talk about what they had seen in Laos. Whatever the rest of the world might think, these three men believed the South Vietnamese forces came out on top there.

WINNING SIDE THIS TIME?

"The idea was to get into the enemy's house and tear it up, and that's what we did," said one man, a sergeant, who added that it was hard to explain just how happy he felt to be alive after six weeks in Laos.

Was there any way to compare what they had gone through in Laos with Dien Bien Phu, one of the newsmen asked.

"Laos was worse than Dien Bien Phu," said a dark-skinned veteran of the Indo-China war. He was a Cambodian, from the Mekong Delta, but he spoke fluent Vietnamese. He was a warrant officer and had been in the Army 19 years.

"The enemy shelling was worse in Laos than it was at Dien Bien Phu," he said. "And our supply problems were worse in Laos than at Dien Bien Phu."

But the important difference between Dien Bien Phu and Laos, he said, was that he felt he was on the winning side this time. Not all his fellow paratroopers would agree. Perhaps the warrant officer was trying to put the best face on what had been at most an inconclusive campaign in Laos. But the two newsmen felt he meant what he said.

"There were problems in Laos, and it was less than a perfect victory," the warrant officer acknowledged.

"We found a lot of caches everywhere we looked, but it seemed that the enemy had had time to disperse the big caches," he said. "It seemed he had had advance warning that we were coming. What we found was less than what we had found in Cambodia."

"There was also a language problem in dealing with the American planes supporting us," he said.

"Because of the language problem, we couldn't get the air support right where we wanted it," he said. "If we had been able to get it right where we wanted it, we could have had not just a victory, but a perfect victory.

"We normally like to be in a situation where one man on our side takes out 10 on their side," he said. "That's the way it worked out. But the way they were massing against us, if we'd had stronger air support, we'd have gotten even more of them."

The thing which appeared to disturb these three the most about the compaign was their failure, because the shelling was so heavy, to recover the bodies of some of their comrades.

"Never before in battle have we failed to get the bodies of our men back," said the sergeant. "Only in Laos did it happen."

"It did not happen with many of our men," he said. "But a few is too many."

PEACE MOTIVES QUESTIONED

The sergeant said he was in favor of sending to Laos all the students in Saigon who are opposed to the U.S.-backed Saigon government and its war policy.

"Those students who say they are for peace, but who could be more for peace than we are?" he said. "We have more to gain than anyone if there is peace.

"The students can enjoy their motorbikes and their night clubs in Saigon while we fight to protect them," he said.

"We are so poor that our own children and wives have to work to help our families," the sergeant said.

With apparent embarrassment, one of the 20-year veterans said his wife works for American soldiers to supplement the family income.

"A soldier's family is very poor," declared one of the other paratroopers.

A pair of youthful-looking paratroopers swung by on the road outside the cafe with their arms slung around each other's shoulders. One clutched a guitar.

VETERANS AGAINST GREENHORNS

"You can tell the young, inexperienced soldiers," said one of the veteran paratroopers, age 37.

"When they come back from the field, they get drunk and tear up the town.

"When we come back, we discuss our experiences and then we go to bed and get some sleep," he said.

Weren't they getting terribly tired of the war? Would they go back to Laos again if ordered to do so?

The sergeant tugged at the front of his uniform with both hands.

"When we put on this uniform, we're ready to do anything our commanders order us to do," he said proudly.

The others nodded approval.

SERMON ABOUT THE WAR IN INDOCHINA

Mr. FULBRIGHT. Mr. President, in the Los Angeles Times of March 21, reprinted a sermon by the Reverend George F. Regas, rector of Pasadena's All Saints Episcopal Church. The Reverend Mr. Regas' summary is one of the most penetrating and eloquent statements about the war in Indochina and our country's tragic and continuing involvement in it that I have ever seen. I wish every American could hear the powerful message of this sermon. I commend it to Senators and ask unanimous consent that it be printed in the Record.

There being no objection, the sermon was ordered to be printed in the Record, as follows:

"Mr. President, the Jury Is In"

In a nationwide televised press conference March 4, President Nixon addressed himself to the extension of the Indochina war into Laos and Cambodia by South Vietnamese troops and American air power and called on the American people to stand behind him "while the jury is still out." He asked the people "not to harken to the drumbeat of television commentary which takes a pessimistic view of the war."

I respectfully say that the President is wrong. The jury is not still out. They rendered their verdict long ago and a majority of the country is pessimistic and conscience-sick about the Indochina war.

The jury has spoken in almost every corner of the globe and called the Vietnam war a colossal misadventure. Gunnar Myrdal, in his monumental study of Southeast Asia, "Asian Drama," points out that we got into Vietnam originally because we sensed that communism would fill the power vacuum left by French withdrawal, and that we believed we could show the Vietnamese a better way than communism. We claimed to be the defenders of freedom, honoring our commitment to support a free nation against aggression from within and without. That is a generous interpretation of our involvement.

But now, as we look at what our presence has in fact accomplished over this last decade, as we consider—

The bombed-out and devastated villages,

The millions of refugees (nearly one-third of the population of Vietnam, Laos and Cambodia),

The staggering number of civilian casualties,

The use of vicious and undiscriminating antipersonnel weapons,

The devastation of crops and fields,

The political corruption and America's part in sustaining a regime the people would never support,

The forfeiture of political freedom for dissenting views in South Vietnam, looking at the monstrous results, many of us find it impossible to justify this kind of suffering and destruction in the name of democratic principles. Are the Vietnamese really better off dead than Red? And who made Americans the gods that should decide their fate?

Oh, the physical destruction and suffering of Vietnam! But there is also the death of the spirit and the erosion of conscience in this land of ours. Something has happened to America because of Vietnam, and our basic decency as a people can no longer be taken for granted.

Mr. President, the jury is in. The cost is too great; the suffering among the peoples of three of the poorest nations in the world and the continued loss of American lives can't possibly be justified.

Many experts from every part of the political spectrum admit we should not be in that war. Right, left, centrist; many agree. It isn't a partisan jury, sir.

Yet the war goes on. Death continues to reign and we are given assurance that an expansion of the war is really a deescalation and a way to hasten the withdrawal of our troops. Seeing what we've done to Vietnam looking straight at that ravaged land, we say bombing of Cambodia and Laos is necessary to protect freedom and safeguard Southeast Asia from communism.

The jury is in! We won't listen to the same phony rhetoric America has heard for a decade from its leaders at every stage of this country's long, misguided plunge into the Southeast Asia morass. The contradiction between what is being said and what is being done has reached the point of sustained insult to the intelligence of the American people.

Surely the jury is in! Vietnam is a colossal mistake and a tragic commentary on America's belief in sacredness of every person in the sight of God and his right to self-determination.

Mr. President, if we are silent, it is not because we are waiting for the jury's return. It is only because the scandal of Vietnam no longer scandalizes us. We've heard the body-count so frequently, watched the television's reports of the suffering so long, and allowed the political rhetoric to mesmerize us that now we are numbed, anesthetized and silent.

And that is not a mark of patriotism but of spiritual death—moral decay. How devastatingly cogent are those words of Jesus: "What does it profit a man if he gains the whole world and loses his own soul?"

I saw a poster recently that seared my conscience:

"Dear Mom and Dad; Your silence is killing me. (In Vietnam, at home, on campus)"

In profound love for my country and with respect for my President—I say we must protest the war?

In the name of all that is holy, all that is honorable, all that is decent all that is noble, we must say, "Stop the war now!" No longer will we concur with a continuation of such massive violence. We must find ways to speak for the Christian church could make a stunning contribution to the world it it could say the right words.

Pastor Martin Niemoller's confession carries warning for us all:

"In Germany, the Nazis came for the Communists, and I didn't speak up because I was not a Communist. Then they came for the Jews and I did not speak up because I was not a Jew. Then they came for the trade unionists and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics and I was a Protestant so I didn't speak up. Then they came for me . . . By that time there was no one to speak up for anyone."

This parish must speak up and protest the war—our very souls depends on it. We are not at liberty to stick with safe and manageable subjects while the world convulses with violence and slaughter. And if the unity of this parish depends upon silence in the face of an extension of the war then it is a church whose unity is spurious to begin with. Our oneness lies in a faithful obedience to the Jesus of love and mercy, not in a tacit agreement to keep everyone on board while waiting for a conflict-free consensus before raising our voice.

I ask you now to center your mind and heart on four aspects of my protest:

1—The war has ravaged Vietnam mercilessly and eroded the conscience of America.

It isn't necessary to visit Indochina to appreciate the horror of the war. The bare statistics will suffice. The tonnage of bombardment is now approaching three times the total bombs used by the American military in all theaters in World War II.

There are 53,544 American soldiers dead; 120,563 Saigon government soldiers dead; 697,342 N.L.F. and North Vietnamese soldiers dead; South Vietnamese casualties estimated at over 1 million; North Vietnamese as probably more.

In Cambodia, after only a few months of war, there are an estimated 1 million refugees out of a population of 6 million.

I won't go on into the endless horrors and atrocities caused by both sides. If only each of you would read just one book on the Vietnam war—any book—and realize all of this suffering comes from a war which the majority of Americans feel is a tragic error for our country.

And I grieve for all of us who have been brutalized and numbed by this war. I have found reading the news reports of Lt. Calley's trial for his part in the My Lai massacre a staggering experience.

"I was ordered to go in there and destroy the enemy. That was my job that day . . . I did not sit down and think in terms of men, women and children. They were all classified the same, and that was the classification that we dealt with—just as enemy soldiers.

"I felt then, and I still do, that I acted as I was directed and I carried out the orders . . .

"Our job was to destroy everyone and everything in the villages. . .

"I never sat down to analyze it; men, women and children. They were enemy and just people . . . . "

I grieve for Lt. Calley because of what this war has done to his humanity. How could he say he never thought about it; just followed orders? I grieve for what war has done to us all. In Calley's painful story, it is war that stands revealed as the true monster. What that war is doing to many William Calleys growing up in America is immeasurable.

In Houston, on Oct. 27, 1967, Capt. Eddie Rickenbacker said that ". . . peace demonstrators are a bunch of bums. The U.S. should bomb the ports, dams and population of North Vietnam. That's what airplanes are for. You're not fighting human beings over there—you're fighting two-legged animals. The people are just slaves. That's all war is for is to kill and win, to destroy, to defeat the population of your enemy."

Surely, the words of Jesus shout to America: What does it profit a nation if it gains the whole world for democracy and loses its own soul? God have mercy on us for what the war is doing to the soul of a nation; for in many ways it is inflicting its dehumanizing shrapnel into all of our hearts.

The blind distortion of national priorities has produced deep estrangement and polarization in American society. How can we accept passively a society that now spends nearly 70% of its tax dollars on wars and their aftermath and the preparation for future wars? A committee report to Congress estimated the cost of the Vietnam war, if it ended in 1970, would be $350 billion. And the poor, hungry and oppressed around the globe cry out for a chance to live.

One should understand why some of our citizens are so morally outraged at such a gross distortion of priorities. The case of the Berrigan brothers is an example. I know both Berrigan brothers personally and yet I am uncertain of their guilt in Hoover's conspiracy charges. We must await the trial.

However, their actions of pouring homemade napalm on draft records at Catonsville, though grotesque to some and unacceptable to others, did one thing. Robert McAfee Brown of Stanford University says it dramatized, in unforgettable fashion, the grotesque moral priorities that have been erected in America and what has happened to the collective conscience of our nation: We are outraged when paper is burned at draft boards, and we are not outraged when children are burned in the villages of Vietnam.

That statement is oversimplified, but it can't be dismissed without it tearing at your conscience.

Yet in spite of all this, Mr. Nixon says he will place no restraints on further bombing, except to rule out the use of nuclear weapons; that we will not be defeated in Indochina; and that he wouldn't speculate on whether South Vietnamese would invade North Vietnam on their own!

The verdict is in! Will you remain silent?

2—If the church attempts to follow Jesus, it will raise its voice in moral outrage.

I am fully aware that I could be wrong in urging this parish to protest the war. I speak to you humbly acknowledging how often I have failed in my own discipleship.

There are no easy solutions and there are no neat black and white distinctions on the morality of war. If we make the mistake of thinking there is all black on one side of the issue and all white on the other, we will be wrong nine out of 10 times. I intend to reach out and put my arms around all who strongly disagree with this sermon, for we can live together in Christian love.

Yet we cannot allow this to immobilize us. The integrity of the church's message depends on raising our voice against a war no one wants being allowed to destroy our soul.

The Christian faith says the jury is in. We don't need to see how the devastation of Laos and Cambodia is going to affect the war; we believe that life is sacred everywhere. Everyone bears in his body the image of his membership in the human family and the image of the living God. How many Vietnamese is one American worth? One, five, forty, a thousand?

The Vietnam war is a sin against the human family; its dehumanization has left its scar on us all that will remain for years. The brutality of Indochina is reflected by the callousness in the streets of America. When life is cheap anywhere, it is cheap everywhere.

If this parish remains silent in the face of all that continues to brutalize us, what is there, then, to validate our Christian way of life?

When the great author, Albert Camus, was asked to address a Roman Catholic order, he told them bluntly that they were not practicing what they preached. Listen to him!

"What the world expects of Christians is that Christians should speak out, loud and clear, and that they should voice their condemnation in such a way that never a doubt, never the slightest doubt, could rise in the heart of the simplest man . . . that they should get away from abstraction and confront the bloodstained face history has taken on today."

3—What can American do if it is not to lose its soul?

First. America must repent. I think Sen. Fulbright was wrong when he said the great society of America has become a sick society. Eric Fromm says that this is another way of excusing ourselves since sickness is something that happens to one involuntarily and for which one cannot be held accountable. Fromm asserts that American society is not sick but immoral. Our sickness is really sin. I believe he is right.

What is called for isn't guilt but repentance. So long as we try to justify the horrors perpetuated in Indochina, so long as we continue to talk about saving face and keeping our honor, so long as we figure the cost of the war is a little too much and perhaps it was a mistake to get in so deep—the soul of the nation will continue to be eroded and within the grip of death.

There is one way left that leads to new life—repentance. The word of God judges this nation; and it can bring healing, too. What a rebirth could come to the greatest, most powerful nation in the history of the world if she said: "I was wrong! God have mercy!" The death of pride would be the rebirth of integrity.

Second, we should protect the lives of our soldiers but we must come home immediately. Let the President set a clear timetable of withdrawal. We will leave Southeast Asia and if the Thieu-Ky regime can't stand on its own, then let it fall. Integrity won't allow us to keep the Thieu-Ky government in power through American guns and dollars.

We know that government is corrupt and ruthlessly suppresses political dissent. When the political oppression of South Vietnam was mentioned recently, the response of one of our ambassadors was, "We do not condone it."

Billions of American dollars put that government in power and sustain it. If we came home the Vietnamese themselves might find a way to bring peace to that tragic land.

Third, we must pay the price for peace. Everyone wants peace—but so seldom have we been willing to use the great reservoirs of this nation for healing. "And nation shall not lift up sword against nation, neither shall they learn war any more." To have that vision and pay the cost of its fulfillment—what a great moment that would be in the history of civilization.

4—The church should mobilize its resources to end the war.

In a recent "Peanuts" cartoon, the setting is a baseball game. Charlie Brown is about to pitch when his teammate, Lucy, suggests that he aim to hit the batter. Charlie reacts violently: "It wouldn't be right . . ."

There follows a long discussion with all Charlie's teammates joining in. Everything under the sun comes into the debate: "What about the children's crusade? Was that moral? What about those awful movie ads you see nowadays? Define morality . . ." Finally, in despair, Charlie Brown says, "We never win any ball games, but we sure have some interesting discussions!"

We've talked enough. I call upon this great parish of All Saints to take a step larger than we ever thought we would. I ask for a massive mobilization of the parish by establishing a "Peace Operation Center."

The protests of young radicals have made their mark but fallen short of any major reformation of the war system. My hope is to radicalize the Establishment—myself included—and take middle America and give its goodwill and desire to build a world of peace clearer focus and more effective power.

America is searching its conscience; the church is struggling for its soul, the integrity of its message and the courage of its convictions. We must not back away from this challenge.

This parish is small against the magnitude of the problem; yet I believe profoundly in the power of just a few who have caught the vision of a peaceful world.

I am confident that there are thousands in Pasadena and Los Angeles today willing to contribute their lives to the healing of the world. One of the high marks of the '60s was the response given to the Peace Corps.

The late President Kennedy proposed a corps organized to bring light and knowledge to the underdeveloped nations of the world. Hardly had the announcement of the Peace Corps come from the lips of President Kennedy than there were four times the number of volunteers as could be sent.

Find all the faults you wish with the Peace Corps; but it still means this: Americans have a hunger to do something with hope and heart and love in it, something more than animal. We shall seek to provide the channel.

TESTIMONY OF SENATOR SPONG ON FOUR MILE RUN FUNDS

Mr. SPONG. Mr. President, it is regrettable that the impoundment of appropriated funds for the Four Mile Run flood control project in northern Virginia stands to hinder progress on this urgently needed project in fiscal 1972 as well as in 1971.

I discussed the history of the floods in the Arlandria community, and the effect of the impoundment of appropriated funds, at a hearing on Thursday, March 25, 1971, before the Separation of Powers Subcommittee of the Senate Judiciary Committee. I ask unanimous consent that my testimony on this matter be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

Mr. Chairman, it is a privilege to appear before you and the Judiciary Subcommittee on Separation of Powers. Your hearings on the presidential impoundment of appropriated funds are especially relevant to the citizens of the Arlandria community of Northern Virginia.

They have been directly affected by the freezing of $175,000 appropriated in Fiscal 1971 for preconstruction planning on a flood control project at Four Mile Run. They don't understand how or why this could happen when there is unanimous agreement that the project is urgently needed and should be built. In my judgment, Mr. Chairman, this is a classic example of why citizens come to believe that government is unresponsive to their needs.

Mr. Chairman, it would be helpful to the Subcommittee's understanding of the situation if I briefly reviewed the history of the flooding, and of my efforts to expedite Congressional action on the authorization and appropriations.

The modern history of damaging floods begins in the early 1940's. The first evidence of property damage occurred in about 1942. It was confined mostly to streets, although there was some minor basement flooding.

Representatives of the U.S. Corps of Engineers testified before the Senate Public Works Subcommittee on Rivers and Harbors in September, 1969, that there had been five major floods since 1963. On the basis of 1969 prices, the Corps estimated damage from the five floods at $8,140,000. The most severe of these occurred on July 22, 1969, when approximately 520 dwelling units and 78 places of business were inundated. The Corps estimated damage from that flood at $4,315,000. Eleven days later another flood caused damage estimated at $700,000.

The alarming thing, Mr. Chairman, is that the frequency and severity of the floods is steadily increasing, even though there has been an almost complete prohibition against construction in the Arlandria area since 1964.

There have been six flood watches in the Arlandria community since the 1969 floods. In a flood watch, police and fire units are sent into the area. They use lights, sirens, and loudspeakers to warn the people that the water is rising and that they may have to evacuate their homes.

Four of the six developed into actual evacuations involving up to 50 persons. Officials of the City of Alexandria informed my office late yesterday that the period of evacuation on these four occasions has varied from one to two hours. The most recent flood watch occurred on February 13 of this year.

As far as I have been able to determine, there has been only one fatality directly caused by flooding. That occurred in 1963. However, the Corps of Engineers observes at several places in its report on the project that additional fatalities could have occurred had floods come during the night.

Frankly, at the time of the 1969 hearings before the Rivers and Harbors Subcommittee, I didn't realize how much time would be required to complete the procedural steps involved in projects of this kind. It wasn't until June 25, 1970, that the project report was formally transmitted to Congress.

That very day, the Senate Public Works Committee, at my request, authorized the project pursuant to the provisions of Section 201(a) of the Flood Control Act of 1965. Section 201 permits the Senate and House Public Works Committees to authorize flood control projects having a federal cost of less than $10 million. Nineteen days later the House Committee adopted a similar resolution.

I might add, Mr. Chairman, that this was the first project ever to be authorized under the 1965 statute.

Anticipating favorable action on the authorization, I testified on May 18, 1970 before the Public Works Subcommittee of the Senate Appropriations Committee in support of an appropriation of $175,000 for preconstruction planning on the Four Mile Run project in Fiscal 1971.

I was elated when the Appropriations Committee included the funds I had requested in the bill reported to the Senate. The House accepted the Senate amendment, and the bill was signed by the President on October 7, 1970.

News accounts of the President's action made reference to the possibility that some of the funds in the bill would be impounded, so in a letter dated October 9, 1970, to Mr. George P. Shultz, Director of the Office of Management and Budget, I expressed the hope that funds for the project would be released for expenditure, and that the money would not be placed in a budgetary reserve status. On the same date I asked the Corps of Engineers to begin the work as expeditiously as possible, and to advise me if the money was placed in budgetary reserve.

The Office of Management and Budget advised in a letter dated November 17, 1970, that no decision had been made regarding the $175,000 added by Congress. I was told that OMB was aware of the problems occasioned by flooding along Four Mile Run, and that my views in support of the project would be given careful consideration.

On November 30, 1970, the Corps of Engineers informed me that the money had been placed in budgetary reserve "without prejudice to the later release of such funds after the President (had) an opportunity to review the entire fiscal situation for Fiscal Year 1971, and its relationship to the budget for Fiscal Year 1972."

In a letter dated December 2, 1970, I advised the Office of Management and Budget of the information provided by the Corps of Engineers, and expressed the hope that the money appropriated for Fiscal 1971 would be released at the earliest possible time. On the same day I advised the Corps of Engineers that it would be reassuring to the citizens of Arlandria if funds for the project were included in the Corps' budget request for Fiscal 1972.

Unfortunately, no funds were included for Four Mile Run in the Administration's budget request for Fiscal 1972. I expressed my dismay over the omission in letters dated February 1, 1971, to the Office of Management and Budget and the Corps of Engineers. In my letter to OMB, I asked again that funds appropriated for Fiscal 1971 be released for expenditure. I told OMB that the urgency of the project had been recognized by Congress, and that delays served only to further endanger life and property in the Arlandria community

Mr. Shultz responded in a letter dated March 9, 1971, that the $175,000 would not be released until after July 1, 1971. This, of course, is the beginning of Fiscal 1972. This news was so disturbing, Mr. Chairman, that in my acknowledgement to Mr. Shultz I expressed the hope that the floods could be scheduled on a fiscal year basis.

Meanwhile, in a letter dated February 5 to the Corps of Engineers, I requested an estimate of its expenditure capability for the Four Mile Run project for Fiscal 1972 on the assumption that OMB would release the Fiscal 1971 appropriation. I also asked to be advised whether the Corps of Engineers had included any funds for the project in the Fiscal 1972 budget request it submitted to higher authority.

I received the response of the Corps on Tuesday of this week. I was told that the Corps could utilize an additional $300,000 in Fiscal 1972 if the $175,000 in budgetary reserve were released next month.

However, if the funds in budgetary reserve are not released until July, 1971—and OMB has told me the funds would not be released until after that date—then the Corps could use only an additional $100,000 for the Four Mile Run project.

This means, Mr. Chairman, that the people of Alexandria not only have lost the year they thought they had gained through the appropriation of $175,000 in Fiscal 1971, they stand to lose more ground in Fiscal 1972. I cannot request the Appropriations Committee to recommend funding at the level of $300,000 in Fiscal 1972 when the Corps of Engineers says it can utilize only an additional $100,000 for that year.

Of course there is always the possibility that any additional appropriation for Fiscal 1972 will be impounded. The Fiscal 1971 money was frozen because it was not a part of the Administration's budget request, and as I have related earlier in my testimony, there is no money in the Fiscal 1972 budget request for this project. Incidentally, Mr. Chairman, the Corps has advised that information concerning its budget recommendations to the Office of Management and Budget are not permitted to be released. I therefore am unable to advise what priority the Corps of Engineers gave the project.

The total cost of the project is estimated at $16,635,000, of which $9,926,000 is to come from federal funds. I have been assured by both the City of Alexandria and the County of Arlington that they are prepared to provide their share of the cost.

It seems clear that the authority of Congress to determine priorities has been effectively frustrated in this particular case. The Senate and House Public Works Committees recognized the urgent need for the project when they set a precedent by authorizing construction pursuant to Section 201(a) of the Flood Control Act of 1965. The Congress recognized the need by appropriating the $175,000 recommended by the Senate and House Appropriations Committees.

It is regrettable that the Office of Management and Budget has not adhered to the intent of Congress on this project.

ABE RIBICOFF—A DREAM REALIZED

Mr. McINTYRE. Mr. President, I speak today in praise of the distinguished Senator from Connecticut (Mr. RIBICOFF).

Not long ago, he introduced a bill to establish a Connecticut Historic Riverway on the lower portion of the Connecticut River. The bill was the culmination of more than 3 years of painstaking work and keen understanding. I congratulate Senator RIBICOFF and thank him for his unique contribution to the preservation of a truly precious natural resource.

A brief outline of the history of this project should be instructive to Senators. I should like to emphasise that S. 36 represents a truly unique process in intergovernmental relations. The bill is designed to implement many suggestions of the Bureau of Outdoor Recreation's report, New England Heritage. It does. Yet it does something more: it incorporates the suggestions, objections, and alternative proposals of most of the public bodies in the area affected and those of private citizens' groups as well.

Senator RIBICOFF was the driving force behind this concept from its inception. As a responsible and imaginative legislator, he foresaw that a massive Federal project could not be imposed on the citizens of the lower Connecticut Valley. Like the people of my own State of New Hampshire, these residents have a strong background of independant judgment and commonsense.

Rather than see this project mired in controversy and delayed by jurisdictional questions, the Senator wisely decided to eliminate these factors before authorizing legislation was introduced.

He made copies of the proposed bill available to all interested parties and solicited their sugestions and analyses. What ensued over the next 2 years was a substantial revision of the bill encompassing the suggestions of interested parties in the area. The result is a workable bill which Senator RIBICOFF has indicated to me as being superior to the original proposal.

Because of his single-minded dedication and his willingness to listen to those affected by the proposal, the Senator is now assured of wide public support and cooperation for the proposal in the area affected; and wide support for passage of authorizing legislation in the Senate.

I commend Senator RIBICOFF for his unique accomplishment. Thanks to his vision, the residents of the lower Connecticut Valley are assured of stable growth and the preservation of a natural resource that may be the last of its kind in the Northeast. Senator RIBICOFF deserves our gratitude. He has shown the way.

I ask unanimous consent that an address by Senator RIBICOFF be printed in the RECORD. It is a highly sensitive analysis of the legislation presented by Senator RIBICOFF to the Connecticut River Estuary Planning Agency's Citizen's Workshop in Deep River, Connecticut, on February 20, 1971.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR RIBICOFF

The future of the Connecticut River valley concerns all of us here today and is directly related to the fate of the Connecticut Historic Riverway Bill presently pending in Congress.

We all know the valley as a beautiful place. We all know it as a unique example of Connecticut's natural and historical past. And we all know that action must be taken immediately if this beauty and uniqueness is to be preserved for future generations.

Situated in the center of historic New England and surrounded by the great urban sprawl of industrial America, the Connecticut River valley provides an unmatched array of the vital natural resources which are fast disappearing in our modern society.

But how long can we maintain the beauty and tranquility of the area?

The relative isolation that has protected this area is rapidly disappearing. The completion of Connecticut Route 9, a major limited access highway, has put the river valley within easy driving distance for the residents of Hartford, New Britain and other cities to the north. The Connecticut Thruway and Interstate 95 have brought vast industrial development potential to the quiet villages and towns of the area.

We are at a critical stage in the development of this region and important decisions must be made by you and your representatives. If we act now and act positively, we can save much of the beauty of the land and the lifestyle of the residents. If we fail to take the necessary steps, the Connecticut River valley as we know it, will soon disappear.

Signs of deterioration are already present. The industrialization around us is spreading inward. Land subdivisions along the shoreline threaten remaining open space access to the river. Marinas are taking up many of the coves and inlets. Development is even taking place on the tidal wetlands which support the ecological balance of the estuary.

We will never be able to stop residential and commercial development completely. However, with careful and imaginative planning, we can control this development and not only protect the natural and human resources of the area, but at the same time contribute to a healthy economy.

Many feel that this can be done on an individual town by town or neighborhood by neighborhood basis. This simply is not true. Some land owners will inevitably yield to the lure of fat profits and sell to an industrial or residential developer.

The protection of this area must be coordinated on all fronts—local, state and federal—if we are to succeed. The Estuary Planning Agency, representing most of the towns in this area, already provides the vehicle for planning and development at the local level.

But state and local authorities cannot succeed without assistance at the Federal level.

The role of the Federal government should not be to solve the problem of each individual river, lake, city or town in this country. Rather it should establish a basic national policy which state and local authorities can implement with the help of Federal financing.

We must ensure that we preserve the right of state and local authorities to tailor this national policy to the needs and desires of their constituents.

Too often in the past, the Federal government rode roughshod over the sensitivities and interests of local citizens when it thought it was acting in the public interest.

The proposed Connecticut Historic Riverway is a perfect example of what can be done to balance national, state and local needs. The Riverway proposal makes it clear that it is in the national interest to preserve the Connecticut River just as it is in the national interest to preserve the Redwoods or the Everglades for future generations.

At the same time, the Riverway proposal makes clear that no Federal juggernaut will be allowed to sweep through the valley followed by escapees from the big cities with their multicolored trailers and tents.

The reason this is not going to happen is that we in the river valley have created a system of Federal, state and local cooperation which exists nowhere else in the United States.

I am sure all of you here remember how the Connecticut Historic Riverway evolved. It all began in 1965 when Secretary of the Interior Stewart Udall joined many of us for a trip up the River.

My purpose in arranging the boat ride was to demonstrate and dramatize for the Secretary and all others concerned, the need and the potential for a national preserve along the Connecticut River valley. We did just that. Stu Udall returned to the Nation's Capital convinced that the need and the potential existed and he promised me his support.

I had already introduced legislation directing the Interior Department to conduct a feasibility study for the preservation of the whole Connecticut River corridor. With the backing of Secretary Udall and later President Johnson, the bill became law and the study began.

The Bureau of Outdoor Recreation talked to residents, state and local officials, and held public meetings from Long Island Sound to the Canadian border. Population and growth projections were developed. Land use studies were analyzed.

In September of 1968 the Bureau released their report entitled *New England Heritage*. The report enthusiastically endorsed the concept of a park stating that the need for protection and enhancement of the outstanding natural resources of the Connecticut River valley was a matter of regional and national concern. The report was greeted with unanimous and eager support.

In April of 1969, I introduced S. 1805 which would create the four state, 56,700 acre Connecticut River National Recreation Area. In the bill I proposed a revolutionary concept of citizen participation. For the first time in anyone's memory, the local citizenry who were to be affected by the development, were not only going to be heard from, but were going to have a say in the decision making.

The bill was referred to the Interior Committee's Subcommittee on Parks and Recreation, chaired by my friend, Senator Alan Bible of Nevada. A westerner, Alan comes from the part of America which has plenty of land and wide open spaces and an abundance of magnificent public parks. He knows better than anyone else the value of Federal preserves and the necessity of acting immediatly to protect our natural heritage. When I spoke to him he was somewhat surprised to learn that here in the industrial northeast there was still a stretch of river which had not yet been ruined.

Because of the immediate interest he showed and because Alan's support was essential to the passage of the bill, I invited him to join me on another boat ride up the River.

Just as in 1965 with Stu Udall, Senator Bible was moved by the beauty of the riverway. He came away from that voyage with three vital impressions.

First, the riverway was worth saving.

Second, those most concerned with the development of the lower river valley had come to realize that the stretch of riverway between Haddam and Old Saybrook simply could not sustain intensive recreational development and still remain close to its natural state. We all agreed that such recreational development was not in the national interest. In order for the Park to serve its purpose for us and for future generations, the emphasis had to be on preservation rather than recreation.

Third, Alan's conversations with state and local officials convinced him that a unique experiment in intergovernmental relations was developing and should be given a chance. For the first time, he said, local officials and concerned citizens were able to voice their opinions, their fears and their hopes before the plan was actually implemented.

Of course, not everyone agreed at the Federal level. We all remember the Park Service's plans for vast recreational development. This was a textbook example of a Federal agency attempting to fulfill national needs without respecting or contemplating the needs of the local residents.

Fortunately, these plans have been rejected and the life style of the residents and the serenity of the river valley will be maintained.

Once back in Washington, I introduced a new bill which would create in Connecticut the Connecticut Historic Riverway. At the hearings on this measure, the Advisory Committee unanimously supported this new proposal. They said, "We do not know of any case where a major piece of Federal parks legislation has been written with this great concern for the opinions and knowledge of those in the affected areas. As citizens of this democracy, we wish to endorse not only the legislation itself, but the cooperative effort that went into its drafting."

Signing this report were:

Theodore Bampton, Director, Board of Fisheries and Games;

Warren Billings, First Selectman, Haddam;

Robert Blair, First Selectman, Chester;

Merle Bugbee, First Selectman, Old Lyme;

Richard Burnham, First Selectman, East Hampton;

Geoffrey Colegrove, Director, Midstate Regional Planning Agency;

Merritt Comstock, Representative, 71st District, Essex;

Gregory Curtis, County Administrative Agent;

F. Kelso Davis, First Selectman, Essex;

Mrs. Taber deForest of Chester;

Raymond Dzialo, Representative, 74th District, Middletown;

Joseph Gill, Commissioner, Department of Agriculture and Natural Resources;

Stanley Greimann, Planning Director, Connecticut River Estuary Regional Planning Agency;

John Hibbard, Secretary, Connecticut Forest and Park Association;

Jesse Johnston, First Selectman, Old Saybrook;

George Joy, First Selectman, Deep River;

Erwin Kelsey, Chairman, Middlesex County Soil and Water Conservation District;

Irving Levowitz, First Selectman, East Haddam;

Donald Mathews, Director, Park and Forest Commission;

John Mazer, First Selectman, Lyme;

Thomas Mondani, Representative, 73rd District, Moodus;

William Moore, Senator, 20th District, Lyme;

William O'Neill, Representative, 52nd District, East Hampton;

Carl Otte, Open Spaces Coordinator, State Department of Agriculture and Natural Resources;

John Pickett, Senator, 33rd District, Middletown;

Julian Rosenberg, Connecticut Valley Action Committee;

Anthony Sbona, Mayor of Middletown;

Dr. Karl Schaefer, Lyme;

John Tiffany II, Representative, 70th District, Old Lyme.

The Advisory Committee and its report made an impact on all the members of Senator Bible's Subcommittee. The Subcommittee's report to the full Senate said, "the national interest is better served by emphasizing the historic and scenic values of the lower Connecticut River over intensive recreational development. Accordingly, Federal administration and development of the riverway will be circumscribed to respect the existing beauty and tranquility of the area."

With this support, the Riverway was approved by the full Senate in October of last year. Senate passage was a victory for the concept—a new one in Federal park legislation—that the local people, through their advisory committee, should play a vital role in deciding how their Riverway is to be administered and developed. Unfortunately, the House of Representatives did not take any action before adjourning.

I have reintroduced the bill this Congress and hope for quick passage. It will then go again to the House which already has a number of similar measures pending. The Connecticut Congressional delegation has introduced two almost identical bills.

Once the Senate has approved the bill, it will be up to my colleagues in the House to steer the bill through to final passage. Any difference which might occur can be settled at Conference. The important thing is to pass this legislation and then get to the next step—appropriations.

When established, the Riverway will encompass 23,500 acres along the River from Haddam to Old Saybrook. The Secretary of the Interior will be allowed to acquire up to 5,000 acres.

The Park Service estimates that only 4,100 acres will be needed. Of that, all but 169 are unimproved. The estimated cost will be $18.2 million.

The major portion of the Riverway—17,500 acres, will be in a conservation zone. This means that the land will remain in present hands and property rights will be unaffected. It can be bought and sold as long as the local zoning ordinances meet standards approved by the Secretary and the Advisory Committee.

Similar zones have been established with great success in the Cape Cod and Fire Island Seashores. In fact, a recent review of the Cape Cod program showed that property values in the zone increased dramatically.

Preliminary development plans and cost figures have been prepared by the Interior Department to assist the Congress. These plans and figures are not, of course, final or untouchable. The permanent arrangements will be worked out with the Advisory Committee—the men and women most familiar with the area's ecological and human needs.

To minimize the flow of vehicular traffic on our small roads, the Park Service plans two parking areas—in Old Saybrook and in Tylerville. Visitors would pay for parking and then board small shuttle buses which would take them through the park. If this scheme is successful, no new roads need to be built and the present roads won't be burdened by traffic.

Group camping grounds are planned for Poplar Hill and Hamburg Hill. These will be small areas set aside for groups, such as Boy Scouts and Y.M. and Y.W.C.A.'s who have reserved the space in advance. Individual or transient camping will not be allowed.

In addition, two small environmental study buildings will be built in these same areas where visitors such as school children can learn about the history and ecology of the Riverway.

Decisions on matters such as the optimum number of visitors the Riverway can accommodate and how vehicles should be routed will be made by the Advisory Committee together with the Secretary's representative.

Because this is a first, the role of the Secretary and the Advisory Committee has been carefully delineated. As the bill says: "The Secretary shall administer and protect the Riverway with the primary aim of conserving the natural resources located within it and preserving the area in as nearly its natural state as possible. No development or plan for the convenience of visitors shall be undertaken in the Riverway which would be incompatible with the overall lifestyle of residents of the area, accepted ecological principles the preservation of the physiographic conditions now prevailing or with the preservation of such historic sights and structures as the Secretary may designate."

And before he makes these decisions, he is obligated under my Senate bill to consult with the Committee with respect to all matters relating to the development and administration of the Riverway.

If this new and revolutionary approach to a national park is successful, and I am sure that it will be, we may have changed the whole style of national parks. If the Federal, state and local authorities can continue to work together, we may see more and more Senators and Congressmen introducing legislation to preserve and protect their local natural resources. And each of them will be able to say that their plan is modeled after our successful experiment here in Southern Connecticut.

INTERNATIONAL CONFERENCE ON OCEAN DUMPING

Mr. ROTH. Mr. President, the resolution introduced by the Senator from West Virginia, calling for an expression of support by the Congress for the convening by the United States of an International Conference on Ocean Dumping deserves the close attention of all Senators. I am particularly pleased to add my name as a cosponsor to this important and timely effort. I have long felt that international agreement on action to preserve and protect the oceans is an indispensable companion to efforts by individual nations in this critical area of the human environment.

Recognition of the need for this dual

approach to achieve marine protection is evident in the President's February 8 message to the Congress transmitting the first annual report on the state of the Nation's environment. In that message, President Nixon called for the establishment of a national policy banning the unregulated dumping of waste materials into the oceans, and for legislation to regulate such dumping. He also directed the Secretary of State to begin the pursuit of international initiatives directed toward the control of ocean dumping.

These recommendations by the President follow the excellent report by the Council on Environmental Quality of last October, which suggested not only the development of a national policy on ocean dumping, but also that the United States take the initiative to achieve international cooperation on this problem. Since the beginning of the 92d Congress, at least 55 bills have been introduced to implement, in one way or another, the recommendations by the Council and by the President. At least two of these proposals—H.R. 4723 and S. 1238—are specifically directed at the problem, and call for regulation by the Environmental Protection Agency. The resolution introduced by the Senator from West Virginia (Mr. Randolph) responds to the need for international cooperation, to supplement the national effort proposed in these bills.

Mr. President, the Council on Environmental Quality report Ocean Dumping: A National Policy, which President Nixon transmitted to the Congress last October prompted me to write him at that time, not only to applaud his action, but to suggest that the United States convene an international conference to deal with this problem.

While I realize that marine pollution will be an important area for discussion at the forthcoming United Nations Conference on the Human Environment in 1972, it seems to me that an international conference on ocean dumping this year could accomplish two important objectives. First, it would provide a forum before which interested nations could work toward agreement on some urgently-needed controls at this time. Such a forum would not detract from the important objectives of the 1972 Conference; it would, as a matter of fact, by reaching agreement on fundamental issues this year, actually improve the work of the Stockholm Conference. Secondly, agreements reached at a 1971 international conference would be important to the 92d Congress in its deliberations on a national policy on ocean dumping. It seems quite possible to me that such agreements as could be reached in the international arena this year would have an important bearing on actions which the Congress might need to take to bring about a desired national policy on ocean dumping.

These were my thoughts, Mr. President, when I wrote to President Nixon last fall. I should like at this time to include in the Record a copy of my letter to the President, as well as a copy of his gracious reply.

There being no objection, the letters were ordered to be printed in the Record, as follows:

House of Representatives,
Washington, D.C., October 13, 1971.
Hon. Richard M. Nixon,
The White House,
Washington, D.C.

Dear Mr. President: Your recent message to the Congress transmitting the conclusions and recommendations of the Council on Environmental Quality with respect to the dumping of waste materials into the oceans, was a most welcome and timely one. I was heartened to read the note of urgency in your statement outlining the serious threat of ocean pollution, and in your promise to submit specific proposals in the next Congress to implement the Council's recommendations. I want to assure you that I, along with other members of Congress, appreciate this energetic approach to the solution of a problem which daily grows more serious.

My own State of Delaware regards its long stretches of ocean front not only as a particularly beautiful part of nature's beauty, but as a priceless and productive resource entrusted to our care for the benefit of all Americans who choose to visit us. That Delaware jealously guards this thrust is demonstrated, I believe, by the State's efforts to protect and preserve its valuable estuarine areas, and through its Shoreline Plan, to save its ocean front for the benefit and enjoyment of all.

But Delaware's efforts cannot entirely protect its beaches from the effects of ocean dumping; they are perforce limited. It is for this reason that we look with great hope to the leadership you have displayed in bringing the matter of ocean dumping to the Nation's Legislature.

While it is true that the United States can and should observe strict regulation with respect to ocean dumping, I am sure you will agree, Mr. President, that the problem calls upon us to act in close concert with other nations. Your submission to the Congress in May of conventions designed to prevent oil spill damages, as well as your thoughtful statement of United States policy with respect to the oceans, are telling evidences of your commitment to move this effort forward.

My deep concern for this problem moves me to suggest, Mr. President, that you consider the possibility of calling upon other nations in the very near future to convene an international conference to deal with this matter. I believe it is of such momentous importance as to warrant an international conference at which it could receive maximum attention. It seems to me that the exclusive attention which such an international conference could afford would be more productive of positive results than would be the case if we relied on a general conference such as the United Nation's Conference on the Human Environment scheduled for 1972.

In thinking of organization for a separate conference on ocean dumping, it occurred to me that the North Atlantic is probably the focus of the problem, for it is in the surrounding Atlantic Community that a high percentage of the world's trade is conducted, and where a significant part of the earth's resources is consumed. I believe that the solution of the problem in this relatively limited area of the oceans would be more feasible than attempts which were to encompass all of the earth's oceans. If one views the problem of ocean dumping as the final stage of resource exploitation, then it would appear that the responsibility lies, to a great degree, with those Atlantic Community Nations. Those nations are ably served by the North Atlantic Treaty Organization, whose Committee on Challenges of Modern Society has already begun very important work on improvement of environmental quality. It seems to me that the Committee on Challenges of Modern Society might be seriously considered as a prime mover in the problem of ocean dumping.

Again, Mr. President, I want to thank you for your interest and leadership in this critical problem, and to assure you of my cooperation in seeking its solution.

Sincerely,
William V. Roth, Jr.,
Member of Congress.

The White House,
Washington, November 5, 1970.

Dear Bill: Your support for our proposals to the Congress on the subject of ocean dumping is greatly appreciated, and I want to thank you for your October 13 letter. As you have pointed out, the problem of the disposal of wastes in the oceans is international in character and will require international action for its solution. It is my hope that the legislation which I will propose to the Congress early next year will provide to other maritime nations an example of constructive effort to regulate ocean dumping.

While the North Atlantic may well constitute the most critical area at the present time, effective international cooperation to meet this problem should be extended to other ocean zones as well. Japan, for example, has become acutely conscious of the need to control pollution of her coastal waters. During a recent visit to Tokyo, Russell Train, Chairman of the Council on Environmental Quality, found that our proposals for a new national policy on ocean dumping are of great interest there, and it is evident that this represents one of the most promising areas for environmental collaboration between the United States and Japan.

As I am sure you know, the Committee on the Challenges of Modern Society is actively engaged in developing a cooperative program in the field of oil spills on the high seas. While the control of general disposal of ocean wastes seems primarily to be a regulatory matter, the reduction of oil pollution by tankers is largely a technological problem to which CCMS is especially well suited to make significant contributions.

You may be sure that we will be exploring these matters with our friends in the North Atlantic region, and we will also be developing appropriate opportunities for broader international cooperation in the protection of the marine environment.

With warm regards,
Sincerely,
Richard M. Nixon,
President.

Mr. ROTH. Mr. President, most Senators are aware that there is already underway a considerable effort at the international level to study and to improve the marine environment. But this is an effort that is scattered among a wide variety of organizations, and its dimensions are thus difficult to comprehend. For this reason, I believe that Senators would be interested in an excerpt from a recent report entitled U.S. Priority Interests in the Environmental Activities of Committee on International Affairs. This excerpt outlines the major problems of the marine environment, and briefly described the activities of major international organizations in this field. I ask unanimous consent that it be printed in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

DETERIORATION OF THE MARINE ENVIRONMENT

THE NEED FOR INTERNATIONAL COOPERATION

The need for international cooperation in preventing and correcting adverse effects on the oceans and on marine resources stems primarily from the fact that the high seas, like the atmosphere, function as a commons which is used in various ways and in various degrees by all nations. In addition, the effects of the oceans on weather and climate reinforce the need for cooperative action in this area of environmental affairs.

Many types of ocean pollution problems affect, in the first instance, coastal waters rather than the high seas. This applies, for example, to the disposal of industrial wastes and sewage from urban communities, insecticides and fertilizers from land run-off, seepage of petroleum from offshore drilling, and, in general, to all cases in which pollutants enter the ocean via rivers or by dumping in territorial waters. It also applies to pollutants that accumulate in the marine foodchain since many species of fish and other marine biota tend to inhabit the relatively shallow areas of the ocean. Nevertheless, coastal waters are interrelated with the rest of the ocean in obvious ways and, from an environmental point of view, even the distinction between fresh and salt water may not serve a useful purpose. Pollution in estuaries can be considered from the standpoint of causal linkages with the originating sources upstream (see Section 6), the acute effects in the estuarine area itself, or the direct and indirect effects of pollutants as they move out to the open sea and are carried away by ocean currents.

While the oceans function as a commons, the control of pollution in marine areas which are under the national jurisdiction of coastal states impinges upon the right of a nation to dispose of its own waste products in the territory it claims. International agreements are needed insofar as this right is restricted on the grounds that pollution of the territorial sea, the adjacent seabed, or the legally-defined continental shelf affects the interests of other nations. Simple self-interest may be sufficient to motivate a nation to prevent or reduce pollution in these oceanic areas, but there are complicating factors. For example, the technical feasibility and economic costs of alternative methods of waste disposal may limit the extent to which a coastal state is able to avoid or abate pollution of its own coastal waters even though it clearly wants to do so.

The control of pollution in oceanic areas outside the limits of national jurisdiction requires international cooperation in formulating regulatory measures and in enforcing them. The latter function might be performed by a new international agency (within the UN system or closely related to the United Nations), though preferably not one established primarily for controlling the exploitation of the seabed. Alternatively, regulatory measures regarding pollution of the high seas (including the protection of marine resources in the deep ocean or on the ocean floor) could be enforced by existing international machinery. In either case, effective prevention and correction of marine pollution cannot be left entirely to the coastal states that are willing and able to protect their own maritime domains.

CURRENT AND PROSPECTIVE INTERNATIONAL ACTIVITIES

The UN General Assembly has concerned itself with ocean affairs for a number of years. It has focused its attention on the political and legal problems related to marine resources, chiefly in connection with the issues considered at the Law of the Sea Conferences (1958, 1960) and at meetings of the UN Seabed Committee. However, pollution of the marine environment has also received a good deal of attention in connection with (1) the exploration and exploitation of the seabed, (2) the protection of marine species, and (3) the need for providing more food from the sea.

Ocean pollution will probably be discussed at the Stockholm Conference in 1972 since the program calls for systematic analysis of pollution in various media and for consideration of global monitoring systems. The UN Secretariat is preparing a report on several oceanic pollutants; it will discuss corrective actions and the desirability of a multinational treaty on this subject. This report might be an input to the 1972 UN Conference or, alternatively, submitted to the UN General Assembly before that time. The ECE Conference in 1971 will not discuss marine pollution to any extent.

A large number of international organizations are involved in dealing with the problems of pollution in the marine environment. Within the UN system, the Group of Experts on Scientific Aspects of Marine Pollution (GESAMP) serves as a common advisory body for several UN specialized and affiliated agencies—notably, UNESCO, WMO, IMCO, FAO, and IAEA. It provides a mechanism for considering the needs for research on marine pollution problems; for establishing research priorities; for assessing the use and effects of chemical means for absorbing, precipitating, and removing pollutants from the sea; and for organizing on-the-spot investigation and rendering technical advice in the event of a major ocean pollution accident. No single UN organization performs all the functions required to cope with the full range of ocean pollution problems and, in general, non-UN international organizations deal only with special aspects of the marine environment. A brief statement of the activities of the principal international organizations and programs concerned with ocean pollution follows:

(1) *Intergovernmental Maritime Consultative Organization.* Since its establishment in 1959, IMCO has been active in encouraging research and information exchange on the rapid, safe, and efficient disposal of oil from the sea. It has established a mechanism for reporting oil spills, convened an international legal conference on marine pollution, and has proposed changes for strengthening the 1954 agreement on Prevention of Pollution of the Sea by Oil. IMCO currently plans to convene a conference in 1972 to draft an international agreement for preventing contamination of the sea.

(2) *World Meteorological Organization.* WMO promotes the collection, processing, and analysis of data, as well as the standardization of instruments and techniques in hydrology, through its Commission for Hydrometeorology. Similar functions are performed through its Commissions on Oceanographic and Climatology. While WMO is not primarily concerned with the control of ocean pollution, it is the major UN specialized agency involved in research and monitoring of meteorological factors affecting the marine environment.

(3) *UN Educational, Scientific and Cultural Organization.* UNESCO conducts marine research through its Office of Oceanography and serves as the Secretariat for the IOC (see below). Through the International Decade of Ocean Exploration (IDOE), and more generally the Long-Term Expanded Program of Oceanic Exploration and Research, it promotes scientific investigation for (i) assessing and predicting man-induced and natural modifications of the character of the oceans, (ii) identifying deleterious or irreversible effects of waste disposal at sea, and (iii) preventing depletion or extinction of valuable marine species as a result of man's activities.

(3a) *Intergovernmental Oceanographic Commission.* The IOC has been charged by the UN General Assembly with responsibility for implementing the Long-Term and Expanded Program of Oceanic Exploration and Research, of which the International Decade of Ocean Exploration (IDOE) is a part. The basic mission of the IOC is to promote scientific investigation of the oceans and marine resources through concerted action by its national members. With the support of WMO, the IOC has taken the lead in developing the Integrated Global Ocean Station System (IGOSS). The purpose of this system is to provide more extensive and timely information on the state of the ocean and its interaction with the atmosphere. IGOSS is in an early stage of development.

(3b) *International Decade of Ocean Exploration.* The IDOE, which was endorsed by the UN General Assembly in 1968, includes a broad program of research and monitoring that bear directly on the control of ocean pollution and the protection of the marine environment.

(4) *Food and Agriculture Organization.* Although more concerned with pollution of inland waters, FAO has given increasing attention to the study, monitoring, and management of the sources and effects of ocean pollution on fish resources and fishing operations. It is preparing a World List of Experts in Marine Pollution and plans to conduct a conference, in December 1970, on the effects of marine pollution on the living resources of the sea.

(5) *World Health Organization.* WHO activities in the field of environmental health include research on such topics as the disposal of waste in offshore waters. It conducted a study of public health aspects of coastal pollution which covered the health effects of organisms discharged with sewage into coastal waters. It plans to continue research on this subject with a view toward providing technical guidance on criteria of coastal water quality and recommending preventive methods.

(6) *International Atomic Energy Agency.* IAEA is concerned with the problems of radioactivity in the marine environment. It maintains the International Laboratory of Marine Radioactivity at Monaco to conduct research in this field, including problems of radioactive waste disposal and the standardization of techniques for determining the effects of radioactivity in the sea. The IAEA is considering the establishment of a registry of radioactive materials disposed at sea by Member States; this registry would be linked to a more comprehensive international registry of other ocean pollutants. From time to time the IAEA organizes symposia and panels on problems related to marine radioactivity; a panel will be convened in November 1970 on procedures for establishing limits for radionuclides in the sea.

(7) *NATO Committee on the Challenges of Modern Society.* CCMS has initiated an action-oriented project on Open Waters Pollution under Belgian leadership, with assistance from Canada, France and Portugal (co-pilots). This study attempts to define international standards and criteria for pollution of open waters in order to make international pollution control measures more effective. Special attention is being given to inadvertent oil spillage and to the prevention of intentional oil discharges. CCMS held a conference in Brussels on oil spills early in November 1970 and formulated preliminary recommendations for action.

(8) *Organization for Economic Cooperation and Development.* The OECD's continuing work on the unintended occurrence of pesticide residues takes account of the concentration of these residues in the marine foodchain. While the OECD Water Management Research Group (WMRG)is primarily concerned with pollution in fresh water bodies, it might become involved in research on water-borne contaminants in estuaries. Under the auspices of the OECD, the European Nuclear Energy Agensy (ENEA) has been developing a coordinated plan for the disposal of low-level solid radioactive wastes in ocean waters. Two multi-national sea disposal operations have been completed, one off the coast of Portugal (1967) and the other off the coast of Ireland (1969).

(9) *International Council for Scientific Unions.* The ICSU Scientific Committee on Oceanic Research (SCOR) promotes international cooperation in all branches of oceanic research and arranges for international con-

ferences such as the Joint Oceanic Assembly. The extent to which the ICSU Scientific Committee on Problems of the Environment (SCOPE) will deal with research on ocean pollution problems is uncertain. The ICSU committee that proposed setting up SCOPE cited pollution of the oceans and coastal waters as one of the main topics for it to probe.

(10) *International Council for Exploration of the Sea.* ICES is the oldest organization concerned with the North Atlantic and adjacent seas. The Council coordinates the oceanographic activities of the member governments and other interested bodies, promotes research in the marine sciences, and seeks to establish the best basis for international conventions on the improvement of sea fisheries. To achieve these goals, it cooperates with the FAO, UNESCO, and other international organizations specializing in the marine sciences.

From an institutional point of view, international cooperation on problems of the marine environment can probably be achieved best within the framework of the United Nations. The oceans have been studied internationally for many years and the cooperative approach envisaged by the IDOE continues this tradition. While organizations outside the UN system, notably CCMS and OECD, can play important roles in achieving better management of the oceans, the main forum for debating the issues and ultimately agreeing upon measures for controlling ocean pollution must include nations with substantial oceanographic capabilities (e.g. USSR, Japan) and with large maritime fleets (e.g. Liberia, Panama). Other considerations that lead to the same conclusion are: (1) the need for global monitoring of pollution in the marine environment, (2) the desirability of broadly-based research on climatological problems, (3) the importance of augmenting agricultural production in the LDCs by increasing the amount of food from the sea, and (4) the possibility of assisting the developing countries by cooperative exploitation of mineral resources in the seabed.

PRIORITY PROJECTS FOR INTERNATIONAL COOPERATION

Pollutants enter the ocean in many different ways. Atmospheric fallout and terrestrial runoff are the natural routes from other environmental media; more direct routes are represented by dumping, spillage from ships, effluent discharge, offshore oil and gas exploitation, and ocean mining. Moreover, a wide variety of pollutants reach the marine environment by these means—not only oil, sewage, and pesticides, but also industrial wastes, toxic materials, and munitions. The physical disruption of the sea bottom in ocean mining may also be considered a form of pollution adversely affecting the marine environment.

One of the urgent short-range problems in this area of environmental affairs is the control of oil pollution. Reasonably effective measures for reducing ocean pollution from tankers can be devised and implemented at the present time, even though further study of the economic aspects of oil spillage would be desirable. There is also a continuing need for cooperative research on the rates and routes of oceanic oil pollution from all sources—that is, not only from tankers, but also from other ships, off-shore drilling, accidental and natural causes, and the disposal of petroleum waste products on land. A similar need applies to research on chemical pollutants that ultimately reach the sea (e.g. DDT, toxic metals, etc.) and on their effects on marine biota.

The following six projects on ocean pollution are suitable for multilateral cooperation and, as a group, have high priority. In general, U.S. interests would be best served by supporting the work already begun or proposed by existing international organizations.

(1) *Prevention of Pollution from Ship Operations and from Dumping.* This project would aim to formulate international agreements to prevent ocean pollution from oil and from other substances that tend to damage the marine environment (e.g. chemical warfare agents, persistent pesticides, industrial wastes, etc.). Oil spillage from tankers can be reduced by various measures. For example: the size of tanks can be limited; tankers can be constructed with inner bottoms and inner side shells; the possibility of collision can be reduced by improving navigation aids and designating traffic lanes for tankers; more extensive use can be made of the load-on-top system ballasting and tank cleaning; and more adequate shore facilities might be developed. International agreements on the use of these methods are needed and are currently under consideration in IMCO and CCMS. These organizations might also be used for formulating agreements on the control of other kinds of ship-generated pollution; in some cases, pertinent efforts are already underway—for example, IMCO is considering the standardization of shoreside connections for the discharge of sewage to land-based treatment plants. The US has already taken the lead in formulating policies for the control of ocean dumping; pending US legislation on this subject might help to encourage other maritime nations to restrict the dumping practices of their nationals and to be favorably disposed toward an international agreement on dumping of hazardous chemicals, radioactive wastes, and the like. Such an agreement would probably involve a number of agencies in the UN system (notably, IMCO, FAO, IAEA, and IOC) and might ultimately require action by the UN General Assembly itself.

(2) *Determination of Oceanic Pollutant Effects.* Some pollutants remain a long time in the ocean or in marine organisms; some have acute and quickly noticeable effects on biota, whereas others have delayed effects which might be important in the long run. Existing knowledge of these matters is fragmentary. Further study to understand the effects of known pollutants, to identify unrecognized ones, and to acquire better data on the fate of specific pollutants (i.e. movement in the ocean, accumulation of organisms, etc.) was recommended by the IOC which, together with FAO and IMCO, would be the principal organizations involved in promoting or conducting additional research.

(3) *Monitoring Pollutants Affecting Ocean Quality.* This task is analogous to the monitoring of airborne pollutants of global significance (see para 4.10 above). An international system for monitoring the ocean is needed to determine the presence of such pollutants as toxic heavy metals persistent pesticides, petroleum and products of petroleum origin, industrial wastes, and possibly other substances. This system would provide baselines for determining subsequent changes in ocean pollution; it would require standardization of sampling methods, calibration of instruments used by the participating parties, and cooperation in analyzing samples and in exchanging research results. A cooperative monitoring effort has been recommended by the IOC; hence, this project could be best carried out through the IOC. FAO and WMO would be the principal intergovernmental organizations directly involved.

(4) *Inventory of Ocean Pollution Sources.* Pollutants reach the ocean from many sources and some of them are transported over vast distances. Thus pesticides applied on the African Continent have been detected in the Bay of Bengal and the Caribbean Sea, following transport in the summer monsoon and northeast trade winds respectively. It would be desirable to organize a multinational effort to review and inventory the source of marine pollution, and to investigate the mechanisms through which pollutants reach the marine environment. Initial planning could be done by UNESCO and ICSU; in either case, the research and data collection could probably be carried out effectively by WMO, FAO, IMCO, and IAEA.

(5) *Impact of Adopting Pollution Criteria and Standards.* From an operational point of view, the formulation of criteria and standards for marine pollution is only a step toward international agreement and adoption of measures for controlling pollution in the marine environment. Prior to proposing such criteria and standards there should be extensive study of the economic and social consequences of adopting them. These prerequisite studies could probably be undertaken best by a joint effort of UN regional economic commissions and certain specialized UN agencies (e.g. IMCO, FAO, UNESCO, IAEA). In some cases enough is already known about adverse effects on human health to warrant setting minimum standards promptly, but the economic impact of adopting such standards needs to be periodically examined and the need for modifying them should be periodically reviewed.

(6) *Pollution Control Technology.* The development of technology for controlling ocean pollution should be encouraged by facilitating information exchange and organizing cooperative research projects on such topics as: (i) treating effluents to remove pollutants before they reach the ocean, (ii) removing pollutants from the ocean, (iii) countering the deleterious effects of those that cannot be removed, (iv) finding economic uses of wastes so that they do not have to be dumped into the marine environment, (v) developing substitute materials or alternative methods of disposing of pollutants that now reach the sea, and (vi) developing remote sensors for aircraft and satellites for monitoring, surveillance and identification of pollutants and their sources. Many existing international organizations concerned with the marine environment would be involved, but none appears to be particularly well-suited for coordinating and directing the joint research efforts required. The ICC and IMCO would provide useful mechanisms for facilitating information exchange.

5.12 Numerous aspects of the marine environment require future study in connection with international actions to control pollution, conserve marine resources, and improve man's utilization of the sea. The following three topics, though not directly concerned with ocean pollution in the usual sense, are suitable for cooperative research. They may be regarded as having a continuing high priority in this area of environmental affairs.

(1) *Sustaining the Yield of Living Resources of the Sea.* In order to prevent the adverse consequences of overexploitation of certain fisheries, as well as to retain the scavengening capabilities of the ocean's living resources, a reexamination of the Convention on the Living Resources of the High Seas is needed. International agreement on a new convention may be required. Initially, the problem of sustaining yields could be investigated by FAO, but effective measures will probably require action by the UN General Assembly.

(2) *Long-range Weather Forecasting.* Meteorological studies show that changes in large-scale weather patterns are closely related to changes in the temperature distribution of the water layers near the surface of the sea. Because the sea behaves more sluggishly than the air, these observations indicate that improvements in long-range weather forecasting can be made through studies of the large-scale interactions between the oceans and atmosphere. The present accuracy of long-range forecasting is low, but if it could be improved substantial economic benefits would result. Eventually some aspects of the weather might be controlled. Studies of the air-sea interactions require,

among other things, time series measurements at many points in the upper water layers and continuous mapping of cloud cover, winds, and atmospheric temperature distributions over the oceans. Many of these atmospheric measurements will come from weather satellites, while measurement of ocean parameters will probably require establishment of a network of anchored buoys. The extent of this work is larger than the capabilities of any one nation. It has been recommended for international cooperation by the IOC; the leading role would probably be played by WMO.

(3) *Man-made Ecological Upset of the Sea.* It would be useful to organize a cooperative study of the ecological changes in the marine environment which are likely to result from deep-sea mining, oil drilling, dredging, and other human activities affecting the seabed. A research program would probably include field activities using such devices as submersibles and undersea habitats. Planning might be done by the IOC with assistance from ICSU.

The uses of the ocean are currently regulated by international conventions and agreements which were adopted before nations became particularly concerned about marine pollution. In recent years, the UN General Assembly and the UN Seabed Committee have called for studies of pollution in the marine environment, including reviews of actions to prevent further pollution; in 1969, member states were urged to express their views on the need for additional treaties or modifications of existing conventions. Consideration of this matter will have to take account of pollution on the high seas and in water under the jurisdiction of coastal states, but it is not yet clear whether changes in the Law of the Sea would be preferable to new legal agreements concerned with specific problems of marine pollution.

The question of jurisdiction over seabed resources is currently under consideration in the UN Seabed Committee. If a treaty is approved, it will undoubtedly contain provisions regarding the regulation of pollution from seabed mineral exploration and exploitation. These provisions should take account of the results of the ocean pollution projects mentioned in paragraph 5.11 above, especially the studies of ocean pollution effects, monitoring pollutants affecting ocean quality, and inventories of ocean pollution sources.

New legal regimes may be needed for defining surveillance requirements and enforcement procedures, as well as for compensatory liability, compulsory insurance, and for controlling pollution caused by naval vessels. It may also be necessary to formulate new international agreements, or strengthen existing regulations, in order to discourage dumping in national waters without concomitantly encouraging the disposal of potentially harmful wastes by dumping them into the high seas.

AFFIRMATIVE ACTION IN GARY, IND.

Mr. HARTKE. Mr. President, as we approach the 200th anniversary of the founding of our Republic, increasing attention has been focused on the need to achieve a full realization of the goal of freedom and equality for all Americans. Unless we strive for that goal, democracy is but a hollow concept, even for those who are fortunate to enjoy its benefits.

Realizing that equality cannot be imposed by laws, President Lyndon Johnson signed Executive Order No. 11246 in September of 1965. The purpose of that order was to require the employment of minority group members on Federal construction projects and thus enable blacks, Latin Americans, American Indians, and others to raise their standard of living. It was also felt at the time that the Federal requirement would filter down to lower levels of government and to the private sector, thus breaking down the barrier of economic discrimination which has helped to divide our society.

Unfortunately, the record has been disappointing. Lake County, in the industrial northwestern section of Indiana, is nearly 25 percent black and has a large Latin community. The children of these minority citizens are graduated from high school imbued with the American dream that, through hard work and perseverance they can achieve the high standard of living that most of white America has achieved. They find, however, that much of the American dream is elusive. First in amazement, then in frustration, they discover that many jobs in crafts and trades are not available to them simply because they are nonwhites.

Recently, the school board of the city of Gary, Ind., decided to take action to correct this injustice. They were faced with the task of rebuilding many of the schools of their city that have a substantial minority group enrollment. If the American dream was to mean anything to the students who attend these schools, the board decided that the schools themselves should be built with the help of minority group labor.

They did not demand that all the workers be from minority groups, nor did they demand that workers be hired without regard to their qualifications. They asked only that contractors attempt to find and train qualified nonwhites to join their white work force. In this way, the pupils who attend the Gary schools could learn that the American dream is more than a composite of beautiful words. Instead, the very buildings in which they spent the most important years of their lives would stand as monuments to a just society, based on equality for all.

In order to do this, the school board adopted as their own the policy enunciated by President Johnson in 1965 and asked each contractor to sign a pledge to take affirmative action for hiring minorities before they could be awarded contracts. In light of the fact that many of the contractors had worked on Federal projects since the signing of the 1965 Executive order, this was not an unreasonable policy.

The results of this straightforward approach of the Gary School Board have been discouraging. Since the board first announced that it would adopt an affirmative action policy, school construction has virtually ground to a halt. Where once several construction companies had bid on school contracts, now only a few do so. Legal action has been initiated against the board and against each individual board member—all this for supporting the very policies promoted by the Federal Government.

Is it possible that all the legislation, the Executive orders, and the promises of past decades are totally without substance and meaning? In a society founded on the principle of equality of opportunity for all men, this must not be allowed to happen.

For this reason, I am today calling upon the Office of Federal Contract Compliance of the Department of Labor to investigate what is taking place in Gary, Ind. I want them to determine if all Federal laws and regulations pertaining to equal employment opportunity in the construction industry, are being obeyed.

This is no longer the time for hypocrisy or banality. I have given my support to the Philadelphia Plan which is the only federally sponsored affirmative action program in existence. The Gary School Board is promoting a local version of that plan. As such, the board is at the forefront of community efforts to bring about an end to job discrimination in the construction industry of this Nation.

They have acted where others have retreated into silence, and they are willing to endure the hardship of recurring legal entanglements in order to assure that their regulations are obeyed. The Federal Government must be willing to make the same commitment.

My purpose in calling for the Federal investigation is to assure that Federal laws and regulations are being obeyed. I pledge to stand by the results of that investigation, whatever they may be.

At the same time, I urge all who are involved in the present dispute to join together in a common effort to reach a solution. At a time when our economy is so fragile, we cannot afford to have necessary construction contracts go unawarded.

APPALLING TRAGEDY IN EAST PAKISTAN

Mr. HARRIS. Mr. President, an appalling tragedy is taking place in East Pakistan about which the world remains ignorant because West Pakistani authorities have cynically expelled foreign journalists. It would appear that only in this way may their soldiers kill in peace.

The New York Times, March 31, cites "unimpeachable independent sources" in New Delhi who claim that the Pakistani soldiers have been dragging political leaders in East Pakistan into the streets where they are summarily shot. There are reports, unconfirmed, that execution squads led by informers are now systematically tracking down and killing East Pakistani intellectual leaders so that the people of that region will forever remain without a voice.

These outrages reportedly are being committed in the name "of God and a united Pakistan."

Some reports may be sensationalized accounts of isolated crimes. Because of the Pakistani Government's policy of excluding the press, we do not know. But the unwillingness of the Pakistani authorities to admit foreign newsmen must cause us to conclude that at least some of the reports are true.

The world must end its silence. At this point only the Indian Government has gone on record in condemnation of current events in Pakistan. But Indian protests can only be marginal in effectiveness and subject to misinterpretation in purpose because of the long hatred between the two countries. It is sad to report that because of the vast human destruction brought about by our involvement in Vietnam, the United States is also not in a position to take a moral lead.

We do not, however, have to remain inactive. We should pointedly announce that we are halting all military and economic aid to Pakistan for the time being. Meanwhile, we can urge others, particularly countries in Asia, to take the moral lead in such forums as the United Nations.

I urge other Senators to join me in asking the administration to give the situation in Pakistan the highest priority. We cannot sit with our hands folded as a generation of leaders in East Pakistan may be on the way to final destruction.

Mr. President, I ask unanimous consent that an editorial from the New York Times on this subject be printed in the RECORD. I also ask unanimous consent that a letter on this subject which I have sent to the Secretary of State be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 31, 1971]

In the Name of Pakistan

Acting "in the name of God and a united Pakistan," forces of the West Pakistan-dominated military government of President Yahya Khan have dishonored both by their ruthless crackdown on the Bengali majority seeking a large measure of autonomy for their homeland in the country's eastern region.

Any appearance of "unity" achieved by vicious military attacks on unarmed civilians of the kind described by correspondents and diplomats who were in the East Pakistani capital of Dacca when the crackdown began cannot possibly have real meaning or enduring effect. The brutality of the Western troops toward their "Moslem brothers" in the East tends only to confirm the argument of the outright secessionists in Bengal who argue that differences between East and West Pakistan are irreconcilable.

Although this is a domestic dispute, the struggle in Pakistan could have dangerous international consequences, especially if a prolonged period of guerrilla warfare ensues. The least the world community can do at this stage is to call on President Yahya, in the name of humanity and common sense, to stop the bloodshed and restore Sheik Mujibur Rahman to his rightful role as elected leader of his people.

The United States having played a major role in training and equipping Pakistan's armed forces, has a special obligation to withhold all further military aid to the Yahya Government. Economic assistance should be continued only on condition that a major portion be used to help bind up East Pakistan's grievous wounds.

U.S. SENATE,
COMMITTEE ON GOVERNMENT
OPERATIONS,
Washington, D.C., April 1, 1971.

HON. WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: I am alarmed as I am sure you must be about reports of mass executions and indiscriminate slaughter of civilians in East Pakistan.

The New York Times March 31 cites "unimpeachable independent sources" in New Delhi who claim that Pakistani soldiers have been dragging political leaders in East Pakistan into the streets where they are summarily shot. There are reports, unconfirmed, that execution squads led by informers are systematically tracking down and killing East Pakistani intellectual leaders so that the people of that region will forever remain without a voice.

Because of the Pakistani Government's policy of excluding foreign newsmen from East Pakistan, it is impossible for Members of Congress and the world at large to know with certainty what is happening. But it would seem that if the Pakistani authorities had a better story to tell the world, they would admit foreign journalists who could tell it.

Until it is clear from public accounts that reports of summary executions and indiscriminate warfare against civilians in East Pakistan are inaccurate, I wish to urge that our Government immediately end all military and economic assistance to Pakistan. I do not believe we should allow it to be said that American funds and arms contributed to the destruction of a generation of East Pakistani leaders.

Because of the world's reaction to our involvement in Vietnam, it is not practicable in my opinion for the United States to take the moral lead in condemning Pakistani actions in world forums like the United Nations. But I do believe that we should encourage others to speak out, particularly Asian countries, and agree to support them.

I would appreciate at the earliest opportunity your assessment of the United States policy towards Pakistan in light of current events there.

Sincerely yours,

FRED R. HARRIS,
U.S. Senate.

HARRISVILLE, N.H.—A WILLIAMSBURG THAT IS REALLY LIVED IN

Mr. McINTYRE. Mr. President, I speak today in praise of the citizens of a small and courageous town, Harrisville, N.H. My praise is occasioned by my personal knowledge of their present moment of crisis and their determined effort to overcome it.

These are independent people. They are meaningful people. And they will succeed. After more than 125 years of operation, the Cheshire Mills were closed last year, leaving the town without its main economic base. Most of its citizens had worked in this mill, as their fathers and grandfathers had done. The shock, though anticipated, was a hard one.

Yet these people have not given up. For the time being, they have sought employment in neighboring towns; but they have not written off their mills. They are at this moment considering alternative productive uses for the mill. They have my full support.

While the present time is a tough one nationwide, I have a great deal of faith in Harrisville and its citizens. If successful alternatives can be found anywhere, I feel that they will be found here.

Some of the history of Harrisville might be helpful to the Senate. The first mill for the manufacture of woolens was built by Jonas Clark in 1799; in 1830 another mill was added by Milan Harris; and these mills comprise the town's manufacturing complex to this day. While these buildings are recognized as the most authentic architectural examples of the old New England textile mill, they are unique in that they have been in almost continuous operation to this day. They are also unique in that the mills have always been among the cleanest and most pleasant to work in over the years. Therein lies the secret of Harrisville.

Every since the Colony family became involved in the management of the mills in 1850, Harrisville has been a unique partnership between management and employee. Everyone in Harrisville had a stake in the mills—everyone still does. They will work together to save these mills.

In a nation that is wracked by dissention and divisions, this is unique. Perhaps this ethos is best stated in a short quotation from a recent article by Peter Hellman, published in the New York Times:

> What makes Harrisville stand out in the view of historians, economists, and sociologists is that, with no visible signs of strain, it has held on to being a factory town that never grew ugly as it aged; whose workers have never abandoned its housing in the shadow of the mill for suburban residences; whose owners have never sold out or moved more than few steps from the mill buildings for generations. In short, while other factory towns have let themselves get grimy and sullen and bad for raising children, Harrisville has kept a special harmony between its machines and its citizens in a setting of undiminished beauty.

This was no accident, This is Harrisville. It is a way of life, one that should be preserved for its citizens and the country. I see in Harrisville an example of resourcefulness and dedication. They will succeed.

I commend the attention of Senators to a recent article written by Mr. Peter Hellman, published in the New York Times. It is a sensitive insight into the life and history of this remarkable town. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD:

[From the New York Times, Mar. 28, 1971]

A "Williamsburg" That Is Really Lived In

(By Peter Hellman)

HARRISVILLE, N.H.—The mountainside road that leads from State Route 101 to this small village in southwestern New Hampshire is lined with pine, white birch and outcroppings of stern gray rock. After eight miles of it, you come to a town that may be unlike any other left in New England or perhaps anywhere else in the country.

Harrisville, first of all, looks almost exactly as it did a hundred years ago. It is a pristine community of 500 souls who see the same church, library, blacksmith shop, general store, houses and woolen mills that their forebears did. Now you may know of a town or two yourself where life hasn't changed much for a century. Those towns, neglected by the urban rush, are to be found dozing a few miles off just about any section of rural interstate highway. If you stop at one of them to stretch or get a cup of coffee, you'll probably see oaks shading a main street, kids on bikes peddling on clean sidewalks, houses with a rocker on every porch and ivy curling up the chimney brick.

ANY ENCROACHMENTS?

And yet there is almost sure to be some contemporary encroachment. If you stopped for gas, that's one. Is there a laundromat, a pizza parlor, a hamburger stand? How about a traffic light or some other easily overlooked accommodation of the times?

But apart from utility poles and very few other incidentals, Harrisville, which is 10 miles east of Keene, really has not accommodated—not by one garage or a single tube of neon. Its buildings look just as they do in old photos and handed-down memories. "I grew up here, went away to work for the railroad in Boston, came back to retire in the house I was born in," says local resident Harold Blake. "I look around now and don't see much that's different."

It isn't physical preservation, however complete, that makes Harrisville unique among towns that look pretty much as they always did. What does make Harrisville stand out in the view of historians, economists and sociologists is that, with no visible signs of strain, it has held on to being a factory town that never grew ugly as it aged; whose workers have never abandoned its housing in the shadow of the mill for suburban residences; whose owners have never sold out or moved more than a few steps from the mill buildings for generations.

In short, while other factory towns have let themselves get grimy and sullen and bad for raising children, Harrisville has kept a special harmony between its machines and citizens in a setting of undiminished beauty. As Prof. John Armstrong of Boston College reports in his book about the town, called "Factory Under the Elms" (M.I.T. Press, 1969), "It has never become an industrial slum, a ghost town or the fief of some outside industrial overlord."

The first thing you see as you drive into Harrisville from the south is the Lower Mill of Cheshire Mills Inc., a long building hard by Nubanusit Creek, finished in 1850 in the soft red brick of most of the rest of the town. Its clere-story windows are clean and look as if they always have been. Just on the other side of the creek is a low house that until a few years ago had continuously provided room and board for the factory workers for 125 years.

Just above the Lower Mill, straddling the falls of Nubanusit Creek, is the steepled Upper Mill, built in 1830 by Milan Harris, who was among the first in this part of New Hampshire to use the natural fall of water to power machinery for a woolens mill. Beyond the Upper Mill is Harrisville Pond, along which most of the rest of the town's public buildings are gathered: the blacksmith shop, now used mainly for boat storage; the white-roofed Congregational Church, its oak pews curved with unusual sinuousness for a Yankee sanctuary; the spare library that actually sits out on a platform on the pond. (The librarian, Louise Bergeron, will heave up a hatch cover to show you the water beneath the shelves if you doubt that it's there.)

For summer weather there is Sunset Beach on the south shore of the pond, dedicated to the men of Harrisville lost in wars. Just before it is Peanut Row, a string of spotless cottages that the mill rents to workers. Fifty years ago they rented for $5 a month, and they still do. There are adults on Peanut Row and elsewhere in Harrisville who have never bothered to get drivers licenses; with factory, store and church right there, they never had much need for one.

A suitable elevation up the slope from Peanut Row is the pillared home of John Colony Jr., fourth in the generations of his family to be lord of Cheshire Mills. The Colonys have always exercised what Professor Armstrong calls a "benevolent paternalism."

It was actually a man named Abe Twitchell who first built a sawmill, in 1775, on the site of Harrisville. His house, just to the right of the store, is still well kept. The first mill for the manufacture of woolens was built by Jonas Clark in 1799, but he soon cleared out for Canada. With the demand for cloth increasing during the War of 1812, both Clark's and Twitchell's mills were soon being operated in woolens manufacture by Bethuel Harris, brother of the blacksmith Jason. In 1850 the Harris sons were bought out by a partnership that included the Colony family of Keene.

It was not until 1870 that Harrisville was finally incorporated, and then only so the citizens could legally collect $14,500 among themselves to hand over as a "gratuity" to a railroad company in return for running a track through the town. Raw wool was collected for Cheshire Mills from all over the country by agents who sometimes get careless; company files still contain indignant letters sent off by the Colonys to agents telling of having opened bales of presumably high-grade wool shearings only to find cow dung. Despite such minor setbacks, good times for Cheshire Mills lasted right through World War I, and from then on things went badly.

Last fall Cheshire Mills finally faltered. It had held up even as most New England mills closed or moved south to cheaper labor markets in response to increased imports from Europe and Asia and low prices for their product. "We were trying to run a business by paying 1970 wages for fabrics selling at 1940 prices," says mill foreman Warren Thayer.

QUICK DELIVERY

To keep his mill alive in the last few years, John Colony offered a quick response to urgent, specialized orders from nearby clothing makers for superior woolens. With a skilled group of dyers and weavers and good equipment to handle all the steps of turning rough wool into fine cloth, Cheshire Mills could deliver in a few weeks orders that would require months for a customer to get from a cheaper overseas supplier.

If it were not for events outside the peaceful sphere of Harrisville, Colony's strategy might be working now. But two of the customers on whom Cheshire Mills depended—John Meyer and Villager Inc.—had their own problems. Faced with the loss of these major accounts, Cheshire Mills shut down last November. Unlike slow times in the past when it had occasionally paused in its operations, this time the move may well be permanent.

You can buy the soft red buildings of the mill, Peanut Row and about 80 per cent of the village the company owns from the receivers for a negotiable $750,000. To be sure, the creditors include the Colony family itself, which has sunk its own cash into Cheshire Mills; and if things work out as they hope, it is possible that the mill may never even have to be sold to an outsider.

Colony's son John, who is just out of Coast Guard, has been exploring the possibility of making high quality yarns for the reborn and booming handcrafts market. He and his father have also been scouting around Boston and Washington for a way to preserve their town as perhaps the last of the 19th-century factory communities with its particular kind of harmony. "Right now there is a reproduction of a 19th-century mill already being built at great expense in Sturbridge, Mass.," points out Tom Leavitt of the Merrimac Valley Textile Museum in Andover. "But when you put that reproduction up against what already exists in Harrisville, that kind of project can all of a sudden look quite dated."

It will not be easy for an outsider to take over the mill with an eye toward making over the face of Harrisville. The Board of Selectmen voted a year ago to declare the town a Historic District. The designation requires any change of face contemplated for the town to be approved first by the citizenry. "It's certainly possible," says Professor Armstrong, "that a company could come in here and say 'Okay, we'll build a new plant but first you have to get rid of all this other nonsense.' And the people might just take up the promise of new jobs and tax revenues and vote to throw out their designation as a Historical District."

But the people of Harrisville seem determined that such a thing will never happen. That goes for the Colonys, for the old-line working families like the Thayers, for the summer residents whose homes dot the shorelines of the ponds a few miles from village center, and certainly for the newest full-time resident of Harrisville, an ex-Random House editor named Lauren Libow. To the consternation of some, he bought the old schoolhouse on the slope just above the general store and turned the lower floor into a well-equipped potters studio and showroom and the upper floor into a home for himself, his wife, Nancy, his two children and for visiting potters.

YANKEE LATITUDE

At first some of the townspeople muttered about the potential for orgies at the Libows, but most of them keep their sense of Yankee latitude in allowing a man to pursue his folly as he wishes. They can take their cue from old Mr. Clark, who sold Libow the schoolhouse but would not let him in even after he bought the place. "He was still fixing things up inside and he wanted everything to be exactly right before he let me have the keys," explains Libow.

So far now Harrisville sits and waits. You can't feel any palpable gloom over the town; the kids had new sleds this winter and they'll be sure to have new bikes this spring. In the morning many of the people who used to walk over to the mill now get in their cars to drive to work in other towns. Many of the older people have not been able to make that shift—they stay home and collect unemployment. The houses on Peanut Row, whether their tenants are working or not, are as immaculate as ever.

Every afternoon after school the kids gather by the Upper Mill or in front of the store. Every Sunday, Mary Upton, pastor of the church, preaches under a painting of Jesus tending sheep under trees bursting with new leaves, and keeps up a chart of pasted stars for Sunday school attendance. The library is abuzz for two evening hours. Monday, Wednesdays and Fridays. Libow works at his potting and if you walk up the dirt road behind the store at night, chances are you'll see his kilns aglow. In the Lower Mill, the stainless steel dying vats and handsome, finely maintained machinery await their fate. At the Upper Mill, you can crawl between the stone foundations and watch the clean water of Nubanusit Creek tumble down from the still pool above and roar across the old timbers and stones where the water wheel had been. It rushes on past the new mill, past a machine shop and the boarding house where the big cast-iron stove needs only coal and a good stoking to get it sizzling again. But, of course, things are really not the same at all.

"It has been a catastrophe for each of us who lives here that the mill is closed," says Warren Thayer. "I'd planned maybe to go somewhere else to live as a kid. But then I went to Korea and saw other cities. And I decided that this was the place where I wanted my family to live. We'll find a way to keep it as it is—not because it's old but because it's good."

COMMENTS BY SENATOR KENNEDY ON SITUATION IN EAST PAKISTAN

Mr. KENNEDY. Mr. President, reports from East Pakinstan tell of a heavy toll being paid by the civilian population as a result of the current conflict. It is a story of indiscriminate killing, the execution of dissident political leaders and students, and thousands of civilians suffering and dying every hour of the day. It is a story of dislocation and loss of home. It is a story of little food and water. And coming in the aftermath of tragedy by natural disaster, the current violence and near total disruption of government services in East Pakistan is compounding an already difficult situation. It threatens near famine for millions—and the spread of epidemics and disease.

I do not speak today to blame or condemn, or to offer any magic solution for meeting the political and humanitarian problems in East Pakistan. But as chairman of the Judiciary Subcommittee on Refugees, I do wish to express a deep personal concern over the plight of the people in East Pakistan, which seems to be just another link in a chain of war-ravaged populations stretching around the world in recent years.

Inevitably, the situation of civilians in East Pakistan is taking second place to the political issues at stake—and to the interests of those who have much to lose, or to gain, by the outcome of the battle. But the people of Dacca, of Chittagong, and of the villages and towns throughout the area also have interests. For many, apparently, it is mere survival.

The situation in East Pakistan should be particularly distressing to Americans; for it is our military hardware—our guns and tanks and aircraft—which is contributing much to the suffering. And this is being done, apparently, in violation of negotiated agreements on the use of American military aid to the central Pakistan Government.

Mr. President, I fully appreciate the immense difficulties in the East Pakistan issue. It is a complex matter for diplomats and humanitarians alike. But should not our Government condemn the killing? Should we not be more concerned about the fate of millions of civilians who are caught in the crunch of this conflict? Should we not offer our good services to stop the violence—or at least encourage and support others in such an effort?

It is to be hoped that our Government will give some evidence to reflect a growing concern among many Americans over recent developments in East Pakistan.

GEORGE BUSH—NEW VOICE AT THE UNITED NATIONS

Mr. ROTH. Mr. President, on March 1 George Bush entered on duty as the permanent representative of the United States to the United Nations. While a few observers have questioned Mr. Bush's qualifications for this position, the Senate felt, and rightly so, that his previous experience, intelligence, diligence, and integrity would enable him to meet the challenges of this position with imagination and initiative.

I welcome Mr. Bush to his new assignment and I support him as the voice of the United States in the United Nations. Mr. Bush has indicated in recent conferences with the press that he intends to contribute to the "input" in executive branch foreign policymaking in the area of the United Nations; that he will be "uninhibited in advocating the policies of the President of the United States in this important international forum"; and that he will represent the United Nations to the American people. In short, Ambassador Bush is bringing to the United States representation a vitality and enthusiasm which will enable him to strengthen the role of the United States in the U.N. and the U.N. in the United States.

I know of what I speak, for I know Ambassador Bush well. We entered Congress together in 1966. Representative Bush quickly proved himself to be a highly effective legislator, a man of wisdom and ideas, who was able to get things accomplished. His appointment was applauded by Republicans and Democrats alike.

At this point, I should like to read from the Foreign Relations Committee hearings, a statement by the distinguished senior Senator from Missouri (Mr. SYMINGTON):

> Mr. Bush, some people have said that they did not think that your background was adequate to handle this position and, as a former delegate to the U.N. in 1968, I take exactly the opposite view. I think we need somebody with business background and experience, I think we need somebody fresh who can examine the bureaucracy up there, I think that it is probably as big a bureaucratic mess as I have ever seen. That was my reaction when I was a delegate.

Recently, I was very much pleased to read an editorial in support of Mr. Bush's qualifications in the Richmond Times-Dispatch. I would like to quote several paragraphs from this editorial:

> The job at the United Nations is not—and never has been—one of shaping foreign policy. Rather, the task is to articulate effectively policy made by the President and his advisers and by Congress.
>
> To perform effectively then, the U.S. representative must have the confidence of the President. Bush, an energetic 46 and considered a comer in politics, is highly regarded by President Nixon, who has invited him to participate regularly in Cabinet meetings. In addition, he is articulate. Born into a family prominent in Texas politics, he was a successful businessman before going to Congress in 1966. There he served on a special task force on earth resources and population control, both growing concerns for the U.N.
>
> While Bush's direct experience in the nuts-and-bolts of foreign-policy making is limited, a U.N. correspondent for the past 20 years—Darius Jhabvala, writing in the *Boston Globe*—considers the Texas' newness an asset rather than a liability. Bush's enthusiasm, idealism, and willingness to learn, he wrote on December 25, stand in refreshing contrast to the attitudes of many old-school diplomats who "go through the routine without any plan, biding their time for a transfer or pension.

A CORRECTION IN THE RULES OF PROCEDURE OF THE COMMITTEE ON VETERANS' AFFAIRS

Mr. HARTKE. Mr. President, on March 29 I submitted, for printing in the RECORD, the Rules of Procedure of the Committee on Veterans' Affairs. Rule 2, as published, indicates that "the committee shall hold its regular meetings on the first and third Thursday of each month." This is incorrect. It was the intent and decision of the committee that regular meetings should be held on the first and third Monday of each month.

I ask unanimous consent that the error be pardoned and that the corrected version of the Rules of Procedure be printed in its entirety.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON VETERANS' AFFAIRS

(1) *General.*—All applicable requirements of the Standing Rules of the Senate and of the Legislative Reorganization Act of 1946, as amended, shall govern the Committee and its Subcommittees.

(2) *Meetings.*—The Committee shall hold its Regular meetings on the first and third Monday of each month, when Congress is in session, or at such other times as the Chairman shall determine. Additional meetings may be called by the Chairman as he deems necessary to expedite Committee business.

(3) *Quorum.*—Three members shall constitute a quorum for the purpose of transacting Committee business: *Provided*, That one member shall constitute a quorum for the purpose of receiving testimony.

(4) *Voting.*—

(a) Votes may be cast by proxy.

(b) There shall be a complete record kept of all Committee action. Such record shall contain the vote cast by each member of the Committee on any question which a "yea" or "nay" vote is requested.

(5) *Subcommittees.*—

(a) The Committee Chairman and the ranking minority member shall be ex-officio members of any Subcommittee of the Committee.

(b) Subcommittees shall be considered *de novo* whenever there is a change in the Chairmanship and seniority on the particular Subcommittee shall not necessarily apply.

(6) *Hearings and hearing procedures.*—

(a) The Committee or any Subcommittee thereof shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearing unless the Committee or Subcommittee determines there is good cause to begin such hearing at an earlier date.

(b) The Committee shall as far as practicable require each witness, who is scheduled to testify at any hearing, to file his written testimony with the Committee not later than forty-eight hours prior to his scheduled appearance. Said written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony.

(c) No hearing of the Committee or any Subcommittee shall be scheduled outside of the District of Columbia except by the majority vote of the Committee or Subcommittee or by authorization of the Chairman of the Committee.

TRIBUTE TO WHITNEY YOUNG

Mr. BUCKLEY. Mr. President, Whitney Young's death is a great loss to the Nation and to the State of New York. His untimely and tragic death ended a brilliant career distinguished by his pronounced leadership and solid accomplishments. Mr. Young was not a spokesman by self-appointment or a leader by press release. He perceived that education and employment were the key ingredients in raising the standards of living of black people; and, in his usually quiet but always persistent manner, Whitney Young sought real solutions to real problems.

During his tenure as executive director of the Urban League, Whitney Young identified himself with job-creation programs for black people. Respected by the Nation's corporate leaders, Whitney Young allied with them to train and retrain blacks for productive jobs. He understood that reconciliation was in the self-interest of all Americans and was just beginning to reach his magnificient potential when his life ended tragically.

Having just recently met with Whitney Young, it had been my hope to work with him to expand minority opportunities. We will no longer have the benefit of his insight, but we will always have the inspiration of his life.

Mr. President, many public officials, business and labor union leaders and numerous newspapers have eulogized

Whitney Young. President Nixon, speaking at burial services for Mr. Young in Lexington, Ky., said:

> Whitney Young's genius was, he knew how to accomplish what other people were merely for.

At memorial services in New York two of Whitney Young's colleagues, Sterling Tucker, executive director of the Washington Urban League, and Dr. Erman Edgecombe, president of the Washington Urban League, delivered moving eulogies. They were joined by Dr. James Cheek, president of Howard Uninversity.

I ask unanimous consent that President Nixon's eulogy; the tributes of Mr. Tucker, Dr. Edgecombe, and Dr. Cheek; and an article from the Washington Post, entitled "The Loss of Whitney Young," written by Philip Geyelin, who was present in Lagos, Nigeria, at the time of Whitney Young's death, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Whitney M. Young, Jr.—Eulogy by the President at Burial Services for Mr. Young at the Greenwood Cemetery at Lexington, Ky. March 17, 1971

Mrs. Young, friends of Whitney Young:

It is customary on such an occasion for the one who has the honor to deliver the eulogy to say that we are gathered here to pay our last respects to the deceased.

I do not say that today. I say, rather, that today a grateful Nation will pay its respect to Whitney Young by continuing the work for which he dedicated his entire life.

When we consider that life, these are some of the things we find:

In an age when we see so many people who want to be for the right thing, we also find that it is very difficult to accomplish the right thing. It is really easy to be for what is right. What is more difficult is to accomplish what is right.

And Whitney Young's genius was, he knew how to accomplish what other people were merely for. He was a very complex man, and he understood the complexities of the society in which he lived and the goals which he sought to achieve. He was not a patient man, but he understood the uses of patience.

And he was not a moderate man in terms of his goals, but he knew the uses of moderation in achieving those goals.

All of us who have heard him speak recognize him as one of the most eloquent speakers of our time and, yet, Whitney Young will be remembered as a doer, not a talker.

What monument do we build to him? He leaves his own monument, not one, but thousands, thousands of men and women in his own race who have a chance, an equal chance, that they otherwise might never have had except for what he did; and thousands of others not of his own race who have an understanding in their hearts which they would not have had except for what he taught.

What message does he leave for us? I recall the conversation I had with him right after the election of 1968 before the inauguration when we discussed the possibilities of his becoming a member of the Cabinet. He was honored by the suggestion and, after consideration, he told me that he felt that he could do more for those things he believed in outside of Government than inside of Government.

And in that is a message for all of us. At a time when it is so often the custom whenever we have a problem to throw up our hands and say, "What is the Government going to do?", this man said, "What can I do?" And that's the challenge he gives to each of us.

Government has its responsibilities, but he says "What can I do? What can I do in my life to make the American dream come true?" Because all of us must remember we want the American dream to come true, but the American dream cannot come true until the American dream can be achieved by each one who is an American.

Dr. Lon Fuller, in lecturing at Yale in 1963, spoke of two kinds of morality. He spoke of the morality of duty and of the morality of aspiration. The morality of duty is one that requires every individual to do what the law calls upon him to do. The morality of aspiration does not require, but it inspires a man or a woman to go beyond that and to do what the better angels of his nature would call upon him to do.

And it is in that spirit that I speak of Whitney Young today. I remember the last meeting we had in the Cabinet Room 3 days before Christmas. You remember, all of you who knew him, he always had a little button "Equal" in his lapel. He just didn't wear that in his lapel, he wore it in his heart.

And what he says to us and what his message to us is, is this: Every man and woman in this country is equal before God, and every man and woman in this country now, we trust, is equal before the law.

But to have true equality, it is not just what the law requires, but what we individually can do, because that respect which can only come from the heart of one person to another, a respect for his dignity, for his individuality, for his immortality, that is something that must come from each of us.

And so today Whitney Young's message to America—the country that he loved with all of its faults, loved it because he realized that this was a country in which we had the power to change what was wrong and change it peacefully—Whitney Young's message is this: "What can I do? What can I do to make this a better country? What can I do through helping others, through recognizing their equality, their dignity, their individuality, to realize the American dream?"

His dream, if I may paraphrase, was one Nation, under God, indivisible, with liberty and justice and opportunity for all. To fulfill his dream is the responsibility of each of us. It is the commitment that each of us makes in his heart on this day.

Note: The President spoke at 12:25 p.m. The eulogy was broadcast on radio and television.

In Tribute to Whitney M. Young, Jr.

(By Sterling Tucker, executive director, Washington Urban League)

As the funeral procession moved through Harlem's 125th Street on Tuesday, thousands of people lined the streets to say farewell to a friend.

Most of them didn't know him personally, but they knew that he was one of them and that he went about the land doing good for them.

To them, he was not a stranger, just a friend they hadn't met.

But they met him there and they wanted Whitney and the world to know that they appreciated all that he had done to ease the heavy load always on their backs.

They expressed it in different ways.

I especially liked one sign carried by a boy about age nine which read:

"Whitney Young will live in me."

In this beautifully simple statement was the full message of immortality.

Whitney would have liked it. He would have liked it because that message spoken through the crayon of a child said it all—a child offering himself in the image of his hero.

Nearly ten years ago when Whitney Young became executive head of the Urban League it was the beginning of a new era. No period in the history of this nation was more fast moving, more turbulent than the 60's. There were three Presidents, several major pieces of Civil Rights legislation, a new Frontier, a War on Poverty, thousands of marches, assassination of several major public figures, a Poor Peoples' Campaign, accelerated political activity, an Urban League's New Thrust into the ghettoes, tension, polarization escalation and confrontation on nearly every front.

And there was Whitney Young, somewhere in the middle of it all; providing leadership, negotiating, organizing, planning and always speaking eloquently and working tirelessly to make more clear the real vision of America and to make more true her promise of equality to all.

He knew he couldn't do it all by himself so he built an organization—nearly doubling its local offices, increasing its staff, financial and other resources, many-fold set up outpost operations in neighborhoods throughout the nation and designed new strategies to bring those with answers into closer creative contact with those with problems.

He fashioned a movement which was many faceted which shaped a new tool of social change. He combined social work, Urban Planning, Community Development and Civil Rights into a single instrument—an instrument which was versatile, flexible and responsive.

Even as he built the new Urban League, he also helped put other groups more solidly on their feet. For he knew well that no single organization no matter how powerful, no matter how strong just couldn't put it all together by itself.

History has a way of raising up the right men at the right time. The sixties had its giants and Whitney Moore Young, Jr. stood tall among them all.

Now he is gone—but not really—for Whitney Young will live in the Urban League in Washington and across the land.

Whitney Young will live in little boys from Lagos to Lexington.

In Tribute to Whitney M. Young, Jr.

(By Dr. Erman Edgecombe, President, Washington Urban League)

Whitney Moore Young, Jr. is dead. This is an unalterable fact. There has been snatched from our midst a great leader and a good friend.

We mourn his passing because his death leaves a void in our lives, in the work of the Urban League and in the nation's business.

We mourn his passing because his special and unique ability to walk with Presidents and act with the people will not soon be replaceable.

Whitney Young was a man who knew his business and was always about it.

As President of the Washington Urban League I had occasion to sit with him from time to time and found him always to be a man of consumate compassion and unswerving dedication to the people and causes he served.

There was never any doubt where Whitney Young stood on issues. There was never any doubt in whose battle Whitney Young fought.

Some of the quality of Whitney Young was expressed in the President's message last week when he said:

"Of the many hours I have spent with him, the most recent and the most memorable were just last December 22, when he and several of his Urban League colleagues met with me and most of my Cabinet here in the White House.

"This was not a meeting of pleasantries of a pro-forma occasion. Whitney Young came here to tell me and the Cabinet of his deep concern for the condition of Black people in America, especially of young Black people. He was eloquent, tough, and convincing: a great leader among his peers."

Yes, Whitney Young *is* dead. But his work lives on. Whether that work is completed depends upon us.

If we simply mourn and memorialize him

with words and monuments, then much of his work in life will have been for naught.

On this hand, if in his death we take fresh energy and fresh commitment to see his work through; then in death, his life has new meaning and *that* life springs eternal.

Memorial Message Delivered By Dr. James Cheek, President, Howard University, at Memorial Services for Whitney Young, Jr.

A PROMISE MADE, A PROMISE TO KEEP: WHITNEY YOUNG AND THE NATION

Since last Thursday, March 11, 1971, when the news of Whitney Young's death was flashed around the world, so many words have been said about him and about his life and work, that further utterances of this kind in this memorial service would be anticlimatic. He has been eulogized and buried; we must try to memorialize him.

I should like in these brief moments, therefore, to say something not so much about Whitney, but rather more about the nation—the nation he loved, the society in whose possibilities he believed.

For we mourn in this time not Whitney. We need not mourn for him, but we should mourn for the nation. Whitney did what he could. But the nation has not done all it could or all it ought to do.

Whitney believed in equality; but the nation practices inequality.

Whitney believed in justice; but the nation practices injustice.

Whitney believed in fraternity; but the nation practices division.

Whitney believed in an open society; but the nation practices a closed society.

Whitney believed in freedom and liberty; but the nation practices oppression and repression.

Almost two centuries ago this nation in its struggle to become born made a promise; it still has this promise to keep.

Whitney Young lived and labored in an effort to help his country keep its promise in his lifetime. He believed to the end in the possibilities of a nation whose doctrine and deeds transcended racism; whose essential character did not depend upon color of skin, or accent of language, or origin of nation, or of professions of religion. But whose essential character was to be shaped and made by the devotion of its citizens to the love of liberty, the practice of justice and the recognition of equality; a nation whose citizens lived in fraternity, one with the other.

For what Whitney believed in was what America promised when it was born in 1776. But America is now almost two centuries old; it continues to make the promise, but it also continues to find ways not to keep it.

We do not know the eloquence of a great voice until that voice has been silenced. We do not feel the power of a great spirit until that spirit has been stilled. The eloquence of Whitney Young's voice is heard now in its silence; the power of his spirit is now felt in its stillness.

He is gone and we are here. Whitney Young is dead. But the nation continues to live. We, who are left behind, cannot bring Whitney Young back to life again; but we who are left behind can prevent the nation he struggled for from dying.

Perhaps it cannot be said of Whitney Young that he died *to make* men free. But in truth it can be said, he died *while* trying to make both men and this nation free.

No words spoken here or elsewhere can adequately pay tribute to his life or the memory of that life. He, in fact, believed that men were to be judged not by what they *said*, but by what they *did*.

It is not important now what the nation says about Whitney's life. It is important now what the nation does about Whitney's work. His life cannot be restored, but his work can be continued and brought to fulfillment.

We shall hear no more that voice we now know to have been eloquent. We shall experience no longer that spirit we now know to have been powerful.

But we—as a nation—can keep the voice eloquent and we can keep that spirit powerful not by continuing to quote from Whitney's speeches and his books and not by continuing to recall interesting and important anecdotes about his life. The eloquence of his voice can be heard and the power of his spirit can be felt if the nation would now decide to create for Whitney Young a monument. A monument, not of stone or of bronze, but a monument fashioned of Whitney's dream, carved out of his hope, and shaped in the form of what he called "the domestic Marshall Plan." And let it be called the "WHITNEY YOUNG PLAN" embodying not only his name and his spirit, but also his program, his goals, his objectives.

And through the "WHITNEY YOUNG PLAN", let this nation become that "Open Society" for which he struggled, and through the "WHITNEY YOUNG PLAN," let this nation move—in this decade—beyond racism.

And in this decade, let this nation use its resources and its institutions not only to land men on the moon, but on earth to stand men on their feet.

And in this decade, let this nation do for Americans what it claims to champion for the Vietnamese: human freedom and human dignity.

And in this decade, let this nation do for American cities what it did in the past two decades for foreign nations: destroy the ghettos and the slums; rebuild the schools and re-invigorate the human spirit.

And in this decade, let this nation now begin to seek for itself what it seeks for the world: not only a generation of world peace, but more than a generation of racial peace and racial goodwill.

And let those things be done by Americans, on behalf of America, in the interest of Americans. Not because it is expedient, but because it is right. Not because it is our wish, but because it is our duty; and not because of our desire for world power, but because of our determination to keep a historic promise.

And if we the people—the nation—are not willing or capable of doing these things, let us now say so. Let us, before the world, throw down the gauntlet and say: we do not believe in equality, we do not believe in justice, we do not believe in fraternity. Let us make clear to ourselves and to the world that this America will exploit as other nations have exploited. That we sahll continue to oppress as other nations have oppressed. That we believe in the necessity of the few ruling the many; and that we are determined that white men shall dominate black men, and that we are prepared—as a nation—to renounce the promise we made almost two centuries ago and to take our chances with the laws of history and with the laws of history's sovereign God.

And if this be the nation's choice and the nation's decision, then let those who walked with Whitney, who talked with him, who organized with him, who cried with him, who believed with him, who hoped with him, who planned with him say to our country—the land of our birth—that we believe with Whitney that James Russell Lowell spoke eternal truth when he wrote:

> "The laws of changeless justice binds
> Oppressor with oppressed.
> And sure as sin and suffering joined
> We march to fate abreast."

Almost two centuries ago, this Republic at the moment of its birth made a promise, it still has a promise to keep.

Whitney Young labored for two decades to help the nation keep its promise. Those whom Whitney have left behind do not have two decades remaining. The dateline of American history is built around his grave. His departure is a watershed in our national experience.

He is dead, but we are alive. And if we have in fact not paid our final respects to him in laying to rest his body, let us not now pay our final respects to him in laying to rest his work.

[From the Washington (D.C.) Post, Mar. 16, 1971]

The Loss of Whitney Young

(By Philip Geyelin)

Among the black leaders in the struggle for racial equality, some brought religion to the movement, some brought the liberals, some brought labor. Whitney Young, more than any man, brought the business community, the men of money and of the power and the influence that comes with money, and in a certain sense this was the hardest part of it although it was not by any means where his contribution ends. Still, it was the role that made him unique because it made him exposed. A black man had to be suspect who dealt with the Rockefellers and the Fords. So Whitney Young was a controversial figure from his first days as the executive director of the National Urban League. His chosen role within the movement was by the nature of things politically precarious. But if this bothered him, it was not in his nature to show it very often; he was too busy getting things done.

Whitney Young had come to the Nigerian capital for a meeting of the African American Institute, as a member of an American delegation which included many of the black leaders he had worked with most closely over the years. As they huddled together in the numbness of their sorrow, after his death, what they remembered best about brother Whitney was not the arguments they may have had over strategy—one rarely does, of course. What they were saying was that "Whitney was always there when you needed him . . . and that somebody had to do what Whitney did . . . and the man could not have done it better . . . and that no man could fill those shoes." And the way they talked and worked together and worried about the future and grabbed for the first signs of leadership by one of their number (the young radical preacher from the Southern Christian Leadership Conference, the Rev. Jesse Jackson) you could not doubt that they meant what they said.

"He was the big man who led the interference around the end," said Bayard Rustin, the veteran from the A. Philip Randolph Institute who had fought the long wars with Young. "And he was also a man you could sing and drink and bull with." So Rustin only spoke briefly at the memorial service in the sweltering Christ Church Cathedral in Lagos on Saturday and then he sang "Death ain't nothing but a robber . . ."

Jesse Jackson led the final prayer and he called him "a father figure in the civil rights movement." To the former Attorney General Ramsey Clark, he was "a giant laughing man" and quoting Sandburg on the one hundred and fiftieth anniversary of Lincoln's birth, he spoke of the "paradox of terrible storm and peace, unspeakable and perfect."

He was the man who cooled things, was what they were saying, who brought every kind of people, rich and poor, together because he could talk to all of them. And yet, to suggest that his death is somehow a setback to the forces of moderation—as the Vice President did—is to miss the point. There was nothing moderate about Whitney Young's devotion to the cause of humanity and to the redressing of the grievances of his race. "He had an impatient patience" is the way one of his American colleagues described him. "He had a tremendously sublimated anger and he turned it into creative acts." His achievements were very practical ones; they can be measured in the work of the Urban League over the years, in its great effort to improve the lot of the black men who had poured into the Northern ghettos from the South. It can perhaps be best illustrated by the street academies in the ghettos which were his special creation—places where young blacks could gather and study and learn and receive counsel because they could do none of these things in overcrowded homes.

Practical solutions born of a profound compassion for people, a restless, driving energy, unending good humor and a love of living—these were his great strengths. Because he was a sociologist before he was a national and international figure in the struggle for human rights, he knew what the problems were in an academic, theoretical way. And he knew them first hand as well; not the least of his contributions was what he did to bring the Urban League itself more actively into the political rough and tumble of the ghettos—into the places where the problems are. That was the key to it: he knew the problems and he knew the right people and if this led some of his black brothers to fault his lack of militancy or his close associations with the rich and powerful, it led none of them to fault him for himself, for none could withstand the warmth and wit and wisdom of the man.

His wisdom lay in his acceptance of the realities of what it would take to make his country move. He knew the value of dedication and hard work and rhetoric and organization and all the rest. He felt deep down the rightness of the cause. But he also knew where the levers of power were and how they worked. "Say something that I can go back and scare America with" he told Africans at the meeting here. "What's going to happen—that's the only basis on which America is going to move." He didn't mean it quite the way it sounded, because he didn't believe in fear. "My father said to me you only hate that which you fear and I don't want you to fear a living soul," he also told his colleagues at another point. What he did believe was that America would only act effectively to increase aid to Africa out of an acute self interest in its own security because that was the way it had always been with foreign aid, and he wanted the Africans to tell what would be the consequences if the United States did not do more for the developing nations and the black people on this continent.

Not fearing and not hating, he dealt with the corporate executives and counselled with Presidents; he consorted, in other words, with men who were looked upon by others in the movement with unrelieved hostility. And the fact is that many who were critical of this approach would be the first to admit that in the practical terms that matter he was right—that the movement had to have such an ambassador.

Jesse Jackson said as much in his booming eulogy. Recalling a time when it appeared that Whitney Young might become a member of the Nixon Cabinet, Jackson said he sent him a telegram urging him to accept. "I felt it didn't matter what you thought of the man," Jackson declared. "I felt that I didn't want twenty million or thirty million Americans disconnected from the man who is making decisions about them every week." Jackson said that later he asked Young why he hadn't taken the job and that "Whitney bowed his head in the dilemma that the black man is trapped in and replied that he wanted the job and that he thought he could have done the job but that he thought the brothers would not have understood."

And so he worked on with that patient impatience to the end. "We have to talk to people who are hungry *tonight*," he said at another point while he was in Lagos. "The rats are biting the kids *tonight*."

He relished every part of it. "This is great," he is said to have shouted in the surf of a Nigerian beach just before he died and he would have said the same thing about his life's work. He was in Nigeria for a conference of Africans and Americans dedicated to the causes of black men on two continents, and it will be said many times over that there was something appropriate about the fact that he should have died on an African beach while actively and exuberantly engaged in such an enterprise. Perhaps so. But the grief of all the black brothers of many nations who were working with him when he died, and of other men, white as well as black in this country and abroad, is a measure of how little consolation there is in this for his loss.

APPOINTMENT OF SUBCOMMITTEE ON INTERNATIONAL TRADE IN THE COMMITTEE ON FINANCE

Mr. TALMADGE. Mr. President, the chairman of the Committee on Finance, the distinguished Senator from Louisiana (Mr. Long), has just announced the appointment of a Subcommittee on International Trade in the Committee on Finance. This subcommittee will fill an important void in the legislative process which has been evident in the international trade area for many years.

I am pleased that the distinguished Senator from Connecticut (Mr. Ribicoff) will serve as chairman of this subcommittee. I have worked with him for many years as a trade delegate from the Committee on Finance, and I am impressed not only with his knowledge of the area, but also with his pragmatic approach to the problems.

I am pleased also, that Chairman Long has named me as a member of the subcommittee. I look forward eagerly to the hearings the subcommittee will have, and to the work it will do, not only on long-range philosophical questions of trade policy, but also on matters of crucial, immediate importance.

We have seen the steel industry hard hit by imports; we have seen the watch industry in this country vanish in the face of import competition. Textiles, shoes, and electronics are suffering now—and other industries, too. Never in the history of the Nation has our manufacturing industry been unable to compete anywhere in the world on fair terms. In this day and age, when U.S. industry is unable to compete in its own market, then something is wrong—not with U.S. industry, but with the rules of international trade.

This new Subcommittee on International Trade can make a great contribution to the well-being of the workingman of America. I applaud the chairman's foresight in appointing it.

Mr. President, I ask unanimous consent that the complete text of Senator Long's statement be printed in the Record.

There being no objection, the text was ordered to be printed in the Record, as follows:

Finance Committee Establishes Subcommittee on International Trade

Following is the text of a statement by Honorable Russell B. Long, Chairman of the Committee on Finance, United States Senate, announcing the appointment of a special Subcommittee on International Trade:

"U.S. foreign trade is now more than an 80 billion dollar business. It affects virtually every aspect of American life—production, incomes and jobs; profits and prices. In a word, foreign trade affects people, their livelihood and their families.

"We have witnessed the closing down of many American plants and the transfer of many others to foreign lands where lower wage rates abound. American dollars and credit—hard to obtain here—have flowed freely to build magnificent factories overseas. In the process, many American jobs have been lost. Unemployment, caused by foreign import competition, runs into the hundreds of thousands, and our welfare rolls are being swelled by American workers laid off because of import competition.

"As an indication of the degree to which foreign imports have hurt American jobs, the 24-million member AFL–CIO has recently called for quotas mechanisms covering 'any products in which there is a loss of American jobs due to market disruption or the activities of American multi-national corporations.' This is a major switch for an organization which heretofore was in the vanguard of the free trade movement. It is undoubtedly a reflection of the feelings of the many unions belonging to the AFL–CIO. To these people—good American citizens—it is no consolation that shirts and shoes and automobiles may be a few cents cheaper because they are made abroad. These people have lost their jobs and cannot afford to buy shirts and shoes and automobiles, even for the low prices of foreign commodities. Unemployment compensation and welfare checks—all charged to the American taxpayer—are not much consolation for the workers laid off because of imports.

"We have become a 'have not' nation as far as foreign trade policy is concerned. As Europe and Japan built themselves up into prosperous trading nations, with the help of governmental aid and protection, the United States continues to place meaningless slogans of 'free trade' and 'protectionism' ahead of jobs. As a nation, we are ducking the economic realities of the 1970's.

"Despite the fact that the world has changed swiftly and dramatically since World War II, our trade negotiators, concerned more with foreign 'good will' than American jobs, are still tooting the horns of free trade and shouting that those who stress the importance of American jobs are not acting 'in the national interest.'

"In the light of all the changes that have taken place since our present trade policies were fixed at the end of World War II, it is time for this nation to reconsider our approach to trade matters. Hopefully, we should fix a new direction for U.S. trade policy, more attuned to the needs of the future, than to the goals of the past.

"As a step in this direction, I have appointed for the remainder of the 92nd Congress a new ad hoc Subcommittee on International Trade in the Committee on Finance. The function of this new Subcommittee will be to explore our trade policies, chronicle their failings and their shortcomings, and attempt to learn why our trade policies have not brought us the same economic successes as those enjoyed by Japan and West Germany—nations which have made international trade the cornerstone of their whole economic program. With the information this Subcommittee can develop, the Committee on Finance, and indeed, the entire Congress, can be prepared to more effectively respond to the great need for an enlightened trade policy.

"In my opinion, it is appropriate for a Congressional Committee with legislative jurisdiction over the trade agreements program to undertake this sort of exploration. For too long, U.S. trade policy has been dominated by hired bureaucrats in the State Department. Probably to a greater extent than in any other Federal program, the trade agreements program, and the policies which frame it, have been isolated from the American people. These nameless and faceless bureaucrats who wield important influence on trade matters never have to answer to the voters for their neglect of American employers and workers, or for needless generosity to foreign countries on trade matters. This is wrong: the voice of the people should be heard, and the American system of checks and balances in the governmental process should be brought into play.

"For too long, the Congress has been dependent on the executive branch for leadership in setting trade policy, and for too long this policy has developed in diplomatic meetings motivated mainly by political policy considerations, wholly divorced from economic realities.

"The work which could be performed by the new Subcommittee on International Trade can provide Congress with an independent source of information, unsullied by State Department prejudices and free of bureaucratic inbreeding.

"I am pleased to announce that the Honorable Abraham Ribicoff (D., Conn.) will serve as Chairman of the Subcommittee. Senator Ribicoff is particularly suited for this role. For many years, he served with distinction and high honor as a Finance Committee delegate to the Kennedy Round of tariff-cutting talks at Geneva, Switzerland, pursuant to the Trade Expansion Act of 1962. In addition to the tremendous head start that work provided him, Senator Ribicoff has had first-hand experience with the sort of inept, hypocritical bumbling of which the State Department is capable when trade amendments are under consideration.

"No doubt, Senator Ribicoff recalls his amendment in 1966, dealing with the American Selling Price system of valuing imports of synthetic rubber protective footwear. While one group of State Department strategists were seeking to make peace with him, another group was working behind his back trying to line up support to kill the Ribicoff amendment. I am pleased to report that when it was all over, Senator Ribicoff's position in defense of the American rubber shoe industry prevailed.

"His defense of Congressional prerogatives was magnified by his fight for S. Con. Res. 100 dealing with the negotiation of agreements outside of the delegated authority provided by the Congress to the Executive. He also fought hard against the Canadian Automobile Agreement because the Agreement did not provide an adequate quid pro quo to this nation Senator Ribicoff is a fair man so much so that his friends can justly call him 'Honest Abe.' I am confident that his leadership of this Subcommittee will add to his reputation for fairness and objectivity.

"In addition to Senator Ribicoff, other Senators serving on the Subcommittee will be:

Senator Herman E. Talmadge (D., Ga.)
Senator Gaylord Nelson (D., Wis.)
Senator Paul J. Fannin (R., Ariz.)
Senator Clifford P. Hansen (R., Wyo.)
Senator Wallace F. Bennett (R., Utah) and

I will serve in an ex officio capacity.

Senator Talmadge was also a Finance Committee delegate to the Geneva talks and has had broad experience in trade matters.

"It is my belief that this Subcommittee, working as a team, and speaking with a single voice, will render invaluable services in studying the trade question.

"The function of the Subcommittee will be exploratory, not legislative. No legislation will be referred to it, nor does the Committee on Finance expect it to recommend changes in the statutes dealing with foreign trade, although Senators serving on the Subcommittee will doubtless obtain much information which will lead them to suggest legislative answers to problems that they uncover.

"The Subcommittee's primary role will be to help educate Senators and others on major foreign trade issues, considerations and implications. The exploratory hearing process will be its principal tool.

"In performing its work, I would hope that the new Subcommittee will direct considerable attention to the features of the General Agreement on Tariffs and Trade, particularly those which contribute to many of the trade problems we face today. Last year, the full Committee discussed the major trade problems facing this country, and it decided that there were a number of major issues which required intensive study. These included:

(1) The most-favored-nation (MFN) principle and the exceptions thereto; the effect of MFN exceptions of intra-regional and extra-regional trade where common markets and free trade areas are concerned;

(2) The GATT provisions and interpretations on export subsidies and border taxes, the rationale underlying the differing treatment of 'direct' and 'indirect' taxes insofar as border tax adjustments are concerned, and the U.S. negotiating position on border tax adjustments;

(3) The adequacy of GATT provisions dealing with agriculture;

(4) The adequacy of the balance of payments exceptions in Article XII of GATT;

(5) The GATT provisions on unfair trade practices, fair international labor standards, and relief from injurious imports;

(6) The GATT provisions on 'compensation' and 'retaliation.'

"In addition, I would hope that the Subcommittee's inquiry will include an examination of nontariff barriers, and other matters, such as:

(1) The quantitive restrictions that remain in effect in many countries such as Japan;

(2) The common agricultural policy of the EEC;

(3) The border tax-export rebate system of the EEC, and the reasons why indirect tax rebates on exports are not considered 'bounties or grants' within the meaning of the countervailing duty statute as interpreted by Supreme Court cases;

(4) Discriminatory government procurement policies;

(5) The probable effects of British entry into the Common Market on U.S. trade and balance of payments;

(6) The effect of foreign exchange-rate changes on United States trade and tariff concessions;

(7) An analysis of whether or not greater flexibility in foreign exchange rates would serve in the interests of United States and world trade;

(8) The nature and extent to which other countries subsidize their exports, directly or indirectly;

(9) A comparative analysis of various proposals to extend tariff preferences to the products of less developed countries with particular emphasis on the effects of U.S. trade and investment patterns and on U.S. labor;

(10) The various agency responsibilities within the executive branch for handling all U.S. foreign trade matters, and the means by which policy coordination is achieved.

"Finally, I would hope that the Subcommittee will look into the following matters of particular significance in international trade:

(1) The tariff and nontariff barriers among principal trading nations in the industrialized countries, including an analysis of the disparities in tariff treatment of similar articles of commerce by different countries and the reasons for the disparities;

(2) The nature and extent of the tariff concessions granted in trade agreements and other international agreements to which the United States is a party by the principal trading nations in the industrialized countries;

(3) The customs valuation procedures of foreign countries and those of the United States with a view to developing and suggesting uniform standards of custom valuation which would operate fairly among all classes of shippers in international trade, and the economic effects which would follow if the United States were to adopt such standards of valuation, based on rates of duty which will become effective on January 1, 1972; and

(4) The implications of multinational firms on the patterns of world trade and investment and on United States trade and labor.

"I am pleased that Senator Ribicoff has agreed to serve as Chairman and coordinate the work of this new Subcommittee on International Trade. With his fair and impartial leadership, I am confident the work of the Subcommittee will proceed smoothly and that it will earn for the Committee on Finance the same high honor as the Subcommittee on Health Care earned in 1970 under the able leadership of Honorable Clinton P. Anderson of New Mexico. I might add that the success of the Subcommittee on Health Care contributed to the decision to establish this Subcommittee on International Trade, and the basic working arrangements of both of these Subcommittees are identical.

"As in the case of our earlier Subcommittees, the new Subcommittee on International Trade will be staffed by members of the Finance Committee staff. Although our staff is small, it is highly competent, and I know the Subcommittee will profit from the contribution the staff can make to its work.

"I urge the Chairman to promptly call a meeting of his new Subcommittee to lay out the ground rules under which its work will be performed. With this step behind it, the Subcommittee can begin coordinating its hearing process with other work of the Committee on Finance."

POPULATION GROWTH

Mr. PACKWOOD. Mr. President, at the world's current rate of population growth, about 2 percent per year, population on this planet will double in 35 years. The earth is today supporting 3 billion 700 million human beings in various degrees of physical and psychological well-being. As we edge closer to the 4 billion mark survival becomes more and more difficult by any yardstick.

We hear a great deal about the environmental and ecological effects of a rising population, especially here in the United States, where each American uses 20 to 25 times the natural resources the average Indian would consume in a lifetime. I have supported efforts to make more intelligent use of our natural resources and to bring our ecology back into its natural balance.

Too little attention is given, however, to many of the other aspects of spiralling world population. Dr. Norman E. Borlaug, Nobel laureate, and head of the International Wheat Research and Production program of the International Maize and Wheat Improvement Center, is considered one of the fathers of the so-called Green Revolution. Unfortunately, some have misunderstood the function and potential of the Green Revolution and have asserted that because of this advance, man no longer faces a food crisis.

Dr. Borlaug has now set about trying to explain the Green Revolution and its limitations. As he says,

> The Green Revolution has won a temporary success in man's war against hunger and deprivation; It has given man a breathing space. If fully implemented, the Rev-

olution can provide sufficient food for sustenance during the next three decades. But the frightening power of human reproduction must also be curbed; otherwise the success of the Green Revolution will be ephemeral.

I ask unanimous consent that the complete text of Dr. Borlaug's speech, "The Green Revolution, Peace and Humanity," delivered upon acceptance of the 1970 Nobel Peace Prize in Oslo, Norway, be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE GREEN REVOLUTION, PEACE AND HUMANITY

(By Norman E. Borlaug, Head of the International Wheat Research and Production Program of the International Maize and Wheat Improvement Center)

Civilization, as it is known today, could not have evolved, nor can it survive, without an adequate food supply. Yet, food is something that is taken for granted by most world leaders despite the fact that more than half of the population of the world is hungry. Man seems to insist on ignoring the lessons available from history.

Man's survival, from the time of Adam and Eve until the invention of agriculture, must have been precarious because of his inability to ensure his food supply. During the long, obscure, dimly defined, pre-historic period when man lived as a wandering hunter and food gatherer, frequent food shortages must have prevented the development of village civilizations. Under these conditions the growth of human population was also automatically limited by the limitations of food supplies.

In the misty, hazy past, as the Mesolithic Age gave way to the Neolithic, there suddenly appeared in widely separated geographic areas the most highly successful group of inventors and revolutionaries that the world has ever known. This group of Neolithic men and women, and in all probability largely the latter, domesticated all the major cereals, legumes and root crops, as well as all of the most important animals that, to this day, remain man's principal source of food. Apparently, 9,000 years ago, in the foothills of the Zagros Mountains, man had already become both agriculturist and animal husbandryman, which, in turn, soon led to the specialization of labor and the development of village life. Similar discoveries and developments elsewhere soon laid the groundwork from which all modern agriculture and animal industry and, indeed, all of the world's subsequent civilizations have evolved. Despite the tremendous value of their contributions we know none of these benefactors of mankind by name. In fact, it has only been within the past century, and especially within the last 15 years—since the development of the effective radio-carbon dating system—that we have begun even vaguely to understand the timing of these epochal events which have shaped the world's destiny.

The invention of agriculture, however, did not permanently emancipate man from the fear of food shortages, hunger and famine. Even in prehistoric times population growth often must have threatened or exceeded man's ability to produce enough food. Then, when droughts or outbreaks of diseases and insect pests ravaged crops, famine resulted.

That such catastrophes occurred periodically in ancient times is amply clear from numerous biblical references: Thus, the Lord said: "I have smitten you with blasting and mildew" (Amos 4:9); "The seed is rotten under their clods, the garners are laid desolate, the barns are broken down; for the corn is withered. . . . The beasts of the field cry also unto thee: for the rivers of waters are dried up, and the fire hath devoured the pastures of the wilderness" (Joel 1:17, 20).

Plant diseases, drought, desolation and despair were recurrent catastrophes during the ages, along with the ancient remedies—supplications to supernatural spirits or Gods. And yet, the concept of the "ever-normal granary" appeared in elementary form, as is clear from Pharaoh's dreams, and Joseph's interpretation of imminent famine and his preparation for it, as indicated by this quotation from Genesis: ". . . And the seven years of dearth began to come, according as Joseph had said: and the dearth was in all lands; but in all the lands of Egypt there was bread . . ." (Genesis 41:54). For his time, Joseph was wise, with the help of his God.

But today we should be far wiser; with the help of our Gods and our science we must not only increase our food supplies but also insure them against biological and physical catastrophes by international efforts to provide international granaries of reserve food for use in case of need. And these food reserves must be made available to all who need them—and before famine strikes, not afterwards. Man can and must prevent the tragedy of famine in the future instead of merely trying with pious regret to salvage the human wreckage of the famine, as he has so often done in the past. We will be guilty of criminal negligence, without extenuation, if we permit future famines. Humanity cannot tolerate that guilt.

Alfred Nobel was also very conscious of the importance of food, for he once wrote: "I would rather take care of the stomachs of the living than the glory of the departed in the form of monuments."

The destiny of world civilization depends upon providing a decent standard of living for all mankind. The guiding principles of the recipient of the 1969 Nobel Peace Prize, the International Labor Organization, are expressed in its charter words, "Universal and lasting peace can be established only if it is based upon social justice. If you desire peace, cultivate justice." This is magnificent; no one can disagree with this lofty principle.

Almost certainly, however, the first essential component of social justice is adequate food for all mankind. Food is the moral right of all who are born into this world. Yet, today 50 percent of the world's population goes hungry. Without food man, at most, can live but a few weeks; without it, all other components of social justice are meaningless. Therefore, I feel that the aforementioned guiding principle must be modified to read: If you desire peace, cultivate justice, but at the same time cultivate the fields to produce more bread; otherwise there will be no peace.

The term "the green revolution" has been used by the popular press to describe the spectacular increase in cereal-grain production during the past three years. Perhaps the term "green revolution," as commonly used, is premature, too optimistic or too broad in scope. Too often it seems to convey the impression of a general revolution in yields per hectare and in total production of all crops throughout vast areas comprising many countries. Sometimes, it also implies that all farmers are uniformly benefited by the breakthrough in production.

These implications both oversimplify and distort the facts. The only crops which have been appreciably affected up to the present time are wheat, rice and maize. Yields of other important cereals, such as sorghums, millets and barley, have been only slightly affected; nor has there been any appreciable increase in yield or production of the pulse or legume crops, which are essential in the diets of cereal-consuming populations. Moreover, it must be emphasized that thus far the great increase in production has been in irrigated areas. Nor have all cereal farmers in the irrigated areas adopted and benefited from the use of the new seed and the new technology. Nevertheless, the number of farmers, small as well as large, who are adopting the new seeds and new technology is increasing very rapidly, and the increase in numbers during the past three years has been phenomenal. Cereal production in the rainfed areas still remains relatively unaffected by the impact of the green revolution, but significant change and progress are now becoming evident in several countries.

Despite these qualifications, however, tremendous progress has been made in increasing cereal production in India, Pakistan and the Philippines during the past three years. Other countries that are beginning to show significant increases in production include Afghanistan, Ceylon, Indonesia, Iran, Kenya, Malaya, Morocco, Thailand, Tunisia and Turkey.

The significance and magnitude of the impact of the so-called green revolution are best illustrated by changes in cereal production in India, Pakistan and the Philippines. In both India and Pakistan the rapid increase in yields per hectare of wheat has been the major thrust of the green revolution. Increases in rice yield also have played a major role in West Pakistan, but hitherto only a minor role in India. Increases in maize production have played a modest but significant role in expanded cereal production in both India and Pakistan; and increases in rice yields and production have been largely responsible for the change in cereal production up to now in the Philippines, Ceylon and Indonesia.

The green revolution in India and Pakistan, which is still largely the result of a breakthrough in wheat production, is neither a stroke of luck nor an accident of nature. Its success is based on sound research, the importance of which is not self-evident at first glance. For, behind the scenes, halfway around the world in Mexico, were two decades of aggressive research on wheat that not only enabled Mexico to become self-sufficient with respect to wheat production but also paved the way to rapid increase in its production in other countries. It was in Mexico that the high-yielding, Mexican dwarf varieties were designed, bred and developed. There, also, was developed the new production technology which permits these varieties, when properly cultivated, to express their high genetic grain-yield potential—in general, double or triple that of the best yielders among older, tall-strawed varieties.

TRANSFER OF THE NEW SEED

There are no miracles in agricultural production. Nor is there such a thing as a miracle variety of wheat, rice or maize which can serve as an elixir to cure all ills of a stagnant, traditional agriculture. Nevertheless, it is the Mexican dwarf wheat varieties, and their more recent Indian and Pakistani derivatives, that have been the principal catalyst in triggering off the green revolution. It is the unusual breadth of adaptation, combined with high genetic-yield potential, short straw, a strong responsiveness and high efficiency in the use of heavy doses of fertilizers, and a broad spectrum of disease resistance that had made the Mexican dwarf varieties the powerful catalyst that they have become in launching the green revolution. They have caught the farms' fancy, and during the 1969–70 crop season 55 percent of the 6 million hectares sown to wheat in Pakistan and 35 percent of the 14 million hectares in India were sown to Mexican varieties or their derivatives. This rapid increase in wheat production was not based solely on the use of Mexican dwarf varieties; it involved the transfer from Mexico to Pakistan and India of a whole new production technology that enables these varieties to attain their high-yield potential. Perhaps 75 percent of the results of research done in Mexico in developing the package of recommended cultural practices, including fertilizer recommendations, were directly applicable in Pakistan and India. As concerns the remaining 25 percent, the excellent adaptive research done in India and Pakistan by Indian and Pakistani scientists while the imported seed was being multiplied, provided the necessary information for modifying the Mexican procedures to suit Pakistani and Indian conditions more precisely.

Equally as important as the transfer of the new seed and new technology from Mexico to India and Pakistan was the introduction from Mexico of a crop-production campaign strategy. This strategy harnessed the high grain-yield potential of the new seed and new technology to sound governmental economic policy which would assure the farmer a fair price for his grain, the availability of the necessary inputs—seed, fertilizers, insecticides, weed killers and machinery—and the credit with which to buy them. Collectively these inputs and strategy became the base from which the green revolution evolved.

Never before in the history of agriculture has a transplantation of high-yielding varieties coupled with an entirely new technology and strategy been achieved on such a massive scale, in so short a period of time, and with such great success. The success of this transplantation is an event of both great scientific and social significance. Its success depended upon good organization of the production program combined with skillful execution by courageous and experienced scientific leaders.

Experimentation with dwarf Mexican varieties was initiated in both India and Pakistan in 1963 and continued in 1964. Results in both countries were highly promising. Consequently, in 1965, 350 and 250 tons of seed of the Mexican dwarf wheat varieties were imported into Pakistan and India, respectively, for wide-scale testing on farms. Again, the results were highly promising, and India reacted by importing 18,000 tons during 1966. A year later Pakistan imported 42,000 tons. With these importations, the revolution in wheat production got underway in both countries. It was the first time in history that such huge quantities of seed had been imported from distant lands and grown successfully in their new home. These importations saved from three to five years' time in reaping the benefits from the green revolution.

During the past three years wheat production has risen spectacularly in both countries. Using as a base the pre-green revolution crop year 1964–65, which produced an all-time record harvest in both countries, the production in Pakistan increased from the 1965 base figure of 4.6 million tons to 6.7, 7.2 and 8.4 millions of tons, respectively, in 1968, 1969 and 1970. West Pakistan became self-sufficient in wheat production for the first time in the 1968 harvest season, two years ahead of our predictions. Indian wheat production has risen from the 1964–65 pre-green revolution record crop of 12.3 million tons to 16.5, 18.7 and 20.0 million tons during 1968, 1969 and 1970 harvests, respectively. India is approaching self-sufficiency and probably would have attained it by now if rice production had risen more rapidly, because with a continuing shortage of rice considerable wheat is being substituted for it.

The introduction into West Pakistan of the high-yielding dwarf rice variety IR8, developed by the International Rice Research Institute (IRRI) in the Philippines, together with the new technology that makes it highly productive, has also resulted in phenomenal increases in yield and production during the past two years. Unfortunately, this variety has been less well adapted to climatic conditions in the monsoon areas of India and in East Pakistan and, therefore, has had only a modest and occasional impact there. Newer varieties which are now being multiplied promise to correct this situation.

The revolution in wheat and rice production in India and Pakistan has not only greatly increased food production, but it also has had many indirect effects on both the farmer and the economy. It is estimated that Indian and Pakistani farmers who are cultivating the new Mexican dwarf wheat varieties under the recommended management practices have increased their net income from $37 per hectare with the local varieties to $162 with the dwarf Mexican varieties. During the past three harvests, a total of $1.4 billion and $640 million have been added to the gross national product (G.N.P.) of India and Pakistan, respectively, from the increase in wheat production above the record 1965 base. The injection of this large increase in purchasing power into the economies has had many effects.

Large numbers of tubewells are being sunk by farmers in both India and Pakistan in order to expand the irrigated area and improve the control of irrigation water. It is estimated that a total of 70,000 private tubewells were sunk during the 1969–70 crop season in India, which brings about 1.4 million hectares of additional land under controlled irrigation, thereby greatly expanding the food-production potential. It is estimated that, at present, less than half of the irrigation potential of India has been developed.

THE CHANGING ECONOMY

If the high-yielding dwarf wheat and rice varieties are the catalysts that have ignited the green revolution, then chemical fertilizer is the fuel that has powered its forward thrust. The responsiveness of the high-yielding varieties has greatly increased fertilizer consumption. The new varieties not only respond to much heavier dosages of fertilizer than the old ones but are also much more efficient in its use. The old, tall-strawed varieties would produce only 10 kilos of additional grain for each kilo of nitrogen applied, while the new varieties can produce 20–25 kilos or more of additional grain per kilo of nitrogen applied. Consumption of nitrogen fertilizer in India has increased from 58,000 metric tons of nutrients in 1950–51 to 538,000 and 1.2 million metric tons in 1964–65 and 1969–70 crop cycles, respectively; and about 60 percent of this amount was produced domestically. Phosphate consumption is approximately half that of nitrogen. A large part of the fertilizer currently being used is for wheat. The targeted consumption and domestic production needs of nitrogen for 1973–74 are 3 million and 2.5 million metric tons, respectively, a fantastic threefold increase in consumption and a fivefold increase in production. These fertilizer targets must be attained if the targeted production of 129 million metric tons of cereal is to be realized.

Mechanization of agriculture is rapidly following the breakthrough in wheat production. Prior to the first big wheat crop in 1968, unsold tractors accumulated at the two factories then in production; at present, prospective purchasers must make written application for them and wait one or two years for delivery. Although five factories with an output of 18,000 units per year are now producing tractors, 35,000 units were imported in 1969–70.

The traditional method of threshing by treading out of the grain with bullocks, followed by winnowing, is now inadequate for threshing the increased volume of wheat before the onset of the monsoon rains. Consequently, hundreds of thousands of small threshing machines have been produced and sold by hundreds of small village machine shops during the past three years, thus avoiding the loss of much of the crop after harvest and also providing additional employment in many new, small village industries.

Moreover, mechanization has had another very important indirect effect on the intensification of cereal production. When small mechanical threshers replace bullocks for threshing, the bullocks are released for use in the timely preparation of the land for the next (summer) crop. This need for timely preparation of land is also one of the main reasons for the surge in demand for tractors. Before the adoption of the new wheat and rice varieties, in combination with heavy applications of chemical fertilizer, the time of sowing was relatively unimportant because yields were limited primarily by the low level of available plant nutrients. Most farmers would expect to harvest about 1 metric ton of wheat during the winter (rabi) season and about 1.5 metric tons of rice during the summer (kharif) season, or a total of 2.5 metric tons of grain per hectare per year. But by using the high-yielding varieties, fertilizing heavily, sowing at the right time and managing the fields properly, the same farmer can now harvest 5 tons of wheat and 7 tons of rice per hectare from the same land, a total of 12 metric tons of food grain per hectare per year, as contrasted with the 2.5 tons which he obtained with the old varieties and methods. If plantings are not done at the optimum time, however, the yield of wheat may drop to 3 tons and that of rice to 4 tons per hectare, a total production of 7 tons per year instead of the 12 tons when all operations are proper and timely. A few of the most progressive farmers now use triple cropping, involving wheat—mung beans—rice, wheat—rice—potatoes, or three consecutive crops of rice during the same year. By increasing the intensity of cropping, both food-production potential and employment are increased. Yields must then be calculated on the basis of kilos per hectare per year rather than on the basis of kilos per hectare per crop.

The increased mechanization in cereal production has tended to increase rather than decrease the employment opportunities for labor, and above all, it has helped to reduce drudgery and increase the efficiency of human energy, speaking especially of India.

Millions of farmers who have successfully grown the new wheat, rice and maize varieties have greatly increased their income. And this has stimulated the rapid growth of agro-industry by increasing the demand for fertilizers, pumps, machinery and other materials and services.

Farmers in many villages are investing in better storage facilities. In some locations brick houses are beginning to replace those made of rammed earth. More electricity is being used to light the houses and to drive the motors on the wells. There also has been a rapid increase in demand for consumer goods. The purchase of transistors and radios for use in the villages has increased rapidly, and, thereby, the government for the first time can effectively reach the remote villages with educational programs. Sewing machines, bicycles, motor scooters and motorcycles are coming to the villages, and truck and bus service between villages is improving.

Although the contributions of the green revolution to increased food production are considerable and highly significant, they are, nonetheless, modest in comparison with the magnitude of present global needs. The greatest obvious achievement is the rapid increase in cereal production during the past three years, and the generation of a climate of confidence in the developing nations with regard to their capabilities of achieving food self-sufficiency. Perhaps even more significant, however, is the change in organizations and attitudes which have accompanied the increases in cereal production.

The All-India Coordinated Wheat Improvement Program, which is largely responsible for the wheat revolution in India has developed one of the most extensive and widely diversified wheat research programs in the world. Its success has generated confidence, a sense of purpose and determination. The current agronomic research on wheat in India equals the best in the world. The breeding program is huge, diversified and aggressive; already it has produced several varieties which surpass those originally introduced from Mexico in 1965. The first group of new Indian varieties, already in extensive commercial production, were derived from selections made in India from partially selected materials received from Mexico. A second group of varieties, now being multiplied, are selections from crosses made in India between Indian and Mexican varieties. The rapidity of creation and distribution of these new varieties has already diversified the types of resistance to diseases and, therefore, minimizes the menace of destructive disease epidemics if and when changes occur in parasitic races of the pathogens.

Contrary to a widespread and erroneous opinion, the original dwarf wheats imported from Mexico definitely carried a wider spectrum of disease resistance than the local Indian types that they replaced. But the newer Indian varieties are even better in resistance and of a different genetic type than the original introductions. This greater diversity reduces the danger from disease epidemics, but cannot completely eliminate the dangers of disease epidemics, as has become vividly evident from the unexpected and destructive epidemic of southern leaf blight of maize over vast areas of the United States during the summer of 1970. The only protection against such epidemics in all countries is through resistant varieties developed by an intelligent, persistent and diversified breeding program, such as being currently carried on in India, coupled with a broad disease-surveillance system and a sound plant pathology program to support the breeding program. From such a program a constant flow of new high-yielding disease-resistant varieties can be developed to checkmate any important changes in the pathogens. The Indian program is also developing competence in research on the biochemical, industrial and nutritional properties of wheat.

Perhaps the most important contribution of all is that the methods and tactics used so successfully in making the production breakthrough in wheat, first in Mexico and now in India and Pakistan, can serve as a model for production programs with many other crops and in many other countries.

West Pakistan has already used the wheat model to revolutionize its rice production. Although the Indian rice program has not yet achieved a nationwide breakthrough in production, rapid progress is now being made in several areas and it seems probable that the area sown to the new seed and technology will be large enough to produce a strong impact on national production within another year. Varieties and new technology are also available for launching effective campaigns to increase the production of sorghum, millet, barley, soybeans and cotton in many developing countries of Asia, Africa and Latin America. What is still needed is the will and commitment of governments to support national production campaigns, both politically and financially, and the services of a few competent and dedicated agricultural scientists as leaders.

But let no one think that we can relax our efforts in research. All successful action programs must be preceded and accompanied by research. It has been pointed out that the rapid change in wheat production in both India and Pakistan was, in part, made possible by two decades of research in Mexico. How did this come about?

In 1943, several years before the establishment of the Food and Agricultural Organization (FAO) of the United Nations, a cooperative agricultural research and training program was launched in Mexico. This was a pioneer cooperative project between the Mexican Ministry of Agriculture and the Rockefeller Foundation, initiated at the request of the Mexican government for assistance in increasing the production of maize, wheat and beans.

At that time, Mexico was importing more than 50 percent of the wheat it consumed as well as a considerable percentage of its maize. Wheat yields were low and static, with a national average yield of 750 kilos per hectare, even though most of the wheat was grown on irrigated land. This situation was very similar to that in India and Pakistan before the advent of the green revolution. Mexican soils were impoverished and chemical fertilizer virtually unknown.

Mexico's need was urgent and so a simple research program was started to increase production. The philosophy of the Rockefeller Foundation was "to help Mexico to help itself" in solving its food-production problems, and, in the process, work itself out of a job. I have had the privilege and good fortune to have been associated with the wheat program almost from the beginning, and have remained a part of it for the past 26 years. From the outset all factors limiting wheat production were studied; consequently, there were interdisciplinary researchers between genetics and plant breeding, agronomy, soil fertility, plant pathology and entomology. Cereal chemistry and biochemistry were added later.

After preliminary work in 1943, plant breeders, soil scientists, plant pathologists and entomologists working as a team, began a concentrated attack on the various aspects of wheat production in 1944.

An in-service (intern) training component was added to the research program to train a new generation of Mexican scientists while they were assisting with the development of the research program. Provision was also made for fellowships to enable the most promising of these young scientists to study abroad for advanced degrees, hopefully in preparation for positions of leadership in Mexican agriculture.

Research from the outset was production-oriented and restricted to that which was relevant to increasing wheat production. Researchers in pursuit of irrelevant academic butterflies were discouraged, both because of the acute shortage of scientific manpower and because of the need to have data and materials available as soon as possible for use in the production program.

To accelerate progress in varietal development, two generations of all segregating materials were grown each year. One generation was sown close to sea level in Sonora at 28 degrees north latitude in the fall when the days were progressively shorter; the second was sown near Toluca, at 18 degrees latitude and 2,500 meters above sea level during the summer when days were progressively longer. Through the use of this technique we developed high-yielding, day-length, insensitive varieties with a wide range of ecologic adaptation and a broad spectrum of disease resistance—a new combination of uniquely valuable characters in wheat varieties.

These characters were valuable in increasing wheat production in Mexico and neighboring countries, but were to prove even more valuable 20 years later when the Mexican varieties were introduced into Pakistan and India. Without this combination of characters the successful transplantation of the Mexican varieties into Pakistan and India would have been impossible; the advent of the green revolution would almost certainly have been delayed many years.

In Mexico, as soon as significant improvements were made by research, whether in varieties, fertilizer recommendations, or cultural practices, they were taken to farms and incorporated into the production programs. We never waited for perfection in varieties or methods but used the best available each year and modified them as further improvement came to hand. This simple principle is too often disregarded by scientific perfectionists who spend a lifetime searching for the unattainable in biological perfection, and, consequently, during a lifetime of frustration contribute nothing to increasing food production.

Farm demonstrations of new varieties and technology were made by the research scientists who had developed them. Indeed, the revolution in wheat production in Mexico was accomplished before the extension service came into being. This forced the research scientists themselves to consider the obstacles to production that confronted the farmers. The same philosophy and tactic were used effectively to bring researchers in contact with the farmers' problems in the early years of the wheat improvement programs in India and West Pakistan. Later, however, the extension services were brought into the production programs in both countries.

From the outset the Mexican Agricultural Program was watched with interest by many other countries. As progress became evident, the Rockefeller Foundation was besieged by requests from many countries for assistance in agricultural improvement programs. The Cooperative Mexican Agricultural Program had become a model. The Cooperative Colombian Agricultural Program, devoted largely to maize, wheat, potatoes, forage and livestock, was established in 1950. Similarly, the Cooperative Chilean Agricultural Program was established in 1955 to work on wheat and forage. The Cooperative Indian Agricultural Program was established in 1956 to improve maize, sorghum and millet production and to assist in the development of postgraduate agricultural education. Each of these programs subsequently played an important role in improving agricultural production and education in different parts of the world.

Meanwhile, back in Mexico, the program that had originally been confined to maize, wheat and beans, and soon thereafter, potatoes, was expanded to include many other crops. Larger numbers of young Mexican scientists were added to the research and training programs. Progress in research was generally good, and the training program also bore fruit. Between the years 1943–1963 a total of 550 interns participated in the overall agricultural research and training programs, of whom 200 received a Master of Science degree and 30 the Doctor of Philosophy degree while on fellowships for study abroad. With this corps of trained scientists a new National Institute of Agricultural Investigations was born in 1961. The Rockefeller Foundation "had worked itself out of a job," which was one of its original objectives.

The Mexican experience indicated that one of the greatest obstacles to the improvement of agriculture in the developing countries is the scarcity of trained people. This experience indicated clearly that training is a slow process. Where no corps of trained scientists exists, as was the case in Mexico 27 years ago and remains the case in many countries of Asia, Africa and Latin America today, it requires 18–25 years to develop enough competent research scientists and educators to meet a country's needs. So great is the urgency of the food shortage in many underdeveloped and emerging countries that there is not enough time to develop an adequate corps of scientists before attacking food-production problems. A short-cut and organizational change had to be invented to meet the needs. And so was born the first truly international research and training institute—the International Rice Research Institute at Los Banos, the Philippines, in 1960, to work exclusively on the regionally all-important, but too long neglected, rice crop. The institute was jointly financed by the Ford and Rockefeller Foundations in collaboration with the government of the Philippines.

The research activities on wheat, maize and potatoes in Mexico were informally internationalized in 1959 and organized as a second international center in 1963. This International Center for Maize and Wheat Improvement is supported also by the Ford and Rockefeller Foundations, in collaboration with the government of Mexico. More recently, additional financial support has been provided by the U.S. Agency for International Development, United Nations Development Program and the Inter-American Development Bank.

A third center, the International Center of Tropical Agriculture (CIAT), in Columbia, and the International Institute of Tropical Agriculture (ITA), in Nigeria, the most recent, have been established to study problems and stimulate production of certain tropical crops and animal species, as well as to help train scientific specialists. CIAT is financed by the Ford, Rockefeller, and W. K. Kellogg Foundations in cooperation with the government of Nigeria.

These four international institutes represent a significant but modest start toward the construction of a worldwide network of international, national and local research and training centers. This network will help solve problems and disseminate the benefits of science to all mankind in the shortest possible time and at minimum cost.

I am convinced that the international agricultural research institutes are developing a bond of understanding among nations, based upon the common need for increasing food production. We must all strive to strengthen this bond in the spirit of Alfred Nobel ". . . to promote brotherhood among the nations."

In summarizing the accomplishments of the green revolution during the past three years, I wish to restate that the increase in cereal production, rice, maize and wheat, and especially in wheat, has been spectacular and highly significant to the welfare of millions of human beings. It is still modest in terms of total needs. Recalling that 50 percent of the present world population is undernourished and that an even larger percentage, perhaps 65 percent, is malnourished, no room is left for complacency. It is not enough to prevent the currently bad situation from getting worse as population increases. Our aim must be to produce enough food to eradicate all present hunger while at the same time striving to correct malnutrition. To eliminate hunger now in the developing nations, we would need to expand world cereal production by 30 percent. If it were, however, as simple as increasing the total world production by 30 percent, regardless where the production is to be expanded, it could be accomplished rather rapidly by expanding it in the United States, Canada, Australia, Argentina and Russia. But this would not necessarily solve the hunger problem of the developing world, because their weak economies will not permit them to expand their food imports by 30 percent. Worse still, even if present production could be expanded rapidly by 30 percent in the developing countries—which I believe is possible based on recent progress of the great revolution—so as theoretically to eliminate hunger, the hunger problem as it now exists, still would not be solved. There remains the unsolved socioeconomic problem of finding effective ways to distribute the needed additional food to the vast underprivileged, masses who have little or no purchasing power. This is still the great unsolved problem with which the economists, sociologists and political leaders must now come to grips.

I am convinced that if all policy-makers would take sufficient interest in population control and in aggressively employing and exploiting agricultural development as a potent instrument of agrarian prosperity and economic advancement, many of the social ills of the present day could soon become problems of the past. The tropics and subtropics have abundant sunlight and other great biological assets and it will be criminal to delay further the conversion of these assets into wealth meaningful to the poor and hungry.

Some critics have said that the green revolution has created more problems than it has solved. This I cannot accept, for I believe it is far better for mankind to be struggling with new problems caused by abundance rather than with the old problem of famine. Certainly, loyalty to the status quo in food production—when being pressured by population growth—cannot break the chains that have bound the peasant to poverty and hunger. One must ask: Is it just to criticize the green revolution, with its recognized accomplishments, for failure to correct all the socioeconomic ills of the world that have accumulated from the days of Adam and Eve and up to the present? Change we must, or we will perish as a species, just as did the dinosaurs in the late Cretaceous.

The green revolution is a change in the right direction, but it has not transformed the world into Utopia. None are more keenly aware of its limitations than those who started it and fought for its success. But there there has been solid accomplishment, as I have already shown by concrete examples. I have also tried to indicate the various opportunities for capitalizing more fully on the new materials that were produced and the new methods that were devised. And, above all, I cannot emphasize too strongly the fact that further progress depends on intelligent, integrated and persistent effort by government leaders, statesmen, tradesmen, scientists, educators and communication agencies, including the press, radio and television.

But progress is continuous, and we can and must make continuous progress. Better varieties of wheat and other cereals with not only higher yield potential but also with higher content of protein are already in the process of creation.

I propose, therefore, that a bold program of wide crosses be initiated to improve both cereals and legumes (pulses). It should include attempts to make numerous intergeneric crosses among cereals, employing all of the modern techniques to consummate fertilization and propagate the hybrids. If a series of new combinations can be made and doubled, such as, for example, between maize and sorghum, wheat and barley, or wheat and rice, it would open the door to the possibilities for vast subsequent improvement by conventional methods.

The great revolution has won a temporary success in man's war against hunger and deprivation; it has given man a breathing space. If fully implemented, the revolution can provide sufficient food for sustenance during the next three decades. But the frightening power of human reproduction must also be curbed; otherwise, the success of the green revolution will be ephemeral only.

Most people still fail to comprehend the magnitude and menace of the "Population Monster." In the beginning there were but two, Adam and Eve; when they appeared on this earth is still questionable. By the time of Christ, world population had probably been reached 250 million. But between then and now population has grown to 3.5 billion. Growth has been especially fast since the advent of modern medicine. If it continues to increase at the estimated present rate of 2 percent a year, the world population will reach 6.5 billion by the year 2000. Currently, with each second, or tick of the clock, about 2.2 additional people are added to the world population. The rhythm of increase will accelerate to 2.7, 3.03 and 4.0 for each tick of the clock by 1980, 1990 and 2000, respectively, unless man becomes more realistic and preoccupied about this impending doom. The tick-tock of the clock will continually grow louder and more menacing each decade. Where will it all end?

Malthus signaled the danger a century and a half ago. But he emphasized principally the danger that population would increase faster than food supplies. In his time he could not foresee the tremendous increase in man's food-production potential. Nor could he have foreseen the disturbing and destructive physical and mental consequences of the grotesque concentration of human beings into the poisoned and clangorous environment of pathologically hypertrophied megapoles. Can human beings endure the strain? Abnormal stresses and strains tend to accentuate man's animal instincts and provoke irrational and socially disruptive behavior among the less stable individuals in the maddening crowd.

We must recognize the fact that adequate food is only the first requisite for life. For a decent and humane life we must also provide an opportunity for good education, remunerative employment, comfortable housing, good clothing, and effective and compassionate medical care. Unless we can do this, man may degenerate sooner from environmental diseases than from hunger.

And yet, I am optimistic for the future of mankind; for in all biological populations there are innate devices to adjust population growth to the carrying capacity of the environment. Undoubtedly, some such device exists in man, presumably homo sapiens, but so far it has not asserted itself to bring into balance population growth and the carrying capacity of the environment on a worldwide scale. It would be disastrous for the species to continue to increase our human numbers madly until such innate devices take over. It is a test of the validity of sapiens as a species epithet.

Since man is potentially a rational being, however, I am confident that within the next two decades he will recognize the self-destructive course he steers along the road of irresponsible population growth and will adjust the growth rate to levels which will permit a decent standard of living for all mankind. If man is wise enough to make this decision, and if all nations abandon their idolatry of Ares, Mars and Thor, then mankind itself should be the recipient of a Nobel Peace Prize, which is "to be awarded to the person who has done most to promote brotherhood among the nations."

Then, by developing and applying the scientific and technological skills of the twentieth century for "the well-being of mankind throughout the world," he may still see Isaiah's prophesies come true: Isaiah 35:1, 7: ". . . And the desert shall rejoice, and blossom as the rose. . . . And the parched ground shall become a pool, and the thirsty land springs of water . . .".

And may those words come true!

Mr. PACKWOOD. Mr. President, another critical aspect of the population problem is being studied by Dr. John Calhoun of the National Institute of Mental Health. Dr. Calhoun started a colony of eight white mice in a small pen at NIMH. In 2 years, the eight multiplied to 2,200, but not one mouse has been born in over a year. The pressures of overpopulation have resulted in extreme antisocial behavior and eventually failure to continue reproducing. Dr. Calhoun explains that 600 of the mice have already died and the remaining 1,600 will die as well. Dr. Calhoun is careful not to transfer the results of his experiments with mice into the human experience directly. But certain lessons can and should be learned as our finite earth looks forward to its fourth-billion people. I ask unanimous consent that a write-up of Dr. Calhoun's work and the texts of his studies be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

OF MICE AND MEN: COLONY OVERPOPULATES TO EXTINCTION

(By Tom Huth)

Dr. John Calhoun's laboratory mice are dying. They are doomed, he says, to extinction.

Physically they are healthy—to him they are even beautiful. But most of them are withdrawn, uncomplaining, uninvolved, without aggression. And they are without sex, so they are dying.

They are dying of overpopulation. And, Dr. Calhoun says, there are lessons for man in his grim little mousery.

Calhoun works as a research psychologist for the National Institute of Mental Health.

In the beginning, he put eight white mice, four pairs, into an 8½-by-8½-foot galvanized steel universe on the upper floor of a corrugated iron building at the National Institute of Health's animal farm out beyond Poolesville in Montgomery County.

The mice had warmth, food, no disease, no predators. In a little more than two years there were 2,200 of them. But by that time they were not mice, Calhoun says. They were something else, nonmice, their social organizations destroyed and their behaviors deformed by overcrowding.

Now 600 of them have expired and the other 1,600 will too, Calhoun says. There has not been a mouse born in more than a year; the youngest is 40 years old in terms of the human life span. The females are passing menopause. Soon time will run out: the process will be irreversible; life will be death.

Calhoun, a small man of 52 who wears a gray goatee, thinks that time has not yet run out for man—that man has perhaps 15 years to start making the decisions that will insure his continued survival as a unique animal, to start bringing the world population down to what it was before the time of Christ.

It is this great leap in thinking, from mouse to man, that puts frowns on the faces of some scientists when the name John B. Calhoun is mentioned.

For one thing, critics say, the behavior of mice does not describe the behavior of men.

Calhoun answers that "rats and mice, of course, are not perfect models of humans. But the disaster they represent is so compelling that the world cannot wait for proof of every step in the equation."

To criticism that his mice are so inbred that they don't react normally, Calhoun says, "Wild species suffer the same reactions as my albinos, sometimes even in exaggerated form."

To conventional science, there also is a madness to Calhoun's methodology. He develops and publishes theory without first presenting full documented findings in scientific journals. He draws conclusions and exposes them to public attention before his experiments are completed.

"So sometimes we make errors in what we say," Calhoun admits. "But there are about 15 years left for deciding. We're that close to seeing if evolution will continue."

His present experiment was in the planning stage in 1965 and will not be fully analyzed until 1973.

Calhoun, a psychologist, philosopher, ecologist mathematician and sociologist at various moments, has been over populating rodents since 1946, when he joined a group at Johns Hopkins University that was looking into the behavior of Norway rats.

A few other scientists have done similar population studies, but none has created an environment that comes close to approximating reality, Calhoun says.

The environment that he and his team members have created for the white mice includes 256 apartments, feeding bins where the animals congregate for social purposes as well as for eating, and a floor that serves as an arena for social groupings. Mice that exhibit different types of behavior are painted with brightly colored stripes, and the data have been put on 750,000 cards and fed to a computer.

* * * * *

Most of the young mice, about 400 of them, withdrew in a huddled mass in the middle of the cage. "They were treated as sticks and stones," Calhoun says.

"Once rejected they were outside the system. They were extremely violent, they would attack and slash and turn on a neighbor and bite," attempting to reduce social contacts.

Calhoun wrote in the Smithsonian magazine, "Still the socially settled kept breeding, just as lemmings do in that last fall and winter before their major march to the sea. In this last frenzy of reproduction 1,600 more mice were spewed out into this closed environment.

"A replica of 'Spaceship Earth?' They too found no social 'rooms' in which to mature. As each member of this horde grew physically it began to express its natural behavior, trying to take part in sex and other acts of social intercourse that are necessary for survival of the species. But rarely was a mouse able to complete this action before it was interrupted by some associate.

"Only the simplest behaviors, such as eating and drinking, were ever carried to completion. The mice never really learned to mate or fight. Never fighting, never competing for mates, and never protecting their young.

"Most matured into passive blobs of protoplasm, physically healthy but socially sterile."

The young mice, often rejected and bitten by their own mothers, never learned to relate to others.

The mice were "frozen in a childlike trance." Calhoun wrote.

Earlier in the study, Calhoun or an associate would walk in the cage and the curious young mice would approach the strange feet, "then accept them as an irrelevant aspect of their environment and pay no attention to them."

But now scores of mice will scurry in a horde after a pair of sneaker-clad feet and will continue to sniff and probe them. "These poor beautiful mice never learn," Calhoun says. "Each day they follow human feet about as if they had never seen them before."

And above all, "they are voiceless. They are deathly quiet. Lost are the plaintive squeaks of recognition, the higher squeaks of inquisitive anxiety, the shrill squeaks accompanying intense social involvement. A pallor of silence hangs over the flaccid following mass."

The experiment is nearly over. Groups of mice with similar behavior have been placed in separate cages to study their reactions to each other. Then individuals will be studied in isolation. When the population declines to 1,000, all the females will have passed menopause. There will be no chance of further life, and the survivors will be disposed of.

The characteristics he sees in mice also can be observed in man, Calhoun believes.

There is, for example, the violence of the slums and elsewhere in America. Calhoun thinks this "may at times be necessary to precipitate a more meaningful exchange between individuals or institutions where social tradition and lack of designed relations have sufficiently separated them that they no longer can communicate about common interests."

Violence, in other words, serves to alert society that something is wrong.

Calhoun bases his broad philosophy of the human condition on the belief that, while other animals are limited in growth to physical space, man is unique in developing what he calls conceptual space.

Until 40,000 or 50,000 years ago, men were able to limit their social contacts and thus preserve stability only by moving to other areas and killing or being killed.

Then, says Calhoun, as uninhabited areas became populated and physical contact increased, some downtrodden group discovered conceptual space, which he defines as the "information pool from which rules, codes and theories may be condensed which permit more effective coping with the physical and social environment."

Man, and only man, could fully develop social roles and find meaningful relationships while screening out frustrating ones. This, says Calhoun, has allowed human population to increase, and to increase faster and faster as intellectual capacity became greater and greater.

Since about that time, 40,000 years ago, the time it has taken for world population to double has been cut in half with each doubling. So, while it took 160 years for population to reach 1.25 billion by 1868, it took only 80 years for it to reach 2.5 billion by 1948 and it will take roughly 40 years for it to reach 5 billion.

A continuation of this progression would lead to a mathematical impossibility by the year 2027. The growth would become so fast that "you go to infinity instantaneously," as Calhoun puts it. Some have called it Doomsday.

Another problem, the one that is the key to Calhoun's theories and admittedly "the weakest point in my argument," is that in his thinking the total of all conceptual space will level off when the world reaches 9 billion people.

By that time—in 2010, give or take several years depending on birth control—he figures the world will be one community.

In what he calls his philosophical breakthrough, a lecture in 1968 at the annual meeting of the American Association for the Advancement of Science, Calhoun explained:

"To continue enlarging conceptual space requires involving more and more individuals in a common communication network. Sociopolitical union enhances the enlargement and effectiveness of such works. Such union will continue until the entire world population becomes incorporated into a single network.

"This point will arrive when the world population reaches 9 billion. For this reason, 9 billion is set as the optimum world population in which individual human beings serve as the primary nodes and the primary links in the communication network."

It is this idea of the global village, plus a projection of the limits of the brain plus analogy and intuition, that leads Calhoun to believe that by the early 21st century conceptual space will stop growing.

This he sees as the end of the first era of human evolution. By simple mathematics, any increase in population would mean a decrease in the intellectual potential of each person. "Extra individuals will impede acquisition of relevant information," he says.

Then man will have three courses, Calhoun says.

Population could continue to increase and awareness would decrease.

Population could remain level, with each individual filling a static role with little deviation from "the exact pattern harmonizing with a traditional niche he entered early in life."

Population could gradually decrease, allowing a growth in individual potential. The time when this begins happening Calhoun calls Dawnsday.

It may not come, he says, until the year 2400 or so, by which time the population may have overshot to maybe 13½ billion. Then the decline in population would continue for 160,000 years, by his calculation, until it reached about 70 million, the same as during the Golden Age of Greece 500 years before Christ. His calculations end there, for now.

The other half of John Calhoun's projection involves vast changes that he thinks are necessary in life itself.

"We are approaching a limit of the cortex to process information necessary for its codification into concepts," he said in his 1968 speech, so by Doomsday we will need electronic prosthetic devices that will serve as extensions of the brain.

Calhoun sees as imperative the full implementation of the general systems theory, which views all of nature and human activity as a hierarchy of interlocked systems that affect each other with their every action.

To maintain stability in an intricate world community, in which each part is dependent on all other parts, Calhoun believes there will be a need for a new value system that he calls the "compassionate perspective."

This is a true awareness of the needs of others with differing values. Also needed, he says, are an expansion of the time perspective to include more historical and evolutionary processes, an enhanced creativity, an increased receptivity to change, a promotion of leisure and more.

Calhoun sees the beginning of this development now—the emergence of a minority that is frustrated by present social systems and is "grappling with the issues which will later dominate the scene."

"This concerned minority, now directing its attention toward the compassionate-systems revolution, is rapidly swelling its ranks."

This upheaval, amounting to a denial of much that we consider life, must come about, Calhoun believes. He quotes Archibald Mac Leish:

"For man, as the whole of science as well as the whole of poetry will demonstrate, is not what he thinks he knows, but what he thinks he can know, can become."

POPULATION DENSITY AND SOCIAL PATHOLOGY

WHEN A POPULATION OF LABORATORY RATS IS ALLOWED TO INCREASE IN A CONFINED SPACE, THE RATS DEVELOP ACUTELY ABNORMAL PATTERNS OF BEHAVIOR THAT CAN EVEN LEAD TO THE EXTINCTION OF THE POPULATION

(By John B. Calhoun)

In the celebrated thesis of Thomas Malthus, vice and misery impose the ultimate natural limit on the growth of populations. Students of the subject have given most of their attention to misery, that is, to predation, disease and food supply as forces that operate to adjust the size of a population to its environment. But what of vice? Setting aside the moral burden of this word, what are the effects of the social behavior of a species on population growth—and of population density on social behavior?

Some years ago I attempted to submit this question to experimental inquiry. I confined a population of wild Norway rats in a quarter-acre enclosure. With an abundance of food and places to live and with predation and disease eliminated or minimized, only the animals' behavior with respect to one another remained as a factor that might affect the increase in their number. There could be no escape from the behavioral consequences of rising population density. By the end of 27 months the population had become stabilized at 150 adults. Yet adult mortality was so low that 5,000 adults might have been expected from the observed reproductive rate. The reason this larger population did not materialize was that infant mortality was extremely high. Even with only 150 adults in the enclosure, stress from social interaction led to such disruption of maternal behavior that few young survived.

With this background in mind I turned to observation of a domesticated albino strain of the Norway rat under more controlled circumstances indoors. The data for the present discussion come from the histories of six different populations. Each was permitted to increase to approximately twice the number that my experience had indicated could occupy the available space with only moderate stress from social interaction. In each case my associates and I maintained close surveillance of the colonies for 16 months in order to obtain detailed records of the modifications of behavior induced by population density.

The consequences of the behavioral pathology we observed were most apparent among the females. Many were unable to carry pregnancy to full term or to survive delivery of their litters if they did. An even greater number, after successfully giving birth, fell short in their maternal functions. Among the males the behavior disturbances ranged from sexual deviation to cannibalism and from frenetic overactivity to a pathological withdrawal from which individuals would emerge to eat, drink and move about only when other members of the community were asleep. The social organization of the animals showed equal disruption. Each of the experimental populations divided itself into several groups, in each of which the sex ratios were drastically modified. One group might consist of six or seven females and one male, whereas another would have 20 males and only 10 females.

The common source of these disturbances became most dramatically apparent in the populations of our first series of three experiments, in which we observed the development of what we called a behavioral sink. The animals would crowd together in greatest number in one of the four interconnecting pens in which the colony was maintained. As many as 60 of the 80 rats in each experimental population would assemble in one pen during periods of feeding. Individual rats would rarely eat except in the company of other rats. As a result extreme population densities developed in the pen adopted for eating, leaving the others with sparse populations.

Eating and other biological activities were thereby transformed into social activities in which the principal satisfaction was interaction with other rats. In the case of eating, this transformation of behavior did not keep the animals from securing adequate nutrition. But the same pathological "togetherness" tended to disrupt the ordered sequences of activity involved in other vital modes of behavior such as the courting of sex partners, the building of nests and the nursing and care of the young. In the experiments in which the behavioral sink developed, infant mortality ran as high as 96 per cent among the most disoriented groups in the population. Even in the absence of the behavioral sink, in the second series of three experiments, infant mortality reached 80 per cent among the corresponding members of the experimental populations.

The design of the experiments was relatively simple. The three populations of the first series each began with 32 rats; each population of the second series began with 56 rats. In all cases the animals were just past weaning and were evenly divided between males and females. By the 12th month all the populations had multiplied and each comprised 80 adults. Thereafter removal of the infants that survived birth and weaning held the populations steady. Although the destructive effects of population density increased during the course of the experiments, and the mortality rate among the females and among the young was much higher in the 16th month than it was earlier, the number of young that survived to weaning was always large enough to offset the effects of adult mortality and actually to increase the population. The evidence indicates, however, that in time failures of reproductive function would have caused the colonies to die out. At the end of the first series of experiments eight rats—the four healthiest males and the four healthiest females in each of two populations—were permitted to survive. These animals were six months old at the time, in the prime of life. Yet in spite of the fact that they no longer lived in overpopulated environments, they produced fewer litters in the next six months than would normally have been expected. Nor did any of the offspring that were born survive to maturity.

The males and females that initiated each experiment were placed, in groups of the same size and sex composition, in each of the four pens that partitioned a 10-by-14-foot observation room. The pens were complete dwelling units; each contained a drinking fountain, a food hopper and an elevated artificial burrow, reached by a winding staircase and holding five nest boxes. A window in the ceiling of the room permitted observation, and there was a door in one wall. With space for a colony of 12 adults in each pen—the size of the groups in which rats are normally found—this setup should have been able to support 48 rats comfortably. At the stabilized number of 80, an equal distribution of the animals would have found 20 adult rats in each pen. But the animals did not dispose themselves in this way.

Biasing factors were introduced in the physical design of the environment to encourage differential use of the four pens. The partitions separating the pens were electrified so that the rats could not climb them. Ramps across three of the partitions enabled the animals to get from one pen to another and so traverse the entire room. With no ramps to permit crossing of the fourth partition, however, the pens on each side of it became the end pens of what was topologically a row of four. The rats had to make a complete circuit of the room to go from the pen we designated 1 to the pen designated 4 on the other side of the partition separating the two. This arrangement of ramps immediately skewed the mathematical probabilities in favor of a higher population density in pens 2 and 3 than in pens 1 and 4. Pens 2 and 3 could be reached by two ramps, whereas pens 1 and 4 had only one each.

The use of pen 4 was further discouraged by the elevation of its burrow to a height greater than that of the burrow in the other end pen. The two middle pens were similarly distinguished from each other, the burrow in pen 3 being higher than that in pen 2. But here the differential appears to have played a smaller role, although pen 2 was used somewhat more often than pen 3.

With the distribution of the rats biased by these physical arrangements, the sizes of the groups in each pen could have been expected to range from as few as 13 to as many as 27. With the passage of time, however, changes in behavior tended to skew the distribution of the rats among the pens even more. Of the 100 distinct sleeping groups counted in the 10th to 12th month of each experiment, only 37 fell within the expected size range. In 33 groups there were fewer than 13 rats, and in 30 groups the count exceeded 27. The sex ratio approximated equality only in those groups that fell within the expected size range. In the smaller groups, generally composed of eight adults, there were seldom more than two males. In the larger groups, on the other hand, there were many more males than females. As might be expected, the smaller groups established themselves in the end pens, whereas the larger groups were usually observed to form in the middle pens. The female members of the population distributed themselves about equally in the four pens, but the male population was concentrated almost overwhelmingly in the middle pens.

One major factor in the creation of this state of affairs was the struggle for status that took place among the males. Shortly after male rats reach maturity, at about six months of age, they enter into a round robin of fights that eventually fixes their position in the social hierarchy. In our experiments such fights took place among the males in all the pens, both middle and end. In the end pens, however, it became possible for a single dominant male to take over the area as his territory. During the period when the social hierarchy was being established, the subordinate males in all pens adopted the habit of arising early. This enabled them to eat and drink in peace. Since rats generally eat in the course of their normal wanderings, the subordinate residents of the end pens were likely to feed in one of the middle pens. When, after feeding, they wanted to return to their original quarters, they would find it very difficult. By this time the most dominant male in the pen would probably have awakened, and he would engage the subordinates in fights as they tried to come down the one ramp to the pen. For a while the subordinate would continue its efforts to return to what had been its home pen, but after a succession of defeats it would become so conditioned that it would not even make the attempt. In essence the dominant male established his territorial dominion and his control over a harem of females not by driving the other males out but by preventing their return.

Once a male had established his dominion over an end pen and the harem it contained, he was usually able to maintain it. Although he slept a good deal of the time, he made his sleeping quarters at the base of the ramp. He was, therefore, on perpetual guard. Awakening as soon as another male appeared at the head of the ramp, he had only to open his eyes for the invader to wheel around and return to the adjoining pen. On the other hand, he would sleep calmly through all the comings and goings of his harem; seemingly he did not even hear their clatterings up and down the wire ramp. His conduct during his waking hours reflected his dominant status. He would move about in a casual and deliberate fashion, occasionally inspecting the burrow and nests of his harem. But he would rarely enter a burrow, as some other males did, merely to ferret out the females.

A territorial male might tolerate other males in his domain provided they respected his status. Such subordinate males inhabited the end pens in several of the experiments. Phlegmatic animals, they spent most of their time hidden in the burrow with the adult females, and their excursions to the floor lasted only as long as it took them to obtain food and water. Although they never attempted to engage in sexual activity with any of the females, they were likely, on those rare occasions when they encountered the dominant male, to make repeated attempts to mount him. Generally the dominant male tolerated these advances.

In these end pens, where population density was lowest, the mortality rate among infants and females was also low. Of the various social environments that developed during the course of the experiments, the brood pens, as we called them, appeared to be the only healthy ones, at least in terms of the survival of the group. The harem females generally made good mothers. They nursed their young, built nests for them and protected them from harm. If any situation arose that a mother considered a danger to her pups, she would pick the infants up one at a time and carry them in her mouth to a safer place. Nothing would distract her from this task until the entire litter had been moved. Half the infants born in the brood pens survived.

The pregnancy rates recorded among the females in the middle pens were no lower than those recorded in the end pens. But a smaller percentage of these pregnancies terminated in live births. In the second series of experiments 80 percent of the infants born in the middle pens died before weaning. In the first series 96 percent perished before this time. The males in the middle pens were no less affected than the females by the pressures of population density. In both series of experiments the social pathology among the males was high. In the first series, however, it was more aggravated than it was in the second.

This increase in disturbance among the middle-pen occupants of the first series of experiments was directly related to the development of the phenomenon of the behavioral sink—the outcome of any behavorial process that collects animals together in unusually great numbers. The unhealthy connotations of the term are not accidental: a behavioral sink does act to aggravate all forms of pathology that can be found within a group.

The emergence of a behavioral sink was fostered by the arrangements that were made for feeding the animals. In these experiments the food consisted of small, hard pellets that were kept in a circular hopper formed by wire mesh. In consequence satisfaction of hunger required a continuous effort lasting several minutes. The chances therefore were good that while one rat was eating another would join it at the hopper. As was mentioned earlier, rats usually eat intermittently throughout their waking hours, whenever they are hungry and food is available. Since the arrangement of the ramps drew more rats into the middle pens than into the end ones, it was in these pens that individuals were most likely to find other individuals eating. As the population increased, the association of eating with the presence of other animals was further reinforced. Gradually the social aspect of the activity became determinant: the rats would rarely eat except at hoppers already in use by other animals.

At this point the process became a vicious circle. As more and more of the rats tended to collect at the hopper in one of the middle pens, the other hoppers became less desirable as eating places. The rats that were eating at these undesirable locations, finding themselves deserted by their groupmates, would transfer their feeding to the more crowded pen. By the time the three experiments in the first series drew to a close half or more of the populations were sleeping as well as eating in that pen. As a result there was a decided increase in the number of social adjustments each rat had to make every day. Regardless of which pen a rat slept in, it would go to one particular middle pen several times a day to eat. Therefore it was compelled daily to make some sort of adjustment to virtually every other rat in the experimental population.

No behavioral sinks developed in the second series of experiments, because we offered the rats their diet in a different way. A powdered food was set out in an open hopper. Since it took the animals only a little while to eat, the probability that two animals would be eating simultaneously was considerably reduced. In order to foster the emergence of a behavioral sink I supplied the pens with drinking fountains designed to prolong the drinking activity. The effect of this arrangement was unquestionably to make the animals social drinkers; they used the fountain mainly when other animals lined up at it. But the effect was also to discourage them from wandering and to prevent the development of a behavioral sink. Since rats generally drink immediately on arising, drinking and the social interaction it occasioned tended to keep them in the pens in which they slept. For this reason all social pathology in the second series of experiments, although severe, was less extreme than it was in the first series.

Females that lived in the densely populated middle pens became progressively less adept at building adequate nests and eventually stopped building nests at all. Normally rats of both sexes build nests, but females do so most vigorously around the time of parturition. It is an undertaking that involves repeated periods of sustained activity, searching out appropriate materials (in our experiments strips of paper supplied an abundance), transporting them bit by bit to the nest and there arranging them to form a cuplike depression, frequently sheltered by a hood. In a crowded middle pen, however, the ability of females to persist in this biologically essential activity became markedly impaired. The first sign of disruption was a failure to build the nest to normal specifications. These females simply piled the strips of paper in a heap, sometimes trampling them into a pad that showed little sign of cup formation. Later in the experiment they would bring fewer and fewer strips to the nesting site. In the midst of transporting a bit of material they would drop it to engage in some other activity occasioned by contact and interaction with other individuals met on the way. In the extreme disruption of their behavior during the later months of the population's history they would build no nests at all but would bear their litters on the sawdust in the burrow box.

The middle-pen females similarly lost the ability to transport their litters from one place to another. They would move only part of their litters and would scatter them by depositing the infants in different places or simply dropping them on the floor of the pen. The infants thus abandoned throughout the pen were seldom nursed. They would die where they were dropped and were thereupon generally eaten by the adults.

The social stresses that brought about this disorganization in the behavior of the middle-pen females were imposed with special weight on them when they came into heat. At estrous female would be pursued relentlessly by a pack of males, unable to escape from their soon unwanted attentions. Even when she retired to a burrow, some males would follow her. Among these females there was a correspondingly high rate of mortality from disorders in pregnancy and parturition. Nearly half of the first- and second-generation females that lived in the behavioral-sink situation had died of these causes by the end of the 16th month. Even in the absence of the extreme stresses of the behavioral sink, 25 per cent of the females died. In contrast, only 15 per cent of the adult males in both series of experiments died.

A female that lived in a brood pen was sheltered from these stresses even though during her periods of estrus she would leave her pen to mate with males in the other pens of the room. Once she was satiated, however, she could return to the brood pen. There she was protected from the excessive attention of other males by the territorial male.

For the effect of population density on the males there is no index as explicit and objective as the infant and maternal mortality rates. We have attempted a first approximation of such an index, however, by scoring the behavior of the males on two scales: that of dominance and that of physical activity. The first index proved particularly effective in the early period of the experiments, when the males were approaching adulthood and beginning the fights that eventually fixed their status in the social hierarchy.

The more fights a male initiated and the more fights he won, the more likely he was to establish a position of dominance. More than half the animals in each experiment gave up the struggle for status after a while, but among those that persisted a clear-cut hierarchy developed.

In the crowded middle pens no one individual occupied the top position in this hierarchy permanently. In every group of 12 or more males one was the most aggressive and most often the victor in fights. Nevertheless, this rat was periodically ousted from his position. At regular intervals during the course of their waking hours the top-ranking males engaged in free-for-alls that culminated in the transfer of dominance from one male to another. In between these tumultuous changings of the guard relative calm prevailed.

The aggressive, dominant animals were the most normal males in our populations. They seldom bothered either the females or the juveniles. Yet even they exhibited occasional signs of pathology, going berserk, attacking females, juveniles and the less active males, and showing a particular predilection—which rats do not normally display—for biting other animals on the tail.

Below the dominant males both on the status scale and in their level of activity were the homosexuals—a group perhaps better described as pansexual. These animals apparently could not discriminate between appropriate and inappropriate sex partners. They made sexual advances to males, juveniles and females that were not in estrus. The males, including the dominants as well as the others of the pansexuals' own group, usually accepted their attentions. The general level of activity of these animals was only moderate. They were frequently attacked by their dominant associates, but they very rarely contended for status.

Two other types of male emerged, both of which had resigned entirely from the struggle for dominance. They were, however, at exactly opposite poles as far as their levels of activity were concerned. The first were completely passive and moved through the community like somnambulists. They ignored all the other rats of both sexes, and all the other rats ignored them. Even when the females were in estrus, these passive animals made no advances to them. And only very rarely did other males attack them or approach them for any kind of play. To the casual observer the passive animals would have appeared to be the healthiest and most attractive members of the community. They were fat and sleek, and their fur showed none of the breaks and bare spots left by the fighting in which males usually engage. But their social disorientation was nearly complete.

Perhaps the strangest of all the types that emerged among the males was the group I have called the probers. These animals, which always lived in the middle pens, took no part at all in the status struggle. Nevertheless, they were the most active of all the males in the experimental populations, and they persisted in their activity in spite of attacks by the dominant animals. In addition to being hyperactive, the probers were both hypersexual and homosexual, and in time many of them became cannibalistic. They were always on the alert for estrous females. If there were none in their own pens, they would lie in wait for long periods at the tops of the ramps that gave on the brood pens and peer down into them. They always turned and fled as soon as the territorial rat caught sight of them. Even if they did not manage to escape unhurt, they would soon return to their vantage point.

The probers conducted their pursuit of estrous females in an abnormal manner. Mating among rats usually involves a distinct courtship ritual. In the first phase of this ritual the male pursues the female. She thereupon retires for a while into the burrow, and the male lies quietly in wait outside, occasionally poking his head into the burrow for a moment but never entering it. (In the wild forms of the Norway rat this phase usually involves a courtship dance on the mound at the mouth of the burrow.) The female at last emerges from the burrow and accepts the male's advances. Even in the disordered community of the middle pens this pattern was observed by all the males who engaged in normal heterosexual behavior. But the probers would not tolerate even a short period of waiting at the burrows in the pens where accessible females lived. As soon as a female retired to a burrow, a prober would follow her inside. On these expeditions the probers often found dead young lying in the nests; as a result they tended to become cannabilistic in the later months of a population's history.

Although the behavioral sink did not develop in the second series of experiments, the pathology exhibited by the populations in both sets of experiments, and in all pens, was severe. Even in the brood pens females could raise only half their young to weaning. Nor does the difference in infant mortality between the middle pens of the first and second series—96 per cent in the first as opposed to 80 per cent in the second—represent a biologically significant improvement. It is obvious that the behavioral repertory with which the Norway rat has emerged from the trials of evolution and domestication must break down under the social pressures generated by population density. In time, refinement of experimental procedures and of the interpretation of these studies may advance our understanding to the point where they may contribute to the making of value judgments about analogous problems confronting the human species.

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META-ENVIRONMENTALISM

(By John B. Calhoun)

A huge cypress log lies from the bank out into an ox-bow earthquake lake in the swampy woodlands near the Halchie River in southwestern Tennessee. In 1812, already several hundred years old, this majestic cypress toppled under the impact of earthquake tremor aggravated by collapsing limestone caverns deep in the earth below. I often sat here on the still timber as a boy more than a century later—my dreaming place where the motionless cork occasionally plumped under the surface into the murky waters below giving me contact with my favorite fish, the catfish. Cypress and catfish, these survivors of a midpoint time in evolution before mammals, bonded with me as one of the latest of these latecomers, formed part of the trajectory of everchanging environments. We see this transformation from a cooling sphere of mineral devoid of atmosphere and water, to a cretaceous fern-cloaked hillock where a diminutive shrew-like mammal peered out at the last of the dinosaurs sloshing in the swamps below, to that solitary semite south of Ur, sitting beside his red-dyed skin tent on a reed-bordered mound, who phrased that most significant passage of all time:

God said to them, "Be fruitful and multiply, and fill the earth and subdue it; and have dominion over the fish of the sea and over the birds of the air and over every living thing that moves upon the earth." Genesis 1:28.

"Dominion"! What follies man has perpetrated in its name, what hope its scope provides, what obligations its fulfillment demands. Imbedded in that word we see the transformation of the brute that was biological man to that poem which is cultural man whose meaning lies never in what he is but what he may become. This transformation saw man's freedom from the unpredictable capriciousness of physical and biological surroundings that hold all his fellow creatures in bondage. Man became the environment.

He began becoming the environment as he learned how to discover conceptual space, that enlarging pool of ideas, images of reality and codes guiding action, which have simultaneously enabled more efficient mining of resources while at the same time channeling social interactions so that on the average each individual experienced as many meaningful relations with associates, despite increasing population density, as had held true in the earlier times of small partially isolated hunter-gatherer bands. Through all this becoming of the past forty to sixty thousand years each doubling of conceptual space has permitted a doubling of the numbers of man on earth. We are approaching the end of this historical process through which a linking together of an ever larger number of individuals into a tighter intercommunicating network enhances the further enlargement of conceptual space.

Increase in numbers of man will no longer contribute to expansion of conceptual space beyond the time when the world population reaches about nine billion. After this time, a time within the next century, any further continuance of expanding conceptual space, as well as the expansion of human potentiality it permits, will require initiation of a new and dual process. From that time onward the world population must continually decline at a rate which over years will return it to the level of two thousand years ago. In addition, each and every one born after the beginning of the era of declining population must seek an ever increasing dependence on prostheses to brain function which will simulate its capability for reasoning and creativity.

Man as *the* environment continues only in so long as his biological body persists as a vehicle for expanding conceptual space, and by that expansion likewise that of his own potentiality. With each degree of fulfilling this potentiality, man more fully becomes *the* environment, that dominion which guards and guides the kind of existence and opportunity for expression of all life.

Man-Environment Systems as an endeavor is basically concerned with the environment for promoting the fullest realization of man as the environment. It has a meta- environmental objective, to create the environment for the further evolution of man as *the* environment of designing whereby information gains increased relevance for survival of life and enhancement of living. How successful we are as environmental designers may be judged solely on how well we foster the continuance of designing as a way of living.

Meta-environmentalists may be concerned with bricks and mortar, highways and subways, the purity of air and water, on the survival of biota at a level of evolution attained a scant several thousand years ago. Involvement with such concerns merely represents necessary means or tactics to fulfill broader strategy for realizing more comprehensive goals. The first step in developing meta-environmentalism is to define the scope of criteria by which the adequacy of any intended or accomplished effort may be judged. I shall list a few criteria which I believe are particularly pertinent:

1. *Expansion of time perspective* to include more historical evolutionary processes as they may define a proposed course of action and to project ever farther into the future the consequences this course of action may have if implemented.

2. *Increasing complexity of relationships* in which any individual is involved. This requires more effective linking of the individual into networks of communication whose nodes are both diverse and numerous.

3. *Increasing awareness* of surroundings and relationships.

4. *Promoting receptivity to change* with respect to more effective coping with altered circumstances as well as to increased ability to recognize potentially useful novelty.

5. *Enhancing creativity.*

6. *Optimizing privacy* in the dual sense of the actual opportunity of being alone or of confining interactions to those significant others who provide the most meaningful relations.

7. *Increasing valuing* with respect both to recognizing and adopting new images and to relinquishing values no longer optimal.

8. *Promoting leisuring* until it achieves a balance with working. To work implies repetition of any customary activity irrespective of financial return. To leisure implies engaging in any non-standard activity or the reassembly of standard components in a differing pattern.

9. *Augmentation of caretaking* whereby one attempts to assist others in realizing roles and goals differing from one's own.

This rather incomplete list of criteria are somewhat different from the more immediate utilitarian ones we customarily employ in judging the effectiveness with which we induce changes in the environment. However, I believe that such criteria are essential if we are to promote man as *Homo faber* in the sense of a designer of templates who henceforth will guide the earth's destiny.

THE LEMMINGS' PERIODIC JOURNEYS ARE NOT UNIQUE

(By John B. Calhoun)

IN THE CURRENT SELF-DESTRUCTION CYCLE OF THE NORWEGIAN RODENTS A BEHAVIOR AUTHORITY FINDS OTHER MAMMALS, MAYBE MAN, SIMILAR

I have never seen a lemming. At least I have never seen one of those biological entities called *Lemmus lemmus*, the "true" or Norwegian lemming, found in countless numbers throughout the world's northern latitudes. Nor have I ever seen any of the other species of lemmings that inhabit these circompolar regions. I feel about the little mammals the way humorist Gelett Burgess felt about his purple cow: "I'd rather see than be one."

Perhaps because I have never seen one I can actually see them better. I can define for myself the phrase "lemming phenomenon," when thousands if not hundreds of thousands of these rodents march to the sea, plunge in and swim out until, exhausted, they drown. Swept back on the beach, their bleached bones form windrows on the shore.

Norway stands out as the country where the lemming death marches occur most frequently. Every three to four years these migrations take place in one or more places in Norway, as in these pictures taken in the late fall of 1970. Sometimes the migrations are moderate in size and only come to the attention of some isolated village or an inquiring biologist. At other times vast hordes of true lemmings (*Lemmus lemmus*) may invade many towns and even reach Oslo, far from closest breeding grounds.

Over most of the world the tundra habitat of lemmings covers the lowlands between the zone of permanent ice and snow and the tree line. In Scandinavia, the tundra forms a tongue of lichen, moss, grass, heather, willow and dwarf birch extending far southward down the mountain range. Normally, the rodents avoid permanent rocky, snowy areas above the tundra and birch and coniferous forests below it. Between these regions, the low-lying tundra vegetation offers food and protection for the shy, mostly nocturnal creatures. They build their maze of trails, and each year the females rear two or more broods of young. Those born in the spring may themselves bear litters in the summer; those born in the summer start their contributions to the population in autumn. Thus, even though an average animal may live little more than a year, this overlapping of breeding generations permits the lemming population to increase rapidly.

Increase it does. Long before the lemmings begin to overtax their food supplies a general state of unrest develops. More and more of the animals forsake their normal sedentary way of life, wandering about aimlessly, upsetting still sedentary associates. When too many young lemmings avoid the depredations of foxes, hawks and owls and survive to adulthood, increased contacts among them lead to anxiety, strife and an unsettled way of life.

In years of abnormal population increase the degree of wandering reaches such a scale that more and more individuals begin pushing out of their normal tundra home. Some few move up over the inhospitable snowfields. More move down into the adjoining birch forests at lower elevations.

During times of approaching population peaks the great majority of those who move downward into the birch forests never return to their homeland. Many die where they have overwintered. They are particularly stressed; many bear scar tissue from wounds inflicted earlier by their more dominant associates.

As spring approaches, a new wave of emigrants takes the road down the mountain. This even larger mass consists of young born during the fall and the long winter of breeding under the snow cover. These young are physically healthy and fat, and their departure seems motivated by the general unease: They seek to alleviate this by moving into less desirable habitats.

Each lemming sets its own course irrespective of its fellows. Gradually, the animals lose their nocturnal ways. They amble across openings, one after another, at irregular intervals, seeming not to care about predators. When they meet each other they merely bark or scuffle briefly before each goes his own way.

Soon this second major wave begins to encounter the remnants of the earlier one in the birch forest. This contact sends the first migrants farther down the mountain into the coniferous forest zone. Each wave of lemmings forms a broad, ill-defined band several miles in depth. Here local concentrations often build up as the migrants pause to eat at forest clearings where food is more plentiful. Finally, the numbers in these pockets increase until fresh unease drives them on down the mountain.

Each onward moving group adds impetus to the groups below. They too renew their downward course. Channeled by the narrowing valleys, these loose groups gradually coalesce, and the growing masses approach the cultivated land at the bottom of the valley.

By this time some remarkable changes in behavior stand out. Earlier in their travels lemmings skirt sizable bodies of water. But by the time they reach the lowlands their reluctance to enter ponds and small lakes is tempered. Each lemming creeps down to the water, pulls back and waits a few minutes while more and more gather behind. They make several approaches and withdrawals. Finally, each seems overcome by some compulsion to resume its onward movement following the same direction of the valley.

The animals plunge in, irregularly, with little evidence of a coordinated signal to proceed. Buoyed by fat and fur, they splash along and most eventually reach the opposite shore of still lakes which may be as much as several hundred yards across.

Gradually, the rodents lose nearly all reluctance to enter strange situations. By the time they have reached the seaside villages, waves of them are further compacted. They still move more at night than day, so it often happens that villagers awaken to find yards and streets swarming with them. Due to the irregularity of the migrations in any particular valley, as much as 18 years may have elapsed since lemmings have been seen.

"Where did they come from?" people ask. Certainly not from the surrounding pastures where none were seen the day before, when the cows were brought in. Certainly not from the surrounding woodland, where wood choppers had been.

"From the skies! Yes, they must have come from the skies. God caused them to be rained down from above as a cure on the village." Such was the myth that took form by the 15th century and still tempted the minds of many into the 20th. Cats and dogs were encouraged to kill the alien pests. Boys with brooms joined the fray. "Shovel them up! Get rid of them! Let's have no reminders of our iniquities "

Through and around villages the lemmings proceed to the sea. Then, with diminished hesitancy, they plunge in, one by one. They swim ever outward along the trajectory dictated by their long journey. Like a random polka-dot fabric spread over the sea the swimming bodies (can we still call them lemmings?) extend for thousands of yards by the time the last enters the water. Ever farther outward they persist, perhaps a million or more. Finally, even the strongest can paddle no more. None survives this final plunge to return homeward. Quiet returns to the shores. Only the mat of bones remains as a bleak reminder of the lemming phenomenon.

To the present day, students of the lemming migrations paraphrase Charles Elton's query of 30 years ago: "How [could] evolution by natural selection have maintained the migratory stimulus when all those that respond to it perish, and all that do not are survivors?" As long as that query confronts scientists, we are little better off than the promulgators of the "falling-from-the-sky" myth of five centuries ago.

So what is a lemming? Is it an animal or an idea?

Over most of the northern hemisphere—and where there are few valleys descending from the uplands—lemmings rarely migrate at the peak of their population increase. They may wander outward, diffusely, for relatively short distances. Most die from a kind of "shock disease," and overtaxing of the adrenal-pituitary system which normally enables them to cope with unexpected stresses. Even in Norway, many lemming population peaks are *not* followed by mass migration to the sea.

What is a lemming? Is it more than one of the many lemming species, even that particular *Lemmus lemmus* that inhabits Norway?

Since 1750, hundreds of records tell of the common North American gray squirrel making mass migrations similar to those of Norwegian lemmings. Out of the hills of western Connecticut squirrels moved west and down the valleys until they encountered the Hudson River. They plunged in and many drowned before reaching the opposite side. Many even took to the Bear Mountain Bridge, or hitched rides on ferryboats. Similar migrations have come out of the Ohio hills following river valleys to the Ohio River where many also died attempting to swim across. The Mississippi River also has been the Waterloo of other migrating hordes of gray squirrels.

What is a lemming? Can it be any kind of mammal which engages in a mass movement in a fixed direction with such obsession that it readily enters all environments it would normally avoid?

Several years ago I was reminded of lemming migrations while involved in some studies of small mammal populations. We were finding that the entire community of mice and shrews living in a forest were woven into an intricate fabric of social relations. In this fabric, certain dominant red-backed mice maintained the largest ranges, overlapping each other to form a chainmail-like pattern across the forest. We have learned that ranges become smaller down the social scale, with much less overlap between one individual's range and that of the nearest neighbor of its own kind. In fact, at the bottom of the scale, usually abundant long-tailed shrews maintain such small ranges that they are rarely trapped during the normal short-term census trapping.

However, after 25 to 30 days of trapping, a different picture emerges. The dominant animals with large ranges are trapped most easily and are thus mostly removed within a few days. They can no longer inhibit other species. Members of subordinate species then enlarge *their* ranges and are themselves trapped. Finally, a whole piece of this social cloth within and just adjacent to the trapping plot is cut out. Few former residents remain.

This phenomenon of interdependencies within small mammal communities generated an idea of inducing a lemming-like mass movement. Several hundred traps were set in a 30-acre plot. They removed nearly all of the residents within 30 days and so created a social void. The layer of animal "fabric" adjacent to the void then moved in and in turn was trapped. This initiated a chain reaction that ripped apart the entire social organization.

As each strip of animals moved toward the void, their neighbors occupied their vacated homeland, moving in as if to escape from social pressures of others still farther out. The migrations ceased shortly after trapping in the central area ended. But it was clear that social disruptions, other than those which occur in Norway, can produce a directional movement.

What is a lemming?

Can a "lemming" be defined as any animal which can be induced to emigrate in large numbers from the homelands of its birth? That was an idea I clung to until two months ago. I really should know better than to put such stock in each new notion. That's the way of science; you hold fast to each new formulation as if it were ultimate truth, and yet down deep you know that at best it's a leaking boat. This time I've sunk myself by launching an even sturdier boat of ideas.

OVERCROWDED MOUSE WORLDS GIVE CLUES

Perhaps you have heard of my "horrible mousery," my "paradise" for house mice (SMITHSONIAN, April 1970). It really is a mouse utopia; it provides for all their physical needs. But unlike the lemming ranges of Norway, the walls around this utopia allowed no escape when the mouse population began to exceed tolerable limits.

This habitat contains 16 apartment units. Each apartment contains 16 rooms. As it turned out, the mice decided how many could live comfortably in each apartment. They set the limit at ten, for they really don't like crowding. Thus, 160 adult mice filled up all the "social space." Before the population had increased to this number from the initial eight colonizers, those who were old enough to breed produced more than 400 even younger mice. When these matured they had no place to escape to physically—and there was no place to go socially except for a very few who managed to replace some of their aging brethren in the social structure.

Their reaction was to withdraw psychologically, to huddle in motionless masses in the less-used space on the floor. True, these mice were extremely stressed, but mostly from the bursts of violent attacks that they directed at each other. The dominant mice paid little attention to them. When the younger mice's violence subsided, they become hollow shells, not participating in any social life with the favored few.

MICE TOO STRESSED FOR MATING

Still the socially settled few kept breeding, just as the lemmings do in that last fall and winter before their major march to the sea. In this last frenzy of reproduction 1,600 more mice were spewed out into this closed environment. A replica of "spaceship Earth?" They too found no social "rooms" in which to mature. As each member of this horde grew physically it began to express its natural behavior, trying to take part in sex and other acts of social intercourse that are necessary for survival of the species. But rarely was a mouse able to complete this action before it was interrupted by some associate.

Only the simplest behaviors, such as eating and drinking, were ever carried to completion. The mice never really learned to mate or fight. Never fighting, never competing for mates, never protecting young, they never knew stress. Most matured into passive blobs of protoplasm, physically healthy but socially sterile.

Despite physical maturity these beautiful mice remain as juveniles, frozen in a childlike trance. As young mice they are curious about strange objects and strange situations. The biggest strange object they encountered is me. I can go into the large central space of the habitat and walk slowly about in circles. Rapidly, a mass of several hundred of these beautiful mice gather about my feet and trail along as I move.

Earlier in the history of the population, when young mice were maturing normally, they would sometimes approach my feet, then accept them as an irrelevant aspect of their environment and pay no attention to them. But these poor beautiful mice never learn; each day they follow human feet about as if they had never seen them before. The youngest of these mice are over eight months old, or 25 years as human span is measured, yet they behave like novice 30-day-old mice, recently weaned. Is the story of the Pied Piper so mysterious after all?

What is lemming?

Perhaps these beautiful mice are more "lemming" than lemmings. They live in a world of abundant food. Lack of food doesn't make a lemming. They live in a world precluding migration. Failure to migrate doesn't make a lemming. They are all still happily living—physically, that is. Destroying one's life doesn't make a lemming.

Yet these are denizens of a "horrible mousery." And above all, they are voiceless. They are deathly quiet. Lost are the plaintive squeaks of recognition, the higher squeaks of inquisitive anxiety, the shrill squeaks accompanying more intense social involvement. A pallor of silence hangs over the flaccid following mass.

I am coming to believe that they are truer lemmings than those Norwegian ones who follow the long downhill route to the sea.

Lemmings are lemmings. Squirrels are lemmings. Mice are lemmings. Are there lemmings in our metropolitan tundras—silent shadows of the selves they might have been ready to follow in unquestioning masses any flickering figment on a glassly screen? Are they ready to bring civilization to suicide?

Mass suicide, the phrase applied to lemmings, has haunted man for centuries. We need not quibble about the strict applicability of the word suicide in this context. Undoubtedly, the lemmings have no consciousness of their impending doom when they plunge into the sea. But suicide, particularly mass suicide has a far broader meaning. It is a joint death participated in by many when the customary way of life of a species is threatened. For the Norwegian lemming faced with overpopulation, the exodus and death of many provide an opportunity for rejuvenescence by remnant groups. Their hereditary way of life can be renewed as their tundra environment recovers from its former overuse. With every mass death, then, there *may* be a rebirth.

Man's way of life differs from that of all other animals. Periodically he has been faced with crises, not of numbers, but of ideas. Old ways become outmoded, new ones emerged. We have always had the choice of which would survive, which would be allowed to "commit suicide." Sometimes the new ways drew the lot of suicide and areas of the world were left to stagnate and die. Sometimes areas adopted new ways that enlarged human potential.

Let us go back to my mice "lemmings," the beautiful ones. For more than a generation now they have failed to reproduce their kind. No young mice have appeared, and all present evidence suggests that they will age and die without progeny. They are "overliving." They might as well have died at birth. The population seems doomed. They have already committed suicide.

We, if we are to be called human, produce ideas as well as ourselves. Whenever we fail to produce new ideas and utilize them we commit suicide.

OUR CRISIS OF IDEAS

Right now we stand at the first dual crisis in our history, a crisis of both ideas and numbers. Previously our letting outworn ideas die, and new ones live, enabled more and more people to populate the earth. This epoch of evolution is nearing an end. We face an entirely new crisis: How can the potentiality of the average individual continue to expand as it has in the past when he no longer has the option of linking more and more people into a communication network to generate and spread ideas? That is the real question facing the world today.

In this country the time is no more than five years away until we will know if we are going to face this question of a rebirth of ideas. That time is 1976—our nation's bicentennial. Then we will either "overhallow" the past and so dedicate ourselves to the suicide of overliving, or we will open up a new era of evolution marked by increased creativity, awareness and compassion.

What is a lemming?

> Author plays Pied Piper to his overcrowded and hence socially deprived mice. They have never learned normal adult ways so they follow his feet with the thoughtless curiosity of babies.

DICK CHAPUT—AN EXAMPLE TO ALL MEN

Mr. McINTYRE. Mr. President, I am greatly honored to have this opportunity to pay tribute to a truly outstanding and admirable man, Richard Chaput, of Nashua, N.H.

Dick will celebrate his 34th birthday next month. Since the age of 9 he has been paralyzed from the neck down as a result of the disease poliomyelitis. Dick's personal triumph over this physical handicap, his contributions to the community and his generosity set him apart as a living example of the ideals of courage, selflessness, and spiritual strength.

With the help of tutors, Dick completed the equivalence of a high school and college education in 12 years, and he received an A grade in a home study creative writing course with the University of Chicago.

Dick has not been content merely to pursue his own interests, but has devoted a great deal of his time to community organizations, such as the Friendship Club, the Easter Seals Society, and the National Association for the Physically Handicapped, a group which promotes the legal and social interests of handicapped persons.

Dick was honored nationally in 1965 by the Jaycees as one of America's 10 outstanding young men, and he has received countless other medals of recognition.

In spite of the fact that Dick must spend his nights in an iron lung and has great difficulty speaking, he has addressed hundreds of college, church, and civil groups and spends much of his time with teenagers and students who come to him for his personal counsel and advice.

Dick has published two books: "Not To Doubt," and "All I Can Give."

These accomplishments and numerous others attest to the tremendous strength of this man, Dick Chaput. His life is an example to all men of the true spirit of generosity and love.

J. EDGAR HOOVER AND THE FBI

Mr. McGOVERN. Mr. President, on March 8, I placed in the Record 21 letters which I had received from J. Edgar Hoover's assistants. These letters severely rebuked me for having the audacity to suggest that policies of the FBI should be subjected to congressional review.

I pointed out that the letters received by my office up to that time from present personnel of the FBI were generally restricted to the highest officials who had long been the chief officers of Mr. Hoover's regime.

Now, subsequent to that statement, I have received an avalanche of mail from lower level FBI employees. Their letters seem to demonstrate a profound consensus of opinion. Indeed, many of the letters follow a uniform pattern, often with identical type on similar stationery. They usually begin by insisting on the writer's objectivity. They then remark that J. Edgar Hoover does not need the writer's support. And then follow a few paragraphs praising Mr. Hoover and decrying my call for congressional review as irresponsible and opportunistic. Finally, the writer requests that I publish his letter in the Congressional Record.

Many of the letters continue in the same tone which characterized the original letters by Mr. Hoover's associates. Typical is the comment of a secretary who works for Mr. Hoover, who writes:

> You are politicking—and with you politicking involves neither a sense of fair play nor honesty. You are wholly dishonest with the American people as evidenced by the fact that two years before the election you desert your position in the Senate and run all around the country bad-mouthing everyone with whom you are not in agreement. Yet you have the gall to criticize a man whose life has been a shining example of the things that made this country great. I am sure there are a lot of hippies, left wingers, and malcontents who support you and will vote for you. I am equally as sure there are enough solid citizens in this country to assure that your soul-crushing ambition to be President at all cost will never be realized. I say hurrah for that!

As literally hundreds of Mr. Hoover's employees write me asking me to put their letters in the Congressional Record, the burden on my office has become considerable. From the number of employees writing on FBI stationery, apparently on FBI time, the burden on the FBI has also become considerable. Indeed their passion for publication is beginning to result in repeated requests for publication from the same individuals.

A Mr. Thomas Sullivan is one individual who has written a second time. Mr. Sullivan is an Assistant Director of Mr. Hoover's, and he apparently wrote as one of Mr. Hoover's first defenders. But his letter arrived a little late and was not published in the Record with those of the other Assistant Directors. Although I have questioned the quality of law enforcement and administration resulting from Mr. Hoover's regime, I have never questioned his ability to inspire this kind of loyalty and I think Mr. Sullivan, as one of Mr. Hoover's first defenders, deserves not to be left out. Other letters are too numerous to have printed in the Record but I ask unanimous consent that Mr. Sullivan's two letters to me be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

MARCH 9, 1971.

Senator GEORGE McGOVERN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR McGOVERN: Please refer to the Congressional Record of March 8, 1971. wherein letters from FBI officials have been published relative to your controversy with Director John Edgar Hoover.

This is to call your attention to the fact that I sent you also a letter but I don't see any reference to it in the Congressional Record.

May I suggest that it be given the same attention that you afforded the other letters alluded to.

Sincerely yours,
WILLIAM C. SULLIVAN.

MARCH 3, 1971.

Senator GEORGE McGOVERN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR McGOVERN: It is suggested, for your consideration, that the central issue of our time is freedom—freedom under law—of thought, expression, worship, action, inquiry, dissent, experimentation, transition, and education. This is the very essence of our dynamic, liberal democracy.

This freedom, however, is not possible without self-discipline and good will among ordinary citizens like myself and also on the part of those, like yourself, who by virtue of their very important positions of public leadership are forces for good or evil.

In view of the above, I was somewhat more than mildly surprised on becoming cognizant of your undisciplined attack on Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation, and the obvious ill will motivating it. Coupled with this came your conclusions, drawn from an *anonymous* letter purportedly written by FBI Agents. How would you react if an FBI official attacked you on the basis of an anonymous letter?

My many years in the FBI have taught me, among other things, never to rely on rumor, hearsay, gossip and, above all, upon anonymous fulminations. I have learned that evidence, truth and fact, while indeed elusive and difficult to ascertain, must be established before any rational conclusions can be drawn. Yet you, a Senator of the United States, in your emotional attack upon Mr. Hoover, have chosen to ignore this.

Mr. Hoover's unique record, down through the decades, speaks for itself. Any commentary from me would be superfluous, but this I do wish to say—we humans possess both a wonderful and a fearful freedom. It is wonderful when expressed within the context of law and reason. It is fearful when expressed outside this context. The readers of your remarks about Mr. Hoover will decide accurately which context you used.

In closing, may I state that you have the privilege of changing your current *modus operandi,* or continuing on with it. In either case, you should find special significance in Walt Whitman's lines, perhaps already familiar to you:

"Have you learned lessons only of those who admired you . . . and stood aside for you?

"Have you not learned great lessons from those who reject you,
And brace themselves against you? . . . or dispute the passage with you?"

Yours truly,
WILLIAM C. SULLIVAN,
Assistant to the Director, FBI.

DEATH OF LT. GEN. JOSEPH B. FRASER, OF GEORGIA

Mr. TALMADGE. Mr. President, I was very sorry to learn today of the passing of an outstanding Georgian and military leader, Lt. Gen. Joseph B. Fraser.

General Fraser commanded the Georgia and Florida 48th National Guard Division at the time I was Governor of the State, and I greatly admired him and very proudly counted him as one of my warm personal friends.

Mrs. Talmadge joins me in expressing our sympathy on the death of General Fraser.

I ask unanimous consent to have printed in the Record an editorial eulogy of him, published in the Savannah Morning News.

There being no objections, the eulogy was ordered to be printed in the RECORD, as follows:

LT. GEN. JOSEPH B. FRASER

Exceptional military leadership in three wars was but a part of the distinguished contribution Lt. Gen. Joseph B. Fraser made to his country and to his state and this region.

His civic pride and his love for Georgia and for his home county of Liberty placed him often among the leaders in developing programs of benefit to his fellow citizens.

His vision placed him among those who saw the possibilities of development of Hilton Head and his energy and acumen made him a leader, too, in many other areas of business.

But it is in his military record that the principles and the dedication to service that marked General Fraser's life are most strickingly reflected.

After rejecting an appointment to West Point as a youth, he entered the service in World War I as a private. He retired a general, with 40 years of service behind him, with many decorations from the U.S. government and its allies, with overseas duty in two conflicts, and with the National Guard owing much to his organizational efforts.

He served under Capt. Harry Truman in World War I and a number of outstanding Georgians served under him in World War II, when he won the highest commendations as commander of the first anti-aircraft outfit to serve in New Guinea. He was honored again for his subsequent service in Europe.

After World War II, General Fraser was asked to spearhead a reorganization of the state's National Guard, which he did, and later he was named to command the Georgia and Florida Guard division, the 48th.

During all this time, General Fraser retained his close ties to his home in Liberty County, where the Frasers had lived for more than 150 years. He kept coming back, developing wide and successful business interests between calls to duty in uniform. He gave years of service to worthwhile church and civic causes and to Boy Scout programs, for which he had a special fondness.

There are few honors that General Fraser failed to win during his life and few forms of recognition that were not bestowed upon him by his grateful country and fellow citizens. He earned them all and his dedication to excellence could well serve as an example and inspiration to others, regardless of their goals. He was a patriot and a leader of rare abilities and a man whose death stirs a deep sense of loss.

JOHN NIEHARDT'S 50-YEAR RECORD AMONG POETS LAUREATE

Mr. HRUSKA. Mr. President, the great State of Nebraska observes an auspicious occasion on April 21. That date is the 50th anniversary of the designation by the Nebraska Legislature of Dr. John G. Niehardt as poet laureate of Nebraska.

While I do not profess to be an expert on poets laureate, I am told that Petrarch, the first poet laureate in recorded history—1341—held his title for 33 years. Two more poets laureate familiar to most of us held their titles for longer periods, Alfred Lord Tennyson for 42 years and John Masefield for 38 years.

To my knowledge, however, no man before in history has held the title of poet laureate for 50 years.

Best of all, Dr. Niehardt is still with us. He celebrated his 90th birthday earlier this year. On April 27, he will be featured on the Dick Cavett Show on ABC.

A 4-hour conversation between the two has been edited into a 90-minute program on Dr. Niehardt's life and views of middle America.

The anniversary of his designation by the Nebraska Legislature will be observed in special ceremonies by the Legislature. Dr. Robert Knoll of the University of Nebraska English Department will speak and Dr. Niehardt will respond to a special presentation which will be made by the legislature. Dr. Niehardt will be escorted by the Governor.

Dr. Niehardt lived in Bancroft, Nebr., at the time the legislature gave him his title in 1921. Later he became literary editor of the St. Louis Post-Dispatch and then served 17 years as professor of literature at the University of Missouri.

His life's work however has been recounting the last great westward expansion of a young Nation—from Missouri over the Plains States to the Pacific coast.

His major work, A Cycle of the West, embraces the history of the Midwest in the expansion years of 1822 to the 1890's. The work occupied 18 years of labor by Dr. Niehardt over a period of 29 years.

A comprehensive biography on Dr. Niehardt is expected to be published by the University of Nebraska sometime this year.

In the meantime I would urge Senators and others who are interested in the westward movement across the Plains States to watch the television show on Dr. Niehardt when it appears on April 27.

VIETNAM "OIL FINDS"

Mr. HART. Mr. President, we are haunted by the question of why we continue fighting in Vietnam. What vital American interest is in Vietnam which makes draining our resources and dividing our people a reasonable price to pay for defending it?

Several recent articles have offered the possibility of oil reserves in the area off the coast of Vietnam as the "real" explanation for our continuing involvement. The articles have attracted wide attention and belief. Unfortunately, they are inaccurate and misleading.

Truth has suffered enough as this war has dragged on. We who criticize the war and urge our involvement be ended have been acutely aware of the role of the half-truth in Vietnam debate and have decried its use. This error must now be corrected to protect the effectiveness of the best antiwar tool—truth.

Here are the facts of the Vietnam oil story as I have been able to run them down:

No American oil company holds concessions from the Government of South Vietnam.

There are no producing oil wells in Vietnam—onshore or off.

It is possible that there is oil off the coast of Vietnam; but for a variety of political and economical reasons, racing to develop the potential does not presently make sense for American oil companies.

Most of the articles on the oil producing potential of Vietnam cite a wildly erroneous estimate of the amount of oil likely to be found on the Asian continental shelf and then tie the statistics for all of Asia to statements about the potential of South Vietnam.

Let us consider the inaccurate estimate of the oil potential of the Asian continental shelf. Several authors have quoted the well-known industry trade journal, "World Oil," as estimating that the Asian continental shelf will be producing 400 million barrels of oil a day in 5 years. The estimate appeared in the August 15, 1970, issue.

I asked the staff of the Antitrust Subcommittee to check with World Oil on the number, because 1970 production in the whole world was only 45 million barrels a day. The magazine checked its files and discovered their story had been based on a clipping from the Houston Chronicle for Sunday, March 8, 1970. The story was a UPI dispatch from Singapore quoting "James Gauntt, an American geologist with 15 years experience in the region."

A careful check of the UPI story by the World Oil editors indicated that the story contained several inaccuracies in addition to the incorrect production estimate.

World Oil is now retracting its connection with the story and is notifying those who quoted it as the source. Its stated grounds are that the story is completely impossible.

I ask unanimous consent to insert at the conclusion of my remarks a letter from the editor of World Oil dated March 19, 1971, and the UPI story from the Houston Chronicle dated Sunday, March 8, 1970.

Mr. President, there may be an element of metaphorical truth to saying we are fighting in Vietnam to protect our oil interests. Clearly the air war in Vietnam generates almost as much demand for petroleum products as the interstate highway system. America's largest oil companies are also among her largest defense contractors. War, the threat of war and the threat of Communist inspired political instability have traditionally provided the arguments for granting oil highly profitable special privileges such as the import quota system. But none of these points make oil the real reason for our continued involvement in Vietnam.

Testimony before the Antitrust Subcommittee indicates that offshore oil wildcat drilling is a very risky, very expensive project. Most important for this discussion, testimony suggests that an offshore oil well could be blown up by six divers in a rowboat using simple demolition techniques.

Whatever else one may wish to say about oil companies, the managements are too wise to risk multimillion dollar offshore rigs to the threat of sabotage even with the continuing U.S. military presence.

Mr. President, however tempting the simple answer, we must reject it in favor of the more complex truth for if our political system is to survive politicians must commit themselves to truth. Perhaps that commitment would end the war.

Mr. President, I also ask unanimous

consent to have printed in the RECORD "Fiction and Fact," from the March 22, 1971, issue of Oil and Gas Journal, dealing with this subject, which has just come to my attention.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MARCH 19, 1971.

Dr. E. W. BROWNE,
Senate Antitrust and Monopoly Subcommittee, Senate Office Building, Washington, D.C.

DEAR DR. BROWNE: We are deeply disturbed by the fact that WORLD OIL is being quoted as a source of the prediction that Southeast Asia production could reach 400 million barrels per day in five years. As per our telephone conversation, the figure is incorrect.

Because of your report that serious accusations being made are based on WORLD OIL's figures, we further investigated and I believe we have at last discovered the root of the problem.

Enclosed is a copy of a Houston Chronicle report from UPI on Southeast Asia, which cites a Mr. James Gauntt as the source of the prediction that area production could reach 400 million bpd in the next few years. One of our staff members new to the business noted the article, considered the prediction worthwhile and mentioned it in the story on Oceania. Despite our system of checks, the item escaped my attention and the attention of others who read copy. As a result, it unfortunately appeared in the magazine. Of course, the 400 million bpd prediction is completely impossible from even a physical standpoint.

Although no one experienced in oil would consider the number to be even remotely possible, we can see how someone with vested political interests might put it to use. We regret very much that this has happened.

To summarize:

1. The 440 million bpd figure on Page 186 of the August 15 WORLD OIL is incorrect.

2. Mr. James Gauntt, original source of the number, is wrong—if he was quoted correctly.

3. The UPI story also has other varying mistakes, which cast doubt on its authenticity. For example, total expenditure by ALL companies off Louisiana is about $8.5 to $9 billion—no one company has remotely approached the $8 billion investment figure quoted in the article.

4. Oceania does hold much promise as a future producing province. Our best estimate at production in Oceania in 1975 is a maximum 2.0–2.5 million bpd—a considerable reduction from the 402 million bpb figure which has caused so much trouble. The considerable lag time between discovery and production, especially offshore in foreign waters, makes it highly unlikely that production could exceed 2.0–2.5 million bpd by 1975.

5. No offshore discoveries have been made off Vietnam, Cambodia or Thailand, to our knowledge. Until wells are drilled, there can only be speculation that oil will be found in these areas.

I do hope the above clarifies the situation. If we can answer any further questions or be of further service, please do not hesitate to get in touch. Of course, I will very much appreciate receiving the copy of the Congressional Record, which mentions WORLD OIL, and the publications which have cited us as a reference. It is my intention to write each of these publications and advise them of our error.

Since our conversation, I have learned that one James L. Gauntt is now in Singapore. The address we have for Mr. Gauntt is in care of Singapore Petroleum Club, Goodwood Park Hotel, Singapore 10. In addition, you might locate him, if his address has changed, through the U.S. Embassy Directory of American business people in Singapore. I understand such a directory is available from either the State Department or from the Embassy in Singapore. I hope this information is of some use to you.

Again, thank you for advising us of the problem.

Sincerely yours,

R. W. SCOTT,
Editor.

[From the Houston Chronicle, Mar. 8, 1970]

SOUTHEAST ASIAN WATERS EXCITE OIL

(By Max Vanzi)

SINGAPORE.—The Texas drawl is heard almost as often in this hub city of the Orient these days as Chinese and Malaysian dialects.

Oil company men, geologists, drillers, roughnecks and roustabouts are pouring into Singapore. There are 2500 oil and oil-connected American families in the city-state, according to the American Embassy, and that number is expected to increase six-fold this year.

Oil fever is the reason. Lying beneath the ocean floor from the Gulf of Siam through the seas of Indonesia to the coasts of Northern Australia are hidden possibly the world's largest deposits of offshore oil. Forty-one oil groups from nine nations, but predominantly U.S. backed, are searching for it. Reports from the field indicate initial findings have been exciting.

A comment from an oil company executive whose company invested $8 billion in the offshore fields of Louisiana, a major oil producing area, indicates the stakes involved.

"Compared with Southeast Asia the Louisiana area is like a postage stamp on an elephant's rump," he said.

A confidential industry survey reaching the Singapore government estimates offshore oil in Southeast Asia ranges over an area three times as large as the rest of the world's offshore producing areas combined.

COULD BE BIGGEST OFFSHORE FIND

"It could be the biggest offshore find ever," says James Gauntt, an American geologist with 15 years experience in the region. Extensive seismic probes, says Gauntt (and other geologists concur), show signs of an undersea petroleum pattern 300 miles wide and 4000 miles long arching off Indochina south through Indonesia to the shores of New Guinea.

"Assuming they all produce—the offshore fields in Thailand, Cambodia, Malaysia, Vietnam, Indochina—you might see 400 million barrels a day coming out of here in five years time," Gauntt said.

That assessment is corroborated elsewhere in Singapore's new oil community. Southeast Asia "could easily be one of the most active areas in the world in offshore oil production," says geologist James Blake of the Canadian-owned Asamera Co.

Bob Ramsey of Odessa, Texas, agrees and Ramsey is a man who was standing on top when samples came up confirming major oil deposits in Alaska's Cook Inlet in 1964.

"That area, the middleground shoals 65 miles south of Anchorage, made Alaska a major oil producing state," says Ramsey, a drilling superintendent for the Reading and Bates offshore drilling firm. "And I can tell you," he says with a Texas accent, "Southeast Asia is fantastic."

ONE MILLION MILES OF CONCESSIONS

Oil companies to date have bought up some one million square miles of offshore concessions granted by Thailand, Cambodia, Malaysia and Indonesia. South Vietnam, Singapore oil industry sources say, will take bids on 16 concessions in the South China Seas later this year.

Nations granting concessions share the wealth with the producers when and if offshore oil production begins, usually on a 50–50 or 35–65 basis, plus bonuses to the governments if production reaches bumper crop proportions.

At prices of around U.S. $3.40 per 42-gallon barrel, earnings from area-wide production represent a staggering potential in new wealth for the nations concerned.

Thus far, only one field in Southeast Asia is known to be in commercial production offshore. Shell reports production of 133,000 barrels a day in North Borneo, which is part of a large concession swinging out into the South China Sea.

Despite secrecy in the industry, other companies are known to be on the threshold of major production.

The Independent Indonesian American Petroleum Co. (IIAPCO) and Atlantic Ritchfield (ARCO) are reported into three good discoveries off the shores of Northwest Java in Indonesia Geologists report each well could come in within one year, each producing 2500 barrels a day for the next 20 years.

An Esso concession off the east coast of Malaysia reportedly has yielded oil in one well and gas in another from four wells drilled.

HAVE BEEN FAILURES, TOO

There have been failures, too. The Japanese Petroleum Development Corp. (JAPEX) reported a strike in the Strait of Malacca off the coast of northern Sumatra last year but abandoned the well when commercial production proved technically unfeasible, industry sources report.

Oil men emphasize that these ventures are only the earliest probes of the offshore potential. There are 11 offshore rigs presently in the Southeast Asia fields. Schedules call for seven more by June this year. A year from now the oil rush will have brought 30 of the rigs to the region.

Oil production in Southeast Asia, particularly in Indonesia, is nothing new. Marco Polo's journals report he used oil found on the surface to grease the caulking on his ships when he stopped in Sumatra 700 years ago.

Onshore production in Sumatra and Java last year was listed officially at 723,289 barrels per day.

It is the offshore operations that promise boom conditions and preparations to date have already created a boom within a boom in Singapore.

The island republic is situated almost dead center in the long arc where potential offshore fields lie. Singapore is the most industrially advanced state of the region's possible bases of operation.

In November last year, according to a trade journal, there were 78 firms, mostly American allied to the oil industry with offices in Singapore.

ESSO BUILDING REFINERY NOW

Singapore is the location of three major oil refineries, Esso is building another to accommodate 250,000-ton tankers and Shell is doubling its present facility.

One Singapore shipyard has a contract to build one of the world's largest jack-up offshore rigs, the kind that are valued at $7 million and cost $30,000 a day to operate.

The industry-minded Singapore government knows what the supply base business for the offshore oil industry can mean to the local economy.

Singapore stands to gain from the offshore prospecting by catering to such endeavors as geophysical surveys, drilling rigs, boats, supply bases, marine craft construction and maintenance, pipe and steel plate production and handling explosives.

Government economists admit privately that Singapore is not up to the mark in any of these fields on the scale the oil industry needs.

There already have been complaints. One supply man considering the import of 10,000 tons of shaft pipe says, "I've about had it with Singapore." He could not get the storage land at a lease price he considered fair.

An offshore driller flew into a Texas rage recently when he learned a local shipyard was going to be another day late in fitting his offshore rig before it headed for the Java Sea.

Fiction and Fact

THE FICTION

Rep. W. R. Anderson (D-Tenn.) in Congressional Record, March 10: "Our boys might be dying in Viet Nam to pacify that region in order that our U.S. oil companies can reap the billions of dollars that are projected to result from the exploitation in that area of what may be the greatest oil field of all."

THE FACT

An unbelievable campaign blaming the American oil industry with working to prolong the war in Viet Nam has swept the country.

It has been given credence by irresponsible reporting in several national publications. It has been given emotional impetus by Mothers for Peace through a letter-writing blitz on Congress. And finally it has prompted leaders in Congress to make speeches demanding an explanation from the Nixon administration.

One fact stands out in the entire affair. The international oil industry is interested in the petroleum potential of the Southeast Asian region. But this interest dates back several years. And the normal and purely commercial activity has been distorted into something sinister.

This has been accomplished by three fictitious conclusions: (1) unfounded claims that vast lakes of oil have been discovered secretly on the continental shelf in Southeast Asia stretching from Burma around to Red China touching the Gulf of Thailand, South China Sea, East China Sea, and Yellow Sea; (2) these oil resources are so vast that the region will be producing 400,000,000 b/d by 1975; (3) and the reason the U.S. is prolonging the war in South Viet Nam and spreading it into Cambodia and Laos is to protect these riches and help the oil companies reap millions in profits.

Oilmen recognize these conclusions as silly on their face; but the emotionalism involved demands that they be treated seriously.

Oil definitely has not been discovered in the Gulf of Thailand or the adjoining South China Sea. In fact, no wells have been drilled. Seismic and other preliminary exploratory surveys, one under auspices of the United Nations, have been made of the region since 1968. Geologists only reported that structures which might contain oil fields lie in the Gulf of Thailand and in the Mekong delta of the South China Sea (OGJ, Apr. 27, 1970, p. 120).

Thailand subsequently let provisional concessions to a group of five American oil companies. Cambodia let its entire concession to a French concern. South Viet Nam has not acted.

The U.S. State Department, in answer to a query from Sen. J. W. Fulbright, stated that "the Republic of Viet Nam has not as yet defined an offshore concession zone—it has not granted offshore concessions nor has it offered any for bid." The Vietnamese Government, in its only action, promulgated a petroleum law in 1970 that attracted keen interest among international oil companies. The law established for the first time the terms under which oil companies would operate.

But until drilling tests these offshore areas, no one can say how much oil—if any—exists in these basins. The rich deltas of vast river systems don't always contain oil—failure of Brazil's Amazon delta to produce oil is the glaring example of this.

With oil exploration in such a preliminary and uncertain stage, the estimate that this region will be producing 400,000,000 b/d of oil by 1975 is preposterous. In the first place, this volume is 10 times present world production. It's doubtful that if oil fields were already defined, the industry could tool up to drill, produce, transport, and refine that much added oil in a short 4 years.

This loose treatment of the facts about oil discoveries in Southeast Asia and potential production rates undermine the creditability of any charge that the U.S. is prolonging the war to enrich oil companies.

Sec. of State William P. Rogers made the Nixon administration's position clear on the issue. In reply to newsmen's questions, he said reports of large oil deposits off South Viet Nam "have absolutely no effect on U.S. policy." He added "we didn't even know about these rumors" of oil deposits until recently.

THE INDEPENDENT TIRE INDUSTRY

Mr. SPARKMAN. Mr. President, George J. Burger is known for his long and capable representation of the interests of independent small business throughout the Nation. On March 17, 1971, Mr. Burger wrote a letter to the Chairman of the Federal Trade Commission regarding the independent tire industry. I ask unanimous consent that his letter and a brief news release which he issued on that date be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

March 17, 1971.

George J. Burger, Sr., vice president in charge, National Federation of Independent Business, states that in the matter of its complaint barring certain bus-tire leasing arrangements between Nation's largest tire manufacturers, the Federal Trade Commission should proceed in the normal channels prescribed by the Congress when it enacted the Clayton Act (1918), followed by the Robinson-Patman Act (1936) and not resort to any "novel" proceedings.

FTC Order Against Five Major Tire Makers Bans Anticompetitive Tactics in Bus Tire Market—FTC Release of March 12, 1971

March 17, 1971.

Hon. Miles W. Kirkpatrick,
Chairman, Federal Trade Commission,
Washington, D.C.

Dear Mr. Chairman: Monday morning on my journey from New York to Washington I noted in the daily press their comments on the above FTC action. I quote the opening paragraph of the article entitled, "FTC Consent Order Would Bar Tire Firms from 'Parallel' Leases With Bus Concerns,"

"A tentative Federal Trade Commission concent order, barring certain bus-tire leasing arrangements by the nation's five largest tire makers, would settle a novel and potentially far-reaching FTC antitrust complaint without a court challenge."

This is very interesting to me due to my background in rubber industry, both as an independent retailer for more than a quarter of a century and as legislative representative at Washington, D.C., for independent tire dealers, in one capacity or another, for more than thirty-five years. I am certain that my efforts for antitrust enforcement are well known by all tire manufacturers, and particularly by the five mentioned in your release—Goodyear, Firestone, Goodrich, General, and U.S. Rubber Company. They are equally known to the Federal Trade Commission and the Antitrust Division of the Department of Justice.

I also noted in the article, ". . . that the five tire makers, without conspiring, were able to acquire 99% of the bus-tire leasing market by independently following 'parallel courses of business conduct'. . ." As to the presence of monopoly in the tire industry, like Al Smith, former governor of New York and 1928 Presidential candidate, often stated, "Let us look at the record."

I am referring to Senate Small Business Committee Print #3, Small Business Problems of the Tire and Rubber Manufacturers and Retailers, 77th Congress, 1st Session, 1941, pages 141–152, particularly the conclusion as to mileage and rental contracts, which I quote,

"Unless the small tire dealers' problems resulting from the competition of the company-owned store, the corporate chain, the oil-company tie-ups, direct consumer sales, and mileage and rental contracts, are speedily solved, the Nation will be face to face with monopoly in the tire industry. Every time these forms of distribution gain, all small dealers lose. The four major companies rely on all forms of distribution, including small independent dealers. The smaller companies rely solely on the independent dealer. As the smaller dealer weakens, the smaller tire manufacturer becomes less strong. The end of the small businessman in the tire industry is not yet here, but unless these problems are solved, it will not be long in arriving."

Also from the same Committee Print, page 145, I quote,

"The Federal Trade Commission, in a report prepared for the Temporary National Economic Committee, stated that 'Investigations and complaints brought by the Federal Trade Commission have gone a long way toward eliminating the practice of tire companies of granting over-riding commissions to the oil companies for permission to sell their stations tires and tubes, dealers feel that the major oil producers must still be receiving a quid pro quo for their efforts to induce their stations to handle only acceptable lines'."

Bear in mind, Mr. Commissioner, that report from the Committee was in 1941. If memory serves me right, these arrangements of override commissions were corrected by the Supreme Court decision, Goodyear-Atlantic, etc., in the late 1950s or the early 1960s.

It would be well to note, also, Senate Small Business Committee Print #6, Small Business and Defense, 77th Congress, 1st Session, 1941, pages 20–21. There appears a letter addressed to me (then in my private capacity), in behalf of the interest of independents in the rubber tire industry on the overall views of the monopolistic trend, written by the late William O'Neil, founder and then President of General and dated Akron, Ohio, July 21, 1941.

Now, as to the continual violation of the antitrust laws by major rubber tire producers, the records of both the Federal Trade Commission and the Antitrust Division of the Department of Justice speak for themselves. It has often been remarked by independent factors that major rubber interests apparently believe themselves beyond the reach of antitrust laws.

A very interesting incident occurred during my career as tire dealer legislative spokesman. During 1947 I was publisher of a small paper devoted to independent dealers. In one issue I covered an antitrust decision affecting certain tire manufacturers. Through my work I had contributed to this decision. This fact was well known in the industry. Believe it or not, shortly after this publication the smaller tire makers who had been advertising in my publication cancelled their advertising contracts.

To go back a bit, in 1929 General Motors started to equip new passenger cars with the fifth, or spare, tire, commencing with the Pontiac then following with all their other lines. The arrangement for the tires was with the U.S. Rubber Company. Bear in mind, this business of the fifth, or spare, tire for new passenger cars had been handled by independent dealers nationwide and this arrangement gave the buyer of the car an opportunity to designate the trademark tire with which he wanted to equip his car. It was not long after this that other car manufacturers followed GM's example and began equipping their cars with the extra tire. This eliminated any chance for the dealer to participate in this business, and caused the small manufacturers to lose their share of this market. The natural course of events to follow was the car manufacturing installing bumpers, etc., getting the complete monopoly.

It is interesting to observe that when the automobile manufacturers took over distribution of these products they charged the car purchasers extra for each of the items under the style of "extra equipment". The customers had to pay for these items in order to purchase cars and were deprived of freedom of choice.

The record will show the up-heaval, which has taken place nationwide on original car equipment, which includes the spare, the so-called bumpers (nothing but tinware), etc. A chief official of one of the five companies mentioned in your release, and the news article I mentioned above, stated to the writer during a conference in Akron, Ohio, May 1950, what it was costing his company with the monopolistic trend, now in control of major tire factories and the major auto companies. How often I have discussed this subject matter with both the FTC and the antitrust officials at Justice. Well do I recall during one such conference that the antitrust officials were most understanding of the charges made, but they remarked, "Mr. Burger, if we were to take that case to the Federal courts, the judge might rule, 'why disturb this convenience to the public'."

The FTC has the full background on the tire manufacturers stores in the retail field for nearly three decades. With the fullest enforcement of the Robinson-Patman Act, enforced without fear of favor under the law, the retail stores of these manufacturers could not operate as they have been. Interestingly, every time legislation has been introduced for correction, in keeping with the provision of the Robinson-Patman Act, the FTC has opposed this legislation.

Finally, pending with the Commission since 1939 is a cease and desist order, U. S. Rubber Company et al., Docket #36–85. I am still wondering, and so are others, 32 years later, when that order will ever be enforced to the limit.

The closing paragraph of the FTC release of March 12 states,

"The complaint and consent order will remain on the public record from March 12, 1971 through April 12, 1971. Comments from the public received during this period will become part of the public record of the proceeding. The FTC may withdraw its acceptance of the agreement after further consideration."

It is my opinion, for the best interest and future of small business, both in the distribution and production fields, and after studying the facts as outlined in this letter, the action charged should be followed through in keeping with the full provisions of the antitrust legislation. There is no reason to deviate from the Clayton or Robinson-Patman Acts as enacted by Congress.

Sincerely,

George J. Burger,
Vice President in Charge.

FTC Order Against Five Major Tire Makers Bans Anticompetitive Tactics In Bus Tire Market

A consent order provisionally accepted by the Federal Trade Commission prohibits the nation's five largest tire manufacturers from refusing to sell bus tires to the nation's transit companies, and entering into or continuing anticompetitive supply arrangements in this better than $20 million a year business.

The agreed-to order cites The Goodyear Tire & Rubber Co., The Firestone Tire & Rubber Co., UNIROYAL, Inc., The B. F. Goodrich Co., and The General Tire & Rubber Co. UNIROYAL's principal office is at 1230 Avenue of the Americas, New York City, and the other four firms are based in Akron, Ohio.

The complaint charges that the tire manufacturers have followed, without conspiring, parallel courses of business conduct—commonly known as "conscious parallelism"—which has resulted in the transit companies' being virtually unable to change suppliers or to obtain competitive bids for their tire requirements.

Specific allegations in the complaint include these:

The firms refuse to sell the tires outright, supplying them only on a mileage basis, under a so-called "lease."

Upon ending such a "lease," the transit company is required to buy an often inflated inventory of tires outright at fictitiously high prices.

The mileage contracts contain illegal requirements provisions.

The tire companies provide service only in conjunction with the mileage program.

Although the consent order requires the tire manufacturers to sell the tires outright to any would-be purchaser, it permits transit companies desiring to obtain them on a mileage basis to continue doing so.

Other major provisions of the order are that:

Any new contract must contain an optional "run-out"—giving the bus company additional time to continue using the supplier's tires after the expiration date of the contract. (The tire manufacturers, when bidding on another's business, would often suggest this to a transit company as an alternative to the "buy-out" but would not, as a present supplier, ever grant it.) The "buy-out" in existing contracts will be subject to an available option giving bus companies a maximum of 24 months to pay for the tires.

Future requirements contracts are limited to five years.

The transit company is given the right to test a competing company's tires on a negotiated percentage of its fleet. However, it may require the supplier to grant it a five-percent-of-fleet test provision.

The agreed-to order is for settlement purposes only and does not constitute an admission by the firms that they have violated the law.

The complaint and consent order will remain on the public record from March 12, 1971 through April 12, 1971. Comments from the public received during this period will become part of the public record of the proceeding. The FTC may withdraw its acceptance of the agreement after further consideraton.

NO DAIRY PRICE INCREASE MERITED

Mr. McGOVERN. Mr. President, a few days ago I joined with other Senators in asking that the administration maintain dairy price supports at a level of 85 percent of parity. At that time, the administration apparently intended to allow the support level to fall on April 1.

I am pleased that the Department of Agriculture reconsidered its position and has now assured dairy farmers that their income will not fall. This reversal can be considered a victory for those in Congress who spoke out vigorously on behalf of the dairy farmers.

Now we are told that consumer prices for dairy products will rise because in order to maintain the 85-percent level the amount of support payments has to be increased. This is false, and it should be made perfectly clear that price increases will not be the fault of the dairy farmers.

As I said when I asked for the 85-percent level to be maintained:

At the moment, dairy prices to farmers are at approximately the projected support level of 85 percent of parity. Therefore this measure could now be taken without increasing consumer prices. But, unless the support prices are increased, milk prices are expected to drop sharply soon.

In short, if there are any consumer price increases for dairy products, they will not be the fault of the dairy farmer; they will not be the result of maintaining the 85 percent parity level.

No price increase to consumers is merited by the decision to maintain 85 percent of parity. If it takes place, it will be the work of those who seek unfairly to profit from this just decision on behalf of dairy farmers.

FAIR COMMENT OR BLATANT INTIMIDATION

Mr. HUMPHREY. Mr President, this administration is waging a guerrilla war against the news media in a brazen campaign to subvert the first amendment to the Constitution through blatant intimidation which its public relations flaks try to fool us into believing is merely fair comment and criticism.

This guerrilla war is being waged on two fronts—one on each side of the administration's mouth.

While the President repeatedly usurps the public airwaves for his folksy chats with his favorite reporters, lesser lights in his administration are dispatched to attack and intimidate the network news organizations.

These organizations are far from perfect; I have had my criticism of the press, both print and broadcast, but we can never condone governmental action or concerted governmental attack to force them to agree with public policy.

Yet that is just what we are witnessing today. The broadcasting networks are the only facet of the news media controlled by Government license. When that government which controls those licenses—through its appointments to the Federal Communications Commissions and other actions—there is something inherently dangerous when officials of that government launch a campaign to villify and discredit that segment of the news media.

It spells intimidation and it breeds fear. Fear can become a far more treacherous censor than any government czar with a blue pencil—the implied threat can be stronger than the expressed threat.

I am reminded of something once said by Thomas Jefferson, who was not without his press relations problems. He, of course, was not speaking of broadcast journalism, but his comments apply just as aptly to that medium:

> The basis of our governments being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I would not hesitate a moment to prefer the latter.

Mr. President, rights bear responsibilities. A Government official has the right to criticize, but he should be wary of straying beyond that into demagoguery and intimidation. Unfortunately, that is just what happened in the recent outbursts against CBS Television's documentary "The Selling of the Pentagon."

I am not here to praise or criticize that program, Mr. President. The question is not whether one agrees with it or not, but whether one agrees with the network's right to report the news as it sees that news.

One of the electronic media's most outspoken critics, Federal Communications Commissioner Nicholas Johnson, has written an articulate, informative, perceptive defense of television news reporting.

I ask unanimous consent that his article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Defense of TV Versus White House

(By Nicholas Johnson)

(Note.—Johnson is a member of the Federal Communications Commission.)

CBS News, generally recognized as one of the world's finest electronic news organizations, has rightfully come in for special praise for its Feb. 23 showing of "The Selling of the Pentagon." The subject matter was scarcely new or shocking—much of it had been most recently detailed in Sen. J. W. Fulbright's "The Pentagon Propaganda Machine"—but it was an unusual event for American television.

The Washington Post's William C. Woods called it "a gutty and intelligent show." The New York Times' Jack Gould said it was "brilliant . . . uncompromising . . . brave and skillful . . . one of the best (documentaries) on TV in a great many years." Their evaluation and praise were shared by most of the nation's television critics and, for that matter, politicians.

But not Spiro Agnew. President Nixon's resident television critic and censor has now come out with the official administration line on the show. The Vice President has proclaimed it a "subtle but vicious broadside against the nation's defense establishment."

Now that the elections backlash has subsided, the old Nixon has the old Agnew back at the same old stand: Clobber the commentators, needle the newsmen and edit the editors just as soon as the Fourth Estate shows signs of refusing to Dole out the administration line on this or that Nixon/Agnew policy.

This tactic is well recognized. We used to call it "managed news." Nowadays, managed news appears to be shading into a far more nefarious strategy: patent propaganda.

President Nixon is the most accomplished example of government by television; he has used it more consciously and in a more wide-ranging way than any prior President. This refers not only to his prime time "specials" and exclusive interviews; the administration is moving in on the entertainment shows as well, and even—with the help of the FCC earlier this month—the music. But the most obvious part of the strategy remains the frontal assaults.

The Nixon/Agnew Des Moines speech on Nov. 13, 1969, rocketed into public consciousness many questions about the role of television in contemporary society. A resulting dialogue and awareness could have been quite healthy. But those who applauded that blast—on the grounds that the networks deserve everything that is thrown at them—soon came to deplore the consequences they saw on their television screens.

It wasn't funny any more. Nixon/Agnew weren't interested in a dispassionate professional evaluation of media performance. (Former and current CBS men like Ed Murrow, Fred Friendly, Alexander Kendrick and Walter Cronkite have written far more criticism of their own profession—tough, insightful, professional criticism—than Agnew has ever read. Journals like the Columbia Journalism Review do it on a regular basis.)

When Nixon/Agnew criticize ownership patterns, it is the media ownership of those whose views they dislike. When they comment on the "professionalism" of television reporters, they only go after those who are unfavorable. (The White House went after Frank Reynolds with the same vengeance it used on Sen. Charles E. Goodell—and some believe with the same success, although ABC vehemently denies that 12 months of White House dossier on Reynolds had anything to do with his removal.)

The Freedom of Information Committee of Sigma Delta Chi, the professional journalistic society, recently concluded: "If this first year after his Des Moines speech is the beginning of the Age of Agnew in journalism, it does not portend to be a pleasant year for the journalist."

A "CHILLING EFFECT"

The Agnew-induced cowardice in the networks has produced some of the "chilling effect" on free expression that the administration was out to encourage—and that the Supreme Court has used as a standard for governmental actions violative of the First Amendment. The mortality rate for network documentaries seemed unusually high after Des Moines.

A few days after Des Moines, on Nov. 15, 1969, the networks provided only spotty coverage of by far the largest march on the White House in American history. Upward of 500,000 angry Americans flooded Washington to protest the Indochina war; everyone was there, it seemed, except the President and the network newsmen. David Brinkley—among others in electronic media—later acknowledged that this was an unfortunate decision.

Contrast this with the lavish coverage of Bob Hope's Honor America Day eight months later. There was no protest then from the Vice President; the President was obviously pleased to have the networks busy themselves with the apple pie view of America. Picking up the spirit of the times, ABC Sports banned halftime coverage of the Buffalo-Holy Cross football game because it had to do with the "controversial" subject of peace but provided a nationwide audience for the chairman of the Joint Chiefs of Staff to say a few words on behalf of war at the halftime of the Army-Navy game.

The Age of Agnew has brought a rash of chilling incidents. Broadcasting Magazine reported that a major network outlet in the Southwest, which had presented a program supporting the networks against the Agnew blast, was visited twice by several men with the avowed purpose of beating up so-called "anti-Agnew newsmen." The Alfred I. duPont-Columbia University Survey of Broadcast Journalism in 1969–70 reported that other stations in "sensitive areas" were adopting a locked-door policy after office hours.

The Vice President himself is not unaware of the techniques of propaganda. On a swing through Asia last year, he spent 24 hours in Vietnam. The three television networks were limited to a single "pool" camera crew. At the same time, the Agnew entourage permitted the USIA (which later produced a feature film of the trip for worldwide distribution) to have four camera crews. All three networks protested the favored treatment given the government's "propaganda" arm; one network news executive called it an "outrage."

A ONE-TWO PUNCH

What emerges is the overwhelming impression of an administration whose focus is fixed on the little glass screen. President Nixon surrounds himself with advisers whose principal experience is in advertising, public relations and broadcasting; his first appointments to the Federal Communications Commission and related agencies were designed to foster administration control and industry orientation.

The full panoply of governmental power—including the Vice President, the Justice Department and its subpoenas, the Federal Trade Commission, the FCC, the Pentagon, the Subversive Activities Control Board, the Internal Revenue Service and other agencies—potentially available to use on the broadcasting industry in an unprecedented attack on a government-licensed medium. An office of "Director of Communications"—believed to be the first so denominated outside Communist and fascist countries—is established in the White House to survey the media and coordinate the attack.

Broadcasters are kept off-balance by the one-two punch of barely camouflaged intimidation and acts of censorship together with the promise of an economic payoff for those who cooperate. President Nixon does not hesitate to seek to exploit commercial television as a channel for administration ideology. The FCC supports broadcasters who restrict the access of nongovernmental groups to TV, and legislation designed to place limitations on campaign financing is vetoed for what appear to be partisan reasons. Television was abused and exploited as never before in the 1970 congressional election campaign.

Broadcasters and record industry executives have been called to the White House—with the FCC chairman in attendance—and urged to get "drug lyrics" off the air. The White House called in Hollywood writers and producers to try to get them to insert anti-drug sketches into regular entertainment shows—which they promptly did. Now the FCC has stepped directly into the act with its order barring rock music "tending to glorify . . . marijuana."

I do not mean to disparage the very real problems of alcoholism and hard drug usage when I say that the "marijuana problem" has become part of a political diversionary tactic. If you're thinking about pot—whatever you're thinking about it—you're not thinking about the land war in Asia, race prejudice, poverty, environmental pollution or any other of the generally acknowledged issues of our time. (It's more than ironic that the other CBS documentary Agnew singled out for attack was "Hunger in America.")

REPORTING THE WAR

This is all deeply disturbing. How long will it be before the drug lyric kind of pep talk from the White House will become standard operating procedure on other vital issues, say the SST (on which an "industry-labor committee" ran a spot campaign), campaign reform or the Laos phase of the Indochina war? No doubt very soon—particularly if there is likelihood of success.

It is no secret that the administration is deeply disturbed about current reporting of the Indochina war. The network news out of Laos, reporting costly and disappointing progress for the administration's Vietnamization policy, has not squared well with the rosy view of "success" the government propagandists have been trumpeting.

Mr. Nixon's slipping public image and growing credibility gap are to be blamed on the failure of the networks to Dole out the news as the administration would like it portrayed. It is thus not surprising that Nixon/Agnew renewed their attack on the networks from Boston March 18. But what is frightening is the open, brazen effort to affect ideological content. The hypocrisy is crystal clear.

It is not only hypocrisy, but what can most generously be described as an omission of relevant facts. Nixon/Agnew are as desirous that the American people remain ignorant of poverty and hunger as they are to repress discussion of Pentagon propaganda.

Their text quotes from an FCC order regarding "Hunger in America." What they fail to quote—from the commission's unanimous October, 1969, order—is even more relevant:

"We commend CBS for undertaking this documentary on one of the tragic problems of today . . . [I]n this democracy, no government agency can authenticate the news or should try to do so. We will therefore eschew the censor's role, including efforts to establish news distortion in situations where government intervention would constitute a worse danger than the possible rigging itself . . . [W]e believe that no further action is warranted."

As for the CBS investigative report that was never shown of a Haitian invasion that never came off ("Project Nassau"), the matter is currently under investigation by the FCC. Although the Vice President violates no law by criticizing before all the facts are in, I perfer to hold my judgments until later, and I wish he had.

A CRITIC OF BARONS

Let me make my own position—as the President might say—perfectly clear. I have criticized television as much as anyone, and I intend to go on doing so (although I have tended to criticize the corporate censorship on network prime time television—which is not news and public affairs—rather than the professional journalists themselves, whom most candid critics recognize as being responsible for TV's finest hour, or half hour). But I hope my criticism has been devoid of ideological content.

It's not just media baronies owned by "bad guys" that bother me; it's media barons of any stripe. It's not just the failure to represent my friends and life style on prime time television shows that raises my ire; it's the censoring of reality generally, a view of American life as it is lived by real people. And so forth.

Nor do I consider CBS a friendly power. Some of the toughest public attacks I have suffered from the broadcasting industry while a commissioner have come from men like CBS's Richard Jencks and Dick Salant. They may have been public attacks—open and clean with none of the backbiting and blacklisting that come from other quarters—but they have been tough. So CBS is no friend of mine.

But when I differ with Nixon/Agnew is that I welcome network executives and newsmen who will stand up to me and talk back. As a government official. I will even gladly suffer a few exaggerations, ad hominum arguments and misrepresentations directed my way rather than live in a country where some federal official is telling the media what they can tell the people—even if that federal official is me.

Because what Nixon/Agnew are really up to is to try to convince the American people that they cannot believe their media. CBS reported Agnew as saying in Boston March 19, "They [the American people] cannot rely on CBS documentaries for facts." Who, pray tell, are they to rely on, Nixon/Agnew? It's not very subtle, is it? Nor is it smart.

If democracy works the way we hope it does, Nixon/Agnew's appeals, like those of Sen. Joseph McCarthy and all others before them, will get a fair test in the marketplace of ideas (unless the FCC further extends its list of prohibited subjects). Television can help.

Let's hope the tube can keep its McLuhan cool long enough to get us through.

THE WAR ON HUNGER

Mr. McGOVERN. Mr. President, I ask unanimous consent to have printed in the Record an article entitled "Whatever Became of the Hunger War?", and published in the Washington Post of today. Written by Nick Kotz. The article relates to the serious implications of eliminating the food stamp program as part of the welfare reform package that might be passed by Congress this year. Mr. Kotz raises the fundamental question of whether we are in danger of abandoning our commitment to guaranteeing America's poor adequate diets. I, for one, have no intention, of letting such an unfortunate occurrence come to pass without bending every effort to prevent it.

At the end of his article, Mr. Kotz mentions Vice President Agnew's attack on the CBS documentary, Hunger in America, and the fact that the Office of Economic Opportunity, following the Vice President's lead, has decided to stop showing the film as part of its information program. I am extremely disturbed by this decision by the Office of Economic Opportunity. But, it is the kind of action that I feared would follow the Vice President's speech. I have personally reviewed the record of Hunger in America and am convinced that the essential thrust of the program remains untarnished.

The Vice President's speech was designed to bring into question the integrity of the news documentary division of the Columbia Broadcasting System. The point of the Vice President's critique was that CBS had a history of deliberately slanting its news documentaries, including its latest effort, "The Selling of the Pentagon."

As a part of the history of slanting the news, the Vice President cited the making of the award-winning documentary, "Hunger in America." The Vice President alleged that the "conclusions drawn by responsible investigative agencies in the government" supported his conclusion that the CBS news-gathering organization was not to be trusted.

The Vice President went on to cite the alleged conclusions of the Federal Communications Commission regarding "Hunger in America," including such "distortion," to use the Vice President's word, as saying a baby was dying of malnutrition, when in fact it was not; of paying participants to perform as directed; of closing the doors at a commodity center to make sure a long line formed; of trying to force a doctor into making a more dramatic statement about malnutrition.

If these allegations were in fact the conclusions of the FCC, it would indeed be extremely disturbing. In fact, they are not. In fact, the FCC concluded that there was no evidence to show that CBS had tried to do anything but an honest job on "Hunger in America." Contrary to the Vice President's "conclusions" about the FCC report, the FCC report itself supported the integrity of CBS and its News Documentary Division. The FCC stated:

> Upon the basis of the foregoing discussion, we conclude that no further action is warranted here with respect to the issues of slanting the news—the issue which was presented in the complaints.

Let me be specific about the Vice President's allegations and the FCC's conclusions.

First, the Vice President cites the FCC statement that the child shown in the documentary was born prematurely, apparently as a result of a fall by its mother, and died of causes other than malnutrition. The fact that CBS stated the child was dying of starvation, said the Vice President, was a "distortion" designed to serve "the network's purpose of whetting viewer interest." The FCC said no such thing. The FCC said that:

> CBS had been told by hospital personnel that the wards in which the baby was filmed were "filled all the time with babies suffering from diarrhea and malnutrition" and that "there were a high incidence of premature births due to malnutrition in the mothers. . . .

The FCC concluded:

> From the foregoing, it is apparent that . . . CBS had reasonable basis for assuming a very high prevalence of malnutrition in the nursery and pediatric wards.

Second, the Vice President referred to the "evidence submitted" that CBS had, to be blunt, paid some people off to get them to say what CBS wanted them to say, forced people to form a long line so CBS could get a better shot, and deliberately ignored a doctor's "more balanced" presentation of the problem. Unfortunately, the Vice President ignored what the FCC concluded about the "evidence submitted." I would like to cite the FCC's conclusions about the "evidence" for the record.

On the issue of pay-offs, the FCC concluded:

> In view of the absence of any indication of any wrongdoing by CBS, the Commission does not believe that any further inquiry into this matter is warranted.

On the issue of forcing people to form a long line, the FCC concluded:

> In view of the statements of the welfare department, the fact that CBS shot no film of, and the program gave no indication of, an effort to show a long line of welfare recipients and the description of the floor plan and modus operandi of the welfare center (room for four persons in a line from the entrance door to the food counter), we find no warrant for concluding that CBS sought to slant its news depiction, as charged in this respect.

Finally, on the issue of badgering the doctor, the FCC concluded:

> There is a conflict of evidence on this aspect of the complaint, and it does not ap-

pear that further inquiry is warranted to resolve it.

Mr. President, if there is any slanting of the news going on here, I suggest it is more in the Vice President's selected use of the information available in the FCC report than in the documentary, "Hunger in America." Frankly, I would not have taken the time to dig into the FCC report simply for the sake of defending CBS against the Vice President. In that dispute, I am confident the American people are quite capable of reaching their own conclusion. But I felt the Vice President's criticism of the documentary carried the implication that the real and urgent problem of hunger in this country had been exaggerated. For this reason, I felt it necessary to set the record straight as to the FCC's real conclusions regarding the trustworthiness of CBS and the documentary, "Hunger in America." Also for this reason, I intend to sponsor a public showing of the documentary on April 15 in the Senate Auditorium.

I ask unanimous consent that the Vice President's speech and the FCC report be printed in the Record.

There being no objection, the items were ordered to be printed in the Record as follows:

Whatever Became of the Hunger War?

(By Nick Kotz)

When he pledged in 1969 "to put an end to hunger in America itself for all time," President Nixon stressed "I not only accept the responsibility—I claim the responsibility." Twenty-two months later, questions arise whether the President remains fully committed to his pledge and whether he has abdicated the responsibility to the House Ways and Means Committee.

The President and Congress can share credit for responsible reforms in the food stamp and school lunch programs, which are easing the plight of at least some of the 25 million Americans who simply do not have enough income to purchase a minimally adequate diet.

But at the moment when a major breakthrough seems possible in eliminating the shame, pain and devastation of American hunger, the Nixon administration and key members of Congress have suddenly marched off in a new direction.

The administration and Rep. Wilbur Mills (D-Ark), chairman of the House Ways and Means Committee, have agreed on a tentative welfare plan that would both eliminate food stamps and endanger even the present inadequate welfare benefits to the poor in 45 states. The relief recently granted the hungry poor could be swept right back off their plates.

The foundation of President Nixon's May, 1969 commitment to end hunger was a generous food stamp program. In his message to Congress, the President stressed that the poorest should get free food stamps and that no poor family should spend more than 30 per cent of its income for food stamp aid. These were important, if little understood principles.

These presidential food aid principles recognized that food is the item most often slighted in a poor man's tenuous budget.

Take a family of four living on $200 monthly ($2,400 annual) income. The Agriculture Department says a four-person family must spend $106 monthly ($1,272 annually) to purchase an "economy diet" and $134 monthly ($1,608 annually) to buy a "lowcost diet." The monthly demands of the landlord alone means that such a family cannot regularly, if ever, make the financial commitment to adequate nutrition. Millions with less income have far greater food problems.

That's where the food stamp program came in. The family spent $60 monthly out of its $200 total income to receive $106 in stamps, used at groceries to buy food. The $552 in food stamp bonuses raised the family's total income from $2,400 to $2,952.

This is a complicated "second money" system. It demeans the poor. It requires them to allocate a fixed percentage of their income for food. It does not help the poor meet their many other needs for which they don't have money. Adequate cash income obviously is preferable. But it does get food on the plate and 10 million people have flooded into the program. The number will soon rise to 15 million.

The original Nixon administration Family Assistance Plan called for families to retain their food stamp benefits.

And significantly, the President told Congress, "In no case would anyone's present level of benefits be lowered." States were required to maintain welfare benefits that were above the President's $1,600 federal payment for a family of four.

But for the moment at least, officials of the administration and members of the Ways and Means Committee have renounced both food stamp aid and the principle that no one would lose benefits.

Take the family of four with $2,400 welfare income. This family would still get a minimum of $2,400 with the federal government now paying the entire amount. It would lose its $552 in food stamp bonuses. The family's effective income would decrease unless the state voluntarily maintained its former contribution to welfare and made up for the food stamp loss. States have never paid for any part of the food stamp program and are not likely to start doing so now. States would not be required to spend a dime. Many state officials would be pressed to use all their welfare savings for state tax relief.

The poor in only five Southern states would be guaranteed an increase in benefits. The hungry poor could be right back where they started. To avoid this possibility, the President pledged originally that food stamps would be retained until a cash-income program was truly adequate.

Hopefully, the administration will remember its own food program history lessons better than Vice President Agnew did last week in criticizing CBS's 1968 documentary "Hunger in America." This is the same program President Nixon praised on Feb. 3, 1969, for arousing the nation's conscience to the horrors of hunger in our affluent midst.

Following the Vice President's revisionist view of history, the Office of Economic Opportunity no longer lends the CBS film on grounds that it is "one sided." It showed the side of emaciated, hungry children. What is the other side?

Congress and the President may tell us as they decide what constitutes "welfare reform."

Address by the Vice President

Boston, Mass.
March 18, 1971.

There is no doubt that the framers of our Constitution considered the Vice Presidency an office suitable for men of energy. Until the ratification of the 12th Amendment in 1804, the defeated major Presidential candidate was usually elected Vice President. This created some interesting stresses. Over the years, however, the Vice Presidency has lost its political punch and become the most placid and uncontroversial of political positions. Indeed, as presently structured, it may be compared to an adjustable easy chair. The occupant has his choice of either reclining sleepily or sitting up alertly. The posture adopted is inconsequential, because it is virtually certain that no one will notice which attitude has been selected.

Whatever his decision, however—whether he has dozed amiably or listened attentively—it has been traditional for a Vice President to be indulged by the intellectuals and opinion-makers of his time with nothing harsher than a deprecating comment or a condescending joke.

In recent years, the rules have been amended to allow Vice Presidents to talk—so long as they are careful to say absolutely nothing. This privilege was heavily exercised and refined to a high degree during the last Administration.

And in regard to Vice Presidential strictures, it seems appropriate to note—on the occasion of a Lincoln Day Address before the oldest Republican organization in Massachusetts—that, following four years of lassitude as Abraham Lincoln's Vice President, Hannibal Hamlin suddenly found himself Collector for the Port of Boston.

In my own case, I found it an onerous choice between the ennui of easy chair existence and pointless verbosity. And so, quick Constitutional research revealing no authoritative reason why a Vice President is required to choose between catalepsy and garrulity, I forsook the comfortable code of many of my predecessors, abandoned the unwritten rules—and said something.

Well, in case you haven't heard, my unorthodoxy produced some rather sharp reverberations. It was as though an earthquake, registering eight on the Richter scale, had disturbed the foundations of the *New York Times*, or the funnel of a tornado had dipped into the editorial offices of *Time-Life*. Everywhere, big media referees were flinging down their handkerchiefs and calling foul. The *Washington Post* stepped off fifteen yards for un-Vice Presidential-like conduct. *Time* magazine waved me to the penalty box. And Eric Sevareid took two free throws at the line—both rolling around the rim and, as usual, dropping out.

Finally, the tremors and tumult subsided. Whereupon my critics from all walks of life consulted among themselves and brought forth the strongest indictment they could muster.

"The Vice President," they intoned, "just doesn't seem to understand."

If true, the charge would be a serious enough reflection on the condition of the Republic. But worse was yet to come. After my speech on the responsibilities of a free news media in a free society, and after the networks had been deluged with mail in support of my conclusions, a noted network newscaster enlarged the indictment by declaring that, not only the Vice President, but the American people as a whole simply don't understand.

Let me quote that spokesman directly.

"The public," said Walter Cronkite recently, "does not understand journalism. They"—that means you and me—"do not know how we work, they do not believe we can hold strong private thoughts and still be objective journalists."

And that's the way it was—or at least the way he saw it—in November, 1970.

Mr. Cronkite has stated the case well. He has discerned and defined the scope of the widening credibility gap that exists between the national news media and the American people—a gap which has simply been reported, not created, by this non-understanding Vice President. By "national news media" I mean the powerful news outlets having not just a regional, but a national, impact.

Now, before I proceed further, let me pause to observe that, in all probability, my mere utterance of the words "national news media" has in the past few minutes again set the ideological Richter needles quivering all along the Manhattan-Washington fault line.

For "national news media" is, after all, the forbidden phrase of modern American politics.

To be sure, such is the power of the national media today that of all our political, social and economic institutions, they seem to be able to cloak themselves in a special immunity to criticism. By their lights, it appears, freedom of expression is fine so long as it stops before any question is raised or criticism lodged against national media policies and practices.

Nor is the national media's refusal to abide criticism reserved for utterances of a Vice President or, as I will momentarily point out, a Congressman or a member of a Presidential Cabinet. Any citizen who has suffered the frustration of being rebuffed when calling or writing to complain about inaccurate or biased news reporting knows exactly what I mean.

Yet, any extremist who dignifies our adversaries and demeans our traditions is sought out and spotlighted for national attention. He is interviewed as though he were representative of a large following and is treated with the utmost deference as he unloads into millions of American living rooms his imprecations against society and disrespect for civilized law. Such attacks against American institutions are editorially lauded as healthy demonstrations of freedom of expression in a free society.

Again, when the president of a prestigious university assaults our nation's judiciary by declaring that certain defendants cannot receive a fair trial in an American court, he is not charged with attempting to "intimidate" the courts. On the contrary, he is praised by important segments of the national news media for contributing to what they term "the dialogue."

And, as I shall discuss in a few moments, when a major television network delivers a subtle but vicious broadside against the nation's defense establishment, accusing it of disseminating deceptive, self-serving propaganda, contrary to the country's interest, that, too, is considering a legitimate exercise of the right to free expression in the public interest.

But let no man be so bold as even to utter the words "national news media." For, as we are forewarned by the national media themselves, the merest mention of the phrase by a man in government somehow constitutes a form of "intimidation" so great as to pose a fundamental threat to the people's right to know.

And so tonight, in once again taking up matters involving an important segment of the national news media, I believe it only fitting to cite some authority within media ranks to reinforce my right to do so.

Hear now the words of Mr. Frank Stanton, president of the Columbia Broadcasting System:

"No American institution," Mr. Stanton has said, "including network news organizations, should be immune to public criticism or public discussion of its performance."

I wholeheartedly agree. Proceeding from this premise, I therefore intend to discuss the public's right to know more about the performance of Mr. Stanton's network news organization in two cases involving documentaries—instances wherein CBS itself has claimed an immunity from criticism ill-becoming one of the country's major institutional critics.

For those who would challenge a Vice President's right to discuss such matters, let me say this: I do so only to raise questions which, if answered, will shed light on an area of network news operations about which the public knows little and needs to know more. These questions do not originate with me, nor do they arise from any partisan political considerations. Others before me, including the Federal Communications Commission, a Special Subcommittee of the Congress and a former Democratic Cabinet member, have asked Mr. Stanton similar questions, to no avail.

However, considering the serious charges leveled recently by the CBS television news organization against the public affairs activities of the Department of Defense, the matter of the network's own record in the field of documentary-making can no longer be brushed under the rug of national media indifference.

Little less than a month ago, on the evening of February 23, 1971, CBS television broadcast a one-hour documentary entitled, "The Selling of the Pentagon." The substance of this documentary was that the Department of Defense is subjecting the American people to, I quote, "a propaganda barrage . . . the creation of a runaway bureaucracy that frustrates attempts to control it."

"Nothing is more essential to a democracy," read the CBS script, "than the free flow of information. Misinformation, distortion and propaganda all interrupt that flow."

No one can disagree with the latter statement. But just as he who enters a court of equity should come with clean hands, the news organization that makes such charges should itself be free of any taint of misinformation, distortion and propaganda in its own operations. In this regard, it is the CBS television network, not the Department of Defense, that leaves much to be desired in terms of "the free flow of information."

Let me be specific. What I cite here is not simply the opinion of a single public official, but conclusions drawn by responsible investigative agencies in the Government and the Congress. These conclusions are contained in reports which in themselves would have made excellent documentary exposes, save for the fact that the national news media have given them scant attention. They concern the production and editing techniques employed by CBS personnel in the making of the documentaries "Hunger in America" and "Project Nassau."

Many in this audience may have been watching on the evening of May 21, 1968, when the attention of millions of Americans tuned to CBS television was drawn to the on-screen image of an infant receiving emergency treatment while a narrator's off-screen voice said:

"Hunger is easy to recognize when it looks like this. This baby is dying of starvation. He was an American. Now he is dead."

This was compelling film footage and narration designed to awaken the public conscience to a serious social problem. The only thing wrong with it was that it was untrue—but wait, let the official Federal Communications Commission report tell the story. I quote from the official report:

"Our post-broadcast investigation revealed that the infant who was filmed by CBS in the nursery, and who was shown in the relevant segment of the 'Hunger in America' program. . . .was born prematurely. . . apparently as the result of a fall taken by the mother on the previous day. . . The infant died on October 29, 1967, the death certificate shows the cause of death as 'Immediate cause: Septicemia. Due to: Meningitis and Peritonitis. Due to: Prematurity.' There is no evidence to show that either the mother or father was suffering from malnutrition . . ."

Thus, although the dramatic footage which opened the documentary "Hunger in America," may have served the network's purpose of whetting viewer interest, the baby shown "dying of starvation" in fact died of other causes.

Nor, as investigation of the production revealed, was this distortion only an incidental aspect in the overall production of "Hunger in America." Evidence was submitted that CBS personnel had, in the words of the report, "paid participants on the program to appear before its cameras and perform as per their instructions;" that the CBS crew "requested that the doors of the commodity distribution office be closed to allow a line of people to form;" that a physician was asked to make "more dramatic statements" and when he refused, the segment of the program featuring his more balanced view of the problem on malnutrition in the area was edited out for being "too technical."

In a letter to Mr. Stanton, then Secretary of Agriculture Orville Freeman cited numerous other instances of factual misrepresentation and distortion contained in the documentary. He asked for equal time to present a Department of Agriculture response to the network program. The network denied this request.

Now, having myself gained some experience in what to expect by way of negative network response to public criticism, I can fairly predict what Mr. Stanton and other CBS spokesmen are likely to say tomorrow morning concerning my recital of the case history on "Hunger in America." They will ask why this matter should be brought up again, at this time.

My answer is that I believe it both timely and in the public interest to point out that the same CBS employee who wrote the script to the 1968 documentary, "Hunger in America," wrote the script to the 1971 documentary, "The Selling of the Pentagon."

A second and even more startling case history of a documentary-in-the-making involves the participation of CBS personnel in an aborted effort to film a 1966 invasion of Haiti. The network's role in this effort, called "Project Nassau," was investigated last year by the Special Subcommittee on Investigations of the House Commerce Committee. Here again, let the report of the investigative body tell the story. I quote:

"The activities preparatory to 'Project Nassau' involved more than the filming of sham events, manipulation of sound tracks, and the like. Underlying the whole activity was the earnest endeavor by a group of dangerous individuals to subvert the laws of the United States. Had it been successful, the conspiracy would have produced a crisis for American foreign policy in the sensitive Caribbean area. Six men have now been convicted for their part in this conspiracy."

Continuing with the House Subcommittee report on CBS' participation in "Project Nassau":

"CBS funds were provided for the leasing of a 67-foot schooner which was to be utilized by the invasion force; expenses were reimbursed for the transportation of weapons which were to be subsequently used by the conspirators; various payments were made to . . . the leader of the invasion conspiracy, with full knowledge of his identity and his criminal intentions. If these acts did not actually involve the network in the conspiracy to violate the U.S. Neutrality Act, they came dangerously close to doing so."

Concerning such illegal activities, the House Subcommittee, in the course of its investigation, made public a CBS policy memorandum which, to quote from the views of a bi-partisan group of Subcommittee members, "represents a level of irresponsibility which should no longer be tolerated if the public interest is to be served."

Let me read here from that CBS policy statement to its employees:

"CBS personnel will not knowingly engage in criminal activity in gathering and reporting news, nor will they encourage or induce any person to commit a crime."

Now keep in mind, I am directly quoting the network's policy statement to employees.

"Obviously, there may be exceptions which ought to be made on an ad hoc basis even to so absolute a rule."

Small wonder that the House Subcommittee termed the results of its "Project Nassau" investigation, "disquieting." The Subcommittee said:

"To the average viewer, unsophisticated in the intricacies of television production, a network news documentary typically represents a scrupulously objective reporting of actual events shown as they actually transpired. If 'Project Nassau' is any indication, this is not always true. During the preparation of this news documentary, CBS employees and consultants intermingled and interacted with personages actively engaged in breaking the law. Large sums of money were made available to these individuals with no safeguards as to the manner in which these funds would be put to use. Events were set up and staged solely for the purpose of being filmed by the CBS camera . . .

"A disturbing conclusion after the inquiry to date with respect to 'Project Nassau'," said the House Subcommittee, "is that the CBS News organization, having become elated at the prospect of a sensational news first—a complete documentary of the forcible overthrow of a foreign government—proceeded in a reckless attempt to capture the hoped-for film, and that it did so with no great regard for either accuracy or legality."

Here, again, this investigation of the making, of a CBS documentary bears on the network's more recent production, "The Selling of the Pentagon." For the executive producer of the aborted documentary, "Project Nassau," also served as executive producer of "The Selling of the Pentagon"—a documentary, keep in mind, that sought to indict the Department of Defense for "misinformation, distortion" and the alleged staging of events.

But disquieting as are the results of these investigations by the FCC and the House Subcommittee, there is an even more disturbing note to be added here concerning media treatment of the reports themselves.

Who can doubt that had the evidence uncovered and the conclusions drawn by these investigative bodies related to any other industry or institution they would long ago have become, to coin a phrase, household words? The national news media would have made them so—just as CBS even now seeks to exploit its purported "findings" regarding the Pentagon.

Yet, when the industry and institution involved is itself a part of the national news media, a strange silence and rare restraint inhibits the people's right to know. So powerful is this inhibition that neither a Cabinet member, nor an Executive agency, nor a Congressional Committee was effective in bringing to public attention the serious matters to which I have addressed these remarks. And I have grave doubts about how much of my criticism tonight will be carried in the national media.

My purpose here, however, has not been to pillory or "intimidate" a network or any segment of the national news media in its effort to enhance the people's right to know. Rather, it is, once again, to point out to those in positions of power and responsibility that this right to know belongs to the people. It does not belong to the national networks or any other agency, public or private. It belongs *to the people themselves,* and they are entitled to a fair and full accounting of the truth, and nothing but the truth, by those who exercise great influence with their consent.

"We are living through dangerous times," concluded the House Subcommittee. "In these days it does not seem too strong a statement to say that the survival of the American society may depend upon the political and social judgments made during the next few years by the American electorate. Sound judgment presupposes valid information. The American public looks in great measure to the electronic news media to provide that information."

Let the people's representatives—not only in their government but in their national news media—also look, listen and take heed.

Before the Federal Communications Commission, Washington, D.C.

In Re Complaints Covering CBS Program "Hunger in America"

Memorandium Opinion

(Adopted October 15, 1969)

By the Commission:

1. The Commission has before it several complaints regarding the CBS documentary program, "Hunger in America," broadcast initially over the CBS network on May 21, 1968, and later repeated; e.g., letter from Congressman Gonzales of September 24, 1968; and letter of Congressman Gonzales dated May 29, 1969, forwarding to the Commission copies of the transcript of hearings of the House Subcommittee on Appropriations.[1] The charges center particularly about the cause of death of the baby shown in the opening segment of the program and said to be "dying of starvation." In this regard, they raise questions concerning CBS' good faith and the adequacy of its efforts to ascertain the facts prior to broadcast. We shall first set out the background facts to the complaints, then the results of an investigation undertaken after receipt of the complaints, and, most important, the applicable legal and policy considerations as developed in recent rulings and amplified in this case.

A. BACKGROUND FACTS

2. "Hunger in America," first televised on May 21, 1968, was partially filmed at the Robert B. Green Hospital in San Antonio, Tex., on October 26, 1967, by a CBS camera crew. In the opening minutes of the program a very small baby is shown receiving treatment while the narrator states:

"Hunger is easy to recognize when it looks like this. This baby is dying of starvation. He was an American. Now he is dead."

The program segment in question was filmed in the nursery for premature babies at the Robert Green Hospital. The CBS "Hunger in America" crew spent several days at the hospital in October 1967, and as part of their effort asked to film the nursery for background scenes, the intention being to concentrate on no particular infant. The hospital representative through whom the CBS crew worked arranged access for the crew and, since the purpose was background footage, no releases were sought from the infants' parents or guardians. Releases for other portions of the film were secured by the hospital's social service staff for the benefit of both CBS and the hospital. While the CBS crew was present in the nursery on October 26, 1967, sometime between 8 a.m. and noon, a CBS cameraman observed that one of the infants had stopped breathing. Dr. Luis Montemayer, the resident physician was summoned. Dr. Montemayer resuscitated the infant and the CBS cameraman filmed the entire incident. CBS did not seek to ascertain the identity of the infant until after the network broadcast of "Hunger in America."

3. The complaint of Congressman Gonzalez charges that segments of the program were "totally false in part and erroneous or misleading in other parts" (e.g., inaccuracy as to the number of hungry people in San Antonio); that the film was not that of a baby dying of starvation but instead was of a baby born prematurely, whose mother and father were healthy and well nourished; that CBS, "in full knowledge that the picture is false, is using it to promote an award for itself on the program"; that CBS did not interview the physician who treated the infant, had not checked medical records, and was not even certain of the child's identity; that the news team had not interviewed the parents nor obtained permission from them to film the baby or use the film in its broadcast; that CBS "coached" a doctor to "make dramatic statements" on malnutrition in San Antonio, and that with respect to these segments of the program, "CBS has approached the outer limits of heedless and reckless disregard for accuracy." These charges apparently were based on a San Antonio Express-News story of July 14 by Mr. Kemper Diehl, reporting the result of an investigation into the matter, and on other information given by Mr. Diehl. According to Mr. Diehl, a Negro college student had identified himself as the father of the dying baby shown in the film; the parents denied that the baby died of malnutrition; the baby was prematurely born in the 26th or 28th week of pregnancy; the mother reported that the birth occurred prematurely after she suffered a fall; and when the baby was 2 days old the mother had been at the premature nursery and had seen films being made of the child.[2]

4. Mr. Richard S. Salant, president of CBS News, stated, regarding the identity of the baby in question and the factors leading to its death, that "we relied for our information on these points on statements given to our newsmen by the hospital official through whom they deal principally in their visit to the hospital. * * * We ourselves are unable independently to identify the baby because, in filming the premature baby ward, we had no intention of studying any individual case in that ward and the babies filmed were thus not identified for us." As to whether CBS coached a physician, Mr. Salant stated that CBS merely asked the doctor to make his statements less technical. Finally, CBS states that it had an appropriate authority for its statement as to the number of hungry people in San Antonio.

B. RESULTS OF COMMISSION INVESTIGATION

5. The Commission, following receipt of the complaint, conducted an investigation of the matter. We have also, of course, taken into account the congressional investigation (see pars. 12–17, infra).

6. Our postbroadcast investigation revealed that the infant who was filmed by CBS in the nursery, and who was shown in the relevant segment of the "Hunger in America" program, was a Claude Wayne Wright, Jr. Hospital records show that the Wright infant was born prematurely on October 24, 1967, apparently as the result of a fall taken by the mother on the previous day and weighed 2 pounds 12 ounces at birth. On October 26, 1967, the Wright infant was shown as weighing 2 pounds 5 ounces and as having suffered a cardiac and respiratory arrest treated by Dr. Montemayer. The Wright infant died on October 29, 1967, the death certificate shows the cause of death as "Immediate cause: Septicemia. Due to: Meningitis and Peritonitis. Due to: Prematurity." There is no evidence to suggest that either the mother or father was suffering from malnutrition.[3]

7. Turning now to the question of how CBS came to identify the Wright infant as having died as the result of malnutrition, the following are the pertinent facts. Prior to the nursery filming, Mr. Martin Carr, produce of "Hunger in America," was told by Dr. Elliott Weser, in an interview which took place in the pediatric ward, that most of the babies in that ward were suffering from malnutrition and that three wards are "filled all the time with babies suffering from diarrhea and malnutrition." Mrs. Vera Burke, in charge of social services at the Robert Green Hospital at the time of the CBS filming, recalled telling Mr. Carr or other CBS crew members that "there were high incidence of premature births due to malnutrition in the mothers"; however, she denies indicating that any particular infant was dying or had died as the result of malnutrition. The latter

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Footnotes at end of table.

assertion by Mrs. Burke is contradicted by Mr. Carr and Mr. Peter Davis, CBS associate producer, who recall being told by Mrs. Burke that the infant in question died as a result of maternal malnutrition on October 27, 1967.

8. No further inquiry was made into the identity of the infant identified as dying of starvation until after the broadcast. The first allegations made regarding the accuracy of portions of the program were raised in the San Antonio Express-News on July 14, 1968. The allegations were based upon the assertion that the baby identified as dying of starvation was in fact the Wright infant and that the infant did not die of malnutrition. The Express-News charges were repeated in Congress on July 22, 1968, and Burton Benjamin, senior executive producer, CBS News, denied the charges in a letter to Congressman Gonzales dated July 25, 1968. Benjamin, in the letter, said that CBS had been informed by medical personnel at the hospital that the infant filmed died of maternal malnutrition and could not have been the Wright infant since he did not die until October 29th and the CBS infant died on or about October 27th. Further, Benjamin stated, the CBS infant was Mexican-American whereas the Wright infant was Negro. The information contained in Benjamin's letter was received from Mr. Carr and Mr. Davis although Mr. Benjamin called Mrs. Burke after the broadcast and she was unable to specifically identify the infant. However, Mr. Benjamin said, Mrs. Burke did affirm that maternal malnutrition was the cause of death. Mr. Benjamin also spoke to Dr. Weser who was also unable to identify the infant filmed. Mr. Benjamin did not ask Dr. Weser whether the infant had died of malnutrition. Although Dr. Weser did not recall speaking to Mr. Benjamin, he was not certain he had not; he did, however, recall speaking to Mr. Carr after the broadcast.

9. After the broadcast, Mrs. Burke called Mr. Carr to inform him of the Express-News charges and spoke to him on several subsequent occasions; she, according to Mr. Carr, never indicated that she had any doubts as to the cause of the infant's death. Dr. Weser recalled speaking to Mr. Carr once or twice after the broadcast on a friendly basis but was uncertain as to the subjects discussed. No one connected with the Robert Green Hospital recalls being asked to check hospital records to establish the infant's identity; Mrs. Burke also denies being asked to do so. Mr. Carr, however, maintains that he asked both Mrs. Burke and Dr. Weser whether the hospital records could settle the dispute and was told that they were no longer available (Mrs. Burke) and that it would be difficult to prove anything by the records (Dr. Weser).

10. From the foregoing, it is apparent that in view of the statements made by Mrs. Burke and Dr. Weser, at the least, CBS had reasonable basis for assuming a very high prevalence of malnutrition in the nursery and pediatric wards. The issue thus comes down to whether, regardless of the statements that the wards were filled with babies suffering from malnutrition, CBS nevertheless engaged in sloppy journalism or was recklessly indifferent to the truth in not ascertaining the cause of death of the Wright baby. Here there is a conflict, with the memory of the CBS witnesses differing from that of the hospital personnel. In these circumstances, it is, we believe, inappropriate to hold an evidentiary hearing and upon that basis (i.e., credibility or demeanor judgments), make findings as to the truth of the situation. The truth would always remain a matter open to some question, and unlike a tort or contract case, where a judgment must be made one way or another, that is not the case here. The issue presented here by the complaints is not one under the fairness doctrine, concerned with presentation of contrasting viewpoints (a different matter upon which we do not pass), but rather, whether to find the licensee has sought deliberately to slant the news. For reasons developed more fully in subsequent discussion (pars. 18–29, infra), intervention by the Government should be limited to cases where there is extrinsic evidence involving the licensee or management or in the unusual case where the matter can be readily and definitely resolved (footnote 7, infra). That is not this case.

11. Nor, we believe, would it be appropriate to hold a hearing regarding the charge that CBS tried to induce a San Antonio physician, during a filmed interview, to "make dramatic statements" which were not substantiated by the facts. The physician, Dr. Ramiro P. Estrada, states that after filming the interview, the CBS producer told him he was "hedging too much" and "wanted me to be more positive about my statements." Dr. Estrada says he thinks "they wanted more dramatic statements or more impressive cases but I said I couldn't go any further than this." The CBS producer denies that any effort was made to induce Dr. Estrada to make "dramatic statements" and asserts that he asked only that the doctor make his remarks less technical and, therefore, more understandable to the public. The producer states that the filmed interview was not used on the program because in his editorial judgment the material was too technical. Thus, there is a conflict of evidence on this aspect of the complaint, and it does not appear that further inquiry is warranted to resolve it, in view of the policy discussion set forth within.[4]

12. On June 2, 1969, after the issuance of the report of the subcommittee of the Committee on Appropriations and part 5 of the related staff report, Congressman Gonzales asserted on the basis thereof that "CBS paid participants on the program to appear before its cameras and perform as per their instructions. However, CBS made no announcement of such payments before, during or after the broadcasts in question, so that the American public would know that the views expressed, ostensibly belonging to the persons interviewed, were in fact, bought and paid for by CBS. It is plain that the award of such undisclosed gratuities violates section 317 of the Communications Act." Reference is also made to the San Antonio Commodities store segment of the program. Accordingly, the Commission made further inquiry into the additional matters raised.

13. With respect to the payment of interviewees by CBS is should first be noted that section 317 of the Communications Act requires announcement of payments received by the broadcast statement rather than payments made. Consequently, no question of CBS' compliance with section 317 has been raised. The actual issue is whether CBS, through payments, sought to induce the interviewees to make statements which they otherwise would not make. We note that payment to interviewees, particularly in the form of releases, is frequently made. CBS states that its documentary crews always attempt to obtain personal releases from persons filmed, using forms prepared by the CBS law department, and that consideration is always paid for such releases. It denies that consideration was paid in this case to induce false or misleading statements and asserts that the payment made in each instance was reasonable in the light of the inconvenience caused the interviewee. The subcommittee made available to the Commission copies of their memorandums of interviews had with people who had appeared on the program and who had received payments from CBS ranging from $15 to $40. Our study of these memorandums revealed no reference of any kind from which it could be concluded that payments were made to induce participants to "perform as per instructions" or to make other than truthful statements. Mr. and Mrs. Boyd Nez were paid $40 for allowing CBS to film them and their daughter's family,[5] Louise Zanders received $39 from the CBS crew during the 3 days they filmed at her home, and Esther Medrano was paid $15 by CBS, the amount she would have earned as a domestic during the 3 days she stayed at home waiting for the CBS crew. In view of the absence of any indication of any wrongdoing by CBS, the Commission does not believe that further inquiry into this matter is warranted.

14. Turning now to CBS's activities involving the filming of events occurring at the San Antonio City Commodities market, the subcommittee's investigative report included the following paragraph:

"Mr. John E. Bierschwale, Director of the San Antonio City Welfare Department, advised on September 30, 1968, that at the time the CBS crew was in San Antonio, the city operated a commodity distribution program for the needy. The city has since changed to a food stamp program. He said the CBS crew wanted to film a typical commodity distribution office and made arrangements to set up the cameras at one of the offices. CBS waited for a long line to form outside the office, but when this did not occur the CBS crew requested that the doors to the office be closed to allow a line of people to form. Mr. Bierschwale stated he cooperated with CBS by closing the office without realizing that CBS intended to discredit the commodity distribution program. The doors were closed for 1 hour and 45 minutes to permit a line of about 20 people to form before the filming took place."

15. The Commission's staff contacted Mr. Bierschwale who affirmed the facts recited above. In addition, three former employees of the commodities market were interviewed—Messrs. Vernon Sance, former superintendent of the commodities warehouse and now a San Antonio policeman, Donald Lynch, former issuing clerk at the commodities market and now an employee of the San Antonio Police Department, and William R. Monahan, former supervisor of the San Antonio Distribution Center who is now retired. All of those interviewed recalled that during the time that the CBS crews came to the distribution center, the distribution of commodities was interrupted. Messrs. Bierschwale and Lynch state that the doors to the center were closed for 1 hour 45 minutes, only 15–20 minutes of which was used for the setting up of cameras and lights. Messrs. Sance and Monahan, however, state unequivocally that distribution was halted for no more than 20–30 minutes to permit CBS to set up its equipment. Both Bierschwale and Sance agree that by the time distribution recommenced, 15–20 people were awaiting service. Mr. Bierschwale attributes CBS' request to halt distribution to their desire to show people standing in line for commodities; on the other hand Mr. Monahan recalls that CBS did not want too much of a line and wanted pictures of only a few people in the room.

16. CBS's reply, in all major respects, comports with the recollections of Messrs. Sance and Monahan. Martin Carr, producer of "Hunger in America" states that the only film shot by CBS was of the people inside the distribution center and thus only the four recipients who could physically be accommodated at one time. Aside from individual faces and hands, some portion of the film shot at the commodities market was utilized in "Hunger in America" and in the closing credits of that program, but, according to Mr. Carr, no lines were filmed or utilized since CBS was not interested in filming the commodities market for that purpose. In addition, CBS states that it was at Mr. Bierschwale's suggestion that the CBS

Footnotes at end of article.

crew returned on Wednesday, October 25, 1968, because he anticipated more customers. According to Mr. Carr and CBS, the crew arrived at the distribution center early and set up their lights directly above the distribution counter, thereby interrupting the distribution of food for reasons of safety and because of the limited space in the room. Aside from the 20-minute period for the initial setting up of equipment and a possible 5-minute interruption for readjusting television lights, CBS asserts that at no time did any of its employees make a request to Mr. Bierschwale that the distribution be halted.

17. In view of the statements of the welfare department, the fact that CBS shot no film of, and the program gave no indication of, an effort to show a long line of welfare recipients, and the description of the floor plan and modus operandi of the welfare center (room for four persons in a line from the entrance door to the food counter), we find no warrant for concluding that CBS sought to slant its news depiction, as charged in this respect. Here again we would also note that the subsequent policy discussion (sec. C, infra) is, in any event, in point.

C. RELEVANT POLICY CONSIDERATIONS

18. The investigation described in section B was appropriate under the Commission's policies as then developed. This case and the *Democratic National Convention* case (*Letter to ABC et al.*, Feb. 28, 1969, 16 F.C.C. 2d 650) have led us to focus again on what policies should govern Commission action in this sensitive area. We set forth those policies in this section.

19. The discussion in *Letter to ABC, supra,* makes clear that the Commission's concern in this type of situation is twofold: (1) Whether there has been compliance with the fairness doctrine (reasonable opportunity for the discussion of contrary viewpoints on issues of public importance); (2) whether the licensee has deliberately distorted or slanted the news. The complaints in this case focus on (2). As to this area, we stressed in the *Letter to ABC, supra,* at page 10:

"That the critical factor making Commission inquiry or investigation appropriate is the existence or material indication, in the form of extrinsic evidence, that a licensee has staged news events. Otherwise, the matter would again come down to a judgment as to what was presented, as against what should have been presented—a judgmental area for broadcast journalism which this Commission must eschew. For the Commission to investigate mere allegations, in the absence of a material indication of extrinsic evidence of staging or distortion, would clearly constitute a venture into a quagmire inappropriate for this Government agency."

20. Lest there be concern that our inquiry into allegations of deliberate distortion of news or staging of purported incidents for use in television documentaries, such as those involved here, may tend to inhibit licensee's freedom or willingness to present programing dealing with the difficult issues facing our society, we wish to make our policy in this sensitive area clear. We commend CBS for undertaking this documentary on one of the tragic problems of today. We wish to make it clear that, in the future, we do not intend to defer action on license renewals because of the pendency of complaints of the kind we have investigated here—unless the extrinsic evidence of possible deliberate distortion or staging of the news which is brought to our attention, involves the licensee, including its principals, top management, or news management. For example, if it is asserted by a newsman that he was directed by the licensee to slant the news, that would raise serious questions as to the character qualifications of the licensee. See, e.g., *KMPC, Station of the Stars, Inc.*, 14 Fed. Reg. 4831 (1949). Such cases must be thoroughly explored, and it would be inappropriate to renew the station's license pending resolution of such an issue. However, if the allegations of staging, supported by extrinsic evidence, simply involve news employees of the station, we will, in appropriate cases (see par. 21, infra), inquire into the matter, but unless our investigation reveals involvement of the licensee or its management there will be no hazard to the station's licensed status. Such improper actions by employees without the knowledge of the licensee may raise questions as to whether the licensee is adequately supervising its employees, but normally will not raise an issue as to the licensee's character qualifications.

21. We would stress that in a situation involving a charge of slanting by a news employee, we intend to exercise care in entering this sensitive area. Thus, as set out in the *Letter to ABC, supra,* we do not consider it appropriate to enter the area where the charge is not based upon extrinsic evidence but rather on a dispute as to the truth of the event (i.e., a claim that the true facts of the incident are different from those presented). The Commission is not the national arbiter of the truth. And when we refer to appropriate cases involving extrinsic evidence, we do not mean the type of situation, frequently encountered, where a person quoted on a news program complains that he very clearly said something else. The Commission cannot appropriately enter the quagmire of investigating the credibility of the newsman and the interviewed party in such a type of case. Rather, the matter should be referred to the licensee for its own investigation and appropriate handling.[6] On the other hand, extrinsic evidence that a newsman had been given a bribe, or had offered one to procure some action or statement, would warrant investigation. So also, should there be an investigation where there is indication of extrinsic evidence readily establishing whether or not there has been a rigging of news (e.g., an outtake or a written memorandum).

22. Thus, depending on the nature of the complaint, the Commission might take no action, might refer the matter to the licensee for its investigation, or might conduct its own investigation. While it is not possible to set out which course of action would be appropriate in a wide range of cases—since so much depends on the facts of the case—we shall act with great care. Rigging or slanting the news is a most heinous act against the public interest—indeed, there is no act more harmful to the public's ability to handle its affairs. In all cases where we may appropriately do so, we shall act to protect the public interest in this important respect. But in this democracy, no Government agency can authenticate the news, or should try to do so. We will therefore eschew the censor's role, including efforts to establish news distortion in situations where Government intervention would constitute a worse danger than the possible rigging itself.[7]

D. CONCLUSION

23. We have set out the results of our investigation and, most important, the policy which we shall follow in this sensitive area. Upon the basis of the foregoing discussion, we conclude that no further action is warranted here with respect to the issue of slanting the news—the issue which was presented in the complaints.

24. While there, thus, may be no basis for Commission action, we strongly believe that questions such as those raised by Mr. Diehl in his newspaper articles do serve the public interest. As we stressed in the *Letter to ABC, supra,* page 8, it is vital that the media be subject to scrutiny by critics, and there is, we think, no better way than for news competitors to be constantly checking on each other. The beneficiary of such criticism is clearly the American people. Finally, we note again that broadcast licensees must take such criticism into account, and take all appropriate steps in the light thereof. The key to their continued high standing with the American people is constant vigilance to assure the integrity of their news operations.

FOOTNOTES

[1] A copy of the House Subcommittee on Appropriations transcript and report was also forwarded to the Commission by Congressman Jamie Whitten on May 27, 1969.

[2] Other allegations concerning CBS's activities are set forth at par. 12, infra. 20 F.C.C. 2d.

[3] The basis for this finding is as follows: The field investigation indicated that the CBS crew filmed in the premature nursery at the Robert Green Hospital during the daytime on Oct. 26, 1967. CBS crew members say that the cameraman was filming various infants in the ward at the time he noticed that one baby suddenly stopped breathing. Dr. Luis Montemayer was called, and the cameraman continued to shoot film while the doctor resuscitated the infant. Based on hospital records and information supplied by Mrs. Mary Jo Quinn, record librarian, six babies died in the nursery during the period of Oct. 18 through Oct. 29, 1967. Mrs. Quinn stated that none of the six babies suffered from malnutrition. Of the six deaths, two were baby girls. One of the baby girls died on Oct. 21. Obviously this could not have been the baby shown in the film, not only because of the date, but because the baby in the film was identified as male. The other baby girl was born on Oct. 23 and expired Oct. 29, because of (1) respiratory failure; (2) peritonitis and stress; (3) spontaneous gastric perforation. Mrs. Quinn stated that the hospital had no information regarding the mother of this baby adding that there was nothing in the record to suggest malnutrition on the part of the mother or the baby. Two more of the babies died the same night they were born, prior to the Oct. 26 filming date. The fifth baby, born Oct. 25, 1967, died on Oct. 26 at 11:55 p.m. However, this baby was of normal birth after 40 weeks gestation, weighing about 7 pounds 10 ounces, and it apparently would not have been in the premature section of the nursery where the baby in question was filmed. Moreover, hospital personnel say the baby shown on the CBS program was much smaller than this one. The sixth baby, Claude Wayne Wright, Jr., "was born by way of spontaneous premature labor from a 17-year-old Gravida I. Para. O, female who was approximately 7 months pregnant by history" on Oct. 24, 1967, weighing only about 2 pounds, 12 ounces. According to the hospital records, the baby had a cardiac and respiratory arrest on Oct. 26 and was treated by Dr. Luis Montemayer. The baby died on Oct. 29, the immediate cause of death shown on the death certificate was septicemia, which was in turn caused by meningitis and peritonitis, due to prematurity. Hospital records made no reference to malnutrition on the part of either the mother or the baby. Dr. Montemayer, when interviewed on Oct. 18, 1968, stated that he saw the film on television; that he was shown in the film giving artificial respiration to the baby after the baby had suffered two cardiac arrests; and that the second cardiac was in front of the camera; Dr. Montemayer also that that, "they [CBS] said the baby died from hunger, but he did not. He died of complications because of prematurity. He only weighed 2 pounds and some few ounces * * * there is no doubt that the baby shown on television was the Wright baby. I remember the baby was premature—and exceedingly small—less than 3 pounds. I checked records of about four babies and that's the only one it could have been." The testimony of two nurses tends to corroborate the state-

ment of Dr. Montemayer in that both stated that they had observed Dr. Montemayer resuscitating the baby while the crew was shooting film of that particular baby. Thus, it is apparent that this is the baby that was shown in "Hunger in America." When contacted during the field investigation, the father of the baby stated that he did not want to discuss the matter any further. However, it is pertinent to note that when both parents were interviewed by Mr. Kemper Diehl, they denied that the mother suffered from malnutrition and said the birth occurred prematurely because the mother suffered an accidental fall.

[4] In view of the CBS response and the above discussion, the other charge regarding the accuracy of the statistics as to the number of hungry people in San Antonio likewise does not establish a case of slanting the news.

[5] The Nez family also states that CBS promised additional payment and lumber but that it was never received.

[6] In this connection, we stress that the licensee must have a policy of requiring honesty of its news staff and must take reasonable precautions to see that news is fairly handled. The licensee's investigation of substantial complaints referred to it must be a thorough, conscientious one, resulting in remedial action where appropriate (see *Letter to ABC*, 16 F.C.C. 2d 650 (1969)); efforts to cover up wrongdoing by his news staff would raise the most serious questions as to the fitness of the licensee. See *WOKO, Inc.* v. *FCC*, 329 U.S. 223 (1946).

[7] In any event, overlaying this entire area is the fairness doctrine, which is applicable to the news operation of broadcast licensees and which, in particular situations such as here treated, may call for the presentation of contrasting viewpoints. See *Red Lion Broadcasting Company* v. *United States*, 395 U.S. 367 (1969); *Report on Editorializing by Broadcast Licensees*, 13 F.C.C. 1246 (1949).

THE TRIAL OF LIEUTENANT CALLEY

Mr. SPARKMAN. Mr. President, I am deeply disturbed about the entire proceedings in the trial of Lieutenant Calley and the verdict that has been rendered by the court. Let me say that the people of my State are also disturbed and concerned about it. I cannot recall when I have ever before had as many telephone calls, telegrams, and letters about anything as I have had about this.

I think that the result of the Calley trial has had and will have in the future a serious effect on the morale of our fighting men around the world. It has had a terrible impact on our veterans of past wars. Unquestionably, it is a source of deep concern to the mothers and fathers of all of our servicemen.

I want to take this opportunity to make known my protest over the making of a scapegoat out of Lieutenant Calley. I have urged everyone who has contacted me about the trial and I have called on all of the people of my State to join me in protesting to President Nixon and to Secretary Laird. In my view, Lieutenant Calley has been made a scapegoat, and I do not believe that this is right.

YOUNG AMERICA IN THE "NOW" WORLD

Mr. HUMPHREY. Mr. President, on January 25 of this year, I was privileged to deliver the annual Charles C. Moskowitz Lecture at New York University.

In my remarks I tried to warn our young Americans against neo-isolationism, as violating both our national interests and our role of moral leadership. I outlined what I believe must be our vision of a new diplomacy for America in the years and decades ahead.

The lessons we must draw from Vietnam are that we are a Pacific and not an Asian power. The primary responsibility for security and development in Asia rests with the Asian nations themselves. We must work in concert with our allies to bring mainland China into the family of nations. We cannot any longer afford to see the world as divided between friends and enemies. It is far too small for such simplistic diplomatic myopia.

Our leadership and participation in world affairs has preserved the world from nuclear holocaust. We must continue that leadership. Recently I have called on the President to halt further deployment of ABM and to delay deployment of MIRV. I have urged and recommended a mutual freeze on both defensive and offensive land based strategic nuclear weaponry by the United States and the Soviet Union.

America must once again inspire its successor generation with the hope that idealism with constructive action will again be the cornerstone of our involvement in the world.

Mr. President, I ask unanimous consent that my address by printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

YOUNG AMERICA IN THE "NOW" WORLD

(Remarks of the Honorable HUBERT H. HUMPHREY)

The "Now Generation" has its work cut out for it. You young people here today were born into a whirlwind. You have been subjected to more diverse and rapid physical and psychic stimulation between birth and age five than your parents received in their first twenty years.

You must assimilate a world of facts from a world that itself is suffering from "future shock." The only modern day Leonardo, sans creativity, is the most up-to-date and informed computer. I wouldn't be surprised if some of these electronic renaissance robots actually sport the name.

You may not have readily available the time for reflection. You may not have accessible the kind of atmosphere conducive to "Sweet Silent Thought" and the "Remembrance of Things Past."

But you must find the time and the place for absorbing not only the data of your generation but for understanding relationships: feeling the pulse of love and life and its meaning to you, and for learning the lessons of the past. Yes, you must find the time for knowledge—and the capacity for commitment, but, remembering that knowledge without commitment is wasteful; but commitment without knowledge is dangerous.

The lesson I would like to discuss today is global. It is the lesson the "Now Generation" must learn swiftly and fully from the "Then Generation." It is the lesson of war and/or peace.

The War in Vietnam has already marked its quarter-century and American involvement now comprises a full decade. It has cost us more than 45,000 American lives, and almost 300,000 casualties, more than $115 billion of American wealth, and division and discord at home.

We entered the war a confident nation concerned with our ability to foster peace and security in many parts of the world; we are leaving it a nation uncertain of ourselves, uncertain of the future, uncertain of our place in the world. This "coming out of war" is a difficult time: Alexis De Tocqueville called it "the most important time in the life of a country."

What have we learned? What lessons have we bought in blood and treasure in Southeast Asia? What will we think and do now that differs from our posture of a decade ago?

These are not simple questions, and they do not have simple answers. But we do know that the Vietnam War has caused something to happen in America. It has changed our country and our people. It has compelled us to re-examine our role in the world; to see in historical perspective what we have done; and to ask what are responsibilities for peace and security today and in the future.

Twenty-five years ago, we were nearing the end of a bitter and costly war. We looked forward hopefully to a new world at peace.

We had a dream of Allied amity and cooperation, and of strong moral limits on the use of power—limits to be observed by all nations.

That dream soon faded. We found that only America had the means and the will to save much of the world either from a new tyranny imposed by military force, or from the ravages of economic collapse and a widespread poverty of the human spirit.

We resolved not to repeat our mistake of the 1920's. We accepted the role of international responsibility. We refused to turn our backs on Europe and other parts of the world that desperately needed our aid. We were determined to hold off the return of isolation, and we worked diligently to build structures of collective security that would bring order out of near chaos. This massive effort took us suddenly into a new and often confusing era in our history; we abandoned almost overnight the most basic tenet of our foreign policy: to beware of entangling alliances.

Our new involvement—including our repudiation of isolationism—was underscored by our leadership in creating the United Nations, in forging the NATO Alliance, and in vast investments in foreign aid.

Today our network of commitments stretches around the world, and involves alliances with 43 different nations. In less than three decades—an "instant of time" in man's history—we grew from provincial state to super-power, with the greatest physical and economic power the world has ever known.

There was no precedent for this development. No other nation has been required to do—and learn—so much in so little time. And I believe that we met the demands placed upon us with a surprising degree of sophistication and success. We used our power and generously shared our resources to bring political stability and economic recovery to nations ravaged by World War II. We provided a shield of protection behind which other peoples and nations could once again stand strong and renewed. We met the fierce force of aggression in Korea. We sought to bring stability to the Middle East. We extended our power and resources bit by bit into Southeast Asia until we were engulfed in a strange and cruel war that defied all norms of conventional warfare.

That war in Vietnam has brought with it such disillusionment and discord that many Americans of every political persuasion now question anew all United States overseas involvements. But we must not let our experience in Vietnam obscure the fact that for twenty-five years we helped preserve the world from a major war and, in particular, from a nuclear holocaust.

What costly lessons have we learned from the sorrow of Vietnam? We have learned above all that we must now carefully assess all of our national interests, free from an ideology of involvement and tested by hard, uncompromising analysis. Underlying all the rhetoric about Vietnam is the belief that we are overcommitted and that there are limits to the use of military power and these limits need to be defined. We learned that we must not become deeply involved where we have little at stake, or where our own security can be protected by other means than armed intervention. We must exercise that thoughtful discretion which is the better part of valor.

This is one lesson of Vietnam—the signal lesson—but it is more. It also reflects a new sense in America that we must turn our minds and talents, and direct our resources, to pressing needs at home.

The traditional line dividing domestic from foreign affairs has become as indistinct as a line drawn through water. This means that our place in the world, and the nature of our own society, have become indivisible. Our structure of common defense and security could prove to be only a hard outer shell that could collapse on an empty center unless we bring new strength to areas of our internal life that are threatened on every side—as we see our environment polluted and damaged; our cities rotting; our systems of education and health care grossly inadequate; our people torn by bitter dissension.

There are growing fears that this new questioning of our involvement in the world will lead us to another period of isolation; there is the growing feeling that we will abandon our role of international involvement and return to isolation and Fortress America. Our Allies in Europe are especially concerned; and their fears are fostered by misguided efforts in the United States to regard all of our separate commitments in the world as indivisible—seeing in our disengagement from Vietnam the threat that we will abandon Europe and the Middle East as well.

Nothing could be more absurd. Today it is impossible for us to isolate ourselves physically, politically or economically from the rest of the world. The facts of communications, transport, trade, and the travels of our people have ruled that out, not just for now but for all time.

Yet there is a danger of a new moral isolation, brought about in part by our failure to see that recovery and prosperity, as found in Europe, does not mean that the job is done. Nor must we permit our weariness with war and responsibility to trap us into believing that we can now separate ourselves from a deep and lasting involvement in the rest of the world. On the contrary, we are now fully committed to playing a major role in the future of mankind.

We can—and we must—readjust the scale and nature of our involvements, and manage these changes intelligently. But we must be careful not to act in haste, not to explore a short-sighted and ultimately futile moral disengagement from the world. There are equal dangers—of over-involvement and blind abstention. We must carefully steer a course between the two.

In recent years, we have seen the development of a central paradox: That while we and the Soviet Union have become more powerful in strictly military terms, our ability to use this power has become more limited. We must not underestimate the latent power and effects of nuclear weapons. They are still of central importance in relations among the major nations of the world. But now, at a time of mutual deterrence, their mystique is dwindling and other expressions of power are emerging in competition with them.

We are living in a new age of pluralism:

The bonds of alliances are weakening, both in the West and in the Communist World;

Sino-Soviet rivalry has become a threat to peace, and firm evidence that the Communist monolith is no more.

The game of world politics now has a host of new players in the developing world; and

Individual countries are making new diplomatic approaches and arrangements with little reference to the super-powers that once were virtually the sole custodians of security. Even Soviet military occupation of Czechoslovakia has failed to quash hopeful developments in Eastern Europe.

In today's world, power is proving to be persuasive only to the extent that it is appropriate to local circumstances and the interests of local powers. We are discovering a new definition of power that goes beyond military might.

The plain fact is that, in the world of today, there is a much greater play of other power forces—economic, political and psychological. And there is the emergence of new problems, such as the growing division between rich nations and poor, that have little relation to military might.

Almost everywhere, there is a return to the power of ideas and ideals, not just within a younger generation that reacts against the ceaseless combat of its elders, but emerging in every generation and every place where the writ of nuclear power no longer runs.

Effective action in the world now often means the application of wealth, talent, and ideals—not just by the super-powers, but by many nations.

In these changed circumstances, how can we develop a new role for the United States in the 1970's? What can our country do in the world that would help to build peace, stability and ordered change? To a great extent, the answer to these questions will depend on our ability to develop new methods and approaches that are rooted less in our military power and more in what we have to offer other nations in ideas, resources, and experience.

But first and foremost, we must help preserve life itself from the threat of nuclear war. This is no simple or preordained process; we cannot take for granted our survival in the nuclear age.

Both the United States and the Soviet Union now have far more nuclear power than needed to deter one another. Each of us could destroy the world with a million Hiroshimas; and neither of us can benefit from added nuclear strength, which may even decrease the security of everyone.

For twenty years, we have lived with the doctrines of deterrence, not because we welcomed the prospect of a cataclysmic nuclear war following the first use of these terrible weapons, but because we had no other choice. In the last few years, we managed to add a small measure of stability to the mad balance of nuclear armaments: a mutual deterrence that has made each of us as much a custodian of the other's basic security as we are of our own. This mutual deterrence is based on healthy distrust, but it is secured by the evidence of reconnaissance satellites and other means of unilateral inspection.

This was a novel development—unprecedented—but it was and is necessary for either Russia or the United States—indeed, for anyone in the world—to survive the nuclear age.

Today, we are rapidly entering a period of new super-weapons in which we will no longer be sure of deterring the Russians and—as strange as it may seem to us—they will have similar doubts about their ability to deter us. SALT negotiations in Helsinki and Vienna now seem to have come to an impasse. I hope this is not the case and that there will be agreements forthcoming that will limit both strategic and defensive nuclear delivery systems.

Soviet reductions in the rate of SS–9 deployment and the obsolete nature of the Moscow ABM or Galosh System, would seem to be signs of a desire on the part of Moscow to at least negotiate in an atmosphere of deescalation.

Congressional limitation of the ABM and declarations on limiting the involvement of U.S. troops in conflict abroad have also given the nod from the United States for agreements of substance and scope.

The details of current Soviet and U.S. proposals cannot be discussed with any accuracy, and I do not propose to talk about hypotheticals here today. However, now that MIRV has begun to be deployed on both Poseidon and Minuteman III, U.S. and U.S.S.R. negotiators must make every effort to reach agreements that are reciprocal.

I do not think that we have the luxury of time or opportunity to reject a limited ban or curtailment of any system, and insist on a comprehensive agreement. This would be the ideal. However, we must not reject making some progress if agreement cannot be reached on all systems.

We have valuable precedents to support Presidential overtures of a conciliatory nature. In 1958, President Eisenhower offered to halt American testing of nuclear weapons for a period of one year from the beginning of negotiations on a formal treaty, if the United Kingdom and the Soviet Union would follow suit. This mutual moratorium was preserved for nearly three years.

In 1963, President Kennedy again ordered a halt to testing of nuclear weapons in the atmosphere, and proposed to maintain the ban so long as the Russians did likewise. They responded, and the result was the historic Test-Ban Treaty—a proposal I had long urged.

Today, I call upon President Nixon to halt deployment of ABM and delay further deployment of MIRV. Like President Kennedy, he holds in his hands the keys to arms control—or to an uncertain world of mutual terror.

We would run no serious risks; and we could always continue our programs if the Russians failed to respond.

I believe that such a moratorium can succeed; and all mankind—all future generations—would forever be in our debt.

But even if we do succeed—even if we do stop the dangerous and destabilizing weapons now being prepared by both sides, there will be other terrifying weapons in the future.

This prospect increases the importance of the SALT talks. Whether or not we succeed in stopping the MIRV, the ABM and the SS–9 before it is too late. We must work patiently with the Soviet Union to achieve one common goal: continued survival in a world where nuclear weapons technology itself is our greatest enemy.

From now on, we must both base much of our security on greater political understanding, or we will have no security at all!

I do not argue that we can trust the Russians in all of our relations with them. We cannot: they are still not prepared to consider agreements with us or with our allies in many areas of the world in which competition and conflicts of interest could still have deadly consequences. But unless we transform Soviet-American relations in the critical area of nuclear weapons, we may not live to debate other questions of serious but lesser importance.

This will require a new diplomacy, managed with skill and patience, and extending far beyond the SALT talks. We must recognize that there is no easy exit from the many dilemmas facing us; we must take full account of the interests of our allies, in Europe and elsewhere; and we must seek ways to turn all aspects of our relationship with the Soviet Union from the sterile byways of military confrontation into the more hopeful paths of political accommodation.

We could usefully begin annual working meetings at the highest level between American and Russian leaders. And we should expand trade relations, cultural contacts, and the search for peaceful engagement in many areas of science, commerce, and technology. This must be a part of the new diplomacy.

Yes, our relations with the Soviet Union are of central importance. But other developments in the 1970's demand our attention; other factors will influence what the United States can usefully do in the world.

Most important among these is the emergence of China as a major power in Asia. Today, Chinese power is still more psychological than factual, although it is growing. It would be a fatal error if we let ignorance and unreasoning fear in the face of future Chinese military power close the door to political understandings with Peking.

We must do all we can to end the isolation of China, helping to bring her into the community of nations, free from paranoia and committed to respecting the legitimate rights of her neighbors. An isolated China is a danger to all the world; a China that is involved with the outside world will still pose problems, and perhaps even threats of a serious nature, but at least there will be some hope that accommodation will replace antagonism.

The resumption of American-Chinese discussions in Warsaw was and is a hopeful development. We must exert greater initiatives in the relaxation of trade and travel restrictions between China and the United States. Cultural exchanges can also serve to broaden the contacts between our peoples.

They are modest beginnings; and they will not be enough. We must also realize that the legacy of embittered Chinese-American relations will not be overcome in a year, or perhaps even in a decade. But, we can do much to come to terms with China, and come to terms with ourselves regarding China. Yet it may well take years before these efforts produce a visible change in our relations, before China will respond to our efforts. Our initiatives—always taken in full consultation with our allies—can and should lead to the eventual diplomatic recognition of China and her admission to the United Nations. This too must be a part of the *new diplomacy*.

But as we see the rising new Asia we must remind ourselves that the primary responsibility for security and development in Asia rests with the Asian nations themselves.

They must take the lead. It is they who best understand themselves—their past and their hopes for the future. We should be prepared to cooperate—to be a helpful partner, not a dominating force. We do have an interest in Asia—but we are not an Asian power. We are a Pacific power.

Chief among these Asian nations is Japan, with whom we have strong ties. These ties must be continued and expanded as the best hope of promoting development and stability in Asia without holding the ring ourselves.

Japan is uniquely situated. She is the most powerful Asian country—not in military might or in nuclear weapons, but in economic strength; she has a thorough knowledge of the Asian continent and its diverse cultures, widespread trading partnerships, and an inventive approach to new problems. These qualities enhance Japan's ability to play a leading role in helping Asia to enter a new era of political, social and economic development.

We should continue, particularly during this period of transition, to be directly concerned with Asian affairs. We seek an early end to the Vietnam war; but we cannot ignore the real problems that will continue in Southeast Asia once we are gone from Vietnam. Without becoming an Asian power, deeply enmeshed in the politics and problems of that continent, we can and should support hopeful efforts by local peoples to work out their own destiny.

In September, 1968, at the Commonwealth Club in San Francisco, I gave my views on Southeast Asia in a speech entitled "The New Strategy for Peace." I believe whatever role we play in Southeast Asia should carefully follow three guidelines: self-help; regional and multilateral assistance; and selective American involvement:

First, local countries must manifest a willingness to help themselves; both to provide security and to undertake economic and social development; and they must have the courage to organize their own affairs in ways that will provide them with a stable basis for governing;

Second, primary responsibility for helping individual nations provide for their security and economic development should rest with the nations in the area and with multilateral and regional organizations and;

Third, American help should be selective and carefully measured. Our efforts must be justified by our own interests and responsibilities; and they should be concentrated on economic development through multilateral means. We are no longer the only source of help against threats to the security of Southeast Asia, or against poverty. Hopeful developments there will be lasting only if they spring from efforts by local countries, and if they command broad popular support.

Our experience in Southeast Asia points to a central dilemma in foreign policy: the difficulty of reconciling stability with change. Today, we recognize that the stability of Soviet-American relations is necessary for the survival of the world. But we also recognize that unless there can be change in the world—economic, social and political change within countries and in international society—then stability, itself, will prove fruitless and self-defeating.

We must find ways to promote change within a framework of order, or the future of the world will be tyrannized by either anarchy or repression.

We can begin by supporting efforts within Europe to move away from more than twenty years of confrontation, to a new European Commonwealth of Nations embracing the entire Continent.

The United States no longer has the dominating voice in European politics; nor should we wish it. But we are a European power, deeply involved in providing security and confidence, without which there would be no hope of change.

There is a movement in the United States today to sharply and quickly reduce our commitment to NATO, before we work out firm understandings with all nations in Europe—East and West—on the future of the Continent.

Would this be wise? Well, as I see it, we will not achieve mutual and balanced force reductions if we act first and alone; we will not convince the Soviet Union to accept rules of civilized behavior in Eastern Europe, if we lose interest in European affairs; we will not reassure our allies that we are concerned with the future of Europe, if we are insensitive to their anxieties and needs.

We must show that our partnership with Europe really means something, and support efforts to resolve the division of the Continent.

As an additional part of the new diplomacy:

We should encourage our allies in their proposal for a European Security Conference, and realize that this conference can be part of the political process that may help achieve what we want—troop reductions throughout Europe.

We should make consultation, particularly on force levels, a real constant on-going effort—with regular meetings at the highest level—not a vehicle for showmanship and American lecturing to our European allies;

We should encourage and support bilateral political contacts between our allies and the nations of the Warsaw Pact, including recent West German efforts to improve relations with the Soviet Union and the Eastern European States;

We should work for expanded trade and cultural relations between East and West;

And we should help to make the NATO Alliance an international instrument for peaceful engagement, not a rigid institution committed to the past;

With our allies, we can help to liquidate the legacy of military confrontation. But this will require a new American awareness of Europe's needs, problems and hopes. This is at the very heart of the new diplomacy of partnership and reconciliation.

Elsewhere in the world, the dilemma of change versus order will be even more difficult to resolve, yet more pressing, as population growth, poverty, and unrest disrupt whole continents.

There are more than a billion people in the world today in countries where the average annual income per person is less than 100 dollars. Hundreds of millions live on less than fifty dollars a year.

Evidence has shown us that poverty and deprivation, coupled with the beginning of education and hope, create a revolution of rising expectations.

And people all over the world are "in touch". The transistor radio and communications satellite will make this even more so in the immediate future.

The man in Korea, or Guatemala, or Zambia knows what modern society can mean to his family. He knows what you and I have. He knows about our wealth. He knows about the vast resources at our command, and at the command of other fortunate nations.

This knowledge helps to widen even further the growing gap between "the have" and "have not" peoples of the earth. Inequality is polarizing the world between north and south, rich and poor, white and non-white. This is a recipe for strife, both between the world's divided halves, and throughout the developing world. "Where there is constant want there is no peace."

As an American I take pride in the well-being and relative affluence we have been able to create for an increasing number of citizens. But I also feel shame at the hunger, poverty, and deprivation which surrounds this prosperous island of the Western world.

Today, our material contribution to the developing world is far below the scant 1% of GNP proposed for development aid by the United Nations Conference on Trade and Development. Our foreign aid has dropped to a post-war low. We have fallen behind many of our European allies. The search for peace is more than withdrawing from Vietnam. Pope Paul reminded us that "Development is the new name for peace."

By ignoring this fact, we are taking a tremendous risk. We are trying to have the best of all possible worlds—rightly giving up unilateral American peacekeeping, but at the same time turning our backs on the economic needs of development.

This will not work; it will only be self-defeating. Let us face the problem squarely: either we will take a strong lead in the development of the poorer half of the world, or one day its great social and economic problems will engulf us all as surely as would a nuclear war. We must choose our weapons to secure the peace: ideas and resources today, or guns and troops tomorrow.

We Americans, as part of our responsibility to mankind, must commit ourselves anew to economic and social development, including control of the growth of population.

Our commitment should be to nation-building—and not to buying favors in the developed world. Our interest is in having nations that are independent and secure—and thereby free to pursue their own development within the community of nations.

But to do this effectively, we must channel an increasing flow of aid through multilateral institutions. This will place heavy demands upon the United Nations and other organizations, like the World Bank and regional efforts for development in Asia, Africa, and Latin America. At present, we pay too little attention to these institutions, often regarding them as poor relations to more powerful initiatives we take on our own in foreign affairs. Yet for many nations, and in many parts of the world, only institutions like the UN can provide the help that is needed, free from complications of superpower relations or national self-interest.

This applies to peacekeeping as well. If American peacekeeping is to be curtailed, that does not mean that there can be no peacekeeping. It must be done by the United Nations or by regional groups. Only this can help to prevent the drift of disordered change into open conflict.

The basis of any system of peacekeeping must be a commitment to non-interference in the internal affairs of other countries. But this policy will only work if it is respected by all states—large and small—and only if there is an effective instrument in the United Nations to serve the interests, not of individual states, but of peace itself.

This means that pledges to recognize the sovereignty and internal politics of other nations must be backed up by United Nations forces which can patrol borders and supervise free elections. This will require the commitment of many nations; the United States must be prominent among them.

Finally, for us to understand our future role in the world, we need to change many of our basic ideas about the world, and learn about other nations, other peoples, other cultures, as we have never done before.

In the past quarter-century, we have had a foreign policy for the whole world with a half-world understanding. We know much about Europe; we know far less about Asia; and we are almost totally ignorant about the developing areas of the world. Indeed, would we have become involved in Vietnam, if we had known more about it? There has been and continues to be a "knowledge gap" that threatens our very survival—yet a glaring gap in knowledge about the world we live in, we have made commitments—and as I have said commitments without knowledge are dangerous.

For many years, the message of the American Revolution was a beacon of hope for all mankind. Then, what we had to say was welcomed by champions of freedom around the world. But today our ideals are not alone; they must compete in a free market-place with a host of others.

For too long, our isolation from the rest of the world allowed us to think that we were the center of it.

Too often, our schools are so intent on teaching the myths of American destiny that they ignore the billions of other people who find us as foreign as we find them.

Too often, our newspapers and television only report events in other lands that directly affect us, or translate events into American terms even at the price of gross distortion.

We are part of the English-speaking world, and value the role of this language in communications and the spread of ideas. But our failure to emphasize the importance for Americans to learn other languages has done much to isolate us from a true knowledge of other peoples, and has led us to expect everyone to understand our mother tongue.

We know little even about our two closest neighbors, Canada and Mexico, and few of us understand French or Spanish, even though these languages are spoken by many of our own people and by those on our very own borders.

Like other great nations before us, we have too often suffered from the myopia of power, imputing to others attitudes about the world that they do not share, and often, in our zeal, imposing our cultural ideas where they are not wanted.

We see others mimicking our material advances—from the automobile to indoor plumbing—but fail to realize that superiority on the assembly line many not mean superiority in way of life.

This is called the "American challenge"—a challenge to resist unwanted influences coming from this country. But I say that this is really a challenge to us. We must break with the tradition that leads great nations to practice cultural imperialism. We must show that we can be involved in the world, without trying to dominate it. Is this possible? I believe it is.

This is a challenge to know ourselves—what is best in our tradition and what would benefit from an infusion of the ideas and experience of others. And it is a challenge to listen intently; to still the cry of our own desires long enough to hear what others may have to tell us.

This is a challenge to our schools, our universities, and the media, to help us with the new education in world citizenship that we need so urgently. Only with a better public understanding of the world and its problems can we build a broad-based involvement of our people in the foreign policy of America—involvement that is necessary if our foreign policy is to serve our nation's needs.

And it is a challenge to all of us to abandon that element of selfrighteousness that has stigmatized much of our foreign policy—the tendency to substitute moralisms for morality; and legalisms for the rule of law. We need to gain a new perspective on the world and the history of our involvement in it, seeing ourselves neither as saviours uniquely endowed with good, nor as villains possessed by evil.

And we can no longer see all the world as divided between friends and enemies.

We have had a unique experience; we still have much to offer to others; but we will benefit no one—least of all ourselves—if we corrupt our view of the world and all of our foreign policy dilemmas into a simple, misleading and often dangerous choice between right and wrong.

The challenge to our understanding of the world and of ourselves does not mean that we must shy away from making available to others what we do have to offer, both in resources and in experience. It is one thing to give freely of what we have; it is quite another to demand that our ways prevail.

This can be our contribution to the search for ways to promote stability ordered change, development, and peace, without recourse to fire and sword. It may win us few friends; but it should also make us fewer enemies.

We are in a new age of revolution—in political relations, technology, education, and rising expectations. We have come to regard these revolutions as commonplace, as the destiny of mankind, in coming years. Yet at the same time, we have too often attempted to contain the effects of revolution, by increasing the commitment of American power, often without much thought about our basic interests in security.

As we have become more involved in the world, we have permitted an increasing division between the ideals of our society and the facts of our power. We have not always understood that the aspirations of other peoples often follow a tradition that we ourselves began.

We cannot permit this to happen again. We must find ways of being involved in the world that will protect our security, without stifling the legitimate desires of people who strive for their freedom and personal fulfillment.

We must seek peace, without prohibiting change.

We must be patient, not expecting a new world at peace to emerge in a day, a year, or perhaps even in this decade.

And we must inspire a new generation of Americans with the hope that our ideals can once again be the cornerstone of our involvement in the world, not ignoring the continuing facts of power, but not letting them destroy the human dimension of our policy. We must place greater emphasis on human and personal values—having enough to eat, being able to learn, living free of fear.

I believe we can do it. I believe we can make our *ideals* powerful again.

That is why I have such pride and faith in the "Now Generation." Pride because you are ours and you are wonderful; in body, mind and heart. Faith because this generation, more so than any in the history of mankind is not afraid of their own humanity. They—you positively exalt in being human and treating each other humanely. You have been born into affluence and have values that mirror Francis of Assisi. You have accepted the human condition and have transcended the lust for things that has characterized man since the first theft in Eden.

You young people have learned to love one another—"Love everybody right now." (Lyric of popular current folk song) Spread that love to those older than you. If we seem a little stiff and aloof it's not because we don't really reach out to you; it's because perhaps we have forgotten the joy of being loved. Keep at us. We need to share the fresh spring of spirit that sings in your souls.

The path to peace is to be found—must be found by your generation. I think it will be found by you—in love, in human aspirations fulfilled—in bridging the gap that separates each one of us from another—like God in Michaelangelo's Sistine Creation—touching each man's soul with the spark of life and love.

I do not think it is wrong to think of nations and people in terms of the Spirit, in terms of things that are not mercurial. It is my view that what this nation is longing for today more than anything else is not just a better economy. I think what it is longing for, above all, is a sense of its compassion, of a justice it believes it could have; of a sense of fellowship. It wants uplift, not scolding.

I think the people of this land want somebody to call the best from them. And I have never believed that we can get the best out of anybody by telling them only of their failures.

We must also appeal to their hopes and their aspirations. I appeal today to young and old alike to believe that out of what we have learned, out of this unbelievable tragedy of war and suffering, that we are a wiser people. I am not sure, but I have the right to believe, and I shall.

DEATH OF JUSTICE OF THE PEACE ALICE K. BURRIDGE, OF CASPER, WYO.

Mr. McGEE. Mr. President, Wyomingites from all walks of life were saddened by the recent death of Justice of the Peace Alice K. Burridge of Casper, Wyo. Alice was not only a great Democrat, but also an extraordinary public servant and a dedicated mother of 13 children. The loss is particularly close to me because her son, Jim Burridge, is on my Washington staff. Carolyn, Jim's wife, recently gave birth to a baby girl. As a final tribute, the child was named Alice Katherine in honor of her grandmother.

Alice Burridge served with honor and dignity in both private and public life. The State of Wyoming and the city of Casper will certainly miss her many contributions to her fellow man.

The March 23 edition of the Casper Star-Tribune carried the account of her death. On March 25 a eulogy was carried on the editorial page of the same publication. Both express, perhaps better than anyone, what Alice Burridge was and meant to the people of Wyoming.

Mr. President, I ask unanimous consent that both of these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

JUDGE ALICE BURRIDGE DIES OF HEART ATTACK

A familiar face the Natrona County Courthouse and in Democratic party circles will be seen no more with the death of Justice of the Peace Alice K. Burridge.

Mrs. Burridge, or, as she was known to thousands of Wyomingites, "Judge Burridge," was pronounced dead at Memorial Hospital in Casper at 9:20 a.m. Monday. She was 65, and death was attributed to a coronary attack.

Born April 5, 1905 in Clinton, Ia., Judge Burridge personified the indomitable pioneer woman, who worked strenuously to raise a large family never asking special treatment for being a woman.

She was noted for her straightforward, sometimes acid tongued, although, humorous and kindly treatment of those who came before her as a Justice of the Peace.

Mrs. Burridge was married to her husband, G. O., on Oct. 27, 1923 in Chicago, Ill. She was a graduate of Gregg School of Business in Chicago, and taught in the Clinton, Ia. Business College.

She and her husband lived in Clinton, Butte, Mont., and would often speak of how they dry farmed in the Powell area.

Always interested in Democratic party politics and civic affairs, she belonged to a host of organizations, both political and fraternal.

She became Justice of the Peace in 1954, was a member of St. Anthony's Catholic Church; the League of Women Voters; the American Legion Auxiliary; VFW Auxiliary; the BPOE Does, among many other organizations.

She was also State Democratic Committeewoman for years, held numerous posts on the precinct level, and was Democratic party delegate to numerous national committees.

She was, however, perhaps best known for her actions on the Justice of the Court bench. Always fragile looking and not in the best health in recent years, she could nevertheless bowl over—and even sometimes terrorize—giant truckers, cowboys, and oilfield roughnecks when the occasion warranted.

She was also tempered justice with mercy, recalling the difficulties she had raising her large family of 13 children in Depression days.

She is survived by her husband, G. O.; nine sons, John L. of Cheyenne; Dean, New Orleans; Gene T., San Francisco; Jerry, Lander; Thomas C., Chicago; Larry P., Salt Lake City; James L. Washington; Donald, Casper and Michael, St. Louis, Mo.

Four daughters also survive. They are Mrs. Virgil (Evelyn) Busby, Casper; Mrs. George (Mary) Watson, Salt Lake City; Mrs. Sara Jane Conrad, Denver; and Mrs. Loy (Kathryn) Analdi of Rock Springs.

Also surviving are two brothers, Timothy Byrnes of Clinton, and Hugh Byrnes, Chicago; 35 grandchildren; and four great-grandchildren.

The Rosary will be celebrated at 8 p.m. Tuesday at Memorial Chapel, with a funeral Mass scheduled for 9:30 p.m. Wednesday at St. Anthony's Catholic Church. The Rev. Charles Brady will be the celebrant and burial will be in Casper.

The family requests that flowers or memorials to the Blue Envelope Heart Fund will be equally acceptable to the family.

TRIBUTE TO A GREAT LADY

The news of the death of Alice Burridge spread quickly throughout the community. How many of us can ask for such an impact on our passing?

The report was carried throughout the gathering places that Mrs. Burridge has died, and even those individuals—drivers of motor vehicles who had paid their fines, others who may have gotten tangled up with the law—were ready to soften their voices in tribute to a Great Lady.

We have written a number of eulogies, none of them—we hope—undeserved. Most of them have been concerning men. Because of the traditional nature of our civilization it is rarely that a woman is paid that recognition.

Never in our time—and it has been a long time—has there been such an indication of the common feeling and the universal sympathy. Never, in all the years that we have worked for this newspaper, has there been such an outpouring of sincere tribute.

All families suffer their bereavements, and in that context all lives are equal, and there is always the great leveling. But this is not the point of what we would say here, and if it were to be so it would not be worth the saying.

Alice Burridge, Justice of the Peace, brought to the application of her daily responsibilities a background of experience and understanding. Many instances could be cited, but it was her innate sense of justice that prevailed. If kids wanted to fight, she would see that they got a chance in the ring. If a motorist wanted to speed, he should pay a dollar for every mile over the limit.

It was all very simple. The mother of 13, the grandmother of 35 and the great grandmother of four, Alice Burridge wasn't the kind of person that anybody was going to fool very much.—EPM.

POW DAY IN FLORIDA

Mr. CHILES. Mr. President, I feel very deeply that every opportunity should be taken to draw attention to the plight of our American prisoners of war in North Vietnam and strongly supports all efforts to do so, as I am sure all my colleagues in the Senate do also.

On April 28, just 4 weeks from now, the silent majority mobilization group with other groups and organizations will mobilize millions of Americans to protest by appropriate action and ceremony the harsh and inhuman treatment of our POW's. Our Florida Governor, the Honorable Reubin O'D. Askew, has officially proclaimed April 28th as "Prisoner of War Day" in Florida in support of this demonstration of concern.

Mr. President, I ask unanimous consent that the text of Governor Askew's proclamation be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION

Whereas, the Vietnam War has been continuing for a decade, and

Whereas, in no conflict in which this Nation has been engaged have the men and women of the Armed Forces of the United States gone through a greater ordeal by fire in the defense of Liberty and Freedom, and

Whereas, thousands of American fighting men in Vietnam have distinguished themselves in service above the highest levels of heroism, and

Whereas, more than forty thousand of those brave and courageous men have made the Supreme Sacrifice, and

Whereas, the fate of the American prisoners of war held by the Republic of North Vietnam constitutes a human tragedy transcending the comprehension of mankind, and

Whereas, the Republic of North Vietnam, in violation of every rule of war and human right, has callously subjected these brave men and their families to every psychological and human indignity in the lexicon of terrorism, and

Whereas, said indignities, deprivations and inhuman tactics have inflicted immeasurable pain and anguish on the families and fellow countrymen of the American prisoners of the Republic of North Vietnam, and

Whereas, there is a deep and abiding distress and grief among all Americans for the terrible plight of the American prisoners of war and their families, and

Whereas, on April 28, 1971, the Silent Majority Mobilization group, many other groups and organizations, and millions of Americans will protest by appropriate action and ceremony the harsh and inhuman treatment of American prisoners of war in North Vietnam;

Now, therefore, I, Reubin O'D. Askew, by virtue of the authority vested in me as Governor of the State of Florida, do hereby proclaim April 28, 1971, as "Prisoner of War Day" in Florida, in order to hold before the World the harsh and inhuman treatment of our brave men and their long-suffering families.

ARMS CONTROL

Mr. HUMPHREY. Mr. President, I wish to commend the distinguished Senator from Washington (Mr. JACKSON) for his thoughtful statement on the SALT talks and his constructive suggestions for an initiative designed to break the present impasse in those talks.

It is imperative that this body discuss publicly, as well as in closed session, the issues involved in the present SALT talks and the significance of a failure to halt the arms race. Out of this public debate, we should be able to reach conclusions which would express the sense of the Senate and which could serve as a constructive guideline for agreements between the United States and the Soviet Union on arms control.

For that reason, I made three proposals in a Senate speech last week and in Senate Resolution 87, which I submitted at the same time. First, I requested that the President propose at the SALT negotiations a ban or a limit to a very low level on anti-ballistic-missile systems. Second, such an agreement would be inextricably linked to a future agreement on offensive weapons. The administration's position has been that the United States must seek a more comprehensive agreement which would include defensive but also offensive weapons. I maintain that there is a wealth of historical precedent in our arms control agreements with the Soviet Union to support the idea of negotiating further agreements step by step. In addition, the strategical arguments for offensive weapons would lose much of their validity once an agreement to ban anti-ballistic-missile systems was put into effect. Our administration has justified its deployment program of the multiple independently targeting reentry vehicles partially on the basis of the existing Soviet ABM. The other reason has been to guarantee the survival of our retaliatory weapons in the event of an attack.

The Soviet Union may be applying the same reasoning to justify the deployment of its own land-based missiles and conceivably its own MIRV in the future. If we continue to push ahead with our Safeguard ABM, we may, thus, be stimulating Soviet deployment of its ICBM's. Therefore an agreement on ABM's could reduce the need for new offensive weapons to maintain deterrence.

Third—While negotiations are underway, I have proposed that we ask the Soviet Union to enter into a mutual freeze on the deployment of both offensive and defensive strategic weapons. For its part, the United States would suspend the deployment of Safeguard and the testing, as well as the deployment of MIRV on our Minuteman III missiles. During the mutual freeze, funds for the MIRV program would be put in escrow as a precautionary measure in the case that the freeze is violated by the Soviet Union.

The Soviet Union, in turn, must match this restraint by suspending its land-based missile program and the testing and deployment of its MIRV. Also, the Soviet Union must forgo any expansion of its anti-ballistic-missile system—in other words, a freeze on both defensive and offensive missiles.

The administration's position has been that the continued deployment of these weapons systems is essential for us to retain our bargaining chip at the SALT talks. I suggest that it is time to halt the arms race now, and that a freeze, such as the one I proposed, would in fact enhance our negotiating position by making clear our intentions to the Russians and demanding that they exercise comparable self-restraint.

I am convinced that any hope for success at SALT depends upon an imaginative initiative which until now has not been taken. I strongly urge the administration to take that initiative and invite my colleagues to join with me in expressing our concern over this question.

RESOLUTIONS OF SOUTH DAKOTA LEGISLATURE

Mr. McGOVERN. Mr. President, I ask unanimous consent that 10 house concurrent resolutions passed by the South Dakota State Legislature be printed in the Record.

There being no objections, the resolutions were ordered to be printed in the Record, as follows:

House Concurrent Resolution No. 518

A concurrent resolution, Citing the need for and the state legislatures' interest in requesting the United States Congress to amend Public Law 90-201, more commonly known as the Wholesome Meat Act, so as to allow meat and meat food products prepared by state inspected plants to be sold in interstate commerce

Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

Whereas, the Congress of the United States has seen fit to pass Public Law 90-201, more commonly known as the Wholesome Meat Act; and

Whereas, such law provides for the reimbursement of up to fifty per cent of the state funds expended to initiate a state program to ensure that consumers receive wholesome and unadulterated meat and meat products which are produced within a state, and which provides further that states which initiated such a program may submit their program for evaluation and acceptance by the United States Department of Agriculture so as to exempt the state from the requirement of federal inspection under Public Law 90-201; and

Whereas, this State of South Dakota has, initiated a program for state inspection of meat and meat products produced for consumption in this state and has submitted such program for acceptance under the provisions of Public Law 90-201; and

Whereas, the United States Secretary of Agriculture has accepted this state's meat inspection system as being in compliance with the "at least equal to" requirements of Public Law 90-201; and

Whereas, the meat and meat products produced by this state's processors are therefore subject to inspection and requirement "at least equal to" those which are used under the Federal Meat Inspection Act; and

Whereas, the meat and meat products produced by this state's processors are not allowed to enter interstate commerce:

Now, therefore, be it resolved, by the House of Representatives of the Forty-sixth Legislature of the state of South Dakota, the Senate concurring therein to respectfully request the United States Congress to amend Public Law 90-201 so as to allow the interstate movement of meat and meat products which are processed within states where the state's meat inspection system has been determined by the Department of Agriculture to be in compliance with the "at least equal to" requirements of the Federal Meat Inspection Act; and

Be it further resolved, that upon passage of this Resolution, that a copy of the same be forwarded by the Chief Clerk of the House of Representatives to the Congressional delegation of the state of South Dakota and to the United States Secretary of Agriculture.

Adopted by the House: March 9, 1971.

Concurred in by the Senate: March 13, 1971.

Donald Osheim,
Speaker of the House.

Attest:

Paul Inman,
Chief Clerk of the House.
William Dougherty,
President of the Senate.

Attest:

Bill Berguin,
Secretary of the Senate.

House Concurrent Resolution No. 508

A concurrent resolution, Citing the need for the state Legislature's interest in preparation of feasibility studies for the construction of water lines, from reservoirs on the Missouri River, or other suitable sources, to areas of South Dakota that need an increased supply of water fit for human consumption.

Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

Whereas, many towns and areas of South Dakota have an acute shortage of water fit for human consumption; and this shortage contributes to a lack of human comfort and retards economic development; and

Whereas, adequate water supplies are available in the reservoirs on the Missouri River;

Now, therefore, be it resolved, by the House of Representatives of the Forty-sixth Legislature of the state of South Dakota, the Senate concurring therein, to respectfully request the United States Congress to direct the Department of Interior, Bureau of Reclamation, or other appropriate agency to conduct feasibility studies on the construction of water lines, to transport water to municipalities and rural areas to be used primarily for domestic, municipal and industrial purposes.

Be it further resolved, that copies of this resolution be forwarded by the Chief Clerk of the House of Representatives of South Dakota to the Secretary of Interior and to each member of the South Dakota Congressional Delegation.

Adopted by the House: February 19, 1971.

Concurred in by the Senate: March 15, 1971.

Donald Osheim,
Speaker of the House.

Attest:

Paul Inman,
Chief Clerk of the House.
William Dougherty,
President of the Senate.

Attest:

Bill Berguin,
Secretary of the Senate.

House Concurrent Resolution No. 514

A concurrent resolution, Memorializing the Congress of the United States to instruct and direct the Treasury Department of the United States to issue, in conjunction with the celebration of the bicentennial anniversary of the United States, a two dollar bill or some other denomination of the currency of the United States depicting the Mount Rushmore National Memorial, "The Shrine of Democracy", thereon

Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

Whereas, Mount Rushmore National Memorial, located in the scenic Black Hills area of the State of South Dakota, has been officially proclaimed as "The Shrine of Democracy" and is recognized as a national monument; and

Whereas, the federal government has played a vital role in the recognition and financing of the Mount Rushmore National Memorial; and

Whereas, Mount Rushmore National Memorial has been acclaimed a national and international reputation and is visited annually by hundreds of thousands of people from throughout the country and from many foreign nations; and

Whereas, the portrayal of the Mount Rushmore National Memorial envisaged our national heritage and the religious, social and economic freedoms for which it stands; and

Whereas, the great Americans enshrined by this Memorial, Presidents George Washington, Thomas Jefferson, Abraham Lincoln and Theodore Roosevelt, have come to be known as the founding fathers of some of the most meaningful traditions incumbent to our way of life; as inspirations to all who are concerned with the preservation and safeguarding of a democratic society, and, as courageous and faithful defenders of the basic principles underlying our form of government by having dedicated themselves to overcoming what during their respective times were considered and are now recognized as some of the greatest trials which our system of free democracy has confronted; and

Whereas, as was true in the past and is now true during present times of national and international strife and conflict, it is necessary and proper that the symbols of freedom and democracy be emphasized and brought before the people by their governmental representatives; and

Whereas, it has been the custom and policy of the Treasury Department of the United States to utilize the likenesses of the outstanding and immortal leaders of this country of various series and denominations of our currency; and

Whereas, the use of a representation of the Mount Rushmore National Memorial, "The Shrine of Democracy", on a two dollar bill or some other denomination of our currency by the Treasury Department of the United States would serve as a daily reminder of the spirit and ideals of all Americans:

Whereas, in 1976 the United States will be celebrating the bicentennial anniversary of its founding; and

Whereas, the Mount Rushmore National Memorial should play a significant role in the nation's observance of its 200th anniversary:

Now, therefore, be it resolved, by the House of Representatives of the Forty-sixth Legislature of the state of South Dakota, the Senate concurring therein, that the Congress of the United States be memorialized to take whatever action might be necessary and appropriate to the instruction and direction of the Treasury Department of the United States to issue, in conjunction with the celebration of the bicentennial anniversary of the United States, a two dollar bill or some other denomination of the currency of the United States depicting the Mount Rushmore National Memorial, "The Shrine of Democracy", thereon; and

Be it further resolved, that if it be determined by the Treasury Department of the United States that it need no instruction or direction by the Congress of the United States to accomplish the purpose and intent of this Resolution, that it initiate and implement whatever action it might take to accomplish its objective; and

Be it further resolved, that copies of this concurrent resolution be transmitted by the Chief Clerk of the House of Representatives of the state of South Dakota to the offices of the President and Vice President of the United States, the Speaker of the House of Representatives of the United States, the members of the Congressional delegation of the state of South Dakota, the Secretary of the Treasury Department of the United States and the Governor of the state of South Dakota.

Adopted by the House March 10, 1971.

Concurred in by the Senate March 12, 1971.

DONALD OSHEIM,
Speaker of the House.

Attest:

PAUL INMAN,
Chief Clerk of the House.
WILLIAM DOUGHERTY,
President of the Senate.

Attest:

BILL BERGUIN,
Secretary of the Senate.

HOUSE CONCURRENT RESOLUTION No. 510

A concurrent resolution, Memorializing the President of the United States and the Civil Aeronautics Board to act favorably on the proposed merger of Western Airlines and American Airlines, in order to strengthen scheduled trunk airline service in South Dakota

Be is resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

Whereas, modern, efficient, scheduled airline service is a necessary part of a balanced transportation system for the state of South Dakota; and

Whereas, the public convenience and necessity require the continuation and improvement of such service to provide the people of South Dakota with fast and comfortable scheduled trunk airline service to sister states throughout the Midwest and Western United States; and

Whereas, scheduled trunk airline service is a vital part of the economic development of South Dakota; and

Whereas, Western Airlines, the only scheduled trunk airline serving South Dakota, and American Airlines have proposed to consolidate their operations; and

Whereas, the consolidated company would put South Dakota on the route system of the second largest airline in the country, and provide the citizens of South Dakota with continued efficient trunk airline service; and

Whereas, the merger of these two companies would considerably strengthen the financial structure of the consolidated company, providing South Dakota with service by a strong, viable scheduled trunk airline:

Now, therefore, be it resolved, by the House of Representatives of the Forty-sixth Legislature of the state of South Dakota, the Senate concurring therein, that the President of the United States and the Civil Aeronautics Board are hereby respectfully requested to act with favor on the proposed Western Airlines/American Airlines merger, and that all routes presently served by Western be transferred to the consolidated company, thus providing the citizens of the state of South Dakota with continued scheduled trunk airline service to the cities presently served in South Dakota as well as to other parts of the country; and

Be it further resolved, that copies of this Concurrent Resolution be transmitted by the Chief Clerk of the House of Representatives of the state of South Dakota to the offices of the President of the United States, the Civil Aeronautics Board, and the Congressional Delegation of the state of South Dakota.

Adopted by the House March 5, 1971.

Concurred in by the Senate March 15, 1971.

DONALD OSHEIM,
Speaker of the House.

Attest:

PAUL INMAN,
Chief Clerk of the House.
WILLIAM DOUGHERTY,
President of the Senate.

Attest:

BILL BERGUIN,
Secretary of the Senate.

HOUSE CONCURRENT RESOLUTION No. 522

A concurrent resolution, Memorializing the Secretary of Agriculture to reconsider the changes in policy placed in effect by the United States Department of Agriculture with the adoption of the 1970 Agricultural Act and protesting any possible action to eliminate the United States Department of Agriculture from its Cabinet-level status

Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

Whereas, the changing of the Agricultural Conservation Program (A.C.P.) to the Rural Environmental Assistance Program (R.E.A.P) may cause the present program to lose its identity; and

Whereas, consideration is being given to the elimination of the Cabinet-level status of the United States Department of Agriculture and combining its functions with another department, which would be very detrimental to the interests and needs of agricultural states such as South Dakota;

Now, therefore, be it resolved, that the Legislature of South Dakota hereby vigorously protests any possible action to eliminate the United States Department of Agriculture from its present Cabinet-level status; and

Be it further resolved, that copies of this Concurrent Resolution be transmitted by the Chief Clerk of the House of Representatives of the state of South Dakota to the offices of the President and Vice President of the United States, the Secretary of Agriculture and the Congressional Delegation of the state of South Dakota.

Adopted by the House March 10, 1971.

Concurred in by the Senate March 12, 1971.

DONALD OSHEIM,
Speaker of the House.

Attest:

PAUL INMAN,
Chief Clerk of the House.
WILLIAM DOUGHERTY,
President of the Senate.

Attest:

BILL BERGUIN,
Secretary of the Senate.

HOUSE CONCURRENT RESOLUTION No. 526

A concurrent resolution, Memorializing the Congress of the United States to enact legislation to authorize the construction of the Polluck-Herreid Irrigation District in the state of South Dakota

Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

Whereas, Campbell County of the state of South Dakota has lost approximately 21,000 acers of land for taxation and agricultural purpose due to floodings; and

Whereas, there is an increased migration of young people from the rural communities such as Campbell County; and

Whereas, this flooding and migration has not only resulted in a loss of land and valuable young people but has also placed an increased tax burden upon the residents of Campbell County and has resulted in the loss of tax revenues; and

Whereas, the economy of Campbell County is unstable because of uncertain and insufficient rainfall; and

Whereas, the Polluck-Herreid Irrigation Project would enhance the development of rural communities so that young people would not migrate to congested and overcrowded metropolitan areas, would provide for the stabilization of the economy, and would relieve the tax burden for the people of Campbell County; and

Whereas, the Polluck-Herreid Irrigation District has been declared a feasible project by the Bureau of Reclamation:

Now, therefore, be it resolved, by the House of Representatives of the Forty-sixth Legislature of the State of South Dakota, the Senate concurring therein, that the Congress of the United States be respectfully urged and requested to enact legislation to authorize the construction of the Polluck-Herreid Irrigation District in the state of South Dakota; and

Be it further resolved, that copies of this concurrent resolution be transmitted by the Chief Clerk of the South Dakota House of Representatives to each member of the South Dakota Congressional Delegation and the United States Secretary of Agriculture.

Adopted by the House: March 18, 1971.

Concurred in by the Senate: March 18, 1971.

DONALD OSHEIM,
Speaker of the House.

Attest:

PAUL INMAN,
Chief Clerk of the House.
WILLIAM DOUGHERTY,
President of the Senate.

Attest:

BILL BERGUIN,
Secretary of the Senate.

A CONCURRENT RESOLUTION

A concurrent resolution, Memorializing the Congress to review and give direction to the U.S. Bureau of the Census

Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

Whereas, the U.S. Bureau of the Census has in certain past census and in the most recent census, namely that taken in 1970, provided directions for recording of college students within the county where they are attending a college or university; and

Whereas, said college students in the event that they are qualified voters do only rarely vote in precincts within the city or county where they are enrolled for purposes of educational training, but may be qualified as voters in their home precincts; and

Whereas, in the event that young people at age 18 years gain the right to vote not only in National elections but also in state elections including subdivisions of state government and it seeming to be in public interest that said students shall continue to register and be registered on the registration rolls of their home counties and voting precincts; and

Whereas, for purposes of apportionment of

Congressional seats to the U.S. House of Representatives, the state Legislature and either constitutional officers of the state, the Doctrine of "one man one vote" has been increasingly the rule of practice laid down by the Courts and followed by Legislative bodies; and

Whereas, the effect of the 1970 practice by the Bureau of the Census in calling for a count of college students to be taken in and allocated to counties other than those counties in which said students actually reside and in which they are most likely to vote does of a certainty do violence to the proposition of proper apportionment; and

Whereas, the State Legislature is required to determine and outline and establish the district boundaries of members of the U.S. House of Representatives and of the members of the State Legislature on the basis of U.S. Census figures:

Now, therefore, be it resolved, by the Senate of the 46th Session of the Legislature of the state of South Dakota, the House of Representatives concurring therein, that we respectfully memorialize the U.S. Congress to point out to the Bureau of the Census the obvious inconsistency in removing from the census rolls of all counties *one whole segment of our population*; namely a county's entire college enrollment, and taking the count of these people only in the counties that include the colleges and universities in which they are enrolled as students; and

Be it further resolved, in the interest of providing for a more reasonable approach to apportionment, fully realizing the necessity of counting student populations within the corporate limits wherein their instruction is provided for planning purposes and for more accurately determining the amount of financial assistance through federal grant programs necessary to alleviate overburdening local housing, utility systems and governmental services necessary to sustain the largest aggregate student and permanent resident population, that the Bureau of the Census be requested by the Congress to provide for the state a count of all college students by home counties so that census figures can at least at the state level be adjusted for apportionment purposes, to the end that inequities in population Census figures particularly emphasized against the most rural areas and counties; may within the states be corrected; and

Be it further resolved, that the Secretary of the Senate make available copies of this Resolution to the Secretary of the U.S. Senate, the Speaker of the House of Representatives, to U.S. Senator Honorable Karl E. Mundt, to U.S. Senator Honorable George G. McGovern, to the Honorable Frank Denholm, and the Honorable James Abourezk, members of the House of Representatives.

Adopted by the Senate: March 9, 1971.

Concurred in by the House of Representatives: March 13, 1971.

William J. Dougherty,
President of the Senate.

Attest:

William Berguin,
Secretary of the State.
Donald Osheim,
Speaker of the House.

Attest:

Paul Inman,
Chief Clerk of the House.

A Concurrent Resolution

A concurrent resolution, Memorializing the President and the Congress of the United States to initiate and implement action to revitalize the agricultural economy of our nation

Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

Whereas, the agricultural economy of the United States is in a period of serious instability because of almost total inaction and lack of concern by the government of the United States; and

Whereas, the number of those people involved in producing the foods for America are so small compared to those people who are benefiting from this productivity that the agricultural problems are subordinated to those of greater political numbers; and

Whereas, the President and the Congress of the United States have the joint responsibility to establish a complete agricultural program for the general welfare of this nation and the world; and

Whereas, the time for action by the President and the Congress of the United States is the present if serious consequences and unnecessary suffering are to be avoided:

Now, therefore, be it resolved, by the Senate of the Forty-sixth Legislature of the State of South Dakota, the House of Representatives concurring therein, that the Congress of the United States initiate and the President of the United States implement without delay the necessary programs to revitalize the agricultural economy of our nation; and

Be it further resolved, that copies of this Concurrent Resolution be transmitted by the Secretary of the Senate of the State of South Dakota to the office of the President of the United States, the Speaker of the House of Representatives of the United States, the Secretary of the Senate of the United States, the chairman of the Committee on Agriculture of the United States House of Representatives, the chairman of the Committee on Agriculture and Forestry of the Senate of the United States and the members of the Congressional delegation of the State of South Dakota.

Adopted by the Senate: March 4, 1971.

Concurred in by the House of Representatives: March 11, 1971.

William J. Dougherty,
President of the Senate.

Attest:

William Berguin,
Secretary of the Senate.
Donald Osheim,
Speaker of the House.

Attest:

Paul Inman,
Chief Clerk of the House.

A Concurrent Resolution

A concurrent resolution, Inviting the American Revolution Bicentennial Commission to include in its primary focal points for the observance of the 200th anniversary of this nation's founding, the Shrine of Democracy at Mt. Rushmore

Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

Whereas, at Mt. Rushmore the nation's dedication to the principles of our founding fathers is carved out of granite in the form of the faces of the drafter of the Declaration of Independence, Thomas Jefferson; our first president, George Washington; Abraham Lincoln who preserved the nation; and Theodore Roosevelt who is identified with the opening of the west; and

Whereas, this National Memorial links in a most direct way the western part of the United States with this nation's founding heritage; and

Whereas, during our nation's Bicentennial it is desired that all in our country experience a re-kindling of a sense of pride and history in our national origins and traditions; and

Whereas, the Shrine of Democracy has, over the years, come to symbolize such a spirit to millions who have visited this National Memorial; and

Whereas, the formal dedication of Mt. Rushmore as one of the primary focal points of the Bicentennial observance will encourage others to share with their fellow Americans this inspiring experience; and

Whereas, at the present time there has been no formal designation of a western point as one of primary settings for the Bicentennial; and

Whereas, Mt. Rushmore is located amidst the scenic and unspoiled splendor of the Black Hills National Forest; and

Whereas, the communities in the Black Hills area are experienced in providing the necessary services to the visiting public;

Now, therefore, be it resolved, by the Senate of the Forty-sixth Legislature of the state of South Dakota, the House of Representatives concurring therein, that we invite the American Revolution Bicentennial Commission to schedule as the primary western focal point for the 200th anniversary of the founding of our nation the Mt. Rushmore National Memorial; and

Be it further resolved, that the Secretary of the Senate of the state of South Dakota be directed to transmit copies of this resolution to the American Revolution Bicentennial Commission, to the members of the South Dakota congressional delegation, and to the President of the United States.

Adopted by the Senate: March 9, 1971

Concurred in by the House of Representatives: March 13, 1971

William J. Dougherty,
President of the Senate.

Attest:

William Berguin,
Secretary of the Senate.
Donald Osheim,
Speaker of the House.

Attest:

Paul Inman,
Chief Clerk of the House.

A Concurrent Resolution

A concurrent resolution, Memorializing the President of the United States and the United States Senate to establish a mandatory requirement that the United States Secretary of Agriculture be a farmer or rancher who receives a minimum of seventy-five per cent of his income from farming or ranching

Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

Whereas, national agricultural policies for nearly two centuries have encouraged the development of farms and ranches and the nation has benefited from this policy as industrious farmers and ranchers have built the most efficient agriculture base the world has ever known; and

Whereas, South Dakota is one of the most agricultural states of the nation; and

Whereas, the economic well-being of South Dakota is very dependent upon the economic condition of its farming and ranching areas; and

Whereas, the agriculture policies and programs administered by the United States Department of Agriculture have a profound effect upon the economic well-being of all farms and ranches throughout the nation:

Now, therefore, be it resolved, that the Senate of the Forty-sixth session of the Legislature of the State of South Dakota, the House of Representatives concurring therein, respectfully urge the President of the United States, the Honorable Richard M. Nixon, and the United States Senators from South Dakota, the Honorable Karl E. Mundt and the Honorable George McGovern, to support a mandatory requirement that the United States Secretary of Agriculture be a farmer or rancher who receives a minimum of seventy-five per cent of his income from farming or ranching, and we respectfully urge their support of this proposal as being in the best interests of the agricultural economy of South Dakota and in the public interest of this nation; and

Be it further resolved, that the Secretary of the Senate of the State of South Dakota be directed to transmit copies of this Concurrent Resolution to His Excellency, the President of the United States, the Honorable Richard M. Nixon; to the Secretary of the United States Senate; to the Honorable Karl E. Mundt and the Honorable George McGovern; and to the Honorable Clifford M. Hardin, Secretary of the United States Department of Agriculture.

Adopted by the Senate: March 4, 1971.

Concurred in by the House of Representatives: March 12, 1971.

William J. Dougherty,
President of the Senate.

Attest:

William Berguin,
Secretary of the Senate.
Donald Osheim,
Speaker of the House.

Attest:

Paul Inman,
Chief Clerk of the House.

SPEECH BY SENATOR MOSS

Mr. CANNON. Mr. President, the Senator from Utah (Mr. Moss) recently made a thought-provoking speech to the National Association of FM Broadcasters.

I ask unanimous consent that the Senator's statement be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

It Is Time for All-Channel Legislation

A few years ago when the Congress was considering "truth in packaging" legislation, one of my colleagues received a letter from a woman who had recently purchased a can of "mixed nuts." The contents were described as Virginia peanuts, cashews, Brazil nuts, almonds, and pecans. The picture on the can convincingly depicted an even mixture of the assortment. When the can was opened, however, the contents appeared to be just peanuts. Prompted by curiosity, the woman made a count. The results were: 435 peanuts, 12 cashews, 3 Brazil nuts, 2 pecans and ½ almond.

Now please do not jump to conclusions. I am not suggesting that FM is a scarce broadcast delicacy among a family of *nuts* although the way you are being "picked on" from all sides these days—there obviously are some who believe this to be the case. At times it seems that everyone knows more about the broadcast business than the broadcaster himself.

The point I want to make is that the American public is getting "short-changed" in its broadcast bill of fare as well as in "mixed nuts." Just as there are too few cashews in the can, there are also too few FM's in the broadcast picture; and, I might add, too many of the AM's in the picture are of the "Peanut" variety.

Enactment of the all channel legislation advocated by the National Association of FM Broadcasters and other industry groups would greatly improve the mix. The American public would benefit substantially as a result.

My interest in your cause and, I can assure you, the interest of my colleague in the House, Congressman O'Konski, is just that simple. We recognize the significant public benefits that will flow from a system of aural broadcasting that properly and effectively incorporates the superiority of the FM art.

The two questions today, however are:

(1) Whether we now have such a system; and

(2) If not, what we can do to get it.

The obvious answer to the first question is that we do *not* have such a system. The answer to the second is somewhat more involved.

Yours is a complex and exciting, as well as challenging, business. It is composed of many parts—all of which must be carefully integrated if we are to have a desirable whole. I often equate your requirements with those of a transportation system. You need rolling stock—which it is the function of the manufacturer to provide—and the responsibility of you, the broadcaster, to operate. You also need the highways and road beds, which in your language is, of course, radio frequencies.

How the frequencies are allocated—and this is the principal function of government—substantially determines the permanent soundness of a nationwide broadcast system, just as the proper planning of railroad tracks and highways provide the basis of a sound and long-lasting transportation system capable of serving tomorrow's needs as well as today's.

Perhaps the toughest challenge for all of us concerned with broadcasting is how to assure maximum utilization of that precious natural resource—the radio spectrum. For the public, which is our paramount concern, maximum utilization means maximum service. For the broadcaster it means maximum coverage. For the manufacturer it means maximum production of the equipment that brings about maximum service and coverage. Maximum production also means maximum FM receiving capability.

In the final analysis, the measure of success is the quantity, quality, and regularity of product delivery. We should therefore ask ourselves—all of us who are responsible for the separate parts of the broadcast whole—just how well our aural broadcast system is working.

Certainly, it is far from flawless both in terms of what it is doing today and what it should be prepared to do tomorrow. No one, of course, expects perfection but most of us certainly anticipate progress in that direction. I am sure you agree that we need to act *now* so that the FM broadcaster can deliver his superior products to an expectant and waiting public. Let us take a brief look at what is waiting in the "yards."

As you all well know, the Congress has given the corporation for public broadcasting a mandate to build a system of general educational, cultural and informational broadcasting in the United States. Presently, over 90 percent of the *public* radio stations are FM stations and because of spectrum considerations, it is likely that nearly all future *public or educational* radio stations will be FM.

The president of the Corporation for public broadcasting, Mr. John Macy, Jr., has said:

"Without the successful passage of all-channel AM/FM legislation, the corporation for public broadcasting cannot efficiently fulfill its responsibility to public radio, in that virtually all non-commercial educational radio licensees (455 of 480) are assigned to FM frequencies. FM set penetration, as low as 10 percent in radio-equipped automobiles and ranging in percentages from the low thirties to the high eighties in homes located in the top 100 population centers, is inadequate to meet this commitment. The passage of all-channel legislation will ensure a significant expansion of the number of listeners able to receive and benefit from public radio programming."

It is no news to this audience that FM has many characteristics particularly suited to educational broadcasting. With its capability to utilize sub-channels simultaneously with its main channel, FM gives the public broadcasters a medium which can serve a general audience and, in addition, several specific audiences with separate programming transmitted on a simultaneous basis. Some public broadcasters are already using these frequencies for instructional programming, for continuing education for doctors and nurses and for specialized programming for the blind and visually handicapped.

But it is not only in educational programming that the public is being short-changed in FM benefits. The world of music is a world apart on FM. The quality and artistic differences between stereo and monaural broadcasting are almost unbelievable. And stero is, of course, an FM exclusive.

Stereo in automobiles almost defies description. The experience of a friend of mine who recently purchased a new car best illustrates my point. Since my friend is an FM enthusiast. He insisted that his car be delivered with FM stereo installed. The salesman who introduced the owner to his new car for the first time could hardly wait to expound on the all-round sound. He kept repeating that there was just no comparison between this sound and what he hears—as he put it—on the *"plain"* radio in his own personal car.

He was so enthusiastic my friend suspected that the salesman had not been exposed to automobile stereo many times in the past—if at all. Perhaps we should require that all automobile dealer demonstration cars be equipped with FM stereo receiving sets. Our Detroit friends, as well as their salesmen, could discover that FM stereo helps sell automobiles.

And, I am told, stereo is not the ultimate We are now on the threshold of quadrosonic sound which again, thanks to the art of FM broadcasting, will add another dimension to listening.

There are a plethora of advantages to FM broadcasting with which you are more familiar than I, but let me mention what is perhaps its most important one. That is in the simple, mundane process of providing more information and more entertainment to more people. Many people today receive little or no broadcast service of an acceptable quality, and far too little of local interest.

Ladies and gentlemen, on this point may I speak as the "voice of experience." In my State of Utah—and in other western and intermountain states such as Idaho, Wyoming, and Montana, where God has blessed us with the wealth of his nature, man has to date left us poverty-stricken in access to the broadcast information and entertainment that many other areas enjoy routinely in abundance.

Daytime service in our part of the country is reasonably adequate, but at night, due essentially to the lack of FM stations, the picture is dismal. As a former chairman of the Federal Communications Commission said not too long ago, "a primary service map of the United States for the nighttime portion of broadcast hours resembles a teenager with a bad case of acne."

Well, out my way, even the acne spots are few and far between.

But the "radio-barren west" is not the only shut-out from adequate broadcast service. There are today many substantial, new communities in these United States—which, although related to other major cities in a "megalopolis" sense, have need of their own broadcast facilities, whether those facilities be AM, FM or TV. But they don't have them!

A typical example—and I am sure you can identify it with communities in your own part of the country—is a new community in Maryland known as Columbia. Columbia is a large, new, attractive, and progressive city approximately halfway between Washington and Baltimore. Like every other city in these United States, it has a community of interest, understandable local pride, and many local projects to talk about. It also has a natural longing for a broadcast station of its own.

Unfortunately, there are at the present time no broadcast facilities available for Columbia. Because of present frequency allocation and assignment policy, the residents of Columbia find themselves in much the same category as communities of the "barren west"—at least insofar as inter-communication by air waves is concerned.

This situation, of course, cries out for remedy. I am glad to report, therefore, that the Federal Communications Commission is now engaged in a rule making proceeding which could bring relief. The proceeding is designed to explore and revise "(the) . . . Commission's rules regarding AM station assignments standards and the relationship between the AM and FM broadcast services" (docket No. 18651). This proceeding was instituted (unfortunately as long ago as September, 1969) because, the Commission said, ". . . The maturing pattern of assignments for the standard broadcast band, especially when considered in light of the . . . FM service, necessitated fundamental re-evaluation of our allocation policies."

I am pleased that your association—the Association of FM Broadcasters—has taken such a realistic and forthright position with respect to the proposed rule amendments. Let me repeat for you what your association has told the Commission, for I can find no better expression of the problem that plagues us all:

"The National Association of FM Broadcasters strongly supports the concept of a wholly integrated AM and FM aural broadcast service. With the accelerating population growth, the rapid advance of new technical developments, and the consequent obsolescence of former techniques and standards, there is no alternative. Increasing present demands make it crystal clear that all the aural frequencies—AM and FM—are needed if there is to be an adequate aural broadcast system for the future. Certainly FM alone cannot do the job if for no other reason than that there are far too few frequencies available—both presently and potentially. Moreover, it is entirely unrealistic to even think about an aural broadcast system in this country that does not incorporate and utilize both the groundwave and skywave propagation characteristics of AM. On the other hand, it would be just as unrealistic to think in terms of a broadcast system that was not designed and planned to bring to as many listeners as possible through the new broadcasting dimensions offered only by FM. The advantages and disadvantages of both AM and FM must be recognized, the advantages utilized and developed, and the disadvantages avoided insofar as possible."

And to quote further:

"The National Association of FM Broadcasters believes that the proposal offered by this proceeding is in most respects a substantial step forward. It is, however, only a step and should be recognized as such. It would be a serious mistake to adopt the present proposal, or something substantially similar thereto, and then accept it as the base for either a permanent or an extended interim system of aural broadcast frequency allocations and assignments. Basically, the present proposal merely recognizes that FM must be made an equal partner in the broadcast enterprise. It does not contemplate certain basic changes in allocation policies and standards which the National Association of FM Broadcasters believes are essential if AM and FM are to be integrated into an overall aural broadcast system that will meet its full potential."

Your association's statement then calls the Commission's attention to a 1964 report of the Joint Technical Advisory Committee of the Institute of the Electrical and Electronics Engineers and Electronic Industries Association and continues:

"One of the basic philosophies and recommendations of that report . . . is that ' . . . Local, as distinct from regional and clear-channel broadcasting should vacate the AM frequency band and move to the FM broadcasting band. Such a move would capitalize on the physical properties of the bands involved to provide for better utilization of the spectrum.'

In its concluding chapter, the report explains that:

"The spectrum 535–1605 kilocycles is universally used for the broadcasting service. In most areas, the band is so crowded that at night, when skywave interference prevails, many stations are reduced to an interference-free service of only a few miles. . . . Certainly it would seem in the long-range public interest to transfer local broadcasting as distinguished from region and clear channel to the FM broadcasting band."

(And now back to your statement.)

"This statement concisely points to perhaps the most serious disadvantage of AM but also recognizes that the disadvantage results primarily from the manner in which it is used in accordance with present allocation and assignment standards. For too many sub-standard, interference ridden, 'cream skimming' AM operations are already in existence. Undoubtedly, the slow development of FM and its delayed acceptance by the public has contributed significantly to this condition and conversely the sub-standard AM assignments have tended to retard FM. However, the point now is that the situation must not be permitted to further deteriorate."

I would say amen to that statement of your association with this addition: We must not permit the present situation to further deteriorate. We must take that first long stride toward a more perfect system.

I, like your association, want to make it clear that it is the *sub-standard* AM assignments—not AM as such—that must be questioned in a serious frequency allocation study. The aural system which I visualize, and I believe your association visualizes, cannot be achieved without AM playing a very significant role. Overall public interest dictates that "AM" frequencies must be utilized to provide viable service both to centers of population and to extended areas, without prejudicing the opportunity of FM stations to provide their superior services to as many listeners as possible, consistent with the technical capacity of the art.

Sub-standard AM stations capable of providing service only to population "cores"—the AM peanuts I referred to earlier—do not fit this pattern.

What this all adds up to is that a forever-frozen frequency allocation system must not be condoned. We in 1971 must not "foreclose" future generations—even the next generation—from better and more efficient ways of satisfying their broadcast appetites. Only ostriches with heads in sand would contend otherwise.

We are not like the elderly gentleman who, when asked how he liked growing old, replied that, considering the only other alternative, he was happy with things the way they were.

We who are interested in achieving maximum utilization of the broadcast portion of the radio spectrum, and who want to see FM play the role it is capable of playing to that end, know that there *are* alternatives. We only need to seek them out—and seek them out we must—for more aural frequencies must be made more readily available to bring more signals, and more information, and more entertainment not just to the Utahs and the Idahos and the Columbias, but to all America.

Surely we cannot be so naive as to assume that in only half a century we have reached the Utopia of all-time frequency utilization. Such an attitude would be a disservice not only to you broadcasters and the broadcast industry, but to everyone.

We must start listening to, and implementing what knowledgeable men—particularly your own scientists—are telling us. We should dust off that 1964 report of the Institute of Electrical and Electronics Engineers and study it with open minds. Perhaps it is not the whole answer but some answer must be found and a significant part of it I am convinced will be FM. In this instance, there is no alternative.

This means, of course, that FM must be prepared for its mission and the first step is to insure that the people it now serves, and the many more it will serve better, have access to its many public service advantages and to its technical superiority. This, as I see it, is why all-channel receiving sets play first fiddle. We need them to make the best of the present and we need them, even more critically, to insure that our broadcast future exceeds and excells the past. We can accept nothing less, but as the past is prologue so is the present the time to plan and prepare for the future.

I wish I could tell you here today that "all signals are go" for an *all-channel bill*, maybe not yet, but I do believe that with your help we can turn them on!

ESEA III, AN INVESTMENT IN THE FUTURE

Mr. BAYH. Mr. President, it is my understanding that the Administration has asked for a fiscal year 1972 appropriation of $143,393,000 for ESEA III. A careful examination of the needs in this area, reveals that this sum is inadequate. As chairman of the Subcommittee on Juvenile Delinquency, three areas of need, involving student and school personnel, state leadership services, and elementary school guidance, are of particular interest to me.

According to the latest arrest statistics, 59 percent of all violent crimes and 81 percent of crimes against property are committed by persons under the age of 25. Why? An obvious partial answer to this is related to the quality and quantity of guidance, counseling, and testing services employed in our education system. One out of every four students entering the ninth grade fails to complete high school. Apparently, these young people are not being reached. There are insufficient qualified guidance personnel available to interpret student and community needs to curriculum planners. The "system" becomes irrelevant and the students become disinterested.

About 80 percent of our young people prepare for college admission, but only 32 percent will enter, and half who do will fail to graduate. Material provided by guidance and testing programs is needed to change this condition of our high schools which are presently geared to serve a minority of 16 percent.

We have been distressed in the last few years about the unrest on our campuses and in our public schools. But I submit that much of this unrest is due to the fact that hundreds of thousands are in college and millions are in high schools without a purpose. Youth with career goals are not usually the dropouts or troublemakers. More effective services and more adequate guidance would strengthen career goals and charts a definite course for students otherwise doomed to economic disaster.

State leadership services must be strengthened and modernized to provide intensive inservice work with counselors, to increase their skills and understanding, and in some cases, modify their attitudes toward guidance and career development. This service is also needed to help clarify the role of teachers in the process of guidance and counseling.

Moreover, we must expand and improve the counseling services in elementary schools. In the schools of our larger cities, it is not unusual to have one counselor per 1,785 pupils. The situation is worse in small cities, towns, and rural communities where one counselor may "serve" 5,882 pupils. We know the value of guidance and counseling at an early age, yet we have neglected to deliver these services to our children.

Mr. President, the American Personnel and Guidance Association has recommended a minimum appropriation of $287 million for fiscal 1972. This represents a 50-percent increase over the $143,393,000 recommended by the administration.

In fiscal 1968 the combined appropriation for ESEA III and NDEA V–A was $212,376,000. Assuming the normal 10 percent increase per annum in the cost of living since 1968, without increasing services, the appropriation for fiscal year 1972 should be $342,033,672.

The $287 million appropriation recommended by the American Personnel and Guidance Association is $5.5 million less than the amount needed to get the job done. Their position is more than reasonable, particularly in view of need to recommit more of our resources to areas of human growth and development.

The American Personnel and Guidance Association has developed a very informative statement titled "Developing Human Potential Through Guidance, Counseling and Testing." The statement was developed for the March 29–31 conference of the President's National Advisory Council on ESEA III. It includes a historical sketch of title III ESEA and observations on the implementation of programs under that title.

Mr. President, I ask unanimous consent that the statement be printed in the Record.

There being no objection, the items were ordered printed in the Record, as follows:

Developing Human Potential Through Guidance, Counseling, and Testing

BACKGROUND

Guidance, counseling, and testing programs have played an important role in American education since the turn of the century. At that time, at least two movements initiated profound changes in the nature of American society. The first was the accelerating rate at which the United States was becoming an industrial-technological, rather than agricultural society. The second was a shift in the goal of American education from a very limited system serving a select number of students to a comprehensive system which would eventually serve large number of students, thereby helping to fulfill Thomas Jefferson's notion that a democratic society would need to be a well educated society.

Our industrial society and our comprehensive education system created a multitude of opportunities for many different kinds of people. The process of helping individuals, especially young people, understand these opportunities and the degree to which they would participate in them, was systemized by people such as Frank Parsons and the process was called by various names, including vocational guidance, and eventually simply as guidance.[1] The rapid growth and the ever increasing demands for guidance services offer ample testimony to the importance to individuals of these services. The quality and quantity of these services was improved in the mid 1940's when vocational education funds became available to provide state guidance supervision and counselor education.

The greatest growth in numbers of guidance programs and in personnel providing guidance services took place with the advent of the National Defense Education Act of 1958. At that time the Congress chose to define the identification and development of human resources, not only as necessary goals for the fullest career development of individuals in our society (noble ends in themselves), but in terms of the nation's vital security. The decade of the sixties brought a new challenge as our nation faced the problem of helping large numbers of low income, disadvantaged, and handicapped individuals participate to a greater degree in the benefits of our society.

The role of guidance in education

There have been several additional reasons for the growth of guidance and personnel services as our complex society and our comprehensive educational system have created new opportunities and new challenges. First, guidance and counseling programs spotlight the individual and his development as the central purpose of education. Second, guidance and counseling programs encourage the realization of human freedom by helping individuals to learn about and understand the range of options and opportunities available to them. Third, guidance and counseling programs facilitate self-sufficiency in individuals by advocating and assisting in the development of activities designed to further personal, educational, and career development. As education in our society becomes an even more individualized process, the provision of guidance and personnel services merits a higher priority than it has received.

Providing adequate guidance and personnel services will continue to challenge those who provide and support educational programs. These guidance and counseling services are likely to be more effective if:

1. They are based on clearly established human needs.
2. They are innovative and imaginative in approach.
3. They are grounded in proven practice.
4. They employ accountability principles.
5. They use planning, management, and evaluative techniques in program development and operation.

The foregoing provide a natural rationale for the consolidation of guidance, counseling and testing (formerly found in NDEA Title V–A) in ESEA Title III legislation.

LEGISLATIVE HISTORY

On April 13, 1970 President Nixon signed into law P.L. 91–230, the ESEA Amendments of 1969. Title III of this new public law consolidated two programs which had been separately authorized:

(a) ESEA III—in the previous Elementary and Secondary Education Act this title dealt with innovative programs, supplementary centers, creative projects and other services in education.

(b) NDEA V–A—guidance, counseling and testing programs as administered and maintained through state departments of education.

The latter program is the major concern of this section of the paper. The National Defense Education Act was authorized in 1958. The purpose of Title V–A was to strengthen guidance, counseling and testing in order to identify and encourage able students. Initially, this title was limited to secondary schools. To identify and develop more fully talents needed for an expanding economy and to achieve the goal of maximum development of each individual, counseling services were needed below and beyond the secondary school level. Therefore, the NDEA Amendments of 1964 extended the counseling and guidance provisions to public elementary schools and to public junior colleges and technical institutes. Amendments in 1968 extended the program through fiscal year 1971 and authorized short-term training for guidance and counselling personnel in elementary and secondary schools, junior colleges and technical institutes.[2]

Authorization is only one part of NDEA V–A's legislative history. The other part is annual appropriations. Although NDEA V–A funding began in 1958, the peak year of funding (as an unconsolidated program) was fiscal 1968. Authorizations as contrasted with actual appropriations and/or budget recommendations are cited in Table I on the following page for 1968 through 1972.

TABLE I.—COMPARISON OF NDEA V–A/ESEA III FUNDING 1968–72

	Authorization	Appropriations	Budget-recommendation
Fiscal year:			
1968	$30,000,000	$24,500,000	
1969	25,000,000	17,000,000	
1970	40,000,000	14,450,000	
1971	[1] 54,000,000	[2] 143,400,000	
1972	[3] 575,000,000		[4] $143,400,000

[1] NDEA V-A was consolidated into title III of Pubic Law 91–230 with a fiscal year 1971 combined authorization of $550,000,000, yet the fiscal year 1971 authorization for NDEA V–A repealed by Public Law 91–230 was $54,000,000.

[2] This figure represents the appropriations for the consolidated version of ESEA III as found in Public Law 91–230.

[3] This figure represents the authorization in fiscal year 1972 for the consolidated ESEA III.

[4] The administration budget for fiscal year 1972 recommended his expenditure for ESEA III.

The picture is not impressive but does indicate the disparity between funding authorization levels and actual annual appropriations allocated to NDEA V–A, now a consolidated feature of ESEA III, P.L. 91–230.

To complete the history of NDEA V–A, its major achievements should be noted:

1. *The number of counselors providing guidance and counseling services to public school children and youth has increased sharply* (e.g.) in 1958, there were 13,000 full-time counselors for secondary schools with a counselor to pupil ratio of 1:960, there were no counselors for elementary schools; in 1968 there were 36,000 full-time secondary school counselors with a ratio of 1:450, and 4,600 elementary counselors (half of these were full-time) with a ratio, considering all elementary students, of 1:9,600.

2. *Local and state support for guidance and counseling programs has markedly improved.* Financial support of these programs considering only local and state support, is more than 27 times greater than when federal assistance began. Moreover, the federal share of support decreased from 44.5% in 1958 to less than 8.4% currently. There has been a tremendous "seed money" effect in NDEA V–A funding for guidance services.

3. *More tests and testing programs to identify interests, aptitudes, and abilities of young people have been provided.* Nine million of the 45 million tests provided students in 1966–67 were funded from NDEA V–A (400,000 of this number to non-public schools).

4. *College and post-high school vocational-technical school enrollments have increased significantly; students are staying in school longer and more are graduating from high school.*

5. *State education agency guidance and personnel service have greatly expanded.*

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[1] Bruce Shertzer and Shelley C. Stone, *Fundamentals of Counseling*. Boston: Houghton-Mifflin Company, 1968, pp. 28–36.

[2] U.S. Department of Health, Education and Welfare, *Review of Progress, Title V–A National Defense Education Act*. Washington, D.C.: U.S. Government Printing Office, 1969, pp. 1–4.

Other indicators of NDEA V–A effectiveness are:

1. Minimal recommended standards for guidance programs have increased.

2. Qualifications for State Supervisors of Guidance, Counseling and Testing have been strengthened.

3. Counselor certification requirements have improved.

4. All 50 states rather than the larger or more affluent ones, have been helped to establish or strentghen guidance services.[3]

There are still many unmet needs of people which could be met through more effective guidance and counseling programs:

1. Counselor-student ratios are too high, especially in elementary schools where the ratio is 1:9,600 considering all schools.[4]

2. In 1975, the secondary schools will need 33,850 more counselors than they now have but will be able to find only two-thirds of this number; the elementary schools will need 27,905 but only one-third will be found. These figures are not based on school populations but are practical estimates gleaned from state supervisors based on conditions within the states. Stated another way only 57% of 1975's counselor needs will be met.[5]

3. There is a need for more training programs for counselors (for ghetto, rural, Appalachian, and other specialized areas); training programs for paraprofessionals to assist the counselor; in-service training and superivsion of existent counselors; and broadened experiences in career development concepts, new technology, group work, and human relations training.

4. Counselors need more training, practical experience and information to help children and youth give full consideration in their career planning to specialty oriented technical and vocational areas which this country needs filled.

5. Greater support is needed for guidance activities designed specifically to reduce school dropouts.

6. Guidance and personnel services are in urgent need of expansion. Even though expressly authorized in 1964, guidance services for junior colleges and technical institutes have not been implemented sufficiently because of limited funding.

7. More parent education and adult counseling programs are needed to lessen the generation gap and to increase the understanding by parents of the role of the school in imparting information and discussing with children and youth such controversial subjects as race, drugs, sex, war and politics.

Significant features of Public Law 91–230, ESEA III

Under amendments in P.L. 91–230, Title III, ESEA is redesignated as "Supplementary Educational Centers and Services; Guidance, Counseling and Testing."

This combination of NDEA, Title V–A with the previously authorized ESEA, Title III, which provides for the inclusion of funds for guidance, counseling, and testing within the new version of ESEA, Title III appropriations has resulted in a dual role for ESEA State Advisory Councils and has created a variety of problems or opportunities (depending on how one looks at them) related to the administration and supervision of state programs. This dual role is a consequence of the merging of two pieces of Federal legislation which were conceived and designed on the basis of different philosophical approaches to the improvement of educational practice. These different philosophies have evoked distinctly different operational procedures and evaluative criteria for the two programs. ESEA, Title III has emphasized educational innovation through the distribution of relatively massive funding to selected school systems on a competitive project basis. In contrast, NDEA Title V–A has emphasized the encouragement of guidance, counseling and testing program development and maintenance, stressing equitable distribution of funds, materials, and services to all schools meeting established standards of eligibility. That this approach has paid off is evident from the increase in the number of school guidance programs and guidance personnel during the first ten years of Federal support.

Although the combination of the two programs under ESEA, Title III now permits the expenditure of guidance, counseling and testing funds on a competitive project basis, the law is clear in its intent to permit continued expenditure of such funds in accordance with procedures established under NDEA V–A as amended. Section 303(a) of the Act states—

"It is the purpose of this title to combine within a single authorization, subject to the modifications imposed by the provisions and requirements of this title, the programs formerly authorized by this title and title V–A of the National Defense Education Act of 1958, and, except as expressly modified by this title, Federal funds may be used for the same purposes and the funding of the same types of programs previously authorized by those titles."

The intent to maintain the operational integrity of the guidance, conseling and testing programs is further indicated by including in Section 305(b) of the Act the same provisions dealing with these programs as were originally stated under Title V–A.

Programs formerly authorized by Title V–A, NDEA are *expressly modified* by the Amended Title III, ESEA with reference to the following:

1. Matching of Federal funds from state or local sources no longer applies.

2. Distinguishes, for guidance, counseling and testing purposes, administration from state supervision and leadership activities.

3. Participation of children in nonprofit private schools is now possible in guidance and counseling programs or projects, as well as in testing programs. (Under Title V–A, only testing was available to students in non-public schools.)

4. The state must assure the Commissioner of Education that an amount at least equal to 50% of Federal funds expended for guidance, counseling and testing during Fiscal Year 1970 will be spent for these programs in Fiscal Year 1971.

5. Federal funds made available under this Title will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for authorized purposes, and in no case supplant such funds.

In the light of the foregoing provisions, it seems clear that the intent of Congress is to maintain the identity and autonomy of guidance, counseling and testing programs. However, the combination of these programs within a single authorization opens up possibilities through cooperative relationships that can lead to strengthening and developing the quality of guidance and counseling, and of other pupil personnel services through new and innovative approaches.

U.S.O.E. administrative regulations

While authorizing the continuance of programs for the same purposes and of the same types previously funded under Title V–A, the amended Act also provides flexibility to fund innovative exemplary programs in accordance with criteria, policies and procedures specified for the Supplementary Educational Centers and Services component of Title III. Regulation 118.11(e) states—

"Project grants may be made to local agencies under this section for the following purposes: (1) planning programs and projects designed to provide the services and activities described in clauses 2 and 3, including pilot projects designed to test the effectiveness of such plans; (2) establishing or expanding innovative and exemplary guidance and counseling programs and projects for the purpose of stimulating the adoption of new programs; and (3) establishing, maintaining, and improving guidance and counseling services and activities, especially through new and improved approaches consistent with the purposes of Title III of the Act."

Regulations also make clear that in addition to guidance, counseling and testing programs at the local level, there shall be, "provision for supervision and leadership activities by the state educational agency with regard to the establishment, maintenance, and improvement of guidance and counseling services under the state plan," and coordination of related Federal and state programs "to provide for strong leadership in the area of guidance and counseling," Regulation 118.11(c).

Federal funds for state level supervisory and leadership activities in guidance, counseling and testing may continue to be expended as under the former Title V–A by utilizing local grant or program funds for these purposes. Under the provisions of the Act and Regulations, it is expected that such a staff will continue to be maintained and strengthened to the extent necessary to continue carrying on these functions.

Each state will determine administrative, as distinguished from state supervision and leadership activities, and will make necessary arrangements in terms of staff responsibilities and functions for the administration of the guidance, counseling and testing programs. Part of the uncertainty regarding administrative relationships of the two programs under this Title accrues from the organizational structure existing at the time of the combined authorization arrangement. "Coordinator of Title III, ESEA," originally applied only to Supplementary Educational Centers and Services. With the addition of guidance, counseling and testing, states may now want to amend staff title designations in order to reflect actual operational responsibilities under Title III.

In addition to guidance and counseling programs or projects, the Act, and Regulations 118.10 provide that—

(a) The state plan shall set forth a program for testing students in the public and private elementary and secondary schools of the state or in the public and private junior colleges and technical institutes of the state. In so doing, the plan shall describe the primary objectives of the program, identify the grade levels of students to be tested and the types of tests to be utilized for the measurement of aptitudes and abilities.

(b) The testing program set forth in subsection (a) shall include at least one test for students not beyond grade 12, and shall, (1) be utilized to identify students with outstanding aptitudes and abilities; (2) provide such information about the aptitudes and abilities of students as may be needed in connection with the guidance and counseling program required by § 118.11; and (3) provide such information as may be needed to assist other educational or training institutions and prospective employers in assessing the educational and occupational potential of students seeking admission to educational or training institutions or employment.

The combined arrangement under Title III offers state education agencies the opportunity not only to maintain, but also to explore new approaches toward improving the quality of guidance, counseling and testing programs of projects.

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[3] *Ibid.* pp. 14–44.

[4] U.S. Department of Health, Education and Welfare. *The Education Professions 1968.* Washington, D.C.: U.S. Government Printing Office, 1969, p. 165.

[5] *Ibid.* p. 166.

Implementation at the State Level

Implementation of guidance, counseling and testing programs at the state level will vary from state to state, depending on the point of view of the State Advisory Council and state educational administration, and on the nature and extent of funding available from other sources for state guidance services.

There are three important points to be considered in this effort:

1. That each state program is an outgrowth of carefully planned deliberations by appropriate administrative and advisory personnel.

2 That the state guidance, counseling and testing program does not fail by omission or commission to include appropriate guidance personnel in the planning activities.

3. That state level planners (administrative and advisory) have access to full information concerning the alternatives that may be considered when developing state policy and procedure.

State Advisory Councils should be expanded to include adequate representation by persons with professional competence in guidance, counseling and testing In addition, a state may choose to identify a subcommittee within the State Advisory Council to study and to offer recommendations concerning the state's goals with respect to guidance, counseling and testing. Other states may choose to maintain a guidance, counseling and testing advisory committee (as under NDEA, Title V–A), either on an *ad hoc* or a continuing basis, to deal more fully with state policy recommendation and other advisory matters relating to guidance, counseling and testing program development and operation. Any such advisory committee should work in close liaison with the state's Title III Advisory Council, possibly through overlapping membership.

In any state planning for ESEA Title III, consideration should be given to the information that may be provided by the guidance, counseling and testing representatives to fulfill the state responsibility for needs assessment and for evaluation Certainly, educational innovation and change in any state must be pointed toward improved approaches to meet the needs of students and, concurrently, the needs of the community Long-term goals of school (and state level) guidance services personnel encompass these same objectives, and professional guidance people are trained to analyze student needs and to propose program modifications to meet identified needs. Similarly, if state level program evaluation activities are to give attention to improvements in end-product (reduction of dropouts, increased employability, student involvement in decision-making, etc.) information available through the guidance, counseling, and testing program must be utilized

THE FUTURE OF GUIDANCE, COUNSELING AND TESTING WITHIN ESEA III

The development needs of our American society have been and will continue to be fulfilled to a large extent by our nation's schools. Unfortunately, the school too often mirrors society's problems rather than "shows the way" to resolve any of the great issues that confront the United States. This educational leadership lag must be overcome in this rapidly changing, technical world of the seventies. In order to provide the needed educational leadership, our society must allow the schools far more freedom to innovate, experiment, and develop an educational enterprise for the future because it is the future adult leaders and citizens that our schools are training. The keystone to a sound, innovative program in any school in this country is an understanding of the student body as a whole and a basic working relationship with each student, including a knowledge of his needs—social, emotional, physical, educational, and vocational. Only by fully understanding each student, and bringing this knowledge to bear on whatever program, project, technique, material, device, or teaching methodology is involved can we have adequate change in a positive direction. Prerequisite to progress is a strong guidance program as a basic component of a school-wide system of pupil services (health, social work, psychological and related specialists, including use of para-professionals). Such a team can cooperate with the rest of the professional staff to provide a real impetus to make things happen.

In January of 1971 the Nixon administration presented its Proposal for Consolidation of Federal Educational Grants and Programs. In the Nixon proposal the suggestion was made that incentive grants be made to states which focus on national priorities and achieve successful results. Seven examples were given to illustrate educational accomplishments which might be so rewarded. Each example has guidance implications. Each of these seven examples are listed below together with a vingette which describes an existing program:

1. Reduction of school dropouts: Recently one school district applied for project money to employ a full-time counselor to work with potential high school dropouts. A research of past dropouts identified 110 enrolled students who would probably quit school before graduation. The counselor, working with these 110 probable leavers and with their teachers, reduced to 13 the number that actually left in the following three years. (A dramatic example of how Title III has met a national priority need!)

2. Reduction of student absenteeism: One school district discovered a marked increase in the absences of its student body, both elementary and secondary. The district developed a project which included the employment of additional counselors to reduce pupil/counselor ratios and to increase the contacts between the schools and the pupils' families. Absenteeism was reduced by 70% and failures by more than 50%.

3. *Reduction of severe retardation in basic subject areas, such as reading and math:* A project was developed involving similar class sizes, the use of aides, and the employment of school counselors to act as liaison between teachers and students. One result of this project was improvement in basic skills an average of five grades during the three-year project period. Another was the demand by the parents for a strong guidance program. This demand resulted in an increase in the number of counselors employed by the district rather than the curtailing of services after federal funds were no longer available.

4. *Provision of job or college entry preparation for all students through curriculum reform:* The administration of a modern, progressive, suburban high school was appalled to find through its follow-up program conducted by the guidance department, that most of the 15% of its students who were not college-bound were either unemployed or employed marginally. The Guidance Director initiated a meeting at which personnel from nearby industries and businesses met with school department chairmen and discussed the vocational preparation needed by high school graduates who are entering the world of work. Within two years, a revised and comprehensive program of studies provided vocational education opportunities for the students of this school. A year later local business representatives actively recruited seniors for employment after graduation. (A complete turnabout during the three-year project program!)

5. *Proper placement of all handicapped children in the proper special education classes:* An elementary school district recognized that many children with special needs were not identified or placed in classes that best met their special needs. A project to employ a comprehensive pupil personnel team to identify, place, and help in remediation activities was initiated. The team of specialists also conducted in-service programs for teachers and several meetings for parents, both group and individual conferences. The situation was soon corrected and this district is recognized as a model program for the nation.

6. *Reduction of youth unemployment:* One large metropolitan school system has organized a Career Development Center in each of its high schools. Each Center has a job placement coordinator, a work-study coordinator, and a vocational counselor who work as a team in maintaining working contacts with employers, the Employment Service, and the school faculty in helping students make a smooth transition from school to the world of work. The city in which this program is located has one of the lowest youth unemployment rates of major cities in the country.

7. *Systematic placement of high school graduates into apprenticeships, vocational training, or college:* A school district found that many students were not successful in finding employment after high school because of the complexity of the world of work and of college placement. A project to employ both a full-time career counselor and a college counselor paid quick dividends. One year after initiating the project a follow-up study was undertaken. In comparison to district data for the previous year, the project effected the following changes; 1) student enrollment in apprenticeship programs increased three-fold and 2) college dropouts had decreased 60%. Three years later, apprenticeship enrollment had again tripled and college dropouts from this district averaged fewer than 5%.

It is apparent from these brief illustrations related to educational accomplishments which should be rewarded, that improved communication among the local project staff, the state education department staff, the federal Office of Education staff, the various advisory committees, and other branches of government must be accomplished. The need is great for the federal government to establish a realistic foundation program to insure these vital guidance counseling and testing services for *every child* regardless of his age, his need, his geographical location, his family background, or any other circumstance. Guidance services focus on the individual and help the school to relate to his needs. This premise is the very foundation of our education system; therefore, we must establish a national priority program that includes this as its base of operation. We must greatly expand the thrust of Title III because we must educate *all* of our children *better, faster,* and with *greater competency*. This is Title III.

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STATEMENT OF FREDERICK S. KLINE, DIRECTOR, SOCIETY FOR EXCELLENCE IN EDUCATION

Mr. Chairman and members of the subcommittee, I am Frederick S. Kline, founder and director of the Society for Excellence in Education. I am pleased to have this opportunity to discuss priority items needed to increase the effectiveness of HEW appropriations in providing equal educational opportunities for all children. My related previous testimonies given at other Congressional hearings should be included in today's record to provide additional information.

Priority items are those that directly benefit American schoolchildren instead of primarily members of the unprofessional educators' complex.

All children need a good basic education. **Relevant data on academic achievement is mandatory before distribution of Title I funds is continued.**

Strict accountability measurements must be enforced to more accurately determine those children who are currently receiving equal educational opportunities. Professional educators are providing their students with equal educational opportunities and must be identified and rewarded.

One specific measurement of accountability is to test each student for both scholastic aptitude and academic achievement at the beginning of the school year. Prior to the conclusion of the school year the students would be tested again for academic achievement. Standardized tests of different forms should be administered by distinguished independent testing agencies. Tests would vary depending on the grade level and would include those for reading ability and computational skills.

While any testing program has shortcomings, until a better approach is available this should be implemented. The argument about teaching for a test is irrelevant if the material on the test is worthwhile teaching.

This testing procedure will measure academic growth during the school year. Normally, those students who have attended several schools or have a high rate of absences, achieve at a lower rate than if they had remained in one school and had a consistency in attendance.

Exclusive of these students the average rate of academic growth of each classroom should be computed. Classes with similar scholastic aptitude within the same grade level should be compared. Such a comparison will show significant differences between classes. These differences are one means of identifying professional educators who have motivated their students to achieve higher rates of growth than generally expected.

In some instances classrooms with over thirty children in low income neighborhoods will show academic growth of two years, while similar classrooms will show growth of two months. The professional educators in the first mentioned case should be rewarded with a substantial sum. These professional educators are necessary to provide all children with equal educational opportunity.

Regardless of the ability of a professional educator, some students come to school with severe emotional problems that originate in the home. Such students who are overly disruptive should be assigned to individualized assistance centers. Funding of these centers is a priority item.

Assignment to these centers only applies to students who are overly disruptive with a professional educator. Unprofessional educators are often responsible for disruptive behavior of their students. In this situation, it is the unprofessional educator who should be assigned elsewhere, instead of the student.

Members of the unprofessional educators' complex have deceived many government officials into believing that a form of racial balance is necessary to increase the academic achievement of black children, as well as children from other minority groups and to provide them with equal educational opportunities.

With profesisonal educators in the classroom students should be assigned where they are best motivated to learn, regardless of racial factors.

Other priority items include funding of programs for children with learning disabilities and remedial reading programs. After more professional educators are in the classroom remedial reading may no longer be necessary, but at present it is.

Increasing the number of professional educators in the classroom is the surest way to prevent educational discrimination and provide equal educational opportunities free from artificial means such as forced assignment by race of students or teachers regardless of the number of unprofessional educators involved.

The Society for Excellence in Education will provide members of Congress, as well as other concerned citizens, with a more detailed motivational program in the near future.

ESSAY BY KATHLEEN CZAR, WARWICK, R.I.

Mr. PELL. Mr. President, the Veterans of Foreign Wars recently conducted here in Washington its annual Voice of Democracy contest. I believe the VFW is to be commended for sponsoring this competition, for it provides an opportunity and an incentive for young Americans to focus their thoughts on our American democracy and our heritage of freedom.

My own State was represented in the competition this year by Miss Kathleen Czar, of the city of Warwick. I had the pleasure of meeting Miss Czar during her visit to Washington, and I found her to be a fine representative of the youth of our country.

Mr. President, I ask unanimous consent that the text of Miss Czar's thoughtful statement on American freedom and its responsibilities be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FREEDOM—OUR HERITAGE

Freedom is an important word to Americans, a term that has always played a key role in the history of the United States. For the freedom to practice their religion, the first colonists faced almost insurmountable hardships in coming to settle in the New World. To "secure the blessings of liberty", a new nation was carved out of wilderness by brave men with a dream, a vision of a country where all men could be free. To make this dream reality, to make all men free, the United States fought a civil war, discovering that a nation so conceived could endure. And to protect this liberty, Americans fought and died in two world wars, risking their lives to preserve the freedom that had come to mean so much to them.

Today we have a responsibility. A challenge has been set before us by the Americans who strove throughout history to protect liberty. They have challenged us to carry on the democratic tradition. Our responsibility is great. We must face the challenge, and work to keep freedom from becoming nothing more than a hollow, meaningless word, tossed about casually.

In order to accomplish this difficult task, we must first dispel the illusion that freedom is guaranteed to every man merely by the fact of his birth. Freedom is not a static quantity to be passed from one generation to the next like a tarnished antique watch. We, as citizens of the United States, are not automatically the heirs of liberty. We are given the heritage of freedom, but it is the task of each generation to win once again the right to exercise its independence; it is the duty of every American to earn his liberty.

In the seventies, we can at least begin to merit our heritage by the wise, judicious use of our power. On a large scale, the United States can use her strength and wealth to aid weaker nations, countries with the same desire for life, liberty and happiness that sparked the American battle for independence. Closer to home, the citizen himself can make responsible use of the power of democracy. By keeping abreast of the major issues and problems that confront America today and by working within the system to implement the necessary changes, he can in his own way protect his freedom. Part of the responsibility inherent in democracy is the respect for the rights of others. Many of the problems facing the country today stem from the misconception that freedom can be taken for granted, that it can be accepted as no more than one's due. Democracy itself is threatened when rights taken for granted are abused, when liberty is mistaken for license, and freedom is confused with "anything goes".

It is not liberty that has been handed down to us, but rather the challenge to preserve and further the cause of freedom. We must take it upon ourselves to earn our liberty, to merit our priceless heritage, and, perhaps equally as important, to dispel the illusion that freedom is ours by birth.

RULES OF COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. JACKSON. Mr. President, pursuant to the Legislative Reorganization Act of 1946, as amended and incorporated in the rules of the Senate, I hereby submit for the RECORD a copy of the Rules of the Committee on Interior and Insular Affairs which were duly adopted on March 31, 1971.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES OF THE SENATE INTERIOR AND INSULAR AFFAIRS COMMITTEE

COMMITTEE RULES

Rule 1. The Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, to the extent the provisions of such Acts are applicable to the Committee on Interior and Insular Affairs and as supplemented by these rules, are adopted as the rules of the Committee.

MEETINGS OF THE COMMITTEE

Rule 2. The Committee shall meet on the third Wednesday of each month while the Congress is in session for the purpose of conducting executive business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary. Subcommittee meetings or hearings shall not be scheduled nor held concurrently with full Committee meetings.

EXECUTIVE SESSION AGENDA

Rule 3. The agenda for full Committee executive sessions shall be provided to each member at least three days prior to such executive session, and no new items may be added after the agenda is published except by the approval of a majority of the members. The Clerk shall promptly notify absent Members of any action taken by the Committee on matters not included on the regular published agenda.

Rule 4. A legislative measure or subject shall be included on the agenda of the next following executive meeting of the full Committee if a written request for such inclusion has been filed with the Chairman at least one week prior to such meeting. Nothing in this rule shall be construed to limit the Chairman's authority to include legislative measures or subjects on the agenda in the absence of such request.

QUORUMS

Rule 5. (a) Nine members of the Committee shall constitute a quorum for reporting legislative measures or recommendations. Proxy voting will be permitted on all matters, except that no measure or recommendation shall be reported unless a quorum of the Committee were actually present to vote at the time a measure or recommendation was ordered reported.

(b) One member of the Committee or any subcommittee shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure before the Committee.

SUBCOMMITTEE MEMBERSHIP

Rule 6. (a) Membership of subcommittees shall be fixed by the Chairman in consultation with the ranking minority member, and, insofar as possible, shall reflect the wishes and preferences of the individual members of the Committee.

(b) Following consultation with the ranking minority member, the Chairman may, from time to time, establish such ad hoc or special subcommittees as he deems necessary to expedite committee business.

CONFIDENTIAL TESTIMONY

Rule 7. No confidential testimony taken or confidential material presented in an executive hearing of the Committee or subcommittees thereof or any report of the proceedings of such an executive hearing shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the Committee at an executive session called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 8. Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, tends to defame him or otherwise adversely affect his reputation may file a (sworn) statement of facts relevant to the complained—of testimony or other evidence or comment. Such request and such statement shall be submitted to the Committee for its consideration and action.

BROADCASTING OF HEARINGS

Rule 9. During open public hearings, photographers and other reporters using mechanical recording or filming devices shall position their equipment in such fashion as will not interfere with the seating or vision of Committee Members or staff on the dais, nor with the orderly process of the hearing.

STANFORD MEDICAL SCHOOL

Mr. KENNEDY. Mr. President, Mr. John Walsh has written an informative series of articles which appeared in the February 12, February 19, and February 26 issues of the magazine Science. The articles describe the struggle of the Stanford University Medical School to achieve a balance in its program among medical education, research, and community service. Since Stanford is generally regarded as a pacesetter among medical schools, the articles have relevance far beyond the question of Stanford's medical program.

In 1959, the Stanford medical center complex was consolidated on the Stanford campus, with the clinical facility, formerly located in San Francisco, moving to Stanford. Partly due to Stanford's reputation as a research-oriented school, many of the clinicians did not make the move. According to Mr. Walsh, the newly recruited faculty members tended to fit in the research mold. Combined with the underestimation of construction costs which delayed completion of the clinical sciences research wing until 1966, the net effect was to produce some imbalances in the school's faculty.

One of Mr. Walsh's central themes is that the flow of Federal funds has resulted in a redistribution of power in regard to the medical school. He argues that the large scale funding of basic research has counterbalanced the effects of a traditional double standard within the faculty, whereby the M.D.'s make considerably more money than Ph. D.'s and where the top administrative posts go to M.D.'s rather than Ph. D.'s.

A further effect of Federal funding has been the development of clinical research which has, to some extent, blurred the distinction between the basic research and clinical programs. It also has contributed toward the development of a national trend of set salaries for medical school clinicians, as opposed to the free-for-medical-service system. This has inevitably resulted in considerable internal pressures and debate.

In the late 1960's at Stanford, there was a swing away from the emphasis on research, with more emphasis on clinical training and community services. Mr. Walsh links this shift with the national movement of social awareness among students. In 1968 an elective curriculum system was installed which provides for a large degree of student flexibility— students may now complete the M.D. course in 3½ years, but they may also take 4, 5, or 6 years. In 1969, a division of community medicine was set up. Since then, Stanford has developed links with a number of community health projects. These developments, combined with a cutback in research funding the last few years has caused real concern among researchers, although Walsh believes that these fears are unfounded. He concludes:

> The real problem at Stanford is not to avoid the extremes of becoming a research institute, on the one hand, or a staffing agency for storefront clinics, on the other. It is to find better ways to provide students with varieties of medical experience, which will prepare them to meet the multiple responsibilities imposed on physicians today, and to enable them to improve the ailing American medical care system.

I ask unanimous consent that John Walsh's articles on the Stanford Medical School be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STANFORD SCHOOL OF MEDICINE (1): PROBLEMS OVER MORE THAN MONEY

(By John Walsh)

(NOTE.—Since World War II the American medical school has become a highly complex institution and, like other American institutions today, the medical school is being challenged to respond to diverse and often conflicting demands. In part the pressure comes from activists who insist that the medical school more fully meet the needs of the community by reforming both training and the delivery of medical care. But another sort of pressure is exerted as a result of changes in internal relationships that have occurred in the last two decades in large measure because of the federal support of biomedical research. As in most institutional conflicts the dispute is expressed in contests over power and money, but, at a more fundamental level, what is involved is the value and reward system of academic medicine and the question of how the medical school is to be governed.

(This is the first of three articles which will attempt to discuss these issues in the context of the development of one medical school—Stanford's. The first article will describe the pattern and policies of expansion since World War II, and the other two will examine the effects of internal and external pressures for change.)

In less than a decade Stanford University School of Medicine made a national reputation as a model of the research-oriented medical school. The names the public identify most readily with Stanford are those of cardiac surgeon Norman Shumway and of Nobel laureates Arthur Kornberg and Joshua Lederberg. But in its medical-school peer group Stanford has a broad-spectrum reputation for research and advanced techniques in other forms of surgery, radiology, psychiatry, and some types of medicine, and also for curriculum innovation. Stanford's dean during the late 1960's, Robert S. Glaser, and some other members of the faculty belonged to that group of medical school representatives, foundation officers, and government officials who dominate the haute politique of academic medicine. And all in all, Stanford became one of the half-dozen schools generally regarded as setting the pace in American medical education.

Like other medical schools in the 1960's Stanford depended heavily on federal funds to finance expansion. And at Stanford, the rapidity of the buildup and the reliance on federal funds almost inevitably caused an unevenness in development. Then in the later years of the decade, Stanford was hit by the squeeze on federal funds and by demands on the school to exercise a greater measure of social responsibility by providing new forms of training and community service. As a consequence Glaser, who resigned last year after 5 years as the university's chief administrator for health affairs, says that "Stanford has an acute form of the problems of American medical schools." And Lederberg, who has been deeply involved in policy issues in both the medical school and university in the last decade, observes that Stanford "has problems of identity and leadership which override the money problems."

Ironically, these problems of identity and leadership, of which Lederberg speaks, result in large part from the two decades of federal funding of research which created the modern medical school. And the frictions tend to be particularly severe at schools which by prevailing criteria are most successful, like Stanford.

If by self-diagnosis Stanford has big problems, they arise in part because the medical school has big personalities and big expectations. Through the 1960's, Stanford attracted faculty members whose talents and prestige enabled them to bring in funds which gave them and their colleagues a measure of independence. A "star system" emerged at Stanford which, to extend the metaphor, made the medical school organizationally more like a galaxy than a universe, which a medical school resembled under the old dean-centered system.

This did not happen accidentally. For Stanford the die was cast when the decision was made in the early 1950's to consolidate the medical school on the Stanford campus. The university in 1908 had taken over the 50-year-old Cooper Medical College in San Francisco and had continued the 2-year clinical phase of the M.D. training in the city. Preclinical courses were given on the campus. Wallace Sterling, who moved into the Stanford University presidency after World War II, was a key figure in carrying through the consolidation. Sterling recalls that a link with the campus science departments was and service were to advance scientifically, but also some far-sighted advisers convinced him that "the day was going to come when social sciences, engineering, law, and business administration were going to be more important in medicine."

The medical school had developed a strong clinical tradition in San Francisco, and the debate over the move from the city split the faculty. When the move was made in 1959 many of the clinical partisans remained in the city, while faculty members committed to greater emphasis on research generally went south to Stanford.

New faculty members had to be recruited to fill the ranks, and not surprisingly these tended to be people who shared the vision of Stanford as a new avatar of scientific medicine. The arrival in 1959 of Lederberg and Kornberg, famous for their work in the then scientifically white-hot field of molecular biology, proved to have more than symbolic significance, since both men, in rather different ways, exercised a formative influence on the school. Kornberg was recruited with his whole microbiology group from Washington University in St. Louis, and the transplant of a big, productive biochemistry department into a medical school set a precedent for Stanford and other schools. Kornberg also was active in recruiting, especially in the early years, and is regarded by his colleagues as an insistent and effective spokesman for basic research. Lederberg, although he has been active outside Stanford as a commentator on scientific and political issues in addition to carrying on his own research and administrative work at the medical school, is also said to have been a knowledgeable and hardworking member of groups grappling with basic issues in both the medical school and the university.

SOMETHING TO OFFER

That recruiting for the medical school should go successfully is hardly surprising since the recruiters represented a new and apparently amply-financed enterprise in very attractive physical and professional circumstances. In 1959 Stanford opened a medical center complex combining medical education, research, and hospital facilities. The medical center was designed by Edward Durrell Stone, then ascending the heights of his profession with his embassy and international exhibit architecture. The Stone style is evident in the center's columns and textured walls, but it is not mentioned on the architect's list of triumphs. The plan is essentially a grid of fairly narrow, interconnecting buildings. The center, considering its massive size, does not obtrude on the Stanford landscape, and there are pleasant, quite courtyards and some bright, sunlit rooms. But there are complaints about endless corridors and a lack of usable space, and local opinion is summed up by a university administrator who says the medical center "aesthetically is fine, functionally. . . ."

But the design of the center perhaps had less profound effect than the cost of building and running it. Construction costs had been seriously underestimated by medical school planners. As a result there was not enough money to construct a clinical sciences research building in the first phase, which cost well over $20 million, and the clinical sciences research wing was not completed until 1966. The effect was to retard the buildup of faculty, and so, when federal funding tightened in the later 1960's, Stanford was left with some imbalances in its faculty.

Equally important was the university trustees' reaction to the unexpectedly high costs of the move to the campus. By the late 1950's, as one observer puts it, "the trustees felt they had a tiger by the tail." The cost of construction of the medical center was essentially covered by money raised from government and private sources, but the trustees saw the budgets of the medical school and the hospital as an open-ended demand. As a result, they put a ceiling on general university funds to be allocated to the medical school. This meant that the medical school was to be dependent primarily on the funds it generated itself, and this added even greater importance to the entrepreneurial drive of the faculty.

A further serious implication of the move from San Francisco was that the school cut ties not only with individuals but with institutions, primarily with the county hospital on which the school depended for "clinical material," the euphemism for the indigent patients who occupy the teaching beds in most medical schools.

In moving to Stanford, the medical school gambled on attracting enough fee-paying patients to provide clinical material and also to pay the costs of operating the university hospital, and part at least of the cost of intern and residency training programs. The center not only started out with zero patients but also faced the task of overcoming the suspicion, if not the hostility, of local physicians who alone could send referral patients whom any medical center needs for its training programs. The town-and-gown situation was particularly complicated since the peace treaty with the local community was based on an agreement to include a community hospital financed by Palo Alto in the new medical center complex.

The community hospital was merged with the university hospital in the late 1960's under an agreement that guarantees priority in a large block of beds to patients from the community and assures local physicians of staff rights. Criticism persists that the university hospital, with something over 500 beds, is too small by teaching hospital standards. One medical student said "there are more people in white coats than patients." Defenders of the system point out that Stanford also has arrangements with a nearby veterans hospital and a county hospital in San Jose which provide highly satisfactory training experience for students, interns, and residents. In addition there is a small, separate pavillion for chronically ill children on the campus, and the medical school provides some services for San Mateo County Hospital, although that relationship seems to be on the wane.

The trajectory of expansion at Stanford in the 1960's can be traced in the figures for budget and personnel. The budget rose from $5.7 million in 1959–60 to $25.5 million in 1969–70. Over the same period, income from federal grants rose from $2.3 million to $14 million, or from 41 percent of the total budget to 60 percent. The hospital budget increased at about the same rate as the medical school's, so that now the combined budget tops $50 million a year.

The reliance on federal funding has obviously influenced the shape of Stanford's educational program. The number of medical students increased only from 230 to 357 between 1959 and 1970. In the same years the interns and residents rose from 152 to 279—with the big increase affecting residents, who now number 240. The greatest percentage increase came in the number of postdoctoral fellows, which went up from 44 at the beginning of the decade to 218 in the current year. There were 35 Ph.D. candidates 10 years ago and there are 76 this year, but that number represents a sharp drop from 110 last year and reflects the cuts in federal support of research and training. Full-time faculty numbers 375 of whom 193 are tenured.

In all, the medical school has slightly over 1000 students in various categories. Only about a third are in the M.D. program. There is a small nursing school which has only about 62 students, down about a third from a decade ago, and a relatively small number of students are taking subprofessional training. Stanford, therefore, has an unusually large number of postgraduate students.

The mix was achieved deliberately and through the maximum use of federal and hospital service funds. As one financial official phrased it, "We couldn't afford a conservative financial program. We're living on soft money." Up to now the medical school has managed to avoid an operating deficit. Research just about paid for itself. But now expenses are increasing more rapidly and federal funding is not keeping up. And the administrator observes, "We're dug in for a sustaining operation. I don't think everybody realizes that."

Just as Stanford has depended on funds from federal research grants to underwrite graduate students and pay part of faculty salaries, it has had to follow an even older practice of "bootlegging" the costs of clinical training, including the salaries of interns and residents, from funds paid by patients for hospital service. This is standard practice among medical schools and the funds, in effect, are paid for services rendered, but now, because of inflation in medical costs including the salaries of house staff, the budget for clinical training is under very heavy pressure.

Things look particularly tight for Stanford in the immediate future. California Governor Ronald Reagan has ordered a sharp cut in funds for MediCal, the state's version of the federal Medicaid program for medical indigents. In addition there is a dispute over government billing requirements on surgical cases, which specify that the faculty member named as attending surgeon must himself perform the operation. Under the surgical-team system of teaching used at Stanford and elsewhere, a resident learns by wielding the scalpel under close supervision. Accounts receivable of some $1.5 million are tied up in the dispute.

Stanford, incidentally, cannot look to the state government for support, in the way that other private medical schools in several states have done, since the California constitution specifically prohibits such assistance.

At Stanford, however, almost everyone agrees that the problems run deeper than the threat of deficits. For example, departmental chairmanships in anatomy and physiology have remained unfilled for several years. In part this is because the cutback in federal funds has made it impossible to offer the inducements in space and staff positions that have been proffered to high-level recruits in earlier days. But there are also disagreements about what direction research and teaching in anatomy and physiology should take at Stanford, and the difficulty in settling issues such as these make some faculty feel that the medical school is suffering from a case of arrested development. And the feeling is sharpened by the fact that the search for a dean to replace Glaser has been on for almost a year.

The days when medical school policy was decided by the dean and a few influential senior faculty are over. One effect of the flow of federal funds into the medical schools has been a redistribution of power. This has created pressures for major change in governance and even in the structure of the medical school which will be discussed in forthcoming articles.

Stanford School of Medicine (II): Clinicians Make an Issue

There's no academic status in seeing patients. The guy who stays in the lab gets tenure. The guy who sees patients gets kicked out after 3 years.—A former administrator at the Stanford Medical School.

Modern medical education was created when high-quality instruction and research in the biomedical sciences was united with clinical training, but, even at a research-oriented medical school like Stanford, the alliance remains an uneasy one. Some faculty members contend that the research ideal has triumphed at the expense of medical care. Professional pride and prejudice doubtless inspire part of it, but the criticism is potentially strong enough to change the structure of the medical school.

In oversimplified terms, the objections are that some clinical faculty are spending too much time on the wrong kind of research, with the result that they are not pulling their weight scientifically or financially. As inflation and the cutbacks in federal funding put heavy pressure on medical school budgets, this kind of dissatisfaction has mounted and some clinical departments, which have become power centers because of the income they generate from fees, are seeking greater control over their own finances and policy. This is a complex, multilevel argument, which is probably best approached by looking at the anatomy of the medical school.

Some friction persists because medical schools operate under their own double standard. Faculties are divided between Ph.D.'s and M.D.'s, concentrated in the basic sciences and clinical programs, respectively. Top administrative posts in academic medicine continue to go to physicians rather than Ph.D.'s, and in most schools substantial salary differentials favor the M.D.'s.

Since World War II, however, the second-class status of the basic sciences faculty has been considerably assuaged by large-scale funding of basic research by the federal government, principally through the National Institutes of Health (NIH) and also by such victories of research as polio vaccine and by the apparently boundless promise of such disciplines as molecular biology.

The availability of federal funding and prestige accruing from research has caused a blurring of the demarcation line between basic science and clinical programs. Clinicians found it possible to get their own research grants, and clinical departments tooled up programs of clinical research—efforts to apply the results of basic research and technology to medical care. Across the country, the trend has been particularly evident in departments of medicine. The number of subspecialties has multiplied, and developments in chemical therapy and in instrumentation have opened new avenues for clinical research in almost all areas. To achieve interdisciplinary breadth, some clinical departments added Ph. D.'s to their rolls, on occasion outbidding basic sciences departments for their services. Many clinicians, of course, had been doing research, very good research, before NIH support became available. The famous report on medical schools by Abraham Flexner early in the century had urged on physician members of the medical school faculty the self-image of teacher-researcher-clinician. What had changed was that making at least a modest mark in research became obligatory for anyone hoping for tenure and advancement in academic medicine.

At Stanford, critics of clinical research do not fault the clinicians for doing research but for taking the basic sciences departments as their model and straining to make their work as "basic" as possible. The effort to emulate work done in labs headed by men such as Nobel laureates Arthur Kornberg and Joshua Lederberg is understandable, but the result, say the critics, is that many of the clinical researchers are neither very good researchers nor very good clinicians.

Clinical departments, of course, remain responsible for care of patients in medical center hospitals as well as for the training of medical students, interns, and residents—and, as research and training activities have increased, so, not surprisingly, has the size of clinical facilities.*

This has inevitably affected the budget and a score of interviews at Stanford yielded the impression that the criticism of clinical research was directed not so much at its quality but at its costs in the context of medical school financing.

In the leading medical schools there has been a steady trend away from the old practice of basing clinical faculty members' salaries in part on fees they earn through providing medical service. The alternative is the so-called "full-full-time" system under which faculty members are paid set salaries while fees go into medical school coffers. The full-time system permits losses in some sectors to be counterbalanced by surpluses in others and, theoretically, at least, an equalization of quality in departments to be achieved throughout the school.

One of the constants of academic medicine is that some departments, notably, surgery, radiology, and anesthesiology, make money on their services, while others, especially pediatrics, produce deficits. In private practice, surgeons, radiologists, and anesthesiologists are the most highly paid specialists. Stanford salaries for senior clinical faculty—in the $30,000 to $40,000 range—look more than adequate by university standards but amount to only about a half or a third of what their colleagues in the premium specialties earn in private practice. The main complaint in these clinical departments is not that they are underpaid, although they are not oblivious of that aspect, but that what they regard as a fair share of funds earned by their departments is not returned to finance research and needed expansion or renovations of facilities. And what they seem to find most galling is their belief that their colleagues in other departments are not putting sufficient time and effort into medical care to pay their department's way.

It is worth emphasizing that the animus is not directed toward researchers in the basic sciences departments. Those engaged in fundamental research at Stanford have not only imparted an aura of excellence but have been sufficiently successful in competing for available NIH funds to be still regarded as self-financing.

The strongest expression of resentment comes from the surgeons. Considering the surgeons' earning power and the proverbial "surgical personality," this should not be unexpected. Self-confidence and an extreme sense of the value of his work are, after all, basic qualifications for a surgeon; temperamentally, the surgeons are to medicine what fighter pilots are to air forces.

Roy B. Cohn, a distinguished renal surgeon whose tenure at Stanford predates the move from San Francisco and who plays the irascible elder statesman with zest, says, "The full-time system denigrates medical care. The exception is the surgeons. Surgeons would do [their work] for nothing. We work harder." Speaking of some of his colleagues in other departments, Cohn says, "Those fellows are very intellectual—once they establish a diagnosis, they lose interest."

Robert A. Chase, chairman of the department of surgery, emphasizes the interdependence of departments in a good medical school by saying, for example, "The department of surgery can be no better than the weakest department in the school." But in discussing the issue there is no mistaking the firmness of his views. "Care of patients is a tough job. There should be appropriate recognition in the institution, and it is not always given. Surgery makes a greater effort than any department." And Chase footnotes a Rand study which, he says, found that Stanford per patient costs are high and that faculty in general don't spend a great deal of time in the clinics. "An economic incentive is not provided," says Chase, "in fact, the incentive is perverse."

Chase goes on to insist that Stanford medical school cannot maintain its position if salaries are not competitive with peer medical schools across the country. Chase gave some examples of medical schools with higher salaries and noted, "The men in the department feel the full-time system is best so long as the constraints don't become terribly discouraging."

The critique of clinical research and the claim that the full-time system has an adverse effect on medical care must, of course, be examined for fairness.

CLINICAL RESEARCH COMPLEXITIES

Even the sharpest critics concede that clinical research is both necessary and difficult. No matter how intellectually challenging, basic research customarily uses such relatively amenable experimental objects as bacteria, viruses, or laboratory animals, whereas clinical researchers must ultimately work on human beings. The primary concern for the patient's well-being infinitely complicates the clinical researcher's task in designing and carrying out his work. And the critics tend to ignore the large amount of good clinical work being done. A few of the names that were frequently cited for high quality research in clinical departments at Stanford were Thomas C. Merigan for his work on interferon inducers, Rose O. Payne for advances in tissue typing for human organ transplants, and Judith G. Pool, an expert in the pathophysiology of blood typing, for developing a simplified method of preparing cryoprecipitated antihemophiliac globulin which makes surgery possible for hemophiliac patients. Work on immunology by department of medicine chairman Halsted R. Holman and his colleagues was often mentioned.

The charge that clinicians are not working hard enough to pay their own way apparently should be amended in many cases to a complaint that money due them is not collected. It is relatively easy to compute and bill charges for surgery or for radiological examination and treatment. The nature of treatment required by patients of the departments of pediatrics, psychiatry, and medicine often make it much harder. In the case of medical treatment, patients' insurance may provide for only marginal reimbursement. Physicians in these services may be faced with a large number of patients and may decide to see more patients and fill out fewer forms. Other dimensions of the issue are opened when the rewards of anesthesiologists or the total resources required for sophisticated surgery are questioned. But the point is not so much whether the critics are justified but that they feel intensely aggrieved and tend to be those who, because they are big earners for the school, exert real leverage.

Norman E. Shumway, head of the division of cardiovascular surgery and a pioneer in the heart transplant operation, is a strong proponent and participant of research in surgery. His view of how to organize it is a highly personal one. "I don't think you can do good research while carrying a heavy clinical schedule," says Shumway. "Research is a young man's game, and you find yourself providing a place for younger and brighter guys."

An ideal way to do this, Shumway thinks, would be to establish a cardiac center, "a miniature Manhattan project," which would combine preclinical teaching with research and care on "cross-departmental lines." Shumway says the center "would have more to do with cardiology than surgery. It can't be a specialty hospital—there's too much overlap in areas such as infectious diseases." Such a center he sees as necessarily a part of the university medical center.

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*At Stanford, for example, of 123 tenured faculty in 1960–61, 75 were clinical faculty and 47 were basic sciences faculty. Of a total of 290 tenured faculty in 1969–70, 224 were clinical faculty and 66 were basic sciences faculty.

Understanding it somewhat, Shumway admits, "Some people won't like this, but suppose a whole school goes this way. It might be very attractive to federal agencies."

Rather similar views are held by Henry S. Kaplan, the astute and tough-minded chairman of the department of radiology. Kaplan was one of the engineers of the medical school's consolidation on the Stanford campus in 1959, and he has remained influential in the policy counsels of the medical school.

Kaplan, like Shumway, is attracted by the prospects of establishing a center or institute which would focus treatment and interdisciplinary research in a particular field. Kaplan envisions a cancer center and thinks that the push for a massive attack on cancer advocated in Congress and now proposed in the President's budget (*Science*, 12 February 1971) may provide the funds. The real question, says Kaplan, is "how to create an institute which is a fiscal and physical entity yet is still in the main stream of the educational process. I would not want to see a cancer center or cardiac center which is not part of the teaching process. We don't want watertight compartments."

Kaplan also bluntly concurs with the surgeons in saying, "A heavy degree of subsidization of those departments is going on needlessly. We wouldn't mind so long as people in those departments were working as hard as possible. It's time to blow the whistle," says Kaplan.

As critic, Kaplan's flanks are well covered. His department not only operates deeply in the black but has a strong reputation for clinical research. He himself is a successful researcher who pioneered development of the linear medical accelerator for radiation treatment of cancer and is, among other things, an authority on Hodgkin's disease and malignant lymphoma.

Kaplan's analysis of the ills of the medical schools is broader than a simple indictment of the handling of fees. In the period of rapid growth he feels that "too much reliance was placed on the federal government." A source of the trouble was the "extension into the NIH easy money era of the Flexner concept of the triple threat man (teaching, research, patient care). In some departments the feeling that a man should be a great clinician fell into disuse. If you stay with the idea of the triple threat man, as patient load increases you must increase the staff. But where is the lab space and free time to work in the labs coming from?

"This is the problem of the medical schools. We must find a way to diversify the function of the faculty. One solution would be to create two kinds of faculty appointments. You might create a postgraduate medical school to exist side by side with the undergraduate medical school."

An immediate problem, as Kaplan sees it, is to create an incentive plan to provide Stanford with competitive salaries and funds for research.

The problem of incentives and the question of such new departures in organization as creation of a cancer center and cardiac center are in abeyance while Stanford searches for a new dean to replace Robert S. Glaser, who resigned last spring to become a Commonwealth Fund executive.

The acting dean is John L. Wilson, who came to Stanford as an associate dean when Stanford took on administration of a regional medical program. Wilson is held in generally high regard by the faculty. In style he is anything but a confrontationist, but he is credited with taking relatively strong initiatives in the area of budget and day-to-day administration, considering his acting capacity. But the tougher policy problems have been tabled in the interim.

Internal pressures building at Stanford, such as those for creation of semiautonomous cancer and cardiac centers, some pessimists feel could dismember the medical school. Others, like geneticist Joshua Lederberg, think it may be possible to establish a new form of specialized treatment center connected to medical schools which would allow the schools to increase income without breaching the integrity of medical education.

Those familiar with the realpolitik of medical schools feel that something substantial must be done soon, since the resentments that produced the demand for an incentive plan and the center proposals are near the flash point in many schools. How Stanford deals with these problems or fails to deal with them will be important beyond Stanford, because, in making its reputation, Stanford inevitably made itself a model for other schools.

Stanford is being subjected to other strong centrifugal forces. Among the strongest is the demand from activists that the school commit itself more deeply to meeting the needs of the community. The implications for research and governance at Stanford of these demands will be the subject of a third article.

STANFORD SCHOOL OF MEDICINE (III): VARIETIES OF MEDICAL EXPERIENCE

In the late 1950's Stanford medical school broke with convention by lengthening the regular 4-year course for the M.D. degree to 5 years. A decade later Stanford switched to an elective system which offers the medical student an option of acquiring his M.D. in about 3 years.

This reversal was seen by many as representing a swing away from a research bias in the Stanford curriculum and toward a greater stress on clinical training and community service. The shift occurred during a period when social and political awareness was growing at Stanford and at other medical schools, but the causes of the shift were too complex to be attributed simply to a surge in medical populism.

Improved teaching in the sciences in high school and college produced a better prepared and more scientifically sophisticated incoming medical student. And the fact that almost all new M.D.'s go on to specialty training these days means that medical schools no longer need concentrate on producing physicians ready to enter practice after a year's internship.

Medical schools have also been faced with the task of preparing their graduates for a proliferating variety of careers in academic medicine, medical administration, and group and private practice. Stanford's 5-year plan, in fact, was devised in part to break the lock-step system of medical education and to allow a variety of study plans.

The key to flexibility under the 5-year program was to have been a block of open time in both the basic science and clinical training programs. The idea was that the student would spend about half the assigned time at any stage learning what the department or teaching group felt was important and the other half pursuing his special medical interests.

The Stanford plan developed an essential pattern of 3 years of basic sciences and 2 years of clinical training. Students complained that there was no early, meaningful exposure to patients, and there were a lot of wry, local jokes about Stanford offering the "DNA degree."

What was ambiguous from the start was whether open time was to be devoted to elective courses or was to be really free time. With Stanford's strength in basic research, there was a perhaps inevitable emphasis on research experience for the medical student. As one former medical school administrator put it, "The kids saw the free time as an opportunity to get out into the community; the faculty saw it as an opportunity to get the kids into the lab."

For all these reasons and because of the accelerating increase in medical knowledge, it was becoming more difficult for the faculty to agree on core material for the curriculum. Bernard W. Nelson, associate dean for student affairs, who watched the process from this special perspective, thinks the fact that the faculty could not agree on a body of knowledge essential to the training of a physician hastened an overhaul of curriculum. But the major factor in bringing about modification, he suggests, was the better preparation of students—with a resulting dissatisfaction with the heavy emphasis on basic sciences. The students who benefitted especially from the 5-year plan proved to be a relatively small, research-oriented group but by the mid-1960's student complaints were growing about the uneveness of teaching and the limitations of the free-time options.

REVISION NECESSARY

By 1966 it became clear that a major effort at revision of the curriculum was necessary. The existing curriculum committee was disbanded and a new, blue-ribbon committee formed. Robert A. Chase, chairman of the department of surgery, who served on this new committee on medical education, recalls that at first the group made another attempt at developing the ideal core curriculum, but soon gave that up. A consensus developed in the committee that a totally elective system would provide the best chance of achieving the original aims of the Stanford plan. The major aims had been to make medical education more like graduate education by creating a preceptor-student relationship between the faculty member and medical student and to open alternative "pathways" through medical school to fit graduates for the differing roles played by physicians today.

To qualify for a degree under the elective system the student had to satisfy the requirements of 4000 hours of instruction laid down by California law, pass all the sections of the National Board examinations, and satisfy school requirements on clinical competence. There was no legislation of which courses the student had to take, and a flexible pass-fail grading system was prescribed.

The changeover to the elective system was made in 1968 with less opposition than might have been anticipated. Some observers say that a general acceptance by faculty of the difficulty of establishing a viable core curriculum did much to move the faculty to acquiesce.

The flexibility provided by the 5-year plan is preserved under the elective system. Students may complete the M.D. course in about 3½ years, but they may also take 4, 5, or 6 years.

In the theoretical model of the new plan it was essential that faculty advisers maintain close contact with students, helping them to plan their studies with close reference to the student's background and career goals. In practice, the advisory system appears not to have developed as planned, and many students, in fact, seem to obtain the advice they need from their peers.

The elective system has not, as a matter of fact, ushered in an era of wild improvisation in curriculum at Stanford. Anything but, it seems. Nelson and others observe that the students have proved quite conservative in curriculum matters. If anything, the trend is toward a heavier concentration on traditional medical school studies.

For the faculty, the elective system creates a new market situation and, because there are no captive audiences, a potential ego problem. The results seem to be mixed. On the one hand, faculty members are offering courses in what most interests them and what they feel is most important, and there is some indication that the quality of teaching has improved. On the other hand, as one faculty member said of his colleagues, "People are allowed to do what they damn well please without regard to what it does to total education." Some students complain that faculty members don't take the trouble to integrate material and give it continuity.

The elective system was adopted at a time when the demand for social relevance in medical education was growing. At a research-oriented medical school like Stanford the idea went somewhat against the grain, but during the later years of the decade a number of things were done to advance the claims of "social medicine." Probably the most significant event was the arrival in 1969 of Count Gibson who, while at Tufts, had been involved in setting up trailblazing community health centers in Boston and Mound Bayou, Mississippi. Gibson came to Stanford to establish a division of community medicine in the department of preventive medicine. Stanford soon had links with three Office of Economic Opportunity-sponsored health centers. These were in Palo Alto, whose inhabitants are predominantly low income black people; in Alviso at the foot of San Francisco Bay, with a largely Mexican-American population; and in King City in a rural area.

ANOTHER "OUTREACH" PROGRAM

Another form of "outreach" program was established at Livingston, about a 2-hour drive from Stanford in agricultural Merced County. An unusual plan for a group practice based on a partnership between the medical school and people living in the area evolved when the town's only physician, an overworked Stanford alumnus, gave up his practice and turned over his office facilities to the medical school for use as a clinic. Livingston is not a poor community, and what has developed is a unique group practice staffed by medical school faculty members, residents, and medical students serving an economically heterogeneous population defined by high school district lines.

The community medicine program at Stanford is in its early stages and has not yet, for example, developed residencies, master's, or doctoral programs. The future of the program would seem to depend on how seriously the medical school pursues experimentation with the forms of delivery of medical care.

Participation in community health projects is, of course, not the only way in which students and faculty members have expressed the impulse toward greater political and social engagement. But until the Cambodia incursion last spring, few Stanford medical school students or faculty members had been actively involved in protest actions which had erupted on the Stanford campus fairly frequently. The events of last spring, however, led to the organization of a Stanford Medical Community for Peace involving students, faculty, and staff in a variety of nonviolent political activities, on and off campus, against the war.

Jeff Brown, president of the medical school student body at the time, observed that one effect of the Cambodia crisis was to raise in a nontheoretical way the "question of the responsibility of the medical student and physician to the profession and society." Many students and faculty members were willing to suspend professional training during the Cambodia reaction, but there was a free choice of whether to carry on with classes or to engage in political activity. Brown noted that there was some friction between groups. "Those who were heavily involved in political activity sacrificed education and resented those who did not." Brown says the experience forced consideration of the "fundamental question of the relation of medicine to the rest of society. Is it the responsibility of the physician to get involved in politics, education, mental health programs, social criticism?" After Cambodia the price of involvement was better understood, and some faculty members think the passion for activism was tempered.

This year's student body president, John Battista, says that organized political activity at the medical center has gone downhill since the peak period during Cambodia, but he feels that the upheaval of the spring did "teach the necessity for the medical school to have a superordinate goal."

The role of medical students in establishing goals and setting policy for the medical school has increased substantially in recent years. Students serve on many committees but complain that they still have relatively little impact on such basic issues as budget and admissions. The size of the entering class was increased from about 65 to 75, and 10 places were allotted for admission of minority students on special terms. A separate admissions subcommittee was established to deal with these applicants, and a dispute has simmered over whether the special committee should have acceptance powers or should revert to an advisory capacity, as the faculty last year voted.

If the power of students, including graduate students, interns, and residents, is still limited, their influence is considerable. This influence is exercised less through the formal apparatus of student government than by the weight of their background, attitudes, and choices. The intellectual quality of Stanford applicants is very high—about 3000 applicants for 77 places in the entering medical school class last year. Medical students, graduate students, and interns and residents tend to come from the country's elite institutions where the index of social and political consciousness is highest, and Stanford, like other elite medical school, tries to live up to its students' expectations.

It would be an error to regard Stanford medical students as a homogeneous lot. Battista, for example, thinks his classmates fall into three fairly distinct categories. First, there are the "competitive" types aiming at a rather standard medical school experience followed by the best possible specialty training and, probably, careers on rather traditional lines. Next are a smaller group, whom Battista calls "individualistic," who are attracted by Stanford's reputation in biomedical research and are headed for careers in research or, at any rate, in academic medicine. Finally, there is a new breed of medical student interested in community medicine and committed to entering practice as a member of a group. It was characteristic of students of this persuasion that a number of them wanted to start a national campaign to refuse to serve in a fee-for-service system.

INTEREST IN SOCIAL ISSUES

Stanford's 5-year plan, especially in the early 1960's, seems to have attracted a group of students who, typically, were very bright but lacked the conventional premedical training and med' student orientation. Many of them had particular interest in the social and behavioral sciences and social issues, and the longer training period made it possible for them to follow these interests while at the same time training as physicians.

The elective system seems to have had most effect on this group. One administrator observed, "We're getting fewer social relations types from Harvard and more scientifically oriented types." Administrators deny an assertion by some students that the admissions office is showing a new partiality to the conventionally prepared and motivated applicant. An increase in the numbers of applicants with backgrounds in the physical sciences and engineering, a fair number with Ph.D.'s, is noted, but the reasons for this have not been adequately analyzed.

In this area, as in others at Stanford, the trends are hardly clear. Stanford set out more than a decade ago with the primary objective of achieving excellence in training medical scientists and specialists. As preceding articles have suggested, the school's development has shown a decided unevenness, but by ordinary criteria, and particularly in postgraduate areas, its performance has been impressive. At the same time, Stanford's program for training M.D.'s has had shortcomings. The medical curriculum has been under almost constant revision, and David Korn, chairman of the pathology department, expresses a fairly general view when he says, "We're in an evolutionary phase. Maybe we overshot. I don't feel that we're necessarily on the optimal path in curriculum." The elective system, however, seems to be regarded by a majority as the best hope for maintaining genuine flexibility in the curriculum.

A matter of real concern at the moment at Stanford among many faculty members, especially basic science researchers like Arthur Kornberg, is that the demand for social relevance will cause a shift in resources and emphasis away from research.

Retrenchment in research funding has had an undeniable impact on Stanford, but there seems little danger of NIH's going out of business or of Stanford losing its competitive edge in garnering research grants.

The real problem at Stanford is not to avoid the extremes of becoming a research institute, on the one hand, or a staffing agency for storefront clinics, on the other. It is to find better ways to provide students with varieties of medical experience, which will prepare them to meet the multiple reponsibilities imposed on physicians today, and to enable them to improve the ailing American medical care system.

To do this at Stanford means altering the way decisions are made. The effect of federal support so far has been to create departmental fiefdoms, to relegate the dean to the role of mediator and power broker, and to put the premium and priority almost uncritically on growth.

What has happened at Stanford and at other medical schools is put in longer perspective by Joshua Lederberg, who thinks, "It is no longer possible to follow a policy of maximum growth." He traces a basic flaw in the relation between the federal government and the medical schools to the fact that "we never had a mandate to pursue a balanced program of medical training, research, and service." In the long run, only federal funds and a change in federal policy can foster such a balance.

SENATOR CHILES ON THE MIDDLE EAST

Mr. RIBICOFF. Mr. President, the distinguished Senator from Florida (Mr. Chiles), recently addressed an Orlando audience on the subject of American foreign policy in the Middle East.

In a most eloquent and lucid manner, Senator Chiles expressed his support for direct negotiations between the parties to the conflict and, in addition, for "realistic borders." I agree completely with the Senator's observation that there are strategic portions of territory which Israel should retain in the context of a negotiated peace agreement.

I commend Senator Chiles' remarks to all who share a desire for the establishment of a genuine lasting peace in the Middle East.

I ask unanimous consent that the following portion of Senator Chiles' speech be printed in the Record.

There being no objection, the speech

was ordered to be printed in the Record, as follows:

Speech of Senator Chiles of Florida

I appreciate the honor of being invited to meet with you this evening and to discuss a complex and dangerous situation to which I readily confess I have no instant answers or guaranteed solutions.

I admit this with more regret than humility for the problem is one of the oldest in the annals of international relations.

All of us are familiar with the Book of Exodus, and of the story it tells of the tremendous courage of the Children of Israel. Lay historians place the flight from bondage as between 1300 B.C. and 1800 B.C., depending, I guess, on the historian. So the problem of relations between the Jews and the Egyptians goes back at least 3300 years and we are still trying to find a solution.

I should like at this time to share some thoughts with you about the present situation.

With the death of Nasser and the emergence of Sadat Egypt appears to have made a drastic about-face and now says they are ready to recognize the state of Israel and discuss a final peace.

Hopefully, Sadat does not have the dream of being the Messiah of the Arab nations that Nasser had. Hopefully, he would like to turn his attention to the great internal problems that Egypt has. Hopefully, he realizes there is a high price to pay for the Russian help Egypt has received and history shows what has happened to nations who thought they could seek arms and aid from the Russians and try to control their own destiny. I say hopefully because I fervently hope they are all true and what Israel has been asking for all these years. Recognize us as a nation—and the establishment of permanent boundaries.

The State Department appears to be calling for Israel's total withdrawal back to the borders existing before the "6 days war" in 1967. To compensate, Israel is being offered vague assurances by the Arabs and uncertain promises by the United States and the U.N.

Lately, we have seen our policy makers overcome with the fantasy that the recent display of reasonableness on Egypt's part is substantive enough to ignore the vital American interests in the Middle East. We are playing with the key element to any lasting negotiated settlement—the lands that Israel presently holds. Why would the Arabs want to guarantee the future security of Israel if there were no incentive to do so.

It is untenable for the United States to push Israel into a situation similar to the 1957 Sinai withdrawal. Perhaps, I should submit as others who have been critically looking at our present position have submitted, that we call for the withdrawal of the Soviet forces in Egypt and Sinai instead.

Seemingly, the massive Soviet military involvement in Egypt and Syria has been somewhat discounted. The opinion comes forth that this is an element of the problem which has little relationship to the establishment of definsible borders. With the Soviet transfusion of military machinery, it could only be a matter of time before the Arabs would feel that they were ready for another try.

I think that such a move—and it appears that that is the direction we are headed—would imperil the future security of Israel. This past Monday, Senator Ribicoff made a statement that sums up the situation: "If Israel's survival must depend on the wisdom and foresight of our current policies, we must also take into account how much we can trust Israel, and how little we should rely on vague Arab assurances backed by Russian promises."

I feel that it is time that Jews and non-Jews alike in this nation reaffirm their commitment to and support of the Democratic State of Israel.

I think there needs to be more public demonstration of this support, and I think there needs to be more public indication to the Administration that the people of the United States feel a deep kinship with and fondness for the State of Israel and recognize in the heroic fight for survival by the Israeli not only a reminder of our own nation's early days, but an inspiration badly needed in the present era.

I think more Americans need to remember too, that not too long ago, sixty-eight members of the United States Senate and 279 members of the House of Representatives signed a declaration in favor of direct Arab-Israel peace talks. That statement declared that the United States should make it clear to all the nations in the Middle East that we do not condone a state of war, that we persist in supporting efforts for a negotiated and contractual peace between the nations in that part of the world.

This, as I understand it, is also the policy of the State of Israel.

I said earlier that I have no instant answers and no guaranteed solutions. But, I do have some firm beliefs.

I believe that there can be no peace in the Middle East that is imposed upon the people there by outsiders, whether it be the United States or the Soviet Union.

I believe, therefore, that there can be no peace until the Israeli and the Arabs sit down at the conference table and work one out.

I believe, also, that any such negotiated peace cannot hope to last unless there are realistic borders and by this I mean that parts of the newly-held lands from which Israel can properly withdraw—when a peace is signed. I believe also that there are parts which Israel has every right, even a duty, to retain.

I believe the role of the major powers and especially of the United States, should be and must be to help create a climate in which the Nations involved can sit down and talk and that we should and must be ready to guarantee that the peace, once negotiated, is kept.

I believe moreover that in all of this, the United States must never slacken in its spiritual support of the State of Israel, and of its people and never lose sight of the fact that in doing so, we will be supporting democracy and freedom in the only spot in that part of the world where they grow.

HEW'S INCOMPLETE REPORT TO THE CONGRESS ON NATIONAL HEALTH CARE PLANS

Mr. PELL. Mr. President, in this last year Congress enacted into law an amendment which I had offered to require the Department of Health, Education, and Welfare to make a cost evaluation of the national health care plans introduced in the 91st Congress and to undertake a comprehensive systems analysis of alternative means of providing adequate health care services to all Americans.

The cost study was required to be completed by March 31 of this year and the systems study was required to be completed by September 30 of this year.

It was my hope that the systems study of national health care plans would enable the Congress to engage in a cooperative working dialog with the executive branch on means of improving our nation's health care system.

Yet, I am sorry to say that the initial report furnished by the Department of Health, Education, and Welfare under the requirements of my amendment and received by the Congress yesterday was incomplete.

It did not include the most crucial information the study requires, that is, no information was provided to the Congress on the cost of the different national health care plans that were offered. All that was furnished was a simple comparative analysis of the health care plans. A comparative analysis which the Congress could have easily had the Library of Congress complete.

While I am glad to know that the cost figures that the study required by March 31 are now going to be submitted to the Congress at the end of April, I am very concerned about this delay in submitting these figures to Congress.

Also, on February 22, 1971, the administration assured the Health Subcommittee that the President's proposals for health coverage for working men would be submitted to the Congress within a few days of that date.

Yet, since that hearing on February 22, we have neither received the employees health benefits bill that the administration assured the Congress it would receive in a few days from that date nor have we received cooperation from the higher reaches of the administration in considering the jurisdictional aspects of the employees benefits bill.

In the last year, the administration was quick to criticize the Congress for not acting upon its proposals.

And now we find that the administration is neither providing on schedule the essential information that the Congress has requested on health care plans nor is it providing the basic legislation upon which it expects the Congress to act.

In view of these facts, it is hard to see why it is the Congress that is the subject of criticism when it comes to moving ahead in the field of health care legislation.

Mr. President, I ask unanimous consent that the covering letter, the introduction, and the table of contents of the Department of Health, Education, and Welfare's report to Congress as required by Public Law 91-515 be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

The Secretary of Health, Education, and Welfare,
Washington, D.C., March 31, 1971.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: In accordance with the requirements of Public Law 91-515, I am transmitting to you the enclosed report on "A Study of National Health Insurance Proposals." Title II directed the Secretary of Health, Education, and Welfare to conduct a study of each legislative proposal introduced in the Ninety-first Congress "which undertakes to establish a national health insurance plan or similar plan designed to meet the needs of health insurance or for health services of all or the overwhelming majority of the people of the United States."

The law required each legislative proposal be analyzed in terms of the costs of the plan, and the adequacy of the proposals with respect to (1) population coverage, (2) type of health care provided, and (3) the development of new and improved methods of delivering health care. The report examines these and other related aspects of the proposals.

This report includes all thirteen legislative propsals for national health insurance plans which were submitted in the Ninety-first Congress. Identical bills are listed in an appendix to the report.

It has not been possible to prepare the estimates of the cost of the proposals in the time available. Work is proceeding on these estimates and we expect to be able to transmit them about the end of April.

I hope this report will be useful to the Congress in achieving the President's promise to the Nation that good health care should be readily available to all our citizens.

Sincerely,

——— ———,
Secretary.

(Enclosure.)

A STUDY OF NATIONAL HEALTH INSURANCE PROPOSALS—A REPORT TO THE CONGRESS BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—ELLIOT L. RICHARDSON, SECRETARY

INTRODUCTION

An amendment to the Public Health Service Act, Public Law 91–515, October 30, 1970 directed the Secretary of the Department of Health, Education, and Welfare to conduct a study of each legislative proposal introduced in the Senate or the House of Representatives during the Ninety-first Congress which undertakes to establish a national health insurance plan to meet the health care needs of the majority of the people of the United States.

Section 201(b) (2) (B) of Public Law 91–515 stated the following:

"In conducting such study with respect to each such legislative proposal, the Secretary shall evaluate and analyze such proposal with a view to determining—

"(i) the costs of carrying out the proposal; and

"(ii) the adequacy of the proposal in terms of (I) the portion of the population covered by the proposal, (II) the type health care provided, paid for, or insured against under the proposal, (III) whether, and if so, to what extent, the proposal provides for the development of new and improved methods for the delivery of health care and services."

In analyzing the proposals, additional aspects were studied including administration, financing, reimbursment and standards for providers of services and relationship to other government programs.

The listing below identifies the proposals which have been included in the report. The listing groups the proposals according to the degree of public and private involvement, but shows those establishing catastrophic protection separately because of their special characteristics. In the report, the proposals are analyzed in this order. Some of the proposals have been endorsed by and are closely identified with various organizations, as indicated.

For each proposal, the bill listed is the one introduced earliest in the Congress and identical bills are noted in appendix A.

Analysis of the proposals requires an understanding of the background facts relating to the financing of health care services in the United States. Appendix C describes the services and distribution of funds for health care expenditures, and reviews the major trends and developments in the financing and organization of medical care services. The report was prepared in the Office of Research and Statistics of the Social Security Administration.

The estimates of the cost of the proposals are not included in this report. They will be transmitted separately.

NATIONAL HEALTH INSURANCE PROPOSALS INTRODUCED IN 91ST CONGRESS, BY TYPE OF PROPOSAL IN ORDER OF DATE OF INTRODUCTION

Major sponsor	Bill No.	Endorsing organization
Mixed public and private:		
Javits	S. 3711	
Burleson	H.R. 19935	Health Insurance Association of America.
Pell-Mondale	S. 4594	
Mainly public:		
Dingell	H R. 24	
Griffiths	H.R. 15779	AFL–CIO.
Kennedy	S. 4297	Committee for National Health Insurance.
Yarborough	S. 4323	
Mainly private (tax credits):		
Fulton	H.R. 9835	
Fulton-Broyhill	H.R. 18567	American Medical Association.
Fannin	S. 4419	
Catastrophic protection:		
Hogan	H.R. 18008	
Hall	H.R. 19643	
Long Amendment	H.R. 17550	

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PROPER EXERCISE OF TREATY POWER

Mr. PROXMIRE. Mr. President, ratification of the Genocide Convention is a proper exercise of the treaty power. The Convention flows directly from the many provisions of the United Nations Charter. The member nations of the United Nations joined together to promote and encourage respect for human freedom and dignity. The human rights convenants were drawn up as a means of enacting these sentiments into international law.

Rita Hauser, testifying before the Senate Foreign Relations Committee last year stated that "multinational treaties have become the prime legal mechanism by which states have entered into mutual commitments for common purposes, many of which are codes of conduct. Treaties now range far beyond the narrow scope of commercial arrangements or boundary settlements which characterized international treaties of the last centuries."

These multinational treaties deal with such matters as common defense, economic development, cultural programs. The legislative history of the Genocide Convention makes it clear that the nations of the United Nations clearly felt that genocide was a crime of such magnitude that it had to be dealt with on an international or multinational basis and it was therefore a proper subject of the treatymaking power.

Such crimes against the law of nations, which genocide is, are often connected with breaches of international security and peace. It is therefore true that such acts committed in other countries do affect the citizens of other nations. Seventy-five nations have recognized this and have ratified the Genocide Convention.

The crime of genocide can, therefore, be properly regulated by the United States through the exercise of its treaty making power.

The U.S. Constitution grants Congress the power in article I, section 8, to "define and punish Piracies and Felonies committed on the high seas and Offenses against the Law of Nations."

The world community has defined genocide as a crime against the "law of nations" as evidenced by the fact that 75 nations have signed the Genocide Convention. By its express power, granted under the Constitution, Congress can proscribe the crime of genocide.

It is past the time when we should have given our advice and consent to this Convention. The time to act is now.

STRIP MINING NEED NOT BE BAD

Mr. FANNIN. Mr. President, men in government frequently try to come up with ironclad rules that will apply in each and every case across this great Nation of ours. In Washington, it is hard to realize the great differences in geography, weather, and circumstances that exist not only from section to section, but even from State to State and from county to county within the States.

This must be kept in mind especially when we are discussing the environmental issues that are so important in our time.

Industrial processes that may be acceptable in the water rich areas in some of the Southern or Eastern States would be totally unacceptable in arid States such as Arizona. We have had precious little water pollution in Arizona because our water is too precious to pollute.

We do have plenty of land in Arizona. This land is the only resource for some Indian reservations. The tribes must develop the mineral deposits in the land, or the oil deposits beneath it, if they are to build the economic base necessary to win their just share of progress.

"Strip mining" is a bad phrase in some parts of our Nation. Much land has been laid to waste. This need not be true. It is possible to strip the vital materials from the earth and to restore the land—in many cases even improve it.

Mr. President, an article and editorial in the March 21, 1971, Arizona Republic described the importance of a major strip mining operation by Peabody Coal Co. on Black Mesa in Arizona. I believe that this article is testimony that strip mining need not be bad, that it can be compatible with the environment. I ask unanimous consent that the article and editorial be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Arizona Republic, Mar. 21, 1971]

STRIP MINING AND BLACK MESA

A lasting impression that emerges from today's article about the Black Mesa mining operation, elsewhere in today's Republic, is the precautions Peabody Coal Co. officials are taking.

For example, the article says, "It might be said that the archeologists are running the mine." For early in negotiations with the Navajo and Hopi tribal councils, the company agreed to preserve Black Mesa's rich archeological heritage. It agreed to restore and reseed the land after it has stripped away the coal. Its agronomist and reclamation advisers are on guard to see that the land is not simply used and abandoned.

Anyone who is familiar with strip mining operations elsewhere knows that concern for the land has been largely nonexistent. The coal fields are gouged with deep scars, huge soil banks add to the defacement, the remaining arid and acidic soil won't sustain vegetation, and nearby streams are often contaminated by sediment and acids drained from the exposed coal beds.

No wonder then that, even at a time when the nation's power plants require the cheap coal that only strip mining can provide, a West Virginia congressman recently proposed federal legislation to ban strip mining entirely.

Obviously, that is not a realistic solution—not when America's energy demands are rising, and when strip mining tonnage, presently about 40 per cent of total coal output, is rising. For strip mining is not only twice as productive per man day as underground mining, meaning that it holds down the cost of electric power, but it is also considerably safer.

What is needed is legislation similar to that President Nixon requested of Congress, the establishment of federal standards for states that refuse within the next two years to set standards for reclamation (usually grading and replanting) of abandoned strip mines.

It goes without saying that this added cost will be passed on to coal consumers. But it also bears repeating that the fight to preserve and enhance the environment, which opinion polls put at or near the top of every list of public concerns, requires more than merely a rhetorical commitment. It is going to require a financial commitment as well.

What Peabody has promised to do at Black Mesa far exceeds the proposed federal standards. And there is every reason to believe that the company is sincere—both because it has restored and reseeded in its Colorado coal fields, and because it has given repeated public assurances that it respects the Indian lands from which it will mine coal during the next 35 years.

As today's story points out, the Navajos and Hopis will receive $100 million in royalties during the lease period if the two power plants operate at the expected 85 per cent capacity. That is a tremendous amount of money, particularly for tribes that have suffered from economic privation throughout their history.

Nevertheless, it would be hardly worth it if the Black Mesa mining operation left the tribes with slag heaps that defaced the land and rendered it useless for hundreds of years. That is why the environmental guarantees given by Peabody are every bit as important as the royalties the tribes will collect for the coal mined from their land.

[From the Arizona Republic, Mar. 21, 1971]

COAL IS BRINGING PROSPERITY TO BLACK MESA—SALARIES, ROYALTIES FOR INDIANS WILL CONTINUE FOR MANY YEARS

(By John J. Harrigan)

BLACK MESA.—Leo Frank, a young Navajo from Lukachukai, is a contradiction both as an Indian and by job description.

As a typical Navajo male, he should be earning less than $3,000 a year, but his pay is well in excess of $10,000.

His job title at Peabody Coal Company's Mine No. 1 is "oiler" but he is never seen with an oil can. The term is a throwback to the days of more primitive diesel equipment that required constant oiling.

He is mechanically responsible for a self-lubricating, $2.5 million, gargantuan dragline boasting 180 feet of boom and a scoop that will remove 35 yards of dirt, about 50 tons, in a single bite. He is more mechanic, welder and operator trainee than oiler.

No one is probably more aware than he of the unpleasant fact of life that you cannot efficiently move 13 million tons of coal a year from depths of 55 to 110 feet without bothering some of the land, or overburden, above it. But you won't hear him or any of his fellow 66 Indians and 16 companion Caucasian workers complaining.

There is little doubt, he would acknowledge, that coal mining has begun in earnest on Black Mesa. Deep black canyons surrounded by mountains of overburden on this year's 525-acre mining plot attest to it. And mining will move forward at the rate of about 400 acres a year, with the previous 400 acres being continuously replanted as it goes along.

Ecologists worried about whether Peabody Coal Company's intentions with Mother Earth are honorable will just have to wait and see. It's too early to tell.

The first load of coal was hauled April 25, 1970—by trucker Leroy Arnold who said he drove like crazy to get it to the nearby crushing plant.

Ecologists and Navajos like Frank who have lived near here all their lives have the assurances of Peabody that the mining company has a full-time agronomist and the support of a half dozen other agencies to handle reclamation.

The company reassures in its official brochures that it will stick with its agreement with the Hopi and Navajo tribes to return Black Mesa "to as good a condition as received, except for ordinary wear, tear and depletion incident to mining operations."

Foremen, superintendents and employees in conversation, however, claim that the land will be better than when they started. Five deep wells, more than 3,000 feet, will be turned over to the Indians. Small lakes and ponds are expected to fill pits engineered with gentle slopes to allow cattle to drink safely from them.

Thirteen different grass varieties are being tested to find the best possible replacements for the present, overgrazed stands. The company also promises replanting of other landscaping to replace the pinyon and juniper now being bulldozed.

A 35-year coal mining lease here covers 65,000 acres, or an area roughly 12 by 16 miles, on land designated as Navajo-Hopi joint use area by presidential order of 1882. Of the 64,858 acres in the lease, only 14,000 have coal.

Present mining appears minimal from the air but massive from the ground. It represents a mere toe-in-the-door. Mine No. 1 will strip 24.5 million tons of high-grade coal over a five-year period for the Mojave generating plant near Bullhead City.

Peabody reduces the coal to chunks two inches and smaller. Conveyor belts transport it to nearby Black Mesa Pipeline, Inc. It is then pulverized, mixed with water and pumped at 4 miles per hour through a 275-mile pipeline to the Mohave plant under 800 pounds per square inch of pressure.

A second mine will open soon on the north end of the Mesa to provide coal for the Navajo generating plant at Page. Work will begin in a month on a railroad to transport it from here to Page.

Eventually the mines will produce 13 million tons of coal a year, eight for Navajo and five for Mohave.

Some of the Indians who have lived all their lives on these rolling, grass-covered hills are alarmed at the destruction, however, temporary. Most are the Chee and Yazzie descendants of a single family—Manymules. Others have accepted the reality and are benefiting from it.

Of the 78 Navajo families within the lease area, 53 have their homes over coal deposits. They will be temporarily relocated at the company's expense.

They are well remunerated for their trouble, sometimes in more ways than one. The company in one case is not only paying a father for moving from his ancestral hogan but has hired three of his sons. They bring home combined incomes of more than $3,000 a month.

Stan Begay, one of Peabody's best Caterpillar operators, is one of the company's highest paid employes, often earning more than $1,200 a month. His brother, Wally, drives a company supply truck. They both grew up on the mesa they are now helping to dissect.

While reconstruction of the landscape and its possible success is still a question mark, the company has recognized the mesa's rich archeological heritage. It is sponsoring research by archeological teams at Prescott College. It provides summer mobile home quarters for student archeologists and often assists them by bulldozing large earth masses.

It might be said that the archeologists are running the mine. No strip mining will be done where major archeological finds have been located. So far, they have located 138 sites, of which 29 have been considered valuable enough to excavate. Ruins date back to a Pueblo people, the Kayenta Anasazi Indians, who farmed there between 600 A.D. and 1200 A.D.

Aside from cultural pluses, the mine will be a boon to Indians and the tribes for years. The tribes will receive $100 million in royalties during the 35-year anticipated lease period if the two power plants operate at an expected 85 per cent capacity. The $3.25 million-a-year royalties are based on a 25-cents-a-ton commission, "a higher royalty than had ever been negotiated for coal developed on Indian or public lands," Peabody said.

Some Indians—usually off in far-away Window Rock or Chinle—have complained that the 25-cent-a-ton commission was too small. They see traders selling back their coal at $3 a hundred pounds to them.

But local Indians here enjoy another fringe benefit—free coal. The company doesn't advertise it. It neither encourages nor discourages local Indians from loading up their pickup trucks and driving away.

Company officials report they seldom see the same pickup trucks twice—a testimonial to the high bituminous thermal unit rating of the anthracite. It is rated at 11,000 BTU per pound, with an ash content of 8 per cent—which will be the generating plants' filtering problem—and a sulfur content of 0.5 per cent, which is considered low.

Apparently one pickup load of the 11,000 BTU fuel will last one family a year or more.

Almost all of the workers at Peabody earn more than $10,000 a year, including laborers. It is not uncommon for an Indian with no more than a sixth grade education to walk home with a paycheck of more than $1,000 for a two-week pay period with some overtime. Understandably, there is a backlog of some 300 applications from Indians and non-Indians alike for jobs.

Eventually, the plant will hire 250 with about 75 percent of them Indians. Potential employees must be qualified, either by experience or by trainability. The company has been unable to locate qualified Indian electricians and diesel mechanics.

The highly skilled jobs mean big checks and big checks cause their own problems: Local traders don't have the financial resources to cash them.

Loren Crank a Navajo employee here sent out a recent letter to the editor that insisted, "The opportunity is here for the people who would just open their eyes and start a business of their own, such as banks, laundromats, grocery stores, good garages, trailer and car sales, theater, etc. (in nearby Kayenta) . . .

"I've heard so much of sheep, cattle and land. We had these since the beginning of time but so far I haven't seen anyone become self-supporting with it except anglos off the reservation, but they have them in large quantities, not just two or three hundred sheep, cows, but thousands . . ."

NAVAJO WITH HUGE DRILL RIG OPENS RICH SEAMS OF COAL

BLACK MESA.—At times, Frank Gray's job is a cliff-hanger. His rambling, twin-tracked, drill rig bores holes often 75 feet into solid rock to reach coal seams. Sometimes it operates on a hair-raising downhill slope within two feet of a 60-foot cliff.

The giant machine sometimes slips cliffward a few inches "and it scares me to death" but so far both man and machine have always held the line against gravity.

Running a 12-inch-diameter drill is a choice job at Peabody Coal Co., ranking right up there with other top paying ones such as dragline operator, shovel operator and Caterpillar operator.

Gray, a 32-year-old Navajo from nearby Kayenta and his wife, Helen, have five children.

Just over a year ago they were struggling to get by on his salary as a gas station attendant at Tuba City.

"I had fooled around with a welding torch at the station and took the test for welder here. I guess they thought I knew enough about it because they hired me," he said. Assistant mining supt. Red Walker called Gray one of the mine's best employes.

Later they taught him crane operation and, after two months, moved him over to driller. He earns about $600 every two weeks and with a little double time on Sundays, often tops $500 a week.

Although the job has its occasional moments of terror, it is fairly simple as told by Gray, "You just keep drilling down until coal starts coming up. Then you go down another 18 inches." The equipment looks more complicated than he makes it sound.

A Navajo buddy then fills the holes with nitrate explosive and blasts loose an area the size of a football field to a depth ranging from 50 to 75 feet. Later a giant, duck-walking dragline shovel will scoop away this overburden to get at the pure seam of coal below.

Kayenta residents, Gray noted, are about 50–50 for and against the mining here. "The Kayenta bunch doesn't gripe too much but the Black Mesa people do," he said, adding:

"If they'd look at it from the long run, they'd see that this place will improve when the mining is finished. They'll plant grass and trees and leave deep pits to fill with water and plant with fish. Right now Lake Powell is the nearest fishing area and it's over 100 miles. This'll probably be a big recreational area."

Gray obviously was grateful for a chance to make more money and to work in a more challenging occupation than he'd had before. "I don't know what I'd do if I had to go back to a job and salary of a gas station attendant," he said, "but we'll always have something to do here."

They will for at least 35 years—the length of the lease. A three-man shift runs the drill 24 hours a day, frequently through solid rock. It's hard on equipment and Gray at the moment is waiting for a welding truck to repair a broken steel track.

He would use the delay to fix an air filter "that's about ready to fall off," he worried aloud.

UNIVERSAL VOTER ENROLLMENT ACT

Mr. INOUYE. Mr. President, I ask unanimous consent to have printed in the RECORD an article by political writer Alan L. Otten, published in the Thursday, March 25, Wall Street Journal. I believe it merits our attention.

On March 11, I, together with 16 other Senators, introduced S. 1199, the Universal Voter Enrollment Act. As I stated at that time, the purpose of the bill is to seek a solution to the problems which have caused so many Americans to fail to participate in the electoral process. As Mr. Otten notes in his article, the need is great and the interest is broad both within and without this body. I am most hopeful the bill will receive the early consideration it so clearly merits.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POLITICS AND PEOPLE

(By Alan L. Otten)

MORE VOTERS

WASHINGTON.—The number of American voters is about to swell dramatically. A constitutional amendment lowering the voting age to 18 heads for adoption, possibly in time for all 1972 voting; even if it's too late, the 18-to-21s can vote for President and Congress under a 1970 law. That law also cut residence rules for presidential voting to 30 days and outlawed all literacy tests.

Yet even after these changes, too many millions of Americans still won't be able to vote each year. In the 1968 presidential election, only 67.8% of voting-age Americans actually voted, in contrast to 80% or more in most European democracies. Some 47 million Americans of voting-age didn't vote in 1968, exceeding by 16 million the number voting for either Republican Nixon or Democrat Humphrey.

Many of these Americans simply don't want to vote; they find the process frightening or frustrating, incomprehensible or irrelevant. Millions more, however, would very much like to vote but are barred by residence, registration and other archaically restrictive rules, most of which remain despite the recent law changes. A number of groups, hoping to ride piggyback on the interest arising from the 18-year-old vote change, are trying now to knock down these outdated barriers.

Some people don't vote because of the difficulty of casting a ballot on Election Day. In most states that day isn't a holiday, and inadequate facilities often result in long, slow-moving lines that discourage many would-be voters. Absentee ballot procedures, requiring application long in advance, penalize those unexpectedly ill or traveling on Election Day.

Tough registration requirements are an even higher barrier to wider voting, however; more than 90% of the registered voters voted in 1968. Most states still have long residence requirements—a year in the state, two to six months in the county. Registration deadlines usually fall one to four months in advance of voting; by the time many voters get caught up in the campaign it's too late to register.

In most places, would-be registrants must go to a central location, often remote, hard-to-find, open only a few hours a day at times least convenient for working people. Governor Jimmy Carter of Georgia found one county registrar's office closed except from three to six each Thursday.

Many of these requirements were deliberately imposed to restrict voting by poorer and less educated groups. They were aimed at minimizing fraud by corrupt machines in Northern cities, at holding down Negro voting in the South.

And many people believe there are still great advantages to restricting the vote to the more well-to-do, the more settled, the more thoughtful—and that voting should not be made too easy for those new to a community or to less sophisticated voters who might be emotionally stirred by last-minute demagoguery.

"Any time you go out and drag people to vote, you are getting a less well-informed electorate, and that can be dangerous in a democracy," argues one Republican leader.

Obviously, too, most Republicans and conservative Democrats fear that the overwhelming majority of those new voters would be blacks, poor whites and others inclined to support liberal Democratic candidates, and that their enfranchisement should be resisted on practical political grounds if not on high political theory.

Liberal Democratic leaders agree with this analysis of the unregistered, and, naturally, push for wider registration and voting. Still other politicians, including so certified a conservative as Senator Barry Goldwater, believe partisan worry must yield to the traditional democratic goal of the broadest possible popular participation.

Moreover, the political impact might not be so one-sided; Mr. Goldwater, for instance, believes there are plenty of conservatives among those would-be voters. Corporate executives and other upper-bracket taxpayers, for instance, are increasingly on the move, and lengthy residence requirements originally aimed at the mobile poor now disenfranchise many more prosperous Americans.

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Various state and local party units and national non-party groups such as the League of Women Voters and the AFL–CIO have long campaigned to lower voting barriers. A more recent entrant into the lists is John Gardner's new citizens' action group, Common Cause.

In the coming months these and similar organizations will be pushing many changes through legislative lobbying, court challenges and other devices. They'll seek shorter residence rules, and registration cutoffs far closer to voting time. "With modern technology, there's no reason for registration long in advance," contends Anne Wexler, a dynamic liberal Democrat from Connecticut who heads Common Cause's voting drive. "So many people don't get interested in a campaign until the last few weeks." Another major goal: Far easier registration, by mobile registrars in shopping centers and other neighborhood locations, or even door-to-door.

A Democratic Party task force has proposed door-to-door canvassing by government officials to enroll every eligible voter; a national election holiday, along with more adequate voting facilities and longer voting hours; and much simplified absentee balloting. Sen. Goldwater has introduced legislation for a 24-hour voting period, from 6 p.m. Monday to 6 p.m. Tuesday.

Changes are already coming fast, anyway—in addition to those contained in the 1970 voting law and the 18-year-old amendment. Not too long ago, a federal court declared unconstitutional Texas' law requiring annual registration of voters, with the books closing each Jan. 31; this was the most restrictive registration law in the nation. In Massachusetts, leaders of both parties are working out legislation to permit late registration, possibly right up to the day of voting.

Georgia Gov. Carter is ready to sign a measure permitting all high school principals to act as voting registrars—to register not only the young people as they turn 18 but also older Georgians who can't easily get to the regular county registrar's office. The Supreme Court has already taken for argument, probably in the fall, a case challenging Tennessee's one-year residence requirement, and a slew of cases involving other state residence rules have reached, or are heading to, the court.

No one should have to vote if he doesn't want to, of course. On the other hand, the trip to the polls shouldn't be quite as encumbered as it is now for those who want to make it.

OMBUDSMAN IN DEPARTMENT OF COMMERCE

Mr. BROCK. Mr. President, on behalf of the distinguished Senator from Texas (Mr. TOWER), I ask unanimous consent to have printed in the RECORD a statement by him relative to the appointment of an ombudsman for business in the Department of Commerce.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR TOWER

Mr. President, I am pleased to note that Secretary of Commerce Maurice Stans has announced the appointment of an ombudsman for business in the Commerce Department.

According to an announcement by the Secretary, the ombudsman will serve as a focal point to whom the business community may bring their inquiries, criticisms, and suggestions concerning Government matters.

The new Special Assistant will be Mr. Thomas E. Drumm, Jr., a senior Commerce Department official with extensive experience in Government-business relations.

I believe this step by the Secretary will be helpful to all businessmen, large and small, and I commend the Administration and the Secretary of Commerce, in particular, for this effort to improve communications between Government and the businessmen. A copy of the release announcing the program follows; I ask unanimous consent that it be printed at this point in the RECORD.

SECRETARY STANS CREATES OMBUDSMAN FOR BUSINESS

The Secretary of Commerce Maurice H. Stans today created in the U.S. Department of Commerce an Ombudsman for Business.

The Ombudsman will serve as a Special Assistant to the Secretary and will provide the business community with a high level person to whom businessmen may bring their inquiries, criticisms and suggestions and obtain information, guidance and assistance on government matters.

The Secretary named Thomas E. Drumm, Jr., a senior Commerce official with extensive experience in government-business relationships to fill the post.

In creating the new position the Secretary said "My action today is part of a continuing effort to improve communication between government and the businessmen." The Ombudsman will provide information and answer inquiries in regard to Federal programs of interest to business—within and without the Department of Commerce.

The Secretary cited as an example of improved government-business relationships, the International Business Assistance Service which he established in the Department in September 1969 to provide government-wide assistance to businessmen with specific international trade problems. "By helping U.S. businessmen on a case-by-case basis, we have been able to speed the solution of problems faced by our companies in specific international transactions and thereby increase sales abroad."

While the assistance to be rendered by the Ombudsman will be government wide it will not include intervention a) on specific cases before Federal regulating agencies or in Federal Departments exercising a regulatory function, or b) in negotiation or renegotiation of contracts between business and the government.

The functions and responsibilities of the Ombudsman will, at the outset, include the following four-point program.

1. Receive and answer questions on Federal programs of interest to business.
2. Assist business by providing a focal point for receiving and handling communications involving information, complaints, criticisms and suggestions about government activities relating to business.
3. Arrange conferences with appropriate officials within the Department and in other departments and agencies and follow up on referrals to determine whether further assistance is necessary and appropriate.
4. Develop suggested changes to remedy the causes of legitimate business complaints about the Federal Government, and refer them to the Secretary of Commerce for further action.

Mr. Drumm before entering government service was a practicing attorney. He is a member of the New York and New Jersey bars, and is admitted to practice before the U.S. Supreme Court and other courts and commissions. Mr. Drumm has served in high level positions in government here and abroad. He was Administrator of the Department's Business and Defense Services Administration; Commercial Counsellor, U.S. Embassy, Paris; Deputy Administrator, War Assets Administration; Secretary of NATO Defense Production Board (London); Deputy Director, Office of Business Services of the Commerce Department. Mr. Drumm has a Bachelor of Laws degree from Rutgers; Bachelors degree in Business Administration and Masters degree in Law from New York University. He has done post graduate work in Business Administration at New York University Graduate School.

Mr. Drumm may be reached by phone at 202-967-3178. His mailing address will be c/o Office of the Secretary, Department of Commerce, Washington, D.C. 20230.

THE WAR AGAINST CANCER

Mr. KENNEDY. Mr. President, the February 22, 1971, issue of Newsweek for February 22, 1971, contains an article entitled "The War Against Cancer," written by Mr. Matt Clark. The article provides a status report on the fight to conquer this dread disease which is expected to kill 330,000 Americans this year alone.

Mr. Clark points out that considerable progress has already been made against cancer—that whereas 30 years ago only one in five patients had a chance of survival, the current figure is close to 40 percent. Progress has been made in a number of areas of cancer therapy. For example, inproved knowledge of physiology and advances in anesthesia allow for more radical surgery than was previously possible. Also, the development of more powerful radiotherapy devices has had a significant impact, most notably in the treatment of Hodgkin's disease. And drug therapy has been dramatically prolonging the lives of children with acute leukemia, and a few have even been pronounced cured.

Experimentation with immunological techniques is an area of particular current interest. An immunization treatment method developed by Dr. Loren Humphrey of Emory University in Atlanta shows promise—one patient with bowel cancer has remained free of disease for 3 years and other patients treated have improved. And Dr. Phil Gold of Montreal's McGill University has found an antigen, detectable in the blood, which has proved 95 percent reliable in detecting cancer of the colon and rectum, often long before it is detectable by X-rays.

Of considerable interest in Mr. Clark's article is the description of the recent research by Dr. Howard Temin and others on enzyme activity in RNA viruses which results in making DNA. Although the full implications of this research are not yet clear, many researchers believe that further investigation in this area holds a key to discovering important information about the nature of the cancer cell.

The general conclusion of the Newsweek article is that although no one-shot cure for all types of cancer is likely, the new developments in research and the progress in methods of treatment suggest that it is not unreasonable to expect that the war against cancer may be won in this century.

As an informative piece on an issue of vital concern to us all, I ask unanimous consent that Mr. Clark's article, "The War Against Cancer," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WAR ON CANCER: PROGRESS REPORT

No affliction that man is heir to is quite so heavily freighted with dread and mystery as cancer. One reason for this is that, to many, the word itself is synonymous with death—and with protracted suffering. For no part of the human body is immune to cancer. The malignancy eats into nerve and muscle, bone and organ, blood and lymph alike; and it acquires an extra measure of terror because of the stealth with which it arises and because its deadly origins are inexplicably intertwined with the secret of life itself.

This year alone some 330,000 Americans will die of cancer. Of the 200-odd million Americans now alive and well, fully 25 per cent, or some 50 million, will one day hear their doctors pronounce the dread diagnosis. Of these, about 34 million will die, and even some of those who are saved may not consider themselves lucky. Thousands will be disfigured by the therapists' attempts to excise or burn away the malignancy. Other thousands will linger on for months for years, some for quite a few years. Perhaps the cruelest truth of all is that of those doomed to die this year of cancer 4,000 are children.

Faced with these grim statistics it is small wonder that the U.S. Congress almost routinely designates the National Cancer Institute to receive the biggest single slice of Federal medical research funds, or that concerned ordinary citizens last year contributed $65 million to the American Cancer Society. It is also small wonder that the war against cancer has regularly enlisted the talents and dedication of so many of the nation's most outstanding scientists and researchers. What is new in the war against cancer is that this year for perhaps the first time in memory, there is in the making a dramatic concatenation of major scientific achievement on the one hand, and of massive public commitment on the other.

The result is that despite the picture of almost unrelieved gloom projected by the statistics the war against cancer has entered a new and hopeful phase. There is no cure in sight. That must be said at once. But scientific discoveries in recent years, months and even weeks have lifted the level of cancer research to a dramatic new plateau. And, coincidentally or not, the White House itself has called for a massive commitment of public funds. "The time has come in America," said President Richard M. Nixon in his State of the Union message this year "when the same kind of concentrated effort that split the atom and took man to the moon should be turned toward conquering this dread disease."

War: For the moment, the ultimate size and shape—not to mention the efficacy—of this kind of campaign, are uncertain; this will probably remain so for some time, while partisans of both political parties maneuver for the credit and the limelight in what is to come. But it seems certain enough that something substantially beyond any past similiar commitment will emerge. Meanwhile the war proceeds ever more encouragingly at almost every tactical salient—in the diagnostician's office, in the operating room, in the radiotherapists' chambers and, above all, in the laboratories of the quiet, patient and painstaking men whose researches into the mystery of life itself may one day solve the deathly riddle of the cancer cell that lurks there. There is no lack of evidence that the new optimism is warranted. Just three decades ago, only one cancer patient in five had a chance of survival. Today the figure stands at nearly 40 percent. In some forms of cancer, the survival rate has risen even more dramatically. Now 60 to 80 percent of the female patients with breast cancer are being saved by the surgeon's knife. New advances in radiation therapy have drastically improved the chances of patients with Hodgkin's disease, a cancer of the lymph glands. Drug therapy is prolonging the lives of children with leukemia, and in some cases doctors are now even going so far as to pronounce their patients cured of this tragic killer.

Dogma: But of all recent therapeutic and research breakthroughs, few have evoked quite so much attention and reaction as the discovery announced almost diffidently in Houston last May by a shy, intense young University of Wisconsin researcher named Dr. Howard M. Temin. What Temin did was prove in effect that the rules for the transmittal of genetic information within the cell (rules generally accepted as dogma since Watson and Crick first elucidated them in their famed double helix theory in 1953) can be reversed by cancer viruses. If these findings can now be applied to the cancer cell itself, the result could not only prove whether viruses are the main cause of cancer in man, but could also lead to new methods of diagnosis and treatment—methods that might go to the very heart of the disease: the cell nucleus.

"This new finding," says Dr. Frank J. Rauscher, a top NCI virologist and administrator, "is as important as the discovery of the first animal tumor virus in 1908." Dr. R. Lee Clark, director of Houston's M.D. Anderson Hospital and Tumor Institute, calls Temin's discovery "the most dramatic thing to occur in virus research in years."

Clark and others agree that the basic nature of cancer is just now being unraveled by molecular biologists such as Temin and his fellows—scientists who study life and growth at the level of the chemicals within the cell. The fundamental object of their interest is deoxyribonucleic acid, DNA, the substance of the genes whose structure Watson and Crick described.

Sequences: DNA's genetic message is spelled out by four chemical subunits, called bases, that can be arranged in an almost infinite variety of sequences along the molecule. Each molecule in a cell nucleus acts as a template, or pattern, for the formation of a closely similar molecule of ribonucleic acid, or RNA. The RNA carries the DNA message into the cytoplasm around the nucleus and directs the synthesis of enzymes and other proteins that are necessary for cell function. During cell division, the DNA molecules, replicate themselves exactly, and the duplicate set enters the chromosomes of the daughter cell. To Temin and other researchers, it has long been obvious that damage to any RNA base could alter the chemical activities of the cell; if the defect occurred in the DNA, such an alteration could become permanent in future generations of cells. Radiation and chemicals no doubt induce cancer in just this way. And so do viruses.

Viruses are nothing more than tiny strands of DNA or RNA enclosed in a protein coat. The virus usually causes disease by invading cells, depositing its genetic material and directing the cells to manufacture new viruses. In so doing, it usually kills the cell it invades; cell death and the production of new viruses account for the symptoms of familiar viral infections like flu and mumps. But in causing cancer, a virus behaves in a more subtle way. After invading the cell, the virus changes the cell's hereditary characteristics by synthesizing new DNA and transforms it into a cancer cell capable of reproducing into a growing tumor.

Since DNA is the master molecule of heredity, it has been easy for virologists to imagine how a virus containing DNA could initiate the cancerous change that would be perpetuated through succeeding generations of cells. But they were baffled as to how an RNA-containing virus (such as those known to cause leukemia in animals, and suspected of causing it in man) could accomplish this feat. According to the "central dogma" that has grown up around the Watson and Crick model, DNA could serve as a template for the production of RNA, or new DNA. But RNA could not be the template for making new DNA, which would be required to make the malignant transformation permanent. At least that's what the virologists believed until the 36-year-old Professor Temin quietly shattered the central dogma last May.

Temin first began to suspect that the accepted theory might be wrong more than six years ago. Working with cultures of Rous sarcoma virus, an RNA-type that causes cancer in chicken cells, Temin found evidence that cells so transformed contained new DNA with a sequence of bases resembling that of the viral RNA. Temin couldn't account for how this new DNA was produced, unless the viral RNA had directed its synthesis. At first his findings were met with disbelief, if not ridicule. Undeterred, however, the self-effacing scientist bent quietly but single-mindedly to the task of confirming his heresy.

Last winter, Temin and Satoshi Mizutani, a post-doctoral fellow who had just come to Temin's lab, began looking for an enzyme, or chemical catalyst, in the Rous virus that would be capable of transcribing the RNA virus message into DNA. "We expected it would take two years, since we weren't biochemists," Temin recalled last week. But he and Mitzutani methodically checked the scientific literature to learn the methods for detecting enzyme activity in viruses and adapted them for their use. They concentrated the virus particles in a centrifuge and then treated them with a detergent to expose the cores containing the viral RNA. Then they mixed the disrupted viruses with chemical building blocks of DNA that had been labeled with radioactive hydrogen. When the reaction was over, to Temin's delight, the radioactive ingredients could be detected in molecules of new DNA. "The scintillation counter showed an increase in counts," he recalls. "As soon as we saw that, we knew what we had." It was now clear that an enzyme from the virus had produced the long-doubted RNA-DNA transcription.

Surprise: Temin and Mizutani kept the news from even their closest associates until they had done more experiments to double-check their initial results. "We knew," says Temin, "that if there was any hint, everyone around the world would know in a couple of days." But in the end, he did include a brief report about his discovery in a talk in Houston.

Then came a major surprise. No sooner had Temin returned to Madison than he got a phone call from David Baltimore, a 32-year-old MIT biologist who had known Temin since they had spent a summer together in a program for high-school students at the Jackson Laboratory in Bar Harbor, Maine. Baltimore was calling, he said, because he thought Temin would be interested in knowing that RNA viruses do contain an enzyme that makes DNA. "I know," Temin replied, "but where did you her?" "I did it," said Baltimore. "*You* did it," Temin exclaimed. "*We did it.*" Baltimore hadn't heard a word about the Houston report.

Working independently, the MIT researcher had been looking for an RNA-to-RNA enzyme in certain viruses. And in testing a sample of RNA leukemia viruses for this enzyme he had found the RNA-to-DNA enzyme that his old friend had postulated. Both Temin and Baltimore quickly sent their reports to the British journal Nature, where they were published back-to-back in June. For his part, Baltimore is not at all put out that Temin got priority on the finding by presenting his verbal report first. "Howard's whole life has been devoted to the understanding of the replication of tumor viruses," he said last week. "I was very much a newcomer to the field."

Activity: Further developments followed in rapid succession. Dr. Sol Spiegelman, a widely respected geneticist at New York's Columbia University, heard about the Houston report and ran some tests of his own. In a few days, he had detected the Temin enzyme, called RNA-dependent DNA polymerase, in eight different cancer viruses, but in none of several viruses not known to produce tumors. Three months later, Dr. Robert C. Gallo of the National Cancer Institute, collaborating with Drs. Sue Yang and Robert C. Ting of Bionetics Research Laboratories in Bethesda, Md., found an enzyme activity closely resembling that of the Temin enzyme in the cancerous white cells of three acute leukemia patients. Significantly, it could not be found in cells from control subjects who did not have cancer. Meanwhile, Spiegelman went on to test some 120 leukemia patients. He found that the enzyme activity was greatest when the disease was most severe, that it tended to diminish when the patients improved and disappeared when they went into remission.

All this has immense importance. Detection of the polymerase activity in human cancer cells strongly supports the contention that cancer in humans is caused by a virus. In addition, measurement of the enzyme can be employed to diagnose certain cancers and follow the course of treatment. Finally, some investigators think a drug the blocks the activity of the enzyme would be an ideal anti-cancer chemical; since normal cells don't seem to have the enzyme, they would be unaffected by the treatment, but the cancer cells would be vulnerable. Indeed, Dr. Maurice Green of St. Louis University has tested a group of chemicals derived from the antibiotic rifampicin and found some that totally block the activity of the enzyme in virus particles. At NCI, Gallo and his colleagues are testing rifampicin derivatives in human leukemia cells, and other researchers are testing them in laboratory animals. A trial in humans may be some time away, however.

Despite the excitement sparked by Temin's discovery, a cautionary note has been sounded in the wake of other recent research results. One young NCI investigator, Dr. George Todaro, has now found the polymerase activity in normal human tissues grown in culture, suggesting that its presence isn't necessarily indicative of viral activity or malignancy, after all. Thus for the moment, the Temin enzyme has triggered so much feverish investigation that clear interpretations are difficult. Even so, the original consensus holds. "I still believe," adds Spiegelman, "that what we're finding is central information about the nature of the cancer cell."

Temin himself has serious doubts about the quick applicability of his finding to the treatment of cancer. Even if the same enzyme exists in the cancer cell as in the virus, he notes, it may not be essential to the growth of the cancer once it has accomplished its job in DNA synthesis. A drug to counteract the enzyme might therefore be of little use. "It would require fantastic luck for a useful therapy to come immediately," he says, "and people shouldn't count on it. What is important is that this gives us entirely new tools to look at human cancer and ask questions about causation."

Sense: For his part, Temin wouldn't be surprised if the polymerase is proven to exist in normal tissues. In fact, he welcomes the notion because his "protovirus" theory envisions a role for his enzyme in normal development. According to this hypothesis, the polymerase might help embryonic cells differentiate during early development into the specialized cells, such as those of muscle, nerve and skin. RNA molecules, the theory holds, could carry information from cell to cell, and, using the enzyme, make DNA that would bring about generations of cells with new features. "The theory was originally proposed as more of an intellectual exercise," Temin notes, "and the more I thought about it, the more sense it made. So we are now looking for a similar enzyme in normal cells."

Temin is also in vigorous agreement with another expert consensus on the implications of his discovery—namely, that there is no reason whatever for any suggestion that the Temin enzyme might somehow lead to the development of a one-shot, "magic bullet" type of cure for cancer. The main reasoning behind this view is simply that cancer is not a single, specific malady, but rather a group of nearly 200 different diseases, each with its own particular characteristics. Dr. H. Marvin Pollard of the University of Michigan puts it this way: "Cancers originate for different reasons, develop for different reasons, and their treatment involves totally different approaches." But even though skin cancer, for instance, may be as different from lung cancer as a hangnail is from athlete's foot, all cancers nonetheless do have one deadly common denominator: all are normal cells that have lost their growth controls. The most common result of this runway growth is a tumor that invades normal tissues, saps nutrients from the patient's blood to nourish itself, and emits more cancer cells into the bloodstream and lymphatic channels to establish further malignancy throughout the body.

While the debate over the Temin-Baltimore discovery reverberates in the research laboratories, improvements in cancer therapy are proceeding apace. One area of intense current interest is immunology, and some of the most recent evidence for the importance of immunity in cancer has come from the field of organ transplantation. Recipients of donor organs must take drugs continually to prevent rejection, and researchers have recently observed that such patients have an unusually large risk of developing cancer. Normally, rejection of foreign tissue occurs because lymphocytes, white blood cells produced by the spleen and lymph nodes, respond to proteins called antigens on the surface of the "foreign" cells and attack them.

Sentinels: Recently, research has suggested that many types of cancer cells have unique antigens that should trigger an immune response. No one knows why this response fails. It may be that the cancer patient cannot produce enough lymphocytes for all the tumor cells in the body, or that the cells themselves may have ways of concealing their antigens from the lymphocyte sentinels. At Atlanta's Emory University, Dr. Loren Humphrey has tried immunizing pairs of terminal cancer patients by inoculating them with fragmented tissue from tumors similar to their own. After eight weeks, the patients are given injections of each other's lymphocytes, which presumably have been sensitized to the tumor antigens. Although the effectiveness of such treatment is far from proven, Humphrey notes that one patient with bowel cancer has remained free of disease for three years, and a number of other patients he has treated have shown definite reduction in the size of their tumors.

A more direct method of arousing the immune response against tumors is being worked out in animals by Drs. Fritz Bach and Richard Hong of the University of Wisconsin. They inoculate an animal with dinitrochlorobenzine (DNCB), a chemical that sensitizes lymphocytes so that the animal will respond with a strong allergic reaction the next time it receives the drug. Then, they chemically link DNCB to an antibody prepared in another animal to the tissue of a certain organ. The DNCB-antibody compound, injected into the sensitized animal, would hopefully target on that organ and destroy it. The same technique, they hope, may work in cancer.

Killer: While immunologists may have far to go in providing an effective way actually to treat cancer, at least one immunological technique seems close to providing an excellent way of diagnosing one form of the disease. At Montreal's McGill University, Dr. Phil Gold has found a specific antigen in tumors of the bowel, one of the leading killers, that can be detected in the blood. Tried in 1,500 patients so far, the blood test has proved 95 per cent reliable in detecting cancer of the colon and rectum—in many cases long before it is visible by X-rays. Currently, half a dozen institutions are studying the test in the hope that it could become as effective a mass screening test as the famous Pap smear that has made possible the sharp reduction in deaths from cancer of the cervix.

While the promising new tools of treatment and diagnosis are being forged in the laboratory, the foot soldier's war against cancer is being waged by the surgeon, the radiotherapist and the physician with his drugs. The surgeon can rightly claim credit for most of today's cures, since a large proportion of cancer patients end up in the operating room. Obviously the extent of a surgeon's success depends on the ability to excise all the cancer. Thanks to better knowledge of physiology and advances in anesthesia, he can now perform more radical surgery than ever before. Moreover, new techniques in plastic surgery can remedy much of the gross disfigurement that radical procedures may entail.

Future: At the same time, surgeons are doing their best to spare patients from disfigurement whenever possible. Many now question whether radical mastectomy—removal of the breast, underlying muscle and the lymph nodes of the arm and chest—is really necessary to maintain the present cure rate for cancer of the breast: in the near future, NCI plans to launch a study involving some 1,000 patients to find out whether simple removal of the breast, perhaps augmented by X-ray treatment of the lymph nodes, will not do the job just as well.

On balance, the major reason for surgical failures is the spread of the cancer elsewhere. To try to prevent tumor cells in the blood stream from establishing colonies in other parts of the body, the NCI's Dr. Alfred S. Ketcham is giving patients anticoagulants. The rationale for this has come from animal studies suggesting that tumor cells in the blood get stuck to the walls of blood vessels and form clusters that become tumor growths. "By anticoagulating," says Ketcham, "we hope to decrease cell adhesiveness."

In radiotherapy, cure rates have improved steadily through the development of more powerful hardware. The 200,000- to 250,000-kilovolt X-ray machines of the 1950s have given way to 1.3 million-volt cobalt bombs and 4 million- to 8 million-volt linear accelerators (LINAC). Such devices hit tumors with a high intensity X-ray and gamma ray energy with a minimum of "scatter" radiation to normal tissues. Says Dr. Ralph E. Johnson of NCI: "As a result of this escalation in power, some 90 percent of early cancers of the larynx can be cured by radiation, sparing the patient from disfiguring surgery and the loss of his voice."

Most dramatic has been the improvement for patients with Hodgkin's disease. At Stanford Medical Center, patients afflicted with this form of cancer receive high-intensity radiation to every node, notes Dr. Henry Kaplan. Over the past decade, 50 to 60 percent of patients with advanced Hodgkin's disease have become long-term survivors.

To hit tumors with even higher doses, Kaplan and other radiotherapists hope to replace the X-ray with a new subatomic particle, the pi meson. A $64 million proton accelerator that will generate these particles is under development by the Atomic Energy Commission at the Los Alamos Meson Physics Facility. The pi meson is a negatively charged particle whose beams can be "focused" by means of magnets and brought to bear at any depth of the body. As it travels, it emits low-intensity X-rays that can be read by the radiologist, enabling him to guide the beam to the target. On its way through the body, the meson is harmless. But when it enters the target cell it collides with atoms of oxygen, carbon or nitrogen and produces a minuscule atomic explosion within the cell.

Chemotherapy, an experimental frontier just a few years ago, has also come into its own. Some 30 drugs are now available which, used alone or in combination with surgery and radiation, can shrink tumors. Formerly, acute leukemia, the most common cancer in children, was uniformly fatal within weeks or months. Now, nine out of ten children with the disease go into remission after drug therapy, half are alive and well after five years and a few have been pronounced cured. One reason for the improvement is that doctors have learned to administer drugs in combination or in sequence, thus preventing the cancer from developing a resistance to any one drug, a common cause of failure a decade ago.

Hopeful: Equally effective drugs against solid tumors such as breast cancers have yet to be developed. Most of the presently available drugs interfere with the synthesis of DNA, which means that they exert their killing effect only during cell division. They are therefore least effective against cancers in which relatively small numbers of cells are dividing at any one time. Now, researchers are screening some 15,000 compounds a year for drugs that will act on cells at a different stage of the life cycle. Ideally, they would like to find a drug that would arrest abnormal cell division altogether, stopping the cancer in its tracks.

Taken all in all, the advances made in cancer research and therapy in the past few years add up to the most hopeful view of the future that has ever been possible. What now remains to be seen is how quickly the latest breakthroughs may lead to yet more dramatic and productive ones so that, as some cautious physicians and researchers envision, the war against cancer may be won by the end of the century. NCI's Frank Rauscher sums up his own feelings this way: "I think the prospects for even greater strides into prevention are so great that our target of reducing the incidence of mortality by one third by the year 1980 is very real. I think that with additional information, the target of a two-thirds reduction by the year 2000 is also a very real one."

THE INVASION OF LAOS

Mr. BAYH. Mr. President, on February 25, when the South Vietnamese invasion of Laos was less than 3 weeks old, I expressed my grave concern about the outcome and effect of that operation. Subsequent events have justified that concern.

At that time I also noted the inconsistencies in the facts and figures which were being used to demonstrate how successful the Laos operation was supposed to be.

In an article which appeared in the New York Times on April 1, Alvin Shuster has made an analysis which, in effect, up dates these points raised 5 weeks ago. In it he examines the final, unbelievable figures that the South Vietnamese Government is now giving out to demonstrate the results of that operation.

I ask unanimous consent that my remarks on February 25 and the article be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE INVASION OF LAOS

Mr. BAYH. Mr. President, by President Nixon's conscious decision to support the South Vietnamese invasion the southern panhandle of Laos has now become the testground of Vietnamization. And the evidence to date seems to be proving that Vietnamization will not end the war.

Vietnamization was supposed to buy enough time to make the South Vietnamese Army competent to cope with the military situation in South Vietnam on its own. We were led to hope that Vietnamization would, thereby, permit the withdrawal of American fighting men so that in the foreseeable future none of our forces would be left in Vietnam. Vietnamization was going to end the war, principally by demonstrating to the enemy that they could never win and ought therefore to compromise in Paris.

The reports already in from the Laos operation contradict each of these assumptions.

In fairness, it does appear that the ARVN are fighting more competently than they did several years ago. But that is not the real question. The real question is whether, after nearly 2 years of Vietnamization, the ARVN show signs of improving enough to handle the military situation by themselves. The Laotian invasion raises serious questions about this. So far it appears that the North Vietnamese still have the ability to pick the ground on which to fight, and when they do, to inflict serious defeats even on the ARVN's crack units—despite the most massive application of American air power Indochina has yet seen.

The Laotian operation, like the Cambodian one before it, was supposed to buy time to make the ARVN capable of defending South Vietnam. The Cambodian operation expanded the area which they must defend to include yet another country. The current operation is not only expanding the area of the conflict, but also apparently exposing the South Vietnamese to a decisive military reverse. The result could be a South Vietnamese Army which must fight three wars instead of one—after some of its best fighting units have been destroyed.

And what of hopes for American disengagement in the foreseeable future?

The President's statement on unlimited use of American airpower and the military's estimates of when the South Vietnamese will be able to take over the air war pose the real possibility of a U.S. air umbrella over operations across Indochina for the next 4 or 5 years. The scope of that kind of involvement is suggested by the fact that during the current invasion of Laos our airmen are flying up to 1,000 sorties a day.

And beyond that, what will a serious reverse for the ARVN—now or later—do to the pace of withdrawal of U.S. ground troops? American boys may well be bogged down longer in Vietnam because the South Vietnamese Army is spread too thin and too badly weakened to defend its own country.

The administration's explanations of the objectives and progress of this operation have been marked by dramatic inconsistencies.

The President either deluded himself or sought to delude others when he indicated that the "lifeline" from North Vietnam south could be choked off by such a mission, thus convincing the Communists to give up the fight. First, the capacity of the ARVN to achieve that objective, even temporarily, is at this point in serious doubt. Despite their incursion and intense air raids, reports persist that heavy traffic along the Ho Chi Minh Trail has continued during the last 2 weeks. Even if the South Vietnamese were able to block all the supply lines in the eastern half of the Laos panhandle the North Vietnamese could reroute their supplies further to the west, suffering only a temporary delay and loss of supplies. But in pushing the Communist supply lines westward we run the risk of spreading the major action of the war to areas heretofore unaffected—the heartland of Laos and even parts of Thailand. On how many more innocent bystanders do we have to visit the horrors of modern warfare before we realize that expanding the war is not the way to end it?

Now we are being told that an operation that has stalled and is in danger of becoming a disastrous setback is on schedule, that its objective is being achieved and that its progress is satisfactory.

Last week we were told that the ARVN were 22 miles into Laos. Two days ago it was 17½ miles. Yesterday it was 16 miles.

Both United States and South Vietnamese military authorities are giving the impression that a battle in which a crack ARVN Ranger battalion fled the field after losing three-fourths of its men was at least a standoff if not a triumph.

The town of Tchepone which was described as the hub of the trail network and a key objective when the operation began has now become a nonobjective.

Furthermore, eyewitness reports contradict the statistical evidence Saigon and the Pentagon are citing. There is apparently some considerable divergence between the official figures and the reality of South Vietnamese losses, of North Vietnamese losses and American helicopters shot down.

Again a fundamental question is arising—the right of the American people to know what has really happened.

Finally and most importantly, there is the question of the effect of this Laos adventure on the chances of peace. Contrary to the President's claims. I see no reasonable hope that the Laotian operation will convince Hanoi that its chances of winning are really diminished and that it ought to sue for peace. In fact, if the South Vietnamese reverses continue, Hanoi may well end up believing they are much closer to a military victory than they themselves had thought. In any case, nothing about this operation would seem to serve the cause of a negotiated settlement and final peace.

Plainly we should now be on a very different course. We should not be expanding the war, but trying to find ways to deescalate it. We should not be taking actions in Indochina which seem to assure our further and deeper entanglement. We should, instead, be deciding on a date on which to end our involvement. We should not be seeking a military solution in southern Laos; we should be seeking a political solution in Paris to end the war in Vietnam.

REPORTS BY SAIGON ON TOLL INFLICTED ON ENEMY IN LAOS ARE AROUSING DOUBTS

(By Alvin Shuster)

SAIGON, SOUTH VIETNAM, March 31.—The campaign against Communist supply lines in Laos is over, but statistical warfare continues to rage, reminiscent of the days when American commanders put the stress on "the body count" to demonstrate success in the Vietnam war.

The figures at issue these days are those provided by the South Vietnamese Government on the invasion of Laos—numbers tacitly accepted by the Americans though some are so obviously exaggerated as to be meaningless. As a South Vietnamese lieutenant acknowledged, "the more political the operation, the higher the chances of exaggeration of what we did to the enemy."

It is an old controversy, now attracting new interest because the Saigon Government and, to a lesser degree, the American command are still providing a heavy dose of numbers to try to cure the public discomfort over the Laos campaign. The list is long, from enemy killed and munitions destroyed to field radios, trucks, antimalaria pills and chickens and ducks captured.

CONSIDERABLE DOUBT RAISED

Considerable doubt was cast on the statistics all during the 45-day campaign. Official briefers talked solemnly of counting bodies in the jungles of Laos, of estimates of explosives used, of heavy engagements where the toll of the enemy ran into thousands, as against a few wounded.

There were several days when the South Vietnamese command reported every detail of a fight, down to the number of rifles captured, and then said, "There is no word yet on our casualties."

In a war without front lines, it has long been a practice to measure progress in numbers, credible or not. The Americans, during the period of heavy ground combat, were the original sinners, as underscored in the trial of First Lieut. William L. Calley Jr., who testified:

"It was very important to tell the people back home we're killing more of the enemy than they were killing us. You just made a body count off the top of your head. Anything went into the body count: V C, buffalo, pigs, cows. Something was dead. You put it into your body count."

LOWER U.S. CASUALTIES

American commanders say the "body count" period for them is over, largely because the nature of the war has changed. Americans are no longer in massive search-and-destroy operations or big battles and, with the enemy pursuing a protracted war of small units in this country, the engagements involving Americans usually show low casualty figures.

The theory is that the smaller the figure, the more credible it is.

General Michael S. Davidson, commander of American forces in the military region surrounding Saigon, who is soon to become Army commander in Europe, said: "I never liked the body count and the stress on kill ratios because I always found they could lead to bad practices. When I decided to come here I decided never to mention kill ratios and body counts to a single subordinate commander."

American and South Vietnamese commanders like to look at figures as benchmarks of progress, nevertheless, because, in their view, the figures help to show what is happening to the enemy.

What happened to the enemy in Laos is still a big mystery. The South Vietnamese claim 13,815 North Vietnamese soldiers killed. The American command, which limits itself to estimates based on aerial observation, put the figure at 4,100. The clear implication, accordingly, is that more than 9,500 were killed by the South Vietnamese themselves, which is difficult for some officers to believe.

SOME "MINUSES" FOR HANOI

"Look at it this way," a doubtful American officer said. "The Vietnamese say they have killed nearly 14,000 Communists in Laos.

"If you figure that at least two are wounded for every soldier killed, that means 42,000 Communists were put out of action. Since there were supposed to be only 30,000 Communists in the area in Laos, they are now minus 12,000."

"Now the command says we killed something like 15,000 trucks along the trail since the dry season began in October," he continued. "They only had about 12,000, so again Hanoi is minus, this time about 2,000 trucks."

"So, if they are minus 9,000 men and 2,000 trucks, it's a wonder they can still keep going on the trail."

The South Vietnamese casualty figures for the troops in Laos are also open to question. Saigon says that 1,163 were killed and 4,299 wounded, with 240 missing, for a total of almost 5,700 or about 25 per cent of the force involved. Some unconfirmed reports circulating in Saigon put the total casualties at 10,000, or about 50 percent, which the Saigon command absolutely denies.

FEW CHANCES TO CHECK

Because of the nature of the Laotian operation—no Americans allowed in on the ground—few of the statistics gathered by the South Vietnamese could be checked. The Saigon command insists that its men counted the bodies, but officers acknowledge privately that the figures are estimates. The lower American figure is also an estimate, based on reports by pilots of small observation planes and helicopters.

Duplication is unavoidable, with pilots sometimes counting the same bodies the South Vietnamese on the ground locate.

In a sense, the United States command is more interested in the accuracy of casualty figures for the South Vietnamese than for the enemy. As a result, American officers are assessing the figures with the help of American advisers at the scene who tried to count the members of their units as they returned.

An officer engaged in the work said that the South Vietnamese figures were on the low side but did not appear to be near the 10,000 mark. He said that the figures were probably off by a few hundred in each category, implying that the South Vietnamese probably suffered something under seven thousand casualties.

In any event, the South Vietnamese are not particularly interested in statistics, although they recognize the political possibilities of favorable ones.

"Statistics means very little to us," a South Vietnamese official remarked. "We only started them because the Americans seem to be interested along with the press."

FIGURE ON MUNITIONS WAS HIGH

The most striking example of statistical warfare during the operation in Laos was the figure provided by the South Vietnamese on the amount of munitions destroyed—176,246 tons, or more than the equivalent load of 10,000 of the largest cargo plane at work in Vietnam.

The American command was surprised by the figure, which jumped more than 160,000 in one week, and asked the South Vietnamese for clarification. The answer came back that it was "a verified amount." The American estimate is 14,000 tons.

At the briefing yesterday a Saigon spokesman insisted that the huge figure was accurate but added, "You should use your own judgment in using it."

The Americans are still not without their own attempts at manipulating the figures. The most frequently cited example was the deliberate leak in Washington of low American casualty figures—figures usually disclosed in Saigon on Thursday afternoons—early in election week last November.

During the incursion in Laos the command provided statistics only for the helicopters shot down and destroyed in Laos, not the much larger number shot down and then brought back to Vietnam. The rationale was that such information would help the enemy determine helicopter strength.

The casualties suffered in the "recovered" aircraft were also not reported daily, although they were included in the weekly figures, so the job of isolating the number of American casualties became almost impossible.

"The statistics still seem to be important in this war because of the limited tangible measurements," a diplomat commented. "The only problem is that they don't show whether you are winning or whether you really disrupted the trail."

WATER RIGHTS IN COLORADO

Mr. DOMINICK. Mr. President, on March 24, the Supreme Court decided two cases involving water rights in Colorado. In United States against District Court in and for the County of Eagle, the Court held that the United States must submit its claims to reserved water rights, which are based on withdrawals from the public domain, for adjudication in State court water adjudication proceedings. In United States against District Court in and for Water Division No. 5, the Court held that the United States, like any private party who claims water rights, is required to submit all of its water rights for adjudication under the new Colorado water statute—the "Colorado Water Right Determination and Administration Act of 1969."

Needless to say, I am delighted with these two decisions. Their net effect in Colorado is to put the United States in the same position with regard to water adjudication proceedings as any private party who claims water rights. Although these cases primarily involved water rights claimed by the United States in four national forests in Colorado—the White River, Arapahoe, Routt, and Grand Mesa-Uncompahgre—the decisions have enormous significance throughout the entire West.

Water is of vital importance in the semiarid western States, and is increasing in importance as our population expands. Of necessity, water rights in the West have been governed by the "appropriation system" of water law, as opposed to the riparian system which prevails east of the Mississippi, where water is more plentiful. The primary difference is that under the appropriation system, ownership of land does not carry with it the right to use water which is found there. A water right is acquired by diverting water and applying it to a beneficial use. The amount of the water right is determined by how much water was originally used, and the right carries with it a "priority date" according to when it was first initiated. This means that when there is not enough water to accommodate all users, water rights will be recognized in accordance with their priority dates. Water usage will be curtailed starting with the latest priority dates. Under this system, it is absolutely crucial that each owner of a water right—whether farmer, cattle rancher, municipality, et cetera—knows exactly the amount and priority date of every other right to use water from that same source. Without that knowledge, decisions with respect to planning and investment are difficult to make. The only means for making this knowledge available is through water adjudication proceedings in State courts.

Mr. President, this has been the problem with the United States. The United States claims water rights—"reserved rights"—which are based on withdrawals of land from the public domain. This means, essentially, that when the United States withdraws land from the public domain to establish, say, a national forest, it claims the right to use whatever amount of water is necessary to carry out the purposes for which the land was withdrawn. But over the years, the United States has consistently refused to submit these claims in State water adjudication proceedings, on the ground that as the sovereign, it was not required to do so, except by act of Congress. The result has been that the undetermined water claims of the United States have cast a "cloud on the title" of all water rights in the West.

The potential size of this cloud on title is illustrated by the fact that the United States owns 725,000,000 acres of public land in the 17 contiguous western States and Alaska, 443,000,000 of which have been withdrawn, carrying with them many undetermined claims to water rights. One example is the withdrawal of oil shale lands in western Colorado, Wyoming and Utah for the Naval Petroleum and Oil Reserves. Development of oil shale will require substantial quantities of water.

Well, Mr. President, I am very satisfied to see these decisions which will go a long way toward removing this uncertainty. I think Congress intended to clear the way for that when it passed the McCarran Act in 1952. The United States has contended otherwise, but that contention was put to rest by the Supreme Court's decision in the Eagle County case.

While these decisions are very helpful, many questions concerning the nature and scope of reserved water rights remain to be clarified. This will require expensive and time-consuming litigation. For that reason, I think the time is ripe for additional legislation, perhaps along the lines of the recommendations of the Public Land Law Review Commission, which would provide a comprehensive, rather than a piecemeal, solution.

FOUR STARS FOR GEN. FRANK T. MILDREN, OF NEVADA

Mr. BIBLE. Mr. President, the morning of March 25, 1971, had special significance for the State of Nevada, and for one of its most distinguished sons. On that date, Gen. Frank T. Mildren became the first Nevadan ever to wear four stars on his Army uniform.

I was among those privileged to attend the brief but impressive promotion ceremony conducted by Army Chief of Staff Gen. William Westmoreland. And I was among those who experienced deep pride and satisfaction in the event.

General Mildren, by any yardstick, is among the most decorated and most gifted military leaders in American history. He was an outstanding battlefield commander in three wars. He has been decorated by the governments of six nations. He has served in command positions entailing tremendous responsibility, and he has provided brilliant and inspirational leadership.

Apart from his unquestioned professional excellence, Frank Mildren is a warm and sensitive human being who is admired and respected by all who are privileged to have his friendship. I consider myself fortunate indeed to be numbered among his friends, and I always look forward to the pleasure of his company.

In many respects, the life of General Mildren represents a 20th century American success story. His parents provided the basic values and guidance destined to serve him well in later life, but the family was of modest means and young Frank receive no special privileges or favors. He is a self-made man.

A lifelong resident of Las Vegas, General Mildren is a graduate of Las Vegas High School and later attended the University of Nevada at Reno for 2 years during the peak of the depression.

In 1936, he applied for—and received—an appointment to the U.S. Military Academy at West Point, N.Y. His future was determined at that moment.

Graduated in 1939, General Mildren very shortly was among the millions of young Americans called upon to resist German and Japanese aggression. He served with valor in a series of difficult and hazardous assignments. He was a "front line" soldier—an infantryman—who commanded first a company, then a battalion and finally a regiment.

General Mildren's qualities of leadership and proven combat experience earned him a series of rapid promotions during the war and the years immediately thereafter. He was a field grade commander by the time of the Korean conflict and wore the two stars of a major general during his first assignment in Vietnam. Later, after receiving his third star on July 1, 1965, he became the Deputy Commanding General of the U.S. Army in Vietnam.

Among the many decorations won by General Mildren in more than three decades of loyal service are the Silver Star with four Oak Leaf Clusters, the Distinguished Service Medal, the Purple Heart, the Bronze Star with Oak Leaf Cluster, the Air Medal, and the Legion of Merit with Oak Leaf Cluster. He has also been decorated by the governments of France, Luxembourg, Belgium, South Korea, and South Vietnam.

Until today, General Mildren had been the Deputy Commanding General of the Continental U.S. Army Command at Fort Monroe, Va. Today, however, he begins a new assignment—Commander of the Allied Land Forces in Southeastern Europe under the North Atlantic Treaty Organization—NATO—with headquarters at Izmir, Turkey.

Mr. President, the people of the State of Nevada take exceptional pride in the extraordinary achievements of a great native son. Recently, the Nevada Legislature, on the recommendation of Senators John Foley and B. Mahlon Brown, passed a concurrent resolution saluting General Mildren. I ask unanimous consent that the resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Senate Concurrent Resolution—Congratulating Gen. Frank T. Mildren on Becoming a Four-Star General

Whereas, General Frank T. Mildren, a native of Las Vegas, Nevada, has become a four-star general and will assume command of Allied Land Forces, Southeastern Europe; and

Whereas, General Mildren's advance to this high rank in the United States Army is the result of his outstanding service as a combat soldier; and

Whereas, General Mildren is a 1939 graduate of the United States Military Academy, and served with the 2nd Divison in Europe in World War II, the Far East Command X Corps and the 38th Infantry Regiment in Korea, and Headquarters, U.S. Army in Vietnam as Deputy Commanding General; and

Whereas, General Mildren's decorations include the Distinguished Service Medal with oak leaf cluster, the Silver Star with four oak leaf clusters, the Bronze Star with two oak leaf clusters, the Air Medal, the Purple Heart, the Legion of Merit with oak leaf cluster and the Army Commendation Medal; and

Whereas, The outstanding service of General Frank T. Mildren is something all Nevadans can be proud of; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the members of the 56th session of the legislature extend their heartiest congratulations to General Frank T. Mildren on his becoming a four-star general and the first of such rank from the State of Nevada; and be it further

Resolved, That a copy of this resolution be transmitted forthwith by the legislative counsel to General Frank T. Mildren.

NATIONAL FUTURE HOMEMAKERS OF AMERICA WEEK

Mr. BROCK. Mr. President, on behalf of the distinguished Senator from Texas (Mr. Tower), I ask unanimous consent to have printed in the Record a statement by him on the subject of National Future Homemakers of America Week.

There being no objection, the statement was ordered to be printed in the Record, as follows:

National Future Homemakers of America Week

Mr. Tower. Mr. President, this week, March 28 through April 3, 1971, is National Future Homemakers of America Week. I congratulate FHA for its continuing efforts to build citizenship and to develop individual character among this nation's youth.

Founded on June 11, 1945, Future Homemakers of America is an organization of high school home economics students with chapters throughout the United States, as well as in the Canal Zone, Germany, Iran, Japan, the Philippines, and the Virgin Islands. My own State of Texas has the greatest number of members—75,418—and the most chapters—1,298—in the entire organization. I am proud too that a Texan, Miss Lynn Emerson of Midlothian, is now serving as National Reporter of the FHA.

I think a key element of this group's goals lies in the word "Future." The FHA National President stated in explaining this week's theme, FHA Cares:

"In this, our twenty-fifth anniversary year as a national organization, we want National FHA Week to be a showcase for what 600,000 teenagers are doing constructively to find solutions to some of the problems confronting today's society in preparation for a better life tomorrow." FHA has worked since its establishment to educate young women in the skills of homemaking, but its goals are broader still. Members engage in community programs, such as teaching migrant and underprivileged children, caring for the handicapped, and working as volunteers in hospitals. In addition, one purpose of the organization adopted at the 1970 national meeting is:

"To become aware of the multiple roles of men and women in today's society."

Clearly, FHA is facing tommorrow and working to make the modern woman a leading and contributing element in our society.

AMENDMENT OF RULES BY COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. WILLIAMS. Mr. President, at its meeting on March 11, 1971, the Committee on Labor and Public Welfare adopted a number of amendments to the rules governing the committee's procedures.

I send to the desk a copy of the committee's amended rules, and ask unanimous consent that they be printed in the Record as required by section 133B of the Legislative Reorganization Act of 1946, as amended. These amended rules replace those which were printed in the Record on February 25, 1971.

There being no objection, the rules were ordered to be printed in the Record as follows:

Rules of Procedure of The Senate Committee on Labor and Public Welfare

(As amended, March 11, 1971)

Rule 1. Unless the Senate is meeting at the time, or it is otherwise ordered, the Committee shall meet regularly at 10:30 a.m. on the fourth Thursday of each month in Room 4232, New Senate Office Building. The Chairman may, upon proper notice, call such additional meetings as he may deem necessary.

Rule 2. The Chairman of the Committee or of a subcommittee, or if the Chairman is not present, the ranking Majority member present, shall preside at all meetings.

Rule 3. Meetings of the Committee or a subcommittee shall be open to the public, except executive sessions for the consideration of bills or resolutions, or for voting, or when the Committee or subcommittee by majority vote of those present orders an executive session.

Rule 4. For the purpose of transacting business, one-third of the membership of the Committee, or a subcommittee, actually present shall constitute a quorum, but no measure or matter shall be ordered reported from the Committee unless a majority of the Committee is actually present at the time such action is taken. Any quorum of the Committee or a subcommittee which is composed of less than a majority of the members of the Committee or subcommittee shall include at least one member of the Majority and one member of the Minority.

Rule 5. With the approval of the Chairman of the Committee or subcommittee, one member thereof may conduct public hearings, other than taking sworn testimony.

Rule 6. Proxy voting shall be allowed on all measures and matters before the Committee or a subcommittee if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the Committee, such a motion shall also require the concurrence of a majority of the members who are actually present at the time such action is taken.

Rule 7. There shall be kept a complete record of all Committee or subcommittee action. Such records shall contain the vote cast by each member of the Committee or subcommittee on any question on which a "yea and nay" vote is demanded, and shall be available for inspection by any Committee member. The Clerk of the Committee, or his assistant, shall act as recording secretary of all proceedings before the Committee or a subcommittee.

Rule 8. The Committee, and each subcommittee, shall undertake, consistent with the provisions of section 133A of the Legislative Reorganization Act of 1946, as amended, to issue public announcement of any hearing it intends to hold at least one week prior to the commencement of such hearing.

Rule 9. The Committee or a subcommittee shall, so far as practicable, require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the Chairman and the ranking Minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the Committee or a subcommittee. The Committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

Rule 10. Should a subcommittee fail to report back to the full Committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full Committee for further disposition.

Rule 11. No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full Committee. No more than one subcommittee executive meeting may be held at the same time.

Rule 12. It shall be the duty of the Chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or cause to be reported to the Senate, any measure or recommendation approved by the Committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

Rule 13. No person other than members of the Committee, members of the staff of the Committee, or designated assistants to members of the Committee, shall be permitted to attend the executive sessions of the Committee or a subcommittee, except by special dispensation of the Committee or subcommittee, or the Chairman thereof.

Rule 14. The Chairman of the Committee or a subcommittee shall be empowered to adjourn any meeting of the Committee or a subcommittee if a quorum is not present within fifteen minutes of the time scheduled for such meeting.

Rule 15. Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or a subcommittee for final consideration, the Clerk shall place before each member of the Committee or subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added.

Rule 16. An appropriate opportunity shall be given the Minority to examine the proposed text of Committee reports prior to their filing or publication. In the event there are Minority or Individual views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

Rule 17. Investigation Procedures—

a. The Committee, or any subcommittee, may issue subpenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by vote of the Committee.

b. For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the Committee or subcommittee shall constitute a quorum: Provided, however, that with the concurrence of the Chairman and ranking Minority member of the Committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

c. The authority to issue subpoenas may be delegated by vote of the Committee or subcommittee.

d. Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

e. No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the Committee or subcommittee.

Rule 18. Subject to statutory requirements imposed on the Committee with respect to procedure, the rules of the Committee may be changed, modified, amended or suspended at any time, provided, however, that not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

Rule 19. In addition to the foregoing, the proceedings of the Committee shall be governed by the Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.

DEATH OF ERICH PREISER

Mr. PERCY. Mr. President, eulogies delivered on the Senate floor are customarily reserved for persons of world, national or state prominence. But I feel this precedent can and occasionally should be broken, as I wish to do today by paying tribute to a wonderful American and dear friend, Erich Preiser, with whom I worked for many years.

Erich Preiser was a remarkable individual not because of the family into which he was born nor the position he held in life, but because of the mobility of his character, his devotion to his country, the high quality of his work, his large number of friends, and his love for every living thing.

Born and educated in Germany, Erich Preiser came to this country in 1928 and became an American citizen 10 years later. He began working in the shop for Bell & Howell Co. in 1943, and shortly after my return from military service we became fast friends. In an age when pride of workmanship did not seem to hold the same significance that it did in the age of the craftsman, the quality of Erich Preiser's work was a justifiable source of satisfaction to himself as well as his follow workmen. His devotion to excellence and his capacity for hard work and sustained accomplishment were extraordinary.

To those who worked for him, he offered encouragement and a willingness to work side by side with them. To those to whom he was responsible, he inspired a feeling of awe for his accomplishments, his even disposition and his selflessness.

Once, while I was visiting with him and his family in their home, I discovered that they shared their home with an abundance and great variety of stray animal life. Though their house was small, it was characteristic of them to gladly provide shelter for any lost or abandoned pet.

In the prime of his life, Erich Preiser was stricken by a fatal heart attack. This good and generous man did not receive long obituaries in the newspapers. But he shall be long remembered and beloved, not only by his widow, Catherine, and his daughters, Mary and Catherine, but by his countless friends—whether they be the newest employee on the production line or those of many years standing, such as Peter Peterson, new assistant to the president for International Economic Affairs, and his wife, Sally; William E. Roberts, president of Ampex, and his wife, Jerri, or my own family.

THE RETIREMENT OF ROBERT GOHEEN OF PRINCETON UNIVERSITY

Mr. WILLIAMS. Mr. President, I was saddened to learn that Robert Goheen has decided to step down as president of Princeton University in June 1972, and relinquish a position he has presently held with respect and great dignity for 14 years.

Though this period of great change in our American educational system, when many colleges and universities have faced hardships and disruptions, President Goheen has intelligently and dauntlessly maintained consistently fair and flexible administrative policies that have been accepted and respected by the students of Princeton University. His responsibilities have been enormous, but his integrity and dedication have gone unchallenged.

Mr. President, I have known and admired Bob Goheen for more than a decade, and accept with regret the loss of his presence at Princeton University. But, I am hopeful and certain that he will continue to contribute to both the people of New Jersey and the Nation, and that the field of education will not be deprived of his distinguished talents.

ALCOHOLISM

Mr. KENNEDY. Mr. President, the February 26, 1971, issue of Medical World News contains an informative article entitled "Alcoholism: America's Most Destructive Drug Problem." I recommend this article to my colleagues and to the public because although the disease of alcoholism is one of our most serious health problems, affecting the lives of many millions of our people, it has been long neglected and poorly understood.

The article reports that the generally accepted figure for the number of alcoholics in the United States is about 9 million. Yet as recently as 1969, the Federal Government spent only $7 million on the disease. Furthermore, until very recently comprehensive courses on alcoholism in medical schools were almost nonexistent.

One encouraging sign is that the medical attitude toward alcoholism has been undergoing a significant change in recent years—it is now being approached as a disease, and alcohol itself is being recognized as a drug. In treating alcoholism as a disease, early diagnosis is considered vital. Dr. Maurice Victor of Western Reserve University, claims that the early manifestations of alcoholism appear in the form of medical symptoms. And Dr. Marvin Block of the State University of New York at Buffalo, stresses the need for doctors to include a carefully phrased series of questions on drinking habits when taking a medical history.

The article provides a useful summary of recent research on alcoholism, indicating that many long-standing notions about behavior patterns associated with the disease are not supported by recent evidence. Also cited are studies on the biological effects of alcoholism. One of the most significant findings is that there is strong evidence of a direct relationship between chronic alcoholism and heart disease. Furthermore, there are indications of a possible relationship between alcoholism and tuberculosis.

Recently scientists have successfully developed techniques for using animals for research on alcoholism. These techniques may hold considerable promise for future research.

The article cites recent legislation authorizing the appropriation of $300 million to be spent by the end of fiscal 1973. It expresses the hope that the money will be channeled through a variety of means, and not just to psychiatrists. However, some pessimism is expressed about possible delays in appropriating the money.

The article reports that some medical schools are finally beginning to develop meaningful programs for the study of alcoholism. Combined with changing attitudes toward the disease, these developments provide considerable hope. The next step is for Congress to provide the needed funding.

I ask unanimous consent that the article "Alcoholism: America's Most Destructive Drug Problem," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Alcoholism: America's Most Destructive Drug Problem

The alcoholic is still around; shoved into the background, perhaps, because of recent attention given to drug abuse among the young, environmental causes of disease, and other daily crises. But the excessive drinker won't go away. If anything, his numbers increase, and alcoholism continues to confound physicians with its complex of physiological and psychological causes and consequences. Says Dr. Donald W. Goodwin of Washington University in St. Louis, "In fact, there is still no definite treatment for alcoholism. Individual or group psychotherapy, plus disulfiram and membership in Alcholics Anonymous, is still widely regarded as the best combination the physician has to offer," he observes.

This is not an optimistic or comprehensive regimen for what Dr. Roger O. Egeberg has called the nation's number one health problem. HEW's Assistant Secretary for Health and Scientific Affairs added that 6½ to seven million Americans were alcoholics, and several times as many more—their families—were also victims. But many authorities on alcoholism now agree that Dr. Egeberg's figure was too low; the figure now generally accepted is about nine million alcoholics of 100 million Americans who drink.

Despite the enormity of the problem, as recently as 1969 the federal government spent only $7 million on alcoholism. In private funds, an additional $2.2 million was available for the disease, compared, for example, with $10 million raised for muscular dystrophy, which affects 200,000 Americans, and $39 million to aid the 100,000 people suffering from tuberculosis.

A major change in the medical attitude toward alcoholism is the recognition that alcohol is a drug and that dependence on it is a form of addiction, claims Dr. Marvin Block, assistant clinical professor of medicine at the State University of New York at Buffalo. Another important shift is that "the stigma of alcoholism is being removed," and in most serious discussions these days alcoholism is approached as a disease, "not a moral problem," he adds.

Meanwhile, education in the management of alcoholism has been inadequate, at best, in most medical schools. And, as pointed out, money for basic clinical and sociological research or for comprehensive treatment programs has not been available.

Many investigators, however, see major changes at hand, as relatively limited research still turns up new findings that challenge old concepts of the etiology and management of alcoholism. Faculties and medical students are pressing for comprehensive courses on alcoholism. And, truly exciting to experts in the field, Congress has authorized—but not yet appropriated—a stunning amount of money for further research and treatment. Furthermore, the act calls for elevating the NIMH Division of Alcohol Abuse and Alcoholism to a full-fledged institute.

On the investigative front, a number of long-standing ideas are being re-examined. Among these is one of the most venerable assumptions about treating acute alcoholism; that the patient usually suffers from dehydration and nutritional deficiencies, and intravenous fluids are usually indicated. "Recent evidence indicates that alcoholics during withdrawal are more likely to be *over*-hydrated than dehydrated," notes Dr. Goodwin (MNW, *Psychiatry 1970*). "Intravenous fluids, therefore, should be used cautiously."

Dr. Jack H. Mendelson, chairman of the department of psychiatry at Boston City Hospital, observes that this is because diuresis occurs when the blood alcohol level is rising, but stops when a high level is reached. Alcoholics actually drink large amounts of other liquids on a binge—water, soft drinks, and other mixers—which often produce a positive water balance during early withdrawal. "We didn't have this information five years ago," he explains. "That's why one of our research goals was to establish a kind of basic pharmacology of alcohol addiction. Many of those basics are now understood, such as what chronic ethanol ingestion does to water and electrolyte balance, so that we can rationally treat people in withdrawal instead of either dehydrating them or flushing them."

"My impression, from the best studies and experience I know of," says Dr. Morris E. Chafetz, director of the Division of Alcohol Abuse and Alcoholism at NIMH, "is that the treatment programs that have the highest incidence of success are those that tailor the treatment to the individual needs and resources of the patient and that use multiple forms of evaluation of results. I think the general feeling right now is that alcoholism is a variety of disturbances expressed through a preoccupation with alcohol and its use. And if you individualize the therapeutic approach rather than have a standard technique that you try to fit the patient into, it works much better—and that's probably true for most of medicine, too."

Research is providing the knowledge of how to select the treatment that will work best for a specific patient. "Dr. Ben Kissin of the Kings County Hospital in Brooklyn has done a report on the various factors in handling chronic alcoholism that spells out very nicely the treatment tracks one needs to consider in treating alcoholism," Dr. Mendelson told MNW. "It blazes some trails for an electric approach, rather than the single-modality or panacea approach we've been confronted with for so long. This is a real advance—we can begin to say with some kind of predictability that for this kind of patient, this is the treatment that will be good for him."

As with any disease, before alcoholism can be treated it must be diagnosed. The World Health Organization defines alcoholism as a chronic behavorial disorder, manifiested by repeated drinking of alcoholic beverages in excess of the dietary and social standards of the community and to an extent that it interferes with the drinker's health or his social or economic functioning.

"The trouble with all these definitions of alcoholism is that they describe the advanced stage of the disease," says Dr. Block. "It really takes no expert to make a diagnosis at that point." Dr. Chafetz agrees. "Many doctors make a diagnosis of alcoholism only when they run into a skidrow alcoholic. But these cases represent only 3% to 5% of the total problem—this is somewhat like waiting until cancer metastasizes before starting to treat it. Early detection is vital. No condition of man has ever been brought under control by treating the casualties; you've got to turn in the direction of early identification and prevention. And while none of us is ever going to turn his back on the casualties, early detection and prevention is the direction we have to take."

"If any significant impact is to be made on the problem, it is essential that physicians take more responsibility for its management than they have until now," said Dr. Maurice Victor, professor of neurology at Case Western Reserve Unitersity's medical school, at a recent symposium. "The early manifestations of alcoholism often present in the guise of medical symptoms, so that the physician has the opportunity of detecting the disease in its early stages and perhaps modifying its evolution. And patients with a drinking problem are often willing to consult a physician at a time when they are unwilling to accept help from other sources."

Since an alcoholic rarely admits even to himself, that he has a drinking problem, the family physician or internist must go out of his way to discover it. The way to do this, experts agree, is to include a carefully phrased series of questions on drinking habits when taking a medical history.

"What a young doctor must learn is to detect this problem in its very earliest stages," Dr. Block explains. "When he is interviewing a patient with arthritis or diabetes or some other problem, a history taken properly and professionally should also be able to reveal whether that patient is becoming dependent on alcohol, is a problem drinker, or a confirmed alcoholic. You have to go further than asking someone how much he drinks, as you ask him how much he smokes. A cocktail before dinner? Does he limit it to one? How often does he take two? Does he take a nightcap to help him sleep? Why does he think that he needs it? How does his alcohol consumption compare with what it was a year ago?

"All this must be done in a nonjudgmental way, without any implication of criticism," Dr. Block says. "Most people, when they begin to see what they're doing and why, begin to realize how vulnerable they are, first to psychological dependence and then to physiological dependence. And it's important that they know what pathology excessive drinking can produce, so that they understand that six or eight bottles of beer in an evening isn't as innocuous as they thought."

Other well-known "facts" about alcoholics and alcoholism have been contradicted by recent studies at St. Elizabeths Hospital in Washington, D.C., and at Boston City Hospital's Alcohol Study Unit:

That alcoholics can't control their drinking; given the opportunity they "programmed" their drinking.

That they drink to relieve anxiety and depression; the subjects studied were more anxious, depressed, and hostile, and less vigorous, when drinking than when sober.

That drinking enhances feelings of self-esteem; it seems instead to confirm and exacerbate feelings of guilt, inadequacy, and worthlessness.

That alcoholics can't sleep during withdrawal; some slept less than before drinking, some more, but the pattern was irregular.

Some recent findings have also been at least tentatively invalidated by newer studies. Doubt has been cast on the hypothesis put forward by two teams of investigators in recent months; that a defect in acetaldehyde metabolism produces substances in the body that are precursors of opiate alkaloids, and that therefore the body might be manufacturing its own addictive substances (MNW, Oct. 11, '68; Feb. 20, '70). Harvard's Dr. Mendelson found that there didn't seem to be any dose-response relationships between acetaldehyde levels and withdrawal phenomena, while there were dose-response relationship between blood alcohol levels and withdrawal. "So it looks to me as though the alcohol molecule per se, not the acetaldehyde molecule or one of its condensation products, is responsible for what we call the addictive process," he says.

One of the reasons that physicians in all fields of medicine are showing increased interest in alcoholism is that new research is identifying more and more alcohol-related disease. Although it has been known for some time that heavy alcohol use is associated with various acute myopathies, recent reports have pointed up its seriousness. Dr. Richard Schnieder of Emory University School of Medicine found that the mortality rate in acute alcoholic myopathy is about 22%, and as high as 50% in patients with acute renal failure.

Among the muscles that alcohol affects is the myocardium. Though a relationship between chronic alcoholism and heart disease has been long suspected, until recently the cardiomyopathy was believed to be secondary to liver disease. But Dr. Lawrence Gould and his associates at Misericordia and Fordham hospitals in New York City found that primary heart disease can occur in alcoholics without liver disease. "Alcohol is the agent that produces the cardiac dysfunction, not the liver disease," they reported. "This study also showed that alcoholic heart disease is a common abnormality."

Direct laboratory confirmation has been provided in recent weeks by Dr. George E. Burch, chairman of the department of medicine at Tulane University. Feeding pure alcohol to mice, he found that myocardial damage could be produced uniformly, and concluded that alcohol is therefore directly toxic to the heart. Earlier, he had reported that intraperitoneal alcohol produced pulmonary lesions in mice, and suggested that it is directly toxic to the lungs.

In a recent review of the surgical consequences of alcoholism, a group of surgeons and anesthesiologists at Grasslands Hospital, Valhalla, N.Y., noted that a number of factors—myocardial depression, altered blood volume, and others—increased the risk of administering anesthetics to alcoholic patients at operation.

Among their other findings:

A study of 841 tuberculosis patients in a VA hospital showed that nearly half of them were alcoholics.

Another study showed that a majority of patients with hemorrhaging gastroesophageal lacerations (Mallory-Weiss syndrome) were alcoholics.

Of a group of patients with carcinoma of the pancreas, 75% were alcoholics, compared with 14% of a matched control group.

Among 46 patients with pancreatic pseudocysts, 33 were alcoholics.

Almost all civilian patients with frostbite were alcoholics.

A survey was made of 922 employees of a large industrial firm who were known or suspected problem drinkers and who had been regularly examined by company physicians. Findings showed that compared with a control group they had a higher incidence of hypertension, cirrhosis of the liver, stomach ulcer, duodenal ulcer, asthma, diabetes, gout, neuritis, cerebrovascular disease, and heart disease. On the other hand, heavy alcohol use seemed to protect them against kidney stones.

A Navy orthopedic surgeon found that among 24 patients suffering from idiopathic avascular necrosis of the hip, 14 usually had more than two drinks a day.

Another recently recognized complication of alcoholism is thrombocytopenia. High alcohol intake has also been associated with erythropoietic suppression and sideroblastic bone marrow abnormalities.

One of the most frustrating problems in alcoholism research has been the development of a valid animal model for the condition—animals are much more resistant to alcohol addiction than human beings. Several investigators have now reported success in addicting animals. "There are three animal models now," says Dr. Mendelson enthusiastically.

Drs. C. F. Essig and R. C. Lam of the NIMH Addiction Research and Clinical Research centers in Lexington, Ky., succeeded in giving liquor to beagles through surgically implanted gastric cannulas. When the ethanol administration was stopped after two months, some of the dogs had convulsions and one appeared to be hallucinating, eyeing apparently invisible objects and snapping at them.

Drs. Fred W. Ellis and James R. Pick of the University of North Carolina medical school in Chapel Hill got similar results in rhesus monkeys and later with dogs that were given alcohol by gastric intubation. The daily dosage was roughly equivalent to a fifth of 90-proof liquor. They observed that the withdrawal syndrome followed the same pattern as in man: muscle tremors, increased reflex activity, rigid and spastic muscle movements in walking, apprehension and fright reactions, convulsions and, in some animals, death.

More recently, mice have been chronically intoxicated by Dr. Gerhard Freund of the University of Florida's medical school in Gainesville. He fed the mice a chocolate Metrecal diet mixed with alcohol. Since the mice were receiving 35% of their calories as alcohol and were eating day and night, they were both continuously intoxicated and well nourished. Removing the alcohol from their diet produced the typical withdrawal syndrome. After the survivors had recovered and had been "on the wagon" for two weeks, they and two control groups were given shock-avoidance training. The formerly alcoholic mice learned much more slowly than the controls, and forgot more easily, leading Dr. Freund to propose that chronic alcoholism impairs learning processes and damages brain function in spite of good nutrition.

Although, Dr. Mendelson and others have questioned the validity of some of Dr. Freund's findings because of alleged technical flaws in the study design, the method appears to offer a workable animal model.

If animal research can provide the pharmacological answers, medical science can thrash out the questions of who should treat alcoholics, and how. "If every psychiatrist in the country decided to treat alcoholism, there would be just enough psychiatrists to treat all the alcoholics in the state of California," Dr. Chafetz said recently, adding that psychiatry is only one of the many medical and nonmedical disciplines involved in treating alcoholism, and not everyone agrees that it should be the primary one.

"Our society has just automatically assumed that the psychiatrists are the people with know-how in this particular field," says Dr. Stanley Gitlow, associate clinical professor of medicine at the Mount Sinai School of Medicine in New York, and a long-time investigator in the field of alcoholism. "Some are, of course, but in the main, psychiatry has abandoned the alcoholic for the past quarter of a century or so. Some say this is an untreatable disease and turn their backs on it; others say it's treatable, but it's not a disease, it's just a symptom of an underlying psychiatric defect, and if you change that, the patient can safely go back to drinking.

"The primary specialist in alcoholism should be the general physician, the one whose fingertips actually touch the problem," Dr. Gitlow continues. "The psychiatrists have been the people who have been in charge of the money up till now, but they haven't been the ones treating the alcoholic patient. That's why, if important sums of money are actually appropriated under this new legislation, the critical thing will be how it's channeled. Up to now the politicians have usually fed it through departments of mental hygiene, and somehow that's like pouring water onto desert sand."

Treatment, most authorities agree, can include the efforts of a wide variety of specialists, including, in addition to psychiatrists, family physicians and internists, social workers, nurses, psychologists, clergymen, and members of Alcoholics Anonymous, among others. Moreover, treatment must be individualized for the individual patient.

And it costs money. But investigators and clinicians look to brighter days if the Administration and Congress follow through on a significant piece of legislation: the Hughes-Javits-Moss bill, signed into law by the President on January 2. Officially called the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, the new legislation establishes a National Institute of Alcohol Abuse and Alcoholism within NIMH. And it authorizes the appropriation of $300 million for a war on alcoholism: $70 million in the fiscal year ending June 30, 1971, $100 million in fiscal 1972, $130 million in fiscal 1973.

The measure includes a strongly worded bill of rights for alcoholics. It makes the Civil Service Commission responsible for setting up alcoholism prevention, treatment, and rehabilitation programs for federal employees, and requires the HEW Secretary to foster similar programs and services in state and local governments and in private industry. More, it forbids the federal government to fire or to refuse to hire anyone, or to deny or revoke a federal license solely on the grounds of former drinking habits, except where national security is involved.

Finally, general hospitals that get federal funds under the new act must admit alcoholics and problem drinkers for treatment on the basis of medical need. The act has teeth: Discrimination against alcoholics will cost the hospital its Hughes-Javits-Moss funds.

"If the bill is actually implemented, the opportunities are so great that we in the field of alcoholism will really have to put up or shut up," says Dr. Chafetz. "Until now, many of us have gotten along by saying. 'We could do it if we only had the chance,' and by making people feel guilty because they weren't interested in alcoholism."

But as medical planners have learned by bitter experience in the past few years, authorization and appropriation are very different matters, and alcoholism experts are waiting almost wistfully to see how much of the money will really be budgeted.

"Insiders tell us it will probably be at least two years before the new legislation can be implemented with any kind of real money," says Dr. Luther Cloud, president of the National Council on Alcoholism. "It's ironic," he says, "that if the feeling about research in alcoholism had been as strong ten years ago as it is now, and if the same quality of research and researchers had been available then, I think the money would have been forthcoming."

Nevertheless, Dr. Chafetz, who will probably be named director of the new institute when it replaces his division, feels that the passage of the Hughes-Javits-Moss bill is a great leap forward in the fight on alcoholism. "I've been in this field some 18 years, and I never thought I'd live to see what's included in this legislation," he says.

He believes that it is the result of momentum that has been building up ever since 1966, when the Center for the Prevention and Control of Alcoholism was established within NIMH. (It was promoted to division status last year, between the time Dr. Chafetz was appointed to head it and the time he actually arrived.)

"I think the great thing that's happened to alcoholism research since the center was set up is that a lot of respectable, sophisticated people have been attracted into the field who wouldn't have touched it before," he says. "With the new law we hope to attract even more people of this high caliber."

His predecessor, Dr. Mendelson, who is now back on the faculty of Harvard Medical School, agrees that alcoholism research and treatment have made remarkable strides. "In the past four or five years, since the federal government really got into the field, I think that both the scope and the quality—more importantly the quality—of biomedical research in alcoholism have taken a giant step forward."

He was the first chief of the alcoholism center. Dr. Mendelson recalls: "When the center was started in 1966 and I went down to Washington, NIMH had about ten grants for alcohol-related research. Last spring when I left, there were more than 110 grants in the field. Some really competent investigators have been attracted to working in alcoholism research, and a significant fund of information has been developed."

One project he considers a milestone was the center-supported *American Drinking Practices* study by Dr. Don Cahalan, Dr. Ira Cisin, and Helen Crossley, all of George Washington University in Washington, D.C. Among the new data that came out of the study was the finding that 68% of American adults drink, and 12% drink heavily. A heavy drinker was defined as one who "drinks nearly every day with five or more drinks at a time at least occasionally, or drinks at least weekly with usually five or more drinks on most occasions."

Says Dr. Mendelson: "This is the first time we've had any hard data about the extent, nature, scope, cultural determinants, and demography of drinking behavior in this country, and of problem drinking. It should be of great value in planning programs and making policies for prevention and treatment."

He is less sanguine than his successor about the chances of the new law's fund authorization being turned into real cash. "It's too much to expect that alcohol will be given as much money as cancer," he says. "When you think about the general issue of austerity versus such basic health care needs as meeting the costs of Medicare or developing a better national health insurance program—I just think those things are likely to take precedence."

Even if enough money were available, another problem would immediately arise—trained personnel. Until very recently there were almost no courses on alcoholism in the medical schools.

Although even today few medical schools have anything resembling comprehensive training in the diagnosis and treatment of alcoholism, the picture is beginning to improve, as medical authorities recognize the seriousness and scope of the problem.

"When I was graduated from medical school in 1949, my classmates and I were all experts on dengue fever, but we didn't know a thing about alsoholism," says NCA's Dr. Cloud. "We must have had 50 hours on dengue and about an hour on alcoholism.

"Of course, dengue fever isn't very common here in New York, and I have yet to see a case," he point out. "But in my first month of practice I was called on to treat members of a dozen or more families in which alcoholism was a problem—not only the individual's illness, but disruption of the family structure. But I had no training whatsoever for this."

In that brief lecture on alcoholism, he recalls: "The gist of it was mainly that alcoholics drank, they got cirrhosis of the liver, the liver got big, then it got small, and then they died. We were shown some shrunken cirrhotic livers in the pathology lab. Of course, it's a little late to worry about alcoholism at that point. Besides, only a very small percentage of alcoholics get cirrhosis."

In 1956, Buffalo's Dr. Block, then chairman of the AMA's committee on alcoholism, worked out a curriculum on alcoholism for medical colleges. He sent copies to each medical school in the country, and to each department head. A dozen years later no medical school was giving any of the recommended courses.

"The curriculum was approved by the Association of American Medical Colleges, as well as by the AMA," says Dr. Block, still a member of the AMA's alcoholism committee. "But it's up to each department head to adopt as much of it as he cares to. So we find that some schools give a little cursory course, some mention alcoholism in psychiatry, some discuss it in preventive medicine, some talk about it in internal medicine, but very few give anything like a comprehensive course—except where certain individuals on the faculty are interested in the subject. But that's beginning to change now."

Dr. Cloud agrees. "Last April the NCA held a conference on alcoholism education in professional schools. There were at least a dozen representatives of schools there that have actual courses on alcoholism. When I graduated from medical school in the 1940s I don't think there was a single one."

That's the view from Boston, too, where Dr. Mendelson finds the attitude toward alcoholism at Harvard greatly changed since he went to Washington. "There's a world of difference; it's day and night," he says. "I've only been back at Harvard since September, but I've given alcohol-related lectures in courses dealing with pharmacology, introduction to clinics, gastrointestinal disorders. I just gave a combined grand medical rounds to the Harvard services at the hospital here. The extension of invitations to talk about alcohol-related illness, to give lectures to medical students, or to take seminars—this is something new. The students, particularly, are showing great enthusiasm for this."

Medical students have actually supplied some of the impetus for increased training in alcoholism. Last year the Student American Medical Association passed a resolution urging all U.S. medical colleges to "include training in the disease concept of alcoholism in their curriculums. Such training should include early diagnosis, therapy, pathogenesis, and epidemiology of alcoholism, and should be directed toward the production of students who have both factual knowledge and a compassionate attitude with which to treat the alcoholic." Its author, William F. Jessee of the University of California at San Diego, was an invited speaker at the NCA conference last April.

Says Dr. Chafetz: "Alcoholism education in the medical schools is still pretty punk, but I expect the change to come from the students, people like Bill Jessee. It won't come from the powers that be, deans and department heads—which I recently was. To expect them to change this late in life is unrealistic and inconsistent with our knowledge of human behavior. I felt this at Harvard before I left, that the demands for education in this area and in other areas were coming from the students, not from the faculty. I think they have a greater concern for social responsibility and for the neglected social areas than their professors and the so-called leaders of medicine."

Concludes Dr. Block, "Progress is coming gradually, but a lot faster than I would have imagined when I entered this field 20 years ago."

AFL-CIO EXECUTIVE COUNCIL URGES MINIMUM WAGE

Mr. WILLIAMS. Mr. President, at a time when evils caused by inflation are rampant in our society, the benefits which can be derived from an increase in the minimum wage and an expansion of its coverage are often forgotten or neglected. But for those who must labor under the current legislative minimum wage of $1.60, or even lower for some workers, the hardships imposed by inflation are much more severe than for most other segments of our society. These people are the working poor. They are contributing to society and trying to retain their human dignity, but society permits them to work for substandard wages.

The AFL-CIO Executive Council has recently adopted a statement urging amendments to the Fair Labor Standards Act which would go a long way toward relieving some of the most unfair hardships imposed by our society—the hardships imposed on the working poor.

Mr. President, I ask unanimous consent that the text of the AFL–CIO's Executive Council statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by the AFL–CIO Executive Council on The Fair Labor Standards Act, Bal Harbour, Fla., February 19, 1971

Modernization of the Fair Labor Standards Act is urgently needed. The present minimum wage of $1.60 an hour, under the amendments adopted in 1966, was barely tolerable at that time. It is utterly inadequate in 1971, in the face of five years of an inflationary rise of living costs. Moreover, millions of the lowest-paid workers remain unprotected by the Act.

The major purpose of this statute, as outlined in its Declaration of Policy, is to correct and as rapidly as practicable to eliminate labor conditions "detrimental to the maintenance of the minimum standard of living, necessary for health, efficiency, and general well-being of workers."

To fulfill the Act's intent, it has been necessary to increase the floor under wages, as the cost of living and the nation's productivity have increased. It has also been necessary to extend the coverage of the Act. In the 33 years since enactment, FLSA has been amended four times—the minimum wage was updated four times and coverage of the Act was extended twice.

Modernization of the Act in 1971 would represent a major step in the effort to eliminate poverty. Nearly two-thirds of the 24 million poor people, according to the government's definition of poverty, are in families headed by a worker in the labor force—low-wage, part-time or unemployed workers. About one-quarter of the poor—and over 30% of all the children growing up in poverty—are in families, headed by a full-time year-round worker, whose wages are so low that his family is impoverished.

An increase in the federal minimum wage to at least $2 an hour, immediately, is now required on the basis of the economic facts. At a $2 an hour minimum wage, a full-time, year-round worker would earn approximately $4,000 a year. This is not much above the government-defined poverty line of approximately $3,700 for a non-farm family of four. But it would represent quite an improvement over the $3,200 such a worker earns at the present $1.60 federal minimum rate.

The protection of the Fair Labor Standards Act should be extended to all workers. Employees of smaller retail establishments, many state and local government employees, many hired farm workers, household domestics, and others still denied coverage of the Fair Labor Standards Act should be guaranteed the benefits of the federal minimum wage and protection against excessive hours of work. The Act's coverage, which now protects 46 million workers, should be extended to the remaining 17 million non-supervisory wage and salary employees who are still not covered by this federal law.

Approximately 6 million workers currently protected by the minimum wage provisions of the Fair Labor Standards Act are denied its hour protection because of specific exemptions. We believe that farm workers, hotel and restaurant workers, local transit employees, agricultural processing workers and other similar groups need potection from excessive hours, as well as an adequate floor under their wages. This hodgepodge of exemptions should be eliminated.

In the past session of the Congress, the House of Representatives held extensive hearings on amending the Fair Labor Standards Act. These hearings fully indicated the need to raise the minimum and extend the law's coverage.

We urge prompt Congressional action to update the Fair Labor Standards Act—to raise the minimum wage to at least $2 an hour and to extend the Act's coverage to the 17 million non-supervisory wage and salary earners who are still excluded from the law's protection.

RED WOLF

Mr. CHURCH. Mr. President, last Tuesday, March 23, the last survivor of the Nez Perce Indian War of 1877, Josiah Red Wolf, died at the age of 98 in Lewiston, Idaho.

With the death of this patriarch of the Nez Perce Indian Tribe, America has lost its last living link to that day in 1877 when Chief Joseph surrendered his people to the U.S. cavalry near the Bear Paw Mountains in Montana at the end of a 1,500 mile retreat that became known as one of the military classics of all time.

Red Wolf was 5 years' old then. Together with his mother, father, and infant sister, he took part in the long march that began after they were ordered on a new reservation based on an 1863 treaty which Chief Joseph and other leaders had refused to sign.

Rather than give in to this seizure of their land, the Nez Perce decided to resist. Badly outnumbered and burdened with 400 women and children and a large herd of horses, they valiantly fought a running battle and repeatedly outwitted the cavalry, which was attempting to herd them onto a reservation near Lapwai in north-central Idaho.

In the midst of the campaign, on August 9, 1877, U.S. troops attacked the sleeping tribe at dawn where they were camped in the Big Hole Basin of Montana near the Idaho border. In the fighting, Red Wolf's mother and infant sister were killed.

Red Wolf, who with other boys of the tribe helped to tend the horses, continued the fight with his father until October 5, 1877, when Chief Joseph gave his memorable surrender speech:

> It is cold and we have no blankets and the little children are freezing to death . . . from where the sun now stands, I will fight no more forever.

Red Wolf was one of those children.

Mr. President, Idaho and the Nation have lost one of their last surviving links to the frontier. It is appropriate that we mourn the passing of the last survivor of one of the most notable campaigns in American military history.

I commend to Senators two articles published on the occasion of Red Wolf's death—one from Idaho's Lewiston Morning Tribune of March 24, the other from the Washington Post of March 26. I ask unanimous consent that both be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Lewiston (Idaho) Morning Tribune, Mar. 24, 1971]

Last Survivor of Indian War Dies March 24

Josiah Red Wolf, 98, the last survivor of the Nez Perce Indian War of 1877, died at 9:10 yesterday morning at St. Joseph's Hospital.

Red Wolf, a patriarch of the Nez Perce Indian tribe, had been critically ill for a week. In recent years he had been living at Somerville Home.

With the death of Red Wolf, the Nez Perce Indians lost their last living link in the chain that still connected them to the summer and fall of 1877, when the Nez Perces, badly outnumbered and burdened with women and children, fought one of the classic campaigns in military history.

Red Wolf was 5 when his father and mother joined in the battle against the U.S. Cavalry. They were members of the Looking Glass band, which linked up with the other warring Nez Perces at Kooskia.

HELPED WITH HORSES

Like other Indian boys, Red Wolf helped with the horses as the Nez Perces began their retreat through the Idaho mountains and into Montana.

Early on the morning of Aug. 9, 1877, the Indians were camped in the Big Hole Basin in Montana, just across the present border from Lemhi Pass in Idaho. Troops and volunteers under the command of Col. John Gibbon attacked the sleeping camp at daylight.

In the furious fighting that followed, Red Wolf's mother and his infant sister were killed. They died when struck by a single bullet, the girl in her mother's arms.

Red Wolf and his father continued in the retreat, which ended on Bear Paw Mountain in Montana, Oct. 5, when Chief Joseph, a leader of the Indians, gave his memorable surrender speech to Gen. O. O. Howard, saying in part ". . . It is cold and we have no blankets. The little children are freezing to death." Red Wolf was one of the little children.

When the Nez Perce were dispersed after the end of the war, Red Wolf was sent first to Baker Spring, Ariz., where he remained one year. He spent another year at Ft. Leavenworth, Kan., and five years at the Oakland Agency in Oklahoma.

He returned to Lapwai briefly and then entered the Chilloco Indian School in Oklahoma, where, he later recalled, he "liked everything and studied."

It was at Chilloco that Red Wolf acquired his lifelong custom of reading from the Bible daily.

In 1890, Red Wolf entered the Carlisle Institute for Indians in Pennsylvania and studied to be a cobbler. He spent three years at Carlisle, learning to play both the cornet and saxophone as a member of the school band. He recalled marching in a Columbus Day parade at New York City.

He worked in a shoe factory while a student at Carlisle and two pairs of shoes he made were displayed at the Columbian Exposition at Chicago in 1893.

Returning to Lapwai, Red Wolf became a cobbler at the North Idaho Indian Agency school, and was director of the eight-piece school band. His band won a first place in a musical competition and Red Wolf noted that it was the quality of the music not the number of players that carried the day.

In 1895 he worked for a time as a cashier in the Vollmer-Chase Bank at Genesee. After his marriage in 1896 to the former Frances Raboin from Luke's Gulch near Harpster, he farmed in the Stites area. He also played in the Stites town band and in an orchestra which played for Saturday night dances.

"Those were good dances," he once said. "Lots of people and no trouble."

In 1912, Mr. and Mrs. Red Wolf moved to their allotment in the Tom Beall area and farmed there for many years. They later moved to Spalding and to Lapwai. Mrs. Red Wolf died Dec. 27, 1951.

Red Wolf was born Dec. 28, 1872, at Asotin, the son of Red Wolf of the Alpowa Band of the Nez Perces. His mother was visiting at Asotin at the time of his birth.

In his later years after the death of his wife, Red Wolf made his home at Lapwai, attending the Presbyterian Church, taking a sweat bath in Lapwai Creek almost daily, reading his Bible and providing historical information for fellow tribal members and white historians.

He was often guest of honor at special occasions involving the tribe or Indian and Idaho history. One such occasion was Aug. 26, 1967, when he turned the first shovelful of dirt for the opening of a visitor center at the Big Hole National Monument, where his mother and sister met death in August, 1887.

The funeral will be Saturday morning at 10 in the Spalding Presbyterian Church. The Rev. David Miles will officiate. Burial will be at Spalding Cemetery under the direction of the Brower-Wann Funeral Home.

[From the Washington Post, Mar. 26, 1971]

JOSIAH RED WOLF, NEZ PERCE INDIAN

(By Jerry McGinn)

LEWISTON, IDAHO, March 25.—Josiah Red Wolf was 5 in 1877 when Chief Joseph, great leader of the Nez Perce Indians, surrendered his people to the U.S. cavalry in the midst of a snowstorm on Bear Paw Mountain in Montana.

Red Wolf, who had helped herd horses during the retreat of the Nez Perce, died Tuesday. He was 98.

Chief Joseph took about 600 Indians on a retreat of more than 1,500 miles through Oregon, Idaho and Montana in a classic military flight.

The Nez Perce, badly outnumbered and burdened with 400 women and children and a herd of about 7,000 horses, fought a running battle and repeatedly outwitted the cavalry, which was attempting to herd the tribe on a new reservation near Lapwai in North Central Idaho.

The Indians had been uprooted from their reservation in Wallowa County near Joseph, Ore., along the Snake River in the fall of 1877.

The U.S. Government in 1876 had signed a treaty giving the estimated 900-square-mile area to the Indians "forever."

One year later, the treaty was rescinded as settlers began squatting on the Indian lands. The Nez Perces were given 30 days to pack up and leave.

But the Indians decided to run for it after three tribesmen got drunk and killed four white men. The feeling was that the whole tribe would be blamed.

Red Wolf's family were members of the Chief Looking Glass band which joined Joseph (of the Wallowa band) at Kooskia, Idaho.

Early in the morning of Aug. 9, 1877, after several skirmishes in which the Indians came out on top, the Nez Perce were camped in Big Hole Basin in Montana near the Idaho border.

As dawn broke, troops and volunteers under the command of Col. John Gibbon attacked the sleeping camp. The soldiers opened fire on the Indian tents.

In the fighting, Red Wolf's mother and infant sister were killed. One bullet struck the child in the back and the same projectile passed through the mother.

Red Wolf and his father continued in the retreat, which ended on Bear Paw Mountain Oct. 5, 1877, when Chief Joseph gave his memorable surrender speech.

"It is cold and we have no blankets, the little children are freezing to death . . ." he said in part.

Red Wolf was one of those children. The last one.

He was taken prisoner but later was freed and attended Carlisle (Pa.) Indian Institute. He became an accomplished musician and for many years farmed in the Lapwai area.

VIETNAM "OIL FINDS"

Mr. HANSEN. Mr. President, although I have not always agreed with the distinguished senior Senator from Michigan (Mr. HART), I wish to commend him for his remarks on American oil companies and the implication of their involvement in continued American action in Vietnam.

I expressed my views on the U.S. involvement in an earlier colloquy today, but would like to join with the Senator from Michigan in exploding the myth that there is some sinister plot or conspiracy between U.S. oil companies and the Government of the United States in prolonging the war in Southeast Asia for the benefit of the oil companies.

Senator HART has done a thorough and excellent job of discrediting the ridiculous charges that have been made against the oil companies, and I would like to join in the compliment he has paid them in the exoneration of their motives.

Those who see a sinister plot between the Pentagon and the State Department and the oil companies might review their history books. What has the U.S. Government ever before done for the oil companies in their international efforts?

More than 40 years ago, Mexico expropriated all U.S. oil properties in Mexico and since then there have been numerous other cases of expropriation by other Latin American countries. Peru and Bolivia are recent examples. Algeria has taken over all U.S. oil properties and now proposes to sell products such as liquified natural gas back to U.S. companies through the nationalized company that now operates the expropriated properties.

Venezuela has enacted laws that leave little profit for the American companies that developed and operate their oil industry.

Other countries, including Libya, are threatening. In fact, Libya has already taken over all foreign marketing facilities.

Added up, the assistance U.S. international oil companies have had from their own Government amounts to about zero.

Mr. President, I commend the Senator from Michigan for his reasoned exposé of this hoax and I would also point to an NBC nightly news broadcast of last Friday, March 26, which very factually and objectively reported the background and status of "oil finds" the coastal waters of Thailand and Indochina.

Mr. President, I ask unanimous consent that a transcript of that portion of the NBC broadcast be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SOUTH VIETNAM CONSIDERING BIDS FOR OFF SHORE OIL DRILLING RIGHTS

FRANK MCGEE. Since 1968, geologists have been looking for oil under the coastal waters of Thailand and Indochina. Thailand and Cambodia have already let concessions. Now, South Viet Nam is considering bids for drilling rights in the promising area off the Mekong River Delta. (FILM CLIP)

JOHN RICH. The coastline of South Viet Nam is one of the world's last unexploited oil frontiers. This strife torn country has become the focus of interest for major oil companies from all over the world. Oilmen believe the South Vietnamese might strike it rich, that the Vietnamese off shore deposits may rival the recent Alaskan North Slope discoveries.

Any oil at all will be a boon to the struggling Vietnamese economy. Viet Nam today imports all its petroleum. In Saigon and other cities where motor scooters have replaced bicycles, the demand for oil grows daily. Faced with the prospect of oil riches, the South Vietnamese government has passed a special petroleum law. It is now setting up a new petroleum board.

The inexperienced Vietnamese have asked the Iranians to help in dealing with the international oil firms. A delegation of advisers from Iran is due in Saigon in early April.

At least a dozen American companies are interested in the South Viet Nam prospects. They have sent representatives to Saigon. But so is the French, the British, the Canadians, and the Japanese, especially the Japanese. Oil experts from Japan are prominent these days in Saigon. Japan has formed a consortium of companies to pool resources for the coming Viet Nam bidding. Japan is oil hungry.

Foreign oilmen in Saigon are aware of, but scoff, at charges that the war is being prolonged to protect their interests. American businessmen are ready to concede that the Japanese, not themselves, will probably be the big winners in the Viet Nam oil sweepstakes. Some U.S. companies are so convinced of this, they are trying to tie up with the Japanese in joint ventures.

At the moment, the off shore zones have not been chartered, the final makeup of the petroleum board is incomplete, and the day for accepting bids for exploration has not been set. The experts estimate that it will be at least another couple of years before any drilling begins. The long range prospects look very bright, but until the wells are sunk, no one can be certain whether or not any oil will be found. This is John Rich, NBC News, Saigon.

MASSACHUSETTS LEGISLATURE SUPPORTS INCREASE IN FEDERAL MINIMUM WAGE

Mr. WILLIAMS. Mr. President, the Commonwealth of Massachusetts, through its legislature, has urged the Congress to enact legislation providing for a minimum wage increase to a $2 per hour level. In the resolution adopted by both the House of Representatives and the Senate of the Commonwealth of Massachusetts, two factors are cited which I believe bear continual repetition. First, every man who labors is worthy of a decent living wage. And second, the cost of living has increased.

I believe these are two simple truths with which all of us can readily agree. But we should not be misled by the simplicity of these truths. They reflect the fact that millions of working Amricans are laboring at wages below the Federal Government's poverty standard even though they are covered by Federal minimum wage legislation.

Mr. President, because of the importance of this communication, I ask unanimous consent that the resolution of the Commonwealth of Massachusetts be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Resolution Memorializing the Congress of the United States to Enact Legislation Providing for a Minimum Wage of $2

Whereas, Every man who labors is worthy of a decent living wage; and

Whereas, The cost of living has increased continually from year to year; therefore be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation providing for a minimum wage of two dollars; and be it further

Resolved, That copies of these resolutions be sent forthwith by the State Secretary to the President of the United States, the presiding officer of each branch of Congress and to each member thereof from this Commonwealth.

BARRING U.S. AGENCIES FROM PROPAGANDIZING ON BEHALF OF FOREIGN GOVERNMENTS

Mr. CHURCH. Mr. President, on March 29, I introduced S. 1397 to bar the U.S. Information Agency—or any other U.S. agency—from engaging in propaganda activity on behalf of a foreign government. This proposal is primarily aimed at stopping the USIA from continuing its promotional program of selling the Thieu-Ky regime to the citizens of Vietnam.

As an example of why this legislation is needed, I call attention to an article in the Progressive of March 1971. It tells of the USIA taking public opinion polls for President Thieu. "Our Government provides that little service without charge" to the South Vietnamese leader, states the Progressive. The New York Times correspondent in Saigon, Gloria Emerson, is reported as finding—

> That the U.S. mission in South Vietnam, which conducts monthly surveys in all 44 provinces under its Pacification Attitude Analysis System, has inserted special questions to help Thieu find out how he rates with Vietnamese voters, how they rate his political rivals, and what issues concern the people most.

This kind of support for a foreign government, using money furnished by American taxpayers, makes a mockery of our professed goal of self-determination for the people of South Vietnam.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

What Is a Little Poll?

In his bid for reelection this year, President Thieu does not need the Messrs. Gallup or Harris to conduct polls for him—our Government provides that little service without charge. After all, when two U.S. Administrations have expended billions of dollars and thousands of American and Vietnamese lives to support the Thieu-Ky dictatorship, what's a little poll or two, or three?

Gloria Emerson, a *New York Times* correspondent in Saigon, recently reported that the U.S. mission in South Vietnam, which conducts monthly surveys in all forty-four provinces under its Pacification Attitude Analysis System, has inserted special questions to help Thieu find out how he rates with Vietnamese voters, how they rate his political rivals, and what issues concern the people most.

When Thieu and Ky were elected president and vice president in September 1967 they received only thirty-five per cent of the vote. The rest was divided among ten opposition slates in a rigged election in which seven other slates, including the regime's two most serious opponents, were kept off the ballot. Persons suspected of being Communist or neutralists could not run for office or vote, and the press was effectively muzzled. This time around, General Thieu apparently hopes to test the political mood of the Vietnamese people through the U.S. mission's polls before deciding what dictatorial measures he may need to guarantee his reelection.

Correspondent Emerson quoted from a letter by Richard Winslow, who resigned his post as a U.S. civil adviser in a delta province in protest of the use of the surveys to aid Tnieu. Winslow wrote to a friend that at a lunch last November in Saigon he had been informed by two Americans heading the pacification studies group that "Thieu asked [Ambassador] Colby to send out the teams to make a study of the people's feelings toward the 1971 Presidential election so that Thieu would know where his strong points were and where he'd have to arrange something [like quickly appointing new officials] which would make sure that he'd come out ahead in a given area."

The two U.S. officials, said Winslow, told him: "It has been decided *at the very highest levels* that Thieu's reelection is essential to the national interest of the United States."

An American official in Saigon denied to *The New York Times* correspondent that Thieu or his government had requested the survey's political questions. But a young American pacification worker, who asked that his name be withheld, said some of the questions were designed to insure Thieu's reelection. "I really object, very strongly," he said, "to this kind of direct political interference by the American Embassy in the upcoming elections here, especially in light of all the American claims to the contrary."

We strongly urge the Senate Foreign Relations Committee to look into the matter of U.S. interference in Vietnam's election. To answer our own opening question, "What's a little poll?" it is another ominous sign that we are going to help General Thieu rig another election and retain his power, no matter what further outpouring of blood and treasure it costs the poeple of Indochina and the United States in a war being waged for the survival of his military junta.

ONSLAUGHT OF THE SNOWMOBILE

Mr. BIBLE. Mr. President, America is a nation of mechanization and motorization. Just about anything we do nowadays we do with a motor or an engine—even to cleaning our teeth or brushing our clothes.

We are also a nation of fads. When something catches on it usually catches on big. Often the fads are shortlived, but sometimes they stick with us for generations.

The latest example of America's fondness for motorization and fads is the snowmobile. This is a light, maneuverable, and relatively inexpensive little vehicle that enables man to whisk himself over snow quickly and easily. And they are fun to drive. It has certainly solved the old problem of getting around in snow.

For one thing, there are suddenly a great many snowmobiles—nearly 1½ million of them, and most of them sold during the past two winters.

For another, they are powered by that arch enemy of clean air and tranquility, the internal combustion engine.

They enable man to ride roughshod over plant and animal life in winter as well as in summer.

And they can be dangerous under the control of an inexperienced or reckless driver.

Recent months have brought rising concern on the part of environmentalists and conservation-minded citizens and organizations over the spectacular increase in the number of snowmobiles and other overland motor vehicles being operated in the parks, recreation areas, forests, wildlife areas, seashores, lakeshores, and other public land areas throughout the Nation.

The growing volume of correspondence I have received and increasingly frequent articles in periodicals leave little doubt that a motorized invasion of the Nation's countryside is underway. The internal combustion engine has jumped the curb and is blazing new trails as never before.

There is also concern over accidents and injuries as well as alarm over possible environmental consequences.

Special attention has been focused on the snowmobile. The December 1970 issue of Reader's Digest contains a condensation of a Sports Illustrated article by Jack Olsen entitled "Time to Control Snowmobiles." The article states that not only are there more than 1½ million of these vehicles in use throughout the country but that something like 600,000 more were expected to be sold this past winter. It states that in the snow country of Michigan, Wisconsin, and Minnesota, it is all but impossible to escape the roar of these vehicles on weekends, and goes on to paint a grisly picture of injuries and deaths attributed to the snowmobile. Serious questions are raised concerning the dangers involved in the sport, and the prospect that increased unregulated snowmobiling may entail grave damage to wildlife and the environment.

I ask unanimous consent that this Reader's Digest article be printed in the RECORD following my remarks.

The February 26, 1971, issue of Life magazine also called attention to the snowmobile citing its usefulness to some and the dangers that can attend its misuse. According to Life, trappers, forest rangers, police, postmen, and others who have to get out in the snow find the device a great help, but others use its high speed and mobility "to ignore fences, skidding merrily over small shrubbery, rose gardens, croplands, tree farms, and through hitherto peaceful forest lands."

The December 1970, issue of Today's Health included an article entitled "Time To Tame the Abominable Snowmobiler," describing its usefulness as a service vehicle for foresters, farmers, ranchers, linemen, and others whose work carries them into areas far from plowed highways, but expressing deep concern over the accidents, injuries, and deaths that have occurred. According to the article:

> One of the ugliest of snowmobiling accidents occurs when operators run into fences and other snow-concealed obstacles.

Officials have received bizarre reports of persons decapitated when driving through snowbanks that turned out to be snow-covered fences.

I ask unanimous consent that this article, written by Mr. Mike Michaelson, also be printed in the Record following my remarks.

The Washington Post added its voice in an editorial of March 11, 1971, stating that "remote, snowed-in nature is also in danger of being snowed under by snowmobiles"; that "there has been damage to young trees and seedlings," and calling for action by both State and Federal agencies.

I ask unanimous consent that the text of this Post editorial; an editorial from the Milwaukee Journal of December 31, 1970, entitled "Snowmobiles and Wildlife"; and an article from the Minneapolis Tribune of November 23, 1970, entitled "Impact of Snowmobiles," also be printed in the Record following my statement.

In addition, I have received many letters from throughout the country. Mr. Pat Bartholomew of Sun Valley, Idaho, expresses concern over the impact of snowmobiling on the wildlife wintering areas within the Sawtooth National Forest. I ask unanimous consent that his letter of March 3, 1971, be printed in the Record.

Dr. Donald G. Lindmark of Buffalo, New York, Mr. and Mrs. Philip D. Straffin, Jr., of Beloit, Wisconsin, Mr. Avi Ornstein of Cambridge, Massachusetts, and M. A. Keyes of New Richmond, Wisconsin, are typical of the citizens who have written about the impact of snowmobiles and other all-terrain vehicles on our wilderness areas, parks, forests, and other public lands.

I ask unanimous consent that the letters I have received from these citizens be made a part of the Record.

Mr. President, I am not coming out against snowmobiles. Nor am I attempting to predict doom or disaster. However, I am directing attention to the growing alarm over safety problems and environmental consequences involved in the unrestrained operation of these vehicles.

The facts seem to be that they have captured the imagination and interest of thousands upon thousands of recreation-minded citizens, most of whom are themselves dedicated sportsmen committed to conservation and environmental protection. Indeed, besides facilitating the performance of a wide range of useful service and commercial functions, the snowmobile has unquestionably broadened the range of outdoor recreational opportunity. And this is good.

But I am concerned over alleged excesses—the lurid accounts of injury and death and the fears being expressed for our environment. And I am concerned about the broader picture.

The snowmobile joins a growing family of cross-country vehicles. Trail bikes. Motorcycles. Dune buggies. And the ingenious all-terrain vehicles that travel on water, through marshes, and over all types of land.

We are all familiar with the environmental problems bred by the automobile—traffic congestion, accelerated highway construction, parking problems, noise, air pollution, junk yards. And now some 3 million recreational vehicles of all kinds now range in rapidly increasing number across the length and breadth of open spaces in every part of the country.

Just what problems do such mechanized sports portend? What is the extent of the physical damage to the land? What harm is actually being done to plantlife? What is the impact on fish and wildlife? Do mechanized sports pose a real threat to nature's ecological balance? What conflicts do they pose in terms of more traditional types of outdoor recreation? Are land trespass and property damage a real problem? What law-enforcement problems exist and what future problems are anticipated? Are existing statutes, rules and regulations adequate to deal with whatever problems confront our national parks, recreation areas, seashores, wildlife areas, and other public lands?

At the very least, Mr. President, enough is known now to warrant a searching inquiry. Our land and wildlife resources are among our most precious national assets.

While State and local jurisdictions have primary responsibility for regulations, Congress should examine and reevaluate existing laws, regulations and policies and if necessary formulate a comprehensive land use code to govern the operation of such vehicles on the federal lands.

I have directed the staff of my Interior Subcommittee on Parks and Recreation to follow the matter closely. I invite comments from all interested parties. An an appropriate time, I expect public hearings before the subcommittee.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Reader's Digest, December 1970]

TIME TO CONTROL SNOWMOBILES

Mr. and Mrs. Frank Look watched apprehensively as a snowmobile snarled its way up the frozen Chandler River in Jonesboro, Maine. The river ice was thin and, as the couple watched, the snowmobile reached a hole in the ice and disappeared. Rescuers alerted by the Looks worked for days and found nothing. Six weeks passed, still nothing. Six weeks passed, still nothing was found, and no one was reported missing.

Thus the booming winter sport of snowmobiling had chalked up yet another tragic mystery. It had long since registered its first snowmobile auto deaths, its first mangled children, its first wholesale vandalisms on snowmobile-back. The snowmobile was abroad in the wilds, and almost everywhere it went there was trouble.

Something like 600,000 snowmobiles will be sold this winter, and more than one and a half million are already on the trail. In snow-country states like Michigan, Wisconsin and Minnesota, it is all but impossible to escape the din of these vehicles on weekends. The first three-inch snowfall of winter turns the whole countryside into a broad, navigable highway, and the snowmobile can then take people where people do not belong. Thus, at a time when everyone else is closest to immobility, the snowmobiler is most exhilaratingly free. And dangerous. Consider:

The sports-loving wife of Quebec's minister of highways led her three children on a snowmobile safari. Under the wheels of a truck, she became Quebec's 32nd snowmobile death last winter.

Two snowmobilers were crushed by a freight train near Stratford, N.H. The noisy pounding of their machines apparently kept them from hearing the train.

A snowmobile snapped a chain across a trail in Vermont. The chain whipped back and killed a snowmobiler following close behind.

In the early days of snowmobiling, such accidents were considered rare and freakish. Now they are common. So many snowmobilers have died in collisions with cars and trucks that most states have banned the snow vehicles from public ways. But snowmobilers manage to die anyway. *John Marsh, Maine's Safety Officer for the Department of Inland Fisheries and Game, says that snowmobiling is demonstrably more dangerous than hunting. "I put 200,000 hunters or so into the woods a year and have only 50 accidents," he says. "Last season there were about 30,000 snowmobiles registered, and we had more than 300 accidents."* According to the Ontario Safety League, "Snowmobiling may have the highest fatality rate of any recreational activity in the world."

One part of the problem is that hardly a state or province places restrictions on the age of snowmobile drivers. If a child can see over the windshield (or even if he cannot) he is eligible.

Another part of the problem is power. Eleven years ago the first seven-horsepower snowmobiles whisked over the snow at speeds below 30 m.p.h. But the industry soon found itself in a horsepower race. *Today the average family snowmobile will go 60 m.p.h., and the world's snowmobile speed record is 114.5 m.p.h.* The cliché advertisement has become an airborne snowmobile, its goggled driver crouched over the windshield, his knees flexed and his clothes rippling. "Many amateur drivers try to emulate these stunts," the Royal Canadian Mounted Police *Gazette* reported, "with the result that the average production line machine, not equipped for such sport, ends up smashed and the driver seriously injured or killed." A snowmobile is not the most stable of vehicles when it is running on hard-packed snow. In the air, one would be safer on a pterodactyl.

Most snowmobilers are personable and law-abiding, but any sport that emphasizes speed is bound to attract the wild ones. *On Michigan's Upper Peninsula, the wintertime vandalizing of summer cabins has become a major problem.* Along the canals that face the Lake St. Clair area northeast of Detroit, children's hockey games were broken up by marauding gangs of snowmobilers, and nearby recreation areas reported that snowmobiling ruffians were chasing women and children. In Colorado, snowmobilers chugged up the eastern slope of the Continental Divide to see who would be first to strip a crashed airplane.

These, of course, are the actions of an irresponsible few. In the long run, they may be of less consequence than the actions of responsibile operators—those well-meaning souls who roar into the woods in winter for a single reason: *because they love the outdoors and the animals and the snow. They may love them, in fact, to death.* The first unnatural ingredient they add to the forest is noise—earsplitting, pounding, reverberating noise. *"When you come on any species of wildlife with the snowmobile,"* Says Lloyd H. Clark, retired warden supervisor with the Maine Fish and Game Department, "you'll find him on the move, with a wild look of terror in his eyes." Although conservationists say that we don't know how badly wildlife needs the dead silence of winter, they are certain that most animals cannot accommodate to noise during the breeding season, particularly animals with high metabolic rates, like mink.

The snowmobile reaches its peak of mobility at a time when other inhabitants of the forest—animals, birds, rangers, wardens—are least mobile and effective. Beaver trapping in Maine is reaching dangerous levels now that trappers can race from set to set on snowmobiles. Bobcats are being annihilated in certain areas by hunters who track them by snowmobile, then release dogs that have been towed along behind on sleds. *Until Minnesota expanded a model law prohibiting harassment of all animals by snowmobiles,* some of its hunters, aboard snowmobiles, used to enjoy chasing foxes and deer to exhaustion and death.

The menace is both blatant and subtle. A well-intentioned snowmobiler packing down a trail in deep woods has no idea of the ecological destruction he may be wreaking. Canadian *wildlife-expert Philip Corbet notes that snow is an excellent insulator, a natural protection for mice and other small animals.* But it must be thick enough, and it must not be packed (it ceases to insulate when packed). Snowmobile tracks are permanent barriers in the brush for animals under the snow.

What is to be done? For the most part, conservationists are agreed that if the silence and sanctity of the woods are to be preserved, and if nature's immutable laws are not to be flouted any further, all snow states must consider legislation that would:

Bar vast areas of public lands to snowmobiles, limit them to trails specifically marked for the noisy sport, and bar them flatly from public roads.

Forbid hunting or trapping from snowmobiles, hunting or chasing game with snowmobiles, riding snowmobiles into hunting areas during game season, or indeed using snow vehicles in any way at all connected with hunting.

Require registration and licensing of snowmobiles with state wildlife or motor-vehicle departments, application of oversized numbers on front cowlings, and serial numbers embedded in the tread so that snowmobiles will leave an identifiable trail wherever they go.

The alternative to such rigorous legislation would seem to be the passive acceptance of another forest pollutant and the continued erosion of man's fundamental right to peace and quiet. A snowmobile dealer accidentally expressed the gravamen of the matter to the New York *Times*. Extolling the wonders of the sport, he was quoted as saying, "A new world has been created in the winter months." Apparently no one thought to ask him: What was wrong with the old one?

[From Today's Health, December 1970]

TIME TO TAME THE ABOMINABLE SNOWMOBILER

(By Mike Michaelson)

Snowmobiles are sport. They whisk riders across the great expanse of winter. But there is another side to the snowmobile and the *snowmobiler*.

The versatile, go-anywhere machines have been implicated in vacation-cabin break-ins, damage to private property, and even in the escape of bank robbers. But the mosts deadly kind of trouble snowmobiles get involved in happens to those who ride them. And it is mainly because of *where* they ride them.

Heedless of danger, snowmobilers zip across busy highways and along snow-covered railroad tracks. They venture onto thinly frozen lakes and crash into snow-concealed objects. The results often are disastrous, sometimes fatal.

Last February, five snowmobiles were traveling in single file along railroad tracks near Stratford, New Hampshire. Because of the noise of their machines, the operators were unable to hear an approaching Canadian National freight train. The screen of snow the machines threw up obscured them from the engineer's view. Two of the off-limits snowmobilers were crushed to death by the train.

Less than two weeks later, a woman was killed at Warren, Minnesota, when her snowmobile collided with a passenger train. She had been out on a Sunday afternoon ride with her husband and friends.

Last winter, 338 snowmobile casualties were recorded by the National Safety Council. Of 74 fatalities reported, 30 percent involved motor vehicles, 28 percent involved fixed objects, and 22 percent were drownings. And this toll of injury and death may be higher, since comprehensive reporting systems have yet to be established.

One of the ugliest of snowmobiling accidents occurs when operators run into fences and other snow-concealed obstacles. Officials have received bizarre reports of persons decapitated when driving through "snowbanks" that turned out to be snow-covered wire fences.

In Appleton, Wisconsin, two men were seriously injured when their machine went out of control and struck a barbed-wire fence. The driver suffered a severely lacerated throat and his passenger was treated for a broken collarbone, a contusion to the right eye, and a head cut.

Encounters with telephone guy wires and strung chains, unseen by speeding snowmobile riders, have proved fatal. Seventeen-year-old James Gerald Helms, driving his snowmobile last winter on a baseball diamond in Gratiot County, Michigan, was killed when struck in the neck by a cable strung between two light poles.

Accidents are to be expected in a speed-oriented pastime whose accelerated growth has outstripped efforts to control it. Ten years ago, there were little more than 300 machines in the entire country. By 1965, there were about 25,000. Today, there are an estimated more than one million snowmobiles in North America.

This winter pursuit has snowballed into a billion-dollar industry with annual sales expected to approach one million units by 1975. It may be the country's fastest growing sport—one which already has passed skiing in popularity and which threatens to surpass boating.

Powered by a small gasoline engine and driven by a cleated track, snowmobiles can reach top speeds of 50 miles an hour. Racing models have been clocked at speeds closer to 100 miles per hour.

A snowmobile can be handled "safely and effectively," say manufacturers, after brief instruction. Drivers find that balance is important in manipulating the 300 to 400 pound machine, and that turning is similar to turning a bicycle or motorcycle. Instructors suggest "leaning" into turns, and keeping the power on to prevent stalling.

Undoubetdly, poor design has contributed to many of the accidents which flaw the phenominal growth of this young sport. Poor lighting, inadequate braking, exposed moving parts, little rider protection, susceptibility to freeze up—these all have been valid criticisms of machine design.

The industry, of course, is not oblivious to these charges, nor to the need for improved safety. "We are extremely concerned about safety," says Jack V. Hoene, director of public affairs for the International Snowmobile Industry Association (ISIA), "and aware of its responsibility for encouraging the safe use of these machines. In fact, we are so interested in safety that we are devoting $100,000—one-third of our annual ISIA operating budget—toward safety training and environmental studies."

Acknowledging that the "horsepower race" did, inevitably, hit the snowmobile industry, Hoene explains that many manufacturers have reduced and limited the power capacity of new models. He also points out that machines now have a "kill-switch" in case the throttle freezes open.

The ISIA spokesman underlines the industry's role in promoting public education through safety booklets and films and in encouraging organized user groups. "We feel that snowmobile clubs are absolutely essential to the good practices of snowmobiling," says Hoene. The ISIA also works with state agencies to establish training programs and to develop "positive legislation"—what Hoene describes as "regulatory encouragement to operate snowmobiles properly and safely as family recreational vehicles."

It is impossible, of course, to legislate good judgment and prudence, and the snowmobile brings together a familiar mix: To one million roaring machines, add a like number of drivers, a generous sprinkling of passengers, and stir in the inescapable human potential for trouble. The result is a toll of foolish, avoidable mishaps.

According to a National Safety Council report: "An alarming number of cases have come to light in which riders and passengers often children, have had their feet caught in the tracks and sprocket mechanism, resulting in painful injuries."

A study of 99 snowmobile injuries at Rhinelander, Wisconsin, by surgeons Richard D. Corzatt and George F. Pratt implicates contact with moving parts as a cause of knee lacerations. Their study also documents compound fractures resulting from explosions of the clutch mechanism into flying parts. "Recent models have a clutch cover," the researchers note, "which is foolishly removed by some drivers."

Last year, a young girl was strangled to death while riding a snowmobile in a suburb of Minnesota's twin cities. Her father had taken off the clutch guard to tune up the machine and her long, dangling scarf caught in the mechanism.

A recent medical study of snowmobile injuries notes: "The majority of injuries results from the imprudent operation of the machine rather than from the mechanical defects in it."

Says Jack Hoene: "We're trying to get proper legislation to govern the use of snowmobiles, but legislation can only go so far. We're trying to complement this with public education."

It is mportant that snowmobilers dress warmly, cautions the National Safety Council, since speed increases the chill factor in very cold weather, making frostbite a possibility. Jumpsuits, boots, and mitts that are both warm and waterproof are recommended.

"A snowmobile is so easy to operate that anybody from eight to 88 can operate it with the greatest of ease," says Hoene. "In fact, it's easier than riding a bicycle."

But some observers caution that operating a snowmobile is not necessarily the effortless snap it often is made out to be. Reporting on snowmobile injuries in *The Journal of the American Medical Association,* radiologists Stanley E. Chism and A. Bradley Soule comment: "Part of the appeal of snowmobiling lies in traveling through the hinterland in small caravans. A number of the riders are sedentary people who gladly take up a sport which requires no physical conditioning or special skill. However, the sport is fatiguing; and tired, inattentive drivers are accident prone."

"Riding a snowmobile is not like riding a bus," note surgeons Corzatt and Pratt. "It is more like riding a running horse without the natural ability of the horse in negotiating grades, turns, and bumps. The driver must learn to balance on his feet, pull with his arms, and lean."

In their Rhinelander study, the surgeons noted fractures and lacerations as the most frequent type of injury, with the lower extremities the most frequently injured parts of the body. They noted that 57 percent of mishaps occurred at night, and that many after-dark victims had been drinking.

"Bar hopping" with frequent "pit stops" also is noted by Merrill L. Petoskey, assistant regional manager of the Michigan Department of Natural Resources, as a dangerous variation of snowmobiling to which several deaths have been attributed. "The safari starts with a cocktail party at an owner's home," he explains. "The procession begins, with frequent stops for a drink or two, at each of several taverns along a circuitous route."

Summarizing their Wisconsin study, Doctors Corzatt and Pratt observe: "There has been relatively little publicity about the possibility for injury and about safety precautions. There is at present no age restriction on driving, and some surprisingly young children are allowed to be operators."

Inexperienced young snowmobilers must be constantly supervised—even when they are within sight of home. An eight-year-old Maine boy suffered a broken nose and concussions from operating a machine on his front lawn. The accident form reported his driving experience as two days.

Last year, the Minnesota Conservation Department established a safety training program for youngsters 14 to 18. More than 25,000 young snowmobilers have completed the course—which includes written and driving tests—and have been issued certificates and shoulder patches. Because of the program's success, New York recently adopted it into its new snowmobile law. Other regions are working toward similar programs.

Jack Hoene explains the industry group helped develop this program by producing five half-hour videotapes and helping with textbook publication.

Delegates attending an International Snowmobile Congress earlier this year agreed that all snowmobiles should be registered by state conservation or natural resource authorities. The congress endorsed a report emphasizing the machines not be classified as motor vehicles—as they have in the laws of some states—but as recreational vehicles designed for off-road use.

Minnesota's two-year-old snowmobile law, which now has more than 100,000 machines registered, is cited as a model for other states to follow. One important provision prohibits snowmobile operators under age 14 from crossing highways and stipulate that youngsters 14–18 must possess a safety certificate before making such crossings.

Last winter, 22 persons were killed and 53 others were injured as a result of collisions with motor vehicles. Typical is the case of a young married couple, parents of five children, killed when their snowmobile, crossing a county road at an angle near Bagley, Minnesota, was hit by a car.

"With legislation to keep snowmobiles where they belong—in off-road use," comments Hoene, "we will not see these accidents with motor vehicles."

High-flying stunts performed by daring, goggled riders astride snowmobiles have become stereotypes in industry advertising. Yet this very jolting is cited as a prime cause in the high proportion of back injuries noted in the Vermont study of Doctors Chism and Soule. "Snowmobile advertisements often depict machine and operator flying through the air 10 to 12 feet above the ground," the radiologists observe. "Such pictures probably stimulate sales but do not promote the rational use of the vehicles."

"Helmets and more flexible windshields will doubtlessly help to prevent facial lacerations," notes a recent study in *The American Journal of Surgery,* "but many of the more severe head and neck injuries resulting from contact with unseen objects and wires will continue to occur."

Basing these findings on reports of 155 snowmobile accidents, Portland, Maine, surgeons Raymond H. Dominici and Emerson H. Drake conclude: "The frequency of back injuries should decrease with better understanding of proper riding techniques and the realization that jumping is fraught with hazard. Safety chains on sled hitches, freezeproof throttles and brake cables, sturdier clutch and pulley covers, improved padding of the engine and forward parts, and enclosure of the rotating track are changes in product design which would improve the safety of snowmobiles."

Many who criticize the snowmobile or pinpoint its shortcomings readily acknowledge its usefulness as a recreational and service vehicle. "Snowmobiles have provided invaluable service in many areas of the country where deep snowfall presents an obstacle to travel," observe Doctors Chism and Soule. "Foresters, farmers, linemen, and others whose work carries them into areas far from plowed highways have found them extremely useful. Recently, two people, a young man with acute appendicitis and a woman in labor, were brought to hospitals from isolated farms via snowmobile."

The machines are versatile winter workhorses to ranchers and farmers in reaching broken fences and hauling feed to stranded cattle. The military uses snowmobiles to get to radar and radio equipment, and game wardens employ them for winter mobility in conservation areas. Wildlife researchers at the University of Minnesota used snowmobiles while studying moose habitats in north eastern Minnesota.

Nor has usefulness of the machines been confined to rural areas. In 1967, when some 26 inches of snow paralyzed Chicago for several days, snowmobiles shuttled workers to power plants and hospitals. Druggists used the vehicles to get medicine and supplies to snowed-in patients as hundreds of delivery trucks stalled in the heaviest snowfall in the city's history.

As a recreational conveyance, the snowmobile has opened for hundreds of thousands of Americans the doors to the feathery, white world of winter.

In hundreds of remote communities where the snow piles high and winter drags into April, the sport is becoming a new life style. The snowmobile is having an economic impact, too, with rallies and races bringing off-season revenue to communities that once lay dormant in winter.

In Maine's Acadia National Park, the old carriage roads built in the 1920's by John D. Rockefeller, Jr., have been opened to snowmobiling families who now have access to some of the state's most spectacular winter scenery. And in Minnesota more than 1000 miles of marked trails are available to snowmobiles.

It was 18° below zero and there were 42 inches of snow on the ground on the January weekend when two Minnesota conservation officials took their wives snowmobiling in a state park. "Wherever we went . . . ." relates assistant commissioner Robert H. Rygg, "we observed entire families and groups snowmobiling and enjoying the great outdoors in what had to be considered very severe conditions.

"These groups were scraping two feet of snow off picnic tables, using the summer outdoor grills that had been put there for picnickers, and entire families were sitting around picnic tables roasting hot dogs and cooking hamburgers . . . a few years past, this winter resource would have been a deserted facility. Well, I just think that this is what snowmobiling is all about and it should be encouraged," says Rygg.

Before the snowmobile era, the immense acreage of Yellowstone Park was locked in snow during winter. Now thousands of visitors pilot their machines deep into the park, penetrating areas where deer, elk, and other wildlife retreat.

Unfortunately, mechanized intrusion into winter's stillness doesn't bode well for wildlife. There are lamentable reports of wild animals being hounded to death by packs of snowmobiles.

A snowmobile "rodeo" in a small Minnesota community drew 5000 spectators to watch speeding riders compete for a $50 prize as they attempted to catch foxes by hand or with fishnets. A promoter said the event was held to build the town's image and provide "entertainment for local children."

The rules were strict—any foxes caught were to be released unharmed, and anyone who accidentally ran over a fox would be disqualified and forfeit the $5 entry fee!

"Residents of northern Wisconsin have complained of snowmobilers buzzing around the countryside," says Carroll D. Besadny, of the Wisconsin Department of Natural Resources. "They harass wildlife, chasing animals and running them down. And since the use of snowmobiles will get hunters into remote areas that heretofore have not been traveled, this could create depletion problems with some of our game species."

Already, the effects of overkill may be showing up. Farmers in Alberta, Canada, recently have been plagued with unusually large hordes of grain-eating mice and gophers. Now, there appears to be a correlation between burgeoning populations of rodents and the booming snowmobile sport of coyote hunting. Simply, the latter creatures eat large quantities of the former.

"Ecologically, this is true no matter how you take predators out of the picture," observes Fred Evenden, Ph.D., executive secretary of The Wildlife Society. "Whether it's hunting by airplane or poisoning campaigns, when you remove too many of the one kind of animal, those who have been their prey have the opportunity to expand their populations rather rapidly. This then has its chain reaction."

Most snowmobilers are innocent of such games. Unfortunately, it may be just as lethal to alarm wildlife innocently. "Probably, most harassment is done unthinkingly," says Ed Chaney of the National Wildlife Federation, "by people trying to take photographs or observe aniamls up close. They don't realize, however, that the animals are often left exhausted and far from their normal feeding grounds. Many may die on the spot, while others merely struggle away in a weakened condition to die later."

An editorial in the Federation's newsletter points out that "it's possible for one snowmobiler to kill a hundred deer by harassment—and not even know it."

Wintering animals are weak and vulnerable, points out Stewart M. Brandborg, executive director of The Wilderness Society. "They are contending with excessive depths of snow and low temperatures," he explains, "and they are placing a great demand upon their systems just to survive. If people are allowed, without restrictions, to drive snowmobiles through areas where these animals concentrate, it causes a lot of movement, a lot of stress, and it could be a serious factor in draining a lot of energy and result in the decimation of these herds."

Advocating careful planning and zoning to ensure wilderness areas are accessible only by foot, canoe, horseback, or other primitive means, Brandborg emphasizes that snowmobilers be told those areas where they *can* travel rather than those where they cannot. The objection to the latter premise, he points out, "is the assumption that everything else is open. This is an important distinction."

More planning is needed, federal conservationist Richard Griffith says: "Trails must be developed with snowmobile recreation in mind and located so as to avoid areas of wildlife concentration and to avoid areas where there could be damage to shrub and tree growth." There have been quite a number of instances of serious damage to forest plantations.

"State and federal agencies are not acting fast enough," says Griffith, who is director of the northeast region of the Bureau of Sports Fisheries and Wildlife. "If the agencies which have the responsibility for planning and regulating snowmobile use were ahead of the pressure for places to use them, we wouldn't have problems to the extent we have them today.

Griffith also points to the need to regulate snowmobile activity near communities located on the fringe of the back country. One New England villager describes the nocturnal invasion of a cross-country snowmobile caravan as a "concert of chain saws" interrupting his sleep. "These intrusions have been so objectionable," says Griffith, "that some communities have prohibited the use of snowmobiles within corporate limits."

The industry is attempting to show some initiative in defining and solving certain of these problems. A leading manufacturer, Arctic Enterprises, Inc., announced a grant of $10,300 to the University of Minnesota Department of Zoology to finance a research project on the effect of snowmobiles on the winter ecology.

Also, the industry in general is working toward a quieter machine. Beginning this year, Minnesota has set a noise level on snowmobiles of 86 decibels in the A scale at 50 feet. "This conforms to the California motor vehicle code," says ISIA's Jack Hoene, "which is the strictest."

In one man's view, at least, the fast-growing sport has wider implications. The comments of Ralph A. MacMullan, director of Michigan's Department of Natural Resources, sum up the snowmobile scene: "They're so easy to make, and we have so many of them, available to so many people, and they're so much fun, that we end up with a now-familiar conflict—too much human use of a piece of land."

[From the Washington Post, Mar. 11, 1971]

Winter Joy Rides

The snowmobile we are hearing so much about lately is almost exclusively a recreation vehicle, usually built for two. It is propelled by an endless rubber belt and steered by handlebars attached to two short skis at the front. Its engine ranges from nine horsepower to as much as 80 horsepower, which makes it suitable for hill-climbing, load-hauling and racing at speeds of up to 80 miles per hour. It costs between $60 and $2,500 and is, as a colleague who recently took his family snowmobiling in Yellowstone National Park assures us, a great deal of fun. "It was a thrilling experience," he said, "to be able to show our six-year-old the winter wildlife out there. Six-year-olds just never got that close to winter wonders before." He also pointed out that snowmobiles are a great help to rangers, foresters and scientists who, before the vehicles made their commercial debut a decade or so ago, did not get much closer to deeply snowed-in nature than his young child did. They have also helped save lives.

But remote, snowed-in nature is also in danger of being snowed under by snowmobiles. There are 1.5 million of them, mostly, of course, in what the Department of Agriculture calls the "snowbelt," parts of 15 states and Canadian provinces that are covered by more than one inch of snow for more than 80 days each year. Some snowmobiles are misused. Racing is popular. There have been deaths and injuries due to reckless operations. They have led to destruction of property and vandalism. People have used snowmobiles for the cruel sport of deliberately running over animals and harassing herds of elk and deer. There has been damage to young trees and seedlings, particularly in nurseries. And the noise of snowmobiles, similar to the grating whine of chain saws, is fearsome.

Controls are in order. As to noise, industry representatives admit that the machines could be half as noisy at little extra cost, but they claim, as one of them put it, that "the American male just doesn't want a quiet snowmobile." To preserve the sanity of those Americans, male or female, who do, we urgently need federal noise standards and their strict enforcement.

We also urge both state and federal agencies to sort out true outdoor recreation and motorized fun. Some states have begun to do just that by building special trails for snowmobiles and their summer cousins, the trail bikes, but banning them from state parks and forests. They must also be banned from special fish and wildlife habitats. It costs money, of course, to build those special trails and to enforce the necessary laws and regulations. We think it only fair, as the Conservation Foundation suggests, that the recreational vehicle users pay these costs in the form of registration fees and a federal excise or luxury tax on their vehicles. As one Vermont forester said, we simply must provide "some place on God's green earth for man to spend some time without hearing a damned motor."

[From the Milwaukee Journal, Dec. 31, 1970]

Snowmobiles and Wildlife

As snowmobile manufacturing nears the million a year mark, evidence grows that the sputtering machine brings many troubles, and only a few gains, for wildlife.

A Maine hunting guide is reported by Congressional Quarterly as seeing a "wild look of terror" in the eyes of woods animals. Beaver trapping got a spurt in that state since trappers can speed from one set of traps to another. Bobcats are being threatened since they can be tracked faster.

In Quebec, however, the deer bag dropped from 12,400 to 4,000 in five years, the major cause being noise pollution from snowmobiles, which sent the deer scampering to escape.

Wisconsin wisely banned carrying of loaded guns and even strung bows on snowmobiles. It has outlawed driving bear and deer with snowmobiles, a sport as mean as shining deer with auto lights. Proposals for new snowmobile regulations should broaden protection of wildlife wherever possible. That includes destruction of habitat.

[From the Minneapolis Tribune, Nov. 23, 1970]

Impact of Snowmobiles

Bursting upon the national scene with multi-million-dollar advertising campaigns and strenous promotion, the snowmobile seems destined to join the roster of indispensable aids to better living.

Little if anything has been heard about emission control attachments. Most of the promotion seems devoted to leaping over snowdrifts, tearing through otherwise peaceful winter landscapes and the apparently inevitable horsepower race.

But only now are studies being made of the implications to the environment of this latest feat of technology. Just recently the Minnesota Conservation Department commissioned a study of the effects of widespread snowmobiling on the general physical environment of outdoor areas.

What happens if the conclusions are that drastic changes should be made in the machine to satisfy accepted environmental norms?

Suppose the engine were found unacceptable. Would all the patterns of a booming new industry be altered, probably at a cost of many millions? Not without comprehensive legislation by a Congress that would be under severe pressures to maintain the status quo.

The mind boggles at the kind of lobbying that would be done by sport clubs, dealer associations, unions, manufacturers, suppliers and local industrial development organizations, to name a few.

While the snowmobile problems are peanuts beside those of the automobile industry—which has put 100 million cars on U.S. roads—they are parallel.

Just now, with all the enormous problems posed for the country by automobiles and their effects on environment, a whole new, virtually identical vested interest has appeared, flourished and entrenched itself, apparently with no effort to head off or answer the kind of criticism that has poured in on the automobile industry.

SUN VALLEY, IDAHO,
March 3, 1971.

Hon. ALAN BIBLE,
Senate Office Building,
Washington, D.C.

SIR: The last issue of Life Magazine ran a short cover story on snowmobilers. It was not very comprehensive and more than a report on the subject probably its purpose was to test public opinion. Enclosed is a copy of my letter to the editor.

I was pleased to learn of your concern regarding the lack of snowmobile control on our public lands. Living within the Sawtooth National Forest on private land seven miles north of Ketchum, places us in close contact with the issue. More distressing than my personal distaste for these machines is the invasion of and disregard for wildlife habitat. Even those who might practice restraint have no control over how the noise and group penetration effects wildlife wintering areas. In coverage of a Wildlife Interagency meeting by the Post-Register, Idaho Falls, February 18, 1971, a discussion with two Bureau of Land Management representatives was reported: "We observed a group of snowmobilers in the Afton area who ran a herd of elk for four miles without even knowing it. The animals would not tolerate the noise of the machines and kept at least a half mile between themselves and the snowmobilers. This movement when the animals are in a weakened condition can cause an imbalance in their blood sugar which leads to shock and death after a few days."

The same people who purposely chase wildlife for fun or just curiosity complain of the increasing scarcity of game in the fall. One local man who spoke against the establishment of a Sawtooth National Park at the hearing before the Subcommittee on National Parks and Recreation in Sun Valley gave as part of his testimony a lack of cooperation between park officials and snowmobilers: "When you call the park for information you either get the run around or just out and out lies. Like they did to me when I called about the snow conditions in the park (Yellowstone) last winter they said that there was not enough snow to ride the snow machines. I went there the same weekend and found there was over 3 feet of snow." This same man incidentally in a conversation with my husband just before the hearing said, "The deer and elk are only going to last for another ten years anyway so why don't they let us enjoy it (hunting), we don't want a park!" Hunters and snowmobilers were strong and frequent opponents of the park. Rather then save and protect the area they would use it up.

I have observed groups of snowmobilers on their way into the forest with rifles slung across their backs. I would like to insert here a little incident which happened one morning early this winter. Before driving to work I took a short run on my skis down to the river just in back of our house. Across the Wood River is Forest Service owned land. I was stopped in my tracks just short of the river by a chorus of coyote pups. It was a most beautiful song echoing from the mountains across the river and floating down to me through the frosty aspen trees. Not long after that a family of four with four snowmobiles moved into their new house across the Wood River. Of course I have not heard the coyotes since and I wonder if they were able to find another warm den so late in the season or if they were killed by people in one of the many snowmobile parties held by our neighbors at any hour of the day or night.

In Idaho there are no snowmobile restrictions or regulations other than prohibited state highway travel. The Forest service advises safety precautions and warns of dangerous slide areas and wishes everyone happy snowmobiling. Of the three Forest Service tape recordings broadcasted daily on our local radio station not one mentions rules for back country travel regarding wildlife.

There is an urgency for Federal Legislation controlling snowmobile travel in our National Parks and Forests, and there is no doubt that it would be a challenging task. However, you would have the support of thousands of concerned individuals and all of the conservation organizations who would most certainly take an active part in the issue.

Yours very sincerely,

PAT BARTHOLOMEW.

P.S.—If you are concerned enough to finish this letter after the first three paragraphs, I know you are concerned enough to push for legislation.

BUFFALO, N.Y.,
March 2, 1971.

Senator ALAN BIBLE,
Senate Office Building, Washington, D.C.

DEAR SENATOR: I am writing to commend you for your concern about the overabundance of snowmobiles in our wilderness areas. I ask you to continue to probe the subject with the possible result being a bill forbidding them in areas designated as wilderness.

Many thanks,

DONALD G. LINDMARK, Ph.D.

BELOIT, WIS.,
March 1, 1971.

Senator ALAN BIBLE,
U.S. Senate, Washington, D.C.

DEAR SENATOR BIBLE: We understand that you are concerned with the problem of noise pollution and animal harassment by snowmobiles. The Wisconsin Department of Natural Resources now considers this the leading conservation problem in the state, and we personally are very concerned. If you could secured passage of a bill to ban the use of snowmobiles on Federal forest and recreation lands, with a deterrent penalty, it would greatly alleviate a serious threat to our environment. It would also aid action by the states, which by themselves will face the lobby of a powerful new industry. We would be happy to do whatever we could to support such a bill.

Yours truly,

Mr. and Mrs. PHILIP D. STRAFFIN, Jr.

CAMBRIDGE, MASS.,
March 11, 1971.

Hon. ALAN BIBLE,
Senator of the United States,
Washington, D.C.

DEAR SIR: The use of snowmobiles is beginning to become a noticeable hazard to the well-being of the "wilderness" of the United States and the animals which naturally live there. Just the presence of a snowmobile naturally detracts from the ideals of a wilderness (e.g., see the present serial of "Mark Trail").

Likewise, there is no question that the use of snowmobiles is disrupting the life-system of many wild animals and making the hunting of certain species (e.g., caribou—see *Outdoor Life*, January 1971) akin to the methods used to slaughter bison when the railroad first spanned the continent.

It has come to my attention (thru Friends of the Earth, of which I am a member) that you are contemplating introducing legislation to set some limits on the use of snowmobiles on public grounds. May I express my hearty favor toward any such action; and you can depend on me to contact my representatives to back such a bill as soon as I learn of it. Also, if possible, it would be wonderful if such legislation could include clauses to limit the similar use of motorcycles when the land is not snowbound. The same reasoning, of course, applies.

Thank you very much for taking the time to listen.

Yours in service,

MR. AVI ORNSTEIN.

NEW RICHMOND, WIS.,
March 8, 1971.

Senator ALAN BIBLE,
Chairman, Subcommittee on National Parks and Recreation, Senate Office Building, Washington, D.C.

DEAR SENATOR BIBLE: I encourage you to probe the use of snowmobiles, motor bikes, motor scooters and other all terrain vehicles on lands managed by the National Park Service, Forest Service and the Bureau of Land Management.

Some of the results trouble me and my neighbors. We see a number of serious consequences:

A. Noise condemnation of wild lands.

B. Harassment of wildlife during very trying times of survival and the breeding season for many species.

C. Establishing a precedent for motor vehicles in lands designed as wilderness.

These machines have no place in the wilderness. Yet we have noticed very lax regulation of their use and in fact encouragement by those agencies mentioned above.

My concern has been conveyed to both my state and national representatives. I have enclosed copies of my letter of January 13, 1971 and their replies.

After seeing the farce issued by the Bureau of Land Management over the trans-Alaskan pipeline I have lost much faith in this organization's ability to manage anything much less this vast wilderness. They appear to need congressional help in managing their affairs and our wilderness.

M. A. KEYES.

DRUG ABUSE EDUCATION

Mr. HUGHES. Mr. President, the National Coordinating Council for Drug Abuse Education and Information is a private, nonprofit organization working to combat drug abuse through education and information. It coordinates the drug abuse programs of nearly 100 national organizations and 26 State affiliates, representing a wide range of interests, age groups, and ideology. In addition, it plans workshops and symposiums and publishes a wide variety of educational materials.

The council's most recent publication, "Drug Abuse Films," will be of great interest to public officials and educators at all levels. It consists of evaluations of films and other audiovisual materials dealing with drug education. The project was carried out under contract with the National Institute of Mental Health.

Obviously there has been a great need for this kind of a study. If schools and communities are going to conduct meaningful drug abuse programs, it is absolutely essential that they have access to well developed guides for selecting the materials they choose to use.

I bring this new publication to the attention of Senators and ask unanimous consent that the council's news release explaining the new publication and the publication itself be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

DRUG ABUSE FILMS RATED SCIENTIFICALLY UNACCEPTABLE

WASHINGTON, D.C.—Thirty-six drug abuse education films and audiovisual programs, many of them in wide circulation and use in public schools and drug education programs, have been classified "scientifically unacceptable" by an evaluation of the National Coordinating Council on Drug Abuse Education and Information. The Council today released Drug Abuse Films, a 46-page review of nearly 100 titles of drug education films, filmstrips, slides, records and transparencies.

Peter Hammond, the Council's Executive Director, said the review is designed to provide guidelines for the use of drug education films. "It is not meant to be the final word promoting some films or discounting others. Rather, we hope the evaluation will be a starting point for continued evaluation of these and other drug education materials."

He added, however, that drug "educators," in and out of schools, should "think twice" before using any films. "Misinformation, a characteristic of many drug films, does more harm than good."

The drug audiovisuals were first viewed for their accuracy by a nationally recognized panel which included psychiatrist Jerome Jaffe, Director of the Illinois Drug Abuse Program; Helen Nowlis, Chairman of the National Action Committee for Drug Education, a psychologist; and George Griffenhagen, a pharmacist who is Associate Executive Director for Communications of the American Pharmaceutical Association. This panel looked for misstatements of fact, distortion of scientific data, inaccurate portrayals of drugs and their effects and misleading innuendoes. Determining the scentific acceptability of the audiovisuals required hours of viewing, writing and discussion. It was a difficult task for the panel because most films contain some errors, and they had to determine at what point the number and kind of errors made the audiovisuals, in their opinion, potentially more harmful than educational.

If the material was considered scientifically acceptable, it was then viewed by a "communications" panel composed of twenty persons, including Peter Fonda, William F. Buckley, Jr., and Judith Crist. This panel met in groups of eight to ten to examine the central message of each audiovisual and to consider how effectively the message is conveyed. The communications panel reviewed such important aspects as each film's value as a learning tool, its credibility, its timeliness and its potential to educate, to persuade, or to entertain. The communications panel intentionally represents a variety of ages, vocations, geographic locales and attitudes toward drug use, in order to give a well-balanced perspective to the evaluation.

In addition to the panel reviews, DRUG ABUSE FILMS presents a summary of the content of each title, rental and purchase information, and details on length and year produced. The audiovisuals reviewed were produced commercially by the Federal Government and by industry as a public service. Copies of the evaluation are available from the Council for $2.00.

The National Coordinating Council began the evaluation early in 1970 under a contract from the National Institute of Mental Health. Work was completed last September. The NIMH contract has been extended for an additional year during which recently-completed drug films will be reviewed.

The Council is a private nonprofit organization which coordinates the drug education activities of its 97 national members.

DRUG ABUSE FILMS

This evaluation of films and other audiovisuals related to drug education was performed by the National Coordinating Council on Drug Abuse Education and Information, Inc. under contract #HSM-42-70-26 to the National Institute of Mental Health.

Peter G. Hammond, Executive Director of the National Coordinating Council, was Project Director. Gayle Krughoff, Assistant Director for Program Development, supervised the preparation of this book.

For NIMH, Gerald N. Kurtz served as Project Officer, Tommas J. Koehler as Associate Project Officer, and Jean McMillen as Assistant Project Officer.

This evaluation represents hours of viewing, discussing and writing on the part of the panelists whose names appear on page vi.

The National Coordinating Council on Drug Abuse Education and Information, Inc., is a private, non-profit organization working to combat drug abuse through education and information. Its membership includes more than 90 national governmental, professional, educational, law enforcement, service, religious and youth organizations, and 26 states affiliations.

Publication of this evaluation does not in any way imply or constitute an endorsement by the National Institute of Mental Health.

This report classifies films and audiovisuals "scientifically unacceptable." From the very first time that the scientific review panel met, it became obvious than many of the materials reviewed fell into a "gray area" as pointed out in the introduction—namely, "their task was difficult because it is not easy to establish degrees of 'wrongness.' The final comments of this panel illustrate the point."

While the scientific review panel agreed unanimously on each of the scientific inaccuracies set forth in their report (and all of the materials reviewed had some faults in the opinion of the panel), the classification of any film or audiovisual as either scientifically acceptable or scientifically unacceptable became a value judgment. The decision to classify the materals as either scientifically acceptable or scientifically unacceptable was not always an unanimous decision of the scientific advisory panel. The decision was reached by a majority of the panel.

Readers are reminded of the statement made in the introduction about the utilization of the materials which were thus classified as scientifically unacceptable. "Although these items demonstrate how not to present drug information, they may have use . . . Some can be effectively used as a springboard for discussions when viewers are made aware of their scientific inaccuracies."

This report classifies films and audiovisual materials as "scientifically acceptable" or "scientifically unacceptable." From the very first time that the scientific review panel met, it became obvious that many of the materials reviewed fell into a "gray area" as pointed out in the introduction—namely, "their task was difficult because it is not easy to establish degrees of 'wrongness.' The final comments of this panel illustrate the point."

While the scientific review panel agreed unanimously on each of the scientific inaccuracies set forth in their report (and all of the materials reviewed had some faults in the opinion of the panel), the classification of any film or audiovisual as either scientifically acceptable or scientifically unacceptable became a value judgment. The decision to classify the materials as either scientifically acceptable or scientifically unacceptable was not always a unanimous decision of the scientific advisory panel. The decision was reached by a majority of the panel.

Readers are reminded of the statements made in the introduction about the utilization of the materials which were thus classified as scientifically unacceptable. "Although these items demonstrate how not to present drug information, they may have use . . . Some can be effectively used as a springboard for discussions when viewers are made aware of their scientific inaccuracies."

INTRODUCTION

The recent growth and awareness of the problems of drug use and drug dependence have seriously affected the lives of millions. The production and use of films, filmstrips and other audiovisuals about drug abuse have proliferated within the past few years to fill the void of information on this sensitive topic. The quality of these materials ranges from very good to very bad (including materials which are clearly inaccurate). Unfortunately, few people are equipped with either the standards or the ability to judge which of the materials are good. Too often, the use of drug education audiovisuals means more misinformation than education, more misunderstanding than insight.

To meet the need for objective criticism of the flood of drug audiovisuals, the National Institute of Mental Health contracted with the National Coordinating Council on Drug Abuse Education and Information, Inc. to describe and review a large number of extant materials. This film evaluation contract with NIMH, a Federal agency with major responsibility for research and education efforts related to drugs, reflects the urgent need for more than the traditional cursory screening of films before they are integrated into drug education programs.

PROCEDURE

In performing this contract, the Council used two screening procedures. First, the audiovisuals were viewed by a "scientific review" panel concerned with the scientific accuracy of the material. This panel looked for misstatements of fact, distortions of scientific data, inaccurate portrayals of drugs and their effects, misleading innuendoes. If the material was scientifically acceptable, it was then viewed by a "communications" panel which evaluated the effectiveness of the audiovisual as a communications tool. The communications panel examined the material's central message and considered how effectively the message was conveyed. The panelists reviewed such important aspects as the item's value as a learning tool, its credibility, its timeliness, and its potential to educate, to persuade, to entertain. This panel also indicated appropriate target audiences for each of the audiovisuals.

The scientific review panel included a pharmacist, a psychiatrist, and a psychologist, all with extensive experience in some area of drug education. The communications panel represented a variety of ages, vocations, geographic locales, and attitudes toward drug use. Some of the communications panelists brought with them an expertise in education; others were sophisticated in the field of the film media, or had a "communications" background. Some were knowledgeable about drugs; others were not. The intentional variety gave this panel a well-rounded perspective.

USING THE RESULTS

As you read these evaluations, keep the following facts in mind. The scientific review panel was concerned only with the accuracy of the material. Their task was difficult because it is not easy to establish degrees of "wrongness." The final comments of this panel illustrate the point. Many of the reports label materials "scientifically accurate," and then proceed to list the inaccuracies. Generally, the panel evaluated the "accuracy" of each item on the basis of the relative absence of direct misstatements about drugs or drug effects.

A word might be said about possible utilization of the materials which are not acceptable on the basis of scientific data. Although these items demonstrate how not to present drug information, they may have use. Some have historical value. Others can be effectively used as a springboard for discussions when viewers are made aware of their scientific inaccuracies. A few contain valuable sections which can be used without showing the entire item.

The communications panel was concerned only with the effectiveness of the material presented. Determining a film's potential effectiveness, usually, was a more subjective task than determining its scientific accuracy. While the scientific review panel could utilize some objective criteria, the communications panel dealt with characteristics harder to pinpoint. The materials are not rated with a "poor," "good," or "excellent." Rather, the observations of the communications panel of the strong and weak points of the audiovisuals serve as a guideline as to which of the materials have the potential for "excellence." A very good film can be misused, just as a poor film, even one with misinformation, can be used to advantage. The evaluation process should not stop with these printed pages.

SUGGESTIONS FOR USING AUDIOVISUALS

There is no single best way to show a film or filmstrip, but these suggestions apply to using many audiovisuals.

Previewing is an essential first step. Preview with the specific viewers in mind—their age, their interests, their environment. Black, low-income high school students probably won't get excited watching middle-class white teenagers tell why they stopped using drugs.

Know what is expected from a particular film. The messages of drug audiovisuals vary greatly. If a film's theme (the life of a heroin addict is tragic) doesn't fit the audience needs (to review the extent of drug use in this country), don't use the film. The wrong film, like a bad film, can be worse than no film.

Experiment with audiovisuals: Let students preview films. Ask for audience evaluations. Use portions of audiovisuals. Combine different items. Part of a filmstrip, for example, may be effectively shown with segments of a film or a record.

Expect questions, and if possible, have professional help available to answer the questions.

SOME DETAILS

For the reader's convenience, films have been separated from other audiovisuals, which includes filmstrips, slides, records, and transparencies. The comments of the communications panelists, listed under "General Evaluation," will not be found in the reviews of materials considered scientifically unacceptable since the communications panel did not view most of those materials (see "Procedure," above).

The "audience" indicated for each audiovisual lists the age groups, in chronological order, for which the materials are best suited. The guidelines for ages and school grades follow:

Ages and grades:
Elementary, 6–8, 1, 2, 3.
Intermediate, 9–11, 4, 5, 6.
Junior high, 12–14, 7, 8, 9.
Senior high, 15–18, 10, 11, 12.
College, 19–22.
Adult.

In some cases an ethnic group, economic level or a specific professional group is also indicated after "audience" when such is particularly appropriate. These audience suggestions are not exclusive. If a film is designed for junior high students, this does not mean that parents too could not benefit from viewing.

The evaluation of drug-related audiovisuals will continue by the National Coordinating Council under contract to the National Institute of Mental Health. Results will be published on a quarterly basis.

The National Coordinating Council would appreciate responses from readers who have used this evaluation. Your comments and suggestions will help us in our continuing evaluation.

THE PANELISTS

Scientific Review Panel

George B. Griffenhagen, R.Ph., M.S., Associate Executive Director for Communications, the American Pharmaceutical Association, and editor of the APhA Journal.

Jerome H. Jaffe, M.D., Director of the Illinois Drug Abuse Program and Associate Professor of Psychiatry at the University of Chicago.

Helen H. Nowlis, Ph. I., Research Consultant for Student Affairs at the University of Rochester in New York and Chairman of the National Action Committee for Drug Education.

Communications Panel

Howard Appelbaum, a junior at Northwood High School, Silver Spring, Maryland.

William F. Buckley, Jr., Editor-in-Chief of the *National Review*, a syndicated columnist, and host of the weekly political television show, "Firing Line."

Judith Crist, film critic for *New York* magazine and *TV Guide*, and film and theater critic for the NBC "Today" show.

Ned Doyle, retired co-founder of Doyle Dane Bernbach, Inc., Advertising in New York City.

Peter Fonda, co-producer, actor and scenarist of the film "Easy Rider" and partner in Pando Corporation, a film production company.

Basil Gaar, Coordinator of Instructional Services at the Southeastern Materials Center, University of South Florida, Tampa, Florida.

Michele Gabbay, a teacher of psychology to residents of the Arthur Kill Rehabilitation Center, Staten Island, New York.

Colden Garland, Associate Professor at the State University College, Brockport, New York.

Clarence Giarrusso, Superintendent of Police, New Orleans Police Department.

Sue Gump, a Kansas State University senior majoring in English and journalism.

Robert Habenicht, a lawyer and Director of Trade Relations of the A.H. Robins Company, Richmond, Virginia.

Juan Ibarra, Jr., Chief Consultant in the Division of Administrative Services of the Texas Education Agency in Austin.

Virgil Keels, a former drug user who spent over 20 years in penal institutions; now Program Consultant at the National Coordinating Council.

Robert Leo, Ph.D., specialist in persuasion theory, and Assistant to the Chancellor of the Dallas County Junior College District in Dallas, Texas.

Leon Lessinger, Ph.D., Callaway Professor of Education at Georgia State University in Atlanta; former Associate U.S. Commissioner for Elementary and Secondary Education.

John R. Mathiason, Assistant Professor of Communications, University of Washington, Seattle.

Louis V. Morelli, Supervisor of Health and Physical Education of the Broward County Public Schools, Fort Lauderdale, Florida.

Ruth Neumann, teacher of health education at White Bear Senior High School in White Bear Lake, Minnesota.

Thomas Price, Ph.D., Director, Department of Alcohol Problems and Drug Abuse, the United Methodist Church.

Paul Walsh, Ph.D., Vice President of Educational Assistance and Development Corporation.

The evaluations in this book are syntheses of the views of these panelists. As such, they are not intended to constitute any endorsement or condemnation of the audiovisuals by the Federal government.

[Films Rate "Scientifically Acceptable"]

ANYTHING FOR KICKS

Year: 1969.

Audience: Sr. high, adults; suburban.

Producer: Design Center.

Source: National Audiovisual Center (GSA), Washington, D.C. 20409 (Attn: Distribution Branch for rental; Sales Branch for purchase).

Rental: Free.

Purchase: $37.25.

Details: 11 minutes, color, 16 mm., sound.

Synopsis.—A teenage couple recall their experiences with marijuana and then heroin. Their lift style gradually disintegrates until they "end up with nothing." The narrator says the story is real, only the names have been changed. The final scenes portray communications efforts between a neighborhood group of parents and teenagers in a Northern Virginia home.

This film-a-graph (converted from slides) shows all still scenes. Non-professional actors are used. Some of the scenes duplicate frames in the filmstrip "You Gotta Even Open Your Eyes."

General evaluation of the film.—The film could be used effectively in situations involving discussions between parents and teenagers since it looks at the communication problems which exist between the generations. The film points out some of the common arguments of parents and young drug users. It also illustrates that the effects of drug abuse are not limited to the abusers, but are experienced by parents and friends. The setting for many of the scenes is realistic, particularly the scenes of the suburban group discussions. The photography is excellent.

The film lacks unity to correlate the comments from the couple and the later discussions involving the parents. The fact that the film does not "answer questions" about the drug problem will be an advantage or disadvantage depending on its use.

Evaluation of scientific accuracy.—The film is scientifically acceptable with the exception that a clear distinction is not made between use of drugs and addiction to drugs.

BEYOND LSD

Year: 1968.

Audience: Parents and their teenagers; suburban.

Producer: Paul Burnford Productions.

Source: Bailey-Film Associates, 11559 Santa Monica Blvd., Los Angeles, California 90025.

Rental: $20.00.

Purchase: $300.00.

Details: 25 minutes, color, 16 mm., sound.

Synopsis.—The film dramatizes a medical doctor's discussions with neighborhood parents who are concerned that their teenagers' long hair, dress and music styles indicate an involvement with LSD. The physician says the parents are victims of alarmist reactions and urges them to "cool down" and channel their concern towards listening to, and communicating with, their children. In a film clip shown to the parents, J. Thomas Ungerleider, Professor of Psychiatry at the University of California at Los Angeles, relates the problem of LSD use to the communications gap which he says encourages teenagers to turn to drugs for help with their problems. He reinforces the message that understanding can bridge the generation gap by saying that LSD also stands for "Let's Simmer Down."

General evaluation of the film.—The film puts a good emphasis on the need for parents to improve communications with teenagers. The problem of the generation gap is approached in a fair and honest manner, and valid solutions are suggested to overcome the lack of communication and trust between parents and their children. The narrator and the neighborhood physician, by emphasizing the need for a non-hysterical approach to understanding why people take drugs, add credibility. The film's opening technique, which uses filmclips that conjure up association with LSD use, draws audience interest.

The portrayal of the parents is staged and exaggerated, making their roles unrealistic and unconvincing. Portions of the film are overly preachy and condescending. Parents and their teenage children should view the film together to stimulate communication.

Evaluation of scientific accuracy.—The film is scientifically acceptable; however, several references require further qualification if they are not to mislead. A statement about LSD possibly affecting unborn children needs clarification that no link between LSD use and chromosome damage has yet been conclusively documented. Calling LSD a "tragic illusion" ignores therapeutic uses of LSD and implies that no pleasure can be gotten from LSD.

The film places a valid emphasis on the need for "really" listening to youth and not overacting to drug use. Dr. Ungerleider's stress on drug use as a symptom of a complicated problem rather than the problem itself is noteworthy.

THE CIRCLE

Year: 1967.

Audience: Sr. high, college, adult; professionals.

Producer: National Film Board of Canada.

Source: McGraw-Hill Films, Hightstown, New Jersey 08520.

Rental: $25.00.

Purchase: $350.00.

Details: In 2 parts, 57 minutes, black/white, 16 mm., sound.

Synopsis.—This film portrays the rehabilitation process of drug addicts at Daytop Village by focusing on one individual. Don, from his first day at Daytop to the time when he is ready to leave. Don gradually adjusts to Daytop's communal work and living patterns, but resists the attempts of other residents to force reactions from him in verbal encounter sessions. Various experiences with other addicts and the Daytop technique, which concentrates on self-help for addicts through group therapy, bring Don to a point where he is better prepared to face society outside of Daytop's confines, without the aid of drugs.

The film deletes profanity from the encounter sessions.

General evaluation of the film.—The film realistically presents information on one type of rehabilitation method by concentrating on one individual in a thorough, convincing manner. The intense, personal nature of the group therapy involves the viewer, enabling him to understand the Daytop treatment.

Films

At times the film is not credible. Some of the encounter sessions seem staged. The film is too long and audience interest may be lost before the story is fully developed.

Evaluation of scientific accuracy.—The content of the film is scientifically acceptable as a description of one type of therapeutic approach to heroin addiction. Because it concentrates on one rehabilitation approach only, the film inadvertently could imply that other techniques, such as those which use medication or professional help, either do not exist or are inferior. It should be explained to viewers that other similar therapeutic communities and other treatment approaches to addiction exist.

A DAY IN THE DEATH OF DONNY B.

Year: 1970.

Audience: Intermediate students through adults; inner city.

Producer: Office of Communications, NIMH.

Source: National Audiovisual Center (GSA), Washington, D.C. 20409 (Attn: Distribution Branch for rental; Sales Branch for purchase).

Rental: Free.

Purchase: $27.00.

Details: 14 minutes, black/white, 16 mm., sound.

Synopsis.—The film portrays what could be a typical day in the life of a heroin addict in a ghetto slum. Donny, a young Black, wanders through the neighborhood, oblivious to the sordid surroundings, looking only for means to support his heroin habit. He attempts to obtain money by begging from friends and strangers, by stealing, and by gambling, and finally is able to buy a heroin fix. Donny's appearance, the ways he tries to get money, and the amount of money he finally spends for heroin reveal that he is not a veteran drug user; there will be other "days" in Donny's death. The final scene shows him staggering off to the lyrics of the theme song, "Goodbye Donny. . . ." Scenes of Donny are interspersed with comments by friends, Donny's mother, a policeman, a mortician, and others who are familiar with the problems of addiction.

General evaluation of the film.—The film conveys the "living death" aspects of heroin addiction and the lack of society's concern which often accompanies addiction in the ghetto. One of the strongest effects of its message is the indifference exhibited by Donny's neighbors, who, surrounded by their squalor and despair, barely notice Donny's presence. The background music and theme song, the black and white photography which accentuates the bleakness of the slum setting, and the effective portrayal of the character Donny, also add to the film's quality. Because all Black subjects are used, this film is particularly suitable for Black audiences; however, it could be shown effectively to other audiences as well.

If the film related more of Donny's background, a stronger case would be made for society's role in drug addiction. The narration does not provide much useful information and, at times, presents confusing information on drug effects.

Evaluation of Scientific accurracy.—The data in the film is scientifically acceptable; however, it presents several inaccurate portrayals of drug effects. The film tends to attribute Donny's "death" solely to a drug, ignoring any explicit discussion of the social factors in his life which, in all probability, led him to drug use. Donny's stumbling walk and lack of coordination are more appropriate for a drunk than for a heroin addict and might confuse a lay audience which is unfamiliar with addiction. The film's tone in general, which implies that all users end up either "dead or in jail" and that no help is available for heroin addicts, is negative.

THE DISTANT DRUMMER

Year: 1968.

Audience: Sr. high, college, adult; suburban.

Producer: Office of Communications, NIMH.

Source: National Audiovisual Center (GSA), Washington, D.C. 20409 (Attn: Distribution Branch for rental; Sales Branch for purchase).

Rental: Free.

Purchase: $153.00.

Details: 45 minutes, color, 16 mm., sound.

Synopsis.—Paul Newman narrates this edited version of two shorter films, "Flowers of Darkness" and "The Movable Scene." Beginning with a historical perspective of the origin of opium, the film discusses opium's refinement to a morphine base and to heroin. It traces the import route of heroin from the Far East to Mexico and the United States, along with the accompanying price rise. Several rehabilitation techniques are briefly discussed against a review of Federal rehabilitation laws. The film focuses on the use of drugs by young, rebellious, middle-class Americans. Spontaneous interviews with drug users depict the drug scene in San Francisco, New Orleans and New York, as well as in several foreign cities.

The sound quality of some of the interviews is poor.

General evaluation of the film.—The film presents an entertaining overview of drug information, both historical and current, and offers viewers an understanding of the drug culture among middle-class young people. Within this segment, a good representation is given to a variety of users, including some adults. The film is objective and does not explicitly moralize about drug use.

The film covers too broad an information scope; any central theme is thereby weakened.

Evaluation of scientific accuracy.—The film is scientifically acceptable; however, its information is overgeneralized. The explanation of morphine's conversion to heroin is vague. The narration mistakenly attributes the discovery of heroin to the year 1898, which is actually the accepted date for heroin's first medical use. An emphasis on the "international beatnik" set ignores the majority of drug users. The narration tends to equate Hippies with addiction. In its review of rehabilitation laws, the film mistakenly implies that the Harrison Act of 1914 makes addiction a willful, criminal act; more correctly, it is later interpretations of the Bureau of Narcotics regulations and Supreme Court decisions which emphasize the addict as a criminal.

The film presents a good description of the evolution of narcotic laws and a valuable review of treatment and rehabilitation programs, although it avoids explanation of variations in treatment methods.

DRUG ABUSE: EVERYBODY'S HANG-UP

Year: 1970.

Audience: Sr. high, college, adult.

Producer: Smith Kline and French Laboratories.

Source: Rental: Bureau of Narcotics and Dangerous Drugs, 1405 I Street, N.W., Washington, D.C. 20537; Purchase: N.E.A. Sound Studios, 1201 16th St., N.W., Washington, D.C. 22036.

Rental: Free.

Purchase: $90.00.

Details: 14 minutes, color, 16 mm., sound.

Synopsis.—The film portrays drug abuse as a problem for all ages and all classes of people. The drug abuser today is not one, but many types of people with a variety of reasons for turning to drugs. These range from people who take drugs to stay awake, to those who need identity and those who want to escape from boredom or misery. Parents can participate in solving the problem by starting a dialogue with their children which emphasizes honesty. They should expect children to be different from adults when given the advice, "Think for yourself." Most of the scenes are stills; the narration is the only voice heard.

General evaluation of the film.—The film's theme—drug abuse is a problem of concern to everyone—is reiterated in scenes which portray various age groups and social classes. The narration is frank and gives an honest assessment of legitimate drug use as well as drug abuse. Although the pictures are attractive, the film would be more entertaining if it included action scenes.

The film tends to group all drugs together in its discussion, rather than distinguish individual drugs and their peculiar effects. At times this leaves the impression that all drugs have the same effect. The film tends to play on parental fears. Its emphasis on the need for communication between parents and teenagers, while an important need, does not answer specific questions which concerned parents ask.

Evaluation or scientific accuracy.—The film is scientifically acceptable, but several references to heroin detract. For example, the film implies that abuse of some drugs will automatically lead to use of heroin. Another example is the scene which portrays heroin withdrawal in a highly dramatized setting.

The film gives a good perspective to the need for unemotional communication and the "think for yourself" approach to drug decisions.

DRUG ABUSE: ONE TOWN'S ANSWER

Year: 1969.

Audience: Jr., sr. high, adult (espec. parents); suburban.

Producer: Charles Cahill & Associates, Inc.

Source: Rental: University of South Florida, Division of Educational Resources, Tampa, Florida 33620; Purchase: Aims Instructional Media Services, P.O. Box 1010, Hollywood, Calif. 90028.

Rental: $6.00.

Purchase: $275.00.

Details: 23 minutes, color, 16 mm., sound.

Synopsis.—The film details the formation and purpose of Awareness House in Fort Bragg, California, a teen center which was started with the help of two ex-addicts. The dialogue of the teenagers and counselors at the center illustrates that Awareness House is designed as a place where young people feel free to talk about a variety of common experiences and problems, not necessarily related to drugs. The film incorporates the message of Awareness House, "Turn on to people, not drugs."

General evaluation of the film.—The film describes a positive approach to the drug problem as successfully demonstrated in one community. However, the film is not effective in conveying the potential strength of that approach. The discussions are staged. They do not involve the participants, or the viewers, emotionally. The young people seem to agree on every issue discussed and the film does not illustrate how people learn to trust and care for each other, or solve problems, through open communication.

The attractive teenagers and the color photography make the film entertaining, although it is too long. The participants at Awareness House will probably provide an identity point for middle-class people and some of their discussions will serve as a base for additional discussions after the film has been viewed.

Evaluation of scientific accuracy.—The content of the film is scientifically acceptable. The film is noteworthy in its emphasis of the drug problem involving more than drugs in themselves. The information suggests the influence of drug use in the home by adults. It correctly points out that drugs are most often spread from one young user to another rather than by a professional "pusher." The film also recognizes the social pressure of youth to use drugs. Conversations between the young people in the film note that many try drugs without apparent ill effects.

However, by uncritically presenting the opinions and observations of young people, the film presents misinformation about drug effects in some instances and in others, implies that unique, individual reactions are common, universal reactions. For example, a student mistakenly says LSD and mescaline are "not out of the body's system for two or three months." A description of an experiment with hampsters implies that LSD and mescaline are the direct cause of the animals' deaths. A reference to a marijuana user who "took pot shots at strangers and killed at least one" implies that this is usual behavior resulting from marijuana use.

DRUGS: FACTS EVERYONE NEEDS TO KNOW

Year: 1970.

Audience: Parents, teachers, community groups.

Producer: Joseph Fiorelli.

Source: Fiorelli Films, Inc., Research Drive, Stamford, Conn. 06906.

Rental: Not available.

Purchase: $300.00.

Details: 29 minutes, color, 16 mm., sound.

Synopsis.—Sanford J. Feinglass, Ph. D., presents background information to a small group of adults in a classroom setting. Dr. Feinglass discusses drugs in the categories of depressants, stimulants and psychedelics. He notes similarities and differences between drugs. Questions asked by individuals in the group include the following: Are tranquilizers and amphetamines addictive? Is alcohol as serious a problem as narcotics? Is marijuana a narcotic? What is psychological dependency? In his summary, Dr. Feinglass emphasizes that solutions to drug abuse problems must consider the reasons why people take drugs.

General evaluation of the film.—The film contains basic information of value to those who want a lecture-type presentation on drugs. The format, however, is unimaginative; as a filmed lecture the material is overly-long and uninteresting. The staged questions from the audience add to the film's stilted style.

Evaluation of scientific accuracy.—The film is scientifically acceptable. The informaton places a good emphasis on drug dosage, and non-drug factors which influence response. It includes a distinction between teratogenesis and mutagenesis which is seldom found in general drug information. Important emphasis is made on the problem of drug abuse originating not with the drugs themselves but with the reasons for their use.

The film presents some information as factual without noting that it is in part based on opinion and subject to disagreement with some authorities. This includes classifying narcotics and minor tranquilizers together as depressants, and stating that marijuana has properties similar to both depressants and stimulants. Also questionable is the statement that marijuana has a reverse tolerance effect. The term "speed" does not refer specifically to Benzedrine, as stated in the narration, but to either methamphetamine or to all amphetamines. The narration says that only true tranquilizers will end a bad LSD trip; however, sedatives have also been used successfully to combat adverse reactions to LSD.

ESCAPE TO NOWHERE

Year: 1968.

Audience: Jr., sr. high; suburban.

Producer: Professional Arts, Inc.

Source: Professional Arts, Inc., P.O. Box 8484, Universal City, Calif. 91608.

Rental: $27.50.

Purchase: $275.00.

Details: 25 minutes, color, 16 mm., sound.

Synopsis. This film tells the real-life story of Debbie, a teenager, who describes her attitudes and feelings, and the role drugs play in her life. Debbie hitchhikes to parks, zoos, museums and bookshops. She converses with a narrator who asks her why she takes drugs, how she started, what drugs she has used, what they do for her, whether or not she's happy. The discussion is interspersed with brief comments from other drug users and interviews with medical authorities.

The film was made in cooperation with the San Mateo Union High School District in California.

General Evaluation of the film.—Because Debbie is a teenager who has had experiences with drugs, young viewers should be able to identify with her. She is convincing as a sincere person and illustrates that drugs have led her to a purposeless life.

The story is over-dramatized. Debbie's odyssey-like wanderings are fairly carefree. She seldom worries about money yet is supporting a costly drug habit. The film subtly impiles that she obtains money from prostitution, but this is not clear. Debbie doesn't seem to suffer as a result of her involvement with drugs. She admits she is lonely, but doesn't seem to be unhappy. This lack of realism, plus the narrator's leading questions, give the film an artificial tone.

The photography makes the film enjoyable to view.

Evaluation of scientific accuracy.—The film is scientifically acceptable; however, its overall picture of a drug abuser and some vague references might be misleading. Debbie's idyllic life is not representative of drug users who are involved to the extent she seems to be involved with drugs. The dialogue between Debbie and the narrator often overgeneralizes by referring to "drugs" rather than specific drugs or drug effects. The references to amphetamine action on the body do not adequately distinguish when amphetamines produce excitement and when they produce depression. The information incorrectly implies that amphetamines cause depression rather than effect a reaction to overstimulation of the drug.

An opening statement in the film saying the only way to know about drugs is to ask someone who has taken drugs is later contradicted by Debbie when she advises, "Don't believe what other kids tell you about drugs." Debbie's story might mistakenly imply that drug-taking is a cause, rather than a result of Debbie's lack of maturity and responsibility.

The information on the dangers of methamphetamine use is thorough and in good perspective.

GROOVING

Year: 1969.

Audience: Intermediate, jr. and sr. high; suburban.

Producer: Benchmark Films, Inc.

Source: Benchmark Films, Inc., 145 Scarborough Road, Briarcliff Manor, New York 10510.

Rental: $40.00.

Purchase: $390.00.

Details: 31 minutes, color, 16 mm., sound.

Synopsis.—A group of teenagers is filmed over a period of several days of confrontations and discussions on drug use. Comprised of drug users, non-users, and ex-users, the group talks about reasons for trying various drugs and individual experiences with drugs. The informal sessions provide a setting for examining the motivations—some apparent, some hidden—for drug experimentation. The discussions proceed to other aspects of drug use: boredom with one drug which may lead to trying another drug; the lack of motivation for performing school work which might accompany drug use; the ability, or lack of it, to control drug experimentation and to stop when one chooses. The film ends with comments by individuals about how their attitudes have or have not changed since the beginning of the filmed discussion. None of the teenagers is a professional actor; the film has no set script.

General evaluation of the film.—The film's strength lies in its attempt to deal with the often unexpressed motivation behind drug use. Visually it is very attractive. The film is also technically well done and backed up with entertaining music. It will best be utilized to stimulate discussion among teenagers.

At times the film lacks credibility because some encounters are too staged and result in pre-drawn conclusions. The discussions in the film do not convincingly support the change in attitudes which most of the youth express at the end of the film. In particular, several of the teenagers who are drug users decide either to stop using drugs or to at least question their use of drugs; they are convinced by arguments that to the viewer aren't convincing. One young person, whose pro-drug position is not altered, says his problems are too serious to stop taking drugs, implying that those who continue to use drugs have psychological problems.

Evaluation of scientific accuracy.—The film cannot be faulted on a scientific ground since it is based on the beliefs and opinions of young people regarding drug use rather than facts about drugs and their effects. However, the presentation of personal experiences of drug effects, as related in the film, might incorrectly suggest a universal reaction to drug use without taking into consideration such factors as dosage, personal variabilities and length of time of use.

The young people give honest statements which reflect varying viewpoints of drug use. The film includes a good confrontation between a drug-user and a non-user.

HERE'S HELP

Year: 1970.

Audience: Jr. and sr. high, college, adult; all economic classes.

Producer: Office of Communications, NIMH.

Source: National Audiovisual Center (GSA), Washington, D.C. 20409 (Attn: Distribution for rental; Sales Branch for purchase).

Rental: Free.

Purchase: $96.25.

Details: 28 minutes, color, 16 mm., sound.

Synopsis.—Comments from several drug addicts and parents reveal the sense of frustration that exists when addicts need help and don't know where to find it. The film focuses on the success of a variety of rehabilitation and treatment approaches, including the Federal Narcotic Addict Rehabilitation Act (NARA) Center at Lexington, Kentucky; Teen Challenge which is a religious approach; the Samaritan Halfway Society which uses "encounter" therapy; a methadone program in New Orleans; and the Illinois Drug Abuse Program which offers a variety of rehabilitation methods. The film states that no one approach seems to work for all addicts and that help for the drug addict is available, in more than one form.

General evaluation of the film.—This film presents a good overview of the variety of methods and facilities which exist for addiction rehabilitation. Its message is a positive one—that help is available. It is useful as an information tool. The racial mixture of subjects interviewed testifies that drug addiction is a problem for everyone.

However, by showing many examples of "success" stories involving rehabilitated drug addicts, there is the danger that viewers will falsely believe that treatment for addicts is easily obtainable. The film would more accurately inform the public if it noted how difficult it is for many addicts to get into the programs and also to receive adequate follow-up care once they've left the programs. The film is too long; it would be more interesting if it concentrated on fewer programs in greater detail.

Evaluation of scientific accuracy.—The film is scientifically acceptable. It is noteworthy because it presents addiction as a social sickness which can be cured. It also shows that a variety of successful approaches to addiction exists.

Some of the narrative information could be expanded to present a more accurate portrayal of methadone use. The film implies that methadone has proved effective without referring to questions or objections which are often raised in association with methadone. A more complete explanation of how and why methadone has been successful in some programs is needed. More emphasis on the necessary precautions involved in dispensing methadone, and a discussion of other methods of treatment (such as narcotic antagonists) would strengthen the film.

HIDE AND SEEK

Year: 1966.

Audience: Jr., sr. high, college, adult; inner city.

Producer: Center for Mass Communications, Columbia University.

Source: Rental: Extension Media Center, University of Calif., Berkeley, Calif. 94720;

Purchase: Center for Mass Communications, Columbia Univ., 440 West 110th Street, New York, N.Y. 10025.

Rental: $11.00.

Purchase: $168.00.

Details: 14 minutes, color, 16 mm., sound.

Synopsis.—Carl, a teenager in New York City, tries heroin on a dare and becomes addicted. Alienated from his father and friends, he wanders around the ghetto, aware that he is "lousing up" his life but unable to help himself. Carl's first-person story is related by a narrator.

General evaluation of the film.—Carl is an attractive boy with whom young people can probably identify. The film's photography and background music add a poetic quality to the story and evoke sympathy for Carl's plight. However, the impact of his situation is lessened because the story is sketchy. The viewer learns little about Carl. His relationship with his father is mysterious, and not much is known about Carl before he became an addict. Also, Carl's life as an addict really doesn't seem so terrible. The film is too long; it contains little action and the pace drags. The overall impression is one of triteness and sentimentality.

Evaluation of scientific accuracy.—The film is generally scientifically acceptable although it includes several inaccuracies. Carl's prior use of marijuana implies that marijuana users usually end up on heroin. Several statements overemphasize a hopelessness about heroin addiction and imply that addicts can never be cured or that addiction leads only to death, such as: "He was hooked in Vietnam and came home to die." "Nobody beats it. You really can't beat it." "I never knew I could get hooked on one shot." The film blames Carl's addiction on the drug itself rather than on his personality or his environment. The mainlining scene is unrealistic and contrived.

THE HIPPIE TEMPTATION

Year: 1967.

Audience: Sr. high, college, adult; suburban.

Producer: Columbia Broadcasting System.

Source: McGraw-Hill Films, Hightstown, New Jersey 08520.

Rental: $40.00.

Purchase: $610.00.

Details: In 2 parts, 51 minutes, color, 16 mm., sound.

Synopsis.—Harry Reasoner of CBS visits the Hippie haven in San Francisco's Haight-Asbury district to find out "who and what" the Hippies are, how they dress, where and how they live, and why they choose their life style. Reasoner examines the Hippie behavior patterns and explores the role of drugs in their subculture. He interviews medical authorities who have worked with drug users, members of the rock group, The Grateful Dead, two teenagers brought to the McAuley Neuro-Psychiatric Institute after using LSD, and their mothers. The film weighs the positive and negative sides of the Hippie life, but Reasoner concludes that their behavior is "style without content." He calls the Hippie life childish because they criticize society without working actively towards change.

General evaluation of the film.—The film is an interesting, entertaining account of a way of life that, for the most part, has now changed. The photography, music and interviews with the Hippies give a first-hand account of their living style. The film is dated since Haight-Asbury no longer exists as a Hippie center.

Reasoner's comments, which are essentially a "put-down" of the Hippies, reveal a lack of true understanding of them and an inability to break away from the "adult, establishment" viewpoint. Because of this bias the film will do nothing to enhance an understanding of the Hippie motivations; it will probably reinforce feelings of fear or dislike for the Hippies on the part of older people. If the film is presented as a portrayal of the Hippie scene as it was in 1967, and if the narration is presented as an interpretation of that scene, the film has potential use.

Evaluation of scientific accuracy.—The film is scientifically acceptable. However, many of the opinions voiced are presented as fact. This is particularly true of the comments of the medical authorities who theorize why people turn to drugs and how drug use may hinder psychological growth. Opinions such as "Acid users have difficulty with love," "There is a universal danger that normal young people will turn into cripples," and "Drugs hold the Hippie sub-culture together," when stated by "authorities" are often heard as facts. Some of the physicians' comments are overgeneralized. The references to electroencephalogram patterns revealing brain damage imply that this is an accepted medical theory. Since conflicting data exists, the statement should be qualified.

The film tends to uncritically blame "drugs" for adolescent problems and for the Hippie style in general. It also tends to equate LSD use with the Hippies, ignoring the fact that many LSD users are not Hippies, or that Hippies do not necessarily use LSD.

LSD: LETTVIN VS. LEARY

Year: 1967.

Audience: Sr. high, college, adult.

Producer: National Educational Television.

Source: Field Services Dept., Audiovisual Center, Indiana Univ., Bloomington, Ind. 47401.

Rental: $11.25.

Purchase: $210.00.

Details: In 2 parts, 54 minutes, black/white, 16 mm., sound.

Synopsis.—Timothy Leary, a former Harvard psychologist known for advocating LSD use, expounds the doctrine of his *League for Spiritual Discovery* before a student audience at the Massachusetts Institute of Technology in Part I. MIT professor Jerome Lettvin, M.D., replies in Part II. Sitting in front of a flickering candle with film clips behind him simulating an LSD trip, Leary advances his "turn on, tune in, drop out" theory saying that man has been narcotized by convention and needs an "antidotal sacrament." He agrees that LSD involves a risk; everything "worthwhile" does, but, he adds, no substantive evidence exists which says LSD causes damage. Leary also advocates the legalization of marijuana. Lettvin agrees that marijuana laws are irrational, but says LSD and other psychedelic drugs offer no guarantee of safety and should not be legalized or used freely. He compares the LSD experience to the temporal lobe syndrome which characterizes ax-murderers and epileptics. To Lettvin, the glories of LSD are not worth the gamble.

General evaluation of the film.—This confrontation over LSD is unique because of the intelligence and credibility of both debaters. Their rhetoric is at times stronger than their logic, however, and few questions are actually resolved. Lettvin and Leary are both entertaining even though they occupy the stage alone, but the film is too long. It should be viewed in historical perspective since Leary's influence as an active proponent of LSD has declined since 1967. The film's language and reasoning require a sophisticated audience for full appreciation. The film's mechanical quality is only fair; at times it is difficult to hear.

Evaluation of scientific accuracy.—The film cannot be faulted scientifically since it presents two opposing, individual viewpoints and does not attempt to present balanced information on drugs as much as it does philosophy. If shown with a qualified resource leader, the film could promote valuable discussions.

LSD: THE SPRING GROVE EXPERIMENT

Year: 1966.

Audience: Sr. high, college, adult; special groups such as psychology and mental health classes.

Producer: CBS News.

Source: McGraw-Hill Films, Hightstown, New Jersey 08520.

Rental: $25.00.

Purchase: $275.00.

Details: In 2 parts, 54 minutes, black/white, 16 mm., sound.

Synopsis.—This CBS documentary film records a highly controlled experiment at the Spring Grove State Hospital in Baltimore, Maryland involving two patients in LSD-assisted psychotherapy. The two patients, a 48-year-old housewife who suffered a paranoid breakdown and a 33-year-old alcoholic, are observed as they undergo testing and preparation for their LSD psychotherapeutic treatment. During the actual LSD sessions, the patients reveal the intense emotional strains brought on by direct confrontations with their fears and conflicts. The patients are interviewed immediately after treatment, and their progress is assessed six months later. The narration and comments from medical authorities suggests that LSD has potential for positive applications but that more clinical research is needed.

General evaluation of the film.—The film presents an objective, well-documented account of a therapeutic use of LSD. It is informative as well as moving. The interjected comments from the medical authorities convey a respect for the power of the drug and distinguish between its use in a supervised setting such as these experiments, and in an uncontrolled situation. The film can be successfully shown to a variety of audiences, particularly if a knowledgeable leader can provide guidelines.

Evaluation of scientific accuracy.—The film is scientifically acceptable; it accurately presents two successful cases involving LSD therapy. The film would provide more balanced information if it emphasized more fully that it was not the LSD in itself which promoted the cures of the two patients, but LSD used with highly-skilled therapy and in a very controlled situation. Including therapy cases involving LSD which were not successful would be meaningful.

LSD-25

Year: 1967.

Audience: Jr., sr. high, college, adult.

Producer: Professional Arts, Inc.

Source: Professional Arts, Inc., P.O. Box 8484, Universal City, Calif. 91608.

Rental: $27.50.

Purchase: $275.00.

Details: 27 minutes, color, 16 mm., sound.

Synopsis.—The chemical compound LSD-25 is given a voice to tell its own story. The film emphasizes the drug's unpredictability and unknown properties. The character "LSD" discusses potential dangers from use of illegally purchased drugs, from bad trips, from possible chromosomal damage, from self-injury while under the drug's influence and from recurring effects. LSD concludes that reactions to its use depend not on LSD's chemistry but on the user's chemistry.

General evaluation of the film.—The film convincingly emphasizes LSD's potential dangers. It admits that much is unknown about how LSD works. Most of the information is well balanced and without bias, although the film tends to refer too often to extreme reactions to LSD as evidence that it is a "dangerous" drug. The film is fast-moving, interesting and likely to hold viewers' attention.

Evaluation of scientific accuracy.—The film is scientifically acceptable; however, it includes some inaccurate statements and implications. Several statements report rare reactions to LSD and incorrectly imply that these are common occurrences: "Hallucinations occur at any time up to a year." "The ultimate destination for an LSD user can be suicide." "LSD is so perplexingly horrible." The narration does not point out that the effects of LSD are highly dependent on dosage, as evidenced by its statement that LSD is the "most powerful drug ever known." References to possible birth defects from chromosomal damage are overstated since data concerning chromosomal breaks and birth defects is still inconclusive.

THE MAD CHEMIST

Year: 1969.

Audience: Intermediate, jr. high.

Producer: Professional Arts, Inc.

Source: Professional Arts, Inc., P.O. Box 8484, Universal City, Calif. 91608.

Rental: $13.50.

Purchase: $135.00.

Details: 10 minutes, color, 16 mm., sound.

Synopsis.—The chemist in this comic satire sets out to discover which drugs will provide the ultimate happiness. He tests amphetamines, barbiturates, marijuana and LSD on his invented monster, Eugene, whom he wires to a "happiness index machine." Eugene's reactions, as recorded on the machine, lead the chemist to realize that there is no ultimate "kick" in drugs. The verse narrative was written by David W. Parker, Ph.D.

General evaluation of the film.—The comic style of the film can be effectively used with young audiences, although some might question the suitability of a humorous approach to a subject as serious as drug abuse. Such an approach can convey an important message about drugs if followed with discussions which present more factual information than the film presents. For example, the film discusses only one drug "effect"—an unhappy, negative effect—without talking about the variables of dosage, the user and the conditions of use.

The film's narration, music and characters are entertaining and likely to hold the viewers' attention. It should be pointed out to young audiences before viewing that the film's tone is deliberately light.

Evaluation of scientific accuracy.—The film cannot be faulted on scientific grounds since it does not convey factual information on drugs. The message, "Drugs don't lead to happiness," is presented without portraying actual drug effects on the human body.

MARIJUANA

Year: 1968.

Audience: Jr., sr. high.

Producer: Max Miller/Avanti Films, Inc.

Source: Bailey-Film Associates, 11559 Santa Monica Blvd., Los Angeles, Calif. 90025.

Rental: $25.00.

Purchase: $350.00.

Details: 34 minutes, color, 16 mm., sound.

Synopsis.—The film presents arguments for and against smoking marijuana and then advises individuals to make their own decisions. Sonny Bono, of the folk group Sonny and Cher, narrates the discussion against the setting of a "pot" party which is interrupted by the police. As the teenagers are led away by the authorities, they shout out justifications for legalization and use of marijuana. Each of the arguments is then individually examined in Bono's discussion.

General evaluation of the film.—In the film's presentation of pro and con positions on marijuana use, the negative comments outweigh the reasons presented in favor of marijuana and the debate is not objective as the narration states. Exaggerated portrayals of the effects of marijuana and an emphasis on violence, which tends to associate marijuana with crime, lessen the film's credibility. Use of young people in the film, a personality like Bono, and the background music make the film entertaining. The film can be used most effectively as a springboard for discussions.

Evaluation of scientific accuracy.—The film is scientifically acceptable; however, it presents some inaccurate portrayals of drug effects. The marijuana-produced hallucination depicted is unfair, and probably inaccurate, since marijuana does not produce such hallucinations except at extremely high and seldom-used dosages. The film's exaggerated use of violence and aggression incorrectly implies that marijuana use leads to violence. The staged interviews in the women's prison and the men's rehabilitation center create the impression that marijuana leads to heroin, although Bono says in his narration that this is not necessarily true.

If the film is trying to present an objective, factual account, it should portray more typical reactions of typical users of marijuana.

MARIJUANA

Year: 1969.

Audience: Jr., sr. high, college, adult; all economic classes.

Producer: CBS News.

Source: Rental: Extension Media Center, University of California, Berkeley, Calif. 94720; Purchase: Carousel Films, Inc., 1501 Broadway, New York, N.Y. 10036.

Rental: $17.50.

Purchase: $275.00.

Details: 52 minutes, black/white, 16 mm., sound.

Synopsis.—This CBS documentary surveys the controversy over the social and legal aspects of marijuana use. Interviews with drug users, judges, clergymen, medical authorities, policemen, and legislators present a spectrum of opinions about marijuana's use, its possible harmfulness or harmlessness, its effect on the user's creative powers, and legal consequences of its use. CBS concludes that to them marijuana has not been proven to be any more harmful than alcohol or tobacco. They deny that its use can stimulate creativity. They do not condone its use; however, they agree that the legal penalties are too stringent in proportion to any potential danger of the drug. Mike Wallace narrates.

General evaluation of the film.—The objective, broad-based survey, which includes comments from those who argue for and against marijuana use, makes this film credible. Those interviewed are articulate and present a good overview because they represent different age groups, disciplines, and varying degrees of political philosophies, although the most liberal views expressed are fairly moderate. The film is professionally produced and entertaining.

Evaluation of scientific accuracy.—The film is scientifically acceptable. The information is well-balanced. Good emphasis is given to the lack of knowledge of Cannabis. The film contains a useful historical review of marijuana use and the U.S. laws which govern its use. Both sections of the film are well-summarized.

Certain references in the film are misleading because they imply that marijuana users "move on" to heroin. This implication is presented in the interview with Phoenix House residents; the comments are related without comment or qualification.

MARIJUANA: THE GREAT ESCAPE

Year: 1970.

Audience: Jr., sr. high.

Producer: J. Gary Mitchell.

Source: Bailey-Film Associates, 11559 Santa Monica Blvd., Los Angeles, Calif. 90025.

Rental: $25.00.

Purchase $265.00.

Details: 20 minutes, color, 16 mm., sound.

Synopsis.—George Willis is a teenager interested in drag racing. He ignores the advice of someone he admires, a top professional racer, and experiments with marijuana. After his girl friend is persuaded by George to try it, she is injured in a car accident and can't attend George's important race. George appears confident of winning, but the final scene involves him in a serious racing crash. The film uses professional actors.

General evaluation of the film.—The film's photography, credible characters and settings, and background music give it a professional quality. It is an entertaining film to view. The emphasis on the disastrous automobile accidents lowers the film's credibility and makes the story unrealistic. The emphasis on the accidents seems to say "Don't smoke marijuana before driving," although it is unlikely that this is intended to be the film's central message. The film implies that marijuana users only smoke for an "escape," and that they are irresponsible and lazy. This adds to the film's lack of credibility.

Because the story and characters provide a basis of identity for many young people, the film has potential for provoking valuable discussions.

Evaluation of scientific accuracy.—The film is scientifically acceptable. It places a good emphasis on the variety of personal responses to marijuana use and on the various strengths of marijuana.

However, the narration and the story-line give some false impressions about drug effects. For example, the car accidents appear to be the direct results of smoking marijuana, although it is unclear how much time had passed between George's last experience with marijuana and his racing accident. Car accidents resulting from marijuana use are not frequent occurrences; the film's emphasis on the accidents makes the story overly dramatic. Statements are made in the film which are overgeneralizations about marijuana users: "Pot smokers feel compelled to turn others on," "Pot heads have one thing in common—work is a drag," and "You are not in control when smoking marijuana."

MARIJUANA—WORLD OF THE WEED

Year: 1968.

Audience: Jr., sr. high, college, adult.

Producer: KCET, Los Angeles.

Source: Field Services Dept., Audiovisual Center, Indiana University, Bloomington, Ind. 47401.

Rental: $5.50.

Purchase: $150.00.

Details: 21 minutes, black/white, 16 mm., sound.

Synopsis.—The film reviews the historical background and biological facts related to the use of marijuana. It begins with a marijuana legend from ancient China, traces the spread of marijuana to India and the Middle East, gives a capsule history of legislation and medical studies concerning marijuana, including the LaGuardia Report, and defines marijuana terms. The film uses mostly photographs and drawings.

General evaluation of the film.—The film contains, for the most part, interesting historical information about marijuana, and the narration is objective. Its format and the use of stills, however, make it overly academic and uninteresting. More information on the events which led up to the 1937 Marijuana Tax Act would add interest. The film is dated because its information does not go beyond 1966.

Evaluation of scientific accuracy.—The film is scientifically acceptable with a few exceptions. Several historical speculations are presented as fact, such as the reference to Shen Nung, which the narration does not clearly identify as legendary. Marijuana is described as a nectar in the flowers of Cannabis rather than the resin covering or protecting the buds. The narration does not make clear that resin is present in both male and female Cannabis plants. The film should also discuss THC, the main psycho-active ingredient found in Cannabis, and should discuss the relationship of growing and harvesting conditions to marijuana's varying strengths.

A NICE KID LIKE YOU

Year: 1969.

Audience: Sr. high (some), college, parents, teachers; professionals working with college students.

Producer: Gene Lichtenstein for the Group for the Advancement of Psychiatry.

Source: Extension Media Center, University of California, Berkeley, Calif. 94720.

Rental: $17.50.

Purchase: $250.00.

Details: 38 minutes, black/white, 16 mm., sound. Awarded a Blue Ribbon at the 1970 American Film Festival.

Synopsis.—Students from two unidentified eastern colleges reveal their feelings about drugs, sex, parents, the education system and American society in general. This documentary film visits college classrooms, bull sessions in dormitories, and conversations between young people and parents in their homes. The young people express very personal feelings in an informal, unrehearsed style. One girl says she is bored with using marijuana and now wants to experience life without drugs. A boy wonders, with amusement, if his father might be proud of a son who makes a successful business deal in the illegal drug market. Another girl says she feels competitive with her mother. In the variety of subjects discussed, the film presents some current student opinions rather than one single viewpoint.

General evaluation of the film.—The film's honest approach lets college youth speak without interpretation or comment. Their natural and spontaneous comments are fresh and informative, especially for adults who can seldom hear youth speak so frankly. The film gives valuable insight into the thoughts of some college students and should promote an understanding of their drug attitudes. It is not intended to represent all college students; these students are probably above average in verbal facility, intelligence, affluence and liberal attitude. The film is well-edited and moves at an entertaining pace.

Evaluation of scientific accuracy.—The film cannot be faulted on scientific information. It presents drugs in the context of their use on the college campus rather than as substances with pharmacological effects. The film shows people who use or have used drugs and who continue to function and to have insight into the meaning of their "drug use" as well as other aspects of their living.

RAPPING

Year: 1970.

Audience: Jr., sr. high; suburban.

Producer: Filmfair Communications.

Source: Filmfair Communications, 10946 Ventura Blvd., Studio City Calif. 91604.

Rental: $20.00.

Purchase: $225.00.

Details: 15 minutes, color, 16 mm., sound; companion to the film "Tripping"; with teaching manual.

Synopsis.—In an idyllic setting, a small group of teenagers, some of them drug users, considers why teenagers use drugs and why they stop. People use drugs, they say, to join in with friends, to help search for meaning to life, to escape from problems, and to rebel against parents and society. People stop using drugs because their friends stop, because they find a meaningful alternative, such as religion, because conflicts are resolved, or because they fear getting arrested.

The group leader is Anthony Rose, Ph.D., Director of the Institute of Drug Education, Center for Studies of the Person, La Jolla, California. A manual which suggests activities and guidelines for teachers accompanies this film and a companion film, "Tripping."

General evaluation of the film.—Discussing why people use and don't use drugs is a valid approach to the subject of drug abuse. But the reasons brought out in the film seem superficial and staged. The outdoor scene beside a stream is pleasant to view, but it adds to the film's artificialness, especially since the students all sit in desks facing a blackboard and an American flag. The film may succeed in promoting discussions.

Evaluation of scientific accuracy.—The film is scientifically acceptable. It discusses reasons behind use of drugs rather than the pharmacological effects of drugs.

SCAG

Year: 1970.

Audience: Intermediate, jr., sr. high, college, adult; all economic classes.

Producer: Concept Films, Inc.

Source: Encyclopedia Britannica Educational Corp., 425 North Michigan Ave., Chicago, Ill. 60611.

Rental: $9.00.

Purchase: $265.00.

Details: 26 minutes, color, 16 mm., sound.

Synopsis.—This film relates the experiences of two heroin addicts—a middle-class White male and an inner city Black girl. A narrator describes how a $40 poppy crop from Turkey becomes a supply of heroin with an estimated value of $280,000 on New York City streets. The narration also focuses on several rehabilitation facilities including Gaudenzia House in Philadelphia, and the use of methadone in the rehabilitation process.

General evaluation of the film.—The film presents a comprehensive picture of the heroin problem in an accurate, objective manner. The information is up-to-date, including a section on methadone which is particularly valuable because it presents both sides of the controversy over methadone use in rehabilitation. The film deals with a variety of economic classes, educational levels and personalities. By covering so many aspects of heroin addiction, including interviews with actual addicts, treatment facilities, and import routes, the film may present an over-abundance of information for some audiences. On the other hand, its format makes the information understandable and suitable for a broad audience. The Black addict's voice is difficult to understand at times.

Evaluation of scientific accuracy.—The content of the film is scientifically acceptable. The comparisons between therapeutic-type treatment and treatment utilizing methadone would be better balanced if a fuller explanation of methadone procedures, including its successful application, were presented.

THE SEEKERS

Year: 1967.

Audience: Jr., sr. high; suburban.

Producer: Myron Solin for the New York State Narcotics Addiction Control Commission.

Source: Benchmark Films, Inc., 145 Scarborough Rd., Briarcliff Manor, New York 10510.

Rental: $40.00.

Purchase: $390.00.

Details: 31 minutes, color, 16 mm., sound.

Synopsis.—Former drug users and drug addicts who are members of Encounter, an organization which uses a group therapy approach to drug abuse, discuss their experiences with drugs. In conversations among themselves, with a group of high school students, and with several "hippies," they attempt to understand reasons behind drug use. One of the girls expresses fear about having children due to possible chromosome damage from taking LSD; she consequently has a blood test and a physician briefly describes the type of genetic damage LSD may cause. The discussions result in a strong feeling shared by the ex-addicts that drugs are only a "cop-out" and provide no answers to the problems of living.

General evaluation of the film.—Any message that the ex-drug addicts in this film have for non-drug users is lost in the film's technical style. The discussions lack credibility because they appear to be staged, particularly the meetings with the high school students. The ex-addicts talk about their drug experiences in a superficial manner. The continual change in scenes is confusing and detracting. The film is too long.

Evaluation of scientific accuracy.—The film is scientifically acceptable. It makes a good effort to understand the reasons behind drug use. However, because it gives inadequate information about such factors as dosage, pattern of use, or the individuality of the user, the film leaves the wrong implication that drugs cause these problems rather than the abusers themselves.

Some unqualified references give inaccurate impressions about drugs. One ex-addict generalizes about her physical condition while she was an addict: her "liver and kidney were wrecked," her hair fell out, her teeth rotted. This description incorrectly implies that drugs were the direct cause of the effects. The discussion on LSD damage to chromosomes needs further qualification. Data exists which suggests that LSD does not inflict chromosome damage and this is not incorporated in the discussion.

SKEZAG

Year: 1970.

Audience: Jr., sr. high (some), college, adult; all economic classes.

Producer: Joel L. Freedman and Philip F. Messina.

Source: Cinnamon Productions, Inc., 508 Broadway, New York, N.Y. 10012.

Rental: Open.

Purchase: Open.

Details: In 2 versions, 33 minutes, 16 mm., and 71 minutes, 16 mm. and 35 mm. color, sound. Won Gold Medal Special Jury Award at the Atlanta International Film Festival, 1970.

Synopsis.—The bulk of this documentary film was shot over a period of 10 hours during which Wayne, a 21-year-old Black living in New York City, talks at length about a variety of topics, including the Vietnam war, his use of heroin, why he won't become addicted, his attitude towards his mother, his friends and the white race. During the conversation, two friends drop in and the three "shoot-up" heroin. In the final portion of the film, which was made four months later, Wayne is preparing to leave New York. His physical deterioration and depressed attitude show a marked change in contrast to his former confidence in his ability to use heroin without becoming addicted.

The filming technique is informal. The filmmakers are sometimes shown during their interviews with Wayne, asking questions, sharing jokes, or holding microphones.

General evaluation of the film.—(NOTE: The panelists viewed the long version.) Wayne's tragedy is both alarming and believable. The film is credible because its inherent message is delivered in a non-theatrical way. The camera simply records a portion of life passing before it. The result is an authentic, convincing testimony of one individual's tragedy with heroin.

The film is too long; Wayne's conversation at times adds little to his character portrayal and nothing to what the film is revealing about drugs. The film contains profanity which may determine which audiences will view it.

Evaluation of scientific accuracy.—The film cannot be faulted scientifically. Much of its information does not deal with actual drugs or drug effects. The scene of Wayne "four months later" is very real and dramatic.

SPEEDSCENE: THE PROBLEM OF AMPHETAMINE ABUSE

Year: 1969.

Audience: Jr., sr. high; all economic classes; medical audiences.

Producer: Medi-Cine Films.

Source: Bailey-Film Associates, 11559 Santa Monica Blvd., Los Angeles, Calif. 90025.

Rental: $15.00.

Purchase: $210.00.

Details: 17 minutes, color, 16 mm., sound.

Synopsis.—Interviews with speed users interspersed with statements from medical authorities present evidence against the use of amphetamines except for medical purposes. The physical dangers of hepatitis, malnutrition, and death are discussed. Psychological problems, which often are part of the life style of the speed culture, and the user's inability to deal with his environment are also discussed.

General evaluation of the film.—The film effectively demonstrates the results of chronic misuse of speed. The factual information related by the physicians adds authenticity although the scientific nature of their comments at times requires augmentation for lay audiences. The film tends to overemphasize the dramatic elements in speed use. The users portrayed in the film do not represent individuals who use speed on occasion, either for pleasure or for help in performing a job. The continual change in scenes is detracting.

Evaluation of scientific accuracy.—The content of the film is scientifically acceptable. Limiting the scope of the film to amphetamines is helpful. The overall discussion presents valuable information.

However, the information at times confuses the occasional use of amphetamine taken orally and the chronic use of methaphetamine by injection. This confusion ignores the importance of the dosage level and the route of administration of the substance. An implied message—"speed kills"—is acceptable in the context of speed taken in massive doses over a long period of time; however, it is misleading to imply that death is the inevitable result of occasional uses of amphetamines. The narration which accompanies the laboratory experiment with mice incorrectly implies that the animal's death is due to injections of amphetamines.

THC—THE CHEMSTRY OF MARIJUANA

Year: 1968.

Audience: Sr. high, college, adult; especially students and professionals.

Producer: KCET—Los Angeles.

Source: Field Services Dept., Audiovisual Center, Indiana University, Bloomington, Ind. 47401.

Rental: $5.50.

Purchase: $125.00.

Details: 20 minutes, black/white, 16 mm., sound.

Synopsis.—This film records an experiment at the Palo Alto Veterans Hospital which explores the physiological and psychological effects of marijuana on a volunteer subject, a young male graduate student. He is orally given the "equivalent" of three marijuana cigarettes and at timed intervals is asked to report how he feels and to perform certain tasks. The physician who is working with the subject says the experiment is designed to "settle the dispute" as to how dangerous marijuana is.

General evaluation of the film.—Showing the effects of marijuana on one person's behavior is informative and should help dispel certain myths about marijuana's potential harm. The film is low keyed; it does not try to change attitudes about marijuana use but presents the results of a controlled laboratory experiment.

The results of the experiment would be more meaningful if more than one subject were involved. It would also be helpful if the film noted that the subject's reactions are possibly controlled by the fact that he is in a laboratory setting and that he is a graduate student who has insight into behavior that average marijuana users do not have. The pleasurable effects of marijuana, as depicted in the film, might stimulate experimentation in viewers who have not tried the substance. The film would benefit from editing; it is repetitive and long.

Evaluation of scientific accuracy.—The film is scientifically accurate; however, several statements and procedures need qualification if they are not to be misleading. The film is mis-titled because the experiment demonstrates the pharmacology rather than the chemistry of THC. The information does not make clear that THC is the main psychoactive ingredient in marijuana and that other active ingredients are also found in the substance. Referring to the dose of marijuana given in the experiment as the equivalent of three marijuana cigarettes is meaningless because it does not consider the varying strengths of marijuana. Nor does the reference adequately emphasize differences in individual reactions to marijuana, the importance of setting and how the substance is administered. The film does not emphasize that the experiment results in an individualized response, but rather implies that this is "the effect" of marijuana use. The techniques used in the experiment are not always objective; the subject is often asked leading questions.

THREE

Year: 1968.

Audience: Sr. high, college, adult; all economic levels.

Producer: John Sughnuet and Company.

Source: Benchmark Films, 145 Scarborough Rd., Briarcliff Manor, N.Y. 10510.

Rental: $30.00.

Purchase: $300.00.

Details: 51 minutes, black/white, 16 mm., sound.

Synopsis.—The "three" include Johnnie, a 19-year-old who has been a successful drug pusher; Tony, a middle-aged electronics expert; and Bart, an accomplished advertising art director. They meet in a New York state rehabilitation program for drug addicts where, in group therapy sessions, they relate individual experiences of heroin addiction. With other members of the rehabilitation program, the three prepare to move into a new halfway house for drug addicts in a nearby community. The final scenes reveal violent hostilities expressed by residents of the community toward the addicts.

Actors play the parts of the addicts; the stories are composites of actual cases.

General evaluation of the film.—The film effectively points out that drug addiction can affect people from varying backgrounds, ethnic groups and ages, and that rehabilitation is possible. The ending is valuable for promoting discussions about society's attitude toward addiction and drug addicts. The film is entertaining, although at times too melodramatic.

The plot over-emphasizes the addict's individual weaknesses as a cause of his addiction because it does not take into consideration outside social factors which undoubtedly play an important role in addiction. The film thus implies that addicts are weak individuals who simply have to gain control of themselves in order to be cured. The film is dated since it includes the chairman of the New York State Narcotic Control Commission who is no longer in that position; it is also too long.

Evaluation of scientific accuracy.—The film is scientifically acceptable. It contains no factual misinformation on drugs although it tends to over-emphasize "escape" as the prime motivation for drug use and to place all blame for addiction on the drug itself.

TRIPPING

Year: 1970.

Audience: Jr., sr. high; suburban.

Producer: Filmfair Communications.

Source: Filmfair Communications, 10946 Ventura Blvd., Studio City, Calif. 91604.

Rental: $20.00.

Purchase: $225.00.

Details: 15 minutes, color, 16 mm., sound; companion to the film "Rapping"; with teaching manual.

Synopsis.—The students who discussed reasons for using drugs in "Rapping," a companion film, attempt in this film to find some "positive alternatives" to drug use through communication with each other. Under the direction of the leader, Dr. Anthony Rose, the group demonstrates a series of Gestalt sensory awareness exercises which include verbal and non-verbal communication. They talk to each other "back-to-back" and practice "eye" and "hand" communication. The experience makes most of the participants feel happy, arouses mixed emotions in a few.

General evaluation of the film.—The film's purpose is unclear. If it is designed to show what happens to some students in the exercises it demonstrates, it is ineffective since we know very little about the students and do not identify with individual personalities. On the other hand, if a recreation of their experiences is the final goal, this is something which must be done carefully, with skilled supervision, and with more guidance than the film provides. The "alternatives" which the students experience appear superficial and staged. The participants do not convince the viewer that they believe in what they are doing.

Evaluation of scientific accuracy.—The film cannot be faulted on scientific grounds since it presents no information on drugs. It is an interesting film on Gestalt therapy which relies on the teacher's guide or professional interpretation if it is going to provide serious thought.

YOU CAN'T GROW A GREEN PLANT IN A CLOSET

Year: 1969.

Audience: College, adult; professional groups.

Producer: Roy Nolan Productions.

Source: Zip Film Distributing Company, 2220 B. Bridgeway, Sausalito, Calif. 94965.

Rental: $25.00 black/white; $30.00 color.

Purchase: $375.00 black/white; $425.00 color.

Details: 52 minutes, black/white or color, 16 mm., sound.

Synopsis.—This film records portions of the National Marijuana Symposium held March, 1968, at the University of California Medical Center in San Francisco. The symposium was designed to answer questions about marijuana such as whether or not it is a narcotic, whether it leads to heroin addiction, what laws control it, and what barriers exist to further research on marijuana. Most of the speakers agree on some basic issues: marijuana is legally mis-classified; this misclassfication results in overly-harsh penalties for abusers and "manufactures criminals" out of otherwise innocent people; factual information about marijuana is suppressed from the public; overaction to marijuana use is frequent on the part of legislators and parents.

The participants, made up of psychologists, medical doctors, sociologists, criminologists and writers, include Joel Fort, M.D., David E. Smith, M.D., Price Cobbs, M.D., and James Carey, Ph.D.

General evaluation of the film.—This film uses knowledgeable scientific authorities to present valuable, broad-based information on marijuana. The speakers have had direct experience with drugs or with drug users. It should be noted that the speakers share a similar liberal bias about marijuana issues and the film therefore does not present a balanced view. For example, many of the speakers would, if they don't in the discussion, advocate legalization of marijuana. Some humor in the presentations adds interest, but in spite of this, the film is too long.

Because of its technical nature, the film is particularly suited for professional audiences.

Evaluation of scientific accuracy.—The film cannot be faulted on scientific grounds. Most of the information is presented, as it should be, as opinions and personal viewpoints of qualified individuals with experience.

[Other Audiovisuals Rated "Scientifically Acceptable" (includes filmstrips, slides, transparencies, recordings)]

A DOCTOR ANSWERS YOUR QUESTIONS ABOUT DRUGS

Medium: Recording.

Year: 1970.

Audience: Parents; suburban.

Producer: Bernard V. Dryer, M.D.

Source: Media Medica, Inc., 555 Fifth Avenue, New York, N.Y. 10017.

Rental: Not available.

Purchase: $2.00.

Details: 20 minutes, 33⅓ rpm.

Synopsis.—Bernard V. Dryer, M.D. answers questions commonly asked by parents about drug use. The discussion covers marijuana, pep pills, and sleeping pills, heroin and LSD. Dr. Dryer says marijuana is a potentially harmful drug which can be "psychologically addictive." He distinguishes "hard" drugs from "soft" drugs, defines overdose, tolerance, and hashish. Dr. Dryer advises parents to "keep their cool" if their children are using drugs. As preventive measures against drug abuse, parents should evaluate their own pill-taking habits, and be ready and available to communicate with their children.

General evaluation of record.—The discussion tries to cover both factual information and general advice on parental attitudes and the result is a compromise in both areas. Too many facets of drug abuse are covered for any area to be meaningfully developed. The value of the "factual" information is questionable because much of it is overgeneralized or based on opinions. The narrator offers some valuable advice to parents about their children and drugs, but its impact is lost in the medium of a recording.

Evaluation of scientific accuracy.—The record is scientifically acceptable. There is a good emphasis on individual responses to drug use, the variety of motivations behind drug use and the varied sources of help available. The advice about approaching drug use with reason rather than panic is noteworthy.

However, the narration uses speculative facts and opinions which give incorrect impressions about drug effects: "One out of ten marijuana users goes on to other drugs." "Heroin is a killer." LSD use means a "wild loss of reality." The statement that "marijuana does not automatically make you an addict" implies that marijuana often leads to heroin. The terms "psychologically addicting" and "hard and soft" drugs have questionable educational value.

DRUG ABUSE, VOLUME I

Medium: Recording.

Year: 1969.

Audience: Sr. high, college.

Producer: Gaudenzia House with Frederick Glaser, M.D.

Source: Medi Disc, Benjamin Fox Pavilion, Rm. 700–25, Jenkintown, Pa. 19046.

Rental: Not available.

Purchase: $1.25 plus 50c mailing charge.

Details: 22 minutes per side, 33⅓ rpm.

Synopsis.—Dr. Frederick B. Glaser, Assistant Professor of Psychiatry at Temple University Medical School, Philadelphia, Pennsylvania, relates possible reasons why students are predisposed to drug use and why these may or may not be valid reasons for trying drugs. He discusses the stress often associated with students' lives, their curiosity, their desire to develop close relationships with others, and their wish to be more creative. Dr. Glaser says the most serious danger students risk with drugs is the arrest of personality growth which excessive drug use can bring.

On side two, Robert "Bob" Borriello, a 22-year-old ex-addict, recalls that a desire to be respected by his peers encouraged him to try drugs. He says drug users who think they are rebeling against society are only playing into society's hands because, by "copping out" with drugs, they provide no real alternatives.

General evaluation of the record.—The information on the record might be of value to research or special study groups who are interested in individual viewpoints on particular aspects of drug abuse. For most audiences, however, the material is unimaginative, dull and has little impact.

Evaluation of scientific accuracy.—The information cannot be faulted on scientific grounds if it is presented as opinions of two individuals rather than facts. Many of Dr. Glaser's theories are stated without qualification and may be incorrectly interpreted as being accepted views of the scientific community. For example, he says "Rebellion is a must" in the process of growing up, and "Growth would not occur without novel experiences." In his remarks, Dr. Glaser overgeneralizes by referring repeatedly to "drugs" without giving adequate qualifications regarding specific drugs, dosage, and the circumstances of their use.

The comments by Robert Borriello must also be presented as one ex-addict's opinions, not as accepted facts. His opinions are open to misleading interpretation if accepted as "typical" reactions to drug use. For example, he says "When you're high on pot, you can only tune in on one thing at a time," a statement which presents one person's experience but which sounds like a universal reaction to marijuana.

It would be helpful if clearer lines were drawn between Dr. Glaser's suggested reasons for drug use and Bob's suggested reasons.

DRUG ABUSE, VOLUME II

Medium: Recording.

Year: 1969.

Audience: Sr. high, college.

Producer: Gaudenzia House with Frederick B. Glaser, M.D.

Source: Medi Disc, Benjamin Fox Pavilion, Rm, 700–25, Jenkintown, Pa. 19046.

Rental: Not available.

Purchase: $1.25 plus 50¢ mailing charge.

Details: 22 minutes per side, 33⅓ rpm.

Synopsis.—On side one Bob Borriello, an ex-addict, tells Frederick B. Glaser, M.D., how he became a drug addict. He discusses family and neighborhood influences and problems related to his search for identity. On side two, Bob tells Dr. Glaser how he overcame his drug habit at Daytop Village. In a structured setting he was no longer able to rely on his old excuses for taking drugs, but was forced to act on his problems.

General evaluation.—The record can be useful for those who want, and don't have, the opportunity to interview an ex-addict. Bob's rehabilitation experiences might also be helpful for addicts. Unfortunately, the material is unimaginative and tends to be repetitive and dull.

Evaluation of scientific accuracy.—The information cannot be faulted for scientific inaccuracies because it recalls one ex-addict's experiences. Bob's opinions as to why he became an addict can be useful information but should be presented only as opinion and the experience of one individual.

DRUG ABUSE, VOLUME III—DRUGS WON'T GET IT, PEOPLE WILL

Medium: Recording.

Year: 1970.

Audience: Sr. high, college.

Producer: Gaudenzia House with Frederick B. Glaser, M.D.

Source: Medi Disc, Benjamin Fox Pavilion, Rm. 700–25, Jenkintown, Pa. 19046.

Rental: Not available.

Purchase: $1.25 plus 50¢ mailing charge.

Details: 22 minutes per side, 33⅓ rpm.

Synopsis.—Frederick B. Glaser, M.D. and three ex-addicts who are residents of Gaudenzia House examine drug abuse as a symptom rather than a problem in itself. The ex-addicts recall feelings they had which led them to drug abuse and comment on the expectations parents and teenagers have of each other and the problems which result.

General evaluation of record.—The discussion among ex-addicts is not very meaningful because the conversation takes no particular direction. Few stimulating questions are asked. There is no interest device in the discussion to stimulate the listener.

Evaluation of scientific accuracy.—The material cannot be faulted for scientific inaccuracies since it presents a recall of experience of former addicts, and concentrates on their attitudes rather than actual drug experiences. It does provide a ready basis for overgeneralization by naive listeners.

DRUG ABUSE EDUCATION AND INFORMATION SLIDE RESOURCE KIT

Medium: Slides.

Year: 1970.

Audience: Jr., sr. high, college, adult; all economic classes.

Producer: Bureau of Narcotics and Dangerous Drugs for the American Pharmaceutical Association.

Source: Rental: BNDD, 1405 I Street, N.W., Washington, D.C. 20537; or APhA, 2215 Constitution Avenue, N.W., Washington, D.C. 20037; Purchase: Sales Branch, National Audiovisual Center (GSA), Washington, D.C. 20409.

Rental: Free.

Purchase: $55.00. Also available in sections.

Details: In 8 sections, 165 slides, color, 35 mm.; with printed captions.

Synopsis.—The eight sections in the kit are color-coded to match cards with brief captions for the individual slides. The section titles include the following: "The History of Drug Abuse"; "Drug Abusers' Propaganda" (illustrates material advocating drug abuse; this section is intended for professional and adult audiences); "Drugs of Abuse"; "Drugs and Your Body" (reviewing the effects of drugs on the body, this section is designed for secondary school audiences); "U.S. Bureau of Narcotics and Dangerous Drugs" (describes the duties and responsibilities of the Bureau); "Rehabilitation and Treatment Centers"; "Drug Abuse Education Material" (reviews publications, films, audiovisual programs and posters on drug abuse available to the public); and "Drug Abuse Education Programs and Councils" (reviews task forces, committees, and councils, and describes a few local programs).

The kit is designed to supplement other presentations on drug education with basic information on various aspects of drugs. Individual slides are intended to be used according to various audience levels and interests.

General evaluation of the material.—The kit presents specific and carefully researched information on drugs in a well-organized form. It has a varied use because different sections can be used with different audiences. If presented as a supplement to other information and/or activities, and if used over a period of time rather than in one or two long sessions, the material will command a high interest-level. The kit can be updated easily by replacing slides or captions.

Evaluation of scientific accuracy.—The kit is scientifically acceptable; however, it omits some information which makes certain sections inadequate or oversimplified. For example, no reference is made in the narration to tobacco or alcohol. The section on "Drugs and Your Body," which describes drug effects, oversimplifies its description of drug actions. The narration does not include dosage or patterns of use in its slide captions.

DRUG INFORMATION SERIES—NARCOTICS

Medium: Filmstrip.

Year: 1970.

Audience: Jr., sr. high, college and adults; all economic levels.

Producer: Guidance Associates.

Source: Guidance Associates, Harcourt, Brace & World, Pleasantville, N.Y. 10570.

Rental: Not available.

Purchase: $18.00 with record, $20,00 with cassette; complete series of four $66.00 with records, $74.00 with cassettes.

Details: 15 minutes, color, 35 mm., sound (record or cassette); with discussion guide.

Synopsis.—"Narcotics" is one of four drug filmstrips in the Drug Information Series. The filmstrip identifies drugs in the narcotic family: opium and its derivatives (morphine, codeine and heroin), and the synthetic narcotics. It focuses on the life style of the heroin addict. Comments from medical authorities and ex-drug users cover reasons why people begin experimenting; methods by which the drugs are taken; what the term "hooked" means; how tolerance for narcotics is developed; how the illegal market results in high prices and often an impure product; and why the heroin user is endangered by overdose and poisoning. An ex-addict describes how he "kicked" his habit. Various treatment methods are discussed including specific programs which use encounter therapy or treatment with synthetic drugs.

The discussion guide which accompanies the filmstrip contains the script, background information for teachers, a drug chart, a summary of drug laws, a glossary and a bibliography.

General evaluation of filmstrip.—The narration, photography and objective presentation of the information in this filmstrip all contribute to its overall quality. The use of different ethnic groups makes the material useful to a wide range of audiences.

Evaluation of scientfic accuracy.—The data in the filmstrip is scientifically acceptable with a few exceptions: a reference to the number of heroin-caused deaths is not fully documented with the proper locale; the drug chart at the end of the filmstrip refers to duration of drug effects without indicating dosage or routes of administration.

The filmstrip does, however, present good, up-to-date information on treatment approaches and the need for a variety of approaches.

DRUG INFORMATION SERIES—PSYCHEDELICS

Medium: Filmstrip.

Year: 1970.

Audience: Sr. high, college, adults.

Producer: Guidance Associates.

Source: Guidance Associates, Harcourt, Brace & World, Pleasantville, N.Y. 10570.

Rental: Not available.

Purchase: $18.00 with record, $20.00 with cassette; complete series of four $66.00 with records, $74.00 with cassettes.

Details: 12 minutes, color, 35 mm., sound (record or cassette); with discussion guide.

Synopsis.—This is one of four drug filmstrips in the Drug Information Series. The program on psychedelics begins by naming various types of psychedelics or hallucinogens, including peyote, mescaline, psilocybin and LSD. (Marijuana is referred to as having hallucinatory effects, but in this series it is included in the filmstrip on sedatives.) Interspersed with comments from a young couple about their experiences with LSD are comments from physicians and psychologists who discuss the perceptual changes and mood alterations which the psychedelics produce. The effect an individual's personality and his immediate surroundings will have in determining what kind of "trip" he will experience is discussed. Other points include the problem of "flashbacks" for those who have had a bad trip, the possibility of long-term chromosomal damage, the legal penalties involved for sale and possession of these drugs, and the uncertain chemical nature of the black market psychedelics.

The discussion guide which accompanies the filmstrip contains the script, background information for teachers, a drug chart, a summary of drug laws, a glossary and a bibliography.

General evaluation of filmstrip.—The combination of the excellent photography and the narration by medical authorities and LSD users makes this filmstrip one of the better materials available on psychedelic drugs. The narration's unemotional, unmoralizing tone contributes to the material's quality.

The filmstrip over-emphasizes the negative aspects of LSD and would be improved if it mentioned current legitimate research with LSD.

Evaluation of scientific accuracy.—The data in the filmstrip is scientifically acceptable with a few exceptions. Reference is made in the narration to evidence that LSD "causes permanent damage" genetically. In view of the fact that most objective observers consider that evidence of genetic damage is at present inconclusive, this reference gives incomplete information. A comment from a medical authority who refers to LSD producing a "very specific regressive phenomenon" implies a universal response rather than one limited to a portion of LSD users. The drug chart which appears at the end of the filmstrip refers to the "duration of effects" of various psychedelic drugs without taking into consideration the dosage of the drug or how it entered the body, factors which bear heavily on the duration of a drug's effect.

DRUG INFORMATION SERIES—SEDATIVES

Medium: Filmstrip.

Year: 1970.

Audience: Jr., sr. high, college, adult.

Producer: Guidance Associates.

Source: Guidance Associates, Harcourt, Brace & World, Pleasantville, N.Y. 10570.

Rental: Not available.

Purchase: $18.00 with record, $20.00 with cassette; complete series of four $66.00 with records, $74.00 with cassettes.

Details: 14 minutes, color, 35 mm., sound (record or cassette); with discussion guide.

Synopsis.—The filmstrip on sedatives is one of four drug filmstrips in the Drug Information Series. The information presented on sedatives covers alcohol, barbiturates and marijuana. Medical authorities and drug users discuss who uses barbiturates and why, and what problems can result from continued use. Comparison is made between barbiturates and alcohol use, and the dangers of using the two simultaneously is discussed. "Physical dependence," "psychological dependence," "tolerance" and "withdrawal" are defined. In the discussion on marijuana, the difference between hashish and marijuana is explained. Interviews with marijuana users relate the effects of the drug. A medical authority says more research is needed to determine whether marijuana has the potential to cause physical harm to the body.

The discussion guide which accompanies the filmstrip contains the script, background information for teachers, a drug chart, a summary of drug laws, a glossary and a bibliography.

General evaluation of filmstrip.—This is an informative, unbiased presentation on sedatives which is supported with excellent photography. The comments from a variety of drug users add much to the filmstrip's entertaining qualities. The setting of many of the frames and the language of the experimenters make this a credible material.

Evaluation of scientific accuracy.—The information presented in the filmstrip is scienticially accurate. The different types of sedatives are presented with good perspective. The material's emphasis on alcohol strengthens the discussion.

In the narration, inappropriate reference is made to drug effects without accounting for the dose or the route of administration. This is particularly true in the drug chart which appears at the end of the filmstrip. An exception to this oversight is the discussion on alcohol which mentions specific dosages when describing effects. The comments on marijuana rely on the "unknown" effects of marijuana to imply that dangers exist with its use. The statement "hooked" on marijuana is used, a contradictory term since it usually refers to addictive drugs.

DRUG INFORMATION SERIES—STIMULANTS

Medium: Filmstrip.

Year: 1970.

Audience: Jr. and sr. high, college, adult.

Producer: Guidance Associates.

Source: Guidance Associates, Harcourt, Brace & World, Pleasantville, N.Y. 10570.

Rental: Not available.

Purchase: $18.00 with record, $20.00 with cassette; complete series of four $66.00 with records, $74.00 with cassettes.

Details: 11 minutes, color, 35 mm., sound (record or cassette), with discussion guide.

Synopsis.—The filmstrip on stimulants is one of four drug filmstrips in the Drug Information Series. This filmstrip examines the broad range of stimulants used daily in our society—from caffeine and nicotine to cocaine, amphetamines and methamphetamine ("Speed"), but it concentrates on "speed" and the life style of the chronic "speed" user. Comments from the narrator, physicians and drug users cover the effects of "speed" on the user's body as well as on his personality. The problems often involved with use of "speed" are discussed, such as infection from dirty needles, "crashing," building a tolerance and malnutrition. Reference is made to the phychological problems which often accompany the physical deterioration in chronic "speed" users. The discussion covers the legal controls and legitimate uses of amphetamines, and points out the difference between amphetamines and anti-depressants.

The discussion guide which accompanies the filmstrip contains the script, background information for teachers, a drug chart, a summary of drug laws, a glossary and a bibliography.

General evaluation of filmstrip.—The information is presented in an objective, informative and professional manner. The specific information contained in the narration, along with the credible interviews with drug users, make the filmstrip both educational and entertaining. The material is timely and will probably not be dated soon.

One distracting factor is the picturing of brand name drugs.

Evaluation of scientific accuracy.—The data in the filmstrip is scientifically acceptable; however, it contains a few inaccuracies concerning drug effects. The narration says caffeine, unlike most other stimulants, does not produce a tolerance. This ignores the tolerance experienced by many coffee drinkers. The mode of action of cocaine as an anesthetic is inaccurately described as constricting the blood vessels of the skin. The chart which ends this filmstrip refers to the duration of effects of stimulants without mentioning the dosage. The chart also classifies Ritalin as an anti-depressant. When abused, Ritalin's action is basically that of a central nervous system stimulant.

DRUGS AND THE BODY

Medium: Transparencies.

Year: 1969.

Audience: Intermediate.

Producer: DCA Educational Products, Inc. with the Food and Drug Administration.

Source: DCA Educational Products, Inc., 4865 Stenton Ave., Philadelphia, Pa. 19144.

Rental: Not available.

Purchase: $61.35.

Details: 21 transparencies, color; with teaching manual.

Synopsis.—The cartoon transparencies emphasized basic concepts about general drug use including respect for drugs. the importance of following a physican's directions for prescribed drugs or the manufacturer's directions for over-the-counter drugs, and the danger of using two drugs simultaneously without medical supervision. Drugs are discussed in relation to the portions of the body they are designed to treat, such as drugs for the endocrine glands, drugs for the muscular system and drugs for the circulatory system.

General evaluation.—The program contains basic information which may be valuable at an elementary level but the transparencies are uninteresting and require an imaginative teacher or leader. References to specific substances such as depressants, anticoagulants and vasoconstrictors is overly-technical for elementary students. At the same time, the graphic style and the fact that much of the information is elementary makes the material unsuitable for a higher-aged group.

The information does give appropriate emphasis to the need for using good sense when dealing with drugs.

Evaluation of scientific accuracy: The material is scientically acceptable with a few exceptions. One of the transparencies refers to phenacetin, a substance no longer used in over-the-counter drugs. More recognition is needed of individual differences and other non-drug factors which affect drug response.

The information places a good emphasis on dosage.

DRGUS: FRIEND OR FOE?

Medium: Filmstrip.

Year: 1970.

Audience: Kindergarten through third grade.

Producer: Marsh Film Enterprises.

Source: Marsh Film Enterprises, 7900 Rosewood Drive, Shawnee Mission, Kansas 66208.

Rental: Not available.

Purchase: $15.00 with record; $18.00 with cassette.

Details: 15 minutes, color, 35 mm., sound (record or cassette); with teaching guide.

Synopsis.—Richard E. Davis, M.D., leads a discussion on drugs with a group of elementary children whose spontaneous comments are included in the filmstrip. The discussion is designed to create an awareness of the benefits of proper drug use and a knowledge of the dangers of drug misuse. Among the questions Dr. Davis asks the children are these: "Why should we take care of our bodies?" "Can drugs prescribed by a doctor be abused?" "What should you do if you take medicine by mistake?" "Why should we throw away old drugs?"

The brief teaching guide which accompanies the filmstrip identifies vocabulary used in the program which may be new to children and lists selected supplementary material for teachers and parents.

General evaluation of the filmstrip.—This is a good teaching tool for the specified audience because the discussion is specific, to the point and uses suitable language. The question and answer approach is used to its best advantage to convey the information in an entertaining, informative way. Another good quality is the general tone of the doctor's discussion which is kindly and not preachy. The filmstrip's concentration on one basic theme is another strong point.

Some of the frames are unimaginative and repetitious. The program will be best utilized if supplemented with additional information and activities.

Evaluation of scientific accuracy.—The data in the filmstrip is scientifically acceptable. It presents good information and encourages "respect" for drugs and the care of the human body.

The narration includes an inaccurate reference to antibiotics as a remedy for colds.

DRUGS IN OUR SOCIETY—ALCOHOL: DECISIONS ABOUT DRINKING

Medium: Filmstrip.

Year: 1968.

Audience: Jr. and sr. high.

Producer: QED Productions, A Division of Cathedral Films, Inc.

Source: Singer (SVE—Society for Visual Education, Inc.), 1345 Diversey Parkway, Chicago, Ill. 60614.

Rental: Not available.

Purchase: $11.50 with record, $13.50 with cassette; complete set of six $51.50 with records, $57.00 with cassettes.

Details: 15 minutes, color, 35 mm., sound (record or cassette); with discussion guide.

Synopsis.—This is one filmstrip in the series Drugs in Our Society. The filmstrip reviews the discovery and early uses of alcoholic beverages and discusses alcohol's chemistry and psychological effects. Tolerance, dependence, damage from chronic alcoholic use and alohol as a social instrument are also discussed.

General evaluation of the filmstrip.—The impact of important scientific information is lost because the material is overly-technical, too lengthy and weighted with the message that all drinking is bad and will lead to accidents, crime, alcoholism or fatal diseases. If the data were closer related to issues of social drinking rather than chronic alcohol abuse, the filmstrip would be more relevant. The photographs date the material and generally are not attractive or entertaining.

Evaluation of scientific accuracy.—The filmstrip is scientifically acceptable. Recognition is given to individual differences in response to alcohol use and the relation of dose to response. The filmstrip presents a good review of alcohol's psychological effects.

The narration mistakenly says alcohol is not physically addicting. The alcoholic concentration in the blood depends not only on the physical size of the drinker, as the filmstrip states, but also on his age and the amount of food he has recently consumed. The material tends to overemphasize an association between alcohol use and crimes, violence and traffic accidents.

DRUGS IN OUR SOCIETY—TOBACCO: THE HABIT AND THE HAZARDS

Medium: Filmstrip.

Year: 1968.

Audience: Intermediate, jr. and sr. high.

Producer: OED Productions, A Division of Cathedral Films, Inc.

Source: Singer (SVE—Society for Visual Education, Inc.), 1345 Diversey Parkway, Chicago, Ill. 60614.

Rental: Not available.

Purchase: $11.50 with record, $13.50 with cassette; complete set of six $51.50 with records, $57.00 with cassettes.

Details: 13 minutes, color, 35 mm., sound (record or cassette); with discussion guide.

Synopsis.—This filmstrip is one of six in the series entitled Drugs in Our Society. The information on this filmstrip includes a historical review of the practice of smoking, including its recently recognized dangers, and a review of the respiratory tract and the body's protective devices. The discussion covers tobacco-related diseases, the chemical composition of smoke and nicotine, and the smoking habit.

General evaluation of the filmstrip.—The material presents accurate, well-documented information which is important for many age groups. The combination of photographs and cartoons makes it useful for audiences spanning a wide age range; however, its emphasis on technical language will be confusing for younger children. The pace of the filmstrip, some of the illustrations and the narrator's monotone voice, detract from the effectiveness of the material.

The filmstrip says the decision to smoke is an individual one. Its information, however, is slanted against smoking. The narration should admit its bias in the beginning, and then proceed to support its viewpoint. It would be helpful if the information on aids for the smoker who is trying to stop were discussed more completely.

Evaluation of scientific accuracy.—The filmstrip is scientifically acceptable and presents valuable information about smoking and health.

In the discussion of the hazards of smoking, the references imply that smoking is the sole cause of some of the diseases mentioned, such as emphysema and lung cancer. Statistical comparisons between occurrences of such diseases between smokers and nonsmokers would be useful.

HEALTH EDUCATION SERIES—DRUGS

Medium: Filmstrips.

Year: 1969.

Audience: Intermediate, jr. high.

Producer: D. C. Heath and Company.

Source: D. C. Heath and Company, 2700 N. Richardt Avenue, Indianapolis, Ind. 46219.

Rental: Not available.

Purchase: $200.00.

Details: Set of 10 filmstrips with 10 records, color, 35 mm., sound; with teacher's guide.

Synopsis.—The filmstrips, composed of photographs and cartoons, are available as a set with a teacher's guide and student "score sheets" which correspond to the multiple choice questions posed throughout the narration. The introductory filmstrips presents an overview of drug abuse problems, notes similarities between the drugs which are covered in the series, and discusses factors which influence short-term and long-term responses to drugs. The introduction also covers legal controls over drugs and individual responsibility in making decisions about drug use. The filmstrips on the various drugs (barbiturates, amphetamines, marijuana, LSD, LSD-type drugs and narcotics) cover such topics as legitimate uses of the drugs, short-term and long-term effects, a survey of the drugs' general uses or abuses, and factors young people should consider when making decisions about drug use. The final two filmstrips review the previous material and discuss drug use from the viewpoint of student interest and concerns.

General evaluation of the material.—The series presents much valuable information on drugs. The material is basic, unbiased and up-to-date. Unfortunately, the filmstrips are slow-paced and uninteresting. The material tends to become dull because the same format—information interspersed with questions and answers—is followed for the entire series. The unimaginative style makes the series too simplistic for most teenagers although the information is appropriate for them. The set has potential use as a supplement to other material.

Evaluation of scientific accuracy.—The material is scientifically acceptable. Overall, the series presents information on drugs with a good perspective. It recognizes non-drug factors when describing drug effects. It places alcohol in a logical context and gives good definitions of psychological dependence, tolerance and physical dependence.

The narration mistakenly says that "any drug can be habit forming," and that the major effect of some drugs discussed is an "alteration of the mind," an observation which does not consider a dosage factor. The statement that one-half of all amphetamines and barbiturates which are legitimately manufactured go into illicit drug channels is exaggerated. The material does not fully distinguish between major and minor tranquilizers.

HOW SAFE ARE OUR DRUGS?

Medium: Transparencies.

Audience: Elementary, intermediate.

Producer: DCA Educational Products, Inc. with the Food and Drug Administration.

Source: DCA Educational Products, Inc., 4865 Stenton Ave., Philadelphia, Pa. 19144.

Rental: Not available.

Purchase: $54.75.

Details: 22 transparencies, color; with teaching guide.

Synopsis.—The material defines "drugs" and discusses why marketed drugs are regulated for safety. The processes of the Food and Drug Administration's pre-marketing approval of a new drug and the preparation of essential labeling information is outlined. Some information is presented about those responsible for the safety of a drug product.

General evaluation of the material.—The information will be useful only to those who wish to know about some of the FDA's functions. The transparencies are ineffectual and not likely to communicate much useful information to a general audience.

Evaluation of scientific accuracy.—The information is scientifically acceptable although a reference to FDA approval to all new types of marketed drugs is unclear. The reference should indicate that the approval is granted to a particular drug, not to every individual batch of that drug manufactured, except for certain classes which should be mentioned.

LET'S TALK ABOUT DRUGS

Medium: Filmstrip.

Year: 1969.

Audience: 9 and 10-year olds; all economic classes.

Producer: Multi-Media Productions, Inc.

Source: Multi-Media Productions, Inc., 580 College Avenue, Palo Alto, Calif. 94306.

Rental: Not available.

Purchase: $49.50.

Details: In 2 parts, 36 minutes, color, 35 mm., sound (records); with teaching guide.

Synopsis.—The guide which accompanies the program lists five questions which form the core of the program: "What is a drug?" "Why are drugs different from other things taken into the body?" "What kinds of drugs are there?" "Why do people take drugs?" and "What do drugs do?" The subject of drug use is introduced with a discussion of how people differ and how their emotional and physical needs, as well as the ways they choose to satisfy those needs, will vary. In its definition of a drug, the program reviews the basic biochemical process by which drugs cause changes. A wide variety of drugs is discussed, including coffee and tea, medicinal and mind-altering substances. The kinds of effects that result from drug groups whose action is depressant, stimulant or a combination of these are discussed. Variable factors which determine effects are discussed, including the dosage, the setting, the reason for taking the drug, and individual biochemical differences.

One of the two records, designed for teachers or parents, interviews Sanford J. Feinglass, Ph.D., who is consultant to the project. In the record Dr. Feinglass talks about the objectives of drug education, teacher training, the role of the students and evaluation of the drug program. The guide for the program includes the complete script, suggested teacher readings and discussion topics.

General evaluation of the filmstrip.—Several factors help make this program effective. The information is sectioned so that the program can be viewed in intervals, allowing time for integrated discussions and flexibility for using the program over an extended period of time. The filmstrips use multiethnic groups which add authenticity to the scenes. The information is presented in an objective, low-keyed manner, which does not preach at children but urges them to make their own decisions about drugs.

The narrator's voice tends to become monotonous. The photography in some of the frames is of poor quality and detracts from the program's effectiveness.

Evaluation of scientific accuracy.—The data in the film is scientifically acceptable. The material presents a good perspective of drugs and their effects.

The discussion on dosage, while accurate, tends to confuse potency of drug preparation with dose. The narration incorrectly states that "All drugs can be habit forming."

LSD: THE ACID WORLD

Medium: Filmstrip.

Year: 1969.

Audience: Jr., sr. high; suburban.

Producer: Guidance Associates.

Source: Guidance Associates, Harcourt, Brace & World, Pleasantville, New York 10570.

Rental: Not available.

Purchase: $35.00 with record; $39.00 with cassette.

Details: In 2 parts, 34 minutes, color, 35 mm., sound (record or cassette); with discussion guide.

Synopsis.—In Part I, viewers share with an 18-year-old his feelings as he considers using LSD. He weighs comments from LSD users who describe their good and bad trips, medical authorities who discuss physical and psychological effects and a dealer who explains how LSD is processed and distributed. In Part II, the boy tries LSD at a party. He describes the first vivid sensations and later, his fears and confusions. Comments from physicians explain why LSD users sometimes panic.

General evaluation of filmstrip.—The information presents arguments which urge as well as discourage LSD use, with the idea of letting viewers make their own decisions, but the information is weighted with negative viewpoints. Some of the frames are attractive but too often they have little relationship to the narration. The filmstrip is too long; the second half in particular is repetitive and trite. The simulation of the boy's bad trip in the end is over-dramatized.

Evaluation of scientific accuracy.—The filmstrip is scientifically acceptable; however, it contains some inaccuracies. Overgeneralized statements imply that marijuana use leads to LSD or that use of LSD leads to other drugs. Some unique, individual reactions to LSD use, as presented, imply that these reactions are common. An LSD user is quoted as saying he could not graduate from school because he used LSD three or four times a month. Describing LSD as an "atom smasher of the mind" and "psychologically addicting" is using misleading overgeneralizations. The information on chromosomal damage should be qualified since present data regarding LSD use and resulting chromosomal damage is inconclusive. References to Federal laws concerning LSD are dated. LSD is now controlled by the U.S. Bureau of Narcotics and Dangerous Drugs.

MARIJUANA: WHAT CAN YOU BELIEVE?

Medium: Filmstrip.

Year: 1969.

Audience: Sr. high, college, adults; suburban.

Producer: Guidance Associates.

Source: Guidance Associates, Harcourt, Brace & World, Pleasantville, N.Y. 10570.

Rental: Not available.

Purchase: $35.00 with record; $39.00 with cassette.

Details: In 2 parts, 32 minutes, color, 35 mm., sound (record or cassette); with discussion guide.

Synopsis.—Part I is built around comments by David Smith, M.D., Medical Director of the San Francisco Haight-Ashbury Clinic. Dr. Smith defines marijuana use as a political-legal-cultural problem rather than a major health issue. He says marijuana neither enhances creativity, nor does it act like a narcotic. There is nothing in the pharmacology of marijuana that leads to any other drug, yet there is often a cultural association between it and other drugs. Dr. Smith explores the relationship of marijuana to other drugs, the legal restrictions on possession and sale of marijuana, and its impact on cultural and social youth norms. In Part II five teenagers relate some of their experiences with marijuana and other drugs. The five include a "head," an ex-user, a "social" smoker, one arrested for possession of marijuana and another who moved from marijuana to other drugs.

An accompanying discussion guide includes the script for both parts of the program, questions for discussion, a drug chart, a glossary and a bibliography.

General evaluation of the program.—Dr. Smith's discussion is rational and honest. His factual data is delivered without moralizing. The information should help clear confusion and misinformation on some issues of marijuana use. One criticism of the discussion is its length and its attempt to cover too much information. If it were better organized, a discussion leader could divided it into segments. The photos are interesting and attractive; however, some have little relation to the narration which accompanies them.

Part II is more entertaining than Part I because more people participate in the narration. The experiences related are interesting and bring out valid problems associated with marijuana use. While these experiences appear to be realistic, they are not representative of marijuana use in general because most of the situations recalled are unfortunate ones. If the young people did not have such negative viewpoints regarding marijuana use, their opinions would be more credible.

Evaluation of scientific accuracy. — The data in the filmstrip is scientifically acceptable. The program places a good emphasis on marijuana as a social issue rather than a drug issue. It also does an excellent job of discussing the variations of strength of marijuana and the roles the personality and environmental play in an individual's reaction to using marijuana.

The classification of marijuana as a "hypnotic-sedative" should be presented as an opinion held by some rather than a fact since marijuana contains a variety of active ingredients with varying types of pharmacological action.

THE PROBLEM OF DRUG ABUSE

Medium: Slides.

Year: 1970.

Audience: College, adults.

Producer: Pharmaceutical Manufacturers Association.

Source: Pharmaceutical Manufacturers Association, 1155 15th Street, N.W., Washington, D.C. 20005.

Rental: Not available.

Purchase: $15.00.

Details: 77 slides, color, 35 mm., with printed script.

Synopsis.—The introductory script reviews some of the reasons why people misuse drugs. The drugs discussed include deliriants (glue, gasoline, lighter fluid), hallucinogens (marijuana, THC, peyote, mescaline, LSD), stimulants (amphetamines, cocaine) sedatives (barbiturates, minor tranquilizers) and narcotics (opium, morphine, codeine, paregoric). The discussion covers the historical background of some of the substances, what legitimate uses they have, if any, how the drugs are taken into the body, how they affect the body, what dangers are involved, and what results can be expected from long-term abuse.

General evaluation of the slides.—The slides and script present specific, well-organized information on a variety of drugs and will be useful when technical information is desired. The slide medium offers the alternative of easily using certain slides or portions of the entire set for specific purposes. The set can be updated easily by replacing certain slides when necessary.

The program makes no attempt at being entertaining or dramatic, and tends to be uninteresting. Many of the slides add little to the narration. The frequency of the slides is uneven, with some slides appearing on the screen only briefly. Because the information is technical, it is especially suitable for professional audiences. When shown to lay audiences, it should be presented by a competent leader.

Evaluation of scientific accuracy.—The program is scientifically acceptable; however, it presents implications which may be misleading. The discussion tends to perpetuate the idea that chemical substances in and of themselves cause certain reactions, without considering individual differences, dosage, or setting. The statement that an amphetamine "kick" will distort the concept of right or wrong needs qualification. Terminology for classification of some substances is questionable, such as labeling glue and solvents "deliriants" and marijuana as a hallucinogen. The script also refers to barbiturates as having a "completely opposite effect" on the brain from amphetamine action, a statement which could be disputed. NOTE: The Pharmaceutical Manufacturers Association reports that it has revised The Problem of Drug Abuse, incorporating the changes suggested in the above evaluation.

SCHOOL HEALTH EDUCATION STUDY—CONCEPT #9: USE OF SUBSTANCES THAT MODIFY MOOD AND BEHAVIOR ARISES FROM A VARIETY OF MOTIVATIONS

Medium: Curriculum with transparencies.

Year: 1968.

Audience: K–12 (Level III for jr. high—see synopsis).

Producer: School Health Education Study.

Source: 3M Company, Box 3100, 3M Center, St. Paul, Minn. 55101.

Rental: Not available.

Purchase: $35.00 per set of 20 visuals. The Concept #9 series contains a total of 19 sets; Level III contains 5 sets; Teaching-Learning Guides are $3.00 per level.

Synopsis.—This series is one of 10 concept areas in the comprehensive health education program known as the School Health Education Study. Each of the 10 areas is a complete kindergarten through twelfth grade curriculum which uses transparencies. "Use of Substances. That Modify Mood and Behavior" is based on the concept that an individual's behavior and mood may be modified if alcohol, tobacco, amphetamines, tranquilizers, coffee and similar beverages, hallucinogens, and other substances are used. The resulting changes may be harmful or beneficial. Many variables underlie the use of such substances, including social reasons, personal needs, psychological motives, and other pressures and circumstances.

The scientific review panel evaluated the total K–12 program for Concept #9; the communications review panel evaluated portions of the total program but concentrated on Level III (7th through 9th grades).

Level III deals with decisions about behavior which confront the early adolescent as he establishes himself as an individual growing into adulthood. The material for this level assumes that most young adolescents will try some substances that modify mood and behavior, particularly tobacco and some alcohol. It attempts to make the experimenter aware of the range and variety of modification that can result. The program places emphasis on why certain people might try drugs and on the reasons behind use, misuse, and nonuse, rather than on the nature of the substances themselves.

General evaluation of the program.—It is evidence that the total program has been carefully planned and professionally organized. One of its strongest points is its utilization of the "conceptual approach." Each idea studied is part of the total concept of health education; also, the behavioral concepts studied at one level have reinforcements at earlier and later levels in the curriculum. Another strong point of the program's organization is that it takes into account the individual differences of students and communities and provides flexibility so that teachers can work with the differences. Also important is the amount of student involvement in the program, in discussions and activities, and in the problem-solving techniques which the program incorporates.

The program's success will be determined by a teacher's creativity in presenting it, rather than by the transparencies which are a small portion of the total program. By themselves, the transparencies are undramatic and not likely to excite students. The drawings are more appropriate for a younger audience than the junior high age.

Evaluation of scientific accuracy.—The data is scientifically acceptable. In general the program is well-balanced. It gives a good perspective to alcohol, smoking and illicit drug use. It distinguishes between reasons for trying and reasons for continuing to use drugs. The program introduces the concept of "risk-benefit" as a value judgment. Due attention is paid to the influence of dose, individual variability in response to drugs, and the importance of social and cultural factors.

Several references to the legality of marijuana and heroin, while they do not make incorrect statements, may leave incorrect impressions. The teaching-learning guide for Level II states that marijuana is illegal "mostly because it has been seen as a 'stepping stone' to the use of heroin." The same guide later makes a statement, which is repeated in Level IV, that heroin is illegal because it has no medical use. This ignores the use of heroin in medical practice in other countries.

YOU GOTTA' EVEN OPEN YOUR EYES

Medium: Filmstrip.

Year: 1969.

Audience: Sr. high, parents; suburban.

Producer: Design Center Inc., for United Methodist Board of Christian Social Concerns

Source: Service Dept., Board of Christian Social Concerns, United Methodist Building, 100 Maryland Avenue, N.E., Washington, D.C. 20002.

Rental: Not available.

Purchase: $15.00 ($9.50 to church-related organizations).

Details: 20 minutes, color, 35 mm., sound (record), leader's guide.

Synopsis.—Donnie and Frannie, middle-class teenagers, relate the true story of how drugs (marijuana, LSD and heroin) became the center of their lives. Eventually Donnie is referred to a hospital for treatment; Frannie is arrested for selling drugs. The second portion of the filmstrip consciously evaluates the material's potential for communicating to young people about drugs. Discussions with the director of the filmstrip, with the two young people who play the roles of Donnie and Frannie, and with the actual Frannie and her mother, revolve around questions about why people use drugs, what it does to them, and how drug abuse can be prevented.

The filmstrip uses no professional actors. Some of the scenes are repeated in the film "Anything for Kicks."

General evaluation of filmstrip.—The filmstrip presents a good example of drug abuse in a middle-class, suburban setting. Frannie is able to describe her life on drugs in a realistic manner without glamorization. The filmstrip has good potential for promoting discussion. The photography is excellent.

However, the purpose of the filmstrip is unclear, in part because the format is confusing. The introduction lacks identification of the speakers and the setting. There is little continuity between segments of the filmstrip which involve different settings. At times it is hard to know who is speaking; is it the "real" Frannie, or the girl who plays Frannie? The sound is poor, making the speakers sometimes hard to hear. The extremely fast pace of the first part of the sound track adds to the confusion by making synchronization between the sound and the visual frames difficult when the filmstrip is operated manually.

Evaluation of scientific accuracy.—The filmstrip is scientifically acceptable. It presents a realistic story of middle-class involvement with drugs.

[Films Rated Scientifically Unacceptable]

THE BALLAD OF MARY JANE

Year: 1970.

Audience: Jr. and sr. high.

Producer: Professional Arts, Inc.

Source: Professional Arts, Inc., P.O. Box 8484, Universal City, Calif. 91608.

Rental: $25.00.

Purchase: $250.00.

Details: 23 minutes, color, 16 mm., sound.

Synopsis.—Mary Jane (marijuana) tells "her own story" to Jim, a teenager who is trying his first marijuana cigarette. Mary Jane briefly relates her historical background, tells how she grows and how she affects her user's central nervous system. She explains how she becomes involved in the underground and why she is sometimes impure. Psychologically, Mary Jane says, she is habit forming. "I'm a 'put-on' because I dull your mind and waste your precious time." Mary Jane leaves Jim by asking if he's going to make her an important part of his life.

Marijuana users interject into the narration their personal experiences with the drug.

Evaluation of scientific accuracy.—The film is scientifically unacceptable. It refers to the "female" hemp plant as the source for marijuana. Actually, marijuana is found in the flowering tops and leaves of both the male and female plant. The visual effects which are designed to suggest marijuana-induced experiences are more appropriate to effects which could be produced by LSD. The historical references, both to the mythical Shen Nung and to the highly-dramatized gangster wave of the 1930's, are not based on actual fact in so far as marijuana is concerned. The overall tone of the film suggests that marijuana is closely associated with violence, that it is "habit forming" and leads to use of heroin, and that few, if any, who try it ever stop smoking it. This tone does not present a realistic view of marijuana use today. The film will be viewed by most young people as an unconvincing melodrama.

One noteworthy aspect of the film is that it says people can experience different effects from marijuana use.

DAVID

Year: 1965.

Audience: College, adult; professionals working with addicts.

Producer: Drew Associates for Time-Life.

Source: Time-Life Films, 43 West 16th Street, New York, N.Y. 10011.

Rental: $50.00.

Purchase: $400.00.

Details: 54 minutes, black/white, 16 mm., sound.

Synopsis.—The drug addiction rehabilitation processes of Synanon are related in this story of an addict seeking treatment. David is torn between wanting to leave Synanon to join his wife and son, and probably begin using heroin again, and staying at Synanon where his behavior, motivations and attitudes are subject to continual critical analysis by other residents. David's struggles are intensified when a former resident returns for a visit because he went back to heroin after leaving Synanon; the visitor tries to cure himself by staying again, and fails. David eventually "wins" his struggle; he decides to stay at Synanon until he is cured.

Evaluation of scientific accuracy.—The data in the film is scientifically unacceptable because it deals with an early period of Synanon's history and does not accurately portray the current Synanon program. Drug addicts are no longer removed from rehabilitation centers by enforcement officials, as the movie portrays. The conflict over the visit by David's wife is outdated by the present

Synanon concept which encourages families to live in with addicts.

The film is useful for those who are interested in Synanon's history.

DRIVING AND DRUGS

Year: 1969.

Audience: Jr and sr. high.

Producer: Jam Handy Productions.

Source: Rental: Jam Handy Productions, 2821 East Grand Blvd, Detroit, Michigan 48211; purchase: General Motors Photographic, Audiovisual Dept., 465 West Milwaukee Ave., Detroit, Michigan 48202.

Rental: Free.

Purchase: $61.55.

Details: 14 minutes, color, 16 mm., sound.

Synopsis.—The film discusses the potential effects of barbiturates, amphetamines, marijuana, mescaline and LSD on automobile driving. It simulates the effects of the drugs as seen from the eyes of the auto operator.

Evaluation of scientific accuracy.—The film is scientifically unacceptable. Its discussion of drugs and drug effects is overgeneralized and includes misleading and incorrect statements. Individual cases involving extreme reactions to certain drugs are used to imply a universal drug reaction. For example, the narration states that amphetamines can produce "temporary insanity." The discussion of marijuana implies that users usually move on to heroin; the information of the effects of marijuana is overgeneralized since it does not qualify its discussion with references to dose. Misleading descriptions of LSD effects, based on rare reactions, include a user who "one year later doesn't trust his friends and goes insane" and a first-time user who requires psychiatric treatment. The narration contains such incorrect statements as "Drug use is against the law" and "All drugs will produce a psychological dependence."

The film's perspective on the relationship of drug use to driving would be improved if it included the effects of alcohol as well as prescription and non-prescription drugs.

DRUG ABUSE: THE CHEMICAL TOMB

Year: 1969.

Audience: Jr. and sr. high.

Producer: Film Distributors International.

Source: Film Distributors International, 221 South Olive St., Los Angeles, Calif. 90007.

Rental: $15.00.

Purchase: $225.00.

Details: 19 minutes, color, 16 mm., sound.

Synopsis.—The film presents information concerning the effects of drugs on the body. It classifies drugs most commonly abused, including solvents, barbiturates, amphetamines, LSD and marijuana. The film illustrates, often through staged settings, what it calls the pitfalls of drug abuse including dependence, infection, depression, crime, imprisonment, suicide and death. The film's message says that the use of dangerous drugs leads inevitably to a dead end, a chemical tomb from which there is no escape.

Evaluation of scientific accuracy.—The data in the film is scientifically unacceptable. The logic underlying the addictive process, as described in the film, is weak. The suggestion that those who use the "dangerous drugs" are "buried alive" is unrealistic. The film's reference to "deliriant" as a drug classification is vague and not consistent with generally acceptable classifications. Glue sniffing is inaccurately described as causing brain damage. References to one Seconal producing hallucinations, marijuana resulting in hallucinations, and high dosages of THC paralleling LSD effects require further qualifications if they are not to be misleading. The term "smack" is inaccurately used as a synonym for mainlining.

The film presents good identification of Seconal, Nembutal and Tuinal.

DRUGS AND THE NERVOUS SYSTEM

Year: 1967.

Audience: Jr., sr. high.

Producer: Churchill Films.

Source: Rental: University of Southern Calif., Div. of Cinema, Film Distribution Section, University Park, Los Angeles, Calif. 90007; Purchase: Churchill Films, 622 N. Robertson Blvd., Los Angeles, Calif. 90069.

Rental: $7.00.

Purchase: $180.00.

Details: 18 minutes, color, 16 mm., sound; available in Spanish.

Synopsis.—This animated film describes physiological and psychological effects of various drugs on the body. Aspirin is used to illustrate how a common drug acts to reduce pain and fever. The film discusses glue-sniffing, stimulants, depressants, opium-derivatives, marijuana and LSD. Therapeutic uses and the results of abuse of each class of drugs are explained.

Evaluation of scientific accuracy.—The film is scientifically unacceptable. It contains overgeneralizations and erroneous statements about drug effects. The description of aspirin's action on the central nervous system is oversimplified and not a good analogy to how other drugs affect the body. Classifying central nervous system drugs as either stimulants or depressants uses an overgeneralized, outdated concept. The narration includes misleading statements such as "Heroin is the strongest and most dangerous drug," and references saying LSD causes permanent brain damage and marijuana use leads to other drug use. Several references to the authoritative knowledge of medical doctors imply that a drug acts one way if taken with a physician's advice, but will act differently if taken for "kicks."

FALSE FRIENDS

Year: 1967.

Audience: Adult; middle and Far Eastern audiences.

Producer: Interfilm-London-Ltd. in association with Film Producers Guild.

Source: International Film Bureau, Inc., 332 South Michigan Ave., Chicago, Ill. 60604.

Rental: $8.00.

Purchase: $125.00.

Details: 9 minutes, color, 16 mm., sound.

Synopsis.—The film illustrates the problems a laborer and his family face as a result of his addiction. He struggles to keep his job in order to earn enough money to buy drugs, but eventually fails. His wife and foreman persuade him to undergo treatment, and after his cure, he is again united with his family. Most of the story is told without narration. The animated characters are of Oriental origin.

Evaluation of scientific accuracy.—The film is scientifically unacceptable. The story is based on overgeneralizations of atypical experiences. The laborer's addiction, which resulted after he experimented with opium smoking, implies that the progression from occasional experimentation to drug dependence is inevitable. The manner in which the story is presented ignores the complexity of drug addiction.

FIGHT OR FLIGHT

Year: 1967.

Audience: Jr., sr. high.

Producer: J & F Productions, Inc.

Source: J & F Productions, Inc., Suite 700, 1401 Walnut Street, Philadelphia, Pennsylvania 19102.

Rental: Not available.

Purchase: $150.00.

Details: 16 minutes, color, 16 mm., sound.

Synopsis.—Former drug addicts who are residents of Daytop Village in New York recall their experiences with drug addiction. Their comments, interspersed with illustrated accounts of drug experiences and narration, emphasize the effects of heroin and LSD, marijuana, "pills," alcohol and cough medicine are also referred to. The narration concludes that it is easy to escape from life, that everyone must make a decision. . . . "fight or flight."

Evaluation of scientific accuracy.—The film is scientifically unacceptable. The information draws on the biases of four ex-addicts whose experiences are used to predict universal reactions. Using the comments of former addicts uncritically creates mistaken impressions. Several references, for example, imply that marijuana is addicting and inevitably leads to heroin addiction. Fatal automobile accidents, crime, death and irresponsible behavior are all attributed to drug abuse. A wife of an addict blames heroin for her husband's liver condition which was caused by tuberculosis. The narrator states that these addicts, "unlike most," survived their addiction; this implies that addiction is a hopeless disease which results in death.

FROM RUNAWAY TO HIPPIE

Year: 1967.

Audience: Jr., sr. high, parents.

Producer: Cinema Verite for NBC News.

Source: Film Distributors International, 2221 South Olive St., Los Angeles, Calif. 90007.

Rental: $14.00.

Purchase: $185.00.

Details: 18 minutes, color with black/white segments, 16 mm., sound.

Synopsis.—This documentary about the Hippie movement was originally shown in three segments on NBC television's Huntley-Brinkley Report. It follows several teenage boys from a glue-sniffing party in their hometown to the Haight-Ashbury section of San Francisco where they find marijuana and LSD. The film depicts a love-in, a Hippie wedding, Hippie dwellings, and curious tourists. The film also views communal farms inhabited by "runaways." The narration discusses the impact of Hippie culture on American society.

Portions of the glue-sniffing scenes are identical to scenes in the film "Hello America."

Evaluation of scientific accuracy.—The film is scientifically unacceptable. It presents an overgeneralized and distorted picture of the Hippie movement. It includes erroneous statements as well as misleading implications. The narration says that a Hippie is a dope dealer. Glue-sniffing leads to "blindness, paralysis, severe impairment and death." Communal living is equated with hepatitis and venereal disease. A sociological relationship is drawn between taking dope and protesting.

The film presents little analytical information on drugs or effects. It is more of an editorial vehicle.

THE HANG-UP

Year: 1968.

Audience: Military.

Producer: United States Air Force.

Source: Rental: Air Force (AVVUTL), Norton Air Force Base, Calif. 92409.

Purchase: Sales Branch, National Audiovisual Center (GSA), Washington, D.C. 20409.

Rental: Free.

Purchase: $107.50.

Details: 32 minutes, color, 16 mm., sound.

Synopsis.—The film dramatizes three fictional situations which involve the effects of drug abuse. A hospitalized serviceman dies from wounds apparently self-inflicted while under the effects of drugs. Another tries to persuade his girlfriend to try marijuana and LSD with him; he later experiences flashbacks from LSD. A lieutenant uses amphetamines to cope with job pressures. The film illustrates how a serviceman's career can be permanently damaged because of a narcotics conviction.

Stan Musial narrates portions of the film. Professional actors are used.

Evaluation of scientific accuracy.—The content of the film is scientifically unacceptable. The contrived situations presented in the film are exaggerated to the point of presenting inaccurate portrayals of drug situations. The film implies that marijuana is always used only as a crutch. The simulations of marijuana effects are overdramatized. Portrayals of the pusher, the marijuana party and the LSD trip are theatrical. There is an over-emphasis of the frequency of recurring bad trips.

Because of the film's unrealistic tone, it has questionable educational value.

HOOKED

Year: 1967.

Audience: Jr., s. high.

Producer: Churchill Films.

Source: Rental: University of Southern Calif., Div. of Cinema, Film Distribution Section, University Park, Los Angeles, Calif. 90007; purchase: Churchill Films, 662 North Robertson Blvd., Los Angeles, Calif. 90027.

Rental: $6.50.

Purchase: $125.00.

Details: 20 minutes, black/white, 16 mm., sound.

Synospsis.—Former addicts who have been off drugs from three to 24 months relate how they became involved with drugs, how their drug experiences affected them and their families, how and why they stopped using drugs. The youths, who are of mixed social and racial backgrounds, are filmed in various situations. Most of the conversations revolve around heroin use, although other drugs are mentioned. There is no dialogue between the participants and no narration.

Evaluation of scientific accuracy.—The content of the film is scientifically unacceptable. The information is based on individual experiences, which, presented uncritically, create inaccurate impressions about drug effects. References to "starting on marijuana" imply that heroin use inevitably results from marijuana use. The term "hooked" as a title is inappropriate for a film in which marijuana is discussed since the term implies addiction. Some anecdotes have an unclear relationship to the entire discussions, such as a reference to heart pills and a mention of using phenobarbitals to commit suicide.

The underlying message "I never thought it would happen to me" is valid; however, the overall information is stereotyped and does not present a balanced picture of drug use.

LSD

Year: 1967.

Audience: Military.

Producer: Bureau of Medicine and Surgery, U.S. Navy.

Source: Rental: Medical Film Library, Naval Medical School, National Naval Medical Center, Bethesda, Md. 20014; purchase: Sales Branch, National Audiovisual Center (GSA), Washington, D.C. 20409.

Rental: Free.

Purchase: $94.00 and $124.00.

Details: In 2 versions, 28 and 37 minutes, color, 16 mm., sound.

Synopsis.—Lieutenant Commander Walter Minor, a Navy physician, lectures about LSD's discovery, its effective dose, how it works in the human body, its physical and mental effects, and why the Navy is concerned that its personnel might use it.

Evaluation of scientific accuracy. The film contains data which is scientifically unacceptable. The lecturer says he intends to be unemotional and present only documented facts, but his information contains inaccurate statements, partially true statements and overgeneralizations. The lecture presents scientific theories about the way LSD acts on the mind and body as though they are facts. Rare reactions to LSD use are presented as common occurrences. The film states that LSD causes a rapid, complete break with reality. It defines a trip as "nothing more or less than a period of insanity." The film equates differences in electroencephalograph readings before and after a subject uses LSD with brain damage.

The information assumes that changes in chromosomes in white blood cells will result in abnormal children; this assumption is not valid since no direct or conclusive link has yet been proven either between LSD use and mutated genes, or between changed chromosomes and hereditary defects. The information over-emphasizes flashbacks; it suggests that anyone who takes LSD can never be reliable because of a vulnerability to flashbacks.

The discussion does give good emphasis to the importance of set and setting in determining effects of LSD.

LSD: INSIGHT OR INSANITY

Year: 1968.

Audience: Jr., sr. high, college, adult.

Producer: Max Miller/Avanti Films, Inc.

Source: Bailey-Film Associates, 11559 Santa Monica Blvd., Los Angeles, Calif. 90025.

Rental: $25.00.

Purchase: $300.00.

Details: Revised version, 28 minutes, color, 16 mm., sound.

Synopsis.—A review of teenage fads opens the film, moving from goldfish swallowing to gang fighting and on to experimenting with drugs. Eight physicians and a pharmacist, all involved in LSD research, present their views. They agree that LSD use, outside of a medical setting, is potentially dangerous and can lead to serious and perhaps permanent brain damage and personality destruction. LSD can also produce, they say, serious chromosomal damage in users. Illustrations of fetal damage in hamsters and human chromosomes affected by LSD are presented.

Evaluation of scientific accuracy.—The film contains data which is scientifically unacceptable. It misuses information by drawing on rare, infrequent and experimental results as a basis to predict what will happen when humans use LSD. It overgeneralizes and does not recognize important factors such as dose, frequency and pattern of use, or species.

Using statements as "some doctors believe" and including testimony of actual medical doctors adds supportive authority to some controversial issues concerning LSD which are presented as though they are proven facts. Terming a bad trip "instant insanity" or "often a never, never land of no return" and stating that "many LSD users lose all contact with reality" misleadingly imply that these are frequent experiences.

The information on genetic damage resulting from LSD is confusing. Clear distinction is not drawn between teratogenesis and mutagenesis. Chromosome damage in white blood cells is inaccurately equated with transmission of traits from one generation to another. The information on LSD damage to chromosomes and resulting birth deformities is presented as fact. Because much is unknown about LSD, in particular whether or not it causes chromosomal damage and whether damaged chromosomes result in birth defects, the information in the film needs qualification.

LSD: TRIP OR TRAP!

Year: 1968.

Audience: Jr., sr. high.

Producer: Sid Davis Productions.

Source: Sid Davis Productions, 2429 Ocean Park Blvd., Santa Monica, Calif. 90405.

Rental: Not available.

Purchase: $120 for black/white; $240 for color.

Details: 20 minutes, black/white or color, 16 mm., sound.

Synopsis.—Bob and Chuck, teenage friends, disagree over whether or not to try LSD. Chuck uses LSD with other friends and persuades his girlfriend to join him. Bob seeks the facts about LSD by reading newspaper articles, by visiting hospitals and police stations and by talking to other young people. He decides to write Chuck a letter warning of LSD's dangers since he cannot convince his friend in person. On his way to mail the letter, Bob comes on an automobile accident which has involved Chuck fatally.

The story is interspersed with narrative giving information about LSD.

Evaluation of scientific accuracy.—The film contains data which is scientifically unacceptable. The exaggerated portrayals of LSD effects present an unrealistic picture of those who use LSD and the dangers involved. The story line is overdramatic: a teenager who is beginning to experiment with LSD is involved in a fatal car accident with the implication that the accident was caused by his use of LSD. LSD users are unrealistically described as "listless, indifferent, decaying and wasting away." The film inaccurately implies that flashbacks occur frequently and that there is no cure for a bad trip. The film mistakenly says the reason LSD is not legitimately manufactured in the United States is because the substance is "so dangerous." Photographs of deformed infants misleadingly imply that all of the deformities are caused by LSD use. The term "lysergic acid diethylamide" is mis-pronounced throughout the narration.

LSD: TRIP TO WHERE

Year: 1968.

Audience: Sr. high, college.

Producer: WABC–TV, New York.

Source: McGraw-Hill Films, Hightstown, New Jersey 08520.

Rental: $16.00.

Purchase: $325.00.

Details: 25 minutes, color, 16 mm., sound.

Synopsis.—The film begins with a simulation of LSD effects as experienced by the producer and narrator. Commentaries from authorities and from people familiar with LSD deal with controversial issues. The comments include LSD's effect on personality changes and on creativity, its possible relationship to mental disturbances and dangers to chromosome abnormality. Members of Daytop Village, a therapeutic community for drug addicts, discuss motivations for taking drugs and experiences with LSD or with people who used LSD. An actor, his face disfigured, describes how he set himself on fire while under the influence of LSD. The film concludes with the acknowledgement that LSD can produce "good" and "bad" trips, but that the dangers do not justify the risks.

Evaluation of scientific accuracy.—The film contains data which is scientifically unacceptable. The discussion of LSD effects on chromosomes dates the film, since it implies that the occurrence of adverse genetic effects is an established and accepted fact. In view of more recent research which has failed to confirm a direct link between LSD use and chromosome damage, the references to genetic dangers and LSD use needs further qualification. References to unusual and rare reactions to LSD—such as psychotic reactions "weeks and months" after ingestion, and murders and suicides attributed to LSD—without qualifying the frequency of these occurrences, put an unrealistic perspective on the dangers of LSD. The statement that "scientists agree" that acid trips are not worth taking, implies an uncritical endorsement against LSD by the scientific community.

NARCOTICS: THE INSIDE STORY

Year: 1967.

Audience: Jr. high.

Producer: Charles Cahill and Associates, Inc.

Source: Rental: Abraham Krasker Memorial Film Library, School of Education, Boston University, 765 Commonwealth Ave., Boston, Mass. 02215; Purchase: Aims Instructional Media Services, Inc., P.O. Box 1010, Hollywood, Calif. 90028.

Rental: $5.00.

Purchase: $150.00.

Details: 12 minutes, color, 16 mm., sound; Spanish version available from Aims.

Synopsis.—The film discusses positive applications of drugs when administered for medical purposes and potential dangers involved when drugs are abused. Clinical scenes showing animal experiments and physicians at work in laboratories illustrate how experimenting with drugs can seriously upset the central nervous system. The drugs discussed include LSD, marijuana, narcotics, sedatives and tranquilizers.

Evaluation of scientific accuracy.—The film contains data which is scientifically unacceptable. The title is inappropriate since the subject matter is not limited to narcotics. The information is over-simplified and misleading. The narration says, without qualification, that marijuana leads to a desire to experiment with other drugs. Marijuana is inaccurately called "so unpredictable" that medical doctors can not prescribe it. The narration says LSD causes permanent brain damage; this has not been medically substantiated. Oversimplified statements such as "Some drugs are dangerous drugs" and "Depressants cause muscle weakness" have questionable educational value.

NARCOTICS: PIT OF DESPAIR

Year: 1967.

Audience: Jr., sr. high.

Producer: Film Distributors International.

Source: Rental: Association Films, Inc., 600 Madison Ave., New York, N.Y. 10022; Purchase: Film Distributors International, 2221 S. Olive St., Los Angeles, Calif. 90007.

Rental: $17.50.

Purchase: $275.00.

Details: 28 minutes, color, 16 mm., sound.

Synopsis.—The film relates the story of John, a teenager from a middle-class home, who usse amphetamines to help him cope with pressures of growing up. An old friend who now sells drugs introduces John to marijuana and then to heroin. John becomes addicted to heroin and experiences withdrawal symptoms when his friend no longer supplies the substance free. While trying to support his habit, John gets arrested; a court allows him to enter a Federal hospital for addicts where he is cured.

Evaluation of scientific accuracy.—The film contains data which is scientifically unacceptable. Much of the information implies that use of one drug leads to use of another. John's use of amphetamines, for example, indicates to the friend a vulnerability to other drugs. While high on beer, John is introduced to marijuana which, in turn, makes him "ready" for heroin.

The film incorrectly implies that marijuana acts like a narcotic. The meaning of the reference to a "pot-needle" is unclear since marijuana is not injected; the association with the needle inappropriately links marijuana with heroin. The title is inappropriate for a film which discusses marijuana to the extent this film does; the title reinforces the implication that marijuana is a narcotic. The narration incorrectly says marijuana produces long-lasting physiological changes in the body. The film unrealistically describes "one puff on a marijuana cigarette" which causes John to "surrender his dignity and lay his future on the line." John's immediate reaction to one puff is an inaccurate portrayal of marijuana smoking. The information on heroin is exaggerated and unrealistic. The pusher is stereotyped. The scenes showing heroin withdrawal are overdramatic.

The film contains an excellent demonstration of the preparaton and injection of heroin.

NARCOTICS—WHY NOT?

Year: 1968.

Audience: Jr., sr. high.

Producer: Charles Cahill and Associates, Inc.

Source: Rental: Abraham Krasker Memorial Film Library, School of Education, Boston University, 765 Commonwealth, Ave., Boston, Mass. 02215; Purchase: Aims Instructional Media Service, Inc., P.O. Box 1010, Hollywood, Calif. 90028.

Rental: $7.50.

Purchase: $185.00.

Details: 15 minutes, color, 16 mm., sound.

Synopsis. — Extemporaneous comments from teenagers and young adults who are residents of the California Rehabilitation Center relate their experiences as narcotic addicts. They used drugs, they say, for "kicks," "association" and "curiosity." The comments emphasize the unpleasantness of the addict's life. Related scenes of drug-taking, drug effects and police arrests are interspersed with the comments.

Evaluation of scientific accuracy.—The film contains data which is scientifically unacceptable. The information is confusing because many types of drugs are discussed without meaningful classifications or distinctions. The term "narcotics," as used in the film, inappropriately covers a discussion of "pills" and marijuana. The narration is not always matched with appropriate visual materials; scenes of people smoking marijuana are accompanied by a discussion on heroin. The information concerning rehabilitation is negative; it implies that treatment is ineffectual and that most addicts will be "hooked for life until they die."

THE PEOPLE NEXT DOOR

Year: 1969.

Audience: Sr. high, college, adult.

Producer: CBS.

Source: Bailey-Film Associates, 11559 Santa Monica Blvd., Los Angeles, Calif. 90025.

Rental: $50.00.

Purchaser: $475.00.

Details: 81 minutes, black/white, 16 mm., sound. Note: This version differs slightly (in cast and story line) from the film currently being shown in public movie theaters.

Synopsis.—The story, originally presented as a CBS Playhouse drama, involves two middle-class families who are neighbors. When the daughter of the Mason family has a "bad trip" on LSD, the father blames his long-haired son and evicts him from the house. The Masons ask their neighbors for help and are told to seek understanding with their daughter. Basic disagreement in values results in the daughter's running away to the East Village in New York City where she is eventually found and brought back home to undergo group therapy with her parents. Therapy proves unsuccessful, and after another "bad trip," the daughter is committed to a mental institution. The neighbors discover that their son has been selling drugs. They turn him over to the police but he is released on a technicality. On the neighbor boy's arrival home, he is attacked by Mason who blames him for the daughter's condition. In the final scene the police take Mason away.

The drama refers to various drugs, including alcohol, barbiturates, amphetamines, marijuana, LSD and STP.

Evaluation of scientific accuracy.—Taken as a whole, the film is scientifically unacceptable. While it probably has value as a film illustrating stresses of family values and generational differenes, its value as a drug film is questionable because of an implicit message that drugs caused most or all of the dramatic situations presented. Realistically, drug use is only incidental to the problems experienced by the two families and as a vehicle of drug information, the film has potential for generating more panic than insight.

The dramatic situations in the story are unrealistic. It is rare that LSD or STP users require a "controlled environment indefinitely" solely because of their drug use as does the Mason daughter. Other unusual situations, considering that only two families are involved, include the neighbor's wife who is "destroying herself" on amphetamines and barbiturates, and her son, a pre-law honor student, who pushes drugs.

The film inaccurately states that no antidote exists for STP.

THE PEOPLE VERSUS POT

Year: 1970.

Audience: Military.

Producer: Sid Abel & Associates for Dept. of Defense.

Source: All military installations. Write Commander of Installation, Attn.: Audiovisual Officer.

Rental: Free.

Purchase: Not available.

Details: 30 minutes, black/white, 16 mm., sound.

Synopsis.—In the setting of a trial, Eddie, a young serviceman who uses marijuana, is confronted by several ex-servicemen who are ex-addicts. In this "encounter" situation, Eddie recalls his drug experiences. Other marijuana-related cases involving military personnel are interwoven into Eddie's story. A soldier who has used marijuana has difficulty driving. A serviceman in combat seeks out and guns down a friend. The narration says all of the incidents reported in the story are authentic.

Evaluation of scientific accuracy.—The film contains data which is scientifically unacceptable. It bases a case against marijuana use on atypical reactions. Reference is made to a first-time marijuana user who "goes crazy, and kills," and to a "killer instinct" which marijuana produces. The effects of the oral concentrate of marijuana given in an experiment in the film are inaccurately equated to the effects of marijuana which is smoked. LSD-like reactions are portrayed and attributed to marijuana. Reference to "a daily habit" or marijuana implies that marijuana is addicting. Comments from several individuals who "started on marijuana" imply that marijuana use usually leads to other drugs.

The incidents and the people portrayed are stereotyped. The film does not present balanced information about the effects of marijuana.

POT'S A PUT-ON

Year: 1969.

Audience: Intermediate, jr. high.

Producer: Professional Arts, Inc.

Source: Professional Arts, Inc., P.O. Box 8484, Universal City, California 91608.

Rental: $13.00.

Purchase: $13.00.

Details.—10 minutes, color, 16 mm., sound.

Synopsis.—The film uses irony, satire and ridicule in a format similar to the televised "Laugh-In" program. Vignettes depict marijuana users in various situations. The film's humor is aimed at commonly heard endorsements for marijuana such as "Grass relaxes me," "Pot's no worse than booze," and "Marijuana gives me insight." The actors portraying marijuana users are comically dressed and wear wigs and oversized glasses. One user is shown reading a comic book as he says "Marijuana helps my mind." Another advocates legalizing as he stands behind prison bars. The film's message is in its title: "Pot's A Put-On."

Evaluation of scientific accuracy.—The film contains data which is scientifically unacceptable. While the film does not makes actual misstatements, the visual effects and narration convey misinformation about marijuana. By implication the film says marijuana causes irresponsible and ridiculous behavior. Those who use it are depicted as lacking intelligence. The film does not present balanced information about marijuana.

THE RIDDLE

Year: 1966.

Audience: Jr., sr. high.

Producer: Quest Productions for Office of Economic Opportunity.

Source: Rental: Modern Talking Pictures Service, Inc., 2323 New Hyde Park Rd., New Hyde Park, N.Y. 11040; Purchase: Sales Branch, National Audiovisual Center (GSA), Washington, D.C. 20409.

Rental: Free.

Purchase: $44.00.

Details: 20 minutes, black/white, 16 mm., sound.

Synopsis.—Scenes of actual glue-sniffers, cough medicine drinkers and heroin addicts in alleys, tenements, and a physician's office reveal some attitudes and feelings of drug abusers. In contrast, scenes are interjected of a young Black who resists the drug abuse crowd and is successful in finding a job. The film uses no professional actors and no script.

Evaluation of scientific accuracy.—The film contains data which is scientifically unacceptable. Isolated cases of drug abuse are used to convey general information about drug effects. Reference is made to someone who sniffed glue and was "dead in five minutes." It is implied that the boy in the film who drinks cough medicine has problems which result from his abuse of cough medicine; no qualifying statement refers to personality problems he displays which may have little to do with drugs. The continual shift in scenes makes the story confusing.

THE TRIP BACK

Year: 1968.

Audience: Jr., sr. high, college, adult.

Producer: Avon Productions, Inc., for the New York Daily News.

Source: Rental: Any military installation. Write Commander of installation, Attn: Audiovisual Officer; Purchase: Association-Sterling Movies, Inc., 41 West 61st Street, New York, N.Y. 10023.

Rental: Free.

Purchase: $175.00.

Details: 28 minutes, color, 16 mm., sound.

Synopsis.—Florrie Fisher, an ex-addict, is filmed as she speaks to a group of New York City high school students. Florrie tells her story of addiction, prostitution, imprisonment and rehabilitation. She talks briefly of her experiences at Synanon, the self-help organization for drug addicts which she credits for saving her life. After speaking, Florrie answers questions from the audience.

Evaluation of scientific accuracy.—The film is scientifically unacceptable. Florrie Fisher's comments inaccurately imply that what happened to her will happen to most people who use drugs. The overgeneralized and opinionated statements give inaccurate information. Marijuana, she says, leads to crimes of "passion and murder." "Nobody in the world can get away with marijuana." "I know marijuana leads to heroin and cocaine." The description of a girl who took LSD implies that all users will become mentally disturbed. The testimony of this former addict does not present a balanced view of drug effects or drug use.

TRIP TO WHERE

Year: 1968.

Audience: Sr. high, college.

Producer: The Peterson Company.

Source: Rental: Public Affairs Officer of any Naval District Headquarters; Purchase: Sales Branch, National Audiovisual Center (GSA), Washington, D.C. 20409.

Rental: Free.

Purchase: $168.25.

Details: 50 minutes, color, 16 mm., sound.

Synopsis.—The film deals with the short and long-term effects of the misuses of barbiturates, amphetamines, marijuana and LSD. The fictional drama centers on three Navy men who experiment with marijuana and LSD. One experiences a "bum" trip and recurring flashbacks; eventually he develops a psychotic mental disorder. The one who purchased the drugs is convicted for illegal possession and imprisoned; the third is demoted.

Evaluation of Scientific accuracy.—The film is scientifically unacceptable. It draws on rare reactions to drugs, particularly to LSD, to form the basis for its overall statement against drug use. The simulation of the bad trip, which involves violence, cowboys and Indians, and strange creatures, is overtheatrical. A physician in the emergency ward says he sees a "good many bad trips," that "many come in dead," and that flashbacks can occur up to 18 months after the LSD is first taken. While this may be one physician's experience, it incorrectly implies that such occurrences are common to all physicians. The physician also says that LSD users can expect chromosome changes which may affect the minds and bodies of future children; since recent scientific data provides conflicting evidence, this statement should be qualified. In genreal, the film uses rare phenomena on which to base its story line, making it unrealistic and over-dramatic. Such exaggerations tend to create disbelief in anyone who knows anything about LSD.

WHY MUST THE FLOWERS DIE?

Year: 1968.

Audience: Jr., sr. high.

Producer: Cine-Pic.

Source: Independent Film Producers Company, 334 East Green Street, Pasadena, Calif. 91101.

Rental: $13.00.

Purchase: $135.00.

Details: 10 minutes, color, 16 mm., sound.

Synopsis: The story is narrated by a young Hawaiian boy who "died ten minutes ago" from an overdose of goofballs. He recalls his friendship with "G.B.," another Hawaiian who sniffs glue and who steals in order to get money for the glue. The narrator is persuaded to join G.B. in stealing and glue-sniffing because he admires G.B. and wants to be his friend, and because he wants to forget his family problems and poor school grades. Eventually the two get "goofballs" from the same person who sold them the glue. The narrator dies from an overdose after the two play a game to see who can down the most pills.

Evaluation of scientific accuracy.—The film is scientifically unacceptable. It presents glue-sniffing in a context more appropriate to narcotics which includes a "pusher" who sells a "two-bit tube of glue for $2," the development of tolerance to glue which is questionable, and a fatal overdose from barbiturates which is a rare occurrence for grade-school children.

The film does give good emphasis to social needing and wanting friendship. The film is factors involved in drug abuse, in this case visually attractive; however, the presentation is over-weighted with drama.

[Other Audiovisuals Rated "Scientifically Unacceptable" includes filmstrips, transparencies and multi-media materials]

DRUG ABUSE—GLUE SNIFFING AND PILLS

Medium: Filmstrip.

Year: 1968.

Audience: Jr., sr. high.

Producer: Family Films.

Source: Society for Visual Education, 1345 Diversey Parkway, Chicago, Ill. 60614.

Rental: Not available.

Purchase: $12.50 or $20.00 with companion filmstrip.

Details: 12 minutes, 54 frames, color, 35 mm., sound (record); companion to the filmstrip "Marijuana and LSD"; with teaching guide.

Synopsis.—This filmstrip briefly discusses the effects of glue-sniffing and the physical dangers involved. Most of the filmstrip focuses on "pills"—particularly amphetamines and barbiturates. It discusses what legitimate uses exist for these pills, lists some of their trade and slang names, describes what effects they have on the body and what possible dangers are involved with their abuse. Young people, it says, take the drugs for various reasons, some of which are legitimate. But whether or not taking drugs can really meet the needs of the abuser is questionable. Drugs, the narration says, are a "shallow" as well as dangerous way to find meaning in life.

The filmstrip comes with a teacher's guide which contains the script and some suggestions for discussions, questions and projects.

Evaluation of scientific accuracy.—The filmstrip is scientifically unacceptable more because of an imbalanced view of drug use, than for actual statements. For example, the narration states that it is presenting only "facts," and bases its facts on official statements or reports from such organizations as the Bureau of Narcotics and Dangerous Drugs, the Food and Drug Administration, and the American Medical Association. Actually, the filmstrip is uncritically presenting opinions of certain authorities. In its discussion of the pharmacology of specific drugs and the symptoms of drug abuse, the narration overgeneralizes and does not recognize such varying factors as dose, or frequency of use. The discussion of possible dangers of glue-sniffing omits the potential for death by suffocation.

The filmstrip does recognize the potential for individual differences in response to any drug, and notes that any drug has the potential for harm. The filmstrip also gives good emphasis to the danger of physiological dependency on barbiturates.

DRUG ABUSE—MARIJUANA AND LSD

Medium: Filmstrip.

Year: 1968.

Audience: Jr. sr. high.

Producer: Family Films.

Source: Society for Visual Education, 1345 Diversey Parkway, Chicago, Ill. 60614.

Rental: Not available.

Purchase: $12.50 or $20.00 with companion filmstrip.

Details: 14 minutes, 57 frames, color, 35 mm., sound (recorded); companion to the filmstrip "Glue Sniffing and Pills"; with teaching guide.

Synopsis.—This filmstrip describes how marijuana is obtained from the hemp plant and how it is most often taken into the body. Basic legal classifications are described. Psychological dependency is discussed, and effects of marijuana on the body are reviewed. LSD's discovery and its effects and potential danger on the mind and body are then discussed. The narration concludes with a reminder that the freedom individuals enjoy requires an important decision on drug use.

The filmstrip comes with a teacher's guide which contains the script and some suggestions for discussions, questions and projects.

Evaluation of scientific accuracy.—The filmstrip is scientifically unacceptable. It overgeneralizes when discussing the effects of marijuana, does not give adequate recognition to the variances of drug dose on reaction, and refers to "prolonged, if not incurable, psychological disorders" without mentioning the infrequency of such disorders. The list of physiological effects of marijuana incorrectly includes a "low concentration of glucose in the blood." The discussion confuses extended use of marijuana with psychological dependency. The information on LSD refers to chromosome changes and resulting birth defects as a likely occurrence with LSD use.

DRUG ABUSE: WHO NEEDS IT?

Medium: Filmstrip.

Year: 1970.

Audience: Intermediate.

Producer: Marsh Film Enterprises.

Source: March Film Enterprises, 7900 Rosewood Drive, Shawnee Mission, Kansas 66208.

Rental: Not available.

Purchase: $15.00 with record; $18 with cassette.

Details: 15 minutes, color, 35 mm., sound (record or cassette).

Synopsis.—Larry, a young teenager, becomes involved with drugs, eventually drops out of school, is arrested and ends up in a mental hospital. Background information on marijuana, amphetamines, barbiturates, LSD and heroin is included in the discussion. The narration also includes spontaneous comments by school-age children on drug abuse which were obtained during a discussion with Richard E. Davis, M.D., consultant for the filmstrip.

Evaluation of scientific accuracy.—The film-strip is scientifically unacceptable. The story is based on an improbable sequence of events, beginning with Larry's experience with amphetamines and barbiturates, then marijuana and finally ending up in a mental institution for three years because of heroin addiction. Larry's disturbed behavior is attributed solely to his use of drugs without considering that his drug use is probably a symptom of a pre-existing disturbance. The discussion of drug effects does not give adequate distinction to potency and dose. Several statements about drugs draw on unusual responses to various drugs, such as the reference to LSD producing hallucinations up to a year after it is used, and death resulting from heroin withdrawal. The narration includes a questionable statistic referring to a "20% chance of moving on to other drugs if one smokes 10 marijuana cigarettes." This is an opinion without factual basis. The narrator mispronounces "barbiturates."

DRUG DECISION

Medium: Multi-media, including films.

Year: 1969.

Audience: Jr. high.

Producer: Warner Brothers-Seven Arts for Lockheed.

Source: Lockheed Education Systems, Organization 56–70, P.O. Box 504, Sunnyvale, Calif. 94088.

Rental: Not available.

Purchase: Quoted on inquiry.

Details: 15- to 20-hour course, color, includes 16 mm. films, sound.

Synopsis.—This multi-media instructional package uses a programmed text, animated films, and the processes of gaming, simulation and role playing. It is designed to teach students about drugs that are abused, their effects on the human mind and body, the psychological needs that people try to fulfill with drugs, criminal aspects involved in drug abuse and about legal penalties for violations of drug laws. The program is divided into five phases. Phase I introduces the concept that natural and man-made disasters, including drug abuse, pose problems for communities which require special managing techniques. Phase II discusses medical aspects and rehabilitation. Phase III surveys legal aspects of the drug problem. In Phase IV, students assume the roles of a law enforcer, health officer, or mayor in the Drug Attack Game. In Phase V, role playing continues as students act out stories based on actual case histories of drug abusers.

Evaluation of scientific accuracy.—The films in the program contain data which is scientifically unacceptable. The material includes inaccurate statements such as "All drugs can produce psychological dependence," and overgeneralities such as a statement that drugs can either "stimulate or depress behavior, or cause hallucinations." Adequate recognition of dosage is not given when the program discusses specific drug effects. The phrase "hooked on marijuana" and the statement "I turned to barbiturates because grass didn't have any effect on me" imply that marijuana is addictive and that it will lead to other drugs. The material gives examples of rare reactions to drug effects, implying that these are common occurrences and giving unrealistic information about drugs. A girl who has taken LSD screams about a hot dog talking to her. A heroin user says that after 18 months there was "no way I could sit to be comfortable." A description of marijuana effects utilizes comments of a heroin addict. Some of the films use identical background images when discussing the hallucinations and effects of amphetamines, giving the impression that effects of different drugs are similar. The program gives primary emphasis to law enforcement in its concept concerning community response to drug abuse. This emphasis does not reflect current thinking that solutions to drug problems rely on the efforts of many disciplines. The idea of preventive education is referred to only at the end of the text in the section on rehabilitation.

DRUGS IN OUR SOCIETY—LSD: WORTH THE RISK?

Medium: Filmstrip.

Year: 1968.

Audience: Jr. high.

Producer: OED Productions, A Division of Cathedral Films, Inc.

Source: Singer (SVE—Society for Visual Education, Inc.), 1345 Diversey Parkway, Chicago, Ill. 60614.

Rental: Not available.

Purchase: $11.50 with record, $13.50 with cassette; complete set of six $51.50 with records, $57.00 with cassettes.

Details: 13 minutes, color, 35 mm., sound (record or cassette); with discussion guide.

Synopsis.—This is one filmstrip in the series of six called Drugs in Our Society. The filmstrip begins with a history of LSD's discovery. It defines hallucinations and discusses early experiments and recreational uses of LSD. The potential danger of the drug's use, its side effects, and its physical effects are discussed. The information refers to personality deterioration and the question of creativity with LSD. The filmstrip concludes with a discussion of the unanswered issues concerning LSD.

Evaluation of scientific accuracy.—The filmstrip is scientifically unacceptable. Its presentation of the effects of LSD and the dangers involved relies on extreme occurrences and is therefore imbalaned. For example, the narration implies that LSD as a drug produces severe mental illness, long disturbances of mental functions, or flashbacks which occur "years" after taking the drug. LSD use has, it states, "definite physical dangers," including potential for damaged chromosomes which may lead to deformed children and changes in the blood cells which resemble some fatal blood cancers. Because medical evidence has not proved this, such statements should be qualified. The script misleadingly uses such terms as "hooked on LSD" and "LSD poisoning."

DRUGS IN OUR SOCIETY—MARIJUANA: A FOOLISH FAD

Medium: Filmstrip.

Year: 1968.

Audience: Jr. high.

Producer: OED Productions, A Division of Cathedral Films, Inc.

Source: Singer (SVE—Society for Visual Education, Inc.), 1345 Diversey Parkway, Chicago, Ill. 60614.

Rental: Not available.

Purchase: $11.50 with record, $13.50 with cassette; complete set of six $51.50 with records, $57.00 with cassettes.

Details: 10 minutes, color, 35 mm., sound (record or cassette); with discussion guide.

Synopsis.—This is one filmstrip in a series of six called Drugs in Our Society. This filmstrip begins with a review of the historical use and spread of marijuana. Information includes the botany and growth of Cannabis, its use as a hallucinogen, its physical and psychological effects, and how it is taken into the body. Other drugs, such as LSD, mescaline and peyote, are also briefly discussed.

Evaluation of scientific accuracy.—The filmstrip is scientifically unacceptable. The discussion equates all forms of Cannabis with marijuana without distinguishing differences in potency. The filmstrip incorrectly states that marijuana consists of the stems (among other parts) of the hemp plant. It identifies tetrahydrocannabinol as "the active ingredient" in Cannabis, ignoring all other active ingredients. In its discussion of the effects of marijuana, the script ignores any references to dosage. The effects described are more relevant to LSD than to marijuana. The narration overemphasizes the marijuana user's "suggestibility" which may lead to violent acts if the individual has "basic personality problems."

DRUGS IN OUR SOCIETY—NARCOTICS: USES AND ABUSES

Medium: Filmstrip.

Year: 1968.

Audience: Jr. high.

Producer: QED Productions, A Division of Cathedral Films, Inc.

Source: Singer (SVE—Society for Visual Education, Inc.), 1345 Diversey Parkway, Chicago, Ill. 60614.

Rental: Not available.

Purchase: $11.50 with record, $13.50 with cassette; complete set of six $51.50 with records, $57.00 with cassettes.

Details: 10 minutes, color, 35 mm., sound (record or cassette); with discussion guide.

Synopsis.—This is one of six filmstrips in the series, Drugs in Our Society. This filmstrip relates how opium is obtained from the poppy plant and how opiate drugs affect the body. The narration discusses "addiction" and "tolerance," as well as the black market of opium and heroin, the life of a heroin addict, and the relation between crime and addiction. Treatment and rehabilitation methods are reviewed.

Evaluation of scientific accuracy.—The filmstrip is scientifically unacceptable because it contains many inaccuracies. The script incorrectly says opium is not a medicine, and that morphine and codeline are created by slight chemical modifications of opium. The narration states that the danger of addiction by prescription drugs was not realized until 1920, contradicting the previous statement referring to the Harrison Narcotic Act, passed in 1914, which required prescription orders for most narcotics. The discussion on heroin addiction says the addict "soon requires huge quantities" of heroin and sometimes gets "desperately ill" from the drug. It states that a "psychological weakness" prompts addicts to turn to heroin "in the first place."

The filmstrip is logically inconsistent and oversimplified. It does not recognize that most "effects" of a drug have little to do with the drug itself rather than the individual user and his surroundings. This filmstrip, unlike the others which precede it in the series, emphasizes the social and criminal aspects of drug use rather than medical or pharmacological aspects.

DRUGS IN OUR SOCIETY—RX: NOT FOR KICKS

Medium: Filmstrip.

Year: 1968.

Audience: Jr. high.

Producer: QED Productions, A Division of Cathedral Films, Inc.

Source: Singer (SVE—Society for Visual Education, Inc.), 1345 Diversey Parkway, Chicago, Ill. 60614.

Rental: Not available.

Purchase: $11.50 with record, $13.50 with cassette; complete set of six $51.50 with records, $57.00 with cassettes.

Details: 9 minutes, color, 35 mm., sound (record or cassette); with discussion guide.

Synopsis.—This is one of six filmstrips in the series Drugs in Our Society. The filmstrip refers to the action of drugs on the body and the misuse of prescribed drugs. It reviews the effects and potential dangers of sedatives, tranquilizers and stimulants.

Evaluation of scientific accuracy.—The filmstrip is scientifically unacceptable. It confuses tolerance with addiction in terms of symptoms, behavior and the consequences of each. "Addiction" is inadequately defined as a "chronic state of intoxication" from repeated drug use. The discussion of barbiturates incorrectly implies that they act primarily on the cortex and that tolerance builds up quickly. The information on amphetamines incorrectly states that these stimulants act on the brain's cortex and that they are currently used to cheer up depressed patients and correct behavior disorders. The narration also says excessive amounts of amphetamines can cause convulsions, but this is a very rare phenomenon. The discussion tends to associate excessive amphetamine use with illegality, which ignores the fact that legal drugs are also used excessively. The information on methamphetamine (Methedrine) implies that infections and abscesses are caused by the drug rather than by the use of dirty needles.

GLUE SNIFFING: BIG TROUBLE IN A TUBE

Medium: Filmstrip.

Year: 1969.

Audience: Intermediate, jr. high.

Producer: Texas Alcohol Narcotics Education, Inc.

Source: TANE Press, 2814 Oak Lawn Avenue, Dallas, Tex. 75219.

Rental: Not available.

Purchase: $10.95.

Details: 8 minutes, color, 35 mm., sound (record).

Synopsis.—The cartoon filmstrip discusses the reasons why people sniff glue and what effects are produced. The dangers involved with glue sniffing are reviewed. The narration offers several examples of undesirable behavior which are attributed to glue sniffing. The discussion also focuses on what parents and children can do about the problem of glue sniffing.

Evaluation of scientific accuracy.—The filmstrip is scientifically unacceptable. It contains overgeneralizations and exaggerations. It uses the most serious consequences of glue sniffing as a basis to predict typical reactions. For example, the narration refers to unusual cases involving homicides, suicides and other types of violence as if these are common results of glue sniffing. The narration does not distinguish between low and high doses of glue. It confuses repeated use of glue on different occasions with progressively higher doses on one occasion. The script implies incorrectly that physical dependence will result from glue sniffing and states that the habit can lead to "more serious addictions." A reference is made to "marijuana or the heavier narcotics," mistakenly classifying marijuana with narcotics. The narrator mispronounces the term "hallucinogen."

LSD: TRIP OR TRAP?

Medium: Filmstrip.

Year: 1969.

Audience: Jr. and sr. high.

Producer: Texas Alcohol Narcotics Education, Inc.

Source: TANE Press, 2814 Oak Lawn Avenue, Dallas, Tex. 75219.

Rental: Not available.

Purchase: $10.95.

Details: 10 minutes, color, 35 mm., sound (record).

Synopsis.—The cartoon filmstrip defines hallucinogens and refers to substances in the class, some more powerful, some less powerful than LSD. LSD's historical background and its properties are discussed. Based on a study of 114 LSD users, the filmstrip profiles a "typical" user. The narration then discusses the dangers of LSD use and refers to the possibility of long-term mental disorders, recurring effects, chromosome deformity and death.

Evaluation of scientific accuracy.—The material is scientifically unacceptable. It contains many inaccuracies and although it refers to "authorities" and to "scientific evidence" no such evidence is presented to support its overgeneralized statements. Some of the overgeneralizations include the following statements: "LSD has already caused more genetic damage than the atomic bomb." "STP is four times as potent as LSD." LSD is known to cause "many suicides and homicides." The average LSD user "had an almost uniformly bad experience" with the drug. "Mounting evidence" suggests LSD can cause convulsions and leukemia.

THE USE AND MISUSE OF DRUGS

Medium: Transparencies.

Year: 1968.

Audience: Jr. and sr. high.

Producer: DCA Educational Products, Inc. with the Food and Drug Administration.

Source: DCA Educational Products, Inc., 4865 Stenton Ave., Philadelphia, Pa. 19144.

Rental: Not available.

Purchase: $59.75.

Details: 20 transparencies, color; with teaching guide.

Synopsis.—The program describes the use and misuse of prescription and over-the-counter drugs, especially the stimulants and depressants. Facts about the hallucinogens and their abuse are also included. The accompanying guide outlines the powers that the Food and Drug Administration has to protect society from the abuse of these drugs, and briefly discusses narcotics.

Evaluation of scientific accuracy.—The material is scientifically unacceptable. Several references to Federal laws are out-of-date; for example, the script states that no Federal law exists against possession of LSD. This has not been true since early 1968. The discussion of social problems which are created by drug abuse is overgeneralized. Occasional reactions to drug use are discussed as though they are common effects to be expected, producing a distorted picture of drug use. Important factors such as dose or individual reactions are omitted.

WHY NOT MARIJUANA?

Medium: Filmstrip.

Year: 1969.

Audience: Intermediate, jr. high

Producer: Texas Alcohol Narcotics Education, Inc.

Source: TANE Press, 2814 Oak Lawn Avenue, Dallas, Tex. 75219.

Rental: Not available.

Purchase: $10.95.

Details: 10 minutes, color, 35 mm., sound (record).

Synopsis.—The cartoon filmstrip discusses such questions as "What is marijuana?" "How common is its usage?" "Where is it grown?" "What does it look like?" "What are its effects on the body and mind?" Other aspects of marijuana use are discussed, including whether or not it leads to other drugs; if there is a relation between marijuana use and crime; if marijuana will cause psychosis and whether or not it is addicting. Comparison is made between marijuana and alcohol in terms of use and potency. The conclusion states that until more information is available concerning marijuana's long-range effects, a relevant question for young people thinking about trying the substance is "Why marijuana?"

Evaluation of scientific accuracy.—The filmstrip is scientifically unacceptable because it overgeneralizes and presents extreme cases as typical reactions to marijuana use. For example, the script emphasizes such physical reactions as "irritability, excitability and even violence" when describing effects of marijuana. While the narration points out that these effects happen only to some, the cartoons play on the extreme cases; they picture a man acting strangely in public, walking off a roof, or about to cause a car accident. The narration says marijuana users may "commit acts they normally would not do." The discussion on using marijuana while driving is exaggerated and implies that driving is always very dangerous after taking marijuana. Some of the data is dated, in particular the statistics regarding marijuana use. The comparison between marijuana and alcohol confusingly states that marijuana is "definitely stronger than alcohol and even barbiturates" if both are compared "at the upper end of the curve." The discussion in general tends to attribute reactions solely to the substance itself rather than to individual reactions or outside influences.

THE COST OF THE VIETNAM WAR

Mr. McGOVERN. Mr. President, in response to questions submitted by my office to the Department of Defense, I have received in a letter from the Defense Department comprehensive information on the cost of the Indochina war.

After my office acknowledged the receipt of the letter from the Defense Department there were many requests for the information it included.

Certainly the American people should be fully aware of the extent of the sacrifices we are making as a result of our continuing involvement in the war, and I want to continue to do everything I can to further that awareness. I therefore ask unanimous consent that the letter I received from the Defense Department be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., March 1, 1971.

Hon. GEORGE MCGOVERN,
U.S. Senate.

DEAR SENATOR MCGOVERN: This is in reply to your letter of February 5, 1971 requesting answers to a series of questions on the conflict in Southeast Asia for a constituent.

For your convenience the answers have been given the same paragraph and subparagraph identification as used for the questions in your letter.

1. Answer: The Department of Defense provides information for the American people on the major issues of military interest, and this information now is provided more accurately and more rapidly than ever before. The public affairs policy of the Department of Defense is based on two principles: first, the safety of our fighting men and the safe-guarding of information of value to the enemy; and second, within the limitations of the first principle, the provision of the maximum amount of truthful, factual information to the American people. Consistent with the requirements of national security, public affairs officers, military and civilian, exert every effort to provide American people with the information necessary for their understanding, intelligent discussion and debate.

2a. Answer: From January 1, 1965 through September 30, 1970 the following numbers of U.S. military personnel, by service, had served in South Vietnam, waters offshore Vietnam and in Thailand:

Army	1, 522, 800
Navy*	450, 000
Marines	430, 100
Air Force	452, 800
Total	2, 855, 700

* Include Coast Guard Personnel serving with Navy.

2b. Answer: Information is not available on the total number of U.S. military personnel who have served in adjoining American territorial bases.

2c. Answer: The information on the U.S. military strength in Vietnam released each week includes only those personnel stationed in South Vietnam. For your information as of February 18, 1971 there were 330,600 military personnel in South Vietnam. On the first of December 1970 there were additionally about 168,000 military personnel stationed at bases in Okinawa, Philippine Islands, Taiwan, Japan and Korea.

2d. Answer: With regard to the inclusion of U.S. military personnel deaths outside Vietnam, the Department of Defense instructions to the Services for reporting casualties provide that the casualties to be reported are all those which occur in the defined area to military personnel serving in any capacity and those deaths which occur anywhere as the result or aftermath of an initial casualty incurred in Southeast Asia, including such deaths which occur within 120 days after retirement or termination of service.

2e, f and 3a, b. Answers: Enclosed is a table showing U.S., South Vietnamese, and other friendly country casualties incurred in Southeast Asia, both deaths and non-fatal wounds, from 1960 through January 1971. U.S. wounded are categorized as those requiring hospital care and those not requiring hospital care. These casualties are all the result of hostile action.

A second table shows U.S. military personnel casualties, by year, cumulatively from January 1, 1961 through February 13, 1971. This table includes sections for both hostile deaths and those not the result of action by hostile forces. Non-hostile casualties are not available for other than U.S. Forces.

2g and h. Answer: The Department of Defense does not classify the degree of disability of those receiving non-fatal wounds in Vietnam nor does it provide disability payments. It is suggested that perhaps the Veterans Administration would be able to furnish this information.

2i. Answer: The Department of Defense accounting system does not provide information which would show the cost of caring for wounded personnel exclusively.

2j. Answer: The following are the estimated Department of Defense expenditures in support of Southeast Asia:

	Billions
Fiscal year 1965	$ 0.1
Fiscal year 1966	5.8
Fiscal year 1967	20.1
Fiscal year 1968	26.5
Fiscal year 1969	28.8
Fiscal year 1970	23.2

2k. Answer: Tonnage of allied air munition expenditures have been compiled since 1965. During 1968, which was the year of the greatest air activity, the monthly average was approximately 119,000 tons.

2l. Answer: Fire support, such as tactical air and artillery, is employed in an effort to reduce allied casualties. Instances where friendly airstrikes or artillery fire have resulted in friendly casualties are not common. The equipment and weapons provided our forces in Vietnam are superior and perform more reliably than those used in any previous conflict. Unless the commander on the ground feels that an accident is clearly attributable to malfunctioning ordnance, an investigation is conducted. All accidents of this nature are reviewed to determine if procedures and techniques can be improved and the results are disseminated immediately to all units.

3c. Answer: The Governments of South Vietnam, Laos and Cambodia have not provided estimates of the total number of civilians killed or wounded as the result of the conflict. However, the Government of South Vietnam has reported that from 1964 through 1970 there were 26,700 civilians killed by direct enemy terrorist attacks against the civilian population. It is also known that about 252,000 South Vietnamese have been admitted to hospitals due to injuries related to the conflict from 1967 through November 1970.

3d. Answer: No information is currently available on the number of civilians who have suffered permanent disability due to the conflict.

3e. Answer: Government of Vietnam National Budget Estimates for the years 1964–1970 are shown below in millions of piasters (VN$):

1964	37,110
1965	51,270
1966	64,500
1967	83,000
1968	95,000
1969	145,800
1970	195,200

The United States Government (USG) provides two principal means of support for the Republic of Vietnam Armed Forces (RVNAF) through Military Assistance Service Funded (MASF) program and piaster support for the Government of Vietnam (GVN) National Budget. Under the MASF program, required equipment and expendable supplies not available from in-country sources are furnished. The piaster support for the GVN National Budget is generated by the Commercial Import Program (CIP) and Public Law 480 (Food for Peace). These funds are used to assist in supporting the RVNAF requirements for pay and allowances for military personnel, purchase of supplies and equipment available from in-country sources, military construction and maintenance of facilities, political affairs activities, training, and miscellaneous operational expenses. Since the piaster support program provides general support for the entire GVN National Budget, there is no means by which to identify specifically that portion of support for the RVNAF provided directly by GVN revenue or that provided indirectly by USG support.

3f. Answer: There are no Department of Defense estimates currently available on the total number of homes and factories destroyed due to the conflict.

3g. Answer: The Government of Vietnam has not as yet declassified information on the number of their soldiers permanently or partially disabled.

4. By the end of FY 1971 (April–June 1971) under withdrawal plans announced by the President calling for a reduction in deployed forces to 284,000 by May 1, 1971, the war costs will be reduced to a rate of approximately $14.5 billion. We are unable at this time to provide the estimated Defense outlays for the Vietnam operations beyond fiscal year 1971.

It is hoped that this information will assist you in responding to your constituent.

Sincerely,

ROBERT C. MOOT,
Assistant Secretary of Defense.

TABLE 52.—SOUTHEAST ASIA MILITARY CASUALTIES SUMMARY (FRIENDLY AND ENEMY)

Period	Deaths				Nonfatal wounds				
					U.S. hospital care				
	United States	South Vietnam	3d nation [1]	Enemy	Required	Not required	South Vietnam [2]	3d nation [1]	Enemy [3]
1960 total		2,223		5,669			2,788		
1961 total	11	4,004		12,133	2	1	5,449		
1962 total	31	4,457		21,158	41	37	7,195		
1963 total	78	5,665		20,575	218	193	11,488		
1964 total	147	7,457	1	16,785	522	517	17,017		
1965:									
1st quarter	72	2,535		5,789	229	213	5,411		
2d quarter	144	2,851		6,092	297	273	5,713		
3d quarter	261	2,623		10,089	802	637	5,260		
4th quarter	892	3,234		13,466	1,980	1,683	6,734		
Total	1,369	11,243	31	35,436	3,308	2,806	23,118	139	
1966:									
1st quarter	1,224	3,407	191	13,060	3,791	3,111	5,613	541	
2d quarter	1,287	3,091	90	11,872	4,436	3,695	4,776	235	
3d quarter	1,250	2,723	106	15,610	4,154	9,115	4,684	304	
4th quarter	1,247	2,732	179	14,970	4,165	3,444	3,402	311	
Total	5,008	11,951	566	55,524	16,536	11,567	70,675	1,591	
1967:									
1st quarter	2,126	3,096	226	22,756	7,155	6,468	6,446	550	
2d quarter	2,773	3,222	242	23,389	9,545	8,745	7,438	552	
3d quarter	2,091	2,834	341	20,087	8,316	8,668	6,632	679	
4th quarter	2,388	3,564	296	21,872	7,355	5,773	8,432	537	
Total	9,378	12,716	1,105	88,104	32,371	29,654	29,448	2,318	

Footnote at end of table.

Period	Deaths				Nonfatal wounds				
					U.S. hospital care				
	United States	South Vietnam	3d nation [1]	Enemy	Required	Not required	South Vietnam [2]	3d nation [1]	Enemy [3]
1968:									
1st quarter	4,869	10,500	346	72,455	14,550	14,011	24,330	673	
2d quarter	4,725	7,363	262	46,620	16,378	14,921	18,343	589	
3d quarter	2,946	5,966	196	34,674	10,025	8,963	15,854	418	
4th quarter	2,052	4,086	175	27,400	5,846	8,126	12,169	317	
Total	14,592	27,915	979	181,149	46,799	46,021	70,696	1,997	
1969:									
1st quarter	3,184	5,922	251	44,846	8,338	11,101	18,102	513	
2d quarter	3,156	5,828	219	48,807	12,281	12,711	17,863	680	
3d quarter	1,910	4,623	198	32,979	8,120	8,626	13,655	627	
4th quarter	1,164	5,460	198	30,322	4,201	4,838	15,656	398	
Total	9,414	21,833	866	156,954	32,940	37,276	65,276	2,218	
1970:									
January	343	1,768	69	9,187	1,552	1,597	5,599	126	
February	386	1,417	36	8,828	1,210	1,138	4,423	180	
March	449	1,674	75	10,335	1,581	1,731	5,495	229	
1st quarter	1,178	4,859	180	28,350	4,443	4,466	15,517	535	
April	526	2,642	79	13,063	1,967	1,865	7,866	179	
May	754	2,851	58	17,256	2,100	2,191	8,080	234	
June	418	1,998	63	7,861	1,489	1,483	6,211	139	
2d quarter	1,698	7,491	200	38,180	5,556	5,539	22,157	552	
July	332	1,625	71	7,183	1,196	1,489	4,305	159	
August	319	1,641	63	6,446	1,226	1,279	4,975	158	
September	219	1,631	46	6,138	886	736	4,822	165	
3d quarter	820	4,897	180	19,767	3,308	3,504	14,102	482	
October	170	1,389	57	5,549	900	1,040	4,313	105	
November	167	1,488	48	5,607	522	424	3,786	92	
December	138	1,583	39	6,185	582	459	4,436	64	
4th Quarter	475	4,460	144	17,341	2,004	1,923	12,535	261	
Total	4,221	21,707	704	103,638	15,211	15,432	64,311	1,830	
1971: January	140	8,228	30	6,155	572	400	p3,209	118	
Cumulative total	44,009	131,993	4,282	703,280	148,510	145,904	320,970	10,211	

[1] Monthly data for 3d Nation casualties not available prior to 1966.

[2] The South Vietnamese report only the seriously wounded—while the United States reports all wounds, including the minor, that receive attention by medical personnel.

[3] Data are not available. A factor of 1.5 x enemy KIA is sometimes used

Note: SVN data, beginning with 1968, include casualties incurred by the paramilitary forces, as reported by MACV.

Sources: Military Departments MACV.
p—Preliminary

DEPARTMENT OF DEFENSE: NUMBER OF CASUALTIES INCURRED BY U.S. MILITARY PERSONNEL IN CONNECTION WITH THE CONFLICT IN VIETNAM

(Jan. 1, 1961 through Feb. 20, 1971)

	1961–62	1963	1964	1965	1966	1967	1968	1969	1970	1971 to date	Total
A. CASUALTIES RESULTING FROM ACTIONS BY HOSTILE FORCES											
1. Killed	20	53	112	1,130	4,179	7,482	12,588	8,119	3,467	226	37,376
2. Wounded or injured:											
(a) Died of wounds	1	5	6	87	517	981	1,636	1,170	578	32	5,013
(b) Nonfatal wounds:											
Hospital care required	43	218	522	3,308	16,526	32,371	46,799	32,940	15,211	1,030	148,968
Hospital care not required	38	193	517	2,806	13,567	29,654	46,021	37,276	15,432	691	146,195
3. Missing:											
(a) Died while missing	21	20	28	151	309	911	367	120	174	11	2,112
(b) Returned to control	7	3	2	12	22	12	26	10	1		95
(c) Current missing											991
4. Captured or interned:											
(a) Died while captured or interned			1	1	3	4	1	5	2		17
(b) Returned to control				3		5	26	16	1		51
(c) Current captured or interned											462
5. Deaths:											
(a) From aircraft accidents/incidents:											
Fixed wing	24	23	39	111	168	173	250	165	88	7	1,048
Helicopter	7	35	38	88	185	287	631	638	610	35	2,554
(b) From ground action	11	20	70	1,170	4,655	8,918	13,711	8,611	3,523	227	40,916
Total deaths [a]	42	78	147	1,369	5,008	9,378	14,592	9,414	4,221	269	41,518
B. CASUALTIES NOT THE RESULT OF ACTIONS BY HOSTILE FORCES											
6. Current missing											145
7. Deaths:											
(a) From aircraft accidents/incidents:											
Fixed wing	5	3	11	41	140	178	120	106	118	10	732
Helicopter	5	5	11	50	177	384	360	461	426	46	1,925
(b) From other causes	13	28	26	268	728	1,118	1,439	1,546	1,300	130	6,596
Total deaths	23	36	48	359	1,045	1,680	1,919	2,113	1,844	186	9,253

[a] Sum of lines 1, 2a, 3a, and 4a.

TREATY NEGOTIATIONS WITH THE REPUBLIC OF PANAMA

Mr. THURMOND. Mr. President, it has been announced this week that the United States and the Republic of Panama are reopening talks regarding a new Panama Canal Treaty in Panama City.

In my judgment, it is folly to reopen these talks during the current situation in Panama. The talks which began in 1964 resulted in three disastrous draft treaties of 1967 which would have spelled the end to an effective U.S. presence in the U.S. Canal Zone, and cast doubt upon the future stable operation of the Canal, which is a vital lifeline for U.S. trade and the commerce of the world.

Because of the strong public protests, and immediate expressions of concern by many Members of both Houses of Congress, the 1967 draft treaties were never sent to the Senate for ratification.

Now that talks are apparently being reopened, it will be worthwhile to examine the Panamanian positions to see whether there is any chance of obtaining a treaty that will protect American interests better than the 1967 drafts. As a result of my studies, I can say that the chance of a better treaty is absolutely zero.

In the first place, the present chief negotiator for the United States is the same chief negotiator who came up with the discredited 1967 drafts, Robert M. Anderson. Mr. Anderson was also the head of the Atlantic-Pacific Interoceanic Canal Study Commission which, last December, recommended a new sea-level canal in Panama, a recommendation which would require the abrogation of U.S. sovereignty in the U.S. Canal Zone. Since then it has become apparent, as I pointed out on the floor a few days ago, that the purpose of the Study Commission's recommendation of a sea-level canal was political rather than technical—that is, a new canal was recommended to justify a new treaty with Panama. Clearly, the Anderson Study Commission and the Anderson negotiating team have been working together in order to set up a new diplomatic relationship with the Republic of Panama.

In the second place, it is evident that the 1967 drafts, in the context of left-wing radicalism in Panama, are under sharp attack in that country as so-called "concessions" to the United States. We have fed the fires of this radicalism by continuing these negotiations, and I believe that the net result of the new talks in Panama City will be to arouse even more intense and irrational opposition to the U.S. presence.

For these reasons, I have introduced S. 734, which provides for the major modernization of the present Panama Canal, under the presently existing treaties. In my opinion, it only makes sense to take advantage of our present position, rather than stir up the hornet's nest of new treaties.

My judgment has been reinforced by a perusal of a document which I have recently received from Panama. Issued in January of this year, it sets forth an interesting interpretation of the proposed Panama Canal treaties, which came out of the 1964–67 negotiations with Panama. This document gives the interpretation of the draft treaties as seen by the Panamanian negotiating team. The document was written by the Panamanian negotiators as an answer to their political opponents in Panama and is an attempt to defend themselves against charges that they had been too lenient in extorting concessions from their North American partner.

As citizens of the United States, we have to read this document from a different perspective. From our point of view, it shows the magnitude of the concessions made by the U.S. negotiating team. What appears to the most extreme of the Panamanians as too little, from any prudent American point of view is too much. It is therefore very valuable to have this authoritative confirmation of what the Panamanians officially were trying to get.

I would like to point out some of these questions, but before I do so, I would like to make it clear that there have always been differences at Panama which have been and still are adjusted, subject to the approval of Canal Zone authorities faced with the burden of responsibility. However, there are certain basic principles which are necessary to the guaranteed maintenance, operation, sanitation, and protection of the canal and those principles are incompatible with the loss of our sovereignty in the U.S.-owned Canal Zone.

A careful reading of the comments in this document shows that it is precisely these points upon which the strategic safety of the canal depends. These are the very safeguards which the Panamanians are demanding to be removed. My judgment is that the U.S. Senate should not tolerate the draft treaties of 1967 or any future treaties which are negotiated on the basis of the Panamanian fundamental demands. It is therefore clear that the recommendations of the recent report of the Atlantic Pacific Interoceanic Canal Study Commission is hopelessly overruled by the political situation in Panama. The document in hand represents the so-called moderate Panamanian view by the men involved in the negotiation of the draft treaties. It is already far too extreme for us to accept. Thus, any talk of building a new canal in Panama is futile.

This document once again confirms the view that the only reasonable course is the major improvement and expansion of the present canal under existing treaties as embodied in S. 734, which is identical with H.R. 712 introduced by Representative DANIEL J. FLOOD of Pennsylvania, a recognized authority on interoceanic canal problems. Clearly this is the only avenue open to us. The document in hand also confirms that such a major modernization comes within the understanding which the United States and Panama reached under the 1903 treaty. In addition, in the Senate debate on July 24, 1939, when ratifying the 1936 treaty, it was emphasized that the minutes of interpretation adopted at the time of negotiation authorized "expansion and new construction." This was prior to the authorization of the third locks project in which more than $76 million was expended.

I would now like to cite some specific examples in the text of this document, which highlight the Panamanian position.

Let us note that the overriding Panamanian demand is, in effect, the expulsion of the United States from the isthmus. As the document says:

> From the Panamanian point of view, the correct approach to the negotiation process, if we wish to maintain same within the framework of possibility, should be that the new treaty must abrogate the 1903 Treaty and reduce to a minimum the presence of the United States in Panama.

I believe that this statement stands by itself and fully shows the futility of further negotiations.

As is well known, under the 1903 treaty the United States has the power to act—

> As if it were the sovereign . . . to the entire exclusion of the exercise by the Republic of Panama of any such sovereignty rights or authority.

This is the power which is necessary to guarantee the continued efficient operation of the Canal. We have exercised these powers fully within the right of international law and we shall continue to do so. Under the draft 1967 treaties, these rights would cease, as the negotiators are quick to point out:

> On the other hand, if the proposed treaties were approved, the United States President shall not continue issuing executive orders to be applied in the Canal Zone; the United States Congress shall not approve laws which may be applicable in any part of Panamanian territory; there shall be no foreign Governor over a strip of national territory; and the United States courts, except in specific and limited cases of penal matters which are indicated in the agreement relating to the defense of the Canal, will not make any judicial examination and determination of issues, whether civil or penal, occurring in our territory.

The implication of the loss of this sovereignty would be dramatic in the case of American citizens who operate and maintain the canal. This drastic withdrawal of the protection of U.S. laws from U.S. citizens is exactly what the Panamanians envision in this document:

> At present, justice is administered in the Canal Zone solely and exclusively by the courts of the United States of America. Panamanians are tried on first instance by a North American court created especially by the U.S. Congress to exercise its functions in the Canal Zone, and appeals are filed before courts with offices in New Orleans and Washington.
>
> Under the proposed treaties for the Panama Canal, the Republic of Panama courts shall have jurisdiction over all cases and proceedings, whether civil or penal, occurring in the Canal area. The exceptions are those cases and proceedings specified in the proposed treaty and which are related with the civil and penal subjects we have pointed out as exceptions when dealing with the subject of civil and penal legislation, such as admiralty, contracts with the Joint Administration, offenses against the security of the canal, etc.
>
> With regard to the above-mentioned exceptions, the administration of justice shall be carried out by a court with equal number of Panamanian and North American judges. Panamanian judges shall participate in the proceedings and the appeals will be filed with a court in which Panamanian judges shall participate also. There will be no more appeals to courts in New Orleans and Washington.

Thus we see that the Panamanians are quite candid about their objectives.

Another major demand of the Panamanians is to seize control of what they envision to be the lucrative business operations which are necessarily carried on in the present Canal Zone. Under the Draft Treaty of 1967, one such commercial activity would require a special license from the Panamanian Government with all the various kinds of corruption such a system would invite. The document says:

> Article XV stipulates that the Administration, within five years following its assumption of its functions, shall discontinue its operation of all commercial activities. Same article stipulates the manner in which to call for bids or solicitations to transfer such activities to private firms. It is pointed out that, in such bids, only persons who are entitled to obtain from the Republic of Panama the authorization to engage in commercial activities in our country shall be able to participate. It also adds, by referring to Article XVIII, that private business enterprises, when conducting their activities in the Canal area, shall be subject to the laws of the Republic.

It is particularly important to know that the major modernization of the canal, as proposed in pending legislation, comes within the understanding which the United States and Panama have achieved. As previously stated, even the document written by the Panamanian negotiators says:

> In an exchange of notes dated February 1, 1939, both countries agreed that the term "maintenance," as it is used in Article III of the 1936 General Treaty, "shall be construed as permitting expansion and new construction when these are undertaken by the Government of the United States of America in accordance with the said Treaty." This clarifies and emphasizes the fact that the United States is authorized to carry out expansion and new construction "for the purposes of the efficient maintenance, operation, sanitation and protection of the Canal and its auxiliary works."

I have long maintained that under the proposed draft defense treaty of 1967, the United States would not have the adequate authority to defend the canal or personnel. This inadequacy is clearly spelled-out in the claims of the negotiators, as follows:

> In lieu of the situation which presently prevails, the areas of national territory destined for defense purposes would be under a system, which would have the following main features:
>
> a. The defense areas would be under the flag of the Republic of Panama.
>
> b. In civil matters, only Panamanian civil laws and our system for the administration of justice would be enforced.
>
> c. In penal matters, our law will be enforced and our courts will exercise jurisdiction in all cases, with the following exceptions: acts or omissions committed only against United States property and security; acts or omissions committed only against the person or property of a member of the United States armed forces or civilian employee of these forces or a dependent of same; and acts or omissions committed while on official duties.
>
> d. The arrival and departure to and from the country of military personnel and their dependents will be subject to a special regulation which requires the presentation of documentation to Panamanian authorities.
>
> e. Preference will be given to the acquisition of supplies and services in the Republic to the extent where they are of comparable quality and cost to those which may be obtained from other sources.
>
> f. The Armed Forces contractors will have to qualify under the laws of the Republic and will be subject to our fiscal laws, except in special cases, as specified in the Treaty.
>
> g. The members of the Armed Forces will be subject to Panamanian customs laws and will only be exempt with regard to the household and personal effects they bring upon their arrival to the country.
>
> The regulation outlined above is, without any doubt, more in accord with national dignity and interests than the one which presently prevails.

I believe that the implications of these claims are obvious.

It should be remembered that the majority of the commerce going through the Panama Canal is either coming from or going to U.S. ports. The canal is thus the lifeline of American commerce. The United States has always maintained that all countries should benefit on an impartial basis from the canal and that tolls should be based on the cost of operation. Because of the efficiency with which the United States has conducted the canal operation, the canal rates today are a bargain, which benefits the commerce of the world on terms of equality as contemplated in the Hay Pauncefote Treaty of 1901 with Great Britain.

It is, therefore, of extreme importance to our economy position to recognize that the draft treaties would raise the payment to Panama in the period of 1970–2000 from approximately $57.9 million to over $1 billion. Clearly, Panama is seeking a bonanza at the expense of the United States and world shipping.

As for the indirect benefits to Panama, even under the present system, Panama has a net income of $144.8 million from the sale of goods and service to the Canal Zone. The complete breakdown of these figures quoted in the present document from the official statistics from the Republic of Panama points out that as a result of the income originating in the Canal Zone, there is a multiplying effect in the Panamanian economy of approximately 2½ times. This means that approximately 50 percent of the internal gross product of Panama is generated by the American investment of time, energy, and military defense in the Canal Zone. It is thus clear that Panama is the beneficiary of the United States to an extraordinary degree, giving it one of the highest per capita incomes in all of Latin America.

Another benefit which the Panamanians are seeking is the gift of the lands required for the auxiliary operations of the canal back to Panama. We must not forget that in addition to the grant of sovereignty over the Canal Zone all privately owned land and property in the Zone was purchased from individual property owners at the time the canal was being built. All of this land, consisting of millions of dollars worth of improvements in piers, living quarters, school buildings, and other structures would be simply given away, as the Panamanian negotiators carefully point out:

> As for the urban development of the city of Panama, the area to be returned to the Republics adds to the urban perimeter an extension of approximately 880 hectares. . . . Of unique importance to urban development are the 404 hectares which will be added to the town of Arraijan. Their proximity to the center of Panama City will permit the development of satellite communities which will relieve the Capital's existing urban pressure.
>
> The value of the areas referred to in the above paragraphs has not been determined, but they no doubt amount to several million dollars. Furthermore, the Cristobal port facilities are included in same, as well as the piers, several living quarters, school buildings, sales stores and recreational centers, hangars, warehouse and storage structures, fences, highways, electric lines, repair shops, water distribution lines, and the Coco Solo Hospital.

Now we come to a point which is of great importance in evaluating the work of the Atlantic Pacific Interoceanic Canal Study Commission. It is clear that under the proposed draft treaties of 1967 that no new canal will be built unless we pay enormous indemnities to Panama, in addition to paying for the right-of-way. Even if the 1967 treaties had been ratified by both countries, there still would be no assurance that we could build a canal without submitting to financial blackmail by the Panamanian Government. This is perfectly clear in the negotiator's document, when they say:

> That the construction of a sea-level canal cannot be initiated until that part of the agreements regarding financing is completed, including the agreements relative to payment to the Republic of Panama. Therefore, if the Republic of Panama does not reach an agreement in terms acceptable to it with the United States, such construction cannot begin.

Moreover, it is clear that the Panamanians are seeking to seize upon their geographic position as a means of extorting enormous revenues, not only in the United States, but from every user of the canal. If Panama were allowed to take over the operation of the canal, the canal's long history of impartial access for ships of every nation would be destroyed. Panama would be in the gleeful position of a pirate strategically positioned in a narrow strait. The whole motivation of the Panama takeover and the real goal behind the crocodile tears about the alleged insult to their sovereignty and dignity can be seen as a remarkably ingenuous greed for seizing control of a waterway which must be used by the world.

This naked desire for power is clearly revealed in an astonishing passage near the conclusion of these remarks by the Panamanian negotiators:

> With regard to the subject of indirect economic benefits, the negotiating effort was oriented by the thesis of taking advantage of the geographic position. In its most succint expression, we can explain this thesis by stating that as far as the Canal is concerned, the Panamanian objective must be that of achieving the opening to Panamanian economic activity of that part of the present Canal Zone destined to the handling of the interoceanic waterway, so that Panama may be able to make the necessary investments and use the existing facilities to take maximum advantage to the transit of vessels and goods through the Canal. As a corollary to this objective we have, among others, the

ceasing of business, manufacturing, agricultural and cattle farming activities, services and other presently being exploited or under the control of Zonian authorities, so that they may be undertaken by Panama; and the enforcement of the Panamanian tax system on the activities being developed in that area of national territory and the natural or private juridic persons residing or working therein.

Of special interest, I would like to quote their own summary of the alternative position of the United States and Panama as they themselves have summed it up:

The proposed treaties represent the following:

1. Abrogation of the 1903 Treaty.

2. Elimination of the perpetuity clause and stipulation of the precise terms for finalization of the new treaties.

3. The Panamanian flag will be flown exclusively in the Canal Zone, the military bases, and ships transiting the Canal.

4. Panama will have effective participation in the handling and administration of the canal.

5. As a general principle, civil as well as fiscal and penal Panamanian laws will apply in the Canal area, where the enforcement of North American laws will be discontinued. (In exceptional cases in which Panamanian laws shall not apply, the Statutes issued by the Joint Administration shall apply.)

6. The Panamanian civil and penal courts of justice will have jurisdiction in the Canal Area, and the jurisdiction of North American courts of justice will cease. A few specific cases stipulated herein are excepted.

7. Reversion to Panama of the present locks canal and all auxiliary works, buildings, and lands within the Canal Zone.

8. Establishment of an arbitration clause to settle the differences which may arise between Panama and the United States with regard to the interpretation or application of the treaties and the validity of the actions by the Joint Administration.

9. Effective protection for Panamanian employees working in the Canal Zone.

10. Substantial increase of the direct as well as indirect benefits, which Panama will perceive as a result of the Canal operation.

11. Negotiations for an agreement for a future sea-level canal in which the door will remain open so that Panamanians, on whom the task of defending the position of Panama is placed, may demand a fair compensation in exchange of the Concession for the construction of such canal.

Finally, as regards the often repeated official position of Panama that its geographical location is its greatest national resource, I would like to stress that it is also its greatest weakness, for the American Isthmus always has been, and always will be, a prime objective for predatory attack, making the independence of Panama dependent upon the presence of the United States. Underlying the nationalistic drive for sovereignty over the Canal Zone, fanned by Red agents and their collaborators, the long range Soviet objective since 1917, has been to wrest control of the Panama Canal from the United States. Thus the realistic issue is not U.S. control of the Panama Canal versus Panamanian but U.S. sovereignty versus Soviet control. This is the question that should be debated in the U.S. Senate, for it directly affects the security of the entire Western Hemisphere, witness Cuba and Chile.

Mr. President, this astonishing document gives the true picture far better than any U.S. interpretation could do. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

COMMENTS BY FORMER CHANCELLOR FERNANDO ELETA A. AND FORMER NEGOTIATORS DIOGENES DE LA ROSA, RICARDO M. ARIAS, ROBERTO R. ALEMAN, AND GUILLERMO CHAPMAN IN RELATION WITH THE COMMUNIQUE OF THE PROPOSED TREATIES EVALUATION COMMISSION PUBLISHED SEPTEMBER 5, 1970

Fulfilling our duty to our fellow citizens, imposed by our participation in the drafting of the proposed treaties finalized on June 22, 1967, we make the following comments regarding the Communiqué prepared by the Evaluation Commission, which was published on September 5, 1970, to be hereafter called "the Communiqué." The utmost importance of the subject under consideration and the need to clear up, even if only in part, some of the confusions created by a press campaign impregnated with political passion, a confusion increased by the Communiqué, demand from us the maximum truth and honesty in our statements. We would not be honest with our fellow citizens and with ourselves if we spoke in a different manner.

I

Character and Approach of the Negotiation—The historic impulse of the present negotiations was given by the popular uprising of January 9, 1964, against the existing situation in the Canal Zone and its diplomatic starting point was the joint statement of April 3, 1964, by which the governments of Panama and the United States undertook to negotiate a fair and equitable treaty which would eliminate the causes of conflict existing between the two countries. Logically, the statement could not identify or define such causes as this would be done at the presentation of each country during the negotiations. Such causes are well known and it would be repetitious to mention them in these comments. But it is necessary to do so precisely because, in this aspect, the Communiqué involves detailed work based on a mystification that we cannot ignore.

The development of the Panama-United States relations, linked to the existence and operation of the canal, shows that the Republic of Panama, while it tenaciously reiterated its inconformity with the 1903 Treaty, attempted for many years to liberate itself from its most oppressing effects by trying to get the United States to limit the exercise of its jurisdictional rights to the area assigned for the strict purposes of the operation, maintenance, and protection of the interoceanic waterway which determined the granting of such rights. However, in view of the irreductible group of conflict-generating problems which subsisted after each agreement negotiated with the United States, the idea, already announced in the Note presented by our Minister in Washington, Mr. Jose Domingo de Obaldia, on August 14, 1904, of substituting the 1903 Convention by another that would set up different policies in the relations between the two countries on the maintenance, operation, and protection of the canal, gained strength.

This is the meaning of the phrase "elimination of the causes of conflict" which appeared in the joint statement of April 3, 1964. The discussions carried out at the Organization of American States headquarters and the Panamanian official statements made after January 9th, identified in 1903 Treaty and its complementary conventions as "the causes of conflict" to which the statement refers with the ambiguity and implications peculiar to diplomatic language.

From the Panamanian point of view, the correct approach to the negotiating process, if we wish to maintain same within the framework of possibility, should be that the new treaty must abrogate the 1903 Treaty and reduce to a minimum the presence of the United States in Panama. Of course, this approach, in what refers to reduction, will necessarily conflict with the United States' position as it was stated by President Lyndon B. Johnson in a speech he gave on December 18, 1964. President Johnson said: "Today we have informed the Panamanian Government that we are willing to negotiate a new treaty. In this sense, we must maintain the rights which are necessary for the efficient operation and protection of the canal and the administration of the areas necessary for these purposes."

The negotiating process necessarily developed within the framework formed by what must be the correct Panamanian approach and the North American position.

The negotiations could start and come to a logical end only with the understanding that the causes of conflict mentioned in the statement of April 3rd are rooted in the 1903 Convention.

II

The Communiqué and the causes of conflict—The Communiqué analyzes separately seven points considered as the main causes of conflict between Panama and the United States. We will examine separately the comments made by said document with respect to each of these subjects. In doing so, we will point out what the prevailing situation is regarding each problem with the existing treaties and what would be the situation according to the proposed treaties.

I. *Perpetuity:* The Isthmian Canal Convention is fully and clearly in perpetuity. That is, its term is indefinite; it has no end.

The perpetuity problem will not be automatically solved by the "rebus sic stantibus" doctrine as the Communiqué pretends. It is true that said rule consecrates the principle that treaty stipulations are left without effect when the circumstances which prevailed upon their adoption have changed. However, International Law does not record the case of one single country which has been able to free itself, unilaterally, from an international treaty by appealing to the above-mentioned doctrine. What would happen tomorrow if Panama unilaterally invokes the "rebus sic stantibus" doctrine and declares the Canal Treaty as terminated? Absolutely nothing. The United States would disavow the unilateral statement made by Panama and would peacefully remain in the Canal Zone.

Instead of perpetuity, the proposed treaties offer the following:

(a) The Canal Treaty shall terminate on December 31, 1999, with the possibility that its term be extended, at the least, until December 31, 2009. If the sea-level canal were to be inaugurated before December 31, 1999, this treaty would be terminated one year after the opening date of the sea-level canal.

(b) The Sea-Level Canal Treaty would be in force for a period of sixty (60) years from the date the new canal is opened to the public. In no case the period of duraton shall extend beyond December 31, 2067.

(c) The Defense Treaty shall terminate, at the latest, on the same date the Sea-Level Canal Treaty is terminated, that is, December 31, 2067.

In this respect, we must point out that the Communiqué states that the United States proposed that the Defense Treaty be in perpetuity but that "Panama has not accepted this proposal for perpetuity, but this is a clear indication of what the North American negotiators are seeking."

The truth is that during the negotiating process the position that the Defense Treaty be in perpetuity was never brought up. Even more, when certain criticisms were made in Panama to this respect, the United States negotiators immediately manifested their willingness to clarify the terminology of

Article XX of the Proposed Defense Treaty so there would be no doubts regarding the delicate subject of its date of termination.

Through Note MNP-12/68 dated January 3, 1968, the Negotiating Mission informed the Minister of Foreign Relations that the United States had agreed to eliminate Section (c) of the above-mentioned Article XX which had been the main cause for the misinterpretations of same. Therefore, it was clearly established in the records of the Chancery that the Defense Treaty shall terminate, at the latest, on the same date the Sea-Level Canal Treaty is terminated, that is, on December 31, 2067.

We must also add that in the editorial comment published in "La Estrella de Panama" on August 20, 1967, written by Dr. Ricardo J. Alfaro, the most brilliant internationalist of this Republic, it was clearly established that the assumed perpetuity of the Defense Treaty could not be deduced from the proposed treaties text.

When asserting that the period of duration of the sea-level canal treaty is too long, the Communiqué does not offer any rational criteria to support such thesis. Logically, this period of duration is related with the amount of the investment necessary to cover the cost of said construction and the time needed to recover said investment. Also, the time needed to recover the investment is related to the number of ships it is foreseen will transit said interoceanic waterway. Taking into account that it has been estimated that the investment will exceed 3 billion dollars and after considering the existing projection of future transit through the sea-level canal, it is concluded that the 60-year period negotiated for the duration of the sea-level canal treaty is reasonable.

When dealing with the perpetuity subject, the Communiqué criticizes the proposed treaties because these do not contain clauses which allow their revision every twenty (20) years or twenty-five (25) years. Apparently, Dr. Galileo Solis, member of the Commission who wrote the Communiqué, has radically changed his way of thinking with regard to this subject. In a memorandum dated June 26, 1964, addressed to the then Special Ambassador Dr. Jorge E. Illueca, in commenting on a proposal made by Ambassador Robert B. Anderson that the treaties be revised every ten years, Dr. Solis, at the time Chancellor of the Republic, said the following: ". . . the statement suggested would be of little help if it is not explained, beforehand, on what basis and with what purposes the treaty revisions would be made every ten years. To say that these treaties would be revised periodically without further explanation is not a guarantee that the revisions would bring about any practical results, as they would require a prior understanding for each new arrangement, and any of the two parties could make impossible this new arrangement, so, the idea must prevail that renovating the agreement according to the changing times could have no real value."

We add to Dr. Solis's statements made in 1964 that the inclusion in the proposed treaties of such clauses of periodic revision would not solve any fundamental problem as a country can always bring up to the other the need of revising a given treaty, whether or not its clauses provide for such revision. At the same time, such provision, even when contemplated in a treaty, does not oblige in any manner the country which receives the request.

CONCLUSION

The proposed treaties eliminate the perpetuity and establish fixed and precise dates of termination.

2. *Political Jurisdiction and Administrative Authority.*—It is surprising to note that when dealing with this subject the Communiqué does not even mention Article III of the 1903 Isthmian Convention. Said Article clearly allows the United States to exercise, within the Canal Zone "all the rights, power and authority that the United States would possess and exercise if it were the sovereign . . . to the entire exclusion of the exercise by the Republic of Panama of any such rights, power or authority.

The Republic has been arguing since 1904, and with justified legal cause, that the authority granted the United States to act "as if it were the sovereign" is limited to the canal purposes listed in Article II of the 1903 Treaty, that is, "the construction, maintenance, operation, sanitation and protection of the canal."

There is no doubt that the omission of this point of Article III of the 1903 Treaty by the Communiqué has surprised and worried all Panamanians who have read and analyzed it since its provisions involve the most important cause of conflict between the two countries and which consequences have been so hard on the Republic's life. Because, if this is a deliberate omission, as it must necessarily be, it may indicate that they are trying to erase from the citizens' conscience the terrible meaning of said article and substitute it for the pernicious idea that there might be a treaty more ominous than that of 1903, with the evident purpose of reducing the importance of the historical conquest constituted by the abrogation of said Convention and, with it, the disappearance of the above-mentioned repulsive article, as it is done in the proposed treaty for the present canal.

As it is known, Article I of the 1936 Treaty excludes from the scope of the purposes of the canal listed in the above-mentioned Article. Article II anything related with the construction of the canal. However, we must admit that the 1936 Treaty did not abrogate Article III of the 1903 Convention and, therefore, even according to the thesis the Republic has traditionally maintained since 1904, the United States maintains the right to act "as if it were the sovereign" in the Canal Zone for the purposes of the "maintenance, operation, sanitation and protection of the Canal."

The heavy burden the Republic of Panama has borne as a consequence of the provisions of Article III becomes worse if we take into consideration that, for all practical effects, the United States has ignored the Panamanian position regarding the limitations of the right to act "as if it were the sovereign" and, on the contrary, has maintained the thesis, announced by Secretary of State Hay in 1904 that the words "construction, maintenance, operation, sanitation and protection" on the canal are mere illustrations of the reasons why the Republic granted the canal concession, but in no manner limit the power of the United States to act as "if it were the sovereign . . . to the entire exclusion of the exercise by the Republic of Panama of any such sovereign right, power or authority."

We have reached 1970 and, after an intense struggle and two modifications of the 1903 Isthmian Convention, the United States, without any limitations, continues acting as if it were the sovereign on that part of national territory. So we have that the President of the United States of America issues executive orders applicable to the Canal Zone and appoints a Governor; the United States Congress approves laws which are applicable in part of our territory; and United States courts administer justice in our land.

On the other hand, if the proposed treaties were approved, the United States President shall not continue issuing executive orders to be applied in the Canal Zone; the United States Congress shall not approve laws which may be applicable in any part of Panamanian territory; there shall be no foreign Governor over a strip of national territory; and the United States courts, except in specific and limited cases of penal matters which are indicated in the agreement relating to the defense of the Canal, will not make any judicial examination and determination of issues, whether civil or penal, occurring in our territory.

The Communiqué says that if the new proposed treaty on the Panama Canal were adopted "the Panamanian authorities would continue jurisdiction or competence to act within the Canal areas." This assertion is completely false. Let's examine it:

(a) *Civil and Mercantile Legislation:* At present, the civil and mercantile legislation applicable in the Canal Zone is approved exclusively by the United States Congress. According to the proposed treaties, the Panamanian Law will govern all civil and mercantile relations developed among persons residing in the Canal area or who carry on their commercial activities therein. Our law will govern, among other subjects too numerous to enumerate, the following areas:

Execution of contracts;

Issuance of deeds and other notarial documents;

Mortgage loans;

Relations between banking institutions and their customers;

Relations among businessmen and between businessmen and their customers;

Marriages;

Birth records;

Adoptions;

Divorces;

Succession proceedings;

Powers of attorney;

Execution of wills;

Claims for damages;

Bonds;

Securities;

Legal status;

Marshaling assets;

Obligations in general.

The exceptions to the application of our civil and mercantile law in the Canal area shall be as follows: admiralty; quasi crimes and contracts of the Joint Administration; relations between the Joint Administration and its members; services rendered by the Joint Administration.

(b) *Penal Legislation:* At present, the penal legislation applicable in the Canal Zone is approved exclusively by the United States Congress.

Under the Proposed Treaty for the Panama Canal, the Panamanian penal legislation shall be applicable in the Canal area for all kinds of offenses, with the exception of the following: offenses against the security of the canal; offenses against ships in the Canal area or against the ship's officers, crew or passengers or offenses committed by such persons while in the Canal area; offenses committed within the Canal area and arising out of any act done in the performance of official duty by employees of the Administration; offenses committed against the Joint Administration or its property, or against persons authorized to reside in the Canal area or committed by such persons.

(c) *Fiscal Legislation:* Article X of the 1903 Treaty established that Panama shall not impose taxes on a series of persons, activities and properties. Among the measures stipulated therein, it is established that the Republic shall not impose contributions or charges of a personal character of any kind upon officers, employees, laborers, and other individuals in the service of the Canal and railroad and auxiliary works.

At present the Republic, for all practical effects, can only make effective in the Canal Zone the collection of income taxes from the salaries of Panamanians working there and from the earnings of enterprises which maintain offices in national territory which is not subject to jurisdictional limitations as said zone is. Also, the import duty on alcoholic beverages is collected with a 75% discount.

Under the Proposed Treaty of the Panama Canal, the Panamanian fiscal legislation shall apply to the Canal area.

It would be an extremely long-winded task to list all the national taxes in force in the Republic that are not paid at present by Canal Zone residents and which, according to the proposed treaties, shall apply, regardless of nationality, to all residents of the Canal area. Among said taxes we have the following:

(i) Income Tax imposed upon persons, whatever their nationality, residing in the Canal Area and enterprises carrying on activities in same area;

(ii) Import taxes on merchandise imported for resale;

(iii) Sales tax on gasoline, oil and other fuels and lubricants;

(iv) Inheritance and gift taxes;

(v) Admissions tax;

(vi) Revenue stamps;

(vii) Sales tax on alcoholic beverages;

(viii) Taxes on Banks and Exchange Offices;

(ix) Foreign travel tax;

(x) Franchise tax;

(xi) Insurance tax.

(d) *Administration of Justice:* At present, justice is administered in the Canal Zone solely and exclusively by the courts of the United States of America. Panamanians are tried on first instance by a North American court created especially by the United States Congress to exercise its functions in the Canal Zone, and appeals are filed before courts with offices in New Orleans and Washington.

Under the Proposed Treaty for the Panama Canal, the Republic of Panama courts shall have jurisdiction over all cases and proceedings, whether civil or penal, occurring in the Canal area. The exceptions are those cases and proceedings specified in the proposed treaty and which are related with the civil and penal subjects we have pointed out as exceptions when dealing with the subject of civil and penal legislation, such as admiralty, contracts with the Joint Administration, offenses against the security of the canal, etc.

With regard to the above-mentioned exceptions, the administration of justice shall be carried out by a court with equal number of Panamanian and North American judges—Panamanian judges shall participate in the proceedings and the appeals will be filed with a court in which Panamanian judges shall participate also. There will be no more appeals to courts in New Orleans and Washington.

(e) *Administrative Functions in the Canal Area:* At present, the Republic does not exercise any administrative functions in the Canal Zone.

According to the Proposed Panama Canal Treaty, the Republic of Panama officials shall have the right to exercise in the Canal area all functions authorized by the laws of the Republic of Panama which may be applicable in the Canal area and, as we have seen, except in the cases specifically mentioned in the proposed treaty, the civil, mercantile, penal, and fiscal legislation of the Republic will be valid in the Canal area.

(f) *Administration of the Panama Canal:* The Communiqué says that "at present the Government of the United States has the obligation and responsibility of maintaining and operating the Panama Canal, but in accordance with the new proposed treaties for this Canal, this obligation and responsibility would pass on to an international agency with its own authority which would be known as the Joint Administration, for whose actions the United States would not be responsible, thereby being free from its present obligations in this respect without Panama having any guarantee and with the aggravating factor that the Government of the United States would have the definite control of that Joint Administration by majority vote in the decisions of same, without assuming any direct responsibility for the maintenance and operation of the Canal."

It is evident that if according to the Communiqué thesis what is sought now is that the United States maintain, in an exclusive manner, the obligation and responsibility for the operation of the canal, said position is radically opposed to the new proposed treaty for the present canal which stipulates the participation of Panama in the administration of the canal.

At present, in accordance with the existing treaty, everything related to the operation of the canal may be handled by the United States "as if it were the sovereign."

In the agenda signed by both countries' Ambassadors on July 28, 1964, the following subject was included: "Issues related to the participation of Panama in the Administration of the Canal." Such inclusion reflected the way of thinking, at that time, of Dr. Galileo Solis, today a member of the Commission which prepared the Communiqué, who at the time held the position of Minister of Foreign Relations and who, in a memorandum dated June 26, 1964, addressed to the Special Ambassador expressed that one of the fundamental subjects Panama was to bring up was the "issues related to the participation of Panama in the joint administration of the Canal."

In the course of negotiations, Panama brought up the necessity of establishing an international juridical entity to be known as the Joint Administration of the Panama Canal and of obtaining the effective participation of our country in the administration of the Canal through equal representation in this entity.

To the Panamanian proposal the United States answered that it was willing to offer Panama participation in the administration of the Canal through the appointment of some Panamanians to the Board of Directors of the Panama Canal Company, an entity which, subject exclusively to North American legislation, is in charge at present of the operation of the Canal. Our country insisted on the establishment of a Joint Administration and proposed that the Board of Directors be composed of four representatives designated by each country and a ninth representative designated by the Secretary General of the United Nations.

The United States maintained, from the start of the negotiations, that President Johnson had made clear the position that the United States was to maintain all necessary rights to guarantee the efficient operation of the canal. The subject was discussed at the highest level and the United States maintained, in an inflexible manner, the position that its representation in the Board of Directors of the Joint Administration should be in the majority.

Which is preferable . . .? That the Panama Canal be unilaterally administered by the United States as proposed by the Communiqué or that the administration of same be assigned to an international organization in the Board of Directors in which four representatives of our country shall have the right to voice and vote.

The Communiqué says that "the mentioned Joint Administration would have, according to the proposed treaty, attributions that at this stage not even the Washington Government has under the treaties in effect." This is also false. According to the treaty in effect, the Washington Government, for the purposes of the operation of the canal may act as if it were the sovereign. The proposed treaty for the Panama Canal determines the specific and definite activities the Joint Administration may undertake.

To support the above-mentioned assertion, to the effect that the Joint Authority would have attributions greater than those exercised at present by the Washington Government, the Communiqué adds:

"For example, to mention a case, notwithstanding the obligation which apparently is stipulated in the project in the sense that the Joint Administration would transfer to private Panamanian firms the commercial activities which are now exploited in the Canal Zone, this same project stipulates that this Administration may continue with such activities, with the sole obligation of paying Panama the sums equivalent to the taxes which Panama might have received if these activities were in the hands of private firms, which would mean that these activities would not be subject to Panamanian tax system nor would they be under the jurisdiction of the laws and authorities of Panama, which is a just and permanent aspiration of Panama."

The example offered by the Communiqué is as inappropriate as the assertion it pretends to illustrate is false, and it is also contradictory. It is evident that if the commercial activities carried out by the Administration oblige it to pay to the Republic of Panama sums equivalent to those which firms operating under Panamanian jurisdiction would have paid, for the same activities, such activities of the Joint Administration would be subject to the corresponding fiscal laws of the Republic.

Article XV stipulates that the Administration, within five years following its assumption of its functions, shall discontinue its operation of all commercial activities. Same article stipulates the manner in which to call for bids or solicitations to transfer such activities to private firms. It is pointed out that, in such bids, only persons who are entitled to obtain from the Republic of Panama the authorization to engage in commercial activities in our country shall be able to participate. It also adds, by referring to Article XVIII, that private business enterprises, when conducting their activities in the Canal area, shall be subject to the laws of the Republic.

The above-mentioned Article XV adds that "if no satisfactory bids are received" from private business enterprises regarding the exploitation of a specific activity, the Administration, after the term for direct negotiation with private enterprisers has expired, may exploit same but, in such a case, "the Administration shall operate the enterprise in conformity with the fiscal laws of the Republic of Panama."

At present, the United States Government agency in charge of the operation of the Canal carries out some activities of a commercial nature which yield no profits but are maintained as a service to the community. With the purpose of maintaining same, if this were convenient, the possibility that in exceptional cases the Joint Administration exploit certain commercial activities in the Canal area was provided for in the proposed treaty. Such exception cannot serve as an example, as the Communique asserts, to maintain that the Joint Administration would have attributions, functions, and powers that at this stage not even the Washington Government has.

CONCLUSION

The Communiqué analyzes the subject "Political Jurisdiction and Administrative Authority" without quoting our mentioning Article III and of the 1903 Treaty which allows the United States to act as "if it were the sovereign . . . to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority" By omitting such quotation or reference, it fails to deal with the main cause of conflict which has existed between the two countries. The proposed treaties put an end to the opprobrious regime emanating from Article III and confers on an international organization, of which the Republic will form part, specific and limited functions.

3. *Execution of civilian works not authorized by the Treaties:* In an exchange of notes dated February 1, 1939, both countries agreed that the term "maintenance," as it is used in Article III of the 1936 General Treaty, "shall be construed as permitting expansion

and new construction when these are undertaken by the Government of the United States of America in accordance with the said Treaty."

Therefore, we have that the United States was authorized to carry out expansion and new construction "for the purposes of the efficient maintenance, operation, sanitation and protection of the Canal and its auxiliary works."

With regard to the subject of execution of new works, the Communique says that the proposed treaty "would give the entity which there is referred to as the Joint Administration of the Canal a greater radius of action which would allow it to legalize activities which are now carried out disregarding the existing Treaties, and would also allow it new construction activities which the Government of the United States has no right to perform at the present time in accordance with the treaties in effect today."

The above-quoted assertion by the Communique is false and no basis for it can be found in the proposed treaty. We shall see with concrete quotations of the proposed treaty how the text of the same contains dispositions completely contrary to the assertions of said Communique.

Through Article II, "the Republic of Panama and the United States hereby establish the joint administration of the Panama Canal to operate the Panama Canal and its appurtenant and supporting facilities and services, maintain the Panama Canal and such facilities and services, make improvements and additions thereto, and administer the canal area. . . ."

Article V includes, among the attributions of the Joint Administration, the following: "1) Operate and maintain the Panama Canal and its appurtenant and supporting facilities and make improvements and additions thereto and control navigation in canal area waters."

As can be seen, in a clear and precise manner, the project empowers the Joint Administration to make improvements and additions to the Panama Canal and its appurtenant and supporting services. This will in no way allow it "to legalize activities which are now carried out disregarding the existing Treaties" because, as we have already seen, at present the United States is authorized to carry out expansion and new construction "for the purposes of the efficient maintenance, operation, sanitation and protection of the canal and its auxiliary works."

CONCLUSION

The proposed treaty limits itself to empower the Joint Administration to effect improvements and additions to the Panama Canal and its auxiliary works. This is evidently necessary and convenient. Such provisions do not, in the least, legalize the activities presently being carried out, which are not contemplated in the provisions in force.

4. *Protection of the Panama Canal:* The Communiqué states that "the 1903 Treaty granted the United States the right to protect the Canal and this right was covered by Article XXIII of that Treaty, limiting it to: 'use its Police and land and naval forces and to establish fortifications for the protection and safety of the Canal or of the ships that make use of same, or the railways and auxiliary works.'" The limitation mentioned by the Communiqué vanishes if a complete quotation is made of the mentioned Article XXIII, as it adds that "the United States shall have the right, at all times and at its discretion, to use its police and land and naval forces and to establish fortifications for these purposes."

If the United States has the right "at all times and at its discretion" to use its armed forces and to establish fortifications, its faculty to protect the Canal is not as limited as the Communiqué assumes it is.

Such limitation is narrowed even more if we recall that, even according to the thesis the Republic has maintained since 1904, the protection of the canal is one of the specific purposes why the United States has, by virtue of a delegation by the sovereign, the right to exercise "the rights, power and authority that the United States would possess and exercise if it were the sovereign," as stated in the text of Article III of the 1903 Treaty.

It is not worthwhile that we expound on this matter, as all Panamanians well known that, by right or fact, few are the limitations which exist with regard to activities in defense of the interoceanic waterway, which the United States presently develops in the Canal Zone.

The proposed treaty concerning the defense of the canal is analogous to several treaties entered by the United States with other countries such as Belgium, Canada, Denmark, Italy, Great Britain, Spain, Greece, Japan, the Chinese Republic, and Turkey.

In lieu of the situation which presently prevails, the areas of national territory destined for defense purposes would be under a system, which would have the following main features:

(a) The defense areas would be under the flag of the Republic of Panama.

(b) In civil matters, only Panamanian civil laws and our system for the administration of justice would be enforced.

(c) In penal matters, our law will be enforced and our courts will exercise jurisdiction in all cases, with the following exceptions: acts or omissions committed only against United States property and security; acts or omissions committed only against the person or property of a member of the United States armed forces or civilian employee of these forces or a dependent of same; and acts or omissions committed while on official duties.

(d) The arrival and departure to and from the country of military personnel and their dependents will be subject to a special regulation which requires the presentation of documentation to Panamanian authorities.

(e) Preference will be given to the acquisition of supplies and services in the Republic to the extent where they are comparable quality and cost to those which may be obtained from other sources.

(f) The Armed Forces contractors will have to qualify under the laws of the Republic and will be subject to our fiscal laws, except in special cases, as specified in the Treaty.

(g) The members of the Armed Forces will be subject to Panamanian customs laws and will only be exempt with regard to the household and personal effects they bring upon their arrival to the country.

The regulation outlined above is, without any doubt, more in accord with national dignity and interests than the one which presently prevails.

In dealing with the subject of the Protection of the Panama Canal, the Communiqué adds that the Proposed Defense Treaty, "would grant the North American Government the right to utilize new areas outside the Canal Zone, without entering into a new Agreement or Treaty between the two countries."

The above affirmation in the Communiqué is untrue and no basis for it can be found in the text of the proposed Defense Treaty. Let us see, with exact quotations from the proposed treaty, how its text contains provisions completely contrary to what is declared in the Communiqué:

All the areas destined by Panama for Canal defense purposes are defined in Annex A of the proposed treaty. Section (5)(a) of Article II provides that "the Republic of Panama and the United States of America may agree to revise Annex A of this treaty by releasing areas, adding areas or making other adjustments in order to meet changing conditions. Therefore, so that Annex A may be revised, it becomes necessary that Panama and the United States agree on such revision.

Also, section (2) of the Annexed Agreement regarding Various Matters which is part of the proposed treaty states the following: "The stipulations of section (a) numeral (5) of Article II of this Treaty relative to the entering of agreements to facilitate the use of additional lands by the United States of America, imply that to enforce such agreements the approval of the National Assembly is necessary."

CONCLUSION

The protection of the canal is one of the purposes for which, according to the present treaties, the United States may act as sovereign. The proposed Canal defense treaty sets the basis for a new regulation which will be more beneficial to the Republic and more in agreement with national interests.

5. *Insufficiency of direct benefits for Panama:* At present, the Republic of Panama receives a direct nominal compensation of $1,930,000 per year for the canal concession. It is evident that such compensation is ridiculously small. In this respect the Communique states: "In accordance with the new Panama Canal treaty, the Republic will perceive a higher annual payment, calculated on the basis of a fixed sum per ton of cargo in transit through the Canal; but the effectiveness of such payments is *doubtful*, since the constant depreciation of the purchasing power of the North American dollar is not taken into consideration, with the aggravating factor that Panama does not have any participation in the setting of tolls."

The proposed treaty changes the present compensation to a formula which relates the resulting payment to the number of commercial cargo tons transiting through the Canal. If this formula were to be put into effect this year, the sum of direct revenue perceived by Panama in the period 1970–2000 would be of One Thousand Fifty Two Million dollars ($1,052,000,000), while the revenue arising from the annuity which is presently paid would amount, for the same period, to Fifty Seven Million Nine Hundred Thousand dollars ($57,900,000). The increase is clearly substantial.

As for the arguments that the payments are doubtful because the constant depreciation of the North American dollar purchasing power is not contemplated, it should be considered that the payments obtained under the present system of fixed tolls would be equally vulnerable, the only difference being that the amount of the formula is much higher than that of the present tolls.

Moreover, the formula contained in the proposed Panama Canal treaty carries a natural and automatic protection against loss of the dollar purchasing power, as it is based on the increase of the Canal cargo volume. Therefore, there is no reasonable basis to declare that the payments would be doubtful as the Communique contends.

We are surprised that in dealing with the subject of direct benefits for Panama, the Communique does not mention the item of the return of lands. In this regard, the proposed treaties define the areas which will be destined for Canal purposes and provide that they will return to the Republic extensive strips of land which are presently within the Canal Zone, the use of which had been granted to the United States. The extension of such areas near the city of Colon is of 925 hectares, that is, four times the area of the present city.

As for the urban development of the city of Panama, the area to be returned to the Republic adds to the urban perimeter an extension of approximately 880 hectares, which are equivalent to the area presently occupied by the city from the West end of Chorrillo and East of Las Bovedas, up to Urbanizacion El Cangrejo.

Of unique importance to urban development are the 404 hectares which will be added to the town of Arraijan. Their proximity to the center of Panama City will permit the development of satellite communities which will relieve the Capital's existing urban pressure.

The value of the areas referred to in the above paragraphs has not been determined, but they no doubt amount to several million dollars. Furthermore, the Cristobal port facilities are included in same, as well as the piers, several living quarters, school buildings, sales stores and recreational centers, hangars, warehouse and storage structures, fences, highways, electric lines, repair shops, water distribution lines, and the Coco Solo hospital.

Concerning the subject of direct benefits, the Communique says that the proposed Sea Level Canal Treaty "is conceived in the manner of an option the United States could exercise or not, and since no stipulations of economical benefits are made therein, it would represent for Panama an enormous and obscure interrogative of its future rights and interests, so closely knit with the destiny of the Panamanian Nation."

The proposed sea level canal treaty does not present the "enormous and obscure interrogative" which the Communique mentions. Paragraph (2) of Article III of the mentioned proposed treaty textually provides that the "payments to the Republic of Panama will be agreed between the Republic of Panama and the United States of America at the time the financing arrangements are made."

The proposed treaty adds that, at the time the aforementioned agreements are made, the general principles set forth in paragraph (2) of Article X of this project will be taken into consideration. Furthermore, paragraph (4) of Article III of the project in question provides that, after completion of that portion of the financing arrangements which includes the arrangements for payments to the Republic of Panama, the United States of America shall notify the Republic of Panama of its intention to proceed with the construction and "may commence such work after one year has elapsed from the date of such notification."

It is then clearly established in the proposed treaty, without a hint of an "enormous and obscure interrogative," that the construction of a sea level canal cannot be initiated until that part of the agreements regarding financing is completed, including the agreements relative to payment to the Republic of Panama. Therefore, if the Republic of Panama does not reach an agreement in terms acceptable to it with the United States, such construction cannot begin.

So that no doubt arises that the option being granted to the United States to construct a sea level canal is conditioned to a later acceptance by Panama of the economic benefits it should receive, we must add that, in Note MNP-12/68 of January 3, 1968, the Negotiating Mission informed the Chancery that the United States negotiators had agreed to amend paragraph (2) of Article III of the project to read thus: "Such agreements concerning payments to be made to the Republic of Panama will be arrived at between the Republic of Panama and the United States of America at the time the financing arrangements are made, taking into consideration the principles set forth in paragraph (2) of Article X of this Treaty.

"When an agreement is reached regarding the payments referred to, in terms acceptable to the Republic of Panama and the United States of America, the latter shall notify its intention to proceed with the construction works for the sea level canal, according to the stipulations of this Treaty."

Also, in the above mentioned Note MNP-12/68, the Chancery was informed that the North American negotiators had equally accepted that a paragraph (5) be added to Article XII of the proposed treaty as follows:

"(5) The arbitration procedure to which this Article refers will not apply to the negotiation of agreements . . . relative to payments to be made to the Republic of Panama, according to the stipulations of paragraph (2) of Article III and Article X of this Treaty. . . ."

Where is, then, "the enormous and obscure interrogative" which the Communiqué mentions?

As the construction of a sea-level canal can only begin when an agreement regarding the payments referred to has been reached in terms acceptable to the Republic of Panama, our country would have, in practice, veto rights over such construction. When the time comes of deciding this construction, it will behoove Panamanians at such future date, to agree on the economic benefits with ample knowledge of the characteristics of the new interoceanic waterway project, the conditions of international commerce and the trends which at such time may be predicted for the shipping industry. Under these conditions, a more reasonable and convenient decision may be made for the interests of Panama.

CONCLUSION

In that part of the Communiqué concerning its "conclusion" on the subject of direct benefits, "dense uncertainties" are mentioned. As we have seen, the direct benefits agreed upon are true in terms of substantial direct income which the Republic of Panama would receive by reason of the cargo transiting the Canal. Also, the direct benefits include lands and facilities of considerable value. The formula agreed upon to determine the benefits which will originate from a sea-level canal, grants the Republic veto power over the construction of such canal, which will allow negotiation of the benefits with full knowledge of subjects which today are unknown, thus protecting the best interests of the country more effectively.

6. *Insufficiency of Indirect Benefits for Panama.*—With regard to this subject, the Communiqué states that "there are few and doubtful permanent benefits which the Republic may have indirectly received by the presence of the Panama Canal in its territory. . . ." However, later the Communiqué states that "All the conflicts which so frequently have arisen in the last sixty years due to the insufficiency of indirect benefits that Panama has the right to receive . . . will look pale, compared to what will occur when, as a consequence of the unconsulted acceptance of the three proposed treaties, the present locks canal ceases to operate. . . ."

There is an obvious incongruence between the two affirmations in the Communiqué. If the indirect benefits to the Panamanian economy are few and doubtful, their elimination, due to the ceasing of operations of the present Canal, would not bring the disastrous economic consequences presaged. Panama cannot refuse the reality of things. The actual indirect benefits are many and true! This is a fully recognized fact, proven by Panamanian economic literature and official documents of national as well as international organizations. Moreover, the *1970 Economic Report* and the *Development Strategy,* which are documents published by the Executive Planning and Administrative Bureau of the Presidency, emphasize the Canal's influence and importance in Panamanian economy in its qualitative as well as quantitative aspects.

The magnitude of the present indirect benefits can be fully appreciated in the following chart, which shows the income to Panama through the sale of goods and services to the Canal Zone.

Income perceived by the Republic of Panama through the sale of goods and services to the Canal Zone in 1969

[In millions of dollars]

Income:	
Sale of Petroleum Products	4.9
Sale of Other Goods	17.4
Expenditures by Civilian and Military Residents of the Canal Zone in Panama	35.8
Sale of Services to U.S. Military Establishments and the Panama Canal Company	6.4
Wages, Salaries, and Retirement paid to Panama residents employed by Government agencies, Contractors, and Other Private Firms	68.4
Sale of Goods to Contractors and Other Private Firms	17.5
Total Income	150.4
Expenditures:	
Purchase of Merchandise	3.4
Transportation	0.9
Various Services	1.3
Total expenditures	5.6
Net income	144.8

Source: Bureau of Statistics and Census, Office of the Comptroller, Republic of Panama.

The importance of the above figures goes far beyond their absolute order of magnitude. In this respect, the aforementioned *1970 Economic Report* by the Executive Planning and Administrative Bureau of the Presidency of the Republic states that ". . . there is a very close relation between the growth rate of this particular sector and the total economy rate. This is due to the fact that the income originated in the Canal Zone has a multiplying effect in the economy, of approximately 2.5 times its original value." This means that, according to official figures by the Office of the Comptroller, in 1969 the net income from the Canal Zone had a total effect in the economy, equivalent to approximately 50% of the total Gross Internal Product of Panama during this year. Therefore, the inaccuracy and lack of documentation of the Communique's affirmation that the indirect benefits are "few and doubtful" is obvious.

Another part of the Communique states that ". . . . to the contrary, the Panama Canal, because of the manner in which it is operated and administered, constitutes an obstacle, at times insurmountable, in the development of its international commerce and in the adequate exploitation of its natural resources." Unfortunately, the Communique limits itself in making this affirmation without going into the answer the proposed treaty gives to such a vital problem. Let us consider it for a moment.

With regard to the subject of indirect economic benefits, the negotiating effort was oriented by the thesis of taking advantage of the geographic position. In its most succint expression, we can explain this thesis by stating that as far as the Canal is concerned, the Panamanian objective must be that of achieving the opening to Panamanian economic activity of that part of the present Canal Zone destined to the handling of the interoceanic waterway, so that Panama may be able to make the necessary investments and use the existing facilities to take maximum advantage of the transit of vessels and goods through the Canal. As a corollary to this objective we have, among others, the ceasing of business, manufacturing, agricultural and cattle farming activities, services and other presently being exploited or under the control of Zonian authorities, so that they may be undertaken by Panama; and the enforcement of the Panamanian tax system on the activities being developed in that area of national territory and the natural or private juridic persons residing or working therein.

Within the limitations of a bipartite negotiation, where one of the parties—the United States of America—presently has excessive powers in this and other matters, we succeeded in including enough provisions in the proposed treaties to attain the indicated objectives.

This is not the place to detail each one of these aspects. However, anyone who wishes to study this subject in depth, may refer to the following provisions in the present Canal proposed treaty:

(i) The Canal will be a primary source of employment for Panamanians, with equal treatment and pay. See Article VII, paragraphs 1, 2, and 3.

(ii) Possibility of services and supplies to vessels. See Article IX, paragraph 2.

(iii) Panama's option to suspend the railroad operations. See Article XI, paragraph 1.

(iv) Use of Panamanian postage stamps. See Article XII, paragraph 1.

(v) Elimination of commercial activities by North American authortities. See Article XV, paragraph 1.

(vi) Payment of taxes by the Joint Administration to the National Treasury. See Article XV, paragraph 2b.

(vii) Instrument for future reversion of lands to Panama, without having to negotiate new treaties. See Article XVII, paragraph 1a.

(viii) Operation of private enterprises in the Canal Area under Panamanian laws (except in special matters regarding the Canal). See Article XVIII, paragraphs 1 and 3.

(ix) Instrument to destine areas for Panamanian industrial development under Panamanian laws and definition of an initial portion of Diablo Heights, adjacent to the Canal, for a Panamanian industrial park. See Article XVIII, paragraph 2 and Annex I, paragraph 4.

(x) Collection of income tax from all Joint Administration personnel, enterprises, and natural persons operating in the Canal Area. See Article XXVIII, paragraph 1a.

(xi) Payment of import taxes on articles imported for sale in the Area. See Article XXVIII, paragraph 2.

(xii) Preference for purchases from Panamanian sources. See Article XXVIII, paragraph 2.

CONCLUSION

The Communiqué incurs in a serious contradiction when it refers to the subject of indirect benefits. This must be in part due to the lack of serious economic analysis about an eminently economic subject. From the examination of the proposed treaties, the existence of substantial economic benefits resulting from an economic thesis of exploitation of the geographic position is obvious, which responds to the structural reality of Panamanian economy and its future needs for development.

7. *Differences in Interpretation of the Present Treaties.* The Communiqué indicates that one of the main causes of conflict between the two countries lies in that the United States has interpreted and applied the contractual provisions presently in force to their own convenience.

The Communiqué adds that: "This unilateral decision making by the United States would subsist if the three proposed treaties to which this Preliminary Report refers were signed, since in the few instances in which possible arbitrations are foreseen, these deal with matters of a secondary order, but not related to the defense of the sovereignty and dignity of the Republic."

The aforementioned affirmation of the Communiqué is untrue and no basis for it can be found in the texts of the proposed treaties. With precise quotations, let us see how such texts contain provisions completely contrary to what the Communiqué declares.

Article XXVII(1) of the proposed Panama Canal treaty provides that:

"(1) Any dispute between the two governments concerning the interpretation or application of this treaty (including the validity of acts of the Administration) which is not settled by negotiation shall, upon request of either government, be submitted to arbitration in accordance with the procedure set forth below." An identical provision (with the exception that instead of referring to the "Administration," it refers to the "Commission") appears in Article XIII of the proposed Sea Level Canal treaty.

If the clauses with regard to arbitration are extensive to "all controversies," including any dispute relative to the validity of the actions of international entities created to handle interoceanic waterways, we do not seem to understand why the Communiqué claims that arbitration policies are provided for a few cases of secondary order and not for those in defense of the sovereignty and dignity of the Republic.

As we have seen before, so that no doubt remains regarding the fact that the exercise of the option for the construction of a sea-level canal is subject to a later acceptance by the Republic of Panama of the economic benefits due to our country from such construction, the negotiation of agreements regarding such benefits was excluded from the arbitration procedure.

The United States representatives did not accept that a clause on arbitration be included in the proposed canal defense treaty. They maintained that similar pacts have been entered by the United States with more than twenty countries and that in none of them did an arbitration clause appear.

CONCLUSION

There is no basis in the text of the proposed treaties for the Communique's statement in the sense that the arbitration provisions appearing therein are applicable to a few cases of secondary order.

FINAL CONCLUSION

The proposed treaties represent the following:

(1) Abrogation of the 1903 Treaty.

(2) Elimination of the perpetuity clause and stipulation of the precise terms for finalization of the new treaties.

(3) The Panamanian flag will be flown exclusively in the Canal Zone, the military bases, and ships transiting the Canal.

(4) Panama will have effective participation in the handling and administration of the canal.

(5) As a general principle, civil as well as fiscal and penal Panamanian laws will apply in the Canal area, where the enforcement of North American laws will be discontinued. (In exceptional cases in which Panamanian laws shall not apply, the Statutes issued by the Joint Administration shall apply.)

(6) The Panamanian civil and penal courts of justice will have jurisdiction in the Canal Area, and the jurisdiction of North American courts of justice will cease. A few specific cases stipulated herein are excepted.

(7) Reversion to Panama of the present locks canal and all auxiliary works, buildings, and lands within the Canal Zone.

(8) Establishment of an arbitration clause to settle the differences which may arise between Panama and the United States with regard to the interpretation or application of the treaties and the validity of the actions by the Joint Administration.

(9) Effective protection for Panamanian employees working in the Canal Zone.

(10) Substantial increase of the direct, as well as indirect benefits, which Panama will perceive as a result of the Canal operation.

(11) Negotiations for an agreement for a future sea level canal in which the door will remain open so that Panamanians, on whom the task of defending the position of Panama is placed, may demand a fair compensation in exchange of the Concession for the construction of such a canal.

THE SYLLOGISM

The syllogism, with which the Communiqué ends, has a fundamental error. It revolves around an examination of the causes of conflict which exist between the two countries. However, upon making this examination, the Communiqué in question does not even refer to the major cause of conflict, which lies in Article III of the 1903 Isthmian Convention.

Any examination of the causes referred to which incur in such error of omission is inaccurate and incomplete. Therefore, it cannot serve as basis to make a serious study, or to arrive at true conclusions.

The present document has not been written with the purpose of obstructing the work of those who today share the delicate tasks of counseling and directing the negotiations begun as a result of the Joint Declaration of April 1964. We consider that such tasks have much to profit if the examination of the proposed treaties is carried out in an objective and constructive manner. We have shown, by pointing out the precise quotation, that the criticisms made to such proposed treaties in the "Preliminary Report," which the Communique reproduces, find no basis in the text of the proposed treaties and, therefore, such criticisms are not objective, serious, or constructive.

As Panamanians, we will be the first to congratulate ourselves if, upon finalization of the negotiations, our Republic achieves juridical, political, and economic gains of greater significance than those stipulated in the proposed treaties which we negotiated. If the advantages obtained are hastily ignored and the basic negotiating positions are changed, there is the evident risk that the United States will alter hers, not precisely to soften them. But fortunately, they will not be able to make them more rigid beyond the limit defined by the conquest we achieved and which they accepted. It will therefore be of genuine satisfaction to us that the additional advances which may be made will have, as a starting point, those which were definitely established in the proposed treaties. The 1903 Convention is abrogated and the perpetuity of the concessions is cancelled, and the United States will not even be able to consider their restoration.

The termination of the treaty for the present canal, set for December 31, 1999, or earlier if the sea level canal is opened to traffic prior to or on that same date—in 2009 at the latest, will be the unbreakable limit of any other understanding. The lands recovered for Panamanian jurisdiction will be no less than those which the United States agreed to restore to the urban area of Panama, Colon, and Arraijan. The Cristobal port area and its piers, already recovered for the Republic, will not have to be the object of a new debate in the negotiation. Nor, to shorten this account, may the direct fiscal revenue which the Republic may derive from the canal operation be stipulated in an amount below the one thousand fifty two million dollars which it is estimated that the country would obtain, according to the proposed treaty for the locks canal. Whatever is obtained in the future, and we hope it will be plenty, will have as a starting point what has already been obtained in 30 months of negotiations. This will be the truth proclaimed by facts the "Communique" pretends to ignore.

ENFORCEMENT OF POLLUTION CONTROL STANDARDS

Mr. **BAKER.** Mr. President, since coming to Congress in 1967, I have been privileged to serve as a member of the Subcommittee on Air and Water Pollution. In this capacity I have participated in the fashioning of most of the major Federal programs designed to control and abate the pollution of our physical environment.

As those familiar with the Federal effort know, until very recently the programs have been concerned primarily with the development of criteria and the formulation of standards. Only recently has the program entered the enforcement phase. We have long known that effective enforcement would involve very large economic interests and that strong market forces would resist effective enforcement. Some have been skeptical that effective enforcement could be carried out in the face of such resistance.

Fortunately for the Nation, President Nixon is making it very clear that the standards will be enforced. His chief lieutenant in pollution control—William D. Ruckelshaus, administrator of the new Environmental Protection Agency—has compiled during his short tenure a very fine record of successful enforcement actions. Although he has not hesitated to take legal action in the face of intransigence, I am especially encouraged by the success he has had in promoting voluntary compliance.

The latest case in point is an agreement on thermal pollution of Lake Michigan. So that Senators may be aware of this important development, I ask unanimous consent that an article published in the New York Times of March 26 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THREE LAKE MICHIGAN STATES AGREE TO THERMAL POLLUTION

(By Seth S. King)

CHICAGO, March 25.—Three of the four states bordering Lake Michigan agreed today to join the new Federal Environmental Protection Agency in setting strict thermal pollution standards that will prevent power companies from dumping any heated water into the lake.

Representatives of Wisconsin, Indiana, and Michigan accepted proposals by William D. Ruckelshaus, the agency's administrator, that will require cooling towers or other temperature-lowering devices on the nuclear generating plants and fossil-burning power stations being built or already operating on the lake's shores.

Illinois, where one large lakeshore nuclear plant is being built, declined to accept the proposed Federal standards.

ILLINOIS HAS DOUBTS

But today's action by the state representatives provides new authority for the Federal Government to force the Illinois Pollution Control Board. David P. Currie told those attending the three-day Lake Michigan Enforcement Conference that Illinois did not believe the damage caused by the thermal discharges from Commonwealth Edison's nuclear plant at Zion would be great enough to warrant the expenditure for a cooling tower.

However, the Illinois board has adopted a policy that would bar the building of any new nuclear plants on the comparatively small section of shore line in this state. The board would also require the installation of cooling towers on the Zion plant if it were shown that thermal discharges were damaging the ecology.

At present 26 power plants use Lake Michigan water to cool their generators. Two are nuclear power generating stations. Five other nuclear plants are under construction or planned for sites around the lake.

The Federal thermal pollution standard accepted today would prevent the discharge of any heated water into the lake that would raise the water temperature 3 degrees Fahrenheit above the natural temperature at a point 1,000 feet from the discharge pipe.

The nuclear plants, which will use lake water to cool their generators and then pump this back into the lake, would discharge water at temperatures from 12 to 28 degrees above the natural temperature.

To meet these standards all shoreline plants, fossil or nuclear, now operating or under construction, would have to upgrade their cooling facilities.

Power company officials have estimated that to meet the Federal standards on all these plants plus those projected for the area, would cost about $280-million.

Federal-state enforcement conference procedures will allow the individual states to reverse today's acceptances within six months. If they do not, the standards become officials.

The Environmental Protection Agency would then be empowered to take action against any company that did not comply with the standards. It could also act to require Illinois to adopt them.

ECONOMIC DEVELOPMENT IN THE MIDSOUTH

Mr. BAKER. Mr. President, recently I attended the field hearings of the Public Works Committee's Subcommittee on Economic Development held in Memphis, Tenn. The testimony there brought to light many aspects of economic development experience in the Midsouth region and indicated directions that Federal assistance in this area might take in the future.

I might point out that a great many of the witnesses applauded the regional approach employed by the Appalachian and title V Regional Commission, but almost as many expressed their opinion that the title V commission program needs some fundamental modifications.

With that preface I want to focus the Senator's attention on the proposal for establishment of a title V Regional Commission to include portions of Arkansas, Mississippi, Alabama, and Tennessee, designated the Mid-South Regional Commission. This matter has been before the Senate before, and an appropriation of $300,000 has been authorized for setting up the Commission. Those funds are at present being held by the Office of Management and Budget in anticipation of the modification or possible elimination of the title V program.

While I agree that some changes in the regional commission program are eminent, I should like to underscore the need for attention in the geographic area involved in the planned Mid-South Commission. I can but speculate what course rural development will take in the next several years, but notwithstanding this uncertainty, I should make clear the need that whatever course we follow answers the problems outlined by the draftsmen of the Mid-South Regional Commission.

So that we might be better apprised of these needs, I ask unanimous consent that a portion of the statement of Mr. Linzy D. Albert, director of the Regional Development Center at Memphis State University, Memphis, Tenn., submitted to the field hearing of the Economic Development Subcommittee, be printed in the RECORD

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF LINZY D. ALBERT BEFORE THE U.S. SENATE SUBCOMMITTEE ON ECONOMIC DEVELOPMENT OF THE SENATE COMMITTEE ON PUBLIC WORKS, HEARINGS, MEMPHIS, TENN., MARCH 5 AND 6, 1971

Mr. Chairman, members of the Committee, my name is Linzy D. Albert of 4332 Ambrose, Memphis, Tennessee.

Mr. Chairman, Permit me to say that I appreciate very much the invitation and opportunity afforded by your Committee to testify in these hearings on Economic Development. It is always a pleasure to get to speak to our law makers from Washington on a face to face basis.

My professional association is here with Memphis State University. At the University I am Director of a "University Center" program, a department devoted entirely to the economic development of our service region, which includes our "half" of the State of Tennessee. This program is funded partially by the Economic Development Administration, U.S. Commerce Department. I am, also, Associate Professor of Geography and I teach a course in City and Regional Planning during the academic year.

My professional experience in the field of planning and development spans the past 20 years, during most of which time I was Director of Statewide and Regional planning in Tennessee State Government. I have had experience working with both the public and private sectors, trying to guide and accelerate the economic development process—trying to put together those combinations of resources that can create new job opportunities for our citizens and new and improved incomes.

In Tennessee State government, I served as Alternate Representative on the Appalachian Regional Commission (1965–1967) and directed its staff effort in the State. Prior to this I participated in a staff capacity to the Conference of Appalachian Governors, concerned with problems unique to that large region of our country. This effort began in late 1959 and continued until 1965 during which time the States and Federal government devised the Appalachian program and the Regional Commission program, enabled by the Public Works and Economic Development Act of 1965.

Mr. Chairman, I do not want to necessarily claim expertness in the field of economic development because there are others who have been as involved as I have, and have more experience in understanding problems and being able to devise solutions. But one does not have to be an expert to surmise what is going on around us and in the various regions of the country to know that some regions are lagging in their growth, some are more backward than others, some have more resources than others, some have more money than others, and yes, some have more determination than others.

DEVELOPMENT LAG AND REGIONAL PROBLEMS

The Mid-South Region has many problems that require concerted and coordinated action. Most of these stem from the fact that the Region has not kept pace with the Nation. Comparing the performance of the Region to that of the United States will bear this out. For this purpose the 9 criteria to show the relative level of development of a region set forth by the Economic Development Administration of the U.S. Department of Commerce can be used. These include (1) underemployment and unemployment, (2) family income, (3) housing conditions, (4) health facilities and personnel, (5) education, (6) migration, (7) employment in declining industries, (8) average farm size, and (9) technical skills. (Ref. See P.L. 89-136). Discussion of these factors using 1960 Census data will show that the Region lags behind the rest of the Nation. These data should help a regional planning commission focus upon the region as a unit with homogeneous goals and objectives.

(1) Unemployment and Underemployment.

The rate of unemployment of the Region's civilian labor force has been consistently higher than in the United States as a whole. In 1959, the Region's unemployment rate was at 6.2 per cent (the five metro counties excluded) while that of the United States was 5.5 per cent. Since that time the most reliable data available support the conclusion that unemployment has remained at or near this level.

CIVILIAN LABOR FORCE AND UNEMPLOYMENT 1959

	Civilian labor force	Unemployed	Percentage unemployed
United States	68, 172, 429	3, 504, 827	5. 5
Mid-South region	1, 375, 613	84, 720	6. 16
Arkansas counties [1]	174, 140	11, 523	6. 62
Kentucky counties	111, 404	7, 779	6, 98
Louisiana parishes [2]	338, 178	26, 030	6. 71
Mississippi counties [3]	447, 047	25, 217	5. 64
Missouri counties	56, 464	2, 665	4, 72
Tennessee counties [4]	198, 380	11, 506	5. 80

[1] Excludes Crittenden County.
[2] Excludes East Baton Rouge and LaFayette Parishes.
[3] Excludes Hinds County.
[4] Excludes Shelby County.

Source: Census of Population. 1960.

A considerable amount of the Region's employment has been disguised underemployment. Of the 2,203,195 persons who worked in the Region in 1959—789,284 or 35.8 per cent worked less than 40 weeks per year. This underemployment in most cases resulted from the extremely high seasonal employment of the Region's farm work force. Many of these underemployed persons lived on small farms or in rural communities where there are relatively fewer full-time employment opportunities and extremely poor living conditions.

UNDEREMPLOYMENT 1959

	Total who worked	Total who worked less than 40 weeks per year	Percentage
Mid-South region	2, 203, 195	789, 284	35. 8
Arkansas counties	249, 589	113, 617	45. 5
Kentucky counties	134, 424	43, 981	32. 7
Louisiana parishes	566, 478	183, 678	32. 4
Mississippi counties	669, 625	243, 706	36. 4
Missouri counties	75, 506	36, 599	48. 5
Tennessee counties	507, 573	167, 703	33. 0

Source: Census of Population, 1960.

(2) Family Income

One of the results of large scale unemployment and underemployment is low family income. Over 53 per cent of the Region's families earned less than $3,000 income in 1960. This was two and a half times greater than the 21.4 per cent for the United States. In thirteen of the 174 counties over 70 per cent of their inhabitants were in this category. As a consequence, median family income in the Mid-South Region was estimated to be approximately $2,781 or 49.1 per cent of the $5,660 for the United States in 1959. This indicates that the record of progress over the 1950–1960 decade showed very little improvement when compared to other areas of the United States.

Median Family Income, 1959

	Current dollars
United States	$5, 660
Mid-South Region:	
Arkansas Counties	2, 781
Kentucky Counties	2, 602
Louisiana Parishes	3, 312
Mississippi Counties	3, 207
Missouri Counties	2, 797
Tennessee Counties	2, 648

Source: *Census of Population*, 1960.

PER CAPITA INCOME

One measure of regional "lag" using 1969 data from the U.S. Department of Commerce is per capita income. While each of the states (in the United States) has benefited from increased personal income during the past years, the Mid-South states of Tennessee, Arkansas, Mississippi and Louisiana still rank at or near the bottom in the tabulation presented on the following pages.

PER CAPITA INCOME. 1969

State	Total personal income (millions)	Per capita income rank order by State	Percent change total personal income, 1959–69
United States	$744, 479+	$3, 697	94. 5
Connecticut	13, 784	4, 595	102. 7
Alaska	1, 258	4, 460	123, 8
Nevada	2, 037	4, 458	163. 9
New York	81, 384	4, 442	83. 3
California	83, 408	4, 290	103. 4
Illinois	47, 340	4, 285	83. 7
New Jersey	30, 312	4, 241	91. 3
Massachusetts	22, 722	4, 156	87. 2
Delaware	2, 218	4, 107	85. 5
Maryland	15, 336	4, 073	120. 4
Michigan	35, 010	3, 994	100. 3
Hawaii	3, 060	3, 928	132. 7
Rhode Island	3, 515	3, 858	90. 4
Washington	13, 093	3, 848	100. 2
Ohio	40, 145	3, 738	82. 4
Indiana	18, 868	3, 687	93. 0
Pennsylvania	43, 182	3, 659	75. 0
Minnesota	13, 448	3, 635	97. 8
Wisconsin	15, 376	3, 632	83. 6
Nebraska	5, 230	3, 609	89. 5
Colorado	7, 569	3, 604	101. 6
Oregon	7, 261	3, 573	89. 8
Iowa	9, 870	3, 549	85. 6
Florida	22, 396	3, 525	140. 6
Kansas	8, 096	3, 488	80. 6
New Hampshire	2, 489	3, 471	100. 4
Missouri	16, 085	3, 458	79. 8
Arizona	5, 709	3, 372	132. 4
Wyoming	1, 078	3, 353	50. 1
Virginia	15, 441	3, 307	120. 8
Texas	36, 458	3, 259	102. 6
Vermont	1, 426	3, 247	111. 9
Montana	2, 172	3, 130	61. 5
Georgia	14, 253	3, 071	129. 1
Maine	2, 987	3, 054	75. 4
Oklahoma	7, 825	3, 047	89. 4
South Dakota	1, 995	3, 027	103. 6
North Dakota	1, 852	3, 012	94. 9
Utah	3, 132	2, 997	86. 9
Idaho	2, 120	2, 953	72. 4
New Mexico	2, 879	2, 897	63. 4
North Carolina	15, 030	2, 888	123. 3
Kentucky	9, 202	2, 847	97. 7
Tennessee [1]	11, 189	2, 808	107. 4
Louisiana [1]	10, 413	2, 781	94. 9
South Carolina	7, 018	2, 607	124. 1
West Virginia	4, 735	2, 603	61. 2
Alabama	9, 116	2, 582	94. 2
Arkansas [1]	4, 963	2, 488	105. 3
Mississippi [1]	5, 234	2, 218	103. 5

[1] Mid-South States.

Source: U.S. Commerce Department, release to the press Aug. 23, 1970.

(3) Housing conditions

Housing conditions reflect low family income and employment. In the states of the Mid-South, housing conditions are far below the urban 81.4 per cent level and the rural 56.7 percent level of the United States.

HOUSING WITH ALL PLUMBING FACILITIES, 1960

	Percent	
	Urban	Rural
United States	81. 4	56. 7
Mid-South region	70. 9	37. 7
Arkansas counties	66. 3	34. 0
Kentucky counties	75. 1	34. 2
Louisiana parishes	70. 2	42. 7
Mississippi counties	74. 7	34. 0
Missouri counties	76. 9	44. 7
Tennessee counties	73. 3	38. 7

Source: Census of Housing, 1960.

(4) Migration

Migration tends to be a short-range response to economic opportunities—especially for persons in the working age groups. This can become a long-range or permanent condition for a region if its leadership fails to make the effort to improve the region's economic structure. The counties of the Mid-South states reflect low economic conditions by their high net (—) out-migration rates.

Migration rate, 1950–1960

	Percentage
United States	+1. 8
Mid-South Region	—19. 9
Arkansas Counties	—31. 0
Kentucky Counties	—11. 6
Louisiana Parishes	—10. 3
Mississippi Counties	—27. 2
Missouri Counties	—11. 8
Tennessee Counties	—17. 3

Source: *Census of Population*, 1950–1960.

(5) Educational Level

One of the major problems of the Mid-South states is the low educational level of the adult civilian work force. This makes it extremely difficult to train people for non-farm jobs or for new higher skilled jobs that could be available if the labor force were able to support them. In 1950, three Mid-South Region counties had 70 per cent or more of their adults 25 years of age and over completing less than eight years of school; 12 had more than 60–69 per cent in the category; 45 counties had 50–57.9 per cent; 45 counties had 40–49.6 per cent; 57 had 30–39.9 per cent; 12 had 20–29.9 per cent and no county was below 20 per cent.

(6) Health Personnel and Facilities

The number of medical doctors and medical facilities is an indication of the level of public support of improvement in the quality of health residents of an area. The counties of the Mid-South lagged far behind the performance of the nation as a whole. In 1962, economists estimated the United States to have 3.8 general hospital beds per 1,000 persons, while the Mid-South Region counties had roughly 2.2 beds per 1,000 persons.

Economists and health planners have estimated an even greater lag in the medical doctors category. They estimated approximately three times as many doctors per 1,000 persons for the nation as for the Mid-South Region.

MEDICAL DOCTORS AND GENERAL HOSPITAL FACILITIES, 1962

	Number of general hospital beds per 1,000 population	Number of medical doctors per 1,000 population
United States	3. 8	1. 4
Midsouth region	2. 2	. 6
Arkansas counties	2. 3	. 5
Kentucky counties	2. 7	. 5
Louisiana parishes	2. 2	. 6
Mississippi counties	2. 6	. 6
Missouri counties	2. 2	. 7
Tennessee counties	1. 6	. 6

Source: U.S. Department of HEW, Health Manpower Source Book, sec. 19, 1962.

(7) Employment in a Declining Industry—Agriculture

The Mid-South States still depend heavily upon Agriculture for employment. In 1950, the Mid-South Region employed 33.4 per cent of its civilian labor force in agriculture. By 1960 it had reduced this percentage to 16.8 per cent. But this percentage in a declining industry like agriculture was still far above the 6.2 per cent for the United States. This was true despite the greater decrease in agricultural employment (—49.4 per cent) in the Mid-South Region than for the United States (—38.5 per cent).

PERCENT OF THE CIVILIAN LABOR FORCE IN AGRICULTURE

	1950	1960
United States	11.7	6.2
Midsouth region	33.4	16.8

Source: Census of the Population, 1950–60.

The problem is more serious when viewed in terms of total growth of the civilian labor force. Between 1950 and 1960, the Region's civilian labor force grew only 0.5 per cent while that of the United States grew 14.9 per cent. It is clear from the two tables presented that while the Region's agricultural employment declined more rapidly than that of the United States, it failed to increase significantly its total civilian labor force—particularly in the non-farm sector.

PERCENT CHANGE IN AGRICULTURAL EMPLOYMENT AND PERCENT CHANGE IN TOTAL CIVILIAN LABOR FORCE, 1950–60

	Percent change in—	
	Agricultural employment	Total civilian labor force
United States	−38.5	14.9
Mid-south region	−49.4	0.5

Source: Growth Patterns in Employment by County, U.S. Department of Commerce, 1960.

(8) Average Farm Size

The migration off the farms occurred at a greater rate in the Mid-South than in the United States. This should have left fewer farm operators to carry on the activity on the same amount of acreage through the increase in individual farm size and greater use of technical skills. Only in Arkansas and Missouri was the increase in farm size above the national average. Kentucky, Louisiana, Mississippi and Tennessee indicate farm operations increased their farms much more slowly than nationally. In many cases, this was attributable to some reluctance on the part of the farmers to become more efficient. It can also be attributed to the rolling topography in these states which made greater mechanization difficult. The result was small farms, small output and low levels of income and well-being for the rural communities.

Average increase in farm size, 1950–60

	Percentage increase
United States	40.4
Mid-South Region	28.8
Arkansas Counties	42.7
Kentucky Counties	13.9
Louisiana Parishes	18.5
Mississippi Counties	29.1
Missouri Counties	50.8
Tennessee Counties	19.5

Source: *Census of Agriculture*, 1959–64.

(9) Technical Skills

The number of engineers in an area is one significant measure of the quality of its civilian male workers. The overall level among employed males in the United States was 2.0 per cent in 1960. The Mid-South Region was noticeably below the national level. Its level was roughly two engineers per 5,000 employed males.

Engineers as a percent of males employed, 1960

United States	2.0
Mid-South Region	0.5
Arkansas Counties	0.3
Kentucky Counties	0.6
Louisiana Parishes	0.7
Mississippi Counties	0.5
Missouri Counties	0.4
Tennessee Counties	0.5

Source: *Census of Population*, 1960.

The lack of trained personnel of engineer caliber reflects many factors already discussed. Foremost is the low level of educational achievement. Other factors include lack of economic growth of the Region in the past which resulted in lower demand for engineers, the general noncompetitiveness of the Region's economy, and the social atmosphere that does not encourage persons with specialized skills of this nature to remain in the Region. Without a large number of highly trained or medium-skilled persons, it is difficult for the Region to attract business firms with high capital investment and worker productivity.

POTENTIALS FOR ACCELERATING DEVELOPMENT

A program of comprehensive planning involving joint-action by the states and the Federal Agencies is needed to achieve balanced growth at an accelerated rate. This must involve a cooperative effort at all levels of government. The total resource base of the region must be taken into account. The industrial base must be expanded and public investments for facilities and services made such that new job opportunities present themselves. This planning can be most effective if carried out within a focus on the total region.

While it is evident that specific action programs cannot be devised prior to a more detailed analysis of the problems identified elsewhere in this proposal, one can point to several areas that need to be considered to accelerate economic development.

A. Highway transportation

Highways are the "lifeblood" of the region's economy. They must be available to move goods and services efficiently, and designed and located to capitalize on new potentials for job creating activities. Local access roads can open up new job opportunities.

While the region's interstate highway network is substantial in terms of mileage and linkages as between large urban areas, consideration must be given to major developmental highways linking the smaller areas, and these with regions outside the Mid-South. For example, any developmental system should consider links with both the Appalachian Region on the East, and the Ozarks Region on the West. There is a lack of North-South communication west of the Mississippi River in the States of Missouri, Arkansas, and Louisiana. East of the river there is a lack of East-West communication in Kentucky, Tennessee, Mississippi, and Louisiana.

Additional study should be given to developmental highways and priority given to a system capable of accelerating development.

B. Natural resources

Natural resources must be developed at their source, but with the possibility of further "exploitation", consideration must be given to appropriate conservation practices such that long-term use and management can be achieved.

Consideration should be given to inventory and potential use of minerals, and the extent to which this resource can contribute to the development process. Since the region is undergoing a change and decline in agriculture, consideration must be given to prospective new land uses, including grazing and/or soil stabilization purposes.

The Region's water resources should be identified in terms of further development. While the Mississippi is the main link with the inland waterways system, further use of this "artery" should be determined and consideration given to matters of water quality, irrigation, flooding, transportation and economic development. Smaller streams and potential impoundments should be considered in terms of recreation, flood control, and availability to urban water users.

The Region's timber resources are varied in types, quality and economic use, but consideration should be given to their long-term availability and contribution to new jobs and income consistent with sound practices of conservation and management. Better and more extensive use of commercial tree nurseries and farming should provide one means of accommodating a new land use as a result of declining agriculture.

C. Human resources

Development of the Region's human resources is probably the "key" to its long-term betterment and survival. Acceleration of all services and facilities related to better health, education and welfare must proceed even at a faster rate. While the several states have made use of related programs provided within HEW, additional cooperative action is needed in manpower training, vocational school construction, higher education, ETV, and health facilities. In the latter instance, planning should give insight to location of regional health centers, convenient and able to provide comprehensive health care economically and efficiently to all the citizens.

Improving the industrial base of the Region cannot proceed without the basic public facilities needed for support. Community environment must be provided water and sewerage, hospitals and health centers, libraries, airports, recreation, and other amenities needed such that private industry can make investments which in turn provide new job opportunities.

The Region's planning and development programs should consider the acceleration of this type facilities and assisting with financing where ever possible. Only through a joint Federal-State-Local effort can the proper infra-structure be provided.

An essential part of the planning process is the delineation of growth points to serve as the nucleus for economic development. Within the region there are few towns with a population of 10,000 or more. Only eight metropolitan areas are in the Region. Many small towns have little social capital, experience out-migration, and are generally unattractive to desirable industries.

Sub-areas should be identified that have feasibility for developing into major trade complexes and provide all the basic elements of economic and social life.

PATTERN OF DEVELOPMENT NEEDED

There are some indications of the type of development that should be attempted in order to up-grade the Region. Generally speaking economists and planners have described a sequence of stages through which a *region* moves in the course of its development.

1. The first stage is one of a self-sufficient subsistence economy in which there is little investment or trade. The basic agricultural population is simply located according to the distribution of natural resources.

2. With improvements in transportation, the region develops some trade and local specialization. A second stratum of population comes into being, carrying on simple village industries for the farmers. Since the ma-

terials, the market and the labor are all furnished originally by the agricultural populations, the new industrial super-structure (at a later stage) is located with reference to that basic stratum.

3. With the increase of inter-regional trade, a region tends to move through a succession of agricultural crops from extensive grazing, to cereal production, to fruit growing, dairy farming and truck gardening.

4. With increasing population and diminishing returns in agriculture and other extractial industries, a region is forced to industrialize, that is the introduction of so-called secondary industries (mining and manufacturing) on a considerable scale. Typically, the early stages of industrialization are based on the products of agriculture and forestry and include such activities as food processing, manufacturing of wooden products, and preparation of textile fibers. If industrialization is to continue, mineral and energy resources become critical. Thus industrialization extends to smelting, refining and processing of metals, oil refining, chemical industries based mainly on coal, petroleum, potash, salt and other minerals, glass and ceramics.

Where cheap hydro-electric power is available industries requiring large amounts of power are possible; i.e., nonferrous metals refining, ferroalloys, special steels, abrasives, etc.

5. A final stage is reached when the region specializes in tertiary industries producing for export. The region exports to less advanced regions—capital, skilled personnel and special services. The reducing of transport rates and costs during this sequence of stages tends to concentrate the location of production in a region. See general summary of theory of regional economic growth, Douglass C. North, *Journal of Political Economy*, Volume 63, June 1955.)

In this evolution of growth and development, a cursory knowledge of the Mid-South would indicate that we are somewhere in stage no. 4, and it will be some time before the Mid-South, as a region, begins its final stage of mature industrial growth, self-generating, around a common export base. Indeed, some economists (Douglass C. North cited above) have concluded that growth of regions have tended to be uneven, leaving some implications that the Mid-South may never reach the point of cohesion with a common export base. I don't know that I can subscribe to such viewpoint. Perhaps it will take another twenty-five years, perhaps longer, but we are sensing change. Population is tending to stabilize. The number of workers in the labor force is expected to increase faster in the West and South in the next ten years (see forecast by U.S. Labor Department to year 1980, *U.S. News and World Report*, October 31, 1966, p. 78). As late as 1967 the Southern Regional Education Board estimated that by 1980, more than 2.9 million students in the South would be enrolled in colleges and universities, accounting for 56 per cent of the Region's college age population, a sharp increase from the 38 per cent enrolled in 1966–1967 (*Atlanta Journal*, December 3, 1967, p. 22). But we must provide the opportunities and the employment base to keep these young people working in the Region. As late as 1968, the Porter Publishing Company of Atlanta compiled comparative data on 18 segments of the economy showing the South leading in per cent changes between 1960 and 1966.

We are making progress, but we have started from a position way behind the rest of the nation. Still the poorest part of the United States, the South should narrow the gap in the years ahead. It is estimated that one of every three new factory jobs created in the United States in the 1970's will be in the South. Large suppliers of labor are still a drawing card for industry. Our untapped human resources are probably our biggest asset.

What pattern of development should we encourage?

Professor William Nicholls of Vanderbilt University has provided some insight to the necessary ingredients. In comparative studies using part of the Tennessee Valley Area (over a long period of time), he concluded that areas that have developed an urban-industrial base greatly facilitated "the transfer of excess labor out of agriculture and of needed capital into agriculture within the immediate environs of the growing industrial center. Counties lacking such dynamic conditions of industrial-urban development were unable to hold their own through outmigration alone . . ." According to Professor Nicholls policy implications for underdeveloped regions are such that "industrial-urban development offers the major hope for solving the problem of low agricultural productivity . . ." and "the more widely disbursed such industrial-urban development, the more generally can agricultural productivity be increased." (See William H. Nicholls, "Industrialization, Factor Markets, and Agricultural Development," *Journal of Political Economy*, Volume 69, August 1961.)

The Mid-South Region must develop further an urban-industrial base. We must identify the "growth" points to build upon. We must link the city with its hinterland and help it grow as a city-region. This does not necessarily mean a central city by itself, getting larger and larger, but rather a central city with its "satellite" smaller urban centers, all linked together through social and economic action and inter-action, interdependent, such that an "infusion" of investment at any one point in the city-region would be felt beneficially by the whole region. In other words, the region, including its hinterland would grow as a region. This is why the programs enacted by Congress in 1965 providing for multi-county planning around urban growth centers is so important to economic development and should be continued. Both the Appalachian Development Act (1965) and the Public Works and Economic Development Act of 1965 provide for Economic Development Districts, and matching grants to support administrative staffs that can concentrate on more detailed plans for achieving the growth center concept. In this way, counties that are lagging in their development should be "linked" to the more prosperous counties and in this manner would benefit over time.

For those areas that currently have no urban base, then, the objective in regional groupings would be to try and develop such base or initiate the beginnings of such base to be the focal point for future industry location. Regardless of the situation, for economic development to occur, it is an accepted proposition that a public facilities base must precede any investments that can be anticipated or induced by private enterprise. This is why it is so important that the programs enacted by the 1965 statutes above cited be maintained and extended. They make possible on a selective basis the achieving and funding of both the public and private investments needed to accelerate the economic development process. And this acceleration is so much needed in the Mid-South.

TRADE NEGOTIATIONS WITH JAPAN

Mr. BAKER. Mr. President, the Washington Sunday Star of March 28 contains the editorial column of Mr. James J. Kilpatrick which I believe placed into perspective the Nixon administration's concern over the trade negotiations with the Japanese for apparel and textiles.

I commend Mr. Kilpatrick's comments to the Senate because I believe he is the first syndicated columnist to explain and to bring into full focus the real trade situation. It is no wonder President Nixon and Secretary of Commerce Stans found the terms unacceptable.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TEST OF A BIG MAN, WILBUR MILLS

(By James J. Kilpatrick)

WASHINGTON.—Wilbur Mills of Arkansas, chairman of House Ways and Means, is quite justly regarded in Washington as one of the shrewdest and most knowledgeable men on the Hill. He has been around for 32 years; he has looked a thousand lobbyists in the eye; and he has won enormous respect for his dedication to his country's best interests.

These are the very considerations that make his recent one-man deal with the Japanese so mystifying. Absolutely on his own, without consulting the White House or conferring with his own committee, Mills made a breathtaking personal commitment to the Japanese textile industry. This commitment, if it actually takes effect, would fix a single overall ceiling, subject to a 6 per cent annual growth, on imports of Japanese textiles and apparel items.

In a city where anything can happen, one seldom describes an event as "incredible." The Mills deal qualifies. It is incredible that a member of the Congress should thus arrogate to himself the responsibilities of the executive branch. It is incredible that so hard a bargainer as Wilbur Mills could be so neatly booby-trapped by a skilled lobbyist. And the deal that Mills agreed to is incredibly bad.

FEARFUL BEATING

By way of background: Over the past ten years, the American textile industry has been taking a fearful beating from foreign producers. Imports have soared. In 1965, the U.S. imported 565 million yards of man-made fiber products. The figure for 1970 was 2.8 billion yards. This is not friendly competition—this is trade war; and among the casualties have been 116,000 lost jobs, 549 factories shut down, drastically reduced profits, and diminished investment in new plants.

In an effort to curb this runaway situation, the United States two years ago began government-to-government talks with the Japanese. The object was to negotiate limited and reasonable quotas for certain woolen and man-made fiber products. The longer the talks dragged on, the more apparent it became that the Japanese were stalling. Finally, the talks collapsed altogether, and Mills himself called up a bill to impose such quota by law.

The Japanese spokesmen abruptly came to life. Negotiations resumed. What is not generally known is that the Japanese tentatively had offered to accept an agreement covering 17 of 70 categories of woolen and man-made goods. It was a good deal. But before it could be pinned down, the Mills bill foundered under the weight of some hitch-hiking riders and the 91st Congress ran out of time. It was at this point that Michael Daniels, Washington lobbyist for the Japanese textile industry, began his private talks with Wilbur Mills.

Daniels is a brilliant salesman, and he never sold a more brilliant bill of goods. He talked Mills into buying an agreement not merely on woolens and man-mades, but on cotton goods also; he sold the Arkansas lawmaker a single over-all ceiling on yards, instead of a plan of quotas by category or by value; and he came up with a base year comprising total yardage imported in the 12 months ending March 31, 1971—a period of record-breaking imports from Japan.

DEAL IS A FRAUD

What does all this mean? It means that the Japanese producers—if the deal goes through—could cut back on cheap cottons and substitute equivalent yardage in costly man-mades instead. This is precisely what the Japanese have done in the similar case of steel; here, too, a single over-all ceiling was fixed by tonnage, whereupon Japanese mills converted to high-priced specialty products. The only safeguard under the Mills agreement lies in a vague commitment by Japan's textile industry to prevent "undue distortions" in existing patterns. The meaning is unclear. Perhaps it permits due distortions.

In plain language, the deal is a fraud—a cynical piece of business that plainly deserved President Nixon's rejection.

It takes a big man, under such circumstances, to admit a mistake. Mills is such a man. If he will reexamine the terms of his unfortunate commitment, he will understand why the industry, the textile unions, and the Administration have reacted in stunned amazement to his action. Thankfully, the deal hangs partly on the consent of Korea, Taiwan and Hong Kong, and the first two of them have responded cooly. The House and Senate, greatly as they respect the Arkansas chairman, should respond the same way.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

EMERGENCY EMPLOYMENT ACT OF 1971

The PRESIDING OFFICER (Mr. STEVENSON). Pursuant to the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 31) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

Mr. NELSON. Mr. President, I ask unanimous consent that the committee amendment in the nature of a substitute be considered and agreed to and that the bill as thus amended be regarded as original text for purpose of amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(For text of the committee amendment agreed to see page 8613 of the CONGRESSIONAL RECORD of March 30, 1971.)

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. DOMINICK. Just to make the record clear, that would include any kind of amendment, either to the text or the whole substance; is that correct—including a motion to recommit?

The PRESIDING OFFICER. Any part of the bill would be subject to amendment at this point.

Mr. DOMINICK. The entire bill would be subject to a motion to recommit; is that not correct?

The PRESIDING OFFICER. The committee substitute is considered original text. It is completely amendable at this point.

Mr. DOMINICK. Including a motion to commit. That is the point I was trying to make.

The PRESIDING OFFICER. A motion to recommit the bill would also be in order.

Mr. DOMINICK. Or a total substitute for the committee amendment.

The PRESIDING OFFICER. That amendment would be in order.

Mr. DOMINICK. I thank the Chair.

PRIVILEGES OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, if the distinguished Senator from Wisconsin will yield just briefly, I ask unanimous consent, in addition to the four committee staff members allowed on the floor under the standing regulation, that Mr. William R. Bechtel and Mr. Jonathan Steinberg also be granted the privilege of the floor during the deliberation on this measure.

The PRESIDING OFFICER (Mr. GAMBRELL). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, if the Senator will yield on that, will he allow me to have Mr. John Scales on the floor in order to serve me?

Mr. BYRD of West Virginia. Is the Senator requesting that an additional staff member be present?

Mr. JAVITS. He is a committee staff member.

Mr. BYRD of West Virginia. The Senator from New York does not need to ask unanimous consent in this instance.

Mr. JAVITS. I thank the Senator from West Virginia.

Mr. NELSON. Mr. President, the Labor and Public Welfare Committee, on a bipartisan vote of 15 to 2, has sent to the Senate the proposed Emergency Employment Act of 1971 as a way for Congress to take immediate action to deal with the Nation's serious unemployment problem.

This bill would create a temporary stop-gap emergency employment program to place approximately 150,000 of the unemployed in already existing, responsible and vitally necessary jobs at the State and local level.

It would authorize funds proportionate to the level of unemployment. For the first year it would authorize a maximum of $750 million and for the second year a maximum of $1 billion; however, unemployment would have to rise to the 7-percent level and remain there for 3 months in order to trigger that full amount.

This is emergency legislation, introduced on the first day that bills were received in this session of Congress. It has been endorsed by 34 Senators, with strong support in both parties. Four days of public hearings were held at which it was strongly supported by the National League of Cities, U.S. Conference of Mayors, National Association of Counties, National Farmers Union, American Federation of State, County, and Municipal organizations. The hearing record has been printed and is available for study by Senators. This hearing record tells a dramatic story of spiraling unemployment and declining public services, which are combining to create a grave crisis in many of our major cities and in some of our troubled rural areas.

The subcommittee on Employment, Manpower and Poverty voted unanimously to approve the bill. The full Labor and Public Welfare Committee approved it overwhelmingly after making a number of amendments.

It is our hope that the Senate will quickly approve this bill; that similar legislation will pass the House of Representatives within the next several weeks; and that the President will sign this emergency stop-gap legislation into law within the near future. If our hopes are fulfilled it is entirely conceivable that, in the month of May, some of those who are today most deeply distressed by unemployment would be moving into responsible jobs under the capable supervision of State and local officials and that the Congress would have demonstrated anew its ability to respond promptly to a national crisis.

For Congress to fail to respond to the twin problems of widespread unemployment and declining public services could well weaken faith in the American system at a time when it is being sorely tested.

It is most important to make clear that this is not the manpower bill—the Employment and Manpower Act of 1970—which the Congress passed and the President vetoed last December 16. That was a much broader and more comprehensive reorganization of Federal manpower training programs, combined with a permanent public service employment program on a much more substantial scale. That bill, which passed the Senate 68 to 6, is deserving of further consideration and will be taken up in due course by our committee along with the administration's recently introduced new manpower bill, the Manpower Revenue Sharing Act.

However, no matter how hopeful supporters of these bills may be, there is no question whatsoever that their effective date would have to be delayed until sometime in 1972.

Meanwhile, the crisis of unemployment is squarely upon us. Congress cannot delay a single week in facing the human distress caused by unemployment.

The Emergency Employment Act of 1971, which has moved through the legislative process with astonishing speed, gives us an opportunity to act immediately and responsibly to deal with a critical national problem, while the traditional congressional process is being followed on the more comprehensive legislation.

This bill, S. 31, represents one rather limited feature of the manpower bill which was passed and vetoed earlier. This bill consists solely of a temporary stopgap public service employment program triggered by high national unemployment rates. When unemployment averages 4½ percent for 3 months this bill would authorize $500 million. For each increase in the national unemployment rate of one-half of 1 percent an additional $100 million would be authorized. If unemployment averaged 6 percent for 3 months as it did in the period from December 1970 to February 1971, the bill would authorize $800 million—however, there is a ceiling of $750 million on authorizations in the first year regardless of how high unemployment goes.

A feature very similar to this was incorporated in the manpower bill which was passed and vetoed last year. That bill authorized a permanent, continuing public service employment program with additional funds triggered when unemployment rose above 4½ percent.

The trigger feature is a concept originally proposed by the administration in the Manpower Training Act which it submitted to the Congress in August of 1969. The feature was refined by Senator JAVITS and incorporated into last year's manpower bill which was passed and vetoed.

Now we have sent to the Senate a bill consisting solely of the trigger feature.

In his veto message last December 16 the President criticized the concept of permanent public service employment. But he added:

> Transitional and short-term public service employment can be a useful component of the nation's manpower policies.

That is precisely what this bill would provide. Because the authorization is limited to periods of high unemployment, and because the entire authorization expires June 30, 1973, this is strictly emergency stopgap legislation.

The bill was carefully designed to meet the objections which the President raised to a permanent public service employment program in his veto message.

Even though many of us in both parties continue to support the concept of a substantial, continuing public service employment program, we recognize the need to offer legislation which can win broad bipartisan support and which can merit the President's signature because it is so urgent that we do something about unemployment. While we continue to consider the reform of manpower training programs and the perfecting of permanent public service employment in an effort to make it acceptable to the administration, we feel we must offer something which can be immediately acceptable.

The Secretary of Labor testified before our subcommittee on February 23. I must say that a number of us were surprised when he indicated that the administration now opposed even this temporary emergency employment act. The Secretary was most candid with us. He stated in his testimony:

> Secretary Hodgson—You have . . . taken cognizance of several of our objections, the triggering mechanisms, to some degree at least, the kinds of public service employment which would be desirable, and the temporary aspect of such employment. . . . As I sat the other evening trying to think how you must react to our current position, it seems to me that you would find yourself thinking that you have come to play ball in our court and we have moved the court.

Although the Secretary conceded that the Emergency Employment Act is substantially the kind of program which the administration indicated it could accept, the Secretary of Labor testified that the administration now believes it could accept such a program only if it were a part of "special revenue sharing."

The administration, in a bill introduced March 16, has proposed to increase present Federal manpower funds from about $1.6 billion to $2 billion a year and to transfer 85 percent of this money directly to mayors and Governors. If these officials chose to use some of those funds for a temporary public service employment program, such as is authorized in bill S. 31, the administration would have no objection.

It is important to note that the administration has conceded that this bill, S. 31, the Emergency Employment Act, is the kind of bill which the administration has advocated in the past, and that it has no objection to the concept embodied in this legislation.

The administration's object is limited solely to the fact that the funds authorized in this act for payment to mayors, Governors and other local program sponsors would not be paid out as a part of its "special revenue sharing" proposals.

Without in any way prejudging the merits of the administration's "special revenue sharing" proposals, certainly any reasonable observer would have to concede that they will require considerable debate and discussion in public hearings, in executive sessions of committees and on the floors of both houses of Congress. From the limited view we have been able to give to the recently introduced special revenue sharing legislation involving manpower funds, and from the comments we have already received from civil rights organizations and many others, it seems clear to me that this legislation will take some time if it is to be prudently considered and responsibly dealt with by the Congress. Our committee is presently involved in hearings on the administration's proposal to extend the Economic Opportunity Act, which expires June 30. Unless our committee and the comparable committee in the House of Representatives are able to move along expeditiously to consider the extension of the Economic Opportunity Act and to secure the passage of this legislation through both houses of the Congress, many of our existing manpower programs would die a sudden death along with other worthwhile programs such as Headstart, legal services, comprehensive health services, alcoholic counseling and drug rehabilitation.

As soon as our committee completes action on the administration proposal to extend the Economic Opportunity Act we will begin hearings on the administration's Manpower Revenue Sharing Act and the manpower bill which was passed and vetoed last year.

I can appreciate the very high priority which the administration has given in this session of Congress to establishing the concept of revenue sharing, both general revenue sharing and special revenue sharing, as the administration has described it. Certainly the Congress intends to consider all these proposals with an open mind and in the most expeditious manner possible.

However, I think it would be irresponsible to insist that the unemployed sit and wait for Congress to resolve the complex issues involved in revenue sharing.

Because the administration has supported the concept of this bill, because the unemployment situation is so grave and so immediate, because the cities, the counties, the States, and the depressed rural areas are asking for immediate help, and because this bill can put men and women to work within the next 60 to 90 days, the responsible course of action is to pass this legislation now and deal with the broader questions involved in revenue sharing and alternative manpower proposals in the weeks and months ahead.

THE UNEMPLOYMENT PROBLEM

The facts on unemployment have been presented to us by the Bureau of Labor Statistics. Unemployment has been increasing steadily since the latter part of 1969, and for the last few months has stood at the highest level in the last 9 or 10 years. We have 5,442,000 people unemployed and looking for work, according to the Bureau of Labor Statistics report of March 5, 1971. Of this group 1,179,000 have been unemployed for 15 weeks or longer. A total of 451,000 have been unemployed for 27 weeks or longer.

Many groups within the labor force are especially hard hit by unemployment. The rate for white workers as a whole is 5.3 percent but the rate for Negroes and other nonwhites is 9.6 percent. Unemployment among blue collar workers stands at 7.4 percent. Among construction workers it is 11 percent.

The unemployment rate for teenages is 16.7 percent and the rate for black teenagers is 31.3 percent.

Many of our major cities have unemployment rates much higher than the national average. The distress is particularly severe in Seattle and Spokane, Washington; Wichita, Kansas; Lowell and New Bedford, Massachusetts, and in the inner portions of most of our large cities such as New York, Detroit, Los Angeles, Newark, Baltimore and many others.

The mayor of Detroit testified before our subcommittee that the unemployment rate in the inner city is 24 percent, and he estimated that almost every other person between 18 and 25 years of age is unemployed. Governor John Gilligan of Ohio testified that the unemployment rate in the inner cities areas of Cleveland and Toledo was 15 percent or higher for 1970.

Official unemployment rates for many cities and the standard metropolitan statistical area in which they are located tend to underestimate the unemployment problem because the problem is often highly concentrated in certain sections of the city.

We also have many rural areas with widespread chronic unemployment.

Obviously, there are many different ways of dealing with the serious unemployment problem. The sponsors of bill S. 31 do not claim that this is the one and only way to address the problem.

However, our committee is responsible for legislation in the field of manpower. From exhaustive hearings which we held in 1969 and 1970 we have documented the fact that we must supplement our Federal manpower training programs with a public service employment program which will offer real job opportunities rather than mere training slots.

For several years now our Federal manpower training programs have had approximately 450,000 to 500,000 persons enrolled in them at any given time. The overwhelming majority are involved in training programs rather than real job opportunities. Unfortunately the job placement record for these manpower programs is not particularly high.

But most important of all, manpower training programs are no answer to a problem such as the sharp increase in unemployment which has occurred in the past 15 months. It was hard enough for graduates of our manpower training programs to find jobs when we had 3.3 percent unemployment in February 1969. Imagine the increased difficulty for those who have been turned out into a labor market with 5.8 percent, 6.0 percent and 6.2 percent unemployment such as we have had in this past December, January and February.

Manpower training programs have not expanded to take care of any significant portion of the massive increase in the unemployed.

Attempts to place manpower training program graduates in jobs in the private sector have not been successful at a time when industries are laying off veteran employees with highly developed skills and considerable seniority.

It is obvious if we are to place any significant number of the unemployed in worthwhile jobs in the near future, public service employment offers the greatest potential of any program.

The jobs are already there. Mayors, Governors, and county executives have testified that they have thousands of jobs—vital, necessary jobs, already approved in the normal budget process—which simply cannot be filled for lack of tax revenues.

By placing some significant number of the unemployed in these vacant jobs in State and local government agencies we not only will be easing the crisis of unemployment and making destitute people self-sufficient again, but we also will be strengthening and raising the quality of vital public services which are of benefit to the entire community.

Questions often are asked as to the kinds of jobs which would be filled under this program. Public service employment offers the broadest possible array of job opportunities. Government is the largest single employer in America and offers the broadest range of employment opportunities at various skill and wage levels. In State and local service, there are more than 10 million jobs.

Eligible applicants under the Emergency Employment Act would include States, cities, counties and other units of general local government and public or private nonprofit agencies and institutions such as hospitals.

These units of government or agencies would submit applications to the Secretary of Labor outlining the kind of public service employment program which they would propose to operate. It is anticipated that applications would cover a broad range of jobs in areas such as education, health care, housing, neighborhood improvement, public safety, street and park maintenance, transportation, conservation and so forth. No specific wage and salary levels are established. The bill provides that public service employees would be paid the minimum wage or prevailing wage for those doing identical work. In other words, public service job slots could be provided at many different levels consistent with existing job descriptions, education and skill requirements and so forth.

The Secretary of Labor would be authorized to pay up to 90 percent of the cost of an approved public service employment program.

In 1968, at a time when unemployment was much smaller than it is today, the Kerner Commission recommended the creation of 1,000,000 public service jobs in the public sector and an additional 1,000,000 jobs in the private sector. The estimated 150,000 jobs which the Emergency Employment Act would create would simply be one small step toward fulfilling that recommendation.

This emergency bill does not of course involve the comprehensive reform of our existing manpower training programs which was embodied in the Employment and Manpower Act which was passed and vetoed last fall. However, it retains that bill's emphasis on good jobs, real jobs, offering solid career opportunities as opposed to "makework" or "dead end" type jobs.

This is an area in which the sponsors of this bill and the Labor and Public Welfare committee agrees with the administration. In facing up to the need to fund jobs as a tool with which to fight unemployment and poverty, we are most anxious that these be good jobs which perform vitally needed public services.

An interesting article was written by Jerome M. Rosow, Assistant Secretary of Labor, in the Saturday Review of Literature of January 23, 1971. Mr. Rosow stated:

> I fear that if the job is not a real one, and if a man loses self respect by working in a job that has an image of being a program for cast-offs on the dole, then he is not going to achieve independence . . . In the past the idea was to search for a task that the unemployed could perform; little weight was given to its community benefit. The opposite approach is first to select a product or a service that is actually desired by the community. If we emphasize the product and perform a needed service to the community, the program will more nearly serve its function as an adjunct to regular employment.

I agree wholeheartedly with those thoughts. So do the chief executives of our cities who have testified so strongly in favor of this bill.

For example, Mayor Lindsay of New York testified on February 8:

> The notion is often expressed that this legislation will represent simply temporary make-work of a WPA nature. Totally incorrect. It is not make-work. It is badly-needed public service.

Mayor Lindsay said that New York could provide "50,000 to 75,000 additional public service jobs tomorrow morning if we had the funding." People who might otherwise be on welfare could be employed in areas such as sanitation, educational aides, nurses aides, practical nurses, and law-enforcement aides, Mayor Lindsay said.

Mayor Gribbs of Detroit testified:

> I could hire 2,600 today for the city of Detroit. And there are positions that go along the whole vertical structure of various services from an executive level down to technical and down to laborers level.

County Executive John H. Mulroy of Onondaga County, N.Y. testified:

> We are faced with an unemployment crisis and an employment shortage at the public service level. How fortunate that there is one solution to both problems; that is, to hire the unemployed in public service jobs. Our county provides some 26 countywide services including health programs, welfare, parks, recreation, civil defense, water and sewer services, sewage treatment, road maintenance and even a community college. Potential jobs exist in almost every department of our county government. These services are not "make-work" jobs. Rather they are a response to the new needs of the community, and I dare say that each of our 3,049 counties could cite similar examples.

When our committee first developed proposed public service employment legislation in 1969 and early 1970 the administration indicated opposition to the concept. However, after considerable discussion in committees in both Houses, the administration came to support the concept of public service employment in a number of significant ways.

The administration supported public service employment in the comprehensive manpower bill which passed the House of Representatives last November.

The administration is now supporting public service employment, with 100 percent Federal funding, in its recently introduced Manpower Revenue-Sharing Act.

And the administration has proposed an $800 million public service employment program to create 200,000 jobs for welfare recipients as a part of its family assistance plan, with an effective date of July 1, 1972.

We welcome these significant moves on the part of the administration to embrace the public service employment concept. If a family assistance plan is enacted in this session of Congress it certainly should include a significant public service employment component because otherwise there would be virtually no hope of placing any substantial number of welfare recipients in jobs. Public service employment as a part of the family assistance plan is perfectly compatible with this Emergency Employment Act.

The Emergency Employment Act has the advantage of being able to take effect immediately and to serve a much broader segment of the population than the family assistance plan is designed to serve.

Mr. President, I ask unanimous consent that immediately following my just-concluded remarks there be inserted in the Record an explanation of the Emergency Employment Act of 1971, and appended thereto a long list of cities with unemployment at 4.5 percent or higher, and that there also be printed in the Record a summary of the Proposed Employment Act of 1971.

There being no objection, the material was ordered to be printed in the Record, as follows:

THE EMERGENCY EMPLOYMENT ACT OF 1971

The Concept: The Emergency Employment Act of 1971 combines two concepts that have bipartisan and Administration support: (1) Transitional public service employment; (2) Counter-cyclical spending for manpower during periods of economic slowdown.

The bill in brief: The bill would provide for a temporary program of public service employment—in locally designed programs at the state, county, and municipal level—when national rate of unemployment equals or exceeds 4.5% for three months. Appropriations of up to $750,000,000 would be authorized through June 30, 1972, and $1,000,000,000 for the succeeding fiscal year, but the level could be lower because funding is based on a sliding scale depending upon the unemployment rate. (See summary of bill attached.)

The background: In the past few years numerous commissions and task forces have called for public service employment programs, recognizing that declining public services and unemployment were two problems that could thereby be attacked simultaneously.

Rising unemployment during the current recession makes this approach even more urgent. Fourteen mayors of the nation's largest cities and several Governors and county executives, appeared before the Subcommittee on Employment, Manpower, and Poverty, documented the problems, and pleaded for the prompt enactment of S. 31.

Legislative history:

August 1969—The Administration introduced the Manpower Training Act of 1969 asking an automatic "triggering" of an additional 10% in manpower funds when unemployment exceeds 4.5% for three months.

Dec. 10, 1970—The Senate voted 68–13 for the Conference Report on the Employment and Manpower Act of 1970, which included a major reform of manpower programs and a permanent public service employment program.

Dec. 16, 1970 The President vetoed the Employment and Manpower Act, particularly objecting to the permanent public service employment program. In his veto message, President Nixon said: "Transitional and short-term public service employment can be a useful component of the nation's manpower policies."

Jan. 25, 1971 With unemployment at 6% (5.4 million Americans unemployed) a bipartisan group of 34 Senators introduced the Emergency Employment Act of 1971.

Feb. 1971 Administration supports $800 million for 200,000 public service employment jobs for those on welfare assistance. That program would take effect July 1972.

Mar. 16, 1971 Administration's Manpower Revenue Sharing proposals introduced in Senate.

Mar. 17, 1971 Labor and Public Welfare Committee ordered the Emergency Employment Act reported to the Senate by vote of 15 to 2. Report filed March 27.

THE EMERGENCY EMPLOYMENT ACT AND MANPOWER REVENUE SHARING

The Manpower Revenue Sharing proposal, introduced only two weeks ago, would eliminate standards for approving federal funds for manpower programs and also raises many other serious questions, including the future role of vocational education, Community Action Agencies, and the public employment service in the future of local manpower programs. All these questions must be aired in hearings before the Senate can properly consider this "revolutionary" new concept for manpower programs. The Administration's Manpower Revenue Sharing bill has rigid allocation formula, which could result in massive shifts in on-going programs. The matter of how manpower funds are allocated is very complex and requires careful consideration in hearings and mark-up sessions.

(Senate bill S. 31 was introduced on January 25 by the following 34 Senators: Nelson, Javits, Bayh, Bellmon, Brooke, Byrd of West Virginia, Case, Cranston, Eagleton, Gravel, Harris, Hart, Hartke, Hatfield, Hughes, Humphrey, Jackson, Kennedy, McGovern, Magnuson, Mathias, Mondale, Montoya, Muskie, Pearson, Pell, Percy, Randolph, Ribicoff, Schweiker, Scott, Stevenson, Tunney, and Williams)

The proposed Emergency Employment Act of 1971 (S. 31) would authorize public service employment programs during times of high unemployment. Financial assistance would be made available to States, cities and counties, and public and nonprofit agencies, to provide useful employment in such counties, and public and nonprofit agencies, needed fields of public service as environmental quality, health care, public safety, education, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

Appropriations of up to $750,000,000 through June 30, 1972, and $1,000,000,000 for fiscal year 1973 would be authorized under the following circumstances:

Annual funding of $500,000,000 would be authorized when the national unemployment rate is 4½ percent or higher for three consecutive months. Additional amounts of $100,000,000 would be triggered for each one-half of one percent by which the average unemployment rate for three consecutive months exceeds 4½ percent. Funds could no longer be obligated after the national rate of unemployment is reduced below 4½ percent. The legislation would be in effect until July 1, 1973.

The bill provides for apportioning funds among States and local areas within each State and among significant segments of the population on an equitable basis, and to the extent practicable in proportion to the extent and severity of unemployment. Up to 20 percent of the funds available for carrying out this legislation would be available for training and manpower services for persons employed in public service employment programs.

The bill provides for periodic reviews of the employment prospects for each person employed in a public service job assisted under the legislation and requires the Secretary of Labor, as the rate of unemployment approaches 4½ percent, to establish procedures to assure that maximum efforts will be made to assist public service jobholders in locating employment or training opportunities not supported under this legislation.

AREAS WITH UNEMPLOYMENT, 4.5 PERCENT OR HIGHER

	January 1971	
	Number	Rate
Alabama: Mobile	6,200	4.9
Arizona: Phoenix	20,600	5.1
California:		
Anaheim-Santa Ana-Garden Grove	43,300	8.2
Fresno	14,600	8.1
Los Angeles-Long Beach	259,400	7.6
Sacramento	23,700	7.4
San Bernardino-Riverside-Ontario	29,100	7.4
San Diego	33,300	7.0
San Francisco-Oakland	90,400	6.1
San Jose	34,700	7.6
Stockton	13,500	11.0
Connecticut:		
Bridgeport	21,100	11.6
Hartford	20,600	5.7
New Britain	5,800	10.8
New Haven	12,000	6.5
Stamford	6,900	6.8
Waterbury	10,300	11.1
Delaware: Wilmington	11,000	5.1
Florida: Miami	29,500	4.6
Georgia:		
Augusta	5,000	4.8
Columbus	4,000	4.8
Hawaii: Honolulu	13,200	4.6
Illinois: Rockford	8,500	6.7
Indiana:		
Evansville	5,700	5.4
Fort Wayne	7,100	5.4
Gary-Hamilton-East Chicago	11,100	4.6
Indianapolis	26,200	5.5
South Bend	8,200	7.6
Terre Haute	4,800	7.0
Kansas: Wichita	16,700	10.3
Kentucky: Louisville	19,000	5.0
Louisiana:		
Baton Rouge	8,000	6.2
New Orleans	25,600	5.8
Shreveport	6,700	5.5
Maine: Portland	3,300	4.5
Maryland: Baltimore	40,700	4.5
Massachusetts:		
Boston	76,600	5.3
Brockton	5,300	8.7
Fall River	5,400	9.7
Lawrence-Haverhill	8,500	9.1
Lowell	7,600	11.7
New Bedford	7,800	12.3
Springfield-Holyoke	18,400	8.3
Worcester	10,300	7.0
Michigan:		
Battle Creek	5,900	8.1
Detroit	143,000	8.3
Flint	13,600	7.3
Grand Rapids	19,100	8.4
Kalamazoo	6,400	7.5
Lansing	8,400	5.4
Muskegon-Muskegon Heights	6,700	11.0
Saginaw	5,100	5.9
Minnesota:		
Duluth-Superior	2,500	5.1
Minneapolis-St. Paul	42,100	4.8
Missouri:		
Kansas City	38,300	6.2
St. Louis	64,900	6.3
New Jersey:		
Atlantic City	8,100	10.5
Jersey City	27,500	9.0
Newark	57,400	6.3
New Brunswick-Perth Amboy	21,400	6.6
Paterson-Clifton-Passaic	40,900	6.8
Trenton	7,700	5.0
New Mexico: Albuquerque	6,800	5.4
New York:		
Binghamton	8,100	6.6
Buffalo	38,100	6.8
New York	280,800	5.1
Rochester	18,900	4.8
Syracuse	15,500	6.0
Utica-Rome	10,200	7.6

	January 1971	
	Number	Rate
North Carolina: Asheville	3,000	4.8
Ohio:		
Akron	13,000	4.7
Canton	7,500	4.8
Cincinnati	29,800	5.1
Cleveland	47,600	5.0
Dayton	18,700	5.0
Hamilton-Middleton	5,200	6.3
Loraine-Elyria	5,500	5.9
Toledo	14,900	5.3
Youngstown-Warren	11,700	5.1
Oklahoma: Tulsa	11,000	5.2
Oregon: Portland	30,800	6.7
Pennsylvania:		
Altoona	3,500	6.3
Erie	6,400	5.6
Johnstown	7,400	7.8
Philadelphia	114,400	5.4
Pittsburgh	46,500	4.8
Scranton	7,600	7.6
Wilkes Barre-Hazleton	10,000	7.0
Puerto Rico:		
Mayaguez	4,100	13.5
Ponce	8,000	15.7
San Juan	(1)	(1)
Rhode Island: Providence-Pawtucket	31,900	7.8
South Carolina	(1)	(1)
Texas:		
Beaumont-Port Arthur	7,200	5.6
Corpus Christi	4,700	4.5
El Paso	5,900	4.7
Fort Worth	15,900	5.0
Utah: Salt Lake City	12,800	5.8
Washington:		
Seattle	79,900	12.7
Spokane	10,700	9.5
Tacoma	14,400	10.7
West Virginia	(1)	(1)
Wisconsin:		
Kenosha	2,000	4.9
Milwaukee	33,900	5.3
Racine	5,400	8.4

[1] Information not available.

Source of material: Bureau of Labor Statistics.

(Senate bill S. 31 was introduced on January 25 by the following 34 Senators: Nelson, Javits, Bayh, Bellmon, Brooke, Byrd of West Virginia, Case, Cranston, Eagleton, Gravel, Harris, Hart, Hartke, Hatfield, Hughes, Humphrey, Jackson, Kennedy, McGovern, Magnuson, Mathias, Mondale, Montoya, Muskie, Pearson, Pell, Percy, Randolph, Ribicoff, Schweiker, Scott, Stevenson, Tunney, and Williams)

The proposed Emergency Employment Act of 1971 (S. 31) would authorize public service employment programs during times of high unemployment. Financial assistance would be made available to States, cities and counties, and public and nonprofit agencies, to provide useful employment in such needed fields of public service as environmental quality, health care, public safety, education, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

Appropriations of up to $750,000,000 through June 30, 1972, and $1,000,000,000 for fiscal year 1973 would be authorized under the following circumstances:

Annual funding of $500,000,000 would be authorized when the national unemployment rate is 4½ percent or higher for three consecutive months. Additional amounts of $100,000,000 would be triggered for each one-half of one percent by which the average unemployment rate for three consecutive months exceeds 4½ percent. Funds could no longer be obligated after the national rate of unemployment is reduced below 4½ percent. The legislation would be in effect until July 1, 1973.

The bill provides for apportioning funds among States and local areas within each State and among significant segments of the population on an equitable basis, and to the extent practicable in proportion to the extent and severity of unemployment. Up to 20 percent of the funds available for carrying out this legislation would be available for training and manpower services for persons employed in public service employment programs.

The bill provides for periodic reviews of the employment prospects for each person employed in a public service job assisted under the legislation and requires the Secretary of Labor, as the rate of unemployment approaches 4½ percent, to establish procedures to assure that maximum efforts will be made to assist public service jobholders in locating employment or training opportunities not supported under this legislation.

Mr. NELSON. Mr. President, I ask unanimous consent that following the two insertions I have just presented, an editorial from the Washington Post, dated April 1, 1971, entitled "Emergency Employment Act," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EMERGENCY EMPLOYMENT ACT

The Senate is scheduled today to take up an emergency measure designed to put some 150,000 unemployed persons to work in vital state and municipal public jobs. The bill is cosponsored by 34 senators and endorsed by the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties and a good many other estimable public bodies. Every consideration of logic and necessity seems to support it as well.

Two parallel developments that have taken place in almost every major city of the country dictate emergency action. One is a sharp rise in unemployment which has created a crisis for hundreds of thousands of urban families. The other is a drop in the revenues available to city governments resulting in a drastic cutback of vital municipal services; and this operates, of course, to aggravate the hardships suffered by the unemployed. Fund shortages have resulted in unfilled jobs in the face of eager but idle workers. Mayor D'Alesandro of Baltimore summed it all up graphically enough in testimony recently before the Senate Committee on Labor and Public Welfare:

> The jobs are there in Baltimore. Our probation officers are handling the highest workloads in the history of the administration of justice in our city. We have a municipal hospital, one of the finest in the country, yet the amount of registered nurses, the amount of nurses' aides that are servicing the various floors are at a minimum. We pride ourselves on being the showcase in urban renewal and housing and redevelopment; yet in the conservation areas we cannot move beyond the central business district or the little neighborhoods that serve as the core around it, because of lack of inspectors. The Civil Service Commission has waiting rolls of competent, eligible people who can fill the jobs. The work is there. The jobs are there. We have the plans. We don't have the financial resources to follow through.

Mayor after mayor came before the committee to report the same paradox. County Executive John Spellman of King County, Washington, said: "The displacement which has occurred in the Puget Sound area leaves us with the worst national resource waste in our nation's history. Talented men and women, superbly trained, highly productive, with a desire to work and to contribute to the nation's economy, sit idle."

The Emergency Employment Act would put many of these people to work by funding public service employment programs in such fields as environmental quality, health care, public safety, education, transportation, recreation, maintenance of parks, streets and other public facilities, conservation, beautification and other aspects of community improvement. It would authorize appropriations up to $750 million through June 30, 1972, and a billion dollars for fiscal year 1973 to be provided on a sliding scale based upon the national rate of unemployment.

Last December, President Nixon vetoed an Employment and Manpower Act which embodied a permanent public service employment program. The proposal before the Senate today is temporary in character, with no more than a two-year duration; but the administration is opposed to it anyway, asking Congress instead to take up its Manpower Revenue Sharing bill. Whatever the merits of revenue sharing, its highly controversial character makes it unlikely to win congressional approval in time to be of much service to the crisis-pressed cities or to the hundreds of thousands of city-dwellers now out of work. The emergency calls for emergency help from the federal government. Congress ought to furnish it without delay.

Mr. TAFT. Mr. President, two or three connected questions are not entirely clear to me on the basis of the very able statement made by the Senator from Wisconsin.

First of all, I would like to clarify the Senator's understanding, and verify my own, as to who is a qualified employer under this act. Is it possible or is it not possible, under this act, for a municipality to employ a private concern in a public works project of some type and then to employ men under that program and still have it qualify?

Mr. NELSON. The eligible applicants under the act are States, cities, counties, Indian tribes, public and private nonprofit associations, but no private business is eligible.

Mr. TAFT. So that even if a municipality wished to contract, say, for a service contract or public works contract with a private concern, the employment under such a private concern would not be covered? In other words, this is not a public works type act?

Mr. JAVITS. Mr. President, before we leave that answer, if I may interject, I think we should note that there is a possibility of doing what the Senator has in mind, but, again, not with the kind of entity he had in mind when he asked the question. I refer to a local service company, a truly local poverty based type of corporation, which I think we are very anxious to encourage, and not to discourage.

Mr. TAFT. In other words, he is saying it would be a nonprofit corporation?

Mr. JAVITS. More than nonprofit. It is defined on page 37 of the bill, lines 17 to 22, and it means owned or operated in substantial part by unemployed or low-income residents of the area to be served. So that it is uniquely our effort in self-help in the poverty field. I wish it were appreciable, but I fear it will not be, in terms of actual figures of employment.

Mr. TAFT. I thank the Senator for the explanation.

One other question. I am somewhat disturbed by the reference, in section 11(c) on page 33 of the bill regarding labor organization——

Mr. NELSON. What was the page?

Mr. TAFT. Page 33 of the bill, subsection (c) of section 11.

Mr. NELSON. Which line?

Mr. TAFT. Line 7, which reads:

> Where a labor organization represents employees who are engaged in similar work in the same labor market . . .

How is the determination to be made

as to whether a labor organization represents employees? And does that apply to public employee unions, or would it apply only to unions certified under the National Labor Relations Act or some other similar proceeding?

Mr. NELSON. This language provided by the staff was taken from the conference report on the bill last year, and its only purpose is to give public employment organizations an opportunity to comment on the application proposal by the municipality.

Mr. TAFT. What would occur if such notification was not given? How is a complete list of such organizations made if there is not a definition as to who is certified or who represents whom?

Mr. NELSON. We thought it better not to try to define it. The Secretary will establish it through regulation.

Mr. TAFT. Through regulation?

Mr. NELSON. Yes.

Mr. TAFT. I thank the Senator

Mr. JAVITS. Mr. President, I have joined with the Senator from Wisconsin (Mr. NELSON) in this bill as a joint sponsor as I am the ranking minority member of the committee and believed that there was a place to be filled which could not possibly be filled, from present appearances, for at least a year, and therefore that this bill was necessary.

I wish to assure the Senate that we have taken extraordinary precautions to meet the views of the administration in respect of this bill. The Senator from Vermont (Mr. PROUTY) has introduced the administration's special revenue-sharing bill on manpower, and I wish to assure the Senate and the administration that we have in that bill done our utmost to meet the fundamental questions: first, to afford an opportunity for special revenue sharing to phase in, and that is assured by the 2-year duration of this bill. As the President himself does not expect special revenue sharing in manpower to take effect until January 1, 1972. Its trigger provisions, which I shall refer to later, do not take effect until July 1, 1972. Therefore, it seems to me a transitional bill of this character fits in exactly with that purpose.

If I may have the attention of the chairman, I would like to make a statement with respect to him. It is clear, and Chairman NELSON has made it clear, that any bill that we pass or report dealing with special revenue sharing will be tailored and accommodated to precisely what is the temporary public service employment bill which ultimately becomes law.

So for all of those reasons, Mr. President, I feel we are accommodating the situation very closely to the President's free and fair opportunity to win with a special revenue-sharing measure.

Mr. NELSON. Mr. President, will the Senator yield to me for a comment?

Mr. JAVITS. Of course.

Mr. NELSON. I agree with the comments of the distinguished Senator from New York that we would not, under any circumstances, send out of our committee something that duplicated or overlapped this measure. If the administration's manpower revenue-sharing bill passes, in whatever form, I wish to assure the Senate that I shall be working with the minority leader of our committee to be sure that there is no duplication, and that it fits in appropriately with whatever we do with the Revenue Sharing Act; and if there is no act, this one expires at the end of 2 years, or whenever we get to 4.5 percent.

Mr. JAVITS. Correct.

Mr. NELSON. To cite an example, if we adopted exactly what the administration said—and I understand their bill to authorize as an activity by a municipality or a State public service employment—if they already have public service employment under this provision, we would undertake to be sure that in that bill we did not add on top of that.

Mr. JAVITS. There is one important point of substance which the Senator may or may not choose to answer, but I would hope that he could answer it in the affirmative before we are through with the debate, which is this: In view of the fact that we are passing emergency legislation, and in view of the fact that the President's bill is permanent legislation, would the Senator feel—and I do not expect him to answer this before thinking it over; he may speak about it later—that this bill should be accommodated to the President's bill, as we are in the process of passing it, rather than the other way?

In other words, as that is a permanent law and this is a temporary law we could tailor—because it would come out of our Committee on Labor and Public Welfare anyway—the permanent law to suit this measure, in the sense of not running counter to it; but it would be in appropriate, if we were satisfied that the permanent law did everything that ought to be done in this field, to phase this out without the greater whole, to wit, permanent law, taking over the part. So it would be a substantive point, when the Senator says he will do his utmost, and I wish to make it compatible; it is a substantive point as to whether we make this compatible with the President's bill, in which case this would run its course, the other being tailored to suit this, or whether we make the President's bill compatible with this program, in which event we could end this, in view of the fact that we would have a permanent piece of legislation.

Mr. NELSON. I think I understand. Let me reserve judgment until I have time to discuss the matter.

Mr. JAVITS. Surely. In view of the possibility of a veto, which hangs over everyone's head, I think it is important for the President to have assurance that whenever his revenue-sharing plan phases in, this would be phased out. We would have to be satisfied with general revenue sharing as encompassing this bill. We would have to be sure that the two would phase together.

Mr. NELSON. I think I am in agreement with the Senator, but I should like to check it with the staff and respond later.

Mr. JAVITS. Mr. President, as joint sponsor of the Emergency Employment Act of 1971, and the ranking minority member of the Committee on Labor and Public Welfare, I wish to indicate why I think that its passage is essential.

First, we have faced a national unemployment rate of 6.2 percent in the month of December, 6.0 percent in January and 5.8 percent in February—the highest rates in 9 years—with the burden of that rate—like that of inflation—falling on all socioeconomic groups in our society. In New York State the unemployment rate in January was 5.6 percent compared with 4.3 percent in January 1970. The rate ranges from 4.4 percent in the Albany area to 7.6 percent in Utica and in Rome, New York. New York City had unemployment in January of 5.1 percent, compared with 3.7 percent the year before.

The Department of Labor reported yesterday that overall the jobless rate rose by 41 percent in the New York area in 1970. In the 17 county New York—northeastern New Jersey area, an average of 4.5 percent of the labor force of 6.6 million was unemployed last year compared to 3.2 percent in 1969. The black unemployment rate in New York City was at 5.4 percent—almost a full percentage above the overall rate. I ask unanimous consent that there be included in the RECORD at the conclusion of my remarks an article appearing in the New York Times for today, April 1, 1971, which outlines the situation in more detail.

The situation is most tragic and unsettling and even horrendous and alarming in the poverty neighborhoods of the Nation where, according to the Department of Labor statistics released on January 24, 1971, the jobless rate during 1970 averaged 7.6 percent, up from 5.5 percent in 1969. Most serious are the facts that the average yearly rate for teenage residents of poor neighborhoods increased from 19.9 percent over last year to 24 percent, that the rate for blacks among this group rose from 27.9 percent to 35.8 percent, and for white youths similarly situated from 13.8 percent to 16.3 percent.

At the current time, the situation is even more incendiary than these yearly averages suggest; for the trend is even disquieting. For the last quarter of last year the jobless rate among all teenagers was 27.8 percent—compared with 17.4 percent in the last quarter of 1969; the rate among white teenagers was 18.8 percent—compared with 11 percent at the end of 1969 and the rate among black teenagers was 42.4 percent—or almost half—compared with 26.7 percent in the last quarter of 1969.

But our concern is not limited to teenagers, nor to the big cities, nor merely to the disadvantaged. The unemployment rate among persons 55 years and older in February 1971 approached twice the rate for January 1970. In Nassau and Suffolk Counties in New York, unemployment has averaged 5.7 percent and in these and other areas throughout the country persons employed in the defense, aerospace, and construction industries have found themselves without work.

Under the bill funds may be used to provide public services employment for unemployed persons not just the disadvantaged—although those in poverty are of great concern.

Approximately 1 year ago, when the Joint Economic Committee, of which I am a member, began its annual hearings on the state of the economy, we debated the point at which the unemployment rate—then at 3.9 percent—should be regarded as unacceptable.

We have now clearly burst the bounds of acceptability of unemployment by practically everyone's estimate and it is time to alleviate, to the maximum extent fiscally possible, the individual hardships which these levels occasion.

As the President himself noted in the state of the Union message of January 23, "we have paid a price in increased unemployment."

Mr. President, expert opinion suggests that we will continue to pay that price for some time to come. For, while economic indicators are pointing upward, we are dealing here with employment, not business activity, and experience with business recessions has shown that unemployment usually reaches its highest point after the economy has started its recovery. In other words, in the absence of a vigorous and swiftly implemented manpower program such as this, unemployment can be expected to rise in the coming months.

So there is real urgency in this matter. Further evidence in the recent economic report of the President indicates that the administration's own best hope are to set a path that will reduce the unemployment rate to "the 4½-percent zone" by the second quarter of 1972.

Thus the administration itself contemplates that high levels of unemployment will persist through most of fiscal year 1972. And yet, while the fiscal 1972 budget is described as a "full employment" budget—and may have such an effect in terms of total Federal spending—the manpower portion of the budget would not increase significantly the number of additional training and employment opportunities to be made available during that year of expected continued hardship.

The Department has requested, under current authorizations, only 47,000 more employment training slots for 1972 than for this fiscal year. This fiscal year's opportunities were only 65,100 above the previous year, 1970, when, as I have already described, the unemployment figures were around 4½ percent.

It is very important to note that we are dealing, in giving these figures of additional slots, with roughly a million enrollment opportunities under the manpower and employment programs I have described. So that the Federal Government's request is approximately 5 percent more than it was in the last fiscal year. In the last fiscal year it was about 6 percent more than the previous fiscal year. So there is not any great growth of rate here—certainly not compatible with the critical increase in unemployment.

Mr. President, ironically, while we face serious unemployment, we urgently need personnel to implement our new commitments to save our physical environment and to satisfy our unmet obligations to redeem our social environment. According to a 1965 OEO study, 4.3 million new jobs could be filled in public service if Government were to fulfill its obligations in these activities. A 1968 study by the Upjohn Institute projects that in 130 cities with a population of 100,000 or more there are 280,000 such unfilled slots in those cities alone.

Here is work crying to be done and there are persons to fill these jobs if funds could be made available.

Mr. President, I have stated why this legislation is needed; now I wish to comment on certain features of the bill which I commend to the attention of my colleagues.

We all know that the President last December vetoed the Employment and Manpower Act, which would have established a permanent public service employment program—creating as many as 330,000 jobs in the fourth year of the program—as well as effecting a consolidation of all existing manpower programs. It was a most regrettable decision. In his veto message, the President stated:

> Transitional and short-term public service employment can be a useful component of the nation's manpower policies.

Mr. President, Senator Nelson and I and other Members designed this bill with that in mind.

As I noted in the supplemental views of myself, Senator Schweiker and Senator Packwood, the reported bill is short term and transitional in three major respects:

First, it is short term in that authorizations are provided for approximately a 2-year period, beginning with enactment and extending through fiscal year 1973.

Second, the program is transitional and short term within the duration of the act because it is tied to—and will exist subject to—national unemployment levels.

Section 4(b) provides that the funds appropriated pursuant to the authorizations under the bill—$750,000,000 through fiscal year 1972 and $1,000,000,000 for fiscal year 1973 may be obligated by the Secretary only as follows:

> $500,000,000 when the Secretary determines that the rate of national unemployment equals or exceeds 4.5 percent for three consecutive months prior to any such determination.
>
> $100,000,000 for each increment of one-half of 1 per centum by which the Secretary determines that the average rate of national unemployment for three consecutive months prior to any such determination exceeds 4.5 percent.

At an estimated cost of $5,000,000 per opportunity, if the total authorizations were made available, approximately 150,000 jobs could be created before July 1, 1972, and 200,000 jobs during fiscal year 1973.

The bill provides that no more than one determination in respect to the $500 million and no more than one determination in respect to each increment of one-half of 1 percent may be made before July 1, 1972, or in any subsequent 12-month period.

The authorization ceilings and appropriation levels provide a further limitation on the use of funds even if the national unemployment levels justify a greater amount.

Moreover by virtue of section 4(c) no further obligation of funds may be made after a determination that the rate of national unemployment has receded below 4.5 percent for 3 consecutive months.

The concept of providing additional manpower funds under a trigger provision contingent upon the rate of national unemployment was first proposed by the administration.

The administration's Manpower Training Act of 1969, which I introduced in the Senate on August 12, 1969, provided for an automatic appropriation of 10 percent of all manpower training funds—triggering approximately $200 million—in the event of national unemployment in excess of 4.5 percent for 3 consecutive months. During executive sessions on manpower training legislation in the last Congress, I submitted a number of amendments increasing the amounts to be available and making it clear also that funds made so available could be used for public service employment as well as for training. A trigger provision was contained in the Employment and Manpower Act passed by both Houses of the Congress late last year, but vetoed by the President.

The minority members of the Joint Economic Committee—which included Senators Miller, Jordan, Percy, and myself—had also recommended, on March 25, 1970, that the administration consider a limited number of public sector jobs as well as training as a transitional program to deal with rising unemployment.

Third, the program created under the reported bill would be transitional and short term as to the individuals involved.

The bill contains a number of provisions proposed by minority members of the committee and others to encourage movement of participants from job opportunities financed under the bill to regular employment opportunities in the public or private sector. Among those provisions, I call special attention to the following:

> Section 2, the purpose clause, and Section 3, the principal provision for financial assistance, expressly state that funds are to be made available under the Act not only to provide employment and related opportunities, but to enable such persons to move subsequently into employment or training not supported under the Act.
>
> Section 6, requires that applications for assistance include extensive provisions for training, adequate supervision, supportive services, and linkages with other work and training programs as well as safeguards against "make-work" or "dead end" jobs. See Section 6(a), (2–17), (b). To this end, Section 9 provides that the Secretary may utilize up to 20% of funds for manpower training and related services.
>
> Section 10, specifies three special responsibilities of the Secretary of Labor to encourage movement to regular employment: Under subsection (a) the Secretary is required to establish procedures for periodic reviews by an appropriate agency of the status of each person employed in a public service job under the Act to assure that maximum efforts are made to locate regular employment as the unemployment level subsides, or financial assistance otherwise becomes unavailable, whenever there is a finding that the participant's current employment situation will not provide sufficient prospects for advancement. Under subsec-

> tion (b) the Secretary is required to review the implementation of these procedures; and under (c) he must conduct a continuing evaluation of programs assisted under the Act. Moreover, Section 12 requires the Secretary to transmit a special report to the Congress as to the extent to which participants subsequently secure and retain regular public or private employment or other opportunities.

I believe that these provisions—coupled with the fact that the authorization is for approximately 2 years—will insure the transitional nature of the employment provided.

In that connection, we note that the bill is compatible with the objective of the administration's proposed Manpower Revenue Sharing Act of 1971 which provides a 2-year limitation on public service employment as to any individual.

Mr. President, I wish to point out also that these provisions—for transitional employment as to the individuals—are much more extensive and much stronger than those which were contained in the Employment and Manpower Act, which the President felt were inadequate to insure movement from supported employment to regular public or private employment.

Finally, I drew special attention to other provisions that were added to S. 31 by myself and others during the committee's consideration of the bill. The bill now contains language to insure that the act will help not only as to the current unemployment situation but as to the related crisis of increasing welfare rolls, which is further aggravated by high unemployment. In that connection, we note that under section 8(b) the Secretary is required to make assistance available "on an equitable basis among significant segments of the population of unemployed persons, giving consideration to the relative numbers of unemployed in each such segment" and that the definition of "unemployed persons" set forth in section 13(7) specifically includes adults receiving assistance under the Social Security Act who are determined by the Secretary of Labor to be available for work.

I believe that the Secretary's authority to grant assistance for such persons will not only help persons who would otherwise be forced to rely upon cash welfare assistance, but provide the concerned governmental agencies with early experience in the use of public service employment programs in reducing welfare dependency, before the proposed Family Assistance Act—under which the administration would make as many as 200,000 jobs available—would take effect, on July 1, 1972.

Mr. President, I believe, therefore, that this is a very strong and necessary bill which deserves the support of the Senate. However, as the ranking minority member of the Committee on Labor and Public Welfare, I consider it my obligation to indicate also the administration's view on this legislation. When he appeared in opposition to S. 31 before the Subcommittee on Employment, Manpower, and Poverty on February 23, Secretary of Labor Hodgson stated:

> There were strong possibilities that the President would veto it.

The administration's position—which I think deserves consideration—is in essence that we should not go forth with adding a new categorical manpower program to the existing programs, but should instead deal with the matter of a total reform of exigent programs by comprehensive legislation.

The Congress has before it the administration's proposed Manpower Revenue Sharing Act of 1971 (S. 1243), introduced by Senator PROUTY on March 16, 1971, as well as other comprehensive measures to fund training and job activities over the long term. These proposals would repeal the authority for existing programs and give State and local governments basic responsibility. The administration has now made clear that under its proposal any portion—or for that matter all—of the $2 billion in funds could be used for public service employment programs if the State and local prime sponsors choose to do so.

With the administration's objectives in mind, Senator SCHWEIKER, who is the ranking minority member of the Subcommittee on Employment, Manpower, and Poverty, Senator PACKWOOD and I indicated in our supplemental views that we reserved the right to seek an accommodation between S. 31, the Emergency Employment Act, and S. 1243, the administration's Manpower Revenue Sharing Act of 1971, consolidating if possible the objectives and terms of these two bills into one bill. I regret very much the fact that we have thus far been unable to reach such an accommodation, despite, I think, good faith efforts on the part of all concerned. As consideration of S. 31 continues, I shall continue such efforts as I know others will and may offer amendments, consistent with my basic support of this emergency bill, if necessary to bring it closer to what the administration might eventually support.

I must state to the Senate that I have tried to accomplish that, but we have been unsuccessful with the utmost of good faith on the part of all concerned; but I think also, in fairness, I should state that as we consider S. 31, when it leaves here and goes to the other body and into conference, and so forth, I shall continue my efforts to see if it is possible to reconcile the two measures. That, of couse, is consistent with my support of this emergency bill because I believe that both objectives—to wit, the permanent manpower and public or private employment option as the administration provides, as well as the fundamental core of public service job opportunities are necessary legislation in the manpower field. Therefore, I want to continue to work, even though the situation looks discouraging right now, to bring that about. I pledge my best efforts to do so, at whatever stage this legislaiton or the administration's legislation on special revenue sharing may stand.

But I submit that, **right now, this is a** bill which deserves the support of the Senate. While I invoke the utmost consideration for the initiatives of the administration in the Manpower Revenue Sharing Act of 1971, I believe that the commitment which will be given—and I know that he will give it—by the chairman of the subcommittee will further assure compatibility. Hopefully, we may end up with a complete bill for manpower training as well as public employment opportunities, which are traditionally inherent in this kind of bill and the public service opportunities of the order and at least of the magnitude which are set forth for this emergency bill.

For all of those reasons, Mr. President, I join the Senator from Wisconsin (Mr. NELSON) in support of this bill and commend it to the Senate.

Mr. President, I ask unanimous consent that an article published in the New York Times dealing with the drastic increase in the jobless rate in the New York area since 1970 be printed in the RECORD, together with an analysis of funds requested in the President's budget in the last few years for manpower and manpower training.

There being no objection, the article and analysis were ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 1, 1971]

JOBLESS RATE ROSE BY 41 PERCENT IN NEW YORK AREA IN 1970

(By James F. Clarity)

The unemployment rate in the New York-New Jersey metropolitan area increased 41 per cent in 1970, while the increase for the city alone was 33 per cent. The increases, reported yesterday by the United States Labor Department, necessitated sharp rises in unemployment payments in the city and in four suburban counties in New York and eight in northern New Jersey.

The report said that in the 17-county New York-Northeastern New Jersey area, an average of 4.5 per cent of labor force of 6.6 million was unemployed last year, compared to 3.2 in 1969.

The average number of unemployed persons in the area, the report said, was 300,000, of whom 159,000 were New York City residents. The city labor force was estimated at 3.3 million.

CITY RATE RISES TO 4.8

The increase in the unemployment rate in the city, 3.6 in 1969 to 4.8 in the last year compared with national averages of 3.5 to 4.9 for the same period.

The extent of joblessness was not the worst in the city's history. In 1966, for example, the number of unemployed was 174,000 and in 1958 it was 251,000.

The report, issued by Herbert Bienstock, regional director of the Labor Department statistics bureau, also said that "the relationship of black to white unemployment remained more favorable in New York City than in most of the other major cities surveyed."

The black unemployment rate in the city was 5.4 compared to 8.2 for the entire country. The black unemployment rate was higher in most other large cities studied than in New York. In Cleveland the black rate was 14.5, while in Washington the lowest big-city rate of 5.1 was recorded.

In New Jersey, the report said, the black rate was 8.3 per cent.

The report, which gave no breakdown by job category, said that the black-to-white unemployment ratio in the city was 1.1 (black) to 1 (white), compared to the national ratio of 1.8 to 1.

The rate for adult Negro women in the city was "strikingly different" from the national pattern, the report said. It showed that the city rate for black women averaged 3.7 per cent, compared with a 6.9 national average.

INCREASE IN NEWARK AREA

In the Newark area, the report said, the rate of joblessness rose from 2.7 in 1969 to 4.3 last year. The area, comprising Essex, Morris and Union counties, had 34,000 unemployed persons of a labor force of 786,000.

The combined rate in Bergen and Passaic Counties increased from 3.6 to 5.2, reflecting the unemployment of 31,000 persons of a labor force of 587,000.

While the city rate of 4.8 was close to the national average, it was lower than the figure for nine of the 14 other cities surveyed. Los Angeles and Cleveland, with rates of 8.4, had the greatest unemployment, while Houston, with 3.8, had the lowest rate.

The report showed that, generally, the rate for women was higher than for men. An exception was the unemployment rate for Negro women in New York City, 3.7, compared to rates of 4.5 for Negro men, 4.2 for white men and 4.5 for white women.

In the New York-New Jersey metropolitan area, the rates were 5.0 for black women and 4.6 for white women, compared to 4.2 for black men and 3.4 for white men.

JOBLESS PAYMENTS UP

The rise in joblessness resulted in an increase in state unemployment payments in the city from $166-million in 1969 to $253-million last year. In Nassau and Suffolk Counties combined, the payments increased from $27-million two years ago to $49-million in 1970.

In Westchester and Rockland counties combined, the payments increased from $10.5-million in 1969 to $19.3-million last year.

In New York and New Jersey unemployment benefits are paid for a maximum of 39 weeks. The maximum weekly payment in New York is $65, while the New Jersey limit is $72.

DEPARTMENT OF LABOR—FUNDS REQUESTED IN PRESIDENT'S BUDGET FISCAL YEAR 1972

[Dollar amounts in millions, enrollments in actual]

Item	1970	1971	1972	Change, 1971 to 1972
Administration of manpower programs	$72.2	$77.9	$86.0	+$8.1
Training:				
Private sector on-the-job training	$223.2	$260.7	$260.5	−$.2
Enrollment opportunities	133,600	136,900	136,900	
Public sector on-the-job training	$95.9	$126.8	$125.8	−$1.0
Enrollment opportunities	41,300	66,800	66,800	
Institutional training, regular	$315.5	$327.6	$324.9	−$2.7
Enrollment opportunities	141,400	148,600	146,600	−2,000
Institutional training, Job Corps	$158.2	$156.2	$196.1	+$39.9
Enrollment opportunities	20,400	23,100	26,200	+3,100
In-school work support, in school	$59.2	$59.1	$69.8	+$10.7
Enrollment opportunities	97,100	94,700	94,700	
In-school work support, summer	$200.4	$165.7	$165.7	
Enrollment opportunities	413,100	414,200	414,200	
Post-school work support	$149.0	$165.8	$165.8	
Enrollment opportunities	52,700	48,900	48,900	
Work incentive	$85.8	$60.1	$197.0	+$136.9
Enrollment opportunities	[1]80,000	[1]111,500	[1]160,000	+48,500
Special targeting	$187.3	$177.9	$172.8	−$5.1
Computerized job placement	$9.7	$22.3	$22.3	
Program support	$51.7	$55.4	$61.6	+$6.2
Federal benefit payments to unemployed Federal workers, ex-servicemen, and persons displaced under Trade Adjustment Act	$187.9	$317.1	$274.5	−$42.6
Administration of unemployment compensation and employment service administration	$665.8	$743.4	$806.0	+$62.6
Subtotal, manpower programs	$2,461.8	$2,716.0	$2,928.8	+$212.8
Enrollment opportunities	979,600	1,044,700	1,094,400	+49,600
Labor-Management Services Administration	$13.1	$18.1	$21.8	+$3.7
Workplace Standards Administration	42.5	58.6	77.9	+19.2
Federal workmen's compensation benefits	[1]$81.5	[1]$84.0	$90.0	$+6.0
Bureau of Labor Statistics	24.7	28.0	33.6	+6.5
Bureau of International Labor Affairs, Office of the Solicitor, and general support	14.9	20.4	20.5	+.1
Subtotal, other programs	176.7	209.1	243.8	+34.7
Total, operating funds	2,638.5	2,925.1	3,172.6	+247.5
Source of funds:				
Department of Labor:				
Federal funds	1,092.2	2,123.3	2,154.7	+31.4
Trust funds	687.2	767.4	806.0	+38.6
Office of Economic Opportunity	752.7			
Department of Health, Education, and Welfare	85.8	60.1	197.0	+136.9

[1] Represent program levels.

Note: Figures may not add due to rounding and nonprogram items.

Mr. GRIFFIN. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. GRIFFIN. I also noticed that article in the New York Times this morning. I believe it speaks in terms of 4.5 unemployment in a 17-county region around New York City; is that not correct?

Mr. JAVITS. That is exactly right. The critical factor which weighs in so heavily is that in 1 year there has been a 40-percent slide. When we look at it in modern terms, as to where we stand now in terms of what we consider unacceptable as to unemployment, it gets alarming. Let me assure the distinguished minority whip that I am serious, notwithstanding my present discouragement, that still, before we are finally through with this legislation, we will find some way to have a permanent law as well as this emergency approach to the detailed problems of today.

Mr. GRIFFIN. I am sympathetic with the problems of unemployment in the New York area. I was frankly surprised that it was not higher than it is; 4.5 percent, of course, as the Senator well knows, is only one-half of 1 percent, which is what economists generally consider to be full employment. It is much higher than that in many parts of the country.

Mr. JAVITS. If the Senator will allow me to implement that, New York is a large State where there are serious pockets of unemployment. For example, in New York City alone it stands at 5.1 percent with this drastic increase. Buffalo, with a million in population, has 6.8 percent unemployment. That is almost the highest in the State. Utica-Rome area, 7.6 percent. Syracuse, 6 percent. Binghampton, 6.6 percent. So the profile is very, very alarming to us.

Mr. GRIFFIN. I might say, for the information of the Senate, that unemployment in Detroit is closer to 9 percent.

Mr. JAVITS. Think of the horrors and the suffering in the aerospace industry now, in both the States of Washington and California.

Mr. GRIFFIN. I thank the Senator for yielding.

Mr. JAVITS. I thank my colleague very much.

Mr. NELSON. Mr. President, will the Senator from New York yield for an observation?

Mr. JAVITS. I yield.

Mr. NELSON. Perhaps the Senator covered this while I was out of the Chamber temporarily, but on the point of the unemployment rate at 4.5 percent, the Senator is well aware, of course, that in the inner core of New York, there is unemployment—I have not gotten the figure right with me—but I think it is——

Mr. JAVITS. Thirty-five percent.

Mr. NELSON. How much?

Mr. JAVITS. Thirty-five percent among Negro teenagers.

Mr. NELSON. Yes, and it is very high among——

Mr. JAVITS. Among white teenagers.

Mr. NELSON. Adults. We have looked over the metropolitan areas and they have unemployment of less than 4.5 percent but the inner core, because it takes in the whole area, but many of the inner core areas are up to 10, 15, and 20 percent; so that across the board, 4.5 percent really does not tell the story, necessarily, of any metropolitan area.

Mr. JAVITS. The Senator from Michigan (Mr. GRIFFIN) answered the point himself that this is a national law we are talking about it. However we may feel, and I have not the remotest notion how the Senator will vote, that is his sovereign privilege as to however he may feel about the measure, for any reason, but we are really in a terrible "crunch" on unemployment. We are trying to do something on a transitional and emergency basis. There seems to be a big demand in the public service employment field and, therefore, we see the opportunity, consistent with the general pattern of the administration's approach, anyhow, to strike a blow against that crisis in unemployment.

I would like to make it clear because I think that the Senator from Wisconsin (Mr. NELSON) has already made it clear. The idea that the administration opposes any public service is no longer true. It contemplates it itself. It necessarily wants its own bill because of the revenue sharing—which would give the locality the option—but also the locality could use the whole of the $2 billion a year, or a piece of it, for public service employment and be perfectly compatible with the present program. So I hope Senators on my side of the aisle will realize that whatever their views may be on the finite details—the fact is, we no longer face any administration position which is against public service employment as an element in manpower training and emergency employment programs.

Mr. NELSON. Will the Senator from New York yield again for an observation?

Mr. JAVITS. I yield.

Mr. NELSON. If I understood our discussions correctly with the administration's spokesmen yesterday, they in fact would have no substantial objection to this precise bill if it were tied to their revenue-sharing bill that is now in our committee; is that not correct?

Mr. JAVITS. I would not wish to say that. I hope that the Senator from Wisconsin will forgive me.

Mr. NELSON. I said it was my understanding.

Mr. JAVITS. There are negotiations that will go on. In negotiations many things lean one upon the other. I would not want to feel that I dilute the administration's opposition to the bill by anything I say. However, certainly we have explored the possibility of putting the two bills together.

All I was saying is that I have a continuing dedication to that objective, which may not be accomplishable.

Mr. NELSON. Mr. President, I was attempting to say that it was my interpretation that there was no substantial objection to the bill if it were part of the revenue-sharing bill. That is my interpretation.

Mr. JAVITS. I think we have a fairly good enlightenment of the matter by one sentence of Secretary Hodgson's testimony before the committee. That appears on page 212 of the hearings record. He says:

> The administration cannot support a separate public service employment program which is not an integral part of manpower reform, welfare reform, and revenue sharing. We are, in fact, obliged to oppose it.

I think that characterizes it.

Mr. President, I yield the floor.

Mr. DOMINICK. Mr. President, I take the floor in opposition to this particular bill. I do not, for the sake of my colleagues who are present, intend to talk at great length on it. There will be others talking as well. I would hope that we could get to a vote today.

I rise in opposition to the bill today, which has been described to us by the Senator from Wisconsin and the Senator from New York.

My individual views are set forth in the report at pages 29 and 30. The individual views of the distinguished Senator from Ohio (Mr. TAFT), who also voted against it, are included in the report immediately following mine.

They give a bare outline of why I am opposed to this so-called bill.

First, I oppose it because I believe the measure as we now have it ignores the lessons which we learned in the consideration of the manpower bill in the last session—that categorical public service employment programs must be part of a comprehensive, coordinated manpower program if we are going to make them successful.

Second, the bill also ignores the even harder lessons which President Nixon taught in the veto of the manpower bill in December; namely, that public service jobs provided under Federal manpower programs must be transitional and short term and must be truly linked to other positions or further opportunities.

I understand perfectly well the position of the Senator from Wisconsin who will reply to me that this is an emergency bill and it is obviously therefore short term. But I would say that that does not necessarily follow.

There have been many bills we have put through as emergency bills of one kind or another with limitations of time, and which have then gone on endlessly.

I cite as an example the interest equalization tax bill that passed the Senate by a voice vote on Tuesday of this week. We did not even have a roll call vote on it. That was originally put in as an emergency measure in 1963 in order to do something about the problem of a short-term outflow of money to European companies. It is still in effect and has now been extended.

We put in the excise taxes as an emergency measure. They are still in effect.

We will put in this bill as an emergency public service employment jobs program. Every single mayor, every single county commissioner, and every single person around this country who decides that they want the Federal funds to get more employees will be petitioning the Members of Congress, and the bill will go on and on and on in the history of this country.

I have no objection to the fact that we ought to cure the unemployment situation. There are many ways of doing it.

The administration has proposed a massive series of programs along the line of manpower retraining with a budget of $2 billion. It is a comprehensive, massive program for retraining for skills for transitional public sector work if it is really needed. But the Emergency Employment Act, S. 31, which we have before the Senate for consideration, does not deal with the need for manpower reform. It only provides jobs immediately in the public sector, and not for reform of the training program.

The Emergency Employment Act ignores the need for manpower reform. That need was fully documented through many days of public hearings last year.

It is apparent, to me at least—and I would think it would be to the members of the committee who have been following the hearings—that categorical programs are not the answer to the manpower need.

The bill as passed by Congress last year and the bill before us today, however, both perpetuate this categorical approach. That is the problem. The provision before us would add another separate program to the current disjointed disarray of programs. It would not consolidate the jumble of 10,000 manpower contracts that we now have. There are nationally at this time 10,000 separate manpower contracts which are run nationally.

Indeed, if I may say so, it would not add just one program, but it would add thousands of these separate agreements to the pile of 10,000 contracts we now have.

The Senator from Vermont (Mr. PROUTY) introduced S. 1243 on March 16 of this year. The Senator from Michigan (Mr. GRIFFIN), the Senator from Idaho (Mr. JORDAN), and I are cosponsors of that bill.

This is one part of their program for manpower retraining.

The President has proposed the Manpower Revenue Sharing Act of 1971 as a means of reducing the categorical programs and of supplying cities and States with the funds necessary to develop their own programs. Yet this bill has not had any hearings at all of any kind. We have been faced with S. 31, which does not provide this overall reform that I am talking about. It simply deals with public sector employment and says that we must pass this immediately without regard to what is in S. 1243 and without hearings on this particular bill.

Experience has taught us that the administration and delivery of effective manpower programs are essentially local matters, based upon current knowledge of local needs and resources. State and local governments are in the best position to assure the active cooperation of employers, employees and other organizations. The manpower revenue sharing concept will enable these governments to meet their own needs in a flexible unified manner.

For example we have heard a great deal today from the Senator from Wisconsin and the Senator from New York about those people who are professionally skilled, people who are engineers and who are out of work in the aerospace and defense industry.

It is curious to me that this is brought up all the time since most of the supporters of S. 31 voted against the SST which might have done something about the situation. I think it is only fair to put that point in the record.

Exclusive of that, one of the universities in my State started a consortium of 30 universities willing to get together to provide the training programs under the administration's manpower retraining program to provide retraining and skills for these very professional people so that they can move into other areas such as health, hospital administration, environment, and into many other areas of domestic needs for which we have public concern.

Obviously we will not be able to do much with that type program under the bill before us because this provides only for public service work.

Mr. President, all that we are doing if we pass this bill, is to have the Federal Government supply $750 million the first year and $1 billion the second year to hire more people on the public payrolls even though we are faced with objections that Federal Government is not responsive to the needs of the people and that the Government is ineffective.

Unless we have these reforms we are going to find ourselves in a constant and continuing series of frustrations and a series of disenchantments with all levels of government by the American people.

The essence of the President's proposed Manpower Sharing Act is that we enable local and State governments to meet their needs in a flexible and unified manner.

The Manpower Revenue Sharing Act would place an area's manpower funds under a single leadership—the Governor, the mayor, or the county commissioner. The public service employment sponsor would also be the general manpower program sponsor. I might add that there is built in a trigger for public service in the administration's bill. The Governor, the mayor, or the commissioner would have the capability to carry out his commitment to temporary public service employees—if the President's proposed reforms were in effect.

Mr. President, while I recognize that involvement of the public sector in manpower development is desirable, I strongly disagree with the concept that Federal manpower funds should be used to finance categorical programs which are mere job creation or a permanent expansion of local public services.

For example, I just pointed out that there are 10,000 separate manpower agreements already piled up, one on top of another. I had a communication this morning which indicates that in the past 10 years in the field of education we have gone from 20 categorical programs to 108 categorical programs, and in most cases requiring local governments and the State governments to match this with funds to provide administrative services when they may not be in any way the order of priority that particular locality needs. We will be getting shortly a special revenue-sharing program designed to do something about this in the field of education.

I oppose, and I want to be clear about this, the concept that the Government should be the employer of last resort. I do not think that is right.

The Government can take its effect in the way of providing opportunities for training but to say those people who are the hardcore unemployed must be hired by the Federal Government at the expense of taxpayers or by the local government at the expense of taxpayers does not seem to me to be the way to handle the problem. We need education, training, opportunities and skills for these people; we need more incentive to move into the private sector rather than the public sector.

I am deeply apprehensive that the type program envisaged under this bill will establish a permanent pool of otherwise unemployable persons who are being maintained on the local level by the direct expenditure of Federal funds.

No one has pointed it out clearly but 90 percent of the amount of money that will be involved in hiring the unemployed will be paid by the Federal Government, even though they are working for the local government. Query: Who has control over them? Obviously, with 90 percent of the money being paid by the Federal Government, control will follow the funding.

Despite much rhetoric, I believe that this authority will evolve into the basis for a steady stream of make-work projects. This bill, once on the books, will stay there as a source of ready cash for a full scale permanent public service employment program. Persons who cannot otherwise be employed will be carried on these employment rolls year in and year out. There will be pressure from all sources, State and local government, interested groups, nonprofit organizations, and the like, to delay and finally prevent termination of the program. The argument will run that those employed will immediately become unemployed and we must begin again where we are today in trying to solve unemployment problems. We will have to begin where we are today to solve the situation. How can we positively and realistically terminate this program if we say *x* number of people are hired under the program and are going to be unemployed again? We will still have the problem the Senator from Wisconsin though he solved by means of S. 31.

We will witness amendment after amendment as the years go by, so that the act would undoubtedly be extended beyond its 2-year authorization. Then, we will see the trigger of 4½ percent reduced or removed so that moneys may be made available continuously. I predict that this nibbling away will not stop until a permanent public service employment bill is with us which cannot be terminated.

Of equal concern to me, Mr. President, is what administration must be devised to carry out this bill. Merely to gear up for its responsibilities, it seems to me the Department of Labor will, of necessity, establish another new bureau and add staff to review and process applications for funds, provide the funds, and evaluate performance under the program. This, too, we cannot call temporary but will be another source of pressure to continue this program.

Furthermore, on December 16, 1970, President Nixon vetoed the Employment and Manpower Act of 1970. One of the primary reasons which he cited in support of his veto was the bill as adopted by the Congress provided public service employment which was not transitional. That bill provided that as much as 44 percent of its total funding go for dead-end jobs in the public sector.

I objected to it at the time, during debate on the original bill, and I continue to object to it.

The President objected to the lack of requirements in that bill that the jobs be linked to training or the prospect of other employment opportunities.

We have before us a bill which again attempts to provide public service employment—$1.75 million of public service employment. What has been done in this new bill to remedy the deficiencies of the vetoed bill in regard to the transitional nature of the jobs provided? How has the Labor and Public Welfare Committee responded to the clearly stated reasoning of the President? What changes have been made from the vetoed bill? Have those changes been sufficient to meet the President's objections and thereby avoid a veto? Mr. President, I think not.

The basic change in S. 31 in this regard is the inclusion of language which provides that programs under the bill should be designed with a view toward enabling participants to move into employment or training not supported under the act.

For example: In section 2(6), the statement of findings and purpose clause, a finding is made that public service employment job programs can be a useful component of the Nation's manpower policies in providing affected individuals with opportunities to develop skills and abilities to enable them to move into other public or private employment and other opportunities.

This may be true, but it is unlikely if the only thing being provided for is public service employment.

Section 2 also states that it is a purpose of the act to enable unemployed persons to move into employment or training not supported under this act. Also, section 3 makes funds available for providing jobs for unemployed persons, training and manpower services related to such employment, and for enabling unemployed persons to move into employment or training not supported under this act.

While this language is an improvement over the original act—it does not go far enough to insure the transitional nature of the employment. Indeed, the language is taken from the provisions of S. 1243, the Manpower Revenue Sharing Act of 1971. I quote:

> (4) Supported employment, which shall consist of—
>
> (B) transitional public service employment—

And I emphasize the word "transitional"—

> transitional public service employment in Federal, State, and local government, which, within the period of support, will enable participants to move onto the employer's regular payroll or obtain other suitable public or private employment, not supported by revenues shared under this Act.

Clearly, S. 31 does not go as far as this provision. S. 31 leaves out the key word "transitional." Nowhere in the language of S. 31 are the jobs clearly defined as transitional.

Nor can we look to the committee report for clarifying legislative history. Nowhere in the report of the majority is there any language which would indicate that it is the intent of the committee to insure that these jobs provided by this bill are to be transitional and short term. Nowhere are there instructions to the Secretary of Labor or cautions to mayors or Governors to make sure that the jobs they provide are to be temporary jobs and to enable participants to move up into permanent jobs in the public or private sectors. The report does characterize the overall program which it provides as being temporary because of the 2-year term of the bill and the trigger mechanism. This is not responsive to the complaint of the President against permanent public service jobs, as I have already indicated.

It is my firm belief that S. 31 is defective because it does not provide specifically that the jobs it provides are themselves transitional. Unless the language of S. 31 is changed to at least comply with the provisions of S. 1243, the thrust of the President's veto message will not be met and we will face the strong possibility of another veto for the same reason.

To sum up, Mr. President, S. 31 is defective because it is not integrated into a comprehensive program. Its program is likely to produce a permanent pool of otherwise unemployable persons, and the jobs it creates are unlikely to be transitional into permanent, real jobs unsupported by Federal subsidy.

I would say that there is nothing involved in here which impinges on the intent of the people who have been supporting S. 31. There is nothing in my statement which is designed in that way. What I am saying is that we have not an opportunity even to have had a hearing on the revenue-sharing manpower bill and the other bills that are related to it. We have not had an opportunity to decide whether that bill itself is a far better vehicle than S. 31 in order to give necessary skills so people can get off the unemployment rolls and off the welfare rolls and off the disadvantaged rolls and into the private sector where they belong.

We have been talking about unemployment and the percentage of it. It is really interesting to me that one can look at the classified advertisements of any newspaper in this country—any one of them—and find page after page after page where employers are trying to find people to fill jobs. The problem is that the jobs that are needed by those employers require skills which the unemployed do not have. So if we are going to put the two together, what we have to do is provide training and retraining, not just keep them on the public payroll at the taxpayers' expense, but to provide training so they can go into those jobs and therefore hold down a more fruitful situation than they now have. This would be for the benefit of both the private sector of business and those who are unemployed, and in some cases in rather desperate need.

I am going to stop at this point without offering any specific amendments, but I believe amendments will be offered by the distinguished Senator from Ohio, the distinguished Senator from Vermont, and myself at some point this afternoon.

Again, I want to assure my colleagues I have no desire to conduct any kind of filibuster. I think it is unfortunate that we were unable to reach a compromise agreement. I think it is extremely unfortunate that we are faced with a situation where we have not appropriately weighed S. 1243. I think it is even more unfortunate that we do not have before us proper means to provide local assistance at the local level where we really need it.

Mr. GRIFFIN. Mr. President, will the Senator yield to me for an inquiry?

Mr. DOMINICK. I am happy to yield.

Mr. GRIFFIN. I notice the bill provides for funds to finance jobs not only by local units of government, but also, as I read it, by private nonprofit agencies and institutions. I looked at the section in the bill under "Definitions" to see how a private nonprofit agency or institution is defined, and I do not see any definition. I wonder if the Senator from Colorado—or perhaps my question should be directed to the Senator from Wisconsin—can suggest as to what would be included in the term of "private nonprofit organization."

Mr. DOMINICK. I frankly cannot give the Senator an answer to that question offhand. Perhaps the Senator from Wisconsin can. Under the definition of eligible applicants, the Senator will find it says public and private nonprofit agencies and institutions, including local service companies—and I do not know what that means, either. I assume that a public nonprofit agency would certainly include a school. I would think that it is certainly nonprofit. I do not know of any public school that is making a profit. Other than that, I do not really know what is being suggested.

Mr. GRIFFIN. Perhaps my question should be directed to the Senator from Wisconsin.

Let me be more specific. A chamber of commerce is a nonprofit organization. A labor union is a nonprofit organization. Could this money be used to pay 90 percent of the pay for jobs allocated to a labor organization?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator?

Mr. DOMINICK. I shall yield. First I would like to comment that it seems to me it is totally within the realm of the bill as it is written. As to the intent of the drafter of the bill, I can give no further indication on that.

The PRESIDING OFFICER. Does the Senator from Michigan wish the floor?

Mr. GRIFFIN. Yes, Mr. President. If I have the floor, and if the Senator from Wisconsin heard my inquiry, perhaps he would be the appropriate one to whom to direct the question.

I notice in reading the bill and studying it that the funds under this measure can be made available for jobs to be provided by local units of government, but also for jobs to be provided by private nonprofit agencies and institutions. This language is on page 21.

Mr. NELSON. Yes.

Mr. GRIFFIN. When I read that, I wondered what would be meant by "private nonprofit agencies and institutions," which would be eligible to apply and receive funds, and have jobs for which 90 percent would be paid out of the public treasury. I do not find—maybe I have not looked in the right place—any definition of or limitation on the meaning of the term "private nonprofit agencies."

This bill is generally referred to as a public service employment measure. Obviously it is not confined to that, if we mean governmental employment, because it also includes jobs provided by private nonprofit institutions.

I suspect that many people would probably feel that if a private nonprofit hospital is the kind of organization that was intended—and I am sure that would be included—there would be a good deal of sympathy and feeling that that would be appropriate. But unfortunately there is no limitation on the term, and presumably, I guess, it could apply to an association of manufacturers, a labor organization, or almost any other kind of a nonprofit organization. If I am mistaken, I hope the Senator from Wisconsin will correct me.

Mr. NELSON. Yes. The language "private nonprofit" is language used in education legislation and in health legislation; we have had it in the law for a long time. It applies, for example, to hospitals. A nonprofit hospital is eligible; nursing homes, colleges, day care centers—institutions performing public services. The language has been used in the statutes in the past; we have experience with it.

Of course, the one protection for all of it is that the Secretary has to approve it himself. So we know what has been intended in past laws and this one by private nonprofit organizations, and the meaning of public service is spelled out on page 37. The Secretary has control of what public services may be included, because the sponsoring agency has to make a application to the Secretary.

Mr. DOMINICK. If I may just comment on that, if I still hold the floor, in answer to the original question raised by the Senator from Michigan, I would assume that a private nonprofit agency includes any private nonprofit agency, which could be the Ford Foundation or any one of the big foundations, which are certainly capable of hiring people with their own money, without having a 90-percent Federal contribution for their employees.

I would think it would include a labor organization. As to the "local service company," of which I said I was not quite sure what that meant, I am still not quite sure what it means. It does have a definition, but it is awfully broad. The definition is on page 37, in subsection (6), wherein it says:

> "local service company" means a community development corporation or other corporation, partnership, or other business entity organized to operate a public service employment program or component thereof and owned or operated in substantial part by unemployed or low-income residents of the area to be served.

In other words, in this case I would presume we are saying a local service company must in fact be owned by the unemployed. But if they are unemployed, they are not going to own it very long, that is the cinch, because where are they going to get the money to operate it on, whether it is nonprofit or otherwise?

I would think we would have a great deal of trouble in trying to fulfill that definition right there.

Mr. NELSON. Mr. President, if the Senator will yield, I really do not think that is a problem. On page 21, line 15, we define the purpose as "providing employment for unemployed persons in jobs providing needed public services."

There are bound to be needed public services. When the Senator says a labor union, I agree that that is a nonprofit organization. If they were running, for example, a nonprofit hospital, or if they were running a nonprofit day care center, then employment there would be public service employment, and it would be an eligible activity. But they have to be running a program which provides public services.

Everyone expects that the major sponsor is going to be the cities, and that they are going to be working in city employment and hospital situations. But it has this additional flexibility, under the control of the Secretary.

Mr. DOMINICK. So that the unions, if they wanted to, or the Ford Foundation, or anyone else, can set up one of these programs with 90-percent Federal funds and then take this situation on; is that correct?

Mr. NELSON. If it was a public service and nonprofit, and was acceptable to the Secretary, yes.

Mr. DOMINICK. Once again, if I may have just comment, this is one of the points I made in my introductory statement, which is that the Secretary of Labor is going to have to set up a whole new situation within his own department once again, just as they are doing with occupational health and safety at this time. I wondered about that at the time, but I could not get the Senator from Wisconsin to agree to set up a panel to establish standards, separate and apart from the Department of Labor. So we will have more expense there, too.

Mr. GRIFFIN. Mr. President, will the Senator from Colorado yield for a further observation?

Mr. DOMINICK. I am happy to yield.

Mr. GRIFFIN. I believe it is now established, in the light of the observation of the Senator from Wisconsin, that a labor union or a foundation is a nonprofit organization which would be eligible, under this act.

I would ask the further question: Is there any limitation on the allocation of funds as between public, governmental institutions, and private nonprofit organizations, or is it completely within the discretion of a Secretary of Labor, and could a Secretary of Labor allocate 75 or 80 percent of the funds to private nonprofit organizations, if he wished to do so, under this legislation?

Mr. DOMINICK. I would think that the Senator's comments are accurate. I just want to check with my staff to be sure.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

Mr. DOMINICK. Mr. President, I still have the floor, I believe. I am trying to do something in answer to the Senator's question.

The question was, Is there any allocation of funds between public and private institutions, or is it left up to the discretion of the Secretary, and could, therefore, the Secretary pour $750 million into one organization if he wanted to?

I think the answer to it is that not many Secretaries would take that kind of political risk, to begin with. But I do not really think there is any set formula. The bill simply says that the funds will be—

> Apportioned by the Secretary on an equitable basis among States and within each State among local areas, including Indian reservations, and among rural and urban areas.

Then it goes on to say, on page 29—

> such funds shall be apportioned on the basis of the relative numbers of unemployed persons and the severity of unemployment in each such area.

So that does provide some kind of divisibility between States. But I suppose if a big national outfit wanted to start one in each State, he could give the whole amount to that.

I might say to the Senator from Michigan that on page 29 it also says that:

> The Secretary shall make financial assistance under this Act available in such a manner that, to the extent practicable—

And this occurs in subsection (a), also—

> Public service employment opportunities will be available on an equitable basis in accordance with the purposes of the Act among significant segments of the population of unemployed persons, giving consideration to the relative numbers of unemployed persons in each such segment.

But it does not say what proportion shall be given to public agencies and what proportion shall be given to private nonprofit agencies, which is solely at the discretion of the Secretary, as I see it.

Mr. GRIFFIN. I think the last sentence makes the point that I believe ought to be clear, and that is, first of all, that funds can be made available to private nonprofit organizations. This, apparently, is a wide and broad definition, because it is not defined in the act and would be defined by the Secretary, himself.

Furthermore, there is the possibility, although I certainly conceive that it is not the probability, that a large percentage or a substantial percentage of the funds authorized could actually be put in the hands of the nonprofit agencies and institutions which are nongovernmental and in which case, of course, the title of this legislation could be misleading. Most people believe that these funds are going to be made available for local governmental agencies, and it would depend entirely upon the outlook and the intention of a particular Secretary of Labor who was administering this act with very wide discretion.

Mr. DOMINICK. I thank the Senator for his comments. I think his comments are very suitable. I am certain that he will get the answer that the act extends only for 2 years; therefore, we are questioning whether our own Secretary of Labor will do it.

But, as I said before, it seems to me apparent that once we have the legislation, although it is called an emergency or temporary matter, it is not going to be that, but will continue on and on indefinitely.

Mr. President, I yield the floor at this point.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. NELSON. Mr. President, will the Senator yield to me for two or three questions, because this fits in this colloquy?

Mr. TAFT. I am happy to yield.

Mr. NELSON. I just want to call to the attention of the distinguished Senator from Michigan and the distinguished Senator from Colorado the fact that I believe they have voted several times for the Manpower Development and Training Act. The Manpower Development and Training Act, passed 10 years ago, provides that manpower training may be carried on by private nonprofit organizations, exactly the same definition. Some of the best programs in the whole Manpower Development and Training Act are programs carried on by nonprofit organizations. For example, I mention the Mainstream program, which I happen to think—since I offered it—is a great program. Part of it is run by the Farmers' Union. It has wide praise and is supported by this administration. They have assured me several times that it is an excellent program.

Then we have Rev. Leon Sullivan's OIC, a private nonprofit organization, running the manpower training programs, one of the most successful programs, in many cities all over this country.

So we have been using private nonprofit organizations as a creative arm of the Government to run the manpower training programs. In the case of Green Thumb, under the Mainstream program, that in fact is a public service employment program, because the people are getting paid salary maintenance for the work they do under that program.

So this is a 10-year-old program, a 10-year-old definition, under the Manpower Development and Training Act and under title I of the Economic Opportunity Act.

For each Government program area, the Director shall recommend a public or private nonprofit agency which shall serve as the prime sponsor. The prime sponsor shall be encouraged to make use of public and private organizations as delegate agencies to carry out components of the progressive work and training program, including agencies governed by the participation of the poor and other residents of the neighborhoods or rural areas served. It is in the Economic Opportunity Act, it is in the Manpower Development and Training Act, and it is supported by this administration in these acts. There is nothing new about it. Some of our best programs are run this way.

I emphasize that this is an emergency bill. Perhaps I have more confidence than some other Senators that the Secretary will administer it intelligently. I have no worry. We have long experience with private nonprofit organizations. We have been dealing with them in manpower training programs for 10 years. This is nothing new. It makes eminent good sense, in my judgment.

Mr. GRIFFIN. Mr. President, will the Senator yield to me for a brief comment?

Mr. TAFT. I yield.

Mr. GRIFFIN. I believe that the Senator from Wisconsin, if he was listening, will recall that when I asked the question at the outset, I indicated that I was sure that there were nonprofit agencies and institutions which would be appropriate to receive funds and to have jobs under what I think is the purpose of the proposed legislation. I was trying, however, to find out what the outer limits were, what the definition of this term was; and I would say that reference to other acts is not very useful or meaningful. This is not an amendment to an earlier act. This is a separate act. It has its own definitions. It defines some of the terms and some it does not define. So it is interesting but not necessarily conclusive to refer to how other acts have been administered and how other acts have been interpreted.

What I was trying to do was to bring out what is included within the broad scope of this bill and to at least make sure that we understood that we were not just making money available for jobs to local institutions of government.

I thank the Senator from Ohio for yielding.

Mr. TAFT. I thank the Senator from Michigan. In commenting on what he has just said, I should like to point out that we are also dealing here with the broadest scope of employment or projects that may be proposed.

In the case of the Community Development Corp. or the community development program under the poverty bill and in the case of other specific programs, we know what the objective is—to train people for work in the manpower training program. In this case, however, I point out that on page 37 "public service" is defined as follows:

> Public service includes, but is not limited to, work in such fields as environmental quality, health care, public safety, education, transportation, recreation . . .

Does this apply to an amusement park, if one wishes to run an amusement park? Possibly so. I have no idea whether it does or does not.

Going on from there:

> maintenance of parks, streets, and other public facilities . . .

Apparently, there are some public works possibilities here. I asked the question earlier and got a negative response as to whether a public works type of program might be involved here. This would seem to me to include public works, at least so far as these particular agencies are concerned—solid wastes, pollution control, housing and neighborhood developments, beautification, and other fields of human betterment and community improvement. Certainly the Senator from Michigan is correct that this is the broadest possible gambit. I can understand why the Secretary of Labor might want to see this bill defeated because he would not want to take on the responsibility of making the choices he would have to make under such tremendously broad authority which would be given him under this bill.

Mr. NELSON. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield.

Mr. NELSON. Just so we are clear on this, the committee report, on page 19, has this paragraph:

> The programs under this legislation are designed to provide public services. Maintenance of parks is one example. While there might be incidental construction involving repair or rehabilitation of public facilities, it is not the intent of the committee that persons employed in public service jobs under this legislation be employed in construction projects as such. This is a public services bill, not public works legislation.

So, our intent is clearly spelled out. As the Senator knows, the Secretary will define these matters in the guidelines. We have spelled out the intent in the committee report, as well as in the language of the bill. The Secretary will draw up the guidelines. The definition of private nonprofit agencies has a well-defined meaning and we are protected against the kind of problems that the Senator is concerned about. I would be concerned about them, too, if we had not spelled out the intent in the committee report, if we did not have a 10-year history with such legislation, and if it were not for the fact that the guidelines will be spelled out by the Secretary who will obviously follow the intent of the bill and be careful that the intent is complied with.

We did not wish to name all the specific organizations that might engage in some kind of important public service work. If we tried to enumerate them all we would omit some group, which the Secretary may want to approve because they are performing a significant public service in a significant area.

Mr. TAFT. Mr. President, I appreciate the remarks of the Senator from Wisconsin. I am well aware of the provisions in the committee report in that regard. However, there are a number of other things in the bill which seems to me to fly in the face of that and thus I raise these questions.

Let me point out one—I am not sure what we may do on it—that on page 32 of the bill, line 23, it states:

> (b) Nothing contained in this Act shall exempt any project otherwise subject to the provisions of the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5), from the provisions of that Act.

That is clearly a reference to a public works type of project, or the provision is meaningless. It has other implications that I will mention in a few minutes in discussing some other amendments, but I do not want to labor this point further, as it has been fairly thoroughly examined. But there are many unanswered questions which should be studied carefully if this legislation proceeds from this body to the other body.

Mr. President, I should like, at the outset of my remarks, to express my admiration for and to associate myself with the views of my colleague, the Senator from Colorado, in his remarks on this legislation. I feel that, as always, he has gotten down to the basic problem of legislation and still recognizing the target at which it is aimed, which we are all concerned about and would like to attack in the most feasible and practical way we can to achieve some results.

Unfortunately, I think that S. 31 as it stands is a mirage in the desert of unemployment. We have a major unemployment problem in this country today. I believe that Congress should act on it. I want to support programs that are designed toward attempting to do something about it.

This bill is premised properly upon the undeniable fact that millions of Americans are unemployed today—some 5,442,000 by the last count. It is properly premised, also, on the consideration that it is better to have people employed than to have them receive welfare—certainly something with which no one will disagree. It is also premised on the fact that the seriousness of the unemployment problem requires immediate solution to alleviate the personal tragedy faced by many American families. We are anxious to do something for them. Regrettably, when we examine this piece of legislation, as I have had the opportunity to do in committee, we find that it is very badly drawn and in its present form, does not serve the purposes upon which it is justified.

The language of the bill itself and the language of the committee report say on the very first page, that it is an emergency piece of legislation:

> The Emergency Employment Act of 1971 is an emergency piece of legislation sharply focused upon the crisis of high unemployment. It is stopgap legislation designed to deal with an extremely serious national problem in a responsible manner for the immediate future.

The committee report goes on to say that the bill will deal with a national emergency. Unfortunately, this bill does not tackle the problem in a way that can solve it. We must do something about providing to States and local governments funds to fill the vacancies that they have at the present time, because they do not have enough money with which to employ the people to provide the services desired.

The answer is not in an employment bill. We are putting the cart before the horse. The answer is to go to revenue sharing, to go to revising means for local government and State government to obtain revenues and providing them with the financial wherewithal where they can make the choices as to what particular public employees they want to employ, and not the Secretary of Labor to make that choice. This is what the revenue-sharing concept is all about.

I think that Congress, rather than trying to enact stopgap legislation, should move with great dispatch to do something about correcting the major shortage of revenues, which constitutes such a tremendous national problem. If this bill would really attack the problems of unemployment, I would be one of its most vocal advocates.

I think, as my colleague from Colorado has mentioned, that we are doing a great disservice to many of the existing programs which we already have in the field of manpower today.

Today, in fiscal year 1971, we are spending $3.314 billion on manpower programs. Roughly, that breaks down into $1.331 billion for manpower training service—$123 million under work incentive programs for the welfare types, $235 million under veterans' programs, $533 million under vocational rehabilitation, $319 million under miscellaneous work and training, $344 million for Federal-State employment services, and $428 million under other placement and supports.

I am not against allocating national priorities in a way that would result in an additional $500 million or $750 million, as this bill would do to the manpower program. We can well use them and I feel do far more effectively something about unemployment in this country by allocating these additional funds to such ongoing projects as the Neighborhood Youth Corps, which has some public service employment concept in it, and allocating it to the employment program or to some type of permanent public service employment program. These are areas in which we already have ongoing programs. I expect that we would do better to put our effort in the ongoing programs rather than putting them in a new branch that would administer this new program.

Unfortunately, however, I am afraid that some of the targets not mentioned in the report are to be found in the political climate in which we find ourselves today.

It is true that a bill was vetoed by the President in the last session of Congress. It is true that the bill might be vetoed again. It might or might not be a political issue.

It came to be a public issue as far as some are concerned. I have already found that out. I am not particularly disturbed by it. But I have already received a copy of the Ohio AFL–CIO News and Views with a specific provision giving recognition and attention to my opposition to the bill in the committee.

The statement reads as follows:

> By an overwhelming vote of 15 to 2, a United States Senate committee has recommended a 2-year $1.75 billion public works program designed to provide jobs for unemployed workers who are the victims of the Nixon recession.

The AFL–CIO does not necessarily agree with the Senator from Wisconsin and does not understand the bill in the way in which he understands it.

I continue with the quotation from the AFL–CIO News and Views:

> We're sad to report Ohio Senator Robert Taft Junior (R. Cincinnati) was one of those two men who voted against this bill.
>
> Junior Taft can't see the forest for the trees in this issue. Like Defense Secretary Melvin Laird, Taft probably thinks unemployment is "good" for the nation. They think "tax credits" for their Fat Cat friends is the way to end the recession! So Junior once again turned his back on the folks back home.

The AFL–CIO News has never been a publication that has been particularly responsible for any of my success in elections except through the reverse English application.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous consent request without losing his right to the floor?

Mr. TAFT. I yield.

Mr. BYRD of West Virginia. Mr. President, I propose a unanimous-consent agreement which has been discussed with the Senator from Wisconsin (Mr. NELSON), the Senator from Vermont (Mr. PROUTY), the Senator from New York (Mr. JAVITS), and the Senator from Ohio (Mr. TAFT).

I ask unanimous consent that the distinguished Senator from Ohio (Mr. TAFT) be recognized to proceed for 15 minutes at this time, following which there be a live quorum; that following the establishment of a quorum, the distinguished Senator from Vermont (Mr. PROUTY) be recognized for the purpose of introducing a motion to recommit, the time on that motion to recommit to be limited to 30 minutes, to be equally divided between the Senator from Vermont (Mr. PROUTY) and the manager of the bill, the Senator from Wisconsin (Mr. NELSON).

Mr. PROUTY. Mr. President, reserving the right to object, I want to make certain that a motion to table will not be made before I have completed my remarks.

Mr. NELSON. Mr. President, I have no intention and know of no intention on the part of any Senator to make a motion to table.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, if the time is fixed, a motion to table is not in order until the time has expired. Is that correct?

The PRESIDING OFFICER. The Senator is correct. A motion to table would not be in order.

Mr. JAVITS. That is the assurance to the Senator from Vermont.

Mr. BYRD of West Virginia. Mr. President, I add to my unanimous consent request that at the expiration of 30 minutes, a vote on the recommittal motion shall occur. That will prevent a motion to table.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from Vermont.

Mr. PROUTY. Mr. President, I hope that the staff will notify all Senators that a vote will occur shortly after the motion to recommit has been made. I may not utilize the entire 15 minutes. I hope that Senators will be on the floor so that they will have some idea of the purpose of my motion.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator from Vermont. The staff will notify all Senators.

Mr. TAFT. Mr. President, there is a possible political label connected with this legislation with respect to those who express their opinions in opposition to some of the provisions of the legislation. I am afraid that I must point out that the political factor, I think, is very strongly involved. We had very copious testimony by a number of public officials at the State and local levels as to their interest in the bill and the desirability of having the legislation passed. Most of them spoke of the high unemployment in their areas and also spoke of the great shortage they had of employees to do public service jobs.

Their eye is on that ball, as the Senator from Colorado said a few minutes ago. Their eye is going to continue to be on that ball.

The expiration date of the legislation will come, and I feel sure that we will see tremendous pressure upon the Congress of the United States to continue the program so that we will have permanently funded a cadre of locally paid officials.

I think we ought to take a good hard look at the possibility of doing anything about hiring the unemployed that deserve the most to be hired from the point of view of their need and the point of view of our being of assistance to them.

There is little or no civil service protection that I can see in the bill. There is lipservice given. But, so far as enforcement is concerned, veterans' priorities are ignored in the bill.

Unless we can restore some incentive to having people take other private employment under this program, because of the truly transitional nature of the employment involved, I think we will find this program will become a haven for political hacks. I do not think that is the way to go about solving the employment problem in this country.

An Emergency Employment Act should be drawn to maximize employment opportunities. It should be drawn to promote the employment of the greatest number of Americans within the set budget levels. S. 31 does just the opposite. It provides that people employed shall receive "the prevailing rates of pay for persons employed in similar public occupations by the same employer."

Much of the testimony on S. 31 related to the unemployed engineers, technicians, and business managers. Under this bill a city could employ such individuals at $20,000 or $30,000 a year as environmental consultants. Indeed, they could be paid more than that. There is no limitation whatever upon the wages or salaries which could be paid out under this act.

I refer to the testimony on the Emergency Employment Act of the Senator from Washington (Mr. MAGNUSON), testifying on page 30, that the State government definitely requires at least 150 highly skilled technicians in its efforts to clean up the environment.

These men are supposed to be paid the prevailing rate of $20,000, $25,000, or $30,000. This is something that may be determined by the nature of the skill a man possesses. It would be left for the city to take care of the particular problem.

The mayor of Seattle testified at page 45:

> We, for example, have a former Boeing physicist now working for our Seattle Health Department, at $2 an hour.
>
> We have found that with the skilled work force in Seattle, we can put people to work on such urban problems as health services, waste disposal, law enforcement, and many other fields.

This man also would be employed at a very high rate of pay.

Then, turning to page 113 of the hearings, John D. Spellman, county executive, King County, Wash., stated:

> We propose to employ the skilled, technically trained, the engineers, the managers, the system integrators unemployed in our community, retrain them to work in public service employment for nine months with the goal making them ready to seek the emerging jobs in the environmental and urban problems job market.

And meanwhile pay them, I take it, under the language of the statute proposed here, the prevailing wage.

The prevailing wage language would restrict the number of public opportunities under this act. If all employees under this act were paid $5,000 a year, as pointed out by the committee report, 150,000 individuals could obtain jobs under this act. If the ante were raised above that, the number of people covered would go down.

In addition, we are not talking about a great number of people. The number of people hired under this bill would represent only 2¾ percent of our unemployed Americans. This is not an answer. The object is to provide to the public bodies involved people to take care of the vacancies they have not been able to finance, because they have not had sufficient revenue sources on which they could rely.

At the appropriate point in connection with this bill I intend to offer amendments and to speak on them at that time. The nature of the amendments will be to eliminate the prevailing wage language and to try to bring the bill in line with solving the problems of those Americans in greatest need today.

With 5 million people unemployed in this country today, our first intention in the bill before us should be to take care of those truly in need and not those with skills they can take elsewhere. As pointed out by the Senator from Colorado, one merely has to look at the various classified advertisement sections of newspapers throughout the country. Perhaps those persons cannot get the job they want in the location they want, but if they have their skills, they can and will get a position.

The act provides that individuals in public service jobs must receive retirement benefits. It is incomprehensible to me why individuals who are given temporary jobs under an emergency employment measure should be provided with retirement benefits. The purpose of the emergency employment legislation should be to maximize employment so that employees can move into permanent jobs in a public or private sector. It should not be the function of a temporary emergency employment program to provide retirement benefits. This should be the proper function of the permanent employer.

The act is triggered nationally when the rate of unemployment reaches or exceeds 4.5 percent for 3 consecutive months. There is no provision, however, which would require that all dollars obligated under this act be funneled into areas of high employment.

I have an amendment I expect to propose which would do just that. It would require 6-percent unemployment for funneling funds of this program. The 4.5-percent figure would remain at the national level. That would do much to improve the impact of the bill and put jobs where they are needed.

The language in section 8 is very loose and would permit dollars to be spent in areas with minimal unemployment in the event that the act is triggered nationally. In my judgment, if we are sincere in our endeavor to help those who really need help, we will funnel all of the dollars in this act into those areas of high chronic unemployment when the act is triggered.

I yield the floor.

Mr. CRANSTON. Mr. President, it is with the most resolute conviction that I ask for the overwhelming support of Senators for S. 31, the Emergency Employment Act of 1971, as it has been reported from the Committee on Labor and Public Welfare. I want to express my appreciation to the floor manager of the bill, my friend, the Senator from Wisconsin (Mr. NELSON), the chairman of the Employment, Manpower and Poverty Subcommittee, who has been laboring diligently and effectively to pass public service job legislation for over a year.

The emergency measure before us today is a tribute to the leadership and perseverance of Senator NELSON, and I have been privileged to work with him and the able ranking minority member of the committee, the Senator from New York (Mr. JAVITS), and of the subcommittee, the Senator from Pennsylvania (Mr. SCHWEIKER), in bringing the bill, with such truly bipartisan support, to the floor of the Senate for consideration. I also want to note the outstanding contributions to the bill of the Manpower Subcommittee staff members, Bill Bechtel, Dick Johnson, Bill Spring, and John Scales. I thank them particularly for their always excellent cooperation with me and my staff.

Mr. President, the bill before us today is an absolutely essential piece of legislation to begin the fight against the scourge of unemployment which blights our land so intensely.

The bill is a reasonable bill. I personally would like to do much more in the way of an on-going public service employment program with a far higher level of funding. But I recognize the need for administration acceptance of this bill, now, and have worked with Senators NELSON, JAVITS, and SCHWEIKER to hammer out an acceptable compromise—an emergency measure which can make a meaningful contribution to providing respectable jobs for tens of thousands of Americans now out of work.

We have acted to stem a paramount emergency that affects virtually every town, city, and county, urban and rural, east and west, north and south. I doubt that too much needs to be said to stress the hardship, despair and frustration being felt by so many persons and their families across our land. I feel sure the mail received by all Senators, as does the mail I receive, reflects the people's urgent appeal for immediate congressional action to relieve this intolerable burden.

We on the committee have acted with the requisite speed, I believe, and I know the full Senate will respond with similar urgency.

On January 25, 1971, in introducing the Emergency Employment Act, Senator NELSON said:

> We view this legislation with utmost urgency. Congress cannot delay a single week in facing up to the crisis of 4½ million unemployed. . . . It is our intention to hold hearings before the employment, manpower, and poverty subcommittee in the first weeks of February. After the hearings, we hope to mark up the bill in subcommittee and full committee bringing it to the Senate floor by March.

We have held the hearings, we have held those markup sessions, and the entire labor and public welfare committee voted 15 to 2—A strong bipartisan vote—to report the bill to the Senate floor just 2 months after it was introduced.

The Wall Street Journal of March 19, contains an article on the situation in England. The headlines say: Britons Despair As Growing Unemployment Strikes and Inflation Depresses the Economy. That sounds pretty serious does it not? But in illustrating the gravity of the unemployment situation, the article states:

> Yesterday the Government announced unemployment in mid-March rose to a seasonally adjusted 754,000 or 3.3 percent of the work force. . . Such figures are unusually high for Britain where many worry if the jobless rate much exceeds 1 percent.

In February, Mr. President, America had 5.4 million unemployed, the same number that it had in January when the unemployment rate was 6 percent. There can be no question of the extreme severity of the unemployment problem facing every part of our Nation, especially our poverty neighborhoods and areas.

The bill before us—S. 31—represents our only opportunity to provide a significant number of public service employment jobs this spring and summer to meet the current crisis in the Nation.

At current levels of unemployment, the bill could provide sufficient funding for 150,000 jobs for unemployed persons this spring and summer.

I am delighted that the committee bill includes an amendment I offered to cut in half the local contribution requirement by raising the Federal share from 80 to 90 percent. This 10-percent local share should make it possible for any locality or nonprofit private organization, no matter how hard pressed, to raise sufficient resources to participate in this vital program.

With 680,000 individuals out of work in my State of California—about 12.5 percent of the national total—and a statewide unemployment rate of over 7 percent, the bill offers some vital relief for tens of thousands of my constituents. On the basis of the allocation formula in section 8(a) of the committee bill, both the severity of unemployment in a particular area as well as the total number of unemployed persons there would determine the allocation of funds. Thus, relatively sparsely populated rural areas with very severe unemployment, such as in many California agricultural communities, would receive special consideration for public service jobs for their unemployed residents.

I want to highlight one additional feature of the committee bill regarding allocation of jobs. That is section 8(b) which is the result of an amendment I authored in subcommittee. It provides generally for equitable distribution of the jobs among various significant segments of the unemployed population.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD the description in the committee report—pages 11 to 19—of this provision and the special segments of our unemployed population it is designed to serve.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

CONSIDERATION FOR GROUPS ESPECIALLY HARD HIT BY UNEMPLOYMENT—SECTION 8(b) OF S. 31

Section 8(b) was added in committee to provide generally for equitable distribution of public service jobs among various significant segments of the unemployed population. A principal factor in determining equitability would be the relative number of unemployed persons in each segment.

The reference in the section to equitable distribution of jobs among significant segments "in accordance with the purposes of this Act" is designed to incorporate those segments identified in the section 2 "Statement of Findings and Purposes" as experiencing particularly serious unemployment problems during this nationwide unemployment crisis. These groups are: low-income persons and migrants, persons of limited English-speaking ability and others from socio-economic backgrounds generally associated with substantial unemployment; new entrants into the labor market, including young and older persons and recently separated veterans; persons receiving welfare assistance; and persons who have become unemployed as a result of technological changes or as a result of shifts in the pattern of Federal expenditures, such as in the defense, aerospace and construction industries.

WORKERS LAID OFF IN AEROSPACE, DEFENSE, AND CONSTRUCTION INDUSTRIES

It is well known that many unemployed scientists and engineers and other aerospace and defense workers have exhausted their unemployment benefits and have no idea where to turn next. Meanwhile their idle talents constitute a scandalous waste of valuable national resources. Especially as they are often unemployed because of Federal government decisions.

It is the intent of the committee that this target group receive an equitable share of the funds available under this Act.

Aerospace, defense, and construction workers who are unemployed "as a result of shifts in the pattern of Federal expenditures" are referred to in the "Statement of Findings and Purposes" section 2(2) as persons who could usefully be employed in providing needed public services.

There are currently over 400,000 unemployed aerospace workers. Included in this group are approximately 60,000 unemployed scientists and engineers.

From December 1969 to December 1970, the number of California aerospace workers declined by 82,000. During this same period over 40,000 aerospace workers in the State of Washington lost their jobs. Substantial aerospace unemployment has occurred in cities around the nation such as Boston, Wichita, Dallas, and St. Louis.

As a result of cutbacks in federal aerospace spending together with a general slowdown in commercial aircraft purchases, over one third of all aerospace employees have lost their jobs during the past two years. An additional 600,000 employees have lost jobs due to general defense cutbacks during this period. These employees worked in areas such as armaments, chemical manufacture and defense planning for private corporations and the Department of Defense.

UNEMPLOYED VETERANS

One of the most important segments of the unemployed population is "persons who have recently been separated from military service," as described in section 2(2) of the bill. The Committee wished to give special recognition to the needs for public service employment jobs for recently returned veterans.

It is a personal tragedy for an individual to be unable to find a job in order to support himself and his family. But when that individual has just spent 12 months or more risking his life in support of his country, being unemployed is an unconscionable injustice.

The Veterans' Affairs Subcommittee of the Labor and Public Welfare Committee in the last Congress conducted extensive hearings on veterans unemployment and general readjustment problems. These hearings showed that high rates of unemployment inflict an especially serious handicap on recently returned veterans.

The unemployment rate for young veterans is significantly higher than that among their nonveteran peers. For example, during the first two months of 1971, the most recent period for which data is available, the unemployment rate among veterans 20 to 29 years old was 10.2 percent, up sharply from 7.9 percent in the last quarter of 1970. During that quarter the unemployment rate for nonveterans in the same age group was 6.8 percent.

Comparable figures for the last quarter in 1969 were 4.8 percent unemployment among veterans and 3.3 for nonveterans 20 to 29 years old. This tremendous increase in a single year of the unemployment rate for young veterans highlights the crisis facing our returning ex-sevicemen.

For released veterans who are fortunate enough to secure employment, it takes on the average, nearly two months to find a job. The more we learn of the veterans' situation, the more grim the picture becomes. Still, we do not know as much about the employment circumstances of veterans as we should. For example, there is no information available about the unemployment of disabled veterans.

Although there are no official statistics on the unemployment of disabled veterans, individuals directly involved with the problem tell us that disabled veterans have an extraordinary difficult time finding employment. In other words, unemployment is high for veterans in general, but it is even higher for veterans who are disabled.

There are few situations more tragic than that of a man permanently maimed in the service of his country who is unable even to find a job to support himself. This national outrage has continued for too long.

Part of the problem is related to the great increase in the number of recent veterans returning to a tight job market. Military separations during the last few years have increased from 565,000 in fiscal year 1966 to 1,003,000 in 1969, and 1,120,000 in 1970. It is estimated that another million young veterans will be thrust upon the job market during fiscal year 1971. Thus, over 90,000 young veterans begin looking for jobs each month, far too often without success.

The Committee recognizes a special obligation to do all possible to ensure that veterans be placed on at least an equitable basis in their search for employment. However, it was not the Committee's intention that the terms of this amendment should operate unduly to limit the Secretary in making available public service employment jobs for recently returned veterans.

Although the bill does not specify which veterans are "recently" separated, the Committee believes an appropriate eligibility date would be the point where overall unemployment in the country crossed the four-percent level and began to move toward the crisis proportions confronting us today. A January 1, 1970, date would accord with the emergency purpose of S. 31.

The Committee feels very strongly that we owe a particular duty to those who served in Vietnam and who do not have adequate educational achievement or training to find a job when they return.

A recently published study by the Department of Defense found that men who served in combat occupations such as the infantry and gun crews tend to have the highest unemployment; and that men who serve a duty tour in Vietnam are more likely to be unemployed than those servicemen who did not. Thus, the country is doing the least for those whom we have required to make the greatest sacrifices.

In view of this, the Committee believes that there is a great opportunity under this public service employment program to assist educationally and economically disadvantaged veterans enrolled in college under the GI bill and who are struggling to make ends meet. Many more of these men, who often are high school dropouts, could pursue college or junior college training if they had part-time jobs to supplement their GI bill educational assistance allowances.

The Committee is hopeful that the Secretary of Labor would give serious consideration to the great potential of such an allocation of public service jobs. Along the same lines the Committee feels that, to the extent practicable, he should also give special preferences to veterans disabled with service-connected conditions who are nevertheless employable.

OLDER WORKERS

More and more, it is recognized that a critical period in the work lives of adults occurs during their forties or early fifties. Beginning about age 45, several clearly discernible trends become evident:

Unemployment increases;

Long-term joblessness rises sharply;

Occupational mobility is seriously limited;

Employers may be reluctant to hire older workers, even though the Age Discrimination in Employment Act prohibits such practices;

Labor force participation declines; and

Poverty increases.

From January 1969 to February 1971, the unemployment rate (on an adjusted basis) has jumped precipitously from 3.4 to 5.8 percent—adding nearly 2.2 million workers to the jobless rolls. All age groups have felt the sharp effects of this economic decline. But older workers and their families have been especially hard-pressed. During this period, unemployment for persons 45 and older has risen from 596,000 to 1,062,000, approximately a 78 percent increase. Long-term joblessness (15 weeks or longer) for mature workers has jumped steeply by 218 percent, from 115,000 to 365,000. And their very long-term unemployment (27 weeks or longer) has increased by 221 percent, from 48,000 to 154,000.

Yet, these statistics only represent a small portion of the overall grim employment picture for persons 45 and older. They do not, for example, reflect the labor force "dropouts," those who have given up the active search for work. With the trend toward earlier and earlier retirement, an alarmingly large number of older workers has withdrawn from the work force—in many cases unwillingly. During the past 10 years the number of men aged 45 to 64 who have dropped out of the labor force has risen from 1.4 million to 2.1 million, for a 50 percent increase. And with unemployment continuing to remain at a high level, the evidence now strongly suggests that more and more older workers are being "eased out" of the job market.

If current labor force participation trends continue, one out of every six men in the 55 to 59 age category will no longer be in the work force by the time he reaches his 65th birthday. Ten years ago this ratio was only one out of eight. And the one in six ratio is only for the short run. Unless major policy changes are made, this ratio will accelerate during the 1970's.

In many cases, early retirement is chosen only as an alternative to long-term joblessness or sporadic underemployment. For some it may provide an escape. But for others, it is an acceptance of the inevitable, a life of poverty. Nearly 8.5 million individuals in the 45-plus age category fall below the poverty line. Persons 45 and over now constitute about 30 percent of our total population, but they comprise nearly 35 percent of all individuals living in poverty. Even more disturbing, 28,000 persons in this age group were added to the poverty rolls during 1969. In sharp contrast, the number of people under 45 in poverty declined by about 1.2 million in 1969.

Despite such urgent needs, the United States still lacks a clearcut, effective policy to maximize employment opportunities for older workers. By whatever barometer one would choose to use, persons 45 and older have been under-represented in our Nation's manpower and training efforts. Mature workers now constitute 38 percent of the civilian labor force; they represent close to 22 percent of all unemployment in the United States; they account for 34 percent of the long-term joblessness; and they comprise 40 percent of all unemployment for 27 weeks or longer. Yet, they account for only 4 percent of all enrollees in present work and training programs.

For these reasons, the Committee has included provisions in the bill to help assure that older persons will be more equitably represented in federally assisted public service employment programs. For example, in making financial assistance available for this purpose, section 8(b) directs the Secretary of Labor, to the extent practicable, to give due consideration to the relative numbers of unemployed persons in various segments of the civilian labor force, and paragraph (2) of section (2) recognizes older persons as one of these significant segments. A major purpose of these provisions is to help assure that the participation rate for persons 45 and over in Federally financed public service employment programs—as well as for other groups which have been traditionally underrepresented in our Nation's manpower efforts—will be reasonably consistent with their proportion of the total unemployment in the United States.

In far too many cases, the employment and training needs of mature workers have been largely overlooked or ignored. The price the Nation pays for this neglect is a growing "dependency ratio" of nonworkers to workers. Much more can be gained, the Committee strongly believes, through a national effort to raise our productive capacity and to provide new employment opportunities as well as related manpower services for all age groups, the old as well as the young. For many unemployed individuals, opportunities for public service employment can help them return to the mainstream of our work-oriented society. For others, it can provide a means to move into other jobs in the private sector. And for many older persons, it can mean a new and rewarding career, providing valuable and urgently needed services in their communities.

MIGRANTS

Section 2(1) of the bill specifically recognizes the severe unemployment which characterizes the plight of migrant and seasonal farmworkers. Because unemployment is significant in the farmworker population, the provisions of section 8(b) provide for an equitable share of public service jobs for migrant farmworkers.

The need for programs designed to meet the needs of migrants has been well documented during Congressional hearings, especially by the Migratory Labor Subcommittee. These hearings have shown that, while the American economic system has worked reasonably well for everyone except the poor, it has abysmally failed the migrant farmworker.

In fact, over one million migrant farmworkers and their family dependents are practically excluded from the mainstream of our economic system. They are only limited participants in existing manpower programs, and their power to effect or improve present manpower programs is severely restricted. Migrants have little or no income; their ability to earn is impaired; and their stream of earnings is sporadic and uncertain.

Unemployment is high, and subemployment and underemployment are pervasive among migrant farmworkers. Their ability to increase their economic power is restricted. Information about jobs is limited and faulty; skill, ability and educational levels are low. The demand for their services in agriculture is diminishing due to developing technology and mechanization. Benefits of government programs designed to raise income and make it more certain now, and in the future, are limited or non-existent. Instead of controlling their own lives, migrant workers are at the mercy of an exploitive system.

It is therefore not surprising that residents of rural areas lag far behind those in cities, in employment, income, schooling, housing and health care. The unemployment rate of migrants in view of the very nature and seasonality of the work is very high. Farmworkers had a median yearly income of less than $1,000 in 1969.

In view of the special nature of the migrant problem, it is the clear intent of the Committee that under no circumstances shall the definition of "unemployed persons" in Section 13(7) be construed to exclude a migrant merely because he might be employed for three summer months out of the year. It is imperative that farmworkers who have for so long been excluded from this nation's social and worker benefit programs, be guaranteed the public service job opportunities provided by this important legislation.

PERSON OF LIMITED ENGLISH-SPEAKING ABILITY

Section 2 of the bill recognizes the special problems faced by individuals with limited English-speaking ability.

In field hearings in Corpus Christi, Tex., and in San Francisco, Calif., last year the committee heard compelling testimony that many Americans whose primary language is not English have extreme difficulty in preparing for and securing good employment, and the Federal programs are not reaching these groups.

Census figures show that there are between 7 and 10 million Americans for whom Spanish is the primary language. There are 1 million in Los Angeles, and they make up 10 percent of the population of New York City. They include Mexican-Americans, Puerto Ricans, and Cuban exiles and Chinese immigrants.

Equal Employment Opportunity Commission figures show that 70 percent of all male Spanish surnamed Americans work in the lowest occupational categories—as operatives, laborers or service workers; 1966 figures from the Department of Labor show that 47 percent of the men in the Mexican-American district of San Antonio are either unemployed or earning less than $60 a week. Across the Nation, more than half Mexican-American families have incomes of less than $3,000 a year.

In San Francisco the Chinese-speaking population has increased from 37,900 to 62,000 between 1961 and 1968, primarily due to eased immigration quotas.

San Francisco is not alone in being specially impacted by the settlement pattern of immigrants. Data developed by Howard Hallman, a manpower consultant, indicates that four out of seven immigrants in 1968 indicated an intent to settle in cities over 100,000. The 12 cities frequently mentioned were the following:

New York	75,449
Miami (47,077 from Cuba)	51,254
Chicago	17,615
Los Angeles	12,964
San Francisco	7,896
Boston	4,187
Detroit	3,754
Washington	3,533
Philadelphia	3,508
Newark	3,404
Seattle	3,286
Honolulu	3,197

For those born in China, the largest number intended to settle as follows:

New York	2,949
San Francisco	1,653
Los Angeles	765
Chicago	386
Boston	257
Seattle	224
Honolulu	220
Washington, D.C	211

Those born in Mexico stated an intent to settle most frequently in the following places:

Los Angeles	3,894
Chicago	2,885
El Paso	1,851
San Antonio	1,270
Houston	1,048
Dallas	486
San Francisco	425
San Diego	396
Santa Ana	378
San Jose	357

For Cubans, the intended pattern of settlement emphasized the following:

Miami	47,077
New York	8,271
Chicago	2,238
Los Angeles	1,284
Newark	1,282
Elizabeth	1,194

Published data are not available for intended city of settlement for other Latin American countries. However, among the aliens from those countries who registered in January 1968 as permanent residents of the United States, six out of ten from Central America were residing in New York and California and seven out of ten from South America were living in those two States.

As these data illustrate the challenge of assimilating immigrants into the employment market is concentrated in relatively few urban centers. Since national policy brings this about, Federal funds should be available to assist these localities.

The committee, therefore, believes that efforts must be made to provide individuals of limited English-speaking ability with public service job opportunities for which they are qualified and to afford them opportunity to improve their facility with the English language.

PERSONS RECEIVING WELFARE ASSISTANCE

The welfare rolls have lengthened disastrously during the months of the current unemployment crisis. For those on welfare—who are willing and in circumstances that enable them to work—the Federal Government has a double incentive to provide job opportunities: to meet their desperate human need for the self-respect that comes from decent paying employment, and for the savings to the Government in reduced welfare costs and increased productivity in the economy.

In recognition of this the committee provided in section 8(b) that the Secretary is required to make assistance available "on an equitable basis . . . among significant segments of the population of unemployed persons" and the committee provided a definition of unemployed persons (section 17(7) that explicitly includes adults receiving assistance under the Social Security Act who are determined by the Secretary to be available for work.

The committee notes that the administration in the proposed Family Assistance Act has provided for 200,000 public service jobs for adult heads of families in a program to begin July 1, 1972. That program and the program provided under this bill would be entirely compatible, but the program under this bill would go into effect immediately during the height of the present unemployment crisis.

INDIAN TRIBES AS ELIGIBLE APPLICANTS

While Indians represent less than 1 percent of the population of this country, they constitute between 5 and 10 percent of the Nation's unemployed. Joblessness on some reservations runs as high as 80 percent, or 16 times the currently unacceptable national average. The average Indian income is $1,500—75 percent below the national average—and three-quarters of reservation Indian families have earned income of less than $3,000 per year.

Geographic isolation, the absence of State or local jurisdiction, and unique unemployment problems set Indian reservations apart from cities and other local areas in States. Collaboration and integration of Federal and State employment and manpower programs relating to Indians have been infrequent, and State employment services on reservations have traditionally played a passive and minimal role. Thus to fulfill most effectively the purposes of this Act in Indian territory, consistent with the national policy to promote self-determination for Indian people, section 5(3) of the bill makes Indian tribes eligible to carry out their own public service employment programs.

The bill calls for an equitable apportionment of funds within each State. Since Indian reservations constitute well-defined local areas within States, section 8(a) of the bill provides that reservations shall be considered local areas in the apportionment of funds allocated to such States.

Mr. CRANSTON. Mr. President, there are a number of segments of the unemployed population for whom I have a particular concern because they are not now getting a fair shake in terms of the impact of present manpower programs. These are recently returned veterans; middle-aged and older persons; persons thrown out of work in the defense, aerospace, and construction industries; and persons of limited English-speaking ability—including migrants and Indians.

With respect to recently returned veterans, the situation is intolerable. The latest figures available to me show an unemployment rate of over 10 percent among young men just out of service, many of them with service-incurred disabilities. At present there are over 350,000 20- to 29-year-old veterans without any work. This bill provides a chance for a fair share of these men—especially GI bill trainees needing part-time jobs to meet their expenses—to become employed in productive public service work and not have to wage the misdirected war on inflation at home after the sacrifices we have called on them to make to wage the war in Indochina.

The vetoed manpower bill, S. 3867, contained a number of provisions to provide special assistance to veterans in seeking and finding jobs and manpower training opportunities. I plan to introduce in the next 2 weeks a new bill, entitled the "Veterans Employment Act of 1972," containing these provisions of the vetoed bill along with other new programs to help our returning servicemen compete effectively in the job market.

Older persons also bear particularly heavy unemployment burdens today, and this is a large problem in my State. With more than 1 million persons 45 and older searching for jobs, and another 2.1 million men 45 to 64 who have dropped out of the labor force, and a more than doubling of the number of older workers unemployed for periods of 15 weeks or more, we are facing a crisis for middle and older age workers that threatens to grow worse unless we take effective action to reverse the trend.

The shifts in patterns of Federal spending in the defense, aerospace, and construction industries have caused particularly acute problems for my California constituents. For example, in the last year 82,000 California aerospace workers, including many scientists and engineers, lost their jobs. Nationwide, there are over 1 million workers who have been laid off from aerospace and defense jobs, with very severe pockets of unemployment concentrated around installations with phased-out or canceled Federal contracts or subcontracts.

The Emergency Employment Act of 1972 offers us a realistic start toward solutions to the great unemployment problems of our recent veterans, older workers and those who have lost defense, aerospace, and construction jobs.

Mr. President, there has been some talk about an inevitable veto of this bill should it pass. In my view, a veto of this bill during the current crisis in unemployment would be an irresponsible act on the part of the President. It would be a politically unpopular act on his part, and I believe that, if he takes thought and is accurately advised about the contents of this bill, he will not veto it.

Although many Senators strongly support a massive permanent public service employment program closely integrated with Federal manpower training programs, we have developed this limited, temporary bill to avoid a stalemate between the Congress and the administration. We plan to consider comprehensive manpower legislation later in this session after we have extended the Economic Opportunity Act for 2 years. But the crisis of unemployment cannot wait. We need legislation to put people to work immediately.

Let me emphasize that this is not a permanent public service employment program of the sort the President vetoed last December. This point is extremely well discussed on pages 25 through 27 of the committee report in the supplemental views of Senators JAVITS, SCHWEIKER, and PACKWOOD, and I commend their comments to all Senators—especially those across the aisle.

First of all, the program in this bill is temporary. The funds would be made available only when unemployment nationwide exceeds 4½ percent for 3 months. When unemployment falls below 4½ percent again, there would be no new Federal contracts supporting such jobs. This very "trigger" concept was recommended in the administration's proposed Manpower Training Act of 1969. Again, the administration just recently, in its manpower revenue sharing proposal, proposed such a trigger.

Second, the total authorization of funds in this emergency bill for fiscal years 1972 and 1973 is about $1 billion less at current unemployment levels than was authorized for public service employment for those years in the bill vetoed by the President on December 16.

Third, the jobs, at the maximum, would be limited to 2 years and, at the end of their public service employment, workers will be trained and assisted to move into other jobs. In his veto message, the President stated that—

> Transitional and short term public service employment can be a useful component of the nation's manpower policies.

And the concept of public service employment is prominently featured in the President's manpower revenue sharing and welfare reform proposals.

If ever there were a time when such public service employment jobs were needed, it is now during the current crisis of unemployment. Thus, in drafting this legislation, we attempted to move toward, and in a number of instances we adopted, the administration's position in the hope that we can gain its support for this emergency act. I do not see how any one can seriously dispute that during times of extremely high unemployment some kind of automatic funding for job creation should be available.

In view of the recent administration embrace of public service employment in its F.A.P. and manpower revenue sharing proposals, Secretary of Labor Hodgson stated at our February 23 hearings on S. 31 that he imagined we on the committee must react to their position as follows:

> It seems to me you would find yourselves thinking that you have come to play ball in our court and we have moved the court.

In marking up the bill in committee, we have done our best to place ourselves squarely in the Secretary of Labor's court and to find the correct ball game to play.

We believe, the bill, with its strong bipartisan support in the Senate, is a carefully drafted, reasonable approach and is absolutely essential to the national interest. It cannot wait for us to work out our differences with the administration on comprehensive manpower reform.

At the time of the unfortunate veto of the Comprehensive Manpower Act last December 16, many thought that it might be possible in the new Congress to reach some kind of speedy compromise between the position of the Congress and that of the administration on manpower legislation.

However, that has not worked out. It was not until March 16 that the administration's new manpower proposals were introduced in the Senate. And the bill as introduced does not represent a compromise between the administration's position and the congressional position on manpower reform and public service employment. Instead it represents, to use the President's own phrase, "revolutionary proposals" for revenue sharing.

Mr. President, there is no issue before this session of Congress more controversial than that of revenue sharing. The proper consideration of this legislation is going to take time. The final form in which it will come to a vote is as yet to be determined.

On manpower revenue sharing there are many voices to be heard pro and con including those of mayors and Governors, local community action agencies, the vocational educators, local industry, labor organizations and those to be helped by the programs themselves. Such a hearing process will take many months, and yet the administration seems to be urging us to abandon the Emergency Employment Act and pass the manpower revenue sharing bill on an emergency basis to meet the current unemployment crisis. That is just not a tenable, responsible or feasible request.

It is not possible for Congress to deal with extremely complex legislation affecting many interest groups on an emergency basis. It is not possible, it is not practicable, it is not proper.

It was in recognition of the complexity of the legislative situation in regard to manpower, it was in recognition of the fact that no new major manpower legislation could be completed during the current unemployment crisis that a bipartisan coalition of 34 Senators introduced the emergency employment act of 1971. It is in recognition of that pressing crisis that we have hastened through hearings, through subcommittee and full committee markup.

And it is in recognition of the urgent

needs of the Nation and the demands of the people for action to fight unemployment, that I say it is our duty to pass the bill promptly by such an overwhelming margin that the President will join with our effort and sign it into law. Then we can turn to the business of securing appropriations for the bill and putting Americans back to work.

Mr. MUSKIE. Mr. President, I support fully the bill we are debating today—the Emergency Employment Act of 1971, S. 31. Enactment of this bill is long overdue. If congressional initiative had been respected by the President last year, thousands of Americans would be employed who are presently out of work. They would be earning paychecks instead of waiting for unemployment or welfare checks. This bill then is necessary but two facts about it should be clear. First, this bill is merely emergency legislation responding to the present crisis of unacceptable high rates of unemployment and; two, this bill is stopgap legislation and it should and must be replaced by a much more comprehensive and long-range bill.

For many months, the Nation has been assured that the ever increasing rate of unemployment is only transitional; that it is the sacrifice we must make to combat inflation. The sacrifice has been made but the victory has not been achieved. The plague of inflation continues largely unabated.

Today, while the average rate of unemployment has slightly dipped from its December high, it is well above the 4.5-percent rate that the administration proposed last year as the rate which would trigger emergency funds for additional manpower training programs. The average rate of unemployment of 5.8 percent is not the whole story. Like the man who drowned trying to walk across a lake, the average depth of which was only 3 feet, large pockets of our economy—50 major labor areas and many rural areas—have unemployment rates shockingly higher than the national average. For some areas, and for some selected groups in our Nation (nonwhites and youth particularly), rates run as high as 30 and 40 percent.

We are told by administration supporters that we must be patient and wait for the day when the unemployment rate drops as the pace of the economy quickens. Many of us feel that we can no longer wait.

While we play statistical games with index changes of 0.4 percent we forget that each 1 percent of that index represents 800,000 people—men without paychecks, families with growing expenses and decreasing funds. This is not just a statistical fact, it is a human problem; a problem that must be handled now.

Also, it must be remembered that even during the prosperous periods of the 1960's, persistent unemployment haunted the country. National prosperity did not break the cycle of poverty in many areas of our economy. Yet many policymakers believed and still believe that economic growth alone will do the job.

Other peoples have, of course, realized that special efforts are necessary if we are to cure the persistent problem of unemployment. The private sector, particularly through the National Alliance of Businessmen, has made a creditable effort to hire and train the unemployed and especially the hard-core unemployed. Many of our business leaders have devoted time and interest to this effort. It would not be reasonable, however, to expect the private sector to do the whole job, particularly when the practical effect of national economic policies is to dampen economic expansion in the name of inflation control. When orders decrease, layoffs occur. The last employed, often the recently employed "hard-core", are the first to go.

In the meantime, coexisting with the problem of persistent unemployment, there is the problem of the deteriorating conditions of our cities and of our rural areas. Revenues decrease while the demands for services increase. Without revenues, vital services are not provided. The unemployed could be put to work providing these necessary services. These are real jobs.

During the hearings on the Employment and Training Act of 1970, uncontested testimony was given that jobs exist. In a survey of the mayors of 50 cities of 100,000 population or more, 280,000 job possibilities distributed among 13 municipal public service functions were uncovered. In every case it was noted that these possibilities were purely theoretical because funds were not available to make them into real job openings.

Even more significant was the fact that city representatives estimated that there were at least 140,000 jobs that did not require technical or professional training and could be filled by inner city residents.

These jobs are not only real, they are essential. Even assuming that supervisors often overestimate their manpower needs, it is clear that public services are deteriorating in all areas of our country and that there is an infinite variety of useful work that can be done. With unemployment persistently higher than any acceptable level, and needed work begging to be done, we are wasting precious resources.

Finally, the great merit of this kind of public service program is that it is aimed specifically at those sectors of the labor market that benefit least from present programs, that share least in economic growth, and suffer most from the unemployment caused by present national economic policies. We know that while many of the uneducated and unskilled did not share in our previous prosperity, they have more than their share of the present recession. This situation is pervasive and explosive.

After extended hearing and debate, the last Congress passed the Employment and Training Opportunities Act of 1970, a comprehensive overhaul of the country's manpower programs. That bill included a strong permanent public sector job creation program. The President vetoed that bill largely because of the public sector job provisions. The administration proposes creating 200,000 public service jobs for welfare recipients, but it has difficulty accepting this concept for the unemployed. Calling jobs transitional will not change the fact that we need the jobs, whether a person is on welfare or not, and the jobs need to be done. If we pass this legislation today, we establish the concept that there are public sector jobs that are needed and important, and that people who need jobs can do them.

I support fully the view of my colleague, Senator Nelson, the distingushed chairman of the Subcommittee on Employment, Manpower and Poverty of the Labor and Public Welfare Committee, that the Nation must have a strong comprehensive manpower legislation. He led the effort to enact such legislation last year. I know he will make that effort again this session. This legislation will allow us to go forward and create a permanent comprehensive public employment program during this Congress.

Mr. NELSON. Mr. President, I ask unanimous consent that a statement by the Senator from Missouri (Mr. Eagleton) be printed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Eagleton

The Emergency Employment Act of 1971 is a vital piece of legislation designed to stem the crisis caused by the higher and higher rates of unemployment in the United States. In February, 1969, the unemployment rate was at its post-Korea low of 3.3%. In December, 1970, it had risen to its 10 year high of 6.2%, and in February of this year it was still at 5.8%. The bill is designed to run for two years in order that there be time to design and implement permanent legislation which will solve this major problem for our citizens. During the first year of operation, $750 million, and in the second year, $1 billion, would be authorized in order to create public service jobs, that is, jobs which local governments have been unable to afford—such as those in the fields of environmental protection, health care, housing, and public safety.

For the first time the jobs created by a manpower bill would not be simply training jobs; rather, they are existing vacant positions which would be filled by local governments in the normal course had they the money to do so. So the bill really achieves two purposes. First, it will lower the unemployment rate by creating new jobs. Second, it will give local governments money to spend on jobs which they could not otherwise fill for lack of money.

This is revenue sharing in the best sense of the word. It is the federal government lending a helping hand to the local governments, but it is also not an abrogation of responsibility by the federal government. It is not the signing of a blank check. Rather this bill indicates in a broad area how the money should be spent and then says to the local governments: "You pick out which needs are of the greatest concern to your community and go hire the people you need to help solve these problems."

I should note that this bill also gives priority to several special groups which we in the Congress feel are in need of especially careful consideration. Section 8(b) of the bill ensures that the well publicized problems of aerospace and defense workers will be taken into consideration, and I note that the committee report mentions my home city of St. Louis as one of the areas which has suffered from the cut back in defense work and is in need of special consideration.

Older workers are also singled out for special consideration as well they should be.

From January 1969 to February 1971, the unemployment rate (on an adjusted basis) has jumped precipitously from 3.4 to 5.8 percent—adding nearly 2.2 million workers to the jobless rolls. All age groups have felt the sharp effects of this economic decline.

But older workers and their families have been especially hard-pressed. During this period, unemployment for persons 45 and older has risen from 596,000 to 1,062,000, approximately a 78 percent increase. Long-term joblessness (15 weeks or longer) for mature workers has jumped steeply by 218 percent, from 115,000 to 365,000. And their very long-term unemployment (27 weeks or longer) has increased by 221 percent, from 48,000 to 154,000.

Yet, these statistics only represent a small portion of the overall grim employment picture for persons 45 and older. They do not, for example, reflect the labor force "dropouts," those who have given up the active search for work. With the trend toward earlier and earlier retirement, an alarmingly large number of older workers have withdrawn from the work force—in many cases unwillingly.

In many cases, early retirement is chosen only as an alternative to long-term joblessness or sporadic underemployment. For some, it may provide an escape. But for others, it represents a resigned acceptance of the inevitable—a life of poverty. Nearly 8.5 million individuals in the 45-plus age category fall below the poverty line. Even more disturbing, 28,000 persons in this age group were added to the poverty rolls during 1969. In sharp contrast, the number of people *under* 45 living in poverty declined by about 1.2 million in 1969.

Despite such urgent needs, the United States still lacks a clearcut, effective policy to maximize employment opportunities for older workers. By whatever barometer one would chose to use, persons 45 and older have been under-represented in our Nation's manpower and training efforts. Mature workers now constitute 38 percent of the civilian labor force; they represent close to 22 percent of all unemployment in the United States; they account for 34 percent of the long-term joblessness; and they comprise 40 percent of all unmeployment for 27 weeks or longer. Yet, they account for only 4 percent of all enrollees in present work and training programs.

As Chairman of the Subcommittee on Aging I am especially pleased that the problems of the older worker are given special consideration in this bill and in the report of the Committee, and I trust that the Committee's concern in this area and in the area of layoffs caused by the cut backs in aerospace and defense work will be followed by the administrators of this bill when it becomes law.

I should also like to commend the very able junior Senator from Wisconsin (Mr. Nelson) for his exceptional leadership in bringing this vital bill to the floor of the Senate with the skill, vigor and expedition which he has shown. I trust that the members of this body will be made aware by his persuasive arguments of the great need for this legislation and that by this will we will help show the way out of the economic slump which has plagued this nation for the past two years.

Mr. KENNEDY. Mr. President, a third of the Nation's major labor market areas are suffering over 6 percent unemployment. Over 5.4 million men and women are out of work. In my own State of Massachusetts, industrial unemployment is at its highest point since the end of the depression in 1940 with a total of 184,000 out of work. The Nation's economy is stagnating and unemployment has become a national crisis.

Mr. President, we cannot wait for the administration's promised economic upturn. For the first time in more than a decade, there is a feeling of desperation as men and women fruitlessly seek work. For the first time in more than a decade, men talk of "if I find work" rather than "when I find work."

The Emergency Employment Act of 1971, which I cosponsored, would finance vitally needed jobs—not at some far in the future date—but immediately. The $750 million available now would permit some 150,000 jobs to be opened across the Nation.

Mr. President, this bill also insures that the needs of those groups who have traditionally suffered persistent unemployment—the migrant workers, the non-English speaking, the Indian, the black—will be considered in the allocations of funds.

Mr. President, some have argued that this bill would only offer make-work jobs. I would emphasize that the Nation's mayors, in testimony before the Subcommittee on Employment, Manpower, and Poverty cited critically important jobs in their cities that were unfilled solely because of lack of funds. Mayor Wesley C. Uhlman of Seattle testified for the Legislative Action Committee of the United States on specific needs of the Nation's cities.

In health, in transportation, in schools in social services and in the daily administration of public business, jobs are going vacant, programs are being cut, and people's needs are not being met because insufficient funds are available.

Mr. President, the administration has objected to this bill because it says it does not provide long-term solutions to unemployment problems. Instead the administration points to its manpower revenue-sharing package. But even they estimate that the earliest possible date for a start on that program—even if it were rushed through the Congress—would not be until sometime in 1972. But we have an emergency today, we have 5.4 million workers unemployed today: We cannot stand silent on the hope that something might happen next year.

We already have seen an unnecessary delay of several months because the administration vetoed last year's comprehensive manpower training bill which contained a public service employment section. Now, I find it extremely difficult to understand the administration's refusal to endorse the measure now before us. The administration objection last time we were proposing a permanent public service program. This is not a permanent program. It is a temporary 2-year program which authorizes the expenditure of funds only when the national unemployment rate stays above 4.5 percent for 3 months.

Mr. President, the Emergency Employment Act of 1971 is a specific answer to a specific problem in this Nation today, and I strongly urge its passage. It will neither totally solve the Nation's unemployment problem nor will it end the financial crisis of local government but it will alleviate both and its effects will be immediate. Again I strongly urge approval of this legislation.

Mr. HUGHES. Mr. President, I am a cosponsor of the pending measure, S. 31, the Emergency Employment Act of 1971. I believe it is addressed to one of the most urgent problems facing us today—the problem of unemployment. Its passage is made necessary by two facts, first, we have the highest unemployment rate in almost a decade and, second, that the President last year vetoed a similar measure which would have enabled us to begin to attack this problem 3 months ago. In his veto message, the President did not predict that unemployment would miraculously drop making it unnecessary to enact such a piece of legislation. Subsequent events have proven the wisdom of his silence. This bill would guarantee some relief to the Americans now suffering from unemployment. That is why we need it.

The Emergency Employment Act of 1971 provides that when the Secretary of Labor determines that the rate of unemployment has exceeded 4½ percent for 3 consecutive months, $500 million will be authorized to be appropriated for a public service employment program. For each additional 0.5 percent increase in unemployment, an additional $100 million will be authorized to be spent up to a ceiling of $750 million in fiscal year 1972 and $1 billion in fiscal year 1973. Public service employment is defined to include police and fire protection, sanitation, transportation, recreation, education, conservation, housing, and maintenance work. Up to 20 percent of the funds would be available for training in public service fields and in ways which would enable people to move into fields not covered by the bill. Public and private, nonprofit organizations would be eligible to administer programs covered by this bill. The bill also provides that when unemployment drops below 4½ percent for 3 consecutive months, the program will be terminated.

Mr. President, the Subcommittee on Employment, Manpower, and Poverty, of which I am a member, held hearings for 4 days on this measure. We heard testimony from the mayors of nine cities and the Governors of four States. The mayor of Philadelphia, the Honorable James Tate, testified both in behalf of his city and of the National Conference of Mayors. Two Senators and three Congressmen appeared before the subcommittee as did county officials from three States and the representatives of the National Farmers Union and a community development agency in Tennessee. The administration was represented by the Secretary of Labor.

With the sole exception of the Secretary, all of these witnesses testified that there was considerable need for this sort of legislation. Only the administration objected to this bill and requested that Congress enact instead the manpower legislation the President proposes.

There is a serious unemployment problem in this Nation today. According to figures developed in our subcommittee, the program enacted by this bill would put an estimated 150,000 persons to work in vitally needed jobs in State and local agencies. Last week, the Senate was told that nearly 13,000 workers would be unemployed by termination of the SST program. Now we have the opportunity to create almost 12 times that many jobs; jobs which would provide vitally needed services such as police and fire protection, street maintenance, and recreational services and would hasten our progress out of recession by putting more money into the nonmilitary sector of our economy.

Furthermore, there is every conceivable indication that our cities are rapidly becoming unable to provide these basic services to their citizens. This bill clearly offers the beginnings of a solution to these problems.

We have stalled around long enough. Millions of Americans are jobless and on welfare rolls. Our cities are simply collapsing. These problems themselves are already costing more than this bill proposes to spend. In his testimony before our subcommittee, the mayor of Seattle quoted an old Chinese proverb:

> If you give a man a fish, it will feed him for a day. But, teach a man to fish and he will feed himself and his family for a lifetime.

What more reason do we need for enacting this legislation?

Mr. President, I feel that this bill is one of the most important and urgently needed pieces of legislation the Senate has acted on in recent months. It is already long overdue. I hope it is enacted speedily.

Mr. BAYH. Mr. President, it is with a great sense of urgency that I support the Emergency Employment Act of 1971. At a time when the unemployment rate is nearly 6 percent and more than 5 million of our citizens are unemployed, it should be obvious that we are in the midst of a national emergency. This crisis in unemployment is even more urgent because of its long-term nature. In December 1970, when unemployment was at a high of 6.2 percent, 325,000 persons who were actively looking for work had exhausted their unemployment compensation benefits. In February of 1971, although there was a drop in unemployment to 5.8 percent, the number of people who had been unemployed for 27 weeks or more had risen to 451,000, an increase of 126,000 in 2 months. With only a modest increase in economic activity likely in 1971, moreover, unemployment will remain high.

I am convinced that any time we have such substantial number of workers unemployed the source of our economic ills is national and reflects a failure in national economic policy. This is precisely the situation that exists today. That is why I introduced an admittedly nongermane amendment to the interest equalization tax, an amendment to improve and accelerate the effective date of the Federal State Extended Compensation Act of 1970 so that those unemployed workers who had exhausted their unemployment insurance could begin to receive the benefits of the act instead of waiting another 9 months. We almost passed it. The vote was 40 to 45 on a motion to table. A substantial number of Senators who had expressed support of the bill—enough to assure a majority—were absent, I might add. I intend to offer the amendment again. And I am confident that the Senate will act soon to alleviate the personal hardships of those who have exhausted their unemployment insurance.

There is another crisis in our country which is equally pervasive. It results from a gradual disintegration of our public services. There are vast unmet public needs in education, health, recreation, public safety, sanitation, neighborhood services, and other basic municipal services. The National Commission on Technology, Automation and Economic Progress in 1966 estimated that there were 5.3 million potential jobs in public services that were not filled. It is indeed ironic that even as millions of our citizens are unemployed and looking for work, most of the cities in this Nation are unable to adequately sustain the most basic services because they cannot hire additional personnel. This crunch of rapidly expanding public service needs and a tax burden already at its maximum limit has resulted in driving most of the large cities close to bankruptcy.

This bill is designed to deal with the national emergency created by the crisis of unemployment and the collapse of vital public services in the cities throughout our country. It is a stopgap bill designed to provide temporary relief for a relatively short period of time. It is a bill whose trigger formula assures that it will be needed only in times of economic recession.

The act authorizes financial assistance to States, counties, cities and public and nonprofit agencies to provide useful employment in such needed fields of public service as environmental quality, health care, public safety, education, transportation, recreation, maintenance of public facilities, waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification and other fields of human betterment and community improvement.

Annual funding of $500,000,000 would be authorized when the national unemployment rate is 4½ percent or higher for 3 consecutive months. Additional amounts of $100,000,000 would be triggered for each one-half of 1 percent by which the average unemployment rate for 3 consecutive months exceeds 4½ percent. Funds could no longer be obligated after the national rate of unemployment is reduced below 4½ percent. The legislation would be in effect until July 1, 1973.

The bill provides for apportioning funds among States and local areas within each State on an equitable basis, and to the extent practicable in proportion to the extent and severity of unemployment. Up to 20 percent of the funds available for carrying out this legislation would be available for training and manpower services for persons employed in public service employment programs.

Under this bill, eligible applicants would contract with the Secretary of Labor for employment programs under which the Federal Government would pay up to 90 percent of the cost of the program.

I recognize that many cities are so strapped for funds they cannot even afford to put up the "good faith" 10 percent that would enable them to get the additional Federal financing. In some cases in which we require matching funds we wind up providing Federal assistance for cities who need it least while those who may need the program the most cannot afford their share and must do without. This bill attempts to prevent that by giving the Secretary of Labor the authority to waive the 10-percent local requirement in special circumstances. I am hopeful that the Secretary will use this discretion wisely so that the poor communities who may need these benefits the most are not excluded from participation.

Senators Nelson and Javits and the other distinguished members of the Labor and Public Welfare Committee have demonstrated once again their judiciousness in adding section 8(b). This section provides for an equitable distribution of these public service jobs among those segments of the unemployed population who are identified as experiencing particularly serious unemployment problems. It makes good sense that where only a relatively small number of unemployed persons are to be helped, such assistance should be equitably distributed among those who need help the most.

During the extended discussions on the SST, I was greatly troubled by arguments about increases in unemployment that would result with the termination of the SST program. I am deeply concerned about the fate of those workers involved in the program. When the Federal Government makes a significant change in policy, as in the case of Congress action on the SST, the Government has a definite moral responsibility to ease the burden on those workers adversely affected by the cancellation and to facilitate their transition into areas where there are employment opportunities.

This bill is a step in that direction. However, the legislative and executive branches working in concert, still have a responsibility to consider how future Government contracts and programs can best be allocated so as to best utilize the work force affected by Congress action.

Toward that end, Mr. President, I am introducing a sense of the Senate resolution expressing the Senate's concern for the fate of the SST work force and urging the development of programs to provide transitional assistance and for the channeling of Government contracts into affected areas.

Mr. HARTKE. Mr. President, I am pleased to be one of the 34 cosponsors of the Emergency Employment Act of 1971. It is plain that this legislation will meet a real and continuing need in this country. The 5½ million people currently unemployed are the tragic byproducts of our economic problems. Although constantly reassured by this administration that the country has turned "the economic corner," the unhappy truth remains that 5.8 percent of our work force remains idled.

The distinguished Senator from Wisconsin (Mr. Nelson), chairman of the Subcommittee on Employment, Manpower, and Poverty, has led the battle to insure that the problem of massive unemployment will not go unattended. S. 31 authorizes public service employment during periods of high unemployment, and by so doing better insures that the severe and cyclic periods of unemployment which has plagued this country in the past, will be moderated.

As the newly selected chairman of the Veterans' Affairs Committee, I am particularly distressed by the unemployment rates found among Vietnam era veterans. It is estimated that there are today more than 250,000 veterans of the Vietnam conflict who want work but cannot find it. Among veterans aged 20 to 24 unemployment is especially severe, with rates in excess of 12 percent. The situation among young, black veterans is even worse with unemployment almost double that of whites. These figures take on particular significance when they are compared with the unemployment rates of their non-veterans peers. For example, the rate of unemployment for veterans age 20 to 29 was 10.2 percent during the first 2 months of 1971 while the rate for nonveterans in the same age group was 6.8 percent during the last quarter of 1970.

In a very real sense the unemployed veteran of the Vietnam war is himself a victim of that conflict. Because of his military service, the veteran has lost precious time in his competition for a job. Too often military service interrupted his schooling or job training, and now he must try to pick up where he left off. Yet inadequate educational benefits under the GI bill, more often then not force the unprepared veteran into an already overcrowded job market, where his chances of finding work are diminished as a direct result of his military service.

I note with pleasure that the findings and purpose section of S. 31 provides that special consideration will be given to the employment of veterans who have recently been separated from military service. Further, the report of the Committee on Labor and Public Welfare makes it clear that a priority should be given to the Vietnam era veteran. Although I personally would have preferred to see an even stricter indication in the language of S. 31, that the returning veteran will receive particular attention, my support for this bill remains undiminished. Let me say however that it is my intention to begin hearings in the Veterans' Affairs Committee, as quickly as possible to determine how the problem of the unemployed veteran can best be met. I am confident that the legislation which we are considering today will go far toward better guaranteeing fair treatment to the veteran in the job mart. If it does not live up to this expectation, I am confident that the distinguished author of the bill (Mr. NELSON) will be as anxious as I am to amend it so that equity will be granted the veteran.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have a statement by the Senator from Oklahoma (Mr. HARRIS) printed in the RECORD.

There being no objection, Mr. HARRIS' statement was ordered to be printed in the RECORD, as follows:

Mr. HARRIS. Mr. President, every able-bodied American citizen has a moral and economic right to a decent job at a decent wage, and the right to share in the nation's productivity and wealth.

On numerous occasions many members of this body have addressed themselves to the need for reorienting our nation's priorities in order that we might do more for our people here at home, particularly those who are ill fed, ill housed, or without the means to be self-supporting. I believe that the most realistic and fundamental way to accomplish this objective is to strengthen the economic base of American families by providing good jobs for those who are capable of working. That is what the Emergency Employment Act of 1971 will assist in doing, and as a cosponsor I am pleased to have this opportunity to speak in support of this much needed legislation.

Mr. President, unemployment in the nation today stands at approximately six percent of the work force. Nationally, more than 5 million individuals are without work. In my home State the number of persons unemployed has increased from approximately 36,000 a year ago to more than 52,000 persons at present. This is an unnecessarily large number of individuals and families without stable incomes and represents the highest and lengthiest unemployment rate in ten years. The high unemployment has forced welfare payments up as much as 22 percent in Oklahoma. Those persons eligible for surplus commodities in the State increased by approximately 23,000 from 1969 to 1970.

These unfortunate circumstances exist at a time when so many of the individuals affected by unemployment could be performing useful and needed work functions in public and nonprofit agencies. As I have stated on previous occasions on this floor, several studies have shown that as many as 150,000 job opportunities for nonprofessionals in public service type employment already exist in 130 of our largest cities.

The bill before us would authorize public service employment programs during times of high unemployment. Financial assistance would be made available to states, cities, and counties and public and nonprofit agencies to provide useful employment in a variety of occupations including health care, public safety, education, transportation, environmental quality, parks and recreation, streets, conservation, pollution control and many other areas of community improvement.

The bill authorizes $750 million during the first year and one billion dollars thereafter. Whenever unemployment reaches 4.5 percent or higher, $500 million would be authorized. Additional sums of $100 million would become available for each one-half of one percent by which the average unemployment rate exceeds 4.5 percent for three consecutive months.

I am glad to know that up to 15 percent of the funds appropriated would be available for training and other manpower services required to assist persons employed in public service jobs.

Today our nation is faced with many problems here at home and abroad. State and local government officials continuously remind us of the serious problems with which they are confronted in their respective jurisdictions. Again unemployment ranks high on the list. This is why S. 31 has received such strong endorsements from the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, and numerous other respectable agencies and organizations.

Mr. President, somehow, those of us here in the Congress and the Administrative Branch of Government must be made to sincerely understand and feel the agony of the millions of frustrated American citizens who are without work or the means for supporting themselves or their families. I do not believe that the majority of these individuals, nor Americans in general, want welfare or charity. What they do want, I believe, is the right and the opportunity to be self-supporting, even in this time of high inflation and catastrophic unemployment.

In vetoing the Employment and Training Opportunities Act of 1970—forerunner to the present legislation—President Nixon stated that he was against the establishment of permanent public service jobs and that such employment should be provided only on a temporary basis until high unemployment decreases.

The bill before us now is of a temporary nature and could provide up to 200,000 jobs if high unemployment persists. The Administration, however, is also opposed to this bill stating now that it would prefer a "Manpower Revenue Sharing bill." Why the sudden shift in positions? Is this Administration against any kind of public service employment program? That would seem to be the case, because any effort to develop a manpower revenue sharing bill will almost certainly involve a long drawn out process and is unlikely to be approved by the Congress in time to be of assistance in relieving the present unemployment crisis.

Therefore, it is imperative that we offer practical alternatives and solutions to the problem of unemployment now. We can begin by passing this Emergency Employment Act. Legislation is also needed to assist those individuals affected by cutbacks in the aerospace and defense industries. A number of such proposals have been introduced in this session. They, too, should receive early hearings with quick passage by the Congress.

Finally, Mr. President, I urge the members of this body, in the strongest possible terms, to pass this emergency legislation. Also, I commend my colleagues, the distinguished Senators from Wisconsin (Mr. NELSON) and New York (Mr. JAVITS) and members of the Employment and Manpower Subcommittee for their hard work in developing such meaningful and useful manpower legislation.

TIME TO ACT ON PUBLIC SERVICE EMPLOYMENT

Mr. PELL. Mr. President, I believe now is the time to act to establish a public service employment program in the country.

For example, in my own State of Rhode Island, there is a 7.4 percent unemployment rate. The State government, despite the many additional demands put upon it to provide more services, must release employees because the State lacks the funds necessary to pay many of their employees.

The passage of public service employment program would not only reduce the rate of unemployment, but it would also provide for the provisions of many needed services.

I would hope that we do not allow partisan considerations to delay the establishment of this program.

Mr. HUMPHREY. Mr. President, I strongly support the Emergency Employment Act and urge its passage by the Senate. Endorsed by the U.S. Conference of Mayors, the National League of Cities, and the National Association of Counties, this act would enable some 150,000 unemployed persons to work in important public service jobs of immediate benefit to society.

The word, "Emergency," in the title of this act is entirely appropriate. Over 5.4 million Americans are currently unemployed, and almost one out of every 10 of them has been out of work for over 6 months. We simply cannot wait for any remodeling of Federal manpower services, for the critical need for jobs and income demands immediate action.

By apportioning up to $750,000,000, authorized by this act for the coming fiscal year, among States and local areas confronted with severe unemployment, we can help these governments as well as public and nonprofit agencies provide vitally needed jobs in such areas as health, education, transportation, the maintenance of public facilities and services, and community and rural development programs. Thus, it is totally wrong to look upon this legislation as another make-work program. In point of fact, this bill contains carefully drawn provisions to enable public service jobholders to obtain further training and locate other employment opportunities.

The sharp rise in unemployment across the Nation has created a crisis for hundreds of thousands of individuals and their families. Meanwhile, our States and cities have had to undertake extensive cutbacks in vital public services as costs outstrip revenues. Surely, these directly interrelated facts call for effective and urgent action by the Federal Government.

Last year in Minnesota, about 28,700 jobs were lost, raising the number of unemployed persons in the State to 78,000. A large number of these jobs were held by highly skilled persons in the defenses and computer industries. Must we continue to deny this resource of expertise, imagination, and solid ability to our society, in the name of controlling inflation and reorganizing Federal manpower services?

I hope that the Senate will give the administration an explicit answer that our immediate unemployment problems merit priority Federal action. Then, because this act is operative only during periods of high unemployment, the Senate must renew its highly commendable effort in the last Congress to draft comprehensive manpower reorganization legislation that assures the maintenance and expansion of effective programs and demands accountability for the expenditure of Federal funds to promote the substantial increase of job opportunities across the Nation.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that an additional committee staff member, Peter Benedict, may be allowed the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

Mr. JAVITS. Mr. President, will the Senator withhold his request?

Mr. BYRD of West Virginia. Yes.

Mr. JAVITS. Is this the quorum part of the unanimous consent?

Mr. BYRD of West Virginia. Yes, this will be a live quorum.

Mr. JAVITS. I thank the Senator.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 33 Leg.]

Aiken
Allen
Allott
Bayh
Bellmon
Bentsen
Brock
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cooper
Dominick
Eastland
Ervin
Fong
Gambrell
Griffin
Hansen
Hart
Hruska
Hughes
Humphrey
Javits
Jordan, Idaho
Kennedy
Mansfield
Mathias
McGee
McIntyre
Metcalf
Moss
Nelson
Pastore
Pearson
Pell
Prouty
Randolph
Ribicoff
Roth
Schweiker
Scott
Sparkman
Stennis
Taft
Talmadge
Williams
Young

Mr. BYRD of West Virginia. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from New Mexico (Mr. MONTOYA) is absent on official business. I also announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) is absent because of death in his family.

The Senator from Massachusetts (Mr. BROOKE), the Senators from Orgeon (Mr. HATFIELD and Mr. PACKWOOD), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Florida (Mr. GURNEY) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Tennessee (Mr. BAKER) is detained on official business.

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Anderson
Beall
Bible
Boggs
Buckley
Burdick
Cook
Cotton
Cranston
Curtis
Dole
Fannin
Fulbright
Hartke
Hollings
Inouye
Miller
Mondale
Muskie
Percy
Proxmire
Smith
Spong
Stevenson
Symington
Thurmond
Weicker

The PRESIDING OFFICER. A quorum is present. The Chair recognizes the Senator from Vermont.

Mr. PROUTY. Mr. President, I yield to the Senator from Mississippi not to exceed 1½ minutes.

Mr. PROUTY. Mr. President, I move that S. 31 be recommitted to the Labor and Public Welfare Committee with instructions to further consider this bill and report it back to the Senate not later than May 4, 1971.

My motion stems from my optimism that the committee can, within the time specified, draft and report a comprehensive manpower bill to positively redirect our Nation's disparate job training efforts.

It is tempting to be swept along by the worthy intent of the bipartisan measure before us. One cannot ignore the compelling truths embodied in the measure's findings and purposes. I commend the sponsors, Democrats and Republicans, for their excellent intentions embodied in S. 31.

Unemployment is ravaging those in our society who suffer most, low-income persons, non-English-speaking persons, and young returning veterans.

Our hard-pressed States and municipalities operate on austerity budgets that deprive citizens of vital public services.

Put these two truths together and you have the findings of the bill. Propose that the unemployed be hired to bolster public services and you have the purpose of the bill.

It sounds simple, Mr. President, but it is not. There is a wide chasm between intent and implementation across which this measure provides only a rudimentary and shaky bridge. Its provisions are inadequate to insure that, if enacted, the intent of Congress will be realized in fact.

All the tools necessary to build a stronger bridge are available. All that is needed is a little time. Thirty-three days will be sufficient.

Mr. President, on March 16 I introduced the administration's Manpower Revenue Sharing Act of 1971 (S. 1243). I regret that the preparation of this measure was delayed and thus it was not ready for consideration by the committee during hearings on S. 31. This measure reflects the obvious need to unify manpower program resources under a single local authority. The bill would provide the States and major units of local government greatly expanded responsibility and flexibility in implementing manpower programs.

Of the revenue to be shared under this measure, some or all of the funds received by a State or local government could be used for transitional public service employment. This is clearly spelled out in the language of section 101(a)4(B) of S. 1243. Thus, the administration has recognized the need for and proposed to fund transitional public service employment as part of a sponsor's overall manpower strategy.

The essential ingredient in the administration's proposal is that the State or local government, as the prime sponsor, determines what portions of the manpower resources can most effectively be utilized in transitional public service employment. Such employment is, therefore, part of a sponsor's overall manpower strategy, which is tied in with other essential training, counseling, and work experience components.

The day following my introduction of S. 1243, the Committee on Labor and Public Welfare, by a vote of 15 to 2, ordered S. 31 reported. I supported reporting the measure at that time, while noting that I might oppose the measure in the Senate if an accommodation could not be reached between S. 31 and the administration's revenue-sharing proposal, S. 1243.

Subsequent discussions toward this end reflected the good faith of the participants but resulted in no accommodation. I believe the failure to reach an accord was due in large part to the limited time available. I further believe that our discussions brought us almost within sight of an effective compromise on a comprehensive manpower package. I feel that with the time allowed by this motion, such a compromise can be achieved.

What remains to be resolved are the questions of proliferation versus consolidation of our manpower program sponsors and whether funds triggered in times of high unemployment should be used for a broad range of manpower programs or solely for public service employment.

I believe that if this motion succeeds, the committee can hold hearings on manpower legislation, draft a comprehensive manpower bill, and report back by May 4.

While there are other provisions in S. 31 that fall short of its worthy intent and portend poorly for the equitable and effective use of the sums authorized, I have intentionally limited my remarks to the major points that must and, I believe, can be resolved.

Mr. President, I ask unanimous consent that an outline of the problems attendant with this measure be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROUTY. I believe that with more time, further hearings, and discussions, we shall be able to develop a comprehensive framework of manpower services into which transitional public service employment fits as an integral component.

I have long supported the concept of federally supported public service employment, and I wish to see it become law in a carefully constructed framework, rather than in a jerry-built fashion.

I can only ask that Senators give careful consideration to the consequences of public service employment as a new, separate, categorical program layered on top of our existing manpower maze.

I can only ask that Senators give careful consideration to my request for 33 days' time in which to seek a solution to our differences. I believe they are not as great as they may have seemed when we were pressed for time.

I believe that those who we all seek to assist will be better served by further deliberations, rather than by hasty approval of a measure that might be vetoed if enacted in its present form.

If we are impatient to proceed, I ask only that Senators consider the present course on which we are set. I believe it is the wrong course, and the prudent course at this time is patience for 33 days.

I reserve the remainder of my time.

EXHIBIT 1

PROBLEMS ATTENDANT WITH S. 31 AS DISCERNED BY SENATOR PROUTY

There are fourteen problems which in total seem to defy refinement by the amendment process.

The problems I discern are:

(1) With no size limit on the eligible applicants detailed in Section 5 of S. 31, every county, municipality, township, school district and special district would be a potential applicant for funds. The Bureau of Census' 1967 Census of Government revealed 81,248 such independent units of government which could conceivably join the states and private non-profit agencies in a stampede on the funds authorized by S. 31, once triggered and appropriated. Such a potential proliferation of applicants moves our manpower efforts in the wrong direction, away from consolidation toward chaos.

(2) Section 6(c)(1) of S. 31 is drafted in such a way as to imply that funds under this Act would be used for "for profit" public works projects under contract from a sponsor. I do not believe that such profit-making activities are consistent with the intent of this legislation.

(3) Section 6(c)(3) of S. 31 in requiring "assurance that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment . . ." negates the concept of transitional public service employment as part of the job training processes.

(4) This bill, viewed in its entirety, is in direct conflict with the demonstrated need for local self-determination in the areas of manpower employment and training, and with the basic concept of revenue sharing which has strong support in principle from states and units of local government.

(5) S. 31 opens the door to improper infringement by the Federal Government into areas properly under control of the states. This, of course, flows from the broad authority and discretion vested in the Secretary of Labor and the lack of adequate limitations and controls.

For example, the authority given the Secretary in section 6(c)(14) to promulgate regulations requiring the reevaluation of state and local civil service requirements is completely inappropriate.

In 1966, a bill to amend the Wagner-Peyser Act was passed by the Senate. One of my amendments adopted at that time deleted authority given to the Secretary to interfere with state wage scales and state merit systems.

That bill was S. 2974, reported by our Committee, but not the bill submitted by President Johnson and endorsed by his Administration.

In testifying before our Committee on this subject, then Secretary of Labor Willard Wirtz detailed his personal convictions of the manner in which a proper Federal-State partnership relationship should be maintained.

With respect to S. 2974 and a similar House bill, Mr Wirtz stated that these bills:

"Provide the opportunity for a quite different Federal-State relationship . . . by permitting greater federal control."

"The provisions of these bills do not seem to fully recognize the division of authority between the Federal Government and the States which is needed in a Federal-State partnership. Rather, they give almost complete authority to the Secretary, who can in turn utilize State agencies as his agents in carrying out his authority."

I submit, that this comment is completely relevant with respect to the pending bill.

(6) The requirements in Section 7 that Governors, local governments, and Community Action Agencies be afforded the opportunity to comment on lengthy and detailed applications required by Section 6 would, if followed, be unwieldly to administer. If such comments are required, they should be reviewed by the Department of Labor. Such reviews would require an army of bureaucrats and an inordinate amount of time inconsistent with the emergency nature of this legislation.

(7) The apportionment formula in Section 8 requires the Secretary to apportion funds on a basis for which no data exists at the city and county level. Detailed data would have to be developed. Here again the delays attendant with the development of the data are inconsistent with the emergency nature of this legislation.

I also am distrubed by the loosely-drafted apportionment formula, which seems to me a throwback to the mid-1960's when funds allocated under the Manpower Development and Training Act were shifted by the Secretary of Labor from rural to urban areas. My 1968 amendments to MDTA corrected these abuses and I cannot support a reversion to broad discretionary apportionment powers such as contained in Section 8.

My apprehension in this instance stems from my concern, bolstered by experience in the 1960's, that our rural areas are discriminated against in the absence of safeguards as to the allocation and duration of availability of funds.

(8) The 20 percent set aside of funds for use by the Secretary of Labor specified in Section 9 is contrary to our manpower experience, which dictates that the decision on mix of services and allowances, program design and responsiveness to the needs of the unemployed are matters which can best be locally determined. I am also opposed, in principle, to the authorization of appropriations in the amount of $350 million to be spent as the Secretary of Labor pleases. The language of Section 9 can best be described carte blanche.

(9) Again in Section 10 the Secretary of Labor is given unbridled authority to spend "such amount as he deems necessary to provide for continuing evaluation of programs assisted under this Act and their impact on related programs". I endorse the concept of ongoing evaluation of all programs, but in principle I object to the unlimited authority granted to the Secretary to spend funds appropriated pursuant to this Act.

(10) Section 10(a)(2) seeks to answer the problem of what happens to those employed pursuant to this bill when funds are detriggered. The language requires the sponsor to make "maximum efforts" to find other employment or "training opportunities" for these employees. The impact of this provision on other "training opportunities", i.e. manpower programs, has not been clearly thought out. "Employees" under the provisions of S. 31 would not be eligible for the majority of other manpower programs. Legislative enrollment standards of the Economic Opportunity Act and Work Incentive Program (Social Security Act, Title IV) would exclude most S. 31 employees from consideration. The same holds true for many categorical programs funded under MDTA.

(11) Section 11(a)(2) of this Act provides for wage floors for those employed under S. 31 without providing a wage ceiling. I do not believe Congress intends that public service employment should include $20,000 a year administrators or public relations men. Yet, without a wage ceiling on compensation, high paying programs could be created that would lure persons in low-paying jobs into the public service slots and provide a disincentive for those employed under the pro-

gram to move to permanent private jobs or public jobs not subsidized by this bill.

(12) Section 11(a)(3) could not be applied. An employee under the S. 31 program could not be eligible for retirement, health insurance, etc., unless the employer could view him as a permanent worker in a permanent job slot. Permanent, federally-subsidized public service employment is not the expressed intent of S. 31. How can the provisions of Section 11(a)(3) possibly be implemented when funds authorized under this bill are only a "shot in the arm"?

(13) Section 11(h) of S. 31 is not adequate civil rights language. While it seeks to protect an employee hired pursuant to S. 31, its protection falls short in that the nondiscrimination provision is not applied to the administrative, technical, supervisory and other "overhead" staff of the sponsor. Nondiscrimination with regard to those employed can only be achieved if the sponsor's staff has been established on a nondiscriminatory basis.

(14) The definition of "unemployed" found in Section 13(7) poses many practical problems, since apportionment of funds under Section 8(a) is based on the number of unemployed and rate of unemployment. The definition of Section 13(7) is not consistent with current statistical standards and will require the creation of a duplicate data collection system, yielding results that are inconsistent with the accepted concepts of unemployment.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. DOMINICK. I congratulate the Senator for putting into very clear context this motion to recommit. It is not designed to kill the bill. It is designed to try to work out some compromise between the present bill, as I understand it, and S. 1243, which was introduced by the distinguished Senator from Vermont and cosponsored by me.

It seems to me that the few days we are talking about are not going to create much problem, because before this bill could become effective, it would have to go through the House and conference and then there would have to be a national index of 3 months or more of a certain unemployment rate.

So we are not delaying things, in the way of trying to provide legislation which will be of assistance. I think, rather, we are working in the right direction to try to provide better legislation for the problem we all face.

Mr. PROUTY. I thank the Senator for his remarks. That is exactly what we are trying to do.

Mr. President, I ask for the yeas and nays on the motion.

The yeas and the nays were ordered.

Mr. PROUTY. Mr. President, I reserve the remainder of my time.

Mr. CRANSTON. Mr. President, will the Senator from Wisconsin yield me 2 minutes?

Mr. NELSON. I yield 2 minutes to the Senator from California.

Mr. CRANSTON. Mr. President, I see no reason to recommit this bill. We had hearings last year. We had a bill that was different in several substantial ways go down to the White House and be vetoed. We have come back and again had hearings. We have produced a bill that goes a long way to meet many of the major objections that led to the veto in the first place. I think we have moved toward the President's position on several matters of real substance.

This is not a permanent employment bill. It is an emergency bill. Recommittal would act as if we have no emergency, that there is no unemployment facing our country.

The desire here is to get going with a bill that will meet the problem now. If it were passed now, there would be employment for at least 150,000 unemployed Americans by this spring or summer, if the other body acts with the dispatch that this body does, and if the President does not veto it—and I do not think he has any grounds for vetoing it so that it will not be vetoed—we would at least make that dent in unemployment now and demonstrate that the program could work, and then have a full opportunity with the permanent legislation that comes before us to make a wise decision based on the experience with this or that bill.

I urge the Senate to vote not to recommit this measure.

The PRESIDING OFFICER (Mr. BROCK). Who yields time?

Mr. NELSON. I yield 2 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 2 minutes.

Mr. HUMPHREY. Mr. President, this is another opportunity for the Senate to act.

There is trouble in the countryside. The cities and towns, the States and, indeed, the Federal Government, are ready to utilize manpower that lies dormant or unused.

It is a capital crime to permit unemployment when this Nation needs men and women on the job.

This Congress has an obligation to provide employment. If the private sector cannot provide it, then the Government must.

One of the new bill of rights of the 20th century should be the right to gainful employment, the right to obtain work and earn one's way.

I hear about the program for reorganization. They say we have to recognize the Government.

I suggest that we start to govern and start to get things done. It will take some time to get reorganization. Maybe reorganization is needed. But I tell you, Mr. President, what is needed more than reorganization is jobs—j-o-b-s.

They can be fulfilled immediately. There is not a city in America that does not have a list of jobs waiting to be fulfilled.

This emergency act is desperately needed. It should have been signed into law a year ago. The unemployed people should have been at work. The country has suffered. The people have suffered. The economy has suffered.

I submit, Mr. President, that if we do not do something about it, some of us will suffer, so I think it is about time to act.

Mr. NELSON. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 3 minutes.

Mr. NELSON. Mr. President, as to the suggestion of the distinguished Senator from Vermont that we recommit the bill back to committee and reconsider it, I understand he expressed his hope that we could come out with a comprehensive manpower bill and consider the President's manpower revenue sharing bill. Is that correct?

Mr. PROUTY. That is correct. And I would hope that many of the provisions in S. 31 would be included in such a comprehensive manpower measure.

Mr. NELSON. I thank the Senator.

I understand the Senator's intent. We do need to pass comprehensive manpower reform legislation. We did it last year by a large majority and the President vetoed it. This is an emergency public service employment bill before us now. If we are going to do something, we need to pass it soon.

The subcommittee is now conducting hearings on the administration's request for legislation providing for an extension of the Economic Opportunity Act, which expires at the end of June. We hope to complete the hearings on the OEO legislation and mark up the bill, and finish that by late May or early June. So that the earliest we would be able to take up the question of comprehensive manpower reform, and the President's newly introduced proposal, as well as other proposals that will be before the committee, would probably be some time in June. When we conducted hearings and the markup of the comprehensive manpower reform bill, starting more than a year ago, it took us 10 months for the hearings, the markup, the debate, and passage of the bill in both Houses of Congress. It will not, I think, take 10 months this time, but I do not see any possibility of having comprehensive manpower reform legislation passed in both Houses of Congress to go into effect prior to some time next year. It just is not in the cards.

So that would be my objection to recommittal of this emergency bill. I hasten to say that we do need comprehensive manpower reform legislation. I shall be conducting hearings and we will get it out as fast as we can. To recommit the pending emergency bill would constitute a fatal delay, considering the objectives and the purposes of this bill to provide jobs in the immediate future.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Nine minutes.

Mr. NELSON. Does any Senator wish time on the bill at this time? If not, I am prepared to yield back my time.

Mr. PROUTY. Mr. President, how much time do I have?

The PRESIDING OFFICER. Five minutes.

Mr. PROUTY. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 3 minutes.

Mr. PROUTY. Mr. President, I think

we should recognize, first, that this is not a bill which will take care of large numbers of the unemployed. At most, some 150,000 jobs would be created under the provisions of this legislation.

Certainly, if we can provide 150,000 jobs for unemployed persons, that will be a worthwhile effort. However, this bill does not create the massive programs which I think many people have been led to believe it will create.

Mr. President, earlier, I referred to this as a bipartisan bill. It has a number of Republican sponsors. But I think some Republicans may have sponsored S. 31 primarily because of their interest in the overall objective. I do not think all were aware of the provisions of the bill as it finally emerged from committee.

I think, Mr. President, that the two bills, the administration's Manpower Revenue Sharing Act of 1971, and S. 31, can be combined and enacted at about the same time. No one wants to wait for a year or two before putting such a comprehensive program into action.

Mr. President, although I cannot speak for the administration, I would guess that so far as the money is concerned, there would be relatively little difference between the two proposals for triggering extra manpower funds in times of high unemployment.

I also believe that we must recognize that the mayors and the Governors of our Nation, and the people throughout our country, are concerned with the enormity of the problems confronting them now. They rightfully insist on revenue sharing. It seems to me that my motion provides us the opportunity to combine the best features of S. 31 and the administration's manpower revenue sharing bill, enact a comprehensive manpower bill promptly and implement workable job training programs with dispatch.

Mr. President, I hope very much that the motion to recommit will be agreed to. Let me point out again that this motion is not a move to kill the bill but merely offers a chance to analyze it in all its complexity and report it back with instructions by May 4.

Let me raise one or two questions with respect to the present bill. Once detriggering is announced, can we reasonably expect to leave the sponsors of cities and States either to pick up the tab or to turn the S. 31 employees out? Also, with the prevailing rate-of-pay provision are there any, incentives for those employed under S. 31 to seek a permanent job if available? I think we will find that, in many cases, people who are now employed will leave their jobs and become involved in this program because of the lure of a higher income.

There are many aspects of this bill that compel further study. These are outlined in the material I have earlier inserted in the Record. I would suggest that we have not given sufficient thought to the complexities of S. 31 with which we are confronted at the present time.

I hope very much that we will return the bill to the committee for a brief period of time and that by May fourth we can bring out a bill which will be broader in scope and more responsive to our needs than the one we are considering at the present time.

Mr. President, unless there are further requests for time over here, I am willingly to yield back my time.

Mr. NELSON. Mr. President, I yield back the remainder of my time.

Mr. PROUTY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the motion to recommit. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. GRIFFIN (after having voted in the affirmative). On this vote I have a pair with the Senator from Oregon (Mr. Hatfield). If he were present and voting, he woud vote "nay." If I were permitted to vote, I would vote "yea." I withdraw my vote.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the Senator from Washington (Mr. Jackson). If he were present and voting, he would vote "nay." If I were permitted to vote, I would change my vote. Therefore, I withdraw my vote.

Mr. FANNIN (after having voted in the affirmative). I have already voted "yea." I have a pair with the Senator from Arkansas (Mr. McClellan). If he were present and voting, he would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia (after having voted in the negative). I have already voted in the negative. I have a pair with the distinguished senior Senator from Washington (Mr. Magnuson). If he were present and voting, he would vote "nay." If I were allowed to vote, I would change my vote to yea; having already voted in the negative. I, therefore, withdraw my vote to pair with the Senator from Washington (Mr. Magnuson).

Mr. BYRD of West Virginia: I announce that the Senator from Missouri (Mr. Eagleton), the Senator from Louisiana (Mr. Ellender), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Washington (Mr. Jackson), the Senator from Louisiana (Mr. Long), the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern), and the Senator from California (Mr. Tunney) are necessarily absent.

I further announce that the Senator from New Mexico (Mr. Montoya) and the Senator from Arkansas (Mr. McClellan) are absent on official business.

I also announce that the Senator from North Carolina (Mr. Jordan) is absent because of illness.

I further announce that, if present and voting, the Senator from Louisiana (Mr. Ellender), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), and the Senator from California (Mr. Tunney) would each vote "Nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. Bennett) is absent because of death in his family.

The Senator from Massachusetts (Mr. Brooke), the Senators from Oregon (Mr. Hatfield and Mr. Packwood), the Senator from Alaska (Mr. Stevens) and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Florida (Mr. Gurney) and the Senator from Ohio (Mr. Saxbe) are absent on official business.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Tennessee (Mr. Baker) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt) would vote "Yea."

The pair of the Senator from Oregon (Mr. Hatfield) has been previously announced.

On this vote, the Senator from Texas (Mr. Tower) is paired with the Senator from Massachusetts (Mr. Brooke). If present and voting, the Senator from Texas would vote "Yea" and the Senator from Massachusetts would vote "Nay."

The result was announced—yeas 29, nays 44, as follows:

[No. 34 Leg.]

YEAS—29

Aiken
Allen
Allott
Beall
Bellmon
Boggs
Brock
Buckley
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fong
Hansen
Hruska
Jordan, Idaho
Miller
Prouty
Roth
Stennis
Taft
Thurmond
Weicker
Young

NAYS—44

Anderson
Bayh
Bentsen
Bible
Burdick
Cannon
Case
Chiles
Church
Cranston
Fulbright
Gambrell
Hart
Hartke
Hollings
Hughes
Humphrey
Inouye
Javits
Kennedy
Mathias
McGee
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith
Sparkman
Spong
Stevenson
Symington
Talmadge
Williams

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—4

Griffin, for.
Mansfield, for.
Fannin, for.
Byrd of West Virginia, for.

NOT VOTING—23

Baker
Bennett
Brooke
Eagleton
Ellender
Goldwater
Gravel
Gurney
Harris
Hatfield
Jackson
Jordan, N.C.
Long
Magnuson
McClellan
McGovern
Montoya
Mundt
Packwood
Saxbe
Stevens
Tower
Tunney

So Mr. Prouty's motion to recommit the bill was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. TAFT. Mr. President, I send amendments to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk read the amendments, as follows:

On page 26, line 11, strike out through line 14.

On page 31, line 22, beginning with the

word "whichever" strike out down through "(B)" on page 32 line 1.

On page 32, line 3, beginning with the word "or" strike out down through line 5, and insert in lieu thereof the following: "and not higher than $500 per month each;"

On page 32, line 8, strike out "retirement".

On page 33, line 7, strike out through line 13.

The PRESIDING OFFICER. Does the Senator from Ohio request that the amendments be considered en bloc?

Mr. TAFT. Yes.

The PRESIDING OFFICER. Is there objection? Without objection, the amendments will be considered en bloc. The Senator from Ohio.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on this amendment be limited to 20 minutes, to be equally divided and controlled by the mover of the amendment (Mr. TAFT) and the manager of the bill (Mr. NELSON).

The PRESIDING OFFICER. Is there objection?

Mr. NELSON. Temporarily, Mr. President.

The PRESIDING OFFICER. Does the Senator reserve the right to object?

Mr. NELSON. I reserve the right to object.

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr. NELSON. Would the Senator from Ohio advise us as to whether he has a copy of the amendment. We do not have it.

Mr. TAFT. I have a copy of the amendment. I am sorry.

Mr. NELSON. Mr. President, I have no objection to the proposed unanimous consent agreement.

The PRESIDING OFFICER. Is there objection to the proposed unanimous consent agreement? Without objection, the request is agreed to.

Mr. TAFT. Mr. President, I ask for the yeas and nays on the amendments at the conclusion of the time allotted on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time? Does the Senator from Ohio desire recognition?

Mr. TAFT. Yes, Mr. President.

The PRESIDING OFFICER. How much time does the Senator from Ohio yield to himself?

Mr. TAFT. The Senator from Ohio yields himself 10 minutes.

Mr. President, the purpose of this amendment is a general one. While there are four separate sections to it, its purpose is to try to make this a transitional bill, to try to make it a bill which will broaden the impact and direct it primarily toward doing something about unemployment in this country.

As was pointed out in the discussion on the bill generally today at an earlier time, the maximum number of jobs involved under the bill in any event is 150,000, if the average pay per employee under the bill is to be $5,000.

There was a great deal of testimony in the record before the committee to the effect that the intention of the cities and States involved in connection with this bill was to hire skilled personnel, to get them to work on particular projects for which they had been unable to hire such people previously.

I am afraid the purposes are conflicting. That purpose, to me, conflicts with what ought to be the primary purpose of this bill. To attempt to correct the purposes, these amendments have been drafted. I shall review them very briefly.

The first of these amendments, on page 26, would strike out lines 11 through 14. This provision in the bill refers to and I quote:

> The wages or salaries to be paid persons employed in public service jobs under this Act and a comparison with the wages paid for similar public occupations by the same employer.

In other words, persons employed under this act would have to be paid the going rates which employees employed by a city or State, or whatever other body might employ them, would pay them. This is basically a mandatory provision.

I point out one or two ways in which it could be clearly alarming in some districts, and I know that is particularly so with reference to the pay scales of police officers in some municipalities in Ohio. It would have the effect of requiring for men employed in this area a wage rate in excess of the rates already being paid those police officers by a particular municipality. The prevailing rate in Cleveland—and it says the rate shall be at least as high as that paid anybody else in the entire State—is a great deal higher than the rate in Cleveland Heights or some other city of that particular county.

If anybody were employed under this act, we would automatically find there was a conflict between the rate paid people presently permanently employed and those who would be temporarily employed in that same type of work. The purpose of my amendment is to eliminate that conflict.

One other purpose of the amendment is to make it more possible to meet other purposes of the act in connection with employment of disabled veterans, whose capacity to work may be somewhat limited but who might not be hired under the bill if this provision were not in it.

Then there are the disadvantaged people. We talk about hiring disadvantaged persons by establishing realistic standards which they can meet for the practical purpose of getting the job done, but who might not be able to measure up to the standards usually required.

Those are some aspects of the amendment which is designed to make it a sound provision and to broaden the base of that provision.

The next amendment provides on page 31, line 22, beginning with the word "whichever," strike out down through "(b)" on page 32, line 1. It would prevent application of the Federal minimum wage laws being imposed upon public service employees, which would be the situation with regard to the public service employees hired under this law unless this provision is changed. It retains the requirement that State and local minimum wages be observed.

Again, it is a matter of broadening the provision and trying to get jobs to people who need them most, who need the training and the skill, who may be particularly oriented toward public employment, trying to get to them and allowing them to take advantage of this particular provision of the act.

The next provision is a very simple one. It puts a limitation, which I strongly feel should be applied, upon the top pay to be received by any employee under this bill.

Admittedly, it rules right out of the bill, unless they are willing to take work at a salary limit of $6,000, specialists, professionals, skilled persons. Particularly it rules them out if we retain the provision now in the bill, because it might require pay of $25,000, $30,000, or $35,000. When we have only $500 million being authorized here for what would be only 150,000 jobs, and we have an unemployment roll of somewhere near 5,440,000, it seems to me it makes good sense to put a top limitation of this type in the bill and try to orient it toward doing something about unemployment.

I am not against cities hiring more people, if they need them to do public service jobs, but they ought to, under the Federal sharing provisions, hire employees they want to hire and pay what they want to pay them under the program.

The next provision would remove a provision which I think is completely contrary to the transitional nature of the program proposed under this bill, by taking the word "retirement" out of the benefits required to be paid to employees hired under the provisions of this bill. Inasmuch as it is a transitional bill, it seems to me that retirement benefits are not properly considered under it, and one should look to permanent employment if he is going to talk about retirement benefits.

Mr. NELSON. Mr. President, will the Senator yield at that point?

Mr. TAFT. I am happy to yield.

Mr. NELSON. If the Senator wants to consider separately the amendment to delete the reference to retirement benefits, I would be willing to accept the removal of the word "retirement" from the bill.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TAFT. I am glad to yield to the Senator from New York.

Mr. JAVITS. I have discussed that with the Senator from Wisconsin. That would be a very desirable improvement, and I thoroughly agree that on a short-term bill, we should leave out the complexities of the matter of retirement.

I think the Senator from Ohio has made a distinct contribution to the bill in that respect. As to the other parts of his amendment, there is considerable concern.

If we set a roof of $500 on compensation, for example, and a man has four, five, or six children, he is within the poverty level at $500 a month. As a matter of fact, under present conditions he is probably within the poverty level at $500 a month with two children.

Mr. PASTORE. Mr. President, we cannot hear the Senator from New York.

Mr. JAVITS. I apologize to my colleague. I should use this marvelous device which I urged for so many years.

Mr. President, I am just saying to my colleague from Ohio that I would hope that he might consider some rewriting of his amendment respecting the prevailing wage and the minimum wage. I think it is too restrictive. I think the ceiling is too tight. As a matter of fact, I think a ceiling is impracticable. But I think maybe we can work up something, if we pass this one by and go to his next one, that will give an indication of our purpose to the Secretary, plus some discretion in the Secretary, and take us off the automaticity which I think he objects to with respect to the three categories in this provision.

Mr. TAFT. I thank the Senator for his remarks. Unfortunately, the problem is that the committee, in other statements and other provisions in the bill, plus a good deal of evidence that was put in during the hearings before the subcommittee, would seem to indicate that the intention is to hire substantially paid professional and skilled personnel, with a prevailing wage provision to pay them rather high salaries.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. TAFT. Mr. President, I believe that I have the time.

The PRESIDING OFFICER. The Chair is advised that the time was equally divided between the Senator from Ohio and the Senator from Wisconsin. The Senator's 10 minutes have expired.

Mr. NELSON. Would the Senator like some more time?

Mr. TAFT. I would like a minute or two.

Mr. NELSON. I yield the Senator 2 minutes from my time.

Mr. TAFT. There is one other provision in this amendment we have added, which I think should be mentioned. We have discussed it earlier in the discussion on the bill. That is the removal of the provision, on page 33, requiring notification to and comments upon proposed projects or programs by the Secretary to labor unions representing employees engaged in similar work in the same labor market area to that proposed to be performed under any program.

This certainly would be wholly impracticable without a clarification or definition of just what is a labor organization which represents employees. Is this a certified organization under the National Labor Relations Act? Is it one that even has a national vote, or is it one which just claims it represents the employees? How many such labor unions are there in any particular area? How is the Secretary going to know about it, and, if the Secretary does decide that he wishes to notify them or does not wish to notify them, what sanction is there under the bill?

I believe it is a wholly impracticable and unusable provision, under this particular bill.

These are a framework of amendments which I think fit into one pattern, to try to broaden the base of this bill and truly direct it toward the unemployed—to use the public service transitional concept in the bill, but direct it toward helping the people who need help most.

Mr. President, I yield back whatever time may remain to the Senator from Wisconsin.

Mr. JAVITS. Mr. President, will the Senator from Wisconsin yield 30 seconds to me?

Mr. NELSON. I yield the Senator 30 seconds.

Mr. JAVITS. Mr. President, I demand a division of the amendment. As I read it, it is in three parts.

The PRESIDING OFFICER (Mr. BROCK). The Chair advises the Senator from New York that unanimous consent has been granted to consider them en bloc.

Mr. JAVITS. Was this done at the beginning?

The PRESIDING OFFICER. It was done at the beginning of the consideration of the amendments.

The Senator from Wisconsin may proceed.

Mr. NELSON. Mr. President, this amendment, among other things, would remove the requirement that, in public service employment supported under this legislation, the Federal minimum wage be paid, or the prevailing rate for that particular job in that particular municipality, wherever the employee is employed.

We considered this matter very carefully, and felt we should not be putting Federal funds in to support public service employment programs where the job paid less than the Federal minimum wage, which is $1.60 an hour.

I think almost everyone agrees on this. If someone takes a job in the field of public employment, he should get the rate of pay that that particular job pays, because you do not expect someone to work side by side with another person being paid 10, 20, or 30 percent less than his fellow worker doing exactly the same work.

So the committee, I think, was agreed on the concept that we would pay the Federal minimum wage or the prevailing rate for that particular job. That is the essence of what the amendment would delete from the bill reported by the committee.

Mr. DOMINICK. Mr. President, will the Senator yield for a question?

Mr. NELSON. I yield.

Mr. DOMINICK. It would be possible, for a person with the same skill getting less than the prevailing rate of pay, for the local governments to make up the difference, would it not?

Mr. NELSON. I did not understand the question.

Mr. DOMINICK. I think the Senator was commenting on the fact that he did not want someone hired under this program to get less pay than someone else who was not hired under this program. The point I was making is, you could pay them less under the Federal Government subsidy, and make up the difference.

Mr. NELSON. Who would make up the difference?

Mr. DOMINICK. The local government, or whatever organization was hiring the person.

Mr. NELSON. Under the bill, the Federal Government is authorized to pay up to 90 percent of the cost. A job has to pay $1.60, which is the Federal minimum wage, or the prevailing rate for that job. How would the Senator from Colorado rectify the situation so that an employee would not get less than the prevailing wages for employees doing the same job. He would have the municipality pick up the difference, is that what he is saying?

Mr. DOMINICK. All I am saying, in response to the Senator's response to the Senator from Ohio, is that if in fact someone was coming on to this program at a level which was lower than that paid someone doing similar work with similar skills, the difference between what would be paid under the program and raising it to the level of the salary the other person doing the same work would be paid either by the municipality, the local government, or the private or public organization which was going forward with the program.

Mr. NELSON. It could be.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. NELSON. I yield back the remainder of my time.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. NELSON. I think my time is gone.

Mr. MILLER. Mr. President, may I ask what the situation is on the time?

Mr. NELSON. I had 3 minutes remaining. The time of the Senator from Ohio has expired. I yielded my 3 minutes back.

Mr. MILLER. Would the Senator withhold that and permit me to speak?

Mr. NELSON. Mr. President, I ask unanimous consent that I get back 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Does the Senator yield to the Senator from Iowa?

Mr. NELSON. I yield whatever time the Senator needs.

Mr. MILLER. I thank the Senator.

Mr. President, if I could have the attention of the Senator from Ohio and the Senator from Wisconsin, there may be a way out of this momentary impasse.

I am reading now from the food stamp bill we passed in the Senate last December. We had this very problem in our conference committee with respect to this type of wage scale. Let me read the language and see whether it might serve to be the approach we could use in this instance.

We refused the eligibility of someone who "has refused to accept employment or public work at not less than, first, the applicable State minimum wage, second, the applicable Federal minimum wage, third, the applicable wage established by a valid regulation of the Federal Government authorized by existing law to establish such regulations, or $1.30 per hour if there is no applicable wage as described in first, second, or third."

We said this: If this person is in a

position that is covered by the Federal minimum wage, that will apply. If he is in a position that is not covered by the Federal minimum wage but is covered by a State or local minimum wage, that will apply. If there is an applicable wage established by a valid regulation, that will apply. Finally, if none of these conditions apply, it will be $1.30 per hour. It seems to me that this is a pretty sensible approach. We spent a great deal of time on it in the conference committee between the two Houses.

Mr. NELSON. Mr. President, will the Senator yield at that point?

Mr. MILLER. I yield.

The PRESIDING OFFICER. The Chair advises the Senator from Wisconsin that all time has expired.

Mr. NELSON. I got only 2 minutes back. I ask unanimous consent that the other minute I yielded back be given to me.

Mr. MILLER. Mr. President, this is an extremely vital part of the consideration.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time be extended for 6 minutes, to be equally divided between the manager of the bill and the distinguished Senator from Ohio (Mr. Taft).

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Who yields time?

Mr. NELSON. I yield myself 2 minutes.

This is the problem with that suggestion: With a minimum wage of $1.60, if a man or a woman works full time, 8 hours a day, for a year, he or she will receive $3,328. The poverty level for a family of four is $3,800. The Labor Department minimum urban income budget is $6,900. So even at $1.60, this person will be working at almost $500 a year under the poverty wage. I do not think we ought to endorse a payment for a public service job that is more than $500 below the minimum wage for a family of four.

I reserve the remainder of my time.

Mr. TAFT. Mr. President, with regard to the proposal made by the Senator from Iowa, I think it certainly is a vast improvement over the language presently in the measure before the Senate. I question whether it really is an improvement over the provisions we have, letting the State and local minimum wage apply.

One of the problems is that I do not know whether these people are Federal employees or not. The language suggested by the Senator would bring in the Federal minimum wage in a case where one worker was under the Federal minimum wage, working right alongside another worker who was not. The fact is that many public employees are working today at salaries under the poverty level. They may lose their jobs if their salaries are raised over the poverty level and if it is provided that all employees in the particular situation will receive additional pay, without providing the municipality with the wherewithal to pay it.

The whole problem and the confusion emphasize once more that this is not really a single purpose bill; it is a double purpose bill. If it were just aimed at employment, we would be going the way my amendment is going. It is aimed at providing a lot of public service jobs to a lot of municipalities and States and other public bodies which are short on funds, because of the deficiencies of our revenue system in this country, not because of unemployment.

We were talking about New York City a few minutes ago. In New York City, Mayor Lindsay says they could use 50,000 to 100,000 additional public service jobs. I am sure they could. Yet, as the Senator from Michigan has said, the rate of unemployment in New York City is 4.5 percent.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. MILLER. I want to emphasize that the Senate decided on these provisions last December. The Senator from Wisconsin was not heard to complain about them. These provisions relate to public work, and I fail to see why he is objecting to it now, if he did not object to it last December. This attempts to bring order out of a chaotic situation. All I am saying is that the Senate decided, Congress decided, that these various positions would be covered by the applicable law.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NELSON. I yield 1 minute to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, it is my understanding that what we are trying to do here is to find a job for an unemployed person before he goes on relief and not spend a great deal of money to try to train him to get a job after he gets on relief.

If we are going to tamper with the wage level, I am afraid that we are going to make it very attractive for an unemployed person to go on relief rather than take the job, and I hope we will follow the committee and avoid this.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, do I have 1 minute remaining?

The PRESIDING OFFICER. Yes.

Mr. NELSON. In response to the distinguished Senator from Iowa, let me say that the food stamp plan set a wage standard for jobs in private employment one had to take, if available, to be eligible for food stamps.

Mr. MILLER. Mr. President, I must invite the Senator's attention to the language which refers to public or private——

The PRESIDING OFFICER. Does the Senator yield?

Mr. NELSON. I think it is mostly private. In any case, let me cite one statistic: Working full time, 8 hours a day, for a year, under the $1.30 rate, one would receive $2,704. I think it would be immoral for us to endorse so low a wage.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendments of the Senator from Ohio. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Washington (Mr. Jackson). I have already voted in the negative. If he were present and voting, he would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri (Mr. Eagleton), the Senator from Louisiana (Mr. Ellender), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Louisiana (Mr. Long), the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern), the Senator from California (Mr. Tunney), and the Senator from Washington (Mr. Jackson) are necessarily absent.

I further announce that the Senator from New Mexico (Mr. Montoya) and the Senator from Arkansas (Mr. McClellan) are absent on official business.

I also announce that the Senator from North Carolina (Mr. Jordan) is absent because of illness.

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson) and the Senator from California (Mr. Tunney) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. Bennett) is absent because of death in his family.

The Senator from Massachusetts (Mr. Brooke), the Senators from Oregon (Mr. Hatfield and Mr. Packwood), the Senator from Alaska (Mr. Stevens), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Florida (Mr. Gurney) and the Senator from Ohio (Mr. Saxbe) are absent on official business.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

On this vote, the Senator from Texas (Mr. Tower) is paired with the Senator from Massachusetts (Mr. Brooke). If present and voting, the Senator from Texas would vote "yea," and the Senator from Massachusetts would vote "nay."

On this vote, the Senator from South Dakota (Mr. Mundt), is paired with the Senator from Oregon (Mr. Hatfield). If present and voting, the Senator from South Dakota would vote "yea," and the Senator from Oregon would vote "nay."

The result was announced—yeas 27, nays 50, as follows:

[No. 35 Leg.]

YEAS—27

Allott
Beall
Bellmon
Boggs
Brock
Buckley
Cotton
Curtis
Dole
Dominick
Ervin
Fannin
Fong
Griffin
Hansen
Hruska
Jordan, Idaho
Miller
Pearson
Prouty
Roth
Stennis
Taft
Talmadge
Thurmond
Weicker
Young

NAYS—50

Aiken
Allen
Anderson
Baker
Bayh
Bentsen
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Eastland
Fulbright
Gambrell
Hart

Hartke
Hollings
Hughes
Humphrey
Inouye
Javits
Kennedy
Mathias
McGee
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith
Sparkman
Spong
Stevenson
Symington
Williams

PRESENT AND ANNOUNCING, AS PREVIOUSLY RECORDED—1

Mansfield

NOT VOTING—22

Bennett
Brooke
Eagleton
Ellender
Goldwater
Gravel
Gurney
Harris
Hatfield
Jackson
Jordan, N.C.
Long
Magnuson
McClellan
McGovern
Montoya
Mundt
Packwood
Saxbe
Stevens
Tower
Tunney

So Mr. TAFT's amendments were rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DOMINICK. Mr. President, I send an amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

On page 20, line 12, between the words "providing" and "employment", insert the word "transitional".

On page 20, line 21, between the words "for" and "public", insert the word "transitional".

On page 21, line 4, between the words "with" and "employment," insert the word "transitional".

On page 21, lines 14 and 15, between the words "providing" and "employment", insert the word "transitional".

On page 24, line 3, between the words "provide" and "employment", insert the word "transitional".

On page 24, at line 15, strike subsection (4) in its entirety and substitute in lieu thereof the following new subsection (4):

(4) providing transitional public service employment which will enable the individuals so employed to move into public or private employment or training not supported under this Act.

The PRESIDING OFFICER. Does the Senator wish to have the amendments considered en bloc?

Mr. DOMINICK. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

Mr. JAVITS. Mr. President, reserving the right to object, we have had that experience before. If the Senator will give me a moment to look over the amendments, I am sure they will be all right; but I do ask that he be kind enough to withhold his request.

Mr. DOMINICK. Very well. Before I ask unanimous consent, I will go forward and explain the amendment. I do not think we will need a rollcall on the amendment after the Senator has had an opportunity to read it.

When the debate on this bill began, I stated that I was concerned all the way through that we were not providing just transitional jobs but jobs that might become permanent in nature, because of the pressure that would be created to reauthorize this program after 2 years.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. JAVITS. If the Senator will be kind enough to make his unanimous consent request, I have no objection.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the amendments may be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, it is my hope that by putting in the word "transitional' wherever we find reference to public employment we will make crystal clear what I think was the intent of the bill originally. It is for that reason I have offered the amendment.

The last portion of the amendment, a copy of which is on the desk of each Senator, simply takes the definition out of subsection 4, page 24, and substitutes for it the definition under the same type language which is in S. 1243; and it therefore comes closer to what I believe is the intent of the Senator from Wisconsin.

It is my hope that the Senator from Wisconsin will accept the amendment.

Mr. NELSON. As I understand it, the only purpose the Senator is seeking to accomplish is to make clear that these are transitional and not permanent jobs, and that one of the objectives is to seek to move them out of employment supported under this act into permanent public or private employment.

Mr. DOMINICK. The Senator is totally correct.

Mr. NELSON. I think that is a perfectly sound amendment, in language that perhaps we should have placed in the bill ourselves. I agree with the objective. I am willing to accept the amendment.

Mr. DOMINICK. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment. (Putting the question.)

The amendment was agreed to.

Mr. TAFT. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

On page 32 line 8, strike out retirement.

Mr. TAFT. Mr. President, the purpose of this amendment is to take the retirement aspect out of this transitional employment program and, as indicated earlier in debate, this would probably be agreeable to the Senator from Wisconsin.

Mr. NELSON. Mr. President, I think the amendment is perfectly sound. I have no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio. (Putting the question.)

The amendment was agreed to.

Mr. TAFT. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

On page 32, line 5, after the word "employer" insert the following: ", but provided that in no event shall the wages paid to any individual employed under this Act exceed the sum of $600.00 per month;".

Mr. TAFT. Mr. President, the effect and purpose of this amendment is somewhat similar but would operate differently from the amendment over which we had a good deal of discussion just a few moments ago. The amendment would leave in the bill section 11(a) (1) and (2), pages 31 and 32. Section (2) provides that "wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938, as amended * * * (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer."

However, the amendment would go on and place a limitation on these minimum provisions to require that there be no higher level of pay than the $600 figure.

I would like to point out once more that if we are to meet this problem, it is estimated that at the $5,000 per year figured we would see the possibility of employing 150,000 of the 5,440,000 unemployed. As the average goes up the number of jobs go down.

I have a few figures in this connection. At $1.60 an hour the average pay per year would be $3,328. Obviously we are not going to hit that average, but that would be 225,000 jobs. At the $2 an hour figure the average pay per year would be $4,160, with a possibility of 180,000 jobs. At $3 per hour the figure is $6,240 annual salary, and that is approximately where this amendment would take it. If that were averaged out, Mr. President, you would have 120,000 jobs, down from 150,000 jobs. It seems to me this is a reasonable limitation. If we go to $5 an hour, the annual salary would be $10,400 and we could only handle 72,000.

This is a reasonable limitation and I hope it is accepted.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on this amendment be limited to 20 minutes, to be equally divided between the distinguished Senator from Ohio (Mr. TAFT), the mover of the amendment, and the distinguished manager of the bill, the Senator from Wisconsin (Mr. NELSON).

The PRESIDING OFFICER. Is there objection?

Mr. NELSON. Mr. President, I am willing to cut it to 10 minutes for each side, if the Senator is. I will use 5 minutes.

Mr. TAFT. I will be glad to do so.

The PRESIDING OFFICER. The request is for 10 minutes to be equally divided. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the amendment offered by the Senator from Ohio (Mr. TAFT).

The yeas and nays were ordered.

Mr. NELSON. Mr. President, I think this question should be left open and the decision on salary levels should be left up to the employing city or State with the approval of the Secretary, which is in the bill. Under the President's manpower revenue sharing bill no ceiling is put on the amount that can be paid by a municipality for public service work.

I do not see why we should take a position or a stance on public service employment different from the administration's own bill on manpower revenue sharing.

Next, that wage level will, for all practical purposes, eliminate Seattle from participation in the program, because it has a limitation of $7,200. Skilled technicians for all practical purposes, would be eliminated under this amendment.

I think it is better to leave the matter of salary levels to the judgment of the city, the States, and the Secretary of Labor.

Mr. President, I yield 1 minute to the Senator from Minnesota (Mr. HUMPHREY).

Mr. HUMPHREY. Mr. President, about 10 days ago it was my privilege to attend a conference being held at the National Academy of Engineers, one of the most prestigious academies, along with the National Academy of Sciences. We were discussing this whole subject of unemployment with many of the scientists, technicians, and engineers. I was asking them for guidance as to how best we might find ways and means to assure them of productive work and utilization of their talents. Almost to a man, the board meeting in that session said, "Mr. Humphrey, these men and women are needed in local government and State government. They are needed for example"—he mentioned my own State, where we have a crucially understaffed pollution control agency, as we have strict pollution abatement control laws being adopted. They are needed for city planning. They are needed by cities planning public transportation and mass transit systems.

I think it would be a mistake to put this limitation in the bill. I think it should be known that the possibilities of employment of technicians and engineers at wage levels above $600 a month would be limited, but I think this type of restriction would not be in the public interest, and I would hope it would not be agreed to.

Mr. TAFT. Mr. President, I yield myself 2 minutes.

With regard to the remarks of the Senator from Minnesota, I concur that there is great need for these skills in State and local governments throughout the Nation. However, I do not think we should confuse that need with an emergency employment bill to give employment to those in this country who need it most.

If we are going to finance that kind of provision, we ought to finance it. I have voted for many pollution control bills and many other bills to provide funds to State and local governments. If we go ahead with the revenue sharing program, States can go ahead with their programs with permanent employees, with security rights, and not with second-class employment which is a passing employment only because of the unemployment situation.

These people ought to be employed and used, but let us not confuse two programs. The point I make is that the bill does confuse the two. This bill, being an emergency authorization bill, ought to be directed to the low-level pay people who need it most.

Mr. HUMPHREY. Mr. President, my only comment to the Senator from Ohio is that the limitation he seeks to place in the bill is a total restriction. If it is left out, it permits the discretionary judgment of local, State, and other officials who would be doing the hiring. I personally do not think anything is to be gained by placing the limitation in the bill.

I recognize the Senator's purpose. I am confident he wants to see the engineers, scientists, and other professionals have the work they are trained for, but let us not encumber legislation with limitations we may regret.

This is an emergency employment bill, to be sure, and most of the funds, I hope and pray, will be spent for the semiskilled, the unskilled, those who desperately need work. The hiring of one professional, particularly in municipal or State services, can mean jobs for many more, jobs in the private sector, or in State or local government. My argument is simply, do not encumber it. Do not limit it. Let us authorize the definition by department heads and municipal and other officials who will be administering the program.

Mr. TAFT. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Ohio has 3 minutes remaining.

Mr. TAFT. Mr. President, I yield myself 1 minute.

In reply to the colloquy we have just had, it would seem to me the difficulty here is that local and State governments inevitably are going to be looking at these valuable services. They are going to try to upgrade the average pay and cut down the number of people helped under the act. To me that is wrong. I do not think it is the correct approach.

I yield the 2 minutes remaining to me to the Senator from Colorado.

Mr. DOMINICK. I thank the Senator.

Mr. President, I want to support the Senator's amendment as strongly as I can. I supported his original amendment. The concept he has is excellent.

I would say to my friend from Minnesota that there are a number of ways in which these very excellent professional people can be retained, if one wants to put it that way, or regrouped, provided we can get revenue-sharing going.

A moment ago when the Senator from Minnesota was not present I referred to the consortium of universities, some 30 of them, who are asking for grants for retraining, because these people can be used in the field of the environment, education, hospitals, and a variety of fields. We will do it much faster that way with this type of person than by enabling the State and local governments to hire people of this caliber on Federal funds. This was the point the Senator from Ohio was making.

On this kind of matter, what we are really trying to do is enact a transitional bill to move over into the public sector a number of unemployed who do not have the skills. Every portion of the bill the Senator from Wisconsin has referred to has emphasized that fact.

I thank the Senator for yielding.

Mr. NELSON. Mr. President, how much time do I have left?

Mr. GAMBRELL. Mr. President, will the Senator yield for a question?

Mr. NELSON. I yield.

Mr. GAMBRELL. Would it be possible under this act for State or local government to receive a grant whereby aerospace scientists, engineers, and technicians who have been layed off from their regular employment could be employed either directly or through a community nonprofit organization to render engineering, planning, and systems advice and service to State and local governments in community planning and operation?

Mr. NELSON. The answer is, "Yes, they can." Page 19, beginning with line 24, reads: "Many of the persons who have become unemployed as a result of technological changes or as a result of shifts in the pattern of Federal expenditures, as in the defense, aerospace, and construction industries, could usefully be employed in providing needed public services."

The PRESIDING OFFICER. All time of the Senator from Wisconsin has expired.

Mr. GAMBRELL. Mr. President, I ask unanimous consent that I may ask one more question of the Senator from Wisconsin.

Mr. BYRD of West Virginia. Mr. President, how much time does the Senator want?

Mr. GAMBRELL. Thirty seconds.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that 1 additional minute be allotted to each side before the rollcall.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GAMBRELL. I wish to ask the Senator from Wisconsin if the passage of this act and the holding of a group of scientific and technological manpower together would not have the effect of preserving that manpower and that scientific and technological capacity for future use in the aerospace, engineering, and technological industries.

Mr. NELSON. Yes; we think it would be helpful in doing exactly that.

Mr. President, I want to make a comment on the dialog of a moment ago. The Secretary of Labor has the ultimate authority over the Federal Government's contribtuions, so the worry that concerns the Senator from Ohio I do not think is very salient. The Secretary has the autority to pay up to 90 percent of the cost of the salaries.

Mr. TAFT. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Ohio has 2 minutes remaining.

Mr. TAFT. Mr. President, the language involved in that respect says that, in approving an approvable request for funds, the grant may be made if the Secretary determines that "the approvable request for funds does not exceed 90 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement."

While it is true that he may waive it, it seems to me it is pretty clear, from the history of monetary programs, that the Federal Government is going to be in this program, sharing close to 90 percent of the cost.

I repeat that every indication that I could see from the discussions that we had before us in the hearings on the bill and the testimony before the subcommittee from the various municipal and State officials was that they will be asking for highly paid, skilled employees under this bill, and under the principles of the bill as it stands, unless the amendment is adopted, I believe the Secretary would not be carrying out the purposes of the bill unless he granted considerable leeway.

I yield to the Senator from New York.

Mr. JAVITS. Mr. President, what has occurred to me as a possible way to solve this dilemma is the following—I wonder if my colleague could think it over, and we could get a quorum call, even after the time is expired—to substitute for the amendment offered by the Senator from Ohio (Mr. TAFT), the following words: "To the extent determined by the Secretary to be consistent with the purposes of this Act."

That would give the Secretary direct discretion with respect to the compensation level which is involved in a given agreement for public service employment

Mr. NELSON. I do not understand how that insures that there will be a limit in the amount, as proposed by the Senator from Ohio.

Mr. JAVITS. No, not at all. I would substitute for everything he said the provision that the Secretary shall determine it.

Mr. NELSON. Is the Senator offering that as an amendment?

Mr. JAVITS. Not yet. I am just suggesting it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. MANSFIELD. Mr. President, if the Senator will withhold his suggestion, I ask unanimous consent that the time be extended by 10 minutes on either side.

Mr. JAVITS. That is much better. Would the Senator yield me 2 minutes, so that I may explain?

Mr. NELSON. I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, there does seem to be a feeling on the part of many Senators—which the Senator from Ohio is quite ardently putting before us—that under these circumstances, for public service employment of a transitional character—and I am very pleased that we did accept the suggestion of the Senator from Colorado (Mr. DOMINICK)—we should not have the prevailing rates of pay proposition.

I do not think we need to depart from the fundamental thrust of this bill to argue that question here and now. Under the circumstances of this being employment to deal with a serious unemployment situation of a public service character and of a transitional character, I was going to suggest to the manager of the bill the possibility, in lieu of the ceiling of $600 which the Senator from Ohio would impose, and the proviso which he would impose, of simply saying, at the end of line 5 on page 32, after the word "employer," the following:

> To the extent determined by the Secretary to be consistent with the purposes of this Act.

We would then vest discretion in the Secretary as to what rate of compensation he would consider tolerable and appropriate in respect of the public service job contract which he makes, and thereby not lock the thing in on the strict prevailing wage rate basis, but give some latitude to particular situations.

In view of the feeling of 30 or more Senators that they are disquieted by this situation, I submit that to the manager of the bill as a possibility.

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. NELSON. I yield 2 minutes to the Senator from Washington.

Mr. JACKSON. Mr. President, we have had a lot of recessions in our country over the years, but I cannot recall a recession in which we had so many people in the skilled category out of work as are out of work today. This is the unique nature of our trouble: we have never had so many people with advanced degrees out of work in proportion to the population. We have not, in our history, had as many people with highly skilled talents in the blue collar category, the machinists, the diemakers, the toolmakers, and right on down the line, unemployed.

I believe it would be unwise, Mr. President, to place a ceiling in connection with pending legislation. It is my understanding that the administration's manpower revenue sharing bill which was just introduced does not have a ceiling. I think this ought to be left to the discretion of the administrator. Certainly, in the light of the discussion here, I assume that the administration is not going to go to extremes in amending this act in connection with the amount that should be permitted in a higher salary category.

But I do want to emphasize that we have this terrible waste of talent in our country, something that is indeed unique, something that we must correct without delay, and surely we should not put on a ceiling that would limit the administration of this program to deal with some very unique and difficult situations. I hope that the amendment will be rejected.

I yield back the remainder of my time to the Senator from Wisconsin.

Mr. PERCY. Mr. President, does the Senator from Wisconsin have 2 minutes left that he could yield to me?

The PRESIDING OFFICER. The Senator from Wisconsin has 1 minute remaining.

Mr. NELSON. I have only 1 minute. I yield it to the Senator from Illinois.

Mr. PERCY. Mr. President, I am very pleased to hear the comments of our distinguished colleague from Washington, and I concur completely that the scientific community today is in desperate need of some support and help of a temporary, transitional nature. I feel confident that the picking up in the economy is going to take care of this, but it is very hard for a man with 5 or 6 children, now in danger of losing his home, to feel that he can wait several years, or even a year or 6 months, until the economy picks up.

So this bill should not have a ceiling. Certainly the provision in it giving the Secretary leeway to use his discretion and judgment is better than the imposition of a ceiling by Congress.

The PRESIDING OFFICER. Does the Senator from Ohio wish to yield further time? The Senator has 5 minutes remaining.

Mr. TAFT. Yes. I yield 1 minute to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I just want to say to the Senator from Illinois that we are talking about $1,750 million in this measure. Most of the people he is talking about were put out of work by the SST, where the amount involved was $134 million. So it is a 10 for 1 swap. For those who are urging that we not put any limitation on this, I want to point out once again, I think we made a mistake then and are making a mistake now if we try to combine two different purposes in the bill. That is my argument.

Mr. JAVITS. Mr. President, will the Senator from Ohio yield to me momentarily?

Mr. TAFT. I yield to the Senator from New York.

Mr. JAVITS. I would like to explain my complete understanding of and agreement with Senators JACKSON and PERCY—except to point out that we wrote in the provision found at pages 29, line 13, precisely to give the Secretary discretion in this whole area, when we said that he was to make financial assistance available among significant segments of the population of unemployed persons. We had that in mind.

As to this wage business, I would be prepared, if the Senator from Ohio would find it agreeable, to substitute the provision I have just read a moment ago for him. That would certainly be acceptable to me, as I am proposing it, and the manager of the bill, but I would not I believe it would prove acceptable to wish to distort the Senator's purpose.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. JAVITS. May I have 30 seconds more?

Mr. TAFT. I yield the Senator 30 seconds.

Mr. JAVITS. Or to interfere with the Senator's effort, because all I am trying to attain something for him which I think is deserved, and which may be lost if we come to a vote.

Mr. TAFT. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator has 2½ minutes remaining.

Mr. TAFT. Very well. Mr. President, I

regret very much that I do not feel that I can accede to the suggestion of the Senator from New York, simply because it seems to me that it goes, again, to the whole question of what we are trying to do with this bill.

The problems mentioned by the Senator from Illinois, the Senator from New York, and the Senator from Washington are real problems. They are problems to which we ought to be facing up. But we are not going to get anywhere in solving either of those problems with the rather small resources of this bill unless we settle on one or the other. If Senators want to rule out general unemployment, say that this is an emergency employment bill to put in this amount of money without limitation, that 150,000 jobs are out the window, and say that you are going to give from 25,000 to 50,000 jobs in the scientific, engineering, and professional fields, that is very well. To me, that is another piece of legislation.

I do not think we ought to stand on the floor and try to tell the American people that we are going to do something about emergency employment in this country when we have 5,400,000 unemployed in this country and we are passing a bill called the Emergency Employment Act, which is not going to employ more than 100,000 people, the way things are going today.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. JAVITS. I think Senator Pastore put his finger on it earlier when he pointed out that we are not dealing only with welfare clients. We are dealing with people who are high-priced, highly skilled union people, and we are dealing with a Secretary whose duty it will be to make this thing go the furthest for different segments of the population.

Personally, I think the Senator from Ohio hamstrings the Secretary too much in what the Senator is proposing, and he flies in the face of every union and other tradition with respect to the employment of people who are not welfare cases.

I have suggested a way out—to give the Secretary enough discretion to make the money go the furthest without running afoul of the very people who feel very deeply about the prevailing wage concept because of their own origin, background, and future.

If the Senator's amendment is rejected, I shall propose mine, and I am rather helpful that it will be agreed to.

Mr. NELSON. Does the Senator have any time?

Mr. TAFT. I think the time has expired.

The PRESIDING OFFICER. The Senator has less than 1 minute remaining.

Mr. TAFT. Does the Senator from Wisconsin desire time?

Mr. NELSON. Ten seconds.

Mr. TAFT. I yield.

Mr. NELSON. I would just say that I share the concern the Senator has, and I thought it was adequately taken care of, leaving the discretion in the Secretary of Labor. However, I think that the Senator from New York offers an improvement, and I certainly would find it acceptable if the Senator from Ohio would.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment. The clerk will call the roll.

Mr. HUMPHREY. Mr. President, a point of information. What is the amendment? Is it the amendment of the Senator from New York or the amendment of the Senator from Ohio?

The PRESIDING OFFICER. The amendment offered by the Senator from Ohio.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Will it be in order to offer what I have sent to the desk as an amendment if the pending amendment is rejected?

The PRESIDING OFFICER. The Senator's amendment would be in order.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Missouri (Mr. Eagleton), the Senator from Louisiana (Mr. Ellender), the Senator from Arkansas (Mr. Fulbright), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Louisiana (Mr. Long), the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern) and the Senator from California (Mr. Tunney) are necessarily absent.

I further announce that the Senator from New Mexico (Mr. Montoya), and the Senator from Arkansas (Mr. McClellan) are absent on official business.

I also announced that the Senator from North Carolina (Mr. Jordan), is absent because of illness.

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson) and the Senator from California (Mr. Tunney) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. Bennett) is absent because of death in his family.

The Senator from Massachusetts (Mr. Brooke), the Senators from Oregon (Mr. Hatfield and Mr. Packwood), the Senator from Alaska (Mr. Stevens), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Florida (Mr. Gurney) and the Senator from Ohio (Mr. Saxbe) are absent on official business.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

On this vote, the Senator from Texas (Mr. Tower) is paired with the Senator from Massachusetts (Mr. Brooke). If present and voting, the Senator from Texas would vote "yea" and the Senator from Massachusetts would vote "nay."

If present and voting the Senator from Oregon (Mr. Hatfield) and the Senator from South Dakota (Mr. Mundt) would each vote "yea."

The result was announced—yeas 29, nays 47, as follows:

[No. 36 Leg.]

YEAS—29

Allott
Beall
Boggs
Brock
Buckley
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Griffin
Hansen
Hruska
Jordan, Idaho
Miller
Pearson
Prouty
Roth
Smith
Stennis
Taft
Thurmond
Weicker
Young

NAYS—47

Aiken
Allen
Baker
Bayh
Bellmon
Bentsen
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cranston
Gambrell
Hart
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Mansfield
Mathias
McGee
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Sparkman
Spong
Stevenson
Symington
Talmadge
Williams

NOT VOTING—24

Anderson
Bennett
Brooke
Eagleton
Ellender
Fulbright
Goldwater
Gravel
Gurney
Harris
Hartke
Hatfield
Jordan, N.C.
Long
Magnuson
McClellan
McGovern
Montoya
Mundt
Packwood
Saxbe
Stevens
Tower
Tunney

So Mr. Taft's amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BELLMON. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read, as follows:

On page 20, line 10, after "conservation," insert "crime prevention and control, prison rehabilitation,".

On page 35, at the end of line 7 after the comma, insert the following: "all fringe benefits,".

Mr. BELLMON. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. The purpose of the amendment on page 20 is to make it absolutely clear that work in connection with crime prevention control and rehabilitation of prisoners is included. It appears that it might be permitted in any event. However, this language would make it crystal clear that work in this area is permitted by the legislation.

This matter has been discussed with the manager of the bill and other interested parties. I believe that the manager of the bill is prepared to accept the amendment.

Mr. NELSON. Mr. President, the Senator is correct. This is authorized activity within the language of the act at the present time. However, this does more specifically delineate it. The amendment is perfectly acceptable as far as I am concerned.

The PRESIDING OFFICER (Mr. BURDICK). The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DOMINICK. Mr. President, I send to the desk an amendment and ask that it be stated.

The legislative clerk read as follows:

On page 38, after line 20, add the following new section:

TERMINATION

SEC. 15. (a) This Act shall terminate on the effective date of S. 1243 or any amendments or substitutions thereto dealing with special revenue sharing programs concerning manpower.

(b) The Secretary shall make whatever arrangements are necessary in carrying out the provisions of this Act, to assure that the requirement of this section is met.

(c) For the purpose of this section the term "special revenue sharing program concerning manpower" includes any program consolidating grant programs in the field of manpower development and training.

Mr. DOMINICK. Mr. President, this gets back to the basic problem that I talked about when we were first discussing the bill. That is the fact that we have two bills—S. 31, which we are considering today; and S. 1243, which is part of the administration manpower and revenue-sharing program.

Hopefully, the Labor and Public Welfare Committee will get around to holding hearings on S. 1243 before the expiration of this bill. This is a part of the overall reform and review program for manpower training. It is not considered as a temporary act. It is not considered as anything of that nature. It is designed to be permanent in order to be able to regroup and reform the 10,000 separate plans that we now have under manpower training.

If we can that pile of plans down so that it is a manageable deal, we could do it better by leaving it up to local and State governments than we can by continuing to consolidate it in the Labor Department.

It seems to me that if we can get some action on S. 1243 the purpose of the other bill can go by the board. There is no such provision in the act at this moment. All it says is that it will go on for 2 years; $750 million for fiscal year 1972, and $1 billion for fiscal year 1973.

It strikes me that before fiscal year 1973 is over, we ought to be able to get S. 1243 and all substitutes and amendments thereto before the Senate and be able to get it passed through Congress and signed by the President. If that is true, at that point, S. 31—which I presume will pass, even though it is without my endorsement—would be terminated.

That is the position I am taking on this particular amendment.

I will be happy to answer any questions or, if the manager of the bill is disposed to accept the amendment, I would be delighted.

Mr. NELSON. Mr. President, I have great respect for the receptiveness and penetrating evaluation which our distinguished friend, the Senator from Colorado, so often makes of pending legislation, though we frequently do not agree. However, I am astonished by this amendment.

This amendment is not up to his usual standard.

The Senator is asking that we pass this bill and that the termination date be controlled by a bill that is pending in the subcommittee. Hearings have not yet been held. The bill may or may not be passed at all.

I am hoping we will pass a major manpower bill. But under this amendment, if we passed a manpower bill and it did not turn out to be S. 1243, or did not turn out to be a substitute for S. 1243, but instead a brandnew bill, then, as I read the amendment, S. 31 would never terminate. I do not see how we can legislate here and say that a bill passed here will terminate if and when another bill that has not yet had hearings is passed.

I am sure that we are going to have hearings on a bill and that we will pass a bill. The Senator from New York (Mr. JAVITS) and I have both said we would work together to make sure whatever manpower bill we pass we would work, as I know the Senator from Colorado would work, to provide language that whatever we pass in a subsequent bill would mesh with this bill.

But I do not see how we could make this legislation dependent upon a bill that has not yet been considered in hearings and that has not passed.

Mr. DOMINICK. Mr. President, this is an interesting series of comments which the Senator has made. I gather he is giving assurance that we are going to have hearings and we cannot do anything about it until late May or early June at the earliest because of the OEO; and second, he hopes a bill will pass along the lines of the administration's proposal in S. 1243, and if so that act presumably would supersede the one we have now.

That is exactly the purpose of my amendment—to make it clear that this does not become one more categorical program. Once it has gone on for 2 years and the mayors and everyone else have gotten this money it will be difficult to terminate and it will have to be continued year after year.

I cited to the Senator originally what happened in connection with the excise tax and I could go on and on and find a great number of bills that were passed as emergency or temporary measures and that are still with us.

Fundamentally, this is designed to cut off this type pressure and to try to put a termination date on the bill, hopefully before 2 years have passed, so that we can get out from under something which otherwise might be a real lead weight around the neck of Congress and the Treasury Department until the year 2000.

Mr. NELSON. Mr. President, I point out specifically that the amendment reads that this act shall terminate on the effective date of S. 1243 or any amendments or substitutes therefor dealing with special revenue sharing.

We may pass a comprehensive manpower reform with public service employment in it that would not be S. 1243 or a substitute therefor or an amendment. So this amendment would mean nothing in that circumstance.

I have agreed with the comments of the Senator from Colorado on two occasions today. We now have around 10,000 sponsors of manpower programs. When we finished almost a year's work on the Employment and Manpower Act of 1970 we had cut that number to about 350 from the original 10,000.

We have to reform the manpower programs. There is no doubt about it. So we are going to get out a bill. But it could not, in my judgment, become effective before some time next year.

I have said, as the Senator from New York (Mr. JAVITS) has said, that we will include language in that bill to meet the situation. I cannot imagine, with the President supporting the authorization of public service employment in his revenue-sharing plan, and our committee having already passed such a measure twice, that whatever manpower program we come up with will have some public service provisions in it and those public service provisions are going to have to substitute for this bill, because this one terminates in 2 years anyway. I do not see how at the end of 2 years we could go ahead and extend that bill and have two public service manpower programs at once. Congress would not do that.

Mr. DOMINICK. The Senator has been in the Senate about as long as I have, as I recall, and he knows full well what has occurred heretofore on temporary measures. They keep proliferating like the old story of the guinea pigs in the railroad station. It was not long before the stationmaster had nothing but guinea pigs and no railroad station left.

In the education field we started out 10 years ago with 20 Federal programs and now it is 308, and it has gone from $600 million to over $4.5 billion in the education bill. The same thing may occur here. Unless we try to cut off this program in the event we get a comprehensive manpower program, I do not think we will be able to do it.

If the Senator has some special wording that woulld accomplish what he and I want to accomplish, I would be happy to accept it, but I did not want to put in the original wording the date of enactment of any special revenue-sharing program concerning manpower, because someone could put it in for $5 and get laughed off the floor. That is why I put in S. 1243 or a substitute thereof dealing with special revenue sharing and manpower.

I would be happy to consider any other language the Senator wants to put in so long as we are working in the same direction. The Senator should be able to help me with the language to accomplish that result.

Mr. NELSON. I think there are problems created by this kind of an amendment. For example, not all cities are going to have public service employment under the provisions of this bill. Some of them are going to have a much smaller public service employment program than others. Suppose there is a public service employment program going on in a certain city and suppose a year from now a new manpower act goes into effect, and suppose that new manpower act contains authorization for public service employment as part of the activity authorized under that act. Immediately when that act is passed the ongoing programs in all these cities would stop. All the people would have been fired. Then, 2 months, 3 months, 5 months later the city submits an application and it is approved by the Secretary and they go out and they seek the people who have been fired, to put them under the provisions of the new act.

What we do in drafting any legislation is to provide language to make clear there will not be duplication and give the Secretary discretion to oversee that part of the program and to see that one program is not piled on top of another.

Mr. DOMINICK. Just to cut short the debate, I am willing to go with a voice vote on this matter, at least temporarily.

I do not want to make a firm commitment on it. It just seems to me that what the Senator is saying is that we are not going to have special revenue sharing, because if we are going to have it, the cities will present their own plans and they will not have to get them approved. All they have to do is make sure the money is used for manpower training.

If the Senator is saying this bill might come to an end and it would take the Secretary a long time to approve plans, that is not in the revenue-sharing bill at all. The revenue sharing on manpower is to let States and cities determine for themselves how to do it. They are the ones to do it. The only thing to supervise is to make sure the money spent goes into those programs, and that is done after the fact rather than before the fact. Under those circumstances, I do not see how firing and hiring and refiring and rehiring really come into it.

I think we are working for the same objective. I regret very much that the Senator does not think the language is right. I shall be glad to shift the language any way he wants, if it is objectionable, but I gather that what he is saying is that no matter how it is, it is objectionable.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 32, line 5, insert the following after "employer" "to the extent that such rates are determined by the Secretary to be consistent with the purposes of this Act"

Mr. JAVITS. Mr. President, generally speaking, this is the amendment we discussed a little while ago. It is intended to preserve discretion in the Secretary in order to deal with the concerns of some Members of the Senate that, because of the high technical qualifications of certain categories of personnel—like those, for example, who have been affected by aerospace difficulties—we ought to take some precaution in respect of the prevailing wage concept in this emergency measure dealing uniquely with public service employment.

I just thought—since a substantial body of Members feel that way, and the Senator from Wisconsin (Mr. NELSON) and I agreed—that this was a suitable protection we could take so the Secretary would not be faced with automaticity in this regard. It would give him, not a great deal, but some element of discretion.

I understand the amendment is agreeable to the manager of the bill.

Mr. NELSON. Mr. President, the amendment of the Senator from New York is agreeable to me. I think it is an improvement in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I understand the Senator from Maryland (Mr. BEALL) has a very simple, brief amendment to offer, which I have discussed with the Senator from New York (Mr. JAVITS). It is perfectly satisfactory with both of us.

Mr. BEALL. Mr. President, I thank the Senator. I hope the amendment is agreed to. It is brief, but it is not simple.

I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 31, line 1, strike the following: "shall reserve such amount" and insert in lieu thereof: "may reserve such amount, not to exceed 1 per centum,".

Mr. BEALL. Mr. President, this amendment limits the discretion given to the Secretary with respect to reserving amounts for an evaluation of programs.

Mr. NELSON. Mr. President, that language is perfectly proper and acceptable amendment as far as I am concerned.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GAMBRELL. Mr. President, I support S. 31 for the following reasons:

As this bill relates particularly to unemployment in the aerospace industry, it is consistent with plans which I am developing as Chairman of the Science and Technology Subcommittee of the Select Committee on Small Business, and in connection with the fiscal year 1972 NASA authorization bill.

I consider unemployment to be a matter of Federal concern because it is largely a result of misguided economic policies in the past and shifts in emphasis of Government programs.

S. 31 would provide an opportunity for unemployed persons to engage in much-needed constructive public service activity rather than be dependent upon the welfare rolls.

While I am not satisfied with broad grant of discretion to the Department of Labor, because of the chance for political abuse, this objection is mitigated by the fact that the bill is temporary, and of an emergency nature.

I consider this to be an immediate partial substitute for urban development and manpower training revenue sharing, and I would assume that the authorization provided in this bill would be substituted for funds proposed to be committed for revenue sharing in fiscal year 1972 rather than being in addition to such funds. I will work to see that the appropriations for that purpose will be so structured. It also goes without saying that a favorable vote on this plan is not a commitment to full funding of this program in the fiscal year 1972 Appropriations Act.

Mr. MONDALE. Mr. President, unemployment is the overriding economic problem in the country today.

Nearly five and a half million men and women—1.5 million more than a year ago—cannot find work. Almost 100,000 of these—34,000 above a year ago—are Minnesotans. Whether we are talking of returning GI's, teenagers, unemployed scientists, or laid-off workers, the need is for jobs.

We are told that this is the inevitable cost of drying up inflation, ending the war, and shifting our resources from NASA and the Pentagon into domestic fields.

These goals are highly desirable. But I do not think we can allow their full costs to be placed squarely on the backs of 6 percent of our workers.

The workingman sees his pay check and savings eaten up by inflation. Then, an economic "game plan" asks him to tighten his belt and accept "a little unemployment" in return for price stability which has still not arrived.

We ask highly trained scientists and engineers to reach the moon and develop elaborate new weapons systems. Then, when we finally start to divert resources from military to domestic needs, we ask these same men to bear the total costs of conversion—in their own unemployment.

We ask our young men to leave their families, their educations, and jobs to fight in Vietnam. When they come back, we ask them to bear the full cost of the dislocation associated with their return—again in their own joblessness. Statistics show that 9.4 percent of veterans in the 20- to 29-age bracket were unemployed during the 3 months ending in January. Disabled veterans are having an even more difficult time finding work.

Today we see a bit of economic stimulation, a slight increase in long-term unemployment compensation, and lots of debate over projected growth rates, GNP models, and "monetary versus fiscal policy." But what we need above all else are jobs. Nothing else can reduce the incalculable human and economic costs we now pay for nearly 5½ million people out of work.

How ironic when we remember that in 1939, at a time when our population was 60 percent of what it is today, when we produced 20 percent of the goods and services that we produce today, 4 million people found work in special public service job programs. Today, with Government budgets in the hundreds of billions of dollars, we are funding special public service jobs for only 34,000 people.

There are vast numbers of jobs in this Nation going unfilled at a time when 5.4 million people are looking for work. There are teachers aid and nurses aid jobs, engineering jobs in mass transit and pollution control, and jobs in rural areas on badly needed public works projects.

The Senate today has the opportunity to fund some of these jobs through the Emergency Employment Act. The 150,000 to 200,000 new jobs which the bill would authorize are desperately needed. I have proposed that many of them would be for unemployed scientists and engineers and for veterans.

This is a modest proposal in the face of the need. But alongside other measures, I think it can begin restoring growth and prosperity in this Nation.

We also need an expansionary economic policy. We need improvements in other programs in behalf of the unemployed. We need better manpower training programs. And we need a tough policy of wage-price guidelines—not a policy that blames labor for the inflation, but one that controls prices, profits, and interest as well as wages. The President made some progress in this direction when he intervened in oil, steel, and construction, but these were isolated efforts—not part of a consistent, even-handed policy.

Mr. President, someone once said that when a lot of people are out of work, unemployment is the result. If we put people to work, unemployment will be reduced. Above all else, we need jobs to restore the lost pride, lost faith, and lost wealth that the past year has brought.

Mr. PEARSON. Mr. President, S. 31 is, in my opinion a very necessary, important and timely bill. It is simply what it says—an emergency employment act—and it deals with a national emergency of two parts: the rapid increase in unemployment in the past 15 months, and the inadequacy of many vital public services. The authority of this legislation would expire June 30, 1973.

During periods of high unemployment, S. 31 would authorize the appropriation of funds to enable State and local government agencies, and certain other eligible applicants, to hire the unemployed in jobs providing needed public services. The program would be administered by the Secretary of Labor and eligible applicants would be States, cities, counties, and other units of general local government, and public and private nonprofit agencies and institutions. The Labor Secretary could contract with these applicants for employment programs under which the Federal Government would pay up to 90 percent of the cost of the programs.

Funds would be triggered as unemployment increased. If the national unemployment rate averaged 4.5 percent for 3 months, a total of $500 million would be authorized. For each increase in the unemployment rate of .5 percent, an additional $100 million would be authorized. However, the bill sets a ceiling of $750 million through the fiscal year ending June 30, 1972, and $1 billion for fiscal year 1973.

I am one of the cosponsors of this legislation and, of course, my main concern is the high unemployment we have in certain parts of Kansas—Wichita, in particular, where the serious decline in the aircraft industry has brought about an unemployment rate of more than 10 percent. But other parts of the Nation are hit just as badly or worse by high unemployment.

The reason such a limited bill is being offered at this time should be obvious—to deal promptly with a serious unemployment problem which presently exists. More comprehensive manpower reform legislation will be considered, but almost certainly could not have an effective date before sometime in 1972. This legislation, by virtue of being a temporary and limited program, could take effect almost immediately and serve a great public need until more comprehensive legislation is enacted.

The kinds of public service jobs contemplated under this bill encompass a wide range of skills and pay scales. As examples, the great unfilled public needs in such fields as environmental protection, health care, housing and neighborhood improvement, recreation, education, public safety, street and park maintenance, transportation, beautification, and conservation.

The Secretary of Labor is directed to distribute these funds on an equitable basis, taking into account the extent and severity of unemployment. This is why I feel certain that Wichita would benefit from the enactment of this legislation. However, since this is emergency legislation setting up a temporary program, there are no rigid allotments and the Secretary has considerable flexibility.

Aerospace, defense, and construction workers are some of those among the hardest hit by unemployment. There are currently over 400,000 unemployed aerospace workers, with approximately 60,000 unemployed scientists and engineers included in this group. Many of them are in Wichita where, as I said earlier, unemployment has reached 10 percent, or more.

Just a little over a week ago, the Senate rejected further funding for the SST, in effect, canceling the program. To Wichita, this means that this week 350 more men have been laid off by Boeing, and 250 more will be without jobs within 30 days. In an area where over 10 percent of the population is already unemployed—or approximately 29,000—600 more men losing their jobs within a 30-day period will have quite an impact, you may be assured.

Much rhetoric flowed here in the Senate with regard to the cancellation of the SST not having that much effect on employment. Nationwide this may be true, but not in areas like Wichita. Many who voted against the SST took up many lines in the CONGRESSIONAL RECORD of last week talking about the other programs that are in effect, or which could be instituted, to help relieve unemployment. This is such a program—an emergency program of limited duration—and I urge my colleagues to make good on their promises and expressed concerns of last week by passing this legislation this week.

While discussing the Wichita employment situation, Mr. President, I would like to mention another aspect of this problem which the Senate had a chance to rectify earlier this week. I am talking about the amendment offered to the extension of the interest equalization tax bill which would have made some needed changes in additional unemployment compensation benefits.

It is well known that many unemployed scientists and engineers and other aerospace and defense workers have exhausted their unemployment benefits and have no idea where to turn next. Last year, the Congress passed an additional temporary 13 weeks of unemployment compensation for those who have already exhausted the regular 26 in recognition of many such personal situations throughout the country. These additional 13 weeks would have been paid on a 50–50 Federal-State ratio, but would not go into effect until January 1, 1972, allowing time for the States to set up the necessary mechanism to fund their part of the payments.

The amendment pending to H.R. 5432 would have made these additional 13 weeks of benefits available immediately, would have changed the triggering mechanism, and would have provided 100 percent Federal funding to relieve the situation with the various States. The Senate refused to adopt this amendment, tabling it by a vote of 45 yeas to 40 nays. I voted against the tabling motion which is, in essence, a reversal of a position I took approximately a year ago. At that time I voted with the majority of the Senate in turning down an amendment which would have provided 100 percent Federal funding for the extended unemployment benefits in the act which will become effective next year.

In my estimation, the problems faced by Wichita alone—not to mention those in other areas of the country—more than warrant my vote of last Tuesday, and I deeply regret that the Senate chose not to adopt this amendment.

In summary, I call upon the Senate to act favorably on S. 31 today. The Bureau of Labor Statistics reported on March 5 that there were 5,442,000 persons unemployed and looking for work—

5.8 percent of the entire labor force. We owe it to these 5 million people to take whatever action we can—and, in my opinion, such a program as this one would be just what is needed.

Mr. WILLIAMS. Mr. President, I want to voice my strong support for S. 31, the Emergency Employment Act of 1971.

This measure would provide some measure of urgently required relief for two parallel crises which currently plague our Nation.

One is the crisis of unemployment which has engulfed our economy, leaving close to 5½ million persons out of work—close to 6 percent of our entire labor force. In my own State of New Jersey, over 220,000 workers are now unemployed, giving our State an unemployment rate in excess of 7 percent. Four of my State's major labor areas are currently classified by the Bureau of Labor Statistics as suffering from substantial or persistent unemployment, and in some of our inner city areas, as is true elsewhere in the Nation, unemployment among disadvantaged groups has soared to levels as high as 40 percent or more.

The impact of these unemployment statistics on individual workers who must find some way to maintain their families, becomes all the more apparent when we realize how large a portion of these statistics represent long-term unemployment. Throughout the Nation, there are presently more than 325,000 workers who have been unemployed for more than 27 weeks—meaning that they have exhausted their eligibility for standard unemployment compensation benefits. The number of persons jobless for 15 weeks or more has now passed the 1-million mark, indicating that the number of those who have exhausted their standard benefits is likely to be increased dramatically within the next 2 or 3 months.

There is, moreover, very little likelihood that this situation will markedly improve within the near future. The forecast of responsible economists is, rather, that unemployment will continue at approximately the present rates well into 1972, if not longer.

At the same time, as we all know too well, the plight of our cities and other local units of government is becoming increasingly desperate. Some of the details are documented in our committee hearings at which a succession of mayors appeared to describe their inability to adequately serve the basic needs of their people. These unmet needs exist in the areas of public health, antipollution programs, neighborhood improvement, education, public safety, parks, fire protection, sanitation, and others.

And despite the fact that overwhelming numbers of unemployed are looking eagerly for a chance to earn a living once again, there simply are insufficient local resources for hiring such people to meet these public needs.

Indeed, the situation has taken on the nature of a vicious cycle, for increasing numbers of workers without jobs and without unemployment benefits have seriously augmented the welfare rolls of our states and cities, with a resulting drain on their already precarious financial condition.

The bill we are considering today represents a modest attempt to alleviate this situation by making available Federal funds which, at present levels of unemployment, would support some 160,000 jobs of a local public service nature. It is a temporary measure which will expire on June 30, 1973, and the amounts of assistance it will provide are tied to particular levels of unemployment.

Enactment of this legislation will not relieve us of the obligation to consider permanent, more adequate, measures for dealing with the needs of our cities, for coping with problems of unemployment, for insuring greater effectiveness in our manpower programs, and for better attending to our vital public needs—all of which will require more time for consideration.

The present bill, however, will provide a start toward meeting some of these problems, and it is a start that can be undertaken immediately. We have waited too long as it is to make this start. I strongly believe that it would be irresponsible on the part of the Congress to delay any longer.

Mr. JACKSON. Mr. President, the Senate is about to complete action on the Emergency Employment Act. As a cosponsor of this bill, I am grateful to the Committee on Labor and Public Welfare, and Senator NELSON's subcommittee, for reporting this bill in time for prompt action by the Senate.

This is a simple, straightforward effort to put people who are out of work into the public service. As the bill makes clear, it is highly appropriate that we use the talents of the unemployed to fill our unmet needs in the public sector during periods of high unemployment. In my view, this kind of program should be available to every administration on a standby basis to help blunt the impact of economic recession.

I am particularly glad that the committee, in the bill's statement of findings and purposes, refers to aerospace, defense, and construction workers who are unemployed "as a result of shifts in the pattern of Federal expenditures" as being among those who could usefully be employed under the bill's provisions.

This is properly called an emergency bill, Mr. President, because unemployment at this point constitutes a national emergency. The official statistics tell us that a third of the country's 150 major labor areas are now suffering "substantial" unemployment. "Substantial" can mean 6 percent of the labor force unemployed, and it can mean over 12 percent unemployed as there are now in Seattle.

No matter how you describe it, Mr. President, the fact is that serious unemployment now afflicts every part of the country from Oakland to Newark, from New Orleans to Cleveland, from Waterbury to Wichita. The jobless in these cities need help and they need it now. Rhetoric about training programs will not fill shopping baskets. Vague talk about industrial diversification will not meet mortgage payments. But legislation like this Emergency Employment Act and the Accelerated Public Works bill, which I have also cosponsored, can put money in people's pockets. They can start stagnant economies moving again.

Properly administered, the program authorized by this bill could put up to 150,000 people to work at jobs where they are needed and wanted. Equally important, this can be done fairly quickly under the terms of this bill. One can only hope that the administration will not be reluctant to use the funds authorized by this bill to aid people in the disaster areas created by its economic policies. In time of natural disaster, we mobilize Federal resources to aid stricken communities. We should be willing to do the same when economic disaster is involved.

The ultimate answer to our economic problems, Mr. President, is a return to the path of sustained and vigorous economic growth. In the meantime, we are confronted with the immediate tragedy of almost 5 million Americans out of work. This bill, and others we will consider in the next few weeks, will help tide us over this crisis.

WORKERS IN ESSENTIAL PUBLIC SERVICES CAN HELP LESSEN UNEMPLOYMENT

Mr. RANDOLPH. Mr. President, I am gratified to be a cosponsor of S. 31, the Emergency Employment Act of 1971. Our measure was introduced January 25. Since that time the seriousness of our Nation's unemployment situation has abated but little, if at all.

S. 31 has the potential of easing two separate critical problems at the same time. First, it will provide employment to many thousands of workers who find themselves without the ability to support their families. Second, it will alleviate a crisis for State and local governments by insuring the continuation of essential public services which may have suffered due to lack of adequate revenues.

Only 2 years ago unemployment in the United States stood at 3.3 percent. By last month the percentage of out-of-work had increased to 5.8 percent, which in reality is more than a doubling of the unemployed roles due to an increase in the available labor force. An even more serious indication of this disturbing trend is the sharp rise in long-term unemployment. Those out of work for 15 weeks or more have more than doubled since a year ago. Persons unemployed for more than 27 weeks has nearly tripled in the short period of a year.

Clearly these statistics show that something is terribly wrong and that this Congress must act, and act quickly, if the trend is to be halted and hopefully reversed. S. 31 can help reverse the trend. As amended, the bill would particularly heed the plight of veterans and and middle aged and older persons who are unemployed.

The measure before us enjoys strong bipartisan support. The bill, whose chief sponsor is the able junior Senator from Wisconsin (Mr. NELSON), has 31 cosponsors, of which 21 are Democrats and 10 are Republicans. I urge my colleagues to support this needed emergency legislation.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is: Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. COTTON (when his name was called). Mr. President, on this vote I have a pair with the Senator from Washington (Mr. Magnuson). Were he present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. FANNIN (when his name was called). Mr. President, on this vote I have a pair with the Senator from Arkansas (Mr. McClellan). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. YOUNG (when his name was called). Mr. President, on this vote I have a pair with the Senator from Louisiana (Mr. Ellender). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. ALLEN (when his name was called). Mr. President, I have a pair with the Senator from Indiana (Mr Hartke). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Missouri (Mr. Eagleton), the Senator from Louisiana (Mr. Ellender), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Louisiana (Mr. Long), the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern), the Senator from Illinois (Mr. Stevenson), and the Senator from California (Mr. Tunney) are necessarily absent.

I further announce that the Senator from New Mexico (Mr. Montoya) and the Senator from Arkansas (Mr. McClellan) are absent on official business.

I also announce that the Senator from North Carolina (Mr. Jordan) is absent because of illness.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Illinois (Mr. Stevenson), the Senator from California (Mr. Tunney), and the Senator from North Carolina (Mr. Jordan) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. Bennett) is absent because of death in his family.

The Senator from Massachusetts (Mr. Brooke), the Senators from Oregon (Mr. Hatfield and Mr. Packwood), the Senator from Alaska (Mr. Stevens), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Florida (Mr. Gurney) and the Senator from Ohio (Mr. Saxbe) are absent on official business.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

On this vote, the Senator from Massachusetts (Mr. Brooke) is paired with the Senator from Texas (Mr. Tower). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Texas would vote "nay."

On this vote, the Senator from Oregon (Mr. Hatfield) is paired with the Senator from South Dakota (Mr. Mundt). If present and voting, the Senator from Oregon would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 62, nays 10, as follows:

[No. 37 Leg.]

YEAS—62

Aiken
Allott
Anderson
Baker
Beall
Bellmon
Bentsen
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Eastland
Fong
Fulbright
Gambrell
Griffin
Hart
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Mansfield
Mathias
McGee
McIntyre
Metcalf
Miller
Mondale
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Symington
Taft
Talmadge
Weicker
Williams

NAYS—10

Brock
Buckley
Curtis
Dole
Dominick
Ervin
Hansen
Hruska
Stennis
Thurmond

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—4

Allen, against.
Cotton, against.
Fannin, against.
Young, against.

NOT VOTING—24

Bayh
Bennett
Brooke
Eagleton
Ellender
Goldwater
Gravel
Gurney
Harris
Hartke
Hatfield
Jordan, N.C.
Long
Magnuson
McClellan
McGovern
Montoya
Mundt
Packwood
Saxbe
Stevens
Stevenson
Tower
Tunney

So the bill (S. 31) was passed, as follows:

S. 31

An act to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Employment Act of 1971".

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. The Congress finds and declares that—

(1) times of high unemployment severely limit the work opportunities available to the general population, especially low-income persons and migrants, persons of limited English-speaking ability, and others from socio-economic backgrounds generally associated with substantial unemployment;

(2) expanded work opportunities fail, in times of high unemployment, to keep pace with the increased number of persons in the labor force, including the many young persons who are entering the labor force, persons who have recently been separated from military service, and older persons who desire to remain in, enter, or reenter the labor force;

(3) in times of high unemployment, many low-income persons are unable to secure or retain employment, making it especially difficult to become self-supporting and thus increasing the number of welfare recipients;

(4) many of the persons who have become unemployed as a result of technological changes or as a result of shifts in the pattern of Federal expenditures, as in the defense, aerospace, and construction industries, could usefully be employed in providing needed public services;

(5) it is appropriate during times of high unemployment to fill unmet needs for public services in such fields as environmental quality, health care, housing and neighborhood improvement, recreation, education, public safety, maintenance of streets, parks, and other public facilities, rural development, transportation, beautification, conservation, crime prevention and control, prison rehabilitation, and other fields of human betterment and public improvement;

(6) programs providing transitional employment in jobs providing needed public services and related training and manpower services can be a useful component of the Nation's manpower policies in dealing with problems of high unemployment, and dependency upon welfare assistance, and providing affected individuals with opportunities to develop skills and abilities to enable them to move into other public or private employment and other opportunities;

(7) providing resources for transitional public service employment and related training and manpower services during an economic slowdown can help as an economic stabilizer both to ease the impact of unemployment for the affected individuals and to reduce the pressures which tend to generate further unemployment.

It is therefore the purpose of this Act to provide unemployed persons with transitional employment in jobs providing needed public services and related training and manpower services during times of high unemployment and to enable such persons to move into employment or training not supported under this Act.

FINANCIAL ASSISTANCE

SEC. 3. The Secretary of Labor shall enter into arrangements with eligible applicants in accordance with the provisions of this Act in order to make financial assistance available to public and private nonprofit agencies and institutions during times of high unemployment for the purposes of providing transitional employment for unemployed persons in jobs providing needed public services and training and manpower services related to such employment which are otherwise unavailable, and enabling such persons to move into employment or training not supported under this Act.

AUTHORIZATION

SEC. 4. (a) There are authorized to be appropriated for the purpose of carrying out this Act $750,000,000 for the period ending June 30, 1972, and $1,000,000,000 for the fiscal year ending June 30, 1973.

(b) For the purpose of providing financial assistance under this Act to enable eligible applicants to carry out public service employment programs, the Secretary is authorized, out of funds appropriated to carry out this Act, to obligate expenditures equal to the sum of the amounts determined in accordance with the following clauses:

(1) $500,000,000 when the Secretary determines that the rate of national unemployment (seasonally adjusted) **equals or exceeds** 4½ per centum for three consecutive

months prior to any such determination, but the Secretary may, under this clause, make only one determination prior to July 1, 1972, and one determination in the twelve-month period thereafter; and

(2) $100,000,000 for each increment of one-half of 1 per centum by which the Secretary determines that the average rate of national unemployment (seasonally adjusted) for three consecutive months prior to any such determination exceeds the rate specified in clause (1), but the Secretary may, with respect to each such increment, make only one determination prior to July 1, 1972, and one determination in the twelve-month period thereafter.

(c) No further obligation of funds may be made under subsection (b) subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 4½ per centum for three consecutive months.

(d) Whenever the Secretary makes any determination required by subsection (b) or (c), he shall promptly notify the Congress and shall publish such determination in the Federal Register. At such time, the Secretary shall recommend to the Congress any further steps he deems appropriate.

ELIGIBLE APPLICANTS

SEC. 5. For the purpose of entering into arrangements with the Secretary to carry out public service employment programs under this Act, eligible applicants shall be—

(1) States;

(2) cities, counties, and other units of general local government;

(3) Indian tribes; and

(4) public and private nonprofit agencies and institutions (including local service companies, and public service agencies and institutions of the Federal Government).

APPLICATIONS

SEC. 6. (a) Financial assistance under this Act may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this Act. Any such application shall set forth a public service employment program designed, in times of high employment, to provide transitional employment for unemployed persons in jobs providing needed public services and, where appropriate, training and manpower services related to such employment which are otherwise unavailable, and to enable such persons to move into employment or training not supported under this Act.

(b) Programs assisted under this Act shall be designed with a view toward—

(1) developing new careers,

(2) providing opportunities for career advancement,

(3) providing opportunities for continued training, including on-the-job training, and

(4) providing transitional public service employment which will enable the individuals so employed to move into public or private employment or training not supported under this Act.

(c) An application for financial assistance for a public service employment program under this Act shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this Act will be administered by or under the supervision of the applicant, identifying any agency or institution designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and data indicating the number of potential eligible participants and their income and employment status;

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(4) assurances that, to the extent feasible, public service jobs shall be provided in occupational fields which are most likely to expand within the public or private sector as the unemployment rate recedes;

(5) assurances that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(6) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(7) a description of unmet public service needs and a statement of priorities among such needs;

(8) a description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(9) the wages or salaries to be paid persons employed in public service jobs under this Act and a comparison with the wages paid for similar public occupations by the same employer;

(10) where appropriate, the education, training, and supportive services (including counseling and health care services) which complement the work performed;

(11) the planning for and training of supervisory personnel in working with participants;

(12) a description of career opportunities and job advancement potentialities for participants;

(13) assurances that procedures established pursuant to section 10(a) will be complied with;

(14) assurances that agencies and institutions to whom financial assistance will be made available under this Act will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the Secretary;

(15) assurances that the applicant will, where appropriate, maintain or provide linkages with upgrading and other manpower programs for the purpose of (A) providing those persons employed in public service jobs under this Act who want to pursue work with the employer, in the same or similar work, with opportunities to do so and to find permanent, upwardly mobile careers in that field, and (B) providing those persons so employed, who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare for, and obtain work in other fields;

(16) assurances that all persons employed thereunder, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed persons;

(17) assurances that the program will, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged; and

(18) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

APPROVAL OF APPLICATIONS

SEC. 7. An application, or modification or amendment thereof, for financial assistance under this Act may be approved only if the Secretary determines that—

(1) the application meets the requirements set forth in this Act;

(2) the approvable request for funds does not exceed 90 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement;

(3) an opportunity has been provided to the community action agency in the area to be served to submit comments with respect to the application to the applicant and to the Secretary;

(4) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary; and

(5) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary.

DISTRIBUTION OF FUNDS

SEC. 8. (a) Funds made available for carrying out this Act shall be apportioned by the Secretary on an equitable basis among States and within each State among local areas, including Indian reservations, and among rural and urban areas. To the extent practicable, such funds shall be apportioned on the bases of the relative numbers of unemployed persons and the severity of unemployment in each such area.

(b) The Secretary shall make financial assistance under this Act available in such a manner that, to the extent practicable, public service employment opportunities will be available on an equitable basis in accordance with the purposes of this Act among significant segments of the population of unemployed persons, giving consideration to the relative numbers of unemployed persons in each such segment.

TRAINING AND MANPOWER SERVICES

SEC. 9. For the purpose of providing training and manpower services for persons employed in public service employment programs assisted under this Act, the Secretary is authorized to utilize, in addition to any funds otherwise available under federally supported manpower programs, not to exceed 20 per centum of the amounts made available for carrying out this Act.

SPECIAL RESPONSIBILITIES OF THE SECRETARY

SEC. 10. (a) The Secretary shall establish procedures for periodic reviews by an appropriate agency of the status of each person employed in a public service job under this Act to assure that—

(1) in the event that any person employed in a public service job under this Act and the reviewing agency find that such job will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling; and

(2) as the rate of unemployment approaches the objective of section 4(c) or financial assistance will otherwise no longer be available under this Act, maximum efforts shall be made to locate employment or training opportunities not supported under this Act for each person employed in a public

service job under this Act, and such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling.

(b) The Secretary shall review the implementation of the procedures established under subsection (a) of this section six months after funds are first obligated under this Act and at six-month intervals thereafter.

(c) From funds appropriated pursuant to section 4, the Secretary may reserve such amount, not to exceed 1 per centum, as he deems necessary to provide for a continuing evaluation of programs assisted under this Act and their impact on related programs.

SPECIAL PROVISIONS

Sec. 11. (a) The Secretary shall not provide financial assistance for any program or activity under this Act unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program (A) will result in an increase in employment opportunities over those which would otherwise be available, (B) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), (C) will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed, and (D) will not substitute public service jobs for existing federally assisted jobs;

(2) persons employed in public service jobs under this Act shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938, as amended, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer to the extent that such rates are determined by the Secretary to be consistent with the purpose of this Act;

(3) all persons employed in public service jobs under this Act will be assured of workmen's compensation, health insurance, unemployment insurance and other benefits at the same levels and the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(4) the provisions of section 2(a)(3) of Public Law 89-286 (relating to health and safety conditions) shall apply to such program or activity;

(5) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants; and

(6) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) Nothing contained in this Act shall exempt any project otherwise subject to the provisions of the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5), from the provisions of that Act. The Secretary of Labor shall have, with respect to labor standards on any such project, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

(c) Where a labor organization represents employees who are engaged in similar work in the same labor market area to that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Secretary.

(d) The Secretary shall prescribe regulations to assure that programs under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

(e) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules, and regulations, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditures for construction, repairs, and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

(f) Acceptance of family planning services provided to participants shall be voluntary on the part of the individual to whom such services are offered and shall not be prerequisite to eligibility for or receipt of any benefit under the program.

(g) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this Act and other federally supported manpower programs. Such data shall include information on—

(1) characteristics of participants including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers; and

(3) total dollar cost per participant, including breakdown between wages, training, and supportive services, all fringe benefits, and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis, and shall include such information in the report required by section 12 of this Act.

(h) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(i) The Secretary shall not provide financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of chapter 15 of title 5, United States Code.

(j) The Secretary shall not provide financial assistance for any program under this Act unless he determines that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

SPECIAL REPORT

Sec. 12. The Secretary shall transmit to the Congress at least annually a detailed report setting forth the activities conducted under this Act, including information derived from evaluations required by section 10(c) and 11(g) of this Act and information on the extent to which (1) participants in such activities subsequently secure and retain public or private employment or participate in training or employability development programs, (2) segments of the population of unemployed persons are provided public service opportunities in accordance with the purposes of this Act.

DEFINITIONS

Sec. 13. As used in this Act, the term—

(1) "Secretary" means the Secretary of Labor.

(2) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(3) "city" means an incorporated municipality having general governmental powers.

(4) "public service" includes, but is not limited to, work in such fields as environmental quality, health care, public safety, education, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

(5) "health care" includes, but is not limited to, preventive and clinical medical treatment, family planning services, nutrition services, and appropriate psychiatric, psychological, and prosthetic services.

(6) "local service company" means a community development corporation or other corporation, partnership, or other business entity organized to operate a public service employment program or component thereof and owned or operated in substantial part by unemployed or low-income residents of the area to be served.

(7) "unemployed persons" means—

(A) persons who are without jobs and who want and are available for work; and

(B) adults who or whose families receive money payments pursuant to a State plan approved under title I, IV, X, or XVI of the Social Security Act (1) who are determined by the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, to be available for work, and (2) who are either (i) persons without jobs, or (ii) persons working in jobs providing insufficient income to enable such persons and their families to be self-supporting without welfare assistance;

and the determination of whether persons are without jobs shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining persons as unemployed.

EFFECTIVE DATE

Sec. 14. This Act shall be effective upon enactment and the determinations to be made under section 4(b) shall take into account the rate of unemployment for a period of three consecutive months even though all or part of such period may have occurred prior to the enactment of this Act.

Mr. NELSON. I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TRIBUTES ON LEGISLATIVE ACHIEVEMENTS THIS WEEK

Mr. MANSFIELD. Mr. President, the passage of this measure marks the second achievement for the Senate this week. On Tuesday, the Senate adopted the proposal that extended the interest equalization tax. That measure was ably and efficiently managed by the distinguished Senator from Louisiana (Mr. Long), the chairman of the Senate Finance Committee. Though presenting no controversy on the merits that proposal did precipitate an amendment offered by the distinguished Senator from Indiana (Mr. Bayh); an amendment which sought to extend advanced Federal support to the unemployment compensation benefit program. I wish to commend both Senator Long and Senator Bayh for cooperating so splendidly to assure the disposition of that measure last Tuesday. They, along with the distinguished Senator from Georgia (Mr. Talmadge), and others made possible its most effective and efficient handling.

Today's success was equally magnificent. The distinguished Senator from Wisconsin (Mr. Nelson) demonstrated his immense expertise concerning the Nation's manpower needs. This proposal to provide public service employment for the unemployed indicated again his great understanding of both the state of the economy and those who suffer because of it.

Joining Senator Nelson was the distinguished Senator from New York (Mr. Javits), the ranking member of the Committee on Labor and Public Welfare. His cooperation and assistance were indispensible. Particularly to be commended as well is the Senator from Colorado (Mr. Dominick) who along with the Senator from Vermont (Mr. Prouty) and the Senator from Ohio (Mr. Taft) offered their own strong—but equally sincere—views respecting this program.

I would only say finally that the leadership is grateful. The Senate may be proud of the achievements obtained this week. The cooperative efforts involved have meant that the Senate has been able to remain current with its program. We are up-to-date as far as the calendar of business is concerned and that is always welcome information.

ACQUISITIONS BY THE COMMISSION ON ANTIQUITIES AND THE ARTS

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader and myself, I send to the desk a resolution. This matter has been discussed with other members of the Commission on Antiquities and the Arts as they affect the Senate—Senator Prouty and Senator Jordan and I have been trying to contact Senator Ellender, the President pro tempore, but so far have been unsuccessful, I ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Burdick). The resolution will be stated.

The assistant legislative clerk read as follows:

Senate Resolution 95

Resolved, That (a) the Commission on Art and Antiquities of the United States Senate, in addition to any authority conferred upon it by Senate Resolution 382, Ninetieth Congress, agreed to October 1, 1968, is authorized to acquire any work of art, historical object, document or material relating to historical matters, or exhibit for placement or exhibition in the Senate wing of the Capitol, the Senate Office Buildings, or in rooms, spaces, or corridors thereof

(b) This resolution shall be effective as of March 1. 1971

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the original resolution which was agreed to unanimously by the Senate on October 1, 1968, be printed at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Senate Resolution 382

Resolved, That (a) there is hereby established a Commission on Art and Antiquities of the United States Senate (hereinafter referred to as "the Commission") consisting of the President pro tempore of the Senate, the chairman and ranking minority member of the Committee on Rules and Administration of the Senate, and the majority and minority leaders of the Senate.

(b) The Commission shall elect a Chairman and a Vice Chairman at the beginning of each Congress. Three members of the Commission shall constitute a quorum for the transaction of business, except that the Commission may fix a lesser number which shall constitute a quorum for the taking of testimony.

(c) The Commission shall elect a Curator of Art and Antiquities of the Senate who shall be appointed by and be an employee of the Secretary of the Senate. The Curator shall serve at the pleasure of the Commission, shall perform such duties as it may prescribe, and shall receive compensation at a gross rate, not to exceed $22,089 per annum to be fixed by the Commission. At the request of the Commission the Secretary of the Senate shall detail to the Commission such additional professional, clerical, and other assistants as, from time to time, it deems necessary.

(d) The Commission shall be empowered to hold hearings, summon witnesses, administer oaths, employ reporters, request the production of papers and records, take such testimony, and adopt such rules for the conduct of its hearings and meetings, as it deems necessary.

Sec. 2. (a) The Commission is hereby authorized and directed to supervise, hold, place, and protect all works of art, historical objects, and exhibits within the Senate wing of the Capitol, and in all rooms, spaces, and corridors thereof, which are the property of the United States, and in its judgment to accept any works of art, historical objects, or exhibits which may hereafter be offered, given, or devised to the Senate, its committees, and its officers for placement and exhibition in the Senate wing of the Capitol, the Senate Office Buildings, or in rooms, spaces, or corridors thereof.

(b) The Commission shall prescribe such regulations as it deems necessary for the care, protection, and placement of such works of art, exhibits, and historical objects in the Senate wing of the Capitol and the Senate Office Buildings, and for their acceptance on behalf of the Senate, its committees, and officers. Such regulations shall be published in the Congressional Record at such time or times as the Commission may deem necessary for the information of the Members of the Senate and the public.

(c) Regulations authorized by the provisions of section 1820 of the Revised Statutes (40 U.S.C. 193) to be issued by the Sergeant at Arms of the Senate for the protection of the Capitol, and any regulations issued, or activities undertaken, by the Committee on Rules and Administration of the Senate, or the Architect of the Capitol, in carrying out duties relating to the care, preservation, and protection of the Senate wing of the Capitol and the Senate Office Buildings, shall be consistent with such rules and regulations as the Commission may issue pursuant to subsection (b).

(d) The Committee on Rules and Administration of the Senate in consultation with the Architect of the Capitol and consistent with regulations prescribed by the Commission under subsection (b), shall have responsibility for the supervision, protection, and placement of all works of art, historical objects, and exhibits which shall have been accepted on behalf of the Senate by the Commission or acknowledged as United States property by inventory of the Commission, and which may be lodged in the Senate wing of the Capitol or the Senate Office Buildings by the Commission.

Sec. 3. The Commission shall have responsibility for the supervision and maintenance of the Old Senate Chamber on the principal floor of the Senate wing of the Capitol insofar as it is to be preserved as a patriotic shrine in the Capitol for the benefit of the people of the United States.

Sec. 4. The Commission shall, from time to time, but at least once every ten years, publish as a Senate document a list of all works of art, historical objects, and exhibits currently within the Senate wing of the Capitol and the Senate Office Buildings, together with their description, location, and with such notes as may be pertinent to their history.

Sec. 5. There is hereby authorized to be appropriated out of the contingent fund of the Senate for the expenses of the Commission the sum of $15,000 each fiscal year, to be disbursed by the Secretary of the Senate on vouchers signed by the Chairman or Vice Chairman of the Commission: *Provided,* That no payment shall be made from such appropriation as salary.

The PRESIDING OFFICER. The question is on agreeing to the pending resolution.

The resolution (S. Res. 95) was agreed to.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that instead of taking up S. 581, which was to be taken up at this time, it be laid before the Senate at the end of today's session and made the pending business for Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, in addition, other business will be taken up today—a bill from the Calendar, a conference report by the distinguished Senator from Georgia, and other matters.

EXPRESSION OF THE SENSE OF THE SENATE WITH RESPECT TO REMOVAL OF DISCRIMINATORY EEC PREFERENCES AGAINST U.S. CITRUS EXPORTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 52, S. Res. 89.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 89) expressing the sense of the Senate with respect to the prompt removal of discriminatory preferences on citrus fruits granted by the European Economic Community, and action to be taken by the United States if such discriminatory preferences are not promptly removed.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that an explanatory statement contained in the report from the Committee on Finance be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

PURPOSE OF THE RESOLUTION

This resolution calls on the President to promptly make every effort to obtain the removal of the discriminatory import preferences maintained by the European Economic Community with respect to citrus fruits and, should such efforts not succeed, to exercise, within 60 days of the date of this resolution his authority to increase U.S. import duties or impose other import restrictions against products entering the U.S. market from the European Economic Community.

GENERAL STATEMENT

BACKGROUND

On September 1, 1969, the European Economic Community entered into discriminatory agreements with Tunisia and Morocco, granting to those countries an 80 percent reduction in the European Community's common external tariff on fresh oranges and lemons. Contrary to accepted principles in international trade, these duty reductions were not given to all trading nations. In return, these two countries gave certain discriminatory concessions to the European Common Market. These actions are a clear violation of trade agreements and they impair concessions granted to the United States in trade agreements negotiated under the trade agreements program.

Because these discriminatory arrangements also would have adversely affected the trade of Spain and Israel, the EEC granted a 40-percent reduction in its common external tariff on oranges and lemons to these countries. Recognizing the illegality of these preferences to Spain and Israel, the EEC requested a waiver from its most-favored-nation obligations, under the GATT. The United States and a number of other countries opposed this. When it became apparent that the waiver would not be granted, the European Community withdrew its request and said it would withdraw the duty reductions to Spain and Israel. However, these preferential concessions to Spain and Israel were withdrawn only after the major part of the U.S. citrus shipping season was over and for all practical purposes the withdrawal was not effective. Moreover, on October 1, 1970, as part of broader agreements the European Community reinstated the 40-percent preference for oranges and lemons from Spain and Israel, and gave a preference to Israel for grapefruit. These preferences also violate trade agreements negotiated with the United States.

EEC TARIFF PREFERENCES, DURING U.S. MARKETING SEASON FOR CITRUS FRUITS

[In percent]

	Oranges		Lemons		Grapefruit	
	Applicable rate	Preference margin	Applicable rate	Preference margin	Applicable rate	Preference margin
United States	[1] 15	None	8	None	[2] 6	None
Morocco	[1] 3	80	1.6	80	[2] 6	None
Tunisia	[1] 3	80	1.6	80	[2] 6	None
Spain	[1] 9	40	4.8	40	[2] 6	None
Israel	[1] 9	40	4.8	40	[2] 3.6	40

[1] Oranges, Apr. 1 to Oct. 15.

[2] Post Kennedy round rate.

IMPACT OF DISCRIMINATORY PREFERENCES ON CITRUS FRUITS

The effect of these preferential rates has already been felt by U.S. exporters of citrus fruit. It is anticipated that in the future the effects will be much greater.

In the 1969–70 season the European Community increased its import tonnages of fresh oranges from Morocco, Tunisia, Spain, and Israel by 19 percent over the previous year while, during this same period, U.S. shipments of oranges to the Community declined by 33 percent. On a dollar basis U.S. exports of fresh oranges to the Community declined by $4.7 million in 1969–70 as compared with the previous year. Thus, the countries receiving the preferences gained considerably in their trade while U.S. sales were cut by one-third. Other countries not party to the preferential arrangements such as Brazil and Cyprus also have suffered a decrease in their orange exports to the Community. An end to the discrimination is urgently needed as about two-thirds of total U.S. orange exports to the Community move during the brief span of only 4 months—April, May, June, and July. These 4 months, therefore, are highly critical for U.S. shippers. If the preferences are not removed immediately, U.S. exporters will suffer from a repetition of the experience of last season which showed a patern of greater-than-usual imports into the EEC of fresh oranges from Morocco, Tunisia, Spain, and Israel, an extension of the shipping season from these sources into the U.S. season, and a decline, both relative and absolute, in U.S. sales in an expanding Community market.

BROADER IMPLICATIONS OF EEC PREFERENCES

The European Economic Community has now entered into special preferential arrangements with no less than 28 nations. The Community is expanding into a worldwide discriminatory trading bloc which could ultimately include countries from Latin America and the Far East as well as most of Europe. These discriminatory arrangements are snowballing to the point where the United States will find its access to world markets severely restricted.

The special preferential arrangement entered into with these nations, including the Mediterranean countries involve two-way discrimination. The European Community exacts trade concessions from the country to which it grants preferential import concessions. Thus, U.S. exports are subject to double injury.

The citrus fruit problem involves the important principle of nondiscrimination in international trading relations. Further erosion of this principle will surely break up the world into competitive trade blocs each seeking to outdo the other in granting special discriminatory preferences to third countries. This has very clear, but uncomforting, consequences for the political cohesion of the free world.

The committee is concerned that existing U.S. statutes, international agreements, and institutional arrangements are not being adequately employed to deal with these pressing current problems in international trade. The executive branch must be more aggressive in protecting the trading interests of the United States from unfair trade practices such as the discriminatory bilateral trade agreements negotiated by the European Community.

REMEDIES AVAILABLE UNDER EXISTING LAW

The Congress has provided certain remedies to cope with the problem of discrimination in international trade. Specifically, in 1962 the Congress enacted Section 252 of the Trade Expansion Act which provides, *inter alia,*

(a) Whenever unjustifiable foreign import restrictions impair the value of tariff commitments made to the United States, oppress the commerce of the United States, or prevent the expansion of trade on a mutually advantageous basis, the President shall—

(1) take all appropriate and feasible steps within his power to eliminate such restrictions,

(2) refrain from negotiating the reduction or elimination of any United States import restriction under section 201(a) in order to obtain the reduction or elimination of any such restrictions, and

(3) notwithstanding any provision of any trade agreement under this Act and to the extent he deems necessary and appropriate, impose duties or other important restrictions on the products of any foreign country or instrumentality establishing or maintaining such foreign import restrictions against United States agricultural products, when he deems such duties and other import restrictions necessary and appropriate to prevent the establishment or obtain the removal of such foreign import restrictions and to provide access for United States agricultural products to the markets of such country or instrumentality on an equitable basis.

Section 338, of the Tariff Act of 1930, provides, *inter alia,*

(a) ADDITIONAL DUTIES.—The President when he finds that the public interest will be served thereby shall by proclamation specify and declare new or additional duties as hereinafter provided upon articles wholly or in part the growth or product of, or imported in a vessel of, any foreign country whenever he shall find as a fact that such country—

(1) Imposes, directly or indirectly, upon the disposition in or transportation in transit through or reexportation from such country of any article wholly or in part the growth or product of the United States any unreasonable charge, exaction, regulation, or limitation which is not equally enforced upon the like articles of every foreign country; or

(2) Discriminates in fact against the commerce of the United States, directly or indirectly, by law or administrative regulation

or practice, by or in respect to any customs, tonnage, or port duty, fee, charge, exaction, classification, regulation, condition, restriction or prohibition, in any such manner as to place the commerce of the United States at a disadvantaged compared with the commerce of any foreign country.

(b) EXCLUSION FROM IMPORTATION.—If at any time the President shall find it to be a fact that any foreign country has not only discriminated against the commerce of the United States, as aforesaid, but has, after the issuance of a proclamation as authorized in subdivision (a) of this section, maintained or increased its said discriminations against the commerce of the United States, the President is hereby authorized, if he deems it consistent with the interests of the United States, to issue a further proclamation directing that such products of said country or such articles imported in its vessels as he shall deem consistent with the public interests shall be excluded from importation into the United States.

(c) APPLICATION OF PROCLAMATION.—Any proclamation issued by the President under the authority of this section shall, if he deems it consistent with the interests of the United States, extend to the whole of any foreign country or may be confined to any subdivision or subdivisions thereof; and the President shall, whenever he deems the public interests require, suspend, revoke, supplement, or amend any such proclamation.

(d) DUTIES TO OFFSET COMMERCIAL DISADVANTAGES.—Whenever the President shall find as a fact that any foreign country places any burden or disadvantage upon the commerce of the United States by any of the unequal impositions or discriminations aforesaid, he shall, when he finds that the public interest will be served thereby, by proclamation specify and declare such new or additional rate or rates of duty as he shall determine will offset such burden or disadvantage, not to exceed 50 per centum ad valorem or its equivalent, on any products of, or on articles imported in a vessel of, such foreign country; and thirty days after the date of such proclamation there shall be levied, collected, and paid upon the articles enumerated in such proclamation when imported into the United States from such foreign country such new or additional rate or rates of duty; or, in case of articles declared subject to exclusion from importation into the United States under the provisions of subdivision (b) of this section, such articles shall be excluded from importation.

(e) DUTIES TO OFFSET BENEFITS TO THIRD COUNTRY.—Whenever the President shall find as a fact that any foreign country imposes any unequal imposition or discrimination as aforesaid upon the commerce of the United States, or that any benefits accrue or are likely to accrue to any industry in any foreign country by reason of any such imposition or discrimination imposed by any foreign country other than the foreign country in which such industry is located, and whenever the President shall determine that any new or additional rate or rates of duty or any prohibition hereinbefore provided for do not effectively remove such imposition or discrimination and that any benefits from any such imposition or discrimination accrue or are likely to accrue to any industry in any foreign country, he shall, when he finds that the public interest will be served thereby, by proclamation specify and declare such new or additional rate or rates of duty upon the articles wholly or in part the growth or product of any such industry as he shall determine will offset benefits, not to exceed 50 per centum ad valorem or its equivalent, upon importation from any foreign country into the United States of such articles; and on and after thirty days after the date of any such proclamation such new or additional rate or rates of duty so specified and declared in such proclamation shall be levied, collected, and paid upon such articles.

The citrus industry has actually sought relief through the remedy provided by section 252 described above. In June of 1970, the industry petitioned the President for action under this provision. In August of 1970 a hearing was granted the industry. The Trade Information Committee which includes representatives of the Departments of State, Commerce, Treasury, Agriculture, Labor, Defense, Interior, and the Office of Special Trade Representative unanimously agreed that discrimination existed in this case. However, despite this unanimity no relief has been obtained for the U.S. citrus fruit industry.

The executive branch has discussed the matter with our European trading partners but has been totally unsuccessful in obtaining any guarantee that the discrimination will be removed. Apparently, the European Economic Community either does not believe the executive branch will impose retaliatory measures against the goods of the Community entering into this country or does not care if it does. In any event they are unwilling to remove the discriminatory preference granted to the Mediterranean countries.

Mr. MANSFIELD. Mr. President, I understand there is a question of a time termination in this matter, and I yield to the distinguished Senator from New York.

Mr. JAVITS. I thank the Senator.

Mr. President, we gave very serious thought to bringing about a full-dress debate on this resolution, because it should be noted that it is a sense of the Senate resolution, not a law, and that is one mitigating factor. The other factor is that it does ask the President—and we do not ask these things lightly—to take remedial steps within 60 days "against the European Economic Community."

That would be a pretty formidable order, as I say, if this were legislation. But it is a sense of the Senate resolution, and it does bring before us a very grave question. The grave question is this: The United States is now committed to join in a scheme of generalized preferences to the manufacturers and semimanufacturers of the developing countries, or are we going to stand on the sidelines as the Europeans and Japan implement a generalized preferences scheme that the last two U.S. administration's helped pioneer and promote.

It is my fear that if the U.S. Congress does not authorize the United States to live up to the solemn commitment the U.S. Government made in the OECD and the United Nations, that we will have played into the hands of those Europeans who favor proliferating regional preferences schemes, who favor protectionism, and who favor an inward-looking Common Market.

In addition to their recent decision to implement a non-reciprocal, non-discriminatory tariff preferences scheme, the European Economic Community also has made recently special deals with African and Mediterranean countries which seem to the United States to very strongly to transgress upon the general policy of MFN to which the European Economic Community is a party in the GATT. There seemingly is a contradiction here. It seems to me that where we have an admitted grievance which carries the seeds of danger of disturbing the world's trade.

This resolution now before the Senate is symbolic of the issues that the countries of the free world will face in the years ahead—namely will the free world split into regional and warring trading blocs or will an open trading world be maintained with all this means for U.S. exports and the exports of other countries to the United States. I have decided not to interpose any objection to the sense of the Senate resolution. I support the idea of causing the European Economic Community to rethink its future trade policies particularly now as the negotiations with the UK are underway—just as we are rethinking our policies—Europe cannot continue negotiating specialized preferential arrangements to the world that it wants a system of generalized preferences. In order to bring up our friends and trading partners rather sharply and to point a finger at what is contributing to the protectionist mood in the United States, I have decided not to interpose an objection to the resolution.

The PRESIDING OFFICER (Mr. BURDICK). The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 89

Whereas discrimination in international trade is contrary to the trading interests of all nations; and

Whereas proliferation of discriminatory trade arrangements by the Euopean Economic Community is harmful to the world trading system; and

Whereas the European Economic Community has recently accorded preferential tariff treatment with respect to citrus fruit from Tunisia, Morocco, Spain, and Israel, to the detriment of United States exports; and

Whereas the European Economic Community has received preferential concessions from Tunisia, Morocco, Spain, and Israel in return for its discriminatory preferences, also to the detriment of United States exports; and

Whereas these discriminatory preferences violate trade agreements and impair concessions granted to the United States in trade agreements negotiated under the Trade Agreements Program; and

Whereas the Congress of the United States has enacted section 252 of the Trade Expansion Act of 1962 and section 338 of the Tariff Act of 1930 to provide remedies for injury to United States export trade arising from such discriminatory preferences: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President shall promptly make every effort to obtain the removal of the discriminatory import preferences maintained by the European Economic Community with respect to citrus fruits and, should such efforts not succeed, the President shall take appropriate remedial steps within sixty days from the date of this resolution against the European Economic Community pursuant to section 252 of the Trade Expansion Act of 1962 or section 338 of the Tariff Act of 1930.

Mr. MANSFIELD. Mr. President, I move that the vote by which the resolution was agreed to be reconsidered.

Mr. TALMADGE. Mr. President, I move that the vote to reconsider be laid on the table.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 789) to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, with an amendment in the nature of a substitute, in which it requested the concurrence of the Senate.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I now yield to the distinguished Senator from Maine (Mrs. Smith).

Mrs. SMITH. I thank the majority leader.

DESIGNATION BY THE ARMY OF ITS INITIAL REVIEWING AUTHORITY IN THE CALLEY CASE

Mrs. SMITH. Mr. President, I was greatly surprised this morning to find upon inquiry to the Office of the Judge Advocate General of the Army not only that the initial reviewing authority in the Calley case had not been designated, but also that no indication could be given as to how soon that designation would be made.

Because of the obvious need to avoid any unnecessary delay in the final disposition and decision on this case I wrote the Secretary of the Army a letter which was delivered to the Department of the Army around 1 o'clock this afternoon.

I ask unanimous consent to have my letter printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

April 1, 1971.

The Secretary of the Army,
Department of the Army,
Washington, D.C.

My Dear Mr. Secretary: I am surprised to learn upon inquiry this morning that the initial reviewing authority in the Calley case has not yet been designated despite the long known conditions that prompt a deviation from standard practices because of the disqualification aspects in this case. I was even further surprised that no indication could be given at this time as to how soon the reviewing authority would be designated.

Because of the impact of the Calley case, not only upon the morale of military personnel, and specifically combat personnel carrying out combat orders, and as well the impact upon the morale of the entire American public, it seems incumbent upon the Department of the Army to expedite this case as rapidly as the interests of justice and humanity permit.

For the Department of the Army at this time to be in a position of reporting that not only has there been no designation of the initial reviewing authority, but that there is no indication as to how soon that designation will be made gives the very opposite impression of avoiding unnecessary delay.

Surely it is to be acknowledged that this is not an ordinary court-martial without servicewide and national implications and impact. Surely the initial reviewing authority designation should have been designated by this time. Surely there should be no further delay in that designation.

Sincerely yours,
Margaret Chase Smith,
U.S. Senator.

EXPORT-IMPORT BANK ACT AMENDMENTS OF 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 53, S. 581. I do this so that it will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 581

To amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the United States Government, to extend for three years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Banking, Housing and Urban Affairs with an amendment to strike out all after the enacting clause and insert "That the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635) is amended—

(a) By inserting '(1)' immediately after 'Sec. 2. (a)' of such Act, and by adding at the end thereof the following new paragraph:"

(2) The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the United States Government. In accordance with the provisions of the Government Corporation Control Act, the President shall transmit annually to the Congress a budget for program activities and for administrative expense of the Bank. The President shall report annually to the Congress the amount of net lending of the Bank which would be included in the totals of the budget of the United States Government if the Bank's activities were not excluded from those totals as a result of this section."

(b) Section 2(c) (1) of such Act is amended by striking out "$3,500,000,000" and inserting in lieu thereby "$10,000,000,000".

(c) Section 7 of such Act is amended by striking out "$13,500,000,000" and inserting in lieu thereof "$20,000,000,000".

(d) Section 8 of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1976", and by inserting immediately following the words "Secretary of the Treasury" "or any other purchasers".

(e) Section 2(b) (3) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b) (6)) is amended to read as follows:

"(3) The Bank shall not guarantee, insure, or extend credit, or participate in the extension of credit in connection with (A) the purchase of any product, technical data, or other information by a national or agency of any nation which engages in armed conflict, declared or otherwise, with the Armed Forces of the United States, or (B) the purchase by any nation (or national or agency thereof) of any product, technical data, or other information which is to be used principally by or in any such nation described in subparagraph (A)."

(f) Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)) is amended by adding at the end of paragraph (1) the following: "In the exercise of its functions the Bank shall, insofar as feasible and practicable, provide guarantees, insurance, and extensions of credit at rates and on terms and conditions which are reasonably competitive with the Government-supported rates, terms, and other conditions available for the financing of exports from the principal countries whose exporters compete with United States exporters.

Sec. 2. The President shall, within thirty days after enactment of this Act, report to the Congress the amount by which the annual expenditure and net lending limitation imposed on the budget of the United States Government by title V of the Second Supplemental Appropriations Act, 1970, will be reduced as a result of the amendment made by section 1(a) of this Act.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. ON MONDAY, APRIL 5, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Monday next.

The PRESIDING OFFICER (Mr. Burdick). Without objection, it is so ordered.

RECOGNITION OF SENATORS ON MONDAY

Mr. MANSFIELD. Mr. President, is it correct to state that the distinguished Senator from Illinois will be recognized for 15 minutes and then the Senator from Montana now speaking for the following 15 minutes?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. Mr. President, the purpose is to conduct a colloquy. In order to make certain that colloquies are colloquies, after discussing this matter with the distinguished minority leader, I think it advisable that each Senator so engaged announce it ahead of time, so that there will be no difficulty insofar as determination of the definition of what the word colloquy means is concerned.

EXPORT-IMPORT BANK ACT AMENDMENTS OF 1971

CHANGE IN UNANIMOUS CONSENT AGREEMENT

The PRESIDING OFFICER (Mr. Burdick). The Chair would inquire of the Senator from Montana, under the unanimous-consent agreement, regarding this question of controlled time, would the Senator like to have that agreement, suspended until Monday next?

Mr. MANSFIELD. Yes, indeed; that is correct. I ask unanimous consent—and this has been cleared all around—that one of the 3 hours allocated to the bill be added to one of the Proxmire amendments so that he will have, on one occasion, at least a 2-hour time limitation.

Mr. JAVITS. Mr. President, I did not hear the unanimous-consent agreement on the bill. Does it protect all amendments and all amendments to amendments?

Mr. MANSFIELD. Oh, yes. That is right.

Mr. JAVITS. And any time on the bill itself?

Mr. MANSFIELD. Yes, 3 hours, but I am taking 1 hour off the bill at the request of the Senator from Wisconsin (Mr. PROXMIRE), with the approval of the chairman of the bill, so that the Senator from Wisconsin can have enough time on this one amendment.

Mr. JAVITS. I thank the distinguished majority leader.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

AMENDMENT OF THE TOBACCO MARKETING QUOTA PROVISIONS OF THE AGRICULTURAL ACT OF 1938, AS AMENDED

Mr. TALMADGE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 789.

The PRESIDING OFFICER (Mr. BURDICK) laid before the Senate the amendment of the House of Representatives to strike out all after the enacting clause and insert:

That the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", is amended by adding immediately following section 318 a new section 319 to read as follows:

"FARM POUNDAGE QUOTAS FOR BURLEY TOBACCO

"SEC. 319. (a) Notwithstanding any other provision of law, the Secretary shall, within thirty days following the enactment of this section, proclaim national marketing quotas for burley tobacco for the three marketing years beginning October 1, 1971, and determine and announce the amount of the marketing quota for burley tobacco for the marketing year beginning October 1, 1971, as provided in this section.

"Within thirty days following such proclamation, the Secretary shall conduct a referendum of the farmers engaged in the production of the 1970 crop of burley tobacco to determine whether they favor or oppose the establishment of farm marketing quotas on a poundage basis as provided in this section for the three marketing years beginning October 1, 1971. If the Secretary determines that two-thirds or more of the farmers voting in such referendum approve marketing quotas on a poundage basis, marketing quotas as provided in this section shall be in effect for those three marketing years. If marketing quotas on a poundage basis are not approved by at least two-thirds of the farmers voting in such referendum, no marketing quotas or price support for burley tobacco shall be in effect for the marketing year beginning October 1, 1971. Thereafter, the provisions of section 312 of the Act shall apply: *Provided*, That national marketing quotas for burley tobacco for any marketing year subsequent to the marketing year beginning October 1, 1971, shall be proclaimed as provided in this section.

"(b) The Secretary shall determine and announce, not later than the February 1 preceding the second and third marketing years of any three-year period for which marketing quotas on a poundage basis are in effect under this section, the amount of the national marketing quota for each of such years. If marketing quotas have been made effective on a poundage basis under this section, the Secretary shall, not later than February 1 of the last year of three consecutive marketing years for which marketing quotas are in effect under this section, proclaim national marketing quotas for burley tobacco for the next three succeeding marketing years as provided in this section. Within thirty days following such proclamation, the Secretary shall conduct a referendum in accordance with section 312(c) of the Act. If the Secretary determines that more than one-third of the farmers voting oppose the national marketing quotas, he shall announce the results and no marketing quotas or price support shall be in effect for such kind of tobacco for the first marketing year of such three-year period. Thereafter, the provisions of section 312 of the Act shall apply: *Provided*, that the national marketing quota and farm marketing quotas shall be determined as provided in this section. Notice of the farm marketing quota which will be in effect for his farm for the first marketing year covered by any referendum under this section shall, insofar as practicable, be mailed to the farm operator in sufficient time to be received prior to the referendum.

"(c) The national marketing quota determined under this section for burley tobacco for any marketing year shall be the amount produced in the United States which the Secretary estimates will be utilized in the United States and will be exported during such marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 5 per centum of such estimated ultization and exports. For each marketing year for which marketing quotas are in effect under this section, the Secretary in his discretion may establish a reserve (hereinafter referred to as the 'national reserve') from the national marketing quota in an amount not in excess of 1 per centum of the national marketing quota to be available for making corrections and adjusting inequities in farm marketing quotas, and for establishing marketing quotas for new farms (that is, farms for which farm marketing quotas are not otherwise established).

"(d) When a national marketing quota is first proclaimed under this section, the Secretary shall through local committees determine a farm yield for each farm for which a burley tobacco acreage allotment was established for the marketing year beginning October 1, 1970. Such yield shall be determined by averaging the yield per acre for the four highest years of the five consecutive years beginning with the 1966 crop year: *Provided*, That if burley tobacco was produced on the farm in fewer than five of such years, the farm yield shall be the simple average of the yields obtained in the years during such period that burley tobacco was produced on the farm: *Provided further*, That if no burley tobacco was produced on the farm but the farm was considered as having planted burley tobacco during the immediately preceding five years, the farm yield will be appraised on the basis of the yields established for similar farms in the area on which burley tobacco was produced during such five-year period: *And provided further*, That the farm yield established for any farm shall not exceed three thousand five hundred pounds per acre.

"(e) A preliminary farm marketing quota shall be determined for each farm for which a burley tobacco acreage allotment was established for the marketing year beginning October 1, 1970, by multiplying the farm yield determined under subsection (d) of this section by the farm acreage allotment (prior to any reduction for violation of regulations issued pursuant to the Act) established for such farm for the marketing year beginning October 1, 1970. For each farm for which such a preliminary farm marketing quota is determined, a farm marketing quota for the first year shall be determined by multiplying the preliminary farm marketing quota by a national factor obtained by dividing the national marketing quota determined under subsection (c) of this section (less the national reserve) by the sum of all preliminary farm marketing quotas as determined under this subsection: *Provided*, That such national factor shall not be less than 95 per centum.

"The farm marketing quota for each succeeding year shall be determined by multiplying the previous year's farm marketing quota by a national factor obtained by dividing the national marketing quota determined under subsection (c) of this section (less the national reserve) by the sum of the farm marketing quotas for the immediately preceding year for all farms for which burley tobacco marketing quotas will be determined for such succeeding marketing year: *Provided*, That such national factor shall not be less than 95 per centum: *Provided further*, That for the marketing years beginning October 1, 1972 and October 1, 1973, the farm marketing quota for any farm shall not be less than the smaller of (1) one-half acre times the farm yield times one-half the sum of the figure one and the national factor for the current year, or (2) the farm marketing quota for the immediately preceding marketing year times one-half the sum of the figure one and the national factor for the current year. The farm marketing quota so computed for any farm for any year shall be increased by the number of pounds by which marketings from the farm during the immediately preceding year were less than the farm marketing quota (after adjustments): *Provided*, That any such increase shall not exceed the amount of the farm marketing quota (including leased pounds) for the immediately preceding marketing year prior to any increase for undermarketings or decrease for overmarketings. The farm marketing quota so computed for each farm for any year shall be reduced by the number of pounds by which marketing from the farm during the immediately preceding year exceeded the farm marketing quota (after adjustments): *Provided*, That if, on account of excess marketings in the preceding year, the farm marketing quota is reduced to zero pounds without reflecting the entire reduction required, the additional reduction required shall be made in subsequent marketing years.

"The farm marketing quota for a new farm shall be the number of pounds determined by the county committee with approval of the State committee to be fair and reasonable for the farm on the basis of the past burley tobacco experience of the farm operator; the land, labor, and equipment available for the production of burley tobacco; crop rotation practices, and the soil and other physical factors affecting the production of burley tobacco: *Provided*, That the farm marketing quota for any such new farm shall not exceed 50 per centum of the average of the farm marketing quotas for similar farms for which farm marketing quotas are otherwise established: *Provided further*, That the number of pounds allocated to all new farms shall not exceed that portion of the national reserve provided by the Secretary for establishing quotas for new farms.

"(f) When a poundage program is in effect under this section, the farm marketing quota next established for any farm shall be reduced by the amount of burley tobacco produced on any farm (1) which is marketed as having been produced on a different farm; (2) for which proof of disposition is not furnished as required by the Secretary; and (3) as to which any producer on the farm files, or aids or acquiesces in the filing of, any false report with respect to the production or marketings of tobacco: *Provided*, That if the Secretary through the local committee finds that no person connected with such farm caused, aided, or acquiesced in any such irregularity, the next established farm marketing quota shall not be reduced under this subsection. The reductions required under this subsection shall be in addition to any other adjustments made pursuant to this section.

"(g) When a poundage program is in effect under this section, farm marketing quotas (after adjustments) for burley tobacco may be leased and transferred to other farms in the same county under the terms and conditions contained in section 318 of the Act: *Provided*, That such leases and transfers shall be on a pound for pound basis: *Provided further*, That any adjustment for undermarketings or overmarketings shall be attributed to the farm to which leased and transferred: *Provided further*, That not more than fifteen thousand pounds may be leased and transferred to any farm under this section: *And provided further*, That the marketing quota determined for any farm subsequent to such lease and transfer shall not exceed an amount determined by multiplying the farm yield established under subsection (d) of this section by 50 per centum of the acreage of cropland in the farm.

"(h) Effective with the marketing year beginning October 1, 1976, no marketing quota, other than a new farm marketing quota, shall be established for a farm on which no burley tobacco was planted or considered planted in any of the five years immediately preceding the year for which farm marketing quotas are being established.

"(i) When marketing quotas under this section are in effect, provisions with respect to penalties for the marketing of excess tobacco and the other provisions contained in section 314 of the Act shall apply, except that:

"(1) No penalty on excess tobacco shall be due or collected until 110 per centum of the farm marketing quota (after adjustments) for a farm has been marketed, but with respect to each pound of tobacco marketed in excess of such percentage the full penalty rate shall be due, payable, and collected at the time of marketing on each pound of tobacco marketed, and any tobacco marketed in excess of 100 per centum of the farm marketing quota (after adjustments) will require a reduction in subsequent farm marketing quotas in accordance with section 319(e): *Provided*, That if the Secretary, in his discretion, determines it is desirable to encourage additional marketings of any grades of burley tobacco during any marketing year to insure traditional market patterns to meet the normal demands of export and domestic markets, he may authorize the marketing of such grades without the payment of penalty or deduction from subsequent quotas to the extent of 5 per centum of the farm marketing quota for the farm on which the tobacco was produced, and such marketings shall be eligible for price support.

"(2) The provisions with respect to penalties contained in the third sentence of section 314(a) shall be revised to read: 'If any producer falsely identifies or fails to account for the disposition of any tobacco, the Secretary, in lieu of assessing and collecting penalties based on actual marketings of excess tobacco, may elect to assess a penalty computed by multiplying the full penalty rate by an amount of tobacco equal to 25 per centum of the farm marketing quota (after adjustments) and the penalty in respect thereof shall be paid and remitted by the producer.'.

"(3) The provisions contained in the fourth sentence of section 314(a) shall not be applicable. For the first year a marketing quota program established under the provisions of this section is in effect, the farm marketing quota determined under the provisions of section 319(e) shall receive a temporary upward adjustment equal to the amount of carryover penalty-free burley tobacco for the farm. For subsequent years, the provisions of section 319(c) shall apply.

"(j) The Secretary shall prescribe such regulations as he considers necesary for carrying out the provisions of this section."

SEC. 2. Section 378 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding subsection (f) to read as follows:

"(f) In applying the provisions of this section to a farm for which a tobacco marketing quota has been determined under section 319 of this Act, the words 'allotment' and 'acreage', wherever they appear, shall be construed to mean 'marketing quota' and 'poundage', respectively, as required."

SEC. 3. Clause (c) of section 106 of the Agricultural Act of 1949, as amended, is amended to read as follows:

"(c) If acreage poundage or poundage farm marketing quotas are in effect under section 317 or 319 of the Agricultural Adjustment Act of 1938, as amended, (1) price support shall not be made available on tobacco marketed in excess of 110 per centum of the marketing quota (after adjustments) for the farm on which such tobbacco was produced, and (2) for the purpose of price-support eligibility, tobacco carried over from one marketing year to another shall, when marketed, be considered tobacco of the then current crop."

SEC. 4. Any action taken by the Secretary pursuant to section 312 of the Act (7 U.S.C. 1312) for burley tobacco for any of the three marketing years beginning October 1, 1971, prior to the enactment of this section, shall be of no effect.

Mr. TALMADGE. Mr. President, for the purpose of making legislative history, the House amendment contains a typographical error which does not appear to be material.

In section 319(i)(3), section "319(c)" is referred to where section "319(e)" is obviously intended.

I do not think it is material or necessary to send the bill back to the House for that reason, but for the purposes of making legislative history, I wanted to make this statement.

Now, Mr. President, the House has amended the Senate-passed burley bill in some particulars, and I have discussed these amendments with the Senators representing the States of Kentucky, Tennessee, North Carolina, and Virginia, which are the principal burley-producing States in the Union.

Mr. President, I move that the Senate concur in the House amendment.

Mr. President, I yield to the Senator from Kentucky before the vote.

Mr. COOPER. I thank the Senator from Georgia.

Mr. President, I would like to direct attention to a possible question of interpretation of a change made by the House in the Senate bill, which I introduced. One of the differences in the bill S. 789 as passed by the Senate and as amended by the House, is a technical difference in the provision permitting the leasing of burley quotas. The Senate bill had directed the leasing provision to section 316 of the Agricultural Adjustment Act of 1938, as amended—which provides for the leasing of quotas in other types of tobacco, but does not permit the sale of quotas. The House provision is directed to section 318 of the act, which permits the sale as well as the lease of allotments for a few limited types of tobacco, but the House language carefully specifies "lease and transfer" throughout.

I recognize that it is the intention of the House committee and the House bill that only the lease of burley tobacco quotas, not their sale, is authorized. I am informed that this interpretation has been confirmed by the General Counsel of the Department of Agriculture. This interpretation is shown also by the House committee report, No. 92–98, which states on page 6:

> The bill also provides for the *lease* of burley tobacco farm marketing quotas . . .

And later—

> Farmers who do not wish to continue the production of burley tobacco could transfer their resources to other enterprises and at the same time receive some income from the *lease* of their farm quotas.

I do not think the question will arise, but thought it wise to make this point clear in the legislative history of the bill, because the House bill did at one time include the sale of quotas, but was amended to permit only the lease of burley quotas.

I would ask the distinguished senior Senator from Georgia (Mr. TALMADGE) if he would agree with that interpretation.

Mr. TALMADGE. I agree with the Senator's interpretation. It was the intention of the Senate Committee on Agriculture and Forestry and the intention of the Senate, and my understanding also the intention of the House Agriculture Committee, and the intention of the House as a whole, to permit the leasing of up to 15,000 pounds of burley tobacco quota, but not to permit the sale of burley quotas.

Mr. COOPER. I thank the Senator. I felt very strongly that this bill should not include the sale of allotments. I opposed that, and would oppose a bill which provided for the sale of allotments.

I do wish to take this opportunity to thank the Senator from Georgia, the chairman of the committee, the Senator from Iowa (Mr. MILLER), the ranking minority member who conducted hearings on this bill, and all the members of the committee for bringing to the Senate a good bill, and one which in fact followed very closely the recommendations I made to the committee and the bill I first introduced.

When the burley poundage bill was before the Senate, the Senator from Tennessee (Mr. BAKER) offered an amendment, in which the junior Senator from Kentucky (Mr. COOK), the Senator from North Carolina (Mr. ERVIN), and I joined, and which we believed would lighten the impact upon those smaller tobacco farmers who grow one-half acre or less, and who have not had to take reductions under the acreage program.

In the House, three or four changes were made in the Senate bill. One change increases from 5,000 to 15,000 pounds the amount of quota a farmer may lease. A second change insures that no farm quota may be cut more than 5 percent in any year. A third change gives the tobacco farmer with one-half acre or less some relief, insuring that in the years 1972 and 1973, their cut could be only half as large as those who grow more than one-half acre of burley tobacco—that is, not more than 2½ percent in those years—which would lessen the economic impact upon them of changing to the poundage program.

I think this small-grower provision is a wise and just provision, and a humane thing to do. Many of these farmers depend for their cash income on their small burley allotments.

The chief purpose of this bill is to change the method of production control for the burley tobacco price support program from an acreage basis to a poundage basis. It will bring the burley program, with its 90 percent of parity support price guarantee, into balance and equilibrium. It will control production so as to steadily reduce any surplus, and in a few years bring the reserve supply down to the statutory desirable level of 2.8 years' supply. That will protect, too, the basis of support for this successful farm program.

I am grateful to the Senator from Georgia for his efforts. I think this poundage plan will straighten out the difficulties now being the burley tobacco program, into good shape. I think it will be good for all of our growers, and will be fair and just to them. I know they appreciate his deep interest in them and in their economic welfare, and the interest of all who have helped bring this proposal into being.

Mr. TALMADGE. Mr. President, I thank the distinguished Senator from Kentucky for his generosity. I compliment him as the author of the bill.

Mr. COOPER. Mr. President, I thank also all other Members of the Senate from burley tobacco States—my colleague, the junior Senator from Kentucky (Mr. COOK), the senior Senator from Tennessee (Mr. BAKER), the junior Senator from Tennessee (Mr. BROCK), the senior Senator from Virginia (Mr. BYRD), the junior Senator from Virginia (Mr. SPONG), the senior Senator from North Carolina (Mr. ERVIN), and the junior Senator from North Carolina (Mr. JORDAN), who is unfortunately ill, but who will soon return to the Senate. And I thank all who worked so hard on this bill in the House, Congressman JOHN C. WATTS who introduced the companion bill in the House; the chairman of the House subcommittee, Congressman ABBITT; Congressman WAMPLER of Virginia; Dr. TIM LEE CARTER of my own district; Congressman STUBBLEFIELD, and all the rest who were members of the committee or helped bring this bill to its final passage today.

Mr. TALMADGE. Mr. President, I yield to the distinguished Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the Senator for yielding so that I can make this brief statement in support of the bill. However, before I do, I pay my respects once again to the distinguished Senator from Georgia (Mr. TALMADGE) and the distinguished senior Senator from Kentucky (Mr. COOPER) for their leadership in having the bill passed first in the Senate and in getting it finally passed in the Senate at this time.

A few days ago we were teetering on the brink of having no burley tobacco price-support program at all. We were teetering on the brink of economic disaster in the burley tobacco areas. We were teetering on the brink of doing something foolish indeed—failing to agree on this matter. However, with the leadership of the Senator from Kentucky (Mr. COOPER), and the Senator from Georgia (Mr. TALMADGE), and a number of Members of the House of Representatives, we now have a bill that is, I think, a good bill. I am pleased that the bill first passed by the Senate included the amendment that I offered. In my judgment, the bill has been improved on in the House.

I hope that the Senate tonight will accept the House amendments to the bill first introduced by the Senator from Kentucky (Mr. COOPER) which carried an amendment which I offered which was very graciously accepted by the distinguished Senator from Georgia.

Mr. President, I pay my respects to Representative WATKINS ABBITT, chairman of the House Tobacco Subcommittee, Representative WILLIAM WAMPLER, ranking minority member of the subcommittee, to Representative JOHN WATTS, of Kentucky, sponsor of the House bill, to Congressman FRANK STUBBLEFIELD, of Kentucky, and to Congressman TIM LEE CARTER, JR., of Kentucky, and all who worked for this bill, for the great interest they evidenced in bringing the bill to passage.

Representative WATTS and CARTER, while not members of the Agricultural Committee, played a great part in the development of the bill.

I also pay my respect to the staff of the committee and to Bailey Guard who helped greatly to secure passage of the bill.

Mr. TALMADGE. Mr. President, I thank the distinguished Senator from Tennessee for his generosity and compliment him on the part he played in the passage and improvement of the bill.

Mr. President, I now move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER (Mr. BURDICK). The question is on agreeing to motion.

The motion was agreed to.

THE CONVICTION OF LT. WILLIAM CALLEY

Mr. THURMOND. Mr. President, the conviction of Lt. William Calley for murder at My Lai has set off a wave of public resentment across the Nation. As evidence of the deep feeling of the people over the Calley case, I shall, at the conclusion of my remarks, submit a sample of the irate telegrams that I have received. This public reaction is of such intensity and is so universal that it bears—even demands—a close examination by our elected public officials.

It is important for us here in the Senate, the greatest of deliberative bodies, to understand the basis for this criticism and to see if it has been truly earned and if it is justified. In advocating this approach, in no way do I suggest our Nation's leaders respond blindly to pressure of opinion or to uninformed and irresponsible dislike of all things military. On the contrary, Mr. President, I urge that we take a dispassionate view of the Calley case as a part of a long series of events related to an unpopular war, and arrive at a sound conclusion that reflects not only our own, but also our Nation's conscience.

What we seem to face today is a lack of public confidence that stems from many factors—weariness from two-and-a-half-decades of cold war, disenchantment with our inability to solve mounting internal problems, and, above all, the strain of the longest war in our history—this poorly directed, interminable war in Vietnam.

This war. which should have ended in a U.S. victory several years ago, is a cancer that is devouring our soul; yet it has reached such a stage of development now that there seems to be only one logical cure—the Vietnamization of Vietnam and the orderly withdrawal of our forces. This is a slow cure, and it tries our national patience. It requires as a vital element, Armed Forces of a size and strength that enable us to withdraw with both honor and safety for our troops that are in Vietnam. This required military force needs a steady supply of young men from our society. Hopefully the need for new recruits will soon dwindle, and will eliminate, for all time in years of peace, forcible demands for our young people to serve in the armed services.

Lieutenant Calley is a product of the times and he is one of the few who has been singled out for punishment for actions taken in the heat of war. No one in his right mind can condone the slaughter of defenseless women and children.

A jury of Lieutenant Calley's peers has found him guilty of killing a number of civilians. We do not yet have the testimony to examine, but we can reflect that historically military justice has been unbending and harsh by civilian standards.

Mr. President, in my judgment, the American people feel that Lieutenant Calley has been singled out unfairly as a scapegoat for the entire war and all of its miseries and mistakes. This current wave of resentment is a shock of revulsion for a strange war in strange times. The people know that there have been atrocities committed on both sides. They also feel that when a war is fought in enemy territory, where the enemy is often in civilian clothes, where women and children have killed and maimed our fighting men with boobytraps and handgrenades, that the benefit of the doubt should be given to the American fighting men.

The people are voicing resentment over the Calley conviction for many reasons, but one must be the knowledge that some day a son or relative of theirs may be thrown into a similar situation. Who knows if he, too, will react to training, to orders, to combat pressures and the responsibility of command, in a way that will also bring down censure on his acts? In addition, the veterans who have defended our country so well in the past regard Lieutenant Calley's trial as a slur upon their own combat experience, and believe that his conviction undermines the values they fought to protect. These are the primary reasons for the resentment of the people to the conviction of Lieutenant Calley. The American people have a vested interest in a matter of this kind that is so vitally tied to the security of our country.

Mr. President, I have examined my conscience and have come to a conclusion which I urge my colleagues to support. There is a difference between war casualties and murder. In the interest of our fighting men still in Vietnam, and the others who may go into combat in the future, I believe that we should view Lieutenant Calley's trial as a serious setback to our Army and a threat to our future security. Our Armed Forces are already experiencing difficulties never encountered before. The Calley conviction will add to these burdens and will have a detrimental effect on the efficiency of our forces.

Two days ago I conveyed these views to the President in a telegram, which I shall submit for the RECORD. Also, I urged him to review the case as Commander in Chief of the Armed Forces, and consider the record from the points of view that I have just discussed. It is my hope that he will either set aside the findings or grant Lieutenant Calley a full pardon.

Further, I also believe that pending trials and previous actions taken for events similar to those that led to Lieutenant Calley's conviction be reexamined.

Mr. President, I ask unanimous consent that my telegram of March 30, 1971, to the President, as well as a number of letters and telegrams received at my office be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Telegrams]

MARCH 30, 1971.

THE PRESIDENT,
The White House,
Washington, D.C.:

The trial and conviction of Lt. William Calley for murder at My Lai is most disturbing to the American people and particularly to our men and women in the Armed Forces. Lt. Calley, whose acts were performed under combat conditions and pressures, could well be the victim of circumstances beyond his control. When a war is fought in enemy territory where the enemy is often in civilian clothes, the benefit of the doubt should be accorded to American fighting men. In the interest of the morale of our men still in Vietnam, and others who may go into combat in the future, I urge that these facts be taken into consideration when you review Lt. Calley's case as Commander in Chief.

Respectfully,

STROM THURMOND,
U.S. Senator.

DILLON, S.C.

Senator STROM THURMOND,
Washington, D.C.:

Copy of telegram sent to the President: "Mr. President, I am ex-combat soldier of World War II, I am shocked and dismayed at the verdict against Lt. Calley. This is a disgrace to the country and to the Army that he served. You, Mr. President, must right this terrible wrong."

MARION M. GASQUE.

GREENVILLE, S.C.

Senator STROM THURMOND,
Washington, D.C.:

I offer you sympathy and compassion over all the communications you are receiving in regards to Calley trial. However, the man is being made a scapegoat. Justice has not prevailed. Advise Presidential intervention.

Sincerely,

Dr. JOE R. BRYSON,
Republican Member, City Council.

CHARLESTON, S.C.

Senator STROM THURMOND,
Washington, D.C.:

The Calley conviction is a tragedy on American justice; those men were trained to kill the enemy largely unknown them. In many other opinions did his only duty, now he is being made a political goat; hope the Congress can intervene in Calley's behalf.

Dr. J. J. CLECKLEY, M.D.
Professor of Phychiatry,
Medical University of S.C.

GREENVILLE, S.C.

Senator STROM THURMOND,
Washington, D.C.:

Filled with indignation over injustice meated Lieutenant Calley.

Mrs. CAROLINA HILL.

SPARTANBURG, S.C.

Senator STROM THURMOND,
Washington, D.C.:

I think it a dirty shame that Lieutenant Calley was found guilty. He should never have been brought to trial in the first place. This verdict pleases only Hanoi. All along he has seemingly been picked as the sacrificial lamb in some weird voodoo rites that nobody seems to have guts enough to stop. As a veteran of World War II, I frantically urge that you do all in your power to secure presidential or congressional pardon.

FRANK H. CRYMES.

RIDGESPRING, S.C.

Senator STROM THURMOND,
Washington, D.C.:

We protest verdict Calley trial.

MAYNARD and CAROLYN WATSON.

GREAT FALLS, S.C.

Senator STROM THURMOND,
Washington, D.C.:

A line officer has admitted condoning distribution and use of drugs by and for our men in Vietnam. A sargeant who was obviously involved in every act occurring in My Lai has been acquitted for any wrong-doing. It has been made obvious that Lt. Calley was following direct orders from his chain of command. If you do not do everything in your power to right this terrible miscarriage of justice, you are not representing the people of this land. You and I and all the legislative and judicial as well as executive branches of government, including the President must share with Lt. Calley his cross of martyrdom. If he had dropped the A bomb on Nagasaki or Hiroshima we would have had a Medal of Honor around his neck as opposed to the hangman's noose which we all have today awarded Lt. Calley.

WILLIAM M. TRADER.

GREENVILLE, S.C.

Hon. STROM THURMOND,
Washington, D.C.:

As veteran of World War Two I must vehemently protest Calley verdict. Each acquaintance and colleague I know express same opinion. I hope you get millions of similar messages. Verdict must be changed to innocence.

Dr. JAMES E. LIPSCOMB,
Lt. Col. (retired).

GREENVILLE, S.C.

Senator STROM THURMOND,
Washington, D.C.:

Conviction of Lt. Calley for premeditated murder is national disgrace. Trust Presidential pardon will be forthcoming. All my colleagues in Greenville, South Carolina share this sentiment.

Dr. MORGAN T. MILFORD, M.D.

AUGUSTA, GA.

Hon. STROM THURMOND,
Washington, D.C.:

This is a protest against the decision in the Calley case.

L. H. CARTER.

CHARLESTON, S.C.

Hon. J. STROM THURMOND,
Washington, D.C.:

Be advised our stanch objections severe sentence passed on Lieutenant Calley. Advise your action.

Mr. and Mrs. S. N. HAIR.

ANDERSON, S.C.

Senator STROM THURMOND,
Washington, D.C.:

Sincerely hope you will use all influence to help William Calley. We need more like him. Regards.

LEON CHAPPELL.

CHARLESTON, S.C.

Senator STROM THURMOND,
Washington, D.C.:

Consider Calley's trial and conviction national disgrace. Urge you as commander in chief to clear his name, restore confidence in government and morale of servicemen, each serviceman and those subjected to same predicament if he exercises individual judgment or obeys orders.

Mr. and Mrs. H. L. ABLE.

MULLINS, S.C.

Senator STROM THURMOND,
Washington, D.C.:

Distressed over Calley verdict surely something can be done one man should not pay for what has been going on with many others at fault.

Mrs. MARGARET S. LIPSCOMB.

CHARLESTON, S.C.

Senator STROM THURMOND,
Washington, D.C.:

Object Lieutenant Calley's conviction.

Mr. and Mrs. JAMES R. WAY.

GREENVILLE, S.C.

Senator STROM THURMOND,
Washington, D.C.:

Sir, I am outraged. If Calley is guilty of premeditated murder, so is every American who served his country in wartime.

JOHN BARBA.

GREENVILLE, S.C.

Senator STROM THURMOND,
Washington, D.C.

DEAR SENATOR THURMOND: I am thirteen years old and the conviction of Lt. Calley has made me so mad that I am not sure I could fight for my country. I think I would rather spend twelve months in jail. If I do go into the Army I will not shoot anyone if someone put me in a dark room with people who were going to hurt me and the room had innocent people also, I think I would be swinging at anyone nearby wouldn't you? Truly yours.

David Salter.

Ridgespring, S.C.

Senator Strom Thurmond,
Washington, D.C.:

We strongly protest verdict in Calley trial.

Phillip and Harriet Watson.

Greenville, S.C.

Senator Strom Thurmond,
Washington, D.C.:

A grave injustice has been done to Lt. Calley. Glad my military obligation over.

David D. Kennedy.

Columbia, S.C.

Senator Strom Thurmond,
Washington, D.C.

Dear Sir: In hearing of Lt. Wm. Calley's conviction of premeditated murder in the Mia massacre this is outrageous whatever sentence they impose on this young man for a job well done. I would gladly take his place

Ross D. Berry.

Ridge Spring, S.C.

Senator Strom Thurmond,
Washington, D.C.:

Protest verdict Calley trial.

Leroy and Ella Rankin.

Greenville, S.C.

Senator Strom Thurmond,
Washington, D.C.:

Deeply shocked at Lt. Calley's conviction. He is being made a scapegoat.

Arthur Magill.

Columbia, S.C.

Senator Strom Thurmond,
Washington, D.C.:

Seventy five percent of your people are shocked at the Army decision of Lt. Calley. Please advise how to rally to the cause.

Bob Blake Martin's Gulf Service.

Boston, Mass.

Senator Strom Thurmond,
Washington, D.C.:

Lt. Calley should be cleared of all charges. He just did a job as ordered.

Ronald L. Levesque.

Camarillo, Calif.

Senator Strom Thurmond,
Washington, D.C.:

Lt. Calley needs help. In God's name see what you can do.

Amanda Marriage,
Salley Adams,
Dorothy Finton.

Augusta, Ga.

Senator Strom Thurmond,
Washington, D.C.:

If Calley is guilty then we have no business in Vietnam. Bring our men home. Protest where it counts most, yourself and the President.

W. A. Jacobs.

Roxboro, N.C.

Senator Strom Thurmond,
Washington, D.C.:

The conviction of Lt. Calley is a disgrace to our Nation. Is our Government allowing our boys to be treated in such a way; then those who refuse to serve, stay home and help them to become millionaires, like Cassius Clay?

Jim Fortune.

Ridge Spring, S.C.

Senator Strom Thurmond,
Washington, D.C.:

I feel a great injustice has been done at Ft. Benning. I implore you to take action necessary to save our Army and Nation.

T. C. Wright.

Greenville, S.C.

Senator Strom Thurmond,
Washington, D.C.

Honorable Sir: I am deeply disturbed and very concerned of the findings of the Calley's court martial and feel this will lead to further deterioration of military morale and effectiveness. I am asking you to look at this situation and use every avenue possible to free this innocent victim of our military system.

Chief M. Sgt. C. C. Bumgarner,
U.S. Air Force, retired.

Charleston, S.C.

Senator Strom Thurmond,
Washington, D.C.:

The verdict and results of the trial for Lt. Calley are a terrible blow for all parents of sons liable for service to their country as parents of two sons and your loyal supports we beg you to speak out against this unjust verdict and use your influence to avoid anymore such action.

Henry and Gertrude Branton.

Columbia, S.C.

Senator Strom Thurmond,
Washington, D.C.:

The conviction of Lt. Calley has had a great demoralizing effect on our men in Vietnam. I trust you will use your influence to see that the President or Congress rectifies this great injustice immediately.

Dan S. Judd.

Summerfield, S.C.

Senator Strom Thurmond,
Washington, D.C.:

Protest Calley verdict urge clemency.

Robbie Barrington,
Dorothy Hair,
Barbara Ann Reese,
Ina Binett,
Louise Wilson.

Cola, S.C.

Senator Strom Thurmond,
Washington, D.C.:

Honorable Sir: Please be informed that I protest the inhuman treatment accorded Lt. Calley. I appeal advise.

Maj. Carl A. Robinson, Sr.

Chattanooga, Tenn.

Senator Strom Thurmond,
Washington, D.C.:

Please use your influence with President Nixon in behalf of Lt. Calley. I am a member of 105th Medical Btn., Spartanburg National Guard, am greatly distressed over the decision on the Calley court martial. Again please use your influence to ask the President to free Lt. Calley, also congratulations on the baby girl.

Spec./4C Steve Gilbert.

Cola, S.C.

Senator Strom Thurmond,
Washington, D.C.:

Help Lt. Calley you know better than that, you know Lt. Calley got a rotten deal.

Barney Neeley.

Greenville, S.C.

Senator Strom Thurmond,
Washington, D.C.:

Is Lt. Calley to be sacrificed to appease the antiwar and leftist element in this country? Surely we can't let this verdict stand. Please do all you can to undo this terrible miscarriage of justice.

Mr. and Mrs. John O. Pritchard,
Grace and Helen Pritchard.

Spartansburg, S.C.

Senator Strom Thurmond,
Washington, D.C.:

Lt. Calley's conviction undermines basic moral strength of Armed Forces. Do what you can to save our army.

Mr. and Mrs. E. L. Permenter.

Meggetts, S.C.

Senator Strom Thurmond,
Washington, D.C.:

As a former 1st Sgt. during the Korean War I was trained to kill as he was. I protest a conviction that was placed upon him today.

Sgt. E. L. Commins,
Former Mayor.

Hartsville, S.C.

Senator Strom Thurmond,
Washington, D.C.:

If the William Calley verdict is justice we suggest a boycott by all members of the Armed Forces service in Vietnam and elsewhere.

H. L. Matthews,
Marion Tyner,
M. E. MacDonald,
John A. Stephens,
Wm. E. Redding,
David W. Truett,
W. G. Holley,
Glenn Allen,
J. T. Anderson,
Doyle B. Carpenter.
Hartsville, S.C.

Ridgespring, S.C.

Senator Strom Thurmond,
Washington, D.C.:

As a veteran of World War Two Pacific area two years infantry lt., I think what has been done to Lt. Calley is a disgrace to all of us. What do you think?

R. M. Watson, Sr.

Hartsville, S.C.

Senator Strom Thurmond,
Washington, D.C.:

We are opposed to the Calley verdict and respectfully request justice.

Dub Walters,
Marion Humphries,
Keith Amerson,
Ralph Talbert,
Hartsville, S.C.

Rembert, S.C.

Senator Strom Thurmond,
Washington, D.C.:

Are you truly with us? Nixon is against us to permit Lt. Calley to be tried or any other officer. This is the end of the greatest country the world has ever known.

Thomas McLeod.

Charleston, S.C.

Senator Strom Thurmond,
Washington, D.C.:

I feel the conviction of Lt. Calley is a victory for the Communist. This is indeed a dark day in the history of America.

John W. Weeks.

Florence, S.C.

Senator Strom Thurmond,
Washington, D.C.:

Re decision Lt. Calley, we have all went through battles. May I say that I as an individual was taught to kill World War II and Korea. Thank God I had the opportunity to fight for my country. Lt. Calley is a victim we could all have been the same.

Bob Prevatte.
Anderson, S.C.

Senator Strom Thurmond,
Washington, D.C.:

Either Lt. Calley should be pardoned or we get out of Vietnam at once.

Rev. Charles W. Moseley.

Charleston, S.C.

Senator Strom Thurmond,
Washington, D.C.:

I strongly object to this verdict on Lt. Calley. He is only a human being. He is helping to help this country and this world see what can be done about it.

C. L. Jasch.

Florence, S.C., *March 29, 1971.*

Senator Strom Thurmond,
Washington, D.C.

Dear Senator: I would like to voice my protest to the finding of the jury in the trial of Lt. William Calley today.

I am a veteran of World War II and I'm sure there are thousands of similar incidents that have gone unnoticed by anyone. If one is to be tried, why not all.

This young man was called into service and evidently served well and carried out his orders. These atrocious things occur, but in war I don't believe they can be helped.

This is the only way I know to plead for Lt. Calley so I'm writing you.

If you know of anyone who could let my feelings be known to, please talk to them.

If there is anyone who could help if I wrote to them, I'd appreciate having their name and address.

Thank you for good representation for our State.

Yours truly,

Herbert Coker.

Anderson, S.C., *March 29, 1971.*

Honorable Senator Strom Thurmond,

Dear Sir: Tomorrow night I will have a meeting, there will be 54 boys present, I am a Scout Master, the boys are Boy Scouts. Our openings always begin with the Pledge of Allegiance to the Flag. The Flag is one that you gave to our Troop, it has been flown over the Capitol of our Nation. I am wondering tonight if I could be sincere in giving the Pledge after hearing the decision that was handed down in the Lt. Calley Court Martial, a man being guilty of doing his duty for his Country?

I am a veteran of WW2, having served in the Pacific, my life was put on the line and I did my duty, the same as Lt. Calley, is there a difference in duty now? There are some of my former Boy Scouts in V.N. now, they are good boys, I wonder how many of them will be another Lt. Calley? What are they fighting for? Freedom for us? or a possible Court Martial for doing their duty and taking their orders?

I am the father of two boys, 19 and 23, the oldest is in the service now, Will he be Court Martialed for doing his duty? I tell you Senator, a lot of my Gung Ho is going unless some of the people do something, the people that can do something, that's YOU. among others.

Tomorrow night 30 March 1971, at 7:00 P.M. I hope that I can face the Flag and what it represents and repeat, I PLEDGE ALLEGIANCE TO THE FLAG, AND TO THE REPUBLIC FOR WHICH IT STANDS, ONE NATION, UNDER GOD, WITH LIBERTY AND JUSTICE FOR ALL.

Is it Justice for Lt. Calley?

Sincerely,

John F. Seel.

YOUTH OPPORTUNITY COUNCIL IS CLOSED

Mr. HUMPHREY. Mr. President, this afternoon's press carried a story that is very disconcerting. I think it is one of the most upsetting stories I have read relating to younger people and their needs for many months.

I have before me a copy of the Washington Evening Star. A front page story, center page, says that the Youth Opportunity Council is closed. This is a byline story by Robert Walters, one of the very able reporters and journalists.

The story reads:

Youth Opportunity Council Is Closed

(By Robert Walters)

The President's Council on Youth Opportunity, which has coordinated the federal government's effort to provide better employment, recreation and education opportunities to needy youngsters during the past four years, has been closed down by the White House.

The council, headed by Vice President Spiro T. Agnew, quietly went out of business yesterday afternoon. The office space it had occupied in a downtown office building here will be taken over by a new White House agency, the National Commission on Marijuana and Drug Abuse.

There was no public announcement of the Nixon administration's decision to "discontinue" the council, but individuals who have worked with the organization in the past were sent letters a week ago saying the move was "part of the President's efforts to reorganize the federal government."

The council was best known for its ambitious efforts to provide summer employment for disadvantaged youths in the nation's major urban areas. It's abolition means that there will be no federal agency whose principal responsibility will be to coordinate such efforts this summer.

On Tuesday, a day before the Council was permanently closed, the White House released a memo from President Nixon to all Cabinet officials and heads of federal agencies emphasizing the need to hire young people, particularly those from poor families, during the summer months.

"When schools close for the summer, many students will seek summer employment. Some will need the earnings to continue their education or to help out at home," Nixon said. "To others, the job might mean a start toward a new career or a chance to relate classroom theory to practical experience."

CIVIL SERVICE ROLE

A White House spokesman, in San Clemente, Calif., said that 115,000 students, at least 62,000 of them classified as "needy," would be employed by the federal government this summer.

According to the White House, the Civil Service Commission now will provide the leadership, guidelines and coordination for the summer employment program aimed at young people in the 16–21 age group.

The letters announcing the closing of the council, dated March 23 and 24, said that "functions presently assigned to the Youth Council will be assumed by the Domestic Council and the Office of Management and Budget."

Mr. President, I can recall when the Youth Council was established as an informal effort by President Johnson in 1965 and I was asked then, as the Vice President, to chair the Youth Opportunity Council which consisted of members of the Cabinet and other agencies of the Government. The President's direction to the Vice President was to coordinate the activities of the Federal Government in cooperation with State and local governments, and the private sector in order to provide employment, recreation, and educational opportunities to disadvantaged and needy youth between the ages of 14 and 20.

In 1967 this informal arrangement was formalized by Executive Order 1130 dated March 5, 1967, to plan, coordinate, and evaluate summer and other youth programs of the Federal Government and to encourage State, local, nonprofit, and other private organizations to participate fully in efforts to enhance opportunities for youth.

That was the directive in the Executive order establishing the President's Council on Youth Opportunity, Executive Order 11330, dated March 5, 1967.

But prior to this Executive order there had been 2 years of effort. I served as chairman. We had many meetings in the winter starting our program, getting funds available for State and local governments to do their planning in the winter and the months of spring, and being ready to launch our program as school let out around the first of June.

That program was running from the first of June into the month of September, those important summer months when thousands and thousands of young men and women were without work, without any kind of supervised or organized activity which is provided by our educational institutions.

A determined effort was made within the Federal Government to find jobs for needy youth and thousands of them were found. We went to the States, meeting with governors and mayors, and organizing a Youth Opportunity Council in every State and in every major city in the United States.

After 1967 we provided administrative funds for the purpose of these local and State Youth Opportunity Councils. Indeed, Mr. President, every State employment office in the United States had a special area or a special function in youth employment, special counselors, special employment officers, working with our needy youth.

In 1967 and 1968 the National Alliance of Businessmen became an active part of our program. I can remember meeting in Washington with Henry Ford II and other members of the National Alliance of Businessmen and getting their commitment to hire about a quarter million, over 200,000, young people. I believe they fulfilled their quota or commitment of approximately 200,000 in 1968.

Mr. President, we were able to find jobs for needy youth—and I do mean needy youth—referred by employment agencies, welfare agencies, church groups, nonprofit organizations working with the needy and the poor. We were able to find jobs for over 1 million young men and women during the summer months. We were able to put into remedial education hundreds of thousands of young men and women who needed a little extra help in the summer months during their schooling.

We had what we called Operation Champ in all the great cities of America where Olympic stars and professional athletes gave freely of their time at no cost to any one to help young men and women in recreational opportunities. We opened over 7,000 small parks and playgrounds in this country, every one of them paid for and made available by private industry at no cost to any public body.

I remember our sister city of Baltimore's closing off the streets for playground use every afternoon and how the fire department and the police department would organize recreational activities.

I think of some of our great athletes who spent their entire summer teaching young people how to swim, football players, the champions of the baseball diamond, and the champions of basketball giving leadership to young men and women. I could name by the hundreds the athletes who give of their time at no cost but out of love for young people and service to this country.

It was my privilege, and I considered it a rare privilege to help organize the President's Youth Opportunity Council, to have chaired it for 4 years, and to have traveled the length and breadth of this country to encourage mayors, commissioners, Governors, chiefs of police, and civic groups to become active in the youth field. I do not say we did as good a job as we would like to have done or should have done because frankly it was difficult to get money. But I was directed by the President to find $0.5 billion—$500 million—out of existing budgets for other programs.

I sat down many a day with different departmental heads with the directive from the President and said:

> You are going to allocate out of your departmental budget so many thousands of dollars or millions of dollars for the youth program.

We had our Neighborhood Youth Corps involving hundreds of thousands of jobs. These young people all over America started doing things such as cleaning parks, cleaning streets and back alleys, rodent control programs, doing things that needed to be done.

I know the argument can be made that this program will just go on in other agencies of Government. That is just the trouble; it will not go on in other agencies of Government.

If there is any reason I can be of help in this body it is because I have been in the other department of Government. If these functions are placed in other agencies of Government they will be lost. It takes a driving force, day and night. You have to be backed up by the Cabinet, you have to have the President behind you, you have to be able to speak for the President and almost make it a full-time job. I spent hundreds of hours as the chairman of the President's Youth Opportunity program. I realized it was not the greatest news of the day. I did not take on the networks or anyone else to tell them about their problems. I worked with young people.

The abolition of the Youth Opportunity Council is a cruel, low blow to the youth of this country. This is the one little hope they had.

Listen to these figures among black Americans—young blacks, and whenever they get out of line a little bit, oh, do we like to criticize them. There will be speech after speech made and article after article written about them and about these destructive young people. In the poor neighborhoods of our 50 major cities the black unemployment rate for young blacks in the teenage group is 42.4 percent, almost one-half of them without jobs. That figure is up from 26 percent a year ago.

Among young whites it is up from 11 percent to almost 19 percent. It is 18.8 percent.

The total overall average for youth unemployment in poor neighborhoods—and we are talking about disadvantaged youth—is 28 percent of the total youth population, and we are going to close out the Youth Opportunity Council as a part of the President's effort to reorganize the Federal Government.

What this country needs is not reorganization; it needs governing; it needs to get on with the job; and not a dime is provided in the budget for fiscal year 1972 for the Youth Opportunity Council. I would hope that the administration would have the good sense and good will to come forth with a supplemental—and they better.

I want to say I am not the only one concerned about this matter. I happen to know the distinguished Senator from New York (Mr. JAVITS), along with other members of the Committee on Labor and Public Welfare, directed a letter to the Vice President, who was Chairman of the now defunct Youth Opportunity Council, asking for a commitment to assure adequate summer jobs and youth manpower programs. That letter was sent on February 23. It was a friendly letter. It outlined the problem. It asked for additional funds. It was concerned about the lack of appropriations or requests for appropriations. I have no way of knowing whether or not the letter has been answered, but I can say to distinguished Senators—and I note that several of them signed the letter, not only Senator JAVITS, but Senators BAYH, BROOKE, CASE, CRANSTON, EAGLETON, KENNEDY, MCGOVERN, MONDALE, NELSON, PROXMIRE, RANDOLPH, RIBICOFF, and STEVENSON—that letter has been answered in the press. It was answered by letters to members of the Council of March 23 and 24, saying the function presently assigned to the Youth Council will be assumed by the Domestic Council and the Office of Management and Budget.

Mr. President, God bless America and the young people if the Office of Management and Budget is going to get them any jobs. Whoever is in charge—and I want to keep it completely nonpartisan—the Bureau of the Budget is not going to be doing the job for youth on jobs. I have had my troubles with them. They have never seen quite since what needs to be done.

I implore, I urge, upon the President of the United States, that he not abandon this program, that he not abolish the council. He can reverse his order.

If this is what special revenue sharing means, I hereby announce my unqualified opposition—and I was going to help this administration on its revenue-sharing proposal. I had a worry about special revenue sharing. I felt it was more dismantling than it was revenue sharing. I do not see any revenue under that special revenue sharing.

I do not want to judge these things on a partisan basis. I do favor revenue sharing. I am going to help pass a revenue-sharing bill if I can. But this part of the so-called special revenue sharing is a reorganization program. It is wrong. I submit the evidence will demonstrate it means the end of the youth employment program.

I also say it is most unfortunate, after we have spent years working out the difficulties, getting the local governments geared up to do the job. Every Mayor's office across America has a Youth Council at work. They are now being told that we have withdrawn. I wish we could withdraw from some other places as fast as we can withdraw from these programs.

Mr. President, as I read this article, I ask the Senate of the United States and the other body to make sure that supplemental funds are made available for youth employment. Take a look at what needs to be done. There is so much to be done in this country today. Thank goodness we passed an Emergency Unemployment Act. It is an outrage to have people without work.

Go to any major city. Senators go to one city after another often. Go to the inner city today. The centers of the city are looking, not like ghettos, but like jails, poorly kept. Who lives there? The affluent have fled to the suburbs, but the blacks, the Chicanos, the Puerto Ricans, Mexican-Americans, poor whites, are locked up in what we call the core cities, the inner cities.

It is that part of the city that is without jobs, without adequate social services. It is that part of the city that does not have its garbage picked up. I had a mayor tell me not long ago, "We pick up garbage as often in the inner city as we do in the richer suburbs." I said, "Did you ever look at the population density?" I will never forget this—if the same density of population existed in the other boroughs of the city of New York as it did in Harlem, the whole population of the United States could be put into the whole complex known as New York City. If the same population density existed in the other four boroughs as it does in Harlem, the entire population of the Nation could be jampacked into New York City.

We have to have more social services there. We have to have more employment there.

I want to warn the Senate today that if we abandon the youth opportunity program and the youth council, if we eliminate the opportunity for employment and education of youth and social services for youth, there will be trouble in America this summer—unbelievable trouble.

Everybody knows this warning is so true that it is amazing we could even think for a moment that we would abandon and discontinue an organization that was designed to provide opportunity, rather than leave people in a situation of deprivation, unemployment, poverty, and uselessness.

Mr. President, I decided to use this late hour since I did not want to interfere with the program of legislation for today, but I want to repeat that I shall be back day after day to try to get something done here. We are not going to let the administration dismantle the program for young Americans. It is late already. Today is the first of April. A youth program should be designed and ready to go to work at least within the next 60 days. By June 1 we have to be ready to go into the field, to employ, to get the playgrounds active, to get the remedial programs going. I do not think there is very much going on.

Last year they did it the first week of May. A program for our youth for the summer cannot be designed in the first week of May. It must be started at least 6 months earlier.

I want to compliment the distinguished Senator from New York (Mr. JAVITS) and his colleagues for their interest in this matter. I want to thank the U.S. Conference of Mayors. I want to thank the National League of Cities for their interest. I want to thank many Members of the Senate for their long-term interest in the Youth Opportunity Council and the Youth Opportunity program. And I want to condemn and chastise the administration for discontinuing the Youth Opportunity Council. It is wrong. It is indefensible. It is inexcusable. What it means is abandoning hundreds of thousands—yes, millions—of young people at a time when they desperately need to be helped.

SOLID AND HEARTENING PROGRESS IN COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL

Mr. HRUSKA. Mr. President, the ravages, miseries, and catastrophies wrought by the abuse of drugs and dangerous substances are serious and widespread the nation over. They constitute one of the more grave and menacing threats to national health and well-being.

Constant reminders occur to keep this fact in the public mind, in our educational institutions of all levels, in the armed services, in youth groups, and so on. These are the areas most heavily affected, but the problem pervades everywhere.

It is a situation long entitled to high ranking priority among the national concerns.

Happily, it has reached such a rating in recent times.

This is revealed by the broad, far-reaching efforts made to bring about a totally new climate, approach, and rationale by which intelligent and vigorous progress can be made.

Mr. President, heartening and solid progress has been made lately. Here is but a partial list of the highlights:

Creation and implementation of the Bureau of Narcotics and Dangerous Drugs within the Department of Justice. This was brought about by reorganization plan of President Johnson in 1968. It combined in the new Bureau the missions and responsibilities assigned theretofore to two other agencies: the Bureau of Narcotics of the Treasury Department, and the Bureau of Drug Abuse Control in the Food and Drug Administration.

Excellent congressional response to President Nixon's recommended legislative program. The Comprehensive Drug Abuse Prevention and Control Act of 1970 was a true milestone. It was the first sweeping revision and up-dating of drug control legislation in over 50 years.

Vigorous and unremitting enforcement action spearheaded by the leadership of Attorney General Mitchell in the Department of Justice.

A thrust directed against primary sources of supply and distribution—both domestic and worldwide. This was achieved by way of treaties, protocols, and agreements in the international field. It was also done by way of greatly stimulated and meaningful cooperative action with State and local authorities. Strict accountability for legal purposes and uses by those who import, manufacture, distribute or possess such drugs and substances. Conversely, to prevent illicit traffic in them as well.

Retained and improved interest and emphasis upon treatment, rehabilitation, and education programs. Title I of the Comprehensive Act of 1970 expanded the programs in these fields beyond the areas theretofore existent. It did this by increasing the substances and application of programs embraced in the law to all types of people affected, and by increasing authorization for funding. President Nixon, on the occasion of the bill signing, specifically noted that the measure was not only a law enforcement bill, but that it also was extensively directed to treatment, rehabilitation, and education. Further impetus in the educational field was provided by the later enactment of the Drug Abuse Education Act of 1970, which provided for the creation of new drug education grant programs.

COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970

This act is monumental and sweeping in its scope and extent. It is too lengthy to attempt even summary at this point in my remarks. But its thrust and significance can be perceived somewhat better by reference to some of its salient features:

It establishes a modern, flexible system of control under the authority to regulate interstate commerce. The Attorney General, with the advice and consent of the Secretary of Health, Education, and Welfare may administratively place and move dangerous substances within five schedules according to potential harmfulness and other attributes. Control decisions can be made with a minimum of administrative burdens and delays.

It creates a simple, efficient registration system encompassing all those who are in the chain of manufacture, import and export, and distribution. Tight, effective controls over imports and exports are provided. Many safeguards against unlawful diversion are built into the system. Required records and reports are designed to keep enforcement agencies abreast of all transactions and capable of exacting desired accountability.

It reforms the entire Federal penalty structure in a manner which has elicited rightfully a good deal of praise from outside of government. Penalties are more flexbile; they are designed to fit the offense and the offender. Courts now have more leeway to severely punish true criminals peddling dope for profit, but can provide first offenders with special treatment resulting in a clean record if they stay out of trouble thereafter.

It provides improved enforcement tools, such as increased powers of arrest and "no-knock" warrants, for Federal agents.

It establishes a National Commission on Marihuana and Drug Abuse which, under its able Chairman, Raymond Shafer, former Governor of Pennsylvania, is already beginning to gather useful information which it will eventually provide to the President and Congress.

It contains, in a separate title, increased funding and authority for rehabilitation programs relating to drug abuse.

In this act, we gave the President what he asked for and the people what they needed. Some of the key provisions, of course, are not effective until May 1. I am satisfied, however, that this legislation has marked the beginning of a reversal in the frightening trend of drug abuse increase which plagued the 1960's virtually unchecked.

Legislation is naturally not the only answer. We have done our part for the present, but what is the administration doing? How are they using the tools and the money we have provided them? I would like to describe those achievements now, in but one field—law enforcement and related efforts. Significant strides are being made in the fields of education and rehabilitation as well, but this Senator will limit his discussion to the area of enforcement today.

It is in this area that we must hold the line while our long-range programs have an opportunity to take hold. The administration has been doing more than holding the line, however, and I know the positive steps I am about to describe will be heartening to all Americans.

INTERNATIONAL ENFORCEMENT

In this field we see similar progress. Joint U.S. Bureau of Narcotics and Dangerous Drugs-French efforts in 1970 produced seizures of illicit morphine base and heroin in France totaling 893 pounds. All of this was bound for the United States.

Throughout Europe and the Middle East during 1970, Bureau of Narcotics and Dangerous Drugs agents played a direct part in the arrest of 74 major international traffickers. Seized during these arrests were one morphine base conversion laboratory; two airplanes; $50,000 cash; 3,095 pounds of hashish; 156 pounds of heroin; 751 pounds of opium; and 858 pounds of morphine base. The combined opium, morphine and heroin seizures represent 1,100 pounds of illicit heroin that did not make it to the United States.

I might add that operations by the Bureau of Narcotics and Dangerous Drugs now cover the globe. By the end of fiscal year 1972, the Bureau will have 110 employees stationed abroad, including 72 agents. This is 2½ times the number the Bureau had 2 years ago.

DOMESTIC ENFORCEMENT OPERATIONS

Seizures in the domestic market by the Bureau are also up very significantly. During 1970, BNDD agents seized these totals domestically: 427 pounds of heroin, an increase of 205 percent over 1969; 197 pounds of cocaine, an increase of 170 percent; 17,402 pounds of marihuana, an increase of 97 percent.

Also seized were 7.2 million dosage units of stimulants, an increase of 49 percent; 2.4 million dosage units of depressants, an increase of 212 percent; and 7.1 million dosage units of hallucinogens.

It is also significant to note that the amount of drugs removed per arrest by Federal agents today is up nearly 500 percent over what it was 3 years ago. And the amount of drugs removed from the illicit market for every Federal agent that is available is up nearly 200 percent over 3 years ago. This is all the more remarkable considering that the number of agents during this period has almost doubled.

The Bureau during 1970 also seized an average of one clandestine laboratory a week. Many of them had sophisticated industrial equipment capable of bootlegging commercial quantities of illicit drugs.

Another indicator that this increased enforcement effort is paying off is that the Federal Government is now carrying the attack to the heart of the enemy. Each of the Bureau's investigations is aimed at the highest echelons of the criminal traffic and for the first time Federal agents are regularly and substantially neutralizing major systems both domestically and abroad.

The Bureau has identified and penetrated more than 100 major international and domestic illegal drug distribution systems.

A good example of the major cases now being closed out by the Bureau is its first one which was culminated June 20, 1970. It was called Operation Eagle. It represented a 6-month investigation into a major cocaine trafficking group.

On the weekend of June 20, BNDD agents arrested more than 169 persons in simultaneous raids in nine cities and confiscated 66 pounds of heroin and cocaine, in addition to the drugs removed during the investigation. The majority of those involved were of Cuban nationality and many of them have already been convicted and sentenced. The arrests seriously crippled this group which was formerly able to deliver multikilogram quantities of heroin and cocaine into this country.

The second such case, also 6 months in length, was recently closed out on February 24, 1971. It was called Operation Flanker.

More ambitious than Eagle, this operation was directed at the upper echelon of organized crime and the heroin traffic. It involved seven eastern and midwestern cities and to date 154 of the 179 suspects have been arrested.

Removed from the illicit market in the case were 71¼ pounds of heroin, 49.2 pounds of cocaine, and 250 pounds of marhiuana—representing a total street value of some $12.8 million. Also seized were $431,341 cash, 78 guns, and 35 cars.

Attorney General John N. Mitchell announced at the time that Flanker was a serious blow to organized crime and it might cause its leaders to reassess its position in trafficking narcotics.

John E. Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, said that Eagle and Flanker are but the beginning and that more of these investigations will be closed out in the coming months.

WIRETAPPING

A critical technique in the increasing ability of Federal agents to penetrate the upper echelons of drug distribution systems has been the use of wiretapping. For example, 12 court-approved electronic surveillances were used to obtain a large portion of the evidence which made Operation Flanker a success.

Authorized by title III of the Omnibus Crime Control and Safe Streets Act of 1968, these wiretaps had to receive advance approval by a Federal judge to whom a complete and detailed justification for the surveillance had to be made. With careful adherence to the many procedural safeguards required by the act to protect individual rights, agents have been able to gather detailed information on the operation of distribution rings which could be obtained in no other way.

The probable cause requirements established in title III of the act are in full conformity with Supreme Court cases such as *Berger* v. *New York* (388 U.S. 41, 1967) and *Katz* v. *United States* (389 U.S. 347, 1967). Unwarranted invasions of privacy, condemned by the Constitution's fourth amendment, are fully guarded against. At the same time, a tremendously valuable law enforcement tool has again and again proved its worth in situations like Operation Flanker where no other method of getting at the organized criminal is available. I commend the Department of Justice for its judicious use of this technique, and for the success such use has brought.

ORGANIZATION AND TRAINING

It is well to point out that the Bureau is also helping local and State police departments on an extensive basis. Last year, upward of 20,000 local and State police officers across the country attended the Bureau's training schools and seminars. The Bureau has been extremely active in forming metropolitan enforcement groups—MEG's. These are specialized drug enforcement groups composed of officers from several departments in a given area which are not capable of fielding their own units. At the present time, there are 18 of these units and 28 additional ones in the formative stages. The Bureau not only helps organize the units, but furnishes them technical assistance, training and equipment.

Another indicator of the importance this administration and this Congress are giving to this effort is the fact that in these difficult fiscal times the Bureau's budget has grown from some $14 million at its inception about 3 years ago to about $42.7 million for fiscal 1971. The President has requested $54.9 million for fiscal 1972.

The bulk of this growth is reflected in new agents being recruited. It is anticipated that the Bureau will augment its present agent force by more than 40 percent this fiscal year, bringing the number of agents to about 1,334. This is even more significant when you compare it to the former Federal Bureau of Narcotics which expanded its agent force an average of 1 percent per year in the early 1960's, the beginning years of the drug epidemic when the problem was allowed to grow out of control.

I believe our enforcement effort is bringing about the stalemate—containing the epidemic, if you will—necessary for the forces of education, research and rehabilitation to gear themselves up for what will be the final solution.

WORLDWIDE PROGRESS

Mr. President, let us again turn to the international effort, more particularly the intensified program to dry up the sources and bring about worldwide controls.

Director Ingersoll headed delegations to two important United Nations meetings on the drug problem. They were the U.N. Commission on Narcotic Drugs session in September 1970, in Geneva, Switzerland, and the Plenipotentiary Conference on the Protocol on Psychotropic Substances in January 1971, in Vienna, Austria.

GENEVA RESOLUTIONS

Here the U.S. delegation was instrumental in focusing new attention on the matter of illicit narcotics trafficking. In particular, the delegation was successful in getting a resolution adopted which sets up a special fund to work mainly for opium production controls.

The U.S. immediately pledged $2 million to get the fund going. The resolution calls for the money to be used for:

First. Immediate action to expand the research and information facilities of United Nations drug-control bodies; to plan and implement programs of technical assistance in the establishment and improvement of national drug-control administrations and enforcement machinery and the training of needed personnel; and to enlarge the capabilities and extend the operations of United Nations drug control bodies and their secretariats.

Second. The establishment of a United Nations fund for drug abuse control.

Third. The elaboration by the Secretary-General of a plan for long-term action against drug abuse involving the entire United Nations system of organizations as appropriate.

This special fund is set up so that all member nations and anyone interested can contribute to it. As a result of establishing the fund and the attention given to the problem at the Geneva meeting, we are seeing a renewed effort on the part of the U.N. narcotics unit.

VIENNA PROTOCOL ON PSYCHOTROPIC SUBSTANCES

The end product of the Vienna meeting was a protocol on worldwide control of psychotropic substances. The Vienna meeting is considered a success in every way. The American delegation was able to negotiate crucial questions favorably.

The work done there represents a major step forward in worldwide control of these substances. The document, as agreed upon, will be effective even to control of dangerous substances that may be created in the future as well as those now in existence.

The State Department, in collaboration with the Bureau of Narcotics and Dangerous Drugs, now has the responsibility for getting Presidential approval and ratification by this body of the document.

In addition to this U.N. work, the Bureau and the State Department are also working closely with other international groups, such as NATO and the World Health Organization, in seeking effective worldwide controls of narcotics and dangerous drugs.

FRANCO-AMERICAN BILATERAL AGREEMENT

Another international milestone was reached recently in Paris when Attorney General Mitchell and French Interior Minister Raymond Marcellin signed a protocol of agreement for our joint law enforcement effort aimed at the illicit narcotics traffic as it applies to France.

Mr. President, this is a historic document. It is the first written law enforcement agreement of this kind between two nations. Perhaps it is more significant because of the fact that it symbolizes the commitment of two countries to rid themselves, and the world, of this menace.

The agreement spells out in detail how the two governments will conduct joint investigations, exchange intelligence, pool resources, and exchange personnel.

The pact is the product of the Franco-American Intergovernmental Committee, composed of top French police officials and U.S. officials, which meets quarterly.

As in other countries, negotiations with the French have been as high as the cabinet level and have resulted in a greatly expanded American-French effort. As it gets into high gear, it is bound to have dynamic impact on the illicit conversion of heroin and trafficking in France.

MEXICAN-AMERICAN NEGOTIATIONS

Our joint efforts in another key country, Mexico, are also producing striking results. Here again, negotiations have been at the highest level.

A joint working group, headed by Deputy Attorney General Richard G. Kleindienst and his Mexican counterpart, David Franco Rodriguez, has just concluded a meeting in Mexico City. This was followed by the third meeting between Attorney General Mitchell and Mexico's Attorney General, Julio Sanchez Vargas, here in Washington on March 29, only 3 days ago. At this session the Attorneys General approved the most recent report of the joint working group, which is designed to improve still further the excellent cooperation now existing between Mexico and America on drug control efforts.

The Mexican Government is progressing vigorously in its program to destroy illegal crops of opium and marihuana, expanding it from an initial three States to 13. The United States, to aid this effort, has granted the country a $1 million loan which included five helicopters and three light airplanes to use in the search and destroy program.

CONCLUSION

Mr. President, I submit that the foregoing accomplishments are truly significant and heartening. They deserve our admiration and gratitude. We must continue to support these efforts on the part of the administration and of the Justice Department in particular.

At the same time, we must recognize that Federal efforts alone can never turn the tide against drug abuse. As I mentioned earlier, law enforcement at the national level must be directed at the higher echelons of organized crime, at illicit importation and exportation, and at international traffic. Negotiations with foreign governments must also be at the Federal level. The same is true in the equally vital areas of education and rehabilitation. The Federal Government can provide money, guidance, training, and other forms of technical assistance.

But it is ultimately up to State and local governments, and to the public, to strike the death blow against drug abuse. Theirs is the primary responsibility.

Illicit drugs are peddled at every level of society by various criminal elements. Local governments must hold up their end in the Federal-State law enforcement partnership in order to perpetuate the initiative created by the Justice Department and other Federal law enforcement agencies. They must receive increased public support in their local efforts to deal with the problems in their towns and cities to which only they can respond. We in Washington must give them all the help and encouragement they need, but they must do this vital job at their own levels. I believe they will.

Mr. President, I ask unanimous consent that copies of Justice Department press releases describing in detail "Operation Flanker" and the Franco-American Bilateral Agreement be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"OPERATION FLANKER"

Federal narcotics agents arrested 54 persons in four different cities last night and early today in the largest Federal crackdown on narcotics distribution by organized crime.

Attorney General John N. Mitchell announced that more than 200 special agents of the U.S. Bureau of Narcotics and Dangerous Drugs participated in simultaneous raids in New York City, Hartford, Chicago, and New Orleans.

Sixty-four other defendants were arrested previously in Philadelphia, Detroit and Baltimore in connection with the investigation.

The arrests climaxed a six-month intensive investigation in which a total of 71¼ pounds of heroin, 49.2 pounds of cocaine, 250 pounds of marihuana were removed from the illicit market, representing a total street value of some $12.8 million.

Total seizures other than drugs: $431,341 cash, 78 guns, and 35 cars.

Seized in the raids early today and last last night were: New York: one gun and two cars; Chicago: ten pounds of heroin, 11 guns, and $82,000 cash; New Orleans: one ounce of cocaine and one fourth pound of heroin and two guns.

A total of 175 defendants were named in complaints and warrants in the seven cities. Thirty-three suspects are still being sought.

There were 20 arrests in New York; 14 in Chicago; 3 in Hartford; and 17 in New Orleans last night and this morning.

The three earlier phases of the investigation were closed out by BNDD agents on October 21, 1970, in Detroit; on November 18, 1970, in Balitmore; and on December 11 and 22 in Philadelphia.

In the Detroit case, 31 suspects were arrested and agents seized 13 pounds of heroin; 22 pounds of cocaine; 256 pounds of marihuana; nine vehicles; 44 weapons; and $300,000 in cash.

In the Baltimore case, 21 suspects were arrested and agents seized $12,000 in cash.

In the Philadelphia case, 13 suspects were arrested and agents seized three pounds of cocaine, one-half pound of heroin, four cars, one gun and $10,186 cash.

Mr. Mitchell said the investigation, code-named "Operation Flanker," was aimed at top echelons of organized crime narcotic activity in the eastern and midwestern parts of the country.

He said the arrests included not only "wholesalers," but key figures who direct the importation and distribution of narcotics.

Mr. Mitchell said the operation was heroin-oriented, compared with another lengthy investigation closed out last June by BNDD. Called Operation Eagle, that investigation disrupted a major cocaine smuggling group. More than 160 persons were arrested in ten major cities in that investigation.

Mr. Mitchell said the two operations "are a warning to the criminal element in drug trafficking that we will not let up."

"This administration will live up to its commitment to vigorously pursue and prosecute those who reap profit in this criminal enterprise," Mr. Mitchell said.

John E. Ingersoll, BNDD director, said the operation should seriously disrupt the flow of heroin in the seven cities.

Mr. Ingersoll said a BNDD agent actually penetrated an organized crime unit in New York and became accepted as a member.

Information gained by this agent, he added, led to numerous other cases involving non-narcotic related crimes such as high-jacking and counterfeiting.

A large portion of the evidence obtained by the agents came through court-approved electronic surveillances. A total of 12 wiretaps were authorized in the investigation.

"We would definitely have been unable to trace the distribution of narcotics without this assistance," Mr. Ingersoll said.

Mr. Ingersoll said most of the defendants were charged with conspiracy to violate or actual violation of Federal laws prohibiting possession, transportation or sale of heroin or cocaine.

FRANCO-AMERICAN BILATERAL AGREEMENT

Attorney General John N. Mitchell read the following statement during the signing of an agreement between France and the United States to formalize their activities in the fight against international trafficking in drugs.

My good friend, Minister of the Interior Marcellin, and other distinguished officials and guests of France and the United States:

Our action today in signing this agreement is another noble chapter in the history of comradeship between our two countries.

Nearly two hundred years ago, we first fought together to achieve liberty on the other side of the Atlantic Ocean.

In this century we have twice been comrades in arms to preserve liberty on this side of the Atlantic, and throughout the world.

Today our two nations are, in a sense, striking another blow for liberty.

The enemy we face destroys men's liberty and makes them slaves of a drug habit.

Frenchmen and Americans have conquered tyrants together, and together we can put an end to this growing tyranny of drugs.

For many years, both of our countries have been attacking the narcotics traffic together.

We have joined other nations in getting the United Nations to establish a special fund to fight drug abuse. I am happy to report that the United States has pledged $2 million to this fund this year.

France and the United States played leading roles during the recent conference on the Convention on Psychotropic Substances that ended in Vienna last Sunday. I would like to note that one of the most effective representatives there was Dr. Jean Mabileau of France, who was chairman of the important Control Measures Committee.

And, of course, French and American law enforcement authorities have been cooperating closely in striking at international drug traffickers. Much progress has been made in arrests and seizures in both countries.

Today we are formalizing and extending this effort through this agreement.

Other international agreements have controlled the legitimate production of drugs and outlawed all other production. But something important was missing.

This agreement provides for cooperation between our nations in drug law enforcement.

The next great step is for other countries concerned with the drug traffic to join in formal agreements for police cooperation in this field.

If America and France dedicate themselves to rigid enforcement of this agreement. . . .

And if our cooperation can light the way for other nations to make and enforce similar agreements. . . .

Then I predict that the tyranny of narcotics can be encircled and overthrown.

The implementation of this agreement is now in the hands of the French Police Judiciaire and the American Bureau of Narcotics and Dangerous Drugs.

I am proud that in this crusade, as in others of the past, the banners of America and France are flying together in the vanguard.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Byrd of West Virginia). The absence of a quorum has been suggested. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Hruska). Without objection, it is so ordered.

RECISION OF ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous order for the recognition of the senior Senator from Virginia (Mr. Byrd) on tomorrow be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON MONDAY

Mr. BYRD of West Virginia. I ask unanimous consent that on Monday next, following the remarks of the able majority leader, for which an order has already been entered, the distinguished Senator from Wisconsin (Mr. Proxmire) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR JAVITS ON MONDAY

Mr. BYRD of West Virginia. I ask unanimous consent that following the remarks by the Senator from Wisconsin (Mr. Proxmire) on Monday next, the distinguished Senator from New York (Mr. Javits) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MILLER ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the remarks by the distinguished Senator from New York (Mr. Javits) on Monday next, the able Senator from Iowa (Mr. Miller) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the remarks of the distinguished Senator from Iowa (Mr. Miller) on Monday next, there be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF UNFINISHED BUSINESS ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the close of morning business on Monday next, the unfinished business, S. 581, be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CONSOLIDATION OF NATURAL RESOURCE PROGRAMS

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Washington (Mr. Jackson), I ask unanimous consent that a statement be printed in the Record.

There being no objection, the statement by Senator Jackson was ordered to be printed in the Record, as follows:

Mr. Jackson. Mr. President, at the recent confirmation hearings of the new Secretary of the Interior, I expressed concern over the organization of the Federal government in the natural resource field. It is clear that the time has come to regroup our natural resource agencies in order to improve management effectiveness and control.

Recognizing this need, I have joined today in co-sponsoring the bill introduced at the Administration's request to reorganize and consolidate our natural resource programs. While I have reservations about some aspects of the Administration's proposal, I am glad that the President has recognized the need for this reorganization. The Administration's bill offers a basis for effecting this change and I hope that it will stimulate careful study of the alternatives available.

It was over twenty years ago that the first Hoover Commission analyzed the shortcomings of our natural resource management. The role of this management is more critical today than ever before. We must develop modern management and organization for the natural resource responsibilities of the Federal government.

REFERENCE OF A COMMUNICATION FROM THE SECRETARY OF TRANSPORTATION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that a communication at the desk from the Secretary of Transportation on "Aviation Cost Allocation Study Interim Report" be jointly referred to the Committees on Commerce and Finance, inasmuch as the law requesting this report was handled by those two committees last year.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVISION OF THE WELFARE SYSTEM

Mr. BYRD of Virginia. Mr. President, no subject that will come before the Congress this year is more important or more pressing than proposed revision in the welfare system.

I am convinced that the present system should be changed. It was enacted in the 1930's and is totally unsuited for the conditions of the 1970's.

This is a time for innovation and testing of new ideas in welfare.

The seriousness of the welfare problems we face has been pointed up this month in pronouncements by the Governors of our two most populous States—Gov. Ronald Reagan of California and Gov. Nelson Rockefeller of New York.

I think it is especially significant that these two Governors, whose political philosophies are so dissimilar, agree on the pressing need for welfare reform.

On March 3, Governor Reagan proposed a major revision of California's welfare laws, designed to increase aid to the truly needy and require those who are able to work to seek employment.

In an interview shortly afterward, Governor Rockefeller said:

> The present welfare system, if continued as it is, will ultimately overload and break down our society.

It is hard to overestimate the dimensions of the welfare crisis in these huge two States—and in many others as well.

So the time for change surely has come. The question before us this year, then, is not whether to change the welfare system, but how to change it.

The administration's welfare proposal is now undergoing revision.

This proposal—the so-called family assistance plan—has been revised before, but its basic features so far have remained unchanged. I seriously doubt if the current revision will make any significant change in these basic features.

I have four basic concerns about the family assistance plan, which Secretary of Health, Education, and Welfare Richardson has called revolutionary and expensive.

First, I am concerned about establishing the principle of a guaranteed annual income.

Second, I am concerned about a proposal that would more than double the number of persons on welfare—from 10 to 24 million.

Third, I am concerned about a proposal that will nearly triple the cost of welfare in 2 years.

Fourth, I am concerned that the administration's plan lacks adequate work incentives.

I recognize the obligation of the Government to help those who are physically or mentally unable to earn a living.

But I am reluctant to vote to turn over the tax dollars of hard-working Americans to able-bodied people who refuse to work.

Therefore, unless there is substantial change in the administration's proposal, I do not believe it is the answer to the problems which confront us.

I am encouraged by the attitude of the Governor of California and the Governor of New York. I hope that the proposals they envision will be given a fair trial.

For that matter, I am not unwilling to see the administration's plan tried out in several sections of the country, to see if it is practicable.

We should have the benefit of some experience with new welfare proposals before we plunge headlong into a major revision of the laws.

I have introduced legislation (S.J. Res. 39) which would establish a national, blue-ribbon commission to study our welfare problems and make recommendations.

I believe this is the soundest approach to welfare reform.

In making its study, the commission would benefit greatly from the experience of California and New York, if these two States are able to embark on new programs.

Perhaps a trial of the administration's proposal also would be useful.

Other approaches might also be tested during the study period.

And even if my resolution for a study commission is not adopted, the revisions being proposed in California and New York, if given a fair chance, may benefit those responsible for drafting and passing upon an overall revision of the Federal welfare system.

It is obvious that Governor Reagan and Governor Rockefeller have given the welfare problem deep thought.

Governor Reagan's plan already has been formulated. It was submitted to the California Legislature in a 173-page report called Meeting the Challenge.

In a letter mailed recently to Members of the Congress, Governor Reagan asked that California be declared a demonstration area so that certain waivers of Federal law be permitted to enable the State to carry out its experiment.

I have not studied Governor Reagan's program in enough detail to judge its merits, but I believe that experimentation is going to be necessary if we are to come up with a feasible alternative to the present program.

Governor Rockefeller's program is still in the formative stages. However, in an interview published March 16 in the Rochester Times-Union, he detailed many of his concerns about welfare and some of the ideas he hopes can be utilized to combat the problems faced in New York.

He made it clear in the interview that he wants to accomplish at least four major goals:

First, to find ways of preventing the migration of the poor into cities whose municipal tax bases are already overloaded.

Second, to weed out of the welfare rolls those who are getting benefits beyond the basic purpose of the law.

Third, to provide incentives and opportunities for the welfare recipient to work if he can.

Fourth, to get welfare workers to encourage beneficiaries to work rather than go on relief.

I think these are laudable purposes.

I wish Governor Rockefeller well in working toward these ends.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of a news release from the office of the Governor of California, outlining Governor Reagan's welfare proposal; the text of the interview with Governor Rockefeller in the Rochester Times-Union; and the text of an editorial from the March 11 edition of the Times-Union, entitled "Rocky Seeks Reform of New York Welfare Mess."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEWS RELEASE FROM THE OFFICE OF THE GOVERNOR, SACRAMENTO CALIF.

Governor Ronald Reagan today proposed a sweeping reform of welfare and Medi-Cal to assure that the truly needy receive the are to: care they require at a cost the taxpayers of California can afford.

In a lengthy message to the legislature, which the governor called the "most detailed and specific" ever presented by a California chief executive, he asked the legislators "to join with me in making this the year that we put partisanship aside and get down to the business of controlling the monster that welfare has become."

He outlined the details of his reform program in a speech at the Town Hall in Los Angeles—the same address he was not permitted to deliver before a joint session of the legislature.

The governor said the goals of the program are to:

"Increase our assistance to the truly needy who have nowhere else to turn to meet their basic needs.

"Require those who are able to work to seek work, train for a job or serve their community, if asked, as a reasonable condition for receiving welfare."

"Place Medi-Cal benefits on an equal footing with the health benefits available to our working men and women who must pay their own health care needs themselves."

"Strengthen family responsibility as the basic element in our society."

He called the program "fiscally responsible" which "meets the requirements of a balanced budget while, at the same time attempting to insure that, for the first time in history, no California welfare family will have to subsist below the poverty level."

"In the development of every facet of this program, I have insisted that these reforms cause no net shift in costs to the already overburdened counties. I am confident that this will not happen, and that most counties will be able to effect actual savings if the entire program is adopted," he said.

Governor Reagan warned that the present welfare system—which he called "a $3 billion moral and administrative disaster"—is following "a road that can only lead to bankruptcy, unless we have the courage to turn in another direction before it is too late.

"Now is the time, perhaps our last chance, to define goals and assign purposes of our own to this aimless, goal-less federal program."

He told the legislators, "more than ever before the people want welfare reformed, and they have a right to expect us to do it."

The governor said his program will accomplish a two-fold purpose: "First, we must reduce the welfare growth rate by changes in eligibility determination and by a work and training program to move people into private sector jobs. Second, we must close all possible loopholes that lead to abuse."

He noted that today some 2.4 million Californians already are receiving welfare and Medi-Cal benefits and warned that "if present laws and regulations are not changed, California's welfare rolls could swell by as much as 600,000 by July, 1972—raising the total welfare population to 3 million persons.

"This would mean that one in every seven Californians would then be on public assistance.

"The numbers are especially staggering," he said, "when you consider that only 10 years ago the total welfare caseload in California amounted to only 620,000.

"In addition to slowing the growth of welfare and Medi-Cal dramatically, the reform program I am proposing will save at least $600 million in total federal, state and county expenditures for public assistance during fiscal 1971–72," he said.

The governor pointed out that "if the present unrealistic and inequitable laws and regulations covering California's welfare system were allowed to continue unchanged, based on current caseloads and costs, the state's share of welfare would have to be $898 million during the coming fiscal year."

He noted that the budget he has submitted for 1971–72 provides approximately $677 million in general fund support for this purpose.

"Clearly, if the legislature does not act on welfare reform, our people will face increased taxes—not only this year, but on into the future, year after year after year."

He said that in addition to meeting the primary human goals of his program, the welfare reforms he is proposing also "will save $220 million in the general fund and will enable the state to operate within the amount of funds budgeted for this purpose during 1971–72."

[From the Rochester (N.Y.) Times-Union, Mar. 16, 1971]

WHAT GOVERNOR SAID ON WELFARE

(NOTE.—Here are excerpts from an interview with Gov. Rockefeller and Gannett reporters on his views of the welfare program in New York State, its problems and solutions.)

Question: Are you really unhappy with the advice you have been getting in the last decade with the professionals?

Gov. Rockefeller: I tell you, I never start out trying to solve a problem by looking for a scapegoat. So I don't think it's productive by trying to slash out at anybody based upon what has happened in the past either positively or negatively. I think what we have to do is say, "We're here. It's a combination of federal, state and local legislation, federal, state and local administration."

Q: In the first five years of this decade, most categories of welfare were stable but Aid to Dependent Children doubled. Why didn't we look at those figures in 1965 and decide something was going wrong?

A: As I said in the beginning, what is the use of going back and slashing out at anybody? And I just don't think that there is going to be anything gained by either firing the commissioner or putting a finger on somebody and then thinking we've solved the problem. It is not going to do it.

What we've got to do is sit down, as we're doing, and do the hard examination of the facts, the situation exists and what can we do and how we're going to do it between now and April 1.

Q: Where do you think you are headed?

A: Well, I would say roughly that if you look at it, there are the problems. I haven't got all the answers yet. How do you prevent people moving into a community where the communities' services, all of them, are now overloaded so that the new people coming in can't possibly get the kind of care that they should have, whether it's in housing, health, education or what not? And you are going to, by allowing them to come in, break down the services to those who are already there. Now, this is one area.

Somebody saw a 12 per cent increase last year in the city and 30 per cent increase in the suburbs. What is happening is that they are coming to New York and then find there isn't a place to live. The whole situation in the city, in the slums, is tragic, and therefore they are starting to move out.

Q: What happens in Monroe County, say, when we get the application of your proposals? We then run into the hard practical facts of application and the professional welfare operators come back with "You can't do this and you can't do that" and you hit the system for this. I think what we wonder about is how you are going to get the state level to cut through this between now and April 1.

A: There have to be laws. There will be changes in the law to conform to the federal Constitution, and this is not easy.

Q. Are they in process now?

A: Yes.

Q: How soon?

A: April 1. I have a deadline.

Q: When will they be ready for public discussion?

A: April 1. I don't know. If they are there before, I'm lucky, but I have to have it then.

I would like specific suggestions. What you are saying is a must and what we've got to do is to deal with this in a way that first gives the local government as well as the state the legal framework and which is constitutional so we don't get the court to knock it all out. We have enjoyed the luxury and we want to preserve it, of people having the right to move freely in this country whenever they want. And this has been a great force—free movement of men, goods and money.

But we now are finding that this movement, coupled with the agricultural revolution and the lack of opportunity in the urban areas in the South and the lack of welfare benefits, has resulted in this tremendous movement to the North. The same thing is happening in Puerto Rico.

Q: You mean rural areas?

A: No. First the agricultural revolution. Machines were replacing people. Then they go into the southern urban areas and there is nothing for them, and there is no welfare and no jobs, and they have no education, no training. So they go North.

Q: You have to consider this as a stopgap until we can get a nationwide system, but apparently a stopgap of some years?

A: I have suggested—and others have suggested a federal takeover and so forth. That would be wonderful. I have an April 1 budget and so I have to shoot for April 1.

Now what I honestly hope and think is that New York State, as in so many other areas, has to set the example, and if we get these answers, these are going to go nationwide because these other big industrial states are in the same position we're in.

Q: Can you make these changes as you want to make without falling afoul of all the federal regulations that say you have to have your program operating in such and such a level and such and such a way?

A: We have the problem on the levels. The law says you cannot reduce your rate structure as you set them but you can fund it, which is a kind of a trick, at any level you want. The injustice of that is that it hits everybody regardless of need and, you know, alike. So I'm hoping to avoid that as an action of last resort. This is what I worry about, that it will be across-the-board, say, funded 80 per cent, say funded 70 per cent, and then those who really have no recourse to anything—black, blind, disabled, the aged and so forth—are going to get the same cut.

Q: Are you in a box, then, between that approach and the fact that the federal government won't let you reset your levels?

A: No, I'm not in a box, if you let me go to my second point. My first point is this movement of people. The ones who find jobs and are on their own, that's fine. But what is happening is we have combined in New York City, for instance, rent-control laws because of the fact that a lot of people have low incomes, so there is no incentive to put money into and maintain an apartment house or to build a new one.

So now we are losing 40,000 apartments a year. There isn't any place for these people to go. If they are on their own, it's one thing, but if they come and they want the state then to support them, or the state and local government, federal government, we're doing it in the environment and under terms and circumstances that are the least auspicious for them as individuals and the most expensive possible way. It doesn't seem very intelligent.

So the question is how do we combat it? This is a task we have taken on. This is a big thing in a short time, but sometimes you do more under pressure than you do in any other times.

Next, the second point, how do you weed out those who are getting benefits beyond the basic purposes of the law? I have to say purposes or intent because there is some very imaginative legal stuff being done, you know.

Plus the fact that there is a philosophy in the social work field which I understand from a humanitarian point of view but which, applied to the circumstances that exist, in my opinion is utterly unrealistic. And when you have his honor, the mayor of New York City, saying nobody on welfare should take anything less than a meaningful job and when you have George Wyman testifying that if you don't earn $7,000 you ought to go on welfare, and when you take the figures which are in this article that I was referring to, which point out that in New York and the suburbs, the Metropolitan Area, that 30-some-40 per cent of the population earns $7,000 and less—it's utterly unrealistic.

Someone has to take the progression of thought, and this is where this trend is. And when Mr. Sugarman, New York City welfare commissioner, commented on only 9,000 going on welfare he said, "Don't think just one month indicates a trend." He must have slipped. So I say how do we create the incentives both for the individuals and for the social welfare workers and how do we create the opportunities or make available the opportunities for individuals who are going to go on welfare or who are on welfare to stay with their work or to get back to work even though it only partially takes care of their financial needs?

In discussing this the other day with the Social Welfare Board of the state, one member of the board said, "This Protestant ethic about work has been outdated and this no longer is relevant to the problems we are facing."

Well, the stark realities are we don't have the revenue-producing forces here to make possible the support of people up to those figures which I mentioned without work, nor will our economy function if this high a percentage of the population doesn't contribute to the work force and to the productivity of the economy.

So now how do you accomplish that, which is the other point. And this is the other big area we're working in, incentive for the welfare workers—I mean for the social workers to help and encourage individuals to stay at work when they are at work instead of encouraging them to get off jobs like the case that was mentioned the other day where the mother who had five children, or whatever it was, and was working, the social workers came to her home and told her that if she didn't stop working, they would take her children away.

Q. What solutions do you find to these problems?

A. This is do-able. We have on our statute books now laws which say that unless you take jobs that are available, that you have to check twice a week.

Q. 9300 in eleven months got knocked off welfare by the operation of this rule, 2300 of them in Monroe County. Are you concerned about this kind of disparity?

A. I have to do this for the state as a whole. I have to find, I can tell you, basic benchmarks here. The beneficiary is sent to the Labor Department and in the Labor Department, I've got to say to you frankly, in the light of where I've now gotten this thing, their constituency is the industry of the state They are really not terribly interested in what are known as "menial" jobs. Their function is to provide skilled workers for industry. So there is a need for a complete reshaping, and the new commissioner of labor is the one who pointed this out to me, a complete reshaping of orientation and attitude of the department. So they are out seeking the job opportunities at all levels in any area, industrial, private, wherever available. And when the individual comes over from the welfare department and they say, "well, there is a job for sweeping out the airport in Monroe County," and the guy says, "I'm sorry, I got a bad back," so they write on there such-and-such a job was offered and the fellow says, the individual says, he has a bad back so he has to go back now and get a doctor's certificate saying he has a bad back.

Well, that's the last you hear of him. Nothing more happens.

Q. You used the word "reshaping."

A. But what we have in the Welfare Department and in the Labor Department is a complete understanding of the law and the spirit of the law and the financial stringencies which exist and an incentive to live up to the spirit of the law which is to take care of those people who need care and who cannot contribute to their own care and to supplement those who can work and who need care and not allow those who can work and support themselves to get on welfare.

I think that we are getting on to means and methods and laws, modifications of laws, which will make this possible, and if we do, it will be one of the major steps.

Q: If you are able to effect this and also effect stronger relationship between the Labor Department and the Welfare Department, how much of an effect do you think that would have on the welfare picture in general? You cited two areas of welfare in your home county, Westchester. Welfare officials estimate that those two areas are only a small percentage of the problem.

A: This isn't quite true. You are going on to the father and the family and that is part of it. Thirty per cent of the ADC beneficiaries have got fathers who disappear. Now they haven't evaporated but there hasn't been too much incentive to find them and get them to contribute to the support. It's part of this incentive system. There are a whole lot of facets. Thirty-two per cent of these families never had a father which raises another question which is a very serious one.

Q: Do you think we will have a definite effect on welfare and the cost of welfare if the in-migration of welfare can be stopped or can be toughened and this strong relationship can be established will have a financial effect on welfare throughout the state and in your own county, Westchester?

A: Let's take a 30 per cent increase in Long Island counties. If those people hadn't moved out there, it would have an effect. I'm not quite sure what you are coming to.

Q: How will you deal with people who are there for six months or a year and go on welfare?

A: This is what I'm working on.

Q: Can you ship them after somebody has lived in a community over a year? Where do you ship them?

A: You are now asking a question relating to objective to which I've not gotten an answer. This is the most difficult—we have a Supreme Court decision about residents. It cannot be based on that. But all I say is this: that if by having happen what has happened, it is destroying the services not only to those who come but those who are there, then we have to find a way of dealing with them. It's easy to say you can't do this and you can't do that, but I say—and I say this to my own people—we have got to find the way of dealing with it because we are going to destroy the fabric of our cities.

This is spreading to the suburbs and it's going to overload not only the services themselves but our financial capacity. Now, can a free society be so imprudent as to be unable to cope with it?

Q: Back in the days when Joseph Mitchell was creating a fuss in Newburgh and when they were trying to get a residency law through the legislature and you vetoed one of them, you took a different position on this. Could you tell us now what is different about this period and that period?

A: Very simple situation. In the last ten years, the flow of people to this state has reached a point which is beyond our capacity to cope with in terms of the human values that we want to meet and that therefore we are not only not able to take proper care of those who are coming but we have a very serious problem of destroying the ability to meet the needs of those who are here.

Q: Do you believe that the decision on employability is being made properly and wisely at this time?

A: I covered that extensively when I said the law is very clear that if there is a job available and you are a beneficiary, that if you don't take that job you no longer are eligible.

Q: I think the point is are you satisfied with the method of determining how a person—whether a person is employable or not?

A: If I was, then I wouldn't be here.

Q: Do you have plans which are advancing for creation of jobs for those?

A: Yes, I feel that we're going to have to create, which I have stated publicly, an environmental service corps.

Q: Will that be coming up?

A: It's got to, because where there are people who could work who are not working and where, let's say, there's not a job to his capacity—and this is where I think one concept, the thing you are talking about, this aid to dependent children. This depends on what the ages are and whatever functions they work at.

Q: It will be along the lines of the CCC?

A: In conception. With the environment.

Q: Would it combine interesting work for people of considerable skill?

A: What is your definition of interesting? Is that meaningful?

Q: We have a number of people with considerable skill, including engineers, and so forth. Will the Environmental Conservation Corps include a variety of jobs that can be done taking people with those kinds of skills?

A: Those skills are going to be employed by professional organizations. What happened was that the president in order to stop inflation put on a tight money policy which contracted the expansion of business at the same time he cut some two hundred thousand people out of the Vietnam operation. At the same time he cut down on defense procurement, at the same time he cut down on the space program and I have to believe that there wasn't a clear coordination of what the impact of these four different actions would be.

Q: Governor, suppose there are two houses side by side, both substandard from a construction or health standpoint. In one of them you have a long-time New York family on welfare, another one, the guy comes up from Georgia, moves in the substandard house and he's denied welfare because of this, and he is going to get one of these young legal services lawyers and holler he's denied equal opportunity under the law. How are you going to protect this proposal from this kind of an attack?

A: Obviously whatever we do has to within the framework of the law of equal opportunity.

Q: Have you got the method figured out for that?

A: That is what I have them working on. We have to work within the law and the Constitution, but the only thing I would like to suggest to you is let us not just think of the welfare laws. Let's think of the health laws and a whole lot of other laws which have in many areas been utterly ignored or not applied and maybe there needs to be some statewide health laws.

Q: Governor, will you agree to a cut in individual welfare grants in any shape or form?

A: I'm not going to give that commitment on anything.

[From the Rochester (N.Y.) Times-Union, Mar. 11, 1971]

ROCKY SEEKS REFORM OF NEW YORK WELFARE MESS

Gov. Rockefeller, praise be, is going to try to reform the welfare mess in New York State.

Although he has long been sympathetic, and still is, with those in genuine need of public assistance, the governor nonetheless said this week:

"The present welfare system, if continued as is, will ultimately overload and break down our society.

"Rather than encouraging human dignity, independence and individual responsibility, the system, as it is functioning, encourages permanent dependence on the government."

If there is any shadow of a doubt on that, consider these figures from Rockefeller's new budget:

An estimated 1.8 million persons—about 10 per cent of the state's population—will receive some form of public assistance during fiscal 1971–72 if nothing is changed. That's up more than 200,000 from the current year.

Total welfare spending by federal, state and local governments in New York in the new fiscal year beginning April 1 is figured at nearly $4 billion, quadruple the total less than a decade ago.

The boost in welfare costs (including Medicaid) in the governor's budget in $324 million, or nearly a third of the sum he wants financed by higher taxes.

To halt such shocking trends, the governor plans to propose two major reforms to the State Legislature.

One would permit cities in New York State to send relief applicants back where they came from—either another state or another city in New York—if there is no adequate housing for them or if they otherwise threaten the community's health.

The other would tighten existing laws so that an able-bodied relief recipient who refuses an available job—any job—would be denied welfare and forced to work. Public service jobs would supplement private employment.

These are not heartless proposals.

Rather, the first simply recognizes that New York's generous welfare payments are a lure to the poor in other states.

It would also halt intrastate migration to obtain a better welfare deal in another community. And it would be designed to avoid legal conflict with the U.S. Supreme Court's dubious ruling against state welfare residency requirements, which has encouraged miserly relief payments in the South.

The second gets at the source of so much irritation among working taxpayers over welfare—the fact that they must support some shiftless persons who spurn jobs that aren't "right" for them.

These reforms alone wouldn't end the skyrocketing spiral of welfare costs and relief rolls. But they would help if state and local administrators applied them vigorously, instead of trying, as some seemed to do in their first reaction, to find reasons why they won't work.

And they could lead the way to further and even more fundamental reforms of the type recently proposed by California Gov. Ronald Reagan.

These include more stringent controls on the abuse of Medicaid, tighter restriction on wages legally retained by persons, who also obtain welfare payments, and a crackdown on fathers who have deserted families on welfare.

It's enough for now, however, that Rockefeller is trying to turn things around in New York's scandalous welfare situation. He deserves the support of all those whose help he needs to achieve this worthy goal.

EXTENSION OF THE CHARTER OF THE EXPORT-IMPORT BANK

Mr. BYRD of Virginia. Mr. President, next week the Senate will consider S. 581, a bill to amend and to expand the Export-Import Bank Act of 1945. This proposal would greatly increase the lending authority of the bank and would make other substantial changes.

I am not opposed to an extension of the charter of the Export-Import Bank. Within its present legal limitations, which include a budgetary ceiling, I feel that the Bank is valuable in promoting the foreign commerce of the United States.

However, the pending legislation (S. 581) would exclude the net disbursements of the Export-Import Bank from the U.S. budget.

The advocates of this provision argue that the budgetary ceiling on the Bank has blocked use of several billion dollars in authorized loan funds.

Actually, few Federal programs are permitted to spend up to their full authorized level. Indeed, if program administrators could spend their full authorizations, they would raise the deficit well beyond its already high levels for fiscal years 1971 and 1972.

The administration itself has declined to spend some funds which not only have been authorized, but actually appropriated.

We are in difficult times, from the budgetary point of view. The administration projects deficits of $18 billion for the current year and $11 billion for fiscal 1972.

These calculations are based on the so-called unified budget, which uses trust fund surpluses to offset deficit Federal funds.

The deficits in Federal funds are much larger. For fiscal 1971, according to the administration's own figures, the Federal fund deficit will be $25 billion. Next year it is projected at $23 billion.

Personally, I believe that the fiscal 1972 deficit will actually be larger than $23 billion, perhaps substantially larger.

This is no time to exempt any expenditures from the budgetary ceiling. This is a time for fiscal restraint.

Furthermore, exemption of the Export-Import Bank's disbursements from the budget would set a poor precedent. If this Bank is to be excluded, how are we to keep the lid on other loan funds?

There is no equitable basis for singling out the Export-Import Bank for special treatment. The transactions of all lending agencies should be included in the budget on a net lending basis.

My position in this matter is supported by the testimony of Mr. Elmer B. Staats, the Comptroller General of the United States, given before the Senate Banking, Housing and Urban Affairs Committee on March 9, and by Dr. Arthur Burns, chairman of the Federal Reserve Board.

I see no reason to change a sound general policy to benefit one government bank.

I oppose any effort to remove the budgetary restraints on lending by the Export-Import Bank.

Mr. President, I support the amendment which will be offered by the distinguished Senator from Wisconsin (Mr. PROXMIRE) to eliminate the section of the bill which would exclude the net disbursements of the Export-Import Bank from the budget.

QUORUM CALL

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, if the distinguished assistant Republican leader has no statements at this time, I shall proceed with the program for Monday next.

PROGRAM FOR MONDAY APRIL 5, 1971

Mr. BYRD of West Virginia. Mr. President, the program for Monday next is as follows:

The Senate will convene at 10 o'clock a.m., following an adjournment and, following the recognition of the majority and minority leaders under the standing order, the distinguished Senator from Illinois (Mr. STEVENSON) will be recognized for not to exceed 15 minutes; to be followed by the distinguished majority leader (Mr. MANSFIELD) for not to exceed 15 minutes; to be followed by the distinguished Senator from Wisconsin (Mr. PROXMIRE) for not to exceed 15 minutes; to be followed by the distinguished Senator from New York (Mr. JAVITS) for not to exceed 15 minutes; to be followed by the distinguished Senator from Iowa (Mr. MILLER) for not to exceed 15 minutes; to be followed by a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Upon conclusion of the period for the transaction of routine morning business, the Chair will lay before the Senate the unfinished business, S. 581, the Export-Import Bank bill, which, incidentally, is the only item on the legislative calendar, as of now.

Mr. President, under the modified unanimous consent order which was agreed to earlier today, time on the passage of the bill will be limited to 2 hours on Monday next, to be equally divided and controlled by the majority and minority leaders or their designees, time on each amendment, motion or appeal, with the exception of a motion to lay on the table, will be limited to 1 hour, to be equally divided between the mover of the amendment or motion and the manager of the bill, with the exception of one amendment to be offered by the distinguished Senator from Wisconsin (Mr. PROXMIRE), on which time will be limited to 2 hours, to be equally divided and controlled by the mover of the amendment, Mr. PROXMIRE, and the manager of the bill, Mr. SPARKMAN.

Moreover, no amendments not germane will be received, and Senators in control of the time on the passage of the bill may allot time therefrom to any Senator during the consideration of any amendment, motion, or appeal, with the exception of a motion to lay on the table.

The majority leader has indicated that when the Senate completes its business on Monday next, it will go over until Wednesday next.

It is also anticipated that there will be no rollcalls on Wednesday next, and that that day's meeting may be pro forma, provided, of course, that the concurrent resolution providing for an adjournment over the holidays has been agreed to by both Houses on Monday next. If that is not done, of course, action on that resolution would have to be taken on Wednesday next.

Senators should, however, be on notice that a rollcall or rollcalls may occur on the export-import bill on Monday next.

ADJOURNMENT UNTIL 10 A.M. ON MONDAY, APRIL 5, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. on Monday next.

The motion was agreed to; and (at 7 o'clock and 5 minutes p.m.) the Senate adjourned until Monday, April 5, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 1, 1971:

DIPLOMATIC AND FOREIGN SERVICE

E. Ross Adair, of Indiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ethiopia.

W. Tapley Bennett, Jr., of Georgia, a Foreign Service officer of the class of Career Minister, to be Deputy Representative of the United States of America in the Security Council of the United Nations, with the rank of Ambassador.

EXTENSIONS OF REMARKS

J. EDGAR HOOVER

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, April 1, 1971

Mr. THURMOND. Mr. President, throughout my career as an elected official, I have followed and admired greatly the work of J. Edgar Hoover, the distinguished director of the Federal Bureau of Investigation. Time after time I have been amazed at the capacity this man has for work and his ability for getting even the most difficult task accomplished.

Of course, Mr. President, he has not achieved the outstanding record of the FBI alone—he has many dedicated men and women working with him in that organization who each contribute to the greatness of this organization. But it is, after all, Mr. Hoover who has built the FBI, and it is his principles which have insured the integrity of this, our most important force in the preservation of law and order, freedom and justice.

In the more than 45 years which Mr. Hoover has headed the FBI there have been a few who have criticized him and the FBI. Naturally, a man in his position makes enemies. Dedicated as he is to the principle of objectivity, he has not shirked his responsibilities no matter what threat there has been to his career.

Often his critics have fallen into the category of those individuals who have suffered either directly or indirectly from the expertise of the FBI and its total dedication to doing its job. The Nazis in the thirties and forties, the Communists in the forties and fifties, and extremists of all philosophies during all of these years, have leveled their most effective weapons against Mr. Hoover and the FBI. None has succeeded in the drive to unseat this man or to harness the organization he heads.

Mr. President, there is today a growing chorus of voices being raised against Mr. Hoover directly and the FBI and law enforcement indirectly. I do not question any man's right to criticize Mr. Hoover or any public official. I do, however, seriously question the wisdom of some critics of Mr. Hoover, for some of the criticism leveled against him in recent weeks has been without any basis in fact.

Mr. Hoover is held in the highest esteem by persons of all walks of life, and particularly within the law enforcement profession. His departure from the helm of law enforcement would leave an unfillable void.

Mr. President, as evidence of the great respect which Mr. Hoover enjoys among persons actively engaged in the preservation of law and order, I would like to call to the attention of my colleagues a resolution adopted at the Midwinter Conference of the National District Attorneys Association on March 14, 1971, at Honolulu, Hawaii. Mr. President, I ask unanimous consent that this resolution be printed in the Extension of Remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

NATIONAL DISTRICT ATTORNEYS ASSOCIATION 1971 MIDWINTER CONFERENCE

RESOLUTION

A resolution of appreciation for personal contribution to the advancement of criminal justice and for assistance to this association

Whereas, J. Edgar Hoover, with unswerving dedication, has served this Nation as Director of the Federal Bureau of Investigation, and

Whereas, his standards of ethics and his insistence on the highest level of performance in the law enforcement field have helped immeasurably to increase the stature of law enforcement as a profession of honor and respect, and

Whereas, J. Edgar Hoover has offered at no cost to law enforcement agencies and prosecutors throughout the Nation the services of the FBI Identification Division, the FBI Laboratory, and has made available FBI experts to examine evidence and to testify in criminal cases, and

Whereas, under the leadership of J. Edgar Hoover, the Federal Bureau of Investigation has offered extensive training on all levels of law enforcement and has provided advance training through the FBI National Academy to selected police officers, and

Whereas, J. Edgar Hoover has furnished FBI personnel to assist in the training programs for prosecutors under the sponsorship of this Association, such as his support of the first session of the National College of District Attorneys and the FBI's assistance on numerous occasions in the Association's Regional Seminars for Prosecutors, and

Whereas, J. Edgar Hoover has constantly sought to educate the American public to cooperate with law enforcement in both the investigative and prosecutive phases of criminal cases which has notably upgraded over the years the entire criminal justice system.

Now, therefore, be it resolved that this Association during its 1971 Midwinter Conference does hereby gratefully express its appreciation to the Honorable J. Edgar Hoover and commend him for his vision, leadership, and unselfish devotion to the furtherance of justice.

Passed at the National District Attorneys Association 1971 Midwinter Conference at Honolulu, Hawaii this 14th day of March, 1971.

EUROPEAN LACK OF CONFIDENCE IN U.S. DOLLAR

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 1, 1971

Mr. BYRD of Virginia. Mr. President, the Washington Post of March 31 included a column by Joseph R. Slevin, financial analyst, on the subject of the lack of confidence in the U.S. dollar which now prevails in Europe.

Mr. Slevin points out that European monetary officials blame the United States for the present situation. The charge is that the administration and the Federal Reserve Board have created a crisis by authorizing excessive amounts of money and thus deflating the American dollar.

Mr. Slevin concludes that the United States is living on the good will of its friends, but he cautions that patience with our policies is wearing thin in other countries, the so-called expansionist policy now prevalent in the United States is making our dollar less valuable.

I ask unanimous consent that Mr. Slevin's article, entitled "Europeans Fault Nixon For Shaky State of Dollar," be printed in Extension of Remarks.

I include the article as follows:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EUROPEANS FAULT NIXON FOR SHAKY STATE OF DOLLAR

The Free World is teetering on the edge of the gravest financial crisis since the 1968 gold panic.

The United States is at the center of the current storm as it was in the eye of the March, 1968, hurricane. The threat is to the dollar, and, if the dollar goes, there will be shattering currency changes throughout the free world.

The immediate cause is a huge gap in interest rates between the very low short-term rates in this country and the significantly higher rates overseas. Investors are shifting billions of dollars out of the United States to take advantage of the generous returns they can earn abroad.

Part of the currency shift is speculative. Bankers, corporate treasurers and financial plungers are selling dollars and are buying German deutsche marks and other strong currencies. They are gambling that there will be a general upward revaluation against the faltering dollar.

Foreign officials uniformly blame the United States for the developing crisis. They charge that the Administration and Federal Reserve have brought the free world to the brink of disaster by creating excessive amounts of money and by driving down U.S. borrowing costs in a single-minded attempt to stimulate a vigorous business recovery.

The phrase that the angry, anxious foreign officials repeatedly use to describe President Nixon's attitude is "benign neglect." The phrase has become so popular, in fact, that German central banker Otmar Emminger pointedly volunteered to an unusual Paris press conference last Thursday that European officials see no signs of "benign neglect" among their American counterparts.

"The arrangements that were designed at Bretton Woods in 1944 assumed we would have a co-operative system with a soundly-managed dollar at its center," a Washington-based foreign official says. "Nobody has been able to figure out how you run an international monetary system when the central domestic economy, the United States, runs on its own rules and doesn't give a damn for anyone else."

Secretary of the Treasury John Connally will hear a blunt lecture on U.S. shortcomings next week when he visits the International Monetary fund for an unannounced luncheon meeting with Pierre-Paul Schweitzer, the able, tough-minded managing director of the 117-nation financial institution. It will be the first Connally-Schweitzer talk, and associates predict Schweitzer will pull no punches in telling Connally what other countries think of Nixon's easy-money policies.

There is general agreement among the experts that the dollar still is afloat only because this country and its creditors are in the same boat. A lesser currency would have gone under before now but sinking the dollar would wreck the free world financial system.

Germany, Japan, Canada and a number of other countries do not want the billions of paper dollars they are reluctantly accumulating, but no major country is prepared to demand that the United States buy back all of its dollars and give them gold. They know that there is not enough gold to go around and that they would force the United States to renege on its pledge to give gold for dollars whenever a foreign country asks.

The United States is living on the sufferance of its friends but their patience is wearing thin. They may play along for a few more months, perhaps for much longer.

AMERICA: A NATION OF HANGARS AND LANDING FIELDS?

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. MANN. Mr. Speaker, today is April Fools' Day and perhaps for that reason as good a time as any for looking back with a somewhat jaundiced eye at the so-called American triumph embodied in the defeat of SST. It was no triumph at all. It only means that foreign-made SST's will now be flying over, and around, this country—SST's which have been neither environmentally approved nor produced in this country. Therefore, neither environmentalists, nor laborers, and more significantly, not even taxpayers, will have benefited from the product. We will simply be consumers, easy riders on the industry of foreign nations. It is a move which is congruent with what is happening in other sectors of our economy—in steel, in textiles, in glass, where American producers are being driven out of production by the wage-slave competition from abroad. Soon, if the trend continues, this Nation will be reduced to a wasteland of warehouses and distributing points, of hangars and landing fields. We will become a country of the leisure class, and second rate in every respect for that.

Reiterating these points, I would like to place into the RECORD an editorial from the State, Columbia, S.C., of March 27, 1971.

I include the article as follows:

SENATE DECISION ON SST IS NO-CONFIDENCE VOTE

Senate rejection of further federal funding of America's supersonic transport plane (the SST) is saddening on several counts, chief among which are two of paramount importance:

The United States has withdrawn from international competition in challenging aeronautical arena, abjectly yielding the field to our British and French friends on the one hand and to our Russian adversaries on the other. The development is less than edifying, especially since it represents a step backward from our long-established position of supremacy in the air.

Secondly, the refusal of Congress to continue its support of the SST reflects an attitude of skepticism that American science and technology are capable of overcoming the ecological problems which were predicted (sometimes rather hysterically) as unavoidable consequences of SST flight.

To be sure, there are other considerations, such as the depressing impact already being felt within the aircraft industry. The loss of jobs and contracts which now head down the drain, however, must be considered a byproduct of a decision which involves the even greater issues cited above.

Conversely, the tax monies to be saved are appreciable (although $866 million already has been spent on the project). But here, too, the dollars are secondary to the larger factors of maintaining American parity, if nothing better, in the continuing global outreach for improved aircraft and of conquering environmental hazards.

We hope, as do a number of the SST opponents who prevailed in the final voting, that research and development will proceed apace in the field of supersonic flight with the goal of determining and overcoming whatever adverse effects might result from such flight. But without the incentive and support of governmental funding, research might move at reduced speed.

Admittedly, the members of the House and Senate who decided the SST issue were confronted with extremely complex questions and few hard-and-fast answers. We make no pretense of having answers of our own, but we regret what seems to have been a vote of no confidence in American capacity to surmount supersonic obstacles.

CHARLES FRASER

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, April 1, 1971

Mr. THURMOND. Mr. President, it is a pleasure to call the Senate's attention to an article about an industrious South Carolinian which appeared in this week's New Yorker magazine.

Mr. Charles Fraser is the son of the late Lt. Gen. Joseph B. Fraser. He graduated from Yale Law School in 1953 and began developing real estate in 1956. Since then he has developed the best of two worlds on Hilton Head Island, S.C.

As a conservationist and developer, Mr. Fraser has blended progress with preserving the beauty of nature. He criticizes those conservationists who are "preservationists" who would sacrifice humanity to the environment.

A true conservationist, such as Mr. Fraser, sees man and nature harmonizing in a better world. His idea of destruction on the other hand is uncontrolled development, a type of development which results not only in destruction of our wilderness and pollution of our natural resources, but also in a "visual pollution."

On Hilton Head Island Fraser has blended houses and golf courses among the trees with a view toward preserving the environment for man's use. He is the nonelected mayor and zoning board. At the age of 41 he has parlayed controlled land development into a $20 million fortune; he is commissioner of parks, recreation, and tourism for the South Carolina coast and was on President Johnson's Citizen's Advisory Committee on Outdoor Recreation and Natural Beauty.

Mr. President, I insert the article entitled "Profiles: Encounters with the Archdruid" which appeared in the March 27, 1971, New York, in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New Yorker magazine, Mar. 27, 1971]

PROFILES: ENCOUNTERS WITH THE ARCHDRUID

(By John McPhee)

David Brower, who talks to groups all over the country about conservation, refers to what he says as The Sermon. He travels so light he never seems far from home—one tie, one suit. He calls it his preacher suit. He has given the sermon at universities, in clubs, in meeting halls, and once in a cathedral (he has otherwise not been in a church for thirty years), and while he talks he leans up to the lectern with his feet together and his knees slightly bent, like a skier. He seems to feel comfortable in the stance, perhaps because he was once a ski mountaineer.

Sooner or later in every talk, Brower describes the creation of the world. He invites his listeners to consider the six days of Genesis as a figure of speech for what has in fact been four billion years. On this scale, a day equals something like six hundred and sixty-six million years, and thus "all day Monday and until Tuesday noon, creation was busy getting the earth going." Life began Tuesday noon, and "the beautiful, organic wholeness of it" developed over the next four days. "At 4 P.M. Saturday, the big reptiles came on. Five hours later, when the redwoods appeared, there were no more big reptiles. At three minutes before midnight, man appeared. At one-fourth of a second before midnight, Christ arrived. At one-fortieth of a second before midnight, the Industrial Revolution began. We are surrounded with people who think that what we have been doing for that one-fortieth of a second can go on indefinitely. They are considered normal, but they are stark, raving mad."

Brower holds up a photograph of the world—blue, green, and swirling white. "This is the sudden insight from Apollo," he says. "There it is. That's all there is. We see through the eyes of the astronauts how fragile our life is, how thin the epithelium of the atmosphere."

Brower has computed that we are driving through the earth's resources at a rate comparable to a man's driving an automobile a hundred and twenty-eight miles per hour—and he says that we are accelerating. He reminds his audiences that buffalo were shot for their tongues alone, and he says that we still have a buffalo-tongue economy. "We're hooked on growth. We're addicted to it. In my lifetime, man has used more resources than in all previous history. Technology has just begun to happen. They are mining water under Arizona. Cotton is subsidized by all that water. Why grow cotton in Arizona? There is no point to this. People in Texas want to divert the Yukon and have it flow to Texas. We are going to fill San Farncisco Bay so we can have another Los Angeles in a state that deserves only one. Why grow to the point of repugnance? Aren't we repugnant enough already? In the new subdivisions, everybody can have a redwood of his own. Consolidated Edison has to quadruple by 1990. Then what else have you got besides kilowatts? The United States has six per cent of the world's population and uses sixty per cent of the world's resources, and one per cent of Americans use sixty per cent of that. When one country gets more than its share, it builds tensions. War is waged over resources. Expansion will destroy us. We need an economics of peaceful stability. Instead, we are fishing off Peru, where the grounds are so rich there's enough protein to feed the undernourished world, and we bring the fish up here to fatten our cattle and chickens. We want to build a sea-level canal through Central America. The Pacific, which is colder than the Atlantic, is also higher. The Pacific would flow into the Atlantic and could change the climate of the Caribbean. A dam may be built in the Amazon basin that will flood an area the size of Italy. Aswan Dam, by blocking the flow of certain nutrients, has killed off the sardine fisheries of the eastern Mediterranean. There is a human population problem, but if we succeed in interrupting the cycle of photosynthesis we won't have to worry about it. Good breeding can be overdone. How dense can people be?"

More than one of Brower's colleagues—in the Sierra Club, of which he was for seventeen years executive director, and, more recently, in his two new organizations, Friends of the Earth and the John Muir Institute for Environmental Studies—has compared him to John Brown. Brower approaches sixty, but under his shock of white hair his grin is youthful and engaging. His tone of voice, soft and mournful, somehow concentrates the intensity of his words. He speaks calmly, almost ironically, of "the last scramble for the last breath of air," as if that were something we had all been planning for. "There is DDT in the tissues of penguins in the Antarctic," he says. "Who put the DDT in Antarctica? We did. We put it on fields, and it went into streams, and into fish, and into more fish, and into the penguins. There is pollution we know about and pollution we don't know about. It took fifty-seven years for us to find out that radiation is harmful, twenty-five years to find out that DDT is harmful, twenty years for cyclamates. We're getting somewhere. We have recently found out that polychlorinated biphenyls, a plastic by-product, have spread throughout the global ecosystem. At Hanford, Washington, radioactive atomic waste is stored in steel tanks that will have to be replaced every fifteen years. We haven't *done anything* well for a thousand years, except multiply. An oil leak in Bristol Bay, Alaska, will put the red salmon out of action. Oil exploration off the Grand Banks of Newfoundland will lead to leaks that will someday wreck the fisheries there. We're hooked. We're addicted. We're committing grand larceny against our children. Ours is a chain-letter economy, in which we pick up early handsome dividends and our children find their mailboxes empty. We must shoot down the SST. Sonic booms are unsound. Why build the fourth New York jetport? What about the fifth, the sixth, the seventh jetport? We've got to kick this addiction. It won't work on a finite planet. When rampant growth happens in an individual, we call it cancer."

To put it mildly, there is something evangelical about Brower. His approach is in some ways analogous to the Reverend Dr. Billy Graham's exhortations to sinners to come forward and be saved now because if you go away without making a decision for Christ coronary thrombosis may level you before you reach the exit. Brower's crusade, like Graham's, began many years ago, and Brower's may have been more effective. The clamorous concern now being expressed about conservation issues and environmental problems is an amplification—a delayed echo—of what Brower and others have been saying for decades. Brower is a visionary. He wants—literally—to save the world. He has been an emotionalist in an age of dangerous reason. He thinks that conservation should be "an ethic and conscience in everything we do, whatever our field of endeavor"—in a word, a religion. If religions arise to meet the most severe of human crises, now and then religions may come too late, and that may be the case with this one. In Brower's fight to save air and canyons, to defend wilderness and control the growth of population, he is obviously desperate, an extreme and driven man. His field, being the relationship of everything to everything else and how it is not working, is so comprehensive that no one can comprehend it. Hence the need for a religion and for a visionary to lead it. Brower once said to me, "We are in a kind of religion, an ethic with regard to terrain, and this religion is closest to the Buddhist, I suppose." I have often heard him speak of "drawing people into the religion," and of being able to sense at once when people already have the religion; I also remember a time, on a trail in the Sierra Nevada, when he said, "We can take some cues from other religions. There is something else to do than bang your way forward."

Throughout the sermon, Brown quotes the gospel—the gospel according to John Muir ("When we try to pick out anything by itself, we find it hitched to everything else in the universe"), the gospel according to Henry David Thoreau ("What is the good of a house if you don't have a tolerable planet to put it on?"), the gospel according to Buckminster Fuller ("Technology must do more with less"), and the gospel according to Pogo ("We have met the enemy and he is us"). A great deal of the sermon is, in fact, a chain of one-liners from the thinking sector: "The only true dignity of man is his ability to fight against insurmountable odds" (Ignazio Silone), "Civilization is a thin veneer over what made us what we are" (Sigurd Olson), "Despair is a sin" (C. P. Snow), "Every cause is a lost cause unless we defuse the population bomb" (Paul Ehrlich), "The wilderness holds answers to questions man has not yet learned how to ask" (Nancy Newhall).

Brower has ample ideas of his own about what might be done. He says, "Roughly ninety per cent of the earth has felt man's hand already, sometimes brutally, sometimes gently. Now let's say, 'That's the limit.' We should go back over the ninety and not touch the remaining ten per cent. We should go back, and do better, with ingenuity. Recycle things. Loop the system." When he sees an enormous hole in the ground in the middle of New York City, he says, "That's all right. That's part of the ninety." In non-wilderness areas, he is nowhere happier than in places where the ninety has been imaginatively gone over—for example, Ghirardelli Square in San Francisco, a complex of shops and restaurants in a kind of brick Xanadu that was once a chocolate factory. When someone asks him what one person can do, Brower begins by mentioning Rachel Carson. Then he tells about David Pesonen, a young man in California who stopped a nuclear-power station singlehanded. Then he sprays questions. "Are you willing to pay more for steak, if cattle graze on level ground and not on erodable hills? Are you willing to pay more for electricity, if the power plant doesn't pollute air or water?" He taunts the assembled sinners. "You are villains not to share your apples with worms. Bite the worms. They won't hurt nearly as much as the insecticide does. You are villains if you keep buying automobiles. Leave these monsters in the showroom." Invariably, he includes what must be his favorite slogan: "Fight blight, burn a billboard tonight!"

The cause is, in a sense, hopeless. "Conservationists have to win again and again and again," he says. "The enemy only has to win once. We are not out for ourselves. We can't win. We can only get a stay of execution. That is the best we can hope for. If the dam is not built, the damsite is still there. Blocking something is easiest. Getting a wilderness bill, a Redwoods Park bill, a Cascades Park bill, is toughest of all."

Brower is somewhat inconvenienced by the fact that he is a human being, fated, like everyone else, to use the resources of the earth, to help pollute its air, to jam its population. The sermon becomes confessional when he reveals, as he almost always does, that he has four children and lives in a redwood house. "We all make mistakes," he explains. His own mistakes don't really trouble him, though, for he has his eye on what he knows to be right. After he gave a lecture at Yale once, I asked him where he got the interesting skein of statistics that six per cent of the world's population uses sixty per cent of the world's resources and one per cent of the six per cent uses sixty per cent of the sixty per cent. What resources? Kleenex? The Mesabi Range?

Brower said the figures had been worked out in the head of a friend of his from data assembled "to the best of his recollection."

"To the best of his *recollection?*"

"Yes," Brower said, and assured me that figures in themselves are merely indices. What matters is that they feel right. Brower feels things. He is suspicious of education and frankly distrustful of experts. He has no regard for training per se. His intuition seeks the nature of the man inside the knowledge. His sentiments are incredibly lofty. I once heard him say, "It's pretty easy to revere life if you think of all the things it's done while it was onstage." He is not sombre, though. Reading a newspaper, he will come upon a piece by a conservation writer and say, "I like that. He's neutral the right way."

Brower is a conservationist, but he is not a conservative. I have heard him ask someone, "Do you like the world so much that you want to keep it the way it is?"—an odd question to be coming from David Brower, but he was talking about the world of men. The world of nature is something else. Brower is against the George Washington Bridge. He is against the Golden Gate Bridge. He remembers San Francisco when the bridge was not there, and he says the entrance to the bay was a much more beautiful scene without it. He would like to cut back the population of the United States to a hundred million. He has said that from the point of view of land use the country has not looked right since 1830. There are conservationists (a few, anyway) who are even more vociferous than Brower, but none with his immense reputation, none with his record of battles fought and won—defeater of dams, defender of wilderness. He must be the most unrelenting fighter for conservation in the world. Russell Train, chairman of the President's Council on Environmental Quality, once said, "Thank God for Dave Brower. He makes it so easy for the rest of us to be reasonable. Somebody has to be a little extreme. Dave is a little hairy at times, but you do need somebody riding out there in front."

The office of Charles Fraser, the developer, is in a small building about halfway between an undeveloped jungle and an alligator pond on Hilton Head Island, South Carolina. Alligators sometimes crawl along the sidewalk between the jungle and the pond. The alligators are natives and Fraser is not. Fraser was anxious lest the alligators be disturbed when, in 1957, he began building roads and golf courses and clearing homesites on some five thousand acres of the island, so he fed them great hunks of raw beef to lull them into acceptance of his bulldozers. The alligators swallowed it. They live now in water hazards and other artificial ponds throughout Fraser's Sea Pines Plantation. On his office wall Fraser has a picture of himself, in a white suit and a panama hat, walking an alligator. Signs along the fairways say, "Please do not molest the alligators." Fraser tried something similar with the bald eagles that were there, but the eagles would have none of it, and they flew away.

Fraser is a short man, heavyset, prominent in the forehead, dark curly hair wisping out behind. The first time I saw him, he was standing on a floating dock at his Sea Pines marina, drinking Portuguese rose and wearing tennis shoes, white trousers, and a blue striped shirt. Those who know him would not instantly recognize such a snapshot, for although Fraser has built one of the creamiest resorts in America, he himself is not the resort type. He drinks little and plays less. Recreation is his business, and business seems to be his recreation. He almost always wears a plain dark suit. He tucks his chin in and sits straight when he is saying something important, and the more important it is, the straighter he sits. He talks about "marketing-acceptance factors" and about how "public money floats better than joint-venture money." His conversation is predominantly about money—its flows, its freezes, its cataracts, its sources, its deltas. He speaks in a clear, authoritative voice, very slowly, as if he were writing a contract as he goes along.

When Fraser first saw Hilton Head Island, rimmed with beaches and the ocean, it was a wilderness of palmettos, live oaks, Sabal palms, egret rookeries, and tupelo swamps shimmering with rattlesnakes and cottonmouths. What he saw there horrified him. Fraser is a visionary. He did not see the rattlesnakes. He saw Coney Island rising from the swamps. He saw what he calls "visual pollution." He saw Myrtle Beach, Asbury Park, Seaside Heights, and Atlantic City. He saw the whole sorry coastline of the Atlantic states—two thousand miles of used flypaper. The flies had missed here and there—Blackbeard Island, Cape Fear, Hilton Head—leaving pristine and visible some segments of one of the longest and most beautiful chains of barrier beaches in the world. Fraser, who was twenty-one, felt that development of some kind was inevitable at Hilton Head, and that it need not look like Myrtle Beach, and need not be done in dissonance with nature. He went to Yale Law School, and the course that most absorbed him was Myres McDougal's Land Use Planning and Allocation by Private Agreement. The gist of what McDougal had to say was that the use of property ought to be planned, because when development is allowed to occur without control the result can be a form of destruction. Throughout his years in New Haven, Fraser was obsessed with a desire to create on Hilton Head Island a resort community over which he would retain absolute aesthetic control, and he was in a position to do so, since his family owned much of the island.

Fraser's father, Lieutenant General Joseph B. Fraser, was a lumber king in Hinesville, Georgia, whenever there was not a war. He and several partners had bought the island for its timber and its speculative potentialities. Charles Fraser worked in summer with the timbering teams and successfully urged that no cutting be done in oceanfront stands of virgin pine. He also drove up and down the coastline from Virginia Beach to Miami seeking out the original developers of beachfront properties wherever he could find them and asking, "If you had it to do over again, what would you do differently?" From *haut monde* to honky-tonk and back again, they told him what a short-sighted mistake it had been to line up a row of houses along a beach and then put a road just behind the houses, creating a safety hazard and reducing the value of all the lots on the inland side of the road. They told him that large houses have a way of becoming boarding houses. They told him that control is quickly lost if it is not ironclad. Fraser regularly read almost all the journals of architecture. He went to the National Archives, in Washington, and looked up surveyors' notebooks from the eighteen-sixties, because he wanted his development to be of a piece with history, and he tried to locate old cotton fields, wartime fortifications, and vanished Taras. In 1956, with no development experience and not much money, he returned permanently to Hilton Head, where he began to sketch in the air with his hands scenes that he alone could see. Locally, he was considered a major and absolute nut. To his mother he confided, "I may never make any money, but I want to create something beautiful." She told him he was going to waste his time and his legal talent. She says now, "Of course, a person doesn't often have a chance to take wilderness and make something of it. Charles has a sense of beauty and balance. He saw the possibilities there. I think he would have been a painter if he hadn't chosen to do something else."

Sea Pines Plantation appears to be something painted by a single hand, in greens, grays, and browns. Its roads, meandering among the live oaks and Sabal palms, were bent wherever necessary to miss the big trees. All stop signs are green. Private roadside mailboxes are all green. Fireplugs are green. So far there are five hundred and fifty private houses, built by five hundred and fifty individual owners, yet most of the houses have cedar-shake roofs and bleached-cypress siding, the intention being that they should blend into their environment like spotted fawns. Some houses are set back in the woods along the fairways. (There are fifty-four fairways.) Other houses are on narrow drives that lead toward the beach from the principal roads, which are considerably inland. No one in the plantation lacks convenient access to the sea, because Fraser left dozens of fifty-foot public swaths between his arterial roads and the beach, and he has built walkways through the swaths. Neither the beach nor the line of primary dunes behind it has been built upon. Fraser spent fifty thousand dollars to save one live oak when he built a seawall for a harbor he dredged. Trees crowd the roads—dangerously in some places—but Fraser will not remove a tree until automobiles have crashed into it at least twice. He has one section of about a thousand acres that he calls the Main Wildlife Sanctuary and Woodland Recreation Area, and he has legally committed himself to leave twenty-five percent of the plantation in its natural state. When prospective buyers used to ask about snakes, Fraser would say amelioratively, "Snakes? We'll show you a couple this afternoon." But the snakes eventually received the message, and now they do not show anymore. Alligators are packed up and sent to zoos when they become six feet long. Fraser has a private police force that spends most of its time protecting alligators and deer from poachers. The alligator hides are worth a hundred dollars apiece. Fraser's live oaks were once Methuselan with moss, but after he discovered that rain-soaked Spanish moss can get so heavy it cracks limbs, crews of barbers were sent into the trees to create an overhead garden of Vandykes.

An aerial view of Sea Pines Plantation reveals the great numbers of houses there, and how close to one another they really are, whereas an observer on the ground—even in the most densely built areas—feels that he is in a partly cleared woodland with some houses blended into it, nothing more. Fraser accomplished this in a region where people have traditionally liked to proclaim their prominence by piling red bricks into enormous cubes and placing before them rows of white columns. He did it—although he occasionally met strong opposition from buyers, bankers, and even subordinates in his own organization—by writing some forty pages of restrictions to attach to every deed. It was a reverse bill of rights (ironclad), a set of ten times ten commandments—take it or leave. The first restriction in the long list gives a suggestion of the whole: it says that any plan or specification can be disallowed by Fraser for any reason whatever. In the early days, when Fraser was operating more on hope than on money (and in full knowledge that half the bankers in South Carolina thought he would soon go under), he was nonetheless so uncompromising that he was ready without hesitation to reject the house plans even of a textile king. If the king refused to conform, Fraser bought back his land. One giddy homeowner tried to paint his house yellow—a historic moment at Sea Pines Plantation—but Fraser backed him down, blending him into the landscape along with his house.

Fraser is cruising through Sea Pines in an air-conditioned green Dodge. A man who is opening a green mailbox marked "H. F. Scheetz, Jr." looks up and waves hello. Fraser lowers the window. "Hi, Henry!" he says as he glides by. Up goes the window. "I operate as nonelected mayor, so I have to act as if I were elected," he explains. "There is democracy of communication here but autocracy of decision-making. Our corporate contracts and deed covenants are the constitution and bylaws of the community. The only way you can have aesthetic control is through the power of ownership. We have more power than a zoning board has. I have centralized the decision-making process, but I'll listen to anybody." The marvel is not whom he listens to but who listens to him. The car passes some of the nation's most authoritative mailboxes—McCormack of Comsat, Hipp of Liberty Life, Taylor of New York State wine, Twining of the Air Force, Simmons of the mattress, Close of Springs Mills. Fraser calls the plantation "a high-quality destination resort," and it has proved to be the destination of a fairly extensive variety of people—not just the barons of war and commerce but also retirees with wan incomes, golfers of most incomes and all handicaps, tennis players of the wider levels, a few painters, a few writers, and rich widows from the North, who bring their late husbands to Fraser's graveyard and then build homes for themselves in the plantation. What these people have in common is Fraser. He is Yahweh. He is not merely the mayor and the zoning board, he is the living ark of the deed covenant. He is the artist who has painted them into the corners he has sold them. A few owners have put sums like two hundred and fifty and three hundred thousand dollars into their houses, but most are in the forty- to fifty-thousand-dollar range, and Fraser has also built condominium villas that sold originally for as little as nineteen thousand—a minimum that has since risen to thirty-eight thousand. He has also built a small town, shops and all, with apartments that rent for two hundred and fifty to three hundred dollar a month. He figures he can blend fifteen hundred more houses into the trees, and one more golf course.

The chairman of the Continental Mortgage Forum recently introduced Fraser as "one of the two finest developers in the United States," not mentioning his peer. Lyndon Johnson appointed him to the Citizens' Advisory Committee on Outdoor Recreation and Natural Beauty. Fraser is also Commissioner of Parks, Recreation, and Tourism for the South Carolina coast. Now forty-one, he has made twenty million dollars in the past ten years, but he, his friends, and his enemies all agree that personal profit is not paramount among his motives. Fraser's drive seems to have been directed toward accomplishment for its own sake, toward aesthetics for the sake of an aesthetic criterion. Sea Pines has evolved, perhaps, as a kind of monument.

Fraser considers himself a true conservationist, and he will say that he thinks of most so-called conservationists as "preservationists" but that he prefers to call them "druids." "Ancient druids used to sacrifice human beings under oak trees," he says. "Modern druids worship trees and sacrifice human beings to those trees. They want to save things they like, all for themselves." He is aware of the importance of the larger environment. He says he would like to establish a College of the Oceans—"you know, pot, ecology, the whole bag." He reads the newsletter of the Conservation Foundation. He knows the vital position of salt marshes in marine ecology. "Salt marshes are productive feeding grounds for seafood," he says. "In the immediate marsh boundaries of Hilton Head Island, in the marsh flood plain, we save seventy-five per cent of the marsh, as a balanced approach between the interests of recreation and the interests of the druids. Man has to use some of the salt marsh if he is going to live near the sea. A few years ago, anybody would have said it was O.K. to build anything in a salt marsh. Now the society has so much money that we can afford to wonder. The druids get emotional and say you are upsetting ecology if you as much as touch the salt marsh, and you *have* to be polite. But you can't take the position that production of seafood is the most important issue in America. The druids dismiss me as a quote developer unquote, and that makes me mad."

There must be a very remarkable druid at Hammond, Inc., in New York, for Hammond has published a large map that seems particularly notable for what can only be a deliberate omission. It happens that the longest undeveloped beach on the Atlantic coast of the United States forms the eastern shoreline of a very large island, no part of which appears on this map—Hammond's Superior Map of the United States, four feet wide, one inch to seventy miles—although the map shows clearly such islands as Ocracoke, Hatteras, Assateague, Long Beach, and Manhattan, all of which are smaller. The name of the missing island is Cumberland. Virtually uninhabited, it lies off the coast of Georgia. It is the largest and the southernmost of the Georgia sea islands, and on the map the place where Cumberland Island should be is filled with nothing but blue Atlantic, although other sea islands—St. Simons, Sapelo, Ossabaw—stand forth in bold outline to the north. Clearly the work of a druid cartographer.

Cumberland Island, a third larger than Manhattan, has a population of eleven. Its beach is a couple of hundred yards wide and consists of a white sand that is fine and soft to the touch. The beach is just under twenty miles long, and thus, although there are no obstructions whatever, it is impossible to see from one end of it to the other, because the beach itself drops from sight with the curve of the earth. Wild horses, gray and brown, roam the beach, apparently for the sheer pleasure of the salt air. Poachers round them up from time to time and sell them to rodeos for fifteen dollars apiece. Wild pigs seem to like the Cumberland beach, too. The figure of a man is an unusual thing there. New, young dunes rise behind the beach, and behind the dunes are marshes, fresh or tidal. In some of the marshes and in ponds and lakes elsewhere on the island live alligators fourteen feet long. The people of the island will not say specifically where the alligators are. They are fond of their tremendous reptiles. Poachers, commando-fashion, come for them by night, kill them, and take just the hides. Behind the marshes stand the odd dunes, high, smooth as talc, sloped precipitously like lines of cresting waves, and covered with pioneer grasses. At the back of the dunes begins a live-oak forest. The canopies of the oaks nearest the beach have been so pruned by the wind that they appear to have been shaped by design in a medieval garden. Among the oaks are slash pines and red cedars—trees also tolerant of salt. Sand-lane roads wind through the forest. Poachers use them in pursuit of white-tailed deer. Hotels in Jacksonville pay thirty-five dollars a deer. Through the woods run thousands of wild pigs. Now and again, a piglet is stopped by a diamondback.

A generally high bluff rims the western shore of the island, and along it are irregular humps—Indian burial mounds that have never been opened. Watched from the bluff, sunsets gradually spread out over a salt marsh five miles wide. This distance from the mainland in part explains why Cumberland Island remains as it is at this apparently late date in the history of the world. There is no bridge. The salt marsh is the most extensive one south of the Chesapeake. It is dominated by cord grass that rises higher than a man's head. The higher the tide, the higher the grass in a tidal marsh, and the Georgia coast has seven-foot tides. An acre of that marsh is ten times as fertile as the most fertile acre in Iowa. Roots of the cord grass reach down into the ooze and mine nutrients. When the grass dies and crumbles, it becomes high-protein detritus. Shrimp spend a part of their life cycle in there eating the crumbled grass. In the marsh, too, is a soup of microscopic plants, of phosphorus, nitrogen, calcium. Oysters grow there. Fish feed in the marshes and on marsh foods washed by the tides. If a quarter acre of marsh could be lifted up and shaken in the air, anchovies would fall out, and crabs, menhaden, croakers, butterfish, flounders, tonguefish, squid. Bigger things eat the things that eat the marsh, and thus the marsh is the broad base of a marine-food pyramid that ultimately breaks the surface to feed the appetite of man.

Tidal creeks penetrate Cumberland Island, and along their edges, when the tide is low, hundreds of thousands of oysters are exposed to view. Shrimp, fast-wiggling and translucent, feed between the beds of oysters. No wonder the Indians wanted to be buried on Cumberland Island. The only wonder is that the island now is much as it was when the Indian mounds were built. It has not always been so. There are stands of virgin pine and virgin live oak on Cumberland, but the island as a whole is a reclaimed wilderness. Orange and olive groves stood there once, and plantations of rice, indigo, and cotton. At the outbreak of the Civil War, the sea islands were abandoned. Later, rich Yankees began competing with one another in the acquisition of Georgia islands, and nearly all of Cumberland was bought by a Carnegie—Andrew's brother Thomas. His family, as it increased, built several enormous houses, and two or three of these are still in fair condition, but the others make Cumberland the world's foremost island in salt-sprayed baronial ruins. The Carnegie heirs are in the third, fourth, and fifth generations, and their number is so large that they went to court not long ago and had the island divided. Conservationists, noting this, and realizing that not all Carnegies could afford to hold land anymore, began to move toward finding a way to keep the island from being developed. They spoke of Cumberland as—in the words of one of Brower's colleagues in the Sierra Club—"a spot in our eyes, a dream that may not come true." Then, in October, 1968, three Carnegies—Tom, Andrew, and Henry—sold three thousand acres of Cumberland Island for one and a half million dollars to Charles E. Fraser.

There was an expression that had been in the air there since the days of the rice and indigo plantations, and now it rose again to currency: "The Devil has his tail wrapped around Cumberland Island."

With "the purchase of lands on Cumberland Island," as Fraser termed the event, the issue was joined for one of the great land-use battles of recent times. Remaining Carnegie heirs closed ranks against him. All over the coast and, in fact, all over the South—particularly in Atlanta, Augusta, Columbia, and Athens (the University of Georgia)—people began talking intensely about Fraser.

"He walked into the Cloister at Sea Island and he said, 'I'm the golden boy of the Golden Isles, and I've just bought three thousand acres of Cumberland Island.'"

"I want to shoot the son of a bitch."

"He is a visionary young man who has learned that conservation can pay."

"No. Charlie is a conservationist in the real sense. He wants to harmonize a modern environment with all the endowments of nature."

"Conservation to Charlie means, in great part, that Charlie should not be bitten by a mosquito."

"He thinks he's a home boy with a lot of clout in Georgia, but he'll find out what he can do with his pinksock golfers."

"Charles himself is interested in power. That's what motivates him. Everybody thinks he will go into politics."

"He would dearly love to be governor of South Carolina, and he would be fabulous."

"He doesn't have the stomach for it. In politics, there's a lot you can't control. Where he is, he controls everything."

"I'm an ecosystems man. It's not the island alone that interests me. It's the island, the marsh, and the sea. If the marshes are saved, there would not be much ecological loss with development. If you're going to have a developer, I'm all for Fraser. Unplanned development would spoil it."

"I don't think his declared intentions are always his true intentions."

"He's a demon. He has no principles."

"He is a little man walking empty with a cartoon balloon before his mouth, talking and talking as if to create a Charles Fraser who isn't there."

"Fraser says he wants to make these islands available to the people. Horse manure. He means taking it from the old rich and giving it to the new rich. Let's just be straight, a fifty-thousand-dollar investment ain't too many of the people."

"He does things no other developer would. Those concrete bulkheads at Hilton Head cost him three-quarters of a million dollars. He could have had steel for two hundred thousand."

"Steel bulkheads are an eyesore."

"Mr. Fraser does preserve environment. The university hopes that most of Cumberland can become a National Seashore, so people can enjoy it. It can't be all wilderness. We think it should be a mix—people in nature."

"The guy is tearing off an island just as if it were a postage stamp. He's behaving like a hunter knocking off buffaloes. We'll challenge anyone who wants to be the Buffalo Bill of the Georgia coast."

"He has half-baked, two-bit ideas. He's thinking very small. I challenge Charlie Baby to come up with something exciting. We are going to come into an age when people want more than a bag of sticks and some white balls."

"We can't afford to think in Colonial land-grab terminology anymore. We could set a precedent on Cumberland Island for recreational land use in America. Let's do something imaginative. Fraser's plans are not big enough. The golf-course bit should go to the mainland. There could be three planned communities on the mainland, with Cumberland their open space."

"You come in to the coast slowly. It grows on you. River mouths, marshes, tidal creeks, islands, the continental shelf, and the continental slope are really an integral unit, a single system. We have had integration of the races in the sixties, and we are going to have integration of man and the land in the seventies, or we'll all be gone in the eighties."

On a cold but sunlit November day, a small airplane, giving up altitude, flew down the west shore of Cumberland, banked left, crossed the island, and moved out to sea. Sitting side by side behind the pilot were Brower and Fraser. The plane turned, still descending, and went in low over the water and low over the wind-pruned live oaks and down into a clearing, where the ground was so rough that the landing gear thumped like drumfire. A man in khaki trousers and a wild-boar skin shirt waited at the edge of the woods. The aircraft wheeled around at the far end of the clearing and taxied back toward him through waist-high fennel.

Fraser and Brower had met only the evening before, at Hilton Head, and Fraser, in his direct way, had begun their relationship by giving Brower a dry Martini and then telling him what a conservationist is. Fraser said, "I call anyone a druid who prefers trees to people. A conservationist too often is just a preservationist, and a preservationist is a druid. I think of land use in terms of people. At Hilton Head, we have proved that you can take any natural area and make it available to people while at the same time preserving its beauty." Brower listened and, for the moment, said nothing. He had not expected so young a man. Fraser's dynamism impressed him, and so did Sea Pines Plantation. Fraser, for his part, was surprised by what he took to be, in Brower, an absence of thorns. Expecting an angry Zeus, he found instead someone who appeared to be "unargumentative, quiet, and shy."

Now, on Cumberland Island, the pilot cut the props, and into the resulting serenity stepped Fraser and Brower. Fraser wore a duck hunter's jacket and twill trousers that were faced with heavy canvas. Brower had on an old blue sweater, gray trousers, and white basketball shoes. The name of the man in the boarskin shirt was Sam Candler. Hands were shaken all around. Brower said it was "nice to be aboard the island." The weather was discussed. Amiability was the keynote.

Candler, who was thirty-eight, had spent much of his life on the island. He grew up on its oysters and shrimp. His children were doing the same. Candler knew where the alligators were, and he had a boxful of diamondback rattles, from snakes he had killed with a hackberry stick. Notches on the stick corresponded to rattles in the box, and Candler would have dearly loved to be able to make an additional notch that corresponded to Charles E. Fraser. There was native gentility in Candler, however, and he did not permit his darker sentiments to surface in the presence of his new neighbor. Candler spoke even more softly than Brower did, and the accents of Atlanta were in his voice. He was a slim man of medium height, with dark hair. He owned, with others in his family, the part of Cumberland Island that Thomas Carnegie did not buy. The Candler property, about twenty-two hundred acres at the north end, was the site of a rambling wooden inn (now Candler's house) in which business flourished around the turn of the century but atrophied after causeways were built to other islands. Candler's great-grandfather was the pharmacist who developed and wholly owned the Coca-Cola Company; his son, Candler's grandfather, bought the Cumberland property in 1928.

The pilot said goodbye. The airplane waddled into position and took off.

"An airport is essential here," Fraser said.

"But it's not a nice neighbor," Brower told him.

"Yes, but ours would be just large enough for small private jets, no more," Fraser said. "Let's go see Cumberland Oaks."

Cumberland Oaks was Fraser's working title for the development he intended to build on Cumberland Island. To get to the site, we drove about ten miles on narrow sand-lane roads, Fraser at the wheel of a Land Rover that belonged to his company. Sunlight came down in slivers through the moss in the canopies of huge virgin oaks. We stopped near one, and Brower paced the ground under it. The limbs reached out so far that, bent by their own weight, they plowed into the ground, from which they emerged farther out, leafily. Yucca grew in a crotch twenty feet high. Brower computed that the canopy covered fifteen thousand square feet of ground.

We drove, through long stretches that were straight to the end of perspective. "This is a vast island," Fraser said. "It can absorb dozens of different kinds of uses. You won't even be able to *find* the uses, it's so vast—if it is handled with discretion." Brower was silent. "By going into islands, I tarnish my shining image, because I irritate so many druids," Fraser said. Brower smiled. The Land Rover raced along at forty miles per hour and occasionally bounced over a corduroy bridge. Eventually, Fraser said, with both humor and sarcasm in his voice, "Now we're on my property. Don't it look lovely?" Brower said sincerely that lovely was how it looked, with its palmettos, its live oaks, its slash and longleaf pines. To Fraser, it was obviously raw and incomplete, but even now he could clearly see before his eyes finished villas and finished roads. So complete was this vision, in fact, that Fraser turned off the existing road and began to zip through the trees, rounding imaginary corners and hugging subdivisional curves. Spiky palmettos rattled against the Land Rover's sides like venetain blinds. Pine branches smacked against the windshield, making explosive noises and causing us all, instinctively, to blink and cover our heads with our arms. A buck and two does leaped away from the oncoming vehicle, and Candler, raising his voice above the din, commented pointedly that on an island heavy with deer they were the first we had seen. "Variety of wildlife increases sharply with variety of food," Fraser said, accelerating. "A place like Sea Pines Plantation has more wildlife than an untouched forest—more browsing, more habitat variation."

The western edge of Fraser's property was a high bluff over the Cumberland River, a tidal lagoon separating the island from the broad marsh, and as we stood there looking down at the water and across to the distant mainland Fraser said, 'We'll have slides here, so kids can slide down the bluff."

"You could have swings here on these cedars," Brower offered.

Fraser said that some of the cedars on his property had been planted by Scottish soldiers who had built and manned a stockade there in the early eighteenth century. Development was thus nothing new around Cumberland Oaks. Looking west across the water and the marsh, he confided that he was envisioning a seven-hundred-and-fifty-thousand-dollar system of towers, cables, and aerial gondolas to carry people to Cumberland Oaks from the mainland. "Brunswick Pulp & Paper owns those forests over there," Fraser said. "I would describe Brunswick Pulp & Paper as 'friendly.'"

Wild grapevines as thick as hawsers hung from the high limbs of Fraser's pines, and as we moved east through the woods Brower found them irresistible. Fraser stopped the Land Rover so Brower could get out and swing on one—fifty feet in an arc through the air. He crashed into a palmetto.

Between the deep woods and the beach, among the secondary dunes of Cumberland Oaks, was a freshwater lake—Whitney Lake—so clear and lustrous that it gave Fraser's property a slight edge over all other parts of the island. Set in all the whiteness of the big hills of powder sand, the lake was so blue that day it paled the blue sky. Near the north end of the lake, three skeletal trees protruded from the slopes of sand—branches intact, but spare and dead. A buzzard sat in each tree. The trees were dead because the dunes were marching. Slowly, these enormous hills, shaped and reshaped by the wind, were moving south. They had already filled up half of Fraser's lake, and, left alone, they would eventually fill it all. Five buzzards stood at the edge of the water. Fraser stood there, too, with the unconcealed look on his face of a man watching a major asset disappear. "We've got to stabilize these dunes," he said.

Brower, for his part, was moved by the lyricism of the scene. If destruction is natural, Brower is for it. "I think it's just fine to see it happen," he said.

Fraser said, "I've got to restore dune-grass vegetation here. I've got to put the lake back to its original size. I'm an advocate of lakes."

"There's a place for development and there's a place for nature," said Candler.

"What would you move the dunes with?" I asked Fraser.

"Spoons, hoes, shovels—earthmoving equipment. You change natural gradings very cheaply with a bulldozer," he said.

Fraser went on to tell us that the lake had been named for Eli Whitney. Planters on the island had given Whitney financial support toward the development of the cotton gin. "This lake shouldn't be allowed to disappear," Fraser said. "There should be canoes on it for children. Children should be fishing here for brim. There is nothing here now but buzzards and dead trees."

Thinking of his three thousand acres as a whole, I asked him privately what he would like to build there by Whitney Lake.

"Houses!" he whispered.

The northernmost tip of the ocean beach was a long spit owned by Candler. We drove up there, inadvertently filling the sky with sandpipers and gulls. Then we turned and, in the late-afternoon light, went south all the way. The big beach ran on and on before us, white and dazzling in the clear sunlight. No other human beings were there. Of the several houses on Cumberland Island, the one nearest to the beach was a half mile back in the woods. We had been driving for a while when Candler remarked that we were nearing the end of his property. He has two and a half miles of beach. He said, "The only thing wrong with this beach—the traffic's so bad." Shells crunched under the wheels and salt foam flew out behind us. Plastic jugs, light bulbs, bottles, and buoys had drifted up along the scum line, but nowhere near enough of them to defeat the wild beach. I remembered the shoreline of the Hudson River at Barrytown, New York. A photographer from *Sports Illustrated* had caught up with Brower near there, and they had gone to some difficulty to get down to the river's edge, so that Brower could be photographed with the wind tousling his white hair against a background of natural beauty. For the occasion, Brower had changed from a topcoat into a ski parka, and the picture was successful—this ecological Isaiah by the wide water. It was just a head-and-shoulders shot, so it did not include the immediate environment of Brower's feet. The shore of the Hudson River, a hundred miles upstream from Manhattan, was literally obscured by aerosol cans, plastic bottles, boat cushions, sheets of polyethylene, bricks, industrial scum, globs of asphalt, and a tattered yacht flag. Now, on the Cumberland beach, Fraser, for the moment, was sounding much like a hard-line real-estate man. He was saying that we had beside us "the finest, gentlest breakers on the Atlantic coast." Brower said that where he came from such ripples were not called breakers. We got out of the Land Rover and walked for a while. Brower paused and studied that reflection of the falling sun on the surfaces of the breakers. This was what mattered to him—that play of light. He saw a horseshoe crab and had no idea what it was. He picked up a whelk shell and a clamshell and asked the names of the creatures that had lived in them. He wondered what made the holes of fiddler crabs. Shrimp boats were working offshore. Brower said he liked the look of them, bristling with spars. Brower seems to think in scenes. He seems to paint them in his mind's eye, and in these scenes not everything made by man is unacceptable. Shrimp boats on a bobbing sea are O.K. On the waterfront in San Francisco, he and I once drove at dusk past a big schooner that is perennially moored there, and its high rigging was beautiful in the fading light. "There should be more masts against the sky," Brower said. And now, back in the Land Rover, he looked up at high cumulus that was assembling over the ocean and he spoke of "sky mountains," while Fraser looked the other way and said that the primary dunes were in a process of severe disintegration, and the Land Rover moved on at forty miles per hour, crunching Paisley-spotted shells of the tiger crab.

"Have you ever been on a shrimp boat to see how they work?" Brower said.

"I have—when I was twelve," said Fraser. "I want a shrimp boat out of Cumberland Oaks, taking four or five kids a day."

The distance was so great across the beach and the dunes to the woods that I asked Fraser how far back he thought the nearest of his houses ought to be.

"The mainland," said Candler.

"That's a real dilemma here," Fraser said. "If the houses are set back in the trees, it's bad for recreation. What we need is an extensive tree-planting program to build up destroyed areas by the shore."

"Destroyed?"

"Destroyed. These dunes are not ordinary."

"They have always looked all right to me," Candler said.

"Pine trees grow exceedingly fast down by the ocean," Fraser went on.

Brower was silent.

"Within thirty years, there need to be fifty thousand more points for a week's visit on the Georgia coast," Fraser said. "You don't decrease the number of Americans taking a vacation by sealing off a particular land area. Surveys show that seventy-five per cent of Americans prefer beaches to all other places of recreation. I believe in human enjoyment of beaches, but, of course, the druids think it would be a shame and a crime to have people on this beach—a shame and a crime."

Acres of ducks darkened the swells of the ocean. A wild brown mare and her gray colt stood ankle-deep in a tidal pool. "Sam, why didn't you buy the property I bought?" Fraser said.

"I didn't have enough money," Candler said.

A line of pelicans—nineteen of them—flew south just seaward of the breakers. Pelicans fly single file, and Candler said he could remember them going by in lines a hundred pelicans long. That was in an era that seems to be gone. DDT has got into the bodies of pelicans and eventually into the shells of their eggs, and its effect on the shells is that they come out so thin they crack before chicks are ready to be born. Brower remarked that the pelican is one of the earth's oldest species. He quoted Robinson Jeffers, saying that pelicans "remember the cone that the oldest redwood dropped from." We were nearing the end of the beach, and we could see Florida across the mouth of the St. Mary's River. The pelicans kept going, like flying boxcars, across the river. "They're doomed," Brower said. "Maybe we're lined up behind those pelicans."

Fraser is descended from the Frasers of Inverness and the Bacons of Dorchester, who began their existence in the New World as Puritans of seventeenth-century New England and gradually moved in a southerly direction, establishing Dorchester, Massachusetts; Dorchester, South Carolina; and, eventually, Dorchester, Georgia. The Bacons and the Frasers were on the original roll of the Midway Church Settlement, a seat of Presbyterian enlightenment important in the history of Georgia and the South. The Frasers regularly sent their sons to Edinburgh to be educated. The 1810 census showed the Frasers to be among the ten foremost slaveholders in the state. One distinguished Fraser voted against secession, and another used a slingshot against troops of General Sherman. For two hundred years, the family has had what Fraser calls "substantial amounts of land," and the family's "social antennae" (as he would phrase it) have developed a length and sensitivity commensurate with the family's history and standing. Consequently, nothing makes Fraser sit straighter and tuck his chin in deeper than the assertion—often repeated in gossip—that his acquisition of property on Cumberland Island was something straight out of Chekhov: the capitulation of a fine old family under inexorable pressure from a *nouveauriche* developer.

Having returned to the middle of the island, Fraser stopped at a small graveyard, not by chance. Its walls were made of tabby—lime, sand, and oyster shells—and it was only twenty feet square. Dusk had come and was now heavy, and Brower grew rhapsodic about the penumbral grays, the deep shafts of varied gloom under the high trees. Fraser, meanwhile, was intently pointing to a stone, and there was still enough light to reveal what was written there: "Thomas Morrison Carnegie, born Dunfermline, 1843, died Pittsburgh, 1886." What Fraser wanted us to note was that the Carnegies are comparatively recent immigrants. He referred to them as "upstarts," and said, "I have no patience with them. They have no sense of history. They think the history of the island is the history of their occupancy. They think history began when they arrived. Look there." He was pointing to another stone. The inscription said, "In memory of Catherine Miller, widow of Major General Nathaniel Greene, Commander-in-Chief of the American Revolutionary Army in the Southern Department, 1783, who died November 2, 1814, aged 59 years. She possessed great talents and exalted virtues." "More talents and more virtues than all the Carnegies put together," Fraser said. "Her friend General Lighthorse Harry Lee died here on Cumberland Island. Did you know that, Sam?"

"Yes, I did, Charles."

"The family of my friend Brailsford Nightingale, in Savannah, owned parts of this island when the Carnegies were still herding sheep. The Nightingales have been elegant for more generations than you can count. They are descendants of General Greene. They had subdivided this island and were going to make it a rich man's retreat before the Carnegies had ever heard of it, but the Nightingales were thwarted by history. Reconstruction was a brutal wipeout. And now the Carnegie druids do not wish to share the island with other people. They think only Carnegie eyes are sensitive enough to appreciate the beauties of that beach out there. On any list of America's hundred most selfish families these poor new-rich Carnegies must be placed very high."

On the way in from the beach we had passed another kind of graveyard—a place where at least twenty automobiles and pick-up trucks were disintegrating in flakes of rust. It was this scene that had set off Fraser's ridicule and fulminating scorn. Here, he said, was a family posing as conservationists, attempting at this very moment to enlist the support of the federal government in protecting their island with them on it, and this junk heap was their idea of preserving natural beauty. He said he would like to bring a bulldozer to the island and cover the junk up. And he said, "How about your place, Sam? You must have some things up there that need covering up. Could I give you a neighborly hand?"

"I have nothing to hide," Candler said.

"You haven't got anything one day with a bulldozer won't cure."

Fraser's relationship with the Carnegies had not always been as clearly defined as it now appeared to be. The Carnegie heirs were a diffuse group. Most of them spent little or no time on the island. Two or three of them lived there. During early negotiations, the Carnegies' attitudes toward Fraser varied considerably. Then a social event framed the nature of things to come. A few days after Fraser was given the deed to his new lands, one of the Carnegie heirs, a pretty girl in her twenties, was married on Cumberland Island. The groom, a junior executive in Fraser's Sea Pines Plantation Company, had been assigned to the Cumberland Island project and had met his bride there. That should be plot enough for a Deep South Lorca, but there was more: The bride was the author of a Sierra Club book. Fraser arrived for the wedding, as various Carnegies recall the scene, wearing an ascot and carrying an enormous leather map case. They say that he unstrapped his case in the middle of the reception and displayed plats and plans for his new utopia on Cumberland Island. They say he called them idiots not to understand the concept of conservation easements. Moreover, they say, he burped in front of ladies. According to the bride, Fraser "galvanized the Carnegies into unanimity." They united in order to block Fraser in any way possible, most notably by promoting a Cumberland Island National Seashore, with "inholding" or "lifetime-estate" provisions for established residents. The groom, for his part, defected. He quit the Sea Pines Plantation Company, the better to live happily ever after.

And now, by the little graveyard, in the near-darkness, Fraser said to Candler, "Sam, what do you think of that line about the hundred most selfish families? Do you think I can get some mileage out of that? Shall I hone it?"

Candler said, "You don't want to develop that line, Charles. You might spoil it."

"All right, I'll leave it as it is, but did you know that one of the older Carnegie ladies told Stewart Udall that only blooded heirs of Thomas and Lucy Carnegie should ever be allowed to set foot on this island?"

"How do you know that?"

"I was told by someone present. She wagged her finger under Udall's nose and said, 'Only blooded heirs of Thomas and Lucy Carnegie should ever set foot on Cumberland Island.' You know, during all the present talk about National Parks and National Seashores the Carnegies have been keeping something under the table. A few years ago, most of them were in favor of stripmining the beach. The sand is full of ilmenite, zirconium, and rutile. I have no patience with the Carnegies. All they want to do is maximize their dollar, either through the mining industry or through the federal government or by piggybacking on me. Now look at one more headstone."

The inscription said, "Thomas Hutchison, Golf Professional, eldest son of William and Helen H. of St. Andrews, Scotland. Born October 6, 1877. Died December 8, 1900."

"He was surely the first golf pro to be buried in America," Fraser said. "When this property was bought by the Carnegies, there were no golf courses in the United States. A golf club had once been in operation in Charleston and another in Savannah, but they had long since ceased. The oldest continuing golf organization in the United States is St. Andrews of Yonkers. It was built in 1888, and from then to 1900 golf swept the country. Hundreds of courses were built, including one here on Cumberland Island—where we landed in the airplane. The Carnegies brought this young man from St. Andrews, Scotland, and he died here when he was twenty-three."

Fraser had already made something out of his research into the history of golf in the South. He had arranged with the Professional Golfers Association a new hundred-thousand-dollar tournament, to be held at Sea Pines, and to be called the Heritage Classic, because the first golf club in America had been built in South Carolina. The first Heritage Classic was won by Arnold Palmer, and because Palmer had not won a tournament in three years this was major news in the sporting world, and the names of Sea Pines and Hilton Head were publicized throughout the United States. As we stood there in the graveyard on Cumberland Island, I looked at the tombstone and then at Fraser, feeling a kind of awe for his luck. Someday, if he had his way, there would surely be a hundred-thousand-dollar First Pro Classic on the Thomas Hutchison Memorial Golf Course, Cumberland Oaks.

Reflectively, Fraser placed a hand on the tombstone and said, "Druids hate golf. I keep telling them golf was here seventy-five years ago. Dave, you wouldn't mind if I built a little golf course here on Cumberland Island, would you?"

"I suppose not, if you don't take too many trees," Brower said.

"You know I don't take too many trees, Dave," Fraser said. He turned to Candler. "Sam, Dave is going to let us have a golf club here."

"He is?"

"Yes."

"That's damned white of him."

That night, in a place called Greyfield, before a big fireplace that glowed with burning logs and coals of oak, Fraser and Brower spread out on the floor a map of Cumberland Island twelve feet long. Together they crawled around on it, pushing cocktails from one part of the island to another. Antlers hung above them, and portraits of Carnegies, and a portrait of George Washington, while the skull of a loggerhead turtle, huge and primordially human—or so it seemed—faced them from a cluttered shelf. The map was about twenty years old and bore the names of quick and dead Carnegies—Thomas M. Carnegie, Jr., Florence Carnegie Perkins, Carter C. B. Carnegie, Lucy Ricketson Ferguson, Nancy Carnegie Johnston, Andrew Carnegie II. Greyfield, with high porch and high columns and a need of paint, belonged to Lucy Ferguson's son Rick, who once ran a plastics factory in Jacksonville and was now running Greyfield as an inn for selected guests. Fraser could hardly be said to have been selected, but he was made welcome at Greyfield, and nearly all the inimical things said about him were said behind his back. Meanwhile, on his hands and knees on the big map, a Martini at his fingertips, Brower was saying, "When you get onto a floor with a big map, something happens. You think you're in an airplane."

Fraser said to Brower, "Dave, suppose you owned this island. Suppose you were the dictator and were under no financial pressure whatever. How do you think this island ought to be used in the last thirty years of this century?"

Brower said, "I'd have one feeder point to the beach per mile."

Fraser seemed to levitate, to float above the map. He might have been a skin diver who had just picked up a doubloon. The excitement he felt was almost, but not quite, palpable. Was this the David Brower of Friends of the Earth and the Sierra Club—the slayer of environmental dragons, the uncompromising defender of wilderness? Fraser's face was a mask. He tucked in his chin and said unflickeringly, "I call them 'beach social points.' "

The conversation was semi-private. Several duck hunters and the odd Carnegie or two moved around it. Beyond the firelit room was long hall, and off this was a small room where Rick Ferguson had set up a self-service bar. He was there, a short man, wiry and strong, in tennis shoes, khaki trousers, an old blue oxford-cloth button-down shirt—the great-grandson of Thomas Carnegie. Ferguson's wife, in a long hostess gown, was with him.

"Cumberland Island is going down the drain," Ferguson said.

"Fraser's drain," said his wife.

"I feel like a man who has just been told his block is up for urban renewal. We seem to be on the sidelines while this big show is going on. All I want to protect here is my children's inheritance."

"We have no rights except what the majority lets us do."

"I was giving Charles the benefit of the doubt once when I called him insensitive. I think his rudeness is an inherent characteristic."

"Charles is over-self-righteous. He thinks he is absolutely right and is doing good—and that is his mistake."

"No one is interested in this island but the family, basically."

Ferguson excused himself and went off to slice a roast of beef.

On the floor in the big room, Brower was learning on his elbows. Fraser was on his knees.

"How many people would you, as dictator, permit on the island July 4, 1980?" Fraser asked.

"I don't know," Brower said. "An answer is needed, but if on the evening I come here I come up with an answer, I'm an ass."

"Ninety per cent of Americans want bedrooms when they are on vacation," Fraser went on. "Ten per cent want to camp with automobiles. Only five per cent of that ten per cent—or five people in a thousand—want wilderness camping. How many would you permit on this island, and how would you accommodate them?"

"Let's keep Cumberland Island for the five per cent or the ten per cent who want wilderness," Sam Candler said.

"I think I'd recommend the Yosemite formula," Brower said. "Seven square miles of Yosemite bears heavy and concentrated use. The rest is open."

Brower has deep affection for the Yosemite, which is, or was once, the most beautiful valley in the Sierra Nevada. He has spent whole years there, and a great deal of time in or around the valley throughout his life. When he is in the Yosemite, he seems to be packed in nostalgia, and he appears to be unaffected by the valley's peeled-log Levittowns, its tent cities, its bumper-to-bumper traffic, and its newsstands—all results of what has been described as the fatal beauty of Yosemite. In all likelihood, he accepts Yosemite whole because the valley was already urbanized when he was young. And now, on Cumberland Island, he was recommending something similar. "I would cluster all development in one place," he said to Fraser. "People could walk elsewhere. Walking on the beach is the most important thing a person can do here. If you were going to develop just one spot on the entire island, where would that be?"

"To be very explicit, my tract has tremendous diversity," Fraser said. "I have Whitney Lake, the Scotch fort, the marching dunes. But we're pretending *you're* the dictator. The island as a whole is twenty miles long. How many people can your area of concentration absorb?"

"You mean at night?"

"Yes, at night."

"They do have to be there at night," Brower mused. "People will want to see what the sky is saying. It's their last contact with Mother Earth."

"How many people?" Fraser said again.

"It's their last chance to listen to the sun and the moon."

"How many people?"

Brower shrugged. He said, finally, "I wouldn't mind having a population of twenty thousand here."

"Twenty thousand?"

"Twenty thousand."

Brower got up and went in to make himself another drink. When he came back, he and Fraser agreed that if a National Park or Seashore could surround Fraser's place on Cumberland Island, that would be very good. Brower said that what worried him was that if Fraser were to go ahead and develop his land without some such federal protection of the rest of the island, the value of the remaining properties would rise so sharply that the neighbors might have to let the land go to less capable developers. Fraser said that worried him, too.

"Whatever happens to this island, the automobile should be ruled out," Brower went on.

"I agree," said Fraser.

"No tourist vehicles. No bridge. No private automobiles or other vehicles on the beach."

"I agree."

"How would you get people around?"

"Perhaps jeep trains."

"How would you bring in food and services?"

"In sky vans—mini flying boxcars."

"Whatever you do, don't give the island to Detroit. Zermatt is carless. Stehekin, in the state of Washington, is carless. It is good conservation practice, if you are going to develop, to concentrate people and leave wild land around them. People need earning territory—territory they have to earn by walking, limping, crawling, or whatever they can do. With that around them, the concentrated area is important, and I wouldn't mind so many people. Not at all. When you get out of the city, you hear the planet talk, and here it is talking. If the dunes want to march, they ought to march. I know how you feel, but the land itself should not be controlled."

"The Brower Plan is economically sound," Fraser said. "I could live within the constraints imposed by the Brower dictatorship. As the island is now, birds enjoy it but nobody's swimming here. Nobody's in the woods. There are no people. The island's stable population is eleven. That comes to one person per mile and three-quarters of beach."

Rick Ferguson had come into the room to say the roast beef was ready. "One person per mile and three-quarters of beach is just about right," he said.

"Why do you think the family have kept it this way?" said Mrs. Ferguson. "Because they *feel* so strongly."

"If you can keep it the way it is, fine," Brower told her. "But I don't think that is one of your choices."

Not long after Fraser acquired his property on Cumberland Island, he established a public campsite there. He admitted privately that he had several motives. For one thing, it was a way to acquaint the public with the island. For another, it would set a precedent for public use of the island at a fee. Finally, and most ingeniously, it would put Stewart Udall in a position where he might have to criticize camping—for Udall had been employed by the Carnegies as a conservation consultant, or, as Fraser insisted on putting it, as "a hired mudslinger." Udall said of Fraser, "I want to push Charlie into a corner where he has to face the truth. He is good news as a developer and bad news for Cumberland Island. He is not interested in having a reputation as a spoiler, but he can't have it both ways. He tries to incorporate conservation with economic development, but it doesn't work."

One motive Fraser emphatically did not have for establishing his campsite was a desire to camp on Cumberland Island himself. Fraser is not in any sense a woodsman or a man of the outdoors, as he will acknowledge without shame. Nonetheless, under urging from Brower and from me, he had agreed to sleep in his own campsite. And now, after dinner at Greyfield, the three of us went out into the black, cold night and headed for the campsite, which Brower was eager to see. After we had gone some distance through the woods, Fraser said, "I'm most happy to go along with this, but, frankly, you are taking me out of my element."

It would be difficult to say whose element the campsite was. It consisted of fifteen so-called recreation vehicles—tent-covered, two-wheeled automobile trailers, with electric lights, electric heat, and four-burner gas stoves. A central toilet facility had hot showers, an ice machine, and a cedarshake roof in the Sea Pines manner. Fraser said he believed in "use," and that this was a good way to start. He said he planned to build a small store at the campsite and, eventually, to rent jeeps by the day. Meanwhile, he was charging five dollars a night for the mobile tents—loss leaders if ever there were any, for they cost him fifteen hundred dollars apiece.

Two of the vehicles had been set up for us, and they faced each other, like canvas tourist cabins, across an area filled with palmettos and cast-iron grills that were mounted on galvanized pipes. Brower went into one tent and Fraser and I into the other. While we were unrolling our sleeping bags, Fraser said, "Very interesting, his views. They're so different from what I thought they would be." Spreading out the contents of a briefcase on a Formica-topped table, Fraser looked through them. Then he got out a pen and began to read and make marginalia. He read an article in the *Yale Law Journal* on large lot zoning; he read a piece from the Beirut *Daily Star* on a new kind of sewage-disposal system; and in an issue of *American Forests* he read something called "The Destiny of Conservation Depends Upon Truth." "At the moment, I am rather aggravated about the distruth of statements made by certain druids," he commented. "But Dave is not a druid—not the way he was talking. Arthur D. Little would get ninety thousand dollars for the consultancy Dave did tonight." For morning, Fraser set aside a copy of *Audubon Magazine*, a book called "Land, People, and Policy," and the first draft of a prospectus for the first public issue of stock in his company. He shut off the light. "The highest and best use of this island is for children," he said as he was settling to sleep. "I believe, however, that the struggle here is too complicated, and therefore hopeless, and that no reasonable development will ever go on here."

Brower called out from across the palmettos, "Good night, and sleep well if your conscience is good."

Fraser called back, "My conscience is always bad, and I always sleep very well. Good night."

"Good night."

Sleep was not all that easy, in part because the bunks folded out and were cantilevered from either end of the mobile unit. Fraser and I were balanced on a kind of rubber-tired seesaw. Every time he rolled to his right, I went up a little, and every time he rolled to his left I went down. I lay there long into the night thinking mainly about the peculiar pattern of the relationship developing between him and Brower.

A beach is for children, Fraser had said. I didn't think he was just groping for a key to a bank vault. I had seen savings of various kinds all over Sea Pines Plantation—swings hanging from the eaves of covered walkways, swings hanging from the limbs of trees. He had bought tricycles and scattered them around. He had strung hammocks at the height of children. Walking among the fresh foundations of his new town, he had once said to me, "Landscape architects won't hang swings. They say swings are not a strong enough design statement. I'll wait until the landscape architects are finished, and then I'll hang a hundred swings from the live oaks. I'll have a vender selling watermelon, too—roasted oysters in the winter, ice-cold slices of watermelon in the summer." Fraser and his wife, Mary, lived in a glass-and-cypress Sea Pines house. Gardeners took care of the environment. The Frasers had two daughters, aged four and two. The Frasers believed that the direction of a life was established almost at the beginning—that no years were as telling as the earliest ones. Hence, among other things, the Montessori School (where Mary Fraser worked) and the swings all over the plantation.

Brower was reverent toward the young. His faith had told him that the young would do better with the earth. He did not associate lumber companies, motor companies, chemical companies, or mining companies with youth. He admired Young Turks while he attacked Old Philistines. By his ready admission, he had learned a great deal from his two children, all of whom were college age or older. Brower himself looked almost unnaturally young, his white hair notwithstanding. He sometimes seemed to trust young people's judgment over his own. He often said, "I'm impressed with what young people can do before older people tell them it's impossible." Any number of times since we had come to Cumberland Island, he had commented on the youth of Charles Fraser. "I didn't know he was so young. . . . What energy! I didn't expect so young a man."

Out through a picket fence and down a deeply shaded street Fraser, as a boy, had walked every day to school. He was blond then, and had curly hair. His mother and father used to buy athletic equipment for him, but he would give it all away and sit on the porch reading books while his friends—endangering the camellias—played football or baseball on his family's lawn. His family owned nearly half of Hinesville. Their house had been the first in Liberty County to have running water, inside toilets, and two pianos. The land for the First Presbyterian Church had been a gift from his grandmother. His father had been moderator of the Presbyterian Church of the State of Georgia and president of the Men of the Presbyterian Church of the United States of America. The church was the Frasers' locus of being. "Holy, holy, holy," Fraser had chanted one day at Hilton Head, waving his hands like a choir leader as he revealed these credentials. "As a Calvinist, I was told that you're not supposed to do all the pleasurable things in life. But eventually I realized that I would be part of the elect no matter what sins I might commit." He said that at the age of thirteen he had been a newspaper entrepreneur. Under his ironclad managerial control, his entire Boy Scout troop sold papers. He fished the creeks, hunted squirrels, collected buckeyes. He became the first Eagle Scout in the history of Liberty County. Now the executives of the Sea Pines Plantation Company included a high proportion of former Eagle Scouts. On the Sea Pines boardroom wall was a life-size portrait of Fraser's father, in uniform, and beside this portrait stood two flags—a United States flag and the three-star flag of a lieutenant general. General Fraser commanded the first ground troops to land on New Guinea. He went into France with Patton. Charles Fraser, at the age of ten, had been quite relieved when his father's unit was converted from cavalry to anti-aircraft. Charles hated horese and did not want to ride them. His interests were elsewhere. In becoming an Eagle Scout, he won merit badges in birds, reptiles, conservation. He loved beautiful objects and had a gift for design. He painted his family's coat of arms on a mug, applying the paint with toothpicks. His brother, Joe, was an athlete. Liberty was a coastal county, and one thing Charles particularly liked to do was to go to the beaches and build castles in the sand.

Fraser's mother-in-law, before she became that, used to send newspaper clippings about him and his plantation to her daughter wherever she might be—at Stephens College, in Columbia, Missouri, for example, or, later, in Washington, D.C., where she worked for Senator Thurmond. "Mary's mother is a very sensible Southern mother, who knows that her daughter's standard of living depends on her husband's income," Fraser once explained. "Mary was accustomed to a very elegant standard. She had a Cadillac to drive to school when she was sixteen—and that was just the leftover car around the place." Mary, in her college days, had not so much as met him. He was twelve years older than she, and he lived two hundred miles from Greenville, her home town. Nonetheless, she dutifully read and saved the clippings. Eventually, she would more or less save Fraser. Small details not being his forte, she had assumed responsibility for looking after them. He forgot everything—his money, his briefcase, his topcoat, his whereabouts. He lost every hat he ever owned. "Hats are a nuisance and an absurdity," he complained. He was not absentminded, his wife decided. He was simply not interested in petty detail. He read all the time. He read walking upstairs, he read until his food was cold, and he rigged up extra lights in the car so he could read while she drove. He forgot his raincoat but remembered facts. Three minutes after he walked into a room, it was a shambles. "Have you read this? What did you think of it? What do you think about that?" Newspapers hit the floor. Sixteen books came off the shelves. "Charles says there is so little time, and never a convenient time for anything, so if you want to do something you have to just do it," Mary once said. "He applies this to a trip to Europe, to conceiving a child—to anything." Mary, dark-haired, dark-eyed, slender, was collaterally descended from a family named Lawton that once grew cotton on Hilton Head Island—in fact, on the site of Sea Pines Plantation. When Fraser's archival researches yielded this fragment, he was most pleased. He and Mary began to refer to it as "the heritage." He would talk about it with a detached grin, but he was obviously happy that he had something like that to be detached about. "The Lawtons were planters," he liked to say, invoking images of antebellum wealth and antebellum elegance. He once introduced his four-year-old daughter, Laura Lawton, to a stranger.

"Hello, Laura," said the stranger.

"It will have to be Laura Lawton, I'm afraid," said Fraser. "Laura Lawton, say 'My great-great-great-great-great-granddaddy planted cotton here.'"

In an office at the University of California Press, in 1941, Anne Hus had demonstrated to David Brower that she could lean over and pick a newspaper off the floor with her teeth. She wondered if he could do the same. They shared the office. Both were editors, working on what she called "rewarmed dissertations with the scaffolding taken out." He said stiffly, about the newspaper stunt, that one does not do that sort of thing in an office, and he refused to try. Brower as an editor made her jealous. "He was so much better than I. I have never understood where he got his feel for words. He is a great editor. He liberates what is good in an author's work. It just infuriates me that anyone who has read so little can do that. I have been reading since I was four. He has never read anything. He hasn't read novels. He knows very little about English literature. Yet he has a remarkable sense of language." Anne had been born in Oakland. Her father was a man who failed at so many jobs that he said he should go into undertaking in order to prolong human life. Her grandfather John P. Irish, editor and politician, was the man who was debating with William Jennings Bryan when Bryan said, "You shall not crucify mankind upon a cross of gold." Brower was in the 10th Mountain Division when, in 1943, he proposed to Anne by mail. Before he went overseas, they lived in Colorado for a time, and then in West Virginia, where Brower taught climbing to the mountain troops, on the Seneca Rocks. He spent so much time on bivouac that she despaired and went to Washington, where she edited combat narratives for Army Intelligence. Later, she went back to the University of California. She was still an editor there when I met her, in 1969. A gentle person, she seemed almost complacent—an impression that belied her sharpness of ear and eye. I remembered her telling him once, "I never see people I'd rather be married to than you—especially in National Parks." Brower obviously needed her guidance. Away from her, he could scarcely pass a phone booth without getting into it and calling her. At the Press, in their early days, he had dropped from sight now and again and gone off to the Sierra Nevada. After he had been doing this for a while, she told him he was getting away with murder. Leaning over, he picked a newspaper off the floor with his teeth and said he had to practice somewhere. He asked her to go with him to the mountains. She loved the sea and didn't like the mountains. "Edna Ferber said mountains were beautiful but dumb, and that is how I felt, too. Finally, I went on a Sierra Club trip just to fill in. To get through it, I took a bottle, and took nips. After three days, I really loved the trip—such incredible country. Until you've seen him up there, you don't know him."

I thought of Brower in the Sierra Nevada, in the Valley of the Mineral King. To conservationists, the Mineral King had become an Agincourt, a Saratoga, an El Alamein. Walt Disney Productions wanted to string the slopes with lifts and build enough hotels there to draw a million people a year. Mineral King had been mentioned as an excellent setting for the Winter Olympics of 1976, celebrating the two-hundredth anniversary of the birth of the nation. Brower and I went to Mineral King together. My impression was that—all other considerations aside—it was an extraordinary good site for a skiing resort. A stream ran through the middle of the valley, and if you stood beside it and looked up and around you saw eleven conical peaks, the points of a granite coronet. The steep slopes of these mountains were covered with red fir, juniper, aspen, and foxtail pine. Great rising swaths were treeless and meadowed. Hannes Schneider had called it the best potential ski area in California. So much snow had been there the winter before that avalanches had sheared off many hundreds of trees twenty feet above the ground—the snow was that deep. The avalanches had been so powerful that they had not stopped at the bottom of the valley but had climbed the other side, smashing trees. In the geological history of the Sierra Nevada, Mineral King was an old valley. The Sierra Nevada had been a minor mountain range of about four thousand feet when it began the great upheaval that made it higher than the Rockies. New streams cut through the new uplift and created valleys like the Yosemite, with wide, flat floors and sheer walls. The Mineral King was lifted with the mountains and remained intact, a V-shaped valley—alpine, ancestral—and it caught snow like nothing else in a mountain range that was named for the snow that fell there. Brower had done a ski survey of Mineral King once, long ago, and had said that he favored limited development. He said now that he essentially felt the same way. Sitting under a big cottonwood with his feet in the stream, he pointed out that the valley was, for one thing, not wilderness. A road reached into it. A couple of dozen buildings were there, a sawmill, and corrals belonging to a pack station. Listening to him, a surprised conservationist might have thought that the Antichrist had come to the Mineral King disguised as David Brower. But to the Disney interests Brower would not have seemed like much of an advocate. Looking around at the Mineral King peaks, he decided that although he was for limited development, he was against ski lifts. He said he preferred to see people earn their ski runs by climbing with skins attached to their skis. Moreover, he was against improvement of the existing access road, an incredibly twisting cliff-hanger so narrow and serpentine that a million people trying to use it would grow old before they reached the valley. Brower said Disney Productions should build a hundred-million-dollar tunnel, or fly people in—save the approaching mountains, hang the cost. Told he was being almost poetically impractical, Brower responded that the Disney people were going to change something forever, so they could amortize the changes over a thousand years.

Fraser rolled over and sighed in his sleep. I wondered if in the day to follow he would find that Brower's apparent tolerance for the development of Cumberland Island was equally tied in string. He sighed again. Possibly he was dreaming of Badische Anilin-& Soda-Fabrik Aktiengesellschaft, a name, of all names, that haunted him. Fraser was hoist on a most ironic petard. Badische Anilin-& Soda-Fabrik Aktiengesellschaft, known as BASF, was a company that made, among other things, petrochemicals and dyes for the textile and furniture industries, and not long before they had decided to expand beyond Ludwigshafen and into the American South. They searched in several states for a site for a new plant. There were plenty of possibilities. What in the end attracted the Germans most in all the South was Sea Pines Plantation. German chemical kings apparently liked golf and the good life, too. They had found a plant site on Victoria Bluff, three miles from Hilton Head Island. Air and water pollution would surely follow. Fraser, meanwhile, had become the unlikely leader of a battalion of druids, whose war cry was "BASF—Bad Air, Sick Fish!" Ultimately, Fraser and his druids would drive the Germans away, but he had learned that even in the beauty of Sea Pines Plantation there could be something fatal.

One night of camping out, even in a fifteen-hundred-dollar mobile tent, was quite enough for Fraser, and the following evening we transferred our gear to a motorship called the Intrepid, which had slipped quietly down the coast from Hilton Head and into the Cumberland River. The size of Fraser's yacht was proportionate to his distaste for wilderness. The yacht was ninety feet long. It contained five staterooms and a floor-through saloon. Its bar was stocked with Tanqueray gin. Fraser's Southern antennae had reached out unobtrusively, suprasocially, and their research had shown that Tanqueray is Brower's gin of gins. With the moral support of a friendly doctor, Brower once used gin as his principal weapon in humbling a stomach ulcer, and he was so successful that he has ever since been a friend of the preventive Martini. With something beatific in his eyes, he ritually asks for "a Martini with Tanqueray gin, straight up with nothing in it." Lemon, he feels, changes the taste, while only a madman would accept an olive, for an olive displaces two cubic centimeters of gin. It had been a long, full day on the island, and Brower now settled back with a drink innocent of additives and watched the sun fall behind the Georgia mainland. Fraser sipped bourbon and Calvinistically worked on his stock prospectus—for several hundred thousand shares of something he was calling Recreational Environments, Inc., at twenty-five dollars a share. He needed money for expansion—not only to Cumberland Island but to half a dozen other places he was interested in, from North Carolina to Hawaii. He had just bought six miles of beautiful and undeveloped white beach under coconut palms on the east coast of Puerto Rico, and only the week before he had gone as far as Kuwait looking for funds. "I'm just an oyster catcher from South Carolina begging for money," he said, moving a blue pencil over the prospectus. "A million dollars. A million dollars. Can you spare a million dollars?"

"Look at that sun on that smog!" Brower said. Shining low through the air over the paper-mill country, the sun tended to embarrass Georgia. It appeared to be setting in black-bean gumbo. "American industry never asked my permission to shorten my life," Brower went on. "They have taken two years off my life and will take seven years off my children's. These are figures I can't support, but I believe them."

"Let's put a paper mill over here on Cumberland Island and get the smell away from the cities," Fraser said, looking at Sam Candler, who went on looking at the sunset.

"Whatever their economy is, they haven't paid for the people's air," Brower said. "They should be given six months to clean up or go out of business. Roll, you earth. I swear the sunset is slower than the sunrise."

On the beach at six-fifty-seven that morning, we had watched the sun jump into the clear sea air like a rubber ball released from a hand below the ocean's surface. Fraser, over breakfast, read an article called "The Dying Marsh" in *Audubon Magazine*, and throughout the day he pelted Brower with sachets and nosegays. Hurtling along a narrow, curving sand road through the forest, Fraser said, "We'll call this the David Brower Scenic Drive." And later, approaching an attractive swamp, he said, "We'll call this the David Brower Wildlife Sanctuary and Woodland Recreation Area." In a small skiff on a tidal creek, Fraser stood in the bow like George Washington and spoke what were apparently the first words of a press release he was forming in his mind: "Charles Fraser announced today the results of a detailed study for the use of Cumberland Island." Sam Candler had one hand on the skiff's tiller and with the other he was bailing. Flights of ducks passed overhead. The tide was low. Using a small anchor as a kind of oyster rake, Fraser knocked hundreds of oysters loose from an exposed bed. He was clearly feeling very good. On the beach, he drove at fifty-five miles an hour and said gleefully that he had decided to name his new development the Cumberland Island Conservation Association.

Brower was feeling good, too—obviously enjoying himself on the island. Why he did not rise up and clout Fraser, verbally, seemed a little odd to me, but I had seen him before in situations where he was getting the sense and feel of something, and while his mind was working toward a settled attitude he had vacillated or lapsed into an uncharacteristic passivity. In the North Cascades, he had known where he was. He had been there before, and had fought for the wilderness there. He had never before set foot on Cumberland Island. Fraser, ebullient, was finding Brower so docile that he wouldn't even call him a druid, and in a sense Fraser was right, for the rote behavior of an ordinary member of the priesthood should be simple to predict. This, however, was—as Fraser apparently did not grasp—no ordinary member of the priesthood. This was the inscrutable lord of the forest, the sacramentarian of *ecologia americana*, the Archdruid himself. Fraser's difficulties with druids were anything but over.

Lacking a target in the invisible Brower, Fraser eventually attacked Candler. Candler, whose original intention had been merely to help show Brower around the island, had tried to hold off from saying much, but now there was a gun-fusillade argument.

"Sam, you just don't want people on this beach, do you?" Fraser said.

"I didn't say that," Candler said.

"A man has no more right to personal private property on a beach than he has to a highway, an Army camp, a railroad, a school, a hospital, an airport, a valley to be flooded for a dam. A fundamental part of the pursuit of happiness is one's annual vacation. Hence this beach is for a public purpose."

"Your purpose. I'm happy to have people use the island now, if they make the effort to get over here and to enjoy it."

We happened to be at the southern boundary of Fraser's proposed development. Fraser said that a National Seashore should begin just there and extend all the way to the southern tip of the island—about fifteen miles—and that the north end, above his property, should become "an environmental-protection zone." The development, he promised, would include nothing that would pollute the environment.

"What *would* it have?" Candler asked.

"Houses, a marina, an airport, a store."

"That is not my idea of conservation."

"Tell me, Sam, which Carnegies will break ranks and sell out next?"

No answer.

"How many Carnegies will rub their hands with glee when prices go up because of development?"

No answer.

"Those snobs—high on the list of the hundred most selfish families."

"I'd like to make a list of island destroyers," Candler said.

Fraser said ,"The government has a perfect right to condemn my land here if it thinks its use is wiser than mine."

It emerged that a Cumberland Island Conservation Association already existed.

"Name all organizations that exist on the island," Fraser said.

"What do you mean?" Candler asked him.

"Every time I pick up a paper, I read about another organization."

"You mean like your Cumberland Island Holding Company?"

"Name another one."

"The Cumberland Island Conservation Association is the only one I know about," Candler said.

"Is it incorporated?"

"I believe so."

"You *believe* so?"

"Yes."

"Who is the president of the Cumberland Island Conservation Association?"

"I am."

"Is it incorporated?"

"I'm not real sure."

"The light is nice on the water there," Brower said. "The light is getting good."

Brower and Fraser climbed a high dune. Candler stayed on the beach. From the dune, he appeared a lonely figure—the only person on twenty miles of white sand. "People develop passionate attachments to these islands, and any change from the way they have known them since childhood is emotionally disturbing to them," Fraser said. "It's a jolt to them to have any of their property used by strangers."

One afternoon in Atlanta, Candler had told me what Cumberland Island meant to him. "Changes come slowly there, and leave marks on one another," he said. "There is a blending from one era to the next. Indian mounds are there. When I am on Cumberland Island, I see the same things the Indians saw. I would like to live where the Indians lived. They were closer to the earth, a part of the environment. Fraser said that after the hurricane there were no sea oats on Cumberland. The island teaches you the value of patience. The sea oats came back. Dunes that are washed down will return. You've got to have some places that are hard to get to. I don't think this is a selfish thought. I think it's thoughtful."

Fraser, for his part, had told me that nothing would please him more than to develop his property in consonance with a National Seashore that would take up the rest of the island. In fact, he would be hesitant—even unlikely—to develop his land without knowing what might happen around it. Another Sea Pines freshly rising among the live oaks could so enhance the value of the island as a whole that the Carnegies and Candler might find irresistible the offers of ticktack developers. There was so much of Cumberland that, even for a man of Fraser's resources, protective buying was out of the question. So he dreamed of a beautiful enclave in various shades of income, with forever-protected wildernesses stretching away from either side and rationed quantities of the public wandering the great beach.

Now, on the dune, Broker and Fraser—Columbus and Cortez—stood high above the wild and pristine seascape. Fraser said, "I think it is wise public policy for the government to take a place like this from private owners. Don't you agree?"

"Yes."

Candler, who had moved farther down the beach, was an even smaller figure. From the dune, he could be framed between a thumb and forefinger a quarter inch apart. His hands were in his pockets.

"I would like to reverse my ninety-ten here," Brower said. "I would like to see ten per cent developed here and ninety not."

Fraser said, "I hope that can be arranged."

Oysters on the half shell, when they are as fresh as the ones we ate for lunch that day, are so shining and translucent, so nearly transparent, that if you were to drop one on a printed page you could read words through the oyster. I had lived beside tidal creeks at various times in the past, and had once set up my own amateur oyster farm, from which I regularly removed a hundred and forty-four oysters each day to eat before lunch, but even the memory of my oyster farm was turned slightly opaque by the quality of the oysters from Candler's tidal creek. Mantle to palpi, each vitrescent blob was a textural wonder. We ate at least five hundred of them, raw or roasted (over an oak fire)—*Ostrea virginica*, better than the best oysters of Bordeaux, and, as it happened, long-range appetizers to the roasted game hens that were spread before us that evening on Fraser's yacht.

On the yacht, Brower held up his glass and studied the prismatic coupling of gin and light. He then looked off into the rouge afterglow over the marshes to the west. "The outdoor life is all right," he said. "But don't knock the amenities." Pale wines escorted the game hens, and brotherhood bobbed on the water with the yacht, while the dark mass of Cumberland Island stood beside the boat with what Joseph Conrad once described as "the stillness of an implacable force brooding over an inscrutable intention." No one was looking at the island. On a color-television set inside the yacht, the San Francisco 49ers were bombing the Baltimore Colts. Brower said, "Long live the instant playback—the nicest thing technology has given us!"

"We will create a conservation conference center here on the island," Fraser said.

"That will require an airport," said Brower. "I'm Machiavellian enough to know that if you are going to have a conference center you have to have a way to get there."

"We'll let druids land free," Fraser said. "If you were dictator, what would you do with that marsh?"

"Save it! Save the greenery! I can make noise, but you can make deeds," Brower said. "Save the marsh! Grasses are one of the nicest ways the green thing works. The green giant is chlorophyll, really. When I come back in another life, I am going to spend my whole life in grasses. I'm addicted to the entire planet. I don't want to leave it. I want to get down into it. I want to say hello. On the beach, I could have stopped all day long and looked at those damned shells, looked for all the messages that come not in bottles but in shells. Life began Tuesday noon, and the beautiful organic wholeness of it developed over the next four days. At three minutes before midnight, man appeared. At one-fourth of a second before midnight, Christ arrived. At one-fortieth of a second before midnight, the Industrial Revolution began. You, Charles Fraser, have got to persuade the whole damned movement of realtors to have a different kind of responsibility to man than they have. If they don't, God will say that man should be thrown away as an experiment that didn't work I have seen evidence of what you can do. Now make others do it. The system must be used to reform the system."

Fraser had been listening with his hands clasped behind his head. When Brower finished, Fraser said nothing, and sipped his wine.

In the early morning, in the yacht's saloon, Brower performed his matins. He spilled out and sorted the contents of his briefcase—an old and thick one, jammed with books, notebooks, magazine, clippings—and he read for an hour or so, as if to put himself in context. He read a Sierra Club tract called "Machiasport: Oil and the Maine Coast." He read a copy of a letter from Earl Bell, the planner, to Senator Henry M. Jackson, asking how the island Amchitka could still be called a National Wildlife Refuge since it had become a military missile dump, a military garbage dump, and a site for atomic testing. Simultaneously, Brower made cryptic notes for a talk he would give at Harvard: "Loop the system . . . Ravisher of the Month . . . SST . . . Signs . . . Dams . . . Sawlogs." Reading on, he piled up newsclips on the table before him: "JOIN POLLUTION FIGHT, NATO TOLD," "BP OIL ESTIMATES ALASKA TRACT AT FIVE BILLION BARRELS," "DROWNING AN ECOLOGICAL PARADISE," "CAN ANYONE RUN A CITY?" "PLANNER URGES TWO-CHILD LIMIT," "SLOW DOWN THE OIL RUSH," "BAN ON ABORTION STRUCK DOWN," "THE MAZE OF HAZE THAT SPOILS OUR DAYS," "WE ARE SUBVERSIVES IN THE STATE OF NATURE," "NORTHWEST PASSAGE TO WHAT?" He had heretical material, too: "ALARMISTS IGNORE THE FACTS," "MAN MUST CONTROL NATURE," "THE POPULATION FIRECRACKER" (William Buckley arguing that there is no population explosion), and an editorial from the *New Scientist* mocking the excessive excitability, and the platitudes and dogmas of "ecological high priests." Brower next examined a dummy for a conservation newsletter to be called the *National Hammer*, an article from the *Stanford Law Review* called "The SST: From Watts to Harlem in Two Hours," and a list of proposals—to him as publisher—for a series of Suppose We Didn't books, on things that would be best left undeveloped: the SST, the oil refinery in Machiasport, the Alaska pipeline, the sea-level canal through Central America. He read the Leopold Report ("Land drainage . . . will destroy inexorably the South Florida ecosystem") and an article from *Trial* called "Can Law Reclaim Man's Environment?" Finally, he read a piece on architectural ravages in New York City's West Village, and he waved in the air a *Business Week* article—"The War That Business Must Win"—and said, "Here is the first faint streak of dawn coming up over the business world. They are at last finding out that environment is not only to sell."

From below, Fraser appeared, dressed in a dark suit and tie. After breakfast, he was going to leave Cumberland Island in order to do battle with druids in other parts of the South. The rest of us would stay on for a while. Fraser clearly felt that Cumberland was safe, for the moment. In the Land Rover, he drove to the primitive airstrip. The same small plane was waiting in the field of fennel. Fraser walked confidently away from an atmosphere of cordial farewells and climbed into the plane. The pilot advanced the engines to maximum r.p.m. Four wild horses slowly walked off the runway. The plane raced through the fennel and into the air. Watching it rise and turn, Brower said softly, "What makes Sammy run in the South?"

We got into Candler's jeep and spent the day slowly reviewing the island. At Candler's speed—ten to twenty miles per hour—details came into focus that, at Fraser's speed, had previously tended to blur. The jeep, for one thing, was open, and we felt the island around us in a way that we had not in Fraser's Land Rover, which was closed in. "You can't see the whole island anyway—it's too big—so you might as well enjoy what you can see," said Candler. "Going along in Fraser's Land Rover was like going over Niagara Falls in a barrel."

"I've never run into anybody quite like that," Brower said.

"Are you sorry or glad that he developed Hilton Head Island?"

"I don't know. I think probably I'm not glad. I'd rather have more wilderness on the coast than there is. But if it had to be developed. I'm glad it was developed by him."

As we moved along, deer walked across the road in front of us. Candler showed us a place where he had often found arrowheads at low tide and a place where we picked wild grapefruit. We went to the south end of the island, which was ribbed with hummocks and was full of freshwater ponds and tall magnolias. A jetty there had been built ninety years ago at what was then the southernmost point of the island. The jetty was now at least two thousand feet inland from the southern shore. Land had simultaneously been eroding from the north end. Cumberland Island was gradually migrating to Florida, and had already crossed the state line. A sonic boom hit us with a report so loud that Brower staggered as if he had been shot, and tens of thousands of birds—oyster catchers, pelicans, sandpippers, gulls—rose screaming into the air between the Cumberland shore and the Florida mainland. They stayed up there, flapped in panic, for ten minutes, clouds and clouds of shrieking birds. Candler showed us where he had once dug into a mound and found a skeleton in a sitting position, and he told us how as a boy he used to play with muzzled alligators. We visited a tame buzzard at Lucy Ferguson's place, where a rusting automobile engine hung from a tree and no one but the buzzard was home. The buzzard's eyes glittered like the running lights of an airplane. The buzzard nibbled at Brower's basketball shoes. Brower stroked the bird and talked gently to it. The buzzard nibbled at his fingers and draped a talon over his hand. We saw blue herons, bluebills, and egrets in the marshes, and cacti hanging like strings of sausages from live oaks in the woods. At Candler's place, we ate a foot-high pile of shrimp from the tidal creek—under a big kitchen clock on which red lettering said, "Things Go Better With Coke." Shrimp, like oysters, are as transparent as clear gelatine when they come out of the creek. On the beach, Candler noticed the remains of a loggerhead turtle, its back as large as a steamer trunk. It had been there for days, but we, whipping by, had not seen it before. We saw wild pigs in the tidal marshes eating seafood, and a flight of seventy cormorants, in imprecise formation, passing overhead.

"What are they trying to spell to us?" Brower said.

"Pepsi-Cola," said Candler.

As far as I could see, though, the message in the sky over Cumberland Island was "Finis." We drove up a marching dune and snowplowed down the other side, leaving fresh tracks in the powdery white sand. The wind would cover them. But how many tracks could the wind cover? Since early morning—in fact, for three days—we had roamed an island bigger than Manhattan and had seen no one on its beach and, except at Candler's place and Greyfield, no one in its interior woodlands. In the late twentieth century, in this part of the world, such an experience was unbelievable. The island was a beautiful and fragile anachronism. We were, as Candler had said, seeing what the Indians saw, and it was not at all difficult to understand why he wanted to "live where the Indians lived . . . closer to the earth, a part of the environment." We, too, had eaten from the tidal creeks and had gone where and how we pleased—a privilege made possible in our time by private ownership. That was the irony of Cumberland Island and the index of its fate. The island was worth nothing when the Muskhogean Creeks lived and fished there. Now it was worth at least ten million dollars, a figure that could swell beyond recognition. Need, temptation, and realistic taxes would eventually wrest the island from its present owners. They would not be able to afford it. The question whether it was right for a few individuals to own twenty miles of beach had already been bypassed by these inexorable facts of economics.

Actually, the resolution was to arrive swiftly. In months to come, druids in massed phalanx were to create so many pressures—social, political, financial—and so much ecological propaganda that Fraser would give up his Cumberland territory, selling Cumberland Oaks to the National Park Foundation. Money for the purchase was to be made available to the Park Service by the Andrew Mellon Foundation, with enough left over to acquire the rest of the island from the other owners. Thus Fraser, in his coming and going, was in the end to be the catalyst that converted Cumberland Island from a private enclave to a national reserve. The other owners, as Brower had said, were without choice, really. They would have preferred to keep the island the way it was—and no wonder. It was Earth in something close to its original state. The alternatives—private development, public park—came nowhere near that, and never would. In the battle for Cumberland Island, there could be human winners here or there, but—no matter what might happen—there could be no victory for Cumberland Island. The Frasers of the world might create their blended landscapes, the Park Service its Yosemites. Either way, or both ways, no one was ever to be as free on that wild beach in the future as we had been that day.

SCHOOL AID

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. GAYDOS. Mr. Speaker, it is common knowledge today that most, if not all, of the 18,000 school districts in the Nation face a constant financial crisis. The soaring cost of elementary and secondary education has put an almost unbearable squeeze on everyone, the taxpayer and the taxing body. There is overwhelming evidence that expenditures for education, whether on the local, State, or Federal level, have been improperly distributed. School districts which most need additional financial help are denied it.

I have cosponsored a bill I feel will solve the dilemma. In brief, I am proposing the Federal Government assume, over a 3-year period, one-third of the cost of elementary and secondary education in the Nation. It would boost the present level of Federal contribution from 6 percent to 33⅓ percent and, I believe, thereby save our educational system from total collapse.

Throughout most of the Nation the elementary and secondary education programs receive the most support from the local level. The majority of these local funds come from a tax on an individual's real property. Therefore, it is this taxpayer who has been literally clobbered by soaring taxation, with the school tax carrying the knockout punch.

In my 20th Congressional District of Pennsylvania, there is no question the school tax is the worst of all tax villains. It takes the biggest bite from the family budget, and the situation has reached the point where talk of a tax revolt no longer is dismissed as an idle threat. People are angry. They have been forced to cut down on family needs just to meet their tax obligations. They have been forced to sell home and property to escape the school tax club. The seeds of discontent have been sown and watered over the years and now are reaching their maturity. Open rebellion against additional taxation is a very real threat.

Similary, the governmental bodies charged with the responsibility of providing funds to support education find themselves caught in the same squeeze. They are faced with the prospect of either curtailing educational programs, cutting services, laying off teachers, or face the anger of the taxpaying public by asking even higher tax rates.

Personally, I would like to see the school tax abolished completely. I have been studying such a possibility for more than a year now but the problem is most complex. Any solution is complicated by the fact there are various tax structures within our 50 States, and what might work in Pennsylvania would not necessarily work in a sister State.

I believe it is essential the Federal Government move to bolster the Nation's shaky educational system and correct the glaring deficiencies and discrepancies. For example, the inequities of expenditures for elementary and secondary education as compared to what is spent for higher education is staggering. Last year the cost difference was $2,100 for a college student and only $700 for a high school or grade school student. This is appalling, particularly when you realize less than 20 percent of our school students go onto college for a degree.

Inadequate funding is one problem; the distribution of funds is another. Local sources nationally still provide 52 cents of every dollar spent on education. It is obvious, then, that the more affluent a school district is the better chance a student has for a good education. Wealthy districts can raise great sums with a modest tax rate on their residents and offer the best in education. Conversely, the poor school district with little revenue must impose staggering tax rates to pick up the money needed to support its educational program. Children born in such communities are almost certain to receive a second rate education and probably will pass that inheritance onto their children.

This discrepancy is not a new discovery. It is was recognized years ago and attempts were made to correct it through State and Federal contributions to the less affluent school districts. Unfortunately, a number of studies have confirmed the fact that State and Federal formulas, designed to help the poor district, backfired. Instead of going to the needy districts, the funds somehow found their way into the more affluent districts. The result was a lessening of the educational financial burden on the wealthy districts and an increase of the financial burden on the poor districts.

This bill would give each school district a Federal grant for every school age child and the amount of the grant will be determined by four factors. The first is reimbursement, according to the rate the Government will assume the cost of education. The suggested rate is 10 percent for fiscal 1972; 20 percent for fiscal 1973; and 33⅓ percent for fiscal 1974.

The second factor is the need for the school district which will be determined by the number of poor children within the district. The third factor is the average local and State expenditures per pupil in the State where the school district is located. The national reimbursement, which will be influenced by the fourth factor, will be multiplied against this expenditure to determine the Federal grant per pupil. The final factor is the average. This will be used to increase the Federal reimbursement for poor States and decrease it for rich ones.

I am aware, of course, this reform will cost money, approximately $22 billion spread over 3 years as the Government assumes a greater portion of financing education. This amount is approximately $17 billion more than the Government's present contribution of $4.5 billion or 6 percent of the educational cost.

The next question is: "Where will the money come from?" We already have it. a little prudent weeding in the garden of bureaucracy, I am convinced, will harvest enough funds for this undertaking. Money has been found to finance such dubious projects as the ABM, the SST, the F-111, and the C-5A. It often appears money is no object when we talk about that kind of expenditures but, when we attempt to correct a serious domestic problem involving social needs, money suddenly becomes an item of scarcity.

Mr. Speaker, I believe we can find the necessary funds to provide a good, sound education for all our Nation's children and at the same time alleviate some of the financial strain now placed on our school districts and our taxpayers.

DR. VALLERA GRANNIS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, April 1, 1971

Mr. THURMOND. Mr. President, in the Sunday, March 28, 1971, issue of The State newspaper there appeared an article about a very courageous educator entitled "Handicap Motivates Retiree." Dr. Vallera Grannis is 72 years old and partially blind. She is a retired teacher from Coker College where she was chairman of the Modern Language Department. Dr. Grannis has now begun a new program of teaching. Her handicap has become a motivation rather than a liability, and it has led Dr. Grannis to help illiterates learn to read and write. Dr. Grannis is a driving force behind the Hartsville project of the South Carolina Literary Association's "each one teach one" program. The initiative and valor of this teacher deserves the consideration of the Congress.

Mr. President, I ask unanimous consent that the article entitled "Handicap Motivates Retiree," which appeared in the Sunday, March 28, 1971, issue of The State newspaper be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HANDICAP MOTIVATES RETIREE

(By Luke West)

HARTSVILLE.—Dr. Vallera Grannis, 72 years old and partially blind, has given her life to teaching others. Although "retired" from the teaching profession, she is helping illiterates learn to read and write.

Dr. Grannis labels herself "an illiterate of sorts" which accounts for part of her interest.

"I have lost my ability to read due to failing eyesight," she explains.

"You don't know what it's like not to be able to read names in telephone books or a newspaper or letters, until you can't. It became apparent to me that for these people that couldn't read and write it was such a stumbling block in helping them help themselves."

The retired educator became involved in the S.C. Literacy Association's "each one teach one" program last summer. She was "motivated" because she realized what it was like not to be able to read. "It was through this that I actually realized how difficult it is for people who can't read."

The President of the Literacy Association, Ben Bagwell of Greenville, says Dr. Grannis is "the spark-plug" in the Hartsville project. It is part of the association's statewide project to teach functional illiterates to read and write.

Dr. Grannis is quick to point out that the success of the project to Hartsville was due to a community effort. "You get a lot of cooperation on this deal," she said in an interview. "Hartsville is a good working town . . . it is a town where a great many people care. It is a doing town."

A great deal of the Hartsville program's success is due to Dr. Grannis' efforts. She contacted various civic clubs, churches and educators in promoting the project. "You just about have to stay on the telephone all the time. You have to put on the big push," she said.

"I was anxious this first year for money not to be a deterrent. I hated to think they wouldn't be able to take the course because of money," said the educator who raised nearly $500 to pay for the publicity and the cost of reading kits.

A workshop for volunteer teachers followed the promotional effort.

In the Hartsville area some 60 functional illiterates are being taught to read and write. In Darlington County alone Dr. Grannis said, there are 5,800 functional illiterates. Slightly less than half of them are white.

Despite the large number, Dr. Grannis said it is difficult to motivate illiterates to want to learn to read and write.

"You are working with people with a low motivation level. If they had a high motivation level they would have been able to learn already.

The "each one teach one" method is simply where one volunteer teacher works with one pupil. It involves a "commitment" on the part of both members, according to Dr. Grannis.

The students come from a "cross section" of persons 18 and over.

"The nicest thing that happened to me this past Christmas was this card from an elderly pupil," said Dr. Grannis as she produced a small card. Her name and address were neatly printed on the envelope. Inside, was a typical Christmas message and underneath a more important message was neatly printed: "I can read and I can write. Thank you."

"I was moved by that," said Dr. Grannis. "If nothing else had come out of it except that Christmas card I would have felt repaid." She spoke of other incidents.

"A woman whose sister lives in Germany wanted to learn to write to her sister. She did."

An elderly Negro man who was a deacon in his church wanted to learn to read the Bible. "Now I'll be able to read the Bible for myself," Dr. Grannis quoted the man as saying after he became a student.

"A house-bound cripple who said he wanted to read the Christmas Bible story to his children learned to read the story prior to this past Christmas.

"And one man who works in a mill wanted to learn to read. He said they put notices for the employes on the bulletin board and he would go up to it and look at the board, pretending to read while listening to other employes talk about what the notice said. 'Now I can read for myself,' the man responded after being taught to read."

She also told of a janitor in a local school who was about to lose his job because he could not read labels. He learned. Another student was a car dealer who delivered cars to South Carolina but he could not read road signs. He also learned to read through the "each one teach one" concept.

"I found a pleasant surprise," Dr. Grannis said. "Some of the students have dropped out, but nothing like I would have expected. I think it is admirable."

"We haven't tried to go out into the county yet. But we will," said Dr. Grannis, adding with a grin of satisfaction that the students "just keep trickling in."

A native of Kentucky, the gray haired, bespectacled educator received her Master's Degree from Cornell University and her Ph. D. from Columbia University. She studied at the University of Mexico, Middlebury Language School, Middlebury, Vermont, and at the University of Paris.

Prior to formal retirement, Dr. Grannis was a teacher at Coker College for 37 years, where she was chairman of the Modern Language Department.

URBAN MASS TRANSPORTATION

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. ROSTENKOWSKI. Mr. Speaker, in this time of economic crisis, the words debt and deficit have become almost synonymous with urban mass transportation. It is rare indeed, to hear of a situation where a rail line is breaking even, let alone showing a profit.

Well, yesterday Mr. Speaker, The Christian Science Monitor carried the story of a midwestern line which has become a very pleasant exception to this trend. This very well-written article discussed the surprising success of the Chicago & Northwestern Railroad.

I feel that Ben Heineman, chairman of the Chicago & Northwestern and Larry Provo, president of the line, and in fact, all the staff and employees of the railroad, deserve to be commended for their unique ability to maintain a quality operation during a time when most lines are going bankrupt in their efforts to provide even minimum service.

Mr. Speaker, I would like to insert this article in the RECORD as I believe it will be of considerable interest to my colleagues.

I include the article as follows:

HAPPY COMMUTERS LEAD TO CHICAGO RAIL PROFITS

(By Merelice K. England)

For many of America's suburbanites, commuting is a miserable way to start the day—trains are late, grubby, crowded, and infrequent.

Yet Chicago railroads—the Chicago & North Western in particular—are now proving that rail commuting can be pleasant—and profitable.

How long the profits will continue is an open question, however.

There are very few railroads in the United States that actually think they can make money shuttling people back and forth to work, leaving tracks and cars idle the rest of the day. Even Larry S. Provo, president of the North Western (which does make a profit on commuters), hedges his optimism.

The North Western's profit story will change, he says, if subsidized, mass-transit lines parallel railroad-commuter lines with cheaper fares.

"We can't compete. Our people will pay a certain premium. But then the mass-transit syphons off our customers," he observes.

More than 90,000 commuters a day—45,000 into Chicago and 45,000 out—currently travel the clean, brightly lit North Western for an average run of slightly more than 20 miles each.

That adds up to the nation's largest privately run commuter service. The larger Long Island Rail Road into Manhattan is a publicly run, New York State operation. Although Long Island commuters outcrush the North Western loads, they are more likely to criticize than to compliment their service, which is no competition for the streamlined Chicago suburban service.

A random sampling of North Western's customers shows a remarkable loyalty—even though the circumstances of this correspondent's chats with riders were regarded as unfavorable by the railroad:

North Western had just notified its customers that it was applying for a 7 percent fare increase. And cold, wintry weather is said to make even the most pampered commuter grumpy.

The railroad's prior justification of possible disagreeable comments, however, was unnecessary. Almost unbelievably, no evening customer talked to while riding outbound from Chicago to northern Waukegan, Ill., had any complaints.

RIDER PRAISES EXCELLENCE

John M. McCarthy, a three-year commuter from Evanston, Ill., says that service "is excellent. It leaves on time. It arrives on time. It is air-conditioned in summer, cheaper than driving, and it's faster."

A former Washington, D.C., resident, M. Joel Shuffield, says: "I was tired of driving." Since moving to Highwood, Ill., in September, 1969, Mr. Shuffield has taken to the train. Washington had just begun construction in 1970 on a 98-mile rapid-transit system scheduled to open in 1973.

A college recruiter for an insurance company, Steven Kollmann, says traffic was "too much" and that the North Western's schedule is flexible enough for his work.

The North Western didn't always garner such praise. Mr. Provo tells what the railroad had to do to get it.

Since 1957 when the railroad began modernizing its suburban service, it has:

Acquired modern double-deck coaches resulting in a high peaktime capacity along with a high degree of comfort.

Purchased push-pull diesel-powered locomotives which eliminate the need to switch engines from one end of the train to the other when reversing directions.

Eliminated some of the in-city stops which duplicated service provided by the Chicago mass-transit system—thus concentrating on service for the growing suburban communities.

Revised tickets and fare structures which now include a ticket-by-mail program, flash-card tickets that require no punching and are good for a month, half-month, and week for an unlimited number of rides, and the traditional one-way and round-trip tickets.

Emphasized arrivals and departures on time to the extent of holding a freight train to let commuters through. Workers are cautioned to stay overnight at hotels if it appears bad weather might hamper their getting to the train from home the next morning.

PASSENGERS MEAN PROFITS

Results were that the railroad's suburban service went from a $3 million deficit in 1956 to a $2 million profit in 1970—creating a possibly unique situation of having passenger service bail out an otherwise money-losing railroad operation for a net profit in 1970 of $1.5 million.

More typically, a railroad loses money on passengers and makes it up on freight. And in fact, the North Western does lose money on its other passenger service—longer-distance intercity travelers.

Even with the North Western's suburban service as an example, most private railroads have yet to decide whether commuters are their business—enough to similarly sink some dollars into decent service and equipment.

And Railpax, the new quasipublic national railroad passenger corporation, for all its efforts to improve medium- to long-distance intercity passenger service will not affect daily, short-distance commuter service.

Yet, of the nation's 300 million annual passenger trips, all but some 30 million are short-distance commuter rides, notes Anthony Haswell, chairman of the National Association of Railroad Passengers.

Expected to be an eventual source of relief for embattled commuters is the Urban Mass Transportation Assistance Act signed by President Nixon on Oct. 15, 1970. The $3.1 billion authorized by the act, however, has not been appropriated, and there is some uneasy speculation here that a revenue-sharing plan for transportation funds, recently presented to Congress by President Nixon, might eliminate the earlier legislation which was much welcomed by public transportation systems.

The North Western and the five other Chicago-area commuter railroads have proposed forming and joining a "Chicago metropolitan area transportation system." The railroads contend that highway officials, private carriers (buses and rails), and the publicly owned Chicago Transit Authority should be coordinating their efforts.

Such a system would be eligible to receive federal funds and would, the railroads insist, spend funds efficiently instead of for overlapping services.

THE PRIME IMPORTANCE OF CHROMIUM

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 1, 1971

Mr. BYRD of Virginia. Mr. President, the Richmond-Times Dispatch of March 14 included an excellent column by Ross Valentine on the subject of chrome.

I ask unanimous consent that the column, entitled "Prime Importance of Chromium," be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

PRIME IMPORTANCE OF CHROMIUM

The strategic importance of chromium to the U.S. steel and defense industry can hardly be overestimated. The metal is exceeded in hardness only by carbon (in the form of diamonds) and the element boron, which is not suitable for ferro-alloys.

As chrome steel it is essential to the making of armor plate, projectiles, and the wearing parts of ore-crushing mills. Stainless steel is about 12 per cent chromium. A chromium-nickel alloy is used in electrical heating devices because of its very high melting point.

Unfortunately for U.S. industry—and defense—chromite ore is thinly scattered in this country, so that domestic production is negligible, and our huge steel industry depended almost entirely on ore from Rhodesia, and formerly from Cuba.

But in 1965, after Rhodesia had declared her independence from Great Britain, the United Nations, including Arthur Goldberg (then our ambassador to the UN) invoked economic sanction against Rhodesia, and condemned that peaceful country as "a threat to international peace and security"—an absurdly fictitious charge.

Ambassador Goldberg, in arguing for drastic sanctions against Rhodesia, said:

"What is happening now in Rhodesia is an effort to perpetuate the control by 6 per cent of the population over the other 94 per cent."

As Sen. Harry F. Byrd Jr., pointed out on the floor of the Senate on March 4, the Communist party of Soviet Russia, which is about 1 per cent of the population, controls 99 per cent of the people.

Comparable percentages control all citizens in North Vietnam, Albania, Bulgaria, Yugoslavia, Cuba, and 700,000,000 in Red China.

Yet, said Sen. Byrd, "the UN has not imposed sanctions on any of the Communist countries, nor has the United States asked the UN to impose any such sanctions."

Thanks to Ambassador Goldberg's vote in obedience to President Johnson's directive, we severed diplomatic relations with Rhodesia, and at first called for voluntary boycott of Rhodesian exports.

The Johnson administration, through Goldberg, then voted for a UN council resolution calling on Britain to "use force" to prevent oil shipments to Rhodesia, and went so far as to assure the UN that the United States would (in Goldberg's words) "apply the 'full force' of its law to implement" this prohibition.

Johnson went even further. He declared it a criminal offense for any American to engage in the importation of certain Rhodesian products.

The Ian Smith government, despite hostile action by the United States, Russia and other members of the council, not only survived but prospered, because 31 nations, of which 27 were UN members, ignored the sanctions.

There remains only the blackmailing threat of military punitive intervention prescribed by Article 42 of the UN Charter defining ultimate steps to be taken under "mandatory" sanctions.

Senator Byrd pointed out the incongruity of Britain's action in not only maintaining a consulate in Hanoi but permitting some 250 British ships to carry cargo to Haiphong, principal port of a country which has been, and is, an overt "threat to international peace" by invasions of South Vietnam, Laos and Cambodia.

Rhodesia, said Sen. Byrd does not threaten any nation.

He quoted former Secretary of State Dean Acheson as condemning UN sanctions and threats to Rhodesia as "unprovoked, unjustified by a single legal or moral principle—barefaced aggression" in which the government of the United States has participated.

Even if the U.S. steel industry has not been cut off from 85 per cent of chrome supply—vital to our defense—the immorality and illegality of Johnson's shortsighted policy should be repudiated by prompt abrogation.

FOREST SERVICE URGES LOWERING OF BARGE CANAL RESERVOIR

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. YOUNG of Florida. Mr. Speaker, evidence of the wisdom of President Nixon's decision to halt construction of the cross-Florida barge canal continues to mount. The President's historic action, halting a public works project one-third complete, was based on findings that the canal would do irreparable damage to Florida's environment and pose a serious threat to the State's water supply.

The U.S. Forest Service has issued a press release saying it intends to do everything possible to protect the wild and scenic Oklawaha River, which was threatened by the canal project.

The Forest Service said aerial photographs show as much as 13,000 acres of semitropical woodlands are being threatened because of Rodman Reservoir, a vital part of the canal. The Service reported that its professional foresters strongly recommend lowering of the reservoir to the normal river channel at once if the remaining trees are to be saved.

Here, in its entirety, is the Forest Service's press release on this matter of critical concern to all of us.

FLORIDA RIVER PROTECTION PLANNED

The Forest Service, U.S. Department of Agriculture, today reported its intention to do everything possible to protect the wild and scenic values of Florida's Oklawaha River within the Ocala National Forest, now that President Nixon has halted construction of the Cross-Florida Barge Canal.

Forest Service Chief Edward P. Cliff said he has requested Regional Forester T. A. Schlapfer in Atlanta, Georgia, to take all necessary steps, in cooperation with the U.S. Army Corps of Engineers, the Council on Environmental Quality and the State of Florida, for the river's protection.

In announcing on January 19 that work on the Cross-Florida Barge Canal by the Corps of Engineers would be stopped, the President said the Oklawaha is "a uniquely beautiful semi-tropical stream" which would be destroyed if the canal were built. He said he was asking the Secretary of Army to work with the Council on Environmental Quality in developing recommendations for the future of the river.

The Forest Service administers land along a third of the length of the 45-mile river which forms a boundary of the Ocala National Forest.

Chief Cliff said he was instructing Forest Service personnel to do all in their power to protect ecological values of the river and contiguous lands within Forest Service jurisdiction. In addition, he said, the Forest Service will soon begin a land classification study to determine whether or not the Oklawaha now meets requirements for consideration as part of the National System of Wild and Scenic Rivers.

He expressed particular concern about 1,426 acres of National Forest land which have been flooded by the Rodman reservoir at the edge of the forest. The river furnishes the water for the reservoir, and many persons have contended it will destroy wild and scenic values of the stream.

Several agencies have made studies of the Rodman Reservoir and predicted long-range management problems, including such difficulties as water weed control, low dissolved oxygen, deterioration of sport fishing, and reduction of recreational opportunities. Also, the Forest Service has taken a series of infrared aerial photographs which indicate as much as 13,000 acres of semi-tropical woodlands are being threatened.

Chief Cliff added that "our professional foresters strongly recommend the lowering of the reservoir to the normal river channel at once if we are to save any remaining live trees." He said the foresters expect some stricken trees will sprout again from the roots, and seeds on the forest floor will start new growth. Some hand planting may also be necessary.

Finally, he pointed out the river valley is habitat for such rare and endangered species as the eagle, alligator and Florida panther. It also contains Indian shell mounds of archaeological interest, some of which have been covered by rising waters of the reservoir.

ASSOCIATION OF U.S. ARMY POSITION PAPER ON BLUE RIBBON DEFENSE PANEL RECOMMENDATIONS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, April 1, 1971

Mr. THURMOND. Mr. President, the Association of the U.S. Army recently issued a position paper on the recommendations of the Blue Ribbon Defense Panel.

This position paper deals with only a small number of the Defense Panel's recommendations, although the ones discussed are certainly some of the more far-reaching changes ever proposed in this Nation's defense structure.

While I am not in agreement with all of the views expressed in the Army association paper, it is my view that it would be helpful, for this information should be brought to the attention of the Congress and the Nation.

Mr. President, I ask unanimous consent that the position paper of the Association of the U.S. Army be printed in the Extensions of Remarks.

There being no objection, the position paper was ordered to be printed in the RECORD, as follows:

AUSA POSITION ON RECOMMENDATIONS OF THE BLUE RIBBON DEFENSE PANEL

I. In July of last year, the Blue Ribbon Defense Panel, appointed by the President, made its recommendations for the reorganization of the Department of Defense and subordinate agencies and commands. Supporting material for these recommendations is still being issued.

Because of the very basic and far-reaching effects of some of the proposals, AUSA has chosen to use the intervening period to study them carefully before taking any position with respect to them. We have been most fortunate to be able to draw upon the advice and counsel of some of the very experienced and knowledgeable people to assist us in our deliberations. However, the positions taken and the views expressed are those of the Association and are not necessarily concurred in by all who were kind enough to give us their expert views.

The total report contains well over 200 recommendations. Obviously, not all of these have the same importance. A number of them are most worthwhile particularly some of those in the fields of management of resources and procurement procedures. Many of these are not controversial and should be endorsed by all services for early adoption.

There are four areas of recommendations that seem to us to be particularly significant and to contain the really crucial portions of the report. These include recommendations that dealt with:

1. The reorganization of DOD itself.
2. The role of JCS in operations.
3. Proposals to revise the structure of the unified commands.
4. Certain personnel and management actions.

It is to these four areas that the Association has given particular consideration and on which we wish its views recorded. We wish to make it crystal clear that while there are many of the committee's recommendations in these four important areas with which we do not agree, we are in no sense blessing the status quo. We share the committee's concern that burgeoning bureaucracy, particularly at Departmental levels, seriously hampers our defense establishment. Greater authority for decision-making at lower levels is badly needed.

Reliance on centralization has one far reaching implication that appears to have not been recognized at all or at best to have been accorded only cursory consideration. The consequence could be that field commanders, with the passage of time, will turn more and more to Washington for answers to field problems and will assume less and less responsibility for their actions. In an emergency, when time will not permit consultation, the field commanders will be ill prepared to make the tough decisions and to stand behind them.

There is a need for streamlining in our defense establishment. Perhaps the committee's basic suggestion that reductions are needed in layers of headquarters and size of staffs may be the most sensible starting point. Thus the need for improvements is not an issue between our view and that of the committee—how we solve the dilemma is.

II. REORGANIZATION OF THE DEPARTMENT OF DEFENSE

In its examination of the Defense Department, the panel listed the following as some of the major discrepancies which should be corrected:

A. Effective civilian control is impaired by a generally excessive centralization of decision-making authority at the level of the Secretary of Defense.

B. The President and the Secretary of Defense do not presently have the opportunity to consider all viable options as background for making major decisions because differences of opinion are submerged or compromised at lower levels of the Department of Defense.

C. There are too many layers of both military and civilian staffs and staffs are too large both within DOD itself and the services.

There were other weaknesses cited but the committee felt these were the most significant.

The committee's recommendations to correct the foregoing alleged discrepancies included the following:

A. Divide the Department of Defense into 3 major groupings:

1. Military operations including operational command, intelligence and communications.
2. Management of personnel and military resources.
3. Evaluation type functions, including financial controls, testing of weapons, analysis of costs and effectiveness of force structures.

B. Each of the groups in (A.) above would report to the Secretary of Defense through a separate Deputy Secretary, drawn from civilian life, who would rank above all others in the Department of Defense except the Secretary.

C. The Military Departments would continue to operate under the supervision of their secretaries who would be subordinate to the Deputy Secretary of Defense for Management of Resources.

The Association of the United States Army does not accept entirely their view of the extent of the deficiencies in the present system, with the possible exception of their comments with respect to the size of the staffs.

We challenge the changes recommended by the panel for the reasons which follow. Foremost is our view that the changes recommended do not appear to provide solutions to the discrepancies perceived.

First and perhaps most basic, is the unprecedented suggestion by the panel that this diversified and largest of all establishment be organized on a functional rather than a mission basis. The separation of operations from materiel and manpower resources seems to us to be totally uworkable and could well stultify integrated planning. Mission and means must go hand in hand.

While it is not possible to compare directly the operation of the Defense Department with that of a major business corporation there are striking similarities. Most of our biggest corporations (automobile manufacturers are a good example) are mission-oriented and organized around profit centers. If you substitute the word "readiness" for "profit" it is clear that the basic rationale is not dissimilar. We know of no commercial organization operating successfully with an organizational structure of the type recommended by the committee.

The committee report is extremely vague on the planning function as it relates to the planning for the implementation of strategy and policy. It is equally unclear as to how the Department of Defense would effectively carry out its responsibilities for contributing to the evolution of national policy through the National Security Council. There needs to be complete integration of intelligence, operation and resources at all levels of coordinated planning. The committee's recommendation would seem to preclude this.

The panel's proposed organization adds still another layer of review and control to what it says is an already overstaffed and presumably overlayered operation.

In the organization suggested by the panel, responsibility is even more diffused than at present even though the panel specifically pinpointed increased individual accountability as a goal.

It is hard to reconcile the panel's point that more decentralization of DOD is necessary with its recommendation to add at the top three Deputy Secretaries with their attendant staffs. We support Deputy Secretary of Defense, David Packard, who, in a speech in Los Angeles, reacted to the panel's views on decentralization and responsibility this way: "I agree in particular with the committee's recommendation that more decentralization of the Department of Defense is necessary. To me that means more decision-making at a lower level and less time-consuming and duplicate second-guessing topside. This gives me a problem on the recommendation for the three deputies. We do not want to create a structure that involves more top-level involvement in the workingman's business. I appreciate the implication that I have to work hard. I do put in long hours, I assure you, however, that much of my time has been spent doing things that lower levels should do. Three deputies would tend to pull even more decision-making to the top and we do not want to move in that direction. What we want to do is give a man a job and let him do it."

We further support the stated views of Mr. Packard when he said, "We intend to give the Service Secretaries and the Services more responsibility so that they can do their job. Before they can do their jobs right they will have to break down some of the multilayer staffing that has built up over the years and work together better to avoid unnecessary duplication." It is imperative to appreciate that layering results in duplication without commensurate benefit.

Certainly it is clear from a study of the panel report that while ostensibly aimed toward the decentralization of DOD functions, the recommendations tend to result in the increased centralization of power in the Office of the Secretary of Defense at the expense of the Services to such an extent that the separate Services would largely wither away. There is much to be gained by taking the opposite course and turning back to the services and their secretariats, more of the responsibility and those tasks which do not properly belong at top-policy-making level. Moreover, a continuation of the present trend toward greater centralization clearly leads to a single service at some point in the future. The attendant risks of this course have been decried by Defense experts for years.

III. THE ROLE OF THE JOINT CHIEFS OF STAFF IN OPERATIONS

The second major area of the committee's recommendations on which we wish to comment is that dealing with the organization and responsibilities of the Joint Chiefs of Staff.

The Fitzhugh Committee expressed its view that the Joint Chiefs of Staff as now constituted are not capable of being wholly responsive to their responsibilities as advisors to the Commander-in-Chief and the Secretary of Defense. The committee advocated removing the JCS entirely from the operational chain of command and setting up a separate staff under a new civilian Deputy Secretary of Defense to handle operations. So that there may be a clear understanding of the committee's recommendations with respect to the JCS, it is worthwhile quoting them:

"The responsibilities now delegated to the Joint Chiefs of Staff by the Secretary of Defense to serve as military staff in the chain of operational command with respect to the Unified Commands, and all other responsibilities so delegated which are related to military operations and the Unified Commands, should be assigned to a single senior military officer, who should also supervise the separate staff which provides staff support on military operations and the channel of communications from the President and Secretary of Defense to Unified Commands. This officer should report to the Secretary of Defense through the Deputy Secretary of Defense (Operations). This senior military officer could be either the Chairman of the Joint Chiefs of Staff, as an individual, not ex-officio, the Commander of the Tactical Command, or some other senior military officer, as determined by the President and the Secretary of Defense.

"The responsibilities now delegated to the Joint Chiefs of Staff by the Secretary of Defense to serve as military staff in the chain of operational command with respect to the Unified Commands, and all other responsibilities so delegated which are related to military operations and the Unified Commands, should be rescinded; and consideration should be given to changing the title of the Chief of Naval Operations to Chief of Staff of the Navy.

"All staff personnel positions in the Organization of the Joint Chiefs of Staff and in the headquarters military staffs of the Military Services which are in support of activities, such as military operations, which are recommended for transfer to other organizational elements, should be eliminated.

"The Organization of the Joint Chiefs of Staff should be limited to include only the Joint Chiefs of Staff and a reconstituted Joint Staff limited in size to not more than 250 officers augmented by professional civilian analysts as required."

We do not share these views. We do not favor a "single Chief of Staff" for Operations nor do we subscribe to the principle of separating planning from operations. Committee member Robert C. Jackson, in his dissenting statement to the report, made some telling points which express very clearly our position:

"As presently constituted, the JCS system permits Service views to be expressed as a necessary protection against unilateral thinking and the adoption of a one-sided strategic concept. The existence of differing points of view in the Joint Chiefs of Staff and their ultimate melding into strategic guidance and policies are not evils to be abolished, but are healthy values to be preserved.

"The present JCS organization and procedures are designed to ensure precise, careful determination of the best military strategy and necessary strategic guidance for the Armed Forces. This requires careful examination of all alternatives. It is important to note that in generating strategic guidance, quality rather than speed is necessary. Better solutions result from thorough consideration of differences of opinion. Planning decisions should be made only after all aspects of complex strategic problems have been examined.

"Operational decisions, on the other hand, usually require a more rapid decision making procedure than do strategic problems. It is my understanding that operational decisions have been made during the Vietnam war principally by the Chairman of the JCS acting on Joint Staff advice, and on most occasions the Chairman acts without consulting the Chiefs. At the same time, if the Chairman feels an important policy is involved, he can, and frequently does, conference the Chiefs by telephone in a matter of minutes.

"It is important to differentiate between the planning problems which require mature consideration and the operational decisions which can be made very rapidly. In my opinion the Joint Staff and the Joint Chiefs of Staff do have the flexibility necessary to make decisions or to submit proposals to higher authority within the time limit required.

"It is quite necessary to have a military operations command unit in Washington and it should be composed of the best qualified officers available. However, to set up another staff to handle operations while the Joint Staff of the JCS concentrates on planning and other advice to the Secretary would create untold problems. For example, it is most difficult to separate planning from operation. Where does planning stop and operations begin? What part of logistics is operational logistics?

"Two separate Joint Staffs at the national level would create a highly unsatisfactory situation. I believe it would be chaotic to set up another large military staff in Washington to parallel the work now done by the Joint Staff of the JCS."

We would only add that effective solutions can only result from integrated planning which considers all elements of the issue or problem. In the field of strategic planning, the Joint Chiefs stand alone as the effective and logical integrators of a strategic plan.

The Fitzhugh Committee apparently misread the record when they made the assertion that President Eisenhower intended that the JCS be taken out of an operational role when he submitted the 1958 Reorganization Act to Congress. President Eisenhower's message of transmittal refers to "Secretaries of the Military Departments" and "Chiefs of individual services" and those who "clearly . . . should not direct unified operations and therefore should be removed from the command channel." The message does not refer to the JCS as a corporate entity. Moreover, on April 3, 1958 when the President submitted his reorganization plan to the House, he said that from his plans would flow several significant results, one of which was "the Joint Chiefs of Staff would be provided the professional military assistance required for efficient strategic planning and *operational control*" (emphasis added). The President's plan included certain executive actions to be taken, two of which were:

1. Use of the JCS as a staff to assist the Secretary of Defense in his direction of unified commands, including the issuance of commands under the authority and in the name of the Secretary of Defense; The JCS not to exercise these duties independently of the Secretary's direction.

2. Abolition of the JCS Committee and adding of an *"operational division"*.

Thus it would appear that the present directives (No. 5100.1) are clearly in consonance with what was intended. It appears that the problem really is that in the intervening years, a duplicate civilian-directed staff developed in OSD which has challenged and in many cases usurped the delegated responsibilities of the JCS. This has resulted in delay, confusion and serious question as to where the responsibility for certain actions really lies below the level of the Secretary of Defense.

Organizational and management purists will continue to be impatient with the "committee system" of the JCS which by its nature will invariably operate on a basis of negotiated compromise. However, it exists within the constraints established by statutes which reflect Congressional suspicion of centralized military authority and intent to incorporate in the JCS System the same pattern of checks and balances found elsewhere in the government.

From an operational viewpoint, whatever delays might be inherent in the JCS Committee System, and they must be few indeed, are offset in good measure by the significant evolution in the role of the Chairman of the Joint Chiefs. While by law he is but one among equals with the other Chiefs, he has come, as a result of practice, precedent and personality to be what is implied in his title, the senior military officer of the United States.

As indicated in Mr. Jackson's statement quoted earlier, the Chairman can and does act without consulting the Chiefs and where important policy matters are involved can obtain their view and concurrence by phone in a matter of minutes.

The preponderance of evidence is that the JCS system is working and does enable the Chiefs to carry out all of their roles in both the advisory and operational capacity. Moreover, the evidence clearly points to the fact that the system has steadily improved. We in AUSA, therefore, take issue with the committee's recommendations.

IV. RESTRUCTURING THE UNIFIED AND SPECIFIED COMMANDS

The committee report expressed serious doubts about the suitability of our present Unified Command structure for the conduct of war, either general of localized, for the conduct of peacetime activities or for handling recurring crises. It goes on to say, "an examination of the primary missions of the present commands, and some of the specific problems indicates that the present structure is not effective, and probably would have to be radically changed to support a major war effort".

The committee made the following recommendations:

A. "Three new major Unified Commands should be created: (1) A Strategic Command, composed of the existing Strategic Air Command, the Joint Strategic Target Planning Staff, the Continental Air Defense Command, the Fleet Ballistic Missile Operation; (2) A Tactical (or General Purpose) Command, composed of all combatant general purpose forces of the United States assigned to organized combatant units; and (3) A Logistics Command, to exercise for all combatant forces supervision of support activities, including supply distribution, maintenance, traffic management and transportation. No Commander of a Unified Command should be permitted to serve concurrently as Chief of his Military Service.

B. "The Unified Commanders should be given unfragmented command authority for their Commands, and the Commanders of component commands should be redesignated Deputies to the commander of the appropriate Unified Command, in order to make it unmistakably clear that the combatant forces are in the chain of command which runs exclusively through the Unified Commander.

C. "In consolidating the existing area Unified Commands into the Tactical Command, major organization and functional advantages will be obtained by:

1. Merging the Atlantic Command and the Strike Command;

2. Abolishing the Southern Command and reassigning its functions to the merged Atlantic and Strike Commands;

3. Abolishing the Alaskan Command and reassigning its general purpose function to the Pacific Command and its strategic defense functions to the strategic Command; and

4. Restructuring the command channels of the sub-unified commands. The responsibilities related to civil disturbances currently delegated to the Army should be redelegated to the Tactical Command; and

D. "The Unified Commanders should be given express responsibility and capability for making recommendations to the Deputy Secretary of Defense for Operations, for operational capabilities objectives and for allocations of force structures needed for the effective accomplishment of the missions assigned to their Commands."

AUSA does not support the Fitzhugh Committee's assessment of the effectiveness of the present Unified and Specified Command organization nor do we support their recommendations for changes in these areas.

First of all, the committee violates one of its basic tenets in its recommendations for the restructuring of these commands. The adoption of its recommendations would result in even more duplication of staffs and headquarters and would accentuate disintegration rather than integration of the services.

The committee would prefer to see a more rigid, neat and orderly organization with every type of unit assigned to a specific command. Unfortunately, the nature of warfare makes such a scheme a luxury no country can afford. Flexibility is essential and we will need to continue to attach and detach units to the various commands as the situation dictates. Moreover, the distinction between tactical and strategic forces is becoming less clear. The essence of mutual support is essential between elements of the strategic and tactical forces.

The committee states, for example, that, "the forces which provide the prime deterrent against general war must be reserved *solely* for that mission, because their use and attrition in limited war would reduce an aggressor's incentive for keeping the war limited." Had this doctrine been followed, it would have precluded the use of B-52s in Vietnam—certainly a limited war.

In another example, the committee states, "All forces which are dedicated to deterrence and equipped for general war should be under a single commander who can establish doctrine for these forces and assure that they are properly trained and kept in a high state of readiness."

It should be apparent that all of our forces play a deterrent role and certainly all of them would be used in the event of a general war. Again, it seems the committee has overlooked the economics of flexibility which require that we have the capability of applying our forces when and in the kinds and numbers a particular situation requires. This is especially important in an era when the impact of relative nuclear parity is neither fully understood or adequately assessed.

There are undoubtedly improvements that could be accomplished in the present structure of the Unified and Specified Commands and perhaps some consolidation would be useful. But nothing constructive can be gained by trying to assign all of our Armed Forces on the basis of whether they are strategic or tactical. They just would not be used that way in time of war or during periods of heightened tension short of war.

Robert C. Jackson's comments with respect to the committee recommendation for the establishment of a Strategic Command are most appropriate:

"Strategic direction must come from the JCS level with direct and close supervision from the Secretary of Defense. At present the JCS provide strategic direction, with the Unified and Specified Commanders responsible for implementation of JCS directives. The Single Integrated Operating Plan provides optimum integration of the committed forces. The national strategic targeting and attack policy provides supplemental strategic direction. Assumption of additional responsibility by a newly created Strategic Command would only duplicate functions now performed by the JCS and the Unified Commanders, and quite possibly would result in unsafe, uneconomical, and inefficient operations. It is highly important to have direct and rapid communications between the JCS and the operational command in an emergency situation and a new intervening command echelon would tend to increase communications time in an unacceptable degree.

"What would be gained, for example, by marrying three completely diverse operational elements—the Strategic Air Command, Continental Air Defense Command, and the Polaris Submarines into a so-called Strategic Command?

"What would it do better than the present set-up? Would it improve the readiness or the wartime control? Readiness of submarines, for example, involves complex and expensive maintenance systems, specialized training, and operation in a manner which takes into account all the other elements below the surface, on the surface, and in the air that have means of detecting submarines. These functions are now performed by the Atlantic and Pacific Fleet Commands. The proposed command echelon would tend to hinder rather than improve their performance. Similarly, coordination of targeting is accomplished by the Joint Target Planning Group in Omaha in a most satisfactory manner and does not require the assistance of the newly proposed command echelon. However, this new command grouping would create a demand for a mammoth staff, so economy certainly cannot be the objective."

The arguments for the formation of a new tactical command seem to us to be even more specious. The committee recognized that, "the make-up of the Unified Command structure is significantly influenced by various mutual security agreements and arrangements to which the United States is a party. The most influential is the North Atlantic Treaty Organization (NATO) and of another type is the United Nations Command in Korea. The United States Unified Command structure is intended to mesh with the combined structure that would exercise operational command of the multi-lateral forces should combined operations be undertaken."

There are a number of virtues in our present set-up. As Mr. Jackson explains, "the present Unified Commands combine geopolitical knowledge with a command and control system needed to operate military forces in the area." Rapid decision-making is possible by the direct contact which these Unified Commands have with the JCS. The introduction of an intermediate Tactical Command level would thrust another layer into the decision chain and, as Mr. Jackson emphasizes, would "slow up decision-making" and "create a demand for a mammoth staff, a large headquarters, and a proliferation of communications systems."

In addition, the Panel's recommendation that commanders of component command should be redesignated Deputies to the Commander of the Unified Command would create a cumbersome, unwieldy unified staff which would restrict the efficiency of the Unified Command, as Mr. Jackson explains, assignment of all administrative and logistic responsibilities to the unified staff, which is what is being recommended, is unnecessary. In fact, the Unified Commander has all the authority he needs to accomplish the mission, through operational command of his forces. Operational command also gives the Unified Command "authoritative direction necessary to accomplish the mission." Thus, under the present organization, the Unified Commander can assume control of any aspect of his Command when it is mission-essential, without being burdened with those routine matters which would divert the attention of the staff from the mission of the Command.

In his dissenting paper, committee member Wilfred J. McNeil made the very good point that the committee's recommendation to place component commanders as staff to the Unified Commander "would result in the creation of a large single staff dealing in a myriad of technical and logistical detail of all the services that normally a unified commander should not be burdened with." Moreover, one service does not have the competence to deal with the technical problems of another service.

The committee's recommendation that "the responsibility for providing supply, distribution, maintenance and transportation services to the combatant forces in the Unified and Specified Commands under the Strategic and Tactical Commands should be assigned to the Unified Logistics Command" might not have been made this way had the committee delved deeper into logistics improvements already in process and been aware of the joint efforts to apply lessons learned which were already under way. The Joint Logistics Review Board, under the Chairmanship of General Frank S. Besson, Jr., has made a number of important recommendations based on our very taxing logistical experience in Vietnam. The results of eight year's work to develop an interface between data processing systems are just now nearing fruition.

Within a given theater, which presumably is under the command of a unified commander, a Joint Logistics Command may be a practical concept. But in a worldwide situation including CONUS, the conflicts that would arise between the unified commanders would give rise to the intolerable situation of the Secretary of Defense or his Deputy being drawn into the resolution of such differences.

It is difficult to reconcile the committee's view that the Unified Tactical Commander needs greater control when the establishment of the Logistics Command would lessen what he has now.

Major logistics commanders of the services get together regularly now on the Joint Logistics Commander's Council, where the problems that concern the committee can be solved.

Again, the Logistics Command would add another layer of higher headquarters staff with no assured benefits in terms of productivity or solutions to existing problems.

V. PERSONNEL AND RESOURCES ACTIONS

The committee made rather extensive recommendations in the areas of procurement policy, management and personnel actions. Many of these recommendations are most worthwhile; others we do not support. There are some on which we should like to comment.

The Blue Ribbon Committee's recommendations with respect to procurement policy reflected what DOD already had underway and which for the most part represented the consensus of the contracting community.

These were reviewed in the Report of the House Committee on Government Operations which we would like to quote since it summarizes so well not only what the committee recommended. but also DOD's philosophy and on-going actions.

"'Reduction of technical risks through demonstrated hardware before full-scale development' and 'flexibility in acquisition strategies' were to be the basis for a 'new policy.' The panel called for 'a major revision of policy' in weapons acquisition to (1) introduce more flexibility, (2) rely more on harware development than paper studies in the early stages, (3) develop subsystems and components not necessarily tied to a given system, and (4) designate 'multiple decision points.' Concurrency between development and production was to be avoided whenever possible, total package procurement banned, gold-plating eliminated, paperwork from contractors reduced, and testing and evaluation emphasized. Also echoing the new official policies, the role of the program manager was to be strengthened and measures taken to improve the selection, training, and career development of managers, who were to include civilian as well as military personnel.

"Testimony before the subcommittee in September, 1970 developed more fully the policy changes recommended by the Department of Defense and endorsed by the Defense Blue Ribbon Panel. Mr. Packard started out by observing that there were no simple answers to the immensely complex problems of defense procurement. Formal rules covered the great majority of procurement items and actions, but these accounted for a relatively small fraction of the procurement dollars. Effective management of the big, complex systems depends heavily on the judgment of people, and hence he concluded that the key to better procurement was better qualified people.

"Because we believe that his emphasis on capable people is so important, we have asked all services to renew their emphasis on selecting better people for these jobs, giving them better training, keeping them on special assignments long enough to be effective, and providing better incentives for good officers and good people to go into the professions related to weapons systems acquisition as their careers.

"Upgrading of personnel would include civilian as well as military officers. Declining employment and layoffs in the Department of Defense, Mr. Packard explained, made it difficult to attract civilians of promise and to replace the less qualified ones who had seniority under civil service regulations. In his opinion, these regulations should be revised to give more weight to performance and less to seniority. He described this problem as one of serious national import and deserving attention by the Congress.

"If capable people were to be recruited and retained, Mr. Packard then pointed out, it was essential that they work in the proper organizational setting, with authority and responsibility clearly defined. Organizational needs were identified along these lines:

"(1) To clarify overlapping relationships among offices in the OSD, particularly as between the Director of Defense Research and Engineering and the three Assistant Secretaries for, respectively, Installations and Logistics, Systems Analysis, and Comptroller, Mr. Packard said that when he entered upon his job, he 'had the impression that there was a great deal of confusion as to who was responsible for what in the weapons system acquisition area.' A special study group was formed, under the direction of Vice Admiral Vincent P. dePoix, Deputy Director of Defense Research and Engineering, which attempted to sort out and delineate more precisely the interoffice relationships and responsibilities.

"The Defense System Acquisition Review Council (DSARC) was established at the OSD level as a co-ordinated group to review major weapon system developments, determine that objectives were being progressively achieved, and release necessary increments of funding. Mr. Packard said he viewed DSARC as a temporary or transitional measure. OSD evaluation and approval actions and procedures would diminish as service performance improved and more confidence was established. The OSD would maintain budget control of programs, and its main review and approval functions ultimately would be related to the release of funds.

"(2) To give the military services more autonomy and responsibility in managing weapon system procurement. The OSD offices, according to Mr. Packard, had become so deeply involved in evaluating program management by the services that they 'often were telling the services how they should do the job.' This made for duplication of effort and considerable confusion. Decentralization was the order of the day. Mr. Packard made it clear, however, that decentralized management was favored only when it made sense. The department would not 'back away' from further centralization which also made sense, as in consolidations of procurement and supply through the Defense Supply Agency and other measures for increasing integrated management of supplies and services." Obviously, much of this has merit and we support it. However, a comment on the much publicized "fly before you buy" concept seems to be in order. The committee has advanced this as a greater panacea for our procurement ills than we believe it to be.

The procurement system recommended (i.e. "fly before you buy") will not in all cases necessarily produce the advantages claimed, nor is the system a real innovation.

A major Fitzhugh argument against procurement practices is that under the present "total package" system production starts at a point in development where it appears that a weapon system will work, but well before the system is fully developed. Therefore, goes the indictment, unforeseen problems continuously arise after a contract for production has been negotiated and this leads to the cost overruns typical of the 1960's. The case in point is the 120 C–5A's which were to be developed and produced by Lockheed at a price preset in 1965. The cost overrun (allegedly 80%) has been visible to all.

Under the "fly before you buy" system, there is a guarantee that a weapons system will work before a contract is let for production. However, there is no guarantee in this procurement system *per se* that cost overruns ("cost growth") can be prevented (inflation being a notable variable in this respect) or that cost overruns will be less than those incurred under the "total package" system.

With the first publicized contract let under the "fly before you buy" system, i.e., the B–1 advanced bomber being developed by North American Rockwell, the possibilities for invisible (to Congress, the public and, perhaps, to the various defense contract agencies) cost increases are legion. Reports are that the contract does not include production for which contracts will be negotiated later *in increments* if the prototypes meet specifications. Since the increments of production could stretch over a number of years, Congress and the public might have to wait a long time indeed to see the total price of the B–1 system, and to identify any significant "cost overruns."

In fact, the B–1 contract appears to be a partial throwback to the so-called "iceberg" weapons procurement system of the 1950's which resulted in massive cost overruns that were hidden because weapons were produced in yearly increments. It was just these cost overruns which led to the "total package" concept developed by Secretary McNamara in the 1960's.

Procurement is the final step in the research-development-procurement sequence. Rationality requires adoption of a decision strategy which optimizes between the successive reduction of uncertainty and the incurring of costs during this sequence. "Fly before you buy" is but one method and is optimal only where uncertainty is relatively insignificant. Otherwise, this simplistic concept insists on buying only when *all* uncertainty has been removed—at additional cost during the development phase. For example, if three systems are to be considered, all three must be developed to the prototype stage—and the prototype is *by far* the most expensive.

Total package procurement attempts to place some decision points (namely the decision to buy) earlier in the game where (considering the costs of reducing uncertainty) uncertainty has been reduced although not entirely eliminated. The rate at which the field of alternatives is narrowed depends on the uncertainties involved in the particular system.

Hence, "fly before you buy" will not correct cost overruns; again, it will only make them less visible. Moreover, since it attempts to minimize costs only in the procurement portion of the sequence, it will in many cases actually increase costs for the entire sequence. The measure of this approach's inefficiency may well be the cost of the parallel systems which must be developed all the way to the prototype stage.

It would appear to us that there would be times when the total package procurement approach would be better to use than "fly before you buy." We should keep this flexibility.

The parametric costing techniques recommended in the report might help prevent traumatic surprises in development and production costs, but they are not very effective in preventing cost increases in either area. However, even in cost forecasting, parametric techniques have severe limitations when applied to the "known unknowns", not to mention the "unknown unknowns."

We particularly wish to express our wholehearted support for the following committee recommendations:

"Specialists careers should be established for officers in such staff, technical and professional fields as research, developbment, intelligence, communications, automatic data processing and procurement.

"In order to improve the process of acquisition and retention of military personnel, the Executive Branch should develop, and submit to the Congress for its consideration as necessary, a total military personnel program which coordinates and reconciles all the separate considerations, particularly including: (1) military compensation and retirement, (2) personnel policies on promotion and rotation, and (3) acquisition programs, such as Reserve Officers Training Corps.

"The duration of assignments for officers should be increased, and should be as responsive to the requirements of the job as to the career plan of the officer. Officers continued on an assignment for this reason should not be disadvantaged in opportunity for promotion."

Much effort is being made to expand and improve the specialist career programs, and more needs to be done.

It is desirable for commanders to retain their commands longer so that they can exercise personal leadership in the development and discipline of their command.

Secondly, we want to keep in the staff, technical and professional fields the qualified personnel needed and at the same time have the proper means of rewarding them by promotion.

As soon as it can possibly be accomplished a program of stabilized tours of at least three year's duration should materially strengthen many areas of weakness.

While the committee did not lay great stress on the subject, the whole area of acquisition and retention of good people for the services is basic to any material improvement of our Armed Forces. AUSA continues to support strong measures for increasing career attractiveness.

VI. CONCLUSION

There are obviously a host of committee recommendations upon which we have not commented. We have selected the ones covered here because they seemed to us to be those most basic and far-reaching.

Early in its report the committee expressed the following philosophy which is most germane.

"In retrospect, the evolutionary approach to reorganization of the Department of Defense, while falling significantly short of the objectives of organizational and management purists, and at the same time overriding the inhibitions of the organizational traditionalists, has, on the whole, served the Nation's interests well. A more revolutionary approach to military reorganization might have destroyed values inherent in the traditional military organization which have been worth preserving. Even more significant, revolutionary changes would probably have seriously disrupted the operation and reduced the effectiveness of U.S. military forces during a period when the world situation necessitated maintenance of credible military power."

The committee undertook a gargantuan task, one that was too big in one chunk for any group to handle successfully. Time did not permit the quality inputs that are required for a full grasp of the problem nor was there as much expertise within the committee itself as the task may have required. There are pluses. A number of recommendations will be adopted and fresh thinking has been focused on weaknesses. Most importantly, the committee and its report have forced a detailed examination of how the Department is organized and how it does operate; this introspective stimulation will undoubtedly bear the fruit of continuing evolutionary improvement in the Department of Defense and our Armed Forces.

ADMINISTRATIVE TAXBREAK: ILLEGAL TAX LOOPHOLE

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. VANIK. Mr. Speaker, on January 11, the administration announced an unprecedented and—I believe—illegal $3 billion tax break to American business through a "liberalization" of depreciation rules and guidelines.

This action, giving away more money from the Treasury than will be spent under the President's welfare proposal is a direct slap at the constitutional authority of the Congress—and more particularly, the House of Representatives which is designated in the Constitution as the sole authority over originating tax law and changes in taxation.

As a member of the tax-writing Ways and Means Committee, I intend to appear at the public hearing on May 3 to protest this invasion of congressional authority through the creation of this totally unwarranted tax loophole. I hope that other Members of this Congress will join me in this effort to prevent this raid on the Treasury.

Following is a column which appeared in today's Washington Post written by Don Oberdorfer which describes this "curious" tax break:

A CURIOUS TAX BREAK

(By Don Oberdorfer)

January 11 was a dreary morning in Laguna Beach, Calif., and it was not brightened by the word from the White House press staff that the daily news briefing would be held that afternoon instead of the customary 11 a.m.

Noon on the West Coast is 3 p.m. on the East Coast—the closing hour for the New York Stock Exchange—and thus the common expectation among the reporters was that some sort of economic news was in the making, timed for release after the closing of the Big Board.

The guess was correct. At 12:20 Presidential Press Secretary Ron Ziegler turned up with Under Secretary of the Treasury Charls Walker, Deputy Assistant Secretary John Nolan and a two-page presidential statement which began, "Today I have approved three important changes in the administration of the depreciation provisions of the tax laws . . ."

The news release and the briefing by the Treasury officials was dry-as-dust, and most reporters found themselves scratching their heads and wondering what the story was all about. Now, more than two monhts later, more information and perspective is available. It is quite a story.

As calculated by the Treasury Department, the new depreciation rules for taxing equipment will permit corporations to "defer" paying $3 billion in U.S. taxes in the coming fiscal year and even larger sums in years to come. Since millions and billions and trillions sound pretty much alike to most of us, it is difficult to grasp what an enormous sum that is. By comparison with the $3 billion corporate tax break:

The President's welfare reform proposal to bring every family of four in America up to a minimum income level of $1,600 a year would cost $2.1 billion. This has set off a big battle in Congress and the country.

Total U.S. aid to preschool, elementary and secondary education in the coming year is budgeted at $3.6 billion.

Last year, Mr. Nixon vetoed the education bill because Congress exceeded his request by $453 million and the housing bill because it exceeded his request by $514 million.

Another surprising thing about the "depreciation" tax change is that congressional action was not requested. Assistant Treasury Secretary Nolan said in an interview last week that since Congress had authorized a "reasonable" tax rebate for the obsolescence of machinery, the costly change did not need further legislation.

There is doubt about the legal authority. A 1968 Treasury study quoted "leading experts" as indicating that legislation would be required for further changes in the depreciation rules. Moreover, President Nixon's Task Force on Business Taxation, headed by a partner of Mr. Nixon's former Wall Street law firm, "strongly" recommended last fall that depreciation changes be made by legislation.

A 26-year-old 1970 law school graduate named Tom Stanton, now working for Ralph Nader's Public Interest Research Group, filed suit in federal court to force the Treasury to at least hold a public hearing before making the $3 billion-per-year tax change. The Treasury replied that it had planned to hold a hearing all along—though the Jan. 11 announcement said nothing about hearings and presented the tax changes as presidential "actions."

The public hearing is scheduled for May 3, based on written opinions from the public, which are due April 12. Assistant Secretary Nolan told me "we will listen to everybody who has something to say—I will add that it is highly unlikely we will change the concept of what we recommended."

As the Treasury sees it, the $3 billion change in tax rules is necessary to encourage the modernization of American industry to compete with other nations. According to the Treasury to weigh this need against the possible use of $3 billion for school aid, family assistance, antipollution efforts or other purposes.

"An expenditure decision is up to Congress," Nolan said—but in a world of limited resources, revenue decisions are crucial to expenditure decisions.

Despite the traditional jealousy about the power of the purse, hardly a voice has been raised in Congress about the substance, procedure or impact of the Treasury-White House decision of Jan. 11. Maybe the lawmakers agree with it. Then again, maybe they don't understand it either.

J. EDGAR HOOVER'S DIRECTION TO LAW ENFORCEMENT OFFICERS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, April 1, 1971

Mr. THURMOND. Mr. President, in the Thursday, March 11, 1971, issue of the North Augusta Star there appeared a very relevant editorial entitled "A Timely Reminder."

This editorial contains a statement by FBI Chief J. Edgar Hoover that is directed to law enforcement officers. J. Edgar Hoover points out that self-respect and respect for one's fellowman are landmarks of good citizenship. I stand with Mr. Hoover in urging respect for the rule of law and all its facets, including its enforcement officers. It is certainly heartening to note Mr. Hoover's call to all members of law enforcement to serve with dignity and honor. These interesting comments deserve the consideration of the Congress.

Mr. President, I ask unanimous consent that the article entitled "A Timely Reminder," which appeared in the Thursday, March 11, 1971, edition of the North Augusta Star be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A TIMELY REMINDER

The following, edited by FBI chief J. Edgar Hoover and directed to law enforcement officers is reprinted from the FBI Law Enforcement Bulletin.

Mr. Hoover has recently come under attack from some of the more liberal members of Congress. His philosophy on a topic such as this, in our opinion, as indicative of the man's character as the remarks of his detractors are indicative of theirs.

Frequently, some belligerent, anti-law enforcement elements of our society refer to police officers as "pigs." Obnoxious four-letter words are shouted at policemen, and the familiar chant, "Off the Pigs," meaning "Kill the Police," is a prominent cry wherever these groups assemble. Further, cartoons and publications depicting police officers as pigs are common fare, even for children. The ridiculous statement, "The only good pig is a dead pig," is a slogan of violent protesters. Such deplorable epithets can be gratifying only to little minds.

Self-respect and respect for one's fellow man are hallmarks of civility under any recognized measure of achievement. Further, the proven concepts which enable men of all races, creeds, and backgrounds to live together with a reasonable degree of harmony should be respected. One such concept is the rule of law. Without the rule of law our world would be a jungle. Thus, it is important that the rule of law and all its facets, including the policeman, be respected. In a free society where law—not man—is supreme, the policeman is a living symbol of freedoms shared by all.

In light of the humanitarian aspects of a policeman's work, I would like to repeat a comment made here a few years ago:

"In any emergency, real or imaginary, the first cry that goes forth is for the police. The officer on the beat must be a journeyman of many trades—an on-the-spot doctor, plumber, or baby-sitter. Today's enforcement officer is expected to have multifarious ability, explicit judgment, and an unshakable temperament. He performs on a public stage. The audience is 'live'; every observer is a critic. There can be no retakes of his efforts nor pretaped performances. He is second-guessed, ridiculed, abused, cursed, assaulted, and sometimes murdered. But when he leads a small, lost tot from a dense wooded area to the arms of a joyously weeping mother, his is a rewarding and satisfying service."

Policemen should be respected, at least for what they represent; they should not be called pigs.

We badly need to shore up some eroding ideals and principles in our country today. Community leaders, professional spokesmen, educators, clergymen, and others in positions of influence should take a firm stand to preserve our sense of values. Too many are swayed or intimidated by loud unruly, and aimless ramblers—people with a lot of dialog but no message.

In a free society, which owes its very existence and prominence to the rule of law, abuse and ridicule of the law and those charged with enforcing it should not be taken lightly. I urge all members of law enforcement—in spite of personal indignities suffered—to serve with dignity and honor. As a rule, a repulsive slur is more descriptive of its origin than its target.

THE "INTERNATIONAL" EDUCATION OF A YOUNG JOHNSTOWN STUDENT

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. SAYLOR. Mr. Speaker, many young people go abroad these days on exchange programs. On the whole, I believe such opportunities to be very valuable to the student in his total learning process. I have graphic proof of this in relaying the story of Tom Reynolds, one of the top scholars from my hometown high school who is currently in Guayaquil, Ecuador, as an exchange student.

Tom has written his fellow high school students an "open letter" which briefly but graphically gives an insight into the young minds of two cultures. Tom's comments on Ecuadorian "nationalism" will particularly interest our colleagues in light of the recent, lamentable, fishing boat incidents.

Mr. Reynold's letter to the students of Johnstown High School, Johnstown, Pa., follows:

GUAYAQUIL, ECUADOR,
February 2, 1971.

To the students of J.H.S.:

Young people the world over have a lot in common. Similar interests in clothing, music, dancing, etc., all act as factors uniting today's youth. However, of course, one must expect some differences because like people, no two nations are exacly alike. Each nation has developed specific characteristics that together form an overall personality. If I had to cite one area where the youth of Ecuador differs from that of the United States it would be its inescapable nationalistic pride.

The young people here take a genuine interest in world events & especially those world events concerning the "mighty neighbor to the north." They know all about discrimination, drugs, hippies, & Viet Nam. They are informed well enough but they don't always stop to think. For instance, I've recently been confronted with the following reasoning. *Basis:* The U.S. has participated in wars in Korea & Viet Nam. *Automatic Conclusion:* The U.S. is bad. Why else would it always be fighting.

These half-truths combined with a fierce nationalism provide the basis for much of the anti-American sentiment that exists in Latin America today. As an example of this nationalism, I wish to introduce the case of the 200 miles territorial fishing limit concerning captured U.S. tuna fisherman. Upon U.S. inquiries into the seizure, the incident was promptly viewed as a national insult & dubbed as the "War of the Tuna" by the newspapermen of Guayaquil. Anti-American scrawlings promptly appeared on various buildings throughout the town & students took to the streets in a series of protests & demonstrations denouncing the "Yankee Pirates."

This nationalism, I might add, is one of the most obnoxious things imaginable to anyone interested in promoting greater international friendship and cooperation. Even the 18 yr. old son of the family I'm staying with has bluntly & quite rudely come up with such enlightening remarks as "the U.S. thinks it owns the world" and "We don't like Americans down here" etc. etc. etc.

This isn't to pretend America hasn't made mistakes in the past & won't continue to make them in the future. However these people underestimate one basic characteristic of the American people; our fundamental desire to do what is right.

After being in Ecuador awhile, I was able to see more clearly how great our country really is. But I also realized the tremendous responsibility that goes along with being the most powerful nation on earth. I write this now to the students of J.H.S. so they might better understand the need for our great country to be right.

TOM REYNOLDS.

REPORT OF SPECIAL SUBCOMMITTEE ON THE OUTER CONTINENTAL SHELF

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 1, 1971

Mr. SCOTT. Mr. President, I refer to the report by the Special Subcommittee on the Outer Continental Shelf of the Senate Committee on Interior and Insular Affairs. I read this report with interest and wish to congratulate the subcommittee on the very thorough and intensive examination which they have given to the question of United States policy regarding the Continental Shelf, and am happy to note the general support expressed therein for the new United States Oceans Policy announced by President Nixon on May 23, 1970. I regret, however, their opposition to the President's proposal that—

> All nations adopt as soon as possible a treaty under which they renounce all national claims over the natural resources of the seabed beyond the point where the high seas reach a depth of 200 meters, and would agree to regard such resources as the common heritage of mankind.

The President proposed that this action be taken by treaty, and that the very same treaty would provide for a trusteeship zone embracing the remainder of the continental margins in which the United States and other coastal nations would license exploitation of seabed resources off their coast. I should like to express my support for the administration's imaginative yet practical solution to this problem.

The President's report of February 25, 1971, to Congress summarizes his oceans policy very well, and I ask unanimous consent that the relevant portions be printed in the RECORD at the end of my remarks. I should also like to have printed in the RECORD an editorial by the New York Times praising the President's Oceans Policy and a very telling commentary on that editorial by Dr. Wolfgang Friedman, professor of International Law at Columbia University, Mr. Anthony Wayne Smith, chairman of the Environmental Coalition for North America, and president and general counsel of the National Parks and Conservation Association, has also commended the President's policy and commented that the proposed treaty "would strengthen the forces of conservation immeasurably everywhere." I ask unanimous consent that his commentary in the National Parks and Conservation magazine also be printed in the RECORD.

The Washington Post has endorsed the Draft Convention on the International Seabed Area. It points out that the President's proposal was "courageous as well as enlightened" and refers to the:

> many oceanic interests—navigation, defense, research, fishing and so on—which [the United States] pursues not only off its own coast but off the coasts of a hundred other countries.

I also ask unanimous consent that the Post's editorial be printed in the RECORD.

During 1970, the New York Times published three editorials expressing enthusiastic support for the President's Oceans Policy and the U.S. Draft Convention. I ask unanimous consent that they be printed in the RECORD.

Mr. President, the future of the oceans is of vital importance to this country. It affects not only the use of valuable seabed resources, but our security and that of our allies, the supply of food from the sea to meet the world's ever expanding needs, the movement of goods and people around the world, and the protection of the environment of over two-thirds of our planet. This country can no more subscribe to the rule of raw power in the oceans than it can on land.

What the President seeks is the rule of law reflecting the real needs and interests of all countries, and new opportunities to build a more stable system for joint international action in the common interest. His task will not be easy, and he needs and deserves all the support we can give him. The promise of peace, order, and equity in the oceans is too important to future generations to be lost in controversies over detail and ambiguous legal provisions. These matters can be settled at the 1973 Law of the Sea Conference, where, I am confident our representatives will take into account both our Nation's immediate and long-term interests.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

EXCERPT FROM PRESIDENT NIXON'S REPORT TO THE CONGRESS ON U.S. FOREIGN POLICY FOR THE 1970'S, FEBRUARY 25, 1971

THE OCEANS

The oceans cover two-thirds of the earth. Man's use of this common asset is now undergoing a transformation. New techniques exist or are being developed which will lead to a vastly increased exploitation of the mineral and living resources of the oceans, including the mineral riches of the world's seabeds.

It is, frankly, not yet clear whether this fact will prove a boon to mankind. There is at present, no authority, international or otherwise, which can ensure the orderly and rational exploitation of these resources. That fact, plus the vast potential wealth at stake, gives cause for deep concern. There is a clear world interest in this matter, and there is a clear danger that, unless it is asserted in time, it may be lost in the confusion of unbridled commercial and national ambitions.

A closely related problem relates to the age-old right of freedom of navigation on the high seas. Traditional usage and current international law have proved to be inadequate barriers to claims which generate international tensions and endanger the rights of all to use the oceans. The claims of some nations now extend 200 miles seaward. The temptation to assert and defend such claims can only increase as technology provides new means to profit from exclusive rights to the ocean's surface.

In the past year, the United States has taken the initiative in moving the world toward an equitable resolution of these two problems, while they are still soluble.

On May 23, I set forth an oceans policy which called for both a system of internation regulation for the deep seabeds, and a new agreement on the breadth of territorial seas.

Our proposal for the seabeds would divide the ocean floor into two basic categories:

Coastal states would maintain their rights to the natural resources of the seabeds up to the point where the high seas reach a depth of 200 meters.

Seabeds under the remainder of the high seas would be regulated by an international regime. However, coastal states would license exploration and exploitation of resources as trustees for the international community beyond the 200 meter depth line to a further line which would embrace the continental margins.

As I said at the time: "The regime should provide for the collection of substantial mineral royalties to be used for international community purposes, particularly economic assistance to developing countries. It should also establish general rules to prevent unreasonable interference with other uses of the ocean, to protect the ocean from pollution, to assure the integrity of investment necessary for such exploitation, and to provide for peaceful and compulsory settlement of disputes."

In August, our Government submitted to the UN a draft treaty suggesting in detail how such a system would work. We are seeking a system which fully protects the interests of the less-developed countries in the ocean resources, as well as the interests of those nations which now possess the technological capacity to exploit them. Such an arrangement is both fair and practical. For these resources are a common heritage of mankind, and their benefits should be shared by all. And the world is unlikely to give its sanction to arrangements which do not ensure a wide sharing of those benefits. The mineral royalties involved will eventually be very large. Earmarking them for international purposes—particularly the development of the poorer nations—could be a tremendous step forward toward a solution to one of the world's most grievous problems.

On the territorial seas issue, we have proposed a new law of the sea treaty, which would establish a twelve-mile limit for territorial seas adjacent to a nation's coasts and would provide for free transit through and over international straits. It would also provide for conservation of the living resources of the high seas and recognition of the special interests of the coastal states over these resources.

These ideas were extensively discussed at the UN last fall. The U.S. initiative was widely welcomed as a step toward organizing necessary international negotiations. In December, the General Assembly passed a constructive series of resolutions on the oceans. Most important of all, the General Assembly called for an international conference on the law of the sea to be held in 1973.

At that conference, the world will have an historic opportunity. Resources of enormous potential value can be placed under an international authority to be used for the benefit of all mankind. And three problems heavy with the possibility of conflict among nations—differing national claims to the ocean's surface, the seabeds, and fishing rights—can be resolved to the benefit of all.

We recognize the difficult and complex issues involved, but we are determined to make every effort to ensure the success of the 1973 Conference. That success would represent a signal victory for the world interest, and a convincing demonstration of the ability of the world community to meet its common problems.

[From the New York Times editorial, Jan. 22, 1971]

Of Fish, Oil, and Oceans

The latest tiff between the United States and Ecuador over the seizing of American tuna boats underscores again the imperative need for an international regime to govern the orderly development of oceanic resources for all countries. There is no practical alternative to international authority, preferably exercized under the United Nations. At stake among other considerations is the ancient and precious doctrine of freedom of the seas.

Of course it is far-fetched for Ecuador and other Latin American countries to claim territorial waters—and therefore exclusive fishing jurisdiction—out to 200 miles. But the United States invited this situation—almost insured it—when President Truman in 1945 claimed the natural resources in the seabed of the "continental shelf" off American coasts for exclusive United States "jurisdiction and control."

Despite assurances to the contrary, this doctrine chipped away at the freedom-of-the-seas principle and diluted the traditional American stand for a three-mile limit to territorial waters. It met little opposition, however, and was codified in a Geneva Convention of 1958. Mr. Truman acted primarily at the behest of the oil industry, which continues to interpret the Convention liberally and to lobby for an even greater extension of offshore sovereignty.

It was logical that other coastal nations would also claim their offshore resources. Poor countries with no significant continental shelf and no proven mineral wealth covered by the Geneva Convention simply made their claims on the ocean itself and the fish it contained. Ecuador, Peru and Chile extended territorial waters to 200 miles. Fourteen Latin American countries last year proclaimed their right to as much of the sea and seabed as might be necessary to protect their offshore wealth.

The State Department is bound by ill-conceived laws to cut off arms sales and credits and possibly economic aid to Ecuador in retaliation for the tuna boat seizures. This will only arouse much of Latin America against the United States, seen as a bully unwilling to grant poor countries offshore rights comparable to those it claims for itself.

Actually, Washington worked hard last year for a resolution adopted overwhelmingly by the United Nations General Assembly that declares oceanic resources "the common heritage of mankind," to be governed by an international regime that will be established by a U.N. conference in 1973. But 1973 is a long way off, as the unfortunate quarrel with Ecuador reminds us.

About all the United States can do in the interim is to exercise as much patience and restraint in incidents such as that of the tuna boats as the laws allow. That low-key stance may help deter additional attempts to extend sovereignty over oceanic resources that 108 nations agreed last month could be developed rationally and safely only under international authority.

Letter By Dr. Wolfgang Friedmann, Professor of International Law, Columbia, University

[From the New York Times, Feb. 3, 1971]

AUTHORITY OVER SEABED

To the Editor: Your Jan. 22 editorial rightly stresses the connection between the extravagant claims of most Latin-American countries to exclusive jurisdiction over 200-mile zones from their coasts, and the expanding claims of the technologically advanced countries to appropriation of the oceanbed resources.

Owing to a disastrous clause in the Geneva Convention of 1958—which expands the Truman Proclamation limit of 200 meters depth to "where the depth of the superjacent waters admits of the exploitation of the natural resources" of areas adjacent to the coast—industrial interests are pushing governments to extend national claims further and further outward, to the edge of the continental margin (roughly 4,000 meters depth).

Inevitably, exploration of the oceanbed affects fishing and navigation. Already there are shipping lanes in the Gulf of Mexico. And Canada, which recently proclaimed exclusive pollution control over a hundred-mile Arctic zone, has simultaneously reserved rights to control fishing and navigation in that area.

The combined result of all these moves and countermoves will be—within this decade—the partition of large parts of the oceans, and the gradual destruction of the freedom of the seas. The most constructive move to stem this ominous tide has been the U.S. State Department-sponsored proposal to confine the continental shelf again strictly to 200 meters depth, to establish an international seabed authority, and to give the coastal states the right to administer "an intermediate zone." For this zone they will be responsible to the international authority with regard to safety, pollution and technical standards, and they will hand over at least 50 per cent of the revenue from licensing and royalties to the international seabed authority for development aid.

The United Nations December resolution approves an international regime in principle but leaves "the limits of national jurisdiction" undefined. By the time the Sea Law Conference convenes in 1973, thousands more miles of oceanbed resources will have been appropriated and more states may have followed the example of the Latin Americans in appropriating part of the seas—a return to the "closed seas" doctrine of 350 years ago.

The only sane alternative is the establishment of international jurisdiction and standards with regard to fisheries, shipping, pollution and oceanbed resources and the promotion of multinational joint ventures in which developed and undeveloped countries, maritime and landlocked states, can jointly explore the resources of the oceans and thus share technology as well as the unexplored wealth of the oceans for the common benefit.

The present trend will only aggravate existing inequalities, encourage overfishing, increase the dangers of pollution and extend the confrontation of the major powers to the bottom of the oceans.

Wolfgang Friedmann.

[By Anthony Wayne Smith, National Parks and Conservation Magazine, August 1970]

An Oceans Treaty

President Nixon is to be commended on his recent proposal for a protective treaty for the oceans and seabeds. The adoption of such a treaty by the nations of the world would strengthen the forces of conservation immeasurably everywhere. It would also further the emergence of planetary social and political order generally.

The key proposal is that the nations renounce all national claims over the natural resources of the seabed beyond the 200-meter depth. Beyond that line the resources of the seabed would be regarded as the common heritage of mankind.

An international agency, referred to as a regime, would be established for the management of seabed resources beyond this limit. The regime would have the power to promulgate regulations to protect the oceans from pollution, among other abuses. Machinery would be established for the peaceful and compulsory settlement of disputes; the word *compulsory* should be noted.

Sharing the authority of the world regime in part, coastal nations would act as trustees for a marginal area of the world heritage zone, consisting of the continental margins beyond the 200-meter depth line. The continental margins contain the continental shelf, falling away gradually from the shoreline; the continental slope, which plunges more precipitously into the depths; and the continental rise, which is the talus area at the foot of the slope, its toe touching the deep seabed.

Revenues from the common heritage zone would accrue to the world regime for use in economic assistance to developing countries. Each coastal state would receive a share of the world revenues from its trust zone and could impose additional taxes.

We have certain doubts about the desirability of the trusteeship arrangement. The attractive aspect of the plan as a whole is the common heritage idea. But we are well aware of the practical difficulties of moving even as far as the President has proposed. Most conservationists, in our judgment, would support broader authority for the proposed ocean regime. Moreover, a more generous boundary than the 200-meter line might be in order for the heritage zone.

Of greater significance is the proposal that agreed international machinery be developed to authorize and regulate exploration and exploitation of seabed resources beyond the continental margins. This authority, in our judgment, should extend to the 200-meter depth line, or even closer to the shores. Trust arrangements in the trusteeship zone should be subject to determination by the world agency.

But it is the proposed regulatory power which is of immediate interest. The treaty would set up a regulatory agency with jurisdiction to enact binding rules in the nature of world statutory law. This is the general course the nations must follow if a democratic world order is to replace the present widespead world chaos.

Implicit in the proposal for regulation is the necessity for the creation of judicial institutions to interpret the regulations. The procedures should include final adjudication on a compulsory basis by the International Court of Justice.

Realism in these matters also demands the establishment of police authority to enforce the regulations. The regime must obviously have the essential administrative equipment: survey, research, and management powers, among others. But it must also have powers of inspection, patrol, arrest, and penalty; there are many ways to work out such enforcement authority, but the authority must be clear.

As institutions of this kind are developed in various fields, the protection of the oceans and seabeds being but one, the domain of democratic law and order may spread gradually around the globe.

Essential to the substantive powers of a world regime for the oceans and seabeds is a mandate to preserve the entire marine ecosystem. The proposed licensing power, presumably intended to conserve mineral resources and mitigate disputes over their discovery and exploitation, will be excellent. But the grave danger to human life on the planet, and much other life as well, presented by current exploration, is the all-too-familiar progressive destruction of the environment.

The oceans and seabeds regime, in our opinion, should have authority, for example, among others, the whales. Such a proposal would test the sincerity of many prospective participants in the convention.

True, world institutions for such purposes could be established by the amendment of existing conventions; but a more imaginative plan may be essential to get the necessary improvements. True, also, Congress has instructed the Administration to seek to convene a ministerial conference on an international convention to protect endangered species; but everyone is dragging his feet. Action of some kind is needed.

We proposed in these pages last month that environmentalists work to set up an Environmental and Population Organization within the structure of the United Nations, open to nonmembers. An EPO would shoulder responsibility for aiding education in problems of environment and population everywhere and for helping the development of world law in these fields.

If some of these responsibilities can be assumed by the oceans regime the President proposes, well and good, and progress may possibly be faster; but in the end a top-level worldwide Organization with comprehensive powers will be needed.

The President announced that the United States would introduce specific proposals at the next meeting of the United Nations Seabeds Committee. He noted that the adoption of the treaty he proposed, and related international agreements, would be a fitting achievement to mark the 25th anniversary of the United Nations. Thus, acceptance of the aegis of the United Nations appears to be an essential part of the President's plan; we trust that participation will be open to nonmembers as well.

The cutting edge of modern technology presses rapidly into the deep seas. Men have learned to their horror that this technology, once thought naively to be always beneficial, carries too large a measure of death and destruction with it wherever it goes. The beneficence of applied science will be questioned increasingly by more and more people until effective public and private institutions can be established with power to direct scientific knowledge into socially, ecologically, and economically viable collective policies.

The President's plan is a new bit of hope, a promise of some better things, a lamp against the darkness. Environmentalists and humanitarians all around the globe should lend their help, through their private organizations and their governments, toward the realization, in general outline, of the program the President has proposed.

[From the Washington Post Editorial, Aug. 5, 1970]

A Fine Seabed Proposal Is Launched

The Nixon administration can be proud of the draft of a proposed international seabed treaty which it submitted at Geneva Monday. The draft bears out, and in some respect embellishes, the imaginative and generous prospect the President opened up last May when he first proposed a treaty. His promise then was to protect and regulate the immense spaces—three fourths of the world's total area—at the bottom of the seas, which are now unprotected and unregulated; and also to provide for exploiting their economic resources and for sharing the expected billions of dollars in seabed revenues among all the peoples of the world.

The essence of the administration proposal—and the main source of domestic opposition to it is to limit each state's coastal-shelf sovereignty to waters no deeper than 200 meters. Beyond, the coastal state would act as an international trustee, administering the seabed and keeping for itself a third to a half of the revenues from exploitation while turning over the rest to a new international authority which would manage the resources (pollution control, marine parks, etc.) and finance economic development in developing countries.

It was courageous as well as enlightened for Mr. Nixon to fix a narrow national shelf, knowing that American oil companies favor a wider shelf and that they regard a narrow one as a "giveaway." But the United States has many oceanic interests—navigation, defense, research, fishing and so on—which it pursues not only off its own coast but off the coasts of a hundred other countries. Since seabed claims tend to harden into claims on the water and air "columns" above, an American assertion of a wide shelf would inevitably inspire similar if not broader claims by other coastal states. The result would be a net loss of the freedom of the seas which this country's varied interests require. Law School Professor Louis Henkin, believes that a narrow shelf—far from hurting American companies—"may even give them access to more minerals than would a system in which the coastal nations of the world can grab large areas of seabed."

The companies' real objection, Mr. Henkin suggested to Congress last year, is that oil and gas taken from areas beyond 200 meters might receive unfavorable tariff and tax treatment. "Surely the legitimate needs of the oil companies can be attended to by Congress, within the national family," he argued. "Surely such considerations should not determine the national policy in regard to mineral resources of the seabed; even less should they enjoin a national policy that would jeopardize other interests in the seabed and in the sea as a whole." This is the appropriate perspective in which to view the President's seabed proposal, and the opposition to it.

[From the New York Times Editorial, May 27, 1970]

Man's Ocean Heritage

President Nixon's proposal to declare the ocean floor beyond the depth of 200 meters (660 feet) "the common heritage of mankind" marks a significant advance in United States policy toward a more responsible role in promoting international law, cooperation and development.

The Administration's decision to press for the relatively narrow 200-meter depth limit on national sovereignty over the continental shelf, instead of the much wider area allowed under the existing "exploitability" clause, should spur United Nations efforts to convene a new international conference to update the laws of the sea. These efforts will also be helped by an earlier United States decision to accept the 12-mile limit for territorial seas which is favored by a majority of other nations.

The President's forthright support for the idea of an international regime to regulate the exploitation of the seabed will give fresh impetus to efforts already under way in the U.N.'s Seabed Committee to define the nature and duties of such an agency which would break new ground in international cooperation.

Mr. Nixon's suggestion that royalties collected on ocean floor minerals "be used for international community purposes, particularly economic assistance to developing countries," should stimulate planning for the U.N.'s Second Development Decade, it offers a promising new source of development funds which may reach substantial proportions before the end of the seventies.

Although the United States had already endorsed in general terms the idea of international sharing of the wealth of the ocean floor, the President's statement commits this country more explicitly than ever before to the principles of international control first set forth by the Maltese representative at the U.N. three years ago. It ends a period of frustrating ambiguity during which the United States impeded international action because of internal differences over the limits which should be placed on national sovereignty

President Nixon's statement does not in itself clear up all the ambiguities. For example, his proposal for an international trusteeship administered by each coastal state over the "continental margins" beyond the 200-meter depth is unclear about the degree of national control over this intermediate and undefined seabed area.

Furthermore, the 200-meter definition as it stands is clearly not going to be acceptable to coastal states which have narrow continental shelves, or no shelves at all, as is the case on the West Coast of Latin America. Some adjustment will be necessary to win their support, such as the 50-mile alternative proposed by the United States Commission on Marine Science, Engineering and Resources.

In spite of these and other questions that surely will be raised, the Nixon proposals offer an important, positive contribution to the international effort to insure that, in the President's words, "the oceans will be used rationally and equitably and for the benefit of mankind."

[From the New York Times Editorial, Aug. 7, 1970]

PROTECTION FOR THE SEABED . . .

United States proposals for an international authority to control exploitation of the ocean floor—submitted to the United Nations Seabed Committee now meeting at Geneva—substantially fulfill President Nixon's recent promise that the riches of the ocean floor "should be the common heritage of mankind."

The American draft convention has been downgraded to a "working paper"; it has also been somewhat modified in response to vehement objections from representatives of domestic oil and other mineral interests. But the document retains the essential elements in Mr. Nixon's May 23 call for international machinery to regulate exploitation of the ocean floor beyond the 200 meter depth line and for the collection of mineral royalties to be used for international community purposes.

Senator Claiborne Pell, the Rhode Island Democrat who has been a long-time advocate of international action to police the seabed, considers the proposal an "excellent" one. We share his enthusiasm.

If adopted; the plan would avert a potentially dangerous race for control of unexploited wealth on the ocean floor. It could, in time, generate substantial sums to support a perilously lagging international development effort.

The proposed international agency would not, as has been charged, deny to Americans their fair share of seabed resources. Rather it would provide a more stable regime under which American entrepreneurs, with their superior technology, could operate for reasonable private gain and for the benefit of mankind.

President Nixon deserves strong public support for this promising initiative. It puts the United States once again in the forefront of efforts to promote a more orderly and just international community.

[From the New York Times, Dec. 20, 1970]

U.N. PROGRESS IN SEA AND AIR

Despite the gloom that marked the official twenty-fifth birthday observance in October, the United Nations General Assembly has completed a surprisingly productive and constructive session.

In spite of its built-in pro-Arab majority, the Assembly debated the Middle East with greater responsibility than many diplomats had expected. In doing so it may have given a marginal push for resumption of peace talks.

The most solid achievement came in a series of actions to protect the security of the international seabed and to develop its resources under international authority for the benefit of all countries including the landlocked. A treaty to ban nuclear weapons from the seabed outside any nation's 12-mile limit was overwhelmingly approved. The Assembly also declared that the resources of the international seabed, ocean floor and subsoil were "the common heritage of mankind," and that all activities with regard to them should be governed by an international regime. The Assembly will convene a conference in 1973 to establish this authority.

A strongly worded resolution against aerial hijacking passed the Assembly without a negative vote, and gave a powerful impetus for the tough international convention signed by fifty nations at The Hague. The convention follows the spirit of the Assembly resolution in making hijacking a crime and requiring participating nations to punish offenders severely.

The Assembly established a goal for the second United Nations Development Decade that included a United States pledge to try to provide one per cent of its Gross National Product for development aid by 1975. It struck a blow for universality by mustering a narrow majority for the first time for an abortive motion to admit Communist China.

Though far from the "town meeting of the world" that the late Senator Vandenberg envisioned, the General Assembly has again proved itself a useful agency. It might yet develop into an indispensable one.

RESPECTED CIVIC AND BUSINESS LEADERS MALIGNED IN NEWS ARTICLE

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. MOLLOHAN. Mr. Speaker, just a few weeks ago, I was surprised to see that two highly respected civic and business leaders in my home district maligned in a newspaper article which was inserted into the CONGRESSIONAL RECORD.

In the March 4, 1971, RECORD on page 5220, my distinguished colleague, the gentleman from Arizona (Mr. STEIGER), inserted an article entitled "Banker's Ordeal—Run Over by Government, He Fights On," printed in the Los Angeles Times.

The two men, Messrs. Robert and Donald Levenson, have been highly respected members of the Wheeling business and civic community for years, and it is grossly unfair to them that they should be exposed to the one-sided news reporting that occurred in the Los Angeles Times.

In business affairs, men find themselves at differences, and those differences are sometimes resolved in the courts of law. That is the situation here. There are suits in process, and I have no intention to step beyond the bounds of propriety to comment on the case. I am confident that the courts will come to a proper settlement.

In the meantime, however, it is only simple fairness that the public be given some balance in the information in this matter. I have no intention of letting two fine men be maligned without cause. The following is a letter from the counsel of the Bank of Wheeling to Mr. Robert Nelson, the executive vice president and general manager of the Los Angeles Times, which sets out the facts involved in this situation:

PINSKY, MAHAN, BARNES,
WATSON, CUOMO & HINERMAN,
Wellsburg, W. Va., March 12, 1971.

Mr. ROBERT D. NELSON,
Executive Vice President and General Manager, Los Angeles Times, Los Angeles, Calif.

DEAR MR. NELSON: Your Friday morning, February 26, 1971 issue carried an article captioned "Banker's Ordeal—Run over by Government, He Fights On'' with the by-line of Al Delugach, Times Staff Writer.

Among other things, you stated that Molever was run over by the government machine; that the F.D.I.C. came up with long existing evidence and cleared Molever which was kept secret until Molever forced it open last summer in legal proceedings; that meanwhile to get the bank going again, the F.D.I.C. chose a couple of the bank directors, wealthy brothers of Wheeling; that one Noel in a letter of resignation assumed all blame and responsibility for the automobile loans and that Noel had deceived Molever about the automobile loans.

The above are some of the highlights of this article which has among its purposes to recoup and recover the image of Mr. Molever as a thoroughly honest banker whose reputation in some fashion was destroyed by a government agency. This article, misleading, inaccurate, false and distorted in many respects, disclosing biased and slanted interpretations and completely devoid of the objective truth, was circulated not only by your publication of it on February 26, 1971, but through your agency of the L. A. Times service and the Washington Post—L. A. Times, as witness the caption in the Arizona Republic of Phoenix, Arizona of March 1, 1971 "Ex-Banker, FDIC Casualty, Gains in Fight To Clear Himself by Al Delugach, Los Angeles Times Service". In this vein, it attained circulation through your news service or that of the Washington Post—L. A. Times news service throughout the country.

On February 27, 1971, I talked to both Mr. Stanley Bibbero of the City Editor's desk of your paper and later to Mr. Michael Hubler, through Mr. Bibbero, of the L. A. Times—Post. I advised both of these gentlemen of the misleading, inaccurate and distorted aspects of your story. Mr. Delugach, its professed author, called me on the afternoon of March 1, 1971 at which time I told him that I could not understand your newspaper and service publishing such an article without trying to vouch for the other side. At that time, he stated he would be interested in knowing the real facts from me. I told him it was too late for that; that I am an attorney engaged by The Bank of Wheeling in the Molever litigation and I would not try my cases in the newspapers but the objective facts were here in West Virginia in the various court files in these cases and they were open to him; that if he had been interested in a candid search for the truth, it was easily available and not from two thousand miles away. I further stated that with the libel laws such as they are, I would think that you would have been more faithful to your reportorial responsibility.

It seems to me that the article reflects the litany of Molever in defense of his administration of The Bank of Wheeling while he was its president and chief executive officer for some sixteen months. It was under his tenure that the bank's total book capital of some $493,000 was impaired to the amount of some $480,000. This impairment was chiefly caused by a large concentration of loans on used car conditional sales contracts for approximately one million dollars.

The mission of your article, it seems, has for its purpose to extol and re-establish Mr. Molever who was charged with the responsibility of the operation of the bank and who, since his resignation, has vowed to destroy the institution that he headed.

Had you been concerned with an objective and candid search of the facts, you would have readily found evidence in the court proceedings pending in the West Virginia courts, both state and federal, indicating that your informant, Molever, had:

(1) Obtained the charter of the bank under extremely questionable circumstances in which a check of $25,000 featured, drawn on a business of which Mr. Molever was the owner and which charter was obtained in an administration of the State of West Virginia, some of whose principal officers are now sentenced or under indictment for wrong-doing;

(2) While president and chief executive officer of the bank, issued false reports of the bank's condition;

(3) While president and chief executive officer, diverted one-half of the proceeds of a loan of $45,000 to a third party to his own use and benefit;

(4) While president and chief executive officer of the bank, secured an over-subscription of the bank's original stock keeping several thousand dollars of the proceeds of such over-subscription in his own personal account and manipulated the issuance of the stock certificates to conform to his wrong-doings;

(5) While president and chief executive officer of the bank, used funds of the bank on deposit in a Pittsburgh correspondent bank for his own personal use; and,

(6) While president and chief executive officer, he threatened his cashier and vice president, Jay O. Noel, with exposure of extra-marital activities and affairs, to secure an exoneration of himself for the plight of the bank and total incrimination of Mr. Noel.

It is suggested that you should have investigated the matters contained in a law suit filed in the Court of Common Pleas of Belmont County, Ohio against I. M. Molever, defendant, in Case No. 24148, wherein a judgment of $9,000 was rendered against him arising on a promissory note of June 14, 1966 in that amount and the circumstances surrounding the same. The judgment remains unsatisfied. In June 1966, Mr. Molever was still the president and chief executive officer of The Bank of Wheeling.

Your article commends the happy home-life of the marriage of your informant. No mention is made of a divorce proceedings filed in the Arizona Superior Court, Maricopa County, Arizona, Action No. D–118374, on the 24th of June, 1970, by his wife.

As a result of an investigation made by the Federal Deposit Insurance Corporation, a finding of unsafe and unsound practices and order of correction was issued by it on the 25th of August, 1966, which among other things, contained the following:

"(1) That I. M. Molever be removed from any and all connection with the active management of the bank as director, officer or employee, and that there be taken all action necessary to assure the permanent and absolute elimination of the said I. M. Molever from directly or indirectly participating in or influencing the policies, direction, management, operation or practices of the bank;".

Sometime in December 1966, the court files will show, he attempted to secure the bank minutes of the bank to be illegally taken from the bank's premises to a business conducted by him in Wheeling.

You premised your article and the central theme is on a floor plan arrangement of the Reichart Furniture Company of which the Messrs. Levenson are officers and who are also directors of the bank, with The Bank of Wheeling which you have expanded and distorted. Had you employed genuine concern about this, the court files would have disclosed that this floor plan arrangement has been indulged in by reputable banks for their customers; that The Bank of Wheeling at no time lost anything whatever on this account; that the floor plan arrangement of which you have made so much about, did not contribute one job or tittle to the impairment of the bank's capital of $480,000. That the floor plan matter was thoroughly investigated by the F.B.I. at the instance of the F.D.I.C. without adverse findings; that Mr. Molever who professed ignorance of the arrangement the court files will show was thoroughly aware of it from its inception and when the bank's condition surfaced in April 1966, he attempted to use it as an instrumentality against the Levensons to extract him from the consequences of his administration as the bank's president and chief executive officer.

Yet you give slight heed in your article to the chief and central cause of the bank's plight under Molever's tenure, the loans on used cars, all of which arose during his official head of the bank.

An honest pursuit of the facts on your part of the court files in West Virginia would have revealed that although your informant, Molever, maintained his ignorance of these loans, which were some four hundred, yet he himself participated in many of them. The procedures in effecting these loans and the supporting papers in connection with them, a check on your part would have disclosed, demonstrates an incredible lack even of the most rudiment knowledge of simple lending safeguards for the bank which he headed, and he, at the time, and had been for several years, a certified public accountant.

You have ignored the fact that when the crisis of the bank reached its climax in August 1966, Mr. Molever contributed absolutely nothing to re-establish it, while the court records will show that the main contribution for the re-establishment of the bank from the effects of Molever's tenure as chief executive officer and president came from the Messrs. Levenson, whom your article attacks, despite Mr. Molever's unqualified right to participate in such contribution.

All of this could have been ascertained by you or your staff in the West Virginia court proceedings, yet you chose to accept slanted, distorted, inaccurate and false statements from an informant some two thousand miles away from the scene. You have done irreparable harm to The Bank of Wheeling, its stockholders and depositors, for the bank, since the exodus of Molever has been doing an outstanding service in the community despite his campaign of litigation to destroy it. You have lent yourself to a violation of a West Virginia statute about false statements concerning banking institutions. It is incredible that what is considered a responsible news media should indulge in this sort of reporting.

Your article has exalted the one whose misfeasance and nonfeasance brought the bank to its condition reflected in the examination in April 1966 and has deprecated those who salvaged it from the consequences of such mismanagement.

The exercise of responsible journalism should have prompted a circumspect and candid search of the facts, especially in the sensitive area of banking where such statutory prohibition exists.

You may treat this letter as part of the record of the story you published on February 26, 1971, and disseminated through your services throughout the United States.

Very truly yours,

ABRAHAM PINSKY,
Counsel for the Bank of Wheeling.

FEDERAL FUNDS FOR SKI TRIPS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 1, 1971

Mr. BYRD of Virginia. Mr. President, the Nashville Banner of March 26 included an excellent editorial on the subject of Federal funds for ski trips.

I ask unanimous consent that the editorial, entitled "Frivolous Welfare Waste an Abuse of Trust," be printed in the Extension of Remarks. The editor of the Nashville Banner is Alvand C. Dunkelberger.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FRIVOLOUS WELFARE WASTE AN ABUSE OF TRUST

Virginia Sen. Harry F. Byrd Jr., does not speak for himself alone in condemning the incident reported in these words: "It has come to my attention that a number of welfare recipients in New York City have been sent on ski trips to Massachusetts, Vermont and Upstate New York."

The Virginia lawmaker puts the onus where it belongs—not on an outing of that kind, nor on anyone's right to enjoy such; but on the reported financing of it with funds provided by the Bronx Model Cities program . . . funds assessed from hard-working U.S. taxpayers.

It was precisely that kind of frivolous mistreatment of supervisory responsibility that resulted in the other case, recently disclosed of a welfare family lodged in the Waldorf-Astoria Hotel at public expense.

These might be termed exaggerated instances of abuse; but the very fact that they could happen illustrates the laxity that has compounded this program into what President Nixon rightly has called "a monstrous consuming outrage." The very fact that they can happen—and inside the state of which he is the Chief Executive—undoubtedly explains the concern of Gov. Nelson Rockefeller for a real reform movement, to take the frivolity out of the welfare program.

The sentiment for that—yes, the demand for it—is shared coast to coast, for it was on the West Coast that Gov. Ronald Reagan initiated the action for a real overhaul of the program. The proposal is not to provide free ski outings for the relief clientele, but to provide work—the acceptance of which would be mandatory for the able-bodied among them.

Senator Byrd accents, as he should, the fact that conscience recognizes the obligation of the government toward those who are physically or mentally incapable of earning a living; but he also stresses that "Officials in charge of all social welfare programs should keep constantly in mind that their mission is to help those who truly need help."

"I think," he said in a speech Thursday on the Senate floor, "that the American people are getting fed up with this kind of abuse of trust by public officials—for it is an abuse of trust when officials permit the waste of tax dollars."

The case reported speaks for itself as an allegation of outrageous abuse—and the necessity for the reform which concerned taxpayers and officials on both sides of the party aisle are demanding.

MANPOWER SPECIAL REVENUE SHARING ACT OF 1971

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. GREEN of Pennsylvania. Mr. Speaker, for the benefit of my colleagues, I am submitting for the RECORD the third research report of the Conference of Mayors, League of Cities, series on the Nixon administration's approach to the urban areas. This report documents what are called serious flaws in the administration's approach to manpower problems.

The report follows:

MANPOWER SPECIAL REVENUE SHARING ACT OF 1971

BACKGROUND

The closing days of the 91st Congress witnessed considerable debate over reform of the nation's manpower programs. The President's veto of the Employment and Manpower Act of 1970 (EMA), the product of a House-Senate Conference, only temporarily halted the debate. Several measures were quickly introduced during the opening days of the 92nd Congress (H.R.17—Perkins; H.R. 29—O'Hara; H.R. 3613—Daniels; S. 31—Nelson). On March 16, the Administration's own proposal—The Manpower Revenue Sharing Act of 1971—was introduced in the Congress.

In explaining his veto, the President indicated that the EMA did "not achieve the reform necessary to establish a manpower program that will serve the nation or the individual job seeker." He cited the Administration's own manpower reform proposal, sent to Congress in August of 1969, as "one of the three key parts in a program of fundamental reform." (The other two were revenue sharing and reform of the welfare system.)

From a city perspective the Administration's 1970 manpower bill contained some serious flaws. For example, while it offered to decentralize control over manpower program planning and administration, it funneled funds through a state planning mechanism. Also, while it gave ultimate responsibility to a local government, it held it accountable for planning on an SMSA-wide basis, well beyond its jurisdiction. Finally, the Administration proposal contained no provision for a public service employment program.

In the interim, between the introduction of the Administration's bill and the veto of the EMA, a gradual change became evident in the Administration's position on manpower reform. It supported the House-passed Comprehensive Manpower Act (CMA), the President considering it to have included "many of the structural reform features [he] felt to be essential." For example, the CMA consolidated legislative authority for manpower programs by replacing the Manpower Development and Training Act of 1962 and substantially amending Title I-A of the Economic Opportunity Act of 1964. It decategorized many of the existing manpower programs and provided authority for comprehensive manpower programs under the prime sponsorship of local general government. It gave local government preference over state government when both applied for prime sponsorship over the same geographic area. It gave local general governments with a population of 100,000 or more eligibility for prime sponsorship. Finally, it provided for a considerable public service employment program effective at the beginning of FY '72.

Hence, a basic question to be considered in analyzing the Administration's latest proposal is the extent to which it maintains the positions supported in the CMA of manpower reform, direct funding to cities for prime sponsorship of comprehensive manpower programs and a clear recognition of the need to include a public service employment option in comprehensive manpower reform.

THE ADMINISTRATION'S 1971 BILL

The Administration bill (H.R. 6181, S. 1243) intends to reorganize the delivery systems of manpower training, related and supportive services. By repealing the MDTA of 1962 as amended and Title I A, B, & E of EOA of 1964, it decentralizes and decategorizes manpower planning and services to local eligible jurisdictions. While the President in his accompanying manpower message to Congress and in his FY 1972 budget calls for $2 billion, no dollar amount is cited in the bill. With 85% of whatever monies available going to eligible sponsors and 15% for activities carried out by the Secretary of Labor, the bill provides broad discretion as to the various uses of the shared revenues provided that they adhere to the Administration's general philosophy that manpower programs are a transitional process for unemployed and underemployed in security self-sustaining public and private employment. Although there is no ceiling on wages, benefits may be paid to each participant for only 104 weeks.

ELIGIBILITY

Eligible prime sponsors include:

1. States, for those areas of the state not within the jurisdiction of local sponsors;
2. Units of local government with a population of 100,000 or more persons which are cities or counties (population exclusive of eligible cities) or other units of government with powers similar to a city;
3. Standard Metropolitan Statistical Areas in which no single unit of government is eligible and in which 75% of the combined populations form a consortium;
4. Combinations including at least one eligible unit of local government forming a consortium.

A manpower consortium formed pursuant to example 4 (above) and constituting a defined labor market area would receive a 10% bonus of funds than normally entitled. (Note: These funds come from the 85% national allocation rather than the 15% reserved for the Secretary.) Allocations will be made on the basis of number of persons in the labor force, or unemployed, and of low income residents over 16 years of age as determined by the Bureau of Labor Statistics.

Until such time as a local unit is eligible or if a unit refuses funds under this bill the moneys would be added to the state share for discretionary use in manpower programs.

COORDINATION

While no one local unit is mandated as the coordinating agent the bill requires:

A mutual exchange of state and local plans two months prior to the fiscal year, and an exchange of comments on the plans one month prior to the fiscal year.

Recipients to coordinate to the fullest extent possible with similar services provided by other public or private agencies under other statutory authority to develop a comprehensive manpower program in a shared jurisdiction.

ANALYSIS OF LOCAL IMPACT

The bill does not categorize any function or program and leaves it up to the local jurisdiction to articulate its own priorities. Given the opportunity to develop expertise in those areas previously monopolized by State Employment Services, the local prime sponsors appear to have considerable autonomy. Indeed, in briefing sessions, responsible spokesmen for the Administration have asserted forthrightly that the local plan will prevail with or without concurrence by state or federal authorities. However, given the requirements to coordinate (mentioned above) and particularly the stipulation that state agencies shall comment and make recommendations about duplication of services, capacity, coordination, and integration with state provided employment and manpower services, the question of an indirect state veto over local activities becomes a possibility at least until the Administration makes clear its intention to permit local plans to prevail. If this becomes firm, the desirability of this aspect of the bill for local government is evident and constitutes a radical and satisfying change from past practice.

While the $2 billion figure has been articulated, a reliable determination of the applicable resources available will not be clear until a dollar amount is appropriated for the bill. Then too, this is a calendar year bill effective January 1, 1972 with potential fiscal year linkages problems.

Revenues shared under the bill can be used for a transitional public service employment program. The monies for this transitional program would come from a city's existing allocation for ongoing programs, not from a new influx of funds as provided in the pending emergency PSE legislation (the Nelson, Perkins, O'Hara and Daniels bills discussed above). With benefits for any one public service employee limited to two years, the Manpower Revenue Sharing Act of 1971 can provide continuity for an ongoing PSE program. Funding is available for PSE slots, but an individual public service employee must be moved out of the public service position (by securing a regular government or private industry position or being terminated) after two years if the city wishes to retain federal funding for the position.

Since the Secretary determines eligibility based on evidence that a local jurisdiction is to carry out the activities provided by this Act under state or local law, conflicts may arise from conflicting state-local jurisdictional legislation. Those funds normally going to those declared ineligible or those units refusing to participate will be allotted to the state for discretionary use anywhere in the state. The state share, when not utilized, will revert to the Secretary for discretionary use anywhere in the Nation.

THE FEDERAL ROLE

The list of special activities which the Secretary of Labor is to conduct reflects the Administration's intent to reduce the federal role in establishing specific national manpower policies and to put the federal government in a supportive role *vis-a-vis* state and local manpower policies and programs.

With the exception of the establishment and operation of a national computerized job bank, the bill does not instruct the Secretary to conduct any specific programs. He can, however, "establish programs designed to assure that manpower programs contribute fully to national policy objectives," including activities which the bill authorizes states and localities to conduct. Since only 15% of the manpower funds (or $267 million if $1.78 billion is appropriated for FY 72) would be available to the Secretary, it is unlikely that any program would be very large. If any of the activities are of a health, education or welfare character, the Secretary must obtain prior concurrence from the Secretary of HEW.

Most of the activities for which the Secretary is responsible are supportive in nature. They include: 1) providing training and technical assistance; 2) conducting manpower research and demonstration and pilot programs; 3) developing labor market information on a national, state, local or other appropriate basis; and 4) securing data to evaluate the relative and, where appropriate, comparative effectiveness of activities funded by the Act.

The Secretary is also charged with certain oversight responsibilities. The most significant one from the standpoint of the cities concerns activities under the Wagner-Peyser Act (enabling act for the state employment services). The Secretary must assure that services under the Wagner-Peyser Act "are made available in a manner that contributes, to the fullest extent possible, to the development of a comprehensive manpower program in each jurisdiction served by a recipient of funds under this Act." Although this provision is not as comprehensive as last year's Comprehensive Manpower Act, which explicitly required state plans to assure that Wagner-Peyser activities would be conducted so as to provide coordinated assistance to participants, it does provide the Secretary with a mandate to require similar assurances from the states. It would thus reduce the favored position which State Employment Services have enjoyed. The burden of coordination would be more equally distributed between states and localities.

EMERGENCY TRAINING

Concern over the unemployment rate has popularized the concept of a "trigger" mechanism which provides an increase of federal funds for manpower programs when the unemployment rate reaches a certain level. Funds made available in this fashion address the problem of cyclical rather than chronic unemployment which afflicts the disadvantaged. The Administration's original manpower bill and the bill which President Nixon vetoed last December contained such trigger provisions. There are several bills in Congress, notably Sen. Nelson's "Emergency Employment Act of 1971" (S. 31) and Rep. Carl Perkins' "Employment Act of 1971" (H.R. 17) which would provide emergency assistance.

The President's Manpower Revenue Sharing bill also includes an automatic "trigger" to be invoked when the national unemployment rate reaches 4½% or more for three consecutive months. It grants the Secretary authority to obligate up to 10% of the funds appropriated for the other activities authorized by the bill. The money would be distributed to areas of high unemployment, but there is no requirement that it be divided according to the severity of local unemployment.

Worth noting is the effective date for the trigger funds provisions: July 1, 1972. This contrasts markedly with the bills of Senator Nelson and Representative Perkins both of which would be effective immediately upon enactment.

Because the President's trigger provision would not be effective until FY '73, it is impossible to compute how much money would be available. However, it is instructive to compare the amount that would be available, if the trigger were effective January 1, 1972, with the amounts Senator Nelson's and Representative Perkins' bills would authorize. Using the FY '72 Budget as a source, this amount can be broken down as follows:

Titles I and II budget authority	$1, 565, 000, 000
New special revenue sharing request	217, 000, 000
Total authority proposed	1, 782, 000, 000
Trigger	.10
Available under trigger provision	178, 200, 000

This amount is substantially less than the minimum amount—$500,000,000—available for the first full year under Senator Nelson's bill and the $1,000,000,000 available under Representative Perkins' bill.

Another significant difference between the bills in Congress and the President's bill appears in the intended uses of the trigger funds.

Both Senator Nelson's and Representative Perkins' bills earmark the trigger funds for public service employment. Thus they establish a national commitment to the concept of public service employment. They also deal with two problems at once: the high unemployment rate and the need for public service jobs at the local level. These two issues were treated separately in the Employment and Manpower Act vetoed by President Nixon last December. That bill contained a separate public service employment program with its own authorization in addition to a trigger provision which did not specify activities which trigger funds should support.

Like the Employment and Manpower Act and in line with the Administration's commitment to devolve policy decision-making upon states and local governments, President Nixon's manpower bill does not earmark the trigger funds for a particular activity i.e. public service employment. However, in his manpower message the President linked the concept of public service employment with his discussion of the trigger provision. "State and local government," he said, "might choose to use these funds to create temporary public service jobs to offset the rise in unemployment" in addition to using the regular shared revenues for that purpose. There seems little doubt that the President considers the trigger provision in his bill an alternative to the bills introduced by Sen. Nelson and Rep. Perkins.

TRANSITIONAL ACTIVITIES

At the time that the President's manpower bill would go into effect—January 1, 1972—the Manpower Development and Training Act and Title I of the Economic Opportunity Act would be repealed. Total revenues shared for the balance of FY '72 would be calculated on the basis of appropriations for the whole fiscal year under the manpower special revenue sharing act *and* statutes repealed by the Act. Obligations made within a local jurisdiction before December 31, 1971 would be charged against its shared revenues.

As of January 1, 1972 a locality would be able to assume responsibility for all MDTA/EOA grants within its jurisdiction. It may terminate or continue any grant it wishes. If it does not assume responsibility for a grant, the grant shall continue until it runs out, but not beyond December 31, 1972.

No advance planning funds are included in the bill to provide local governments with the capacity to evaluate the programs for which they would assume responsibility. Nor are any funds for administrative purposes provided by the Act. Localities would have to provide the administrative capability.

MRS. SHIRLEY C. MAYBIN

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, April 1, 1971

Mr. THURMOND. Mr. President, as a cosponsor of the equal rights for women amendment to the Constitution, I am pleased to call the Senate's attention to a sign of the changing times in South Carolina. Mrs. Shirley C. Maybin, of Columbia, is an auditor for the South Carolina Mental Health Commission. Mrs. Maybin received a B.S. degree in business administration from Newberry College and has been working in our State government for the past 11 years. She is presently involved in the preparation of the State budget for the mental health commission.

Mrs. Maybin is the only woman auditor working for the mental health commission, but she represents the women in our State who are able to obtain careers of distinction. Although she is just one of few women auditors in the State, women in South Carolina are productive citizens in all walks of life.

Mr. President, I ask unanimous consent that the article entitled "Financial Records Her Responsibility," which appeared in the March 26 edition of the State newspaper, be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WOMAN AUDITOR: FINANCIAL RECORDS HER RESPONSIBILITY

(By Karen Metcalfe)

Mrs. Shirley C. Maybin has learned how to get along with men. She's had to, since she is one of the few, if not the only, woman auditor in the state.

Mrs. Maybin, who is an auditor for the S.C. Mental Health Commission, noted that she has not found any hidden difficulties because of her sex and the position she has.

"All the other auditors I know are men, it's true," she said sheepishly, "but I've never thought it was unusual that I was a woman auditor."

Mrs. Maybin, who works out of her office in Columbia but travels around to the state's 14 mental health centers and clinics to check their records, has been employed by the state government service for approximately 11 years, although she has only been in her present post with the state mental health commission for the past ten months.

A graduate of Newberry College with a B.S. degree in Business Administration, the brunette auditor noted that she was one of few women enrolled in the upper level business courses at the College.

But she said that she experienced no difficulty because of the absence of female classmates, and added that she "never thought it very unusual."

"There were quite a few girls in the first year courses," Mrs. Maybin said, but added that the girls were required to take the courses to get proper credit in their curriculum, especially two-year secretarial course.

"I started out in that two-year course, but got interested in the accounting procedures and decided to go ahead and get my four year degree," she added.

Mrs. Maybin accomplished her goal, which few other females have chosen as theirs.

"I've never met another woman auditor," Mrs. Maybin admits, "but I'm sure there are some."

"I thoroughly enjoy my work with the mental health people and I've recently become involved in working up the 1970–71 budget for the Mental Health Department," she said.

Mrs. Maybin said that she has received some off the cuff comments about her being an auditor.

"Sometimes people are surprised when they meet me, but they usually just joke about me being the best looking auditor they've ever had, or something like that," she said.

OUTLINE OF GROWTH OF THE ATLANTIC UNION RESOLUTION

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. FINDLEY. Mr. Speaker, at each session of Congress since 1949, the Atlantic Union Resolution has been introduced. When it was first introduced in 1949, only five Members of the House of Representatives initially cosponsored. Since then, support has grown substantially to the point where today more than one-fourth of the entire House have sponsored it. In the following article, Clarence Streit outlines the growth of support for the Atlantic Union Resolution. Then, with an ironical touch, Mr. Streit speculates about the reasons which have caused the Western world to shy away from the federation approach to international problems and to take the more difficult paths which have too often led to war and economic collapse. I commend these two articles to you for your reading:

Atlantic Union Resolution Scales High New Peak in House As 112 Renew It—Sponsors Expect Early Hearings

The Atlantic Union Resolution reintroduced in the House on Feb. 17 had 71 cosponsors—the most ever on the first day. Only a month later they had increased by more than 50 per cent to a much greater record-breaking total—112.

The records broken were set in the previous Congress. There the same resolution was introduced on June 5—much later in the session—by 70 cosponsors. They rose to 91 before it ended.

The first Atlantic Union Resolution, which Senator Estes Kefauver led in introducing in Congress July 26, 1949, had 20 sponsors in the Senate and five in the House. The only one of the five still in the House is Hale Boggs (D., La.), who is now the Majority Leader. By the end of that Congress the five had risen to 67 "supporters;" these included 62 more who had announced that they would vote for it. One of them is now the Speaker of the House, Carl Albert.

The same text was re-introduced Jan. 15, 1951, this time with nine cosponsors in the House. The chief sponsors again included Rep. Boggs; two others were Mike Mansfield, now Senate Majority Leader, and Christian Herter, later Secretary of State. Before that Congress ended, 102 other Congressmen had announced their support of the bill; Rep. Albert was again among them.

These figures—and the footnote which explains the difference between "cosponsorship" and "support"—indicate how impressive the present number of cosponsors is. The proposal's phenomenal gain in strength this year is even more impressive when one digs deeper. For one thing, 15 of the previous list are no longer in the House: some have gone to other positions, a few retired, and the rest lost in the election (though none was attacked for supporting this bill). Since the present text was introduced in 1965, 35 more have left the House—a total of 50 who have had to be replaced since 1965 by new supporters, plus still more to reach the present record total.

Only a fifth of the new cosponsors are freshmen. The others include nine who have been elected to six or more terms. The seniors among them are Edward Garmatz (D., Md.), who is in his 13th term; Mrs. Edith Green (D., Ore.) and Charles Vanik (D., Ohio), both in their 9th term; Mrs. Florence Dwyer (R., N.J.) 8th term; and Cornelius Gallagher (D., N.J.) and Alexander Pirnie (R., N.Y.), 7th term. Including previous cosponsors, there are now 56 who have been elected from six to 14 times.

Power goes with seniority in Congress—and so the resolution is now stronger not only in the number of cosponsors but in the positions, experience and influence they have. They include the chairmen of six House Committees. All, of course, are Democrats, since their party controls Congress. Here they are:

Chet Holifield (California), and Melvin Price (Illinois), Congressmen since 1943 and 1945, have both backed the Atlantic Union resolution since 1949—hence the three diamonds after their names in our cover's Golden Book. Rep. Holifield heads the Committee on Government Operations, to which President Nixon's plan for basic re-structuring of the Cabinet has been referred. On becoming its chairman this year he resigned as House Chairman of the Joint Atomic Energy Committee; Rep. Price has succeeded him in this post. He also heads the Committee on Standards of Official Conduct, and is No. 2 Democrat on the Armed Services Committee.

Rep. Garmatz heads the Committee on Merchant Marine and Fisheries.

John Blatnik (Minnesota), who has backed the resolution since 1955—hence the diamond after his name in the Golden Book—chairs Public Works.

Thaddeus Dulski (New York) heads the Post Office Committee.

Claude Pepper (Florida) chairs the Select Committee on Crime. Although not among the "diamond" cosponsors he is, in a way, the "daddy of them all." He urged Atlantic Union as early as 1944, when a Senator, speaking then at the Federal Union convention. He lost his Senate seat in 1950 on other issues, and was later elected to the House. He is also a member of its Rules Committee.

For the minority, the most powerful committee post is that of "ranking" Republican—the one who would be chairman if his party won the House in the 1972 election. Four of the sponsors have this seat of power: Mrs. Dwyer is Chairman Holifield's opposite number, and Robert Corbett (Pennsylvania) is Chairman Dulski's. Albert Quie (Minnesota) is top Republican in the Committee on Education and Labor as are James Fulton (Pennsylvania) in the Science and Aeronautics Committee and Charles Teague (California) in Veterans' Affairs.

A number of Democratic sponsors rank next to their committee chairman. The most important of these, from the standpoint of the resolution, is Clement J. Zablocki (Wisconsin), who has this seat in the Foreign Affairs Committee, to which it has been referred. His active support of the bill goes back to 1955.

Ten more of this committe's 38 members are sponsors of the bill: Democrats Fascell, Fraser (a chief sponsor), Diggs, Gallagher and Nix; Republicans Findley and Morse (chief sponsors), Broomfield, Fulton and Halpern.

The Committee's chairman, Dr. Thomas E. Morgan (Pennsylvania) has promised to hold hearings early this year, according to a chief sponsor. To expedite action, these will probably be held by a subcommittee. The proposal has had full committee hearings in previous sessions, making most members familiar with it, and subcommittee hearings would keep it from being delayed by the Foreign Aid bill too long for action—as happened in the previous Congress. The present delay results from the fact that the committee hasn't yet fully organized its 10 subcommittees. Their chairmen were recently named, but their members are not expected to be chosen before April. The sponsors hope for hearings later that month—another record.

The sponsors form more than one-fourth of the House—30 per cent of its Democrats and 20 per cent of its Republicans.

They come from 28 states—from Alaska to Florida, and Maine to California. New York leads with 19 of its 41, California is second with 15 out of 38, and Michigan, which last year had only five of its 19, now ranks third with 12. There follow Pennsylvania, with 9 of its 27: New Jersey, 8 of 15; Massachusetts, 7 of 12; and Minnesota, 6 of 8.

Re-introduction of the bill in the Senate is expected later.

Why Do John Q., Congress & Nixon Keep Trying the Hardest Ways First?

The question posed above keeps pestering me, day after day, month after month, year after year. I still don't know the answer. And so I ask you:

Why is it that so many of us—high, low and in between—when facing a vital problem, start so often by brushing aside the safer, saner, easier, solution and plunge for one that is obviously riskier, costlier, harder?

Why do people reject the way that has successfully stood stiff tests, and try one that often ended in disaster?

Why do they shy, like a horse at a fluttering paper, from the approach that costs virtually nothing in gold and and grief, and go for one that clearly will cost incalculably?

Why, why, *why* do they—especially those elected to positions of high responsibility for, and to, their fellow-citizens—take, when faced with a major yet simple choice, take the worst way first, and rarely try for the best one until disasters drive them (O paradox!) "out of their minds"?

Three Current Examples of this Folly. Do you think these questions absurd—at least as regards the great men?

Man calls even the lowliest of men, *"homo sapiens."* For the most sapient of our species to make such absurd choices on the most vital matters, and do this repeatedly, must seem to the sane too crazy to be true. Yet I have seen this folly often in the greatest affairs of state in the past half century—ever since I was old enough to get a news reporter's job. I sometimes wonder if it isn't a Law of Nature, something it's hopeless to alter. But I can't believe that, for—as even the most man-polluted stream knows—the Law of Nature is to follow the course of least resistance.

An event we report in the next 10 pages will help me give three current examples of *homo sapiens'* unsapient unnatural penchant for taking the most resistant course.

1. The Ho (and Woe) Gee, Men! Trail to Freedom & Peace. My first example is of course in Southeast Asia. In 1954, 1962, 1965, 1969 and 1971 (and the years in between) the U.S. people and their Congress and Presidents have had the choice between two ways to give freedom and peace the moral and material power they need to endure.

One was the Old World way of seeking this strength from use of armed force. Whether tried by autocrats of Japan, Germany and Russia, or by democratic governments in Britain and France, it invariably led in the end ruin.

The other choice was the bloodless yet revolutionary New World way of gaining this strength by peaceful, mutually agreed Federation of Free Peoples. In other terms, it was between the way of the absolute sovereign, whether potentate or democratic nation, or the way that makes the citizen the sovereign, both within and between democracies—the federal way that unites the citizens, by state and inter-state government, dividing power between them in whichever way will best assure the citizen's life and liberty.

Clearly a Federal Union of the democracies of the Atlantic community would put immensely greater power behind freedom and peace than would anything that the U.S. could by armed force in Southeast Asia. A proposal for a convention to explore this federal way was offered President, Congress and People before 1954, and ever since.

General Eisenhower told me in 1951 such a Union would let us cut our defense costs "by half." Senator Lyndon B. Johnson once told me that, although he couldn't join its cosponsors, for certain Texas reasons, I "could be sure" he "would be there when it" came to voting. Senator Nixon cosponsored the 1951 resolution; he strongly urged Congress to approve the 1966 one.

Yet the choice taken was for the Vietnam way to safeguard freedom and peace—taken with the approval of many Senators who now urge, "Turn back!"—but do not yet with such passion urge turning to Atlantic Union.

Obviously, U.S. withdrawal from Vietnam—whether at Nixon or at Hatfield-McGovern tempo—involves risk of gravely weakening the psychological strength freedom needs to preserve itself and peace. Renewed bitter division in the U.S., or debacle and bloodbath in Southeast Asia could encourage Moscow to advance in the Mideast, even to nuclear showdown. Both the President and his Senate opponents could lessen greatly the risks in their Vietnam policy, and win wider public backing, by supplementing it with a move to speed approval of the resolution to explore the hope of giving liberty Federation of the Free's decisive power.

Instead of urging this constructive, riskless move, the President and his opposition have thus far chosen to run the grim risks inherent in the former's Cambodian-Laotian incursions and in the latter's insistence on an early withdrawal date, unsafeguarded against debacle in the Far East and nuclear confrontation in the Mideast. Yet the Atlantic Union bill, which Vietnam now leads both sides to ignore, has long been backed by both; they could easily unite on it.

2. Curbing Inflation . . . 3. Preventing a Crash. I have no space for these examples of the current folly—but happily Rep. Findley, in introducing the Atlantic Union resolution dealt fully with No. 2, and to some extent with No. 3. I warmly recommend that you read his speech (p. 4)—especially the part on inflation (p. 6). It tells why the remedies chosen are worsening it, and how Federation of the Free turned dangerous inflation into enduring prosperity for the 13 States—and can do this for us and all NATO.

Why Risk Wolsey's Lament? Cardinal Wolsey also began by choosing the riskiest road. It left him in his old age naked to his enemies . . . remembered now mainly for his dying lament: "Had I but served my God with half the zeal I served my King . . . !"

As a friend, I hope that President Nixon and Senators Church, Cooper, Fulbright, Hatfield, McGovern and Mansfield—to name no more—will never come to some paraphrase of the Wolsey lament. Whatever risk they may see in shifting part of their weight from their divergent Vietnam policies back to their Atlantic Union approach, they can run this risk, I think, with no fear of remorse later. Can any satisfaction they gain via Vietnam possibly be half as lasting as they'll win by helping federate the free?

On our cover we give the names of the great company of House Sponsors of the 1971 Atlantic Union Resolution . . . in a Golden Book. In so doing, I venture to say that we give on the spot the verdict of posterity.

PRESIDENT URGED TO RESTORE MASS TRANSIT FUNDS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. KOCH. Mr. Speaker, last week 63 colleagues joined me in writing to the President urging that he restore the $200 million cut from this year's urban mass transportation program's budget. Subsequent to my remarks of March 25 announcing this, an additional six colleagues have joined in signing the letter.

Therefore, I ask permission that our letter be reprinted at this time with the full list of 70 signatories.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 25, 1971.

RICHARD NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are writing to urge that you restore the $200 million cut from the Urban Mass Transportation program's budget for this fiscal year.

The cutback in mass transit funds comes at a most critical time when we should be intensifying our efforts to revitalize mass transit systems, not reducing them Last year the Congress, with your support, passed the Urban Mass Transportation Assistance Act which, as you stated last week in your Transportation message, "helped to create a significant momentum for the rejuvenation of public transit systems." The most important aspect of this Act is the new authority it gives the Department of Transportation to enter into long term obligations that will be met with cash in later years. It is this level of commitment (not the cash flow from the Treasury this year) that is at stake in the cutback. Our cities are in critical need of these commitments so they can get underway with necessary transit development. Many localities already have secured the local commitment necessary to begin, but have been unable to move forward because of the lack of federal funds.

Now, in the program's very first year when we should be expending every effort to get those projects started, we find federal commitments being cut back by one-third. What your cutback means is that $200 million worth of projects will once again be delayed in the face of construction costs mounting at a rate of 10% a year. It means the "momentum" catalyzed by the passage of the Urban Mass Transportation Act will be stalled.

Presently, the Urban Mass Transportation Administration has $2.7 billion worth of applications pending. Last year, UMTA Administrator Carlos Villarreal came before the Appropriations Committees and stated that as of April 1970 he had $1 billion worth of applications pending and that in FY 1971 he would be in a position to commit $850 million. Applications have increased almost three-fold in the past year making it even more essential that $600 million in commitments be made so we dont' get any further behind in meeting our transit needs.

One final thought, and this centers on the concern we all share for the high unemployment and under-utilization of capital investment in the aerospace industry. We would suggest that the mass transit industry is closely related to the aviation industry—that it is a field into which some of the aviation industry's unused resources could be directed. Furthermore, the Urban Mass Transportation Act of 1970 instructed the Secretary of Transportation to encourage industries adversely affected by reduction in federal government spending on space, military, and other federal projects to compete for mass transit contracts. But of course, the federal commitments first have to be made to expand mass transit development.

Sincerely,

Edward I. Koch, Leonor K. Sullivan, Henry S. Reuss, Thomas L. Ashley, William S. Moorhead, Fernand St Germain, Henry B. Gonzalez, Richard T. Hanna, Frank Annunzio.

Thomas M. Rees, Frank Brasco, Parren J. Mitchell, Dan Rostenkowski, Thomas O'Neill, James A. Burke, Charles Vanik, Donald Fraser, Bradford Morse, Seymour Halpern, Don Edwards, Lionel Van Deerlin, Hugh Carey, John Moss, Peter Rodino, James Fulton, Frank Thompson, John Brademas.

Alphonzo Bell, Charles Wilson, Benjamin S. Rosenthal, Joseph Addabbo, James Howard, James Scheuer, Robert Tiernan, Phillip Burton, Claude Pepper, Earle Cabell, William J. Green, Ralph H. Metcalfe, Andrew Jacobs, Joshua Eilberg, John Dingell, Ray Madden, Robert Nix, Bertram Podell, Patsy Mink, Jonathan Bingham, Lester Wolff, William Hathaway, William F. Ryan, Louis Stokes, James Symington, Abner Mikva, Mario Biaggi.

William Clay, Shirley Chisholm, Robert A. Roe, Michael Harrington, John Dow, Bella Abzug, Louise Day Hicks, Herman Badillo, Ella Grasso, Ronald V. Dellums, Charles Rangel, Nick Begich, Stewart McKinney, Robert Drinan, Paul S. Sarbanes, William Cotter.

PRISONERS OF WAR

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Thursday, April 1, 1971

Mr. BOGGS. Mr. President, we all are concerned about the treatment of our men who are being held prisoners of war in Southeast Asia.

The American people and their representatives in government are rightly disturbed about this situation and anxious that it be corrected.

Mr. President, I ask unanimous consent that a proclamation recently signed by the Honorable Russell W. Peterson, Governor of the State of Delaware, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY GOVERNOR RUSSELL W. PETERSON, IN OBSERVANCE OF PRISONERS OF WAR DAY

International concern can exert a powerful influence over the conduct of nations. Such an example is the mobilization of public opinion over the plight of Soviet Jews, which was effective in saving the lives of countless Jewish citizens of the Soviet Union.

A non-partisan, national program is being organized to express concern over American Prisoners of War, whose fate has remained ambiguous in spite of the provisions of the Geneva Convention.

Accordingly, as Governor of the State of Delaware, I designate April 28, 1971, as Prisoners of War Day in Delaware, and urge residents of the First State to join in expressing concern for the fate of their fellow Americans.

RUSSELL W. PETERSON,
Governor.

SCHENLEY HIGH SCHOOL, WINNER OF STATE BASKETBALL CHAMPIONSHIP, LAUDED BY REPRESENTATIVE MOORHEAD

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. MOORHEAD. Mr. Speaker, it is with great pleasure and pride that I take this opportunity to acclaim the outstanding team victory of the Schenley High School Spartans in the Pennsylvania State High School Basketball Championship, last weekend in Pittsburgh.

Under the superb tutelage of Spencer Watkins, the Schenley team defeated a fine Norristown, Pa., squad.

Schenley High School is in my district and I have watched with interest the building of the basketball dynasty that has taken place there during the past years. Schenley has won the State championship 2 of the last 4 years and came very close in the years that they did not sweep the title.

Young men like Maurice Lucas, Ricky Coleman, Jeffrey Matthews and a host of other fine athletes are the reasons that Schenley's principal, Mr. Arthur Outen, head coach, Mr. Watkins, the student body, and the entire city of Pittsburgh can be so proud.

I look forward in the coming days to presenting to the Schenley team a 25-pound turkey which I won on a wager with the gentleman from Pennsylvania (Mr. COUGHLIN) in whose district Norristown is located.

This is one case when I do not mind getting the bird.

I want to urge my colleagues to watch their local sports pages, especially if there is a college in their area where good basketball is played.

I am sure in the coming years you will be hearing from those Schenley High School boys, most likely when the colleges and universities, which they choose to attend, begin making annual trips to the NCAA and NIT Basketball Championships.

Schenley High, I salute you as the high school basketball champions of Pennsylvania.

GREEK INDEPENDENCE DAY

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. MITCHELL. Mr. Speaker, I am glad to have an opportunity today to participate in this special order to commemorate Greek Independence Day and the 150th anniversary of the beginning of the revolution which overthrew four centuries of Ottoman rule.

I am deeply saddened, however, by the knowledge that our good friends in Greece cannot celebrate this day of freedom. I am dismayed and shamed by the knowledge that our Government bolsters the oppressors of this great Nation and its courageous people.

Seeking congressional aid for Greece in 1947, President Truman declared that the United States should support efforts to preserve:

> A way of life . . . based on the will of the majority and . . . distinguished by free institutions, representative government, free elections, guarantees of individual liberty, freedom of speech and religion, and freedom from political oppression.

However, democracy in Greece and the U.S. Government's commitment to preservation of this system of governance have since turned into empty illusions, perpetuated for reasons of self-interest.

A military junta of officers, trained by American military missions, used American-supplied weapons to seize power in April 1967. At the time of the takeover, the United States saw itself as faced with a dilemma. Would it support this dictatorship which denied the Greek people freedoms which are most sacred to us and to them, or would it refuse support and thereby, it was felt, possibly jeopardize the balance of power in Europe and the Middle East? We clearly chose the former path. In the words of then Secretary of Defense Clark Clifford:

> The obligations imposed on us by the NATO alliance are far more important than the kind of government they have in Greece or what we think of it.

We do not seriously debate whether or not we favor, in principle, the regime in Greece. It is clearly anathema to our ideals. The question, rather, is whether or not our national interest and the security of Europe and the Middle East necessitate our support.

Clearly our commitment to the NATO alliance and to the solution of the Middle East crisis are essential and desirable. But is this commitment necessarily predicated on support of the Greek military junta? Is the junta a reliable ally? There seems to be disagreement on these questions.

First, with regard to NATO, our European allies seem to differ with our conclusions regarding support of the Greek Government. The United States is currently the only NATO Government granting the junta military aid, although the alliance does not restrict commercial sales to Greece. Second, is our commitment to Israel, and to peace in the Middle East a justification for our policy toward Greece? Reports in the recently issued Senate Foreign Relations Committee Staff Report on Greece raised questions in this regard:

> Some question whether Greece's willingness to allow its territory to be used in connection with possible direct U.S. involvement in the Middle East can be taken for granted. They note that while providing a safe haven for American civilians does not jeopardize Greek interests in the Arab world, any proposal to use bases in Greece as a staging area for direct intervention could involve risks which no Greek government might consider worth taking. They refer, for example, to the presence of some 25,000 to 50,000 Greek nationals in Arab countries and to Greece's interest in those countries as an outlet for exports. As an illustration of Greek sensitivity to such considerations, it was pointed out to us that although Greek-Israeli relations are friendly, and there is a Greek representative with the personal rank of Ambassador in Israel, out of deference to Arab countries Greece does not maintain an Embassy in Israel.

It appears clear that the Greek Government's interests in the Middle East lie with the Arab Nations. Our reliance on the junta to provide a basis of support seems highly speculative and deserves serious consideration.

Although we clearly support the junta for military reasons, whatever the validity might be, we are unable to be totally honest with ourselves. We continue to make feeble attempts to encourage a liberalization of the Greek regime in order to ease our national conscience. Our efforts, however, have been pro forma, and predictably the results have been nil.

At the time of the takeover, the United States reacted by imposing a selective embargo on the delivery of heavy military equipment. Nevertheless, during the subsequent 3-year period military shipments averaged $106.9 million per year as opposed to $95.2 million in the 3 preceding years. Increased delivery of excess Defense articles and foreign military sales is cited as the explanation of this seeming anomaly.

Last fall we again attempted to bargain with the junta. We agreed to lift the military embargo in self-deluded anticipation of a softening of military rule. Nothing has changed. The Greek junta continues the same repressive policy of martial law and political arrests. There is scant indication of the implementation of the promised new Constitution or the institution of elections in the near future. In fact, Prime Minister Papadopulos indicated last year in his state of the Nation address that martial law would be retained and that full implementation of the Constitution would only take place:

> When I, bearer of the Greek people's mandate and of historic responsibilities, think the situation is secure both for the Nation and for the new society that will follow.

Such rhetoric, and the accompanying American acquiesence and support for such deeds, bear remarkable similarities to our predicament in Southeast Asia, and to our past involvements in Asia and in other parts of the world. In the name of furthering the cause of democracy and the cherished principles that are a part of our heritage, we reinforce and promote the growth of a system of repression and military dictatorship.

Our long-term objectives should be a reassessment of our overall foreign policy goals. In the immediate sense, however, we must not allow our hypocritical policy toward Greece to continue. We must demonstrate our firm opposition to the course of events by terminating military aid to the junta until a representative form of Government is established. Until then, recognition should be de facto instead of de jure. We can change our priorities so that humanitarian and democratic ideals do take precedence over transient military goals of questionable viability. However, this change can come about only if we exhibit our commitment to our ideals in fact, not merely in words. We must act in a way which proves our friendship to the Greek people and our honor for their country, the birthplace of democracy.

OLD GRUMPY FROM GRUNDY TRIBUTE TO HAROLD O. FISHER

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. SCHERLE. Mr. Speaker, an outstanding example of a dedicated public servant in our Nation's State legislatures is Iowa State Representative Harold O. Fischer. "Grumpy," as he is best known to those of us who have served with him, has conscientiously worked for the last 12 years to support fiscally sound and commonsense programs for Iowa. A recent editorial from the Cedar Valley (Iowa) Daily Times on "Grumpy" is inserted in the RECORD at this point:

OLD GRUMPY FROM GRUNDY

Modern politicians for the most part lack the color that was sometimes found in political leaders of earlier days. Fellows like "Alfalfa Bill" Murray of Oklahoma, old Bob LaFollette of Wisconsin, Al Smith of New York, and even Smith Brookhart of Iowa, are seldom around anymore. Voters today seem to prefer the "Madison Avenue" type of glamorous candidate, young, good-looking, and able to come across well on television.

We don't want to compare State Representative Harold Fischer of Wellsburg with some of the men referred to above because such a comparison would not necessarily be a compliment.

We do feel, however, that old "Grumpy from Grundy" as he is affectionately known, is far and away the most colorful man in the present Iowa legislature. More than that, he is a political power to be reckoned with far beyond the confines of Grundy County, where he has a very loyal following.

So when it becomes an open secret that "Old Grumpy" no longer has a warm spot in his heart for Governor Robert Ray, it suggests trouble for the Republican party in Iowa. The dislike for some of Governor Ray's liberal policies on the part of Republican conservatives like Harold Fischer, is coming to the surface. Most of the conservatives seem attracted to the Iowa Lieutenant Governor, Roger Jepsen, and it appears almost certain that a determined move will be made to nominate Jepsen for Governor next year.

If the Vietnam war, or at least America's participation in it, hasn't ended by this time next year, the Republican party will be in deep trouble nationally. The present situation in Iowa being what it is, it will take all the unity the Republicans can glue together to save the governorship in 1972.

A focal point of conflict between Iowa conservatives like State Representative Harold Fischer and Governor Ray is the refusal of the Governor to support a wiretap bill. Conservatives want such a bill enough that Governor Robert Ray may very well pay the supreme price and fail to survive politically if he maintains his present stance on this measure.

We want to say in conclusion that regardless of how you may feel about legalizing wire-tapping, we believe the state of Iowa is fortunate to have a man of the character, reputation for honesty, and devotion to his job displayed all these years by old "Grumpy from Grundy."

FRADULENT RETAIL CREDIT REPORT CREATING INTERNATIONAL INCIDENT

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. GALLAGHER. Mr. Speaker, in May of 1968, the Privacy Subcommittee of the House Committee on Government Operations held a hearing on Retail Credit Co., of Atlanta, Ga. This hearing was a continuation of the searching look we initiated into the activities of private intelligence-gathering organizations. While the subject of invasion of privacy by Federal agencies, relying largely on computer technology, is now the subject of great national interest because of the splendid series of hearings recently held by Senator SAM ERVIN and which indisputably confirmed the basic insights the Privacy Subcommittee developed in 1966, little attention is being paid to the perhaps more dangerous activities of private firms. I say this with full knowledge that the Fair Credit Reporting Act becomes law on April 25, 1971 which deals with many of the abuses we uncovered in 1968. The act provides an excellent beginning for it gives the individual the absolutely essential right to know what is in his file at credit bureaus and credit reporting agencies; but it certainly does not eliminate all the threats to privacy and human values in the data-gathering and data-exchanging industry.

One particularly relevant example may be found in the activities of Retail Credit Co. A wholly owned subsidiary has recently purchased the District of Columbia Credit Bureau, in keeping with Retail Credit's policy of aggressive expansion. While they owned 63 credit bureaus at the time of our hearing, they now own over 100 and, in addition, they have assimilated into their corporate structure many insurance adjusting firms. This creates a considerably greater data bank under the control of Retail Credit, than their files on 45 million Americans in 1968.

In addition, they have just been fined $4,000 for bribing a New York City police officer in order to gain information from police files in that city.

Mr. Speaker, it is not my intention to be unnecessarily harsh about Retail Credit Co., for its officials are unfailingly courteous and they did make a change in their basic contract. During our hearing we focused on the phrase that forbade an insurance company or a potential employer from disclosing Retail Credit's identity as the source which generated unfavorable data. Shortly after our hearing, they eliminated that phrase from the contract, although subsequent testimony before Senator PROXMIRE disclosed a letter sent to all their customers which has been interpreted as saying that things should stay as they were before the phrase was deleted.

All throughout our investigation, we heard from users of Retail Credit Co. reports that they were not the final answer on many individual refusals. Many people told us that they regarded them as something of a necessary evil, a check which must be made in order to possibly develop information which might be used to deny a man deserved employment or adequate insurance coverage. This is not to say that an erroneous report was not damaging for, particularly when the job was not a high paying one or where the insurance coverage was not high, the report often was the last word on an individual's qualifications. But there was considerable doubt about the perpetual accuracy of the reports.

This is why a story in the Miami Herald in March of this year was of such great interest to me. It appears that the Communists have absolute faith in Retail Credit, while many capitalists express reservations.

Mr. Speaker, I insert two news stories from the Miami Herald at this point in the RECORD, as well as the press release I issued:

[From the Miami (Fla.) Herald, Mar. 11, 1971]

CHILE JAILS MIAMI PROBE FIGURE: COPPER PRICE CONSPIRACY CHARGED

(By William Montalbano and James Savage)

South Florida's own Howard Edwards erstwhile minister, physician, financier and man of the world, is in hot water again—this time in Chile as part of a supposed international conspiracy against the Marxist-led government of President Salvador Allende.

The man who once enlivened a local political campaign by accusing State Attorney Richard Gerstein of accepting a bribe is now making headlines throughout Latin America from a Santiago jail cell.

Edwards stands accused by Chile's Communist press of being one of seven speculators from Zurich who sought to drive down the international price of copper.

According to the Communist newspaper El Siglo, the conspiracy was part of a U.S. plot against Chile.

Edwards is portrayed by El Siglo as a CIA provocateur, a former Air Force physician whose previous exploits include clandestine participation at the Bay of Pigs and a role as agent-agitator in Czechoslovakia during the 1968 Russian invasion.

Gerstein, Edwards' arch foe, dissolved in laughter when told Tuesday of the Chilean press reoprt:

"Howard Edwards couldn't effectively spy for a Boy Scout troop," he said. "He is a total and complete fraud."

Although the Communist Party forms the most powerful single element in Allende's coalition, the government itself has been more restrained in its accusations so far.

Edwards and his pals—two Chileans, two Argentines, a Uruguayan and a Swiss—purportedly represented a Swiss investment firm seeking to buy nearly a million tons of Chilean copper over the next 10 years.

According to the government, the purchase offer, made at low prices, "tended to depress the market and give the impression of great disorder."

Edwards and friends have been held incommunicado this week under provisions of Chile's Internal Security Act pending further investigation.

Mining Minister Orlando Cantuarias has accused the men of participating in a "well-coordinated plan to sabotage the process of nationalizing our fundamental wealth." (A government proposal to nationalize copper awaits final congressional approval in Santiago.)

Edwards' latest adventure could have serious international overtones.

Some of Allende's more extreme allies would like to find a provocation that could be manipulated to worsen relations between Chile and the United States. These same leftist extremists, with gentle direction from Cuban friends, are prepared to find CIA agents under every manhole cover in Chile.

In his first months as president, Allende has gone out of his way to avoid damaging relations with the United States. The Nixon Administration has followed suit, adopting a "correct" policy toward the Allende government.

Now the Chileans have information that has aroused their suspicions of possible ties between Edwards and the U.S. intelligence establishment.

There is a fine irony here. For at one point in his checkered career, Edwards sat in the living room of his Broward County home and coolly invented a life history of himself as part of a bogus credit company report he engineered.

In the life history, Edwards modestly claimed to be worth $9 million. He also claimed to be a retired U.S. Air Force intelligence officer-physician who was shot down at the Bay of Pigs.

Edwards is known to have used the report in business dealings in the past, and perhaps he carried a copy of it to Chile with him.

In any event, the Chileans have a copy of the report and the Communist press at least seems to have accepted Edwards' fabrication of an intelligence career as truth.

On Tuesday, El Siglo published a copy of the report, under a story headlined: "Here is the proof. Yanqui document reveals Edwards is an agent of the CIA."

If the government lends the same credence to the report, Howard Edwards may become a victim of his own fertile imagination.

It was during the Gerstein furor that investigators uncovered Edwards' invented career as an Air Force officer. The documentation has lain in Edwards' bulky file in the state attorney's office until now and has never been fully brought to light.

According to this material, Edwards cultivated the friendship of John Hollihan, then an employe of the Retail Credit Co., in early 1968.

In a formal statement to Martin Dardis, one of Gerstein's investigators, Hollihan said he removed reports on Edwards from the company's files in the spring of 1968.

Asked if the credit reports were detrimental to Edwards, Hollihan replied: "They were detrimental and I would say they were pretty bad."

Hollihan said he replaced the missing reports with three others that Edwards dictated to him, inventing as he went along.

"I took blank forms from our officers. He sat down in one chair and I sat in the other, and he told me exactly what to type," Hollihan told Dardis.

The character-financial report, which is also in the state attorney's files, is an audacious masterpieces of invention.

In it, the Howard E. Edwards that the credit company found a surpassing bad risk disappears.

In his stead there appears a distinguished multi-millionaire, one Dr. Howard C. Edwards, "a retired medical doctor from the United States Intelligence Corps." principal stockholder in a Bahamas-based insurance company worth $36 million.

There is also this breathless revelation:

"Through confidential sources it was verified that the subject was most recently involved in the Bay of Pigs invasion in which the present regime took control of the government in Cuba (sic)."

"The applicant was in fact shot down by Cuban military forces and walked some 22 miles to the beach so as to avoid capture and as a result suffered a Coronary Heart Attack."

According to Hollihan, who was close to Edwards at the time and was promised stock in a Bahamas high-rise in exchange for his cooperation on the phony report, Edwards has never served in the armed forces. And in July 1961, three months after the Bay of Pigs, Edwards appeared in a Broward County court to face the grand larceny charge, displaying no aftereffects of the Cuban adventure he later created for himself.

In this same credit report, Edwards listed his net worth as $9 million in "cash, investments, real estate and personal property."

Hollihan said Edwards took the false report with him to Europe in the summer of 1968 in an attempt to borrow money for the Bahamian high-rise.

According to Hollihan, Edwards was accompanied by his wife, Josephine, and a fellow speculator named Frank Williamson on the trip to Europe. One of the places they went was Zurich.

Hollihan said Williamson, also a bad credit risk, paid him $500 to remove his damaging file from the company's records. Hollihan said he paid half of that, $250, to Edwards.

Williamson returned from Europe alone, according to Hollihan, while Edwards and his wife vacationed briefly in Czechoslovakia, where Mrs. Edwards, who is of Czech descent, has relatives.

During the Gerstein investigation, Edwards was to claim he suffered another coronary attack while in Czechoslovakia during the Russian invasion.

Positive identification of Edwards as the American arrested in Chile was delayed by Edwards' penchant for rewriting his autobiography.

In the course of a long afternoon in Santiago last week during which he consumed a quart of whiskey, Edwards delivered himself of a monologue so contorted and contradictory that one witness came away convinced Edwards was "mentally disturbed."

At one point he claimed to have been "run out of Florida by Dick Gerstein . . . who's trying to kill me." A little later, Edwards claimed to have lived in Switzerland for the past seven years, and in Michigan and Florida before that.

Edwards claimed to own a hospital and to have gone to Chile to see an ex-wife, who is Chilean and by whom he had a son. That same afternoon a Chilean woman did appear at the hotel with a seven-year-old boy.

A Dade County investigator who has tried to compile Edwards' biography laughed when he was told Edwards is currently in a Chilean jail.

"That guy Edwards is fantastic. The deals he's been mixed up with are unbelievable. If you look at what he's done in the past it's not hard to believe he could cause an international incident," the investigator said.

Edwards' background became a key issue here in the fall of 1968 after Shelby Highsmith, a candidate for Dade state attorney, said he had found two men who swore they had bribed Gerstein.

The two men were Howard Edwards and his friend Max Diamond, a Broward County gas station operator.

Edwards and Diamond swore they had paid Gerstein $1,500 in a bar in Miami Springs in 1960 or 1961 "to take care of" criminal charges pending against Edwards.

Gerstein denied the bribery allegations and after a brief check on Edwards' background, labeled him a "pathological liar."

The Dade Grand Jury believed Gerstein, clearing him of the bribery allegation, and indicted Edwards and Diamond on perjury charges.

The two men were later acquitted in a jury trial of perjury.

Two weeks later they were again accused of perjury, this time in Broward County. The charges were based on statements that Edwards and Diamond had made in a civil lawsuit there.

Diamond has been acquitted on the second perjury charge, but Edwards failed to show up for his trial in Broward in January.

Edwards' Dade lawyer Hugh DuVal and his bondsman William Geronimo both told The Herald they believe Edwards is currently in a Canadian Hospital recovering from a coronary.

"I would be very amazed to learn Howard is in Chile," DuVal said.

Given a capsule biography of Edwards' past business dealings, it's not hard to believe he could end up eventually causing an international incident in Chile.

Edwards first came to public attention in South Florida in 1950. At that time a Miami News writer described him as the new minister of the Forest Park Christian Church, a man of "affable personality, eloquent sermons, contagious youth and humble spirit."

Soon, however, another Miami News writer compiled an investigative report on Edwards asking some pointed questions about his repeated campaigns to build a youth center.

Edwards in six years had acquired a personal fortunate of $250,000. The News reported, but the youth center was never built.

Those stories marked the beginning of the end of Edwards' career as a cleric.

From profitable preaching, Edwards moved into real estate and investments.

He was listed as secretary treasurer of a company that built an apartment house that was later the target of a prostitution raid.

A year later, Edwards acquired financial interest in a 24-bed hospital in Hollywood.

Edwards later sold the hospital to Ralph W. Davis Jr. of New Jersey who told The Herald the hospital sale was one of several deals he had with Edwards.

"He's done me out of thousands and thousands of dollars," Davis said.

In 1962 Edwards became involved in one of his more spectacular business deals, Tuquesa Inc.

With the help of some reports filled with technical mining jargon, Edwards convinced a number of people that he had an interest in Panamanian land worth over $3 billion in platinum and gold.

Davis invested more than $20,000 in Tuquesa before realizing that his money was not buying mining equipment, he told The Herald.

Since then, Edwards has described himself as a retired Air Force major, a doctor, a clergyman, a real estate investor, a mortgage banker, and recently a banker with interests in a Swiss investment firm.

The current Chilean adventure is shrouded in the same byzantine convolutions that have long since become an Edwards-ian trademark.

After telling all and sundry he was retiring to Canada, Edwards arrived in Santiago on Feb. 24 aboard a Lufthansa flight he said he boarded in Zurich. He was accompanied by Alfred Koenig, who was described as an officer of a Swiss commodity brokerage firm in Zurich. Koenig is one of those jailed.

Edwards and friends claimed to represent a Swiss firm called Internordia Finance of Zurich. According to the Chilean press, Internordia was described as being backed by the Trans World Insurance Company, the Bahamian firm in which Edwards is listed on the phony credit report as the principal stockholder.

Internordia, according to Chilean newspapers, offered to purchase 960,000 tons of electrolytic copper from the Chilean government over the next 10 years.

Full details have not emerged.

At any rate, Edwards and Koenig apparently were under suspicion from the moment they arrived in Chile. They were met at the airport, detained unofficially and their passports picked up.

They were released briefly and then rearrested last Sunday as Chilean officials sought to unravel the strange affair and the Communist press began laying the blame on the United States.

[From the Miami (Fla.) Herald, Mar. 19, 1971]

Chile Panel To Investigate "Copper Plot"

Santiago, Chile.—A special commission has been named by the Chilean Congress to investigate an alleged plot to drive down the price of Chilean copper on the international market. Seven persons are in jail here in connection with the affair, including Howard C. Edwards, 48, a controversial figure from Hollywood, Fla.

Edwards, being treated for a heart disorder along with two of the other seven at the Santiago jail infirmary, was accused by some here of being a CIA agent, apparently on the basis of a phony credit report found on him when arrested.

President Salvador Allende's Marxist government claims the seven worked for a Swiss firm, Internordia Finance of Zurich, which tried to buy 960,000 tons of copper from Chile over a 10-year period in a "fraudulent deal."

The deal would have forced the price of copper to plummet on the world market, costing Chile millions of dollars for every one-cent drop, officials claim.

Chile is the world's largest exporter of copper and depends heavily on it for revenue.

Meanwhile, the "copper affair" has become a political football, destined to play a key role in forthcoming April 4 municipal elections. The elections are generally considered a plebiscite on popular support of Allende's government after five months in office.

Allende has linked the elections with the copper affair and what he terms "a national and international campaign against Chile."

His claims have brought counter-charges from the opposition that Allende officials were involved in a related scheme with Internordia.

The political coalition supporting Allende accused the opposition of "irresponsibility" for bringing the charges without filing formal accusations against the government officials allegedly involved.

Retail Credit Company Reports More Convincing to Communists Than They Are to Most Capitalists, Gallagher Says—Cites Jailing of Florida Man in Chile Based on Fradulent Retail Credit Company Report

Howard Edwards has been jailed by the government of Chile because of a Retail Credit Company report which stated he worked with the free Cubans during the Bay of Pigs and was a member of the CIA. The Retail Credit Company report was dictated by Edwards to a former "inspector" for the Atlanta based intelligence gathering firm. According to the Miami Herald of March 11, 1971, the inspector said, "I took blank forms from our offices. He sat down in one chair and I sat in the other and he told me exactly what to type."

Gallagher's Privacy Subcommittee held a hearing on Retail Credit on May 16, 1968, and learned that Retail Credit produces more than 35 million reports each year and has files on over 45 million Americans. Reports are for employment and insurance coverage in the main, and another aspect of the company's data gathering procedures was disclosed when they were fined $4,000 for bribing a New York City police officer in order to gain confidential police files.

"During our investigation and our hearing, Retail Credit's veracity and accuracy were strongly questioned and it is not suprising to me that one of their reports is in the process of creating an international incident," Gallagher said.

El Siglo, a communist newspaper in Chile headlined the case, "Yanqui document reveals Edwards is an agent of the CIA." Pointing out that the report in Edwards' possession totally falsified his past achievements and record. Gallagher said, "What is suprising to me is that the communists believe reports which most capitalists regard as a necessary evil and which they express little confidence in."

A SALUTE TO VAVS

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. FISH. Mr. Speaker, over 1,000 volunteers from all over the United States are in Washington this week attending the Veterans' Administration voluntary services meeting in observance of the 25th anniversary of the National Advisory Committee. Over 110,000 volunteers from all walks of life gave over 9 million hours last year assisting our veteran patients.

It was soon apparent at the end of World War II when America's attention turned to its returning disabled veterans, that a central, coordinated program was needed to provide the most meaningful use of volunteers. In April 1946, at the invitation of the Administrator of Veteran Affairs, representatives of interested veterans and welfare organizations met with VA central office staff to lay the foundation for a master plan for action to help hospitalized veterans. From these meetings the VAVS was born and the National Advisory Committee was constituted with Gen. F. R. Kerr, Assistant Administrator for Special Services, as its first chairman.

Within a year the program came of age as volunteer assistance in the hospitals was extended to nursing, physical medicine, social work, and all ancillary services expressing need.

Each of the 165 VA hospitals has its own VAVS advisory committee made up of two representatives of each organization having volunteers serving at the hospital. At the Castle Point, N.Y., facility there are 17 organizations such as the American Legion, Veterans of Foreign Wars, the DAV and their auxiliaries, the American Red Cross, Catholic Youth Organization, and others. Over 400 volunteers contribute thousands of hours each month working in nursing service, the various therapies, and in numerous other areas of the hospital.

I think it fitting that we add our congratulations to these dedicated citizen volunteers. The marshalling and encouragement of voluntary service is a major emphasis today, and VAVS is an example of a highly successful volunteer program.

The President in a message to those attending the meetings said:

> For a quarter-century the Veterans Administration voluntary service program has carried forward the highest ideals of a great American organization and symbolized the most basic spirit of American success.
>
> The willingness of citizens to devote their time selflessly to worthy causes continues, more than ever, to be the keystone of our progress, and a substantial measure of this progress lies in the willingness of those who take part in this program.
>
> The monthly average of 112,000 men and women spending over 9 million hours during the past year assisting our Nation's veterans represents quite a record of achievement. And it is a splendid way to say thank you to those who were ready to sacrifice everything to preserve the freedom we cherish.
>
> A grateful Nation salutes the dedicated volunteers who for over 25 years have advanced this program. And I urge more Americans to follow the example you have set. May your rewarding commitment bring you as much satisfaction in the years ahead as it has brought to those who have needed your help.

NEW YORK ABORTION LAW GOES TOO FAR, DOCTORS STATE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. HOGAN. Mr. Speaker, as a reaffirmation of my strong feelings against the liberalization of abortion laws, I would like to call my colleagues' attention to a news item that appeared in the Chicago Tribune on December 18, 1970. Entitled, "New York Abortion Law Goes too Far, Doctors State" and written by Mr. Ronald Kotulak, the article intelligently discussed those abortions which result in the birth of live babies. This is a shocking situation which should haunt the consciences of us all.

I ask that it be inserted in the Record for the perusal of my colleagues.

The news item follows:

New York Abortion Law Goes Too Far, Doctors State

(By Ronald Kotulak, Science Editor)

At least 26 babies have been born alive in legalized abortion procedures in New York City, the Tribune learned yesterday.

The child of one mother who was aborted on Aug. 28 survived and now is up for adoption.

The others did not fare so well. Some breathed for only a few minutes and others cried and kicked before finally dying within two days after being artificially expelled from their mothers' wombs.

DOCTOR IS SADDENED

Even hard core advocates of liberalized abortion in New York say they are saddened by the destruction of life and that the law has gone too far.

"I'm deeply saddened by this," said Dr. Jean Pakter, director of the maternity and newborn services for the New York City Department of Health.

The Health Department played a key role in convincing the New York state legislature to liberalize the abortion statute. As a result the state, on July 1, put into effect the nation's most liberal abortion law permits abortion on demand up to 24 weeks of pregnancy.

"In many of these cases where the fetus comes out alive, it takes a gasp or two and that's it. This is not right. As a physician I don't like to see life ended or hurt in any way."

An infant who is born prematurely at 26 or 28 weeks of pregnancy without an induced abortion stands a reasonable chance of survival.

WANTS A CUTBACK

"I'm not happy with the liberal extension of the law to 24 weeks," said Dr. Pakter, who is in favor of abortion. "That's going too far. I think the time has to be cut way back."

Opponents of the abortion law have become outraged by the live abortions. They maintain that it is a clear case of murder when the baby is born alive in an abortion but dies because he is just below the threshold to sustain his own life.

"Once this law was passed the abortionists lost no time in plying their death-dealing trade," Terence Cardinal Cook, Roman Catholic archbishop of New York said in a letter read in churches last Sunday. Cardinal Cook was informed of some of the live abortions by Catholic doctors.

"Each day they grow wealthier from the killing of unborn children—some of whom have been heard to cry as they were dropped into surgical trash cans.

CARDINAL FEARS FUTURE

"The day may come when lawmakers could set standards which people must meet if they are to remain alive. Already one standard has been set. Who can say what others will come next?" the Cardinal's letter asked.

Cardinal Cook called the death of these babies an "unspeakable crime" and warned Catholics that the "church disowns by immediate excommunication anyone who has or helps anyone have an abortion."

Two of the infants who were aborted alive were rushed to the premature center at St. Vincents Hospital, where doctors did everything possible to keep them living.

One of these infants lived for two days and the other died after several hours, said Dr. Vincent Fontana, director of pediatrics at the hospital.

Both were baptized by a Catholic priest before being taken to the city morgue for an anonymous burial, he said.

"To have a woman go in for an abortion and then to have the baby born alive only to die later is tantamount to murder," Dr. Fontana said. "There's no question about it."

Doctors in New York have been thrust into a compromising situation by the new law. At 20 weeks of gestation, the unborn child's heartbeat is strong, he moves around inside his mother's womb and he is almost completely formed.

For these reasons, most gynecologists will not end a pregnancy beyond 20 weeks. In addition, an abortion performed beyond 20 weeks is more hazardous to the mother. A normal pregnancy lasts about 40 weeks.

SALTING TECHNIQUE USED

To abort a fetus after 12 weeks, doctors use a technique called "salting out" A hypodermic needle is inserted thru the mother's abdomen into the amniotic sac containing the baby.

The fluid in the sac is withdrawn and a solution containing 20 per cent salt is injected. The salt solution irritates the uterus and normally ends the life of the fetus.

The irritation causes muscle spasms similar to those during labor and the fetus is expelled.

Dr. Pakter said that the only baby who survived the "salting out" operation apparently was sufficiently developed so that the salt did not harm her.

BABY IS NOT HARMED

"She was not harmed, thank goodness. She is a fine baby and she will make some adoptive parents very happy," Dr. Pakter said.

There probably were other babies born alive during abortions who for one reason or another were not listed as live births by the doctor, Dr. Pakter said. The definition of a live birth is any evidence of a breath, pulse or movement.

In some of these cases of live births, the time of gestation may have been underestimated and the actual time may have been 26 weeks or more, she said.

Dr. Pakter said she would like to see the law changed so that legal abortions could be performed only up to the 12th week of pregnancy.

From July 1 thru Oct. 31, some 34,000 legal abortions were performed in New York, she said.

BAND OF SOUTH HAGERSTOWN HIGH SCHOOL OFF TO FLORIDA

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. BYRON. Mr. Speaker, South Hagerstown High School in Hagerstown, Md., has developed over the years one of the best high school marching bands in the country. This year the Rebel Band of South High has been invited to the 50th Festival of the States in St. Petersburg, Fla., as the musical representative of the State of Maryland.

Only one band is selected to represent a State, and the Rebel Band will be competing with approximately 20 other States for two National Band Championship titles. The South High musicians arrived in St. Petersburg yesterday and depart on April 3. Their activities there include participation in the Parade of States, a half time show in the Champions on Parade, a concert, and a night parade honoring bands from out of State. The money for the trip was raised by the students at South High to send the 150 band members and 14 chaperones to Florida.

The comments of Mr. Elwood E. Kinney, director of the Rebel Band, indicate the excitement surrounding the trip to Florida. Kinney said, "We are thrilled and honored by this opportunity to represent Maryland at the Festival of States. Not only has it been called the outstanding band trip in the Nation, but we will get to compete for the National Band Championship." I would like to personally acknowledge the excellence of the South High Band and to congratulate them for this opportunity to represent the Old Line State in the national band competition.

LT. WILLIAM CALLEY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. FISH. Mr. Speaker, an American Army officer, Lt. William Calley, has been tried by court martial and convicted of the premeditated murder of 22 people in the Vietnamese hamlet of Mylai. These victims, as I understand it, were mostly women and children.

In its verdict the court martial board held that in killing at least 22 civilians, Lieutenant Calley overstepped the outer limits under which any military force in the field can be permitted to operate. The dreadful aspect raised by the prosecution and conviction of one man is that there is a strong appearance that one man has been singled out to serve as a sacrificial goat to salve the military's conscience for one particularly brutal incident in a peculiarly brutal type of warfare. Others were involved. Should not then all those others be brought to trial?

As any man who has served in a combat area in time of war knows, there is a broad difference between the laws of civilized society and the rules of war. No one, in a civilized context, can give an excuse or justification for the barbarity of Mylai. In a community or a nation all men are our fellow citizens, our brothers. But in war all men who are not clearly with us, tend to become the enemy. And every American who has ever gone into combat has been trained to believe that to kill the enemy is virtuous, while to spare them can be both individually deadly and destructive to the unit to which a soldier belongs.

That there is a deep understanding of these differences in the American conscience I believe is shown by the totally different public reactions to the convictions of Charles Manson for the Tate-LaBianco murders, and the conviction of Lieutenant Calley for his part in the Mylai affair. Although both trials and both sentencings took place at nearly the same time, public reaction on the similar sentences was totally different. This is because the American people clearly understand that the legal and civilized framework in which the two incidents took place were totally different. The one was an insane, sporadic act of barbarity in a peaceful, civilized community, for which all the participants were brought to trial; the other was one brutal act picked from a particularly brutal war, for which one man alone was placed on trial.

And when we speak of the brutality of war, many of us think of World War II in which so many here served. Vietnam is not, and has never been, that type of war. The guerrilla warfare of Vietnam is a peculiarly brutal form of the totally brutal business called war.

This was brought home to me when I visited Vietnam in 1968, 7 months after the Tet offensive. At that time I spoke with soldiers in hospitals and in American fire bases. Their words, their fears, the belief that all Vietnamese were their enemy ran deep in their talk. In many ways their conversations were identical to Lieutenant Calley's testimony as given nearly 3 years later at his trial. And when we view the Mylai incident, when we consider the acts of Lieutenant Calley and his platoon, I feel we must remember that this brutal massacre occurred shortly after the brutality of the bloody Tet offensive.

It seems clear, that mistaken as he may have been, Lieutenant Calley thought he was carrying out his orders as a soldier in the service of his country—the country which has sent him to that far off land to fight those strange and to him, frightening people. I do not excuse the barbarity of My Lai, nor the visciousness of any war, but I believe I understand how in the heat of combat, following the bloody terror of Tet, Lieutenant Calley could have made such an error. It is an error any soldier might have made then or in the future.

I have called upon the President of the United States to show clemency to this man. I do this not only for Lieutenant Calley but for thousands of our fighting men who have in the past or will in the future, face the dreadful task of choosing between the morality of civilized behavior in a peaceful civilized society, and the duty to self-preservation for himself and for his command in time of war.

FOX VALLEY COUNCIL OF GOVERNMENTS APPROVES REVENUE SHARING

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, the Fox Valley Council of Governments, Appleton, Wis., recently approved a resolution endorsing general and special revenue sharing.

I, too, support the concept of revenue sharing, and include as a part of my remarks, the March 19, 1971, letter from the Fox Valley Council of Governments and the resolution announcing their support for general and special revenue sharing:

Fox Valley Council of Governments,
Appleton, Wis., March 19, 1971.

Hon. William A. Steiger,
Member of Congress, Room 1025, Longworth Office Building, Washington, D.C.

Dear "Bill" Steiger: The attached resolution endorsing special and general revenue sharing was unanimously adopted by the Fox Valley Council of Governments on March 17.

Your support of the resolution is requested.

Sincerely,

Eugene E. Franchett,
Executive Director.

Resolution Endorsing General and Special Revenue Sharing

Whereas, the need for public facilities and services provided by state and local government is increasing at a rate which exceeds the revenues generated from the available tax base to such governments; and

Whereas, the federal government, through exercising taxing powers vested in it, has substantially diminished the available revenue producing sources available to states and local governments; and

Whereas, state and local governments and their designated regional councils are facing substantial deficits unless the federal government supplements the existing grant assistance programs to such governments; and

Whereas, there appears to be a general concensus of the states and the local governments that the most advantageous method of obtaining and receiving supplemental federal funds would be through a program of general and special revenue sharing; and

Whereas, the viability and continued growth of regional councils as policy and coordinative mechanisms of state and local governments is dependent on the strength and fiscal integrity of state and local government;

Now, therefore, be it resolved by the Fox Valley Council of Governments that the United States Congress be urged to enact during the first session of the 92nd Congress a general revenue and special revenue sharing program to assist states, local governments and regional councils in meeting their fiscal needs.

Approved by the Fox Valley Council of Governments this 17th day of March, 1971.

Gilbert J. Anderson, *Chairman.*

I hereby certify that the above resolution was passed by the Fox Valley Council of Governments this 17th day of March, 1971.

March 19, 1971.

Eugene E. Franchett,
Executive Director.

RESOLUTION OPPOSING PRESIDENTIAL POLICY OF "FREEZING" FUNDS FOR PUBLIC WORKS PROJECTS

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. MOLLOHAN. Mr. Speaker, I am joining the Honorable William Hungate, of Missouri, in sponsoring H.R. 305, a resolution opposing the Presidential policy of "freezing" funds appropriated by Congress for public works projects. The resolution also calls for the immediate release of all funds frozen by the administration.

Congress has authorized projects and appropriated money for them, only to repeatedly discover that these projects are being delayed because the administration decides it does not want to spend the money or does not like the projects.

This policy amounts to a second veto not contemplated under the law; it usurps the powers of Congress and it is contrary to the balance of responsibilities between the executive and legislative branches of Government, for if Congress approves money for a project and the President signs the bill, he should not be permitted to remove his signature from that bill—as if it were written in invisible ink—simply by refusing to allow funds to be spent for the project.

SUMMARY OF U.S. RETIREMENT LAWS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. HOGAN. Mr. Speaker, as a Representative of a district where 37 percent of my constituents are employees of the Federal Government, I have received numerous inquiries about changes in the Civil Service retirement laws.

The U.S. Civil Service Commission has prepared an excellent questions-and-answers pamphlet on this subject. As a member of the Post Office and Civil Service Committee and its Subcommittee on Retirement, Insurance, and Health Benefits, I have found it to be an extremely helpful summary and would like the information to be inserted in the Record at this point.

The summary follows:

Questions and Answers About Major Changes in Civil Service Retirement Made by Public Law 91-658

Public Law 91-658, signed by President Nixon on January 8, 1971, changes the Civil Service Retirement law in 5 ways. The changes—

I. Permit a retiree who was unmarried at the time of retirement to provide a survivor annuity for a spouse whom he married after retirement.

II. Provide a survivor annuity for the "second" spouse of a retiree who elected a survivor annuity when he retired.

III. Make requirements for survivor annuity to be met by a widower of an employee the same as for a widow.

IV. Permit a reemployed annuitant to use his supplemental annuity to increase his survivor's benefit.

V. Provide service credit for certain periods of separation during which employees received Federal Employees' Compensation benefits.

Following is an explanation of the changes in question and answer form:

I. SURVIVOR ANNUITY TO SPOUSE OF RETIREE WHO WAS UNMARRIED AT TIME OF RETIREMENT

1. Q. I was unmarried when I retired and am now married. How does the new law affect me? A. It depends on whether you retired before or after April 1, 1948.

2. Q. How does it affect me if I retired before April 1, 1948. A. The new law permits a survivor annuity to be paid automatically to your wife (or husband). You need do nothing now to provide this financial protection for your wife (or husband) and there is no reduction in your annuity.

3. Q. How does the new law affect me if I retired on or after April 1, 1948? A. If you retired under a provision of the retirement law which permitted the election of a survivor annuity, the new law now gives you the chance to elect a reduced annuity for yourself with a survivor benefit to your wife (or husband).

4. Q. How do I know if I retired under a provision of the retirement law which permitted the election of a survivor annuity? A. You did retire under such a provision unless—(1) you retired on a deferred annuity (an annuity that began more than 1 month after you left the Federal service) based on a separation that occurred before October 1, 1956, or (2) you are a woman who retired between April 1, 1948, and September 29, 1949.

5. Q. When I retired I was unmarried but I elected a reduced annuity with a survivor benefit to a named person having an insurable interest. I am now married. Does the opportunity to elect a survivor benefit for my wife (or husband) apply to me? A. Yes. You may now elect to cancel your "insurable interest" election and elect a reduced annuity with a survivor benefit to your wife (or husband). Survivor annuity will then be payable to your wife (or husband).

6. Q. Is there any time limit on when I can make the election to name as a survivor annuitant my wife (or husband) whom I married her (or him) before January 8, 1971, you must make the election no later than January 7, 1972.

7. Q. I am not married now but may marry in the future. Can I elect the survivor annuity after I marry? A. Yes. If you marry on or after January 8, 1971, your election must be made within 1 year after the date of your marriage.

8. Q. Can I change the survivor annuity election after I make it? A. No. The election of a survivor annuity cannot be changed after it has been accepted by the Civil Service Commission.

9. Q. Does my wife (or husband) whom I married after retirement have to meet any requirements to be paid the new survivor annuity benefit? A. Yes. She (or he) must have been married to you for at least 2 years immediately before your death or, if married less than 2 years, be the parent of a child born of the marriage. Also if she (or he) is entitled to any other survivor annuity from the Government (not including Social Security), she (or he) must elect one of them; she (or he) cannot receive both.

10. Q. I understand if I retired on or after April 1, 1948, and now elect a survivor annuity, that my own annuity will be reduced. By how much will my annuity be reduced if I elect the survivor annuity? A. Your current annuity will be reduced by 2½% of the first $3,600 plus 10% of any annuity in excess of $3,600. However, you may designate an amount which is less than your full annuity to be used as the base for computing your wife's (or husband's) survivor annuity and the reduction in your annuity will be based on the amount you designate.

11. Q. Can you give examples of how to compute the reduction in my annuity? A. Yes. Here are 3 examples: (1) If annuity is $3,000; (2) If annuity is $5,000; (3) If annuity is $5,000 but only half ($2,500) is designated as a base for the survivor annuity.

Amount of yearly annuity	Designated amount for survivor annuity base	2½ percent of designated annuity up to $3,600	10 percent of amount of designated annuity in excess of $3,600	Total reduction in yearly annuity	Amount of reduced annual annuity [1]
(1) $3,000	All	$75 (2½ percent×$3,000)		$75	$2,928 ($244 per month).
(2) $5,000	All	$90 (2½ percent×$3,000)	$140 (10 percent×$1,400)	230	$4,776 ($398 per month).
(3) $5,000	$2,500	$62.50 (2½ percent × $2,500)		62.50	$3,432 ($286 per month).

[1] Rounded to nearest dollar of monthly annuity.

12. Q. When does this reduction in my annuity begin? A. The first of the month after your election of the survivor annuity is received in the Civil Service Commission.

13. Q. How much annuity will my wife (or husband) whom I married after retirement receive if she (or he) survives me? A. That depends on many factors such as when you retired and how much annuity you are receiving and whether you want all of it to be used as the base for the survivor annuity. In general, your survivor's annuity will be in the same amount as though you had been married at the time you retired.

14. Q. Will unmarried employees who retire in the future be able to elect a survivor annuity if they marry after retirement? A. Yes.

15. Q. May the widow or widower of a deceased retiree who married after he retired but who died before January 8, 1971, qualify for a survivor annuity? A. No.

II. SURVIVOR ANNUITY TO "SECOND" SPOUSE OF RETIREE WHO WAS MARRIED AT TIME OF RETIREMENT

1. Q. I was married when I retired and my wife (or husband) is still living. Does the new law affect me in any way? A. No, with one possible exception: Your wife (or husband) is now entitled to a survivor annuity and if your marriage ends because of death or divorce and you later remarry, your new wife (or husband) could be paid the survivor annuity.

2. Q. I was married when I retired. The marriage ended and I later remarried. Is my new wife (or husband) entitled to a survivor annuity? A. The new wife (or husband) could be paid survivor annuity if you retired before April 1, 1948, or, if you retired on or after that date and at the time of retirement you elected a reduced annuity with survivor benefit.

3. Q. Does my wife (or husband) whom I married after retirement have to meet any requirements to be paid the survivor annuity?

A. Yes. Your new wife (or husband) must have been married to you for at least 2 years immediately before your death or, if married less than 2 years, be the parent of a child born of the marriage. Also, if she (or he) is entitled to any other survivor annuity from the Government (not including Social Security), she (or he) must elect one of them; she (or he) cannot receive both.

4. Q. Do I have to file an election with the Civil Service Commission to be sure that my new wife (or husband) is paid a survivor annuity?

A. No. If she (or he) survives you and meets the requirements explained in the answer to question 3, she (or he) will automatically be paid the annuity.

5. Q. How much annuity will my wife (or husband), whom I married after I retired, receive?

A. The same amount as the wife (or husband) to whom you were married when you retired would have received if she (or he) had outlived you.

6. Q. When I retired, I elected a reduced annuity with survivor benefit. If my wife (or husband) dies before me and I do not remarry, is the reduction in my annuity restored? A. No.

7. Q. When I retired I was married but elected a single life annuity payable only during my lifetime and without a survivor benefit. Can I change this election now? A. No. The new law does not authorize a change in the type of annuity you elected for the purpose of now providing a survivor benefit either for your wife (or husband) to whom you were married at the time of your retirement or for one you may have married after retirement.

8. Q. I married my wife (or husband) after she retired. He (or she) did not elect a survivor annuity. He (or she) died before January 8, 1971. Am I now entitled to a survivor annuity? A. No. The rights of widowers (or widows) of retirees who died before January 8, 1971, are not changed by the new law.

III. WIDOWERS OF WOMEN EMPLOYEES

1. Q. What change does the new law make concerning widowers of women employees? A. It permits payment of a survivor annuity to the widower of a woman employee on the same basis as to the widow of a male employee by eliminating the requirements that a widower has to be incapable of self-support and must have received more than half-support from his deceased wife.

2. Q. What are the requirements that must now be met to qualify a widower (or widow) for a survivor annuity? A. The employee must have—(1) completed at least 18 months of Federal civilian service, and (2) died while employed subject to the Civil Service Retirement System. The widower (or widow) must—(1) have been married to the employee for at least 2 years immediately preceding her (or his) death, or (2) be the father (or mother) of a child born of the marriage with the employee.

3. Q. Does this change affect widowers of employees who died before January 8, 1971? A. No. It applies only to widowers of employees who die on or after January 8, 1971.

IV. USE OF SUPPLEMENTAL ANNUITY TO INCREASE SURVIVOR BENEFIT

1. Q. What is a supplemental annuity? A. This is an annuity earned by certain retirees who are reemployed in the Government for at least 1 year after they retire.

2. Q. How does a supplemental annuity increase the survivor benefit? A. Formerly, upon termination of the reemployment, the supplemental annuity was a single life annuity. The change in the law permits the supplemental annuity to be used as a base for additional survivor annuity if the employee had elected a reduced annuity with survivor benefit when he initially retired.

3. Q. Does a reemployed annuitant have to apply for the additional survivor annuity? A. No. The additional survivor annuity will automatically be granted when the supplemental annuity is granted unless the retiree requests otherwise.

4. Q. Is there a reduction in supplemental annuity if additional survivor annuity is payable? A. Yes. The supplemental annuity is reduced by 10%.

5. Q. How much additional survivor annuity is payable? A. The additional survivor annuity amounts to 55% of the full supplemental annuity (before the 10% reduction).

6. Q. Does this change apply to an annuitant whose reemployment ended before January 8, 1971? A. No. It applies only to an annuitant whose reemployment terminates on or after that date.

V. CREDIT FOR PERIODS OF SEPARATION DURING WHICH FEDERAL EMPLOYEES' COMPENSATION BENEFITS WERE RECEIVED

1. Q. What change has been made in the retirement law concerning credit for periods of separation during which Federal employees' compensation benefits were received. A. An employee (or former employee) who returns to Federal employment after he has been separated is now deemed to have been on leave without pay for any part of the period of separation during which he received Federal employees' compensation as a result of illness or injury related to his Government job.

2. Q. What is the effect of this change. A. It permits full credit toward retirement for all or a portion of a separation period during

which the employee was receiving employees' compensation.

3. Q. Is this change retroactive? A. This change applies to qualifying periods of separation occurring before as well as on or after January 8, 1971.

4. Q. How can an employee who retired before January 8, 1971, obtain this retirement credit? A. Since there is no practicable way in which the Government can identify already-retired persons with periods of saparation which could be counted, the new law requires that such periods be counted only upon application by the retiree.

5. Q. I am already retired and have a period of separation during which I received employees' compensation. How can I apply to have this period credited toward my annuity? A. Simply write a letter to the Civil Service Commission, Bureau of Retirement, Insurance, and Occupational Health, 1900 E St.. N.W., Washington, D.C. 20415. Please be sure to give full identifying information, including your name, date of birth, and CSA claim number.

6. Q. Will the increase in my annuity that results from crediting the period of separation be retroactive? A. No, the increased annuity is payable only for the months after January 1971.

7. Q. My husband (or wife) died before January 8, 1971, and I am the survivor annuitant. Can I apply for additional credit for a period of separation during which he received employees' compensation? A. No. Only the retiree can apply for and receive the additional credit.

8. Q. Can a survivor-annuitant receive the additional credit? A. Yes. The survivor of an employee who dies on or after January 8, 1971, will automatically be credited with the period of separation. Also, the survivor of an annuitant who has been allowed credit for the period of separation will receive credit for it.

SUPPORT "PEACE" MARCH? NO!

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. BRAY. Mr. Speaker, I received recently a packet of material from something called the National Peace Action Coalition which asked for my written support of the planned April 24 demonstration in Washington.

Included with the material, on top of the stack, was the copy of a letter written on official Senate stationery and signed by a Member of the other body, which ends with the words:

> I wholeheartedly endorse your program for April 24th and I will do all I can to help it succeed.

Also included were copies of statements from other Members of Congress, expressing support.

A blank form, with my name typed on it, was also provided. My reply was as follows:

> I decline your invitation—and I do not decline it "respectfully" because "respect" denotes both "honor" and "esteem."
>
> I have no "esteem" for the theory that foreign policy can and should be made by street mobs.
>
> I do not feel "honor" is due those who encourage this, and who seem convinced that peace may be attained solely by shouting it, over and over again.
>
> You often complain the Government will not listen to your dialogue. Your dialogue to date has been couched in terms of the rankest, cheapest demagoguery. In it, you seek to represent that the peace which all men seek is a marketable commodity which is attainable solely by unilateral action on the part of the Government.
>
> You have shown a readiness and willingness to barter in human lives that betrays your vaunted concern for human suffering as a shallow mockery and an outright lie. You would leave millions of South Vietnamese unprotected from the explicitly-documented savagery of the Communists and from amongst your supporters has come the incredibly brutal suggestion that our own POWs might be deserted and forgotten.
>
> The New York Times of March 31, 1971, quotes a member of the War Resisters League about the April 24 March:
>
> "It is time now to break relations with the Government. This time we'll stay in Washington. . . . April 24 can't be just an annual spring picnic. Those picnics were good but they aren't enough. It's no secret that this country is headed for 1984. The alternative to 1984 is 1776 and it's going to begin this spring."
>
> As reported by the Washington Daily News of March 31, these noble thoughts will encompass such things as:
>
> (1) a demonstration in front of the White House, even though police permission has been refused;
>
> (2) "guerrilla theater" on the steps of the Supreme Court;
>
> (3) mass masochism over "war crimes" on the Capitol steps;
>
> (4) "civil disobedience" against Selective Service, Internal Revenue, HEW and Justice;
>
> (5) a "people's lobby" which plans to enter Federal buildings for 'dialogue' with employees;
>
> (6) a sit-in attempt to block one of the major bridges leading into the city;
>
> (7) a moratorium on "business as usual".
>
> All in the name of peace! Such a peace, dictated by swarming mobs, would be the peace of the slave and of the tomb, not only for this Republic but for the entire Free World.
>
> It would insure that the name of the United States of America would go down reviled, damned and cursed—not in the history books but on the lips of the poor wretches who saw it as their last hope, and saw this hope disappear when the United States gave up, as you would have it do.
>
> No—the name would not be in the history books—for it would disappear for all time to come, from written history, erased as thoroughly and totally as the sand-covered domains of Ozymandias.
>
> And the four-footed jackals of the desert would howl across the sands that covered the ruins, as today their two-footed ancestors howl, in hopes of bringing that ruin to pass!

TECHNOLOGY AND OUR ENVIRONMENT THE SALVATION OF MANKIND

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. ROE. Mr. Speaker, it is abundantly clear to all of us that we are living in an era of great change. As a matter of fact, I think we can say that our lifetime has seen the greatest of man's innovations and achievements than any other lifespan in the history of mankind. Man's technology was a main artery of the brain behind these advancements in our way of life but there are many now saying that the wake of our technology is now catching up with us and strangling and suffocating our environment and man's very life through its pollution of our natural resources. This does not mean that we must curtail our technology but that we must expand it or redirect it with the environmental factors having the greatest priority instead of the afterthought.

As a matter of interest to you and our colleagues here in the House, I would like to share with you a most adroit and formidable statement that was presented to the Chamber of Commerce of Metropolitan Baltimore by a prominent member of my congressional district, the nationally distinguished Mr. Clifford D. Siverd, president and chief executive officer of the American Cyanamid Co., preeminent in world leadership in the chemical and pharmaceutical industry, on the challenge presently before all of us to reassert our mastery over technolgy and agree on what we want it to do if we are to achieve the society we all seek for ourselves and future generations.

His statement is as follows:

> It gives me a warm inner feeling to come back to Baltimore and visit with you today. I *am* a Marylander, born in Cumberland, up in the mountain area west of here. My family came to Baltimore in 1918, and I went to school on Maryland and 27th Street at Sts. Philip's and James' Parochial School. Then I went to Mt. St. Joseph's to the west, in Irvington, and fortunately I was able to get one of the fine State of Maryland engineering scholarships then available at Johns Hopkins University, where I got a B.S. degree in 1935.
>
> I have many fond memories of Baltimore of the 1930's—the double-decker buses, with their top decks loaded on summer evenings, and the Easter parades, with everyone in spring finery from the Monument to University Parkway. I even recall one memorable Sunday when there was a little rain; a friend of mine had a Model A Ford with a rumble seat, and in the course of our meandering around town I got an umbrella from home and sat in the rumble seat with the umbrella over my date and me. One roving photographer felt this was of sufficient interest to put the picture in the Baltimore *Sun*.
>
> Those were the days of Cardinal Gibbons, and of Jack Dunn's Orioles in the International League; and then, as now, Johns Hopkins was dominant in medicine as well as lacrosse. Baltimore was friendly, and I enjoyed living here. Unfortunately, when I was looking for a job there were not too many anywhere, and I had to go a little farther afield in order to get located in industry.
>
> In many ways, of course, that was a different city from the Baltimore of today. It was somewhat more leisurely, and decidedly less affluent. The downtown skyline was far less imposing. There was no Charles Center, no Hopkins Plaza, no Civic Center, no Inner Harbor development. In those days the Colts, the Bullets, and the Clippers did not even exist.
>
> The development of modern Baltimore has been impressive. You have rebuilt the heart of the city completely. You have gone far in modernizing your port facilities. You have maintained your position among the top four seaports of the nation, you have achieved a significant shift from bulk cargo to general cargo, with important benefit to the economy of metropolitan Baltimore. Your handling of the highway problem has brought favorable notice in the February issue of *Fortune*. And your Chamber of Commerce has played an important part in shaping the Baltimore of today.

But despite all this, much remains to be done. Your purpose is to make Baltimore the model city of America—offering a clean environment, with equal opportunity for all—and to succeed, you must harness all your forces and maintain your forward drive without let-up.

The changes in Baltimore since the 1930's have been dramatic—so dramatic that they suggest the theme for this talk: *change*. What theme could be more appropriate? Change today is rampant, not just here in Baltimore but throughout the nation and around the globe. Moreover, the pace of this change is accelerating. It is taking place faster and faster with each passing decade.

Alvin Toffler has written a stimulating book called *Future Shock* in which he portrays this vividly. Modern man has existed for perhaps 50,000 years. If this 50,000-year period were divided into lifetimes of about 62 years each, man's history spans 800 such lifetimes. Let us trace the pace of change during these lifetimes:

—In the first 650 of them, things changed very little. Man spent them in caves.

—Only during the last 70 of these 800 lifetimes, with the invention of writing, has it been possible for man to communicate effectively from one lifetime to another.

—Only during the last six lifetimes did large masses of men ever see a printed word.

—Only during the last four of our 800 lifetimes has man been able to measure time with any precision.

—Only in the last two lifetimes has anyone, anywhere, used an electric motor.

—And the overwhelming majority of all the material goods we use today have been developed within the present lifetime—the 800th.

We are indeed in a world of change. The company with which I am closely associated, American Cyanamid, is 63 years old. By coincidence, this is pretty close to one of Toffler's 62-year lifetimes. During its existence, the company has gone through tremendous changes, with the changes in recent years coming faster and faster.

For the major portion of its existence, Cyanamid was in the routine chemical business, which grew at a rather steady, plodding rate. Around 1928 or '29, however, we got into the medical business by purchasing Lederle Laboratories, a small pharmaceutical company in Rockland County, New York—just over the border from New Jersey. Lederle didn't do very much for the company in earnings until the late '40's, when we were lucky enough to discover Aureomycin^{R} chlortetracycline, the first of the broad-spectrum antibiotics. These drugs were dramatic. They saved lives which could not have been saved before. They made pneumonia, for example, a disease of extremely minor consequence.

In the '50's we acquired Formica Corporation. Formica is a world-famous brand name, and the corporation is an outstanding leader in the field of laminated plastics. I trust that all of you have some Formica^{R} plastic laminates in your homes or apartments.

We went a step further in the '60's, going directly into the consumer market. We purchased several companies, the most famous of which was John H. Breck, Inc., the well-known producer of hair-care products. And only a few weeks ago we purchased the Ervin Company, a well-known developer of residential communities in the Southeast.

So Cyanamid, too, went through dramatic changes in its 63-year lifetime. Those that occurred in the past decade had the greatest impact on the company, since a consumer business takes different disciplines and different management and a different philosophy from a chemical business.

Cyanamid's case is not exceptional. Almost all large companies have undergone many changes.

Let us look at the pace of change in some specific fields of human endeavor. Consider transportation. For thousands of years, man traveled on foot. Then came the camel caravan, which averaged eight miles an hour, and later the horse-drawn chariot, which could get up to 20. For thousands of years more, animals like these provided the fastest transportation available.

The first steam locomotive was not introduced until 1825, and it was actually slower than the chariot. It had a top speed of 13 miles per hour, and the sailing ships of that day averaged only half that speed. It was the 1880's before an improved locomotive could reach 100 miles per hour.

Only fifty years later, propeller-driven aircraft were doing 400 miles per hour. In 20 years more, the jets doubled that figure, and within the past few years men in space capsules have been circling the earth at 18,000 miles per hour.

If man's top speed of travel were plotted in a graph—on a scale, say of a thousand years to the inch—the curve would look strange indeed. It would go along almost level for more than four feet. It would begin to show a significant rise only in the last tenth of an inch, and then, abruptly, it would go right off the top of the chart.

So much for transportation. Baltimore is a city, an urban community, so let us turn to urbanization. In 1850, there were only four cities in the world with more than a million inhabitants. In 1900, there were 19. But by 1960, there were 141.

The urban population of the world today is growing at a rate of 6.5% per year. At this rate, it will double in the next 11 years. If all the cities of the world remained their present size, we would have to duplicate them all between now and 1981—a new Baltimore, a new Chicago, a new New York, a new London, a new Tokyo, and so on for every city around the globe.

A graph of the world's urban population would look much like that of man's speed of travel—level for more than four feet, a significant rise only in the last fraction of an inch, and then right off the top of the chart.

We could continue with many such examples. Curves showing man's range of communication, his ability to calculate, his capacity for storing and retrieving information, and many other things—all of them would end by shooting off the top of the chart.

Change today is explosive. Its pace is such that many thoughtful observers question our ability to assimilate it. They suggest that it may overwhelm us. As evidence, they point to some of the less pleasant phenomena of modern life—hippies, alienation, free-floating violence, the mounting use of drugs. Such things, they say, betoken pervasive unrest despite our attainment of the highest standard of living ever achieved by man.

In the emotional and spiritual malaise that seems to afflict too many of us, the relentlessly accelerating pace of change may indeed be a factor. And behind change, generating it, stands technology. In these circumstances, it is not surprising that there are signs of a developing disenchantment with technology. There are even those who propose—apparently with complete seriousness—that we institute a moratorium on scientific research, and that we bring the introduction of new technology to a halt.

The problem, of course, is far too complex to yield to such solutions. We need not less technology but more. We need it for the control of pollution, and for rebuilding our cities, and for improving mass transit. We need it for raising the standard of living of the underdeveloped nations, and of the underprivileged individuals in the developed nations. We need it simply to feed the rapidly expanding world population.

Granted our continuing need for technology, we still must recognize that technology *has* been a contributor to many of our present problems. Examples are legion. Let us look briefly at one of particular interest to a metropolitan chamber of commerce.

We must begin, paradoxically enough, on the farm. Over the past few decades, we developed better farm equipment, better seed, improved fertilizers, and more effective pesticides. The result was an amazing increase in our agricultural productivity.

We got more food at lower cost, but there was a side effect: more and more agricultural workers became surplus. The farm population of this country fell from more than a third of the total population in 1910 to about 5% today. These displaced agricultural workers migrated to the cities in droves, as you in Baltimore are well aware. They came, many of them, unprepared for urban life, and lacking the skills needed to earn a living in a complex industrial economy. Too many of them became public charges. There was a rapid increase in the demands on local governments for welfare, health care, and the like.

But there is more to the story. While agricultural technologists were boosting farm productivity, highway engineers were developing better methods of building roads, and our highway networks expanded. Automotive engineers were improving automobiles. Travel became easier—between city and suburb, and from one suburb to another. This contributed to a mass shift of people from the cities to the suburbs, offsetting the migration from the farms to the cities.

The two streams, moving in opposite directions, were of course made up of different kinds of people. While the displaced agricultural workers coming into the cities were in many cases unskilled and impoverished, those leaving for the suburbs were relatively affluent. The exodus to the suburbs even swept with it some of the headquarters offices and manufacturing plants of large corporations.

You know the rest. Our cities today, with skyrocketing budgets for social services, education, and other municipal needs, find their tax base shrinking. And the increased reliance on the automobile complicates their problem all the more. With all their other costs mounting, they must find money for the attack on pollution.

Obviously, technology was by no means the *only* factor involved in all this. Our policies on welfare payments, our willingness to spend far more on highway construction than on mass transit, our programs for insuring mortgages, with most of them on suburban housing—these and other factors had their impact, too. Nevertheless, we must recognize that technology was one of the factors in the genesis of today's urban difficulties, just as it was a factor in the development of some of our other social ills.

In cases like this, the problem is usually not the direct effects of a given technology, but rather the side effects. These side effects are often unforeseen, which gives rise to the popular impression that technology is introduced without first being evaluated. As Robert Sproull of the University of Rochester has put it, "The impression is abroad that technology is a driverless bus, careening downhill with no goals or direction, carrying us all to a messy end."

You and I know that this is false. Goals for technology *are* set, and before technology is introduced, it *is* evaluated. When a company's research and development effort brings forth a new invention, the company evaluates the development very carefully indeed before it installs facilities for commercial production. If the facilities are expensive enough to cause the company to borrow money or sell stock to finance them, commercial or investment bankers may make their own evaluations. Depending on the nature of the invention, government agencies may be involved as well.

But the scope of such evaluations is necessarily limited. The manufacturer and the bankers are concerned primarily with how well the invention will do the job for which it is intended. To the extent that they can, they look at side effects, too, but usually they have neither the resources nor the authority to investigate them exhaustively. In the days when Henry Ford was still a struggling mechanic, would he have been able to foresee the complex changes which his mass-produced automobile was to bring about in the economic and social life of the world? Could the inventors of radio and television have predicted the far-reaching effects of instant communications?

If a government agency is involved in the appraisal of a new technology, its evaluation is also limited. Harvey Brooks has pointed out, for example, that there are at least three government agencies concerned with weather modification. The Department of Agriculture has the objective of reducing storm damage to crops. The Bureau of Reclamation wants to increase rainfall in the dry Western states. The Federal Aviation Administration seeks methods of dissipating fogs over airports. None of these agencies, however, looks at weather modification in all its aspects.

All this may have been adequate in a less crowded world. Today, however, with a rapidly expanding population pressing on the finite resources of this planet, we must do more. If we are to reverse the growing disaffection with science and technology, if we are to avert unwise political reaction to our recurrent environmental crises, we must set up the apparatus for a systematic and continuing assessment of our technology, both existing and new. This assessment must be interdisciplinary, involving social as well as physical scientists. It must be made from the standpoint of society as a whole. It must take into account social as well as economic costs. It must consider alternate routes to a given goal, and reckon the costs for each route.

Congressman Daddario of Connecticut has introduced a bill which would establish an assessment board to advise the Congress on emerging technologies. A similar bill has been introduced in the Senate. The National Academy of Sciences has recommended a somewhat more elaborate mechanism.

While I am not prepared to recommend specific procedures, several points appear to be basic. First of all, it seems clear that the assessment will have to be carried on under government auspices. There is no other way of assuring that the interests of all social groups will be adequately represented. Further, since the problems spawned by technology are national in their scope, the assessment will have to be carried on at the federal level.

Second, whatever form the evaluation or assessment mechanism may take, it should not circumvent the existing political processes. Such assessment board or office should evaluate and recommend, but the responsibility for action should remain lodged in the Congress and the President, with their decisions subject to review by the courts.

Third, we must avoid the issuance of reports which simply gather dust. Regardless of the approach adopted, there must be an assessment body comparable in its influence to the Council of Economic Advisers, capable of mobilizing opinion and producing action.

Fourth, we should avoid building up another cumbersome bureaucracy. The staff of the government office or board could consist of a small group of competent physical and social scientists. The studies they need in carrying on the assessment process should be made by established government agencies, universities, think-tanks, and private corporations, as circumstances indicate, but this work must be coordinated to provide an order of priority and to avoid waste.

So much for the technology assessment mechanism. Let me close with two general observations. One of them is that whatever program is set up, technology assessment will be complex and difficult, and the results will be imperfect. At the time the telephone was introduced, or radio, or television, or the computer--beneficial as all of these were—no long-range forecast of their indirect effects could have been correct in every detail. But the broad outlines could have been foreseen at the very beginning, and steps could have been taken to encourage those effects that were desirable, and to redirect those that were not. Further, if the assessment process had been a continuing one, errors in the original predictions could have been detected and compensated.

My other observation is that technology assessment, by itself, will not *solve* the problems associated with technology. What it *will* do is give us—and our representatives in government—the information we need to attack these problems intelligently. It will give us the background we require if we are to rearrange our priorities and proceed with some rational long-range planning. But solving the problems, and making and implementing the plans, will be up to all of us. And that as it should be. The responsibility is ours.

I end these remarks on a note of challenge—a challenge expressed by Glenn Seaborg in a speech he delivered to the Nobel Symposium in Stockholm just a year ago. Here is what he said:

"Technology can be directed creatively so as to bring human society into close harmony with its natural environment. It can be made to create more wealth with less waste. . . It can be made to create beauty where we have let it spawn ugliness. It can be made to bring man both greater security and more individual freedom. What it does, however, will be accomplished only when we stop blaming it for our shortcomings, reassert our mastery over it and agree on what we want it to do."

That is the challenge for us—to reassert our mastery over technology and agree on what we want it to do. The job will be difficult. It will require the combined efforts of industry, government, the universities, and all of the other groups in our society. But we have a strong incentive to succeed. What we are working to achieve is the better society of tomorrow—here in Baltimore, in our country, and around the world.

AMERICA'S RELIGIOUS COMMITMENT TO SOVIET JEWRY

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. LENT Mr. Speaker, on March 27, the Honorable Angelo D. Roncallo, Controller of the County of Nassau, State of New York, delivered an outstanding and timely address on the plight of Soviet Jewry. So that my distinguished colleagues in the Congress may have the benefit of reading this enlightening address, I would like to include it in the RECORD here

I feel that my presence here, as a Catholic in a Jewish synagogue, points out the concern every religious person, regardless of creed, should have for the plight of Soviet Jewry. Although every religion in Russia and her satellite countries has suffered greatly, it is the Jew who has focused the world spotlight on the harsh persecution practiced by the communists. It is the Russian Jew who is risking his safety and life demanding his freedom to emigrate. And it is the non-Russian Jew who is loudly and forcefully shaking the rest of the world from its complacency by defying the power of the communists.

As a religious person, I deeply admire the courage and fortitude of the Russian Jew. Not only is he helping his own people, but he is serving as an example of heroism to other repressed religions in the U.S.S.R.

Too many Americans, for too long a time, have engaged in the kind of wishful thinking which has led them to believe that somehow communism has changed—that it is no longer the tyranny it was under Stalin, somehow a new era of freedom has dawned for the people of the Soviet Union.

This optimistic view, unfortunately, has not been borne out by the facts. In 1956, it is true, Nikita Khrushchev condemned Stalin and his so-called "cult of personality". The evils of the Stalin era, Khrushchev declared, were the results of Stalin's own personality. All of this, he promised, would change.

But instead of changing for the better, it is now Khrushchev who has been rejected, and Stalin who has been reinstated. In February 1969, for example, the Soviet Communist Party's most authoritative journal, *Kommunist*, officially rehabilitated the late Josef Stalin as an "outstanding military leader", repudiating as "inventions" the tales told by Nikita Khrushchev at the 20th Party Congress in 1956. The same issue of *Kommunist* makes clear that this rehabilitation is not accidental and is linked to current policies.

The renaissance of Stalinism has been accompanied by a renewed campaign against one of Stalin's favorite targets and scapegoats—the Jews.

We must remember that Soviet hostility to Jews dates to the programs of the period before the Revolution. The communists, since coming to power in 1917 have launched a campaign of persecution against all religions, but the Jews have remained a convenient and vulnerable target.

In order to place the recent anti-Semitic campaign in proper historical perspective, it is important to review the history of religious persecution in the Soviet Union.

In 1925 the League of Militant Atheists was formed in the Soviet Union to publish and spread anti-religious material and like, the government's economic plan, an atheistic five year plan was launched in 1927 and again in 1937. In the late 1930's the League was reported to have 3.5 million members, but it failed in its primary task. Religion has not been destroyed in the fifty years since the Russian Revolution—but not due to any lack of effort on the part of the communist regime.

Despite an intensive fifty year campaign calling for its eradication, religion remains a force in modern Russia. A recent poll, conducted by university students in the city of Kazan (with a population of 900,000), showed that 21% of those questioned declared that they were religious. A surprisingly large number of the believers, 34%, belonged to the working class. The report was issued by the official magazine of Soviet atheism.

Speaking on January 22, 1958, then Premier Khrushchev stated, "We are for the freedom of the religious convictions of the people and for respect for the religious views of every human being in every nation."

Those in the West who pose questions about the state of religion in the Soviet Union are referred to Article 124 of the Soviet Constitution: "In order to ensure to citizens freedom of conscience, the church in the U.S.S.R. is separated from the state, and the school from the church. Freedom from anti-religious propaganda is recognized for all citizens."

We are not told, however, what this means. The decree on the separation of church and state and of school and church of January 23, 1918 was not aimed at religious freedom or tolerance but at the undermining of the very existance of religion.

The clergymen were deprived of voting rights and were considered obscurants and enemies of the people, not engaged in work. By order of Lenin, the All-Russian Extraordinary Committee for the Suppression of Counterrevolution was established in 1918 and during the first three years of communist rule, thousands of clergymen were the victims of Soviet terrorism.

According to official Soviet data, 423 churches were closed and 322 destroyed in the first half of 1929, and 1,440 churches were closed by the year's end. Synagogues were converted into clubs, Buddhist monasteries were closed, Moslem mosques were converted into atheist museums and the printing of the Koran was prohibited.

The provision that the school shall be separated from the church denies to the church any educational function, since these are considered to be a monopoly of the state.

Another legal document, "Decree of Religious Associations", was enacted April 8, 1929 under Stalin by the Central Executive Committee of the People's Commisars. This legislation sets forth in nineteen paragraphs what religious associations must do and must not do. The right to participate in religious rites is defined by the government as worship in an approved meeting place by a registered congregation led by acceptable ministers. There is strict enforcement of the regulation against giving religious instruction to the young, including parents giving religious instruction to their own children. Public worship is forbidden, as is any attempt to preach beyond the bounds of the approved meeting place. Baptism of children is likewise forbidden, and only those religious groups which have met the approval of the government are even permitted to participate in this limited practice.

While those below the age of 21 may not be given religious instruction, they are the major target of the state's own anti-religious "propaganda", another Soviet practice contrary to Article 124.

Before the Revolution, the training of Russian Orthodox clergy was ensured by 58 seminaries with twenty thousand students and by about two hundred ecclesiastical schools and minor seminaries. Above the seminaries were four ecclesiastical academies. On September 6, 1918, all ecclesiastical establishments had to close their doors.

During World War II, the communist government sought to unify the people against the German invader, and also attempted to create the image in the West of the Soviet Union as a democratic and freedom-loving state. The editors of papers and magazines were instructed to stop publication of articles attacking the church and, although the laws and regulations relating to religion remained in force, they were not strictly applied. In 1944, in fact, theological studies were permitted to resume on a limited basis.

With the end of the war came an increasing reign of terror. An example of renewed vigor with which the Soviet Government attacked religion may be seen in the case of the Ukrainian Catholic Church.

On the night of April 11, 1945, Metropolitan Josef was arrested and with him the entire Ukrainian Catholic hierarchy. Barely two weeks after his arrest, Moscow Patriarch Alexei consecrated a Russian priest, Makarii, as Bishop of Lviv, and on April 28, 1945, a so-called Initiatory Group was organized in Lviv, whose purpose was to work to bring the Ukrainian Church into the Russian Orthodox Church. On March 8th–10th, 1946, a "Council" took place and it invalidated the decision of the Council of Brest in 1596, and united the Ukrainian Church with the Russian Orthodox Church.

Metropolitan Josef was sentenced in 1946 and nothing was heard about him until the death of Stalin in 1953. At that time, he was made the same proposition which he had refused in 1945; they demanded that he recognize the authority of the Patriarch of Moscow. He again rejected this proposal and as the result of another trial in 1958 he was sentenced to an additional seven years of compulsory labor in a concentration camp.

The reason for the Soviet Government's desire to unite the Ukrainian Catholic Church with the Russian Orthodox Church represents an important aspect of the treatment of religion under communism. Just as the church was needed during World War II to increase Soviet prestige in the eyes of the world and unite the people, so it is needed in peacetime to sell Soviet foreign policy and the philosophy of socialism.

Dr. Matthew Spinka, prominent church historian at the Hartford Theological Seminary, notes that the Soviet policy has "... resulted in the ever-increasing subjection of the church to governmental control, so that in the end, but little actual difference could be discerned between the external relations with the church which had existed under the Czarist regime and that which existed under the Soviets. It in turn established the pattern of relations which became not only the fixed form for Russia but for all communist-dominated countries as well.

"This *modus vivendi,* has lulled the church into the belief of the possibility of a 'peaceful coexistence' and of preservation of its essential rights, while in reality it has been used as a tool for eliminating all religion from society. This presents perhaps, the most difficult problem facing modern Christendom."

We have seen the callous and ruthless manipulation of certain segments of Christianity to further communist goals, but no such preference of tolerance is even offered to Judaism.

Judaism in the U.S.S.R. is subject to unique discrimination. Jewish congregations are not permitted to organize a nationwide federation or any other central organization. Judaism is permitted no publication facilities, and no Hebrew Bible has been published for Jews since 1917, nor is a Russian translation of the Jewish version of the Old Testament allowed.

The study of Hebrew, even for religious purposes, has been outlawed and the production of religious objects, such as prayer shawls, is prohibited. The number of Jews in the Soviet Union is close to three million, of whom at least one million have been estimated as deep believers. For these there are approximately 60 synagogues and rabbis, or one synagogue and rabbi for every 16,000 believers. No new rabbis are now being trained and the average age of rabbis is over seventy. Little hope remains for a continuation of Jewish religious life in the Soviet Union.

The rabid anti-semitism of the communist leadership has been well-known. It was no coincidence that in the much publicized purge trials in Czechoslovakia in 1952 that eleven of the fourteen accused in the Slansky Case were of Jewish origin. Writing in *The Confession,* which has now been made into a movie, Arthur London tells of his first interrogator who took him by the throat and shouted, "You and your dirty race, we will know how to annihilate you! What Hitler didn't finish, we will!"

Despite repeated statements to the effect that things since Stalin have improved in the Soviet Union with regard to religious freedom, the fact is that they have been getting worse. The campaign has mounted in recent years. Mr. Oliver Clement, an orthodox professor declared that from 1959 to 1962, the number of churches open decreased from 22,000 to 11,500 and the number of priests carrying on their functions from 30,000 to 14,000. More than half the monasteries have been closed, from 69 in 1958 to 31 in 1962. Of eight seminaries reopened in 1945, two have been closed and two have been almost stripped of their students.

News reports from the Soviet Union today indicate that religion is in as difficult a position today as it ever was. *Pravda Ukraini* for October 3, 1966 tells the story of a "Brother Prokofiev" who had already been in prison three times, but as soon as he was released, he began to organize secret Sunday Schools again. The result was a fourth arrest.

Sowjestskaais Russia recounts how the Baptist Marinkowa has had six children taken away from her because she gave them Christian faith and forbade them to wear the Communist pioneer necktie. When she heard the sentence, she said only, "I suffer for my faith." She now has to pay the boarding school bills of her children who are in a state institution which preaches militant atheism.

While other religions and sects continue to endure their share of persecution, we find that once again, the Jews are the major scapegoats. B'nai B'rith, in a documented analysis of textbooks used in Soviet schools, accused Moscow of "systematically excising history" in an attempt to make the Jew a "nonperson."

Findings of the study said that Jews "are rarely mentioned and their culture ignored" in basic history textbooks used by the Soviet educational system.

The sixth edition of *"Recent History",* published in 1967 as a ninth grade teaching manual, makes no mention of "anti-semitic persecutions" in recounting the history of the Nazi regime from 1933 to 1939. The same book, discussing Nazi death camps, says that in "1933–34, 100,000 Communists were thrown into prison and into especially established concentration camps" but makes no mention that the victims were Jews.

A chronology in the tenth grade textbook listing nations newly independent since World War II omits reference to Israel, although such countries as Algeria and the United Arab Republic are treated in separate sections.

The great Soviet Encyclopedia has adopted the same tactic of exclusion. In contrast to the 1932 edition which dealt with Jewish history and culture in 117 pages, the second edition, published in 1952, has but two pages devoted to Jews. Virtually all Jewish history is deleted. "The inevitable result," declared B'nai B'rith, "is that the students are denied a positive image of the Jew."

The Soviet Union has, however, done far more than refrain from giving a positive image. It has clearly presented a negative and hostile image. In May 1970, for example, the Soviet Ministry of Defense published a novel whose vicious anti-semitism recalls the Nazi's descriptions of Jews lying in wait to despoil Aryan girls. Two hundred thousand copies of this book, called, *Love and Hate,* were printed by the Armed Forces publishing house of the Ministry of Defense. It was sent to the library of every military unit in the Soviet Union.

Jews in the Soviet Union have become virtual captives, not able to practice their religion, and not able to emigrate. One Soviet Jew who did manage to leave, Lyuba Bershadskaya, describes the scene at her departure: "The day I left Moscow to go to Israel, two hundred people came to the airport to say 'goodbye'. They already considered me a free person. They trusted me. People kept calling out, 'Lyuba, tell Nixon, tell U Thant, tell Nixon!' ".

In recent days, the Soviet government has allowed a slight increase in the number of Jews permitted to emigrate to Israel. It was reported this week that the Soviet government has made a landmark decision to allow an estimated 300,000 Jews leave for Israel within the next few years. Over five hundred Jews have already left this year. Even this token gesture of freedom is astounding, considering the rigid, hostile nature of communism. And, it has been brought about solely by the courage of Russian Jews who have demanded their freedom. The dam of Communist repression has been cracked, and the thin trickle has turned to a steady stream. If the pressure from within continues, the crack will widen and the stream will increase. We all pray for the time when the dam will crumble entirely.

It is our responsibility to make the true facts about life under communism known to the world. Religion, we must remember, has been the traditional enemy of all modern tyrannies. Mussolini stated, "Religion is a species of mental disease." Karl Marx called it the "opium of the people" and Hitler denounced Christianity not only because Jesus was a Jew, but because it was "cowardly to speak of giving love for hate."

We must not forget that tyranny is also the enemy of all religion, and of freedom as well. The Soviet Union, in its more than fifty years of communist rule, has wasted no effort in teaching us this lesson. We must not break faith with those brave people still striving for their freedom within the Soviet Union, for, in the long run, their fight is our fight and the fight of all free men, everywhere. Thank you.

PRO DEO ET PATRIA

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. BRAY. Mr. Speaker, I am proud to insert the full schedule of the "Pro Deo et Patria"—For God and Country—service, held recently in the Pleasant View Lutheran Church, Indianapolis, Ind.:

"PRO DEO ET PATRIA"—FOR GOD AND COUNTRY

(A patriotic service in honor of the birthdays of two great Americans, George Washington and Abraham Lincoln)

PLEASANT VIEW LUTHERAN CHURCH

Prelude: "Finlandia" Sibelius.

Processional hymn: "God the Omnipotent" (sung by all):

"God the Omnipotent! King, who ordainest
Great winds thy clarions, lightnings thy sword:
Show forth thy pity on high where thou reignest:
Give to us peace in our time, O Lord.

"God the All-merciful! earth hath forsaken
Meekness and mercy, and slighted thy word;
Bid not thy wrath in its terrors awaken:
Give to us peace in our time, O Lord.

"God the All-righteous One! man hath defied thee,
Yet to eternity standeth thy word;
Falsehood and wrong shall not tarry beside thee:
Give to us peace in our time, O Lord.

"God the All-wise! by the fire of thy chastening
Earth shall to freedom and truth be restored;
Through the thick darkness thy kingdom is hastening:
Thou wilt give peace in thy time, O Lord.

"So shall thy children with thankful devotion
Praise him who saved them from peril and sword,
Singing in chorus from ocean to ocean:
'Peace to the nations, and praise to the Lord.' Amen."

The Invocation (by the Pastor).

The pledge of allegiance to our Creator.

1. The Apostles' Creed (said in unison):

"I believe in God, the Father almighty, creator of heaven and earth. I believe in Jesus Christ, his only Son, our Lord. He was conceived by the power of the Holy Spirit and born of the Virgin Mary. He suffered under Pontius Pilate, was crucified, died, and was buried. He descended to the dead. On the third day he rose again. He ascended into heaven, and is seated at the right hand of the Father. He will come again to judge the living and the dead. I believe in the Holy Spirit, the holy Catholic Church, the communion of saints, the forgiveness of sins, the resurrection of the body, and the life everlasting." (International Consultation on English Texts)

2. The Pledge to the Christian Flag (said in unison, right hand over heart):

"I pledge allegiance to the Christian Flag, and to the Saviour for whose Kingdom it stands; one brotherhood, uniting all mankind in service and love."

The pledge of allegiance to our country.

1. The American's creed (said in unison):

"I believe in the United States of America as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a republic; a sovereign nation of many sovereign states, a perfect union, one and inseparable; established upon those principles of Freedom, equality, justice and humanity for which American patriots sacrificed their lives and fortunes. I therefore believe it is my duty to my country to love it; to support its Constitution; to obey its laws; to respect its flag, and to defend it against all enemies." (William T. Page, clerk, U.S. House of Representatives in 1917)

2. The pledge to the American flag (said in unison, right hand over heart):

"I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

3. The National Anthem (sung by all):

"Oh, say can you see by the dawn's early light?
What so proudly we hailed at the twilight's last gleaming?
Whose broad stripes and bright stars, thru the perilous fight,
O'er the ramparts we watched were so gallantly streaming?
And the rockets' red glare, the bombs bursting in air,
Gave proof through the night that our flag was still there.
Oh, say does that star-spangled banner yet wave
O'er the land of the free and the home of the brave?"

The prayer for Our Country (prayed in unison):

"Almighty God, we make our earnest prayer

That Thou wilt keep the United States in Thy holy protection;

That Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government

And entertain a brotherly affection and love for one another

And for their fellow citizens of the United States at large.

And finally, that Thou wilt most graciously be pleased and dispose us all to do justice, to love mercy and to demean ourselves with that charity, humility and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion;

And without a humble imitation of Whose example in these things we can never hope to be a happy nation.

Grant our supplication, we beseech Thee, through Jesus Christ our Lord. Amen."

(Prayed by George Washington at the conclusion of his Inaugural Address as the 1st President of the United States).

(The Congregation is seated; Late Comers may be seated by the Ushers).

The first Scripture lesson: Psalm 33: 1–12.

Hymn: "O Beautiful for Spacious Skies" (sung by all):

"O beautiful for spacious skies,
For amber waves of grain,
For purple mountain majesties
Above the fruited plain!
America! America!
God shed his grace on thee,
And crown thy good with brotherhood
From sea to shining sea.

"O beautiful for pilgrim feet,
Whose stern, impassioned stress
A thoroughfare for freedom beat
Across the wilderness!
America! America!
God mend thine every flaw,
Confirm thy soul in self-control,
Thy liberty in law.

"O beautiful for heroes proved
In liberating strife,
Who more than self their country loved,
And mercy more than life!
America! America!
May God they gold refine,
Till all success be nobleness,
And every gain divine.

"O beautiful for patriot dream
That sees, beyond the years,
Thine alabaster cities gleam,
Undimned by human tears!
America! America!
God shed his grace on thee,
And crown thy good with brotherhood
From sea to shining sea.

The second scripture lesson: Romans 13: 1–7.

The Anthem: "Let There Be Peace on Earth," Miller-Jackson. The Senior Choir.

"Let there be peace on earth
And let it begin with me;
Let there be peace on earth,
The peace that was meant to be.
With God as our Father,
Brothers all are we.
Let me walk with my brother
In perfect harmony.
Let peace begin with me,
Let this be the moment now;
With ev'ry step I take,
Let this be my vow;
To take each moment and live each moment
In peace eternally.
Let there be peace on earth,
And let it begin with me."

Hymn: "The Battle Hymn of The Republic" (sung by all):

"Mine eyes have seen the glory of the coming of the Lord;
He is trampling out the vintage where the grapes of wrath are stored;
He hath loosed the fateful lightning of his terrible swift sword:
His truth is marching on.

"Glory, glory, Hallelujah!
Glory, glory, Hallelujah!
Glory, glory, Hallelujah!

His truth is marching on.
"He has sounded forth the trumpet that shall never call retreat;
He is sifting out the hearts of men before his judgment seat;
O be swift, my soul, to answer him; be jubilant, my feet!
Our God is marching on."

(Repeat Chorus)

"In the beauty of the lilies Christ was born across the sea,
With a glory in his bosom that transfigures you and me:
As he died to make men holy, let us die to make men free,
While God is marching on."

(Repeat Chorus)

The Sermon: "Have We Forgotten?" Pastor Kahlenberg.

The Offering.

Pastor Kahlenberg.

The organ offertory: "God Bless America" Berlin. (1st Service only).

The Offertory Anthem: "It's a Long Road to Freedom" Medical Mission Sisters. The Junior Choir. (2nd Service only).

Refrain:

"It's a long road to freedom, a winding steep and high.
But when you walk in love with the wind on your wing
And cover the earth with the songs you sing,
The miles fly by.

"I walked one morning by the sea,
and all the waves reached out to me.
I took their tears, then let them be.

"I walked one morning at the dawn,
when bits of night still lingered on.
I sought my star, but it was gone.

"I walked one morning with a friend,
and prayed the day would never end.
The years have flown—so why pretend.

"I walked one morning with my King,
and all my winters turned to spring.
Yet ev'ry moment held its sting."

The presentation of the offering and the doxology (sung by all):

"Praise God, from whom all blessings flow;
Praise him, all creatures here below;
Praise him above, ye heavenly hosts;
Praise Father, Son, and Holy Ghost. Amen."

The preparation for prayer (to be read by the Pastor):

"We have been recipients of the choicest bounties of heaven. . . . We have grown in numbers, wealth and power as no other nation has ever grown; but we have forgotten God. We have forgotten the gracious hand that preserved us in peace, and multiplied and enriched and strengthened us; and we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior virtue and wisdom of our own.

"Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us. . . .

"It behooves us then, to humble ourselves before the offended Power, to confess our national sins, and to pray for clemency and forgiveness." (Spoken by Abraham Lincoln in 1861.)

THE LITANY OF ALLEGIANCE AND DEDICATION

Pastor: Believing that God is "The King of Creation and the Lord of the Nations" without Whom the very blessings of "life, liberty and the pursuit of happiness" would not be possible,

People: I will confess my ingratitude and disregard, my neglect and negligence when it comes to God and living as a citizen in this wondrous world which is really His.

Pastor: Realizing that no nation on earth can long endure without a deep and abiding Faith in God,

People: I will let others know that I believe in God and I will endeavor to make His presence felt, His power known and His purposes of justice, goodness and kindness alive and active wherever I walk.

Pastor: Being mindful of the religious heritage of my forefathers who founded America with God and divine principles uppermost in their minds,

People: I will not only cherish their reverent reliance upon God, but I will endeavor to build upon their beliefs for this and future generations.

Pastor: Understanding that liberty is not something easily won or easily kept,

People: I will endeavor to support, strengthen, and sustain the freedoms for which many have paid the supreme sacrifice.

Pastor: Knowing that the leaders of our nation today face great priorities and grave problems as they seek to preserve peace in our times both at home and abroad,

People: I will pray for them, that they may always seek divine help and guidance, especially in times of decision.

Pastor: Finally, realizing that the principles of Christian morality are necessary to undergird our society,

People: I will endeavor to follow the teachings of Jesus Christ in thought, word and deed every day. Amen.

The Lord's Prayer (prayed by all):

"Our Father in heaven, holy be your Name, your kingdom come, your will be done, on earth as in heaven Give us today our daily bread. Forgive us our sins as we forgive those who sin against us. Do not bring us to the test but deliver us from evil. For the kingdom, the power, and the glory are yours now and for ever." Amen. (International Consultation on English Texts.)

The benediction (by the Pastor).

The recessional hymn: "My Country, 'tis of Thee" (sung by all):

"My country 'tis of thee,
Sweet land of liberty, of thee I sing:
Land where my fathers died,
Land of the pilgrims' pride,
From every mountain side
Let Freedom ring.

"My native country, thee,
Land of the noble free,
Thy name I love;
I love thy rocks and rills,
Thy woods and templed hills;
My heart with rapture thrills
Like that above.

"Let music swell the breeze,
And ring from all the trees
Sweet freedom's song;
Let mortal tongues awake;
Let all that breathe partake;
Let rocks their silence break,
The sound prolong.

"Our fathers' God, to thee,
Author of liberty.
To thee we sing;
Long may our land be bright
With freedom's holy light;
Protect us by thy might,
Great God, our King." Amen.

Silent prayer.

Postlude: "This Is My Country." Raye-Jacobs.

HAVE WE FORGOTTEN?

(Deuteronomy 6: 12)

(Sermon delivered by the Reverend David P. Kahlenberg, pastor, Pleasant View Lutheran Church of Indianapolis, Ind., on Patriots' Sunday, February 14, 1971)

How many times have you said these two words, and how many times have they been said to you: "Don't forget!" And yet, we do. It's easy to forget. It's hard to remember. That's why such things as birthdays and anniversaries and other observances like them are so essential. That's why every February, we fondly and affectionately stand at attention long enough to salute two of the most illustrious leaders of American history, the 1st and the 16th Presidents of the United States.

Both were giants in every sense of the word, physically, intellectually, creatively, productively, and morally. Both had the tremendous task of welding and rewelding a nation almost torn apart by war. Both were held in such high regard that millions came to call them each in his own right and each in his own time, "Father." The 1st President was and is known as the "Father of our Country," and the 16th President was and is know simply as "Father Abraham."

On this date that comes almost equidistant between the national holidays that celebrate their births, it is appropriate that we should remember George Washington and Abraham Lincoln, what they did, what they said, what they stood for, and what they mean to America, as Rudyard Kipling reminds us, "Lest we forget! Lest we forget!"

Because, you see, I'm not sure we have remembered very well, or well enough at least, the lessons those great Americans tried to teach us. That's why today I want us to honestly ask ourselves this crucial question: Have we forgotten?

As usual, I have 3 words to assist you in pinpointing that inquiry. And the first word is "origins." Have we forgotten our origins? Way back in the 5th book of the Bible, in the book of Deuteronomy, this same possibility was posed. The children of Israel had endured the agony of enslavement in Egypt and the awful years of living as wandering nomads in the desert wilderness.

All of that was now behind them, & what lay ahead was the Promised Land, flowing with milk & honey instead of scraps of sap for food, with houses instead of tents for homes, with all kinds of comforts instead of all kinds of inconveniences. But before they plunge headlong into Paradise, their leader, Moses, like all good preachers, makes a speech. And in it, he echoes & re-echoes a warning. "Beware," he says. "Take heed, lest when your cities are built, your houses are beautiful & your stomachs are bulging that you forget the Lord your God who brought you out of the land of Egypt, out of the house of bondage. Remember God! Remember His goodness. Remember where you came from. Never forget your origins."

Moses repeats warnings like that no less than 4 times in 3 chapters, in the 4th through the 6th chapters of the book of Deuteronomy. And if you want to know what happened to "The Chosen Race" in the Promised Land, I will give you some homework. It's all there in the book of Deuteronomy & in the few books that follow it, & quite a story it is!

Well, have we forgotten? Have we forgotten our origins? Have we forgotten that America was founded on faith in God? Had you remembered that it was? It's written right into our basic American documents like the Constitution & the Bill of Rights themselves. When the Pilgrims left Plymouth, John Robinson led the procession from the church to the waiting ship, reading aloud God's call to Abraham from an open Bible: "Get thee out from thy country, & from thy kindred, . . . unto a land that I will show thee: & I will make of thee a great nation . . . & in thee shall all families of the earth be blessed."

The Mayflower Compact, the very first document of democracy in America, which was written, read, signed & sealed on board the ship itself, starts with these words: "In the Name of God, Amen." It goes on to state that the entire adventure to the New World was undertaken for the glory of God & the advancement of the Christian Faith.

John Adams was right when he said that "no country was ever founded on deeper religious foundations." Calvin Coolidge came close to it too when once he remarked that America was born out of a religious revival.

And it was George Washington himself, who as he took the oath of office as this country's 1st President, his hand resting on the Holy Bible, added these words at the end of the oath on his own: "So help me God." It is obvious, is it not, that God & religion & worship all must have meant much to Washington to have him pray a prayer at the close of his Inaugural Address like the one we prayed a few minutes ago.

Abraham Lincoln's faith & religious fervor was just as strong.

Standing on the platform of the observation car in Springfield, Illinois, & speaking to his friends & neighbors for the last time before leaving for Washington, D.C., President-Elect Lincoln made one request: "that you pray for me."

Once when Abraham Lincoln met with the Illinois Superintendent of Public Instruction, Newton Bateman, the Great Emancipator started telling him how disturbed & distressed he was about slavery. Taking a New Testament out of his pocket, Lincoln started chiding those who knew what the Good Book had to say about human bondage, but who were opposed to him. Suddenly, Lincoln paused for a long time his frame & features charged with intense emotion. Slowly, he got up out of his chair & started pacing up & down the room. Then tears welled up in his eyes, & with a trembling voice, this is what Abraham Lincoln said: "I know there is a God & that He hates injustice & slavery. I see the storm coming & I know His hand is in it. If He has a place for me, I believe I am ready . . . I know I am right because I know liberty is right, for Christ teaches it, & Christ is God. . . ."

And in a few minutes, in Preparation for Prayer, his words will ring in our ears once more, words which he spoke at the outset of the Civil War: ". . . we have forgotten God. We have forgotten the gracious hand that preserved us. . . ."

I wonder if we have. I think both Washington and Lincoln would agree that our nation will endure if it has enough consecrated Christians in it—enough people who believe in God greatly, love God dearly, pray to God daily, worship God regularly, serve God sincerely and who live in His presence persistently.

Have we forgotten that our origins as a people go back to the Almighty? We'd better hope and pray we haven't, and we'd better do something about not letting it happen either.

The second word is IDEALS. Have we forgotten the ideals men like Washington and Lincoln embraced and expoused, ideals like equality, honesty and integrity, brotherhood, justice and compassion? Or have our visions faded and have we compromised our ideals, thus forgetting them?

Somewhere I recently read that the old American ideal used to be morality. Now it is money. Love isn't what makes the world go round anymore. It's cold, hard cash! Money talks. Money gets things done. Walter Lippman once warned that money is rapidly becoming the only important thing. "Get money," he said, "and anything goes, provided you don't get caught." Maybe money has become our master. So have such things as goods and gadgets, lust and luxury, pleasure and property.

Do you remember what George Washington said in his Farewell Address? "Reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle." And where did perhaps the poorest, most poverty-stricken person ever to enter the White House get ideals like these: "all men are created equal. . . ." "with malice toward none; with charity for all. . . ."

"Gold is good in its place, but living, brave, patriotic men are better than gold." Where did Lincoln get those ideals? Why he came by them from the Bible and through the Christian faith. And if our nation is going to continue to be strong, and sturdy, and stable, we'd better get back to the ideals of the men we honor here today, ideals we may well have forgotten.

The third word is aspirations. Have we also forgotten our aspirations as a people and as persons? Have we forgotten our forefathers goals, their hopes and dreams that America could be the land of the free and the home of the brave? The two men we remember here today, you know, gave their lives for the noble causes of life, liberty, and the pursuit of happiness. Lincoln's one great ambition in life was not to become popular or powerful or important. Do you know what it was that he wanted more than anything else? To be esteemed, he said, "of my fellowmen, by rendering myself worthy of their esteem."

Geroge Washington's life was given "Pro Deo Et Patria," For God and Country. He could have settled back and enjoyed a life of luxury and leisure, but that wasn't what life was all about according to Geroge Washington. Life's aspirations for him included giving, serving, helping, and doing for people and for a republic that was formed and fashioned by the great Provider.

Well, what do you think? Have we forgotten? Have we forgotten our origins, our ideals and our aspirations? If we have, what do you suppose it will take, what in God's name will have to happen before we wake up, before we remember? Maybe we'd better get busy before we have to find out.

ROUTZAHN'S NAMED RETAILER OF THE YEAR

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. BYRON. Mr. Speaker, Routzahn's department store in Frederick, Md., represented by Mr. Allen R. Routzahn, will be presented the Retailer of the Year Award by the Brand Names Foundation of New York at the annual banquet to be held in New York City on April 8.

The decision on the award was based on effectiveness shown by Routzahn's in its use of all available advertising and sales promotion tools, sales training methods, and effective promotion. One of the prime considerations was the personal and corporate activities of the store in the promoting the welfare of the local community.

I congratulate Routzahn's and its staff and employees for receiving this important award.

CRITIQUE OF THE "SELLING OF THE PENTAGON"

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, my friend and constituent, Mr. Benjamin Ginzburg, executive secretary of Accuracy in Media—AIM—a nonpartisan, nonprofit organization to promote accuracy in news reporting, has just completed a critique of the CBS program, "The Selling of the Pentagon," which I believe all who read this Record should see. Normally AIM awaits response to their questions by the network, but in this instance CBS had announced its intention of rebroadcasting the program after having been made aware of its inaccuracies, so the critique, without response, was released.

AIM also recently addressed a letter to the Washington Post which has not, and probably will not, be printed, defending Vice President Agnew's recent charges that CBS was guilty of inaccurate and slanted reporting in its 1968 documentary, "Hunger in America." As I believe this, too, would be of interest to those concerned about accurate reporting of the news, I insert it at this point in the Record:

Accuracy in Media (AIM),
Arlington, Va., March 20, 1971.

Mr. Richard S. Salant,
President, CBS News,
New York City, N.Y.

Dear Mr. Salant: Our own analysis and the analysis of others of the CBS documentary, "The Selling of the Pentagon," broadcast February 23, 1971 indicates that there were a number of specific factual inaccuracies in the documentary. We would appreciate having your comments on the following points.

1. CBS stated: "The Pentagon . . . will still spend $30 million this year on public affairs—an amount more than 10 times greater that what it spent to tell people about itself just 12 years ago."

Query: The Department of Defense informs us that the $30 million figure for the current fiscal year includes substantial expenditures of a type that were specifically excluded from the $2.8 million budget of FY 1959. The Department states that for this reason it is misleading to compare the two budget figures in the way CBS did. Does CBS agree that the two figures are not strictly comparable for the reasons given by the Department of Defense?

2. CBS stated: "A special, still unpublished report for the prestigious 20th Century Fund estimates the real total at $190 million." CBS then showed a graph comparing this figure of $190 million with the news budgets of the three commercial television networks, noting that combined these total $146 million.

Query: Has the unpublished report of the 20th Century Fund been reviewed by competent independent analysts familiar with the Defense Department budget? Has the Defense Department had an opportunity to comment on this report and the way in which the $190 million figure was calculated? Does this figure include expenditures on such things as training films, as suggested in your letter to me, dated March 10, 1971? If so, is it legitimate to count the cost of training films for the military forces as an expenditure of the Defense Department "to tell people about itself?" If the report has not been subjected to critical review by competent independent experts, does CBS consider it to be legitimate to use this figure, even with qualifications, as an indicator of Departmental expenditures on public information?

3. CBS stated: "The Pentagon has a team of colonels touring the country to lecture on foreign policy."

Query: Is this an appropriate description of the group from the Industrial College of the Armed Forces in light of the following facts: (a) in addition to four colonels and a Navy captain, the team includes a State Department foreign service officer; (b) the briefings this group gives cover 33 topics, including foreign policy; (c) the briefings are designed primarily to educate Reserve officers, not the general public; and (d) the briefings are given at seven different locations throughout the country to make it possible for Reserve officers in various parts of the country to participate with a minimum of travel expense?

4. CBS stated, with reference to the ICAF briefing in Peoria, Ill.: "The invitation was arranged by Peoria's Caterpillar Tractor Co., which did $39 million of business last year with the Defense Department."

Query: We are informed that the seminar in Peoria was not arranged by the Caterpillar Tractor Co., but by the Association of Commerce, which provided the auditorium and other facilities. The meeting was co-chaired by an officer of the Caterpillar Tractor Co. and by the owner of the Ace Hardware Store of Peoria. Does CBS dispute this and hold to its contention that the meeting was arranged by Caterpillar Tractor Co.? If so, what is its evidence?

5. Following a statement by Roger Mudd of CBS that the Army has a regulation barring personnel from speaking on foreign policy implications of U.S. involvement in Vietnam, CBS showed a Marine colonel giving a six-sentence statement wtih the implication that this was contrary to regulations.

Query: Our information is that the statement the colonel was shown as giving is actually a synthetic production of CBS, created by taking sentences from widely separated places in the colonel's speech and joining them together to make what appeared to the viewer to be six consecutive sentences. We are informed that the sentences used by CBS came from the following pages of the briefing text:

Sentence 1, page 55; sentence 2, page 36; sentence 3, page 48; sentence 4, page 48; sentence 5, page 73; sentence 6, not indicated.

We are further informed that sentences three and four were quotations from Prime Minister Souvanna Phouma of Laos and that this was so indicated by the speaker but omitted by CBS to make it appear that these were the speaker's own words. We are informed that the scripts from which the colonel and others were speaking were all cleared in advance by the Defense Department and other appropriate government agencies including the Department of State. Would you not agree that it is totally improper to synthesize statements as was done in this case? Could this not be considered a violation of Article IV (23) of the NAB Television Code, which states: "No program shall be presented in a manner which through artifice or simulation would mislead the audience as to any material fact?" Was it the intention of Roger Mudd's introductory comment to imply that what followed was in violation of army regulations? If so, would it not have been appropriate to describe the clearance process for these scripts in order to avoid any reflection on the individual officers?

6. CBS stated that military speakers "traverse the country shaping the views of their audiences."

Query: Does CBS have specific information about the success military speakers have in "shaping" the views of those to whom they speak? How does this compare with the "shaping" done by other speakers, including such campus favorites as Tom Hayden and Bernadette Devlin?

7. CBS devoted a substantial part of the program to the Joint Civilian Orientation Conference, describing the visit of 64 prominent civilians to key military installations, including a visit to North Carolina where a weekend war game was staged. CBS showed part of the war games, but at no point in the broadcast did it indicate that this was not being put on solely for the benefit of the 64 prominent civilians. The impression was given that these individuals should properly have been billed for the cost of the war game. CBS stated: (The cost of the tour) "does not include the amount spent on elaborate briefings, the war game itself, nor the expenses of several thousand servicemen who performed for the civilians along the way."

Query: Is this not misleading since the Defense Department states that the war game was planned and executed for military training and study purposes and that it lasted three days? The Joint Civilian Orientation Conference tour is said to have observed it for only one of the three days and that others who observed it, none of whom were mentioned by CBS, were 450 military personnel from the Strike Command operational and training bases, 200 members of ROTC units and about 165 local civilians. Would not the viewers have obtained a more accurate understanding of this operation and its purpose if these facts had been mentioned?

8. CBS devoted nearly one-fourth of "The Selling of the Pentagon," as measured by the printed transcript, to films made by the military. It stated that over 300 films a year are made by the Pentagon and that the annual cost of making these movies is over $12 million. It said that most of the films were "made originally for troop information, but a large number is later released for public showing."

Query: According to the Defense Department, in FY 1970 the amount spent on films made specifically for public information purposes was only $30,000. Why was this fact not stated by CBS, rather than the $12 million figure which includes films made for troop information, research and development, recruiting and medical and religious use? Do you not agree that the use of the $12 million figure gives a possible false impression about the amount spent on public information films, especially in a medium like TV, where the viewer cannot backtrack and reflect on all the qualifying remarks? The Defense Department states that only a very small percentage of all the films included in the $12 million figure are cleared for public release. If this is true, is not this figure irrelevant to the subject of the documentary in question? The Defense Department points out that six of the seven films discussed by CBS were made solely to fill troop information requirements. Would not it have given a more accurate picture to the viewers if you had mentioned this fact?

9. In introducing a Defense Department film on Vietnam, CBS stated: "The Pentagon helped John Wayne make 'The Green Berets.' John Wayne helped the Pentagon make this film in Vietnam."

Query: Was it the intention of this comment to suggest that John Wayne's willingness to narrate the film in question was a quid pro quo for Defense Department assistance in filming "The Green Berets?" This is the inference many would draw from the statement. The Department of Defense informs us that the two films are entirely unrelated, and that Mr. Wayne's participation in "A Nation Builds Under Fire" was a last minute substitution that resulted when another actor became ill and was unable to narrate the film as planned. The Department states that the application from Mr. Wayne for assistance with "The Green Berets" was treated no differently than other requests of this type and that Wayne Productions reimbursed the Department for the expenses incurred.

Does CBS have any valid reason to support the implication that there was a tie-in between Defense Department assistance with "The Green Berets" and Wayne's assistance with "A Nation Builds Under Fire?" If not, would you not agree that the implication is unfair?

10. After showing John Wayne summing up the record of communist murder, assassination and terror in Vietnam, CBS stated: "Not only movie stars have aided Pentagon propaganda."

Query: Was it the intention of CBS to imply that the statement that John Wayne was shown as making about communism was "Pentagon propaganda?" What is the definition of propaganda that the authors of this statement had in mind? Would any factual description of the record of communist oppression be labeled "propaganda" under this definition? Was there any intention to convey the impression that the statement was not factually accurate, and if so, in what respects does CBS believe it to be inaccurate?

11. After showing Walter Cronkite making a statement in a Defense Department film in which he describes the spread of aggressive communism in Europe, Asia and Cuba, CBS states: "On a policy level, the Pentagon says it has discarded the rhetoric of confrontation. But city by city, public showing by public showing, the language and symbols of the early 60's are still being widely distributed in the 70's." It goes on to say that films narrated by Walter Cronkite and Chet Huntley are still being shown "even though Walter Cronkite and Chet Huntley may now disagree with the intent of the films they narrated."

Query: Has CBS ascertained that its employee, Walter Cronkite, now disagrees with the statement he made in the film shown about the record of communist aggression over the past thirty years? If so, why did you say that Mr. Cronkite "may now disagree" rather than that he does now disagree. If Mr. Cronkite is still of the opinion that communism has shown aggressive tendencies and that defense against it is necessary, why did you imply that this may no longer be his view?

What is the meaning of "the rhetoric of confrontation?" Does this mean that the Defense Department has agreed that it will no longer discuss the history of the past thirty years insofar as this might imply that the communists have shown aggressive tendencies? Does this include refraining from criticism of such post-1962 events as the invasion of Czechoslovakia? What is the official statement that announced the abandonment of "the rhetoric of confrontation?"

12. CBS stated: "In an excerpt from a film called 'Road to the Wall,' the Pentagon has James Cagney tell of a Communist plan that encompasses even more than the world."

Query: Is it true that "Road to the Wall" was produced by CBS and was described in a CBS press release as "an historical treatment of the Communist Party in operation throughout the world. . .?" In view of this is it not inaccurate to say that the Pentagon had Mr. Cagney make the statement quoted? Would it not be more accurate to say that CBS had Mr. Cagney make the statement?

13. After showing part of a film called "Red Nightmare," CBS stated: "Although the Pentagon labels them informational, these films contain a high proportion of propaganda, as well as an obsession with monolithic communism. Tax money financed all of them. . ."

Query: Again, what is the definition of propaganda that is being applied in this documentary? Do the excerpts from the films shown contain evidence of propaganda by this definition, whatever it may be? Since the films selected by CBS were selected from among the several hundred films made by the Defense Department each year precisely because they are films that deal with communism, what is the significance of the statement that these carefully selected films shown on the broadcast "contain . . . an obsession with monolithic communism?" Did CBS think that films dealing with communism ought to discuss subjects other than communism? Or is the implied criticism related to the adjective "monolithic?" Does CBS believe that the crushing of freedom in Czechoslovakia in 1968 in the era of "polycentric communism" was essentially different from the crushing of freedom in Hungary in 1956 in the era of "monolithic communism" and that this should be reflected in Departmental films on communism?

14. CBS states: "It has been more than a decade since the national policy of peaceful coexistence replaced the harsher rhetoric of early cold war years."

Query: From what year and with what policy statement does CBS date the beginning of "the national policy of peaceful coexistence?" Since it is stated that this happened sometime before early 1961, it must have antedated the Bay of Pigs invasion, the Cuban missile crisis, the erection of the Berlin Wall, the passage of the Tonkin Gulf Resolution, the crushing of the Czech liberation movement and the confrontation by proxy in the Middle East. Could it possibly be that in speaking of the adoption of "the national policy of peaceful coexistence" more than a decade ago, CBS was referring to the announcement of this policy by N. S. Khrushchev on November 6, 1957? Does CBS agree that this is a term used by the communists with a very special meaning in an effort to reconcile current policies with Lenin's well known statements that war between the two systems was unavoidable?

15. After the sentence quoted in No. 14 above, CBS stated: "But to the filmmakers at the Pentagon, with at least 12 million dollars a year to spend, 1946 seems to have lasted a whole generation."

Query: Is there not an implication in this sentence that the bulk of the $12 million spent by the Defense Department on films each year is devoted to the type of films that CBS concentrated on? If not, why was the $12 million figure introduced into the script in this context? What is the significance of the year 1946? Is the implication of this that serious problems with the communist countries terminated in that year and that the Pentagon has failed to recognize the change for the last 25 years? Would it not be proper to remind your viewers that the film CBS made for the Defense Department in 1962, "The Road to the Wall" was made in the year after the construction of the wall began? Is it the implication of the CBS statement quoted above that this event and its significance should have been ignored by the Defense Department because the Cold War ended 15 years earlier?

16. CBS showed Assistant Secretary of Defense Jerry Friedheim conducting a daily morning press briefing. It begins by saying that Mr. Friedheim does not tell all that he knows and would not have his job long if he did. It then shows Mr. Friedheim being unresponsive to three successive questions and responding with only one or two words to two other questions.

Query: Since the Defense Department states that Mr. Friedheim made nine announcements and responded to approximately 34 questions at the briefing filmed by CBS, would you say that the excerpts from his briefing that CBS broadcast were representative of Mr. Friedheim's total performance of that briefing? Was it just by chance that CBS chose to show Mr. Friedheim dealing with three questions that concerned security matters that he was not at liberty to discuss? Is it true, as the Pentagon states, that these three questions were the only ones out of the 34 asked that Mr. Friedheim declined to answer? Were these questions in fact asked consecutively, or were they selected and rearranged by CBS to convey the impression that non-responsiveness was characteristic of Mr. Friedheim's press briefings, as the introductory remark by Roger Mudd might have led one to believe? Would it not have given the viewer a better understanding of the responses if it had been explained that the negative responses were required because the data requested was classified?

17. CBS aired a small portion of an interview with Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs. By rearranging Mr. Henkin's words, CBS had Mr. Henkin respond to a question about the purpose served by displays of military equipment at state fairs and shopping centers in these words: "Well I think it serves the purpose of informing the public about their Armed Forces. I believe that the American public has a right to request information about the Armed Forces, to have speakers come before them, to have questions, and to understand the need for our Armed Forces, why we ask for the funds that we do ask for, how we spend these funds, what we are doing about such problems as drugs—and we do have a drug problem in Armed Forces. What we are doing about the racial problem in the Armed Forces, and we do have a racial problem. I think the public has a valid right to ask these questions."

Query: Is this not a synthetic answer to the question? Is it not true that all but the first sentence of the answer as shown by CBS was actually part of a much longer response to this question by Mr. Mudd: "Do you regard the display of military equipment in the country and the instant availability of military speakers at Kiwanis and Rotary and so forth as excessively militaristic?" Would you not agree that understanding of Mr. Henkin's explanation of the purpose served by military exhibits was not improved by omitting an important part of his reply and substituting his reply to an entirely different question? Could this not be considered a violation of Article IV (23) of the NAB Television Code?

18. After having created a synthetic and seemingly inept answer to Mr. Mudd's first question, CBS then followed with a question which appeared to be a follow up to the first question, but which actually was asked after four other questions had been asked. Mr. Mudd said: "Well is that sort of information about the drug problem you have and the racial problem you have and the budget problems you have, is that the sort of information that gets passed out at state fairs, by sergeants who are standing next to rockets?" Mr. Henkin replied: "No, I wouldn't limit that to sergeants standing next to any kind of exhibits. I thought we were discussing speeches and all." In the broadcast, CBS deleted the second sentence of Mr. Henkin's reply and substituted one sentence extracted from his reply to an earlier question. The substitute sentence was this: "Now there are those who contend that this is propaganda. I don't—do not agree with this." This statement had been made in reference to Mr. Henkin's statement, not used by CBS, that the Defense Department has an obligation to discuss with the American public the problems that we confront, problems such as the increasing Soviet threat.

Query: Could this rearrangement of Mr. Henkin's words, without informing the viewers, be considered a violation of Article IV (23) of the Television Code? Was not the purpose in dropping the second sentence of Mr. Henkin's actual reply to cover up the fact that the intervening discussion had been dealing with military speakers, not exhibits of military hardware?

20. CBS stated: "Using sympathetic Congressmen, the Pentagon tries to counter what it regards as the anti-military tilt of network reporting. War heroes are made available for the taped home district TV Reports from pro-Pentagon politicians. Here Rep. F. Edward Hebert of Louisiana asks Major James Rowe, a Green Beret and former POW what keeps the Viet Cong fighting."

Query: What evidence does CBS have that the Pentagon arranged for Major Rowe to be interviewed by Congressman Hebert? Congressman Hebert has asserted that the program was entirely his own idea, and that he interviewed Major Rowe in order to give his constituents in Louisiana an opportunity to see Major Rowe, who had been imprisoned by the Viet Cong for five years and had made a sensational escape, facts which CBS did not mention in describing Major Rowe to its viewers. Congressman Hebert states that as far as he knows, no one in the Pentagon hierarchy even knew in advance of the plans to have Major Rowe on his program. He is on record as deeply resenting the suggestion that he was "used" by the Pentagon. Does CBS have any evidence that would substantiate its charges in any way? Does it have information that would suggest that war heroes such as Major Rowe would not be available to appear on programs with Congressmen who are hostile to the military, such as Senator Fulbright?

21. CBS shows a brief scene from a military briefing in Saigon in which the military briefing officer declines to answer a question. CBS introduces this with this comment: "The most popular phrase at these sessions, however, needs no explanation."

Query: Did CBS film the entire briefing from which this excerpt was taken? How many questions were asked at the briefing and how many were answered with "no comment?" Were any announcements made at the briefing? Did the questions which the briefer refused to answer deal with classified military information?

22. CBS summed up with this peroration by Roger Mudd: "On this broadcast we have seen violence made glamorous, expensive weapons advertised as if they were automobiles, biased opinions presented as straight facts. Defending the country not just with arms but also with ideology. Pentagon propaganda insists on America's role as the cop on every beat in the world."

Query: Was the violence made as glamorous as that children are exposed to daily on CBS television programs? Would not the question of whether a statement was a "fact" or a "biased opinion" depend on the bias of the person making the judgment? would not some say that the "biased opinions" heard on the programs were those of the CBS commentator? Did CBS intend to deprecate the use of ideology in the defense of the country? Would you disagree with Garfield's statement: "Ideas are the great warriors of the world, and a war that has no idea behind it is simply a brutality?" Can you cite any evidence to back up the statement that Pentagon propaganda insists on America's role as the cop on every beat in the world? Is the Pentagon insisting that the U.S. play a military role in the Middle East? In Africa? In Eastern Europe?

23. CBS stated: "This propaganda barrage is the creation of a runaway bureaucracy that frustrates attempts to control it."

Query: In making this statement was CBS aware of the fact that cuts in Defense Department budget requests for the current fiscal year were made both by the Office of Management and Budget and the Congress? The cuts for public information activities are said by the Department of Defense to total $12 million. This does not suggest that the bureaucracy is beyond control.

I regret having to trouble you with so many questions, but I think you will agree that it is important that these questions be cleared up. As Roger Mudd said early in "The Selling of the Pentagon," "Nothing is more essential to a democracy than the free flow of information. Misinformation, distortion, propaganda all interrupt that flow." Accuracy in Media believes that "The Selling of the Pentagon," upon careful analysis contains a great deal of misinformation and distortion that interrupts the free flow of information. Your detailed comments are earnestly requested.

Sincerely yours,

Benjamin Ginzburg,
Executive Secretary, Accuracy in Media.

Accuracy in Media—AIM,
Arlington, Va., March 20, 1971.

Editor,
The Washington Post,
Washington, D.C.

Sir: In a speech on March 18, Vice President Agnew charged that CBS had been guilty of inaccurate and slanted reporting in its 1968 documentary, "Hunger in America." Dr. Frank Stanton, President of CBS, responded that the FCC had cleared CBS of any wrongdoing in the production of that documentary.

The FCC issued a "memorandum opinion" on "Hunger in America" in response to several complaints it had received about the broadcast. One of the complaints was from Congressman Henry Gonzalez of Texas, who provided the FCC with the transcript of the hearings concerning this program that had been carried out by a subcommittee on the House of Representatives.

The FCC found that on October 26, 1967, a CBS camera crew filmed an incident that occurred in the premature nursery of the Robert Green Hospital in San Antonio, Texas. A premature baby, Claude Wayne Wright, Jr., who weighed only 2 lbs. 12 ounces at birth, stopped breathing. The resident physician, Dr. Luis Montemayer, was summoned, and he resuscitated the infant. A CBS cameraman filmed the entire incident. The FCC ascertained that the child died three days later of meningitis and peritonitis due to prematurity. It found that there was no evidence that either the mother or father was suffering from malnutrition.

CBS showed the film that it had taken of this child on October 26 in its documentary, "Hunger in America." It stated: "This baby is dying of starvation. He was an American. Now he is dead."

The FCC established that prior to broadcasting this film, CBS made no effort to establish the identity of the infant or its parents. The hospital personnel stated that CBS had not been told that the cause of death in this case had anything to do with malnutrition. The doctor filmed by CBS resuscitating the baby said: "they (CBS) said the baby died from hunger, but he did not. He died from complications because of prematurity." The prematurity was found to have resulted from an accidental fall.

It was clear, therefore, from the FCC findings that what CBS said of the baby shown in "Hunger in America" was false. The film did not show the baby dying, and the death of the baby three days after the film was made had nothing to do with malnutrition.

The questions this raises are these: Was this a deliberate falsification on the part of CBS? Was the falsification the result of carelessness on the part of CBS rather than any intent to deceive? Did CBS make all reasonable efforts to ascertain the correct facts and was it given false information about the incident by persons it had reason to believe were reliable sources of information?

If the answer to the third question had been found by the FCC to be affirmative, the answers to the first two questions would be negative. It would then be possible to say that the FCC had absolved CBS of any wrongdoing in this matter. The fact is that the FCC did not find the answer to the third question to be affirmative. It found that CBS had not identified the infant, had not checked the hospital records to ascertain the cause of death, had not talked to the attending physician and had not interviewed the parents. The CBS producer of "Hunger in America" claimed that he recalled being told by a Mrs. Vera Burke, who was in charge of social services at the hospital, that the infant in question had died as a result of maternal malnutrition on October 27, 1967. Mrs. Burke has denied making any such statement.

The FCC commented: "Here there is a conflict with the memory of the CBS witnesses differing from the hospital personnel." The FCC decided that it would be inappropriate for it to try to tell which of the witnesses was telling the truth and which was lying. The commission said: "The 'truth' would always remain a matter open to some question . . ." The commission did not go into the question of whether or not CBS was not careless in failing to ascertain the identity of the infant and the reasons for its death from hospital records or the attending physician. Nor did the commission consider the question of the accuracy of CBS in portraying as the death of a baby an incident that occurred three days before the baby actually died. Nor did the commission take up the propriety of showing a baby that weighed less than three pounds and was two months premature without stating that the baby had been born prematurely and that this, not starvation, explained its small size.

Unfortunately, the FCC ducked the issue in the "Hunger in America" case. It stated very clearly that it would not try to judge in this or other cases whether or not broadcasters had been accurate and truthful in their reporting. It stated: "The Commission cannot appropriately enter the quagmire of investigating the credibility of the newsman and the interviewed party in such type of case." The commission stated that it would be concerned only with cases where there was evidence that bribery had been involved on the part of the newsman or where the broadcaster had directed his employees to rig the news.

Since this is the official position of the FCC, based on its consideration of "Hunger in America," it is obviously impossible for CBS to claim, as Mr. Stanton has done, that the FCC has absolved CBS of the complaints of falsifying the facts in the documentary, "Hunger in America." The plain fact is that the documentary does contain a sequence that purports to show a baby dying of starvation which the FCC says is false. There is no one outside the CBS organization who has ever said that they provided CBS with information that the baby died of starvation. By any standards of good journalistic practice, CBS was guilty of carelessness in making this statement about a child whose identity they did not know, whose parents they had never interviewed and whose medical record they had not examined. The FCC may lack the courage to make that judgment, but no respectable newsman would say that this was anything less than sloppy journalism.

If the false statements CBS made about the baby in the documentary were an honest mistake based on information which CBS found to be incorrect after more careful scrutiny, one would expect CBS to admit the error, apologize for it and correct it in the documentary.

This was not done. Even after being confronted with the results of the investigation about the infant and the causes of its death, CBS maintained that there had been no mistake on its part and that the documentary did not falsify the record with respect to the infant shown. Mr. Benjamin, Senior Executive Producer of CBS News made this denial in a letter to Congressman Henry Gonzalez dated July 25, 1968. Mr. Benjamin told Congressman Gonzalez that the baby shown in the CBS documentary had died sometime between October 25 and October 27, not on the 29th. He said that medical personnel" at the hospital had told CBS that the baby had died because of maternal malnutrition and that there were no symptoms that indicated pre-natal injury. Mr. Benjamin told Congressman Gonzalez that CBS had asked the San Antonio Express-News, which had first challenged the accuracy of the CBS account, to correct the error which reflects so adversely and erroneously on journalistic accuracy of CBS News."

In a letter to a viewer dated October 8, 1968, Mr. Richard S. Salant, President of CBS News, stated that Hunger in America was accurate in all respects. Mr. Salant said that CBS could not establish the identity of the baby in question, but that the information that it died of maternal malnutrition" was based on information supplied by an entirely reliable hospital authority. He declined to disclose the identity of the source of information, saying that no responsible journalist would do this.

If the FCC contributed nothing else to this unpleasant case, it did reach a judgment, which it documented, that CBS did give the public false information about the death of the baby and its causes in "Hunger in America." In the words of Mr. Burton Benjamin, this reflects adversely on the journalistic accuracy of CBS News. What reflects even more adversely on CBS, however, is the persistent refusal to admit and correct the error. Mr. Frank Stanton, President of CBS, carried on in this tradition in his response to Vice President Agnew's March 18th criticism of the dying baby sequence in "Hunger in America." Rather than admitting the error, Mr. Stanton stated that CBS stood by "Hunger in America" and falsely asserted that the FCC had cleared CBS of any wrongdoing in this connection. He thereby conveyed the false implication that the FCC had found the CBS version of the incident to be correct.

There is good reason for a credibility gap with respect to television news reporting when the top officials of CBS try to cover up errors of this kind and do so by issuing new erroneous statements.

Sincerely yours,

Benjamin Ginzbrg,
Executive Secretary, Accuracy in Media.

A GOOD DAY'S WORK, YOUR HONORS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. BOB WILSON. Mr. Speaker, in today's society, it seems at times that permissiveness and total disregard for what were once considered our American values have become the beacon guiding our actions. I was particularly heartened by two recent New York court decisions which helped to clarify the constitutional meaning of freedom and the responsibilities it entails. I am pleased to share with my House colleagues the following article from the New York Daily News and know that they join me in commending Justices Kupferman and Lupiano for their landmark decisions:

[From the New York (N.Y.) Daily News]

GOOD DAY'S WORK, YOUR HONORS

The Appellate Division of the First Department (Manhattan and Bronx) did itself proud twice over, we think, on Tuesday, March 16, 1971.

In a decision written by Justice Vincent A. Lupiano, the court held that a schoolteacher may search a student, even off school premises, when the teacher suspects that a crime has been committed or is about to be.

The specific case involved a teacher—Saunders Lehrer of Roosevelt High in the Bronx—who chased a pupil down the street, caught him, and found in his pocket all equipment necessary for taking heroin.

Such a search, said the court, was not illegal within the meaning of the Constitution's Fourth Amendment, since a teacher is in much the same legal status as a parent.

This, as Bronx District Attorney Burton Roberts well says, is a landmark decision which "should now be utilized by the school system to combat crime and narcotics." We hope it will.

Tuesday's other Appellate Division ruling which we admire was written by Justice Theodore Kupferman. It held a father to be within the law in cutting off support for his 20-year-old daughter when she became a hippie, took to trifling with dope, and refused to come home from college.

A female minor has a right to live her own life, reasoned Justice Kupferman; but when she violates dad's "reasonable standards, rules and regulations" dad is no longer obligated to support her: "She cannot expect to have her cake and eat it too."

Again, loud and prolonged applause for these decisions.

GONELLA RIDES AGAIN

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. MONAGAN. Mr. Speaker, many of us had the pleasure of working with Mr. John Gonella when he served as a congressional liaison officer with the White House during the Kennedy and Johnson administrations. I was delighted to discover in reading last Sunday's Washington Post that his voice, always remarkable in other fields, had been raised effectively in public debate. Against the ill-advised and inaccurate reference of a Post columnist, he essayed to defend that noted Scot, George Gordon, Lord Byron. I would wager my own Lyndon Johnson tie clasp that the great poet could not have presented his case with more eloquence. As a fellow Celt of a non-Caledonian line, I welcomed this warranted chastisement of the blundering Welshman.

I append Mr. Gonella's defense to my remarks for the literary edification of my colleagues:

LORD BYRON WAS NOT MAD

By what right does your itinerant scrivener Kevin P. Phillips refer to George Gordon, Lord Byron as "the mad poet Lord Byron"?

Does Mr. Phillips consider a man mad because he liked to dally with beautiful women whose appetites matched his own? Is a man mad because he preferred the benevolent suns and classic beauty of the isles of Greece to the damp harshness of his native northern Scotland?

Relative to the morality and customs of his times, Byron was an iconoclast—maybe even eccentric—but mad he was not even in the very final stages of the disease that killed him. I would caution Mr. Phillips not to play fast and loose with adjectives that he cannot substantiate, especially as his name connotes a Welsh heritage and as everyone brought up in Britain knows, all Welshmen are slightly teched.

I offer Mr. Phillips a wager of one Lyndon Johnson tie-clasp against six Spiro Agnew watches that the structural beauty of "Childe Harold" will long outlast the structural strength of the "Southern Strategy."

JOHN GONELLA.

WASHINGTON.

THE QUESTION TROUBLING THE NATION

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. ROBISON of New York. Mr. Speaker, last month I made a rather extensive examination of current public attitudes and opinions toward winding up the war in Vietnam—my remarks in this connection appearing on pages 6043 to 6048 of the CONGRESSIONAL RECORD for March 11.

On the same day, I introduced House Joint Resolution 462—my own version of an end-the-war resolution—the text of which is as follows:

Whereas, the people of the United States, at great cost and sacrifice to themselves, have over a period of years been providing direct military assistance to the people of South Vietnam in an attempt to preserve for them the opportunity to determine their own political future without outside interference, and

Whereas, by so doing, we have fulfilled several times over whatever commitment we may have had to the people of South Vietnam, and

Whereas, the President of the United States, in his Foreign Policy Report as sent to the Congress on February 25, 1971, has defined our persent policy towards ending the conflict in Vietnam as well as in adjoining areas of former Indochina as being one of seeking "above all a rapid negotiated solution" thereof and, meanwhile, in the absence of such a settlement, of seeking "through Vietnamization, to shift American responsibilities to the South Vietnamese," and

"Whereas, the burden of responsibility for fashioning and carrying out a policy to bring peace to Indochina through negotiations or, failing that goal, to disengage our forces from the conflict therein, should not fall solely on the President of the United States, but rather should be a responsibility shared by both the President and the Congress of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress joins with the President in confirming, as the constant primary goal of our policy towards the conflict in Indochina, the search for a negotiated end to the war therein for all participants; and be it further

Resolved, That the President be supported and encouraged in all his efforts to achieve such a negotiated settlement of the political issues dividing the people and nations of Indochina, including the related issues involved in obtaining agreement for the release of all prisoners of war, journalists and other innocent civilian victims, as held by both sides in the conflict; but, irrespective of any such settlement, be it further

Resolved, That United States troop withdrawals from Indochina be continued, on an irreversible basis, until all United States armed forces are withdrawn from Indochina; and be it further

Resolved, That it is the sense of Congress, in this regard, that United States servicemen in Indochina should be withdrawn from any and all participation in ground combat activities therein on or before June 1, 1971, except insofar as it may be necessary for such troops remaining therein after such date to defend themselves or their positions; and be it

Resolved, That it is further the sense of Congress, in this regard, that all other United States servicemen in Indochina, including those specifically engaged in combat-support activities of whatever nature, should be withdrawn therefrom, pursuant to the President's orders, at the earliest practicable date.

Mr. Speaker, I have not, since then, made any effort to attract cosponsors for this legislative proposal although I am happy to note some volunteers in that regard have come forward and have now, by themselves, introduced similar resolutions. I am also happy to note that there does appear to be some developing further interest in this approach on the part of other colleageus who are, at least, potential cosponsors. To them—and to all others who have not yet considered my proposal—an invitation is hereby extended to discuss it with me, to the end that we might work together in improving the language of the same, to which I certainly am not wedded, and hopefully toward developing a consensus around the main thrust of the resolution. That thrust, as I see and intend it, is in the direction of trying to wring the ambiguity out of our current Vietnamization policy; a policy which nearly all of us have supported in that, thereby, the President has successfully and substantially reduced our combat role in Vietnam while, simultaneously, expanding upon the capacity of the South Vietnamese armed forces, preparing them against the day when they, as they eventually must, will have to stand alone.

However, during the months since this policy was instituted, and despite the evident progress that has been made thereunder, few of us—for the benefit of the American people—have addressed ourselves to the difficult questions relating to what our eventual intention is, in Southeast Asia, via the Vietnamization route. Clearly, it is incumbent upon us to do so now. And, equally clearly, we should not leave the responsibility for doing so solely up to the President.

Mr. Speaker, I believe my resolution could become the vehicle for such a debate. So, too, could other such proposals. But, especially since yesterday's defeat, in the House Democrats' party caucus, of the efforts of the proponents of a withdrawal "date certain" and uncertainty left in the wake of the compromise resolution the caucus produced, I feel it is only around some such language as I have proposed that we can, if ever, find our own bipartisan consensus.

Let me attempt, now, to briefly restate what my resolution would accomplish.

First, it would—at long last—join President and Congress together in about as clear cut an expression of national policy regarding the termination of our involvement in the war in Vietnam as Congress could ever hope to produce on its own. I have purposely put it this way because, of course, the President can—as I hope he may next Wednesday—end the ambiguity that so concerns me on his own; and, of course, these remarks are partially made in the hope that the President might, to whatever tiny extent, be encouraged thereby to do just that.

For my resolution puts the congressional stamp of approval on the primary goal of our current Vietnam policy—which is, or ought to be, to find, if we can, a political settlement of the issues dividing the people and nations of Southeast Asia.

Pending—or failing—the realization of that goal, however, my resolution would then attempt to tie down the often hinted at fact that our withdrawal process, once begun, is irreversible in nature. I believe this is what the President has in mind, but there could well come a point in future time when the pressures upon the President to reverse the process might become well nigh intolerable; and I believe Congress should do what it can to strengthen his hand against those pressures, and against the advice of those who urge upon him one last "roll of the dice."

Finally, my resolution addresses itself to the still open question concerning our intentions via Vietnamization: Do we intend a total withdrawal of all combat and combat-support troops? Or do we intend to maintain a combat-support presence in South Vietnam long enough—however long that might be—to guarantee, if that is possible, the survival of a non-Communist government therein?

In essence, I suppose these questions—and related ones—bring us down to the key question of whether or not we ought to seek a Korean type solution in and for South Vietnam.

It is my judgment, Mr. Speaker—one man's judgment—that we should not; and it is further my judgment that, rightly or wrongly, a majority of the American people do not think so either—leading me to the conclusion that Mr. Nixon would not be able to rally the American people to such a policy, nor to the support of more than the maintenance of a small, residual force of logistical and liaison U.S. personnel after, say, July 1 of next year.

Thus, my resolution—reverting to a sense-of-Congress form—calls upon the President to end our participation in all ground combat by July 1 of this year, and then—still in that advisory form—for the withdrawal of all other U.S. servicemen from Indochina, including those specifically engaged in combat-support activities of whatever nature, at the earliest practicable date thereafter. Although this language will clearly not satisfy the date certain people, it is, nevertheless—as I see it—language consistent with the congressional advisory role in foreign policy, as well as language that recognizes the special problems of the President, as Commander-in-Chief, in ordering and directing the difficult and dangerous process of withdrawing combat and combat-support troops from an on-going war in such a way as not to vitiate whatever slim chance may still remain of securing a negotiated settlement thereof.

Mr. Speaker, the debate in which this House has engaged these past 2 days relative to the Selective Service Act, and the extension of the President's induction authority thereunder, underlines the congressional desire to join with the President in fashioning a withdrawal policy from Vietnam, and in agreeing upon as clear and concise a plan as possible for ending our involvement in the conflict therefor which has cost us so dearly.

The reasons that underlie that desire, and the growing sense of urgency that affects us all, are well summed up in this week's Life magazine editorial, entitled "The best way home from the war in Vietnam"—an editorial that, if I may be bold enough to say so, seems in many ways to bolster the arguments I have already presented in behalf of House Joint Resolution 462.

That editorial is as follows:

THE BEST WAY HOME FROM THE WAR IN VIETNAM

According to President Nixon, one of his major difficulties in Vietnam is that "Americans are very impatient people; they feel that if a good thing is going to happen, it should happen instantly." This is an almost unbelievable complaint for a U.S. President to make in 1971. Americans have been extraordinarily patient in waiting for a resolution of the Vietnam war—the longest and most inconclusive in U.S. history and the most marginal to our vital interests.

When Nixon beat Humphrey in 1968, in part because he seemed less a prisoner of past Vietnam policies, would anyone have imagined that well into the third year of his term, the U.S. would still be so heavily involved in the war—or so unsure of its future course? Widespread misgivings have been greatly increased by the results of the Laos "incursion." The Administration indicated all along that Laos was to be a limited operation; but whatever damage the South Vietnamese did there, or "experience" they gained, there is no doubt that the precipitous end, and the manner of withdrawal. gives Hanoi a considerable propaganda victory. The photographs of South Vietnamese soldiers dangling from the skids of homebound U.S. helicopters have already made their demoralizing point with the U.S. public.

On April 15 the President is scheduled to announce his next installment of troop withdrawals, hinged on how well he thinks the war is going. He has already pulled out roughly half of our peak strength of 550,000 and rightly points out, "We've kept every promise that we've made." At the pace he is going, he should be down to the level that Secretary Laird and others have talked about: somewhere between 50,000 and 100,000 troops left in Vietnam, in a noncombat role, by spring 1972. We don't think that is good enough. Nor has the President said when this "residual force" could come out, or how much longer we will go on using air power in Vietnam. The question about the war most profoundly troubling the nation is when, and for that matter whether, *all* U.S. troops will come home from Vietnam. We urge Nixon to announce in his forthcoming speech the final date he proposes for total U.S. withdrawal.

An end to ambiguity would do more than anything else to dissipate the miasma of distrust which surrounds the war, and its conduct by the President. The result would be to involve us all—the Congress and the public too—in a clear-cut, publicly proclaimed and understood course.

The President proclaimed the Laos operation with prudently low-key comments, but he has been drawn into statements that cloud our whole intention in Southeast Asia. He foresees "high levels of American assistance and air operations" continuing indefinitely. In North Vietnam, he holds open the possibility of escalated U.S. bombing (and has in fact resumed heavy raids on some northern military targets). He has also added a new condition for U.S. withdrawal that neither he nor President Johnson had ever stated before—that he intends to maintain a "residual" U.S. force in Vietnam large enough to give Hanoi "an incentive to release" its U.S. prisoners of war. The prisoners' fate should be on everyone's mind and conscience, but Nixon's statement sounds less like a serious contribution to seeking their release than a political fall-back position to justify, if he feels it necessary, indefinite prolongation of a substantial U.S. military presence.

Fears that Nixon may be tempted to prolong the war, or be driven to doing so, primarily revolve around a question he has not yet publicly addressed: *Will* we finally leave Vietnam, even if it turns out Saigon may not last without us? That is the hardest question of all, but neither we nor the President can any longer avoid it, or have it both ways. Some of the war critics imply it is somehow ignoble or self-serving for Nixon to want the survival of a non-Communist government in the South. He is right to try, after the sacrifice of so many lives and so much treasure, to salvage the possibility of a non-Communist South. But it is hard to see how an indefinite prolongation of our stay any longer serves that purpose—at acceptable cost.

The U.S. has done a great deal in, for, and to Vietnam—probably too much. This would be a good time for the President to remind the nation that U.S. efforts since 1965 have greatly strengthened the South. That in the interim other Southeast Asian nations have been able to increase their stability. That U.S. policy has long included a stated willingness to accept a Communist South Vietnam if that is what its people choose. Though we do not ask the President to say this, his statements should permit Americans to conclude that if worse came to worst, Communist victory in the South could be borne more easily than an indefinite U.S. role in an endless war: this indeed would be to become the "pitiful, helpless giant" of Nixon's midnight fears.

If the U.S. has no real option but to leave, then why does Nixon threaten to stay? If it is just a matter of hang-tough rhetoric, argues Harvard Professor Stanley Hoffmann in the current issue of *Foreign Policy*, Nixon is misleading the U.S. public by perpetuating "the illusion that there *is* a winning outcome, a *good* way out." The familiar White House explanation is that Nixon's hawk talk, the ambiguity about his intentions, the unwillingness to "tie his hands," all are diplomatically vital for bargaining with the enemy. This is fine in theory—but *what* bargaining with the enemy? Washington has alternately tried to "bomb" and to cajole the North into serious bargaining, to no avail.

In fact, it is now possible to wonder whether the Communists have any intention of bargaining with the Administration. Why should they: if they feel they are winning, they have no reason to make concessions; if losing, no reason publicly to admit it, or to restrict their future freedom of action. Constantly to proclaim the bargaining advantages of our ambiguity is to underestimate the enemy's intelligence in perceiving our position. And it is to underestimate the extent to which U.S. hands already *are* tied—by the troop withdrawals already made and the political inevitability of making more.

Since almost no one outside the White House any longer believes Nixon's refusal to commit himself to total withdrawal will win concessions from the other side, most Americans can no longer understand and accept his policy. The domestic costs of this are intolerably high—for the Presidency, for Congress and not least for the armed forces.

The Harris poll reports that a majority of Americans no longer believe Nixon is telling the truth about the war; only 34% approve of his conduct of it, a new low. Nixon told Howard K. Smith the other night that he has had less support than any President of this century. It must seem that way to a harried Nixon, though the public attitude was considerably worse in 1967–68, when the Vietnam war destroyed one U.S. President. Only a hardened partisan could take satisfaction in the prospect that it might destroy a second.

Confidence in the Presidency is not the only domestic casualty. Congress, which has before it several different resolutions to end or limit the U.S. role, has been essentially powerless to exercise fundamental constitutional checks over executive warmaking powers. Another victim of the continuing war is the very institution that some see as the war's "villain," the U.S. military establishment. In a war in which "fragging" U.S. officers is not uncommon, and "wasting" civilians "wasn't any big deal" (as Lieutenant Calley says), the military's reputation and morale have been undermined badly. Some of the Pentagon's best minds are eager to get the Vietnam war behind them, in order better to reexamine their own proper mission and how to meet it. We may need soldiers again, in clearer causes.

Though the fact may not be quite so apparent, Nixon's reluctance to cut the U.S. loose from the war is also costly for the South Vietnamese. The million-man South Vietnamese army is now the second largest and best-equipped in Asia (after China's), and about as strong as U.S. tutelage is ever going to make it. Politically, the open-ended, large-scale U.S. military presence gives the Saigon regime a false sense of its own viability so that it has yet to take the necessary steps to enlist wider popular support. The U.S. cannot and should not "dump" Thieu and Ky or try to handpick their successors. But with the next South Vietnamese presidential campaign coming up in the fall, we should not be too committed to the present regime, and should oppose its suppression of opponents. Such a stance is difficult to carry off, but a withdrawal commitment from the White House would help immensely.

If anything is unambiguous about the present U.S. role in the war, it is the tremendous stress on what is antiseptically described as "U.S. air power." The air war over Indochina, conducted by a great power whose own survival is not at stake, is of dubious effectiveness and increasingly questionable morality. The stupefying fact is that in the past two years alone, the U.S. has poured into a relatively narrow strip of Asian jungle more bomb tonnage than was used in all of World War II on the industrialized Axis powers. Like his predecessor, President Nixon seems to have succumbed to what journalist I. F. Stone calls "the Buck Rogers delusion," the false notion that the U.S. wins battles and keeps its hands clean, as long as "we" are in the air above, and only "they" are on the ground below.

Largely because of the increased use of U.S. air power over a wider geographic area, the number of war refugees and probably of civilian casualties has actually risen since Nixon began "winding down" the war. However deadly the political animosities between Vietnamese, it is impossible to believe that they could or would continue devastation at the current levels after U.S. policy and U.S. firepower are removed from the war. Knowing this, many Americans are bound to feel deeply troubled until the U.S. air role ends. But it is precisely this role that Nixon has been most noncommittal about ending.

Last July, LIFE urged that final U.S. withdrawal be completed no later than Dec. 31 of this year. But whatever the particular date, we think the President should proclaim one publicly. If the President judges it necessary to maintain a noncombat military assistance group in Vietnam a little longer, he should indicate its mission—certainly not large-scale bombing—and its size—certainly no more than a few thousand men. (We hope he won't attempt to justify keeping a larger U.S. backup force in Vietnam as part of a "Korean Solution." Though there are still 63,000 U.S. GIs in relative security in South Korea, the two situations aren't at all parallel. South Korea has a firm, militarily delineated border and an insistently anti-Communist population; American troops are not in disputed territory where they inevitably become special targets.)

No doubt about it—in its temptations, its rhetoric, its debilitating effects on the U.S. body politic and the people of Indochina—prolonged and open-ended withdrawal has too many undesirable resemblances to prolonged and open-ended warfare. Adopting the different perspective of a final commitment on withdrawal would change the entire atmosphere. The President could then test out the hopeful proposition of Harvard's Hoffmann that "even a basically unpleasant and emotionally upsetting political outcome can be made not merely acceptable but desirable—if the government shows that it is in control of events and has deliberately and firmly chosen its course." Putting an end to fruitless ambiguity, the President should be able to count on revived understanding and support.

LEGISLATION TO BAN THE IMPORTATION OF HARP SEAL FUR SKINS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. WALDIE. Mr. Speaker, in the St. Lawrence River and off the coast of Canada, Norwegian and Canadian companies are participating in a slaughter of harp seal pups. In last year's harvest, 300,000 baby seals were killed, skinned, and exported so that a few persons could wear sealskin garments. This slaughter of seals continues because countries like the United States have allowed themselves to become markets for sealskin clothing.

I have introduced legislation that will allow the United States to actively participate in the attempt to diminish this slaughter by banning the importation of harp seal fur skins and articles made in whole or part of these fur skins. The United States in its preeminent position in the world must do all in its power to discourage the useless destruction of fur-bearing mammals; especially when the destruction is for the luxury of a few Americans owning sealskin coats.

I urge that the United States show its good faith by passing this legislation. As we struggle to preserve and protect the environment and its inhabitants, one of the most wanton acts of destruction remaining is the killing of fur-bearing animals for the purpose of garment making. This type of destruction exemplifies a brand of thinking that has destroyed so much of our environment. There is no reason for the slaughtering of these seal pups, but there is a logical and ethical imperative to eradicate the turn of mind that allows such slaughters to continue.

THE FORGOTTEN MURALS

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. GUDE. Mr. Speaker, during the 1930's, the Treasury Department instituted the Public Works of Art Project—PWAP—designed to put many unemployed artists to work. These artists concentrated on the interior of public buildings. Here in Washington, works by artists such as George Biddle, Reginald Marsh, Ben Shahn, and Symeon Shimin grace walls in the Departments of Interior, Health, Education, and Welfare, State, Agriculture, the main Post Office and even the National Zoo.

The artists' labors began with the noble goal of giving visual expression to the American dream. Today, although fallen into a state of disrepair due to neglect, the murals remain striking testimony to the spirit and perseverance of the American people and should be saved. Certainly this type of art enhances our public buildings and contributes to the city as the center of culture, a role historically belonging to it. The restoration and preservation of this type of art would serve as an important contribution to maintaining the city's appropriate role as the main cultural center for our metropolitan area.

Following is the text of a feature article which appeared in the Washington Post, March 28, 1971, entitled "The Forgotten Murals." It gives an excellent description of the murals and their history.

The article follows:

THE FORGOTTEN MURALS: FINANCED—THEN IGNORED—BY GOVERNMENT

(By Meryle Secrest)

On the fifth floor of the Department of Justice is a spectacular sight: a three-sided mural by George Biddle.

Coming upon a beautiful wall painting in a government building is as surprising as finding a peacock walking around in the lobby. You can't imagine what it's doing there. Yet there it is, glowing gently, almost completely ignored.

The Biddle mural faces a bank of elevators that do not seem to get the building's main passenger traffic. On the left wall, the mural depicts women sewing in a sweatshop. The central panel celebrates the quite joys of country life. On the right, families in a city tenement chop wood, huddle in a narrow room, iron and tend babies.

This beautiful work is one of about 50 murals painted for Washington public buildings in the '30s under a Treasury Department program, first called the Public Works of Art Project (PWAP) and later the Section of Fine Arts Program, running from 1933–43. Like the WPA's Federal Art Project, the Treasury Department programs were designed to put a lot of unemployed artists to work. But unlike the WPA, the Treasury Department concentrated on one field: decorating the interiors of public buildings.

Under these programs, 1,116 murals and

301 sculptures were executed for public buildings across the United States, most in post offices and rest in courthouses.

Washington has its share of murals, in the Department of Interior, the Department of Health, Education and Welfare (once the Social Security Building), the State Department (which took over the War Department offices), the main Post Office Building, the Department of Agriculture—and even the Zoo.

The artists were all men of established reputations in the '30s—Henry Varnum Poor, John Steuart Curry, William Gropper, Reginald Marsh, Ben Shahn and Boardman Robinson, to name a few.

Yet these murals are great overlooked marks of this city. People who work in the buildings pass them by without seeing them. Tourists come and go without ever discovering their existence. They are uniformly badly lighted and almost all unlabeled.

The bureaucratic point of view seems to be that these murals are an unwanted legacy from the New Deal days. Because of protective government regulations, the murals cannot be conveniently eradicated under a new coat of paint. But they can be taken off the walls and put in storage, which is what happened to a mural by Louis Bouche, until recently on the stage of the Department of the Interior building.

Or they can be totally overlooked. Some murals, like that of Biddle, are in good repair. But there are many others in urgent need of cleaning and restoration. They are defaced by years of dirt and grease, gouged with holes and crumbling away.

The Reginald Marsh frescoes on the fourth floor of the Post Office building have been scored with inch-deep gouges through the surface plaster, probably slashed by mail carts.

George Hardy's sixth floor mural of a Dispatch Rider in 1776 portrays a group of soldiers, one marred with a large black cross over his mouth. Other murals in the Post Office building are dimly lit and dirty.

The murals in the Justice Department are about the best kept of the lot, but "Contemporary Justice and the Child," by Symeon Shimin, is flaking away noticeably.

Other murals are hidden. Ben Shahn's outstanding series of murals on Social Security themes on the main floor of HEW are flanked by gold draperies, which are frequently drawn across them when the space is needed for exhibits. Even when the draperies are pulled back, they obscure a sizeable portion of the murals.

In the State Department, there are murals you can't see at all. Kindred McLeary's two murals on warlike themes, executed when a part of that building housed the War Department, have been covered with curtains screening them from public view. Philip Guston's handsome panels on the stage of the HEW auditorium are usually folded away, out of sight.

Murals not ignored, neglected or covered over are subject to other dangers. When Mrs. John Mitchell, wife of the Attorney General, decided to spruce up the entrance corridor to her husband's office with a new coat of blue paint, she did little to enhance a sizeable group of murals on that floor.

These murals by Henry Varnum Poor are in reds, golds, browns and yellow-greens to harmonize with the beige, pink and gold-tinged marbles and the heavy brown doors.

The same lack of decorating logic applies at HEW, where two murals by Seymour Fogel flank the Independence Avenue lobby.

Fogel's murals, "Wealth of the Nation" and "Security of the People," in beige, brown, gray, soft blues and greens, harmonize with the nearby bronze doors, bronze trims and mottled green marble pillars and floors. But the color scheme is demolished by red carpeting leading to the three doors and a color portrait of President Nixon, hung a few inches from one wall-sized mural, competes with it for attention.

The one bright spot in the picture is the belated interest of a few government officials to the importance of preserving government-owned works of art. A nationwide inventory of art in public buildings will be launched this year. Other ideas being discussed: complete restoration of the murals, adequate labeling and a tour of murals in public buildings.

Washington's murals began with the noble goal of giving visual expression to the American Dream.

In a letter to President Roosevelt in May 1933, in which he urged the creation of such a program, the artist George Biddle wrote:

"The younger artists of America are conscious as they never have been of the social revolution that our country and civilization are going through; and they would be very eager to express these ideals in a permanent art form. . . . They would be . . . expressing in living monuments the social ideals you are struggling to achieve."

Biddle perhaps was thinking of the murals, executed for the Mexican government by Diego Rivera in the '20s, whose strong, bold visual impact brought Rivera international recognition. Rivera's murals, touched by Communist ideology, dramatize national goals.

"Roosevelt replied that he was interested, though he probably had grave doubts concerning the political consequences of the government supporting art for its own sake," Francis V. O'Connor, a national authority on government art projects of the '30s, stated in the catalog for "Federal Art Patronage 1933–43," an exhibition organized by Maryland University's Department of Fine Arts five years ago.

"He later told Biddle that he did not want 'a lot of young enthusiasts painting Lenin's head on the Justice Building'—obviously a reference to the storm then raging around Diego Rivera's portrait of Lenin in the mural he was painting at New York's Rockefeller Center."

Despite Roosevelt's misgivings, the program was begun under the direction of Edward Bruce, a painter, lawyer, banker, business executive and promoter who was perfectly suited to the task (although his widow, Peggy Bruce, said "the job killed him." He died in 1943).

Olin Dows, who worked with him, says in a written reminiscence, "During the first six months of 1934, Bruce brilliantly improvised the organization and administration of our government's first art program. It was so successful that he formed the more permanent Section of Fine Arts without political opposition."

Dr. O'Connor, who has studied the Treasury and WPA programs extensively, says, "Bruce fought off all the critics and never made any changes. But he vetted all the designs very carefully in advance. I have grave doubts about the amount of esthetic freedom his painters were allowed . . . However, muralists seldom balk. They realize it's a public work."

Almost to a man, the muralists took a heroic view of American life. Their themes are monumental: justice, freedom, truth, honor. They see the American Dream as a perfectible idea, glorifying the taming of the American wilderness, the American past, the dignity of labor, the heroism of judges and statesmen and the courage of the American pioneer. Their messages are designed to uplift, politically and morally. These were the days when people thought that the absolute achievement of social justice only took good intentions. They believed in the desirability of noble purpose.

The Biddle mural on the fifth floor of the Justice Department, gives solemn, almost grave weight to its themes: "The life of the law has not been logic. It has been experience." "The sweatshop and tenement of yesterday can be the life ordered with justice of tomorrow." "If we would guide by the light of reason, we must let our minds be bold."

However, the mural Gilbert White executed for the Department of Agriculture in 1934 was too high-toned, even for those idealistic times.

White's 40-foot panel is in the classic Greek vein, showing symbolic figures resting after a day in the fields. Cybele (the earth) is there and so is Ceres, goddess of the good crops. The Latin inscription, "O fortunates nimium, sua si bona norint, Agricolas," is translated as, "How happy the men of the fields would be if they know their good fortune."

Nobody seemed to like the mural, including the government officials involved. Bruce called White's diaphanous goddesses "ladies in cheesecloth," and another PWAP official said the mural was too allegorical and classical. In any event, the then Secretary of the Treasury, Andrew W. Mellon, felt it necessary to affix a large plaque to the mural, stating that he had approved it. The plaque is still there.

The murals commissioned for the Post Office building led to a series of skirmishes between the artists, officials and members of the public who were either shocked, offended or indignant. Frank Mechau painted a Wild West scene for the fifth floor to illustrate the early dangers of the mail. It shows a group of Indians raiding a stagecoach and appearing to scalp a group of nude women.

"That's the craziest thing I ever saw," John Collier, commissioner of Indian Affairs, said after he looked at it. He added that the incident could never have happened. Mechau insisted that his intention was to create an imaginative reconstruction of a massacre and that, in any event, Indians west of the Mississippi made a practice of taking white women alive.

Several years later, those nude women were again a source of embarrassment to the Post Office when nightclub entertainer Evelyn West poked around the building and found them. It seems the lady used to sell pictures of herself to admirers until the Post Office declared them lewd and cut off her mail.

That was in 1951. Frank Mechau's mural hasn't bothered anybody much lately, perhaps because nobody can see it. It's covered with a thick coating of grease and dirt.

Rockwell Kent became involved in even more of a controversy when, in 1937, he mixed politics in with his twin murals on the themes of mail service in Alaska and mail service in Puerto Rico.

One mural shows Eskimos with dogsled and reindeer in juxtaposition with a mail plane. Its companion on the other wall depicts Puerto Ricans holding up a letter which they have just received from the Eskimos. The letter carried a message in Eskimo. After the government got curious enough to translate the message, it was discovered that the message concerned the then-burning subject of Puerto Rican and Alaskan independence.

The message said, "To the people of Puerto Rico our friends! Go ahead. Let us change chiefs. That alone can make us equal and free."

Puerto Rican politicians reacted with indignation, calling the mural a libel, a calumny and an insult. Their reaction was violent enough that the government erased the message.

Of all the murals and sculptures still in the main Post Office, the twin frescoes by Reginald Marsh, on the interior of a mail ship and a mail room, are probably the most valuable. Dr. O'Connell says these are "very vulnerable to abrasion and scratchy depredations. A hole that isn't filled will let dampness in and get bigger."

Fortunately, the attitude of official Washington is changing slowly from one of complete indifference to the realization that it has, in many cases, inherited some valuable works of art. There are government regulations protecting the murals, although Dr. O'Connor observes: "Just try and find people to implement them before the mural is all in tatters on the walls."

Karel Yasko, assistant commissioner of design and construction for the Public Building Service, the General Services Administration, is one of a handful of concerned men in government who are trying to remedy years of neglect.

Yasko's planned inventory has already focused attention on the issue. But a great deal more could be done. To begin with, the murals could be properly lit.

They uniformly need labels, prominently displayed. The public needs to know, not just who painted the mural, but what it is about. The murals by Poor at Justice are particularly good examples because, unless you know the historical incident, his murals are completely baffling.

Finally, Dr. O'Connor suggests "Mural Tours," similar to those conducted at the Mint or the FBI, "so that the interested citizen can find for himself the artistic treasures buried in the Justice, Post Office and many other federal buildings.

"This might also lead to the removal of the censorious covers which obscure the Kindred McLeary murals in the Old State Department building and to a program to restore the many paintings which have been worn or defaced in the course of time."

Nevertheless, these murals, which might have seemed embarrassing in the '40s and old-fashioned in the '50s, have the nostalgia of distance for our eyes.

There is something endearingly quaint about, for instance, the mural by Emil Bisttram on the theme of "Contemporary Justice and Women," which shows women becoming competent students, librarians, typists, scientists and artists, and doing so in illustrations from '20s magazines.

While some murals seem to make naively optimistic statements about the perfectability of men and institutions, the best of them retain their power to move us. The mural by Shimin on "Contemporary Justice and the Child," is a powerful indictment of man's inhumanity to children. So is the Ben Shahn mural on the theme of child labor at HEW.

These Washington murals have become a part of the American heritage now. They are artifacts worth excavating.

CRISPUS ATTUCKS TRIBUTE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. RODINO. Mr. Speaker, throughout the ages there have been those individuals whose actions have transcended the era in which they occurred—acts which give meaning, which are history.

Crispus Attucks was a man of history who has too long been slighted in the annals of American history, for he was a devout American who was first to sacrifice his life for her independence.

He was a black man who had suffered the personal oppression of slavery; but in his commitment to the cause of liberty he recognized man's basic quest for freedom from those tyrants who threaten both individual and collective independence. And, he recognized the need for individual and collective deeds for halting such forces.

Crispus Attucks is a symbol of hope, of resistance to oppression for all Americans, for all men who strive to reverse historic injustices, repression of the spirit and the will and who seek not only unity, but a harmony created out of mutual and genuine respect and faith and cooperation.

Mr. Speaker, I am proud to say that Newark, N.J. will honor the memory of Crispus Attucks with a parade on Sunday, April 4 as it does annually. The work of many individuals is responsible for this endeavor. Credit is due especially to Dan Williams, parade chairman, Connie Woodruff, Maj. Roscoe Jennings, James Threatt and John A. Thomas, founder.

ON MISUNDERSTANDING THE ATOM

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. HANSEN of Idaho. Mr. Speaker, Dr. Glenn T. Seaborg, chairman of the U.S. Atomic Energy Commission and one of the Nation's most distinguished scientists, delivered some timely remarks recently to the National Press Club on a subject of vital importance to all of us living in this modern, nuclear world.

In his speech, Dr. Seaborg pointed out the need for greater public understanding of nuclear power and of its tremendous potential in peaceful pursuits.

I am inserting the text of Dr. Seaborg's remarks in the RECORD:

ON MISUNDERSTANDING THE ATOM

(Remarks by Dr. Glenn T. Seaborg, Chairman, U.S. Atomic Energy Commission, at the National Press Club Luncheon, Washington, D.C., March 22, 1971)

I want to take advantage of these few moments with you to speak quite bluntly and frankly about what is on the minds of many people today concerning nuclear energy and its future. It is obvious that some of these people are truly concerned about nuclear energy today; many are trying to learn as much as they can about it, many are speaking a great deal about it before learning much about it—and, obviously, many are thoroughly confused about it.

What is most interesting to me about all this is how the "environmental era" we have entered only within the last two years has engendered a public interest in the peaceful atom that we in the nuclear community could not raise in more than 20 years of normal public information activity. Of course there has always been a public fascination with nuclear weapons—as well as an understandable fear of them—and it was to be expected that the complexities of the AEC's statutory role in managing its national security responsibility would complicate its pursuit of the peaceful atom. But how exasperating it has been for our public information people to receive letters such as the typical one from a fifth-grade school teacher who wrote: "I am teaching my class *all about* nuclear energy. Please send me a picture of an atomic bomb—and some mushroom clouds if you have them."

This is not an isolated example. Over the years we have received thousands of such requests. Recently, however, we received a letter that is somewhat of a classic of the type that has led us to wonder about our communications on the peaceful atom. In fact, in view of the current nuclear power controversies, this letter provided us with the nearest thing yet to a bit of comic relief. It began: "It has recently come to my attention that the power companies of the country have built and plan to build nuclear power plants in this country." And it continued, "Since the American public has not been openly informed of this and it was quite by accident that I learned of it, I would like as much information as possible on these nuclear power plants."

Now I ask you, how can an agency receiving a letter like that be accused of "promoting" the peaceful atom?

More seriously though, the peaceful atom—and nuclear power in particular—is a subject on many minds today and as is true with many important subjects has its fair share of vocal critics. In many respects I find this a healthy sign. The public has a big stake in something as vital as its supply of power and how that supply is to be achieved in the healthiest and most environmentally sound manner. It is, therefore, essential that those who deem themselves critics and judges of nuclear power be responsible in their critiques and judgments. This has not always been the case.

I do not plan to elaborate on this today but I would point out that typical of the attack on nuclear power that we find least responsible is that which isolates a few shortcomings, difficulties and failures over a 25-year history of development and implies that they represent the major thrust of nuclear progress. This is a dangerous distortion of the truth.

Those of you who have been following our nuclear energy programs know full well that nuclear energy is not merely a genie to be released at our command to perform all sorts of peacetime miracles. Its many peaceful promises can only be fully realized through the difficult development of extremely complex technologies. And it is far easier to sit on the sidelines and comment on the problems than to apply the talent and hard work necessary to bring these developments to fruition. I have seen, firsthand, this talent and effort applied and the successes that have resulted. I believe that the Atomic Energy Commission has been and is fulfilling its obligation to the American people and that our accomplishments in the many applications of the peaceful atom—in medicine, in agriculture, in industry, in research and in the generation of electric power—are accomplishments of which every American can be proud.

But I didn't come here today to praise or discuss the AEC and its programs. Basically I want to deal with three questions that relate to the so-called "nuclear power controversy" that has attracted national attention. Broadly stated they are:

Do we need all that power?

If so, why should it be nuclear?

If nuclear, can we have it safely?

I bring up the first—Do we need all that power?—because it is fundamental to the environmental thinking characterized by one rather questionable Earth Day slogan: "All power pollutes."

It is unfortunate that often those people who are so rightfully concerned with the environment have this one-sided outlook regarding the use of energy. They have been conditioned, because of man's abusive use of some energy, to believe that an energy-intensive society such as we have today in our advanced nations must inevitably "self-destruct." A limited view of history has hypnotized them into seeing energy only in terms of a means of ruthlessly extracting resources from nature, using them foolishly (and often unjustly) and then dumping them back into nature in amounts and places where she cannot handle them. The immediate reaction to all this is simply—stop it! Reduce the production of power. Return to the use of less power-intensive products. Use less power to produce fewer products to cause less pollution and we will all be better off. This is some of the reasoning offered.

But while there is always much to be said in favor of belt-tightening and improving efficiency, offering that approach as a panacea is unrealistic and unimaginative. And while we should not use the possibility of abundant energy as an excuse to try to support runaway population growth or ludicrous per capita consumption, neither should we believe that a power growth moratorium holds the solution to these social and economic problems. Changes in rational goals, public attitudes and private life styles may reduce the rate of growth of our energy consumption but those who believe we can reduce our total energy consumption fail to take into account three things:

We are going to have a significant increase in population over the next few decades even if we are successful in our population control effort.

The basic physical needs—and hence basic energy demands—of that population will be enormous because we are in the midst of a social revolution that will inevitably raise the standard of living for the world's underprivileged peoples.

Vast amounts of energy—energy-intensive industries—hold the key to saving, not destroying, the environment as we grow to meet the human demands ahead.

My first two points, I believe, are self-evident. My third one needs some elaboration. The basis for my claim is that, properly used, energy can create materials that substitute for the massive consumption of "natural" materials; that with new technologies—and intelligent, far-sighted planning—it can do so with less impact on less land, and that it can be used to conserve vast quantities of natural resources while allowing us to return to nature a minimum of waste in its most acceptable form. Much of this last claim has to do, of course, with recycle.

As you may know, we are now into the beginning of what might be called a "Recycle Revolution." Industry, government, the scientific community and the people are all in favor of this revolution. And I believe it may be the most significant step man has taken since he initiated the Age of Steam. But recycling involves far more than composting your leftovers, stacking your newspapers or returning your empty bottles and cans. If you have read about any of the new and proposed recycle plants lately you will realize that these are large technical facilities requiring considerable amounts of power. The same is true of our municipal sewage treatment plants and waterworks and the same holds for most pollution abatement facilities in the new and growing business of environmental control. It is simply a law of physics that to change the form and location of matter you must use energy.

Perhaps you also have heard the argument of one of today's outspoken ecologists that many of the "synthetic" products we use today are environmentally undesirable because they require a large consumption of energy to produce. Hence, the reasons we should return to the use of the natural product in place of its synthetic substitute. For example, it is stated that synthetic textiles demand a huge expenditure of industrial power while cotton is made by the natural energy of the sun. Therefore, why not return to the use only of cotton shirts and dresses? The point seems reasonable until you pursue it further, calculating the additional land area required to produce cotton equivalent to today's synthetic textiles, projecting the future demand on an all-cotton economy, and adding to this the environmental impact of all the fertilizer, the pesticides and the power of harvesting and processing machinery that would be required to sustain such a cotton agriculture. And you would have to consider that power unless you sought to eliminate the environmental effect of these mechanical labor-savers by going back to the days of "Uncle Tom's Cabin." I for one am not inclined to get us into such a "cotton-pickin' " situation.

Of course we can still have a viable cotton industry coexisting with our synthetic textiles which are essential today and can be produced with a minimum of harmful impact on our environment at a cost most people would be willing to pay. The difference is that this latter approach requires a positive outlook, some imagination and the desire to put science and technology to work more creatively.

Among the other modern industries that some ecologists have criticized as being energy-intensive are cement, aluminum and plastics. But the extra energy used to produce these materials must be considered in terms of its trade-off for other environmental demands. For example, all these materials replace wood in a variety of ways. If we were to declare a moratorium on their use and return to using only their "natural substitute," think what an additional demand this would make on the forests we prize today as natural preserves and recreational land! There are numerous other examples. And I can cite many different ways that the elimination of energy-intensive applications would be more environmentally damaging and socially expensive in terms of todays' demands.

This is not a defense of the desecration that has been caused by the abusive and thoughtless use of abundant energy. No one denies that this has taken place and we can still see it taking place now even as we are beginning to fight against it. But the problem today is that we are "hooked" on this historical hindsight in which we cannot—or refuse to—see that new, less destructive and more creative ways of generating and using large amounts of energy are possible, among them nuclear power. It is for this reason that dedicated workers in the nuclear field are doubly disturbed when their technology is attacked by some proclaimed environmentalists. We in the nuclear community feel that we are pragmatic environmentalists—that we are working with a source of energy that can be the least harmful to the environment from a power generation standpoint, while providing the abundant power needed to solve the environmental and social problems of our time.

Let me explain why we believe this.

We must face the fact that to a growing extent electricity is the lifeblood of our modern civilization. Without it, in both our urban and rural areas, very little moves or works. I do not believe I have to elaborate on this, as we have had some startling real-life demonstrations of this in recent years.

In spite of the fact that we may be able, to some degree, to improve our efficiency in generating electricity and reduce our waste in using it, it would be unrealistic and perhaps even dangerous not to accept the projection that over the next 30 years our electricity demand will grow sixfold. In several densely populated areas of the country electric utilities already face a continuous touch-and-go situation in meeting local power demands. The reason for this projected growth, contrary to a popular notion, is not that we are merely adding numerous new electric-powered frills at home. These electric gadgets draw a negligible amount of power. In recent years it has been the growing use of air-conditioning that has accounted for the largest single increase in the residential use of electricity, as well as more families being able to afford the major electric facilities that are essential today.

A large portion of the additional electric power requirements that we will see in the future will be caused by a shift from other energy sources to the use of electricity to fulfill basic needs such as heating and cooling, industrial processing and transportation. And in most cases the shift will be away from energy sources far less desirable from an environmental standpoint. Abundant, economic electricity also can help industry and transportation introduce systems that are inherently less polluting—such as the electric steel furnace which serves the additional environmental function of making the recycle of automobile scrap more economic. We must also recognize that it is much easier to exercise environmental controls over a centralized source of power such as an electric generating station than over a million individual fires whether they are in homes, industrial plants or auto engines.

To meet our future power demands there is no doubt that a great number of large central station steam generating plants will have to be built and operated. We can explore and develop other possibilities to some extent. In certain areas of the country we may be able to harness enough geothermal heat to meet some local and regional power demands. At a few coastal points we may be able to make some limited use of tidal power. And there may be some places where we could reliably collect and concentrate enough solar energy for local domestic applications.

But to believe that it is feasible, technically, economically or environmentally, to develop these energy sources to supply most of the huge additional electric generating capacity required across our country in the years ahead is sheer folly. We are still going to have to depend on the heat from fuels to supply by far the largest portion of our needed power.

What kind of fuels will these be and where will they come from?

This may come as a surprise to you—coming from the Chairman of the AEC—but over the next 30 years the major portion of our electricity will be coming from the burning of fossil fuels—coal, oil and natural gas. And I would not be speaking in good conscience and in the best interest of this country if I did not say—and say emphatically—that we had better do everything possible to continue to develop these resources to the best of our ability, to see that they are mined, transported and used safely, economically and with as little harmful impact on the environment as possible. Much is being done to accomplish this. Much more could be done. And the public will have to accept the idea that these refinements and improvements, which may benefit them only indirectly, will add to their energy bill or their cost of living.

But all this notwithstanding, we must move ahead with the very best development and use of nuclear power. And though safety and environmental standards must remain foremost considerations we should also move ahead with such development without undue delay. The reasons are numerous. Let me begin with the most basic of these—those involving the depletion and distribution of natural resources.

Most of you are familiar with the statement that man has consumed more energy in the last 30 years than in all previous human history. Almost all that energy has been consumed in the burning of non-renewable fossil fuels—coal, oil and gas produced by nature over the course of millions of years. We are rapidly depleting the remaining recoverable supplies of these resources and it gives me little comfort to hear that we may have a 20-year reserve of natural gas or 50 years worth of petroleum or even several centuries of coal.

I reject these assurances on other than quantitative grounds. By simply setting a match to these irreplaceable materials to generate electricity and produce process and space heat we are doing more than consuming their energy. We are destroying materials essential to transportation—both as fuels and lubricants—and essential as a source of chemicals to a growing number of industries. We are also accepting the inevitability of great increases in air pollution—a health hazard which is already approaching disastrous proportions in some areas of our country.

Few people realize that if we seek to reduce pollution and congestion in our cities by substituting electric powered mass transit systems for private gasoline-powered automobiles we will have a large new demand for electricity. For example, the connected load of the Washington Metro System, when in full operation, will require a capacity of 500,000 kw. Of course, the maximum use of this rapid transit system by 1990 might replace as many as half-a-million cars on our city streets and therefore effect an enormous reduction in air pollution. And if we were to make the transition in our major urban areas throughout the country to the use of electric automobiles, as well as electric mass transit systems, we would require tens of billions of additional kilowatt-hours of electricity annually. This, of course, would offer us a tremendous reduction in air pollution in terms of today's effects of internal combustion engines which are responsible for a significant portion of our urban air pollution. But how foolish it would be to generate all this electricity by burning fossil fuels—by substituting one form of pollution with another. Nuclear power will be essential to help handle this added capacity in an environmentally sound manner.

There are other negative aspects of relying solely on fossil fuels for our energy sources that cannot be overlooked. These are the logistic, economic and political implications. Let's look at a few of these.

An energy economy based strictly on fossil fuels requires the continuous shipment of such fuels by rail, pipeline and water transport. This daily movement of growing amounts of coal, oil and gas poses many problems that we are just beginning to anticipate and project.

For example, the number and size of oil tankers is increasing every year, raising the potential for disastrous oil spills. Yet we are dependent on oil from distant ports—even more so today in the light of need for low-sulphur residual oil.

Natural gas and liquified natural gas (LNG) must also travel in greater volume and greater distances today, and their increasing movement and storage is fraught with potential hazard.

The shipment of coal, which already has shown itself to be a problem, could increase to enormous proportions if coal were the sole fuel for electric generating plants 20 or 30 years from now—as it would become when rapidly depleted gas and oil became too costly for such use. As I pointed out at a Congressional hearing last year, an all-coal economy in the year 2000 would require the burning of about 10 million tons of coal each day. Frankly, I do not think the people of this country want to see their power system vitally dependent on the mining, transporting and burning of such a huge amount of coal. Nuclear power must take over a large share of the burden.

It is not enough to say there is sufficient coal in the earth to keep us going for 300, 400 or even 1,000 years. The questions are: Where is that coal? At what economic and environmental cost can it be made available? And what is the cost of extracting and using it in terms of human health? I say that these questions must be faced just as seriously as we in the AEC face our long-term responsibilities involving the development of nuclear power.

We must also look beyond our own borders to anticipate the problem of burning all the world's fossil fuels. We in this country, with all our energy demands to support our high standard of living, are drawing large amounts of energy and mineral resources from other parts of the world. With rising expectations in those areas and increased technological capacity to fulfill those exceptations there will be growing pressure to change this situation. International competition for these resources will grow more intense. Developing nations will begin to need more of their indigenous supplies. And they will also want to be less dependent on other countries for certain vital materials. This could have several implications: Nations that have natural energy resources might want to export less and use more domestically. As nations that are wealthy in mineral resources use more of these domestically or strike harder bargains for their export, the other nations, including our own, in many cases would have to expend more energy to extract such minerals from lower grade ores, recycle these scarcer materials or produce substitutes. In some aeas of the world such new needs for energy would encourage a turning to nuclear power that, once installed, offers a nation some independence from the problems of day-to-day fuel supply and in the future would offer both economic and environmental advantages as well. In short, the course is well set on a global basis for a greater turning to nuclear energy—not because of its novelty, or its prestige or its military implications—but simply because of its need to fulfill human goals that depend on more than "people power."

Now let's take a brief look directly at nuclear power—and particularly at those aspects of it that are so much on people's minds, namely the questions of its safety and environmental impact.

I admit that this is an exceedingly difficult subject to deal with. Our sudden awareness of our ecological problems has made us—and perhaps rightfully so—what might best be described as "environmentally uptight." Today almost any new technology or product introduced to the public is eyed suspiciously and if anyone casts any doubts about its short or long-term effects or side effects the tendency is to stamp it "guilty until proven innocent." Nuclear power is in this position and suffers doubly because of its indirect military association. But in the case of nuclear power, anyone who is willing to examine it without prejudice and objectively will be convinced of the following:

The nuclear industry is high among the safest industries in America. Years of National Safety Council records prove this conclusively.

Nuclear power plants that have been licensed for operation in the U.S. to date have accumulated more than 100 reactor-years of safe operation without a serious accident. Furthermore, another 780 reactor-years of operating experience without a reactor accident have been provided by our Nuclear Navy.

Those who try to equate proportionately the environmental effects and potential hazards of the newer large nuclear plants with their older smaller predecessors simply do not understand today's dynamic nuclear technology. The newer plants are not merely exact scale-ups of the older ones with equally scaled-up effects and risks. They have the benefits of improved technology, of innovations in environmental and safety controls and of better quality control. Furthermore, they are subject to more stringent regulation and more sophisticated monitoring.

What about the environmental effects of nuclear power—particularly about the release of radioactivity in effluents to the environment? Growing environmental concern, during recent years, has understandably included the specific concern that the use of nuclear energy to supply projected demands for electric power may result in large exposures of the population to radiation. We are convinced that, kilowatt for kilowatt, the generation of electricity by our commercial nuclear power stations has had far less impact on the environment and our health than the fossil fuel methods of power generation. We are confident that this situation will not only continue, but that it will improve.

Operating experience with nuclear power reactors to date should certainly help to dispel concern over radiation exposure. Estimates, based on levels of radioactivity at nuclear power sites, show that average radiation exposures to the U.S. population from this source is presently one one-thousandth (0.001) of a millirem per year.

Power reactor designers and manufacturers are continuing to make progress in providing systems that reduce levels of radioactivity in air and water effluents to very low values. Also, the Commission is continuing to support research and development to provide practical means of reducing releases of long half-life radionuclides such as krypton-85 and tritium from the operation of chemical reprocessing plants.

We have been very successful in limiting releases of radioactivity from nuclear power reactors to small percentages of regulatory limits. Nevertheless, there continues to be a concern expressed by some that exposures to the public from this source may approach radiation protection limits that are generally applicable to radiation from all sources. This will not happen.

In this regard, an important step was taken by the Commission last year by the publication on December 3, 1970, of amendments to our regulations that will help to further assure that radioactive material in effluent releases from nuclear power plants is indeed kept at very low levels.

At the present time the Commission is working towards developing more definitive guides on design objectives for nuclear power plants to minimize their release of radioactivity. In January and February of this year we held meetings with environmental and conservation groups, nuclear power utilities, power reactor suppliers, * * *. We discussed with them their ideas as to the nature of the criteria, the levels presently considered to be "as low as practicable," and what further reductions may be anticipated with further technological advances.

The present state of technology is such that the design and operation of nuclear power plants within AEC regulatory requirements for keeping releases of radioactivity to the environment as low as practicable will assure that radiation exposures to the public living in the near vicinity of these plants will generally be less than a few percent of exposures from natural background radiation. The whole body exposure per capita per year averaged over the U.S. population from radioactivity in effluents released from nuclear power plants and chemical reprocessing plants during normal operation even in the year 2000 will be substantially less than 1 millirem. In comparison, average annual exposures to the U.S. population from natural background radiation is about 125 times as great.

It is evident that the concern of some of our most vocal critics over possible health hazards from nuclear power is unwarranted. In fact, death and disease indirectly attributed to the generation of power from all sources should *decrease* considerably as nuclear power assumes a major portion of that burden—as we are able to reduce the *known adverse effects of air pollution* by a shift toward nuclear generated electricity and by applying pollution controls to fossil fueled plants.

Why then all this furor about radiation and nuclear safety? I think it springs from three things. First, and generally speaking, the upsurge in nuclear power in recent years has coincided with the upsurge in interest in environmental problems. Therefore, we are faced with the public's fear and lack of knowledge of anything nuclear being reinforced by an increasing antagonism toward all technology which they are being told is the main source of our environmental plight.

Secondly, and in view of this environmental plight, there are many reputable individuals and organizations that are raising legitimate questions and concerns about the safety and growth of nuclear power. We in the AEC recognize these concerns and are attempting to answer all questions to the satisfaction of those raising them. We have been meeting with many of these people formally and informally, and I believe in a cordial and cooperative manner. We hope to continue and broaden these contacts. And we feel much good will come from them.

The third factor that I would mention is the source of our greatest trouble, and I might add the main roadblock to reasonable resolution of the nuclear controversy. That is the small but vehement group of nuclear critics who have been creating and trading on several points of public apprehension and misunderstanding of nuclear power.

Under a crusading banner those critics specialize in creating public alarm by inferences, by selecting isolated examples of past problems—some of them of a minor nature, some more than 20 years old and some totally unrelated to civilian nuclear power—blowing them all out of proportion and implying they are the rule instead of the exception. And perhaps most effective of all, they use large projections and hypothetical examples in a totally negative, one-sided and deceptive manner.

One has only to read all that these particular critics write—and we do—to be struck by their constant use of "what if," "almost" and "could have," as they seem to give endless examples of accidents, incidents and problems that never did seem to live up to their catastrophic expectations—that in fact did not harm anyone. Not satisfied with these past "near misses" they delight in projecting the possibility of future nuclear disasters. And they do this just as deceptively by implying that a highly hypothetical accident, one that, even conservatively speaking, has a likelihood of occurrence approaching zero, is a likely possibility. Rarely is there any attempt to examine the risks—or even the known harm—involved in using the alternatives to this relatively safe technology. Seldom are there any realistic recommendations made for other alternatives.

In view of all this let me conclude with a few of my own projections on nuclear power. And since the year 2000 seems to be a date toward which many of our modern cynics look with great trepidation, let me use that as the focal point of these projections.

By the year 2000 we will see about 1000 million kilowatts of electricity generated by about 1000 nuclear power reactors, sharing about half of the nation's power load, with highly improved fossil fueled plants carrying the other half.

Of these 1000 nuclear facilities perhaps half will be powered by fast breeder reactors, a number of which will have been in operation long enough to produce sufficient new fuel to refuel themselves and an equal number of other reactors.

As I have previously indicated, the annual average whole body radiation exposure to the U.S. population resulting from the release of radioactivity to the environment from the normal operation of all nuclear power plants in the year 2000 will be less than 1 millirem or equivalent to less than 1% of the radiation exposure to the population from natural background radiation. And the plants emitting this negligible radiation will be indirectly responsible for a reduction of billions of tons of carbon dioxide, millions of tons of sulfur dioxide and large quantities of oxides of nitrogen and particulate matter that would then be coming each year from fossil fueled plants—even those built or backfitted with pollution controls—if we continued to rely solely on such plants for the bulk of our electricity.

Long before the year 2000, it will have become routine for the high-level waste produced in reprocessing fuel from these plants to be converted to solids and buried or stored where it cannot reach the biosphere.

Located according to a national electric power siting plan, and equipped with the latest cooling technologies, these nuclear plants will not be permitted to produce harmful thermal effects on their local environment. And the waste heat from many of them will be diverted to beneficial uses.

By the year 2000 we will also have seen the successful control of thermonuclear fusion and perhaps the first full-scale fusion demonstration plant in operation.

Realistically, some accidents and failures can be expected among all these plants. No technology, no matter how excellent the engineering, construction and regulation, can guarantee 100 percent reliability or safety. But I can say with confidence that the chances of such accidents seriously affecting the lives or property of the public beyond the plant boundary are extremely low. I believe that the consequences of such accidents could not even approach the disastrous proportions that some nuclear critics imply will be inevitable.

Furthermore—and here some people will say I am making my most optimistic forecast—I believe that in the decades ahead nuclear power will show such impressive safety statistics that the insurance industry will be among the biggest investors in nuclear power.

Perhaps of even greater significance though, my projections show what will be more important than how much power we can generate through nuclear methods or otherwise. And that is that we shall have learned to apply all this power wisely—in a way that will support not the extravagances of a gluttonous, short-sighted society but the just needs of all people—people who have learned to live in harmony with each other and with their environment.

Of all the charges that are thrown at those of us who are working for nuclear power—and I think this also applies to everyone in the energy field—the one we find most offensive is that which accuses us of giving people the means to destroy themselves and their world—to procreate wildly and rob the earth of its last drop of wealth, life and beauty.

To this charge I have but one answer: If the fact that we can produce abundant power to bring man the foundation for health, happiness and peace can be seen only as a means of advancing man's basest impulses and not challenging his creativity and fueling his desire to preserve his environment and uplift his fellowman, then we have far more to be concerned about than nuclear power. I do not think that we must pull the plug on our modern civilization. I do not think that man must return to the dark and cold to find his reason and morality. He must learn to live with his new-found technological capacity and live up to the new responsibilities it brings, not merely because it is here, but because developed and applied wisely it will help him achieve his most human goals.

For this reason we must strive to understand and work intelligently and cooperatively with the peaceful atom. To turn our back in ignorance and fear on this potentially great force for global good would be a failure that future generations would never forgive. To face the Nuclear Age and turn it from an age of anxiety to one of accomplishment and new hope is a good for which we should all strive together. I still believe that this is what we are going to do.

MAINTAINING ISRAELI PARITY

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. MINISH. Mr. Speaker, many of us have watched with deep concern the unsettled posture of the Middle East. Thus far, the self-reliant and courageous Israelis have managed to maintain their strength and advantage at bitter cost. While Israel has struggled to maintain a balance of power between herself and her unfriendly neighbors, she has also strictly adhered to the Nixon doctrine of standing on her own feet. Within the last 22 years, she has managed to retain her sovereignty in three defensive conflicts. To accomplish this, every Israeli citizen has had to contribute a large share of both his income and his personal service; many have lost their lives.

Yet, emboldened by Soviet support and American irresolution, the Arabs continue to threaten and unjustly accuse Israel. To serve as a counterbalance, the United States must give strong assurances that Israel will not be forced to accept unsafe borders.

Israel is not new to the problem of unsafe borders. She has already learned at great cost that international peacekeeping forces cannot assure any measure of safety alongside insecure borders.

Israel would assert that a safe border is one that she can protect. To withdraw from strategically safe borders now without complete assurance of future peace would expose Israel to all the old threats. Moreover, it would force Israel to depend on other nations for her shipping rights, her border rights, and her very existence.

Frankly, it is doubtful whether any outside forces would care about Israel's survival as much as the Israelis. It is hard to believe the mercenaries in a military force protecting Israel's borders would fight as effectively as her own sons and daughters have done. Unfortunately, I suspect that with an international peacekeeping force as the only buffer between Israel and her age-old enemies, the past will prove to be prologue. Israel has only too often in the past seen international guarantees fade away and dissolve under pressure.

The land Israel acquired in the 1967 war was land that Israel would not have sought had she not been threatened. If Israel had been permitted to live in peace, to harvest her crops and to rear her young unthreatened, there would have been no 1967 conflict and ensuing takeover of borders.

Since Israel has successfully demonstrated her military strength to her enemies, we must permit her to demonstrate her bargaining strength in order to negotiate a lasting peace. To ask Israel to give up strategic boundaries in advance of negotiations is to negate a lasting peace. Israel should not be made party to such a poor bargain.

The United States must therefore at this time, more than ever, meet Israel's need for money, material, and open support. But the United States should not ask, and should not expect, unrealistic Israeli concessions. Let Israel set her own terms, for it is she who has to meet them.

I am, therefore, cosponsoring a resolution today, a copy of which I am placing in the CONGRESSIONAL RECORD for the perusal of my colleagues. It is only one means by which we can insure that Israel will not be pushed back into the sea. I intend to seek other means as well.

The resolution follows:

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the policy of the United States for the promotion of peace in the Middle East should be to exert its best efforts to arrange for direct, face-to-face negotiations between the State of Israel and the Arab States; and, further, that neither the United States nor any other power should attempt to impose a settlement in the Middle East nor attempt to induce a settlement other than through direct, face-to-face negotiations between the State of Israel and the Arab States.

AMVETS AWARDS

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. O'HARA. Mr. Speaker, each year AMVETS, an organization of American veterans who have served during time of war, recognizes men and women who have made exceptional contributions to world peace and to the welfare of the veteran and the Nation.

AMVETS presents to these women its Silver Helmet awards—silver replicas of the GI helmet of World War II.

As a member of AMVETS, I was pleased this year when the organization recognized the work of men from my own State of Michigan.

The distinguished minority leader, the gentleman from Michigan (Mr. FORD), was presented the Silver Helmet congressional award in recognition of enlightened service and leadership to the people of the Nation as an outstanding legislator, civic leader, athlete and American citizen.

A special Silver Helmet award was presented to the Dodge Division of the Chrysler Corp., in recognition of its foresight in the development of programs emphasizing good driving knowledge and expert driving skills in the youth of our Nation.

Mr. Speaker, I heartily congratulate my distinguished colleague, the minority leader, and the men and women of the Dodge Division, and insert the full text of the awards in the RECORD:

The 26th Annual National Convention of AMVETS, assembled in New York City, New York, on August 26, 1970, did unanimously resolve that its Congressional Award be presented to The Honorable Gerald R. Ford, Minority, Leader U.S. House of Representatives, in recognition of enlightened service and leadership to the people of the Nation as an outstanding legislator, civic leader, athlete and American citizen.

Gerald R. Ford, "The Congressman's Congressman," recognized repeatedly by his colleagues for his distinguished service, richly merits the honor afforded him by AMVETS Silver Helmet Congressional Award.

Congressman Ford's shining record of accomplishment in all facets of his personal life reflects the impact which a good man, devoted to his family, his community, and his ideals as a public servant, can make upon his life, the lives of others and the times in which he lives and serves.

Having satisfied his obligation to his Nation by 47 months of active duty in World War II in the United States Navy, Mr. Ford then proceeded to set the course of his future private life as an attorney in Grand Rapids, Mich., from where he started his rise in the world of politics.

Many outstanding awards have been bestowed upon him over the years, including several for his continuing support of legislation beneficial to veterans and their dependents, but the most gratifying fact to AMVETS in reviewing his accomplishments is that during twenty years of service to the Nation as a legislator, while fulfilling all outside demands on his time, he still maintained an attendance record of 90.9% in the Congress, missing only 48 roll calls out of 5,346.

For these accomplishments, and in recognition of his responsibilities as Minority Leader of the U.S. House of Representatives, AMVETS is proud to present to one of its Life Members of the Hewitt Madigan Post No. 126, Grand Rapids, Mich., the AMVET Silver Helmet Congressional Award.

Presented March 27, 1971

The 26th Annual National Convention of AMVETS, assembled in New York City, New York, on August 26, 1970, did unanimously resolve that its Special Silver Helmet Award be presented to The Dodge Division of the Chrysler Corporation, in recognition of its foresight in the development of programs emphasizing good driving knowledge and expert driving skills in the youth of our nation.

Nearly two decades ago, the Dodge Division of the Chrysler Corporation sensed the growing auto safety problems facing the nation, as the World War II population explosion took shape in the form of untold thousands more drivers of automobiles on the nation's highways.

Through its leaders like Matthew C. Patterson, Dodge, in cooperation with AMVETS, pioneered the development and use of safety belts and, in recognition of the need, presented personalized seat belts to each of the nation's governors, as well as the automobile editors of the United States.

In addition vehicle inspection and driver reexamination were an early goal of the two organizations.

AMVETS and DODGE have worked together on many worthwhile safety programs during years of long association. It has been most satisfying to have been part of a highway safety program, prior to its recent rise to national prominence. AMVETS and DODGE, with leaders like Bryon Nichols and Bob McCurry cooperating, recognized the problem and planned an active program, in advance of these national pressures; thus, "Operation D.E." came to be.

The teen-age driver is anxious to be a good driver and through driver education sponsored in the schools, the young drivers receive valuable knowledge and training. Therefore, DODGE and AMVETS have created a program which emphasizes the need for skillful drivers and recognizes the most skillful.

As a participant in the total war being waged by the auto industry in general to make our highways the safest possible, AMVETS salutes the Dodge Division of Chrysler Corporation in particular for their never-ending crusade toward this goal and are, therefore, extremely proud to present to Mr. Robert McCurry this AMVETS Special Silver Helmet Award.

Presented March 27, 1971.

A NEW PANAMA CANAL TREATY AT WHAT PRICE?

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mrs. SULLIVAN. Mr. Speaker, it has recently come to my attention that the administration is initiating efforts with certain officials of the Government of the Republic of Panama to reopen treaty negotiations concerning the present canal, a new sea-level canal, and certain other aspects of our relationship with Panama. I regard this activity on the part of the administration at this time to be extremely dangerous and ill advised.

Because of my strong feelings on this matter, Mr. Speaker, I am inserting in the RECORD a statement of mine on this subject as I believe it should be brought to the attention of the Members of the Congress.

This statement follows:

NEW PANAMA CANAL TREATIES—POTENTIAL DISASTER FOR THE UNITED STATES

I am gravely concerned over reports we have received to the effect that the Administration is taking active steps which may result in the reopening of treaty negotiations with the Republic of Panama.

I have been associated with affairs in the Republic of Panama, and more particularly in the Canal Zone, since the mid-1930's and officially since 1953. As past Chairman of the Subcommittee on Panama Canal, I have worked closely with the Panama Canal Company, the people of Panama, and the people of the Canal Zone. In light of this long association with the affairs of Panama and the Canal Zone, I was amazed and dismayed to learn that the Administration has sent Ambassador Robert B. Anderson to discuss the reopening of negotiations for new treaties with the Provisional Government of General Torrijos. Ambassador Anderson, of course, was the Special Representative who headed the team which negotiated the three treaties with the Republic of Panama between 1964 and 1967.

It is a fact, Mr. Speaker, that the abortive 1967 treaties never came to fruition and ended on a very negative note. For example, copies of these draft treaties were never made available to the Congress of the United States but apparently were being circulated on the streets of Panama back in 1967. In addition, these proposed treaties evoked loud protest from the people of the United States and, more particularly, from the Congress. Indeed, the House of Representatives in the Ninety-first Congress expressed itself as to the 1967 treaties blunder through the introduction of some 105 resolutions declaring it to be the policy of the House of Representatives and the desire of the people that the United States should maintain its sovereignty and jurisdiction over the Panama Canal Zone. In fact, since 1967, the Provisional Government of Panama itself has made known its objections to the 1967 draft treaties in unmistakable terms.

From the standpoint of the U.S., there were a number of disabilities inherent in those treaties. They would have, for example, resulted in the United States relinquishing its powers of sovereignty over the Canal and would have operated in such a way that the United States would not be able to control effectively the Panama Canal or provide for its defense in a satisfactory manner. In addition, those treaties contemplated an unrealistic and unreasonable increase in tolls, rates and revenues and did not take into account the constitutional authority of Congress over the disposal of United States property. Also, those treaties would have removed the Canal from the authority of the United States Congress. In this connection, it should be noted that under the 1967 draft treaty relating to the present locks canal, control of the Canal would have passed from the Congress to the nine-man governing authority and the five American members would be appointed by the President subject to confirmation by the Senate and responsible to the Executive, not to the Congress. This arrangement alone would tend to cast the treaties in an unfavorable light with respect to the Congress. May I also call to the attention of the House, the report of the Subcommittee on Panama Canal dated December 1, 1970 which goes into some detail on the 1967 treaty proposals and other subjects concerning the operation of the Panama Canal.

Aside from the disabilities inherent in these treaties, they are based on a number of erroneous premises. For example, at the time the 1967 treaties were drafted and negotiated, it was thought that a sea-level canal was economically feasible and could be built by nuclear excavation. It is clear from the Atlantic-Pacific Interoceanic Canal Study Commission Report that nuclear excavation has been eliminated for the foreseeable future. Absent nuclear excavation, it would cost approximately $2.5 to $3 billion (at 1970 estimate cost figures) to construct a new sea-level canal on Route 10, as recommended by the Interoceanic Canal Study Commission. Testimony before our Committee has shown that based on traffic forecasts and the Canal Improvement program, the existing Canal should be able to handle the traffic to the end of the century. At the present time, it seems clear that the Republic of Panama, or anyone else for that matter, cannot premise treaty negotiations on the assumption that Congress will authorize the construction of a new sea-level canal or enact legislation to transfer the existing Canal to any other country.

If the 1967 proposals were unacceptable to the American people and to the Congress, how much more unacceptable will new treaties be which go even further than the last round of treaties in ceding American jurisdiction and sovereignty in the Canal Zone? For the Government of Panama expressed its dissatisfaction with the 1967 treaties in an August 5, 1970 letter to our Secretary of State and simultaneously released a 32-page document explaining the reasons for rejecting the 1967 draft treaties. In general, this document took an extreme position which, in effect, rejected U.S. control of the Canal, the right of the U.S. to maintain military forces on the isthmus, and rejected the management of the Canal for the benefit of shipping rather than the enrichment of Panama.

It seems to me that it is entirely improper and incorrect when so many priority problems are facing the country at this time, that we should be pressured into opening up negotiations on new treaties that will once again engender enormous controversy and opposition. Undoubtedly, reopening negotiations on the type of treaties anticipated will result in protest by the American people when they learn the facts.

The possibility of new treaty negotiations raises several basic questions in my mind:

1. Why must we enter into treaty negotiations which give every indication of being contrary to the best interests of the United States?

2. Must we enter into treaty negotiations at this time which can only cause further unrest in both the United States and Panama?

3. Where has the United States failed in living up to its duties, obligations and commitments as set out in the basic 1903 treaty and its revisions of 1936 and 1955?

I would be at least a little less apprehensive if someone in the Administration could answer these questions for me.

KOSCIUSZKO MEMORIAL LEGISLATION

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. EILBERG. Mr. Speaker, on Friday, March 26, I introduced a bill, H.R. 6759, in which I am deeply interested. It proposes to make the last residence in this country of the great Polish-American patriot, Gen. Thaddeus Kosciuszko, a national historic site. I feel the enactment of this bill would afford fitting recognition to General Kosciuszko, who did so much in the cause of the American Revolution.

I submitted a similar bill during the 91st Congress. The proposal appeared during the last Congress at a time when the legislative schedule was full and just prior to the semiannual meeting of the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments of the Secretary of the Interior. The result was that my bill together with similar bills introduced by 14 of my colleagues did not receive the attention merited.

There are two features in this new measure which did not appear in last year's version. First of all, consistent with previous legislation in this area, the Secretary of the Interior would be empowered to exchange land or property. Thus, the present owner of the Kosciuszko home on the northwest corner of Third and Pine Streets in Philadelphia and the owners of adjoining properties could be adequately compensated in this manner under the proposed legislation. Additionally, the Secretary of the Interior is given an opportunity to fix the boundaries of the proposed historic site. Such a stipulation would be in keeping with precedents set by the Federal Government relative to Abraham Lincoln's Home in Indiana and with the birthplace of Booker T. Washington.

Past private efforts to effect adequate recognition of the historic value of this home, which was the residence of General Kosciuszko from October 7, 1797 to May 5, 1798, failed because of local zoning regulations. It is essential that Congress act to accomplish this worthy dream of Americans of Polish origin.

It is my understanding that the Advisory Board on National Parks, Historic Sites, Buildings and Monuments will make a recommendation to the Secretary on this measure at its meeting on April 19. I urge the members of the Advisory Board and, in due course, my colleagues to act favorably upon this legislation, which would provide the Bicentennial City of Philadelphia with a fitting memorial to this immortal Polish-American hero of the Revolution on its 200th anniversary.

Upon a favorable recommendation by the Advisory Board and the Secretary of the Interior, I urge that the House Committee on Interior and Insular Affairs schedule hearings on the Kosciuszko memorial legislation as rapidly as possible.

In that the general spent more time in the "City of Brotherly Love" than anywhere else in the United States, with the possible exception of West Point, many of my constituents have advocated the establishment of such a national memorial in our city. I can only add my personal approval of all efforts to insure that future generations of Americans will be aware of the contributions to our liberty made by this man who left our shores only to struggle against tyranny in his native land.

Finally, I believe that by taking this action we are not only extending recognition to the efforts of a single patriot, but are honoring those of our fellow citizens who share his ancestral heritage. Indeed, we honor all the varied groups who have added their substance to the fabric of America, by thus memorializing Thaddeus Kosciuszko.

SUPPORTS TRANSFER OF KENNEDY STADIUM TO DEPARTMENT OF AGRICULTURE

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, I am a cosponsor with my colleague, the gentleman from Florida, the Honorable DON FUQUA, of H.R. 2293 which would transfer the title, operation, and maintenance of the Robert F. Kennedy Stadium to the U.S. Department of the Interior. The purpose of this legislation is an effort to resolve the financial dilemma with which the stadium is confronted and at the same time prevent the possible loss of a major league baseball team for the city of Washington.

The Committee on the District of Columbia has been holding some very interesting hearings on this subject. Many prominent citizens have voiced different views as to how this problem should be resolved.

One of the citizens is Mr. Roger B. Doulens, a former vice president of Pan American World Airways, and a very close personal friend of mine. Mr. Doulens has been very active and served in a leadership role in the development of sports in the Washington metropolitan area for many years. His testimony was in opposition to the transfer and I felt his views would be of interest to my colleagues in the House. I, therefore, include his remarks in the Extensions of Remarks of the RECORD.

STATEMENT OF ROGER B. DOULENS

My name is Roger B. Doulens, and I am a baseball fan.

I saw my first major league baseball game back in 1925, when I was a little boy, and I would estimate that I have seen approximately 1,000 major league games since that time.

Since 1953, I have been a season subscriber to Senator's home games and, despite the poor showing of the team more often than not, I still retain my interest in what I firmly believe to be the finest spectator sport practiced in the world.

I have followed in the newspapers with more than unusual interest the proceedings of this Subcommittee in the matter now before it. When you, Mr. Chairman, and Mr. Clark made time available to me I readily accepted, even though my appearance will be necessarily brief.

Mr. Robert Short, I believe, is the victim of his own mistakes.

In the first place, if the figure in excess of nine millions is correct, he paid too much for the franchise. I had the authority of Mr. Samuel F. Pryor to bid up to seven millions for the ball club—and we thought that even that figure was too high.

Secondly, with no previous exposure to baseball, he decided to become his own general manager. Now, a Horace Stoneham or a Calvin Griffith, who has spent his whole life in baseball, is qualified to do the wheeling and dealing necessary to keep his club in contention. But Mr. Short's credentials, suspect two years ago when he acquired the franchise, were indicted last fall when he made that incredible transaction with Detroit.

In the third instance, Mr. Short operates with the philosophy that the people of the Washington area owe him a debt of gratitude, that it is their obligation to buy his product, and keep on buying, no matter how unpalatable the product might be.

I have no argument, personally, with Mr. Short. I have tried to be of help since his arrival on the Washington scene. A year ago I had lunch with one of his aides, Mr. Molomot—I paid the tab, incidentally—and gave him a lengthy list of names of personalities and business firms which I thought could be sold season tickets. Whatever became of that project I do not know.

On the other hand, I believe Mr. Short should be encouraged short of subsidizing his operation. I will reject a 10% or 20% surcharge on my ticket to pay for the interest or principal on RFK Stadium or to assist Mr. Short in paying his rent. I would encourage the rejection of any proposition which gives the Washington baseball club free rent until an arbitrary and capricious attendance figure is reached. I strongly oppose any unreasonable accommodations to Mr. Short, such as control of concessions and parking revenues, if they will add to the hopeless debt RFK Stadium already finds itself in.

If there is too much first personal singular in this brief presentation, Mr. Chairman, please believe me when I feel I am speaking for the average baseball fan. As a past president of the most prestigious baseball organization in this area—the Alexandria Club of Grandstand Managers—I like to think that my sentiments are also those of my colleagues who purchase the tickets to keep Mr. Short and Company in business.

I hope for the sake of Mr. Short, his franchise and the future of baseball in the Washington area that there is incentive for more people to purchase more tickets than ever before. No one wants the Washington Senators to draw more than a million fans at home any more than myself. But we see no reason why the ball club shouldn't start paying rent with the sale of the first ticket, not with the millionth.

Mr. Short has surrounded himself with some excellent baseball men, like Joe Burke and Burt Hawkins. He also has a most knowledgeable manager in Ted Williams, even though I believe that Williams' ultimate destiny is as general manager of the Senators with another proven baseball personality moving in to take on the field.

Mr. Short should give more authority to these people in purely baseball decisions and concentrate on being the executive for which he is so excellently qualified.

We want a winner in Washington—at least we want an interesting ball club. But we don't want it at any additional expense to the local ticket buyer, who is already paying the highest price in the major leagues.

Mr. Chairman, I thank you for this opportunity to express myself.

PASSENGER RAIL SERVICE

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. BYRON. Mr. Speaker, the National Railroad Passenger Corporation announced on Monday, March 22, 1971, the route system over which rail passenger service will be provided after May 1, 1971. Many of us have been waiting anxiously to see the results of the study that lead to Monday's announcement.

I represent an area of western Maryland that has a long history associated with passenger rail service including part of my district where the first commercial passenger service in the United States took place on the B. & O. Railroad. This area is today in the throes of a very serious economic slump. Three of these counties lie in Appalachia, and one county has an unemployment rate of over 10.5 percent.

The Railpax system bypasses western Maryland altogether. The end points of Washington-Chicago and Washington-St. Louis can be serviced by two alternate routes—one of these routes is along the Potomac through Cumberland on the B. & O.–C. & O. line. Railpax has opted for the more northern route through Baltimore and Harrisburg in both instances.

This leaves western Maryland without any rail passenger service. I feel that the National Railroad Passenger Corporation should reconsider its decision and service at least one set of end points through Cumberland. With one Federal arm, the Appalachian Regional Commission devoted to the economic development of this region it seems foolish to me for Railpax to take actions that will serve a great blow to the same area. I believe that further public hearings on this subject should be held so that all the ramifications of the National Railroad Passenger Corporation's actions can be aired.

GUSTAV S. EYSSELL: MASTER BUILDER—MASTER SHOWMAN

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. WOLFF. Mr. Speaker, it is not given to many men to achieve the unique status of one of America's most distinguished citizens, Gustav S. Eyssell. Mr. Eyssell was recently honored by many civic organizations and by the leaders of the motion picture industry for his twin careers as a master builder and a master showman.

Gus Eyssell has served our community and our country brilliantly. He played a major role in establishing the enduring character and format of the Nation's largest theatre, the Radio City Music Hall, where he served as managing director and president. Then he succeeded Nelson Rockefeller as the president of Rockefeller Center.

It was Gus Eyssell's great opportunity to play a major role in fulfilling the vision of John D. Rockefeller, Jr., who dreamed the impossible dream of carving a world renowned complex of buildings, theaters and world-famous plazas out of one of the most deteriorated areas of the city of New York. Rockefeller Center not only permanently changed the face of Manhattan but had a persuasive effect on urban planning all over the world.

It was Gus Eyssell who carried the dream forward; building many new buildings; innovating exciting concepts and always respecting the obligation of businessmen to participate in community affairs. He helped make New York a better place in which to live.

He is a trustee of Colonial Williamsburg; a trustee of Roosevelt Hospital; a former president of the Avenue of Americas Association, a member of the board of trustees of National Educational Television; a member of the Board of Directors of the United Nations Association of the United States of America. He has served as New York State chairman of United Nations Day for the past 7 years.

Gus Eyssell is not a letterhead celebrity; he does not lend his name—he gives his heart, his mind, and his great resource of daring and courage.

He was a poor boy who came from Kansas City where he lived near a young man named Truman who later became one of the greatest Presidents of the United States. It was there at 17 that he became treasurer of the largest theater in Missouri. His success brought him major posts in the film industry in Hollywood, Texas, and, of course, New York.

Gus Eyssell is not only a great private citizen, a superb worker; but he is also a great captain, a dynamic leader.

I have admired him along with the thousands who know him and the millions who have benefited from his work. This past week he retired as president of Rockefeller Center though he will continue to serve as a consultant to that remarkable "city within a city"; the place of hope that was built in the shattering days of the great depression when many in the world felt that there were to be no more tomorrows.

It was people like Gus Eyssell who kept the faith. He never wavered from John D. Rockefeller, Jr.'s, principle of quality. What was built was built to last because it was intended for the many years ahead. It was faith in action. Today, 40 years later, it all looks as new as the day they opened the doors. We are all grateful to the Gus Eyssell's for they are proof positive that there are pioneers needed in every decade of every century. Pioneers are not only for the history books; they are for our daily papers and nightly newscasts, as well. Gus Eyssell is a great pioneer. We thank him and wish him well.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

FARM TRUCK DRIVER QUALIFICATIONS

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. ABBITT. Mr. Speaker, farmers of Virginia and other areas throughout the country are deeply concerned about proposed Federal regulations of farm truck driver qualifications which are now scheduled to go into effect on July 1, 1971. The American Farm Bureau Federation and other organizations have protested certain of these proposed qualifications and this matter is now under advisement by the department.

As of July 1, 1971, all drivers of farm trucks, including pickups, in interstate commerce must meet the following requirements:

First. Be at least 21 years of age.

Second. Carry a certificate, executed by a physician during the preceding 24 months, evidencing fitness to drive a truck.

Third. Pass a road test in truck operation.

Fourth. Take an examination on the Federal Motor Vehicle Safety Regulations.

Fifth. If the driver is an employee of a farmer, he must supply the farmer with evidence of compliance with the four requirements above, plus an application for employment which shall disclose traffic violations and disposition thereof, plus an annual supplementary statement relating to traffic violations.

Obviously, such regulations would greatly handicap many of our small farm operations.

I am particularly concerned about the first requirement—under which a driver of a farm truck must be at least 21 years of age. This is utterly ridiculous, in view of the fact that we are drafting men into the Armed Forces and sending them all over the world in duties which often require the handling not only of military trucks but many other vehicles of tremendous size and complexity. We have men under 21 in Vietnam driving heavy equipment of all kinds and to say that here at home a man on a farm has to be at least 21 years of age to drive a pickup truck is the height of folly.

In addition to this, 18-year-olds are now allowed to vote in Federal elections and Congress has just recently approved a constitutional amendment which would extend this right for State and local elections. States are ratifying this proposed amendment and if it is approved, 18-year-olds throughout the country would be allowed to vote. Are we now to say that a young man between the ages of 18 and 21 who can vote and who may be sent to Vietnam cannot drive a truck on the family farm? Surely, we all recognize the inequity of such a regulation and I certainly hope that the Secretary of Transportation will reject this proposal.

My understanding is that a meeting is being held today in the Motor Carrier Division of the Department of Transportation on these regulations and I certainly trust that reason will prevail over bureaucracy in eliminating this requirement from the proposed regulations.

"HAIL, HAIL, O FREEDOM!"

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. MORSE. Mr. Speaker, the following article which appeared in the Lowell Sun on March 25—the 150th anniversary of Greek Independence Day—is one of the most eloquent statements of the immense and profoundly significant contributions which the Greek civilization and its peoples have made to the Western world, to this country, and to the city in which I was born and raised, and am proud to serve in the House of Representatives.

The sense of pride which the author, Charles G. Sampas, a long-time friend, executive news editor of the Lowell Sun, and an American of Greek extraction, so clearly feels, can be shared by all of us, regardless of our individual ancestry, for the heritage of Greece is one from which we have all benefited beyond measure, and which is an integral part of the American way of life.

I deem it an honor and privilege to include this outstanding piece here in the RECORD for the attention of my colleagues:

"HAIL, HAIL, O FREEDOM!"

(By Charles G. Sampas)

LOWELL.—From the Athens of Attica in ancient Hellas to the modern-day Acropolis of Lowell in the United States of America is a panorama of more than 5000 years of history.

And it is worthy of recall on this auspicious and glorious day—the 150th anniversary of Greek Independence. For it was on this very day a century and a half ago that the Greeks rose as one and began the War of Independence, which resulted in their freedom from the Ottoman Turkish empire which had enslaved them almost 400 years.

That Black Tuesday in 1453 when Constantinople, the very heart of the Byzanite Empire and the very source of the Greek Orthodox faith, fell marked the beginning of the end for Hellenes throughout the Balkan areas. They were slaves and subjects of the hated Ottoman Turks for centuries. Inspired by their Christian faith and their courageous priests, they maintained their knowledge of the Greek language through their "secret schools," which were in cellars, in concealed attics, out in country fields, everywhere.

In his famed study on the world's literature, John Macy wrote of Athens: "And what a civilization it was! In the small city of Athens in the fifth century before Christ there lived more men of genius than ever happened to live in any other place at any other time . . . No historian, not the wisest disciple of Herodotus, can explain just why so many men of brains were assembled on this particular spot of the world at this particular moment. All we know is that it is so. Greece had repelled the invading Persian armies and in spite of continuous internal rivalry and warfare was, in intellectual matters, a more or less united civilization. Athens was the center of the glory that was Greece."

The early Hellenes or Greeks were the historical antecedents of most Europeans, and, as Historian Thomas Spelios points out, "with the Judaeo-Christian tradition the farmers of Western culture. In the origins of Greek culture we see the origins of Western thought and art; the heritage of the modern Greek is the heritage of the Western world . . .

"The poet John Keats referred to classic Greek literature as 'the realms of gold.' This it is: It is the richest body of epic, lyric, and dramatic poetry the world has even known. The Illiad and the Odyssey of the 'deep-brow'd' bard Homer, the poetry of Hesiod, Sappho, and Pindar, and the plays of the great Greek dramastists Sophocles, Aeschylus, Euripides, and Aristophanes continue to startle, delight, and engage us with their masterful artistry and profound concern for the great problems of human existence. The idealism and speculative philosophy of Plato and the systematic logic and reason of Aristotle continue to form the dual basis of philosophic thought to this day. And the political achievements of Solon and Pericles are apexes among the origins of a humane, just, and ordered society. In fact in every field of human knowledge, the beginnings are to be found in the genius of the ancient Greeks. They gave us our concepts of state and of democracy, our logic, our way of thinking, systems of science as well as standards for beauty. But though we remain the inheritors of the Greece legacy, we are still, perhaps, a world that has yet to rise to its greatness; we must still learn all that it can teach, and we can still earn our legacy."

Historian Spillos points out that the Greek achievement should not be measured in terms of one or two centuries, but in terms of their total history in Ancient, Byzantine, Turkish, and Moslem times. "For the Greeks are one people" and their remarkable continuity is seen in Homeric heroes and Church Fathers, Spartan warriors and Athenian philosophers, Byzantine emperors and Hellenistic kings, Macedonian hoplites, Maniat teachers and kilted Evzones, in Pindar and Kazantzakis, in Zorba and Cavafy, in George Seferis, Greece's first Nobel Prize winner; in Aristotle Socrates Onassis and in the parishioners of Lowell's four Greek Orthodox churches—the mother church, Holy Trinity; Transfiguration (Metamorphosis); Holy George's and The Assumption of the Virgin.

The saga of Greece starts with the splendors of early Crete and Mycenae, proceeds with the Golden Age of Pericles and militaristic Sparta, and the expansion of Hellas under Alexander the Great, who smashed into Asia and Africa with his amazing victories at Issus and Arbela, while he was still in his early twenties. (And walking along Broadway in Lowell, you see a sign "Alexander the Great Restaurant"—a descendent of Macedonia paying his tribute to that young Macedonian leader who conquered the world.)

The story of the Trojan war is part of everyone's schooling; the ten-year conflict which taught so much to the world . . . the tale of the 300 courageous Spartans who stood against the endless thousands of Persians at Thermopylae; the magic of Athenians at Marathon . . . the endless, heartless Peloponnesian War, which tore Greece apart. The bravery is forever world history.

The majestic beauty of the Byzantine churches of Constantinople . . . and the rise of those early Christian Emperors . . . and the culminating disaster of 1453, when the very heart of Christian Byzantine empire, Constantinople, fell to the hands of the Ottoman, Turks, and darkness fell on the Western world. The harsh Ottoman Turkish rule lasted cenutries . . . Greek children were taken annually as tribute to sultans to be raised as Moslem and the terrifying punishments of the Turkish such as impaling their victims.

From the fall of Constantinople—that black Tuesday of May 29, 1459, to March 25, 1821—Greece's Day of Liberation—the role of the Hellenes was heart-breaking. They lived virtual slaves of the Ottoman Turks. Their Christian faith was the one beacon which kept up their spirit.

On March 25, 1821, 150 years ago this very day, Bishop Germanos of Patras raised The Standard of The Cross at Agia Lavra monastery, and declared that henceforth Greece was free. This was the signal for the start of the Greek Revolution, a revolt which brought help to Greece from throughout the civilized world. Boston's Dr. Samuel Gridley Howe, England's Lord Byron, joined with other Philhellenes and the "Philiki Etairia"—the great national secret society—to fight for Greece. The Greek heroes are legion; Kolokotronis, Mavromihales, Koraes, Regas O Fereos, Zaimis, Lontos, Karaiskakis, Papafletsas, Bouboulina, Kanaris, Bozzaris, Ysilantis and so many others.

Kolokontronis went to Mani, the Southern Peloponnesus, in January of 1821, and as Historian George J. Leber puts it: "His very presence in Greece was enough to arouse the spirit of the patriots, for his name was already known throughout the country, as a fearless patriot, and leader. In 1818, the Turks had evicted him from the Morea, or Peloponnesus, because of his aggressiveness and rebellious spirit.

"On March 21, 1821, the patriots besieged the city of Kalavrita, and in five days had taken the town. On the 22nd, Mavromichalis and his Maniates, with Kolokotronis and others besieged Kalames and took it on the 25th. In Patras, the Metropolites Palaion Patron Germanos, with Andreas Zaimis, Londos and others, struck the colors for freedom, on March 25th, which date is recognized as the official beginning of the Revolution. With their forces, these leaders besieged the town of Patras. At the same time Lala, Corinth, Monemvasia, Navarino, Argos, and Nauplion were besieged by the patriots. The revolution was raised in Sterea Hellas by Panourgias at Amphissa, by Thanasis Diakos at Levadia, and by Diovouniotis at Voudounitsa."

Heroism was the order of the day and Diakos' famous words before he was put to death by the Turks resounded throughout Greece: "Better one day of freedom than forty years of slavery. I was born Greek, I will die Greek."

Help came to Greece from The Great Powers—England, France and Russia when all seemed lost—in 1827. Those three European powers had met in London and in a secret treaty agreed that Turkey must be kicked out of Europe. Their fleets were rushed to Greek waters and at a famous naval battle of Navarino, swept the Turkish-Egyptian ships out.

On Sept. 12, 1829, all of central Hellas and the Peloponnesus was free of Turkish forces.

After the woes of the first governments of Greece, Orthon, a Bavarian prince, was chosen by the European powers to reign as King of Greece. The people welcomed him, because he meant peace and Greece was free again.

President Thomas Jefferson gave moral support to the Greek revolution and encouraged the thousands of Philhellene-Americans to help Greece in her plight. Lafayette and Jefferson kept up considerable correspondence on the cause of Greek freedom. Dr. Edward Everett, president of Harvard University, and John Quincy Adams, were great leaders for Greek freedom. Dr. Everett's writings in The North American Review were decisive for the cause of Hellas among the American millions.

On Dec. 2, 1822, President James Monroe included the following words in his Message to Congress: "The mention of Greece fills the mind with the most exalted sentiments, and arouses in our bosoms the best feelings of which our nature is susceptible. That such a country should have been overwhelmed, and so long hidden as it were, from the world, under a gloomy despotism, has been a cause of unceasing and deep regret to generous minds for ages past. A strong hope is entertained that these people will recover their independence, and resume their equal station among the nations of the earth."

Greece went through the gamut of any young nation—strife and disagreements, and the royal crown was always in danger.

In the late 1800s, the great surge of immigration to America included the Greek people. Poverty was the usual rule, because the land was practically barren for thousands, and the sea provided a living for a few thousands compared to the "great needs." Lowell's mills needed more and more help and at the start of this century, Lowell received thousands of Greeks who found employment in the then textile citadel of America.

Here in Lowell they established the Holy Trinity parish, which is 76 years old this year. The Holy Trinity Byzantine Church, corner Jefferson and Lewis streets, was the first of four Hellenic Orthodox churches and was the center of Hellenism in Lowell.

They established a Greek parochial school—with classes in Greek and English—which was one of the very first day schools among the Greeks in America. Its graduates are among the leaders in various professions, in Lowell and elsewhere.

In 1911, hundreds of Greeks left Lowell to go to Greece to take part in the Greco-Turkish War for the freedom of Northern Greece. They were members of Lowell's Holy Regiment and daily reports were published in The Sun on their progress.

Lowell's Greek colony was the first in the land—it was the mother city—the first stop for Greek immigrants. At one time there were 65 coffeehouses, representing just about every big city and state in Hellas. Lowell Hellenes also supported a Reportory Theatre, which presented live Greek plays every Sunday evening at The Playhouse, corner Market and Shattuck streets. The first important chapters of national Greek American organizations were established here—and the Lowell Hellas chapter of Ahepa, for example, is just about the biggest in the land.

The Acre-Acropolis, which included the entire North Common vicinity, was the center of Greek Americans in Lowell, but in the past quarter-century the coming of the North Common Village and the Americanization of the Hellenes of Lowell has resulted in their absorption in all Lowell life. They are no longer a so-called minority. They are part of the mainstream of Lowell living and they participate in all sectors—whether it's as chairman of the board of trustees at Lowell Technological Institute, as members of the board of directors of Union National Bank, executives in utility companies, as entrepreneurs (founders of the DeMoulas super market chain), as civic officials (Mayor

George C. Eliades; Mrs. Ellen A. Sampson, the first woman mayor in Lowell, Councilor Paul Tsongas, etc. etc.)

It is a long way from Athens to Market street, from Mani to Christian Hill, from Kalambaka to Andover street, from Hydra to the Highlands here, from Chios to Chelmsford, Delphi to Dracut, from Thebes to Tewksbury, from Grevena to Groton, but it is natural. Hellenistic civilization nurtured Christianity in its early days—indeed the first Popes were of Greco-Byzantine extraction.

Nothing strange about Hellenism and Americanism. (Indeed, the founding fathers in Philadelphia debated whether or not to make Greek the official language of the United States of America.)

Hellenic and American civilization are intermingled in this cosmopolitan city of ours, just as English, French, Polish, Portuguese, Armenian, Lithuanian, Italian, Lebanese, Jewish and other civilizations are part of the amalgam. The system of American democracy, as envisioned by Philhellene Thomas Jefferson and as expounded by Lincoln Roosevelt, Kennedy and others, keeps us together, particularly at this time when a prolonged war 10,000 miles away seems, at times, to be tearing this beloved nation of all of us apart.

Democracy is a Greek word.

And as an American of Greek extraction I can never forget it.

Zhto H Ellas. And Forever America!

OFFICER GLEN P. FISHER

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, I should like to call the attention of our colleagues to an exceptionally moving sermon preached as a eulogy by Father R. Joseph Dooley, of St. Francis Xavier Church in Washington, at the March 15, 1971, funeral of Officer Glen P. Fisher, a Washington Metropolitan policeman murdered recently in performance of his duty.

Father Dooley's sermon reads as follows:

Sermon: Officer Glen P. Fisher, St. Francis Xavier Church, March 15, 1971

Recently at a sports event, there was the usual pre-game ceremony, including the playing of our National Anthem and the raising of our flag. I noticed then, as I had at other similar events, the conduct of the crowd which, to me, seemed a microcosm of the American people. Most stood with rapt attention and quiet dignity, observing with pride the few moments dedicated to patriotism. Others seemed restless during the ceremony, and I heard grumblings about "old fashioned patriotism" and the propriety of this ceremony at gatherings of this type. And, of course, there were also the ones who refused to stand or remove their hats and who seemed to take delight in their aggravating conduct and obvious bad taste.

Today, we honor one of the members of that number whom we can call true patriots. One who loved his flag, his country, his city, his job, and his family. To Officer Glen P. Fisher of the Metropolitan Police Department, patriotism was not a momentary emotion, but rather the steady devotion of a lifetime. He put country and his city ahead of himself. For what other reason would he have stepped into a darkened hallway in an apartment project last Wednesday night and ultimately to his untimely death.

Officer Fisher performed an act of extreme heroism equal to any this city has even seen. He, too, had a dream. He had a zest for life and love for his fellow man. Armed only with a search warrant, issued by the court, he was ruthlessly gunned down by a calculating and cowardly hoodlum. He looked forward to advancement as you do. His goals were set extremely high. What is Heroism? What is Dedication? A young officer deciding to give up his dream so you and I might have ours.

To the people he was dedicated to protect, he was just a "cop." He was 21 years old, an ex-Marine, a Vietnam war veteran with several citations, born and raised in Southeast Washington. Glen Fisher was surrounded by the police-style of living, since his father served on the D.C. Police Force before him. He was a good son and brother, a loving husband and father, and a wonderful Police Officer. He was, in every sense of the word, an outstanding young man—a real credit to his family and community. He was quiet and reflective—but a deep person when you got to know him.

Yet none of the vast majority of silent "fellow citizens," whose burdens and responsibilities he carried, cared very much. He was just a "cop" to them. Not a fellow human being; not a person with normal feelings of pain and pride and anger; not someone who would have preferred a quiet sedate family life—compared to his life as an undercover man. Not a young sorrowing wife's beloved husband. Not even a courageous and unselfish fellow citizen doing his duty, and theirs, to uphold the law.

You know, it is growing more and more difficult to induce young men in this country to enter the field of law enforcement. Why should they?

Read the newspapers. Listen to the radio. Watch television. There is a firmly established group of newscasters and reporters who regularly indoctrinate you with the anti-law enforcement mania of our times. In their subtle, "completely impersonal," but degenerating way, they are chipping away at the very foundation of American democracy. They routinely suggest, and produce alleged "evidence" to prove that policemen represent no one but themselves; that individual officers are sadistic in their treatment of persons accused of crime—who are always "innocent," of course, or "justified" in breaking the law.

"The Heroes" of these monsters of the media are the criminals—because "society made them so." The heroes are "the users", "the pushers", the narcotics peddlers, the rioters, the destructive demonstrators, never the policemen! He is the villain.

It has been said over and over again that ours is a "government of laws and not of men". Yet, no law is self-operative. Enforcement is not inherent in the words of any statute. Men enact our laws. Men interpret and apply them and men enforce them because other men don't obey them.

We are confused by judges who strain to interpret words in our constitution, which, for almost two hundred years, have seemed plain enough; but now are said to have meanings which result in proven criminals being set free on technicalities, when honest citizens are increasingly victimized by crime.

The Honorable Edward M. Curran, Chief Judge, of the U.S. District Court recently stated: "Constitutional rights are proper and necessary, but today we encounter, all too often, cases in which it seems that the concern of some courts is greater for the rights of the criminal than for the rights of society". Justice, is not a matter of expediency.

Yet, despite all these conditions Glen Fisher, ten short months ago, after serving in Vietnam, joined the Metropolitan Police Department. He entered a profession which he knew involved great hazards and dedication. He did it, I believe, because of his Faith in God.

His untimely death has been a shock to all of us. Your profession, as law-enforcement Officers, is truly a sacred one. You have a religious and sacred responsibility in the performance of your duties. It was this consecration and dedication to the highest ideals of your profession that led Glen Fisher into a remote apartment hallway and his eventual death.

It now remains for each of us to let this tragedy serve to draw us to a higher dedication of our own lives and a willing acceptance of responsibility.

What we are doing today, we should continue to do. Pray for his soul and for his loved ones who have suffered such a loss. Pray that God will find him worthy of the reward for which he lived and worked and prayed. Please God, history will hear us out, that he and men like him who have given their lives in line of duty, have not died in vain. May he rest in peace.

Rev. R. Joseph Dooley,
Chaplain.

PLAUDITS TO THE ESSEX COUNTY SECTION OF THE NATIONAL COUNCIL OF JEWISH WOMEN

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. MINISH. Mr. Speaker, the Essex County section of the National Council of Jewish Women has been in the vanguard of establishing day-care programs. A successful day-care center was started by them in Newark, and is now in its second year. The program was one of four pilot programs, and was cosponsored by both the Essex County section of the National Council and the Beth Israel Medical Center.

Much credit for this program goes to Mrs. Leonard Wood, of West Orange, N.J., who had been vice president of community services, as well as to Mrs. Harold Sterling, also of West Orange, who is president of the National Council of Jewish Women Essex County section.

The ladies of this organization have good reason to be proud of their accomplishments.

The following article, which I am inserting in the Record, is taken from the New York Times of Wednesday, March 31. It discusses the day-care program established under the auspices of the National Council of Jewish Women.

The article follows:

Jewish Women Expanding Child Care

(By Irving Spiegel)

Detroit.—What began as a modest effort by a national women's organization to help working mothers has grown into a small network of child care centers throughout the country—and is constantly expanding.

Delegates attending the biennial convention of the National Council of Jewish Women at the Detroit Hilton Hotel, described today in interviews and reports the problems they met and the satisfactions they derived from participating in their organization's child care program.

In hospitals, abandoned storefronts, buildings and church basements the majority of the council's 100,000 members are engaged in the maintenance of 50 integrated centers in Portland, Ore., Kansas City, Mo., Greensboro, N.C., Washington, New York, Boston, Newark and other cities. They forecast today an expansion to 100 centers.

"We have focused on day care as the most effective and acceptable way for our members to reach into the inner city to aid deprived children and mothers on welfare," remarked Miss Hannah Stein, the council's executive director.

SOME MUNICIPAL AID

The council's women, with some financial aid from local municipalities, defray the expenses in providing hot meals and supplying teachers for the children. The volunteers, through the use of paid experts, also give health and social services to the children.

Delegates reported on child care projects established in hospitals across the country, where the children, for the most part, are children of hospital employes. One delegate said that these projects provided a "naturally integrated group, across socio-economic lines as well as racial lines—the parents run the gamut from kitchen help and orderlies to nurse and doctor."

Miss Stein said that "significantly enough, our centers have in a large measure overcome the shortage of nurses, nurses' aides, laboratory technicians, kitchen and maintenance help which are so vitally needed in our medical institutions."

Miss Stein said. "We feel we are doing something to help the mother who wants to work to do so without neglecting her children."

The council's membership, organized in over 300 sections and units throughout the country, is conducting a nationwide study to describe the means by which young children of working mothers are being cared for and the extent of the need for day care.

The findings will be embodied in a report by Mrs. Mary Keyserling, former head of the women's bureau of the United States Department of Labor.

Speaking here today at a special session, Mrs. Keyserling said that the "future of our children and the future of our society are in jeopardy because of the neglect of millions of children."

In stressing the need for child day care centers, Mrs. Keyserling reported that six million children under the age of 6 have mothers who work and that three million children under the age of 6 live "in poverty."

ERIE COUNTY SESQUICENTENNIAL HONORS EDWARD A. RATH, SR.

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. KEMP. Mr. Speaker, I would call to the attention of the House the sesquicentennial anniversary of the creation of Erie County, in the State of New York. On this date, 150 years ago—April 2, 1821—Erie County was officially separated from Niagara County. In honor of this event a celebration is being held tomorrow at Buffalo, the county seat, and a county office building, recently constructed, is to be dedicated in memory of the first county executive, Edward A. Rath, Sr. It is a grand event, inspired by the spirit of a people with vital concern for traditional values attaching to their county and their State.

Erie County and Buffalo, the county seat, have had much to do with the major events of American history, from the beginning. In the War of 1812, Buffalo served as a mustering place for troops, and British and American Armies marched and countermarched through the county on numerous occasions. The first steamboat on the Great Lakes, entitled "Walk-on-the-Water" was constructed at Buffalo, in 1819. The Erie Canal, opened in 1825, brought trade and prosperity on a new scale, and manufacturing appeared. Ironworks were soon established, in company with a steam-engine company, grain elevator, stone and holloware factories, a nail factory, a silversmithy, a brass and bell foundry, plants making mirrors and picture frames, porcelain bathtubs, millstones, soap, and candles—and almost every other necessity and extravagance of the period.

In the rapid development of the railroads of the 1850's, Buffalo was expected to lose her position as queen of northern commerce, founded as it was on canal traffic. But this did not occur. Trade with the expanding West grew rapidly during and following the Civil War, and Buffalo became one of the great grain and livestock markets of the world. Attracted by existing markets and established trade routes, the railroad companies converged on Buffalo, which at once became a railroad center. By 1950 it was the second largest railroad center in the country.

Mr. Speaker, I might point out that I have taken recent action to keep Buffalo as one of America's leading railroad centers. Our efforts to expand Railpax passenger operations has resulted in tremendous support in the Congress and at the State level and I am optimistic about Buffalo's railroad future.

By the turn of the century, a new economic resource, electricity, was created by the harnessing of Niagara Falls, with a potential of 11 million horsepower available at low rates, and Buffalo industry entered on a new era of expansion. World Wars I and II brought new industries, especially the manufacture of dyes and airplanes. By recent count, the population of Erie County had climbed to a high level of 1,113,000, and, in Buffalo alone, to 463,000.

The astonishing record of Erie County has rendered her a leader in the commerce of the Northeast, almost from the very beginning of her municipal existence. It is a great pleasure to hail that record, and pay my respects to the people of that progressive community.

Mr. Speaker, every dedication ceremony evokes a sympathetic sigh for the honored citizen. Unlike other dedication ceremonies, together we mark tomorrow both a birthday for the county as well as the worthy achievements of a devoted pioneer in governmental cooperation.

Erie County celebrates its sesquicentennial with a feeling of exuberant pride while together we commemorate the cherished memory of Edward A. Rath, Sr.

Mr. Speaker, Ed Rath was born April 17, 1907; died October 28, 1968, and was the son of August W. Rath, a lieutenant in the Buffalo Fire Department. He was educated at Masten Park High School and Hurst Business School.

Although Ed Rath started as an office boy, he went on to own and operate his own successful insurance and real estate company. He was active in municipal and county government before becoming county executive; a post to which he was elected for three terms.

Mr. Speaker, at this point I include excerpts from a Buffalo Evening News article concerning Mr. Rath:

> Mr. Rath recognized in recent years that the time had come to provide a comprehensive review of metropolitan relations in Erie County. This was reflected in his appointment of the Citizens Committee on Intermunicipal Affairs. He was cautious, but not a standpatter; economical, but not parsimonius; sensitive to criticism, but not afraid of controversy. He will be long remembered among the outstanding leaders and builders of Erie County.

Mr. Speaker, to confront and to solve the challenges of today, every community requires the sincere dedication and the personal sacrifice of inspired leadership. Although the policies and programs of the Federal Government touch upon the lives of every citizen, it is really the local levels of government that must immediately effect the implementation of every goal.

Under the far-sighted direction of Edward A. Rath, Sr., our county government was launched into a new era of collective cooperation and beneficial association with all levels of government, as it does today under B. John Tutuska.

Mr. Speaker, as the first executive to preside over the consolidated county government, Edward A. Rath, Sr., developed this new county government into a model of efficiency and integrity.

So this county office building has been appropriately dedicated to the honored memory of our fellow citizen, and my good friend. The building itself is a spacious, white, and bold symbol of remarkable achievement. It will remain a significant reminder of the past accomplishments and the creative progress of our county under the patient guidance of Edward A. Rath, Sr.

DORN INTRODUCES SPORTS BROADCAST BILL

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. DORN. Mr. Speaker, I was shocked and amazed by the blackout on home radio and television for the recent heavyweight title fight. This home blackout—while the promoters of the closed circuit broadcast were raking in fantastic profits—has angered many Americans. This was a flagrant abuse of Government-regulated broadcast rights which must be avoided in the future.

The home blackout was a breach of faith with millions of Americans who had purchased TV and radio receivers with the expectation that they would enjoy free home reception of publicly broadcast sporting events.

We now hear threats that future super bowls will be broadcast solely over closed circuit. Conceivably even the great collegiate games such as the Rose Bowl, Sugar Bowl and Cotton Bowl would be blacked-out to home viewers.

Today I join with my colleague from Wisconsin (Mr. Aspin) in introducing legislation aimed at this problem, for this bill would require that broadcast rights for all general interest sporting events be offered first to stations or networks that broadcast without charge to home viewers. This bill would give the right of first refusal to the broadcasters which reach home viewers. This would not deny a fair financial return to promoters, since the various networks would still compete for broadcast rights. But, more important, it would protect the rights of millions of Americans to public interest broadcasting.

A "SICK" AMERICAN SPEAKS OUT

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. BOB WILSON. Mr. Speaker, many Americans are tired of those who only want to tear down our country and the following remarks by Pat Michaels of radio station KGO, San Francisco, Calif., before the policeman-fireman awards breakfast in Oakland eloquently express this point.

Under unanimous consent, I include Mr. Michaels' remarks in the Record:

A "Sick" American Speaks Out

I am sick . . . and there are those who claim that ours is a "sick" society. That our country is sick, our government is sick, that we are sick.

Well, maybe they're right. I submit that maybe I am sick . . . and maybe you are too.

I am sick of having policemen ridiculed and called "pigs" while cop killers are hailed as some kind of folk hero.

I am sick of being told that religion is the opiate of the people . . . but marijuana should be legalized.

I am sick of being told that pornography is the right of a free press . . . but freedom of the press does not include being able to read a bible on school grounds.

ANARCHISTS CANONIZED

I am sick of commentators and columnists canonizing anarchists, revolutionists and criminal rapists but condemning law enforcement if it brings such criminals to justice.

I am sick of paying more and more taxes to build schools while I see some faculty members encouraging students to tear them down.

I am sick of Supreme Court decisions which turn criminals loose on society—while other decisions try to take the means of protecting my home and family away.

I am sick of being told policemen are mad dogs who should not have guns—but that criminals who use guns to rob, maim and murder should be understood and helped back into society.

I am sick of being told it is wrong to use napalm to end a war overseas . . . but if it's a bomb or molotov cocktail at home, I must understand the provocations.

I am sick of not being able to take my family to a movie unless I want them exposed to nudity, homosexuality and the glorification of narcotics.

I am sick of pot smoking entertainers deluging me with their condemnation of my moral standards on late night television.

I am sick of riots, marches, protests, demonstrations, confrontations, and the other mob temper tantrums of people intellectually incapable or working within the system.

I am sick of hearing the same phrases, the same slick slogans, the pat patois of people who must chant the same things like zombies because they haven't the capacity for verbalizing thought.

I am sick of reading so-called modern literature with its kinship to what I used to read on the walls of public toilets.

I am sick of those who say I owe them this or that because of the sins of my forefathers—when I have looked down both ends of a gun barrel to defend their rights, their liberties and their families.

I am sick of cynical attitudes toward patriotism. I am sick of politicians with no backbones.

I am sick of permissiveness.

I am sick of the dirty, the foul mouthed, the unwashed.

I am sick of the decline in personal honesty, personal integrity and human sincerity.

And most of all, I am sick of being told I'm sick. And, I'm sick of being told my country is sick—when we have the greatest nation man has ever brought forth on the face of the earth. And fully 50 per cent of the people on the face of this earth would willingly trade places with the most deprived the most underprivileged amongst us.

Yes, I may be sick. But, if I am only sick, I can get well. And, I can help my society get well. And, I can help my country get well.

Take note, you in high places. You will not find me under a placard. You will not see me take to the streets. You will not find me throwing a rock or a bomb. You will not find me ranting to wild eyed mobs.

ANGER AND INDIGNATION

But you will find me at work within my community. You will find me expressing my anger and indignation in letters to your political office.

You will find me canceling my subscription to your periodical the next time it condones criminal acts or advertises filth.

You will find me speaking out in support of those people and those institutions which contribute to the elevation of society and not its destruction. You will find me contributing my time and my personal influence to helping churches, hospitals, charities and those other volunteer backbones of America which have shown the true spirit of this country's determination to ease pain, eliminate hunger and generate brotherhood.

But, most of all, you'll find me at the polling place. There, you'll hear the thunder of the common man. There, you'll see us cast our vote . . . for an America where people can walk the streets without fear . . . for an America where our children will be educated and not indoctrinated . . . for an America of brotherhood and understanding . . . for an America no longer embarrassed to speak its motto "In God we trust."

TRIBUTE TO VICTOR E. BENSTEAD

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. ANDERSON of California. Mr. Speaker, Victor E. Benstead, one of the outstanding citizens of Torrance, Calif., and a 12-year veteran of the city council, passed away on March 15 as a result of a heart attack suffered at his home at the age of 78.

Mr. Benstead was first elected to the Torrance City Council in 1952 and continued to serve until 1964. Prior to his election, he had served on the Torrance Civil Service Commission for 6½ years, including 5 years as chairman.

The city council and citizens of Torrance paid great tribute to the uncompromising service which Victor Benstead gave to his community by naming the municipal swimming pool after him while he was still living. The "Victor E. Benstead Plunge" will continue to keep his name before the community as an example of dedicated service for many years, while providing healthy recreational activities for numerous generations of Torrance residents.

A native Californian, Mr. Benstead had lived in the South Bay area since he was 9 months old and first moved to Torrance in 1921 at the age of 28 just shortly after the city was incorporated. Throughout his adult life, he dedicated himself to service to his community and to progressive improvement of the city.

While serving on the city council, Mr. Benstead adopted as his guiding principle the concept of assuring the greatest benefit to the city and its citizens each time he cast his vote. He often proclaimed that his goal and his creed as a councilman was to "call the decisions as I see them, without any indication from anybody else. I won't be influenced. I won't take orders from anybody."

Throughout his career in business and in public service, Mr. Benstead enjoyed the close support of his wife, Gladys. In addition to his wife, he is survived by two daughters, Mrs. Jane D. Byk and Mrs. Dorothy Banks, both of Torrance; three brothers, George of San Jose, Leo of Escondido, and Merle of Auburn; two sisters, Mrs. May Johnson of Los Angeles and Mrs. Priscilla Reginald of Lancaster. Mr. Benstead is also survived by three grandchildren and one great-grandchild.

The city of Torrance has lost a great and revered civic leader, and I ask my colleagues in the House of Representatives to join me in a moment of silent tribute to the memory of Victor E. Benstead.

ARMY MEDIA BLITZ, AS SEEN BY BUCHWALD AND HOPPE

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. VAN DEERLIN. Mr. Speaker, two of our foremost humorists, Art Buchwald and Art Hoppe, have found inspiration in the Army's dead-serious campaign to win over young America with a $10.6 million advertising blitz on television and radio.

Not everybody thinks what the Army is doing is funny, of course, but Messrs. Hoppe and Buchwald manage to point out some of the more ludicrous aspects of this unprecedented blitz.

I personally would prefer that the Army, and all other public agencies, continue to limit their messages to the time that has always been provided without charge by broadcasters for such public service pronouncements.

Once Government becomes a paying customer, the temptation to try to influence program content could be substantially increased.

Be that as it may, both columns make good reading, and I am pleased to include them at this point with my remarks.

JOIN THE ADMEN AND SEE THE ARMY

(By Arthur Hoppe)

As you know, the Army's spending $10.6 million of our money telling us what a great Army it is and how we ought to join it.

Sixteen advertising agencies bid for the account. The winner came up with such slogans as "Today's Army Wants to Join You" and "The Army Can Take Your Hobby and Turn It into a Career." Plus lots of radio jingles.

One of the losers, it can now be revealed, was Nattering & Snith. This agency was recently cited under the new Truth in Advertising laws for claiming that Old Grandmaw's Bourbon cured athlete's foot, when taken internally.

Being on probation has understandably made Nattering & Snith somewhat nervous when it comes to truth in advertising. Unfortunately, this affected the agency's proposed campaign for the Army.

Scene: The Pentagon offices of Gen. Sydney (Old Blood 'n' Guts) Zapp, one of the toughest campaigners in the Army Advertising Corps. Enter Nattering & Snith, bearing portfolios.

Nattering: I think we've put together just what you want, general. See? Here's this sexy babe with a come-hither look and the slogan on which we center the whole campaign: "Hey, There, Killer, You Want the Army"

Gen. Zapp (surprised): Killer?

Snith: Right! We appeal to the killer instinct. You'll get the kind of recruits you want—instinctive killers.

The general (frowning): Look here, boys, I've served in a hundred campaigns and never once did we use words like "kill," "killer" or "killed."

Nattering: Granted. But that was before the FTC started cracking down on truth in advertising. The truth is, general, that the prime function of any army is to kill people when the need arises—the more the better.

Snith (eagerly): Listen to this jingle we've whipped up, sir. We'll get the Andrews Sisters to sing it:

"It's so thrilling,
So spine-chilling,
So deeply self-fulfilling
To legally go killing—
Join today's killer Army today!"

Nattering (pouring it on): Or this, general:

"Get yourself some bullets,
Get yourself a gun,
Join our killer Army
For unrestricted fun"

The General (angrily): Now, hold on! We're thinking more along the lines of educational opportunity. A slogan like: "The Army Can Take Your Hobby and Turn It into a Career!"

Snith: Right! We've got a 30-second TV spot. Shows this Jack-the-Ripper type with a big knife prowling these dark alleys. Then we hit 'em with your slogan: "The Army Can Take Your Hobby and . . ."

The general (furious): Look, you boneheads. You can't mention killing. It puts the notion in any potential recruit's head that he just might get killed.

Nattering: Oh, we've given that a lot of thought, general. We figure the only way you can get this 10.6 million campaign past the FTC is to put a simple disclaimer in every ad.

The General: What disclaimer?

Nattering & Snith (together): "Caution: Joining the Army May Be Hazardous to Your Health."

So it's little wonder Nattering & Snith lost the account to N. W. Ayer and Son. The latter's winning campaign suggests that the Army is a lovely place to learn all about woodworking, bird photography and stuff like that.

All that remains to be seen is what the FTC is going to do about it.

SELLING OF THE MILITARY—BY TELEVISION ADVERTISING

(By Art Buchwald)

The Army has launched a $10.6 million TV and radio recruiting campaign. As the Wall Street Journal indicated, this could make the U.S. Army one of the biggest prime-time advertisers on television.

The announcement has the U.S. Navy, Marine Corps and Air Force boiling mad, as they are dependent on the networks for showing their commercials gratis, usually at one o'clock in the morning, just before they play the Star-Spangled Banner.

It has to follow that the Navy and Air Force will soon have advertising budgets as well, and pretty soon we'll have an advertising war on TV the likes of which we haven't seen since the soap companies added enzymes to their phosphates.

Since Madison Avenue now plays such a large part in electing our politicians, it's only right that they have a say about our defense.

I can just see the advertising agency making a pitch for the U.S. Air Force account.

"General, the Army is selling education, the Navy's selling travel and the Marine Corps is selling patriotism. We have to come up with something else."

"But what is left?" a four-star general in charge of advertising asks.

The agency man holds up a large poster: "Get High in the Air Force."

The general says, "Are you sure that will attract young aviators?"

"That's just the opener, general. Here's the idea for a commercial. We show a dogface in a muddy foxhole eating a can of corned beef. Then we show a sailor swabbing down the deck of an aircraft carrier all by himself. Then we cut to a Marine, shoulder-deep in water, coming out on the beach, and then show an Air Force officer.

"Flying a plane?" the general asks.

"No, dammit. He's walking down Sunset Boulevard with a girl on each arm. The voice-over says, 'If you like corned beef, join the Army. If you like mopping decks, sign up with the Navy. If you enjoy walking in water with a full pack, join the Marines.'

"Then we pan to the two girls again, and the voice says, 'The Air Force has a better idea.'

"Isn't that a little blatant?" the general asks.

"General, you run your bombing missions and let me run my advertising campaigns."

"I don't know," the general says. "The Army may not like it."

"Does Hertz like Avis? Does Crest like Colgate? Does Pepto-Bismol like Alka Seltzer? General, this isn't war we're talking about now. This is serious business. All right, so you don't like *that* commercial what about this one?

"We show a mother holding her head. Her 18-year-old son comes in with a transistor radio blaring out rock music. The mother shouts, 'Will you turn that radio off!' Her friend from next door walks in. 'Clara, you're nervous and short-tempered. Here is what you need.' She hands her a folder, and we zoom in on it. It says on the cover, 'If your children give you a headache, make them join the Air Force.' "

The general says, "Holy smokes, that a bit rough."

The agency man says, "What do you want, good airmen or good taste?"

"Well, I guess you know your business," the general says.

"Now, I've got a surprise for you. I've come up with a slogan that will knock 'em dead. Are you ready?"

The agency man takes out a large poster, flips it over and printed in large letters over a B-52 airplane are the words: "From the people who gave you a clean hydrogen bomb."

BYELORUSSIAN INDEPENDENCE

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. MURPHY of New York. Mr. Speaker, once again I want to pay tribute to the many brave Byelorussians who continue to strive for the restoration of freedom for their homeland. Just last week these dedicated people celebrated that one brief moment in 1918 when the Byelorussian National Council declared independence, ending nearly 3½ centuries of foreign domination. The Byelorussians were only able to enjoy their freedom for a few short months before their sovereignty was crushed, as happened to many sister nations, by the fist of the Red Army.

Today, the Byelorussian people live under a Communist regime imposed upon them by the Soviet Union.

Throughout their history, the Byelorussian people have transmitted from generation to generation their national identity, their cultural identity, and more important, the knowledge of what it is to be free and the desire for this freedom.

History has proved that no dictatorship has ever succeeded in holding a people in bondage forever. The time will come once again when the Byelorussians will live in a free nation. Until that time, I can assure Americans of Byelorussian descent that America will not forget their plight and that we will continue to support and pray for that moment in history when justice and freedom reign and the people of Byelorussia again have their independence.

EMERGENCY EMPLOYMENT ACT

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. DANIELS of New Jersey. Mr. Speaker, it is difficult for many of us in Congress to comprehend the paradox which now exists in this country: despite massive unmet needs in our urban and rural areas, millions of Americans are without work. The irony is that while we have the resources, the problems remain unsolved. As our parks and recreation areas deteriorate, thousands of men stand idle in the Puget Sound area; as the housing shortage becomes critical, hundreds of skilled technicians and engineers join the welfare rolls.

On the day when the other body is scheduled to consider S. 31 to provide temporary public service employment, the Washington Post stressed that the unemployment crisis "calls for emergency help from the Federal Government. Congress ought to furnish it without delay." I have introduced H.R. 3613, similar in effect to S. 31. The Select Subcommittee on Labor after 5 days of hearings will soon take up this legislation in executive session. I urge all of my colleagues to study the concept of public service employment as an emergency measure which requires our immediate attention.

The text of the editorial follows:

EMERGENCY EMPLOYMENT ACT

The Senate is scheduled today to take up an emergency measure designed to put some $150,000 unemployed persons to work in vital state and municipal public jobs. The bill is cosponsored by 34 senators and endorsed by the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties and a good many other estimable public bodies. Every consideration of logic and necessity seems to support it as well.

Two parallel developments that have taken place in almost every major city of the country dictate emergency action. One is a sharp rise in unemployment which has created a crisis for hundreds of thousands of urban families. The other is a drop in the revenues available to city governments resulting in a drastic cutback of vital municipal services; and this operates, of course, to aggravate the hardships suffered by the unemployed. Fund shortages have resulted in unfilled jobs in the face of eager but idle workers. Mayor D'Alesandro of Baltimore summed it all up graphically enough in testimony recently before the Senate Committee on Labor and Public Welfare:

The jobs are there in Baltimore. Our probation officers are handling the highest workloads in the history of the administration of justice in our city. We have a municipal hospital, one of the finest in the country, yet the amount of reigstered nurses, the amount of nurses' aides that are servicing the various floors are at a minimum. We pride ourselves on being the showcase in urban renewal and housing and redevelopment; yet in the conservation areas we cannot move beyond the central business district or the little neighborhoods that serve as the core around it, because of lack of inspectors. The Civil Service Commission has waiting rolls of competent, eligible people who can fill the jobs. The work is there. The jobs are there. We have the plans. We don't have the financial resources to follow through.

Mayor after mayor came before the committee to report the same paradox. County Executive John Spellman of King County, Washington, said: "The displacement which has occurred in the Puget Sound area leaves us with the worst national resource waste in our nation's history. Talented men and women, superbly trained, highly productive, with a desire to work and to contribute to the nation's economy, sit idle."

The Emergency Employment Act would put many of these people to work by funding public service employment programs in such fields as environmental quality, health care, public safety, education, transportation, recreation, maintenance of parks, streets and other public facilities, conservation, beautification and other aspects of community improvement. It would authorize appropriations up to $750 million through June 30, 1972, and a billion dollars for fiscal year 1973 to be provided on a sliding scale based upon the national rate of unemployment.

Last December, President Nixon vetoed an Employment and Manpower Act which embodied a permanent public service employment program. The proposal before the Senate today is temporary in character, with no more than a two-year duration; but the administration is opposed to it anyway, asking Congress instead to take up its Manpower Revenue Sharing bill. Whatever the merits of revenue sharing, its highly controversial character makes it unlikely to win congressional approval in time to be of much service to the crisis-pressed cities or to the hundreds of thousands of city-dwellers now out of work. The emergency calls for emergency help from the federal government. Congress ought to furnish it without delay.

TRIBUTE TO MADISON FAY BOYCE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. EVINS of Tennessee. Mr. Speaker, I want to pay a brief but sincere tribute to the memory of Madison Fay Boyce, chief bill clerk of the House of Representatives, who passed away Tuesday last.

Madison Fay Boyce was a fine gentleman, a patriotic American and a sincere and dedicated servant of the House. He began his public service career in 1950 in the bill clerk's office and rose to the responsible position of chief bill clerk which he held until his untimely passing. He served well and faithfully.

Madison Boyce was genial, personable, and able, and will be greatly missed. I want to take this means of extending to Mrs. Boyce and other members of the family an expression of my deepest and most sincere sympathy in their loss and bereavement.

LAND USE IN THE UNITED STATES

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. HELSTOSKI. Mr. Speaker, we all are aware of the great debate going on over land use in the United States.

Because I believe that we must all understand this important subject and problem fully, I hereby place in the RECORD an address delivered by Mr. Alvin E. Gershen, of New Jersey, at a recent joint meeting of the New Jersey State League of Municipalities and the New Jersey Federation of Planning Officials.

Mr. Gershen is an expert in the fields of municipal planning, urban renewal, housing, and engineering. Mr. Gershen's address follows:

ADDRESS DELIVERED BY ALVIN E. GERSHEN

We meet here today to discuss an idea—the idea that sensible, responsible, and reasonable men can work out a pattern for living together in the most crowded state in the nation.

It is an idea whose time has come, not because we are idealists who want to do the right thing but because we are realists and have to do what must be done.

We have reached the point where we need, in a very real sense, land reform. And if we do not work it out through legislation it will be imposed on us by judicial fiat—and failing that by the outrage and the need of people.

The people need land. Land to live on and raise families. Land to walk on, play on and enjoy. Land to work on.

And we are not giving it to them—or at least not enough of them. And we thus deny them homes and jobs and demean the quality of their lives. You know and I know that people won't stand for this forever.

So let us talk about New Jersey Senate Bill 803, the controversial and much misunderstood Land Use Development Act.

Let me begin by saying I think the principles embodied in S-803 will make good legislation. The bill is far from perfect technically and far from adequate in terms of today's problems. But thoughtful, useful and most important, necessary. And hopefully, politically saleable. Passage of a bill embodying these principles won't end our land problems. Mainly, it will symbolize our recognition that we are beginning to know the problems for what they are.

And what will a bill like this do?

It will codify a maze of zoning and planning case law and fragmented statutes.

It will come to grips with very real, and I am afraid, frequent conflicts of interest.

It will give individuals in a community the legal standing to protest when they are victimized by a zoning decision in a neighboring community.

It will protect the State's interest in its own capital developments.

It will help preserve districts with historical or architectural values worth preserving.

It will encourage central review of municipal master plans.

And finally, it would outlaw discriminating zoning practices. It will stop the use of zoning as a technique to exclude any economic, racial, religious or ethnic group.

Let's look at these points one by one and ask ourselves whether we really need a bill like S-803, or more to the point, do we need a new way, or a better way, of controlling and distributing our land.

New Jersey's basic law for zoning standards was written in 1928. Our planning law is 16 years old. To both of these have been attached a bewildering array of amendments and case law. Codification is clearly in order.

The conflicts of interest? You in local government know such conflicts exist and you know that public confidence in zoning decisions is shaky. It is time we did something about it.

And protection from a neighboring community's zoning sins? Should Town B simply have to sit and take it when Town A decides to build all its apartments on B's border and let B take care of the traffic? Should there not be redress for a homeowner in one town who is suddenly confronted with an all-night doughnut stand or drive-in movie across the street because the other town has rezoned an area from residential to commercial?

Don't you think that municipalities have a responsibility to talk things out with their neighbors before authorizing changes that greatly affect each other.

And the State land?

Under current law, the State of New Jersey doesn't have many of the powers of even the smallest municipality. Why shouldn't the State be empowered to create a land bank, to buy up land for future highway, recreation, airport or institutional use? And why shouldn't those purchases be protected?

New Jersey is becoming a land-poor state and the value of real estate is increasing much faster than other costs. Are we to continue indefinitely paying double or triple the cost for state lands because we were forced to wait until land is specifically designated? The State has wasted many millions of dollars in this manner and the money comes from taxes paid by your constituents.

And do we not need badly a method of coordinating state land purchases? You local officials know the value of sound municipal planning. It is abundantly clear that the State, too, needs sound and coordinated planning. That purchases be coordinated. That the future of State facilities be protected. That municipalities not be given carte-blanche to make zoning or planning decisions that compromise state investment.

State property belongs to all New Jerseyans. They are entitled to protection of their investment. The people deserve to pay only a fair price for their purchases. They should not be subjected to skyrocketing costs when this can be avoided.

But there is more at stake here for all of us than the practical benefits that S-803 will bring. The Land Use and Development Act is as much a declaration of principle as a vehicle for progress.

We must either make up our minds to use wisely the land that is left to us or face consequences that can only be tragic.

We have abused the land over the last 50 years and abused it badly. We and those who went before us have allowed our cities to degenerate, our mass transit to collapse, our highway system to fall far short of needs.

We have fouled our streams and our air. We have built huge and uncoordinated housing developments, sometimes smack in the middle of flood plains. And we have proved in the process that our present zoning and planning system is not enough to protect us from ourselves.

The northeast quadrant of New Jersey may never regain the open space and the natural beauty that was once there. The undeveloped southern regions are booming and we threaten to make the same mistakes there.

An ancillary problem, but one soluble by S-803, is the problem of taxes. For too many years we ignored them and resisted broad-based taxation and the pressures on the real estate levy have resulted in a regressive, ruinous tax structure and a fierce opposition to any kind of new taxes from over-burdened homeowners.

Many of these problems stem from our own success. This state has grown tremendously since World War II. And the rate has been such that our services cannot keep pace with it.

But this is an explanation, not an excuse. The population of this state, if left unchecked, can double every half-century for the foreseeable future, and the growth that went before will be as nothing to the growth that is to come.

More people, more industry, more schools, more jobs, more cars, more demand for water—and above all more demand for land.

Do we say to each other, "Well things are pretty good in my town—we don't need somebody else's problems."

Or do we recognize the obvious—that somebody else's problem *is* our problem? Do we finally come to know that we are all New Jerseyans, all Americans. All men.

Do we come together and work out a plan for the future or do we fall one by one, like a row of dominoes?

The history of this century is filled with revolutions—in Russia, in Mexico, in Cuba, in scores of Latin American and Asian and now African nations.

And why? Because the distribution of land, and hence, wealth, was badly out of balance.

Now, I am not suggesting that there is any immediate threat of bands of armed men seizing the State House. But the events of the Summer of 1967 were in large part triggered by the simple fact that in our cities too many people live too close together in too small an area too far away from job and recreational opportunities.

Let me read to you from the report of the Governor's Select Commission on Civil Disorders:

"Some Commissioners believe . . . that the very structure of municipal government in New Jersey, with revenue raising, zoning and planning functions fragmented among 567 municipalities and 578 school districts, is the largest contributing factor to the urban problems outlined in this report. They believe that the power of local municipalities to adopt restrictive land use powers, which exclude lower income people while attracting industrial and commercial ratables, contributes substantially, not only to the inability of the older cities to finance essential services but also to the steady increase of segregated urban housing and education. In their view, consolidation of municipalities and and school districts, and regionalized zoning and planning are the essential first steps toward any permanent relief of these parallel sources of urban tension.

"They fear that if legislative action is not taken to break down these legally-condoned barriers which have largely confined the Negro to the older cities, these centers of segregation will, despite well-intentioned remedial action, become increasingly ungovernable. They recommend legislation, granting state financial incentives to encourage consolidation of municipalities and school districts, and requiring regional control over zoning and planning."

You know the caliber of the men who served on that commission. They are not radicals. They are not the kind of men who make rash judgments. They simply had come to realize first-hand the scope of the problems facing this state. And they are fearful of what might happen to all of us if we don't move soon to come to grips with them.

It is my personal belief that the courts will force us into the elimination of restrictive zoning if we don't agree to it by legislation. There are legal challenges underway to the right of states to permit local zoning. One plaintiff contends that the 14th Amendment's equal protection clause is violated when the wealthy, by creating large-lot and large building requirements, seal themselves off.

Let's face up to the new employment patterns. For every new job that is created in a city, four to eight are created in the suburbs. People need jobs and they need homes close to those jobs. The jobs are in the suburbs and so the suburbs have to create the kind of housing that blue-collar and office workers can afford.

This is not a concept held only by black radicals or the liberal community, but by thoughtful people of every political hue. Employers need a pool of workers close to their businesses and industries.

The Nixon Administration has made it increasingly clear that it is aware of the need for more low-income housing.

In a recent New York speech, Harold Finger, a Housing and Urban Development assistant secretary, said this:

"It will not be enough for municipalities to simply pass open housing ordinances. . . . And it is not enough to change the zoning ordinances to permit a designated or floating area for low and moderate income families. We all must work to assure that housing is actually built in quantities needed and at prices that all of our people can afford."

And there are alliances being formed that 10 years ago few of us would have envisioned.

Thus we have the New Jersey Homebuilders Association and the National Committee Against Discrimination jointly sponsoring a conference in Somerville this month.

Its purpose? To bring an end to what one speaker called "selfish sovereignty."

Most of you are familiar with some of the more extreme arguments against this bill—that it would set up state zoning under a czar, that local zoning powers would be deeply eroded, that every municipality would be forced to provide low-income housing.

You are all fair-minded men and you know that these arguments are inaccurate and misleading.

S-803, as I said earlier, is an idea, and an idea based really on an old American dream—that a nation is composed of communities in which people of all nationalities and all economic standards can live together in relative harmony. I believe that if a community wants to practice these ideals the proposed legislation insures even-handedness in their application.

If we are to continue a pattern of relative affluence and well-being in the suburbs and poverty and disorder in our cities, if we are to admit to our communities as neighbors only those whose standard and style of living is equal to our own—then we made that dream a myth—and worse, a lie.

I don't think we can afford to let that happen. And I don't believe that you think so either. So let us begin with S-803 as an idea. It can be debated and amended and reshaped and rethought.

But we can't let its central theme get away from us.

In the end, the land is all we have. And we will never get any more. We dare not waste any more land, or any more time, or any more opportunities to do the wise and the right thing.

Our time has come, too. It is a time to think. A time to act. A time not to fail.

CBS DOCUMENTARIES

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. SCHMITZ. Mr. Speaker, at this point in the RECORD I would like to insert two articles which complement each other in that they both detail distortions and inaccuracies utilized by CBS in producing documentaries supposedly designed to inform the American people.

The first article, which will appear in the forthcoming April issue of Air Force magazine, deals with the attempt to heighten public antipathy toward our Defense Establishment through the presentation of the documentary, "The Selling of the Pentagon." Air Force & Space Digest Senior Editor Claude Witze does a fine job of dissecting the CBS dissemblers modus operandi for producing a doctored documentary.

The second piece is a portion of an investigation authorized by the House Committee on Appropriations into a previous CBS agit-prop effort entitled "Hunger U.S.A." which was aired nationwide in 1968. A reading of the excerpts from this report, which appeared in the Department of Agriculture appropriations hearings for 1970, part 5, pages 53 to 74, reveals that the type of misrepresentation restorted to by CBS in "The Selling of the Pentagon" is nothing new.

It is interesting to note that both 'The Selling of the Pentagon" and "Hunger in America" were written and directed by the same two men, Mr. Peter Davis and Mr. Perry Wolff.

The damage done to a correct public understanding by deceptive documentaries of this type cannot be underestimated. As Strausz-Hupe and Possony have pointed out in their authoritative work "International Relations":

> It is a popular and comforting supposition that a more or less intelligent person should be able to distinguish between truths and falsehoods. Unfortunately, there are very few people able to do so. This fact indicates a glaring weakness in our educational system. This weakness is, briefly, that the critical mind is not being developed and that, while facts are being presented, their interrelationship is rarely properly underscored; not to speak of dubious criteria for the selection of facts. The greatest danger is, as the modern sciences of general semantics and phenomenology attempt to show, that wrong methods of thinking are being taught and continuously applied. Discussion of this subject is not within the scope of this book, yet it may be pointed out that the main faults of our habitual thinking include the failure to demand sufficiency of cause, *i.e.*, that any explanation given is really valid, and that the cause indicated really explains the *entire* effect, while the effects should not be reduced to one inadequate cause; second, inadequate abstraction, consisting mainly in the omission of elements essential to comprehensive analysis; third, disregard of the time element; fourth, improper identification, *i.e.*, things are identified with each other which are by no means identical. *International Relations*, "Cold War Techniques II: Propaganda" page 383.

Since 1950, when this book was written, the educational system has greatly deteriorated.

Nevertheless, it is to be hoped that the next time a CBS documentary comes over the public air waves more people will be aware that gross misrepresentation of the subject matter being treated is not outside the realm of possibility.

The articles follow:

THE WAYWARD PRESS (TUBE DIVISION)

(NOTE.—Following is the complete text of the column "Airpower in the News," by Senior Editor Claude Witze, as it will appear in the forthcoming April 1971 issue of Air Force Magazine, the publication of the Air Force Association.)

WASHINGTON, D.C., March 15. 1971—The winter issue of the *Columbia Journalism Review*, a quarterly published at the Columbia University Graduate School of Journalism, is devoted almost entirely to a study of how the press has performed in covering the war in Vietnam. The only possible conclusion a reader of these eight essays can reach is that the press has done a deplorable job. No matter what epithets you might want to hurl at the political administrations in Washington and Saigon, at the military hierarchy, at the military-industrial complex, and at the doves or the hawks, even more heated epithets could justifiably be thrown at the purveyors of ink and electronic signals.

There is one examination of television's performance, written by Fred W. Friendly, a former president of CBS News, who indulges in a bit of self-flagellation, confessing that the "news media, and particularly broadcast journalism" must share the responsibility for public misunderstanding of the situation in Indochina. Speaking of the years when he, Friendly, was the man in charge at CBS, he says, "The mistakes we made in 1964 and 1965 almost outran those of the statesmen."

One thing missing from Mr. Friendly's recitation is any suggestion that the television medium lends itself in a peculiar way to distortion of fact. This reporter has nearly forty years of experience on newspapers and magazines, including more than a decade operating from the copy desk of a metropolitan daily. Television news was born and brought up within that same forty-year period. I have watched it closely and confess that I never was impressed by its impact until Lee Harvey Oswald was murdered on camera. No newspaper or magazine ever will duplicate that 1963 performance in Dallas. Yet, if I saw it today, I would demand confirmation that the event took place at all and that what we saw on the tube was not a clever compilation of film clips, snipped from a wide variety of source material and glued together to make a visual product that could be marketed to some huckster of toothpaste or gasoline, and then turn out to be a winner of the Peabody Award.

In support of this professional skepticism, we have the performance of Mr. Friendly's own CBS on February 23. The program was billed as a "News Special" and was called "The Selling of the Pentagon." It ran for one hour, with commercials, and featured a recitation of the script by CBS's charismatic Roger Mudd. Mr. Mudd did not write the script; he was burdened with it. The show's producer works in New York. He is reported to be thirty-four-year-old Peter Davis, who says he and his staff spent ten months working on this "documentary." Mr. Davis does not appear to make any claim to objectivity in his work. He is making a charge: that the Department of Defense spends a vast amount of money on propaganda designed to win public approval of its programs. Armed with cameras, scissors, and cement, he proceeded to make his case.

This magazine has neither the space nor the desire to do a detailed critique of "The Selling of the Pentagon," but we have examined enough of it to demonstrate that it leaves CBS with a credibility gap wider than the canyons at Rockefeller Center. Here is an example:

At one point, early in the script, Mr. Mudd, the narrator, transitions to a new sequence in Mr. Davis' portrayal with a paragraph of four sentences. We will examine the sentences one at a time:

MUDD: "The Pentagon has a team of colonels touring the country to lecture on foreign policy."

The team to which he refers comes from the Industrial College of the Armed Forces (ICAF), with headquarters here in Washington. There are four colonels on the team—two from the Army and one each from the Air Force and the Marine Corps. There is also a Navy captain, and, totally ignored by CBS, a foreign-service officer from the State Department. They are not "touring the country." They have a briefing on national-security policy that is given seven times a year, no more and no less. ICAF is not mentioned in the CBS script, and there is no reference to the mission of the college. A TV cameraman who visited the school could easily take a picture in the lobby of a wall inscription that says:

"Our liberties rest with our people, upon the scope and depth of their understanding of the nation's spiritual, political, military, and economic realities. It is the high mission of the Industrial College of the Armed Forces to develop such understanding among our people and their military and civilian leaders."

The quote is attributed to Dwight D. Eisenhower, who spoke those words at the dedication of the college in 1960. He understood the requirement, perhaps more clearly than any other man in our history.

The ICAF national-security policy briefing is designed for the education of Reserve officers from all branches of the armed forces, not primarily for the general public. The reason the team, including the State Department officer, gives it in seven locations each year is to reduce travel expenses by eliminating the necessity for Reserve officers to visit the college. None of this was explained by CBS.

MUDD: "We found them [the ICAF team] in Peoria, Ill., where they were invited to speak to a mixed audience of civilians and military Reservists."

Here we have a use of the word "found" that would not be permitted by a competent newspaper copy editor. CBS was told that Peoria was on the schedule, and the CBS camera crew spent three days at the seminar in that city with the concurrence and cooperation of the Defense Department, the ICAF, and the Peoria Association of Commerce. Before departing, CBS was given full information on the curriculum, the scheduling, the military and civilian participation, the costs, and the funding. The Association of Commerce was the sponsor, in this case, and was permitted to establish the rules under which civilians were admitted. Their seminar, billed in Peoria as the "World Affairs Forum"—a label not mentioned by CBS—covered all aspects of national-security affairs. That includes economics, resources, technology, social problems, and military affairs, as well as foreign policy.

Mudd: "The invitation [to Peoria] was arranged by Peoria's Caterpillar Tractor Co., which did $39 million of business last year with the Defense Department."

The Peoria seminar was not arranged by the Caterpillar Tractor Co. It was arranged by the city's Association of Commerce, which provided the auditorium and other facilities. The Association has no defense contracts. A spokesman for the Association, contacted by this reporter, said his group shared the sponsorship with the 9th Naval District. There were two chairmen for the meeting. The civilian chairman was Charles B. Leber, who in his business life is an officer of the Caterpillar Tractor Co. The military chairman was Capt. Paul Haberkorn, USNR. He is the owner and operator of Peoria's Ace Hardware Store. The hardware store also has no defense contracts, which probably explains why it failed to get a mention on the CBS show.

Mudd. "The Army has a regulation stating: 'Personnel should not speak on the foreign-policy implications of the US involvement in Vietnam.'"

The ICAF team, consisting of five military officers and a State Department officer, does not speak on the foreign-policy implications of our involvement in Vietnam, which would be in violation of Army regulations. The regulations governing ICAF say the material used must be cleared for accuracy, propriety, and consistency with official policy. Both the State Department and the Defense Department have a hand in this routine clearance of all ICAF presentations.

In the CBS show, the camera moves from Mr. Mudd, following his recitation of the above inaccuracies, to one of the lecturers at Peoria. CBS does not identify the speaker in this paste-together of film clips, but he is Col. John A. MacNeil of the US Marines, a veteran of World War II and Vietnam. If the TV audience sensed that the next five sentences, out of the mouth of Colonel MacNeil, sounded somewhat disjointed, there was good reason for it. They came from four different spots in the camera record, and the sequence was rearranged to suit the somewhat warped taste of producer Davis. Sentence by sentence, the quotes go like this:

MacNeil. "Well, now we're coming to the heart of the problem, Vietnam."

This appears on page fifty-five of the prepared, and approved, text of the briefing. Next sentence:

MacNeil. "Now, the Chinese have clearly and repeatedly stated that Thailand is next on their list after Vietnam."

That one was cut out of what the Colonel was saying back when he was on page thirty-six and discussing an entirely different aspect of the presentation. Then:

MacNeil. "If South Vietnam becomes Communist, it will be difficult for Laos to exist. The same goes for Cambodia and the other countries of Southeast Asia."

This is found on page forty-eight of the script. What is most important is that the statement was not original with Colonel MacNeil or the drafters of the briefing. It is a quotation. The CBS scissors-and-paste wizard deleted the attribution. Colonel MacNeil made it clear, in the words immediately preceding the above sentences, that he was quoting Souvanna Phouma, the Prime Minister of Laos. In other words, Souvanna Phouma said it: CBS distorted the film to make its viewers think Colonel MacNeil said it. It is the kind of journalistic dishonesty that a reputable newspaper would not tolerate. Many reporters have been fired for lesser indiscretions.

MacNeil: "So, I think if the Communists were to win in South Vietnam, the record in the North, what happened in Tet of '68 makes it clear that there would be a bloodbath in store for a lot of the population of the South."

To get this one, the CBS film clipper searched deeper into his filmed record. In the prepared script of the ICAF team, it appears on page seventy-three.

It is easy to see how this technique can be used to make a man say almost anything you want him to say. Once the right words are on tape, they can be rearranged, and were by CBS in this instance, to make a presentation sound inept, stupid, wrong, vicious, or to reach any conclusion that the film clipper wants to get across to his audience. What the speaker actually put onto the sound track cannot be recognized.

Another example of this in "The Selling of the Pentagon" comes out of Roger Mudd's interview with Daniel Z. Henkin, the Assistant Secretary of Defense for Public Affairs. Two minutes and four seconds of the interview were used out of forty-two minutes of filmed conversation. Here is one breakdown:

Mudd: "What about your public displays of military equipment at state fairs and shopping centers? What purpose does that serve?"

Now, this is not easy to explain, but there are two answers to that question from Mr. Henkin. One is his real answer and the other is the answer concocted by the CBS cutting room from the available tape. TV viewers only know the answer CBS put together. We will give you both.

Here is the answer from the transcript of the Mudd broadcast:

Henkin: "Well, I think it serves the purpose of informing the public about their armed forces. I believe the American public has the right to request information about the armed forces, to have speakers come before them, to ask questions, and to understand the need for our armed forces, why we ask for the funds that we do ask for, how we spend these funds, what we are doing about such problems as drugs—and we do have a drug problem in the armed forces; what we are doing about the racial problem—and we do have a racial problem. I think the public has a valid right to ask us these questions."

If the TV viewers thought that was a bit disjointed for a reply, and, more important, that it did not answer the question about displays at fairs and shopping centers, it was not Mr. Henkin's fault, because—except for the first sentence—that was not his answer to the question. In the transcript of the interview, the real answer appears, most of which ended up on the CBS cutting-room floor:

Henkin: "Well, I think it serves the purpose of informing the public about their armed forces. It also has the ancillary benefit, I would hope, of stimulating interest in recruiting as we move or try to move to zero draft calls and increased reliance on volunteers for our armed forces. I think it is very important that the American youth have an opportunity to learn about the armed forces."

This reply, the real one, of course makes sense and is responsive to the question. The producer of "The Selling of the Pentagon," however, was less interested in responsive answers that made sense than he was in portraying Mr. Henkin as a bureaucratic buffoon. The Secretary, incidentally, is himself an experienced and sophisticated reporter of military affairs but can be portrayed otherwise with the television technique of clipping what amounts to a phony reply from his answer to another question. And the other question, TV viewers did not know, also ended up on the cutting-room floor.

It is not necessary to labor the point, although there are several other instances. Mr. Henkin, in a letter to F. Edward Hébert, Chairman of the House Armed Services Committee, said that after spending his life in the news profession he "could not be pleased by the fact that the program's producer [Mr. Davis] chose to rearrange my words. . . ."

Congressman Hébert himself stars in "The Selling of the Pentagon." He also is a former newspaperman and stands completely shaken by this experience with television, although he had been quoted earlier as considering network TV "the most vicious instrument in America today."

That opinion appears to have been reinforced. Lou G. Burnett, who is Mr. Hébert's press aide, testifies that he was contacted early in the CBS effort by one James Branon of the network's New York office. Mr. Branon said CBS was planning to do a documentary on the prisoner-of-war situation. He said the show would explore the plight of the POW and his family. He was seeking film clips that might contribute to this exercise. Mr. Burnett responded with alacrity because he knows his boss is deeply interested in the problem and eager to help the POW families. In New Orleans, he knew, station WWL–TV had a film clip from an old "Congressional Report" program, in which the Congressman had interviewed Maj. James Rowe, a former POW. The interview was in the form of a report to Mr. Hébert's constituents. Mr. Burnett, Mr. Hébert's press aide, had the film shipped from New Orleans to New York and helped CBS's Mr. Branon round up other films dealing with the POW problem. The Hébert clip wound up in "The Selling of the Pentagon" and was offered as an example of how "sympathetic congressmen" are used by the Pentagon "to counter what it regards as the antimilitary tilt of network reporting."

Mr. Hébert's ire, it should be suggested, was aroused more by his depiction as a patsy for the Defense Department than it was by the misrepresentations used to obtain the film. The chairman is, of course, proud of his reputation as a stern critic of military transgressions wherever they occur. In many years as an inquisitor for the House Armed Services Committee, he has never been accused of being unfair, but often accused of being tough. From the time of his famous "Chamber of Horrors," which depicted military procurement waste and had officers squirming at their desks, to the most recent congressional inquiry into the My Lai incident, he has been one of the Pentagon's most uncomfortable hair shirts.

Mr. Henkin's office estimates that it expended 640 man-hours of labor assisting CBS in the production of "The Selling of the Pentagon." No reasonable request for help was denied. CBS reimbursed the government for the cost of one guard and one electrician employed during photography one day in the Pentagon.

Out of this day's effort came a short clip of a news briefing that was deemed suitable by CBS for inclusion in "The Selling of the Pentagon." The CBS crew filmed an entire DoD press briefing, at which Jerry W. Friedheim, a deputy to Mr. Henkin, responded to routine queries from the Pentagon's regular press corps. During the session, the reporters asked thirty-four questions. Thirty-one of them brought replies from Mr. Friedheim. In three cases, he was unable to be responsive. As the film was edited for broadcast, CBS used six of the thirty-four questions, including, of course, all three of the ones that could not be answered. Why couldn't they be answered? In one example, used by CBS, Mr. Friedheim was asked about the size of some warheads. He said he had nothing to give out on that. If he did have something, and gave it out, he could go to jail.

There are a number of small factual errors in the CBS script that represent nothing more than sloppy reporting. For example, narrator Mudd has a line referring to "30,000 Pentagon offices." There are only a few more than 26,000 persons employed in the Pentagon, all but the top executives sharing an office with many other people. An educated guess is that there may be 5,000 offices in the building.

One interesting fact, denied to viewers of "The Selling of the Pentagon" by CBS editors, is the origin of a clip introduced by Mr. Mudd as "an excerpt from a film called "Road to the Wall" [in which] the Pentagon has James Cagney tell of a Communist plan that encompasses even more than the world." The excerpt was shown. What CBS did not disclose is that "The Road to the Wall" was produced by CBS itself in 1962 and that James Cagney was the CBS choice as star of the picture. Also, that CBS was paid about $100,000 of the taxpayers' money to turn out the picture. At the time, CBS Films said in a press release from its offices—on Madison Avenue, of all places—that the picture would be "an historical treatment of the Communist Party in operation throughout the world—its doctrine, its pronouncements." In 1962 CBS was far from derisive about the project and was proud that "it will be distributed for showing at all military bases inside and outside the USA and will be backed with pamphlets, posters, and other informational material on communism."

Once all the facts about "The Selling of the Pentagon" are on the record, and someone has examined the clips on the cutting-room floor, it will be interesting to find out what Fred Friendly will write about it in the *Columbia Journalism Review*. From where we sit, watching the tube, the broadcast industry continues to carry its share of responsibility for public misunderstandings. The incredible thing is that the camera is not to blame. Its scissors, paste, and a collection of calloused consciences.

(Excerpt from Department of Agriculture Appropriations Hearings For 1970, Part 5, Pp. 53–74)

(Speaking: Congressman JAMES L. WHITTEN, Democrat of Mississippi.)

Mr. WHITTEN. I thank my colleague.

THE COLUMBIA BROADCASTING SYSTEM TELEVISION PROGRAM ON "HUNGER IN AMERICA"

You might refer to page 64 of the report concerning the CBS broadcasts. This is what the investigators say on this subject:

"The Columbia Broadcasting System (CBS) featured a television program on May 21, 1968, entitled 'Hunger in America,' which program was shown again on June 16, 1968. According to the script of the broadcast, CBS News spent 10 months investigating hunger in America, and four areas of the country were selected for 'close examination of hunger conditions.' The geographical locations illustrated in the filmed program were San Antonio, Tex.; Loudoun County, Va.; Tuba City, Ariz.; and Hale County, Ala.

"The staff visited the geographical areas selected by CBS for its program and talked to the people interviewed on the program. The staff also attempted to develop additional background information pertaining to these people to determine the cause and extent of their hunger as alleged on the CBS program. The statements made by representatives of CBS about the conditions of persons interviewed on the program and the results of the staff's investigation are set forth for each of the four geographical locations.

"A. SELECTED AREAS USED BY CBS TO ILLUSTRATE 'HUNGER IN AMERICA'

"1. *San Antonio, Tex.*

"San Antonio was described on the program as a city celebrating its 250th birthday with an international exposition, Hemisfair 68, that had foreign pavilions, restaurants, amusements, and exhibits. It was stated that Texas Governor John Connally claimed the Hemisfair had turned the downtown area 'from slum to jewel box.' The announcer for the CBS program, Mr. Charles Kuralt, stated that '* * * the jewels don't glitter very brightly on the other side of town where 400,000 Mexican-Americans live, half the city's population. Most of them are crowded into what city officials refer to as 'poverty tracks' [sic]. Mexican-Americans face a language barrier, and like most poor people, they suffer from lack of skills and unemployment. A hard time earning means a hard time eating. A quarter of San Antonio's Mexican-Americans, 100,000 people, are hungry all the time. CBS News correspondent David Culhane found out how hungry from a woman with six children and an unemployed husband.'

"*a. Interview with Mrs. Esther Medrano*

"Mrs. Medrano was questioned by Mr. Culhane, who asked her if she had food in the house. She replied, 'No, sir. I haven't got anything.' Mr. Culhane then asked her what she told her children when they came home and there was no food in the house. Mrs. Medrano replied, '* * * we haven't got anything to eat and they just have to lay down like that until the next day and see if we can find something to eat.' She further commented that her children '* * * just come in and drink some water and go to bed.'

"Mrs. Esther Medrano, 203 Mirasol Place, San Antonio, was interviewed by the staff on October 1, 1968. She advised that she had eight children, two of whom were married and were living away from home. Her husband was blind in one eye and had only 50 percent vision in the other eye. He had been a victim of eye trouble since he was 17 years old and, due to his eye condition, was limited in the type of work he could perform. Mrs. Medrano advised that her husband was able to find work only 2 or 3 days a week and earned approximately $5 a day, and she formerly did domestic work about the same number of days each week for which she was paid $5 a day.

"Mrs. Medrano advised the staff that Dan Medina, a social worker for 'Wesley House,' a private organization, brought the CBS representatives to the house where she was residing at the time the program was filmed. The house was located at 808 South Leona, San Antonio. She recalled that her electricity and gas had been turned off for nonpayment at the time, and it was necessary for CBS to obtain electricity from a neighbor to operate the camera equipment. She agreed to be interviewed and photographed for which CBS paid her $15, the amount she would have earned as a domestic during the 3 days she stayed at home waiting for the CBS crew to arrive.

"Mrs. Medrano advised that her family had been on the USDA commodity distribution program but the children did not like the powdered milk and beans which were distributed. However, they ate them in order to have enough food to eat. At the time of the CBS interview she was receiving food from the 'Wesley House' because the family had been dropped from the commodity distribution program for some reason unknown to her. She stated that the family did not have food in the house when she was interviewed by CBS.

"Soon after her appearance on the CBS program, the Medrano family was placed on the welfare program of San Antonio for a temporary period, after which it was placed on the State welfare program. Under the present program the family received $135 a month until September 1968, at which time the monthly payment was reduced to $123 consistent with a statewide reduction in all welfare payments. The Medrano family now participates in the food stamp program and receives $132 in stamps for a purchase price of $86 a month. The family rents a three-bedroom house in a public housing project for which it pays $42.70 a month. Mrs. Medrano advised that the family was able to get along very well at that time through the income received from welfare checks and by working a few days each week. She said that prior to being placed on welfare there were times when the children did not go to school because they had no food. Now two of her children receive free lunches at school.

"Mr. Dan Medina, coordinator, Wesley Community Center, San Antonio, advised the staff on October 3, 1968, that he was contacted by CBS representatives in October 1967, and requested to identify known cases of hunger. He told them there were cases of hunger in San Antonio as evidenced by the number of people who came to the Wesley Community Center for food and other help. He had personally confirmed the lack of food many times by making spot checks in the homes and cupboards of those seeking help. He advised that instances of hunger were usually temporary and were generally more frequent during the winter months due to a slack period in employment. He remarked that CBS personnel appeared disappointed to find that the hunger he described was not obvious in the appearance of the people they met. He pointed out to the CBS representatives that because of their diets the poor people appeared fat and well-fed but actually they were victims of malnutrition because of starchy diets. Mr. Medina advised that families which experience temporary hunger conditions usually had other problems. For example, in the Medrano family, Mr. Medrano 'drinks a lot and at times would stay away from home 3 or 4 weeks at a time.'

"*b. Interview with 'Jerry'*

"A young boy, identified only as 'Jerry' on the CBS program, was interviewed by Father Ralph Ruiz, a Catholic priest. The boy said that he attended Southside Junior High School but had nothing to eat for lunch because he did not take his lunch nor did he have the 35 cents to buy lunch. He also said that he had only beans for breakfast.

"Father Ralph Ruiz was interviewed by the staff on September 30, 1968, and he advised that he was the contact in the west side slum area of San Antonio for hearings held by the Citizens Board of Inquiry and the CBS–TV crew that filmed 'Hunger in America.' He selected and produced witnesses at the hearings and led the CBS–TV crew to the poverty people. Father Ruiz refused to make known to the staff the identities of witnesses he produced for the hearings or the poverty people that were filmed by the CBS–TV crew. His reason for refusal was based on his belief that these people were living in misery and had been badgered enough by both the 'do-gooders and the curious.'

"Jerry was identified by the staff in October 1968 as Jerry Cantu, 16 years of age, who resided with his parents, Larry and Rose Cantu, at 1630 Santa Rita Street, San Antonio, at the time of the filming by CBS. Mr. Raymond G. Cheves, regional director, State welfare department, San Antonio, determined for the staff on October 3, 1968, that Jerry Cantu left school shortly after he was interviewed by CBS and was employed as a civilian at the Brooks Air Force Base, San Antonio. He was reported to be living at 1407 San Rafael Street, San Antonio, with a sister.

"According to Mr. Cheves, the records of the State welfare department disclosed that on July 25, 1968, the Cantu family made application for participation in the food stamp program but the application was denied because of excess resources. The welfare files disclosed that Larry Cantu, the father, was employed as a dishwasher at a restaurant in San Antonio and his income from this employment was $247 a month. He was purchasing a house at 1639 Santa Rita Street which cost $2,950 and in which he had an equity at $1,680. He was also purchasing the house in which he lived at 1630 Santa Rita Street. This house also cost $2,950. Neither Mr. Cantu's income nor the ownership of the house in which he lived would disqualify him for food stamps; however, his equity in the additional property at 1639 Santa Rita Street exceeded the allowable maximum of $600 in other resources and was the basis for which he was denied food stamps.

"On October 3, 1968, it was ascertained by the staff that Jerry Cantu had recently moved to 1410 San Rafael Street. At the 1410 San Rafael Street address, a young girl identified herself to the staff as Mary Cantu. She advised she was 14 years of age and was living with Jerry Cantu, the father of her 6-week-old baby. She said that they were not married because Jerry had only turned 16 years of age on September 30, 1968. They planned to be married when Jerry received his next paycheck.

"Jerry Cantu was interviewed on October 3, 1968, at Brooks Air Force Base, where he was employed as a dishwasher for a private contractor. He recalled that some TV men were at his parents' home about 1 year ago and Father Ralph Ruiz, who was with them, asked him to appear on TV. Jerry Cantu claimed he answered Father Ruiz questions truthfully and explained he never had enough to eat at home. There were 15 children in the family (ages 8 months to 24 years) and when he lived at home with his parents he usually had only one meal a day, which was in the morning. He could not remember having had anything to drink at home other than water. He did not eat lunch at school because he did not have the money to buy lunch and there was not enough food for his mother to prepare a lunch for him. Jerry Cantu remarked that since he was employed at Brooks Air Force Base 9 months ago, he gained 45 pounds and gets all the food he wants to eat. His 'wife' and baby also have plenty of food to eat. He stated he is buying the property where he lives at 1410 San Rafael Street for $4,000 and made a downpayment of $90 from his last paycheck. He was obligated to make monthly payments of $40. Jerry Cantu introduced his brother, Larry Cantu, age 19, who also was employed as a dishwasher at the Brooks Air Force Base. Larry Cantu advised the staff that on many occasions food was scarce at home and as soon as he could find another place to live, and when he could afford to move, he would leave his parents' home.

"c. *Interview With Mary Garcia, a Social Worker*

"The CBS program showed an interview with a social worker, identified as Mary Garcia, who was with a young girl, aged 11. The announcer opened the interview with Miss Garcia with the following statement:

" 'Hunger is never so devestating as in a child. Never so horrifying as in what it may drive a child to do. Social worker Mary Garcia sees many such children.'

"Miss Garcia explained on the program that the girl had been picked up for soliciting for prostitution and she had quite a number of girls involved in this activity. She remarked that the reason the girls gave for soliciting was that they needed money to buy food because they did not have food at home.

"Miss Mary Garcia, assistant probation officer, Bexar County Probation Office, Juvenile Division, San Antonio, was interviewed by the staff on October 3, 1968. She stated that for 2 years prior to her employment as a probation officer began in June 1967), she taught physical education and special education in a San Antonio high school. She further advised that very little of her college work or her previous employment had prepared her for a position as a probation officer and therefore she had had limited experience with cases similar to the one she discussed on the CBS program.

"Miss Garcia advised that the case of the 11-year-old girl, shown on the CBS program with her, had been referred by the juvenile court to the child welfare department before she could complete her investigation to locate and interview the parents to determine the true family circumstances. At the time of the interview on the CBS program the child had been placed in a home by the child welfare department but had been brought to the juvenile court hearing room specifically to be displayed on the program.

"Miss Garcia stated that the 11-year-old girl filmed by CBS had a 14-year-old sister, and both girls had been arrested in July 1967 when they solicited a San Antonio detective for prostitution. They claimed they had solicited in order to get money to buy food. Miss Garcia's records disclosed the two girls had been referred previously to the juvenile authorities in May 1967, after the father had complained they had run away from home. They were referred a second time, in June 1967, to the same agency on suspicion of soliciting and released when no witnesses appeared against them. The third referral occurred with their arrest in July 1967.

"Miss Garcia advised that her investigation disclosed that the girls' mother died in 1963 and they had a stepmother for a short period of time. She said that during her investigation of the case she went to the girls' home and found a 12-year-old brother alone in the house. None of the neighbors could furnish information concerning the whereabouts of the father. She searched the house and could find no food. She was unable to find anything concerning the father's employment. Miss Garcia stated that tests given the girls disclosed that both were mentally retarded.

"Through the chid welfare department, San Antonio, it was learned by the staff on October 4, 1968, that the family had consisted of the parents, three girls, and two boys. The mother died in 1963, after which the father brought another woman into the house to live with him. The father, who was illiterate, mentally retarded, and addicted to liquor, was suspected of making his living by stealing. He had been apprehended with one of his sons for breaking, entering, and theft. The son was subsequently arrested for shoplifting, after which he was declared a delinquent and placed on probation. The third sister was declared a delinquent in 1963, put on probation, and placed in a foster home. In 1964, she was sent to a State school for the retarded. The records of the child welfare department disclosed that on September 26, 1967, after the 11- and 14-year-old sisters were transferred to the child welfare department, they were placed in a foster home. On October 14, 1967, the girls ran away and were located on October 19, 1967. On October 20, 1967, the 14-year-old girl was placed in a foster home, from which she ran away on October 21, 1967, but she was soon located. All three sisters are presently in State-controlled schools.

"The records of the child welfare department disclosed that during August and September 1967, the father left the 12-year-old son, who also was mentally retarded, alone in an apartment. The father paid the rent but did not furnish his son with food. The boy, fed by the neighbors, was afraid to stay in the apartment at night and slept on the neighbors' porches. When the father was finally located he was in possession of a late model pickup truck and was performing odd jobs. The father refused to attend his children's hearings in juvenile court and refused assistance in being taught a trade.

"d. *Interview with Commissioner A. J. Ploch*

"Commissioner A. J. Ploch, one of four county commissioners, Bexar County, which includes San Antonio, was interviewed on the CBS program and was asked about the children in San Antonio who were not receiving enough food and their possible inability to learn properly because of an inadequate diet. Commissioner Ploch replied that the problem was actually caused by the fathers who would not work and, as far as education was concerned, he did not believe that education, other than an eighth-grade education, was needed. Commissioner Ploch also remarked on the CBS program that 'You'll always have hunger * * *' and '* * * you've got to have Indians and chiefs.'

"Commissioner Ploch was interviewed by the staff on October 3, 1968, and he advised that portions of his interviews by CBS were cut from the film in an effort to portray him as a villain and as one not concerned about the poor people of San Antonio. He stated that the full text of his interview would have disclosed that he also remarked that there were many people with only an eighth-grade education who were successfully working as plumbers, carpenters, and tradesmen, and they were earning more money than some college professors. He contended that too much emphasis was placed on a college education and, as a result, training as a craftsman was neglected. Commissioner Polch maintained that contractors in the San Antonio area were begging for laborers and, because some 'lazy fathers' would not work, the contractors were 3 months behind their schedule on jobs. He said he would stand by his statements that there will always be Indians and chiefs and some degree of hunger in Baxar County because of ignorance and indolence.

"Commissioner Ploch advised that when he was interviewed by representatives of CBS, he was led to believe that San Antonio would not be portrayed in its worst light. He further stated that because his interview was reported out of context and he was made to appear as an enemy of the poor, he received a number of threatening telephone calls at his home. In the interest of personal safety to his family and to himself, and at the suggestion of the chief of police, he was forced to vacate his home for approximately 10 days until interest in the program had subsided.

"e. *A Dying baby*

"Probably the most touching portion of the film, and one which CBS later said, 'moved the Nation to tears,' was the scene of a baby being given resuscitation in the hospital after which it appeared motionless. The CBS narrator, Charles Kuralt, made the following statement with respect to the scene:

" 'Hunger is easy to recognize when it looks like this. This baby is dying of starvation. He was an American. Now he is dead.'

"Mr. Jack E. Coughlin, director of community relations, Bexar County Hospital District, which includes the Robert B. Green Memorial Hospital, San Antonio, advised on October 2, 1968, that the hospital scenes shown on the CBS program for the San Antonio portion were filmed at the Robert B. Green Memorial Hospital. Arrangements for the filming were made by Mrs. Vera Burke, former director of social services at the hospital, who had requested permission from the hospital authorities. Mr. Coughlin advised that when permission was granted to Mrs. Burke, it was generally understood that the filming would be confined to the pediatrics ward if she could obtain the concurrence from the doctors in that ward. Mr. Coughlin stated that after viewing the CBS program, he determined that Mrs. Burke had permitted the CBS crew to take photographs in the premature nursery, an area which is off limits to visitors.

"Mr. Coughlin stated that after a local newspaper had published a news article which indicated that the baby shown on the CBS program was a premature baby and did not die from starvation, the hospital administration made an independent investigation. The results of that investigation were stated by Mr. Coughlin to be as follows: 'The male baby involved was born at the hospital at 8:15 a.m. on October 24, 1967, and expired at 3 p.m. on October 29, 1967, in the premature nursery. The baby's weight at birth was 2 pounds, 12 ounces, and the gestation period was 28 weeks (approximately 7 months). The hospital records disclosed that Dr. Luis Rey Montemayor, the doctor on duty, recorded on the baby's chart that the child had a cardiac arrest and respiratory arrest on October 27, 1967, and two additional attacks on October 29, 1967, the last when he was pronounced dead. The death certificate, filed by the hospital on the baby, disclosed the baby died from septicemia, meningitis, and peritonitis, with the underlying cause being 'prematurity.'

"Mr. Coughlin produced copies of releases CBS had obtained from the parents of a number of children photographed in the pediatrics ward. Each indicated a payment of $5 had been paid to a parent for the release. He advised that he had no evidence that CBS had obtained releases from the parents whose children were photographed in the premature nursery.

"Dr. Luis Ray Montemayor, who had entered private practice in San Antonio, was interviewed by the staff on October 3, 1968. He advised that he had obtained his education in Mexico and performed his intern work at the Robert B. Green Memorial Hospital. He recalled on occasion when he was attending a baby in the premature nursery in the hospital and was summoned by a nurse who said another baby in the same nursery was in distress and required immediate attention. He stated he rushed to the isolette to attend to the baby. He observed at the time that there were CBS cameramen and equipment in the premature nursery and learned that filming of babies had taken place. He stated that as soon as he started attending the baby he noticed the CBS camera crew move into his area and commence filming his efforts. He said that the baby had suffered a cardiac and respiratory arrest, one of several the baby had suffered since birth, and he administered resuscitation. For a short period of time it appeared that the baby would not respond, but he continued to work with it and it did respond. He said the baby died 2 days later when it suffered another series of attacks and could not be saved.

"Dr. Montemayor remarked that CBS was wrong in depicting that the baby died of starvation, that there was no evidence of malnutrition, but rather the baby was premature and the prognosis for survival at the time of birth was not good. He recalled that one of the CBS representatives questioned him concerning the 'malnourished babies he saw in the nursery.' Dr. Montemayor advised that he informed the CBS representative that the babies he saw in the premature nursery were small because they were born prematurely and the chances of survival for many of them were questionable. He said that the CBS representative for some unknown reason, wanted him to say that the mothers of the babies gave birth to premature babies because they were malnourished. Dr. Montemayor advised that while it was possible that malnutrition could be a contributing factor to a premature birth, there was no such evidence in the case of the baby photographed by CBS and shown on the program. Dr. Montemayor positively identified the baby he attended and which was filmed by CBS in his presence as the same baby identified by Mr. Coughlin from hospital records. Identification was also made by the head nurse in the premature nursery and by a student nurse, both of whom were witnesses to the CBS filming.

"The parents of the baby were interviewed by the staff on October 4, 1968, in San Antonio, and they positively identified the baby shown on the CBS–TV program as their baby. The mother was in the hospital and witnessed the filming of her baby by CBS from the hall leading to the glass-enclosed isolette where she knew her baby was being cared for. The father had visited the baby on a number of occasions and saw the program broadcast. The parents claimed that CBS did not contact them for permission to use the film and the statements in the program about starvation were definitely untrue. The mother advised that she had fallen when she was in her 7th month of pregnancy and began experiencing pains, at which time she was taken to the hospital by her husband, and she gave birth prematurely. She stated that the availability of food had been no problem for her because she not only ate at her home but at her mother's home and the home of her mother-in-law. The father advised that he had won acclaim for his athletic abilities in high school and exhibited several trophies awarded to him in track and basketball competition. He is presently in his second year of college and has expectations of making the varsity basketball team. Upon graduation he plans to teach physical education.

"The grandmothers of the baby advised on October 3, 1968, that they both had steady jobs and felt that they had provided well for their children's health and did not believe they were ever malnourished. They advised that the daughter had recently lost her second child at 28 weeks of pregnancy, the cause of death being prematurity. They said the second child weighed approximately the same as the first child.

"On October 2, 1968, Mr. Kemper Diehl, a reporter for the San Antonio Express, advised he first brought to the attention of the people of San Antonio the facts concerning the baby that was reported to have died during the filming of the CBS program. Initially, another reporter for the newspaper, Arthur Moczygemba, had been informed by Mrs. Vera Burke at the Robert B. Green Memorial Hospital that the baby shown on the CBS program was a premature baby and there was no starvation involved. As a result of this information the editor of the San Antonio Express assigned Mr. Diehl to determine the facts. Mr. Diehl searched the records of the hospital and death certificates on file at the City Health Department which disclosed that three recently born infants had died during the period CBS was in San Antonio filming the program. Investigation disclosed that one of the babies was a girl, which was ruled out because CBS referred to the baby as a male. Of the two remaining babies, both were males; one weighed 7 pounds and 11 ounces and the other weighed 2 pounds and 12 ounces. Only the smaller baby was confined to the premature nursery. Mr. Diehl interviewed hospital personnel and was advised that the hospital background which appeared in the film clearly showed that the filming of the baby occurred in the premature nursery. The size of the baby was determined to be approximately two pounds, based on a pathologist's calculation of the approximate size of the baby as compared to the size of the hands of the doctor who was holding the baby at the time it was filmed. Mr. Diehl stated that after the baby was identified he interviewed the parents who also confirmed that the baby filmed by the CBS crew was, in fact, their baby.

"f. CBS Statement Concerning the USDA Commodity Program

"Mr. Charles Kuralt made the following comments concerning the commodity distribution program of the USDA during the narration of the portion of the film on San Antonio. He stated that San Antonio's answer to hunger for the last 14 years had been surplus commodities. Surplus commodities were foods that farmers could not sell and nobody else wanted. The USDA bought surplus crops from farmers and got rid of them by giving them to the poor. For farmers and the Government, commodities were a convenience; for the poor they were simply an inadequate dole. The commodity distribution program consisted largely of dumping excesses rather than providing essentials. The program had not changed since it was conceived in the 1930's.

"Secretary of Agriculture Orville F. Freeman publicly denounced the statements made on the CBS program. According to Secretary Freeman, the commodity distribution program had changed radically in that as late as 1960, USDA offered only five items of food for distribution, namely, lard, rice, flour, nonfat dry milk, and cornmeal, which foods had a value of $2.20 per person per month, but, in 1961, the number of commodities and the amount of food for distribution were doubled. The program was improved still further by offering additional foods, and at the time of the showing of the CBS program a total of 16 items were offered to recipients. During the late summer of 1968 an additional six items were added, making a total of 22 items offered to the needy. An official of USDA advised that the dollar value of commodities now being distributed for each person per month was $12.70 and, as of November 1, 1968, the commodities included dry beans, bulgur, butter, cheese, whole canned chicken, corn grits, cornmeal, scrambled egg mix, flour, fruit and vegetable juice, lard or shortening, chopped canned meat, evaporated milk, nonfat dry milk, peanut butter, dry split peas, instant potatoes, raisins or prunes, rice, oats or rolled wheat, corn syrup, and canned vegetables, with many of these foods having been nutritionally fortified.

"In rebuttal to the charge that the commodity distribution program consisted largely of dumping excesses rather than providing essentials, Secretary Freeman said that some of the foods distributed were items which were in oversupply but certainly could not be classified as foods 'nobody else wants' because they were identical in content and purity to foods purchased by millions of Americans in local supermarkets. He submitted that these foods currently provided the following percentages of full daily allowances recommended by the National Research Council: protein, 127.7 percent; calcium, 158 percent; iron, 91.4 percent; vitamin A, 69.5 percent; thiamine, 143.9 percent; riboflavin, 165.7 percent; vitamin C, 92.4 percent; and food energy, 77.6 percent.

"g. Filmed Scenes and Interviews Not Included in Program

"Mr. John E. Bierschwale, director of the San Antonio City Welfare Department, advised on September 30, 1968, that at the time the CBS crew was in San Antonio, the city operated a commodity distribution program for the needy. The city has since changed to a food stamp program. He said the CBS crew wanted to film a typical commodity distribution office and made arrangements to set up the cameras at one of the offices. CBS waited for a long line to form outside the office, but when this did not occur the CBS crew requested that the doors to the office be closed to allow a line of people to form. Mr. Bierschwale stated that he cooperated with CBS by closing the office without realizing that CBS intended to discredit the commodity distribution program. The doors were closed for 1 hour and 45 minutes to permit a line of about 20 people to form before the filming took place.

"Dr. Ramiro P. Estrada, a private physician and member of the staff at the Robert B.

Green Memorial Hospital, advised on October 2, 1968, that he was asked to take part in the CBS program but the filmed portion relating to his interviews was not used in the televised program. He said he met with CBS representatives and Mrs. Vera Burke prior to the actual filming. At the meeting, the CBS representatives indicated that they were interested in showing only advanced cases of malnutrition. They visited several homes where he examined the children while CBS filmed the interviews. Dr. Estrada stated the CBS representatives wanted him to say some of the cases of malnutrition were severe, whereas they were actually relatively minor cases. He advised that he told the CBS representatives he 'would not bend the truth' and they accused him of being evasive. Dr. Estrada indicated that it was apparent to him the CBS representatives were interested only in sensational-type material and they wanted him to say things with a more sensational impact than what he was willing to say.

"2. Loudoun County, Va.

"The CBS narrator reported that:

" 'Loudoun County, Va., is anything but a poverty pocket. It is headquarters for the so-called horsey set. The county contains hunt clubs, private schools, and aristocratic race meets that mingle the pedigree of the horses with those of their owners. The trappings of wealth are everywhere. Loudoun County is only 25 miles outside Washington, D.C. It is the home of distinguished legislators like Senator Everett Dirksen, celebrities like Arthur Godfrey. Society here is studded with American nobility—names like du Pont, Mellon and Whitney.

" 'Hunger is the last thing an outsider would expect to find; indeed it might be the last thing he would find. Yet hidden away in Loudoun County are thousands of shacks where tenant farmers lead a marginal existence. Loudoun County, like one-third of the counties in America, has no Federal food program.'

"Mr. Kuralt introduced Dr. Stephen Granger, Loudoun County Medical Officer, as a man who knew and treated many of the tenant families.

"a. Remarks by Dr. Stephen Granger

"Dr. Granger mentioned on the program that the diet of tenant families was heavy on starch and light on protein. Because of the diet the children had a '" * * kind of a hollow lifeless look—stringy hair, a pasty complexion, and a dead look about their eyes. There is a hopeless feeling that springs almost physically from these children.' Continuing, Dr. Granger said a poor diet affected brain tissue and the child's ability to think and to learn, a condition that was not reversible, 'Not by Christmas baskets, not by hot lunches when he starts school, or anything else, 1 year from now or 5 years from **now." Following the interviews with two tenant** farmers in Loudoun County, Dr. Granger commented on people among his patients who looked old prematurely. He said premature aging may be caused by a number of medical problems, but malnutrition certainly played a big part. He claimed there were about 7,000 households in the area that had severe nutritional problems and that the people in these households rarely, if ever, ate a complete meal.

"Dr. Granger asserted that such people '* * * with no past to be proud of and no hope for the future, seek immediate forms of employment.' With this statement he justified the presence of a late-model television in the house, empty pint bottles in the yard, and a late-model baby in the crib.

"Mr. Charles F. Turner, executive secretary, Loudoun County Board of Supervisors, Leesburg, Va., advised the staff on October 10, 1968, that Dr. Granger initially informed him about the plans for CBS to make a film in Loudoun County. Prior to the actual filming he met with CBS representatives who assured him that the program would be an objective analysis of malnutrition, that the subject matter would be handled in a general way, and that CBS would not be critical of Loundoun County. Mr. Turner stated he felt that CBS misrepresented the conditions in Loudoun County and, further, misrepresented the program objectives as stated to him.

"Mr. Turner stated that Dr. Granger's remark that 'There are about 7,000 households in the area that have severe nutrition problems' was inaccurate. A recent county survey, by actual count, disclosed the existence of 10,086 homes in the county, and Dr. Granger's estimate would indicate that 7 out of every 10 households in the county were suffering severe nutritional problems. Mr. Turner advised that he challenged Dr. Granger on his estimate after he saw the program and Dr. Granger, in a succession of attempts to clarify his comment, first said that he meant individuals instead of households, and then expanded his statement to include individuals in Loudoun and Fauquier Counties. Finally, he included individuals in Loudoun, Fauquier, and Prince William Counties.

"Dr. Stephen Granger, Children's Hospital, Washington, D.C., former Loudoun County Health Officer, was interviewed by the staff on November 20, 1968. Dr. Granger said he was contacted by Mr. Martin Carr of CBS who explained that the CBS film would depict hunger and malnutrition in the United States and Mr. Carr requested to meet with some white tenant farmers in Loudoun County who were believed to be suffering from malnutrition due to economic deprivation. Dr. Granger advised that a list of approximately 20 households was compiled and discussed with Mr. Carr. Mr. Carr was shown some of these households and the ultimate selection of households filmed was made by CBS.

"Reflecting on his comment on the CBS program relative to 7,000 households in the county having severe nutritional problems, Dr. Granger advised the staff that if he had it to do over again he would say 7,000 people in Loudoun County rather than 7,000 households. When he was questioned further concerning this estimate he said that the figure applied to the 'area' rather than the county, but refused to describe in a geographic sense his use of the term 'area.' He acknowledged that he had no statistical basis for his use of the figure 7,000, whether it be households or people. Dr. Granger was of the opinion that the program accurately depicted conditions in Loudoun County. He regarded the film as being of high quality—an excellent presentation showing a good balance in placing the responsibility for malnutrition on the county, State, and Federal Governments. Dr. Granger advised that his resignation as county health officer from Loudoun County was only coincidental with the release of the CBS program and the critical reaction the program received in the county.

"b. Interview with Mrs. Franklin Hopkins

"During the CBS program an interview with a Mrs. Franklin Hopkins was conducted by Mrs. Pauline J. Barrett, a Loudoun County Public Health Nurse, in which Mrs. Hopkins was questioned concerning the eating habits of her children. The questioning disclosed that Mrs. Hopkins had not decided what to prepare for lunch, that she had no baby food in the house for her baby, and that another child had only gravy for breakfast that morning.

"Mrs. Pauline J. Barrett, public health nurse, Department of Public Health, Leesburg, Loudoun County, advised the staff on October 11, 1968 that arrangements for her participation in the interview with Mrs. Hopkins were made by Dr. Granger with CBS. She was asked by CBS to conduct the interview in the same manner as she would in any home visit. The interview commenced with a discussion of the children's diet and continued with a discussion of family supervision, care of teeth, and immunization shots. CBS used only that portion of the interview which dealt with the children's diet, because that was their primary interest. Mrs. Barrett was of the opinion that CBS neglected to bring out that fact that it was not normally the lack of food so much as not knowing or caring how to prepare an adequate diet which was responsible for the dietary deficiencies of many poor people. She did not consider Loudoun County unique nor was it better or worse than other counties she knew about. Mrs. Barrett noted that in her 6 years as a public health nurse in Loudoun County, the few cases of hunger she had seen were the result of parental neglect.

"Mrs. Helen C. Shorey, superintendent, Loudoun County Department of Public Welfare, Leesburg, advised the staff on October 10, 1968, that Franklin Roosevelt Hopkins had asked the welfare office for assistance in September 1967, when his wife was expecting their fifth child. He was employed at the time, with a monthly income of $277.33. He was not eligible for assistance because of his income, but the welfare department paid the hospital bill for Mrs. Hopkins' maternity care pursuant to a ruling which permitted such payment for a family of six with an income under $300 a month.

"Mr. Roland Hope, a dairy farmer who resided in Loudoun County, near Purcellville, Va., advised the staff on October 11, 1968, that Claude Hopkins and his family were tenants on another farm operated by him, also near Purcellville, at the time CBS filmed the program in Loudoun County. He identified the Mrs. Hopkins interviewed on the program as Mrs. Franklin Hopkins, the daughter-in-law of Claude Hopkins, his tenant, with whom the Franklin Hopkins family lived. He said that Claude Hopkins had sons living with him at the time he was a tenant. He thought Franklin Hopkins had been working on a highway crew in the neighborhood of Hamilton, Va., at the time of the filming of the program. Mr. Hope advised that his basic pay for tenant farmers, including the Hopkins family, was $200 a month, and in addition he furnished a house, electricity, firewood, a gallon or more of milk a day, and between one fourth and one half of a beef twice a year. He stated that the better farmhands received the larger portion of beef. He also provided garden space but commented that it had been his experience that tenants seldom planted a garden even after he prepared the land for them. Mr. Hope stated he had a constant need for farmhands but was only able to get Franklin Hopkins and his brothers to work occasionally. He advised that all of the Hopkins men had a drinking problem and Franklin Hopkins frequently did not show up for work for a couple of days after receiving his pay.

"Mrs. Franklin Hopkins was interviewed by the staff on October 11, 1968, at Lovettsville, Va. The Hopkins family moved to this location following the filming of the CBS program. Mrs. Hopkins stated that the farm where she now resided was owned by Mr. Asbury Smith. Her husband, Franklin Roosevelt Hopkins, worked for Mr. Smith and was paid $90 every 2 weeks. In addition, they were furnished a house which had indoor plumbing, electricity, and furnace heat. They were provided the fuel for winter months, milk every day, two hogs and feed necessary to raise them, and a quantity of beef. Mrs. Hopkins said she had received clothes for her daughter from a relative of Mrs. Smith. When asked if she had enough food for the family, Mrs. Hopkins stated she did but could always use more.

"With respect to her appearance on the CBS program, Mrs. Hopkins advised that Dr. Granger and Mrs. Barrett arrived at her home with the CBS film crew without making prior

arrangements with her. Mrs. Hopkins explained that her comment about not having baby food in the house was due to the fact the baby was only 2 weeks old and not old enough for solid food. She said she had the money to buy baby food if the baby had been old enough for solid food. Relative to her statement that one of her children had only gravy for breakfast, Mrs. Hopkins said the family had gravy and biscuits for breakfast, a standard breakfast for them because they preferred it. Mrs. Hopkins advised the staff the family had everything it wanted in the way of food at the time her interview was filmed, including meat remaining from a side of beef previously given to the family by the landowner. She said the CBS film crew was aware of the food because one of them opened the refrigerator during the visit and saw the food.

"3. Tuba City, Ariz.

"CBS reported that 'The deserts of Arizona and New Mexico are nice places to visit, but the Navajo Indians have to live there. Living in a desert, just staying alive, is very hard for the 125,000 members of the largest tribe in the United States. The West was theirs once. They were nomads and their home was vast. Now they have an arid reservation. Dr. Jean Van Duzen of Tuba City, Ariz., has practiced among the Navajo Indians for the past 14 years. She continually faces the medical problems caused by lack of food.'

"Dr. Van Duzen commented that the people she saw every day appeared as though they ate mostly starches. The older people tended to be rather fat and dumpy and the children were just plain undernourished. She stated that surplus commodities only provided 40 percent of the caloric needs of the people and did not make any allowance for protein, vitamin, and mineral needs.

"Scenes filmed at Tuba City, Ariz., included unidentified Indian hogans and a visit to the Public Health Service hospital for the Navajo Reservation. Dr. Van Duzen exhibited several children in the hospital who allegedly had Kwashiorkor, which she described as '* * * the most severe form of protein calorie malnutrition. This is a disease that was seen first in South America and Africa. It's not supposed to exist in the United States, but it does.' She also exhibited children who allegedly had Marasmus, which she described as a '* * * total calorie and protein malnutrition.' She said children who had Marasmus became that way because they had '* * * nothing, practically nothing but water, and very quickly they get into great trouble and frequently they die.' She went on to state that one-third of the children admitted to the hospital for Marasmus die.

"Dr. Van Duzen, chief of pediatrics, Tuba City Hospital, advised the staff on September 24, 1968, that she did not know why Tuba City was selected by CBS for its program but she cooperated with CBS after permission had been granted by her superiors. The Navajo families contacted by CBS were selected by her and Wilson Grey, a health education aid and formerly a driver-interpreter at the time CBS visited the hospital. She stated that they visited five or six Navajo camps on the reservation and at each camp filmed one hogan. She also conducted the CBS camera crew through the Public Health Service hospital and exhibited several children who had been admitted to the hospital for various illnesses, most of whom had been underfed.

"Dr. Van Duzen advised the staff that when the CBS representatives visited the hospital there were several cases of Kwashiorkor and Marasmus, but at the time of the staff's visit she had no cases of Kwashiorkor and had only two cases of Marasmus. Dr. Van Duzen stated that usually the cases of Marasmus involved babies 2 to 2½ months of age where the mothers had been breast feeding the babies, the milk had dried up, and they were not getting any food. The babies were brought to the hospital only after a considerable period of time had elapsed and it was difficult to save them. She stated that the Navajo mothers were reluctant to bring their babies to the hospital when their milk dried up because to admit this fact was an admission that they were incapable of functioning as a mother. She advised that within the past 5 years, she had 28 cases of Marasmus in the hospital and, of these, 14 died. The death rate was exceptionally high because the babies were in poor health, including almost total dehydration, when they were admitted.

"Dr. Van Duzen stated that Kwashiorkor appeared in children from 1 to 2 years of age. In most cases the children had been weaned and were given whole milk after which they developed diarrhea. The mother thought the milk caused the diarrhea and the child was then taken off milk. Consequently, the child received little nourishment. Another factor to be considered in Kwashiorkor cases is that in the Navajo families the children traditionally eat after the adults and receive what food is left, if any. If the family ate together, the children had to fend for themselves. She advised that the typical Navajo mother was totally unknowledgeable about nutritional and medical needs and would bring a child to the hospital only after the illness had continued for a substantial length of time.

"Mr. John P. Sipe, agency social worker, Bureau of Indian Affairs, Tuba City, advised the staff on September 23, 1968, that the day after the CBS program appeared on television he received a telephone call from his superiors instructing him to make a report on the Navajo families shown on the program. Mr. Sipe advised that the CBS program was not shown in Tuba City and he had not seen the film. After considerable investigation, including interviews with Dr. Van Duzen and Wilson Grey, he identified four families visited by the CBS representatives but he could not say if they were included in the televised program. Information concerning the four families was furnished by Mr. Sipe as follows:

"a. Mr. and Mrs. Jimmy Kerley

"In 1967, the Kerley family lived at Cameron, Ariz. Mrs. Kerley was formerly married to the brother of Jimmy Kerley, first name not known, who was an alcoholic. She left the brother to live with Jimmy Kerley, also an alcoholic. There were four children by the two fathers in the home. In November 1967, when CBS was filming the program in Tuba City, the Kerley's infant child was in the hospital. At the time of the filming the parents were separated, but Mr. Kerley was working in Flagstaff, Ariz., and contributed to the support of the children. The mother and children received surplus commodities, but the family did not receive welfare assistance because there was no financial need.

"In December 1967, Mr. Kerley was in jail, and Mrs. Kerley, who also had a drinking problem, was placed on general assistance by the Bureau of Indian Affairs and was given $178 month. During the period of separation the Bureau of Indian Affairs worked with the family in an effort to bring about a reconciliation. In January 1968, Mr. and Mrs. Kerley were reconciled and married. On March 26, 1968, Mr. and Mrs. Kerley enrolled in training programs at the Bureau of Indian Affairs Employment Center, Roswell, N. Mex., where they resided and reportedly were progressing well.

"b. Mr. and Mrs. Yodell Billah

"Mr. and Mrs. Yodell Billah, who live in the area of Red Lake, Ariz., had 10 children. One child was married and resided away from home; one was in Vietnam; two were in a Bureau of Indian Affairs boarding school; two resided at home and attended Red Lake Day School; two were in foster homes under the Indian placement program sponsored by the Church of Jesus Christ of Latter-day Saints; and one was of preschool age. The other child was unaccounted for. The husband was a shepherd, but performed odd jobs and participated in tribal work projects. The husband had 2 years of education but had no job training. At the time of the filming by CBS in November 1967, the family did not receive assistance because the husband was working and had not applied for assistance. The family has since commenced receiving surplus commodities and, because of a recent injury, the husband applied to the Bureau of Indian Affairs for general assistance. The social services agency, Bureau of Indian Affairs, had no information that indicated there was any malnourishment in the family.

"c. Mr. and Mrs. Andrew Woody

"Mr. Andrew Woody and his wife were 63 and 42 years of age, respectively. They had eight children, ranging in age from 6 months to 20 years. Their eldest daughter, along with her husband and infant child, lived with them. At the time they were filmed by CBS in November 1967, the Woody family received social security and aid to families with dependent children totaling $220 monthly, the maximum paid under the Arizona State statutory grant. The daughter's husband was employed by the branch of plant management, Tuba City agency, Bureau of Indian Affairs, where he earned over $2 an hour. According to Mr. Sipe, there was no malnutrition in this family.

"d. Mr. and Mrs. Boyd Nez

"Mr. and Mrs. Boyd Nez were grandparents, who lived in a family camp at Cow Springs, Ariz. Their daughter Anna Nez, her husband, and their child lived in the same camp but in a different hogan. CBS first filmed Anna Nez with her child and then filmed the grandparents with Anna's child. Boyd Nez and his wife were 68 and 66 years of age, respectively. Both received old-age assistance totaling $128 a month. Anna Nez' husband had an income from odd jobs and livestock which ranged from $2,000 to $2,500 per year. The grandparents also received surplus commodities at the time they were filmed by CBS. The family reportedly ate as a group and there was no apparent hunger problem. The grandparents advised Mr. Sipe that they received a total of $40 for posing for CBS and were promised more money and some lumber which they never received.

"Mr. Sipe advised that the Navajo families he was able to identify as having been filmed by CBS had in common the fact that they resided in traditional dwellings, namely hogans, and spoke little or no English. Mr. Sipe stated that the families had limited education and no job training. He further said that they were well known to the Bureau of Indian Affairs and were receiving services from various Federal and State programs.

"4. Hale County, Ala.

"CBS reported that:

" 'It has never been easy to be a Negro in Alabama. Times have often been bad, and they've never been good. But there's always been cotton—to plant, to chop, to pick, and to plough. Cotton has been a misery, but at least it's been a meal ticket. Now it's not even that. The machines have taken over, and a field that once needed 100 Negroes today barely supports three. Ten years ago machines harvested only 2 percent of Alabama's cotton. This year they will harvest more than 80 percent.

" 'The Negroes must look elsewhere for jobs, and the jobs are not in Alabama. Some go North. Many others remain, often because they are so poor, so tired, and so hungry that they can't even get up and go. In the long history of Black Belt deprivation there have never been times as bad as these.

" 'Last spring the Field Foundation sent six prominent doctors to investigate hunger in

Mississippi. One of these was Dr. Raymond Wheeler, who has lived and practiced in the South all his life.'

"Doctor Wheeler was asked by CBS to visit Hale County, Ala., during the filming of the segment in that area and he conducted the interviews with local participants.

"*a. Interview with Mrs. Louise Zanders*

"The interview of Mrs. Zanders conducted by Dr. Wheeler, as set forth in the transcript of the program, was as follows:

" 'Dr. WHEELER. You have how many children to feed?

" 'Mrs. ZANDERS. Ten.

" 'Dr. WHEELER. Ten children.

" 'Mrs. ZANDERS. Yes.

" 'Dr. WHEELER. Are there times when you don't have enough food in the house to go around?

" 'Mrs. ZANDERS. Yes, sir; lots of times.

" 'Dr. WHEELER. There are times when——

" 'Mrs. ZANDERS. I just have to make out with what I have. Give each one of them a little of what I have.

" 'Dr. WHEELER. What did you have for dinner today?

" 'Mrs. ZANDERS. I didn't have any dinner.

" ' Dr. WHEELER. You're going to have a baby before long?

" 'Mrs. ZANDERS. Yes, sir.

" 'Dr. WHEELER. What kind of food do you eat?

" 'Mrs. ZANDERS. Rice, chicken sometimes.

" 'Dr. WHEELER. What else do you eat?

" 'Mrs. ZANDERS. That's all, and water.

" 'Dr. WHEELER. Mrs. Zanders, what does your husband do for a living?

" 'Mrs. ZANDERS. He gets jobs in hayfields.

" 'Dr. WHEELER. In hayfields?

" 'Mrs. ZANDERS. Yes.

" 'Dr. WHEELER. How much does he make when he's working?

" 'Mrs. ZANDERS. From $3 to $4 a day.

" 'Dr. WHEELER. $3 to $4 a day?

" 'Mrs. ZANDERS. Yes, sir.

" 'Dr. WHEELER. And he hasn't worked now in 3 or 4 weeks?

" 'Mrs. ZANDERS. Yes.

" 'Dr. WHEELER. Do you get food stamps?

" 'Mrs. ZANDERS. No, sir; because I'm not able to get them.

" 'Dr. WHEELER. Why not?

" 'Mrs. ZANDERS. I ain't got them this month. They cost $70 and I don't have it.

" 'Dr. WHEELER. Have you asked for any help from anyone in raising the money to buy those stamps?

" 'Mrs. ZANDERS. No, sir; there ain't no need.

" 'Dr. WHEELER. Why?

" 'Mrs. ZANDERS. They ain't going to give it to you.

" 'Dr. WHEELER. Have you been down to the welfare department and talked to them, or has your husband?

" 'Mrs. ZANDERS. No, sir; the last time I went to welfare the lady told me—said if you have a living husband that they can't give you no help.

" 'Dr. WHEELER. Even if he's not working?

" 'Mrs. ZANDERS. Yes, sir.'

"Following the interview of Mrs. Zanders by Dr. Wheeler, Mr. Charles Kuralt, the CBS narrator, remarked that 'Three weeks after talking to Dr. Wheeler, Mrs. Zanders gave birth to a severely malnourished baby. Two days later the baby died.'

"The staff interviewed Mrs. Louise Zanders on September 27, 1968, at her farmhome near Faunsdale, Ala. She advised that in the fall of 1967 a 'white person' stopped at her home and asked some questions about hunger and asked to take pictures for a TV program. In November 1967, a camera crew accompanied by Dr. Wheeler, arrived and took pictures inside and outside her home for 3 days, working from approximately 8 a.m. to 7 p.m., with only a break for lunch. During this time, Dr. Wheeler asked her many questions while the camera crew took pictures, and the interview with Dr. Wheeler was recorded several times. The CBS crew gave her $39 while they were at her home.

"Mrs. Zanders stated that her husband, her mother, and 11 children resided on $4\frac{3}{10}$ acres of land they rent. They paid $189 per year rent, payable 'when the crop comes in.' She claimed to have purchased food stamps on and off since September 1967. The food stamps were very helpful and her family had enough food and did not go hungry. She said her husband planted corn, cotton, okra, peanuts, and potatoes, but the only crop they sold was cotton as they used the other products themselves. It was observed by staff members that the house where the Zanders resided was in extremely poor condition and appeared on the verge of collapse. Two lean hogs were observed enclosed in an area near the house and Mrs. Zanders said the hogs belonged to them and would be killed during the winter, if they could be fattened. The Zanders also owned two mules, a calf, and a few chickens. She was asked about her water supply and pointed to a well about one-half mile away as being the closest source. It was noted during the interview that four or five children were in and about the house and upon inquiry Mrs. Zanders advised that they were not in school because they did not have the proper clothes and she needed them to carry water. Her husband obtained occasional work in the fields and her mother received $26 a month in old-age assistance payments as well as $70 a month from the Veterans' Administration. An older son, who was married but did not live with his wife and child, paid her from $10 to $20 a week from the wages he received from a packinghouse.

"Mrs. Zanders had not seen the CBS program and the transcript of her interview was read to her. She remarked that if the CBS program said her baby died from malnutrition it was not true, and she would 'tell it like it is.' According to Mrs. Zanders, at about 3 p.m. on December 23, 1967, she experienced labor pains and was admitted to the Hale County Hospital at Greensboro, Ala., by Dr. Chester Singleton, her doctor. Sometime after admittance, the doctor told her that the baby was very large and was in a breech position. Around midnight she was transferred to Druid City Hospital, Tuscaloosa, where Dr. William Standeffer performed an operation and delivered the child. She continued that she never saw the baby but was informed that the baby was stillborn and that it weighed about 12 pounds. According to Mrs. Zanders, many of her children were large at birth.

"The death certificate on file at the Bureau of Vital Statistics, Montgomery, Ala., disclosed that the birth was a stillbirth, with delivery made by a cesarean section operation by Dr. Standeffer on December 24, 1967. The weight of the female child was 12 pounds, 5 ounces; the length of pregnancy was 40 weeks; and death was due to prolonged labor at another hospital.

"Dr. Standeffer advised the staff on September 26, 1968, that Mrs. Zanders was admitted to Druid City Hospital around Christmas 1967. She had been in labor a long time and had been admitted from another hospital. Upon examining Mrs. Zanders he determined that the baby had already died so he removed the body by a cesarean section operation. The baby was very large and showed no signs of malnutrition. It was his opinion that death was due to prolonged labor. He said that Mrs. Zanders did not show any signs of being malnourished.

"The records of the Druid City Hospital disclosed that Mrs. Zanders was a patient in the hospital for a total of 25 days; she was seen by two obstetricians and one urologist, and received five X-rays and numerous medications. Her hospital bill of $1,284.40 had not been paid.

"Mrs. Virginia Glass, director of pensions and security, Greensboro, Ala., advised on September 26, 1968, that her records disclosed that Mrs. Zanders inquired in November 1965 about welfare assistance but did not make application as she was informed that she was ineligible because Mrs. Zanders had a small income and there were two able-bodied people in the household.

"Mrs. Barbara Drury, supervisor, food stamp program, Hale County, Ala., advised that the Zanders family first applied for food stamps in July 1967, at which time the family income was $181 per month, making it eligible for $128 in stamps at a cost of $70. In view of the fact that this was the first month for the family to participate, the cost was only half price, $35. Mrs. Drury stated that the Zanders family had been recertified a total of nine times since it was first certified in July 1967. The recertifications were caused by changes in the monthly income earned by the family and changes in the number of people in the household. Food stamp costs for the family had ranged from a low of $22 a month in February 1968, when the family only had an income of $60, to a high of $102 in June 1968, when the family income was $317.42. Mrs. Drury stated that Mr. Zanders reported on August 19, 1968, he had lost his job due to lack of transportation. His income for August 1968 had been $132.40. In September 1968, he was entitled to purchase food stamps, valued at $130, for $58, but he received a voucher from OEO for the $58 and the food stamps did not cost the family any money for the month. Mrs. Drury advised that the purchase price for food stamps was paid by OEO for a number of families in Hale County during September 1968 in order that poor families could use their money to purchase school clothes for their children.

"*b. Interview with Mrs. Sally Lee Carlisle*

"Mrs. Sally Lee Carlisle of Faunsdale, Ala., was also interviewed on the CBS program by Dr. Raymond Wheeler. Prior to introducing Mrs. Carlisle, Mr. Charles Kuralt, CBS narrator, stated that Dr. Wheeler 'talked to a woman whose family has been sharecroppers ever since they stopped being slaves. The woman and her husband and 14 children and grandchildren still live on the farm, but it does not support them any more.' In response to questioning by Dr. Wheeler, Mrs. Carlisle indicated that she had a garden in which she raised okra and other things, but could not raise corn to feed hogs, chickens, and turkeys because the landowner had sold the corn acres to the Government. She was unable to buy food stamps every 2 weeks because she did not have the $33 necessary for the purchase price. Her husband worked for the city and earned only $3.50 a day. Mrs. Carlisle concluded with general comments dealing with her thoughts that they are not treated as well as they were formerly treated, probably because of school integration and increased voting by members of her race. She spoke of the young people moving to the North where they were getting better jobs and better treatment.

"Mrs. Sally Lee Carlisle was contacted by the staff on September 26, 1968, at her home near Faunsdale where the family had resided since 1964. The home was a run-down cabin located in the middle of a cotton field and had no electricity or plumbing. The family had no toilet because the one they had formerly used had rotten and fallen down. Water was carried from a spring located approximately one-fourth mile from the house.

"When Mrs. Carlisle was contacted by the staff there were 10 children residing at home, four of which were her own, and six belonged to her daughter Ruby, who was residing either in New Jersey or New York and worked as a domestic. Mrs. Carlisle's husband had a steady job working for the city of Uniontown, Ala., and, according to her, earned $3 a day. Mrs. Carlisle received approximately $25 each week from Ruby for support of the children and $20 each week from two grown sons who lived at home and worked in town.

Mrs. Carlisle stated that she and some of her children picked cotton occasionally and earned a little over $2 a day.

"Mrs. Carlisle advised that the family had purchased food stamps since November 1967, and paid $46 for $128 in stamps. The family had three hogs, which they intended to butcher during the winter months, and were raising 10 pigs for later use or sale. She advised that they had not raised a garden in recent years because the weather had been too dry. The family attempted to grow some cotton but the yield was not good.

"Mrs. Carlisle advised that since the family had been on food stamps her children had not been hungry. She was able to purchase 4 gallons of milk each week and two of her children received free lunches at school. For the others, she packed peanut butter sandwiches and a 'little sweet cake' and gave each a nickle for milk.

"Mr. John Turpin Vise, the Carlisle's landowner, advised the staff on September 27, 1968, that at the time he purchased the farm in 1966, the Carlisle family was a tenant. He told the Carlisles they could plant all the cotton they wanted, for which he would receive one-third of the yield as his share. He also told the Carlisle family they could plant any other truck crop, such as okra, and there would be no charge for the land use. Mr. Vise said that okra can bring approximately $200 an acre in a good year.

"Mr. Vise stated that in 1967 the Carlisle family planted 15 acres of cotton but only produced one bale of cotton for the entire field. Average cotton yield for this type of soil ranged from ½ to 1½ bales per acre. Mr. Vise stated that the Carlisle family did not pick all the cotton that was raised. Mr. Vise stated that as a result of the cotton crop experience, he told Wade Carlisle that he should give up farming and stick to his job in town. He agreed to permit the Carlisle family to stay on the property for a monthly rent of $5 but he has yet to receive his first payment. Mr. Vise advised that he found employment for the two grown sons at a local poultry plant at $1.65 an hour, and when they work they are good workers but they do not report for work regularly.

"Mrs. Virginia Glass, director of pensions and security for Hale County, Ala., advised the staff on September 26, 1968, that Mrs. Carlisle applied for welfare in 1966 for seven grandchildren living with her and received aid to families with dependent children assistance until Ruby, her daughter, returned from the North where she had gone to seek employment. Mrs. Carlisle was notified that because Ruby had returned to Hale County, the mother of the children would have to apply for assistance, but Ruby never applied. As a result, payments to Mrs. Carlisle were discontinued.

"On September 26, 1968, Mrs. Barbara Drury, supervisor, food stamp program in Hale County, advised the staff that Mrs. Carlisle first applied for food stamps in July 1967, at which time the income for the family was reported to be $166.16 a month. She was certified to purchase $142 in food stamps at a cost of $66. The certification continued until January 1968. On February 5, 1968, the Carlisle family was recertified for the purchase of $146 in food stamps at a cost of $74, based on a monthly income of $208.66. On March 5, 1968, the family was recertified for the purchase of $150 in food stamps at a cost of $82, based on an income of $234.66. The family purchased food stamps for only one-half of March 1968, and did not reappear at the food stamp office until July 17, 1968. Mr. Carlisle was out of work at the time due to an illness; Ruby had another child which had been added to the household; and a son had entered the Jobs Corps. During July 1968, the family was recertified for $120 in food stamps, at a cost of $32 but purchased only one-half of this amount because it was after the 15th of the month. On August 2, 1968, the Carlisle family was recertified for $128 in food stamps, at a cost of $46, based upon a monthly income of $109.77. For the month of September 1968, the $46 purchase price of food stamps was paid by OEO, which enabled the family to use its money to help outfit the children for school.

"On September 27, 1968, Mrs. Jeanette R. Hinton, town clerk, Uniontown, Ala., advised the staff that Wade Carlisle, Jr., who resides near Faunsdale, had been employed as a handyman by the Uniontown Utilities Board since April 1967. His starting salary was $4 per 8-hour day, and, about 5 months ago, he was given a raise to $5 per day. Mr. Carlisle claimed six withholding exemptions, and his wages averaged between $22.50 and $27.50 per week.

"Relative to Mrs. Carlisle's statement on the CBS program concerning their inability to grow corn because the landowner sold the corn acres to the Government, and her consequent inability to raise hogs, chickens, and turkeys without the corn, the Secretary of Agriculture has observed that the records of the Agricultural Stabilization and Conservation Service disclosed that the Carlisles never did grow corn on the land they rented from Mr. John Turpin Vise. The records confirmed the fact that Mr. Vise had diverted his corn acreage under the feed-grain program, but met with his tenants, and, as required, offered to share with them the payments received under the feed-grain program. Actually, Mr. Carlisle was not eligible to share in this agreement, because he had never grown corn on his rented land. Mr. Vise voluntarily offered, in lieu of sharing the Government payment under the feed-grain program, to give land, rent-free, to the Carlisle family for the commercial production of vegetables, and they accepted the offer. The Secretary of Agriculture has stated that the Carlisle family could have grown sweet corn without violating the Government agreement, if they had wished to do so."

REPORT ON FEDERAL FOOD PROGRAMS FOR NEEDY PERSONS

I have read this part of the report to indicate the complete lack of objectivity in these TV programs on alleged hunger conditions.

The balance of the report will be included in the record at this point.

CONNECTICUT LIFE INSURANCE WEEK

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. COTTER. Mr. Speaker, it might be said that the most important feeling a man can have is the knowledge that his family is safe and secure. This can only be attained by hard work and careful planning for the future. But who will provide for the family in the event of death? Education, medical costs, and all the daily necessities of life have to be paid for. Too often families are crushed financially, because they have not planned for the economic burdens following an untimely death. It is for this reason that life insurance has played such an important role in our society.

Life insurance today is a growing business and is a thriving industry. It offers a wide range of benefits and services to the community as well as the policyholder. Participation in education, environmental programs, and library assistance programs are just a few of the many ways that the life insurance industry is playing a role in public service.

Despite the size of the life insurance industry and the importance of its function, there still remains an unfortunate lack of knowledge on planning long-range insurance coverage. Life insurance is too important to be neglected or misunderstood.

It is for this reason that the residents of Connecticut join the insurance industry in celebrating Life Insurance Week from March 28 through April 3. In Hartford, the insurance capital of the world which I am proud to represent in this great body, life insurance underwriters have dedicated the entire week to try and teach the people of the community the benefits and services that they can receive.

I sincerely believe that the life insurance industry is worthy of the respect of this distinguished body.

THE 1971 BOB MATHIAS

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. RAILSBACK. Mr. Speaker, I would like to announce that there are now two Bob Mathias' working and scurring around the Capitol Hill area. The first, of course, is Congressman BOB MATHIAS, the former Olympic decathlon champion, who represents California's 18th Congressional District. The second Bob Mathias is a 15-year-old page working at the U.S. Supreme Court.

Two branches of our Federal Government now have a Bob Mathias, the legislative and the judicial. I just wonder if somewhere in that vast Federal bureaucracy there is not another Bob Mathias, to make the triangle complete.

I learned of this fact through an article entitled "The 1971 Bob Mathias" appearing in the March edition of the Star Gazer, a magazine for Washington Evening Star carriers. This article tells about a young Bob Mathias who is a page, an A-student, a star athlete, and a newspaper boy. Young Bob, who is in his sophomore year of high school, has been a page since September.

An interesting comparison can be drawn between the two Mathias'. The former champion applies the same enthusiasm and dedication to his job as Congressman that I am sure were needed for him to win two Olympic gold medals. It appears from this article that young Bob exhibits the same qualities in his activities and desire to become a lawyer.

I am pleased to share this article with my fellow colleagues:

THE 1971 BOB MATHIAS

Through a rigorous training schedule and a grim determination, a 17-year-old American, Bob Mathias, became the youngest decathlon champion of the Olympic Games in London back in 1948. Today in Washington, D.C. another determined, teenaged Bob Mathias is on a demanding training schedule that may lead him to another sort of greatness.

The 1971 Bob Mathias is a 15-year-old Star Boy (139–325) and one of three pages assigned to the Supreme Court. He is an A student, a star athlete and has a strong urge to become a lawyer. As far as he knows, he's no relation to the decathlon champ. However, even with all the rest going for him it isn't easy.

"My day begins at 4:45 a.m.," says Bob, "Because I have to be at the Capitol Page School on the third floor of the Library of Congress by 6:15 every day."

Bob, who is in his sophomore year of high school, takes biology, English II, French I and geometry. ("English and geometry are my favorites"). By 10 a.m. his classes are over and Bob goes to work.

When the Supreme Court is in session, the pages sit behind the bench, ready to aid the judges by carrying messages. On days when the court does not meet, Bob might work for Chief Justice Warren Berger, or the Marshal of the Supreme Court, T. Perry Liptitt. His duties for these men may take him out of the building and across town on errands to law offices.

For his work, young Mathias is paid $6,500 a year. Half his wages are held in trust until his graduation from the page school.

"Most of what I keep goes into a bank, too," Bob pointed out. "All of this is for my education in law."

"My parents and I had an interview with the Marshal of the Supreme Court. Based on that and my school record I was enrolled in the Capitol Page School last September."

How does a boy become a page? When three of the four pages graduated last June, the Supreme Court went to their schools searching for replacements. Bob was attending one of those schools, John Carroll High School in the District. By virtue of his grades he was selected as a candidate.

Bob and the other Supreme Court pages attend the classes with 66 other pages from the House and the Senate. Throughout the year they also form athletic teams on which Bob is active.

"I'm a guard on the basketball team and we're doing pretty well now. Our standing is 5 wins and 2 losses in our league." Bob's part in a recent game against Harker Prep was carried in the Evening Star which recounted a strategy that won the pages the game, 56–52. Bob scored 7 of those points.

With all of this activity there's not much time for outside interests, but the Star is still a major responsibility.

"Fortunately my brother Jim backs me up and is now breaking in on the route. I've been a Star Boy since I was 11 and I'd sure hate to pass the route to a stranger."

The only thing that seems to be lacking in Bob's busy life at this point is girls.

"We may go co-ed soon, though. There's a sub-committee now studying the appointment of three girl pages. I'm sure they'll make the right decision."

PRESIDENT NIXON'S DECISION ON LIEUTENANT CALLEY SHOULD BE PRAISED

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. LANDGREBE. Mr. Speaker, I am sure that President Nixon's decision to grant to Lt. William Calley the comfort of military quarters pending the review and possible appeal of his conviction and sentencing will be received with shouts of applause and thanksgiving by millions of patriotic Americans.

I wish to extend to President Nixon my own sincere thanks and congratulations.

TRIBUTE TO GSA

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. BOB WILSON. Mr. Speaker in the past few days a newspaper article appeared suggesting that the GSA had bent and twisted the law in order to improperly give a contract to a Baltimore firm in the construction of the Hirshhorn Museum.

It has been my impression in the last 2 years that the GSA is one of the finest run agencies in the Federal Government. I have been consistently amazed that a Government service agency is actually performing services and performing them thoroughly, properly, and on time.

I have frequently commended the Honorable Robert L. Kunzig, Administrator of the GSA, for his outstanding performance of a very difficult duty and his management and operation of one of the largest governmental units in this country.

I asked Administrator Kunzig to give me the answer to the misleading suggestions of the newspaper article. He gave the facts in the case showing that every material allegation conerning the award of the contract had been approved in advance and in writing by the Comptroller General of the United States.

The GSA was required by law to issue this contract to the lowest bidder, and the watchdog of the Government, the GAO, approved every action. Any award to any other bidder, besides being illegal, would have cost the Government almost $2 million in addition.

I again, commend Administrator Kunzig for his outstanding leadership in the operation of the General Services Administration and I include in the RECORD his answer to the unfounded charges:

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., March 30, 1971.

Mr. CLARK MOLLENHOFF,
Chief, Washington Bureau,
Des Moines Register and Tribune,
National Press Building,
Washington, D.C.

DEAR CLARK: I am most distressed to learn that you have written a syndicated article concerning the award by the General Services Administration (GSA) of the contract to the Piracci Construction Company. The article, at best, is undeservedly critical of GSA and, at worst, implies a conscious twisting of procurement laws and regulations to the benefit of a particular company.

Clark, you are well aware of the circumstances surrounding the Piracci award for the Hirshhorn Museum and Sculpture Garden based on various discussions and reports which we furnished you at your request when you were at the White House. I find your article distressing because of its omissions—omissions which would present the entire story and show that the award was correct and required under the law.

Nowhere in the article do you mention that the Federal Procurement Regulations, which have the force and effect of law, provide specifically for an increase in a low bid by virtue of a proven mistake.

Nowhere in your article do you state that the increase in the bid of Piracci Construction Company was authorized by the Comptroller General of the United States, as required by these same regulations, and of which you were well aware.

Nowhere do you state that the eligibility of the Piracci Construction Company to receive awards of Government contracts had been upheld by the Comptroller General of the United States. Then and then only did GSA award the contract. Of this, too, you were well aware.

Nowhere in your article do you state that, under the applicable law and regulations, GSA had no basis on which *not* to make an award to the Piracci Construction Company, and no authority to award at a price less than their bid price as corrected. This, too, was discussed with you when you were at the White House.

In other words, Clark, a correct award under the law was made to the Piracci Construction Company and was approved *in every facet* by the Comptroller General, the watchdog of the Federal Government. The GSA could not have acted otherwise without violating the law. An award to a higher bidder, besides being illegal, would have cost the taxpayers almost two million dollars.

I'm very disappointed, Clark.

Sincerely,

ROBERT L. KUNZIG,
Administrator.

FIFTH DISTRICT RADIO REPORT

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. HILLIS. Mr. Speaker, yesterday I had the great honor of having as my special guest on my radio report to the residents of the Fifth Congressional District, Congressman WILLIAM G. BRAY.

Congressman BRAY is a noted authority on Vietnam and is a student of military law. His views on the Lt. William Calley case are extremely interesting and informative and should be read by all Members of Congress.

The radio transcript follows:

RADIO REPORT NO. 10

MARCH 31, 1971.

ANNOUNCER. This is another Washington Report from your Congressman Bud Hillis, who represents the Fifth Congressional District of Indiana.

Congressman Hillis who is your guest today?

HILLIS. Well, I have the good fortune today to have with me a colleague from Indiana, Congressman Bill Bray of the Sixth District of Indiana. We certainly want to welcome you to this radio report Congressman Bray.

BRAY. I am certainly happy and proud to be here with my good friend and colleague Bud Hillis.

ANNOUNCER. If I can interject a question, Congressman Bray, we just have the sad situation regarding the My Lai incident and the sentencing of Lt. Calley. What are your views on this situation?

BRAY. In fact, I do not want to comment on the wisdom or lack of wisdom of the verdict in the case. As an old trial lawyer who has tried many, many law suits in my time, I do not comment on the verdict until the matter is proceeded on beyond that. I do want to say that it is a most unfortunate matter and I am deeply worried over this entire My Lai incident.

I won't place the blame, perhaps where it belongs, that is as to the handling of this case. No one could say that it has been handled well.

The Secretary of the Army was well aware of this incident in My Lai six months before it hit the press. The reason I know that is that I am on the Armed Services Committee and have been for the last 18 years, and we received letters on this matter.

The Armed Services Committee, not being a publicity committee as everyone well knows, sent this matter to the office of the Secretary of the Army. Nothing was done. At that time this matter could have been handled without all the motions and troubles that are going on now. A proper mental study could have been made of Lt. Calley—it was not done.

It is a very sad affair, and I am not going to be a pollyanna and say that it will not do damage. It will do damage to the moral of the fighting men, it will do damage to the prestige of our country. But our country has gone through rougher times than this and it came out fine.

I do want to point out very briefly certain things about this trial. This trial is not over by any means—it is merely beginning.

Perhaps because of recent innovations we have made in procedure in military law, there is no court in the world where the rights of the individual are protected and have as many chances for review as there are in military procedure. This did not used to be the case. In fact, I participated after the war in the appeal of a very noted case and finally after six years of effort, the soldier was restored to duty, given an honorable discharge and paid all the money due him.

Major General Orwin C. Talbott, the convening authority of the court at Fort Benning, Georgia, will study this with his Staff Judge Advocate. He can set it aside if he wants to, he can make changes, he can reduce it to manslaughter, reduce the sentence by the court or by a number of other means decrease the sentence.

Then the Army Court of Military Review automatically looks into the sentence approved by the convening authority. That is by the second authority.

Then it goes to the Court of Military Appeals here in Washington which I have been interested in for many years. In fact, some unfortunate cases of World War II brought about this Court of Military Appeals. The Armed Services Committee, which I am proudly a member, has watched over this court for a long time and it is a very fine court.

In the event of a death sentence, it would have to be approved by the President of the United States.

I assure you that this case is going to be one that many of us are going to follow through on and try to see that ultimate justice is done. I, for one, am not at all happy about this case.

ANNOUNCER. Congressman Hillis, I have heard this case has been referred to as a parallel to the Nuremberg Trials following World War II. Could you comment on that and discuss it with Mr. Bray?

HILLIS. Well, of course, I well remember the Nuremberg Trials—I was in Germany myself in the service at that time. I don't think that there is a parallel here. I think that perhaps this points out the hazards—the Korean conflict and this conflict—that you can get into a limited war situation.

I want to ask Congressman Bray, I think you have been to Vietnam. Do you find the problem of identification of the enemy—who is an enemy alien and who is a civilian—to be a difficult one.

BRAY. I have been in Vietnam many times—eleven as I recall. I was first over there with the French Army before the United States was involved except in an advisory capacity and/or the handling of supplies.

I like the Vietnamese people and there are many fine people there. But there are situations where it is impossible to know friends from enemies. For example, cases of children four and five years old—whom naturally the American soldier would like to love, pat him on the head, and give candy to—throwing grenades.

It is very difficult. We are dealing with a Communist world. Especially, the Oriental Communist world is very difficult for Americans to understand.

I do not feel that it has anything to do with the Nuremberg Trials. In fact, many errors were made in the Nuremberg Trials and I think most people realize that there is no connection at all with that.

Of all the enemies of America, at home and abroad, we have many of them, the most vicious ones, here in America, I am ashamed to say some of them have been holding high positions. They will do anything in the world to injure and destroy the prestige of their government, and they want to make hay out of this at the very best.

So pray for the American people to have confidence in their country, confidence in American heritage and American greatness.

ANNOUNCER. You just raised an interesting point, Mr. Bray, in regard to not knowing who is a friend and who is a foe in Vietnam. I think one of the things that Americans have heard very little of in recent years is the atrocities committed by the other side. Can you comment on that?

BRAY. Oh yes. There is no comparison. In fact, in Hue there were literally thousands of women and children who were destroyed and murdered in cold blood and buried in a mass grave. This was planned and ordered.

In fact, there are literally hundreds of incidents every year where they come in—not a matter of battle—kill women and children in their beds and take and mutilate their bodies, and I have seen the results of that.

You must realize the environment in which the American soldiers live. They see their friends murdered, women and children murdered who only want freedom with no desire of a battle at all, and half their platoon destroyed by people pretending to be friends.

I've been in battle—never that type of battle exactly—but the fear and pressures of battle can do awful things to people.

ANNOUNCER. Congressman Hillis, do you find concern over the My Lai case to be very widespread throughout the House and the Congress as a whole?

HILLIS. Well, first I would say it is my opinion that it is widespread throughout the country and as a result is widespread throughout the Congress, and Congress is a responsive body to the people of the United States.

We are receiving a tremendous amount of communication about this, and that is why I was so interested in what Congressman Bray had to say about the review of this case and that proper steps will be taken in the future to review it completely.

ANNOUNCER. This has been another Washington Report from your Congressman Bud Hillis, who represents the Fifth Congressional District of Indiana. Congressman Hillis welcomes your comments. Write to:

Congressman Elwood H. Hillis, U.S. House of Representatives, 1510 Longworth Building, Washington, D.C. 20515.

We especially urge you to write Congressman Hillis this week for a special report entitled "Where does the Calley case go now?"

TRIBUTE TO S. SGT. JOHN R. CHAMPLIN, KILLED IN ACTION

HON. M. C. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. SNYDER. Mr. Speaker, Mrs. Audrey Smith Champlin has just recently received notice that her husband, S. Sgt. John R. Champlin—a career soldier, had been killed in action.

Sergeant Champlin thus becomes another of the valiant men—and the 118th northern Kentuckian—who has given his life in defense of his country and in protecting the free world.

The sympathy of thousands of other families who have paid this sacrifice goes out to Mrs. Champlin. To her also goes the sincere gratitude of those of us whom her husband died protecting.

The recent Kentucky Post article, which reports the loss of S. Sgt. John R. Champlin, follows:

TANK HIT KILLS BOONE ARMY VET

(By John Harris)

Enemy gunfire blasted a tank in Vietnam last Friday and killed S. Sgt. John R. Champlin, 42, a career soldier from Boone County.

Sgt. Champlin, the tank commander, had served 10½ years in the Army.

"A sergeant told me my husband's tank took a direct hit and it blew up," said his wife Audrey Smith Champlin.

Mrs. Champlin, a nurse at Good Samaritan Hospital, Cincinnati, lives at Union.

Sgt. Champlin was a Boone County native and attended Constance School before entering the Army in 1948.

"He had just came home from service in 1951 when he was recalled due to the Korean Conflict," Mrs. Champlin said.

He served in Korea and Germany and was on his second duty tour in Vietnam.

"I got a letter Monday that he had written on the 10th," Mrs. Champlin said. "He said they were on the move so fast after the North Vietnamese that he had written one part one day and finished it the next.

At that time he was at Khe Sanh near the Laotian border."

Sgt. Champlin was wounded in April 1966, in Vietnam when his buddy stepped on a mine. It exploded, killing the buddy, and showering Sgt. Champlin with shrapnel.

For this he had been awarded a Purple Heart. He had received many other medals, including a Bronze Star for valor, and the Commendation Medal.

"They had told him he might be out of Vietnam by May and he was looking forward to that," Mrs. Champlin said.

He had visited at home last September before returning to Vietnam.

Sgt. Champlin is Boone County's 12th victim of fighting in Southeast Asia and the 118th for northern Kentucky.

Other survivors are two brothers, William, of Taylorsport, and George, of Hebron.

And six sisters, Mrs. Grace Hodges and Mrs. Janie Kirby, Hebron; Mrs. Bessie Brunner, Florence; Mrs. Thelma Wirick, Lawrenceburg, Ind.; Mrs. Pauline Melvin, Erlanger, and Mrs. Minnie Smith, Lebanon, O.

Stith Funeral Home, Florence, is in charge of arrangements.

A TRIBUTE TO MR. BYRNE OF PENNSYLVANIA

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. NIX. Mr. Speaker, I take this time of the House to express the pride that those of us from Philadelphia feel in the courageous and outstanding leadership that the gentleman from Pennsylvania (Mr. BYRNE) displayed yesterday in leading the fight to continue divinity student exemptions.

The gentleman from Pennsylvania is a senior, and we all know highly valued, member of the Armed Services Committee. But he had the courage to oppose the committee when he felt the national interest demanded it. He had the courage to keep fighting for what he believed was right even though the vote in his committee was overwhelmingly against him.

And his leadership was so astute, his motion on the floor of the House was so persuasive, that his amendment carried by a sweeping majority of 114 to 29.

Not only those of us in Philadelphia but all Americans who believe in encouraging a strong religious influence in American life owe a debt of gratitude to the gentleman from Pennsylvania, JAMES A. BYRNE. Because of the leadership of JIMMY BYRNE religious groups of all denominations will be assured that young men who experience a special call to the service of God will not be interrupted in the long and difficult path to the cloth.

I applaud the gentleman from Pennsylvania. I commend him for again demonstrating his unique brand of leadership. I know that religious leaders throughout the Nation are in his debt today.

Many Americans will remember JIMMY BYRNE in their prayers tonight. Those prayers are richly deserved; I am sure they will be heard in the right place.

FUTURE LEADERS OF AMERICA

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. PETTIS. Mr. Speaker, I recently had the extreme pleasure of participating in an Eagle Scout Recognition Dinner in my district. This program, entitled "Future Leaders of America," was unique in that the honored Eagle Scouts invited leaders in the fields which they desired to enter to act as their sponsors. There resulted a mutual exchange of admiration and respect—by the Scouts who were able to communicate with acknowledged leaders in the Scout's area of interest, and by the sponsors who were able to observe first hand the qualities of excellence which these young men exhibited.

I would like to share with my colleagues some of the sentiments expressed at this function by Maj. Howard B. Landeau, U.S. Air Force:

> We honor tonight the 58 young men who have achieved during this past year the highest goal in Scouting—*that of an Eagle Scout*. These Eagle Scouts we honor tonight range from 13 to 17 years of age. When I was informed that Scouting had over 5 million registered Boy Scouts and less than 1 percent of these 5 million has had the *desire, motivation, or ability* to attain the remarkable goal—that of "Eagle", it was quite obvious to me that each of you are a rare and special breed of young American.
>
> If only 50 percent of the Eagle Scouts here tonight through this program attain their vocational desires and all 500 councils adopting this program achieve the same percentage, it could mean that in 4 to 6 years this country can be certain of from 20,000 to 50,000 dedicated Americans through this program each year.
>
> When God made the eagle, he gave him a barren cliff for a home, where he would have to fight the elements and his enemies constantly in order to survive. He gave him an independent spirit.
>
> As the eagle symbolizes the spirit of self reliance and perseverance that makes America great, so does the eagle represent the achievements that make a Boy Scout great.
>
> When a boy becomes an Eagle Scout he has scaled the summit of scouting. He has reached the pinnacle of achievement.
>
> An Eagle Scout must excel in four fields. He must earn a specified number of merit badges (25) and must possess outstanding citizenship, leadership and spiritual qualities. He must have learned to become part of a team working toward a common objective and at the same time he must have developed the individual initiative that lifts him above his fellows and marks him as superior.
>
> The task is not easy. Starting at the age of eleven, a lad becomes progressively a Tenderfoot, Second Class, First Class, Star, Life and then an Eagle Scout. Along the way, as he develops character and moral strength, he also becomes proficient in camping, swimming, nature, conservation, public health, firemanship, cooking, lifesaving, personal fitness, safety and first aid. He also must have worked actively as a leader in meetings, outdoor activities and service projects while a Life Scout, he must live up to the Scout Oath, the Scout Law, the Scout Motto and the Scout slogan; he must do his best to help in home, school, church and community; and he must learn to take care of his own possessions and respect the property of others. To summarize—an Eagle Scout has received the type of training that will enable him to live a meaningful life of unselfishness and happiness.
>
> Strength, character, desire and motivation; a winner among scouts. What better candidate can we ask for as a future leader of America!

GOOD MARKS GIVEN THE OUTGOING MAYOR

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. BOLLING. Mr. Speaker, shortly after our fine Mayor Ilus Davis of Kansas City decided not to run for another term, the Wall Street Journal selected him to be featured in one of its series dealing with urban government. The article which was reprinted in the Kansas City Star follows:

> GOOD MARKS GIVEN THE OUTGOING MAYOR
>
> (By Dennis Farney)
>
> It seems deceptively manageable from this height, the city rolling away in an orderly grid below the skyscraper Tom Pendergast built. But for the man on the 29th floor—characteristically reflective today, his face crinkling into a wry smile—there's a different view from City hall.
>
> "I don't really run a government," quips Mayor Ilus W. Davis. "I run a loose tribal democracy."
>
> Ike Davis will be stepping down next month. The 53-year-old banker and lawyer took office eight years ago, when city government here seemed near paralysis; he leaves with observers rating him as one of Kansas City's most effective mayors. Some of the accomplishments they cite:
>
> Rebuilding City hall's professional staff, gutted between 1959 and 1963 when remnants of the old Pendergast machine regained power. Passing a public accommodations ordinance and making it stick in a bitter referendum, the first major city to do so. Winning voter authorization of some 230 million dollars in bonds; launching construction of an international airport and dozens of lesser projects. Fundamental gains, if not a breakthrough, against this city's chronic revenue shortage.
>
> But the talk of "tribal democracy" is revealing, as is the assessment by Councilman J. D. Robbins of Mr. Davis's performance: "A strong mayor in a weak-mayor type of government." Both comments refer to a governmental structure that has shaped the mayor's whole approach to his job.
>
> POWERLESS TO LEAD
>
> It is an interlocking structure—federal, state, county, city—that diffuses power and hedges against power. It does this so effectively that a Kansas City mayor, though officially the leader of the city, could be almost powerless to lead. This didn't happen with Ike Davis, which says something about his skill as tribal leader and the demands of the times in which he governed.
>
> A key to the structure is Missouri's state constitution, still reflecting a simpler time and rural past. Mayor Davis calls it "almost antiurban" because it requires Missouri cities to work very hard to do some relatively simple things. For example, in some states a city council can simply authorize the sale of a special-assessment bond to extend a sewer or pave a street; here the council must win a two-thirds vote in a city-wide election. More important, the constitution requires a four-sevenths vote before the city can sell a revenue bond and a two-thirds vote to authorize a general obligation bond.
>
> When Mayor Davis took office the constitution also was forcing the city to rely heavily on the property tax, while limiting the amount of the city's tax levy for operating purposes. Kansas City was (and is) at the state ceiling, so property tax revenues were growing only as fast as the tax base grew—about 8 per cent a year. Kansas City couldn't increase revenues by raising property assessments, either; only the county has that power.
>
> Further, Kansas City doesn't fully control its own police force. In the 1930s, with boss Pendergast running the police and City hall from his office at 1908 Main street, the state took over effective control and never gave it back. Today the Legislature, not the council, decides how much Kansas City policemen should be paid. Then the city decides how to meet the payroll.
>
> The reform-minded Citizens association swept the Pendergast machine from City hall in the 1940 election; except for the 1959–63 administration, the association has controlled City hall ever since. With association government has come strict adherence to Kansas City's 1925 charter has some hedges of its own.
>
> The charter decrees nonpartisan elections for mayor and council, depriving Mayor Davis, a Democrat, of some political clout with the city's decidedly partisan representatives in Jefferson City and Washington. It specifies a weak-mayor, city manager administrative system, diffusing power at City hall. (The mayor has only one of 13 council votes; the council sets policy and hires the manager; the manager executes policy.) And it allows a determined minority of voters to force a referendum on controversial council ordinances, making council leadership more difficult.
>
> The object of all this was to replace patronage politics with businesslike government, and this is pretty much what has happened. But safeguards against evil men doing evil can work equally well aganist good men doing good. When combined with restrictions

at other levels of government, the hedges in the charter can help produce "tribal democracy": A system under which political representatives lack authority to do what they think needs doing.

So it isn't surprising that Ike Davis could walk into City hall one morning and confess that he felt "like the college kids" that day—that the structure of government wasn't adequate to the task. ("I'm not down," he told a reporter who said he certainly look down. "I'm just not exuberant.") Nevertheless, everyone agrees, Ike Davis led. How did he do it?

MYSTIQUE AND THE STAR

One factor is the mystique that surrounds nonpartisan government and the Citizens association here. The association has never forgotten—and its ally, The Kansas City Star, has never let voters forget—that it is the organization that replaced "spoils politics" with "charter government." (So potent have been The Star's editorial lambastings of "political" candidates over the years that "The Kansas City Star" or, alternatively, "The Great White Father at Eighteenth and Grand" is often an issue in city elections.)

So closely is the association identified with "good government" publicly, so closely do individual association council members identify with "charter government" privately, that the organization has remained a strong and relatively cohesive force in city life for more than 30 years. Since the association enjoyed big council majorities throughout the Davis years, the mayor always had a solid bloc at least predisposed to his leadership.

And the nature of urban problems in the 1960s helped thrust Mr. Davis into that leadership. In quiet times, perhaps, the administrative-oriented city manager system can make a stronger manager the prime mover in City Hall. But the 1960s were not quiet times. Riots in the inner city after the assassination of Martin Luther King, the continuing revenue crisis and the difficult choices it posed, the rise of issues like public accommodations and open housing—all were political questions that demanded political leadership. And Mayor Davis, despite his lone council vote, was the logical leader.

Howard Neighbor, a political scientist who has studied Kansas City's municipal politics believes Mr. Davis' hand was further strengthened by the growing impact of federal urban programs. Mayors everywhere, he explains, are becoming increasingly responsible to two constituencies: the local voters and the federal administrators who dispense money cities need. As go-between, a mayor in even a weak-mayor system "can acquire a substantial degree of political power, just because he's there."

But none of these factors would have made much difference without what Councilman Robins calls Mr. Davis's "sheer force of personality."

That description might seem an ironic one for lanky, scholarly looking Mr. Davis, because political observers generally rank "personality" as his weakest point. Even The Star, unequivocally backing him in 1963, had to describe Mr. Davis editorially as "somewhat professorish" while conceding that his opponent was "a natural leader." As mayor, Mr. Davis usually looked a bit too stiff and formal on television. Jokes Bruce Watkins, a councilman during the mayor's first term: "He's the only politician I know what never smiles."

But Mr. Robins makes it clear he's using "personality" in a particular way—not as charisma but rather as personal strength and "just sheer ability." And as Councilman Robins and Mr. Watkins discuss the mayor, certain descriptions keep recurring: A man who came across warmly, forcefully face-to-face, who always had the facts, who kept his word and never ducked a fight. "I hate to see Ike Davis leave," says Mr. Watkins, "because it's going to be a different ball game.

"Too many people here are more interested in bricks and mortar than in human needs," says Mr. Watkins, who's now county Democratic chairman and head of a black political organization. But Mayor Davis "really cared about people . . . By his deeds and the money he had available he did everything he could to eliminate human suffering." He adds: "Members of the council had confidence in him. . . . I will never in my life question his integrity."

Mr. Watkins cites the mayor's leadership on a bitter issue he might easily have finessed: sustaining the council's public-accommodations ordinance when voters forced a public referendum. Opposition was clearly widespread, and in one strategy session in the mayor's office someone mentioned that anti-ordinance placards were popping up in taverns all over town. Mr. Watkins remembers that the mayor pounded his desk and declared: "I'll be damned if I'll let tavern operators dictate the moral tone of this city." The ordinance survived by about 1,614 votes out of almost 100,000.

That referendum was only one of 19 separate campaigns (bond elections, referendums and other issues) that Mayor Davis took to the people in eight years—a total that illustrates as well as anything the nature of Mr. Davis's "tribal democracy."

Taking office with the city heavily tied to an inflexible property tax, Mayor Davis carried the fight to the Legislature and won the right to submit an earnings tax to a vote of the city. Voters approved the new tax in 1963.

PROGRAM FOR PROGRESS

But the earnings tax didn't completely solve the money problem—not with inflation eating away at city revenues, with residents pressing for increased city services and the city eager to build a new airport and begin dozens of other costly projects. So the ensuing years found Mayor Davis leading repeated bond and taxing campaigns, inside the council and out. Then, late in 1969, the mayor and council presented voters with a "Program for Progress" that embodied all the goals of the Davis years.

There would be a broadened, flexible tax structure: a new sales tax (authorized by the Legislature after another lobbying effort), a double earnings tax, but halved real estate and utility tax rates. Existing city services would be expanded and new ones added. A 143-million-dollar bond package would authorize projects ranging from fire stations to parks and rapid transit. There were 24 separate proposals in all, and if they failed, Mayor Davis said, "We'll only be able to move from hour to hour." Every one failed.

Observers attributed this partly to an anti-tax mood that seemed to pervade the country at the time. And, they think, Mayor Davis's many other campaigns had worn out his welcome. Voters were now grumbling about their "high-tax mayor," and when Mr. Davis opened last spring's baseball season, the fans booed him. Last October, he announced he wouldn't run again.

He might have quit there. Instead, he led the fight within the council to resubmit the doubled earnings tax to the voters; and he refused to postpone the election when some council members became worried it would jeopardize their re-election bids. Last December, a year after the Program for Progress failed, the doubled earnings tax carried almost 2 to 1.

So the Davis years are ending with a victory, and the feeling here is that the mayor will be a hard man to replace. Mr. Davis wouldn't agree with that, of course, but he does wonder how, given the present structure, any Kansas City mayor can fully meet his responsibilities. Change keeps coming faster, and elected representatives are supposed to lead, he says. The problem is, "We're still not really sure we believe in representative government."

A SILENT SPRING

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. WALDIE. Mr. Speaker, Mike Green, who writes for the McClatchey Newspapers, has written a moving, sensitive, and perceptive mood piece on Washington, kids, war, and peace. It is really good.

A SILENT SPRING

(By Mike Green, Washington Staff Writer)

WASHINGTON.—The antiwar doves return here in flocks each spring now as certainly and regularly as the swallows return to Capistrano. It is a mark of the prolonged national agony accompanying a seemingly never-ending war.

On the political domestic front, the Indo-China War, like the Earth, now has its own seasons, and time is told by the changing faces as younger brothers and sisters replace older ones who came here in earlier springs when a different President occupied the White House and the war, too, was much younger.

The new peace replacements will occupy the open spaces where their predecessors of one, three, six years ago stood in vigil outside the strange, foreign enclaves of executive and military power and on the steps of the U.S. Capitol, where the shuffling steps of the young who protest the war are now as familiar a sight in April as the arrival of the tourist hordes.

The ghosts of American history associated with this city also appear now in forms from out of the more recent past. They can be summoned in that quiet, panoramic view available from the rear steps of the lighted U.S. Capitol, looking down at the city from above, any cold and crowdless night.

To the right is the famous avenue that has borne the bodies of our national military past, Pershing to Eisenhower, and the Unknown Soldier, the angry tread of bonus marchers and the armies that paraded off to glory and paraded back from it again, its fallen carried on caissons, in slower step, after a moral sleep in which, as Aeschylus wrote, pain which could not forget fell drop by drop upon the heart until, in our despair, against our will, had come wisdom through the awful grace of God.

But the more recent memories are now the most real to one who has been an observer in Washington during recent years, as the war itself is still real. In the shadows of night still file the ghosts of the 1969 March Against Death when the young and old carrying candles had lit the night sky from Arlington Memorial to the White House and all down Pennsylvania Avenue to the foot of the Capitol, where each marcher dropped a card with the name of an individual dead Vietnam GI in an open coffin, and there had been the flashing of the peace sign and the singing of songs.

Then again that cold October, on the other side of the Capitol, the young had sat on the steps nearly all of one night while the House met late to debate whether or not to debate the war and finally decide not to. There had been the songs then, too, the guitars, the young faces shining in a crimson moon with zest and life, the flashed peace sign, and all of it.

In the spring of 1970 after Cambodia and Kent they were everywhere around the Capitol then, not for a night but weeks this time, and the mood was different.

Darkness, my old friend—Simon and Garfunckel sing—I've come to talk with you again . . .

It was like that in the Sounds of Silence that intermittently accompanied the new annual trek of the young after Cambodia.

This spring, they again are coming. Not all the same young, but the new young, the replacements, and this time something else, too, marking still another mood and another changing of the seasons of protest.

This time, Vietnam veterans against the war are descending on Washington to play a major role in the spring peace offensive. They will occupy Washington and the grounds around the Capitol for the better part of a week, telling it like it is as they have known it. No mere peaceniks, these, but long-haired youths with scars and battle ribbons, the older brothers of the new young who will come.

They will add their own chapter to the history that has accumulated around this Capitol building in recent years. They are the Americans who, as Walter Lippmann wrote after World War I, came back home after having gone out to make the world something or other it did not become.

Later in April and in May other protestors will be flooding in, the black, the poor, the pacifist, the radical.

What they can accomplish they themselves do not know. The record of the seasons of protest against the war since the protest began years ago at some now vogue and forgotten date sometimes seems piled high with futility.

But they will come, and sing "Blowin' in the Wind" again, the song that first asked a decade ago how many seas a white dove must sail before she can sleep in the sand.

And they will be back again, asking the same question next year, too, for as many seasons as it takes, driven now by neither hope nor despair, but taking their place as part of an inexorable annual movement that has become as regular a part of our national and political nature as the elemental migration of swallows.

AIR BAGS: SAFETY OVERKILL

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. ESCH. Mr. Speaker, a great deal of discussion is centering on the possible use of air bags to protect automobile passengers. The degree of regulation in this field is under debate and very likely will at some point in the near future demand the attention of each of us in Congress.

The following article by Jenkin Lloyd Jones, appearing recently in the Detroit Sunday News, is both thought provoking and analytical. It lends itself in a most constructive way to the present dialog, as follows:

Air Bags: Safety Overkill

(By Jenkin Lloyd Jones)

Government decrees setting rigid deadlines for new standards of auto safety are very kindly meant. Big Brother is trying to help us stop killing each other on the highways at the rate of 55,000 a year. We should cheer.

But when 40-year-old Douglas Toms, head of the National Highway Traffic Safety Administration, decrees that no car may be sold after July, 1973, without "passive restraints" that would protect riders in head-on crashes up to 30 miles an hour, it is possible that Big Brother is showing a degree of arrogance that can cause us all trouble.

A passive restraint does not mean belts of any kind, for these require the cooperation of the passenger. The only device that seems to have promise is a system of air bags that explode into full inflation in three-one-hundredths of a second from the time of impact.

These can be built. Toms estimates the cost at $50 a car. The auto makers say they would cost several times as much.

Toms, who came up as a traffic engineer, never designed a car or tried to sell one. But whether Toms is estimating on the low side out of ignorance or whether the auto makers are estimating on the high side because they really don't want to do anything is unimportant compared with the feasibility of air bags.

In an article in a recent issue of Business Week, Prof. Ernst Fiala, research director at Volkswagen, is quoted as saying:

"The kick of the bag skin as it makes contact with driver and passengers is about six to seven times as strong as a soccer ball kicked by a professional soccer player. When you're firing four large air bags, you can reasonably expect that the car will be a wreck. In a way, it's safety overkill."

If one-half of 1 percent of the bags are faulty and explode on the open road, this would mean, in a 10-million-car year, 50,000 such explosions. Drivers would be able to step on the brakes but could not reach the steering wheel

Chrysler Vice-President Sidney Terry says: "Here's the bureau saying we must put something on our cars that is not yet developed and has a lot of problems. It sets a deadline. It says we will be liable if it doesn't work."

Thomas Feaheny, of Ford, says: "There is no way we can produce air bags with reliability. If our petitions for reconsideration are not honored, we'll have to produce a very unreliable system."

The Department of Transportation has come up with many both simple and exotic ideas for auto safety. Some we should hail with joy.

Beginning with the 1973 models there will be bumpers that really can stand a bump. They won't look so hot but they will save us insurance money.

There are great possibilities in a rear-view periscope set in the roof. Spillproof gasoline tanks and no-fade, no-skid brakes certainly are in order.

Moreover, the insurance companies are cooling the hot rods. Nobody needs a 300-horsepower engine unless he's driving dangerously and insurance rates are beginning to price the tigers off the road.

But some far-out ideas with which the Department of Transportation is toying are more suspect. Take the drunk-baffling lock, a combination of numbers which would have to be dialed in correct sequence before the car could be started. Must nuns and Baptist missionaries buy them?

Or the howler which begins at 80 miles an hour. Or the gizmo that won't let you turn on the ignition until you're trussed in your shoulder harness. Is there anyone who understands the principle of a screwdriver who couldn't make such things inoperative?

Toms swears that few of the safety devices he is demanding need add to the cost of the car. Manufacturers say that the cost may run between $500 and $1,000. Who is right?

We say "safety first" but we don't really mean it. The safety of any rapidly moving vehicle is a matter of compromise.

Oddly, the U.S. government, itself, is subsidizing 100-mile-an-hour trains between Washington and New York which cannot be as safe as 60-mile-an-hour trains.

We could build a jet plane with a highlift, high-drag wing that could land in a 40-acre field in an emergency. But it would take 20 hours to cross the country and no one would ride in it.

The trick is to find that degree of government regulation that will protect us from our own foolishness and any gross neglect by manufacturers and yet that we can pay for and will live with. The Department of Transportation cannot create engineering miracles by executive order.

NATURAL GAS SHORTAGE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. PICKLE. Mr. Speaker, last October I announced on the floor of the House that I intended to introduce legislation that would amend the Natural Gas Act and lead toward the easing of the power shortage. In January, my colleague, the gentleman from New York, the Honorable John Murphy, introduced H.R. 2513, the Natural Gas Amendments of 1971. Today, along with several other of my colleagues, I want to join in the sponsorship of this bill. This bill has the backing of the producers, the pipelines and the distributors. Members of the Federal Power Commission have indicated in public statements general support of the principle of the legislation. It is significant that the distributors are supporting this bill since their interest is alined with that of the consumer.

For many years now representatives of the oil and gas industry have predicted and warned that the Federal regulatory scheme of natural gas was going to produce a scarcity of this clear and most popular fuel. Unfortunately, this prediction has come to pass. This winter and in the past few winters there has been a scarcity of fuel in several large cities. The unjust and unsupported allegations by some critics of the industry that an artificial gas shortage exists today created by producers holding back gas supplies in the hope of higher future prices has been refuted in a public statement by Federal Power Commission officials. The simple truth is that there is a gas supply shortage because there is lack of incentive for the producer to look for new supplies. Let me give you some statistics to back this up. It is estimated by the U.S. Geological Survey that the undiscovered gas reserves in the contiguous 48 States are 1,550 trillion cubic feet, more than 70 times the 1969 domestic production. However, the ratio of discovered reserves to annual production has dropped from 32.5 to 1 in 1946 to 13 to 1 in 1969. Between 1956 and 1968 wildcat drilling dropped 40 percent, geophysical activity dropped 56 percent, and total wells dropped 43 percent.

In 1968, for the first time, there was more gas consumed than found, with the result being that reserves were reduced by 5.6 trillion cubic feet. In 1969 the deficit increased to 12.3 trillion cubic feet. The results for 1970 are not in yet, but it is anticipated that there will be a further reduction of our discovered reserves.

FCC Commissioner Brooke has stated that major interstate gas pipelines virtually ruled out new customer attachments for the winter of 1970–71.

The Economic Report of the President

this year further documented the fact that there is a real shortage of natural gas. The report said:

> There appears to be a shortage of one major energy fuel, natural gas; that is, its production is clearly falling short of desired consumption at current prices. Current prices for interstate sales have been kept low by the Federal Power Commission, which sets these prices under law. Not only have prices been too low for desired consumption to be met, but they appear to have also retarded development of new gas supplies. The only satisfactory solution of this problem is to allow the price, at least of new gas not previously committed, to approach the market clearing level.

H.R. 2513 in itself will not raise the price of gas. The price of gas will be subject to FPC approval along with other provisions of the contract. However, once the contract is approved the contract will not be subject to change and the producer will know what price he will receive for his gas and for how long he will be obliged to supply gas. These are certainties that he does not now enjoy. Under present controls, the producer who sells to an interstate pipeline does not know what price he will receive for his gas, how long he will receive a particular price, how much gas he must deliver or how long he must continue to make his deliveries. Once he has begun deliveries the provisions of his contract are subject to change and revision by rulings of the FPC. To make matters worse the producer often has to go through long, drawn out hearings, sometimes lasting years before his price is established and then he has no certainty for the FPC can come along and reduce his price.

With a regulation system like this, no wonder there is a scarcity of gas. How can we expect businessmen to be interested in investing their capital and time under such conditions. Although H.R. 2513 would not raise the price of gas alone, it would provide certainty for the gas industry. The bill would require all contracts covering gas deliveries, except for small contracts, to be submitted to the Commission. The FPC would either approve the contract, making it binding; approve it subject to stipulated conditions, acceptance of which would validate the contract; or disapprove the contract, voiding it.

Although H.R. 2513 will not free the gas producer from regulation it will give the industry some element of contractual certainty. An element that any businessman needs in order to operate. Why would anyone want to risk his capital in a business where he does not know what price he will be paid or how long he will have to perform.

Under H.R. 2513, existing contracts would continue to be subject to the Natural Gas Act. However the FPC could not reduce prices under these contracts once it has approved them.

Let me point out a little history on how the natural gas industry got into such regulatory straits. In 1938 Congress passed the Natural Gas Act to regulate interstate transmission lines. The gas producers were subject to State regulation and the act contained language which was thought to exclude gas producers from regulation under the act. Until 1954 the FPC took the position it did not have the power to regulate the natural gas producers. In 1954 the Supreme Court in a split decision ruled that the Natural Gas Act did require the FPC to control the well head prices charged for gas by the producers who sell to interstate pipelines. This decision imposed on the FPC the heavy burden of regulating the prices of a competitively produced commodity using a law designed to regulate a public utility and to fix these prices on the basis of the traditional cost of serve utility rate base method. It has been pointed out that this was the first time in the United States that price controls had been imposed in peace time on a competitively produced commodity.

It is past time that we corrected this situation. We have already waited much too long. Many want to revert to the old days when there was no regulation of producer prices but regardless of whether this is wise or not it does not appear politically possible.

As I have said before the quickest and most feasible solution to the problem has two parts. One is that the price set by the FPC must be at a level that will balance supply with demand. The second portion is that the producer must be assured that he has a firm contract. The bill I and others are joining the gentleman from New York (Mr. MURPHY) in will assure the producer of a firm contract.

Mr. Speaker I urge that for the well being of all citizens, Government, industry, consumers and would-be consumers that Congress act favorably and quickly on H.R. 2513.

ACCELERATED PUBLIC WORKS PROGRAM

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. GAYDOS. Mr. Speaker, facts and figures belie the optimistic reports which forecast a sudden resurgence in our present stagnated economy. Caught between rising unemployment and high inflation, the American citizen is understandably doubtful things are miraculously going to change. He takes such predictions with more than a grain of salt, no matter who makes it.

The facts are unemployment has almost doubled in 2 years, increasing from 3.4 percent in January 1969 to an average of 6 percent over the past 3 months. That means 5 million people are out of work. Hand in hand with increased unemployment is increased inflation. Consumer prices have gone up an average of nearly 6 percent a year, compared to the average increase of slightly more than 2 percent in the previous 8 years. Our economy is stalled. At the end of last year there was a $70 billion difference between what we were producing and what we were capable of producing.

While every American might not be in a position to quote facts and figures, he does know things are not good. He has been given a lot of verbal assurance things will change but he sees no evidence of it. Our fiscal and monetary policies have not been altered so much from the policies which brought about the present situation and the administration's economic plan readily accepts a 5-percent unemployment rate.

It is for these reasons I have introduced legislation to spend $2 billion into reactivating and revitalizing economic development programs which have proven their value and worth. The legislation will, among other things, reestablish the accelerated public works program of 1962, which, I believe, was most effective in reversing economic trends similar to those of today.

Provisions within the bill would provide funds to break the logjam of public works projects which now are poised and ready for construction. It would put people back to work immediately. The funds could go to areas hardest hit by unemployment and where projects can be started and completed within 12 months after approval.

The proposed bill also calls for authorizing a 2-year continuation of the Economic Development Administration programs, the Regional Development Commission, and the Appalachian Regional Development program. The EDA and ARD authorizations are due to expire June 30, and I believe it is imperative we continue these job-making programs.

Mr. Speaker, I am sure we all agree we must get our economy moving again; we must get our people back to work. My bill is a push in the right direction.

NOT WORTH A PAPER CUP

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. ROSENTHAL. Mr. Speaker, every day some clever retailer comes up with a new gimmick to defraud the consumer. One of such gimmicks is the service contract agreement offered to the consumer shortly after he buys a new appliance or similar products. Under this agreement, for which the consumer often pays a significant fee, the retailer agrees to repair the product free of charge if it breaks down during the period covered by the agreement. Often the service agreement overlaps the warranty period under which the manufacturer is required to repair a defective product free of charge. So, in effect, the consumer is paying extra for the services he is already entitled to under the warranty.

Art Buchwald's column of March 25 in the Washington Post illustrates in his classically humorous and ironic manner the true meaning of these service agreements. The article follows:

NOT WORTH A PAPER CUP

(By Art Buchwald)

In the world of planned obsolescence, the service contract plays a most vital role. There is hardly anything you can buy now that doesn't have a service contract to go with it.

The other day I went into my favorite department store to purchase a paper cup dispenser. It cost $1.50.

As the man was writing up the sales slip he said, "Would you like to have a service contract with this?"

"What for?" I asked.

"Well, it could break down and you would have to call someone to fix it. If you take out a service contract, which will only cost you $40 for the year, we would send someone to your house free of charge."

"But why would you sell a paper cup dispenser that would break down in less than a year?"

"Please don't get me wrong. I'm not saying that this paper cup dispenser will break down. We've sold several of them that have needed no servicing at all. But our experience has been that the majority of our dispensers do cause trouble after frequent usage. Where did you intend to use this paper cup dispenser?"

"In the children's bathroom. They don't seem to ever rinse their glasses after they brush their teeth."

"Then you'll certainly need a service contract. These paper cup dispensers were not built to stand the punishment of children using them every day."

"But there is a guarantee with the paper cup dispenser."

"That's only if it's used by a senior citizen three times a week. Of course, you don't have to take the service contract—it's strictly optional.

"But we know a dentist who installed one of our paper cup dispensers in his office and it broke down. It kept dispensing three paper cups at one time. He didn't have a service contract, so it took three months before we could get to him. By the time our man repaired the dispenser the dentist had used $645 worth of paper cups, not to mention the $25 we had to charge him for the house call."

"But," I said naively, "it seems so unfair to sell someone a new product and then inform him it's liable to break down."

"On the contrary. We would be dishonest if we sold you the product and *didn't* inform you it would break down. These service contracts are for the protection of the customer.

"Two weeks ago a lady bought one of these paper cup dispensers and after two days it wouldn't dispense any paper cups at all. She had to keep leaning over and trying to drink directly from the faucet. Fortunately she had a service contract with us and we sent over a man right away. It turned out a sprocket spring behind the rejecter lever had slipped out of the three-way hook. He replaced it in an hour and all the lady had to pay for was the new parts.

"Except for a bad back she developed trying to lean over the faucet, it only cost her $12.

"I still don't understand why a reliable store like this would carry a paper cup dispenser that won't hold up."

"Well, frankly sir, we're not too fond of these paper cup dispensers ourselves. We don't even make any money on them."

"Then why do you sell them?" I asked angrily.

"Because," he said primly. "We make all our profit on the service contract, stupid."

FEDERAL AID TO EDUCATION

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. COLLIER. Mr. Speaker, my colleague, the gentleman from Illinois, Representative EDWARD J. DERWINSKI, and I recently completed a comprehensive study and review of the many and various contributions of the Federal Government to education in the country today.

With this background data we have had a detailed itemization of the educational expenditures proposed for the fiscal year of 1972. The following tabulation is based upon the budget figures. It shows that total obligations amounted to $7,064,789,000 during fiscal 1970. This figure will rise to a total of $9,329,367,000 during the current year, fiscal 1971, and to $11,230,607,000 during fiscal 1972. The tabulation follows:

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
FUNDS APPROPRIATED TO THE PRESIDENT			
Appalachian Regional Development Programs: Vocational education facilities	10,605	24,988	24,000

Grants are made to States and local districts within the Appalachian region for the construction and equipment of vocational education facilities in Appalachia. Vocational education facilities are key elements for the training and upgrading of potential and existing labor force entrants in skills required in commercial and other vocations.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Philippine education program:			
Science high school project	951		
Assistance to students		605	
Land reform education		1,282	
Total obligations	951	1,887	
DEPARTMENT OF AGRICULTURE			
Extension Service:			
Cooperative extension work, payments and expenses:			
Payments for cooperative extension work under the District of Columbia Public Education Act	360	672	768
Advances and reimbursements:			
Cooperation with Department of Defense on extension program work in rural defense information and education program	298	286	286
Teaching materials developed and provided State Extention services under cooperative agreement on a cost-sharing basis	33	65	65
Forest service—Permanent appropriations: Payments to school funds, Arizona and New Mexico	125	84	100

The States of Arizona and New Mexico are paid a share of the national forest receipts for school purposes.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Peace Corps, miscellaneous trust funds: School partnership program	235	300	310

Miscellaneous contributed funds received by gift, devise, bequest, or from foreign governments are used in furtherance of the Peace Corps program.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
DEPARTMENT OF DEFENSE—CIVIL			
The Panama Canal—Canal Zone Government: Operating expenses—Civil functions: Education	15,297	16,182	16,746

This provides for the operation of schools, kindergarten through college, for the dependents of Canal Zone residents, the dependents of U.S.-citizen Government employees residing in the Republic of Panama, and, on a space-available basis, certain other residents of the Republic. There are two school systems; one for U.S. citizens, the other, which is conducted in the Spanish language, for Panamanians and other non-U.S. citizens. There also are specialized facilities for the handicapped.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Capital outlay—Civil functions:			
Education:			
Improvements and replacements to educational facilities	155	431	360
Air condition Rainbow City junior-senior high, elementary school complex			210
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE			
Health Services and Mental Health Administration:			
Mental health—Manpower development:			
Training grants and fellowships	118,335	116,350	113,300
Direct operations	5,678	5,810	5,765
Total	124,013	122,160	119,065

Training grants and fellowships. Grants are made to training institutions for training in psychiatry, psychology, psychiatric nursing, psychiatric social work, and other mental health disciplines, such as the rapidly developing paraprofessional mental health worker field.

Experimental and special programs and continuing education in mental health are supported as well as specialized training in such areas as alcoholism, drug abuse, crime and delinquency, and suicide prevention. Fellowship awards are made on the basis of individual merit to persons involved in mental health research.

Direct operations. This supports Institute staff who are responsible for planning and administration of the national mental health manpower program including mental health manpower studies and the development of training programs for paraprofessionals. A limited amount of funds will be used to support contracts to train individuals to work with drug abusers. This also supports the training activities of the National Center for Mental Health Services, training and research, and a program for training psychiatrists for careers in the Public Health Service.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
National Institutes of Health:			
National Cancer Institute—Grants:			
Fellowships	4,499	3,798	3,348
Training	13,066	10,774	8,358

Postdoctoral and special fellowships and career award and career development fellowships will be supported.

Grants are awarded to accredited schools for training in such fields as surgery, pathology, radiobiology, radiotherapy, and internal medicine; and grants are awarded to research training centers for individual traineeships.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
National Heart and Lung Institute—Grants:			
Fellowships	6,904	6,871	6,195
Training	22,052	17,643	13,592

Fellowship awards will be supported. For undergraduate cardiovascular training, funds will provide assistance to schools of medicine, osteopathy, and public health.

Funds will provide for grants for graduate cardiovascular and pulmonary research and clinical training.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
National Institute of Dental Research—Grants:			
Fellowships	1,614	1,601	1,367
Training	5,355	5,206	4,285

Funds for fellowships are used for support of clinical and basic research training. Applications under this program are for special fellowships, postdoctoral fellowships, career development and career awards.

Training funds are the principal means of meeting the need for dental research and academic personnel in the dental schools to teach clinical and basic sciences, and to conduct research.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
National Institute of Arthritis and Metabolic Diseases—Grants:			
Fellowships	6,757	5,740	5,094
Training	16,703	15,072	11,475

Fellowships are awarded to private postdoctoral research training and career development opportunities to individual investigators working in the diverse fields related to the mission of this Institute.

Graduate training grants are awarded to academic institutions to establish or improve programs to prepare increased numbers of independent and competent clinical research investigators and teachers in research training.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
National Institute of Neurological Diseases and Stroke—Grants:			
Fellowships	2,713	2,782	2,595
Training	14,204	14,300	11,456

Fellowships will be supported.

Grants are made to training institutions to establish and improve programs to train teachers and clinical investigators in neurology and otology. Traineeships will be awarded to individuals for specialized postgraduate training.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
National Institute of Allergy and Infectious Diseases—Grants:			
Fellowships	3,908	3,749	3,504
Training	11,413	8,972	7,330
National Institute of General Medical Sciences—Grants:			
Fellowships	18,836	18,454	15,142
Training	44,395	43,746	38,385
National Institute of Child Health and Human Development—Grants:			
Fellowships	3,960	3,786	3,653
Training	12,283	10,142	9,085

Postdoctoral and special fellowships, career awards, and career development fellowships will be supported.

Training grants will be supported.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
National Eye Institute—Grants:			
Fellowships	855	1,676	876
Training	2,959	2,998	2,225

Fellowships are awarded to provide postdoctoral research training to individual investigators working in the field of vision research. Awardees are provided an opportunity for training in a wide variety of scientific disciplines related to research on the eye and visual system.

Graduate training grants are awarded to academic institutions to establish or improve existing programs to prepare more advanced laboratory scientists for research careers in disorders of the visual system.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
National Institute of Environmental Health Sciences—Grants:			
Fellowships	215	264	264
Training	3,622	3,117	3,283

Under the fellowship program, postdoctoral, special, and research career development awards are made to graduate students and scientists for training in the field of environmental health sciences.

The graduate research training program supports the availability of high quality training opportunities in environmental health. The goal is to increase the number of highly qualified scientists primarily concerned with environmental health.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Research resources—Grants:			
Fellowships	106	126	126
Training	317	352	352

Fellowships will be supported.

Grants are awarded to institutions for training in laboratory animal medicine.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Fogarty International Center for Advanced Study in the Health Sciences—Grants:			
Fellowships	531	1,077	739
Fogarty scholarships	131	170	170
Health education loans			
Health professions education fund:			
Loans to health professions schools	6,479		
Interest	2,040	4,121	4,223
Cancellations to schools			213
Total obligations	8,519	4,121	4,436

The Allied Health Professions Personnel Training Act of 1966 amended Title VII, Part C, Public Health Service Act, to establish a revolving fund from which schools may obtain loans to provide loans to health professions students.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Nurse training fund:			
Loans to schools of nursing	4,252		
Payment to Government National Mortgage Association to retire participation certificates		1,618	
Interest	744	2,038	2,039
Cancellations to schools			540
Total obligations	4,996	3,656	2,579

The Allied Health Professions Personnel Training Act of 1966 amended Section 827, Public Health Service Act, to establish a revolving fund to provide loans to student nurses.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Grants Management Fund:			
Office of Education	513,926	520,000	530,000
Office of Education:			
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children	1,339,014	1,500,000	1,500,000
Supplementary services	130,810	143,393	143,393
Library resources	42,500	80,000	80,000
Equipment and minor remodeling	36,854	50,000	
Dropout prevention	4,981	10,000	10,000
Bilingual education	21,250	25,000	25,000
Follow Through			60,000
Strengthening State departments of education	29,750	29,750	33,000

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Planning and evaluation	8, 825	8, 825	3, 825
Total obligations	1, 613, 984	1, 846, 968	1, 855, 218

Aid to school districts: *Educationally deprived children.* Grants are made to State and local educational agencies based on the number of children from low-income families to provide compensatory services for educationally disadvantaged children. Incentive grants are made to States putting forth a greater effort than the Nation as a whole in public support for elementary and secondary education; and special grants are made for urban and rural schools serving areas with the highest concentrations of children from low-income families. Greatest emphasis in 1972 will be placed on preschool and elementary school children from attendance areas with high concentrations of children from low-income families. *Supplementary services.* Grants will be made to States for developing programs which serve as models for improving and supplementing the regular school curriculum. Emphasis will be given to projects designed to meet the Right to Read goal for the 1970's. Grants are made to States for procurement of *Library resources,* textbooks, and other printed and published instructional materials for use by students and teachers in public and private elementary and secondary schools. These funds help provide the basic tools needed in a broad effort to improve reading ability.

Dropout prevention. Grants are made to local school districts for innovative projects in poverty area schools leading to new methods and techniques for reducing the incidence of dropouts.

Grants are made to local educational agencies for exemplary pilot and demonstration projects in *bilingual education* for children who come from low-income families.

Follow Through is an experimental compensatory education program designed to develop and test new ways to educate disadvantaged children in the early primary grades. The resources of the school, the parents, and the community are brought together in programs to meet the child's instructional, physical, and psychosocial needs.

Strengthening State departments of education. The leadership ability of State educational agencies is improved by grants to assist them in developing systematic and technically proficient planning and evaluation activities, and in stimulating and supporting research and statistical and technical assistance for local school systems. Funds are also provided to permit the development of a comprehensive educational planning and evaluation unit within each State.

Funds are made available to the Secretary of Health, Education, and Welfare for planning and evaluation of succeeding year programs and projects.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
School assistance in federally affected areas:			
Maintenance and operations	507, 646	536, 068	425, 000
Construction	12, 480	28, 113	25, 000
Total obligations	520, 126	564, 181	450, 000

Maintenance and operations. Payments are made to assist in the operation of schools in areas where enrollments are affected by Federal activities. Under certain circumstances, payments are made to other Federal agencies to make arrangements for education of children where local school districts do not assume responsibility. For 1972, payments will continue to be concentrated on those districts where Federal impact is greatest. Highest priority will be given to school districts with large enrollments of children whose parents both live and work on Federal property and do not contribute to local school revenues.

Payments are made to assist in *construction* of schools in areas where enrollments are affected by Federal activities.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Emergency school assistance:			
Special educational personnel and programs		57, 500	--------
Community participation programs		7, 500	--------
Equipment and minor remodeling		7, 900	--------
Federal administration and technical assistance		1, 953	--------
Total obligations		74, 853	--------

The Office of Education provided emergency assistance in 1971 to schools and nonprofit organizations to aid in solving the problems of desegregating educational institutions previously segregated on a de jure basis. The assistance was provided on a project grant basis for local educational agencies which are implementing desegregation plans under Federal court order, or plans approved under Title VI of the Civil Rights Act.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Education for the handicapped:			
State grant programs	29, 183	34, 000	35, 000
Early childhood projects	3, 000	7, 000	7, 500
Teacher education and recruitment	30, 398	33, 100	35, 145
Research and innovation	21, 860	30, 350	31, 805
Planning and evaluation	424	550	550
Total obligations	84, 865	105, 000	110, 000

State grant programs. Grants are made to States to assist in the initiation, expansion, and improvement of programs and projects for education of handicapped children at the preschool, elementary, and secondary schools levels.

Early childhood projects. Centers were supported which provided educational, diagnostic, and consultative services for preschool handicapped children and their parents.

Teacher education and recruitment. Grants are awarded to stimulate the training of teachers, supervisors, speech correctionists, researchers, and other professional and subprofessional personnel in fields related to the education of the handicapped.

Research and innovation. Grants and contracts are awarded for the development of new curricular materials, teaching techniques, research and development centers, and other research and demonstration projects.

Planning and evaluation. Funds are made available for grants, contracts, or other payments for planning succeeding year activities or projects, and for conducting evaluation studies.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Vocational and adult education:			
Grants to States for vocational education	360, 316	389, 707	384, 173
Vocational research	10, 135	59, 489	36, 000
Adult education		55, 000	55, 000
Planning and evaluation	894	900	900
Total obligations	371, 345	505, 096	476, 073

Matching grants are made to the States for vocational education programs, including the construction and remodeling of facilities. At least two-fifths of these grants must be used for programs for children from low-income families, the physically and mentally handicapped, and postsecondary courses. In 1972, the States will be given the flexibility to use these grants for programs which previously were funded in separate categories. These programs include research and training, consumer and homemaking education, special problems for the disadvantaged to help attack the problems of youth unemployment and delinquency, cooperative education programs which combine work experience with formal education, and work-study programs which provide financial assistance needed for disadvantaged students to stay in school. Funds are also used to support the national and State advisory councils on vocational education.

Vocational research. Grants are made to colleges, universities, and other institutions to develop new models for upgrading vocational education programs and for stimulating new ways to create a bridge between school and earning a living for school dropouts and youth who graduate from high school lacking employable skills. Grants are also made for the development of curricula for new and changing occupations and to provide the information essential to make necessary improvements and changes for more effective vocational education programs.

Adult education. Grants are made to the States for support of basic educational programs attended by adults sixteen years and older who wish to overcome English language limitations, prepare for occupational training and more profitable employment, and participate more effectively in our modern society.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Higher education:			
Student assistance:			
Grants and work study payments	316, 855	336, 078	971, 300
Subsidized insured loans:			
Interest	112, 392	143, 200	245, 000
Reserve fund advances	69	2, 000	2, 234
Program administration	1, 678	2, 219	6, 800
Direct loans	194, 235	243, 000	5, 000
Special programs for disadvantaged students	44, 749	50, 035	50, 100
Institutional assistance:			
Strengthening developing institutions	30, 000	33, 850	38, 850
Construction:			
Subsidized loans	3, 793	21, 894	39, 993
Grants	73, 489	44, 490	--------
State administration and planning	5, 973	6, 000	3, 000
Federal administration	4, 972	2, 424	2, 397
Language training and area studies	15, 282	8, 000	15, 300
University community services		9, 500	9, 500
Aid to land-grant colleges	21, 961	12, 680	2, 600
Undergraduate instructional equipment		7, 000	--------
College personnel development	58, 813	56, 820	36, 954
Planning and evaluation	843	900	900
Total obligations	885, 104	980, 090	1,829.928

The Administration will submit legislation to the Congress to extend or revise existing higher education programs whose authorizations are scheduled to expire at the end of 1971. The following relates to that proposed legislation:

Student assistance. A basic revision of existing student aid programs will be proposed to insure that no qualified student who wants to go to college will be barred by lack of funds. Under this proposal, a single student aid package—consisting of grants, work-study payments, and subsidized loans—will be provided to lower income undergraduate students. A National Student Loan Association will also be proposed to provide funds to banks and colleges for loans to students at all income levels, its capital to be raised from the private market. Colleges could use funds obtained from NSLA to make both federally subsidized and federally guaranteed but unsubsidized loans to students.

Reserve fund advances are made on a matching basis to State and nonprofit private loan insurance funds to guarantee student loans.

Under the proposed legislation, special programs for disadvantaged students would be continued. These include: the upward bound program to motivate high school students to attend college and improve their academic preparation, the talent search program to identify youths with exceptional potential for a college education and publicize available sources of financial aid, and special remedial and other services for enrolled college students to encourage and assist them in continuing their higher education.

Institutional assistance. Grants are awarded to raise the academic quality of developing colleges, to encourage study of modern languages and world affairs, to assist universities in meeting community needs, and to facilitate construction of facilities. Aid to land-grant colleges includes only the permanent appropriation in 1972. Those predominantly negro colleges which have received funds under the annual land-grant program will now receive equivalent support from the developing colleges program. In addition, an increase of $5,000,000 has been provided for the developing colleges program for the specific purpose of aiding predominantly negro colleges. Annual interest grants, to reduce the costs of loans from non-Federal sources for the construction of academic facilities, are awarded to colleges, universities, junior colleges, and technical institutes.

College personnel development. Grants are awarded to universities for fellowships leading to a doctorate for prospective college teachers. Grants and contracts provide full costs of institutes and other training programs to train college teachers, administrators, and educational specialists, especially at two- and four-year colleges.

Planning and evaluation. Funds provide for long-range planning of higher education programs and for program evaluation, particularly the interrelationships and impact of programs on the higher education community.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Education professions development: Personnel training and development	72,472	67,900	59,700
Special programs serving schools in low-income areas			
Teacher Corps	21,634	30,800	37,435
Career opportunities and urban-rural school programs	22,127	35,100	36,665
Planning and evaluation	476	2,000	2,000
Total obligations	116,709	135,800	131,800

Personnel training and development. Grants are made to States, higher education institutions, and local education agencies and other organizations to improve the preparation of all educational personnel; to support local schools in making better use of staff time and instructional materials; to meet critical shortages of educational personnel; to upgrade the quality of teaching at the preschool through postsecondary vocational levels; and to improve teacher education programs at the graduate level.

Teacher Corps. Grants are made to colleges, universities, and local school districts to support projects which provide teams of experienced teachers and teaching interns who are available to serve, upon request, in schools located in neighborhoods with concentrations of low-income families.

Career opportunities and urban-rural school programs. Grants are made to States, higher education institutions, and local education agencies to help attract persons from low-income urban and isolated rural schools, veterans, and college graduates into education careers in schools serving low-income populations.

Planning and evaluation. Funds are available for grants, contracts, or other payments for planning succeeding year activities or projects and for conducting evaluation in education professions development. In addition, studies will be conducted on crucial problems in the areas of special education, early childhood personnel, and the need for special services for disadvantaged students.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Libraries and educational communications public libraries:			
Services	35,047	40,709	18,000
Construction	5,095	11,520	
College library resources	9,816	9,900	5,000
Librarian training	3,969	3,900	2,000
Cataloging by the Library of Congress	5,811	6,854	
Educational broadcasting facilities	5,403	11,588	4,000
Planning and evaluation	89	400	400
University community service programs	9,474		
Adult education	49,488		
Total obligations	124,192	84,871	29,400

Public libraries. Grants are made to the States on a matching basis for the promotion, development, and extension of public library services; interlibrary cooperation; State hospital, prison, and other institutional library services; and services for the physically handicapped. Grants were made in 1970 and 1971 to the States on a matching basis for construction of library buildings.

College library resources. Grants are made to institutions of higher education for acquisition of library books and materials.

Grants are made to higher education institutions for training and upgrading librarians to staff school, public and academic libraries.

Grants are provided for the establishment and expansion of educational television and radio facilities covering all phases of education from preschool through adult. Funds may not be used for construction or repair of structures to house such facilities.

Planning and evaluation. Funds are available for grants, contracts, or other payments for planning succeeding year activities or projects and for conducting evaluation studies in community education.

Educational research and development. These funds support a variety of research and development activities. In 1972, priority will be placed on early childhood education, reading, organization and administration, and higher education programs. Funds will also be directed to environmental education, drug abuse education, and nutrition programs for school-aged children. A total of $5,000,000 will be used to continue support of the Sesame Street program.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Research and development:			
Educational research and development	60,397	60,577	62,000
Experimental schools		12,000	15,000
National achievement study	2,400	4,500	6,000
Demonstrations	1,000	2,250	2,250
Evaluations	2,580	4,000	4,000
Dissemination	6,672	8,500	8,500
Training	6,325	3,250	4,000
Statistics	1,729	3,000	3,250
Construction	11,291		
Total obligations	92,394	98,077	105,000

Experimental schools. This program tests, develops, and demonstrates ways to improve the learning of children in actual school situations. Support will be provided to schools which will implement, in a comprehensive manner in one school setting, both ideas already verified as feasible by prior research as well as ideas yet to be evaluated. Over the next several years the program will generate a series of experimental school sites that will represent a full range of alternatives to current educational practice.

National achievement study. This national assessment provides information on the educational attainment of the population.

Demonstrations. The Anacostia community school project in the District of Columbia, a model approach to urban education, is supported from these funds. This project has emphasized community participation and a special reading program. In 1971–1972 it will also stress adult basic education, early childhood education, staff development, vocational education for both in-school and dropout students, and outside evaluation. Ideas and practices initiated by the project will be disseminated nationally.

Evaluations. Funds are available for grants, contracts, or other payments for planning and evaluation studies. In 1970–1971, studies focused on the disadvantaged, post-high school job and education experiences of students in large metropolitan areas and the role of private vocational schools in meeting the Nation's manpower requirements. In 1972 greater emphasis will be placed on continuing major ongoing studies, such as those on the disadvantaged, and initiating studies in higher education, the "right to read," and the dissemination process.

Dissemination. In 1970, local educators were encouraged to use exemplary programs for improving their systems. Two major dissemination methods which will be supported to achieve this goal are the installation of exemplary practices and products in "lighthouse" schools throughout the Nation, and the development of a delivery system which moves practices and products from research and development into the schools.

Grants are awarded for training manpower to carry out educational research, development, dissemination, and evaluation activities. Awards are also made to develop materials for use in these programs. Most personnel are trained through a consortium of institutions to provide a broad spectrum of relevant experience; short-term programs will recruit members of minority groups for training in innovation and evaluation techniques.

Contracted studies and related services are used to support the measurement of the progress and the status of education in the Nation. The work includes the collection, compilation, analysis, and dissemination of statistics; work on standard educational terminology; and continued research in statistical survey methods and sampling techniques.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Educational activities overseas (special foreign currency program):			
Grants to American institutions	1,170	3,144	3,000

Foreign currencies which are in excess of the normal requirements of the United States are used to support research and training projects abroad sponsored by American institutions. The bulk of funding supports training abroad for American educators and prospective teachers of foreign language and area studies in order to provide them with essential study and experience in another culture.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Salaries and expenses:			
School systems	13,625	14,066	15,332
Higher education	8,979	9,018	7,545
Instructional resources	5,161	5,237	5,820
Planning, research, and evaluation	8,390	7,723	8,613
Executive direction and administration	9,846	11,127	11,669
Total obligations	46,001	47,171	48,979

The Office of Education administers grants-in-aid and provides technical assistance and statistical services to State education agencies, institutions of higher education, and libraries. It also supports training and recruitment of educational personnel, experimentation and development to improve education, and planning and evaluation of educational programs. This appropriation provides for management, staff services, and related expenses required in accomplishing the mission of the Office.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Civil rights education:			
Training and advisory services	16,939	16,000	
Technical services and administration	2,020	3,151	
Total obligations	18,959	19,151	

Training and advisory services. Support has been provided through university centers, State education agencies, and grants to local school boards for dealing with problems arising from the desegregation of schools.

Technical services and administration. Federal stay provided technical assistance and consultative services to local school boards on the development and implementation of desegregation plans and administered grants and contracts for activities described above.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Student Loan Insurance Fund:			
Collection fees on insured loans		1	1
Loss on insured loans	175	410	522
Loss on reinsured loans	496	816	952
Total operating costs	644	1,227	1,475
Collectable insured loans defaults	1,215	3,176	4,522
Collectable reinsured loans defaults	2,045	3,823	4,618
Total capital outlay	3,260	6,999	9,140
Total program costs, funded	3,904	8,226	10,615
Change in selected resources	2,022	−221	5,110
Adjustments in selected resources		1,196	
Total obligations	5,926	9,201	15,725

Under the Higher Education Act of 1965 and the National Vocational Student Loan Insurance Act of 1965, the Office of Education received authority to insure loans to students in eligible institutions who do not have reasonable access to State or private nonprofit programs of student loan insurance. The Higher Education Amendments of 1968 merged the National Vocational Student Loan Insurance Act into the Higher Education Act insured loan program, and in addition to extending the Federal insurance program, authorizes the Office of Education to reinsure loans guaranteed by State and nonprofit private agencies at 80% of default by student borrowers.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Higher education facilities loan fund:			
Interest expense on participation certificates	11,282	11,147	11,000
Interest expenses to Treasury	21,275	19,000	22,000
Administrative expenses	4	5	5
Total operating costs, funded	32,561	30,152	33,005
Change in selected resources	−2	−2	−2
Total operating costs	32,559	30,150	33,003
Construction loans to higher education institutions	98,247	80,000	12,000
Change in selected resources	−94,047	−80,000	−12,000
Adjustments in selected resources (loan obligations)	574	35,000	
Total capital outlay, obligations	4,773	35,000	
Total obligations	37,332	65,150	33,003
Advances and reimbursements:			
School systems	2,814	2,845	2,775
Higher education	3,264	3,399	3,911
Planning, research, and evaluation	658	658	658
Executive direction and administration	225	225	225
Total obligations	6,961	7,127	7,569
Social and Rehabilitation Service:			
Work incentives—Training and incentives:			
On-the-job training	604	1,560	10,536
Institutional training	59,715	91,480	127,190

Each activity includes costs of training, incentives, and related program services.

On-the-job training. This provides cost of on-the-job training, both regular and full cost. Included in this activity are supervision, counseling, vocational training, and all other manpower services required to rehabilitate welfare clients through on-the-job training.

Institutional training. This provides for classroom training, vocational education, and workshop training in clerical, service, and semiskilled to skilled occupations, vestibule training, and employment preparation. In addition, remedial education is provided to many participants.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Research and training—Training:			
Rehabilitation	27,634	27,700	14,650
Community services			4,000
Aging			1,850

Rehabilitation. Grants and contracts will support the training of personnel in professional and technical fields in vocational rehabilitation, including teaching grants and traineeships to educational institutions, and research fellowships to individuals.

Community services. Grants are made to institutions of higher learning to strengthen and expand their resources for training individuals in the field of social welfare, and to individuals for training in the fields of child welfare services for families, children, and young adults in all areas of social functioning and in community planning to meet the social needs of people.

Aging. Training grants will be made for the purpose of providing specialized training on problems of the aging and providing the requisite skills for personnel preparing for or engaged in planning and administering facilities for and services to older people.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Assistance to refugees in the United States: Education	20,454	26,538	29,838

Selected training is provided to equip the refugees for employment and resettlement. Also, provision is made for Federal payments to help meet part of the added cost related to refugee children in certain public school systems where the number of such children represents a sizable portion of the enrollments. Loans are made to needy college students, including those pursuing vocational courses (rather than training leading to an academic degree) in accredited proprietary institutions.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Special institutions:			
American Printing House for the Blind:			
Educational materials	1,329	1,442	1,505
Advisory committees	75	75	75
Total obligations	1,404	1,517	1,580

Grants are made to this nonprofit institution to supply educational materials and tangible apparatus for education of the blind, to blind children in schools for the blind, in public schools, and in private nonprofit institutions, and multihandicapped children and adult trainees at rehabilitation centers.

Funds are also provided for staff and other expenses of committees which advise the Printing House and approve materials and aids to be manufactured and supplied through the Federal appropriation.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
National Technical Institute for the Deaf:			
Operations:			
Academic program	1,626	2,407	2,595
Administration and support services	1,359	1,573	1,892
Construction:			
Planning and site development		236	
Buildings		15,900	
Total obligations	2,985	20,116	4,487

The Secretary of Health, Education, and Welfare entered into an agreement with the Rochester Institute of Technology for the establishment, construction, and operation of a National Technical Institute for the Deaf. Its purpose is to provide a residential facility for postsecondary technical training and education for persons who are deaf in order to prepare them for successful employment.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
National Technical Institute for the Deaf: Construction		5,700	

The 1971 budget request for construction of the National Technical Institute for the Deaf was based on 1969 price levels. The proposed supplemental appropriation would compensate for the increase in construction costs since 1969 and permit the Rochester Institute of Technology to advertise for bids.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Model secondary school for the deaf:			
Operations:			
Academic program	221	1,393	1,549
Administration and support services	209	809	953
Construction:			
Planning and site development	137	1,184	
Buildings			14,458
Total, obligations	567	3,386	16,960

In 1971, the first full year of operation of the educational component of the school, emphasis was placed on the development of the individualized instruction program and curricular materials, on the refinement of administrative procedures, and on the training of staff. For 1972, continued efforts will be directed toward overall program development and the expansion of computer-assisted instruction and television-based systems. Greater emphasis will be placed on evaluation and research based upon prior years' experience and long-range goals.

The 1972 appropriation will provide the funds necessary for the construction of the permanent facilities.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Gallaudet College:			
Operations:			
Academic program	3,486	4,123	4,946
Administration and support services	2,940	3,382	3,731
Construction:			
Planning and site development	2	743	
Buildings	338	1,585	3,880
Total obligations	6,766	9,833	12,557

Gallaudet College is a private, nonprofit educational institution providing an undergraduate higher education program for the deaf, a preparatory school for deaf students who need such training to qualify for college admission, a graduate school program in the field of deafness and adult education for deaf persons. It operates the Kendall School for deaf children (primarily from the District of Columbia) and a preschool program for very young deaf children. Gallaudet also has programs in research on deafness and on ways and means of assisting deaf persons in more adequately relating to a predominantly hearing environment. Federal funds provide slightly more than three-fourths of Gallaudet's operating costs.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Howard University:			
Academic program	39,324	43,679	50,130
Freedmen's Hospital	15,683	16,819	17,700
Construction	1,485	37,865	6,045
Total obligations	56,492	98,363	73,875

Academic program. The University is a private nonprofit institution consisting of an undergraduate college, a graduate school offering the master's degree and the degree of doctor of philosophy, and thirteen professional schools. Federal funds provide 60.48% of the total operating costs for the academic program.

Freedmen's Hospital. The hospital furnishes inpatient and outpatient care and a facility for training of physicians and nurses and other professional and technical health personnel. Federal funds provide 71.9% of the total operating costs.

Construction. The Federal Government has undertaken to finance a major construction program, including the erection of a number of new buildings and alterations and repairs to the existing physical plant.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Departmental Management:			
Advances and reimbursements—Cost finding principles in higher education		283	
Office of Education: Emergency school assistance—Emergency School Aid Act		425,000	1,000,000

Legislation has been proposed to authorize the Office of Education to provide assistance to schools and nonprofit organizations to aid in solving the problems of desegregating school districts previously operating under dual systems. In addition aid will be provided to schools voluntarily alleviating the problems associated with segregation and to racially impacted schools.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Higher education: National Foundation for Higher Education			100,000

Legislation will be proposed to establish the National Foundation for Higher Education to support innovation and reform in institutions of higher education. The Foundation, an independent Federal agency, will provide funds to colleges and universities that wish to try out new educational concepts and techniques. It will also assist in the development of national policy in higher education.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Research and development: National Institute of Education			3,000

Legislation will be proposed to establish the National Institute of Education as an agency in the Department of Health, Education, and Welfare. The institute will be a national focus for education research and experimentation in the United States. Working with researchers, school officials, teachers, scientists, humanists, and others, it will help identify educational problems, develop programs to alleviate these problems and assist school systems to put the results of educational research and development into practice. The $3,000,000 requested will be for planning and initial operating and staffing expenses.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
Housing production and mortgage credit—Federal Housing Administration:			
College housing—Loans and other expenses:			
College housing loans; loans for student center dining and infirmary facilities; loans for student nurses and interns housing	184,493	151,274	87,216
Change in selected resources	−114,028	−81,274	−17,216
Total capital outlay obligations	70,465	70,000	70,000
Interest on borrowings	31,080	37,333	68,811
Administrative expenses	1,175	1,050	
Inspection expense	300	210	210
Interest accrued on participation certificates	120,490	90,379	49,379
Other expenses	551	468	910
Total operating costs, funded	153,596	129,440	119,310
Total obligations	224,061	199,440	189,310

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Limitation on administrative expenses, college housing loans:			
Payment to administrative operations fund	1,175	1,050	-------
Community development planning and management:			
Community development training programs:			
Grants to States	2,445	4,000	3,010
Fellowship grants	509	500	490
Total program costs, funded	2,954	4,500	3,500
Change in selected resources	543	−1,000	−500
Total obligations	3,497	3,500	3,000

Community development training grants are made to States for training subprofessional and professional personnel employed, or soon to be employed, by public or private nonprofit organization in the fields of housing or community development. Training of low-income persons in the management of low- and moderate-income housing may be included. Training programs are designed by States to meet their needs and are conducted in cooperation with Federal agencies, local governments, universities, nonprofit organizations, and urban studies centers. The Secretary is authorized to render technical assistance to States in the development of these programs and to compile and distribute training packages which States find useful in administering their programs.

Urban fellowships are intended to attract new students at the graduate level into urban studies fields, in order to increase the supply of trained personnel working with State and local agencies.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
DEPARTMENT OF THE INTERIOR			
Public land management:			
Bureau of Indian Affairs:			
Education and welfare services:			
Educational assistance, facilities, and services	118,138	144,774	163,840

The Bureau operates Federal school facilities where public schools are not available or cannot meet the special needs of Indian children. Financial assistance is extended to public schools enrolling Indian children where tax-free Indian lands result in financial problems for the local districts and where other special problems exist that are not covered by Federal impact legislation, administered by the Department of Health, Education, and Welfare. Grants are made to Indian students attending college. Federal school plans include increased enrollment in boarding and day schools and in dormitories housing public school students; adequate base funding of the Indian education program; and for training of Indian paraprofessional staff in Federal schools.

Funds for the Adult Education program provide educational opportunities and services across the total range of human educational needs in order to help the adult Indian become a more effective and efficient functioning human resource in the modern society and help him realize his potential as an individual.

Funds for the community development thrust provide programs and services in the development of social skills necessary for a community's assumption of initiative and responsibility in the setting of community goals and the solving of community problems.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Advances and reimbursements:			
Indian education for the disadvantaged	8,320	14,971	12,600
Indian education, Elementary and Secondary Education Act, title VI–A, Public Law 89–10	44	17	-------
Indian education, Teacher Corps	242	-------	-------
Indian education, educational centers and services		231	-------
National Defense Education Act		42	-------
Indian education, Elementary and Secondary Education Act, title II, Public Law 89–10		61	-------
Fish and wildlife and parks:			
National Park Service—Miscellaneous permanent appropriations: Educational expenses, children of employees, Yellowstone National Park	122	114	177

Revenues received from the collection of short-term recreation fees to the park are pupils who are dependents of persons engaged in the administration, operation, and maintenance of Yellowstone National Park.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
DEPARTMENT OF JUSTICE			
Federal Bureau of Investigation:			
Salaries and expenses—Training	5,546	6,737	7,642

A Bureau-wide personnel training program is provided. The Bureau, upon request, assists in providing various types of training to State and local law enforcement agencies.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Advances and reimbursements—Training: Other agencies	4	-------	-------
Federal prison system:			
Federal Prison Industries, Incorporated: Federal prison industries fund—Vocational training expense	2,720	4,175	5,734

The vocational training expense limitation finances the vocational training program within the Federal Prison System. Advances in vocational education that have proven successful outside the prison system have been adapted to function within an institutional setting. These advances include the use of an integrated curriculum combining practical academic and vocational education and training in a number of closely related skills having special relevance to emerging job opportunities. Shifts are continually being made in industrial and vocational training programs to reflect changing demands in the labor market, thus providing inmates with the best chance to secure post-release employment. Releasees are aided in finding employment by an employment placement service which functions as an integral part of the vocational training activity.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Limitation on administrative and vocational training expenses, Federal Prison Industries, Incorporated:			
Administrative expenses (excludes depreciation)	881	977	1,093
Vocational training expenses (excludes depreciation)	2,720	4,175	5,734
Total obligations	3,601	5,152	6,827
Law Enforcement Assistance Administration—Salaries and expenses:			
Academic assistance	21,001	21,252	29,750
National Institute of Law Enforcement and Criminal Justice	2,626	10,348	17,100
Training (law enforcement)	-------	-------	900

Academic Assistance. Funds for curriculum development, program evaluation, internships, and grants and loans to law enforcement officers and other students enrolled on a full- or part-time basis in an approved program leading to a degree.

The National Institute of Law Enforcement and Criminal Justice develops and demonstrates new or improved approaches, techniques, systems, equipment, and devices to strengthen and improve law enforcement, and disseminates information about advances in law enforcement science and technology.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Salaries and expenses:			
Academic assistance		1,200	-------
Training		400	-------

A supplemental appropriation will be requested to fund new activities under the Omnibus Crime Control Act of 1970 which authorizes expanded training, and academic program development (among other things).

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
DEPARTMENT OF LABOR			
Manpower administration:			
Salaries and expenses:			
Training program development and administration:			
Institutional training administration	2,450	2,654	2,662
Apprenticeship services	7,033	7,223	7,758

Institutional training administration. This activity provides for the program development and administration of classroom skill training programs by the Department of Health, Education, and Welfare.

Apprenticeship services. Employers and unions are provided technical assistance and advisory services in developing, installing, and conducting programs of apprenticeship and allied industrial training. Assistance in the administration and improvement of apprenticeship and other training is provided to employers in private enterprise and public institutions directly or through local joint labor-management committees.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Manpower training services:			
Private sector on-the-job training	86,605	118,399	255,500
Public sector on-the-job training	3	55,280	143,000
Institutional training:			
Regular	286,819	288,000	293,600
Job Corps		116,268	203,600
In-school-work support:			
In-school		63,468	72,100
Summer	14,916	91,320	175,200
Post-school-work support		102,342	171,873

Private sector on-the-job training. This activity covers the program costs of providing employment and training in the private sector to unemployed, disadvantaged persons and to upgrade persons in low skill occupations. It includes direct costs to employers and the cost of administering the projects by State agencies and through national contractors. The Job Opportunities in the Business Sector program included in this activity is operated in conjunction with the National Alliance of Businessmen. Its key feature is the concept of "hire first and then train."

Public sector on-the-job training. This activity secures, within merit staffing principles, permanent employment for the disadvantaged and stimulates upgrading of employed persons in the public sector.

Institutional training. The objectives of these programs are to increase the employability of the unemployed and underemployed through classroom occupational training and remedial education supplemented by supportive services. The regular institutional program places emphasis on aiding veterans, Indians, and disadvantaged individuals who do not require special intensive assistance. The Job Corps assists disadvantaged youth to become responsible, employable, and productive citizens by providing a full-service training and development program away from their culturally deprived home and community environment. The program has residential urban and rural conservation centers and nonresidential centers which serve as skill training centers permitting the youth to remain in or near their home community.

In-school work support. This program assists disadvantaged students of high school age to remain in school by providing part-time and summer work experience.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Advances and reimbursements:			
Agency for International Development—International Manpower Institute for Training and Education	209	213	252

Post-school work support. This activity includes programs which provide meaningful work experience and training to the disadvantaged unemployed. Operation Mainstream focuses on poor adults in rural areas who have little opportunity for full-time employment. The out-of-school program provides young high school dropouts with skill training opportunities, work experience, income, and other supportive services to enable them to return to school or to find regular employment.

	In thousands of dollars		
	1970 estimate	1971	1972
DEPARTMENT OF STATE			
Administration of Foreign Affairs:			
Advances and reimbursements—Mutual educational and cultural exchange activities:			
Agency for International Development	207	219	219
Health, education, and welfare	38	38	38
Other accounts	4	10	10
Educational exchange:			
Mutual educational and cultural exchange activities:			
Exchange of persons	20,998	25,008	27,947
Aid to American-sponsored schools abroad	1,500	1,650	1,600
Cultural presentations	596	550	750
Multilateral organizations activities	485	529	533
Program services	6,345	6,693	6,585
Administrative expenses	2,375	2,525	2,585
Total obligations	32,299	36,955	40,000

These programs are designed to further national objectives through mutually beneficial cooperative programs with other countries.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Mutual education and cultural exchange activities (special foreign currency program):			
Exchange of persons			4,145
Aid to Amer can-sponsored schools abroad			500
Cultural presentations			50
Program services			305
Total obligations			5,000

This appropriation will provide for the excess foreign currency costs of the educational exchange program of the Department of State, previously financed by the Mutual educational and cultural exchange activities appropriation, and for the unexpended balance previously appropriated for this purpose under International educational exchange activities (special foreign currency program).

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
International educational exchange activities (special foreign currency program):			
Exchange of persons	211	170	
Aid to American-sponsored schools abroad	100		
Total obligations	311	170	

The remaining unexpended balances will be included in the Mutual educational and cultural exchange activities (special foreign currency program) appropriation in 1972.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Center for Cultural and Technical Interchange Between East and West:			
Operating expenses	1,941	1,941	2,191
Scholarships and grants	3,319	3,319	3,809
Total obligations	5,260	5,260	6,000

The operation of the Center to promote better relations and understanding between the United States and the nations of Asia and the Pacific is being carried out through a grant to the University of Hawaii. The University operates the Center which provides grants, fellowships, and scholarships to qualified persons to engage in study or training at the Center.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Educational exchange permanent appropriations: Educational exchange fund, payments by Finland, World War I debt	356	386	386

Any sums paid by Finland to the United States as interest on, or principal of, the debt are credited to this fund to finance programs authorized by the Mutual Educational and Cultural Exchange Act of 1961 in relation to Finland and its people.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Educational exchange trust funds:			
U.S. dollars advanced from foreign governments	356	297	286
Contributions, educational and cultural exchange	104	98	94
Total obligations	460	395	380

Funds advanced by other governments are used to send experts abroad to perform requested services, to give foreign nationals scientific, technical, or other training, and to perform technical or other services in this country.

Funds contributed by foreign governments, international organizations, and private individuals and groups are used for the purposes of the Mutual Educational and Cultural Exchange Act of 1961.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
ATOMIC ENERGY COMMISSION			
Operating expenses: Training, education, and information	15,170	12,925	12,175

This program includes specialized training courses; graduate fellowships and traineeships; assistance to schools, faculty, and students; operation of the Puerto Rico Nuclear Center; training in materials safeguards; dissemination of scientific and technical information; and operation of nuclear science and technology demonstrations and exhibits, including costs for participation in the United Nation's Fourth International Conference on the Peaceful Uses of Atomic Energy.

In 1972, the cooperative use of specialized atomic energy laboratory facilities and staff in assisting the educational programs of colleges and universities throughout the country will continue.

Training in materials safeguards will be provided in order to detect and deter possible diversion of nuclear materials from peace ful to unauthorized use.

To broaden knowledge and understanding of atomic energy, information will be provided at both a technical and popular level. Results of scientific research and technical developments will be made available to other Government agencies and to the public.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Plant and capital equipment:			
Facilities and equipment for training, education, and information	682	1,088	1,141
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION			
Research and development:			
Direct program—Supporting activities: Sustaining university program	22,099	13,000	10,000

This program included grants for graduate studies in interdisciplinary space-related fields.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
VETERANS' ADMINISTRATION			
Readjustment benefits—Education and training:			
Post-Korean war veterans	938,775	1,282,501	1,761,990
Sons and daughters	45,289	56,640	66,380
Wives and widows	6,639	9,775	10,840
Total	990,703	1,348,916	1,839,210
Readjustment benefits (additional)—Education and training:			
Post-Korean war veterans		285,300	....
Sons and daughters		8,050	....
Wives and widows		150	....
Total		293,500	....
Medical care:			
Direct operating costs, funded: Maintenance and operation of VA facilities—Education and training	89,636	107,463	107,981
Capital outlay, funded: Maintenance and operation of VA facilities—Education and training	300	2,000	900
Medical administration and miscellaneous operating expenses:			
Operating costs, funded—Postgraduate and in-service training	2,809	3,599	4,000
Capital outlay, funded—Postgraduate and in-service training	311	81	600

Postgraduate and inservice training. This provides for tuition and registration payments, lecturer fees, travel expenses, and training materials incidental to continuing education programs for professional medical and administrative staff.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
DISTRICT OF COLUMBIA			
Loans to the District of Columbia for capital outlay: General fund loans—Higher education facilities	9,112	3,000	....

Appropriations for loans from the U.S. Treasury are made available for financing school construction and for education facilities for the Federal City College and the Washington Technical Institute.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Federal payment to the District of Columbia: Assistance for financing capital outlay program—Capital grants for higher education facilities			5,000

The Federal Government would make direct grants for construction of the physical facilities of the Washington Technical Institute and the Federal City College.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
NATIONAL SCIENCE FOUNDATION			
Salaries and expenses:			
Specialized research facilities and equipment	6,504	5,800	5,800
Science education support	120,180	100,641	77,300

Specialized research facilities and equipment. Under this program, the Foundation helps colleges, universities, and other institutions obtain major specialized facilities and items of equipment which are needed for the effective conduct of research.

Science education support. The Foundation will continue to support science education program elements which provide science training opportunities for secondary school teachers and course content improvement for science courses, largely at the precollege and undergraduate levels.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Advances and reimbursements:			
Science education program	606	686	....
Grand total	7,064,789	9,329,367	11,230,607

OBSERVATION

HON. HAROLD RUNNELS

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. RUNNELS. Mr. Speaker, during the course of a political campaign, we are so rushed at times that all facts are not checked as completely as we would wish. In one such case, I have had time to reflect and do my homework.

I refer to some remarks that I made about the Liberty Lobby, a Washington political institution located at 300 Independence Avenue SE.

Since the election I have had an opportunity to study the organization, talk with its officials, and read their "articles of faith." I have also seen an application form used by an individual who wishes to become a member of the board of policy.

Liberty Lobby is governed by a board of policy which consists of people who pledge a minimum of $1 per month. In addition to receiving the published material, members of the board participate in selecting issues which the Lobby will support or oppose in the Congress. Before he can become a member, however, the individual must sign an oath that he believes in the Constitution of the United States and places the interests of the United States foremost.

It is my conclusion that the Liberty Lobby is a pro-American, constitutionalist, centrist group.

In drawing this conclusion I am not unaware that some Liberty Lobby critics try to claim that the organization follows some continental philosophy of government. Since no person has come forth with any proof of such a contention, and in view of the public record established by the lobby, I am prepared to say that my campaign remarks must be modified.

REPRESENTATIVE HARRINGTON MAKES STRONG CASE FOR ALLOWING THE DRAFT TO EXPIRE THIS YEAR

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. MATSUNAGA. Mr. Speaker, yesterday I voted for the amendment offered by the gentleman from Massachusetts (Mr. HARRINGTON) to H.R. 6531 that that would have ended the draft on June 30, 1971. His amendment, if adopted, would remove the most divisive force in our country today.

Only by ending conscription can we hope to reestablish the sense of national unity that has made America a truly great nation.

I commend the initiative of the gentleman from Massachusetts, and I include at this point his separate views to the committee report in opposition to the continuation of the draft:

SEPARATE VIEWS OF REPRESENTATIVE MICHAEL J. HARRINGTON IN OPPOSITION TO THE CONTINUATION OF THE DRAFT

Governments and bureaucracies have a disheartening habit of resisting change in their method of operation once a particular system has been established.

Despite basic changes of circumstances under which a particular system grew up, the mood toward changing the system ranges from reluctance to refusal.

And so it is with the draft.

Until recent years, the United States conscripted young men to maintain the nation's defense only when war had been declared or was imminent. Mandatory military service except in time of emergency is alien to the basic philosophy upon which this country was founded.

That the draft has become a way of life in this country since World War II is not to say that we must continue to passively accept it.

We should not accept it. The draft should be ended.

Such a move would not be precipitous in light of the exhaustive study conducted by the President's Commission on an All-Volunteer Armed Force (the Gates Commission) which recommended that the draft be abolished when its statutory authority expires June 30, 1971.

In establishing the Gates' Commission President Nixon said "to achieve the goal of an all-volunteer force we will require the best efforts of our military establishment. . . ." This committee has not been presented any substantive testimony that suggests we should not ask the military establishment to make those "best efforts" now.

Fears have been expressed that an all-volunteer armed force might create a military elite endangering our democratic institutions and that pay incentives would tend to attract the poor, especially from minority groups. This assumption will not bear the weight of testimony presented to this committee. Nor have black leaders accepted this reasoning. The Rev. Dr. Ralph D. Abernathy, president of the Southern Christian Leadership Conference, recently said:

"Such condescending noblesse oblige is not only unappreciated, it is downright repugnant from the point of view of the black soldier who is ordered to die to preserve a 'freedom' that he has never known."

Militarism and social and economic inequality pose dangers in our society, but continuing the draft is no solution.

Continuing the draft does dilute Congressional control over the military and the war-making power. With a volunteer military system, a President seeking large numbers of men for foreign military involvement would be required to return to Congress for authority to reactivate the draft.

I support the Committee amendment to increase military pay substantially, especially for first termers. This is a matter of equity, since pay for first term men is now seriously out of line, due to reliance upon the draft to obtain manpower. The Gates Commission believed such pay increases would not significantly alter the composition of the armed forces. Young men in most income groups might now find short or long term military service an attractive prospect.

Again, the committee has been shown no evidence that pay increases would bring about a disproportionate number of blacks in the armed forces. If anything, the pay increases may only slow a little-noticed phenomenon of recent years—the sharp drop in the number of blacks re-enlisting in the Army. Blacks are now a smaller percentage of the persons in the armed forces (9.5 per cent) than of the general population (12.5 per cent).

Two provisions of the committee bill are particularly objectionable:

First, the harsh and punitive section which extends the period of service for conscientious objectors from two to three years. Instead of increasing the service period, the Committee should have made provisions for selective conscientious objectors. Under present law and court interpretations, a draftee who subscribes to the centuries-old "just war" doctrine recognized by several religious groups and believes the war in Southeast Asia is unjust must pay the price of prison or exile for his convictions.

Second, without benefit of even one line of testimony regarding force levels, this bill sets at 2.6 million men the number who can serve on active duty with the armed forces. The committee has received no evidence that this high number of personnel is needed.

The draft is shot through with inequity, ambiguity and inconsistency. It is an administrative nightmare benefitting those with the money or information who obtain draft counseling or legal assistance. Registrants are deprived of due process, and traffic violators have greater access to counsel and fair procedures.

The draft means increasing division at home and death in Vietnam. Its end would assist in the process of re-establishing Congressional control over the war-making power, and would terminate an inequitable and unjust system.

FLORIDA'S VOICE OF DEMOCRACY CONTEST WINNER

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. BURKE of Florida. Mr. Speaker, one of the outstanding citizen-participation programs for young people of our country, is the Voice of Democracy Contest sponsored annually by the Veterans of Foreign Wars. The VFW, as all Americans know, is one of our Nation's most outstanding veteran's organizations. I am proud that I, as a member of the Hollywood, Fla., VFW Post No. 2500, have the honor here today not only to pay tribute to the VFW and its members, but to compliment the many young people who participated in its Voice of Democracy program throughout the country.

Other veteran's and civic organizations also have outstanding Americanism programs for our American youth, but to me, the Voice of Democracy program of the VFW not only gives to the young people throughout the Nation the opportunity to study and look in depth at the true greatness of our country, and in their own way extoll these virtues of ours which emanate from a free people who are in the long run, the heart and soul of America.

We have often heard the expression that "competition is the spice of American life." And so it was with the thousands of young people throughout our Nation who participated in this outstanding program.

It is heartening indeed, at this time when a small but vocal segment of today's youth by word and deed mock the idea of patriotism, to see the many young American students who have great pride in our American system of government and in the future that it holds out to all if one would participate more actively in citizenship responsibilities.

Mr. Speaker, I am proud that Christopher J. Stephens, who was the Florida winner, lives in my congressional district. Chris Stephens is a student of Plantation High School and was sponsored by the city of Plantation, Fla., VFW Post No. 5405. He competed with more than 19,000 other students throughout Florida before he was named the winner. Each student that competed should be congratulated, and I would be remiss if I did not take the time to congratulate every one of them today, and so I do so now.

And, to Christopher J. Stephens, the Florida State contest winner, I offer my special congratulations for a job well done, and to my colleagues and to each of their State winners and contestants who participated in this great VFW contest, I say congratulations to you and thanks to the VFW.

With you young people as our leaders of tomorrow, the people of our Nation need have no fear for America's future.

Mr. Speaker, the winning speech of Christopher J. Stephens is as follows:

VOICE OF DEMOCRACY PROGRAM

(By Christopher J. Shephens)

We, the founding fathers of the United States of America, being of sound mind and body, do will the following to all the future generations of Americans with the hope and desire that they too will love and cherish their country as we do.

ITEM NUMBER ONE

We give to all forthcoming Americans an attitude which we call the American Spirit. This Spirit is an idea which was born in men's minds when they fled the persecution and cruelty found in their native lands, to settle in America. This Spirit is what guided them and gave these men the courage to cross dangerous waters, to risk disease, starvation and death all so that they could hold true to this attitude, this Spirit, that had become part of their lives. And now you are probably asking us, "What is this Spirit, this attitude which we consider so important?"

The American Spirit is a belief that states that no government shall have the right to dictate what other men shall say or think, and no one shall be forced to adopt religious beliefs that he doesn't hold with and that no one shall decide his future but himself. The American Spirit believes that every man . . . be he black, yellow, red, white, Catholic, Jew, or Protestant shall never be denied his right for life, liberty, and the pursuit of happiness. This Spirit is what sets Americans and their country apart from all other people and nations in the world, and it is this Spirit that enables any American in a foreign land when asked his nationality to stand up, throw his head back and say, "Mister, I'm an American."

ITEM NUMBER TWO

We, the founding fathers of the United States, will our last and most important item to the coming generations. This item is the foundation of America. This item is what has built our nation. This last item is what lighted the fires of hope and faith in men throughout the world and has kept them burning. This one, all-important item is Freedom.

Freedom to travel where one wants without the need for permission, Freedom to say what you think, Freedom to choose your religious beliefs, Freedom to publish our ideas and present them to others, in short, Freedom from the fear of reproachment or oppression by the government.

This one small but mighty word, Freedom, is why people settled in and built the United States. This one small word is what sets the United States above every country in the world, and it is this one word for which Americans have and will die for. This then is our heritage which we have passed on to you. It is one of America, but, more importantly, it is one of Freedom, the concept which built this proud nation. This heritage of Freedom is the most precious thing we can give to you in the future.

We hope that you shall never let the fire of Freedom, its wonders and its joys ever be snuffed out through indifference or apathy, for if you do you will lose your heritage and you will lose America.

The decision on how to use your heritage of Freedom is in your hands. We pray you make the correct one.

Signed,

George Washington, Thomas Jefferson, John Adams, Alexander Hamilton, Benjamin Franklin, James Madison, Patrick Henry, Thomas Paine, Paul Revere, and Samuel Adams.

GREEK INDEPENDENCE DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1971

Mr. RODINO. Mr. Speaker, March 25 marked the 150th anniversary of Greek independence; but the roots of Greek democratic political thought go back to Socrates and Plato centuries before the birth of Christ. Every facet of our civilization has been touched by the foundations laid in ancient Greece. Hellenic culture has influenced every nation of the world—in the arts and literature, politics, political thought, mathematics, love of liberty—by Aristotle, Aristophanes, Euripides, Aeschylus. The list is virtually endless.

The rich heritage of Greece is in no small part responsible for the shaping of our own democracy. It is not surprising then that America's affection and admiration for the Greek people and Greek contributions to our Nation are displayed in the names of many of our cities such as Troy, Syracuse, Ithaca, and Corinth to name a few.

Greeks and Americans share a very special bond—that of love of liberty. For this reason the events of the recent past in Greece are the concern of all who treasure the precious essence of liberty and democracy. We pray for a new birth of unity and the restoration of civil liberties for the Greek people.

THE CALLEY CASE—PREMEDITATED?

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. LANDGREBE. Mr. Speaker, today I received a most perceptive and moving letter from a Vietnam veteran in Indianapolis concerning the tragic case of Lt. William Calley. This veteran, Page E. Gifford, has lived through the same agony of war that Lieutenant Calley lived through and is able to comment on the case far better than any of us, for none of us—not even those who are veterans of other wars—can really know the reality of Vietnam like someone who has had to fight it.

Mr. Gifford's letter follows:

MARCH 29, 1971.

Hon. EARL F. LANDGREBE,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN LANDGREBE: Moments ago, I learned that Lt. William Calley had been found guilty of premeditated murder in the My Lai incident. Notwithstanding my loathing for the Uniform Code of Military Justice and the military concept of the judicial system in general, I am shocked and astounded at this decision.

I am an Army veteran who spent ten months in Vietnam and one in Cambodia, was twice decorated with the Bronze Star, and was honorably separated from Military Service in November of 1970. I was not at My Lai, and I am not privy to all the information that were the members of the board which tried Lt. Calley. But I have experienced a plethora of exposure to the Vietnamese peoples, both enemy and "friendly", and I have participated in combat against both of these groups. During these times, I was forced to consider certain circumstances, as was Lt. Calley. And since, I have asked myself and others various questions as concerns the situation which Lt. Calley faced. I now ask you to consider and to ask, as I have done.

How are we to reconcile, to rationalize, and/or to explain the direct contradictions inherent in the coupling of the moral obligations of human beings not to destroy one-another, and the ironclad axiom that deems that a soldier will not disobey an order? Military men for years have been subject to the most rigorous mental training and the strictest discipline with regard to following the orders of superiors. This has been the rule in the United States Military since its inception. Nevertheless, concurrently, we accused and convicted German warriors, and now Lt. Calley, of following that very course. At what point do moral and professional responsibility diverge? Where is the line at which a man may stop being a soldier and start being a human being—and if there is such a line, why is the soldier not informed of it *before* he encounters such a situation as did Lt. Calley?

How can we condemn and convict a man for the *premeditated* murder of "innocents" when he, through no lacking of his own, not only did not know who the enemy was, but not even why he was fighting them, except to preserve his own life and that of other Americans. This is a poor excuse for his being there in the first place. In addition, as Lt. Calley pointed out in his own defense, there is little, if any, method by which the enemy can be distinguished from the "friendly". Indeed, all U.S. fighting men, from the basic trainee to the West Point Cadet are infused with the need for suspicion of the Vietnamese civilian.

Finally, and perhaps most pertinent of all, what ilk of military and *moral* system have we that permits us to divine judgment between the wholesale slaughter of one kind of human being (the soldier) from another (the civilian); and by one method (M16 rifle-fire) from another (aerial bombardment)? Have we chosen this moment to salve our consciences and that of all History for the multitudinous killings of non-combatants?

I am unconvinced that Lt. William Calley was responsible for the slayings at My Lai. I am unconvinced that, given his responsibility, he should have stood a Courts Martial. But if he was responsible, and since it was deemed that he be tried, I am totally assured that he is not guilty of murder, premeditated or otherwise, but only of being a soldier.

You, as a Legislator and Statesman, of course, are not involved in this judicial and military matter. I ask only that you consider that which I have set forth above, that you might apply to it your powerful and heeded voice.

Respectfully and sincerely,
PAGE E. GIFFORD.

ALASKAN OF THE YEAR

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. BEGICH. Mr. Speaker, each year the State of Alaska honors a man who has served the State with particular distinction and represents the values of leadership and independence so closely associated with the 49th State. In past years, the "Alaskan of the Year" citation has been awarded to great Alaskans who are familiar in the Halls of Congress, Senator Ernest Gruening and Senator E. L. Bartlett.

This year the award went to the man who, along with Senators Gruening and Bartlett, saw the State of Alaska through its earliest days. The man is Alaska Gov. William A. Egan, and I want to share Alaska's pride in this man with the Members of Congress and the Nation. A recent editorial from the Anchorage Daily Times speaks eloquently for all Alaskans regarding Governor Egan:

ALASKAN OF THE YEAR

Back in 1962, at a dinner here in Anchorage, the speaker rose to say:

"Alaska has been generous to Bill Egan and his family."

It was a subjective assessment of a lifetime in Alaska, because the speaker was Bill Egan himself.

"We have enjoyed good lives and good health," Mr. Egan said. "We have established friendships that have been both rich and enduring.

"And the people of Alaska have been especially good to us."

Those comments of nine years ago have vitality again today because Alaska once more has honored Bill Egan, serving again—as he was then—as governor of the 49th State.

Before hundreds of close friends and admirers, Gov. William Allen Egan, a son of Valdez and a leading figure in Alaska politics for nearly three decades, was honored Friday night as "Alaskan of the Year."

His selection from a group of five finalists for the honor came as no surprise, despite the tremendous accomplishments and contributions made to Alaska by the other four nominees.

He thus became the third of Alaska's Democratic "Big Three" to be so honored.

Earlier, Alaskan of the Year honors had gone to the other two members of this Democratic triumvirate—Sen. E. L. Bartlett and Sen. Ernest Gruening—who with Mr. Egan dominated Alaska political life in the transitional days between territorial status and statehood, and the years beyond.

Sen. Bartlett received the honor in 1968, just eight months before his death. Sen. Gruening, now retired from active politics after his defeat in the 1968 primary election, was honored last year after a career of great distinction in the service of Alaska.

A year ago the history book seemed closed on all three of these outstanding Democratic leaders. Mr. Egan, after two terms as governor beginning with the advent of statehood in 1959, had been retired from office in a Republican election sweep led by Walter J. Hickel.

But he proved himself to be only down—not out. He came back last year to win a vigorous nominating campaign in the primary election and then swept to victory by a near-landslide in November.

Since December, when he resumed office, Mr. Egan has been head of state at another critical period of Alaska's history—as he was in the early days of statehood a dozen years ago, as he was in the crisis days that followed the great earthquake of this very same date seven years ago.

The honor bestowed on him Friday night was one presented for a long and dedicated career of leadership and public service. Republicans as well as Democrats participated in the salute, recognizing Mr. Egan's place in the hearts of his fellow Alaskans.

Virtually all of Mr. Egan's adult life has been in public service. And in almost all of his public service career he has been not just a member of the squad, but the captain of the team.

In comments made in an address at the University of Alaska 10 years ago, Mr. Egan summed up the position in which he finds himself today.

"If a man earns and achieves a position of leadership, he must keep faith with those who have entrusted him with that responsibility," he said.

Clearly the people of Alaska, who have so often strongly endorsed Bill Egan, have demonstrated time and again their belief that he has kept the faith—and has earned the accolade of Alaskan of the Year.

PARDON LIEUTENANT CALLEY

HON. PATRICK T. CAFFERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. CAFFERY. Mr. Speaker, the Calley case is a dark day in the history of this country. I have written to the President and have asked him to pardon Calley and I intend to do everything within my power to see that Lieutenant Calley is given justice.

However, at this time of great emotion it is important that we keep our heads and not play into the hands of our enemies. The Calley affair is one of the most serious national events in recent times because it threatens to tear this country apart, from the inside.

We must regroup our forces and summon our strength to make certain that the Calley incident is not used by our enemies to tear this country to pieces.

We are disgusted. We feel we have been attacked by our own people. But we must not break. The Calley case has welded all Americans into a common cause and I know that your anger and mine is running very deeply. But let us make sure that we do not turn on our own country and destroy it. That is just what our enemies would like to see us do.

The American people are demanding that Lt. William Calley not be made a scapegoat. I stand here today to speak for my people and in the presentation of this demand I will argue with all the force at my command that what is really at stake is the soul of our country. There is not an American, there is not a father or a mother, there is not a soldier or any man in arms whose heart does not go out to Lieutenant Calley and who does not feel for him the most deep and profound sympathy because we feel that in condemning Lieutenant Calley to a life of imprisonment, the court-martial is condemning us all.

The Calley verdict has caused disgust for the Asian war, disgust for military justice and disgust for our foreign policy. It makes us feel that our own military has let us down. It makes us feel that, for years, after our own men have fought and died for this country in Southeast Asia, it was all in vain.

Was it really the country on trial or was it just Lieutenant Calley on trial? Our rage and our grief and our sympathy are really not going out to just Lieutenant Calley. Has it been in vain? We grieve because we feel that this military court has condemned our country.

The jury of six soldiers, veterans all, men who have been through the stern agony of combat and who have devoted their lives to the cause of this country, a colonel, four majors, and a captain, have decided that Lieutenant Calley committed a crime, that he committed murder, and should be punished. It is not my place to judge whether Lieutenant Calley committed a crime. It is my place to represent my people and my country in these Halls to the very best of my ability and to give to them and to this country my very best thoughts and my most responsible and dutiful actions.

Mr. Speaker, I have asked President Nixon to pardon Lieutenant Calley immediately. But I also stand firm in my belief and determination that we must not allow the Calley affair to destroy our national will.

A BILL TO DEAL WITH ILLEGAL SEIZURE OF AMERICAN TUNA VESSELS

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. PELLY. Mr. Speaker, American fishing vessels are continually being harassed, seized, and fined while fishing in international waters off the South American coast. Congress, in enacting the Fishermen's Protective Act of 1967—22 United States Code 1971—specifically provided for a mechanism to assist our fishermen in obtaining reimbursement for fines which they have paid due to these illegal seizures. The Department of State has been lax in adequately implementing the provisions of that act, and Government reimbursement for fines under the Fishermen's Protective Act involves months and years of delay. During this time, many of our fishing vessel owners have been forced to cease fishing operations due to the lack of capital, which has been used to pay these illegal and exorbitant fines levied upon them by such countries as Ecuador and Peru.

I am introducing a bill today which would establish a revolving fund out of which a fishing vessel owner will be promptly reimbursed for his payment of such illegal fines. It also requires the Secretary of State to immediately notify the offending foreign country of the claim against it for reimbursement of the moneys paid by the U.S. Government to our fishing vessel owners. If this reimbursement is not collected within 120 days after the required notification to the foreign country, then the Secretary of State is required to deduct the amount of the claim from the funds programed to that foreign country under the Foreign Assistance Act and immediately transfer such funds to the revolving fund. The bill also authorizes $3 million to be appropriated to provide initial capital for this fishermen's protective fund and such other sums as may be necessary to carry out the bill's provisions in the future.

This bill will insure that the State Department takes immediate and concerted action to obtain restitution from the foreign country to secure the prompt release of the fishing vessel and its crew. In addition, the reimbursement of fines paid by the fishing vessel owners will be quicker, so that no undue hardship is imposed on our fishermen and their families.

I am joined in the introduction of this bill by the very able Congressmen DINGELL, LENNON, KEITH, LEGGETT, BIAGGI, ANDERSON of California, FORSYTHE, TIERNAN, and BLACKBURN.

Mr. Speaker, I am convinced that the time is now upon us when Congress must take prompt and effective action to solve this disconcerting and continuing problem, and I am hopeful, as we move into this session of Congress, that more of my colleagues will join me and the other initial cosponsors of this measure in this effort.

THE WALL STREET JOURNAL LOOKS AT RAILPAX

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. HICKS of Washington. Mr. Speaker, much has been said and written in the past few weeks about the National Railroad Passenger Corporation and the routes it has selected for continued American railway passenger service.

I happen to agree with some of the criticism, particularly that which reflects some disaffection with the Corporation's decisions on routes to and through the Pacific Northwest.

Nevertheless, to be fair, Railpax has a side, too. The Wall Street Journal, in an editorial published on March 31, points out some of the background of Railpax and some of the difficulties under which it labors, and we should give these considerations some attention, too. The editorial follows:

REALISM ON RAIL PASSENGER SERVICE

The National Railroad Passenger Corp. has announced its route system and, predictably enough, a number of people are dissatisfied. Most of them live in or near the cities that, starting May 1, will have no passenger service or much less than they have now.

The dissatisfaction is understandable. Many Americans are nostalgic about railroad trains, even though they no longer patronize them. More important, the nation's transportation needs can only grow in the years ahead, and trains are still the most economical means of moving people from place to place.

In taking over rail passenger service, however, Railpax officials are hardly in a position to give much weight to the wishes of rail buffs or to the nation's long-run transportation problems. The quasi-public corporation created by Congress is at the very best a holding operation that will keep skeletal passenger service until more durable programs can be formulated—and financed.

Finance is a key problem. The rail corporation for some time to come will be able to offer little more than existing equipment and service, where it provides any service at all. Its resources are extremely slim even for the limited system it has outlined. David W. Kendall, chairman of the corporation, says that "at best the losses anticipated in the first several years of operation may well exceed the financial resources of the company."

In the circumstances Railpax is wise to restrict its services to the routes that offer the best chances for eventual profitable operation. Officials have made it clear that they are willing to talk with state and local agencies about added services—provided the agencies are willing to underwrite a large part of any losses.

Railpax does have some advantages. Unlike the railroads it will be free to experiment with fares and routes. The heavy-handedness of federal regulation helps to explain why passenger trains became such a burden on the railroads, a burden the new corporation now will try to lift.

It may not succeed, even as a holding action. Yet it does represent, at long last, an attempt to be more realistic about rail passenger service.

NATIONAL FUTURE HOMEMAKERS OF AMERICA WEEK

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. DE LA GARZA. Mr. Speaker, it is my privilege to recognize today a group of young people who, through their constructive personal involvement in community action, will do much to bring about the social stability as well as the social change needed in an ever-growing America.

It seems especially appropriate to me that the week of March 28 through April 3 should be chosen to honor our Nation's future homemakers, for indeed their goals and ambitions are as refreshing as the breath of spring itself, with the promise implied. In my own district the local chapters have assumed an important role in community programs for underprivileged children, especially children of migrant workers, nutrition education projects, consumer services, and in imbuing these young people with a feeling of pride in their present as well as their future roles, and the contributions they are and will be making to a better way of life.

Many of my young constituents and their teachers have written me expressing their awareness of the worth of the program in which they are participating and the need of adequate funds to continue the consumer and homemaking education classes under the provisions of the vocational education amendments to Public Law 90-576. I most heartily concur in their evaluation and have pledged my cooperation toward working for the continuation of training our future homemakers.